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FEDERAL REGISTER

VOLUME 17 NUMBER 172

Washington, Wednesday, September 3, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10389

RESTORING CERTAIN LAND RESERVED FOR MILITARY PURPOSES OF THE UNITED STATES TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS a tract of land at Ka Lae, Kamoa, Kau, Island of Hawaii, Territory of Hawaii, which forms a part of the public land ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was reserved for military purposes of the United States in part by Presidential Executive Order No. 4635 of April 21, 1927, and in part by Executive Order No. 869 of February 6, 1940, of the Governor of the Territory of Hawaii; and

WHEREAS such land is no longer needed for military purposes, and it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described tract of land situated at Ka Lae, Kamoa, Kau, Island of Hawaii, Territory of Hawaii, is hereby restored to the possession, use, and control of the Territory of Hawaii:

Beginning at point "B" on the east boundary of Ka Lae Light House Reservation, said point "B" marked by a drilled hole in solid rock is situated 724.72 feet south, and 174.41 feet east of U. S. Coast Guard and Geodetic Survey triangulation station "Ka Lae"; thence from said point of beginning by azimuths, measured clockwise, from true south, the following courses and distances as follows: 174° 49' 00", 1028.00 feet along the Ka Lae Light House Reservation boundary to a point; thence 134° 17' 00", 670.38 feet along the same to a point intersecting the high water line; thence following the sea pali to a point which is the northwest corner of this reservation, said point bears 90° 00' 00", 50.00 feet from a 2 inch pipe set in cement, the coordinates of said point referred to Government Survey triangulation station "Ka Lae" being 4424.46 feet north and 345.22 feet west; thence 270° 00' 00", 8031.10 feet to a Railroad spike set in concrete and stone ahu, said point being the northeast corner of this reservation; thence 360° 00' 00", 1570.00 feet to a point on the sea coast at the high water line; thence along the sea coast and the high water line in a southwesterly direction to a point at the southeast corner of the Ka Lae Lighthouse Reservation, the direct azimuth and distance being 64° 08' 06", 8341.60 feet; thence 174° 49' 00", 60.00 feet along the Ka Lae Lighthouse Reservation boundary to the point of beginning; containing 699.38 acres, more or less.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 30, 1952.

[F. R. Doc. 52-9683; Filed, Sept. 2, 1952; 10:27 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 3777 and 4835, and containing the specific requirements for the 1952-crop rye price support program is hereby amended as follows:

1. Section 601.1908 (a) (5) is amended by changing certain states in the four areas so that the amended subparagraph reads as follows:

(Continued on p. 7961)

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§ 601.1908 *Support rates.* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(5) For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal rate as follows:

Terminal located in—	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	13
Area IV: All States not listed in Areas I, II, and III above	14

2. Section 601.1908 (b) (1) is amended to include a provision with respect to rye shipped at other than the domestic interstate freight rate so that the amended subparagraph reads as follows:

§ 601.1908 *Support rates.* • • •

(b) *Support rates for rye in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such rye to such terminal market: *Provided*, That on any rye shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such rye to the point of storage: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 1054; 15 U. S. C. Sup 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 27th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9610; Filed, Sept. 2, 1952; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Order 373]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

NON-EXISTENCE OF RINDERPEST AND FOOT-AND-MOUTH DISEASE IN MEXICO

On August 23, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7742) a notice of proposed determination of the non-existence of rinderpest and foot-and-mouth disease in Mexico and of a proposed amendment of the regulations relating to prohibitions and restrictions on the importation of certain animals and animal products on account of such diseases. After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), has determined and notified the Secretary of the Treasury that rinderpest and foot-and-mouth disease do not now exist in Mexico, and hereby amends § 94.1, Part 94, Subchapter D, Chapter 1, Title 9 of the Code of Federal Regulations (§ 94.1 of BAI Order 373) by striking therefrom the word "Mexico".

The determination, notification, and amendment, remove the present prohibitions under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork from Mexico and renders the commodities specified in Part 94, Subchapter D, Chapter 1, Title 9 of the Code of Federal Regulations (BAI Order 373), and originating in said country, no longer subject to the provisions of that part.

Since the foregoing amendment relieves restrictions heretofore imposed, it may be made effective under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) less than 30 days after publication in the FEDERAL REGISTER. Accordingly, it shall become effective immediately.

(Sec. 306, 46 Stat. 689; 19 U. S. C. 1306)

Done at Washington, D. C., this 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9684; Filed, Sept. 2, 1952; 11:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-11]

PART 21—AIRLINE TRANSPORT PILOT RATING

AIRLINE TRANSPORT PILOT CERTIFICATE, DURATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1952.

Prior to May 1, 1949, airline transport pilots were issued horsepower ratings which specified the power range of aircraft for which the holder was rated. Effective May 1, 1949, Part 21 of the Civil Air Regulations was amended to require in lieu of horsepower ratings the issuance of type ratings for each type of civil aircraft having a maximum certificated weight exceeding 12,500 pounds. The amendment also permitted the holder of an airline transport pilot certificate to continue until May 1, 1953, to pilot those aircraft that were covered by his horsepower ratings without holding a type rating. In addition, May 1, 1953, is the designated date upon which the United States is obligated to bring its outstanding pilot certificates into conformity with Annex 1 to the Convention on International Civil Aviation or to place an endorsement upon each certificate specifying wherein the holder has not met the ICAO standards if, in fact, any such standards have not been met. The amendment is designed for two purposes: (1) It provides a means whereby horsepower ratings can be deleted from airline transport pilot ratings, (2) until May 1, 1953, it enables airline transport pilots who hold appropriate horsepower ratings to obtain type ratings for aircraft exceeding 12,500 pounds maximum certificated weight without further demonstration of competency.

This amendment provides that all airline transport pilot certificates having a horsepower rating, that is, all certificates, whether originally issued prior to May 1, 1949, or reissued after that date which have horsepower ratings, shall expire May 1, 1953. However, upon application prior to May 1, 1953, such certificates will be reissued with category, class, and appropriate type ratings for each aircraft, without further demonstration of competency, to applicants who can produce evidence that they either have passed an official rating test in the type aircraft, or have served 10 hours since May 1, 1949, within these ratings as pilot in command and sole manipulator of the controls of the type aircraft. Presently effective certificates having horsepower ratings will not be valid after May 1, 1953.

It is desired that each pilot affected by this amendment make application for the exchange of his certificate as soon as possible, because it is anticipated that the Civil Aeronautics Administration will require the better part of 9 months in order to effect the reissuance of all affected certificates.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective immediately.

By adding a new paragraph (e) to § 21.24 to read as follows:

§ 21.24 *Duration.* • • •

(e) All airline transport pilot certificates showing horsepower ratings shall expire May 1, 1953. Upon application to the Administrator prior to May 1, 1953, such valid certificates may be exchanged, without further showing of competency, for new certificates with ratings coinciding with those held; except that in lieu of horsepower ratings, type ratings for aircraft exceeding 12,500 pounds maximum certificated weight shall be issued upon presentation of reliable evidence that the certificate holder either has passed an official rating test, as prescribed by the Administrator, in that type aircraft; or has served as pilot in command and sole manipulator of the controls of that type aircraft for at least 10 hours since May 1, 1949, and such aircraft was within his category, class, and horsepower ratings.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9615; Filed, Sept. 2, 1952; 8:53 a. m.]

[Civil Air Regs., Amdt. 43-8]

PART 43—GENERAL OPERATIONS RULES

RATING REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1952.

Prior to May 1, 1949, aircraft category and class ratings issued to private or commercial pilots did not include provisions for differentiating between large and small aircraft. A rating, such as airplane multiengine land, applied equally to a twin-engine Cessna or a four-engine Constellation. Effective May 1, 1949, Part 43 of the Civil Air Regulations was amended to require the holding a type rating to pilot an aircraft exceeding 12,500 pounds maximum certificated weight when carrying passengers. However, the amendment permitted the holder of a certificate issued prior to May 1, 1949, to continue until May 1, 1953, to pilot all types of aircraft within his category and class rating without weight limitation. Thus, after May 1, 1953, the present regulations will prohibit the holder of a pilot certificate with class and category ratings but without a type rating from serving as pilot in command of aircraft exceeding 12,500 pounds maximum certificated weight while carrying passengers.

One of the purposes of this amendment is to provide a means whereby the holder of appropriate category and class ratings can obtain, without further demonstration of competency, a type rating for those aircraft exceeding 12,500 pounds maximum certificated weight in which he either has had at least 10 hours of flying time since May 1, 1949, as pilot in command and sole manipulator of the controls or at any time has passed an official rating test.

In addition, this amendment modifies present rating requirements by prescribing that the pilot in command of large aircraft shall hold an appropriate aircraft type rating not only for the carriage of passengers, but also when cargo is carried for hire in an aircraft. It does not affect the privileges of a pilot to fly in command of aircraft of 12,500 pounds or less maximum certificated weight, nor does it affect his present copilot privileges. This change will also bring the regulation into conformity with the requirements of Annex 1 to the Convention on International Civil Aviation. Article 38 of the Chicago Convention requires the United States either to take such action or to file a notice of deviation with ICAO.

It is desired that each private or commercial pilot who is eligible to obtain a type rating by reason of the provisions of this amendment make application as soon as possible to the nearest CAA office for the issuance of appropriate type rating, because it is anticipated that the CAA will require the better part of 9 months in order to accomplish this changeover.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective immediately.

By deleting footnotes 1 and 2 to § 43.63 and by amending this section to read as follows:

§ 43.63 *Rating requirements.* A private or commercial pilot shall not serve as pilot in command of an aircraft carrying passengers or operated for remuneration other than in aircraft of the category and class for which he is rated. After May 1, 1953, a private or commercial pilot shall not serve as pilot in command of aircraft exceeding 12,500 pounds maximum certificated weight when carrying passengers or operated for remuneration unless, in addition to proper category and class ratings, he also held an appropriate type rating. Upon application to the Administrator prior to May 1, 1953, by the holder of a valid private or commercial pilot certificate, type ratings for each aircraft exceeding 12,500 pounds maximum certificated weight will be issued to such holder, without further showing of competency, upon presentation of reliable evidence that the certificate holder either has passed an official rating test, as prescribed by the Administrator, in that type aircraft; or has served as pilot in command and sole manipulator of the controls for at least 10 hours since May 1, 1949, and such aircraft was within his category and class ratings. A private or commercial pilot may serve as pilot in command of aircraft for which he is not rated when it is being flown without passengers and is not being operated for remuneration, unless other limitations placed on his certificate prohibit him from doing so.

NOTE: Nothing contained in this section shall be construed as relieving the restrictions with respect to private pilots operating aircraft for hire.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9614; Filed, Sept. 2, 1952; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5800]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOESKIN PRODUCTS, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.110 *Indorsements, approval and testimonials.* Subpart—*Tests and investigations:* § 3.265 Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.330—*Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misbranding or mislabeling:* § 3.1235 *Indorsements, approvals or awards:* § 3.1340 *Tests.* In connection with the offering for sale, sale and distribution of sanitary napkins in commerce, representing, directly or by implication, (1) that tests conducted by the organization known as Consumers Union have shown respondent's product to be the safest or most absorbent of all sanitary napkins tested; or (2) that respondent's product has been endorsed or approved by any stylist or fashion authority, unless the person referred to is in fact an independent stylist not connected with respondent, and unless such person has in fact endorsed or approved said product; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and Desist Order, Doeskin Products, Inc., New York, N. Y., Docket 5800, May 15, 1952]

In the Matter of Doeskin Products, Inc., a Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint, duly recorded and filed in the office of the Commission, were introduced before said examiner, therefore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answer, testimony and other evidence, proposed findings and conclusions submitted by counsel, and oral argument of counsel, and said examiner, having duly considered the record, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion[1] drawn therefrom, and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "Order denying appeals from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5800, May 15, 1952, as follows:

This matter came on to be heard by the Commission upon appeals by both the respondent and counsel supporting the complaint from the initial decision of the hearing examiner, briefs filed in support of and in opposition to both appeals and oral argument of counsel.

This proceeding relates to respondent's advertising claims for its product "Sanapak", a sanitary napkin. These appeals are concerned with the meaning and truthfulness of respondent's representations as to the results of a test of the comparative absorbency of its product and other brands of sanitary napkins conducted by Consumers Union and published in the magazine "Consumer Reports."

The representations referred to are as follows:

(1) As set out on one side of the carton in which respondent's product was sold:

Consumers Union Tests Report Sanapak Safest!

(2) As set out on another side of its cartons:

Amazing Results of Independent, Impartial, Unsolicited Research Consumers Union Tests Report Sanapak Safest Sanitary Napkin Proved Most Absorbent of all Leading Brands by Scientific Fact-Finding Service Report Published in "Consumer Reports" Magazine.

(3) As set out in an advertisement published in a Chicago newspaper of wide circulation and in an advertising circular widely distributed by respondent to its dealers:

Amazing Results of Independent, Impartial, Unsolicited Research! Consumers Union Tests Report Sanapak Safest Sanitary Napkin.

Proved Most Absorbent of all Leading Brands by Scientific Fact-Finding Service.

Report published in "Consumer Reports" Magazine These startling tests published in the August 1949 issue of "Consumer Reports", official publication of Consumers Union, rated Sanapak most absorbent—thus, safest—of all leading sanitary napkins tested. The report stated: "In Sanapak • • • water-repellent paper was used between cores of filler; Sanapak had excellent absorbency."

This water-repellent material—both in the center of the napkin, plus three full layers at the back (Sanapak's famous "Pink Safety Back")—is the reason for Sanapak's amazing extra safety. It is the reason, too, why thousands of women have learned by actual experience that they prefer Sanapak to all other brands. Sanapak is so much safer—so much more comfortable. You know you're safe with Sanapak.

[1] Filed as part of the original document.

We publish this news independent of Consumers Union, because we believe it to be of vital importance to the vast majority of American women. Consumers Union is a subscription service for members only, and was not trying to increase Sanapak sales. It was testing solely to determine the facts, the unvarnished truth. Sanapak's amazing superiority was demonstrated solely on its merit.

Prove it to yourself. Get Sanapak today—without risking a single penny. Sanapak is the safest and most comfortable sanitary napkin you ever wore, or its makers guarantee double your money back!

The report of the results of the tests referred to in these advertisements, as published in "Consumer Reports" magazine, stated that the absorbency of respondent's product and of two other brands was excellent and that they were superior in this respect to the other brands tested. The magazine article did not contain any comparison of the results of the test as among these three brands rated excellent. The records of the actual test reveal, however, that respondent's product rated third in absorbency in this group. Upon this record the hearing examiner, in his initial decision, found that respondent had falsely represented that this test showed its product to be the safest and most absorbent of all sanitary napkins tested and prohibited it from making such representation in the future.

Respondent appealed from this decision upon the grounds that (1) respondent did not represent that the Consumers Union test did find Sanapak to be the most absorbent of all sanitary napkins; (2) these tests did find that Sanapak was the most absorbent of all sanitary napkins available to the average consumer; and (3) there is no public interest in this proceeding.

In support of its first ground for appeal respondent contends that a consideration of the complained of advertisements as a whole shows respondent represented that the tests found Sanapak to be the most absorbent of all leading brands of sanitary napkins, not that they found it to be the most absorbent of all brands. This contention is believed to be of no merit. The Commission is of the opinion that the representation "Consumers Union Tests Report Sanapak Safest" clearly means that Sanapak was found by these tests to be the safest of all brands tested in the sense of having superior absorbency. Thus, this representation standing alone on one side of the carton in which respondent's product was sold, is clearly false.

As to those advertisements in which the representation "Consumers Union Tests Report Sanapak Safest Sanitary Napkin" was accompanied by the statement that these tests proved Sanapak to be the most absorbent of all leading brands, it is believed that this accompanying statement does not have the effect of showing that the tests found Sanapak to be superior to the largest selling brands only. The Commission is of the opinion that these advertisements considered in their entirety represent that these tests proved that Sanapak is the safest from a standpoint of absorbency of those brands of san-

tary napkins tested, which brands included the best brands sold. This representation is false and misleading.

Respondent further contends that even if its advertisements were interpreted as representing that these tests found Sanapak to be the most absorbent of all sanitary napkins, that such representation would be true as the tests found that Sanapak was the most absorbent of all sanitary napkins available to the average consumer. The record does show that sales of Aimcee, one of the brands testing higher than respondent's product, had been discontinued prior to the publication of the results of said tests. However, the record shows that Sanflex, the other brand testing higher than respondent's product, was available to consumers in New York, Detroit and St. Louis. There is no evidence that it was not also available in many other areas. The record is silent as to the total sales of Sanflex or its position in the industry. The record does show that compared to Kotex and Modess, whose combined sales comprise ninety-five percent of total sales in the United States, all of the other brands sales are small. Among these other brands Sanapak excels in total sales. However, inasmuch as Sanflex is available to consumers, respondent's contention that the test results as to it should be ignored is of no merit.

Respondent further contends that there is not sufficient public interest in this proceeding to support the Commission's jurisdiction because the proceeding is moot and involves only a private controversy. In support of its claim that this proceeding is moot, respondent contends that the practice has been stopped and that respondent offered to consent to an order to cease and desist. The record shows that prior to the publication of the complained of advertisements, respondent was informed by the organization which had conducted the tests that its proposed representation that the tests showed Sanapak to be safest was false. Even after the Commission's investigation in this matter respondent continued to sell its product in cartons on which were printed the complained of representations and told the Commission that it intended to continue to do so until its supply of cartons on hand was used up. At that time respondent had approximately 450,000 of such cartons on hand. After issuance of the complaint herein respondent stopped the complained of practice and offered to consent to an order to cease and desist, but at all times it has maintained that its advertisements were legal. The Commission is of the opinion that this record does not provide sufficient assurance that respondent may not at some time in the future resume such representations unless it is prohibited from doing so by an order of the Commission.

In support of its contention that this proceeding is only a private controversy, respondent states that this proceeding arose out of a complaint by Consumers Union, which organization was concerned with respondent's unauthorized use of its material rather than the truth or falsity of respondent's reports of the results of the tests conducted by it. Respondent further states that the proper forum for determination of this controversy is the District Court of the United States for the Southern District of New York in which Consumers Union has brought a private suit against respondent, seeking damages for the use of its test results and further seeking an injunction against the republication of the complained of representation. In fact this proceeding does not relate to respondent's unauthorized use of the results of the Consumers Union tests, but relates to the false and misleading nature of respondent's advertisements. The Commission is of the opinion that the hearing examiner correctly held that these advertisements contained false and misleading representations which had the tendency and capacity to mislead and deceive a substantial portion of the purchasing public, and to cause them to purchase respondent's product as a result of the erroneous and mistaken belief so engendered. Therefore, the Commission is of the further opinion that the hearing examiner correctly concluded that the public interest is served by this proceeding and that respondent's contention to the contrary is of no merit.

Respondent's exceptions to Paragraphs Three (d), Three (e), Six (a), Six (b) and Nine of the findings contained in the initial decision are rejected for the reasons stated hereinabove.

Counsel supporting the complaint appeals from the failure of the hearing examiner to find that respondent's product is not the most absorbent sanitary napkin. The complaint alleges that respondent represented that Sanapak is superior for use under ordinary and usual conditions to other sanitary napkins. It further alleges that "the alleged superiority in absorbency of Sanapak does not render it superior to many other sanitary napkins" and that respondent's product "is also inferior in that respect (i. e. absorbency) to many other sanitary napkins." Upon this issue the hearing examiner found that the evidence as to the relative absorbency of the various brands of sanitary napkins tested is at best inconclusive and that, therefore, this charge in the complaint has not been sustained. From this finding counsel supporting the complaint appeals contending that every test in the record shows that respondent's product is not the most absorbent, with the exception of certain tests by respondent which were improperly and unscientifically conducted.

The Commission is of the opinion that the hearing examiner properly concluded that on a basis of the evidence contained in this record the comparative absorbency of the brands of sanitary napkins tested cannot be determined. The variations in the results of the tests by Consumers Union and of the test by Foster D. Snell, Inc., are so great as to permit no conclusion to be based upon them as to the comparative absorbency of the brands tested.

The Commission is of the further opinion that all of the findings as to the facts contained in the initial decision are supported by the reliable, substantial, and probative evidence of record; that the conclusion contained therein is correct; and that the order to cease and desist is proper upon this record and is required to provide proper relief from respondent's illegal practices.

The Commission, therefore, being of the opinion that both of the appeals herein are without merit and that the hearing examiner's initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the appeal of counsel supporting the complaint and the appeal of respondent from the initial decision of the hearing examiner be, and they both hereby are, denied.

It is further ordered, That the initial decision of the hearing examiner shall, on the 15th day of May, 1952, become the decision of the Commission.

It is further ordered, That respondent Doeskin Products, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said initial decision,[1] a copy of which is attached hereto.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Doeskin Products, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of sanitary napkins in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That tests conducted by the organization known as Consumers Union have shown respondent's product to be the safest or most absorbent of all sanitary napkins tested.

2. That respondent's product has been endorsed or approved by any stylist or fashion authority, unless the person referred to is in fact an independent stylist not connected with respondent, and unless such person has in fact endorsed or approved said product.

Issued: May 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9605; Filed, Sept. 2, 1952; 8:51 a. m.]

[Docket 5911]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RAY MERTZ & CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Ray Mertz & Company, Chicago, Ill., Docket 5911, May 5, 1952]

In the Matter of Ray Mertz, an Individual, Trading as Ray Mertz & Company

This proceeding was heard by Frank Hier, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondent's answer thereto, and hearings at which testimony and other evidence were introduced in support of the allegations of the complaint, and were duly recorded and filed in the office of the Commission. Certain testimony, the proffer of which appears in the record, was rejected by said examiner for immateriality and irrelevance.

Thereafter the proceeding came on for final consideration by said examiner on the complaint, the answer thereto, and testimony and other evidence, no proposed findings or conclusions having been filed by any counsel; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusions [1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on May 5, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Ray Mertz, an individual trading as Ray Mertz & Company, or under any other name or trade name, directly or through any corporate or other device, do forthwith cease and desist from selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards, push cards or any other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission and order to file report of compliance", Docket 5911, May 5, 1952, which announced and decreed fruition of said initial decision—and noted Commissioner Mason's concurrence in the findings as to the facts and conclusion, but not in the form of order to cease and desist, for the reasons stated in his opinion, concurring in part and dissenting in part in Worthmore Sales Co., Docket 5203, March 10, 1950, 46 F. T. C. 606—report of compliance with the said order was required as follows:

[1] Filed as part of the original document.

It is ordered, That the respondent herein shall, within sixty (60) days after after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

By the Commission, Commissioner Mason concurring in the findings as to the facts and conclusions but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203—Worthmore Sales Company.

Issued: May 5, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9606; Filed, Sept. 2, 1952; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53087]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

FREE ENTRY OF ARTICLES FOR INSTITUTIONS

Paragraph 1774, Tariff Act of 1930, prior to its amendment by Public Law 392, 82d Congress, provided for free entry of the articles listed therein only when imported for presentation to and for the use of any corporation or association organized and operated exclusively for religious purposes. Public Law 392 amended paragraph 1774 to provide for free entry of such articles not only when imported for presentation to such a corporation or association but also when imported by order of the corporation or association. In accordance with this change in the law, and also to eliminate the requirement of a certificate of delivery in cases where the customs examination of the articles listed in paragraph 1774 and certain other free entry paragraphs is made on the institution's premises, the following changes are made in §§ 10.43, 10.44, and 10.51, Customs Regulations of 1943 (19 CFR 10.43, 10.44, 10.51):

1. Section 10.43 (a), as amended, is amended to read as follows:

§ 10.43 *Requirements on entry.* (a) The importer of articles claimed to be exempt from duty under paragraph 1631,[39] 1773,[40] or 1817,[40a] Tariff Act of 1930, or under the provision in paragraph 1774,[40b] Tariff Act of 1930, for articles imported by order of an institution, shall file, as evidence that such articles are entitled to free entry, a declaration on customs Form 3321 of an executive officer or other authorized representative of the institution for which the articles are imported. In the case of articles claimed to be free under paragraph 1817, the affidavit required by that paragraph shall also be furnished.

2. In § 10.43 (a), footnote 40b is inserted after footnote 40a and reads as follows:

[40b] Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary (except casts of plaster of paris, or of compositions of paper or papier-mâché), imported in good faith for the use of, either by order of or for presentation (without charge) to, any corporation or association organized and operated exclusively for religious purposes. (Tariff Act of 1930, par. 1774 (free list); 19 U. S. C. 1201, par. 1774)

3. The citation of authority for § 10.43 is amended to read as follows:

(Sec. 201 (pars. 1631, 1773, 1774, 1817) 46 Stat. 672, as amended; 19 U. S. C. 1201 (pars. 1631, 1773, 1774, 1817))

4. Section 10.44 (c), as amended, is amended to read as follows:

§ 10.44 *Declaration of dealer or agent; certificate of delivery; stipulation.* * * *

(c) Unless the importation is consigned to the institution, the receipt of the articles is acknowledged by the institution on customs Form 3321, or the appraising officer reports that the articles were examined on the institution's premises, a certificate of delivery, customs Form 3337, signed by an executive officer or other authorized representative of the institution, shall be filed within 6 months from the date of entry. (See § 25.16 (c) of this chapter.)

(Sec. 201 (pars. 1631, 1773, 1774, 1817) 46 Stat. 672, as amended; 19 U. S. C. 1201 (pars. 1631, 1773, 1774, 1817))

5. Section 10.51 is amended to read as follows:

§ 10.51 *Articles for institutions.* When articles for institutions are claimed to be free of duty under the provisions in paragraph 1774 or 1810, Tariff Act of 1930," for articles imported for presentation to institutions, there shall be filed, in connection with the entry of such articles, a declaration on customs Form 3331 showing that the articles were expressly imported for presentation to the institution named in the entry, together with letters of presentation and acceptance from the donors and donees, respectively.

(Sec. 201 (pars. 1774, 1810), 46 Stat. 682, as amended, 685, sec. 624, 46 Stat. 759; 19 U. S. C. 1201 (pars. 1774, 1810), 1624)

6. In § 10.51, footnote 46, the quotation from paragraph 1774 is amended to read as follows:

[46] PAR. 1774. Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary (except casts of plaster of paris, or of compositions of paper or papier-mâché), imported in good faith for the use of, either by order of or for presentation (without charge) to, any corporation or association organized and operated exclusively for religious purposes.

[SEAL] FRANK DOW, *Commissioner of Customs.*

Approved: August 27, 1952.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-9603; Filed, Sept. 2, 1952; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111, T. D. 5928]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

Subchapter F—Records and Procedure

PART 601—PROCEDURE

TAXATION OF BUSINESS INCOME OF CERTAIN TAX-EXEMPT ORGANIZATIONS FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950

On January 8, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 204), in order to conform Regulations 111 (26 CFR Part 29) to Part I of Title III of the Revenue Act of 1950, approved September 23, 1950, to section 201 (d) and (e) of the Excess Profits Tax Act of 1950, approved January 3, 1951, and to sections 121 (e), 125, 339, 347, and 348 of the Revenue Act of 1951, approved October 20, 1951. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted. A technical amendment is also made to 26 CFR 601.17 (a), respecting forms required of organizations exempt from taxes imposed under chapter 1 of the Internal Revenue Code.

PARAGRAPH 1. Section 29.52–1, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended by inserting immediately after the third sentence thereof the following: "For returns of certain corporations, otherwise exempt from tax under section 101 (1), (6), (7), or (14), which are subject to the tax imposed by section 421 (a) (1) upon their Supplement U net income for any taxable year beginning after December 31, 1950, see § 29.421–5. For returns of certain governmental colleges or universities and corporations wholly owned by such colleges or universities, which are subject to the tax imposed by section 421 (a) (1) upon their Supplement U net income for any taxable year beginning after December 31, 1951, see § 29.421–5."

PAR. 2. Section 29.54–1, as amended by Treasury Decision 5838, approved April 17, 1951, is further amended by striking the word "Every" at the beginning of the second sentence thereof, and by inserting in lieu of such word the following: "In addition to such permanent books and records as are required under the preceding sentence with respect to the tax imposed by Supplement U, every".

PAR. 3. Section 29.101–2, as amended by Treasury Decision 5838, is further amended by inserting at the end thereof the following:

(k) *Supplement U tax returns.* In addition to the foregoing requirements of this section, certain organizations otherwise exempt from tax under section 101 (1), (6), (7), or (14), that are subject to tax on Supplement U net income, are also required to file returns on Form 990–T for taxable years beginning after December 31, 1950. See § 29.421–5 for requirements with respect to such returns.

PAR. 4. Section 29.101 (1)–1 and § 29.101 (7)–1 are each amended by adding at the end thereof the following: "For taxable years beginning after December 31, 1950, organizations otherwise exempt from tax under this section are taxable upon their Supplement U net income. See sections 421 through 424, and the regulations thereunder."

PAR. 5. Section 29.101 (6)–1 is amended by striking paragraph (d) and inserting in lieu thereof the following:

(d) Since an organization exempt under section 101 (6) must be organized and operated exclusively for one or more of the specified purposes, an organization organized or operated for the primary purpose of carrying on a trade or business for profit is not exempt thereunder. Thus, such an organization is not exempt under section 101 (6) even though it has certain religious purposes, its property is held in common, and its profits do not inure to the benefit of individual members of the organization. See section 101 (18) as to religious or apostolic associations or corporations. For taxable years beginning after December 31, 1950, organizations, including trusts, otherwise exempt from tax under this section (other than a church, or a convention or association of churches) are taxable on Supplement U net income. See sections 421 through 424, and the regulations thereunder.

PAR. 6. Paragraph (14) of section 101 is stricken from that portion of section 101 which is set forth immediately after § 29.101 (13)–1, and there is inserted immediately after § 29.101 (13)–1 the following:

[SEC. 101. EXEMPTIONS FROM TAX ON CORPORATIONS—AS AMENDED BY SEC. 217 (a), REV. ACT 1939; SECS. 137 (a), 165 (a), REV. ACT 1942.]

[The following organizations shall be exempt from taxation under this chapter—]

(14) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this chapter;

§ 29.101 (14)–1 *Corporations organized to hold title to property for exempt organizations.* (a) For taxable years beginning after December 31, 1950, a corporation otherwise exempt from tax under section 101 (14) is taxable upon its Supplement U net income if the income is payable to an organization which is itself subject to the tax imposed by Supplement U or if the income is payable to a church or to a convention or association of churches. Since a corporation to be exempt under section 101 (14) must not engage in any business other than that of holding title to property and collecting income therefrom, it cannot have unrelated business net income as defined in section 422 (a) other than Supplement U rental income described in section 423.

(b) A corporation exempt under section 101 (14) cannot accumulate income and retain its exemption, but it must turn over the entire amount of such income, less expenses, to an organization which is itself exempt from tax under chapter 1 of the Internal Revenue Code.

PAR. 7. There is inserted immediately preceding § 29.117–1 the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(c) *Technical amendments.* * * *

(2) Section 117 (c) (1) is hereby amended by inserting before "and 500" the following: "421,".

(3) Section 117 (c) (2) is hereby amended by inserting after "sections 11 and 12" the following: "(or, in the case of certain tax-exempt trusts, in lieu of the tax imposed by section 421)".

* * * * * * *

SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 301, 302, and 303 of the Revenue Act of 1950) shall be applicable only with respect to taxable years beginning after December 31, 1950. * * *

PAR. 8. Section 29.117–1 is amended as follows:

(A) By inserting in paragraph (a) thereof immediately after "sections 11 and 12", in each place where those words appear, the following: "(or, in the case of certain tax-exempt trusts, the tax imposed by section 421)".

(B) By inserting in paragraph (b) thereof immediately before "and 500", in each place where that phrase appears, the following: "421,".

(C) By inserting immediately after paragraph (b) thereof the following undesignated paragraph:

In applying section 117 (c) in the case of tax-exempt trusts or organizations subject to the tax imposed by section 421, the only amount which is taken into account as capital gain or loss is that which is taken into account in computing unrelated business net income under section 422. Under section 422, the only amount taken into account as capital gain or loss is that resulting from the application of section 117 (k) (1).

PAR. 9. Section 29.142–1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by inserting at the end thereof the following:

(e) *Supplement U tax returns.* For returns on Form 990–T by certain trusts otherwise exempt from tax under section 101 (6), which trusts are subject to the tax imposed by section 421 (a) (2) upon Supplement U net income, see § 29.421–5.

PAR. 10 There is inserted immediately preceding § 29.143–1 the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(c) *Technical amendments.* * * *

(4) Section 143 is hereby amended by adding at the end thereof the following new subsection:

(h) *Withholding on certain foreign tax-exempt organizations.* In the case of income of a foreign organization subject to the tax imposed by section 421 (a), the provisions of this section and section 144 shall apply to rents includible under section 422 in computing its unrelated business net income, but only to the extent and subject to such conditions as may be provided under regulations prescribed by the Secretary.

* * * * * * *

SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [sections 301, 302, and 303 of the Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950. * * *

PAR. 11. Section 29.143–1 (a), as amended by Treasury Decision 5709, approved June 27, 1949, is further amended by adding immediately after the subparagraph (6) thereof the following undesignated paragraph:

The gross amount of rents paid under a Supplement U lease to an organization subject to the tax imposed by section 421 (a) with respect to rents includible under section 422 in computing unrelated business net income is subject to withholding.

PAR. 12. Section 29.144–1 is amended by adding immediately after paragraph (e) the following: "For withholding in the case of rents under a Supplement U lease paid to a foreign corporation subject to the tax imposed by section 421 (a), see section 143 (h) and § 29.143–1 (a)."

PAR. 13. Section 29.217–2, as amended by Treasury Decision 5687 and § 29.235–2 are each amended by inserting at the end thereof the following:

(c) *Supplement U tax.* For returns with respect to the tax imposed by section 421 (a) upon Supplement U net income for any taxable year beginning after December 31, 1950, see § 29.421–5.

PAR. 14. There is inserted immediately after § 29.220–1, as added by Treasury Decision 5893, approved April 4, 1952, the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(c) *Technical amendments.* * * *

(5) Supplement H is hereby amended by adding at the end thereof the following new section:

SEC. 221. FOREIGN EDUCATIONAL, CHARITABLE AND CERTAIN OTHER EXEMPT ORGANIZATIONS.

For special provisions relating to foreign educational, charitable and other exempt trusts, see section 421 (d).

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SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 301, 302, and 303 of the Revenue Act of 1950) shall be applicable only with respect to taxable years beginning after December 31, 1950. * * *

PAR. 15. There is inserted immediately after section 237, which section is set forth immediately after § 29.236–1, the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(c) *Technical amendments.* * * *

(6) Supplement I is hereby amended by adding at the end thereof the following new section:

SEC. 238. FOREIGN EDUCATIONAL, CHARITABLE AND CERTAIN OTHER EXEMPT ORGANIZATIONS.

For special provisions relating to foreign educational, charitable and certain other exempt organizations, see section 421 (d).

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SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 301, 302, and 303 of the Revenue Act of 1950) shall be applicable only with respect to taxable years beginning after December 31, 1950. * * *

PAR. 16. The title of Supplement U, which title is set forth immediately after § 29.404–1, is amended to read as follows:

SUPPLEMENT U (TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1948) ABATEMENT OF TAX FOR MEMBERS OF ARMED FORCES ON DEATH.

PAR. 17. There is inserted immediately after § 29.421–1 the following:

SUPPLEMENT U (TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950)—TAXATION OF BUSINESS INCOME OF CERTAIN SECTION 101 ORGANIZATIONS.

SEC. 421. IMPOSITION OF TAX (APPLICABLE TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950—AS AMENDED BY SEC. 301, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950, BY SEC. 201 (d) AND (e), EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951, AND BY SECS. 121 (e) AND 339 (a), REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

NOTE: For effective date of the last clause of section 421 (a) (1), see section 125 of the Revenue Act of 1951, set forth below, and for the effective date of section 421 (b) (1) (B), see section 339 (c) of the Revenue Act of 1951, set forth below.

(a) *In general.* There shall be levied, collected, and paid for each taxable year beginning after December 31, 1950—

(1) Upon the Supplement U net income (as defined in subsection (c)) of every organization described in subsection (b) (1), a normal tax of 25 per centum of the supplement U net income, and a surtax of 22 per centum of the amount of the Supplement U net income in excess of $25,000; except that (A) in the case of taxable years beginning before April 1, 1951, and ending after March 31, 1951, the normal tax shall be 28¾ per centum of the Supplement U net income, and (B) in the case of taxable years beginning after March 31, 1951, and before April 1, 1954, the normal tax shall be 30 per centum of the Supplement U net income.

(2) Upon the supplement U net income of every trust described in subsection (b) (2), a normal tax computed at the rate and in the manner provided in section 11 and a surtax computed at the rates and in the manner provided in section 12 (b). In making such computations for the purposes of this section, the term "the amount of the net income in excess of the credits against net income provided in section 25" as used in section 11 shall be read as "the amount of the supplement U net income" and the term "surtax net income" as used in section 12 (b) shall be read as "supplement U net income."

(b) *Organizations subject to tax*—(1) *Organizations taxable as corporations*—(A) *Organizations exempt under section 101 (1), (6), (7) and (14).* The taxes imposed by subsection (a) (1) shall apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in paragraph (2)) which is exempt, except as provided in this supplement, from taxation under this chapter by reason of paragraph (1), (6), or (7) of section 101. Such taxes shall also apply in the case of a corporation described in section 101 (14) if the income is payable to an organization which itself is subject to the tax imposed by subsection (a) or to a church or to a convention or association of churches.

(B) *State colleges and universities.* The taxes imposed by subsection (a) (1) shall apply in the case of any college or university which is an agency or instrumentality of any government or any political subdivision thereof, or which is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of any one or more governments or political subdivisions. Such taxes shall also apply in the case of any corporation wholly owned by one or more such colleges or universities.

(2) *Trusts taxable at individual rates.* The taxes imposed by subsection (a) (2) shall apply in the case of any trust which is exempt, except as provided in this supplement, from taxation under this chapter by reason of paragraph (6) of section 101 and which, if it were not for such exemption, would be subject to the provisions of supplement E.

(c) *Definition of Supplement U net income.* The term "supplement U net income" of an organization means the amount by which its unrelated business net income (as defined in section 422) exceeds $1,000.

(d) *Foreign organizations.* The supplement U net income of an organization described in subsection (b) (1) or (2) which is a foreign organization shall be its supplement U net income derived from sources within the United States determined in accordance with the rules of section 119 and sections 212, 213 (a), 231 (c) and (d), and 232 (a).

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made to sections * * * 421 [by section 121 (e) which adds to section 421 (a) (1) the clause beginning "; except that * * *"] of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. * * *

SEC. 339. TAXATION OF BUSINESS INCOME OF STATE COLLEGES AND UNIVERSITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(c) *Effective date.* The amendments made by this section [which adds subparagraph (B) to section 421 (b) (1)] shall be applicable only with respect to taxable years beginning after December 31, 1951.

(Section 29.421–1, relating to abatement of tax for members of armed forces on death, is set forth above immediately preceding section 421 as amended by the Revenue Act of 1950 and subsequent acts.)

§ 29.421–2 *Section 421 as applicable to taxable years beginning before 1948 and as applicable to taxable years beginning after 1950.* The provisions of Supplement U, and section 421 of such Supplement, for taxable years beginning before January 1, 1948, are entirely different from those applicable for taxable years beginning after December 31, 1950. For certain taxable years beginning before 1948, Supplement U and section 421 relate to the abatement of tax for members of the armed forces on death. For taxable years beginning after 1950, Supplement U and section 421 relate to the imposition of tax upon income of certain otherwise tax-exempt organizations. In order to avoid confusion as to the regulations applicable under these two different provisions of Supplement U and section 421, the regulations under Sup-

plement U and section 421 applicable for taxable years beginning before 1948 (that is, the regulations relating to the abatement of tax for members of the armed forces on death) are contained in § 29.421–1, and the regulations under Supplement U and section 421 for taxable years beginning after 1950 (that is, the regulations relating to the imposition of tax on the income of certain otherwise tax-exempt organizations) are set forth in § 29.421–3 and the sections of the regulations immediately following such section.

§ 29.421–3 *Imposition of tax*—(a) *Rates of tax.* Section 421 (a) imposes a tax, applicable only with respect to taxable years beginning after December 31, 1950, upon the Supplement U net income of certain organizations otherwise exempt from Federal income tax by reason of section 101 (1), (6), (7), or (14). Effective only with respect to taxable years beginning after December 31, 1951, the taxes imposed by section 421 (a) shall also apply in the case of any college or university which is an agency or instrumentality of any government or any political subdivision thereof, or which is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of any one or more governments or political subdivisions, and to any corporation wholly owned by one or more such colleges or universities. Under section 421 (a) (1), organizations described in section 421 (b) (1) (A) and in § 29.421–4 (a) (1) are, for taxable years beginning after December 31, 1950, and organizations described in section 421 (b) (1) (B) and in § 29.421–4 (a) (2) are, for taxable years beginning after December 31, 1951, subject to:

(1) A normal tax of 25 percent on their Supplement U net income, except that (i) in the case of taxable years beginning before April 1, 1951, and ending after March 31, 1951, the normal tax shall be 28¾ percent of the Supplement U net income, and (ii) in the case of taxable years beginning after March 31, 1951, and before April 1, 1954, the normal tax shall be 30 percent of the Supplement U net income, and

(2) A surtax of 22 percent on the amount of such income in excess of $25,000.

Under section 421 (a) (2), trusts described in section 421 (b) (2) and § 29.421–4 (b) are, for taxable years beginning after December 31, 1950, subject to tax at the individual rates prescribed in sections 11 and 12 (b). For the purpose of computing the tax imposed by section 11 and section 12 (b), the term "the amount of the net income in excess of the credits against net income provided in section 25", as used in section 11 and the term "surtax net income" as used in section 12 (b) shall each be read as "Supplement U net income". The credit of $100 against net income provided in section 163 (a) (1) in the case of a trust taxable under Supplement E is not allowed as a credit against Supplement U net income.

(b) *Definition of Supplement U net income.* The term "Supplement U net income" means the amount by which the unrelated business net income (as defined in section 422) of an organization exceeds $1,000.

§ 29.421–4 *Organizations subject to tax.* (a) (1) The taxes imposed by section 421 (a) (1) apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in section 421 (b) (2) and in (b) of this section) which is exempt, except as provided in Supplement U, from taxation under chapter 1 by reason of paragraph (1), (6), or (7) of section 101. A corporation exempt from taxation under section 101 (14), holding property for an organization which itself is subject to the tax or for a church or a convention or association of churches, is also subject to the Supplement U tax under section 421 (a) (1).

(2) The taxes imposed by section 421 (a) (1) apply in the case of any college or university which is an agency or instrumentality of any government or any political subdivision thereof, or which is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of any one or more governments or political subdivisions. Such taxes also apply in the case of any corporation wholly owned by one or more such colleges or universities. As here used, the word "government" includes any foreign government (to the extent not contrary to any treaty obligation of the United States) and all domestic governments (the United States and any of its Territories or possessions, any State, and the District of Columbia). Elementary and secondary schools operated by such governments are not subject to the Supplement U tax.

(3) Churches and associations or conventions of churches are exempt from the Supplement U tax. The exemption is applicable only to an organization which itself is a church or an association or convention of churches. Religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are subject to the Supplement U tax, whether or not they carry out a religious, educational, or charitable function approved by a church. For example, an incorporated university exempt from tax under section 101 (6) is subject to the Supplement U tax whether or not it was organized by or is operated under the auspices of a church.

(b) The taxes imposed by section 421 (a) (2) shall apply in the case of any trust which is exempt, except as provided in Supplement U, from taxation under chapter 1 by reason of paragraph (6) of section 101 and which, if it were not for such exemption under section 101 (6), would be subject to the provisions of Supplement E of such chapter.

§ 29.421–5 *Provisions generally applicable to Supplement U tax*—(a) *Assessment and collections.* Since the taxes imposed by section 421 are taxes imposed by chapter 1 of the Internal Revenue Code, all provisions of law and of these regulations applicable to the taxes imposed by chapter 1 are applicable to the assessment and collection of the taxes imposed by section 421. See paragraph (b) of this section for the requirement as to the filing of returns. Organizations subject to the tax imposed by section 421 (a) (1) are subject to the same provisions, including penalties, as are provided in the case of the income tax of other corporations. In the case of a trust subject to the tax imposed by section 421 (a) (2), the fiduciaries for such trust are subject to the same provisions, including penalties, as are applicable to fiduciaries in the case of the income tax of other trusts. See sections 52, 53, 56, and 142, and the regulations prescribed thereunder, with respect to provisions applicable to returns and payment of tax.

(b) *Returns.* The return of Supplement U tax shall be on Form 990–T. The return shall be filed for each taxable year beginning after December 31, 1950, by every organization, otherwise exempt from tax under section 101 (1), (6), (7), or (14) and subject to the Supplement U tax, which has gross income, included in computing unrelated business net income for such taxable year, of $1,000 or more. A return shall also be filed for each taxable year beginning after December 31, 1951, by every governmental college or university and by every corporation wholly owned by such a college or university, which is subject to the Supplement U tax and which has gross income, included in computing unrelated business net income for such taxable year, of $1,000 or more. The filing of Form 990–T does not relieve the organization of the duty of filing other returns required under chapter 1 of the Internal Revenue Code.

(c) *Taxable years, method of accounting, etc.* The taxable year (fiscal year or calendar year, as the case may be) of an organization shall be determined without regard to the fact that such organization may have been exempt from tax during any prior period. See sections 41 and 48, and the regulations thereunder. Similarly, in computing unrelated business net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1950. If a method for treating bad debts was selected in a return of income (other than an information return) for a previous taxable year, the taxpayer must follow such method in its returns under Supplement U, unless such method is changed in accordance with the provisions of § 29.23 (k)–1. A taxpayer which has not previously selected a method for treating bad debts may, in its first return under Supplement U, exercise the option granted in § 29.23 (k)–1.

(d) *Foreign tax credit.* See section 424 for provisions applicable to the credit for foreign taxes provided in section 131.

SEC. 422. UNRELATED BUSINESS NET INCOME (APPLICABLE TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950—AS ADDED BY SEC. 301, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950, AND AS AMENDED BY SECS. 339 (b), 347, AND 348, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

NOTE: For the provisions of section 422 inserted by the amendments made by sections 339 (b), 347, and 348 of the Revenue Act of 1951, and for the effective dates of such amendments, see sections 339 (c), 347 (b), and 348 (b) of the Revenue Act of 1951, set forth below.

(a) *Definition.* The term "unrelated business net income" means the gross income derived by any organization from any unrelated trade or business (as defined in subsection (b)) regularly carried on by it, less the deductions allowed by section 23 which are directly connected with the carrying on of such trade or business, subject to the following exceptions, additions, and limitations:

(1) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(2) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or net income from the property, and all deductions directly connected with such income.

(3) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(4) Notwithstanding paragraph (3), in the case of a supplement U lease (as defined in section 423 (a)) there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under section 423 (d) (1) and there shall be allowed, as a deduction, the amount ascertained under section 423 (d) (2).

(5) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than (A) stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year, or (B) property held primarily for sale to customers in the ordinary course of the trade or business. This paragraph shall not apply with respect to the cutting of timber which is considered, upon the application of section 117 (k) (1), as a sale or exchange of such timber.

(6) The net operating loss deduction provided in section 23 (s) shall be allowed, except that—

(A) The net operating loss for any taxable year, the amount of the net operating loss carry-back or carry-over to any taxable year, and the net operating loss deduction for any taxable year shall be determined under section 122 without taking into account any amount of income or deduction which is excluded under this supplement in computing the unrelated business net income; and

(B) The terms "preceding taxable year" and "preceding taxable years" as used in section 122 shall not include any taxable year for which the organization was not subject to the provisions of this supplement.

(7) There shall be excluded all income derived from research for (A) the United States, or any of its agencies or instrumentalities, or (B) any State or political subdivision thereof; and there shall be excluded all deductions directly connected with such income.

(8) (A) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(B) In the case of an organization operated primarily for the purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(9) (A) In the case of any organization described in section 421 (b) (1), the so-called "charitable contribution" deduction allowed by section 23 (q) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed 5 per centum of the unrelated business net income computed without the benefit of this subparagraph.

(B) In the case of any trust described in section 421 (b) (2), the so-called "charitable contribution" deduction allowed by section 23 (o) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in section 23 (o) shall be considered as a gift or contribution. The deduction allowed by this subparagraph shall not exceed 15 per centum of the unrelated business net income computed without the benefit of this subparagraph.

If a trade or business regularly carried on by a partnership of which an organization is a member is an unrelated trade or business with respect to such organization, such organization in computing its unrelated business net income shall, subject to the exceptions, additions, and limitations contained in paragraphs (1) through (9) above, include its share (whether or not distributed) of the gross income of the partnership from such unrelated trade or business and its share of the partnership deductions directly connected with such gross income. If the taxable year of the organization is different from that of the partnership, the amounts to be so included or deducted in computing the unrelated business net income shall be based upon the income and deductions of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1951) ending within or with the taxable year of the organization. In the case of an organization described in section 3813 (a) (2) which is a member of a partnership all of whose members are organizations described in section 3813 (a) (2), if a trade or business regularly carried on by such partnership is an unrelated trade or business with respect to such organization, such organization shall, for taxable years beginning before January 1, 1954, be allowed a deduction in an amount equal to the portion of the gross income of such partnership from such unrelated trade or business which such organization is required (by a provision of a written contract executed by such organization prior to January 1, 1950, which provision expressly deals with the disposition of the gross income of the partnership) to pay within the taxable year in discharge of indebtedness incurred by such organization in acquiring its share of such trade or business, or to irrevocably set aside within the taxable year for the discharge of such indebtedness (to the extent that such amount has been so paid or set aside) if (i) such partnership was formed prior to January 1, 1950, for the purpose of carrying on such trade or business, and (ii) substantially all the assets used in carrying on such trade or business were acquired by it or by its members prior to such date. As used in the preceding sentence, the word "indebtedness" does not include indebtedness incurred after January 1, 1950.

(b) *Unrelated trade or business.* The term "unrelated trade or business" means, in the case of any organization subject to the tax imposed by section 421 (a), any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (or, in the case of an organization described in section 421 (b) (1) (B), to the exercise or performance of any purpose or function described in section 101 (6)), except that such term shall not include any trade or business—

(1) In which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Which is carried on, in the case of an organization described in section 101 (6) or in the case of a college or university described in section 421 (b) (1) (B), by the organization primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Which is the selling of merchandise, substantially all of which has been received by the organization as gifts or contributions.

The term "unrelated trade or business" means, in the case of a trust computing its unrelated business net income under this section for the purposes of section 162 (g) (1), any trade or business regularly carried on by such trust or by a partnership of which it is a member. If a publishing business carried on by an organization during a taxable year beginning before January 1, 1953, is, without regard to this sentence, an unrelated trade or business, but before the beginning of the third succeeding taxable year the business is carried on by it (or by a successor who acquired such business in a liquidation which would constitute a tax-free exchange under section 112 (b) (6)) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in section 101 (6), such publishing business shall not be considered, for the taxable year, as an unrelated trade or business.

SEC. 339. TAXATION OF BUSINESS INCOME OF STATE COLLEGES AND UNIVERSITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(c) *Effective date.* The amendments made by this section [which adds to section 422 (b) the phrase: "(or, in the case of an organization described in section 421 (b) (1) (B), to the exercise or performance of any purpose or function described in section 101 (6))", and inserts in paragraph (2) thereof the phrase: "or in the case of a college or university described in section 421 (b) (1) (B)"] shall be applicable only with respect to taxable years beginning after December 31, 1951.

SEC. 347. PUBLISHING BUSINESS CARRIED ON BY TAX EXEMPT ORGANIZATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Effective date.* The amendment made by this section [which adds to section 422 (b) the sentence beginning: "If a publishing business carried on by an organization * * *"] shall be applicable with respect to taxable years beginning after December 31, 1950, and prior to January 1, 1953.

SEC. 348. DEDUCTION WITH RESPECT TO CERTAIN UNRELATED BUSINESS NET INCOME (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Effective date.* The amendment made by this section [which adds to section 422 (a) the sentence beginning: "In the case of an organization described in section 3813 (a) (2) * * *" and the sentence following such sentence] shall be applicable with respect to taxable years beginning after December 31, 1950, and prior to January 1, 1954.

§ 29.422–1 *Definition of unrelated business net income*—(a) *General rule.* The unrelated business net income which is subject to the Supplement U tax is the gross income, derived by any organization to which Supplement U applies, from any unrelated trade or business regularly carried on by it, less the deduc-

tions allowed by section 23 of the Code which are directly connected with the carrying on of such trade or business, subject to certain exceptions, additions, and limitations referred to below. In the case of an organization which regularly carries on two or more unrelated businesses, its unrelated business net income is the aggregate of its gross income from all such unrelated businesses, less the aggregate of the deductions allowed with respect to all such unrelated businesses. For provisions generally applicable to the computation of unrelated business net income, see § 29.421–5, and for rules applicable to the determination of the adjusted basis of property, see § 29.423–3 (a).

(b) *Exceptions, additions, and limitations.* Whether a particular item of income falls within any of the exceptions, additions, and limitations provided in section 422 shall be determined by all the facts and circumstances of each case. For example, if a payment termed "rent" by the parties is in fact a return of profits by a person operating the property for the benefit of the tax-exempt organization or is a share of the profits retained by such organization as a partner or a joint venturer, such payment is not within the exception for rent. The exceptions, additions, and limitations provided in section 422 are as follows:

(1) *Dividends, interest, and annuities.* All dividends, interest, and annuities, and the deductions directly connected therewith, shall be excluded in computing unrelated business net income.

(2) *Royalties.* Royalties, including overriding royalties, and all deductions directly connected with such income shall be excluded in computing unrelated business net income. Mineral royalties shall be excluded whether measured by production or by gross or net income from the mineral property. However, where an organization owns a working interest in a mineral property, and is not relieved of its share of the development costs by the terms of any agreement with an operator, income received from such an interest shall not be excluded. In-oil payments shall be treated in the same manner as royalty payments for the purpose of computing unrelated business net income.

(3) *Rents.* (i) Rents from real property (including personal property leased with the real property) and the deductions directly connected therewith shall also be excluded in computing unrelated business net income, except that certain rents from, and certain deductions in connection with, a Supplement U lease (as defined in section 423 (a)) shall be included in computing unrelated business net income. See §§ 29.423–3 and 29.423–4.

(ii) Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, or for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas the furnishing of heat and light, the cleaning of public entrances, exits, stairways and lobbies, the collection of trash, etc., are not considered as services rendered to the occupant. Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple housing units, of offices in an office building, etc., are generally rentals from real estate.

(4) *Gains and losses from the sale, etc., of property.* There shall also be excluded from the computation of unrelated business net income gains or losses from the sale, exchange, or other disposition of property other than (i) stock in trade or other property of a kind which would properly be included in the inventory of the organization if on hand at the close of the taxable year, or (ii) property held primarily for sale to customers in the ordinary course of the trade or business. This exclusion does not apply with respect to the cutting of timber which is considered, upon the application of section 117 (k) (1), as a sale or exchange of such timber. The exclusion under section 422 (a) (5) applies with respect to gains and losses from involuntary conversions, casualties, etc.

(5) *Net operating losses.* The net operating loss deduction provided in section 23 (s) shall be allowed in computing unrelated business net income. However, the net operating loss carry-back or carry-over (from a taxable year for which the taxpayer is subject to the provisions of Supplement U) shall be determined under section 122 without taking into account any amount of income or deduction which is not included under Supplement U in computing unrelated business net income. For example, a loss attributable to an unrelated trade or business shall not be diminished by reason of the receipt of dividend income. For the purpose of computing the net operating loss deduction, the terms "preceding taxable year" and "preceding taxable years" as used in section 122 shall not include any taxable year for which the organization was not subject to the provisions of Supplement U. Thus, if the organization was not subject to the provisions of Supplement U for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed only from a taxable year for which the taxpayer is subject to the provisions of Supplement U.

(6) *Research.* (i) Income derived from research for the United States or any of its agencies or instrumentalities or a State or political subdivision thereof, and all deductions directly connected with such income, shall be excluded in computing unrelated business net income.

(ii) In the case of a college, university, or hospital, all income derived from research performed for any person and all deductions directly connected with such income shall be excluded in computing unrelated business net income.

(iii) In the case of an organization operated primarily for the purpose of carrying on fundamental research (as distinguished from applied research) the results of which are freely available to the general public, all income derived from research performed for any person and all deductions directly connected with such income shall be excluded in computing unrelated business net income.

(iv) For the purpose of this section, the term "research" does not include activities of a type ordinarily carried on as an incident to commercial or industrial operations, for example, the ordinary testing or inspection of materials or products or the designing or construction of equipment, buildings, etc. The term "fundamental research" does not include research carried on for the primary purpose of commercial or industrial application.

(7) *Charitable, etc., contributions.* (i) In computing the unrelated business net income of a trust described in section 421 (b) (2) or of an organization described in section 421 (b) (1), there shall be deducted from gross income the amount allowed by section 23 (o) or 23 (q), whichever is applicable, whether or not the contribution is directly connected with the carrying on of the trade or business. This deduction shall be limited to 15 percent, if computed under section 23 (o), or 5 percent, if computed under section 23 (q), of the unrelated business net income computed without benefit of such deduction. In the case of a trust described in section 421 (b) (2), distributions made pursuant to the trust instrument to a beneficiary described in section 23 (o) shall be treated in the same manner as gifts or contributions.

(ii) The contribution, whether made by a trust or other exempt organization, must be paid to another organization to be allowable. For example, a university exempt from tax under section 101 (6), operating an unrelated business, shall be allowed a deduction, not in excess of 5 percent of its unrelated business net income, for gifts or contributions to another university for educational work but shall not be allowed any deduction for amounts expended in administering its own educational program.

§ 29.422–2 *Organizations that are members of partnerships.*—(a) *In general.* In the event an organization to which Supplement U applies is a member of a partnership regularly engaged in a trade or business which is an unrelated trade or business with respect to such organization, the organization shall include in computing its unrelated business net income so much of its share (whether or not distributed) of the partnership gross income as is derived from that unrelated business and its share of the deductions attributable thereto. For this purpose, both the gross income and the deductions shall be computed with

the necessary adjustments for the exceptions, additions, and limitations referred to in section 422 (a) and in § 29.422–1. For example, if an exempt educational institution is a partner in a partnership which operates a factory and if such partnership also holds stock in a corporation, the exempt organization shall include in computing its unrelated business net income its share of the gross income from the operation of the factory, but not its share of any dividends received by the partnership from the corporation. If the taxable year of the organization differs from that of the partnership, the amounts included or deducted in computing unrelated business net income shall be based upon the income and deductions of the partnership for each taxable year of the partnership (whether beginning on, before, or after January 1, 1951) ending within or with the taxable year of the organization.

(b) *Special rule.* For a special rule, applicable only with respect to taxable years beginning after December 31, 1950, and prior to January 1, 1954, with respect to unrelated trades or businesses carried on in partnership by certain educational organizations described in section 3818 (a) (2), see the last two sentences of section 422 (a) as amended by section 348 of the Revenue Act of 1951.

§ 29.422–3 *Definition of unrelated trade or business.*—(a) *In general.* (1) The term "unrelated business net income" as used in section 422 (a) includes only income from an unrelated trade or business regularly carried on. As used in section 422 (a), the term "trade or business" has the same meaning as it has in section 23 (a) (1).

(2) The income of an exempt organization is subject to the Supplement U tax only if two conditions are present with respect to such income. The first condition is that the income must be from a trade or business which is regularly carried on by the organization. The second condition is that the trade or business must not be substantially related (aside from the need of the organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101, or, in the case of an organization described in section 421 (b) (1) (B) (governmental colleges, etc.), to the exercise or performance of any purpose or function described in section 101 (6). Whether or not an organization is subject to the Supplement U tax shall be determined by the application of these tests to the particular circumstances involved in each individual case. See paragraph (b) of this section for certain exceptions from the term "unrelated trade or business."

(3) A trade or business is regularly carried on when the activity is conducted with sufficient consistency to indicate a continuing purpose of the organization to derive some of its income from such activity. An activity may be regularly carried on even though its performance is infrequent or seasonal.

(4) Ordinarily, a trade or business is substantially related to the activities for which an organization is granted exemption if the principal purpose of such trade or business is to further (other than through the production of income) the purpose for which the organization is granted exemption. In the usual case the nature and size of the trade or business must be compared with the nature and extent of the activities for which the organization is granted exemption in order to determine whether the principal purpose of such trade or business is to further (other than through the production of income) the purpose for which the organization is granted exemption. For example, the operation of a wheat farm is substantially related to the exempt activity of an agricultural college if the wheat farm is operated as a part of the educational program of the college, and is not operated on a scale disproportionately large when compared with the educational program of the college. Similarly, a university radio station or press is considered a related trade or business if operated primarily as an integral part of the educational program of the university, but is considered an unrelated trade or business if operated in substantially the same manner as a commercial radio station or publishing house. A trade or business not otherwise related does not become substantially related to an organization's exempt purpose merely because incidental use is made of the trade or business in order to further the exempt purpose. For example, the manufacture and sale of a product by an exempt college would not become substantially related merely because students as part of their educational program perform clerical or bookkeeping functions in the business. In some cases, the business may be substantially related because it is a necessary part of the exempt activity. For example, in the case of an organization exempt under section 101 (6) and engaged in the rehabilitation of handicapped persons, the business of selling articles made by such persons as a part of their rehabilitation training would not be considered an unrelated business since such business is a necessary part of the rehabilitation program.

(b) *Exceptions.* Section 422 (b) specifically states that the term "unrelated trade or business" does not include:

(1) Any trade or business in which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or

(2) Any trade or business carried on by an organization exempt under section 101 (6) or by a governmental college or university described in section 421 (b) (1) (B), primarily for the convenience of its members, students, patients, officers, or employees; or

(3) Any trade or business which consists of selling merchandise, substantially all of which has been received by the organization as gifts or contributions.

An example of the operation of the first of the exceptions mentioned in subparagraphs (1), (2), and (3) of this paragraph would be an exempt orphanage operating a retail store and selling to the general public, where substantially all the work in carrying on such business is performed for the organization by volunteers without compensation. An example of the second limitation would be a laundry operated by a college for the purpose of laundering dormitory linens and the clothing of students. The third exception applies to so-called "thrift shops" operated by a tax-exempt organization where those desiring to benefit such organization contribute old clothes, books, furniture, etc., to be sold to the general public with the proceeds going to the exempt organization.

(c) *Special rule respecting publishing businesses.* For a special rule, applicable only with respect to taxable years beginning after December 31, 1950, and prior to January 1, 1953, with respect to publishing businesses carried on by an organization, see section 422 (b) as amended by section 347 of the Revenue Act of 1951.

SEC. 423. SUPPLEMENT U LEASE (APPLICABLE TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950—AS ADDED BY SECTION 301, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Definition of Supplement U Lease.* The term "supplement U lease" means a lease for a term of more than five years of real property by an organization (or by a partnership of which it is a member), if at the close of the lessor's taxable year there is a supplement U lease indebtedness (as defined in subsection (b)) with respect to such property. In computing the term of a lease which contains an option for renewal or extension, the term of such lease shall be considered as including any period for which such option may be exercised; and the term of any lease made pursuant to an exercise of such option shall include the period during which the prior lease was in effect. If real property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition. No lease shall be considered a supplement U lease if (A) such lease is entered into primarily for purposes which are substantially related (aside from the need of such organization for income of funds or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101, or (B) the lease is of premises in a building primarily designed for occupancy, and occupied, by the organization. If a lease for more than five years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than five years to any other tenant of the organization, leases of the real property for more than five years shall be considered as supplement U leases during the taxable year only if—

(1) The rents derived from the real property during the taxable year under such leases represent 50 per centum or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under such leases represents, at any time during the taxable year, 50 per centum or more of the total area of the real property rented at such time; or

(2) The rent derived from the real property during the taxable year from any tenant under such a lease, or from a group of tenants (under such leases) who are (A)

members of an affiliated group (as defined in section 141) or (B) partners, represents more than 10 per centum of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than 10 per centum of the total area of the real property rented at such time.

(b) *Supplement U Lease indebtedness.* The term "Supplement U Lease indebtedness" means, with respect to any real property leased for a term of more than five years, the unpaid amount of—

(1) The indebtedness incurred by the lessor in acquiring or improving such property;

(2) The indebtedness incurred prior to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(3) The indebtedness incurred subsequent to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

Where real property is acquired subject to a mortgage or other similar lien, the amount of the indebtedness secured by such mortgage or lien shall be considered (whether the acquisition was by gift, devise, or purchase) as an indebtedness of the lessor incurred in acquiring such property even though the lessor did not assume or agree to pay such indebtedness, except that where real property was acquired by gift, bequest, or devise prior to July 1, 1950, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor incurred in acquiring such property. Where real property was acquired by gift, bequest, or devise prior to July 1, 1950, subject to a lease requiring improvements in such property upon the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as an indebtedness for purposes of this subsection. In the case of a corporation described in section 101 (14), all of the stock of which was acquired prior to July 1, 1950, by an organization described in paragraph (1), (6), or (7) of section 101 (and more than one-third of such stock was acquired by such organization by gift or bequest), any indebtedness incurred by such corporation prior to July 1, 1950, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into prior to such date, shall not be considered as an indebtedness with respect to such corporation or such organization for purposes of this subsection. In determining the amount of the supplement U lease indebtedness where only a portion of the real property is subject to a supplement U lease, proper allocation to the premises covered by such lease shall be made of the indebtedness incurred by the lessor with respect to the real property.

(c) *Personal property leased with real property.* For the purposes of this section, the term "real property" and the term "premises" include personal property of the lessor leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate.

(d) *Treatment of supplement U lease rents and deductions.* In computing under section 422 (a) the unrelated business net income for any taxable year—

(1) *Percentage of rents taken into account.* There shall be included with respect to each supplement U lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 per centum) of the total rents derived during the taxable year under such lease as (A) the supplement U lease indebtedness, at the close of the taxable year, with respect to the premises covered by such lease is of (B) the adjusted basis, at the close of the taxable year, of such premises.

(2) *Percentage of deductions taken into account.* There shall be allowed with respect to each supplement U lease, as a deduction to be taken into account in computing unrelated business net income, an amount which is the same percentage (but not in excess of 100 per centum) of the sum determined under paragraph (3) as the amount determined under clause (A) of paragraph (1) is of the amount determined under clause (B) of such paragraph.

(3) *Deductions allowable.* The sum referred to in paragraph (2) is the sum of the following deductions allowable under section 23:

(A) Taxes and other expenses paid or accrued during the taxable year upon or with respect to the real property subject to the supplement U lease.

(B) Interest paid or accrued during the taxable year on the supplement U lease indebtedness.

(C) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the supplement U lease, there shall be taken into account under subparagraphs (A), (B), or (C) only those amounts which are properly allocable to the premises covered by such lease.

§ 29.423–1 *Definition of Supplement U lease*—(a) *In general.* The term "Supplement U lease" means any lease, with certain exceptions discussed in paragraph (c) of this section, for a term of more than five years of real property by an organization subject to Supplement U (or by a partnership of which it is a member) if at the close of the organization's taxable year there is a Supplement U lease indebtedness as defined in section 423 (b) and § 29.423–2, with respect to such property. For the purpose of section 423, the term "real property" and the term "premises" include personal property of the lessor tax-exempt organization leased by it to a lessee of its real estate if the lease of such personal property is made under, or in connection with, the lease of such real estate. For amounts of Supplement U rents and deductions to be included in computing unrelated business net income, see § 29.423–3.

(b) *Special rules.* (1) In computing the term of the lease, the period for which a lease may be renewed or extended by reason of an option contained therein shall be considered as part of the term. For example, a 3-year lease with an option for renewal for another such period is considered a lease for a term of 6 years. Another example is the case of a 1-year lease with option of renewal for another such term, where the parties at the end of each year renew the arrangement. In this case, during the fifth year (but not during the first 4 years), the lease falls within the 5-year rule, since the lease then involves 5 years and there is an option for the sixth year. In determining the term of the lease, an option for renewal of the lease is taken into account whether or not the exercise of the option depends upon conditions or contingencies.

(2) If the property is acquired subject to a lease, the term of such lease shall be considered to begin on the date of such acquisition. For example, if an exempt organization purchases, in whole or in part with borrowed funds, real property subject to a 10-year lease which has 3 years left to run, and such lease contains no right of renewal or extension, the lease shall be considered a 3-year lease and hence does not meet the definition of a Supplement U lease in section 423 (a) and paragraph (a) of this section. However, if this lease contains an option to renew for a period of 3 years or more, it is a Supplement U lease.

(c) *Exceptions.* (1) A lease shall not be considered a Supplement U lease if such lease is entered into primarily for a purpose which is substantially related (aside from the need of such organization for income or funds) or the use it makes of the rents derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption. For example, where a tax-exempt hospital leases real property owned by it to an association of doctors for use as a clinic, the rents derived under such lease would not be included in computing unrelated business net income if the clinic is substantially related to the carrying on of hospital functions. See § 29.422–3 for principles applicable in determining whether there is a substantial relationship to the exempt purposes of an organization.

(2) A lease is not a Supplement U lease if the lease is of premises in a building primarily designed for occupancy and occupied by the tax-exempt organization.

(3) If a lease for more than 5 years to a tenant is for only a portion of the real property, and space in the real property is rented during the taxable year under a lease for not more than 5 years to any other tenant of the tax-exempt organization, leases of the real property for more than 5 years shall be considered as Supplement U leases during the taxable year only if:

(i) The rents derived from the real property during the taxable year under such leases represent 50 percent or more of the total rents derived during the taxable year from the real property; or the area of the premises occupied under such leases represents, at any time during the taxable year, 50 percent or more of the total area of the real property rented at such time; or

(ii) The rent derived from the real property during the taxable year from any tenant under such a lease, or from a group of tenants (under such leases) who are either members of an affiliated group (as defined in section 141) or are partners, represents more than 10 percent of the total rents derived during the taxable year from such property; or the area of the premises occupied by any one such tenant, or by any such group of tenants, represents at any time during the taxable year more than 10 percent of the total area of the real property rented at such time.

(4) The application of subparagraph (3) of this paragraph, may be illustrated by the following example: In 1951 an educational organization, which is on the calendar year basis, begins the erection of an 11-story apartment building using funds borrowed for that purpose, and immediately leases for a 10-year term the first floor to a real estate development company to sublet for stores and shops. As fast as the new apartments are completed, they are rented out on an annual basis. At the end of 1956, all except the tenth and eleventh floors are rented. Those two floors are completed during 1957 and rented out. Assume that for 1951 and each subsequent taxable year through 1956, and for the taxable year 1960, the gross rental for the first floor represents more than 10 percent of the total gross rents derived during the taxable year from the building. Under this set of facts the 10-year lease of the first floor would be considered to be a Supplement U lease for all except the taxable years 1958, 1959, and 1961.

§ 29.423–2 *Supplement U lease indebtedness*—(a) *Definition.* The term "Supplement U lease indebtedness" means, with respect to any real property leased by a tax-exempt organization for a term of more than 5 years, the unpaid amount of:

(1) The indebtedness incurred by the lessor tax-exempt organization in acquiring or improving such property;

(2) The indebtedness incurred by the lessor tax-exempt organization prior to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement; and

(3) The indebtedness incurred by the lessor tax-exempt organization subsequent to the acquisition or improvement of such property if such indebtedness would not have been incurred but for such acquisition or improvement and the incurrence of the indebtedness was reasonably foreseeable at the time of such acquisition or improvement.

See paragraph (f) of this section with respect to subsidiary corporations.

(b) *Examples.* The rules of paragraph (a) of this section, respecting Supplement U leases also cover certain cases where the leased property itself is not subject to an indebtedness. For example, they apply to cases such as the following:

Example (1). A university pledges some of its investment securities with a bank for a loan and uses the proceeds of such loan to purchase (either directly or through a subsidiary corporation) a building, which building is subject to a lease that then has more than 5 years to run. This would be an example of a Supplement U lease indebtedness incurred prior to the acquisition of the property which would not have been incurred but for such acquisition.

Example (2). If the building itself in example (1), above, is later mortgaged to raise funds to release the pledged securities, the lease would continue to be a Supplement U lease.

Example (3). If a scientific organization mortgages its laboratory building to replace working capital used in remodeling another one of its buildings or a building held by its subsidiary corporation, which other building is free of indebtedness and is subject to a lease that then has more than 5 years to run, the lease would be a Supplement U lease inasmuch as the indebtedness though incurred subsequent to the improvement of such property would not have been incurred but for such improvement, and the incurrence of the indebtedness was reasonably foreseeable when, to make such improvement, the organization reduced its working capital below the amount necessary to continue current operations.

(c) *Lease of part of property.* Where only a portion of the real property is subject to a Supplement U lease, proper allocation of the indebtedness applicable to the whole property must be made to the premises covered by the lease.

(d) *Property acquired subject to lien.* Where real property is acquired subject to a mortgage or similar lien, whether the acquisition be by gift, bequest, devise, or purchase, the amount of the indebtedness secured by such mortgage or lien is a Supplement U lease indebtedness (unless paragraph (e) (1) of this section applies) even though the lessor does not assume or agree to pay the indebtedness. For example, a university pays $100,000 for real estate valued at $300,000 and subject to a $200,000 mortgage. For the purpose of the Supplement U tax, the result is the same as if $200,000 of borrowed funds had been used to buy the property.

(e) *Exceptions.* (1) Where real property was acquired by gift, bequest, or devise, prior to July 1, 1950, subject to a mortgage or other similar lien, the amount of such mortgage or other similar lien shall not be considered as an indebtedness of the lessor tax-exempt organization incurred in acquiring such property. An indebtedness not otherwise covered by this exception is not brought within the exception by reason of a transfer of the property between a parent and its subsidiary corporation.

(2) Where real property was acquired by gift, bequest, or devise, prior to July 1, 1950, subject to a lease requiring improvements in such property upon the happening of stated contingencies, indebtedness incurred in improving such property in accordance with the terms of such lease shall not be considered as indebtedness described in section 423 (b) and in this section. An indebtedness not otherwise covered by this exception is not brought within the exception by reason of a transfer of the property between a parent and its subsidiary corporation.

(3) In the case of a corporation described in section 101 (14), all of the stock of which was acquired prior to July 1, 1950, by an organization described in paragraph (1), (6), or (7), of section 101 (and more than one-third of such stock was acquired by such organization by gift or bequest), any indebtedness incurred by such corporation prior to July 1, 1950, and any indebtedness incurred by such corporation on or after such date in improving real property in accordance with the terms of a lease entered into prior to such date, with respect to either such section 101 (14) corporation or such section 101 (1), (6), or (7) organization, shall not be considered an indebtedness described in section 423 (b) and in this section.

(f) *Subsidiary corporations.* The provisions of section 423 are applicable whether or not a subsidiary corporation of the type exempt under section 101 (14) is availed of in making the Supplement U lease. For example, assume a parent organization borrows funds to purchase realty and sets up a separate section 101 (14) corporation as a subsidiary to hold the property. Such subsidiary corporation leases the property for a period of more than 5 years, collects the rents and pays over all of the income, less expenses, to the parent organization, the parent organization being liable for the indebtedness. Under these assumed facts, the lease by the section 101 (14) subsidiary corporation would be a Supplement U lease with respect to such subsidiary corporation, and the rental income would be subject to the tax, whether or not the subsidiary itself assumes the indebtedness and whether or not the property is subject to the indebtedness.

§ 29.423–3 *Treatment of rent from Supplement U lease*—(a) *General rule.* There shall be included with respect to each Supplement U lease, as an item of gross income derived from an unrelated trade or business, an amount which is the same percentage (but not in excess of 100 percent) of the total rents derived during the taxable year under such lease as:

(1) The amount of the Supplement U lease indebtedness at the close of the taxable year of the lessor tax-exempt organization, with respect to the premises covered by such lease, is of

(2) The adjusted basis of such premises at the close of such taxable year.

The basis (unadjusted) of property is determined under section 113 (a), and the adjusted basis of property is determined under section 113 (b). The determination of the adjusted basis of property is not affected by the fact that the organization was exempt from tax for prior taxable years. Proper adjustment must be made under section 113 (b) for the entire period since the acquisition of the property. Thus, adjustment must be made for depreciation for all prior taxable years whether or not the organization was exempt from tax for any of such years. Similarly, for taxable years during which the organization is subject to Supplement U, the fact that only a portion of the deduction for depreciation is taken into account under section 423 (d) does not affect the amount of the adjustment for depreciation.

(b) *Examples.* In each of the following examples it is assumed that the taxpayer makes its returns under Supplement U on the basis of the calendar year, and that the lease is not substantially related to the purpose for which the organization is granted exemption from tax.

Example (1). Assume that a tax-exempt educational organization purchased property in 1941 for $600,000, using borrowed funds, and leased the building for a period of 20 years. Assume further that the adjusted basis of such building at the close of 1951 is $500,000. If, at the close of 1951, $200,000 of the indebtedness incurred to acquire the property remains outstanding, since this is two-fifths of the adjusted basis of the building at the close of 1951, two-fifths of the

gross rental received from the building during 1951 shall be included as an item of gross income in computing unrelated business net income. If, at the close of a subsequent taxable year, the outstanding indebtedness is $100,000 and the adjusted basis of the building is $400,000, one-fourth of the gross rental for such taxable year shall be included as an item of gross income in computing unrelated business net income for such taxable year.

Example (2). Assume that a tax-exempt organization owns a 4-story building, that in 1951 it borrows $100,000 which it uses to improve the whole building, and that it thereafter in 1951 rents the first floor of the building under a 6-year lease at a rental of $4,000 a year. The second, third, and fourth floors of the building are leased on a yearly basis during 1951. Assume, also, that the adjusted basis of the real property at the end of 1951 (after reflecting the expenditures for improving the building) is $200,000, allocable equally to each of the 4 stories. Under these facts, only one-fourth of the real property is subject to a Supplement U lease. The percentage of the rent under such lease which is taken into account is determined by the ratio which the allocable part of the Supplement U lease indebtedness bears to the allocable part of the adjusted basis of the real property, that is, the ratio which one-fourth of the $100,000 of Supplement U lease indebtedness outstanding at the close of 1951, or $25,000, bears to one-fourth of the adjusted basis of the Supplement U lease premises at the close of 1951, or $50,000. The percentage of rent which is Supplement U lease income for 1951 is, therefore, one-half (the ratio of $25,000 to $50,000) of $4,000, or $2,000, and this amount of $2,000 is considered an item of gross income derived from an unrelated trade or business.

§ 29.423–4 *Percentage of deductions taken into account.* (a) The same percentage is used in determining both the portion of the rent and the portion of the deductions taken into account with respect to the Supplement U lease in computing unrelated business net income. See § 29.423–3 for the determination of such percentage. Such percentage is applicable only to the sum of the following deductions allowable under section 23:

(1) Taxes and other expenses paid or accrued during the taxable year upon or with respect to the real property subject to the Supplement U lease;

(2) Interest paid or accrued during the taxable year on the Supplement U lease indebtedness;

(3) A reasonable allowance for exhaustion, wear and tear (including a reasonable allowance for obsolescence) of the real property subject to such lease.

Where only a portion of the real property is subject to the Supplement U lease, there shall be taken into account only those amounts of the above-listed deductions which are properly allocable to the premises covered by such lease.

(b) The deductions allowable under section 423 (d) and under paragraph (a) of this section with respect to a Supplement U lease are not limited by the amount included in gross income with respect to the rent from such lease, but any excess of such deductions over such gross income shall be applied against other items of gross income in computing unrelated business net income taxable under section 421 (a).

Example. Assume the same facts as those in example (1) of § 29.423–3 (b). Assume also that for 1951 the organization pays taxes of $4,000 on the property, interest of $6,000 on its Supplement U lease indebtedness, and that the depreciation allowable for 1951 under section 23 (1) is $10,000. Under the facts set forth in example (1) of § 29.423–3 (b) and in the preceding sentence, the deductions to be taken into account for 1951 in computing unrelated business net income would be two-fifths of the total of the deductions of $20,000, that is, $8,000.

SEC. 424. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF THE UNITED STATES (APPLICABLE TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1950—AS ADDED BY SECTION 301, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amount of income, war-profits, and excess-profits taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax of an organization subject to the tax imposed by section 421 (a) to the extent provided in section 131; and in the case of the tax imposed by section 421 (a), the term "normal-tax net income" and the term "net income" as used in section 131 shall be read as "supplement U net income".

PAR. 18. The statement of procedure contained in F. R. Doc. 46–15357, appearing at page 177A–22, Part II, section 1, of the issue for September 11, 1946, as amended (26 CFR, Part 601; 14 F. R. 2063, 15 F. R. 6888), is hereby further amended by changing the part of § 601.17 *Forms*, paragraph (a) *Description*, relating to Form 990 to read as follows:

Form 990. Information return of organizations exempt from income tax (other than under sec. 101 (6), I. R. C., for accounting periods beginning after December 31, 1949).

Form 990–A. Information return of certain organizations exempt from income tax under sec. 101 (6), I. R. C., to be used for accounting periods beginning after December 31, 1949.

Form 990–T. Exempt organization business income tax return, to be filed by organizations subject to tax under Supplement U of chapter 1, I. R. C.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: August 28, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–9604; Filed, Sept. 2, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 149, Amdt. 1]

CPR 149—SOUTHERN YELLOW PINE LUMBER

EXEMPTION OF CERTAIN SALES OF UNGRADED ROUGH SOUTHERN YELLOW PINE LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 149 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 149 exempts from the ceiling price restrictions of this and other regulations all sales of ungraded rough Southern Yellow Pine lumber by the original producer to a sawmill, planing mill or concentration yard which buys such lumber to dry, or dress, or sort it for size, and to grade and thereafter sell it under the provisions of Ceiling Price Regulation 149. All other sales of Southern Yellow Pine lumber by original producers remain subject to all provisions of Ceiling Price Regulation 149.

Sales covered by this amendment are removed from the invoicing provisions of OPS regulations, but remain subject to a modified form of the record-keeping provisions of this regulation.

CPR 149 does not establish a ceiling price for ungraded rough lumber. Such a provision was omitted because of the difficulty of determining a ceiling that would be generally fair and equitable to the industry. The difficulty arises from the great variation in the quality of rough lumber cut by thousands of small mills. These variations in quality create wide dispersion of prices of ungraded rough lumber, even in normal times. It was recognized by the Director of Price Stabilization that the omission of ceiling prices for ungraded rough lumber in CPR 149 would require a change in business practice for those mills that customarily sold on a mill-run or ungraded basis. These mills would be required to sell their rough lumber as graded or partially graded, and it did not appear to OPS or to the Industry Advisory Committee that this change of industry practice would be burdensome. In view of the administrative difficulties that are being encountered and the complaints received by OPS, however, it appears necessary to conform the regulation to trade practices.

By exempting from the CPR 149 ceilings certain sales of ungraded rough lumber by the original producers to sawmills, planning mills, or concentration yards, the price of such lumber will be left open to negotiation between buyer and seller. In such transactions, the buyer is necessarily limited as to what he can pay by the controlled prices under which he must resell the lumber when it has been graded or remanufactured. No over all increase in the level of prices is anticipated under this amendment because when resold the lumber remains subject to the ceiling prices established by CPR 149.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 149 is hereby amended in the following respects:

1. The heading of Article III is changed to read as follows: Article III—Grade Terms and Grading, Optional Methods of Selling Rough Lumber, Pricing Rules, and Exempt Sales.

2. A new section, 3.4, is added to Article III immediately following section 3.3, to read as follows:

SEC. 3.4 *Exemption of certain sales of ungraded rough Southern Yellow Pine lumber.* Notwithstanding any other provision of this regulation, all sales of ungraded rough Southern Yellow Pine lumber by the original manufacturer (producer) to a sawmill, planing mill or concentration yard which buys such lumber to dry, or dress, or sort it for size, and to grade and thereafter sell it under the provisions of Ceiling Price Regulation 149 are exempted from the ceiling price restrictions and invoicing provisions of this and any other ceiling price regulation. Such sales of ungraded rough lumber shall remain, however, subject to the record-keeping provisions of section 9.1 of this regulation, except that the records of such sales need not comply with the provisions of section 9.1 (a) (5).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 149 is effective August 29, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52–9652; Filed, Aug. 29, 1952; 4:06 p. m.]

[General Ceiling Price Regulation, Amdt. 4 to Supplementary Regulation 11, Revision 2]

GCPR, SR 11—SOFT SURFACE FLOOR COVERINGS

SUSPENSION OF PRICE CONTROL ON FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 11, Revision 2 to General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends price controls on floor coverings covered by Supplementary Regulation 11, Revision 2, to the General Ceiling Price Regulation. The reasons for this action are set forth in the Statement of Considerations to an amendment being made concurrently in GOR 5, Exemptions and Suspensions of Certain Durable Goods and Related Items, suspending controls over these floor coverings at all levels of distribution.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Ceiling Price Regulation, Supplementary Regulation 11, Revision 2, as amended, is hereby amended by adding a new section, to follow section 13 and be numbered section 14, to read as follows:

SEC. 14. *Suspension of price controls on floor coverings.* (a) All provisions of this regulation are suspended on and after August 29, 1952. This suspension will continue until the Director of Price Stabilization terminates or modifies it. The suspension of this regulation does not operate to place the floor coverings affected under any other ceiling price regulation.

(b) You must, however, continue to comply with the record-keeping requirements of General Ceiling Price Regulation, section 16, as to all records you were required to have on August 28, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52–9661; Filed, Aug. 29, 1952; 4:08 p. m.]

[General Overriding Regulation 5, Revision 1]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of General Overriding Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 5 is an across-the-board regulation intended to exempt certain consumer durable goods and related commodities from price control. Most of the commodities thus exempted have been removed from price control because they are insignificant in the cost of living, in business costs, or in the cost of the defense effort, their prices have little or no effect upon the price ceilings of other commodities which are important to such costs, and because retaining them under control would have involved administrative burdens out of proportion to their importance. More detailed statements of the reasons for exempting the particular commodities previously exempted may be found in the Statements of Considerations accompanying the original regulation and its amendments.

These exemptions are continued in Article II of this revised GOR 5. In addition, Article III is now added and will be used to suspend the application of all ceiling price regulations to sales of specified commodities. The addition of Article III to GOR 5 makes it a suitable vehicle for carrying out the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director of Price Stabilization, price controls with respect to the sales of the commodities whose ceiling prices are suspended by this revision are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

Since GOR 5 affects the commodities covered by it at all levels, it has seemed desirable to conform it in format to the extent possible with CPR 7, Retail Ceiling Prices for Certain Consumer Goods. To do this the listing of the items already in GOR 5 has been revised to conform more closely with the categories listed in the appendix to CPR 7. This, however, is a change only in form and not in substance. No new items are decontrolled by this revision.

Sections 100 and 101 which are the first sections in the new Article III suspend price controls over cotton linters.

Cotton linters are the residual fibers removed from cottonseed in the oil mills. It is estimated that 1,226,000 bales of linters valued at $116,000,000 were produced by the 350 cottonseed oil mills in operation in the United States during the 1950–51 season. Linters fall into two general types, felting linters used in making cotton felt and wadding, and chemical linters which are used in the preparation of cellulose for use in plastics, rayon, and explosives, as well as many other products.

Current ceiling prices established under the General Ceiling Price Regulation, are 152 percent above the June 1950 level. In March 1951 the market broke and prices declined steadily until August 1951. From that date until the present, prices have continued steady with very little fluctuation. On June 24, 1952, average prices of both felting and chemical linters were more than 50 percent below GCPR ceilings, and were slightly below the support prices set for this product under the 1951 Cottonseed Price Support Program formulated by the Commodity Credit Corporation and the Production and Marketing Administration of the U. S. Department of Agriculture. It is probable that prices would have gone lower if the support program had not been in effect.

This downward movement in prices in the latter part of 1950–51 crop year took place in spite of the fact that a short cotton crop reduced the year-end carryover of linters from 452,000 bales on August 1, 1950, to 265,000 bales on August 1, 1951. The large cotton crop in the 1951–52 season, coupled with a decline of 18 percent in the domestic consumption of felting grades of linters will result in a carryover on August 1, 1952 considerably greater than the preceding year. In view of the estimates of cotton acreage in cultivation on July 1, 1952,

the declining exports of cotton linters, and the reduced consumption of chemical linters by the rayon industry, it is expected that adequate supplies of linters will be available for consumption needs in the 1952–53 season.

Accordingly, in the absence of radical changes in the international situation or in the size of the 1952–53 cotton crop, it is anticipated that cotton linters will not approach their GCPR prices during the next season.

Price support of linters in the 1952–53 season by the Commodity Credit Corporation will be at the same levels as for the past season.

For the foregoing reasons, in the judgment of the Director, price controls on cotton linters are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. In accordance with section 412 of the Defense Production Act, as amended, the Director may, at any time, terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, the suspension will be terminated if the "Weekly Cotton Linters Review" by the U. S. Department of Agriculture reports that the current price for No. 2 linters has reached 19.5 cents per pound or that the current price for No. 6 linters has reached 11.5 cents per pound. These are roughly two weeks' maximum movement below the GCPR ceilings of 25.25 and 15 percent respectively.

All records which were required to be prepared and preserved under applicable ceiling price regulations in effect before this suspension must continue to be preserved.

As cotton linters do not fall in the category of consumer durable goods but are only used in the manufacture of certain consumer durable goods, the title of this revised CPR 5 is modified so as to cover consumer durable goods and related commodities.

In the formulation of this revised regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this revised regulation does.

ARTICLE II—EXEMPTIONS

2. Exemptions.
3. Infants novelties.
4. Household furniture.
5. Floor coverings.
6. Musical instruments.
7. General housewares.
8. Hair goods.
9. Buttons and buckles.
10. Notions and novelties.
11. Sporting goods.
12. Silverware, china, and glassware.
13. Jewelry and precious stones.
14. Christmas home decorations.
15. Equipment and supplies.
16. Pet supplies.
17. Smoker's items.
18. Miscellaneous.

ARTICLE III—SUSPENSIONS

Sec.
100. Suspensions.
101. Cotton linters.

AUTHORITY: Sections 1 to 101 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this revised regulation does.* The sections contained in Article II of this revised regulation exempt from any ceiling price regulation all sales of the commodities listed therein. The sections contained in Article III suspend the application of any ceiling price regulation, except for certain record keeping requirements, to all sales of the commodities listed therein.

ARTICLE II—EXEMPTIONS

SEC. 2. *Exceptions.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities listed in this article.

SEC. 3. *Infants' novelties.* The following infants' novelties: Self-feeding baby bottle holders.

SEC. 4. *Household furniture.* The following items of household furniture:

(a) Custom built household furniture. This exemption, however, does not apply to:

(1) Any sales of more than twelve dining chairs to a single purchaser.

(2) Any sale, other than dining chairs, or more than two articles of the same specifications to a single purchaser.

(3) More than two sales of articles, sets or suites of the same specifications. For the purpose of this exemption a change in the cover material or finish or an article of household furniture or any minor change shall not be considered as a change in specifications, or as constituting that article a custom built article.

(b) Hand decorated articles of furniture rebuilt from substantially different articles of used furniture.

(c) Spinning wheels.

(d) Custom made picture frames, when no more than four frames are made to the same specifications for any one customer.

(e) Hand painted pictures.

SEC. 5. *Floor coverings.* The following floor coverings: Hand-woven, imported Oriental rugs.

SEC. 6. *Musical instruments.* The following musical instruments: Custom built pipe organs. A custom built pipe organ is one designed, manufactured, assembled and installed specially upon the order and to meet the specifications of a particular purchaser. Such design, manufacture, assembly, and installation must be made with reference to the architecture and structure of the building in which installation is intended and will generally require structural and acoustical studies and general consideration of all architectural features so that the pipe organs when installed will function satisfactorily in accordance with the purchaser's specifications and as an integral part of the building.

SEC. 7. *General housewares.* The following general housewares:

Household hand bells and hand chimes.
Coffee and pepper grinders (household, hand operated).
Toothpicks.
Novelty glass ice cubes for chilling food and beverages without diluting.
Cork stoppers.

SEC. 8. *Hair goods.* The following hair goods:

Comb cleaners (household).
Hair rolls and wood hair curlers.
Wigs and toupees.

SEC. 9. *Buttons and buckles.* The following staple and novelties buttons and buckles:

Nonmetallic buttons for apparel.

SEC. 10. *Notions and novelties.* The following notions and novelties:

Comforter grippers.
Wood carved figures and animals.
Hand-made candles.
Hand fans.
Pin cushions.
Shoe horns.
Cork wire swabs.
Incense burners.
Place card holders.
Reading racks, except metal.
Party novelties made in part of candy or nuts.
Advertising novelties (such as pens, pencils, tooth picks, knives, cigarette lighters, leather back calendar pads, writing kits, playing cards) which are sold by a manufacturer to an advertiser who gives them away for purposes of publicity without cost to the recipient. These articles must be imprinted with the name of the advertiser or the name of the recipient before delivery by the manufacturer.
Figurines and ornamental statuary designed solely for ornamental use, but not including articles which may be used for any other purpose.
Novelty wall plaques, wall masks, and wall decorations designed solely for ornamental use, but not including framed pictures, or articles which may be used for any purpose other than ornamentation.
Minature size novelties made of glass, china, wood, plaster, etc., which have no tableware use and are made for collectors' purposes only, including miniature size decorative glass bottles other than perfume bottles.
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings, gourds and sea shells for decorative household use or for collectors' purpose.

SEC. 11. *Sporting goods.* The following sporting goods:

Bowling pins.
Clay targets used in artificial shooting.
Traps for clay target shooting.

SEC. 12. *Silverware, china and glassware.* The following silverware, china and glassware:

Ceramic decorative tiles for use as table ornaments.
Hand-decorated, used bottles.

SEC. 13. *Jewelry and precious stones.* The following jewelry and precious stones:

"Precious stones" and "precious jewelry". "Precious stone" means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone or any cultured pearl or group of cultured pearls (combined in a single article, when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined in the preceding sentence when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.
Costume jewelry made from sea shells or from nuts, seeds, pods or other natural vegetable products.

SEC. 14. *Christmas home decorations.* The following Christmas home decorations:

Christmas decorations made of natural vegetable products, cones, berries, pods, leaves, etc.
Christmas tree holders.

SEC. 15. *Equipment and supplies.* The following equipment and supplies:

Sphygmo-oscillometers. Devices for measuring blood pressure and patency of arteries, known as sphygmo-oscillometers.
Three dimensional sculptured, case or carved anatomical models (human, botanical, zoological) used for educational purposes.
Wire forms for floral wreaths and wire easels for floral displays.
Geographical and live or preserved biological material (human, botanical and zoological) used exclusively for educational purposes, including microscopic slides prepared with such material.

SEC. 16. *Pet supplies.* The following pet supplies:

Bird cages.
Bird cage stands.
Bird houses.
Dog and cat beds, cushions, mattresses and diners.
Dog license tags.
Pet toys.

SEC. 17. *Smoker's items.* The following smoker's items:

Cigarette rolling machines for home use.
Novelty wood cigarette boxes, when sold separately and not as a part of a set.

SEC. 18. *Miscellaneous.* The following miscellaneous items:

Sun dials.
Artificial or non-edible preserved grass, plants, stems, vines, fruits, flowers, leaves and foods.
Finished film strips and finished projection slides.
Figure ballons for advertising, display, publicity and similar purposes.
Non-electronic devices sold for the aid of hearing.

ARTICLE III—SUSPENSIONS

SEC. 100. *Suspensions.* The application of any ceiling price regulation heretofore or hereafter issued to sales of the commodities listed in this article shall be suspended until further notice by the Director of Price Stabilization. However, any record relating to a commodity as to which price control is suspended which you were required to have on the day of such suspension shall continue to be preserved and made available for examination by the Office of Price Stabilization for whatever period the regulation requiring you to have such record stipulated.

SEC. 101. *Cotton linters.* Cotton linters.

Effective date. This revised regulation is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9653; Filed, Aug. 29, 1952; 4:07 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 1]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

SUSPENSION OF RADIO AND TELEVISION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 5, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5, Revision 1 extends the coverage of Article III to suspend controls at all levels of distribution on the following additional commodities: Radios, radio-phonograph combinations, television receivers, television combinations, television antennae, boosters, accessories, record player attachments and phonographs.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

Examination of the current selling prices and of the price movement of these commodities indicate that in general current selling prices are below the peak prices of January 1951, which in turn were lower than those in effect in June 1950. A composite weighted average wholesale price index of radio and television sets based on Bureau of Labor Statistics figures shows a decline from 100 in June, 1950 to 96.1 by January 1951 and 89.8 in June 1952. Since under CPR 22 and CPR 30 manufacturers could elect to use their highest selling prices in effect in the April 1–June 24, 1950, period as ceiling prices, it appears that the current selling prices average 10.2 percent below the ceiling prices which manufacturers have or may elect to establish. Retail prices have declined to an even greater extent.

Information available on television and radio parts indicates that their price behavior has closely followed that of radio receivers.

The information available on phonographs and the other commodities covered by this amendment other than radio and television sets, indicates that although they do not reflect price decreases of the same magnitude as radio and television, their prices have remained at the same level for the past 15 to 18 months. This area constitutes less than 3 percent of the radio and television industry and shows no indication of price increases out of proportion to the rest of the industry.

At present supply and demand of the commodities included in this action appear, in general, to be reasonably in balance. Current inventories are believed to be adequate to meet any foreseeable increase in demand. In addition, sufficient capacity and material is available to expand production above the levels currently programmed. Thus, there is no likelihood of rapid or significant rises in prices in the foreseeable future.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interests of the stabilization program. In any event, the suspension will be terminated on the basis of the criteria described below.

The Office of Price Stabilization will construct a composite wholesale price index for radio and television receivers weighted in proportion to their respective sales volume based on price information to be supplied by the industry.

Suspension on all items covered by this amendment will be terminated when the composite price index for radio and television receivers reaches 97 percent of the January 1951 level. Based on current prices, the index would have to rise 3.8 percent to reach the point for termination of suspension. Special attention will be given to table model radios because their prices have been somewhat firmer than prices for other products of this industry.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended by adding new sections 102 through 104 to read as follows:

SEC. 102 *Radios.*

Radio receivers.
Radio-phonograph combinations.
Parts of the foregoing, including radio cabinets and parts thereof.

SEC. 103 *Television sets and television accessories.*

Television receivers.
Television combinations, including combinations with radio or phonograph or both.
Television antennae, boosters, accessories.
Parts of the foregoing, including television cabinets and parts thereof.

SEC. 104. *Phonographs, recorders and related commodities.*

Record player attachments.
Phonographs.
Magnetic recorders, tape or wire (not including office equipment).
Tape and wire for magnetic recording.
Parts of the foregoing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9654; Filed, Aug. 29, 1952; 4:07 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 2]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

SUSPENSION OF WOOL AND WOVEN FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5, Revision 1, suspends controls at all levels of distribution for all soft surface floor coverings made entirely of wool or falling within the categories of chenille, wilton, velvet, axminster, and punched felt. These are the same floor coverings as are now covered at the manufacturer's level by Supplementary Regulation 11 to the General Ceiling Price Regulation.

This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceiling prices and are not expected to reach ceiling prices in the forseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

The General Ceiling Price Regulation established ceiling prices for soft surface floor coverings upon the basis of prices in effect between December 19, 1950 and January 25, 1951. Because of the sharp increase in carpet wool prices, new ceiling prices were established for manufacturers for woven soft surface floor coverings at a level 15 percent higher than their highest selling prices between December 19, 1950, and January 15, 1951. This was accomplished by SR–11 to the GCPR, effective on March 13, 1951. On December 19, 1951, because of the drop in carpet wool prices below their pre-Korean level, ceiling prices were reduced by withdrawing the increase of 15 percent previously granted. At the retail level, CPR–7 replaced the General Ceiling Price Regulation.

According to the best available information, manufacturers' prices of the woven floor coverings covered by SR–11 to the GCPR have dropped over 30 percent from their peak of April and May 1951. They are currently about 23 percent below ceiling. At retail, the two types of woven floor coverings on which the Bureau of Labor Statistics collects retail price data, are more than 15 percent below their peak of June 1951.

The price softness is caused by declines in the prices of raw materials, a shift to substitute materials for imported carpet wool and consumer resistance to high prices of soft surface floor coverings. The decline in the price of imported carpet wool may be illustrated by a typical grade of India carpet wool, the price of which climbed from $0.946 per pound in bond clean basis in May of 1950, to $2.225 in March of 1951, and then dropped to $0.628 in May of 1952. The July 1952 level was $0.738. The shift from the use of imported carpet wools to the use of rayon was marked. In 1949, the industry used only 2,700,000 pounds of carpet rayon; in 1951, it used 31,600,000 pounds. The price of rayon remained relatively steady.

Soft market conditions have been reflected in all available data on production and sales of soft surface floor coverings. Production has dropped from 7 million square yards in May 1950 to 5 million in May 1952. Manufacturers' inventories were 13.4 million square yards in May 1952, or substantially more than 2 months' current production.

Although a general increase in the price of woven floor coverings has been announced by some manufacturers as the result of recent wage increases and relatively minor increases in the cost of carpet wool, selling prices are still far below ceiling prices and are not expected to approach the ceiling level within the foreseeable future.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interests of the stabilization program. Similarly, the Director may terminate this suspension in case of significant price increase of important raw materials, such as carpet wool, or rayon and cotton carpet yarns. In any event, the suspension will be terminated on the basis of the criteria described below.

The Office of Price Stabilization will compile a monthly index of manufacturers' prices of woven floor coverings. If the price level of January 1951 is taken as 100, the index for June 1952 was 77. The announced increases are expected to bring the index to about 81. The suspension on all items covered by this amendment will be terminated when this index reaches the figure of 88.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended by adding a new section to read as follows:

SEC. 105. *Floor coverings.* The following floor coverings: Soft surface floor coverings made entirely of wool or falling within the categories of chenille, wilton, velvet, axminster, and punched felt.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9655; Filed, Aug. 29, 1952; 4:07 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 3]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

SUSPENSION OF BEDDING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 5, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5, Revision 1, extends the coverage of Article III to suspend controls at all levels of distribution on the following additional commodities: Upholstered dual purpose sleeping equipment such as sofa-beds, and studio-couches, metal beds, bedding, and bed pillows.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

Current selling prices of these commodities are substantially below the peak prices of January 1951. A composite weighted average wholesale index using Bureau of Labor Statistics figures on innerspring mattresses, coil bedsprings, metal beds, and sofa beds, which comprise the bulk of the production in the bedding and related industries covered by this amendment shows a decline of 6.7 percent from 121.7 in January 1951 to 113.5 in July 1952. Innerspring mattresses declined 8.6 percent, coil bedsprings declined 3.3 percent, metal beds declined 7.8 percent, and sofa beds declined 1.6 percent. The decline from ceiling prices is even greater. Most manufacturers of these products are under the General Ceiling Price Regulation, but have the option of establishing ceiling prices under Ceiling Price Regulation 22 which, generally, would yield higher prices. However, the selling prices never exceeded the GCPR levels and have subsequently declined. Retail prices have declined at least to the same extent.

Studies made by the Office of Price Stabilization indicate that bedding manufacturers have no backlog of unfilled orders, that unit volume of sales has fallen from that of 1951 and that the prices of most raw materials used in bedding have stabilized below the levels existing at the time of the issuance of the GCPR. There are no indications of increases in the foreseeable future which would raise prices to the level where recontrol would be necessary.

In order to keep informed of the trend of prices, a composite index will be maintained of the prices of the principal products of the bedding and related industries based on data to be supplied by manufacturers. A separate index will be maintained of the prices of dual purpose sleeping equipment alone. In both indices the present ceiling price level will be taken as 100.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interests of the stabilization program. In any event this suspension will be terminated if the composite index reaches the figure of 97. This index is now approximately 93. Suspension on dual purpose sleeping equipment will also be terminated if the separate index of this group of commodities reaches 97. This separate index is now approximately 94.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended by adding the following new sections 106–109:

SEC. 106. *Upholstered dual purpose sleeping equipment.* All upholstered dual purpose sleeping equipment, including upholstered sofa-beds, single and double studio couches, and, if they open into beds, love seats, chairs, and davenports.

SEC. 107. *Metal beds.* Individual metal beds.

SEC. 108. *Bedding.*

Mattresses, including rubber mattresses.
Bed springs.
Box springs.
Mattress pads.
Headboards.
Cots, wood and metal, including bunks.

SEC. 109. *Bed pillows.* All bed pillows.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9656; Filed, Aug. 29, 1952; 4:07 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 4]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

In line with the need for focusing the interests and energies of the Office of Price Stabilization on the major areas of commodities and services affecting the cost of living and business costs, this amendment to GOR 5, Rev. 1, decontrols various commodities which do not enter significantly into the cost of living of the average American family or into business costs and the continued control of which involves difficulties either for this agency or the sellers of these commodities which are disproportionate in relationship to the value of such control to the stabilization program.

Included in this amendment are sterling silverware, sterling hollowware, and jewelry. While total dollar volume sales of all these commodities is substantial, they are luxury products which do not affect the cost of living of the average American family. The changing shifts in style in jewelry and the necessity arising therefrom of constantly establishing ceiling prices for new models and reporting thereon has made price control particularly burdensome to this industry. Decontrol of these luxury items will not affect the price control program and will be of substantial benefit to the sellers of these commodities.

All non-metallic buttons have already been decontrolled. Since these buttons constitute the largest portion of the button industry, continued control over buckles and the small balance of buttons not included within the previous exemption would create considerable administrative difficulties for the sellers of such buttons and buckles. Consequently, it has been decided to broaden the previous exemption and to decontrol all staple and novelty buttons and buckles.

For similar reasons, all Christmas home decorations are now decontrolled. All hand-made glassware has already been decontrolled. Many Christmas tree decorations are made of hand-made glassware. Also decontrolled are Christmas decorations made of natural vegetable products. To leave under control the small balance of Christmas home decorations not included within the two previous actions seems unnecessarily burdensome. Consequently, all Christmas home decorations are placed outside control.

Signs are decontrolled because of the tremendous administrative burden price control imposes on the industry. For some period of time the sign industry has been requesting decontrol of all signs. In the case of outdoor signs, a tremendous volume of business is represented by signs made to individual specifications. Establishing a ceiling price for each new sign under our regulations by relating the new sign to a base period sign imposes a tremendous accounting and clerical burden on the industry. Since for most businesses the purchase of a sign is a one-time occurrence the cost of a sign does not enter significantly into their cost of operation. In view, therefore, of the small effect which can be anticipated upon business costs if signs are decontrolled and the burden continued control represents, it has been decided to exempt all signs from further control. Display and display fixtures are so closely related to signs it has been thought desirable to give them parallel treatment.

Among the other commodities included within this amendment as meeting the criteria for decontrol are fireplace equipment, chalk, lead pencils, name plates, textile color cards not sold for resale, artists' supplies and ecclesiastical ware including statuary and church goods. The reasons for the action are self evident in the case of all these commodities.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 7 is amended to read as follows:

SEC. 7. *Housewares.* The following housewares:

Fireplace equipment. This includes among other things all portable mantles, portable artificial fireplaces, screens, andirons, pokers, fireplace shovels, and electric logs.
Household hand bells and hand chimes.
Coffee and pepper grinders (household, hand operated).
Toothpicks.
Novelty glass ice cubes for "chilling without diluting" food and beverages.
Cork stoppers.

2. Section 9 is amended to read as follows:

SEC. 9. *Staple and novelty buttons and buckles.* All buttons and buckles.

3. Section 12 is amended by adding the following unnumbered paragraphs at the end thereof:

Sterling flatware.
Sterling hollowware.

4. Section 13 is amended to read as follows:

SEC. 13. *Jewelry and precious stones.*

Jewelry: This includes all precious jewelry and precious metal jewelry, costume jewelry, jewelry mountings, wedding rings, religious jewelry, watch attachments, dresser sets and military sets, and men's jewelry. It also includes unfitted compacts, cigarette cases, and miscellaneous cases used as personal accessories such as cigar cases, match cases, pill boxes and snuff boxes. It does not include watches or old clocks. "Precious Jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined in the subparagraph immediately following when the value of the "precious stone" (or "precious stones") exceeds the value of the

total of the other component parts of the finished article.

Precious stones: "Precious stone" means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is $25.00 or more.

5. Section 14 is amended to read as follows:

SEC. 14. *Christmas home decorations.* All Christmas home decorations, including stands.

6. Section 15 is amended by adding the following unnumbered paragraphs at the end thereof:

Chalk.
Wood cased and paper wrapped pencils.
Signs and advertising displays.
Name plates.
Textile color cards, not sold for resale.
Artists' supplies.

7. Section 18 is amended by adding the following unnumbered paragraph at the end thereof:

Ecclesiastical ware, including statutory and church goods.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 5, Revision 1, is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9657; Filed, Aug. 29, 1952; 4:07 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 5]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 5, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds vitrified chinaware and hand-made table, kitchen and art glassware manufactured in the United States, its territories and possessions, to the commodities exempted from price control by Article II, General Overriding Regulation 5, Revision 1.

These commodities, although not insignificant, are, when used for household purposes, minor luxury items for which there are available lower cost substitutes in good supply. Annual sales of each are less than 45 million dollars. Over the past several years both commodities have tended to lose their market and suffer a decline in sales volume; in one case to machine-made glassware and in the other to semi-vitreous and plastic dinnerware. Sales of hand-made glassware in 1950, for example, were 17 percent lower than sales in 1948, which may be contrasted with an increase of 13 percent in sales of machine-made glassware.

There is little likelihood that exemption would result in any significant changes in the price levels of these commodities. Further, these items are not significant in business costs, the cost of living, or the defense program. Exemption would not cause any diversion of manpower or materials from other uses, especially in view of the declining trends of production, increased inventories, and less expensive competitive products. Furthermore, the administrative burdens outweigh the benefits to the stabilization program from maintaining controls on these items.

In the opinion of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable requirements of that act. In view of the nature of this amendment the Director has not found it necessary or practicable to consult formally with industry representatives. In the formulation of this amendment, however, there has been consultation with industry representatives, including trade association representatives and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 12 of General Overriding Regulation 5, Revision 1, is amended by adding the following unnumbered paragraphs:

Nitrified chinaware manufactured in the United States, its Territories and Possessions.
Hand-made table, kitchen and art glassware and hand-made blanks for such glassware, manufactured in the United States, its Territories and Possessions. Glassware and blanks are "hand-made" if they are gathered from a furnace by hand and mouth-blown or hand-pressed.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to GOR 5, Revision 1, is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9658; Filed, Aug. 29, 1952; 4:08 p. m.]

[General Overriding Regulation 14, Amdt. 21]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

SUSPENSION OF RENOVATING AND REPAIRING BEDDING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 21 to General Overriding Regulation 14, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the list of services suspended from controls those services involved in the renovating and repairing of upholstered dual purpose sleeping equipment such as sofa beds and studio couches, metal beds, bedding, and bed pillows.

By Amendment 3 to General Overriding Regulation 5, which is being issued simultaneously with this amendment, controls on the sale of the foregoing commodities are suspended because their selling prices are substantially below ceilings and are not expected to reach ceilings in the foreseeable future. The reasons for that suspension action are more fully stated in the Statement of Considerations of Amendment 3 to GOR 5.

The service charges for renovating and repairing these products are generally also below ceilings. In general, a low level of selling prices of commodities has a depressing effect on the charges for services connected with the manufacture or processing of these commodities. As long as the prices of these commodities do not rise to any significant degree, resistance against increased charges for the services will continue. And since it is not anticipated that the prices of the commodities will reach ceilings in the foreseeable future, it appears that market forces will operate to prevent appreciable increases in the service charges as well.

Cleaning services, such as dry cleaning and laundering, are supplied by an independent industry from the one affected by this amendment and remain subject to price control.

In the judgment of the Director, the continuance of controls over the services suspended by this amendment is not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. Should sudden unwarranted increases result from this relaxation of control, this suspension may be terminated or modified at any time. In any event the Director of Price Stabilization will terminate this suspension if controls are reactivated over bedding.

In view of the nature of this action, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is amended by adding a new subparagraph (3) to paragraph (b) of section 4, to read as follows:

(3) Renovating and repairing of the following commodities:

Upholstered dual purpose sleeping equipment. All upholstered dual purpose sleeping equipment, including upholstered sofa-beds, single and double studio couches, and, if they open into beds, love seats, chairs, and davenports.

Metal beds. Individual metal beds.

Bedding. Mattresses, including rubber mattresses, bed springs, box springs, mattress pads, headboards, cots, wood and metal, including bunks.

Bed pillows. All bed pillows.

The foregoing services do not include mere cleaning, such as dry cleaning and laundering.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9659; Filed, Aug. 29, 1952; 4:08 p. m.]

[General Overriding Regulation 34]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation No. 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 34 is issued to provide a vehicle for exempting certain lumber, wood products, and connected services from price controls. All lumber items, wood products, and connected services totally exempted from price control will be included in this General Overriding Regulation. It is contemplated that OPS will publish a number of exemption actions pertaining to lumber, wood products, and connected services, and the issuance of this GOR at this time serves to establish a single document for the listing of such actions.

The present action specifically exempts from price control all softwood and hardwood logs and bolts, except excelsior bolts, produced in the United States east of the 100th meridian. Logs and bolts are tree segments suitable for manufacture into lumber, veneers, poles, piling, or other wood products, such as the turned and shaped wood products covered by Ceiling Price Regulation 95, shingles, staves, heading, turning squares, or small dimension. The action does not apply to sales of pulpwood, or chemical or extract wood.

There are several reasons for the present action. First, effective grading standards have not been developed east of the 100th meridian for logs or bolts. The absence of appropriate grading standards has made the establishment of tailored ceilings unfeasible and the enforcement of general ceilings most difficult. Complex factors affecting values have impeded the development of effective standards. These factors include the industry practice of selling logs and bolts on an unsorted or ungraded basis; the variable distribution and significance of detectable defects; size variations; and quality differences resulting from varying climatic and soil conditions. Moreover, even if appropriate grading rules of general applicability could be devised by OPS, it would take considerable time to achieve their proper use by the thousands of buyers and sellers concerned. Second, this action will not be inflationary, since log and bolt prices will be stabilized by ceilings in effect on products produced from them. Third, this exemption makes the treatment of the logs and bolts covered by this action consistent with the action taken in Supplementary Regulation 17 to the General Ceiling Price Regulation, whereby stumpage (standing timber) was exempted from price controls because the unique and complex character of the commodity made the administration of controls unfeasible.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the provisions of this General Overriding Regulation are generally fair and equitable and are consistent with the purposes of the Defense Production Act of 1950, as amended.

In formulating this General Overriding Regulation, the Director has consulted with representatives of industry and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this General Overriding Regulation does.
2. Exemptions.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this General Overriding Regulation does.* This General Overriding Regulation exempts from all price controls the lumber, wood products, and services specified in this regulation.

SEC. 2. *Exemptions.* No price regulation issued heretofore and no price regulation which may be issued in the future by the Office of Price Stabilization shall apply to sales of the following commodities or services:

(a) Logs or bolts, but not services connected therewith, produced in the United States east of the 100th Meridian and sold for manufacture into lumber, veneer, poles, piling, or other wood products such as the turned or shaped wood products covered by CPR 95, shingles, staves, heading, turning squares, or small dimension.

SEC. 3. *Definitions.* The terms used in this General Overriding Regulation shall be construed as follows:

(a) As used in paragraph (a) of section 2:

(1) "Log" or "bolt" means a tree segment suitable for manufacture into lumber, veneer, poles, piling, or other wood products such as the turned or shaped wood products covered by CPR 95, shingles, staves, heading, turning squares, or small dimension. These terms do not include pulpwood, excelsior bolts, or chemical or extract wood.

Effective date. This General Overriding Regulation is effective August 29, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9660; Filed, Aug. 29, 1952; 4:08 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 73 to Schedule A

[Rent Regulation 2, Amdt. 71 to Schedule A

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MONTANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 4, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Montana				
(175d) Deer Lodge County.	A	Deer Lodge County	Jan. 1, 1952	Sept. 4, 1952

[F. R. Doc. 52-9592; Filed, Sept. 2, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 80 to Schedule A]

[Rent Regulation 4, Amdt. 24 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MONTANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 4, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(175d) Deer Lodge County.	Montana....	Deer Lodge County.....	Jan. 1, 1952	Sept. 4, 1952

[F. R. Doc. 52-9593; Filed, Sept. 2, 1952; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

MISCELLANEOUS AMENDMENTS

1. Section 21.433 is revised to read as follows:

§ 21.433 *Payment to institutions.* The manager of a Veterans' Administration regional office is authorized to pay to the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training the proper charge for tuition and incidental fees or other allowable expense and for such books, supplies, and equipment issued to the trainee as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.449 and 21.539 for Part VII trainees and §§ 21.467 through 21.479, 21.484, 21.485, 21.493 through 21.495, 21.503 through 21.511, 21.516 through 21.519, 21.520, 21.530 through 21.532, 21.539, 21.540, 21.548, 21.549, and 21.557 through 21.559 for Part VIII trainees.

2. In § 21.446, the headnote and paragraph (d) are amended to read as follows:

§ 21.446 *Adjustment of tuition payments to nonprofit educational institutions (see limitations in § 21.479).* • • •

(d) *Additional facilities.* If the above information shows that the institution is exceeding its normal program as is evidenced by an increase in the enrollment over that for the school year 1939–40, and the institution is being required to furnish additional facilities, personnel, or supplies, which are required for veterans under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the manager of the Veterans' Administration regional office is authorized to contract for such additional facilities and to provide for payment of adjusted tuition on any one of the bases set forth in §§ 21.473, 21.474, and 21.475, except as provided in § 21.479, provided the basis selected has been approved for Part VIII trainees in that institution. Where there has not been an increase in enrollment over that for the school year 1939–40, the institution is not considered to be exceeding its normal program nor furnishing additional facilities, and there is no authority to provide for payment of adjusted tuition as set forth in §§ 21.473, 21.474, and 21.475.

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3. Section 21.473 is revised to read as follows:

§ 21.473 *Tuition on the basis of $15 a month, $45 a quarter, or $60 a semester.* Institutions which do not charge any tuition or whose "customary cost of tuition" is insufficient compensation to permit the furnishing of education and training for veterans, if they elect, may be paid in accordance with Veterans' Administration regulations as much as $15 a month, $45 a quarter, or $60 a semester for each veteran enrolled in a full-time course under Part VIII (or Part VII), Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), or the pro rata portion thereof for a part-time course: *Provided,* That the proper official requests such payment in accordance with the provisions of § 21.478. (See also § 21.479.) Institutions which are permitted to receive adjusted tuition payments on this basis may, in addition, be paid such customary fees and other charges as are set forth in § 21.471 (c).

4. In § 21.474, paragraph (a) is amended to read as follows:

§ 21.474 *Adjusted tuition on the basis of the nonresident tuition.* (a) Educational institutions which have nonresident tuition applicable to all nonresident students and whose "customary cost of tuition" is insufficient compensation to permit the institution to furnish education and training for veterans may, in accordance with the provisions of paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) apply to the Administrator for an adjustment of tuition, and the Administrator, if he finds that the customary tuition charges are insufficient to permit the institution to furnish education or training to eligible veterans or inadequate compensation therefor, may provide for the payment of such adjusted tuition as will not exceed the estimated cost of teaching personnel and supplies for instruction. Effective September 1, 1949, applications for adjustment of tuition on the nonresident tuition basis will be made by educational institutions in accordance with § 21.478. (See also §21.479.) If the application is approved by the Veterans' Administration and it is determined that such nonresident tuition rates are not in excess of the cost of teaching personnel and supplies for instruction, the Veterans' Administration will make payment of adjusted tuition on the basis of the approved nonresident tuition for each veteran enrolled in a full-time course under Part VIII, in an amount equivalent to such nonresident tuition or the pro rata portion thereof, for a veteran enrolled in a part-time course: *Provided,* That the charges are not in conflict with existing laws or other legal requirements. Institutions which are permitted to receive adjusted tuition payments on this basis may, in addition, be paid such customary fees and other charges as are set forth in § 21.471 (c). Where an institution requests and is permitted to charge adjusted tuition on the basis of the nonresident fee under this section for the ordinary school year, it may also charge adjusted tuition for a summer quarter or session equivalent to the customary nonresident fee charged for the summer session: *Provided,* That in no case will the payment of adjusted tuition based on the nonresident fee for a summer session exceed the pro rata portion of the nonresident fee for the ordinary school year that the length of the summer session or the normal number of hours of credit for the summer session bears to the length of the ordinary school year or the normal number of hours of credit for the ordinary school year as determined by the institution, whichever is the greater.

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5. Section 21.475 is revised to read as follows:

§ 21.475 *Adjusted tuition on basis of estimated cost of teaching personnel and supplies for instruction.* Where charges permitted under §§ 21.472, 21.473, or 21.474 are claimed by the institution to be insufficient compensation to permit the institution to furnish education or training to eligible veterans, the institution, upon proper application in accordance with § 21.478 (see § 21.479), may request and the manager is authorized to contract for the payment on the basis of the estimated cost of teaching personnel and supplies for instruction. Educational institutions which are permitted to receive adjusted tuition payments on the basis of the estimated cost of teaching personnel and supplies for instruction may, in addition, be paid such customary fees and other charges as are set forth in § 21.471 (c).

6. Section 21.477 is revised to read as follows:

§ 21.477 *Veterans' Administration consideration of request made by educational institution which has no customary fees but has an over-all customary tuition charge (see limitations in § 21.479).* Where an educational institution has no customary fees but has an over-all customary tuition charge for resident students which includes charges normally covered in other institutions by separate fee (not tuition) charges, the institution may request consideration of a further adjustment to compensate for that portion of the customary tuition which would be paid if the tuition and fee charges were separate. Such a request should be submitted with a full statement of the facts to the director, training facilities service, vocational rehabilitation and education, central office, Veterans' Administration, Washington 25, D. C., through the appropriate Veterans' Administration regional office. Upon consideration of all the necessary facts, the director, training facilities service, may find that a further adjustment of compensation is appropriate, and the regional office will be advised as to the amount of the adjusted compensation which may be authorized: *Provided however,* That the provisions of § 21.479 are for application.

7. In § 21.478, the headnote and paragraphs (c), (d), and (g) are amended to read as follows:

§ 21.478 *Request for adjusted tuition (see limitations in § 21.479).* • • •

(c) Where the educational institution applies for adjusted tuition on the basis of § 21.473 and it is determined to be eligible to receive adjusted compensation in accordance with Veterans' Administration regulations, the institution's application will be approved except as provided in § 21.479 if otherwise in order and the institution will be notified accordingly, since it has been determined administratively that the payment of other than customary tuition charges to nonprofit institutions on the basis of § 21.473 does not exceed the estimated cost of teaching personnel and supplies for instruction prescribed in paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 32).

(d) Where the adjustment in tuition is requested on the basis of the nonresident tuition, the institution will provide a certified statement of the nonresident tuition fee or fees which were in effect on June 22, 1944. Where such nonresident tuition fees in effect June 22, 1944, have not been increased more than 25 percent subsequent to June 22, 1944, it has been determined administratively that the payment of adjusted tuition on the basis of such nonresident tuition fees to a nonprofit institution generally does not exceed the estimated cost of teaching personnel and supplies for instruction. Educational institutions which are permitted to receive adjusted tuition payments on the basis of the estimated cost of teaching personnel and supplies for instruction may, in addition, be paid such customary fees and other charges as are set forth in § 21.471 (c).

6. Section 21.477 is revised to read as follows:

§ 21.477 *Veterans' Administration consideration of request made by educational institution which has no customary fees but has an over-all customary tuition charge (see limitations in § 21.479).* Where an educational institution has no customary fees but has an over-all customary tuition charge for resident students which includes charges normally covered in other institutions by separate fee (not tuition) charges, the institution may request consideration of a further adjustment to compensate for that portion of the customary tuition which would be paid if the tuition and fee charges were separate. Such a request should be submitted with a full statement of the facts to the director, training facilities service, vocational rehabilitation and education, central office, Veterans' Administration, Washington 25, D. C., through the appropriate Veterans' Administration regional office. Upon consideration of all the necessary facts, the director, training facilities service, may find that a further adjustment of compensation is appropriate, and the regional office will be advised as to the amount of the adjusted compensation which may be authorized: *Provided however,* That the provisions of § 21.479 are for application.

7. In § 21.478, the headnote and paragraphs (c), (d), and (g) are amended to read as follows:

§ 21.478 *Request for adjusted tuition (see limitations in § 21.479).* • • •

(c) Where the educational institution applies for adjusted tuition on the basis of § 21.473 and it is determined to be eligible to receive adjusted compensation in accordance with Veterans' Administration regulations, the institution's application will be approved except as provided in § 21.479 if otherwise in order and the institution will be notified accordingly, since it has been determined administratively that the payment of other than customary tuition charges to nonprofit institutions on the basis of § 21.473 does not exceed the estimated cost of teaching personnel and supplies for instruction prescribed in paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 32).

(d) Where the adjustment in tuition is requested on the basis of the nonresident tuition, the institution will provide a certified statement of the nonresident tuition fee or fees which were in effect on June 22, 1944. Where such nonresident tuition fees in effect June 22, 1944, have not been increased more than 25 percent subsequent to June 22, 1944, it has been determined administratively that the payment of adjusted tuition on the basis of such nonresident tuition fees to a nonprofit institution generally does not exceed the estimated cost of teaching personnel and supplies for instruction. Educational institutions which are permitted to receive adjusted tuition payments on the basis of the estimated cost of teaching personnel and supplies for instruction may, in addition, be paid such customary fees and other charges as are set forth in § 21.471 (c).

6. Section 21.477 is revised to read as follows:

§ 21.477 *Veterans' Administration consideration of request made by educational institution which has no customary fees but has an over-all customary tuition charge (see limitations in § 21.479).* Where an educational institution has no customary fees but has an over-all customary tuition charge for resident students which includes charges normally covered in other institutions by separate fee (not tuition) charges, the institution may request consideration of a further adjustment to compensate for that portion of the customary tuition which would be paid if the tuition and fee charges were separate. Such a request should be submitted with a full statement of the facts to the director, training facilities service, vocational rehabilitation and education, central office, Veterans' Administration, Washington 25, D. C., for review and decision as to whether such nonresident tuition fees may be accepted without further justification under the provisions of § 21.531. Where the nonresident tuition fee for any educational institution has been increased by more than 25 percent subsequent to June 22, 1944, or where the nonresident tuition fee has been established subsequent to June 22, 1944, or the charges are found excessive by the director, training facilities service, vocational rehabilitation and education, Veterans' Administration central office, the educational institutions affected will be notified to submit the necessary data for testing the nonresident tuition under the formula in § 21.531 to determine whether the tuition on the basis of teaching personnel and supplies for instruction equals or exceeds the nonresident tuition rate. Where such a nonresident tuition rate is tested and it is determined to be not in excess of the tuition rate under the formulary computation in § 21.531, the Veterans' Administration is authorized to pay such nonresident tuition rate, and the application of the institution for the nonresident tuition fee in such a case will be approved except as provided in § 21.479.

• • • • •

(g) Where the educational institution submits an application for adjusted compensation on the basis of § 21.475 and is determined to be eligible to receive such adjusted compensation in accordance with Veterans' Administration regulations, the institution's application will be approved if otherwise in order except as provided in § 21.479.

• • • • •

8. A new § 21.479 is added as follows:

§ 21.479 *Limitations on payment of adjusted compensation to nonprofit educational institutions.* (a) In view of the declining enrollment of veterans under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), a terminal arrangement for the payment of tuition on an adjusted basis to nonprofit educational institutions is considered necessary as provided in paragraphs (b) and (c) of this section.

(b) Those educational institutions which received adjusted tuition for veterans enrolled under Part VII, Veterans Regulation 1 (a), as amended (including veterans under Pub. Law 894, 81st Cong., as amended), for the school year 1951–1952, and which qualify under § 21.446 for adjusted tuition for the school year 1952–1953, will be given the option of (1) continuing to receive for the school year 1952–1953 (on the same basis and at the same rate), the adjusted tuition rate paid for the last quarter, term, or semester of the school year 1951–1952, or (2) in the case of institutions receiving payment on the basis of cost of teaching personnel and supplies, submitting cost data as provided in § 21.531 to determine a new adjusted tuition rate for the school year 1952–1953, including the summer session of 1953. Beginning with the school year 1953–1954, no adjusted tuition will be paid for disabled veterans enrolled in such institutions except where special services are required under Veterans' Administration regulations by reason of the veteran's disability.

(c) Effective with the beginning of the school year 1952–53, educational institutions which apply and are eligible for adjusted tuition payments in accordance with § 21.478 will be paid an adjusted tuition rate based at the option of the institution on either (1) the rate paid for the last quarter, term, or semester of the school year 1951–52, or (2) the credit hour rate determined applicable for the school year 1952–53, pursuant to § 21.531. Beginning with the school year 1953–54, there will be no further computation of adjusted tuition rates. Any educational institution which is eligible for adjusted tuition payments for Part VIII veterans and which applies for adjusted tuition payments for the school year 1953–54 and after, will be paid at the rates applicable to the school year 1952–53, and will not be required nor permitted to receive any other adjusted rate. It is administratively determined that such rate does not exceed the estimated cost of teaching personnel and supplies for instruction.

9. In § 21.531, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.531 *Adjustment of tuition on the basis of the cost of teaching personnel and supplies for instruction*—(a) *Basis for calculation.* Effective as of the date of its first contract required to be negotiated subsequent to May 5, 1950, an educational institution may elect any one of the three bases in subparagraphs (1), (2), and (3) of this paragraph for determining the estimated cost of teaching personnel and supplies for instruction except as provided in § 21.479. After selecting one of such bases, the educational institution will not be permitted to change the basis of computation from time to time but will be required to use the elected basis so long as it is entitled and permitted to receive adjusted compensation for training veterans under Public Law 346, 78th Congress, as amended.

• • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective September 3, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9607; Filed, Sept. 2, 1952; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 52-9506, appearing at page 7903 of the issue for Friday, August 29, 1952, the entries for Tennessee and Wisconsin in the table under § 6.4 (e) (6) should read as follows:

Tennessee.....	Nov. 17-Jan. 10....	
Wisconsin [1].....	Oct. 4-Nov. 27....	Oct. 4-Nov. 2

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—CHARLES SHELDON ANTELOPE RANGE, NEVADA

DEER HUNTING PERMITTED

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and the Nevada Fish and Game Commission, it has been determined that the deer population on certain portions of the Charles Sheldon Antelope Range is sufficient so that the periodic removal of a portion of the herd by controlled public hunting can be permitted. This action will not interfere with the primary purpose for which the range was established.

Since the following regulation is a relaxation of existing regulations applicable to the Charles Sheldon Antelope Range, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.46 is added:

§ 31.46 *Deer hunting permitted.* Until further notice, the controlled public hunting of deer in accordance with the provisions of §§ 31.43 to 31.45, inclusive, is permitted on that portion of the Charles Sheldon Antelope Range, situated east and south of the County road (State Highway 8A), otherwise known as the Vya-Denio Road, in accordance with State law and regulations, at such times and under such restrictions as the refuge officer in charge determines to be in accord with the proper management of wildlife on the refuge, based on investigations to be conducted annually. Special requirements and restrictions as may be issued by the Refuge Manager pursuant to this section shall be clearly indicated by posting and shall be available at the Range headquarters, and strict compliance therewith is required.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 26, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9577; Filed, Sept. 2, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 990]

[Docket No. AO-241]

HANDLING OF MILK IN NEW YORK-NEW JERSEY METROPOLITAN MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS

Pursuant to the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time heretofore fixed by me (September 15, 1952) within which interested persons may file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing held beginning on June 2, 1952 pursuant to notice thereof issued on May 6, 1952 (17 F. R. 4257, 4465), is hereby extended to October 15, 1952.

Filed at Washington, D. C., this 27th day of August 1952.

[SEAL] GLEN J. GIFFORD,
Presiding Officer.

[F. R. Doc. 52-9612; Filed, Sept. 2, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 473]

CHIEFS OF DIVISIONS AND CHIEFS OF SUBDIVISIONS OF DIVISIONS [1]

DELEGATIONS OF AUTHORITY

PART 1—AUTHORITY IN GENERAL

Sec.
1.1 Functions of chiefs of divisions and chiefs of subdivisions of divisions.
1.2 Limitations.

PART 2—AUTHORITY IN SPECIFIED MATTERS

GENERAL

2.1 Amendment of entries and patents.
2.9 Government contest decisions.
2.20a Applications for patented or reserved lands.
2.20b Elimination from leases and permits of lands erroneously included therein.
2.20c Extensions of time.
2.20d Appeals to the Director.
2.20e Closing of cases.

ACTIONS IN THE DIVISION OF MINERALS

2.31 Oil and gas leases.
2.32 Coal permits and leases and asphalt leases.
2.33 Oil shale leases.
2.33b Potassium permits.
2.34 Sodium permits.
2.35 Sulphur permits.
2.43 Gold, silver and quicksilver leases.
2.44 Minerals subject to lease under special laws.
2.45 Mineral entries.

ACTIONS IN THE DIVISION OF LANDS

2.10 Patents.
2.63 Exchanges.
2.76 State grants and grants to Territory of Alaska.
2.90a Cash and credit system entries.
2.90b Provate land and small holding claims.
2.90c Drainage entries.
2.90d Certificates, scrip and lieu selections.
2.90e Timber and stone entries.
2.90f Quitclaim deeds.

ACTIONS IN THE DIVISION OF ENGINEERING

2.14 Surveys.

ACTIONS IN THE DIVISION OF ADMINISTRATION

2.5 Copies of records.

PART 3—APPEALS

3.1 Right of appeal.

PART 4—EFFECT ON PRIOR ORDERS

4.1 Revocation.

[1] The section numbers in this order correspond, so far as possible, with related section numbers in Order No. 2583, August 16, 1950 (15 F. R. 5643).

PART 1—AUTHORITY IN GENERAL

SECTION 1.1 *Functions of chiefs of divisions and chiefs of subdivisions of divisions.* (a) Pursuant to the authority and subject to the limitations contained in Order No. 2583 of August 16, 1950 (15 F. R. 5643) of the Secretary of the Interior, the chiefs of divisions and chiefs of subdivisions of divisions of the Bureau of Land Management are hereby authorized to perform, in accordance with the existing policies, regulations and procedures of the Department of the Interior, the functions of the Director, Bureau of Land Management, as provided in this order. This shall include all types of actions in the matters listed, unless otherwise provided. No action shall be taken by any such officer affecting the lands or activities of any other agency in this Department, or other Federal agency, until the matter has been cleared with that agency. No decision shall be rendered by any such officer involving a determination as to the proper use or value of land or its resources, unless such decision has been endorsed in the division or divisions of the Bureau having jurisdiction in the matter.

(b) The assistant chief of a division may exercise all the powers and authority of the chief of that division and the assistant chief of a subdivision of a division may exercise all the powers and authority of the chief of that subdivision.

(c) In case of the death, resignation, absence or sickness of the chief or assistant chief of a division or of a subdivision of a division, the duties of such officer may be performed under the title "acting chief" or "acting assistant chief" by any qualified employee authorized to do so by this order, or authorized in writing to do so by the Chief of the division.

SEC. 1.2 *Limitations.* The authority delegated by this order does not include any authority reserved to the Secretary of the Interior by his Order No. 2583 of August 16, 1950. No action shall be taken involving a new or novel question of law or a commitment not previously authorized.

The authority delegated by this order does not include any authority concerning Congressional correspondence.

PART 2—AUTHORITY IN SPECIFIED MATTERS

Subject to the provisions of Part 1 of this order and the exceptions hereinafter set forth, the chiefs of divisions, and the chiefs of subdivisions of divisions, are hereby authorized to act in the classes of matters listed below, so far as they pertain to the work of their respective divisions or subdivisions of divisions.

GENERAL

SEC. 2.1 *Amendment of entries and patents.* (a) Amendment of entries and patents, based upon errors shown by the records.

(b) Decisions rejecting applications or requiring additional evidence in the amendment of entries and patents not based upon errors shown by the records.

SEC. 2.9 *Government contest decisions.* Government contest decisions in all kinds of cases in which the proposed decision is not adverse to the United States.

SEC. 2.20a. *Applications for patented or reserved lands.* Applications for patented or reserved lands, not subject to disposal under the applications.

SEC. 2.20b *Elimination from leases and permits of lands erroneously included therein.* The elimination from leases and permits of all types of patented or reserve lands erroneously included therein.

SEC. 2.20c *Extensions of time.* Applications for extensions of time within which to meet requirements made by decisions of the Bureau.

SEC. 2.20d *Appeals to the Director.* Decisions involving appeals to the Director filed pursuant to 43 CFR Part 221, from actions of any regional officer, in cases where only land status or classification is involved.

SEC. 2.20e *Closing of cases.* The closing of cases, where proper, pursuant to Bureau or departmental decision.

ACTIONS IN THE DIVISION OF MINERALS

SEC. 2.31 *Oil and gas leases.* (a) Competitive oil and gas leases on public and acquired lands.

(b) Noncompetitive oil and gas leases in acquired lands, pursuant to 43 CFR Part 200.

(c) The authority delegated by this section shall not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communitization agreements, subsurface storage agreements, operating, drilling, or development contracts without regard to acreage limitations, or the sale of royalty oil taken in amount of production. Neither shall it include any function relating to the grant, approval, or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations or production.

SEC. 2.32 *Coal permits and leases and asphalt leases.* (a) Permits and noncompetitive coal leases based upon permits under the act of August 7, 1947 (30 U. S. C. Sup. 351–359); and permits and noncompetitive coal leases based on permits, and coal leases and asphalt leases, under the acts of June 28, 1944 (58 Stat. 483–485), June 24, 1948 (62 Stat 596), and May 24, 1949 (63 Stat. 76).

(b) The authority granted by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations or production.

SEC. 2.33 *Oil shale leases.* (a) Oil shale leases under section 21 of the act of February 25, 1920 (30 U. S. C. 241), and under the act of August 7, 1947 (30 U. S. C. secs. 351–359).

(b) The authority granted by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations or production.

SEC. 2.33b *Potassium permits.* Potassium permits under the act of February 7, 1927 (30 U. S. C. secs. 281-285), as amended, and potassium permits in acquired lands, pursuant to 43 CFR Part 200, except recommendations to the Secretary of the Interior for the approval of such permits.

SEC. 2.34. *Sodium permits.* Sodium permits under section 23 of the act of February 25, 1920 (30 U. S. C. sec. 261), as amended, and sodium permits in acquired lands, pursuant to 43 CFR Part 200.

SEC. 2.35 *Sulphur permits.* Sulphur permits under the act of April 17, 1926 (30 U. S. C. sec. 271), as amended, and sulphur permits in acquired lands, pursuant to 43 CFR Part 200.

SEC. 2.43 *Gold, silver, and quicksilver leases.* Leases of gold, silver, and quicksilver to the owners of confirmed private land claims, pursuant to 43 CFR Part 187.

SEC. 2.44 *Minerals subject to lease under special laws.* Leases of sand, gravel and other minerals under special laws pursuant to 43 CFR Part 199; also leases of certain mineral deposits in acquired lands pursuant to 43 CFR 200.31 to 200.36 inclusive.

SEC. 2.45 *Mineral entries.* Approval of mineral entries for patenting, except where such entries involve leaseable minerals.

ACTIONS IN THE DIVISION OF LANDS

SEC. 2.10 *Patents.* Patents for grants of land under authority of the Government, to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President. Patents may be signed for the Director by the Chief of the Patents Section of the Bureau, and, in his absence, by the Acting Chief of the Section.

SEC. 2.63 *Exchanges.* Forest and State exchanges of lands, in accordance with 43 CFR Parts 147 and 148, Part 149, other than §§ 149.35 to 149.43, inclusive, and Parts 150 to 152, inclusive, except matters involving the validity of titles.

SEC. 2.76 *State grants and grants to Territory of Alaska.* State grants and selections, and grants to and selections by the Territory of Alaska, when authorized by law, except orders for patent under the act of June 21, 1934 (48 Stat. 1185; 43 U. S. C. 871a), in which a mineral question is involved.

SEC. 2.90a. *Cash and credit-system entries.* (a) Cash and credit-system and preemption entries when full payment has been made.

(b) Decisions rejecting applications or requiring additional evidence in connection with cash and credit system and preemption entries where full payment has not been made.

SEC. 2.90b *Private land and small holding claims.* (a) (1) Confirmed private land claims, and (2) decisions rejecting applications in connection with unconfirmed private land claims.

(b) Small holding claims.

SEC. 2.90c *Drainage entries.* Arkansas and Minnesota drainage entries, in accordance with 43 CFR Parts 117 and 118, respectively.

SEC. 2.90d *Certificates, scrip and lieu selections.* Certificates and scrip under 43 CFR Parts 130 to 133, inclusive; also forest lieu selections, except matters in-

volving the validity of titles, in accordance with footnote 1, to Part 130.

SEC. 2.90e *Timber and stone entries.* Timber and stone entries pursuant to 43 CFR Part 285.

SEC. 2.90f *Quitclaim deeds.* Decisions rejecting quitclaim deeds or requiring additional evidence in connection with applications for the issuance of quitclaim deeds under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U. S. C. 872).

ACTIONS IN THE DIVISION OF ENGINEERING

SEC. 2.14 *Surveys.* The acceptance of all types of surveys.

ACTIONS IN THE DIVISION OF ADMINISTRATION

SEC. 2.5 *Copies of records.* The making of copies and exemplifications of patents, plats and other records of the Bureau of Land Management.

PART 3—APPEALS

SEC. 3.1 *Right of appeal.* All actions taken pursuant to this order will be subject to appeal to the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR Part 221).

PART 4—EFFECT ON PRIOR ORDERS

SEC. 4.1 *Revocation.* This order supersedes Order No. 309, May 19, 1948 (13 F. R. 2953), Order No. 428 of August 16, 1950 (15 F. R. 5643), and Order No. 438, March 29, 1951 (16 F. R. 3019), which are hereby revoked.

MARION CLAWSON,
Director.

Approved: August 27, 1952.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-9583; Filed, Sept. 2, 1952; 8:46 a. m.]

Bureau of Reclamation

[Commissioner's Order 14]

AREA PLANNING ENGINEER, ALBUQUERQUE, N. MEX.

REDELEGATION OF AUTHORITY BY THE COMMISSIONER OF RECLAMATION WITH RESPECT TO CONTRACTS

AUGUST 25, 1952.

SECTION 1. *Contracts.* Pursuant to the authority contained in section 50 of Departmental Order 2509 (17 F. R. 6793), subject to applicable regulations and appropriations, the Area Planning Engineer, Albuquerque, New Mexico, may:

(a) Award and execute contracts for supplies or services where the amount does not exceed $50,000;

(b) Approve and execute change orders and extra work orders pursuant to contracts for supplies or services where the amount does not exceed $50,000;

(c) Approve and enter into modifications of contracts for supplies or services which are legally permissible, and terminate such contracts if such action is legally authorized, where the amount does not exceed $50,000.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 52-9581; Filed, Sept. 2, 1952; 8:46 a. m.]

[Commissioner's Order 15]

AREA PLANNING ENGINEER, OKLAHOMA CITY, OKLA.

REDELEGATION OF AUTHORITY BY THE COMMISSIONER OF RECLAMATION WITH RESPECT TO CONTRACTS

AUGUST 25, 1952.

SECTION 1. *Contracts.* Pursuant to the authority contained in section 50 of Departmental Order 2509 (17 F. R. 6793), subject to applicable regulations and appropriations, the Area Planning Engineer, Oklahoma City, Oklahoma, may:

(a) Award and execute contracts for supplies or services where the amount does not exceed $50,000;

(b) Approve and execute change orders and extra work orders pursuant to contracts for supplies or services where the amount does not exceed $50,000;

(c) Approve and enter into modifications of contracts for supplies or services which are legally permissible, and terminate such contracts if such action is legally authorized, where the amount does not exceed $50,000.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 52-9582; Filed, Sept. 2, 1952; 8:46 a. m.]

[Commissioner's Order 16]

AREA PLANNING ENGINEER, AUSTIN, TEX.

REDELEGATION OF AUTHORITY BY THE COMMISSIONER OF RECLAMATION WITH RESPECT TO CONTRACTS

AUGUST 25, 1952.

SECTION 1. *Contracts.* Pursuant to the authority contained in Section 50 of Departmental Order 2509 (17 F. R. 6793), subject to applicable regulations and appropriations, the Area Planning Engineer, Austin, Texas, may:

(a) Award and execute contracts for supplies or services where the amount does not exceed $50,000;

(b) Approve and execute change orders and extra work orders pursuant to contracts for supplies or services where the amount does not exceed $50,000;

(c) Approve and enter into modifications of contracts for supplies or services which are legally permissible, and terminate such contracts if such action is legally authorized, where the amount does not exceed $50,000.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 52-9586; Filed, Sept. 2, 1952; 8:46 a. m.]

LA BARGE PROJECT, WYOMING

ORDER OF CORRECTION TO FIRST FORM RECLAMATION WITHDRAWAL

JULY 24, 1952.

First form reclamation withdrawal of May 8, 1951, concurred in by the Acting Director, Bureau of Land Management, on February 28, 1952, erroneously described Township 26 North, Range 113 West, Sixth Principal Meridian, Wyoming, as being Range 113 East.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937) I hereby amend First Form Withdrawal of May 8, 1951, to correct Township 26 North, Range 113 East, Sixth Principal Meridian, Wyoming, to read as follows:

Township 26 North, Range 113 West

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Associate Director,
Bureau of Land Management.

AUGUST 15, 1952.

[F. R. Doc. 52-9578; Filed, Sept. 2, 1952; 8:45 a. m.]

WINSLOW PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 3, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515, of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388).

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 12 E.,
Sec. 1, NW¼SW¼, S½S½;
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 12, N½;
Sec. 14, N½;
Sec. 15, N½.
T. 15 N., R. 12 E.,
Sec. 34, SE¼;
Sec. 36, S½.
T. 14 N., R. 13 E.,
Sec. 3, Lots 3 and 4, S½NW¼, SW¼;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1 to 14, inc., S½NE¼, SE¼;
Sec. 7, Lots 1 to 6, inc., NE¼;
Sec. 8, N½;
Sec. 9, N½;
Sec. 10, N½.
T. 15 N., R. 13 E.,
Sec. 29, E½SW¼, SE¼;
Sec. 30, SE¼;
Sec. 32, All;
Sec. 33, SW¼.

The area aggregates 10,728.66 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Associate Director,
Bureau of Land Management.

AUGUST 15, 1952.

Notice for Filing Objections to Order Withdrawing Public Lands for the Winslow Project, Arizona

JUNE 3, 1952.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with the proposed Wilkins Dam and Reservoir, Winslow Project, Arizona, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 52-9579; Filed, Sept. 2, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[Notice No. 1 of Requirement of Certification—1952]

SUGAR REQUIREMENTS AND QUOTAS

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES; CUBA

Pursuant to § 817.2, Rev. 1 (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1952 sugar quota for Cuba, amounting to 2,744,308 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.2, Rev. 1, for the remainder of the calendar year 1952 Collectors of Customs shall not permit the entry into the continental United States from Cuba of any sugar unless and until the certification described in § 817.3 (a) is issued.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153)

Issued this 28th day of August 1952.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 52-9627; Filed, Sept. 2, 1952; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Alexander Manufacturing Co., 702 West Seventh Street., Lancaster, Tex., effective 8-23-52 to 8-22-53; five learners (children's underwear).

Ambra Manufacturing Co., 1015 Dewey Street., Freeland, Pa., effective 8-25-52 to 8-3-53; five learners (jackets and snow suits).

Barrow Manufacturing Co., Winder, Ga., effective 8-20-52 to 8-19-53; 10 percent of the productive factory force (work pants and sport shirts).

Big Ace Corp., Athens, Ga., effective 8-25-52 to 8-24-53; 10 percent of the productive factory force (overalls, dungarees, and shirts).

Blue Jeans Corp., Box 566, Whiteville, N. C., effective 8-21-52 to 12-5-52; 25 additional learners for expansion purposes (work clothing) (supplemental certificate).

Bound Brook Novelty Co., Inc., 324 Talmage Avenue, Bound Brook, N. J., effective 8-20-52 to 8-19-53; two learners (boys' wash suits and overalls.)

The Carlisle Garment Co., 44 North Bedford Street, Carlisle, Pa., effective 8-20-52 to 8-19-53; 10 learners (dresses).

The Cleveland Overall Co., 1788 East Twenty-fifth Street, Cleveland, Ohio, effective 3-21-52 to 8-20-53; 10 percent of the productive factory force (men's cotton work garments).

Clinton Garment Co., Clinton, Ind., effective 8-25-52 to 2-24-53; 50 learners for expansion purposes (ladies' sportswear) (replacement certificate).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 8-20-52 to 2-19-53; 10 learners for expansion purposes (slips, nightgowns, and petticoats).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 8-20-52 to 8-19-53; 10 percent of the productive factory force (slips, nightgowns, and petticoats).

Hazleton-McAdoo Sportswear Co., 315 West Twentieth Street, Hazleton, Pa., effective 8-19-52 to 8-18-53; 10 percent of the productive factory force (sportswear).

Iron King Overall Co., 113 South Hanover Street, Baltimore, Md., effective 8-21-52 to 8-20-53; two learners (men's work clothing).

La Follette Shirt Co., Inc., La Follette, Tenn., effective 8-26-52 to 2-25-53; 47 learners for expansion purposes (dress and sport shirts).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 8-25-52 to 2-24-53; 15 learners for expansion purposes (dresses).

R. Lowenbaum Manufacturing Co., Sparta, Ill., effective 8-25-52 to 2-24-53; 10 learners for expansion purposes (dresses).

Meyersdale Manufacturing Co., Inc., Myersdale, Pa., effective 8-18-52 to 2-17-53; 50 learners for expansion purposes (shirts).

Mount Carmel Garment Co., Inc., 51 North Spruce Street, Mount Carmel, Pa., effective 8-20-52 to 8-19-53; 10 percent of the productive factory force (blouses).

National Dress Co., Burlington, N. J., effective 8-20-52 to 8-19-53; five learners (children's dresses).

Rice-Stix Factory No. 16, Water Valley, Miss., effective 8-20-52 to 2-19-53; 10 learners for expansion purposes (pants and shirts).

Rockwood Undergarment Co., Inc., Rockwood, Pa., effective 8-21-52 to 8-20-53; five learners (ladies' undergarments).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla., effective 8-19-52 to 8-18-53; 10 percent of the productive factory force (pants, overalls, shirts, and coats).

Valley View Manufacturing Co., Valley View, Pa., effective 8-20-52 to 8-19-53; 10 percent of the productive factory force. (Dresses, housecoats, etc.).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 811 West Fourth Street, Grand Island, Nebr., effective 8-22-52 to 8-21-53; 10 learners (work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind., effective 8-20-52 to 8-19-53; 10 percent of the productive factory workers engaged in the learner occupations (work gloves).

Warlong Glove Manufacturing Co., Conover, N. C., effective 8-20-52 to 8-19-53; 10 percent of the productive factory workers engaged in the learner occupations (work gloves).

Wells Lamont Corp., Mount Vernon, Tex., effective 8-25-52 to 2-24-53; 12 learners for expansion purposes (work gloves).

Wells Lamont Corp., Waynesboro, Miss., effective 8-25-52 to 8-24-53; 10 learners (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Lorraine Cross Hosiery, Inc., East Seventh and Locust Streets, Bloomsburg, Pa., effective 8-21-52 to 5-7-53; three learners (replacement certificate).

Melrose Hosiery Mills, Inc., High Point, N. C., effective 8-18-52 to 8-17-53; 5 percent of the productive factory force.

Quitman Manufacturing Co., Quitman, Miss., effective 9-1-52 to 8-31-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Leininger Knitting Mills, Orwigsburg, Pa., effective 8-21-52 to 8-20-53; two learners (underwear and outerwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Trego's Westwear, 1001–03 Seventh Street, Woodward, Okla., effective 8–20–52 to 8–19–53; five learners in the production of moccasins only.

The following special learner certificates were issued to the school-operated industries listed below:

Auburn Academy, Auburn, Wash., effective 9–1–52 to 8–31–53; woodwork shop—assembler (furniture), machine operator, furniture finisher helper, and related occupations; 60 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

Cedar Lake Academy, Cedar Lake, Mich., effective 9–1–52 to 8–31–53; woodwork shop—assembler, machine operator, clerk and related skilled and semi-skilled occupations; 30 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif., effective 9–1–52 to 8–31–53; print shop—compositer, pressman, finisher and related skilled and semi-skilled occupations; four learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour (unless State law sets higher standards).

La Sierra College, La Sierra Heights, Arlington, Calif., effective 9–1–52 to 8–31–53; print shop—pressman, compositor, linotype operator, bindery worker and related skilled and semi-skilled occupations; 15 learners; 675 hours at 65 cents per hour, 325 hours at 70 cents per hour (unless State law sets higher standards).

Maplewood Academy, Hutchinson, Minn., effective 9–1–52 to 8–31–53; print shop—pressman, compositor and related skilled and semi-skilled occupations; six learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; woodwork shop (craftshop)—assembler, sawyer, machine operator and related skilled and semi-skilled occupations; 20 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; bookbindery—bookbinder, bindery worker and related skilled and semi-skilled occupations; 20 learners, 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; clerical-typist, bookkeeper and related skilled and semi-skilled occupations; five learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Oak Park Academy, Nevada, Iowa, effective 9–1–52 to 8–31–53; broomshop—broom maker (winder), stitcher, sorter, and related skilled and semi-skilled operations; eight learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; print shop—compositor, pressman and related skilled and semi-skilled occupations; six learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Southern Missionary College, Collegedale, Tenn., effective 9–1–52 to 8–31–53; print shop—compositor, pressman and related skilled and semi-skilled occupations; 28 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; broom shop—broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations; 75 learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; woodwork shop—machine operator, kiln worker, assembler, finisher and other related skilled and semi-skilled occupations; 160 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; clerical work—typist, stenographer and related skilled and semi-skilled occupations; 20 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Southwestern Junior College, Keene, Tex., effective 9–1–52 to 8–31–53; woodwork shop (college mill)—assembler, machine operator, painter, clerk and related skilled and semi-skilled occupations; 35 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; chenille shop—sewing machine operators and related skilled and semi-skilled occupations; 25 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; print shop—compositor, pressman, bindery worker and related skilled and semi-skilled occupations; 10 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; clerical work—typist, file clerk, bookkeeper, stenographer, timekeeper and other related skilled and semi-skilled occupations; 8 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Spanish-American Academy, Sandoval, N. Mex., effective 9–1–52 to 8–31–53; broom shop—broom maker (winder), sorter, stitcher, and related skilled and semi-skilled occupations; 30 learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; laundry—laundry worker (semi-skilled occupations only); 6 learners; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour.

Union College, Lincoln 6, Nebr., effective 9–1–52 to 8–31–53; print shop—compositor, pressman, and related skilled and semi-skilled occupations; 6 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbinding shop—bookbinder, bindery workers, and related skilled and semi-skilled occupations; 10 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; broom shop—broom maker and related skilled and semi-skilled occupations; 8 learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour; furniture shop—furniture maker, furniture finisher and related skilled and semi-skilled occupations; 25 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour; clerical—bookkeeper, file clerk, business machines operator and related skilled and semi-skilled occupations; 5 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

El Mundo, Inc., San Juan, P. R., effective 8–20–52 to 2–19–53; eight learners; teletype operators; 240 hours at 35 cents per hour, 240 hours at 40 cents per hour, 240 hours at 50 cents per hour, 240 hours at 55 cents per hour (daily newspaper).

Rio Mode Hosiery Mills, Inc., Caguas, P. R., effective 8–20–52 to 11–1–52; eight learners; seamers, 160 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour; examiners, 80 hours at 25 cents per hour, 80 hours at 30 cents per hour, 80 hours at 35 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of August 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52–9584; Filed, Sept. 2, 1952; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1967]

WHITING-PLOVER PAPER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

AUGUST 21, 1952.

Public notice is hereby given that Whiting-Plover Paper Company, of Stevens Point, Wisconsin, has made application for amendment of license for Project No. 1967, to authorize replacement of the present project dam, consisting of two parts separated by an island, with two concrete gravity overflow sections located just downstream from the present sections. The rebuilt dam will maintain present water levels under normal conditions.

Any protest against the approval of this application or request for action thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting should be submitted on or before October 15, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–9381; Filed, Sept. 2, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27353]

DENATURED ALCOHOL AND RELATED ARTICLES FROM KANSAS CITY, MO., TO MICHIGAN, MINNESOTA, WISCONSIN, AND SOUTH DAKOTA

APPLICATION FOR RELIEF

AUGUST 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Denatured alcohol and related articles, carloads.

From: Kansas City, Mo.

To: Points in Michigan, Minnesota, Wisconsin, and South Dakota.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supplement No.
L. E. Kipp, Agent	A–3733	68
C&NW Ry	11222	1
CMStP&P RR	B–7674	20
GN Ry	A–8051	203
	A–8034	98
M&StL RR	74	

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–9586; Filed, Sept. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27354]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO VINCENNES, IND.

APPLICATION FOR RELIEF

AUGUST 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Vincennes, Ind.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 138; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 152.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–9587; Filed, Sept. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27355]

BAKERY GOODS FROM HOUSTON, TEX., TO AMARILLO AND EL PASO, TEX.

APPLICATION FOR RELIEF

AUGUST 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Bakery goods as described in exhibit A of the application, in carloads.

From: Houston, Tex.

To: Amarillo and El Paso, Tex.

Grounds for relief: Rail competition, circuity, and to meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–9588; Filed, Sept. 2, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 38, Amdt.]

PLACEMENT OF PROCUREMENT WITH THE TEXTILE INDUSTRY

EXEMPTION OF GENERAL SERVICES ADMINISTRATION FROM CERTAIN PROVISIONS

Upon request of the Administrator of the General Services Administration and following a recommendation by the Surplus Manpower Committee, the Director of Defense Mobilization has approved the following:

That Paragraphs 2 and 3 of Notification 38 (17 F. R. 4993) and Paragraph 2 of the Recommendations therein, be amended to exempt the General Services Administration from the provisions of this notification.

This amendment shall be effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52–9643; Filed, Aug. 29, 1952; 3:46 p. m.]

[Defense Manpower Policy No. 4, Notification 53, Amdt.]

PLACEMENT OF PROCUREMENT WITH THE APPAREL INDUSTRY

EXEMPTION OF GENERAL SERVICES ADMINISTRATION FROM CERTAIN PROVISIONS

Upon request of the Administrator of the General Services Administration and following a recommendation by the Surplus Manpower Committee, the Director of Defense Mobilization has approved the following:

That Paragraphs 2, 3, and 4 of Notification 53 (17 F. R. 6675) be amended to exempt the General Services Administration from the provisions of this notification.

This amendment shall be effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52–9644; Filed, Aug. 29, 1952; 3:46 p. m.]

[Defense Manpower Policy No. 4, Notification 57, Amdt.]

PLACEMENT OF PROCUREMENT WITH THE SHIPBUILDING INDUSTRY

EXEMPTION OF GENERAL SERVICES ADMINISTRATION FROM CERTAIN PROVISIONS

Upon request of the Administrator of the General Services Administration and following a recommendation by the Surplus Manpower Committee, the Director of Defense Mobilization has approved the following:

That Notification 57 (17 F. R. 7868) be amended to exempt the General Services Administration from the provisions of this notification;

And that the General Services Administration be exempt from the provisions of Defense Manpower Policy No. 4

as it relates to the placement of contracts with the shipbuilding industry.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9645; Filed, Aug. 29, 1952; 3:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-716]

CINCINNATI ADVERTISING PRODUCTS CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 26, 1952.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $5 Par Value, of The Cincinnati Advertising Products Company.

The application alleges that the reasons for striking this security from listing and registration on this exchange are as follows:

(1) On March 17, 1952, all shareholders of the above security were notified that the president of the issuer and other stockholders owning approximately 34,000 shares of the 48,000 shares outstanding, had agreed to sell all their shares to Oliver L. Bardes of Cincinnati, Ohio, at $9 Per share.

(2) All other stockholders were offered the privilege of depositing their shares with the First National Bank of Cincinnati for sale to the same purchaser at the same price.

(3) As a result of these transactions, in excess of 95 percent of the outstanding shares of the above security are now owned by one shareholder; to wit, Cook Well Strainer Company.

(4) No transactions have been effected in the above security on the applicant exchange during the year 1952.

(5) The applicant exchange is of the opinion that there is not now sufficient distribution of the above security in the hands of the public to warrant listing and registration of this security on the exchange.

Upon receipt of a request, prior to September 18, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9595; Filed, Sept. 2, 1952; 8:48 a. m.]

[File No. 54-158]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING OF AMENDED PLAN OF REORGANIZATION NO. 4 AND ORDER RECONVENING HEARING

AUGUST 27, 1952.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed with this Commission an Amended Plan of Reorganization No. 4 ("Amended Plan No. 4") for it and its direct public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), and its indirect public-utility subsidiary company, Montaup Electric Company ("Montaup"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"). On July 10, 1952, representatives of all of the committees and groups participating in this proceeding agreed to a compromise proposal with respect to a modification of the then pending amended reorganization plan. The stated purpose of Amended Plan No. 4 is to comply with the order of this Commission, dated April 4, 1950, issued in proceedings under section 11 (b) of the act. (See Eastern Utilities Associates and its Subsidiary Companies, Holding Company Act Release No. 9784.) It is stated that Amended Plan No. 4 is designed to put into effect the substance of said compromise agreement and thereby expedite this proceeding.

All interested persons are referred to Amended Plan No. 4, which is on file at the offices of this Commission, for a full statement of the proposals contained therein which are summarized hereinafter.

Under Amended Plan No. 4, EUA will be recapitalized to provide for an authorized capital of 2,000,000 single class common shares of $10 par value per share, 989,407.0628 of which shares will be allocated to its present common and convertible shareholders with the common shareholders being entitled to receive 69.3 percent thereof and the convertible shareholders receiving 30.7 percent thereof. It is proposed that the holders of Common shares shall be entitled to receive one new EUA common share for each common share held and the holders of Convertible shares shall receive .3846 of a new EUA common share for each Convertible share held, with scrip to be issued for fractional shares. This amounts to the establishment of a per-share allocation ratio of 2.6 to 1 between the common and convertible shareholders. Provision is made for the cancellation of presently outstanding scrip after a period of five years. Provision is also made for bar dates with respect to scrip to be issued under this plan.

EUA proposes to retire $7,000,000 of its bank indebtedness by the issuance of debentures in a like principal amount. Such debentures will mature in twenty-five years and will carry an annual sinking fund of 1 percent during the first three years, 2 percent during the second three years, 3 percent during the third three years, 4 percent during the fourth three years and 5 percent thereafter. This will leave 10 percent of the issue to be retired at maturity. The present bank indebtedness of EUA in the amount of $9,094,000 matures October 19, 1952, and, subject to Commission approval, may be renewed for one year. EUA contemplates that, on or about October 1, 1953, it will issue a sufficient number of its new common shares to raise approximately $2,000,000 and use so much of the proceeds as is necessary to retire its then outstanding bank indebtedness.

EUA will reduce the carrying values of its investments in its subsidiaries to the underlying book values thereof as of the effective date of the plan.

The direct subsidiary companies of EUA contemplate the issuance of mortgage bonds, the proceeds of which will be used to pay off their outstanding bank loans and the bank loans of Montaup.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of Amended Plan No. 4 and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters and questions are presented for consideration;

(1) Whether Amended Plan No. 4, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether Amended Plan No. 4, as submitted or as it may hereinafter be modified, is fair and equitable to the holders of the outstanding securities of EUA and to all other persons who may be affected thereby;

(3) Whether the terms and provisions relating to the securities proposed to be issued by EUA are consistent with the public interest and the interest of investors and consumers and with the applicable standards of the act and particularly whether such securities are reasonably adapted to the security structure of EUA and its subsidiary companies;

(4) Whether the transactions proposed in Amended Plan No. 4, as submitted or as it may hereafter be modified, in all respects comply with the applicable provisions of the act and the rules promulgated thereunder and whether such transactions are fair and equitable to all persons affected thereby and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act;

(5) Whether the accounting entries in connection with Amended Plan No. 4, as submitted or as it may hereafter be modified, are appropriate and in accordance with sound accounting practice; and

(6) What terms and conditions, if any, should be contained in the Commission's order with respect to Amended Plan No. 4, as submitted or as it may hereafter be modified:

It is ordered, That the hearing in this matter be reconvened on September 16, 1952, at 10:30 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Any person, other than those who previously have been granted the right to participate in this proceeding, who desires to be heard in connection therewith or proposes to intervene in this proceeding should file, on or before September 12, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That attention shall be directed at said hearing to the foregoing matters and questions specified above.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, whether for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall mail a copy of this notice and order by registered mail to Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Montaup Electric Company, The Massachusetts Department of Public Utilities, the Public Utility Administrator of Rhode Island, The Federal Power Commission and all parties and persons who have been permitted to participate in the hearings and that notice be given to all other interested persons by general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Eastern Utilities Associates shall mail a copy of this notice and order to all of its shareholders of record, at least 10 days prior to September 16, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9596; Filed, Sept. 2, 1952; 8:49 a. m.]

[File No. 70-1371]

FEDERAL LIGHT AND TRACTION CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

AUGUST 27, 1952.

In the matter of Federal Light & Traction Company, Cities Service Company, Public Service Company of New Mexico, Federal Liquidating Corporation; (File No. 70-1371).

The Commission having by orders dated September 11, 1947, and June 19, 1950, approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Cities Service Company ("Cities"), a registered holding company, Federal Light & Traction Company ("Federal"), formerly a registered holding company subsidiary of Cities and its former subsidiary, Public Service Company of New Mexico, proposing the dissolution and liquidation of Federal; and Federal Liquidating Corporation ("Liquidating Corporation"), organized to facilitate the consummation of the plan, having joined in said filing; and said order of September 11, 1947, among other things, having reserved jurisdiction over all fees and expenses to be paid in connection with the plan, the transactions and proceedings relating thereto, and the consummation thereof; and

Liquidating Corporation having filed an application and amendments thereto requesting the Commission to (a) approve the payment of the fees and expenses incurred directly by Federal and Liquidating Corporation for services rendered in connection with the plan and related transactions aggregating $62,259.30 consisting of $45,155.35 for legal fees and expenses to Frueauff, Burns, Ruch & Farrell (now Frueauff, Burns, Farrell, Shanley & Johnsen), counsel for the company; $5,436.50 to Niles & Niles for accounting services; $5,447.31 to The New York Trust Company, as Liquidating and Escrow Agent; $250 to White & Case, counsel for The New York Trust Company, as Escrow Agent; $5,593.52 for costs of transcripts, printing and photostats; and $376.62 for filing fees and other expenses; and (b) fix a date for submission of all other claims for fees and expenses and determine any additional amounts to be paid by Liquidating Corporation as fees and expenses for services rendered in connection with this proceeding.

Due notice having been given of the filing of the said amended application stating that any interested person might, not later than August 18, 1952, request a hearing thereon and requiring any person desiring to assert any claims for compensation or reimbursement for fees and expenses in connection with the section 11 (e) plan of Federal to file such claim or notification of intention to assert such claim on or before August 18, 1952; and no claims or intentions to assert claims having been received; and no request for a hearing having been received and the Commission not having ordered a hearing thereon; and

It appearing to the Commission that the proposed amounts for fees and expenses as above set forth are not unreasonable and that said amounts to the extent not heretofore paid may appropriately be paid by Liquidating Corporation, that upon such payment the jurisdiction heretofore reserved in connection therewith may appropriately be released:

It is ordered, That Federal Liquidating Corporation be, and it is hereby, authorized and directed to pay the amounts of fees and expenses set forth above to the extent that they have not heretofore been paid and that, upon such payment, the jurisdiction heretofore reserved by the Commission in its order of September 11, 1947, with respect to said fees and expenses be, and the same hereby is, released, but only to the extent of the payments hereby authorized.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9599; Filed, Sept. 2, 1952; 8:49 a. m.]

[File No. 70-2909]

SOUTHERN NATURAL GAS CO.

ORDER AUTHORIZING CHARTER AMENDMENTS TO INCREASE AUTHORIZED COMMON STOCK AND TO GRANT PREEMPTIVE RIGHTS AND PERMITTING DISTRIBUTION OF ADDITIONAL COMMON STOCK

AUGUST 27, 1952.

Southern Natural Gas Company ("Southern"), a registered holding com-

pany, having filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Southern proposes at a special meeting of its stockholders to be held in October 1952 to submit for their approval a proposal to amend its Certificate of Incorporation so as to increase the number of authorized shares of capital stock from 2,000,000 shares of the par value of $7.50 per share to 4,000,000 shares of the par value of $7.50 per share.

If the increase in authorized capital stock is approved by the stockholders Southern intends to issue to its stockholders one additional share of common stock, par value $7.50 per share, for each share of such stock held by them. The proposed transaction would result in doubling the number of shares held by each stockholder without any change in the par value (i. e., $7.50) of each share. The number of issued shares would thus be increased from 1,711,005 to 3,422,010. The Common Stock Capital account would be increased by an amount equal to the aggregate par value ($12,832,537.50) of the additional shares issued, and this would be effected by a transfer to capital account of $9,075,754.05 from premium on common stock account, of $1,237,573.08 from capital surplus account, and the balance, $2,519,210.37, from earned surplus account.

Southern also proposes to submit for stockholders' approval an amendment to its Certificate of Incorporation to the effect that holders of its shares of common stock shall be granted the right to purchase, pro rata, any common stock, securities convertible into common stock, or to which shall be attached warrants or other instruments conferring the right to subscribe for or purchase common stock, which may be authorized to be sold by the company for cash otherwise than pursuant to a public offering to or through underwriters or investment bankers.

Due notice having been given of the filing of the said application-declaration as amended, and a hearing not having been requested of or ordered by the Commission; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration as amended be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9597; Filed, Sept. 2, 1952; 8:49 a. m.]

[File No. 70-2917]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED AMENDMENTS TO ARTICLES OF INCORPORATION AND BY-LAWS WITH RESPECT TO PREEMPTIVE RIGHTS, MERGERS, SALES OF ASSETS, LIMITATIONS ON AUTHORITY OF DIRECTORS TO ADOPT OR AMEND BY-LAWS; AND OF PROPOSED SOLICITATION OF STOCKHOLDERS

AUGUST 27, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Standard Gas and Electric Company ("Standard"), a registered holding company, and Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard. Declarants have designated sections 6 (a), 7 and 11 (b) of the act and Rules U-62 and U-65 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

It is proposed that the articles of incorporation and the by-laws of Oklahoma be amended in order to bring them into conformity with the standards of the Commission and, in connection with such proposed amendments, Oklahoma proposes to solicit proxies to be used at a special meeting of stockholders to be held on September 30, 1952.

The proposed amendments will:

(1) Set forth the preemptive rights of the holders of the Common Stock and 4 percent Cumulative Preferred Stock to purchase pro rata any additional stock of the particular class held by them offered for sale for cash prior to any sale of such stock to others;

(2) Provide that Oklahoma shall not merge or sell all or substantially all of its assets without the affirmative vote of a majority of the total voting power of the outstanding shares entitled to vote;

(3) Place limitations on the authority of the Board of Directors of Oklahoma to adopt or alter the by-laws of the company without a stockholder vote;

(4) Redefined the Directors' rights to indemnification by the company; and

(5) Afford a liberalized right to the stockholders to initiate the calling of special meetings.

The declaration states that adoption of the amendments to the Amended Articles of Incorporation will require the affirmative vote of a majority of the total voting power of the outstanding shares of 4 percent Cumulative Preferred Stock and Common Stock, and in addition the affirmative vote of the holders of a majority of the outstanding shares of Common Stock by a separate class vote. It is stated that the company will solicit proxies by mail and may also make direct solicitations through its officers and other regular employees of the company. Authority to solicit proxies is not sought in connection with the proposed amendments to the by-laws.

Oklahoma estimates that its total expenses in connection with the proposed transactions will be $5,500, including printing ($1,500), postage ($900), attorneys' fees ($1,800) and miscellaneous $1,300).

Notice is further given that any interested person may, not later than September 10, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9598; Filed, Sept. 2, 1952; 8:49 a. m.]

[File No. 70-2919]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING CAPITAL CONTRIBUTION TO SUBSIDIARY

AUGUST 27, 1952.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated section 12 (b) thereof and Rule U-45 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

GPU proposes to make cash contributions in the aggregate amount of $1,000,000 to its subsidiary, New Jersey Power & Light Company ("NJP&L"). Said contributions will be credited initially by NJP&L to capital surplus and promptly thereafter transferred to the stated capital applicable to its common stock. Such capital contributions will be made by GPU as NJP&L requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes.

The declaration states no State commission or Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 12, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 12, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9602; Filed, Sept. 2, 1952; 8:50 a. m.]

[File No. 811-441]

F. L. ANDREWS INVESTMENT TRUST

ORDER TERMINATING REGISTRATION

AUGUST 27, 1952.

An application pursuant to section 8 (f) of the Investment Company Act of 1940 (the act), for an order of the Commission declaring that F. L. Andrews Investment Trust (the Trust) has ceased to be an investment company within the meaning of the act, has been filed on behalf of the Trust by Reuben L. Lurie, Receiver of the Trust.

F. L. Andrews Investment Trust, formerly of Fall River, Massachusetts, is registered under the act as a closed-end, nondiversified, management company. In proceedings commenced in the District Court of the United States for the District of Massachusetts by this Commission against the Trust and one Alan H. Andrews, Civil Action File No. 8845, said Court ordered the Trust into receivership and, on November 30, 1949, said Court appointed Reuben L. Lurie as Receiver thereof. The Commission has been furnished evidence that the Trust has been completely liquidated, that all assets of the Trust have been distributed to creditors and stockholders whose claims were allowed, that no further assets remain to be accounted for, that said Receiver's final report to said Court has been allowed and accepted, and that said receivership has been terminated and the Receiver discharged by said Court.

Notice of the filing of said application has been duly given in the manner and form prescribed by Rule N-5 under the act, the Commission has not received a request for a hearing within the period specified in said notice, and a hearing does not appear necessary or appropriate in the public interest.

Wherefore, the Commission having considered the matter, finds that F. L. Andrews Investment Trust has ceased to be an investment company, and it is hereby so declared; and

It is ordered, That the registration of F. L. Andrews Investment Trust under the Investment Company Act of 1940 shall forthwith cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9600; Filed, Sept. 2, 1952; 8:50 a. m.]

[File No. 811-390]

COMMONWEALTH FUND TRUST CERTIFICATES AND NORTH AMERICAN SECURITIES CO.

NOTICE OF APPLICATION

AUGUST 27, 1952.

Notice is hereby given that North American Securities Company ("North American"), 2500 Russ Building, San Francisco, California, sponsor for Commonwealth Fund Trust Certificates a unit investment trust registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Commonwealth Fund Trust Certificates has ceased to be an investment company within the meaning of the act.

It appears from the application that Commonwealth Fund Trust Certificates was created under a trust agreement dated June 3, 1935, entered into by North American as sponsor and Title Insurance and Guaranty Company ("Title Insurance") as trustee. On August 1, 1950, Title Insurance gave notice to the sponsor of its desire to terminate its services as trustee. At that time there were only 92 certificates outstanding, the normal maturity date of such certificates had passed and no certificates had been sold for more than 10 years. The trustee, acting pursuant to the terms of the trust agreement, terminated the trust on September 11, 1950, liquidated the underlying securities and held the proceeds of liquidation for distribution to the accounts of the holders of the trust certificates. Prior notice of such proposed action was given to the certificate holders and 60 certificates were tendered for liquidation. The sponsor gave further notice to the holders of the unsurrendered certificates by registered mail on April 3, 1952, advising each such person of the liquidation held for his account and also published a similar notice to the holders of the Commonwealth Fund Trust Certificates in the "San Francisco Examiner" on April 3, 1952. As of May 9, 1952, there remained unsurrendered 20 certificates held by 19 persons and the trustee held for the account of such persons the sum of $3,254.44. The sponsor states that it will continue its efforts to locate the holders of the unsurrendered certificates.

All interested persons are referred to said application which is on file at the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 10, 1952, unless a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 9, 1952, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon the application, or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information, or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9594; Filed Sept. 2, 1952; 8:48 a. m.]

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FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10390

AMENDING EXECUTIVE ORDER NO. 10161 OF SEPTEMBER 9, 1950, AS AMENDED, TO PROVIDE FOR CERTAIN ALTERNATE MEMBERS OF THE WAGE STABILIZATION BOARD

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 *et seq.*), and as President of the United States, it is ordered that section 403 of Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), as amended, be, and it is hereby, further amended by redesignating paragraph (b) thereof as paragraph (c) and by inserting immediately after paragraph (a) thereof the following new paragraph:

"(b) In addition to the members of the Wage Stabilization Board provided for in section 403 (a) of this order, the Board shall have not more than two alternate members who shall be representative of labor and not more than two alternate members who shall be representative of business and industry. Alternate members shall be appointed by the President, by and with the advice and consent of the Senate, at such times as he may deem necessary. Any alternate member shall participate as a member of the Board only in lieu of a member appointed under section 403 (a) of this order who is not participating, and only when called upon by the Chairman of the Wage Stabilization Board to so participate, and when so participating each alternate member shall have the same status and functions as a member appointed under the said section 403 (a). The designation by the Chairman of the Board of alternate members to participate as members of the Board shall be so ordered as to preserve the equal representation required by the provisions of section 403 (a) hereof and of section 403 (b) of the Defense Production Act of 1950, as amended."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 30, 1952.

[F. R. Doc. 52-9695; Filed, Sept. 2, 1952; 3:10 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supplement 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 3573, 3783 and 4835, and containing the specific requirements for the 1952-crop grain sorghums price support program is hereby amended as follows:

1. Section 601.1758 (a) (5) is amended by changing certain states in the four areas so that the amended subparagraph reads as follows:

§ 601.1758 *Determination of support rates* • • •

(a) *Basic support rates at designated terminal markets.* • • •

(5) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	*Amount of deduction (cents per 100 pounds)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	22
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin	22
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	23
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2. Section 601.1758 (b) (1) is amended to include a provision with respect to

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grain sorghums shipped at other than the domestic interstate freight rate so that the amended subparagraph reads as follows:

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* (1) The support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 28th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52–9625; Filed, Sept. 3, 1952; 8:47 a. m.]

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PART 319—FOREIGN QUARANTINE NOTICES

MISCELLANEOUS AMENDMENTS

On July 25, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6525) a notice of proposed rule making concerning amendments of the subpart Citrus Canker and Other Citrus Diseases; the subpart Citrus Fruit; the subpart Sweetpotatoes and Yams; the subpart Nursery Stock, Plants, and Seeds; the subpart Fruits and Vegetables; and the subpart Cut Flowers; in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.19, 319.28, 319.29, 319.37 et seq., 319.56 et seq., and 319.74 et seq.). After due consideration of relevant matters presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, and 162), the Secretary of Agriculture hereby amends the said subparts in the following respects:

1. Sections 319.19 and 319.28 are amended by deleting therefrom the phrase "the continental United States, Puerto Rico and Hawaii" wherever it appears and substituting therefor the phrase "the United States"; and by adding a new paragraph designated as (e) to § 319.19 and as a new undesignated paragraph at the end of § 319.28 to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

2. Section 319.29 is amended by inserting after the word "importation" the phrase "into the United States"; and by deleting the last sentence in the section and substituting therefor the following: "As used in this section unless the context otherwise requires, the term 'United States' means the continental United States only."

3. Section 319.37 is amended by deleting therefrom the phrase "(including the District of Columbia) and its Territories," and the phrase "(including the District of Columbia) or its Territories," and by adding to the section a new paragraph (c) to read as follows:

(c) As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

4. Section 319.37–24 is amended by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory, or District of the United States covered by § 319.37"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

5. The subpart Nursery Stock, Plants, and Seeds is amended by adding thereto a new § 319.37–28 to read as follows:

§ 319.37–28 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

6. Section 319.56 is amended by adding thereto a new undesignated paragraph to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

7. Section 319.56–2 is amended by inserting after the third undesignated paragraph thereof a new undesignated paragraph to read as follows:

Fruits and vegetables grown in the British Virgin Islands may be imported into the Virgin Islands of the United States without further permit other than the authorization contained in this paragraph but subject to the requirements of the first paragraph of this section, and of §§ 319.56–5, 319.56–6 and 319.56–7, except that such fruits and vegetables are exempted from the notice of arrival requirements of § 319.56–5 when an inspector shall find that equivalent information is obtainable from the United States Collector of Customs.

8. The subpart Fruits and Vegetables is amended by adding thereto a new § 319.56–8 to read as follows:

§ 319.56–8 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

9. Section 319.74 is amended by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States"; and by adding a new undesignated paragraph to the section to read as follows:

As used in this section, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

10. Section 319.74–2 (c) is amended by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory or District of the United States covered by § 319.74"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

11. The subpart Cut Flowers is amended by adding thereto a new § 319.74–7 to read as follows:

§ 319.74–7 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands of the United States.

12. Section 319.74–2a is amended by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States."

These amendments shall be effective September 5, 1952.

The foregoing amendments correlate the quarantines, regulations, and administrative instructions set forth in the above subparts with a current extension of plant quarantine operations to the Virgin Islands of the United States as authorized by the Plant Quarantine Act.

Inspectors are now in the Virgin Islands ready to start enforcement of certain quarantines, regulations and administrative instructions which do not require amendment to apply in the Virgin Islands. It would be highly desirable from the standpoint of most economical use of funds and most efficient plant quarantine administration to begin enforcement activities at the same time with respect to the quarantines, regulations, and administrative instructions made applicable to the Virgin Islands by the foregoing amendments. Moreover present traffic in plants and plant products between the Virgin Islands and other parts of the United States and foreign countries is sufficiently great to require restriction of imports of certain plants and plant products into the Virgin Islands to prevent the spread of insect pests and plant diseases into these Islands and then to other parts of the United States. Necessary restrictions will be imposed by the foregoing amendments which should be made effective promptly in the public interest. The amendments also clarify the fact that a certain quarantine will not apply in the Virgin Islands or elsewhere except the continental United States and to this extent the amendments should be made effective promptly to avoid confusion. Therefore, good cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

The amendment hereby of the administrative instructions in § 319.74–2a shall not affect the authority of the Chief of the Bureau of Entomology and Plant Quarantine to amend or revoke said instructions.

(Secs. 5, 7, 9, 37 Stat. 316, 317, 318, as amended; 7 U. S. C. 159, 160, 162)

Done at Washington, D. C., this 29th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9626; Filed, Sept. 3, 1952; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

SALABLE AND SURPLUS PERCENTAGES FOR ALMONDS DURING CROP YEAR BEGINNING JULY 1, 1952

Notice of proposed rule making with respect to the fixing of salable and surplus percentages of almonds for the crop year beginning July 1, 1952, was published in the FEDERAL REGISTER of August 14, 1952 (17 F. R. 7398), pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR 1951 Sup., Part 909). In said notice, in which it was proposed to fix the salable and surplus percentages of almonds at 85 percent and 15 percent, respectively, for the crop year beginning July 1, 1952, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule fixing the percentages. One objection to the proposed salable and surplus percentages was received, but it did not recommend the adoption of different percentages. The accuracy of estimates used in arriving at the percentages was questioned. However, no data were presented which would justify changing the estimates and percentages set forth in the proposed rule.

It is hereby found and determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting thirty days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to or as soon as practicable after growers begin to deliver 1952 crop almonds to handlers, (2) such deliveries of 1952 crop almonds have begun, and (3) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 909.202 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1952.* The salable and surplus percentages during the crop year beginning July 1, 1952, applicable to almonds, edible kernel weight basis, received by handlers for their own accounts, shall be 85 percent and 15 percent, respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 29th day of August 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52–9669; Filed, Sept. 3, 1952; 8:54 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7095). This regulatory program is effective under the

Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 1, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.210 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $900.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9670; Filed, Sept. 3, 1952; 8:54 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 2, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.211 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $3,024.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9671; Filed, Sept. 3, 1952; 8:55 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.212 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $2,100.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be $0.0015 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9672; Filed, Sept. 3, 1952; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Orders 368 and 378]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

On August 12, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7342) a notice of proposed intention to amend the regulations governing the importation of certain animals and poultry and certain animal and poultry products. After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (26 Stat. 416, as amended; 21 U. S. C. 102–105) and section 2 of the act of Congress approved February 2, 1903, as amended (32 Stat. 792, as amended; 21 U. S. C. 111), revokes the special regulations governing the importation of livestock, other animals, and poultry from Mexico now contained in §§ 93.2 through 93.12, as amended, Part 93, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, and amends the regulations now governing the importation of certain animals and poultry and certain animal and poultry products (except from Mexico) contained in Title 9, Chapter 1, Subchapter D, Part 92, as amended, to read as follows:

GENERAL PROVISIONS

Sec.
92.1 Definitions.
92.2 General prohibition.
92.3 Ports designated for the importation of animals.
92.4 Import permits for ruminants, swine, and poultry and for animal semen.
92.5 Certificate for ruminants, swine, and poultry.
92.6 Diagnostic tests.
92.7 Presentation of papers to collector of customs.
92.8 Inspection at port of entry.
92.9 Articles accompanying animals.
92.10 Movement from conveyances to quarantine station.
92.11 Periods of quarantine.
92.12 Feed and attendants for animals in quarantine.
92.13 Quarantine stations; visiting restricted; sales prohibited.

Sec.
92.14 Milk from quarantined animals.
92.15 Manure from quarantined animals.
92.16 Appearance of disease among animals in quarantine.
92.17 Horses; accompanying forage and equipment.
92.18 Dogs for handling livestock.

CANADA

92.19 Declaration of purpose.
92.20 Cattle.
92.21 Sheep and goats.
92.22 Swine.
92.23 Animals for immediate slaughter.
92.24 Horses.
92.25 In-bond shipments.
92.26 Poultry.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES

92.27 Permits required.
92.28 Ruminants.
92.29 Swine.
92.30 Horses.

MEXICO

92.31 Permits for ruminants, swine, and poultry.
92.32 Declaration of purpose.
92.33 Inspection at port of entry.
92.34 Detention at port of entry and periods of quarantine.
92.35 Cattle.
92.36 Sheep and goats and wild ruminants.
92.37 Swine.
92.38 Poultry.
92.39 Horses.
92.49 Animals for immediate slaughter.

AUTHORITY: §§ 92.1 to 92.40 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102–105, 111.

GENERAL PROVISIONS

§ 92.1 *Definitions.* Whenever in this part the following terms are used unless the context otherwise requires, they shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelpoes, camels, llamas and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations are regularly carried on and where Federal, State, or local inspection approved by the Bureau, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* Boophilus annulatus, including, but not limited to, the varieties Americana and Australis.

(q) *Permitted dip.* A dip permitted by the Bureau to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

§ 92.2 *General prohibition.* No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations.

§ 92.3 *Ports designated for the importation of animals*—(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals except those from Canada and Mexico shall be entered through said stations, viz: Boston, Massachusetts; New York, New York; Baltimore, Maryland; Jacksonville, Miami, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Tacoma and Seattle, Washington; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holeb, Maine; Beecher Falls (Canaan), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vermont; Rouses Point, Mooers Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Rooseveltown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Chief of Bureau with the concurrence of the Secretary of the Treasury.

§ 92.4 *Import permits for ruminants, swine, and poultry and for animal semen*—(a) *Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

§ 92.5 *Certificate for ruminants, swine, and poultry*—(a) *Ruminants and swine.* All ruminants and swine offered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.28, 92.29, 92.35, 92.36, 92.37, and 92.40 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And provided further,* That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pullorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 *Diagnostic tests*—(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation: *Provided,* That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21 and 92.36 (b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Chief of Bureau.

§ 92.7 *Presentation of papers to collector of customs.* The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 *Inspection at port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry. Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 *Articles accompanying animals.* No litter or manure, fodder or other ailment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 *Movement from conveyances to quarantine station.* Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Bureau supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Bureau supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 *Periods of quarantine*—(a) *Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22, respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Chief of Bureau

to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Chief of Bureau may require.

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Bureau in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Chief of Bureau may direct.

(b) At a port where quarantine facilities are maintained by the Bureau, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Bureau or pay in advance for the cost thereof, as may be required, and waive all claim against the Bureau or any employee of the Bureau for damages which may arise from such service. The Chief of Bureau may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 *Quarantine stations, visiting restricted; sales prohibited.* Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined aimals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 *Milk from quarantined animals.* Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 *Manure from quarantined animals.* No manure shall be removed from the quarantine premises until the release of the animals producing same.

§ 92.16 *Appearance of disease among animals in quarantine.* If any contagious disease appears among animals during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Chief of Bureau may direct, depending upon the nature of the disease.

§ 92.17 *Horses; accompanying forage and equipment.* Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Chief of Bureau be landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Chief of Bureau. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 *Dogs for handling livestock.* Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, Taenia coenurus. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

CANADA [1]

§ 92.19 *Animals from Canada; declaration of purpose.* For all cattle, sheep, goats, swine and poultry offered for importation from Canada there shall be presented to the collector of customs at the time of entry a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 *Cattle from Canada*—(a) *Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in compliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle [2] shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) *Brucellosis test certificates.* Cattle 6 months or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been tested for brucellosis, with negative results within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed, showing that they were officially vaccinated as calves 6 to 8 months of age, in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tatoo and eartag numbers.

(e) *United States cattle returning from expositions in Canada.* Cattle from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other recognized expositions in Canada and have not been in that country more than 30 days may be returned to the United States within 10 days from the close of such fair or exposition without the certificates specified in paragraphs (b) and (c) of this section, if they are accompanied by copies of the tuberculin and brucellosis-test certificates accepted by the Canadian authorities for their entry into Canada and if it is shown to the satisfaction of the inspector at the United States port of reentry that they are the identical cattle covered by the said certificates.

§ 92.21 *Sheep and goats from Canada*—(a) *For purposes other than immediate slaughter.* Sheep or goats offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they have been inspected on the premises of origin and found free from evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days. If unaccompanied by such certificate, the said sheep or goats shall be held in quarantine at the port of entry for not less than 10 days during which they shall be dipped and subjected to such tests or other treatment as may be ordered by the Chief of Bureau.

(b) *For immediate slaughter.* Sheep or goats for immediate slaughter may be imported from Canada without the certificate specified in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.22 *Swine from Canada*—(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (1) that no hog cholera or swine plague has existed within a radius of 5 miles of the premises on which the swine were kept during the 60 days preceding the date of movement therefrom, or (2) that no hog cholera or swine plague has existed on the premises of origin during such period and that the swine have been immunized against hog cholera by the simultaneous method and thereafter disinfected with a 2-percent solution of an approved cresylic disinfectant. If unaccompanied by such certificate, the swine shall be held in quarantine at the port of entry for not less than 2 weeks.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry, or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the aforesaid period.

§ 92.24 *Horses from Canada.* Horses from Canada shall be inspected as provided in § 92.8 and when so ordered by the Chief of Bureau shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing said horses to have been mallein-tested with negative results, or shall be so tested by a veterinary inspector at the port of entry. Those used in connection with local activities along the border may be admitted without inspection for a temporary period not exceeding 10 days, and the same provision shall apply to horses returning to the United States after a stay in Canada of not to exceed 10 days.

§ 92.25 *In-bond shipments from Canada.* Cattle, sheep, swine and poultry from Canada, transported in-bond for export, if accompanied by certificates showing freedom from disease as required by §§ 92.20 (a), 92.21 (a), 92.22 (a) or 92.26, respectively, and also horses from Canada transported in-bond for export, may proceed without inspection at the border port of entry, subject to inspection at the United States port of export: *Provided, however*, That such animals shall be inspected at the port of entry or at points en route at which the Bureau has inspectors stationed, if so directed by the Chief of Bureau.

§ 92.26 *Poultry from Canada.* All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from

[1] Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

[2] Cattle of the beef breeds raised under range conditions in the western provinces of Canada.

Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES [3]

§ 92.27 *Animals from Central America and the West Indies; permits required.* A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central America into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, Boophilus annulatus, is prohibited.

§ 92.28 *Ruminants from Central America and the West Indies.* Ruminants offered for importation from countries of Central America and the West Indies shall be accompanied by a certificate of a veterinary officer of the national government of the country of origin showing that they have been in the said country for a period of at least 60 days immediately preceding the date of shipment therefrom, that he has inspected them and found them to be free from evidence of communicable disease, and that as far as he has been able to determine they have not been exposed to any such disease during that period. If no such veterinary officer is available in the country of origin, the animals may be accompanied by an affidavit of the owner or importer stating that they have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Animals for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least 7 days and during that time shall be subjected to such dipping, blood tests, or other tests as may be ordered by the Chief of Bureau to determine their freedom from communicable disease. If imported for immediate slaughter they shall be handled as provided in § 92.23.

§ 92.29 *Swine from Central America and the West Indies.* Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quarantined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Chief of Bureau in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 *Horses from Central America and the West Indies.* When so ordered by the Chief of Bureau, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, Boophilus annulatus, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Chief of Bureau. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Chief of Bureau may direct.

MEXICO [4]

§ 92.31 *Permits for ruminants, swine, and poultry.* (a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

§ 92.32 *Declaration of purpose.* For all cattle, sheep, goats, swine, and poultry offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 *Inspection at port of entry.* (a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 *Detention at port of entry and periods of quarantine.* (a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

§ 92.35 *Cattle from Mexico*—(a) *Fever ticks.* (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenetic, southern, or tick fever, during the preceding 60 days and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and compiled with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease except splenetic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) *Tuberculosis.* All cattle offered for importation from Mexico, except strictly range cattle [4] and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tatoo and eartag numbers.

(c) *Brucellosis.* All dairy or breeding cattle 6 months of age or older, except steers and spayed heifers, and cattle for immediate slaughter, offered for importation from Mexico shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of the consignor and consignee, and a description of the cattle, including the breed, ages, markings, and tatoo and eartag numbers. Notwithstanding such certification, such cattle shall be detained or quarantined as provided in § 92.34 and a blood sample shall be obtained under the supervision of the inspector and the animals retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry, and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

§ 92.36 *Sheep and goats and wild ruminants from Mexico.* (a) Except as provided in paragraph (c) of this section, all sheep and goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such sheep and goats on the premises of origin, no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34, and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) Except as provided in paragraph (c) of this section, all goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing them to have been tested for tuberculosis and brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of consignor and consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry and unless returned to the country of origin shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

(c) Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in § 92.33.

§ 92.37 *Swine from Mexico.* (a) Except as provided for in paragraph (b) of this section, all swine offered for importation from Mexico for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from communicable disease.

(b) A certificate as specified in this section will not be required for wild swine

[3] Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 to 92.30, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

[4] Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable for such importations.

[4] It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the state of destination.

for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.23.

§ 92.38 *Poultry from Mexico.* Poultry, except eggs for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis), occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the flock or flocks or origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 *Horses from Mexico*—(a) *Horses from tick-infested areas.* Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in § 92.35 (a) (2) for cattle from tick-infested areas.

(b) *Horses from dourine-infected areas.* All horses offered for importation from dourine-infected areas in Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for immediate slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where they will be tested by the complement-fixation method for dourine. Any such animal that is found by said test to be affected with dourine shall be refused entry.

§ 92.40 *Animals for immediate slaughter.* Cattle, other ruminants, and swine from the Mexican states of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a), for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such animals on the premises of origin no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Cattle, other ruminants, and swine from Mexican States other than those designated above may be imported only in compliance with other applicable sections in this part.

The foregoing amendments revoke the special regulations governing the importation of certain animals and poultry from Mexico (9 CFR 93.2–93.12, as amended), and revise the general regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR Part 92, as amended), to make such regulations applicable to importations from Mexico, to require a more thorough inspection at the port of entry, to prescribe additional quarantine requirements, and to impose other safeguards in order to more effectively prevent the introduction into the United States of communicable diseases of animals and poultry.

For the protection of the livestock industry the foregoing amendments should be made effective as soon as possible. Therefore, good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9685; Filed, Sept. 2, 1952; 12:05 p. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Effective September 1, 1952, Part 208 is amended to read as follows:

Sec.
208.1 Definitions.
208.2 Eligibility requirements.
208.3 Insurance of deposits.
208.4 Application for membership.
208.5 Approval of application.
208.6 Privileges and requirements of membership.
208.7 Conditions of membership.
208.8 Establishment or maintenance of branches.
208.9 Publication of reports of member banks and their affiliates.
208.10 Voluntary withdrawal from Federal Reserve System.
208.11 Board forms.

AUTHORITY: §§ 208.1 to 208.11 issued under sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 9, 38 Stat. 259, as amended, 49 Stat. 715, 64 Stat. 873; 12 U. S. C. 321–338, 486, 1814, 1816.

§ 208.1 *Definitions.* For the purposes of this part:

(a) The term "State bank" means any bank or trust company incorporated under a special or general law of a State or under a general law for the District of Columbia, any mutual savings bank (unless otherwise indicated), and any Morris Plan bank or other incorporated banking institution engaged in similar business.[1]

(b) The term "mutual savings bank" means a bank without capital stock transacting a savings bank business, the net earnings of which inure wholly to the benefit of its depositors after payment of obligations for any advances by its organizers, and in addition thereto includes any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends.

(c) The term "Board" means the Board of Governors of the Federal Reserve System.

[1] Under the provisions of section 19 of the Federal Reserve Act, national banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. However, this Part 208 is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

(d) The term "board of directors" means the governing board of any institution performing the usual functions of a board of directors.

(e) The term "Federal Reserve Bank stock" includes the deposit which may be made with a Federal Reserve Bank in lieu of a subscription for stock by a mutual savings bank which is not permitted to purchase stock in a Federal Reserve Bank, unless otherwise indicated.

(f) The terms "capital" and "capital stock" mean common stock, preferred stock, and legally issued capital notes and debentures purchased by the Reconstruction Finance Corporation which may be considered capital and capital stock for purposes of membership in the Federal Reserve System under the provisions of section 9 of the Federal Reserve Act.

§ 208.2 *Eligibility requirements.* (a) Under the terms of section 9 of the Federal Reserve Act, as amended, to be eligible for admission to membership in the Federal Reserve System:

(1) A State bank, other than a mutual savings bank, must possess capital stock and surplus which, in the judgment of the Board, are adequate in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities: *Provided*, That no bank engaged in the business of receiving deposits other than trust funds, which does not possess capital stock and surplus in an amount equal to that which would be required for the establishment of a national banking association in the place in which it is located, shall be admitted to membership unless it is, or has been, approved for deposit insurance under the Federal Deposit Insurance Act.

(2) A mutual savings bank must possess surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the place where it is situated.

(b) The minimum capital required for the organization of a national bank, referred to hereinbefore in connection with the capital required for admission to membership in the Federal Reserve System, is as follows:

	Minimum capital
If located in a city or town with a population:	
Not exceeding 6,000 inhabitants	$50,000
Exceeding 6,000 but not exceeding 50,000 inhabitants	100,000
Exceeding 50,000 inhabitants (except as stated below)	200,000
In an outlying district of a city with a population exceeding 50,000 inhabitants; provided State law permits organization of State banks in such location with a capital of $100,000 or less	100,000

With certain exceptions not here applicable, a national bank must have surplus equal to 20 percent of its capital in order to commence business.

§ 208.3 *Insurance of deposits.* Any State bank becoming a member of the Federal Reserve System which is engaged in the business of receiving deposits other than trust funds and which is not at the time an insured bank under the provisions of the Federal Deposit Insurance Act, will become an insured bank under the provisions of that Act on the date upon which it becomes a member of the Federal Reserve System.[2] In the case of an insured bank which is admitted to membership in the Federal Reserve System, the bank will continue to be an insured bank.

§ 208.4 *Application for membership*—(a) *State bank, other than a mutual savings bank.* A State bank, other than a mutual savings bank, applying for membership, shall make application on Form F. R. 83A to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six percent of the paid-up capital stock and surplus of the applying institution.

(b) *Mutual savings bank.* A mutual savings bank applying for membership shall make application on Form F. R. 83B to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six-tenths of one percent of its total deposit liabilities as shown by the most recent report of examination of such institution preceding its admission to membership, or, if such institution be not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, on Form F. R. 83C, for permission to deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

(c) *Mutual savings bank which is not authorized to purchase stock of Federal Reserve Bank at time of admission.* If a mutual savings bank be admitted to membership on the basis of a deposit of the required amount with the Federal Reserve Bank in lieu of payment upon capital stock because the laws under which such bank was organized do not at that time authorize it to purchase stock in the Federal Reserve Bank, it shall subscribe on Form F. R. 83D for the appropriate amount of stock in the Federal Reserve Bank whenever such laws are amended so as to authorize it to purchase stock in a Federal Reserve Bank.[3]

[2] In the case of a State bank which is engaged in the business of receiving deposits other than trust funds and which at the time of its admission to membership in the Federal Reserve System is not an insured bank, the Board is required under the provisions of sections 4 and 6 of the Federal Deposit Insurance Act to issue a certificate to the Federal Deposit Insurance Corporation to the effect that the bank is a member of the Federal Reserve System and that consideration has been given to the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

[3] The Federal Reserve Act provides that, if the laws under which any such savings bank was organized be not amended at the the first session of the legislature following the admission of the savings bank to membership so as to authorize mutual savings bank to purchase Federal Reserve Bank stock, or if such laws be so amended and the bank fail within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed in section 9 of the Federal Reserve Act.

[4] In the case of a mutual savings bank which is not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, it shall deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

(d) *Execution and filing of application.* Each application made under the provisions of this section and the exhibits referred to in the application blank shall be executed and filed, in duplicate, with the Federal Reserve Bank of the district in which the applying bank is located.

§ 208.5 *Approval of application*—(a) *Matters given special consideration by Board.* In passing upon an application, the following matters will be given special consideration:

(1) The financial history and condition of the applying bank and the general character of its management;

(2) The adequacy of its capital structure in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities; and its future earnings prospects;

(3) The convenience and needs of the community to be served by the bank; and

(4) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act.

(b) *Procedure for admission to membership after approval of application.* If an applying bank conforms to all the requirements of the Federal Reserve Act and this part and is otherwise qualified for membership, its application will be approved subject to such conditions as may be prescribed pursuant to the provisions of the Federal Reserve Act. When the conditions prescribed have been accepted by the applying bank, it should pay to the Federal Reserve Bank of its district one-half of the amount of its subscription and, upon receipt of advice from the Federal Reserve Bank as to the required amount, one-half of one percent of its paid-up subscription for each month from the period of the last dividend.[4] The remaining half of the bank's subscription shall be subject to call when deemed necessary by the Board. The bank's membership in the Federal Reserve System shall become effective on the date as of which a certificate of stock of the Federal Reserve Bank is issued to it pursuant to its application for membership or, in the case of a mutual savings bank which is not authorized to subscribe for stock, on the date as of which a certificate representing the acceptance of a deposit with the Federal Reserve Bank in place of a payment on account of a subscription to stock is issued to it pursuant to its application for membership.

§ 208.6 *Privileges and requirements of membership.* Every State bank while

a member of the Federal Reserve System—

(a) Shall retain its full charter and statutory rights subject to the provisions of the Federal Reserve Act and other acts of Congress applicable to member State banks, to the regulations of the Board made pursuant to law, and to the conditions prescribed by the Board and agreed to by such bank prior to its admission;

(b) Shall enjoy all the privileges and observe all the requirements of the Federal Reserve Act and other acts of Congress applicable to member State banks and of the regulations of the Board made pursuant to law which are applicable to member State banks;

(c) Shall comply at all times with any and all conditions of membership prescribed by the Board in connection with the admission of such bank to membership in the Federal Reserve System; and

(d) Shall not reduce its capital stock except with the prior consent of the Board.[6]

§ 208.7 *Conditions of membership.* (a) Pursuant to the authority contained in the first paragraph of section 9 of the Federal Reserve Act, which authorizes the Board to permit applying State banks to become members of the Federal Reserve System "subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto," the Board, except as hereinafter stated, will prescribe the following conditions of membership for each State bank hereafter applying for admission to the Federal Reserve System, and, in addition, such other conditions as may be considered necessary or advisable in the particular case:

(1) Such bank at all times shall conduct its business and exercise its powers with due regard to the safety of its depositors, and, except with the permission of the Board of Governors of the Federal Reserve System, such bank shall not cause or permit any change to be made in the general character of its business or in the scope of the corporate powers exercised by it at the time of admission to membership.[6]

(2) The net capital and surplus funds of such bank shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

(b) The acquisition by a member State bank of the assets of another institution through merger, consolidation, or purchase may result in a change in the general character of its business or in the scope of its corporate powers within the meaning of the condition set forth in subparagraph (1) of this paragraph, and if at any time a bank subject to such condition anticipates making any such acquisition a detailed report setting forth all the facts in connection with the transaction shall be made promptly to the Federal Reserve Bank of the district in which such bank is located.

(c) If at any time, in the light of all the circumstances, the aggregate amount of a member State bank's net capital and surplus funds appears to be inadequate, the bank within such period as shall be deemed by the Board to be reasonable for this purpose, shall increase the amount thereof to an amount which in the judgment of the Board shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

§ 208.8 *Establishment or maintenance of branches*—(a) *In general.* Every State bank which is or hereafter becomes a member of the Federal Reserve System is subject to the provisions of section 9 of the Federal Reserve Act relating to the establishment and maintenance of branches[7] in the United States or in a dependency or insular possession thereof or in a foreign country. Under the provisions of section 9, member State banks establishing and operating branches in the United States beyond the corporate limits of the city, town, or village in which the parent bank is situated must conform to the same terms, conditions, limitations, and restrictions as are applicable to the establishment of branches by national banks under the provisions of section 5155 of the Revised Statutes of the United States relating to the establishment of branches in the United States, except that the approval of any such branches must be obtained from the Board rather than from the Comptroller of the Currency. The approval of the Board must likewise be obtained before any member State bank establishes any branch after July 15, 1952, within the corporate limits of the city, town, or village in which the parent bank is situated (except within the District of Columbia). Under the provisions of section 9, member State banks establishing and operating branches in a dependency or insular possession of the United States or in a foreign country must conform to the terms, conditions, limitations, and restrictions contained in section 25 of the Federal Reserve Act relating to the establishment by national banks of branches in such places.

(b) *Branches in the United States.* (1) Before a member State bank establishes a branch (except within the District of Columbia), it must obtain the approval of the Board.

(2) Before any nonmember State bank having a branch or branches established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated is admitted to membership in the Federal Reserve System, it must obtain the approval of the Board for the retention of such branches.

(3) A member State bank located in a State which by statute law permits the maintenance of branches within county or greater limits may, with the approval of the Board, establish and operate, without regard to the capital requirements of section 5155 of the Revised Statutes, a seasonal agency in any resort community within the limits of the county in which the main office of such bank is located for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto, if no bank is located and doing business in the place where the proposed agency is to be located; and any permit issued for the establishment of such an agency shall be revoked upon the opening of a State or national bank in the community where the agency is located.

(4) Except as stated in paragraph (b) (3) of this section, in order for a member State bank to establish a branch beyond the corporate limits of the city, town, or village in which it is situated, the aggregate capital stock of the member State bank and its branches shall at no time be less than the aggregate minimum capital stock required by law for the establishment of an equal number of national banking associations situated in the various places where such member State bank and its branches are situated.[8]

(5) A member State bank may not establish a branch beyond the corporate limits of the city, town, or village in which it is situated unless such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition.

(6) Any member State bank which, on February 25, 1927, had established and was actually operating a branch or branches in conformity with the State law is permitted to retain and operate the same while remaining a member of the Federal Reserve System, regardless of the location of such branch or branches.

(7) The removal of a branch of a member State bank from one town to another town constitutes the establishment of a branch in such other town and, accordingly, requires the approval of the Board. The removal of a branch of a member State bank from one location in a town to another location in the same town will require the approval of the Board if the circumstances of the removal are such that the effect thereof is to constitute the establishment of a new branch as distinguished from the mere relocation of an existing branch in the immediate neighborhood without affecting the nature of its business or customers served.

(c) *Application for approval of branches in United States.* Any member State bank desiring to establish a branch should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any nonmember State bank applying for membership and desiring to retain any branch established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated should submit a similar request. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

(d) *Foreign branches.* Before a member State bank establishes a branch in a foreign country, or dependency or insular possession of the United States, it must have a capital and surplus of $1,000,000 or more and obtain the approval of the Board.

(e) *Application for approval of foreign branches.* Any member State bank desiring to establish such a branch and any nonmember State bank applying for membership and desiring to retain any such branch established after February 25, 1927, should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

[6] This applies to capital stock of all classes and to capital notes and debentures legally issued and purchased by the Reconstruction Finance Corporation which, under the Federal Reserve Act, are considered as capital stock for purposes of membership.

[6] For many years, the Board prescribed, as standard conditions of membership, a condition which, in general, prohibited banks from engaging as a business in the sale of real estate loans to the public and certain conditions relating to the exercise of trust powers, including one which prohibited self-dealing in the investment of trust funds. The elimination of these conditions as standard conditions of membership does not reflect any change in the Board's position as to the undesirability of the practices formerly prohibited by such conditions; and attention is called to the fact that engaging as a business in the sale of real estate loans to the public or failing to conduct trust business in accordance with the applicable State laws and sound principles of trust administration may constitute unsafe or unsound practices and violate the condition set forth in this subparagraph.

[7] Section 5155 of the Revised Statutes of the United States provides that: "(f) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent."

[8] The requirement of this paragraph is met if the aggregate capital stock of a member State bank having branches is not less than the total amount of capital stock which would be required for the establishment of one national bank in each of the places in which the head office and branches of the member State bank are located, irrespective of the number of offices which the bank may have in any such place. There are no additional capital requirements for additional branches within the city, town, or village in which the head office is located.

§ 208.9 *Publication of reports of member banks and their affiliates*[9]—(a) *Reports of member banks.* (1) Each report of condition made by a member State bank, which is required to be made to the Federal Reserve Bank of its district as of call dates fixed by the Board of Governors of the Federal Reserve System, shall be published by such member bank within twenty days from the date the call therefor is issued.

(2) The report shall be printed in a newspaper published in the place where the bank is located or, if there be no newspaper published in the place where the bank is located, then in a newspaper published in the same or in an adjoining county and in general circulation in the place where the bank is located. The term "newspaper", for the purpose of this part, means a publication with a general circulation published not less frequently than once a week, one of the primary functions of which is the dissemination of news of general interest.

(3) The copy of the report for the use of the printer for publication should be prepared on the form supplied or authorized for the purpose by the Federal Reserve Bank. The published information shall agree in every respect with that shown on the face of the condition report rendered to the Federal Reserve Bank, except that any item for which no amount is reported may be omitted in the published statement. All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(4) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on the form supplied or authorized for the purpose by the Federal Reserve Bank.

(b) *Reports of affiliates.*[10] (1) Each report of an affiliate of a member State bank, including a holding company affiliate, shall be published at the same time and in the same newspaper as the affiliated bank's own condition report submitted to the Federal Reserve Bank, unless an extension of time for submission of the report of the affiliate has been granted under authority of the Board of Governors of the Federal Reserve System. When such extension of time has been granted, the report of the affiliate must be submitted and published before the expiration of such extended period in the same newspaper as the condition report of the bank was published.

(2) The copy of the report for the use of the printer for publication should be prepared on Form F. R. 220a. The published information shall agree in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve Bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve Bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve Bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none". All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(3) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on Form F. R. 220a.

§ 208.10 *Voluntary withdrawal from Federal Reserve System*—(a) *General.* Any State bank desiring to withdraw from membership in a Federal Reserve Bank may do so after six months' written notice has been filed with the Board;[11] and the Board, in its discretion, may waive such six months' notice in any individual case and may permit such bank to withdraw from membership in a Federal Reserve Bank, subject to such conditions as the Board may prescribe, prior to the expiration of six months from the date of the written notice of its intention to withdraw.

[9] Under the provisions of section 9 of the Federal Reserve Act, reports of condition of member State banks which, under that section, must be made to the respective Federal Reserve Banks on call dates fixed by the Board of Governors of the Federal Reserve System "shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe".

Section 9 also provides that the reports of affiliates of a member State bank which are required by that section to be furnished to the respective Federal Reserve Banks "shall be published by the bank under the same conditions as govern its own condition reports". The term "affiliates", as used in this provision of section 9, under the express terms of that section, includes "holding company affiliates as well as other affiliates", but a member State bank is not required to furnish to a Federal Reserve Bank the report of an affiliated member bank.

[10] Section 21 of the Federal Reserve Act, among other things, provides as follows: "whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank." Therefore, of course, in any case where the Board of Governors waives the filing of a report of an affiliate of a member State bank, no publication of a report of such affiliate is required.

[11] Under specific provisions of section 9 of the Federal Reserve Act, however, no Federal Reserve Bank shall, except upon express authority of the Board, cancel within the same calendar year more than twenty-five per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All applications for voluntary withdrawals are required by the law to be dealt with in the order in which they are filed with the Board.

(b) *Notice of intention of withdrawal.* (1) Any State bank desiring to withdraw from membership in a Federal Reserve Bank should signify its intention to do so, with the reasons therefor, in a letter addressed to the Board and mailed to the Federal Reserve Bank of which such bank is a member. Any such bank desiring to withdraw from membership prior to the expiration of six months from the date of written notice of its intention to withdraw should so state in the letter signifying its intention to withdraw and should state the reason for its desire to withdraw prior to the expiration of six months.

(2) Every notice of intention of a bank to withdraw from membership in the Federal Reserve System and every application for the waiver of such notice should be accompanied by a certified copy of a resolution duly adopted by the board of directors of such bank authorizing the withdrawal of such bank from membership in the Federal Reserve System and authorizing a certain officer or certain officers of such bank to file such notice or application, to surrender for cancellation the Federal Reserve Bank stock held by such bank, to receive and receipt for any moneys or other property due to such bank from the Federal Reserve Bank and to do such other things as may be necessary to effect the withdrawal of such bank from membership in the Federal Reserve System.

(3) Notice of intention to withdraw or application for waiver of six months' notice of intention to withdraw by any bank which is in the hands of a conservator or other State official acting in a capacity similar to that of a conservator should be accompanied by advice from the conservator or other such State official that he joins in such notice or application.

(c) *Time and method of effecting actual withdrawal.* Upon the expiration of six months after notice of intention to withdraw or upon the waiving of such six months' notice by the Board, such bank may surrender its stock and its certificate of membership to the Federal Reserve Bank and request that same be canceled and that all amounts due to it from the Federal Reserve Bank be refunded.[12] Unless withdrawal is thus effected within eight months after notice of intention to withdraw is first given, or unless the bank requests and the Board grants an extension of time, such bank will be presumed to have abandoned its intention of withdrawing from membership and will not be permitted to withdraw without again giving six months' written notice or obtaining the waiver of such notice.

(d) *Withdrawal of notice.* Any bank which has given notice of its intention to withdraw from membership in a Federal Reserve Bank may withdraw such notice at any time before its stock has been canceled and upon doing so may remain a member of the Federal Reserve System. The notice rescinding the former notice should be accompanied by a certified copy of an appropriate resolution duly adopted by the board of directors of the bank.

§ 208.11 *Board forms.* All forms referred to in this part and all such forms as they may be amended from time to time shall be a part of the regulations in this part.

The purpose of these amendments is to make this part conform to recent changes in the law relating to capital requirements for admission of State banks to membership in the Federal Reserve System and to the capital requirements for the establishment of branches by State member banks.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with these amendments for the reasons and good cause found, as stated in § 262.2 (e) of the Board's Rules of Procedure (Part 262), and especially because such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52–9621; Filed, Sept. 3, 1952; 8:46 a. m.]

[12] A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve Bank stock held by it is duly canceled. Until such stock has been canceled, such bank remains a member of the Federal Reserve System, is entitled to all the privileges of membership, and is required to comply with all provisions of law and all regulations of the Board pertaining to member banks and with all conditions of membership applicable to it. Upon the cancellation of such stock, all rights and privileges of such bank as a member bank shall terminate.

Upon the cancellation of such stock, and after due provision has been made for any indebtedness due or to become due to the Federal Reserve Bank, such bank shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one percent per month from the date of last dividend, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to the repayment of deposits and of any other balance due from the Federal Reserve Bank.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5025]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALEXANDER AUERBACH, ETC.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition;* § 3.1685 *Nature.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin: Wool Products Labeling Act.* Subpart—*Offering, unfair, improper and deceptive inducements to purchase or deal:* § 3.2063 *Scientific or relevant facts.* Subpart—*Using misleading name—Vendor:* § 3.2365 *Concealed subsidiary or "alter ego".* I. In connection with the offering for sale, sale or distribution in commerce, as defined in the Federal Trade Commission Act, of fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings or other wool waste which have been reclaimed or reworked, (1) using the term "wool" to designate, describe or otherwise refer to such reclaimed or reworked fibers unless such fibers are "wool," as the term is defined in the Wool Products Labeling Act of 1939; (2) using the term "reprocessed wool" to designate, describe or otherwise refer to such reclaimed and reworked fibers unless such fibers are "reprocessed wool," as the term is defined in the Wool Products Labeling Act of 1939; (3) representing, directly or by implication, that fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings, or other waste which have been reclaimed and reworked, is or may be described or identified as "wool" under the provisions of the Wool Products Labeling Act of 1939, except to the extent which it contains constituent fibers of "wool" as defined in said act, or is or may be described as "reprocessed wool" except to the extent which it contains constituent fibers of "wool" or "reprocessed wool" as defined therein; or, (4) misrepresenting or concealing, through the use of fictitious names or otherwise, the identity of respondent or his business; and, II, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as defined in the Federal Trade Commission and Wool Products Labeling Acts, misbranding "shoddy" or other "wool products", as defined in and subject to said Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner; (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and, (c) the name of the manufacturer of such wool product, or the manufacturer's registered identification number and the name of a seller of such wool product, or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that nothing contained in prohibitions (1) and (2) of Part I shall be construed as in any way restricting, enlarging or altering the applicability of the provisions of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder to respondent or his products; and to the further qualification that the above provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Modified cease and desist order, Alexander Auerbach, etc., Brooklyn, N. Y., Docket 5025, June 2, 1952]

In the Matter of Alexander Auerbach, an Individual Trading in His Own Name and as Frank Corwin, Frank Corwin Company, Frank Cohen, David Demerer and Hanover Wool Stock Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts, and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, and the provisions of the Wool Products Labeling Act of 1939, on April 18, 1944, issued and subsequently served upon the respondent said findings as to the facts, conclusion and its order to cease and desist.

Thereafter, this matter came on for reconsideration by the Commission upon a motion by counsel for the Commission's Bureau of Antideceptive Practices to reopen this proceeding for the purpose of altering in certain respects the order to cease and desist herein, an affidavit as to certain facts alleged in said motion, a reply opposing said motion by counsel for respondent and an affidavit by respondent to the matters set out in said reply; and the Commission having reconsidered the matter and being of the opinion that the order to cease and desist should be so modified, and having granted said motion to reopen and alter the order to cease and desist:

It is ordered, That the respondent, Alexander Auerbach, individually and trading in his own name or as Frank Corwin, Frank Corwin Company, David Demerer or Hanover Wool Stock Company, or trading under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fibrous stock composed in whole or in part of fibers reclaimed from woolen rags, clippings or other wool waste which have been reclaimed and reworked, do forthwith cease and desist from:

(1) Using the term "wool" to designate, describe or otherwise refer to such reclaimed or reworked fibers unless such fibers are "wool", as the term is defined in the Wool Products Labeling Act of 1939.

(2) Using the term "reprocessed wool" to designate, describe or otherwise refer to such reclaimed and reworked fibers unless such fibers are "reprocessed wool", as the term is defined in the Wool Products Labeling Act of 1939:

Provided, however, That nothing herein contained shall be construed as in any way restricting, enlarging or altering the applicability of the provisions of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder to respondent or his products.

(3) Representing, directly or by implication, that fibrous stock composed in whole or in part of fibers reclaimed from woolen rags, clippings, or other wool waste which have been reclaimed and reworked, is or may be described or identified as "wool" under the provisions of the Wool Products Labeling Act of 1939, except to the extent which it contains constituent fibers of "wool" as defined in said act, or is or may be described as "reprocessed wool" except to the extent which it contains constituent fibers of "wool" or "reprocessed wool" as defined therein.

(4) Misrepresenting or concealing, through the use of fictitious names or otherwise, the identity of respondent or his business.

It is further ordered, That the respondent, Alexander Auerbach, individually and trading in his own name and as Frank Corwin, Frank Corwin Company, Frank Cohen, David Demerer, and Hanover Wool Stock Company, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding "shoddy" or other "wool products", as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product, or the manufacturer's registered identification number and the name of a seller of such wool product, or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided, further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: June 2, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52–9663; Filed, Sept. 3, 1952; 8:52 a. m.]

[Docket 5525]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BORK MANUFACTURING CO., INC., ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, punch boards, push cards, or other lottery devices, which are to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Bork Manufacturing Co., Inc., et al., Brooklyn, N. Y., Docket 5525, June 2, 1952]

In the Matter of Bork Manufacturing Co., Inc., a Corporation, and Alvin Borkin, an Individual and President of Bork Manufacturing Co., Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondents' substituted answer (no brief having been filed by the respondents); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act, and having issued an order to cease and desist; and

Respondents Bork Manufacturing Co., Inc., a corporation, and Alvin Borkin, individually and as President of such corporation, having filed in the United States Court of Appeals for the Ninth Circuit their petition to review and set aside the order to cease and desist issued herein, and that Court having heard the matter on briefs and oral argument, having fully considered the matter, and having, thereafter, on February 5, 1952, entered its final decree modifying and

affirming and enforcing, as modified, the aforesaid order to cease and desist pursuant to its opinion announced on February 5, 1952; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord with the aforesaid opinion and final decree of the United States Court of Appeals for the Ninth Circuit:

It is hereby ordered, That the respondents, Bork Manufacturing Co., Inc., a corporation, and Alvin Borkin, individually and as President of such corporation, and their officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punch boards, push cards, or other lottery devices, which are to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That within the period of time allowed by the aforesaid final decree of the United States Court of Appeals for the Ninth Circuit, the respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: June 2, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9664; Filed, Sept. 3, 1952; 8:52 a. m.]

[Docket 5959]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELMO CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety.* I. In connection with the offering for sale, sale and distribution of respondent's preparations known as Elmo Ear Oil No. 1, Elmo Nasal Cleanser No. 2, Elmo Throat Gargle No. 3, Elmo Vapor Inhaler No. 4, Elmo Massage Ointment No. 5, Elmo Nasal Ointment No. 6, Elmo Recharge Liquid No. 9, or any preparations of substantially similar composition or of substantially similar properties; and of respondent's Elmo No. 8 Ear-Vibrator, or any device of substantially similar composition and operation, whether sold under the same name or any other name; (1) disseminating, etc., any advertisments by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations and device, which represent, directly or through inference, (a) that the use of respondent's preparations and device, singly or in combination, as directed, or otherwise, will have any beneficial effect upon deafness not caused by a catarrhal condition of the nose, ear or air passages; (b) that such use will have any beneficial effect in the treatment of deafness, impaired hearing, or head or ear noises caused by discharging catarrh, in excess of affording temporary relief therefrom; (c) that the effects of its preparations in the treatment of deafness or impaired hearing or head or ear noises due to dry catarrh is in excess of softening of the dry exudates, or that any benefit can be expected by reason of this action of respondent's preparations in the treatment of conditions caused by dry catarrh of the ear canal unless the softened exudates are removed by other means; (d) that said preparations and device constitute a method of treatment based upon the findings of accepted medical authorities; (e) that catarrh is the most common cause of deafness; or, (f) that Elmo Ear Oil No. 1 or Elmo No. 8 Ear-Vibrator are harmless or may be used without ill effects; (2) disseminating, etc., any advertisements, etc., which fail to reveal, as respects said Elmo Ear Oil No. 1, that the cotton on which the product is used should not be pushed into the ear so far that it cannot be easily removed with the fingers, and that when infection is present, the use of cotton in connection with said product when pushed deeply into the ear may result in injury to the ear, including the extension of any infection therein present into the deeper structures of the ear; and, (3) disseminating, etc., any advertisements, etc., which fail to reveal, as respects said "Ear-Vibrator", that, when infection is present in the ear, the use of said device may result in extending such infection into the deeper structures of the ear and in serious injury; and, II, in connection with the offering for sale, sale and distribution of the booklet "Diet—Vitamins and Minerals", in commerce, representing that head colds may be prevented by selecting and eating foods which are listed in said booklet as being high in Vitamin A content; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Elmo Company, Inc., Davenport, Ia., Docket 5959, June 10, 1952]

In the Matter of The Elmo Company, Inc.

This proceeding was instituted by complaint which charged respondent with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated June 17, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith,[1] was accepted by the Commission on June 10, 1952 and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

[1] Filed as part of the original document.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order, to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, The Elmo Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its preparations known as Elmo Ear Oil No. 1, Elmo Nasal Cleanser No. 2, Elmo Throat Gargle No. 3, Elmo Vapor Inhaler No. 4, Elmo Massage Ointment No. 5, Elmo Nasal Ointment No. 6, Elmo Recharge Liquid No. 9, or any preparations of substantially similar composition or possessing substantially similar properties, and Elmo No. 8 Ear-Vibrator, or any device of substantially similar construction and operation whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly,

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations and device, which advertisement represents, directly or through inference:

(a) That the use of its preparations and device, singly or in combination, as directed, or otherwise, will have any beneficial effect upon deafness not caused by a catarrhal condition of the nose, ear or air passages.

(b) That the use of its preparations and device, singly or in combination, as directed, or otherwise, will have any beneficial effect in the treatment of deafness, impaired hearing, or head or ear noises caused by discharging catarrh, in excess of affording temporary relief therefrom.

(c) That the effects of its preparations in the treatment of deafness or impaired hearing or head or ear noises due to dry catarrh is in excess of softening of the dry exudates, or that any benefit can be expected by reason of this action of respondent's preparations in the treatment of conditions caused by dry catarrh of the ear canal unless the softened exudates are removed by other means.

(d) That said preparations and device constitute a method of treatment based upon the findings of accepted medical authorities.

(e) That catarrh is the most common cause of deafness.

(f) That Elmo Ear Oil No. 1 or Elmo No. 8 Ear-Vibrator are harmless or may be used without ill effects.

2. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's aforesaid Elmo Ear Oil No. 1, which advertisement fails to reveal that the cotton on which the product is used should not be pushed into the ear so far that it cannot be easily removed with the fingers, and that when infection is present, the use of cotton in connection with said product when pushed deeply into the ear may result in injury to the ear, including the extension of any infection therein present into the deeper structures of the ear.

3. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of Elmo No. 8 Ear-Vibrator, which advertisement fails to reveal that, when infection is present in the ear, the use of this device may result in extending such infection into the deeper structures of the ear and in serious injury.

4. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations and device in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirement set forth in paragraphs 2 and 3 hereof.

It is further ordered, That respondent, The Elmo Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the booklet "Diet—Vitamins and Minerals" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing that head colds may be prevented by selecting and eating foods which are listed in said booklet as being high in Vitamin A content.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 17, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9662; Filed, Sept. 3, 1952; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Correction

In F. R. Doc. 52-9496, appearing at page 7885 of the issue for Friday, August 29, 1952, the following change should be made:

In the amendatory language of item 4b, "Section 146.5 (c) (1) (v)" should read "Section 146.45 (c) (1) (v)".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.162]

PART 51—PASSPORTS

SUBPART B—REGULATIONS OF THE SECRETARY OF STATE

LIMITATIONS ON ISSUANCE OF PASSPORTS; NOTIFICATION AND APPEAL

Pursuant to the authority vested in me by paragraph 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 681; 22 CFR 51.77), under authority of section 1 of the act of Congress approved July 3, 1926 (44 Stat. 887; 22 U. S. C. 211 (a)), the regulations issued on March 31, 1938 (Departmental Order 749) as amended (22 CFR 51.101 to 51.134) are hereby further amended by the addition of new §§ 51.135 to 51.143 as follows:

Sec.

51.135 Limitations on issuance of passports to persons supporting Communist movement.

51.136 Limitations on issuance of passports to persons likely to violate laws of the United States.

51.137 Notification to person whose passport application is tentatively disapproved.

51.138 Appeal by passport applicant.

51.139 Creation and functions of Board of Passport Appeals.

51.140 Duty of Board to advise Secretary of State on action for disposition of appealed cases.

51.141 Bases for findings of fact by Board.

51.142 Oath or affirmation by applicant as to membership in Communist Party.

51.143 Applicability of §§ 51.135 to 51.142.

AUTHORITY: §§ 51.135 to 51.143 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.135 *Limitations on issuance of passports to persons supporting Communist movement.* In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

(a) Persons who are members of the Communist Party or who have recently terminated such membership under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they continue to act in furtherance of the interests and under the discipline of the Community Party;

(b) Persons, regardless of the formal state of their affiliation with the Communist Party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion—not otherwise rebutted by the evidence—that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement.

(c) Persons, regardless of the formal state of their affiliation with the Communist Party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and wilfully of advancing that movement.

§ 51.136 *Limitations on issuance of passports to persons likely to violate laws of the United States.* In order to promote the national interest by assuring that the conduct of foreign relations shall be free from unlawful interference, no passport, except one limited for direct and immediate return to the United States, shall be issued to persons as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities while abroad which would violate the laws of the United States, or which if carried on in the United States would violate such laws designed to protect the security of the United States.

§ 51.137 *Notification to person whose passport application is tentatively disapproved.* A person whose passport application is tentatively disapproved under the provisions of § 51.135 or § 51.136 will be notified in writing of the tentative refusal, and of the reasons on which it is based, as specifically as in the judgment of the Department of State security considerations permit. He shall be entitled, upon request, and before such refusal becomes final, to present his case and all relevant information informally to the Passport Division. He shall be entitled to appear in person before a hearing officer of the Passport Division, and to be represented by counsel. He will, upon request, confirm his oral statements in an affidavit for the record. After the applicant has presented his case, the Passport Division will review the record, and after consultation with other interested offices, advise the applicant of the decision. If the decision is adverse, such advice will be in writing and shall state the reasons on which the decision is based as specifically as within the judgment of the Department of State security limitations permit. Such advice shall also inform the applicant of his right to appeal under § 51.138.

§ 51.138 *Appeal by passport applicant.* In the event of a decision adverse to the applicant, he shall be entitled to appeal his case to the Board of Passport Appeals provided for in § 51.139.

§ 51.139 *Creation and functions of Board of Passport Appeals.* There is hereby established within the Department of State a Board of Passport Appeals, hereinafter referred to as the Board, composed of not less than three officers of the Department to be designated by the Secretary of State. The Board shall act on all appeals under § 51.138. The Board shall adopt and make public its own rules of procedure, to be approved by the Secretary, which shall provide that its duties in any case may be performed by a panel of not less than three members acting by majority determination. The rules shall accord applicant the right to a hearing and to be represented by counsel, and shall accord applicant and each witness the

right to inspect the transcript of his own testimony.

§ 51.140 *Duty of Board to advise Secretary of State on action for disposition of appealed cases.* It shall be the duty of the Board, on all the evidence, to advise the Secretary of the action it finds necessary and proper to the disposition of cases appealed to it, and to this end the Board may first call for clarification of the record, further investigation, or other action consistent with its duties.

§ 51.141 *Bases for findings of fact by Board.* (a) In making or reviewing findings of fact, the Board, and all others with responsibility for so doing under §§ 51.135 to 51.143, shall be convinced by a preponderance of the evidence, as would a trial court in a civil case.

(b) Consistent and prolonged adherence to the Communist Party line on a variety of issues and through shifts and changes of that line will suffice, prima facie, to support a finding under § 51.135 (b).

§ 51.142 *Oath or affirmation by applicant as to membership in Communist Party.* At any stage of the proceedings in the Passport Division or before the Board, if it is deemed necessary, the applicant may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist Party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings.

§ 51.143 *Applicability of §§ 51.135 to 51.142.* When the standards set out in § 51.135 or § 51.136 are made relevant by the facts of a particular case to the exercise of the discretion of the Secretary under § 51.75, the standards in §§ 51.135 and 51.136 shall be applied and the procedural safeguards of §§ 51.137 to 51.142 shall be followed in any case where the person affected takes issue with the action of the Department in granting, refusing, restricting, withdrawing, cancelling, revoking, extending, renewing, or in any other fashion or degree affecting the ability of a person to use a passport through action taken in a particular case.

Date of issuance: August 28, 1952.

For the Secretary of State.

W. K. SCOTT,
Acting Deputy Under Secretary.

[F. R. Doc. 52-9668; Filed, Sept. 3, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 75, Amdt. 2]

CPR 75—CEILING PRICES FOR CERTAIN PROCESSED SOUPS

REVOCATION OF RECALCULATION PROVISIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 75 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation (CPR) 75 contains, among other things, provisions requiring recalculation and lowering of ceiling prices where costs of raw materials and ingredients declined by 5 percent or more. The same provisions also authorize ceiling price increases where these costs increased. This amendment eliminates these provisions.

This action is in line with the general policy of the Office of Price Stabilization to continue present ceiling prices on all foods subject to price control. In accordance with this policy, ceiling prices will not be increased except where, in accordance with the OPS announced industry earnings standard, an entire industry seeks an increase in its ceiling prices by making a satisfactory showing that its current earnings are less than 85 percent of its earnings in the best three years of the four years 1946–1949. On the other hand, since it is also agency policy not to use the earnings standard as a standard for price rollbacks, it has been determined that the recalculation provisions contained in CPR 75 should be revoked.

In the formulation of this amendment, special circumstances have rendered it impractical to consult with industry representatives, including trade association representatives. The provisions of this amendment conform, however, with the recommendations of persons representing substantial segments of the industry.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 75 is amended in the following respects:

1. Paragraph (g) of section 2 is revoked.

2. Paragraph (e) of section 3 is revoked.

3. Paragraph (b) of section 4 is amended to read as follows:

(b) *Recalculation of the uniform price line ceiling price.* If a change in ceiling price resulting from the recalculation of a new ceiling as required in section 2 (i) of this regulation would result in a decrease of 5 percent or more in the ceiling price of any item included in the uniform price line, you shall then immediately recalculate your ceiling price for your uniform price line in accordance with paragraph (a) of this section.

You are not required to recalculate your ceiling price for the uniform price line if the change is an increase.

4. Paragraph (c) of section 7 is amended to read as follows:

(c) If you at any time recalculate your ceiling prices for an item under the provisions of section 2 (i) of this regulation, you shall at that time refigure your weighted average ceiling price under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 75 is effective September 3, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9772; Filed, Sept. 3, 1952, 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 5, Amdt. 5]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 5—CHICAGO MILK MARKETING AREA, STATE OF ILLINOIS

INCREASES IN CEILING PRICES OF FLUID MILK PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Four Chicago dairies have submitted information to this Agency tending to show that the ceiling prices set by AMPR 5 are not generally fair and equitable. This is a temporary sixty-day order providing for a half-cent per sales point increase. The information supplied is not adequate to warrant a permanent order. A representative sample of Chicago dairies are being requested to submit additional data to the Agency within the next thirty days. After this information has been received, appropriate action will be taken in light of all the evidence available. This order will, therefore, be revoked after sixty days unless supported by the requested information.

This amendment also provides that new ceiling prices, and certain other information must be reported to this Agency within five days after the effective date of this amendment.

In the judgment of the Director, the provisions of this amendment to Area Milk Price Regulation No. 5 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act amendments of 1951 and 1952.

The Director gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. In the formulation of this amendment, the Director has consulted industry representatives, including trade association representatives, to the fullest extent practicable and has given due consideration to the recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation 5, issued under Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. The first paragraph of section 4 is amended to read as follows:

Your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on November 15, 1951, plus (except for sales to vendors) one cent per sales point. Your ceiling price for any milk product for fluid consumption sold to vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect November 15, 1951, plus one-quarter cent per sales point.

2. Section 5 is amended to read as follows:

SEC. 5. *Reporting requirements.* You shall report the ceiling prices resulting from the application of section 4 to the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, by registered mail, return receipt requested, within five days after the effective date of Amendment 5 to this regulation. The report shall be filed on OPS Public Form 124. Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section 4 until the Office of Price Stabilization has received the report required by this paragraph (b) as shown by your return postal receipt.

In column (a) of OPS Public Form 124 the description of the product must include the butterfat content. In column (f) the ceiling price shown shall be your ceiling price determined under the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation. In column (g) the uniform adjustment shall be the amount of the increases specified in section 4 for those products the ceiling prices of which are increased. All the other portions of OPS Public Form 124 shall be filled in as indicated by the form.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 5 to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective September 3, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

L. J. ANDERECK,
Acting Regional Director.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9771; Filed, Sept. 3, 1952; 1:00 p. m.]

[General Overriding Regulation 2, Revision 1, Amdt. 1]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

STATEMENT REGARDING CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 2, Revision 1, covers all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers.

This Amendment 1 to General Overriding Regulation 2 (GOR 2), Revision 1, suspends section 31 until October 15, 1952.

As originally issued on July 21, 1952, section 31 required certain defense contractors and subcontractors for commodities to be delivered to Defense Agencies, and persons performing services on such commodities, to state their ceiling prices in the offer or bid and in the contract or subcontract, if the commodities or services were not exempted from price control. The reasons for this action were set forth in the statement of considerations accompanying the regulation.

Since the issuance of GOR 2, Revision 1, certain problems encountered by defense contractors and subcontractors in complying with section 31 have been called to the attention of the Office of Price Stabilization, as a result of which it is deemed appropriate to suspend temporarily the applicability of section 31, pending further study of these problems, thus relieving affected persons from the necessity of complying with its requirements during the suspension period.

Careful consideration will be given to the views expressed by affected parties and agencies, and if certain modifications are indicated, they will become effective at the conclusion of the suspension period. In the event that section 31 as originally issued is continued, additional time will be granted for the purpose of making any necessary computations.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Paragraph (b) of section 31 of General Overriding Regulation 2, Revision 1, is amended to read as follows:

(b) This section does not apply to the following:

(1) Any offer, bid, defense contract, or subcontract submitted or entered into on or before October 15, 1952.

(2) Any offer or bid submitted directly to a Defense Agency pursuant to formal advertising for bids, or any contract with a Defense Agency resulting from any such offer, or bid.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to General Overriding Regulation 2, Revision 1, is effective September 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9696; Filed, Sept. 3, 1952; 3:30 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Interpretation 4, Revised]

GSSR–1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

INT. 4—TEN (10) PERCENT INCREASES IN SALARIES AND OTHER COMPENSATION UNDER SECTION 22 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

The purpose of this revision of Interpretation 4 is primarily to provide for the substitution of appropriate section references in General Salary Stabilization Regulation 1, Amended, for the superseded provisions of section 8 of General Salary Stabilization Regulation 1, as amended. An interpretative change of substance has been made with respect to the "charge-off" of cost-of-living increases granted on and after January 15, 1951 (paragraphs 11 (d) and 12 (h) of subdivision (b)).

(a) UNDERLYING POLICY

1. Q. What is the maximum percentage of increases permitted under section 22?

A. Ten (10) percent. Under section 22, salaries and other compensation of an appropriate group of employees may be increased in amounts up to, but not in excess of ten percent over the salary level of such employee group for the first regular payroll of such group ending on or after January 15, 1950.

2. Q. May the ten (10) percent increases under section 22 be granted without the prior approval of the Office of Salary Stabilization?

A. Yes. It is the purpose of section 22 to place such increases on a self-administering basis. To substantiate the propriety of the increases granted by him the employer must keep the records and prepare the summary statements, as prescribed in section 101 of General Salary Stabilization Regulation 1, Amended.

(b) GENERAL DEFINITIONS

1. Q. Is the amount available for increases under section 22 computed individually for each employee?

A. No. The amount available for such increases is based on the salaries of an appropriate group of employees.

2. Q. What constitutes an appropriate group of employees under section 22?

A. An appropriate group of employees is composed of employees under the jurisdiction of the Salary Stabilization Board in the establishment or plant of the employer, or in a business division or department thereof, whom the employer has historically or usually treated as a group for the purpose of granting general increases in salaries and other compensation.

Where an employer has, as a matter of past practice, divided his employees into different groups for the purpose of granting general salary increases, he must continue to follow such practice. For instance, if administrative employees have been treated as a separate group distinct from employees in charge of production, the two groups of employees must be treated as separate groups under section 22.

For example, an employer may treat each of the following as an appropriate group of employees if so treating them is in accordance with his past practice in making general salary increases:

(a) The branch managers of a chain of retail food stores; this may be true even though the branch managers are located in many cities in different parts of the country;

(b) Chemists or physicists working in a particular laboratory of a plant or division thereof.

3. Q. Under what conditions may an employer treat all his employees subject to the jurisdiction of the Salary Stabilization Board as a single group?

A. Only where the employer has consistently over a period of time treated all such employees as a single group in raising their salaries and other compensation.

4. Q. May an appropriate group consist of a single employee?

A. Yes, if an employer over a period of time has treated a single employee as a group for purposes of granting salary increases to him. Where this is true, the employer may continue this practice.

5. Q. May an appropriate group be composed of employees subject to the jurisdiction of the Salary Stabilization Board and employees subject to the jurisdiction of the Wage Stabilization Board?

A. No, even though the employer did treat such employees as a single group prior to wage and salary stabilization.

6. Q. On what basis is the 10 percent increase computed?

A. The 10 percent increase is computed on the basis of the aggregate base compensation of the appropriate group of employees for the first payroll period ending on or after January 15, 1950.

7. Q. Is all compensation paid employees in an appropriate group included in the aggregate base compensation of the group?

A. No. The aggregate base compensation of the group comprises the regular salaries of the employees in the group together with time and incentive earnings and shift differentials, if any, but excluded bonuses of the type specified in General Salary Stabilization Regulation 2, as amended, and all other compensation. (For items of other compensation see General Salary Stabilization Regulation 1, Amended, section 2 (c)).

The incentive earnings which may be included in computing the aggregate base compensation of the group are those which are not related to sales or other business transactions. The latter are governed exclusively by General Salary Stabilization Regulation 5, as amended.

8. Q. May a prorated part of bonuses authorized under General Salary Stabilization Regulation 2, as amended, and paid employees in the group be included in the aggregate base compensation of the group?

A. No.

9. Q. May commission earnings be included in aggregate base compensation of the group?

A. No. Such earnings for employees under Salary Stabilization Board jurisdiction are regulated by General Salary Stabilization Regulation 5, as amended, and are not treated as part of the aggregate base compensation of the group under section 22.

10. Q. On what payroll period basis is the aggregate base compensation of the group computed?

A. The aggregate base compensation is computed on the basis of regularly scheduled weekly, biweekly, semimonthly or monthly pay periods in accordance with the employer's practice.

11. Q. An employer desires to grant increases to an appropriate group of employees under section 22. If he has given such employees increases in salaries and other compensation, which of those increases must be taken into account?

A. Increases in salaries and other compensation made subsequent to the first regular payroll period ending January 15, 1950 must be taken into account in computing 10 percent increases authorized under section 22 unless it is otherwise provided in a General Salary Stabilization Regulation, a General Salary Order, or a specific determination of the Office of Salary Stabilization. The following types of increases must be deducted from the 10 percent:

(a) Increases in salaries made since the first regular payroll period ending on or after January 15, 1950, if the employee group's straight time earnings in any payroll period were increased by 1 percent or more.

(b) Increases in salaries after January 25, 1951, even though the amount is less than 1 percent.

(c) Increases in other forms of compensation if made after January 25, 1951.

(d) Cost-of-living increases of the type referred to in Article III of General Salary Stabilization Regulation 1, Amended, made after January 15, 1950, based upon changes in an acceptable index up to and including January 15, 1951.

(e) Increases required to be deducted pursuant to a specific determination of the Office of Salary Stabilization, or of the Wage Stabilization Board either before May 10, 1951 as to any employee or between May 10, 1951 and July 1, 1952 inclusive with regard to any employee transferred to the jurisdiction of the Salary Stabilization Board between such dates.

12. Q. Are there types of increases which need not be taken into account in determining the amount available for increases under section 22?

A. Yes. The following types of increases used need not be deducted from the 10 percent:

(a) Increases in salaries made on or before January 25, 1951 if the employee group's straight time earnings in any payroll period were not increased by 1 percent or more.

(b) Increases in other forms of compensation not included in computing the aggregate base compensation of the group, if made on or before January 25, 1951.

(c) Merit or length of service increases or adjustments as the result of a promotion, transfer, or assignment to a new or changed position under Article V and Article VI, General Salary Stabilization Regulation 1, Amended.

(d) Tandem increases approved under section 43 of General Salary Stabilization Regulation 1, Amended.

(e) Inter-plant inequity increases approved under section 42, General Salary Stabilization Regulation 1, Amended.

(f) Increases representing contributions to or benefits paid under a health and welfare plan which may be modified or put into effect without prior approval of the Office of Salary Stabilization under General Salary Stabilization Regulation 8, Revised.

(g) Increases made pursuant to section 41, General Salary Stabilization Regulation 1, Amended (Maintenance of compensation relationships).

(h) Cost-of-living increases of the type referred to in Article III of General Salary Stabilization Regulation 1, Amended, based upon changes in an acceptable index after January 15, 1951.

(i) Any other increases which are not required to be deducted pursuant to a specific determination of the Office of Salary Stabilization, or of the Wage Stabilization Board either before May 10, 1951 as to any employee or between May 10, 1951 and July 1, 1952 inclusive with regard to any employee transferred to the jurisdiction of the Salary Stabilization Board between such dates.

(c) INCREASES PERMISSIBLE WITHOUT PRIOR APPROVAL

1. Q. A company had an appropriate group consisting of three executives compensated solely by fixed salaries on a monthly basis. For the payroll period for the month of January 1950 A was paid $900; B was paid $1,000; and C was paid $1,100 per month. On July 1, 1951 the company proposes to increase the compensation of these employees by ten (10) percent. The company has not granted any increases to the executives in the group since January 1950, and has not hired any additional executives. How is the increase computed?

A. The total salaries of the employees in the group for the month of January 1950, amounted to $3,000. Ten percent of that amount is $300. This is the dollar amount of the 10 percent increase which the employer may grant per month to this group of executives.[1]

2. Q. May the company grant the entire $300 to C alone, raising his salary to $1,400 per month?

A. Yes. The 10 percent increase may be distributed within the group by the employer in his discretion and need not be uniformly distributed. However, inequities among the compensation of employees created by such unequal distribution cannot later be corrected by requesting the approval of the Office of Salary Stabilization for further increases in salaries and other compensation for the remaining employees in the group.

3. Q. Assume the facts as in questions c–1 and c–2. On September 1, 1951, the company adds a fourth executive, D, to the group at a monthly salary of $900. May the company increase D's salary on November 1, 1951 under section 22?

A. No. The salary increases granted by the employer on July 1, 1951 exhaust the increases permissible under section 22.

4. Q. Assume the same basic facts as in question c–1. However, on April 1, 1951, A had been raised from $900 to $1,050 per month. This increase was not based on merit or length-of-service. How much does the company have available for increases under section 22 on July 1, 1951?

A. $150 per month, or the difference between the total of $300 (see question c–2) and the $150 per month salary increase granted to A on April 1, 1951.

5. Q. Assume the same basic facts as in question c–1. On December 1, 1950, B was given a salary increase of $25 per month. Does this increase have to be taken into account in computing the amount available for the July 1, 1951 increase?

A. No. The increase was less than 1 percent of the straight time earnings of the group during December 1950. However, if the $25 salary increase had been given to B on March 1, 1951 (i. e., after the stabilization date) the amount would have to be deducted in determining the amount available for the July 1, 1951 increase.

6. Q. Assume the same basic facts as in question c–1 and assume further that the company on June 1, 1951, engaged the services of D and E for its executive staff at monthly salaries of $1,000 for each. How much does the company have available on July 1, 1951 for a 10 percent increase to this group, now composed of five executives, none of whom has received any increase in salaries or other compensation since January 1950?

A. The company has available $500 per month.

In January 1950 the company had available $300 per month for three employees (see question c–1), or an average amount of $100 per employee. Since the group is now composed of five employees instead of the original three, the total amount available for monthly salary increases is $500 or five times the average amount of $100 per employee.

The amount available for increases under section 22 in any payroll period is thus always dependent upon the number of employees in the group at the time when the employer makes the decision to grant an increase.

7. Q. Assume the same basic facts as in question c–1. On December 1, 1950, the company added two executives to the group, D and E, at monthly salaries of $1,000 and $1,100 respectively. On March 1, 1951, the company granted each of the five executives a monthly salary increase of $50.00. Assuming that no change occurs in the number of employees thereafter, how much does the employer have left for further salary increases to the executives under section 22?

A. $250 per month. The employer had available $500 per month (an initial average per employee of $100 and five employees at the time of the increase), $250 of which was absorbed in the March 1, 1951 salary increase.

The computation of the amount available for increases under section 22 is not affected by the amount of the salary paid any new employee hired into the group subsequent to the first regular payroll period ending on or after January 15, 1950.

8. Q. Assume the facts as in question c–7. On May 1, 1951, D resigns. On July 1, 1951, the company wants to give the remaining four executives in the group salary increases totaling $250 per month for all. May the company do so?

A. No. The proposed salary increase to the four executives in the group on July 1, 1951, may not exceed $200 per month.

Since the group now has only four members, the total amount of increases to be given to it may not on July 1, 1951, exceed $200 per month. After the March 1, 1951 increase $250 were left available for further increases to the group then having five members, resulting in an average available for further increases of $50 per employee. Since on July 1, 1951, the group has only four members, only four times the amount available per employee ($50) or a total of $200 per month may be spent.

9. Q. Is the employer, under section 22, limited to straight salary increases to his employees?

A. No. In addition to giving straight salary increases, the employer may use the amount available for increases under section 22 to grant his employees fringe benefits. For instance, he may compute the cost of an additional one week's paid vacation and may grant his employees such additional week's paid vacation out of the amount available for the 10 percent increase.

10. Q. If the employer in 1951 used up the entire 10 percent increase which he may give to an appropriate unit by granting the employees in the unit additional paid vacations, may the employer in 1952 discontinue the additional paid vacations and give the employees instead the amount of the 10 percent increase in the form of a straight salary increase?

A. Yes. The employer may use this money in a calendar year for fringe benefits, such as a paid vacation; at the end of the calendar year he may grant paid vacations for the following calendar year or, on the other hand, he may use the money for a permanent addition to his payroll. The amount available to an employer as a 10 percent increase under section 22 is available as a permanent addition to the payroll of an appropriate employee group. However, once the amount available under section 22 for salary increases and other compensation has been used by the employer for a straight salary increase, it cannot be thereafter used for temporary or fringe benefit purposes.

11. Q. May the employer use the unexpended portion of the 10 percent increase for bonuses authorized under General Salary Stabilization Regulation 2, as amended.

A. Yes, within the limits of section 9 of General Salary Stabilization Regulation 2, as amended. For details of application, the employer should consult section 9.01 to 9.05 of Interpretation 3 issued by the Office of Salary Stabilization on December 7, 1951.

12. Q. May the 10 percent increase under section 22 be made retroactively?

A. Only to a very limited extent. Without the prior approval of the Office of Salary Stabilization, 10 percent increases may be made retroactively only to the commencement of the payroll period in which the increase was decided upon, provided that the employer's records contain convincing proof as to when the increase was decided upon. Any unusual lapse of time between that payroll period and the date when the increase is first actually paid is considered a prima facie indication that the decision to grant the increase was not made in the earlier payroll period.

13. Q. Is there any provision in the General Salary Stabilization Regulations or General Salary Orders allowing for retroactive increases upon prior approval of the Office of Salary Stabilization under which ten (10) percent increases may be made retroactively?

A. Yes. Section 43 of General Salary Stabilization Regulation 1, Amended, provides for retroactive increases upon prior approval of the Office of Salary Stabilization where an established compensation relationship between groups of employees has been disrupted. However, in obtaining approval of the Office of Salary Stabilization for retroactive increases under section 43, the employer must meet the requirements of that section.

In other cases, application for retroactivity will be granted only for compelling reasons under unusual circumstances.

(d) BASE PAY PERIOD ABNORMALITIES

1. Q. A company opened its plant on February 1, 1950, but the plant did not go into full operation until April 15, 1950. After that date, the company's payroll reflects normal operations. Scientists employed and paid on a monthly payroll basis at the company's laboratory form an appropriate employee unit which did not reach its normal operating strength

[1] For an example of a 10 percent increase where the number of employees in the group has changed, see question c–6.

until May 1, 1950. What payroll period may the employer use as a basis for computing 10 percent increases for this group under section 22?

A. The first normal payroll period for this group of employees is the payroll period between May 1 and May 31, 1950. The employer may apply to the Office of Salary Stabilization for authorization to use the month of May 1950 payroll as a substitute base pay period for computing the amount of the 10 percent increases available for the scientists at the company's laboratory. As to a possible reduction of the permissible percentage, see question d-4.

2. Q. Are there other circumstances under which an employer may use a substitute base pay period?

A. Yes. An employer may petition the Office of Salary Stabilization for authorization to use a substitute base pay period where the usual base pay period does not reflect normal operations for any one of the following reasons:

(a) The seasonal character of the employer's business;

(b) Broad changes in "product mix," i. e., situations where the employer changes from the manufacture of one product to that of another, or adds a different product to those previously manufactured by him;

(c) Wide swings in employment; or

(d) Other similar circumstances.

3. Q. Is the amount of increases which an employer may grant under section 22 affected by the approval of a substitute base pay period for the employer?

A. Yes. The authorized 10 percent for increases in salaries and other compensation must be reduced by the percentage by which the Consumer's Price Index, published by the Bureau of Labor Statistics has risen between the first regular base pay period ending on or after January 15, 1950, and the substitute base pay period allowed the employer.

4. Q. A company commenced operations on July 1, 1951. Its employees are paid in accordance with a schedule submitted and approved under General Salary Stabilization Regulation 1, Amended, section 83. May the employer on October 1, 1951 grant his employees a general salary increase under section 22?

A. No. Section 22 is not available to employers for a new plant opened since January 25, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Approved: August 29, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9775; Filed, Sept. 3, 1952; 12:16 p. m.]

[Interpretation 8, Amdt. 1]

INT. 8—EFFECTS OF CHANGES IN THE LEGAL STRUCTURE OF BUSINESS ENTERPRISES

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 8 is to substitute appropriate section references in General Salary Stabilization Regulation 1, Amended, for references to the superseded provisions of General Salary Stabilization Regulation 1, as amended, and General Salary Stabilization Regulation 3, as amended.

1. The second paragraph of the answer to question 1 is amended to read as follows:

Changes in salary and other compensation of employees are justified only to the extent that new or changed positions are established as the result of such changes in the legal structure of the business enterprise. If such positions are established, salaries for them must be determined in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

2. The second paragraph of the answer to question 3 is amended to read as follows:

However, to the extent that their duties and responsibilities are substantially changed as a result of the incorporation of the former partnership, changes in their salaries may be made in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

3. The answer to question 4 is amended to read as follows:

A. The salaries and other compensation of these former partners, who changed their status from co-owners to officers of a corporation, are determined in accordance with the criteria, and paid in accordance with the procedure, contained in sections 82 and 83 of General Salary Stabilization Regulation 1, Amended. Although the new corporation is not a "new plant" within the scope of this section, these new corporate officers (formerly partners) are in the same category as employees of a "new plant" for the purposes of initially determining their salaries and other compensation. Therefore, the provisions relating to employees of a "new plant" are to be applied in the determination and payment of their salaries and other compensation.

4. The last paragraph of the answer to question 9 is amended to read as follows:

However, to the extent that their duties and responsibilities are substantially changed as a result of such conversion, their salaries and other compensation will be determined in accordance with section 63 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on August 29, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9776; Filed, Sept. 3, 1952; 12:16 p. m.]

[Interpretation 9, Amdt. 1]

INT. 9—EMPLOYEES SUBJECT TO GENERAL SALARY STABILIZATION REGULATION 5, AS AMENDED

MISCELLANEOUS AMENDMENTS

The purpose of this amendment is to eliminate reference to the transfer of jurisdiction over driver salesmen to the Wage Stabilization Board, which has been returned to the Salary Stabilization Board by the Defense Production Act Amendments of 1952.

1. The answer to question 1 is amended to read as follows:

A. The drivers and the outside salesmen (paragraphs (a) and (b) above) are subject to General Salary Stabilization Regulation 5, as amended.

The "inside" salesmen are not subject to the jurisdiction of the Salary Stabilization Board, since they are not employed in a bona fide executive, administrative or professional or outside salesman capacity within the meaning of the regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended.

However, General Salary Stabilization Regulation 5, as amended, applies the provisions of General Wage Regulation 20 as in effect on August 26, 1952, to driver salesmen, and adjustments in their compensation must be made in accordance therewith either on a self-administering basis or by application to the Office of Salary Stabilization.

2. Paragraphs 1, 2, 3, 6, 7, and 8, are amended by inserting after the references to General Salary Stabilization Regulation 5 the words "as amended."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 2, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9777; Filed, Sept. 3, 1952; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Schedule 1, as amended September 3, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE 1—NICKEL

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended schedule, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order.

EXPLANATORY

This schedule, as hereby amended, affects Schedule 1 to NPA Order M-80 of August 15, 1951, by adding a new paragraph (d) to section 6 to permit use of nickel for nickel strike prior to chromium plating. The use of nickel-bearing stainless steel, high nickel alloy, and nickel silver in the production, manufacture, and assembly of certain products is prohibited in Schedule A of NPA Order M-80.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Nickel subject to allocation.
3. Applications for allocation.
4. Exceptions to allocation requirements.
5. Products prohibited.
6. Exceptions.
7. Records.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* (a) All definitions contained in NPA Order M-80, including the definition of "nickel" in List I of that order, are applicable to this schedule.

(b) As used in this schedule:

(1) "Nickel" means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, pellets, and powder, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.

(2) "Nickel-plating" means all methods of nickel-plating regardless of plating procedure.

SEC. 2. *Nickel subject to allocation.* Nickel is subject to complete allocation by NPA.

SEC. 3. *Applications for allocation.* Section 10 of NPA Order M-80 prohibits deliveries or use of an alloying material made subject to complete allocation, except in accordance with an allocation authorization. Application for allocation authorizations for deliveries of nickel during the month of October 1951 may be made to NPA on or before September 7, 1951, on Form NPAF-114. Thereafter, such applications may be made on or before the seventh day of any month for delivery in the succeeding month.

SEC. 4. *Exceptions to allocation requirements.* The provisions of sections 2 and 3 of this schedule shall not apply to deliveries to any persons whose total receipts from all sources during any calendar month are not thereby made to exceed 100 pounds of nickel and who delivers a signed certificate to his supplier as follows:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the nickel herein ordered will not be in violation of NPA Order M-80 or of Schedule 1 of that order.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the nickel ordered may be accepted by the purchaser under NPA Order M-80 and this schedule, and that such nickel will not be used by the purchaser in violation of that order or this schedule.

SEC. 5. *Products prohibited.* No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel for nickel-plating any product included in the list at the end of this schedule except products specifically excepted therein. No person shall consume in nickel-plating any product, whether or not included in that list, including any component parts of any product, a greater quantity of nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel, than is necessary for the functional or operational purposes of such product. No person shall consume any nickel, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel in nickel-plating any product for decorative or ornamental purposes, and no nickel-plated product shall be used for decorative or ornamental purposes. No person shall use any nickel-plated material in the production, manufacture, or assembly of any product included in the list at the end of this schedule, except products specifically excepted therein.

SEC. 6. *Exceptions.* (a) The prohibitions contained in section 5 of this schedule with respect to products included in subheading A of the list at the end of this schedule shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on March 1, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than those prohibited by section 5 of this schedule.

(b) The prohibitions contained in section 5 with respect to products included in subheading B of the list shall not apply to the use of nickel anodes in nickel plating if (1) such nickel anodes were in the inventory of the person doing the nickel plating on April 15, 1951, and (2) such anodes cannot be used by such person on a commercially feasible basis for nickel-plating items other than those prohibited by section 5.

(c) Any unassembled component parts produced prior to the effective date of this schedule, or in conformity with this schedule of products subject to the prohibitions of section 5 may be sold at any time, and the purchaser thereof may assemble such component parts into products subject to the prohibitions of section 5 at any time, provided such component parts are wholly unsuitable for use in the production, manufacture, or assembly of any product not subject to such prohibitions.

(d) The prohibitions contained in section 5 of this schedule, with respect to all products included in the list at the end of the schedule, shall not apply to the use of nickel anodes and nickel chemicals in the application of a nickel strike of not more than an average of 0.00005 inch thick, to any item of any product prior to chromium plating.

SEC. 7. *Records.* Every person who relies on the provisions of paragraphs (a), (b), or (c) of section 6 of this schedule shall prepare a detailed record showing: (a) the quantity of nickel-plated materials, or component parts made therefrom, which were in his inventory on December 1, 1950, January, February, March, and April, 1951, which were wholly unsuitable for use by him in the production, manufacture, or assembly of any product not included in the list at the end of this schedule, and (b) the quantity of such nickel-plated materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, with reference to subheading A of that list, or April 15, 1951, with reference to subheading B of that list, the names and addresses of the suppliers thereof, and the dates and acceptances covering such materials. Such records shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule 1.

This schedule, as amended, shall take effect September 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE 1—LIST OF PROHIBITED PRODUCTS NICKEL-PLATING

A

Communications:
- Escutcheon plates.
- Knobs.
- Name plates.
- Radio and television, decorative trim.
- Speaker grilles.

Hardware:
- Bells.
- Boat trim and accessories.
- Builders' finishing hardware (except half trim for bathroom and toilet side of door).
- Casket hardware.
- Chimes.
- Curtain hooks.
- Door catches.
- Door knobs.
- Door knockers.
- Drawer pulls.
- Harnesses.
- Hinges.
- Kick plates.
- Leashes.
- Letter boxes.
- Locks.
- Luggage hardware.
- Nails.
- Picture frames.
- Picture hangers.
- Push plates.
- Screen door and window hardware exclusive of screen.
- Screws.
- Switch plates.
- Tacks.
- Valve handles (except for bathroom and kitchen fixtures).

Household appliances (except parts subject to abrasion or heat and except the strike prior to silver-plating or vitreous enameling) including but not limited to:
- Food mixers.
- Heaters.
- Polishers.
- Refrigerators (except shelving and door handles).
- Washing machines.

Household appliances, etc.—Continued
Waxers.
Vacuum cleaners (except runners).
Jewelry—clocks:
Alarm clocks (except for internal parts).
Clocks (except for internal parts).
Costume jewelry (except for 0.0001 inch thickness or less as an undercoating for gold, silver, or platinum-group metals).
Trim and optical glasses (except frames).
Metal furniture and fixtures:
Commercial furniture, all decorative parts.
Electrical fixtures.
Home furniture, all decorative parts.
Napkin dispensers.
Store display cases.
Store fixtures.
Straw dispensers.
Motor vehicles:
Accessories.
Dash panels (including instruments, controls, and appearance items mounted in or on dash panels).
Escutcheon plates.
Gas caps.
Gravel guards.
Grilles.
Horns.
Interior trim.
Lamp housing.
License frames.
Name plates.
Ornamental trim around windows.
Radiator trim.
Trim rings.
Wheel discs.
All other parts (except for window frames and slide channels, external and internal door handles, ventilator and regulator handles for windows and doors, the bumpers, bumper guards, bumper bolts, rear deck handles, windshield wiper assemblies, hub caps, and exposed screws where no satisfactory substitutes are practicable. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of 0.001 inch on outside surfaces).
Novelties:
Ash trays.
Coasters.
Cocktail shakers and accessories.
Clothing ornamentation.
Cosmetic containers.
Hair curlers.
Handbag trim.
Humidors.
Ornamental buttons.
Smoking stands.
Plumbing:
Basin supports.
Cabinet trim.
Soap dishes.
Shower curtain rods and rings.
Shower doors and trim.
Tooth brush holders.
Towel racks.
Tumbler holders.
Sheet, strip, and wire products:
All decorative parts fabricated from plated sheets, strips, or wire.
Bird cages.
Clothes hangers.
Display stands.
Lamp shades.
Shopping carts.
Tools:
Drills.
Flexible metal tapes (except measuring tape).
Hammers.
Office machines and business machines, decorative trim.
Planes.
Pliers.
Power tools (except for functional parts).
Punches.
Tools—Continued
Rules.
Saws.
Screw drivers.
Wrenches.
Toys:
Mechanical toys.
Pistols.
Toys.
Trains.
Tricycles.
Wagons.
Utensils (except the strike necessary prior to silver plating or vitreous enameling):
Flatware.
Hollow ware (except for hotel, restaurant, institution, or ecclesiastical use).
Serving dishes.
Serving utensils.
Racks.
Trays.
Miscellaneous:
Bicycles (except handlebars, sprockets, spokes, and hubs).
Electric fans.
Gambling equipment.
Lighters.
Ornamentation on musical instruments.
Pin ball machines.
Slot machines.
Sporting goods.
Tonsorial equipment (except tools).
Vending machines.

B

Hardware:
Collars and tags for pets.
Bolts, washers, and similar fastening devices.
Household appliances (except parts subject to abrasion or heat, and except the strike prior to silver-plating or vitreous enameling), including but not limited to:
Cooking stoves and ranges (except door and drawer handles).
Electric housewares including:
Heating and cooking appliances.
Motor-driven appliances.
Personal appliances.
Home and farm freezers.
Laundry equipment including:
Clothes driers.
Ironing machines.
Sewing machines.
Metal furniture and fixtures:
Commercial furniture.
Home furniture.
Motor vehicles:
Hub caps.
Miscellaneous:
Bicycle handle bars, sprockets and hubs.
Juke boxes.
Insignia, buttons, buckles, decorations, awards, and badges (except military).

[F. R. Doc. 52-9766; Filed, Sept. 8, 1952; 11:38 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

PAPERS REQUIRED BY BOARDING PARTY, LIST OF

AUGUST 25, 1952.

Pursuant to the authority vested in me by Rules 9 and 12 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, § 4.20 of Title 35 of the Code of Federal Regulations, as amended, is hereby further amended by changing from 2 to 4 the number of required copies of item (k) in the second column in the tabular listing of documents required.

Issued at Balboa Heights, Canal Zone, August 25, 1952.

J. S. SEYBOLD,
Governor of the Canal Zone.

Confirmed:

B. F. BURDICK,
Chief of Office,
Panama Canal Company.

August 29, 1952.

[F. R. Doc. 52-9642; Filed, Sept. 3, 1952; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CZECHOSLOVAKIA, MALAYA

a. In § 127.239 *Czechoslovakia* amend paragraph (b) (4) to read as follows:

(4) *Observations.* (i) Gift parcels for Czechoslovakia are in most cases subject to very high duties, exceeding the normal prices of the articles if they were purchased in that country. Freedom from duty is granted only in the case of parcels addressed to persons who can prove to the authorities that they are without means, or to charitable institutions for authorized distribution.

(ii) The importation of antibiotic medicines is strictly controlled in Czechoslovakia, and senders should be advised to ascertain in advance of mailing such articles whether the addressees will be permitted to receive them.

b. In § 127.299 *Malaya* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 90 cents first two ounces and 70 cents each additional two ounces or fraction. (See § 127.20.)

2. In paragraph (b) (1), insert new subdivision (ii) after the table of surface parcel rates, and preceeding the tabulated information, appearing under subdivision (i), to read as follows:

(ii) *Air parcels.* Rates: $1.75 first 4 ounces; $1.00 each additional 4 ounces or fraction.

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b)).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] V. C. BURKE,
Acting Postmaster General.

F. R. Doc. 52-9622; Filed, Sept. 3, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 151]

WHALING PROVISIONS

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239), notice is hereby given that under the authority contained in section 12 of the Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U. S. C., 1946 ed., Supp. IV, 916–916 l), the Secretary of the Interior intends to adopt regulations affecting the conduct of whaling operations.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may do so by filing them with Albert M. Day, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

Basis and purpose. Sections 151.1 to 151.61 are issued by the Secretary of the Interior to give effect to articles VI, VII, VIII, and IX of the International Convention for the Regulation of Whaling signed in Washington December 2, 1946 and in furtherance of the obligations of the Secretary under the Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U. S. C. 916–916 l).

DEFINITIONS

Sec.
151.1 Factory ship.
151.2 Land station.
151.3 Secondary processing land station.
151.4 Whale catcher.

LICENSES

151.10 Licenses required to engage in whaling.
151.11 Applications for licenses.

CLOSED SEASONS

151.20 Land stations taking or treating baleen whales.
151.21 Land stations taking or treating sperm whales.

RECORDS AND REPORTS

151.30 Records to be maintained on whale catchers.
151.31 Records to be maintained on factory ships and at land stations.
151.32 Records to be maintained at secondary processing land stations.
151.33 Report on employment, craft, and products of whaling operations.

SALVAGE OF UNCLAIMED WHALES

151.40 No processing license required.
151.41 Reporting of salvage of dead whales required.

MOLESTING OR AUTHORIZED INTERFERENCE WITH WHALES

151.50 Molesting whales prohibited.

INSPECTION AND ENFORCEMENT

151.60 Fish and Wildlife Service employees designated as enforcement officers.
151.61 State officers designated as enforcement officers.

AUTHORITY: § § 151.1 to 151.61 issued under sec. 12, 64 Stat. 425; 16 U. S. C. 916 j.

DEFINITIONS

§ 151.1 *Factory ship.* The words "factory ship" means a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 151.2 *Land station.* The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 151.3 *Secondary processing land station.* The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946 as amended (§ 351.12 of Chapter III this title)[1] to be processed by boiling or otherwise.

§ 151.4 *Whale catcher.* The words "whale catcher" means a vessel used for the purpose of hunting, taking, towing, holding on to, or scouting for whales.

LICENSES

§ 151.10 *License required to engage in whaling.* No person shall engage in the taking or processing of blue whales, fin whales, humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 151.11 *Applications for licenses.* Applications for licenses to engage in the taking and processing of whales shall be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C. Such application shall be accompanied by the affidavit or affidavits prescribed in section 6 (d) and (e) of the Whaling Convention Act of 1949 and by a certified check or United States Postal Money Order payable to the Treasurer of the United States in the appropriate amount as prescribed by the scale of license fees in section 6 (b) of the Whaling Convention Act of 1949.

CLOSED SEASONS

§ 151.20 *Land stations taking or treating baleen whales.* It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales except during the period of May 1 to October 31 following, both days inclusive.

§ 151.21 *Land stations taking or treating sperm whales.* It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating sperm whales except during the period April 1 to November 30 following, both days inclusive.

RECORDS AND REPORTS

§ 151.30 *Records to be maintained on whale catchers.* There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by these regulations to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the United States Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale is killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factory ship;

(e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factory ship or land station for processing, with an account of the circumstances surrounding such loss or non-delivery.

(f) Any observations on migration of whales and on location of calving grounds.

§ 151.31 *Records to be maintained on factory ships and at land stations.*

(a) There shall be maintained in duplicate on board each factory ship and at each land station, on forms provided by the Fish and Wildlife Service for that purpose, a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year).

(2) Species of the whale.

(3) Date and time killed and date and time received by the factory ship or land station.

(4) Sex of the whale.

(5) Length of the whale (length to be measured as specified in paragraph 9 (d) of the Schedule of the Whaling Convention of 1946, § 351.9 (d) of this title).[1]

(6) Sex of embryo if present.

(7) Length of embryo in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by these regulations to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

[1] 17 F. R. 7861.

§ 151.32 *Records to be maintained at secondary processing land stations.*

(a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

(1) The kind and quantity of parts of whales received.

(2) The date of receipt thereof.

(3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.33 *Report on employment, craft, and products of whaling operations.* The person or persons responsible for the operation of every factory ship, land station and secondary processing land station shall submit in duplicate annually to the Director of the Fish and Wildlife Service, Washington 25, D. C., within 30 days after the end of each calendar year, a report on employment, craft and products. Such reports shall be submitted on forms provided by the Fish and Wildlife Service and shall be subscribed and sworn to by the person or persons responsible for the operation of said factory ships, land station and secondary processing land station before a notary public or a person authorized by law or by these regulations to act as inspector or enforcement officer.

SALVAGE OF UNCLAIMED WHALES

§ 151.40 *No processing license required.* No license shall be required for the salvage and processing of any dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 151.41 *Reporting of salvage of dead whales required.* (a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 151.10 shall submit a report in writing to the Director of the Fish and Wildlife Service, Washington 25, D. C.

(b) Such report shall show the date and exact locality in which such dead whale was found, its length, species if determinable, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 151.50 *Molesting whales prohibited.* The chasing, molesting, exciting, or interfering, with firearms or by any other manner or means, with any whale of the species listed in § 151.10 or protected by the provisions of the International Convention for the Regulation of Whaling of 1946 is prohibited. Persons violating this section shall, upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

INSPECTION AND ENFORCEMENT

§ 151.60 *Fish and Wildlife Service employees designated as enforcement officers.* Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Department of the Interior and the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 151.61 *State officers designated as enforcement officers.* Any employee of a State government who has been duly designated by the Director of the Fish and Wildlife Service, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

MASTIN G. WHITE,
Acting Secretary of the Interior.

AUGUST 15, 1952.

[F. R. Doc. 52—9618; Filed, Sept. 3, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 959]

IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget of expenses and rate of assessment hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending June 30, 1953, will amount to $14,400.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52—9673; Filed, Sept. 3, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

NOTICE OF EXTENSION OF TIME IN WHICH TO SUBMIT WRITTEN STATEMENTS AND COMMENTS ON PROPOSED RULE OF PROCEDURE

Upon request of various interested parties and for good cause shown, notice is hereby given that all persons interested in the proposed rule of procedure heretofore published in the FEDERAL REGISTER, issue of July 31, 1952 (17 F. R. 7020), have until September 19, 1952, to file with the Secretary of the Federal Maritime Board, Commerce Building, Washington 25, D. C., written statements and comments thereon.

Dated: August 28, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-9617; Filed, Sept. 3, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 41, 42, 45, 61]

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES FOR SCHEDULED AND IRREGULAR PASSENGER AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 41, 42, 61, and the proposed revised Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by September 29, 1952. Copies of such communications will be available after October 1, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Investigations of certain recent air carrier accidents have indicated to the Board the desirability and necessity of making certain changes in the Civil Air Regulations relating to emergency and evacuation equipment and procedures. The following are summaries of the proposals which the Board considers are necessary at this time.

Location of life rafts. Recent accidents and operating experience have pointed out that in many air carrier aircraft life rafts are stowed in such a manner that they are not readily accessible in cases of ditchings when little time is available for preparation. It is appreciated that in many cabin arrangements it is difficult so to install rafts that they can be easily launched by the crew when the aircraft is on the water; however, experience indicates that safety requires that this be done. Although it is understood that the ability of the crew to launch the rafts is dependent upon training and intelligent crew assignment (see paragraph entitled *Crew assignments in cases of emergency and ditching* below), it seems apparent that good positioning in the aircraft is essential. Therefore, it is proposed that all required rafts and life vests not only be equipped for the route to be flown and be approved by the Administrator, but be installed in approved locations and be readily available and easily accessible to the crew and passengers in the event of ditching.

Carriage of emergency evacuation equipment. There are no requirements in any of the operating parts of the Civil Air Regulations for provision of evacuation equipment to assist passengers in evacuating an aircraft on the ground. Experience has shown that in certain instances it is essential that some means be provided in addition to those required by the applicable airworthiness requirements. Part 4b now specifies that for all land-plane emergency exits which are more than six feet from the ground with the airplane on the ground and the landing gear extended means shall be provided to assist the occupants in descent from the aircraft. (This requirement does not apply to emergency exits so located that it can be expected that passengers can gain easy access to the wing and thence to the ground.) It is considered that this same requirement should be applied to aircraft presently in service by its inclusion in the relevant operating parts.

Emergency lighting and marking of emergency exits. At the present time Parts 41 and 61 require that emergency exits for aircraft carrying passengers be clearly marked as such with luminous paint in letters not less than ¾" high, such markings to be located either on or immediately adjacent to pertinent exits and readily visible to passengers. Location and method of operation of the handles is required to be marked with luminous paint. The Board has received a number of comments to the effect that these requirements are not sufficiently stringent to insure that in case of a crash landing or ditching at night the passengers and crew would be able to identify and operate emergency exits. It is proposed therefore that for all air carrier passenger aircraft lights be installed so as to illuminate all exits in such a manner as to attract the attention of the occupants of the aircraft at night. It is further proposed that the lights be equipped with an integral energy supply independent of the main electrical system and so designed as to function manually and, in the event of a crash landing, automatically. In addition, it is proposed that the location of the exit-operating handles be plainly marked on or adjacent to exits, and concise instructions be similarly marked; all of these markings to be in luminous paint.

Crew assignments in cases of emergency and ditching. The Board has always based its rules on the premise that, wherever possible, the air carrier should be responsible for assigning crew duties. It has been brought to the attention of the Board, however, that in certain instances crew duties are not sufficiently delineated and crew training programs are not sufficiently detailed so as to provide proper coordination of the crew in the event of a crash landing or ditching. The Board considers that it is necessary to ensure that assigned crew duties are realistic and do not, for example, require an individual to be assigned certain tasks which are not probable of accomplishment under the conditions anticipated. It is therefore proposed that each air carrier assign specific functions to each crew member to be accomplished in the event of an emergency landing. These functions must be listed in the air carrier operations manual, and all crew members shall be made thoroughly familiar with such functions during both initial and recurrent training. The air carrier must show that the functions so assigned are possible of accomplishment under the conditions anticipated.

Briefing of passengers. The operating parts presently require that passengers on overseas flights be acquainted with the location of emergency exits, with emergency equipment provided for individual use, and with the procedure to be followed in the case of an emergency landing on the water. Many air carriers construe this requirement to permit passenger briefing by means of pamphlets or cards and do not actually demonstrate the use of life vests, etc. The Board has received suggestions to the effect that such a form of briefing is not adequate and that a passenger should be instructed in the operation of vests and the location of the emergency exits, rafts, and other emergency gear. It is proposed therefore, in the case of extended overwater operations, that each air carrier establish procedures for briefing passengers as to the location and method of operation of life vests and emergency exits and the location of life rafts. Such briefing shall include a demonstration of the method of donning a life jacket and shall be completed prior to take-off.

Accordingly it is proposed to amend Parts 41, 42, and 61, of the Civil Air Regulations to include the following requirements. It is also proposed to include these requirements in the proposed revised Part 40 (17 F. R. 6971) to the extent not already provided therein.

1. All required rafts and life vests shall be approved, shall be adequately equipped for the route to be flown, and shall be installed in approved locations. They shall be readily available and easily accessible to the crew and passengers in the event of an unplanned ditching.

2. On all passenger-carrying airplanes, at all doors and emergency exits which are more than six feet from the ground with the airplane on the ground with the landing gear extended, means shall be provided to assist the occupants in descending from the aircraft: *Provided*, That such means need not be provived at emergency exits over the wing where the greatest distance from the exit lower sill to the wing surface does not exceed 36 inches.

3. Doors and emergency exits intended for passenger and crew use during emergencies shall be so lighted as to permit ready identification and so as to attract the attention of the occupants of the aircraft in the event that the main electrical system of the aircraft is inoperative after an emergency landing at night. The lights used for this purpose shall be designed so as to function both manually and, in the event of a crash landing, automatically. The location of the door and exit-operating handles and the method of their operation shall be plainly marked in luminous paint on or adjacent to the doors and exits.

4. Each air carrier shall assign specific functions to each crew member to be accomplished in the event of an emergency landing. The air carrier shall show that the functions so assigned are possible of accomplishment under the conditions anticipated. These functions shall be listed in the air carrier operation manual, and all crew members shall be made thoroughly familiar with such functions during both initial and recurrent training.

5. In the case of extended overwater operations each air carrier shall establish procedures for orally briefing passengers as to the location and method of operation of life vests and emergency exits and the location of life rafts. Such briefing shall include a demonstration of the method of donning a life jacket. Such briefing shall be accomplished prior to take-off on all extended overwater flights on which the aircraft proceeds directly over water. On flights not proceeding directly over water, the briefing shall be accomplished some time prior to reaching the overwater portion of the flight.

These amendments are proposed under the authority of Title VI of the Civil

Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply Secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: August 28, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9665; Filed, Sept. 3, 1952; 8:52 a. m.]

[14 CFR Part 242]

[Economic Regs. Draft Release 56]

FILING OF REPORTS BY IRREGULAR AIR CARRIERS, IRREGULAR TRANSPORT CARRIERS, AIR TAXI OPERATORS AND NONCERTIFICATED CARGO CARRIERS

NOTICE OF PROPOSED RULE MAKING

AUGUST 28, 1952.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of Part 242 of the Economic Regulations (14 CFR Part 242). The proposed amendments are designed to obtain more uniform, and in some respects more detailed, data in response to the reporting requirements of these provisions of the regulations.

It is believed that the lack of uniformity in information obtained under the present requirements and the inadequacy of detailed information on certain matters of importance to the Board in the discharge of its regulatory responsibilities can be remedied through providing standard forms to be filled out in making the required reports, together with detailed instructions for filling out the forms.

Under the proposed rule, the required reports would contain, in standard form, quarterly statements of the type presently required, namely, balance sheet, profit and loss statement, statement of airplanes owned and rented, personnel and transportation data and a flight report. The proposed requirements would include in addition (1) a separation of flight and traffic statistics between domestic and international operations, (2) a report of traffic flow, (3) when applicable, a supplemental statement of revenues and flight and traffic statistics in defense contract operations, (4) an annual statement on general officers, directors and stockholders, and (5) an annual statement of corporate securities data and investments in other companies.

Schedule F of the proposed new form (Flight Report—Large Irregular Carriers and Irregular Transport Carriers) would not apply to noncertificated cargo carriers. It is contemplated that such carriers will continue to submit flight reports in accordance with the provisions of § 242.6, which would remain unchanged.

The proposed forms would discontinue the existing requirement that a separation be made in transportation statistics to distinguish between those operations which are, and those operations which are not, performed under the Letter of Registration. However, the present requirement that carriers indicate in the flight report those flights which, in their opinion, were not in common carriage would be left unchanged.

It will be noted that the proposed rule does not affect in any way the reporting requirements for air taxi operators. It should be further noted that the proposed rule will apply to the so-called "irregular transport carriers," which are air carriers so named in the Board orders granting them economic operating authorization by individual exemption to engage in limited irregular operations. These carriers are all former members of the large irregular carrier class. The proposed reporting requirements are designed to apply to any other air carrier designated as an "irregular transport carrier" pursuant to a Board order in the future.

For the information of any interested persons who do not receive copies of the proposed forms[1] in regular distribution, copies are on file with the FEDERAL REGISTER or may be obtained by addressing a request in writing to the Civil Aeronautics Board, Publications Section, Commerce Building, Washington, D. C.

Interested persons may participate in the making of the proposed rule by submitting such written data, facts, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before October 3, 1952, will be considered by the Board before taking further action on the proposed rule.

In consideration of the foregoing, it is proposed to amend Part 242 of the Economic Regulations (14 CFR Part 242) as follows:

1. By amending the title of the part to read as follows: "Part 242—Filing of Reports by Large Irregular Carriers, Irregular Transport Carriers, Air Taxi Operators, and Noncertificated Cargo Carriers"

2. By amending § 242.2 to read as follows:

§ 242.2 *Statistical and flight reports required.* Statistical reports, in accordance with the provisions of § 242.3, shall be filed with the Board with respect to operations of aircraft having more than 5 passenger seats by each air taxi operator owning or having the right to operate for compensation or hire any such aircraft. Each large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall file statistical reports in accordance with § 242.4. Flight reports shall be filed with the Board by each large irregular carrier or irregular transport carrier in accordance with § 242.4 and by each noncertificated cargo carrier in accordance with § 242.6. Each such air taxi operator, large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall keep all accounts, records, and memorandums (including the accounts, records and memorandums of the movement of traffic as well as of the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memorandums as relate to statistical reports shall be preserved for 3 years, and such as relate to flight reports shall be preserved for 1 year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by a responsible officer of the reporting carriers.

3. By amending § 242.4 to read as follows:

§ 242.4 *Statistical reports by large irregular carriers, irregular transport carriers and noncertificated cargo carriers, and flight reports by large irregular carriers and irregular transport carriers.* For the calendar quarter ending December 31, 1952, and all succeeding quarters with respect to all reports required to be filed quarterly, and for the calendar year 1952 and all succeeding calendar years with respect to all reports required to be filed annually, each large irregular carrier, irregular transport carrier and noncertificated cargo carrier shall file with the Board the prescribed number of copies of completed CAB Form ------, entitled "Report of Financial and Operating Statistics for Large Irregular Carriers, Irregular Transport Carriers, and Noncertificated Cargo Carriers" in accordance with the instructions accompanying such form: *Provided*, That noncertificated cargo carriers shall not be required to file Schedule F (Flight Report) but shall furnish data of this kind in accordance with the provisions of § 242.6.

4. By amending § 242.5 to read as follows:

§ 242.5 *Filing of copies of agreements, manifests, other flight data and publicity material.* (a) All large irregular carriers and irregular transport carriers shall file with the Board, contemporaneously with filing the flight reports under Schedule F of CAB Form ------, as required by § 242.4, one copy of each of the following:

(1) *Agreements and manifests.* All written agreements, memorandums of all oral agreements, and all passenger and cargo manifests covering flights in the following categories:

(i) Each flight on which persons, either revenue or nonrevenue (other than crew required by applicable Civil Air Regulations), were carried between a point in the United States (as defined by section 1 (32) of the Civil Aeronautics Act) and a point outside thereof.

(ii) Each flight which, in the opinion of the carrier, was not in common carriage.

(2) *Other flight data.* A tabulation of the following data for each flight of the categories designated under subparagraph (1) (i) and (ii) of this paragraph (unless the information is available from instruments filed pursuant to said subparagraph (1) of this paragraph):

[1] Filed as part of the original document.

(i) Name and address of the person for whom the flight was operated.

(ii) Manner in which passengers and cargo transported on such flight were obtained (solicitation, advertising, circular, etc.).

(iii) Nature, terms, and conditions of the arrangements for such flight.

(iv) Obligations and responsibilities of the parties to the arrangement in connection with the transportation.

(v) Number of persons (other than crew required by applicable Civil Air Regulations) carried on each flight of the category designated by subparagraph (1) (i) of this paragraph.

(3) *Agreements with ticket agents.* True and complete copies of every agreement between a large irregular carrier or irregular transport carrier and any ticket agent, if it pertains to any of the following subjects:

(i) The furnishing of passengers or groups of passengers for transportation by air.

(ii) The making of arrangements for flights for the accommodation of passengers or groups of passengers.

(iii) The solicitation or generation of passenger traffic to be transported by the large irregular carrier or irregular transport carrier; or

(iv) The charter or lease of aircraft.

(4) *Publicity material on large irregular carrier and irregular transport carrier operations.* Each advertisement, circular, pamphlet, brochure, or other publicity material and each announcement or notice issued by a large irregular carrier or irregular transport carrier during the preceding 3-month period and pertaining to any of its air transportation services for passengers, and information with respect to each such item showing, if published in a newspaper, magazine or other advertising medium, the place and date or dates of issue, and the name of the publication, or, if distributed otherwise (such as through circulars, bulletins, pamphlets, or brochures), the dates, manner and extent of distribution.

(b) Data reported pursuant to paragraphs (a) (1) and (2) of this section shall be available for official use on behalf of the Civil Aeronautics Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in carrying out responsibilities under section 412 of the act.

This amendment is proposed under the authority of section 205 (a) and section 407 of the Civil Aeronautics Act of 1938, as amended. The proposed amendment may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000, 49 U. S. C. 487)

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9666; Filed, Sept. 3, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 23; Docket No. 30]

PERMA-SIDE CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 15th day of August 1952 before George P. Jones, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), dated August 30, 1951; and

The respondent, Samuel Rosenmutter, doing business as Perma-Side Company, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and being represented by William Strong, an attorney at law, 9441 Wilshire Boulevard, Beverly Hills, Calif., and

The respondent having stipulated to a statement of facts to be filed in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, the following findings of fact as stipulated by the parties hereto are found:

Findings of fact: 1. The respondent committed acts prohibited by CMP Regulation No. 1, section 17 (a), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule and related allotment providing for the use of a certain quantity of aluminum during the calendar quarter beginning January 1, 1952, placed authorized controlled material orders with his supplier for 57,600 pounds of aluminum, whereas he was lawfully entitled to order only 16,128 pounds of aluminum.

2. The respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule and related allotment providing for the use of a certain quantity of aluminum during the calendar quarter commencing October 1, 1951, did request delivery from his supplier of controlled material, to wit: 57,600 pounds of aluminum, said amount of aluminum being 41,472 pounds greater than was required to fulfill the said authorized production schedule.

3. The respondent committed acts prohibited by CMP Regulation No. 1, section 17 (a), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule providing for the use of a certain quantity of aluminum during the calendar quarter beginning January 1, 1952, did request delivery from his supplier of controlled material, to wit: 35,913 pounds of aluminum, said amount of aluminum being 29,865 pounds greater than was required to fulfill the said authorized production schedule.

4. The respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that the said Samuel Rosenmutter, having received an authorized production schedule and related allotment providing for the use of a certain quantity of aluminum during the calendar quarter beginning January 1, 1952, placed authorized controlled material orders with his supplier for 35,913 pounds of aluminum, whereas he was lawfully entitled to order only 6,048 pounds of aluminum.

5. The respondent committed acts prohibited by section 17 (b) of CMP Regulation No. 1, as issued May 3, 1951 (16 F. R. 4127), section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951 (16 F. R. 6800), and sections 3 (c) and 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860), in that Samuel Rosenmutter, having received an authorized production schedule and a related allotment of aluminum for use during the calendar quarter commencing October 1, 1951, used the said allotment to obtain and use at least 41,472 pounds of aluminum more than was required to fulfill the said authorized production schedule.

6. The respondent committed acts prohibited by section 17 (b) of CMP Regulation No. 1, as issued May 3, 1951 (16 F. R. 4127), section 3 (c) of CMP Regulation No. 1, as amended July 12, 1951 (16 F. R. 6800), and sections 3 (c) and 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860), in that Samuel Rosenmutter, having received an authorized production schedule and a related allotment of aluminum for use during the calendar quarter beginning January 1, 1952, used the said allotment to obtain and use at least 29,865 pounds of aluminum more than was required to fulfill the said authorized production schedule.

Conclusions: During the calendar quarters commencing October 1, 1951, and January 1, 1952, the respondent herein violated the provisions of National Production Authority regulations and orders as hereinabove cited by placing orders with suppliers and requesting delivery from said suppliers of more aluminum than he was entitled to order or to request delivery of during said pe-

riod, by using at least 71,337 pounds of aluminum for unauthorized purposes.

In order to correct the unauthorized use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority regulations, orders, and directives by this respondent,

It is accordingly ordered: 1. That all priority assistance be withdrawn and withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

2. That all allocations and allotments of controlled material and material under the control of the National Production Authority be withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

3. That the respondent be prohibited from producing or acquiring Class "A" products and from producing Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951, and as may be amended hereafter), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority for a period of 6 months commencing from the 1st day of September 1952.

4. That all privileges of self-certification and self-authorization granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Samuel Rosenmutter, doing business as Perma-Side Company, for a period of 6 months commencing from the 1st day of September 1952.

Issued this 15th day of August 1952 at Los Angeles, Calif.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE P. JONES,
Hearing Commissioner.

[F. R. Doc. 52-9767; Filed, Sept. 3, 1952; 11:38 a. m.]

[Suspension Order 24; Docket No. 32]

ART METAL CONSTRUCTION CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 19th day of August 1952 before Philip E. Hoffman, Esquire, a Hearing Commissioner of the National Production Authority, on a Statement of Charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondent, Art Metal Construction Co., a Massachusetts corporation, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the National Production Authority being represented by William E. Kennedy, attorney, and the respondent being represented by Hellings, Ulsh, Morey and Stewart, appearing by William P. Stewart, Esquire; and

The respondent, by its attorneys Hellings, Ulsh, Morey and Stewart, appearing by William P. Stewart, Esquire, having entered into a stipulation dated August 18, 1952, wherein it was admitted that the respondent, Art Metal Construction Co., a Massachusetts corporation, did commit the acts charged in Charge 2 of the Statement of Charges filed herein by the General Counsel and dated July 7, 1952; and

The respondent having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support of, and in opposition to, the Statement of Charges, the following Findings of Fact as stipulated by the parties hereto are found:

Findings of fact. 1. The respondent, Art Metal Construction Co., a Massachusetts corporation, during the second quarter commencing April 1, 1951, used in the manufacture of metal office cabinets and cases, metal chairs, metal desks and tables, metal furniture, metal doors, frames, sash and trim, 6,680 tons of carbon steel, when lawfully authorized to use only 5,268.55 tons, thereby using 1,411.45 tons more than was permitted.

Conclusion. 1. The respondent, Art Metal Construction Co., a Massachusetts corporation, has committed acts prohibited by National Production Authority Order M-47, section 5 (a) dated March 7, 1951 (16 F. R. 2186), as amended April 4, 1951 (16 F. R. 3582), and as amended June 1, 1951 (16 F. R. 5267), in that Art Metal Construction Co., a Massachusetts corporation, during the second quarter commencing April 1, 1951, used in the manufacture of metal office cabinets and cases, metal chairs, metal desks and tables, metal furniture, metal doors, frames, sash and trim, 6,680 tons of carbon steel, when lawfully authorized to use only 5,268.55 tons, thereby using 1,411.45 tons more than was permitted by the said section.

There is no evidence establishing that the violations of the National Production Authority regulations, orders, and directives were committed willfully, and it is concluded that there were no willful acts.

In order to correct the unauthorized use of carbon steel occasioned by the violations found herein, by the respondent:

It is accordingly ordered: 1. That all allocations and allotments of carbon steel which may be granted to Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, for use during the third quarter 1952 and fourth quarter 1952, be reduced as follows:

(a) By 700 tons during the period beginning on the date hereof and ending September 30, 1952.

(b) By 711.45 tons during the period beginning October 1, 1952, and ending December 31, 1952.

2. That the respondent, Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, be and they hereby are prohibited during each of the aforementioned periods from acquiring any items of carbon steel in excess of their carbon steel allocations and allotments as so reduced.

3. Nothing herein contained shall be construed to prohibit Art Metal Construction Co., a Massachusetts corporation, its successors and assigns, from obtaining its usual and necessary allotments of carbon steel after December 31, 1952, in accordance with the regulations then in force and effect.

Issued this 19th day of August 1952 at New York City, N. Y.

NATIONAL PRODUCTION AUTHORITY,
By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-9768; Filed, Sept. 3, 1952; 11:30 a. m.]

[Suspension Order 25; Docket No. 45]

CHERNY-WATSON LUMBER CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 21st day of August 1952, at Omaha, Nebr., before Frederick J. Moreau, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), and Implementation 1 to that order; and

The respondent, the Cherny-Watson Lumber Company of North Bend, Nebr., having been duly apprised of the specific violations charged, and the administrative action which may be taken thereon, and having been fully informed of the rules and procedures which govern the proceedings, and it having appeared by John C. Mason, Esquire, a partner in the firm of Beghtol and Rankin, Stuart Building, Lincoln, Nebr., and respondent having by its attorneys filed a general denial to the charges, and the National Production Authority having submitted evidence sustaining the charges set forth in the statement of charges, which evidence was not controverted in any manner by the respondent, and the Commissioner being fully advised in the premises, determines as follows:

Findings of fact: 1. That for the fourth quarter 1951 respondent's original allotments of aluminum, a controlled material under the provisions of CMP Regulation No. 1, of 30,193 pounds of aluminum, which original allotment was reduced or decreased on September 8, 1951, by Form CMP-11 to the extent of 14,193 pounds, leaving respondent's net allotment of 16,000 pounds, and that its receipts of aluminum for such fourth quarter 1951 were 25,166 pounds of aluminum, making an excess of receipts of 9,166 pounds.

2. That for the first quarter 1952 respondent had an original allotment of aluminum of 12,000 pounds, which original allotment was reduced by Form CMP-11, November 13, 1951, by 7,300 pounds, leaving a net allotment for such first quarter 1952 of 4,700 pounds; respondent's receipts for such first quarter 1952 were 11,362 pounds of aluminum, making an excess of receipts of aluminum over the allotment of 6,662 pounds of aluminum.

3. During the periods involved in the above findings, respondent failed to keep its inventories in such condition as to enable it to state what its inventories were with reference to these controlled materials as required by the orders of the National Production Authority.

Conclusion: During the period beginning October 1, 1951, and ending March 31, 1952, the respondent committed acts prohibited by CMP Regulation No. 1, section 19 (f), as issued May 3, 1951, and as amended November 23, 1951, in that during the fourth quarter 1951 it received and accepted delivery of 9,166 pounds of aluminum in excess of the amount it was lawfully entitled to order and receive, and in that during the first quarter 1952 it received and accepted delivery of 6,662 pounds of aluminum in excess of the amount it was lawfully entitled to order and receive under said orders, and respondent also violated section 23 (a) of CMP Regulation No. 1 as issued and as amended in that it failed to maintain at its regular place of business, accurate records of its inventory of aluminum, a controlled material, as listed in said CMP Regulation No. 1.

Accordingly it is ordered: 1. That all allocations and allotments of aluminum which respondent might be entitled to receive, either by application using Form CMP-4B or by self-certification, for use during the third quarter, the current quarter, and fourth quarter 1952, be reduced as follows:

(a) By 9,000 pounds during the period beginning July 1, 1952, and ending September 30, 1952.

(b) By 6,000 pounds during the period beginning October 1, 1952, and ending December 31, 1952.

2. It is further ordered that the respondent make immediate efforts to put its inventory in proper condition so as to enable it to give specific information at all times with reference thereto.

Issued this 21st day of August 1952 at Omaha, Nebr.

NATIONAL PRODUCTION AUTHORITY,
By FREDERICK J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-9769; Filed, Sept. 3, 1952; 11:39 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4299]

SERVICE TO PITTSBURG, KANS.

NOTICE OF HEARING

In the matter of the application of the City of Pittsburg, Kansas, the Pittsburg Chamber of Commerce, and the Division of Aeronautics, Kansas Industrial Development Commission under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, of existing certificates of public convenience and necessity to provide the City of Pittsburg, Kansas, with scheduled air transportation of persons, property, and mail.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of the said act, that the above-entitled proceeding is assigned for hearing on September 23, 1952, at 9:00 a. m., c. s. t., in the Besse Hotel, Pittsburg, Kansas, before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application, particular attention will be directed to whether the public convenience and necessity require amendment of the certificate of public convenience and necessity of Ozark Airlines, Inc., so as to provide air transportation to Pittsburg, Kansas.

For further details of the issues involved in the proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to the application must file with the Board on or before September 23, 1952, a written statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., August 29, 1952.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52-9667; Filed, Sept. 3, 1952; 8:54 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request No. 23—DPAV-13 (a)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT ENTITLED "VOLUNTARY PLAN RELATING TO THE SAVING OF NEWSPRINT BY BOSTON DAILY NEWSPAPERS"

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published on 16 F. R. 11314, November 7, 1951, to participate in a voluntary plan entitled "Voluntary Plan Relating to the Saving of Newsprint by Boston Daily Newspapers," dated September 4, 1951, transmitted and accepted by those companies listed on 16 F. R. 11314, November 7, 1951, is hereby withdrawn.

The immunity from prosecution under the Federal Antitrust Laws and the Federal Trade Commission Act heretofore granted is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: August 29, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-9770; Filed, Sept. 3, 1952; 11:39 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6453]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

AUGUST 27, 1952.

Take notice that on August 26, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska, with its principal business office in Sioux City, Iowa, seeking an order authorizing the issuance of 150,122 shares of Common Stock, a par value $5 per share. The additional Common Stock is to be issued pro rata to existing holders of Common Stock for subscription on the basis of one new share for each eight shares of Common Stock held; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of September 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9619; Filed, Sept. 3, 1952; 8:46 a. m.]

[Docket No. G-1158]

WILLMUT GAS & OIL CO. ET AL.

NOTICE OF ORAL ARGUMENT BEFORE PRESIDING EXAMINER

AUGUST 27, 1952.

Willmut Gas & Oil Company, et al. v. United Gas Pipe Line Company, Docket No. G-1158.

Upon consideration of the motion dated July 28, 1952, filed by counsel for United Gas Pipe Line Company for oral argument before Francis L. Hall, Presiding Examiner in the above designated matter;

Notice is hereby given that the Presiding Examiner has granted said motion and that the matters involved and issues presented in Docket No. G-1158 are set for oral argument before the Presiding Examiner on September 22, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. Time for oral argument has been allocated, and counsel for the parties will be heard, in order as follows:

	Minutes
United Gas Pipe Line Co	30
Willmut Gas & Oil Co	30
City of Hattiesburg, Miss	15
Federal Power Commission	30

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9620; Filed, Sept. 3, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27356]

MAHOGANY AND PHILIPPINE WOODS FROM BATON ROUGE, KENNER, AND NEW ORLEANS, LA., TO MOOREFIELD, W. VA.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1214.

Commodities involved: Lumber, logs or flitches or mahogany and Philippine woods, built-up woods, and veneer, carloads.

From: Baton Rouge, Kenner, and New Orleans, La.

To: Moorefield, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9639; Filed, Sept. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27357]

PHOSPHATE OF SODIUM (SODA) AND RELATED ARTICLES FROM LAWRENCE, KANS., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3614.

Commodities involved: Sodium (soda), phosphate of, di-sodium phosphate, and tri-sodium phosphate, carloads.

From: Lawrence, Kans.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3614, Supp. 143.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9640; Filed, Sept. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27358]

SAND FROM SAULSBURY, TENN., AND TISHOMINGO, MISS., TO SALEM, ILL.

APPLICATION FOR RELIEF

AUGUST 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, moulding, bonded (naturally or otherwise), carloads.

From: Saulsbury, Tenn., and Tishomingo, Miss.

To: Salem, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 998, Supp. 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9641; Filed, Sept. 3, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 34, Amdt. 1]

HARTFORD, CONNECTICUT; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 27, 1952 (17 F. R. 7912), that the Hartford, Connecticut, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 34 (17 F. R. 1368) is hereby amended to apply to the area described as:

Hartford, Connecticut (this area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut).

ROSS S. SHEARER, *Acting Administrator.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9715; Filed, Sept. 3, 1952; 9:43 a. m.]

[Determination No. 38, Amdt. 2]

BARSTOW, CALIFORNIA; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 27, 1952 (17 F. R. 7912), that the Barstow, California, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 38 (17 F. R. 1369) is hereby amended to apply to the area described as:

Barstow, California (this area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California).

ROSS S. SHEARER, *Acting Administrator.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9716; Filed, Sept. 3, 1952; 9:43 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 21]

ROSE CITY FIELD, ORANGE COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Rose City Field, Orange County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Rose City Field (Hackberry Formation) Orange County, Texas. During the base period full production had not been attained; installation of adequate low-cost transportation was not then available; and there was a lack of competitive factors. As a result the crude petroleum produced from this field was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condidtion has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the adjusted ceiling price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.88 per barrel for 40 degrees API gravity and above with a 2 cents differential less for each degree of gravity below 40 degrees, down to $2.46 per barrel for below 20 degrees API gravity.

Special provision. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of SR 2 to CPR 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Rose City Field, Orange County, Texas, shall be: $2.88 per barrel for 40 degrees API gravity and above with a 2 cent differential loss for each degree of gravity below 40 degrees, down to $2.46 per barrel for below 20 degrees API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This special order 21 shall become effective on August 28, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

AUGUST 27, 1952.

[F. R. Doc. 52-9554; Filed, Aug. 27, 1952; 3:43 p. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 77]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

SEPTEMBER 2, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Milwaukee, Wisconsin, Area. (The area consists of all of Milwaukee County, Wisconsin.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9691; Filed, Sept. 2, 1952; 12:06 p. m.]

[RC 60]

MILWAUKEE, WIS., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 2, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Milwaukee, Wisconsin, Area. (The area consists of all of Milwaukee County, Wisconsin.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9692; Filed, Sept. 2, 1952; 12:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2928]

LOWELL ELECTRIC LIGHT CORP.

NOTICE REGARDING FILING OF PROPOSED NOTE ISSUES

AUGUST 28, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company. Lowell has designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration states that Lowell presently has outstanding $2,700,000 principal amount of promissory notes, due October 1, 1952, issued pursuant to a bank loan agreement with five banks, namely, The First National Bank of Boston ($1,485,000), The Chase National Bank of the City of New York ($351,000), The Hanover Bank ($351,000), Irving Trust Company ($351,000) and The New York Trust Company ($162,000). Lowell proposes to issue to these banks, from time to time but not later than December 31, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $3,100,000. Lowell further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952 will not exceed $3,100,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Lowell will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Lowell requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Lowell will use $2,700,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay the outstanding promissory notes maturing October 1, 1952, and will use the remainder of such proceeds to pay for construction cost incurred or to be incurred. Lowell estimates that its construction expenditures for the period July 1, 1952 to December 31, 1952 will aggregate $620,500. Lowell proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount,

if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Lowell requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than September 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9624; Filed, Sept. 3, 1952; 8:47 a. m.]

[File No. 812-799]

NORTH AMERICAN UTILITY SECURITIES CORP.

NOTICE OF APPLICATION

AUGUST 28, 1952.

Notice is hereby given that North American Utility Securities Corporation ("NAUSCORP") located at No. 60 Broadway, New York 4, New York, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 6 (c) of the act for an order of the Commission exempting NAUSCORP from the provisions of section 30 (d) and Rule N-30D-1 (a) of the general rules and regulations under the act which would require the mailing to stockholders of a semi-annual report for the six months ending June 30, 1952.

The North American Company owns all of the outstanding preferred stock and 80.62 percent of the common stock of NAUSCORP. A plan designed to bring about compliance with the requirements of section 11 (b) of the Public Utility Holding Company Act of 1935 by effecting dissolution of NAUSCORP and the retirement of all its outstanding stock was filed on June 21, 1948, by The North American Company with the Commission. The plan as amended on May 5, 1952, provides for a cash payment of $9 a share to the holders of publicly held NAUSCORP common stock and the distribution of the remaining assets of NAUSCORP to The North American Company as holder of the preferred stock and the remaining common stock following which NAUSCORP is to be dissolved. On July 23, 1952, the Commission approved the Amended Plan subject to certain conditions. Pursuant to the request of The North American Company, the Commission applied to the United States District Court for the District of Maryland for enforcement of the Amended Plan, where the matter is now pending. The Amended Plan is to become effective on a date selected by the board of directors of The North American Company and approved by the Commission and the United States District Court.

The Commission's findings and opinion were released on July 23, 1952, and published as Holding Company Act Release No. 11390 which contains a balance sheet of NAUSCORP as of March 31, 1952, and income and expenses for the 12 months ended March 31, 1952.

Rule N-30D-1 (a) provides in part that at least semi-annually every registered investment company shall mail to each stockholder of record a report containing certain information and shall mail such report within 30 days after the date as of which the report is made.

The Commission's findings and opinion dated July 23, 1952 (Release No. 11390) contain financial information of the applicant for the twelve months ended March 31, 1952. The applicant represents that it has mailed copies of such Release to all public holders of the common stock. It also represents that publication and mailing of the required semi-annual report to stockholders would be an unnecessary expenditure of funds and, therefore, requests that the exemption referred to above be granted.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 18, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 16, 1952 at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9623; Filed, Sept. 3, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order No. 18994]

WILHELM KARL ROLF BARON VON HUNDELSHAUSEN AND ELSE VON HUNDELSHAUSEN

In re: Rights of Wilhelm Karl Rolf Baron von Hundelshausen and Else von Hundelshausen under Insurance Contract. File No. F-28-25125-H-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Karl Rolf Baron von Hundelshausen and Else von Hundelshausen, whose last known address is Germany, each of whom on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 235-852 issued by the Pan American Life Insurance Company, New Orleans, Louisiana, to Wilhelm Karl Rolf Baron von Hundelshausen, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Karl Rolf Baron von Hundelshausen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-9646; Filed, Sept. 3, 1952; 8:49 a. m.]

[Vesting Order 18995]

BRINCKMANN, WIRTZ & CO. ET AL.

In re: Securities owned by Brinckmann, Wirtz & Company and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Brinckmann, Wirtz & Co., the last known address of which is Hamburg, Germany, and Alsen'sche Portlandzementfabrik, the last known address of which is Bellevue 27, Hamburg, Germany, are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the persons whose names and last known addresses are listed below:

Names and addresses

Margarete Pfeffer, Kiel, Damperhofstr. 12, Germany.
F. A. W. Teschner, Hamburg, Germany.
Kurt Hotze, Hamburg-Flottbeck, Germany.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Twenty-four (24) coupons detached from 4½ percent First Mortgage 60-Year Gold Bonds of the Brazil Railway Company numbered 118556 and 165710, said coupons numbered 11 through 22, owned by Brinckmann, Wirtz & Co., together with any and all rights thereunder and thereto,

b. One (1) coupon detached from 4½ percent First Mortgage 50-Year Gold Bond of the Brazil Railway Company, numbered A 10754, said coupon numbered 22, owned by Brinckmann, Wirtz & Co., together with any and all rights thereunder and thereto,

c. One hundred (100) shares of no par value common stock of the Tri-Utilities Corporation evidenced by a certificate numbered NY 2987 registered in the name of Henry Pfeffer owned by Margarete Pfeffer, together with all declared and unpaid dividends thereon,

d. One hundred (100) shares of no par value common stock of the Anglo-Chilean Consolidated Nitrate Corporation evidenced by a certificate numbered 8220, registered in the name of Henry Pfeffer, owned by Margarete Pfeffer, together with all declared and unpaid dividends thereon,

e. Any and all rights and interest in and under a Voting Trust Certificate numbered NP/O, 1838, for 50 shares of $3.00 dividend convertible preferred stock of General Theatres Equipment, Inc., said certificate registered in the name of Henry Pfeffer and owned by Margarete Pfeffer,

f. Eight hundred and fifty-eight (858) coupons detached from 5 percent Mortgage Gold Bonds of Alsen's American Portland Cement Works of New York, numbered 200/224 and 234/241, said coupons numbered 25 through 50 of $25.00 face value each, and owned by Alsen'sche Portlandzementfabrik, together with any and all rights thereunder and thereto,

g. Six (6) coupons detached from San Francisco Terminal First Mortgage Southern Pacific Company Bonds numbered M 10905 and M 13315, said coupons numbered 61/63, each of $20.00 face value owned by F. A. W. Teschner, together with any and all rights thereunder and thereto, and

h. Twenty-seven (27) coupons detached from 5 percent General Mortgage Sinking Fund Gold The Denver and Rio Grande Western Railroad Company Bonds numbered C 2050/52, said coupons numbered 11/19 of $2.50 face value each, owned by Kurt Hotze, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2, thereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-9647; Filed, Sept. 3, 1952; 8:50 a. m.]

[Vesting Order 18996]

MINNIE HAMMER AND LILLIE HEIM KERSCHL

In re: Debts owing to Minnie Hammer and Lillie Heim Kerschl, also known as Lilly Heim Kerschl. F-28-31062-B-1, F-28-31063-B-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Minnie Hammer, whose last known address is Mering-Augsburg, Sieder Strasse 3, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That Lillie Heim Kerschl, also known as Lilly Heim Kerschl, whose last known address is Koenigshofen Im Grabfeld, Unterfranken, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations evidenced by Eleven (11) United States Treasury checks, drawn to the order of Minnie Hammer, said checks dated, numbered and in the amounts set forth below and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey:

Check No.	Date	Amount
16,462,535	June 5, 1952	$60.88
16,462,536	do	59.42
16,462,537	do	57.98
16,462,538	do	52.65
16,462,539	do	64.41
16,462,540	do	51.42
16,462,541	do	47.65
16,462,542	do	50.03
16,498,871	June 10, 1952	31.61
16,498,872	do	24.16
16,498,873	do	11.98

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

is property which is and prior to January 1, 1947, was within the United

States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minnie Hammer, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Those certain debts or other obligations evidenced by twelve (12) United States Treasury checks, drawn to the order of Lilly Heim Kerschl, said checks numbered, dated and in the amounts set forth below and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey:

Check No.	Date	Amount
16,462,543	June 5, 1952	$35.53
16,462,544	----do----	67.93
16,462,545	----do----	65.00
16,462,546	----do----	60.64
16,462,547	----do----	56.55
16,462,548	----do----	53.75
16,462,549	----do----	79.99
16,462,550	----do----	72.72
16,462,551	----do----	102.54
16,462,552	----do----	132.17
16,462,553	----do----	24.54
16,495,871	June 10, 1952	3.94

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same and any and all rights in, to and under said checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lillie Heim Kersehl, also known as Lilly Heim Kerschl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9648; Filed, Sept. 3, 1952; 8:50 a. m.]

[Vesting Order 18997]

HERBERT SEEBER ET AL.

In re: Securities owned by Herbert Seeber and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945, Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Herbert Seeber, whose last known address is Lauda, Germany, on or since December 11, 1947, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That Bankhaus Cl. Harlacher, the last known address of which is Frankfurt Main, Germany and Commerzbank A. G., the last known address of which is Frankfurt Main, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Three (3) 5 percent, 50 year Gold Brazil Railway Company Debentures of $500 face value each, said bonds numbered B10200/1 and B10199, presently in the custody of the Attorney General of the United States and owned by Herbert Seeber, together with any and all rights thereunder and thereto,

b. One (1) 5 percent, 50 year Gold Brazil Railway Company Debenture of $500 face value, numbered B11536, presently in the custody of the Attorney General of the United States and owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, together with any and all rights thereunder and thereto,

c. Two (2) First Mortgage Collateral Trust 6 percent, 10 year Gold Coupon Yukon Milling, Dredging and Power Company Bonds, said bonds numbered 9538 and 9539, presently in the custody of the Attorney General of the United States, and owned by Bankhaus Cl. Harlacher, together with any and all rights thereunder and thereto and

d. Seventeen hundred (1,700) shares of $1.00 par value capital stock of The Gold Belt Development & Reduction Company, evidenced by certificate numbered 484, registered in the name of A. Lotichins and certificate numbered 1505 registered in the name of August and Dr. Alfred Lotichins, said certificates presently in the custody of the Attorney General of the United States and owned by Commerzbank, A. G., together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the persons identified in subparagraphs 1 and 3 and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9649; Filed, Sept. 3, 1952; 8:50 a. m.]

HOLLANDSCHE BANK-UNIE N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Hollandsche Bank-Unie N. V. Amsterdam, Holland, Claim No. 36883; Vesting Order No. 8712; $510.80 in the Treasury of the United States.

Executed at Washington, D. C., August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9650; Filed, Sept. 3, 1952; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 17 NUMBER 174

Washington, Friday, September 5, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10391

AMENDMENT OF EXECUTIVE ORDER NO. 10011 [1] OF OCTOBER 22, 1948, AS AMENDED, AUTHORIZING THE SECRETARY OF STATE TO EXERCISE CERTAIN POWERS OF THE PRESIDENT WITH RESPECT TO THE GRANTING OF ALLOWANCES AND ALLOTMENTS TO GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by section 1403 of the Supplemental Appropriation Act, 1953 (Public Law 547, 82nd Congress), and section 301 of title 3 of the United States Code (section 10, Public Law 248, 65 Stat. 713), it is ordered that section 1 (d) of Executive Order No. 10011 of October 22, 1948, as last amended by Executive Order No. 10313 of December 14, 1951, authorizing the Secretary of State to exercise certain powers of the President with respect to the granting of allowances and allotments to Government personnel on foreign duty, be, and it is hereby, amended to read as follows:

"(d) The authority vested in the President by section 1403 of the Supplemental Appropriation Act, 1953 (Public Law 547, 82nd Congress), and by section 302 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 8) to prescribe, with respect to civilian officers and employees of the Government, regulations governing living-quarters allowances, cost-of-living allowances, and representation allowances in accordance with, or similar to, such allowances authorized by the said act of June 26, 1930, or the said section 901 of the Foreign Service Act of 1946."

This order shall be effective as of July 1, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 3, 1952.

[F. R. Doc. 52-9799; Filed, Sept. 4, 1952; 10:08 a. m.]

[1] 13 F. R. 6263; 3 CFR 1948 Supp.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 11 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

a. Subparagraph (2) of paragraph (e) *Validity of licenses* is amended to read as follows:

(2) Individual export licenses will be issued for a validity period of 6 months from the date of validation, unless otherwise stated on the face of the license: *Provided*, That when the validity period expires on a day when the office of the collector of customs is not open for business, the validity period shall, automatically, be extended to midnight of the first day of business following the expiration date.

b. The note following paragraph (e) remains unchanged.

2. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particulars:

Subparagraph (3) *All controlled materials and certain additional commodities with processing code NONF* of paragraph (b) *Commodities requiring statement of past participation* is

[1] This amendment was published in Current Export Bulletin No. 677, dated August 28, 1952.

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FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

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These books contain the full text of regulations in effect on December 31, 1951

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amended by deleting therefrom the following commodity entry:

Refined copper in cathodes, billets, ingots, wire bars, and other crude forms, Schedule B No. 641200;

3. Part 373—Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.40 to read as follows:

Section 373.40 *Special provisions for asbestos.* (a) Asbestos fibers of spinning grades are in critical short supply in the United States, and a restrictive quota has been set up for "Crude asbestos and spinning fibers of grades being procured for the national stockpile."

(b) Under this restrictive quota, the Office of International Trade will not consider an application for export license for asbestos fibers of spinning grades, Schedule B No. 545110, unless and until the applicant has submitted to the General Services Administration a representative five-pound sample of the type covered by the application, and has been advised that the lot represented by the sample is not desired for stockpile purposes. All applications for licenses to export such asbestos shall be accompanied by a true copy of the GSA letter of rejection (see § 372.9 of this subchapter).

(c) The five-pound sample should be sent, carriage prepaid, to General Services Administration, Emergency Procurement Service, Attention: Director, Purchase Division, Seventh and D Streets SW., Washington 25, D. C., together with a letter specifying that the sample is submitted for purposes of securing an export license.

(d) Crude asbestos and spinning fibers, Schedule B No. 545110, will be licensed for export in accordance with the provisions of §§ 373.16 and 373.19 of this subchapter, and the special provisions set forth in this section.

4. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. For the Fourth Quarter, 1952, the following entries and related submission dates are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—Fourth quarter 1952
619039 664529 915590	Cobalt welding rods Cast cobalt-chromium dental alloys Dental alloys and amalgams containing cobalt	Oct. 1–Oct. 15, 1952.

b. The following submission dates for the First Quarter 1953, are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—First quarter 1953
	Controlled materials: Commodities with processing code STEE [4]	Sept. 8–Sept. 22, 1952.

[4] See § 398.5 (b) (5) of this subchapter for exception to these dates under certain conditions.

5. Section 379.2 *Authenticated shipper's export declaration*, paragraph (b) *Use of authenticated shipper's export declaration* is amended in the following particulars:

The note following subparagraph (6) *Limitation of effective period of declaration* of paragraph (b) is amended to read as follows:

NOTE: The validity period of an export license includes any extension provided by any saving clause or regulation. The above subparagraph makes no change in the provisions of § 373.11 (e) or § 372.11 (f) of this subchapter.

6. Section 380.2 *Amendments or alterations of licenses*, paragraph (c) *Procedure for submitting requests for amendments* is amended in the following particulars:

Subdivision (i) of subparagraph (2) *Information required* is amended to read as follows:

(i) (*a*) The reasons for the requested amendment must be clearly stated in answer to item 10.

(*b*) In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply where applicable, with the provisions of § 372.3 (d) of this subchapter regarding a statement from the new ultimate consignee or purchaser if the shipment is destined to an R country or with the provisions of § 373.34 (c) of this subchapter regarding the submission of an import certificate. The licensee must also comply with the provisions of § 373.1 (b) of this subchapter regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification shall be made on the back of Form IT–763 or on a sheet attached thereto. In addition, the licensee must submit a copy of the original order placed by the ultimate consignee or purchaser.

(c) Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully in item 10 of Form IT–763 any additional circumstances which prevented shipment to the original country of destination.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of August 28, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–9694; Filed, Sept. 4, 1952; 8:50 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 8 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

WELDING RODS AND WIRES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following entry was inadvertently omitted from the revision of commodity descriptions under Schedule B No. 619039 made in Amendment P. L. 2 (Sixth General Revision) appearing at 17 F. R. 6638:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
619039	Welding rods and wires: Other welding rods and wires [1]	Lb.	None	100	RO

[1] The commodities covered by this Positive List entry require an import certificate (see § 373.34 of this subchapter).

[1] This amendment was published in Current Export Bulletin No. 677, dated August 28, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52-9693; Filed, Sept. 4, 1952; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., Part 146) are amended as indicated below:

1a. In § 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension*, paragraph (a) *Standards of identity*, etc., the first sentence is changed by inserting the words "sulfonamides and suitable" between the word "suitable" and the words "and harmless colorings".

b. Section 146.69 (c) (1) (iii) is amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(iii) The name of each buffer substance and the name and quantity of each sulfonamide and preservative used in making the batch.

c. Section 146.69 (c) is further amended by renumbering subparagraph (3) as (4) and inserting the following new subparagraph between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if sulfonamides are present, after the name "Dibenzylethylenediamine dipenicillin G oral suspension," wherever it appears, the words "with sulfonamides" in juxtaposition with such name.

2. In § 146.303 *Chloramphenicol ointment (chloramphenicol cream)*, paragraph (a) *Standards of identity*, * * *, the first sentence is changed by inserting the words "buffer substances," between the words "harmless" and "dispersing".

3. In § 146.306 *Chloramphenicol palmitate oral suspension*, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "12" to "18".

4a. In § 146.307 *Chloramphenicol solution*, paragraph (a) *Standards of identity*, * * *, is amended by changing the first sentence to read: "Chloramphenicol solution is chloramphenicol, with or without one or more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents."

b. In § 146.307, paragraph (d) *Request for certification; samples*, subparagraph (1) is amended by changing the word "solvent" to read "ingredient" in both places at which it occurs.

c. Section 146.307 (d) (3) (i) is amended to read as follows:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 8 or more than 15 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

d. Section 146.307 (d) (3) (iii) is amended by changing the word "solvent" to read "ingredient".

e. In § 146.307 (e) *Fees*, subparagraph (1) is amended by changing the words "paragraph (d) (3) (i) of this section;" to read "paragraph (d) (3) (i) (*a*) of this section;".

This order, which provides for the use of sulfonamides in dibenzylethylenediamine dipenicillin G oral suspension; for the use of a buffer substance in chloramphenicol ointment; for a change in the expiration date of chloramphenicol palmitate oral suspension from 12 to 18 months; and for the use of a buffer substance in chloramphenicol solution and the submission of 10 samples of said drug for sterility testing, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: August 29, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-9712; Filed, Sept. 4, 1952; 8:54 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 42; T. D. 5929]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

TAX ON TRANSPORTATION WHICH BEGINS AND ENDS IN THE UNITED STATES

On March 4, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 1900), in order to conform Regulations 42 (1942 Edition) (26 CFR Part 130), to section 607 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong. 2d sess.), approved September 23, 1950. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 42 (26 CFR Part 130) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 130.50 (26 CFR 130.50) the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons*—(1) *Amendment of section 3469 (a).* So much of section 3469 (a) (relating to tax on transportation of persons) as precedes "10 per centum of the amount so paid" is hereby amended to read as follows:

(a) *Transportation.* There shall be imposed—

(1) Upon the amount paid within the United States for the transportation of persons by rail, motor vehicle, water, or air within or without the United States, and

(2) Upon the amount paid without the United States for the transportation of persons by rail, motor vehicle, water, or air which begins and ends in the United States, a tax equal to.

* * * * *

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 2. Section 130.51 *Scope of tax* as amended by Treasury Decision 5559, approved April 18, 1947 (26 CFR 130.51), is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (a) and (b) thereof:

(a) Section 3469 (a) imposes a tax upon payments of more than 35 cents (1) made within the United States on or after October 10, 1941, for the transportation of persons, on or after such date, by rail, motor vehicle, water, or air, and (2) made without the United States on or after November 1, 1950, for the transportation of persons on or after such date, by rail, motor vehicle, water, or air, where such transportation begins and ends in the United States.

(b) (1) The taxability of a payment for transportation made within the United States is determined by whether the transportation service is furnished within or without the northern portion of the Western Hemisphere as provided in § 130.64.

(2) With respect to a payment for transportation made without the United States, the application of the tax is determined not only by whether the transportation service is furnished within or without the northern portion of the Western Hemisphere as provided in § 130.64, but also by whether the transportation service begins and ends within the United States. The tax does not apply to a payment made without the United States for one-way or round-trip transportation between a point within the United States and a point outside the United States.

(B) By changing the period at the end of the first sentence of paragraph (f) to a comma and adding the words: "except that, where the payment is made outside the United States for a prepaid order, exchange order, or similar order for transportation of persons which begins and ends within the United States, the tax is collectible by the person furnishing the initial transportation pursuant to such order."

PAR. 3. Section 130.53, as amended by Treasury Decision 5559 (26 CFR 130.53), is further amended as follows:

(A) By substituting the following new paragraphs for paragraphs (f) and (g) thereof:

(f) *Prepaid orders, exchange orders, or similar orders.* The tax applies to the amount paid in the United States for a prepaid order, exchange order, or similar order for transportation whether within or without the United States. The tax also applies to the amount paid without the United States for a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States. An additional amount paid in the United States in procuring transportation in connection with the use of a prepaid order, exchange order, or similar order, is likewise subject to tax, regardless of whether the original payment for the order is made within or without the United States. (See § 130.54 (b).)

(g) *Tickets.* The tax applies to an amount paid within or without the United States for a ticket for transportation which begins and ends in the United States regardless of where such ticket is issued. (See § 130.54 (b).)

(B) By striking out the words "in the United States" in the first sentence of paragraph (i) thereof.

(C) By revising paragraph (j) thereof to read as follows:

(j) *All-expense tours.* An amount paid for an all-expense tour is subject to tax with respect to that portion representing taxable transportation. (See § 130.54 (h).)

(D) By inserting the following new paragraphs immediately after paragraph (j) thereof:

(k) *Payments remitted to foreign countries by persons in the United States.* Payments for transportation tickets, prepaid orders, exchange orders, or similar orders are subject to the tax where the payment for such tickets or orders is accomplished by the purchaser either (1) by transmission from within the United States via telegraph or mail of cash, checks, postal or telegraphic money orders, and similar drafts to ticket offices or travel agencies, etc., located in any place without the United States, or (2) the delivery of the funds to an agency located in the United States for transmission to ticket offices, or travel agencies, etc., without the United States. Such payments are considered to be payments made within the United States.

(l) *Payments outside the United States.* (1) The tax applies to a payment made outside the United States for transportation which begins and ends within the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points in the United States is a payment for transportation which begins and ends in the United States, even though additional transportation to or from a point outside the United States is involved in the entire journey, where at the time of making payment for the transportation between two or more points in the United States it is not definitely established that such transportation is purchased for use in making the journey from or to a point outside the United States, as required by and under the rules set forth in § 130.54 (b). In such case, the fact that the entire journey includes transportation from or to a point outside the United States is not in itself determinative of the liability for tax.

(2) The following examples illustrate the application of this paragraph.

Example (1). W travels from Havana to New York by way of Miami. He purchases in Havana a steamship ticket for his transportation from Havana to Miami and an exchange order for air transportation from Miami to New York. The ticket for the connecting transportation from Havana to Miami, and the order for the transportation from Miami to New York were not appropriately inscribed by the agency or carrier which received the payment for the air transportation involved, at the time such payment was received, so as to clearly show that the ticket and order were purchased for use in conjunction with each other. Therefore, the agency or carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York is required to collect the tax which applied to the amount paid outside the United States for such transportation.

Example (2). X travels on a round trip from Montreal to Los Angeles by way of New York. He purchases in Montreal air transportation for the round trip between New York and Los Angeles, and uses a private automobile for transportation from Montreal to New York and return to Montreal. The amount paid in Montreal for the round-trip transportation between New York and Los Angeles is a payment for transportation which begins and ends in the United States, and is therefore subject to tax.

PAR. 4. Section 130.54 is amended by substituting the following new paragraph for paragraph (b) thereof:

(b) *Payments outside the United States.* (1) The tax does not apply to a payment made outside the United States for transportation which begins or ends outside the United States. For purposes of the preceding sentence, a payment made outside the United States for transportation between two or more points within the United States (such transportation being referred to hereinafter in this section as "the United States portion"), which is part of transportation from or to a point outside the United States is a payment for transportation which begins or ends outside the United States, where it is definitely established at the time of making payment for the United States portion that such portion is purchased for use in making the journey from or to a point outside the United States. The nontaxable character of the payment made outside the United States for the United States portion shall be established under the rules set forth in subparagraphs (2) through (5) of this paragraph.

(2) Where one ticket (such as one commonly known as a "through ticket") is issued to cover all of the United States portion of a journey which begins or ends outside the United States and to cover also the connecting transportation from or to a point outside the United States, no further evidence of the nontaxable character of the transportation covered by such ticket will be required.

(3) Where separate tickets or orders are issued for the United States portion of a journey which begins or ends outside the United States, the agency or carrier which receives payment for such tickets or orders shall definitely determine at the time of receiving the payment that the United States portion is being purchased for use in conjunction with connecting transportation from or to a point outside the United States, and shall appropriately inscribe the tickets or orders issued outside the United States for the United States portion and for the connecting transportation from or to a point outside the United States to show clearly that such tickets or orders are purchased for use in conjunction with each other. Such tickets or orders shall be inscribed in the following manner:

(i) The ticket or order for the connecting transportation from or to a point outside the United States shall be inscribed or stamped with an appropriate legend (for example, "Not To Be Used Again for Purchase of Tax-Free United States Transportation") to show that the United States portion has been purchased tax free for use in conjunction therewith.

(ii) Where the ticket for the United States portion is issued outside the United States, it shall be inscribed to show (*a*) the identity of the agency or carrier which received payment therefor (unless otherwise shown on the ticket), (*b*) the origin and destination of the connecting transportation, (*c*) the identity of the carrier furnishing the connecting transportation, and (*d*) the serial number of the ticket or order covering such connecting transportation. If the ticket is not large enough to accommodate the prescribed inscription, a statement setting forth the required information shall be attached to such ticket.

(iii) Where an order for the United States portion is issued outside the United States, it shall be inscribed to show (*a*) the origin and destination of the connecting transportation, (*b*) the identity of the carrier furnishing the connecting transportation, and (*c*) the serial number of the ticket or order covering such connecting transportation.

(4) Where the ticket for the United States portion is issued in the United States pursuant to an order which was purchased and properly inscribed outside the United States under the rules set forth in subparagraph (3) (iii) of this paragraph, liability for payment or collection of tax will not be incurred upon the issuance of the ticket provided

the agency or carrier issuing such ticket stamps or inscribes thereon an appropriate legend, for example, "Tax Not Paid—Furnished on Order", or "Exempt—Order".

(5) In any case where a payment for the United States portion is not subject to tax under the rules set forth in this paragraph, the carrier furnishing transportation for the United States portion shall procure and maintain appropriate evidence which will clearly show that the tickets or orders for such transportation were purchased for use in conjunction with connecting transportation from or to a point outside the United States.

(6) The following are examples of nontaxable transportation.

Example (1). Y travels from London to San Francisco by way of New York. He purchases from an agency or carrier in England all of the transportation involved in such journey, which includes air transportation from London to New York and from New York to San Francisco, for which separate tickets are issued. The agency or carrier which receives the payment for Y's transportation from New York to San Francisco will not be required to collect tax with respect to the payment, provided it determines at the time such payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from London to New York and it appropriately inscribes both of the tickets for the journey.

Example (2). Z travels from Havana to New York by way of Miami. He purchases in Havana a ticket for his transportation by water from Havana to Miami, and later purchases from a travel agency in Havana air transportation from Miami to New York for which the travel agency issues an exchange order. To establish the nontaxable character of the payment for Z's transportation from Miami to New York it will be necessary for the travel agency which receives the payment for such transportation to determine at the time the payment is received that the transportation in question is being purchased for use in conjunction with the connecting transportation from Havana to Miami, and to make the appropriate inscriptions on the ticket and the order. The carrier which accepts the exchange order and issues the ticket for the transportation from Miami to New York will not be required to collect tax with respect to the ticket so issued if it appropriately inscribes the ticket as provided in subparagraph (4) of this paragraph.

PAR. 5. Immediately preceding § 130.55, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation of persons.* • • •

(2) *Seats, berths, etc.* Section 3469 (c) (relating to tax with respect to seating and sleeping accommodations) is hereby amended by striking out "within the United States".

• • • • • •

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 6. Section 130.56 is amended to read as follows:

§ 130.56 *Scope of tax.* Section 3469 (c) imposes a tax upon payments of any amount made within the United States on or after October 10, 1941, and made without the United States on or after November 1, 1950, for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by section 3469 (a).

PAR. 7. Immediately after section 3469 (d) in Subpart G, there is inserted the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

(a) *Transportation of persons* • • •

(3) *Collection of tax.* So much of the second sentence of section 3469 (d) (relating to returns and payment of tax) as precedes "on or before the last day of each month" is hereby amended to read as follows: "Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment; except that, if the payment is made outside the United States for a prepaid order, exchange order, or similar order, the person furnishing the initial transportation pursuant to such order shall collect the amount of the tax. Any person required to collect the tax imposed by this section shall,".

• • • • • •

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation which begins on or after such first day.

PAR. 8. Section 130.64, as amended by Treasury Decision 5708, approved June 27, 1949, is further amended by inserting at the end thereof the following: "The rules set forth in the first paragraph of this section for determining the taxable portion of a payment made within the United States for transportation any part of which is outside the northern portion of the Western Hemisphere also apply to payments made without the United States for transportation which begins and ends in the United States but part of which is outside the northern portion of the Western Hemisphere."

PAR. 9. Section 130.70 is amended by changing the period at the end thereof to a comma, and adding the words: "Except that (with respect to paragraphs (e) and (f) of this section) if the payment is made outside the United States for a prepaid order, exchange order, or similar order valid for transportation of persons which begins and ends within the United States, or for seating or sleeping accommodations in connection with such transportation, the person furnishing the initial transportation pursuant to such order must collect the amount of the tax."

PAR. 10. Section 130.72, as amended by Treasury Decision 5672, approved November 23, 1948 (26 CFR 130.72), is further amended as follows:

(A) By revising paragraph (d) (3) to read as follows:

(3) Every person receiving payment in the United States for a prepaid order, exchange order, or similar order, for transportation or seating or sleeping accommodations to be furnished by any carrier within the United States shall collect all of the tax applicable to such transportation or accommodations and remit such tax in the proper amount to those carriers located within the United States furnishing such transportation or accommodations to be included in monthly returns on Form 727, revised.

(B) By inserting the following new subparagraph (5) immediately following subparagraph (4), paragraph (d):

(5) Every person furnishing the initial transportation pursuant to a prepaid order, exchange order, or similar order for transportation which begins and ends in the United States, or for seating or sleeping accommodations in connection therewith, and for which payment is made outside the United States shall collect all of the tax applicable to such transportation or accommodations and include the amount in monthly return on Form 727, revised.

This Treasury decision shall be effective upon the thirty-first day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 423, 467, 55 Stat. 722; 26 U. S. C. 3472, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: September 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9705; Filed, Sept. 4, 1952; 8:51 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[Regs. 1 under the Federal Alcohol Administration Act; T. D. 5930]

PART 1—BASIC PERMITS; ISSUANCE AND PROCEEDINGS TO REVOKE, SUSPEND OR ANNUL

APPLICATIONS FOR PERMITS; TIME AND PLACE OF HEARING

On June 26, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5735) with respect to certain proposed amendments to Federal Alcohol Administration Act Regulations No. 1 "Relating to the Issuance, Revocation, Suspension, and Annulment of Basic Permits" (27 CFR Part 1) affording interested persons an opportunity to submit written data, facts or arguments thereon.

After consideration of all relevant matter presented, the following amendments to the said regulation are hereby prescribed:

1. Section 1.21 *Applications for permits* of the Federal Alcohol Administration Act Regulations No. 1 "Relating to the Issuance, Revocation, Suspension and Annulment of Basic Permits" (27 CFR Part 1) is amended by adding at the end thereof a new paragraph (c) to read as follows:

(c) The district supervisor shall cause to be maintained currently in his office for public inspection, until the expiration of one year following final action on the application, the following information with respect to each application for basic permit filed:

(1) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporate stock;

(2) The time and place set for any hearing on the application;

(3) The final action taken upon the application. In the event a hearing is held upon an application for a basic permit, the district supervisor shall make available for inspection at his office upon request therefor: The transcript of the hearing, a copy of the hearing examiner's recommended decision, a copy of the district supervisor's decision and of his decision upon reconsideration, if any, and, in the event of an appeal to the Commissioner, the decision on appeal with the reasons given in support thereof.

2. Section 1.33 *Time and place of hearing* of the said regulations (27 CFR 1.33) is amended by adding at the end thereof the following new sentence: "Hearings upon applications for basic permits shall be open to the public."

3. The purpose of these amendments is to revise, to the extent indicated, the Bureau's policy with respect to the confidential nature of applications for basic permits under the Federal Alcohol Administration Act (49 Stat. 977 et seq. as amended 27 U. S. C. 201 et seq.) and administrative proceedings upon such applications and to make certain information, heretofore treated as confidential, available for public inspection subject to the limitations and in accordance with the procedures set forth above. The provisions of 26 CFR, Subchapter F—Records and Procedure, Part 600—Records, shall not be construed so as to conflict with the authorization and direction conveyed in paragraphs 1 and 2 above.

4. Because this Treasury Decision constitutes a statement of policy and establishes a rule of Bureau practice, it is found that it is unnecessary to issue this Treasury Decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act, approved June 11, 1946.

(49 Stat. 977, 54 Stat. 1232, 53 Stat. 373 and sec. 161 R. S.; 27 U. S. C. 202, 26 U. S. C. 3170, 5 U. S. C. 22)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: September 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9706; Filed, Sept. 4, 1952; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Correction

In F. R. Doc. 52-9472, appearing in the issue of Friday, August 29, 1952, at page 7888, make the following changes:

1. In § 54.8, the first paragraph should be designated "(a)" and the present paragraph (a) should be redesignated "(b)". The section as corrected will read as follows:

§ 54.8 *General provisions affecting import licenses.* (a) No gold in any form imported into the United States shall be permitted to enter until the person importing such gold shall have satisfied the collector of customs at the port of entry that he holds a license authorizing him to import such gold or that such gold may be imported without a license under the provisions of §§ 54.12 to 54.21, inclusive, or §§ 54.28 to 54.30, inclusive. Postmasters receiving packages containing gold will deliver such gold subject to the instructions of the Postmaster General.

(b) *Certificates with respect to imported gold.* Collectors of customs shall, upon receipt of instructions[2] issued from time to time by the Secretary of the Treasury with the approval of the President, refuse entry into the continental United States of gold in the form and condition described in such instructions, which is exported from the country or countries specified in such instructions, unless there is filed with the collector of customs at the port of entry a certificate duly certified by an officer of the country from which the gold is exported to the effect that such gold was or may be lawfully exported from such country.

2. In § 54.11 (b) (2), line 11, the word "of" should read "or". Subparagraph (2) as corrected will read as follows:

(2) Section 1001 of the United States Criminal Code, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (18 U. S. C. 1001.)

3. Section 54.25 is corrected so that paragraph (b) (3) and (4) will read as follows:

(3) *Rare coin.* Rare gold coin as defined in § 54.20 may be exported or transported from the continental United States only under license on Form TGL–11 issued by the Director of the Mint. Application for such a license shall be executed on Form TG–11 and filed with the Director of the Mint, Treasury Department, Washington 25, D. C.

(4) *Other exports of gold.* Export licenses may also be issued upon application made on Form TG–15 in the same manner as prescribed in subparagraph (1) of this paragraph, authorizing the exportation of gold in any form for refining or processing subject to the condition that the refined or processed gold (or the equivalent in refined or processed gold) be returned to the United States, or subject to such other conditions as the Director may prescribe.

[2] See Subpart H of this part for instructions issued pursuant to § 54.8 (b).

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 33]

GCPR, SR63—AREA MILK ADJUSTMENTS

AMPR 33—SOUTHERN NEW JERSEY MILK MARKETING AREAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this area milk price regulation, in accordance with Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) and pursuant to Delegation of Authority No. 41 (16 F. R. 12679) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation, issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for milk products for fluid consumption in individual marketing areas upon petition or upon the initiative of the appropriate Regional or District Director.

Acting under that supplementary regulation, thirteen milk processors and distributors in Southern New Jersey petitioned the Camden District of the Office of Price Stabilization through the South Jersey Milk Dealers Association for an adjustment of ceiling prices on the sale of certain milk and milk products in Milk Marketing Areas land 2 as defined by the Office of Milk Industry for the State of New Jersey. Signatories to the petition represent large, medium and small firms and they account for approximately 52 percent of total sales volume in the Marketing Area involved. The Camden District Director denied the petition and refused to issue an area milk price regulation for the requested marketing area. The petitioners filed a Notice of Review by the Regional Office under section 28 of Price Procedural Regulation 1, Revision 2.

A re-examination of the cost data submitted by the petitioners has convinced

the Regional Director that petitioners are entitled to an adjustment in price for certain fluid milk products and accordingly this regulation is issued in lieu of remanding the record to the Camden District Office for issuance of a regulation in accordance with the Regional Director's determination.

The marketing area where this regulation applies is comprised of Marketing Areas 1 and 2 as established and defined by the Office of Milk Industry of the State of New Jersey.

This regulation is being issued on the basis of data obtained from the petitioners, from other representative milk processors and distributors in the areas covered and from the Office of Milk Industry for the State of New Jersey.

This regulation provides a uniform adjustment of ceiling prices for sales by processors and distributors. This adjustment has been determined by taking prices in effect during the period January 1, 1950, through June 30, 1950, and adding increases and deducting decreases in costs of (1) direct labor, including distribution labor and commission, (2) cans, cases and containers and (3) raw milk and other agricultural commodities or products thereof. Because the increased direct labor cost affected primarily the cost of retail deliveries to the home, the application of the criteria indicated entitlement to a greater increase on retail sales than on non-retail sales. However, to preserve existing price differentials between retail and non-retail sales and to maintain normal marketing practices in the area involved, the regulation establishes a uniform adjustment for both retail and non-retail sales.

The regulation specifies the price for raw milk upon which the adjustment in ceiling prices is based. The price specified is the current official minimum producers price established by the Office of Milk Industry of the State of New Jersey for Class 1 Grade B milk. This price is to be the basis for computing future parity adjustments by processors of the milk items covered. While some of the raw milk utilized is brought in from outside the State of New Jersey, this method has been adopted since the greater portion of milk is produced within that State, and further this policy follows the recommendation of the industry involved.

This regulation does not establish ceiling prices for all milk products, but only for those products for fluid consumption defined in the regulation. Milk products not covered remain subject to the provisions of the General Ceiling Price Regulation. Neither does the regulation attempt to set ceiling prices for sales by operators of retail stores, who shall also remain subject to the provisions of the General Ceiling Price Regulation.

Every effort has been made to conform this regulation to existing business practices, cost practices and methods, and means and aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices and methods, and means and aids to distribution, such provisions are found necessary by the Regional Director of Region III of the Office of Price Stabilization to prevent circumvention or evasion of the regulation.

In the judgment of the Regional Director of Region III of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of Region III of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives to the extent practicable and due consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this regulation.
4. Ceiling prices.
5. Use of competitor's ceiling prices to establish your ceiling prices.
6. Sellers who cannot price under other sections of this regulation.
7. Producer prices upon which ceiling prices are based.
8. Parity adjustments.
9. Processors reports of parity adjustments.
10. Rounding of fractions.
11. Transfers of business or stock in trade.
12. Applicability of other ceiling price regulations.
13. Prohibitions.
14. Violations.
15. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued in accordance with Supplementary Regulation 63 to the General Ceiling Price Regulation and pursuant to Delegation of Authority 41 (16 F. R. 12679) provides uniform adjustments of ceiling prices for the sale of milk products for fluid consumption as defined in section 15 hereof.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable in New Jersey Milk Areas I and II, as defined by the Office of Milk Industry of the State of New Jersey. Area I embraces the counties of Mercer, Burlington, Camden, Gloucester, Salem, Cumberland and certain portions of Cape May and Atlantic counties, not included in Area II. Area II is described as follows: Starting at Brigantine Inlet, across Little Bay, Reeds Bay, then on a northwesterly line to the White Horse Pike at Germania, continuing up the White Horse Pike to and including Egg Harbor City, then southwest on N. J. Route 50 to and including Mays Landing; then continuing on N. J. Route 50 including Estelville, Estelville Manor, Buck Hill and continuing on a straight line to Woodbine, then continuing through North Dennis and a straight line to the Dennis Creek and Delaware Bay.

SEC. 3. *Sellers and sales covered by this regulation.* This area milk price regulation covers sales in the marketing area of milk products for fluid consumption by processors and distributors. A processor is any person who pasteurizes, blends, treats, compounds, manufactures or packages milk products for fluid consumption. A distributor is a person, other than the operator of a retail store, who buys packaged milk products in the same form in which he sells them. For the purpose of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices*—(a) *How you determine your ceiling prices.* Your ceiling price to each class of purchaser of milk products for fluid consumption shall be your GCPR base period price to that class of purchaser, plus a uniform adjustment of one-fourth ($0.0025) cent per sales point. Sales point is defined in section 15 of this regulation.

(b) *Reporting of ceiling prices.* You shall report the ceiling prices resulting from the application of the uniform adjustment specified in section 4 (a) to the Regional Office of the Office of Price Stabilization, Commercial Trust Building, Philadelphia 2, Pennsylvania, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. The report shall be filed on OPS Public Form 124, which may be obtained from the above mentioned office. You shall not sell at the ceiling price computed pursuant to this section until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

SEC. 5. *Use of competitor's ceiling prices to establish your ceiling prices*—(a) *How to determine your ceiling prices.* If you cannot determine a ceiling price under section 4, your ceiling price for the sale of an item of milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same item by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling prices.* You shall not sell an item of milk product for fluid consumption until you have sent the report required by section (c) hereof, by registered mail, return receipt requested, to the Regional Director of Region III of the Office of Price Stabilization, Commercial Trust Building, 15th and Market Streets, Philadelphia 2, Pennsylvania. After OPS has received your reports, as shown by the return postal receipts, you may sell the items for which you have reported prices at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling prices.* Your report shall state the name and address and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of the business has engaged in any part of the last twelve months in any capacity in the same or similar business at any other establishment and, if so, the trade name and address of such establishment. Your report should also include the following: A description of the product you are pricing, and if you are a processor, the processing operation involved in the production thereof; the class of purchaser to whom you will be selling, the ceiling price of your nearest competitor and your proposed ceiling price to each class of purchaser.

SEC. 6. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling prices.* If you cannot obtain a ceiling price under sections 4 or 5 of this regulation, you must apply to the Regional Director of Region III of the Office of Price Stabilization for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Regional Director, as soon as possible after the receipt of your application or the receipt of such additional information as he may request, will issue an order establishing a ceiling price for the sale by you of that item and specifying a producer price for raw milk from which parity adjustments will be computed. You may not sell such item until the Regional Director has issued a letter order establishing your ceiling price for the sale thereof.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other section of this regulation; all pertinent information describing the item; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed prices are in line with level of ceiling prices otherwise established by this regulation.

SEC. 7. *Producer prices upon which ceiling prices are based.* The specific producer price for Class I, Grade B Milk, 3.5 percent butterfat, upon which ceiling prices established under this regulation are based is $5.87 per hundredweight.

SEC. 8. *Parity adjustments*—(a) *Processors.* Producer prices specified in section 7 of this regulation must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation by all processors except those who establish their ceiling prices under section 5 or 6 hereof.

(b) After the determination of your ceiling price under either section 5 or section 6 of this regulation, you may increase, and you must decrease the ceiling prices so established by parity adjustments in conformity with section 8 (a) of said Supplementary Regulation 63. If your ceiling price was determined under section 5 of this regulation, you shall compute your parity adjustment from the highest price you paid or incurred for your customary purchase of raw milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the producer prices specified in the letter order.

(c) *Distributors.* This paragraph applies to you if (1) you are a distributor of an item of milk product for fluid consumption, (2) the cost to you of a current customary purchase of the item differs from the highest ceiling price, applicable to sales to you from a customary source of supply specified in this regulation and (3) the change in the cost to you is due to the operation of the provisions of section 8 (a) (1) of said Supplementary Regulation 63. In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices for such items established under sections 4, 5, or 6 of this regulation by the dollar and cents difference per item in these costs.

SEC. 9. *Processors reports of parity adjustments.* Prior to charging any increased prices permitted under section 8 (a) of said Supplementary Regulation 63, you must, if you are a processor, file with the Regional Director of Region III of the Office of Price Stabilization, Commercial Trust Building, 15th and Market Streets, Philadelphia 2, Pennsylvania, a report giving the following information:

(a) The name and description of the item or items of milk product being priced.

(b) The container size of such item or items.

(c) The producer price paid by you for your most current customary purchase of milk.

(d) Your ceiling price for the item or items as determined under section 4 or 5 or established under section 6 of this regulation

(e) Your adjusted ceiling price for each item.

If you are required to decrease your ceiling prices as a result of the operation of section 8 (a) of said Supplementary Regulation 63, you must file the report specified in this paragraph with the Regional Director within 5 days after you are required to make the decreases.

SEC. 10. *Rounding of fractions.* (a) In computing a parity adjustment under section 8 of this area milk price regulation, you shall apply the rounding provisions of section 8 (b) of said Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) In computing your ceiling prices under section 4 or section 5 of this area milk price regulation or under a letter order issued under section 6, you shall apply the following rounding provisions: Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product for fluid consumption shall be dropped if less than one-half cent or may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption sold during the preceding month, or other billing period, shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 11. *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum price of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had been taken, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor will either preserve or make available, and turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 12. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain subject to the provisions of said Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation.

SEC. 13. *Prohibition.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy, in the regular course of trade or business, any milk product for fluid consumption at a price in excess of the ceiling price established by this regulation.

SEC. 14. *Violations*—(a) *Civil and criminal action.* Persons violating any of the provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or to apply to

the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Regional Director may issue an order fixing ceiling prices for the milk product such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 15. *Definitions*—(a) *Milk products for fluid consumption.* This term means standard milk; homogenized; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks of special dietary qualities and properties; buttermilk; chocolate milk; skim milk; plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drinks; and any other milk variation of the foregoing sold, whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper or other type of containers, or in bulk. For purposes of this regulation, however, this term does not include half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream; filled cream; cream mixed with other ingredients or gases used as whipping cream and other specialized fluid milk products. This definition is not intended to include milk; cream; skim milk; or whey; when such products are exempt from the General Ceiling Price Regulation or to include ice cream; ice cream mix; canned, evaporated or condensed milk; milk powder; butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *Sales point.* A quart of milk product sold is equal to one sales point; sales points for all other sizes of containers are related to the quart unit in direct proportion to the size of the container sold.

(c) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective September 4, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH J. MCBRYAN,
Regional Director,
Region III.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9031; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 95, Amdt. 1 to Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

ALLOWANCES FOR PELLETING AND SACKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Revision 1 of Supplementary Regulation 95 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation (SR) 95, Revision 1, which set ceiling prices for processors and distributors of flaxseed feed products, did not provide specific ceiling prices for linseed feed and flaxseed screenings oil feed when these products are sold in the form of pellets or cubes. It has been called to the attention of the Director that linseed feed pellets and flaxseed screenings oil feed pellets are produced by at least one firm in the industry. The process used in pressing linseed feed and flaxseed screenings oil feed into pellets or cubes is identical to that used for converting linseed meal into pellets or cubes. SR 95, Revision 1, established ceiling prices for linseed meal pellets or cubes which are $2.25 per ton higher than the ceiling prices fixed for linseed meal. This amendment adopts the same differential for linseed feed and flaxseed screenings oil feed pellets or cubes. It sets ceiling prices for these products which are $2.25 per ton higher than the ceiling prices for linseed feed and flaxseed screenings oil feed previously established by SR 95, Revision 1.

This amendment also changes the allowance for sacks and sacking set forth in section 8. As amended, this section provides that, for a flaxseed feed product sold in sacks, a seller may add to his bulk ceiling price a specified allowance for sacking plus the cost per sack of his most recent customary purchase of the sacks used for the lot. However, the amount added for sacks may not exceed the dollar-and-cent figure specified in section 8. The change made by this amendment will provide an allowance for sacks and sacking consistent with the actual cost of the containers. Similar provisions will also be made in other regulations.

In the formulation of this amendment there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Supplementary Regulation 95, Revision 1, is amended in the following respects:

1. Table I is amended to read as follows:

TABLE I

Base points	Oil meal or cake (standard protein content 32 percent)	Sized linseed oil cake, linseed pellets or cubes (standard protein content 32 percent)	Linseed feed (standard protein content 30 percent)	Linseed feed pellets or cubes (standard protein content 30 percent)	Flaxseed screenings oil feed (standard protein content 22 percent)	Flaxseed screenings oil feed pellets or cubes (standard protein content 22 percent)
Minneapolis and Red Wing, Minn.	$78.00	$80.25	$73.00	$75.25	$60.00	$62.25
Chicago, Ill.	82.50	84.75	77.50	79.75	64.50	66.75
Cleveland, Ohio	83.50	85.75	78.50	80.75	65.50	67.75
Emporia and Fredonia, Kans.	83.50	85.75	78.50	80.75	65.50	67.75
Buffalo, N. Y.	83.50	85.75	78.50	80.75	65.50	67.75
New York Harbor area and Philadelphia.	85.50	87.75	80.50	82.75	67.50	69.75
Texas mill points	86.50	88.75	81.50	83.75	68.50	70.75
Los Angeles and Fresno, Calif.	[1] 80.00	[1] 82.25	75.00	77.25	62.00	64.25
San Francisco, Calif.	[1] 83.00	[1] 85.25	78.00	80.25	65.00	67.25
Conrad and Great Falls, Mont.	91.00	93.25	86.00	88.25	73.00	75.25

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

2. Subparagraph (2) of section 3 (a) is amended to read as follows:

(2) *Guarantee of less than standard protein content.* If you guarantee at the time of sale, that the lot will contain, at a minimum, any specified protein content lower than the standard protein content set forth in Table I, and if you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, your ceiling price is as follows:

(i) If you deliver a flaxseed feed product (except flaxseed screenings oil feed, flaxseed screenings oil feed pellets or cubes), you subtract from the price listed in Table I for that commodity at that base point $2.40 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

(ii) If you deliver flaxseed screenings oil feed, flaxseed screenings oil feed pellets or cubes, you subtract from the price listed in Table I for that commodity at that base point $2.60 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

3. Subparagraph (5) of section 3 (a) is amended to read as follows:

(5) *Sale and delivery of more than standard protein content.* If you sell and deliver a flaxseed feed product of more than the standard protein content set forth in Table I, your ceiling price is the same as your ceiling price for that product of standard protein content. However, if you produce linseed oil meal, linseed oil cake, sized linseed oil cake, linseed pellets or linseed cubes at any point in California, you may add $2.50 per ton to your ceiling price for these products of standard protein content as otherwise determined under this regulation, if you guarantee that these products will contain a protein content of 34 percent or more and you fulfill such guarantee on delivery.

4. Section 8 is amended to read as follows:

SEC. 8. *Allowance for sacks and sacking.* If you are a processor and you sell and deliver a flaxseed feed product in sacks, or if you are a wholesaler or retailer and you sack a flaxseed feed product which you buy in bulk, you may add to your ceiling price, per ton, in bulk, as otherwise determined under this regulation, the following:

(a) $1.00 per ton; plus

(b) The lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the flaxseed feed product you deliver; or

(2) The applicable allowance from the following table:

Type of sack used	New sacks (per ton)	Used sacks (per ton)
Cotton	$5.25	$4.25
Burlap	4.25	3.50
Paper	3.25	----

5. Subparagraph (1) of section 9 (b) is amended to read as follows:

(1) "Flaxseed feed products" means linseed oil meal, linseed oil cake, sized linseed oil cake, linseed pellets, linseed cubes; flaxseed screening oil feed, flaxseed screenings oil feed pellets and cubes; linseed feed, linseed feed pellets and cubes.

6. Section 9 (b) is amended to add new subparagraphs (9), (10), (11) and (12) to read as follows:

(9) "Linseed feed pellets" means the product resulting from the processing of linseed feed through a pelleting machine.

(10) "Linseed feed cubes" means the product resulting from the processing of linseed feed through a cubing machine.

(11) "Flaxseed screenings oil feed pellets" means the product resulting from the processing of flaxseed screenings oil feed through a pelleting machine.

(12) "Flaxseed screenings oil feed cubes" means the product resulting from the processing of flaxseed screenings oil feed through a cubing machine.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9802; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 116]

GCPR, SR 116—ADJUSTMENTS FOR PIG IRON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In accordance with the directive of the Acting Director of the Office of Defense Mobilization of July 24, 1952, the Office of Price Stabilization on August 19, 1952, issued Revision 1 of Supplementary Regulation 100 to the General Ceiling Price Regulation increasing the ceiling prices of producers of carbon alloy and stainless steel mill products. This regulation which increases the ceiling prices of producers of pig iron is a further implementation of that directive which reads in part as follows:

> • • • you are hereby directed to authorize effective upon resumption of steel production, an increase in ceiling prices to basic steel producers for their carbon iron and steel products (with a proportionate increase for alloy and stainless steel) equivalent to $1.66 per ton of carbon steel plus 70¢ per ton of carbon steel to cover the freight increase authorized by the Interstate Commerce Commission effective on May 2, 1952.
>
> This directive is based upon and limited to the facts of the steel industry.

The increase of $2.36 per ton of carbon steel together with the average increase of $2.84 per ton of carbon steel granted by OPS on April 25, 1952, pursuant to the provisions of the Capehart amendment amounts to a total increase of $5.20 or approximately 4.7 percent of the average ceiling prices per ton.

However, if producers of pig iron were permitted to increase the ceiling price of each of the several grades and each of the hundreds of classes of pig iron by this percentage the historic price differentials between these grades and classes which have prevailed in the industry for years would be destroyed. It was necessary therefore to increase the ceiling price of each of the grades and classes by a specific dollar-and-cents amount which would result in an average increase for all grades and classes of approximately 4.7 percent. This is accomplished in this regulation by increasing the ceiling price of each of the grades and classes of pig iron which contains less than 4.99 percent silicon by $2.50 per ton and by increasing the ceiling price of each of the grades and classes of pig iron which contain between 5 percent and 17 percent silicon by $3.00 per ton. These increases are equal to 4.7 percent of the generally prevailing GCPR ceiling prices of No. 2 foundry grade pig iron and silvery pig iron, after rounding in accordance with established industry practice.

In the formulation of this supplementary regulation there has been consultation with industry representatives including trade association and representatives, to the extent practicable, and full consideration has been given their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling price adjustments.
3. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation permits producers of pig iron, except those producers whose ceiling prices for pig iron are established under the provisions of Supplementary Regulation 38 to the General Ceiling Price Regulation, to increase the ceiling prices established by the General Ceiling Price Regulation or an individual letter order issued prior to the effective date of this regulation for each of the various grades and classes of pig iron. The increases permitted by this regulation are set forth in Section 2 and apply to all deliveries made on or after July 26, 1952.

(b) "Pig iron" as used in this regulation means iron in the form of standard basic shapes or molten metal. It includes all grades of pig iron listed in the Steel Products Manual, Pig Iron and Blast Furnace Ferro-Alloys, published by the American Iron and Steel Institute. It does not include products commonly known as ferro-alloys, including ferro-silicon containing in excess of 17.00 percent silicon, ferromanganese, spiegeleisen or ferrophosphorous.

SEC. 2. *Ceiling price adjustments.* If you are a producer of pig iron, other than a producer whose ceiling prices for pig iron are established under the provisions of Supplementary Regulation 38 to the General Ceiling Price Regulation, your ceiling price for each of the various grades and classes of pig iron is your ceiling price for such grades and classes established by the General Ceiling Price Regulation, or an individual letter order issued prior to the effective date of this regulation plus the following amounts:

	Per ton
(a) All grades and classes containing a maximum of 4.99 percent silicon	$2.50
(b) All grades and classes containing a minimum of 5.00 percent silicon and a maximum of 17.00 percent silicon	3.00

SEC. 3. *Incorporation of GCPR provisions.* Any person subject to this supplementary regulation is also subject to all the provisions of a General Ceiling Price Regulation not inconsistent with the provisions of this supplementary regulation.

Effective date. This supplementary regulation is effective September 4, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9805; Filed, Sept. 4, 1952; 1:00 p. m.]

[General Overriding Regulation 4, Revision 1, Interpretation 1]

GOR 4—EXEMPTION AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

INT. 1—SUSPENSION OF CEILING PRICES ON NON-EXEMPT COMMODITIES FURNISHED WITH BALING AND GINNING SERVICES (SECTION 3 (g) AND (h))

The question has been raised whether the wrapping and ties used in baling cotton have been suspended from price controls (1) when furnished with the service of ginning cotton and (2) when sold as such.

Section 4 (b) (1) of GOR 14, as amended, suspends from price controls the service of ginning, baling and wrapping cotton. Where a commodity is furnished as an integral part of a service and ceiling prices for the service are suspended, the suspension includes the commodity so furnished. Inasmuch as the wrapping and ties furnished with the service of ginning, baling and wrapping are an integral part of such service, they are suspended from price controls—not as commodities but as parts of a service sale—by section 4 (b) (1) of GOR 14, as amended.

On the other hand, the sale of burlap and cotton covers and metal ties used in baling cotton are still subject to price controls when such sale is a separate transaction and is not an integral part of the furnishing of the above services. Section 3 (g) and (h) of GOR 4, Revision 1, as amended, does not suspend burlap and cotton bale covers sold as such from price controls since only laminated covers are included in the commodities suspended by those paragraphs.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9803; Filed, Sept. 4, 1952; 11:03 a. m.]

[General Overriding Regulation 14, Interpretation 1]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

INT. 1—SUSPENSION OF CEILING PRICES ON NONEXEMPT COMMODITIES FURNISHED WITH BALING AND GINNING SERVICES SECTION 4 (b) (1))

The question has been raised whether the wrapping and ties used in baling cotton have been suspended from price controls (1) when furnished with the service of ginning cotton and (2) when sold as such.

Section 4 (b) (1) of GOR 14, as amended, suspends from price controls the service of ginning, baling and wrapping cotton. Where a commodity is furnished as an integral part of a service and ceiling prices for the service are suspended, the suspension includes the commodity so furnished. Inasmuch as the wrapping and ties furnished with the service of ginning, baling and wrapping are an integral part of such service, they are suspended from price controls—not as commodities but as parts of a service sale—by section 4 (b) (1) of GOR 14, as amended.

On the other hand, the sale of burlap and cotton covers and metal ties used in baling cotton are still subject to price controls when such sale is a separate transaction and is not an integral part of the furnishing of the above services. Section 3 (g) and (h) of GOR 4, Revision 1, as amended, does not suspend burlap and cotton bale covers sold as such from price controls since only laminated covers are included in the commodities suspended by those paragraphs.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

SEPTEMBER 4, 1952.

[F. R. Doc. 52-9804; Filed, Sept. 4, 1952; 11:03 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-20, Amdt. 1 of Sept. 4, 1952]

M-20—IRON AND STEEL SCRAP

ALLOCATIONS AND DIRECTIVES

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects a large number of different trades and industries.

This amendment affects NPA Order M-20, of July 18, 1952, by adding "alloy scrap" to the provisions of section 5. As amended, section 5 now reads as follows:

SEC. 5. *Allocations and directives.* NPA may from time to time allocate scrap and such alloy scrap as is subject to Direction 1 to NPA Order M-20 and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap or such alloy scrap to be delivered or acquired by such person.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect September 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9814; Filed, Sept. 4, 1952; 11:28 a. m.]

[NPA Order M-43, as amended Sept. 4, 1952]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This order as amended affects NPA Order M-43 as amended July 3, 1952, in the following respects: It restricts the rating limitations of section 6 to the items of construction machinery specified in a new Part 1 to List A, and for this purpose it divides List A into two parts. In addition, clarifying changes have been made in the designation of some of the items on the amended List A.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Limitation on use of ratings.
7. Effect of this order on NPA Reg. 2.
8. NPA assistance in placing rated orders.
9. Scheduled programs.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equipment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects NPA Reg. 2 in various respects as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

(d) "Claimant agency" is a Government agency or NPA division shown in List B of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month for any one model of any type of construction machinery including parts, in excess of (a) 50 percent of his production schedule of that model for that month or (b) 50 percent of his average monthly shipments of that model during the 6-month period from January 1, 1950, through June 30, 1950, whichever is greater.

SEC. 6. *Limitation on use of ratings.* (a) On and after the effective date of this amendment, no person shall apply or extend a rating to obtain any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-1 or Z-2. The rating limitation contained in the preceding sentence shall not apply to the items in Part 2 of List A of this order.

(b) Any person unable to obtain any item of construction machinery listed in Part 1 of List A of this order at the time he requires it, and who is not authorized to use an A, B, C, E, or Z-2 rating for the purpose, may apply to NPA in accordance with this paragraph for the right to use a Z-1 rating. He shall apply to NPA through the appropriate claimant agency as shown in List B of this order or, if he is unable to determine the appropriate claimant agency, he may apply directly to NPA which will route the application to the appropriate claimant agency. Except as otherwise provided in this paragraph, application shall be made on Form NPAF-138C. Applicants whose appropriate claimant agency is the Canadian Division of NPA shall file on Canadian Department of Defence Production Form 57-3. Applicants whose appropriate claimant agency is the Office of International Trade or the Mutual Security Agency shall file on Form IT-835. Each application shall state the amounts, makes, models, sizes, and values of the machinery required, the end use to which the machinery will be put, the name of the prospective supplier, and the justification showing why the use of a rating is in the public interest, or in the interest of the national defense, and what efforts, if any, have been made to obtain the machinery without a rating.

(c) No applicant shall, within 1 year of his acquisition of any construction machinery obtained pursuant to an application granted in accordance with this section, sell or otherwise dispose of that machinery without written approval of NPA or of the claimant agency through which application was made: *Provided, however,* That the provisions of this paragraph shall not apply to machinery acquired as the result of any application filed on Form IT-835.

(d) No producer of construction machinery shall treat as a rated order any order received by him after the effective date of this amendment for any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless it bears a rating permitted by this section.

SEC. 7. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitations imposed by section 5 of this order should apply to NPA, Ref.: M-43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Scheduled programs.* NPA may from time to time approved scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-43.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect September 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M-43

PART 1

Bituminous equipment:
- Asphalt plants.
- Distributors.
- Heaters.
- Kettles.
- Mixers.
- Pavers.
- Spreaders, aggregate.

Catch basin cleaners.
Concrete equipment:
- Batchers and batch plants.
- Bins.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel, and dragline attachments (not including items in Part 2 below).
- Draglines, construction.
- Draglines, walking.
- Pile drivers and hammers.
- Shovels, power.

Crushing, screening, and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Pipe pushers, power-driven.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.
- Maintainers.

Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters, and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.

PART 2

Bits, air-drill, removable.
Blades (cutting edges): grader, dozer, scraper, snow plow.
Buckets, concrete equipment.
Buckets and dippers for cranes, shovels, or draglines.
Chutes, concrete equipment.
Grapples, crane.
Hoppers, concrete equipment.
Placers, concrete equipment.
Rock drills, air, including drifters and stopers.
Teeth: bucket, ripper, and scarifier.
Well points, construction.
Wheels, crawler.

LIST B OF NPA ORDER M-43

CLAIMANT AGENCIES AND RESPONSIBILITIES

Agency	Address	Programs and areas of responsibilities
Department of Defense, Department of the Navy, Department of the Army, Department of the Air Force, Associated Agencies of the Department of Defense (National Advisory Committee for Aeronautics, etc.)	Local representative and/or contracting officer of the military department or associated agencies of Department of Defense concerned, from whom you received your government contracts.	The programs of the Department of Defense.
Department of the Army, Corps of Engineers, Panama Canal Co.	District Office, District Engineer, Corps of Engineers.	Civil construction projects under the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Administrator of Defense Electric Power Administration; the Panama Canal; and the Panama Railroad.
Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.	The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency.
Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.
Federal Security Agency	Federal Security Agency, Washington 25, D. C.	All school, museum, and library construction; hospital and health facility housing; college and educational institution housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
General Services Administration.	General Services Administration, Washington 25, D. C.	Requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator; and requirements for Federal buildings not elsewhere designated.
Defense Materials Procurement Agency.	Defense Materials Procurement Agency, Washington 25, D. C.	Production and processing of the metals and minerals listed in column I of Appendix A of NPA Delegation 5 by or in the respective facilities listed in column III of that appendix.
Veterans' Administration	Veterans' Administration, Washington 25, D. C.	The hospital program of the Veterans' Administration.
Housing and Home Finance	Housing and Home Finance Agency, Washington 25, D. C.	All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.
Department of Agriculture	County Office, Production and Marketing Administration, Department of Agriculture.	(1) Food and fiber production, including construction of farm ponds and lakes and clearing, draining, reclaiming and conserving land for agricultural purposes, and (2) Food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F. R. 3410) as from time to time amended or supplemented.
Department of the Interior	Department of the Interior, Washington 25, D. C.	Facilities for departmental programs of the Department of the Interior.
Department of the Interior	Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production, preparation, and processing of solid fuels.
Department of the Interior	Defense Fisheries Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production and processing of fishery products.
Department of the Interior	Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.	Facilities for the generation, transmission, and distribution of electric power.
Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C.	Facilities for the production, processing, refining, and distribution of petroleum and gas, and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 9 (but not filling stations).
Defense Transport Administration.	Defense Transport Administration, Washington 25, D. C.	Domestic transportation, except programs designated for the Secretary of Commerce; storage; and port facilities.
Department of Commerce	Department of Commerce, Washington 25, D. C.	Maritime Administration programs for coastwise, inter-coastal, and overseas shipping, and merchant ship construction and repair; other Departmental programs, except Office of International Trade and National Production Authority programs.

LIST B OF NPA ORDER M-43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—continued

Agency	Address	Programs and areas of responsibilities
Department of Commerce, Bureau of Public Roads.	State Highway Department, (for reference to District Office, Bureau of Public Roads).	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities; civil airports; shipyards.
Department of Commerce	Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.	Civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and nonair carrier aircraft, and maintenance, repair, and operation of equipment and facilities.
Department of Commerce	Office of International Trade, Department of Commerce, Washington 25, D. C.	All exports not elsewhere designated.
Mutual Security Agency	Mutual Security Agency, Washington 25, D. C.	Requirements for all nonmilitary exports to MSA countries, exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.
National Production Authority	Office of Civilian Requirements, National Production Authority, Washington 25, D. C.	State and local governments, general contractors, subcontractors, and equipment rental contractors, unless the construction machinery is to be used only in connection with a program or programs under the jurisdiction of another agency on this list.
National Production Authority	Facilities and Construction Bureau, National Production Authority, Washington 25, D. C.	Construction programs for State and local community facilities not elsewhere specifically designated, such as fire and police, penal and administrations; wholesale, retail; and service trades; religious institutions; private industrial facilities not elsewhere designated; and private social recreational activities.
National Production Authority	Canadian Division, National Production Authority, Washington 25, D. C.	Canadian programs.
National Production Authority	Water Resources Division, National Production Authority, Washington 25, D. C.	Facilities for ground and surface water supplies: transmission, pumping, treatment, storage, and distribution, for domestic and industrial use; facilities for domestic and industrial liquid, water, sewage collection, transmission, pumping, treatment, and disposal.
National Production Authority	National Production Authority, Washington 25, D. C.	Facilities for the manufacture of the particular products assigned to each division as shown in the Official Product Assignment Directory published by NPA.

[F. R. Doc. 52-9815; Filed, Sept. 4, 1952; 11:28 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF NEW HAMPSHIRE TURNPIKE (TOLL HIGHWAY) BY COMMON AND CONTRACT MOTOR CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of August A. D. 1952.

The above-entitled matter being under consideration:

It appearing, that the State of New Hampshire, through its Department of Public Works and Highways, has petitioned this Commission to enter a general order authorizing the use of the New Hampshire Turnpike between Portsmouth, N. H., and the Massachusetts-New Hampshire State line near Salisbury, Mass., by common and contract motor carriers holding authority to operate over U. S. Highway 1 between those points;

It further appearing, that the New Hampshire Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers holding authority to operate over U. S. Highway 1 between the points specified would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier operating over the parallel highway (U. S. 1) permission to use the Turnpike as an auxiliary highway;

And it further appearing, that in general the use of the said Turnpike as an alternate route as above-indicated is and will be required by public convenience and necessity, in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act, in the case of contract carriers, and the Commission so finding; therefore,

It is ordered, that the said petition be, and it is hereby, granted. It is further ordered, that:

§ 211.4 *Use of New Hampshire Turnpike by motor carriers authorized to operate over parallel highway (U. S. 1)*—

(a) *Conditions.* The New Hampshire Turnpike and such additional highways as may be required in traveling by the shortest practicable route between the authorized highway and the Turnpike in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by common and contract motor carriers subject to the Interstate Commerce Act who are authorized to operate over U. S. Highway 1 between Portsmouth, N. H., and the Massachusetts-New Hampshire State line near Salisbury, Mass., subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter, setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and point where it proposes to return to such route, (ii) a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route, and (iii) a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall state that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions mentioned herein are observed.

(b) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(c) *When application required.* Motor carriers holding authority to operate over specified regular routes in New Hampshire which do not include U. S. Highway 1 or the New Hampshire Turnpike and who desire to use the Turnpike as an alternate route in performing their authorized service, must apply for and

obtain such authority, using Form BMC 78, before operating over the Turnpike. If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in the service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(d) *Irregular-route operations.* If a motor carrier is authorized to operate within or through New Hampshire over irregular routes, no specific authority is required from this Commission to use the New Hampshire Turnpike in performing its authorized service.

And it is further ordered, that this order shall become effective October 3, 1952, unless prior thereto it is otherwise ordered by this Commission.

Notice of this order shall be given to motor carriers and general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9686; Filed, Sept. 4, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCESS PROFITS TAX; DEDUCTION OF EXPENDITURES FOR ADVERTISING AND GOOD WILL

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 (26 CFR Part 29) to section 303 of the Excess Profits Tax Act of 1950, approved January 3, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (a)–1 the following:

SEC. 303. EXPENDITURES FOR ADVERTISING AND GOOD WILL (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Section 23 (a) (1) (C) of the Internal Revenue Code (relating to expenditures for advertising and good will) is hereby amended to read as follows:

(C) *Expenditures for advertising and good will.* If a corporation has, for the purpose of computing its excess profits tax credit under Chapter 2E, or subchapter D of this chapter, claimed the benefits of the election provided in section 733 or section 451, as the case may be, no deduction shall be allowable under subparagraph (A) to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 or section 451, as the case may be, may be regarded as capital investments.

PAR. 2. Section 29.23 (a)–14, relating to the deduction of expenditures for advertising or promotion of good will, is amended to read as follows:

§ 29.23 (a)–14 *Expenditures for advertising or promotion of good will.* A corporation which has, for the purpose of computing its excess profits credit, elected under section 733 (applicable to the excess profits tax imposed by subchapter E of chapter 2) or under section 451 (applicable to the excess profits tax imposed by subchapter D of chapter 1) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments may not deduct similar expenditures for the taxable year. Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct for such later taxable years may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or 451, as the case may be. For rules for determining what expenditures for advertising or the promotion of good will may be regarded as capital investments, and for information required to be submitted with respect to such expenditures, see § 30.733–2 of Regulations 109 and § 35.733–2 of Regulations 112 (which sections are applicable to the excess profits tax imposed by subchapter E of chapter 2) and § 40.451–2 of Regulations 130 (applicable to the excess profits tax imposed under subchapter D of chapter 1).

[F. R. Doc. 52-9709; Filed, Sept. 4, 1952; 8:53 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INFORMATION RETURNS REQUIRED WITH RESPECT TO INTEREST AND FOREIGN ITEMS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to prescribe the amount of interest and of foreign items which must be reported on information returns (Forms 1096 and 1099) for 1953 and subsequent years, pursuant to section 147 (b) of the Internal Revenue Code as amended by section 333 of the Revenue Act of 1951, approved October 20, 1951, Regulations 111 (26 CFR Part 29) are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.147–1 the following:

SEC. 333. INFORMATION AT SOURCE ON PAYMENTS OF INTEREST (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 147 (a) is hereby amended by striking out "interest," in the first sentence. Section 147 (b) is hereby amended to read as follows:

(b) *Returns regardless of amount of payment.* Such returns may be required, regardless of amounts, (1) in the case of payments of interest, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

PAR. 2. Section 29.147–1, as amended by Treasury Decision 5859, approved September 20, 1951, is amended further by inserting immediately after "$600 or more in any calendar year after 1947" in the first sentence the following: "(see § 29.147–4 with respect to payments of interest in the calendar year 1953 or any subsequent calendar year)"

PAR. 3. Section 29.147–4 is amended as follows:

(A) By changing the headnote of such section to read as follows: "§ 29.147–4 *Return of information as to payments of interest.*"

(B) By adding immediately after the amended headnote as cited in (A) above the following paragraphs (a) and (b):

(a) *General rule.* All persons making payment to another person of interest of $100 or more in the calendar year 1953 or any subsequent calendar year must render a return thereof for such year on or before February 28 of the following year, except as specified in paragraph (c) of this section, in § 29.147–3, or in § 29.147–5. A return shall be made in each case on Form 1099, accompanied by transmittal Form 1096 showing the number of returns filed. For the rules applicable with respect to the rendering of information returns for calendar years preceding 1953, see § 29.147–1. Returns of information on Forms 1096 and 1099 should be filed with the Commissioner of Internal Revenue, Processing Division, C. C. Station, Kansas City 2, Missouri. The street and number where the recipient of the interest lives should be stated, if possible. If no present address is available, the last known postoffice address must be given.

(b) *Constructive payment of interest.* For the purpose of making the return of information with respect to payments of interest, an amount is deemed to have been paid when it is credited or set apart to the taxpayer without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and which is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

(C) By designating the paragraph formerly constituting § 29.147–4 as paragraph (c) of such section entitled "(c) *Special rule.*"

PAR. 4. Section 29.147–7, as amended by Treasury Decision 5859, is amended further by striking "and if the amount of the foreign items paid in any taxable year to an individual, a partnership, or a fiduciary is $600 or more" from the first sentence and inserting in lieu thereof the following: "and if the amount of the foreign items paid to an individual, a partnership, or a fiduciary in any taxable year ending after December 31, 1952, is $100 or more, or in any taxable year ending before January 1, 1953, is $600 or more."

[F. R. Doc. 52-9710; Filed, Sept. 4, 1952; 8:53 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REGULATED INVESTMENT COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 (26 CFR Part 29) to sections 121 (e) and 222 of the Revenue Act of 1950, approved September 23, 1950, to section 201 (c) and (e) of the Excess Profits Tax Act of 1950, approved January 3, 1951, and to section 121 (d) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.362–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(e) *Regulated investment companies.* (1) Section 362 (b) (3) (relating to normal tax on regulated investment companies) is hereby amended to read as follows:

(3) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 23 per centum of the amount thereof.

(2) Section 362 (b) (4) (relating to surtax on regulated investment companies) is hereby amended to read as follows:

(4) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 20 per centum of the amount thereof in excess of $25,000. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 19 per centum of the amount thereof in excess of $25,000.

(3) The amendments made by this subsection shall be applicable only with respect to taxable years beginning after December 31, 1949.

* * * * *

SEC. 222. REGULATED INVESTMENT COMPANIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Effective with respect to taxable years ending after the date of the enactment of this act, section 362 (b) (relating to method of taxation of regulated investment companies and shareholders) is hereby amended by adding at the end thereof the following:

(8) For the purposes of this subsection, any dividend or portion thereof declared by a company after the close of the taxable year and prior to the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year, but only if distribution of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

SEC. 201. SURTAX ON CORPORATIONS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(c) *Regulated investment companies.* Section 362 (b) (4) of such code (Internal Revenue Code) (relating to surtax on regulated investment companies) is hereby amended by striking out "20 per centum" and inserting in lieu thereof "22 per centum".

* * * * *

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(d) *Regulated investment companies.* Section 362 (b) (relating to tax on regulated investment companies) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

(3) In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 28¾ per centum of the amount thereof. In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 30 per centum of the amount thereof. In the case of taxable years beginning after March 31, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof.

(4) In the case of taxable years beginning after December 31, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 22 per centum of the amount thereof in excess of $25,000.

* * * * *

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, except that the amendments made to sections * * * 362 * * * of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. * * *

PAR. 2. Section 29.362–2, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended as follows:

(A) By striking out that portion of the first sentence thereof which follows the parenthetical phrase "(relating to records required to be kept for the purpose of ascertaining the actual ownership of its outstanding stock)," and inserting in lieu thereof the following:

* * * it is taxable:

(a) Upon its Supplement Q net income (as defined in section 362 (b) (1)):

(1) For taxable years beginning before January 1, 1950, at the rate of 24 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 23 percent of the amount thereof;

(3) For taxable years beginning after June 30, 1950, and before January 1, 1951, and for taxable years beginning after December 31, 1950, and ending before April 1, 1951, at the rate of 25 percent of the amount thereof;

(4) For taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, at the rate of 28¾ percent of the amount thereof;

(5) For taxable years beginning after March 31, 1951, and before April 1, 1954, at the rate of 30 percent of the amount thereof;

(6) For taxable years beginning after March 31, 1954, at the rate of 25 percent of the amount thereof.

(b) Upon its Supplement Q surtax net income (as defined in section 362 (b) (2)):

(1) For taxable years beginning before January 1, 1946, at the rate of 16 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1945, and before January 1, 1950, at the rate of 14 percent of the amount thereof;

(3) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 19 percent of the amount thereof in excess of $25,000;

(4) For taxable years beginning after June 30, 1950, at the rate of 22 percent of the amount thereof in excess of $25,000.

(c) Upon the excess of any net long-term capital gain over the sum of the net short-term capital loss and the amount of capital gain dividends (as defined in section 362 (b) (7)) paid during the year, at the rate of 25 percent of such excess.

(B) By inserting immediately after the fifth sentence thereof (beginning "See § 29.27 (b)-2") the following new sentence: "For certain distributions made after the close of the taxable year which the regulated investment company may elect to treat as paid during the taxable year for purposes of section 362 (b), see § 29.362-6."

PAR. 3. Section 29.362-5 is amended by adding at the end thereof the following new sentence: "For additional rules applicable to certain distributions made after the close of the taxable year which may be designated as capital gain dividends, see § 29.362-6."

PAR. 4. There is inserted immediately after § 29.362-5 the following new section:

§ 29.362-6 *Distribution of dividends after close of taxable year.* (a) Effective with respect to any taxable year ending after September 23, 1950, section 362 (b) (8) provides that:

(1) In determining under section 362 (b) whether a regulated investment company distributes during the taxable year to its shareholders as taxable dividends (other than capital gain dividends) an amount not less than 90 percent of its net income for the taxable year computed without regard to net long-term and net short-term capital gains;

(2) In computing the Supplement Q net income and the Supplement Q surtax net income, and

(3) In determining the amount of capital gain dividends paid during the taxable year, any dividend (or portion thereof) declared by the company after the close of such taxable year and prior to the time prescribed by law for the filing of its return for such taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year. This rule is applicable only if distribution of the entire amount of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

(b) The election must be made in the return filed by the company for the taxable year. The election shall be made by the taxpayer by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year in computing its Supplement Q net income and its Supplement Q surtax net income, or if the dividend (or portion thereof) to which such election applies is to be designated by the company as a capital gain dividend, in computing the amount of capital gain dividends paid during such taxable year. The election provided in section 362 (b) (8) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 362 (a)) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which a prior election has been made under section 362 (b) (8)). The dividend or portion thereof, with respect to which the regulated investment company has made a valid election under section 362 (b) (8), shall be considered as paid out of earnings and profits of the taxable year. However, the dividend or portion thereof subject to the election will be includible in the gross income of shareholders of the regulated investment company for the taxable year in which the dividend is received by them.

Example (1). X Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000. During that year the company distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1951, the company declared a dividend of $37,000 payable to shareholders on March 20, 1951. Such dividend consists of the first regular quarterly dividend for 1951 of $25,000 plus an additional $12,000 representing that part of the net income for 1950 which was not distributed in 1950. On March 15, 1951, X Company files its Federal income tax return and elects therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1951, as having been paid during the taxable year 1950. Assuming that X Company actually distributes the entire amount of the dividend of $37,000 on March 20, 1951, an amount equal to $12,000 thereof will be treated for the purposes of section 362 (b) as having been paid during the taxable year 1950. Such amount ($12,000) will be considered a distribution out of the earnings and profits of the company for the taxable year 1950, and will be treated as a taxable dividend to the shareholders for the taxable year in which such distribution is received by them.

Example (2). Y Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000, and for 1951 a net income (and earnings or profits) of $125,000. On January 1, 1950, the company had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1950 the company distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1951, the company declared a dividend of $65,000 payable to shareholders on March 31, 1951. On March 15, 1951, Y Company files its Federal income tax return in which it includes $40,000 of the total dividend of $65,000 to be paid to shareholders on March 31, 1951, as a dividend paid by it during the taxable year 1950. On March 31, 1951, Y Company distributes the entire amount of the dividend of $65,000 declared on March 5, 1951. The election under section 362 (b) (8) is valid only to the extent of $15,000, the amount of undistributed earnings or profits for 1950. The remainder ($50,000) of the dividend paid on March 31, 1951, may not be the subject of an election, but such amount will be regarded as a distribution by Y Company for the taxable year 1951. Assuming that the only other distribution by the Y Company during 1951 is a distribution of $75,000 paid as a dividend on October 31, 1951, the total amount of the distribution of $65,000 paid to shareholders on March 31, 1951, is to be treated as taxable dividends to the shareholders. Of this amount $15,000 is to be treated as distributed out of the earnings or profits of the company for the taxable year 1950, and the remaining $50,000 as a distribution out of the earnings or profits for the year 1951.

(c) A dividend (or portion thereof) with respect to which an election has been made under section 362 (b) (8) and which the company desires to designate as a capital gain dividend need not be so designated within 30 days after the close of the taxable year, but will be properly designated as a capital gain dividend if it is designated as such in a written notice mailed to the shareholders at the time of the payment of the dividend. Such designated capital gain dividends are to be aggregated with the designated capital gain dividends actually paid during such taxable year (not including such dividends with respect to which a prior election has been made under section 362 (b) (8)) for the purpose of determining whether the aggregate of the designated capital gain dividends with respect to such taxable year of the company is greater than the excess of the net long-term capital gain over the net short-term capital loss of the company.

(d) After the expiration of the time for filing the return for the taxable year for which an election is made under section 362 (b) (8), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

[F. R. Doc. 52-9708; Filed, Sept. 4, 1952; 8:52 a. m.]

[26 CFR Part 81]

ESTATE AND GIFT TAXES

TRANSFERS FOR PUBLIC, CHARITABLE, RELIGIOUS, SCIENTIFIC, AND EDUCATIONAL USES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791) and pursuant to the provisions of Public Law 814, 81st Congress, approved September 23, 1950.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 105 (26 CFR Part 81) to certain provisions of Parts I, II and III of Title III of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 81.44 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME (INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

* * * * *

(g) *Rules for application of subsection (a) in the case of trusts.*

* * * * *

(2) *Operations of trusts*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its service available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

* * * * *

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [section 321, inserting subsection (g) in section 162 of the Internal Revenue Code] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

* * * * *

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all clases of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section • • • 812 (d), 861 (a) (3), • • • shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

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SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(e) *Amendment of section 812 (d).* Section 812 (d) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this subsection, see sections 3813 and 162 (g) (2)."

(f) *Amendment of section 861 (a).* Section 861 (a) (3) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2)."

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SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 • • • of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 81.44, as amended by Treasury Decision 5351, approved March 27, 1944, is further amended as follows:

(A) By changing the headnotes of such section and of paragraph (a) to read as follows: "§ 81.44 *Transfers for public, charitable, religious, etc., uses*—(a) *In general.*";

(B) By striking the word "Deduction" at the beginning of the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in paragraph (b) of this section, deduction"; and

(C) By adding at the end of paragraph (a) the following paragraph (b).

(b) *Disallowance of certain charitable, etc., deductions.* (1) In the case of a decedent dying on or after January 1, 1951, no deduction which would otherwise be allowable under paragraph (a) of this section for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) shall be allowed if (i) the transfer is made in trust and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the transfer is made to an organization subject to section 3813 which, for its taxable year in which the transfer is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e) the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made before, on or after January 1, 1951, and whether made during the decedent's lifetime or by will, shall be considered as having been made at the moment of the decedent's death.

(3) Part 29 of this chapter, relating to the income tax, contain the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of Regulations 111. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), and the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notification by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of Regulations 111.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to transfers made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 81.45 is amended by adding at the end thereof the following: "For further limitations in the case of transfers by decedents dying on or after January 1, 1951, see § 81.44 (b), relating to transfers to trusts and organizations engaged in a prohibited transaction described in sections 162 (g) (2) (B) or 3813 (b)."

[F. R. Doc. 52–9707; Filed, Sept. 4, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.21]

BOX SPRING FRAMES

TARIFF CLASSIFICATION

AUGUST 28, 1952.

The Bureau by its letter to the collector of customs at Detroit, Michigan, dated February 12, 1951, ruled that unassembled box spring frames consisting of several wooden pieces, some having rounded ends, are properly classifiable as entireties under the provisions for parts of furniture in paragraph 412, Tariff Act of 1930.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption on or after 30 days after the date of publication of an abstract thereof in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52–9703; Filed, Sept. 4, 1952; 8:50 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 78th Supp.]

PACIFIC INSURANCE CO. LTD.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

AUGUST 25, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $71,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

HAWAII

Pacific Insurance Company, Limited, Honolulu.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–9704; Filed, Sept. 4, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

"ITALIA" SOCIETA ANONIMA DI NAVIGAZIONE (ITALIAN LINE)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

"Italia" Societa Anonima de Navigazione (Italian Line), Genoa, Italy, Claim No. 37107; $75,372.82 in the Treasury of the United States.

A building located at Cristobal, Canal Zone, upon the area described in License No. 489–B granted to "Italia" S. A. di Navigazione on February 26, 1938, by N. A. Becker, Acting Chief, Real Estate Section of the Panama Canal.

All the right, title and interest of the Attorney General of the United States in and to any and all property owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to "Italia" Societa Anonima di Navigazione and its Branches in the United States and acquired by the Attorney General under Vesting Order No. 182, dated September 28, 1942, including, but not limited to, the following items presently in the possession of the Office of Alien Property, 346 Broadway, New York, New York: (1) promissory notes in the aggregate face amount of $346.00, (2) 100 American certificates of Kreuger and Toll Company, Stockholm, Sweden, at 20 crowns each, (3) 2,200 lire Italian paper notes, (4) 230 centisivi Italian coins, (5) Certificate of Claim No. 1–969 against the Union Trust Company, Cleveland, Ohio, (6) 2 shares of Peoples Bank & Trust Company $12.50 par value capital stock and (7) 3 uncollected checks of $100.00 each; also including 30 shares of Italian Terminal Service, Inc., $100.00 par value capital stock presently in the possession of the Safekeeping Department, Federal Reserve Bank of New York, New York; also including (1) 8 ship models, (2) 2 iron gangways and (3) books and records, all in the possession of the Office of Alien Property, New York, New York, and located at the Office of Alien Property Warehouse, Ellis Island, New York.

Executed at Washington, D. C., on August 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52–9701; Filed, Sept. 4, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 22, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 90 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 347

For lease and sale for homesites only:
T. 10 N., R. 13 W., S. B. M.
Sec. 22, S½SW¼NW¼, SW¼SE¼NW¼, N½NW¼SW¼, NW¼NE¼SW¼, SW¼NW¼SW¼, W½SW¼SW¼.

This land is located in southern Kern County, California, approximately 12 miles southwest of the town of Mojave, California. It is reached by an oiled road from U. S. Highway 6 at Gloster Station. The tract is generally level, with sandy soil, and produces the usual types of desert vegetation. Temperatures range from 30 degrees Fahrenheit in winter to 110 degrees in summer.

2. As to applications regularly filed prior to 9:00 a. m., June 16, 1949, and

are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 or Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-9713; Filed, Sept. 4, 1952; 8:55 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 27, 1952.

Pursuant to the redelegation of authorthority provided for in Order No. 1, Region II, section 2.14 (b) approved August 20, 1951 (16 F. R. 8614), authorizing the preparation and publication of notices of the official filing of approved plats of survey, notice is given as follows:

The plat of dependent resurvey and extension survey and plats of survey of the following described lands accepted January 2, 1951, will be officially filed in the Land Office at Los Angeles, California, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 10 No., R. 26 W.,
T. 10½ No., Rgs. 26 and 27 W.

The area described embraces 4,276.04 acres.

These surveys were made upon the request of the Geological Survey as an administrative measure for the proper supervision of the oil and gas development affecting public lands in the Cuyama Valley area.

In view thereof, the land will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 52-9674; Filed, Sept. 4, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 22; Docket No. 33]

LIFETIME INDUSTRIES, INC.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 4th day of August 1952, before J. Forrester Davison, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Lifetime Industries, Inc., John A. Serpell, and Albert B. Cunnington, having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The respondents having appeared herein by their attorney, Joseph P. King, 1028 Connecticut Avenue, Washington, D. C.; and

The respondents and each of them having stipulated on the 30th day of July 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. During the period beginning April 1, 1951, and ending June 30, 1952, Lifetime Industries, Inc. committed acts prohibited by National Production Authority Order M-7, section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576), section 6 (d), as amended June 1, 1951 (16 F. R. 5259); CMP Regulation No. 1, section 19 (f), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), and November 23, 1951 (16 F. R. 11860); in that Lifetime Industries, Inc. obtained and used in the production of aluminum wall siding approximately 1,186,798 pounds of aluminum more than it was permitted to obtain and use by the said sections.

2. During the period beginning April 1, 1951, and ending June 30, 1952, John A. Serpell and Albert B. Cunnington committed acts prohibited by National Production Authority Order M-7, section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576), section 6 (d), as amended June 1, 1951 (16 F. R. 5259); CMP Regulation No. 1, section 19 (f), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), section 3 (c), dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), and November 23, 1951 (16 F. R. 11860); in that John A. Serpell and Albert B. Cunnington owned, dominated, managed, controlled, and were responsible for the direction and supervision of Lifetime Industries, Inc. during the time Lifetime Industries, Inc. obtained and used the unauthorized quantities of aluminum set forth in paragraph 1 above.

Conclusion. During the period beginning April 1, 1951, and ending June 30, 1952, Lifetime Industries, Inc., John A. Serpell, and Albert B. Cunnington violated the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by obtaining and using in the production of aluminum wall siding approximately 1,186,798 pounds of aluminum more than was authorized or permitted by the said provisions.

In order to correct the unauthorized use of aluminum in the manufacture of wall siding occasioned by the violations found herein,

It is accordingly ordered: 1. That all allocations and allotments of materials for use in the manufacture of aluminum wall siding be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington for a period of 6 months commencing from the date of issuance of this order. The period of 6 months stated herein shall be extended or reduced until the quantity of aluminum unused in the third quarter of 1952 and the quantity of aluminum withheld from Lifetime Industries, Inc., for its use in the manufacture of aluminum wall siding becomes equal to 1,186,798 pounds.

And in order to prevent future violations of National Production Authority regulations, orders and directives by the respondents,

It is further ordered: 2. That all priority assistance, allocations, and allotments of materials be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington for a period of 6 months more or less as provided for in paragraph 1 of this order.

3. That the respondents Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington be prohibited from producing or acquiring "Class A products" and from producing "Class B products" (as defined in National Production Authority CMP Regulation No. 1 as amended November 23, 1951, and as may be hereafter amended), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority, for a period of 6 months more or less as provided for in paragraph 1 of this order.

4. That all privileges of self-certification granted or authorized by National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Lifetime Industries, Inc., its successors and assigns, John A. Serpell, and Albert B. Cunnington, for a period of 6 months more or less as provided for in paragraph 1 of this order.

Issued this 5th day of August 1952.

NATIONAL PRODUCTION AUTHORITY,
By J. FORRESTER DAVISON,
Hearing Commissioner.

[F. R. Doc. 52-9816; Filed, Sept. 4, 1952; 11:29 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the Caribbean American Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 30, 1952, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., this 2d day of September 1952.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52-9702; Filed, Sept. 4, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1899, G-2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 28, 1952.

On July 28, 1952, at Docket No. G-2012, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois Corporation, with its principal place of business in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 22 miles of 8-inch duplicate-transmission pipe line serving its Ottumwa district in Iowa, should it ultimately be determined that the construction of the said facilities and the operation thereof are subject to the Commission's jurisdiction.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on August 15, 1952 (17 F. R. 7439).

Applicant has requested that its application in Docket No. G-2012 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission, by order issued August 12, 1952, denied Applicant's request that its application in Docket No. G-1899[1] be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and fixed the date of hearing thereon to commence on September 9, 1952.

The Commission finds:

(1) Good cause has not been shown for granting Applicant's request that its application in Docket No. G-2012 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

(3) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in the proceeding in Docket No. G-2012 less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Iowa-Illinois Gas and Electric Company's request that its aplication in Docket No. G-2012 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) The aforesaid proceedings in Docket Nos. G-1899 and G-2012 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 9, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9678; Filed, Sept. 4, 1952; 8:47 a. m.]

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[1] The application of Iowa-Illinois Gas and Electric Company, filed in Docket No. G-1899, requested an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the continued operation of 23 miles of 4-inch duplicate-transmission pipe line serving its Ottumwa district in Iowa, and 17 miles of 10-inch duplicate-transmission pipe line serving its Davenport district in Iowa, should it be ultimately determined that such facilities and operation thereof are subject to the Commission's jurisdiction.

[Docket No. G–1947, G–1959]

TEXAS EASTERN TRANSMISSION CORP. AND WILCOX TREND GATHERING SYSTEM, INC.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 28, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1947; Wilcox Trend Gathering System, Inc., Docket No. G–1959.

On April 24, 1952, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application, as supplemented on June 11, August 7, and August 12, 1952, and as amended on August 7, 1952, in Docket No. G–1947, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 315 miles of 24-inch pipe line extending from a point near Provident City, Lavaca County, Texas, in a northeasterly direction to a point of connection with its existing 20-inch transmission pipe line at or near its Station E at Cator, Blanville Parish, Louisiana.

The natural-gas facilities proposed to be constructed and operated by Texas Eastern are fullly described in the aforementioned application, as amended and supplemented, now on file with the Commission and open for public inspection.

Due notice of the filing of said application, and the amendment thereto, has been given, including publication in the FEDERAL REGISTER on May 13, 1952 (17 F. R. 4358) and on August 19, 1952 (17 F. R. 7561).

On May 19, 1952, Wilcox Trend Gathering System, Inc. (Wilcox), a Delaware corporation having its principal place of business at 1403 Magnolia Building, Dallas 1, Texas, filed an application, as supplemented on June 9, July 31 and August 11, 1952, in Docket No. G–1959, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 157 miles of natural-gas transmission pipe line consisting of 83 miles of 14-inch pipe line commencing at a point in the Hagist Field in McMullen County, Texas, and extending in a northeasterly direction to a point approximately 8 miles southeast of Nordheim, Goliad County, Texas, and 69 miles of 16-inch pipe line, interconnecting with the aforementioned 14-inch pipe line, extending in a northeasterly direction to the inlet side of the Goliad gasoline plant located in the Provident City field, Lavaca County, Texas. Wilcox also proposes to construct and operate certain lateral pipe lines extending to the proposed 157 miles of pipe line, heretofore described, and certain appurtenant metering and measuring stations and related facilities necessary for the operation of said pipe line. In addition, Wilcox proposes to construct and operate a 2,200 hp compressor station, and all appurtenant facilities to be located in DeWitt County, Texas.

The natural-gas facilities proposed to be constructed and operated by Wilcox are fully described in its aforementioned application, as supplemented, now on file with the Commission and open for public inspection.

Due notice of the filing of said application has been given, including publication in the FEDERAL REGISTER on June 4, 1952 (17 F. R. 5048).

Wilcox proposes to purchase natural gas from the owners of various oil and gas wells located in certain producing fields in the State of Texas, all as fully described in said application; to collect and gather such natural gas, and transport it through the aforementioned natural gas facilities to a point of interconnection with the facilities proposed to be constructed and operated by Texas Eastern in Docket No. G–1947, and at said point of interconnection to sell natural gas to Texas Eastern for transportation and sale of such natural gas in interstate commerce for resale.

The Commission finds:

(1) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purposes of hearing.

(2) It is in the public interest that at the hearing in the proceedings, consolidated for purpose of hearing as hereinafter ordered, testimony to be presented by each of the Applicants herein, e. g., Texas Eastern and Wilcox, shall be heard and completed prior to cross-examination of any or all of the witnesses presented by said Applicants, and to proffer of testimony by any other party to these consolidated proceedings.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the above-docketed matters be and they are hereby consolidated for purposes of hearing; said hearing to commence on September 24, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforementioned applications.

(B) The hearing in these consolidated proceedings shall be conducted in the manner and procedure set forth in Finding (2) of this order.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–9679; Filed, Sept. 4, 1952; 8:47 a. m.]

[Docket No. G–1995]

MISSISSIPPI RIVER FUEL CORP.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 28, 1952.

On July 9, 1952, Mississippi River Fuel Corporation (Applicant), a Delaware corporation having its principal place of business at 407 North Eighth Street, St. Louis 1, Missouri, filed an application, as corrected August 1, 1952, for a declaratory order stating that the proposed facilities and service hereinafter described are not matters requiring a certificate under section 7 of the Natural Gas Act, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a pipe line approximately 1.6 miles in length together with related facilities for the purpose of transporting and selling natural gas, on an interruptible basis and in volumes estimated at 4,250,000 Mcf annually, to Union Electric Company in Missouri to be used for firing boilers in an electric power plant, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 23, 1952 (17 F. R. 6753) has been given.

A joint petition to intervene was filed by the National Coal Association, the United Mine Workers of America and the Fuels Research Council, Inc., and on August 19, 1952, the Commission issued an order permitting intervention by these petitioners.

The Commission finds: Good cause has not been shown for granting Applicant's request that its application herein be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said request should be denied as hereinafter ordered.

The Commission orders:

(A) Applicant's request that its application herein be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on September 22, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by said application, as corrected.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 29, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–9680; Filed, Sept. 4, 1952; 8:48 a. m.]

[Docket No. G–1236]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 29, 1952.

Notice is hereby given that on August 27, 1952, the Federal Power Commission issued its order entered August 26, 1952, amending order (16 F. R. 1776) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–9675; Filed, Sept. 4, 1952; 8:45 a. m.]

[Docket No. G–2025]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

AUGUST 29, 1952.

Take notice that on August 6, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a sales meter station on its main transmission pipe line near Ashland, Mississippi, for the sale and delivery of natural gas to the Village of Ashland for resale in Ashland and environs.

Applicant proposes to sell natural gas for resale to the Village of Ashland in volumes not to exceed 160 Mcf daily. Reference in the application is made to Docket Nos. G–962 and G–1248, wherein delivery capacity of 40,000 Mcf daily was authorized for general distribution to such communities, and of which 38,000 Mcf is being distributed.

The estimated over-all capital cost of the proposed facilities is $3,000, which will be defrayed from cash on hand.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–9677; Filed, Sept. 4, 1952; 8:46 a. m.]

[Docket Nos. ID–1058, ID–1076, ID–1160, ID–1161, ID–1182]

W. J. ROSE ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

AUGUST 29, 1952.

In the matters of W. J. Rose, Docket No. ID–1058; George M. Nelson, Docket No. ID–1076; H. A. Kammer, Docket No. ID–1160; V. M. Marquis, Docket No. ID–1161; Elmer A. Elliott, Docket No. ID–1182.

Notice is hereby given that on August 28, 1952, the Federal Power Commission issued its orders entered August 26, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–9676; Filed, Sept. 4, 1952; 8:46 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

PROMULGATION OF STATE ALLOTMENT PERCENTAGES

Pursuant to sections 631(a) and (b) of title VI of the Public Health Service Act as amended by the Hospital Survey and Construction Act (Public Law 725, 79th Congress), as amended, and having found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce on the per capita incomes of States and of the continental United States are the years 1949, 1950, and 1951, the following allotment percentages for the several States, Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands, determined pursuant to said Act and on the basis of said data, are hereby promulgated for two fiscal years in the period beginning July 1, 1953:

Alabama	70.58
Alaska	50.00
Arizona	56.03
Arkansas	70.76
California	39.13
Colorado	50.29
Connecticut	38.19
Delaware	34.99
District of Columbia	33.56
Florida	58.68
Georgia	66.25
Hawaii	50.00
Idaho	55.80
Illinois	38.89
Indiana	49.17
Iowa	51.30
Kansas	53.70
Kentucky	67.23
Louisiana	64.52
Maine	58.70
Maryland	46.22
Massachusetts	44.93
Michigan	45.43
Minnesota	53.30
Mississippi	75.00
Missouri	51.62
Montana	46.04
Nebraska	50.77
Nevada	36.00
New Hampshire	54.50
New Jersey	40.62
New Mexico	59.66
New York	35.46
North Carolina	67.11
North Dakota	55.54
Ohio	44.76
Oklahoma	61.73
Oregon	47.60
Pennsylvania	47.39
Puerto Rico	75.00
Rhode Island	46.39
South Carolina	69.73
South Dakota	54.17
Tennessee	66.72
Texas	55.29
Utah	55.28
Vermont	58.31
Virginia	59.90
Virgin Islands	75.00
Washington	44.23
West Virginia	62.88
Wisconsin	49.49
Wyoming	45.73

Dated: August 26, 1952.

[SEAL] LEONARD A. SCHEELE, *Surgeon General.*

Approved: August 29, 1952.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 52–9711; Filed, Sept. 4, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2911]

CENTRAL MAINE POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SHORT-TERM NOTES

AUGUST 29, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 17, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 17, 1952, said application, as filed or as amended, may be granted as provided in Rule U–23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U–20 (a) and U–100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Maine proposes to issue and renew from time to time, up to and including March 1, 1953, notes having a maturity of three months or less up to the maximum amount of $11,000,000 at any one time outstanding (including the renewal of notes outstanding at the date of authorization). Each such note, including the renewal notes, will be made payable to The First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper.

It is stated that the interest rate for prime paper is presently 3 percent per annum. In case the interest rate should exceed 3¼ percent per annum on any note, the company will file an amendment to its application stating the rate of interest and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five-day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sales of the notes will be used to finance the company's construction program. The company estimates that expenditures for its construction program for 1952 will amount to $17,000,000. It is further estimated that an aggregate of $11,000,000 (including the $3,500,000 presently outstanding) will be required from outside sources for the period ending March 1, 1953. The application states that the company intends, soon after March 1, 1953, to issue and sell approximately $6,000,000 of First and General Mortgage Bonds and sufficient Common Stock to yield approximately $5,000,000 to refund the then outstanding short-term notes. However, it is stated that market conditions may require some variation of this financing.

It is represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the proposed transactions will aggregate approximately $125.

Applicant requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-9681; Filed, Sept. 4, 1952; 8:48 a. m.]

SAN FRANCISCO STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a revised Plan filed on August 18, 1952, by the San Francisco Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of all applications, reports and documents filed with that Exchange prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. The Plan also provides for the regular disposition of similar material which has been on file with the Exchange more than five years, as soon as practicable after January 1st of each year.

Information contained in the material proposed to be disposed of pursuant to the revised plan of the San Francisco Stock Exchange is on file with the Commission where it will continue to be available.

The original Plan of this Exchange, which was declared effective on June 25, 1951, and discussed in Securities Exchange Act Release No. 4621, did not make provision for the disposal of any material filed pursuant to section 14 of the Securities Exchange Act of 1934, and limited the material which could be disposed of under section 12 of that act. Under the revised Plan, the Exchange will be permitted to dispose of all applications, reports and documents filed prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or the rules and regulations thereunder.

The Securities and Exchange Commission proposes to declare the revised Plan of the San Francisco Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said Plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. on or before September 16, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

AUGUST 27, 1952.

[F. R. Doc. 52-9682; Filed, Sept. 4, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Amdt. 1 to Special Order 19]

PLAYA DEL REY FIELD, LOS ANGELES COUNTY, CALIFORNIA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This Amendment No. 1 to Special Order No. 19 corrects the ceiling price for the sale of 21 degrees API gravity crude petroleum produced from the Playa Del Rey Field, Los Angeles County, California.

The approved ceiling price at the lease receiving tank as stated in the aforesaid Special Order No. 19, under Special Provision No. 1, is $1.98 per barrel for 21 degrees API gravity crude petroleum.

This price is included in the ceiling price schedule which was set up on a basis of Signal Hill prices less 10 cents per barrel. In order to conform with this schedule the ceiling price for 21 degrees API gravity crude petroleum should be $1.97 per barrel. This difference of 1 cent per barrel in the ceiling price of 21 degrees API gravity crude was due to an error in the ceiling price schedule, which this amendment corrects. All other gravities from 17 degrees to and including 24 degrees API gravity are correctly figured at 10 cents per barrel under corresponding gravities of Signal Hill crude petroleum.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of SR 2 to CPR 32, *It is ordered:*

1. That that part of Special Order No. 19 which refers to 21 degrees API gravity crude petroleum be amended to read as follows:

Gravity:	Price
21°-21.9°	$1.97

2. All provisions of Special Order No. 19, except as changed by this amendment thereto, shall remain in full force and effect as far as you are concerned.

3. This amendment may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This amendment shall become effective on August 30, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

AUGUST 29, 1952.

[F. R. Doc. 52-9651; Filed, Aug. 29, 1952; 4:06 p. m.]

[Region V, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 39, REVISION 1, TO GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 25, as amended (16 F. R. 11406; 17 F. R. 7098), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Montgomery in the State of Alabama, Jacksonville in the State of Florida, Jackson in the State of Mississippi, Columbia in the State of South Carolina, Nashville in the State of Tennessee, to act as follows:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation, relating to interstate and intrastate operations;

(b) To make adjustment of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation, relating to interstate and intrastate operations.

This redelegation of authority shall take effect as of August 25, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9697; Filed, Sept. 2, 1952; 3:39 p. m.]

[Region VII, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Milwaukee, Wisconsin, and Indianapolis, Indiana, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect on September 3, 1952.

ROGER W. BARRETT, *Acting Director of Regional Office No. VII.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9698; Filed, Sept. 2, 1952; 3:39 p. m.]

[Region XI, Redelegation of Authority No. 13, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 25, Amendment 1 (17 F. R. 7098), section 1 of Redelegation of Authority No. 13 is amended to read as follows:

SECTION 1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 13 shall take effect as of August 28, 1952.

ALLEN MOORE, *Acting Regional Director, Region XI.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9699; Filed, Sept. 2, 1952; 3:40 p. m.]

[Region XII, Redelegation of Authority No. 53]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (D) OF CPR 17

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII;

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 31, 1952.

JOHN H. TOLAN, Jr., *Director of Regional Office No. XII.*

SEPTEMBER 2, 1952.

[F. R. Doc. 52-9700; Filed, Sept. 2, 1952; 3:40 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27359]

SAND AND GRAVEL FROM ATTICA, IND., TO PHILO, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Wabash Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Attica, Ind.

To: Philo, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Wabash R. R. tariff I. C. C. No. 7324, Supp. 297. Wabash R. R. tariff I. C. C. No. 7685, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9687; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27360]

CRANBERRIES FROM POINTS IN WISCONSIN TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3366.

Commodities involved: Cranberries, carloads.

From: Eagle River, Lake Tomahawk, Manitowish, and Three Lakes, Wis.

To: Springfield, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3366, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9688; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27361]

PIG IRON FROM POINTS IN TEXAS TO OFFICIAL TERRITORY AND CENTRALIA, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star, and McCrossin, Tex.

To: Points in official territory and Centralia, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9089; Filed, Sept. 4, 1952; 8:49 a. m.]

[4th Sec. Application 27362]

CANCELLATION MINIMUM CHARGES IN CLASS RATES BETWEEN POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3944.

Involving: Class rates governed by exceptions to the classification.

Between: Points in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9090; Filed, Sept. 4, 1952; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 175

Washington, Saturday, September 6, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10392

ESTABLISHING THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a commission to be known as the President's Commission on Immigration and Naturalization, which shall be composed of a Chairman, a Vice Chairman, and five other members, all of whom shall be designated by the President.

SEC. 2. The Commission is authorized and directed to make a survey and evaluation of the immigration and naturalization policies of the United States, and shall make recommendations to the President for such legislative, administrative, or other action as in its opinion may be desirable in the interest of the economy, security, and responsibilities of this country. The Commission shall give particular consideration to:

(a) the requirements and administration of our immigration laws with respect to the admission, naturalization and denaturalization of aliens, and their exclusion and deportation;

(b) the admission of immigrants into this country in the light of our present and prospective economic and social conditions and of other pertinent considerations; and

(c) the effect of our immigration laws and their administration, including the national origin quota system, on the conduct of the foreign policies of the United States, and the need for authority to meet emergency conditions such as the present overpopulation of parts of Western Europe and the serious refugee and escapee problems in such areas.

SEC. 3. In performing its functions under this order, the Commission may prescribe such rules of procedure, and may hold such public hearings and hear such witnesses as it may deem appropriate.

SEC. 4. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such assistance, not inconsistent with law, as it may require in the performance of its functions.

SEC. 5. The expenditures of the Commission shall be paid out of an allotment made by the President from the appropriation entitled "Emergency Fund for the President—National Defense" in Title I of the Independent Offices Appropriation Act, 1953 (Public Law 455, 82nd Congress), approved July 5, 1952. Such payments shall be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U. S. C. 672), (b) section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673), and (c) such other laws as the President may hereafter specify. The members of the Commission shall receive such compensation and expense allowances, payable out of the said allotment, as the President shall hereafter fix, except that no compensation shall be so fixed with respect to any person while receiving other compensation from the United States.

SEC. 6. The Commission shall make a final written report to the President not later than January 1, 1953, including its recommendations for legislative, administrative or other action. The Commission may also make such earlier reports to the President as it may deem appropriate. The Commission shall cease to exist 30 days after rendition of its final report to the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 4, 1952.

[F. R. Doc. 52-9823; Filed, Sept. 4, 1952; 2:56 p. m.]

EXECUTIVE ORDER 10393

ESTABLISHMENT OF THE CLEMENCY AND PAROLE BOARD FOR WAR CRIMINALS

By virtue of the authority vested in me by the Constitution and the Statutes, and as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. There is hereby established a Clemency and Parole Board for War Criminals (hereinafter referred to as the

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FEDERAL REGISTER

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Board). The Board shall consist of three members, appointed by the President, one of whom shall be designated from the Department of State, one from the Department of Defense, and one from the Department of Justice. Each member shall designate an officer or employee of his department as an alternate member of the Board, who while participating as a member of the Board shall have the same status and functions as the member designating him.

2. The Board shall make the necessary investigations in, and advise the President with respect to, those cases in which a decision of the Government of the United States is required on recommendation by the Government of Japan for clemency, reduction of sentence, or parole, with respect to sentences imposed on Japanese war criminals by tribunals established by the Government of the United States or by the International Military Tribunal for the Far East. In making its investigations, the Board may examine witnesses and take testimony to the extent deemed necessary or advisable.

3. The Board shall determine its own procedure and shall act by majority vote. The member designated from the Department of State, or his alternate, shall serve as Chairman. The Board may prescribe rules and regulations deemed necessary or desirable for carrying out the purposes of this Order.

4. Consonant with law, including section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U. S. C. 691), each member and alternate member of the Board shall receive from the department from which he is designated his compensation as an officer or employee of that department but shall receive no additional compensation by reason of service as a member or alternate member of the Board, and the Department of State shall furnish the Board necessary accommodations and facilities. So much of the other expenditures of the Board (including such travel expenses of, and other expense allowances for, members and alternate members of the Board as the President shall hereafter fix) as may be within the limits of an allotment to be made by the President from the appropriation entitled "Emergency Fund for the President—National Defense" in Title I of the Independent Offices Appropriation Act, 1953 (Public Law 455, 82nd Congress, approved July 5, 1952), shall be paid from the said allotment. Payments from such allotment shall be made without regard to provisions of (a) section 3681 of the Revised Statutes (31 U. S. C. 672), (b) section 9 of the Act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673), and (c) such other laws as the President may hereafter specify.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 4, 1952.

[F. R. Doc. 52–9859; Filed, Sept. 5, 1952; 10:25 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective August 15, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act

and the Classification Act in § 27.1 is amended by the following addition:

§ 27.1 *Exclusion from provisions of the Federal Employees Pay Act and the Classification Act.* • • •

Clinical psychology interns, U. S. Public Health Service, fifth year approved postgraduate training (post-doctoral).

2. Effective August 15, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by including a maximum stipend for clinical psychology interns, fifth year approved postgraduate training, U. S. Public Health Service, and by increasing the maximum stipends for certain other positions listed, to read as follows:

§ 27.2 *Maximum stipends prescribed.* • • •

Clinical psychology interns—U. S. Public Health Service and St. Elizabeths Hospital:	
Second year approved postgraduate training (pre-doctoral)	$2,200
Fifth year approved postgraduate training (post-doctoral)	2,800
Student medical interns—U. S. Public Health Service and St. Elizabeths Hospital:	
Half-time approved training during third and fourth years of medical school, per month	92
Full-time approved training during third and fourth years of medical school, per month	183
Psychiatric nurse interns (postgraduate student nurses)—U. S. Public Health Service and St. Elizabeths Hospital; one year approved postgraduate training	2,000

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-9718; Filed, Sept. 5, 1952; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 456.1]

PART 364—SETTLEMENT

MISCELLANEOUS AMENDMENTS

1. Section 364.1 (a) (1), Title 6, Code of Federal Regulations (16 F. R. 11799), is revised to exclude settlement actions on debts arising from loans made from the Utah and Wisconsin Rural Rehabilitation Corporation trust funds, and to read as follows:

§ 364.1 *General*—(a) *Purpose and scope.* (1) • • •

(i) Farm Ownership loans;

(ii) Other Real Estate loans, except indebtedness under rent accounts, D–1 and other leases, and cancelled Lease and Purchase Contracts;

(iii) Farm Housing loans made under 63 Stat. 432;

(iv) Water Facilities loans made under 50 Stat. 869, as amended;

(v) 1948 Flood Damage loans made under 62 Stat. 1038, as amended;

(vi) Property Damage loans made under 63 Stat. 82; and

(vii) Disaster, Fur, and other loans made under 63 Stat. 43, as amended;

(viii) Loans made from State Rural Rehabilitation Corporation funds in the States of Utah and Wisconsin.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (d), 64 Stat. 99; 40 U. S. C. 440 (d))

2. Section 364.2 (a) (2), Title 6, Code of Federal Regulations (16 F. R. 11799), is revised to exclude settlement actions on debts arising from loans made from the Utah and Wisconsin State Rural Rehabilitation Corporation trust funds and to read as follows:

§ 364.2 *Compromise and adjustment of debts upon application.* (a) • • •

(2) Rural Rehabilitation loans, including those made from State Rural Rehabilitation Corporation funds except those of the Utah and Wisconsin State Rural Rehabilitation Corporations.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (d), 64 Stat. 99; 40 U. S. C. 440 (d))

3. Section 364.5 (b) (2), Title 6, Code of Federal Regulations (16 F. R. 11800), is revised to specify the State Rural Rehabilitation Corporations whose debts may be charged-off without application if the debt is not in excess of $100, and to read as follows:

§ 364.5 *Cancellation and charge-off of debts without application when the debt is not in excess of $100.* • • •

(b) • • •

(2) Loans made from funds of the California, Iowa, Kansas, Kentucky, Oregon, Tennessee and Wyoming State Rural Rehabilitation Corporations.

(R. S. 161; 5 U. S. C. 22)

4. Section 364.6 (b) (2), Title 6, Code of Federal Regulations (16 F. R. 11801), is revised to specify the State Rural Rehabilitation Corporations whose debts may be charged-off without application and without regard to the amount of the debt, and to read as follows:

§ 364.6 *Cancellation and charge-off of debts without application and without regard to the amount of the debt.* • • •

(b) • • •

(2) Loans made from funds of the California, Iowa, Kansas, Kentucky, Oregon, Tennessee and Wyoming State Rural Rehabilitation Corporations.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (d), 64 Stat. 99; 40 U. S. C. 440 (d))

5. Section 364.8 is amended to add in paragraph (a) the word "charge-off" and to add a new paragraph (f) which requires the prior written consent of the North Carolina Rural Rehabilitation Corporation on debt settlement actions involving the Corporations claims. Paragraphs (a) and (f) read as follows:

§ 364.8 *State Office handling.* (a) Subject to the policies, procedures, and limitations set forth in this part, State Directors are authorized to approve the compromise, adjustment, and cancellation of debts due the Farmers Home Administration upon application by borrowers, and to cancel or charge-off debts due the Farmers Home Administration. This authority may be redelegated to Assistant State Directors and Chiefs responsible for Production Loan operations, upon special authorization from the Administrator.

• • • • • •

(f) State Directors may not compromise, adjust or cancel claims of the North Carolina Rural Rehabilitation Corporation without prior written approval of the Corporation.

(R. S. 161; 5 U. S. C. 22)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 18, 1952.

Approved: September 2, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9719; Filed, Sept. 5, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 450, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.557 (Lemon Regulation 450, 17 F. R. 7920) are hereby amended to read as follows:

(ii) District 2: 350 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9845; Filed, Sept. 5, 1952; 9:02 a. m.]

[Lemon Reg. 451]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.558 *Lemon Regulation 451*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 3, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1952, and ending at 12:01 a. m., P. s. t., September 14, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Aug. 31, 1952]

DISTRICT NO. 2

[12:01 a. m. Sept. 7, 1952, to 12:01 a. m. Sept. 21, 1952]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.153
American Fruit Growers, Inc., Fullerton	.250
American Fruit Growers, Inc., Upland	.174
Eadington Fruit Co	.276
Ventura Coastal Lemon Co	3.637
Ventura Pacific Co	3.428
Glendora Lemon Growers Association	1.420
La Verne Lemon Association	.471
La Habra Citrus Association	.859
Yorba Linda Citrus Association	.530
Escondido Lemon Association	1.350
Alta Loma Heights Citrus Association	.480
Etiwanda Citrus Fruit Association	.108
Mountain View Fruit Association	.144
Old Baldy Citrus Association	.555
San Dimas Lemon Association	.679
Upland Lemon Growers Association	4.894
Central Lemon Association	.568
Irvine Citrus Association	.546
Placentia Mutual Orange Association	.182
Corona Citrus Association	.052
Corona Foothill Lemon Co	2.064
Jameson Co	.528
Arlington Heights Citrus Co	.289
College Heights Orange & Lemon Association	2.262
Chula Vista Citrus Association, The	.677
Escondido Cooperative Citrus Association	.108
Fallbrook Citrus Association	1.556
Lemon Grove Citrus Association	.294
Carpinteria Lemon Association	4.004
Carpinteria Mutual Citrus Association	4.232
Goleta Lemon Association	6.126
Johnston Fruit Co	7.089
Hazeltine Packing Co	.221
North Whittier Heights Citrus Association	.514
San Fernando Heights Lemon Association	.379
Sierra Madre-Lamanda Citrus Association	.368
Briggs Lemon Association	2.675
Culbertson Lemon Association	1.498
Fillmore Lemon Association	.691
Oxnard Citrus Association	6.800
Rancho Sespe	.832
Santa Clara Lemon Association	4.566
Santa Paula Citrus Fruit Association	3.624
Saticoy Lemon Association	5.153
Seaboard Lemon Association	5.650
Somis Lemon Association	4.189
Ventura Citrus Association	1.351
Ventura County Citrus Association	.570
Limoneira Co	2.780
Teague-McKevett Association	.639
East Whittier Citrus Association	.378
Leffingwell Rancho Lemon Association	.536
Murphy Ranch Co	1.429
Chula Vista Mutual Lemon Association	.649
Index Mutual Association	.148
La Verne Cooperative Citrus Association	1.149
Orange Belt Fruit Distributors	.285
Ventura County Orange & Lemon Association	2.845
Whittier Mutual Orange & Lemon Association	.036
Evans Bros. Packing Co	.000
Latimer, Harold	.034
Paramount Citrus Association, Inc.	.026
Torn Ranch	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—Continued

[F. R. Doc. 52-9846; Filed, Sept. 5, 1952; 9:02 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53092]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES FOR ARTICLES OF IRON, STEEL, ALUMINUM, AND ALLOYS CONTAINING ALUMINUM

In order to assist collectors of customs in properly classifying the iron and steel articles provided for in the paragraphs enumerated in paragraph 305, Tariff Act of 1930, and the aluminum and alloys containing aluminum provided for in paragraphs 302 (j) and 374 of the tariff act, except the coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares specified in the last-mentioned paragraph, customs invoices for such products shall contain, in addi-

tion to all other information required by law or regulations, a statement of the percentages by weight of any metallic element used as an alloy in the articles.

This requirement shall be effective as to certified or commercial invoices filed after the expiration of 30 days after the publication of this ruling in the weekly Treasury Decisions.

Section 8.13 (i), Customs Regulations of 1943 (19 CFR 8.13 (i)), as amended, is further amended by adding the following to the list of merchandise with respect to which additional information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury Decision:

Articles of iron or steel provided for in any paragraph enumerated in paragraph 305, Tariff Act of 1930, and the aluminum and alloys containing aluminum provided for in paragraphs 302 (j) or 374 of the tariff act, except the coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares specified in the last-mentioned paragraph.

(Secs. 481, 624, 46 Stat. 720, 759; 19 U. S. C. 1481, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9783; Filed, Sept. 5, 1952; 8:56 a. m.]

[T. D. 53093]

PART 16—LIQUIDATION OF DUTIES

EFFECTIVE DATE OF CHANGE IN CLASSIFICATION

Whenever it is necessary to issue an administrative ruling imposing a higher rate of duty or charge on an imported article than has been assessed under an established and uniform practice, the ruling is made effective only as to merchandise entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after the date of publication of such ruling in the weekly Treasury Decisions. It has been concluded that a period of 30 days is not sufficiently long to accomplish the purposes of section 315, Tariff Act of 1930, as amended, and the applicable customs regulations.

Accordingly, §§ 16.10 (a) and 16.10a (c), Customs Regulations of 1943 (19 CFR 16.10 (a), 16.10a (c)), are amended by deleting the figure "30" and inserting in its place the figure "90."

(Secs. 315, 502, 624, 46 Stat. 695, as amended; 731, 759; 19 U. S. C. 1315, 1502, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9781; Filed, Sept. 5, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. In § 590.355–3 (d), subparagraph (4) is rescinded.

2. In § 590.603–3, paragraphs (c) and (d) are amended, and paragraph (e) is added, as follows:

§ 590.603–3 *Contracts required to be numbered.* * * *

(c) All contracts shall be unnumbered except in the following instances:

* * * * * *

(2) Where later determination is made that more than one payment and/or collection is involved, payments, not to exceed five in number on any given contract, may be made with respect to partial deliveries under unnumbered contracts: *Provided*, That the original signed contract is attached to the first payment voucher, and the following information is included on each subsequent payment under the contract: Name of Disbursing Officer, period of account, voucher number, amount paid.

(3) Where more than five payments and/or collections become necessary, a number must be assigned to such contract.

(4) Where later determination is made that the amount to be paid or collected equals $5,000 or more, a number must also be assigned to such contract.

(d) In instances cited in paragraph (c) (1), (3) and (4) of this section, in which payments have been made, a citation to the name of the Disbursing Officer, period of account, and number of the disbursement or collection voucher to which the original unnumbered contract was attached will be furnished promptly to the General Accounting Office by the Contract Officer concerned.

(e) The instructions contained in this section do not apply to DA AGO Form 383 used in connection with the Small Purchases Procedure (Subpart G of this part). See §§ 590.603–2 (b), 590.705–1 (b) and 590.705–10 (e) of this part.

3. Section 590.604–1 is rescinded and the following substituted therefor:

§ 590.604–1 *Personal or professional services*—(a) *Contracts for employment of experts or consultants*—(1) *Statutory authority.* (i) Section 15 of the act approved August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a) authorized:

The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

(ii) Section 601 of the Department of Defense Appropriation Act, 1953 (Pub. Law 488, 82d Cong.), approved July 10, 1952, provides that:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, and Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

(2) *Approval required.* The following classes of contracts are authorized by section 15 of the act of August 2, 1946, and Section 601 of the Department of Defense Appropriation Act of 1953, and as such require the approval of the Secretary:

(i) Contracts for stenographic reporting services.

(ii) Contracts which provide for performance of personal services by experts or consultants, or organizations thereof, contemplating supervision by Government personnel of the contractor, and not requiring the contractor, as an integral part of the contract, to furnish an end item or product.

Each contract for stenographic reporting services or for personal services of experts and consultants negotiated under the above or any other authority and each supplemental agreement or change order making a material change in such contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and the contract or request for award thereof, supplemental agreement, or change order will be forwarded by the Head of the Procuring Activity involved to the Assistant Chief of Staff, G–4, Department of the Army, Attention: Chief, Purchases Branch, for approval by the Secretary. The request for approval will refer specifically to the above-quoted statutory authorities and will furnish a complete statement of facts supporting the determinations required by statute to be made by the Secretary. The request for approval will also include the information required by § 590.605 of this part, if applicable, and will contain a statement as to availability of funds and a reference to the Project Account Number, Appropriation Symbol, and the statutory authority under which appropriated. The request for approval shall also contain a statement or be accompanied by a certificate personally signed by the Head of the Procuring Activity, his Deputy, or his Chief of Staff reading substantially as follows:

The proposed contract is advantageous to and necessary for the national defense; existing facilities of the Army are inadequate to accomplish the required services, and compensation specified therein is considered reasonable.

(3) *Limitation on compensation.* When with an individual, each personal service contract will expressly limit the compensation payable to not more than $50 per day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty station and return.

(b) *Contracts for employment of other than experts or consultants which may involve personal or professional services.* Contracts with individuals or organizations containing any one or more of the following elements will be submitted to the level of the Head of the Procuring Activity involved, for approval:

(1) Payment to the Contractor will be rendered on a time basis.

(2) The contract calls for no definite end item.

(3) The contract provides for or will require supervision by Government personnel of its performance other than the administrative supervision exercised by a Contracting Officer.

This paragraph shall not apply to time and material contracts as set forth in § 592.407 of this subchapter.

4. In § 590.604–4, the date "June 30, 1952" appearing in paragraphs (a) and (b) is changed to read "June 30, 1953".

5. The address of the General Accounting Office contained in §§ 590.606–2, 590.606–3, and 590.606–4 is changed to read "General Accounting Office, Army Audit Branch, 634 North Noble Street, Indianapolis 7, Indiana, Attention: Contract Service Group."

6. Sections 590.809 and 590.810 are rescinded and the following substituted therefor:

§ 590.809 *Instructions for preparation of Procurement Action Report; Monthly Summary (DA Form 377) (Reports Control Symbol CSGLD–534).* (a) This summary will include every new procurement action, as defined in § 590.807, transacted during the month covered by this report, irrespective of the dollar value of any such action. It will include every modification (amendment, change order, or supplemental agreement) to contracts negotiated under paragraph 2c (11) and 2c (16) of Public Law 413, 80th Congress, irrespective of the dollar value of any such contract or modification thereto. This summary will also include every modification involving an increase or decrease of $10,000 or more. Modifications not pertaining to paragraphs 2c (11) or 2c (16) of Public Law 413 which involve an increase or decrease of less than $10,000 will be completely excluded from this summary.

(b) For the purpose of this summary only those reportable modifications made pursuant to the provisions of the basic contract will be reported in the columns headed "number of modifications." New actions and reportable modifications not made pursuant to the provisions of the basic contract will be reported in the columns headed "number of new actions."

(c) The dollar value entries in this summary will reflect the net total of all debit and credit procurement actions reportable under paragraph (a) of this section. If during the month the credit actions exceed the debit actions for any item, a credit entry will be shown. Such entry will be preceded by the symbol CR (for credit). Dollar value entries will not include cents. (Example: $500 not $500.25 nor $500.00).

(d) Monthly summaries will be consolidated at the following levels and in the following manner prior to submission to the Assistant Chief of Staff, G–4, Department of the Army. (See § 590.805.)

(1) *Class I installations.* At Class I installations all reportable actions will be consolidated each month on one DA Form 377 regardless of the source of the funds involved in any of the actions. The appropriate army area having responsibility for the Class I installation will be indicated in the space for "Technical Service of Command." The original of each DD Form 350 of those actions shown in line 8 columns D and G will be attached to the DA Form 377.

(2) *Class II installations.* At Class II installations those reportable actions which have been transacted for the purpose of Class I activities will be consolidated on one DA Form 377, and the appropriate army area having responsibility for the Class I activities will be indicated in the space for "Technical Service or Command." All other reportable actions at Class II installations will be consolidated on one DA Form 377, and the technical service having responsibility for the Class II installation will be indicated in the space for "Technical Service or Command." The governing factor in the aforementioned breakdown will be whether the action was executed for the purpose of Class I activities or for the purpose of Class II activities. Where the contractual instrument has been assigned a number pursuant to § 590.603 of this part the letter symbol of this number may be used as a guide. As an exception to the above, general depots will submit one DA Form 377 for each Procuring Activity located at the depot.

(3) *Date of report.* Enter the day, month, and year on which the report is prepared.

(4) *From.* Enter the title and address of the Procuring Activity in sufficient detail to readily establish the identity of the office, installation, activity, or individual preparing the report.

(5) *Station number.* Enter the fiscal code station number (SR 35–218–1). Where a Class II installation has been assigned a separate station number to identify its Class I activities (§ 590.603–5 (b)) this latter station number will be entered on the army area report from this installation (subparagraphs (1) and (2) of this paragraph).

(6) *Month ending.* Enter the month covered by the report. Where information for DA Form 377 is obtained from Individual Procurement Action Report, Reports Control Symbol CSGLD–525 (DD Form 350) the date of the report (Item 39, DD Form 350) will be the controlling factor in determining which monthly summary (DA Form 377) will include the action reported. For example, a procurement action executed November 28, but having a "date of report" of December 2, will be reported in the monthly summary of December actions, the only exception being the close of the fiscal year, when all actions taken in the month of June will be reported on the monthly summary regardless of the "date of report."

(7) *Technical Service or command.* Enter the name of the Technical Service, Army Area, or command having responsibility for the Procuring Activity: such as Quartermaster Corps, Third Army, Far East, National Guard Bureau, etc. At Class I and Class II installations the instructions set forth in subparagraphs (1) and (2) of this paragraph will govern.

The column headed "Modifications" will be those actions which were made pursuant to the provisions of the basic contract, and will not be included in column C and D. The total of column A will equal columns B, C, and D.

(8) *Line 1; Small Business total.* Enter the total number of actions and dollar amount of procurement (except interdepartmental, interservice and outside continental United States) from concerns which are classified as Small Business. Entries on this line will equal the totals of entries on lines 1a and 1b. For the purpose of this report, a small business is defined as one in which the aggregate number of employees of the contracting organization and its affiliates is less than 500.

(9) *Line 1a; Small Business; advertised.* Enter the number of actions and dollar amount of procurement by advertising from concerns classified as Small Business.

(10) *Line 1b; Small Business; negotiated.* Enter the number of actions and dollar amount of procurement by negotiation in accordance with the provisions of the Armed Services Procurement Regulation, from concerns classified as Small Business.

(11) *Line 2; other than Small Business; total.* Enter the total number of actions and dollar amount of procurement (except interdepartmental, interservice and outside continental United States) from all concerns which were other than Small Business. Entries on this line will equal the totals of entries on lines 2a and 2b.

(12) *Line 2a; other than Small Business; advertised.* Enter the number of actions and dollar amount of procurement by advertising from concerns classified as Other than Small Business.

(13) *Line 2b; other than Small Business; negotiated.* Enter the number of actions and dollar amount of procurement by negotiation in accordance with the provisions of the Armed Services Procurement Regulations from concerns classified as Other than Small Business.

(14) *Line 3; total advertised.* Enter the total number of actions and dollar amount of advertised procurement. Entries on this line will equal the totals of entries on lines 1a and 2a.

(15) *Line 4; total negotiated.* Enter the total number of actions and dollar amount of negotiated procurement. Entries on this line will equal the totals of entries on lines 1b and 2b.

(16) *Line 5; interdepartmental procurement.* Include procurement of supplies or services from other Federal agencies (outside of Department of Defense) or under a contract made by any such department or agency; e. g., purchase made under Bureau of Federal Supply Schedules and purchases made under Schedule of Products issued by Federal Prison Industries, Inc.

(17) *Line 6; interservice procurement.* Enter the number of actions and dollar amount covering individual purchase instruments executed against term contracts, open-end contracts, indefinite quantity contracts, or agreements for obtaining supplies or service, which contracts or agreements were originally let by department or agency of Department of Defense other than the Army, and which do not specify quantities or total dollar value; e. g., purchases against open-end contracts of the Armed Services Petroleum Purchasing Agency.

(18) *Line 7; work performed outside continental United States.* Enter the total amount of actions and dollar amount of purchase actions where the place of performance is outside continental United States. Place of performance applies to place of manufacture or final assembly by the prime contractor, place of real property construction, and place of service performed.

(19) *Line 8; total.* Enter on this line the total number of actions and dollar amount of all types of procurement to be covered by this report. For the report covering offices located within continental United States, entries on this line will equal the totals of entries on lines 3, 4, 5, 6, and 7.

(20) *Line 9; special category data which have been included in line 4.* Enter the total number of actions and total dollar value only of those actions negotiated for the following reasons.

(21) *Line 9a; perishable subsistence.* (See § 592.209 of this subchapter.)

(22) *Line 9b; small purchases.* (See § 590.700.)

(23) *Line 9c; petty cash purchases under imprest fund procedure.* (See SR 35–350–10.)

(24) *Line 9d; delivery order against "open-end contracts."* (See § 596.515 of this subchapter.)

(25) *Line 10; special Small Business information which is included in lines 1 and 2 above.*

(26) *Line 10a; suitable to Small Business.* This entry will include the following:

(i) All actions not reported on DD 350.

(ii) All actions actually awarded to Small Business.

(iii) That portion of the actions awarded to Large Business which was in fact, suitable to performance by Small Business firms. The total of these will be added to arrive at the Suitable for Small Business figure.

(27) *Line 10a (1); suitable for Small Business; advertised.* Enter the number of actions and dollar amount of procurement considered suitable for small business which was advertised.

(28) *Line 10a (2); suitable for Small Business; negotiated.* Enter the number of actions and dollar amount of procurement considered suitable for small business which was negotiated.

(29) *Remarks.* Enter the DD Form 350 report numbers of those actions which are included in line 2. Enter any other comments to supplement the information shown in the body of the report which are considered essential to a proper understanding of the report.

(30) *Signature.* The report will be signed by a Contracting Officer or his authorized representative and the appropriate name and title typed in the space provided. Where a consolidated monthly summary is being prepared pursuant to subparagraphs (1) and (2) of this paragraph, the consolidated report will be prepared and signed by an officer so designated by the commanding office of the installation concerned.

§ 590.810 *Retention of procurement action reports.* Individual Procurement Action Report (DD Form 350) and Procurement Action Report—Monthly Summary (DA Form 377) or comparable forms submitted by Contracting Officers to higher headquarters indicating the status of procurement actions may be destroyed after 6 months. Such material is considered nonrecord material.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Section 591.403 is amended by changing paragraph (i) (1) to read as follows:

§ 591.403 *Rejection of bids.* • • •

(i) *Not responsible bidders.* (1) The lowest bid as to price may be rejected by the Contracting Officer if the bidder is determined to be not responsible. For the elements to be considered in determining responsibility, see § 590.357 of this subchapter.

• • • • •

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as follows:

1. Section 592.204–2 is rescinded and the following substituted therefor:

§ 592.204–2 *Application*—(a) *Authorization.* Section 2 (c) (4) of the Armed Services Procurement Act of 1947 shall be used as authority to negotiate personal or professional services contracts, only when all the conditions set forth in § 402.204–2 of this title have been satisfied.

(b) *Application.* Section 2 (c) (4) does not authorize the making of any contracts. It merely authorizes the award by negotiation, as distinguished from formal advertising, of contracts otherwise authorized by law.

(c) *Approval required.* (1) The requirements for approval of higher authority of contracts involving personal and professional services are set forth in § 590.604–1 (a) of this subchapter.

(2) The requirements for approval of higher authority of contracts containing provisions closely related to personal services contracts are set forth in § 590.604–1 (b) of this subchapter.

2. Section 592.308 is rescinded and the following substituted therefor:

§ 592.308 *Retention of copies of determinations and findings and of other records.* (a) Executed originals of all Determinations and Findings, copies of all supporting documents, and complete records with respect to all negotiated contracts shall be preserved in the cognizant purchasing office or Procuring Activity concerned for a period of six years following payment on each respective contract, unless retired earlier under other regulations.

(b) Each procurement transaction file will be complete and copies of all documents, certified if necessary, will be included therein. Procurement transaction files will be maintained in such a manner as to present a complete resume of the transaction for historical record or such other purpose as may be required. As a minimum in negotiated procurements, a memorandum for record, signed by the Contracting Officer or his properly designated representative, and briefly setting forth the facts, conclusions, and actions regarding the transaction, will be included as part of the file.

(c) The Contracting Officer's official file of each contract awarded by negotiation shall contain an assembled section of documents, communications, and memoranda presenting an historical record of negotiations preceding award of the contract. Such section of the file shall be identified by a cover sheet designated as "Summary of Negotiation and Contract Award Data." The head of each Procuring Activity is authorized to publish an appropriate form of such designation and to delegate authority for local reproduction. The form so published shall include as a minimum a check list and certification substantially as detailed below. Additional items and/or reductions of monetary limits separating Parts I and II of the form, determined by the head of a Procuring Activity to be necessary or appropriate to its contract procedure or records thereof, may be included in the form promulgated by the Procuring Activity.

SUMMARY OF NEGOTIATION AND CONTRACT AWARD DATA

The purpose of this summary, pursuant to § 592.308, is to present a brief statement of basic data as to which complete detail in narrative or documentary form are contained in the assembled file underlying this cover sheet. Each pertinent item on this form is to be completed either by filling in blanks or by the insertion of data appropriate to the purpose of the item and as to which supporting papers are contained in the file.

Contract date _____ Contract No. _____

Name of contractor _____

_____

PART I. Items 1 to 8 below will be completed for all negotiated contracts, except those covering small purchase.

1. (Copy of procurement order, requisition, or document upon which procurement is based, or reference thereto.)

2. (Complete justification for negotiation.)

3. (Copy of request for proposals, including drawings and specifications or reference thereto.)

4. Number of requests for proposals distributed _____

Date of distribution _____

Number of proposals received _____

Date of award _____

5. (Statement relative to contingent fees, signed by the contractor.)

6. (Special contract provisions, or reference thereto.)

7. Small business _____ (Yes or No).

8. Regular dealer _____ or manufacturer _____ (Yes or No).

_____

_____

PART II. Items 9 to 14 below will be completed for negotiated contracts which are expected to exceed $25,000 (except that the Head of each Procuring Activity may reduce the dollar value if desired).

9. Labor area classification _____

10. Amount of work to be subcontracted $_____ _____ percent.

11. (Explanation of any Government financial assistance required by the contractor.)

12. (Detail of survey or other determination of contractor's ability to consummate the contract.)

13. (Justification for this award, and determination if required.)

14. (Summary of proposal received, with comparative information on all factors entering into total cost.)

_____

_____

I certify that I have this date reviewed this contract file and that it contains papers in support of the above data and is otherwise considered to provide a clear and complete record of the negotiation and award of this contract.

(Signature) _____

Contracting officer, or contracting officer's representative.

Date _____

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended as follows:

1. Section 596.536–1 is amended by renumbering clauses 18 through 21 thereof as clauses 19 through 22, and inserting a new clause 18 as follows:

§ 596.536–1 *Sample of form.*

• • • • • •

18. *Adjustment of rentals; State or local taxation.* Except as may be otherwise provided, the rental rates established in this lease do not include any State or local tax on the property herein leased. If and to the extent that such property is hereafter made taxable by State and local governments by Act of Congress, then in such event the rental rates of this lease shall be equitably adjusted.

• • • • • •

2. Section 596.571 (b) is amended to read as follows:

§ 596.571 *Invitation for bids (Construction Contract).* • • •

(b) A revised text of this form will be made available as soon as approved. Interim use, however, of WD Standard Procurement Form No. 116 is authorized in the meantime. Local reproduction is authorized. In reproducing WD Standard Procurement Form No. 116;

(1) The Bureau of the Budget approval notation in the upper right hand corner should be omitted;

(2) The last sentence of paragraph 2 should be changed to read as follows:

The bidder who is awarded the contract will be required to execute the Department of the Army Contract Form for Construction (DA AGO Form R–5701) which is incorporated herein by reference. (A copy is obtainable upon request.)

PART 602—GOVERNMENT PROPERTY

A new Subpart I is added to Part 602 as follows:

SUBPART I—AUDIT OF INDUSTRIAL PROPERTY RECORDS

Sec.

602.900 Scope of subpart.
602.901 Responsibility for audits.
602.901–1 Continental United States.
602.901–2 Overseas.
602.902 Purpose of audits.
602.903 Performance of audits.
602.903–1 Frequency.
602.903–2 Scope of audit.
602.904 Reports of audit.
602.904–1 Distribution and action on reports.
602.904–2 Clearance of deficiencies.
602.905 Accounts not in condition for audit.
602.905–1 Distribution of reports.
602.905–2 Action.

AUTHORITY: §§ 602.900 to 602.905–2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161.

§ 602.900 *Scope of subpart.* This subpart sets forth policies governing audit of industrial property accounts.

§ 602.901 *Responsibility for audits.*

§ 602.901–1 *Continental United States.* Within the continental United States, and for contracts administered from the continental United States, the Army Audit Agency, operating as a functional activity of the Comptroller of the Army, is charged with the operational performance of audits of industrial property accounts.

§ 602.901–2 *Overseas.* Commanders of major oversea commands or similar areas are responsible for the operational performance of audits of industrial property accounts of contracts administered by their commands. The performance of these audits will be through audit agencies established within their commands and in accordance with basic techniques prescribed by the Army Audit Agency.

§ 602.902 *Purpose of audits.* The purpose of audits of industrial property accounts is to determine and report to those responsible for contract administration and to all echelons of command, whether accounting for and disposition of Government property has been accomplished in accordance with applicable regulations, whether the controls being exercised are adequate and, where the need exists, to make appropriate recommendations for the improvement of controls or the correction of deficiencies.

§ 602.903 *Performance of audits.*

§ 602.903–1 *Frequency.* Audits will normally be performed on an annual basis. Special or more frequent audits may be performed at the discretion of the regional auditor concerned or as directed by the Chief, Army Audit Agency. Request by installations for special or more frequent audits will be submitted through the Head of the Procuring Activity to the regional auditor. Initial audits will normally be made as soon as practicable after inception of contract activity.

§ 602.903–2 *Scope of audit.* Selective audit principles will be employed in the performance of audits. A selective audit reflects the overall condition of the account and the adequacy of the accounting controls.

§ 602.904 *Reports of audits.* The report of audit is a Government administrative report for the information of all echelons of command and operations concerned with contract administration. The report of audit will not be transmitted to the Contractor, but information necessary to form the basis for corrective action may be discussed with or extracted and transmitted to the Contractor by the Contracting Officer, or his authorized representative.

§ 602.904–1 *Distribution and action on reports.* (a) Distribution of reports will be made as follows:

(1) The original and one copy will be forwarded to the installation commander responsible for the administration of the contract or contracts. When more than one contract is included in an audit report the original will be filed with the contract property control records of the first contract shown on the schedules attached to the report and an entry will be made in the property control records of all other contracts covered by the audit showing the report of audit number, date, period covered, and the contract number under which the report of audit is filed. The copy of the report of audit will be retained at the installation headquarters for administrative use.

(2) One copy will be furnished the head of the procuring activity administering the contract for information, for follow-up action where required, and for retention in command headquarters. Coordination will be effected by the head of the procuring activity with other interested services, where necessary.

(b) Upon receipt of a Report of Audit the installation commander will report within 15 days to the Head of the Procuring Activity the action taken or contemplated and target date for completion with respect to any deficiencies or recommendations contained in the Report of Audit. Information copy of this report will be forwarded to the regional auditor by the installation commander.

(c) The Head of the Procuring Activity will review the report of audit and the corrective action reported by the installation commander to determine the propriety and sufficiency of corrective action taken and will notify the regional auditor when any deficiencies reported have been adjusted. If adjustment of deficiencies will be delayed more than 90 days he will furnish the regional auditor an interim advice of progress being made in connection therewith.

§ 602.904–2 *Clearance of deficiencies.* After verification at account level, deficiencies listed on reports of audit will be cleared by appropriate entry in a subsequent report of audit, or by issuance of supplemental reports of audit which will be given the same distribution as the original reports.

§ 602.905 *Accounts not in condition for audit.* Accounts will be reported

not in condition for audit when audit is found to be impracticable due to missing or incomplete records or an abnormal number of errors.

§ 602.905–1 *Distribution of reports.* Reports of accounts not in condition for audit will be distributed in the manner prescribed for reports of audit in § 602.904–1 (a) of this part, except that the Chief, Army Audit Agency, will furnish a copy to The Inspector General.

§ 602.905–2 *Action.* (a) Upon receipt of a report of an account not in condition for audit, the installation commander will immediately take forceful action necessary to have the records placed in an acceptable condition for audit. He will advise the Head of the Procuring Activity within 15 days of the action taken and the probable date of completion.

(b) The Head of the Procuring Activity will review the report of account not in condition for audit and the installation commander's report of corrective action to determine any further action necessary and will advise the regional auditor promptly of the action being taken and the probable date the account will be in condition for audit. In the event the corrective action is not completed within 90 days from the date account is reported not in condition for audit, the regional auditor will be advised every 90 days of the progress toward correction until the account is found to be in an acceptable condition for audit.

(c) If the circumstances are such as to justify a waiver of accounting requirements the case will be prepared and submitted in accordance with SR 735–275–15 (Special Regulations, Department of the Army).

[Proc. Cir. 15, Aug. 8, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–9779; Filed, Sept. 5, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 8]

POLICY ON TRAINING AND UTILIZATION OF SCIENTIFIC AND ENGINEERING MANPOWER

Preface. This policy has been recommended by the interagency Manpower Policy Committee, its Committee on Specialized Personnel, and the national Labor-Management Manpower Policy Committee of the Office of Defense Mobilization. It is issued for information and guidance to employers of scientists and engineers; to educational institutions and to professional associations; and assigns to Government agencies the responsibility for providing assistance and leadership in the fields of action required of them.

I. *Statement of the problem.* The importance of scientists and engineers in the establishment of the strongest possible defense and, should war come, in insuring ultimate victory, is well established and widely recognized. Furthermore there is no limit, in principle, to the advances which can be made in science and technology, practical limits being imposed largely by the limited number of individuals with training and ability along these lines. The problem, then, is to formulate national policies and to take actions consistent with these policies and with the principles of a voluntary manpower program in order to guarantee the most effective use of existing resources of scientific and technical personnel and to encourage the training of increasing numbers of additional scientists and engineers.

Throughout this document all references to scientists and engineers make no distinction between the sexes or between racial groups, it being understood that equality of opportunity to make maximum effective use of intellect and ability is a basic concept of democracy.

II. *Discussion of the problem.* Basically, the national defense program consists of the following major elements:

1. Maintenance of armed forces at approximately 3.7 million.

2. Production of military equipment and material to supply an armed force of 3.7 million, to provide a reserve supply of key equipment sufficient to meet the first year's needs of full mobilization, and to assist other free nations to build up their military strength.

3. Expansion of specialized manpower and productive capacity to support high levels of both military and civilian production.

4. Maintenance of a vigorous civilian economy for an increasing population.

This is a long-term program. Any substantial change in it within the foreseeable future will be by way of expansion. Consequently, the requirements for specialized manpower presented in this report are estimated minimum requirements.

One of the most far-reaching effects of the defense program is an acceleration of research and industrial technology. Likewise the development, operation and maintenance of modern scientific weapons has given greater emphasis to military technology. As a result, industrial and scientific development which normally would have been spread over a decade now must be telescoped into less than half that time. The realities of international relations indicate that intensive activity in the fields of engineering, science and industrial development must be made a more important aspect of our continuing national security. This means an unprecedented and sustained demand for specialized manpower in a great variety of fields.

Of the approximately 60 million civilians currently employed only about 4 million are in the professions. Only 1 percent or 600,000 are employed in engineering and in the biological and physical sciences. On this numerically small but vitally important segment of our manpower depends in very large part our national security and future increases in our standard of living.

New discoveries and the development of new techniques of inquiry call for an increasing number of investigators and as each area of knowledge becomes more complex, increased specialization of individuals and longer periods of training are required.

The advance of scientific knowledge also results in an increasing degree of utilization of specialized personnel as technical discoveries are applied in industrial operations.

The number of workers per engineer in the basic commodity producing and transporting industries, for example, has decreased continuously from an approximate 250 in 1900 to about one-quarter of that in 1950.

These factors help to explain the fourfold growth of the professions in the last 50 years—from one million to four million. There has been an even more rapid expansion in the engineering and scientific fields, which have increased some 60 percent in the last decade alone and now total 600,000. The continually increasing complexity of the economy and the rapid growth of research activity make it necessary that this trend continue.

Despite the fact that very large numbers of young men and women have been trained in science and engineering since World War II, stringencies of engineers and scientists now exist in some fields and acute shortages are in immediate prospect. This situation has been caused in part by the increased demand resulting from the defense program with no corresponding decrease in non-defense programs and in part by the very small number of persons trained in these fields during World War II.

As the defense program develops, two highly significant facts with respect to specialized personnel stand out:

First, the demand is rising rapidly and will continue at a high level indefinitely.

Second, college enrollments show that the supply completing training is declining and will continue to decline through 1954 after which an upturn will occur in the number of engineering graduates.

These facts indicate that in the next few years it will be very difficult, or impossible, to obtain a supply of specialized personnel equal to the expanded demand. Vigorous and intelligent action in the utilization of specialized manpower in the armed forces and in civilian activities is required. Both military and civilian manpower policies should recognize that within the objectives of attaining maximum military strength and maintaining a vigorous civilian economy the achievement of an improved balance between the supply of and demand for specialized personnel is our most urgent manpower goal.

III. *Purpose.* The purpose of this policy is:

1. To focus attention on the problems created by the shortage of trained scientists and engineers in the attainment of maximum military strength while maintaining a healthy civilian economy and to enlist the support and assistance of the public, industry, educational institutions and Government agencies in the solution of these problems.

2. To indicate actions which should be taken to provide scientific and engineering manpower to achieve necessary research and development and production goals for 1952 and for the years immediately ahead.

3. To provide an initial program to meet scientific and technical manpower requirements of a broadened mobilization base, and to set forth the policy of the Federal Government and the responsibilities of Government agencies concerned with scientific and technical manpower problems.

IV. *Policy.* It is the policy of the Federal Government to take and to encourage the taking of action which will aid in achieving the following objectives:

A. To utilize most efficiently existing resources of scientific and technical skills in private industry, in the civil government, in the armed forces and in educational institutions.

B. To develop increasingly reliable information regarding requirements and resources of scientists and engineers to meet both immediate and long-term national needs.

C. On the basis of needs indicated under B, to attract and train the additional number of able young men and women required for scientific and technical fields.

Industrial employers, educational administrators, scientists and engineers, as individuals, and professional associations of scientists and engineers, have an important responsibility to assist in achieving these objectives. In order that they may do their full part, it is recommended that the actions listed below be taken. In taking these actions all groups should direct their efforts toward furthering the objective of self-development by the individual to meet the national need for scientific and engineering manpower.

It is recognized that many of the activities recommended are already underway in individual industrial firms, educational institutions, professional organizations and in government, but they are listed here partly for the sake of completeness and partly for the purpose of bringing them to the attention of those segments of industry, education and the professions which are not now engaged in such activities.

a. Employers of scientists and engineers are urged:

1. To make every effort to meet increasing demands for engineering and scientific personnel by improving their utilization of scientists and engineers through programs of systematic review and reevaluation of the duties, responsibilities, training and experience requirements of positions in which scientists or engineers are employed to determine the minimum levels of training and experience required for each position. Particular attention should be given to identifying and utilizing scientists and engineers of exceptional ability in work which will make full use of their capacities.

2. To take the necessary steps to develop qualified research leaders and administrators.

3. To develop, in cooperation with educational institutions, especially the junior colleges and technical institutes, improved programs for selecting and training sub-professional personnel to do work which requires less than the full training of professional scientists and engineers.

4. To maintain programs for the continuous review of performance and compensation of scientists and engineers to assure that salaries are commensurate with the contributions being made by such personnel.

5. To consult with public employment offices in the development of recruitment campaigns to avoid activities which would be disruptive to high-urgency defense work. Professional associations and similar organizations may be of assistance in providing additional information needed in this connection. Large scale transfers of personnel between projects of equal urgency or form a project of greater urgency to one of lesser urgency are obviously contrary to the best interests of the mobilization effort.

6. To cooperate with educational institutions in the development of on-the-job or off-the-job training for scientists and engineers which will increase and broaden the professional competence of such personnel.

7. In the case of professional personnel subject to induction into the armed forces, to submit complete and timely employment information to local Selective Service boards for their use in classification of registrants engaged in essential activities of a scientific or technical nature.

8. In the case of professional personnel subject to recall to active duty by the Armed Forces, to submit complete and timely employment information to appropriate military authorities for their use in determining eligibility for delay in recall to active duty.

9. In cooperation with associations of employers in industries in which serious shortages of scientists and engineers exist, to establish Technical Manpower Utilization Committees to consider steps which can be taken on an industry-wide or area basis to alleviate the effects of those shortages and to disseminate information concerning successful practices of individual firms in dealing with such shortages.

10. In cooperation with associations of employers, to consider the advisability of expanding existing scholarship programs to assist students with the necessary ability and interest but without the necessary funds to complete their education in the sciences and in engineering.

11. To reexamine their personnel policies and effect any changes necessary to assure full utilization of women and members of minority groups having scientific and engineering training.

12. To cooperate with appropriate public and private agencies in determining current and long-range requirements and resources of scientists and engineers and in developing relevant information regarding their employment, such as salaries, hours, mobility, and working conditions. It is essential that employers of scientists and engineers take steps to improve the techniques for forecasting their own current and long-range technical manpower requirements.

b. Professional associations of scientists and engineers are urged:

1. To undertake informational programs designed to bring to the attention of students, through normal educational channels, and to individuals employed in sub-professional positions but possessing an aptitude for science or engineering, the career opportunities in scientific and technical fields in order to attract into these fields additional students with the required ability and interest.

2. To cooperate with appropriate public and private agencies in determining current and long-range requirements and resources of scientists and engineers and in developing relevant information regarding their employment, such as salaries, hours, mobility, and working conditions.

3. To cooperate with educational institutions in studying the adequacy of existing curricula in the sciences and in engineering, in developing better teaching methods and in achieving maximum utilization of teaching facilities in scientific and engineering fields.

c. Educational institutions are urged:

1. To make special provision for students who possess the necessary aptitude for engineering work but who lack the courses in science and mathematics prerequisite for admission to the engineering college either because of the inadequacy of high school offerings or because their interest in an engineering career was developed too late in the high school program. Such special provision should include a program for locating the potential candidates, encouraging them to apply for enrollment in colleges offering scientific and engineering courses, and special counseling to assist the candidate in working up a suitable curriculum. In most instances the candidate's initial shortcomings may be made up either by a lengthening of the normal curriculum or by intensification through additional work during summer vacation periods.

2. To make further studies of the engineering curriculum, as regards both its content and its length, and to give consideration to all possible measures which may be indicated under present conditions of engineering and scientific manpower shortages, such as acceleration, cooperative work-study arrangements, etc.

3. To make further studies of teaching methods employed in the sciences and engineering and of the use of teaching and research facilities in these fields in order to achieve the maximum educational return from existing staffs and facilities.

4. To study the causes of high drop-out rates among qualified students of engineering and science and to take steps toward minimizing the number of such drop-outs.

5. To strengthen high school curricula in order that more high school graduates will be eligible for entrance into engineering colleges and to establish closer working arrangements between colleges and universities and high schools to the end that both high school students and

the faculty will become more aware of the opportunities in the engineering field.

V. *Assignment of responsibility.* In order that the desired objectives can be achieved in accordance with the above-stated policy the assignments indicated below are made to the specified departments and agencies of Government. In listing these assignments, it is to be understood that they do not, in many cases, represent new assignments of responsibility, and that many of the activities referred to are already underway. A complete listing is given in order to indicate the total responsibility of Government departments and agencies in implementing national scientific and engineering manpower policies.

A. The Department of Labor shall:

1. In cooperation with the National Science Foundation, Bureau of the Census, Federal Security Agency and the Civil Service Commission strengthen its program of information on the supply of and demand for scientists and engineers in industry, education and government and provide this information to:

a. Private and public employers as a guide to planning of their recruitment and training activities.

b. Schools for the guidance of students in the choice of careers.

c. The Selective Service System as a guide to the deferment of registrants having scientific and engineering training and experience.

d. The Department of Defense as a guide to the postponement in call to active duty of reservists having scientific and engineering training and experience.

2. Through the federal-state system of public employment offices, expand its informational and placement service to scientists and engineers and to employers of such personnel.

3. Encourage and assist employers of scientists and engineers in maintaining realistic hiring specifications and in conducting appropriate recruitment programs.

4. Determine manpower shortages which can be met in whole or in part by short-term training programs designed to complete the professional training in engineering or science of individuals already employed by industry or to provide additional professional training to allow employed engineers and scientists to assume increased responsibilities; cooperate with the Federal Security Agency in the arranging of appropriate programs through the use of local training facilities.

5. Cooperate with the Selective Service System and the Department of Defense in relating military manpower procurement policies to civilian requirements for scientists and engineers.

6. Develop, with the cooperation of the Department of Defense, expanded counseling and placement programs to assist individuals being discharged from the Armed Forces in availing themselves of training and job opportunities in scientific and engineering fields.

7. Make available to employers information on techniques for improving the utilization of scientists and engineers.

B. The Selective Service System shall:

1. Continue to apply to scientists and engineers the policy formulated by Congress providing for classifying in a deferred class registrants whose activities are necessary to the maintenance of the national health, safety or interest for as long a period as they continue to meet the criteria for such deferment.

2. Prepare semi-annually, in cooperation with the Department of Labor and the Department of Defense, a report on the status of the student deferment program, indicating any recommended changes in the size or character of this program and the reasons therefor.

C. The Department of Defense shall:

1. Continue, through the Military Departments, to review all military jobs requiring scientific and engineering skills and take any additional steps necessary to assure that to the greatest possible degree, consistent with the missions of the Armed Services.

a. Military personnel having full scientific or engineering competence are assigned to military jobs requiring that level of competence, and

b. Military jobs requiring less than full scientific or engineering competence are filled by subprofessional personnel.

2. Continue program of maintaining an inventory of current military manpower requirements in scientific and engineering specialties as an aid to determination of over-all specialized manpower requirements, to recall of reserves and to assignment or transfer of military personnel.

3. Encourage the continued development within the Military Departments of central military personnel records to facilitate the identification of individuals with scientific and engineering competence as an aid to meeting specialized manpower requirements of the Armed Forces to greatest extent possible by full utilization of personnel already in the Armed Services.

4. Continue review of reserve policies and take any additional steps necessary to assure that reservists possessing scientific and engineering competence which is being fully utilized in defense or essential civilian activities are called to active duty only when (a) the military services have need of persons with such skills and the need of the military services for these skills outweighs that of the defense-supporting or essential civilian economy, or (b) when the individual reservist possesses highly developed, essential military skills which cannot otherwise be obtained, (c) the individual reservist has a special obligation to serve, such as completion of military-financed training programs.

5. Continue collaboration with the Atomic Energy Commission and the National Advisory Committee for Aeronautics in a review of the total research and development programs of the three agencies, which together account for the great bulk of all research and development work performed by or sponsored by the Federal Government, with a view toward reducing the demands on the engineering and scientific manpower pool to the minimum level consistent with the national security.

D. The Civil Service Commission shall:

1. Encourage and assist agencies which employ scientists and engineers to evaluate periodically all technical positions to determine the minimum levels of training and experience required to satisfactorily perform the duties involved, and to utilize personnel having full scientific and engineering competence only in positions requiring such competence.

2. In cooperation with all departments and agencies which employ technical personnel, develop a program for identifying scientists and engineers in the government service who possess exceptional ability and wherever necessary assist in placing them in positions which will make full use of such ability.

3. Encourage and assist agencies in developing training programs which will broaden and improve the competence of scientists and engineers now in the government service. Such programs might make use, in a teaching capacity, of the professional personnel of the agencies concerned, or might be carried out in cooperation with a neighboring college or university.

4. Encourage and assist agencies in developing sub-professional personnel to perform jobs not requiring full professional competence in science or engineering.

E. The Atomic Energy Commission shall:

1. Continue collaboration with the Department of Defense and the National Advisory Committee for Aeronautics in a review of the total research and development programs of the three agencies, which together account for the great bulk of all research and development work performed by or sponsored by the Federal Government, with a view toward reducing the demands on the engineering and scientific manpower pool to the minimum level consistent with the national security.

F. The National Science Foundation shall:

1. Encourage basic research in the sciences and engineering in colleges and universities in order to stimulate the training of additional and better trained scientists and engineers.

2. Conduct follow-up studies on young graduate scientists and engineers to determine what occupational adjustments they are making in or outside the armed forces in order to assist in the development of Selective Service policy and policy on placement of such personnel within the Armed Forces.

G. The Federal Security Agency shall:

1. Encourage and assist engineering colleges to make special provision for students who possess the necessary aptitude for engineering work but who lack the courses in science and mathematics prerequisite to admission either because of the inadequacy of high school offerings or because their interest in an engineering career was developed too late in the high school program. Such special provision should include a program for locating the potential candidates, encouraging them to apply for enrollment in colleges offering scientific and engineering courses, and special counseling to assist the candidate in working up a suitable curriculum. In most instances the candidate's initial shortcomings may be made up either by a lengthening of the normal curriculum or by intensification through additional work during summer vacation periods.

2. Encourage and assist colleges and universities to develop undergraduate and graduate level training for scientific and engineering personnel currently employed but requiring additional training to broaden and improve their professional skills.

3. In cooperation with employers and Labor-Management Committees, encourage and assist colleges, universities, and vocational schools, in areas where shortages of engineers and scientists exist, in the establishment of short training courses to develop draftsmen, engineering aides and scientific aides to assist professional personnel in matters requiring less highly developed skills.

4. Assist secondary schools in developing more adequate curricula and better teaching methods in order to provide students possessing the requisite aptitudes and interests with the fundamental education necessary for college work in science and engineering.

H. The National Advisory Committee for Aeronautics shall:

1. Continue collaboration with the Department of Defense and the Atomic Energy Commission in a review of the research and development programs of the three agencies, which together account for the great bulk of all research and development work performed by or sponsored by the Federal Government, with a view toward reducing the demands on the engineering and scientific manpower pool to the minimum level consistent with the national security.

VI. This policy shall take effect on September 6, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9858; Filed, Sept. 5, 1952; 10:24 a. m.]

[Defense Mobilization Order 6, Amdt. 5]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

ADDITIONAL MEMBERSHIP

1. Defense Mobilization Order No. 6, issued by this Office under date of February 9, 1951, creating Interagency Regional Committees on Defense Mobilization, is hereby revised, under Paragraph 1, to provide for full membership on each regional committee for a representative designated by the Administrator of the Federal Civil Defense Administration.

This order is to take effect on September 6, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9830; Filed, Sept. 4, 1952; 3:34 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 117]

GCPR, SR 117—MILK SOLD TO SCHOOLS IN DETROIT MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 117 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits sellers of milk to schools in the Detroit (Michigan) Milk Marketing Area to use as their ceiling price for such sales $.04625 per half-pint of milk. This will permit the Detroit schools to purchase milk for their school lunch at lower prices.

The Detroit schools normally contract for their fluid milk requirements on a bid basis. Contracts for the supply of milk normally cover the duration of a school year. The lowest bidders thus had very low contract prices as the basis for their GCPR ceiling prices. Many of these sales are made to schools at no profit or only a nominal profit. If these lower bidders are not permitted price increases, the only sellers who will be able to bid for the school business will be those who held contracts at higher prices during the GCPR base period. This means that the normally low bidders will not have an opportunity to supply these school lunch programs. This supplementary regulation brings low-end sellers in line with the prevailing level of ceiling prices for such sales. In any event this supplementary regulation is limited to the Detroit (Michigan) marketing area since that is the only place where this problem is known to have arisen. If this supplementary regulation were made applicable generally in the absence of more information, it is feared that the price of milk supplied to school systems might rise unduly.

The Director of Price Stabilization has consulted with individual members of the Industry affected before issuing this supplementary regulation and has given full consideration to their recommendations. Moreover, the Director has formally consulted with the Fluid Milk Industry Advisory Committee as well as with representatives of trade associations. In the judgment of the Director, the ceiling prices and the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the provisions of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What the supplementary regulation does.
2. Ceiling prices for sales to schools in Detroit milk marketing area.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What the supplementary regulation does.* This supplementary regulation modifies the General Ceiling Price Regulation by allowing sellers of fluid milk to use as their ceiling prices for sales of fluid milk to schools in the Detroit (Michigan) Milk Marketing Area $0.04625 per half-pint.

SEC. 2. *Ceiling prices for sales to schools in Detroit milk marketing area.* Irrespective of any other provisions of the GCPR, you may sell fluid milk to schools in the Detroit (Michigan) Milk Marketing Area, whether the purchaser is a school board, Board of Education, Diocese or otherwise, at $0.04625 per half-pint. You may also continue to sell at your present ceiling price.

All other provisions of the GCPR not in conflict with this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation is effective September 5, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 5, 1952.

[F. R. Doc. 52-9863; Filed, Sept. 5, 1952; 1:00 p. m.]

[General Overriding Regulation 2, Revision 1, Amdt. 2]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

CEILING PRICES FOR SALES F. O. B. ANY DESTINATION WITHIN A ZONE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to General Overriding Regulation 2, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 2, Revision 1, covers all matters of a special and overriding nature applying to sales to the United States, its agents and suppliers.

The General Services Administration has recently solicited bids for furniture and drafting and office supplies in which the unit price quoted shall be f. o. b. any destination within a specified zone. It intends to continue to solicit bids on this basis. Many potential bidders have not sold on this basis in the past. Under many of our regulations establishment of uniform prices f. o. b. any destination within a zone would be time-consuming or otherwise unsatisfactory. Consequently, it has been decided to amend General Overriding Regulation 2, Revision 1, so as to provide a uniform and simple method by which persons making sales to the United States may establish such prices.

This amendment provides that prospective sellers may determine their ceiling prices f. o. b. any destination within a zone by adding to f. o. b. factory (or other shipping point) ceiling prices the average freight from the shipping point into the zone at the lowest available common carrier rates. Substantially sim-

ilar provisions are contained in this amendment for determining ceiling prices f. o. b. any destination within a zone on the basis of previously established "delivered" or "f. o. b. destination" ceiling prices.

Although the use of an average freight in computing ceiling price will, in some instances, increase the total price to be paid by the government as compared with the cost which it would incur by buying f. o. b. factory and paying the actual freight, there will be other instances in which a decrease will result. In view of the great number and variety of Government orders, the increases and decreases of cost will probably reach a balance.

As to the computation of the average freight from shipping point into the zone of destination, this Amendment provides that the appropriate agency of the United States, with the approval of the Office of Price Stabilization, may designate the freight center of each zone so that the freight at the lowest available current common carrier rate from the shipping point to that freight center may serve as average freight. It is expected that the General Services Administration will designate such freight centers whenever the probable places of destination and magnitude of the orders are known beforehand. As in many instances the Government will not be in a position to designate a freight center, this amendment provides for a secondary method for determining the average freight. The second method provides simply for adding the freight to the place within the zone to which the freight for a particular bidder is the lowest to the freight to the place where it is the highest, and dividing the result by two.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and with representatives of the General Services Administration to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 2, Revision 1, is amended by adding a new section 43 at the end of Article IV to read as follows:

SEC. 43. *Sales f. o. b. any destination within a zone*— (a) *General.* You may sell to the United States or any agency thereof f. o. b. any destination within a zone even though you have not customarily sold on such basis. The term "f. o. b. any destination within a zone" means that delivery shall be made at any destination designated by the purchaser within a specified, integrated geographical area, on board conveyance of carrier, free of expense to the purchaser. However, the purchaser may require delivery by the seller to premises designated by the purchaser in two situations. First, if transportation is by the seller's vehicle and, second, if, and to the extent that, the applicable tariff for the principal transportation service used by the seller includes such delivery.

(b) *How you determine your ceiling price f. o. b. any destination within a zone.* (1) You determine your ceiling price f. o. b. any destination within a zone for any commodity for which you have a ceiling price f. o. b. a shipping point by adding to the latter your average freight into the zone. Subparagraph (4), below, tells you how to find your average freight. Your f. o. b. shipping point may be your factory, your warehouse, or any other customary point of origin.

(2) You determine your ceiling price f. o. b. any destination within a zone for any commodity for which you have a delivered (or f. o. b. destination) ceiling price and which you ship from your customary point of delivery (or destination) into the zone within which you are now establishing a uniform ceiling price f. o. b. any destination by adding to the delivered (or f. o. b. destination) ceiling price your average freight into the zone. You follow the directions contained in subparagraph (4) in order to find your average freight. In following these directions take as your "shipping point" your customary point of delivery (or point of destination). If your delivered (or f. o. b. destination) ceiling price is a uniform price within a zone or area use as your "shipping point" the railroad station in such zone or area from which the freight into the zone within which you are establishing a uniform price f. o. b. any destination is the lowest.

(3) You determine your ceiling price f. o. b. any destination within a zone for any commodity as to which you have a delivered (or f. o. b. destination) ceiling price and which you ship from your plant into the zone within which you are now establishing a uniform ceiling price f. o. b. any destination as follows: First, deduct from your delivered (or f. o. b. point of destination) ceiling price the freight for transporting the commodity in carload lots from your plant to the point of delivery (or destination) using the lowest current common carrier rates customarily used by you for the commodity involved. If your delivered (or f. o. b. point of destination) ceiling price has uniformly been established for a zone or area, you use in this computation as point of delivery (or destination) the railroad station within such zone or area to which the freight from your plant is the highest. Second, add to the remainder the average freight into the zone. Subparagraph (4) tells you how to find the average freight.

(4) (i) You determine "average freight" by finding the freight for the commodity from your shipping point to the freight center of the zone. This freight center will be designated by the interested government agency, with the approval of OPS, and you will be advised in writing what the freight center is.

(ii) If no freight center has been designated and communicated to you in writing you find your average freight by taking half the sum of the following: The freight from your shipping point to the railroad station within the zone to which the freight is the lowest plus the freight from your shipping point to the railroad station within the zone to which the freight is the highest.

(iii) If no freight center has been designated and communicated to you in writing and your shipping point is within the zone within which you wish to establish uniform prices f. o. b. any destination, your average freight is half the freight from your shipping point to the railroad station within that zone to which the freight is the highest.

(iv) In computing average freight under this paragraph you must always use the lowest current common carrier rate customarily used by you for the commodity involved. For sales in known quantities you must use the rates applicable to such quantities. For sales of uncertain quantities you may use l. c. l. rates. However, if you do so you must make an allowance reflecting the difference between l. c. l. rates and carload rates on all shipments in carload lots.

(5) If you have ceiling prices for sales of the same commodity f. o. b. various points (for instance f. o. b. plant, f. o. b. warehouse, Chicago, Ill. and f. o. b. warehouse, Los Angeles, Calif.; or f. o. b. factory, Raleigh, N. C., and delivered, Denver, Colo.) your ceiling price f. o. b. any destination within a zone must be based on your established ceiling price which yields the lowest ceiling price f. o. b. any destination within a zone.

(c) *Records.* In addition to all records required by other applicable Office of Price Stabilization regulations, you shall keep, for a period of two years from the date when you first used these ceiling prices in a bid or an offer to sell or a sale, for inspection by the Director of Price Stabilization, the worksheets showing how you computed your ceiling prices f. o. b. any destination within a zone.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to General Overriding Regulation 2, Revision 1 is effective September 5, 1952.

NOTE: The record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

SEPTEMBER 5, 1952.

[F. R. Doc. 52-9862; Filed, Sept. 5, 1952; 10:59 a. m.]

[General Overriding Regulation 14, Interpretation 2]

GOR 14—EXCEPTED SERVICES

INT. 2—NECESSARY OPERATIONS IN CONNECTION WITH DRILLING OF OIL AND GAS WELLS (SECTION 3 (a) (18))

There has been some confusion as to the scope of GOR 14, section 3 (a) (18). Various interpretations have been placed on what constitutes the necessary operations in connection with the drilling of oil and gas wells. The interpretations placed on this section have varied because of the different operations considered necessary in different areas of the country. This Office has consulted with a number of industry representatives and endeavored to ascertain what industry generally regards as necessary operations in connection with the drilling of oil and gas wells. All charges for the necessary operations in connection with the drilling of oil and gas wells, whether performed by the operator or the subcontractor for him, are excepted from price controls.

It is the interpretation of this Office that the following listed examples of operations shall constitute necessary operations in connection with the drilling of oil and gas wells. This interpretation does not limit the necessary operations to this list only.

Section 3 (a) (18) of GOR 14 is interpreted to mean that in addition to electrical logging services, preparation of locations, shot hole and diamond core drilling, fishing jobs, pulling, salvaging, and plugging operations, the following are examples of services which shall be considered excepted from price control whether performed by the operator or a subcontractor for him:

Surveying lease and making location.

Moving in derrick materials by trucking contractor.

Erection of derrick by rig building contractor.

Moving in small machines, usually cable tools to drill water well, providing water line is not laid to nearby water course or pond by a water well contractor.

Moving in drilling rig, equipment, or supplies to and from location.

Fuel for the operation of the rig and other equipment at the well location.

Moving in conductor and surface pipe by miscellaneous contractors.

Furnishing of cement and performing cementing services for conductor and/or surface casing.

Engineering services for the purpose of developing deviation from vertical in the drilling of hole.

Testing operations rendered by contractor involving the furnishing of instruments and necessary tools for performing a drillstem test.

Perforating gun, jet, or knife and equipment for the purpose of perforating pipe into producing formation.

Furnishing equipment, men and materials to transport acid to well and pump into well bore, usually under pressure, to increase or induce production, remove mud or precipitates from face of formation.

Water Operation. In this type operation, following the surveying and staking of location, it is customary in marsh land drilling to have a contractor dig a canal from a main water course to location preparatory to moving in barge on which is mounted a drilling rig. In moving rotary rig to location, it is necessary to employ contractor for towing barge. In water operations, an operator usually contracts with owner of boats for use by drilling contractor to move materials and crews to and from location. After barge is floated over location, sea cocks are opened and the barge settles to bottom; at which time drilling operations are ready to commence. Subsequent operations are more or less similar to Land Operations in all of the various services needed.

Preparing location, including operations such as grading; excavating; constructing roads, canals, piers and platforms; and erecting shelters.

Installing equipment, including any means of transporting, assembling, erecting, and testing.

Making, conditioning and completing hole, including drilling and control thereof, coring, reaming, straightening or deflecting, repairing defects, together with all surveying, fishing, casing, cementing, perforating, and treating operations that may be required.

Plugging and grouting, including the setting of bottom hole or bridge plugs and injecting cement, plastic or other material into the formation selectively or otherwise.

Completing for utilization, including installation of tubing, packers, valves and other service connections above or below the surface such as flow lines, oil and gas separators, treating equipment and tanks; and also all testing and repairing.

Repairing or redrilling, including deepening, plugging back, squeezing, side tracking, cleaning out, reaming, treating (shooting, acidizing, hydrafracing, etc.), pulling and running casing and tubing, and testing.

Core drillings; strata testing; well logging; well shooting; cementing; pressure fracturing; sand acidizing; repressuring or flooding.

Shooting.

Rig removal.

Pulling casing and tubing on abandonment. Dry holes—casings are pulled and well plugged; Old abandoned wells—casings and tubings are pulled and well is plugged.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

SEPTEMBER 5, 1952.

[F. R. Doc. 52-9864; Filed, Sept. 5, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Direction 5 of September 5, 1952]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 5—RULES FOR ACQUIRING CARBON CONVERSION STEEL BY PETROLEUM AND GAS OPERATORS IN THE UNITED STATES AND CANADA

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.

1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. *Applicability of other orders.* No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. *Carbon conversion steel for construction operations.* (a) Any operator who has received authorization from the Petroleum Administration for Defense to commence construction of a petroleum or gas project on Form PAD–26 together with a related allotment of carbon steel for the third calendar quarter of 1952, the fourth calendar quarter of 1952, or the first calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters for each such approved project up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project, as provided in paragraph (a) of this section without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, a domestic operator shall make application to the Petroleum Administration for Defense, Washington 25, D. C., and a Canadian operator shall make application to the Petroleum Division, Department of Defence Production, Toronto, Canada. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. *Orders for carbon conversion steel.* Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel

from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 5 to NPA Order M–46

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect September 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–9865; Filed, Sept. 5, 1952; 11:06 a. m.]

[NPA Order M–46A, Direction 3 of September 5, 1952]

M–46A—PRIORITIES ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 3—RULES FOR ACQUIRING CARBON CONVERSION STEEL BY PETROLEUM AND GAS OPERATORS FOR FOREIGN OPERATIONS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. *Applicability of other orders.* No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. *Carbon conversion steel for construction operations.* (a) Any operator who has received an allotment of carbon steel for a construction project on Form PAD–26A for the third calendar quarter of 1952, the fourth calendar quarter of 1952, or the first calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters, for each such project, up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project as provided in paragraph (a) of this section without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, an operator shall make application by filing an original and three copies with the Office of International Trade. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. *Orders for carbon conversion steel.* Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 3 to NPA Order M–46A

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect September 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–9866; Filed, Sept. 5, 1952; 11:07 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 74 to Schedule A]

[Rent Regulation 2, Amdt. 72 to Schedule A]

RR1—HOUSING

RR2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS, INDIANA, MICHIGAN AND PENNSYLVANIA

Effective September 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except (i) the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, (ii) the Town of Cicero, (iii) the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Evergreen Park, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Morton Grove, Mt. Prospect, Northfield, North Riverside, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and (iv) those portions of the Villages of Barrington, Hinsdale and Steger located in said Cook County; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of Carpentersville, East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield, Grayslake and Lake Bluff, and that portion of the Village of Barrington located therein.

This decontrols the Village of Lake Bluff in Lake County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 88b, is amended to describe the counties in the defense-rental area as follows:

Peoria County, except the Cities of Chillicothe and Peoria, and the Villages of North Chillicothe and Peoria Heights, and all unincorporated localities in said county; Tazewell County, except the Cities of Pekin and Washington, the Village of Morton, and all unincorporated localities.

This decontrols the City of Pekin in Tazewell County, Illinois, a portion of the Peoria, Illinois, Defense-Rental Area.

3. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of Highland and Munster, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

Ditto.

In Lake County, the City of Whiting, the Town of Highland, and the Townships of Hanover and Winfield.

This decontrols the Town of Munster in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

4. Schedule A, Item 152, is amended to describe the counties in the defense-rental area as follows:

Calhoun County, except the City of Battle Creek and the Townships of Battle Creek, Bedford, Emmett and Pennfield.

This decontrols the Township of Pennfield in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan, Defense-Rental Area.

5. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Franklin, Mount Lebanon, Ohio, Penn and Shaler; Armstrong County; Beaver County, except the Borough of Beaver and the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Jefferson, Monongahela, Morgan and Franklin, except the Borough of Waynesburg; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County north and east of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden, Beaver and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

In Beaver County, Brighton Township.

This decontrols the Township of Franklin in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52–9786; Filed, Sept. 5, 1952; 8:57 a. m.]

[Rent Regulation 3, Amdt. 81 to Schedule A]

[Rent Regulation 4, Amdt. 25 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

Effective September 6, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond and Hobart, the Town of Munster, and the Townships of Cedar Creek, Eagle Creek and West Creek.

This decontrols the Town of Munster in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52–9787; Filed, Sept. 5, 1952; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NORTH RIVER, MASS.; STATE OF MASSACHUSETTS HIGHWAY BRIDGE BETWEEN SCITUATE AND MARSHFIELD

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.77 governing the operation of the highway bridge over the North River between Scituate and Marshfield is hereby prescribed as follows:

§ 203.77 *North River, Mass.; State of Massachusetts highway bridge between Scituate and Marshfield.* (a) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance at the bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw during the period between May 1, and October 31, at least 4-hours advance notice of the time the opening is required shall be given to the authorized representative of or agency controlling the bridge. For the remainder of the year at least 24-hours advance notice for a desired opening shall be given. For this purpose the owner of the bridge shall provide arrangements whereby the draw tenders can be readily reached by telephone or otherwise at any time of the day or night.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both sides of the bridge, in a position where it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) Automobiles, trucks, vehicles, vessels, or other watercraft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw. All passage over the draw or through the draw opening shall be in a manner to expedite both land and water traffic.

(f) The operating machinery of the draw shall be maintained in serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

[Regs., Aug. 19, 1952, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–9780; Filed, Sept. 5, 1952; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 34—SOUTHEASTERN REGION

SUBPART—KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE, KENTUCKY

HUNTING PERMITTED

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the population of white-tailed deer and rabbits is sufficient that a periodic removal is possible and can best be accomplished by public hunting.

Inasmuch as the following regulation is a relaxation of existing regulations applicable to the Kentucky Woodlands National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effectively immediately upon publication of this document in the FEDERAL REGISTER, § 34.60 *Hunting permitted,* is revised to read as follows:

§ 34.60 *Hunting permitted.* Until further notice, raccoons and opossums may be taken on that part of the Kentucky Woodlands National Wildlife Refuge, Kentucky, lying west of the dividing Ridge Road north of U. S. Highway No. 68 and south of the Moss Creek Ferry Road, and until further notice, fallow deer of either sex, white-tailed deer, rabbits, red and gray foxes, bobcats, woodchucks, squirrels, opossums, skunks, crows, and carp may be taken by means of bow and arrow within the fallow deer range on the Kentucky Woodlands National Wildlife Refuge, as determined annually by the officer in charge of the Refuge and designated by posting. All such hunting shall be in accordance with the State laws and regulations, at such times, and under such special regulations and conditions as may be prescribed by the officer in charge of the Refuge, copies of which shall be posted at Refuge headquarters. All hunting shall also be in accordance with the provisions of §§ 34.58, 34.59, and 34.61.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 29, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9717; Filed, Sept. 5, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 424]

EXTENSIONS OF TIME FOR PAYMENT OF TAXES BY CORPORATIONS EXPECTING CARRY-BACKS AND TENTATIVE CARRY-BACK ADJUSTMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform the regulations prescribed by Treasury Decision 5498, approved February 27, 1946 (26 CFR Part 474), to sections 3779 and 3780 (a) of the Internal Revenue Code, as amended by section 304 (a), (b), and (g) of the Excess Profits Tax Act of 1950, approved January 3, 1951, such Treasury decision is amended as follows:

PARAGRAPH 1. The paragraph which reads "Pursuant to the above-quoted provisions of the Tax Adjustment Act of 1945, the following regulations are hereby prescribed:", which paragraph immediately precedes § 474.0, is stricken and there is inserted in lieu thereof the following:

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1950).

(a) Section 3779 of the Internal Revenue Code (relating to extensions of time for payment of taxes by corporations expecting carry-backs) is hereby amended by striking "710 (c) (3)" where it appears in subsection (b) and inserting in lieu thereof "432 (c)", and by striking the words "four equal" where they appear in subsections (c), (g) and (i).

(b) Section 3780 (a) of such code (relating to tentative carry-back adjustments) is hereby amended by striking "710 (c) (3)" and inserting in lieu thereof "432 (c)".

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

Pursuant to the above-quoted provisions of law, the following regulations are hereby prescribed:

PAR. 2. Section 474.2 is amended by inserting "711 (a) (2) (L), and 433 (a) (1) (J)" in lieu of "and 711 (a) (2) (L)" in the last sentence of paragraph (c) thereof, so that such sentence will read as follows: "In determining the net operating loss deduction, the adjustments required by sections 122 (c), 711 (a) (1) (J), 711 (a) (2) (L), and 433 (a) (1) (J) are likewise to be made."

PAR. 3. Section 474.4 is amended by striking "four equal installments." from the end of the first sentence thereof and inserting in lieu thereof "installments as provided in section 56 (b).", so that such sentence will read as follows: "If an extension of time relates to only part of the tax, the time for payment of the remainder of the tax shall be considered to be the dates on which payments would have been required if such remainder had been the tax and the taxpayer had elected to pay the tax in installments as provided in section 56 (b)."

PAR. 4. Section 474.8 is amended by striking from the second sentence thereof the words "four equal", so that such sentence will read as follows: "The time for payment of such amount shall be the dates on which payments would have been required if there had been no extension with respect to such amount and the taxpayer had elected under section 56 (b) to pay the tax in installments."

PAR. 5. Section 474.9 is amended by striking the words "four equal" from the second sentence thereof, so that the part of such sentence which precedes paragraph (a) thereof will read as follows: "The interest, which is to be collected as part of such amount, is to be computed from the dates on which payments would have been required if there had been no extension, and the taxpayer had elected under section 56 (b) to pay the tax in installments, at the following rates:"

PAR. 6. Section 474.11 is amended by inserting "711 (a) (2) (L), and 433 (a) (1) (J)" in lieu of "and 711 (a) (2) (L)" in the last sentence of paragraph (b) thereof, so that such sentence will read as follows: "In computing the net operating loss deduction for purposes of determining any such increase or decrease, proper adjustments as required by sections 122 (c), 711 (a) (1) (J), 711 (a) (2) (L), and 433 (a) (1) (J) are to be made."

[F. R. Doc. 52-9784; Filed, Sept. 5, 1952; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 723, 727]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO; MARYLAND TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR 1953-54 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for cigar-filler tobacco, cigar-filler and binder tobacco, and Maryland tobacco, for the 1953-54 marketing year, determine the amount of the national marketing quota for each kind of tobacco, apportion the national marketing quotas among the several States, and convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary of Agriculture shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority the Secretary has determined (15 F. R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purpose of marketing quotas and price supports on the 1951 and subsequent crops of such tobacco.

The act (7 U. S. C. 1313 (l)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

National marketing quotas were proclaimed for the 1952-53 marketing year as follows:

Kind of tobacco:
Cigar-filler; 16 F. R. 11474.
Cigar-filler and binder; 16 F. R. 11474.
Maryland; 16 F. R. 11537.

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1953-54 national marketing quota may, not later than March 1, 1953, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet marketing demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (b)) requires that within 30 days after a national marketing quota is proclaimed for the 1953-54 marketing year for cigar-filler tobacco, cigar-filler and binder tobacco, or Maryland tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1952 crop of each of such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1953-54 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period. A separate referendum will be held for each of such kinds of tobacco and the results of any referendum will not affect the results of any other referendum.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several states on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such 5-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the 5 years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 3d day of September 1952.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 52-9789; Filed, Sept. 5, 1952; 8:58 a. m.]

[7 CFR Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of

Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington (7 CFR Part 997), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after date of publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

Upon the basis of estimates submitted by the Filbert Control Board, the administrative agency operating under the aforesaid agreement and order, and other information available to the Department, it is proposed that the salable percentage of merchantable in-shell filberts for the fiscal year beginning August 1, 1952, be fixed at 66 percent and the surplus percentage at 34 percent.

Following is a summary of the supply and demand situation for merchantable in-shell filberts for the fiscal year beginning August 1, 1952, which is based in part on estimates submitted by the Filbert Control Board, and in part on other information available to the Department: (1) Merchantable production from the 1952 crop, 17,167,000 pounds; (2) trade demand, 11,000,000 pounds; (3) handler carryover, August 1, 1952 (all certified for shipment), 794,000 pounds; (4) trade demand to be supplied from the 1952 crop (item 2–item 3), 10,206,000 pounds; (5) salable quantity computed at 66 percent of item 1, 11,330,000 pounds; (6) handler carryover as of August 1, 1953 (item 5–item 4), 1,124,000 pounds.

On the basis of the aforesaid proposed salable and surplus percentages, the withholding percentage, which is the ratio of the surplus percentage to the salable percentage, would be 52 percent, when adjusted to the nearest whole number.

The proposed rule is as follows:

§ 997.202 *Salable, surplus, and withholding percentages for merchantable in-shell filberts.* For the fiscal year beginning August 1, 1952, the salable percentage of merchantable in-shell filberts shall be 66 percent, the surplus percentage shall be 34 percent, and the withholding percentage shall be 52 percent.

Issued at Washington, D. C., this 3d day of September 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52–9788; Filed, Sept. 5, 1952; 8:57 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN THE CIGAR INDUSTRY IN THE UNITED STATES

NOTICE OF PROPOSED AMENDMENT

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) the Administrator has heretofore issued regulations (§§ 522.201 through 522.211) providing for the employment of learners in the cigar industry in the continental United States at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary to amend the learner regulations for this industry by increasing the minimum learner wage rates as proposed below.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend § 522.204 (a) of this part to read as follows:

§ 522.204 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 65 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 65 cents per hour for the first 480 hours and 70 cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 65 cents per hour for the first 320 hours and 70 cents per hour for the second 320 hours in the occupation of making Italian stogies; and not less than 65 cents per hour in the occupations of hand stripping and machine stripping.

Prior to final adoption of the proposed amendment, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 2d day of September 1952.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52–9760; Filed, Sept. 5, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 5]

CHIEF OF CONCESSIONS MANAGEMENT, REGIONAL DIRECTORS, AND SUPERINTENDENTS

DELEGATION OF AUTHORITY WITH RESPECT TO APPROVAL OF CONCESSIONERS' RATES, STOCK TRANSFERS, ETC.

Subject to the limitations and conditions contained in section 16 of Order No. 2640 (16 F. R. 5846):

(a) The Chief of Concessions Management is authorized:

1. To approve all transfers of corporate stock in corporations operating under concession contract with the Department of the Interior.

2. To approve the amount of performance bonds of concessioners required under contracts with the Department of the Interior.

3. To approve all subconcession agreements made by concessioners operating under contracts with the Department of the Interior.

(b) The Regional Directors are authorized:

1. To execute concession contracts involving terms not longer than five years.

2. To issue authorizations to concessioners to sell intoxicating beverages.

(c) The Superintendents are authorized:

1. To approve the opening and closing dates for concession operations, notwithstanding tentative dates which may be indicated in rate schedules.

(Secretary's Order No. 2640, 30 Stat. 535; 16 U. S. C., 1946 ed., sec. 2)

Issued this 2d day of September 1952.

CONRAD L. WIRTH,
Director.

Approved: September 2, 1952.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

[F. R. Doc. 52–9758; Filed, Sept. 5, 1952; 8:52 a. m.]

Office of the Secretary

[Order 2702]

ASSISTANT SECRETARY FOR PUBLIC LAND MANAGEMENT

DELEGATION OF AUTHORITY WITH RESPECT TO SECRETARIAL FUNCTIONS RELATING TO PUBLIC LAND MANAGEMENT

SECTION 1. Effective at once Joel D. Wolfsohn is designated Assistant Secretary for Public Land Management and is authorized to discharge the duties and perform the functions assigned to this position, including the exercise of Secretarial direction and supervision of the following bureaus:

Bureau of Land Management;
Fish and Wildlife Service;
National Park Service;
Bureau of Indian Affairs; and
Office of Territories.

SEC. 2. Order No. 2690 (17 F. R. 4957) is hereby revoked.

(Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 29, 1952.

[F. R. Doc. 52–9759; Filed, Sept. 5, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4083 et al.]

CENTRAL AIRLINES, INC.; RENEWAL PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the application for renewal of the temporary certificate of public convenience and necessity for route No. 81, held by Central Airlines, Inc., and other applications for authority to provide air transportation in Oklahoma, Texas, Arkansas, Kansas, Tennessee, and Louisiana.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 30, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 2, 1952.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52–9791; Filed, Sept. 5, 1952; 8:58 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCE DURING FISCAL YEAR ENDED JUNE 30, 1952

Subchapter E of Chapter 2 of the Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 722 (g) the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by The Tax Court of the United States have been made in fifty-four docketed cases. These are included in the list with appropriate notations. There are included as a supplement to this list eight cases in which relief was allowed by the Commissioner during the fiscal year ended June 30, 1951. These cases were not included in the list of allowances made during the fiscal year 1951 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain of the items, as displayed in their respective column headings of the list, and the data evolved, follows:

Business in which engaged, column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the amount of excess profits credit claimed by taxpayer, column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, column 6. The increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, column 7; gross increase in the income tax, column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten percent credit under section 784, and the adjustment under section 734. The gross income tax is the tax due prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent taxable years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variation of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount by which 80 percent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal years ended	Volume	Number	Date
June 30, 1942	9	184	Sept. 28, 1944
June 30, 1943	9	184	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952.

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama							
Associated Cooperatives, Inc., 312 Montgomery Ave., Sheffield.	Cooperative	7-29-1943 to 6-30-1944	$907.72	$44,329.46	$22,842.28	$19,497.05	$6,807.91
		6-30-1945	4,068.62	41,168.56	19,681.38	18,697.31	7,680.04
		6-30-1946	5,705.14	39,532.04	18,044.86	8,641.75	4,031.42
Leedy-Glover General Agency, Inc., 112 North 21st St., Birmingham.	General insurance agents	12-31-1941	9,467.54	28,959.01	8,478.03	3,391.21	1,490.78
		12-31-1942	9,467.54	28,959.01	8,478.03	7,630.82	2,347.99
Mobile River Saw Mill Co., Mount Vernon.	Hardwood lumber	12-31-1943	35,673.39	15,749.87	24,488.35	26,704.68	13,802.95
		12-31-1942	36,929.13	14,494.13	23,232.61	50,654.05	22,679.56
		12-31-1943	37,802.18	13,621.08	22,369.56	6,091.18	785.00
Selma Motor Co., Alabama Ave. and Church St., Selma.	Retail automobile sales and service.	12-31-1943	3,042.83	13,546.08	1,897.17	2,616.57	807.16
		[1] 12-31-1943	2,242.72	14,346.19	2,697.28	2,690.55	682.57
		[2] 12-31-1944	2,535.44	14,053.47	2,404.56	2,286.04	649.72
		[2] 12-31-1945	2,645.94	13,942.97	2,294.06		None
Arizona						4,989.05	13,907.40
Agricultural Products Co., 4701 Washington St., Phoenix.	Cotton seed oil mill and farming	7-31-1941	51,540.62	40,118.33	10,209.38	42,157.94	27,898.25
		7-31-1942	59,313.54	123,282.45	42,336.46	62,771.05	3,085.90
		7-31-1943	59,843.23	122,752.76	8,618.29	10,286.33	
Arizona Brewing Co., Inc., 1153 East Madison St., Phoenix.	Brewery	8-29-1942 to 7-31-1943	6,380.31	185,994.69	15,226.39	15,525.41	6,404.46
		7-31-1944	6,458.31	185,916.69	5,734.32	1,433.68	None
Fisher Contracting Co., Post Office Box 4035, Phoenix.	Construction contracting and sand and gravel excavating.	4-30-1941	3,670.68	48,800.67	4,890.95	2,370.23	734.77
		4-30-1942	6,709.05	44,527.69	2,112.62	2,140.42	1,174.22
		4-30-1943	9,287.38	42,884.98			
Arkansas							
The M. M. Cohn Co., 506 Main St., Little Rock.	Retail department store	1-31-1943	52,700.88	47,544.11	27,049.12	33,584.02	14,926.23
		1-31-1944	54,564.13	108,009.49	26,185.87	23,659.27	11,240.89
Macmillan Petroleum Corp., 530 West 6th St., Los Angeles, Calif.	Petroleum producing, refining and marketing.	12-31-1942	246,473.65	279,446.26	36,779.29	33,101.36	14,711.72
		12-31-1943	237,941.33	285,877.99	43,211.02	38,889.92	17,284.41
Southwest Hotels, Inc. (formerly: Lamark Co.), c/o Marion Hotel, Little Rock.	Hotels	12-31-1941	92,391.00	69,784.37	8,127.53	3,428.49	1,062.82
		12-31-1942	94,240.48	67,934.89	6,278.35	5,650.51	2,511.35
		12-31-1943	94,240.48	72,778.35	6,278.35	5,650.52	2,511.34
		12-31-1944	94,240.48	72,778.39	6,278.38	5,964.46	2,511.43
Southwest Hotels, Inc., c/o Hotel Marion, Little Rock.	do	12-31-1945	94,240.45	72,778.39	6,278.38	5,964.46	2,511.35
First District of California							
Acme Breweries, 762 Fulton St., San Francisco.	Brewers; manufacturers of yeast and malt syrup.	12-31-1942	641,101.37	2,187,791.02	22,948.63	20,652.76	9,179.45
		12-31-1943	641,101.37	2,056,268.46	22,948.63	20,652.77	9,179.45
		12-31-1944	641,101.37	2,056,268.46	22,948.63	9,179.45	9,179.45
		12-31-1945	641,101.37	2,056,268.46	22,948.63	21,801.20	9,179.46
Carmel Canning Co., 230 California St., San Francisco.	Fish packer	4-30-1941	38,438.03	17,661.97	1,196.48	None	750.03
		4-30-1942	38,911.10	17,188.90	4,838.90	2,419.45	2,319.32
		4-30-1943	38,855.78	17,244.22	4,894.22	4,404.80	3,252.78
		4-30-1944	38,855.78	17,244.22	4,894.22	6,530.83	1,978.06
		4-30-1945	20,017.80	16,082.20	3,732.20	3,545.59	2,044.56
Clorox Chemical Co., 850 42d Ave., Oakland.	Manufacturing	6-30-1942	811,651.46	651,536.71	97,886.77	93,092.13	39,154.72
		6-30-1943	811,651.46	651,536.71	97,886.77	88,088.99	2,542.21
		6-30-1944	811,651.46	651,536.71	97,886.77	6,091.18	39,154.72
		6-30-1945	811,651.46	651,536.71	97,886.77	92,992.43	42,150.53
		6-30-1946	811,651.46	651,536.71	97,886.77	42,150.53	19,738.27
Consolidated Chemical Industries, Inc., Suite 2100, 111 Sutter St., San Francisco.	Manufacture of chemicals, glue, fertilizer and byproducts.	12-31-1940	811,893.35	445,120.23	45,721.76	18,288.70	None
		12-31-1941	669,672.18	770,128.25	106,219.86	63,781.92	19,756.89
		12-31-1942	641,882.89	751,038.52	37,500.08	33,881.08	15,036.04
		12-31-1943	641,882.89	751,038.52	37,500.08	35,881.07	15,036.03
		12-31-1944	645,626.70	747,294.71	33,846.27	32,153.96	13,538.51
		12-31-1945	645,626.70	747,294.71	33,846.27	32,153.96	13,538.51
Custom House Packing Corp. (dissolved), c/o Walter Slack, 2 Pine St., San Francisco.	Packing and canning sardines, rendering fish oil and meal.	3-31-1942	18,292.24	53,818.46	4,632.21	6,290.52	1,950.07
		3-31-1943	15,486.68	56,624.02	11,659.57	11,488.47	5,611.28
Getz Bros. & Co., 231 Sansome St., San Francisco.	Importers and exporters	12-31-1940	23,339.92	53,109.23	30.08	1,781.36	None
		12-31-1941	26,112.48	50,666.30	887.52	13,746.32	5,663.53
Golden Empire Broadcasting Co., Post Office Box 717, Merced.	Radio broadcasting	12-31-1945	4,084.27	33,785.48	1,615.73	2,564.20	928.76
		12-31-1944					None
The Grange Co., P. O. Box 860, Modesto.	Hay, grain and feed dealers	5-31-1943	55,467.50	422,586.54	25,282.50	19,416.19	8,673.86
		5-31-1944	63,644.40	414,409.64	17,105.60	37,757.76	16,402.78
		5-31-1945	68,388.90	413,276.67	15,972.63	21,889.83	9,216.76
		5-31-1946	98,943.60	389,730.89	None	4,166.46	1,754.22
E. Clemens Horst Co., 235 Pine St., San Francisco.	Growers in hops, barley, fruit, etc	6-30-1942	151,901.95	73,504.96	26,712.30	13,622.01	4,222.82
		6-30-1943	165,679.24	59,727.61	12,935.01	14,043.44	6,241.53
		6-30-1944	172,495.23	52,911.68	6,119.02	6,485.27	2,675.10
Hovden Food Products Corp., P. O. Box 391, Monterey.	Fish canning and reduction	12-31-1941	37,419.65	95,586.35	None	1,003.57	311.11
		12-31-1942	32,741.84	130,255.16	None	2,805.70	1,416.69
Hydraulic Dredging Co., Ltd., Central Bank Bldg., Oakland.	Construction	12-31-1942	48,215.63	73,450.58	None	1,137.18	503.41
Lane Publishing Co., 576 Sacramento St., San Francisco 11.	Publishing periodical	11-30-1943	24,459.35	260,540.65	15,440.65	35,204.88	15,885.91
		11-30-1944	20,809.91	264,190.09	17,715.40	11,355.95	9,389.17
		11-30-1945	19,150.73	265,849.27	18,049.27	17,146.81	9,596.11
		11-30-1946	11,090.89	273,909.11	25,727.22	1,078.40	1,078.39
Leo J. Moyberg Co., 33 Gough St., San Francisco.	Wholesale distributors of radio and electrical equipment.	3-31-1941	135,363.60	196,766.85	6,080.62	2,128.22	None
		3-31-1942	164,083.30	238,698.37	17,941.46	8,970.73	2,780.93
		3-31-1943	165,644.76	237,136.91	16,380.00	14,742.00	6,552.00
		3-31-1944	165,644.76	237,136.91	16,380.00	14,945.64	6,552.00
		3-31-1945	165,644.76	237,136.91	16,380.00	15,561.00	6,552.00
		3-31-1946	165,644.76	237,136.91	16,380.00	11,725.60	4,906.43
Niagara Duplicator Co., c/o G. W. Brainard, secretary, Board of Trade of San Francisco, assignee and transferee, 444 Market St., San Francisco.	Manufacturer and wholesaler	5-31-1943	6,696.11	713.89	713.89	2,089.06	626.72
Orowheat Baking Co. of San Francisco, 1800 Bryant St., San Francisco.	Wholesale bakery	11-30-1942	5,100.14	10,447.69	1,652.46	959.33	264.28
		11-30-1943	5,664.89	9,105.55	1,087.71	978.94	283.68
		11-30-1944	6,418.37	8,352.07	334.23	316.10	90.22
San Carlos Canning Co., Spence and Ware Sts., Monterey.	Canning and fish reduction	6-30-1944	99,375.51	79,723.38	27,412.49	25,086.46	10,849.80
		6-30-1945	101,087.91	75,011.04	22,412.09	21,291.49	8,964.84

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
First District of California—Continued							
Stuart Oxygen Co., 351 California St., San Francisco 4	Gas manufacturing and equipment jobbers.	12-31-1941	$115,210.11	$234,311.99	$26,915.27	$10,766.11	$3,337.50
		12-31-1942	115,450.33	234,311.99	26,915.27	24,223.74	10,766.11
		12-31-1943	113,031.92	234,311.99	26,915.27	24,223.75	10,766.11
		12-31-1944	117,102.65	334,062.94	26,915.27	24,459.64	11,304.41
		12-31-1945	117,477.73	334,062.94	26,915.27	25,069.51	11,304.41
Sherwood Swan & Co., Ltd., 10th and Washington Sts., Oakland.	Retail store	[1] 1-31-1943	66,030.94	109,384.04	10,634.95	9,932.01	4,014.23
		1-31-1944	65,626.14	109,788.84	11,039.75	9,977.70	4,415.88
		1-31-1945	66,030.94	109,384.04	10,634.95	9,892.96	4,253.98
		1-31-1946	60,092.36	115,322.62	16,573.53	14,407.62	5,716.75
Thompson & Holmes, Ltd., 650 2d St., San Francisco.	Distributors of household appliances.	12-31-1942	23,814.22	86,678.89	8,485.78	13,852.49	8,157.58
		12-31-1943	20,488.10	90,005.01	11,811.90	10,172.91	5,966.71
Village Winery, Inc., Escalon	Winery	6-30-1943	11,894.06	15,676.66	2,982.36	5,641.04	1,750.99
		6-30-1946	16,132.82	49,769.03	None	1,580.06	495.47
Western Condensing Co., 411 Battery St., San Francisco.	Manufacture of milk products	3-31-1941	213,943.77	384,975.19	40,702.25	2,966.40	None
		3-31-1942	265,602.24	333,086.85	100,543.43	138,813.92	42,877.31
		3-31-1943	282,202.12	366,354.10	223,810.68	283,415.69	125,962.49
		3-31-1944	232,207.17	366,360.29	223,816.87	163,680.90	89,526.73
		3-31-1945	202,183.00	367,185.94	224,642.52	117,369.54	49,418.75
		3-31-1946	325,491.59	366,754.10	224,210.68	160,479.41	67,570.34
Sixth District of California							
Anderson School Equipment Co., 1715 Johnston St., Los Angeles.	Manufacturing office desks	10-31-1942	15,157.22	62,604.08	1,111.46	913.92	234.27
		10-31-1943	15,157.22	62,604.08	1,111.46	1,900.32	589.07
Bireley's, Inc., c/o General Food Corp., 250 Park Ave., New York, N. Y.	Manufacturers fruit juice products.	10-31-1942	80,465.35	103,031.10	30,212.70	18,895.67	7,304.28
		11- 1-1942 to 10-29-1943	90,733.38	98,783.07	25,944.67	9,620.32	5,390.96
California Vegetable Concentrates, Inc., P. O. Box 149, Huntington Park.	Manufacture vegetable concentrates.	12-31-1940	15,963.49	30,876.24	4,396.91	379.56	None
		12-31-1941	18,234.07	28,605.66	12,880.03	5,014.91	1,544.62
		12-31-1942	18,673.91	28,165.82	15,094.79	20,900.11	11,996.03
		12-31-1943	18,673.91	28,165.82	15,094.79	13,585.31	7,681.98
		12-31-1945	18,673.91	28,165.82	15,094.79	13,241.41	7,387.31
Del Mar Turf Club, Del Mar	Race track operator	[1] 9-30-1941	37,193.27	137,076.17	81,556.73	29,486.22	None
		9-30-1945	53,632.84	176,867.16	91,784.21	236,259.76	110,141.09
Gamble-Skogmo, Inc., 15 North 8th St., Minneapolis, Minn. (formerly: Western Auto Supply Co., Los Angeles.)	Retail and wholesale auto supplies	12-31-1940	406,675.02	116,867.05	33,557.83	14,383.98	None
		12-31-1941	430,611.61	173,514.93	122,261.79	73,357.07	22,740.69
		12-31-1942	483,968.28	152,411.13	68,875.12	123,575.22	55,100.10
		12-31-1943	483,968.28	152,411.13	68,875.12	61,987.61	27,550.04
		12-31-1945	465,874.99	170,534.42	86,968.41	82,948.49	34,790.36
Herbert's Laurel-Ventura, Inc., 12080 Ventura Blvd., Los Angeles.	Drive-in retaurant and cocktail lounge.	[1] 12-31-1941	2,675.33	15,679.82	7,659.77	2,673.92	626.87
		[2] 12-31-1942	3,065.54	15,227.98	7,187.93	5,656.22	1,660.87
		[2] 12-31-1943	2,899.24	14,789.56	6,749.51	6,047.56	1,814.28
		12-31-1944	2,199.76	15,289.79	7,220.74	6,848.26	1,952.03
		12-31-1945	2,259.16	15,210.39	7,170.34	6,241.82	1,935.99
Herbert's Sepulveda-Ventura, Inc., 15265 Ventura Blvd., ShermanOaks.	do	[1] 12-31-1942	3,340.40	8,886.38	2,271.25	2,964.12	883.24
		[2] 12-31-1943	3,624.71	8,522.16	1,907.03	1,736.32	514.90
		12-31-1944	3,100.56	8,839.24	2,224.11	2,192.90	600.50
		12-31-1945	3,975.88	7,439.15	844.02	801.82	227.88
Howard Supply Co., 5125 South Santa Fe Ave., Los Angeles.	Distribution of oil well supplies	12-31-1941	39,390.00	164,066.59	1,785.90	1,785.90	1,140.49
		12-31-1942	46,059.62	157,366.97	47,548.63	49,189.39	22,625.57
		12-31-1943	47,918.21	155,508.38	45,690.04	46,968.54	21,317.12
		12-31-1944	51,448.62	151,976.97	42,158.63	27,592.63	19,289.06
		12-31-1945	55,797.65	147,628.94	37,810.60	40,693.82	17,134.24
Kelite Products, Inc., 1250 North Main St., Los Angeles.	Manufacturers of industrial chemical compounds for metal processing, industrial cleaning, public health and sanitation.	1-31-1941	3,669.95	63,469.67	9,881.38	887.40	None
		1-31-1942	5,039.14	62,595.78	14,245.01	6,196.75	2,700.16
		1-31-1943	6,771.92	61,330.17	14,313.76	8,753.47	4,351.28
Kandall Foods, Inc., 2010 West 62d St., Los Angeles.	Manufacture dry dog food	9-30-1943	4,381.51	10,376.28	47.69	995.38	298.61
Lane-Wells Co., 5610 South Soto St., Los Angeles.	Oil field service and equipment	12-31-1940	450,295.65	124,297.08	20,630.75	8,232.30	None
		12-31-1941	557,209.12	73,170.94	44,188.38	25,227.63	7,820.56
		12-31-1942	587,000.72	13,587.74	14,390.78	12,957.10	5,758.61
		12-31-1943	587,000.72	308,168.09	14,396.78	12,957.10	5,758.71
		12-31-1944	587,000.72	308,168.09	14,396.78	12,883.13	5,758.71
		12-31-1945	587,000.72	308,168.09	14,396.78	13,076.94	6,046.65
Lincoln Engineering Co. of California, 2844 South Grand Ave., Los Angeles.	Distributor of lubrication compound.	12-31-1942	1,478.65	13,246.35	2,321.35	2,126.54	637.95
		12-31-1943	1,885.01	12,839.99	1,914.99	1,723.49	517.05
		12-31-1944	2,659.93	12,065.07	1,140.07	1,093.02	307.82
		12-31-1945	3,644.45	11,080.55	155.55	147.77	41.99
Los Angeles Paper Bag Co., 941 East 3d St., Los Angeles.	Paper bag manufacture	12-31-1942	17,887.18	29,807.82	6,464.35	4,837.48	969.41
McNeil Construction Co., 3860 Avalon Blvd., Los Angeles 3.	Building construction	[2] 12-31-1941	28,455.16	195,938.76	22,620.96	16,746.16	5,191.30
		[2] 12-31-1942	16,695.85	107,698.07	34,380.27	89,738.68	42,934.59
		12-31-1943	72,232.76	48,977.00	None	4,329.99	1,924.44
		12-31-1945	16,344.22	126,583.13	34,731.90	32,995.30	16,968.01
Plumbing & Heating Supply Co., 5725 Alcoa Ave., Los Angeles.	Wholesale plumbing supplies	12-31-1940	3,977.69	45,018.56	2,984.86	796.21	None
		12-31-1941	4,023.34	44,372.91	4,876.66	1,730.90	521.20
		12-31-1942	5,768.44	43,227.81	3,731.56	3,338.40	1,607.52
		12-31-1943	6,426.70	136,073.30	3,073.30	2,765.97	829.79
Redding Record, Inc., 306 Scripps Bldg.,	Newspaper publishing	12-31-1943	1,864.39	21,175.20	10,018.56	6,711.87	2,013.56
		12-31-1944	1,700.61	21,334.98	10,178.34	10,005.35	3,137.90
		12-31-1945	1,787.53	21,248.06	10,091.42	10,798.58	3,103.81
John P. Scripps Newspapers, 306 Scripps Bldg., San Diego.	do	12-31-1943	17,084.42	29,466.10	8,069.05	13,179.27	5,396.29
		12-31-1944	15,980.49	30,580.02	9,182.98	14,490.95	6,852.46
		12-31-1945	10,281.29	30,279.22	8,882.18	14,899.67	6,974.59
Sparkletts Drinking Water Corp., 4500 York Blvd., Los Angeles.	Production of bottled drinking water and nonalcoholic carbonated beverages.	12-31-1943	79,731.15	88,082.43	6,013.07	5,899.85	2,908.81
Stockholders Publishing Co., Inc., 1257 South Los Angeles St., Los Angeles.	Newspaper publishing	12-31-1941	67,543.91	111,862.95	8,574.84	3,999.24	1,239.76
		12-31-1942	65,514.83	113,892.03	10,603.92	66,848.30	29,893.14
		12-31-1944	58,622.41	249,066.94	17,596.34	32,779.93	13,792.39
Temescal Groves, Inc., R. F. D. No. 2, Corona.	Agriculture—citrus	12-31-1942	4,963.29	13,627.21	993.21	1,149.58	343.37
		12-31-1943	4,080.74	14,509.76	1,875.76	2,246.68	686.01
		[1] 1-1-1944 to 4-13-1944	3,652.77	14,937.73	2,303.73	1,908.33	281.32

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended— (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
Sixth District of California—Continued							
Turco Products, Inc., 6135 South Central Ave., Los Angeles.	Manufacturer of cleaning compounds.	[3]12-31-1941	$25,335.20	$150,553.46	$11,206.55	$7,240.78	$2,244.65
Utility Trailer Manufacturing Co., Box 3508, Terminal Annex, Los Angeles.	Trailer manufacturing and electric steel foundry.	[3]12-31-1942	25,335.20	150,553.46	13,117.00	11,805.30	6,952.01
		9-30-1942	31,923.07	38,376.93	10,881.79	9,691.27	4,092.50
		9-30-1943	42,674.50	28,725.92	130.36	11,576.06	6,817.01
Western Insulated Wire, Inc., 2425 East 30th St., Los Angeles.	Manufacturers of insulated wire	9-30-1944	53,349.22	18,060.20	None	5,828.47	2,956.00
		6-30-1942	10,321.35	98,889.12	5,907.50	3,661.96	1,135.21
		6-30-1943	9,323.66	99,886.81	9,676.34	6,725.96	3,103.49
E. K. Wood Lumber & Supply Co., 650 North Harbor Blvd., San Pedro.	Retail lumber	6-30-1944	8,436.76	100,773.71	10,563.24	5,487.22	3,583.83
		11-30-1941	4,749.50	9,163.41	6,474.56	1,618.64	None
		11-30-1942	5,002.26	6,297.74	6,221.80	3,792.73	1,152.27
		11-30-1943	6,493.85	4,716.15	4,730.21	4,257.19	1,277.16
		11-30-1944	6,427.29	24,462.91	4,796.77	4,536.63	1,317.54
		11-30-1945	7,390.35	23,299.85	3,633.71	3,452.02	1,005.58
Colorado							
The Frontier Refining Co., 410 Boston Bldg., Denver.	Petroleum refining marketing and producing.	5-31-1941	16,468.72	81,572.38	17,731.28	4,765.60	None
		5-31-1942	23,415.82	202,562.18	40,084.18	34,184.07	10,507.07
		5-31-1943	27,391.53	224,233.85	36,318.47	64,924.71	33,477.54
Heiland Research Corp., 130 East 5th Ave., Denver.	Manufacturers of scientific and industrial instruments, photographic accessories.	[3]1-31-1945	16,767.34	24,460.54	3,903.30	3,708.13	2,068.75
		[3]1-31-1946	18,872.96	24,460.54	3,903.30	3,393.19	1,893.04
The Midwest Oil Co., First National Bank Bldg., Denver 2.	Oil and gas producing	12-31-1942	552,895.12	109,729.69	32,998.99	25,786.41	11,460.64
		12-31-1943	524,322.60	109,729.68	61,472.51	12,796.66	5,687.41
		12-31-1944	538,734.55	109,729.68	47,060.56	57,535.53	24,225.48
		12-31-1945	517,694.30	109,729.68	68,100.81	66,453.61	27,980.47
Mountain Producers Corp., First National Bank Bldg., Denver.	do	12-31-1943	609,182.36	86,648.13	38,203.13	8,529.97	3,791.09
		12-31-1944	643,396.37	69,347.91	3,959.12	26,300.29	11,073.80
		12-31-1945	594,204.63	92,866.64	53,090.86	50,436.31	21,236.34
Connecticut							
Adley Express Co., Inc., 216 Crown St., New Haven.	Trucking	12-31-1940	43,995.27	41,673.16	2,464.81	739.44	None
		12-31-1941	56,702.64	60,632.73	14,979.02	14,895.59	4,617.64
		12-31-1942	58,054.37	56,784.88	14,979.12	26,963.32	11,983.69
The Allen Manufacturing Co., 133 Sheldon St., Hartford.	Manufacture of screws and plated products.	12-31-1940	109,688.98	64,305.85	32,811.02	13,124.41	None
		12-31-1941	138,846.85	92,305.22	77,839.82	46,703.89	14,478.21
		12-31-1942	151,117.36	84,492.80	22,732.64	20,439.38	9,093.05
The Atwater Manufacturing Co., Plantsville.	Manufacturing drop forgings	1- 1-1941 to 10-31-1941	34,727.75	81,805.90	5,932.25	2,681.36	831.22
		10-31-1942	35,927.90	80,605.75	9,672.10	5,277.56	2,818.39
Broad Brook Co., Broad Brook	Manufacturer of woolen and worsted fabrics.	12-31-1940	148,250.41	109,065.64	50,299.59	20,743.48	None
		12-31-1941	186,938.11	130,774.14	56,211.99	30,916.54	9,584.13
		12-31-1942	217,901.86	99,480.39	24,948.14	22,453.32	9,979.25
		12-31-1943	217,901.86	99,480.39	24,948.14	22,453.32	9,979.25
		12-31-1944	217,901.86	99,480.39	24,948.14	23,700.73	9,979.25
The Coca-Cola Bottling Company of Bridgeport, Inc. c/o Coca-Cola Bottling Co. of New York, Inc., 425 East 34th St., New York, N. Y.	Bottling and sale of bottled Coca-Cola.	12-31-1945	217,901.86	99,480.39	24,948.14	23,700.73	9,979.25
		12-31-1942	34,432.76	57,717.24	1,138.53	1,024.68	603.41
		12-31-1943	34,432.76	1,138.53	1,138.53	1,024.67	603.41
		12-31-1944	34,432.76	1,138.53	1,138.53	1,081.60	603.41
The Cordo Chemical Corp., (formerly: The Corrosion Control Corp.) 34 Smith St., Norwalk.	Manufacturers of coating material	12-31-1942	5,989.30	9,886.68	2,599.63	8,799.64	2,651.18
		12-31-1943	7,778.08	7,537.42	810.85	4,609.41	1,451.84
		12-31-1944	7,928.00	7,387.50	None	2,944.60	836.89
The Goss & DeLeeuw Machine Co., P. O. Box 57, New Britain.	Manufacturers of machinery	12-31-1940	32,179.97	18,183.33	9,117.94	3,647.18	None
		12-31-1941	36,370.05	13,993.25	13,993.25	6,996.63	2,168.95
		12-31-1943	39,951.97	151,953.02	10,408.33	7,748.54	4,714.87
		12-31-1944	44,265.88	6,097.42	6,097.42	5,792.55	2,438.97
The H. B. Ives Co., 5-17 Artizan St., New Haven.	Manufacturing building hardware.	6-30-1941	31,045.32	43,541.32	None	112.90	None
		6-30-1942	33,035.88	44,794.22	3,064.12	1,547.15	479.62
		6-30-1943	34,224.18	46,105.94	1,875.82	2,428.48	1,430.11
		6-30-1945	34,543.35	34,870.19	1,556.65	4,158.06	2,208.89
The Cyril Johnson Woolen Co., 12 Furnace Ave., Stafford Springs.	Manufacturers of woolen suitings and overcoatings.	12-31-1940	116,560.35	87,898.36	3,681.98	1,104.60	None
		12-31-1941	142,319.78	62,138.93	13,960.46	4,886.16	1,514.71
		12-31-1942	142,319.78	62,138.93	13,960.46	12,564.41	5,584.19
		12-31-1943	142,319.78	47,088.37	13,960.46	12,564.42	5,584.20
		12-31-1944	142,319.78	47,088.37	13,960.46	13,262.43	5,584.19
		12-31-1945	142,319.78	47,088.37	13,960.46	13,262.43	5,584.19
Majestic Metals Specialties Inc., Moosup.	Manufacturing metal specialties	12-31-1941	14,664.61	62,674.47	20,511.97	21,431.48	6,701.85
		12-31-1942	19,698.48	55,231.52	17,231.52	17,624.50	9,742.21
		12-31-1944	28,997.06	49,129.44	11,129.44	10,978.76	4,622.64
The Meriden Lumber Co., 174 State St., Meriden.	Retail lumber	12-31-1942	11,873.41	12,283.59	1,426.59	1,283.97	385.18
		12-31-1943	12,386.38	11,770.62	913.62	822.26	246.67
		12-31-1944	12,589.50	11,567.50	710.50	674.97	209.05
The Newton New Haven Co., 680 3d Ave., West Haven.	Manufacturing-die casting	12-31-1945	12,840.43	11,316.57	450.57	436.59	133.28
		12-31-1940	9,522.39	82,591.09	11,377.61	3,413.28	None
		12-31-1941	11,028.84	149,037.42	16,046.16	7,220.77	2,238.45
		12-31-1942	13,786.04	146,280.22	14,713.96	8,144.13	6,282.77
The Packer Machine Co., Center St., Meriden.	Manufacturers of machinery	12-31-1943	13,786.04	146,280.22	14,713.96	13,242.56	6,282.77
		12-31-1944	13,786.04	146,280.22	14,713.96	13,978.26	7,507.04
		12-31-1945	14,466.33	145,599.93	14,033.67	8,336.99	4,523.08
		12-31-1940	3,940.49	43,974.48	5,749.51	1,598.61	None
		12-31-1941	6,038.35	50,986.59	9,161.65	4,162.59	1,290.41
		12-31-1942	8,981.03	48,043.91	7,928.97	7,134.07	2,179.03
		12-31-1943	9,419.73	47,605.21	7,490.27	6,756.96	2,063.49
		12-31-1944	10,361.19	46,663.75	6,548.81	6,233.25	2,360.78
		12-31-1945	11,685.10	45,339.84	5,224.90	2,904.64	886.68
Pioneer Parachute Co., Inc., 146 Hartford Rd., Manchester.	Manufacture of parachutes	12-31-1941	13,768.84	233,327.67	10,637.22	6,325.55	1,960.92
		12-31-1941	13,768.84	233,327.67	14,929.59	13,841.01	6,671.76
		12-31-1942	14,376.01	14,929.59	14,929.59	4,228.58	None
M. H. Rhodes, Inc., 30 Bartholomew Ave., Hartford.	Manufacturers—timing devices	12-31-1940	35,554.58	64,278.00	14,095.27	4,228.58	14,478.21
		12-31-1941	38,877.66	61,253.53	25,962.05	12,907.85	4,001.42
		12-31-1943	39,052.73	61,253.53	27,413.65	75,827.24	33,701.00
Rockbestos Products Corp., 285 Nicoll St. (P. O. Box 1102), New Haven.	Manufacture of insulated wires and cables.	12-31-1940	190,707.22	945,651.72	34,225.52	15,401.49	None
		12-31-1941	218,809.27	1,175,498.32	42,535.17	25,701.10	7,967.31
		12-31-1942	237,847.00	1,153,456.15	20,793.00	8,317.20	8,317.20
		12-31-1943	235,812.00	1,153,456.15	20,793.00	37,425.40	16,634.24
		12-31-1944	234,854.22	1,164,661.71	20,793.00	39,506.70	16,634.40

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended— (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
Connecticut—Continued							
Vanderbilt Chemical Corp., 230 Park Ave., New York, N. Y.	Chemical manufacturers	12-31-1945	$6,141.23	$14,783.91	$3,880.09	$3,686.09	$1,048.05
The Velvet Textile Corp., 24 Gilbert St., West Haven.	Manufacturer of velvet textiles	4-30-1942	82,371.11	41,128.89	12,628.89	14,367.82	4,474.03
		4-30-1943	82,371.11	41,128.89	12,628.89	11,366.00	5,051.55
		4-30-1944	82,371.11	41,128.89	12,628.89	23,149.52	10,103.03
		4-30-1945	82,371.11	41,128.89	12,628.89	11,997.44	5,051.55
Delaware							
The Delaware Steeplechase & Race Association, Delaware Trust Bldg., Wilmington.	Racing	12-31-1941	71,978.28	153,171.72	46,771.72	17,959.66	5,567.49
		[3]12-31-1942	78,270.98	146,879.02	40,479.02	70,498.82	[3]1,332.82
Florida							
Adams Packing Co., Inc., c/o J. M. Morrow, Drawer B, Auburndale.	Citrus fruit growers	7-31-1941	53,500.77	109,681.06	10,168.39	913.90	None
		7-31-1942	61,919.31	101,710.26	17,174.74	9,170.84	3,019.46
		7-31-1943	71,423.75	88,425.36	7,222.56	6,500.30	2,889.02
Avon Park Groves, Inc., Winter Garden.	do	5-31-1943	4,307.74	8,973.51	6,747.41	11,057.04	3,517.76
		5-31-1944	6,005.91	13,605.55	5,282.94	4,079.65	1,207.00
Bennett Drug Stores, Inc., 1516 Elder St., Jacksonville.	Retail drug chain	[3]10-31-1943	20,647.81	10,368.83	1,392.19	2,392.27	1,385.24
		[3]10-31-1944	20,647.81	13,781.42	1,392.19	1,310.98	737.86
20 Record Phonograph Corp., 205 Tampa St., Tampa.	Coin operated phonographs and recreation music.	[3]10-31-1945	20,647.81	13,781.42	1,392.19	1,322.58	737.86
		[3]12-31-1941	2,247.79	16,752.21	1,752.21	818.19	188.18
		[3]12-31-1942	2,357.23	16,642.77	1,642.77	1,873.08	561.93
		[3]1- 1-1943 to 2-25-1943	2,405.23	16,594.77	1,594.77	221.69	61.58
Georgia							
Atlanta Paper Co., Moore St. and Georgia R. R., Atlanta.	Wholesalers and manufacturers of paper and paper products.	12-31-1941	58,823.17	178,676.83	24,776.83	13,647.16	4,199.62
		12-31-1942	67,967.28	217,632.72	15,622.72	15,288.99	6,795.10
		12-31-1943	66,937.60	201,556.80	16,662.40	17,203.18	7,868.67
Atlantic Cotton Mills, Oak Haven Ave., Macon.	Cotton yarn manufacturer	12-31-1941	85,765.35	182,729.05	None	2,776.01	1,126.75
		12-31-1942	37,052.08	262,150.54	28,378.37	25,540.53	12,384.59
		12-31-1943	37,052.08	262,150.54	28,378.37	25,540.54	12,384.58
Colonial Stores, Inc., 682 Whitehall St. SW., Atlanta.	Retail grocery	12-31-1944	37,182.70	262,150.54	28,378.37	26,959.45	11,717.60
		12-31-1941	853,548.78	1,279,479.95	120,705.87	66,388.22	20,580.34
		12-31-1942	851,593.42	1,630,593.51	121,092.88	108,983.60	48,437.16
		12-31-1943	848,917.17	1,794,456.64	121,092.88	108,983.59	48,437.15
		12-31-1944	846,541.33	1,794,456.64	121,092.88	115,938.23	48,437.16
		12-31-1945	897,067.77	1,794,456.64	121,092.82	115,938.23	48,437.15
Orkin Exterminating Co., Inc., 315 Peachtree St. NE., Atlanta.	Exterminating service	[3]12-31-1942	5,700.00	None	None	2,000.57	600.16
The Palmetto Theater Co., 154-156 Walton St. NW., Atlanta.	Motion picture theater	12-31-1943	3,925.88	3,966.89	645.46	880.91	174.27
		12-31-1942	122,156.23	47,635.27	4,850.37	4,965.33	1,940.13
		12-31-1943	143,815.38	24,983.15	4,850.38	4,965.34	1,940.15
		12-31-1945	143,815.38	24,983.15	4,850.38	4,907.86	1,940.15
Pepsi Cola Bottling Co. of Atlanta, 579 West Whitehall St. SW., Atlanta.	Bottlers of soft drinks	[3]7-31-1943	9,263.24	34,649.49	3,799.26	4,963.29	1,308.99
		[3]7-31-1944	9,677.37	33,635.36	3,385.13	4,959.28	2,769.86
		[3]7-31-1945	10,348.67	62,407.08	2,713.83	2,597.63	792.91
Plantation Pipe Line Co., Healey Bldg., Atlanta.	Pipeline transportation	12-31-1942	1,146,573.21	1,315,033.79	183,426.79	226,903.40	100,623.72
		12-31-1943	1,318,690.62	1,140,916.38	298,309.38	328,573.10	146,032.48
		12-31-1944	1,197,165.21	1,262,441.79	417,834.79	445,481.22	187,760.51
		12-31-1945	1,215,693.20	1,243,913.80	399,306.80	411,831.14	173,402.58
Superba Mills, Inc., Hawkinsville.	Textile manufacturers	9-30-1946	8,073.29	17,652.71	8,307.26	1,679.45	731.49
United Theater Enterprises, Inc., 660 Peachtree St., Atlanta.	Theater	12-31-1941	71,711.88	93,180.29	7,402.84	3,701.42	1,147.44
		12-31-1942	71,711.88	109,048.63	7,402.84	6,662.55	2,961.14
Hawaii							
Hamakua Mill Co., c/o Theo H. Davies & Co., Ltd., Honolulu.	Sugar plantation	12-31-1942	149,175.66	362,893.06	3,371.25	33,751.93	15,071.14
		12-31-1943	148,088.90	363,979.82	4,458.01	9,516.50	4,229.56
		12-31-1944	149,686.59	362,382.13	2,860.32	5,744.41	2,376.60
American Hospital Supply Corp., 2020 Ridge Ave., Evanston.	Wholesale hospital supplies	12-31-1940	128,075.64	38,068.95	2,264.36	208.33	None
		12-31-1941	154,306.81	50,462.87	10,423.19	5,211.59	1,615.69
		12-31-1942	154,306.81	50,462.87	10,423.19	9,380.87	4,169.28
		12-31-1943	154,306.81	50,462.87	10,423.19	9,380.87	4,169.28
		12-31-1944	154,306.81	50,462.87	10,423.19	9,902.03	4,169.28
		12-31-1945	154,306.81	50,462.87	10,423.19	9,902.03	4,169.27
American Rivet Co. (formerly: Manufacturers' Belt Hook Co.), 849 North Kedzie Ave., Chicago.	Manufacture rivets and belt hooks	8-31-1941	2,000.00	23,246.36	8,006.00	2,207.40	None
		8-31-1942	3,482.53	21,763.83	9,817.47	4,975.43	1,594.43
		8-31-1943	5,355.38	19,890.98	7,944.62	2,978.77	2,145.05
		8-31-1944	7,151.56	18,094.80	6,148.44	5,738.54	1,704.17
		8-31-1945	8,920.66	16,325.70	4,379.34	4,960.38	1,248.42
Amino Products Co., 2960-20 North Wacker Dr., Chicago.	Manufacture of chemicals	8-31-1946	9,723.36	15,523.00	3,570.64	1,935.70	344.84
		12-31-1940	41,576.91	183,007.80	59,123.09	20,576.75	None
		12-31-1941	49,768.92	256,891.99	98,431.08	46,941.48	14,551.86
		12-31-1942	49,768.92	273,032.04	98,431.08	67,781.49	39,372.43
Atlantic Pyramid Mouldings, Inc. (formerly: Pyramid Mouldings, Inc.), 5333 West Armstrong Ave., Chicago.	Sales of metal mouldings	1- 1-1943 to 1-31-1943	49,768.92	256,891.99	98,431.08	6,768.62	2,250.23
		12-31-1941	486.40	156,263.60	4,358.60	1,961.37	608.02
		12-31-1942	2,920.63	153,823.37	1,918.37	833.96	517.98
Aurora Bleachery, Inc., North Lake St. Rd., Aurora.	Bleaching and finishing	12-31-1943	2,684.44	154,065.56	2,160.56	1,289.31	380.80
		2- 1-1941 to 11-30-1941	3,739.00	20,117.70	4,354.60	1,955.22	807.66
		11-30-1942	8,783.40	20,217.70	4,354.60	2,454.51	937.99
		11-30-1943	4,415.78	11,339.32	3,722.22	4,339.94	1,301.99
		11-30-1944	4,771.15	11,073.95	3,456.85	2,901.64	1,190.65
		11-30-1945	5,983.72	9,851.38	2,244.28	3,444.95	979.09

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
First District of Illinois—Continued							
Baxter Laboratories, Inc., 6301 Lincoln Ave., Morton Grove.	Manufacturing pharmaceuticals	12-31-1940	$149,427.98	$158,553.81	$8,415.41	$2,103.85	None
		12-31-1941	180,383.80	198,260.07	31,133.61	12,837.93	$3,979.75
		12-31-1942	180,383.90	198,260.06	31,133.60	28,020.24	12,453.44
		12-31-1943	180,383.90	198,260.06	31,133.60	27,871.27	12,304.47
		12-31-1944	180,665.58	197,978.38	30,851.92	29,309.32	12,340.79
		12-31-1945	182,334.39	196,309.57	29,183.11	27,723.95	11,673.25
		6-30-1942	13,600.93	19,426.54	2,549.07	892.17	392.55
Bluebird Coach Lines, Inc., 4752 South Joliet Ave., Lyons.	Bus transportation	5-31-1941	69,011.57	344,238.43	4,993.43	1,248.36	None
		5-31-1942	83,434.39	329,815.61	6,815.61	3,407.80	1,056.42
		5-31-1943	83,739.57	91,432.38	6,576.18	5,918.56	2,630.47
		5-31-1944	95,673.82	91,430.38	6,576.18	6,055.12	2,630.47
		5-31-1945	95,673.82	91,430.38	6,576.18	6,247.37	2,630.47
		5-31-1946	95,673.82	91,430.38	6,576.18	3,662.83	1,542.25
H. Brandwein & Co., 2327-61 South State St., Chicago.	Manufacturers of mattresses and studio couches.	6-30-1942	2,421.61	30,122.46	5,785.68	1,586.70	364.94
Chicago Stoker Corp., (formerly: Whiting Stoker Co.), 4717 West North Ave., Chicago.	Sales to dealers automatic coal stokers.	3-20-1941 to 12-31-1941	5,165.91	27,378.16	3,904.09	3,981.69	1,211.31
		12-31-1942	796,634.39	221,398.09	39,485.17	17,768.32	None
Coca-Cola Bottling Co. of Chicago, Inc., 70 East 73d St., Chicago.	Carbonated beverages	6-30-1941	971,861.30	567,141.25	102,331.16	61,398.69	19,033.60
		6-30-1943	971,861.30	531,226.65	133,539.80	120,185.79	53,415.92
		6-30-1944	971,861.30	531,226.65	133,539.80	247,012.15	106,831.83
		7- 1-1944 to 12-31-1944	971,861.30	551,226.65	133,539.80	174,774.98	73,589.46
Commercial Shearing & Stamping, Inc., (formerly: Arthur J. O'Leary & Son Co.), 5757 West 65th St., Chicago.	Steel fabrication, upset forging, and distributors of steel products.	12-31-1941	50,200.83	141,561.67	8,125.32	4,062.66	1,259.4
Cremix Co., 251 North Western Ave., Chicago.	Cream, milk, ice cream mix	12-31-1943	13,098.39	9,960.38	4,849.61	10,751.70	4,636.36
Ekco Products Co., (formerly: The Edward Katzinger Co.), 1949 North Cicero Ave., Chicago 39.	Manufacturer—metal stampings	12-31-1942	639,856.92	284,638.51	12,934.16	11,640.74	5,173.66
		12-31-1943	639,856.92	284,638.51	12,934.16	11,640.75	5,173.66
		12-31-1944	639,856.92	284,638.51	12,934.16	12,287.45	5,173.66
		12-31-1945	621,655.52	284,638.52	12,934.16	12,287.45	5,173.67
The Fahralloy Co., 150th St. and Lexington Ave., Harvey.	Steel alloy casting	12-31-1940	8,419.35	20,449.21	3,297.00	491.69	None
		12-31-1941	9,584.66	21,538.21	3,694.29	1,477.72	458.11
		12-31-1942	11,812.73	24,574.84	1,735.22	1,561.69	468.52
		12-31-1943	11,812.73	24,574.84	1,735.22	1,174.21	468.52
		12-31-1944	11,812.73	24,574.84	1,735.22	1,648.46	503.22
		12-31-1945	11,812.73	34,574.84	1,735.22	1,648.47	503.22
Fairbanks, Morse & Co., 600 South Michigan Ave., Chicago.	Manufacturers and sale of machinery.	12-31-1941	221,675.26	3,181,702.47	117,955.39	70,779.23	21,941.55
Fansteel Metallurgical Corp., 2200 Sheridan Rd., North Chicago.	Manufacturers of electrical steel and chemical products.	12-31-1940	134,305.51	430,862.94	39,809.67	14,717.46	None
		12-31-1941	157,422.18	408,386.47	77,990.70	46,794.42	14,506.27
		12-31-1944	241,464.75	377,221.65	46,825.88	47,077.80	19,822.24
		12-31-1940	6,304.29	120,155.17	24,950.78	6,884.02	None
G. T. C. Liquidating Co. (formerly: General Transformer Corp.), 4721 North Damen Ave., Chicago.	Manufacturing radio and electrical appliance parts.	12-31-1941	9,169.14	117,290.32	35,457.96	14,964.43	4,620.37
		12-31-1942	10,198.68	116,320.78	34,488.43	30,699.65	15,815.34
		12-31-1944	15,268.14	111,201.32	29,368.97	27,979.60	15,008.20
		12-31-1945	17,618.00	108,841.46	27,009.11	25,658.63	13,713.31
Gaytime Shops, Inc. (formerly: Gaytime Frock Co.), 370 7th Ave., New York, N. Y.	Retail—ladies ready to wear	2-28-1942	22,514.99	52,107.51	19,951.67	9,560.74	2,963.86
		2-28-1943	24,990.96	68,435.60	17,475.70	25,379.48	12,992.05
		2-29-1944	24,990.96	68,435.60	17,475.70	13,563.44	9,209.57
		2-28-1945	24,990.96	58,902.44	17,475.70	10,365.56	8,941.46
		2-28-1946	24,990.96	68,437.50	17,475.70	13,918.31	7,412.24
Goodrich Electric Co., 21 Linden Ave., Wilmette, Ill.	Manufactures electric equipment	12-31-1941	30,585.51	104,103.41	564.55	254.04	78.75
		12-31-1942	31,486.98	116,233.38	478.42	430.57	191.36
Gray Stamping & Manufacturing Co., Plano, Ill.	Manufacturing—metal stamping and ordnance and accessories.	12-31-1941	3,878.89	18,553.00	5,621.11	2,232.04	651.47
		12-31-1942	5,201.37	17,230.52	4,298.63	675.97	202.80
		12-31-1943	6,593.79	15,868.10	2,936.21	3,610.80	1,083.24
		12-31-1944	7,972.13	28,426.30	1,527.87	2,611.07	742.09
Greyvan Lines, Inc., 57 West Grand Ave., Chicago, Ill.	Interstate transportation of household goods.	12-31-1940	20,370.07	60,583.58	8,889.93	2,625.96	None
		12-31-1941	23,015.31	85,520.07	12,609.69	5,674.36	1,759.04
		12-31-1942	28,709.14	79,766.24	6,855.86	6,170.27	3,633.61
		12-31-1943	28,709.14	79,766.24	6,855.86	6,170.28	3,633.60
		12-31-1944	28,709.14	79,766.24	6,855.86	6,513.06	3,633.61
Handy Button Machine Co. (Ill.), transferor Handy Button Machine Co. (Del.), transferee, 2255 South Rockwell St., Chicago, Ill.	Manufacturers of machinery and metal specialties.	1- 1-1941 to 12-30-1941	79,449.85	91,550.15	5,670.15	1,982.64	614.62
Handy Button Machine Co. (Del.), 2255 South Rockwell St., Chicago.	do	12-31-1941 to 11-30-1942	79,449.85	91,550.15	5,670.15	3,270.05	1,301.31
		11-30-1943	79,253.66	91,746.34	5,866.34	5,279.71	2,346.54
		11-30-1944	79,253.66	91,746.34	5,866.34	5,548.05	2,346.53
		11-30-1945	79,253.66	91,746.34	5,866.34	5,573.92	2,346.53
		11-30-1946	79,253.66	91,746.34	5,866.34	296.32	199.29
Henry Valve Co., 3215 North Ave., Melrose Park.	Machine products	11-30-1942	13,324.66	47,193.46	21,350.34	13,364.78	5,921.48
		12- 1-1942 to 9-30-1943	15,876.36	44,641.48	15,798.36	9,008.20	7,456.60
		9-30-1944	34,675.00	25,843.64	14,023.51	2,873.92	2,422.53
		9-30-1945	24,746.21	90,974.24	9,928.79	11,523.44	5,832.33
Hill-Shaw Co., 311 North Desplaines St., Chicago 6.	Manufacturers of coffee making equipment.	12-31-1941	9,420.27	28,707.83	2,454.73	1,186.00	521.84
		12-31-1942	9,664.08	28,464.02	2,210.92	2,086.83	626.05
		12-31-1943	11,064.83	87,830.17	810.17	729.15	218.74
Inflico, Inc., 2750 South 12th Ave., Tucson, Ariz. (formerly: International Filter Co., Chicago).	Machinery	12-31-1941	104,847.80	64,944.08	4,687.20	2,343.60	726.52
		12-31-1942	106,391.55	63,400.33	3,143.45	2,829.11	1,267.38
		12-31-1943	106,391.55	63,400.33	3,143.45	2,829.10	1,257.38
		12-31-1945	106,391.55	63,400.33	3,143.45	5,972.96	2,514.76
Jewel Tea Co., Inc., Jewel Park, Barrington.	Retailer, wholesaler and manufacturer of food products.	12-31-1944	2,150,009.08	713,399.98	211,332.92	155,425.49	65,442.31
		12-31-1945	2,151,708.60	1,122,905.16	211,332.92	437,373.83	184,157.19
Kimbell Candy Co., 6556 Belmont Ave., Chicago.	Candy manufacturers	12-31-1941	15,744.46	21,976.47	7,340.54	3,145.90	1,383.93
		12-31-1942	16,405.08	21,315.85	6,679.92	7,237.80	3,097.02
		12-31-1943	17,248.90	21,416.69	6,780.76	6,449.28	3,045.22
		12-31-1944	18,880.11	19,831.49	5,195.56	5,312.92	2,963.88

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
First District of Illinois—Continued							
Kroll Bros., Co., 1858 West Hastings St., Chicago.	Manufacture of juvenile furniture and baby carriages.	6-30-1942	$14,492.68	$63,847.57	$13,332.32	$6,689.54	$1,887.76
		6-30-1943	19,231.89	121,053.47	8,793.11	7,950.76	4,476.00
		6-30-1944	14,929.72	149,135.19	13,095.28	3,956.02	2,576.75
		6-30-1945	19,276.75	134,788.16	8,748.75	6,658.35	4,696.83
Oak Manufacturing Co., Crystal Lake	Manufacturing communication and radio and television parts.	5-31-1942	561,511.30	756,120.88	42,213.70	25,328.22	7,851.75
		5-31-1943	561,511.30	756,120.88	55,988.70	50,389.83	22,395.48
		5-31-1944	561,511.30	199,856.88	55,988.70	51,252.42	22,395.48
		5-31-1945	561,511.30	199,856.88	55,988.70	53,389.27	22,395.48
		5-31-1946	561,511.30	199,856.88	55,988.70	31,384.94	13,130.48
Offner Electronics, Inc., 5320 North Kedzie Ave., Chicago.	Manufacturers of electronics equipment.	12-31-1943	2,586.76	92,413.24	3,475.04	3,008.31	1,172.49
		12-31-1944	3,262.87	91,737.13	2,801.93	700.34	221.17
		12-31-1945	3,979.44	91,020.56	2,085.36	1,981.09	563.05
Playskool Manufacturing Co., 1750 North Lawndale Ave., Chicago 47.	Manufacturer educational toys	1-31-1945	8,724.88	23,185.65	5,470.17	5,220.76	1,566.12
		1-31-1946	10,811.87	21,098.66	3,383.18	3,077.05	939.31
The John Puhl Products Co., 5900 West 51st St., Chicago 38.	Manufacturing chemical derivatives.	11-30-1941	15,932.68	57,105.87	21,687.32	6,159.25	None
		11-30-1942	20,016.71	75,893.53	17,714.58	17,211.54	8,095.51
		11-30-1943	19,973.10	75,894.00	27,714.58	24,943.13	14,328.52
		11-30-1944	19,977.04	75,894.03	27,714.58	20,900.21	13,738.68
		11-30-1946	20,193.77	75,894.04	27,714.58	1,412.77	1,159.68
Ransom Brush Co., 1051 West Division St., Chicago.	Manufacturer of brushes	12-31-1942	1,514.20	20,592.30	2,285.80	2,057.22	617.17
		1- 1-1943 to 6-30-1943	2,042.15	20,064.35	1,757.85	794.52	217.92
Rockford Coca-Cola Bottling Co., 314 Prairie St., Rockford.	Beverage manufacturer	12-31-1940	54,156.97	31,287.26	6,244.03	1,961.01	None
		12-31-1941	66,243.10	37,343.60	8,132.40	3,252.96	1,008.42
		12-31-1942	66,243.10	37,279.17	8,132.40	7,319.16	3,252.96
		12-31-1943	66,243.10	32,532.77	8,132.40	7,319.16	3,252.96
		12-31-1944	66,243.10	32,532.77	8,132.40	3,977.46	1,674.72
Ruby Dry Cleaners, Inc., transferor; Unique Cleaners & Dyers, Inc., transferee, 2807 West Montrose Ave., Chicago.	Cleaners and dyers	[2] 2-28-1942	16,057.56	30,529.29	2,570.04	999.52	224.88
		[2] 2-28-1943	16,574.52	30,012.33	2,053.08	1,447.77	595.39
		[2] 2-28-1946	16,740.23	8,555.99	1,887.37	1,903.18	858.62
Santa Fe Elevator Corp., 141 West Jackson Blvd., Chicago 4.	Grain Elevator	1- 1-1941 to 6-30-1941	19,803.56	68,787.96	14,704.41	2,337.62	583.36
		6-30-1942	35,557.44	53,034.37	None	1,448.51	511.04
		6-30-1943	25,139.24	63,452.57	9,368.73	10,415.27	6,427.87
		6-30-1944	29,947.05	58,644.76	4,560.92	15,421.84	6,496.90
		6-30-1945	28,208.58	6,299.39	1,228.10	940.19	
Sears Roebuck & Co. (New York), 925 South Homan Ave., Chicago 7.	Retail merchandising	1-31-1941	32,005,703.10	9,459,290.95	1,155,320.71	577,660.36	None
		1-31-1942	38,840,404.55	5,606,029.74	1,962,490.65	1,177,494.39	364,886.13
		1-31-1943	39,292,165.24	11,294,576.06	2,011,726.94	1,810,754.24	804,690.78
Fred'k A. Stresen-Reuter, Inc., 300 West Main St., Bensenville.	Manufacture of paints, varnishes and driers.	12-31-1941	28,041.50	7,173.13	3,425.93	1,239.80	381.24
		12-31-1942	28,996.40	8,615.72	2,600.40	2,490.36	1,378.21
		12-31-1943	28,996.40	8,615.72	2,600.40	1,941.63	1,155.20
		12-31-1944	29,052.36	8,615.72	2,600.40	2,000.62	1,155.21
		12-31-1945	29,060.40	8,615.72	2,600.40	2,117.49	1,159.47
Tecumseh Coal Corp., 310 South Michigan Ave., Chicago.	Mining and selling bituminous coal.	[2] 12-31-1942	76,197.11	363,136.72	142,302.89	105,408.63	67,745.92
		[2] 12-31-1943	88,900.71	350,433.12	129,599.29	107,267.36	56,800.78
		[2] 12-31-1944	106,106.74	333,227.09	112,393.26	111,402.66	46,759.01
Toffenetti Restaurant Co., Inc., 225 South Wabash Ave., Chicago.	Restaurant	[2] 12-31-1945	124,090.00	315,243.83	94,410.00	89,965.41	37,763.97
		7-31-1943	53,316.51	43,353.45	8,433.49	7,990.14	3,373.40
		7-31-1945	53,316.51	43,353.45	8,433.49	8,031.81	3,373.40
		7-31-1946	53,316.51	43,353.45	8,433.49	3,258.38	1,297.89
Toolcraft Corp., 3235 West Chicago Ave., Chicago.	Tools, dies, gages, etc.	[2] 12-31-1941	1,276.00	10,781.25	1,358.35	475.42	109.34
		[2] 12-31-1942	2,739.94	16,682.05	564.43	260.86	170.96
Triangle Package Machinery Co., 6655 West Diversey Ave., Chicago.	Manufacturers of package machinery.	12-31-1940	5,565.48	38,845.81	6,499.52	1,752.89	None
		12-31-1941	6,049.52	54,013.91	16,750.48	6,328.94	2,784.73
		12-31-1942	7,006.49	58,676.59	5,124.14	6,900.00	5,124.14
Trimz Co., Inc., 222 West North Bank Dr., Chicago.	Sale of paper specialties	6-30-1944	9,948.99	611,307.80	30,426.01	57,402.57	24,744.78
Union Asbestos & Rubber Co., 332 South Michigan Ave., Chicago.	Manufacture and sale of asbestos products and railway supplies.	12-31-1941	584,717.13	73,339.81	27,797.87	13,394.10	None
United Specialties Co., 9705 Cottage Grove Ave., Chicago.	Manufacturer—automotive and gun parts.	1- 1-1940 to 8-31-1940	180,616.04	122,618.95	12,197.86	3,252.77	None
		8-31-1941	189,472.47	91,246.87	3,341.43	1,070.71	None
		8-31-1942	234,706.34	108,766.10	431.96	277.39	79.36
		8-31-1941	16,942.90	101,419.17	11,277.78	4,761.11	None
Verson Allsteel Press Co., 1355 East 93d St., Chicago.	Manufacturer of presses, press brakes, dies, etc.	8-31-1942	26,147.93	130,747.66	13,172.07	5,941.81	1,638.85
Victor Sealing Products Co., Inc., 5750 West Roosevelt Rd., Chicago.	Manufacture and sale of oil seals	12-31-1940	34,652.48	297,847.52	30,919.41	10,821.80	None
		12-31-1941	43,210.88	289,289.12	36,754.84	18,377.42	5,997.00
		12-31-1942	43,210.88	289,289.12	36,754.84	22,873.51	14,934.53
		12-31-1943	43,210.88	289,289.12	36,754.84	30,977.08	14,934.53
		12-31-1944	43,210.88	289,289.12	36,754.84	34,977.10	14,701.94
		12-31-1945	43,210.88	289,289.12	36,754.84	34,977.10	14,701.94
Viking Automatic Sprinkler Co., 5520 North Wolcott Ave., Chicago.	Contractors, installation of automatic sprinkler equipment.	12-31-1940	18,222.07	44,030.31	6,952.93	1,266.17	None
		12-31-1941	20,846.44	41,405.94	10,028.56	4,011.42	1,243.54
		12-31-1942	22,420.56	39,831.82	8,454.44	7,668.99	4,480.86
		12-31-1943	22,420.56	39,831.82	8,454.44	7,668.00	4,480.86
		12-31-1945	22,420.56	39,831.82	8,454.44	8,041.73	4,480.86
Washington Park Jockey Club, A Corp., Room 1730, 141 West Jackson Blvd., Chicago.	Mutuel horse race track	12-31-1941	135,761.79	716,034.05	38,088.21	21,965.43	6,795.88
		12-31-1942	135,761.79	716,034.05	38,088.21	34,279.39	15,235.28
		12-31-1943	135,761.79	716,034.05	38,088.21	34,279.39	15,235.28
Eighth District of Illinois							
Central Illinois Light Co., 316 South Jefferson Ave., Peoria.	Public utility	12-31-1940	1,989,390.30	246,449.31	8,459.70	3,866.86	None
		12-31-1941	2,383,768.44	789,400.05	65,331.56	39,199.93	12,151.67
		12-31-1942	2,397,643.04	879,966.22	64,756.96	58,291.26	25,902.78
		12-31-1943	2,435,775.44	842,448.71	26,624.56	23,962.11	10,649.82
		12-31-1944	2,435,893.93	275,293.45	26,506.07	25,180.77	10,602.43
		12-31-1945	2,437,939.33	275,293.45	24,460.67	23,237.64	9,784.27
Electric Wheel Co., Walton Heights, Quincy.	Manufacturers of wheels and industrial trailers.	12-31-1941	79,449.41	157,799.86	40,838.69	20,630.34	6,329.99
		12-31-1942	101,252.51	135,996.46	31,602.59	19,776.11	12,641.04
Minerva Oil Co., 320 North 4th St., St. Louis, Mo.	Prospecting for and producing oil, zinc, fluorspar from leased and owned lands.	12-31-1941	18,699.10	189,400.10	37,307.20	17,893.30	5,334.22
		12-31-1942	35,074.16	173,091.04	20,438.34	35,398.93	10,982.32

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Eighth District of Illinois—Continued							
Weaver Manufacturing Co., 2171 South 9th St., Springfield.	Manufacturer of garage equipment.	6-30-1941	$37,[illegible]. 29	$53,091. 77	$4,074. 71	$1,360. 01	None
		6-30-1942	39,[illegible]. 85	70,192. 81	11,737. 15	6,084. 54	$1,886. 20
Indiana							
Amos-Thompson Corp., Edinburg	Manufacture of lumber, veneer, and plasties.	11-30-1942	60,415. 58	41,088. 93	3,899. 42	1,920. 40	1,046. 46
Arvin Industries, Inc. (formerly: Noblitt Sparks Industries, Inc.), 13th and Big Four, Columbus.	Automotive parts, radios, and electrical appliances.	12-31-1940	823,171. 99	216,775. 80	153,494. 55	69,377. 62	None
		12-31-1941	1,021,467. 30	339,218. 90	190,124. 31	114,074. 59	35,363. 12
		12-31-1942	1,122,133. 76	330,012. 64	89,467. 85	80,521. 07	35,787. 15
		12-31-1943	1,122,133. 76	330,012. 64	89,467. 85	80,521. 06	35,787. 15
		12-31-1944	1,122,133. 76	330,012. 64	89,467. 85	169,988. 92	71,574. 28
		12-31-1945	1,122,133. 76	330,012. 64	89,467. 85	84,994. 46	35,787. 15
		9-30-1945	579,[illegible]. 03	2,806,364. 75	287,313. 40	136,737. 15	114,925. 36
Central Soya Co., Inc., 300 Fort Wayne Bank Bldg., Fort Wayne.	Soy bean processors	12-31-1940	33,[illegible]. 84	267,705. 31	55,782. 16	1,231. 38	None
Inland Container Corp. (Del.), 700 West Morris St., Indianapolis.	Manufacture of corrugated shipping containers.	12-31-1941	39,[illegible]. 31	262,021. 84	69,763. 69	66,812. 02	20,711. 73
		12-31-1942	39,[illegible]. 31	262,021. 84	69,763. 69	54,350. [illegible]	28,622. 25
		10-31-1942	31,[illegible]. 93	72,599. 07	4,228. 02	3,974. 46	1,884. 93
		10-31-1943	34,[illegible]. 85	70,297. 15	1,926. 10	3,649. 73	2,149. 29
		10-31-1944	35,[illegible]. 89	68,799. 11	428. 06	1,865. [illegible]	1,050. 07
		10-31-1945	41,[illegible]. 84	63,497. 16	None	424. 83	237. 01
The Jay Garment Co., South Meridian St., Portland.	Manufacture of garments	2-28-1942	31,[illegible]. 96	24,656. 72	9,190. 55	3,358. [illegible]	1,041. 28
		2-28-1943	31,[illegible]. 96	24,656. 72	10,342. 76	9,308. 48	5,481. 67
		2-29-1944	31,[illegible]. 96	24,656. 72	10,342. 76	8,451. 76	4,952. 23
		2-28-1945	31,[illegible]. 96	24,656. 72	10,342. 76	8,241. 19	4,535. 13
		2-28-1946	31,[illegible]. 96	24,656. 72	10,342. 76	8,237. 39	4,359. 30
Kersting Bottling Co., Inc., 1300 West Franklin St., Evansville.	Bottling and distributing carbonated beverages.	12-31-1940	5,919,[illegible]. 76	1,436,490. 31	90,900. 04	49,950. [illegible]	None
		12-31-1941	7,201,[illegible]. 88	1,726,122. 94	35,914. 38	43,203. [illegible]	6,680. 08
		12-31-1942	7,206,[illegible]. 88	1,726,222. 94	33,328. 45	29,995. 61	13,331. 38
		12-31-1943	7,209,[illegible]. 00	1,626,122. 94	33,328. 45	29,995. [illegible]	13,331. 38
		12-31-1944	7,212,[illegible]. 00	1,726,122. 93	33,328. 44	31,662. 02	13,331. 37
		12-31-1945	7,215,[illegible]. 65	53,690. 87	33,328. 44	31,662. 02	13,331. 37
Eli Lilly & Co., 740 South Alabama St., Indianapolis 6.	Manufacture of pharmaceutical and biological products.	10-31-1941	6,[illegible]. 10	4,280. 52	1,204. 95	None	
		10-31-1943	7,[illegible]. 95	35,089. 00	489. 05	2,764. 83	829. 45
Liquid Sugars, Inc., Indianapolis	Sugar refining	12-31-1941	556,914. 61	273,329. 43	93,767. 21	39,023. 59	8,153. 58
Lynch Corp., Crystal and Ames Sts., Anderson.	Manufacture of glass blowing machinery.	1-31-1942	4,[illegible]. 00	53,994. 64	1,791. 35	1,337. 21	414. 55
Playtime Products, Inc., 442 Detroit St., Warsaw.	Manufacture of toys	1-31-1944	7,[illegible]. 31	51,927. 46	None	916. 23	314. 50
Railway Service & Supply Corp., 510 South Harding St., Indianapolis.	Operating railroad contracts	12-31-1941	149,[illegible]. 29	76,004. 09	22,311. 05	10,039. 97	3,112. 40
		12-31-1942	149,[illegible]. 29	87,757. 13	22,311. 05	20,079. 46	8,924. 41
		12-31-1943	149,[illegible]. 29	89,109. 03	22,311. 05	20,079. 46	8,924. 42
		12-31-1944	149,[illegible]. 29	88,459. 67	22,311. 05	21,195. 40	8,924. 42
		12-31-1945	149,[illegible]. 29	88,659. 70	22,311. 05	13,859. 27	5,835. 48
Ryan Construction Corp. 402 Court Bldg., Evansville.	Highway and heavy industrial contractors.	[2] 2-28-1942	18,[illegible]. 22	19,003. 78	19,003. 78	6,638. 31	2,179. 43
Sollitt Construction Co., Inc., 301 South Columbia St., South Bend.	Contractors	12-31-1944	50,312. 29	183,969. 20	18,200. 38	12,854. [illegible]	[illegible]7,280. 15
South Bend Tribune, 225 West Colfax Ave., South Bend.	Newspaper	9-30-1944	131,[illegible]. 32	147,498. 22	124,235. 39	86,637. [illegible]	49,694. 16
		9-30-1945	131,[illegible]. 32	147,498. 22	124,235. 39	88,438. 21	49,694. 17
		9-30-1946	131,[illegible]. 32	147,498. 22	124,235. 39	16,362. [illegible]	15,046. 20
U. S. Machine Corp., Lebanon	Manufacturers of coal stokers and armaments.	2-29-1944	66,[illegible]. 59	247,462. 21	91,279. 41	67,572. [illegible]	42,009. 60
Iowa							
Economy Forms Corp., Box 128, Highland Park Station, Des Moines.	Rental of metal forms for concrete construction.	3-31-1941	15,[illegible]. 32	127,433. 68	4,595. 83	911. [illegible]	None
		3-31-1943	18,[illegible]. 72	130,351. 54	10,304. 69	10,130. [illegible]	5,386. 28
		3-31-1944	17,482. 61	131,416. 84	11,369. 99	10,374. [illegible]	5,572. 14
		3-31-1945	24,914. 61	124,128. 69	4,081. 84	7,232. [illegible]	4,034. 98
		3-31-1946	31,254. 56	119,387. 04	None	3,106. [illegible]	1,733. 11
Journal-Tribune Publishing Co., 423 Douglas St., Sioux City.	Newspaper publisher	10-31-1942	6,000. 00	285,494. 84	26,975. 45	14,008. [illegible]	5,962. 01
Silent Sioux Oil Burner Corp., 101 South 1st St., Orange City.	Manufacturers of oil burning appliances.	12-31-1941	5,[illegible]. 84	18,049. 33	3,437. 16	1,392. [illegible]	338. 34
		12-31-1942	3,[illegible]. 85	17,598. 32	2,986. 15	1,064. [illegible]	319. 44
		12-31-1943	6,153. 85	17,326. 44	2,714. 27	2,697. [illegible]	809. 16
		12-31-1944	7,007. 03	16,489. 82	1,877. 65	2,039. [illegible]	579. 62
		12-31-1945	7,642. 49	15,854. 36	1,242. 19	1,319. [illegible]	374. 90
Zitterell-Mills, Webster City	General contractors	12-31-1944	4,460. 36	14,927. 56	1,453. 39	1,982. [illegible]	563. 32
Kansas							
K. S. A. L., Inc., Journal Bldg., Salina	Radio broadcasting	12-31-1942	5,135. 92	17,952. 86	4,364. 08	2,750. [illegible]	825. 11
		12-31-1943	4,755. 31	17,333. 47	3,744. 69	3,370. [illegible]	1,022. 58
		12-31-1944	5,511. 00	16,577. 78	2,989. 00	2,839. [illegible]	867. 03
		12-31-1945	7,491. 37	15,197. 41	1,608. 63	1,528. [illegible]	434. 33
Lassen Hotel Co., 1st and Market, Wichita.	Hotel	12-31-1943	37,333. 59	29,793. 41	11,086. 99	3,615. [illegible]	2,129. 01
The Motor Equipment Co., 214 West Douglas, Wichita.	Wholesale auto parts and supplies.	3-31-1942	14,348. 91	46,439. 46	7,401. 09	3,498. [illegible]	834. 61
		3-31-1943	16,776. 04	46,012 33	6,973. 95	6,276. [illegible]	2,404. 82
		3-31-1944	17,391. 38	45,396. 99	6,358. 62	5,801. [illegible]	2,866. 75
		3-31-1945	18,277. 43	23,555. 35	5,472. 57	5,198. [illegible]	2,900. 47
		3-31-1946	15,668. 20	23,164. 58	5,081. 80	3,637. [illegible]	2,029. 24
Standard Rendering Co., Adams and Shawnee Sts., Kansas City.	General rendering	12-31-1943	87,182. 40	75,452. 33	20,667. 79	18,601. [illegible]	8,267. 12
		12-31-1944	87,182. 40	22,953. 27	20,667. 79	39,268. [illegible]	16,534. 23
		12-31-1945	87,182. 40	22,953. 27	20,667. 79	19,634. [illegible]	8,267. 12
The Wichita Union Stock Yards Co., Exchange Bldg., Wichita.	Stock yards	12-31-1942	98,300. 12	48,905. 96	7,073. 90	9,614. [illegible]	4,273. 30
		12-31-1943	98,178. 45	33,663. 76	6,866. 80	9,726. [illegible]	4,769. 08
		12-31-1944	87,391. 90	40,779. 08	None	2,125. [illegible]	894. 81
Kentucky							
Inman Furniture Co., 2817 West Broadway, Louisville.	Furniture manufacturing	11-30-1944	11,387. 31	26,794. 14	5,607. 48	4,247. [illegible]	2,181. 26
Ken-Rad Tube & Lamp Corp., 316 East 9th St., Owensboro.	Manufacturers of electric lamps and radio tubes.	11-30-1945	13,755. 32	26,426. 13	5,239. 47	2,585. [illegible]	1,908. 19
		[2] 12-31-1941	320,052. 98	541,361. 70	4,248. 98	1,904. [illegible]	590. 31

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Louisiana							
American Pitch Pine Export Co., Inc., Pere Marquette Bldg., New Orleans.	Lumber exporting	10-31-1942	$30,750. 93	$25,398. 10	$12,189. 07	$24,[illegible]. 74	$9,285. 17
		10-31-1943	31,336. 35	24,797. 24	11,693. 65	20,[illegible]. 00	9,288. 84
		10-31-1946	31,321. 54	24,812. 05	11,618. 46	1,84[illegible]. 05	1,005. 35
Auto-Lee Stores, Inc., 1001 South Peters St., New Orleans.	Retail automotive and electrical	1-31-1942	33,751. 75	68,998. 10	None	[illegible]. 37	16. 86
		1-31-1943	31,735. 58	71,014. 27	None	66[illegible]. 59	393. 14
		1-31-1944	29,748. 43	73,001. 42	1,601. 57	2,52[illegible]. 24	1,480. 10
		1-31-1945	32,903. 29	69,846. 56	None	[illegible]. 20	439. 18
		1-31-1946	29,518. 19	73,231. 66	1,831. 81	1,99[illegible]. 16	1,115. 33
Auto-Lee Stores of Mississippi, Inc., 1001 South Peters St., New Orleans.	Retail automotive and electrical	1-31-1942	6,847. 96	31,639. 24	10,252. 04	3,58[illegible]. 22	897. 05
		[1] 1-31-1943	6,847. 94	31,639. 26	10,252. 06	9,22[illegible]. 85	2,810. 30
		1-31-1944	10,827. 06	30,436. 69	9,049. 49	8,23[illegible]. 38	2,664. 89
		1-31-1945	14,057. 92	27,789. 28	6,402. 08	6,40[illegible]. 18	3,269. 07
		1-31-1946	18,918. 94	22,928. 26	1,541. 06	3,60[illegible]. 06	2,010. 16
Baton Rouge Broadcasting Co., Inc., 444 Florida St., Baton Rouge,	Radio broadcasting	12-31-1943	16,788. 72	42,876. 34	None	57[illegible]. 98	336. 83
		12-31-1944	15,988. 72	49,642. 83	6,811. 28	6,02[illegible]. 68	3,009. 98
Commercial National Bank in Shreveport, Texas and Edwards Sts., Shreveport.	Banking	12-31-1945	17,326. 97	54,271. 11	5,473. 03	5,14[illegible]. 38	2,980. 71
		12-31-1944	47,802. 27	50,476. 28	20,553. 75	19,52[illegible]. 07	8,221. 50
Cotton Bros. Baking Co., Inc., 425 Bolton Ave., Alexandria.	Manufacturing bread and cakes	12-31-1945	47,802. 27	50,180. 62	20,553. 75	9,74[illegible]. 78	4,101. 39
		12-31-1941	10,832. 12	21,602. 04	4,177. 88	1,03[illegible]. 02	237. 13
		12-31-1942	11,279. 91	42,404. 69	3,730. 09	3,35[illegible]. 08	1,007. 33
		12-31-1943	11,279. 91	42,404. 69	3,730. 09	3,35[illegible]. 08	1,007. 33
		12-31-1945	13,498. 10	40,185. 90	1,511. 90	3,85[illegible]. 20	1,244. 22
Evansville Oil Corp. (in liquidation), c/o Jack Coast, liquidator, Ricou-Brewster Bldg., Shreveport.	Manufacturing gasoline and kerosene.	11-30-1941	2,410. 57	39,251. 90	24,420. 69	8,013. [illegible]	None
Hephinstall Steel Works, Inc., 600 Market St., New Orleans.	Fabricated steel	12-31-1942	8,755. 46	13,730. 56	709. 54	638. [illegible]	201. 58
Holloway Gravel Co., Amite	Producers of gravel products	12-31-1942	7,389. 27	55,404. 18	4,010. 74	8,06[illegible]. 03	3,181. 47
		12-31-1943	7,183. 36	55,610. 09	4,316. 64	4,13[illegible]. 63	1,239. 19
		12-31-1944	4,757. 36	58,036. 09	6,642. 64	6,80[illegible]. 07	1,962. 35
		12-31-1945	4,256. 74	55,397. 04	7,143. 26	7,32[illegible]. 14	2,109. 02
International Broadcasting Corporation, Commercial Bldg., Shreveport.	Commercial radio broadcasting	8-31-1941	48,476. 50	60,142. 87	27,370. 19	8,79[illegible]. 01	None
		8-31-1942	48,476. 51	129,201. 76	45,113. 90	24,32[illegible]. 28	8,468. 96
		8-31-1943	48,476. 51	129,201. 76	45,113. 90	40,49[illegible]. 51	18,045. 57
		8-31-1944	48,476. 51	129,201. 78	45,113. 90	34,39[illegible]. 58	18,045. 68
		8-31-1945	48,476. 51	129,201. 76	45,113. 90	32,41[illegible]. 48	18,045. 57
		8-31-1946	48,476. 51	129,201. 76	45,113. 90	10,94[illegible]. 75	6,031. 91
Shelton's, Inc. (dissolved), C. B. Sherrouse, liquidator, Gilbert.	Retail dry goods	12-31-1942	1,887. 01	21,947. 99	3,137. 99	3,61[illegible]. 66	1,085. 01
		12-31-1943	1,930. 89	21,904. 11	3,094. 11	2,78[illegible]. 70	836. 41
The South Coast Corp., 1204 Carondolet Bldg., New Orleans.	Sugar producers and refiners	12-31-1944	2,785. 00	21,050. 00	2,240. 00	2,35[illegible]. 17	670. 50
		1-31-1942	285,560. 91	107,772. 66	107,430. 09	28,233. [illegible]	6,272. 49
		1-31-1943	330,851. 82	57,785. 59	57,763. 18	214,390. [illegible]	95,284. 55
Triangle Drilling Co., Inc., transferor; A. J. Hodges Industries, Inc., transferee; 604 Ardis Bldg., Shreveport,	Oil and gas development	1-31-1944	330,851. 82	195,941. 13	57,763. 18	78,174. [illegible]	34,580. 91
		12-31-1941	122,868. 44	232,440. 36	12,791. 56	21,114. [illegible]	6,945. 64
		12-31-1942	115,963. 88	232,409. 80	39,326. 12	63,968. [illegible]	28,430. 30
Maine							
Forster Manufacturing Co., Inc., Strong	Manufacture of wood products, toothpicks, flatware, clothespins, etc.	12-31-1941	33,245. 36	66,029. 64	11,404. 64	5,478. [illegible]	1,668. 47
		12-31-1943	38,964. 76	60,310. 24	5,685. 24	5,116. [illegible]	3,013. 18
		12-31-1944	38,964. 76	60,310. 24	5,685. 24	5,400. [illegible]	2,274. 10
		12-31-1945	38,964. 76	60,310. 24	5,685. 24	5,400. [illegible]	2,408. 67
Limerick Yarn Mills, Limerick	Bradford spun worsted type yarns manufacturer.	[1] 11-30-1942	32,897. 12	93,242. 16	4,907. 88	9,589. [illegible]	4,565. 11
		[1] 11-30-1943	30,391. 48	95,657. 80	7,323. 52	12,070. [illegible]	8,126. 15
Maryland							
Consolidated Grocers Corp. (successor to The C. D. Kenny Co., 135 South La Salle St., Chicago, Ill.	Wholesale grocers	9- 8-1941 to 8-31-1942	135,232. 43	314,907. 57	51,442. 57	49,714. [illegible]	17,534. 16
Consolidated Grocers Corp. (formerly: Sprague Warner-Kenny Corp.), 135 South La Salle St., Chicago, Ill.	do	8-31-1943	265,378. 56	517,099. 28	254,119. 57	285,920. [illegible]	127,075. 88
		9- 1-1943 to 6-30-1944	323,232. 64	424,819. 57	184,650. 31	184,851. [illegible]	84,548. 55
The Gaxton Co., 214 North Charles St., Baltimore.	Retail women's specialty store	6-30-1945	419,793. 11	327,272. 40	87,103. 14	107,949. [illegible]	67,568. 00
		[2] 12-31-1941	17,696. 02	74,825. 37	15,898. 77	5,652. [illegible]	1,974. 78
		[2] 12-31-1942	19,356. 05	74,825. 35	20,521. 45	18,469. [illegible]	10,721. 82
		[2] 12-31-1943	21,172. 05	93,058. 20	20,521. 45	18,469. [illegible]	10,876. 37
		[2] 12-31-1944	22,140. 20	92,080. 05	19,553. 30	18,671. [illegible]	10,066. 55
		[2] 12-31-1945	26,282. 68	87,947. 57	15,410. 82	14,640. [illegible]	7,589. 20
Royal Crown Bottling Co. of Baltimore, Inc., 428 East Preston St., Baltimore.	Manufacturer of nonalcoholic carbonated beverages.	[2] 12-31-1945	20,539. 68	None	None	3,434. [illegible]	1,915. 86
Russless Iron & Steel Corp., (formerly: Armco Steel Corp.), 3400 East Chase St., Baltimore	Manufacturers of chrome iron and chrome nickel.	12-31-1940	735,510. 59	4,869,007. 20	365,633. 40	182,816. [illegible]	None
		12-31-1941	883,888. 16	4,726,767. 33	432,783. 04	259,669. [illegible]	80,497. 64
The Shoreham Hotel Corp., 2500 Calvert St. NW., Washington, D. C.	Hotel operation	[3] 9-30-1941	116,867. 58	142,014. 85	42,732. 42	17,092. [illegible]	None
		[3] 9-30-1942	144,518. 09	142,793. 36	51,181. 91	32,665. [illegible]	11,687. 21
		[3] 9-30-1943	144,518. 09	142,793. 36	51,181. 91	46,093. [illegible]	20,472. 77
		[3] 9-30-1944	144,518. 09	142,793. 36	51,181. 91	47,979. [illegible]	20,472. 77
		[3] 9-30-1945	144,518. 09	142,793. 36	51,181. 91	42,627. [illegible]	20,472. 77
		[3] 9-30-1946	195,459. 48	91,851. 97	240. 52	9,886. [illegible]	4,167. 76
The United Clay Products Co., 931 Investment Bldg., Washington, D. C.	Structural clay products, building materials, heating and air conditioning equipment.	12-31-1941	140,521. 63	131,068. 17	5,778. 37	5,812. [illegible]	1,801. 90
Massachusetts							
Allston Theaters, Inc., 646 Washington St., Boston.	Motion picture theater	12-31-1942	13,501. 14	11,624. 19	2,173. 86	2,306. [illegible]	705. 94
		12-31-1944	13,935. 15	11,190. 18	1,739. 85	11,557. [illegible]	5,309. 32
The Aspinook Corp. (formerly: The Lawrence Pring Works, Inc.), Jewett City, Conn.	Bleaching, dyeing, printing and finishing cotton and rayon piece goods.	12-31-1945	14,096. 35	11,026. 98	1,578. 65	4,569. [illegible]	1,556. 87
		8- 7-1941 to 6-30-1942	13,491. 63	161,897. 01	53,768. 37	24,982. [illegible]	7,744. 67
Blackinton Mills, Inc., P. O. Box 449, Greenville, S. C.	Manufacturer of woolens	10-10-1940 to 9-30-1941	4,556. 90	45,439. 27	10,643. 10	2,595. [illegible]	None
		9-30-1942	9,210. 84	70,753. 37	9,314. 46	4,899. 67	1,515. 26

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Massachusetts—Continued							
The Colonial Network, Inc., 21 Brookline Ave., Boston.	Radio broadcasting and services	[1]12-31-1940	$34,384.08	$96,112.44	$39,265.77	$8,016.04	None
Commercial Filters Corp., Corner A and West 3d Sts., Boston.	Manufacturing filtering machines	1-31-1941	22,496.41	81,856.26	52,496.78	17,932.44	$13,903.16
		1-31-1942	28,645.43	118,531.74	90,344.57	44,848.94	38,258.86
		1-31-1943	28,645.43	126,837.49	90,344.57	68,804.02	38,298.73
		1-31-1944	28,645.43	135,612.74	90,344.57	54,963.75	25,648.98
		1-31-1946	48,916.09	134,408.70	70,072.91	60,916.31	19,451.83
Dennison Manufacturing Co., 300 Howard St., Framingham.	Tags and paper specialties	12-31-1944	701,966.50	529,183.50	88,173.55	24,609.70	15,953.20
		12-31-1945	709,524.00	520,726.00	79,716.05	30,518.12	513.65
Gerber's, Inc., 285 South Main St., Fall River.	Retail jewelry, gifts, etc	2-29-1944	3,345.89	14,013.31	1,784.11	1,727.78	316.65
		2-28-1945	3,957.24	13,401.96	1,172.76	1,114.13	170.77
		2-28-1946	4,375.54	2,721.81	734.46	600.89	46,854.52
Gerber's of New Bedford, Inc., 902 Purchase St., New Bedford.	do	2-28-1943	1,591.88	11,929.71	3,063.12	3,427.91	1,028.37
		2-28-1944	1,537.90	11,983.69	3,117.10	2,830.96	841.62
		2-28-1945	1,975.79	11,545.80	2,679.21	656.13	186.49
		2-28-1946	2,777.11	10,744.48	1,877.89	357.11	65.65
Hampden Brewing Co., 45-95 North Chicopee St., Willimansett.	Manufacture and sale of malt beverages	9-30-1942	176,975.72	420,999.68	24,424.28	19,195.64	7,034.84
		9-30-1943	176,975.72	420,999.68	24,424.28	32,942.86	14,641.18
		9-30-1944	176,975.72	391,127.98	24,424.28	22,896.10	9,769.72
		9-30-1945	176,975.72	24,424.28	24,424.28	17,481.76	7,360.74
		3-31-1946	176,975.72	24,424.28	None	2,622.46	786.74
Lowell Coca-Cola Bottling Co., 39 1st St., Lowell.	Bottlers and distributors of soft drinks	12-31-1943	15,821.37	23,116.30	None		None
Markson Bros., 100 Summer St., Boston	Installment clothing and jewelry	12-31-1940	70,231.33	73,979.03	26,412.43	5,858.43	6,624.75
		12-31-1941	133,548.48	125,827.54	16,561.88	14,905.69	2,548.69
Merrimac Paper Company, Inc., South Canal St., Lawrence.	Manufacture of kraft paper	12-31-1941	14,228.92	48,021.97	9,521.08	8,221.66	9,020.02
		12-31-1942	23,862.00	69,868.32	29,084.35	15,317.02	17,207.05
		12-31-1943	23,862.87	67,224.11	29,083.48	32,533.25	10,337.60
		12-31-1944	20,796.50	63,872.89	26,131.29	20,040.11	10,578.30
		12-31-1945	30,928.55	59,536.68	21,795.08	21,925.95	None
New England Tape Co., Inc., 30 Tower St., Hudson.	Fabricators and processors of plastics and plastic products	12-31-1940	55,030.13	528,572.64	22,869.87	9,147.95	4,663.83
		12-31-1941	70,086.94	513,515.83	24,913.06	14,947.83	9,965.22
		12-31-1942	70,086.94	513,515.83	24,913.06	22,421.75	19,930.45
		12-31-1943	70,086.94	513,515.83	24,913.06	44,843.51	19,930.45
		12-31-1944	70,086.94	513,515.83	24,913.06	47,334.81	19,930.45
		12-31-1945	296.12	6,947.52	[2]6,259.36	1,946.80	447.75
Newport Theater Co., 260 Tremont St., Boston.	Motion picture theater	12-31-1941	825.84	6,417.80	5,729.64	4,978.06	1,492.52
		12-31-1942	3,465.18	34,610.82	2,111.32	1,904.27	570.08
Northeast Service, Inc., c/o Charles F. Rittenhouse Co., 75 Federal St., Boston.	Towel service	11-30-1943	4,325.45	33,750.55	1,251.05	1,183.20	638.45
		11-30-1944	4,106.53	32,969.47	469.97	446.47	126.90
Lawrence T. Ritchie Co., 194 Summer St., Boston.	Wool brokers	12-31-1941	2,193.95	15,155.96	3,089.33	1,163.52	267.61
		12-31-1942	3,769.94	13,579.97	1,513.34	2,076.51	622.95
		12-31-1943	5,834.13	11,515.78	None	314.38	94.32
Simonds Saw & Steel Co., 470 Main St., Fitchburg.	Manufacturers of saws, machine knives, files and steel	12-31-1940	1,012,179.78	162,275.27	150,036.85	61,704.12	None
		12-31-1941	1,192,710.87	235,065.52	216,852.67	130,111.60	40,334.62
		12-31-1942	1,359,025.90	239,988.65	108,366.33	97,528.97	43,346.21
		12-31-1943	1,359,025.09	108,366.33	108,366.33	97,529.70	43,346.54
		12-31-1944	1,359,025.09	108,366.33	108,366.33	102,948.01	43,346.53
		12-31-1945	1,320,648.42	95,743.00	90,955.85	90,955.85	38,697.20
Specialty Converters, Inc., Mill Lane, East Braintree.	Paper Products converters	6-30-1942	9,177.86	63,317.61	5,547.14	5,174.71	1,605.40
		6-30-1943	11,289.75	61,205.72	3,435.25	3,160.20	948.06
Swansea Print Works, Inc., Wood Ave., Swansea.	Printing, dyeing and finishing cotton piece goods	5-31-1942	9,425.67	67,111.54	7,736.54	5,966.00	1,546.02
		5-31-1943	12,267.11	64,372.89	4,997.89	5,966.00	1,835.10
United Stevedoring Corp. of New England, 131 State St., Boston.	Contract stevedoring	[1]12-31-1941	2,486.63	53,035.11	19,447.51	7,080.12	2,881.29
Ware Industries, Inc., East St., Ware	Owner and lessor of improved real estate	12-31-1942	5,612.40	31,645.94	3,088.52	5,627.92	1,688.37
		1-31-1944	5,646.89	31,611.45	824.60	2,761.61	824.60
Wheeler Reflector Co., 275 Congress St., Boston.	Manufacturers of reflectors	12-31-1941	28,523.10	147,159.18	7,013.22	5,324.47	1,650.59
Willey-Biggin Wool Service, Inc., 246 Summer St., Boston.	Dealers in raw wool and products	9-30-1941	85,977.87	98,070.33	21,481.17	5,578.55	None
		9-30-1942	96,742.24	112,435.90	25,524.88	14,328.61	5,220.34
		9-30-1943	96,742.24	112,435.90	25,524.88	22,972.39	10,209.95
		9-30-1944	96,742.24	112,435.90	25,524.88	35,521.96	15,181.48
		9-30-1945	96,742.24	112,435.90	25,524.88	34,365.53	14,469.70
Michigan							
Avenue Oil & Gas Co., 1417 Mott Foundation Bldg., Flint.	Oil and gas producers	12-31-1942	4,872.29	8,456.08	3,231.08	2,907.97	872.39
		12-31-1943	6,024.03	8,456.08	3,231.08	2,907.98	872.36
Arrow Liquers Corp., (formerly: Arrow Distilleries Inc.), Detroit.	Rectifyers	12-31-1941	12,177.40	124,301.41	9,259.35	5,775.09	2,541.04
		12-31-1942	15,428.80	6,007.95	6,007.95	5,790.27	2,591.55
Aurora Gasoline Co., 13911 Wyoming Ave., Detroit.	Refining and marketing of petroleum products	3-31-1942	252,331.82	439,293.25	26,038.13	29,275.11	10,415.25
		3-31-1943	252,331.82	439,293.25	26,038.13	23,434.31	10,415.25
		3-31-1944	252,331.82	439,293.25	26,038.13	23,738.01	10,415.25
		3-31-1945	252,331.82	439,293.25	26,038.13	24,736.22	10,415.25
		3-31-1946	252,331.82	439,293.25	26,038.13	18,696.89	7,847.11
Beach Products, Inc., 1801 Factory St., Kalamazoo.	Manufacture and sale of paper products	[1]12-31-1942	9,990.30	142,674.70	17,440.95	14,945.14	7,861.09
		[1]12-31-1943	11,085.36	141,579.64	25,592.46	23,162.09	11,384.85
		[1]12-31-1944	13,677.29	138,987.71	23,377.71	18,823.48	12,276.71
		[1]12-31-1945	16,522.66	136,142.34	20,532.34	14,790.14	11,258.05
Bell Lumber Co., 5251 East Outer Dr., Detroit.	Wholesale and retail lumber dealer	12-31-1942	6,521.83	35,142.08	5,828.17	6,475.82	1,942.75
		12-31-1943	9,345.22	32,318.69	6,804.78	8,259.64	2,539.78
		12-31-1944	9,253.02	32,410.89	6,896.98	7,329.58	2,714.93
		12-31-1945	10,824.22	30,839.69	5,325.78	6,020.34	2,110.04
Bryant & Detwiler Co., 2304 Penobscot Bldg., Detroit.	General contractors	12-31-1941	66,677.79	61,905.03	14,072.21	10,064.32	3,119.95
		12-31-1942	66,677.79	61,905.03	14,072.21	12,064.99	5,628.88
		12-31-1943	66,677.79	61,905.03	14,072.21	25,229.98	11,257.77
		12-31-1944	66,677.79	61,905.03	5,616.50	5,315.98	2,246.59
Bulldog Electric Products Co., 7610 Joseph Campu Ave., Detroit.	Manufacturer of electrical apparatus	12-31-1940	155,757.58	861,576.64	101,309.19	40,834.61	None
		12-31-1941	192,944.96	666,036.89	114,330.64	129,060.02	40,008.61
		12-31-1942	192,944.96	666,036.89	114,330.64	164,900.44	80,615.51
		12-31-1945	206,506.21	730,361.50	100,768.39	95,730.90	40,307.76
The Cooke Contracting Co., 1116 Penobscot Bldg., Detroit.	Engineering and contracting	12-31-1941	24,533.47	214,157.68	2,864.53	7,422.52	2,425.07
		12-31-1942	28,865.91	209,825.24	6,521.59	5,017.44	2,629.98
		12-31-1943	32,074.47	206,616.68	3,313.03	6,592.34	2,929.03
Detroit Breakfast Furniture Manufacturing Co., Inc., 1148 Wabash St., Detroit.	Furniture manufacturers	12-31-1942	2,918.49	15,090.38	4,465.73	4,019.15	1,205.77
		12-31-1943	3,232.49	14,856.16	4,231.51	3,808.36	1,142.51

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Michigan—Continued							
Extruded Metals, Inc., transferor, c/o Detroit Gasket & Manufacturing Co., transferee, 12640 Burt Rd., Detroit.	Extruding metals	12-31-1940	$18,760.67	$166,039.98	$52,668.14	$18,359.00	None
		12-31-1941	25,131.42	161,693.88	64,697.04	29,068.99	$9,202.97
		12-31-1942	26,777.25	161,569.74	64,002.90	47,000.51	28,060.93
		12-31-1943	25,230.91	164,044.53	66,537.69	55,273.39	29,194.19
		12-31-1944	27,716.65	124,819.95	64,051.95	46,000.37	27,242.72
		12-31-1945	32,253.78	120,285.91	59,517.91	34,295.51	24,814.17
Federal-Mogul Corp., 11031 Shoemaker Ave., Detroit.	Manufacture and sales of engine parts	12-31-1940	884,433.11	178,569.26	82,746.92	24,649.24	None
		12-31-1941	695,466.72	216,723.08	120,637.16	69,149.09	21,436.22
		12-31-1942	700,501.69	211,692.00	115,606.08	104,044.47	46,242.43
		12-31-1943	698,971.45	213,222.24	117,136.32	96,578.03	46,854.53
		12-31-1945	698,971.45	213,222.24	117,136.32	111,278.50	46,854.52
Ferro Stamping & Manufacturing Co., 1379 Franklin St., Detroit.	Automobile hardware	12-31-1940	49,287.17	380,556.48	21,392.83	7,487.50	1,028.37
		12-31-1941	69,549.46	360,294.19	16,663.04	7,498.37	None
		12-31-1944	73,921.67	355,921.98	12,190.83	11,676.29	2,324.50
Fruehauf Trailer Co., 10940 Harper Ave., Detroit.	Manufacture and sale of truck trailers	12-31-1941	82,408.89	347,435.06	3,643.91	3,643.91	4,916.34
		12-31-1940	1,333,069.86	2,882,166.77	304,069.79	126,729.35	1,534.07
		12-31-1941	1,602,094.78	3,433,207.37	498,474.76	299,084.85	None
		12-31-1942	1,622,830.34	3,399,427.45	493,426.95	444,084.26	92,716.31
		12-31-1943	1,610,411.13	2,253,638.15	493,426.95	468,755.61	197,370.79
		12-31-1944	1,844,107.51	2,253,638.15	493,426.95	468,755.61	197,370.78
		12-31-1945	2,008,149.54	2,253,638.15	493,426.95	468,755.60	197,370.78
Holcroft & Co., 6545 Epworth Blvd., Detroit.	Contracting engineers and furnace work	[1]12-31-1945	117,629.75	None	None	1,166.53	197,370.78
Inter-City Coach Line Co., 316 North Grand Ave., Lansing.	City bus lines	11-30-1941	30,346.70	4,665.85	4,665.85	1,166.38	675.60
Keystone Oil Refining Co., 12800 Northampton, Detroit.	Gasoline and oils	8-31-1941	15,633.19	117,913.51	27,450.26	647.53	None
		8-31-1942	22,303.59	151,700.65	30,237.11	27,683.43	10,187.34
		8-31-1943	22,303.59	151,700.65	30,237.11	27,213.39	15,045.38
		8-31-1944	22,303.59	151,700.65	30,237.11	23,493.99	14,612.04
		8-31-1945	22,303.59	151,700.65	30,237.11	19,521.20	14,395.38
		8-31-1946	22,303.59	151,700.65	30,237.11	8,967.86	4,811.62
Wm. F. McGraw & Co., 575 East Milwaukee Ave., Detroit.	Industrial brokers of rubber and screws, etc.	12-31-1942	1,191.15	14,875.96	2,133.85	1,513.91	454.17
Vinco Corp., 9111 Schaefer Highway, Detroit.	Manufacture of gages, precision measuring equipment, machine tools, etc.	12-31-1943	2,672.80	19,483.05	1,385.24	1,463.63	439.09
		12-31-1940	29,001.38	493,422.24	9,687.95	3,873.18	None
West Michigan Steel Foundry Co., 1145 West Western Ave., Muskegon.	Steel foundry	12-31-1941	46,278.77	460,915.03	12,035.37	7,221.22	2,238.57
		12-31-1943	78,745.40	582,047.59	1,637.58	1,769.13	550.28
		12-31-1941	149,560.19	40,638.23	30,975.38	22,472.26	6,960.20
		12-31-1942	149,560.19	325,409.81	30,975.38	27,877.84	12,390.15
		12-31-1943	149,560.19	325,409.81	30,975.38	27,877.84	12,390.15
		12-31-1944	149,560.19	325,409.81	30,975.38	29,426.61	12,390.16
		12-31-1945	149,560.19	325,409.81	30,975.38	29,426.61	12,390.15
Minnesota							
Archer-Daniels-Midland Co., 600 Roanoke Bldg., Minneapolis.	Manufacturers of vegetable oils, grain merchants, importers of various oils.	12-31-1940	2,527,873.58	3,440,192.27	106,286.42	10,723.80	None
		12-31-1941	2,500,997.69	3,674,650.27	856,587.31	621,582.17	192,690.47
		12-31-1942	2,643,674.16	3,511,973.80	713,910.84	642,519.75	285,564.33
		12-31-1943	2,643,674.16	3,771,497.79	713,910.84	416,245.76	285,564.34
		12-31-1944	2,643,674.16	3,771,497.79	713,910.84	380,633.26	285,564.33
		12-31-1945	2,643,674.16	2,793,217.44	713,910.84	678,215.29	285,564.34
Big Stone Canning Co., Ortonville	Canning vegetables	3-31-1945	24,853.56	None	None	2,925.68	1,406.52
Char-Gale Manufacturing Co., 4325 Hiawatha Ave., Minneapolis.	Manufacturers heating and air conditioning equipment and defense work	[1]11-30-1943	20,960.90	191,176.10	2,789.10	2,510.19	1,478.23
Green Giant Co., (formerly: Minnesota Valley Canning Co.), LeSueur.	Canning peas and corn	3-31-1941	247,893.82	345,950.45	87,452.03	39,353.42	None
		3-31-1942	271,816.12	614,468.90	120,650.35	72,390.21	22,440.96
		3-31-1943	330,668.83	547,597.94	55,163.72	49,647.35	22,065.49
		3-31-1944	336,668.83	547,597.94	55,163.72	50,333.12	22,065.48
		3-31-1945	330,668.83	547,597.94	55,163.72	34,042.44	22,065.48
K. S. T. P., Inc., Radio City, Minneapolis	Radio broadcasting	6-30-1942	127,638.11	129,423.59	15,161.89	6,822.81	2,113.06
		6-30-1943	121,638.19	129,423.51	15,161.81	13,645.63	6,064.73
		6-30-1944	121,638.19	129,423.51	15,161.81	14,022.90	6,064.72
		6-30-1945	121,638.19	129,423.51	15,161.81	14,403.72	6,064.73
Minneapolis Star Journal & Tribune Co., 425 Portland Ave., Minneapolis.	Newspaper publishing	5-31-1942	327,026.00	1,200,769.64	652,561.50	652,561.50	325,280.00
		5-31-1943	329,440.88	1,569,745.93	976,809.12	434,128.02	134,579.69
		5-31-1944	329,440.88	1,569,745.93	973,714.71	945,741.27	427,573.54
		5-31-1945	323,829.70	2,015,074.45	982,420.30	815,500.35	422,793.10
		5-31-1946	308,797.52	1,990,118.36	997,452.48	776,993.79	415,500.65
Red Owl Stores, Inc., 215 East Excelsior Ave., Hopkins.	Retail food stores and wholesale foods	2-28-1946	231,616.49	29,891.82	29,891.82	23,807.00	10,023.94
Red River Broadcasting Co., Inc., 218 Bradley Bldg., Duluth.	Radio broadcasting	12-31-1945	4,197.89	1,427.06	1,427.06	1,355.71	385.31
Rochester Bread Co., 300 Eleventh Ave. NW., Rochester.	Bread bakery	5-31-1946	13,452.78	3,657.18	3,657.18	2,037.90	1,468.74
Van Dusen Harrington Co., 713 Grain Exchange, Minneapolis.	Grain, milling, feed, terminal train elevators, retail lumber and coal	6-30-1942	544,059.86	731,770.22	13,590.14	41,023.96	12,718.05
		6-30-1943	541,108.36	734,721.72	16,541.64	55,458.98	24,648.44
		6-30-1945	668,938.90	666,891.18	None	1,978.96	893.04
		6-30-1946	544,203.25	731,596.83	13,386.75	20,237.83	8,521.06
Mississippi							
The Amory Garment Co., Amory	Garment factory	10-31-1941	10,465.57	Unstated	None	812.14	None
		10-31-1942	20,442.65	None	None	1,356.96	488.40
		10-31-1943	15,055.74	164,162.78	None	3,308.94	1,322.38
		10-31-1945	12,048.81	167,169.71	2,201.19	2,091.13	1,146.63
First District of Missouri							
McCabe Powers Auto Body Co., 5900 North Broadway, St. Louis.	Manufacturing of truck bodies	12-31-1941	25,099.40	145,137.99	23,113.10	4,729.44	1,466.15
		12-31-1942	26,415.94	119,003.54	21,796.56	19,616.90	11,134.55
Paramount Hollywood Theater Corp., 6838 Hollywood Blvd., Hollywood, Calif.	Theater operators	12-31-1944	26,415.94	211,684.66	21,796.56	28,263.32	17,437.25
		12-31-1942	7,803.20	31,969.86	11,196.80	10,488.48	3,184.70
		12-31-1943	9,278.30	30,434.76	16,105.70	15,063.60	6,095.17
		12-31-1945	13,034.83	26,678.23	12,349.17	11,736.37	6,074.99
Sixth District of Missouri							
B. Adler Millinery Co., 1208 Main St., Kansas City.	Retail ladies ready to wear	1-31-1942	21,515.97	130,294.01	3,184.03	1,114.40	345.47
		1-31-1943	21,515.97	130,294.01	3,184.03	2,865.62	1,687.53
		1-31-1944	21,515.97	130,294.01	3,184.03	2,765.37	1,687.54

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended— (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
Sixth District of Missouri—Continued							
J. A. Folger & Co., 324 West 8th St., Kansas City.	Coffee roasting	[1] 12-31-1941	$861,518.67	$800,961.34	$40,881.33	$31,053.[illegible]	$9,626.55
		[1] 12-31-1942	861,518.67	300,961.34	40,881.33	13,190.[illegible]	5,862.36
		12-31-1943	861,518.67	471,443.97	40,881.33	35,733.[illegible]	16,352.53
		12-31-1944	861,518.67	471,443.97	40,881.33	38,837.[illegible]	16,352.54
		12-31-1945	861,518.67	471,443.97	40,881.33	38,837.[illegible]	16,352.53
Gustin-Bacon Manufacturing Co., 1412-18 West 12th St., Kansas City, Mo.	Manufacturers and distributors of oil field and railway supplies.	9-30-1941	60,534.66	545,640.54	164,976.62	39,087.92	None
		9-30-1942	88,012.28	657,898.25	206,830.65	142,078.[illegible]	51,191.75
		9-30-1943	131,617.56	614,292.97	163,225.39	157,475.10	71,890.93
		9-30-1944	139,557.94	606,362.59	155,245.01	194,175.[illegible]	117,503.82
		9-30-1946	9,485.37	38,014.63	2,386.63	886.35	261.37
Ozark Wholesale Beverage Co., 501 West Olive St., Springfield.	Wholesale liquor						714.11
Reynolds Manufacturing Co., 600 North Prospect Ave., Springfield, Mo.	Foundary and related products	12-31-1941	10,712.50	62,924.66	4,012.50	1,622.[illegible]	1,233.13
		12-31-1942	10,007.47	82,747.91	4,717.53	4,277.10	600.19
		12-31-1943	12,502.08	99,618.04	1,222.52	1,324.[illegible]	
Nebraska							None
Ceco Steel Products Corp., 5601 West 26th St., Chicago, Ill.	Manufacturing, sale and installing steel building products.	[1] 12-31-1940	272,019.72	296,646.20	74,730.28	24,007.[illegible]	28,933.37
		12-31-1941	319,444.26	549,009.87	155,555.74	93,333.44	59,655.51
		12-31-1942	323,861.24	542,592.89	149,138.76	134,224.[illegible]	59,655.51
		12-31-1943	323,861.24	542,592.89	149,138.76	134,224.[illegible]	59,655.51
		12-31-1944	323,861.24	542,592.89	149,138.76	78,508.21	54,002.20
		12-31-1945	339,994.51	528,459.62	135,005.49	128,255.22	4,991.94
Gate City Iron Works, 11th and Seward Sts., Omaha.	Iron fabrication	12-31-1940	67,721.29	174,181.64	32,206.05	16,188.03	12,882.42
		12-31-1941	67,721.29	174,181.64	32,206.05	28,985.44	12,882.42
		12-31-1942	68,025.94	174,181.64	32,206.05	28,985.44	12,882.41
		12-31-1943	67,997.91	255,674.98	32,206.05	30,595.75	12,882.41
		12-31-1944	67,821.22	255,674.98	32,206.05	30,595.74	12,882.41
		12-31-1945	68,280.54	255,674.98	30,636.69	17,498.32	5,424.48
Peter Kiewit Sons' Co., 1024 Omaha National Bank Bldg., Omaha.	General contractor	12-31-1941	106,190.02	1,129,569.07	18,133.53	16,320.18	7,253.42
		12-31-1943	133,636.47	1,252,915.91	2,040.36	1,836.32	550.89
McCook Rendering Co., McCook	Rendering plant	[1] 6-30-1943	2,750.96	4,284.74	2,162.94	1,010.37	302.60
		[1] 6-30-1944	2,628.38	4,407.32	2,195.94	2,093.14	944.83
United Insurance Co., 417 Lincoln Liberty Life Bldg., Lincoln.	Health and accident insurance	12-31-1944	13,954.06	19,873.66			2,591.36
World Publishing Co., 14th and Dodge Sts., Omaha.	Newspaper publication	12-31-1941	738,888.22	186,440.89	18,946.53	8,288.41	17,005.00
		12-31-1942	723,071.85	231,207.65	42,512.49	38,261.24	8,846.00
		12-31-1943	737,649.84	226,013.91	22,114.99	19,903.49	8,846.00
		12-31-1944	737,649.84	226,013.91	22,114.99	21,009.24	8,846.00
		12-31-1945	737,649.84	226,013.91	22,114.99	21,009.24	8,846.00
New Hampshire							
J. F. McElwain Co., 103 Temple St., Nashua.	Shoe manufacturing	[1] 12-31-1942	1,200,335.22	None	None	22,260.77	9,897.23
		12-31-1943	1,105,964.37	$4,370.95	$4,370.95	16,433.99	7,264.18
First District of New Jersey							
The Coca-Cola Bottling Company of Trenton, Inc., c/o The Coca-Cola Bottling Co. of New York, Inc., 415 East 34th St., New York, N. Y.	Bottling and sale of bottled Coca-Cola.	12-31-1943	44,514.16	658.81	658.81	537.41	326.26
		12-31-1944	44,514.96	658.01	658.01	655.11	263.21
		12-31-1945	44,514.96	658.01	658.01	655.11	263.22
Kleckhefer Container Co. and Subsidiaries, P. O. Box 710, Camden.	Manufacturers of wood pulp, paper and paperboard containers.	12-31-1941	794,041.98	795,300.03	371,866.74	274,990.14	85,231.15
		12-31-1942	853,081.35	789,232.80	413,787.82	427,982.13	199,724.98
Kleckhefer Container Co. and Subsidiary, P. O. Box 710, Camden.	do	12-31-1943	876,302.64	726,107.27	370,566.53	379,278.54	176,990.65
McPherson Hotel Corp., 27 West State St., Trenton.	Hotel	11-30-1943	4,017.52	38,081.73	7,919.54	2,291.78	2,138.28
		11-30-1944	6,048.37	36,050.88	5,888.69	5,569.32	1,625.40
		11-30-1945	8,358.87	33,742.38	3,580.19	3,401.18	1,065.39
		11-30-1946	10,690.42	31,408.83	1,246.64	185.66	30.70
J. R. Quigley Co., 811 Market St., Gloucester City.	Wholesale lumber and millwork	11-30-1942	45,313.52	28,358.98	2,835.60	2,552.04	1,380.02
		11-30-1943	46,089.40	27,583.10	2,835.60	2,691.81	1,134.24
		11-30-1944	46,089.40	27,583.10	1,631.03	1,585.96	1,134.24
		11-30-1945	47,293.97	26,568.53			794.10
Fifth District of New Jersey							
CO Two Fire Equipment Co., U. S. Highway No. 1, Newark.	Manufacturing fire extinguishers	[1] 12-31-1940	76,282.73	725,000.76	60,042.27	19,738.83	None
		[1] 12-31-1941	91,356.56	897,053.84	74,893.44	44,406.06	13,930.18
		[1] 12-31-1943	131,261.31	179,295.19	34,988.69	43,134.10	26,827.85
Hudson Transit Lines, Inc., Franklin Turnpike, Mahwah.	Bus transportation	12-31-1942	23,096.10	104,768.74	18,789.90	16,910.91	8,349.97
		12-31-1943	24,393.57	104,431.27	18,215.72	33,001.33	16,147.58
		12-31-1944	24,393.57	104,431.27	18,452.43	17,529.81	9,409.80
Industrial Tape Corp., U. S. Highway No. 1, New Brunswick.	Manufacture and sale of industrial adhesive tape.	12-31-1940	114,790.80	450,624.76	168,428.83	26,299.90	None
		12-31-1941	135,780.89	535,809.76	168,428.83	92,906.36	28,521.66
		12-31-1942	135,780.89	535,809.76	168,428.83	133,696.47	67,371.54
		12-31-1943	135,780.89	535,809.76	168,428.83	83,647.51	67,371.54
		12-31-1945	135,780.89	535,809.76	168,428.83	157,903.74	67,371.54
International Cigar Machinery Co., 90 Main St., Flemington.	Leasing cigar machinery patents	12-31-1944	[1] 1,570,392.11	407,392.52	38,020.57	36,119.55	15,208.23
		12-31-1945	[1] 1,570,392.11	407,392.52	17,915.94	5,450.98	None
Jacques Kreisler Manufacturing Corp., 9015 Bergenline Ave., North Bergen.	Manufacturing jewelers	6-30-1941	63,915.06	160,569.94	30,730.26	18,438.15	5,715.83
		6-30-1942	81,539.74	145,585.26	30,730.26	27,657.23	12,292.10
		6-30-1943	81,539.74	375,743.76	34,462.67	11,987.43	6,930.20
		6-30-1944	77,807.33	376,836.17	34,462.67	32,739.54	13,785.07
		6-30-1945	77,493.91	379,476.17	2,486.92	1,948.48	474.12
Marcal Pulp & Paper, Inc., Paul L. Troast, trustee, River Rd., East Paterson.	Paper manufacturer	7-31-1942	13,348.06	72,151.94	548.09	1,763.97	553.89
		7-31-1943	15,686.52	69,813.48	4,006.51	2,377.12	736.89
Marcalus Manufacturing Co., Inc., 1 Market St., East Paterson.	Paper products	4-39-1942	37,119.85	31,560.76	5,031.55	4,611.56	2,366.92
		4-30-1944	37,928.62	31,560.76	5,031.55	4,779.98	2,285.65
		4-30-1945	37,928.62	31,560.76	5,031.55	3,208.47	1,531.68
		4-30-1946	37,928.62	31,560.76	5,031.55	5,603.31	1,728.97
John Simmons Co., Inc., 152 Mulberry St., Newark.	Jobbers of pipe, fittings, plumbing supplies, etc.	10-13-1942 to 12-31-1942	5,570.39	233,940.47	37,664.38	1,084.61	None
Stoney Mueller, Inc., Page and Newark Aves., Lyndhurst.	Dealers in chemical solvents	[1] 12-31-1940	20,298.87	89,301.23	14,878.23	19,284.25	5,978.17
		[1] 12-31-1941	26,560.35	84,490.03	32,012.63	25,118.08	15,200.30
		[1] 12-31-1942	26,584.34	84,493.66	32,015.66		

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by interna lrevenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended— (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
Fifth District of New Jersey—Continued							
The Thomas & Betts Co., 36 Butler St., Elizabeth.	Manufacturers of electrical fittings	12-31-1941	$251,586.82	$381,113.48	$47,731.14	$28,[illegible]68	$8,877.99
		12-31-1942	268,540.55	364,159.45	28,608.92	25,[illegible]04	11,443.57
		12-31-1943	268,540.55	364,159.45	28,608.92	25,[illegible]02	11,443.57
		12-31-1944	268,540.55	364,159.45	28,608.92	24,[illegible]94	22,887.14
		12-31-1945	268,540.45	364,159.45	28,608.92	27,[illegible]47	11,443.57
White Laboratories, Inc., 113 North 13th St., Newark.	Manufacturer of pharmaceuticals	6-30-1941	711,034.55	727,726.20	14,480.45	3,[illegible]11	None
		6-30-1942	850,991.73	859,576.26	56,494.71	28,[illegible]36	8,756.68
		6-30-1943	862,775.07	856,031.41	56,492.41	50,[illegible]53	22,596.97
		6-30-1944	864,935.59	855,980.11	56,492.41	52,[illegible]75	22,596.98
		6-30-1945	866,010.48	855,980.11	56,492.41	53,[illegible]79	22,596.95
		6-30-1946	867,660.66	855,980.11	56,492.41	27,[illegible]45	11,391.54
First District of New York							
Chicago Macaroni Co. of New York, Inc., 116 Imlay St., Brooklyn.	Wholesale grocers	12-31-1942	17,428.82	27,424.82	4,171.18	3,[illegible]06	1,625.44
		12-31-1943	18,647.67	57,643.57	3,012.33	3,[illegible]74	2,211.07
Edward Ehrbar, Inc., 29 Meserole Ave., Brooklyn.	Rental and sale of construction machinery.	12-31-1944	21,140.61	55,150.63	519.39	1,[illegible]40	814.94
		[1] 12-31-1941	26,980.72	42,940.73	3,926.24	1,[illegible]43	608.57
		[1] 12-31-1942	30,421.71	39,425.74	411.25	370.12	205.80
Holbrook Candles, Inc., c/o Samuel Sonet, 342 Madison Ave., New York.	Manufacture candles and confections.	12-31-1943	30,421.71	48,842.45	411.25	13,[illegible]20	7,889.05
Jewel Sheen Waterproofing Corp., 35-43 37th Ave., Long Island City.	Waterproofing of textiles	3-31-1942	1,158.83	97,643.67	7,193.27	2,[illegible]03	588.11
		3-31-1943	3,564.20	96,765.09	6,314.69	6,[illegible]54	1,815.44
Pepsi Cola Co. (formerly: Loft, Inc.), 3 West 57th St., New York,	Carbonated beverage	12-31-1941	2,439.33	None	None	496.35	123.36
		1- 1-1941 to 6-30-1941	5,576,044.20	5,903,264.38	910,697.20	330,[illegible]23	102,555.30
Polak's Frutal Works, Inc., 36-14 35th St., Long Island City.	Fruit extracts-essential oils, etc., manufacturer and wholesale.	12-31-1942	5,693,463.99	5,962,187.28	1,093,277.41	983,[illegible]49.67	437,310.95
		12-31-1943	5,726,392.42	5,929,258.85	1,060,348.98	954,[illegible]4.08	424,139.59
		12-31-1944	5,712,225.61	5,943,425.66	1,074,515.79	1,020,[illegible]0.00	445,191.39
Queensboro Bridge Railway Co., Inc., 5100 Northern Blvd., Woodside.	Transportation	12-31-1941	61,073.88	105,341.06	11,467.17	4,[illegible]5.87	1,421.94
		12-31-1942	61,073.88	105,341.06	11,467.17	10,[illegible]0.45	4,580.88
		6-30-1943	91,119.89	275,084.40	34,280.11	30,[illegible]2.10	14,397.65
		6-30-1944	91,119.89	275,084.40	34,280.11	31,[illegible]0.44	14,397.65
		6-30-1945	91,119.89	275,084.40	34,280.11	32,[illegible]6.11	14,397.65
E. R. Squibb & Sons, 745 5th Ave., New York.	Manufacturing chemists	6-30-1946	91,119.89	34,280.11	34,280.11	16,[illegible]6.86	7,258.01
		6-30-1942	1,808,440.78	1,109,471.63	38,205.24	22,[illegible]2.14	6,488.65
		6-30-1943	1,226,923.20	935,560.17	104,755.35	94,[illegible]9.81	41,893.15
Joseph H. Meyer Bros., 220 25th St., Brooklyn.	Manufacturing jewelry	6-30-1946	2,178,835.69	935,784.81	107,881.60	51,[illegible]3.27	21,693.17
		3-31-1944		46,454.20	270,324.61	86,[illegible]2.91	34,429.17
		3-31-1945		46,554.20	270,224.61	85,[illegible]2.91	34,389.16
		3-31-1946		46,554.20	270,224.61	85,[illegible]2.91	25,909.65
Second District of New York							
Allied Chemical & Dye Corp., successor by merger to The Solvay Process Co., 61 Broadway, New York.	Manufacture and sale of alkalies and nitrogen products.	12-31-1940	8,009,907.64	652,752.34	266,450.30	124,[illegible]8.35	None
		12-31-1941	9,449,091.37	679,870.36	307,285.78	184,[illegible]7.47	57,155.16
		12-31-1942	9,400,032.68	1,458,897.48	298,000.53	268,[illegible]0.48	119,290.21
		12-31-1943	9,388,099.99	1,458,897.48	310,481.26	257,[illegible]8.47	114,436.22
American Smelting & Refining Co., 120 Broadway, New York.	Mining, smelting, refining, manufacturing, buying and selling metalliferous products.	12-31-1944	9,385,468.44	1,458,897.48	337,314.54	471,[illegible]3.74	198,332.52
		12-31-1940	13,941,712.62	12,644,504.08	810,541.06	19,[illegible]8.71	None
		12-31-1941	15,765,811.50	3,277,330.98	1,022,075.76	1,196,[illegible]2.34	369,440.22
American Tack Co., Inc., 175 5th Ave., New York.	Tack manufacturing	6-30-1941	5,381.53	39,269.26	7,237.44	1,[illegible]9.39	None
		6-30-1943	7,211.40	37,439.39	8,177.59	1,[illegible]4.34	530.51
Burns & Roe, Inc., 233 Broadway, New York.	Engineering consultants	12-31-1940	7,378.90	21,987.26	13,361.50	1,[illegible]6.09	None
		12-31-1942	15,989.72	56,266.11	14,885.28	38,[illegible]4.10	19,658.17
Carter Products, Inc., 53 Park Pl., New York.	Manufacturers and distributors—proprietary medicines and toilet articles.	12-31-1944	9,754.68	62,501.15	21,120.32	20,[illegible]2.83	9,782.54
		3-31-1944	712,902.59	52,797.41	52,797.41	98,[illegible]6.06	42,237.94
Cosmopolitan Shipping Company, Inc., 42 Broadway, New York.	Steamship agents and operators and stevedoring.	3-31-1945	712,902.59	52,797.41	52,797.41	87,[illegible]1.71	37,030.62
		12-31-1941	20,749.29	142,185.97	5,685.04	2,84[illegible].52	881.17
Everfast Fabrics, Inc., 40 Worth St., New York.	Converters of cotton and rayon fabrics.	12-31-1942	23,730.08	139,205.18	2,704.25	2,[illegible]3.83	1,433.25
		12-31-1944	23,730.08	163,090.38	2,704.25	2,56[illegible].04	1,433.25
Golding Bros. Co., Inc., 316 Broadway, New York.	Cotton converters	6-30-1941	50,570.67	103,564.15	6,948.03	2,08[illegible].41	None
		6-30-1942	60,076.40	94,058.42	10,067.80	5,63[illegible].81	1,560.48
		12-31-1941	210,755.45	146,605.45	20,272.29	36,79[illegible].20	11,406.21
		12-31-1942	187,409.54	168,624.75	43,618.20	39,25[illegible].19	17,447.20
		12-31-1943	187,409.54	168,624.75	43,618.20	39,25[illegible].38	17,447.28
Heyden Chemical Corp. (Del.) (formerly: Heyden Chemical Corp. (N. Y.)), 393 7th Ave., New York.	Manufacturers of fine chemicals	12-31-1944	179,213.89	142,662.40	17,655.85	20,62[illegible].52	8,683.59
		12-31-1945	184,598.43	137,277.86	12,271.31	15,31[illegible].88	6,449.63
		12-31-1940	534,567.07	140,756.86	26,319.45	11,84[illegible].75	None
		12-31-1941	726,070.68	159,055.50	119,725.11	71,83[illegible].07	22,268.57
		12-31-1942	829,735.09	390,733.57	84,984.29	76,48[illegible].84	33,993.72
Heyden Chemical Corp. (Del.), 393 7th Ave., New York,	Manufacturers of fine chemicals	1- 1-1943 to 3-31-1943	828,342.89	397,709.95	84,984.29	18,85[illegible].53	8,347.78
La Prensa, Inc., 245 Canal St., New York	Publishing a newspaper in the Spanish language.	12-31-1943	763,164.93	176,260.55	64,025.96	57,62[illegible].37	25,610.38
		12-31-1944	1,010,324.39	233,945.55	84,980.98	80,73[illegible].93	33,992.39
		12-31-1942	2,982.48	30,267.52	2,242.52	2,01[illegible].26	605.48
		12-31-1943	2,982.48	30,267.52	2,242.52	2,01[illegible].27	605.48
Leather Trading Corp., 75 Cliff St., New York.	Purchase and sale of hides and leathers.	12-31-1945	2,982.48	46,914.84	2,242.52	2,130.39	605.48
		12-31-1941	9,201.58	56,604.42	12,363.42	4,51[illegible].83	1,925.90
		12-31[illegible]1942	16,063.66	49,742.34	8,569.83	8,81[illegible].80	3,947.95
		12-31-1943	19,471.10	34,200.81	6,053.90	6,59[illegible].33	3,460.76
Michigan News Reel Co., Inc., 4 West 58th St., New York.	Operation of motion picture theaters.	12-31-1944	18,600.87	35,071.04	6,964.13	5,70[illegible].89	3,090.99
		12-31-1945	21,535.17	32,136.74	4,029.83	3,82[illegible].34	2,135.81
		11-30-1944	6,917.33	108,565.67	9,215.85	5,71[illegible].04	2,851.41
New York Lubricating Oil Co., 116 Broad St., New York.	Lubricating oils and greases	11-30-1945	7,722.47	104,493.53	5,143.90	4,98[illegible].80	1,446.18
		11-30-1946	3,818.53	108,397.07	9,047.44	730.[illegible]0	212.34
Sterling Drug, Inc., and Subsidiaries (formerly: Sterling Products, Inc.), 1450 Broadway, New York.	Holding company	12-31-1941	50,786.45	72,151.13	26,163.55	23,40[illegible].36	7,256.29
		12-31-1942	46,331.24	76,606.34	30,618.76	32,68[illegible].80	14,811.57
		12-31-1943	44,411.19	78,526.39	32,538.81	31,77[illegible].35	14,257.47
		12-31-1944	46,173.22	76,764.36	30,776.78	46,53[illegible].94	19,593.11
		12-31-1941	9,174,177.80	190,708.72	170,964.40	102,57[illegible].94	29,985.14
		12-31-1942	9,459,561.33	103,644.31	91,990.62	82,79[illegible].59	38,636.06

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Second District of New York—Continued							
Union Bag & Paper Corp., 233 Broadway, New York.	Manufacture and sale of kraft board, pulp, paper, paperbags, etc.	12-31-1945	$1,309,814.16	$2,703,567.14	$400,183.84	$354,778.87	$201,224.38
White Lamb Finlay, Inc., 40 Worth St., New York.	Importers and wholesalers of textiles.	12-31-1941	76,960.36	226,725.18	3,760.64	3,265.09	1,012.17
		12-31-1942	83,304.48	220,350.06	None	466.26	207.22
		12-31-1943	81,630.16	222,084.38	None	604.23	268.55
		12-31-1944	73,032.22	230,683.32	7,718.78	7,637.96	3,215.98
		12-31-1945	65,154.70	238,579.84	15,615.30	15,314.29	6,448.12
Whyte Manufacturing Co., Inc., 113 4th Ave., New York.	Manufacturer of plastic products	10-31-1941	14,630.86	144,593.02	2,246.73	561.68	None
		10-31-1942	17,422.14	140,088.41	3,201.60	1,920.10	572.29
		10-31-1943	17,442.14	141,988.41	3,181.60	5,762.88	3,393.70
Third District of New York							
Air Devices, Inc., 17 East 42d St., New York.	Manufacturers and wholesaler of air-condition and heating equipment.	8-31-1942	2,495.89	42,199.16	5,881.39	3,041.14	1,203.88
		8-31-1943	4,549.89	40,497.30	4,179.53	4,228.70	1,268.60
		8-31-1944	5,176.09	40,217.53	3,899.76	4,165.46	1,205.00
		8-31-1945	5,276.81	40,258.28	3,940.51	3,802.73	1,080.79
Amalgamated Textiles, Ltd., 51 Madison Ave., New York.	Woolens	11-30-1942	28,450.13	96,775.58	33,289.87	24,503.97	10,476.38
		11-30-1943	30,377.43	94,658.28	40,672.57	41,467.92	20,725.78
Arkwright, Inc., 128 West 31st St., New York.	Resident buying	12-31-1941	7,066.38	3,645.98	1,370.12	525.24	120.83
		12-31-1942	6,463.79	3,728.57	1,452.71	1,433.04	429.92
Arnold Constable Corp. and Subsidiaries, 453 5th Ave., New York.	Retail apparel and accessories and real estate.	1-31-1942	609,966.66	183,182.34	61,972.19	30,986.10	9,285.30
		1-31-1943	626,397.58	166,176.97	46,014.32	45,527.74	21,246.28
		1-31-1944	644,473.64	147,410.91	27,248.26	31,130.31	14,399.50
		1-31-1945	628,666.02	163,718.53	43,555.88	49,441.88	21,858.52
		1-31-1946	615,209.86	177,084.69	56,922.04	56,529.01	24,992.04
Austenal Laboratories Inc., 224 East 39th St., New York.	Manufacturers of dental products.	12-31-1941	88,221.16	87,097.01	8,277.47	4,723.99	1,236.78
		12-31-1942	88,221.16	87,097.01	8,277.47	7,449.73	3,311.00
		12-31-1943	88,221.16	87,097.01	8,277.47	7,449.73	3,328.00
		12-31-1944	88,221.16	87,097.01	8,277.47	7,863.60	3,322.80
		12-31-1945	88,221.16	87,097.01	8,277.47	7,863.60	3,311.42
Avon Allied Products, Inc., Subsidiaries (formerly: Allied Products, Inc., Subsidiaries), 30 Rockefeller Plaza, New York.	Sale of cosmetics, perfumes, extracts and household products.	12-31-1945	826,635.40	520,542.16	59,857.62	56,804.73	25,140.19
Bond Stores, Inc., 380 5th Ave., New York	Men's clothing chain stores	12-31-1940	2,515,768.53	2,849,497.06	88,270.22	44,135.11	None
		12-31-1941	3,082,123.86	3,276,923.88	321,600.74	192,960.45	59,817.74
		12-31-1942	29,437.19	64,949.70	13,831.21	27,455.33	12,757.29
Bruner-Ritter, Inc., 630 5th Ave., New York.	Manufacturing of wrist watch attachements (jewelry).						
California Pacific Crayon Co., Inc., 41 East 42d St., New York.	Crayon manufacturers	12-31-1942	9,094.68	82,790.45	11,870.32	10,683.29	3,711.88
Circle F. Manufacturing Co., c/o Alson & Brown, 285 Madison Ave., New York.	Manufacturers of wiring devices	12-31-1940	48,183.71	418,934.39	12,616.29	3,784.95	None
		12-31-1941	57,962.02	409,456.08	16,234.01	16,366.58	5,073.64
		12-31-1942	56,281.98	410,836.12	16,234.02	19,604.42	8,713.25
		12-31-1943	56,281.98	410,836.12	16,234.02	15,422.22	6,493.60
		12-31-1945	56,281.98	507,345.23	22,527.73	10,798.91	2,350.94
The Coca-Cola Bottling Co., of New York, Inc., 415 East 34th St., New York.	Bottling and sale of bottled Coca-Cola.	12-31-1941	1,125,305.65				
Cohn Hall Marx Co., 1412 Broadway, New York.	Converters of cotton, silk and rayon goods.	6-30-1942	1,002,430.73	6,566,155.85	473,504.54	284,102.72	88,071.81
		6-30-1943	1,002,430.73	6,566,155.85	473,504.54	389,507.96	189,401.82
Columbia Comic Corp., 369 Lexington Ave., New York.	Magazine publisher	12-31-1944	2,023.93	59,261.09	10,338.31	6,438.76	2,892.05
		12-31-1945	2,285.65	58,999.37	10,076.59	7,387.11	2,768.43
Coty, Inc., 730 5th Ave., New York	Wholesalers—perfumes, cosmetics, etc.	12-31-1941	893,283.94	432,564.83	15,866.96	8,726.83	2,705.32
		12-31-1942	893,283.05	432,747.20	15,866.95	14,280.26	6,346.78
		12-31-1943	893,372.02	432,658.23	15,777.98	14,200.18	6,311.20
Mark Cross Co., 1926 Broadway, New York.	Manufacture of leather gloves	1-31-1945	37,598.11	99,100.56	5,151.89	11,444.23	5,059.55
		1-31-1946	34,700.06	101,998.61	8,049.94	7,378.34	2,984.91
Detective Comics, Inc., 480 Lexington Ave., New York.	Publishing	12-31-1940	143,138.40	374,268.65	51,611.60	18,165.45	None
		12-31-1941	178,928.25	341,478.80	61,571.75	2,797.60	867.26
		12-31-1942	178,879.77	341,527.28	61,620.23	99,178.97	44,079.55
		12-31-1943	178,879.77	341,527.28	61,620.23	55,458.21	24,648.10
		12-31-1944	178,879.77	341,527.28	61,620.23	47,503.34	24,648.10
		12-31-1945	178,879.77	341,527.28	61,620.23	37,560.44	25,880.50
The Dixie, Inc., 241 West 42d St., New York	Hotel	3-23-1942 to 12-31-1942	135.04	103,626.92	32,164.96	21,814.20	7,915.22
David D. Doniger & Co., Inc., 303 5th Ave., New York.	Sportswear manufacturer	12-31-1943	669.25	103,092.71	31,630.75	16,311.21	11,838.90
		12-31-1945	8,621.21	95,140.76	23,678.79	18,327.75	10,991.27
		12-31-1940	87,498.83	94,983.10	13,411.07	1,958.07	None
		12-31-1941	104,795.58	101,631.37	56,795.16	24,923.71	7,727.59
DPX Liquidating Corp. (formerly: Duplex Fabrics Corp.), c/o Louis Lazare, trustee in liquidation, Burlington Mills Corp., 350 5th Ave., New York.	Rayon converters	12-31-1942	125,600.00	172,391.49	25,623.85	19,804.46	10,249.54
		12-31-1943	125,600.00	172,391.49	25,623.85		10,249.54
DuPont Film Manufacturing Corp., c/o E. I. DuPont DeNemours & Co., successor in interest, DuPont Bldg., Wilmington, Del.	Manufacturing	12-31-1940	1,416,670.52	308,885.73	234,902.58	100,878.79	None
		12-31-1941	1,742,118.15	569,592.85	262,316.83	157,390.10	48,700.93
The French Pavilion Restaurant Corp., 5 East 55th St., New York.	Restaurant	9-30-1945	4,246.44	61,791.98	1,168.56	1,490.82	461.32
Gluck Bros., 206 Lexington Ave., New York.	Manufacturing furniture	12-31-1941	17,815.41	107,563.75	12,679.59	6,938.11	1,441.18
		12-31-1942	21,966.40	103,412.76	13,966.40	14,894.62	8,542.09
		12-31-1943	22,117.07	103,262.09	13,317.93	10,598.52	7,718.14
Gristede Bros., Inc., 1001 Bronxdale Ave., New York.	Chain retail grocery, meat and liquor stores.	12-31-1945	222,707.46	86,433.03	31,314.95	24,294.00	12,525.98
Hartol Petroleum Corp., (formerly: Hartol Products Corp.), 630 5th Ave., New York.	Wholesale petroleum products	4-30-1945					
		5-31-1942	121,945.16	302,806.98	74,727.64	39,613.15	12,280.67
		5-31-1943	138,713.57	304,389.80	47,959.23	43,160.31	19,250.35
		5-21-1946	141,911.04	286,710.78	48,128.29	26,136.10	11,287.07
Hay-Adams Corp., Vanderbilt Hotel, 4 Park Ave., New York.	Hotel	12-31-1941	45,951.96	97,891.66	1,875.83	844.12	261.68
C. E. Hooper, Inc., 10 East 40th St., New York.	Radio statistical service	3-31-1942	1,074.21	54,624.20	11,879.11	8,435.58	3,168.77
		3-31-1944	2,368.65	53,329.76	10,433.08	9,617.96	2,869.01
		3-31-1945	2,886.26	52,783.74	10,095.47	9,590.69	2,785.41
		3-31-1946	3,419.50	52,250.50	9,562.23	6,844.20	1,786.70
Industrial Directories, Inc., 205 East 42d St., New York.	Publishers	12-31-1943	5,535.73	17,394.53	3,204.27	2,445.94	1,696.94
		12-31-1944	6,292.06	16,638.20	2,447.94	2,325.54	660.94
		12-31-1945	7,342.52	15,587.74	1,397.48	1,327.60	377.32

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Second District of New York—Continued							
Interborough News Co., 525 West 52d St., New York.	Wholesale distribution of magazines and periodicals and operation of news stands and vending machine eats in Eighth Avenue subway.	12-31-1943	$217,973.03	$228,864.37	$12,170.57	$32,320.51	$14,364.66
The Jonathan Press, Inc., 570 Lexington Ave., New York.	Publisher of books and magazines.	12-31-1943	250.00	22,275.30	4,146.98	3,792.28	1,119.69
Joske Bros. Co., c/o Allied Stores Corp., 401 5th Ave., New York.	Department store	12-31-1944	600.73	21,924.56	3,796.25	3,697.44	1,025.00
		1-31-1942	438,441.25	82,837.25	36,558.95	20,107.42	6,233.29
Kayser Stores, Inc., 500 5th Ave., New York.	Retailers of hosiery, gloves, underwear, etc.	1-31-1943	438,478.59	82,799.71	36,521.41	32,969.27	14,698.59
		6-30-1943	11,957.81	40,426.70	None	2,899.59	804.17
Leader News Co., Inc., 114 East 47th St., New York.	Magazine distributors	12-31-1944	2,074.28	26,693.85	3,231.72	3,147.87	894.67
Lum's 52d St. Corp., 1480-50 West 52d St., New York.	Restaurant	12-31-1945	3,114.74	25,432.45	1,970.33	1,857.81	531.99
		3-31-1946	2,314.40	25,969.11	1,770.60	1,207.31	360.18
Magnetic Analysis Corp., 511 5th Ave., New York.	Manufacture and rental or sale of magnetic testing equipments.	12-31-1941	17,935.78	18,557.50	7,336.98	3,938.29	1,696.30
		12-31-1942	17,854.61	18,661.67	7,441.15	9,548.31	4,339.00
		12-31-1943	16,677.18	87,086.33	8,618.58	5,806.95	4,465.10
		12-31-1945	15,666.45	88,097.06	9,629.31	10,882.80	5,786.70
Mayfair Productions, Inc., transferor; Jules Levey, transferee; 19 West 44th St., New York.	Production of motion pictures	1-1-1942 to 10-29-1942	1,703.57	82,878.75	14,625.06	12,707.89	4,275.34
Mercury Publications, Inc. (formerly: The American Mercury, Inc.), 570 Lexington Ave., New York.	Magazine and book publishers	12-31-1941	5,310.42	22,811.63	12,492.13	4,372.24	1,856.87
		12-31-1942	5,290.06	22,870.99	21,836.79	20,113.68	7,979.86
		12-31-1943	4,514.50	52,937.70	22,582.35	20,588.96	8,122.17
		12-31-1945	8,365.78	49,086.42	18,731.07	9,144.13	3,476.57
Metropolis Theater Co., 234 West 44th St., New York.	Leasehold rentals	6-30-1944	16,402.04	45,447.95	3,309.12	3,088.25	1,733.19
		6-30-1945	16,402.04	45,447.93	3,309.12	12,583.42	7,020.22
		6-30-1946	16,402.04	45,447.93	3,309.12	1,584.75	783.00
McCrory Stores Corp., 1107 Broadway, New York.	Limited price variety store	12-31-1941	2,283,784.69	1,863,939.43	100,121.34	60,072.81	18,622.57
		12-31-1942	2,283,784.69	1,863,939.43	100,121.34	90,108.21	40,048.53
		12-31-1943	2,283,784.69	1,863,939.43	100,121.34	90,108.21	40,048.53
		12-31-1944	2,283,784.69	1,863,939.43	100,121.34	90,108.21	40,048.53
		12-31-1945	2,283,784.69	1,867,236.05	100,121.34	95,119.22	40,048.54
Newland, Schneeloch & Piek, Inc., 1107 Broadway, New York.	Wholesale china, glassware and pottery.	12-31-1940		8,305.07	63,552.80	1,641.20	1,118.45	None
		12-31-1941		6,483.33	81,904.54	5,646.27	3,189.98	987.72
The New Yorker Magazine, Inc. (formerly: F-R Publishing Corp.), 25 West 43d St., New York.	Magazine publishing	12-31-1942		8,956.08	79,431.79	3,173.52	4,444.20	1,668.89
		12-31-1944		366,924.52	157,549.00	9,336.14	8,860.33	3,734.46
		12-31-1945		365,319.31	158,637.70	10,424.84	9,903.60	4,169.94
Northwest Automatic Candy Corp., 45 West 36th St., New York.	Candy vending in theatres	5-31-1944	2,847.68	22,402.65	8,325.78	8,273.21	2,435.75
		5-31-1945	3,434.71	21,815.82	7,738.95	7,905.36	2,270.27
Old Bleach Linens, Inc., 112 Franklin St., New York.	Wholesalers of linen products	5-31-1946	3,884.21	21,416.32	7,339.45	4,459.87	1,281.30
		2-28-1945	3,911.05	3,214.17	363.95	308.08	87.57
Ormond Hosiery Shops, Inc., 200 Madison Ave., New York.	Retail stores—womens' hosiery, bags and gloves.	12-31-1941	4,031.24	30,848.96	6,418.76	2,246.55	888.48
		12-31-1942	8,319.76	26,560.44	2,130.24	1,917.22	675.16
Ormond Hosiery Shops of Pennsylvania, Inc., 200 Madison Ave., New York.	Retail stores-ladies hosiery and accessories.	12-31-1943	6,306.16	26,560.44	2,130.24	1,917.22	675.16
		12-31-1941	1,895.44	12,553.91	8,551.56	2,697.51	620.38
Paper Corp. of United States, 630 5th Ave., New York.	Wholesale paper dealer	12-31-1942	4,425.52	10,023.83	6,021.48	8,385.46	2,515.64
		12-31-1943	15,489.02	182,110.98	12,060.98	10,854.88	5,309.69
Parfum L'Orle, Inc., 6 East 39th St., New York.	Distributor of cosmetics and toiletries.	12-31-1944	15,966.82	181,633.18	11,583.18	11,004.02	6,139.09
		12-31-1945	15,966.82	181,633.18	11,583.18	11,004.02	6,139.09
		7-31-1944	21,140.99	53,854.63	5,911.37	22,117.04	12,616.57
		7-31-1945	23,135.51	53,854.63	5,911.37	7,969.80	3,885.96
		7-31-1946	24,066.80	54,928.82	6,985.56	2,781.26	1,551.95
Parkchester Amusement Corp., 1540 Broadway, New York.	Theatrical	8-31-1942	1,047.81	68,302.19	39,994.18	19,523.86	7,116.14
		8-31-1943	542.88	114,347.69	40,399.11	30,031.24	16,478.68
		8-31-1944	4,310.98	110,679.59	36,731.01	31,332.04	16,264.65
		8-31-1945	7,423.11	107,567.46	33,618.88	30,586.58	15,812.56
		8-31-1946	10,948.05	104,042.52	30,093.94	9,709.80	4,960.84
J. C. Penney Co., 330 West 34th St., New York.	Retail stores carrying clothing, dry goods, shoes, etc.	12-31-1943	19,444,208.77	3,264,933.66	804,245.27	723,820.74	321,098.12
Petroleum Machinery Corp., 30 Rockefeller Plaza, New York.	Export of machinery	8-31-1944	5,344.79	8,733.22	8,733.22	4,747.65	1,418.57
Radiomarine Corp. of America, 75 Varick St., New York.	Marine radio communications—sales and service.	12-31-1941	214,427.84	231,450.28	26,872.16	18,458.92	5,722.15
		12-31-1942	214,316.64	229,216.88	38,383.36	34,545.02	15,353.35
Revelation Blouse Corp., 1370 Broadway, New York.	Manufactures—sportswear	12-31-1943	220,120.23	225,346.04	32,579.77	29,322.00	13,031.90
		12-31-1941	2,337.82	23,647.30	4,962.70	360.99	83.03
		12-31-1942	3,015.38	23,000.42	4,315.82	4,035.06	1,210.51
		12-31-1943	2,930.41	23,054.71	4,460.79	4,061.90	1,218.32
		12-31-1944	3,726.85	22,166.55	3,481.95	3,522.42	1,001.11
		12-31-1945	3,327.40	22,288.40	3,603.80	1,728.95	491.27
Henry Rose Stores, Inc., 360 West 31st St., New York.	Operating retail women's wearing apparel departments.	12-31-1940	405,753.77	39,318.59	36,187.43	16,284.37	None
Royal Frocks, Inc., 463 7th Ave., New York.	Manufacturers of ladies dresses	12-31-1941	485,615.17	46,256.16	43,671.60	26,202.96	8,122.92
		6-30-1941	18,553.47	21,846.17	12,986.53	3,313.42	None
Royal Petroleum Corp., 420 Lexington Ave., New York.	Distribution of petroleum products wholesale and oil development.	6-30-1942	22,846.09	31,410.31	19,903.91	6,203.96	1,923.21
		12-31-1945	103,263.38	53,805.87	29,361.58	37,782.53	15,698.34
St. Louis Orpheum Corp., 1540 Broadway, New York.	Theatrical	12-28-1942 to 8-31-1943	400.00	61,350.00	9,352.19	3,065.79	892.20
		8-31-1944	669.43	61,080.57	22,205.97	20,468.19	7,709.55
		8-31-1945	1,722.78	60,027.22	21,152.62	19,054.57	7,858.81
		8-31-1946	3,058.97	58,691.03	19,816.43	5,314.80	2,596.20
San-Nap-Pak Manufacturing Co., Inc., 11 West 42d St., New York.	Manufacturers paper products	12-31, 1940	140,883.32	256,782.09	27,266.68	5,641.24	None
I. Sekine Co., Inc., 232 Madison Ave., New York.	Brush manufacturing	12-31-1943	27,864.74	65,037.16	16,796.58	15,116.88	5,902.16
H. P. Selman & Co., 1372 Broadway, New York.	Retail ladies' ready to wear	1-31-1946	54,586.98	16,410.11	16,410.11	6,845.90	6,216.70
Simon & Schuster, Inc., 1230 6th Ave., New York.	Book publishers	12-31-1942	80,516.80	168,559.21	32,539.85	57,431.50	25,525.11
		12-31-1943	80,516.80	168,559.21	32,539.85	29,285.86	13,015.94

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Second District of New York—Continued							
Single Service Containers, Inc., 220 East 42d St., New York.	Manufacture of paper milk containers.	3-31-1944	$14,[illegible]28.88	$56,621.12	$23,490.93	$15,111.[illegible]	$11,634.98
		3-31-1945	19,[illegible]62.81	52,187.19	19,057.00	18,166.57	10,135.04
		3-31-1946	20,[illegible]75.03	50,274.97	17,144.78	11,476.41	7,073.77
Steinway Omnibus Corp., 5100 Northern Blvd., Woodside.	Transportation	6-30-1942	47,[illegible]35.67	96,477.09	51,749.33	22,255.[illegible]	6,899.34
		12-31-1944	24,785.00	149,373.56	37,071.50	31,203.[illegible]	16,806.55
Strauss-Rose Carpet Corp., 222 West North Bank Dr., Chicago, Ill.	Wholesale distributors floor coverings.	12-31-1945	24,785.00	149,373.56	37,071.50	33,932.[illegible]	16,806.55
		12-31-1941	242,[illegible]11.44	341,953.35	33,388.56	18,572.[illegible]	5,737.40
S. Stroock & Co., Inc., 404 5th Ave., New York.	Textile	12-31-1942	250,[illegible]43.95	333,920.84	44,356.05	39,920.[illegible]	17,742.42
		12-31-1943	254,[illegible]66.04	329,698.75	40,133.96	34,292.[illegible]	16,053.58
Superman, Inc., 480 Lexington Ave., New York.	Publishing	12-31-1940	40.00	121,350.99	89,545.00	31,279.[illegible]	None
		12-31-1941	3,706.80	117,684.19	105,543.20	44,280.[illegible]	13,727.06
		12-31-1942	2,[illegible]18.50	136,694.74	106,631.50	82,312.[illegible]	40,177.53
		12-31-1943	3,[illegible]65.49	136,247.75	106,184.51	83,447.44	43,622.32
		12-31-1944	4,215.81	135,097.43	105,034.19	80,499.[illegible]	43,961.73
		12-31-1945	5,176.98	134,136.26	104,073.02	82,381.[illegible]	43,702.21
Sutton Publishing Co., Inc., 60 East 42d St., New York.	Publishing periodicals	12-31-1945	5,176.98	38,595.81	8,415.26	2,947.74	884.31
		5-31-1943	1,084.74	37,458.11	8,170.56	6,700.[illegible]	2,469.86
		5-31-1944	1,329.44	36,875.11	7,587.56	2,887.[illegible]	2,048.65
		5-31-1945	1,912.44	35,409.60	6,122.05	1,686.[illegible]	969.12
		5-31-1946	3,377.95	252,492.52	22,592.52	6,777.76	None
A. M. Tenney Associates, Inc., 10 East 40th St., New York.	Selling textiles on commission	12-28-1941	80,007.48	234,090.80	44,076.55	22,038.27	6,831.86
		2-28-1942	98,409.20	232,153.72	44,076.55	39,668.[illegible]	17,630.62
		2-28-1943	98,409.20	232,153.29	44,076.55	40,030.[illegible]	17,630.62
		2-29-1944	98,409.20	232,153.29	44,076.55	41,872.72	17,630.62
		2-28-1945	98,409.20	232,153.72	44,076.55	35,104.24	14,780.73
		2-28-1946	98,409.20	70,333.21	3,101.60	2,946.52	947.46
Tip Toe Catering Co., Inc., 2131 Broadway, New York.	Service restaurant and food	11-30-1945	12,098.40	59,756.35	6,600.04	5,940.[illegible]	3,498.01
Todd & Brown, Inc., 103 Park Ave., New York.	Builders and engineers	12-31-1942	14,999.76	155,269.27	30,150.47	64,404.[illegible]	28,624.16
Triumph Hosiery Mills, Inc., 200 Madison Ave., New York.	Manufacturer—womens hosiery	12-31-1942	48,849.53	150,786.47	25,667.67	2,434.[illegible]	1,025.11
		12-31-1944	50,332.33	354,520.98	31,758.48	12,703.[illegible]	None
Turner Construction Co., 420 Lexington Ave., New York.	General contractors, building construction, etc.	12-31-1940	223,223.04	324,845.38	35,534.28	31,980.[illegible]	14,213.71
		12-31-1942	271,477.95	899,661.31	286,196.91	271,887.[illegible]	114,478.77
United States Plywood Corp., 555 West 44th St., New York.	Manufacture and sale of plywood	4-30-1945	878,291.13	801,154.31	286,196.91	182,499.54	76,841.91
		4-30-1946	1,078,478.75	1,411,481.94	13,996,598.38	58,996.26	None
Universal Pictures Co., Inc., 445 Park Ave., New York.	Producers and distributors of motion pictures.	10-31-1941	1,411,481.94	11,127,392.49	1,025,813.68	719,193.75	264,777.97
		10-31-1942	1,622,551.86	13,996,598.38	2,760.85	766.74	None
Van Cleef & Arpels, Inc., 744 5th Ave., New York.	Retail jewelry	2-28-1941	18,864.15	41,801.10	12,288.85	4,[illegible]61.56	1,783.57
		2-28-1942	18,311.15	41,354.10	2,579.04	9,004.85	4,493.56
		2-28-1943	28,020.96	31,644.29	None	1,807.04	1,054.53
		2-29-1944	32,755.20	22,910.05	44,859.66	23,609.67	7,318.69
Waldburger, Grant & Co., Inc., 20 West 37th St., New York.	Wholesale textiles	1- 1-1941 to 10-31-1941	18,028.34	144,231.87			
		10-31-1942	22,191.77	138,328.86	38,954.75	22,182.57	10,723.00
		10-31-1945	67,560.21	118,661.90	19,287.79	18,364.96	7,732.62
Wallerstein Co., Inc., 180 Madison Ave., New York.	Chemical manufacturing	12-31-1944	867,907.23	161,438.61	36,603.50	34,773.32	14,641.40
		12-31-1945	867,907.23	14,359.83	3,800.02	1,330.01	305.90
Wm. Wilder Co., Inc., c/o George Bickwit & Co., 280 Madison Ave., New York.	Ladies handbag jobbers	12-31-1941	4,694.47	3,800.02	3,800.02	3,420.02	1,026.01
		12-31-1942	4,694.47	14,359.83	3,800.06	3,420.05	1,026.00
		12-31-1943	4,694.43	14,359.87	3,800.06	1,900.40	285.18
The Yorke Publishing Co., Inc. (formerly: The American Journal of Surgery, Inc.), 49 West 45th St., New York.	Medical publisher	12-31-1944	2,260.55	1,056.21	1,056.21		
Fourteenth District of New York							
Mountain View Coach Lines, Inc., Coxsackie.	Bus line	12-31-1942	6,756.74	24,303.56	821.87	1,[illegible]65.48	529.65
		12-31-1943	6,770.62	24,289.68	807.99	727.19	218.15
		12-31-1944	6,770.62	24,289.68	807.99	767.59	218.15
		12-31-1945	6,770.62	24,289.68	807.99	767.59	218.15
Schaffer Stores Co., Inc., 116 Erie Blvd., Schenectady.	Retail grocery and meat markets	6-30-1945	70,385.76	38,092.60	10,367.09	9,[illegible]38.63	4,151.00
		6-30-1946	75,685.92	32,792.44	5,066.93	2,427.13	1,021.71
Sonotone Corp., Elmsford	Manufacture of hearing aids and communication equipment.	12-31-1941	373,307.84	646,525.46	36,080.17	19,[illegible]44.10	6,151.68
		12-31-1942	391,794.02	892,293.45	106,087.03	192,[illegible]56.66	85,669.62
		12-31-1943	393,108.63	892,293.45	106,087.03	190,[illegible]66.65	84,869.64
		12-31-1944	71,896.53	245,589.95	3,289.89	3,125.40	1,315.96
		12-31-1945	71,896.53	245,589.95	3,289.89	3,125.40	1,315.96
Terrytoons, Inc., 38 Centre Ave., New Rochelle.	Motion picture cartoon producers						
Twenty-first District of New York							
The Beacon Milling Co., Inc., Cayuga	Manufacture and sale of stock feeds.	12-31-1941	284,029.09	80,419.71	6,596.81	3,[illegible]27.49	1,000.52
		12-31-1942	284,029.09	100,706.71	14,864.66	26,[illegible]46.39	11,891.73
		12-31-1943	284,029.09	100,706.71	14,864.66	13,[illegible]78.19	5,945.87
		12-31-1945	283,423.09	100,706.71	14,864.66	14,121.43	5,945.87
Eastern Footwear Corp., Ransom St., Dolgeville.	Manufacturer of shoes	12-31-1940	25,436.56	397,929.04	8,292.24	2,207.52	None
		12-31-1941	22,469.40	400,806.20	67,890.80	11,818.07	3,663.60
		12-31-1942	20,520.60	402,845.00	69,939.60	146,961.95	65,883.31
		12-31-1943	20,395.67	402,969.93	69,964.53	56,905.24	31,416.10
Lipe-Rollway Corp., (formerly: W. C. Lipe, Inc.), 806 Emerson Ave., Syracuse.	Manufacturers of machine tools and clutches.	12-31-1940	27,254.85	299,952.31	19,843.18	6,945.11	None
		1-1-1941 to 11-30-1941	36,891.28	294,582.25	42,830.62	21,356.12	6,682.40
		11-30-1942	68,539.55	285,958.62	47,031.99	25,408.16	13,575.64
Louisville Operating Co., Inc., 1540 Broadway, New York.	Theatrical	8-31-1945	23,978.47	1,112.83	520.77	494.73	276.00
Twenty-eighth District of New York							
The Buffalo Coca-Cola Bottling Corp., c/o The Coca-Cola Bottling Co. of New York, 425 East 34th St., New York.	Bottling and sale of bottled Coca-Cola.	12-31-1940	52,708.55	57,728.95	680.52	170.13	None
		12-31-1942	62,923.64	74,826.36	3,829.46	3,846.52	1,531.79
		12-31-1943	62,923.64	3,829.46	3,829.46	3,846.61	1,531.83
		12-31-1944	62,923.64	3,829.46	3,829.46	3,537.99	1,531.79

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Twenty-eighth District of New York—Con.							
Buffalo Twentieth Century, Inc., 16 East Mohawk St., Buffalo.	Theater	6-30-1943	$275.80	$118,474.20	$17,774.20	$5,616.[illegible]80	$4,881.24
		6-30-1944	1,667.27	117,082.73	16,382.73	12,507.[illegible]48	5,295.30
		6-30-1945	4,053.09	114,696.91	13,996.91	13,297.[illegible]06	4,952.10
Chisholm-Moore Hoist Corp., Fremont St., Tonawanda.	Chain hoists, etc	6-30-1941	58,813.53	96,429.49	10,342.67	4,137.07	None
		6-30-1942	70,414.30	84,828.72	14,361.80	7,899.00	2,448.69
Dolores Steamship Co., Inc., 508 Walbridge Bldg., Buffalo.	Lake freighter	3-31-1944	3,064.45	25,435.55	814.88	4,283.14	1,267.43
		3-31-1945	3,064.45	25,435.55	814.88	774.14	220.01
Electro Refractories & Alloys Corp., Andrews Bldg., Buffalo,	Manufacture of refractory products, metal alloys, etc.	12-31-1941	74,845.14	90,638.19	42,081.93	22,054.[illegible]36	6,836.86
		12-31-1942	85,171.35	140,965.77	38,471.36	28,128.[illegible]22	15,388.54
		12-31-1943	87,131.88	175,376.22	38,485.16	20,202.[illegible]46	15,394.07
		12-31-1944	87,291.37	175,376.22	38,485.16	18,543.[illegible]56	15,394.07
		12-31-1945	87,291.37	175,367.42	38,485.16	18,236.[illegible]72	15,394.07
The Foote Company, Inc., State St., Nunda.	Manufacturers of road building equipment.	12-31-1941	30,095.32	190,482.00	25,150.64	23,999.[illegible]13	7,436.95
		12-31-1942	34,333.70	186,153.62	20,822.26	16,027.[illegible]34	10,121.49
		12-13-1943	35,604.58	184,882.74	19,551.38	11,406.[illegible]48	10,546.57
		12-31-1945	42,498.18	177,989.14	11,657.78	13,794.[illegible]01	5,808.00
Moore Business Forms, Inc. (formerly: American Sales Book Co., Inc.), 330 University Ave., Toronto, Ontario, Canada.	Manufacture and sale of printed business forms.	12-31-1941	1,000,192.22	577,521.23	35,307.78	21,180.[illegible]67	6,567.25
		12-31-1942	1,001,001.57	576,711.88	34,498.43	31,048.[illegible]59	13,799.37
		12-31-1943	1,001,001.57	576,711.88	34,498.43	31,048.[illegible]59	13,799.36
		12-31-1944	1,001,001.57	1,279,837.28	34,498.43	32,772.[illegible]51	13,799.37
		12-31-1945	1,887,491.02	2,255,627.13	52,304.48	40,682.[illegible]25	20,921.79
Moore Business Forms, Inc., successor of Gilman Fanfold Corp., 330 University Ave., Toronto, Ontario, Canada.	Manufacture and sale of printed business stationery.	12-31-1941	427,802.17	330,030.88	47,197.83	26,342.[illegible]23	8,166.10
		12-31-1942	440,545.17	317,287.88	34,454.83	31,000.[illegible]35	13,781.93
		12-31-1943	440,545.17	317,287.88	34,454.83	31,000.[illegible]35	13,781.93
		12-31-1944	440,545.17	635,949.23	34,454.83	32,732.[illegible]09	13,781.93
New York Car Wheel Co., 15 Forest Ave., Buffalo.	Manufacturing	12-31-1941	35,234.82	109,603.25	9,890.18	6,244.[illegible]53	1,935.80
		12-31-1942	35,185.13	109,652.94	9,939.87	8,954.[illegible]01	3,979.56
W. Ralston & Co., Inc., 921 Whirlpool St., Niagara Falls.	Waterproof paper manufacturer	12-13-1942	11,716.16	168,239.07	4,433.84	5,000.[illegible]89	1,521.36
		12-31-1943	11,225.70	168,729.53	4,924.30	5,292.[illegible]79	1,609.14
Recordak Corp., 100 West 10th St., Wilmington, Del.	Sale of recordak film and rental and servicing recordak equipment.	12-31-1944	276,538.05	284,872.27	158,024.81	133,036.[illegible]37	63,209.92
		12-31-1945	276,538.05	284,872.27	158,024.81	150,123.[illegible]57	63,209.93
Sattler's, Inc., 998 Broadway, Buffalo	Department store	1-31-1941	315,626.25	98,147.94	2,623.75	787.[illegible]13	None
		1-31-1942	376,113.40	241,449.93	79,886.60	44,726.[illegible]81	13,865.32
		1-31-1943	376,388.38	241,174.95	79,611.62	71,622.[illegible]46	31,836.65
		1-31-1944	376,388.38	245,065.57	79,611.62	71,986.[illegible]49	31,844.65
		1-31-1945	376,338.38	241,174.94	79,611.62	75,632.[illegible]04	31,844.65
		1-31-1946	376,388.38	241,174.94	79,611.62	69,208.[illegible]27	30,611.46
Tapp Oil Corp., 80 North Main St., Wellsville.	Oil production	12-31-1944	45,668.17	13,641.07	8,928.08	8,486.[illegible]67	3,571.23
		12-31-1945	45,668.17	13,641.07	8,928.08	8,481.[illegible]68	3,571.23
Tennessee Eastman Corp., House Creek Rd., Kingsport, Tenn.	Manufacture of cellulose products and chemicals.	12-31-1941	4,187,882.75	6,289,259.47	2,555,646.18	1,533,385.[illegible]71	475,350.20
		12-31-1942	4,167,719.21	7,604,838.33	2,791,214.16	2,512,092.[illegible]75	1,116,485.67
		12-31-1943	4,139,144.05	7,633,413.49	2,819,789.32	2,537,810.[illegible]39	1,127,915.73
		12-31-1944	4,084,795.44	7,687,762.10	2,874,137.93	1,646,953.[illegible]77	1,149,655.17
		12-31-1945	3,924,220.38	7,848,337.16	3,034,712.99	2,266,507.[illegible]48	1,213,885.20
North Carolina							
P. H. Hanes Knitting Co., 601 North Main St., Winston-Salem.	Manufacturer—underwear	12-31-1941	665,974.66	518,503.09	146,275.34	106,809.[illegible]55	33,128.62
		12-31-1942	691,163.27	525,210.89	121,086.73	117,363.[illegible]88	52,161.73
		12-31-1943	691,163.27	525,210.89	121,086.73	108,978.[illegible]06	48,434.70
		12-31-1944	662,910.23	525,210.89	121,086.73	115,032.[illegible]39	48,434.68
		12-31-1945	633,073.50	501,308.13	121,086.73	115,032.[illegible]39	48,434.70
Rex Mills, Inc. (formerly: Rex-Hanover Mills Co.), Gastonia.	Manufacturers cotton yarns	12-31-1941	139,419.17	145,907.63	10,870.83	5,979.[illegible]95	1,853.47
		12-31-1942	154,074.51	95,526.55	4,300.90	3,870.[illegible]81	1,720.36
		12-31-1943	151,733.69	95,526.55	4,300.90	3,870.[illegible]81	1,720.35
		12-31-1944	129,661.74	115,193.83	23,968.18	22,769.[illegible]77	9,587.27
		12-31-1945	127,259.83	115,193.83	23,968.18	22,769.[illegible]78	9,587.27
Transylvania Tanning Co., Brevard	Leather manufacturing	12-31-1942	63,157.93	384,028.57	None	8,054.49	3,579.77
		12-31-1943	55,573.27	391,613.23	1,759.23	11,128.[illegible]83	4,946.15
		12-31-1944	60,954.49	386,232.01	None	9,247.20	3,893.56
North Dakota							
Norman E. Biorn, Gilbert L. Elken, Jr., and Tom Anderson, trustees (formerly: C. H. Biorn, Guy L. Elken and Tom Anderson, trustees, Mayville), St. Paul, Minn.	Oil leases and rentals	12-31-1944	18,782.88	53,835.12	10,287.12	9,772.74	5,452.18
		12-31-1945	24,177.55	54,724.70	4,892.45	4,647.83	2,593.00
First District of Ohio							
Beechwood Sales Corp. (formerly: Pomona Sales Corp.), 335 West 5th St., Cincinnati.	Agency and dealer	11-30-1942	1,416.25	65,653.75	17,583.75	12,007.32	4,928.85
		11-30-1943	3,062.01	66,007.99	15,937.99	11,813.13	5,466.13
		11-30-1944	3,417.18	68,022.82	15,582.82	10,412.70	6,038.98
		11-30-1945	2,643.03	70,411.97	16,356.97	15,702.61	6,055.83
		11-30-1946	1,638.43	73,031.57	17,361.57	1,[illegible]46.05	564.34
The Gruen Watch Co., Time Hill, Cincinnati.	Manufacturers of watches	3-31-1942	731,537.42	976,902.40	79,756.60	47,893.90	14,834.73
		3-31-1943	729,636.48	976,902.40	79,756.60	71,790.94	31,902.64
		3-31-1944	729,636.48	976,902.40	79,756.60	72,772.45	31,902.65
		3-31-1945	714,135.75	985,309.02	88,163.22	83,765.05	35,265.29
		3-31-1946	700,648.70	977,119.64	79,973.84	57,240.55	24,101.71
The Liberal Market, Inc., 230 Concord St., Dayton.	Wholesale and retail chain store super market grocery.	[3] 4-30-1943	16,522.31	27,211.13	12,836.69	26,[illegible]76	15,078.21
		[3] 4-30-1944	16,522.31	27,211.13	17,111.69	10,[illegible]94	5,380.65
		[3] 4-30-1945	17,652.28	27,211.13	17,111.69	10,[illegible]63	6,087.54
The Snap Creek Coal Co., 3206 Carew Tower, Cincinnati.	Coal mining	12-31-1941	1,353.03	93,297.37	30,246.82	15,[illegible]89	5,700.03
		12-31-1942	3,060.73	91,589.67	28,539.12	5,[illegible]34	1,742.21
United Feature Syndicate, Inc., 1121 Union Central Bldg., Cincinnati.	Gathering and distributing newspaper features.	12-31-1943	4,838.40	89,812.00	26,761.45	42,[illegible]49	21,275.71
		12-31-1942	193,801.97	45,099.28	16,023.03	44,[illegible]18	19,947.63
		12-31-1943	193,801.97	45,099.28	16,023.03	14,[illegible]73	6,649.21
		12-31-1944	193,801.97	45,099.28	16,023.03	15,[illegible]88	6,649.22
		12-31-1945	193,801.97	45,099.28	16,023.03	15,[illegible]89	6,649.21
The Progress Lithographing Co., Main St., Reading.	Lithographing	[3] 6-30-1941	24,090.07	85,996.88	21,984.93	1,[illegible]47.14	None
		[3] 6-30-1942	24,491.07	104,292.83	31,558.93	24,[illegible]34.18	7,512.60
		6-30-1943	26,272.45	105,361.48	29,777.55	27,[illegible]47.62	15,693.33
		6-30-1944	24,976.23	106,657.70	31,073.77	29,[illegible]23.99	15,004.50
		6-30-1945	25,612.25	106,021.68	30,437.75	27,[illegible]90.26	14,070.50
		6-30-1946	27,435.88	104,198.05	28,614.12	8,[illegible]72.96	6,606.68

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
First District of Ohio—Continued							
The Railway Supply & Manufacturing Co., 335-337 West 5th St., Cincinnati.	Manufacturing and dealers in cotton waste, etc.	1- 1-1941 to 11-30-1941	$40,117.69	$279,028.66	$16,882.31	$16,325.09	$5,060.78
		11-30-1942	39,880.19	279,266.16	17,119.81	8,865.15	4,690.76
		11-30-1945	49,206.63	269,939.72	7,793.37	7,412.70	3,117.35
Red Top Brewing Co., 1747 Central Ave., Cincinnati.	Brewing	3-31-1941	108,141.05	856,777.65	88,508.95	12,564.38	None
		3-31-1942	141,745.69	841,504.31	97,654.31	67,997.92	21,079.07
		3-31-1943	177,182.11	806,067.89	62,217.89	55,996.10	24,887.16
		3-31-1944	178,125.43	115,555.57	61,274.57	29,419.42	18,415.87
		1-31-1941	548,988.14	423,592.14	56,453.68	21,371.96	None
The John Shillito Co., 7th and Race Sts., Cincinnati.	Department store	1-31-1942	659,919.08	714,196.49	130,737.78	78,442.67	24,317.23
		1-31-1943	658,923.70	729,719.86	168,834.68	151,951.21	67,533.87
		1-31-1944	657,393.75	729,719.86	168,834.68	152,668.46	67,533.85
		1-31-1945	653,448.37	729,719.86	168,834.68	93,077.92	67,533.87
Tenth District of Ohio							
Defiance Machine Works, Inc., Defiance	Manufacturers machine tools, iron castings, etc.	12-31-1940	19,808.98	69,295.32	3,957.54	2,344.43	None
		12-31-1941	25,717.49	80,713.86	16,007.40	11,456.03	3,551.54
The Electric Auto-Lite Co., P. O. Box 931, Toledo.	Manufacture of automotive accessories.	12-31-1940	2,904,426.16	1,481,302.78	370,761.26	185,380.92	None
		12-31-1941	3,484,733.71	1,712,085.89	659,584.10	395,750.46	122,682.65
		12-31-1942	3,980,387.84	1,662,561.22	166,767.09	150,090.38	66,706.83
		12-31-1943	4,016,218.07	1,626,730.99	161,504.47	145,354.02	64,601.79
		12-31-1944	4,016,218.07	1,662,558.33	161,504.46	306,855.47	129,203.57
		12-31-1945	4,016,218.07	1,662,558.33	161,504.46	153,429.23	64,601.79
The Fort Industry Co., Broadcast Bldg., Toledo.	Radio broadcasting	12-31-1940	32,601.75	73,580.36	3,868.75	593.46	None
		12-31-1941	40,049.54	66,132.57	30,336.91	11,634.20	3,606.60
		12-31-1942	45,260.23	56,981.88	35,619.57	32,057.61	13,549.72
		12-31-1943	40,498.23	56,743.88	35,381.57	31,843.42	14,152.63
		12-31-1944	40,498.23	56,743.88	35,381.57	25,274.94	14,152.63
		12-31-1945	39,539.28	56,743.88	35,381.57	14,892.06	14,152.62
Gendron Wheel Co., 226 West 3d St., Perrysburg.	Manufacturers of invalid chairs, playground equipment, etc.	1-8-31-1945	52,451.93	None	None	4,328.46	1,822.61
Lynch Manufacturing Corp., c/o Lynch Corp., Crystal and Ames Sts., Anderson, Ind.	Manufacture of refrigeration and air compressors.	12-31-1942	40,975.76	183,708.38	74,895.88	67,456.91	30,311.31
		12-31-1943	50,428.88	163,106.82	69,451.90	62,506.71	27,780.76
		12-31-1944	66,973.15	155,397.05	55,907.63	53,112.25	22,363.05
		12-31-1945	70,909.51	148,460.69	48,971.27	46,522.71	19,588.51
The Toledo Blade Co., 541 Superior St., Toledo.	Newspaper publishers	12-31-1940	401,683.92	76,641.92	135,600.37	46,319.84	None
		12-31-1941	488,568.18	93,303.31	148,718.62	80,461.74	24,943.14
		12-31-1942	505,807.85	103,750.82	132,478.95	119,231.05	52,991.57
		12-31-1943	504,443.48	150,600.19	133,843.32	120,459.00	58,537.34
		12-31-1944	503,683.08	107,303.34	134,603.72	127,873.53	53,841.49
		12-31-1945	503,919.94	104,516.28	132,366.86	125,748.51	52,946.74
Eleventh District of Ohio							
The Capital City Products Co., West 1st Ave. and Perry St., Columbus.	Manufacture and sale of refined vegetable oils and food products.	16-30-1941	207,244.58	235,176.50	45,151.42	15,367.90	None
		16-30-1942	227,399.60	302,700.40	80,400.40	50,554.35	15,671.85
		18-31-1943	250,761.29	279,338.71	57,038.71	51,334.83	22,815.48
		18-31-1944	250,761.29	279,338.71	57,038.71	53,235.54	22,815.87
The F. and R. Lazarus & Co., Town and High Sts., Columbus.	Department store	1-31-1942	1,029,668.29	877,643.82	106,391.07	58,515.09	18,139.68
		1-31-1943	1,008,274.38	835,050.57	116,047.82	104,443.03	46,419.13
		1-31-1944	1,044,483.83	855,797.18	136,794.43	123,695.72	54,717.79
		1-31-1945	1,023,470.68	876,531.68	157,528.93	149,652.49	63,011.57
		1-31-1946	1,011,779.08	880,192.17	161,179.42	82,583.70	58,996.10
H. A. Magaziner Co., Inc., 406 Main St., Zanesville.	Ladies ready to wear	1-31-1944	5,610.46	3,989.47	1,667.04	1,486.96	444.63
		1-31-1945	2,387.09	3,339.88	1,017.45	1,081.04	307.24
		1-31-1946	3,736.30	2,590.67	268.24	233.17	66.28
The Portsmouth Home Telephone Co., transferor; Ohio Consolidated Telephone Co., transferee; Portsmouth.	Public utilities-communication-telephone.	12-31-1943	63,001.89	None	None	659.52	293.13
Eighteenth District of Ohio							
The Aetna-Standard Engineering Co., Elwood City, Pa. (formerly: 275 West Federal St., Youngstown.)	Manufacturing of metalworking machinery.	7- 1-1941 to 11-30-1941	180,310.59	1,466,475.41	104,689.41	26,076.18	8,161.33
American Greeting Publishers, Inc., 1300 West 38th St., Cleveland.	Manufacturers of all types of greeting cards, postcards, etc.	2- 1-1944 to 6-30-1944	219,533.08	306,932.93	103,933.73	40,601.45	17,095.35
		6-30-1945	219,533.08	306,932.93	103,933.73	55,403.74	41,573.49
		6-30-1946	219,533.08	306,932.93	103,933.73	30,446.25	20,957.60
The Consolidated Iron-Steel Manufacturing Co., 1299 East 53d St., Cleveland.	Gray iron foundry, iron-steel warehouse, fabrication.	7-31-1941	41,483.33	35,904.62	18,666.87	7,466.75	None
		7-31-1942	75,466.77	72,120.18	18,135.48	10,162.08	3,445.60
		7-31-1943	68,906.89	61,680.06	7,695.36	6,925.82	3,078.14
		7-31-1944	68,906.89	61,680.06	7,695.36	7,149.75	3,078.13
		7-31-1945	68,906.89	61,680.06	7,695.36	7,310.69	3,078.15
		7-31-1946	68,906.89	61,680.06	7,695.36	1,810.19	1,290.29
The Great Lakes Box Co., 7245 Wentworth Ave., Cleveland.	Manufacture paper boxes	6-30-1941	46,321.04	41,058.41	8,253.96	2,476.19	None
		6-30-1942	50,533.31	51,268.70	10,381.69	5,196.85	1,669.16
		6-30-1943	50,533.31	44,526.69	10,381.69	9,343.52	4,152.67
		6-30-1944	50,533.31	44,526.69	10,381.69	3,084.24	2,087.68
The Lincoln Electric Co., Coit Rd. and Kirby Ave., Cleveland	Manufacturers of electric arc welders, arc welding electrode, and supplies.	12-31-1945	2,434,618.28	1,628,187.57	285,414.67	271,143.93	114,165.87
Ohio Brass Co., 380 North Main St., Mansfield.	Selling electrical and brass goods	12-31-1941	63,090.18	120,805.38	44,259.82	40,813.39	12,652.15
		12-31-1942	81,520.69	102,374.87	25,829.31	23,246.38	10,331.73
		12-31-1943	81,520.69	102,374.87	25,829.31	23,246.38	10,331.72
		12-31-1945	81,520.69	102,374.87	25,829.31	24,537.85	10,331.72
The Ohio Brass Co., 380 North Main St., Mansfield.	Manufacturing electrical and brass goods.	12-31-1941	546,870.13	244,491.67	132,714.87	113,064.66	35,049.73
		12-31-1942	633,465.03	301,836.12	45,119.97	40,607.97	18,047.99
		12-31-1943	633,465.03	301,836.12	45,119.97	40,607.97	18,048.00
		12-31-1944	633,465.03	301,836.12	45,119.97	42,863.97	18,047.99
		12-31-1945	633,465.03	301,836.12	45,119.97	42,863.97	18,047.99
The Ohio Crankshaft Co., 3800 Harvard Ave., Cleveland.	Machining of forgings	12-31-1940	165,059.84	38,012.96	29,740.16	9,175.44	None
		12-31-1941	129,925.15	427,383.82	80,277.57	49,443.32	15,690.23
The Ohio Engineering Co., 105 6th St., Lorain.	Highway construction	112-31-1942	6,998.80	25,120.90	2,296.20	4,912.94	1,958.79

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Eighteenth District of Ohio—Continued							
The Park Drop Forge Co., 730 East 79th St., Cleveland.	Manufacturers of drop forgings	12-31-1940	$227,601.53	$261,662.84	$26,048.47	$13,024.24	None
		12-31-1941	271,254.01	310,619.92	56,970.99	34,182.60	$10,596.60
The Rubber City Sand & Gravel Co., P. O. Box 208, Archmere Rd., Akron.	Sand and gravel mines	12-31-1941	11,955.56	54,544.44	2,286.99	914.79	283.59
		12-31-1942	11,955.56	15,342.72	2,286.99	2,058.29	617.49
		12-31-1943	11,955.56	15,342.72	2,286.99	8,587.27	3,066.76
		12-31-1944	11,955.56	15,342.72	2,286.99	1,075.99	328.37
Shea Theater Corp., c/o Jamestown Amusement Co., 152 West 43d St., New York, N. Y.	Exhibition of motion pictures	12-31-1941	69,696.75	34,854.81	14,867.80	14,322.75	4,440.05
		12-31-1942	73,151.54	34,412.51	11,413.01	18,630.97	8,013.77
		12-31-1943	74,516.97	33,047.08	10,047.58	13,974.28	6,210.80
		12-31-1944	81,216.42	26,347.62	3,348.12	4,793.98	3,634.68
W. K. B. N. Broadcasting Corp., 17 North Champion St., Youngstown.	Radio broadcasting	12-31-1943	25,881.46	40,885.74	9,528.14	603.05	355.13
		12-31-1944	25,881.46	40,885.54	16,982.79	12,627.80	7,044.71
		12-31-1945	25,779.02	40,987.98	17,085.23	16,230.97	8,682.82
The Weatherhead Co., 300 East 131st St., Cleveland.	Manufacturers of aviation and automotive fittings.	12-31-1940	137,388.35	476,410.48	166,985.00	76,042.73	None
		12-31-1941	209,965.03	1,000,824.17	212,261.52	124,363.62	39,377.50
Oklahoma							
Bates-Reading Oil Corp., 1204 Philtower Bldg., Tulsa.	Oil producing	12-31-1941	1,863.03	12,035.85	416.97	145.11	33.76
Continental Oil Co., successor Group No. 2 Oil Corp., P. O. Box 1267, Ponca City.	Mining crude oil, petrol, etc.	12-31-1941	29,471.53	43,577.86	11,275.87	5,533.67	1,715.45
		12-31-1942	34,539.12	38,510.27	8,353.38	7,518.04	3,373.17
		12-31-1943	36,594.12	36,455.27	6,298.38	5,668.54	3,338.14
		12-31-1945	39,121.62	33,927.77	3,770.88	790.30	332.73
Reading & Bates, Inc., and Subsidiary Co., Bates-Reading Oil Corp., 1204 Philtower Bldg., Tulsa.	Drilling contractor and oil producers.	12-31-1943	28,810.29	32,328.57	8,239.71	16,021.16	7,456.54
		12-31-1944	28,810.27	32,328.59	8,239.73	7,827.73	3,560.09
Oregon							
Fred Meyer, Inc., 633 Southwest 4th Ave., Portland.	Merchandising	112-31-1941	216,491.59	None	None	7,109.18	2,203.85
Werner Timber Co., Taft	Timber	2-28-1941	17,433.34	42,596.96	12,111.66	3,152.01	None
		2-28-1942	20,118.18	39,912.12	21,016.82	9,230.73	2,853.39
		2-28-1943	26,027.39	34,003.10	15,107.61	17,534.29	7,837.46
Willamette Valley Lumber Co., 326 Pacific Bldg., Portland.	Logging and lumber manufacturing.	12-31-1943	130,436.65	348,361.81	46,263.35	59,561.45	26,471.76
		12-31-1944	142,082.99	34,617.01	34,617.01	32,886.16	13,846.81
First District of Pennsylvania							
American Chemical Paint Co., Brookside Ave., Ambler.	Processes and materials for preparing metals for painting, etc.	12-31-1941	122,793.13	133,799.73	8,903.67	4,582.84	1,378.21
		12-31-1942	125,563.60	131,029.26	6,133.20	5,650.62	2,453.28
		12-31-1943	126,771.19	129,821.67	4,925.61	4,433.05	1,970.24
		12-31-1944	129,481.17	127,108.69	2,212.63	2,101.99	885.00
Artloom Corp., c/o Artloom Carpet Co., Inc., Howard and Allegheny Aves., Philadelphia.	Textile manufacturers	12-31-1940	184,039.92	407,620.08	38,260.08	14,201.15	None
		12-31-1941	242,661.56	348,998.44	28,088.44	15,792.17	4,701.94
		12-31-1942	242,661.56	348,998.44	28,088.44	25,995.60	11,235.37
		13-31-1943	242,661.56	348,998.44	28,088.44	25,279.59	11,235.37
		12-31-1944	243,120.16	787,629.81	27,629.84	19,964.99	8,406.31
		12-31-1945	274,646.41	756,103.59	3,896.41	19,589.25	8,248.11
Fischer & Porter Co., County Line Rd., Hatboro.	Manufacture and sale of flow meters.	4-30-1944	31,574.91	120,444.38	27,061.02	35,728.43	19,577.98
		4-30-1945	40,628.68	111,410.68	18,027.32	16,300.38	8,768.61
W. C. Hamilton & Sons, Miguon	Manufacture of fine paper	12-31-1942	149,159.00	108,331.18	37,041.00	35,982.33	15,604.82
		12-31-1943	151,785.87	105,704.31	34,414.13	31,942.11	14,196.50
		12-31-1944	157,677.90	69,718.48	28,522.10	27,558.09	11,603.40
		12-31-1945	165,571.52	61,824.86	20,628.48	20,199.70	8,505.14
W. E. Hulton Dyeing Co., 3819 Frankford Ave., Philadelphia.	Dyeing and finishing	17-31-1944	6,914.42	64,335.58	5,910.58	2,578.43	1,628.73
		27-31-1945	8,007.79	63,242.21	4,817.21	4,576.35	1,357.15
		37-31-1946	10,549.56	60,700.44	2,275.44	844.98	276.60
Philco Corp., C and Tioga Sts., Philadelphia.	Wholesale radio distributor	12-31-1945	2,082,306.67	1,141,121.10	713,465.54	932,441.64	412,238.99
Rohm & Haas Co., 222 West Washington Sq., Philadelphia.	Manufacture and sale of chemicals	12-31-1940	749,808.88	664,161.19	176,441.12	89,013.74	None
		12-31-1941	884,143.72	1,167,470.03	311,356.28	209,495.07	62,524.80
		12-31-1942	873,061.41	1,178,552.34	351,438.59	324,310.00	140,975.44
		12-31-1943	873,061.41	1,177,915.39	352,438.59	317,194.73	140,975.44
		12-31-1944	873,061.41	1,177,915.39	352,438.59	167,888.66	140,975.43
		12-31-1945	873,061.41	1,178,552.46	352,438.59	235,570.03	140,975.44
C. Schmidt & Sons, Inc., 127 Edward St., Philadelphia.	Brewery	12-31-1942	1,144,794.15	878,363.83	137,705.85	272,051.24	117,664.70
		12-31-1943	1,144,794.15	969,024.04	137,705.85	123,570.61	55,082.34
		12-31-1944	1,144,794.15	969,024.04	137,705.85	130,116.63	55,082.34
		12-31-1945	1,144,794.15	969,024.04	137,705.85	130,105.68	55,082.34
Sharples Chemicals, Inc. (formerly: The Sharples Solvents Corp.), 123 South Broad St., Philadelphia.	Manufacture of chemicals	12-31-1940	118,332.43	220,291.74	64,672.57	20,529.69	None
		12-31-1941	187,702.41	280,370.52	65,404.62	36,116.90	11,114.87
		12-31-1942	245,592.44	220,998.35	30,855.20	55,849.48	24,684.18
		12-31-1943	245,592.41	220,998.38	30,855.23	55,530.41	24,684.18
Twelfth District of Pennsylvania							
Piper Aircraft Corp., 820 Bald Eagle St., Lock Haven.	Manufacture and sale of aircraft and aircraft parts.	9-30-1941	126,193.70	271,603.15	12,603.93	5,145.51	None
		9-30-1942	155,490.27	242,394.95	13,833.73	9,063.63	3,120.71
		9-30-1943	155,490.26	242,394.96	13,833.74	25,000.95	11,066.99
		9-30-1944	155,490.27	242,394.95	13,833.73	25,930.21	11,066.91
Wilkes-Barre Publishing Co., 15 North Main St., Wilkes-Barre.	Newspaper publishers	2-28-1942	81,918.97	209,155.31	102,777.24	37,797.75	11,717.30
		2-29-1944	68,596.17	211,086.63	102,808.55	145,286.31	64,032.52
		2-28-1945	63,308.84	211,086.62	102,808.54	90,653.26	41,123.43
		2-28-1946	61,821.46	211,086.62	102,808.54	70,100.17	52,013.16
Twenty-third District of Pennsylvania							
The Bryant Electric Co., c/o Westinghouse Electric Corp., 306 4th Ave., Pittsburgh.	Manufacture of switches and wiring devices.	12-31-1941	369,155.70	913,998.30	162,015.43	97,209.26	30,134.86
		12-31-1942	396,306.22	906,903.78	186,575.78	167,918.21	74,630.33
		12-31-1943	396,295.46	900,402.29	186,586.54	167,927.89	74,634.62
		12-31-1944	414,737.13	887,778.87	168,144.87	159,737.63	67,257.94
M. E. Cunningham Co., 115 East Carson St., Pittsburgh.	Manufacturing and sale of marking devices.	112-31-1941	1,969.74	25,580.26	2,020.26	727.42	158.41
		212-31-1942	3,249.34	24,300.66	740.66	694.27	260.79

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Twenty-third District of Pennsylvania—Con.							
Dresser Industries, Inc. (formerly: Dresser Manufacturing Co.), Atlantic Bldg., Dallas, Tex.	Manufacturers of pipe couplings, clamps, etc., for pipelines.	12-31-1940	$329, 993. 03	$433, 521. 17	$95, 370. 42	$26, 877. 37	None
		1- 1-1941 to 10-31-1941	368, 505. 15	364, 091. 08	133, 755. 35	64, 338. 39	$19, 944. 90
		10-31-1942	385, 607. 86	335, 542. 14	125, 127. 59	57, 720. 43	32, 297. 32
		10-31-1943	375, 205. 53	122, 101. 37	18, 811. 67	16, 906. 50	7, 524. 67
		10-31-1945	358, 025. 13	122, 101. 37	18, 811. 67	86, 388. 45	36, 374. 09
Highway Equipment Co. (transferor), John F. Docherty & D. L. Reynolds (transferees), 6465 Hamilton Ave., Pittsburgh.	Selling and renting new and used construction machinery.	12-31-1943	17, 643. 04	60, 157. 64	4, 014. 68	3, 614. 21	1, 562. 11
		1- 1-1944 to 8-31-1944	18, 092. 36	60, 157. 64	4, 014. 68	2, 542. 64	750. 74
K. Q. V. Broadcasting Co. (transferor), Allegheny Broadcasting Corp. (transferee), Pittsburgh.	Radio broadcasting	12-31-1945	37, 219. 69	32, 851. 30	12, 783. 78	3, 375. 30	1, 784. 31
N. Kaufman's, Inc., 18 West Main St., Uniontown.	Retail department store	1-31-1943	43, 588. 37	30, 618. 51	4, 736. 35	4, 364. 91	2, 078. 06
		1-31-1944	43, 588. 37	30, 618. 51	4, 736. 35	4, 282. 83	2, 062. 47
		1-31-1945	43, 588. 37	30, 618. 51	4, 736. 35	1, 894. 54	1, 894. 54
		1-31-1946	43, 588. 37	30, 618. 51	4, 736. 35	4, 111. 38	1, 733. 64
Koppers United Co. and Subsidiaries, by Koppers Co., Inc., successor on merger, Koppers Bldg., Pittsburgh.	Manufacturing, construction, production and sale of gas, coke and chemicals.	1- 1-1944 to 11-10-1944	2, 887, 668. 09	1, 190, 118. 51	373, 206. 98	305, 142. 58	128, 481. 08
Lee-Norse Co., 751 Lincoln Ave., Charleroi	Manufacture of mine, haulage and conveying equipment.	12-31-1944	31, 350. 00	None	None	5, 933. 47	3, 311. 37
Mesta Machine Co., P. O. Box 1466, Pittsburgh.	Manufacture of iron and steel machinery, etc.	12-31-1941	4, 212, 101. 62	668, 521. 13	125, 123. 38	77, 308. 44	22, 831. 85
		12-31-1942	4, 302, 550. 89	991, 245. 17	34, 674. 11	32, 090. 57	13, 869. 64
		12-31-1943	4, 302, 550. 89	99, 245. 17	34, 674. 11	31, 306. 70	13, 869. 85
		12-31-1944	4, 287, 187. 71	1, 006, 608. 35	50, 037. 29	95, 070. 85	40, 029. 83
		12-31-1945	4, 287, 187. 71	1, 006, 608. 35	50, 037. 29	47, 535. 43	20, 014. 92
Mine Safety Appliances Co., Braddock, Thomas, and Meade Sts., Pittsburgh.	Manufacture and sale of safety devices.	12-31-1940	484, 671. 10	465, 466. 75	20, 866. 75	9, 512. 26	None
		12-31-1941	630, 473. 21	649, 230. 42	43, 605. 42	26, 577. 79	8, 024. 93
G. C. Murphy Co., 531 5th Ave., McKeesport.	Limited price variety merchandising.	12-31-1940	2, 753, 150. 37	935, 648. 63	315, 872. 78	154, 658. 53	None
		12-31-1941	3, 374, 338. 62	961, 079. 38	493, 253. 88	300, 014. 63	90, 904. 63
		12-31-1942	3, 586, 848. 56	1, 175, 679. 44	542, 249. 18	495, 234. 47	216, 899. 67
		12-31-1943	3, 810, 338. 62	1, 388, 708. 19	542, 249. 18	488, 024. 26	216, 899. 67
		12-31-1944	3, 857, 266. 62	1, 361, 780. 19	515, 321. 18	489, 526. 12	206, 128. 47
		12-31-1945	3, 829, 510. 55	1, 369, 536. 26	533, 077. 25	496, 923. 39	209, 230. 90
National Steel Products Co., c/o National Steel Corp., 2800 Grant Bldg., Pittsburgh.	Manufacture, buy and sell iron and steel products.	12-31-1941	98, 000. 00	66, 979. 80	27, 007. 50	14, 056. 31	4, 358. 07
		12-31-1942	116, 817. 27	88, 162. 53	26, 069. 53	23, 254. 29	13, 053. 00
		12-31-1943	119, 169. 22	55, 810. 58	25, 717. 58	21, 344. 83	12, 370. 94
Standard Steel Spring Co., 843 4th Ave., Coraopolis.	Manufacturer of flat leaf and coil springs, bumpers and universal joints.	12-31-1940	287, 355. 93	88, 070. 44	43, 814. 07	14, 593. 04	None
		12-31-1941	335, 862. 36	426, 312. 71	58, 387. 64	35, 349. 72	10, 794. 76
Victory Glass, Inc., Jeannette	Manufacturing and selling glass.	12-31-1941	8, 274. 44	9, 549. 59	8, 825. 56	3, 852. 94	1, 635. 41
Rhode Island							
Gibsons, Inc., 220 West Exchange St., Providence.	Manufacturers, retailers, wholesalers of candy, etc.	12-31-1942	13, 327. 83	27, 617. 17	13, 395. 97	19, 863. 38	9, 544. 52
		12-31-1943	12, 927. 45	28, 017. 55	13, 796. 35	20, 966. 09	10, 540. 67
		12-31-1944	15, 255. 58	25, 689. 42	11, 468. 22	11, 372. 40	6, 285. 19
		12-31-1945	18, 498. 17	22, 446. 83	8, 225. 63	8, 439. 23	4, 714. 24
Gilbert's, Inc., 124 West Exchange St., Providence.	Retail installment jewelry	2-29-1944	600. 20	6, 898. 15	2, 914. 80	2, 646. 23	786. 99
		2-28-1945	1, 046. 74	6, 451. 61	2, 468. 26	2, 346. 84	666. 43
		2-28-1946	1, 795. 40	5, 702. 95	1, 719. 60	209. 19	41. 77
The Monowatt Electric Corp., 66 Bissell St., Providence.	Manufacture and sale of electric wiring devices.	12-31-1940	107, 734. 32	57, 485. 03	11, 856. 53	4, 140. 82	None
Providence Lithograph Co., 353 Prairie Ave., Providence.	Lithograph printing	3-31-1942	58, 976. 61	15, 532. 84	18, 023. 39	6, 975. 31	2, 162. 34
		3-31-1944	62, 070. 18	5, 553. 67	13, 929. 82	12, 980. 31	5, 650. 36
		3-31-1945	61, 568. 17	25, 888. 83	14, 431. 83	13, 740. 24	5, 772. 73
		3-31-1946	62, 462. 97	30, 648. 43	13, 537. 03	9, 795. 26	4, 125. 08
Providence Wool Combing Co., Inc., 68 Dike St., Providence.	Commission wool combers	12-31-1941	8, 475. 02	61, 582. 92	30, 534. 83	18, 333. 41	5, 689. 55
		12-31-1942	8, 183. 16	61, 874. 78	30, 826. 69	19, 965. 47	14, 129. 23
		12-31-1943	9, 078. 27	60, 979. 67	29, 931. 58	27, 346. 21	13, 889. 53
		12-31-1944	9, 987. 63	60, 070. 31	29, 022. 22	30, 279. 33	14, 948. 26
		12-31-1945	11, 419. 96	58, 637. 98	27, 589. 89	25, 811. 47	14, 557. 28
Woonsocket Spinning Co., Inc., Ricard St., Woonsocket.	Manufacturing woolen yarns, weaving and finishing cloth.	3-31-1941	9, 930. 79	86, 531. 18	None	164. 30	None
		3-31-1942	13, 005. 48	83, 456. 49	None	296. 82	91. 70
South Carolina							
The Abney Mills (formerly: Anderson Cotton Mills), Greenwood.	Cotton manufacturer	12-31-1940	94, 258. 87	201, 492. 90	76, 374. 43	24, 737. 77	None
		1- 1-1941 to 8-31-1941	105, 862. 08	250, 025. 89	102, 227. 82	40, 585. 11	12, 658. 89
		8-31-1942	115, 231. 30	240, 656. 67	92, 858. 60	52, 588. 09	20, 650. 16
		8-31-1943	152, 226. 09	203, 797. 67	55, 863. 81	28, 223. 53	22, 345. 53
Bahan Textile Machinery Co., Greenville.	Manufacturer of textile machinery parts.	12-31-1941	11, 915. 40	67, 117. 29	13, 046. 76	11, 662. 74	3, 675. 21
		12-31-1942	13, 882. 44	133, 087. 64	25, 890. 87	29, 417. 60	15, 629. 20
		12-31-1943	13, 736. 41	26, 683. 63	25, 934. 10	2, 294. 88	714. 08
		12-31-1944	13, 186. 21	27, 233. 83	29, 096. 82	8, 836. 43	4, 494. 49
The Combination Stores, Greenville	Groceries and meat	11-30-1943	485. 94	7, 547. 12	464. 06	490. 18	148. 85
Darlington Veneer Co., Inc., Darlington	Manufacturers of veneers and plywood.	12-31-1940	30, 064. 90	57, 558. 39	17, 678. 40	2, 010. 69	None
		12-31-1941	36, 309. 40	74, 498. 19	25, 404. 60	14, 741. 23	4, 582. 19
		12-31-1942	37, 706. 98	76, 774. 15	29, 007. 02	21, 666. 31	10, 550. 90
		12-31-1943	37, 706. 98	76, 774. 15	24, 007. 02	13, 747. 89	10, 550. 90
Duncan Mills, Greenville	Manufacturer of rayon and cotton goods.	12-31-1941	228, 191. 56	174, 888. 87	174, 888. 87	104, 933. 32	32, 529. 34
		12-31-1942	224, 511. 26	174, 888. 87	174, 888. 87	157, 399. 99	69, 955. 55
		12-31-1943	222, 650. 36	174, 888. 87	174, 888. 87	157, 399. 98	69, 955. 55
		12-31-1944	219, 930. 47	174, 888. 87	174, 888. 87	166, 144. 43	69, 955. 54
		12-31-1945	215, 186. 13	174, 888. 87	174, 888. 87	166, 144. 42	69, 955. 55
Greenville Bargain House, Greenville	Retail department store	12-31-1945	4, 598. 93	20, 040. 00	5, 591. 51	5, 301. 94	1, 741. 20
Norris Cotton Mills Co., Cateechee	Textiles	3-31-1942	43, 793. 33	79, 197. 12	6, 818. 02	3, 469. 02	1, 486. 72
		3-31-1943	47, 365. 36	75, 225. 09	3, 245. 99	2, 951. 39	1, 265. 20
		3-31-1944	50, 041. 28	72, 549. 17	570. 07	530. 15	228. 03

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
South Carolina—Continued							
Palmetto Full Fashioned Hosiery Mill, Inc., Saluda.	Manufacturing hosiery	12-31-1942	$6, 664. 75	$62, 957. 00	$5, 685. 25	$9, 830. 74	$3, 311. 45
		12-31-1943	7, 098. 57	62, 563. 18	5, 291. 43	4, 761. 28	1, 428. 68
		12-31-1944	8, 288. 73	61, 333. 02	4, 061. 27	1, 143. 55	1, 143. 55
		12-31-1945	10, 767. 27	58, 854. 48	1, 582. 73	1, 503. 64	458. 99
Palmetto Garage, Inc., 145 Calhoun St., Charleston.	Automobile sales and service	12-31-1941	2, 356. 54	13, 131. 44	2, 393. 46	943. 56	217. 03
		12-31-1943	5, 166. 27	10, 321. 71	1, 009. 73	1, 843. 28	552. 69
		12-31-1944	3, 608. 94	11, 879. 04	2, 966. 06	2, 574. 24	731. 63
The Springs Cotton Mills, Lancaster	Manufacture of cotton fabrics	8-31-1945	2, 187, 386. 99	203, 103. 36	203, 103. 36	155, 811. 75	81, 241. 35
		9- 1-1945 to 12-31-1945	2, 198, 398. 43	208, 240. 03	208, 240. 03	66, 122. 34	27, 765. 33
Startex Division of Spartan Mills, successor to Startex Mills, c/o Mr. B. O. Johnson, Spartan Mills, Spartanburg.	Manufacturing cotton goods	11-30-1944	247, 831. 46	27, 481. 88	27, 481. 88	21, 666. 71	8, 974. 07
		11-30-1945	247, 831. 46	27, 481. 88	27, 481. 88	26, 107. 79	10, 992. 75
South Dakota							
Gurney's, Inc., Yankton	Seed and nursery	10-31-1944	4, 952. 05	15, 199. 38	6, 237. 17	7, 272. 51	2, 105. 04
		10-31-1945	5, 026. 83	15, 124. 60	6, 162. 39	7, 348. 76	2, 110. 10
		10-31-1946	5, 823. 53	14, 327. 90	5, 365. 69	1, 088. 41	311. 04
WNAX Broadcasting Co., 2d and Capitol Sts., Yankton.	Radio broadcasting	12-31-1940	28, 676. 95	80, 919. 80	26, 423. 05	7, 673. 31	None
		12-31-1941	35, 089. 01	97, 868. 24	45, 660. 99	20, 496. 32	6, 350. 95
		12-31-1942	35, 089. 00	76, 990. 10	45, 661. 00	41, 098. 90	19, 542. 49
		12-31-1943	35, 089. 00	97, 868. 25	45, 661. 00	41, 098. 90	19, 502. 89
		12-31-1944	35, 089. 01	97, 868. 24	45, 660. 99	43, 377. 94	18, 864. 31
		12-31-1945	35, 089. 01	97, 868. 24	45, 660. 99	37, 989. 94	18, 888. 01
Tennessee							
Charles H. Bacon Co., Lenoir City	Hosiery and yarn manufacturers	12-31-1941	141, 272. 89	124, 727. 11	18, 327. 11	9, 706. 37	3, 007. 11
		12-31-1942	142, 263. 98	123, 736. 02	17, 336. 02	16, 534. 97	7, 348. 88
Bryan Full Fashioned Mills, Inc., transferor; Bryan Hosiery Mills, Inc., transferee, P. O. Box 1457, Chattanooga.	Hosiery jobber	9-30-1944	3, 603. 22	17, 619. 10	3, 032. 82	4, 586. 08	1, 320. 88
Dixie Mercerizing Co., Chattanooga	Manufacturers of cotton yarns	12-31-1940	416, 345. 09	102, 917. 90	46, 449. 37	14, 919. 02	None
		12-31-1941	504, 927. 89	198, 748. 61	59, 456. 64	28, 800. 45	8, 894. 04
		12-31-1942	505, 892. 62	413, 744. 96	58, 491. 91	52, 642. 72	23, 396. 77
		12-31-1943	505, 892. 62	413, 744. 96	58, 491. 91	52, 642. 72	23, 396. 75
		12-31-1944	505, 892. 62	413, 744. 96	58, 491. 91	55, 367. 31	23, 396. 76
		12-31-1945	505, 892. 62	413, 744. 96	58, 491. 91	55, 367. 31	23, 396. 76
General Shoe Corp., 119 7th Ave. North, Nashville.	Shoe manufacturers	10-31-1941	896, 847. 27	1, 081, 917. 33	130, 930. 10	52, 366. 95	None
		10-31-1942	1, 086, 113. 53	892, 651. 07	158, 989. 91	111, 467. 17	41, 037. 69
		10-31-1943	1, 087, 035. 46	847, 212. 99	158, 067. 98	142, 201. 19	63, 227. 19
		10-31-1944	1, 079, 887. 92	854, 360. 53	165, 215. 52	155, 577. 95	66, 086. 21
		10-31-1945	1, 074, 640. 94	859, 607. 51	170, 462. 50	161, 939. 37	68, 185. 02
		10-31-1946	1, 312, 867. 92	847, 212. 99	158, 067. 98	25, 096. 00	10, 566. 74
The Humko Co., 1702 North Thomas St., Memphis.	Shortening manufacturers	8-31-1943	159, 667. 32	261, 004. 33	96, 832. 68	228, 291. 24	101, 462. 77
		8-31-1944	159, 667. 52	261, 004. 33	96, 832. 68	90, 375. 17	38, 733. 08
		8-31-1945	159, 667. 32	261, 004. 33	96, 832. 68	91, 991. 04	38, 733. 07
		8-31-1946	159, 667. 32	261, 004. 33	96, 832. 68	30, 572. 71	12, 946. 39
Jellico Grocery Co., Jellico	Wholesale groceries	9-30-1942	48, 974. 80	66, 028. 80	3, 275. 11	3, 645. 11	1, 422. 08
		9-30-1943	44, 639. 17	70, 364. 52	7, 610. 83	7, 518. 47	3, 341. 55
		9-30-1944	45, 176. 67	69, 827. 02	7, 073. 33	6, 986. 01	2, 960. 92
		9-30-1945	43, 058. 11	71, 945. 58	9, 191. 89	9, 315. 83	3, 922. 88
		9-30-1946	47, 678. 19	67, 325. 50	4, 571. 81	1, 043. 74	592. 36
Kingsport Press, Inc., Kingsport	Printing and bookbinding	12-31-1941	147, 420. 63	262, 999. 47	14, 554. 37	12, 204. 24	3, 783. 32
		12-31-1942	144, 235. 56	266, 184. 54	17, 739. 44	15, 966. 49	7, 095. 78
		12-31-1943	156, 442. 01	253, 978. 09	5, 532. 99	12, 628. 56	5, 612. 68
Magnet Mills, Inc., 308 Cullom St., Clinton	Manufacturers of full-fashioned and seamless hosiery.	12-31-1941	154, 652. 16	328, 841. 14	11, 597. 84	6, 376. 82	1, 977. 44
		12-31-1942	156, 606. 22	326, 887. 08	9, 643. 78	8, 679. 40	3, 857. 51
		12-31-1943	156, 606. 22	9, 643. 78	9, 643. 78	8, 679. 40	3, 857. 51
		12-31-1944	160, 758. 09	5, 491. 91	5, 491. 91	6, 049. 65	2, 543. 85
		12-31-1945	158, 632. 75	7, 617. 25	7, 617. 25	7, 634. 18	3, 214. 38
Manufacturers Acceptance Corp., 310 Fidelity Banker's Trust Bldg., Knoxville.	Finance, industrial and personal loan.	12-31-1940	34, 035. 80	60, 964. 20	20, 494. 20	5, 396. 33	None
		12-31-1943	40, 980. 09	51, 466. 69	25, 519. 91	22, 967. 92	10, 730. 55
		12-31-1944	60, 738. 81	18, 085. 63	None	11, 065. 86	4, 659. 31
		12-31-1945	58, 821. 39	29, 003. 05	7, 678. 61	17, 096. 12	7, 194. 16
National Butane Gas Co., 2147 Frisco Ave., Memphis.	Retail of Butane Gas appliances and fixtures.	12-31-1941	6, 054. 73	27, 110. 24	6, 945. 27	2, 960. 18	703. 70
North Carolina Feldspar Corp., Erwin	Grinding feldspar	12-31-1943	15, 042. 05	1, 567. 07	1, 567. 07	1, 067. 65	324. 69
Southern Coal Co., Inc., c/o H. A. McBride, Commerce Title Bldg., Memphis.	Wholesale sales agents—coal and stoves.	6-30-1941	107, 712. 39	2, 157, 024. 29	54, 737. 61	6, 755. 35	None
		6-30-1942	127, 236. 68	2, 024, 293. 17	98, 863. 32	67, 512. 36	20, 928. 84
		6-30-1943	127, 322. 55	2, 137, 414. 13	116, 827. 45	84, 660. 64	46, 730. 98
		6-30-1944	127, 289. 76	2, 137, 446. 92	116, 860. 24	61, 283. 46	46, 744. 10
		6-30-1946	116, 325. 29	2, 148, 411. 39	127, 824. 71	35, 788. 34	25, 775. 07
Southern Petroleum Co., 81 Madison Ave. Bldg., Memphis.	Wholesale sales agents petroleum products.	6-30-1943	9, 002. 59	3, 753. 39	3, 753. 39	4, 340. 90	1, 293. 27
		6-30-1944	11, 465. 64	1, 290. 34	1, 290. 34	2, 005. 98	607. 18
		6-30-1945	11, 041. 14	1, 714. 84	1, 714. 84	2, 333. 07	712. 21
		6-30-1946	10, 887. 00	1, 868. 98	1, 868. 98	1, 142. 58	348. 79
Southern Potteries, Inc., Erwin	Manufacture of dinnerware	12-31-1941	22, 670. 86	77, 539. 50	34, 329. 14	17, 028. 80	5, 278. 93
		12-31-1942	24, 550. 26	75, 660. 10	32, 449. 74	26, 967. 24	15, 815. 92
American Finishing Co., Bodley Ave., Memphis.	Dyeing and finishing textiles	1- 1-1941 to 11-30-1941	59, 428. 30	142, 020. 57	37, 276. 11	12, 990. 47	4, 027. 04
		11-30-1942	59, 428. 30	142, 020. 57	37, 276. 11	12, 990. 47	4, 027. 04
First District of Texas							
Schlumberger Well Surveying Corp., 2720 Leeland Ave., Houston.	Electrical well logging, gun perforating, sample taking, and other oil field services.	8-31-1944	772, 694. 76	156, 257. 52	25, 305. 24	97, 402. 33	41, 767. 66
		8-31-1945	774, 637. 41	154, 314. 87	23, 362. 59	31, 098. 73	13, 056. 31
Texas Towing Co., 506 Cotton Exchange Bldg., Houston.	Marine transportation	12-31-1941	3, 609. 56	61, 510. 28	5, 510. 44	1, 928. 65	482. 16
Van Norman Oil Co., 2232 Commerce Bldg., Houston.	Acquisition and development of oil properties.	6-30-1942	2, 690. 25	14, 892. 09	5, 765. 70	2, 523. 36	580. 37
		6-30-1943	1, 666. 69	15, 915. 65	6, 789. 26	6, 110. 33	1, 833. 10

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Second District of Texas							
Angelina & Neches River R.R. Co., Keltys.	Common carrier railroad	12-31-1941	$8,118.94	$71,308.71	$20,381.06	$5,896.12	$2,119.48
		12-31-1942	8,118.94	73,258.95	26,081.06	23,472.95	10,833.89
		12-31-1943	8,118.94	72,375.02	26,081.06	23,472.95	10,833.89
		12-31-1944	8,118.94	75,184.86	26,081.06	24,777.01	12,133.89
		12-31-1945	8,118.94	75,184.86	26,081.06	24,777.01	12,133.89
Consumers Cooperative Refinery Corp., successor to Motor Fuels Corp., Levelland.	Refinery	4-1-1914 to 2-28-1945	15,052.09	81,947.31	34,447.31	35,134.90	18,151.93
Glazer's Wholesale Drug Co., Inc., 1606 Young St., Dallas.	Wholesale liquors and wines	8-31-1942	30,668.65	291,183.39	17,996.35	8,965.85	3,267.02
Vermont							
White Pigment Corp., Proctor	Manufacture of white pigments and other films.	12-31-1941	21,858.56	66,292.36	27,568.14	8,695.94	2,695.74
		12-31-1942	24,433.71	65,717.21	24,992.99	23,487.47	13,256.04
		12-31-1943	25,916.00	62,234.92	23,210.70	22,445.96	11,012.63
		12-31-1944	27,182.55	60,968.37	22,244.15	22,307.31	11,219.66
Virginia							
Angle Silk Mills, Inc., Rocky Mount	Manufacturing rayon fabrics	[2]11-30-1942	26,735.54	92,485.86	8,032.56	4,470.98	2,723.12
		[2]11-30-1943	30,640.55	53,989.62	4,127.55	2,187.76	2,187.66
		[2]12-31-1942	11,320.70	8,247.63	2,929.30	3,693.31	1,116.48
		[2]12-31-1943	11,320.70	8,090.48	2,929.30	2,636.37	700.91
		[2]12-31-1944	11,320.70	8,090.48	2,929.30	2,782.84	849.50
		[2]12-31-1945	11,320.70	8,090.48	2,929.30	2,782.84	849.90
The Virginian Ry. Co., Terminal Bldg., Norfolk.	Railroad	12-31-1940	7,242,644.98	803,149.93	None	51,553.77	None
		12-31-1941	7,453,754.08	2,068,875.32	286,555.52	171,993.49	53,299.38
		12-31-1942	7,444,137.05	2,107,592.35	423,188.20	746,702.89	331,867.73
Washington							
Los Angeles-Seattle Motor Express, Inc., 3260 6th Ave. South, Seattle.	Highway freight transportation	12-31-1943	4,984.93	15,380.69	1,665.07	2,193.18	706.67
Northwest Door Co., P. O. Box 1477, Tacoma.	Manufacturing doors, veneer and sash.	11-30-1944	76,117.32	102,426.09	47,382.68	21,469.00	10,413.66
		11-30-1945	87,580.71	111,755.58	35,919.29	34,123.82	14,367.72
Soundview Pulp Co., Everett	Wood pulp manufacturing	12-31-1942	991,796.14	2,916,790.87	565,345.11	508,810.60	226,138.05
		12-31-1943	991,796.14	2,916,790.87	565,345.11	645,610.70	286,938.10
		12-31-1944	991,796.14	2,916,790.87	565,345.11	773,173.22	325,546.63
		12-31-1945	991,796.14	565,345.11	565,345.11	51,112.45	21,921.04
Tradewell Stores, Inc., 1925 8th Ave., Seattle.	Retail chain grocery	12-31-1942	38,208.03	25,674.98	9,291.97	9,472.18	4,209.86
		12-31-1944	39,770.96	27,112.05	10,729.04	10,192.79	4,418.89
		12-31-1945	39,449.57	60,197.35	8,059.43	7,647.91	3,220.17
West Virginia							
Crescent Glass Co., Wellsburg	Glass manufacturing	12-31-1943	17,630.62	30,711.35	4,219.38	3,797.44	1,667.62
		12-31-1944	17,630.62	30,711.35	4,219.38	4,008.42	2,236.27
		12-31-1945	17,630.62	30,711.35	4,219.38	4,008.41	2,236.27
Gay Mining Company, Mount Gay	Mining bituminous coal	12-31-1942	16,116.92	44,279.23	14,216.58	5,968.14	1,993.05
		12-31-1943	17,321.17	52,061.95	31,603.83	18,645.88	16,508.32
		12-31-1944	29,940.28	48,442.84	27,984.72	26,585.49	11,193.89
		12-31-1945	29,517.49	39,865.63	19,407.51	18,831.31	7,929.00
Wisconsin							
Acme Galvanizing, Inc., 2730 South 19th St., Milwaukee.	Metal coating	12-31-1942	24,378.60	42,474.80	11,025.05	9,922.54	5,843.27
		12-31-1943	24,378.60	42,474.80	11,025.05	5,205.41	3,065.41
		12-31-1944	24,378.60	42,474.80	11,025.05	10,473.80	5,843.27
		12-31-1945	24,378.60	42,474.80	11,025.05	10,473.80	5,843.27
American Lace Paper Co., 4425 North Port Washington Rd., Milwaukee.	Paper specialties	12-31-1941	74,971.08	122,740.23	24,353.92	11,565.37	3,585.27
		12-31-1942	86,320.52	115,390.79	17,004.48	10,483.33	4,699.26
		12-31-1943	82,765.38	114,005.93	15,619.62	14,286.41	6,349.52
		12-31-1944	84,256.29	112,427.17	14,040.86	13,338.81	5,616.33
		12-31-1945	82,542.95	108,568.36	10,182.05	9,672.95	4,072.82
Baker Canning Co., Theresa	Canning vegetables	3-31-1944	2,561.58	50,498.88	3,873.69	3,380.75	2,053.05
		3-31-1946	2,561.58	50,498.88	3,873.69	2,772.60	1,846.82
Central Broadcasting Co., 203 South Barstow St., Eau Claire.	Radio broadcasting	12-31-1942	6,314.41	11,976.66	5,085.59	4,577.04	1,373.11
		12-31-1943	6,314.41	11,976.66	7,935.59	7,142.03	2,142.61
		12-31-1944	6,314.41	18,269.98	7,935.59	7,538.81	2,227.61
		12-31-1945	6,314.41	18,269.98	7,935.59	7,538.81	2,227.61
Consolidated Water Power & Paper Co. (and Subsidiary-Consolidated Water Power Co.), Wisconsin Rapids.	Manufacture of pulp, paper and plastics.	12-31-1940	1,419,881.49	424,206.71	259,110.61	129,555.30	None
Consolidated Water Power & Paper Co., Wisconsin Rapids.	do	12-31-1941	1,468,855.84	717,993.73	611,806.14	367,083.68	113,795.94
		12-31-1942	1,473,160.98	792,918.22	604,501.00	544,050.90	241,800.44
		12-31-1943	1,473,030.40	791,048.80	602,631.58	542,368.43	241,052.63
		12-31-1944	1,473,473.38	792,605.82	604,188.60	573,979.17	241,675.43
Heresite & Chemical Co., 822 South 14th St., Manitowoc.	Manufacturing castings, plastics and lacquers.	2-28-1946	12,740.94	3,004.01	3,004.01	2,392.51	880.23
The Journal Co., 333 West State St., Milwaukee.	Newspaper publishing and radio broadcasting.	[2]12-31-1941	1,456,873.55	797,552.42	140,376.45	105,343.72	32,656.55
		[2]12-31-1942	1,444,857.01	932,876.34	144,392.99	130,719.61	58,097.60
		12-31-1943	1,473,106.60	906,530.85	116,143.40	104,529.05	46,457.36
		12-31-1944	1,473,106.60	905,469.75	116,143.40	110,336.23	46,457.36
		12-31-1945	1,473,106.60	897,926.75	116,143.40	110,336.23	46,457.36
Klenzade Products, Inc., Post Office Box 70, Beloit.	Manufacture and sale of chlorine solutions and cleaning compounds.	2-29-1944	2,572.04	51,442.59	7,403.59	7,342.21	2,184.33
		2-28-1945	4,163.89	49,850.74	6,963.94	6,727.51	1,934.59
		2-28-1946	3,964.19	48,050.44	5,556.50	3,976.26	1,397.30
Kurth Malting Co., South 43d and West Burnham St., Milwaukee.	Maltsters	12-31-1945	332,529.46	207,699.54	41,635.59	27,284.73	16,654.24
Murphy Products Co., 556 Dodge St., Burlington.	Manufacturing mixed feeds	6-30-1946	42,618.24	84,362.45	15,821.70	7,577.07	3,190.35
Northern Brewing Co., 714 North 8th St., Superior.	Operation of brewery	12-31-1944	14,066.64	24,772.45	5,394.47	5,124.75	2,406.65
		12-31-1945	14,914.14	23,924.95	4,546.97	4,319.62	2,188.32
Paul-Lewis Laboratories, Inc., 4233 North Port Washington Rd., Milwaukee.	Chemical manufacturing	12-31-1945	4,918.82	21,244.29	2,081.66	2,203.23	626.18
R. Ferlick Brass Co., 3110 West Meinecke Ave., Milwaukee.	Manufacturers of brass specialties	12-31-1940	18,956.82	26,772.30	3,368.18	842.04	None
		12-31-1941	24,985.88	31,190.13	9,364.12	3,805.73	1,179.78
		12-31-1942	24,241.88	31,190.13	9,364.12	8,427.71	4,962.99
		12-31-1943	24,241.88	31,190.13	9,364.12	8,427.72	4,962.99
		12-31-1944	24,481.88	31,190.13	9,364.12	8,895.92	4,962.99
		12-31-1945	24,641.88	31,190.13	9,364.12	8,895.91	4,962.99

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1952—Continued

Name and address of taxpayer (arranged by internal revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Wisconsin—Continued							
Solar Corp., 944-1000 West Bruce St., Milwaukee.	Manufacturing storage batteries, paint, varnishes and washing machines.	12-31-1942	$216,844.59	$80,592.19	$33,799.56	$30,419.61	$13,519.83
		12-31-1943	306,923.50	130,164.50	60,100.25	54,090.22	24,040.10
		12-31-1944	310,115.78	63,001.48	60,100.25	57,095.23	24,040.10
		12-31-1945	310,115.78	63,001.48	60,100.25	57,095.23	24,040.14
The Sunlite Manufacturing Co., 1223 South 23d St., Milwaukee.	Manufacture of garments, ironing pads, etc.	12-31-1942	12,333.43	71,773.57	3,302.70	4,020.14	1,218.76
Wisconsin Farmer Co., 1125 6th St., Racine.	Farm paper publisher	5-31-1943	45,436.93	12,006.64	7,187.32	13,769.35	6,119.71
		5-31-1944	45,436.93	13,068.16	7,187.32	6,617.84	2,874.95
		5-31-1945	45,573.77	8,761.27	7,050.48	6,697.95	2,820.20
SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1951							
Sixth District of California							
Pabco Products, Inc., (formerly: Schumacher Wall Board Corp.), 475 Brannon St., San Francisco.	Manufacture and sale of plaster wall board, etc.	[4]4-30-1943	$275,978.80	None	None	$2,781.62	$1,236.27
Georgia							
Ironized Yeast Co., Inc., transferor, Sterling Drug, Inc., transferee, 170 Varick St., New York, N. Y.	Trading	12-31-1940	17,893.95	$242,002.27	$85,765.84	12,601.25	None
Snow's Laundry, Inc., 1384 Green St., Augusta.	Laundry and dry cleaning	12-31-1942	1,640.36	22,424.51	4,336.96	3,901.26	1,170.97
Kentucky							
Auburn Hosiery Mills, Auburn	Hosiery manufacturers	6-30-1946	51,366.00	7,124.38	7,123.48	3,411.45	996.41
Louisiana							
Orkin Exterminating Co., Inc. (La.), c/o Orkin Exterminating Co., Inc., 591 Peachtree St. NE., Atlanta, Ga.	Exterminating, fumigating and termite control service.	3-31-1943	947.42	7,794.08	2,079.00	1,871.10	561.33
Nebraska							
Standard Chemical Manufacturing Co., 701 South 42d St., Omaha.	Poultry and stock remedies	6-30-1945	17,884.81	27,529.92	6,266.78	5,953.44	3,321.39
First District of Ohio							
The Nivison-Weiskope Co., 600 Main St., Reading.	Manufacturers of cartons and wood boxes.	8-31-1946	42,630.28	12,553.05	5,662.70	1,906.38	823.75
Wyoming							
The Cheyenne Newspapers, Inc., 110 East 17th St., Cheyenne.	Newspaper publishing	12-31-1945	22,980.46	18,775.83	11,380.83	10,811.79	6,031.84

[1] Allowance made during the fiscal year ended June 30, 1952, represents addition to relief previously allowed and published.
[2] Allowance in accordance with decision of The Tax Court of the United States based on agreed settlement of the parties. No previous allowance by the Commissioner.
[3] Allowance in accordance with decision of The Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[F. R. Doc. 52-9792; Filed, Sept. 5, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

WAGE RATES FOR SUGARCANE INDUSTRY IN PUERTO RICO AND VIRGIN ISLANDS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Conference Room of the Production and Marketing Administration Office, Segarra Building, on September 25, 1952, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the District Court Room, on September 29, 1952, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico and the Virgin Islands during the calendar year 1953 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1952-53 Puerto Rican crop and the 1953 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all points relative to the subject matters of the hearing is desired, it is especially requested that, in connection with fair prices for 1952-53 crop Puerto Rican sugarcane, interested persons be prepared to make recommendations on the subject of pricing sugarcane from which is made raw sugar within and not within the processor's 1953 marketing allotment. Attention should be given to pricing methods which will not encourage an excessive rate of shifting by producers from one mill to another or from one method of settlement, cash or sugar, to another. In addition, it is requested that recommendations be made on the elements of cost properly admissible as selling and delivery expenses in the computation of net proceeds from sales of molasses and on possible changes in the provision of the 1951-52 crop price determination which relates to allowances made by processors to producers for hauling sugarcane and other services.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement

thereof at the hearing by the presiding officers.

Tom O. Murphy, Ward S. Stevenson, L. F. Diehl, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 3d day of September 1952.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch.

[F. R. Doc. 52-9790; Filed, Sept. 5, 1952; 8:58 a. m.]

Commodity Credit Corporation

CHAIRMAN OF PMA COUNTY COMMITTEE

DELEGATION OF AUTHORITY WITH RESPECT TO EXECUTING LEASES FOR STORAGE STRUCTURES

Pursuant to the authority conferred upon me, by the bylaws of Commodity Credit Corporation published in 14 F. R. 7689, I hereby appoint the Chairman of every Production and Marketing Administration county committee or in his absence the Acting Chairman, a contracting officer, within the county of his jurisdiction, for the purpose of executing, in accordance with instructions, leases of Commodity Credit Corporation-owned storage structures, not needed for storage of Commodity Credit Corporation-owned grain. The aforementioned instructions shall be available for inspection in the PMA County offices.

In leasing such structures, such contracting officers have been instructed to give preference first to farmers or groups of farmers for the storage of their own grain; then to any cooperative associations, as that term is defined in the Agricultural Marketing Act, as amended (12 U. S. C. 1141j), for the storage of grain; and then to commercial warehousemen for the storage of grain: *Provided, however*, That the above preferences shall not be applicable to the leasing of such structures to cooperative associations for use in connection with the peanut price support program. Such contracting officers have been instructed to lease such structures to cooperative associations for such term and on such conditions as may be prescribed by me, for use in connection with the peanut price support program. Thereafter, if such structures are not needed for the storage of grain or peanuts, they may be leased for the storage of any commodity or product which will not be injurious or hazardous to the structure itself, or to the grain or peanuts stored in other structures at the site.

The rate of rental and the terms and conditions of such leases or rental agreements shall be determined by me, and such rates shall be reasonably related to storage rates approved under the Uniform Grain Storage Agreement or other warehouse agreements covering the farm commodities to be stored in such structures.

The expiration date of any such lease or rental agreement shall not be later than April 30 following the date of the rental agreement, unless extended in accordance with instructions issued to the Chairman of the Production and Marketing Administration county committees, which instructions are on file and available for inspection by the public in the PMA County offices.

The delegation of authority issued May 22, 1951, contained in Federal Register Document 51-6055, published in 16 F. R. 4945, is hereby revoked.

Issued this 29th day of August 1952.

[SEAL] ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

Attested:

LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F. R. Doc. 52-9714; Filed, Sept. 5, 1952; 8:45 a. m.]

Rural Electrification Administration

[Administrative Order 3741]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1952.

Inasmuch as (1) Consumers Delight Electric Co-operative, Inc., has transferred all of its properties and assets to Dairyland Electric Co-op., Inc., and Dairyland Electric Co-op., Inc., has assumed all of the indebtedness of Consumers Delight Electric Co-operative, Inc., to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Consumers Delight Electric Co-operative, Inc., with the consent of United States of America, has assigned to Dairyland Electric Co-op., Inc., and Dairyland Electric Co-op., Inc., has accepted the assignment of certain rights and obligations of Consumers Delight Electric Co-operative, Inc., arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 532, dated October 21, 1940, by changing the project designation appearing therein as "Minnesota 1093A1 Cass" in the amount of $60,000 to read "Minnesota 92TP1 South Itasca (Minnesota 1093A1 Cass)";

(b) Administrative Order No. 538, dated November 5, 1940, by changing the project designation appearing therein as "Minnesota 1093W1 Cass" in the amount of $5,000 to read "Minnesota 92TP1 South Itasca (Minnesota 1093W1 Cass)";

(c) Administrative Order No. 620, dated September 23, 1941, by changing the project designation appearing therein as "Minnesota 2093S2 Cass" in the amount of $20,000 to read "Minnesota 92TP1 South Itasca (Minnesota 2093S2 Cass)";

(d) Administrative Order No. 701, dated May 11, 1942, by changing the project designation appearing therein as "Minnesota 2-1093A2 Cass" in the amount of $20,000 to read "Minnesota 92TP1 South Itasca (Minnesota 2-1093A2 Cass);

(e) Administrative Order No. 963, dated September 24, 1945, by changing the project designation appearing therein as "Minnesota 93E Cass" in the amount of $68,000 to read "Minnesota 92TP1 South Itasca (Minnesota 93E Cass)";

(f) Administrative Order No. 1519, dated May 19, 1948, by changing the project designation appearing therein as "Minnesota 93F Cass" in the amount of $255,000 to read "Minnesota 92TP1 South Itasca (Minnesota 93F Cass)" and

(g) Administrative Order No. 3005, dated November 2, 1950, by changing the loan designation appearing therein as "Minnesota 93G Cass" in the amount of $140,000 to read "Minnesota 92TP1 South Itasca (Minnesota 93G Cass)" in the amount of $58,010.56 and "Minnesota 92TA1 South Itasca (Minnesota 93G Cass)" in the amount of $81,989.44.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9720; Filed, Sept. 5, 1952; 8:46 a. m.]

[Administrative Order 3742]

IDAHO

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 4Z Bonner	$670,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9721; Filed, Sept. 5, 1952; 8:46 a. m.]

[Administrative Order 3743]

WISCONSIN

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 29R Clark	$25,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9722; Filed, Sept. 5, 1952; 8:46 a. m.]

[Administrative Order 3744]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 38D Dewey	$950,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9723; Filed, Sept. 5, 1952; 8:47 a. m.]

[Administrative Order No. 3745]

MISSOURI

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 22L Howard	$212,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9724; Filed, Sept. 5, 1952; 8:47 a. m.]

[Administrative Order 3746]

IDAHO

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 11L Kootenai	$150,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9725; Filed, Sept. 5, 1952; 8:47 a. m.]

[Administrative Order 3747]

WASHINGTON

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 47K Douglas District Public	$1,025,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9726; Filed, Sept. 5, 1952; 8:47 a. m.]

[Administrative Order 3748]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 20N Socorro	$1,065,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9727; Filed, Sept. 5, 1952; 8:47 a. m.]

[Administrative Order 3749]

WASHINGTON

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 8T Benton	$1,500,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9728; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3750]

MARYLAND

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maryland 7AA Caroline	$1,500,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9729; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3751]

WYOMING

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 23F Shoshone	$950,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9730; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3752]

WISCONSIN

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 47U Jackson	$50,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9731; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3753]

OKLAHOMA

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 37B Wagoner	$390,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9732; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3754]

MISSISSIPPI

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 34R Leflore	$1,520,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-9733; Filed, Sept. 5, 1952; 8:48 a. m.]

[Administrative Order 3755]

MINNESOTA

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 80N Lincoln	$300,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9734; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3756]

MISSOURI

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 46V Taney	$1,034,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9735; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3757]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936 as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 11R Taos	$100,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9736; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3758]

NEBRASKA

LOAN ANNOUNCEMENT

JULY 2, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 97C Brown District Public	$1,330,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9737; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3759]

MISSOURI

LOAN ANNOUNCEMENT

JULY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 57G Lincoln	$200,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9738; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3760]

IOWA

LOAN ANNOUNCEMENT

JULY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 85A Cherowa	$7,551,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9739; Filed, Sept. 5, 1952; 8:49 a. m.]

[Administrative Order 3761]

WISCONSIN

LOAN ANNOUNCEMENT

JULY 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 38H Rock	$242,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9740; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3762]

ARKANSAS

LOAN ANNOUNCEMENT

JULY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 13W Johnson	$433,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9741; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3763]

NEW MEXICO

LOAN ANNOUNCEMENT

JULY 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 23E Lea	$750,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9742; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3764]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JULY 22, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 35R Abbeville	$75,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-9743; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3765]

ALLOCATION OF FUNDS FOR LOANS

JULY 22, 1952.

I hereby amend:

(a) Administrative Order No. 2375, dated November 18, 1949, by reducing the loan of $15,000 therein made for "Indiana 29N Fulton" by $13,800 so that the reduced loan shall be $1,200.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-9744; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3766]

ALLOCATION OF FUNDS FOR LOANS

JULY 22, 1952.

I hereby amend:

(a) Administrative Order No. 2990, dated October 27, 1950, by rescinding the loan of $100,000 therein made for "Virginia 35P Madison."

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-9745; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3767]

GEORGIA

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 77S Forsyth	$100,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9746; Filed, Sept. 5, 1952; 8:50 a. m.]

[Administrative Order 3768]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 3S Jackson	$890,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9747; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order 3769]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 34E Spink	$116,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9748; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-165]

TEXAS

LOAN ANNOUNCEMENT

JULY 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Santa Rosa Telephone Cooperative Texas 559-A	$572,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9749; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-166]

ALLOCATION OF FUNDS FOR LOANS

JULY 11, 1952.

I hereby amend:

(a) Administrative Order No. T-74, dated October 5, 1951, by reducing the loan of $763,000 therein made for "United Telephone Association, Inc., Kansas 531-A" by $369,000 so that the reduced loan shall be $394,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9750; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-167]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JULY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Independent Telephone, Inc., South Dakota 510-B	$96,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9751; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-168]

MAINE

LOAN ANNOUNCEMENT

JULY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Hebron's Home Telephone Co., Maine 501-A	$72,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9752; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-169]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JULY 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Piedmont Rural Telephone Cooperative, Inc., South Carolina 503-B	$199,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-9753; Filed, Sept. 5, 1952; 8:51 a. m.]

[Administrative Order T-170]

KENTUCKY

LOAN ANNOUNCEMENT

JULY 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Southcentral Rural Telephone Cooperative Corp., Inc., Kentucky 505-A	$1,791,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9754; Filed, Sept. 5, 1952; 8:52 a. m.]

[Administrative Order T-171]

MISSISSIPPI

LOAN ANNOUNCEMENT

JULY 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florence Telephone Co., Inc., Mississippi 503-A	$129,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-9755; Filed, Sept. 5, 1952; 8:52 a. m.]

[Administrative Order T–172]

ILLINOIS

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mid Century Telephone Cooperative, Inc., Illinois 511–A_ [1]	$280,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–9756; Filed, Sept. 5, 1952; 8:52 a. m.]

[Administrative Order T–173]

KANSAS

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Central Kansas Telephone Co., Inc., Kansas 510–A----------	$114,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–9757; Filed, Sept. 5, 1952; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 13–A—DPAV–5, Supp. 1 (c)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN PLAN OF ACTION NO. 1 UNDER VOLUNTARY AGREEMENT RELATING TO SUPPLY OF PETROLEUM TO FRIENDLY FOREIGN NATIONS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published on 16 F. R. 8377, August 22, 1951, to participate in a plan of action entitled "Plan of Action No. 1 Under Voluntary Agreement Relating to the Supply of Petroleum to Friendly Foreign Nations," dated July 26, 1951, transmitted to and accepted by those companies listed on 16 F. R. 8377, August 22, 1951, 16 F. R. 11038, October 30, 1951, and 16 F. R. 12517, December 12, 1951, is hereby withdrawn.

The Notice of Termination of Plan of Action No. 1 published by the Secretary of the Interior and Petroleum Administrator for Defense, on 17 F. R. 6166, July 9, 1952, and this withdrawal of the request do not relieve any participating company of any obligation, including the carrying out of approved schedules according to the terms, conditions, or intent thereof, incurred under Plan of Action No. 1 as originally approved and issued; nor do they deprive such company of any rights received or accrued under said Plan of Action No. 1, including the right to carry out the transactions specified in any schedule approved heretofore; nor do they deprive the Administrator of the Petroleum Administration for Defense of the authority to change, modify, or amend any schedule heretofore approved, or the right of any such company to carry out transactions in accordance with any such change, modification, or amendment made by the Administrator of the Petroleum Administration for Defense.

Further, except as to any act or omission to act performed or omitted by reason of the request to participate in Plan of Action No. 1, or as to any obligation incurred thereunder, and permitted to be concluded pursuant to such Notice of Termination, the immunity from prosecution under the Federal Antitrust Laws and the Federal Trade Commission Act heretofore granted is likewise withdrawn.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: September 4, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52–9867; Filed, Sept. 5, 1952; 11:07 a. m.]

[DPA Request No. 40—DPAV–22 (a)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT RELATING TO SUPPLY OF HEATING OIL TO EAST COAST

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published at 17 F. R. 2023, March 7, 1952, to participate in a voluntary agreement entitled "Voluntary Agreement Relating to the Supply of Heating Oil to the East Coast" transmitted to and accepted by those companies listed at 17 F. R. 2023, March 7, 1952, is hereby withdrawn. As stated in the Notice of Expiration, 17 F. R. 4826, May 27, 1952, this voluntary agreement by its own terms ceased to be effective on April 30, 1952.

The immunity from prosecution under the Federal Antitrust Laws and the Federal Trade Commission Act heretofore granted is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: September 4, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52–9868; Filed, Sept. 5, 1952; 11:07 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 56]

NEW LONDON, CONN., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 4, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

New London, Connecticut, area. (The area consists of all of New London County, Connecticut.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52–9880; Filed, Sept. 5, 1952; 11:35 a. m.]

[RC 59]

RANTOUL, ILL., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 4, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Rantoul, Illinois, Area. (The area consists of Champaign and Vermillion Counties, Illinois.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52–9881; Filed, Sept. 5, 1952; 11:35 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27363]

PEAT AND HUMUS FROM GULF PORTS TO WYOMING, KANSAS, COLORADO, AND NEBRASKA

APPLICATION FOR RELIEF

SEPTEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 113.

Commodities involved: Peat and humus, carloads.

From: Gulf ports.

To: Points in Wyoming, Kansas, Colorado, and Nebraska.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, I. C. C. No. 113, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–9773; Filed, Sept. 5, 1952; 8:54 a. m.]

[4th Sec. Application 27364]

LIQUID CAUSTIC SODA FROM MCINTOSH, ALA., TO EAST ST. LOUIS, ILL., AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

SEPTEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of The Alabama Great Southern Railroad Company, and The Cincinnati, New Orleans and Texas Pacific Railway Company.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 118.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–9774; Filed, Sept. 5, 1952; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–89]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATION TO PAY FEES AND EXPENSES

SEPTEMBER 2, 1952.

The Commission, by orders herein dated November 24, 1944, and November 29, 1944, having approved a plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by The United Corporation ("United"), a registered holding company, providing for the exchange, on a voluntary basis, of portfolio assets, including cash, for then outstanding shares of United's $3 Cumulative Preference Stock, and in said orders having reserved jurisdiction with respect to fees and expenses to be paid by United in connection with said plan; and

Said plan having been consummated, and the Commission, by order herein dated March 22, 1946, having released the jurisdiction so reserved with respect to fees and expenses to be paid by United in connection with said plan;

Notice is hereby given that an application has been filed by Randolph Phillips, a common stockholder of United, for the payment of a requested fee in the amount of $39,000 for services claimed to have been rendered in 1943 and 1944 in the above entitled matter, and for reimbursement of expenses in the amount of $23,414.71 claimed to have been incurred by him in 1943 and 1944 in connection with such services.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said application:

It is ordered, That a hearing on said application, pursuant to sections 11 (e) and 18 of the act and rules and regulations thereunder, be held on September 23, 1952, at 10:00 a. m., e. d. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing is to be held. Any person who is not already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before September 19, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the said application and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

Whether the requested amounts for a fee and for expenses are reasonable, and were reasonably incurred, in rendering services which were necessary in connection with said plan and the proceedings with respect thereto, and whether it is appropriate and lawful to require United to pay the requested fee and expenses, in whole or in part;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to assert any additional claims for compensation or reimbursement for fees and expenses in connection with the proceedings upon the plan shall, on or before September 19, 1952, file such claim or a notification of intention to assert such claim, and, in the event such claims are filed during the course of the hearings, no notice of such filing will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of such additional claims should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That the Secretary of the Commission shall serve notice of the said hearing by mailing a copy of this notice and order by registered mail to Randolph Phillips, The United Corporation and to all persons granted participation in the proceedings, and notice of said hearing shall be given to all other persons by publi-

cation of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9762; Filed, Sept. 5, 1952; 8:53 a. m.]

[File No. 70-2906]

ARLINGTON GAS LIGHT CO. ET AL.

ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

SEPTEMBER 2, 1952.

In the matter of Arlington Gas Light Company, Beverly Gas and Electric Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Lawrence Gas and Electric Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Northern Berkshire Gas Company, Salem Gas Light Company, Suburban Gas and Electric Company, Wachusett Gas Company, File No. 70-2906.

The above named public-utility subsidiary companies of New England Electric System, a registered holding company, hereinafter individually referred to as "Arlington," "Beverly," "Central Mass.," "Gloucester Gas," "Lawrence," "Malden Gas," "Northampton," "Northern Berkshire," "Salem Gas," "Suburban" and "Wachusett" and collectively referred to as the "borrowing companies," having filed with this Commission applications, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, and Rules U-23, U-42 (b) (2) and U-50 (a) (2) thereunder with respect to the following proposed transactions:

The borrowing companies propose to issue to The National City Bank of New York before September 5, 1952, unsecured promissory notes in an aggregate amount of $4,540,000. Said notes will be payable in 10 equal instalments beginning on September 1, 1953, and ending on September 1, 1962. Interest on the annual instalments payable September 1, 1953, and September 1, 1954, will be at the rate of 3¼ percent per annum, on the annual instalments payable September 1, 1955, through September 1, 1957, at the rate of 3½ percent per annum and on the annual instalments payable September 1, 1958, through September 1, 1962, at the rate of 3¾ percent per annum or an over-all cost of money for the 10-year period of 3.668 percent. Under certain conditions, the notes may be prepaid, in whole or in part, without premium.

The applications state that the Massachusetts Department of Public Utilities has granted all of the borrowing companies, except Gloucester Gas and Wachusett, authority to amortize the costs of conversion to the use of natural gas over a period of ten years and that it is expected that the Massachusetts Commission will authorize a like period of amortization for these two companies. The amount of the note each borrowing company proposes to issue is set forth in the table below and, in each case, such amount is substantially equal to the estimated amount of unamortized conversion costs at August 31, 1952. The proceeds of the proposed notes will be applied solely to the payment of short-term note indebtedness incurred by the borrowing companies for costs of conversion to the use of natural gas.

	Amount of proposed notes
Arlington	$565,000
Beverly	285,000
Central Massachusetts	200,000
Gloucester Gas	125,000
Lawrence	835,000
Malden Gas	1,240,000
Northampton	195,000
Northern Berkshire	220,000
Salem Gas	380,000
Suburban	325,000
Wachusett	170,000
Total	4,540,000

The applications state that the Massachusetts Department of Public Utilities has approved and authorized the proposed note issues and no other state commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The applications further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for each of the borrowing companies, or an aggregate of $5,500.

The borrowing companies request that the Commission's order herein became effective forthwith upon issuance.

Notice of the filing of the applications having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications be granted and that the Commission's order become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said applications be, and hereby are, granted, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9765; Filed, Sept. 5, 1952; 8:54 a. m.]

[File No. 70-2920]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING CONCERNING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 2, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 9 and 10 thereof as applicable to the transactions which are summarized as follows:

Arkansas proposes to acquire all of the outstanding stock of Swifton Power & Light Company ("Swifton") for a cash consideration of $65,000. Upon acquiring such stock, Arkansas proposes to surrender the stock of Swifton, liquidate that Company and transfer its assets to Arkansas. All of the outstanding 360 shares of the capital stock of Swifton are owned by Graham Brothers Company, a non-affiliated Arkansas corporation.

Swifton operates an electric distribution system in the town of Swifton, Arkansas. It is presently interconnected with Arkansas, which services adjacent territory, and purchases all of its electric power requirements from Arkansas. For the year ended March 1952, Swifton's kilowatt hour sales were: residential, 152,464; commercial, 177,694. The net plant of Swifton is stated at $27,131. The total operating revenues of Swifton for the 12 months ended May 31, 1952, were $14,429 and its net profit $2,201.

The proposed transactions have been approved by the Arkansas Public Service Commission, and that Commission has directed Arkansas to eliminate the newly created Electric Plant Acquisition Adjustments (Account 100.5) in the amount of $39,911.86 by a charge to Earned Surplus.

The application states that upon consummation of the transactions, the operations of Swifton's facilities will be fully integrated with those of Arkansas and by reason of application of Arkansas' rate schedule will result in overall savings of approximately 9 percent to the customers of Swifton.

Notice is further given that any interested person may, not later than September 16, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 16, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9763; Filed, Sept. 5, 1952; 8:53 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING UNDER CONCERNING SALE OF BONDS AND SERIAL NOTES

SEPTEMBER 2, 1952.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated section 6 (b) thereof and Rules U-42 and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Appalachian proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $17,000,000 principal amount of its First Mortgage Bonds ------ percent Series due 1982, and $6,000,000 aggregate principal amount of its ------ percent Serial Notes due 1956-1967.

The First Mortgage Bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated as of December 1, 1940, as supplemented, and as to be supplemented by four supplemental indentures.

The Serial Notes due 1956-67 will mature annually in the amounts of $250,000 in each of the years 1956 to 1960, inclusive; $500,000 in each of the years 1961 and 1962, and $750,000 in each of the years 1963 to 1967, inclusive.

The proceeds from the sale of securities are to be used in part for prepayment of notes payable to banks which, it is contemplated, will be outstanding in the amount of $14,000,000 at the time of the issuance and sale of the securities. The balance of the proceeds to be realized will be applied to extensions, additions and improvements to Appalachian's properties.

Notice is further given that any interested person may, not later than September 15, 1952, at 11:30 a. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 15, 1952, at 11:30 a. m., e. d. s. t., said application as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9764; Filed, Sept. 5, 1952; 8:53 a. m.]

[File No. 70-2925]

AMERICAN & FOREIGN POWER CO. INC.

NOTICE OF FILING AND NOTICE OF ORDER FOR HEARING CONCERNING ISSUANCE OF ADDITIONAL STOCK AS A STOCK DIVIDEND

SEPTEMBER 2, 1952.

Notice is hereby given that American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 12 (c) thereof as applicable to the proposed transactions which are summarized below. All interested persons are referred to said declaration which is on file in the offices of the Commission for a full statement of the proposed transactions:

Foreign Power has declared a dividend on its 7,152,711 shares of issued and outstanding no par value common stock at the rate of 10 cents in cash for each share of stock outstanding, and one share of additional common stock for each 100 shares of such stock outstanding. The record date and the payment date for the dividend are to be fixed by Foreign Power's Executive Committee as soon as practicable after issuance of an order by this Commission authorizing the issuance of the additional stock.

In connection with the stock dividend, the declaration states that no scrip or fractional shares are to be issued but that in lieu thereof Foreign Power's dividend disbursing agent will sell, without charge to the stockholders, the number of shares of common stock of Foreign Power which otherwise would be represented by scrip or fractional shares, and will pay the proceeds of such sales to the stockholders of Foreign Power entitled thereto. The Company estimates that by reason of this provision, approximately 70 percent of Foreign Power's stockholders will receive only cash.

The proposed stock dividend is to be reflected on the books of Foreign Power by a transfer from "Earned Surplus Since January 1, 1949" to "Capital Stock" in the amount of $661,624.75. This represents a valuation of the 71,527 shares of additional stock as $9.25 per share which was the closing price of that stock on August 25, 1952, the day prior to the date when the dividend was declared.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the declaration, and that such declaration shall not become effective except pursuant to a further order of this Commission:

It is ordered, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules of the Commission, be held on September 16, 1952, at 9:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission on or before September 15, 1952, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the declaration, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed issuance of no par value stock for the purpose of a stock dividend is in accordance with the standards of section 7 of the act, particularly subsections (c) and (d) thereof;

2. Whether, under the standards of section 12 of the act, the Commission should make any adverse findings in connection with the proposed stock dividend;

3. Whether the proposed accounting entries are proper and in conformity with sound accounting principles;

4. Generally, whether the proposed transactions are in all respects in accordance with the standards of the act and whether, in the event that the declaration shall be permitted to become effective, it is necessary or appropriate to impose any terms and conditions to insure compliance with the standards of the act, or in the public interest, or for the protection of investors.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission serve a copy of this order by registered mail on the declarant herein, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9761; Filed, Sept. 5, 1952; 8:53 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 5]

WOOL

NOTICE OF INVESTIGATION

Institution of investigation. By direction of the President, dated September 2, 1952, the United States Tariff Commission, on the 2d day of September

1952, instituted, and hereby gives notice of an investigation, under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether wool of the sheep subject to duty under paragraphs 1101 (a) and 1102 of the Tariff Act of 1930, carbonized wool of the sheep subject to duty under paragraph 1106 of the said act, or sheep's-wool tops subject to duty under the said paragraph 1106 are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program undertaken by the United States Department of Agriculture with respect to wool.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m. on the 29th day of September 1952.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the hearing.

Rules. The Commission's rules of practice and procedure set forth in Part 204 the rules governing investigations under section 22. Copies of these rules may be obtained from the United States Tariff Commission, Washington 25, D. C.

I hereby certify that the above investigation was instituted by the United States Tariff Commission on the 2d day of September 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-9785; Filed, Sept. 5, 1952; 8:56 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 1]

REQUEST TO GENERAL TIRE PRODUCTION POOL, INC., TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to General Tire Production Pool, Inc., to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO GENERAL TIRE PRODUCTION POOL, INC.

You are requested to operate as a small business production pool in accordance with the voluntary program as set forth in the papers submitted to the Small Defense Plants Administration, Pooling Section, Washington, D. C.

In my opinion, the operations of your corporation as a small business production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations thereunder as a small business production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

TELFORD TAYLOR,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of the General Tire Production Pool, Inc., which will operate as a small business production pool, in accordance with the voluntary program as set forth in the papers submitted by it to the Small Defense Plants Administration, Pooling Section, Washington 25, D. C.

In my opinion, your participation in the operations of this small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, providing that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

TELFORD TAYLOR,
Administrator.

The General Tire Production Pool, Inc., accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Ectro, Inc., 425 South Sandusky Street, Delaware, Ohio.

Jackson Electronic & Manufacturing Co., 595 East Tallmadge Avenue, Akron, Ohio.

The McCaskey Register Co., 2435 South Union Avenue, Alliance, Ohio.

The Sterling Manufacturing Co., 7201 Wentworth Avenue, Cleveland, Ohio.

General Tire & Rubber Co., 1708 Englewood Avenue, Akron, Ohio.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: September 2, 1952.

TELFORD TAYLOR,
Administrator.

[F. R. Doc. 52-9778; Filed, Sept. 5, 1952; 8:54 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 17 — 1934 — NUMBER 176

Washington, Tuesday, September 9, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUE OF FARMS AND INVESTMENT LIMITS; CERTAIN STATES

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

ARIZONA

County	Average value	Investment limit
Cochise	$25,000	$12,000
Yuma	35,000	12,000

FLORIDA

Alachua	$15,000	$12,000
Citrus	12,000	12,000
Hernando	12,000	12,000
Pasco	12,000	12,000

MAINE

Androscoggin	$12,000	$12,000
Oxford	15,000	12,000
Piscataquis	12,000	12,000
Somerset	12,000	12,000

MINNESOTA

Meeker	$24,000	$12,000

NEW HAMPSHIRE

Carroll	$12,000	$12,000

NEW MEXICO

County	Average value	Investment limit
Chaves	$30,000	$12,000
Colfax	25,000	12,000
De Baca	25,000	12,000
Eddy	30,000	12,000
Guadalupe	25,000	12,000
Lea	25,000	12,000
Lincoln	25,000	12,000
Mora	25,000	12,000
San Miguel	25,000	12,000
Valencia	25,000	12,000

WYOMING

Campbell	$25,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 4th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9812; Filed, Sept. 8, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL YEAR

Notice was published in the August 14, 1952, daily issue of FEDERAL REGISTER (17 F. R. 7398) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1952–53 fiscal year under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940) regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

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FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
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After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 940.204 *Expenses and rate of assessment for the 1952–53 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1952, will amount to $5,600.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at seven-tenths of one cent (0.007) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the amended marketing agreement and order, is applicable to all peaches shipped during the aforesaid fiscal year; (2) such shipments are now in progress and are subject to the regulatory provisions of Peach Order 1 (7 CFR 940.304; 17 F. R. 7383; 7808); (3) the provisions hereof do not impose any obligation on a handler until such handler ships peaches; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

As used in this section, the terms "handler," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9844; Filed, Sept. 8, 1952; 8:54 a. m.]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 SEASON

Notice was published in the August 14, 1952, daily issue of the FEDERAL REGISTER (17 F. R. 7398) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1952–53 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.207 *Expenses and rate of assessment for the 1952–53 season*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1952, will amount to $39,520.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at two and one-half cents ($0.025) per hundred pounds of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all fresh Tokay grapes shipped during the 1952–53 season; (2) shipments of Tokay grapes are now being made and are subject to the regulatory provisions of Tokay Grape Order 1 (7 CFR 951.313; 17 F. R. 7774); (3) the provisions of this section do not impose any obligation on a handler until such handler ships Tokay grapes; and (4) the immediate specifications of the assessment rate will assist handlers of Tokay grapes in making their plans for the 1952–53 season and thereby tend to promote the orderly marketing of such grapes.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supple-

mentary order, directive, or regulation pursuant thereto.

As used in this section, the terms "handler," "ships," "shipped," and "season" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9843; Filed, Sept. 8, 1952; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 415—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

The following new part is adopted to give interested persons notice of regulations which limit participation by employees of the Civil Aeronautics Administration in court proceedings:

Sec.
415.1 Testimony by employees.
415.2 Production of records.

AUTHORITY: §§ 415.1 and 415.2 issued under R. S. 161, sec. 205, 52 Stat. 984, as amended; 5 U. S. C. 22, 49 U. S. C. 425.

§ 415.1 *Testimony by employees.* Employees of the Civil Aeronautics Administration are prohibited from appearing as expert or opinion witnesses in legal proceedings between private litigants, involving aeronautical matters. They are free to testify as to any matters of fact within their personal knowledge.

§ 415.2 *Production of records.* Records of the Civil Aeronautics Administration, the release of which is prohibited by General Order 51 [1] are in the custody and control of employees for purposes relating to the performance of their official duties only. They have no control over them and no discretion with regard to permitting their use for any other purpose. Employees are prohibited from giving out any copies thereof and from producing them in court whether in answer to subpoena ordering that they be produced or otherwise.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-9794; Filed, Sept. 8, 1952; 8:45 a. m.]

[Amdt. 18]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

This amendment is intended to define specifically the area which will be utilized for determining the minimum obstruction clearance in the establishment of instrument approach procedures using the back or front localizer courses of an ILS without the glide path. Section 609.10 (k) (2) as published on March 13, 1952 in 17 F. R. 2166 is amended to read:

§ 609.10 *Instrument landing system procedures determination.* • • •

(k) *Utilization of back course of ILS.* • • •

(2) *Without glide path.* Where there is no glide path, but a fan marker, compass locator, or other suitable fix is located on the localizer back course within seven miles of the airport, a straight-in approach may be formulated and approved using landing minimums equivalent to straight-in low frequency range minimums. Obstruction clearance will be determined by requiring 300 feet clearance over all objects within the approach area described in paragraph (f) (1) (i) and (iii) of this section, and by adding to this basic requirement of 300 feet any encroachment on the transitional surfaces described in paragraph (f) (3) of this section. The slope set forth in paragraph (f) (1) (ii) of this section will not be applicable, and the transitional surfaces beyond 200 feet from the runway end will extend from the edge of the approach area commencing at airport elevation. These obstruction clearances will also be required on the front courses of ILS's when glide paths are not commissioned or are inoperative.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective October 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-9793; Filed, Sept. 8, 1952; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter IV—International Joint Commission, United States and Canada

PART 401—RULES OF PROCEDURE

EDITORIAL NOTE: The regulations of the International Joint Commission, United States and Canada, formerly codified as Part 501 of this title and inadvertently omitted from the 1949 Edition of the Code of Federal Regulations, are hereby redesignated as Part 401 of Chapter IV of this title and appear as set forth below.

Sec.
401.1 Definitions.
401.2 Meetings.
401.3 Chairmen.
401.4 Permanent offices.
401.5 Duties of secretaries.
401.6 Applications.
401.7 Number of application copies.
401.8 Approval of Governments.
401.9 Notice and publication.
401.10 Statement in response to application.
401.11 Statement in reply.
401.12 Supplemental applications and statements.
401.13 Interested private parties.
401.14 Preliminary hearing.
401.15 Preliminary communication with parties.
401.16 Production and inspection of documents.
401.17 Subpenas.
401.18 Compelling attendance of witnesses, etc.
401.19 Depositions.
401.20 Final hearings.
401.21 Printing of briefs and records.
401.22 Majority may conduct hearings.
401.23 Amendments.
401.24 Service of process.
401.25 Expenses of proceedings.
401.26 Submission to Governments.
401.27 General rule.
401.28 Proceedings under Articles IX and X.

AUTHORITY: §§ 401.1 to 401.28 issued under Art. XII of the Treaty between the United States and Great Britain, Jan. 11, 1909, 36 Stat. 2453.

SOURCE: §§ 401.1 to 401.28 contained in Rules of Procedure, International Joint Commission, Feb. 2, 1912, except as otherwise noted.

§ 401.1 *Definitions.* In the construction of the rules in this part and the forms herein referred to (unless the context otherwise requires) words importing the singular number shall include the plural, and words importing the plural number shall include the singular; the term "party" or "parties" shall include Governments and also persons permitted by the rules in this part to take part in any proceedings before the Commission; the word "person" shall include individual, partnership, or corporation, and "oath" shall include affirmation.

§ 401.2 *Meetings.* Regular sessions of the Commission shall be held annually at Washington beginning on the first Tuesday of April and at Ottawa beginning on the first Tuesday of October.

Special meetings may be held at such times and places in the United States and the Dominion of Canada as the chairmen of the two sections may determine.

§ 401.3 *Chairmen.* The commissioners of the United States section of the Commission shall appoint a chairman, to be known as the chairman of the United States section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in the United States, and in respect to all matters required to be done in the United States by the chairman of the Commission.

The commissioners of the Canadian section of the Commission shall appoint a chairman, to be known as the chairman of the Canadian section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in Canada, and in respect to all matters required to be done in Canada by the chairman of the Commission.

In case it shall be impracticable for the chairman of either section to act in any matter, then the commissioner of such section next in order of appointment shall act in his stead.

§ 401.4 *Permanent offices.* The permanent offices of the Commission shall be at Washington, in the District of Columbia, and at Ottawa, in the Dominion of Canada, and the secretaries of the United States and Canadian sections of the Commission shall, subject to the order of said respective sections, have full charge and control of said offices, respectively.

§ 401.5 *Duties of secretaries.* The secretaries shall act as joint secretaries at all sessions or meetings of the Commission, and each shall keep an accurate permanent record of the proceedings and preserve the same in the permanent offices of the Commission. It shall also be the duty of each of them to receive and file all applications and other papers properly presented to the Commission in any proceeding instituted before it, and to number in numerical order all such applications; and the number given an application shall be the file number for all papers and documents connected with such application. Each secretary shall also keep in the permanent office under his control a docket, in which he shall record the title of the application or other proceeding, separately in each case, the date of filing the same, the name and post-office address of the attorneys of record, and a brief statement of the contents, together with proper reference to the files of the original papers referred to in said docket. Each shall forward to the other for filing in the office of the other copies of all letters, documents or other papers received by him or filed in his office, pertaining to any matter before the Commission, to the end that there shall be on file in each office either the original or a copy of all official papers, documents, records and correspondence relating to matters at any time pending before the Commission.

§ 401.6 *Applications.* In all cases to be submitted to the Commission under Articles III, IV and VIII of the Treaty the method of bringing such cases to the attention of the Commission and invoking its action shall be as follows:

(a) Where one or the other of the Governments on its own initiative seeks the approval of the Commission for the use, obstruction or diversion of waters with respect to which under Articles III and IV of the Treaty the approval of the Commission is required, it shall file with the Commission an application setting forth as fully as may be necessary for the information of the Commission the facts upon which the application is based, and the nature of the order of approval desired.

(b) Where any private person seeks the approval of the Commission for the use, obstruction or diversion of such waters, he shall first make written application to the Government within whose jurisdiction the privilege desired is to be exercised, to grant such privilege, and upon such Government, or the proper department thereof, transmitting such application to the Commission, with the request that it take appropriate action thereon, the same shall be filed and be proceeded with by the Commission in the same manner as an application on behalf of one or the other of the Governments. All applications by private persons should conform, as to their contents, to the requirements of paragraph (a) of this section.

§ 401.7 *Number of application copies.* One duplicate original and 25 copies of the application, supplemental application, statement in response, supplemental statement in response, statement in reply, and supplemental statement in reply shall be filed with each of the secretaries, and there shall be filed with each of the secretaries such drawings, profiles, and plans of survey on tracing linen, and such specifications and maps, as may be necessary to illustrate clearly the matter of the application.

[As amended Nov. 11, 1914]

§ 401.8 *Approval of Governments.* In cases where either of the respective Governments shall have authorized the use, obstruction or diversion of navigable waters, all plans filed as aforesaid shall be accompanied with the approval thereof by the Government or proper department of the Government within whose jurisdiction such waters lie.

§ 401.9 *Notice and publication.* As soon as practicable after an application is made as provided for in § 401.6, the secretary of the section of the Commission appointed by the other Government shall forthwith send to such Government a notice in writing that the application has been made and a copy thereof.

The secretaries shall also, as soon as practicable after the application is made, cause to be published for 3 successive weeks in the Canada Gazette, and in two weekly newspapers, published one on each side of the international boundary line nearest the locality in which the use, obstruction, or diversion of waters is proposed to be made, a notice that the application has been made, and of the nature and locality of the proposed use, obstruction or diversion, and that all persons interested therein are entitled to be heard with respect thereto before the Commission.

§ 401.10 *Statement in response to application.* Within 30 days after the filing of any such application, or within such further time as the Commission or the chairmen may determine, the other Government, and, with the consent of either Government, any private person interested, may file a statement with the Commission setting forth any fact or facts bearing on the subject-matter of the application and tending to defeat or modify the order of approval sought, or to require that the same be granted on condition, and setting forth whether the order of approval is opposed in whole or in part, and if it be desired that the approval be on condition, setting forth the particular condition or conditions upon which it is thought the order of approval should be granted.

[As amended Apr. 7, 1915]

§ 401.11 *Statement in reply.* Immediately after such statement or statements are filed the secretary shall send a copy of the same to the Government which shall have made the application or shall have filed the application on behalf of private persons, and the said Government or the private persons on whose behalf the application shall have been filed, one or both, may, within 30 days, file a statement or statements in reply, and the issues to be determined by the Commission shall be gathered from the application, statement or statements and reply statement or statements.

§ 401.12 *Supplemental applications and statements.* If it shall appear to the Commission that either the application, the statement, or the reply statement is not sufficiently full, definite and complete to enable the Commission to proceed intelligently, the Commission may require a more full, definite and complete application or statement or reply statement, as the case may be, to be filed.

§ 401.13 *Interested private parties.* Any person interested in the subject matter of the application, whether for or against, is entitled to be heard by counsel at the final hearing, and may, through counsel, with the consent of his Government, conduct or assist in conducting all proceedings in the case subsequent to the application.

§ 401.14 *Preliminary hearing.* If it appears to the Commission at any time before the hearing of the application that it would be advantageous to hold a preliminary meeting for the purpose of fixing or altering the plan of hearing, determining the mode of conducting the inquiry, the admitting of certain facts, or the proof of them by affidavit, or for any other purpose, the Commission may hold such meeting upon such notice to the parties as it deems sufficient, and may thereupon make such orders as it may deem expedient.

§ 401.15 *Preliminary communication with parties.* The Commission may, if it thinks fit, instead of holding the preliminary meeting provided in § 401.14, communicate with the parties direct, and may require answers to such inquiries as it may consider necessary.

§ 401.16 *Production and inspection of documents.* Either party shall be entitled, at any time, before or at the hearing of the case, to give notice in writing to the party in whose application or statement or reply statement reference is made to any document, map, plan, or profile, to produce it for the inspection of the party giving such notice or his attorney or solicitor, and to permit him to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put the same in evidence on his behalf in such proceedings, unless he satisfy the Commission that he had sufficient cause for not complying with such notice.

§ 401.17 *Subpenas.* Subpenas for the attendance and examination of witnesses and notice for the production and inspection of documents may be issued in the first instance under the signature of the secretary of the section of the country in which the witnesses reside.

§ 401.18 *Compelling attendance of witnesses, etc.* All applications for subpena or other process to compel the attendance of witnesses, or the production of books, papers, and documents before the Commission or the examiner, shall be made to the proper courts of either country, as the case may be, upon the order of the Commission or by the chairman of the section of the Commission of the country in which the witnesses

[1] Not filed for publication in the FEDERAL REGISTER.

reside or the books, papers, or documents may be, or by the examiner appointed under § 401.19.

§ 401.19 *Depositions.* On application to the secretary of the section of the Commission in the country where depositions are proposed to be taken, any party may have a commission to take the depositions of witnesses, the commission to be signed by the secretary, to designate the name of the examiner before whom depositions will be taken, and the time and place of taking, but need not designate the names of witnesses to be examined, and the secretary shall specify in the commission the length of notice to be given, in all cases requiring what he may deem ample time to enable the parties to be present. The examiner, who shall in all cases be an official having power in his own country to administer oaths, may issue subpenas for witnesses to be examined before him. The testimony of all witnesses shall be taken under oath or affirmation and the parties shall be entitled to attend and examine and cross-examine. The testimony so taken shall be confined to the subject matter in question, and any objection to the admission of evidence shall be noted by the examiner and dealt with by the Commission at the hearing. The examination shall take place within 60 days after the time provided in § 401.11 for the filing of the reply statement. All examinations or depositions taken in pursuance of this section shall be returned to the secretary who issued the commission, and the depositions certified under the hand of the examiner, without further proof, be used in evidence, saving all just exceptions. The examiner at the time and place appointed in the commission can take the depositions of witnesses offered by any party.

§ 401.20 *Final hearings.* The final hearings on applications shall be had at times and places to be fixed by the chairmen of the two sections not less than 30 days after the time provided for filing the reply statement, and the Commission will then hear oral and documentary evidence and evidence which may have been taken by the parties by deposition.

The Commission may require further evidence to be given, either viva voce or by deposition taken before an examiner.

The Commission may decide how many counsel are to be heard and what interests may be united for the purpose of the hearing.

The Commission may, in any case, require printed briefs or factums to be submitted by the parties.

The hearing of the case, when once commenced, shall proceed, so far as in the judgment of the Commission may be practicable, from day to day.

[As amended Apr. 7, 1915]

§ 401.21 *Printing of briefs and records.* All briefs, factums, pleadings, and documents printed for the use of the Commission must be in such form and size, with ample margin, that they can be conveniently bound together so as to make an ordinary octavo volume; and, as well as all quotations contained therein, and the covers thereof, must be printed in clear type (never smaller than pica) and on unglazed paper.

§ 401.22 *Majority may conduct hearings.* A majority of the Commission may conduct hearings or other proceedings regularly before it and may take and receive testimony and hear arguments thereon, but less than the whole number of the Commission shall not proceed to finally consider and determine any matter, proceeding, or question which the Treaty creating the Commission, either in terms or by implication, requires or makes it the duty of the Commission to decide.

§ 401.23 *Amendments.* Amendments of applications and statements may be allowed by the Commission where substantial justice requires it, and the time for the filing of any paper or the doing of any act by the rules in this part required may be extended in the like case.

§ 401.24 *Service of process.* Service of any subpena, process, notice, or other document which must be served under the present rules in this part, shall be by delivering a copy thereof to the person named therein, or by leaving the same at the dwelling house or usual place of abode or usual place of business of such person with some adult person who is a member of or resident in his family or with an employee in such place of business. Such service may be made by any literate person, who shall make return thereof under oath to the secretary from whom such subpena, process, notice, or other document shall have been received, and such return shall state the time and place of such service.

§ 401.25 *Expenses of proceedings.* All expenses incident to the prosecution of any proceedings before the Commission upon applications presented under § 401.6 (b) shall be paid by the party on whose behalf or at whose request such cost or expense is incurred, except as otherwise ordered by the Commission.

[As amended, Apr. 6, 1926]

§ 401.26 *Submission to Governments.* When in the opinion of the Commission it is desirable that a decision should be rendered which affects navigable waters in a manner or to an extent different from that contemplated by the application and plans, the Commission will, before making a final decision, submit to the Government transmitting the application a draft of the decision, and such Government may file with the Commission a brief or memorandum thereon which will receive due consideration by the Commission before its decision is made final.

§ 401.27 *General rule.* The Commission may, in the course of the proceedings, make any order which it deems expedient and necessary to meet the ends of justice and to effectually carry out the true intent and meaning of the Treaty.

§ 401.28 *Proceedings under Articles IX and X.* The rules in this part, as far as applicable, shall apply to proceedings in all cases referred or submitted under Articles IX and X.[1]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 9 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL FLAT RATE MANUALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds a supplement to a flat rate manual to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (qq), paragraph (rr) as follows:

(rr) Chevrolet 1952 Supplement to 1946–1950 Chassis Flat Rate Schedule.

2. Appendix RR is added after Appendix QQ.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on September 13, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9927; Filed, Sept. 8, 1952; 4:00 p. m.]

[1] Treaty between United States and Great Britain, Jan. 11, 1909, 36 Stat. 2452, 2453.

[Ceiling Price Regulation 158, Corrections]

CPR 158—CALIFORNIA REDWOOD LUMBER

CORRECTIONS

Through inadvertence, certain notes applicable to Tables 1, 2, 3, and 11 of section 45 were omitted from Ceiling Price Regulation 158. Also, the words "Select All" and "Select" were erroneously inserted in two notes applicable to Tables 1, 2, and 3. The latter words do not appear in the description of the grades, Heart Structural and Dense Structural lumber, as set forth in "Standard Specifications for Grades of California Redwood Lumber", published by the California Redwood Association, effective August 1, 1951, upon which the notes are based.

Accordingly, the following corrections are made:

1. The following language is added to note 5, entitled "Selection of Grain and Texture", of the notes applicable to Tables 1, 2, and 3 of section 45.

For vertical grain (all thicknesses):
4" and narrower, add $10.00 per M.
6" and 8", add $20.00 per M.
10" and wider, add $25.00 per M.

2. The words "Select All" and "Select" are deleted from the first two lines of note 6, entitled "Additional Grades not on Tables", of the notes applicable to Tables 1, 2, and 3 of section 45, so that the lines read as follows:

Heart Structural, add $20.00 to Select Heart.
Dense Structural, price same as Clear All Heart.

3. Three notes are added to Table 11 of section 45, to read as follows:

NOTES (applicable only to Table 11).
For surfacing, add $5.00 per M.
For running to pattern, add $10.00 per M.
For specified widths, add $5.00 per M.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9924; Filed, Sept. 8, 1952; 11:04 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 3 as Amended September 8, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 3—SUPPLEMENTAL SHIPMENTS BY PRODUCERS; LIMITATIONS ON DISTRIBUTORS' DELIVERIES

This direction, as amended, to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the issuance of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Direction 3, as amended August 1, 1952, to NPA Order M-6A is hereby further amended by adding a new paragraph (b) to section 2 in order to exclude second-quality and imported steel products from the provisions of said section.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Limitations on deliveries by distributors.
3. Shipments to distributors.
4. Item limitation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10261, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction makes a number of changes in the present orders and regulations concerning steel distributors. These changes are occasioned by the recent work stoppage in the steel industry. It requires certain forms and shapes in stock or acquired by distributors to be shipped or delivered by them only on defense orders for a limited period. It increases the quantities of steel required to be shipped by producers to distributors subject to certain limitations. It makes provision with respect to the recent production losses. It temporarily modifies section 5 of NPA Order M-6A by permitting steel distributors to accept and fill orders for smaller quantities than heretofore required.

SEC. 2. *Limitations on deliveries by distributors.* (a) From July 28, 1952, through the close of business August 7, 1952, no steel distributor shall ship or deliver any item of any steel product in the shapes and forms listed in List A of this direction from his inventory of such steel on hand July 28, 1952, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2: *Provided,* That this limitation shall not apply to any item of any steel product which, as of July 28, 1952, had been processed, or was in process, to meet a customer's particular specifications. No steel distributor, who receives steel in the shapes and forms listed in List A of this direction during the period from July 28, 1952, through the close of business December 31, 1952, shall ship or deliver more than 50 percent of the tonnage of any item of any steel product listed in List A, received in any one shipment during such period for a period of 15 days after receipt of any such shipment, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2. Accurate records of each transaction covered by this section shall be set up and maintained by each steel distributor in accordance with and pursuant to the provisions of section 10 of NPA Order M–6A.

(b) The provisions of this section shall not be applicable to any second-quality item of any steel product, in the shapes and forms listed in List A of this direction, acquired by a distributor, nor to any item of any steel product in the shapes and forms contained in said List A which is imported by a distributor from outside the United States, its territories and possessions, and the Dominion of Canada, or acquired prior to landing by the person from whom the distributor acquires the same.

SEC. 3. *Shipments to distributors.* (a) Subject to the limitations in this paragraph, each producer shall be obligated to accept purchase orders from steel distributor customers which call for shipments during the months of September, October, and November, 1952, or to ship on unfilled orders calling for earlier delivery, up to a minimum of not less than 120 percent of the base tonnage of each steel distributor customer instead of the 100 percent presently provided in section 3 of NPA Order M–6A. A producer may cancel orders (to the extent hereafter provided) for any product received from any steel distributor customer in excess of such distributor's base tonnage of that product, if the total tonnage of orders for that product scheduled for delivery in that month from steel distributors, from further converters as defined in NPA Order M–1, and from persons placing authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, exceeds 50 percent of the producer's planned production for that month. The amount by which such orders mentioned in the preceding sentence exceed 50 percent of such producer's planned production is herein referred to as the "supplemental tonnage." If the supplemental tonnage amounts to 20 percent or more of the base tonnage of all steel distributor customers, then all steel distributor orders for that product in excess of the base tonnage shall be cancelled. If the supplemental tonnage is less than 20 percent of the base tonnage of all steel distributor customers then a percentage of the orders for that product from any steel distributor customer in excess of such distributor's base tonnage of that product shall be cancelled. Such percentage shall be determined by dividing the supplemental tonnage by 20 percent of the base tonnage of all steel distributor customers. If any such order is cancelled there shall be no obligation upon the producer cancelling the order to fill the same in a subsequent month.

(b) To the extent practicable and within the limitations of paragraph (a)

of this section, producers shall ship during August 1952 to their steel distributor customers up to a minimum of 120 percent of their base tonnage on orders calling for delivery during the month of August or in prior months.

(c) Under section 3 to NPA Order M-6A, producers are required to accept purchase orders from steel distributor customers up to a minimum of 100 percent of such distributor's base tonnage. To the extent that shipments of such orders were or are stopped for reasons occasioned by the work stoppage, producers are not required to accept orders pursuant to section 3 of NPA Order M-6A, provided tonnage is shipped to distributors in the quantities provided in section 3 (a) of this direction, it being the intent hereof that the flow of steel to distributors commence immediately pursuant to this section, but that producers be relieved of any obligation to make up lost tonnages.

(d) The provisions of this section shall not be applicable to oil country casing, tubing, drill pipe, or couplings.

SEC. 4. *Item limitation.* During the period from July 28, 1952, through the close of business November 29, 1952, no steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 4,000 pounds.
Any item of alloy steel more than 2,500 pounds.
Any item of stainless steel sheet more than 1,000 pounds.
Any item of stainless bars and plates more than 500 pounds.
Any item of stainless tubing or pipe more than 500 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 20,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

This direction, as amended, shall take effect September 8, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M-6A, DIR. 3

Bar, hot-rolled.
Bar, cold-finished.
Electrical sheet and strip (high-grade).[1]
Structural shapes (wide-flanged sections).[2]
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.
Plate, sheared.
Sheet and strip—hot-rolled.[3]
Sheet and strip—cold-rolled.[3]

[F. R. Doc. 52-9921; Filed, Sept. 8, 1952; 11:03 a. m.]

[1] AISI—M17, M15, M14, and oriented.
[2] Wide-flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Gray mill, in sizes ranging in depth from 4 to 36 inches.
[3] Alloy and stainless only.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Department of Commerce

PART 401—DISPOSAL OF FOREIGN EXCESS PROPERTY

EXCESS PROPERTY FABRICATED FROM CRITICAL MATERIALS; REVOCATION OF DETERMINATION

Notice of proposed revocation in this matter was published in the FEDERAL REGISTER on July 30, 1952 (17 F. R. 6971). No views or recommendations relative to the proposed revocation have been submitted. The basis for the proposed revocation was set forth in the aforesaid notice which is incorporated herein by reference.

1. For the reasons set forth in the notice above mentioned, the determination by the Secretary of Commerce issued January 9, 1951 (16 F. R. 320; 44 CFR 401.100), is revoked.

2. Any person desiring to import foreign excess property shall follow the provisions and procedure set forth in the existing order known as Foreign Excess Property Order 1, as amended August 23, 1950 (15 F. R. 5847).

3. The above revocation shall become effective thirty-one days after its publication in the FEDERAL REGISTER.

(Sec. 402, 63 Stat. 393; 41 U. S. C. Sup. 272)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9822; Filed, Sept. 8, 1952; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10225]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 10225.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of August 1952;

The Commission having under consideration its notice of proposed rule making issued June 26, 1952 (FCC 52-618) and published in the FEDERAL REGISTER on July 9, 1952 (17 F. R. 6166), proposing to assign UHF Channel 14 to Palm Springs, California, a community which is not listed in the Table of Assignments and is not within 15 miles of a community so listed;

It appearing, that in accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making, the time for filing comments therein expired August 11, 1952; and

It further appearing, that a comment supporting the proposed amendment was filed by Dr. Forbes Farms, Inc., and that no comments opposing the proposed amendment were filed;

It is ordered, That effective 30 days from the publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to Table of Assignments under the State of California:

	Channel No.
Palm Springs	14

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: August 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9829; Filed, Sept. 8, 1952; 8:51 a. m.]

[Docket No. 9808]

PART 3—RADIO BROADCAST SERVICES

ORDER STAYING EFFECTIVE DATE

In the matter of amendment of §§ 3.191, 3.291, 3.591, 3.655 and 3.790 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of August 1952;

The Commission having under consideration its report and order adopted May 14, 1952, in this proceeding; its order of June 30, 1952, postponing until August 30, 1952, the effective date of the amendments to its rules and regulations adopted on May 14, 1952; petitions filed by National Broadcasting Company, Inc., and National Association of Radio and Television Broadcasters requesting further postponement of the effective date of the amendments to the rules; and petitions in opposition to postponement of the effective date filed by Honorable Harry R. Shoppard and Gordon P. Brown; and

It appearing, that the Commission also has before it petitions seeking reconsideration of the report and order of May 14, 1952, and petitions in opposition thereto, which have not been determined;

It is ordered, That the effective date of the amendments to §§ 3.191, 3.291, 3.591, 3.655, and 3.790 of the Commission's rules and regulations adopted on May 14, 1952, be, and it is hereby, stayed for a further period to, and including, October 1, 1952.

Released: August 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9827; Filed, Sept. 8, 1952; 8:51 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

PART 9—AERONAUTICAL SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

AUTHORIZATION TO GRANT CONSTRUCTION PERMITS AND STATION LICENSES WITHOUT FORMAL APPLICATION IN CASES OF EMERGENCY

In the matter of amendment of Parts 7, 8, 9, 10, 11, and 16 of the Commission's rules in order to provide for the issuance of authorizations without formal application in cases of emergency found by the Commission involving danger to life or property or due to damage to equipment.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of August 1952;

The Commission having under consideration the above designated matter; and

It appearing, that under the provisions of section 308 (a) of the Communications Act, as amended by section 6 of Pub. Law 554, 82d Cong., approved and effective July 16, 1952, the Commission is authorized "in cases of emergency found by the Commission involving danger to life or property or due to damage to equipment * * *" to grant construction permits and station licenses or modifications or renewals thereof in accordance with the terms of Commission regulations without the filing of a formal application; and

It further appearing, that amendments to the above-captioned parts of the Commission's rules are necessitated by the recent amendment of section 308 (a) of the Communications Act (Pub. Law 554, 1952) the prompt implementation of which is required in order that the Commission may continue to conduct its business in an orderly fashion and without interruption of service; and

It further appearing, that the amendments set forth below will implement the new provisions of section 308 (a) of the Communications Act in a reasonable and proper manner; and

It further appearing, that these amendments being procedural in nature are not subject to the provisions of section 4 of the Administrative Procedure Act and, in any event, a delay in their adoption would so impede the effective and timely execution of the Commission's functions as to be contrary to the public interest;

It is ordered, Pursuant to authority contained in sections 4 (i), 303 (r), and 308 (a) of the Communications Act of 1934, as amended, that effective immediately Parts 7, 8, 9, 10, 11 and 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 308, 48 Stat. 1062, as amended, 1085, as amended; 47 U. S. C. 303, 308)

Released: August 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Add a new § 7.48 to read as follows:

§ 7.48 *Applications in an emergency.* (a) In cases of emergency involving danger to life or property or due to damage to equipment, applications for a construction permit and a station license, or modification or renewal thereof, may be filed by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted to construct or operate a station in accordance with the unverified request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

(b) (1) Each application submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules;

(iii) Location of proposed installation or operation;

(iv) Official call letters of any valid station authorization already held by applicant and the station location;

(v) Class of station desired (not required for renewal, nor for modification unless class of station is to be modified);

(vi) Frequency assignment, authorized transmitter power(s), and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved);[39]

(vii) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved);

(viii) Specific station(s) with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules);

(ix) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section[40]

(2) Each application submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules;

(iii) Relation of applicant to owner of transmitting equipment involved;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

2. Section 8.42 is revised to read as follows:

§ 8.42 *Application for license or modification or renewal of license in an emergency.* (a) In cases of emergency involving danger to life or property or due to damage to equipment, applications for a station license, or for modification or for renewal of a station license, to authorize certain use and operation of radio transmitting apparatus on board ship in the maritime mobile or maritime radiolocation service in accordance with applicable provisions of treaty, statute, and rules of the Commission, may be filed by unverified telegram or letter, and in the event that the Commission finds that such an emergency exists,[39] temporary authorization may be granted to operate a station in accordance with the unverified request for the duration of such emergency: *Provided*, That in such cases as may be considered necessary by the Commission, the applicant may be required to supplement such application by filing, as soon as practicable thereafter, a verified written application for the same authorization as normally prescribed by applicable provisions of this part.

(b) (1) Each application submitted under the provisions of paragraph (a) of this section shall contain, as a minimum requirement, the following information:

(i) Name of applicant;

(ii) Name of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules;

(iii) Name and type of ship;

(iv) Official registry number of ship, if available;

(v) Official call letters or radio call sign, if any, assigned to ship;

(vi) Class of station desired[40] (not required for renewal, nor for modifica-

[39] When appropriate, reference need be made only to applicable sections of the Commission's rules in lieu of detailed information.

[40] This statement should include a showing that circumstances beyond the control of the applicant prevented the filing of an application as normally prescribed by applicable provisions of this part on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

[39] For example an emergency is found by the Commission when the desired authorization is urgently needed for the use of shipboard radio apparatus for purposes of safety at sea, and circumstances beyond control of the applicant have prevented the filing of a written application, as normally prescribed by applicable provisions of this part, on a date which would assure its receipt by the Commission in time sufficient for the Commission to take appropriate action thereon.

[40] See § 8.22.

tion unless class of station is to be modified);

(vii) Frequency assignment, authorized transmitter power(s), and authorized class or classes of emission desired (not required for renewal; required for modification only to the extent such information may be involved);[44]

(viii) Equipment to be used, specifying the manufacturer and model number (not required for renewal; required for modification only to the extent such information may be involved)

(ix) Specific station(s) with which communication is desired (not required for renewal; otherwise required only when applicable under the Commission's rules);

(x) Statement of facts which, in the opinion of the applicant, constitute an emergency to be found by the Commission for the purpose of this section, including estimated duration of emergency.

(2) Each application for a station license submitted under the provisions of paragraph (a) of this section shall, in addition to the information specified in subparagraph (1) of this paragraph, contain such of the following information as is not already on file with the Commission:

(i) Address of applicant;

(ii) Address of agent, if application is made by an agent, in cases under § 1.303 of the Commission's rules;

(iii) Relation of applicant to owner of vessel;

(iv) Factual statements to the extent necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.[45]

(c) As provided by and in accordance with the provisions of paragraphs (a) and (b) of this section in respect to applications for a station license or modification or renewal of a station license, applications also may be filed, in cases of emergency involving danger to life or property or due to damage to equipment, for a permit to be issued by cable, telegraph, or radio for the operation of a station on board a ship at sea, and in the event the Commission finds such an emergency exists such permit may be granted to be effective in lieu of a station license until such ship shall return to a port of the continental United States.

3. Designate the existing paragraph of section 9.109 as "(a)" and add the following:

§ 9.109 *Application for special temporary authorization.* • • •

(b) In cases of emergency found by the Commission involving danger to life or property or due to damage of equipment, temporary authorization may be granted for the construction and operation of a station for the duration of such emergency. Requests for such temporary authorization may be filed by unverified telegram or letter and shall contain the following information:

(i) Name, address and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

4a. Section 10.56 (a) is amended to read as follows:

§ 10.56 *Request for special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided*, That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the facts presented and the action desired.

b. Subparagraph (2) of § 10.56 (c) is amended to read as follows:

(2) Need for special action, including a description of any emergency or damage to equipment.

c. Section 10.56 (d) is amended to read as follows:

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

5a. Delete the existing provision of § 11.53 (a) (1) and substitute therefor the following:

§ 11.53 *Procedure for obtaining special temporary authority.* (a) (1) In cases of emergency found by the Commission involving danger to life or property, or due to damage to equipment, temporary authorization for the construction and operation of a radio station may be granted for the duration of such emergency. Requests for such temporary authorization may be filed without regard to the provisions of § 11.56 in letter form or by telegram, but shall contain the following information:

(i) Name, address, and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency, and explanation why a formal application could not have been submitted in time to get a regular license;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, model number and number of units, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

b. Delete the first two sentences of § 11.53 (b) and substitute therefor the following:

(b) An application for special temporary authority other than that to which paragraph (a) (1) of this section applies may be filed as an informal application in the manner prescribed by § 11.56 and shall contain the following information:

6a. Delete the existing provision of § 16.53 (a) (1) and substitute therefor the following:

§ 16.53 *Special temporary authority.* (a) (1) In cases of emergency found by the Commission involving danger to life or property, or due to damage to equipment, temporary authorization for the construction and operation of a radio station may be granted for the duration of such emergency. Requests for such temporary authorization may be filed without regard to the provisions of § 16.56 in letter form or by telegram, but shall contain the following information:

(i) Name, address, and citizenship status of applicant;

(ii) Statement of facts upon which the request for emergency authorization is based, including estimated duration of emergency, and explanation why a formal application could not have been submitted in time to get a regular license;

(iii) Class of station and nature of service;

(iv) Location of station including, when appropriate, geographical coordinates;

(v) Equipment to be used, specifying manufacturer, model number and number of units, frequencies desired, plate power input to final radio frequency stage, and type of emission.

If any of the foregoing information is presently on file with the Commission, such information may be included by reference. The applicant may be required, whenever such action may be considered necessary by the Commission, to supplement the information enumerated above by filing as soon as practicable a formal application on the prescribed form.

b. Delete the first two sentences of § 16.53 (b) and substitute therefor the following:

(b) An application for special temporary authority other than that to which paragraph (a) (1) of this section applies, may be filed as an informal application in the manner prescribed by § 16.56 (h) and shall contain the following information:

[44] When appropriate, reference need be made only to applicable sections of the Commission's rules in lieu of detailed information.

[45] See § 8.23 of this part.

[F. R. Doc. 52-9828; Filed, Sept. 8, 1952, 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 35—NORTHEASTERN REGION

SUBPART—BRIGANTINE NATIONAL WILDLIFE REFUGE, NEW JERSEY

HUNTING

Basis and purpose. On the basis of observations and reports of field investigations conducted by representatives of the Fish and Wildlife Service and the Division of Fish and Game of the New Jersey Department of Conservation and Economic Development, and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949, 63 Stat. 600, 16 U. S. C. 718d (a), it has been determined that the controlled public hunting of migratory waterfowl can be allowed on designated areas of the Brigantine National Wildlife Refuge, New Jersey, without interfering with the primary purpose for which the refuge was established.

Since the following regulations are relaxations of existing restrictions, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the following subpart is added:

Sec.
35.21 Hunting permitted.
35.22 Public shooting area.
35.23 Entry.
35.24 Hunting licenses and permits.
35.25 Dogs.
35.26 State cooperation.

AUTHORITY: §§ 35.21 to 35.26 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 35.21 *Hunting permitted.* Migratory waterfowl, coot, and rails may be taken within the areas of the Brigantine National Wildlife Refuge, New Jersey, described in § 35.22 in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act and in accordance with the applicable hunting laws and regulations of the State of New Jersey, subject to the requirements of §§ 35.23 to 35.26, inclusive.

§ 35.22 *Public shooting area.* The following described areas are open to public hunting:

Area I. An area of marshland, part of the peninsula lying east of Landing Creek, which is about three-fourths (¾) mile east of Leeds Point Road, bounded on the northeast by Great Bay, on the southeast by Main Marsh Thorofare, on the south by Drag Island Thorofare, and on the west and southwest by a line described as follows: Beginning at a point on the north side of Drag Island Thorofare, at the mouth of Little Turtle Creek, opposite the most northerly point of Drag Island; thence northerly with said creek and crossing Big Turtle Creek continue with the channel from the north, approximately forty-two (42) chains to the head of the creek in a ditch; thence northerly approximately five (5) chains to the junction of ditches northeast-southwest and northwest; thence N. 62° W., approximately twenty-eight (28) chains to a point in the marsh on the south bank of Broad Creek; thence N. 50° W., approximately seventy-two (72) chains to a point on Landing Creek at the mouth of Elder Creek.

Area II. An area of marshland lying in the southeasterly part of the refuge, being all of the marsh islands known as Rock Islands in Little Bay west of Middle Thorofare; and all of the islands or parts of islands lying west of the southeast refuge boundary, as now surveyed across Marsh Elder Island, north of Brigantine Channel, east of Middle Thorofare, and south of a line described as follows: Beginning at a corner in the east refuge boundary on the north side of Marsh Elder Island at Rack Point, a concrete post monument with bronze cap; thence northwest with the shore of Marsh Elder Island to the most northerly point thereof; thence northwesterly to the center of Big Mud Thorofare at the junction with Rack Thorofare; thence westerly with the center line of Big Mud Thorofare, approximately sixty-five (65) chains to a point opposite the most westerly north point of Marsh Elder Island; thence southwesterly crossing part of the large island between Little Mud Thorofare and Big Mud Thorofare, approximately twenty-five (25) chains to a point in a channel of Big Mud Thorofare north of an island in said thorofare; thence westerly with the center line of that channel and with the center line of Big Mud Thorofare, approximately fifty (50) chains to a point in said thorofare due east of Hospital Point; thence west across part of the aforesaid island south of Little Mud Thorofare, approximately tweny-five (25) chains to a point in Little Mud Thorofare at the junction with Little Bay;

Excepting from said areas the southwesterly part of Marsh Elder Island, the use of which was granted to the Department of the Navy for defense training purposes.

§ 35.23 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this subchapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited: *Provided*, That firearms may be possessed or transported along designated routes of travel within unopened portions of the refuge when such firearms are unloaded and broken or properly encased. No hunter shall use or be in possession of rifled firearms or ammunition loaded with slugs, single balls, or with shot larger than Standard BB shot while hunting on the refuge.

§ 35.24 *Hunting licenses and permits.* Any person who hunts within the refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of New Jersey, and, if hunting migratory waterfowl and being over sixteen years of age, a properly validated migratory-bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

§ 35.25 *Dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such grounds for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

§ 35.26 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

Dated: September 2, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9795; Filed, Sept. 8, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

"CLEAN CONTENT" OF IMPORTED WOOL AND HAIR

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to section 251 of the revised statutes and paragraphs 1101–1104 and section 624 of the Tariff Act of 1930, as amended (19 U. S. C. 66, 1001, 1624), it is proposed to issue instructions amending the definition in § 13.11 (a) (1), Customs Regulations of 1943 (19 CFR 13.11 (a) (1)), of "clean content" of imported wool and hair to be used in assessing duties, and the provisions of § 13.14, Customs Regulations of 1943 (19 CFR 13.14), relating to the ascertainment of such "clean content", the terms of which proposed instructions, in tentative form, are as follows:

The United States Court of Customs and Patent Appeals in its decision in United States v. Fred Whitaker Co., Inc. (decided June 24, 1952), 40 C. C. P. A. —, affirming Fred Whitaker Co., Inc. v. United States (1951), C. D. 1365, has ruled that the expression "clean content" contained in paragraph 1102 (b), Tariff Act of 1930 (19 U. S. C. 1001, par. 1102 (b)), was intended by Congress to mean the "commercial yield" of imported wool, that is, as the court stated, "* * * the wool from which all the weight of grease and foreign material has been removed, including the wool fibers which are unavoidably and irrevocably lost" as a result of commercially applied cleaning processes.

In order to reflect the decision announced by the Court of Customs and Patent Appeals in this case, the definition of "clean content" of imported wool and hair contained in § 13.11 (a) (1), Customs Regulations of 1943 (19 CFR 13.11 (a) (1)), is amended to prescribe that wool or hair fibers ordinarily lost during commercial cleaning operations shall not fall within the meaning of that expression, and § 13.14, Customs Regulations of 1943 (19 CFR 13.14), is amended to prescribe a method based on the best available information, for ascertaining in connection with the examination of imported wool and hair the allowances to be made for the estimated ordinary loss of such fibers. This method is designated to produce uniform and reasonably accurate allowances which are applicable to each type and condition of imported wool and hair.

1. Section 13.11 *Definitions*, paragraph (a) (1), Customs Regulations of 1943 (19 CFR 13.11 (a) (1)), as amended, is hereby further amended by adding at the end thereof the following new sentence: "'Clean content,' as defined in this subparagraph, shall not include the quantity of any wool or hair fibers ordinarily lost during commercial cleaning operations."

2. Section 13.14, Customs Regulations of 1943 (19 CFR 13.14), as amended, is hereby further amended by deleting the asterisk at the end of paragraph (e) and by adding the following new paragraph (f):

§ 13.14 *Weighing, sampling, and laboratory testing for clean content.* * * *

(f) In the determination of the clean content of any general sample taken in accordance with this section, an allowance in weight shall be made for wool or hair fibers which it is estimated will be lost ordinarily during commercial cleaning operations. For each general sample the scoured yield of the imported wool or hair and the quantity of vegetable matter present in the general sample shall be ascertained. The weight of the vegetable matter shall be subtracted from the weight of the scoured yield, and the difference shall be considered the weight of the clean fibers present in the imported wool or hair. The allowance for the quantity of wool or hair fibers estimated to be lost ordinarily during commercial cleaning operations shall be computed by making a base allowance of five one-thousandths (0.005) of the ascertained weight of the clean wool or hair fibers present and an additional allowance of six-tenths (0.6) of a pound for each pound of ascertained vegetable matter: *Provided*, That the combined allowance for such estimated commercial cleaning loss of fibers shall not exceed 15 per centum of the ascertained weight of the clean wool or hair fibers."

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed instructions, consideration will be given to any relevant date, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52–9839; Filed, Sept. 8, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 931]

[Docket No. AO–229–A1]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO ORDER AMENDING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3rd day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The material issues on the record related to (1) increasing the level of the Class I differentials, (2) revising the list of plants whose prices are used in determining the Class II price, and (3) whether the facts presented on the record warrant the omission of a recommended decision and exceptions thereto.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) *Class I price differentials.* The Class I price differentials should be revised upward.

The record evidence indicates that there is a likelihood of a wide-spread shift of milk away from the market unless steps are taken to increase the level of Class I prices relative to those in effect in surrounding markets, especially the Quad Cities and Dubuque markets. The supply area of the market also overlaps that of several other cities which have consistently paid higher prices than those in effect in the Cedar Rapids-Iowa City market during the past year.

In recent months Quad Cities handlers have been actively soliciting producers who are shipping to plants located in Iowa City. Many of these producers are located as close to the Quad Cities as they are to Iowa City, and producers for both markets are intermingled in this area. Several of these producers have indicated their intention of withdrawing from Iowa City and commencing the shipment of milk to Quad Cities unless an immediate upward adjustment in prices is made.

In the northeast portion of the milkshed, Cedar Rapids handlers compete for producers with handlers for Dubuque and Quad Cities. The record evidence indicates that recently handlers in the Quad Cities have been very active in this area in soliciting producers.

Because of the overlapping of the supply area with the supply areas of surrounding markets, and the competitive situation, it is desirable to maintain a level of the Class I price for this market in close relationship to neighboring markets, particularly the Quad Cities and Dubuque markets. Under these conditions, the lack of price alignment with other markets is likely to encourage uneconomic shifting of producers between handlers and markets and result in disorderly marketing conditions.

Although at the time this order became effective in September 1951 the Class I price was 10 cents under the Quad Cities order Class I price, this relationship was changed in subsequent months, and during the period of January through August 1952, the Class I price was 23 to 58 cents under the Quad Cities price. An important factor in the difference in prices in the two markets is the provision under the Quad Cities order, effective December 1, 1951, that the Quad Cities Class I price shall not be less than 20 cents over the Chicago Class I price in the 70 mile zone.

The price relationship between the Cedar Rapids-Iowa City market and the Quad Cities market has also been affected by the amendment to the Chicago order effective July 1, 1952, which generally increased the Class I price differentials under that order. The supply-demand adjustment factor under the Chicago order also affects the Quad Cities price. The Quad Cities price in turn affects the Dubuque Class I price, since by amendment to the Dubuque order effective July 1, 1952, the Class I price for that market is 10 cents under the Quad Cities price.

Producers requested that the Class I price for this market be the same as under the Quad Cities order. Handlers recommended a temporary increase over present order price provisions of 15 cents per hundredweight. On the basis of record evidence it appears that to maintain orderly marketing conditions it is desirable to have the same pattern of seasonal changes in the Class I price as in the Quad Cities market, and a closer alignment of the level of prices than has existed in recent months. The Class I price differentials should accordingly be adjusted upwards 5 cents for the first half of the year and 10 cents during the second half, with the exceptions of April and December, which would be increased and decreased 25 and 20 cents respectively, to preserve the similarity with the Quad Cities price pattern based on the new Chicago order Class I price differentials. This would restore approximately the relationship existing when this order was instituted. In addition, a temporary adjustment is needed to offset the expected effect of the Chicago order supply-demand factor on the Quad Cities price. The additional adjustment needed for this purpose is estimated to be 15 cents, and this amount should be added from the effective date of the amending order through April 1953 so as to assure a price comparable with surrounding markets during the period when most active competition for producers may be expected throughout the supply area.

It would appear desirable to establish a supply-demand price factor under this order based on conditions in the Cedar Rapids-Iowa City area rather than on conditions in the Chicago market. However, the record does not provide sufficient data on which such a supply-demand adjustment could be based. The temporary 15-cent addition to the Class I price may be expected to result in a reasonable relationship with prices in surrounding markets through April 1953. It appears desirable that a further hearing for the purpose of considering all aspects of the supply and demand situations in this market should be held so as to develop a suitable automatic supply-demand adjustment factor for subsequent periods.

2. *List of manufacturing plants.* The plant at Waverly, Iowa, operated by the Carnation Company, should be added to the list of milk manufacturing plants in § 931.50 (b) (1).

Producers requested addition of the plant of the Carnation Company at Waverly, Iowa, to the list of milk manufacturing plants used in computing one of the alternative formulas for the Class II price. The addition of the Waverly plant would make this list identical with the list used for the same purpose under the Quad Cities and Dubuque orders. This would also affect the Class I price inasmuch as the Class I price is determined under the order by adding the price differentials to the Class II price.

The list now includes six Illinois plants, and the addition of the Waverly, Iowa, plant would make the list more representative of conditions throughout the milkshed. Based on experience in recent months, the inclusion of this plant would from time to time cause differences of a few cents in the average of the paying prices. Although the addition of this plant may not be expected to make much change in the annual level of prices for this market, it is desirable to have the same list of plants in this order as in the Quad Cities order because of the similar conditions in the production areas and the desirability of maintaining alignment of the prices in the two markets.

3. *Omission of recommended decision.* The facts in the record do not show that a recommended decision in this matter must be omitted.

General findings. (a) The proposed marketing agreement and the order amending the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Every point covered in the briefs filed by interested parties was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the bases of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following order amending the order, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended.

1. Delete § 931.50 (a) and substitute:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

December through April	$0.85
May, June	.65
July through November	1.15

Provided, That for the period October 1952 through April 1953, 15 cents shall be added to the indicated premiums.

2. In the list of plants in § 931.50 (b) (1) insert "Carnation Co., Waverly, Iowa."

Filed at Washington, D. C., this 3d day of September 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–9813; Filed, Sept. 8, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10314]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 10314.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In a petition filed by David L. Lawrence, Mayor of the City of Pittsburgh on August 11, 1952, it is requested that the Commission amend § 3.606 *Table of assignments*, rules governing Television Broadcast Stations, so as to assign Channel 4 to Irwin, Pennsylvania. In the said petition it is alleged that:

In the Sixth Report and Order the Commission considered several proposals to assign Channel 4 in various communities in the Pittsburgh metropolitan area. None of these proposals could appropriately be granted because each of them was in violation of the minimum assignment separations established in the Sixth Report and Order and the Commission's rules and regula-

tions. As a result of the failure of the Commission to make an assignment in the Pittsburgh metropolitan area, a serious inefficiency in the use of spectrum space has arisen since, in a wide area on Channel 4 generally in the Pittsburgh metropolitan area, no television station will be permitted to be constructed and to operate. This resulting inefficiency in use of spectrum space is, of course, of serious consequence to the residents of the Pittsburgh metropolitan area who are highly desirous of receiving as many television signals as can be made available to them consistent with the Commission's rules and regulations. It is to be noted that if the request of petitioner is granted not only would a television station, intended to serve primarily the City of Irwin, be able to be constructed, but also under the Commission's rules other communities such as McKeesport, Braddock and Duquesne would be afforded an additional opportunity to secure a local television service from a local television station. Most important of all, however, is the fact that Channel 4 cannot be assigned, consistently with the Commission's rules, to any community in Pennsylvania larger than Irwin and to very few other communities at all.

3. In accordance with the said petition filed by David L. Lawrence and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the Table and is not within 15 miles of a city so listed which proposed assignment complies with the minimum separations set forth in the Commission's rules and does not require any deletions or substitutions of channels in any community listed in the Table, it is proposed to change § 3.606 *Table of assignments*, rules governing Television Broadcast Stations by adding the assignment of VHF Channel 4 to Irwin, Pennsylvania.

4. In light of this change the Table of Assignments contained in § 3.606 of the Commission's rules and regulations would be amended with respect to the cities listed below to read as follows:

City	Channel No.
District of Columbia: Washington.[1]	4−, 5, 7−, 9−, 20+, *26−
Ohio: Columbus[1]	4−, 6+, 10+, *34, 40−
Pennsylvania: Irwin	4+

[1] These changes, required by the proposed addition of Channel 4 at Irwin, Pa., are merely with respect to offset requirements of Channel 4 in Columbus, Ohio, and Washington, D. C.

5. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 3 above not otherwise available under the rules.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934 as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 19, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 28, 1952.

Released: September 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9824; Filed, Sept. 8, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Operations Reorganization Order No. 3]

DISTRICT COMMISSIONER AND DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO FUNCTIONS OF OFFICE

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue:

1. *Delegation to District Commissioner.* There is hereby delegated to each District Commissioner of Internal Revenue the authority to perform, manage, administer, and provide technical direction of all functions which by this order and subsequent orders are vested in field offices of the Bureau of Internal Revenue within his district. In such capacity, such District Commissioner is vested with the responsibility for district policies, programs and procedures and for directing and coordinating the work of the Directors of Internal Revenue within his district. There shall be in the office of the District Commissioner the following positions: Assistant District Commissioner (Administrative); Assistant District Commissioner (Collections); Assistant District Commissioner (Audit); Assistant District Commissioner (Intelligence); Assistant District Commissioner (Alcohol and Tobacco Tax); Assistant District Commissioner (Appellate). Without limiting the generality of the delegations made hereinabove to the District Commissioner, there are delegated to the District Commissioner and the Assistant District Commissioners the functions more particularly described in Exhibit A as set forth below.

2. *Limitations on authority.* The authority delegated in paragraph 1 shall not include the authority which, by Commissioner's Reorganization Order No. 2, or by other orders relating to the same authority, is vested in any Assistant District Commissioner, Appellate, or reserved to the Commissioner. Likewise, the authority delegated in paragraph 1 does not include the functions, relating to the assessment and collection of taxes and the accountability therefor, delegated to the Directors of Internal Revenue in paragraph 3 (a) of this order.

3. *Delegation to Directors.* (a) To insure the preservation of the right to maintain suit for the refund of taxes against a Director of Internal Revenue in the same manner as suits were maintained against his predecessor Collector, there are hereby delegated to each Director of Internal Revenue all functions relating to the assessment and collection of taxes and the accountability therefor of the predecessor office of Collector of Internal Revenue for the Collection District with respect to which such Director was appointed.

(b) In addition to the functions described in subparagraph (a) of this section, there are hereby delegated to each Director of Internal Revenue, subject to the exercise of appropriate authority by the District Commissioner, the following:

(i) All of the functions of the predecessor office of Collector of Internal Revenue not specifically delegated to such Director in subparagraph (a).

(ii) The functions previously performed by the Investigator in Charge (Alcohol and Tobacco Tax), the District Intelligence Division, and the Internal Revenue Agent in Charge, which relate to activities within the area constituting such Director's district.

Without limiting the delegations hereinabove made, the functions hereby delegated to each of such Directors include those more particularly described in Exhibit B as set forth below.

4. *Assistant Director of Internal Revenue.* There shall be in the office of each Director of Internal Revenue the position of Assistant Director of Internal Revenue. Such Assistant Director of Internal Revenue shall, in case of the sickness or absence of the Director, or in case of the temporary disability of the Director to discharge his duties, perform the functions of the Director; in case of a vacancy occurring in the office of the Director, the Assistant Director shall perform the functions of the Director until another Director is appointed, unless the Secretary of the Treasury shall direct such functions to be performed by such other employee as he may designate.

5. *Authority to redelegate.* The functions herein transferred to the District Commissioner and the Directors of Internal Revenue may, within the framework of the organization described in Exhibits A and B as set forth below, be delegated by each to subordinates within his district in such manner as he shall from time to time direct.

6. *Continuing duties.* (a) Notwithstanding any Treasury Department Order abolishing the offices of Deputy Collector, the individuals occupying the positions of Deputy Collectors immediately prior to the effective date of such order shall, until changed by appropriate authority, continue to perform the functions they were authorized to perform at such time and to perform such functions in accordance with authorized regulations and procedures in effect at such time. Such individuals shall have the operating title of "Internal Revenue Agent."

(b) All officers and employees now or hereafter assigned as collection officers shall have the functions provided under the Internal Revenue Code, and regulations adopted pursuant thereto, for deputy collectors; all officers and employees now or hereafter assigned as examining officers shall have the functions provided under such Code and regulations for internal revenue agents; and all officers and employees now or hereafter assigned as inspectors (Alcohol and Tobacco tax) or storekeeper-gaugers (Alcohol and Tobacco tax) shall have the functions provided under such Code and regulations for such officers and employees.

7. *Continuation of functions.* Pending the issuance of further instructions, all officers and employees within the District (including all officers and employees within the jurisdiction of the Directors of Internal Revenue) shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at such time.

8. *Effective date.* This order shall be effective with respect to each District Commissioner and Director upon the entrance on duty of such official, except that the provisions hereof (other than the provisions of paragraph 6 (b) hereof and paragraph 7 of Exhibit A) shall not be applicable within the Chicago District or the New York City District, to which districts Commissioner's Reorganization Order No. Chi–1 and Commissioner's Reorganization Order No. NYC–1, respectively, shall continue to apply, as modified by paragraph 6 (b) hereof and paragraph 7 of Exhibit A.

Dated: September 4, 1952.

[SEAL] T. C. ATKESON,
Acting Assistant Commissioner.

Approved:

JUSTIN F. WINKLE,
Acting Commissioner.

EXHIBIT A

FUNCTIONS OF OFFICE OF DISTRICT COMMISSIONER

1. *District Commissioner.* Responsible within established policies and procedures for the administration of all Internal Revenue laws and related statutes, including those more particularly described hereinafter, within the district; supervises and coordinates the work of the several Directors of Internal Revenue within the district; responsible for the activities relating to personnel, training, information and office services; prepares budget estimates, allots and controls funds for the district.

2. *Assistant District Commissioner, Administrative.* Under the District Commissioner plans and directs the activities of the headquarters office and field administrative divisions. Responsible for budgetary functions, personnel matters, space allocations and purchasing of supplies and equipment, training programs and preparation of necessary statistics.

3. *Assistant District Commissioner, Collection.* Under the District Commissioner plans and directs the activities of the headquarters office of the Collection Division and assists in planning and coordination of collection activities in the District's field offices; maintains technical and advisory contact with the field offices.

4. *Assistant District Commissioner, Audit.* Under the District Commissioner plans and directs the activities of the headquarters office of the Audit Division and assists in planning and coordination of the field activities relating to investigation of all tax returns, collection of delinquent accounts and canvassing for delinquent returns; maintains technical and advisory contact with the field offices.

5. *Assistant District Commissioner, Intelligence.* Under the District Commissioner plans and directs the activities of the headquarters office and plans and coordinates activities of the field Intelligence Division; responsible for planning programs and policies relating to tax fraud investigations (other than alcohol and tobacco tax cases), investigations of charges against persons enrolled to practice before the Treasury Department and of applicants for enrollment, and of such other special investigations as the Commissioner may direct; review of reports submitted by special agents in his district.

6. *Assistant District Commissioner, Alcohol and Tobacco Tax.* Under the District Commissioner is responsible, within the District, for the administration and enforcement of the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the shipment of liquor in interstate commerce, the Act of August 9, 1939, as it relates to firearms, and for the investigation of Bureau of Internal Revenue cases involving claims against the United States under the Federal Tort Claims Act. More specifically, is charged with the supervision and regulation of the liquor and tobacco industries; approval and denial of bonds, permits, plats and plans; the determination of liquor and tobacco taxes and penalties; and the investigation, detection, and prevention of violations of laws relating to alcoholic liquors, tobacco and firearms, including general supervision over the activities of all agents and employees engaged in the enforcement of such laws.

7. *Assistant District Commissioner, Appellate.* (a) Under the District Commissioner (except as provided in Commissioner's Reorganization Order No. 2), plans, directs, and coordinates the appellate activities of the District.

(b) Under direct delegation from the Commissioner: (1) Exercises exclusive authority to determine the tax liability in Federal income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, and firearms), and employment tax cases originating in the office of a Director of Internal Revenue situated within the District and not docketed in The Tax Court of the United States, in which the taxpayer has protested the determination of tax liability made by the Director and has requested consideration by the Appellate Division; and (2) Exercises exclusive authority to settle, with the concurrence of Appellate Counsel, any case docketed in the Tax Court and calendared for hearing within the District: *Provided*, That he will not eliminate the ad valorem fraud or negligence penalty except with the concurrence of Appellate Counsel; act in any case in which criminal prosecution is under consideration; or modify any determination of an issue under Section 722 except with concurrence of the Excess Profits Tax Council.

(c) With respect to such taxes, exercises exclusive authority with respect to Closing Agreements for past years considered under section 3760 and rejections of Offers in Compromise involving tax liability in excess of $5,000 considered under section 3761. Insofar as the District is concerned, exercises final approval authority on acceptance of Offers in Compromise involving tax liability in excess of $5,000. Signs on behalf of the Commissioner all statutory notices issued by the Appellate Division.

EXHIBIT B

FUNCTIONS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE

1. *Director of Internal Revenue.* Responsible for the execution of established policies and procedures covering the assessment and collection of all Internal Revenue taxes; sale of revenue stamps, and the enforcement of all Internal Revenue laws and related statutes within the district; supervises and coordinates the work of the several field divisions and branch offices; responsible for the activities relating to personnel, training programs, information and office services; prepares budget estimates, controls funds for the district; and for the receipt of all types of tax returns and adequate service to the public. Such functions are hereinafter more particularly described and shall be performed through the heads of the following divisions to be established in his office.

2. *Administrative Division.* Responsible for supervision and coordination of: All activities relating to personnel, training, information, office services, communications (including teletype), requests for space and operating reports within the division.

3. *Collection Division.* Responsible for the receipt of all tax returns and funds tendered in payment of all taxes; the administration of all taxpayer's accounts, general accounting and the processing of returns; the preparation of the accounting documents required to effect the transfer of funds erroneously received and deposited; the direction, supervision and coordination of the activities of the divisions and field offices.

4. *Audit Division.* Responsible for the examination of all classes of tax returns (except alcohol and tobacco tax), the collection of delinquent accounts with all related duties and canvassing for delinquent returns.

5. *Intelligence Division.* Responsible for the investigation of tax fraud, enrollment, and other types of cases delegated to the Intelligence Division, and the preparation of prosecution and tax reports thereon; for operation of special racketeer tax drive and approval of all such cases for closing; and enforcement of the wagering tax law.

Makes appropriate recommendations covering prosecution, fraud penalty, and civil liability features of cases; assists U. S. Attorneys in court trial of cases.

Reviews reports submitted by special agents with a view to determining whether the special agent's report is complete and his recommendation is sound.

6. *Alcohol and Tobacco Tax Division.* Under the direct supervision of the Director, is responsible for the investigation, prevention, and detection of wilful and/or fraudulent substantive violations of the Internal Revenue liquor and tobacco laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, the National and Federal Firearms Acts, the act of August 9, 1939, as it relates to firearms, the regulations promulgated thereunder and related statutes; the apprehension of violators against such laws and the submission of evidence adduced to U. S. Attorneys for criminal prosecution and to the District Commissioner's office for administrative action; the seizure, custody, forfeiture, and disposition of contraband or other property seized under the Internal Revenue liquor and tobacco laws, the National and Federal Firearms Acts, and the act of August 9, 1939; the enforcement of the laws and regulations for the control of the flow of raw materials used in the manufacture of distilled spirits; the investigation of Bureau of Internal Revenue cases involving possible claims against the United States under the Federal Tort Claims Act; the inspection of retail liquor establishments and for the direction of the activities of officers assigned to his district.

[F. R. Doc. 52-9840; Filed, Sept. 8, 1952; 8:52 a. m.]

[Operations Reorganization Order No. Balt-1]

BALTIMORE DISTRICT: DISTRICT COMMISSIONER AND DIRECTORS

INTERIM DELEGATION OF AUTHORITY WITH RESPECT TO SUPERVISION OVER OFFICE OPERATIONS OUTSIDE DISTRICT

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. In addition to the authority delegated to the District Commissioner for the Baltimore District by Operations Reorganization Order No. 3, the District Commissioner for the Baltimore District is hereby vested with general supervision over the operations of the following offices with respect to areas outside of such District:

(a) The Washington District Intelligence Division (comprised of the States of Maryland, North Carolina, Virginia, and West Virginia and the District of Columbia).

(b) The Alcohol and Tobacco Tax Supervisory District No. 5 (comprised of the States of Maryland, North Carolina, Virginia, and West Virginia, and the District of Columbia);

(c) The Atlantic District of the Appellate Division (comprised of the States of Delaware, Maryland, North Carolina, and Virginia, and the District of Columbia), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division).

(d) The Internal Revenue Agent in Charge, Baltimore District (comprised of the States of Delaware and Maryland, and the District of Columbia).

2. In addition to the authority delegated to the Director of Internal Revenue, Baltimore, by Operations Reorganization Order No. 3, such Director is hereby vested with general supervision over the operation of the Internal Revenue Agent in Charge, Baltimore District, with respect to functions pertaining to areas outside of the Collection District of Maryland.

3. Notwithstanding the provisions of Operations Reorganization Order No. 3 (General delegation of functions to District Commissioner and Directors), the District Commissioner shall have no jurisdiction over any function pertaining to Puerto Rico with respect to which general supervision has been vested by Commissioner's Reorganization Order No. NYC-2 in the District Commissioner for the New York City District.

4. Pending the issuance of further instructions, officers, agencies and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

5. This order shall be effective as of 12:01 a. m., September 8, 1952.

Dated: September 4, 1952.

[SEAL] T. C. ATKESON,
Acting Assistant Commissioner.

[F. R. Doc. 52-9841; Filed, Sept. 8, 1952; 8:52 a. m.]

Office of the Secretary

[Treasury Department Order No. 150-6]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF OFFICES OF COLLECTORS AND DEPUTY COLLECTORS OF MARYLAND, VIRGINIA AND WEST VIRGINIA COLLECTION DISTRICTS; ESTABLISHMENT OF OFFICES OF DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Maryland, Virginia and West Virginia Collection Districts shall become effective as of 12 o'clock midnight, September 7, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., September 8, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Baltimore District, and which shall be comprised of Puerto Rico, Virgin Islands of the United States, the District of Columbia, and the States of Maryland, Virginia, and West Virginia.

3. *Location of headquarters.* The headquarters office shall be located in the City of Baltimore, Maryland.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., September 8, 1952, there are hereby created the following offices within the Baltimore District:

(a) Director of Internal Revenue for the Collection District of Maryland (as presently constituted). The headquarters of such office shall be located in Baltimore, Maryland and the office shall have the operating title of Director of Internal Revenue, Baltimore.

(b) Director of Internal Revenue for the Collection District of Virginia (as presently constituted). The headquarters of such office shall be located in Richmond, Virginia, and the office shall have the operating title of Director of Internal Revenue, Richmond.

(c) Director of Internal Revenue for the Collection District of West Virginia (as presently constituted). The headquarters of such office shall be located in Parkersburg, West Virginia, and the office shall have the operating title of Director of Internal Revenue, Parkersburg.

Dated: September 4, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9842; Filed, Sept. 8, 1952; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2704]

ASSISTANT ADMINISTRATOR AND CHIEF ENGINEER, BONNEVILLE POWER ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO DUTIES OF ACTING ADMINISTRATOR

SECTION 1. *Acting Administrator.* (a) The Assistant Administrator of the Bonneville Power Administration shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The Chief Engineer of the Bonneville Power Administration shall perform the duties of the Administrator in case of the simultaneous unavailability of the Administrator and the Assistant Administrator, except on such occasions as the Administrator may designate in writing another person, from among available heads of divisions or offices, to perform such duties in the absence of the Administrator.

(c) In event of the simultaneous unavailability of the Administrator, Assistant Administrator, and Chief Engineer and failure of the Administrator to make a designation under subsection (b) of this section, the duties of the Administrator shall be performed by the last Acting Administrator then present in the main office of the Bonneville Power Administration.

(d) The officer acting under authority of this section shall sign documents under the title "Acting Administrator."

(5 U. S. C. 1946 ed. sec. 22, Reorg. Plan No. 3 of 1950, and 16 U. S. C. 1946 ed. sec. 8231)

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

AUGUST 29, 1952.

[F. R. Doc. 52-9797; Filed, Sept. 8, 1952; 8:46 a. m.]

ARKANSAS

NOTICE RELATING TO PUBLIC LAND ORDER NO. 834 RESERVING PUBLIC LANDS IN ARKANSAS FOR FOREST-MANAGEMENT PURPOSES

Public Land Order No. 834 of May 23, 1952 (17 F. R. 4948), reserved for forest-management purposes the public lands comprising approximately 112,000 acres in various townships in Arkansas under the jurisdiction of the Secretary of the Interior in furtherance of the purposes and objectives of the acts of March 29, 1944, 58 Stat. 132 (16 U. S. C. 583, 583a-1) and July 31, 1947, 61 Stat. 681 (43 U. S. C. 1185-1187), relating to forestry management.

No objection filed pursuant to the notice of May 23, 1952 (17 F. R. 4957), allowing 30 days for the filing of objections to the above order, has been deemed sufficient in nature to warrant either the holding of a public hearing or the revocation or modification of the order.

Therefore, the order will stand as issued.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9796; Filed, Sept. 8, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 12, Docket No. 12]

ALSCO, INC. ET AL.

SUSPENSION ORDER

Under reference and delegation by Chief Hearing Commissioner Walter H. Foster to the undersigned Hearing Commissioner, the petition filed by the above named respondents on July 5, 1952, for modification of the suspension order heretofore issued in the above-entitled matter on April 15, 1952, has been duly heard upon the evidence and submitted.

Upon due consideration of said petition and evidence, said Hearing Commissioner has found that full recoupment of the amount of aluminum used by said respondents in violation of orders and regulations of the National Production Authority, as shown by said suspension order, will have been had by September 15, 1952, and that by reason thereof said Suspension Order No. 12 should be modified, cancelled, and terminated on and as of said 15th of September 1952.

It is accordingly hereby ordered that said Suspension Order No. 12 be, and the same is, hereby modified, cancelled, and terminated, to be effective on and as of September 15, 1952.

It is further hereby ordered that said petitioners (respondents) shall be allotted and shall be permitted to order and receive all aluminum to which they will at that date be entitled, as the residue of the various allotments for the third quarter of 1952 heretofore withdrawn and withheld from them by virtue of said suspension order to wit, 15 percent of each allotment, before said 15th of September 1952, but that they shall not process nor put the same into production until after said date.

It is further hereby ordered that said petitioners (respondents) shall be allotted, and shall be entitled to order and receive all aluminum which, but for said suspension order, would have been allotted to them for the 4th quarter of 1952, before the 30th of September 1952, but that they shall not process nor put the same into production until after said date.

Dated and issued at Cleveland, Ohio, August 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By HARRISON W. EWING,
Hearing Commissioner.

[F. R. Doc. 52-9922; Filed, Sept. 8, 1952; 11:03 a. m.]

[Suspension Order 26; Docket No. 28]

ROY G. MILLER, INC., AND WALTER E. EKBLAW

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 29th day of July 1952 before Palmer D. Edmunds, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority's General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to National Production Authority's General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Roy G. Miller, Inc., and Walter E. Ekblaw, having been duly apprised of the specific violations charged and having been informed of the rules and procedures which govern these proceedings, and having filed answers to the charges by the Messrs. Albert E. Jenner, Jr., James A. Sprowl, and Wesley G. Hall, their attorneys, 11 South LaSalle Street, Chicago, Ill., and testimony having been taken and other evidence having been presented before the Hearing Commissioner in support of, and in defense of, and in opposition to, the statement of charges; and

Upon motion of the complainant that Charges #11 and #12 be dismissed from the statement of charges and that Charge #4 be amended so as to read "on or about October 3, 1951" in lieu of "on or about August 16, 1951", said motions having been consented to by the respondents and an order thereon entered by the Hearing Commissioner, it is hereby determined:

Findings of fact: 1. Roy G. Miller, Inc., is a corporation organized and existing under the laws of the State of Illinois, has its usual place of business in Monmouth, Ill., and is engaged in the manufacture of agricultural buildings and equipment, farm machinery equipment, and other related metal items; that Walter E. Ekblaw, is president of the corporation, and is acting executive head of the business.

2. On or about September 18, 1951, the corporate respondent herein committed acts prohibited in section 17 (a) of National Production Authority Regulation 2, dated October 3, 1950, as amended September 13, 1951, in disposing of 61,600 pounds of sheet steel obtained by the application of a DO rating, for purposes other than that for the priority assistance given.

3. On or about August 16, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in disposing of 96,745 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

4. On or about August 16, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in disposing of 91,400 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

5. On or about October 3, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in disposing of 80,510 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

6. On or about August 21, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, in disposing of 54,520 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

7. On or about August 23, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, and section 17 (d) of CMP Regulation No. 1, as amended by Amendment 3, dated August 22, 1951, in disposing of 83,340 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

8. On or about August 28, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, and section 17 (d) of CMP Regulation No. 1, as amended by Amendment 3, dated August 22, 1951, in disposing of 80,695 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

9. On or about August 31, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, and section 17 (d) of CMP Regulation No. 1, as amended by Amendment 3, dated August 22, 1951, in disposing of 92,830 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

10. On or about September 4, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, and section 17 (d) of CMP Regulation No. 1, as amended by Amendment 3, dated August 22, 1951, in disposing of 100,345 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

11. On or about September 12, 1951, the corporate respondent herein committed acts prohibited in section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, and section 17 (d) of CMP Regu-

lation No. 1, as amended by Amendment 3, dated August 22, 1951, in disposing of 32,960 pounds of sheet steel obtained pursuant to an allotment, for purposes other than those authorized.

12. On or about July 30 and August 29, 1951, the corporate respondent herein committed acts prohibited by section 26 of CMP Regulation No. 1, dated May 3, 1951, in that it furnished false information in the course of its operation under CMP Regulation No. 1 by filing with the National Production Authority on its Form CMP 4–B, entitled "Application for Allotment of Controlled Materials" for the 4th quarter 1951, grossly exaggerated statements with respect to the value of its shipments for the period July 1949 to June 1950 for the product class specified in item 3 for which the form was filed.

13. On or about September 27, 1951, the corporate respondent herein committed acts prohibited by section 26 of CMP Regulation No. 1, dated May 3, 1951, in that it furnished false information in the course of its operation under CMP Regulation No. 1 by filing with the National Production Authority on its Form CMP 4–B, entitled "Application for Allotment of Controlled Materials" for the 1st quarter 1952, grossly exaggerated statements wth respect to the value of its shipments for the period July 1949 to June 1950 for the product class specified in item 3 for which the form was filed.

14. The individual respondent herein, Walter E. Ekblaw, committed acts in violation of section 17 (a) of National Production Authority Regulation 2, dated October 3, 1950, as amended September 13, 1951, and committed acts in violation of sections 17 (b), 18 (b), and 26 of CMP Regulation No. 1, dated May 3, 1951, and committed acts in violation of section 17 (d) of CMP Regulation No. 1, dated May 3, 1951, as amended by Amendment 3 dated August 22, 1951, in that the said Walter E. Ekblaw dominated, managed, controlled, and was responsible for the direction and supervision of the corporate respondent during the time the corporate respondent disposed of the excess quantities of steel as set forth in Findings 2 through 11 hereof and made false statements of fact as set forth in Findings 12 and 13 hereof.

Conclusions: During the period beginning August 16, 1951, and ending October 3, 1951, the respondents herein, Roy G. Miller, Inc., and Walter E. Ekblaw, violated the provisions of National Production Authority regulations by disposing of substantial quantities of controlled material, to wit, approximately 387 tons of steel, obtained with the use of DO ratings and allotments for purposes other than those for which the assistance was granted; and on July 30, 1951, August 29, 1951, and September 27, 1951, by furnishing false information concerning the value of Roy G. Miller, Inc.'s shipments of the products which it was making, and for which it was making and for which it was seeking priority and allotment assistance. In order to remedy the disruptions in the priority and allocation program caused by the violations found herein, in order to correct the unauthorized disposition of controlled material occasioned by the violations found herein consisting of such unauthorized disposition, and in order to prevent future violations of National Production Authority orders and regulations,

It is accordingly ordered: 1. That all priority assistance and all allocations and allotments of steel which may be granted to the respondents, Roy G. Miller, Inc., its successors and assigns, and Walter E. Ekblaw, individually, for use during the 4th quarter 1952 and the 1st and 2d quarters 1953, be reduced by not to exceed a total of 387 tons as follows:

(a) That all priority assistance and all allocations and allotments of steel are denied the respondents for the 4th quarter 1952 to the extent that they are within the sum of 387 tons, above mentioned.

(b) That during the 1st and 2d quarters 1953, all allocations and allotments of steel which may be granted respondents shall be reduced by one-half, except, that if during the 4th quarter 1952 and the 1st or 2d quarters 1953 the sum of 387 tons above-mentioned shall have been deducted from allotments, the restrictions and limitations herein set forth are terminated.

2. That all allocations and allotments for steel which may be acquired under the privileges of self-certification, self-authorization, or automatic allotment, are withdrawn and withheld from Roy G. Miller, Inc., its successors and assigns, and Walter E. Ekblaw, individually, for the 4th quarter 1952 and the 1st and 2d quarters 1953, to carry out the intent of paragraph 1 above.

3. That Roy G. Miller, Inc., its successors and assigns, and Walter E. Ekblaw, individually, are prohibited from acquiring, using, or disposing of steel in contravention of the terms of this order as set forth in paragraph 1 above.

Issued at Chicago, Ill., this 22d day of August 1952.

NATIONAL PRODUCTION AUTHORITY,
By PALMER D. EDMUNDS,
Hearing Commissioner.

[F. R. Doc. 52–9923; Filed, Sept. 8, 1952; 11:04 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5658]

U. S. AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the U. S. Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned for September 5, 1952, is hereby postponed to September 18, 1952, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., this 3d day of September 1952.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52–9800; Filed, Sept. 8, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority No. 43]

DIRECTORS OF THE DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this redelgation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect on September 5, 1952.

JAMES G. LYONS,
Regional Director, Region II.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9833; Filed, Sept. 4, 1952; 4:37 p. m.]

[Region VI, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this Redelegation of Authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority is effective September 5, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9834; Filed, Sept. 4, 1952; 4:37 p. m.]

[Region VII, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES, REGION VII, CHICAGO, ILLINOIS

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect on September 5, 1952.

ROGER W. BARRETT,
Acting Director of Regional Office No. VII.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9835; Filed, Sept. 4, 1952; 4:37 p. m.]

[Region VIII, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINNESOTA

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 73, dated August 22, 1952 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect as of August 26, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9836; Filed, Sept. 4, 1952; 4:38 p. m.]

[Region XI, Redelegation of Authority No. 47]

DIRECTORS OF THE DISTRICT OFFICES, REGION XI, DENVER, COLORADO

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (D) OF CPR 17, GASOLINES, NAPHTHAS, FUEL OILS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 28, 1952.

DELBERT M. DRAPER,
Regional Director, XI.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9837; Filed, Sept. 4, 1952; 4:38 p. m.]

[Region XIV, Redelegation of Authority No. 10, Revision 2]

TERRITORIAL DIRECTORS, REGION XIV, ALASKA, HAWAII, PUERTO RICO AND VIRGIN ISLANDS

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 120

By virtue of the authority vested in the Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 7, Revised (16 F. R. 10752; 17 F. R. 7062), this redelegation of authority is hereby issued.

1. *Authority to act under CPR 120.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, respectively,

(a) To exercise the authority granted under section 12 of CPR 120;

(b) To approve applications for permission to institute an entertainment or cover charge for such entertainment under section 7 (b) of CPR 120.

(c) To approve or disapprove applications of non-profit clubs for exemption under section 14 (a) of CPR 120.

(d) To take appropriate action under the provisions of section 13 of CPR 120.

This redelegation of authority shall take effect on September 5, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

SEPTEMBER 4, 1952.

[F. R. Doc. 52–9838; Filed, Sept. 4, 1952; 4:38 p. m.]

[Delegation of Authority No. 75]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on September 9, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 8, 1952.

[F. R. Doc. 52–9925; Filed, Sept. 8, 1952; 11:04 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

DELEGATION OF AUTHORITY CONCERNING FINDINGS OF EMERGENCY INVOLVING DANGER TO LIFE OR PROPERTY OR DUE TO DAMAGE OF EQUIPMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of August 1952;

The Commission having under consideration the means of expediting the functions of granting authorizations without formal applications in accordance with section 308 (a) of the Communications Act of 1934, as amended:

It appearing, that section 308 (a) of the act as amended by Pub. Law 554 provides in part that the Commission may issue radio station authorizations without formal application "in cases of emergency found by the Commission involving danger to life or property or due to damage to equipment"; and

It further appearing, that the Commission has this date adopted amendments to Parts 7, 8, 9, 10, 11, and 16 of the rules[1] prescribing terms and conditions of such grants; and

It further appearing, that the finding of emergency for the purpose of the issuance of such authorizations is a function which should be delegated to the staff in the interest of expediting such grants; and

It is ordered, Pursuant to the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, that, effective immediately, authority to make the finding of emergency involving danger to life or property or due to damage to equipment, as provided by section 308 (a) of the Communications Act of 1934, as amended, is delegated to the Chief, Safety and Special Radio Services Bureau with respect to services administered by his Bureau.

Released: August 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9825; Filed, Sept. 8, 1952; 8:51 a. m.]

CHIEF OF FIELD ENGINEERING AND MONITORING BUREAU

DELEGATION OF AUTHORITY WITH RESPECT TO HANDLING APPLICATIONS FOR COMMERCIAL RADIO OPERATOR LICENSES

In the matter of amendment of section 0.151 of the Commissions rules governing the organization of the Commission.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of August 1952.

The Commission having under consideration its method of handling applications for commercial radio operator licenses in which the applicant has stated that he has been convicted of a crime for which the penalty imposed was a fine of $500.00 or more, or imprisonment for a period of over one year, and;

It appearing, that it is desirable to authorize the Engineers in Charge of the Commission's Field Offices to act upon such applications; and

It further appearing, that an amendment of the rules to accomplish such a delegation is not substantive in nature therefore notice and public procedure is not required under section 4 (a) and (b) of the Administrative Procedure Act and for the same reason the rule change may be made effective immediately:

It is ordered, Under the authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, that effective immediately Part O of the Commission's rules is amended as follows:

1. Delete sections 0.142 (m) and 0.144 (g);

2. Reletter subsections (c) through (j) of section 0.142 to be subsections (b) through (i) and reletter subsections (h) through (n) of sections 0.144 to be subsections (g) through (m),

3. Add new subparagraph 0.151 (c):

(c) All applications for new, modified replacement or renewal commercial radio operator licenses.

It is further ordered, That the Commission's order delegating authority to the Chief, Field Engineering and Monitoring Bureau dated February 14, 1952 be amended by deleting from paragraph numbered 1 thereof, the subsection designated (g) of section 0.144, and by deleting from paragraph numbered 2 thereof the subsection designated as (b) (1) and (2) of section 0.142.

Released: September 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9826; Filed, Sept. 8, 1952; 8:51 a. m.]

[1] See Title 47, Chapter I, Parts 7, 8, 9, 10, 11, and 16, *supra*.

FEDERAL POWER COMMISSION

[Docket No. G-2006]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 3, 1952.

On July 17, 1952, Consolidated Gas Utilities Corporation (Consolidated), a Delaware corporation having its principal place of business in the Braniff Building, Oklahoma City, Oklahoma, filed an application, as amended and supplemented on August 25, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, for authority to abandon certain of its natural-gas facilities in Wheeler County, Texas, and for a declaratory order by the Commission that certain of its natural-gas facilities are used solely in the production or gathering of natural gas, and, therefore, not within the jurisdiction of the Commission as prescribed by section 1 (b) of the Natural Gas Act.

Consolidated has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 1, 1952 (17 F. R. 7065).

Consolidated states in its amended application that it has contracted to sell certain of the natural-gas facilities which it seeks to abandon to Warren Petroleum Corporation, that said facilities are no longer used or useful in service to Consolidated, and that their continued retention by Consolidated, and non-receipt of the proceeds of the sale of said facilities to Warren Petroleum Corporation, effects a continuing financial burden upon Consolidated and, subsequently, its ultimate consumers.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a public hearing be held on September 12, 1952, at 9:45 a. m., e. d. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended and supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 4, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9817; Filed, Sept. 8, 1952; 8:50 a. m.]

[Docket No. G-2034]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 3, 1952.

Take notice that on August 21, 1952, The Ohio Fuel Gas Company, an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing replacement of two segments of 10¾-inch natural-gas transmission pipeline located on its Lines "Z" and "Z-62" near Springfield, Clark County, Ohio, with approximately 6.9 miles of 16-inch pipeline, and construction and operation of a 140 brake hp. compressor station near Urbana in Champaign County, Ohio.

Applicant states that the proposed replacement and construction are for the purpose of enabling it to continue to render adequate service to its existing markets in the Springfield and Bellefontaine areas during the winter 1952-1953, and that no extension of service to new markets is contemplated. Estimated cost of construction is $292,540.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of September 1952. The Application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9818; Filed, Sept. 8, 1952; 8:50 a. m.]

[Docket No. E-6448]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK AND DENYING APPLICATION FOR EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS

SEPTEMBER 3, 1952.

Notice is hereby given that on August 29, 1952, the Federal Power Commission issued its order entered August 28, 1952, authorizing issuance of common stock and denying application for exemption from competitive bidding requirements of the Commission's rules in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9819; Filed, Sept. 8, 1952; 8:49 a. m.]

[Docket Nos. G-1946, G-1986]

HOPE NATURAL GAS CO., AND GAS LATERAL CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE

SEPTEMBER 3, 1952.

In the matters of Hope Natural Gas Company, Docket No. G-1946; Gas Lateral Company, Docket No. G-1986.

Notice is hereby given that on August 29, 1952, the Federal Power Commission issued its orders entered August 28, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9820; Filed, Sept. 8, 1952; 8:49 a. m.]

[Project No. 2088]

OROVILLE-WYANDOTTE IRRIGATION DISTRICT

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

SEPTEMBER 3, 1952.

Notice is hereby given that on July 21, 1952, the Federal Power Commission issued its order entered July 17, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9821; Filed, Sept. 8, 1952; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under HHFA Regulation CR 3 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENT TO DEFENSE HOUSING PROGRAM PREVIOUSLY PUBLISHED

Amendment. The critical defense housing area in the defense housing program numbered 103 and designated as Herlong, California, published at 17 F. R. 740 (January 24, 1952), is hereby amended by reducing the number of 2 bedroom rental units from 90 to 75 and the number of 3 bedroom rental units from 55 to 45; and by providing for 15 two bedroom sales units at a price not to exceed $8,500.00, and 10 three or more bedroom sales units at a price not to exceed $9,500.00. While the total number of dwelling units remains 150 as in the original program, the amendment results in a decrease in total rental units from 150 to 125, and an increase in sales units from 0 to 25.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

137. Hibbing-Grand Rapids, Minnesota.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	25	$72.50	60	$8,250	85
3 or more bedrooms	10	82.50	30	10,500	40
Total	35		90		[1] 125

[1] Defense workers who entered the area subsequent to June 25, 1950, are eligible to occupy housing constructed under this program.

LIST OF DEFENSE ACTIVITIES

Mining, processing and transportation of iron ore (including taconite).

CRITICAL DEFENSE HOUSING AREA

That portion of the State of Minnesota bounded as follows: Beginning at the northeast corner of Great Scott Township and the eastern boundary of range 19 in St. Louis County, and thence directly west along the northern boundary line of township line 59 to the northwest corner of Marcell Township in Itasca County; thence directly south along the western boundary line of range 27 to the southwest corner of township 52, range 27 in Aitkin County; thence east along the southern boundary line of township 52 to the southeast corner of Ness Township in St. Louis County; thence north along the eastern boundary line

of range line 19 to the northeast corner of Great Scott Township in St. Louis County including Buhl Village, Chisholm City, Fraser City, Hibbing Village, Kinney Village, Meadowlands Village, Orr Village, Hill City, Grand Rapids Village, La Prairie Village, Calumet Village, Marble Village, Taconite Village, Keewatin Village, Nashwauk Village, Warba Village, Zemple Village, Colley Village, Coleraine Village, Cohasset Village, Bovey Village and Big Fork Village except lands in State and National Forests, all in Aitkin, Itasca, and St. Louis Counties.

188. Virginia, Minnesota.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	25	$72.50	60	$9,250	85
3 or more bedrooms	10	82.50	30	10,500	40
Total	35		90		[1] 125

[1] Defense workers who entered the area subsequent to June 25, 1950, are eligible to occupy housing constructed under this program.

LIST OF DEFENSE ACTIVITIES

Mining, processing and transportation of iron ore (including taconite).

CRITICAL DEFENSE HOUSING AREA

Townships of Biwabik, Owens, T–62–R–17, T–62–R–16, Breitung, Angora, T–61–R–17, Vermillion Lake, Kugler, T–61–R–14, T–60–R–18, Sandy, Pike, Embarrass, Wassa, T–59–R–18 (PT), Wouri, T–59–R–16 (PT), White Mesaba, T–58½–R–17, Missabe Mountain, T–58–R–14, Clinton, Fayal, T–57–R–16, T–57–R–14, McDavitt, T–56–R–17, T–56–R–16, Colvin, T–56–R–14, T–55–R–18, Ellsburg, T–55–R–15, T–55–R–14, Kelsey, Cotton, T–54–R–15, T–54–R–14, Payne, Northland, T–53–R–16, T–53–R–15, Nichols, including Aurora Village, Biwabik City, Iron Junction Village, Eveleth City, Franklin Village, Gilbert City, McKinley Village, Leonidas Village, Virginia City, and Mountain Iron Village, except lands in State and National Forests, all in St. Louis County.

189. Las Vegas, Nevada.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	320	$50.00			320
3 or more bedrooms	80	60.00			80
Total	400				[1] 400

[1] Preference will be given to locations in the city of Las Vegas and its environs.

LIST OF DEFENSE ACTIVITIES

Nellis Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Townships of Las Vegas, Henderson, and Nelson, including the City of Las Vegas, the City of Henderson, and Boulder City, all in Clark County.

190. Battle Creek, Michigan.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	75	$67.50			75
3 or more bedrooms	125	75.00			125
Total	200				200

LIST OF DEFENSE ACTIVITIES

Custer Air Force Installation.
Fort Custer.
Percy Jones Army Hospital.
Clark Equipment Company.
Oliver Corporation.
Eaton Manufacturing Company.

CRITICAL DEFENSE HOUSING AREA

City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County.

191. Colville, Washington.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	20	$60.00			20
3 or more bedrooms					
Total	20				20

LIST OF DEFENSE ACTIVITIES

Personnel of Air Force Installations in Area.
American Smelting and Refining Company.

CRITICAL DEFENSE HOUSING AREA

Census Division 3 and the portions of Census Divisions 1 and 2 lying east of the Columbia River, including the City of Colville, all in Stevens County.

192. Klamath, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	20	$70.00			20
3 or more bedrooms	5	80.00			5
Total	25				25

LIST OF DEFENSE ACTIVITIES

Personnel of Air Force Installations in Area.

CRITICAL DEFENSE HOUSING AREA

Klamath Judicial Township including Klamath and Klamath Glen in Del Norte County.

NOTE: Program numbered 193 is reserved for the Elizabeth City, North Carolina, Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

194. Great Lakes-North Chicago-Waukegan, Illinois.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	750	$75.00	150	$10,000	900
3 or more bedrooms	450	85.00	150	11,500	600
Total	1,200		300		1,500

LIST OF DEFENSE ACTIVITIES

Abbott Laboratories.
Ammco Tools Company.
Fansteel Metallurgical Company.
Johnson Motors Company.
Pacific Steel Boilers Company.
Vascoloy-Ramet Company.
American Steel and Wire Company.
Anchor Coupling Company.
Fort Sheridan.
Great Lakes Naval Station.
Morton Manufacturing Company.
Johns-Manville Corporation.
Deep Freeze Company.
Frank C. Hough Company.
Houdaille-Hershey Company.
Potter Company.

CRITICAL DEFENSE HOUSING AREA

Lake County.

33 (A). Lancaster, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	[1] 200	$60.00			200
2 bedrooms	[2] 350	72.00	100	[3] $8,750	450
3 or more bedrooms	100	85.00	250	10,000	350
Total	650		350		[4] 1,000

[1] 75 of these units at a rental not to exceed $55.
[2] 140 of these units at a rental not to exceed $65.
[3] 50 of these units at a sales price not to exceed $8,000.
[4] This quota is in addition to the 100 rental and 100 sales units authorized in Program No. 33 published Oct. 27, 1951 (16 F. R. 10962).

LIST OF DEFENSE ACTIVITIES

All Army, Air Force and Navy Installations.
Lockheed Aircraft Corporation.
National Advisory Committee for Aeronautics.
Northrop Aircraft, Incorporated.
Chance-Vought Aircraft Division, United Aircraft Corporation.
North American Aviation, Incorporated.
Douglas Aircraft Company, Incorporated.
United Aircraft Service Corporation.
Republic Aviation Corporation.

CRITICAL DEFENSE HOUSING AREA

Antelope Township in Los Angeles County and Judicial Township 11 in Kern County.

58 (A). Braidwood (Joliet), Illinois.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	25	$62.50			25
2 bedrooms	[1] 175	77.50	[2] 160	$10,250	335
3 or more bedrooms	30	85.00	10	11,250	40
Total	230		170		[3] 400

[1] 90 of these units at a rental not to exceed $67.50.
[2] 50 of these units at a sales price not to exceed $9,000.
[3] This quota is in addition to the 150 rental and 50 sales units authorized in Program No. 58 published Nov. 28, 1951 (16 F. R. 11980).

LIST OF DEFENSE ACTIVITIES

Joliet Arsenal, Government Reservation, Ellwood, Illinois.
Ordnance Ammunition Center, Government Reservation, Ellwood, Illinois.
U. S. Rubber Company, Government Reservation, Ellwood, Illinois.
Blockson Chemical Company, Joliet, Illinois.
Caterpillar Tractor Company, Joliet, Illinois.
Phillips Control Company, Joliet, Illinois.
Globe Corporation, Aircraft Division, Lockport, Illinois.
Globe Oil & Refining Company (Refinery), Lemont, Illinois.
Texas Company (Refinery), Lockport, Illinois.

CRITICAL DEFENSE HOUSING AREA

Will County and that part of the Village of Steger in Cook County.

78 (A). Pensacola, Florida.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			150	$7,000	150
3 or more bedrooms			250	8,500	250
Total			400		[1] 400

[1] This quota is in addition to the 160 rental and 240 sales units authorized in Program Number 78 published Jan. 24, 1952 (17 F. R. 740).

LIST OF DEFENSE ACTIVITIES

U. S. Naval Station.
St. Regis Paper Company.
Chemstrand Corporation.

CRITICAL DEFENSE HOUSING AREA

Escambia and Santa Rosa Counties.

52 (B). Lorain, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					200
2 bedrooms	200	$65.00			100
3 or more bedrooms	100	75.00			
Total	300				[1] 300

[1] This program is in addition to the 400 rental units authorized in Program No. 52 and the 100 sales units authorized in Program No. 52 (A) both of which programs were published Nov. 28, 1951 (16 F. R. 11980).

LIST OF DEFENSE ACTIVITIES

National Tube Company.
Fruehauf Trailer Company.
Magic Chef, Inc. (Formerly American Stove Company).
The Lake Terminal Railroad Company, Lorain, Ohio.
Bendix-Westinghouse Company.
American Ship-Building Company.
Thew Shovel Company.
B. F. Goodrich Chemical Company.
General Motors (Brown-Lipe-Chapin Division).

CRITICAL DEFENSE HOUSING AREA

Lorain County.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

SEPTEMBER 9, 1952.

[F. R. Doc. 52-9782; Filed, Sept. 8, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27365]

MOLASSES AND SYRUP FROM GULF PORTS AND RELATED POINTS TO POINTS IN SOUTHERN, OFFICIAL, ILLINOIS, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 415.

Commodities involved: Molasses and syrup, carloads.

From: Gulfport, Miss., Mobile, Ala., New Orleans, La., and points grouped therewith, and western Louisiana.

To: Points in southern, official, Illinois, and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 415.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9806; Filed, Sept. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27366]

CHARCOAL FROM POINTS IN WISCONSIN AND MICHIGAN TO NORTHERN MAINE JUNCTION, MAINE

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3763.

Commodities involved: Charcoal and charcoal briquettes, carloads.

From: Goodman, Wis., Iron Mountain, and Marquette, Mich.

To: Northern Maine Junction, Maine.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3763, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9808; Filed, Sept. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27368]

BRICK AND RELATED ARTICLES FROM MILLVILLE, W. VA., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9807; Filed, Sept. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27367]

FINE COAL FROM ILLINOIS AND INDIANA TO MINNESOTA

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to the Pennsylvania Railroad Company's tariff I. C. C. No. 3210.

Commodities involved: Soft coal or bituminous fine coal, carloads.

From: Origins in Illinois and Indiana.

To: Interstate Power Company Spur (Sherburn), and Fairmont, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: PRR tariff I. C. C. No. 3210, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9809; Filed, Sept. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27369]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX., TO HALE AND SAND SPRINGS, OKLA.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Sand Springs and Hale, Okla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-917.

Commodities involved: Brick and related articles, and refractory articles, carloads.

From: Millville, W. Va.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-917, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9810; Filed, Sept. 8, 1952; 8:48 a. m.]

[4th Sec. Application 27370]

SLAG FROM MT. PLEASANT, TENN., TO MCKINNEY, TEX.

APPLICATION FOR RELIEF

SEPTEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Slag, carloads.

From: Mount Pleasant, Tenn.

To: McKinney, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 200.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9811; Filed, Sept. 8, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-111]

AMERICAN & FOREIGN POWER CO. INC. AND ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING AND ORDER FOR HEARING CONCERNING APPLICATIONS FOR ALLOWANCES

SEPTEMBER 3, 1952.

The Commission, on November 7, 1951, issued its findings and opinion and order approving a plan of reorganization of American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 10370). That plan, which provided for a recapitalization of Foreign Power, was subsequently approved and ordered enforced by the United States District Court for the District of Maine (102 F. Supp. 331) which Order was affirmed by the United States Court of Appeals for the Second Circuit. The plan was consummated according to its terms on February 29, 1952.

The plan as consummated culminated efforts to reorganize Foreign Power commenced in 1944. The Commission on November 19, 1947, approved an earlier plan for the reorganization of Foreign Power (Holding Company Act Release Nos. 7815 and 7849) which plan was approved and enforced by the United States District Court (80 F. Supp. 514, D. Me., 1948). Upon application of the Commission, the order approving that plan was vacated because of the nonfeasibility of the plan and the matter was remanded to the Commission for further proceedings.

The Commission's Order approving the plan as consummated (Holding Company Act Release No. 10870), reserved jurisdiction, among other things, to determine the reasonableness and appropriate allocation of fees and expenses and other remuneration in connection with the plan by Foreign Power, Bond and Share and the participants in the proceedings.

Notice is hereby given that applications for the payment of fees and reimbursements of expenses have been filed by the following persons and in the following amounts:

Name and capacity	Fees	Expenses	Total
Reid & Priest, counsel for Foreign Power	$210,000.00	$13,901.51	$223,901.51
White & Case, independent counsel to Foreign Power	225,000.00	2,674.23	227,674.23
Willkie, Owen, Farr, Gallagher & Walton, counsel for prospective purchaser of 3½ percent debentures	12,000.00	71.56	12,071.56
McLean, Southard & Hunt, Maine counsel for Foreign Power	12,560.00	737.31	13,297.31
Bankers Trust Co., exchange agent under the 1951 plan	24,000.00	4,148.60	28,148.60
Haskins & Sells, accounting services to Foreign Power	25,550.00		25,550.00
Ebasko Services, Inc., technical services to Foreign Power	14,589.10		14,589.10

Name and capacity	Fees	Expenses	Total
Berdell committee for the $7 and $6 preferred stock of Foreign Power:			
Estate of M'Cready Sykes; Stewart & Shearer; H. H. Klein, counsel for the committee	$210,000.00		$210,000.00
Peter M. Sykes, secretary	2,500.00		2,500.00
Estate of Theodore V. D. Berdell		[1] $5,239.19	5,239.19
Reginald W. Tleknor		14,400.00	4,400.00
W. Thorne Kissell		[2] 7,000.00	7,000.00
Carter committee for the $7 and $6 preferred stock of Foreign Power:			
Berlack & Israels; Marshall, Bratter, Seligson & Klein; Harold P. Seligson, counsel to the committee	[3] 136,500.00	2,917.46	139,417.46
Reis & Chandler, Inc., financial advisers to the committee	90,000.00	1,403.19	91,403.19
C. Shelby Carter, Enos Curtin and Lloyd E. Dewey, members of the committee	18,000.00	1,170.00	19,170.00
Brown, Field and McCarthy, special counsel	2,000.00	21.74	2,021.74
Robert S. Byfield, expert witness	1,250.00	25.00	1,275.00
Augustine P. Barranco, expert witness	1,500.00	53.36	1,553.36
Norman Johnson group and Norman Johnson committee for second preferred stock:			
Frank & Gonnet and Albert J. Fleischmann, counsel	250,000.00	[4] 12,287.87	262,287.87
Nathaniel F. Glidden, member of the committee	2,500.00		2,500.00
Edward P. Money & Co., expert for the Norman Johnson group	5,000.00	95.41	5,095.41
E. Ralph Sterling, expert for the Norman Johnson committee	37,500.00		37,500.00
McKenna committee for the second preferred stock:			
Arnold R. Ginsburg, Thomas C. Egan, and Francis Logan, counsel for committee	120,000.00	2,270.45	122,270.45
John F. McKenna, secretary to committee	6,000.00		6,000.00
William J. Hamilton, Jr., chairman of committee	3,000.00		3,000.00
George L. Stark, member of committee	2,000.00		2,000.00
Leland S. Sproul, stockholder appearing pro se	25,000.00	1,547.73	26,547.73
Otto G. Gedringer, counsel for $6 preferred stockholder	7,500.00	655.28	8,155.28
Joseph M. Kaufman, counsel for Ira Haupt & Co.	7,500.00	111.36	7,611.36
Israel Beckhardt, counsel for Irving Saxe, a common stockholder	[5]	55.00	55.00
George H. Losey	115,174.06		115,174.06
Ebasco Services, Inc., consultant services to Bond and Share	205,000.00	11,213.36	216,213.36
Simpson, Thacher & Bartlett, counsel to Bond and Share	25,000.00	4,520.73	29,520.73
John Jirgal, financial consultant to Bond and Share			

[1] Includes legal fee of $3,750 paid to Stewart & Shearer and H. H. Klein.
[2] This represents legal fees paid by Kissell which funds were used for expenses in part with a balance stated at $2,000 to $3,000 remaining in the account.
[3] Includes $1,500 for secretarial services to the committee.
[4] Includes $2,000 advanced by stockholders for which reimbursement is sought.
[5] Beckhardt requests compensation in a reasonable amount which he leaves to the discretion of the Commission.

The above claims for compensation and reimbursement of expenses are sought to be paid from the Estate of Foreign Power except those services which were rendered directly to Bond and Share as to which compensation is sought from that Company.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications pursuant to section 11 (e) and 18 of the act and the rules and regulations thereunder be held before the hearing officer heretofore designated to preside in these proceedings on October 21, 1952, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk will advise as to the room in which such hearing will be held. Any person who is not already a party, or who has not been granted leave to participate herein, who desires to be heard or otherwise wishes to participate, shall file with the Secretary of this Commission on or before October 20, 1952, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination.

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan and whether the requested amounts are reasonable.

(2) Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on the parties herein and those who have been given leave to participate in these proceedings and on the applicants herein, that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9798; Filed, Sept. 8, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 16073]

UNIVERSITAET BRESLAU, ET AL.

In re: Rights in motion pictures owned by Universitaet Breslau and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the owners (other than those named in subparagraphs 3 and 4 hereof) of the motion pictures listed in Exhibits A, B, C, and D attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany), and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of, and had their principal places of business in Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That Ufa-Film G. m. b. H., the last known address of which is Berlin, Germany, is a corporation which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That Prag-Film A. G., the last known address of which is Prague-Barrandow, Czechoslovakia, is a corporation organized under the laws of and having its principal place of business in Czechoslovakia which on or since December 11, 1941, and prior to January 1, 1947, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Ufa-Film G. m. b. H., and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

4. That Wien-Film G. m. b. H., the last known address of which is Vienna, Austria, is a corporation organized under the laws of and having its principal place of business in Austria which on or since December 11, 1941, and prior to January 1, 1947, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Ufa-Film G. m. b. H., and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibits A, B, C, and D attached hereto and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures,

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios and shooting scripts,

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such films by any means in the United States,

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the Government of Germany, including its political subdivisions, agencies and instrumentalities, and of the persons referred to in subparagraphs 1, 3, and 4 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order, including Exhibits A, B, C, and D, who were on or since December 11, 1941, and prior to January 1, 1947, citizens and residents of, or which were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of or had their principal places of business in Germany, and are, and prior to January 1, 1947, nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A, B, C, and D,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A, B, C, and D,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 5 (a), 5 (b) (1), and 5 (b) (2) of this vesting order,

(4) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 5 (a) and 5 (b) of this vesting order, and

(c) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 5 (a), 5 (b), and 5 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and the persons referred to in subparagraphs 1, 3, 4, and 5 (b) hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Prag-Film A. G. on or since December 11, 1941, and prior to January 1, 1947, was controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

7. That Wien-Film G. m. b. H. on or since December 11, 1941, and prior to January 1, 1947, was controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany); and

8. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 3, and 4 hereof be treated as persons who are and prior to January 1, 1947 were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

EXHIBIT A

Title of motion picture	*Producer and/or distributor*
Aus der Chirurgischen Universitaetsklinik Breslau. Trigeminus-neuralgie.	Universitaet Breslau.
Berlin, a Metropolis of today	Kulturfilm Institut G. m. b. H. for Reichsbahnzentrale fuer den deutschen Reiseverkehr.
Bilder aus der Vogelwelt	Reichsstelle fuer den Unterrichtsfilm.
Bremen—Hamburg—Luebeck	Hamburg Amerikanische Packetfahrt A. G.
Burgen im Meissner Land (Castles in the Meissen Country; Castles in Meissen's Neighborhood).	Boehner—Film.
Carpathian Ruthenia	Hamburg Amerikanische Packetfahrt, A. G.
Central and Southern Europe	
Compulsory gymnastic exercises for the XIth Olympic Games in Berlin 1936.	
Gasschmelzschweissen	Reichsanstalt fuer Film und Bild in Wissenschaft und Unterricht.
German Wintersport Championships in Garmisch—Partenkirchen. Deutsche Wintersport Meisterschaften 1935 in Garmisch—Partenkirchen.	Reichsbahnzentrale fuer den deutschen Reiseverkehr.
The Harbor and its Activities. Wharves of the Hamburg American Line.	Hamburg Amerikanische Packetfahrt A. G.
Koffein. Wirkung auf die Kapillaren	Reichsanstalt fuer Film und Bild in Wissenschaft und Unterricht.
The Masterdrink, a Folk Festival and History Play in old Rothenburg on the Tauber.	Reichsbahnzentrale fuer den deutschen Reiseverkehr.
Die Neugestaltung Berlins	Tobis—Melofilm G. m. b. H.
Olympic Sidelights	Boehner—Film for Reichsbahnzentrale fuer den deutschen Reiseverkehr.
A Pleasure Pirate Pilgrimage to the West Indies	Hamburg Amerikanische Packetfahrt A. G.
Das Reichssportfeld entsteht	Reichssportfuehrer der N.S.D.A.P.
Rolling along	Boehner—Film for Reichsbahnzentrale fuer den deutschen Reiseverkehr.
Sonne ueber den Ostseestrand	Reichsbahnzentrale fuer den deutschen Reiseverkehr.
The Tauber Valley	Reichsbahnzentrale fuer den deutschen Reiseverkehr.
The Technic of the World on the Technical Fair of Leipzig.	
Von der Ueberwachung der Bruecken bei der Deutschen Reichsbahn.	Reichsbahnfilmstelle.
With Our Columbus on the Trail of Magellan	Hamburg Amerikanische Packetfahrt A. G.

EXHIBIT B

Title of motion picture	*Producer and/or distributor*
Adieu les beaux Jours	Universum—Film A. G., "Ufa"
Alle Segel klar	Universum—Film A. G., "Ufa"
Auf Biegen und Brechen	Naturfilm Hubert Schonger for "Ufa"
Auf neuen Wegen	Universum—Film A. G., "Ufa"

EXHIBIT B—Continued

Title of motion picture	*Producer and/or distributor*
Besuch beim Bettelstudent	Universum—Film A. G., "Ufa"
Bilder vom Aufstieg der deutschen Luftwaffe	Universum—Film A. G., "Ufa"
Blick in die Zeit: Schoepferische Wissenschaft	Deutsche Wochenschau G. m. b. H.
The Cathedral of Mainz	
The blue Danube	Atlantic—Film
Bunter Alltag im Zoo	Basse—Film G. m. b. H.
D-Zug fertig zur Fahrt	Basse—Film G. m. b. H. for "Ufa"
Durchlaucht amuesiert sich	Splendid—Film G. m. b. H.
Der Film von der Agfa-Travis	I. G. Farbenindustrie A. G.
Frauelein Liselott	Dr. V. Badal—Filmproduktion
Gauner im Frack (German version only)	Italia—Film G. m. b. H.
Grandhotel Nevada	Ufa, Prag "Prag—Film A. G. for "Ufa"
Heimkehr (1929 production)	Universum—Film A. G., "Ufa"
Herr Roosevelt plaudert	Deutsche Wochenschau G. m. b. H.
Hohe Schule (Das Geheimmis des Carlo Cavelli).	A. B. C.—Film G. m. b. H. and Tobis-Sascha Filmindustrie A. G.
Die hundert Mark sind weg	Universum—Film A. G., "Ufa."
Ich sehne mich nach Dir	Dr. V. Badal-Filmproduktion.
Im Wald von Katyn	
Liselotte von der Pfalz (Frauen um den Sonnenkoenig).	Carl Froehlich—Filmproduktions G. m. b. H.
Maerchen und Schnurren	Gebrueder Diehl—Film.
Manchurian Railway	Hamburg—Amerikanische Packetfahrt A. G.
Der Mann, der nicht Nein sagen kann (German version only).	Italia—Film G. m. b. H.
Maskerade	Tobis-Sascha Filmindustrie A. G.
Mexiko	Universum—Film A. G., "Ufa."
Moskau—Shanghai	Badal—Film produktion.
Nachkommen der Mayas (Im westlichen Guatemala).	Universum—Film A. G., "Ufa."
Porzellan	Universum—Film A. G., "Ufa."
Das Schicksal einer schoenen Frau (Madame Blaubart).	Conrad Wiene Filmproduktion and Hegewald-Film G. m. b. H.
Schwarzfahrt ins Gluck	Terra-Filmkunst G. m. b. H.
Der singende Tor (German version only)	Italia—Film G. m. b. H.
Die Sklavenkoenigin	Tobis—Sascha Filmindustrie A. G.
Stiefkinder der Musik	Universum—Film A. G., "Ufa."
Stjenka Rasin (Wolga-Wolga)	Badal—Filmproduktion.
Der Stumme von Portici	Universum—Film A. G., "Ufa."
Die Tochter des Regiments	Ondra-Lamac—Film G. m. b. H.
Und wer kuesst mich? (German version only)	Italia—Film G. m. b. H.
Volksgerichtshof (series)	N. S. D. A. P.
Ein Walzer fuer Dich	Dr. V. Badal—Produktion.
Was tun, Sybille?	Universum—Film A. G., "Ufa."
Weltspiegel	Universum—Film A. G., "Ufa."
Wochenschau der Tiere	Bavaria—Filmkunst G. m. b. H.

EXHIBIT C

Title of motion picture	*Producer and/or distributor*
Angriff auf Halbinsel Kertsch	Oberkommando des Heeres.
Angriff gegen staendige Stellungen	Oberkommando des Heeres.
Anthrazit und Koks	
Aufmarsch der politischen Leiter des Kreises I.	
Autogenes Schweissen und Loeten der Leichtmetalle.	Oberkommando des Heeres.
Balkanfront	Oberkommando des Heeres.
Bandenbekaempfung	
Die Batterie I. F. H. 18 (mot.)	Oberkommando des Heeres.
Bau einer L. Z. Bruecke	Oberkommando des Heeres.
Bau regelspuriger Weichen	Oberkommando des Heeres.
Beschuss von Drachten und Panzerplatten	Oberkommando des Heeres.
Bruecken in Kriegsmarsch	Oberkommando des Heeres.
Brueckenbau der Pioniere in Norwegen	Oberkommando des Heeres.

EXHIBIT C—Continued

Title of motion picture	*Producer and/or distributor*
Dachstuhlbrand und seine Bekaempfung	Oberkommando des Heeres.
Der Diesel-Fahrzeugmotor	Oberkommando des Heeres.
Deutsche Fernkabelleitungen	Oberkommando des Heeres.
Einbau der Imbert-Holzgasanlage in dem Russenschlepper Nr. 2.	Oberkommando des Heeres.
Das Einbiegen nach links	Hans Ewald Filmgesellschaft.
Einweihung der Geschaeftsstelle Barmbeck—Zoll.	
Einzug nach Sudetenland	
Eisenbahnartillerie	Heeresfilmstelle.
Erbkrank	Rassenpolitisches Amt.
Die I. Panzerdivision in Frankreich (Lt. Munk)	Oberkommando des Heeres.
Felddauerlinienbau fuer Traegerfrequenztrieb	Oberkommando des Heeres.
Die Feldkueche	Oberkommando des Heeres.
Feldpost	
Festungskampffeld der Infanterie	Oberkommando des Heeres.
Flussuebergang und Brueckenschlag	Oberkommando des Heeres.
Front-Aufnahmen	
Gasschutz den Heerestieren	Oberkommando des Heeres.
Generator—Ausbildung	Oberkommando des Heeres.
Gleitschutzketten fuer Kraftfahrzeuge	Oberkommando des Heeres.
Die Grundlagen der Funktechnik	Oberkommando des Heeres.
Handhabung des Brueckengeraetes	Oberkommando des Heeres.
Harlingen	
Heimat (Short)	Heeresfilmstelle.
The Hell—Diving Air Corps	Oberkommando der Wehrmacht.
Herstellen vom normalspurigen Eisenbahnoberbau.	Oberkommando des Heeres.
Hochofenbetrieb	Oberkommando des Heeres.
Die hollaendische Landesbefestigung	
Hunde im Dienste der Wehrmacht	Reichsanstalt fuer Film und Bild in Wissenschaft und Unterricht.
Hundeschlitten	Oberkommando des Heeres.
Innenaufnahmen der Reichskanzlei	
Juden sind Meute	
Jungmaedel auf Fahrt	
Kabelherstellung	Siemens—Film for Oberkommando des Heeres.
Kampf (Short)	
Kampfhandlungen im Westen	Oberkommando des Heeres.
Kletteruebungen der Infanterie an einer Steilwand.	Oberkommando des Heeres.
Der Lehrfilm der Springer	Reichssportfuehrer der N. S. D. A. P.
Der leichte Minenwerfer 18 (Inf. Geschuetz) Vorgang beim Schuss (Trick).	
Die Lenkung	Oberkommando des Heeres.
Ein Lied von deutscher Arbeit	Reichspropagandaleitung der N. S. D. A. P.
Luftschutzgemeinschaft bei praktischer Brandbombenbekaempfung.	Oberkommando des Heeres.
Marsch und Kampf	Oberkommando des Heeres.
Das M. G. C/30 (2 cm M. G.)	Oberkommando des Heeres.
Medical Film (subject title)	Oberkommando des Heeres.
Meister der Tarnung und Taeuschung	Heeresfilmstelle.
Modellversuche ueber das Fahrverhalten des Kraftfahrzeuges beim Bremsen, in der Steigung und im Gelaende.	Oberkommando des Heeres.
Nachbehandlung Amputierter	Oberkommando des Heeres.
Nachschub	Oberkommando des Heeres.
Nanbekaempfung russischer Panzer	Oberkommando des Heeres.
Opium	
Ostdeutsche kehren heim	
Panzer-Regiment	Oberkommando des Heeres.
Panzer-Stielgranate	Oberkommando des Heeres.

EXHIBIT C—Continued

Title of motion picture	*Producer and/or distributor*
Parade am 1. Mai in Moskau	
Proben	
Raeder rollen	Wien—Film G. m. b. H.
Reichsmotorsportschule	Sigma—Film.
Ruheleben im Gelaende	
Salzburg, die Festspielstadt	Universum—Film A. G. "Ufa."
Scharfschuetzen	Oberkommando der Wehrmacht.
Scharfschuetzen im Einsatz	Oberkommando der Wehrmacht.
Der Schienenweg	Oberkommando des Heeres.
Schule des Skilaufs	Oberkommando des Heeres.
Schwere Infanteriewaffen im Gebirge	Oberkommando des Heeres.
Schwere Kuestenbatterien	Oberkommando des Heeres.
Der Schwimmer	Oberkommando des Heeres.
Signal auf Halt!	Reichsbahnfilmstelle.
Skilanglauf. Weltmeisterschaften 1939 in Zakopane.	
Spinnerei	
Stellungsbau im Winter	Oberkommando des Heeres.
Stellungs- und Unterkunftsbau der kaempfenden und ruhenden Truppen.	Oberkommando des Heeres.
Stosstrupp aus der HKL (Unternehmen Getz.)	Oberkommando des Heeres.
Sturm auf Sebastopol	
Trip over the Mediterranean	
Unterbrechen und Zerstoeren von oberirdischen Fernsprech- und Telegrafenlinien.	Oberkommando des Heeres.
Unterkunftsbauten der finnischen Wehrmacht	Oberkommando des Heeres.
Der Vergaser	Oberkommando des Heeres.
Das Verhalten im Strassenverkehr	Oberkommando des Heeres.
Die Vorderachse	Oberkommando des Heeres.
Die Vorfahrt nach Nr. 13	Oberkommando des Heeres.
Vormarsch im Osten	Oberkommando des Heeres.
Vorposten und FKF eines Regimentsabschnittes im Westwall.	Oberkommando des Heeres.
Voruebung der Infanterie fuer den Kampf auf bewegtem Wasser.	Oberkommando des Heeres.
Wirkung unrichtiger Kuerzung der Hufe beim Pferde.	Oberkommando des Heeres.
Die Zuendung	Oberkommando des Heeres.

EXHIBIT D

Title of motion picture	*Producer and/or distributor*
Abruestung	Reichspropagandaleitung der N. S. D. A. P.
8. und 9. November 1933	
Alles verwenden, nichts verschwenden	
Alltag in einer Siedlung	Propagandaamt der Deutschen Arbeitsfront.
Alte deutsche Kaiserstadt Worms	
Arbeit und Fortschritt	
Auf Fahrt	Boehner—Film.
Auf Ostkurs	Reichsverkehrsministerium.
Aus der Arbeit des Reichssenders Frankfurt	
Aus der Tiefe empor	Reichspropagandaleitung der N. S. D. A. P.
Ausser Gefahr	Deutsche Filmherstellungs- und Verwertungs G. m. b. H.
Die Bedeutung des Hoflandes	Zentralfilmstelle Ost.
B-L—dokumentarische Bilder aus der Entwicklung eines Fluggeraetes.	
Brache und Bodenbearbeitung	Zentralfilmstelle Ost.
Dein Wald	
Deutsche Arbeitsstaetten	Atelier Svend Noldan.
Das deutsche Elsass	Leckebusch & Co.
Deutsche Heimstaetten	Propagandaamt der N. S. D. A. P.
Deutsche Monatsschau	
Das deutsche Rote Kreuz hilft ueberall	N. S. K. K.

EXHIBIT D—Continued

Title of motion picture	*Producer and/or distributor*
Deutsche Vergangenheit wird lebendig	Klfo—Film, H. Bousset
Deutschland arbeitet	Hochland—Filmproduktion
Deutschland gestern und heute	
Dr. Aletan Ukraine	
Dr. Todt—Berufung und Werk	Hauptamt fuer Technik der N. S. D. A. P.
Dorfheimat	Lex—Film.
Drei Wochen Yachtschule	Marine—Hauptfilm- und Bildstelle.
Eger	Prag—Film A. G.
Ehrentempel	
Einer von 20 Millionen	
Elbe, Eger, Fährt durch den westlichen Sudetengau.	Rudi Wild.
Emden	Koeroesi & Bethke.
Englische Kanalinseln	
Ernstes Lernen—freudiges Schaffen	H. Dreyer.
Erntedanktag Bueckeberg	
Erntezeit (Blut und Boden)	
Die Erzeugungsschlacht geht weiter	
Es geht um den Sieg	Boehner—Film.
Europas Kuenstschueler in Wien	
Ewige Wache	Brieger—Film.
Feierliche Eingliederung des Boehmerwaldes in den Gau Bayrische Ostmark.	
Fliegerhandwerker—Wettbewerb	
Flugzeug in Seenot	Deutsche Filmherstellungs- und Verwertungs G. m. b. H.
Fuehrerbau	
Fuehrerbesuch bei den Bauten in der Tegernseerlandstrasse.	
Der Fuehrer in Muenchen	
Fuehrertage in Italien	Deutsche Filmherstellungs- und Verwertungs G. m. b. H.
John Bull in Noeten	
Gestern gluecklicheres Volk	
Gau Oberdonau, alte deutsche Erde	
Geschwindigkeit und Sicherheit	Koeroesi & Bethke.
Gluecklicheres Volk	Propagandaamt der DAF.
Die grosse Reserve	
Grossgarage Hilfszug Bayern	Hilfszug Bayern der N. S. D. A. P.
Heimat und Boden	Fink—Film.
Heime der Hitlerjugend	Presse- und Propagandaamt der Reichsjugendfuehrung.
Helfer ueberall (Das Deutsche Rote Kreuz im Landeinsatz).	Korporation—Film.
Helft helfen	Korporation—Film.
Hilfswerk Mutter und Kind	
Himmel und Erde muessen vergehen	Universum—Film A. G., "Ufa."
Hundert Jahre deutscher Zoll	
Jugend lehrt Schadenverhuetung	
Juno 311	
Jungarbeiter	Propagandaamt der D. A. F.
Josef Thorak, Werkstatt und Werk	
Kameraden der Arbeit	Deutsche Arbeitsfront.
Kampf dem Feuer	Arnold & Richter K. G.
Kiel, die Stadt der deutschen Kriegsmarine	Nordmark—Film.
Ein Kind ist vom Himmel gefallen	Lex—Film.
Kriegslokomotiven	
Kuhnspannung	Zentralfilmstelle Ost.
Kurzfahrt ins Kinderland	Mai-Rodegg—Film.
Landvolk, das geht dich an	Klfo-Film, H. Bousset.
Landvolk in Not	
Landwirtschaftliche Ausstellung Moskau 1940	
Lebendiges Erbe	
Leinen los	Deutsche Arbeitsfront.

EXHIBIT D—Continued

Title of motion picture	*Producer and/or distributor*
Licht	Atelier Svend Noldan.
Malaria, Feind der Menschheit	
Mehr Milch, mehr Fett	Korporation—Film.
Das Milliardengrab	
Mit der Reichsbahn unter den Strassen Berlins.	
Mit uns in dem sonnigen Sueden	Kraft Freude Amt.
Mit vereinten Kraeften.	
Motor—SA.	
Mussolini in Deutschland	Tobis—Melofilm G. m. b. H.
NS Tonbildbericht	Nationalsozialistische deutsche Arbeiterpartei.
Nutzung des Hoflandes	Rex—Film for Zentralfilmstelle Ost.
Oberschlesien und seine Landwirtschaft.	
Olympia—Fanfaren (Ein unvergessliches Zeitdokument).	Deutsche Arbeitsfront.
Ostpreussen-Masuren, deutsches Grenzland	
Pferde werden Soldaten.	
Ein Phriz-Werk entsteht	
Reichs—Autozug	
Das raetselvolle Haus	
Reichsbauerntag Goslar	
Reichsnaehrstand Landjahr	
Reichsnaehrstandsaustellung in Frankfurt 1936	
Reichsparteitag Nuernberg 1936 (Parteitag der Ehre).	
Reichszeugmeisterei	
Rhoen, ein Film deutschen Aufbaus	Reichspropagandaleitung der N. S. D. A. P.
Die Rhoenkundgebung	
Ein Rueckblick auf die 3. Reichsnaehrstandsausstellung.	Universum—Film A. G. "Ufa" for Reichsbauernfuehrer.
Schiff ohne Klassen	Deutsche Arbeitsfront.
Schiff 754	Deutsche Arbeitsfront.
Schiffsjungen im grossdeutschen Stromgebeit	Brieger—Film.
Schuetzt euren deutschen Wald	
Schwaebische Kunde	
Schwarze Adern	
Schwarze Gesellen	
Schwester Annelise erzaehlt	Infra—Film, H. Wuestemann.
Segelfliegen muss Volkssport werden	
Das Sowietparadies	
Spatzen am Fliegerhimmel	Kulturfilm des NS—Fliegerkorps.
Die Synagoge in Muenchen	
Der Theaterzug kommt	Deutsche Arbeitsfront.
Unsere Kinder—unsere Zukunft	Deutsche Filmherstellungs- und Verwertungs G. m. b. H.
Unterkunftsgebaeude	
Urlaubsfreuden	Deutsche Arbeitsfront.
Verwaltungsbau	
Vollblutzucht im Kriege	Liebetrenz—Film.
Weg in die Welt	
Der Weg zu uns	Nationalsozialistische deutsche Arbeiterpartei.
Weltkongress fuer Freiheit und Erholung	Deutsche Arbeitsfront.
Werkstaettenhalle Reichsautozug	
Wir marschieren mit	Korporation—Film.
Wir wandern mit den Ostgermanen	Nationalsozialistische deutsche Arbeiterpartei.
Wohnungsbau und Uebersicht Reichszeugmeisterei und Reichsautozug.	Reichszeugmeisterei.
Zuckerruebenbau	
Zwei Maedels finden ihren Weg	Deutsche Filmherstellungs- und Verwertungs G. m. b. H.

[F. R. Doc. 52-9831; Filed, Sept. 8, 1952; 8:52 a. m.]

KARL WOSECZEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Karl Woseczek, Vienna, Austria; Claim No. 42221; $220.64 cash in the Treasury of the United States.

Executed at Washington, D. C., on September 2, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9832; Filed, Sept. 8, 1952; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 177

Washington, Wednesday, September 10, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10394

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 103 of the Civil Functions Appropriations Act, 1953 (Public Law 504, 82d Congress), and section 618 of the Department of Defense Appropriation Act, 1953 (Public Law 488, 82d Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective date of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 8, 1952.

[F. R. Doc. 52-9954; Filed, Sept. 9, 1952; 10:07 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

INDIAN CORN OR MAIZE, BROOMCORN, AND RELATED CROPS; ISSUANCE OF PERMITS

On July 17, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6563) a notice of proposed rule making concerning the amendment of § 319.41-3 of the regulations supplemental to Notice of Quarantine No. 41 relating to Indian corn or maize, broomcorn, and related crops (7 CFR 319.41-3). After due consideration of relevant matters presented, and pursuant to the authority conferred by section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), the Secretary of Agriculture hereby amends the undesignated second paragraph of the said § 319.41-3 to read as follows:

§ 319.41-3 *Issuance of permits.* • • •

For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Chief of the Bureau of Entomology and Plant Quarantine for such ports as may be designated therein, except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, and New York, or through other northeastern ports which may from time to time be designated in the permit, and at which facilities for treatment of infested material may be available, such entry to be limited to those shipments accompanied by on-board bills of lading dated within the period September 15 through February 15 of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific Coast.

• • • • •

This amendment shall be effective September 10, 1952.

This amendment eliminates the possibility that formerly existed of a boat shipment of foreign broomcorn arriving ahead of schedule or being unavoidably delayed, so that it arrived prior to or after the inclusive dates during which such entry was authorized. Instead of limiting entry to a 5-month period each year, the amendment provides for a 5-month period during which on-board bills of lading covering such shipments must be dated. Date of departure from a foreign port is the qualifying condition rather than the date of arrival in the United States.

Prompt action is necessary with respect to this amendment in order that its benefits may be available to importers during the current shipping season. Therefore, good cause is found, in ac-

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FEDERAL REGISTER

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cordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 5th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9897; Filed, Sept. 9, 1952; 8:56 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Peanuts-52)-1, Amdt. 3]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1952 CROP

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), applicable to peanuts and are issued for the purpose of amending the peanut marketing quota regulations for the 1952 crop in several respects as described below. The amendments provide that buyers purchasing peanuts for price support purposes may record and report data relative to such purchases on Form MQ–94–Peanuts (1952), Inspection and Weight Memorandum, in lieu of reporting such purchases on Form MQ–93–Peanuts (1952), Memorandum of Sale. The amendments will permit a reduction in the amount of work required of many buyers in recording and reporting data with respect to peanut purchases since it is necessary under the price support program for these buyers to execute Form MQ–94–Peanuts (1952) in connection with each load of peanuts purchased. Form MQ–94–Peanuts (1952) executed to cover a load of peanuts will serve, therefore, as the buyer's record and report for purposes of both the marketing quota and price support programs. The amendments also provide that the State Committee may authorize buyers who are not purchasing peanuts for price support purposes to record and report the required data with respect to quota peanuts on Form MQ–94–Peanuts (1951), Sales Memorandum, in lieu of Form MQ–93–Peanuts (1952). This change will also eliminate much of the work that is presently required of buyers, since Form MQ–94–Peanuts (1951) will be used by the Federal-State Inspection Service in grading peanuts that will be purchased by buyers who are not operating under the price support program. This form contains sufficient space for weight and price determinations for a load of peanuts.

Farmers in the southernmost areas of the United States have already begun harvesting their 1952 crops of peanuts; therefore, it is essential that the amendments contained herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The marketing quota regulations for the 1952 crop of peanuts (17 F. R. 4317, 5691, 7273) are hereby amended as follows:

1. Paragraph (u) of § 729.341 *Definitions*, is amended to read as follows:

(u) "Memorandum of Sale" means Form MQ–93–Peanuts (1952), used (1) to record and report data with respect to purchases of peanuts by buyers who are not purchasing the peanuts under the price support program and (2) to record and report data with respect to peanuts shelled for or by producers.

2. Paragraph (v) of § 729.341 is amended to read as follows:

(v) "Inspection and weight memorandum" means Form MQ–94–Peanuts (1952), used to report and record data with respect to the inspection and marketing of quota peanuts purchased by buyers for price support purposes.

3. Paragraph (a) of § 729.354 *Identification of marketings*, is amended to read as follows:

(a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to the penalty, unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in

shelling not in excess of that quantity of farmers stock peanuts for a producer which the County Committee determined is reasonable for seed purposes on the producer's farm for the 1953 crop. The marketing of such shriveled, damaged, split, and broken peanut kernels will be identified by a Form MQ–93–Peanuts (1952), partially executed by a member of the County Committee to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1953 crop. Buyers who are not purchasing peanuts under the peanut price support program will record and report data with respect to all peanuts purchased on Form MQ–93–Peanuts (1952): *Provided, however,* That the State Committee may authorize buyers purchasing quota peanuts in the State to report and record data with respect to the purchase of such peanuts produced in the State on Form MQ–94–Peanuts (1951), if the State Committee determines that the use of such form in lieu of Form MQ–93–Peanuts (1952) will facilitate the effective administration of the provisions of §§ 729.340 to 729.369. Form MQ–94–Peanuts (1952), will be used by buyers to report and record data with respect to the inspection and purchase of quota peanuts purchased for price support purposes: *Provided, however,* That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to execute Form MQ–93–Peanuts (1952), Form MQ–94–Peanuts (1951), or Form MQ–94–Peanuts (1952), identifying purchases of peanuts from producers, if the County Committee has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records, and make the buyer's reports required in §§ 729.340 to 729.369, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the County Committee as provided in § 729.356.

4. Paragraph (b) of § 729.362 *Records and reports of buyers and others,* is amended to read as follows:

(b) *Form MQ–93–Peanuts (1952), Form MQ–94–Peanuts (1951), and Form MQ–94–Peanuts (1952).* Buyers who are not purchasing peanuts under the 1952 peanut price support program shall record and report data on Form MQ–93–Peanuts (1952), with respect to all peanuts purchased: *Provided, however,* That the State Committee may authorize buyers purchasing quota peanuts in the State to report and record data with respect to the purchase of such peanuts produced in the State on Form MQ–94–Peanuts (1951), if the State Committee determines that the use of such form in lieu of Form MQ–93–Peanuts (1952) will facilitate the effective administration of the provision of §§ 729.340 to 729.369. Form MQ–94–Peanuts (1952) shall be used to report and record data with respect to the inspection and marketing of quota peanuts by buyers who are purchasing such quota peanuts for price support purposes. The Production and Marketing Administration's copies of all Forms MQ–93–Peanuts (1952), MQ–94–Peanuts (1951), and MQ–94–Peanuts (1952) with remittances covering the penalties due as shown on Forms MQ–93–Peanuts (1952), shall be forwarded to the State Committee by means of Form MQ–79–Peanuts (1952), Buyers Weekly Report and Transmittal to State PMA Office, not later than the end of two calendar weeks following the week in which the peanuts were marketed.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 358, 359, 372, 373, 55 Stat. 88–90, as amended, 52 Stat. 65, as amended; 7 U. S. C. 1358, 1359, 1372, 1373)

Done at Washington, D. C., this 5th day of September 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–9869; Filed, Sept. 9, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Correction

In F. R. Doc. 52–9372, appearing at page 7771 of the issue for Tuesday, August 26, 1952, the following change should be made:

The tenth item, "160–107", in the first column of the table under § 934.48 (b) (4) should read "106–107".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Air Regs., Amdt. 43–8]

PART 43—GENERAL OPERATIONS RULES

RATING REQUIREMENTS

Correction

In F. R. Doc. 52–9614, appearing at page 7962 of the issue for Wednesday, September 3, 1952, the following changes should be made:

1. The eleventh line of the second paragraph of the preamble, "holding a type rating to pilot an aircraft", should read: "holding of a type rating to pilot an aircraft".

2. In § 43.63, the last phrase of the second sentence, "he also held an appropriate type rating", should read: "he also holds an appropriate type rating".

Subchapter B—Economic Regulations

[Regs., Serial No. ER–177]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

BUSINESS NAME OF AIR CARRIER

Correction

In F. R. Doc. 52–9413, appearing at page 7810 of the issue for Wednesday, August 27, 1952, the following change should be made:

The sixteenth line from the bottom of the second column on page 7810, "mit the use of two or more different", should read: "mit the use of two or more different".

[Regs., Serial No. ER–178]

PART 291—CLASSIFICATION AND CONTINUED EXEMPTION OF LARGE IRREGULAR AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Correction

In F. R. Doc. 52–9414, appearing at page 7811 of the issue for Wednesday, August 27, 1952, the following change should be made:

The first phrase in § 291.28 (a), "Except as provided", should read "Except as otherwise provided".

[Regs., Serial No. ER–179]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Correction

In F. R. Doc. 52–9415, appearing at page 7811 of the issue for Wednesday, August 27, 1952, the following change should be made:

The thirty-first line of the first column on page 7812, "they are doing business. This had had", should read: "they are doing business. This has had".

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

Section 203.20 is hereby amended to read as follows:

§ 203.20 *Eligible mortgages in Alaska or in Guam.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 203.7, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half (½) thereof.

(b) Upon application by a mortgagee, where the Alaska Housing Authority or the Government of Guam or any agency or instrumentality thereof is the mortgagor or mortgagee, any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor—

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property in cash or its equivalent; or

(3) That the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 203.18 shall not be applicable to mortgages covering property located in Alaska or in Guam: *Provided,* That mortgages covering property located in Alaska or in Guam shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703g. Interprets or applies sec. 102, 64 Stat. 48; 12 U. S. C. Sup. 1706c)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52–9848; Filed, Sept. 9, 1952; 8:45 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

Section 221.28 is hereby amended to read as follows:

§ 221.28 *Eligible mortgages in Alaska or in Guam.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 221.16 prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Upon application by a mortgagee, where the Alaska Housing Authority or the Government of Guam or any agency or instrumentality thereof is the mortgagor or mortgagee, any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor—

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property in cash or its equivalent; or

(3) That the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 221.27 shall not be applicable to mortgages covering property located in Alaska or in Guam: *Provided,* That mortgages covering property located in Alaska or in Guam shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52–9849; Filed, Sept. 9, 1952; 8:46 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

ELIGIBILITY FOR INSURANCE IN ALASKA OR IN GUAM; IN GENERAL

1. Section 232.4 (c) is hereby amended to read as follows:

§ 232.4 *Eligibility for insurance.* * * *

(c) A mortgage of the character described in paragraphs (a) and (b) of this section but covering property located in the Territory of Alaska or in Guam may involve a principal obligation not in excess of $50,000,000 or $5,000,000 as the case may be, and not to exceed 90 percent of the amount which the Commissioner estimates to be the replacement cost of the property or project when the proposed improvements are completed; and not to exceed $8,100 per family unit (or $7,200 per family unit if the number of rooms in such property or project does not equal or exceed four per family unit) for such part of such property or project as may be attributable to dwelling use: *Provided,* That the Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in this paragraph, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages otherwise meeting the requirements of this paragraph covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 232.18 is hereby amended to read as follows:

§ 232.18 *In general.* (a) In the case of an eligible mortgagor which is regulated or restricted for the purposes and in the manner provided in § 232.17 (b), or in the case of any project covering property located in Alaska or in Guam, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors: *Provided,* That the mortgagor in any such case, must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52–9850; Filed, Sept. 9, 1952; 8:46 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

ELIGIBILITY FOR INSURANCE IN ALASKA OR IN GUAM; IN GENERAL

1. Section 241.4 (c) is hereby amended to read as follows:

§ 241.4 *Eligibility for insurance.* * * *

(c) The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum mortgage amounts provided in paragraph (a) or (b) of this section, prescribed by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 241.17 is hereby amended to read as follows:

§ 241.17 *In general.* (a) In the case of an eligible mortgagor which is regu-

lated or restricted for the purposes and in the manner provided in § 241.16 (b) or in the case of any project covering property located in Alaska or in Guam, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors: *Provided*, That the mortgagor in any such case must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, 64 Stat. 54; 12 U. S. C. Sup. 1715e)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9851; Filed, Sept. 9, 1952; 8:46 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 287—ELIGIBILITY REQUIREMENTS OF PROJECT MORTGAGE COVERING GROUP OF SINGLE-FAMILY DWELLINGS

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

Section 287.12 is hereby amended to read as follows:

§ 287.12 *Eligible mortgages in Alaska or in Guam.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 287.11, prescribed by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Upon aplication by a mortgagee any mortgage covering property located in Alaska or in Guam otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 287.26 shall not be applicable to mortgages covering property located in Alaska or in Guam: *Provided*, That mortgages covering property located in Alaska or in Guam shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9852; Filed, Sept. 9, 1952; 8:46 a. m.]

PART 288—ELIGIBILITY REQUIREMENTS OF INDIVIDUAL MORTGAGE COVERING PROPERTY RELEASED FROM LIEN OF PROJECT MORTGAGE

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

Section 288.9 is hereby amended to read as follows:

§ 288.9 *Eligible mortgages in Alaska or in Guam.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 288.8, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amount as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Upon application by a mortgagee, where the Alaska Housing Authority or the Government of Guam or any agency or instrumentality thereof is the mortgagor or mortgagee, any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor—

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property in cash or its equivalent; or

(3) That the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 288.20 shall not be applicable to mortgages covering property located in Alaska or in Guam: *Provided*, That mortgages covering property located in Alaska or in Guam shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9853; Filed, Sept. 9, 1952; 8:46 a. m.]

Subchapter M—Military Housing Insurance

PART 292—ELIGIBILITY REQUIREMENTS FOR MILITARY HOUSING INSURANCE

ELIGIBLE MORTGAGES OR MORTGAGORS IN ALASKA OR IN GUAM

1. Section 292.23 is hereby amended to read as follows:

§ 292.23 *Eligible mortgages in Alaska or in Guam.* The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, or livability, within the limitations as to maximum mortgage amounts provided in § 292.11, prescribe by regulation or otherwise with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 292.29 is hereby amended to read as follows:

§ 292.29 *Eligible mortgagors in Alaska or in Guam.* The Commissioner may, in his discretion, waive the requirements set forth in § 292.25 in the case of any project covering property located in Alaska or in Guam: *Provided*, That the mortgagor in any such case, must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors.

(Sec. 1, 63 Stat. 570; 12 U. S. C. Sup. 1748g)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9854; Filed, Sept. 9, 1952; 8:47 a. m.]

Subchapter N—National Defense Housing Insurance

PART 294—ELIGIBILITY REQUIREMENTS FOR NATIONAL DEFENSE HOUSING INSURANCE

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

Section 294.21 is hereby amended to read as follows:

§ 294.21 *Eligible mortgages in Alaska or in Guam.* (a) The Commissioner may, if he finds that, because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 294.8, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Any mortgage otherwise eligible for insurance under any of the provisions of this part, covering property located in the Territory of Alaska or in Guam, may be insured without regard to any requirement contained in this part that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 294.19 shall not be applicable to mortgages covering property located in Alaska or in Guam: *Provided*, That mortgages covering property located in Alaska or in Guam shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam.

(Sec. 907, as added by sec. 201, Pub. Law 139, 82d Cong.)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9855; Filed, Sept. 9, 1952; 8:47 a. m.]

Subchapter O—National Defense Rental Housing Insurance

PART 296—ELIGIBILITY REQUIREMENTS FOR NATIONAL DEFENSE RENTAL HOUSING INSURANCE

ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM; SECONDARY LIENS

1. Section 296.17 is hereby amended to read as follows:

§ 296.17 *Eligible mortgages in Alaska or in Guam.* The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam, it is not feasible to construct dwellings on property located in Alaska or in Guam without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 296.4, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

2. Section 296.19 is hereby amended to read as follows:

§ 296.19 *Secondary liens.* (a) In the case of an eligible mortgagor which is regulated or restricted for the purposes and in the manner provided in § 296.22 (b), or in the case of any project covering property located in Alaska or in Guam, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors: *Provided*, That the mortgagor in any such case must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

(Sec. 907, as added by sec. 201, Pub. Law 139, 82d Cong.)

Issued at Washington, D. C., September 4, 1952.

B. C. BOVARD,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-9856; Filed, Sept. 9, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Interpretation 6, Revised]

GSSR-1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

INT. 6—EXTENDED WORKWEEK COMPENSATION UNDER SECTION 44 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

The purpose of this revision of Interpretation 6 is primarily to provide for the substitution of appropriate section references in General Salary Stabilization Regulation 1, Amended, for the superseded provisions of General Salary Order 10. Substantive changes, resulting from the adoption of the regulation and the enactment of the Defense Production Act Amendments of 1952, have required the amendment of paragraph 13, the deletion of paragraphs 15 and 20 of the original interpretation and the addition of a new paragraph 14.

1. Q. What is the purpose of section 44 of General Salary Stabilization Regulation 1, Amended?

A. (a) To permit employers, who had a plan or practice in effect on or prior to January 25, 1951, of compensating employees under the jurisdiction of the Salary Stabilization Board for hours worked in excess of the normal workweek, may he continue such practice regardless of the type of work performed by the employees?

(b) To permit employers, on a self-administering basis, to compensate certain employees under the jurisdiction of the Salary Stabilization Board for additional hours of work performed in excess of a normal workweek during a regularly extended workweek, in the absence of a past plan or practice.

SECTION 44 (b)—MAINTENANCE OF PAST PRACTICES

2. Q. What is a normal workweek?

A. A normal workweek represents the usual number of hours worked in the course of a week by an employee in a particular position as a matter of normal practice on or before January 25, 1951. The number of hours must be definitely ascertainable from past practice, either on the basis of the past work activity of a particular employee or of a group of employees.

3. Q. Are there employees under the jurisdiction of the Salary Stabilization Board who do not have a normal workweek?

A. Yes. It is common for employers to fix the compensation for positions of an executive, administrative or professional character on the basis of the work requirements of the position without prescribing a fixed number of hours to be worked during any week or other time period. This is also generally applicable to outside salesmen.

4. Q. If an employer, on or prior to January 25, 1951, had a practice of paying all employees under the jurisdiction of the Salary Stabilization Board additional compensation for hours worked in excess of the normal workweek, may he continue such practice regardless of the type of work performed by the employees?

A. Yes. The type of work performed by the employees would only be material if the employer did not have such a past practice and now desired to pay such additional compensation.

5. Q. An employer had a practice in effect on January 25, 1951, of paying additional compensation for hours worked in excess of a normal workweek to all foremen and administrative employees. The additional compensation was paid on the basis of three-quarters (75 percent) of the straight-time pay of these employees. May the employer now discontinue his plan as to the foremen and pay extended workweek compensation to them on a straight-time basis in accordance with the provisions of section 44 (e), but keep the plan in effect as to the administrative employees?

A. Yes, assuming that the group changed to a straight-time overtime basis is on a regularly extended workweek as defined in section 44 (d).

6. Q. An employer, on or prior to January 25, 1951, had a practice of paying his foremen and certain other supervisors additional compensation for hours worked in excess of the normal workweek at the same rate as the overtime rate (time and one-half) paid to employees supervised by them. May the employer continue to pay such addi-

tional compensation at the rate of time and one-half?

A. Yes.

SECTION 44 (c) AND (d)—ESTABLISHMENT OF NEW PRACTICES

In the following questions, it is assumed that, on or prior to January 25, 1951, the employer did not have a plan or practice of paying employees under the jurisdiction of the Salary Stabilization Board additional compensation for hours worked in excess of a normal workweek.

7. Q. What is extended workweek compensation?

A. Extended workweek compensation is additional compensation paid to eligible employees for additional hours worked in excess of the normal workweek during a regularly extended workweek.

8. Q. Are all employees under the jurisdiction of the Salary Stabilization Board eligible for extended workweek compensation without prior approval of the Office of Salary Stabilization?

A. No. Only employees in the categories designated in section 44 (c) are eligible (see Q. 13).

9. Q. May extended workweek compensation be paid to eligible employees for all hours worked in excess of a normal workweek regardless of the circumstances under which the work was performed?

A. No. Extended workweek compensation may be paid only if such additional hours are worked as part of a "regularly extended workweek," as defined in section 44 (d).

10. Q. Employees eligible for extended workweek compensation voluntarily work each week several hours in excess of their normal workweek in order to complete their weekly workload. May these employees be paid extended workweek compensation?

A. No. Extended workweek compensation may be paid for such additional hours of employment only if the employees have been previously authorized by their supervisor to work such hours.

11. Q. Eligible employees are from time to time required by their supervisor to work one or two extra hours per week on special assignments. The occasion for such work arises once or twice a month. May such employees receive extended workweek compensation?

A. No. Hours worked in excess of a normal workweek, based upon work performed occasionally or irregularly as part of the normal requirements of a position, cannot serve as the basis for extended workweek compensation.

12. Q. Must the number of additional hours of employment constituting a regularly extended workweek be the same from week to week?

A. No.

13. Q. Which employees under the jurisdiction of the Salary Stabilization Board are eligible to receive extended workweek compensation without the prior approval of the Office of Salary Stabilization?

A. The following categories of employees may be paid extended workweek compensation:

1. Foremen or supervisors in a position comparable to foremen, and

2. Other employees whose compensation or work activity is so integrally related to the compensation or work activity of such foremen or supervisors or of employees receiving extended workweek compensation that the payment of extended workweek compensation to the latter without similarly compensating the former would disrupt customary differentials in compensation or create intraplant inequities.

14. Q. May employees, other than foremen or supervisors in positions comparable to that of a foreman, referred to in subdivision (1) (i) of paragraph (c) of section 44 properly receive extended workweek compensation?

A. Yes, if authorization has been granted by the Office of Salary Stabilization under section 44 (c) (2) in cases where there is an industry or area practice of paying extended workweek compensation or where individual hardship, intraplant inequities or the restoration of customary compensation differentials require payment of such compensation.

15. Q. May the following employees receive extended workweek compensation:

a. An office manager;

b. A supervisor in the shipping department of a company;

c. A supervisor of saleswomen in a drug and cosmetic department of a department store?

A. Yes. Each of these employees is a supervisor in a position comparable to a foreman. It is not necessary for such a supervisor to be engaged in production activities in order to be eligible for extended workweek compensation under section 44 (c) (1) (i).

16. Q. On March 3, 1952, the foremen at the plant of the Z Corporation were formally advised that, commencing with the current payroll period, they would receive extended workweek compensation for additional hours worked. Would the (nonworking) assistant foremen under them and the general foremen supervising them be eligible to receive such compensation under section 44 (c) (1) (ii)?

A. Yes. Their work is in such close association with that of the foremen that the payment of such additional compensation would be necessary to avoid intraplant inequities. Their compensation may also be so related in the employer's compensation structure to that of the foremen that the payment of such additional compensation would also be necessary to maintain customary differentials in compensation.

17. Q. Assume the same basic facts as in question 16. Would the assistant plant superintendent and plant superintendent be eligible to receive extended workweek compensation under section 44 (c) (1) (ii)?

A. Only if they work in such close association with the foremen or their compensation in the employer's compensation structure is so related to that of the foremen that the payment of such compensation would be necessary in order to avoid an intraplant inequity or to maintain customary differentials in compensation.

18. Q. Assume the same basic facts as in question 16. Would the executive vice-president in charge of production at the plant be eligible for extended workweek compensation under section 44 (c) (1) (ii)?

A. No. Although his work activity and that of the foremen are both part of the production activities of the company, his work activity is not so associated with, nor his compensation so related to, that of the foremen as to satisfy the requirements of section 44 (c) (1) (ii).

19. Q. Assume the same basic facts as in question 16. Would any of the supervisors in the service departments of the company be eligible to receive extended workweek compensation under section 44 (c) (1) (ii)?

A. No. Their work activity is not so associated with, nor their compensation so related to, that of the foremen to satisfy the requirements of section 44 (c) (1) (ii). However, they may be eligible for extended workweek compensation as supervisors in a position comparable to foremen (see Q. 15).

SECTION 44 (c)—RATE OF EXTENDED WORKWEEK COMPENSATION

20. Q. Z Corporation desires to pay its foremen and other eligible supervisory personnel extended workweek compensation at the same rate as the overtime rate (time and one-half) paid to employees supervised by them. May the corporation without the approval of the Office of Salary Stabilization, pay these supervisory employees extended workweek compensation at the rate of time and one-half?

A. No. The payment of extended workweek compensation to any employees, eligible to receive such compensation under section 44 (c), may not exceed the straight-time rate paid to such employees without prior approval of the Office of Salary Stabilization. In this respect, employees eligible to receive extended workweek compensation under section 44 (c) are in a different position from employees eligible to receive compensation for additional hours worked in excess of a normal workweek under section 44 (b).

SECTION 44 (f)—RECORD-KEEPING

21. Q. Is an employer required to maintain special records of payments of extended workweek compensation?

A. Yes. In addition to the records required to be maintained under the provisions of section 101 of General Salary Stabilization Regulation 1, Amended, the employer is required to maintain records indicating (a) the number of additional hours of work scheduled for the regularly extended workweek period, and (b) the number of hours actually worked during such period by each employee.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, September 3, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9981; Filed, Sept. 9, 1952; 11:43 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Amdt. 6 of September 9, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENT OF SECTION 11 (D)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

AMENDATORY PROVISIONS

CMP Regulation No. 1, as amended, is hereby further amended in the following respects:

1. Subparagraph (5) of section 11 (d) is amended to read as follows:

(5) Any authorized controlled material order placed on or after May 1, 1952, pursuant to subparagraph (2), (3), (4), or (9) of this paragraph, and identified by the suffix B-5, shall be deemed an authorized controlled material order bearing the program identification contained in such suffix for the purposes of NPA Order M-1 (steel), NPA Order M-5 (aluminum), NPA Order M-11 (copper), and any other applicable regulation or order of NPA.

2. A new subparagraph (9) is added to section 11 (d) to read as follows:

(9) Any person who, on or after May 1, 1952, placed an authorized controlled material order calling for delivery of steel which bears the quarterly identification 2Q52 or 3Q52 without appending the suffix B-5 to the program identification although he was entitled to append such suffix to such order pursuant to this paragraph, may at any time prior to shipment of such steel by the supplier revise such order by appending the suffix B-5 to the program identification. Such revision shall not constitute a cancellation of the order. As of the date of such revision, such an order shall be deemed an authorized controlled material order bearing the program identification B-5 for the purposes of Directions 15 and 16 to CMP Regulation No. 1, of NPA Order M-1, and of any other applicable regulation or order of NPA. If the supplier had postponed the shipment date of such an order prior to such revision, because the order did not bear the suffix B-5, he shall, after such revision, reschedule the order for shipment as close to the original shipment date as is practicable without interrupting his operations in a way which would cause a substantial loss of total production or a substantial delay in operations.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect September 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9975; Filed, Sept. 9, 1952; 11:40 a. m.]

[NPA Designation of Scarce Materials 1, as Amended Sept. 9, 1952]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

Designation of Scarce Materials 1, as last amended July 23, 1952, is amended by deleting certain items from the designation of scarce materials contained in List A; by listing in List B of this amended designation such deleted items withdrawn from their previous designation as scarce materials; and by revising section 8 to reflect such withdrawal.

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10231, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable de-

mands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, as amended, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 as amended July 23, 1952, are hereby withdrawn from such designation.

Designation of Scarce Materials 1, as amended, shall take effect September 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Bis-phenol.
Butadiene.
Calcium carbide.
Charcoal, granular.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Freon.
Lithium chemicals.
Lithium metal.
Methylene chloride.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds.
Sulfur.
Toluene.

FOREST PRODUCTS

Lumber:
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine, Southern, longleaf, upper grades.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

IRON AND STEEL

Iron:
Pig iron.
Gray iron castings (excluding soil and pressure pipe and fittings) rough and semi-finished; malleable iron castings, rough and semifinished.
Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake, and paste.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.
Beryllium: Metal oxides, master alloys, and compounds.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
Secondary copper and copper-base alloys.
Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Cryolite.
Diamond grinding wheels.
Diamonds, industrial.
Electrodes, carbon.
Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
Graphite, natural:
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate and other vanadium bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

Bristles, pigs' and hogs'.
Metal cans.
Collapsible tubes.
Components and parts for electric light bulbs and tubes.
Cylinders, gas.
New drums, steel, shipping.
Packaging closures made in whole or in part of controlled materials.
Reels and spools, shipping and package (wholly or in part of metal).
Strapping, metal.

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION 1, AS AMENDED JULY 23, 1952

CHEMICALS

Benzene (benzol).
Chlorine.
Dihydroxydichlorodiphenylmethane.
Monochlorotrifluorethylene.
Naphthalene.
Parachlorophenol.
Paranitrophenol.
Phthalic anhydride.
Pine oil.
Polyethylene.
Polyethylene resins.
Sulfuric acid.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

METALS AND MINERALS

Corundum, grain and superfines
Rutile.
Talc, block (lava grade).

[F. R. Doc. 52-9976; Filed, Sept. 9, 1952; 11:40 a. m.]

[NPA Order M-25, Direction 4—Revocation]

M-25—CANS

DIR. 4—EMERGENCY PACKING OF PERISHABLE FOOD PRODUCTS

Direction 4 (17 F. R. 5895) to NPA Order M-25 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 4 to NPA Order M-25, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 15, 1952.

Issued September 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9977; Filed, Sept. 9, 1952; 11:40 a. m.]

[NPA Order M-25, Direction 5 of Sept. 9, 1952]

M-25—CANS

DIR. 5—TEMPORARY AUTHORITY FOR MANUFACTURE AND USE OF CANS MADE FROM EMERGENCY PURCHASES OF TIN PLATE

This direction to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Authority for manufacture and use of cans.
3. Duration of this direction.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* Beginning October 15, 1952, and ending December 31, 1952, this direction permits the unrestricted manufacture and use of cans and parts of cans made from tin plate acquired by a can manufacturer for a specific purpose during the period from June 30, 1952, to September 30, 1952, but which is not economically usable for the purpose for which he acquired it. The objective is to permit the usage of tin plate which, although not the most suitable for the intended use, was ordered as a result of the recent work stoppage in the steel industry because more suitable tin plate was not available.

SEC. 2. *Authority for manufacture and use of cans.* Beginning October 15, 1952, and ending December 31, 1952, irrespective of the can material specifications and quantity usage limitations established by NPA Order M-25, any can manufacturer may manufacture and sell, and any packer may purchase and use, cans or parts of cans made from tin plate acquired by the manufacturer for a specific purpose during the period June 30, 1952, to September 30, 1952, but which is not economically usable for the purpose for which he acquired it. In order to identify the cans or parts of cans subject to this direction, the can manufacturer shall deliver to each purchaser of any cans or parts of cans made from such materials a certificate reading substantially as follows:

Certified for use in accordance with Direction 5 to NPA Order M-25.

SEC. 3. *Duration of this direction.* This direction shall expire December 31, 1952.

This direction shall take effect October 15, 1952.

Issued September 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9978; Filed, Sept. 9, 1952; 11:40 a. m.]

[NPA Reg. 1, as Amended September 9, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

This regulation, as amended, affects NPA Reg. 1, as amended July 23, 1952, as follows: Certain items have been deleted from Table IA under the headings "Chemicals" and "Metals and Minerals." The heading "Leather and Tanning Materials" and the items listed under that heading have been deleted from Table IA. The item "Rutile" has been deleted from Table IB and the item "Sulfuric acid" has been deleted from Table II.

Sec.
1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp. secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

SEC. 3. *Materials affected.* This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

SEC. 4. *Persons affected.* This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

SEC. 5. *Restrictions on receipts.* (a) Except as provided in paragraph (b) of this section, no person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

SEC. 6. *Restriction on deliveries.* No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

SEC. 7. *Restrictions on ordering.* (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

SEC. 8. *Adjustment of orders.* (a) A person who, prior to the effective date of any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

SEC. 9. *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

SEC. 10. *Imported materials.* A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 11. *Minimum production or sales quantities.* In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

SEC. 12. *Excess inventory.* This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Producton Act of 1950, as amended.

SEC. 13. *Separate operating units.* A person who has or may hereafter have more than one operating unit in his business may elect on or after July 23, 1952, to maintain separate inventory records for any of such units. After such an election has been made it may not at any time thereafter be changed without the prior written approval of NPA. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained pursuant to this section.

SEC. 14. *Relation to other NPA regulations and orders.* Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

SEC. 15. *Defense against claims for damages.* Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

SEC. 16. *Request for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 17. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 18. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

SEC. 19. *Violations.* Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as amended, shall take effect September 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE IA OF NPA REG. 1

(As amended September 9, 1952)

MATERIALS SUBJECT TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION

(See section 5 (a))

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Bis-phenol.
Butadiene.
Calcium carbide.
Charcoal, granular.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Freon.
Lithium chemicals.
Lithium metal.
Methylene chloride.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds (as defined in NPA Order M–91).
Sulfur.
Toluene.

FOREST PRODUCTS

Lumber as specified below (excluding inventories of producers or distributors, but including inventories of users).
Cedar: Port orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine: Southern, longleaf, upper grades.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

IRON AND STEEL

Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished.
Malleable iron castings, rough and semifinished.
Pig iron.
Steel:
Forgings (rough as forged).
Iron and steel scrap.
Non-nickel-bearings stainless (i. e., containing less than 1 percent nickel).

METALS AND MINERALS

Aluminum foil (plain coiled).
Aluminum powder (atomized or flake, including paste).
Aluminum scrap.
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.
Beryllium: Metal, oxides, master alloys, and compounds.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic).
Secondary copper and copper-base alloys.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Cryolite.
Diamonds, industrial.
Electrodes, carbon.
Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
Graphite, natural:
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium-bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high-tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

Bristles, pigs' and hogs'.
Components and parts for electric light bulbs and tubes.

CONTAINERS AND PACKAGING MATERIALS

Collapsible tubes.
Cylinders, gas.
Metal cans.
Packaging closures made in whole or in part of controlled materials.[1]

TABLE IB OF NPA REG. 1

(As amended September 9, 1952)

MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS

(See section 5 (b))

Materials	Inventory limitation (calendar days)
Aluminum castings (before machining)	60
Aluminum forgings, pressings, and impact extrusions (before machining)	60
Aluminum foil (plain coiled)	60
Aluminum powder (atomized or flake, including paste)	60
Components and parts for electric light bulbs and tubes	60
New drums, steel shipping	[2] 60
Iron:	
Pig iron	30
Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished	60
Steel:	
Forgings (rough as forged)	60
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel)	45
Reels and spools, shipping and package, wholly or in part of metal	[3] 60
Strapping, metal (but not less than 1,000 pounds)	[3] 60

[1] Packers may continue customary carload or truckload lot purchases provided deliveries are not received or accepted until inventories of drums of each size and type included in such carload or truckload is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

[2] The practicable minimum working inventory limitation provision does not apply.

[3] Users customarily purchasing metal strapping in full carload lots may continue such purchases provided deliveries are not received or accepted until inventory is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

TABLE II OF NPA REG. 1

(As amended September 9, 1952)

MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS IN EFFECT ON SEPT. 9, 1952

(See section 14)

Materials	NPA order or regulation
Pig tin	M-8
Lead-base alloys (1.5 percent or more tin)	M-8
All other materials and alloys containing 1.5 percent or more tin	M-8
Copper, refined and/or scrap	M-16
Iron and steel scrap	M-20
Aluminum scrap	M-22
Cans	M-25

[1] Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

Materials	NPA order or regulation
Steel, copper, and aluminum for electric utilities	M-50
Platinum and platinum scrap	M-54
Sulfur	M-69
Marine MRO	M-70
MRO for rail transportation systems	M-73
Communications	M-77
MRO for mining industry	M-78
Alloying materials:	
Boron	M-80
Calcium	M-80
Chromium	M-80
Cobalt	M-80
Columbium and tantalum	M-80
Manganese	M-80
Molybdenum, excluding pure molybdenum	M-80
Nickel	M-80
Silicon	M-80
Titanium	M-80
Tungsten, excluding pure tungsten	M-80
Vanadium	M-80
Zirconium	M-80
Pure tungsten	M-81
Pure molybdenum	M-81
Brass mill products	M-82
Copper wire mill products	M-86
MRO for solid fuels industry	M-87
Certain controlled materials in the inventory of a retailer	M-89
Selenium	M-91
Cryolite	M-99
Diamond grinding wheels	M-103
MRO for iron and steel producers	M-105
Steel (controlled material shapes and forms)	CMP Reg. 2
Copper (controlled material shapes and forms)	CMP Reg. 2
Aluminum (controlled material shapes and forms)	CMP Reg. 2
MRO—general	CMP Reg. 5
MRO repairmen	CMP Reg. 7

NOTE: Interpretations 1, 2, and 3, as amended October 22, 1951, remain in full force and effect.

[F. R. Doc. 52-9979; Filed, Sept. 9, 1952; 11:41 a. m.]

[NPA Rules of Practice 1 (Revised) of September 8, 1952]

RP-1—RULES OF PRACTICE BEFORE HEARING COMMISSIONERS

These revised rules are found necessary and appropriate to promote the national defense and are issued pursuant to the authority granted by the Defense Production Act of 1950, as amended and extended by Pub. Law 96, 82d Cong. and Pub. Law 429, 82d Cong., and NPA General Administrative Order 16-06, July 21, 1951 (16 F. R. 8628). Consultation with industry representatives in advance of the issuance of these rules has been rendered impracticable by the fact that the rules apply to all trades and industries.

These rules of practice revise Implementation 1 to NPA General Administrative Order 16-06 (16 F. R. 8799), redesignated as Rules of Practice 1 (16 F. R. 8894).

Sec.
1. Scope of rules.
2. Hearings in adversary proceedings.
3. Appeals from orders.
4. Stays pending appeals.
5. Temporary suspension orders and consent orders.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951; 3 CFR, 1951 Supp.

SECTION 1. *Scope of rules.* (a) These general rules govern the procedure in administrative adversary proceedings before National Production Authority hearing commissioners. They shall be construed to secure simplicity in procedure, fairness in administration, and the just, speedy, and inexpensive determination of every proceeding.

(b) The principal office of the Chief Hearing Commissioner is at Washington 25, D. C. All communications to him should be addressed to the Chief Hearing Commissioner, National Production Authority, Washington 25, D. C., unless otherwise specifically directed.

SEC. 2. *Hearings in adversary proceedings.* (a) Administrative adversary proceedings are commenced by the filing with the Chief Hearing Commissioner of a statement of charges in letter or telegram form duly executed by the General Counsel of the National Production Authority. The Chief Hearing Commissioner shall in each case be provided with sufficient number of executed copies of the statement of charges for service thereof on each respondent plus three for the use of the Chief Hearing Commissioner and the hearing commissioner. The statement of charges shall show the name and address of the NPA attorney or attorneys who will appear for the National Production Authority.

(b) The statement of charges shall set forth the specific violations charged and shall contain a request for administrative action for the correction thereof.

(c) Following receipt of the statement of charges, the Chief Hearing Commissioner will forthwith designate a commissioner to hear the matter. The Chief Hearing Commissioner will also transmit the statement of charges to each of the respondents by registered mail (return receipt requested) or by telegram. If transmission is by telegram, an executed copy of the statement of charges will concurrently be transmitted by registered mail (return receipt requested). Accompanying the statement of charges will be a copy of NPA Rules of Practice 1 (Revised) and a notice containing the following:

(1) The name and address of the commissioner designated to hear the matter.

(2) A statement directing the respondent's attention to the provisions hereof concerning his right to file an answer within the period limited herein.

(3) A statement notifying the respondent of his right to appear at a hearing on a date and at a place to be fixed by the hearing commissioner when the charges will be considered.

(4) A statement advising the respondent of the importance of presenting in defense or explanation all facts and circumstances bearing on his alleged violations.

(d) The Chief Hearing Commissioner will furnish to the hearing commissioner two copies of the statement of charges and a statement of the date and method of transmission thereof to the respondent.

(e) In the event the respondent desires to contest the charges, he shall, within ten calendar days from the date of receipt by him of the statement of charges, file an answer with the hearing commissioner designated to hear the matter. The hearing commissioner may extend the time for filing the answer, and shall fix the date and place of the hearing and may extend the time or change the place of hearing. The answer shall contain a concise statement of the facts in the respondent's defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the statement of charges unless the respondent is without knowledge, in which case respondent shall so state. Five copies of the answer shall be filed with the hearing commissioner. The original shall be signed in ink by the respondent, or an attorney at law who has been admitted to practice in any state or territory, or the District of Columbia. Where the respondent is a corporation or association, the answer may be filed through one of its officers or its attorney. An answer will show the office and post office address of respondent or his attorney. Execution of the answer by a respondent or by an attorney for a respondent in accordance herewith shall constitute an appearance by such party or counsel.

(f) Upon the filing of the answer, or at the expiration of the time for the filing thereof if no answer is filed, the hearing commissioner shall set the matter down for hearing. He shall give notice of the time and place of the hearing to all parties or their counsel of record. If no answer is filed, the hearing commissioner shall take action on the charges without further notice to the respondent. Each charge contained in the statement of charges shall be deemed to be denied unless the charge is specifically admitted by the respondent.

(g) At the close of the reception of evidence, or within a reasonable time thereafter fixed by the hearing commissioner, the parties may file for his consideration their proposed findings and conclusions, together with supporting briefs. Upon request of either party, oral argument thereon may be allowed by the hearing commissioner.

(h) All hearings shall be stenographically reported under supervision of the hearing commissioner. The original and a duplicate of the transcript of the official reporter shall be made a part of the record and shall constitute the sole official transcript of the proceeding. The delivery of transcripts contracted for by the National Production Authority covering hearings held throughout the United States, must be made to the hearing commissioner who will assume responsibility for the distribution of such copies after delivery. Transcripts may be supplied to respondents and to the public by the official reporter at their cost and at rates not to exceed the maximum rates fixed by contract between the National Production Authority and the reporter.

(i) The hearing commissioner will issue findings and conclusions and an order of disposition in each case. All orders of disposition shall be subject to appeal by the respondent or by the General Counsel of the National Production Authority.

(j) The hearing commissioner shall deliver a copy of his findings and conclusions, and an order of disposition, upon each party to the proceedings.

(k) Where the hearing commissioner concludes that the facts found constitute:

(1) The acquisition, possession, production, use, or disposition by a respondent of materials or facilities in an amount or in a manner not permitted by the National Production Authority regulations, orders, or directives; or

(2) A material misrepresentation by a respondent or in his behalf, to the National Production Authority, or to an authorized agency thereof, in any matter within the jurisdiction of the National Production Authority relevant to the allocation or distribution of materials or facilities; or

(3) Any other violations by a respondent of the National Production Authority regulations, orders, or directives relevant to the allocation or distribution of materials or facilities,

he may issue a suspension order which may:

(4) Withdraw or withhold priority assistance from a respondent;

(5) Withdraw or withhold allocations or allotments of materials or facilities from a respondent;

(6) Prohibit or restrict a respondent in the acquisition, possession, production, use, or disposition of materials or facilities;

(7) Otherwise require compliance with the provisions of Title I of the Defense Production Act or with regulations, orders, or directives of the National Production Authority.

(l) The findings and conclusions and order of the hearing commissioner, together with the record, shall be promptly submitted, in duplicate, to the Chief Hearing Commissioner.

(m) Where the hearing commissioner concludes that the facts found do not constitute violations as set forth in paragraph (k) (1), (2), or (3) of this section, he will so find and will close the case by issuing an appropriate order of disposition.

(n) After a matter has been referred to a hearing commissioner and before he has issued an order of disposition with respect thereto, all motions and other pleadings shall be filed with such hearing commissioner, who shall take jurisdiction thereof insofar as they lie within his jurisdiction and who may dispose of them on such notice and terms as he may fix. An original and two copies of such motion or other pleading shall be so filed.

(o) Upon the issuance by a hearing commissioner of an order of disposition, his jurisdiction over the matter terminates. Thereafter any motions or other pleadings concerning the same matter shall be addressed to and filed with the Chief Hearing Commissioner who may in his discretion dispose of the same or may refer them to his deputy, to the hearing commissioner who entered the order of disposition, or to another hearing commissioner. When an order of disposition is entered by a hearing commissioner after reference to him of such a matter by the Chief Hearing Commissioner, an appeal with respect to such order of disposition is governed by the provisions of section 3 of this document.

(p) In any matter before a hearing commissioner, he shall, at the instance of either party, issue subpoenas requiring the attendance of witnesses for submission of testimony or for the production of documentary evidence relevant to the issues in such matter. Where the application for subpoena is for the production of documentary evidence, such application shall specify with reasonable particularity the books, papers, or documents desired.

(q) Witnesses under subpoena shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

SEC. 3. *Appeals from orders.* (a) Any party to a proceeding affected by the provisions of an order of disposition issued under section 2 (i) of this document may appeal from any or all of the provisions thereof to the Chief Hearing Commissioner. Upon appeal from an order of disposition, interlocutory rulings and orders shall be reviewed, but such interlocutory rulings or orders shall not be subject to appeal or review prior to the entry of an order of disposition.

(b) The National Production Authority, as well as the respondent, shall have the right of appeal hereunder.

(c) An appeal shall be initiated by filing an original and five copies of a notice of intention to appeal with the Chief Hearing Commissioner within 10 calendar days from the date of service of an order upon the appellant. An original and five copies of an appeal brief shall be filed with the Chief Hearing Commissioner within 30 days from the date of service of an order upon the appellant. The Chief Hearing Commissioner may extend the time for filing of notice of intention to appeal and may also extend the time for filing an appeal brief. The appeal brief shall set forth points and arguments advanced by appellant in opposition to the order and the findings and conclusions. The appeal may also set forth the effect of the order upon the appellant's operations. Arguments bearing on the policy embodied in the orders or regulations which respondent has been found to have violated will not be considered.

(d) Within 15 calendar days after the filing of an appeal brief, the other party may file an original and five copies of an

answer to the appeal. A copy of any such answer shall be furnished the appellant by the Chief Hearing Commissioner. Within five calendar days from the receipt of the answer, appellant may file with the Chief Hearing Commissioner an original and five copies of a reply, a copy of which shall be furnished by the Chief Hearing Commissioner to the other party.

(e) The Chief Hearing Commissioner may permit the parties to appear and make oral presentation of the matter of appeal. Both parties will be given notice of the time and place of the hearing.

(f) The Chief Hearing Commissioner shall hear an appeal which he may either grant or deny in whole or in part and his decision thereon shall be final; or he may designate an appellate commissioner to hear an appeal. The appellate commissioner so designated will recommend action to the Chief Hearing Commissioner or, where authorized by the Chief Hearing Commissioner, he will either grant or deny the appeal in whole or in part and his decision thereon shall be final.

SEC. 4. *Stays pending appeals.* After the initiation of an appeal, the Chief Hearing Commissioner, or his deputy, upon a showing of irreparable harm, may in his discretion stay the provisions of the order appealed from, pending disposition of the appeal. An application for a stay must be made in writing to the Chief Hearing Commissioner.

SEC. 5. *Temporary suspension orders and consent orders.* (a) Upon application of the General Counsel and on showing of irreparable harm, the Chief Hearing Commissioner or his deputy may in his discretion at any time issue a temporary suspension order. In any such case, the application will be accompanied by a statement of charges. Whenever a temporary suspension order is issued without notice to the respondent and without opportunity to be heard, the respondent will be promptly advised of the issuance of such order and informed of the charges against him and of his right to be heard thereon and on the continuance in force of the temporary suspension order pending issuance of an order of disposition. A motion to dissolve a temporary suspension order shall be heard by the Chief Hearing Commissioner or his deputy upon such notice as may be fixed. A case in which a temporary suspension order has been issued and is outstanding shall be referred forthwith to a hearing commissioner and shall be heard and decided on the merits as soon as practicable. Except as provided in this paragraph, following the issuance of a temporary suspension order the matter will otherwise proceed in accordance with the other provisions of these rules.

(b) The Chief Hearing Commissioner or his deputy may, at any time, on the application of the General Counsel, direct the issuance of a suspension order upon the consent of the respondent, and the issuance of specific exceptions from, or authorizations under, suspension orders.

(c) The Chief Hearing Commissioner or his deputy may also, at any time, revoke or modify any suspension order by diminishing the period of suspension or the restrictions imposed though no appeal from the order has been taken by the respondent.

These revised rules shall take effect August 28, 1952.

Issued September 8, 1952.

NATIONAL PRODUCTION AUTHORITY,
WALTER H. FOSTER,
Chief Hearing Commissioner.

[F. R. Doc. 52-9980; Filed, Sept. 9, 1952; 11:41 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

TENSAW RIVER, MOBILE BAY, ALA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended by prescribing regulations governing the operation of Alabama State Highway bridge over the Tensaw River, vicinity of Mobile, Alabama, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets: bridges where constant attendance of draw tenders is not required.* • • •

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* • • •

(18-b) *Tensaw River, Alabama.* State of Alabama Highway Department bridge over the Tensaw River on U. S. Highway No. 90 near Mobile, Alabama. At least 24 hours' advance notice required. Bridge openings restricted to week days between the hours of 9:00 a. m. and 4:00 p. m.

Notice may be given to the bridge tender by telephoning Mobile 3-1742, or in his absence by telephoning Mr. J. C. Cotton, Superintendent of Convict Camp, Loxley, Alabama, telephone Loxley 831. The owner of or agency controlling the bridge shall bear the cost of such notices.

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[Regs., Aug. 19, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-9884; Filed, Sept. 9, 1952; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

HOUSEBOATS

The Secretary of the Army having determined that the use of the Harlan County Reservoir Area, Republican River, Nebraska, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribe rules and regulations for the public use of the Harlan County Reservoir Area, Nebraska, and prohibits the placing of houseboats on the waters of the Fort Gibson, Bluestone and Dewey Reservoir Areas, pursuant to the provisions of section 4 of the Flood Control Act of 1946 (60 Stat. 642) as follows:

A new paragraph (nn) is added to § 311.1, and new subparagraphs 16, 17, 18, and 19 are added to § 311.4 (a), as follows:

§ 311.1 *Areas covered.* • • •

(nn) Harlan County Reservoir Area, Republican River, Nebraska.

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited.

• • • • • •

(16) Harlan County Reservoir Area, Republican River, Nebraska.

(17) Fort Gibson Reservoir Area, Grand (Neosha) River, Oklahoma.

(18) Bluestone Reservoir Area, New River, West Virginia and Virginia.

(19) Dewey Reservoir Area, Johns Creek, Kentucky.

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(60 Stat. 642; 16 U. S. C. 460d) [Regs., July 23, 1952, ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-9883; Filed, Sept. 9, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 861]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY AS ANTIAIRCRAFT ARTILLERY FIRING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn, except as hereinafter provided, from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army as an impact area and safety zone for antiaircraft artillery firing, such operations to be conducted only for two six-week periods commencing April 15th and October 16th, respectively, of each year:

Beginning at the point of intersection of the westerly mean high tide line of Knik Arm with the south line of Lot 2, Section 12, Township 14 North, Range 4 West, Seward Meridian, Alaska, said point of intersection being at approximate latitude 61°19'05" North and longitude 149°54'53" West; thence West along said south line of the southwest corner of said Lot 2; thence North along the west line of said Lot 2 and Lot 1, ½ mile, to the north line of the aforementioned Section 12; thence West along said north line, ¼ mile, to the corner common to Sections 1, 2, 11 and 12 of the above-mentioned Township and Range; thence North along the line common to said Sections 1 and 2, ¾ mile, to the northeast corner of the SE¼NE¼ of said Section 2; thence West along the north line of said SE¼NE¼, ¼ mile, to the northwest corner thereof; thence North along the east line of the NW¼NE¼ of said Section 2 and the east line of the SW¼SE¼ of Section 35, Township 15 North, Range 4 West, Seward Meridian, ½ mile, to the northeast corner of said SW¼SE¼; thence West along the north line of the SW¼SE¼, Section 35, ¼ mile; to the north-south center line of said section; thence North along said center line, ¾ mile, to the ¼ corner common to Sections 26 and 35 to the last mentioned Township and Range; thence West along the line common to said Sections 26 and 35 to the meanders of an unnamed lake; thence in a Northwesterly direction along said meanders to the west line of Lot 1 of the aforementioned Section 26; thence North along said west line of Lot 1 and the west line of the NE¼SW¼ of said Section 26 to the east-west center line thereof; thence West along said center line, ¼ mile, to the west line of said Section 26; thence on an approximate bearing of N. 21° 15' W. a distance of 46,380 feet, more or less, to a point; thence on an approximate bearing of S. 59° 05' W. a distance of 43,300 feet, more or less, to a point; thence on an approximate bearing S. 22° 50' W. a distance of 44,250 feet, more or less, to a point; thence on an approximate bearing of S. 77° 00' E. a distance of 56,800 feet, more or less, to a point on the west line of Section 29, Township 14 North, Range 4 West, Seward Meridian, said point being approximately 1,700 feet north of the southwest corner of said Section 29; thence South along said west line to the southwest corner of the N½SW¼ of the aforementioned Section 29; thence East along the south line of the N½SW¼, ½ mile, to the north-south center line of said Section 29; thence South along said center line, ¼ mile, to the ¼ corner common to Sections 29 and 32; thence East along the south line of Sections 29 and 28, 1 mile, to the ¼ corner common to Sections 28 and 33 of the aforementioned Township and Range; thence South along the north-south center line of said Section 33, ¼ mile, to the southwest corner of the N½NE¼ thereof; thence East along the south line of said N½NE¼, Section 33, and the south line of the N½NW¼, Section 34, 1 mile, to the north-south center line of said Section 34; thence South along said center line, ¼ mile, to the intersection with the east-west center line thereof; thence East along said east-west center line, ½ mile, to the ¼ corner common to Sections 34 and 35; thence continuing East along the north line of the NW¼SW¼ and Lots 3 and 2 of said Section 35, ¾ mile, to the northeast corner of said Lot 2; thence South along the east line of Lot 2 to the westerly mean high tide line of Knik Arm; thence Northeasterly along said mean high tide line a distance of 22,500 feet, more or less, to the point of beginning.

The above described parcel of land contains 86,570 acres, more or less.

The Bureau of Land Management, Department of the Interior, may issue leases or permits for the surface use of such lands, and conduct sales of timber or other materials thereon, under applicable laws, and otherwise administer the lands, provided that all documents authorizing the use of, or access to, the lands shall provide that every person occupying the lands under authority thereof shall vacate them during the periods of firing and use by the Department of the Army, without compensation for loss of use of the lands or for damages caused by Army use.

It is intended that jurisdiction over these lands, without restriction, shall be returned to the Department of the Interior when the lands are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9879; Filed, Sept. 9, 1952; 8:51 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

SUBPART C—FINDINGS AND CONCLUSIONS

Section 515.31 is hereby revised to read as follows:

§ 515.31 *Notice of findings.* Notice of the final decision of the Appeals Board shall be delivered in person to all interested parties, or shall be sent by regular mail to such parties.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9876; Filed, Sept. 9, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 722]

COTTON: NOTICE OF DETERMINATION TO BE MADE BY THE SECRETARY OF AGRICULTURE WITH RESPECT TO TOTAL SUPPLY AND NORMAL SUPPLY FOR MARKETING YEAR BEGINNING AUGUST 1, 1952

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO NATIONAL MARKETING QUOTA FOR COTTON PRODUCED IN 1953

The marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), require that whenever during any calendar year the Secretary of Agriculture determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year.

The terms "total supply" and "normal supply" of cotton are defined in section 301 (b) of the act as follows:

"'Total supply' of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year." The term "carry-over" is defined as the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"'Normal supply' of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over."

In the event the Secretary determines that the total supply of cotton for the marketing year beginning August 1, 1952, will exceed the normal supply for such marketing year, the Secretary is required to proclaim such fact not later than October 15, 1952, and a national marketing quota will be in effect for the crop of cotton produced in 1953.

The Secretary is required also to determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (1) the estimated carry-over on August 1, 1953, and (2) the estimated imports during the 1953-54 marketing year, to make available a normal supply of cotton. The act provides that the national marketing quota for any year shall be not less than ten million bales or one million bales less than the estimated domestic consumption plus exports of cotton for the marketing year ending in the calendar year in which such quota is proclaimed, whichever is smaller.

In preparing to make the determinations required by section 342 of the act, the Secretary has under consideration

section 371 (b) of the act which authorizes increases in or termination of marketing quotas and acreage allotments for any of the several commodities to which farm marketing quotas are applicable in case the Secretary finds such action necessary to meet a national emergency or a material increase in export demand.

Any person interested in the aforementioned determinations and proclamations to be made by the Secretary is invited to submit his views thereon in writing to the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of September 1952.

[SEAL] HAROLD K. HILL,
Deputy Administrator.

[F. R. Doc. 52-9899; Filed, Sept. 9, 1952; 8:56 a. m.]

[7 CFR Part 722]

COTTON: NOTICE OF DETERMINATION TO BE MADE BY THE SECRETARY OF AGRICULTURE WITH RESPECT TO TOTAL SUPPLY AND NORMAL SUPPLY OF EXTRA LONG STAPLE COTTON FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1952

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO NATIONAL MARKETING QUOTA FOR EXTRA LONG STAPLE COTTON PRODUCED IN 1953

The Secretary of Agriculture is preparing to determine, in accordance with the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376; Pub. Law 585, 82d Cong., approved July 17, 1952), whether a national marketing quota is required to be proclaimed for the crop of extra long staple cotton to be produced in the calendar year 1953. Pertinent parts of the provisions of the act which are applicable to such determination are as follows:

"SEC. 347. (a) Except as otherwise provided by this section, the provisions of this part shall not apply to extra long staple cotton which is produced from pure strain varieties of the Barbadense species, or any hybrid thereof, or other similar types of extra long staple cotton designated by the Secretary having characteristics needed for various end uses for which American upland cotton is not suitable, and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types.

"(b) Whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of cotton described in subsection (a) for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. * * *

"(c) All provisions of this Act, except section 342, subsections (h), (k), and (l) of section 344, the parenthetical provisions relating to acreages regarded as having been planted to cotton, and the provisions relating to minimum small farm allotments, shall, insofar as applicable, apply to marketing quotas and acreage allotments authorized by this section * * *."

The terms "total supply" and "normal supply" of cotton are defined in section 301 (b) of the act as follows:

"'Total supply' of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year." The term "carry-over" is defined as the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"'Normal supply' of cotton for any marketing year shall be the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over."

The Secretary is also required to determine and specify in any proclamation of marketing quotas the amount of the national marketing quota in terms of the quantity of extra long staple cotton adequate to make available a normal supply of such cotton, taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national marketing quota for cotton described in section 347 (a) of the act for any year shall not be less than the larger of thirty thousand bales or a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of such cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

In preparing to make the determinations required by section 347 of the act, the Secretary has under consideration section 371 (b) of the act which authorizes increases in or termination of marketing quotas and acreage allotments for any of the several commodities to which farm marketing quotas are applicable in case the Secretary finds such action necessary to meet a national emergency or a material increase in export demand.

Prior to making any of the foregoing determinations with respect to the 1953 crop of extra long staple cotton, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 20 days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of September 1952.

[SEAL] HAROLD K. HILL,
Deputy Administrator.

[F. R. Doc. 52-9898; Filed, Sept. 9, 1952; 8:56 a. m.]

[7 CFR Part 939]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952-53 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $21,748.00 are likely to be incurred by said committee during the fiscal period beginning July 1, 1952, and ending June 30, 1953, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at six mills ($0.006) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of September 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9870; Filed, Sept. 9, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

AUGUST 28, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 020550, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands:

T. 15 N., R. 1 W., Seward Meridian:
Sec. 17, Lots 1, 2, and 3.

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-9878; Filed, Sept. 9, 1952; 8:51 a. m.]

[Doc. 6—Region II]

CALIFORNIA

RESTORATION FROM WITHDRAWAL UNDER THE FEDERAL POWER ACT AND UNDER THE RECLAMATION ACT

SEPTEMBER 3, 1952.

Pursuant to Determination No. DA-763-California dated April 29, 1952, under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, to a determination dated August 30, 1951, by the Commissioner, Bureau of Reclamation under the act of April 23, 1932 (43 U. S. C. 154), and in accordance with Order No. 427, section 2.22 (a) (4) and (5) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Lots 3 and 4, section 7, and Lots 1, 2, 3 and 4, section 18, T. 9 N., R. 11 E., M. D. M., comprising 318.01 acres in El Dorado County, California, withdrawn in Power Site Classification No. 267 dated August 24, 1933, Reservoir Site Reserve No. 17 dated June 8, 1926, Proposed Water-Power Project No. 514 dated June 20, 1924, and First Form Reclamation Withdrawals dated November 16, 1932 and January 15, 1942, are hereby opened to location, entry and disposition only under the mining laws subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the following stipulations:

(a) That if and when the lands are required wholly or in part for purposes of power development, any structures, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States or its permittees or licensees.

(b) That there is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described to construct, operate, and maintain dams, dikes, reservoirs, tunnels, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the United States or its successors for such right, with the agreement on the part of the locator that if the construction of any or all of such dams, dikes, reservoirs, tunnels, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, tunnels, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The locator further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the works hereinabove enumerated.

The above-described lands shall be subject to application by the State of California for a period of ninety (90) days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways, or as a source of material for the construction of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of these lands until 10:00 a. m. on the 91st day after the date of publication.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-9877; Filed, Sept. 9, 1952; 8:51 a. m.]

WASHINGTON

SMALL TRACT CLASSIFICATION ORDER NO. 4

AUGUST 25, 1952.

1. Pursuant to the authority delegated to the Regional Administrator by the Director of the Bureau of Land Management by paragraph b-3 of Order No. 319 of July 19, 1948 there is hereby classified under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), for lease and sale for homesite purposes the public land described as follows:

WILLAMETTE MERIDIAN

T. 9 N., R. 28 E.,
Sec. 22, Lot 4, SW¼NE¼, NW¼.

The land will be leased and sold in regular 2½ acre tracts of 330x330 feet with one tract to each successful applicant except where the 400-foot highway right-of-way reservation occupies a major portion of a regular rectangular tract the sub-division so affected may be included with an adjoining sub-division to form a practical unit. In instances where the highway reservation occupies a minor portion of a tract only one 2½ acre tract will be allowed to each lessee and the amount of land available for use will be reduced by the amount of land included in the highway or other reservation. Access to the highway will be limited to four designated access roads the rights-of-way for which are not to exceed 33 feet in width and the location thereof as may later be determined to be necessary are reserved by the United States. There will also be reserved in each lease and sale a right-of-way not to exceed 33 feet in width along or through each tract for road or public utility facilities for the benefit of each tract leased, sold or available for lease or sale.

The land is located two miles southwest of Richland, Washington, and is adjacent to or near U. S. Highway 410. The soil is sandy commingled with gravel and is not of significant agricultural value.

2. For applications regularly filed prior to the date hereof for the type of use for which the land is classified, this order shall become effective immediately.

3. For land not covered by applications referred to in paragraph 2, this order shall not otherwise become effective to change the status of the lands until 10:00 a. m. on the 35th day after the date of this order. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on

the day specified above, the lands affected by this order shall be subject to application by qualified veterans of World War II. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the 35th day, shall be considered in the order of filing.

(b) Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed either at or before 10:00 a. m., on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations or constitutes evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

4. Leases will be issued for a period of five years, at an annual rental of $10.00, payable for the entire lease period, in advance of the issuance of the lease. Leases will provide option to purchase at the appraised value of $100.00 to $200.00 per tract depending upon the size and location as indicated on the plat filed in the Land and Survey Office, Bureau of Land Management, Federal Building, Spokane, Washington. Before purchase may be allowed leases must have been in effect for a minimum period of 1 year and the land must have actually been used and developed for the purpose for which the lease issued. In the event the right to purchase has been exercised prior to the expiration of the 5 year lease period, the unused leasing fees paid may be applied to the purchase price. The United States reserves the right to reject any sale application and to cancel any lease if the property under application has been used or developed in such a manner as to detract from the value of the remaining tracts for residence purposes.

5. Inquiries relative to these lands should be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Federal Building, Spokane, Washington.

JAMES F. DOYLE,
Assistant Regional Administrator,
Region I.

[F. R. Doc. 52-9860; Filed, Sept. 9, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

SEPTEMBER DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

SEPTEMBER 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1952 production, 15,060,000 pounds.	Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime, summer yellow, 110,000,000 pounds.[1]	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage locations.
Linseed oil, raw, 198,000,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged, 425,000 hundredweight.	No. 1 Grade 1949 [1] crop: $8.68 per 100 pounds, basis f. o. b. Denver rate area; $7.68 per 100 pounds, basis f. o. b. Idaho area.
Great Northern, bagged, 619,000 hundredweight.	No. 1 Grade 1948 [1] 1949, 1950, and 1951 crops: $8.84 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $8.92 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby Lima, bagged, 484,000 hundredweight.	No. 1 Grade 1949 [1] crop: $6.88 per 100 pounds, basis f. o. b. California area.
Small Red, bagged, 1,500 hundredweight.	No. 1 Grade 1951 crop: $8.96 per 100 pounds basis f. o. b. Idaho area. Available Portland PMA Commodity office.
Small White, bagged, 145,000 hundredweight.	No. 1 Grade 1951 crop: $8.82 per 100 pounds basis f. o. b. California area.
Pink, bagged, 117,000 hundredweight.	No. 1 Grade 1951 crop: $8.92 per 100 pounds basis f. o. b. Idaho and California areas. Available Portland and San Francisco PMA Commodity offices.
Pea, bagged, 855,000 hundredweight.	No. 1 Grade 1951 crop: $9.19 per 100 pounds f. o. b. Michigan area.
Austrian winter pea seed, bagged, 2,179,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Austrian winter peas, bagged: not certified for purity or germination, 1,700,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,122,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable.
Common and Willamette vetch seed, bagged, 129,400 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Red clover seed (uncertified), bagged, 59,200 hundredweight.	$35.41 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable.
Red clover seed (certified), bagged: Cumberland, 1,000 hundredweight; Midland, 620 hundredweight.	$1.69 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco PMA Commodity offices.
Ladino clover seed, bagged, certified, 60,300 hundredweight.	$106.18 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco PMA Commodity offices.
White clover seed, bagged, 189 hundredweight.	$53.26 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available New Orleans PMA Commodity office.
Hubam sweet clover seed, bagged, 50 hundredweight.	$10.98 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available New Orleans PMA Commodity office.
Crimson clover seed, bagged, 260 hundredweight.	$1.49 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and New Orleans PMA Commodity offices.
Biennial sweet clover seed, bagged, 20,000 hundredweight.	$9.03 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Mountain bromegrass (Bromar certified), bagged, 530 hundredweight.	$21.65 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Sudan grass seed, bagged 7 hundredweight.	$4.06 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago PMA Commodity office.
Hairy vetch seed, bagged, 70,900 hundredweight.	$1 plus support price at point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Birdsfoot trefoil seed, bagged, 660 hundredweight.	$7.75 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available San Francisco and Portland PMA Commodity offices.
Rough pea seed, bagged, 6 hundredweight.	$7 per 100 pounds basis f. o. b. point of production, plus paid-in freight as applicable. Available Portland PMA Commodity office.
Primar slender wheatgrass seed (certified), bagged, 30 hundredweight.	$30.97 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Wheat, bulk, 25,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 22 cents per bushel if received by truck, or (2) 17 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.66; Minneapolis, No. 1 HDNS, ex rail or barge, $2.69; Chicago, No. 1 RW, ex rail or barge, $2.70.
Oats, bulk, 4,500,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 11 cents per bushel if received by truck, or (2) 9 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, $1; Minneapolis, No. 3 or better, ex rail or barge, 95 cents.
Barley, bulk, 5,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 16 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.54; San Francisco, No. 1 western barley, ex rail or barge, $1.55.

See footnotes at end of table.

SEPTEMBER 1952 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Corn, bulk, 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow plus: (1) 28 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $2; St Louis, No. 3 yellow, $2.02; Minneapolis, No. 3 yellow, $1.91; Omaha, No. 3 yellow, $1.93; Kansas City, No. 3 yellow, $1.98. For other classes, grades, and quality, market differentials will apply.

[1] These same lots also are available at export sales prices announced today.

Ceiling price CERTIFICATION: Any purchaser from CCC of raw Linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

SEPTEMBER 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow, 110,000,000 pounds.[1]	Market price f. o. b. tank cars at points of storage locations.
Dry edible beans	No. 1 grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below.
Great Northern, bagged, 1948 crop, 166,000 hundredweight.[1] [2]	$6.60 per 100 pounds, U. S. Gulf ports (see note below).
Baby Lima, bagged, 1949 crop, 484,000 hundredweight.[1]	$4 per 100 pounds, San Francisco Bay area.
Pinto, bagged, 1949 crop, 425,000 hundredweight.[1] [2]	$6.90 per 100 pounds, Portland, Oreg., and Gulf Ports; $7 per 100 pounds, Mexico border points. NOTE: Available at PMA commodity offices at: (1) Portland, Oreg., for West Coast shipments and Mexico border points, Nogales, and points west; (2) Dallas, Tex., for Mexico border-Nogales to El Paso, inclusive; (3) Kansas City, Mo., for Texas-Mexico border points and Gulf ports. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. Appropriate discounts will also be given for "off-color" beans. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination, 1,700,000 hundredweight	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,500,000 bushels [1]	Do.
Barley, bulk, 5,000,000 bushels [1]	Do.
Corn, bulk, 50,000,000 bushels [1]	Do.

[1] These same lots are available at domestic sales prices announced today.

[2] Ceiling price certification: Any purchaser from CCC of Pinto or Great Northern beans for export, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued September 5, 1952.

[SEAL] G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52-9896; Filed, Sept. 9, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4191 et al.]

WEST COAST AIRLINES, INC., ET AL.; KLAMATH FALLS-MEDFORD SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of West Coast Airlines, Inc., Docket No. 4191, United Air Lines, Inc., Docket No. 4415, and Southwest Airways Company, Docket No. 5648, for amendment of certificates of public convenience and necessity pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of the said act, the above-entitled proceeding is assigned for hearing on September 30, 1952 as 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the applications, particular attention will be directed to the questions whether the public convenience and necessity require that West Coast Airlines be authorized to serve Klamath Falls, Oregon, as an additional point on route No. 77, that Southwest Airways Company be authorized to serve Klamath Falls as an additional point on route No. 76, and that United Air Lines be relieved of the certificate restriction that prevents it from serving Klamath Falls and Medford, Oregon, on the same flight.

For further details of the issues involved in the proceeding, interested persons are referred to the applications, the prehearing conference report, and the order of consolidation, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before September 30, 1952, a statement setting forth such relevant propositions of fact or law as he desires to advance, and such person may then appear at and participate in the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., September 4, 1952.

By the Civil Aeronautics Board.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 52-9861; Filed, Sept. 9, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 10]

ORGANIZATION AND FUNCTIONS

REASSIGNMENT OF FUNCTIONS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration (16 F. R. 2975) is hereby amended. The purpose of this amendment is to transfer to the Office of Federal Airways and the Aviation Information Office certain functions now performed by the Office of Aviation Development.

1. Section 21 (a) is amended by adding a new subparagraph (5) at the end to read:

(5) Sponsors or conducts programs for the collection and dissemination of flight facility information and data in the interest of safe itinerant flight.

2. Section 21 (b) is amended by adding a new office at the end to read:

Flight Information Division.

3. Section 32 (a) is amended by deleting subparagraphs (3) and (5).

4. Section 32 (b) is amended by deleting "Flight Information Division."

5. Section 34 (a) is amended by adding a new subparagraph (7) to read:

(7) Sponsors or conducts programs for the establishment of a system of "Skyways" and uniform methods of marking ground objects as visual aids to navigation.

This amendment shall become effective August 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9857; Filed, Sept. 9, 1952; 8:48 a. m.]

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 57–38, between the Member Lines of the Pacific Westbound Conference and Osaka Shosen Kaisha, Ltd., covers admission of said company to associate membership in the Pacific Westbound Conference. As an associate member Osaka Shosen Kaisha, Ltd., will have no vote in Conference affairs, but will be permitted to participate in Conference contracts with shippers, and will be exempted from posting of the usual surety bond.

2. Agreement No. 8160, between American Export Lines, Inc., and Compagnie de Navigation Cyprien Fabre, provides for the creation of a conference to be known as the Spanish/United States North Atlantic Ports Olive Conference for the establishment and maintenance of reasonable rates charges and practices for the transportation of olives of Spanish origin from Spanish ports to U. S. North Atlantic ports in the Hampton Roads/Portland range.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 4, 1952.

By order of the Federal Maritime Board,

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-9900; Filed, Sept. 9, 1952; 8:57 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGION V

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on September 4, 1952.

REGION V

Jacksonville Order G1–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:13 a. m.

Jacksonville Order G2–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:13 a. m.

Jacksonville Order G3–14, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:14 a. m.

Jacksonville Order G3A–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:24 a. m.

Jacksonville Order G4–14, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:24 a. m.

Jacksonville Order G4A–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:24 a. m.

Jacksonville Order G1–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:24 a. m.

Jacksonville Order G2–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:25 a. m.

Jacksonville Order G3–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:25 a. m.

Jacksonville Order G3A–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:26 a. m.

Jacksonville Order G4–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:26 a. m.

Jacksonville Order G4A–15, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 11:26 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER, *Recording Secretary.*

[F. R. Doc. 52-9926; Filed, Sept. 8, 1952; 11:05 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1281, G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1739, G–1755, G–1797, G–1822, G–1932]

MISSISSIPPI RIVER FUEL CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 4, 1952.

In the matters of Mississippi River Fuel Corporation, Docket Nos. G–1281, G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1755, and G–1932; St. Charles Gas Corporation, Docket No. G–1739; Arkansas Louisiana Gas Company, Docket No. G–1797; Interstate Natural Gas Company, Inc., and Hope Producing Company, Docket No. G–1822.

Notice is hereby given that on September 2, 1952, the Federal Power Commission issued its order entered August 28, 1952, in the above-entitled matters amending Opinions Nos. 198 and 198–A and accompanying orders issued July 27 and August 22, 1950 (15 F. R. 5030 and 5314, respectively, issuing a certificate of public convenience and necessity to Mississippi River Fuel Corporation, Docket No. G–1281; issuing certificates to Mississippi River Fuel Corporation, Docket Nos. G–1454, G–1490, G–1505, G–1510, G–1524, G–1653, G–1755, and G–1932; dismissing in part the application of St. Charles Gas Corporation requesting relief under section 7 (a) of the Natural Gas Act, and issuing a certificate of public convenience and necessity to said Corporation, Docket No. G–1739; dismissing the application of Arkansas Louisiana Gas Company, Docket No. G–1797; and permitting and approving abandonment of natural gas facilities and service pursuant to application of Interstate Natural Gas Company, Inc., and Hope Producing Company, Docket No. G–1822.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9882; Filed, Sept. 9, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27371]

LIQUEFIED PETROLEUM GAS FROM POINTS IN MIDWEST AND SOUTH TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3651.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Texas, Louisiana, Oklahoma, Kansas, and Missouri.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, grouping, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9871; Filed, Sept. 9, 1952; 8:49 a. m.]

[4th Sec. Application 27372]

PETROLEUM PRODUCTS FROM SOUTHWEST AND MIDWEST TO TEXAS, AND BETWEEN POINTS IN OKLAHOMA AND ARKANSAS

APPLICATION FOR RELIEF

SEPTEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products, liquefied petroleum gas, asphalt, and related articles, carloads.

From: Points in the Southwest, also Kansas and Missouri to Texas, and between points in Oklahoma, also between points in Arkansas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3821, Supp. 104; F. C. Kratzmeir, Agent, I. C. C. No. 3793, Supp. 49; F. C. Kratzmeir, Agent, I. C. C. No. 3723, Supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9872; Filed, Sept. 9, 1952; 8:50 a. m.]

[4th Sec. Application 27373]

SCRAP IRON FROM NEWPORT NEWS, VA., TO PENNSYLVANIA, WEST VIRGINIA, AND OHIO.

APPLICATION FOR RELIEF

SEPTEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent for carriers parties to schedules listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Newport News, Va.

To: Pittsburgh, Pa., and adjacent points in western Pennsylvania, Weirton, W. Va., and Steubenville, Ohio.

Grounds for relief: Competition with rail carriers, circuity. Rates on basis prescribed or approved in Newport News Shipbuilding & Dry Dock Co. v. C. & O. Ry. Co., 284 I. C. C. 409.

Schedules filed containing proposed rates; C & O Ry. tariff I. C. C. No. 13099, Supp. 53. Agent R. B. LeGrande's tariff I. C. C. No. 250, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9873; Filed, Sept. 9, 1952; 8:50 a. m.]

[4th Sec. Application 27374]

POTATOES FROM POINTS IN WEST TO TENNESSEE

APPLICATION FOR RELIEF

SEPTEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Potatoes, other than sweet, carloads.

From: Colorado, Idaho, Minnesota, North Dakota, Oregon, South Dakota, Wisconsin, and Wyoming.

To: Points in Tennessee.

Grounds for relief: Rail and motor competition, circuity, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3722, Supp. 91; L. E. Kipp, Agent, I. C. C. No. A–3548, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9874; Filed, Sept. 9, 1952; 8:50 a. m.]

[4th Sec. Application 27375]

OLD CLOTHING FROM CHICAGO, ILL., AND ST. LOUIS, MO., TO NEW YORK, BUSHWICK, AND MASPETH, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schmidt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Old worn-out or cast off clothing, in bales, carloads.

From: Chicago, Ill., and St. Louis, Mo.

To: New York, Bushwick, and Maspeth, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9875; Filed, Sept. 9, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

NOTICE OF PROPOSED EXEMPTION FROM DEFENSE MANPOWER POLICY NO. 4

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given that the Surplus Manpower Committee proposes to recommend to the Director of Defense Mobilization that the petroleum and petroleum products industry be exempted from the application of Defense Manpower Policy No. 4.

For a period of ten days from the date of publication of this notice in the FEDERAL REGISTER, interested persons who object to the proposed exemption may submit their objections in writing to the Director of Defense Mobilization by filing them with the Secretary of the Surplus Manpower Committee, Room 106,

Executive Office Building, Washington 25, D. C.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman, Surplus Manpower Committee.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9931; Filed, Sept. 8, 1952; 4:16 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. AND AMERICAN NATURAL GAS CO.

NOTICE OF AND ORDER RECONVENING HEARINGS FOR PURPOSE OF TAKING TESTIMONY IN RESPECT OF RETAINABILITY OF MILWAUKEE SOLVAY COKE COMPANY

SEPTEMBER 3, 1952.

In the matter of United Light and Railways Company, American Light & Traction Company (now American Natural Gas Company); File Nos. 59-11, 59-17, 54-25.

By order dated December 30, 1947, the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), approved a plan ("Plan") filed by the United Light and Railways Company ("Railways") and American Light & Traction Company (now American Natural Gas Company—"American Natural"), registered holding companies, the purpose of which Plan was to bring American Natural's holding company system into conformity with the requirements of section 11 (b) of the act. In approving the Plan the Commission found, inter alia, that the operations of Milwaukee Solvay Coke Company ("Solvay"), a non-utility subsidiary of Milwaukee Gas Light Company ("Milwaukee"), in turn a utility subsidiary of American Natural, were at that time closely related to those of Milwaukee, and that retention of Solvay was economically necessary and appropriate to the operations of Milwaukee (Holding Company Act Release No. 7951). However, the Commission further found that upon the then anticipated changeover by Milwaukee from manufactured gas to natural gas a question would arise as to the retainability of Solvay. In its order approving the plan, the Commission ordered:

2. That jurisdiction be and it hereby is reserved to the Commission to take such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act, including, but not limited to, the retainability in the American (Light & Traction Company) system of Milwaukee Solvay Coke Company and the ordering of such steps as may be necessary to bring about compliance by American * * * with the provisions of section 11 (b).

It appearing that since the date of the Commission's order, Milwaukee has converted from manufactured gas to natural gas, and that, in light of this changed condition, the hearings on the proceeding with respect to the Plan should be reconvened for the purpose of taking testimony regarding the retainability by the American Natural system of its interest in Solvay, in accordance with the jurisdiction heretofore reserved by the Commission:

It is hereby ordered, That hearings in this proceeding be reconvened on October 6, 1952 at 10:00 a. m., e. s. t., before William W. Swift, hearing officer designated by the Commission for that purpose, at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., for the purpose of taking testimony upon the retainability of Solvay by the American Natural system. On that day the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. Any person who has not already filed his appearance in this proceeding and who desires to be heard or proposes to intervene herein shall file with the Commission, on or before September 15, 1952, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the relationships among the companies in the American Natural holding company system, the character of the interests thereof and the properties owned and controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities eliminated, voting power fairly and equitably distributed among the security holders thereof, and the properties and businesses of such system confined to those necessary or appropriate to the operations of an integrated public utility system or systems under the standards of section 11 (b) of the act; and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether there has been such a substantial change in the relationship of Solvay to the operations of Milwaukee and the American Natural system as to make the retention of Solvay no longer economically necessary or appropriate to the operations of Milwaukee or the American Natural system.

2. Whether the retention of Solvay in the American Natural system is necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of the system.

3. Generally, what further action, if any, should be taken by the American Natural system to bring it into compliance with the standards of section 11 (b) of the act:

It is further ordered, That at said hearing particular attention shall be directed to the foregoing matters:

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, either for hearing or disposition, in whole or in part, any of the issues or questions which may arise in this proceeding, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved:

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing copies of this notice and order by registered mail to all parties and participants of record in this proceeding, the City of Milwaukee, and the Public Service Commission of Wisconsin, that notice be given to all other persons by publication of this notice and order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases issued pursuant to the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9886; Filed, Sept. 9, 1952; 8:53 a. m.]

[File No. 70-2911]

UNITED GAS CORP.

ORDER REGARDING SUBORDINATION OF LOANS

SEPTEMBER 4, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, and having designated sections 9 (a), 9 (a) (1), 10 (b) and 10 (c) thereof as applicable to the proposed transactions which are summarized as follows:

United, together with the other holders of the outstanding 6 percent promissory notes of Carthage-Hydrocol, Inc. ("Hydrocol"), proposes the subordination of such notes to borrowings made and to be made by Hydrocol from June 6, 1952, to October 1, 1952, in the aggregate principal amount of not to exceed $3,000,000. There is presently outstanding $28,000,000 principal amount of such 6 percent notes of Hydrocol, of which the amount of $3,747,000 is held by United.

The Commission has previously authorized the subordination by United of its holdings of the 6 percent notes by Hydrocol to borrowings to be made by Hydrocol from June 6, 1952 to August 1, 1952, in the aggregate principal amount of not to exceed $2,000,000. Pursuant to such agreement, Hydrocol has borrowed from the Texas Company an aggregate principal amount of $1,000,000 and has issued its 6 percent notes therefor in like amount. The effect of the transaction herein proposed is to increase the amount which Hydrocol may borrow under the subordination agreement to $3,000,000, and to extend the date for such borrowings to October 1, 1952.

The application states that the funds to be obtained by Hydrocol from the borrowings will be used to enable it to continue its operations and to allow it sufficient time to work out a plan of reorganization.

Said application having been filed on August 11, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that it is unnecessary to impose terms or conditions in connection therewith, and deeming it appropriate to grant said application:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9888; Filed, Sept. 9, 1952; 8:53 a. m.]

[File No. 70-2913]

UTAH POWER & LIGHT CO.

ORDER CONCERNING SALE BY RIGHTS OF COMMON STOCK AND OF BONDS SUBJECT TO RESERVATION OF JURISDICTION

SEPTEMBER 4, 1952.

Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder with respect to the following proposed transactions:

Utah proposes to issue and sell 167,500 additional shares of its no par value common stock by offering such stock on a rights basis to the stockholders of record of Utah at the close of business on September 5, 1952, on the basis of one share of additional stock for each ten shares of common stock held on the record date, at the subscription price of $28.75 per share. The right to subscribe for the additional stock together with an over-subscription privilege will be evidenced by fully transferable warrants. The rights offering will expire on September 25, 1952. The offering will not be underwritten but Utah proposes to pay any dealer who is a member of the National Association of Securities Dealers, Inc., who renders assistance to those exercising warrants, forty cents per share of additional common stock with respect to which such dealer renders assistance, subject to a maximum fee of $250 with respect to any one person exercising warrants. Utah will not issue any fractional shares but will, through its subscription agent, provide facilities enabling the holders of warrants to purchase such additional rights as are necessary for subscription to one additional share, or to sell such subscription rights as are in excess of those necessary for subscription for one full share of stock, or all subscription rights covered by any warrants, such services to be without charge to the holders of the warrants.

Any shares unsubscribed for may be sold by Utah, subject to the filing of an appropriate amendment herein.

After the expiration of the rights offering period, Utah proposes to issue and sell $10,000,000 aggregate principal amount of First Mortgage Bonds ____ percent Series due 1982 pursuant to the competitive bidding requirements of Rule U-50. Such bonds are to be issued under the Mortgage and Deed of Trust dated as of December 1, 1943, with Guaranty Trust Company of New York and Arthur E. Burke as Trustees, as supplemented by eight supplemental indentures.

Said declaration having been filed on August 14, 1952, an amendment thereto having been filed on September 4, 1952, notice of said filing having been given in the form and manner required by Rule U-23, promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing that the proposed transactions have been specifically approved by the Public Service Commission of the State of Wyoming and the Idaho Public Utilities Commission, the State Commissions of two of the States in which Utah does business, the Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and that it is appropriate to permit said declaration, as amended, to become effective without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the following conditions and reservations:

1. That the proposed sale of the bonds shall not be consummated until the Commission shall have entered a further order herein in the light of the record as completed with respect to the results of competitive bidding under Rule U-50; and

2. That jurisdiction be, and the same hereby is, reserved with respect to legal fees and expenses to be paid in connection with the proposed sale of bonds and common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9885; Filed, Sept. 9, 1952; 8:52 a. m.]

[File No. 70-2915]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION REGARDING PROPOSED ACQUISITION OF SECURITIES AND UTILITY ASSETS FROM NON-AFFILIATE

SEPTEMBER 4, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which the United Corporation, a registered holding company, owned 9.57 percent of the outstanding voting securities as of June 30, 1952, having filed an application pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Niagara Mohawk proposes to acquire from J. B. Wise, Inc., a hydroelectric power plant and related facilities located on the Black River in the City of Watertown, New York. Niagara Mohawk renders electric service in the territory in which said plant is located and purchases most of the electric output of such plant. Niagara Mohawk also proposes to acquire from J. B. Wise, Inc., 238 shares of the common stock and 14½ shares of the preferred stock of Beebee Island Corporation ("Beebee"), a New York corporation owning and operating a hydroelectric power plant on the Black River in said City of Watertown. Niagara Mohawk now owns approximately 83 percent of the outstanding voting securities of such company which was organized by the owners of water power sites on Beebee Island to develop the water power which is made available to the Beebee stockholders in direct proportion to their stock holdings.

Niagara Mohawk proposes to purchase the hydroelectric power plant for a cash consideration of $179,053.26 and the stock of Beebee for a cash consideration of $19,946.74.

Due notice having been given of the filing of the said application and a hearing not having been requested of or ordered by the Commission, and, to the extent that the provisions of sections 9 (a) and 10 of the act are applicable to the proposed transactions, the Commission finding that such provisions are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that the said application be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9887; Filed, Sept. 9, 1952; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18905]

CERTAIN GERMAN NATIONALS

In re: Rights and interests of German nationals in property of General Dyestuff Corporation.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and, pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfort-on-the Main, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title and interest, if any, of whatsoever kind or nature, including without limitation any reversionary interest, under the statutory or common law of the United States and of the several states thereof, of I. G. Farbenindustrie A. G., its successors or assigns, in and to any and all goodwill of the business in the United States of General Dyestuff Corporation, a corporation organized under the laws of New York, and in and to any and all registered or unregistered trade-marks and trade-names appurtenant to such business, and in and to every license, agreement, privilege, power and right of whatsoever kind or nature arising under or with respect thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by I. G. Farbenindustrie A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that said I. G. Farbenindustrie A. G. be treated as a corporation which is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9889; Filed, Sept. 9, 1952; 8:53 a. m.]

[Vesting Order 18998]

ROSINE HAUSER ET AL.

In re: Interest in real property owned by Rosine Hauser, also known as Gottliebin Rosine Hauser, and others. F-28-12893.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

Name and last known address
Rosine Hauser, also known as Gottliebin Rosine Hauser, Germany.
Christian Gottlob Reber, Germany.
Gottliebin Wurst, also known as Gottliebin Pauline Wurst, Germany.
Johann Christian Mäuser, Germany.
Karl Johann Mauser, Germany.
Karoline Regine Laur, Germany.
Christian Gottlob Reber, also known as Christian Gottlieb Reber, Germany.
Luise Pauline Schlenker, also known as Louise Pauline Schlenker, Germany.

2. That the property described as follows:

a. An undivided two-thirds (2/3ds) interest in real property situated in County of Sacramento, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. An undivided two-thirds (2/3ds) interest in real property situated in the County of Sutter, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 (a) and 2 (b) hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel 1. All that certain real property situated in the County of Sacramento, State of California, described as follows: Lots 174, 175, 176, and 177 of Elverta, according to the official plat thereof filed in the office of the Recorder of Sacramento County on January 23, 1908, in Book 8 of Maps, Map No. 40.

Parcel 2. All that certain real property situated in the County of Sutter, State of California, described as follows: Lots 11806, 11807, and 11808 Norwest Gardens, as the same are shown on that certain map entitled "Norwest Gardens", filed for record in the office of the County Recorder of said Sutter County, on April 8, 1908.

[F. R. Doc. 52-9890; Filed, Sept. 9, 1952; 8:54 a. m.]

[Vesting Order 18999]

CATHERINE BOLANZ BERGMAN

In re: Estate of Catherine Bolanz Bergman, deceased. D 28-13116.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Amelia Meyer Wertsin, Carl Heinarich Fichs, a/k/a Carl Heinarich Fiehs, Amelia Louisa Fichs, a/k/a Amelia Louisa Fiehs, Ernest Frederick Fichs, a/k/a Ernest Frederick Fiehs, Marie Bolanz, Fritz Deger, Elizabeth Bolanz, Ernest Bolanz, and Louise Francisca Bolte Meyer, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Catherine Bolanz Bergman, deceased, which is in the process of administration by the Judge of the Probate Court of Summit County, Ohio, administrator, acting under the judicial supervision of the Probate Court of Summit County, Ohio, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9891; Filed, Sept. 9, 1952; 8:54 a. m.]

[Vesting Order 19000]

CERTAIN GERMAN NATIONALS

In re: Trust under Agreement dated July 21, 1922, between John M. Brockman, Trustor, and Security Trust & Savings Bank, Trustee. File No. D-28-6348.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Dr. Max Winkler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Bruchmann, nee Starke, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them, in and to and arising out of or under that certain trust agreement dated July 21, 1922, by and between John M. Brockman, trustor, and the Security Trust and Savings Bank, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That such property is in the process of administration by the Security-First National Bank of Los Angeles, as successor trustee, acting under the judicial supervision of the Superior Court of Los Angeles County, California;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9892; Filed, Sept. 9, 1952; 8:54 a. m.]

[Vesting Order 19001]

ELSIE ENGLERT ET AL.

In re: Debt owing to Elsie Englert and others. D-28-13096.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elsie Englert, whose last known address is Rabenauer Strasse, Hainsberg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Albert Peterman, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Arthur A. Schneider and Company, 1008 Chestnut Street, St. Louis 1, Missouri, arising by reason of the collection of rent from the real property particularly described in Exhibit A, attached to and by reference made a part of Vesting Order 18873, dated May 13, 1952, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9893; Filed, Sept. 9, 1952; 8:55 a. m.]

[Vesting Order 19002]

MARGARETE HALLER, ET AL.

In re: Securities owned by Margarete Haller and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Margarete Haller, whose last known address is Braunschweig, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the person who owns the property described in subparagraph 4 hereof and who, if an individual, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and which, if a partnership, corporation, association or other business organization there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Refunding and General Mortgage Series A, The Baltimore and Ohio Railroad Company Bonds of $1,000 face value each, numbered M33996/7 together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bonds,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margarete Haller, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Any and all rights and interests in and under a Certificate of Deposit numbered 5801, for one (1) First Mortgage Bond of The Guayaquil and Quito Railway Company, numbered 7491 of $1,000 face value, including any and all rights in, to and under said bond,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person referred to in subparagraph 2 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9894; Filed, Sept. 9, 1952; 8:55 a. m.]

[Vesting Order 727, Amdt.]

DR. ING. FRIEDRICH GAITZSCH ET AL.

In re: Interests of Dr. Ing. Friedrich Gaitzsch and others in an agreement relating to patents.

Vesting Order Number 727, dated January 23, 1943, is hereby amended as follows and not otherwise:

By deleting subparagraphs 1, 2, and 3 thereof and substituting therefor the following:

1. Finding that Dr. Ing. Friedrich Gaitzsch and Otto Block are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are nationals of a foreign country (Germany);

2. (a) Finding that Julius Bing on or since December 11, 1941, and prior to January 1, 1947, and until his death in 1949 was a resident of Germany and a national of a foreign country (Germany); and

(b) Finding that the personal representatives, heirs, next of kin, legatees and distributees of Julius Bing, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are nationals of a foreign country (Germany);

3. Finding that the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement herein described, together with the right to sue therefor) created in Dr. Ing. Friedrich Gaitzsch, Otto Block, and Julius Bing, and each of them, by virtue of an agreement entered into on or about December 13, 1939, by and between Dr. Ing. Friedrich Gaitzsch and Carl O. Goettsch, which agreement relates to United States Letters Patent Nos. 2,209,558 and 2,287,286,

is property which is and prior to January 1, 1947, was payable or held with respect to patents or rights related thereto in which an interest is held by, and such property itself constitutes an interest held therein by the aforesaid nationals of a foreign country (Germany) to the extent not heretofore vested.

All other provisions of said Vesting Order 727 and all action taken by or on behalf of the Alien Property Custodian and the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9895; Filed, Sept. 9, 1952; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 178

Washington, Thursday, September 11, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Cottonseed Bulletin 2, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1952 COTTONSEED PURCHASE PROGRAM

DETERMINATION OF QUANTITY

Section 643.723 of 1952 C. C. C. Cottonseed Bulletin 2 (17 F. R. 4636), issued by Commodity Credit Corporation, is hereby amended by revising the provisions of such section to include the method by which the gross weight of cottonseed purchased from a producer by a participating ginner shall be determined. As revised, § 643.723 reads as follows:

§ 643.723 *Determination of quantity.* The quantity of cottonseed purchased from a producer by CCC shall be the gross weight actually delivered to CCC as determined by the county committee, or by an approved storage facility, or by a participating oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from the ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of 1 percent.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. sup. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. sup., 714b, 714c, 7 U. S. C. sup., 1447, 1421)

Issued this 8th day of September 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-9950; Filed, Sept. 10, 1952; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5573]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BOOK-OF-THE-MONTH CLUB, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* In connection with the offering for sale, sale and distribution of books in commerce, using the word "free", or any other word or words of similar import or meaning, in advertising to designate or describe any book, or other merchandise, which is not in truth and in fact a gift or gratuity or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring, directly or indirectly to the benefit of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Book-of-the-Month Club, Inc., et al., New York, N. Y., Docket 5573, May 8, 1952]

In the Matter of Book-of-the-Month Club, Inc., a Corporation; Harry Scherman and Meredith Wood, Individually and as Officers of Book-of-the Month Club, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act the Federal

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FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Trade Commission, on June 30, 1948, issued and subsequently served its complaint in this proceeding upon the respondents, Book-of-the-Month Club, Inc., Harry Scherman, and Meredith Wood, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding came on for final consideration by the Commission upon the complaint, answer thereto, testimony and other evidence, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel; and the Commission, having duly considered the matter and having entered its order disposing of the exceptions to the recommended decision of the trial examiner, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts [1] and its conclusion [1] drawn therefrom.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and conclusion that the respondent Book-of-the-Month Club, Inc., has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Book-of-the Month Club, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "free," or any other word or words of similar import or meaning, in advertising to designate or describe any book, or other merchandise, which is not in truth and in fact a gift or gratuity or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring, directly or indirectly, to the benefit of the respondent.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to Harry Scherman and Meredith Wood as individuals, but not in their capacity as officers of respondent Book-of-the-Month Club, Inc.

It is further ordered, That respondent Book-of-the-Month Club, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: May 8, 1952.

By the Commission, Commissioner Mason dissenting.[1]

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52–9902; Filed, Sept. 10, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

[Docket 5575]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GAMBLE-SKOGMO, INC., ET AL.

Subpart—*Coercing and intimidating:* § 3.350 *Customers or prospective customers—To eliminate competitive purchasing;* § 3.360 *Distributors of competitors.* Subpart—*Cutting off competitors' or others' access to customers or market:* § 3.560 *Interfering generally with distributive outlets;* § 3.605 *Withholding supplies or goods from competitors' customers.* Subpart—*Dealing on exclusive and tying basis:* § 3.670 *Dealing on exclusive and tying basis.* Subpart—*Subsidizing business:* § 3.760 *Subsidizing business.* I. In connection with the offering for sale, sale or distribution of merchandise in commerce, as defined in the Clayton Act, (a) selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in or sell the merchandise of a competitor or competitors of corporate respondent; and (b) enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing sales contract which condition, agreement or under-

[1] The opinion of the Commission and the dissenting opinion by Mr. Mason are filed as part of the original document.

standing is to the effect that the purchaser of said products shall not use or deal in the merchandise of a competitor or competitors of the corporate respondent; and, II, in connection with the offering for sale, sale of distribution of merchandise in commerce, as defined in the Federal Trade Commission Act, (a) selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in or sell the merchandise of a competitor or competitors of the corporate respondent; (b) enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing sales contract or agreement which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the merchandise of a competitor or competitors of the corporate respondent; (c) offering a cash bonus or any other inducement to corporate respondent's independent dealers or other purchasers or prospective purchasers on the condition, agreement or understanding that such independent dealers or other purchasers or prospective purchasers shall not use or deal in the merchandise of a competitor or competitors of the corporate respondent; (d) cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with corporate respondent's independent dealers or other customers for the sale of said products because of the failure or refusal of such purchasers to purchase or deal exclusively in the merchandise sold and distributed by the corporate respondent; and (e) the performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of corporate respondent at independent dealer field meetings or during the course of calls made upon independent dealers at their stores or at any other place, or the use of any system or practice, plan, or method of doing business, for the purpose or having the effect of intimidating or coercing such corporate respondent's independent dealers or other purchasers to purchase their merchandise requirements exclusively from corporate respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies secs. 3, 5, 38 Stat. 731, 719, as amended; 15 U. S. C. 14, 45) [Cease and desist order, Gamble-Skogmo, Inc., et al., Minneapolis, Minn., Docket 5575, June 11, 1952]

In the Matter of Gamble-Skogmo, Inc., a Corporation, Bert C. Gamble, Philip W. Skogmo, M. O. Weiby (Erroneously Designated in the Complaint as M. O. Wieby), H. R. Baker, Samuel Miles (Erroneously Designated in the Complaint as Samuel Mills), and R. C. Teuscher

Pursuant to the provisions of an act of Congress, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), and the provisions of, the Federal Trade Commission Act, the Federal Trade Commission on July 15, 1948, issued and subsequently served its complaint in this proceeding upon respondent Gamble-Skogmo, Inc., a corporation, and respondents Bert C. Gamble, Philip W. Skogmo, M. O. Weiby, Samuel Miles, and R. C. Teuscher, charging the respondents named in the complaint with having made sales and contracts for the sale of merchandise on the condition, agreement or understanding that the purchasers thereof should not use or deal in similar merchandise of a competitor or competitors of the respondent Gamble-Skogmo, Inc., in violation of the provisions of section 3 of said Clayton Act, and with the use of unfair methods of competition in commerce in the distribution and sale of merchandise in violation of the provisions of the Federal Trade Commission Act. After the issuance of said complaint and the filing of joint answer thereto by all the parties named in the caption hereof except H. R. Baker, testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission, theretofore designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding came on for final hearing before the Commission on the said complaint, answer, testimony, and other evidence, recommended decision of the substitute hearing examiner, theretofore designated by the Commission to act in the place and stead of the original hearing examiner, respondents' exceptions to the recommended decision, briefs in support of and in opposition to the complaint, and oral arguments of counsel; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts [1] and its conclusion [1] drawn therefrom.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the joint answer thereto, testimony and other evidence taken before a hearing examiner of the Commission, theretofore duly designated by it, the recommended decision of the substitute hearing examiner duly designated to act in the place and stead of the original hearing examiner, and the exceptions to the recommended decision filed by respondents, briefs in support of and in opposition to the allegations of the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents there designated have violated the provisions of section 3 of that act of the Congress of the United States, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), and the provisions of section 5 of the Federal Trade Commission Act:

I. *It is ordered*, That respondent Gamble-Skogmo, Inc., a corporation, and its officers, and respondents Bert C. Gamble, M. O. Weiby, R. C. Teuscher, and Samuel Miles, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(a) Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in or sell the merchandise of a competitor or competitors of the corporate respondent.

(b) Enforcing or continuing in operation or effect any condition, agreement or understanding in, or in connection with, any existing sales contract or agreement which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the merchandise of a competitor or competitors of the corporate respondent.

(c) Offering a cash bonus or any other inducement to corporate respondent's independent dealers or other purchasers or prospective purchasers on the condition, agreement or understanding that such independent dealers or other purchasers or prospective purchasers shall not use or deal in the merchandise of a competitor or competitors of the corporate respondent.

(d) Cancelling, or directly or by implication threatening the cancellation of, any contract or franchise or selling agreement with corporate respondent's independent dealers or other customers for the sale of said products because of the failure or refusal of such purchasers to purchase or deal exclusively in the merchandise sold and distributed by the corporate respondent.

(e) The performance of any act of intimidation or coercion either through statements, oral or written, made by representatives of corporate respondent at independent dealer field meetings or during the course of calls made upon independent dealers at their stores or at any other place, or the use of any system or practice, plan, or method of doing business, for the purpose or having the effect of intimidating or coercing such corporate respondent's independent dealers or other purchasers to purchase their merchandise requirements exclusively from corporate respondent.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to Philip W. Skogmo and H. R. Baker, both deceased.

It is further ordered, That respondents shall, within (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 11, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9001; Filed, Sept. 10, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

[Docket 5757]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAIR EXPERTS, INC. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connection—Personnel or staff—Qualifications and abilities:* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale and sale of treatments for the hair and scalp in which certain specified cosmetic and medicinal preparations are used; and in connection with the sale, offering for sale and distribution of certain specified cosmetic and medicinal preparations used in the treatment of conditions of the hair and scalp, or any other products or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' products and treatments, which advertisements represent, directly or through inference, (a) that the use of said preparations, methods or treatments by respondents' operators in their various places of business and by purchasers of their preparations, in their homes, will cause hair to grow when growth has ceased and resulted in thin hair or partial baldness; (b) that the hair growing functions of the scalp will be rejuvenated; (c) that fuzz on the scalp will be developed into normal hair; (d) that the germicides included among respondents' preparations will penetrate below the skin surface, kill bacteria there located and will destroy bacilli on the scalp surface; (e) that their said preparations will prevent baldness, grow hair on bald heads and will enable an individual to maintain a thick growth of hair for life; will reopen clogged hair passages in the scalp, energize hair papillae, make sluggish blood circulation in the scalp normal, eliminate excessive falling hair, loose dandruff, itching and dryness and oiliness of the hair and scalp; (f) that the preparations, treatments and methods used by respondents are new scientific discoveries in the treatment of hair and scalp disorders; or, (g) that the respondents, or any of the respondents' respective representatives, agents or employees are "Trichologists," or the use of any similar name which may tend to, or does by implication, either directly or indirectly, convey the idea or inference that such persons have had competent training in dermatology or other branch of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hair Experts, Inc., et al., Detroit, Mich., Docket 5757, May 17, 1952]

In the Matter of Hair Experts, Inc., a Corporation, and Robert W. Farrell, Harold E. Candler, and Abram Jacobson, Individually and as Officers of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' joint answer, and respondents' substituted answer, which admitted all the material allegations of fact set forth in the complaint, with certain exceptions, which are apparent on the face of the record and correctly reflected in the findings.

Thereafter the proceeding came on for final consideration by said examiner, theretofore duly designated by the Commission, on the complaint and answer thereto, and proposed findings as to the facts and conclusions presented by counsel in support of the complaint—oral argument thereon not having been requested and respondents not having submitted proposed findings and conclusion—and said hearing examiner, having duly considered the record and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on May 17, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent Hair Experts, Inc., a corporation, and its officers, agents, representatives and employees, and the respondents Robert W. Farrell, Harold E. Candler, and Abram Jacobson, individually and as officers of said respondent corporation, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale and sale of treatments of the hair and scalp in which the various cosmetic and medicinal preparations, as set out in the findings herein, are used; and in connection with the sale, offering for sale and distribution of the various cosmetic and medicinal preparations, as set out in the findings herein, which are used in the treatment of conditions of the hair and scalp, or any other products or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or though inference:

(a) That the use of said preparations, methods of treatments by their operators in their various places of business and by purchasers of their preparations, in their homes, will cause hair to grow when growth has ceased and resulted in thin hair or partial baldness.

(b) That the hair growing functions of the scalp will be rejuvenated.

(c) That fuzz on the scalp will be developed into normal hair.

(d) That the germicides included among their preparations will penetrate below the skin surface, kill bacteria there located and will destroy bacilli on the scalp surface.

(e) That their said preparations will prevent baldness, grow hair on bald heads and will enable an individual to maintain a thick growth of hair for life; will reopen clogged hair passages in the scalp, energize hair papillae, make sluggish blood circulation in the scalp normal, eliminate excessive falling hair, loose dandruff, itching and dryness and oiliness of the hair and scalp.

(f) That the preparations, treatments and methods used by respondents are new, scientific discoveries in the treatment of hair and scalp disorders.

(g) That the respondents, or any of the respondents' respective representatives, agents or employees are "Trichologists," or the use of any similar name which may tend to, or does by implication, either directly or indirectly, convey the idea or inference that such persons have had competent training in dermatology or other branch of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' products and treatments, any advertisement which con-

[1] Filed as part of the original document.

tains any of the representations prohibited in Paragraph 1 of this order.

By "Decision of the Commission and order to file report of compliance," Docket 5757, May 16, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9903; Filed, Sept. 10, 1952; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53091]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

REPORTS OF ARRIVALS AND DEPARTURES IN COASTWISE TRADE; FOREIGN COFFEE SHIPPED FROM UNITED STATES TO PUERTO RICO

Section 319 of the Tariff Act of 1930 authorizes the Legislature of Puerto Rico to impose duties on coffee imported into Puerto Rico, including coffee grown in a foreign country coming into Puerto Rico from the United States. The Legislature of Puerto Rico has imposed such duties.

In order to provide a control over such coffee shipped from the United States that will insure entry thereof and the payment of duty thereon in Puerto Rico, it is necessary that the carriers transporting the coffee from the United States to Puerto Rico file manifests for it in Puerto Rico.

Accordingly, § 4.81, Customs Regulations of 1943 (19 CFR 4.81), as amended, is hereby amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e) and by inserting a new paragraph (c) to read as follows:

§ 4.81 *Reports of arrivals and departures in coastwise trade.* * * *

(c) When foreign coffee made dutiable by the Legislature of Puerto Rico under the authority of section 319 of the Tariff Act of 1930 is shipped from the United States to Puerto Rico, the carrier transporting the coffee shall present a manifest therefor, in duplicate, to the collector at the port of discharge in Puerto Rico.

(R. S. 161, 251; 5 U. S. C. 161, 19 U. S. C. 66)

[SEAL] FRANK DOW, *Commissioner of Customs.*

Approved: August 29, 1952.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-9920; Filed, Sept. 10, 1952; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY AND ESTABLISHING STANDARD OF FILL OF CONTAINER FOR CANNED MUSHROOMS

In the matter of amending the definition and standard of identity for canned mushrooms and adopting a standard of fill of container for canned mushrooms:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of the whole record and the reliable, probative, and substantial evidence received at the hearings held pursuant to notices published in the FEDERAL REGISTER on July 15, 1949 (14 F. R. 3922) and March 10, 1950 (15 F. R. 1310), and upon consideration of the exceptions filed to the proposed order issued by the Federal Security Administrator on February 24, 1951 (16 F. R. 1797, 2130), which exceptions are allowed in part and rejected in part, as appears from notations on the exceptions on file with the Hearing Clerk, Federal Security Agency, Room 5440, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., and as is apparent from the detailed findings made below, the following order is promulgated:

Findings of fact.[1] 1. In 1937 there was established a standard of fill of container for canned mushrooms under authority conferred on the Secretary of Agriculture by the McNary-Mapes Amendment to the Federal Food and Drugs Act of 1906 (46 Stat. 1019; 21 U. S. C. 10).[2] This standard was in force until the act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938. In 1939, a definition and standard of identity was established for canned mushrooms (21 CFR Part 52, Canned Vegetables Other Than Those Specifically Regulated). This standard provides that canned mushrooms are the caps and stems of mushrooms in the optional forms of buttons, whole, slices, or pieces and stems of mushrooms with water, sealed in a container and so processed by heat as to prevent spoilage. Optional ingredients permitted are salt, citric acid, a vinegar, spice, sugar, and corn sugar. The only optional ingredients known to have been used in canned mushrooms, however, are salt, for seasoning, and citric acid for obtaining a lighter color of the canned mushrooms. During World War II, when tin containers were in short supply, some mushroom canners canned mushrooms in glass containers. This experience revealed that mushrooms canned in glass appeared to become darker during storage. Ready sales, however, obviated prolonged storage during this period. Mushrooms canned in tin containers do not darken during storage but on the contrary, for a limited period, become lighter in color than when first canned. As the supply of tin increased, canners of mushrooms in glass returned to the use of tin containers. In 1948 and 1949, a canner of mushrooms interested in canning mushrooms in glass containers made experimental packs containing ascorbic acid and citric acid for retarding the color changes during storage. This canner applied for a hearing on a proposal to amend the standard of identity for canned mushrooms to include ascorbic acid as an optional ingredient. A hearing was held on this proposal (14 F. R. 3922) but before a tentative order was published application was made by the Cultivated Mushroom Institute of America to hold a second hearing to take additional evidence in opposition to the proposal to include ascorbic acid as an optional ingredient and also to take evidence on a proposal by the Cultivated Mushroom Institute of America to restrict the optional ingredients to water and salt. In granting this application, the Administrator on his own initiative also proposed to take evidence on a proposal to establish a standard of fill of container for canned mushrooms (15 F. R. 1310). A second hearing was held pursuant to this application. These findings are based on the evidence presented at both hearings. (R. 10, 18, 19, 21, 23, 28, 46–47, 54–56, 152–153, 158–159, 200–201, 237–239, 247, 248, 400, 507, 509, 513, 522, 566, 725, 733, 838–840, 841; Ex. 2, 16, 18)

2. Experimental packs of canned mushrooms prepared on a semicommercial scale show that such mushrooms canned in glass or tin containers with small quantities of citric acid and ascorbic acid are lighter in color than mushrooms of the same quality with only salt and water. This is true at any time after canning. When used together, citric acid and ascorbic acid have a greater lightening effect on color of canned mushrooms than either acid used alone. The effect on the color is increased as the quantity of acids added is increased, and this effect is more pronounced in tin containers than in glass. (R. 43–57, 290, 325–326, 330, 349, 734–735, 758; Ex. 8, 10, 11, 16)

3. To obtain high-quality canned mushrooms, the raw mushrooms used should be picked at optimum maturity for canning and canned promptly after picking. Sometimes, because of the recepit of a large supply of raw mushrooms by the cannery, or for other reasons, it may be necessary to hold the raw stock for a day or several days before canning. Such a holding period results in this raw stock becoming stale. All mushrooms undergo changes in color during the canning process. Stale mushrooms after canning are darker in color than they would be if canned when freshly picked. The addition of small amounts of citric acid in the canning process lessens the darkening that results from canning. This inhibiting effect is more noticeable when stale mushrooms are used than when fresh, high-quality mushrooms are used. The mechanism of the chemical action of dilute citric acid which results in a lighter color of the canned mushrooms is not definitely shown by the record, but it appears that its effect in lightening the color of mushrooms is caused by an intensified reaction between the contents of the container and tin. Citric acid is the only acid known to be commercially used for this purpose. There was evidence that other acid-reacting substances have been used but their identity was unknown to the canners who testified at the hearings. There also was evidence that the addition of any substance which lowers the pH will lighten the color of canned mushrooms. (R. 141–142, 193–194, 195, 224–225, 227, 230, 252–253, 330, 350, 522, 527–528, 530, 556–558, 568, 646, 648–649, 651, 653, 670–671, 692–693, 784; Ex. 8)

4. In determining the grade for canned mushrooms according to the standards promulgated by the Production and Marketing Administration of the United States Department of Agriculture, more importance is attached to the factor of color than to any of the other factors considered, such as uniformity of size and symmetry, absence of defects, and tenderness. The use of citric acid enables a canner to can stale mushrooms which are graded higher on the factor of color than such stale mushrooms would grade if canned without the addition of citric acid. The use of citric acid in canned mushrooms has not promoted honesty and fair dealing in the interest of consumers. (R. 159–160, 224, 248, 356, 367–368, 559–560, 646–647, 651; Ex. 15).

5. The lightening of the color during storage of mushrooms canned in tin containers with only water and salt appears to be due to a reaction of the packing medium with the tin of the container, although the mechanism causing the lightening is not known. When the acidity of the packing medium is increased by the use of any acid-reacting substance, this reaction is intensified. The reaction which affects the color of the canned mushrooms does not reach an equilibrium for some time, and the mushrooms in tin containers continue to become lighter in color during the first few months in which they are held in storage. (R. 355, 357–358, 693, 738)

6. The mechanism of the action of ascorbic acid on the color of canned mushrooms, when it is added in small amounts in the canning process, is not established. During processing there is an apparent reduction in the amount of ascorbic acid, which indicates a reaction of the ascorbic acid with oxygen inside the container. There is some increase in acidity when ascorbic acid is used, but its effect on the pH of canned mushrooms is less pronounced than that of like quantities of citric acid. (R. 74, 76, 82, 86, 350–354, 784, 805, 876; Ex. 8, 14, 16, 22)

7. The characteristic light tan color of canned mushrooms in tin containers prepared from mushrooms picked at optimum maturity and promptly canned furnishes purchasers a basis for judging the quality of canned mushrooms both in tin and glass containers. Since the color of mushrooms canned in glass containers is not as light as that of those in tin containers, the mushrooms in glass containers are at a disadvantage. By limiting the quantity of the ascorbic acid used so that its effect on the color of the mushrooms is to restrict darkening from oxidation, it is possible to obtain this desirable effect without likelihood of abuse. In the few experiments reported where the pH of the liquid drained from the canned mushrooms was determined, ascorbic acid alone in amounts not exceeding 150 milligrams per 4 ounces drained weight of mushrooms lowered the pH an average of approximately 0.25 when compared with the pH of similar mushrooms canned with water and salt only. It is unlikely that there will be abuse from the use of ascorbic acid alone, in amounts not greater than 150 milligrams per 4 ounces of drained mushrooms. (R. 21, 57, 78, 156–157, 190–191, 553–557, 581, 648, 727, 737, 799–800, 816, 876; Ex. 8, 9, 14, 16, 22)

8. The pH of mushrooms canned with water and salt as reported in this record varies from 5.9 to 6.7. The addition of an acid lowers the pH of canned mushrooms, depending on the acid used and the amount added. In conjunction with the proposal that no added acids be permitted, it was proposed to require that the pH of canned mushrooms be not less than 6.0. The data on the pH of canned mushrooms are not sufficient for prescribing such a limit. (R. 57, 181–183, 291–294, 300, 333–334, 376, 755, 876, 877; Ex. 8, 9, 14, 16, 22)

9. The McNary-Mapes amendment to the Food and Drugs Act of 1906 authorized the adoption of standards of quality, condition, and fill of container for most canned foods. The standard of fill of container for canned mushrooms promulgated by the Secretary of Agriculture in 1937 provided for minimum drained weights for mushrooms packed in ten specified containers, and for minimum drained weights based on a ratio of 1 ounce of drained mushrooms for each 3 cubic inches inside capacity for containers other than those specified. That standard became inoperative when the Food and Drugs Act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938 and since that time there has been no standard of fill of container for canned mushrooms. (R. 839–842; Ex. 18)

10. It is the general practice of canners to blanch the fresh mushrooms in hot water or steam before packing into containers. This blanching results in some shrinkage of the fresh mushrooms that would otherwise occur during processing and might result in a slack fill. Even though the McNary-Mapes standard has not been in force for several years, canners of mushrooms have continued the practice of blanching and filling to meet the level prescribed under that standard. Compliance with the standard for fill of container for canned mushrooms has generally resulted in the containers being well filled with mushrooms. (R. 150–152, 220, 506–507, 552–553, 561, 587–588, 645, 650–651, 678, 829–831, 840–846, 851; Ex. 18, 19)

11. Canned mushrooms are now packed in substantial quantities in containers of sizes for which specific drained weights were not specified in the McNary-Mapes standard. Some of the containers formerly extensively used are now of minor importance. In standards of fill of container, canners generally prefer specific requirements as to the drained weights for containers extensively used rather than general requirements fixing drained weights calculated from the capacity of the container. The cans now extensively used and the drained weights of mushrooms found necessary to fill them properly are as follows:

Trade designation	Over-all dimensions of sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2⅛	2⅜	2
211 x 212	2 11/16	2¾	4
300 x 400	3	4	8
307 x 510	3 7/16	5⅛	16
603 x 700	6 1/16	7	68

(R. 552–553, 587–588, 650–651, 678, 839, 841–847, 851–852; Ex. 18–21)

12. Since containers of sizes other than those named in finding 11 may also be used, it is necessary to provide also for drained weights based on capacity of containers for which no specific requirements are made. A suitable and practicable method for determining the capacity of containers is the general method for determining water capacity of containers in 21 CFR 10.1. The following requirements for drained weights based on the water capacity of the container will insure that such containers are properly filled. For containers with a water capacity (at 68° F.) of less than 11 ounces avoirdupois, the drained weight of mushrooms is not less than 56 percent of the water capacity of the container. For containers with a water capacity of 11 ounces or more but less than 25 ounces, the weight of the drained mushrooms is not less than 59 percent of the water capacity of the container. For containers with a water capacity of 25 ounces or more, the weight of the drained mushrooms is not less than 62 percent of the water capacity of the container. (R. 841–842, 846–848, 851, 853–863; Ex. 6, 21)

13. A suitable and practicable method for determining the drained weight of canned mushrooms which is essentially the same as that prescribed in the McNary-Mapes standard is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C.

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[2] This standard will hereafter be referred to as the McNary-Mapes standard.

584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms. (R. 848–849, 863–864; Ex. 6, 18, 20, 21)

14. A label statement which adequately informs consumers when canned mushrooms fail to meet the prescribed standard of fill of container is the general statement of substandard fill specified in 21 CFR 10.2 (b). (R. 850–851; Ex. 6, 21)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers:

(1) To amend the definition and standard of identity for canned mushrooms contained in § 52.990 by deleting citric acid, vinegar, spice, sugar, and corn sugar as optional ingredients and by making ascorbic acid in amounts not exceeding 37.5 milligrams per 1 ounce of drained mushrooms an optional ingredient.

(2) To adopt the standard of fill of container for canned mushrooms hereinafter set forth in § 51.503.

1. Section 52.990 (c) and (f) is therefore amended as set forth below:

§ 52.990 *Canned vegetables; identity; label statement of optional ingredients.*

* * *

(c) To the vegetable ingredient water is added; except that pimentos may be canned with or without added water, and sweet potatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture or both. For the purposes of this section, asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the case of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes, in which such ingredient is prescribed, and except canned mushrooms, in which no such ingredient is permitted), in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(4) Snaps, in the cases of shelled beans, black-eyed peas, and field peas.

(5) Salt may be added to any of the canned vegetables in this section, in a quantity sufficient to season the food.

(6) In the cases of all vegetables (except canned mushrooms) one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(i) A vinegar.

(ii) Spice.

(iii) Refined sugar (sucrose).

(iv) Refined corn sugar (dextrose).

(7) In the case of canned mushrooms, ascorbic acid (vitamin C) may be added in a quantity not to exceed 37.5 milligrams for each ounce of drained weight of mushrooms.

The food is sealed in a container, and so processed by heat as to prevent spoilage.

* * * * *

(f) (1) If the optional ingredient specified in paragraph (c) (2) of this section is present, the label shall bear the statement "_____ Oil Added" or "With Added _____ Oil," the blank being filled in with the common or usual name of the oil.

(2) If the optional ingredient specified in paragraph (c) (3) of this section is present, the label shall bear the statement "Trace of _____ Added" or "With Added Trace of _____," the blank being filled in with the words "Calcium Salt" or "Calcium Salts," as the case may be, or with the name or names of the particular calcium salt or salts added.

(3) If the optional ingredient specified in paragraph (c) (4) of this section is present, the label shall bear the statement "With Snaps."

(4) If optional seasoning ingredient of paragraph (c) (6) (i) of this section is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the common or usual name of the vinegar.

(5) If optional seasoning ingredient of paragraph (c) (6) (ii) of this section is present, the label shall bear the statement "Spice Added" or "With Added Spice."

(6) If a vinegar, spice, and vegetable oil, or any two of these are present, the label may bear, in lieu of the statements prescribed in this section, showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil."

(7) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice."

* * * * *

2. Part 51 is amended by adding the following new section:

§ 51.503 *Canned mushrooms; fill of container; label statement of substandard fill.* The standard of fill of container for canned mushrooms is a fill such that:

(a) The weight of drained mushrooms in a container the dimensions of which are specified in the following table is not less than the weight of drained mushrooms prescribed in such table for such container:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2 1/4	2 1/4	2
211 x 212	2 13/16	2 1/4	4
300 x 400	3	4	8
307 x 510	3 7/16	5 5/16	16
603 x 700	6 3/16	7	68

(b) The drained weight of mushrooms in containers of a size not specified in paragraph (a) of this section is not less than 56 percent of the water capacity of the container, if such water capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container, if such water capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container, if such water capacity is 25 ounces avoirdupois or more.

(c) Water capacity of containers is determined by the general method provided in § 10.1 of this chapter.

(d) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms.

(e) If canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

Effective date. These regulations shall become effective 90 days after the date of publication of this order in the FEDERAL REGISTER.

(Sec. 701; 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: September 5, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-9928; Filed, Sept. 10, 1952; 8:52 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

PAYMENT OF CERTAIN CHECKS AND DRAFTS; COMPLETION OF CERTAIN SECURITIES TRANSACTIONS; EXPIRATION

EXPIRATION OF SECTIONS

Notification is hereby given of the expiration of §§ 500.531 and 500.532 which expired by their own terms on January 17, 1951, and December 21, 1950, respectively.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Sup., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Sup.)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9933; Filed, Sept. 10, 1952; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 35]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation permits manufacturers who process steel, pig iron, copper, and aluminum to pass through at each stage of fabrication, the increases in ceiling prices which have recently been authorized for these metals.

On May 21, 1952, the Acting Director of the Office of Defense Mobilization directed the Office of Price Stabilization to increase the ceiling prices of brass-mill products and copper wire-mill products in order to meet the situation which had arisen when the Chilean Government terminated its agreement to sell copper to the United States at 27½ cents per pound. In compliance with this directive, Ceiling Price Regulation 68, covering brass-mill products, and Ceiling Price Regulation 110, covering copper wire-mill products, were amended on June 30, 1952, to provide substantial increases in the ceiling prices of these commodities.

On July 24, 1952, the Acting Director of Defense Mobilization directed the Office of Price Stabilization to increase prices for carbon iron and steel and other steel mill products. In compliance with this directive, Revision 1 of Supplementary Regulation 100 to the General Ceiling Price Regulation was issued on August 19, and steel producers subject to the voluntary agreement were simultaneously permitted to take the increases provided in this Revision. On September 4, 1952, Supplementary Regulation 116 to the General Ceiling Price Regulation was issued providing equivalent treatment for pig iron.

During July, the three major producers of aluminum applied for increases in their ceiling prices to reflect various cost increases which had been incurred in materials, freight, and labor. These applications were submitted under certain provisions of General Overriding Regulation 29, relating to commodities extremely critical to the defense program. Following the review of these applications, the Office of Price Stabilization on August 6, 1952, authorized price increases for aluminum pig and ingot and primary aluminum fabrications.

The ceiling price increases authorized for copper, brass, steel, and pig iron were substantially in excess of any amounts that could be justified by the existing standards of the Office of Price Stabilization and were granted only on the basis of specific directives of the Acting Director of the Office of Defense Mobilization. The increase for aluminum, while in accordance with agency standards, was permissible only in view of the extreme importance of that metal to the defense program.

The impact of these ceiling price increases on subsequent fabricators of these metals is very substantial in many cases. Ordinarily, however, such subsequent fabricators would be permitted to make corresponding adjustments in their ceiling prices only to the extent justified under existing agency standards particularly the Industry Earnings Standard. In view of the special circumstances involved in these metals price increases, however, the Director of Price Stabilization has determined that more specific action is required in order to protect subsequent fabricators from undue hardship resulting from the actions which the agency had been directed to take.

Following careful exploration of a number of alternative approaches, the Director has decided to permit this price increase for the three primary metals to be passed through at subsequent stages of fabrication without absorption and, of course, without pyramiding. This procedure will, in effect, restore the operating position of each subsequent fabricator to the same level which he would have experienced if it had not been necessary to increase the ceiling prices for the basic metals.

While this action thus compensates subsequent fabricators for the increases which had to be granted for the three basic metals, it is important to emphasize that it is limited to this objective only. It is not intended to provide or permit any adjustments for other changes in costs of any kind whatever. The effects of any other kind of cost increases on industries or individual concerns will continue to be considered in the future, as in the past, on the basis of existing agency standards. Where relief under such standards is appropriate, every effort will be made to grant it as promptly as possible.

In essence, this regulation provides, first, that primary processors of pig iron and steel, aluminum, brass and copper wire-mill products will be permitted to reflect immediately in their ceiling prices the exact amount of the cost increases which they have incurred as a result of the ceiling price increases authorized for these metals. For simplicity of administration, it has been assumed that the suppliers of these metals will in all cases have increased their actual selling prices by the exact amount authorized. While this may not be universally true, all the information available to the Office of Price Stabilization indicates that these metals have in the recent past and are currently being sold at ceiling. An appendix to the regulation lists the ceiling price increases authorized for pig iron and mill products. Adjustments may be made on the basis of these listed increases.

At subsequent stages of fabrication, the problem becomes more complex. There is no way in which a purchaser of electric motors, for example, can determine for himself the extent to which the manufacturer of motors has been permitted to increase his prices under this regulation. Moreover, there will be numerous cases in which fabricators may not wish to increase their actual prices by the full amount permitted under this regulation. It would obviously be inappropriate to permit manufacturers to pass through cost increases which they have not, in fact, experienced.

Under the regulation processors at subsequent stages may adjust their ceiling prices only when their suppliers at earlier stages of fabrication have raised their selling prices over their old ceilings. Generally OPS regulations have established ceiling prices for commodities at successive levels of fabrication in approximate relation to each other. For this reason, where selling prices at any stage of fabrication are below ceilings, processors at subsequent stages are usually able to absorb increases in their suppliers' prices until and unless these exceed the old ceilings.

The adjustments provided in this regulation are limited to those reflecting increases in costs of "manufacturing materials," which are defined as including only materials that enter directly into the commodities whose ceiling prices are being adjusted, and packaging materials and containers other than returnable containers. No adjustments can be taken to reflect increased cost of capital equipment. The cost of capital equipment represents an element of overhead, and the calculation of unit overhead involves too great complexities to permit its handling under this regulation. Moreover, the impact of changes in volume on unit overhead will generally be far greater than those resulting from the metals' price increases. Adjustments for any actual increases in overhead costs will therefore be considered under existing agency standards, on the same basis as any other cost elements.

The regulation establishes the following general procedure: Each processor who sells his product to other manufacturers for further fabrication, and who has raised his price above his previous ceiling, must provide each subsequent

manufacturer with sufficient information to permit him to determine the amount of the cost increase resulting from this regulation. He can then calculate, in accordance with the procedures established in the regulation, the amount of the ceiling price increase to which he is, in turn, entitled. If he sells his product to other manufacturers for still further processing, he must, of course, provide similar notification. It is recognized that this notification procedure may be burdensome in some cases, but there is no other way in which subsequent manufacturers can obtain the information needed to determine the adjustments to which they may be entitled. However, the Office of Price Stabilization will undertake to review this procedure in the light of actual experience with a view to determining at an early date whether the procedure can be simplified consistent with the basic objectives of the regulation.

Moreover, it is clear that the difficulties involved will be least serious for the manufacturers who are most in need of price relief—those who purchase directly from the mill. They can readily make their adjustments on the basis of the information supplied in Appendix A. For some manufacturers of consumer durable goods, particularly for those who make a large number of different commodities, it may in some cases be difficult to compute an adjustment under this regulation. However, these manufacturers will not be affected as quickly or as strongly by the increased cost of mill products.

It is recognized also that the cost increases resulting from the adjustments permitted under this regulation may not all occur at one time, as far as any particular manufacturer is concerned. If he is purchasing a variety of products from different sources, he probably will not receive new shipments of all these products or from all these sources at any one time. Consequently, he may, at his option, adjust his ceiling prices step-by-step as soon as he is affected by any particular increase, or he may prefer to postpone his adjustments until he has clearer information with respect to the total impact of his increases. It would, of course, be preferable if all adjustments could be made simultaneously, but there is no way in which this can be done under the circumstances.

The regulation provides two general methods by which a manufacturer can calculate the adjustments to which he may be entitled. The first is by calculating an adjustment for an individual commodity on the basis of the materials-cost increases incurred for that individual commodity. For multi-product concerns, however, this procedure would involve serious difficulties and provision has therefore been made for calculating a group adjustment factor or factors. These factors can, of course, be applied only to commodities processed directly or indirectly from the three primary metals.

The regulation also makes appropriate provision for integrated companies which themselves manufacture the primary metals and also process them further into semi-manufactured or end products.

The regulation provides that each manufacturer who takes advantage of its provisions must keep accurate records of his calculations and transactions. It does not, at present, require any reports of these calculations or adjustments to be filed with the Office of Price Stabilization, but such reports may be required subsequently. For example, it may be decided to conduct surveys in particular areas to determine how well this regulation is accomplishing its purpose. In that event, reports may be required from representative manufacturers.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the applicable requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices, or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Coverage.
3. When you may make your adjustments.
4. General description of how you make your adjustments.
5. Cost increases which entitle you to make an adjustment.
6. How to determine the amount of your cost increase on mill products and pig iron.
7. How to determine the amount of your cost increase on manufacturing materials made from mill products or pig iron.
8. How to calculate an adjusted ceiling price for an individual commodity.
9. How to calculate a group factor.
10. Option to propose an alternate method for calculating adjusted ceiling prices.
11. Subsequent adjustments.
12. Adjustment of ceiling prices for new, modified and minor-change commodities.
13. Notification of unadjusted ceiling prices.
14. Integrated manufacturers and transferred materials.
15. Optional method for determining a uniform adjusted ceiling price for a commodity manufactured in two or more plants.
16. Excise, sales or similar taxes.
17. Rounding.
18. Further action by the Director.
19. Applicability of other OPS regulations to you.
20. Records and reports.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This is an adjustment regulation. It permits manufacturers to adjust their ceiling prices in order to "pass through" increases in costs resulting from ceiling price increases for steel, pig iron, copper and aluminum. Adjustments may be made by primary processors as well as by manufacturers at subsequent stages of processing.

Primary processors calculate their adjustments on the basis of the increases authorized for steel-mill products by Revision 1 of SR 100 to the GCPR, and by parallel action for steel producers under the voluntary agreement; for aluminum-mill products by SR 113 to the GCPR; for pig iron by SR 116 to the GCPR; for brass-mill products by Amendment 1 to CPR 68; and for copper wire-mill products by Amendment 1 to CPR 110. These ceiling price increases are listed in Appendix A.

Subsequent processors calculate their adjustments on the basis of increases which their suppliers obtain and pass on to them under this regulation. Subsequent processors are to be notified of the increases made by their suppliers.

The adjustment provisions of this regulation do not apply to distributors since increases in manufacturers' prices may be passed through under the provisions of the applicable distribution regulations. However, manufacturers may request their distributors to notify them of the increases taken on commodities covered by this regulation.

SEC. 2. *Coverage.* This regulation applies in the United States, its territories and possessions, and in the District of Columbia. The adjustment provisions cover manufacturers who further process any of the products listed in Appendix A, or any commodities manufactured from such products. However, no adjustments may be made by sellers under CPR 93, Construction and Related Services and Sales of Installed Materials, and under CPR 156, Fabricated Structural Steel, Miscellaneous and Ornamental Iron, and Vessel Shop Products for Field Assembly or Erection. These two regulations provide for the use of current costs in the calculation of ceiling prices. Consequently, no adjustment for increased materials costs is required.

The notification provision covers both manufacturers and distributors who sell any of these products or commodities to manufacturers.

SEC. 3. *When you may make your adjustments.* The ceiling price adjustments authorized by this regulation may be made at any time convenient to you. You may decide for the present to make no adjustments or to take only part of your permitted increase. If so, you may later take whatever part remains, as well as any additional increases to which you may then be entitled.

It may, in some cases, be desirable to make more than one adjustment. For example, a manufacturer who buys both mill products and fabricated parts, will be affected immediately by the increase in the cost of his mill products, while his fabricated-parts costs may not rise for some period of time. In that situation, he may well decide to avail himself promptly of the adjustment to which he is entitled on account of the increase in the cost of his mill products. He may, if he wishes, make later adjustments for the increase in the cost of the fabricated parts.

SEC. 4. *General description of how you make your adjustments.* To make your adjustment you first find out what *kind* of cost increases entitle you to an adjustment. This is dealt with in section 5. You next learn how to determine the exact *amount* of the cost increase which may be reflected. This is spelled out in sections 6 and 7. Having found how to determine the *kind* and the *amount* of the cost increases which you may "pass through," you have a choice of two methods for adjusting the ceilings of the commodities to which the cost increases apply—an individual-commodity method and a group factor method.

Under section 8 you allocate cost increases on an *individual-commodity* basis. You adjust the old ceiling of a commodity to reflect the particular cost increases which apply to it. Under section 9 cost increases are allocated on a *group* basis. You calculate a percentage adjustment factor which represents the average increase for a group of commodities. This factor may then be used to adjust the ceilings of each of the commodities in that group.

If you cannot or are unable without undue burden to make your adjustments either by the individual-commodity method or by the group-factor method, you may propose an alternate method under section 10.

SEC. 5. *Cost increases which entitle you to make an adjustment.* This section relates only to the *kind* of cost increases which entitle you to make an adjustment. It does not cover either the *amount* of the cost increases or the *method* for making the adjustment.

(a) You may adjust your ceilings for increases incurred by you above your suppliers' old ceilings of any of the products listed in Appendix A or of any commodity made from any of these products, provided you use such product or commodity as a "manufacturing material." The term "manufacturing material" includes only materials that enter directly into the commodities whole ceiling prices are being adjusted, and packaging materials and containers, other than returnable containers. It does not include, for example, expendable tools or any materials used in replacing, maintaining, or expanding your plant and equipment.

You may make an adjustment only for increases above your supplier's old ceiling price. If your supplier was selling below his old ceiling and the increase he takes does *not* result in a selling price above the old ceiling, no adjustment may be made.

You need not, of course, make an adjustment for all eligible cost increases. For example, a manufacturer may be buying many different manufacturing materials from a large number of suppliers. However, only two of the increases entitling him to an adjustment are of real significance in his cost of production. He may, therefore, decide to limit his adjustment to the two important increases and ignore the rest.

(b) *Exclusions*—(1) *Products listed in Appendix A.* No adjustment may be taken under this regulation on sales by the manufacturer of any of the products listed in Appendix A. However, if you are a manufacturer of any such products, and also use them in the manufacture of processed commodities, you should refer to section 14, which deals specifically with this problem.

(2) *Conversion steel.* No adjustments for the use of conversion steel may be made under this regulation. Adjustment provisions for users of conversion steel are available in other OPS regulations. These provisions can continue to be used as before.

(3) *Imported steel.* No adjustment may be made under this regulation for any increases in the cost of imported steel.

SEC. 6. *How to determine the amount of your cost increase on mill products and pig iron.* To make the calculation of an adjustment on these manufacturing materials as simple as possible, two appendices have been added to this regulation.

(a) *Purchases from mill suppliers.* Appendix A lists the authorized ceiling price increases for steel, aluminum, brass and copper wire-mill products, and for pig iron. If you purchase any of these materials directly from the manufacturer, you may reflect in your adjustment the full amount of the listed increases. This regulation does not require (with one exception later noted) manufacturers of any of these materials to notify their customers of their increases because it is presumed they have been selling at their old ceilings and will take the listed increases in full. You may, therefore, make your adjustment immediately to reflect the appropriate amount of the listed increases.

(b) *Purchases from warehouses.* If you normally purchase any steel products from a warehouse you must turn to Appendix B. That appendix lists the authorized warehouse markups for the steel products listed in Appendix A. In order to obtain the adjustment to which you are entitled you add to the increase listed in Appendix A the warehouse markup listed in Appendix B.

Whether you are entitled to take the warehouse increase on a particular material depends on where you obtained your supply of that material during your last complete fiscal year ending not later than July 31, 1952. If during that period you bought 75 percent or more (by weight) of that material directly from mills, you may take only the increase listed in Appendix A.

If you bought more than 25 percent (by weight) of that material from warehouses, you must use the average increase weighted on the basis of the amount bought from each class of supplier during your last complete fiscal year. You calculate this average increase as follows:

(1) Multiply the physical amount bought from mills by the increase listed in Appendix A.

(2) Multiply the physical amount bought from warehouses by the warehouse increase (Appendix A increase, plus mark-up factor listed in Appendix B).

(3) Add the results obtained under (1) and (2).

(4) Divide the result under (3) by the total quantity of the material bought from both sources. This gives you the amount of the cost increase you are permitted to pass through in making your adjustment.

(c) *Increases not listed in appendices.* If you are unable to find the authorized increase for a steel-mill, aluminum-mill brass-mill, copper wire-mill or pig iron product in the appendices you should write to your supplier. He is legally required to inform you of his authorized ceiling price increase within 14 days of the time he receives your inquiry.

Example 1. You are a manufacturer of steel stampings, and during your last fiscal year you purchased 100 percent of your cold-rolled carbon steel sheet from a warehouse located in the New York metropolitan area. The increase for carbon steel sheet as shown in Appendix A is $4.50 a ton. The warehouse markup as shown in Appendix B is 46 percent. 46 percent of $4.50 is $2.07. Applying this markup to the mill price increase of $4.50 ton, gives you $6.57 per ton as the amount you may use in calculating your permitted increase for steel stampings.

Example 2. The facts are the same as above except that you purchased only 20 percent of your steel sheet from a warehouse, and the rest from a steel mill. You may only use $4.50 per ton as your cost increase for steel sheet.

Example 3. The facts are the same except that you purchased 60 percent of your steel sheet from a warehouse and 40 percent from a mill. Assuming your total purchases were 10,000 tons, your calculations would be as follows:

	Tons purchased	Cost increase per ton	Total cost increase
Mill	4,000	$4.50	$18,000
Warehouse	6,000	6.57	39,420
Total	10,000		57,420

Increase per ton is $57,420 divided by 10,000 tons, or $5.74 per ton.

SEC. 7. *How to determine the amount of your cost increase on manufacturing materials made from mill products or pig iron.*—(a) *Where 75 percent or more of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than July 31, 1952.* You may reflect in your adjustment for a particular manufacturing material the increase in his selling price above his old ceiling which your largest regular supplier has taken under this regulation. You may not make an adjustment until (1) you have received a shipment from your largest regular supplier, in an amount equal to a normal order, at a price above his old ceiling; and (2) he has given you appropriate notification of his increase, as required by section 13. However, if you are unable to obtain delivery of that particular material from

products.

your largest regular supplier, and you have obtained a shipment in an amount equal to a normal order from another supplier of the same class, you may make your adjustment on the basis of the increase in his selling price above his old ceiling (for sales to the class of purchaser to which you belong) taken by that supplier.

(b) *Where less than 75 percent of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than July 31, 1952.* You have a choice of two methods:

(1) You may reflect in your adjustment the increase in his selling price above his old ceiling taken by the *manufacturing* supplier from whom you bought the largest amount of the particular material during your last fiscal year ending not later than July 31, 1952. You may not make an adjustment until (i) you have received a shipment from your largest manufacturing supplier in an amount equal to a normal order, at a price above his old ceiling; and (ii) he has given you appropriate notification of his increase as required by section 13. However, if you are unable to obtain delivery of the particular material from your largest manufacturing supplier, and you have obtained shipment in an amount equal to a normal order from another manufacturing supplier, you may make an adjustment on the basis of the increase in his selling price above his old ceiling (for sales to the class of purchaser to which you belong) taken by that supplier.

(2) You may reflect in your adjustment an average increase weighted on the basis of the amount of the material bought from each class of supplier during your last complete fiscal year, ending not later than July 31, 1952, calculated as follows:

(i) Multiply the physical amount bought from all manufacturing suppliers, by the increase taken by your largest manufacturing supplier.

(ii) Multiply the physical amount bought from all distributors, by the increase taken by your largest distributor supplier. (The term "distributor" includes warehouse, wholesaler and jobber.)

(iii) Add the results of (i) and (ii). Divide this sum by the total quantity of the manufacturing material bought from all sources. This gives you the average increase you are permitted to pass through in making your adjustment.

NOTE: You may not make an adjustment under this method until *first*, you have received a shipment from your largest manufacturing supplier *and* from your largest distributor supplier, each in an amount equal to a normal order, and at a price above his old ceiling; and, *second*, you have received appropriate notification of increases as required by section 13. However, if you are unable to obtain delivery of the particular material from either supplier, and you have obtained shipment in an amount equal to a normal order from another supplier of the same class, you may make an adjustment on the basis of the increase in his selling price above his old ceiling (for sales to the class of purchaser to which you belong) taken by that supplier.

SEC. 8. *How to calculate an adjusted ceiling price for an individual commodity.* To calculate an adjusted ceiling price for an individual commodity you must do the following:

(a) List the physical amount, used in the production of one unit of the commodity, of each "manufacturing material" for which you are entitled to make an adjustment, and for which you have decided to make one. The "unit" of the commodity is the one in which you customarily quote your price, for example, each, dozen, gross, thousand, lb., ton.

(b) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in (a). The increase should be shown on the basis of the unit in which you normally buy the materials, for example, each, dozen, gross, thousand, lb., ton.

(c) Multiply the physical amount of each material listed in (a) by its cost increase listed in (b). This gives you the adjustment to which you are entitled for each manufacturing material.

(d) Add up the individual increases found in (c). This gives you the dollar-and-cent figure representing your total adjustment. You add this to the ceiling price of the commodity, to its largest buying class of purchaser, in order to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials, between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not calculate an adjusted ceiling price for any individual commodity which belongs to a group of commodities for which you have determined an adjustment factor under section 9.

Example: You are producing an electric fan. You purchase carbon-steel sheets direct from the steel mill, and the armature and bearings from parts manufacturers. Prices for other items in your bill of materials were not raised above suppliers' old ceilings.

EXAMPLE: ELECTRIC FAN

Purchased materials	Unit of purchase	Physical amounts required per generator	Increase shown in App. A	Suppliers' old ceiling	Suppliers' new selling price	Increase in suppliers' selling price over old ceiling	Increase per unit of commodity
Carbon steel sheet	Tons	4 pounds	$4.50/ton				$0.009
Armature and field	Unit	1		$3.00	$3.30	$.30	.30
Bearings	do	2		1.00	1.06	.06	.12
Total permitted increase							.429

SEC. 9. *How to calculate a group factor.* (a) You may calculate a group factor for any unit of your business not larger than a plant. You may use a unit smaller than a plant if you keep accounting records adequate to permit you to make the necessary calculations. You may calculate a group factor for your entire business if you operate in a single plant.

If you choose this method, you must use it for all commodities made in the unit of your business which you have used. You cannot make a section 8 adjustment for any commodity produced in that unit of your business.

(b) List the physical amount used by the unit of your business during your last complete fiscal year ending not later than July 31, 1952, of each manufacturing material for which you are entitled to make an adjustment, and for which you have decided to make one.

(c) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in (b). The increase should be shown on the basis of the unit or quantity in which you normally buy the material, for example, each, dozen, gross, thousand, lb., ton.

(d) Multiply the physical amount of each material listed in (b) by its price increase found in (c).

(e) Add up the individual increases. This gives you the total materials cost increase which you are permitted to reflect.

(f) Divide the result under (e) by the net sales of all commodities produced in that unit of your business during your last complete fiscal year ending not later than July 31, 1952, adjusted (as indicated below) for changes in your finished-goods inventory and for transfers to other units of your business. (You must use the same fiscal year used in paragraph (b)). The resulting percentage is your group factor.

(1) The inventory adjustment is made as follows:

(i) Find the values at the beginning and at the end of your last complete fiscal year, of your finished-goods inventory for the unit of your business. You must use the value as shown on the records which you keep for tax purposes.

(ii) Add the value of your end-of-the-year inventory to your net sales.

(iii) From the total under (ii) subtract the value of your beginning-of-the-year inventory. This gives you the figure by which you divide the result under (e).

(2) You must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown on your records. If your records do not show a value, you may not use that unit for making your calculations.

(3) To obtain an adjusted ceiling price for a commodity included in the unit of your business you multiply the ceiling price of the commodity, to its largest buying class of purchaser, by the group factor. This gives you a dollar-and-cent figure which you add to the ceiling price of the commodity, to its largest buying class of purchaser, to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not apply the group factor to any commodity which does not contain at least one of the materials listed in paragraph (b) even though that commodity is made by the unit of your business for which the factor was determined.

Example: You are producing a line of refrigerators in a separate unit of your business and you wish to calculate a group factor to be applied to the ceiling prices of all the refrigerators produced in that unit. You buy cold-rolled sheet steel and stainless steel direct from the mill, and you purchase your refrigeration units and miscellaneous accessories from parts manufacturers. In such a case your calculations might take the following form:

Purchased materials	Physical amounts used in last complete fiscal year	Permitted increase	Total permitted increase for materials
Cold rolled sheet steel	3,000 tons	$4.50 per ton	$13,500
Refrigerating unit:			
¼ hp	80,000 units	$8.50 per unit	680,000
¾ hp	20,000 units	$15.50 per unit	310,000
Stainless steel	500 tons	$27.00 per ton	13,500
Insulation material (no pass-through permitted by this GOR)			
Miscellaneous steel parts:			
Handles	100,000 units	$0.013 per unit	1,300
Hinges	16,000 dozen	$0.10 per dozen	1,600
Nuts	1,000 pounds	$0.05 per pound	50
Bolts	1,000 pounds	$0.05 per pound	50
			(A) 1,020,000

Adjusted net sales calculated as follows:

Sales 1951	$19,500,000	
Plus ending inventory of finished goods	2,500,000	
	22,000,000	
Less beginning inventory of finished goods	2,000,000	
Adjusted net sales		(B) $20,000,000

Divide total dollar increase (A) by adjusted net sales (B) $\frac{1,020,000}{20,000,000} = 5.1$ percent

You use the 5.1 percent to adjust your old ceiling prices for all commodities made in that unit.

Commodities	Old ceiling price	5.1% × old ceiling price (amount which may be passed through)	New ceiling price
Semi DeLuxe 8.2 cubic feet	$152.91	$7.80	$160.71
Stripped 8.1 cubic feet	137.18	6.99	144.17
Stripped 6.1 cubic feet	117.11	5.97	123.08

SEC. 10. *Option to propose an alternate method for calculating adjusted ceiling prices.* If you find that you cannot or are unable without undue burden to calculate adjusted ceiling prices under either section 8 or section 9, you may propose an alternate method. An alternate method will be approved only where there is a clear showing that use of section 8 or section 9 would be impossible or unduly burdensome.

You should submit your proposed method in writing to the Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under Section 10 of GOR 35" and must include the following:

(a) A statement of the reasons why the use of sections 8 and 9 would be impossible or unduly burdensome.

(b) A detailed step-by-step description of the method you propose.

(c) A clear demonstration, including the use of representative commodities made by you, showing that the proposed method will produce substantially the same results as sections 8 and 9.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

SEC. 11. *Subsequent adjustments.* You may wish to make more than one adjustment in order to reflect cost increases, not reflected in your previous adjustment, to which you are entitled under this regulation. If you have calculated an individual-commodity adjustment under section 8, you may simply add the additional increases, calculated under section 8, to your previously adjusted ceiling price.

If you have calculated a group adjustment factor under section 9, there are two ways of obtaining a new group factor. First, you may make the calculations prescribed by section 9, using *both* the old increases, reflected in your first group factor, and the additional increases which you now wish to reflect. Second, you may calculate a separate factor under section 9, representing only the additional increases not reflected in your first adjustment. This separate factor must then be added to your original group factor to give you your new group factor. Whether you use the first or the second method, the new group factor must be applied to the *unadjusted* ceiling prices of the commodities included in the group.

You may not change the unit of your business to which the group factor applies. The new group factor must apply to the same unit to which the old factor applies. However, group factors may be applied to new commodities brought out in the unit of your business to which the factor applies. This is spelled out in section 12.

SEC. 12. *Adjustment of ceiling prices for new, modified, and minor-change commodities.* You may adjust under this regulation ceiling prices established under the new commodity provisions of the basic regulation covering your commodities. The way you make your adjustment will depend on how the ceiling price of the new commodity is established.

(a) *Ceiling prices established by a comparison technique.* The ceiling price of any "modified" commodity, any "minor-change" commodity, or any other new commodity which is established by reference to the *unadjusted* ceiling price of a comparison commodity may be adjusted in one of two ways.

(1) If the new commodity is made in a unit of your business for which you have calculated a group factor under section 9, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made in a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 8.

Example: You have calculated a group factor of 2 percent under section 9 for the unit of your business in which you produce laundry washers and driers. You now introduce a new model drier, Model Z, which is similar to Models X and Y, models currently in your line. The *unadjusted* ceiling prices of Models X and Y under CPR 22 are $100 and $110 respectively. (Their adjusted ceiling prices under this regulation are $102 (100×102 percent) and $112.20 (110×102 percent) respectively.) You determine the ceiling price of the new commodity under section 4 of CPR 161. In doing so you use as the ceiling prices of Models X and Y their unadjusted ceiling prices of $100 and $110 respectively. Your unadjusted ceiling price for Model Z under section 4 of CPR 161 is $105. You apply the 2 percent group factor to this ceiling price. The result is $107.10. This is your adjusted ceiling price for your Model Z drier.

(b) *Ceiling prices established by reference to competitors' prices.*—(1) *Where established before September 10, 1952.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 9, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 8.

(2) *Where established after September 10, 1952.* There are two alternatives:

(i) If your competitor makes an adjustment, under this regulation of the ceiling price which you "borrowed," you may make a comparable adjustment of your ceiling price.

(ii) You may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling price. Your application must be identified as an "Application under section 12 (b) (2) 08 GOR 35" and must include a statement of the amount of the increase in the cost of your manufacturing materials resulting from increases in the cost of products listed in Appendix A, or of increases above suppliers' old ceiling prices of commodities processed from such products. You can combine this application with the initial report that may be required in order to establish the ceiling price under your basic regulation. In other words, you may request that increased steel, copper and aluminum costs be reflected immediately.

(c) *Ceiling prices established by letter order*—(1) *Where established before September 10, 1952.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 9, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 8.

(2) *Where established after September 10, 1952.* The letter order establishing your ceiling price will indicate whether and how you may make an adjustment. The order will also indicate the unadjusted ceiling price of which you advise your purchasers, in compliance with the notification provision.

(d) *Ceiling prices established by a manufacturer's individual formula.* You may adjust a ceiling price calculated by an individual formula established under the basic regulation covering your commodities. There are two ways in which such a ceiling price can be adjusted.

(1) If the commodity is made by a unit of your business for which you have calculated a group factor under section 9, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual-commodity adjustment under section 8.

SEC. 13. *Notification of unadjusted ceiling prices*—(a) *Mandatory notification by manufacturers who adjust their ceiling prices.* In order to enable manufacturers who buy from you to pass through the increase which you have put into effect, it is essential that they be able to determine the amount of the increase in your selling price above your unadjusted ceiling price. The first time you deliver a commodity at a price exceeding your unadjusted ceiling you must notify any purchaser who is himself engaged in manufacturing operations or who normally resells to manufacturers.

It is recommended that you inform your purchaser of your unadjusted ceiling price on the first invoice on which you bill him at a price exceeding that old ceiling. He is then able to determine the amount he can pass through, not merely on the first increase you take over your old ceiling but also for all subsequent increases, in case you do not immediately put into effect the full amount of the adjustment to which you are entitled. However, you may, if you wish, use any other method of notifying him that is more convenient for you. For example, you may send your purchaser a single list showing the unadjusted ceiling prices of all the commodities which he buys from you, for which you are going to charge more than the unadjusted ceiling price. Again, you may specify the dollar-and-cent amount or the percentage by which your selling price exceeds your unadjusted ceiling price; further notification would, of course, then, be necessary in the event you make later adjustments and increase your selling price.

(b) *Notification by distributors and by manufacturers of mill products where requested by buyers.* (1) Manufacturers who buy from distributors have the right to request notification of the amount of the increase in selling price in excess of the distributor's old ceiling. This is the amount by which the distributor's supplier has increased his selling price over his old ceiling, because of the steel, copper and aluminum increases, plus the markup taken by the distributor on the amount of his supplier's increase.

(2) In some cases buyers of steel-mill, aluminum-mill, brass-mill, copper wire-mill products and of pig iron may be unable to determine the amount of their suppliers' increase from the information in the appendices. They must, then, turn to their suppliers for the required information.

(3) Where notification is requested, an answer must be given within 14 days after receipt of the request.

SEC. 14. *Integrated manufacturers and transferred materials.* This section deals with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing a commodity whose ceiling price you wish to adjust. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to another person.

You may make an adjustment for the cost increase to which you are entitled, at any stage of processing where it is convenient for you to do so. However, regardless of the stage at which you decide to make your adjustment, you may not make an additional adjustment at a subsequent stage, for the same material, but must simply pass through the adjustment made at the earlier stage. Therefore, the adjustment permitted on one processed commodity can in no event exceed the increases on the materials going into it. Appropriate records must be kept, indicating how adjustments for transferred materials were made between different units of your business.

No adjustment may be taken under this regulation on sales of any of the products listed in Appendix A. However, if you manufacture such products and are also engaged in further processing—using these products as manufacturing materials—you may adjust the ceiling price of the processed commodity to reflect the increase for the manufacturing material listed in Appendix A.

You will ordinarily find it simplest to base your adjustment on the increase, shown in Appendix A, for the manufacturing material which is at the most advanced stage of fabrication.

Example 1. You are a manufacturer of steel wire, which you produce from steel rod which you purchase. Steel wire is included in Appendix A, and consequently you may not adjust your price for wire under this regulation to reflect the increased cost of rod. (You take the increase under Revision 1 of SR 100 to the GCPR.)

Example 2. You are a manufacturer of aluminum houseware, which you produce from aluminum sheet which you roll yourself from pig aluminum which you purchase. You also sell some sheet. You may *not* increase the price of sheet under this regulation, since sheet is listed in Appendix A. However, you *may* adjust the price of the houseware to reflect the increase in the ceiling price of sheet as shown in Appendix A.

NOTE: To find the permitted adjustment for the houseware you will find it simpler and more advantageous to base your calculations on the increase shown for sheet in Appendix A, rather than on that shown for pig.

Example 3. The facts are the same as in Example 2, except that you are a fully integrated producer, and manufacture your own pig. You may still have your adjustment for houseware on the increase shown for sheet in Appendix A, rather than on that shown for pig, since sheet represents the most advanced stage of fabrication listed in Appendix A.

SEC. 15. *Optional method for determining a uniform adjusted ceiling price for a commodity manufactured in two or more plants.* If the commodity whose ceiling prices you are adjusting is manufactured in more than one of your plants, and is customarily sold at a uniform price, but in adjusting the ceiling price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the adjusted ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during your last complete fiscal year. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity.

Example. The same commodity is produced in two plants. Because of differences in your materials-cost changes, each plant has different adjusted ceiling prices. The sales during your last fiscal year also were different. Assuming the figures shown below, proceed in the manner indicated.

	Adjusted ceiling price	Sales in units for your last fiscal year	Sales at adjusted ceiling prices
Plant A	$2.00	1,500	$3,000
Plant B	2.10	1,000	2,100
Total		(A) 2,500	(B) 5,100

Divide the total of sales at adjusted ceiling prices for both plants (B) by the total number of units sold by both plants (A) $\frac{5,100}{2,500}$=$2.04.

$2.04 is the uniform adjusted ceiling price for sales from both plants.

SEC. 16. *Excise, sales or similar taxes.* (a) *Where the tax is included in your selling price.* (1) If your unadjusted ceiling price for a commodity includes any excise, sales or similar tax which is not separately stated, you must first ascertain the amount of such tax and exclude it from your unadjusted ceiling price. Your unadjusted ceiling price, with such tax so excluded, may then be used in making any appropriate computations for determining your adjusted ceiling price. After completing the computations, you may then add on the appropriate amount of such tax for inclusion as part of your adjusted ceiling price.

(2) If subsequent to the establishment of an adjusted ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(3) If, subsequent to the establishment of any adjusted ceiling price, any excise, sales or similar tax is first imposed or any such tax which had been included in your ceiling price is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or the increase in such tax.

(b) *Where the tax is separately stated and collected.* If your unadjusted ceiling price for a commodity did *not* include any excise, sales or similar tax you may in addition to your adjusted ceiling price, determined under this regulation, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after you make your adjustment, you may, in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increase or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

SEC. 17. *Rounding.* Cost increases on particular manufacturing materials, and group factors calculated under section 9 may only be rounded downwards. Adjusted ceiling prices may be rounded in the manner prescribed in the basic regulation applicable to the particular commodity.

SEC. 18. *Further action by the Director.* The Director of Price Stabilization may issue supplementary regulations to this general overriding regulation or otherwise take special action to adjust the ceiling prices of particular commodities or industries to reflect the higher costs of steel, pig iron, copper and aluminum. This will be done wherever the procedure provided by this general overriding regulation is not appropriate because of the practices of the particular industry, or where, for any other reason, action specially tailored to the industry is necessary or appropriate.

Where specific provision is made for an industry in a tailored regulation, adjustments permitted under this regulation will no longer be required and, consequently, the privilege of making them may be withdrawn.

SEC. 19. *Applicability of other OPS regulations to you.* All the provisions of the regulations under which your ceiling prices are presently established continue to be applicable to you except to the extent that they are expressly inconsistent with this regulation. Wherever such provisions refer to ceiling prices "established under this regulation," or use equivalent language, your ceiling prices as adjusted under this general overriding regulation are included. This means that you will continue to look to these regulations to find, for example, what records and reports you are required to keep, in addition to those required by this regulation, or what acts are prohibited.

SEC. 20. *Records and reports.*—(a) *Record-keeping requirements.* In addition to the records and reports required by other OPS regulations applicable to you, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have correctly computed your ceiling price adjustment under this regulation. You must preserve your suppliers' notifications to you of their old ceiling prices, and copies of invoices, paid bills or similar data to show the materials costs you used in computing a ceiling price adjustment under this regulation. The records to be preserved under this paragraph include appropriate work sheets.

(b) *Reports.* The Director of Price Stabilization may from time to time require information or reports subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

SEC. 21. *Definitions.* The definitions in the basic regulation covering your commodities shall apply to all terms used in this regulation, except where one of the following definitions applies, or where the context requires otherwise.

Class of supplier. There are two classes of suppliers: manufacturers and distributors. A supplier who manufactures the commodity being sold falls into one class, a supplier who merely resells the commodity falls into the second class.

Largest regular supplier. This means a regular supplier of yours from whom in the most recent representative period you have purchased the largest quantity of a particular material. If you are purchasing a material for the first time your first supplier may be regarded as your "largest regular supplier."

Old Ceiling price. This means your unadjusted ceiling price under the regulation which covers the commodity whose ceiling price you are adjusting under this regulation.

Effective date. The effective date of this General Overriding Regulation is September 10, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

APPENDIX A

(All percentages apply to base prices plus extras in effect on July 1, 1952, except as otherwise noted. Where base prices only are noted these are base prices in effect on July 1, 1952.)

	Per net ton
A. Carbon steel products:	
(1) Ingots	$2.00
(2) Blooms, billets and slabs—forging	4.50
(3) Blooms, billets, and slabs—rerolling	3.00
(4) Blooms and billets—shell	4.50
(5) Seamless pipe and tube blooms and billets	3.00
(6) Skelp	4.00
(7) Tube rounds	5.50
(8) Wire rods	4.50
(9) Structural shapes, including bearing piles	4.00
(10) Sheet piling	4.50
(11) Plates—sheared and UM	4.00
(12) Plates—floor	4.00
(13) Light rails—60 pounds or under per linear yard	5.00
(14) Standard rails—over 60 pounds per linear yard	3.50
(15) Track spikes	10.00
(16) Joint bars	4.50
(17) Tie plates	5.50
(18) Hot-rolled bars and special bar sections	5.00
(19) Concrete reinforcing bars—unfabricated	5.00
(20) Cold-finished bars	7.50
(21) Tin plate—electric, per base box	.25
(22) Tin plate—hot dip, per base box	.25
(23) Black plate, per base box	.25
(24) Terneplate, per base box	.25
(25) Hot-rolled sheets	3.50
(26) Cold-rolled sheets	4.50
(27) Enameling sheets	5.50
(28) Galvanized sheets, including formed roofing and siding and valley, ridge roll, and flashing	5.50
(29) Sheets—long terne	5.50
(30) Sheets—all other coated	5.50
(31) Electrical sheets—pole grade	3.50
(32) Electrical sheets—field grade	12.00
(33) Hot-rolled strip	4.50
(34) Hoops, baling bands and cotton ties	8.00
(35) Standard and line pipe:	
(i) Buttweld:	
Black P. E. (3¼ pts.)	6.50
Black T & C (3½ pts.)	7.00
Galvanized P. E. (3½ pts.)	7.00
Galvanized T & C (3¾ pts.)	7.50
(ii) Seamless lapweld and electric weld black:	
2"—4" Nom. P. E. (5½ pts.)	10.50
2"—4" Nom. T & C (5½ pts.)	11.00
5" Nom. and over P. E. (3 pts.)	6.00
5" Nom. and over T & C (3¼ pts.)	6.50
(iii) Seamless lapweld and electric weld galvanized:	
2"—4" Nom. P. E. (5½ pts.)	11.00
2"—4" Nom. T & C (5¾ pts.)	11.50
5" Nom. and over P. E. (3¼ pts.)	6.50
5" Nom. and over T & C (3½ pts.)	7.00
(36) Oil country goods—seamless electric weld and lapweld:	
(i) Casing F-25	6.50
(ii) Casing H-40	6.50
(iii) Casing J-55	6.50
(iv) Casing N-80 (carbon)	9.00
(v) Casing Dee, well	9.00

	Per net ton
A. Carbon steel products:	
(36) Oil country goods—seamless electric weld and lapweld—Con.	
(vi) Tubing N-40	$11.00
(vii) Tubing F-25	11.00
(viii) Tubing J-55	11.00
(ix) Drill pipe—grade D	11.00
(x) Drive pipe	6.50
(xi) Miscellaneous tubular-couplings	33.00
(37) Drawn wire—Acme spring, basic and Bessemer, box binding, buckle, con key, chain, check power, clothes pin, coat hanger, scrapless nut, link, split rivet, tubular rivet, tuning pin, wood screw, welding, strand wire, tying wire, wool wire, pear shape, square, nail wire, pump, stapling (bright all other), bale tie cross head wire, bale tie wire, baling wire, merchant quality, galvanized annealed premier spring	7.50
(38) Nails—cut and wire	9.00
(39) Staples	8.00
(40) Wire tacks	22.00
(41) Woven fence	9.00
(42) Welded fence	14.00
(43) Wire netting	14.00
(44) Fence posts, commonly produced by steel mills	8.00
(45) Wire bale ties—coil and loop	9.00
(46) Barbed and twisted wire	8.00
(47) Wire reinforcing mesh—welded precast	14.00
(48) All other wire reinforcing mesh	7.50
(49) Chain link fabric	10.00
(50) Ornamental fence and trellis, commonly produced by steel mills	8.00
(51) Tubular fence posts and fence rails, commonly made by steel mills	7.00
(52) Wire rope and cord	31.00
(53) Guard rail strand	15.00
(54) Strand (other than guard rail)	16.00
(55) Wire loops	8.00
(56) Clothes line	10.00
(57) Cold rolled strip, low carbon	9.00
(58) Cold rolled strip, high carbon	17.00
(59) Cold rolled strip, specialties—bag tie, band saw steel, bobby hair pin steel, boning steel, box band, butcher blade steel, camera main spring and camera setter steel, cleat steel, carpet blade steel, diaphragm steel, doctor blade steel, door check steel, feeler and clearance gauge steel, fish tape steel, flapper valve, gong bell, heddle and drop steel, knife and scraper blade steel, lock spring steel, pen steel, pendulum spring steel, pile steel, piston ring and piston ring expander steel, reed steel, rule steel for rulers, sash balance steel, scoring rule steel, side link chain steel, sinker steel, snap spring steel, square blade steel, stitching flat, surgical blade steel, tape line steel, type bar steel, umbrella strip, vibrator reed steel, window regulator steel, tempered strip	31.50
	Percent
(60) Seamless and welded mechanical and pressure tubing	[1] 5.5
(61) Drawn wire—all drawn wire other than that listed above in subparagraph (37)	[1] 4.7
(62) Steel hardware cloth	[1] 4.7
(63) Steel screen cloth	[1] 4.7
(64) Wrought iron	[1] 4.7
(65) All carbon steel products not otherwise listed in this section	[1] 4.7

	Per net ton
B. High strength, low alloy steel products:	
(1) Ingots, blooms, billets, and slabs	$4.50
(2) Hot-rolled bars	7.50
(3) Structural shapes	6.00
(4) Plates	6.00
(5) Hot-rolled strip	7.00
(6) Hot-rolled sheets	5.50
(7) Cold-rolled sheets	7.50
(8) Galvanized sheets	8.50
(9) Cold-rolled strip	15.00
C. Products in SAE, NES, and other structural alloy grades of steel:	
(1) Ingots	3.00
(2) Blooms, billets, and slabs	6.00
(3) Structural shapes	7.50
(4) Plates	10.00
(5) Hot-rolled bars	7.50
(6) Cold-finished bars	12.00
(7) Hot-rolled sheets	12.00
(8) Cold-rolled sheets	12.00
(9) Electrical sheets—all alloy grade	12.00
(10) Hot-rolled strip	12.00
(11) Cold-rolled strip—other than razor	28.00
(12) Cold-rolled strip—razor	90.00
(13) Wire	12.00
(14) Tubing N-80	14.00
(15) Drill pipe, Grade E	12.37
(16) Casing, N-80 (Alloy)	9.00
	Percent
(17) Mechanical tubing:	
(i) Schedule J—hot	[1] 5.0
(ii) Schedule J—cold	[1] 5.0
(iii) Schedule J—bearing—hot	[1] 6.0
(iv) Schedule J—bearing—cold	[1] 6.0
(v) Schedule K—aircraft—cold	[1] 3.0
(18) Pressure tubing:	
(i) Schedule B—2—hot	[1] 4.7
(ii) Schedule B—2—cold	[1] 4.7
(iii) Schedule B—3—hot	[1] 5.0
(iv) Schedule B—3—cold	[1] 5.0
D. All other unlisted SAE, NES structural alloy grades, carbon tool, alloy, or alloy tool steel mill products	4.7
E. Stainless steel mill products	4.7
F. Aluminum pig, aluminum alloy pig, aluminum ingot	1 cent per pound
	Percent
G. Aluminum mill products:	
(1) Alloy ingot (including billets)	5
(2) Sheet, coil, plate, blanks, circles and foil	5
(3) Wire, rod, and bar (including structurals)	5

[1] Of base price only.

	Percent
G. Aluminum mill products—Con.	
(4) Extrusions (including shapes, tubing, and pipe)	5
(5) Tubing, drawn and welded	5
(6) Electrical conductor cables, bare (ACSR and all aluminum)	5
(7) Roofing and siding not fabricated beyond the forming operation	5
(8) Aluminum powder and paste	5
(9) Roll formed shapes	5
H. Brass mill products:	
(1) Free cutting brass rod	[1] 1.22
(2) New plate, sheet, strip, rod, bar tube, pipe, extrusion, and anode or other shape made from copper or copper base alloy	[1] 3.84
I. Certain wire mill products:	
(1) Standard insulated wires and cables, standard wiring harnesses and assemblies, and standard power supply cords and cord sets	[4] 4.25
(2) Bare and magnet wire and cable	[1] 4.25
(3) Weatherproof wire and cable:	
(i) When sold by foot	[4] 4.25
(ii) When sold by the pound	[5] 3.25
J. Pig Iron (other than that covered by GCPR, SR 36):	
	Per ton
(1) Containing a maximum of 4.9 percent silicon	[2] $2.50
(2) Containing from 5.00–17.00 percent silicon	3.00

[1] Cents per pound.
[2] Cents per pound of contained copper less 2.00 cents per pound of contained zinc.
[4] Cents per pound of copper contained.
[5] Per 100 pounds.

APPENDIX B

You may add the following applicable percentage markups to the steel-mill product increases authorized in Appendix A only when you purchase the following products from warehouse resellers. The factors set forth below may not be used by you for products which you purchase directly from the mill producer. For such products you may apply only the increase authorized in Appendix A. The direct mill shipments referred to in this Appendix B are those shipments made directly from the mill for the account of a warehouse reseller.

A. Prime Industrial Steel Products.

1. Purchases from warehouse stock—(The geographic location refers to the area in which the warehouse reseller from whom you purchase is situated).

	Metropolitan area, New York	State of California	State of Texas	States of Oregon and Washington	All other
	Percent	Percent	Percent	Percent	Percent
Standard structural shapes	55	47	56	51	52
Junior channels	55	60	56	51	52
Junior beams	55	47	65	51	52
Wide flange beams	52	41	55	50	45
H. R. carbon bars and bar shapes	55	46	53	52	50
H. R. carbon plates	47	56	44	50	43
Floor plates	64	60	60	64	60
Abrasion resisting, all products	56	46	57	52	54
H. R. carbon sheets	59	50	63	56	54
H. R. carbon strip	46	47	43	46	46
C. R. sheets	56	56	56	56	56
C. R. and H. R. electrical (silicon) sheets, all grades	52	52	52	52	52
Enameling sheets	48	48	48	48	48
C. R. strip—low carbon	48	50	48	50	48
High tensile low-alloy, all products	36	31	59	46	33
C. F. carbon bars	52	41	56	50	45
Reinforcing bars, unfabricated	45	45	45	45	45
Tin plate, black plate, and short ternes	50	50	50	50	50
Galvanized sheets, hot-dipped					
Galvanized, electric coated sheets and other related zinc coated sheets	50	50	50	50	50

	Metropolitan area, New York	State of California	State of Texas	States of Oregon and Washington	All other
	Percent	Percent	Percent	Percent	Percent
Terne coated long sheets	50	50	50	50	50
Alloy bars, H. R	50	50	50	50	50
Alloy bars, C. F	50	50	50	50	50
Alloy plates	50	50	50	50	50
Tool steel sheets (approximately 1.00 percent carbon grades)	45	45	45	45	45
Structural tubing (hot-rolled, butt-welded)	54	54	54	54	54
"4130" aircraft sheets:					
0.1875 and heavier	40	40	40	40	40
0.160 and lighter	40	50	40	40	40
"1020 grade" aircraft sheets	40	50	40	40	40

Stainless sheets, Stainless bars and angles, Stainless plates, Stainless pipe and tubing: No additional markup on the mill net price.

Boiler tubes, seamless and welded:
Standard gauge: No additional markup on the mill net price.
Heavy gauge in the following sizes:
1 inch–2½ inch OD 11-gauge and heavier.
2½ inch–3 inch OD 10-gauge and heavier.
3¼ inch–3½ inch OD 9-gauge and heavier.
4 inch–4½ inch OD 8-gauge and heavier.
5 inch–5½ inch OD 7-gauge and heavier.
6 inch OD 5-gauge and heavier.
6¼ inch–6½ inch OD ⅝ inch and heavier.

Quantity:	All areas (percent)
30,000 to 39,999 pounds or feet	35
20,000 to 29,999 pounds or feet	40
10,000 to 19,999 pounds or feet	50
5,000 to 9,999 pounds or feet	55
2,000 to 4,999 pounds or feet	65
Under 2,000 pounds or feet	80

Mechanical tubing: No additional mark upon the mill net price.

NOTE.—Where you purchase in lots of less than 75 lbs. or feet you must request your supplier to notify you of his authorized increase in ceiling price.

Tool steel bars and drill rod: Do.
2. Direct mill shipments of prime industrial steel products: Do.

	All areas (percent)
B. Secondary or reject semi-finished Industrial Steel Products	10.
C. Prime quality Merchant Trade Products purchased from jobbers:	
1. Merchant Trade Wire Products:	
Shipment from warehouse stock at wholesale	25.
Shipment from warehouse stock at retail	30.
Direct mill shipment	No additional markup on the mill net price.

The term "Merchant Wire Products" is used in its customary trade meaning and includes such commodities as wire nails and staples; barbed wire and twisted barb wire; twisted fence stays, wire fence, including farm field fence, poultry fence, ornamental lawn fence and diamond mesh fence annealed and galvanized fence wire; merchant wire; stone wire; single loop bale ties and wire hoops. It also includes fence posts and tie wire for automatic balers. The term does not include manufacturer's wire, wire rope, lead head and cut nails, or welded wire fabric for reinforcement.

2. Roofing and siding.

	All areas (percent)
Shipments from warehouse stock at wholesale	25
Shipments from warehouse stock at retail	30

Direct mill shipments. No additional markup on the mill net price.

"Roofing and siding" means galvanized and other metallic coated or painted iron or steel sheets in rolls or which have been corrugated or otherwise formed and which are commonly used as overhead or side covering on buildings or other structures. It does not include metallic coated sheets in coils sold for other than roofing purposes, or formed sheets sold for use in the manufacture of culvert pipe or structural arches.

3. Merchant trade pipe and tubular products. Direct mill shipments in carload lots. No additional markup on the mill net price.

Direct mill shipments in less than carload lots and all shipments out of warehouse stock:

	Percent
(i) Standard weight pipe and standard weight line pipe in sizes 6 inches and smaller	25
(ii) Standard weight pipe and standard weight line pipe in sizes over 6 inches	30
(iii) All sizes of extra strong pipe, double extra strong pipe, waterwell casing and large OD pipe	30
(iv) Wrought iron pipe. No additional markup on the mill net price.	

For shipment from warehouse stock you must request your supplier to provide you with his authorized increase in ceiling price.

D. Prime quality oil country tubular products.

	Percent
Warehouse or field stock sales	10.6

Direct mill shipments. No additional markup on the mill net price.

Oil country tubular products include casing, tubing, drill pipe and drivepipe.

[F. R. Doc. 52-10007; Filed, Sept. 10, 1952; 11:03 a. m.]

[Ceiling Price Regulation 22, Amdt. 55]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

REPORTS UNDER SECTION 32 FOR CHEMICAL SPECIALTIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 55 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes OPS Public Form No. 128 inapplicable to any chemical specialty. It has been found that this form is not appropriate or convenient for reporting section 32 ceiling prices for chemical specialties. The burden imposed upon manufacturers of such products by OPS Public Form No. 128 is disproportionate to the benefits to be achieved by requiring use of the form.

This amendment therefore exempts manufacturers of these products from the requirement that their reports of ceiling prices under section 32 be made on OPS Public Form 128.

In the formulation of this regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impractical.

AMENDATORY PROVISION

Section 32 (g) (3) (ii) of Ceiling Price Regulation 22 is amended to read as follows:

(ii) *Chemicals.* The term "chemicals" as used in subparagraph (2) of this paragraph means a substance obtained by a chemical process or used for producing a chemical effect including, but not limited to, basic materials such as acids, alkalies, salts and organic chemicals; products to be used in further manufacture such as plastic materials, adhesives, dry colors, dyes and pigments; and products to be used as materials or supplies in other industries such as fertilizers, pesticides and explosives. The term also includes chemical specialties. Not included are paints, varnishes, lacquers, animal and vegetable oils, and finished products to be used for ultimate consumption such as drugs, cosmetics and soaps.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10006; Filed, Sept. 10, 1952; 4:00 p. m.]

[Ceiling Price Regulation 120, Supplementary Regulation 1]

CPR 120—CEILING PRICES FOR TERRITORIAL EATING AND DRINKING ESTABLISHMENTS

SR 1—ADJUSTMENT FOR INCREASES IN FOOD COSTS IN ALASKA, GUAM, AND HAWAII DUE TO THE WEST COAST MARITIME STRIKE

REVOCATION

Supplementary Regulation 1 to Ceiling Price Regulation 120 permits restaurant operators in the territories of Alaska, Guam and Hawaii to increase their ceiling prices established under Ceiling Price Regulation 120, in order to overcome an increase in costs and a squeeze on their margins caused by the maritime strike on the west coast of the United States.

It was stated in the Statement of Considerations accompanying the Supplementary Regulation that the Office of Price Stabilization would revoke the increases granted when it deemed that the strike emergency had ended.

Ths Office of Price Stabilization has been advised that the maritime strike on the west coast has been settled and has determined that the emergency caused by the strike has ended. Therefore, Supplementary Regulation 1 to Ceiling Price Regulation 120 is being revoked. In the formulation of this action special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 1 to Ceiling Price Regulation 120 is hereby revoked, effective September 10, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10000; Filed, Sept. 10, 1952; 11:00 a. m.]

[Ceiling Price Regulation 166, Amdt. 1]

CPR 166—CEILING PRICES FOR TEXTILE PRODUCTS SOLD IN PUERTO RICO

ADDITION OF APPENDIX A

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 166 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 166 establishes ceiling prices for textile products sold in Puerto Rico at various levels of distribution.

Section 5 of the regulation requires that sellers of textile products shall prepare and keep a textile reference book, in which they must enter, prior to the offer for sale or sale of textile products, the information required by section 5 of the regulation. Reference is made in this section to a suggested form of reference book which is contained in Appendix A to the regulation. Due to a clerical error Appendix A was omitted. Accordingly, this amendment adds to Ceiling Price Regulation 166 an Appendix A containing the suggested form of the reference book.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 166 is amended by inserting at the end thereof the following new matter:

No._____

APPENDIX A—SUGGESTED FORM FOR TEXTILE REFERENCE BOOK

Dealer's name_____ Store's name_____ Address_____ P. R.
Street and No. Municipality

Reference No.		Unit	Description of commodity	Name and address of supplier from whom commodity was purchased	Date received	Delivered cost	Applicable multiplier		Selling price per unit		Remarks
Dealer's	Supplier's						Wholesale	Retail	Wholesale	Retail	

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 166 is effective September 10, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10001; Filed, Sept. 10, 1952; 11:00 a. m.]

[General Ceiling Price Regulation, Amdt. 34]

GENERAL CEILING PRICE REGULATION

USED TRUCKS NOT ACQUIRED FOR PURPOSE OF SALE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 34 to General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from the General Ceiling Price Regulation sales of used trucks not acquired for the purpose of sale, provided that the used truck may not be sold at a price higher than the ceiling price of the truck when new. In the event the seller cannot determine the ceiling price of the truck when new he may not sell the truck for a price higher than his own acquisition cost.

Used trucks have previously been excluded from the coverage of section 14 (t) (1) of the General Ceiling Price Regulation, applicable to most used supplies and equipment not acquired or produced for the purpose of sale. As a result, a seller of a used truck has had to apply for the establishment of a ceiling price under section 7 of the GCPR. The issuance of a letter order in each case has created an administrative burden not warranted by the benefits derived therefrom. This amendment therefore makes section 14 (t) (1) applicable to used trucks not acquired for the purpose of sale.

Sales of used trucks by dealers, whether franchised or non-franchised, and by individuals who acquired the truck for resale rather than use, continue to be covered by the GCPR.

In the preparation of this amendment, consultation was held with industry representatives, including trade association representatives, and consideration was given to their recommendations.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respect:

Subparagraph (2) of section 14 (t) is amended by deleting the words "used truck" therefrom so that the subparagraph as amended will read as follows:

(2) This exemption does not apply to used rails or trackwork, demolition projects, scrap or waste materials, or to any commodity which is now or hereafter specifically covered by any supplementary regulation to the General Ceiling Price Regulation or any numbered ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10008; Filed, Sept. 10, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 35]

GENERAL CEILING PRICE REGULATION

NOTICES OF PARITY ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 35 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to section 11 of the General Ceiling Price Regulation (GCPR) provides for the filing of notices of "parity" adjustment increases in the OPS District Office for the district in which the processing plant is located, irrespective of the location of the selling units through which the production of that plant is sold. However, if the records of the processing plant are not maintained at that plant, the notices may be filed with the District Director in whose district those records are maintained.

Amendment 30 to the GCPR requires notices of "parity" adjustment increases to be sent to each District Director within whose district the manufacturer or processor has a selling unit. As stated in the Statement of Considerations to that amendment, that action was taken in order to decentralize the administration of "parity" adjustment filings. The result, however, is burdensome for manufacturers and processors who operate selling units in more than one OPS District. To alleviate this burden, the Director of OPS considered it advisable to change the place where such notices are to be filed, as above stated.

In addition, when the Director of Price Stabilization deems it advisable he may direct certain manufacturers or processors to make their filings with the National Office of the Office of Price Stabilization.

This amendment also makes minor changes in the items of information to be submitted to OPS.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of the Office of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is hereby amended in the following respects:

1. Section 11 (f) is amended to read as follows:

(f) *Notice of "Parity" Adjustment Increases.* (1) If you are a processor or a manufacturer to whom the provisions of section 11 (b) (2) are applicable, you may not increase your ceiling price for such commodity until you first notify, as specified in this paragraph, the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

(i) Name and address of the processing plant which incurs the increased cost for the listed commodity or product processed therefrom;

(ii) A description of the commodity you are selling;

(iii) Name and address of each selling unit which sells the commodity and your existing ceiling price at each such selling unit;

(iv) The highest price you paid or incurred, during the base period or during the periods provided for in paragraph (d) of this section, for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity or product referred to under subdivision (i) of this subparagraph and processed at that plant; or, if you have previously increased your ceiling price, then the price upon which you based your existing ceiling price;

(v) The new cost or new commodity exchange quotation, whichever is applicable;

(vi) The increased ceiling price at each selling unit listed in subdivision (iii) of this subparagraph.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price of the commodity.

2. Section 11 (f) (2) is amended so that the portion thereof preceding (i) shall read as follows:

(2) If you are either a producer-processor pricing under section 11 (b) (3) (i), or a processor operating under "open" price or deferred payment contracts and pricing under section 11 (b) (3) (ii), you may not increase your ceiling price for such commodity until you first notify the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

3. Section 11 (f) (3) is amended so that the portion thereof preceding (i) shall read as follows:

(3) If you are a cooperative-processor pricing under section 11 (b) (3) (iii), you may increase your ceiling price without first giving any notice, but must, within 120 days after the close of the "pool" or the end of each normal accounting period during which you increased your ceiling price, notify the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

4. A new subparagraph (4) is added at the end of section 11 (f) to read as follows:

(4) Notwithstanding the other provisions of paragraph (f), the Director of the Office of Price Stabilization may, in writing, require you to file your notices of "parity" adjustment increases with the National Office of the Office of Price Stabilization, Washington, D. C.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 35 to the General Ceiling Price Regulation is effective September 15, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10009; Filed, Sept. 10, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 34, Revised]

GCPR, SR 34—ADJUSTMENT OF CEILING PRICES OF MANUFACTURERS AND DISTRIBUTORS OF FRESH AND SEMI-DRY SAUSAGE MADE IN WHOLE OR IN PART FROM BEEF OR STUFFED IN SHEEP CASINGS

CERTAIN SELLERS TO FILE WITH DISTRICT INSTEAD OF REGIONAL OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 1 to General Ceiling Price Regulation, Supplementary Regulation 34, Revised is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to General Ceiling Price Regulation, Supplementary Regulation 34, Revised (SR 34 Rev.) requires that certain sellers file reports with their District Office instead of their Regional Office of the Office of Price Stabilization. It has been determined that the filings, required under section 10 of this regulation, may be processed more effectively at the district office level due to the fact that intimate knowledge of the reporting seller's operations may be more readily obtained. Furthermore, this amendment conforms to recent amendments to CPRs 24, 74, 92, and 101, which directed certain sellers covered by those regulations to file reports with the District rather than the Regional office.

The files of sellers affected by this amendment are being transferred from the Regional to the appropriate district offices of the Office of Price Stabilization so that a more effective administration of the regulation will be attained.

In the judgement of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

General Ceiling Price Regulation, Supplementary Regulation 34 is amended in the following respect:

1. Section 10 (a) (1) is amended by deleting the words "Regional Director" wherever they appear and inserting the words "District Director" therefor.

2. Section 10 (b) (2) (i) is amended to read as follows:

(i) You must make such modification in your increased ceiling price as is required in the notice from the Regional office, District office or National office; and

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on September 15, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10003; Filed, Sept. 10, 1952; 11:01 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6, Revision 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 6—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE SPRINGFIELD, MASSACHUSETTS, MILK MARKETING AREA

CHANGE IN FILING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), and Delegation of Authority No. 41 (16 F. R. 12679), this Amendment 1 to Area Milk Price Regulation 6 (Revision 1) is hereby issued.

STATEMENT OF CONSIDERATIONS

On June 20, 1952, Area Milk Price Regulation 6 (Revision 1) was issued pursuant to Region 1 Redelegation of Authority No. 22 (17 F. R. 260). Under section 7, applications made pursuant thereto are required to be filed with the Springfield District Office of the Office of Price Stabilization. Under section 8, certain reports are required to be filed with that office. Section 14 confers upon the Director of that office the powers therein specified. Under section 16, the Director of the Springfield District Office is empowered to issue a Letter Order establishing ceiling prices for fluid milk products under circumstances therein stated.

On August 15, 1952, pursuant to section 3(a)(1) of the Administrative Procedure Act, an amendment of the Organization Statement as published in the FEDERAL REGISTER dated January 21, 1952 (17 F. R. 675), was issued which provides in section 33, in part, as follows: "The Boston Regional Office will service the entire State of Massachusetts; this area was formerly serviced by the Boston and Springfield, Massachusetts, District Offices."

Consequently, it is necessary that applications, and reports, required by this regulation to be filed with the Springfield District Office, will hereafter have to be filed with the Boston Regional Office; and that powers which are conferred upon the Director of the Springfield District Office will hereafter have to be exercised by the Director of the Boston Regional Office. For the purpose of conforming to these necessary requirements, this amendment is issued. In the formulation of this Amendment, special circumstances have rendered consultation with industry representatives impractical.

AMENDATORY PROVISIONS

Area Milk Price Regulation 6 (Revision 1), issued under Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation, is amended in the following respects:

1. Sections 7, 14 and 16 are amended so as to change the phrase "Springfield District Office," where it appears, to read: Boston Regional Office.

2. Section 8 is amended by changing the phrase "Springfield District Office of the Office of Price Stabilization, Springfield", where it appears, to read: Boston Regional Office of the Office of Price Stabilization, Boston 9.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Area Milk Price Regulation 6 (Revision 1) is effective September 10, 1952.

JOSEPH M. MCDONOUGH,
Director of Regional I Office,
Boston 9, Massachusetts.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10010; Filed, Sept. 10, 1952; 4:01 p. m.]

CHAPTER III—OFFICE OF PRICE STABILIZATION, ECONOMIC STABILIZATION AGENCY

[General Ceiling Price Regulation, Supplementary Regulation 118]

GCPR, SR 118—CEILING PRICES FOR SALES BY MANUFACTURERS AND BRAND OWNERS OF NEW REPLACEMENT SECOND LINE TIRES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to the General Ceiling Price Regulation (16 F. R. 5424) is hereby issued.

STATEMENT OF CONSIDERATIONS

Prior to the outbreak in Korea, automobile tire manufacturers and brand owners were marketing "second line" as well as "first line" standard pressure tires and only first line low pressure tires. As of March 15, 1951, NPA prohibited the manufacture of more than one price line of standard tread depth passenger car tires. The tire manufacturing industry generally abandoned production of second line tires in favor of first line tires. This prohibition was lifted, effective January 1, 1952. Currently, manufacturers and brand owners are again engaged in producing and marketing second line standard pressure tires. For these tires, ceiling prices were already established by the GCPR freeze of prices, and these are the ceiling prices still in effect. In addition, the manufacturers introduced for the first time second line low pressure tires.

Second line tires are ordinarily sold by manufacturers and brand owners, and by resellers at subsequent levels of distribution as well, at prices which reflect narrower margins above cost than first line tires.

Since the ceiling prices of tires and tubes are governed by GCPR, sellers are required to establish ceiling prices for new tires under section 4 or 5. When applied to the pricing of new second line low pressure tires, the provisions of these sections may require the use of second line standard pressure tires as comparison commodities. Ceiling prices computed under sections 4 and 5 may therefore require individual manufacturers to apply the same margins over direct cost for each size of the new second line low pressure tire as are reflected by their GCPR ceilings for the most nearly comparable size of the second line standard pressure tires.

Since direct costs of manufacturing any given size of tire may vary considerably from manufacturer to manufacturer, the Director is of the opinion that a tailored regulation is desirable for the new second line low pressure tires to avoid abnormal ceiling price disparities within the industry which traditionally maintained fairly uniform price structures. The range of price relationships of these second line standard pressure tires to first line standard pressure tires in the three popular sizes, representing 90 percent of the sales, varies from 72.6 percent to 79.2 percent. This supplementary regulation establishes ceiling list prices for second line low pressure tires at 75 percent of the ceiling prices for the first line equivalent of these tires. It will thus afford consumers approximately the same average saving as is available in the standard pressure second line tires as compared to the first line of the same tires.

The Director cannot ignore the possibility that individually computed ceiling prices and the customary practice of the industry to meet the low cost producer's price might discourage existing producers of the popular size tires from maximizing their output. Conceivably, a high cost producer might even be forced to withdraw production of such popular sizes altogether. Consideration has also been given to the possibility that smaller tire producers now planning to enter the field of popular size second line low pressure tire production might shelve these plans altogether.

Sellers of second line low pressure tires other than manufacturers and brand owners will be required by existing OPS regulations to bring their ceiling prices for these tires into conformity with the new lower ceilings established by this supplementary regulation.

In view of the nature of this supplementary regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Manufacturers' and Brand Owners' ceiling prices.
3. Records.
4. Incorporation of GCPR provisions.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended: 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers and brand owners of all sizes of new second line low pressure tires. This is accomplished by requiring that each manufacturer and brand owner individually apply to his published retail list price for the same size first line low pressure tire a specified percentage to arrive at his reference or retail list price for the second line low pressure tire. The retail list or reference prices so computed less the same discounts, allowances and services which a manufacturer or brand owner extended to his various classes of purchasers in his sales of second line tires are his ceiling prices. As to sales by manufacturers and brand owners of these second line low pressure tires, this supplementary regulation supersedes the GCPR.

SEC. 2. *Manufacturers' and brand owners' ceiling prices.* (a) Your ceiling prices to your various classes of purchasers for all your sales of second line low pressure tires are your reference or retail list prices computed under paragraph (b) of this section less the same discounts off list, allowances and services, other than those of a temporary nature and which had a specified termination date, which you extended to each of those classes of purchasers in your sales of second line tires during the 30-day period preceding the issuance of this regulation.

(b) Your reference or retail list price for any size second line low pressure tire is 75 percent of the published retail list price which you had in effect during the 30 day period preceding the effective date of this regulation for the same size first line low pressure tire.

(c) If you customarily expressed your retail list prices in multiples of five cents, then you may round to the nearest nickel your reference or list prices computed in accordance with this section. If you elect to do so, you must similarly round your retail or reference prices computed under this supplementary regulation to reflect decreases as well as increases. You may not, however, round any prices which are arrived at by applying discounts or allowances off your list prices.

Example: You want to compute your ceiling prices for a 6.70 x 15 size second line low pressure tire. Your retail list price for your first line 6.70 x 15 tire is $22.05. $22.05 x 75% = $16.54. Your reference or retail list price for your second line 6.70 x 15 tire is $16.55 ($16.54 rounded to the nearest nickel, if your retail list prices were normally so rounded.) Your ceiling price to your "A" Dealer is $11.88 (rounding not being permitted).

SEC. 3. *Records.* You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all price lists and discounts, allowances and services structure sheets which you used in computing your ceiling prices for new second line low pressure tires under this supplementary regulation.

SEC. 4. *Incorporation of GCPR provisions.* Except as herein specifically modified, all of the provisions of the General Ceiling Price Regulation remain in effect.

SEC. 5. *Definitions.* (a) A "brand owner" is one who markets a passenger car tire under his own brand name or label, even though he does not himself manufacture it.

(b) A "second line tire" is a tire designed to sell at a lower price than the brand owner's first line tire and which is generally recognized in the trade as that brand owner's second line tire.

(c) A "first line tire" is one which is designed at a quality level to replace and to sell in competition with an original equipment quality tire.

(d) An "original equipment tire" is that quality rubber tire in a brand owner's line generally produced for sale to a manufacturer of passenger cars and intended for use on such vehicles as part of its original equipment.

(e) "You" means any seller subject to this supplementary regulation.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This supplementary regulation is effective September 10, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10005; Filed, Sept. 10, 1952; 2:01 p. m.]

[General Overriding Regulation 31, Revocation]

GOR 31—AIR FREIGHT DURING STRIKE EMERGENCY ON SHIPMENTS TO HAWAII

REVOCATION

General Overriding Regulation 31 permits sellers in Hawaii to add to their ceiling prices otherwise established for certain commodities, the increase in costs of shipping these commodities by air freight in order to overcome an increase in costs and a squeeze on their margins caused by the maritime strike on the west coast of the United States.

It was stated in the Statement of Considerations accompanying that regulation that the Office of Price Stabilization would revoke that regulation as soon as the strike emergency ended as to all commodities not actually delivered or in transit at that time.

The Office of Price Stabilization has been advised that the maritime strike on the west coast has been settled and has determined that the emergency caused by the strike has ended, therefore, General Overriding Regulation 31 is being revoked. In the formulation of this action special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, General Overriding Regulation 31 is hereby revoked, effective September 10, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10004; Filed, Sept. 10, 1952; 11:01 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 3 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

1. This Amendment 3 amends the Appendix to CR 3 published in the FEDERAL REGISTER July 18, 1952 (17 F. R. 6585), and last amended by Amendment 2 published August 26, 1952 (17 F. R. 7788), by adding the following additional critical defense housing areas to the areas already designated under CR 3:

Area, Including Geographical Description and Date Designated

195. Opheim, Montana, Area. (School District 9, including Opheim Town in Valley County, Montana), September 11, 1952.

196. Kinross Air Force Base, Michigan, Area. (Kinross and Pickford Townships in Chippewa County, Michigan), September 11, 1952.

197. Milwaukee, Wisconsin, Area. (All of Milwaukee County, Wisconsin), September 11, 1952.

2. The Appendix to CR 3 is further amended by changing the description of critical defense housing areas previously published and numbered 32 and 42, respectively, to read as follows:

32. Barstow, California, Area. (Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8

North; and on the west and north by the Belleville Township line; all in California.)

* * * * *

42. Hartford, Connecticut, Area. (The towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut.)

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-9930; Filed, Sept. 10, 1952; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 52-34]

PART 40—CADETS OF THE COAST GUARD

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in Title 14, United States Code, section 92, 633 (section 1, 63 Stat. 503, 545), the following amendments to the regulations are prescribed and shall be effective on and after the date of publication of this order in the FEDERAL REGISTER:

1. Section 40.2 is amended to read as follows:

§ 40.2 *Applications.* The Coast Guard is interested in receiving applications for cadetship from all young men who feel that they meet the requirements outlined in the regulations in this part. Any young man who recognizes in himself no serious deficiency and who is sincerely interested in a Coast Guard career is encouraged to make application. A pamphlet "Career for Tomorrow", which contains the Regulations Governing Appointments, together with the required application forms, may be obtained from the Commandant, United States Coast Guard; Superintendent, United States Coast Guard Academy; all Coast Guard District Offices; and all Coast Guard Recruiting Stations.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

2. Section 40.3 (d) is amended to read as follows:

§ 40.3 *General requirements for eligibility.* * * *

(d) He must be unmarried, and have never been married. Any cadet who shall marry, or who shall be found to be married or to have been married before his final graduation, shall be required to resign. Refusal to resign will result in dismissal.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

3. Section 40.6 is amended to read as follows:

§ 40.6 *Specific requirements for eligibility.* (a) No waivers of any requirement, educational or physical, are granted to applicants. A candidate must be a graduate of an accredited public high school or preparatory school or be in actual attendance in his senior year at an accredited preparatory school or public high school, and have already completed three (3) years work at such a school. A candidate indicating prospective graduation from a preparatory school or public high school must as a condition of admission satisfactorily complete his course not later than June 30. With the exception of courses completed through the United States Armed Forces Institute for which credit has been granted by an accredited school, correspondence schools do not meet the requirements for "Accredited Schools". Certificates issued by correspondence schools will not be accepted. A total of 15 units, obtained in high school, preparatory school, or college must be submitted.

(1) The subjects listed below, comprising 7 units, are mandatory and are required for eligibility:

Mathematics (1) (Algebra to quadratics)	1
Mathematics (2) (Algebra—quadratics and beyond)	1
Mathematics (3) (Plane Geometry)	1
English 1, 2, and 3	3
Physics	1
Total units	7

(2) Further evidence of adequate preparation, amounting to 8 units of optional subjects, is required and may be offered from the following groups, subject to the limitations of paragraph (c) of this section:

Foreign language.
Social science (history, civics, etc.).
Biological science (biology, zoology, etc.).
Physical science (chemistry, general science, etc.).
Mathematics.
Mechanic arts.
Mechanical drawing.
Fine arts, drama, and music.
Commercial studies.
Fourth-year English.

(3) While not required, it is strongly recommended that a candidate include solid geometry, trigonometry and chemistry in his preparation.

(b) Candidates whose high schools offer only 1½ years of algebra may, at the discretion of the Commandant, be given credit for 1 unit of algebra 2 on presentation of proof that they have covered the subject matter listed in § 40.13 (a) (2) (v) "algebra-quadratics and beyond."

(c) In computing the number of optional credits, the following limitations are imposed:

(1) Foreign language, not less than 2 units. Any foreign language taught in an accredited school is acceptable, provided the student completes successfully a two-year course.

(2) A total of not more than 2 units will be accepted from any or all of the following groups: Mechanic arts, mechanical drawing, commercial studies, fine arts, drama and music.

(d) To satisfy the requirements of § 40.3 (c) a candidate may submit both high-school and college credits. Because of the great variation in academic standards and credit requirements among schools, the Commandant reserves the right to evaluate each academic record submitted on its individual merits. In general, college credits from an accredited institution will be given greater weight than high-school credits for the same amount of work, but in no case will one semester of college work be considered equivalent to more than one unit of high-school work.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

4. Section 40.9 is amended to read as follows:

§ 40. *Date of examination.* Examinations will be held annually for two successive days commencing on the fourth Monday in February, at places where examiners are available. If either of these days falls on Washington's Birthday, the examination will be held on the two days immediately following the holiday. The examiners will be commissioned officers of the Coast Guard, or civil-service examiners. All expenses connected with the candidate's appearance before examiners and medical boards must be borne by the candidate.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

5. Sections 40.10 (c) and (g), are amended to read as follows:

§ 40.10 *Annual competitive examinations.* * * *

(c) *Achievement tests.* Each candidate will be tested for knowledge in all of the following subjects:

(1) English (Grammar, Composition, Literature, and Reading Comprehension).
(2) Mathematics (Algebra and Plane Geometry).
(3) Science (Physics).

* * * * *

(g) *Computation of final mark.* The final mark of each candidate will be computed by averaging the following five sub-scores in accordance with the indicated weights:

English	20
Mathematics	20
Science	20
Aptitudes and Abilities	20
General Adaptability	20
Total	100

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

6. Section 40.11 is amended to read as follows:

§ 40.11 *Schedule of examinations.* (a) The schedule of examinations will normally be as follows:

First day: 8 a. m. to 12 noon—Mathematics and science; 1 p. m. to 4:30 p. m.—English, questionnaires.

Second day: 8 a. m. to 12 noon—Aptitude tests, questionnaires; 1 p. m. to 4:30 p. m.—Interviews.

(b) All materials necessary for taking the examination will be furnished each candidate. Drawing instruments and slide rules will not be permitted.

(c) Physical examinations will be given only to those candidates who have high final marks and are in line for appointment. They will usually be given about two months after the competitive examination. Medical Boards will consist of Medical Officers of the Public Health Service, Navy, Army or Air Force.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92,633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

7. Section 40.13 is amended to read as follows:

§ 40.13 *Scope of studies for required subjects*—(a) *Mathematics*—(1) *Algebra to quadratics; one unit.* (i) The meaning, use, evaluation, and necessary transformations of simple formulas involving ideas with which the pupil is familiar, and the derivation of such formulas from rules expressed in words.

(ii) The graph and graphical representation in general. The construction and interpretation of graphs.

(iii) Negative numbers; their meaning and use.

(iv) Linear equations in one unknown quantity, and simultaneous linear equations involving two unknown quantities, with verification of results. Problems.

(v) Ratio, as a case of simple fractions; proportion, as a case of equation between two ratios; variation. Problems.

(vi) The essentials of algebraic technic.

(vii) Exponents and radicals.

(2) *Algebra; quadratics and beyond; one unit.* (i) Numerical and literal quadratic equations in one unknown quantity. Problems.

(ii) The binomial theorem for positive integral exponents, with applications.

(iii) Arithmetic and geometric series.

(iv) Simultaneous linear equations in three unknown quantities.

(v) Simultaneous equations, consisting of one quadratic and one linear equation, or of two quadratic equations of certain types. Graphs.

(vi) Logarithms.

(3) *Plane geometry; one unit.* (i) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons; and the measurement of the circle.

(ii) The solution of numerous original exercises, including loci problems.

(iii) Applications to the mensuration of lines and plane surfaces.

(iv) The examination will consist partly of book propositions and partly of originals. In the former type of question the candidate will be asked to give proofs of standard theorems which are assumed to have been presented to him in his course of study, or to reproduce standard constructions. In the latter type are included the demonstrations of theorems which are not assumed to be familiar to the candidate, problems of measurement and calculation, and problems in working out of unfamiliar constructions and the identification of unfamiliar loci. Questions calling for simple geometrical knowledge and understanding may fall under either type.

(v) The originals on the examination will, in general, depend for their solution on propositions mentioned in the syllabus of the Educational Testing Service, but occasionally the original will be so framed that a solution will occur more readily to the candidate who is familiar with such important geometrical facts as the properties of the 30° and the 45° right triangles.

(vi) The candidate is not required to give proofs of constructions unless a proof is specifically called for by the questions, and such proofs will not be regarded as constituting a part of the book-work requirement but will have the status of originals.

(b) *English 1, 2, and 3; grammar, composition, and literature; three units.* (1) Entrance to the Coast Guard Academy is based on the assumption that each successful candidate will be adequately grounded in the principles of English grammar and composition. The ability to write and speak clearly, correctly, and effectively should be the outgrowth of the candidate's experience in his secondary school English courses. There should be, in those courses, special emphasis on spelling, punctuation, and good usage as the normal requirements for successful work in composition. It is taken for granted that all candidates will have some ability to write clear and well-organized paragraphs or short essays, although the entrance examination may not require any such composition. Advantage should be taken of the oral work that is now a recognized part of most secondary English courses.

(2) The candidate's preparation in literature should conform to the standards set up in most States as a minimum for the college preparatory courses. These standards call for the appreciative reading and understanding of a number of Shakespeare's plays, some narrative and descriptive poems, and several of the classic short stories and novels. A survey of American or English literature is essential for the requirements in English. The candidate who has read widely and intelligently will generally be better prepared than the candidate who has limited the scope of his reading to one or two authors or one or two books. Because of the vast extent of the field and because of the wide variation in secondary English courses, no specific list of books or authors can be given. Standard high school texts or course outlines suggested by many of the State educational systems are adequate guides to preparation in this field.

(3) The examination in English is designed to test the candidate's knowledge of good modern usage, the sum of his reading experience, and his ability to comprehend what he reads.

(c) *Physics; one unit.* Secondary school courses in physics are so well standardized that a definition of a unit is unnecessary. Candidates with a credit in physics as required in § 40.6 (a) (1) will have adequate preparation for the examination.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

8. Section 40.14 is amended to read as follows:

§ 40.14 *Sample questions*—(a) *General purpose.* The following examples of questions from objective type examinations are printed for the information of candidates who may be unfamiliar with this type of test. Questions are answered by marking an answer sheet in accordance with instructions supplied with the tests.

(b) *Mathematics.*

(1) The equation $X^2+aX+b=0$ has equal roots if:
(i) $a=-2\sqrt{b}$.
(ii) $a=2b$.
(iii) $a^2=2b$.
(iv) $a=\frac{b^2}{4c}$.
(v) None of the above.

(2) Which of the following statements is not true? If two triangles are similar,
(i) Corresponding sides are in the same proportion.
(ii) Two angles of one are equal, respectively, to two angles of the other.
(iii) Their areas are proportional to the squares of corresponding sides.
(iv) They are congruent.
(v) None of the above.

(c) *English.*

(1) Which of the five alternatives is nearest in meaning to the word printed in capital letters:
Lackadaisical: (i) tawdry, (ii) pardonable, (iii) spiritless, (iv) workable, (v) willowy.
Galaxy: (i) lily, (ii) lightening, (iii) assembly, (iv) stain, (v) wilderness.

(2) Which of the following was written by Charles Dickens? (i) aVnity Fair, (ii) David Copperfield, (iii) Anthony Adverse, (iv) Forever Amber, (v) Tom Sawyer.

(d) *Science.*

(1) Ohm's Law is:
(i) $F=ma$.
(ii) $PV=RT$.
(iii) $E=IR$.
(iv) $v=v_0+at$.
(v) None of the above.

(2) A body falls freely from rest. In two seconds it will fall approximately:
(i) 16 feet.
(ii) 32 feet.
(iii) 64 feet.
(iv) 129 feet.
(v) None of the above.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

9. Section 40.17(c) is amended to read as follows:

§ 40.17 *Appointments.* * * *

(c) Having been appointed and having taken the oath of office a cadet will be reimbursed for the actual mileage from his home to the Academy at the rate of 6 cents per mile.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

10. Section 40.18 is amended to read as follows:

§ 40.18 *Deposit required.* A cadet, upon admission to the Coast Guard Academy, shall be credited with the

sum of $600 to defray the cost of his initial clothing and equipment, this sum to be deducted subsequently from his pay in accordance with regulations promulgated by the Secretary of the Treasury. In addition each cadet upon appointment shall deposit with the Superintendent of the Academy the sum of $100, this amount to be used to help defray initial clothing and equipment costs which exceed the amount of the $600 credited. The Superintendent of the Academy in exceptional circumstances is authorized to waive this requirement in part, but the amount so waived shall be made up by deductions in amounts to be determined by the Superintendent from the cadet's monthly cash allowances. A cadet may use so much of this $100 as may be necessary to defray his traveling expenses to the Academy. The amount thus used will be deposited with the Superintendent of the Academy when the cadet shall have been paid his mileage.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended, sec. 3 P. L. 122, 82d Cong.; 14 U. S. C. 183)

11. Section 40.19 is amended to read as follows:

§ 40.19 *Pay of cadets.* A cadet in the Coast Guard receives the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy. At present these equal $973.44 per annum and commutation for one ration per day. Pay commences upon the date the oath of office as a cadet is taken. A cadet's pay is not a wage or salary for services rendered. It is money furnished by the Government for uniforms, equipment, textbooks, and other expenses incidental to his training. A cadet does not receive allowances for dependents. Cadet pay is disbursed and expended only as directed by the Superintendent.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

12. Section 40.26 (s) is amended to read as follows:

§ 40.26 *Physical standards.* • • •

(s) Hearing must be normal for each ear by the whispered voice and speech voice tests, the denominator of the fraction being /15. Any chronic disease of the external, middle, or internal ear will be sufficient cause for rejection. Hearing in each ear must be normally acute to the spoken and whispered voice. In examining the acuteness of hearing with the voice, one ear of the candidate shall be closed while the other ear is being examined, and his eyes shall be covered to prevent lip reading.

(Sec. 1, 63 Stat. 503, 545, as amended; 14 U. S. C. 92, 633. Interpret or apply sec. 1, 63 Stat. 508, as amended; 14 U. S. C. 182)

Dated: August 29, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9919; Filed, Sept. 10, 1952; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 44—LOSS, RIFLING, DAMAGE, OR OTHER MISTREATMENT OF MAIL MATTER; INQUIRIES, COMPLAINTS, AND INVESTIGATIONS; REQUESTS FOR AND FAILURE TO RECEIVE RETURN RECEIPTS; AND COLLECTIONS FROM POSTAL EMPLOYEES AND MAIL CONTRACTORS

PART 60—TREATMENT OF REGISTERED MATTER AT POST OFFICES OF DELIVERY

DOMESTIC REGISTERED MAIL; SHORT-PAID REGISTERED MATTER

1. In § 44.2 *Complaints on domestic registered mail,* amend paragraph (b) (2) to read as follows:

(2) *Report, how.* Complaints of loss or rifling of domestic registered mail at all classes of offices shall be reported on Form 1510 in duplicate. At offices of the first and second classes claims for indemnity for domestic registered mail shall be made on Form 565, in addition to the report on Form 1510, and at such offices complaints of other than loss or rifling, where indemnity is not claimed, shall be reported by letter. Form 565 should not be executed in connection with domestic registered mail accepted upon payment of the minimum registry fee of 30 cents. See paragraphs (a) and (b) (1) of this section.) Offices of the third and fourth classes will report complaints, other than loss or rifling, and any claims for indemnity, by letter. The inspector in charge will issue necessary instructions on receipt of claims by letter from offices of the third and fourth classes. Whenever available, the envelope or wrapper shall be submitted, and in cases of damage, the damaged contents and packing material shall be retained, if practicable, until the investigation is completed.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 3, 47 Stat. 340; 5 U. S. C. 22, 369, 39 U. S. C. 384a)

2. In § 60.7 *Short-paid registered matter,* amend paragraph (a) to read as follows:

(a) *Treatment of.* When domestic registered mail is delivered to the addressee or to the sender, and the postage and registry fee have not been fully prepaid, the postmaster shall collect the deficiency upon delivery. The stamps affixed to the article shall be applied to the postage required and the remainder, if any, to the registry fee. If the amount of registry fee is not known, the article shall be considered as having been registered at the lowest registry fee for which indemnity is payable, in the absence of information that the article contains nothing of intrinsic value.

NOTE: See §§ 43.7, 43.11, and 43.12 of this chapter as to rating and collecting postage due.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 3, 47 Stat. 340; 5 U. S. C. 22, 369, 39 U. S. C. 384a)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9917; Filed, Sept. 10, 1952; 8:51 a. m.]

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICE: INDEMNITY

ACCEPTANCE OF MATTER FOR REGISTRATION; ADDITIONAL FEE FOR RESTRICTED DELIVERY

1. In § 58.5 *Acceptance of matter for registration,* amend paragraph (d) by striking out "25 cents," and by inserting in lieu thereof "30 cents."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 3, 47 Stat. 340; 5 U. S. C. 22, 369, 39 U. S. C. 384a)

2. Amend § 64.19 *Additional fee for restricted delivery* to read as follows:

§ 64.19 *Additional fee for restricted delivery.* Upon payment of an additional fee of 20 cents, the sender may restrict delivery of domestic insured mail, except that on which the minimum fee is paid, by marking it "Deliver to addressee only," or "Deliver to addressee or order," or with words of similar import. This fee shall also be collected by the Postmaster at the office of delivery for delivering any domestic numbered insured article (see § 64.5) which the addressee (instead of the sender) has restricted in delivery to himself or to his order.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 212, 62 Stat. 1267; 5 U. S. C. 22, 369, 39 U. S. C. 245c)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9918; Filed, Sept. 10, 1952; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 862]

COLORADO

REVOCATION OF EXECUTIVE ORDER NO. 8645 OF JANUARY 22, 1941, ESTABLISHING THE KIT CARSON NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Executive Order No. 8645 of January 22, 1941, reserving all lands owned or controlled by the United States within the following-described area in Colorado for the use of the Department of the Interior as the Kit Carson National Wildlife Refuge, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 13 S., R. 47 W.,
Sec. 20, lots 1, 2, 7, 8, 9, and 16;
Sec. 21, S½NE¼, W½, and N½SE¼.

The areas described aggregate 721.04 acres of privately-owned lands formerly controlled by the United States under easement deeds.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1952.

[F. R. Doc. 52-9904; Filed, Sept. 10, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

PART 440—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

UNCOLLECTIBLE ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of September A. D. 1952.

The matter of modifying the "Uniform System of Accounts for Freight Forwarders, Issue of 1943," being under consideration pursuant to the provisions of section 412 (a) of the Interstate Commerce Act, as amended (56 Stat. 294, 49 U. S. C. 1012); and,

It appearing, that a notice of proposed rule making dated July 24, 1952, was served on all freight forwarders subject to provisions of the act and was published in the FEDERAL REGISTER on August 7, 1952 (17 F. R. 7187) pursuant to provisions of section 4 of the Administrative Procedure Act; and,

It further appearing, that the notice provided for written views or arguments to be filed in that connection on or before August 29, 1952, and no representations of any sort having been received; It is ordered, that:

(1) *Effective date.* Effective October 1, 1952, the text of account 412, "Provision for Uncollectible Accounts", shall be modified as provided in the above notice by adding the following as the second paragraph of that text:

This account shall also be charged with amounts determined to be uncollectible when no reserves are provided for doubtful accounts.

(2) *Notice.* A copy of this order shall be served on every freight forwarder subject to the act and on each trustee, receiver, executor, administrator, or assignee of any such freight forwarder, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003. Interprets or applies 56 Stat. 294; 49 U. S. C. 1012)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-9929; Filed, Sept. 10, 1952; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For amendment of § 17.3 by the deletion of the Kit Carson National Wildlife Refuge from the tabulation contained therein, see Public Land Order 862 in the Appendix to Title 43, Chapter I, *supra,* revoking Executive Order No. 8645 of January 22, 1941, which established the said wildlife refuge.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Draft Release No. 55B]

AIR TAXI OPERATORS; OPERATIONS OVER CERTIFICATED HELICOPTER ROUTES

SUPPLEMENTAL NOTICE OF PROPOSED RULE-MAKING

SEPTEMBER 5, 1952.

In the notice of proposed rule making on this matter published in the FEDERAL REGISTER on July 18, 1952 (17 F. R. 6596), it was stated that the Board would consider all relevant matter in communications received on or before August 18, 1952. On August 15, 1952, the Board, at the request of interested parties, issued Draft Release No. 55-A, extending the date by which comments must be filed with the Board from August 18, 1952 to September 12, 1952. This was published on August 19, 1952 (17 F. R. 7549). The Board has again been requested by an interested party to extend the return date for comments further to September 30, 1952. Because of the importance of the proposed rule, the Board desires to give all interested persons sufficient time in which to consider the subject matter thoroughly, so that the Board will have the benefit of complete comments on the proposed rule.

Accordingly, the second sentence of the next to the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before September 30, 1952, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9934; Filed, Sept. 10, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[414.21]

SPENT BONE BLACK

TARIFF CLASSIFICATION

SEPTEMBER 5, 1952.

The Bureau, by letter to the collector of customs, Philadelphia, Pennsylvania, dated Sept. 5, 1952, ruled that spent bone black, not suitable for use as bone black, is classifiable under paragraph 1555, Tariff Act of 1930, as a waste, not specially provided for, and dutiable at the modified rate of 4 percent ad valorem and not entitled to free entry under paragraph 1685.

This ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9932; Filed, Sept. 10, 1952; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELISE SCHMIDT VON JOHNSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. Elise Schmidt von Johnson, also known as Mrs. Elise von Johnson and Mrs. Elise Ujffy Schmidt von Johnson, c/o the First National Bank of Galveston, 2127 Strand, Galveston, Tex.; presently residing at Englschalkingerstrasse 9, Munich, Germany; Claim No. 44622; $12,817.42 in the Treasury of the United States; certificate No. G-2765 for 31.88 shares of capital stock of the Guaranty Building & Loan Co., Galveston, Tex., presently in the custody of the Office of Alien Property, 346 Broadway, New York, N. Y.; one oil painting approximately 4' 1" by 4' 11" depicting a medieval scene signed "1874 Ch. Lebenkenhofer" presently in cus-

tody of the Manhattan Storage & Warehouse Co., New York, N. Y.

Executed at Washington, D. C., September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9936; Filed, Sept. 10, 1952; 8:54 a. m.]

SIMON VUKAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Simon Vukas, 865 First Avenue, New York, N. Y.; Claim No. 58549; Vesting Order No. 12324; $6,125.82 in the Treasury of the United States.

Executed at Washington, D. C., September 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9937; Filed, Sept. 10, 1952; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

TRANSFER OF JURISDICTION OF INTEREST

SEPTEMBER 5, 1952.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands, is hereby transferred to the Office of Territories, Department of the Interior:

T. 8 S., R. 14 W., Seward Meridian:
Sec. 32, S½S½NE¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.
Sec. 33, W½SW¼NW¼ (unsurveyed).

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, *supra*, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-9905; Filed, Sept. 10, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under South Dakota, in alphabetical order, add the counties "Bon Homme" and "Brown."

In Schedule B, under South Dakota, delete the counties "Bon Homme" and "Brown."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 8th day of September, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9969; Filed, Sept. 10, 1952; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry learner regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

The Fairchild Co., Alpharetta, Ga., effective 8-28-52 to 2-27-53; 70 learners for expansion purposes (dress trousers).

Lackawanna Pants Manufacturing Co., Cedar Avenue and Brook Street, Scranton, Pa., effective 9-8-52 to 9-7-53; 10 percent of the productive factory force (trousers).

Lemont Pants Co., 310 Illinois Street, Lemont, Ill., effective 9-1-52 to 8-31-53; four learners (men's and boys' clothing—trousers and slacks).

Lyons Textile Mill, Inc., Greensboro, Ga., effective 9-2-52 to 3-1-53; 10 learners for expansion purposes (work clothes).

Summit Station Manufacturing Co., 194 South Main Street, Pine Grove, Pa., effective 9-2-52 to 9-1-53; 10 learners (dresses and blouses).

I. Taitel & Son, 12 South Prettyman Street, Knox, Ind., effective 8-28-52 to 3-11-53; 10 percent of the productive factory force or 10 learners, whichever is greater (men's work pants) (replacement certificate).

Tuskegee Industries, Mitchell Village, Ala., effective 9-1-52 to 2-28-53; 23 learners for expansion purposes (shirts and pajamas).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

General Cigar Co., Inc., 1301-11 Seventh Avenue, Huntington, W. Va., effective 8-26-52 to 2-25-53; 50 learners for expansion purposes; cigar machine operator, 320 hours; packer (cigars retailing for more than 6 cents each), 320 hours; hand stripper, 160 hours; machine stripper, 160 hours; each 60 cents per hour.

Glove Industry learner regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Dinberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y., effective 9-4-52 to 9-3-53; five learners (lined leather gloves).

Hosiery Industry learner regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

American Throwing Co., Inc., 335 East Solomon Street, Griffin, Ga., effective 9-2-52 to 5-1-53; 15 learners for expansion purposes.

Beloit Hosiery Co., South Beloit, Ill., effective 8-29-52 to 8-28-53; five learners.

Durand Hosiery Mills, 807 North Market Street, Chattanooga, Tenn., effective 8-29-52 to 8-28-53; five learners.

Shoe Industry learner regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Maisak-Handler Shoe Co., Inc., Senath, Mo., effective 9-4-52 to 3-3-53; 15 learners for expansion purposes.

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.14).

J. H. Grady Manufacturing Co., Licking, Mo., effective 8-29-52 to 2-28-53; 35 learners for expansion purposes; hand and machine sewers, baseball makers and moulders only; 480 hours; 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (athletic equipment).

Oregon City Woolen Mills, Third and Main Streets, Oregon City, Oreg., effective 8-28-52 to 8-27-53; four learners; machine operating (except cutting), pressers, handsewers; each 480 hours; 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (men's and boys' clothing).

Isadore Settlow Co., 126 Shove Street, Fall River, Mass., effective 8-29-52 to 1-3-53; 30 learners for expansion purposes; machine operators (except cutters), handsewers, pressers; 480 hours each; 60 cents an hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's and boys' clothing).

The following special learner certificates were issued to the school-operated industries listed below:

Broadview Academy, 9330 West Cermick Road, La Grange, Ill., effective 9-1-52 to 8-31-53; woodwork shop—assembler (furniture), upholsterer, woodworking machine operator, furniture finisher helper and related skilled and semi-skilled occupations; 50 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

Lodi Academy, 1215 South Garfield Street, Lodi, Calif., effective 9-1-52 to 8-31-53; print shop—compositor, pressman, and related skilled and semi-skilled occupations; three learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour, unless higher standards are established by State law.

Ozark Academy, Gentry, Ark., effective 9-1-52 to 8-31-53; Venetian blind shop—rail cutter, machine operator, spray painter, slat, cord and tape cutter, installer and related skilled and semi-skilled occupations; three learners; 200 hours at 55 cents per hour, 150 hours at 60 cents per hour, 150 hours at 70 cents per hour; Broom shop—winder, stitcher, sorter, painter and related skilled and semi-skilled occupations; 12 learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of September 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-9906; Filed, Sept. 10, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-263]

ACCIDENT OCCURRING AT INDIANAPOLIS, IND.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 8765A, which occurred at Indianapolis, Indiana, on August 21, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, September 17, 1952, at 9:00 a. m. (local time) in the Claypool Hotel, Indianapolis, Indiana.

Dated at Washington, D. C., September 2, 1952.

[SEAL] EVERETT S. BOSWORTH,
Presiding Officer.

[F. R. Doc. 52-9935; Filed, Sept. 10, 1952; 8:54 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 10, Amdt. 1]

REGIONAL DIRECTOR OF REGION 3, LONDON, ENGLAND

DELEGATION OF AUTHORITY TO PERFORM CERTAIN STAFF AND OPERATING FUNCTIONS

Pursuant to the authority vested in me as Defense Materials Procurement Administrator, Delegation No. 10, dated April 15, 1952 (17 F. R. 3426), is hereby amended as follows:

1. Section 3a is revised, effective immediately, to read as follows:

a. To make purchases and contracts in behalf of the General Services Administration for materials, supplies, and nonpersonal services in connection with the Strategic and Critical Materials Stock Piling Act and special purchase programs for foreign aid and assistance.

2. Section 5 is amended, effective April 15, 1952, by adding a new paragraph, as follows:

f. To grant cost-of-living and living quarters allowances and to authorize the payment of foreign post differentials to (1) eligible employees of Region 3 (including employees in District Offices) who occupy positions in the General Schedule of the Classification Act of 1949, as amended, and (2) to eligible employees of the General Services Administration who are assigned to Region 3. This authority shall be exercised in accordance with Department of State "Standardized Government Civilian Allowance Regulations (Foreign Areas)" and "Standardized Government Post Differential Regulations (Foreign Areas)," as well as applicable DMPA and GSA regulations. This authority may be redelegated by the Regional Director, but may not be further redelegated.

Dated: September 5, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-9963; Filed, Sept. 10, 1952; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1308, G-1676]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 5, 1952.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered September 3, 1952, amending prior order (15 F. R. 3296) and issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9908; Filed, Sept. 10, 1952; 8:49 a. m.]

[Docket Nos. G-1813, G-1937, G-2023]

INDIANA GAS & WATER CO., INC., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE FOR HEARING

SEPTEMBER 4, 1952.

In the matters of Indiana Gas & Water Company, Inc., Docket No. G-1813; Panhandle Eastern Pipe Line Company, Docket No. G-1937; Indiana Gas & Water Company, Inc. v. Panhandle Eastern Pipe Line Company, Docket No. G-2023.

By its order of June 3, 1952, the Commission consolidated for hearing and disposition the proceedings in Docket Nos. G-1813 and G-1937 and set said proceedings for hearing commencing August 11, 1952. Following a motion for postponement of hearing filed by Commission staff counsel on August 6, 1952, the Secretary, on August 7, 1952, issued a notice of continuance of hearing until September 15, 1952.

On August 4, 1952, Indiana Gas & Water Company, Inc. filed a complaint against Panhandle Eastern Pipe Line Company, Docket No. G-2023, in which it claimed that unlawful discrimination would result unless Panhandle were required to purchase and operate at its own expense the facilities for which a certificate of public convenience and necessity is applied for at Docket No. G-1813. The complaint also requests that the proceeding thereon be consolidated with those at Docket Nos. G-1813 and G-1937. Panhandle Eastern Pipe Line Company's answer to the complaint, filed August 28, 1952, denies any such connection of Docket No. G-2023 with Docket Nos. G-1813 and G-1937 as would permit consolidation and requests that the complaint be dismissed.

It appears that the complaint, Docket No. G-2023, involves kindred questions

with Docket Nos. G–1813 and G–1937 and should appropriately be heard with the proceedings at these dockets. It further appears that the issues to be considered in Docket No. G–2023 are not so novel to those in Docket No. G–1813 and G–1937 as to require further postponement of the date of hearing in the latter dockets in order to permit the running of the usual period of notice of hearing in Docket No. G–2023.

The Commission finds:

(1) Good cause exists to consolidate the proceedings on the above applications for the purpose of hearing.

(2) Good cause exists and it is reasonable to waive the notice provisions of § 1.19 (b) of the Commission's general rules and regulations to the extent that hearings in Docket No. G–2023 may commence on September 15, 1952, as has been ordered in Docket Nos. G–1813 and G–1937 by the Commission's order of June 3, 1952.

The Commission orders:

(A) The proceedings upon the applications of Indiana Gas & Water Company, Inc. at Docket No. G–1813, of Panhandle Eastern Pipe Line Company at Docket No. G–1937, and the complaint of Indiana Gas & Water Company, Inc. against Panhandle Eastern Pipe Line Company at Docket No. G–2023 be and the same are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held commencing September 15, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications and complaint.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9907; Filed, Sept. 10, 1952; 8:48 a. m.]

[Docket No. G–1910]

ALLENTOWN-BETHLEHEM GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 5, 1952.

In the matters of Allentown-Bethlehem Gas Company, Consumers Gas Company, the Harrisburg Gas Company, Lancaster County Gas Company, the United Gas Improvement Company, Docket No. G–1910.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered September 3, 1952, in the above-entitled matters, permitting abandonment of facilities of Allentown-Bethlehem Gas Company, Consumers Gas Company, the Harrisburg Gas Company and Lancaster County Gas Company, and issuing a certificate of public convenience and necessity to the United Gas Improvement Company, Docket No. G–1910, to acquire and operate said abandoned facilities.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9909; Filed, Sept. 10, 1952; 8:49 a. m.]

[Docket No. G–1958]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 5, 1952.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered September 3, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9910; Filed, Sept. 10. 1952; 8:49 a. m.]

[Docket No. G–1987]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 5, 1952.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered September 3, 1952, authorizing and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9911; Filed, Sept. 10, 1952; 8:49 a. m.]

[Docket No. G–2030]

TOWN OF COLFAX, LA.

NOTICE OF APPLICATION

SEPTEMBER 5, 1952.

Take notice that the Town of Colfax, Louisiana (Applicant), a municipal corporation of the State of Louisiana, address Colfax, Louisiana, filed on August 14, 1952, a petition for amendment of a certificate of public convenience and necessity issued to Trunkline Gas Company and for an order directing Trunkline Gas Company to supply and sell natural gas to the Applicant pursuant to section 7 of the Natural Gas Act.

Applicant proposes to construct a distribution system within its corporate limits and a transmission line from the main line of Trunkline Gas Company to its distribution system. Through said facilities Applicant proposes to transport and distribute a maximum of 400 Mcf of natural gas per day.

Applicant has been authorized by its electorate to issue, sell, and deliver $270,000 in bonds to finance the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9916; Filed, Sept. 10, 1952; 8:50 a. m.]

[Docket No. ID–1146]

HAROLD TURNER

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 5, 1952.

Notice is hereby given that on September 3, 1952, the Federal Power Commission issued its order entered August 28, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9912; Filed, Sept. 10, 1952; 8:50 a. m.]

[Project No. 1144]

ELIZABETH H. GRAFF ET AL.

NOTICE OF ORDER DISMISSING INCOMPLETE APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

SEPTEMBER 5, 1952.

In the matter of Elizabeth H. Graff, John H. Graff, and Elizabeth Graff Knight, Project No. 1144.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered August 28, 1952, dismissing incomplete application for amendment of license (Major) and accepting surrender of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9913; Filed, Sept. 10, 1952; 8:50 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER APPROVING EXHIBITS AND ADJUSTING ANNUAL CHARGES

SEPTEMBER 5, 1952.

Notice is hereby given that on June 16, 1952, the Federal Power Commission issued its order entered June 10, 1952, approving exhibits and adjusting annual charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9914; Filed, Sept. 10, 1952; 8:50 a. m.]

[Project No. 2019]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 4, 1952.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has made application for amendment of its license for Project No. 2019, known as the Utica project, to authorize the construction, operation, and maintenance of a new Murphys power plant and appurtenant facilities to replace the old plant on Angels Creek, Calaveras County, California. No public or lands of the United States would be affected by the proposed amendment.

Any protest against the approval of this application or request for any action thereon, with the reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 24, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–9915; Filed, Sept. 10, 1952; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS WITH EDUCATIONAL INSTITUTIONS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, pursuant to section 302 (c) (5) of the act, contracts for services to be rendered by any university, college or other educational institution, in connection with authorized programs and activities of the Department of the Interior.

2. This authority shall be exercised in accordance with applicable limitations in the act, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

3. The Secretary of the Interior is hereby authorized to redelegate the authority contained herein to any officer, official, or employee of the Department of the Interior.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 5, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52–9964; Filed, Sept. 10, 1952; 8:56 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region III, Redelegation of Authority No. 43]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of CPR 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of CPR 17;

(c) To disapprove area adjustments requested under section 11 (d) of CPR 17.

This redelegation of authority shall take effect as of August 29, 1952.

JOSEPH J. MCBRYAN, *Director of Regional Office No. III.*

SEPTEMBER 8, 1952.

[F. R. Doc. No. 52–9938; Filed, Sept. 8, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority No. 19, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION V, ATLANTA, GA.

AMENDMENT OF REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTION UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 11, Revision 1, as amended (17 F. R. 2145; 17 F. R. 7195) this amendment of Redelegation of Authority No. 19 is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee, District Offices of Price Stabilization in addition to authority heretofore redelegated by the Delegation of Authority No. 19 to act in accordance with a new paragraph (g) being added to read as follows:

(g) To grant relief pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 1 to Redelegation of Authority No. 19 shall be effective as of August 5, 1952.

CHARLES B. CLEMENT, *Acting Regional Director of Regional Office V.*

SEPTEMBER 8, 1952.

[F. R. Doc. 52–9939; Filed, Sept. 8, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority No. 23, Revision 2]

DIRECTORS OF THE DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 50 (17 F. R. 674), this second revised redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee, District Offices of the Office of Price Stabilization to act as follows:

1. To issue adopting orders as authorized by General Overriding Regulation 24;

2. To grant, deny or revoke the reclassification provided for under section 7 of General Overriding Regulation 24.

If the area in Region V for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This second revised redelegation of authority shall take effect as of September 1, 1952.

CHARLES B. CLEMENT, *Acting Regional Director of Regional Office V.*

SEPTEMBER 8, 1952.

[F. R. Doc. 52–9940; Filed, Sept. 8, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority No. 44]

DIRECTORS OF THE DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) CPR 17

By virtue of the authority vested in me as Director of the Regional Office of

Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act as follows:

(a) To request information in accordance with Office of Price Stabilization Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 28, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9941; Filed, Sept. 8, 1952; 4:43 p. m.]

[Region V, Redelegation of Authority No. 45]

DIRECTORS OF THE DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama; and Nashville, Tennessee, District Offices of Price Stabilization to act as follows:

(a) To approve, pursuant to sections 6 and 8 of Ceiling Price Regulation 83, Revision 1, a price determining method for sales by seller under Ceiling Price Regulation 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect as of August 28, 1952.

CHARLES B. CLEMENT,
Acting Regional Director.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9942; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region IX, Redelegation of Authority No. 9, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 25, Amendment 1, dated August 1, 1952 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority No. 9 (16 F. R. 12239), is hereby issued.

Redelegation of Authority No. 9 (16 F. R. 12339) is amended to read as follows:

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1, to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 9 shall take effect as of August 27, 1952.

THOMAS C. SWANSON,
Acting Regional Director, Region IX.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9943; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region IX, Redelegation of Authority No. 30, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 11, Revision 1, Amendment 1, dated August 5, 1952 (17 F. R. 7195), this Amendment 1 to Redelegation of Authority No. 30 (17 F. R. 2947), is hereby issued.

Redelegation of Authority No. 30 is amended by adding a new section 1 (g) to read as follows:

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 1 to Redelegation of Authority No. 30 shall take effect as of August 27, 1952.

THOMAS C. SWANSON,
Acting Regional Director, Region IX.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9944; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region IX, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 61, Revision 1, dated July 14, 1952 (17 F. R. 6424), this Revision 1 of Redelegation of Authority No. 34 (17 F. R. 4546), is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of Ceiling Price Regulation 134.

This Revision 1 of Redelegation of Authority No. 34 shall take effect as of August 27, 1952.

THOMAS C. SWANSON,
Acting Regional Director, Region IX.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9945; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region IX, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 71 dated July 31, 1952 (17 F. R. 7063), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under section 3 (f) of Supplementary Regulation 65 to the General Ceiling Price Regulation. All actions in respect to section 3 (f) of Supplementary Regulation 65 to the General Ceiling Price Regulation, taken by District Offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 27, 1952.

THOMAS C. SWANSON,
Acting Regional Director, Region IX.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9946; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region IX, Redelegation of Authority No. 43]

DIRECTORS OF THE DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 72, dated August 8, 1952 (17 F. R. 7357), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To request information in accordance with Office of Price Stabilization Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17, and

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17, and

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 27, 1952.

THOMAS C. SWANSON,
Acting Regional Director, Region IX.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9947; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region X, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. X, Dallas, Texas, pursuant to Delegation of Authority 73 (17 F. R. 7757), this Region X Redelegation of Authority No. 42 is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method or request further information concerning such a price determining method.

This redelegation of authority shall take effect on September 9, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9948; Filed, Sept. 8, 1952; 4:44 p. m.]

[Region XII, Redelegation of Authority No. 54]

DIRECTORS OF THE DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This Redelegation of Authority shall take effect as of September 7, 1952.

EARL I. CLOUD,
Acting Director of Regional Office No. XII.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-9949; Filed, Sept. 8, 1952; 4:44 p. m.]

[Delegation of Authority 35, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), the Amendment 1 to Delegation of Authority No. 35 (16 F. R. 12299) is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby delegated to the Directors of the Regional Office of the Office of Price Stabilization to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices, Office of Price Stabilization to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. *Redelegation of authority.* The authority hereby delegated is to be exercised concurrently with the National Office and may be redelegated to the Directors of the District Office, Office of Price Stabilization.

This amendment shall take effect on September 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10002; Filed, Sept. 10, 1952; 11:01 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 178

Washington, Friday, September 12, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.163]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

SEPTEMBER 2, 1952.

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (a) is amended by the deletion of the following post:

Kenya, all posts except Kisumu, Mombasa, Nairobi, Naivasha, and Nakuru.

2. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Poona, Shillong, and Simla;
Valles, Mexico.

3. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (d) is amended by the deletion of the following post:

San Pedro Sula, Honduras.

4. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (a) is amended by the addition of the following post:

Grand Turk Island, Bahamas.

5. Effective as of the beginning of the first pay period following June 21, 1952, paragraph (a) is amended by the addition of the following post:

Riberalta, Bolivia.

6. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (a) is amended by the addition of the following post:

Sebaco, Nicaraugua.

7. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (a) is amended by the addition of the following posts:

Hyderabad, India;
Patiala, India.

8. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (b) is amended by the addition of the following post:

India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Hyderabad, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Patiala, Poona, Shillong and Simla.

9. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (c) is amended by the addition of the following posts:

San Pedro Sula, Honduras;
Valles, Mexico.

10. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (d) is amended by the addition of the following post:

Ernest Harmon Air Force Base, Newfoundland, Canada.

11. Effective as of the beginning of the first pay period following September 13, 1952, paragraph (d) is amended by the addition of the following post:

Mazatlan, Mexico.

For the Secretary of State.

W. K. SCOTT,
Acting Deputy Under Secretary.

[F. R. Doc. 52-9956; Filed, Sept. 11, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 5]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5298, 6675; 15 F. R. 2483; 16 F. R. 4297, 4609; 17 F. R. 2109, 5057), are hereby amended, effective be-

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FEDERAL REGISTER

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ginning with the 1953 crop year, as follows:

1. Section 417.4 is amended to read as follows:

§ 417.4 *Application for insurance.* (a) Applications for insurance on a Corporation form entitled "Application for Crop Insurance on Tobacco" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in a tobacco crop.

(b) Application for insurance on a Corporation form entitled "Application for Tobacco Crop Insurance on Sharecropper Interest" may be made by any owner-operator or tenant-operator to cover the interest(s) which a sharecropper(s) has in a tobacco crop in which such farm operator has an interest: *Provided*, That if the sharecropper has an individual contract his insurance shall be in force under his individual contract and not under a sharecropper interest contract. Under any sharecropper interest contract, notwithstanding any provision(s) of the policy issued by the Corporation to the contrary, (1) the applicant shall be considered the insured under such contract and the interest(s) insured shall be considered as his interest(s), (2) premiums (except for discounts for early payment and reductions based on good experience) and losses shall be computed and transfers of interest shall be made in the same manner and under the same terms and conditions as if the sharecropper(s) had signed (and the Corporation had accepted) an individual application for insurance on the form provided by the Corporation for that purpose, (3) for purposes of determining any reduction in premium for good experience, the first sharecropper interest contract accepted for an operator shall be considered to have the same number of years without a loss which the operator has under his individual contract, (4) the applicant shall designate on his annual acreage report the name of each sharecropper and the acreage allocated to him, (5) any indemnity shall be paid to the insured for the benefit of the sharecropper(s) (or transferee(s)) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said sharecropper(s) (or transferee(s)), (6) collateral assignments shall not be honored but the insured shall from the proceeds of the joint check be entitled to any amounts owed him for advances to finance the current tobacco crop on the insurance unit, and (7) the Corporation shall not deduct from any indemnity any amount in excess of the current premium on the insurance unit, except amount(s) owing the Corporation by the sharecropper(s) (or transferee(s)) allocated the insurance unit on which the loss occurred.

(c) For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year:

Type of tobacco:	Date	Type of tobacco:	Date
11a	May 5	14	Mar. 31
11b	Apr. 30	21	May 5
12	Apr. 25	22	May 15
13	Apr. 15	23	May 15
31	May 15	51	May 31
35	May 15	52	May 31
36	May 15	54	May 31
41	May 31	55	May 31

2. Section 417.9 is deleted.

3. Section 417.10 is deleted.

4. Section 417.12 is amended by striking therefrom "§ 417.9" and substituting therefor the words "the policy set forth in § 417.16".

5. Section 417.14 is deleted.

6. Section 3 of the policy shown in § 417.16 is amended by deleting from paragraph (a) the words "(as defined in section 13)".

7. Section 5 of the policy shown in § 417.16 is amended to read as follows:

(a) The coverage per acre for yield-quality insurance shall be the product of the market price (as determined by the Corporation in accordance with Section 28) and the applicable number of pounds of tobacco shown on the approved county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. The coverage per acre for investment insurance shall be the applicable number of dollars shown on the approved county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. Land rented for cash or a fixed commodity rent shall be considered as owned by the lessee.

(b) The coverage per acre for both yield-quality insurance and investment insurance is progressive depending upon (1) whether the acreage is harvested or unharvested (acreage destroyed or substantially destroyed before harvest shall be considered unharvested) in the case of types 41, 51, 52, 54, and 55, or (2) whether harvest has begun on the insurance unit or the acreage is destroyed or substantially destroyed before the beginning of harvest in the case of types 11, 12, 13, 14, 21, 22, 23, 31, 35, and 36.

8. Section 7 of the policy shown in § 417.16 is amended by changing paragraph (a) to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date preceding the planting of the crop for which the cancellation is to become effective; *Provided, however*, If any amount due the Corporation remains unpaid on such cancellation date or if by such date the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following year's premium, the time during which the Corporation may cancel shall be extended 15 days beyond the following closing date for filing applications for insurance. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office of the Corporation. The Corporation shall mail any notice of cancellation or any request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

9. The policy shown in § 417.16 is amended by adding thereto a section 7.1 to read as follows:

7.1 *Death or incompetence of insured.* The contract shall terminate upon death, or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of tobacco in any crop year but before the end of the insurance period for such year, the contract shall (a) cover any additional tobacco planted for the insured or his estate for that crop year, and (b) terminate at the end of such insurance period.

10. Section 13 of the policy shown in § 417.16 is amended to read as follows:

13. *Released acreage.* Any insured acreage on which the tobacco crop has been destroyed or substantially destroyed may be released by the Corporation. No insured acreage may be put to another use until the Corporation releases such acreage. On any acreage where the tobacco has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. Section 20 of the policy shown in § 417.16 is amended to read as follows:

20. *Determination of person to whom indemnity shall be paid.* If the insured dies, is judicially declared incompetent or disappears after the planting of the tobacco crop in any year any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or adverse interests appear with respect to any insurance unit the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

12. Section 27 of the policy shown in § 417.16 is amended by changing paragraph (a) to read as follows:

(a) In addition to the terms and provisions in the application and policy, the Tobacco Crop Insurance Regulations for Continuous Contracts in effect for the crop year involved shall govern with respect to (1) minimum participation requirements, (2) closing dates for filing applications for insurance, (3) refund of excess note payments, and (4) creditors.

13. Section 28 of the policy shown in § 417.16 is amended by changing paragraph (f) to read as follows:

(f) "Market price" in the case of tobacco of types 11, 12, 13, 14, 21, 22, 23, 31, 32, 35, and 36 means the average auction price of the applicable type (less warehouse charges), as determined by the Corporation, during the first twenty-five market days of auction sales for the belt area, adjusted where applicable for normal trend, except that a shorter period may be used if the Corporation determines that approximately 60 percent of the tobacco crop is sold in such period. In the case of tobacco of types 41, 51, 52, 54, and 55, the "market price" shall be that price determined by the Corporation.

14. Section 28 of the policy shown in § 417.16 is further amended by changing paragraph (i) to read as follows:

(i) "Sharecropper" means a person who works tobacco with workstock and equipment not furnished by himself and is entitled to receive a share of the tobacco or of the proceeds therefrom.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on September 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 8, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9966; Filed, Sept. 11, 1952; 8:49 a. m.]

[Amdt. 3]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633), are hereby amended, effective beginning with the 1953 crop year, as follows:

1. Section 419.8 is deleted.
2. Section 419.11 is deleted.
3. Section 419.13 *The policy* is amended by changing paragraphs (a) and (b) of section 8 of the policy to read as follows:

8. *Life of contract, cancellation thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before December 31 preceding the planting of the crop for which the cancellation is to become effective; provided, however, if any amount due the Corporation remains unpaid on such cancellation date, or if by such date the insured has not complied with a written request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following year's premium, the time during which the Corporation may cancel shall be extended 15 days beyond the following closing date for filing applications for insurance. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office of the Corporation. The Corporation shall mail any notice of cancellation or request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance for the next succeeding crop year unless subsequent to such cancellation he files an application for insurance on or before December 31 preceding such year.

4. The policy shown in § 419.13 is amended by adding thereto a section 8.1 to read as follows:

8.1 *Death or incompetence of insured.* The contract shall terminate upon death or judicial declaration of incompetence occurs after the beginning of planting of the cotton crop in any crop year but before the end of the insurance period for such year, the contract shall (a) cover any additional cotton planted for the insured or his estate for that crop year, and (b) terminate at the end of such insurance period.

5. Section 419.13, *The policy,* is amended to change so much of section 12 of the policy, as amended, as reads "October 31 of each year shall be the interest date for all other counties" to read as follows: "November 30 of each year shall be the interest date for all other counties."

6. Section 419.13, *The policy,* is amended by deleting items (a) (3) and (6) from section 28 of the policy.

7. Section 419.13, *The policy,* is amended by deleting from section 31 of the policy, *Date table,* as amended, the column headed "cancellation date" and substituting in lieu thereof the following: "December 31 shall be the cancellation date for all states and counties."

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on September 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 8, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9968; Filed, Sept. 11, 1952; 8:49 a. m.]

[Amdt. 9]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933), are hereby amended as follows:

1. Section 420.34, as amended, is amended to change paragraph (d) (4) thereof to read as follows: "(4) additional definitions which may include changes in the definition of an insurance unit contained in the policy."

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507–1509)

Adopted by the Board of Directors on September 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 8, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9967; Filed, Sept. 11, 1952; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

IMPORTATION OF CERTAIN ANIMAL BYPRODUCTS

On June 19, 1952, there was published in the FEDERAL REGISTER (17 F. R. 5521) a notice of proposed amendments of the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR Part 95, as amended). After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority conferred upon him by section 2 of the act of Congress approved February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111), hereby amends Part 95, Subchapter D, Chapter 1, Title 9, Code of Federal Regulations, as follows:

1. Section 95.1 (l) is amended to read as follows:

§ 95.1 *Definitions.* • • •

(l) *Bone meal.* "Bone meal" means ground animal bones and hoof meal and horn meal.

• • • • •

2. Section 95.11 is amended to read as follows:

§ 95.11 *Bones, horns, and hoofs for trophies or museums.* Clean, dry bones, horns, and hoofs, that are free from undried pieces of hide, flesh, and sinew and are offered for entry as trophies or for consignment to museums may be imported without other restrictions.

3. Section 95.12 (c) is amended by changing the first sentence to read as follows:

§ 95.12 *Bones, horns, and hoofs; importations permitted subject to restrictions.* • • •

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of anthrax, foot-and-mouth disease, and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Chief of Bureau or burned at the establishment. • • •

• • • • •

4. Present § 95.14 is revoked. Present § 95.13 is redesignated § 95.14 and amended to read as follows:

§ 95.14 *Blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for entry.* Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products for use as fertilizer or as feed for domestic animals shall not be imported unless such products:

(a) Originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) Are accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

5. A new § 95.13 is added to read as follows:

§ 95.13 *Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.* Steamed or degelatinized or special steamed bone meal, which, in the normal process of manufacture, has been prepared by heating bone under a minimum of 20 pounds steam pressure for at least one hour at a temperature of not less than 250° Fahrenheit (121° Centigrade), may be imported without further restrictions for use as fertilizer or as feed for domestic animals if such products are free from pieces of bone, hide, flesh, and sinew and contain no more than traces of hair and wool. Bone meal for use as fertilizer or as feed for domestic animals which does not meet these requirements will not be eligible for entry.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

The effect of the foregoing amendments is to restrict the entry of all animal bones, including crushed bones, to be used as fertilizer or as feed for domestic animals; to permit the entry of such bones only when consigned to an establishment approved by the Department for handling and further processing in a manner to prevent the dissemination of anthrax, foot-and-mouth disease, and rinderpest; to permit the entry of specially treated bone meal (including hoof meal and horn meal) which has been treated in a manner to assure the destruction of any anthrax spores present in such product; to prohibit the entry of any other bone meal (including hoof meal and horn meal) for use as fertilizer or as feed for domestic animals which does not meet these requirements; and to impose stricter requirements upon the importation of tankage, meat meal, wool waste, wool manure and similar products than are presently imposed.

The foregoing amendments shall be effective on the 14th day of October 1952.

Done at Washington, D. C., this 8th of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9965; Filed, Sept. 11, 1952; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 9]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

RICE

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

Effective 12:01 a. m., e. s. t., September 11, 1952, the following commodities are added to the Positive List:

[A = Import certificate. B = DL restrictions. C = Controlled materials]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
105500	Paddy or rough rice, for seed [1]	Pound	SEED	25	RO	B
105500	Paddy or rough rice, except for seed.[1]	do	CERL	25	RO	B
105710	Milled rice, containing more than 25 percent whole kernels (specify approximate percentage whole kernels).[1]	do	CERL	25	RO	B
105750	Milled rice, contining not more than 25 percent whole kernels (specify approximate percentage whole kernels).[1]	do	CERL	25	RO	B

[1] The commodities covered by this Positive List entry are subject to dollar limit (DL) restrictions (see § 374.2 of this subchapter.)

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of the changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 11, 1952, may be exported under the previous general license provisions up to and including October 11, 1952. Any such shipment not laden aboard the exporting carrier on or before October 11, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52–10036; Filed, Sept. 11, 1952; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.104]

PART 134—CIVIL AVIATION

AIRCRAFT ACCIDENTS

Sections 134.8 to 134.19, Chapter I, Title 22, Code of Federal Regulations are prescribed as follows:

UNITED STATES AIRCRAFT ACCIDENTS ABROAD

Sec.
134.8 Reporting accidents.
134.9 Arranging for entry and travel of investigating and airline representatives.
134.10 Rendering asistance at the scene of the accident.
134.11 Arranging for the payment of expenses attendant upon an accident.
134.12 Protective services for survivors.
134.13 Protective services with respect to deceased victims of accident.
134.14 Salvage of mail and other property.
134.15 Protection and preservation of wreckage.
134.16 Records and reports in connection with investigation.

FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

134.17 Reports on accident.
134.18 Protection of United States citizens involved.
134.19 Protection of United States property.

AUTHORITY: §§ 134.8 to 134.19 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842.

UNITED STATES AIRCRAFT ACCIDENTS ABROAD

§ 134.8 *Reporting accidents*—(a) *To airline and Civil Aeronautics Administration representatives.* If a scheduled United States air carrier is involved, the airline representative concerned will probably be the first to be informed of the accident, in which event he will be expected to report the accident to the Foreign Service post, to the nearest Civil Aeronautics Administration office, and to his home office in the United States. If this is not the case, the Foreign Service post should report promptly to the nearest office of the airline concerned, and to the nearest office of the Civil Aeronautics Administration, any accident occurring to a scheduled civil air carrier of United States registry within its consular district. To be properly prepared, each post should obtain and have on file for ready reference, the address and telephone number of representatives of any United States airline engaged in scheduled operations within or over the post district.

(b) *To Department and supervisory Foreign Service offices.* A Foreign Service post should report promptly to the Department accidents to any United States civil aircraft occurring in the post district. The report should summarize all available information and, in the case of a scheduled United States air carrier, should state whether the airline has taken over the responsibility of notifying the nearest Civil Aeronautics Administration field office. This report should be submitted by the most expeditious means possible (priority telephone or telegraph message) at Government expense. If the accident involves

a private plane or non-scheduled air carrier, these circumstances should be reported, also whether the nearest office of the Civil Aeronautics Administration has been informed. In the latter case, the Department will ascertain from the Civil Aeronautics Board whether it desires to investigate the case, and inform the Foreign Service post accordingly. Consular posts should submit a similar report to their supervisory missions or to their supervisory consular offices in territories where there are no United States missions. Supplementary reports should be supplied the Department and the supervisory Foreign Service office whenever considered appropriate. A final report, after the urgency has diminished and when the post's role is negligible should cover the post's activities in connection with the accident (see § 134.16 (b)).

§ 134.9 *Arranging for entry and travel of investigating and airline representatives.* Representatives of the Civil Aeronautics Board, the Civil Aeronautics Administration and the United States airline involved may not have the documents necessary for entry into the country where the accident occurred. The local Foreign Service post should lend all assistance possible in obtaining the entry of such representatives into the country where the accident occurred and in expediting their travel to the scene of the accident.

§ 134.10 *Rendering assistance at the scene of the accident.* Always in the case of a scheduled United States air carrier and whenever necessary in the case of a non-scheduled carrier or private plane, a local Foreign Service post should dispatch a member of its staff to the scene of the accident in order to insure that proper protection is afforded United States citizens and property involved in the accident and that any evidence as to the cause of the accident is preserved until the arrival of United States Government investigating personnel. (For steps to be taken when the aircraft was carrying a courier or diplomatic pouches, see § 134.14 (b).) In the absence of an airline representative, the Foreign Service representative should lend the competent local authorities all possible assistance compatible with the provisions of § 134.11 in caring for the survivors, identifying and disposing of the remains of victims, salvaging and protecting property and preserving wreckage pending an investigation. If an airline representative is already at the scene of the accident or if one arrives shortly thereafter, the Foreign Service representative should assist him in the discharge of his recognized responsibilities in connection with passengers and cargo. However, the Foreign Service representative is also obligated to assist investigating personnel of the United States Government by preserving evidence as to the cause of the accident. Any attempt on the part of the airline representative to exceed his recognized sphere of activity should be called to the attention of the airline involved and the competent local authorities.

§ 134.11 *Arranging for the payment of expenses attendant upon an accident.* (a) The Department of State has no funds from which expenses attendant upon an accident to United States aircraft can be paid. In emergencies involving scheduled carriers and in the absence of airline representatives, or other authority, the Foreign Service post should request a deposit from the airline (through the Department if desired) with specific authorization to incur whatever financial obligations the airline is willing to assume for the hiring of guards (in case local police protection is considered inadequate), the provision of accommodations, medical care, and onward transportation for survivors and for other expenses resulting from the accident. In accidents involving a private plane or non-scheduled carrier, the Foreign Service post is not in a position to expend any funds without prior authorization from the Department. In such cases, and in extreme cases involving scheduled carriers, when airline and investigation personnel may be delayed in reaching the scene, the Foreign Service representative, as the representative of all segments of the United States Government in the area, should endeavor to protect and promote the interests of the Government, the airline, and the individual citizen by any means available to him that are consistent with these regulations, and should request funds and instructions as required from the Department.

(b) The local Foreign Service post is not authorized to expend any funds for guarding the wreckage to preserve evidence as to the cause of the accident unless the Civil Aeronautics Board or the Civil Aeronautics Administration authorizes in advance the expenditure of such funds on a reimbursable basis. In the absence of such advance authorization, the Foreign Service post can arrange only for such protection as local authorities are willing to furnish gratuitously.

(c) Voluntary services and personal services in excess of those authorized by law may be accepted and utilized in the case of an aircraft accident since the law which normally prohibits such acceptance (31 U. S. C. 665) does not apply "in case of sudden emergency involving the loss of human life or the destruction of property".

§ 134.12 *Protective services for survivors*—(a) *Medical care and hospitalization.* The Foreign Service representative should lend any assistance possible (see §§ 134.10 and 134.11) in arranging for the best medical and hospital attention available for injured survivors of the accident. If a scheduled United States carrier is involved in an accident, the primary responsibility for providing medical care for passengers and crew rests with the airline, and in such situations the Foreign Service representative should assist the airline in every way that is feasible (see §§ 134.10 and 134.11).

(b) *Accommodation and onward transportation.* If a scheduled United States carrier is involved in an accident, primary responsibility for providing accommodation and onward transportation for passengers and crew rests with the airline, and in such situations the Foreign Service representative should assist the airline in every way that is feasible (see §§ 134.10 and 134.11). If the accident involves a private plane or non-scheduled carrier, he should assist passengers and members of the crew who do not require hospitalization in any way compatible with §§ 134.10 and 134.11 in obtaining appropriate comfortable accommodations accessible from the scene of the accident. If practicable, surviving passengers should remain in the vicinity of the accident until the United States Government investigating personnel can obtain from them all information pertaining to the accident. Surviving passengers leaving the vicinity should furnish addresses at which they can be reached later. The Foreign Service representative should assist the passengers, in so far as he can under the provision of §§ 134.10 and 134.11, in obtaining necessary clearances from local authorities and in getting onward transportation by the most expeditious means of common carrier transportation available. The surviving aircraft crew will be expected to remain in the vicinity of the accident until otherwise instructed by the investigating personnel.

§ 134.13 *Protective services with respect to deceased victims of accident*—(a) *Interim disposition of remains.* Generally, local authorities will assume custody of the remains of deceased victims of the accident and consign them to a mortuary until final disposition can be made.

(b) *Identification of remains.* When necessary, the local Foreign Service post should assist in identifying the remains of United States citizens who are victims of the accident by requesting the Department to procure dental charts, passport application data and photographs, fingerprints, or other United States records.

(c) *Reports on deaths of United States citizens.* The local Foreign Service post shall report the deaths of United States citizens occurring in an aircraft accident in accordance with the procedure prescribed in §§ 120.1 to 120.8 of this chapter.

(d) *Disposition of remains.* When a scheduled United States air carrier meets with an accident, the United States airline concerned will usually transport the identifiable remains of victims of the accident to the place of final interment designated by the next of kin. If the Foreign Service post is requested, or finds it necessary, to dispose of identifiable remains, it shall follow the procedure prescribed in §§ 120.9 to 120.14 of this chapter. Where remains are unidentifiable, the local authorities may be expected to make final disposition of these remains locally in accordance with the health requirements of the country concerned, usually by common burial or by cremation, and without regard to the disposition desired by possible next of kin.

§ 134.14 *Salvage of mail and other property*—(a) *Mail.* Article 3, sections 6 and 7, of the Air Mail Provisions annexed to the Universal Postal Union Convention, Paris, 1947, provide that the personnel who survive the aircraft accident shall, when possible, deliver the mail to the post office nearest the place of the accident or to the one best-qualified to reforward the mail. If the aircraft personnel are unable to do this, the local post office concerned shall make every effort, without delay, to take delivery of the mail and to forward it to the offices of designation by the most rapid means, after determining the condition of the correspondence and reconditioning it if damaged. Most post offices are familiar with these provisions, but if in any case the mail is not being properly cared for, the local Foreign Service post should bring the proper procedure to the attention of the nearest post office.

(b) *Diplomatic pouches.* Immediately upon arriving at the scene of the accident, the Foreign Service representative should ascertain whether the aircraft was carrying a courier or diplomatic pouches. If a courier is found to be aboard, the same personal arrangements should be made for him as are made for other passengers (see §§ 134.10 to 134.13). An immediate search should also be made for whatever diplomatic pouches the courier may have been carrying and for any pouches that may have been carried as regular cargo. Usually, the cargo manifest will list diplomatic pouches carried as air freight or cargo. The passenger manifest normally will list the total number of pieces of luggage or pouches checked by a courier (if one is aboard), but since he usually carries his pouches with him into the cabin of the plane, the pouch invoices on his person or in his briefcase will offer positive proof of the number of pouches he has in his custody. If any are found, they should be cleared through appropriate government officials of the country and taken to the nearest United States Foreign Service office to await disposition instructions. If it is learned that the postal authorities have already recovered United States diplomatic pouches that may have been involved, these pouches should be obtained from the postal authorities and taken to the nearest United States Foreign Service office to await disposition instructions. A telegraphic message should be dispatched to the Department and to the regional courier office having jurisdiction over that area, giving a description of the pouches recovered. This description should include the office of addressor and addressee and the classification indicator (C, A, or S). The Department and the regional courier office will coordinate instructions to the office for the disposition of these pouches.

(c) *Baggage, personal effects and cargo.* The Foreign Service representative should request the local authorities to arrange for the security storage and protection of such baggage, personal effects and cargo as is recoverable from the aircraft until the property can be released to its owners by local customs and accident investigating authorities, or by the courts. When released, the personal effects of United States citizens, who died in the accident, should be taken into possession and disposed of by the local Foreign Service post in accordance with the procedure prescribed in §§ 120.15 to 120.55 of this chapter.

§ 134.15 *Protection and preservation of wreckage.* In so far as local law permits, the Foreign Service representative should see that arrangements are made (by the airline representative with the local authorities, if a scheduled carrier is involved) for the protection of the wrecked aircraft and its property contents against further damage, pilferage, and access by unauthorized persons, until the arrival of the accident investigation personnel. The prior removal of any of the wreckage or the contents of the aircraft should be prevented unless such action is necessitated by very compelling reasons, such as the need for treating the injured or for removing bodies, or when the wreckage constitutes a public hazard. When under the latter conditions the wreckage and contents of the aircraft must be moved or disturbed in any way, if possible, a record should be made or photographs taken showing the position and condition of the wreckage prior to disturbance. In the case of a private aircraft or non-scheduled carrier, protection should be arranged for the wrecked aircraft and its contents pending the receipt of information from the Department as to whether the Civil Aeronautics Board will investigate the case, and until final disposition is made of the property. If the owner of a private aircraft is killed in the wreck and is a United States citizen, the aircraft constitutes part of his personal estate and should be disposed of in accordance with the provisions of §§ 120.15 to 120.55 of this chapter. For rules governing the payment of expenses in connection with the protection and preservation of wrecked United States aircraft, see § 134.11.

§ 134.16 *Records and reports in connection with investigation*—(a) *Records.* The Foreign Service representative should maintain a record of the various transactions taking place prior to the arrival of airline, Civil Aeronautics Board and Civil Aeronautics Administration representatives. This record should include all pertinent details with respect to the disposition of persons and property, obligations assumed, arrangements made, et cetera, and should also include any statements made by witnesses.

(b) *Reports.* Reports should be submitted to the Department for its information and the information of aviation authorities and other interested parties in the United States regarding the progress of any investigation which is held and its final outcome when known.

FOREIGN AIRCRAFT ACCIDENTS INVOLVING UNITED STATES PERSONS OR PROPERTY

§ 134.17 *Reports on accident.* When an accident occurs to a foreign aircraft in the district of a Foreign Service post and United States citizens or property are involved, the local Foreign Service post shall report the disaster fully to the Department and to the supervisory mission (or the supervisory consular office where there is no mission).

§ 134.18 *Protection of United States citizens involved.* The local Foreign Service post shall follow substantially the procedures prescribed in §§ 134.11 to 134.13 in protecting United States citizens (whether alive or dead) involved in a foreign aircraft accident.

§ 134.19 *Protection of United States property.* The local Foreign Service office shall follow substantially the procedures set forth in §§ 134.11 and 134.14 in protecting United States mail and baggage, personal effects and cargo belonging to United States citizens.

These regulations shall become effective October 1, 1952.

Issued: September 5, 1952.

J. PAUL BARRINGER,
Director, Office of Transport and Communications Policy.

[F. R. Doc. 52-9957; Filed, Sept. 11, 1952; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 708—RUBBER, STRAW, HAIR AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER July 9, 1952 (17 F. R. 6164–6165) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 11 for the rubber products division of the rubber, straw, hair and related products industry in Puerto Rico, and the revised wage order for that industry which I propose to issue to carry such recommendation into effect was published therewith. The notice also recited my intention to disapprove the recommendation of the Committee for the straw, hair and related products division of the industry. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of notice.

No exceptions have been received within the 15 day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final and the wage order for the rubber products division of the rubber, straw, hair and related products industry is hereby issued to become effective October 13, 1952.

Sec.
708.1 Wage rate.
708.2 Notices of order.
708.3 Definitions of the rubber, straw, hair and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 708.1 to 708.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 708.1 *Wage rate.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the rubber products

division of the rubber, straw, hair and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

NOTE: Activities included within the straw, hair and related products division, as defined in § 708.3 (b), are and will, until further order of the Administrator, remain subject to the applicable wage rates provided in the wage order contained in Part 674 of this chapter.

§ 708.2 *Notices of order.* Every employer employing any employee so engaged in commerce or in the production of goods for commerce in the rubber, straw, hair and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 708.3 *Definitions of the rubber, straw, hair and related products industry in Puerto Rico and its divisions.* (a) The rubber, straw, hair and related products industry in Puerto Rico to which this part shall apply is hereby defined as follows: The manufacture of all products made wholly or chiefly of rubber, and the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials: *Provided, however,* That this definition shall not include any product or activity included in the definition of the handicraft products industry, the needlework and fabricated textile products industry, the men's and boy's clothing and related products industry, the textile and textile products industry, the button, buckle, and jewelry industry, the decorations and party favors industry, the artificial flower industry, or the shoe manufacturing and allied industries, as defined in the wage order for those industries in Puerto Rico.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply are hereby defined as follows:

(1) *Rubber products division.* This division shall consist of the manufacture of all products made wholly or chiefly from rubber.

(2) *Straw, hair and related products division.* This division consists of the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials.

Signed at Washington, D. C., this 8th day of September 1952.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 52-9936; Filed, Sept. 11, 1952; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 742—ACQUISITION OF REAL ESTATE

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY DEPARTMENT OF THE NAVY

Sec.
742.1 Statutory provisions.
742.2 Definitions of terms as used in this part.
742.3 Scope.
742.4 Delegation.
742.5 Filing of application.
742.6 Limitation of amount of payment.
742.7 Conditions of reimbursement.
742.8 Payment.

AUTHORITY: §§ 742.1 to 742.8 issued under Pub. Law 155, 82d Cong.

SOURCE: Regs., 18 January 1952, Secretary of the Navy.

§ 742.1 *Statutory provisions.* The Secretary of the Navy is authorized, to the extent he determines to be fair and reasonable, to reimburse owners and tenants of land acquired by the Department of the Navy pursuant to the provisions of Public Law 155, 82d Congress, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquistion as may otherwise be authorized by law: *Provided,* That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Navy. No payment or reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred shall have been submitted to the Secretary of the Navy within one year following the date of such vacating (sec. 501 (b), Pub. Law 155, 82d Cong.).

§ 742.2 *Definitions of terms as used in this part.* (a) *The act.* Public Law 155, 82d Congress, approved September 28, 1951.

(b) *Owner.* Any owner of land, who moves himself, his family, or his possessions because of acquisition of his land pursuant to the act.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land pursuant to the act.

(d) *Acquisition pursuant to the act.* Acquisition by the Department of the Navy of any interest in land for any project authorized by the act.

(e) *Date of vacating.* The date the owner or tenant moves himself, his family and his possessions.

(f) *Fair value.* The value of the land as determined in accordance with Department of the Navy appraisal procedure.

§ 742.3 *Scope.* Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 742.4 *Delegation.* Authority is delegated to the Chief of the Bureau of Yards and Docks, Department of the Navy, and such of his officers or employees in the Bureau of Yards and Docks, as he may designate and are approved by the Secretary of the Navy to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Navy with respect to reimbursement under the provisions of section 501 (b) of the act.

§ 742.5 *Filing of application.* All applications for reimbursement will be filed with the appropriate District Public Works Officer for forwarding to the Chief of the Bureau of Yards and Docks for final action. Such applications must be delivered to or mailed to such District Public Works Officer within one year from the date of vacating and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 742.6 *Limitation of amount of payment.* The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 percent of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 percent of the fair value of the land, each applicant will receive the same proportion of the 25 percent of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 742.7 *Conditions of reimbursement.* In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 742.8 *Payment.* Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Navy pursuant to the act, to the extent available.

NOTE: The regulations contained in §§ 742.1 to 742.8 were approved by the Acting Secretary of Defense on Feb. 19, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

SEPTEMBER 3, 1952.

[F. R. Doc. 52-9955; Filed, Sept. 11, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 24, Amdt. 18]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

EXPORTS OF BEEF

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 18 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 24 transfers the control of exports of beef products from CPR 24 to Ceiling Price Regulation 61.

On the basis of the experience gained since the issuance of CPR 24, it now appears that the provisions of section 7 (b) of CPR 24 for exported beef products do not provide for all the costs that are normally incurred in exporting. CPR 61 does provide for such costs. In addition, CPR 61, which permits a percentage export mark-up based on actual experience in its prescribed base period, is more appropriate for pricing this commodity in the export market. It is for these reasons that control of ceiling prices of export sales and sales for export are transferred to CPR 61. The other provisions of CPR 24, for example, the grading and cutting requirements, continue to apply to export sales and sales for export of beef products.

In formulating this amendment, the Director of Price Stabilization has consulted, so far as practicable, with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices; cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 7 (b) is deleted and a new section 7 (b) is added, to read as follows:

(b) *Exports sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any beef product under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation, for these sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 16, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10066; Filed, Sept. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 12]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

EXPORTS OF PORK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 12 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 74 transfers the control of exports of pork from CPR 74 to Ceiling Price Regulation 61.

On the basis of the experience gained since the issuance of CPR 74 it now appears that the provisions of section 8 of CPR 74 for exported pork do not provide for all the costs that are normally incurred in exporting. CPR 61 does provide for such costs. In addition, CPR 61, which permits a percentage export mark-up based on actual experience in its prescribed base period is more appropriate for pricing this commodity in the export market. It is for these reasons that control of ceiling prices of export sales and sales for export are transferred to CPR 61. The other provisions of CPR 74, for example, the cutting requirements, continue to apply to export sales and sales for export of pork.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 8 is deleted and a new section 8 is added to read as follows:

SEC. 8. *Export sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any pork under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation for these sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 16, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10065; Filed, Sept. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 92, Amdt. 9]

CPR 92—Ceiling Prices of Lamb, Yearling, and Mutton Products Sold at Wholesale

Exports of Lamb, Yearling, and Mutton Products

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 9 to Ceiling Price Regulation 92 is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 92 transfers the control of exports of lamb, yearling, and mutton products from CPR 92 to Ceiling Price Regulation 61.

On the basis of the experience gained since the issuance of CPR 92 it now appears that the provisions of section 7 (b) of CPR 92 for exported lamb, yearling, and mutton products do not provide for all the costs that are normally incurred in exporting. CPR 61 does provide for such costs. In addition, CPR 61, which permits a percentage export mark-up based on actual experience in its prescribed base period is more appropriate for pricing this commodity in the export market. It is for these reasons that control of ceiling prices of export sales and sales for export are transferred to CPR 61. The other provisions of CPR 92, for example, the grading and cutting requirements, continue to apply to export sales and sales for export of lamb, yearling, and mutton products.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 92, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of lamb, yearling, and mutton products, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 92, as amended.

Amendatory Provisions

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 7 (b) is deleted and a new section 7 (b) is added to read as follows:

(b) *Export sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any lamb, yearling, or mutton products under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation, CPR 92, for these sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 16, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10064; Filed, Sept. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 101, Amdt. 8]

CPR 101—Ceiling Prices of Veal Sold at Wholesale

Exports of Veal

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 8 to Ceiling Price Regulation 101 is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 101 transfers the control of exports of veal from CPR 101 to Ceiling Price Regulation 61.

On the basis of the experience gained since the issuance of CPR 101 it now appears that the provisions of section 8 (b) of CPR 101 for exported veal do not provide for all the costs that are normally incurred in exporting. CPR 61 does provide for such costs. In addition, CPR 61, which permits a percentage export mark-up based on actual experience in its prescribed base period is more appropriate for pricing this commodity in the export market. It is for these reasons that control of ceiling prices of export sales and sales for export are transferred to CPR 61. The other provisions of CPR 101, for example, the grading and cutting requirements, continue to apply to export sales and sales for export of veal.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 101, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of veal, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 101, as amended.

Amendatory Provisions

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 8 (b) is deleted and a new section 8 (b) is added to read as follows:

(b) *Export sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any veal under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation, for these sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

2. Section 10 (c) is deleted and section 10 (d) is redesignated 10 (c).

3. Section 13 (e) is deleted and section 13 (f) is redesignated 13 (e).

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 16, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10063; Filed, Sept. 11, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Revised Supplementary Regulation 34, Amdt. 2]

GCPR, SR 34—Adjustment of Ceiling Prices of Manufacturers and Distributors of Fresh and Semi-Dry Sausage Made in Whole or in Part From Beef or Stuffed in Sheep Casings

Export Sales of Fresh and Semi-Dry Sausage Made in Whole or Part From Beef or Stuffed in Sheep Casings

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 2 to Supplementary Regulation 34, Revised, to the General Ceiling Price Regulation, is hereby issued.

Statement of Considerations

This amendment to Supplementary Regulation 34, Revised, transfers the control of exports of sausage from SR 34, Revised, to Ceiling Price Regulation 61.

On the basis of the experience gained since the issuance of SR 34, Revised, it now appears that the provisions of section 8 of SR 34, Revised, for exported sausage do not provide for all the costs that are normally incurred in exporting. CPR 61 does provide for such costs. In addition, CPR 61, which permits a percentage export mark-up based on actual experience in its prescribed base period, is more appropriate for pricing this commodity in the export market. It is for these reasons that control of ceiling prices of export sales and sales for export are transferred to CPR 61. The other provisions of SR 34, Revised, continue to apply to export sales and sales for export of sausage.

In formulating this amendment, the Director of Price Stabilization has consulted, so far as practicable, with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of SR 34, Revised, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of sausage, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices; cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Supplementary Regulation 34, Revised, to the General Ceiling Price Regulation, as amended.

Amendatory Provisions

SR 34, Revised, is amended in the following respects:

1. Section 8 is deleted and a new section 8 is added to read as follows:

SEC. 8. *Exports sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any sausage under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation for these sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 16, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10062; Filed, Sept. 11, 1952; 4:00 p. m.]

[General Overriding Regulation 6, Amdt. 6]

GOR 6—Exemptions Relating to Specified Nonprofit Organizations

Sales by Society of St. Vincent de Paul and Sales of Independent Order of Odd Fellows Supplies

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation is hereby issued.

Statement of Considerations

This amendment to General Overriding Regulation 6 adds certain merchandise sales to those exempted by the regulation from any price regulations issued by the Office of Price Stabilization. The sales here exempted are sales of used and waste goods by the Society of St. Vincent de Paul and of the official supplies of the Independent Order of Odd Fellows when sold by that organization through its Sovereign Grand Lodge, Grand Bodies, Grand Lodges, Grand Encampments, Rebekah Assemblies, Department Councils and subordinate bodies.

The Society of St. Vincent de Paul is a religious and charitable nonprofit organization which, in the furtherance of a rehabilitation program accepts donations of merchandise from the public. The merchandise is either given away to needy persons or is sold at low prices. Waste materials are also sold to dealers at prevailing prices. The proceeds from all sales are used to assist the poor.

The Independent Order of Odd Fellows and its affiliated bodies are nonprofit organizations which as one of their activities sell official regalia and other supplies to the various constituent organizations and their members. The articles sold, the quality of the merchandise, the manner of distribution and the price at which they are sold are strictly controlled by the governing body of the organization, The Sovereign Grand Lodge of the Independent Order of Odd Fellows. Any income received in excess of the actual cost of official supplies is used to defray the administrative, fraternal, charitable and educational expenses of the organization.

Generally, the considerations stated in support of General Overriding Regulation 6 and the amendments thereto are likewise applicable to the sales here referred to. In the judgment of the Director of Price Stabilization the exemptions provided for by this amendment will not impair the carrying out of the Defense Production Act of 1950, as amended, and it is accordingly not necessary for ceilings to be applied to these sales.

To the extent practicable under the circumstances, the Director has consulted with persons involved prior to the issuance of this amendment and has given consideration to their recommendations.

Amendatory Provisions

General Overriding Regulation 6 is amended in the following respects: By adding the following new sections numbered 9 and 10.

SEC. 9. *Sales by the Society of St. Vincent de Paul.* No price regulation issued by the Office of Price Stabilization applies to sales by the Society of St. Vincent de Paul of used and waste goods donated by members of the public to that organization and sold in the condition received or as reconditioned by the organization.

SEC. 10. *Sales of Independent Order of Odd Fellows supplies.* No price regulation issued by the Office of Price Stabilization applies to sales by the Independent Order of Odd Fellows, comprising the Sovereign Grand Lodge, Grand Bodies, Grand Lodges, Grand Encampments, Rebekah Assemblies, Department Councils and subordinate bodies, of the official regalia, supplies and of articles bearing the official emblem, motto or other distinguishing mark of these organizations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 6 is effective September 11, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10061; Filed, Sept. 11, 1952; 11:41 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10229]

PART 1—PRACTICE AND PROCEDURE

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

Miscellaneous Amendments

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and Appendix B thereof, of the Commission's rules and regulations and related amendment of Part 1 (rules relating to Practice and Procedure); Docket No. 10229.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September, 1952;

The Commission having under consideration the amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and Appendix B thereof, of its rules and regulations and the related amendment of Part 1 (rules relating to Practice and Procedure);

It appearing, that on July 26, 1952, the Commission published in the FEDERAL REGISTER (17 F. R. 6266) a notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, which notice set forth certain revisions of Part 31 and Appendix B thereof and of Part 1 with respect to continuing property records to be maintained by Class A and Class B Telephone Companies, and that the period in which interested parties were afforded an opportunity to submit comments expired

on August 11, 1952, that only the United States Independent Telephone Association submitted comments during that period and that the aforementioned comments were in favor of adopting the amendments as proposed; and

It further appearing, that the period for filing comments or briefs in reply to the original comments or briefs expired on September 2, 1952, and that no comments or briefs were filed in reply to the comments of the United States Independent Telephone Association; and

It further appearing, that a few minor editorial changes have been made in the rule amendment herein ordered that were not set forth in the notice of proposed rule making; and

It further appearing, that the aforesaid changes are not substantive but consist of improvements in the language and punctuation of the rule, and, accordingly, compliance with the requirements of section 4 of the Administrative Procedure Act is not necessary; and

It further appearing, that authority for the promulgation of these amendments is contained in sections 4 (i) and 220 of the Communications Act of 1934, as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective six months after the date of this order, Part 31 and Appendix B thereof and Part 1 of the Commission's rules and regulations are amended as set forth below: *Provided, however*, That any company may follow the regulations and practices set forth in such amendments as of January 1, 1953.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: September 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Delete §§ 31.2–24, 31.2–25 and 31.2–26 and substitute the following:

§ 31.2–24 *Retirement units.* The "retirement units" (note also § 31.2–25 (b) (1)) are listed in § 31.8. Additions to or revisions of that list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company. (See also paragraph 2 of Appendix B of this part.)

§ 31.2–25 *Telephone plant retired.* (a) To the end that the telephone plant accounts (note §§ 31.2–20, 31.2–21) shall at all times disclose the original cost (note § 31.01–3 (x)) of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b) (2) of this section), shall be credited to the account or accounts in this classification to which such cost was charged. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surrendered upon lapse of title, becomes permanently unserviceable, is withdrawn, or for any other reason is retired from service, the amount in the plant accounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(b) Depreciable telephone plant: For the purpose of avoiding undue refinement in accounting for the replacement of small items of property, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

(2) Minor items: This group includes any part or element which is not designated as a retirement unit. The original cost of any minor item of property retired and not replaced shall be credited to the plant account and charged to account 171 (note also paragraph (b) of the text of that account), except that if the original cost of a minor item of property is included in the specific or average cost for a retirement unit of which the minor item is a part, no separate credit to the telephone plant account is required when such a minor item is retired. Except as provided in the note under account 231, "Station apparatus," in § 31.8, if minor items of property are replaced (apart from the retirement unit of which they form a part or with which they are associated) no adjustment shall be made in account 171. The cost of the replacement shall be charged to the account appropriate for the cost of repairs of the property, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operation) the excess cost of (i) such a replacement over (ii) the estimated cost at the then current prices of replacing without betterment the minor items being retired, shall be charged to the appropriate telephone plant account.

(c) Station installations, drop and block wires: When stations are removed from customers' premises, the original cost of the station installations carried in account 232, "Station installations," and of any drop and block wires carried in account 233, "Drop and block wires," thereby retired from service shall be credited to the plant accounts and charged to account 607, "Station removals and changes." The latter account shall be credited with the salvage value (note § 31.01–3 (bb)) of such property recovered. The cost of the removal of the station apparatus, inside, drop and block wires shall be charged to account 607.

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property." The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(e) Determination of the cost of property to be retired: The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost to be assigned to such items when retired: *Provided*, That the method used in determining average cost gives due regard to the quantity, size, and kind of items, the area in which they were installed and their classification in other respects, as called for by the rules of the Commission regarding continuing property records and by the system of continuing property records accepted by the Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, bell boxes, station installations, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards. Any company may use average cost of property installed in a year or band of years. It should be understood, however, that the use of average costs shall not relieve the company of the requirement for maintaining its continuing property records in such manner as to show, where practicable, dates of installation and removal so as to provide these data for purposes of mortality studies.

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property, shall be as provided for in the texts of account 172, "Amortization reserve," account 413, "Miscellaneous debits to earned surplus," account 613, "Amortization of intangible property," and account 100:4, "Telephone plant acquisition adjustment."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any,

between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a debit, in account 410, "Debits for telephone plant sold," and if a credit, in account 401, "Credits for telephone plant sold." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in paragraph (b) of account 171, "Depreciation reserve."

§ 31.2–26 *Continuing property record required.* (a) Not later than June 30 of the year following that in which a company becomes subject (note § 31.–01–1) to these accounts (note § 31.01–3 (a)) each company shall file with the Commission three copies of a complete plan of the method to be used in the compilation of a continuing property record with respect to each class of property for which such records are hereinafter prescribed. The plan shall include a list of the property-record units proposed for use under each plant account. A narrative statement shall accompany the list of proposed property-record units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuing property record, to the end that a ready analysis with respect to the sufficiency thereof may be made. In preparing this narrative statement, the company shall include typical examples indicating the use of, and relationship between, the various forms and records.

NOTE: Companies subject to these accounts on June 30, 1943, were required by the then effective rules to compile a continuing property record with respect to property as at December 31, 1936, and to reflect therein all subsequent additions and retirements.

(b) Any company may, in lieu of submitting the plan provided for in paragraph (a) of this section, submit to the Commission not later than June 30 of the year following that in which the company becomes subject to these accounts, a statement in triplicate that it concurs in and proposes to pursue in all particulars a plan filed with the Commission by another company which it is believed conforms fully to the requirements of paragraph (a) of this section.

(c) Not later than June 30 of the year following that in which a company becomes subject to these accounts each company shall begin the preparation of a continuing property record with respect to property of each class represented in the several plant accounts comprised by balance-sheet accounts 100:1, "Telephone plant in service," and 100:3, "Property held for future telephone use," and with respect to property represented in account 103, "Miscellaneous physical property." These records shall be completed not later than 2 years after the prescribed date of beginning with respect to property as at the date the company becomes subject to these accounts and with respect to the changes effected therein between such date and the end of the calendar year preceding the date that these records are required to be completed. Property changes (whether made by companies already subject to these rules or those becoming subject hereafter) affecting the period subsequent to the end of that year for which the records are required to be completed shall be promptly processed in the continuing property record to the end that the record shall provide reasonably current data at all times.

(d) The continuing property record shall be arranged in conformity with the plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost (or other book cost consistent with the provisions of this system of accounts). The record or records supplemental thereto shall contain such detailed description and classification of property-record units as will permit their ready identification and verification. They shall be maintained in such manner as will meet the following basic objectives:

(1) An inventory of property-record units which may be readily spot-checked for proof of physical existence.

(2) The association of costs with such property-record units to assure accurate accounting for retirements.

(3) The determination of dates of installation and removal of plant retired to provide data for use in connection with depreciation studies.

The record or records supplemental thereto shall accordingly reveal clearly, in relation to designated accounting areas, detailed and systematically summarized information as to the kind, character, size, quantity, location, year of placement and retirement where practicable, ownership, and actual or apportioned original cost (or other appropriate book cost) of the telephone plant and other property-record units aggregately represented by the concurrent balances in accounts 100:1, "Telephone plant in service," 100:3, "Property held for future telephone use," and 103, "Miscellaneous physical property." In order that there may be on hand at the time of retirement a maximum of pertinent cost data, every effort shall be made at the time plant is constructed and/or installed to obtain all such available cost data by subcontracts, trades, and if practicable, by retirement units.

NOTE: See Appendix B, Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies Having Investment in Account 100:1, "Telephone Plant in Service," in Excess of $8,000,000.

2. Delete Appendix B in its entirety and substitute the following:

APPENDIX B

STANDARD PRACTICES FOR THE ESTABLISHMENT AND MAINTENANCE OF CONTINUING PROPERTY RECORDS BY TELEPHONE COMPANIES HAVING INVESTMENT IN ACCOUNT 100:1, "TELEPHONE PLANT IN SERVICE," IN EXCESS OF $8,000,000

1. *Accounting areas.* (a) The continuing property record, as related to each primary plant account, shall be established and maintained by subaccounts for each accounting area. An accounting area is the smallest territory of the company for which accounting records of investment are maintained for all plant accounts within the area. Areas already established for administrative, accounting, valuation, or other purposes may be adopted for this purpose when appropriate. In no case shall the boundaries of accounting areas cross State lines. In determining the limit of each area, consideration shall be given to the quantities of property, construction conditions, operating districts, county and township lines, taxing district boundaries, city limits, and other political or geographical limits, in order that the areas adopted may have a maximum adaptability, within the confines of practicability, for both the company's purposes and those of Federal, State, and municipal authorities.

(b) Not later than June 30, following the year in which a company's investment in account 100:1, "Telephone plant in service," exceeded $8,000,000, there shall be filed with the Commission three copies of a list of accounting areas, to be accompanied by descriptions of the boundaries of each area. Description of proposed major changes in accounting areas, such as consolidation, subdivision, addition or elimination of areas shall be submitted in triplicate to the Commission thirty days in advance of the proposed effective dates of such changes.

2. *Property-record units.* (a) In each of the established accounting areas, the "property-record units" (in terms of which the continuing property record is to be maintained) shall be set forth separately, classified by size and type and with the amount of original cost (or other appropriate book cost) associated with such units. When a list of property-record units has been accepted by the Commission, the property-record units set forth therein shall become the property-record units referred to in this statement of standard practices. When it is found necessary to revise this list because of the addition of units used in providing new types of service, or new units resulting from improvements in the art, or because of the grouping or elimination of units which no longer merit separate recognition as property-record units, three copies of such changes shall be submitted to the Commission.

(b) With respect to land in fee classifiable in account 207, "Right of way," and land classifiable in account 211, "Land," the property-record unit to be set forth in the continuing property record shall be a parcel of land. A land parcel means one continuous plot within an accounting area. Each land parcel shall be identified as to functions and location. In the continuing property record or in records supplemental thereto there shall be shown with respect to each land parcel the area, identity of vendors, grantors, or other conveyors of title, identification of deeds, or other instruments, and original cost.

(c) The continuing property record shall reveal the location, the essential details of construction, and the cost of each building. In cases where the underlying records of construction costs of buildings are available, such costs shall be so analyzed and the analyses so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made. In cases where no construction cost details are available and a retirement of a portion of such a building is made, the cost of the plant retired shall be determined on an estimated basis by allocating to such plant retired an equitable portion of the estimated cost of the contract or trade (e. g., masonry, plumbing, etc.) in which the specific retirement is being made. Allocations shall be made in such a manner as to insure that the unit being retired will carry its ratable share of architectural and engineering fees and other similar indirect costs.

(d) The continuing property record shall reveal the location, the essential details of construction, and the cost of each type of central office (manual, step-by-step, etc.) in each building, and of each large private

branch exchange. Because of the small number of interim retirements and the comparatively small amounts involved therein, unless such annual retirements become at least 25% of the balance at the beginning of the year with respect to any central office, the cost of each central office need not be broken down into the individual retirement units of which it is composed. The underlying records of construction cost shall be so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made.

(c) The continuing property record shall show the number and nature of items included in account 261, "Furniture and office equipment," and account 264, "Vehicles and other work equipment," whether such items are retired on an average cost basis or otherwise.

3. *Method of determining original cost (note § 31.01–3 (x)) of property-record units.* Original cost of the property-record units shall be determined by analyses of the construction costs incurred as shown by completion reports, or other data, covering the respective construction work orders or authorizations, provided that in those cases where the actual original cost of property cannot be ascertained, such original cost shall be estimated. Such estimated original cost shall be consistent with the accounting practices in effect at the time of construction of the property. Costs shall be allocated to and associated with the property-record units in such manner as to assure accurate accounting for retirements.

4. *Average costs.* (a) In the development of average costs for plant consisting of a large number of similar units, such as telephones, bell boxes, station installations, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards, units of similar size and type within each specified accounting area and plant account may be grouped without regard to year of construction. Each such average cost shall be set forth in the continuing property record or in records supplemental thereto and in support thereof.

(b) The averaging of costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within an accounting area as defined in paragraph 1 (a). The provisions of paragraph 4 (a) shall not be interpreted as permitting the inclusion within such average cost of the cost of units involved in any unusual or special types of construction. The units involved in such unusual or special types of construction shall be recorded at actual cost by locations.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average costs shall be confined to items priced in the respective subdivisions.

5. *Identification of property-record units.* There shall be shown in the continuing property record, or in records supplemental thereto and in support thereof, a complete description of the property-record units in such detail as to identify plainly such units. The description (except for classes of plant for which it is impracticable, such as station apparatus, station installations, and drop and block wires) shall include the identification of the work order under which constructed, the year of installation (unless not determinable at reasonable expense with respect to past acquisitions or installations), the specific location of the property within each accounting area in such manner that it can be readily spot-checked for proof of physical existence, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings.

6. *Reinstalled units.* When units with respect to which average costs are not applied under the practices herein prescribed are removed or retired and subsequently reinstalled, the date when the unit was first charged to the appropriate plant account shall, when required for adequate service life studies and reasonably accurate retirement accounting, be shown in addition to the date of reinstallation.

7. *Age of property.* The continuing property record or records supplemental thereto and in support thereof shall be so maintained as to disclose the age of existing property and the service life of property retired. Exceptions from this requirement for any property-record units shall be submitted as part of the company's plan of continuing property records.

8. *Reference to sources of information.* There shall be shown by appropriate reference the source of all entries. All drawings, computations, and other detailed records which support either the quantities or the costs included in the continuing property record shall be retained as a part of or in support of the continuing property record.

9. *Jointly owned property.* (a) With respect to jointly owned property, there shall be shown in the continuing property record or records supplemental thereto:

(1) The identity of all joint owners.

(2) The percentage of ownership of the physical units vested in the accounting company.

NOTE: When plant is constructed under arrangements for joint ownership, the amount received by the constructing company from the other joint owner or owners shall be credited as a reduction of the gross cost of the plant in place. When a sale of a part interest in plant is made, the fractional interest sold shall be treated as a retirement and the amount received shall be treated as salvage. The continuing property record or records supplemental thereto shall be so maintained as to identify retirements of this nature separately from physical retirements of jointly owned plant.

(b) If jointly owned property is substantial in relation to the total of the same kind of property owned wholly by the company, such jointly owned property shall be appropriately segregated in the continuing property record.

3. Amend § 1.547 *Reports to be filed under Part 31 of this chapter,* of Part 1 as follows:

a. Delete from paragraph (r) the reference to paragraph (c) of § 31.2–26.

b. Delete paragraphs (u), (v), (w), and (x) and substitute the following:

(u) Appendix B—Standard Practices, CPR: Section 1 (b). Continuing property record; (1) list of accounting areas (with descriptions) and (2) descriptions of subsequent proposed changes in the list.

(v) CPR: Section 2 (a). Continuing property record; proposed revisions in list of property-record units.

[F. R. Doc. 52–9961; Filed, Sept. 11, 1952; 8:48 a. m.]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; SEPARATIONS, POWER AND ANTENNA HEIGHT REQUIREMENTS

In the matter of amendment of §§ 3.610 and 3.614 of the Commission's rules and regulations pertaining to television broadcast stations.

By the Commission. Commissioners Hyde and Hennock not participating. Commissioner Jones dissenting.

1. Section 3.610[1] of the Commission's TV rules divides the country into three zones and establishes the following minimum co-channel assignment and station separations for each zone:

Zone	Channels 2–13	Channels 14–83
I	170 miles	155 miles
II	190 miles	175 miles
III	220 miles	205 miles

The section provides further that where the boundary line between two zones passes through a community, that community shall be considered to be located in the lower-numbered zone. The section also provides that the minimum co-channel separation between a station or assignment in one zone and a station or assignment in another zone shall be that of the zone requiring the lower separation.

2. Section 3.614 (b) of the Commission's TV rules pertaining to power and antenna heights provides that VHF stations in Zones II and III may employ maximum powers with antenna heights up to 2000 feet, and that for heights exceeding 2000 feet, the power will be decreased in accordance with the chart designated as Appendix C Figure 2b of the rules. VHF stations in Zone I, however, may employ maximum power only with antenna heights up to 1000 feet, and stations employing heights greater than 1000 feet must decrease power in accordance with the chart designated as Appendix C Figure 2a of the rules.

3. The Commission has received a number of requests for interpretations of the above sections in connection with their application to cases where a transmitter is located in a different zone from the city to which the channel is assigned. The basic question presented by these requests is the "location of the station" for purposes of applying the Commission's rules with respect to mileage separations and maximum heights and powers. Specifically, the question in each case is whether the station is located at the transmitter site or in the community to which the channel is assigned.

4. In the Commission's Sixth Report and Order (Docket 8736 et al.) the Commission determined that the transmitter site shall be used where available in measuring all separations both for rule making purposes and licensing purposes. The Commission's determinations with respect to minimum mileage separations and the utilization of maximum power at specified antenna heights were based upon the service rendered and the resulting interference. Such determinations were predicated upon the operation of stations at the separations and heights and powers specified in the rules. Thus, the Commission concluded in the Sixth Report that where a transmitter site is in existence or is proposed, that transmitter site shall be used as the point of reference rather than the city to which the channel is assigned (paragraphs 106–108). These decisions were implemented by the Commission's new television rules. Thus, in § 3.611 it is provided that in considering petitions to amend the Table of Assignments, and for the purpose of determining station separations in licensing proceedings, the existing or proposed transmitter sites shall be used where available.

5. Accordingly, the zone in which the transmitter of a television station is located or proposed determines the applicable rules with respect to co-channel mileage separations and maximum antenna heights and powers for VHF stations. Following are examples of the application of the rules to situations where the transmitter is located in a different zone from the city to which the channel employed by the stations is assigned:[2]

(1) Where a VHF station employs a channel assigned to a city in Zone II and locates its transmitter in Zone I, the station is required to maintain a separation of only 170 miles to all other stations and assignments in Zones I and II.

(2) Where a VHF station employs a channel assigned to a city in Zone III and locates its transmitter in Zone II, the station is required to maintain a separation of only 190 miles to other stations and assignments in Zones I and II.

(3) Where a VHF station employs a channel assigned to a city in Zone I and locates its transmitter in Zone II, the station is required to maintain a separation of 190 miles to other stations and assignments in Zone II, and 170 miles to other stations and assignments in Zone I.

(4) Where a VHF station employs a channel assigned to a city in Zone II and locates its transmitter in Zone III, the station is required to maintain a separation of 220 miles to other stations and assignments in Zone III, and a separation of 190 miles to other stations and assignments in Zone II.

(5) Where a station employs a VHF channel assigned to a city in Zone II and locates its transmitter in Zone I, the rules governing the utilization of maximum heights and powers for Zone I VHF stations apply.

(6) Where a station employs a VHF channel assigned to a city in Zone I and locates its transmitter in Zone II, the rules governing the utilization of maximum heights and powers for Zone II VHF stations apply.

7. The Commission is of the view that paragraphs should be added to §§ 3.610 and 3.614 interpreting these rules with respect to cases where the transmitter is located in one zone and the city to which the channel is assigned is located in another zone. Since these amendments are interpretative of existing rules, provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable and the amendments are made effective immediately. The authority for the issuance of the amendments are contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

8. In view of the foregoing, it is ordered, that, effective immediately, §§ 3.610 and 3.614 are amended by the addition of interpretative sections as set out below:

1. Section 3.610 of the Commission's rules and regulations is amended by the addition of the following paragraph:

(d) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to co-channel mileage separations where the transmitter is located in a different zone from that in which the channel to be employed is located.

2. Section 3.614 of the Commission's rules and regulations is amended by the addition of the following paragraph:

(c) The zone in which the transmitter of a television station is located or proposed to be located determines the applicable rules with respect to maximum antenna heights and powers for VHF stations when the transmitter is located in Zone I and the channel to be employed is located in Zone II, or the transmitter is located in Zone II and the channel to be employed is located in Zone I.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1085; 47 U. S. C. 301, 303)

Adopted: September 3, 1952.

Released: September 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–9962; Filed, Sept. 11, 1952; 8:48 a. m.]

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[1] The Sixth Report and Order provided that the new TV rules adopted thereby would become effective 30 days from the date of publication in the FEDERAL REGISTER. Such publication was made on May 2, 1952 (17 F. R. 3905); and, therefore, the new rules became effective June 2, 1952.

[2] The examples set out with respect to minimum co-channel separations refer to VHF channels. The principle applies equally, however, to UHF channels.

[3] Commissioner Jones dissents for the same reasons stated in his dissents in Yankee Network, Inc., 4 RR 164; Memorandum Opinion of the Commission ruling on the Bar Association petition, 7 RR 371; and the Sixth Report and Order, 1 RR 91:599.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

PHEASANT HUNTING PERMITTED

Basis and purpose. On the basis of observations and reports of field investigations conducted by representatives of the Fish and Wildlife Service and the California Fish and Game Commission, it has been determined that there is a surplus of pheasants on the Tule Lake National Wildlife Refuge that can best be removed by permitting public hunting on parts of the refuge.

Since the following regulation is a relaxation of existing restrictions applicable to the Tule Lake National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the following section is added:

§ 31.346 *Pheasant hunting permitted.* The hunting of pheasants shall be permitted on November 22, 23, 29, and 30, 1952, on the areas of the Tule Lake National Wildlife Refuge specified in § 31.342, and on such other areas as may be designated by posting by the officer in charge in accordance with the provisions of Parts 18 and 21 of this subchapter, and subject to the provisions, conditions, restrictions, and requirements of §§ 31.343 to 31.345, inclusive.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: September 8, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52–9951; Filed, Sept. 11, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 953.100 et seq.; Control Committee rules and regulations) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939) regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The amendment to the said rules and regulations has been proposed by the Control Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is as follows:

Renumber § 939.110 *Application for exemption certificate* as "§ 939.110a" and insert as a new § 939.110 the following:

§ 939.110 *Determination of district percentages.* (a) The Control Committee, at its meeting held on or before August 1 of each year for the purpose of making recommendations to the Secretary under the provisions of § 939.50, shall estimate the district percentages which the grades and sizes of each variety of pears permitted to be shipped from each district under the recommended regulation bears to the total quantity of each variety of pears which could be shipped from that district in the absence of regulation.

(b) Any notice issued or given pursuant to this estimate shall specifically state that each of the said percentages is merely an estimate subject to change, and is not to be relied upon until final action is taken as hereinafter provided. Each exemption committee, as hereinafter constituted in each district, shall meet and elect a district chairman and a secretary, either at or within ten days following said meeting of the Control Committee. Said district chairman shall immediately notify the secretary of the Control Committee of the names of the chairman and the secretary. The chairman of each exemption committee shall call a meeting of such committee within his district not later than a date to be determined each year by the Control Committee at the meeting specified in paragraph (a) of this section.

(c) At said district meeting, the district percentage estimates made by the Control Committee shall be reviewed by the exemption committee, and, if found to be not in accordance with conditions then existing within the district, said committee shall recommend proper adjustments to the Control Committee. Each exemption committee shall make only one recommendation for adjustment of district percentages in any one season, and said recommendation shall be made not later than the date specified by the Control Committee, except that should a major change occur in the crop or crops in any district after such date, the exemption committee may recommend a further change in such percentages. On the basis of the information submitted to it by the exemption committees and such other information and evidence as is available to it, the Control Committee shall establish all district percentages to be used in computing exemptions to growers. In the event no adjustment is recommended by the exemption committees by the date above specified, the Control Committee shall immediately, on the basis of information and evidence available to it, establish the district percentages to be used in computing exemptions to growers.

(d) The Control Committee shall give prompt notice to growers and handlers of the final percentages to be used in computing exemptions to growers.

(e) Any action taken by an exemption committee shall be approved by four affirmative votes, and each such committee shall keep accurate minutes and records of the proceedings of each of its meetings. A copy of such minutes and records shall be forwarded to the secretary of the Control Committee promptly after each meeting.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposal should do so by forwarding same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 9th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9989; Filed, Sept. 11, 1952; 8:53 a. m.]

[7 CFR Part 943]

[Docket No. AO 231-A2]

MILK IN THE NORTH TEXAS MARKETING AREA

HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ball Room, Jefferson Hotel, 312 South Houston Street, Dallas, Texas, beginning at 10:00 a. m., c. s. t., September 16, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the North Texas marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the North Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the North Texas marketing area have been proposed as follows:

By the North Texas Producers Association, Arlington, Texas:

1. Delete § 943.51 (a) (3) and substitute therefor as follows:

(3) For each month from the effective date hereof through March 1953 the Class I price shall not be less than $7.40 per hundredweight.

By the Dairy Branch, Production and Marketing Administration:

2. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 6619 Denton Drive, Dallas, Texas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 9, 1952, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-9988; Filed, Sept 11, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6, 10, 11, 16]

[Docket No. 10115]

OPERATIONAL FIXED STATIONS AND FIXED STATIONS IN DOMESTIC FIXED PUBLIC SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of a new policy to govern the assignment of frequencies in the band 72–76 Mc to operational fixed stations and fixed stations in the domestic fixed public service.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Footnotes NG–3 and NG–5 to the Table of Frequency Allocations permit the assignment of frequencies in the band 72–76 Mc to operational fixed stations and fixed stations in the Domestic Fixed Public Service under certain conditions. The recent lifting of the TV "freeze" and the adoption of an engineered Table of Assignments for TV stations throughout the country makes it desirable that the standards for making assignments in this band be revised and made more definite.

3. The Commission believes it is possible to make provision for certain fixed uses in the band 72–76 Mc and at the same time give adequate protection to TV reception. To this end, it is proposing the establishment of standards for such assignments which do not attempt to eliminate completely all possibilities of interference but rather which minimize its probabilities. It is proposed, therefore, to delete the criteria presently contained in the various rules with respect to the protection to be accorded television in the assignment of frequencies in the band 72–76 Mc to fixed stations and substitute the following:

(a) Whenever it is proposed to locate a 72–76 Mc fixed station 80 or more miles from the site of a TV transmitter operating on either channel 4 or 5, or from the post office of a community in which such channels are assigned but are not in operation, the fixed station will not be required to afford any protection to the reception of television on such channels.

(b) Whenever it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10 miles from the site of a TV transmitter operating on either channel 4 or 5 (or from the post office of a community in which such channels are assigned but are not in operation), such stations will be authorized only if:

(1) There are fewer than 100 family dwelling units[1] located within a circle centered at the location of the proposed fixed station[2] the radius of which shall be determined by use of the chart entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc/s Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed."[3]

(2) The applicant agrees to eliminate any interference caused by his operations to TV reception on either channel 4 or 5 that might develop within that circle by whatever means are found necessary within 30 days of the time knowledge of said interference is first brought to his attention by the Commission.

(3) Vertical polarization is used.

Provided, however, That the Commission may, in a particular case, authorize the location of a fixed station within a circle as determined under (1) above containing 100 or more family dwelling units upon a showing that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a plan to control any interference that might develop to TV reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(c) With respect to proposed separations between transmitters of 10 miles or less, preliminary data indicate there are important secondary effects which may result in interference not otherwise predictable. The Commission currently has this problem under study and when completed conditions for grant, if any, will be prescribed. Pending completion of this study, all applications seeking authority to operate with a separation of less than 10 miles will be returned without action.

(d) In any event, if, after a 72–76 Mc fixed station has been authorized, a TV station on channel 4 or 5 is, for any reason, permitted to operate with a transmitter site so located as to bring the fixed station within the interference parameters described above, the fixed station permittee must assume the responsibilities set forth therein and eliminate any interference his operations might cause within 90 days of the time knowledge thereof is first brought to his attention by the Commission. If, however, such operation of the new television station places the fixed station in category (c) above, the licensee of such fixed station shall within such 90 day period either discontinue operation or relocate his transmitter to conform to these criteria.

4. During the pendency of this proceeding, all grants that are made under the existing rules will be made on a temporary basis only and will expire 90 days after the date on which these rule making proceedings are concluded, at which time parties holding such authorizations will be eligible to secure new authorizations for a normal license period only in accordance with such rules and standards as the Commission may have adopted.

5. This proposal is issued pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 13, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 3, 1952.

Released: September 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9960; Filed, Sept. 11, 1952; 8:47 a. m.]

[1] As defined by the U. S. Bureau of Census.

[2] Family dwelling units 70 or more miles distant from the TV antenna site are not to be counted.

[3] This chart, which is filed as part of the original document and copies of which may be obtained from the Federal Communications Commission, is a nomograph for the solution of the following equation:

$$\log_{10} h\sqrt{P} = 3.45 - 0.0431S + 2 \log_{10} r + 0.0431r$$

where:

S = distance in miles between TV site and 72–76 Mc fixed station.

r = distance in miles from 72–76 Mc fixed station to the contour at which the service area of the TV station is reduced by 10 percent.

h = height in feet of the center of the transmitting antenna array of the operational fixed station with respect to the average level of the terrain between 2 and 10 miles from such antenna in the direction of the TV station. The method for determining this is explained in detail in § 3.684 (d) of the TV Broadcast Rules.

P = effective radiated power in watts of the operational fixed station and equals the power output of the transmitter adjusted for transmission line loss and antenna gain. In symbols

$$P = P_o LG$$

where:

P_o = output of transmitter in watts

L = transmission line efficiency, percent

G = power gain of the antenna with respect to half wave dipole in free space.

[4] Commissioner Jones dissenting.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1]

SPECIAL RULES OF PRACTICE IN APPLICATIONS BY MOTOR CARRIERS OF PROPERTY UNDER SECTIONS 5 (2), 206, AND 209

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 4, 1952.

The Commission has under consideration the advisability of adopting under sections 17 (3), 205 (e), 206 (b), and 209 (b) special rules of practice with respect to notice by publication of the filing of applications by motor carriers of property under sections 5 (2), 206, and 209 of the Interstate Commerce Act, the filing of protests to such applications, and the filing of verified statements in unprotested applications under sections 206 and 209.

Set forth below are proposed special rules dealing with these subjects.

No oral hearing on the proposed rules is contemplated. Anyone desiring to make representations in favor of or in opposition to any of the proposed rules may do so by submitting written data, views, or arguments. Submissions should be filed in triplicate with the Commission on or before October 15, 1952.

Notice to the general public is being given by depositing a copy in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Committee on Legislation and Rules.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

RULE 1. *Scope of special rules.* These special rules, so far as applicable, govern procedure before the Interstate Commerce Commission (1) in applications under section 5 (2) of the Interstate Commerce Act respecting control, purchase, and lease of motor carriers of property and other unifications, of operating rights and properties of motor carriers of property, and (2) applications for operating rights under sections 206 and 209 of the act by motor carriers of property. They supplement the general rules of practice only to the extent they are applicable.

RULE 2. *Notice.* Notice of the filing of applications and amendments thereto, in proceedings described in Rule 1, shall be given to interested parties by publication of a summary of the authority sought in _____.[1]

In the interest of uniformity, the text of the summary will be prepared by the Interstate Commerce Commission. The cost of publication will be at the usual rate for classified advertising in _____,[1] and will be paid by the applicant to the publisher.

[1] In this space shall be placed the name of a weekly publication dealing with transportation matters and having a national circulation. The publication would be selected if the special rules are approved.

This rule supersedes the preexisting requirements respecting notice to interested persons.

RULE 3. *Time for filing protests.* Protests against the granting of applications and amendments thereto in proceedings described in Rule 1 shall be filed with the Commission and served upon applicant within 20 days after the date notice of the filing of an application or amendment thereto has been published in accordance with Rule 2. Except as to the time for filing, protests must conform to the provisions of Rule 40 of the general rules of practice (§ 1.40). Subsequent participation in the proceeding by an interested person will be permitted only upon leave granted after the filing and service upon the applicant of a petition in intervention and upon a showing of good cause, including good cause for not informing the Commission and the applicant of the person's interest within the 20-day period.

This rule supersedes the provision of Rule 40 of the general rules of practice (§ 1.40) respecting the time for filing protests.

RULE 4. *Verified statements.* If no protest is filed within the period specified, the applicant in an application under section 206 or 209 shall, within 30 days after the expiration of the time for filing protests, file verified statements of the evidence which would be presented at an oral hearing if an oral hearing were held. The original and 6 copies of such verified statements shall be filed with the Commission. The original must show the signature, capacity, and impression seal, if any, of the person administering the oath and the date thereof.

RULE 5. *Participation without intervention.* The provisions of Rule 73 of the Commission's general rules of practice (§ 1.73) are inapplicable in proceedings subject to these special rules.

RULE 6. *Five days additional.* The time periods specified in these special rules are subject to enlargement as provided in Rule 21 (c) of the general rules of practice (§ 1.21 (c)).

[F. R. Doc. 52-9974; Filed, Sept. 11, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.0]

ASPARAGIN

PROSPECTIVE TARIFF CLASSIFICATION

SEPTEMBER 8, 1952.

It appears probable that asparagin is properly classifiable as a chemical compound, not specially provided for, under paragraph 5, Tariff Act of 1930, as modified, at a rate of duty higher than that heretofore assessed under a uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 34 as a drug is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9985; Filed, Sept. 11, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CARSON NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Jicarilla Ranger District of the Carson National Forest, in Rio Arriba County, State of New Mexico; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Jicarilla Ranger District of the Carson National Forest:

Temporary closure from livestock grazing. (a) The Jicarilla Ranger District in the Carson National Forest is hereby closed for the period November 1, 1952 to May 10, 1953, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such District pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land, which is located in Townships 27, 28, 29, 30, 31, and 32 North, Range 4 West and parts of Townships 29, 30, 31, and 32, Range 5 West, Rio Arriba County, New Mexico.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Carson National Forest is located.

Done at Washington, D. C., this 9th day of September 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9987; Filed, Sept. 11, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 4, Amdt. 2]

LETTERS OF REGISTRATION; INTERCHANGE SCHEDULES

The Civil Aeronatics Board hereby amends Public Notice PN 4, dated March 1, 1951, as follows:

(1) By deleting section 6.6 and substituting therefor a new section 6.6 to read as follows:

SEC. 6.6 *Letters of Registration issued pursuant to Parts 296 and 297 of the Economic Regulations.* The Director, Bureau of Air Operations, is authorized to approve applications for a Letter of Registration filed pursuant to Parts 296 and 297 of the Economic Regulations and approve relationships prohibited by §§ 296.11 and 297.13 of the Economic Regulations (14 CFR 296.11 and 297.13), when such approvals do not involve novel or substantial questions of policy; advise applicants for such Letters of Registration and applicants for approval of such relationships, in cases where disapproval is deemed appropriate, that the information set forth in the application does not warrant a staff recommendation of approval and that the applicant may either (a) withdraw the application, (b) submit further information, (c) seek Board review, or (d) request a hearing with respect to such application prior to final action; dismiss, by letter, applications for such Letters of Registration, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases, he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff; and cancel a Letter of Registration upon the filing by a Domestic or International Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

(2) By adding a new section 6.15 *Interchange schedules,* as follows:

SEC. 6.15 *Interchange schedules.* The Director, Bureau of Air Operations, is authorized by letter to advise them of Board approval of interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements; by letter to the participating carriers to advise them of the filing of interchange schedules which do not appear to conform to approved service plans contemplated by the Board's orders approving the basic interchange agreements, and advising them of tentative staff disapproval, and that the parties thereto may either (a) request Board reviews; (b) revise the schedule; (c) withdraw the schedule.

Effective: August 22, 1952.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9982; Filed, Sept. 11, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1447]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1952.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware Corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on August 21, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the transportation and sale of natural gas for an interim period pending the completion of certain facilities under the conditions hereinafter described.

Applicant proposes to transport natural gas through facilities authorized in Docket No. G-1447 and sell this gas for resale to Texas Gas Transmission Corporation (Texas Gas) until such time as Texas Gas has completed contruction of facilities authorized by the Commission order issued July 25, 1952, accompanying Opinion 232, Docket No. G-1847. Applicant states that the estimated time of completion by Texas Gas of the facilities is about July 1, 1953, at which time deliveries of 200,000 Mcf of natural gas a day are authorized.

Granting of the application herein would require amendment of the Commission order issued February 27, 1951, accompanying Opinion 206, Docket No. G-1447.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9952; Filed, Sept. 11, 1952; 8:45 a. m.]

[Docket No. G-1925]

EAST TENNESSEE NATURAL GAS CO.

ORDER RECONVENING HEARING

SEPTEMBER 8, 1952.

On May 9, 1952, at the conclusion of the taking of the evidence proffered by East Tennessee Natural Gas Company (East Tennessee) in support of its rate filings in this proceeding, the Presiding Examiner on motion made for a recess, recessed the hearing until a date to be fixed by further order of the Commission.

Parties to this proceeding have notified the Commission that an offer of settlement has been reached and that the hearing should be reconvened for this purpose at an early date.

The Commission finds: Good cause exists to reconvene the hearing in this proceeding on notice less than the fifteen days provided by § 1.19 of the Commission's rules of practice and procedure (18 CFR 1.19).

The Commission orders:

(A) The public hearing in this proceeding reconvene on September 15, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37] of said rules of practice and procedure.

Date of issuance: September 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9953; Filed, Sept. 11, 1952; 8:45 a. m.]

[Project No. 2097]

NAMEKAGON HYDRO CO.

NOTICE OF RESUMPTION OF HEARING

SEPTEMBER 8, 1952.

Notice is hereby given that the hearing, in the above designated matter, recessed on June 18, 1952, at Spooner, Wisconsin, be and it is hereby scheduled to resume on October 14, 1952, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9984; Filed, Sept. 11, 1952; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

TERMINATION OF UNITED STATES HOUSING CORPORATION

Notice is hereby given that the corporate existence of the United States Housing Corporation, a corporation organized by authority of an act of Congress entitled "An Act to Authorize the President to Provide Housing for War Needs" (40 Stat. 550), as amended (40 Stat. 595), and incorporated under the laws of the State of New York terminated on September 8, 1952, all laws of the State of New York with respect to its dissolution and termination having been complied with.

Dated: September 9, 1952.

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-9983; Filed, Sept. 11, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2912]

DUQUESNE LIGHT CO.

ORDER PERMITTING SUBMISSION OF SHARES OF PREFERRED STOCK AND BONDS TO COMPETITIVE BIDDING

SEPTEMBER 8, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, has filed an application, with amendments thereto, pursuant to section 6 (b) of the act and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Duquesne proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 140,000 shares of ------ percent Preferred Stock, $50 par value. The dividend rate and the price per share to be paid the company will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than $50 nor more than $51.375 per share.

Shortly thereafter, Duquesne also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $14,000,000 principal amount of First Mortgage ------ percent Bonds, Series due September 1, 1982. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The bonds will be issued under the provisions of the company's existing Indenture, dated August 1, 1947, to the Mellon National Bank and Trust Company, as Trustee, as last supplemented on September 24, 1951, and to be further supplemented by a Supplemental Indenture to be dated September 1, 1952.

The applicant requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of agreements with respect to the sale of both the preferred stock and the bonds be shortened to six days. The proceeds of the sale

of the preferred stock and the bonds will be used to retire $15,810,000 of short-term bank loans, which were incurred for construction purposes, and the balance will be used to finance additional construction expenditures.

The filing states that the issuance and sale of the preferred stock and the bonds have been authorized by the Public Utility Commission of Pennsylvania. Applicant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and having deemed it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted subject to the following terms and conditions and reservation of jurisdiction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of competitive bidding with respect to the sale of the preferred stock and the bonds, pursuant to Rule U-50, have been made a matter of record herein and a further order or orders shall have been entered with respect thereto, which order or orders shall contain such futher terms and conditions as may then be deemed appropriate, for which purpose jurisidiction be, and the same hereby is, reserved:

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred in connection with the proposed transactions:

It is further ordered, That the request of Duquesne for authority to shorten to six days the ten day notice period required by Rule U-50 to elapse between the time of inviting bids and the entering into of agreements with respect to the issuance and sale of the preferred stock and the bonds be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9958; Filed, Sept. 11, 1952; 8:47 a. m.]

[File No. 70-2926]

ELECTRIC BOND AND SHARE CO.

NOTICE CONCERNING ACQUISITION OF ADDITIONAL COMMON STOCK OF AMERICAN & FOREIGN POWER COMPANY, INC., AS A STOCK DIVIDEND

SEPTEMBER 8, 1952.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed a declaration under the Public Utility Holding Company Act of 1935, and has designated section 12 (f) thereof as applicable to the proposed transactions which are summarized below.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company subsidiary of Bond and Share, has declared a dividend payable in cash and additional common stock of Foreign Power, as more fully set forth in the declaration of that company (File No. 70-2925), and concerning which a hearing has been ordered by the Commission (Holding Company Act Release No. 11464). Bond and Share as the holder of 3,902,956 shares (54.60 percent) of the common stock of Foreign Power will be entitled to receive 39,029 shares of additional common stock of Foreign Power as its proportion of the stock dividend. Bond and Share seeks such authorization as is necessary by the Commission for the acquisition of such additional 39,029 shares of the common stock of Foreign Power.

The Commission having ordered that a hearing be held on the declaration of Foreign Power, no action may be taken with respect to the declaration of Bond and Share until that matter shall have been determined.

Notice is further given that any interested person may, not later than September 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed, Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 18, 1952 at 5:30 p. m., e. d. s. t., subject to the action taken with respect to the Foreign Power declaration (File No. 70-2925), said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9959; Filed, Sept. 11, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27376]

SODA ASH AND RELATED ARTICLES FROM BATON ROUGE, LA., TO POINTS IN MIDWEST

APPLICATION FOR RELIEF

SEPTEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378, pursuant to fourth-section order No. 16101.

Commodities involved: Soda ash, monohydrate or sesqui-carbonate of soda, and caustic soda, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Points in Illinois, Indiana, Iowa, Missouri, Ohio, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9970; Filed, Sept. 11, 1952; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 180

Washington, Saturday, September 13, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP HAY AND PASTURE SEED LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 5601 and containing the specific requirements for the 1952-crop hay and pasture seed price support program is hereby amended as follows.

Section 601.1985 *Settlement*, is amended by changing the requirements with respect to the determination of quality at the time of settlement so that the amended section reads as follows:

§ 601.1985 *Settlement.* Where seed is delivered to CCC in accordance with § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Drawing representative sample.* Except where the seed is stored in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, a representative sample of each lot of seed shall be drawn when the seed is delivered to CCC.

(b) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that in the following cases settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample of the lot of seed which shall be drawn when the seed is delivered to the point designated in the delivery instructions issued by the county committee:

(1) When damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure;

(2) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the original tests;

(3) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(4) When the entire lot of seed delivered is not the identical seed placed under loan. (If the purity of the seed delivered varies from the purity indicated on the purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the Federal Seed Act, it shall be presumed that the identical seed was not delivered and settlement shall be made on the basis of the quality determined at the time of delivery, unless the producer establishes to the satisfaction of the county committee that the identical seed was delivered.)

(c) *Warehouse-storage loans*—(1) *Quality not guaranteed.* If the quality of the seed is not guaranteed by an approved warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt, and on the basis of the quality of the seed when placed under loan, except that in the following cases

(Continued on p. 8225)

NOTICE

The issue of the FEDERAL REGISTER *dated Friday, September 12, 1952, was incorrectly designated as Volume 17, Number 178. The correct designation for that issue is Number 179 of Volume 17.*

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FEDERAL REGISTER

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Code of Federal Regulations

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Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample of the lot of seed which shall be drawn at the time of settlement:

(i) When damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure;

(ii) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the original tests;

(iii) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(iv) when the entire lot of seed at the time of settlement is not the identical seed placed under loan. (If the purity determined at the time of settlement varies from the purity indicated on the purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the Federal Seed Act, it shall be presumed that the seed is not the identical seed placed under loan and settlement shall be made on the basis of the quality determined at the time of delivery unless the producer establishes to the satisfaction of the county committee that the identical seed was delivered.)

(2) *Quality guaranteed.* If the seed is stored in an approved warehouse and the warehouseman guarantees the quantity and quality of the seed, settlement shall be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, eligible seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the quality of the seed is not guaranteed by an approved warehouseman, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except that in the following cases settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample which shall be drawn from the lot of seed at time of delivery:

(i) When the purity of the seed determined at time of delivery varies from the purity indicated on the original purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the rules and regulations of the Federal Seed Act;

(ii) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the tests;

(iii) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(iv) When the county committee determines that the physical condition of the seed indicates the original reports and certificates are no longer representative.

(2) *Quality guaranteed.* If the seed is stored in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(e) *Disposition of seed which at time of delivery does not meet the purity requirements of eligibility for loan.* In the case of farm-storage and unguaranteed warehouse-storage loans (see paragraphs (b) and (c) (1) of this section), if on the basis of the purity analysis made from the sample taken at time of delivery, the seed does not meet the minimum purity requirements of eligibility for loan, the producer shall be furnished the results of the purity analysis and notified that if he does not (1) have the seed recleaned at his own expense to meet the minimum purity requirements of eligibility for loan; or (2) repay his loan and pay any expenses incurred in removing the seed from a warehouse or a CCC bin, the producer shall be liable for any deficiency on the loan after disposing of the seed as follows:

(1) In the case of salable seed, the seed shall be sold at public or private sale in accordance with section 7 (b) of the chattel mortgage or section 9 (b) of the note and loan agreement.

(2) In the case of seed which is not salable, the seed shall be disposed of at the expense of the producer.

(f) *Ineligible seed under purchase agreements.* Seed which does not meet the eligibility requirements of §§ 601.1976 and 601.1983 will not be accepted under purchase agreements.

(g) *Cost of quality determinations, appeals.* Expenses incident to taking one sample of eligible seed tendered for delivery and the cost of making one official germination test and purity analysis of such lot of seed shall be borne by CCC. If the producer is not satisfied with the result of the test made at time of delivery, the producer may request that another representative sample of the lot of seed be drawn and submitted to a seed testing laboratory approved by the Director, Grain Branch, PMA, to conduct such appeal tests. The cost of resampling and retesting for the appeal germination and purity determinations shall be assumed by the producer requesting the appeal and funds to cover such cost shall accompany the request when transmitted to the county committee. The results of such laboratory germination test and purity analysis, without taking into consideration tolerances, shall be final.

(h) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line," as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement will be refunded to the producer: *Provided*, That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman is turned over to CCC; and (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier,, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 10th day of September, 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52–10037; Filed Sept. 12, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
ABILENE, TEX. Abilene Army Airport	(PROCEDURE CANCELED)												
AKRON, OHIO Akron Airport (Procedure No. 1) 362 kc; AKR; SBMRLZ-DTV	NE—Min. en route alt. NE—2,400′ (Tallmadge FM) SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	SW	10 mi.—2,300′ S Side SW crs 15 mi.—2,400′ S side SW crs 20 mi.—2,400′ S side SW crs 25 mi.—2,400′ S side SW crs	1,800	66	0.3	1,051	R (R) A T	700 600 800 400	1.5 1.0 2.0 1.0	700 600 800 400	1.5 1.5 2.0 1.0	Climb to 2,500′ on NE crs, or as directed by ATC.
(Procedure No. 2)	NE—Min. en route alt SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	NE	10 mi.—2,500′ W side NE crs 15 mi.—2,500′ W side NE crs 20 mi.—2,500′ W side NE crs 25 mi.—2,500′ W side NE crs	2,000 (Over Tallmadge FM)	225 (from Tallmade FM)	3.3*	1,051	R (R) A T	700 600 800 400	1.5 1.0 2.0 1.0	700 600 800 400	1.5 1.5 2.0 1.0	Climb to 2,400′ on SW crs, or as directed by ATC. *In lieu of Tallmadge FM, the intersection of the NE crs of Akron LFR and the N crs of the Akron-Canton ILS may be used, in which case the distance is 2.5 mi.
ALBANY, GA. Turner AFB 254 kc; ABY; SBMRAZ-DTV	N—MEA (SW crs Macon LFR) E—MEA (SW crs Alma LFR) S—MEA (Tallahassee LFR) W—MEA (NE crs Dothan LFR)	S	10 mi.—1,400′ E side S crs 15 mi.—1,400′ E side S crs 20 mi.—1,400′ E side S crs 25 mi.—1,400′ E side S crs	1,000	9	3.7	214	R A T	500 1,000 300	2.0 3.0 2.0	500 1,000 300	3.0 3.0 3.0	Climb to 1,600′ on N crs, or as directed by ATC. CAUTION: 575′ msl tower, 1.5 mi WNW of Albany LFR. SHUTTLE: To 1,400′ on S crs. NOTE: (1) Minima for acft with stall speeds of 75 mph or less only. (2) Deviation authorized in obstruction clearance criteria for landing minimums.
MILLVILLE, N. J. Millville Airport 365 kc; MIV; SBRAZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	NW	10 mi.—1,600′ W side NW crs 15 mi.—NA* 20 mi.—NA* 25 mi.—NA*	1,100	144	4.3	87	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on SE crs within 25 mi, or as directed by ATC. *Procedure turn beyond 10 mi not authorized due to military operations at New Castle Arpt. NOTE: Night take-offs and landings authorized on E/W and NW/SE runways only.
OCEANA, VA. Oceana NAAS 356 kc; NTU; MRLWZ	NE—Min. en route alt. NE—1,500′ (E crs Norfolk NAS LFR) SE—1,500′ (NE crs Weeksville NAS LFR) SW—1,500′ (NW crs Weeksville NAS LFR) NW—Min. en route alt. NW—1,500′ (NE crs Norfolk LFR)	SW	10 mi.—1,500′ S side SW crs 15 mi.—1,500′ S side SW crs 20 mi.—1,500′ S side SW crs 25 mi.—1,500′ S side SW crs	820	44	3.5	20	R S A T	500 400 800 300	1.5 1.0 2.0 1.0	500 400 800 300	1.5 1.0 2.0 1.0	Turn right, climb to 1,500′ on SW crs and contact Norfolk Approach Control.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
PRESCOTT, ARIZ. Prescott Airport 347 kc; PRC; SBRAZ-DTV	E—Min. en route alt. SE—Min. en route alt. W—Min. en route alt. NW—Min. en route alt.	NW	10 mi.—7,000′ E side NW crs 15 mi.—8,000′ E side NW crs 20 mi.—8,000′ E side NW crs 25 mi.—8,000′ E side NW crs	6,500	142	5.3	5,042	R (R) A* T#	1,500 1,000 1,500 1,000	2.0 2.0 2.0 2.0	1,500 1,000 1,500 1,000	2.0 2.0 2.0 2.0	If not contact within 2 mi after passing LFR, turn left and climb to 8,000′ on NW crs within 25 mi, or as directed by ATC. *1,000–2 for acft with stall speeds of 75 mph or less. #800–2 for acft with stall speeds of 75 mph or less.
BRUNSWICK, GA. Glynco NAAS 520 kc; NEA; MRLZ	NE—1,500′ (SE crs Savannah LFR) SE—Min. en route alt. SE—1,500′ (N crs Jacksonville LFR) SW—1,500′ (SE crs Alma LFR) NW—1,500′ (SW crs Savannah LFR)	NE	10 mi.—1,000′ N side NE crs 15 mi.—1,000′ N side NE crs 20 mi.—1,000′ N side NE crs 25 mi.—1,000′ N side NE crs	520	221	0.5	25	R S A T	500 NA 800 300	1.0 2.0 1.0	NA NA NA NA		If not contact over Glynco LFR, climb to 1,500′ on SW crs and contact Glynco Navy tower. CAUTION: Two hangars, 212′ msl high adjacent to runways. NOTE: Mileage shown is nautical.
CHERRY POINT, N. C. Cherry Point MCAS 230 kc; NKT; SBMRLZ	NE—Min. en route alt. NE—1,200′ (Arapahoe FM) SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt. NW—1,200′ (New Bern FM)	NW	10 mi.—1,200′ W side NW crs 15 mi.—1,200′ W side NW crs 20 mi.—1,200′ W side NW crs 25 mi.—1,200′ W side NW crs	940	141	4.1	29	R S* A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.5 2.0 1.0	Climb to 1,500′ on SE crs. *Runway 14.
CORPUS CHRISTI, TEX. Cabaniss NAAS 382 kc; CRP; SBMRLZ-DTV	NE—Min. en route alt. NE—1,400′ (N crs Corpus Christi NAS LFR) SE—NOT AUTHORIZED SW—1,400′ (S crs Alice LFR) NW—MEA (S crs San Antonio LFR) NW—840′ (Odem FM) (Final)	NW	10 mi.—1,400′ W side NW crs 15 mi.—1,400′ W side NW crs 20 mi.—1,400′ W side NW crs 25 mi.—1,400′ W side NW crs	840	*136 (to Cliff Maus Field)	*2.9	30	R S A T	500 500 1,000 300	2.0 1.0 3.0 1.0	500 500 1,000 300	2.0 1.0 3.0 1.0	Turn right (west), climb to 1,400′ on SW crs. *From Cliff Maus Field fly controlled VFR to Cabaniss NAAS—171°, 3.7 mi.
GRAND RAPIDS, MICH. Kent County Airport 329 kc; GRR; SBMRLZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SE—1,460′ (Alaska FM) (Final) SW—Min. en route alt. NW—Min. en route alt.	SE	10 mi.—2,000′ E side SE crs 15 mi.—2,000′ E side SE crs 20 mi.—2,000′ E side SE crs 25 mi.—2,000′ E side SE crs	1,460	303	2.0	692	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.5 1.5 2.0 1.0	Climb to 1,900′ on NW crs. CAUTION: 912′ msl stack located approx 0.5 mi WSW of airport. NOTE: Night operations on new rwys 18L and 36R not authorized. *Runway 30.
KIRKSVILLE, MO. Kirksville Airport 391 kc; IRK; BMRLZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	SE	10 mi.—2,100′ E side SE crs 15 mi.—2,100′ E side SE crs 20 mi.—2,100′ E side SE crs 25 mi—2,100′ E side SE crs	1,600	328	1.1	970	R A T	500 800 300	1.0 2.0 1.0	500 800 300	1.5 2.0 1.0	Climb to 2,500′ on NW crs within 25 mi, or as directed by ATC. NOTE: (1) Minima apply to acft with stall speeds of 75 mph or less. (2) ADF procedures not authorized. CAUTION: Arpt adequate only for acft of 10,000 lb or less gross wt.
MALAD CITY, IDAHO Malad City Airport 311 kc; MLD; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	W	12 mi.—9,000′ S side W crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	8,500	121	3.5	4,503	R A T	4,000 4,000 4,000	3.0 3.0 3.0	NA NA NA		If contact not established within 0.5 mi after passing LFR, make right climbing turn, climb to 11,000′ on W crs within 25 mi, or as directed by ATC. CAUTION: High terrain N extending thru the E to the S. NOTE: (1) Only Rwy 16/34 authorized for landings or take-offs—all acft. (2) Deviation from standard criteria authorized for missed approach procedure.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
PITTSBURGH, PA. Allegheny County Airport 254 kc; PIT; SBRAZ-DTV	E—Min. en route alt. SE—Min. en route alt. W—Min. en route alt. W—2,900′ (Ceeil FM or Rbn) (Final) NW—Min. en route alt.	W	10 mi.—2500′ S side W crs 15 mi.—2,500′ S side W crs 20 mi.—2,500′ S side W crs 25 mi.—2,700′ S side W crs	2,000	85	2.3	1,252	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000′ on E crs within 10 mi or as directed by ATC. *Runway 9.
SACRAMENTO, CALIF. Sacramento Airport 236 kc; SAC; SBMRAZ-DTV	NE—Min. en route alt. NE—1,500′ (292° bearing to McClellan Rbn) SE—Min. en route alt. SE—1,200′ (N crs Stockton LFR) SW—Min. en route alt. SW—1,100′ (Bay Point FM) SW—729′ (Clarksburg FM) (Final) NW—Min. en route alt.	SW	7.5 mi.—1,100′ E side SW crs 15 mi.—NA # 20 mi.—NA # 25 mi.—NA #	720	22	1.7	21	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	600 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,500′ on NE crs within 20 mi, or as directed by ATC. #Procedure turn beyond Clarksburg FM not authorized. NOTE: Deviation authorized in distance for secondary fix from Bay Point FM.
SAN DIEGO, CALIF. Lindbergh Field 224 kc; SAN; SBRAZ-DTV	E—Min. en route alt. E—3,600′ (Jamul Rbn) SE—Min. en route alt. SE—2,600′ (Coronado FM) W—Min. en route alt. N—Min. en route alt. N—Min. en route alt. N—2,500′ (Oceanside FM or Rbn) N—1,200′ (La Jolla FM) (Final)	N	10 mi.—2,500′ W side N crs 15 mi.—2,500′ W side N crs 20 mi.—2,500′ W side N crs 25 mi.—2,500′ W side N crs	*1,200	143	2.5	14	R (R) A T	700 600 800 300	2.0 2.0 2.0 1.0	700 600 800 300	2.0 2.0 2.0 1.0	Climb to 3,000′ on SE crs within 15 mi. (Mexican Border), or as directed by ATC. *Descent below 2,500′ not authorized until past La Jolla FM inbound, 1,022′ msl obstruction at La Jolla FM. If La Jolla FM not rec'd, approach control clearance required to cross San Diego LFR at minimum of 1,500′.
SAN FRANCISCO, CALIF. San Francisco Airport 227 kc; SFO; SBMRLZ-DTV	NE—Min. en route alt. NE—3,000′ (Bay Point FM)* SE—Min. en route alt. SE—1,700′ (Redwood FM or Rbn) SE—700′ (Belmont FM) (Final) SW—Min. en route alt. SW—3,000′ (Half Moon Bay FM) NW—Min. en route alt.	SE	10 mi.—1,500′ E side SE crs 15 mi.—1,500′ E side SE crs 20 mi.—4,000′ E side SE crs 25 mi.—4,000′ E side SE crs	#1,050	292	3.0	11	R (R) S A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	If contact not established within 2 mi. after passing LFR, climb to 3,000′ on NW crs within 25 mi., or as directed by ATC. *When an altitude below 3,000′ is used from the NE, flight as far as Oakland must be conducted via the NE crs of Oakland LFR to provide adequate lateral clearance from Mt. Diablo (3,925′ msl). #If Belmont FM is received, descent to 700′ over LFR on final approach is authorized.
SHREVEPORT, LA. Downtown Airport 230 kc; SHV; SBRAZ-DTV	E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. NW—Min. en route alt. NW—800′ (Dixie FM & Rbn) (Final)	NW	10 mi.—1,700′ E side NW crs 15 mi.—1,700′ E side NW crs 20 mi.—1,700′ E side NW crs 25 mi.—1,700′ E side NW crs	800	152	1.8	179	R (R) S* A T	500 500 500 NA 300	1.5 1.0 1.0 1.0	500 500 500 NA 300	1.5 1.5 1.5 1.0	Climb to 1,500′ on S crs, or as directed by ATC. *Runway 13. NOTE: No weather reporting service or communications available at this airport.
TRINIDAD, COLO. Trinidad Airport 329 kc; TAD; SBMRAZ-DTV	N—MEA (Pueblo LFR) NE—Min. en route alt. S—MEA (NE crs Las Vegas LFR) SW—Min. en route alt.	N	10 mi.—7,100′ E side N crs 15 mi.—7,100′ E side N crs 20 mi.—7,100′ E side N crs 25 mi.—7,100′ E side N crs (Procedure turn to E account high terrain to W)	6,700	174	3.2	5,761	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	600 500 800 300	1.5 1.5 2.0 1.0	Immediately make a 180° climbing turn to the left and climb to 7,500′ on N* crs, or as directed by ATC. *Abrupt terrain rise 8 mi. SSW. 9,586′ terrain, 12 mi. SSW of arpt. NOTE: Deviation from standard criteria authorized for procedure turn and missed approach procedure.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION LANDING PROCEDURE

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
CHARLESTON, W. VA. Kanawha County Airport 245 kc; CH; LOM	(All directions—MEA from primary fixes)					229 49	10 mi.—2,300′ N side crs 15 mi.—2,300′ N side crs 20 mi.—2,300′ N side crs 25 mi.—2,300′ N side crs	1,800	5.01	981	R R S* A T	600 600 600 1,000 (H C O B) 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ proceeding to Charleston LFR. *Runway 23.
	Charleston VAR	LOM	58	17	2,500									
	Charleston LFR	LOM	91	14	2,500									
DANVILLE, VA. Danville Airport 344 kc; DAN; BMHTV	(All directions—MEA from primary fixes)					241 61	10 mi.—1,600′ N side crs 15 mi.—1,600′ N side crs 20 mi.—1,600′ N side crs 25 mi.—1,600′ N side crs	1,080	0	582	R (R) A T	600 500 1,000 (H C O B) 300	1.5 1.0 2.0 1.0	Climb to 2,300′ on crs of 220° within 25 mi.
	Int. NE crs Greensboro LFR & 327° bearing to Rbn	Rbn	327	7.5	2,000									
	Int. NE crs Greensboro LFR & S crs Lynchburg LFR	Rbn	257	24	2,300									
	Danville VOR	Rbn	253	19	1,600									
	Int. NE crs Greensboro LFR & 12° bearing to Rbn	Rbn	12	10	1,600									
KINGSVILLE, TEX. Kingsville NAAS (North) 516 kc; NQI; HW	Corpus Christi NAS LFR	Rbn	246	29.3	4,000	310 130	10 mi.—1,000′ E side crs 15 mi.—1,000′ E side crs 20 mi.—1,000′ E side crs 25 mi.—1,000′ E side crs	600	0 (on field)	50	R S A T	600 NA 800 300	2.0 2.0 1.0	Climb to 1,000′ on crs of 90° and contact Kingsville Navy tower for instructions. NOTE: Mileage shown is nautical.
	Int. S crs Alice LFR & W crs Corpus Christi LFR	Rbn	90	10.5	3,000									
MOLINE, ILL. Quad-City Airport 218 kc; ML; LOM	(All directions—MEA from primary fixes)					86 266	10 mi.—1,900′ S side crs 15 mi.—1,900′ S side crs 20 mi.—1,900′ S side crs 25 mi.—2,000′ S side crs	1,380	5.1	590	R (R) A T	600 600 800 300	1.5 1.0 2.0 1.0	Climb to 2,100′ on crs of 86° within 25 mi of LOM, or as directed by ATC. CAUTION: LOM must be monitored continuously during approach. NOTE: LMM located 0.63 mi from approach end of rwy—Freq. 201 kc, Ident. LL
	Moline LFR	LOM	164	9.0	2,100									
	Moline VOR	LOM	125	6.0	2,100									
	Int. E crs Moline LFR & 225° bearing to LOM	LOM	225	16.5	2,100									
	Int. S crs Moline LFR & 86° bearing to LOM	LOM	86	1.3	1,900									
	Int. N crs Burlington LFR & 86° bearing to LOM	LOM	86	25.5	2,000									
	Int. W crs Moline LFR & N crs Burlington LFR	LOM	104	26.5	1,900									
	Int. 257° bearing to Moline VOR & 225° bearing to LOM	LOM	225	8.6	2,100									
	Int. 8° bearing to Moline VOR & 86° bearing to LOM	LOM	86	5.0	1,900									
	Int. 280° bearing to Iowa City VOR & 86° bearing to LOM	LOM	86	35.2	2,000									

AUTOMATIC DIRECTION LANDING PROCEDURE—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
COLORADO SPRINGS, COLO. Peterson Field 239 kc; CO; LOM	(All directions—MEA from primary fixes)					346 166	10 mi.—7,200′ E side crs 15 mi.—7,200′ E side crs 20 mi.—7,200′ E side crs 25 mi.—7,200′ E side crs	7,200	4.33	6,172	R * (R) * S# A T	600 600 600 600 500 800 300	1.5 2.0 1.0 2.0 1.0 2.0 1.0	Climb to 8,000′ on E crs of Colorado Springs LFR within 25 mi. or as directed by ATC. *Night minimums. #Runway 35. CAUTION: (1) 7,190′ msl radio tower located 5.5 mi. N of LFR. (2) 7,710′ msl terrain, 13.5 mi. N of LFR. (3) Camp Carson danger area, 2.5 mi. W of final approach crs. NOTE: (1) Deviation from standard criteria authorized in missed approach procedure, and in danger area airspace clearance. (2) LMM located 0.66 mi. from approach end of Rwy 35—Freq. 215 kc, Ident. OS.
	Colorado Springs LFR	LOM	166	10	7,500									
	Fountain FM (final)	LOM	345	3	7,200									
NEWARK, N. J. Newark Airport 400 kc; EW; LOM	(All directions—MEA from primary fixes)					37 217	10 mi.—1,500′ W side crs 15 mi.—1,500′ W side crs 20 mi.—1,500′ W side crs 25 mi.—1,500′ W side crs	1,000	33°, 6.5	18	R A T	1,000 1,000 (BCOB) 1,000	3.0 3.0 3.0	If not contact over LOM, climb to 2,000′ on crs of 322° within 15 mi. of LOM, or as directed by ATC. NOTE: (1) Take-offs on Rwys 24 & 28 and landings on Rwy 6 NOT AUTHORIZED. (2) Runway priorities for take-off: 10 & 6. Runway priorities for landing: 28, 24 & 10.
	Flatbush Rbn	LOM	274	11	1,500									
	Paterson Rbn	LOM	200	24	2,000									
	Matawan VAR	LOM	11	16	1,500									
	Int. W crs Matawan VAR & 66° bearing to LOM	LOM	66	20	1,500									
	Newark LFR	LOM	206	5	1,500									
	Chatham Rbn	LOM	142	15	2,000									
OKLAHOMA CITY, OKLA. Will Rogers Field (Procedure No. 1)	(PROCEDURE CANCELED)													
PITTSBURGH, PA. Greater Pittsburgh Airport 323 kc; GR; LOM	(All directions—MEA from primary fixes)					321 141	10 mi.—2,600′ E side crs 15 mi.—2,600′ E side crs 20 mi.—2,600′ E side crs 25 mi.—2,600′ E side crs	2,100	4.7	1,151	R (R) S* A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on crs of 306° within 25 mi. of LOM, or as directed by ATC. *Runway 32.
	Cecil Rbn	LOM	13	8	2,600									
	Butler Rbn	LOM	214	21	2,900									
	McKeesport Rbn	LOM	291	19.5	2,700									
	Pittsburgh LFR	LOM	308	11	2,600									
	Pittsburgh VOR	LOM	336	12	2,600									
SPOKANE, WASH. Fairchild AFB (Using Spokane Geiger LOM) 236 kc; GE; LOM	Int. W crs Spokane LFR & 203° bearing to LOM	LOM	203	7	4,000	23 203	10 mi.—4,000′ S side crs 15 mi.—4,000′ S side crs 20 mi.—4,000′ S side crs 25 mi.—NA	3,560	*310°, 3.8	2,437	R #	600 800	3.0 5.0	If not contact within 4.4 mi., after passing LOM, climb to 5,000′ on W crs Spokane LFR within 30 mi and contact Spokane Approach Control for further clearance. *Maintain final approach crs of 23° until becoming visual, then turn left and fly visually to Fairchild AFB. # Night minimums. SHUTTLE: To 4,000′ on crs of 203° outbound, 23° inbound within 10 mi. of LOM. All turns to S.
	Spangle FM	LOM	312	14	4,100									
	Harrington FM	LOM	63	31	4,000									

AUTOMATIC DIRECTION LANDING PROCEDURE—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
NEW ORLEANS, LA. New Orleans Airport (Using New Orleans LFR) 338 kc; MSY; SBRAZ-DTV	(All directions—MEA from primary fixes)					91 271	10 mi.—1,400′ S side crs 15 mi.—1,400′ S side crs 20 mi.—1,400′ S side crs 25 mi.—1,400′ S side crs	*940	66°, 10.5	8	R* (R)* A* T	500 500 800 300	1.5 1.0 2.0 1.0	If not contact within 3.2 mi. after passing Bayou St. John FM*, or if landing not accomplished, climb to 1,400′ on crs of 73° within 25 mi. of LFR, or as directed by ATC. *If Bayou St. John FM not rec'd, descent below 940′ not authorized. NOTE: Instrument approaches authorized only during those hours when communications, weather, and runway lighting services are available.
	La Place FM (final)	LFR	91	17	940									
PITTSBURGH, PA. Allegheny County Airport (Using McKeesport Rbn) 287 kc; MKP; MHW	(All directions—MEA from primary fixes)					275 95	10 mi.—2,600′ N side crs 15 mi.—2,600′ N side crs 20 mi.—2,600′ N side crs 25 mi.—2,600′ N side crs	2,500	6.3	1,252	R (R) S* A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000′ on crs of 267° within 20 mi. of Rbn and proceed to Cecil holding pattern, or as directed by ATC. *Runway 27.
	Pittsburgh LFR	Rbn	92	10	2,600									
	New Alexandria FM Int. SE crs Pittsburgh LFR & NE crs Morgantown LFR	Rbn Rbn	263 322	23 17	2,600 2,500									
PITTSBURGH, PA. Greater Pittsburgh Airport 323 kc; GR; LOM	(All directions—MEA from primary fixes)					321 141	10 mi.—2,600′ E side crs 15 mi.—2,600′ E side crs 20 mi.—2,600′ E side crs 25 mi.—2,600′ E side crs	2,100	4.7	1,151	R (R) S* A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000′ on crs of 306° within 25 mi. of LOM, or as directed by ATC. *Runway 32.
	Cecil Rbn	LOM	13	8	2,600									
	Butler Rbn	LOM	214	21	2,900									
	McKeesport Rbn	LOM	291	19.5	2,700									
	Pittsburgh LFR	LOM	308	11	2,600									
	Pittsburgh VOR	LOM	336	12	2,600									
	Int. NE crs Wheeling VAR & 126° bearing to LOM	LOM	126	10	2,600									

AUTOMATIC DIRECTION LANDING PROCEDURE—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
TETERBORO, N. J. Teterboro Airport	(PROCEDURE CANCELED)													
TULSA, OKLA. Tulsa Airport (Procedure No. 1—Using Turley Rbn) 201 kc; TLY; MHW	(All directions—MEA from primary fixes)					119 299	10 mi.—2,000′ S side crs 15 mi.—2,000′ S side crs 20 mi.—2,000′ S side crs 25 mi.—NA	1,500	3.5	674	R (R) S* A T#	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,200′ on crs of 105° within 20 mi. of Rbn, or as directed by ATC. *Runway 12. #Runway 17R closed for all take-offs. NOTE: Deviation authorized in distance for descent to final approach altitude from Skiatook FM.
	Tulsa LFR	Rbn	274	5.4	1,900									
	Tulsa VOR	Rbn	205	3.9	1,900									
	Red Fork FM	Rbn	23	11.0	2,200									
	Skiatook FM (Final)	Rbn	119	13.1	1,500									
	ILS LOM	Rbn	330	7.9	2,200									
(Procedure No. 2—Using Owasso Rbn) 233 kc; OWS; MHW	(All directions—MEA from primary fixes)					174 354	10 mi.—2,000′ W side crs 15 mi.—2,000′ W side crs 20 mi. 2,000′ W side crs 25 mi. —2,000′ W side crs	1,500	4.6	674	R (R) S* A T#	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,200′ on SW crs of LFR within 25 mi. of range, or as directed by ATC. *Runway 17L. #Runway 17R closed for all take-offs.
	Verdigris River FM	Rbn	256	9.5	1,800									
	Tulsa LFR	Rbn	335	3.7	2,000									
	Red Fork FM	Rbn	31	15.5	2,200									
	Skiatook FM	Rbn	115	14.5	2,000									
	Tulsa VOR	Rbn	102	2.3	2,000									
(Procedure No. 3) 219 kc; TU; LOM	(All directions—MEA from primary fixes)					354 174	10 mi.—2,200′ E side crs 15 mi.—2,200′ E side crs 20 mi.—2,200′ E side crs 25 mi.—2,200′ E side crs	2,020**	4.82	674	R (R) S* A T#	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 1,800′ on NE crs of Tulsa LFR within 25 mi of range, or as directed by ATC. *Runway 35R. **1,100′ msl tower located 1.5 mi NNW of LOM. #Runway 17R closed for all take-offs.
	Tulsa VOR	LOM	164	11.5	2,200									
	Tulsa LFR	LOM	183	7.0	2,200									
	Int. SE crs Tulsa LFR	LOM	247	9.5	2,200									
	Red Fork FM	LOM	74	9.6	2,200									
	Skiatook FM	LOM	139	22.0	2,200									
	Verdigris River FM	LOM	212	15.2	2,200									
VALDOSTA, GA. Moody AFB (Using Ray City Rbn) 260 kc; BMS; MHW	Moody LFR	Rbn	28	6.7	1,500	180 360	10 mi.—1,400′ E side crs 15 mi.—1,400′ E side crs 20 mi.—1,400′ E side crs 25 mi.—1,400′ E side crs	1,300	9.3	233	R * A T	500 500 1,500 300	1.0 2.0 3.0 1.0	Climb to 1,500′ on crs of 135° within 25 naut mi, or as directed by ATC. *Night minimums. NOTE: Holding may be to 1,500′ on NW crs of Moody LFR within 15 mi. All turns to right as directed by Moody Approach Control.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
ATLANTA, GA. Atlanta Airport (Procedure No 1) Freq. 109.9 mc Ident. ATL	Atlanta LFR	Outer Mrkr	284	6.9	2,500	W 88 268	2,450′—S side W crs	2,450	2,450	1,320	4.70	0.62	1,024	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Turn right, climb to 2,000′ on SE crs of Atlanta LFR and proceed to Walnut Int., or as directed by ATC. *Runway 9R.
	Campbellton LFR	Outer Mrkr	94	8.8	2,500												
	Int. E crs ILS & NE crs Atlanta LFR	Outer Mrkr	268	9.5	2,500												
	Madras FM	Outer Mrkr	33	19.0	2,500												
	Walnut Int.	Outer Mrkr	311	20.3	2,500												
	Atlanta NAS LFR	Outer Mrkr	298	18.0	3,000												
	Smyrna FM	Outer Mrkr	171	18.0	2,500												
BILLINGS, MONT. Billings Airport Freq. 110.3 mc Ident. BIL	Billings LFR	E crs ILS	73	*	5,000	##E 253 73	5,000′—N side E crs (within 10, 15, 20 and 25 mi NA due to high terrain)	5,000	4,660	3,720	4.30	0.60	3,612	R ** (R) ** S# A T	500 500 500 500 400 800 300	1.5 2.0 1.0 2.0 1.0 2.0 1.0	Climb to 5,500′ on W crs Billings LFR within 15 mi, or as directed by ATC. *Billings LFR (400 kc) is adjacent to N side of E crs ILS. **Night minimums. #Runway 25. ##SHUTTLE: E crs ILS between LOM and 10 mi E. All turns N side E crs. Minimum altitude—5,000′.
	Nibbe FM	E crs ILS	223	17.0	5,000												
	Park City FM	W crs ILS	62	10.0	5,500												
	Billings VOR	LOM	74	9.0	5,500												
	Billings FM	LOM	60	8.7	5,500												
HOUSTON, TEX. Houston Airport Freq. 109.9 mc Ident. HOU	Houston VOR	LMM	219	6.0	1,200	SW 35 215	1,260′—S side SW crs	1,260	1,260	250	4.78	0.66	50	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,600′ on NE crs ILS within 25 mi, or as directed by ATC. *Runway 3.
	Houston LFR	SW crs ILS	309	2.5	1,200												
	Houston FM	SW crs ILS	129	6.3	1,200												
	Arcola FM	SW crs ILS	15	4.7	1,200												
	Houston FM	LOM	168	8.5	1,200												
	Webster FM	LOM	284	12.6	1,200												
SAN FRANCISCO, CALIF. San Francisco Airport. Freq. 109.5 mc Ident. SFO	San Francisco LFR	*Belmont FM (Via SE crs San Francisco LFR)	108	5.8	1,660	SE 281 101	None	1,660	1,660	230	6.60	0.66	11	R (R) S# A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 3,000′ on NW crs San Francisco LFR within 25 mi., or as directed by ATC. *After passing thru Belmont FM, make left turn of 180° to intercept localizer crs (281°) SE of LOM inbound. **After take-off from Oakland Airport, home on San Francisco LOM (Doolin Marker), making good a track of 176° while climbing to 2,000′. Cross LOM at 2,000′ and execute standard rate left turn to intercept localizer crs SE of LOM inbound. #Runway 28.
	Moffett LFR	SE crs ILS (LOM)	299	18.2	1,660												
	Oakland LFR	SE crs ILS (LOM)	175	11.9	3,000												
	Oakland Airport	SE crs ILS (LOM)	176	10.8	(**)												
SAULT STE. MARIE, MICH. Sault Ste. Marie-Kinross Airport Freq. 110.3 mc Ident. SNR	Sault Ste. Marie LFR	LOM	236	13.3	2,300	NW 155 335	2,300′—W side NW crs	2,300	*2,220	*980	6.05	0.67	799	R (R) S# A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,300′ on SE crs ILS within 25 mi., or as directed by ATC. *Outer and middle markers and middle compass locator not monitored—outer marker compass locator only monitored. #Runway 18.
	Int. W crs Sault Ste. Marie LFR & NW crs ILS	LOM	155	13.3	2,300												
	Int. S crs Sault Ste. Marie LFR & SE crs ILS	LOM	335	8.8	2,300												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
ALBUQUERQUE, N. MEX. Kirtland Field Freq. 110.3 mc Ident. ABQ	Albuquerque LFR	LOM	158	1.1	7,000	S 349 169	#7,000'—#W side S crs	6,400	6,400	5,530	4.32	0.66	5,330	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 8,000' on N crs Albuquerque LFR within 25 mi, or as directed by ATC. *Runway 35. #CAUTION: Terrain exceeding 8,000' in E sectors of ILS & LFR. All turns to be made on W side of crs. NOTE: Deviation authorized for procedure turn.
	Peralta FM	LOM	349	10.5	6,400												
	Albuquerque VOR	LOM	105	11.8	7,000												
ARCATA, CALIF. Arcata Airport Freq. 109.5 mc Ident. ACV	Arcata LFR	20° bearing on LOM	140	4.3	2,000	SE 312 132	None	1,700	1,550	450	4.67	0.66	217	R S* A T	500 400 1,000 300	2.0 3/4 2.0 1.0	Make left turn, climb to 2,000' on W crs of Arcata LFR, or as directed by ATC. *Runway 31. NOTE: No reduction in landing minimums for acft with stall speeds of 75 mph or less. #Transition to ILS direct from VOR not authorized.
	20° bearing on LOM	350° bearing on LOM	40	2.0	2,000												
	350° bearing on LOM	ILS localizer crs (312°)	350	1.0	1,700												
	Fortuna VOR	Arcata LFR#	359	19.0	2,000												
BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1 Freq. 109.9 mc Ident. BFL	Bakersfield LFR	SE crs ILS	141	1.5	2,000	SE 300 120	1,820'—S side SE crs	1,820	1,820	690	4.71	0.62	515	R S* A T#	700 400 800 300	2.0 1.0 2.0 1.0	Climb to 3,000' on NW crs of Bakersfield LFR, or as directed by ATC. *Runway 30. #Take-offs or landings on Rwys 7 & 25 not authorized. NOTE: No reduction in landing minimums for acft with stall speeds of 75 mph or less.
BISMARCK, N. DAK. Bismarck Airport Freq. 110.3 mc Ident. BIS	Int. W crs Bismarck LFR & SE crs ILS	Outer Mrkr	124	5.0	3,400	SE 304 124	3,000—E side SE crs	2,700	2,660	1,855	4.30	0.70	1,653	R (R) * S# A T	500 500 500 400 800 300	1.5 1.0 1.5 3/4 2.0 1.0	Climb to 3,300' on W crs of Bismarck LFR to Judson FM, or as directed by ATC. *Night minimums. #Runway 30.
	Bismarck LFR	Outer Mrkr	153	3.8	3,400												
	Bismarck LFR	SE crs ILS	223	1.8	3,400												
	Driscoll FM	Outer Mrkr	243	30.0	3,400												
BOISE, IDAHO Boise Air Terminal Freq. 109.9 mc Ident. BOI	Boise LFR	Outer Mrkr	256	2.1	4,000	NW 96 276	4,000'—S side NW crs	3,900	3,900	3,055	4.36	0.69	2,858	R * (R) S# A T	600 700 600 400 800 300	1.5 1.5 1.0 3/4 2.0 1.0	Turn right and climb to 4,000' on NW crs Boise LFR within 10 mi. *Night minimums. #Runway 10L. NOTE: Deviation from standard criteria authorized for missed approach procedure.
	Int. SE crs Boise LFR & NW crs ILS	Outer Mrkr	276	4.6	4,000												
	Eagle FM	NW crs ILS (Inbound)	140	8.2	4,000												
	Boise VOR	LOM	26	0.2	4,000												
CHARLESTON, W. VA. Kanawha County Airport Freq. 110.3 mc Ident. CHW	Int. NE crs ILS & 252° bearing to Charleston LFR	LOM	229	12	2,500	NE 229 49	2,300'—N side NE crs	*	1,800 (Final alt approach alt over OM)	*	5.04	0.63	981	R (R) S# A T	600 600 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500' proceeding to Charleston LFR, or as directed by ATC. *This procedure not premised on use of the glide path. NOTE: Freq. and ident. of LOM: 245 kc, CH. #Runway 23.
	Charleston LFR	LOM	91	14	2,500												
	Charleston VAR	LOM	58	17	2,500												
CHEYENNE, WYO. Cheyenne Airport Freq. 110.3 mc Ident. CYS	Cheyenne LFR	Outer Mrkr	81	8.4	7,500	E 262 82	7,500'—N side E crs	7,500	7,500	6,300	6.11	0.66	6,156	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 7500' on S crs Cheyenne LFR, or as directed by ATC. *Runway 26.
	Hillsdale FM	E crs ILS	230	5.0	7,500												
	Silver Crown FM	Outer Mrkr	92	20.0	8,000												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
CHICAGO, ILL. Chicago-Midway airport Freq. 109.9 mc Ident. CHI	Int NE crs Chicago LFR & SE crs Glenview LFR	LOM	260	12.8	2,300	NW 132 312	2,300'—W side NW crs	2,300	2,260	875	5.80	0.79	618	R (R) * S# A T	500 500 500 400 800 300	1.5 1.0 1.5 3/4 2.0 1.0	Climb to 2500' and proceed S on the N and S courses of Harvey LFR to intersection SE crs Rockford LFR (Monience Int), or as directed by ATC. *Night minimums. #Runway 13R.
	Int SW crs Glenview LFR & 131° bearing to Chicago LFR	Glide path interception (Final)	132	14.8	2,500												
	Int SE crs Chicago LFR & NW crs ILS	LOM	312	5.8	2,300												
	Int NE crs Joliet LFR & NW crs Chicago LFR	NW crs ILS	180	6.7	2,300												
	Int NE crs Joliet & NW crs ILS	LOM	132	6.6	2,300												
	Chicago LFR	NW crs ILS	290	2.2	2,300												
O'Hare-Chicago International Airport Freq. 109.5 mc Ident. ORD	Glenview LFR	Outer Mrkr	219	7.8	2,500	NW 138 318	2,500'—W side NW crs	1,900	1,820	875	4.40	0.72	657	R (R) * S# A T	500 500 500 400 800 300	1.5 1.0 1.5 3/4 2.0 1.0	Make left turn after passing NE crs Joliet LFR and climb to 2,500' on crs of 50° to SE crs of Glenview LFR, thence over Glenview LFR to Mundelein Int. *Night minimums. #Runway 14.
	Int. S crs Milwaukee LFR & E crs Rockford LFR	NW crs ILS	230	10.9	2,500												
	Int. E crs Rockford LFR & NW crs ILS	Outer Mrkr	138	19.3	2,500												
	Int. NE crs Joliet LFR & SE crs ILS	Outer Mrkr	318	6.3	2,500												
	Int. NW crs Chicago LFR & SE crs ILS	Outer Mrkr	318	6.8	2,500												
COLORADO SPRINGS, COLO. Peterson Field Freq. 109.9 mc Ident. COS	Colorado Springs LFR	LOM	166	9.8	7,500	S 346 166	7,200'—E side S crs	7,200	7,120	6,270	4.33	0.66	6,172	R * (R) * S# A T	600 600 600 600 400 800 300	1.5 2.0 1.0 2.0 1.0 2.0 1.0	Climb to 8,000' on E crs Colorado Springs LFR within 25 mi, or as directed by ATC. *Night minimums. #Runway 35. CAUTION: (1) 7,100' msl radio tower, 5.5 mi N of LFR. (2) 7,710' msl terrain, 13.5 mi N of LFR. (3) Danger Area 2.5 mi W of localizer centerline. NOTE: (1) No approach lights available. (2) Deviation from standard criteria authorized in missed approach procedure and in Danger Area airspace clearance.
	Fountain FM	LOM	346	3.3	7,200												
EL PASO, TEX. El Paso International Airport Freq. 109.5 mc Ident. ELP	El Paso VOR	LOM	317	4.3	5,000	NE 217 37	5,100'—N side NE crs	5,100	5,090	4,140	4.56	0.67	3,936	R (R) S# A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Make left turn to 125°, climb to 6,000' on S crs El Paso LFR, or as directed by ATC. *Maintain 8,000' until 5 mi W of Hueco Mtn FM (high terrain N). #Runway 22.
	El Paso LFR	LOM	326	4.0	5,000												
	Int. W crs El Paso LFR & NE crs ILS	LOM	37	5.9	5,000												
	Hueco Mtn FM*	LOM	268	20.0	7,000												
	Newman Rdn	NE crs ILS	177	4.6	5,000												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

U.S. location and radio range from which initial approach to ILS shall be made	Transition to ILS				Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Minimums			Field elevation (ft.)
	From—	To—	Magnetic course (degrees)	Distance (mi.)	Minimum altitude (ft.)			Outer	Middle	Outer	Middle	Ceiling (ft.)	Visibility (mi.)		
JACKSONVILLE, FLA. Jacksonville Municipal Airport Freq. 119.3 mc Ident. JAX	Int., N crs Jacksonville LFR & NR crs ILS	Outer Mkr	224	9.9	1,200	SW 44 SW crs	1,300—N side	1,300	1,170	220	4.60	0.66	500 (H) 400 S* 400 A 300 T	1.5	22
	Jacksonville LFR	Outer Mkr	287	7.3	1,300										
	Bryceville FM	Outer Mkr	104	14.0	1,300										
MILWAUKEE, WISC. Gen. Mitchell Airport Freq. 119.3 mc Ident. MKE	Milwaukee LFR	Outer Mkr	194	2.5	2,000	S 183 S crs	2,000—E side	2,000	2,010	925	4.60	0.67	698	R (R) S# A T	1.5
	Int., N crs Milwaukee LFR & S crs ILS	Outer Mkr	185	4.3	2,000									200 1.0	
	Franksville FM	S crs ILS	340	3.8	2,000									200 2.0	¾
	Int., W crs Milwaukee LFR & S crs ILS	Outer Mkr	185	2.5	2,000									300 1.0	#Runway 1.
MOLINE, ILL. Quad-City Airport Freq. 119.3 mc Ident. MLI	Moline LFR	W crs ILS	174	9.0	2,100	W 86 266	1,900—S side W crs	1,900	1,830	785	5.10	0.63	700	R (H) S* A T	600 1.0	1.5
	Moline VOR	W crs ILS	176	4.0	1,900									400 1.0	3/4
	Int., W crs Moline LFR & N crs Burlington LFR	W crs ILS	130	12.0	1,900									300 2.0	2.0
	Int., S crs Moline LFR & W crs ILS	LOM	86	1.5	1,900										
	Int., N crs Burlington LFR & W crs ILS	Glide path Interception	86	25.0	2,000										
	Int., 8° bearing to Moline VOR & W crs ILS	Glide path Interception	86	4.5	1,900										
	Int., 240° bear. to Iowa City VOR & W crs ILS	Glide path Interception	86	35.0	2,000										
	Int., 267° bear. to Moline VOR & 225° bear. to LOM	LOM	225	8.5	2,100										
	Int., E crs Moline LFR & 225° bear. to LOM	LOM	225	16.5	2,100										

U.S. location and radio range from which initial approach to ILS shall be made	Transition to ILS				Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Minimums			Field elevation (ft.)
	From—	To—	Magnetic course (degrees)	Distance (mi.)	Minimum altitude (ft.)			Outer	Middle	Outer	Middle	Ceiling (ft.)	Visibility (mi.)		
ERIE, PA. Erie Int'l Port Freq. 119.3 mc Ident. ERI	Erie LFR	Outer Mkr	235	2.5	2,000	SW 29 239	2,000—S side SW crs	2,000	1,970	935	4.35	0.62	732	R (R) S* A T	500 1.0	1.5
	No. Springfield FM	Outer Mkr	73	9.0	2,000									400 3/4	
														300 2.0	
														300 1.0	
FORT WAYNE, IND. Baer Field Municipal Airport Freq. 109.9 mc Ident. FWA	Int., NW crs Ft. Wayne LFR & NW crs ILS	Middle Mkr	135	2.3	2,100	SE 315 135	2,100—E side SE crs	2,100	2,080	1,085	4.44	0.82	801	R (R) S* A T	500 1.0	1.5
														400 3/4	
														300 2.0	
														300 1.0	
	Int., NE crs Ft. Wayne LFR & ILS crs	Middle Mkr	135	1.4	2,100										
	Ft. Wayne LFR	Middle Mkr	70	4.5	2,100										
FORT WORTH, TEX. Meacham Field (Terminal No. 2—Usine back course) ILS Freq. 109.9 mc Ident. FTW	Ft. Worth LFR	Ft. Worth FM	173 123	6.0	2,000	S 323 S crs	2,000—E side.	•	1,500 (over Ft. Worth FM)	•	2.6 (from Ft. Worth FM)		692	R (R) S# A T	600 1.0	1.5
	Hamlet ltbn	N crs ILS	215	2.0	2,000									400 1.0	2.0
	Int., W crs Dallas LFR & S crs ILS (final)	Ft. Worth FM	353	5.0	1,500									300 1.0	#Runway 35.
	Ft. Worth LFR	Ft. Worth FM	173	6.0	2,000									500 1.0	*No glide path facility.
														400 2.0	*Night minimums.
														300 1.0	#Runway 1.
FRESNO, CALIF. Fresno Air Terminal Freq. 119.3 mc Ident. FNO	Fresno LFR	SE crs ILS (LOM)	71	11.1	1,700	SE 288 108	1,700—S side (within 10 mi of LOM)	1,700	1,400	535	4.44	0.70	331	R (R) S# A T	500 1.0	1.5
	Bowie FM	SE crs ILS	13	11.5	1,700									400 3/4	
														300 2.0	
														300 1.0	
OAKLAND, CALIF. Metropolitan Oakland Int'l Airport Freq. 110.3 mc Ident. OAK	Grand Junction VAR	Int., N crs Grand Jct VAR & NW crs ILS	329	19.4	8,100	NW. 110 290	8,000—W side Int., N crs SW crs (at Grand Jct VAR & NW crs ILS)	6,300	6,060	**5,065	4.52	0.69	4,858	R (R) S* A T*	**7,000 2.0 1,600 2.0 **500 2.0	Make 180° right turn, climb to 8,000' on NW crs ILS to Int. N crs. (Grand Junction VAR; if second approach not desired, then continue to Grand Junction VAR sta., climbing to 10,000'. #Runway 11. *300-1 day and night authorized for 4-engine act only. **When glide path or appr lights are inoperative: (a) Descend to 5,000' and authorized over MM. (b) 800-2 straight-in minimums for all act. (c) 800-2 take-off minimums for 2-engine act. Note: No reduction in regular minimums authorized for slower type acft.
	Int., E crs Grand Junction VAR & SE crs ILS	Int., N crs Grand Jct VAR & NW crs ILS	290	24.8	8,000										
	Grand Junction VAR	LMM	43	13.2	10,000										
ISLIP, N. Y. MacArthur Field Freq. 110.3 mc Ident. ISP.	Int., NW crs Islip VAR & NE crs ILS	LMM	237	8.0	1,200	SW 57 237	1,200—S side SW crs	1,200	1,640	300	6.10	0.71	98	R (R) S* A T	600 1.0	1.5
														200 1.0	
														400 2.0	
														300 1.0	
	Int., E crs Mitchel LFR & SW crs ILS	Outer Mkr	57	8.0	1,200										
	Islip VAR	LMM	256	9.0	1,200										
JACKSON, MISS. Jackson Municipal Airport Freq. 109.9 mc Ident. JAN	Jackson LFR	Outer Mkr	256	4.8	1,500	NW 108	1,600—S side NW crs	1,200	1,490	575	4.43	0.70	343	R (R) S* A T	600 1.0	1.5
														400 3/4	
														300 2.0	
														300 1.0	
	Int., S crs Jackson LFR & E crs Jackson LFR & NW crs ILS	Outer Mkr	108	2.5	1,500	SE 288									

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
KANSAS CITY, MO. Kansas City Airport Freq. 109.9 mc Ident. MKC	Int. 72° bearing on Kansas City VOR & S ers St. Joseph LFR or St. Joseph ILS	LOM	85	18.9	2,500	N 184 4	2,500'—W side N ers (NA beyond 5 mi)	2,500	2,479	1,013	6.23	0.75	758	R (R) S* ** A T##	700 500 #400 #500 800 300	1.5 1.0 1.0 1.0 2.0 1.0	If contact not established at MM, immediately execute right climbing turn to 2,500' on ADF ers of 275° outbound from Kansas City LFR, or as directed by ATC. *Runway 18. 500-1 authorized all acft landing straight-in on Rwy 17 if approach lights on Rwy 17 are operating. **Night minimums. #When approach lights or glide path inoperative, circling (Regular) landing minimums apply. ##Take-offs to S and SW, when weather is below 1,000-3, will assume heading of at least 210° as soon as practicable after take-off and maintain heading until reaching 2,500' prior to making left turn. CAUTION: (1) 911' msl cracking plant and 853' msl stack, 0.5 mi NW of arpt. (2) 1,670' msl TV tower, 2.9 mi S of arpt. (3) 1,423' msl congested buildings within 1 mi S and SE. (4) 903' msl grain elevators (not obstruction lighted), and 857' msl RR lights, ¾ mi NNE of approach end of Rwy 18. NOTE: Deviation from standard criteria authorized in obstruction clearance for landing, in procedure turn, and in missed approach procedure.
	Kansas City VOR	LOM	154	4.5	2,500												
	Kansas City LFR	LOM	30	4.8	2,500												
	Linkville FM	N ers ILS	110	9.1	2,500												
	Liberty FM & Rbn	N ers ILS	251	10.8	2,500												
LOS ANGELES, CALIF. Los Angeles International Airport Freq. 109.9 mc Ident. LAX	Los Angeles LFR	LOM	76	2.0	2,000	E 248	2,000'—S side E ers*	1,650	1,650	300	6.04	0.64	109	R (R) S# A T	600 500 400 300 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,000' on W ers Los Angeles LFR. *In no case farther E than Downey FM & Rbn. #Runway 25L.
	Downey FM & Rbn	LOM	251	9.0	1,650	68											
NEW YORK, N.Y. New York International Airport (Procedure No. 1) Freq. 109.5 mc Ident. IDL	Int. SE ers Newark LFR & SW ers ILS	LOM	42	11.2	1,000	SW 42 222	1,200'—S side SW ers	1,000	770	230	2.90	0.63	12	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Make a standard rate climbing turn to the right to a heading of 130°, intersecting the Sw ers of Mitchel LFR, climb to 1,500' outbound on the SW ers of Mitchel LFR, or as directed by ATC. *Runway 4R.
	Idlewild LFR	LOM	222	0.0	1,200												
NEW BEDFORD, MASS. New Bedford Airport Freq. 109.5 mc Ident. EWB	Int. E ers Providence LFR & SW ers ILS	Outer Mrkr	233	1.5	1,400	SW 53 233	1,400'—S side SW ers (not authorized beyond 10 mi)	1,400	1,240	265	4.40	0.66	79	R (R) S* A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Make standard rate climbing turn to the right, climb to 1,400' on SW crs ILS. Hold on E side of ILS between LMM and 2 min. SW. *Runway 5.
NIAGARA FALLS, N. Y. Niagara Falls Airport Freq. 109.5 mc Ident. GFS	Wolcottsville FM	LOM	286	14.0	2,000	E 278	2,000'—N side E ers	2,000	1,830	810	4.60	0.70	590	R (R) S* A T	500 500 400 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000' on W crs ILS, or as directed by ATC. *Runway 27.
	Int. E ers ILS & NE ers Buffalo LFR	LOM	278	15.0	2,000	98											
	Buffalo LFR	LOM	338	12.0	2,000												
OKLAHOMA CITY, OKLA. Will Rogers Field	(PROCEDURE CANCELED)																

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
PITTSBURGH, PA. Allegheny County Airport Freq. 109.5 mc Ident. PIT	Pittsburgh LFR	Outer Mrkr	91	8.0	2,600	E 275 95	2,600'—N side E ers	2,600	2,510	1,460	4.70	0.65	1,252	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 3,000' on W crs Pittsburgh LFR, proceed to Cecil holding pattern, or as directed by ATC. *Runway 27. NOTE: Approaches may also be conducted from McKeesport Rbn. Glide path altitude on final approach over McKeesport Rbn is 3,000'.
	McKeesport Rbn	Outer Mrkr	275	1.7	2,600												
	Int. SE ers Pittsburgh LFR & NE ers Morgantown LFR	McKeesport Rbn	322	16.8	2,500												
Greater Pittsburgh Airport Freq. 110.3 mc Ident. GRP	Cecil Rbn	LOM	13	8.0	2,600	SE 321 141	2,600'—E side SE ers	2,500	2,495	1,415	4.70	0.67	1,151	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 3,000' on bearing of 306° from LOM, or as directed by ATC. *Runway 32.
	Butler Rbn	LOM	214	21.0	2,900												
	McKeesport Rbn	LOM	291	19.5	2,700												
	W ers Pittsburgh LFR	SE ers ILS	321	0.0	2,600												
	Int. NE ers Wheeling VAR & 126° bearing to LOM	LOM	126	10.0	2,600												
PORTLAND, OREG. Portland International Airport Freq. 109.9 mc Ident. PDX	Portland LFR	Sauvies Island Rbn	258	10.0	3,000	NW 97 277	3,000'—S side NW ers (within 10 mi of Sauvies Island Rbn) 4,000'—within 15, 20 and 25 mi	3,000	1,370	280	4.56	0.66	23	R * (R) S# A T	600 700 600 400 800 300	1.5 1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on SE ers ILS within 10 mi of LMM, thence make climbing right turn to heading of 230°, proceeding to S ers Portland LFR at 3,000'. *Night minimums. #Runway 10. NOTE: Sauvies Island Rbn is located on the ILS ers, 6.3 mi NW of the OM; Freq. 219 kc, Ident. SVY. Glide path altitude over SVY—3,150'.
	Woodland FM	Sauvies Island Rbn	178	22.0	3,000												
	Willamette FM	Sauvies Island Rbn	328	22.0	3,000												
	Portland VOR	Sauvies Island Rbn	222	11.8	3,000												
	Newberg VOR	Sauvies Island Rbn	359	23.7	3,000												
SPOKANE, WASH. Geiger Field Freq. 109.9 mc Ident. GEG	Int. W ers Spokane LFR & NE ers ILS	LOM	203	7.1	4,000	SW 23 203	4,000'—*S side SW ers (Within 10 mi of LOM)	**3,560	3,560	2,595	4.42	0.62	2,372	R ## (R) ## S# A T	500 600 500 600 400 1,000 300	1.5 1.5 1.0 1.0 1.0 2.0 1.0	Climb to 5,000' on W ers Spokane LFR within 18 mi of LFR, or as directed by ATC. *To expedite procedure, acft approaching from Spangle FM will make procedure turn on N side SW ers at 4,000'. **Acft approaching from Harrington FM will intercept glide path at 4,000'. #Runway 2. ##Night minimums. NOTE: Deviation from standard criteria authorized in procedure turn and missed approach procedure.
	Harrington FM	SW ers ILS	76	25.0	4,000												
	Spangle FM	LOM	312	13.6	4,100												
	Spokane VOR	LOM	45	0.7	4,000												
TALLAHASSEE, FLA. Dale Mabry Field Freq. 110.3 mc Ident. TLH	Int. N ers Tallahassee LFR & NW ers ILS	Outer Mrkr	122	8.5	1,200	SE 302 122	1,200'—N side SE ers	1,200	1,100	270	4.69	0.67	70	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,400' on N ers Tallahassee LFR, or as directed by ATC. *Runway 31.
	Tallahassee LFR	Outer Mrkr	109	7.8	1,200												
	Int. E ers Tallahassee LFR & SE ers ILS	Outer Mrkr	122	5.3	1,200												
TETERBORO, N. J. Teterboro Airport Freq. 108.1 mc Ident. TEB	Chatham Rbn	SW ers ILS	95	12	2,000	SW 59 239	1,800'—W side SW ers	1,400	1,360	230	4.70	0.64	7	R (R) S* A T	1,000 900 600 1,000 300	1.5 1.0 1.0 2.0 1.0	Climb on a heading of 59° to 1,000', turn left, climb to 2,000' on ADF ers to Paterson Rbn, or as directed by ATC. *Runway 6.
	Newark LOM	SW ers ILS	13	10	1,800												
	Paterson Rbn	Outer Mrkr	196	10	2,000												
	Caldwell VOR	Outer Mrkr	112	13	2,000												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Magnetic course (degs.)	Transition to ILS: Distance (mi.)	Transition to ILS: Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept. (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums	Minimums: Ceiling (ft.)	Minimums: Visibility (mi.)	If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
TRAVIS (Fairfield), CALIF. Travis AFB Freq. 108.7 mc Ident. SUU	Travis LFR	NE crs ILS	•	•	3,000	NE 210 30	3,000'—N side NE crs**	3,000	1,245	305 (MM) 108 (IM)	4.40 0.05	0.66 (IM)	58	R ## (R) ## S# A T ##	500 500 500 500 400 800 300 300	1.5 2.0 1.0 1.5 1.0 2.0 2.0 3.0	Climb to 4,000' on SW crs Travis LFR, or as directed by ATC. •ILS localizer crs passes over LFR; descend to 3,000' on NE crs ILS within 15 mi. ••Procedure turn to be made not less than 6 mi NE of OM. #Runway 21L. ##Night minimums.
TRI-CITY, TENN. Tri-City Airport Freq 109.9 mc Ident. TRI	Tri-City LFR	Emmett Rbn	96	11.5	5,500	E 270 90	5,500'—N side E crs	5,500	2,740	1,750	4.30	0.65	1,523	R • (R) • S# A T	800 800 700 700 600 1,000 300	1.5 2.0 1.0 1.5 3/4 2.0 1.0	Climb to 5,000' on SW crs Tri-City LFR, or as directed by ATC. NOTE: Descent inbound on glide path not to be started until definitely past Emmett Rbn. (Emmett MHW facility is located 14.5 mi E of runway; Freq. 308 kc, Ident. EME) Glide path altitude is 5,500' msl at Emmett Rbn. •Night minimums. #Runway 27.
	Int. SW crs Tri-City LFR & E crs ILS	Emmett Rbn	90	13.5	5,500												
	Int. SE. crs Tri-City LFR & E crs ILS	Emmett Rbn	90	11.0	5,500												
TULSA, OKLA. Tulsa Airport Freq. 110.3 mc Ident. TUL	Tulsa VOR	LOM	164	11.5	2,200	S 354 174	2,200'—E side S crs	2,020	2,020	850	4.82	0.65	674	R (R) S• A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Turn left and climb to 2,300' on NW crs Tulsa LFR within 25 mi, or as directed by ATC. •Runway 35R.
	Tulsa LFR	S crs ILS	225	1.4	2,200												
	Skiatook FM	LOM	139	22.0	2,200												
	Red Fork FM	LOM	74	9.6	2,200												
	Verdigris River FM	LOM	212	15.2	2,200												
WASHINGTON, D. C. Washington National Airport Freq. 109.9 mc Ident. DCA	Washington LFR	Outer Mrkr	3	0.0	1,400	S 3 183	1,400'—W side S crs	1,400	1,360	205	5.30	0.62	16	R (R) S• A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	If contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1,800' on NW crs Washington LFR, or as directed by ATC. •Runway 36. CAUTION: 596' monument, 2 mi N of airport.
	Int. SW crs Andrews LFR & S crs ILS	Outer Mrkr	3	10.0	1,500												
WHITE PLAINS, N. Y. Westchester County Airport Freq. 109.5 mc Ident. HPN	Int. S crs Poughkeepsie LFR & NW crs ILS	Outer Mrkr	162	17.0	2,000	NW 162 342	2,000'—W side NW crs	2,000	1,980	645	5.80	0.66	433	R (R) S• A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Make climbing left turn to 2,000' on NW crs ILS, or as directed by ATC. •Runway 16.
	New Rochelle Rbn	Outer Mrkr	16	17.8	2,000												
	Paterson Rbn	Outer Mrkr	68	24.0	2,000												
	Int. NE crs Newark LFR & 342° bearing to LOM	Outer Mrkr	342	8.5	2,000												

4. A new § 609.13 is added to read:

§ 609.13 *Ground controlled approach procedures.*

GROUND CONTROLLED APPROACH PROCEDURES

Station	Frequencies: Transmits—	Frequencies: Guards—	Field elevation (ft.)	Ceiling and visibility minimums: Runway No.		Precision approach: Day Ceiling (ft.)	Precision approach: Day Visibility (mi.)	Precision approach: Night Ceiling (ft.)	Precision approach: Night Visibility (mi.)	Surveillance approach: Day Ceiling (ft.)	Surveillance approach: Day Visibility (mi.)	Surveillance approach: Night Ceiling (ft.)	Surveillance approach: Night Visibility (mi.)	Missed approach procedure and remarks
TACOMA, WASH. McChord AFB	3475, 4890, 6640 kc; 126.18 (Channel B), 137.88 (Channel C), 121.5 (Channel D), 136.80 (Channel G), 134.1 (Channel H), 142.02 mc	3475, 4890, 6640 kc; 126.18 (Channel B), 137.88 (Channel C), 121.5 (Channel D), 136.80 (Channel G), 134.1 (Channel H), 142.02 mc	320	34	R (R) S A T	600 600 400 800 300	1.5 1.0 1.0 2.0 1.0	600 600 400 800 300	2.0 2.0 2.0 2.0 2.0					Climb to 4,000' on crs of 338° for 2 miles, then turn left to 215° and proceed to and hold at Olympia Intersection. *To be used in case of emergency only. CAUTION: Danger Area west of McChord LFR.
				16/34	R (R) S A T					600 600 400 800 300	1.5 1.0 1.0 2.0 1.0	600 600 400 800 300	2.0 2.0 2.0 2.0 2.0	
				*3/21	R (R) S A T					600 600 400 800 300	1.5 1.0 1.0 2.0 1.0	600 600 400 800 300	2.0 2.0 2.0 2.0 2.0	
WASHINGTON, D. C. Washington National Airport	278 kc; 109.9, 118.1, 118.3, 119.1, 120.7, 121.5, 126.5, 134.64 mc	3105, 4495 kc; 118.1, 118.3, 119.1, 120.7, 121.5, 122.5, 126.5, 134.64 mc	16	36	R (R) S A T	500 500 400 600 300	1.5 1.0 3/4 2.0 1.0	500 500 400 600 300	1.5 1.0 3/4 2.0 1.0					Make standard rate climbing turn to the left as soon as practicable and climb to 1,800' (or to a higher altitude when directed by ATC) on the NW course of Washington LFR. NOTE: Initial approach to the GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established minimum en route altitude, or not less than 1,500' from Springfield Rbn, or 1,600' from Riverdale Rbn. CAUTION: 599' monument, 2 miles N of airport.
SEATTLE, WASH. Seattle NAS	230, 3295, 3475, 4890, 6640 kc; 121.5 (Channel A), 142.74 (Channel 2B), 143.64 (Channel 6), 142.02 (Channel 7G), 134.64 (Channel 8H), 126.18 (Channel 9C), 134.1, 137.88, 140.58 mc	3105, 3295, 3475, 4495, 4890, 6640 kc; 121.5 (Channel A), 142.74 (Channel 2H), 143.64 (Channel 6), 142.02 (Channel 7G), 134.64 (Channel 8H), 126.18 (Channel 9C), 134.1, 137.88, 140.58 mc	37	14	R (R) S A T	1000 1,000 400 1,000 300	1.5 1.0 3/4 2.0 1.0	1,000 1,000 400 1,000 300	1.5 1.0 3/4 2.0 1.0					Climb on a crs of 140° for 1 min., execute climbing left turn to crs of 50°, climb to 2,000' on S crs of Everett LFR; proceed to and hold on S crs of Everett LFR between LFR and a point 2 min. S. NOTE: Military airport—authorized for emergency use only. CAUTION: 620' hill, 6 miles N of airport. 183' hill, 0.5 mile SW of airport.
				14	R (R) A T					1,000 1,000 1,000 300	1.5 1.0 2.0 1.0	1,000 1,000 1,000 300	1.5 1.0 2.0 1.0	

5. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VHF OMNIRANGE (VOR) PROCEDURES

Station; frequency; identification; class	Initial approach to VOR station: From—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
AUGUSTA, GA. Bush Field	(PROCEDURE CANCELED)												
KIRKSVILLE, MO. Kirksville Airport 117.1 mc; IRK; BVOR	(Initial approaches from primary fixes from any direction—MEA)				129 309	2,100′—W side crs	1,600	3.7	970	R • A T	500 500 800 300	1.0 1.5 2.0 1.0	Climb to 2,100′ on crs of 129° within 25 mi of VOR or as directed by ATC. •Night minimums. NOTE: Minima for acft with stall speeds of 75 mph or less only. CAUTION: (1) Use N/S runway only. (2) Arpt adequate only for acft of 10,000 lb or less gross weight.
	Kirksville LFR	316	5.0	2,100									
NEW ORLEANS, LA. Moisant International Airport 112.5 mc; MSY; BVOR	(Initial approaches from primary fixes from any direction—MEA)				35 215	1,200′—S side crs	720	2.9	3	R (R) S• A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ on crs of 35° within 25 mi of VOR •Runway 1.
	New Orleans LFR	232	5.7	1,400									
SALT FLAT, TEX. CAA International Field 117.4 mc; SFL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				160 340	•4,900′—W side crs (within 15 mi) 5,000′—within 20 mi—NA beyond 20 miles	4,420	0	3,727	R # A T #	700 700 800 300 300	1.0 1.5 2.0 1.0 1.5	Turn right, climb to 8,000′ on crs of 261° within 25 mi of VOR, or as directed by ATC. •Maintain procedure turn altitude until within 10 mi of VOR. #Night minimums. CAUTION: 4,030′ msl terrain 2.5 mi WSW of airport.
	Salt Flat LFR	153	3.1	6,000									
SALT LAKE CITY, UTAH Salt Lake City Airport No. 1 117.8 mc; SLC; BVOR	(Initial approaches from primary fixes from any direction—MEA)				150 330	7,500′—W side crs (within 20 mi) 10,000′—within 25 mi	#4,900	4.2	4,222	R (R) S• A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 11,000′ on crs of 247° within 25 mi of VOR, or as directed by ATC. •Runway 16. CAUTION: (1) 5,000′ terrain, 3.5 mi E of VOR. (2) High terrain 8 mi E of N and S LFR courses, and W of S crs; also S of W crs, 12 mi from LFR. (3) 4,541′ msl radio mast, 3 mi SE of VOR. #Deviation from standard criteria authorized in terrain clearance.
	Layton FM (Final)	152	15.0	4,900									SHUTTLE: To 10,000′ on crs of 330° outbound, 150° inbound, within 25 mi of VOR. All turns to W.
SAN DIEGO, CALIF. Lindbergh Field 113.9 mc; SAN; BVOR	(Initial approaches from primary fixes from any direction—MEA)				142 322	2,500—W side crs	•1,500	155°, 5.6	14	R A T	800 800 300	2.0 2.0 1.0	Climb to 3,000′ on crs of 145° within 20 mi of VOR, or as directed by ATC. •Descent below 2,500′ not authorized until past La Jolla FM inbound.
	Int. 298° bearing to Long Beach VOR & 142° bearing to San Diego VOR	142	30.0	2,500									
	La Jolla FM (Final)	142	2.0	1,500									
SHREVEPORT, LA. Downtown Airport 112.9 mc; SHV; BVOR	(Initial approaches from primary fixes from any direction—MEA)				159 339	1,500′—E side crs	1,180	16.0	179	R (R) •• S• •• A T	1,000 1,000 1,000 1,000 1,000 NA 300	1.5 1.0 1.5 E.0 1.5 1.0	Climb to 1,500′ on crs of 159° within 25 mi of VOR, or as directed by ATC. •Runway 18. ••Night minimums. NOTE: No weather reporting service or communications available at this airport.
	Shreveport LFR	339	14.2	1,700									
THERMAL, CALIF. Thermal Airport 114.3 mc; TRM; BVOR	(Initial approaches from primary fixes from any direction—MEA)				305 125	3,000′—E side crs	1,380	0.0	−117	R A T	1,500 1,500 800	3.0 3.0 1.0	Turn right, climb to 9,000′ on crs of 140° within 25 mi of VOR, or as directed by ATC. SHUTTLE: To 4,000′ on crs of 125° outbound, 305° inbound within 25 mi of VOR. All turns to E side of crs.
	Int. 256° bearing to Ontario VOR & 145° bearing to Thermal VOR	145	21	7,000									
	Int. 37° bearing to Hayfield Rbn & 322° bearing to Thermal VOR	322	15	4,000									

VHF OMNIRANGE (VOR) PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to VOR station: From—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
UKIAH, CALIF. Ukiah Airport 112.3 mc; UKI; VORW-TVJ	(All directions—MEA)				20 200	5,000′—S side crs	4,600	6.3	615	R A •• T ••	4,000 •4,000 4,000 •4,000 4,000 #4,000	3.0 5.0 3.0 5.0 3.0 5.0	If not contact over VOR, climb to 6000′ on crs of 360° within 15 mi of VOR, or as directed by ATC. •Night landings authorized Rwy 16 only. ••Night minimums. #Night take-offs authorized Rwy 34 only.
YAKIMA, WASH. Yakima Airport 116.0 mc; YKM; BVOR	(Initial approaches from primary fixes from any direction—MEA)				•287 107	4,000′—##S side• crs (within 10 mi—NA beyond 10 mi)	•3,000	248°, 4.2	1077	R •• A •• T ••	800 #1,000 800 #1,000 500 800	2.0 2.0 2.0 2.0 1.0 2.0	Make climbing right turn, climb to 5000′, proceed on 100° bearing to VOR, thence proceed outbound on 107° bearing from VOR within 25 mi, or as directed by ATC. •Final approach area restricted account danger area 4 mi NE of VOR. ••Night minimums. #800–2 authorized for acft with stall speeds of 75 mph or less. ##Procedure turn N side NA due to high terrain and danger area. CAUTION: High terrain extends from NE to NW of VOR station.
	Yakima LFR	339	1.8	4,000									
	Int. 349° bearing to Ellensburg VOR & 102° bear. to Yakima VOR	102	7.5	4,000									

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These procedures shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-0847; Filed, Sept. 11, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg 221]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.587 *Orange Regulation 221.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until September 15, 1952; the recommendation and supporting information for continued regulation subsequent to September 14 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 15, 1952, and ending at 12:01 a. m., e. s. t., October 6, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which do not grade at least U S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than 2 10/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§ 51.302; 17 F. R. 7879): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 10/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and or-

der; and the term "U. S. No. 1 Russet," shall have the same meaning as when used in the revised United States Standards for Florida oranges (§ 51.302; 17 F. R. 7879).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10057; Filed, Sept. 12, 1952; 8:45 a. m.]

[Grapefruit Reg. 166]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.588 *Grapefruit Regulation 166*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until September 15, 1952; the recommendation and supporting information for continued regulation subsequent to September 14, 1952, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 15, 1952, and ending at 12:01 a. m., e. s. t., September 22, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., September 22, 1952, and ending at 12:01 a. m., e. s. t., October 6, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193; 17 F. R. 7403).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10056; Filed, Sept. 12, 1952; 8:45 a. m.]

[Lemon Reg. 451, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.558 (Lemon Regulation 451, 17 F. R. 8065) are hereby amended to read as follows:

(ii) District 2, 325 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10081; Filed, Sept. 12, 1952; 9:03 a. m.]

[Lemon Reg. 452]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.559 *Lemon Regulation 452*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 10, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 14, 1952, and ending at 12:01 a. m., P. s. t., September 21, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 451 (17 F. R. 8065) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10082; Filed, Sept. 12, 1952; 9:03 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

REVISION OF PACK SPECIFICATIONS AND MINIMUM STANDARDS

After consideration of a unanimous recommendation of August 26, 1952, by the Walnut Control Board, the Administrative agency for operations under the marketing agreement and order (7 CFR Part 984) regulating the handling of walnuts grown in California, Oregon and Washington, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and other available information, it is hereby found and determined that the presently effective pack specifications and minimum standards (16 F. R. 9187; 17 F. R. 2831; 7 CFR 984.103 and 984.104) should be further revised as herein provided.

The Walnut Control Board believes that it is an economic waste to require merchantable walnuts which are to be shelled to meet the existing pack specifications for external appearance and condition. It is necessary under the presently effective pack specifications for handlers in many instances to subject merchantable walnuts to a bleaching process in order that they will meet the pack specifications prescribed in regard to external appearance and condition. The Board believes that, in addition to being an economic waste, the bleaching of such walnuts impairs the quality of the shelled product, because the material used in bleaching enters some of the walnuts through splits in the shells and results in the deterioration of the kernels.

The Board recommended that lots of walnuts for shelling which can be brought up to the requirements set forth in the pack specifications in respect to external appearance and condition, as demonstrated by the bleaching of a sample of such walnuts in accordance with the methods generally used by the handler involved, should be considered as meeting such requirements. In order to facilitate sampling and inspection, the Board recommended that lots to which this procedure is applicable should not exceed 25,000 pounds.

After consideration of the facts and circumstances, it has been concluded that the recommended changes should be made: And *it is hereby ordered*, That the portions of §§ 984.103 (b) (2) and 984.104 (b) (4) preceding subdivision (i) of this subparagraph in each instance be amended by inserting the following proviso immediately preceding the colons at the end of each portion: ": *Provided*, That with respect to any lot of walnuts not exceeding 25,000 pounds which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, compliance with the requirements for external appearance and condition may, at the option of the particular handler, be determined by examination of a representative sample of such lot which is selected by the inspector, and, under supervision of the inspector, is bleached by the method generally used by such handler."

The revision set forth herein is a relaxation of existing pack specifications and minimum standards and will relieve persons affected thereby of some of the restrictions in regard to grading. The change has been discussed in the industry during the last few months and growers and handlers are generally familiar with it. Such revision would require no preparation by persons affected which cannot be made by the effective date hereof. Handling of 1952 crop walnuts will begin in the latter part of September and it is necessary to have this revised regulation in effect prior to the beginning of the handling of the 1952 crop. Therefore, good cause exists for not giving preliminary notice, engaging in public rule making proceedings, and postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 9th day of September 1952, to become effective upon its publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10011; Filed, Sept. 12, 1952, 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 71; T. D. 5931]

PART 113—DOCUMENTARY STAMP TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 71 (26 CFR Part 113) to the provisions of the act approved May 23, 1952 (Pub. Law 361, 82d Cong., 2d Sess.), and to provide in such regulations for the sale of new denominations of documentary stamps and the discontinuance of the use of stock transfer stamps, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 113.1 is amended by changing paragraph (g) thereof to read as follows:

(g) The term "documentary stamps" means all documentary stamps issued for use in payment of stamp taxes.

PAR. 2. Section 113.26 is amended to read as follows:

§ 113.26 *Stamps to be affixed to stock book.* The requisite documentary stamps shall be affixed to the stock book or corresponding record of the organization and not to the certificates issued. For provisions relating to cancellation of stamps, see § 113.133.

PAR. 3. There is inserted immediately preceding § 113.30, as amended by Treasury Decision 5613, approved April 27, 1948, the following:

PUBLIC LAW 361 (82D CONG., 2D SESSION), APPROVED MAY 23, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1802 (b) of the Internal Revenue Code is hereby amended by inserting after the third proviso thereof a colon and the following new proviso: "*Provided further*, That the tax shall not be imposed upon any delivery or transfer to a trustee or public officer, made pursuant to Federal or State law to secure the performance of an obligation, or upon a redelivery or retransfer of such shares or certificates to the transferor, if such delivery, transfer, redelivery, or retransfer is accompanied by a certificate setting forth the facts".

* * * * * * *

(c) *Effective date.* The amendments made by this act shall take effect on the day following the date of the enactment of this act.

PAR. 4. Section 113.35, as amended by Treasury Decision 5799, approved August 2, 1950, is further amended as follows:

(A) By striking the headnote of paragraph (a) and inserting in lieu thereof the following:

(a) *Stock deposited as collateral security and stock transfers made pursuant to Federal or State law to secure the performance of obligations.*—(1) *Stock deposited as collateral security.* (i) * * *

(B) By making subparagraph (2) subparagraph (1) (ii), and by striking from the first sentence of (a) (1) (ii) which sentence begins "The person making an exempt transfer", the words "this subsection" and inserting in lieu thereof "this paragraph".

(C) By adding after paragraph (a) (1) the following:

(2) *Stock transfers made pursuant to Federal or State law to secure the performance of obligations.* The tax shall not be imposed upon any delivery or transfer to a trustee or public officer, made on and after May 24, 1952, pursuant to Federal or State law to secure the performance of an obligation, or upon a redelivery or retransfer of such shares or certificates to the transferor. The person making an exempt transfer under this paragraph shall, at the time of such transfer, furnish and attach to the certificate an exemption certificate in substantially the form prescribed in paragraph (i) of this section.

PAR. 5. Section 113.40 is amended to read as follows:

§ 113.40 *Stamps to be used.* Documentary stamps shall be used in connection with all sales or transfers of stock. For provisions relating to cancellation of stamps, see § 113.133.

PAR. 6. Section 113.41 (c) (4), as added by Treasury Decision 5801, approved October 2, 1943, is amended by deleting the words "stock transfer" wherever appearing therein, and by substituting therefor the word "documentary".

PAR. 7. Section 113.57 is amended by deleting the second sentence and amending the first sentence thereof to read as follows: "The requisite documentary stamps shall be affixed either to the bonds or to the indenture under which the bonds are issued."

PAR. 8. There is inserted immediately preceding § 113.60, as amended by Treasury Decision 5613, the following:

PUBLIC LAW 361 (82D CONGRESS, 2D SESSION), APPROVED MAY 23, 1952

* * * * * * *

(b) Section 3481 (a) of the Internal Revenue Code is hereby amended by inserting after the third proviso thereof the following new proviso: ": *Provided further*, That the tax shall not be imposed upon any delivery or transfer to a trustee or public officer, made pursuant to Federal or State law to secure the performance of an obligation, or upon a redelivery or retransfer of such instruments to the transferor, if such delivery, transfer, redelivery, or retransfer is accompanied by a certificate setting forth the facts".

(c) *Effective date.* The amendments made by this act shall take effect on the day following the date of the enactment of this act.

PAR. 9. The third sentence of § 113.65, as amended by the Treasury Decision 5613, is further amended to read as follaws: "The exempt transactions and the paragraphs of § 113.35 setting forth the rules applicable thereto are as follows:

(1) Bonds deposited as collateral security, paragraph (a) (1).

(2) Transfers made on and after May 24, 1952, pursuant to Federal or State law to secure the performance of obligations, paragraph (a) (2).

(3) Transfers from customer to broker, paragraph (c).

(4) Transfers from broker to customer, paragraph (d).

(5) Transfers between fiduciaries and their nominees, paragraph (e).

(6) Transfers to or by a custodian, paragraph (f)."

PAR. 10. Section 113.70, as amended by Treasury Decision 5801, is further amended to read as follows:

§ 113.70 *Stamps to be used.* Documentary stamps shall be used in connection with all sales and transfers of bonds. For provisions relating to cancellation of stamps, see § 113.133.

PAR. 11. Section 113.85 is amended to read as follows:

§ 113.85 *Where stamps shall be affixed.* Requisite documentary stamps shall be affixed to the deed, instrument or other writing by which realty is conveyed. For provisions relative to cancellation of stamps, see § 113.133.

PAR. 12. Section 113.105, as amended by Treasury Decision 5202, approved December 17, 1942, is further amended by striking from the first sentence the words "Ordinary documentary stamps" and inserting in lieu thereof "Documentary stamps".

PAR. 13. Section 113.130 is amended to read as follows:

§ 113.130 *Denominations of documentary stamps.* Documentary stamps are issued in the following denominations: 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 55 cents, 80 cents, $1, $1.10, $1.65, $2, $2.20, $2.75, $3, $3.30, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000, $2,500, $5,000, $10,000.

PAR. 14. Section 113.141 is amended to read as follows:

§ 113.141 *Requisitions.* Requisitions for the purchase of documentary stamps shall be made on Form 427, revised April 1942. Copies of these forms may be procured from any collector.

Because this Treasury decision merely (1) inserts in the regulations the exemption of certain transfers from the tax imposed by sections 1802 (b) and 3481 of the Internal Revenue Code in conformity with the provisions of Public Law 361 (82d Cong.); (2) amends the regulations to provide for the use of "documentary stamps" in lieu of "stock transfer stamps" in the case of certain transactions with respect to which the use of stock transfer stamps is prescribed in existing regulations; and (3) inserts in the regulations an amended list of denominations in which documentary stamps are used, it is found to be unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: September 9, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10018; Filed, Sept. 12, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 168]

CPR 168—CEILING PRICES FOR SITKA SPRUCE AND WEST COAST HEMLOCK MANUFACTURED AND SOLD IN ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 168 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar-and-cents ceiling prices for mill sales of Sitka Spruce and West Coast Hemlock lumber manufactured in Alaska and sold for delivery to points within the Territory. Prior to the effective date of this regulation ceiling prices for the sales of this lumber were established by the General Ceiling Price Regulation.

Production of spruce and hemlock lumber in Alaska is concentrated in the Tongass and Chugash National Forests, which embrace a large area extending from Prince William Sound and the Kenai Peninsula in the north to the southeastern tip of the Alaska Panhandle. During 1951, twenty-four sawmills cut logs from the two National forests, their combined output totaling 59,000,000 board feet, 80 percent of which was the commercially desirable Sitka Spruce and the balance practically all commercially acceptable West Coast Hemlock. Four of the large mills, owned by two companies, were responsible for over 81 percent of the 1951 production of lumber covered by this regulation. In terms of grades the cut of spruce and hemlock in this area averages approximately 15 percent clear and shop, and 85 percent common, such as boards, dimension, and timbers. The lumber industry ranks third among Alaska's flourishing productive industries.

More than 80 percent of the spruce and hemlock lumber produced in Alaska is used in the Territory. This represents only half the total consumption of lumber, however, the balance being shipped into the Territory from the Pacific Northwest. The huge construction projects in the Anchorage and Fairbanks areas combined with an intensive construction program throughout Alaska has stimulated the demand for lumber. Frame buildings predominate in residential, industrial and military construction in the Territory. Although little spruce and hemlock is shipped into Alaska, the local lumber meets active competition from Douglas Fir and Ponderosa Pine, produced principally in Oregon and Washington. Only when shipping space is not available to move lumber from the Pacific Coast is this element of direct competition diminished to any noticeable degree.

The General Ceiling Price Regulation freeze of lumber prices came after the close of the 1950 mill season. Normally the mills make any necessary adjustment in their prices at the opening of the season. Hence, mill prices established by the General Ceiling Price Regulation contained certain distortions. The freeze also came on the heels of a succession of increases in log prices and mill wages which has been compensated for in varying degrees by price adjustments.

The issuance of Ceiling Price Regulation 128 has now injected other distortions, since spruce and hemlock prices in Alaska have always been related to fir and hemlock prices in the Pacific Northwest.

This regulation corrects these distortions by removing spruce and hemlock lumber produced in Alaska and sold there, from the General Ceiling Price Regulation, and places that lumber under this regulation, establishing dollar and cents ceiling prices f. o. b. mill at the same f. o. b. mill prices established in Ceiling Price Regulation 128 for Douglas Fir and hemlock in the Pacific northwest plus an amount to compensate for the freight differential in different zones of Alaska. The prices established in Ceiling Price Regulation 128 are, on the whole, slightly higher than the weighted average of the General Ceiling Price Regulation base period prices for Alaska mills. The use of Ceiling Price Regulation 128 prices as base prices for Alaska mills will, therefore, provide moderate relief over present ceilings. The overall effect of this regulation will be to increase the existing level of ceiling prices of spruce and hemlock produced in Alaska by about $10 per thousand board feet. The Office of Price Stabilization has determined, however, that this regulation, in accordance with section 402 (d) (4) of the Defense Production Act of 1950, as amended, also reflects adjustments for increases in costs of material and labor occurring since the highest price was received in the period January 1 to June 24, 1950 through July 26, 1951.

It has been the practice of Alaska mills to quote the same price for spruce and hemlock lumber in most grades and types, while in the States the producers normally try to get a premium for their spruce over the hemlock. Local buyers will take both species at the same price, for in any given lot of mill run lumber there would be no more than 20 percent hemlock.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in business practices, cost practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, which began as early as the summer of 1951, and full consideration has been given to their recommendations. In the opinion of the Director, this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

WHAT THIS REGULATION DOES

Sec.
1. What this regulation does.

CEILING PRICES

20. F. o. b. or f. a. s. sales.
21. Delivered sales.
22. Retail sales.
23. Commission sales.
24. Special transactions.
25. Modification of proposed ceiling prices by the Director of Price Stabilization.

GENERAL PROVISIONS

30. Cash discounts.
31. Pricing rules.
32. Petitions for amendment.
33. Adjustable pricing.
34. Record-keeping requirements.
35. Invoices, f. o. b. or f. a. s. prices.
36. Interpretations.
37. Prohibitions and violations.
38. Evasions.
39. Definitions.

AUTHORITY: Sections 1 to 39 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

WHAT THIS REGULATION DOES

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for Alaska-produced Sitka Spruce (Picea Sitchensis) and West Coast Hemlock (Tsuga Heterophylla) lumber, graded in accordance with Standard Grading and Dressing Rules No. 14 of the West Coast Bureau of Lumber Grades and Inspection, (effective August 1, 1947), as amended, which is shipped from a mill in Alaska and reaches the purchaser in Alaska without becoming an integral part of the stock of a distribution yard. If, at the time the sale is made, the lumber is not a part of the regular distribution yard stock, it is a sale within the coverage of this regulation. This regulation supersedes the General Ceiling Price Regulation for all such sales. Sales from mills in Alaska for delivery in the continental United States are covered by CPR 128.

CEILING PRICES

SEC. 20. *F. o. b. or f. a. s. sales.* If your mill is located in Alaska south and east of Cape Spencer, your ceiling prices for sales f. o. b. mill or f. o. b. mill's customary and shipping point, or f. a. s. mill dock are the prices set forth in Appendix A to this regulation for the kind, size, grade, and type of lumber sold. If your mill is located in Alaska north and west of Cape Spencer, your ceiling prices for sales f. o. b. mill or f. o. b. mill's customary shipping point, or f. a. s. mill dock, are the prices set forth in Appendix A to this regulation for the kind, size, grade, and type of lumber sold, plus $13.00 per thousand board feet.

SEC. 21. *Delivered sales.* Your ceiling prices for delivered sales are the amounts

which would be your ceiling prices if you were selling the same lumber f. o. b. or f. a. s. as determined under section 20 of this regulation, plus freight charges computed by multiplying the weight shown in Appendix B to this regulation for the amount and kind of lumber shipped, by the applicable freight rate in effect at the time of shipment, plus the following amounts or a combination of the following amounts as appropriate:

(a) *Scow, barge, or steamship.* For a delivered sale shipped by scow, barge, or steamship, the actual cost of wharfage and handling at the point of origin may be included.

(b) *Rail shipment.* For a delivered sale shipped by rail, the actual cost incurred by you in, or the prevailing charge for, removing the lumber from the rail car, whichever is lower, may be included.

(c) *Truck shipment.* For delivered sales shipped by trucks owned or operated by you, the actual shipping cost incurred by you or the freight charges computed under the first unnumbered paragraph of this section, whichever is lower, may be included.

(d) *Special charges.* If you are required by circumstances beyond your control to transfer your lumber from a deep water dock upon which it has been placed preparatory to loading upon a vessel, to another loading point, the actual cost incurred by you in making the transfer may be included.

(e) *Mixed car or mixed truck shipments.* When you make a mixed car or mixed truck shipment, as defined in section 39 of this regulation, an additional $3.50 per 1,000 board feet may be included.

SEC. 22. *Retail sales.* Your ceiling prices for retail sales are the prices which would be your f. o. b. mill, f. o. b. mill's customary shipping point, or f. a. s. mill's dock ceiling prices for other than a retail sale plus $9.00 per 1,000 board feet. You may not include in your ceiling price any of the charges provided for in sections 21 and 23 of this regulation.

SEC. 23. *Commission sales.* When a sale of your lumber is brought about by the efforts of a lumber commission man, your ceiling price is the otherwise applicable ceiling price of the lumber sold, plus 3 percent of the f. o. b. ceiling price, not to exceed the actual commission paid the lumber commission man. This addition may not be charged if the lumber commission man does not operate independently of both you and the buyer, or if you share in the profits of the lumber commission man, or if the lumber commission man is related to any owner or part-owner of the mill and did not sell for the mill before the effective date of this regulation. "Related" as the term is used in this section, means related to the owner or part-owner, or the spouse of the owner or part-owner, by blood or marriage within the second degree.

SEC. 24. *Special transactions*—(a) *Applications.* If you cannot ascertain a ceiling price for lumber subject to this regulation under any other provision of this regulation, because you wish to sell lumber with special workings, specifications, services, or other extras not specifically mentioned in this regulation, or for any other reason, you must file an application by registered mail, return receipt requested, with the Territorial Office of Price Stabilization, Juneau, Alaska, for approval of a special ceiling price. Your application must set forth all the relevant facts, including the following:

(1) A description of the lumber for which the application is filed, as follows: Species, grade, condition, measurements, and quantity of the lumber and detailed description of the workings, specifications, services, or other extras involved.

(2) The proposed use to which the buyer will put the lumber for which you are proposing a special ceiling price.

(3) Your proposed ceiling price.

(4) The differential between your proposed ceiling price and the ceiling price of the most nearly comparable item which is listed in appendix A to this regulation; or, if that differential cannot be ascertained, a statement of the reasons therefor.

(b) After an application has been filed under this section, and before action by the Director of Price Stabilization or his delegatee, you may sell your lumber at a price not higher than the ceiling price proposed in your application: *Provided,* That you agree to, and later, refund to the buyer the amount, if any, by which your price exceeds the ceiling price established by the Director.

(c) (1) After receipt of an application the Director, or his delegatee, will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price, for the item that is the subject of your application.

(2) If the Director, or his delegatee, does not notify you to the contrary, or request additional information from you within 20 days after the receipt of your application, as indicated by your return receipt, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(3) Approval of applications by the Director under this section are subject to a finding by the Director that proposed ceiling prices are in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for that lumber shall be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director.

SEC. 25. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under section 24 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

GENERAL PROVISIONS

SEC. 30. *Cash discounts.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25 and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

SEC. 31. *Pricing rules.* (a) You must apply the following rules in determining ceiling prices under this regulation:

(1) Where an order or confirmation fails to specify a particular grade of lumber, you may charge only the ceiling price for No. 2 common, except that where grades lower than No. 2 common are shipped, you may charge only the ceiling prices for the grades actually shipped.

(2) Where shipment is made of lumber different from, and higher priced than, that specifically ordered or confirmed, you may charge only the ceiling price for the lumber ordered or confirmed.

(3) Where a random length shipment is made which contains a percentage of short lengths greater than that permitted in Appendix A of this regulation, you must separately determine the ceiling prices for the excess short lengths.

(4) In all random length shipments, you may not charge more than the appropriate ceiling prices for the average length shipped.

(5) Where the purchaser waives moisture content requirements, the price charged shall not exceed the ceiling price for green lumber; and in the case of such a sale on a delivered basis, the appropriate established weights for dry lumber shall be used in computing transportation charges.

SEC. 32. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 33. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell lumber subject to this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling price after delivery.

SEC. 34. *Record-keeping requirements.* (a) Every person who sells products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records or invoices of each sale made in any month after the effective date of this regulation in which the seller sold 20,000 board feet or more of lumber subject to this regulation. The records must show:

(1) The dates of sales;

(2) The names and addresses of the buyers;

(3) The kind of sales involved, i. e., delivered, f. o. b., f. a. s.;

(4) A description (i. e., the grade, condition, dressing, quantity, etc.) of the lumber sold;

(5) The prices charged, including all additions, extras, and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, and the amount of any additions for transportation.

SEC. 35. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer. The invoice must include your name and address, the buyer's name and address, the date of sale, the f. o. b. (or f. a. s.) price, and a description of the lumber. Any working, specifications, extra, or service which bears upon the price charged for your lumber must be set forth in the invoice, but the invoice need not show separately the charge for such items.

(b) For sales on a delivered basis, involving water, rail, or truck shipment, your invoice must also show:

(1) The destination of the shipment;

(2) The applicable water, rail, or truck rate;

(3) The delivered price.

SEC. 36. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel of the Territorial Office of Price Stabilization, Juneau, Alaska. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 37. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in conection with the establishment of his ceiling price, or if any person subject to this regulation fails to determine a ceiling price or to apply to the Territorial Office of Price Stabilization for Alaska for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization, or his delegatee, may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling prices may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation, or of the various penalties for failure to do so.

SEC. 38. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions other than those authorized in this regulation, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 39. *Definitions*—(a) *Delivered sale.* A sale described in an order invoice or otherwise as a "delivered sale," "selling price delivered," or "f. o. b. mill" or "f. a. s. with freight paid or allowance included" to a given destination is a delivered sale.

(b) *Distribution yard.* A distribution yard is a wholesale or retail lumber yard located near a lumber consuming area which receives, unloads, and sorts, lumber shipments from mills or other yards; which receives most of its lumber by water or rail shipment and sells it principally for truck shipment; which maintains a varied stock of lumber from different regions and which is equipped to make quick delivery of many different items of lumber. Lumber is deemed to be part of the stock of a distribution yard only if it was part of the stock of the yard at the time the contract of sale was made. For example; if a retail yard makes a contract to supply lumber for a project and subsequently brings the lumber from a mill, puts it in the yard, and delivers it as needed, that lumber is not a sale from the stock of the distribution yard, but is a mill sale and is covered by this regulation.

(c) *Manufacturer.* This term means any person who produces lumber subject to this regulation. The verb "manufacture" shall be construed accordingly.

(d) *Mill.* "Mill" means that which is commonly referred to in the lumber industry as a saw mill or planing mill and which is engaged primarily in manufacturing lumber from logs or rough lumber by sawing or planing.

(e) *Mixed car and mixed truck shipments.* A mixed car shipment is a shipment of at least 1,000 board feet, of each of 4 or more of the lumber items shown below, and a mixed truck shipment is a shipment of at least 250 board feet of each of 4 or more of the lumber items shown in this paragraph.

(1) Boards and strips (any working not listed below), dimension, plank and small timbers, timbers and box.

(2) Flooring.

(3) Siding.

(4) Ceiling, partition.

(5) Stepping.

(6) Finish and clears, thick clears, shop.

(7) Casing and base, molding.

(8) Lath, shingle band sticks (12 M pieces minimum).

(9) Well curbing.

(10) Gutter.

(11) Silo stock (when worked to pattern).

(12) Shingles, shakes, any species, stained or natural (20 squares minimum).

(f) *Person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

(g) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(h) *Retail sale.* A retail sale is a sale of less than 20,000 feet BM delivered by truck to a buyer who is contractor or ultimate consumer and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The size of the sale is to be determined by the total quantity involved in the sale contract, without regard to whether it may be broken up into smaller quantities for delivery.

(i) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(j) *You.* The pronoun "you" indicates any person who manufactures lumber subject to this regulation. The terms "your" and "yours" shall be construed accordingly.

Effective date. This Ceiling Price Regulation is effective September 16, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 11, 1952.

APPENDIX A—CEILING PRICES FOR SITKA SPRUCE AND WEST COAST HEMLOCK LUMBER

The following are the base ceiling prices per 1,000 feet board measure, or other measure where indicated for all sales of lumber covered by this regulation.

(1) FLOORING—DRY

	R/L [1]	Random length prices for omitting short lengths					Specified lengths			
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, and 20′	5/4 x 4″ 1 x 4″ 12′	Clear all heart
Vertical grain										
1 x 3 and 1 x 4 B & Btr	$177	$180	$182	$184	$187	$189	$185	$187	$183	$202
1 x 3 and 1 x 4 C	167	170	172	174	177	179	175	177	173	-------
1 x 3 and 1 x 4 D	122	125	127	129	132	134	130	132	-------	-------
1 x 6 B and Btr	182	185	187	189	192	194	190	192	-------	207
1 x 6 C	177	180	182	184	187	189	185	187	-------	202
1 x 6 D	132	135	137	139	142	144	140	142	-------	-------
5/4 x 3 B and Btr	187	190	192	194	197	199	195	197	-------	212
5/4 x 3 C	182	185	187	189	192	194	190	192	-------	-------
5/4 x 3 D	127	130	132	134	137	139	135	137	-------	-------
5/4 x 4 B and Btr	187	190	192	194	197	199	195	197	193	212
5/4 x 4 C	182	185	187	189	192	194	190	192	188	-------
5/4 x 4 D	127	130	132	134	137	139	135	137	-------	-------
Flat grain										
1 x 3 and 1 x 4 B and Btr	152	155	157	159	162	164	160	162	158	-------
1 x 3 and 1 x 4 C	147	150	152	154	157	159	155	157	153	-------
1 x 3 and 1 x 4 D	112	115	117	119	122	124	120	122	-------	-------
1 x 3 and 1 x 4 E MG	67	70	72	74	77	79	75	77	-------	-------
1 x 6 and 1 x 8 B and Btr	162	165	167	169	172	174	170	172	-------	-------
1 x 6 and 1 x 8 C	157	160	162	164	167	169	165	167	-------	-------
1 x 6 and 1 x 8 D	117	120	122	124	127	129	125	127	-------	-------
1 x 6 and 1 x 8 E MG	72	75	77	79	82	84	80	82	-------	-------
5/4 x 3 B and Btr	172	175	177	179	182	184	180	182	-------	-------
5/4 x 3 C	162	165	167	169	172	174	170	172	-------	-------
5/4 x 3 D	117	120	122	124	127	129	125	127	-------	-------
5/4 x 3 E MG	72	75	77	79	82	84	80	82	-------	-------
5/4 x 4 B & Btr	167	170	172	174	177	179	175	177	173	-------
5/4 x 4 C	162	165	167	169	172	174	170	172	168	-------
5/4 x 4 D	117	120	122	124	127	129	125	127	-------	-------
5/4 x 4 E MG	72	75	77	79	82	84	80	82	-------	-------
5/8 x 4 B & Btr	132	135	137	139	142	144	140	142	-------	-------
5/8 x 4 C	122	125	127	129	132	134	130	132	-------	-------
5/8 x 4 D	82	85	87	89	92	94	90	92	-------	-------
5/8 x 4 E MG	57	60	62	64	67	69	65	67	-------	-------
5/8 x 6 B & Btr	142	145	147	149	152	154	150	152	-------	-------
5/8 x 6 C	132	135	137	139	142	144	140	142	-------	-------
5/8 x 6 D	92	95	97	99	102	104	100	102	-------	-------
5/8 x 6 E MG	67	70	72	74	77	79	75	77	-------	-------

[1] Regular loading random lengths is as per par. 23 in Rules 14.

For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$50	$50	$40
4′ and 5′	30	30	20
6′ and 7′	10	10	10

For ¾″ flooring: Deduct $5.00 per M from the same size and grade of standard flooring.
For green: Deduct $20.00 per M.
For specified lengths 12′ and shorter: No addition to R/L price except as shown above for 1 x 4—12′ and 5/4 x 4″—12′ in B & Btr and C, VG, and FG.

(2) CEILING ALL PATTERNS—DRY

	R/L [1]	Random length prices for omitting short lengths					Specified lengths	
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, and 20′
½ x 4″ B & Btr	$132	$135	$137	$139	$142	$144	$138	$142
½ x 4″ C	127	130	132	134	137	139	133	137
½ x 4″ D	92	95	97	99	102	104	98	102
½ x 4″ E	57	60	62	64	67	69	63	67
5/8 x 4″ B & Btr	132	135	137	139	142	144	148	142
5/8 x 4″ C	127	130	132	134	137	139	133	137
5/8 x 4″ D	92	95	97	99	102	104	98	102
5/8 x 4″ E	57	60	62	64	67	69	63	67
5/8 x 6″ B & Btr	142	145	147	149	152	154	158	152
5/8 x 6″ C	137	140	142	144	147	149	143	147
5/8 x 6″ D	102	105	107	109	112	114	108	112
5/8 x 6″ E	57	60	62	64	67	69	63	67
1 x 4″ B & Btr	147	150	152	154	157	159	153	157
1 x 4″ C	142	145	147	149	152	154	148	152
1 x 4″ D	107	110	112	114	117	119	113	117
1 x 4″ E	57	60	62	64	67	69	63	67
1 x 6″ B & Btr	157	160	162	164	167	169	163	167
1 x 6″ C	152	155	157	159	162	164	158	162
1 x 6″ D	117	120	122	124	127	129	123	127
1 x 6″ E	57	60	62	64	67	69	63	67

[1] Regular loading random lengths is as per par. 23 in Rules 14.
No addition for grain specification. For ceiling worked 25/32″—Use F. G. Flooring price. For specified lengths 12′ and shorter—No addition to R/L price.
For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$30	$30	$24
4′ x 5′	30	30	10
6′ x 7′	10	10	10

(3) DROP SIDING ALL PATTERNS, RUSTIC SIDING, CLEAR SHIPLAP—DRY

	R/L [1]	Random length prices for omitting short lengths					Specified lengths	
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, and/or 20′
1 x 4″ B & Btr	$147	$150	$152	$154	$157	$159	$153	$157
1 x 4″ C	142	145	147	149	152	154	148	152
1 x 4″ D	112	115	117	119	122	124	118	122
1 x 4″ E	72	75	77	79	82	84	78	82
5/8 x 6″ B & Btr	142	145	147	149	152	154	148	152
5/8 x 6″ C	137	140	142	144	147	149	143	147
5/8 x 6″ D	107	110	112	114	117	119	113	117
5/8 x 6″ E	67	70	72	74	77	79	73	77
1 x 6″ B & Btr	162	165	167	169	172	174	168	172
1 x 6″ C	157	160	162	164	167	169	163	167
1 x 6″ D	132	135	137	139	142	144	138	142
1 x 6″ E	67	70	72	74	77	79	73	77
1 x 8″ B & Btr	167	170	172	174	177	179	173	177
1 x 8″ C	162	165	167	169	172	174	168	172
1 x 8″ D	122	125	127	129	132	134	128	132
1 x 8″ E	72	75	77	79	82	84	78	82
1 x 10″ B & Btr	177	180	182	184	187	189	183	187
1 x 10″ C	172	175	177	179	182	184	178	182
1 x 10″ D	127	130	132	134	137	139	133	137
1 x 10″ E	72	75	77	79	82	84	78	82

[1] Regular loading random lengths is as per par. 23 in rules 14.

For sanding: Add $30.00 per M.
For wider than 12″—for V. G. add $10.00 per M. to 12″ price for each additional 1″.
For F. G. add $5.00 per M to 12″ price for each additional 1″.
For less than 3 M′ Board Measure of any pattern—Add setup charge of $15.00.
Specified lengths: For 12′ and shorter no addition.
For fractional and odd widths not listed—same price as next wider listed width. Compute footage on next wider listed width.

(4) CASING AND BASE ALL PATTERNS—DRY

	R/L [1]	Random length prices for omitting short lengths					Specified lengths		
							Casing and base		Casing only, 7′ and/or 10′
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, and 20′	
1 x 3″ B & Btr VG	$197	$200	$202	$204	$207	$209	$207	$207	$207
1 x 3″ B & Btr FG	182	185	187	189	192	194	192	192	192
1 x 3″ C VG	192	195	197	199	202	204	202	202	202
1 x 3″ C FG	177	180	182	184	187	189	187	187	187
1 x 3″ D VG	127	130	132	134	137	139	137	137	137
1 x 3″ D FG or MG	112	115	117	119	122	124	122	122	122
1 x 4″ B & Btr VG	197	200	202	204	207	209	207	207	207
1 x 4″ B & Btr FG	182	185	187	189	192	194	192	192	192
1 x 4″ C VG	192	195	197	199	202	204	202	202	202
1 x 4″ C FG	177	180	182	184	187	189	187	187	187
1 x 4″ D VG	127	130	132	134	137	139	137	137	137
1 x 4″ D FG or MG	112	115	117	119	122	124	122	122	122
1 x 5″ B & Btr VG	202	205	207	209	212	214	212	212	212
1 x 5″ B & Btr FG	187	190	192	194	197	199	197	197	197
1 x 5″ C VG	197	200	202	204	207	209	207	207	207
1 x 5″ C FG	182	185	187	189	192	194	192	192	192
1 x 5″ D VG	137	140	142	144	147	149	147	147	147
1 x 5″ D FG or MG	122	125	127	129	132	134	132	132	132
1 x 6″ B & Btr VG	202	205	207	209	212	214	212	212	212
1 x 6″ B & Btr FG	187	190	192	194	197	199	197	197	197
1 x 6″ C VG	197	200	202	204	207	209	207	207	207
1 x 6″ C FG	182	185	187	189	192	194	192	192	192
1 x 6″ D VG	137	140	142	144	147	149	147	147	147
1 x 6″ D FG or MG	122	125	127	129	132	134	132	132	132
1 x 8″ B & Btr VG	202	205	207	209	212	214	212	212	212
1 x 8″ B & Btr FG	187	190	192	194	197	199	197	197	197
1 x 8″ C VG	197	200	202	204	207	209	207	207	207
1 x 8″ C FG	182	185	187	189	192	194	192	192	192
1 x 8″ D VG	137	140	142	144	147	149	147	147	147
1 x 8″ D FG or MG	122	125	127	129	132	134	132	132	132
1 x 10″ B & Btr VG	217	220	222	224	227	229	227	227	227
1 x 10″ B & Btr FG	202	205	207	209	212	214	212	212	212
1 x 10″ C VG	212	215	217	219	222	224	222	222	222
1 x 10″ C FG	197	200	202	204	207	209	207	207	207
1 x 10″ D VG	152	155	157	159	162	164	162	162	162
1 x 10″ D FG or MG	127	130	132	134	137	139	137	137	137
1 x 12″ B & Btr VG	227	230	232	234	237	239	237	237	237
1 x 12″ B & Btr FG	212	215	217	219	222	224	222	222	222
1 x 12″ C VG	222	225	227	229	232	234	232	232	232
1 x 12″ C FG	207	210	212	214	217	219	217	217	217
1 x 12″ D VG	162	165	167	169	172	174	172	172	172
1 x 12″ D FG or MG	132	135	137	139	142	144	142	142	142

½″ and 5/4″ casing and base same price as inch "E" Casing and Base $40.00 per M′B.M. less than "D" FG or MG.

[1] Regular loading random lengths is as follows:

B & Btr and C grades:	
3 percent	3′ and 4′
7 percent	5′ and 6′
90 percent (inclusion of 18′ and/or 20′ lengths is optional)	7′ to 20′

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY

	R/L [1] 4′ to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
1 x 2″ B & Btr VG	$187	$190	$192	$194	$197	$199
1 x 2″ C VG	182	185	187	189	192	194
1 x 2″ D VG	142	145	147	149	152	154
1 x 2″ B & Btr FG	172	175	177	179	182	184
1 x 2″ C FG	167	170	172	174	177	179
1 x 2″ D MG	127	130	132	134	137	139
1 x 2″ E MG	72	75	77	79	82	84
1 x 3″ B & Btr VG	182	185	187	189	192	194
1 x 3″ C VG	177	180	182	184	187	189
1 x 3″ D VG	137	140	142	144	147	149
1 x 3″ B & Btr FG	167	170	172	174	177	179
1 x 3″ C FG	162	165	167	169	172	174
1 x 3″ D MG	122	125	127	129	132	134
1 x 3″ E MG	72	75	77	79	82	84
1 x 4″ B & Btr VG	182	185	187	189	192	194
1 x 4″ C VG	177	180	182	184	187	189
1 x 4″ D VG	137	140	142	144	147	149
1 x 4″ B & Btr FG	167	170	172	174	177	179
1 x 4″ C FG	162	165	167	169	172	174
1 x 4″ D MG	122	125	127	129	132	134
1 x 4″ E MG	72	75	77	79	82	84
1 x 5″ B & Btr VG	192	195	197	199	202	204
1 x 5″ C VG	187	190	192	194	197	199
1 x 5″ D VG	147	150	152	154	157	159
1 x 5″ B & Btr FG	177	180	182	184	187	189
1 x 5″ C FG	172	175	177	179	182	184
1 x 5″ D MG	132	135	137	139	142	144
1 x 5″ E MG	77	80	82	84	87	89
1 x 6″ B & Btr VG	187	190	192	194	197	199
1 x 6″ C VG	182	185	187	189	192	194
1 x 6″ D VG	142	145	147	149	152	154
1 x 6″ B & Btr FG	172	175	177	179	182	184
1 x 6″ C FG	167	170	172	174	177	179
1 x 6″ D MG	127	130	132	134	137	139
1 x 6″ E MG	72	75	77	79	82	84
1 x 8″ B & Btr VG	192	195	197	199	202	204
1 x 8″ C VG	187	190	192	194	197	199
1 x 8″ D VG	147	150	152	154	157	159
1 x 8″ B & Btr FG	177	180	182	184	187	189
1 x 8″ C FG	172	175	177	179	182	184
1 x 8″ D MG	132	135	137	139	142	144
1 x 8″ E MG	77	80	82	84	87	89
1 x 10″ B & Btr VG	207	210	212	214	217	219
1 x 10″ C VG	202	205	207	209	212	214
1 x 10″ D VG	162	165	167	169	172	174
1 x 10″ B & Btr FG	192	195	197	199	202	204
1 x 10″ C FG	187	190	192	194	197	199
1 x 10″ D MG	137	140	142	144	147	149
1 x 10″ E MG	77	80	82	84	87	89
1 x 12″ B & Btr VG	217	220	222	224	227	229
1 x 12″ C VG	212	215	217	219	222	224
1 x 12″ D VG	172	175	177	179	182	184
1 x 12″ B & Btr FG	202	205	207	209	212	214
1 x 12″ C FG	197	200	202	204	207	209
1 x 12″ D MG	142	145	147	149	152	154
1 x 12″ E MG	82	85	87	89	92	94

[1] Regular loading random lengths is as per par. 23 in rule 14.

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	Specified lengths					
	8′ 10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
1 x 2″ B & Btr VG	$193	$199	$199	$207	$222	$237
1 x 2″ C VG	188	194	194	202	217	232
1 x 2″ D VG	148	154	154	162	177	192
1 x 2″ B & Btr FG	178	184	184	192	207	222
1 x 2″ C FG	173	179	179	187	202	217
1 x 2″ D MG	133	139	139	147	162	177
1 x 2″ E MG	78	84	84	92	107	122
1 x 3″ B & Btr VG	188	194	194	202	217	232
1 x 3″ C VG	183	189	189	197	212	227
1 x 3″ D VG	143	149	149	157	172	187
1 x 3″ B & Btr FG	173	179	179	187	202	217
1 x 3″ C FG	168	174	174	182	197	212
1 x 3″ D MG	128	134	134	142	157	172
1 x 3″ E MG	78	84	84	92	107	122
1 x 4″ B & Btr VG	188	194	194	202	217	232
1 x 4″ C VG	183	189	189	197	212	227
1 x 4″ D VG	143	149	149	157	172	187
1 x 4″ B & Btr FG	173	179	179	187	202	217
1 x 4″ C FG	168	174	174	182	197	212
1 x 4″ D MG	128	134	134	142	157	172
1 x 4″ E MG	78	84	84	92	107	122
1 x 5″ B & Btr VG	198	204	204	212	227	242
1 x 5″ C VG	193	199	199	207	222	237
1 x 5″ D VG	153	159	159	167	182	197
1 x 5″ B & Btr FG	183	189	189	197	212	227
1 x 5″ C FG	178	184	184	192	207	222
1 x 5″ D MG	138	144	144	152	167	182
1 x 5″ E MG	83	89	89	97	112	127
1 x 6″ B & Btr VG	193	199	199	207	222	237
1 x 6″ C VG	188	194	194	202	217	232
1 x 6″ D VG	148	154	154	162	177	192
1 x 6″ B & Btr FG	178	184	184	192	207	222
1 x 6″ C FG	173	179	179	187	202	217
1 x 6″ D MG	133	139	139	147	162	177
1 x 6″ E MG	78	84	84	92	107	122
1 x 8″ B & Btr VG	198	204	204	212	227	242
1 x 8″ C VG	193	199	199	207	222	237
1 x 8″ D VG	153	159	159	167	182	197
1 x 8″ B & Btr FG	183	189	189	197	212	227
1 x 8″ C FG	178	184	184	192	207	222
1 x 8″ D MG	138	144	144	152	167	182
1 x 8″ E MG	83	89	89	97	112	127
1 x 10″ B & Btr VG	213	219	219	227	242	257
1 x 10″ C VG	208	214	214	222	237	252
1 x 10″ D VG	168	174	174	182	197	212
1 x 10″ B & Btr FG	198	204	204	212	227	242
1 x 10″ C FG	193	199	199	207	222	237
1 x 10″ D MG	143	149	149	157	172	187
1 x 10″ E MG	83	89	89	97	112	127
1 x 12″ B & Btr VG	223	229	229	237	252	267
1 x 12″ C VG	218	224	224	232	247	262
1 x 12″ D VG	178	184	184	192	207	222
1 x 12″ B & Btr FG	208	214	214	222	237	252
1 x 12″ C FG	203	209	209	217	232	247
1 x 12″ D MG	148	154	154	162	177	192
1 x 12″ E MG	88	94	94	102	117	132

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	R/L[1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
5/4 and 6/4 x 2″ B & Btr VG	$197	$200	$202	$204	$207	$209
5/4 and 6/4 x 2″ C VG	192	195	197	199	202	204
5/4 and 6/4 x 2″ D VG	152	155	157	159	162	164
5/4 and 6/4 x 2″ B & Btr FG	182	185	187	189	192	194
5/4 and 6/4 x 2″ C FG	177	180	182	184	187	189
5/4 and 6/4 x 2″ D MG	137	140	142	144	147	149
5/4 and 6/4 x 2″ E MG	82	85	87	89	92	94
5/4 and 6/4 x 3″ B & Btr VG	192	195	197	199	202	204
5/4 and 6/4 x 3″ C VG	187	190	192	194	197	199
5/4 and 6/4 x 3″ D VG	147	150	152	154	157	159
5/4 and 6/4 x 3″ B & Btr FG	177	180	182	184	187	189
5/4 and 6/4 x 3″ C FG	172	175	177	179	182	184
5/4 and 6/5 x 3″ D MG	132	135	137	139	142	144
5/4 and 6/4 x 3″ E MG	82	85	87	89	92	94
5/4 and 6/4 x 4″ B & Btr VG	192	195	197	199	202	204
5/4 and 6/4 x 4″ C VG	187	190	192	194	197	199
5/4 and 6/4 x 4″ D VG	147	150	152	154	157	159
5/4 and 6/4 x 4″ B & Btr FG	177	180	182	184	187	189
5/4 and 6/4 x 4″ C FG	172	175	177	179	182	184
5/4 and 6/4 x 4″ D MG	132	135	137	139	142	144
5/4 and 6/4 x 4″ E MG	82	85	87	89	92	94
5/4 and 6/4 x 5″ B & Btr VG	202	205	207	209	212	214
5/4 and 6/4 x 5″ C VG	197	200	202	204	207	209
5/4 and 6/4 x 5″ D VG	157	160	162	164	167	169
5/4 and 6/4 x 5″ B & Btr FG	187	190	192	194	197	199
5/4 and 6/4 x 5″ C FG	182	185	187	189	192	194
5/4 and 6/4 x 5″ D MG	142	145	147	149	152	154
5/4 and 6/4 x 5″ E MG	87	90	92	94	97	99
5/4 and 6/4 x 6″ B & Btr VG	197	200	202	204	207	209
5/4 and 6/4 x 6″ C VG	192	195	197	199	202	204
5/4 and 6/4 x 6″ D VG	152	155	157	159	162	164
5/4 and 6/4 x 6″ B & Btr FG	182	185	187	189	192	194
5/4 and 6/4 x 6″ C FG	177	180	182	184	187	189
5/4 and 6/4 x 6″ D MG	137	140	142	144	147	149
5/4 and 6/4 x 6″ E MG	82	85	87	89	92	94
5/4 and 6/4 x 8″ B & Btr VG	202	205	207	209	212	214
5/4 and 6/4 x 8″ C VG	197	200	202	204	207	209
5/4 and 6/4 x 8″ D VG	157	160	162	164	167	169
5/4 and 6/4 x 8″ B & Btr FG	187	190	192	194	197	199
5/4 and 6/4 x 8″ C FG	182	185	187	189	192	194
5/4 and 6/4 x 8″ D MG	142	145	147	149	152	154
5/4 and 6/4 x 8″ E MG	87	90	92	94	97	99
5/4 and 6/4 x 10″ B & Btr VG	217	220	222	224	227	229
5/4 and 6/4 x 10″ C VG	212	215	217	219	222	224
5/4 and 6/4 x 10″ D VG	172	175	177	179	182	184
5/4 and 6/4 x 10″ B & Btr FG	202	205	207	209	212	124
5/4 and 6/4 x 10″ C FG	197	200	202	204	207	209
5/4 and 6/4 x 10″ D MG	147	150	152	154	157	159
5/4 and 6/4 x 10″ E MG	87	90	92	94	97	99
5/4 and 6/4 x 12″ B & Btr VG	227	230	232	234	237	239
5/4 and 6/4 x 12″ C VG	222	225	227	229	232	234
5/4 and 6/4 x 12″ D VG	182	185	187	189	192	194
5/4 and 6/4 x 12″ B & Btr FG	212	215	217	219	222	224
5/4 and 6/4 x 12″ C FG	207	210	212	214	217	219
5/4 and 6/4 x 12″ D MG	152	155	157	159	162	164
5/4 and 6/4 x 12″ E MG	92	95	97	99	102	104

[1] Regular loading random lengths is as per par. 23 in rule 14.
For 1⅜″ and 1⅝″ industrial clears thicknesses—add $5.00 to 5/4 price of same size and grade.

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	Specified lengths					
	10′–12′	14′	16′, 18′–20′	22′–24′	26′–28′, 30′–32′	34′–36′, 38′–40′
5/4 and 6/4 x 2″ B & Btr VG	$203	$209	$209	$217	$232	$247
5/4 and 6/4 x 2″ C VG	198	204	204	212	227	242
5/4 and 6/4 x 2″ D VG	158	164	164	172	187	202
5/4 and 6/4 x 2″ B & Btr FG	188	194	194	202	217	232
5/4 and 6/4 x 2″ C FG	183	189	189	197	212	227
5/4 and 6/4 x 2″ D MG	143	149	149	157	172	187
5/4 and 6/4 x 2″ E MG	88	94	94	102	117	132
5/4 and 6/4 x 3″ B & Btr VG	198	204	204	212	227	242
5/4 and 6/4 x 3″ C VG	193	199	199	207	222	237
5/4 and 6/4 x 3″ D VG	153	159	159	167	182	197
5/4 and 6/4 x 3″ B & Btr FG	183	189	189	197	212	227
5/4 and 6/4 x 3″ C FG	178	184	184	192	207	222
5/4 and 6/4 x 3″ D MG	138	144	144	152	167	182
5/4 and 6/4 x 3″ E MG	88	94	94	102	117	132
5/4 and 6/4 x 4″ B & Btr VG	198	204	204	212	227	242
5/4 and 6/4 x 4″ C VG	193	199	199	207	222	237
5/4 and 6/4 x 4″ D VG	153	159	159	167	182	197
5/4 and 6/4 x 4″ B & Btr FG	183	189	189	197	212	227
5/4 and 6/4 x 4″ C FG	178	184	184	192	207	222
5/4 and 6/4 x 4″ D MG	138	144	144	152	167	182
5/4 and 6/4 x 4″ E MG	88	94	94	102	117	132
5/4 and 6/4 x 5″ B & Btr VG	208	214	214	222	237	252
5/4 and 6/4 x 5″ C VG	203	209	209	217	232	247
5/4 and 6/4 x 5″ D VG	163	169	169	177	192	207
5/4 and 6/4 x 5″ B & Btr FG	193	199	199	207	222	237
5/4 and 6/4 x 5″ C FG	188	194	194	202	217	232
5/4 and 6/4 x 5″ D MG	148	154	154	162	177	192
5/4 and 6/4 x 5″ E MG	93	99	99	107	122	137
5/4 and 6/4 x 6″ B & Btr VG	203	209	209	217	232	247
5/4 and 6/4 x 6″ C VG	198	204	204	212	227	242
5/4 and 6/4 x 6″ D VG	158	164	164	172	187	202
5/4 and 6/4 x 6″ B & Btr FG	188	194	194	202	217	232
5/4 and 6/4 x 6″ C FG	183	189	189	197	212	227
5/4 and 6/4 x 6″ D MG	143	149	149	157	172	187
5/4 and 6/4 x 6″ E MG	88	94	94	102	117	132
5/4 and 6/4 x 8″ B & Btr VG	208	214	214	222	237	252
5/4 and 6/4 x 8″ C VG	203	209	209	217	232	247
5/4 and 6/4 x 8″ D VG	163	169	169	177	192	207
5/4 and 6/4 x 8″ B & Btr FG	193	199	199	207	222	237
5/4 and 6/4 x 8″ C FG	188	194	194	202	217	232
5/4 and 6/4 x 8″ D MG	148	154	154	162	177	192
5/4 and 6/4 x 8″ E MG	93	99	99	107	122	137
5/4 and 6/4 x 10″ B & Btr VG	223	229	229	237	252	267
5/4 and 6/4 x 10″ C VG	218	224	224	232	247	262
5/4 and 6/4 x 10″ D VG	178	184	184	192	207	222
5/4 and 6/4 x 10″ B & Btr FG	208	214	214	222	237	252
5/4 and 6/4 x 10″ C FG	203	209	209	217	232	247
5/4 and 6/4 x 10″ D MG	153	159	159	167	182	197
5/4 and 6/4 x 10″ E MG	93	99	99	107	122	137
5/4 and 6/4 x 12″ B & Btr VG	233	239	239	247	262	277
5/4 and 6/4 x 12″ C VG	228	234	234	242	257	272
5/4 and 6/4 x 12″ D VG	188	194	194	202	217	232
5/4 and 6/4 x 12″ B & Btr FG	218	224	224	232	247	262
5/4 and 6/4 x 12″ C FG	213	219	219	227	242	257
5/4 and 6/4 x 12″ D MG	158	164	164	172	187	202
5/4 and 6/4 x 12″ E MG	98	104	104	112	127	142

(5) FINISH AND CLEARS S1S, S2S OR S4S A. L. S.—DRY—Continued

	R/L[1] 4 to 20′	Random length prices for omitting short lengths				
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter
2 x 2″ B & Btr VG	$192	$195	$197	$199	$202	$204
2 x 2″ C VG	187	190	192	194	197	199
2 x 2″ D VG	147	150	152	154	157	159
2 x 2″ B & Btr FG	177	180	182	184	187	189
2 x 2″ C FG	172	175	177	179	182	184
2 x 2″ D MG	132	135	137	139	142	144
2 x 2″ E MG	77	80	82	84	87	89
2 x 3″ B & Btr VG	187	190	192	194	197	199
2 x 3″ C VG	182	185	187	189	192	194
2 x 3″ D VG	142	145	147	149	152	154
2 x 3″ B & Btr FG	172	175	177	179	182	184
2 x 3″ C FG	167	170	172	174	177	179
2 x 3″ D MG	127	130	132	134	137	139
2 x 3″ E MG	77	80	82	84	87	89
2 x 4″ B & Btr VG	187	190	192	194	197	199
2 x 4″ C VG	182	185	187	189	192	194
2 x 4″ D VG	142	145	147	149	152	154
2 x 4″ B & Btr FG	172	175	177	179	182	184
2 x 4″ C FG	167	170	172	174	177	179
2 x 4″ D MG	127	130	132	134	137	139
2 x 4″ E MG	77	80	82	84	87	89
2 x 5″ B & Btr VG	197	200	202	204	207	209
2 x 5″ C VG	192	195	197	199	202	204
2 x 5″ D VG	152	155	157	159	162	164
2 x 5″ B & Btr FG	182	185	187	189	192	194
2 x 5″ C FG	177	180	182	184	187	189
2 x 5″ D MG	137	140	142	144	147	149
2 x 5″ E MG	82	85	87	89	92	94
2 x 6″ B & Btr VG	192	195	197	199	202	204
2 x 6″ C VG	187	190	192	194	197	199
2 x 6″ D VG	147	150	152	154	157	159
2 x 6″ B & Btr FG	177	180	182	184	187	189
2 x 6″ C FG	172	175	177	179	182	184
2 x 6″ D MG	132	135	137	139	142	144
2 x 6″ E MG	77	80	82	84	87	89
2 x 8″ B & Btr VG	197	200	202	204	207	209
2 x 8″ C VG	192	195	197	199	202	204
2 x 8″ D VG	152	155	157	159	162	164
2 x 8″ B & Btr FG	183	185	187	189	192	194
2 x 8″ C FG	177	180	182	184	187	189
2 x 8″ D MG	137	140	142	144	147	149
2 x 8″ E MG	82	85	87	89	92	94
2 x 10″ B & Btr VG	212	215	217	219	222	224
2 x 10″ C VG	207	210	212	214	217	219
2 x 10″ D VG	167	170	172	174	177	179
2 x 10″ B & Btr FG	197	200	202	204	207	209
2 x 10″ C FG	192	195	197	199	204	204
2 x 10″ D MG	142	145	147	149	152	154
2 x 10″ E MG	82	85	87	89	92	94
2 x 12″ B & Btr VG	222	225	227	229	232	234
2 x 12″ C VG	217	220	222	224	227	229
2 x 12″ D VG	177	180	182	184	187	189
2 x 12″ B & Btr FG	207	210	212	214	217	219
2 x 12″ C FG	202	205	207	209	212	214
2 x 12″ D MG	147	150	152	154	157	159
2 x 12″ E MG	87	90	92	94	97	99

[1] Regular loading random lengths is as per par. 23 in rule 14.

(5) Finish and Clears S1S, S2S or S4S A. L. S.—Dry—Continued

	Specified Lengths					
	8′, 10′-12′	14′	16′, 18′–20′	22′-24′	26′-28′, 30′-32′	34′-36′, 38′-40′
2 x 2″ B & Btr VG	$198	$204	$204	$212	$227	$242
2 x 2″ C VG	193	199	199	207	222	237
2 x 2″ D VG	153	159	159	167	182	197
2 x 2″ B & Btr FG	183	189	189	197	212	227
2 x 2″ C FG	178	184	184	192	207	222
2 x 2″ D MG	138	144	144	152	167	182
2 x 2″ E MG	83	89	89	97	112	127
2 x 3″ B & Btr VG	193	199	199	207	222	237
2 x 3″ C VG	188	194	194	202	217	232
2 x 3″ D VG	148	154	154	162	177	192
2 x 3″ B & Btr FG	178	184	184	192	207	222
2 x 3″ C FG	173	179	179	187	202	217
2 x 3″ D MG	133	139	139	147	162	177
2 x 3″ E MG	83	89	89	97	112	127
2 x 4″ B & Btr VG	193	199	199	207	222	237
2 x 4″ C VG	188	194	194	202	217	232
2 x 4″ D VG	148	154	154	162	177	192
2 x 4″ B & Btr FG	178	184	184	192	207	222
2 x 4″ C FG	173	179	179	187	202	217
2 x 4″ D MG	133	139	139	147	162	177
2 x 4″ E MG	83	89	89	97	112	127
2 x 5″ B & Btr VG	203	209	209	217	232	247
2 x 5″ C VG	198	204	204	212	227	242
2 x 5″ D VG	158	164	164	172	187	202
2 x 5″ B & Btr FG	188	194	194	202	217	232
2 x 5″ C FG	183	189	189	197	212	227
2 x 5″ D MG	143	149	149	157	172	187
2 x 5″ E MG	88	94	94	102	117	132
2 x 6″ B & Btr VG	198	204	204	212	227	242
2 x 6″ C VG	193	199	199	207	222	237
2 x 6″ D VG	153	159	159	167	182	197
2 x 6″ B & Btr FG	183	189	189	197	212	227
2 x 6″ C FG	178	184	184	192	207	222
2 x 6″ D MG	138	144	144	152	167	182
2 x 6″ E MG	83	89	89	97	112	127
2 x 8″ B & Btr VG	203	209	209	217	232	247
2 x 8″ C VG	198	204	204	212	227	242
2 x 8″ D VG	158	164	164	172	187	202
2 x 8″ B & Btr FG	188	194	194	202	217	232
2 x 8″ C FG	183	189	189	197	212	227
2 x 8″ D MG	143	149	149	157	172	187
2 x 8″ E MG	88	94	94	102	117	132
2 x 10″ B & Btr VG	218	224	224	232	247	262
2 x 10″ C VG	213	219	219	227	242	257
2 x 10″ D VG	173	179	179	187	202	217
2 x 10″ B & Btr FG	203	209	209	217	232	247
2 x 10″ C FG	198	204	204	212	227	242
2 x 10″ D MG	148	154	154	162	177	192
2 x 10″ E MG	88	94	94	102	117	132
2 x 12″ B & Btr VG	228	234	234	242	257	272
2 x 12″ C VG	223	229	229	237	252	267
2 x 12″ D VG	183	189	189	197	212	227
2 x 12″ B & Btr FG	213	219	219	227	242	257
2 x 12″ C FG	208	214	214	222	237	252
2 x 12″ D MG	153	159	159	167	182	197
2 x 12″ E MG	93	99	99	107	122	137

Short lengths in excess of regular R/L loading. For short lengths in excess of the percentage permitted in R/L loading, when shipped with buyer's approval, deduct from the R/L prices as follows:

	B & Btr	C	D
1½′ to 3½′	$40	$40	$40
4′ and 5′	30	30	16
6′ and 7′	10	10	10

Green: Deduct $30.00 per M from dry prices.
Rough dry, add $10.00 to surfaced prices.
Rough green, add $5.00 to surfaced prices.
Full sawn rough dry, add $5.00 to rough dry prices.
Full sawn rough green, add $5.00 to rough green prices.

Working: D & M, any working, 1″, 5/4″, 6/4″ and 8/4″ all widths: Add $10.00 per M. On unusual specifications, apply for price approval as provided in section 30.

Surfacing longer than 40′ add $1.00 per lineal foot for each lineal foot over 40′.

Surfacing to 3/4″ S1S, S2S, or S4S price same as S4S, A. L. S. Surfaced hit and miss same price as S4S, A. L. S.

Shims: 7/16″, 1/2″ or 9/16″ surfaced or full thickness rough, $14.00 less than 1″ price of corresponding grade and width; 5/8″ or 11/16″, $10.00 less than 1″ price of corresponding grade and width.

Rabbeted jambs, sills, nosing, or other special patterns not covered in other price tables add $15.00 per M; for orders less than 3 M′ of these patterns add an additional $15.00 set-up charge.

Sanding: Add $30.00 per M.

Specified average R/L: For random lengths where a specified average of not over 20′ nor under 14′ is required, the price shall be the 4/20′ R/L price plus the specified length addition applicable to the length specified as an average. If the average required is longer than 20′ the price shall be the 4/20′ R/L price plus 75 percent of the specified length addition applicable to the length specified as an average. No addition may be made for the elimination of shorts in either case.

Lengths: For random length groups longer than 20′ add to 4/20′ R/L price—
- 22′ to 30′ $25.00
- 32′ to 40′ 40.00

For omitting lengths 14′ and shorter: Specified length price.

Omitting lengths in price groups longer than 20′ add to R/L group price:
- Omitting 1 length $3.00
- Omitting 2 lengths 6.00
- Omitting 3 lengths—Specified length price of lengths shipped.

Lengths longer than 40′: Add $7.50 per M for each foot or fraction thereof to specified 40′ lengths.

Fractional or odd widths not listed (less than 12″) add $5.00 to price of next wider even width and compute footage on nominal rough size of the fractional or odd width.

Even widths wider than 12″: V. G. add $10.00 per M to 12″ price for each additional 1″; F. G. add $5.00 per M to 12″ price for each additional 1″. Odd or fractional widths wider than 12″ same price as next wider even width. Compute footage on nominal rough size.

Fractional thicknesses: Over 2″ and under 3″, add $15.00 to the price of 3″ of corresponding width and grade and compute footage on nominal rough size of fractional thickness.

Ship plank: Paragraph 313, rules 14, add $50.00 per M to B and better price of same size.

Tank stock: Paragraphs 319 and 320, add $24.00 per M to B and better price of same size.

Pipe stave stock: Paragraphs 317 and 318, add $6.00 per M to B and better price of same size.

Cut door stock: Kiln dry only, graded poor side, paragraph 378, rules 14, add $85.00 per M to B and better R/L price same size.

If sap limit waived: Deduct $6.00 per M.

Panel stock: Paragraph 359 (a), add $15.00 to B and better price of same size.

Scaffold plank: Paragraph 314 (rough only) 8″ and wider, add $40.00 per M to price of "C" for corresponding size and grain. For paragraph 315 see tables on boards, dimension, plank and small timbers.

Pole stock: Add $90.00 to B and better price of same size and grain.

Car framing and running boards: Paragraphs 425 through 433, add to prices of corresponding size, grade and grain in tables for finish and clears as follows: All sizes for flat grain or vertical grain, add $15.00 per M.

For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 to the price of, and compute footage on next longer listed length.

For fractional or odd widths not listed, price the same as next wider even width. Compute footage on next wider even width.

(6) Thick Clears B and Better rough—Paragraph 304

	Green mixed grain						Dry mixed grain					
	R/L	6/20′ specified length	R/L	22/30′ specified length	R/L	32/40′ specified length	R/L	6/20′ specified length	R/L	22/30′ specified length	R/L	32/40′ specified length
3 x 3″	$177	$186	$202	$217	$217	$239.50	$207	$222	$232	$257	$247	$297
3 x 4″	172	181	197	212	212	234.50	202	217	227	252	242	292
3 x 5″	182	191	207	222	222	244.50	212	227	237	262	252	302
3 x 6″ and 8″	177	186	202	217	217	239.50	207	222	232	257	247	297
3 x 10″ and 12″	202	211	227	242	242	264.50	232	247	257	282	272	322
4 x 4″	177	186	202	217	217	239.50	207	222	232	257	247	297
4 x 6″	182	191	207	222	222	244.50	212	227	237	262	252	302
4 x 8″	187	196	212	227	227	249.50	217	232	242	267	257	307
4 x 10″ and 12″	207	216	232	247	247	269.50	237	252	262	287	277	327
5 x 5″	232	241	257	272	272	294.50	277	292	302	327	317	367
5 x 6″ and 8″	237	246	262	277	277	299.50	282	297	307	332	322	372
5 x 10″ and 12″	257	266	282	297	297	319.50	302	317	327	352	342	392
6 x 6″	247	256	272	287	287	309.50	292	307	317	342	332	382
6 x 8″	252	261	277	292	292	314.50	297	312	322	347	337	387
6 x 10″ and 12″	257	266	282	297	297	319.50	302	317	327	352	342	392
8 x 8″	257	266	282	297	297	319.50	317	332	342	367	357	407

For V. G. 3″ through 8″ thick x 3″ through 8″ in width: Add $15.00 per M to corresponding size in above table.
For V. G. 3″ through 8″ thick x 10″ in width: Add $20.00 per M to corresponding size in above table.
For V. G. 3″ through 8″ thick x 12″ in width: Add $30.00 per M to corresponding size in above table.
C Grade deduct $10.00 per M from B & Btr price of corresponding size and grain.
D Grade deduct $35.00 per M from B & Btr price of corresponding size and grain.
Working: Surfacing green clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E or S4S TOTALS: Add $6.00 per M to rough green price.

Surfacing dry clears S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E or S4S to ALS: Add $9.00 per M to rough dry price.
For T & G, shiplap or outgange-1: Add $15.00 per M to rough price. These workings include surfacing.
For surfacing lengths longer than 40′, add $1.00 per M per lineal foot for each additional foot over 40′.
Lengths: For omitting short lengths in R/L 20′ and shorter, add to random length price of the same size and grade:
- 7′ and shorter $2.00
- 9′ and shorter 4.00
- 10′ and shorter 6.00
- 12′ and shorter 8.00
- 14′ and shorter—Specified length price.

Omitting lengths in price groups longer than 20′ add to R/L group price:
- Omitting 1 length $3.00
- Omitting 2 lengths 6.00
- Omitting 3 lengths—Specified length price of lengths shipped.

For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted for omission of any length or lengths may be made only within the bracket from which lengths have been omitted.

Lengths longer than 40′, add $7.50 per M for each 2′ or fraction thereof to the 40′ specified length price. Compute footage on actual length.

For random lengths in any specified range with an average 14′ or longer required, the price shall be the appropriate bracket price (the bracket in which the average falls) plus 75 percent of the specified length addition for the length specified as an average. No addition is permissible under the portion of the LENGTHS table above referring to the omission of short lengths in R/L 20′ and shorter.

If an average less than 14′ is specified or when a definite average is not specified on order at time of placement, the lengths shipped must be priced at the bracket price in which they fall.

Widths: For fractional and odd widths not listed, except paragraphs 425 through 433, price as next wider even width and compute footage on nominal rough odd or fractional width. For fractional or odd widths in paragraphs 425 through 433, price as next wider even width and compute footage on next wider even width.

Wider than 12″:
- For VG add $20.00 per M to 12″ price for each additional 2″.
- For FG add $10.00 per M to 12″ price for each additional 2″.

Thickness: For fractional and odd thicknesses not listed, add $15.00 per M to next thicker even size and compute footage on nominal rough size of the frational or odd thickness.

For thicknesses heavier than 8″, add $10.00 per M for each 1″ thicker than 8″.

Turning squares: Add $25.00 per M to B & Btr price of the same size.

Ship plank (par. 313): Add $50.00 per M to the price of B & Btr of same size and grain.

Scaffold plank (par. 314, rough only): 8″ and wider, add $40.00 per M′BM to the price of C clear of the same size and grain.

Tank stock (pars. 320 and 321) for V. G.: 3 x 3, 3 x 4 and 4 x 4 add $40.00 per M to B & better V. G. price; all other widths and thicknesses, add $24.00 per M to B & better V. G. price.

For F. G.: 3″ and 4″ thicknesses up to and including 8″ widths, add $40.00 per M to B & better F. G. price.

3″ and 4″ thicknesses wider than 8″ and for all thicknesses greater than 4″ in all widths, add $24.00 per M to B & better F. G. price.

Pipe stave stock, paragraphs 317 and 318, add $6.00 per M to B & better price for same size and grain specifications.

If sap limit waived: Deduct $6.00 per M.

Car framing and running boards, Paragraphs 427, 430, 432, 433, add to prices of corresponding size, grade and grain in the foregoing table:

For flat grain 3″ and 4″, thicknesses up to 8″ in width, add $15.00 per M; 3″ and 4″, wider than 8″ and sizes thicker than 4″; all widths, add $10.00 per M; for vertical grain 3 x 3, 3 x 4, and 4 x 4, add $15.00 per M; all other widths and thicknesses, add $10.00 per M. For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 to price of, and compute footage on next longer listed length. For fractional or odd widths not listed price the same as next wider even width. Compute footage on next wider even width.

Pole stock (pars. 322 and 323).

For V. G.: 3 x 3, 3 x 4 and 4 x 4, add $90.00 per M to B & Btr V. G. price; all other widths and thicknesses, add $75.00 per M to B & Btr V. G. price.

For F. G.: 3″ and 4″ thicknesses up to and including 8″ widths, add $90.00 per M to B, Btr F. G. price.

3″ and 4″ thicknesses wider than 8″ and for all thicknesses greater than 4″ in all widths, add $75.00 per M to B & Btr F. G. price.

(7) Cross Arm Stock—Rough Green

Sr

	Par. 324	Par. 324a
3 x 4″ R/L 6′ and longer	$167	----------
3½ x 4½″ R/L 6′ and longer	177	$127
3¾ x 4¾″ R/L 6′ and longer	177	127
4 x 5″ R/L 6′ and longer	172	122
4½ x 5½″ R/L 6′ and longer	192	132
4 x 6″ R/L 6′ and longer	167	117

Surfacing standard 3/16″ off—add $5 per M.
Specified lengths—add $10 per M.

(8) V. G. Stepping S2S, S3S or S4S and Nosed-Dry

	R/L [1]	Random length prices for omitting short lengths					Specified lengths	
		5′ and shorter	7′ and shorter	9′ and shorter	10′ and shorter	12′ and shorter	14′	16′, 18′, and 20′
5/4 x 10″ B & Btr	$222	$227	$229	$231	$234	$236	$238	$242
5/4 x 10″ C	217	222	224	226	229	231	233	237
5/4 x 10″ D	162	167	169	171	174	176	178	182
5/4 x 10″ E	92	97	99	101	104	106	108	112
5/4 x 12″ B & Btr	227	232	234	236	239	241	243	247
5/4 x 12″ C	222	227	229	231	234	236	238	242
5/4 x 12″ D	167	172	174	176	179	181	183	187
5/4 x 12″ E	92	97	99	101	104	106	108	112
6/4 x 10″ B & Btr	222	227	229	231	234	236	238	242
6/4 x 10″ C	217	222	224	226	229	231	233	237
6/4 x 10″ D	162	167	169	171	174	176	178	182
6/4 x 10″ E	92	97	99	101	104	106	108	112
6/4 x 12″ B & Btr	227	232	234	236	239	241	243	247
6/4 x 12″ C	222	227	229	231	234	236	238	242
6/4 x 12″ D	167	172	174	176	179	181	183	187
6/4 x 12″ E	92	97	99	101	104	106	108	112

[1] Regular loading random lengths is as follows:
For B & Btr and C grades:
- 30 percent ..... 3′ to 9′
- 70 percent (inclusion of 18′ and/or 20′ is optional) ..... 10′ to 20′

Flat grain stepping: Deduct $20.00 from V. G. price of same grade and size.
For rough dry: Add $5.00 to finished price of same size, grade and grain.

(9) Bevel Siding R/L—Dry

	Vertical grain R/L [1]			Flat grain R/L [1]		
	B & Btr	C	D	B & Btr	C	D
½ x 4″	$99.50	$97.00	$77.00	$92.00	$89.50	$69.50
½ x 6″	102.00	99.50	82.00	94.50	92.00	72.00
½ x 8″	157.00	152.00	117.00	122.00	117.00	98.00
¾ x 8″	171.00	157.00	127.00	156.00	147.00	124.00
¾ x 10″	195.00	188.00	157.00	180.00	173.00	155.00

[1] Regular loading random lengths is as follows (per par. 546 in rules 14): Standard bundles are 8′ and up; ½″ stock is bundled 10 layers to bundle. In bundles 10′ and longer 3 layers of 3′ to 7′ lengths shall be included in each bundle; ¾″ stock is bundled 6 layers to bundle. In bundles 10′ and longer 2 layers of 3′ to 7′ lengths shall be included in each bundle. Lengths multiples of 1′.

Rabbetted bevel siding—add $5 per M to standard pattern price of the same width and thickness.

(10) Lath and Shingle Bands

Green or dry per 1,000 pieces	Fence	No. 1 (20 percent number 2) plaster	No. 1 plaster	No. 2 plaster	No. 3 plaster	No. 1 shingle bands
48″, 1½″ or 1⅝″, 3 pieces to 1″	----------	$19.00	$19.50	$17.00	$13.25	----------
32″, 1½″ or 1⅝″, 3 pieces to 1″	----------	16.00	16.50	14.25	11.00	----------
48″, 1½″ or 1⅝″, 2 pieces to 1″	$21.00	----------	----------	----------	----------	----------
19½″, ¾″ x 1½″	----------	----------	----------	----------	----------	$19.50

Fence lath must contain 80 percent No. 1; for 100 percent No. 1, add $1.50 per M pieces.

(11) Pickets

	3′	3′-6″	4′	5′	6′
Paragraph 181 dry:					
1 x 3—Gothic S4S No. 1	$105	$117	$130	$152	$187
1 x 3—Gothic S4S No. 2	90	102	115	137	172

Prices are per 1,000 pickets. Pickets pointed one angle only—deduct $3 per M pieces from Gothic type above. Pickets pointed two angles—same price as Gothic type above.

(12) GREEN BOARDS AND SHIPLAP SURFACED A. L. S.

NO. 1 BOARDS AND SHIPLAP—GREEN

	R/L 6/20′	Specified lengths								R/L prices for omitting short lengths		
		6′	8′	10′	12′	14′	16′	18′	20′	6′ or 6′ and 8′	10′ and shorter	12′ and shorter
1 x 2″	$87	$84	$87	$87	$90	$92	$95	$95	$95	$89	$92	$95
1 x 3″	87	84	87	87	90	92	95	95	95	89	92	95
1 x 4″	80	77	80	80	83	85	88	88	88	82	85	88
1 x 6″	87	84	87	87	90	92	95	95	95	89	92	95
1 x 8″	87	84	87	87	90	92	95	95	95	89	92	95
1 x 10″	87	84	87	87	90	92	95	95	95	89	92	95
1 x 12″	87	84	87	87	90	92	95	95	95	89	92	95

NO. 2 BOARDS AND SHIPLAP—GREEN

1 x 2″	$82	$79	$82	$82	$85	$87	$90	$90	$90	$84	$87	$90
1 x 3″	82	79	82	82	85	87	90	90	90	84	87	90
1 x 4″	75	72	75	75	78	80	83	83	83	77	80	83
1 x 6″	82	79	82	82	85	87	90	90	90	84	87	90
1 x 8″	82	79	82	82	85	87	90	90	90	84	87	90
1 x 10″	82	79	82	82	85	87	90	90	90	84	87	90
1 x 12″	82	79	82	82	85	87	90	90	90	84	87	90

NO. 3 BOARDS AND SHIPLAP—GREEN

1 x 2″	$65	$62	$65	$65	$68	$70	$73	$73	$73	$67	$70	$73
1 x 3″	65	62	65	65	68	70	73	73	73	67	70	73
1 x 4″	57	54	57	57	60	62	65	65	65	59	62	65
1 x 6″	67	64	67	67	70	72	75	75	75	69	72	75
1 x 8″	67	64	67	67	70	72	75	75	75	69	72	75
1 x 10″	67	64	67	67	70	72	75	75	75	69	72	75
1 x 12″	67	64	67	67	70	72	75	75	75	69	72	75

NO. 4 BOARDS AND SHIPLAP—GREEN

1 x 2″	$34											
1 x 3″	34											
1 x 4″	34											
1 x 6″	34											
1 x 8″	34											
1 x 10″	34											
1 x 12″	34											

SELECT MERCHANTABLE BOARDS AND SHEATHING—GREEN—PAR. 186

1 x 2″	$95	$92	$95	$95	$98	$100	$103	$103	$103	$97	$100	$103
1 x 3″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 4″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 6″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 8″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 10″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 12″	92	89	92	92	95	97	100	100	100	94	97	100

NO. 1 BOARDS 25 PERCENT NO. 2 GREEN

1 x 2″	$85	$82	$85	$85	$88	$90	$93	$93	$93	$87	$90	$93
1 x 3″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 4″	78	75	78	78	81	83	86	86	86	80	83	86
1 x 6″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 8″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 10″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 12″	85	82	85	85	88	90	93	93	93	87	90	93

For rough—deduct $3 from all above prices. For mixed grades No. 4 and better use same percentage of price as grades shipped per above.

(13) DRY BOARDS AND SHIPLAP SURFACED A. L. S.

NO. 1 BOARDS AND SHIPLAP—DRY

	R/L 6/20′	Specified lengths								R/L prices for omitting short lengths		
		6′	8′	10′	12′	14′	16′	18′	20′	6′ or 6′ and 8′	10′ and shorter	12′ and shorter
1 x 2″	$97	$94	$97	$97	$100	$102	$105	$105	$105	$99	$102	$105
1 x 3″	97	94	97	97	100	102	105	105	105	99	102	105
1 x 4″	90	87	90	90	93	95	98	98	98	92	95	98
1 x 6″	97	94	97	97	100	102	105	105	105	99	102	105
1 x 8″	97	94	97	97	100	102	105	105	105	99	102	105
1 x 10″	97	94	97	97	100	102	105	105	105	99	102	105
1 x 12″	97	94	97	97	100	102	105	105	105	99	102	105

NO. 2 BOARDS AND SHIPLAP—DRY

1 x 2″	$92	$89	$92	$92	$95	$97	$100	$100	$100	$94	$97	$100
1 x 3″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 4″	85	82	85	85	88	90	93	93	93	87	90	93
1 x 6″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 8″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 10″	92	89	92	92	95	97	100	100	100	94	97	100
1 x 12″	92	89	92	92	95	97	100	100	100	94	97	100

NO. 3 BOARDS AND SHIPLAP—DRY

1 x 2″	$72	$69	$72	$72	$75	$77	$80	$80	$80	$74	$77	$80
1 x 3″	72	69	72	72	75	77	80	80	80	74	77	80
1 x 4″	64	61	64	64	67	69	72	72	72	66	69	72
1 x 6″	74	71	74	74	77	79	82	82	82	76	79	82
1 x 8″	74	71	74	74	77	79	82	82	82	76	79	82
1 x 10″	74	71	74	74	77	79	82	82	82	76	79	82
1 x 12″	74	71	74	74	77	79	82	82	82	76	79	82

NO. 4 BOARDS AND SHIPLAP—DRY

1 x 2″	$39											
1 x 3″	39											
1 x 4″	39											
1 x 6″	39											
1 x 8″	39											
1 x 10″	39											
1 x 12″	39											

SELECT MERCHANTABLE BOARDS AND SHEATHING—DRY—PAR. 186

1 x 2″	$105	$102	$105	$105	$108	$110	$113	$113	$113	$107	$110	$113
1 x 3″	105	102	105	105	108	110	113	113	113	107	110	113
1 x 4″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 6″	102	99	102	102	105	107	110	110	110	104	107	110
1 x 8″	102	99	102	102	105	107	110	110	110	104	107	110
1 x 10″	102	99	102	102	105	107	110	110	110	104	107	110
1 x 12″	102	99	102	102	105	107	110	110	110	104	107	110

NO. 1 BOARDS 25 PERCENT NO. 2—DRY

1 x 2″	$95	$92	$95	$95	$98	$100	$103	$103	$103	$97	$100	$103
1 x 3″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 4″	88	85	88	88	91	93	96	96	96	90	93	96
1 x 6″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 8″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 10″	95	92	95	95	98	100	103	103	103	97	100	103
1 x 12″	95	92	95	95	98	100	103	103	103	97	100	103

For rough—deduct $3 from all above prices. For mixed grades No. 4 and better, use same percentage of price as grades shipped per above.

Regular loading random lengths is 6′ to 20′.

For rough: Deduct $3.00 per M—Green or Dry.

Shims: For shims 9/16″ or less in thickness x AW–AL #3 and better surfaced hit and miss or full thickness rough—Price $50.00. For shims 5/8″ or thicker—Add $8.00 per M to 1½″ shim price.

If graded out and sold "on grade," deduct from the price of 1″ of the same length, width and grade:

½″, ¾6″, 1/16″—No. 2 and better grades—Deduct $20.00.

½″, 7/16″, 9/16″—No. 3—Deduct $15.00.

5/8″, 11/16″ No. 2 and better grades—Deduct $15.00.

¾″, 13/16″ No. 3—Deduct $12.00.

Use green weights.

Bundling: Add $3.00 per M.

Ripping or resawing: Add $3.00 per M, product of the piece to be shipped.

Resurfacing S4S to American Lumber Industrial Standards or not more than ¼″ off in both width and thickness—Add $3.00 to the price of the same grade, width and length.

Surfacing to ¾″, S1S, S1S2E, S1S1E, S2S, or S4S, price same as S4S A. L. S.; surfaced hit and miss same price as S4S A. L. S.

Lengths: When a random lengths shipment includes lengths over 20′ and no average has been specified, if the inclusion of lengths longer than 20′ is at shipper's option, the 6/20′ price shall apply to all lengths; however, if buyer's order definitely requires the inclusion of such lengths, price as follws:

For 22 and 24′: Add $4.00 to the 6/20′ price, for these lengths only.

Accumulated 4′ and/or 5′ No. 2 and higher grades sold separately or in R/L shipments—Deduct $20.00 from the 6/20′ price; for No. 3—charge same price as for No. 4, random length.

Specified lengths longer than 20′: Add $2.00 per M for each foot to the specified 20′ price.

Specified Average R/L: Where an average length is specified in any random length order, the price shall be specified length price of the length specified as an average and no addition may be made for omission of short lengths in a R/L loading.

Widths: Widths wider than 12″: Add to the price of 12″ of same size and grade $6.00 per M for each 2″ wider than 12″.

Odd or fractional widths (except 1 x 3″) add $5.00 per M to price of next wider even width and compute footage on the nominal rough measurement of the odd or fractional width.

Thickness: 5/4″ and 6/4″, any surfacing A. L. S.—

For No. 1 and select merchantable: Add $10.00 per M to the 1″ price of the corresponding grade and size.

For No. 2: Deduct $4.00 per M from the 5/4″ and 6/4″ price of No. 1.

For No. 3: Deduct $18.00 per M from the 5/4″ and 6/4″ price of No. 1.

For No. 4: Surfaced A. L. S. or rough—Add $5.00 to 1″ No. 4 price of the corresponding size.

For rough No. 3 and higher grades—Deduct $3.00 per M from surfaced prices.

Special note: 5/4″ and 6/4″ resawn and sold on surfaced measure (1″) must be priced as shims. See note covering shims.

Scaffold plank, paragraph 315, 5/4″ and 6/4″, 8″ and wider (rough only)—add $60.00 to the No. 1 price.

For center matched flooring, drop siding and other patterns: First add grade differentials, then add the following specified working charge:

	Green or dry S2S and CM	Green or dry flooring, drop siding, beaded, other patterns
1″ thickness—no droppings allowed	$5.00	$10.00
1″ thickness—droppings allowed	3.00	5.00

For amounts 3M feet or less a flat set-up charge of $15 per M may be added.

(14) GREEN DIMENSION S4S—A. L. S. (ROUGH, DEDUCT $3 PER M)

NO. 1 DIMENSION GREEN S4S—A. L. S.—PAR. 204

	R/L 6/20′	Specified lengths									
		6′	8′	9′	10′	12′	14′	16′	18′	20′	22/24′
2 x 2″	$89	$86	$89	$93	$90	$91	$92	$93	$94	$95	$99
2 x 3″	89	86	93	93	89	90	91	93	93	93	97
2 x 4″	89	86	91	93	89	90	91	93	93	93	97
2 x 6″	88	85	88	92	88	90	91	92	93	92	96
2 x 8″	88	85	88	92	88	92	92	91	91	91	96
2 x 10″	87	84	87	91	87	91	91	90	90	90	95
2 x 12″	87	84	87	91	87	90	91	92	92	92	95

NO. 2 DIMENSION GREEN S4S—A. L. S.—PAR. 205

2 x 2″	$83	$80	$83	$87	$84	$85	$86	$87	$88	$89	$93
2 x 3″	83	80	87	87	83	84	85	87	87	87	91
2 x 4″	83	80	85	87	83	84	85	87	87	87	91
2 x 6″	82	79	82	86	82	84	85	86	87	86	90
2 x 8″	81	78	81	85	81	85	85	84	84	84	89
2 x 10″	80	77	80	84	80	84	84	83	83	83	88
2 x 12″	80	77	80	84	80	83	84	85	85	85	88

(14) GREEN DIMENSION S4S—A. L. S. (ROUGH, DEDUCT $3 PER M)—Continued

NO. 3 DIMENSION GREEN S4S—A. L. S.—206

	R/L 6/20′	Specified lengths									
		6′	8′	9′	10′	12′	14′	16′	18′	20′	22/24′
2 x 2″	$66	$63	$66	$70	$67	$68	$69	$77	$71	$72	$76
2 x 3″	66	63	70	70	66	67	68	70	70	70	74
2 x 4″	66	63	68	70	66	67	68	70	70	70	74
2 x 6″	64	61	64	68	64	66	67	68	69	68	72
2 x 8″	64	61	64	68	64	68	68	67	67	67	72
2 x 10″	61	58	61	65	61	65	65	64	64	64	69
2 x 12″	61	58	61	65	61	64	65	66	66	66	69

NO. 4 DIMENSION GREEN S4S—PAR. 207

2 x 3″	$34										
2 x 4″	34										
2 x 6″	32										
2 x 8″	32										
2 x 10″	32										
2 x 12″	32										

SELECT STRUCTURAL GREEN S4S—A. L. S.—PAR. 202

2 x 2″	$99	$96	$99	$103	$100	$101	$102	$103	$104	$105	$109
2 x 3″	99	96	103	103	99	100	101	103	103	103	107
2 x 4″	99	96	101	103	99	100	101	103	103	103	107
2 x 6″	101	98	101	105	101	103	104	105	106	105	109
2 x 8″	101	98	101	105	101	105	105	104	104	104	109
2 x 10″	106	103	106	110	106	110	110	109	109	109	114
2 x 12″	111	108	111	115	111	114	115	116	116	116	119

NO. 1 PERMITTED UP TO 25 PERCENT NO. 2 GREEN S4S—A. L. S.—PARS. 204 AND 205

2 x 2″	$86	$83	$86	$90	$87	$88	$89	$90	$91	$92	$96
2 x 3″	86	83	90	90	86	87	88	90	90	90	94
2 x 4″	86	83	88	90	86	87	88	90	90	90	94
2 x 6″	85	82	85	89	85	87	88	89	90	89	93
2 x 8″	85	82	85	89	85	89	89	88	88	88	93
2 x 10″	84	81	84	88	84	88	88	87	87	87	92
2 x 12″	84	81	84	88	84	87	88	89	89	89	92

For dimension sold on basis of No. 1 permitting up to 25 percent No. 2 and including 15 percent No. 3 (percentage of grades to be guaranteed) deduct $4.50 per M from the No. 1 price of corresponding size.

8′ Studs S4S A. L. S.

No. 1 and better permitting up to 25 percent No. 2 and including 15 percent No. 3—$78.

No. 2 and better—$81.

No. 3 studs—$63.

No. 4 studs—$27.

Rough—Deduct $3.

Fractional lengths under 8′, add $2.00 to corresponding grade. Compute footage on 8′ count.

(15) DRY DIMENSION S4S—A. D. S. (ROUGH, DEDUCT $3 PER M)

NO. 1 DIMENSION DRY S4S—PARS. 204 AND 208

	R/L 6/20′	Specified lengths									
		6′	8′	9′	10′	12′	14′	16′	18′	20′	22/24′
2 x 2″	99	$96	$99	$103	$100	$101	$102	$103	$104	$105	$109
2 x 3″	99	96	103	104	99	100	101	103	103	103	107
2 x 4″	99	96	101	103	99	100	101	103	103	103	107
2 x 6″	98	95	98	102	98	100	101	102	103	102	106
2 x 8″	98	95	98	102	98	102	102	101	101	101	106
2 x 10″	97	94	97	101	97	101	101	100	100	100	105
2 x 12″	97	94	97	101	97	100	101	102	102	102	105

(15) Dry Dimension S4S—A. D. S. (Rough, Deduct $3 Per M)—Continued

NO. 2 DIMENSION DRY S4S—PARS. 205 AND 209

	R/L 6/20′	Specified lengths								
		6′	8′	9′	10′	12′	14′	16′	18′	20′	22/24′
2 x 2″	$93	$90	$93	$97	$94	$95	$96	$97	$98	$99	$103
2 x 3″	93	90	97	97	93	94	95	97	97	97	101
2 x 4″	93	90	95	97	93	94	95	97	97	97	101
2 x 6″	92	89	92	96	92	94	95	96	97	96	100
2 x 8″	91	88	91	95	91	93	95	94	94	94	99
2 x 10″	90	87	90	94	90	94	94	93	93	93	98
2 x 12″	90	87	90	94	90	93	94	95	95	95	98

NO. 3 DIMENSION DRY S4S—PAR. 206

2 x 2″	$73	$70	$73	$77	$74	$75	$76	$77	$78	$79	$83
2 x 3″	73	70	77	77	73	74	75	77	77	77	81
2 x 4″	73	70	75	77	73	74	75	77	77	77	81
2 x 6″	71	68	71	75	71	73	74	75	76	75	79
2 x 8″	71	68	71	75	71	75	75	74	74	74	79
2 x 10″	68	65	68	72	68	72	72	71	71	71	76
2 x 12″	68	65	68	72	68	71	72	73	73	73	76

NO. 4 DIMENSION DRY S4S—PAR. 207

2 x 3″	$39										
2 x 4″	39										
2 x 6″	37										
2 x 8″	37										
2 x 10″	37										
2 x 12″	37										

SELECT STRUCTURAL DRY S4S—PAR. 202

2 x 2″	$109	$106	$109	$113	$110	$111	$112	$113	$114	$115	$119
2 x 3″	109	106	113	113	109	110	111	113	113	113	117
2 x 4″	109	106	111	113	109	110	111	113	113	113	117
2 x 6″	111	108	111	115	111	113	114	115	116	115	119
2 x 8″	111	108	111	115	111	115	115	114	114	114	119
2 x 10″	116	113	116	125	116	125	120	119	119	119	124
2 x 12″	121	118	121	125	121	124	125	126	126	126	129

NO. 1 PERMITTING UP TO 25 PERCENT NO. 2 DRY S4S

2 x 2″	$96	$93	$96	$100	$97	$98	$99	$100	$101	$102	$106
2 x 3″	96	93	100	100	96	97	98	100	100	100	104
2 x 4″	96	93	98	100	96	97	98	100	100	100	104
2 x 6″	95	92	95	99	95	97	98	99	100	99	103
2 x 8″	95	92	95	99	95	99	99	98	98	98	103
2 x 10″	94	91	94	98	94	98	98	97	97	97	102
2 x 12″	94	91	94	98	94	97	98	99	99	99	102

8′ Studs S4S A. L. S.

No. 1 and better permitting up to 25 percent No. 2 and including 15 percent No. 3—$88.
No. 2 and better—$91.
No. 3—$70.
No. 4—$32.
Regular loading random length is 6′ to 20′.
For S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E, A. L. S., price the same as S4S, A. L. S. except when orders call for one grade only when an addition of $4.00 per M BM may be made to the price of S4S.
Scaffold plank (rought only), paragraph 315 8″ and wider, add $60.00 per M BM to the rough select structural price.
Barge framing (paragraph 308) add $5.00 to price of select structural of corresponding size.
Barge planking and decking (par. 309) add $15.00 to price of select structural of corresponding size.
Surfaced ¼″ off or to American Lumber Industrial Standards, add $3.00 per M to the price of the same grade, width, and length.
Lengths: Fractional lengths under 8′ add $2.00 per M to corresponding grade and compute footage on 8′ count.
Accumulated 4′ and/or 5′ No. 2 and higher grades sold separately or in R/L shipments.
Deduct $20 from the 6/20′ price of corresponding size and grade; for No. 3 charge same price as for No. 4 random lengths.
Omitting length in R/L (6/20′) loading: Omitting 6′ or 6′ and 8′, or 6′ and 8′ and 10′, add to the 6/20′ price of same size and grade $3.00 per M BM; omitting 12′ and shorter use specified length price.

For specified even lengths longer than 24′, add $3.00 per MBM to the 24′ price of the same size and grade for each two feet longer than 24′.
For specified average R/L: Where an average length is specified in any random length order, the price shall be the specified length price of the length specified as an average and no addition may be made for omission of short lengths in a R/L loading.
When any random length shipment includes lengths over 20′, and no average is specified if the inclusion of lengths longer than 20′ is at shipper's option, the 6/20′ price shall apply to all lengths; however, if buyer's order definitely requires the inclusion of lengths longer than 20′ or the order is for random lengths all longer than 20′, such lengths shall be priced as follows:
For 22′ and 24′, add $8.00 per MBM to the 6/20′ price, for these lengths only.
For 26′ and 28′, add $12.00 per MBM to the 6/20′ price, for these lengths only.
For 30′ and 32′ or longer, add $16.00 per MBM to the 6/20′ price, for these lengths only.
Widths: Wider than 12″—Add $4.00 for each 2″ wider than 12″ for the same size and grade. Odd or fractional widths, except 3″, add $5.00 to price of next wider even width and compute footage on nominal rough measurements of the odd or fractional width.
Thickness: Fractional thicknesses over 2″ and under 3″, add $5.00 to price of 3″ of corresponding width and compute footage on nominal rough measurement of the fractional thickness.
Dense grain, for paragraph 224, add $12.50 per M.
For rough dimension, dry or green: Deduct $3.00 per M.
Bundling: Add $3.00 per M.
Center matched, flooring, outgaged and other patterns: First add grade differentials then add the following specified working charge:

	Green or dry S2S and CM or shiplap	Green or dry flooring, outgaged or other patterns
2″ thickness—no droppings allowed	$5.00	$10.00
2″ thickness—droppings allowed	3.00	5.00

Ripping or resawing:
Not diagonal or tapered—for 2 x 4 add $4 per M
For 2 x 6 and wider add $3 per M } Product of the piece to be shipped.
Diagonal or tapered resawing add $10 per M

(16) Green Plank and Small Timbers

[For rough deduct $2 per M]

SELECT STRUCTURAL GREEN S4S A. L. S.—PAR. 202

	Random lengths				Specified lengths			
	8/20′	22/24′	26/32′	34/40′	20′ and shorter	22/24′	26/32′	34/40′
3 x 3″	$112	$118.25	$125.75	$138.25	$117	$123.25	$130.75	$143.25
3 x 4″	112	119.50	127.00	137.00	117	124.50	132.00	142.00
3 x 6″ and 8″	110	115.00	118.75	126.25	115	120.00	123.75	131.25
3 x 10″ and 12″	109	114.00	117.75	124.00	114	119.00	122.75	129.00
4 x 4″	112	117.00	122.00	130.75	117	122.00	127.00	135.75
4 x 6″ and 8″	110	115.00	118.75	126.25	115	120.00	123.75	131.25
4 x 10″ and 12″	107	112.00	115.75	123.25	112	117.00	120.75	128.25

NO. 1 GREEN S4S A. L. S.

3 x 3″	$97	$103.25	$110.75	$123.25	$99.50	$105.75	$113.25	$125.75
3 x 4″	97	104.50	112.00	122.00	99.50	107.00	114.50	124.50
3 x 10″ x 12″	94	99.00	102.75	109.00	96.50	101.50	105.25	111.50
3 x 6″ and 8″	95	100.00	103.75	111.25	97.50	102.50	106.25	113.75
4 x 4″	97	102.00	107.00	115.75	99.50	104.50	109.50	118.25
4 x 6″ and 8″	95	100.00	103.75	111.25	97.50	102.50	106.25	113.75
4 x 10″ and 12″	92	97.00	100.75	108.25	94.50	99.50	103.25	110.75

NO. 2 (NO. 1 MINING) GREEN S4S A. L. S.

3 x 3″	$93	$99.25	$106.75	$119.25	$95.50	$101.75	$109.25	$121.75
3 x 4″	93	100.50	108.00	118.00	95.50	103.00	110.50	120.50
3 x 6″ and 8″	91	96.00	99.75	107.25	93.50	98.50	102.25	109.75
3 x 10″ x 12″	90	95.00	98.75	105.00	92.50	97.50	101.25	107.50
4 x 4″	93	98.00	103.00	111.75	95.50	100.50	105.50	114.25
4 x 6″ x 8″	91	96.00	99.75	107.25	93.50	98.50	102.25	109.75
4 x 10″ x 12″	88	93.00	96.75	104.25	90.50	95.50	99.25	106.75

(16) Green Plank and Small Timbers—Continued

NO. 3 GREEN S4S A. L. S.

	Random lengths				Specified lengths			
	8/20′	22/24′	26/32′	34/40′	20′ and shorter	22/24′	26/32′	34/40′
3 x 3″	$68	$74.25	$81.75	$94.25	$70.50	$76.75	$84.25	$96.75
3 x 4″	68	75.50	83.00	93.00	70.50	78.00	85.50	95.50
3 x 6″ x 8″	66	71.00	74.75	82.25	68.50	73.50	77.25	84.75
3 x 10″ x 12″	65	70.00	74.75	80.00	67.50	72.50	76.25	82.50
4 x 4″	68	73.00	78.00	86.75	70.50	75.50	80.50	89.25
4 x 6″ x 8″	66	71.00	74.75	82.25	68.50	73.50	77.25	84.75
4 x 10″ x 12″	63	68.00	71.75	79.25	65.50	70.50	74.25	81.75

No. 4—See notation below.

NO. 1 PERMITTING UP TO 25 PERCENT NO. 2 GREEN S4S A. L. S.

3 x 3″	$95	$101.25	$108.75	$121.25	$97.50	$103.75	$111.25	$123.75
3 x 4″	95	102.50	110.00	120.00	97.50	105.00	112.50	122.50
3 x 6″ and 8″	93	98.00	101.75	109.25	95.50	100.50	104.25	111.75
3 x 10″ and 12″	92	97.00	100.75	107.00	94.50	99.50	103.25	109.50
4 x 4″	95	100.00	105.00	113.75	97.50	102.50	107.50	116.25
4 x 6″ x 8″	93	98.00	101.75	109.25	95.50	100.50	104.25	111.75
4 x 10″ and 12″	90	95.00	98.75	106.25	92.50	97.50	101.25	108.75

No. 4 (all species covered by this regulation) rough or surfaced, dry or green—AW-AL $40.00 per M. Use green weights.
For plank and small timbers sold on basis of No. 1 permitting up to 25 percent No. 2 and including 15 percent No. 3 (percentage of grades to be guaranteed) deduct $5.25 per M from the No. 1 price of corresponding size.

Notes applying to green plank and small timbers

Regular loading random length is 8′ to 20′.
Dry—Add $30.00 per M to the same size, length and grade.
Working: For surfacing to A. L. S., S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E—Same price as S4S.
Surfacing ¼″ off, add $3.00 per M to A. L. S. surfaced price of the same grade, size and length.
Shiplap, T & G, grooved for splines: 3″—Add $9.00 per M to surfaced price. 4″ add $12.00 per M to surfaced price.
Outgaged—Add $7.50 per M to surfaced price.
Diagonal or tapered resawing—Add $10.00 per M.
Surfacing lengths longer than 40′—Add $1.00 per lineal foot for each additional foot over 40′.
Surfacing wider than 12″—Add $6.00 per M to the 12″ price of same size and grade.
Lengths: For accumulated 4′, 5′ and/or 6′ No. 1 and higher grades, sold separately or in R/L shipments, deduct $20.00 from the 8/20′ price of corresponding grade; for No. 2 and No. 3—Charge same price as for No. 4 random lengths.
For omitting short lengths in R/L loading, 20′ and shorter—Add to the R/L price of the same size and grade (applies to all grades):
8′ and/or 10′—$2.00.
12′ and shorter—$4.00.
14′ and shorter—Specified length price of length shipped.
Omitting lengths in price groups longer than 20′, add to the R/L group price (applies to No. 1 and lower grades):
Omitting 1 length—$2.00.
Omitting 2 lengths—$4.00.
Omitting 3 lengths—Specified length price of lengths shipped.
For omitting lengths longer than 20′, in select structural and higher grades, within a R/L group—Add to the R/L group price:
For omitting one to two lengths in one group—Add $4.00 per M to the R/L group price.
For omitting any three or more lengths in one group, use specified length price of the lengths shipped.
For omitting any lengths in R/L groups covering more than one length bracket, the additions permitted for omitting any length or lengths in the previous notes may be made only within the bracket from which the lengths have been omitted.
Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40′, the maximum price shall be the specified length price of the average length specified. In this case no addition may be made for omission of any lengths as permitted under other notes.
If the average specified is an odd length, the price of the next higher even length shall apply.
Widths: Odd or fractional widths under 12″ not listed add $3.00 to price of nearest even width and compute footage on nominal rough measurement of the odd or fractional width.
Widths wider than 12″, add $3.00 per M for each additional 2″ or fraction thereof to the 12″ price of corresponding thickness. Compute footage under this note on nominal rough measure.
Thickness: Fractional thicknesses between 3″ and 4″, price same as 4″ of corresponding width.
Fractional or odd thicknesses over 1″ and including 3″ add $3.00 to 4″ price of corresponding width; over 3″ and under 6″ add $3.00 to 6″ price of corresponding width in Table (25), this paragraph. Compute odd or fractional thicknesses on nominal rough measurement of the odd or fractional thickness.
Windmill stock, paragraph 172: Use select structural price plus additions for FONC.
Barge framing, paragraph 308, add $5.00 to select structural price of corresponding size.
Barge planking and decking, paragraph 309—Add $15.00 per M to select structural price of same size.
Scaffold plank (rough only), paragraph 315, 8″ and wider, add $60.00 per M BM to the rough select structural price of corresponding size.

(17) Timbers

SELECT STRUCTURAL GREEN ROUGH—PARS. 212 AND 216

	Random lengths			Specified lengths		
	8/20′	22/30′	32/40′	20′ and shorter	22/30′	32/40′
6 x 6″ and 6 x 8″	109	114	118	113	118	122
6 x 10″ and 6 x 12″	108	113	117	112	117	121
8 x 8″	108	113	117	112	117	121
8 x 10″ and 8 x 12″	107	112	116	111	116	120
10 x 10″ and 10 x 12″	107	112	116	111	116	120
12 x 12″	107	112	116	111	116	120
6 x 14″ and 8 x 14″	112	122	126	116	132	136
6 x 16″ and 8 x 16″	117	127	131	121	137	141
6 x 18″ and 8 x 18″	122	132	136	126	142	146
10 x 14″ and 12 x 16″	109	114	118	113	118	122
10 x 16″	112	117	121	116	121	125
10 x 18″ and 12 x 18″	117	122	126	121	126	130
12 x 14″ and 14 x 14″	109	114	118	113	118	122
14 x 16″ and 16 x 16″	109	114	118	113	118	122
14 x 18″	114	119	123	118	123	127
16 x 18″	114	119	123	118	123	127
18 x 18″	112	117	121	116	121	125

NO. 1 GREEN ROUGH—PARS. 214 AND 218

6 x 6″ and 6 x 8″	$94	$99	$103	$98	$103	$107
6 x 10″ and 6 x 12″	93	98	102	97	102	106
8 x 8″	93	98	102	97	102	106
8 x 10″ and 8 x 12″	92	97	101	96	101	105
10 x 10″ and 10 x 12″	92	97	101	96	101	105
12 x 12″	92	97	101	96	101	105
6 x 14″ and 8 x 14″	97	107	111	101	117	121
6 x 16″ and 8 x 16″	102	112	116	106	122	126
6 x 18″ and 8 x 18″	107	117	121	111	127	131
10 x 14″ and 12 x 16″	94	99	103	98	103	107
10 x 16″	97	102	106	101	106	110
10 x 18″ and 12 x 18″	102	107	111	106	111	115
12 x 14″ and 14 x 14″	94	99	103	98	103	107
14 x 16″ and 16 x 16″	94	99	103	98	103	107
14 x 18″	99	104	108	103	108	112
16 x 18″	99	104	108	103	108	112
18 x 18″	97	102	106	101	106	110

NO. 2 (NO. 1 MINING) GREEN ROUGH—PAR. 219

6 x 6″ and 6 x 8″	$90	$95	$99	$94	$99	$103
6 x 10″ and 6 x 12″	89	94	98	93	98	102
8 x 8″	89	94	98	93	98	102
8 x 10″ and 8 x 12″	88	93	97	92	97	101
10 x 10″ and 10 x 12″	88	93	97	92	97	101
12 x 12″	88	93	97	92	97	101
6 x 14″ and 8 x 14″	93	103	107	97	113	117
6 x 16″ and 8 x 16″	98	108	112	102	118	122
6 x 18″ and 8 x 18″	103	113	117	107	123	127
10 x 14″ and 12 x 16″	90	95	99	94	99	103
10 x 16″	93	98	102	97	102	106
10 x 18″ and 12 x 18″	98	103	107	102	107	111
12 x 14″ and 14 x 14″	90	95	99	94	99	103
14 x 16″ and 16 x 16″	90	95	99	94	99	103
14 x 18″	95	100	104	99	104	108
16 x 18″	95	100	104	99	104	108
18 x 18″	93	98	102	97	102	106

(17) TIMBERS—Continued

NO. 3 GREEN ROUGH—PAR. 220

	Random lengths			Specified lengths		
	8/20′	22/30′	32/40′	20′ and shorter	22/30′	32/40′
6 x 6″ and 6 x 8″	$69	$74	$78	$73	$78	$82
6 x 10″ and 6 x 12″	68	73	77	72	77	81
8 x 8″	68	73	77	72	77	81
8 x 10″ and 8 x 12″	67	72	76	71	76	80
10 x 10″ and 10 x 12″	67	72	76	71	76	80
12 x 12″	67	72	76	71	76	80
6 x 14″ and 8 x 14″	72	82	86	76	92	96
6 x 16″ and 8 x 16″	77	87	91	81	97	101
6 x 18″ and 8 x 18″	82	92	96	86	102	106
10 x 14″ and 12 x 16″	69	74	78	73	78	82
10 x 16″	72	77	81	76	81	85
10 x 18″ and 12 x 18″	77	82	86	81	86	90
12 x 14″ and 14 x 14″	69	74	78	73	78	82
14 x 16″ and 16 x 16″	69	74	78	73	78	82
14 x 18″	74	79	83	78	83	87
16 x 18″	74	79	83	78	83	87
18 x 18″	72	77	81	76	81	85

NO. 1 GREEN ROUGH—PERMITTING UP TO 25 PERCENT NO. 2

6 x 6″ and 6 x 8″	$92	$97	$101	$96	$101	$105
6 x 10″ and 6 x 12″	91	96	100	95	100	104
8 x 8″	91	96	100	95	100	104
8 x 10″ and 8 x 12″	90	95	99	94	99	103
10 x 10″ and 10 x 12″	90	95	99	94	99	103
12 x 12″	90	95	99	94	99	103
6 x 14″ and 8 x 14″	95	105	109	99	115	119
6 x 16″ and 8 x 16″	100	110	114	104	120	124
6 x 18″ and 8 x 18″	105	115	119	109	125	129
10 x 14″ and 12 x 16″	92	97	101	96	101	105
10 x 16″	95	100	104	99	104	108
10 x 18″ and 12 x 18″	100	105	109	104	109	113
12 x 14″ and 14 x 14″	92	97	101	96	101	105
14 x 16″ and 16 x 16″	92	97	101	96	101	105
14 x 18″	97	102	106	101	106	110
16 x 18″	97	102	106	101	106	110
18 x 18″	95	100	104	99	106	108

No. 4 (all species covered by this regulation) 6 x 6 and larger, A. L. rough or dressed, dry or green, $32. Use green weights.

Notes applying to timbers—table (17)

Workings: Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E and S4S A. L. S. 6 x 6 to 16 x 16″ add $6.00 per M; if thicker than 16″ or wider than 20″ add $15.00 per M.

Surfacing ½″ off—Add $3.00 per M to price of the same surfaced A. L. S. grade, width and length.

Surfacing lengths longer than 40′—Add $1.00 per M per lineal foot for each additional foot over 40′.

Lengths: For accumulated 4′, 5′ and/or 6′ No. 1 and higher grades, sold separately or in R/L shipments, deduct $20.00 per MBM from the price of S/20′ of corresponding grade; for No. 2 and No. 3, charge same price as for No. 4 R/L.

For omitting short lengths in R/L loading, 20′ and shorter—Add to the R/L price of the same size and grade (applies to all grades):

8′ and/or 10′—$1.00.
12′ and shorter—$3.00.
14′ and shorter—Specified length price of lengths shipped.

Omitting lengths in price groups longer than 20′, add to the R/L group price (applies to No. 1 and lower grades):

Omitting 1 length—$2.00.
Omitting 2 lengths—$4.90.
Omitting 3 lengths—Specified length price of lengths shipped.

For omitting lengths longer than 20′ in select structural, and higher grades within a R/L group—Add to the R/L group price:

For omitting one or two lengths in one group—Add $4.00 per M to the R/L group price.

For omitting any three or more lengths in one group, use specified length price of the lengths shipped.

For omitting any lengths in R/L groups covering more than one length bracket, the addition permitted for omission of any length or lengths may be made only within the bracket from which lengths have been omitted but such additions to the 8/20′ brackets may not result in a price higher than the bracket price for 22/30′.

Specified average length: Where an average length is named in a random length specification covering one or more price brackets which include no lengths over 40′, the maximum price shall be the specified length price of the average length specified.

If the specification includes lengths over 40′, the price shall be the same as if no average length was required.

No addition may be made for omission of any length or lengths as covered by footnotes above in either case.

If the average specified is an odd length, the price of the next higher even length shall apply.

Widths: Odd or fractional widths not listed (within listed widths) add $4.00 per M to price of next wider even width. Compute footage on nominal rough measure, of the odd or fractional width.

Thickness: Odd or fractional thicknesses not listed—Add $4.00 per M to the next larger listed even thickness. Compute footage on nominal rough measure of the odd or fractional thickness.

Barge framing, paragraph 308—Add $5.00 to price of select structural of corresponding size.

Barge planking and decking, paragraph 309—Add $15.00 per M to price of select structural of corresponding size.

For timbers over 40 feet, add $5.00 per foot up to and including 50′. Timbers longer than 50 feet are special transactions, and application must be made under Sec. 24 of this regulation for a ceiling price.

(18) SHIP DECKING, PAR. 310 AND MARGIN PIECES WHEN GRADED UNDER PAR. 312, ROUGH GREEN

	8/40, average 12′	10/40, average 14′	12/40, average 16′	14/40, average 18′	16/40, average 20′	18/40, average 22′	20/40, average 24′	22/40, average 26′	24/40, average 28′	26/40, average 30′	28/40, average 32′	30/40, average 34′	32/40, average 36′	34/40	36/40
1 x 3	$307	$317	$322	$327	$337	$347	$357	$367	------	------	------	------	------	------	------
1 x 4	257	267	272	277	287	297	307	317	------	------	------	------	------	------	------
1 x 5	282	292	297	302	312	322	332	342	------	------	------	------	------	------	------
1 x 6	272	282	287	292	302	312	322	332	------	------	------	------	------	------	------
2 x 3	257	267	272	277	287	297	307	317	$332	$347	$382	$407	$432	$457	$507
2 x 4	247	257	262	267	277	287	297	307	332	357	382	407	432	457	507
2 x 5	252	262	267	272	282	292	302	312	307	332	357	382	407	432	457
2 x 6	242	252	257	262	272	282	292	302	307	332	357	382	407	432	457
3 x 3	267	277	282	287	297	307	317	327	342	367	392	417	442	467	517
3 x 4	257	267	272	277	287	297	307	317	332	357	382	407	432	457	507
3 x 5	267	277	282	287	297	307	317	327	342	367	392	417	442	467	517
3 x 6	267	277	282	287	297	307	317	327	342	367	392	417	442	467	517
4 x 4	257	267	272	277	287	297	307	317	332	357	382	407	432	457	507
4 x 5	267	277	282	287	297	307	317	327	342	367	392	417	442	467	517
4 x 6	267	277	282	287	297	307	317	327	342	367	392	417	442	467	517

Notes applying to ship decking

For specified lengths 12′ and over and including 34′, add $20 per MBM to the corresponding average length price listed above. Specified lengths 36′ to 40′ shall be priced at the 34′ specified length price.

	8/40	10/40	12/40	14/40	16/40	18/40	20/40	22/40	24/40	26/40	28/40	30/40
For 14′ average add	$17	------	------	------	------	------	------	------	------	------	------	------
For 16′ average add	27	$17	------	------	------	------	------	------	------	------	------	------
For 18′ average add	37	27	$22	------	------	------	------	------	------	------	------	------
For 20′ average add	47	37	32	$27	------	------	------	------	------	------	------	------
For 22′ average add	57	47	42	37	$27	------	------	------	------	------	------	------
For 24′ average add	67	57	52	47	37	$27	------	------	------	------	------	------
For 26′ average add	77	67	62	57	47	37	$27	------	------	------	------	------
For 28′ average add	87	77	72	67	57	47	37	$27	------	------	------	------
For 30′ average add	97	87	82	77	67	57	47	37	$22	------	------	------
For 32′ average add	107	97	92	87	77	67	57	47	32	$17	------	------
For 34′ average add	117	107	102	97	87	77	67	57	42	27	$17	------
For 36′ average add	127	117	112	107	97	87	77	67	52	37	27	$17

Where maximum length of any specification is reduced to—

32′—deduct $5.00.
30′—deduct $5.00.
28′—deduct $5.00.
26′—deduct $5.00.
24′—deduct $10.00.
22′—deduct $10.00.
20′—deduct $15.000.

Surfacing S1S, S2S, S3S, or S4S, green or dry: Add $7.50 per M to rough price.

Combined surfacing and outgauging: Add $15.00 per M to the rough price.

Lengths: Specified fractional and odd—Add $7.50 per M to the specified price of, and compute footage on next longer even length.

Longer than 40: Add $10.00 per M for each foot or fraction thereof to the 40′ specified length price. Compute footage on actual length.

Widths: Fractional—Add $15.00 per M to next narrower listed width and compute footage on actual size.

Wider than those listed: Up to and including 10″—Add $10.00 per inch to 6″ price. Wider than 10″—Add $15.00 per inch to 6″ price.

Thickness: Even thickness thicker than listed—Add $20.00 per M to the thickest listed thickness of the same width and length.

Thicknesses: Fractional—Add $15.00 per M to next less listed thickness and compute footage on actual size.

Dry decking: 2″ thick and under—Add $30.00 per M; over 2″—Add $50.00 per M.

"C" grade ship decking (as now established by the West Coast Bureau of Grades and Inspection) deduct $20.00 per M from paragraph 310 prices.

Waiving sap limitation, paragraph 230, deduct $10.00 per M from the same size and length.

General notes. (a) Additions to ceiling prices for the special provisions permitted by this paragraph may be made only when the special provisions are specifically requested by the buyer, and when they are not included in the requested grade in order to satisfy the standards set forth in Standard Grading and Dressing Rules No. 14, issued by the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947. When additions are made for Paragraphs 222, 223, 224, 225, 227, and 229, the seller must retain a copy and furnish the buyer with an official certificate of grade by either the West Coast Bureau of Lumber Grades and Inspection, the Pacific Lumber Inspection Bureau, A. M. Hickox Inspection Service, Inc., Portland, Oregon, or by A. E. Green, Eugene, Oregon. This certificate must be attached to the original invoice, except on truck orders involving more than one shipment where a certificate must be furnished either upon completion of the order or at the end of every 30-day period during the time of shipment on such specific order. This rule applies regardless of quantity, except that an order for less than 20,000 board feet for truck shipment direct to the job may be covered by mill certificate only.

(b) *Grain.* Where grain paragraphs may be applied to grade paragraphs in accordance with rules No. 14, the the following additions may be made to the applicable ceiling prices:

For Paragraph 222—$2.50 Per M.
For Paragraph 223—$5.00 Per M.
For Paragraph 224—$12.50 Per M.

(c) *Heartwood. (When specified in grades of No. 1 and Better, three inches and thicker).* (i) Eighty-five percent Heartwood, Paragraph 225 (b) and (c)—$4.00 per M may be added to the applicable ceiling price of same size, length, and grade.

(ii) Eighty-five percent Heartwood, Paragraphs 212 and 216—$2.50 per M may be added to the applicable ceiling price of same size, length, and grade.

(iii) Ninety percent Heartwood, paragraph 225 (c) and (f)—$6.00 per M may be added to the applicable ceiling price of same size, length, and grade.

(iv) Ninety percent heartwood, paragraph 212 and 216—$5.00 per M may be added to the applicable ceiling price of same length and grade.

(d) *F. O. B. C.* For all lengths, you may add the amounts shown below to the ceiling prices for the indicated sizes of No. 1 and select structural grades:

	No. 1	Select structural
3 x 10 and 3 x 12	$1.50	$1.50
3 x 14 and 3 x 16	2.50	2.50
3 x 18	5.00	5.00
4 x 10 and 4 x 12	1.50	1.50
4 x 14 and 4 x 16	2.50	2.50
4 x 18	5.00	5.00
6 x 6 and 6 x 8	4.50	4.50
6 x 10 and 6 x 12	6.50	6.50
6 x 14	7.50	5.00
6 x 16	12.50	9.00
6 x 18	15.00	11.50
8 x 8	6.50	4.50
8 x 10 and 8 x 12	10.00	5.00
8 x 14	11.50	7.50
8 x 16	15.00	12.50
8 x 18	20.00	15.00
10 x 10 and 10 x 12	17.50	12.50
10 x 14	20.00	15.00
10 x 16	22.50	17.50
10 x 18	26.50	21.50
12 x 12	22.50	17.50
12 x 14	25.00	20.00
12 x 16	30.00	25.00
14 x 14	33.00	30.00

(i) Timbers wider or thicker than listed—$1.50 per M may be added to the applicable ceiling price for each two inches wider or thicker than listed.

(ii) Odd size timbers not listed—you may add half the difference in amount between the nearest listed larger and smaller sizes to the ceiling price for the small size.

(iii) For grades shown in paragraphs 422, 423, 424, 308, 309 (thicknesses over four inches only), and 315—you may make the same additions as for select structural.

(i) *Working charges.* The following working charges may be added to the ceiling price of surfaced lumber of the same size, length, and grade:

	Outgaging		
	6 x 6 to 16 x 20	Over 16 x 20 to 24 x 30	Larger than 24 x 30
40′ and shorter	$5.00	$10.00	$25.00
41′ to 60′	7.50	12.50	25.00
61′ to 80′	10.00	15.00	25.00
81′ and longer	15.00	20.00	25.00
	T & G grooving or saw sizing		
40′ and shorter	$7.50	$12.50	$25.00
41′ to 60′	10.00	15.00	25.00
61′ to 80′	12.50	17.50	25.00
81′ and longer	17.50	22.50	25.00
	Diagonal and/or taper resawing		
40′ and shorter	$12.50	$25.00	$37.50
41′ to 60′	15.00	27.50	37.50
61′ to 80′	17.50	30.00	37.50
81′ and longer	25.00	37.50	37.50

(5) *Log cabin siding.* (i) All grades one inch and two inches—you may add $15.00 per M to the ceiling price of the same grade, size, and seasoning.

(ii) All grades three inches—you may add $18.00 per M to the ceiling price of the same grade, size, and seasoning.

(iii) Machine droppings—you may include up to 15 percent at $10.00 per M less than the ceiling price for the grade ordered.

(iv) For less than 3 MBM—you may add a flat set-up charge of $15.00 to the applicable ceiling prices.

(b) The board measure of dressed lumber must be based upon the corresponding dimensions of rough green lumber. No lumber may be sold on less than one inch count unless otherwise specifically stated in the regulation.

(c) No addition may be made for "hit or miss" dressing. Where an addition is authorized in any table for surfacing ¼″ off or for Industrial Standard sizes, such addition is the maximum addition that may be made to the American Lumber Standard surfaced price for any surfacing thicker or wider than American Lumber Standard sizes. If a ceiling price table does not provide an addition for surfacing ¼″ off or to industrial standard sizes, an addition of $5.00 per M/BM may be made to the applicable ceiling prices for surfacing thicker or wider than the American Lumber Standard; this addition may be made only if the ceiling price table addition for surfacing is specifically for American Lumber Standard sizes. This addition may not be made for "hit or miss" surfacing, or when machine is set for both width and thickness to full nominal rough size as shown in Standard Grading and Dressing Rules No. 14.

(d) Bundling: You may add $3.00 per M to the board and dimension ceiling prices.

(e) Banding or strapping: When requested by the buyer, you may add $2.50 per M to the ceiling prices.

(f) Stencilling: On 10 percent or more pieces, bundles, or packages of any shipment to an extent beyond grade marking and/or the simple identification of pieces or lots, when requested by the buyer, you may add $1.50 per M to the ceiling prices. This addition may not be made for grade marking or for grade or lot identification even though a stencil is employed for such marking.

(g) Surfacing: For any surfacing that does not remove the item surfaced from being classified as rough lumber insofar as the table of established weights is concerned, no charge may be made for surfacing if rough weight is made for surfacing if rough weight is used in computing delivered prices. Alternatively, a seller may charge for surfacing, if permitted by Appendix A price tables, but the freight charges must be computed on net surfaced size under "Shipping Weight Formula for Sizes not Listed."

(h) Open car loading: When requested by the buyer and when the material is of a type ordinarily loaded in box cars, a flat charge of $15.00 per car may be made. This charge covers the cost of stakes and all other material required to secure the load firmly. Timbers six inches thick, wider than eight inches and all timbers thicker than six inches are not subject to this charge.

(i) Packaging in sling lots: When material is loaded on open cars, as permitted in paragraph (h) hereof, and, when requested by the buyer, is packaged in sling lots or otherwise whereby the load is divided into individual parcels for the purpose of facilitating mechanical unloading, an additional flat charge of $15.00 per car may be made to cover the cost of all labor and material used in the packaging.

[F. R. Doc. 52-10074; Filed, Sept. 11, 1952; 4:39 p. m.]

[Ceiling Price Regulation 31, Amdt. 14]

CPR 31—IMPORTS

INCLUSION OF TIN IN APPENDIX A (5)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 14 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

When the United States Government ceased to be the sole importer of tin on August 1, 1952, Appendix A (3) of CPR 31 was amended (Amendment 13 effective August 21) to give clear effect to this change.

The effect of this amendment clarifying the coverage of CPR 31 required application by importers and wholesalers of tin of the margin technique for establishing ceiling prices for imported tin.

It has been called to the attention of the Office of Price Stabilization, however, that present CPR 31 pricing techniques are not satisfactory in the case of tin because of the particular circumstances surrounding its importation and marketing in the United States. It is, therefore, considered appropriate that application of the margin technique of CPR 31 to imported tin should be withheld pending further study. Inasmuch as the private importation of tin has been permitted only since August 1, it is not feasible to make a determination on the basis of data now available as to the full effect of CPR 31.

In the meantime, it is considered feasible to maintain as a level of ceiling price the offering price for tin of the Reconstruction Finance Corporation. The RFC presently maintains, and proposes to continue to maintain, a large stock pile of tin and is offering such tin to all buyers at $1.21½ per lb., f. o. b. New York, metal content. It presently has firm contracts covering the next two years for the importation of large quantities of tin. Under the circumstances, the standing offer of the RFC constitutes an effective market limitation on the maximum price for tin.

The fact that the RFC price may operate as an effective limit to upward movement of tin prices at the present time would not, of course, operate in and of itself as a determination of an appropriate ceiling price for imported tin at some lower level. It is considered appropriate, however, to use the RFC price as an interim measure of ceiling price for the time necessary to complete a comprehensive study.

The effect of this amendment is to exclude imported tin from the requirements of CPR 31 so long as the price charged by a seller does not exceed $1.21½ per pound, f. o. b. New York. This places importers and wholesalers of imported tin under the provisions of the General Ceiling Price Regulation so long as this condition exists. If a seller wishes to charge more than such ceiling price, he would automatically be required by the operation of this amendment to comply with the provisions of CPR 31 before he can make such a sale. He is not precluded, however, from establishing at any time a ceiling price under CPR 31 which is higher than the RFC offering price.

FINDINGS OF THE DIRECTOR

In view of the nature of this amendment, special circumstances have rendered extensive consultation with industry representatives, including representatives of trade associations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act

of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Appendix A of Ceiling Price Regulation 31 is amended by the addition of the following paragraph:

5. Any sale of the following important commodities is excepted from coverage by this regulation provided that the selling price does not exceed $1.21½ per pound, metal content, f. o. b. New York; however, a seller may choose to comply with the provisions of CPR 31 and calculate a ceiling price under that regulation even though such price may be higher than the $1.21½ per pound price:

Tin—metal, ore, concentrates, powder, scrap alloys------ 88, 382, 392, 1785, 1786.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 14 to Ceiling Price Regulation 31 shall become effective September 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10109; Filed, Sept. 12, 1952; 11:04 a. m.]

[Ceiling Price Regulation 24, Amdt. 19]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 19 to Ceiling Price Regulation 24, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 24 makes several substantive changes as well as certain clarifications and corrections of a minor nature.

1. In response to numerous requests from the meat trade, ceiling prices were established, in Amendment 15 to CPR 24, for certain specially trimmed strip loins and strip loin steaks. These newly defined products were normally used by hotels and restaurants that specialized in catering for large banquets and serving expensive meals. These hotels and restaurants could not use the fat and trimmings that would normally have to be trimmed off the regular loins and steaks, since they do not have the opportunity to serve ground beef or stew dishes to any substantial extent. Accordingly, prices were established for closely trimmed loins and steaks, so that the products could be utilized without further cutting or trimming. However, it must be recognized that the elimination of the excess fat and trimmings from these products necessitated a high ceiling price which put these products out of the reach of the average hotel or restaurant.

These closely trimmed loins and steaks should have been added to the pricing schedules in addition to the prices already contained therein. This would have given buyers and sellers an election so that they could deal in the type of product which they preferred. However, in amending the regulation, the new closely trimmed products were inserted in the pricing schedules in lieu of the regularly trimmed products. This amendment merely restores to the pricing schedules the regular strip loins and the steaks derived from such strip loins, for the benefit of those buyers who do not wish to handle the higher priced closely trimmed products.

The pricing schedules have been slightly rearranged to consolidate all of the fabricated cuts from each primal cut. Thus, all of the steaks have been brought together, and all of the ground beef prices have likewise been consolidated. The definitions in Appendix A have been rearranged to conform with the pricing schedules, and have been corrected slightly wherever necessary.

There were some instances where sellers began doing business after December 31, 1950, and consequently, did not have any 1950 history covering sales to purveyors of meals. This amendment enables those sellers who began doing business prior to the issuance of CPR 24 to qualify as hotel supply houses or combination distributors, as the case may be, on the basis of their sales made during the period from January 1, 1951 to April 30, 1951.

2. The definitions of cured and smoked tongues have been amended to conform more closely with industry practice. The ceiling prices for these tongues, originally calculated on the basis of the trim standards of the former definition, have been changed to reflect this change.

Dollars-and-cents ceiling prices have been established in Schedule VIII for barrel beef. This beef, which is normally exported to Canada and Newfoundland, consists mainly of plates of beef which are cured and packed in hardwood barrels. A new definition has also been added to cover this product.

3. The ceiling prices in Schedule VIII (B), section 27, on sales by non-slaughtering processors, hotel supply houses, combination distributors, and also peddler truck sales, to retailers, have been changed in order to reflect more accurately normal margins on these sales. The ceiling prices for dried beef in Schedule VIII (B) have also been changed to reflect more closely normal selling margins.

4. Ceiling prices have been established for flake steaks in packages exceeding one pound in weight. Heretofore only packages weighing one pound or less were priced in section 28.

Inasmuch as a large number of reports have been filed pursuant to section 4 (c) for certain specialty beef products which are very similar to each other, the Director of Price Stabilization has deemed it advisable to establish a specific dollars-and-cents ceiling price for these products. Therefore, a new item called "dinner steaks", and defined in Appendix 8 (f) (8), is added to Schedule IX. However, a seller who already established a ceiling price for this item under Supplementary Regulation 61 to the General Ceiling Price Regulation may at his option retain this latter ceiling price.

5. The definitions of "combination distributor" and "hotel supply house" have been revised to permit those sellers to qualify who did not make any sales during 1950, but who did make sales to purveyors of meals during the four month period from January 1, 1951, to April 30, 1951. Thus sellers who, in good faith, made a financial investment and began doing business with purveyors of meals, prior to the issuance of CPR 24, may now qualify as combination distributors or as hotel supply houses, as the case may be.

6. The definition of beef carcass has been changed to make clear that the spinal cord and the hanging tender may be removed.

7. The definition of dried beef which required the moisture content to be limited so that the resulting weight did not exceed 60 percent of the green weight, has been changed to permit the resulting weight to equal 65 percent of the green weight. This will conform more closely to industry practice.

8. That part of the definition of "wafer steak" pertaining to trimming which limited the fat content to 10 percent by chemical analysis has been changed to require that the steak contain not more than 10 percent of *trimmable* fat. This wil permit the use of better quality cuts than are normally used in making this product. To conform the definition to industry practice, the requirement that at least 3 slices be used in making the wafer steaks has been changed to require not less than 2 slices. Moreover, the weight classifications for wafer steaks in Schedule IX have been changed in order to make clear that different ceiling prices are established for consumer size and institutional size packages.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

In duplicate, with the appropriate District Office of the Office of Price Stabilization showing: (1) the total volume by weight of all meats including sausage, variety meats, and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950 but sales were made between January 1, 1951 and April 30, 1951, the sales made during this four-month period or 1951, may be reported in lieu of those specified herein for the year 1950.

No peddler truck seller shall make sales to purveyors of meals at the ceiling prices specified in this section 21 (b) until such seller shall have filed a statement, in duplicate with the appropriate District office of the Office of Price Stabilization showing: (1) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950, excluding sales to government agencies; (2) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950 to purveyors of meals; (3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950, but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

No hotel supply house shall make sales to purveyors of meals under this section 21 (a) until such selling establishment shall have filed a statement in duplicate with the appropriate District office of the Office of Price Stabilization showing: (1) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950, excluding sales to government agencies; (2) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950 to purveyors of meals; (3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950, but sales were made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (b)

Fabricated beef cuts	Prices by grade: Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	80.20	80.20	80.20	76.00	70.70
2. Boneless round	89.00	89.00	89.00	84.20	78.90
3. Boneless inside (top) and knuckle (face)	96.40	96.40	96.40	85.50	78.90
4. Boneless outside (bottom)	88.40	88.40	88.40	85.50	78.90
5. Boneless rump	74.90	74.90	74.90	69.70	68.70
6. Cross cut chuck, boneless round	87.20	87.20	87.20	82.00	72.80
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	108.40	108.40	103.80	73.60	72.80
9. Sirloin (bone-in)	76.70	76.70	72.70	63.00	62.20
10. Flank steak	98.20	98.20	98.20	76.20	75.30
11. Trimmed sirloin (boneless)	194.00	194.00	184.70	85.50	59.90
12. Bottom sirloin (boneless)	79.10	79.10	75.70	69.70	59.90
13. Regular strip loin (bone-in)	156.90	135.20	113.40	85.00	84.10
14. Regular strip loin (boneless)	198.20	170.70	143.10	107.20	106.00
15. Trimmed strip loin (bone-in)	215.70	194.80	153.60	113.10	111.80
16. Trimmed strip loin (boneless)	272.80	243.10	204.30	153.10	146.60
17. Tenderloin	174.80	164.90	155.50	132.40	130.60
18. Oven prepared rib	102.60	92.30	82.00	70.20	62.80
19. Boned, rolled, and tied rib	120.60	108.70	96.80	83.30	74.80
20. Regular short ribs	35.60	35.60	35.60	35.60	35.60
21. Trimmed short ribs	46.40	46.40	46.40	46.40	46.40
22. Boneless chuck (clod-in)	73.20	73.20	73.20	67.80	66.40
23. Boneless chuck (clod out)	70.00	70.00	70.00	64.80	63.50
24. Boneless clod	83.90	83.90	83.90	77.60	76.10
25. Boneless brisket (deckle off)	79.10	79.10	79.10	62.40	58.70
26. Boneless short plate	47.20	47.20	47.20	47.20	47.20
27. Cube steak	102.80	102.80	102.80	102.80	102.80
28. Flank steak	72.00	72.00	72.00	72.00	72.00
29. Sirloin steak (boneless)	104.20	98.70	93.20	80.10	79.00
30. Top sirloin steak (boneless)	134.10	127.00	119.90	103.10	101.70
31. Porterhouse—T Bone—Club Steaks	167.10	157.10	147.00	103.60	88.30
32. Regular steak (boneless)	215.30	178.20	156.30	112.60	111.40
33. Regular strip steak (bone-in)	191.00	161.30	131.60	118.80	117.40
34. Trimmed strip steak (bone-in)	252.80	232.10	201.30	118.10	116.40
35. Trimmed strip steak (boneless)	242.70	223.00	193.30	118.10	116.40
36. Regular ground beef (bulk)	68.70	68.70	68.70	68.70	68.70
37. Lean ground beef (bulk)[1]	68.70	68.70	68.70	68.70	68.70
38. Lean ground beef (patties)[1]	73.70	73.70	73.70	73.70	73.70
39. Lean ground beef (patties)[1]	69.80	69.80	69.80	69.80	69.80
40. Ground chuck	70.90	70.90	70.90	70.90	70.90
41. Boneless stewing beef					

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply this demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 21 is amended to read as follows:

SEC. 21. *Schedule II—Fabricated cuts.*[1] The prices listed in this section are for fabricated cuts from meat other than bull meat. No fabricated cut from bull meat may be sold.

Schedule II (a). *Sales of fabricated cuts by a hotel supply house or ship supplier to purveyors of meals.* No hotel supply house shall make sales to purveyors of meals under this section 21 (a) until such selling establishment shall have filed a statement in duplicate with the appropriate District office of the Office of Price Stabilization showing: (1) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950, excluding sales to government agencies; (2) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950 to purveyors of meals; (3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950, but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (a)

Fabricated beef cuts	Prices by grade: Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	82.60	82.60	82.60	79.10	72.80
2. Boneless round	91.50	91.50	91.50	86.70	80.10
3. Boneless insides (top) and knuckles (face)	98.10	98.10	98.10	88.10	81.30
4. Boneless outside (bottom)	91.10	91.10	91.10	88.10	81.30
5. Boneless rump	76.40	76.40	76.40	71.90	70.60
6. Cross cut chuck, boneless round	89.40	89.40	89.40	84.70	74.40
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	126.30	126.30	120.90	75.60	74.80
9. Sirloin (bone-in)	82.90	82.90	78.80	64.70	63.90
10. Flank steak	102.10	102.10	102.10	78.70	77.80
11. Trimmed sirloin (boneless)	132.30	132.30	117.50	101.00	95.60
12. Bottom sirloin (boneless)	81.30	77.10	72.70	62.50	61.60
13. Regular strip loin (bone-in)	161.20	138.90	116.50	87.30	86.40
14. Regular strip loin (boneless)	203.60	175.30	147.10	110.10	109.00
15. Trimmed strip loin (bone-in)	221.60	199.90	157.80	116.40	114.90
16. Trimmed strip loin (boneless)	279.80	249.10	209.30	157.10	150.50
17. Tenderloin	179.80	169.80	160.00	136.60	134.60
18. Oven prepared rib	105.60	94.80	84.40	72.30	64.70
19. Boned, rolled and tied rib	124.00	111.80	99.60	85.70	77.00
20. Regular short ribs	36.60	36.60	36.60	36.60	36.60
21. Trimmed short ribs	47.60	47.60	47.60	47.60	47.60
22. Boneless chuck (clod-in)	75.30	75.30	75.30	69.60	68.20
23. Boneless chuck (clod out)	71.90	71.90	71.90	66.60	65.20
24. Boneless clod	86.20	86.20	86.20	79.80	78.20
25. Boneless brisket (deckle off)	81.30	81.30	81.30	64.10	60.30
26. Boneless short plate	48.50	48.50	48.50	48.50	48.50
27. Cube steak	106.20	106.20	106.20	106.20	106.20
28. Flank steak	74.00	74.00	74.00	74.00	74.00
29. Sirloin steak (boneless)	107.20	101.50	95.80	82.40	81.30
30. Top sirloin steak (boneless)	137.90	130.70	123.40	106.10	104.60
31. Porterhouse—T Bone—Club Steaks	171.80	161.70	151.30	106.60	91.70
32. Regular steak (boneless)	221.30	183.20	160.80	115.80	114.60
33. Regular strip steak (bone-in)	196.50	166.00	135.30	122.20	120.80
34. Trimmed strip steak (bone-in)	259.80	239.10	207.10	152.40	150.30
35. Trimmed strip steak (boneless)	249.60	229.50	198.80	152.40	150.30
36. Regular ground beef (bulk)	70.50	70.50	70.50	70.50	70.50
37. Lean ground beef (bulk)[1]	70.50	70.50	70.50	70.50	70.50
38. Lean ground beef (patties)[1]	75.50	75.50	75.50	75.50	75.50
39. Lean ground beef (patties)[1]	71.70	71.70	71.70	71.70	71.70
40. Ground chuck	72.70	72.70	72.70	72.70	72.70
41. Boneless stewing beef					

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply this demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

SPECIAL ADJUSTMENTS

(1) If your place of business is located in Zone 4 (b), you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from prime and choice grade beef.

(2) You may add to the ceiling prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (d)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	74.70	74.70	74.70	71.60	65.80
2. Boneless round	82.90	82.90	82.90	78.40	72.50
3. Boneless inside (top) and knuckle (face)	84.20	84.20	84.20	79.80	74.00
4. Boneless outside (bottom)	85.70	85.70	85.70	81.50	75.50
5. Boneless rump	69.50	69.80	69.80	66.50	55.80
6. Gooseneck boneless round	81.00	81.00	81.00	76.70	71.00
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	115.20	101.60	87.90	83.60	68.30
9. Sirloin (bone-in)	72.60	67.70	62.80	71.00	70.10
10. Sirloin (boneless)	119.20	112.80	106.50	91.40	90.20
11. Rolled and tied sirloin (boneless)	73.80	69.80	65.90	68.60	65.80
12. Bottom sirloin (boneless)	146.40	126.50	106.10	100.50	98.50
13. Regular strip loin (bone-in)	181.90	172.20	162.70	150.20	104.00
14. Regular strip loin (boneless)	209.80	198.50	187.60	165.20	136.10
15. Trimmed strip loin (bone-in)	263.10	225.80	187.60	137.80	121.70
16. Trimmed strip loin (boneless)	164.30	154.00	144.00	123.30	98.10
17. Tenderloin	95.70	86.10	76.40	65.80	58.10
18. Oven prepared rib	112.60	101.80	90.90	77.60	68.10
19. Boned rolled and tied rib	52.80	47.50	42.40	32.80	32.80
20. Regular short ribs	42.40	42.40	42.40	42.40	42.40
21. Rump steak	68.50	68.50	68.50	63.40	62.10
22. Boneless chuck (clod-in)	65.50	65.50	65.50	62.60	62.00
23. Boneless chuck (clod-out)	78.10	73.10	68.10	67.60	62.10
24. Boneless clod	73.10	73.10	73.10	68.40	62.10
25. Boneless brisket (deckle-off)	39.70	39.70	39.70	39.70	39.70
26. Boneless short plate	95.00	95.00	95.00	95.00	95.00
27. Cube steak	67.50	67.50	67.50	67.50	67.50
28. Flank steak	97.30	97.30	97.30	74.60	74.60
29. Sirloin steak (boneless)	125.20	111.50	97.90	96.00	94.80
30. Top sirloin steak (boneless)	147.20	126.30	111.30	98.10	85.20
31. Porterhouse—T Bone—Club Steaks	153.70	132.80	111.40	93.50	82.50
32. Regular strip steak (boneless)	194.20	167.70	140.60	105.30	104.20
33. Regular strip steak (bone-in)	210.80	181.60	152.40	110.50	104.20
34. Trimmed strip steak (bone-in)	295.10	254.80	214.50	137.80	136.10
35. Trimmed strip steak (boneless)	174.30	150.20	126.00	55.00	55.00
36. Regular ground beef (bulk)	60.00	60.00	60.00	60.00	60.00
37. Regular ground beef (patties)	65.00	65.00	65.00	65.00	65.00
38. Regular ground beef (bulk) [1]	70.00	70.00	70.00	70.00	70.00
39. Lean ground beef (patties) [1]	65.30	65.30	65.30	65.30	65.30
40. Ground chuck	66.30	66.30	66.30	66.30	66.30
41. Boneless stewing beef	66.30	66.30	66.30	66.30	66.30

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

SPECIAL ADJUSTMENTS

(1) If you are a packer or packer branch house and you sell a fabricated cut of prime, choice, good or commercial grade of beef to a hotel supply house, combination distributor, packer, packer branch house, wholesaler or processor, you shall reduce the applicable ceiling price listed above by 3 percent (rounded to the nearest $0.10 per cwt.)

(2) If you are a packer or packer branch house and you sell a fabricated cut of prime, choice, good or commercial grade of beef to a non-slaughtering processor, you shall reduce the applicable ceiling price listed above by 4 percent (rounded to the nearest $0.10 per cwt.)

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

Schedule II (c). (1) Sales by all sellers of fabricated cuts to route truck sellers and to all buyers other than purveyors of meals, ship suppliers, retailers, or defense procurement agencies; and

(2) Sales by all sellers to retailers located in the territories and possessions of the United States or to defense procurement agencies (or their buying units) located outside of the 48 States of the United States and the District of Columbia.

SPECIAL ADJUSTMENTS

(1) If you sell to a ship supplier, you must sell at or below the prices specified in section 21 (c) of this regulation. If you sell to a person other than a ship supplier or a purveyor of meals, you must sell at or below the prices specified in section 21 (d).

(2) If your place of business is located in Zone 4 (b), you may add $2.00 per cwt. to the ceiling prices listed above on all fabricated cuts derived from prime and choice grade beef.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (c)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	77.00	77.00	77.00	74.60	68.60
2. Boneless round	85.40	85.40	85.40	81.00	75.50
3. Boneless inside (top) and knuckle (face)	87.70	87.70	87.70	82.90	76.50
4. Boneless outside (bottom)	85.70	85.70	85.70	83.60	80.80
5. Boneless rump	72.70	72.70	72.70	68.90	58.10
6. Gooseneck boneless round	84.40	84.40	84.40	79.90	74.00
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	119.00	105.50	91.90	87.60	70.80
9. Sirloin (bone-in)	75.60	70.70	65.80	74.00	73.00
10. Sirloin (boneless)	124.00	117.50	110.90	95.20	94.00
11. Rolled and tied sirloin (boneless)	76.80	72.70	68.60	68.90	68.10
12. Bottom sirloin (boneless)	152.50	131.60	110.50	104.50	102.50
13. Regular strip loin (bone-in)	189.20	179.50	169.20	156.20	108.40
14. Regular strip loin (boneless)	217.60	206.70	195.50	172.00	141.60
15. Trimmed strip loin (bone-in)	274.70	234.20	195.50	143.60	126.30
16. Trimmed strip loin (boneless)	171.00	160.30	150.30	128.40	102.80
17. Tenderloin	99.70	89.60	79.60	68.50	60.50
18. Oven prepared rib	117.30	105.60	94.50	80.60	72.00
19. Boned rolled and tied rib	54.70	49.10	44.10	34.10	34.10
20. Regular short ribs	44.10	44.10	44.10	44.70	44.70
21. Rump steak	71.20	71.20	71.20	65.80	64.60
22. Boneless chuck (clod-in)	68.10	68.10	68.10	65.00	64.60
23. Boneless chuck (clod-out)	81.60	76.40	71.20	70.30	64.60
24. Boneless clod	76.50	76.50	76.50	71.30	64.70
25. Boneless brisket (deckle-off)	41.20	41.20	41.20	41.20	41.20
26. Boneless short plate	99.50	99.50	99.50	99.50	99.50
27. Cube steak	70.00	70.00	70.00	70.10	70.10
28. Flank steak	101.20	101.20	101.20	77.30	77.30
29. Sirloin steak (boneless)	130.30	117.40	104.40	100.00	98.70
30. Top sirloin steak (boneless)	153.90	131.90	115.50	98.50	88.50
31. Porterhouse—T Bone—Club Steaks	160.20	138.10	115.80	85.70	85.80
32. Regular strip steak (bone-in)	202.40	174.30	146.20	109.40	108.30
33. Regular strip steak (boneless)	220.10	198.90	178.20	143.60	141.90
34. Trimmed strip steak (bone-in)	277.00	237.30	197.60	57.00	57.00
35. Trimmed strip steak (boneless)	62.00	62.00	62.00	62.00	62.00
36. Regular ground beef (bulk)	67.00	67.00	67.00	67.00	67.00
37. Regular ground beef (patties)	72.00	72.00	72.00	72.00	72.00
38. Lean ground beef (bulk) [1]	72.80	72.80	72.80	72.80	72.80
39. Lean ground beef (patties) [1]	67.80	67.80	67.80	67.80	67.80
40. Ground chuck	68.80	68.80	68.80	68.80	68.80
41. Boneless stewing beef	68.80	68.80	68.80	68.80	68.80

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

2. Section 27, Schedule VIII (A), is amended by changing the ceiling prices for item 5, Tongues, short cut, and by adding a new item 9, as follows:

Item	Ceiling prices in Zone 1	Prices in all other zones. [As used herein, the term "zone differential" means the zone differential allowance for the particular grade of beef used. The zone differentials are listed in Appendix 11. Round the price to the nearest 10 cents per hundredweight.]
(1)	(2)	(3)
5. Tongues, short cut:		
Cured	37.00	Zone 1 price plus 1.0 times zone differential
Smoked	50.00	
9. Barrel beef	33.50	Zone 1 price plus 1.0 times zone differential

3. Section 27 (b) is amended to read as follows:

(b) *For sales by non-slaughtering processors, hotel supply houses, combination distributors, and wholesalers,[1] and for peddler truck sales.*

[1] If you are a wholesaler, you may add $2.25 per hundredweight to the prices listed in column (2) above on sales to all buyers.

[All prices are on a dollars per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41 and 45 of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (b) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers, see footnote 2 below.]

SCHEDULE VIII (B)

(1)	Prices in Zone 1					Prices in all other zones (7)
	Sales by non-slaughtering processors	Sales by hotel supply houses		Sales by combination distributors and peddler truck sales		
	To all buyers [2] (2)	To purveyors of meals (3)	To other buyers [2] (4)	To purveyors of meals (5)	To other buyers [2] (6)	
1. Corned boneless brisket (deckle-on):						
Prime, choice, good	$59.80	$67.30	$62.30	$65.60	$62.30	The zone differential allowance for each item listed in this Schedule VIII (B) except kosher corned boneless brisket shall be the same as the zone differential allowance prescribed in Schedule VIII (A) column 3, and prices shall be rounded to the nearest 10 cents per hundredweight in the same manner. No zone differential allowance is permitted for kosher corned boneless briskets.
Commercial and utility	48.10	53.90	50.60	52.50	50.60	
2. Corned boneless brisket (deckle-off):						
Prime, choice, good	72.60	82.00	75.10	79.90	75.10	
Commercial and utility	57.90	65.10	60.40	63.40	60.40	
3. Corned boneless insides, outsides, knuckles, gooseneck rounds, or clods:						
Prime, choice, good	82.10	91.10	84.40	88.80	84.40	
Commercial and utility	75.30	86.50	77.50	84.20	77.50	
4. Corned boneless sirloin butts:						
Prime, choice, good	92.50	102.50	94.80	99.80	94.80	
Commercial and utility	77.20	85.30	79.60	83.10	79.50	
5. Tongues, short cut:						
a. Cured	38.00	42.00	42.00	42.00	42.00	
b. Smoked	51.20	57.50	55.00	56.00	55.00	
6. Dried beef:						
Bulk	120.30	136.60	127.20	133.00	127.20	
Sliced ¼ lb. pkg	146.00	167.90	152.50	163.50	152.50	
Sliced, other than ¼ lb. pkg	140.70	159.80	147.20	155.60	147.20	
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good	94.50	104.60	95.90	101.80	95.90	
8. Kosher pickled tongues, short cut	73.60	84.30	78.80	82.10	78.80	
9. Barrel beef	34.50	38.50	38.50	38.50	38.50	

[2] On sales to retailers, you must not charge more for any item listed above than the ceiling price for the item listed in this Schedule VIII (B), plus the applicable additions, if any, authorized in Sections 41 and 45 (or the amount provided in Item 1 under "Special Adjustments" to Schedule VIII (A) above). The prices established under Supplementary Regulation 61 to the General Ceiling Price Regulation may not be used in connection with sales to retailers. As used in this section the term "retailer" means a seller who purchases any of the items listed in this schedule for resale to ultimate consumers, without cooking or further processing.

4. Section 28 (a) is amended to read as follows:

SEC. 28. *Schedule IX—Specialty beef products, prefabricated, quick frozen, and packaged*—(a) *For all sales, except for those sales by distributors of frozen foods covered by section 28 (b) below.*

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. All prices are f. o. b. your selling establishment. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add any of the additions set forth in sections 42 through 49H. The ceiling prices established by this section 28 supersede the method for determining your ceiling prices set forth in section 4 (c) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below.]

Item	Price per cwt. in zone 1 [1]	Prices in all other zones
(1)	(2)	(3)
1. Wafer steaks:		
(a) 4 ounces or less package.	$110.50	The zone differentials for each item listed in this schedule IX shall be the same as the zone differential specified in column (9) of schedule III.
(b) Over 4 ounces but not over 1 pound.	105.50	
(c) Over 1 pound package	100.50	
2. Sandwich steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
3. Buttered beef steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
4. Cheese-flavored beef steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
5. Ground beef patties:		
(a) 1 pound or less package.	71.30	
6. Filet steaks or tenderloin steaks:		
(a) 1 pound or less package.	144.20	
(b) Over 1 pound package.	139.20	
7. Flake steaks:		
(a) 1 pound or less package.	93.40	
(b) Over 1 pound package.	88.40	
8. Dinner steaks:		
(a) 1 pound or less package.	100.00	
(b) Over 1 pound package.	95.00	

[1] If any item listed in this section 28 is not packaged in a moisture-proof carton the ceiling price set forth above shall be reduced by $4.00 per cwt.

SPECIAL ADDITIONS

1. If you are a non-slaughtering processor, you may add $2.00 per cwt. to the ceiling prices listed above.

2. On sales to retailers or purveyors of meals by processors or their affiliates, you may add $2.00 per cwt. to the ceiling prices listed above.

5. Section 50 (g) is amended to read as follows:

(g) Combination distributor means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume, by weight, of

all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

5 (a). Section 50 (k) is amended to read as follows:

(k) Hotel supply house means any establishment which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

6. The second paragraph of Appendix 2 (a) (1) is amended to read as follows:

In dressing cows, the udders shall be entirely removed. In dressing steers, stags, and bulls, the entire genito-urinary tract shall be removed. The carcass shall be separated into two sides by splitting or sawing the chine bones as nearly as possible through the center of the spinal column and spinous processes so that the spinal cord is fully exposed. The spinal cord may then be removed. The muscular portion of the skirt (diaphragm) shall be left attached to the carcass, but the non-muscular part (centrum tendineum) shall be trimmed so as to leave not more than one-half inch of it remaining adjacent to the red (muscle) meat. Bruises and grubs shall be trimmed out. The hanging tender may be removed. The inside of the carcass shall be thoroughly cleaned by washing. The beef carcass shall not be broken in any other manner than as provided below.

7. Appendix 4 is amended to read as follows:

APPENDIX 4—FABRICATED BEEF CUT DEFINITIONS

(a) When used in this regulation, the term fabricated beef cut means any of the following cuts meeting the following minimum specifications, and derived from specified beef wholesale cuts, as provided for in Appendix 2. All cuts shall be made in accordance with the specifications provided herein.

(1) *Round (rump and shank off)* means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(2) *Boneless round* means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in Appendix 4 (a) (1). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed. The rump shall not be removed.

(3) and (4) *Boneless insides or top rounds, boneless outsides or bottom rounds, and boneless knuckles or faces*, means the three natural muscle pieces into which the round is separated after the rough rump, shank and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in Appendix 4 (a) (1). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leaving one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank and portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump and which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(5) *Boneless rump* means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed. Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(6) *Gooseneck boneless round* means the outside (bottom) round and boneless rump, in one piece. It shall be made by separating the outside muscle with boneless rump attached from the knuckle and inside muscles by the method described in Appendix 4 (a) (3) and (4). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(7) *Hind shank* means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in Appendix 4 (a) (1).

(8) *Short loin (bone-in)* means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae, and part of the 13th rib.

(9) *Sirloin (bone-in)* means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(10) *Sirloin (boneless)* means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(11) *Top sirloin (boneless)* means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (ilium) from the chine bone side of the sirloin to the natural seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(12) *Bottom sirloin (boneless)* means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(13) *Regular strip loin (bone-in)* means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 13th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebra and continuing in a straight line with full length of the strip loin parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(14) *Regular strip loin (boneless)* means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(15) *Trimmed strip loin (bone-in)* means a strip loin prepared as described in Appendix 4 (a) (13) except that the flank end of the loin shall be removed to a point not more than two (2) inches downward from the lower end of the eye muscle, and the fat shall not exceed one-half inch on the outside skin surface. The backstrap and all fat lying on the inside of the loin shall be removed.

(16) *Trimmed strip loin (boneless)* means a strip loin prepared in the manner described in Appendix 4 (a) (15) from which all bones have been removed.

(17) *Tenderloin* means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra at the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

Beef tenderloin also means the trimmed sirloin tenderloin which is that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described herein. Beef tenderloin also includes the trimmed tip tenderloin which is the portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described herein and at no point shall exceed one-half inch. All fat from the lower half shall be removed.

(18) *Oven prepared rib* means that part of seven-bone rib remaining after the chine bone and short ribs have been removed. The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by a cut which begins at a point on the 12th rib not more than 8 inches from the protruding edge of the 12th thoracic vertebra and continuing in a straight line to a point on the 6th rib which is not more than 8 inches from the protruding edge of the 6th thoracic vertebra (chine bone). All the blade bone, including the cartilage, shall be removed.

(19) *Boned, rolled and tied rib* means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Boned, rolled and tied rib shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(20) *Regular short ribs* means the portion of the rib cut off in fabricating oven prepared ribs, as described in this Appendix 4 (a) (18) and shall include the rib sections of seven ribs.

Plate short ribs means stripped pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages (rib cartilages).

(21) *Trimmed short ribs* means the portion of the rib cut off in fabricating oven prepared ribs, as described in Appendix 4 (a) (18), and shall include the rib sections of the 6th, 7th, 8th, and 9th ribs.

(22) *Boneless chuck (clod-in)* means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(23) *Boneless chuck (clod out)* means the same as the boneless chuck described in Appendix 4 (a) (22) except that the shoulder clod shall be removed.

(24) *Boneless clod* means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and the following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(25) *Boneless brisket (deckle off)* means that part of the green brisket remaining after all the bones, intercostal meat and deckle have been removed. The deckle means the layer of fat, meat and tissues lying between the rib bones, the rib (costal) cartilages, the breast (sternum) bone and the lean principal muscle of the brisket. The deckle shall be removed at the natural seam leaving the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the boned surface of the brisket and to within one-half inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle off) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat.

(26) *Boneless short plate* means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding one-half inch shall be removed.

(27) *Cube steaks* mean any lean muscle meat (not containing an outer surface of fat in excess of one-quarter of an inch) derived from the boneless sirloin or boneless round of prime, choice, good or commercial grade of beef, cut into steaks of uniform size, tenderized in accordance with normal business practice. Cube steaks can be made either by hand or by machine.

(28 *Flank steak* means the flat, oval-shaped lean muscle of meat embedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(29) *Sirloin steak (boneless)* means steaks cut from a boneless sirloin which has been trimmed as described in this Appendix 4 (a) (10). Only complete steaks shall be made.

(30) *Top sirloin steak (boneless)* means steaks cut from a top sirloin which has been trimmed as described in this Appendix 4 (a) (11). Only complete steaks shall be made.

(31) *Porterhouse, T-Bone, and Club steaks* mean steaks cut from a short loin as described in Appendix 4 (a) (8). The flank shall be removed at a point measured down not more than 4 inches from the lower end of the eye muscle. Not more than one inch of fat may be left on the outside skin surface.

(32) *Regular strip steak (bone-in)* means steaks cut from a regular bone-in strip loin prepared in the manner described in Appendix 4 (a) (13).

(33) *Regular strip steak (boneless)* means steaks cut from a regular boneless strip loin prepared in the manner described in Appendix 4 (a) (14).

(34) *Trimmed strip steak (bone-in)* means steaks cut from a trimmed bone-in strip loin prepared in the manner described in Appendix 4 (a) (15).

(35) *Trimmed strip steak (boneless)* means steaks cut from a trimmed boneless strip loin prepared in the manner described in Appendix 4 (a) (16).

(36) *Regular ground beef (bulk)* means ground, chopped or comminuted fresh beef derived from the skeletal portion of the dressed carcass (but not including head meat), which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 25 percent by chemical analysis. Ground beef shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or 3/8 of an inch in the case of chile meat, or chopped in a rotary cutter, or by any other means giving equivalent results.

(37) *Regular ground beef (patties)* means ground beef prepared in the manner described in Appendix 4 (a) (36) which has been formed into portions of uniform size and thickness, each of which shall not weigh more than 4 ounces.

(38) *Lean ground beef (bulk)* means ground beef prepared in the manner described in Appendix 4 (a) (36) except that the fat content shall not exceed 12 percent by chemical analysis.

(39) *Lean ground beef (patties)* means ground beef patties prepared in the manner described in Appendix 4 (a) (37) except that the fat content shall not exceed 12 percent by chemical analysis.

(40) *Ground chuck* means ground, chopped, or comminuted fresh beef derived from boneless chucks of prime, choice, good, commercial, or utility grade beef. It shall be entirely free from bone splinters, cartilage, tendons, and course fibrous membranes. It shall contain no added blood, water or ice, or any adulterations or other foreign substances, except seasoning, and the fat content shall not be in excess of 22 percent by chemical analysis. The meat shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or 3/8 of an inch in the case of chili meat. In lieu of grinding, the meat may be chopped in a rotary cutter or by other means giving equivalent results. The meat may be formed into loaves and packed in suitable solid fibre, corrugated or other containers; or it may be prepared in bulk containers, wax paper lined. The meat shall be quick-frozen immediately after preparation and shall be in prime condition at the time of delivery at destination. Each container shall be inspected by an inspector of the Meat Grading Service of the U. S. Department of Agriculture.

(41) *Boneless stewing beef* means boneless stewing beef prepared in the manner described in Appendix 3 (a) (12).

8. Appendix 7 (e) is amended to read as follows:

(e) *Tongues, short cut, cured and/or smoked*, means tongues as defined in Appendix 6 (a) (15), which have been cured in accordance with good commercial practice and whose cured weights do not exceed the green weight by more than 15 percent. The weight of the smoked tongue may not exceed the green weight of the tongue. The hinge (hyoid) bones shall be cut off at the point where they protrude from the skin surface of the tongue.

9. Appendix 7 (f) is amended to read as follows:

(f) *Dried beef* means cured insides, outsides, or knuckles of the beef ham, which have had the moisture content reduced so that the resulting weight is not in excess of 65 percent of the green weight.

10. A new Appendix 7 (g) is added to read as follows:

(g) *Barrel beef* means beef commonly referred to as "plate beef" or "mess beef" which has been prepared by cutting plates of beef or other beef cuts into slabs weighing about

8 pounds each; which has been cured in accordance with good commercial practice; and which is packed in a watertight hardwood barrel or tierce.

11. Appendix 8 (f) (1) is amended to read as follows:

Wafer steak means a beef product made from any grade of boneless beef derived from the skeletal portion of the beef carcass, from which all sinews and excess fat have been removed so that it does not contain more than 10 percent of trimmable fat; which has been placed in molds or in casings, *without being ground at any stage of the manufacturing process;* which has been thoroughly frozen at quick freezing temperatures; and which has been sliced to a degree of thinness so that no slice weighs more than one ounce and no individual steak contains less than two slices. Each wafer steak must be separately wrapped or separated by a parchment or waxed paper.

12. Appendix 8 (f) is amended by adding a new item 8 to read as follows:

(8) *Dinner steak* means a product produced from round, loins and/or ribs of any grade; from which all flank, sinews, cartilage, back strap, and excess fat has been removed so that the trimmable fat left on the steak does not exceed 10% of the weight of the steak.

(Secs. 701, 704, 64 Stat. 815, 816, as amended; 50 U. S. C. App. Sup. 2151, 2154)

Effective date. This amendment shall become effective on September 16, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10108; Filed, Sept. 12, 1952; 11:03 a. m.]

[Ceiling Price Regulation 169]

CPR 169—IRON ORES PRODUCED IN MINNESOTA, WISCONSIN, OR MICHIGAN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this ceiling price regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for merchant iron ore produced in Minnesota, Wisconsin or Michigan, which area is commonly known as the Lake Superior District.

The iron ore industry in the Lake Superior District is made up of 22 operating companies owning or managing 187 mines. The Lake Superior District for many years has produced approximately 80 percent of all the iron ore required by the steel plants and pig iron producers in the United States. In 1951 a total of approximately 94 million tons of iron ore was mined and shipped from this District. This was divided as follows:

	Million tons
Open pit direct shipping	53.4
Gravity concentrate open pit mines	21
Underground	19½
Taconites	½0
Total	94

Of this total tonnage, approximately 20 percent is merchant, i. e., ore which is sold to consumers not affiliated with the producers.

A meeting of the members of the Iron Ore Industry Advisory Committee representing independent producers of iron ore in the Lake Superior District was held in Washington on July 17, 1952. These members urged that immediate price relief be granted because of the increased costs anticipated from wage negotiations then being conducted. Because of the special factors affecting the production and delivery of iron ore in the Lake Superior District, producers in that area are considered to be an industry for the purposes of the Industry Earnings Standard generally used by the Office of Price Stabilization as a means of measuring the general fairness and equitableness of ceiling prices, and a survey was undertaken to determine whether a ceiling price adjustment was required by that standard.

The dollars-and-cents ceiling prices established in this regulation are based on the results of that survey. Data obtained from companies considered to be a representative sample of the industry indicated that as a result of the new wage agreements consummated by the producers in the Lake Superior District costs have risen to the point where the industry's average return on net worth has fallen below 85 percent of its average return in 1947–1949 (the applicable base period). Increases in other cost factors, notably supplies, also contributed to the deficiency in earnings under the ceiling prices applicable prior to the issuance of this regulation.

This regulation establishes ceiling prices for sales of iron ore produced in Minnesota, Wisconsin or Michigan which are 75 cents per gross ton higher than the ceiling prices which were established heretofore by the General Ceiling Price Regulation. In the opinion of the Director, these new ceiling prices are generally fair and equitable and are adequate to encourage the high rate of production needed for the defense effort.

The pricing techniques embodied in this regulation reflect the customary pricing practices of the industry. Dollars-and-cents ceiling prices, per gross ton delivered at Lower Lake ports, have been established for the various grades of standard ores and appropriate differentials have been established for other grades. Provisions are also set forth for calculating ceiling prices for ores sold on the basis of delivery at points other than Lower Lake ports. Although Lake Superior ore is principally sold delivered at Lower Lake ports, producers quote, and sell, on terms of delivery at Upper Lake ports or at mine. Under interpretations of the General Ceiling Price Regulation, they were permitted to adjust their delivered prices to reflect increases in transportation costs occurring after the base period of that regulation and this regulation contains provisions permitting continuance of that practice.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means of aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices for iron ores produced in Minnesota, Wisconsin, or Michigan.
3. Adjustments in ceiling prices to reflect changes in transportation rates and taxes.
4. Adjustments in ceiling prices for variations in iron, phosphorous, or silica content, etc.
5. Excise, sales and similar taxes.
6. Records.
7. Interpretations.
8. Prohibitions.
9. Evasions.
10. Supplementary regulations.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.*—(a) *Persons, products and transactions covered.* (1) This regulation establishes ceiling prices for sales by any person of iron ores produced in Minnesota, Wisconsin or Michigan and delivered on and after July 26, 1952.

(2) This regulation also applies, insofar as his purchases are concerned, to any person who in the regular course of trade or business, buys any of the products covered by this regulation.

(3) This regulation exempts from price control exchange of iron ore between producers or between consumers, or between consumers and producers except for final adjustment as provided by section 2 (d) of this regulation.

(b) *Geographical applicability.* This regulation applies to sales and deliveries of iron ores in the 48 states of the United States and the District of Columbia.

SEC. 2. *Ceiling prices for iron ores produced in Minnesota, Wisconsin or Michigan*—(a) *Standard ores.* (1) The ceiling price per gross ton delivered at Lower Lake ports for standard ores having an iron content, natural, of 51.50 percent is:

Mesabi Non-Bessemer	$9.05
Mesabi Bessemer	9.20
Old Range Non-Bessemer	9.30
Old Range Bessemer	9.45
High Phosphorous	9.05

(2) The ceiling prices established in this paragraph (a) must be adjusted for variations in iron, phosphorous, and silica content and for shipments in less than cargo lots in accordance with the provisions of section 4.

(b) *Special ores*—(1) *Manganiferous ore.* The ceiling price per gross ton delivered at Lower Lake ports for manganiferous ore is the sum obtained by multiplying the combined natural iron and natural manganese analyses of such ore by the single Old Range Non-Bessemer unit value of $0.18058 and for any manganese in excess of 3 percent add 15¢ for each unit of natural manganese and a proportional amount for each fraction of a unit.

(2) *Siliceous ore.* The ceiling price, delivered at Lower Lake ports, for siliceous ore having an iron content, natural, of 38.30 percent is $5.20 per gross ton. Adjustments for variations in natural iron content must be made upon the basis of a single unit value of 0.13577. Adjustments for low phosphorous content shall be made in accordance with section 4 (b).

(3) *Lump ore.* The ceiling price per gross ton delivered at Lower Lake ports for lump ore having an iron content, natural, of 51.50 percent is $9.30 per gross ton plus $1.00 per gross ton for lump quality. Adjustments for variations in iron content must be made upon the basis of a unit value of $0.20000; in the case of Bessemer lump having an iron content, natural, of 51.50 percent the ceiling price delivered at Lower Lake ports, shall be $9.30 per gross ton plus $1.00 per gross ton for lump quality and plus the Bessemer differential of $0.15 per gross ton; adjustments for variations in iron content must be made upon the basis of a unit value of $0.20291.

(4) *Aluminiferous ore.* The ceiling price, per gross ton delivered at Lower Lake ports, for aluminiferous ore is the sum obtained by multiplying the natural iron content by the single unit value set forth in the table contained in section 4 (a) for the category of ore into which the aluminiferous ore being priced falls.

(5) *Other special ores.* The ceiling price, delivered at Lower Lake ports, for any off-grade or premium ore not specifically named in this paragraph (b) is:

(i) The sum of the seller's 1950 weighted average spot price for such ore plus the difference between the seller's 1950 weighted average spot price for standard ore and the ceiling price established by this regulation for such standard ore; or

(ii) If a ceiling price cannot be determined under (i) of this subparagraph (5), the ceiling price established by the Office of Price Stabilization upon application by the seller. Such application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain the seller's name and address, the type of ore and a metallurgical analysis of the ore for which a ceiling price is requested, the seller's proposed ceiling price, and a statement of the basis upon which such proposed ceiling price was determined. The ceiling price established by the Office of Price Stabilization pursuant to such application shall be in line with the level of ceiling prices established by this regulation.

(c) *Ore sold for delivery other than at Lower Lake ports.* (1) When ore is sold for delivery at the mine, Upper Lake railroad weights shall govern and there shall be deducted from the ceiling prices otherwise established by this regulation an amount equal to the total of:

(i) Upper Lake rail freight (including handling charges) at the rates in effect at time of shipment;

(ii) Lake freight to Lower Lake ports (including unloading charges) at the rate in effect at time of shipment;

(iii) A sum equal to the transportation tax paid on such Upper Lake rail and Lake freight; and

(iv) The sum of $0.02 per gross ton.

(2) When ore is sold for delivery at Upper Lake ports, vessel bill of lading weights shall govern and there shall be deducted from the ceiling prices otherwise established by this regulation an amount equal to the total of:

(i) Lake freight to Lower Lake ports (including unloading charges) at the rate in effect at time of shipment;

(ii) A sum equal to the transportation tax paid on such Lake freight;

Provided, however, That in the case of lump ore, railroad weights minus 0.5 percent shall be used instead of vessel bill of lading weights in the above calculation.

(d) *Exchanges.* Exchanges of iron ores between producers or between consumers, or between producers and consumers, shall not be considered as sales under this regulation or any other regulation previously issued by this Agency.

If the exchanges are unequal the portion of any exchange for which payment is made shall be considered a sale subject to this regulation and any settlements or final adjustment made must be made at ceiling prices no higher than those provided by this regulation.

SEC. 3. *Adjustments in ceiling prices to reflect changes in transportation rates and taxes.* The ceiling prices established in section 2 (a) and (b) shall be increased or decreased to reflect increases or decreases after December 1, 1950, in established railroad freight rates from the mine to the Upper Lake ports, in established vessel freight rates from Upper Lake ports to the Lower Lake ports and in taxes on any such rates.

SEC. 4. *Adjustments in ceiling prices for variations in iron, phosphorus, or silica content, etc.*—(a) *Differentials for variations in iron content.* The differentials for adjusting ceiling prices for variations in iron content, natural, of ores subject to this regulation must be added to or deducted from the ceiling prices established under section 2 in accordance with the provisions of this paragraph. The following table sets forth the unit values for the respective standard ores and the following subparagraphs set forth the differentials for adjustment.

	Ceiling price per gross ton delivered at Lower Lake ports	Unit value
Mesabi Non-Bessemer	$9.05	$0.17573
Mesabi Bessemer	9.20	.17864
Old Range Non-Bessemer	9.30	.18058
Old Range Bessemer	9.45	.18350
High Phosphorous	9.05	.17573

(1) When less than 51.50 percent but not less than 50.00 percent iron content, natural, deduct at the rate of one unit value for each unit or fraction thereof.

(2) When less than 50.00 percent but not less than 49.00 percent iron content, natural; from the price computed for 50.00 percent iron content, natural, deduct at the rate of one and a half times the unit value for the unit or fraction of a unit less than 50.00 percent.

(3) When less than 49.00 percent iron content, natural; from the price computed for 49.00 percent iron content, natural, deduct at the rate of two times the unit value for the unit or fraction of a unit less than 49.00 percent.

(4) When iron content, natural, exceeds 51.50 percent, add at the rate of one unit value for each unit or fraction of a unit above 51.50 percent.

(b) *Premiums for low phosphorous content.* Bessemer ore is ore which contains not more than 0.045 percent phosphorus, dry. Premiums for phosphorous content less than 0.045 percent shall not exceed that set forth in the following standard phosphorus table.

PHOSPHORUS TABLE

Percentage of phosphorus	Rate of progression	Phosphorus premiums
0.045	0.0000	0.0000
.044	.0080	.0080
.043	.0085	.0165
.042	.0090	.0255
.041	.0095	.0350
.040	.0100	.0450
.039	.0105	.0555
.038	.0110	.0665
.037	.0115	.0780
.036	.0120	.0900
.035	.0125	.1025
.034	.0170	.1155
.033	.0135	.1290
.032	.0140	.1430
.031	.0145	.1575
.030	.0150	.1725
.029	.0155	.1880
.028	.0160	.2040
.027	.0165	.2205
.026	.0170	.2375
.025	.0175	.2550
.024	.0180	.2730
.023	.0185	.2915
.022	.0190	.3105
.021	.0195	.3300
.020	.0200	.3500
.019	.0205	.3705
.018	.0210	.3915
.017	.0215	.4130
.016	.0220	.4350
.015	.0225	.4575
.014	.0230	.4805
.013	.0235	.5040
.012	.0240	.5280
.011	.0245	.5525
.010	.0250	.5775
.009	.0255	.6030
.008	.0260	.6290
.007	.0265	.6555
.006	.0270	.6825
.005	.0275	.7100

(c) *Premiums for less than cargo lots.* In the case of shipments in less than cargo lots, each seller may add to the ceiling prices otherwise determined under this regulation the premiums which he had in effect during the 1950 season.

SEC. 5. *Excise, sales and similar taxes.* Any person may collect in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of any product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected and provided such separate statement and collection of the amount of the tax is not prohibited by law.

SEC. 6. *Records.* Every person making a sale or purchase of iron ore covered by this regulation must prepare and keep for inspection by the Director of Price Stabilization, for two years, accurate records of each sale showing: the date of sale; the name and address of the buyer or seller; the price paid or received; the quantity of each classification and grade of ore purchased or sold in the nomenclature of this regulation; and the shipping point and the point of delivery.

SEC. 7. *Interpretations.* If any person wants an official interpretation of this regulation, he should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Any action taken in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 8. *Prohibitions.* No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), no person shall, regardless of any contract or other obligation, sell, deliver or negotiate the sales or delivery of any product and no person in the regular course of trade or business shall buy or receive any product at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provision of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 9. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data or the inclusion in records of false data.

SEC. 10. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying this regulation as he deems appropriate.

SEC. 11. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Iron ore" means all classifications, grades, groupings, blends, mixes, and other categories of iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis or in the State of Wisconsin or Michigan.

(c) "High Phosphorous" means ore containing 0.300 percent or more phosphorus, dry.

(d) "Delivered at Lower Lake ports" means delivered at rail of vessel at docks at all ports on Lake Michigan, Lake Erie, Lake Huron, Lake Ontario, and their connecting waters, at which iron ore may be unloaded.

(e) "Upper Lake ports" means all ports on Lake Superior and Lake Michigan at which iron ore may be loaded for shipment.

(f) "Mesabi" includes the Mesabi and Cuyuna ranges.

(g) "Old Range" includes Menominee, Marquette, Cogebic and Vermillion ranges.

(h) "Unit" means one percentage point of metallic content.

(i) "Bessemer ore" is ore which contains not more than .045 percent phosphorus, dry.

Effective date. This regulation is effective September 17, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10110; Filed, Sept. 12, 1952; 11:03 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-24, as amended September 12, 1952]

M-24—TIN PLATE AND TERNEPLATE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this order as amended has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

EXPLANATORY

This order as amended constitutes a complete revision of NPA Order M-24 as amended March 4, 1952, and as further amended by Amendment 1 of August 12, 1952. The restrictions imposed on the end use of terneplate have been eliminated by deleting Schedule B and all references thereto, and by revising Schedule A and sections 1, 3, 4, 5, 6, and 8.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of tin plate.
4. Permitted uses of tin plate and terneplate.
5. Optional uses of tin plate.
6. Manufacture of tin plate, terne metal, and terneplate.
7. Restrictions on sale and delivery.
8. Certification of delivery of tin plate.
9. Exceptions.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order specifies the items and purposes for which tin plate may be manufactured and used, and prescribes the maximum weight of the coating of tin per single base box permitted for a specified item or purpose. This order also provides that secondary tin only may be used to make terne metal, and limits the percentage of tin in terne metal used for coating terneplate. NPA Order M-8, as amended, contains certain limitations on the use of tin in the manufacture of tin plate and terneplate, but permits the use of tin for tin plate, terne metal, and terneplate in accordance with the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "Specification Production Plate" or "Mill Accumulation Plate," and each such class includes primes, seconds, and unassorted. "Specification Production Plate" is plate produced against orders for specific end uses. "Mill Accumulation Plate" is plate arising in the production of "Specification Production Plate" not applicable against such orders, and, as provided in section 7 of this order, is to be so identified when sold, manifested, and shipped.

(b) "Terneplate" means steel sheets coated with terne metal, and includes special coated manufacturing ternes, manufacturing ternes, roofing ternes generally coated in tin mill coating machines, and long ternes which are steel sheets coated in sheet mill coating machines.

(c) "Reconditioned tin plate or terneplate" means damaged tin plate or terneplate which has been put into usable condition by recoating.

(d) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets covered with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(e) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(f) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin, or into unassorted terneplate by hot-dipping in terne metal.

(g) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate arising in the production of hot-dipped or electrolytic tin plate which has been packaged without regard to temper.

(h) "Other coated secondaries" means steel sheets or strips coated with tin or terne metal which are not defined or classified elsewhere in this section, and includes lacquered or lithographed misprints.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(j) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use of tin plate.* Subject to the exceptions provided in sections 4 and 5 of this order, tin plate and reconditioned tin plate may be used only for the items or purposes set forth in Schedule A of this order, and only in accordance with the limitations, restrictions, and conditions specified in Schedule A with respect to the particular item or purpose for which such plate is to be used.

SEC. 4. *Permitted uses of tin plate and terneplate*—(a) *Certain grades of tin plate.* Subject to the provisions of any other order, regulation, direction, or directive of NPA, any person may use specification production plate, reconditioned tin plate, and menders without regard to the restrictions and limitations of this order if his total annual consumption of all such plate does not exceed 100 base boxes.

(b) *Certain other grades of tin plate; terneplate.* Subject to the provisions of any other order, regulation, direction, or directive of NPA, any person may use terneplate, mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries without regard to the restrictions and limitations of this order.

SEC. 5. *Optional uses of tin plate*—(a) *Substitution of material with lighter tin coating.* Wherever Schedule A of this order permits use of tin plate with a specified maximum permitted coating of tin per base box, tin plate coated with less tin per base box may be used; or if tin mill black plate is adaptable, it may be used as a substitute.

(b) *Substitution of electrolytic tin plate.* Where hot-dipped tin plate is permitted to be used in the manufacture of an item listed in Schedule A, the manufacturer may substitute electrolytic tin plate.

(c) *Substitution of tin plate menders.* Tin plate menders arising in the production of electrolytic tin plate may be used where either hot-dipped tin plate or electrolytic tin plate is permitted under Schedule A.

SEC. 6. *Manufacture of tin plate, terne metal, and terneplate*—(a) *Tin plate.* Tin plate may be manufactured only for the items or purposes set forth in Schedule A of this order and shall be tested as in this paragraph provided. Coating shall be determined on the basis of average spot-coating tests, in the case of electrolytic tin plate, and on the basis of pot yield in the case of hot-dipped tin plate.

(b) *Terne metal and terneplate.* Secondary tin only may be used to make terne metal. No person may use terne metal containing more than 15 percent tin in tin mill coating machines, or for coating roofing ternes. No person may use terne metal containing more than 10 percent tin in sheet mill coating machines.

SEC. 7. *Restrictions on sale and delivery.* No person shall sell or deliver any tin plate, terneplate, or reconditioned tin plate or terneplate which he knows or has reason to believe will be accepted or used in violation of the terms of this order, or any other order or regulation of NPA. No person shall sell or deliver any tin plate, terneplate, or reconditioned tin plate or terneplate which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions, and Canada, except as permitted by section 9 (c) of this order. No person shall sell or deliver Mill Accumulation Plate unless the same is identified as such when sold, manifested, or shipped.

SEC. 8. *Certification of delivery of tin plate.* Except as otherwise permitted by section 9 (c) of this order, no person shall sell or deliver any tin plate unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a seller, covers all future deliveries of tin plate from the seller to that purchaser:

To ----------Seller:
The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-24 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 9. *Exceptions.* (a) The restrictions in this order shall not apply to military requirements for tin plate or terneplate intended for manufacture of items of a special design or style not normally produced or used commercially, nor to tin plate or terneplate intended for manufacture of items for emergency rations and supplies for lifeboats.

(b) The provisions of this order do not apply to the use of tin plate or terneplate which on April 3, 1951, was in the process of manufacture or in the inventory of a consumer, or in the inventory of a manufacturer for the account of a consumer.

(c) The restrictions of this order shall not apply to the sale or delivery for export of tin plate, terneplate, or reconditioned tin plate or terneplate where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually, or where a general export license is applicable. This certificate shall be by letter in substantially the following form, the purchaser striking therefrom the inapplicable words, and shall be filed with each purchase order with the person selling or delivering to such other person tin plate, terneplate, or reconditioned tin plate or terneplate for export:

To----------Seller:
The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) (validated export license No. ------) (an applicable general license) for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same by the undersigned will be in compliance with the said license.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is

prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–24.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect September 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M–24

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin per single base box (3)
1. All kitchen equipment	Electrolytic tin plate	0.25 pound per base box.
2. Food preparation and cooking equipment:		
(a) Baking pans for institutions and commercial bakers.	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
(b) All other food preparation and cooking equipment.	Electrolytic tin plate	0.50 pound per base box.
3. Battery caps for electrical contact	Electrolytic tin plate	0.50 pound per base box.
4. Cans as defined in NPA Order M–25	As permitted by NPA Order M–25.	As permitted by NPA Order M–25.
5. (a) Closures as defined in NPA Order M–26	As permitted by NPA Order M–26.	As permitted by NPA Order M–26.
(b) Closures for steel drums	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
6. Chaplets, skingates, and tin forms for foundry use	Hot-dipped tin plate	11 pounds per base box.
	Reconditioned tin plate.	
7. Cheese vats		
8. Component parts for internal combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solderability.		
9. Cylinder liners for lard and fruit presses	Hot-dipped tin plate	1.25 pounds per base box.
10. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface-type heaters and coolers, and testing equipment.	Hot-dipped tin plate	3.30 pounds per base box (2.\ charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
11. Diamond cutting wheels	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
12. Dusters and sprayers, band, for disinfectant and pest control; parts requiring solderable coatings.	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
13. Equipment or appliance parts requiring solderable coatings.	Electrolytic tin plate	0.25 pound per base box.
14. Gas meters	Hot-dipped tin plate	3.30 pounds per base box (2.\ charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
15. Integral parts of signal cells—but only for current collectors and baskets.	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
16. Lining of drying chambers for milk and egg dehydration.	Hot-dipped tin plate	11 pounds per base box.
	Reconditioned tin plate.	
17. Maple syrup evaporators	Hot-dipped tin plate	11 pounds per base box.
	Reconditioned tin plate.	
18. Repair parts for domestic laundry equipment	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
19. Textile spinning cylinders, card screens, spools, bobbins, loom reeds, warper and flasher combs and brushing machines for reed cleaning.	Hot-dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate.	
20. Torpedoes for oil and gas well shooting	Hot-dipped tin plate	1.25 pounds per base box.

[F. R. Doc. 52–10101; Filed, Sept. 12, 1952; 10:31 a. m.]

[NPA Order M–57, Revocation]

M–57—VEGETABLE TANNING MATERIAL

NPA Order M–57 (17 F. R. 2673) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–57 as originally issued or as amended from time to time nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–10102; Filed, Sept. 12, 1952; 10:32 a. m.]

[NPA Order M–81, as amended September 12, 1952]

M–81—PURE TUNGSTEN AND PURE MOLYBDENUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives and consideration has been given to their recommendations. Consultation with trade association representatives has been impossible because there is no trade association in this industry.

EXPLANATORY

This order, as amended, affects NPA Order M–81 as amended March 4, 1952, by rewriting the order to eliminate the requirement that deliveries of pure tungsten and pure molybdenum be made pursuant to allocation authorizations only.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Uses prohibited.
6. Limitations on inventory.
7. Request for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies only to carbon- and hydrogen-reduced substantially pure tungsten and pure molybdenum, as hereinafter defined. The purpose of this order is to conserve pure tungsten and pure molybdenum so as best to serve the interests of the national defense program and of defense-supporting activities. It prohibits certain uses of pure tungsten and pure molybdenum and requires the filing of a monthly report concerning inventories and deliveries of these metals.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, and any other organized group of persons, and includes any agency of the United States or any other government. A person who keeps separate inventory records for any separate operating or producing units shall treat each such separate operating or producing unit as a separate person for the purposes of this order, unless NPA otherwise directs or permits upon application of such person.

(b) "Pure tungsten" means the element tungsten in substantially pure form, processed to the extent that it is hydrogen-reduced powder, ingot, wire, rod, sheet, and chemicals and compounds, or carbon-reduced powder. Tungsten ores and concentrates, and scrap tungsten metal are not included in this definition.

(c) "Pure molybdenum" means the element molybdenum in substantially pure form processed to the extent that it is powder, ingot, wire, rod, or sheet. Molybdenum ores, concentrates, chemicals and compounds, and scrap molybdenum metal are not included in this definition.

(d) "Chemicals and compounds" means and includes such chemicals as sodium tungstate, or any other chemicals containing tungsten compounds or mixtures such as cobalt tungsten or molybdenum tungsten mixtures.

(e) "Scrap tungsten metal" means scrap, waste material, or residues containing commercially recoverable tungsten which has been generated from tungsten products as defined in paragraph (b) of this section.

(f) "Scrap molybdenum metal" means scrap, waste material, or residues containing commercially recoverable molybdenum which has been generated from molybdenum products as defined in paragraph (c) of this section.

(g) "Fabricated parts" means coils, filaments, lead wires containing tungsten and/or molybdenum, and finished contacts and other parts containing tungsten and/or molybdenum which are used in or as subassemblies.

(h) "Pure metal processor" means any person who produces tungsten in the form of carbon-reduced powder, hydrogen-reduced powder, ingot, wire, rod, sheet, or chemicals and compounds, or any person who produces molybdenum in the form of powder, ingot, wire, rod, or sheet.

(i) "Fabricator" means any person who uses tungsten or molybdenum ingots, wire, rod, or sheet, or who forms, bends, cuts, welds, or further fabricates ingots, wire, rod, or sheet for resale purposes.

(j) "NPA" means the National Production Authority.

SEC. 3. *Relation to other regulations and orders.* All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. NPA may, from time to time, issue directives as to deliveries or uses of pure tungsten and pure molybdenum and, unless otherwise provided therein, such directives will prevail over the provisions of this order. The provisions of this order do not in any way affect alloy steels.

SEC. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any pure tungsten or pure molybdenum into any product or material when substitution of some other element or material (other than a restricted alloying material as defined in section 2 of NPA Order M–80) for pure tungsten or pure molybdenum is commercially feasible.

SEC. 5. *Uses prohibited.* No person shall use pure tungsten in the manufacture of pigments of any type, or as a coloring or coating material for rubber, linoleum, paper of any kind including but not limited to wallpaper; or grinding wheels: *Provided, however,* That these prohibitions do not apply to:

(a) The use of pure tungsten in the manufacture of pigments for coloring employed by the United States Government in the production of currency, bonds, stamps, and/or other Government securities.

(b) The use of pure tungsten in printing inks.

(c) The use of pure tungsten required by any person to comply with any order or directive of NPA.

(d) The use by any person of not more than 50 pounds (tungsten content) of pure tungsten in any consecutive 3-month period, beginning on or after March 1, 1951.

SEC. 6. *Limitations on inventory.* No person shall place an order for or accept delivery of pure tungsten or pure molybdenum at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, 60 days' requirements at his then scheduled rate and method of operation. Except as modified by the preceding sentence, the inventory provisions of NPA Reg. 1 apply.

SEC. 7. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Every person who at any time in a calendar month had in his possession or under his control or who during a calendar month consumed more than 25 pounds of pure tungsten or pure molybdenum shall report to NPA on Form NPAF–113 on or before the fifteenth day of the following month.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Connecticut—Con. (48) Hartford-New Britain—Continued	C	In Hartford County, the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield and Windsor; and in Tolland County, the town of Bolton.	July 1, 1951	Nov. 7, 1951
	C	In Hartford County, the town of Windsor Locks	do	Sept. 15, 1952

[F. R. Doc. 52-10034; Filed, Sept. 12, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 82 to Schedule A]
[Rent Regulation 4, Amdt. 26 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND CONNECTICUT

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 15, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of September 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California (36) Barstow	A	In San Bernardino County, the U. S. Marine Corps Depot Military Reservation.	May 1, 1951	Nov. 15, 1951
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Inderlin Township line.	do	Mar. 14, 1952
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952
Connecticut (48) Hartford-New Britain.	B	In Hartford County, the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, New Britain, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks; in the county of Middlesex, the towns of Cromwell, Middlefield, Middletown and Portland; and the county of Tolland, except the town of Bolton.	Apr. 1, 1941	June 1, 1942
	B	In Hartford County, the town of Windsor Locks	do	July 1, 1942

[F. R. Doc. 52-10035; Filed, Sept. 12, 1952; 8:55 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 75 to Schedule A]
[Rent Regulation 2, Amdt. 73 to Schedule A]

RR 1—HOUSING
RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND CONNECTICUT

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 15, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of September 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California (36) Barstow	A	In San Bernardino County, the U. S. Marine Corps Depot Military Reservation.	May 1, 1951	Nov. 15, 1951
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Mar. 14, 1952
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952
Connecticut (48) Hartford-New Britain.	B	In Hartford County, the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, New Britain, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks; in the county of Middlesex, the towns of Cromwell, Middlefield, Middletown and Portland; and the county of Tolland, except the town of Bolton.	Apr. 1, 1941	June 1, 1942
	B	In Hartford County, the town of Windsor Locks	do	July 1, 1942

be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-81.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege or privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect September 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10103; Filed, Sept. 12, 1952; 10:32 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 12[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

A. Section 373.22 *Special provisions for exportations to Switzerland* is amended in the following particulars:

a. The present provisions of the section are designated as paragraph (a) *Import certificate requirement.*

b. A new paragraph (b) is added to read as follows:

(b) *Exceptions.* (1) The Office of International Trade will consider the granting of an exception to the requirement for submission of the blue import certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. The OIT may waive the requirement of the submission of the blue import certificate where the refusal by the foreign government to issue the import certificate constitutes discrimination against the United States exporter, or for any other valid reason of similar importance. Each such request or exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, the nature and duration of the business relationship between the applicant and the importer shown on the license application; the reason or reasons for the foreign importer's inability to obtain the blue import certificate from his government; a statement as to whether the exporter has previously submitted to the OIT any blue import certificates issued in the name of the importer and a listing of OIT case numbers to which these certificates applied; and any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the OIT, a statement from the consignee and purchaser in accordance with § 372.3 (d) of this subchapter. No request will be considered or granted unless such statement is submitted or is on file in the OIT.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to the application to which the original letter request was attached.

This part of the amendment shall become effective as of September 4, 1952.

B. Section 373.23 *Special provisions for exportations to Austria, the Belgian Congo or Sweden* is amended to read as follows:

§ 373.23 *Special provisions for exportations to Austria, the Belgian Congo or Sweden.* (a) Each applicant for a license to export commodities to Austria, the Belgian Congo, or Sweden shall show in the space provided on the application, Form IT-419, the number of the import certificate or other import authorization[2] upon which the application is based. However, the Office of International Trade will consider the granting of an exception to this requirement where the ultimate consignee is unable to furnish the United States exporter with the import certificate number or other import authorization and the granting of an exception will not be contrary to the objectives of the United States export control program. The OIT may waive the requirement where it is shown that the inability of the foreign importer to provide the required information was due to discrimination against the United States exporter by the foreign government or for any other valid reason of similar importance.

(b) Each request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, the nature and duration of the business relationship between the applicant and the importer shown on the license application; the reason or reasons for the foreign importer's inability to obtain the number of the import certificate or other import authorization from his government; a statement as to whether the exporter has previously submitted to the OIT any numbers of import certificates or other import authorizations issued in the name of the importer and a listing of OIT case numbers to which such certificates applied; and any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the OIT, a statement from the consignee and purchaser in accordance with § 372.3 (d) of this subchapter. No request will be considered or granted unless such statement is submitted or is on file in the OIT.

(c) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to the application to which the original letter request was attached.

This part of the amendment shall become effective as of September 4, 1952.

C. Section 373.34 *Confirmation of country of ultimate destination and verification of actual delivery* is amended in the following particulars:

a. Subparagraph (2) *Exemptions* of paragraph (a) *Scope* is amended to read as follows:

(2) *Exemptions.* The provisions of this section shall not apply to any shipment or application for export license covering any shipment to be made under a project license; nor to an application for license to export commodities classified in a single entry on the Positive List the total value of which as shown on the application is less than $500; nor to an application for license to export a commodity to a foreign government or government agency as purchaser or ultimate consignee; nor to a shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Department of State, to a member agency in the foreign country.

b. Paragraph (c) *Submission of import certificates* is amended to read as follows:

(c) *Submission of import certificates.* (1) The applicant must attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the original import certificate, issued or certified by the government of the importing country, to the purchaser, ultimate consignee, or his agent and covering the commodity or commodities described by the export license application.

(2) Where the import certificate covers commodities for which more than one export license application must be submitted, the original import certificate shall be attached to the first such application and a copy of the original import certificate shall be attached to each subsequent application to which it is equally applicable. Any application to which a copy of the import certificate is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same import certificate. The applicant may not submit applications for quantities of commodities in excess of the quantities covered by an import certificate.

c. The note following paragraph (c) *Submission of import certificates* is amended in the following particulars:

1. A new Note 1 *Translation requirements* is added to read as follows:

1. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this subchapter.)

2. Notes 1, 2, and 3 are respectively renumbered Note 2 *Purchase order,* Note

[1] This amendment was published in Current Export Bulletin No. 678, dated September 4, 1952.

[2] For exportations to Austria, the applicant must show the Austrian import identification number.

3 *Applicant's responsibility for full disclosure*, Note 4 *Import certificates as a factor in licensing.*

3. A new Note 5 *Return of import certificates* is added to read as follows:

5. *Return of import certificates.* U. S. exporters may be requested by their foreign importers to return unused or partially used import certificates. In such cases the U. S. exporter should forward the certificate to his importer as soon as he determines that the certificate will not be used with a new or resubmitted license application, or an appeal. In order to meet these requests, import certificates on file in the OIT will be returned to exporters in accordance with the procedures indicated below:

(a) Where the U. S. exporter submits an import certificate covering a quantity in excess of the quantity shown on the export license application, the Office of International Trade will assume that subsequent applications will be submitted against the import certificate. In such cases, the Office of International Trade will retain the import certificate until such time as the exporter requests the return thereof. When requesting the return of the import certificate, the exporter should submit his request in writing, showing the name and address of the consignee, applicable OIT case numbers to which the certificate applies, import certificate number, and a statement that such import certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the certificate by the Office of International Trade.

(b) The OIT will automatically return the applicable import certificate to the U. S. exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the import certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the certificate by the OIT.

(c) In instances where the U. S. exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the import certificate, he should submit his request in writing for return of the certificate together with request for cancellation or amendment of the unexpired license to show the quantity which he intends to ship. (See § 380.2 of this subchapter.) In such cases exporters shall submit the amendment form, Form IT-763 (in addition to the letter request), as provided by the regular amendment procedure. Appropriate notation will be made on the import certificate by the OIT.

4. Note 4 *Substitution for import certificate* is renumbered Note 6 and amended to read as follows:

6. *Substitution for import certificate.* Prior to October 20, 1952, the Office of International Trade will continue to accept an ultimate consignee statement in lieu of an import certificate provided only that all of the following conditions are complied with:

(a) The ultimate consignee has attempted to obtain an import certificate, but has been unable to obtain such import certificate.

(b) The applicant enters the following certification in the commodity description column of Form IT-419, Application for Export License:

The applicant has been advised by the ultimate consignee named herein that the said consignee has attempted to obtain an import certificate covering commodities specified in this application but was unable to obtain such import certificate.

(c) The ultimate consignee statement is submitted pursuant to all of the requirements shown in § 372.3 (d) of this subchapter.

d. Paragraph (g) *Request for exception* and the note at the end thereof are amended to read as follows:

(g) *Request for exception.* (1) Any license applicant affected by the provisions of paragraph (c) of this section may file a request for exception upon the grounds that the foreign importer has been unable to obtain the required document. Such requests will not be considered where the granting of an exception would be contrary to the objectives of the United States export control program. The OIT will consider exceptions where it is shown that this procedure is inapplicable to the transaction (e. g., the shipment will not be imported for consumption into the named country of destination) or that the refusal to issue the certificate constitutes discrimination against United States exporter, or for any other valid reason of similar importance. Each such request shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the OIT, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, the nature and duration of the business relationship between the applicant and the importer shown on the license application; a statement as to the country or countries in which the commodities will be used; the reason or reasons for the foreign importers inability to obtain the import certificate from his government; a statement as to whether the exporter has previously submitted to the OIT any import certificates issued in the name of the importer and a listing of such OIT case numbers, where applicable, and any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the OIT, a statement from the consignee and purchaser in accordance with § 372.3 (d) of this subchapter. No request for exception will be considered or granted unless such statement is submitted or is on file in the OIT.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the request is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to the application to which the original letter request was attached.

NOTE: 1. Applicants are advised that delay may be entailed in the review of a license application under this exception clause in view of the necessary added consideration.

2. The Office of International Trade can give no assurance that an export license will be issued for any exportation where an exception to this section is requested. It must be recognized that delay will usually be present in processing such applications, although the Office of International Trade will process the applications as quickly as possible.

This part of the amendment shall become effective as of September 4, 1952, except that, as provided above in Note 6 of § 373.34 (c), the discontinuance of the acceptance of ultimate consignee statements in lieu of import certificates shall become effective as of October 20, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10029; Filed, Sept. 12, 1952; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

DETERMINING EXCESS PROFITS CREDIT OF CERTAIN CORPORATIONS NOT SUBJECT TO EXCESS PROFITS TAX

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are hereby amended as follows:

PARAGRAPH 1. Section 40.499-3 which section relates to election as to taxability under subchapter D of chapter 1 in the case of a personal service corporation, is amended as follows:

(A) By correcting in the second sentence of such section the typographical error "be be" to read as follows: "to be"; and

(B) By adding at the end of such section the following new sentences: "For the purpose of determining the excess profits tax for any taxable year for which the corporation does not make an election under section 449, the first taxable year of the corporation ending after June 30, 1950, is considered its first taxable year under subchapter D of chapter 1, whether or not it made an election under section 449 for such taxable year. Similarly, the second and subsequent taxable years under subchapter D of chapter 1 are determined without regard to any election under section 449."

PAR. 2. Section 40.454-1, which section relates to exempt corporations, is amended as follows:

(A) By striking from paragraph (b) of such section the word "paragraph" and by inserting in lieu thereof the following: "subsection"; and

(B) By adding at the end of such section the following new paragraph:

(f) For the purpose of determining the excess profits tax for any taxable year for which the corporation is not exempt under section 454, the first taxable year of the corporation ending after June 30, 1950, is considered its first taxable year under subchapter D of chapter 1, whether or not it was exempt under section 454 for such taxable year. Similarly, the second and subsequent taxable years under subchapter D of chapter 1 are determined without regard to any exemption under section 454.

[F. R. Doc. 52-10017; Filed, Sept. 12, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Draft Release 57]

FILING OF REPORTS BY CERTIFICATED AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 8, 1952.

Notice is hereby given that the Board has under consideration amendment of Part 241 of the Economic Regulations (14 CFR Part 241) for the purpose of formally requiring certificated air carriers to report certain data on coach, tourist and low fare off-peak services hitherto furnished in response to an informal request from the Board. The proposed new reporting requirements would call for less detailed information in certain respects than that currently being furnished on a voluntary basis. It is proposed to make these changes effective December 1, 1952.

Accordingly, the Board proposes changes in the reporting requirements for certificated carriers by setting up a new Schedule C-2 in CAB Form 41, entitled "Schedule C-2—Coach, Tourist, and Low Fare Off-Peak Services." Carriers performing coach operations have been furnishing the Board with special monthly statements giving detailed data on these low fare services. Some of the details presently being submitted are no longer needed by the Board on a recurrent basis for the evaluation of the low fare operations and others would be adequate in a condensed form. Therefore, in order to reduce the reporting and also to provide for standardization of the data which will continue to be needed, the form of report and instructions are proposed.[1] The proposed report would be required for all domestic coach and low fare off-peak services, international tourist services, and similar differential fare services.

The data in the proposed report would supplement that now reported on CAB Form 41. Moreover, because of changes that have taken place and which may be expected to occur in the low fare services, it is anticipated that information in the detail covered by the proposed report will continue to be needed for some time. It is believed, therefore, that the reporting should be formalized as part of the regular carrier reports. Accordingly, the proposed report has been set up as a new Schedule C-2 of CAB Form 41.[1]

This amendment is proposed under the authority of sections 205 (a) and 407 (a) of the Civil Aeronautics Act, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule making through the submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before October 13, 1952, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10016; Filed, Sept. 12, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

CRUDE OIL FROM NAVAL PETROLEUM RESERVE NUMBERED 1 (ELK HILLS), KERN COUNTY, CALIFORNIA

NOTICE OF PUBLIC SALE

Pursuant to the act of Congress approved June 4, 1920 as amended (34 U. S. C. 524), relating to the conservation, care, custody, protection and operation of the Naval Petroleum Reserves, the United States of America (hereinafter referred to as "Navy") hereby invites bids for the purchase of such quantities of crude oil as may be allocated to and available for sale by Navy from well No. X55-30R in the Carneros Zone under provisions of Unit Plan Contract NOd-4219 dated June 19, 1944, as supplemented and amended, and relating to Naval Petroleum Reserve Numbered 1 (Elk Hills), Kern County, California, for the period specified in the paragraph next succeeding.

The term of the contract for the sale and purchase of the above-described crude oil will commence at 7:00 a. m., P. s. t., on the tenth day following approval of such contract by the President of the United States and will continue for such period of time as may be necessary for the testing of said well, provided, however, that in no event shall said term exceed one (1) year. (It is estimated that a period of approximately six (6) months will be necessary for the testing of said well.)

The public sale will take place in Room 229, U. S. Post Office and Court House Building, Los Angeles, California, at 10:00 a .m., P. s. t., October 1, 1952. The Secretary of the Navy will receive sealed bids and statements describing the bidders' qualifications, addressed to him at that address, until said time. All bids must conform to the terms and conditions of the Invitation for Bids and the above-cited act. The bids and statements will be publicly opened and read aloud at said time and place; any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the Invitation for Bids may forthwith, after all bids have been read, increase the bid price or prices, and such increase or increases shall be immediately incorporated in his bid by written amendment thereto signed by the bidder. No change will be permitted which will have the effect of lowering any price bid. After all bidders present have been heard, the bids will be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within sixty (60) days thereafter; subject, however, to approval of the contract by the president of the United States. Navy reserves the right in the public interest to reject all bids and order a new public sale.

The crude oil offered for sale is all such oil available for sale by Navy from said well No. X55-30R in said Carneros Zone during the contract term described in paragraph 2 above. The quantities of crude oil which will be available for sale are indefinite. Said well No. X55-30R is a discovery well to the Carneros Zone in Naval Petroleum Reserve Numbered 1 (Elk Hills), California, and has not been subjected to extensive production testing. The crude oil available will be that produced during a production test during the term of the contract. No guarantee is made as to quantities expected to be available; however preliminary tests indicate initial production of approximately two hundred (200) barrels daily. Said well X55-30R is located in Naval Petroleum Reserve Numbered 1, in the

[1] Filed as part of the original document.

SE¼ of Section 30, Township 30 South, Range 23 East, Mount Diablo Base and Meridian. Deliveries of said crude oil will be made at the production tanks in the NE¼ of said Section 30. Navy reserves the right to reduce or stop production of such crude oil or to terminate the contract under certain conditions described in the Invitation for Bids and Exhibit A attached thereto.

The Invitation for Bids which contains complete information concerning form of bids, bond requirements, payment, deliveries, volume measurements, quality of oil, provisions respecting price, form of contract, information to be supplied by bidders, etc., may be obtained by the prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Room 410, Mining Exchange Building, Denver 2, Colorado, or the Inspector, Naval Petroleum Reserves in California, P. O. Box 77, Tupman, California, or the Commanding Officer, U. S. Naval Supply Depot, San Pedro, California.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

SEPTEMBER 6, 1952.

[F. R. Doc. 52-9990; Filed, Sept. 12, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DETERMINATION THAT A HEARING SHOULD NOT BE HELD

Provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927) require that whenever there is a difference, for each of 3 consecutive months, of more than 6 points between the index of cost of production and the index of wholesale prices or of more than 15 points between the index of cost of production and the index of the Class I-A price, a public hearing shall be called to consider those and other economic conditions, or announcement of a determination that such a hearing should not be held together with reasons for such a determination.

For each of the months of May, June and July 1952, the index of the cost of production has been higher than the index of wholesale prices by 6.1, 7.4 and 6.9 points respectively, and also higher than the index of the Class I-A price by 16, 18 and 18 points respectively. During a period of eight consecutive months from November 1950 to June 1951 there was also a difference of more than 6 points between the index of cost of production and the index of wholesale prices. However, the divergence at that time was in the opposite direction. The index of wholesale prices was higher than the index of cost of production and by amounts substantially larger than the currently existing differences. This divergence existing during the period November 1950–June 1951 resulted in the announcement of two determinations that a hearing should not be held. Such determinations were made on April 10, 1951 (16 F. R. 3264), and on August 10, 1951 (16 F. R. 8049).

The supply of pool milk has been running at or near record high levels for the past several months. Despite moderate increases in fluid milk sales, the percentage of the total supply of pool milk which was utilized as fluid milk was lower in each month of the period December 1951–May 1952 than in the same month a year earlier. In June 1952 such percentage (38.9) was slightly (1.2) higher than in June 1951 and exactly the same as in 1950. In July 1952, a supply of pool milk 1.8 percent lower than in July 1951 coupled with record high fluid milk sales 6.4 percent higher than a year earlier resulted in a percentage fluid utilization for the month higher than for the previous two years and about the same as in 1948 and 1949. Short season supplies during the past four years have been ample to meet market requirements.

One factor of importance to be considered is that the present Class I-A pricing formula operates through application of the utilization adjustment percentage) to increase the price whenever fluid sales increase relative to the available supply. For example, the use of a utilization adjustment percentage in computing the September 1952 Class I-A price which was 2 points higher than that used in computing the September 1951 price resulted in a price about 12 cents higher than it would be otherwise. Should the reserve supply decline to the same level as in the base year of 1948 (thus raising the utilization adjustment percentage to 100), that factor alone would raise the level of the Class I-A price 53 cents per hundredweight.

It is concluded that, at least for the next several months, the Class I-A prices in prospect through operation of the pricing formula now contained in the order are prices which properly reflect economic conditions affecting the supply of and demand for milk in the New York metropolitan area and which meet the standards of the Agricultural Marketing Agreement Act.

Accordingly, it is hereby determined that a public hearing should not be held.

Issued at Washington, D. C., this 10th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10038; Filed, Sept. 12, 1952; 8:56 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 119]

NEW LONDON, CONN.; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated September 5, 1952, that the New London, Connecticut, area (this area consists of all of New London County), is a critical defense housing area, and in view of the defense housing program announced for the said area on December 22, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the New London, Connecticut, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10088; Filed, Sept. 12, 1952; 10:02 a. m.]

[Determination No. 120]

WAVERLY-CAMDEN, TENN.; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 27, 1952 that the Waverly-Camden, Tennessee, area (this area consists of Benton and Humphreys Counties, Tennessee) is a critical defense housing area, and in view of the defense housing program announced for the said area on July 9, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Waverly-Camden, Tennessee, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10089; Filed, Sept. 12, 1952; 10:02 a. m.]

[Determination No. 121]

RANTOUL, ILL.; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950 and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated September 5, 1952, that the Rantoul, Illinois, area (this area consists of Champaign and Vermillion Counties, Illinois) is a critical defense housing area, and in view of the defense housing program announced for the said area on November 10, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Rantoul, Illinois, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10090; Filed, Sept. 12, 1952; 10:03 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6450]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

SEPTEMBER 9, 1952.

Notice is hereby given that on September 8, 1952, the Federal Power Commission issued its order entered September 5, 1952, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9991; Filed, Sept. 12, 1952; 8:45 a. m.]

[Docket No. G-1429]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF SECOND AMENDED APPLICATION

SEPTEMBER 9, 1952.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, 774 M & M Building, Houston, Texas, filed on August 27, 1952, a second amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for resale or serve directly to the following cities and towns:

Salt Lake City and Brigham in the State of Utah; Pocatello, Twin Falls, Boise and Nampa in the State of Idaho; Pendleton, The Dalles, and Portland in the State of Oregon, and Walla Walla, Spokane, Hanford, Yakima, Kelso, Olympia, Tacoma, Seattle, Everett and Bellingham in the State of Washington.

Applicant also proposes to make some direct sales to certain industrial customers adjacent to its proposed pipeline system. For such purposes Applicant proposes to construct and operate a natural-gas pipeline system consisting of approximately 1,384 miles of main transmission pipeline and 316 miles of lateral and spur pipelines, extending from a point near Ignacio, Colorado, to the various above cities and towns, together with other facilities including eight compressor stations, totaling 61,000 hp. This system will have a proposed delivery capacity of 314,000 Mcf of gas per day.

The stated estimated cost of the proposed facilities is $179,000 (Sic) including $2,000,000 (Sic) as working capital. The proposed financing includes the issuance of bonds, preferred stock and common stock.

Additional and supplemental protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9992; Filed, Sept. 12, 1952; 8:46 a. m.]

[Docket Nos. G-1921, G-1922, G-1969]

TENNESSEE GAS TRANSMISSION CO. AND NIAGARA GAS TRANSMISSION LTD.

ORDER POSTPONING HEARING

SEPTEMBER 8, 1952.

In the matter of Tennessee Gas Transmission Company and Niagara Gas Transmission Limited, Docket No. G-1921; Tennessee Gas Transmission Company, Docket Nos. G-1922 and G-1969.

On July 28, 1952, the Commission, by order, fixed a date for hearing in the above-consolidated proceedings for September 15, 1952.

Tennessee Gas Transmission Company, in its application in Docket No. G-1969, among other things, states:

Applicant seeks herein a certificate of public convenience and necessity to increase the design deliverability capacity of its pipeline system, as authorized and proposed, by an additional 66,000 Mcf of natural gas per day and to provide by means of its over-all storage program, a peak-day deliverability sufficient to meet the requirements of its proposed market.

In a prior proceeding, Docket No. G-1573, in which Tennessee was issued a certificate, the Commission stated:

It appears to be reasonable and in the public interest that for the purposes of these reopened proceedings Tennessee's incremental study of its deliverability estimates should be accepted. However, we consider it reasonable to require Tennessee, in any future proceedings on applications for certificates of public convenience and necessity involving material increase in its total system deliverability capacity, to present evidence showing a complete system deliverability study on a year-by-year basis. Tennessee has been so notified by the Commission and such notice constitutes a part of the record herein.

Prior hereto the Commission, by letter, requested Tennessee to submit on or before September 5, 1952 such a deliverability study along with other pertinent data. Likewise, Niagara Gas Transmission Limited was requested to submit certain pertinent data on or before September 1, 1952. All of the required information has not been furnished.

The Commission finds: It is necessary and appropriate for an expeditious hearing and to carry out the provisions of the Natural Gas Act to postpone the above hearing as hereinafter ordered.

The Commission orders: The hearing in the above-consolidated proceedings now set to commence on September 15, 1952, be and the same hereby is postponed to a date to be hereinafter fixed by order of the Commission.

Date of issuance: September 9, 1952.

By the Commission. Chairman Buchanan dissenting.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9997; Filed, Sept. 12, 1952; 8:47 a. m.]

[Docket No. G-2031]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1952.

Take notice that the Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on August 15, 1952, an application for (1) an order disclaiming jurisdiction of the Commission over the construction, abandonment and operation of certain natural gas facilities, or, in the alternative, (2) a certificate of public convenience and necessity pursuant to section 7 of

the Natural Gas Act, authorizing the construction and operation of approximately 13.9 miles of 10¾ inch natural-gas transmission pipeline in Clark and Champaign Counties, in Ohio, extending from Applicant's existing Line "Z" to Urbana, replacing 13.3 miles of 6⅝ inch line (Line Z–8), between the same points, an order pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of the 13.3 miles of said 6⅝ inch line, and authorization to construct and operate measurement facilities and to deliver natural gas to the Liquid Carbonic Corporation near Urbana.

Applicant states that Line Z–8 was constructed in 1897 and used to serve Tremont City and Urbana, in Ohio. Since 1946, said Line Z–8 has transported natural gas for Applicant's market in the City of Bellefontaine, Ohio, also. In 1950 said Line Z–8 was replaced with the aforementioned 13.9 miles of 10¾ inch pipe in order to provide safely adequate market service and to eliminate pressure limitations upon the 6⅝ inch line. In 1951, the Liquid Carbonic Corporation was attached to the replacement facilities as a main line industrial customer.

Applicant estimates that the operation of the new facilities and elimination of high operating expense of old facilities will result in a net decrease of $3,800 in its annual operating expenses. Applicant also states that the service to the Liquid Carbonic Corporation improves the annual load factor and permits increased annual sales without requiring a corresponding increase in transmission capacity.

The total overall capital cost of the new facilities was $247,343. The retirements consisted of $31,800 Credit to Fixed Capital, $700 Cost of Retiring, and $1,200 Salvage.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–9993; Filed, Sept. 12, 1952; 8:46 a. m.]

[Docket No. G–2036]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 8, 1952.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation, address, Charleston, West Virginia, filed on August 29, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4,400 feet of 8⅝ inch natural-gas transmission pipeline extending from Applicant's existing Line X–1–M–1 to Applicant's proposed new storage pool X–49 in Putnam County, West Virginia.

Applicant proposes to acquire and activate the new Storage Pool X–49 to augment its storage program in order to provide capacity sufficiently flexible to meet the demands of its markets. The proposed storage pool contains approximately 1,800 acres and is expected to provide ultimately a maximum of 30,000 Mcf of deliverable gas per day at a maximum storage pressure of 850 pounds. The estimated maximum daily withdrawal rate at a minimum storage pressure of 300 pounds is 10,000 Mcf of natural gas. In addition to the proposed pipeline, Applicant proposes to acquire leaseholds, drill wells, install well and field lines, and maintain and operate a measuring station in connection with the initiation of storage operations in the proposed storage pool. No additional markets are proposed to be served by means of the proposed facilities.

The estimated cost of the proposed transmission line is $19,200 and the estimated cost of acquiring and activating the proposed storage field is $225,900. Applicant proposes to finance the proposed construction and activation by the issuance and sale of securities to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–9994; Filed, Sept. 12, 1952; 8:46 a. m.]

[Docket No. G–2037]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 2, 1952 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate 13.2 miles of pipeline consisting of 3.5 miles of 16-inch pipe, 3.5 miles of 20-inch pipe, 1.0 mile of 22-inch pipe, and 5.2 miles of 24-inch pipe parallel to a portion of its existing lateral extending from Applicant's main line to Peoria, Illinois; 6.5 miles of 6-inch pipeline paralleling a portion of the existing lateral pipeline extending from Applicant's Peoria lateral to Lincoln, Illinois, and a 330 horsepower compressor station located at the junction point of Applicant's lateral pipe lines extending from its Peoria lateral to Galesburg and Canton, Illinois, respectively.

According to the application, "Pursuant to the provisions of the Commission's Opinion No. 214 and the accompanying order of the Commission issued June 13, 1951, Panhandle has entered into Service Agreements for the purchase and sale of gas with forty-five of its utility resale customers. Included among such Service Agreements [1] are the following:

Estimated cost of the proposed facilities is $948,000, and financing is proposed to be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–9995; Filed, Sept. 12, 1952; 8:46 a. m.]

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[1] All of such Service Agreements are on file with the Commission. By order of the Commission issued March 5, 1952, such Service Agreements were permitted to become effective as of Feruary 20, 1952.

(a) Service Agreement with Central Illinois Light Company, dated July 18, 1951, providing for a contract demand of 99,900 Mcf during the five winter months, namely, January, February, March, November, and December.

(b) Service Agreement with Central Illinois Electric & Gas Company, dated February 4, 1952, providing for a contract demand of 6,050 Mcf during the winter months mentioned in subparagraph (a) above.

(c) Service Agreement with Illinois Power Company, dated February 4, 1952, providing for a contract demand of 67,000 Mcf during the winter months mentioned in subparagraph (a) above.

(d) Service Agreement with Central Illinois Public Service Company, dated December 21, 1951, providing for a contract demand of 37,800 Mcf during the winter months mentioned in subparagraph (a) above.

(e) Service Agreement with Morton Municipal Gas Company, dated July 3, 1951, providing for a contract demand of 1,975 Mcf during the winter months mentioned in subparagraph (a) above.

Central Illinois Light Company, Central Illinois Electric & Gas Company, and Morton Municipal Gas Company purchase all of their gas requirements under such Service Agreements from Panhandle at delivery points located on or near Panhandle's so-called Peoria lateral pipeline, while Illinois Power Company and Central Illinois Public Service Company purchase a portion of their gas requirements under such Service Agreements from Panhandle at delivery points on or near said Peoria lateral.

With the present facilities constituting Panhandle's Peoria lateral pipeline and the lateral pipelines extending therefrom, Panhandle may be unable to deliver the requirements of such customers under such Service Agreements at all times during the five winter months of January, February, March, November, and December. Panhandle therefore, proposes to construct additional pipeline facilities to enable it to deliver contract demand volumes.

[Project No. 2115]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 9, 1952.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that the Montana Power Company, Butte, Montana, has made application for a license for constructed major Project No. 2115, known as the Ryan Hydroelectric Development, located on Missouri River, a navigable water of the United States, near Great Falls, Cascade County, Montana.

The project consists of a concrete dam 1250 feet long and 65 feet high, overall; a reservoir about two miles long providing usable storage of 2,791 acre-feet; headworks and penstocks; a powerhouse containing six main generating units each consisting of a 15,000 horsepower turbine connected to a generator rated at 10,000 kva; excitation and transformer equipment; two 110-kv transmission lines extending about 4.3 miles from the generating plant to a switchyard; and appurtenant facilities.

Any protest against the approval of this application or request for action thereon, together with the name and address of the party or parties so protesting or requesting, should be submitted on or before October 20, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–9996; Filed, Sept. 12, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 61]

WILLIAMSPORT, PENNSYLVANIA AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 12, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Williamsport, Pennsylvania Area. (The area consists of the Townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward; also the Boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the City of Williamsport, all in Lycoming County, Pennsylvania.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52–10086; Filed, Sept. 12, 1952; 10:02 a. m.]

[RC 62]

HIBBING-GRAND RAPIDS-VIRGINIA-BABBITT, MINNESOTA AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 12, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Hibbing-Grand Rapids-Virginia-Babbitt, Minnesota Area. (The area consists of all of St. Louis County lying north of the southern boundary of Township 52, and all of Itasca County lying east of the Third Guide Meridian, Minnesota.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52–10087; Filed, Sept. 12, 1952; 10:02 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27380]

LIQUEFIED PETROLEUM GAS FROM MONTANA AND WYOMING TO POINTS IN MIDWEST

APPLICATION FOR RELIEF

SEPTEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Wyoming and Montana.

To: Points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, and Iowa.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C&NW Ry	11210	15
CB&Q RR	10978	142
	20360	
	20362	
CMStP&P RR	B–7664	4
GN Ry	A–8015	49
NP Ry	9852	
UP RR	4933	176

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10012; Filed, Sept. 12, 1952; 8:48 a. m.]

[4th Sec. Application 27381]

LIQUID CAUSTIC SODA FROM POINTS IN ALABAMA AND LOUISIANA TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

SEPTEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Liquid caustic soda in tank-car loads.

From: Anniston, Huntsville, Lensanto, and Redstone Arsenal, Ala., Baton Rouge and North Baton Rouge, La.

To: Bristol, Va.-Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, Supp. 5; C. A. Spaninger, Agent, I. C. C. No. 1167, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10013; Filed, Sept. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27382]

GRAVEL FROM VINCENNES, IND., TO CISNE, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The Baltimore and Ohio Railroad Company.

Commodities involved: Gravel, carloads.

From: Vincennes, Ind.

To: Cisne, Ill.

Grounds for relief: Circuitous routes, wayside pit competition, and competition with motor carriers.

Schedules filed containing proposed rates: B&O RR. tariff I. C. C. No. 24048, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10014; Filed, Sept. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27383]

FIRE FROM OKLAHOMA AND KANSAS TO TEXAS

APPLICATION FOR RELIEF

SEPTEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3982.

Commodities involved: Pipe and related articles, carloads.

From: Points in Oklahoma and Kansas.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3982, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10015; Filed, Sept. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27377]

COAL FROM VIRGINIA TO SPRAY AND LEAKESVILLE, N. C.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of the Carolina and Northwestern Railway Company.

Commodities involved: Coal, in carloads.

From: Mines in southwest Virginia.

To: Spray and Leakesville, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11165, Supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9971; Filed, Sept. 11, 1952; 8:50 a. m.]

[4th Sec. Application 27378]

GRAIN FROM ST. LOUIS TO TEXAS GULF PORTS

APPLICATION FOR RELIEF

SEPTEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, seeds, and related articles, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Texas gulf ports, for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CB&Q RR. tariff I. C. C. No. 20186, Supp. 19; GM&O RR. tariff I. C. C. No. 218, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9972; Filed, Sept. 11, 1952; 8:50 a. m.]

[4th Sec. Application 27379]

FLORIST STOCK BETWEEN POINTS IN SOUTHERN TERRITORY AND BETWEEN POINTS IN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Florist stock, viz: dry flower roots (pips), bulbs or tubers, and peony roots, carloads.

Between points in southern territory, and between points in southern territory, on the one hand, and points in official territory (including Illinois territory), on the other.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, Supp. 6; R. G. Raasch, Agent, I. C. C. No. 752, Supp. 11; C. W. Boin, Agent, I. C. C. No. A-936, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-9973; Filed, Sept. 11, 1952; 8:50 a. m.]

Notice is hereby given that, upon request of any interested person received prior to September 30, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9999; Filed, Sept. 12, 1952; 8:48 a. m.]

[File No. 70-2918]

GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING CAPITAL CONTRIBUTION BY HOLDING COMPANY TO SUBSIDIARY

SEPTEMBER 9, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23 and U-45 thereunder regarding the following proposed transaction:

GPU proposes to make a $200,000 cash capital contribution to its subsidiary Northern Pennsylvania Power Company ("North Penn"), which contribution will be credited by North Penn to the stated capital applicable to its common stock.

It is stated that this contribution will assist North Penn with its construction program; that in 1951 GPU made a similar cash contribution of $300,000; that later in 1952 or early in 1953 North Penn expects to issue approximately $500,000 principal amount of additional First Mortgage Bonds in furtherance of said construction program; that GPU's contributions aforesaid will supply the common capital component of the projected senior security financing.

Such declaration having been duly filed, and notice of filing having been duly given as prescribed by Rule U-23, and the Commission not having received a request for hearing with respect thereto nor having ordered such a hearing; and

The Commission finding with respect to said declaration that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, That said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the Commission's general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9998; Filed, Sept. 12, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1459]

RAYTHEON MFG. CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Raytheon Manufacturing Company, a security registered and listed on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18068]

ITALA-FILM G. m. b. H. et al.

In re: Rights in motion pictures owned by Itala-Film G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the owners of the motion pictures listed in Exhibit A attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany), and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of, and had their principal places of business in Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures;

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts;

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned

screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States;

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the Government of Germany, including its political subdivisions, agencies and instrumentalities, and of the persons referred to in Column 2, of said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who were on or since December 11, 1941, and prior to January 1, 1947, citizens and residents of, or which were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of or had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhigit A;

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A;

(3 Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order;

(4) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this vesting order, and

(c) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), and 2 (b) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 (b) hereof be treated as persons who are and prior to January 1, 1947 were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

EXHIBIT A

Title of motion picture	*Producer and/or distributor*
Abenteuer eines jungen Herrn in Polen (German version only).	Itala-Film G. m. b. H.
Dir gehoert mein Herz (German version only).	Itala-Film G. m. b. H.
Der Favorit der Kaiserin (German version only).	Itala-Film G. m. b. H.
Germany and the Balkans 1930	Reichsbahnzentrale fuer den deutschen Reiseverkehr
The Home Office at the German Railway Information Office in New York.	Reichsbahnzentrale fuer den deutschen Reiseverkehr
Mutterlied (German version only)	Itala-Film G. m. b. H.
Paris and New York 1935	Reichsbahnzentrale fuer den deutschen Reiseverkehr
Peking, China 1935	Reichsbahnzentrale fuer den deutschen Reiseverkehr
Saxony, Life in the Erzgebirge	Reichsbahnzentrale fuer den deutschen Reiseverkehr
Wir bieten Schach der Weltmacht Baumwolle	Universum-Film A. G., Ufa.

[F. R. Doc. 52-10019; Filed, Sept. 12, 1952; 8:51 a. m.]

[Vesting Order 19003]

ANNA BRANDENBURG ET AL.

In re: Interest in oil, gas and mineral lease owned by Anna Brandenburg and others. D-28-12233, F-28-9362, F-28-9363, F-28-25709, F-28-26319.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

Names and last known addresscs

Anna Brandenburg, Germany.
Albert Brandenburg, Germany.
Emma Johanna Lund, Germany.
Berta West, also known as Bertha West, Germany.
Ernest R. Kollwitz, Germany.
Robert A. Kollwitz, Germany.
Anna Weidt, nee Kollwitz as guardian of: Gerhard Kollwitz, minor, Henry Kollwitz, minor, Irma Kollwitz, minor, Guenther Kollwitz, minor, all of Germany.

2. That the property described as follows: An undivided two-fifths (2/5ths) interest in an undivided one thousand seven hundred fifty-twenty eight hundredths (1750/2800ths) interest in and to all oil, gas and other minerals in and under and that may be produced from the East twenty (20) feet of Lot Eighteen (18), Block One (1) of Knott & Gillespie Addition to Oklahoma City, Oklahoma, being an undivided two-fifths (2/5ths) interest in that certain mineral interest conveyed by H. B. Sears to A. C. Goetz by Mineral Deed dated March 13, 1936, and any and all claims for rents, refunds, royalties, benefits, or other payments arising from the ownership of such interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10020; Filed, Sept. 12, 1952; 8:51 a. m.]

[Vesting Order No. 19004]

JOHN BEHRENS ET AL.

In re: Rights of John Behrens and others under insurance contract. File No. F-28-3034-H-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That John Behrens, whose last known address is Bremenhaven, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees, assignees and distributees, names unknown, of Henry Behrens, deceased, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Group Certificate 70, Serial 121 issued by the Metropolitan Life Insurance Company, New York, New York, to Henry Behrens, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10021; Filed, Sept. 12, 1952; 8:51 a. m.]

[Vesting Order 19005]

JOHN JONES

In re: Estate of John Jones, also known as John Jonas, deceased. File No. D-28-13122.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation it is hereby found:

1. That Alfred Jonas, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of John Jones, also known as John Jonas, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alfred Jonas, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles J. Munz, as executor, acting under the judicial supervision of the County Court of the City and County of Denver, State of Colorado;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10022; Filed, Sept. 12, 1952; 8:51 a. m.]

[Vesting Order 19006]

MARIANNE COOK

In re: Debt owing to Marianne Cook, also known as Marianne Cook Jung. F-28-28531-C-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Marianne Cook, also known as Marianne Cook Jung, whose last known address is 74 Bismarck Street, Herbolsheim, Breisgau, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Donald M. Higbee, 604 Second National Bank Building, Uniontown, Pennsylvania, arising out of the proceeds received in behalf of Marianne Cook from the liquidation of a mortgage evidenced by Mortgage Participation Certificate numbered 1543, presently in the custody of Alfred E. Jones, Uniontown, Pennsylvania, including principal and interest therefrom, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marianne Cook, also known as Marianne Cook Jung, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a na-

tional of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10023; Filed, Sept. 12, 1952; 8:52 a. m.]

[Vesting Order 19007]

MARIECHEN S. DANTZER

In re: Certificate of Participation owned by and debt owing to Mariechen S. Dantzer, also known as Mariechen S. Kuhlke.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, whose last known address is Ottendorf, Niederelbe, Hanover, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Mortgage Participation Certificate numbered 5880, issue 155, for $1,000, issued by J. Lehrenkrauss & Sons, dated January 27, 1932, presently in the custody of Aaron Kahan, 85 Buckingham Court, Brooklyn, New York, together with any and all rights in, to and under said certificate, and any and all rights to liquidating payments thereon, and

b. That certain debt or other obligation of Aaron Kahan, 85 Buckingham Court, Brooklyn, New York, arising out of liquidating payments received on the Mortgage Participation Certificate referred to in subparagraph 2-a hereof, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10024; Filed, Sept. 12, 1952; 8:52 a. m.]

[Vesting Order 19009]

MARIE JOHANNA LUBECK

In re: Securities owned by Marie Johanna Lubeck. F-28-25644-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Marie Johanna Lubeck, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Any and all rights in, to and under a Voting Trust Certificate for Fifty (50) shares of common stock of Atlantic City Ambassador Hotel Corporation, said voting trust certificate numbered 7090 and issued in the name of Marie Johanna Lubeck, and

b. Any and all rights in, to and under a Voting Trust Certificate for Fifty (50) shares of common stock of New York Ambassador, Inc., said voting trust certificate numbered 7038 and issued in the name of Marie Johanna Lubeck,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Johanna Lubeck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10026; Filed, Sept. 12, 1952; 8:52 a. m.]

EVA BERNATH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eva Bernath, a/k/a Eva Koeszegi, Soroksar, Hungary; Claim No. 39153; Vesting Order No. 8392; $381.89 in the Treasury of the United States.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10028; Filed, Sept. 12, 1952; 8:53 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 6—IMPORT QUOTAS AND FEES

Sec.
6.1 Basis and purpose.
6.2 Responsibility for actions under section 22 and section 8 (a).
6.3 Requests by interested persons for action by Department of Agriculture.
6.4 Investigations.
6.5 Hearings under section 22.
6.6 Submission of recommendations under section 22.
6.7 Submission of recommendations under section 8 (a) (emergency treatment).
6.8 Representation at Tariff Commission hearings.
6.9 Information.

AUTHORITY: §§ 6.1 to 6.9 issued under R. S. 161, sec. 3, 62 Stat. 1248, as amended, sec. 8, 65 Stat. 75; 5 U. S. C. 22, 7 U. S. C. Sup. 624.

§ 6.1 *Basis and purpose.* (a) The purpose of this part is to prescribe the policies and procedures of the Department of Agriculture in discharging its responsibilities under section 22 of the Agricultural Adjustment Act (of 1933), as amended (hereinafter referred to as "section 22") and section 8 (a) of the Trade Agreements Extension Act of 1951 (hereinafter referred to as "section 8 (a)"), and Executive Order No. 7233.

(b) Section 22 requires the Secretary of Agriculture (hereinafter referred to as the "Secretary") to advise the President whenever he has reason to believe that any articles are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, any program undertaken by the Department of Agriculture, or any agency operating under its direction, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which such a program is being undertaken. If the President agrees that there is reason for such belief, the President is directed to cause an immediate investigation to be made by the Tariff Commission. Executive Order No. 7233, issued November 23, 1935, among other things, provides that the Secretary may have representatives at hearings held by the Tariff Commission, who shall have the privilege of examining witnesses.

(c) Section 7 of the Trade Agreements Extension Act of 1951 (hereinafter referred to as "section 7"), requires the Tariff Commission, upon application of any interested party, or under certain other conditions, to make an investigation to determine whether any product upon which a concession has been granted under a trade agreement is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

(d) Section 8 (a) authorizes the Secretary to determine, in connection with an action proposed for any agricultural commodity under section 22 or under section 7 whether, due to the perishability of the agricultural commodity, a condition exists which requires emergency treatment. Whenever the Secretary makes and reports such determination to the President and to the Tariff Commission, the President is required to make his decision under section 7 or section 22 at the earliest possible date and, in any event not more than 25 calendar days after the submission of the Secretary's report to the Tariff Commission.

§ 6.2 *Responsibility for actions under section 22 and section 8 (a).* The primary responsibility within the Department of Agriculture for action on matters for which the Secretary is responsible under section 22 and section 8 (a) is assigned to the Administrator, Production and Marketing Administration (hereinafter referred to as the "Administrator"), but the Office of Foreign Agricultural Relations, and other offices, agencies, and bureaus of the Department whose activities will be affected by any action under section 22 or section 8 (a) shall be consulted by the Administrator in discharging his responsibility hereunder.

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FEDERAL REGISTER

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§ 6.3 *Requests by interested persons for action by Department of Agriculture*—(a) *Section 22.* A request for action under section 22 should be submitted in duplicate to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Such request shall include a statement of the reasons why action would be warranted under section 22 and shall be supported by appropriate information and data.

(b) *Section 8 (a).* A request for action under section 8 (a) should be submitted in duplicate to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Such request shall include a statement of the reasons why the commodity is perishable, and why, due to such perishability, a condition exists requiring emergency treatment, and shall be supported by appropriate information and data. A request under section 8 (a) submitted in connection with a proposed section 7 investigation shall not be acted upon until a section 7 application has been properly filed by the person making the request with the Tariff Commission, and a copy of such application and supporting information and data are furnished the Administrator.

§ 6.4 *Investigations*—(a) *Section 22.* The Administrator shall cause an investigation to be made whenever, based upon a request submitted pursuant to § 6.3 or upon other information available to him, he determines that there is reasonable ground to believe that the imposition of import quotas or fees under section 22 may be warranted, or that the termination or modification of import quotas or fees in effect under section 22 may be warranted.

(b) *Section 8 (a).* The Administrator shall cause an immediate investigation to be made whenever (1) a request is received for emergency treatment in connection with an application properly filed with the Tariff Commission under section 7; (2) a request is received for emergency treatment under section 22 if the Administrator determines that there is reasonable ground to believe that the imposition of import quotas or fees under section 22 may be warranted; or (3) the Administrator, upon the basis of other information available to him, has reasonable ground for believing that emergency treatment under section 8 (a) is necessary. The Administrator shall expedite to the fullest practicable extent his attention to requests for emergency treatment under section 8 (a), and such requests shall receive priority over requests for other action under section 22. The investigation shall cover (1) whether the commodity is a perishable agricultural commodity; (2) whether, due to the perishability of the commodity, a condition exists requiring emergency treatment as indicated by such factors as (i) the marketing season for the commodity, (ii) past and prospective domestic production, stocks, requirements, and prices, (iii) past and prospective imports; and (3) such other matters as the Administrator determines are relevant to a determination as to whether emergency treatment for the commodity is necessary. No public hearing shall be held in connection with investigations under this paragraph.

§ 6.5 *Hearings under section 22.* The Administrator is authorized to provide for such public hearings as he deems necessary to discharge the responsibility for action under section 22 vested in him by §§ 6.2 and 6.4 (a). In view of the need, however, for prompt action on requests for action under section 22, public hearings shall be held in connection with investigations conducted under § 6.4 (a) only when the Administrator determines that a public hearing is necessary to obtain supplementary information not otherwise available. Any public hearing which is held shall be conducted by representatives designated for the purpose by the Administrator; shall be preceded by such public notice as, in the opinion of the Administrator, will afford interested persons reasonable opportunity to attend and present information; and minutes of the proceedings at such hearing shall be obtained. Hearings shall be informal and technical rules of evidence shall not apply. Such hearings are for the purpose of obtaining information for the assistance of the Secretary. However, in discharging his responsibilities under section 22, the Secretary is not restricted to the information adduced at the hearings.

§ 6.6 *Submission of recommendations under section 22.* (a) The Administrator shall make a report to the Secretary upon the completion of each investigation made by him pursuant to § 6.4 (a). The report shall summarize the information disclosed by the investigation; shall contain the recommendations of the Administrator; and, in case action under section 22 is recommended, shall be accompanied by a suggested letter from the Secretary to the President recommending that the Tariff Commission be directed to conduct an investigation. Such report shall be submitted to the Office of Foreign Agricultural Relations and other offices, agencies, and bureaus of the Department of Agriculture whose activities would be affected, for concurrence or comment.

(b) The Secretary will recommend that the President direct the Tariff Commission to conduct an investigation under section 22 only if he has reason to believe, upon the basis of the information available to him, that import quotas or fees should be imposed.

§ 6.7 *Submission of recommendations under section 8 (a) (emergency treatment)*—(a) *Section 22.* The Administrator's report submitted pursuant to § 6.6 shall indicate whether or not emergency treatment is necessary. If emergency treatment is recommended, the report shall discuss the condition which requires emergency treatment and be accompanied by suggested letters from the Secretary to the President, to the Tariff Commission, and to the petitioner (if any) advising them of the Secretary's determination. The suggested letter from the Secretary to the President shall include a recommendation as to whether such emergency treatment should take the form of action by the President prior to receiving the recommendations of the Tariff Commission, or whether a decision by the President may appropriately be withheld until the recommendations of the Tariff Commission are received. If emergency treatment requested is not recommended, the report to the Secretary shall be accompanied by suggested letters from the Secretary to the petitioner and the Tariff Commission stating the action taken. Each such report shall be submitted to the Office of Foreign Agricultural Relations and other offices, agencies, and bureaus of the Department of Agriculture whose activities would be affected, for concurrence or comment.

(b) *Section 7.* The Administrator shall make a report to the Secretary upon the completion of each investigation made by him pursuant to § 6.4 (b). The report shall summarize the information disclosed by the investigation, including the points listed in § 6.4 (b) which were considered in reaching the recommendation, and shall contain the recommendations of the Administrator as to whether or not emergency treatment is required. If emergency treatment is recommended, the report shall discuss the condition which requires emergency treatment and shall be accompanied by suggested letters from the Secretary to the President, to the Tariff Commission, and to the petitioner advising them of the Secretary's determination. The suggested letter from the Secretary to the President shall include a recommendation as to whether such emergency treatment should take the form of action by the President prior to receiving the recommendations of the Tariff Commission, or whether a decision by the President may appropriately be withheld until the recommendations of the Tariff Commission are received. If emergency treatment is not recommended, the report to the Secretary shall be accompanied by suggested letters from the Secretary to the petitioner and to the Tariff Commission stating the action taken. Each such report shall be submitted to the Office of Foreign Agricultural Relations and other offices, agencies, and bureaus of the Department of Agriculture whose activities would be affected, for concurrence or comment.

§ 6.8 *Representation at Tariff Commission hearings.* The Department of Agriculture shall be represented at all hearings conducted by the Tariff Commission under section 22 by persons designated by the Administrator, assisted by a representative of the Office of Foreign Agricultural Relations and a representative of the Office of the Solicitor. Such representatives shall present the recommendations of the Department of Agriculture, shall submit such information and data in support thereof as are available, and shall exercise the right of examining other witnesses which is granted to the Secretary.

§ 6.9 *Information.* Persons desiring information from the Department of Agriculture regarding section 22 or section 8 (a), or any action with respect thereto, should address such inquiries to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Rescission of prior regulations. Sections 6.1 to 6.9, inclusive, shall supersede the regulations issued September 12, 1951 (16 F. R. 9343).

Issued this 11th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10058; Filed, Sept. 15, 1952; 8:49 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 873.5]

PART 873—SUGARCANE; FLORIDA

1952 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held at Clewiston, Florida, on April 25, 1952, the following determination is hereby issued:

§ 873.5 *Fair and reasonable prices for the 1952 crop of Florida sugarcane.* A processor of sugarcane in Florida who, as a producer, applies for payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1952 crop, if the requirements of this section are met.

(a) *Definitions.* For the purpose of this section, the term: (1) "Price of raw sugar" means the price of 96° raw sugar in New York (duty paid basis, delivered) as determined in prior years; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the price to be effective under this determination.

(2) "Standard sugarcane" means sugarcane containing 12.5 percent sucrose in the normal juice.

(3) "Net sugarcane" means sugarcane, as delivered by a producer to a processor-producer, from which has been deducted the weight of trash determined in the customary manner.

(4) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.07 per ton for each one cent per pound of the average price of raw sugar determined in accordance with either of the following as agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period beginning October 10, 1952, through May 28, 1953.

(2) The basic price for salvage sugarcane shall be as agreed upon between the processor-producer and the producer.

(c) *Conversion of net sugarcane to standard sugarcane.* Except for salvage sugarcane, net sugarcane shall be converted to standard sugarcane by applying to the average sucrose content of all sugarcane delivered by a producer during the period agreed upon under paragraph (b) (1) of this section, the applicable quality factor in accordance with the following table:

Average percent sucrose in normal juice:	*Standard-sugarcane quality factor* [1]
9.5	0.70
10.0	.75
10.5	.80
11.0	.85
11.5	.90
12.0	.95
12.5	1.00
13.0	1.05
13.5	1.10
14.0	1.15
14.5	1.20
15.0	1.25
15.5	1.30

[1] The quality factor for sugarcane of intermediate normal juice sucrose percentages shall be interpolated and for sugarcane having more than 15.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

(d) *Molasses payment.* On each ton of net sugarcane ground there shall be paid to the producer a molasses payment equal to the product of 6.25 and one-half of the net liquidation from the disposal of blackstrap or final molasses in excess of 4.75 cents per gallon, f. o. b. sugarhouse tanks, during the 12 month period ending May 31, 1953.

(e) *General.* (1) The price for sugarcane specified in this section is applicable to sugarcane loaded on carts or trucks at the farm or, if sugarcane is customarily transported by railroad, loaded in railroad cars at the railroad siding nearest the farm: *Provided,* That if a producer delivers sugarcane directly to the mill the processor-producer shall pay the producer for transportation of such sugarcane an amount equal to the cost of transporting sugarcane by railroad or by other common carrier whichever is customarily used.

(2) The established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane because of decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery schedules and similar terms, as employed in connection with the purchase of the 1951 crop shall be employed in connection with the purchase of the 1952 crop.

(3) Nothing in subparagraphs (1) and (2) of this paragraph shall be construed as prohibiting modification of customs and practices which may be necessary because of unusual circumstances, any such modification to be subject to review by the Director of the Sugar Branch.

(4) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor-producer in relation to the sucrose test of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor-producer subject to approval by the Director of the Sugar Branch.

(5) The processor-producer shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1952 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on April 25, 1952, a public hearing was held at Clewiston, Florida, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1952 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Florida. In this price determination, consideration has been given to the testimony presented at the hearing and to information resulting from investigations.

(c) *1952 Price determination.* The 1952 price determination differs from the 1951 determination in the following respects: (1) The basic price per ton of standard sugarcane is $1.07 for each 1-cent per pound of the average price of raw sugar; (2) processors are required to pay transportation costs on sugarcane from the farm or nearest railroad siding to the mill; and (3) molasses payments to producers are based on 6.25 gallons per ton of sugarcane, the average production for the most recent five crops.

At the public hearing a processor representative testified that freight rates for 1951 crop sugarcane had increased 72 percent over the rates effective for the crops 1942 through 1950 and that a further increase to be effective for the 1952 crop will result in an over-all increase of 85 percent. This increase amounts to about 31 cents per ton on purchased sugarcane. The processor representative recommended that the price per ton for 1952 crop sugarcane be reduced by the entire amount of the increase in the freight rate for sugarcane above the level which prevailed for the 1950 crop. A producer representative recommended that in determining a fair and reasonable price for sugarcane, major consideration should be given to the relationship between farm and mill costs rather than to changes in transportation costs alone. The witness testified that, in his opinion, certain farm production costs had also increased substantially.

For this determination, an analysis has been made of the comparative costs, returns and profits of the Florida sugarcane and raw sugar industry obtained by survey for prior years and restated in terms of prospective conditions for the 1952 crop. Consideration also has been given to the recommendations made at the public hearing and to information obtained as a result of investigations. The analysis indicates that during recent years processing costs have risen more rapidly than have sugarcane production costs, principally because of the freight rate increases. A reduction in the price payable for sugarcane is required to restore a fair relationship of returns to costs for producers and processors. The reduction in the rate of payment per ton of sugarcane from $1.10 to $1.07 for each 1-cent per pound of the average raw sugar price requires producers, in effect, to bear a share of the increase in sugarcane freight rates proportionate to their share of total sugar proceeds.

The provision of this determination which requires processors to pay the cost of transporting sugarcane to the mill is included to standardize the point at which processors assume transportation costs of sugarcane. This provision will have no effect in instances where producers customarily have delivered sugarcane in freight cars at a railroad siding nearest the farm but will require any processor who heretofore has required delivery of cane to the mill, to assume the costs of sugarcane transportation to the mill from a point on or near the farm. A proviso is included which requires the processor to pay a producer who delivers sugarcane directly to the mill an amount equal to the cost of transporting sugarcane by railroad or by other common carrier which is customarily used. This proviso will permit, where feasible, the use of more economical methods of sugarcane transportation.

The change in the basis for molasses payments results from the use of a moving 5-year average of molasses recovery per ton of net sugarcane and will have little effect on producer returns. On the basis of analysis and examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 11th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10080; Filed, Sept. 15, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice is hereby given of the approval by the Secretary of Agriculture of the amendment, as hereinafter set forth, to the rules and regulations (7 CFR 951.100 et seq.: Subpart—Rules and Regulations) of the Industry Committee, established under the marketing agreement, as amended, and Order 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

On August 12, 1952, the Secretary of Agriculture issued certain amendments (17 F. R. 7417) to the said marketing agreement and order, in which the provisions relating to the issuance of exemption certificates were revised and authorization was provided for the handling of grapes without limitation in such minimum quantities and in such types of shipments as the committee, with the approval of the Secretary, may establish. Changes in the committee's rules and regulations so as to effectuate such amendments should be made as soon as possible since shipments of grapes have begun and such changes should be applicable during as large a portion of the current grape shipping season as is practicable. It is hereby found, therefore, that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

The amendment of the aforesaid rules and regulations is as follows:

1. Delete § 951.104 *Crop.*

2. Delete § 951.122 *Exemption certificates,* and substitute therefor the following:

§ 951.122 *Exemption certificates.* Exemption certificates shall be issued by the Industry Committee pursuant to the following rules and regulations:

(a) Applications for exemption certificates shall be submitted to the Industry Committee on forms prescribed and furnished by the committee and shall contain the following information:

(1) Name and address of applicant.

(2) Location of vineyard from which grapes are to be shipped pursuant to the exemption certificate.

(3) The number of acres and age of vines of Tokay grapes for which exemption is requested.

(4) Total quantity of Tokay grapes produced in the aforesaid vineyard for each of the preceding three seasons, the quantity shipped in fresh form for each of such seasons, and the quantity shipped under exemption certificates for each of such seasons.

(5) Quantity of grapes applicant has shipped in fresh fruit channels and disposed of otherwise from the beginning of the current season to the date of the application.

(6) The reasons beyond the control of the applicant why grapes for which exemption is requested do not meet the requirements of the grade and size regulation.

(7) Name of shipper if different from applicant.

(8) Such additional information as the Industry Committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(b) It shall be the sole responsibility of the applicant to furnish requisite proof to the Industry Committee of adverse conditions beyond his control affecting his grapes. Conditions beyond the control of the grower may include adverse climatic conditions, excesses or shortages of water not caused by faulty irrigation practices, or other conditions not resulting from the failure of the grower to follow proper cultural and harvesting practices.

(c) The Industry Committee shall promptly investigate all statements contained in the application and thereafter shall determine whether such application shall be approved. Approval shall be evidenced by the issuance to the applicant of an exemption certificate. In the case of disapproval, a written notice of such disapproval and the reason therefor shall be forwarded to the applicant.

(d) The issuance of an exemption certificate shall permit the holder thereof to ship in fresh fruit channels a quantity of the restricted or prohibited grades or sizes sufficient to enable the applicant to ship as large a proportion of his crop of Tokay grapes as the average percentage of grapes so shipped from the district for the preceding three seasons or the average percentage of grapes produced in and so shipped from the aforesaid vineyard, during the preceding three seasons, whichever is greater.

(e) Each exemption certificate authorized by the Industry Committee shall be on a form prescribed by the committee and shall be signed by the Secretary or Assistant Secretary of the Industry Committee. It shall specify the defects for which exemption is granted and the period during which the exemption certificate shall be effective. Each exemption certificate shall be effective only for the defects specified therein. It shall be issued in quadruplicate; one copy shall be delivered to the grower, one copy shall be delivered to the shipper designated by the grower to receive a copy, one copy shall be delivered to the field representative of the Industry Committee, and one copy shall be retained by the Industry Committee.

(f) The committee may, at any time, cancel or modify an exemption certificate if it is determined that the need for such exemption no longer exists or that a different quantity of the restricted or prohibited grades and sizes then that provided by such exemption certificate will permit the applicant to ship the requisite percentage of his crop.

(g) Each shipper handling Tokay grapes pursuant to an exemption certificate shall keep an accurate record of all shipments, made pursuant to the certificate, in the appropriate blank spaces provided for therein. Such record shall include with respect to each shipment, the date, the number of the railroad car or license number of the truck in which such shipment is made, the name of the shipper, the shipping point, the consignment number, and the quantity of each size and grade of Tokay grapes in such shipment. When the quantity of grapes authorized by the exemption certificate has been shipped or shipments pursuant

to an exemption certificate have been completed, the exemption certificate containing the record of shipments shall be submitted promptly to the Industry Committee or its duly authorized representative.

3. Delete § 951.170 *Grapes for charitable purposes*, and substitute therefor the following:

§ 951.170 *Grapes not subject to regulation*—(a) *Grapes for charitable purposes.* Any person who ships Tokay grapes for consumption by charitable institutions or for distribution by relief agencies or for relief purposes shall first deliver to the Industry Committee or its designated agent evidence satisfactory to the committee or its designated agent that said grapes actually will be used for one or more of the aforesaid purposes.

(b) *Grapes for conversion into by-products, including wine and juice.* Each handler who ships grapes to any point outside the State of California, or to any point within the State of California in any container containing less than 200 lbs. of grapes, for commercial conversion into by-products, wine, or juice shall obtain and furnish to the Industry Committee a certification to the United States Department of Agriculture and to the Industry Committee, executed by the purchaser of such grapes, that the grapes will be used for by-products, wine, or juice purposes.

(c) *Shipments by types or in minimum quantities.* Nothing contained in this subpart shall in any way restrict or limit shipments of grapes to any one person during any calendar day in quantities of five standard packages or less, or the equivalent thereof, for purposes other than resale.

Done at Washington, D. C., this 11th day of September 1952, to become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10083; Filed, Sept. 15, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 61-8]

PART 61—SCHEDULED AIR CARRIER RULES

OVER-THE-TOP OPERATIONS BY SCHEDULED AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 10th day of September, 1952.

At the present time Part 61 of the Civil Air Regulations provides that scheduled air carrier aircraft may not fly lower than the pertinent minimum en route altitude for the route being traversed when on an instrument flight plan. The Administrator has not exercised the authority delegated to him to establish lower over-the-top minimum en route altitudes than those specified by him for regular instrument operations since he considers that the establishment and publication of more than one minimum en route altitude for a particular route or route segment would tend to cause confusion.

As a consequence, and realizing that some provision should be made for relaxing of the rules governing over-the-top operations by scheduled air carriers without the necessity of publishing additional altitudes for such operations, the Board by this amendment will allow over-the-top flight below the minimum en route altitude, provided certain conditions are complied with. Such operations may be conducted by day only, with a minimum of 1,000 feet of vertical clearance from higher and lower cloud layers, the cloud layers must be generally uniform and level, and flight visibility must be at least five miles. In addition, the base of any higher cloud cover must be at least 1,000 feet above the minimum en route altitude for the route or route segment.

An amendment is also made to § 61.271 with respect to altitude maintenance on initial approach to cover the situation created by an over-the-top approach below established minimum en route altitude.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR Part 61, as amended) effective immediately:

1. By amending the first paragraph of § 61.261 to read as follows:

§ 61.261 *Flight altitude rules.* Except during take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of § 60.17 of this chapter, shall govern air carrier operations: *Provided*, That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes. Contrary provisions herein notwithstanding, adherence to a minimum IFR altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

2. By amending the headnote of § 61.261 *Flight altitude rules*, paragraph (b) to read as follows:

(b) *Night VFR or IFR operations (including over-the-top).*

3. By adding a new paragraph (c) to § 61.261 to read as follows:

(c) *Daytime over-the-top operations below minimum en route altitudes.* Over-the-top operations may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

(1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover shall be generally uniform and level;

(3) Flight visibility shall be at least 5 miles;

(4) The base of any higher broken or overcast cloud cover shall be generally uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

4. By amending § 61.271 to read as follows:

§ 61.271 *Altitude maintenance on initial approach.* (a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 61.261 (c)), an aircraft shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established;

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 61.261 (c), an aircraft shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the aircraft shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10071; Filed, Sept. 15, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 4, Revision 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 4—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

REVOCATION

Supplementary Regulation 4, Revision 1 to Ceiling Price Regulation 9, Revision 1 permits sellers of commodities covered by Ceiling Price Regulation 9, Revision 1, in the Territory of Hawaii to pass through any increase in overland or ocean freight charges incurred by such sellers who because of the maritime strike on the west coast of the United States were forced to ship such commodities from ports in the continental United States other than west coast ports.

It was stated in the Statement of Considerations accompanying the Supplementary Regulation that the Office of Price Stabilization would revoke the increases granted as to such commodities not actually delivered or in transit at the time the strike emergency had ended.

The Office of Price Stabilization has been advised that the maritime strike on the west coast has been settled and has determined that the emergency caused by the strike has ended. Therefore, Supplementary Regulation 4, Revision 1 to Ceiling Price Regulation 9, Revision 1, is being revoked.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 4, Revision 1 to Ceiling Price Regulation 9, Revision 1, is hereby revoked, effective September 15, 1952.

(Sec. 704, 64 Stat. 816 as amended, 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10177; Filed, Sept. 15, 1952; 11:52 a. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 6]

CPR 34—SERVICES

SR 6—FROZEN FOODS LOCKERS; PROCESSING CHARGES FOR WILD DEER, ELK AND ANTELOPE IN COLORADO DURING THE 1951 HUNTING SEASON

EXTENDING COVERAGE OF REGULATION TO THE 1952 HUNTING SEASON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 6 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment to Supplementary Regulation 6 extends the period for which operators of frozen food lockers in the State of Colorado are permitted to increase their ceiling prices originally established by Ceiling Price Regulation 34, as amended, for processing wild deer, elk and antelope to include the processing of wild deer, elk and antelope killed during the Colorado 1952 hunting season. This amendment also clarifies the word "charges" as used in Supplementary Regulation 6 to indicate that the term refers to ceiling prices established under Ceiling Price Regulation 34, as amended.

The Statement of Consideration which accompanied Supplementary Regulation 6 to Ceiling Price Regulation 34 is equally applicable to this amendment and is incorporated herein by this reference.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade associated representatives, impracticable.

In the judgment of the Director of Price Stabilization, this amendment is generally fair and equitable and complies with all applicable provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 6 to Ceiling Price Regulation 34 is amended to read as follows:

SECTION 1. *Purpose.* The purpose of this regulation is to permit operators of frozen food lockers in the State of Colorado to increase their ceiling prices for processing wild deer, elk and antelope killed during the 1951 and 1952 hunting seasons.

2. The first sentence of section 3 of Supplementary Regulation 6 to Ceiling Price Regulation 34 is amended to read as follows:

SEC. 3. *Ceiling prices.* If you operate a frozen foods locker in the State of Colorado, and as a part of that operation you process wild deer, elk and antelope, you may now increase your ceiling prices established by Ceiling Price Regulation 34, as amended, for processing wild deer, elk and antelope killed during the Colorado 1951 and 1952 hunting season by seventy cents per head.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 6 to Ceiling Price Regulation 34, as amended, is effective September 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10178; Filed, Sept. 15, 1952; 11:52 a. m.]

[Ceiling Price Regulation 69, Revision 1, Supplementary Regulation 1]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

SR 1—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

REVOCATION

Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1 permits sellers of commodities covered by Ceiling Price Regulation 69, Revision 1, in the Territory of Hawaii to pass through any increase in overland or ocean freight charges incurred by such sellers who because of the maritime strike on the west coast of the United States were forced to ship such commodities from ports in the continental United States other than west coast ports.

It was stated in the Statement of Considerations accompanying the Supplementary Regulation that the Office of Price Stabilization would revoke the increases granted as to such commodities not actually delivered or in transit at the time the strike emergency had ended.

The Office of Price Stabilization has been advised that the maritime strike on the west coast has been settled and has determined that the emergency caused by the strike has ended. Therefore, Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is being revoked.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is hereby revoked, effective September 15, 1952.

(Sec. 704, 64 Stat. 816 as amended, 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10179; Filed, Sept. 15, 1952; 11:53 a. m.]

[Ceiling Price Regulation 94, Amdt. 6]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

RESTORING CHEVROLET AND GMC SUBURBANS TO COVERAGE UNDER CPR 94

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Ceiling Price Regulation 94 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 5 to CPR 94, effective July 31, 1952, was issued to remove from coverage under CPR 94, the Chevrolet Suburban and the GMC Suburban as well as the Graham automobile which is no longer being manufactured. The action with respect to the two suburban models was taken because it appeared that these suburban vehicles were designed primarily for the hauling of commodities and were erroneously listed in Appendix "A". However, subsequent to the issuance of Amendment 5 to CPR 94, the agency was informed in writing by the manufacturer of these suburban models that they are primarily designed to carry passengers, with the added appeal that they afford a convenient means for transporting cargo or luggage when desired. The manufacturer emphasized, however, that the primary purpose of these suburban models is to carry passengers.

In view of this assurance from the manufacturers concerning the primary purpose of these suburban models the Director has decided to issue this amendment to CPR 94, adding the Chevrolet Suburban and the GMC Suburban to listing in Appendix "A" and thereby restoring these suburbans to coverage under CPR 94.

In the formulation of this amendment there has been consultation with the affected industry representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Appendix "A" of CPR 94 is amended in the following respects:

1. The following ceiling prices for used Chevrolet Suburban automobiles are added as a separate section to the list of ceiling prices contained in Appendix A to CPR 94:

	Ceiling price in Region—		
	A	B	C
CHEVROLET SUBURBAN			
1941 Suburban	$340	$365	$375
1942 Suburban	395	420	415
1946 Suburban (end gate) DP Series	665	710	755
1946 Suburban (panel door) DP Series	665	710	755
1946 Suburban (end gate) Interim	605	650	695
1946 Suburban (panel door) Interim	605	650	695
1947 Suburban	805	845	905
1948 Suburban	1,000	1,045	1,090
1949 Suburban	1,145	1,190	1,225
1950 Suburban (end gate)	1,305	1,360	1,425
1950 Suburban (panel door)	1,305	1,360	1,425
1951 Suburban (end gate)	1,625	1,675	1,775
1951 Suburban (panel door)	1,625	1,675	1,775

2. The following ceiling prices for used GMC Suburban automobiles are added as a separate section to the list of ceiling prices contained in Appendix A to CPR 94:

	Ceiling price in Region—		
	A	B	C
GMC SUBURBAN			
1942 CC 100 Suburban	$425	$455	$495
1947 EC 101 Suburban	755	775	815
1947 FC 101 Suburban	810	835	915
1948 FC 101 Suburban	940	985	1,050
1949 FC 101 Suburban	1,095	1,135	1,185
1950 FC 101 Suburban	1,305	1,355	1,395
1951 101 22 Suburban	1,590	1,640	1,745

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10183; Filed, Sept. 15, 1952; 4:00 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt 4, Correction]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

ADDITIONAL EXEMPTIONS

Due to a clerical error, GOR 5, Revision 1, Amendment 4, issued August 29, 1952, contains a misprint in section 4 thereof. The word "old" was erroneously inserted preceding the word "clocks" in the specification of what articles are not included in the classification of jewelry and precious stones to be decontrolled by section 13 of GOR 5, Revision 1, as amended. As a result of this misprint, it would appear that only old clocks remain under control. Actually, it was intended that all clocks, old and new, are not decontrolled by this amendment. This misprint is corrected as follows:

4. Section 13 is amended to read as follows:

SEC. 13. *Jewelry and precious stones.*

Jewelry: This includes all precious jewelry and precious metal jewelry, costume jewelry, jewelry mountings, wedding rings, religious jewelry, watch attachments, dresser sets and military sets, and men's jewelry. It also includes unfitted compacts, cigarette cases, and miscellaneous cases used as personal accessories such as cigar cases, match cases, pill boxes, and snuff boxes. It does not include watches or clocks. "Precious Jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined in the subparagraph immediately following when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

"Precious stones": "Precious stone" means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesaler, dealer or importer is $25.00 or more.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10181; Filed, Sept. 15, 1952; 11:53 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 2, Amdt. 17 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

CALIFORNIA

Effective September 16, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

All of item 64 in Schedule B of Rent Regulation 2 is hereby deleted.

Item 64 in Schedule B of Rent Regulation 2 pertained to portions of the Monterey Bay, California, Defense-Rental Area which has been decontrolled.

[F. R. Doc. 52-10072; Filed, Sept. 15, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 15 to Schedule B]

[Rent Regulation 4, Amdt. 8 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

CALIFORNIA

Effective September 16, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. All of item 13 in Schedule B of Rent Regulation 3 is hereby deleted.

2. All of item 17 in Schedule B of Rent Regulation 4 is hereby deleted.

Item 13 in Schedule B of Rent Regulation 3 and item 17 in Schedule B of Rent Regulation 4 pertained to portions of the Monterey Bay, California, Defense-Rental Area which has been decontrolled.

[F. R. Doc. 52-10073; Filed, Sept. 15, 1952; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.3, *Letters and letter packages*, make the following changes in paragraph (e) (2):

1. Insert "Italy (see note)" in alphabetical order in the list of countries shown therein.

2. Add the following note immediately under the list of countries:

NOTE: See country item "Italy" concerning conditions under which small quantities of certain medicines are admitted in letter packages for Italy.

3. Strike out "Poland" from the list of countries shown therein.

b. In § 127.278a *Indonesia* (17 F. R. 6595), amend paragraph (a) by adding subparagraph (7), to read as follows:

(7) *Observations.* Addressees in Indonesia are required to obtain special authorization to take delivery of the following:

(i) All articles classified in Indonesia as foreign exchange. This includes currency, securities, bonds, and coupons, as well as gold and other precious metals in any form.

(ii) Gift shipments exceeding 40 gold francs (about $13) in value.

(iii) Gift shipments containing articles which the Indonesian authorities consider as luxuries.

c. In § 127.331 *Poland*, make the following changes:

1. In paragraph (a), redesignate subparagraphs (6) and (7) as (7) and (8), respectively, and insert new subparagraph (6), to read as follows:

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3).

2. Amend paragraph (a) (8) *Prohibitions* read as follows:

(8) *Prohibitions.* The articles which are prohibited or restricted as Parcel Post are also prohibited or restricted in the regular mails.

3. In paragraph (b) (7), amend the clauses in subdivision (v) to read as follows:

(b) Unmanufactured gold and unmanufactured platinum.

(c) Polish money of legal tender which is not being legally reimported.

(d) Postage stamps exceeding 100 grams in weight; and current Polish postage stamps unless import license has been secured in advance by the addressee.

d. In § 127.264 *Germany* (17 F. R. 660), amend subdivision (iii) of paragraph (b) (4), to read as follows:

(iii) *Soviet Zone (including the Soviet Sector of Berlin).* Only gift parcels may be sent. Each addressee may receive in any one month only 2 pounds 3 ounces of roasted coffee or 3 pounds 5 ounces of unroasted coffee; 4⅗ ounces of tea; and 2 pounds 3 ounces of cocoa, chocolate or chocolate products.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10052; Filed, Sept. 15, 1952; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[Gen. Order 75]

PART 308—WAR RISK INSURANCE

Public Law 763, 81st Congress, authorizes the Secretary of Commerce, with the approval of the President, to provide insurance against loss or damage by war risks whenever it appears to the Secretary that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The President, on October 9, 1950, gave the required approval and on December 21, 1950, the Secretary made a finding that, as of any outbreak of war between any of the four great powers (France, Great Britain and/or any of the British Commonwealth of Nations, Union of Soviet Socialist Republics, the United States of America) insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Secretary, by Department Order No. 117 (amended), Amendment No. 1, authorized the Maritime Administrator to perform the functions conferred upon the Secretary by Public Law 763, 81st Congress, except "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States."

The Maritime Administrator is prepared to provide war risk insurance specified in sections 1203 (a), (d), (e) and (f) of Public Law 763, 81st Congress for the interim period between the time commercial insurance, subject to the "Automatic Termination Clauses", is automatically terminated through the operation of such clauses and the time a full wartime insurance program is placed in effect. The following rules and regulations for the underwriting of such interim insurance are promulgated:

SUBPART A—GENERAL

Sec.
308.1 Eligibility of a vessel and its owner for insurance.
308.2 Change in status of a vessel after interim binders have been issued.
308.3 Applications for insurance and payment of binding fees.
308.4 Period of interim binders if insurance thereunder does not attach.
308.5 Time of attachment of insurance.
308.6 Premiums and payment thereof.
308.7 War risk insurance underwriting agency agreement.

SUBPART B—WAR RISK HULL INSURANCE

308.100 Amounts of insurance for which application may be made.
308.101 Form of application.
308.102 Issuance of interim binder; its terms and conditions.
308.103 Sums which will be insured under interim binder.
308.104 Additional war risk hull insurance.
308.105 Reporting casualties and filing claims.
308.106 Standard form of war risk hull insurance interim binder.
308.107 Standard form of war risk hull insurance policy.

SUBPART C—WAR RISK PROTECTION AND INDEMNITY INSURANCE

308.200 Amount of insurance for which application may be made.
308.201 Form of application.
308.202 Issuance of interim binder; its terms and conditions.
308.203 Sum which will be insured under interim binder.
308.204 Reporting casualties and filing claims.
308.205 Standard form of war risk protection and indemnity insurance interim binder.
308.206 Standard form of war risk protection and indemnity insurance policy.

SUBPART D—SECOND SEAMEN'S WAR RISK INSURANCE (1952)

308.300 Amounts of insurance for which application may be made.
308.301 Form of application.
308.302 Issuance of interim binder; its terms and conditions.
308.303 Sums which will be insured under interim binder.
308.304 Reporting casualties and filing claims.
308.305 Standard form of Second Seamen's war risk interim binder.
308.306 Standard form of Second Seamen's War Risk Policy (1952).

AUTHORITY: §§ 308.1 to 308.306 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 46 U. S. C. Supp. 1289.

SUBPART A—GENERAL

§ 308.1 *Eligibility of a vessel and its owner for insurance.* (a) A vessel is eligible for interim insurance if it is:

(1) An American vessel as defined in section 1201 (a), Public Law 763, 81st Congress; or

(2) A foreign-flag vessel:

(i) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress; or

(ii) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens; and

(a) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(b) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(c) In a service which, with respect to the vessel to be insured, is determined by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States.

(b) Other foreign-flag vessels will be insured at the sole discretion of the Maritime Administrator but only when engaged in services found by him to be in the interest of the national defense or the national economy of the United States.

§ 308.2 *Change in status of a vessel after interim binders have been issued.* In the event of change in flag or service of a vessel from an eligible status to a status requiring a finding as to eligibility after any interim binders set forth in §§ 308.106, 308.205, and 308.305 have been issued, interim binders covering such a vessel shall cease to be effective unless a statement as required by § 308.3 is submitted and a finding is made that the vessel is eligible for insurance as provided therein before such change occurs. In the event of the sale, demise charter, requisition, confiscation or total loss of a vessel, or any other change in the status thereof, which, by the terms of a binder causes same to terminate, prompt notice shall be given in writing to the underwriting agent that issued the binder.

§ 308.3 *Applications for insurance and payment of binding fees.* Separate applications, in duplicate, shall be filed for war risk hull insurance, war risk protection and indemnity insurance, and Second Seamen's war risk insurance for each vessel to be covered by such insurance. Applications for insurance on a vessel not in category as described in subparagraphs (1), (2) (i), (2) (ii) (a) or (2) (ii) (b) of § 308.1 (a) shall be accompanied by a signed statement, in quadruplicate, setting forth the dates of

the applications, the forms of insurance applied for, the name of the vessel, its flag, the name of the owner or charterer, the service in which the vessel is engaged and the reason such service should be considered to be in the interest of the national defense or the national economy of the United States, which statement shall be deemed to be a part of each application for insurance filed with respect to the vessel. Applications shall be made to the American War Risk Agency, 99 John Street, New York 38, N. Y., underwriting agent for the Maritime Administrator, in the forms set forth in §§ 308.101, 308.201, and 308.301. Applications and the accompanying statements, if any, shall be signed by the owner or charterer of the vessel unless he has filed with the above Underwriting Agent a written designation of a broker or brokers to act for him, in which case the applications may be signed by the designated broker or brokers. A check payable to the order of the Treasurer of the United States for the total amount of all binding fees payable by each applicant shall accompany the applications. Binding fees are not returnable unless applications are rejected.

§ 308.4 *Period of interim binders if insurance thereunder does not attach.* Interim binders set forth in §§ 308.106, 308.205, and 308.305 shall automatically expire one year from the date of issuance unless insurance thereunder attaches within that period. Renewals or extensions of interim binders, if required, shall be upon terms and conditions to be fixed by the Maritime Administrator.

§ 308.5 *Time of attachement of insurance.* The war risk insurance to be provided under this part shall attach on a vessel from the time commercial war risk insurance thereon, subject to the "Automatic Termination Clauses", terminates by reason of the operation of such Clauses or, if no commercial war risk insurance is in force thereon, it shall attach from the time commercial war risk insurance, had such insurance been maintained, would have terminated for the same reason.

§ 308.6 *Premiums and payment thereof.* Promptly upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative, the rates of premium for insurance under the interim binders will be fixed and the premiums shall be payable within ten days after receipt of notice of the amounts thereof by the assured. If premiums fixed for any interim binders are not paid within that period, such interim binders shall be null and void and of no effect and insurance thereunder shall not have attached unless the Maritime Administrator agrees otherwise. Premiums shall be paid to the underwriting agent that issued the binders by check payable to the order of the Treasurer of the United States. In the event that it is subsequently determined that insurance under interim binders did not attach, premiums paid will be refunded by the Maritime Administrator.

§ 308.7 *War risk insurance underwriting agency agreement.* The following is the underwriting agency agreement between the Secretary of Commerce, acting by the Maritime Administrator, and the American War Risk Agency:

Contract MA-355

UNDERWRITING AGENCY AGREEMENT

WAR RISK INSURANCE

This Agreement made and entered into this 1st day of November 1951, by and between the United States of America, acting by the Secretary of Commerce (hereinafter called the "Secretary") and represented herein by the Maritime Administrator, and the American War Risk Agency (hereinafter called the "Underwriting Agent"), having an office for the transaction of business at 99 John Street, New York, New York, an association of domestic insurance companies (hereinafter sometimes called the "participating members"), each of which is authorized to do a marine insurance business in a State of the United States.

WITNESSETH

Whereas, under and pursuant to Public Law 763 of the Eighty-first Congress, the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in a State of the United States as his Underwriting Agent; and

Whereas, the Secretary has determined to employ the aforesaid Underwriting Agent, as an underwriting agent in providing war risk insurance as set forth in paragraphs (a), (c), (d), (e) and (f) respectively of section 1203 of said Public Law 763, upon the terms and conditions hereinafter set forth:

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions, hereinafter set forth, the parties hereto agree as follows:

1. The Secretary hereby authorizes the Underwriting Agent, as agent, and not as an independent contractor, to perform the functions hereinafter provided for, subject to the terms and conditions hereinafter specified, and in accordance with any Memoranda of Instructions which may be issued hereunder by the Secretary from time to time.

2. The Underwriting Agent agrees to utilize its offices and facilities to make available to the public the war risk insurance as set forth in paragraphs (a), (c), (d), (e) and (f) respectively of section 1203 of said Public Law 763. The Underwriting Agent may act through its Home Office, branch offices, agencies, or appointed sub-agents. The duties of the Underwriting Agent shall be as follows:

(a) The Underwriting Agent shall receive applications for and issue binders and policies subject to the rates and conditions named by the Secretary. The insurer under such binders and policies shall be the Secretary, and the binders and policies shall be executed or countersigned by the Underwriting Agent.

(b) The Underwriting Agent shall keep a full and complete record of all such applications, binders and policies, and shall also record any premium, charge or deposit required by the terms of any binder or policy, so that a record may be available at all times to the Secretary, both as to all applications received and binders and policies issued and as to all payments made by the assured in connection with such applications, binders and policies.

(c) The Underwriting Agent shall receive checks drawn to the order of the Treasurer of the United States for the premiums and charges involved, which checks shall be deposited by the Underwriting Agent in the Federal Reserve Bank nearest to its office, or in such other bank as may be authorized by the Secretary to receive such deposits.

(d) The Underwriting Agent shall prepare a monthly report, in summary form, of all applications received, and binders and policies issued or canceled by the Underwriting Agent on a standard form to be approved by the Secretary, and the Underwriting Agent shall transmit the same to the Secretary.

(e) The Underwriting Agent shall prepare and transmit such other reports as may be required by the Secretary.

(f) The Underwriting Agent shall receive from holders of policies issued by such Underwriting Agent any claims for return premiums on a standard form to be prescribed by the Secretary and shall certify thereon, if such is the fact, that the amounts with respect to which such return is claimed were previously paid and that, based upon the statements included in such application by the assured, the return premium applied for is payable in accordance with the regulations of the Secretary. Such applications and certifications shall be transmitted promptly to the Secretary.

(g) The Underwriting Agent shall receive reports of losses on vessels and disbursements, (insured pursuant to paragraphs (a) and (c), section 1203 of said Public Law 763), assemble all pertinent documents and facts relating thereto required to determine the validity of the claims, including the amounts thereof, and submit the same to the Secretary with its recommendation as to payment.

(h) The Underwriting Agent shall, if required by the Secretary, cooperate with the Secretary to establish and maintain an advisory underwriting committee to deal with specific underwriting problems, subject to regulations of the Secretary, and such other advisory committees as, to the Secretary, may seem necessary to safeguard the interest of the Secretary, including a loss committee to act as a recipient for information as to losses and to pass upon any recommendations made by the Underwriting Agent as to losses in excess of an amount to be fixed by the Secretary.

3. (a) The Underwriting Agent shall receive for its services such amount as the Secretary and the Underwriting Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Underwriting Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Underwriting Agent but excluding payments to attorneys unless such employment has been authorized by the Secretary, provided, however, that all such expenditures shall be subject to the review of the Secretary, and further provided that, except as authorized by section 1209 (d) of said Public Law 763, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) A Statement of the compensation due to the Underwriting Agent (including reimbursement for out-of-pocket expenditures as herein provided) shall be submitted by the Underwriting Agent to the Secretary monthly or at such other intervals as the Secretary may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Underwriting Agent.

4. In the discharge of the duties and obligations arising under this Agreement, the Underwriting Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Underwriting Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, excepting that the Underwriting Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents or employees by the Underwriting Agent shall be deemed to include a determination by the Underwriting Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Underwriting Agent. It is understood that the participating members of the association constituting the Underwriting Agent are or may be engaged in writing war risk insurance on vessels and disbursements as well as other types of war risk insurance for their own account, and it is agreed that they may write such insurance notwithstanding the operations of the Underwriting Agent on behalf of the Secretary.

5. (a) The Underwriting Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Secretary and shall be kept separate from those relating to other business of the Underwriting Agent, or of the participating members thereof, in accordance with regulations made from time to time by the Secretary, and shall at all times be subject to audit and inspection by the Secretary.

(b) The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Underwriting Agent or of any participating member or members thereof in the performance of and involving transactions related to this Agreement.

6. It is recognized that, in the conduct of its operations and activities hereunder, the Underwriting Agent shall act only as agent for the Secretary who shall be the principal in connection with all such operations and activities. The Underwriting Agent shall have no authority other than as provided in this Agreement and in Memoranda of Instructions issued hereunder, and any unauthorized acts of said Underwriting Agent shall be null and void, and of no effect. It is agreed that this Agreement authorizes the Underwriting Agent to execute and issue binders and policies of war risk insurance set forth in paragraph 2 of this Agreement in the name of the United States of America and to perform the other duties and functions provided for herein. It is further agreed, in view of the fact that the statutory power of the Secretary to write insurance is conditioned on the existence of certain facts of which the Underwriting Agent may have no knowledge or means of knowledge, that the Underwriting Agent may insert in all binders and policies, above its signature, a statement that it acts solely under this Agreement and makes no warranty, either express or implied, of its own authority hereunder or of the authority of the Secretary to sign or issue the said documents.

7. Notwithstanding the provisions of paragraph 3 hereof, in the event that the Underwriting Agent or any participating member or members thereof, after giving notice to the Secretary, shall be compelled to pay to the United States or its territories, or possessions, or to any State or political subdivision thereof, any tax (excepting income taxes of every nature) or fees or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the operation of the Underwriting Agent hereunder, the Underwriting Agent and any participating member or members thereof shall be reimbursed by the Secretary therefor and for any special expenses necessarily incurred in connection therewith. Moreover, if the Secretary shall reject any claim for loss under any binder or policy of insurance issued pursuant to this Agreement and if legal proceedings be instituted against the Underwriting Agent or any participating member or members thereof with respect to such claim, or if the Underwriting Agent or any participating member or members thereof shall be obligated to defend any legal suit or proceeding on account of its action in rejecting any application or failing to issue any binder or policy or in cancelling any binder or policy, or in denying the payment of any return premium, the Secretary, upon due notice shall indemnify and hold harmless and defend the Underwriting Agent or any participating member or members thereof against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature whether or not such claim or damage is caused by the negligence of the Underwriting Agent or any participating member or members thereof or by whomsoever asserted, and if, in any such proceeding, the Underwriting Agent or any participating member or members thereof be compelled to make payment, the Secretary shall reimburse the Underwriting Agent and any participating member or members thereof for the amount of any such payment, provided always the action of the Underwriting Agent and any participating member or members thereof, which is the subject of the complaint, shall have been consistent with the standard of performance required hereunder. In any of the foregoing cases, the Underwriting Agent and any participating member or members thereof shall render to the Secretary such reasonable cooperation and assistance as the Secretary may require.

8. (a) This Agreement shall take effect as of the date of its execution by the Secretary, represented herein by the Maritime Administrator, and continue in force until terminated. It may be terminated, as of midnight on the last day of any calendar month, by either party giving at least fifteen (15) days' prior written notice to the other party by registered mail. Such termination shall not affect the obligation of the parties hereunder with respect to any insurance written or expenses incurred prior thereto.

(b) This Agreement may be terminated, modified or amended at any time by mutual consent.

(c) Without cancelling this Agreement, the participating members of the association constituting the Underwriting Agent may, upon not less than ten (10) days' prior written notice to the Secretary, change their share of participation by agreement among themselves, including the termination of the interests of one participating member and the assumption of its share by one or more of the other participating members or by the admission of other eligible domestic insurance companies to membership in the association. Any such change of apportionment or termination of participation shall not relieve any participating member of its obligations in respect to matters which occurred prior to any change or termination of its interest. Unless the Underwriting Agent is notified in writing by the Secretary, within ten (10) days after receipt of notice from the Underwriting Agent, that the proposed change in participation or termination or assumption is disapproved, such change shall be understood to be acceptable to the Secretary.

9. Any act or thing herein required or permitted to be done hereunder by the Secretary may be done by the Maritime Administrator or by such other official or officials of the Maritime Administration as the Administrator may designate. Any notice which the Underwriting Agent is required to give hereunder to the Secretary, or any documents which it is required to transmit hereunder to the Secretary, may be given or transmitted to the Maritime Administrator or to such other official or officials of the Maritime Administration, or such other organizations or corporations, persons or partnerships, as the Maritime Administrator in writing may designate.

10. The Underwriting Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the United States the right to annul this Agreement, or, in its discretion, to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage, or contingent fee.

11. In any act performed under this Agreement, the Underwriting Agent shall not discriminate against any citizen of the United States of America on the ground of race, creed, color or national origin.

12. No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in section 206, Title 18, U. S. C. The Underwriting Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

13. This Agreement shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951. The Underwriting Agent (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this Agreement) shall, in compliance with said section 104, insert the provisions of this Article in each subcontract and purchase order made or issued in carrying out this Agreement.

14. The participating members of the association constituting the Underwriting Agent, severally but not jointly and limited each to its participation therein, shall be indebted to the United States for such amounts as the Secretary is entitled to recover from the Underwriting Agent in accordance with the foregoing provisions and, in the event of failure to pay on demand, the Secretary may bring an action or actions in any court in the United States to recover such amount or amounts from the participating members, severally but not jointly, on behalf of the United States.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
Secretary of Commerce.
By MARITIME ADMINISTRATOR.

Attest:
G. W. McMAHON.

By B. K. OGDEN,
Chief, Division of Insurance,
For Maritime Administrator.
AMERICAN WAR RISK AGENCY,
Underwriting Agent.

Attest:
DOROTHY N. HOYT.

By C. G. CORNWELL,
Vice Chairman and Manager, for and on behalf of the participating members thereof, severally but not jointly.

Approved as to form:
ELMER E. METZ,
Assistant General Counsel,
Maritime Administration.

I, R. F. Weyant, certify that I am the duly chosen, qualified, and acting Secretary of the American War Risk Agency, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that C. G. Cornwell, who signed this Agreement on behalf of said association, was then the duly qualified Vice Chairman & Manager of said association; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said association by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the lawful powers of this association.

R. F. WEYANT,
Secretary.

SUBPART B—WAR RISK HULL INSURANCE

§ 308.100 *Amounts of insurance for which application may be made.* An applicant for war risk hull insurance shall state the amount of insurance desired but any payment for damage to or the total or constructive total loss of the vessel will be made as provided in §308.-103.

§ 308.101 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA–183 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR WAR RISK HULL INSURANCE

Application is made for War Risk Hull Insurance pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured _____
Address
Owner _____
Address
Mortgagee, if any, _____
Address
Loss, if any, payable to _____
_____ or order.
On _____ _____
(Vessel's name) (Flag)
_____ _____
(Gross tonnage) (Date built)

Sum to be insured $_____ but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lowest of (a) the above-stated sum, or (b) the value of the vessel as determined in accordance with section 802, Merchant Marine Act, 1936, as amended, if the vessel, upon acquisition by the United States, is subject to the provisions of that section, or (c) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable acts of Congress, provided that the amount payable under (c) hereof to the assured named in a binder issued pursuant to this application shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable acts of Congress.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 43 hours from midnight, G. m. t. of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable subpart. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application.

Binding fee (not returnable unless application is rejected).

$25.00 per vessel, under 500 gross tons.

$100.00 per vessel, 500 gross tons and over.

Check payable to the order of the Treasurer of the United States enclosed herewith.

Rate of premium—To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated _____, 195__.
Applicant _____
Binder to be sent to—
Name _____
Address _____
By _____,
Authorized signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.102 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.106 will be issued and there shall be deemed to be incorporated therein by reference, all of the terms, conditions and warranties contained in the standard war risk hull insurance policy set forth in § 308.107, to the same extent as if such policy were made a part of the binder. The binding fee shall be $25.00 per vessel under 500 gross tons and $100.00 per vessel of 500 gross tons or over.

§ 308.103 *Sums which will be insured under interim binder.* The sum insured shall be the amount stated in the application but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lowest of (a) the above-stated sum, or (b) the value of the vessel as determined in accordance with section 802, Merchant Marine Act, 1936, as amended, if the vessel, upon acquisition by the United States, is subject to the provisions of that section, or (c) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable acts of Congress: *Provided*, That the amount payable under paragraph (c) of this section shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable acts of Congress.

§ 308.104 *Additional war risk hull insurance.* Owners or charterers may obtain, on an excess basis, additional war risk hull insurance in such amounts as desired and such insurance shall not inure to the benefit of the Maritime Administrator as underwriter.

§ 308.105 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder has attached shall be reported promptly to the underwriting agent that issued the binder and all claim documents shall likewise be filed with such underwriting agent, but payment of the amounts due in settlement of claims will be made by the Maritime Administrator.

§ 308.106 *Standard form of war risk hull insurance interim binder.* The following is the standard form of war risk hull insurance interim binder:

Form MA–184 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

WAR RISK HULL INSURANCE

INTERIM BINDER NO. WRH–

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against HULL WAR RISKS only, subject to the conditions stated herein:

Assured _____
Loss, if any, payable to _____or order.
On _____ _____
(Vessel's name) (Flag)
_____ _____
(Gross tonnage) (Date built)

Sum insured _____ dollars ($_____) but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lowest of (a) the above-stated sum, or (b) the value of the vessel as determined in accordance with section 802, Merchant Marine Act, 1936, as amended, if the vessel, upon acquisition by the United States, is subject to the provisions of that Section, or (c) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress and any other applicable acts of Congress, provided that the amount payable under (c) hereof shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable acts of Congress.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

this insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire one year from the date of issuance unless insurance has attached hereunder within that period.

Terms and conditions: There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the war risk hull insurance policy set forth in § 308.107 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium—Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of the Treasurer of the United States.

Privilege is granted to effect, on an excess basis, additional war risk hull insurance, which insurance shall not enure to the benefit of the Maritime Administrator as underwriter.

Claims: Casualties arising after attachment of insurance hereunder shall be reported promptly to the Underwriting Agent and all claim documents shall be likewise filed with such Underwriting Agent but payment of the amounts due in settlement of claims will be made by the Maritime Administrator.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting, for the Secretary of Commerce.*
Countersigned at New York, N. Y., this _____ day of 195__.
AMERICAN WAR RISK AGENCY,
By _____
Authorized underwriting agent.
_____
Maritime administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.107 *Standard form of war risk hull insurance policy.* The following is the standard form of war risk hull insurance policy:

Form MA–240 (3–52)

Policy No. H_____

UNITED STATES OF AMERICA

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter), by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, does make insurance and cause to be insured: _____for account of _____but subject to the following provisions with respect to change of ownership, etc.:

In the event of any change, voluntary or otherwise, in the ownership of the Vessel or if the Vessel be placed under new management or be chartered on a bareboat basis or requisitioned on that basis, then, unless the Underwriter agrees thereto in writing, this Policy shall thereupon become cancelled from time of such change in ownership or management, charter or requisition; provided, however, that in the case of an involuntary temporary transfer by requisition or otherwise, without the prior execution of any written agreement by the Assured, such cancellation shall take place fifteen days after such transfer; and provided further that if the Vessel has cargo on board and has already sailed from her loading port, or is at sea in ballast, such cancellation shall be suspended until arrival at final port of discharge if with cargo or at port of destination if in ballast. This insurance shall not inure to the benefit of any such charterer or transferee of the Vessel, and if a loss payable hereunder should occur between such transfer and such cancellation the Underwriter shall be subrogated to all the rights of the Assured against the transferee, by reason of such transfer, in respect of all or part of such loss as is recoverable from the transferee and in the proportion which the respective amounts insured bear to the insured value. A pro rata daily return of net premium shall be made. The foregoing provisions with respect to cancellation in the event of change in ownership or management, charter or requisition shall apply even in the case of insurance "for account of whom it may concern".

Loss, if any (excepting claims required to be paid to others under the Collision Clause), payable to _____ or order. Sum Insured Hereunder _____ Dollars, at and from the _____ day of _____ 19 ____, _____ time to the _____ day of _____ 19____, _____ time.

Provided, however, Should the Vessel at the expiration of this Policy be at sea, or in distress, or at a port of refuge or of call, she shall, provided previous notice be given to the Underwriter, be held covered at a pro rata monthly premium to her port of destination.

On the Vessel called the _____ (or by whatsoever name or names the said Vessel is or shall be called).

The said Vessel, for so much as concerns the Assured, by agreement between the Assured and the Underwriter in this Policy, is and shall be valued at as follows:

Hull, tackle, apparel, passenger fittings, equipment, stores, ordnance, munitions, boats and other furniture_____	$_____
Boilers, machinery, refrigerating machinery and insulation, motor generators and other electrical machinery, and everything, connected therewith _____	_____ $_____

Donkey boilers, winches, cranes, windlasses and steering gear shall be deemed to be a part of the hull and not of the machinery.

Special Conditions and Warranties: Unless physically deleted by the Underwriters, the following warranty shall be paramount and shall supersede and nullify any contrary provision of the Policy:

F. C. & S. CLAUSE

Notwithstanding anything to the contrary contained in the Policy, this insurance is warranted free from any claim for loss, damage or expense caused by or resulting from capture, seizure, arrest, restraint or detainment, or the consequences thereof or of any attempt thereat, or any taking of the Vessel, by requisition or otherwise, whether in time of peace or war and whether lawful or otherwise; also from all consequences of hostilities or warlike operations (whether there be a declaration of war or not), but the foregoing shall not exclude collision, explosion or contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power, and for the purpose of this warranty "power" includes any authority maintaining naval, military or air forces in association with a power; also warranted free, whether in time of peace or war, from all loss, damage or expense caused by any weapon of war employing atomic fission or radioactive force.

Further warranted free from the consequences of civil war, revolution, rebellion, insurrection, or civil strife arising therefrom, or piracy.

If war risks are hereafter insured by endorsement on the Policy, such endorsement shall supersede the above warranty only to the extent that their terms are inconsistent and only while such war risk endorsement remains in force.

Held covered in case of any breach of warranty as to cargo, trade, locality or date of sailing, provided notice be given and any additional premium required be agreed immediately after receipt of advices of breach or proposed breach by Owners.

The Underwriter to be paid in consideration of this insurance_____
Dollars being at the rate of_____ per cent.

In event of non-payment of premium thirty days after attachment this Policy may be cancelled by the Underwriter upon five days written notice being given the Assured. Such proportion of the premium, however, as shall have been earned up to the time of such cancellation shall be due and payable; but in the event of Total or Constructive Total Loss occurring prior to cancellation full annual premium shall be deemed earned.

To return—

_____ cents percent net for each uncommenced month if it be mutually agreed to cancel this Policy. As follows for each consecutive 30 days the Vessel may be laid up in port, viz:

	Without cargo on board	With cargo on board
1. Under repair.....	—% net.	—% net.
2. Not under repair....	—% net.	—% net.

For the purpose of this clause a Vessel loading or discharging cargo shall be considered as "with cargo on board".

Provided always: (a) that in no case shall a return be allowed when the within named Vessel is lying in a roadstead or in exposed and unprotected waters.

(b) that in the event of a return for special trade, or any other reason, being recoverable, the above rates of return of premium shall be reduced accordingly.

And arrival.

In the event of the Vessel being laid up in port for a period of 30 consecutive days, a part only of which attaches to this Policy, it is hereby agreed that the laying up period, in which either the commencing or ending date of this Policy falls, shall be deemed to run from the first day on which the Vessel is laid up and that on this basis the Underwriter shall pay such proportion of the return due in respect of a full period of 30 days as the number of days attaching hereto bear to thirty.

Additional insurances as follows are permitted:

(a) *Disbursements, managers' commissions, profits or excess or increased value of hull and machinery, and/or similar interests however described, and freight (including chartered freight or anticipated freight) insured for time.* A sum not exceeding in the aggregate 25 percent of the insured value of the Vessel.

(b) *Freight or hire, under contracts for voyage.* A sum not exceeding the gross freight or hire for the current cargo passage and next succeeding cargo passage (such insurance to include, if required, a preliminary and an intermediate ballast passage) plus the charges of insurance. In the case of a voyage charter where payment is made on a time basis, the sum permitted for insurance shall be calculated on the estimated duration of the voyage, subject to the limitation of two cargo passages as laid down herein. Any sum insured under this section shall be reduced as the freight or hire is earned by the gross amount so earned.

(c) *Anticipated freight if the vessel sails in ballast and not under charter.* A sum not exceeding the anticipated gross freight on next cargo passage, such sum to be reasonably estimated on the basis of the current rate of freight at time of insurance, plus the charges of insurance. *Provided, however,* That no insurance shall be permitted under this section if any insurance is affected under section (b).

(d) *Time charter hire or charter hire for series of voyages.* A sum not exceeding 50 percent of the gross hire which is to be earned under the charter in a period not exceeding 18 months. Any sum insured under this section shall be reduced as the hire is earned under the charter by 50 percent of the gross amount so earned but where the charter is for a period exceeding 18 months the sum insured need not be reduced while it does not exceed 50 percent of the gross hire still to be earned under the charter. An insurance under this section may begin on the signing of the charter.

(e) *Premiums.* A sum not exceeding the actual premiums of all interests insured for a period not exceeding 12 months (excluding premiums insured under the foregoing sections but including, if required, the premium or estimated calls on any Protection and Indemnity or War &c. Risk insurance) reducing pro rata monthly.

(f) *Returns of premium.* A sum not exceeding the actual returns which are recoverable subject to "and arrival" under any policy of insurance.

(g) *Insurance irrespective of amount.* Against risks excluded by the F. C. & S. Clause, and risks enumerated in the American Institute War and Strikes Clauses and General Average and Salvage Disbursements.

Warranted that no insurance on any interests enumerated in the foregoing sections (a) to (f), inclusive, in excess of the amounts permitted therein and no insurance subject to P. P. I., F. I. A. or other like term, on any interests whatever excepting those enumerated in section (a), is or shall be effected to operate during the currency of this Policy by or for account of the Assured, Owners, Managers or Mortgagees. Provided always that a breach of this warranty shall not afford the Underwriter any defense to a claim by a Mortgagee who has accepted this Policy without knowledge of such breach.

Beginning the adventure upon the said Vessel, as above, and so shall continue and endure during the period aforesaid, as employment may offer, in port and at sea, in docks, and graving docks and on ways, gridirons and pontoons, at all times, in all places, and on all occasions, services and trades whatsoever and wheresoever, under steam, motor power or sail; with leave to sail or navigate with or without pilots, to go on trial trips and to assist and tow vessels or craft in distress, but if without the approval of the Underwriter the Vessel be towed, except as is customary or when in need of assistance, or undertakes towage or salvage services under a pre-arranged contract made by Owners and/or Charterers, the Assured shall notify the Underwriter immediately and pay an additional premium if required but no such premium shall be required for customary towage by the Vessel in connection with loading and discharging. With liberty to discharge, exchange and take on board goods, specie, passengers and stores, wherever the Vessel may call at or proceed to, and with liberty to carry goods, live cattle, &c., on deck or otherwise.

Touching the Adventures and Perils which the said Underwriter is contented to bear and take upon itself, they are of the Seas, Men-of-War, Fire, Lightning, Earthquake, Enemies, Pirates, Rovers, Assailing Thieves, Jettisons, Letters of Mart and Counter-Mart, Surprisals, Takings at Sea, Arrests, Restraints and Detainments of all Kings, Princes and Peoples, of what nation, condition or quality soever, Barratry of the Master and Mariners and of all other like Perils, Losses and Misfortunes that have or shall come to the Hurt, Detriment or Damage of the said Vessel, &c, or any part thereof; excepting, however, such of the foregoing Perils as may be excluded by provisions elsewhere in the Policy or by endorsement. And in case of any Loss or Misfortune, it shall be lawful and necessary for the Assured, their Factors, Servants and Assigns, to sue, labor and travel for, in, and about the Defense, Safeguard and Recovery of the said Vessel, &c, or any part thereof, without prejudice to this Insurance, to the Charges whereof the Underwriter will contribute its proportion as provided below. And it is expressly declared and agreed that no acts of the Underwriter or Assured in recovering, saving or preserving the property insured shall be considered as a waiver or acceptance of abandonment.

This insurance also specially to cover (subject to the Average Warranty) loss of or damage to the subject matter insured directly caused by the following:

Accidents in loading, discharging or handling cargo, or in bunkering;

Accidents in going on or off, or while on drydocks, graving docks, ways, gridirons or pontoons;

Explosions on shipboard or elsewhere;

Breakdown of motor generators or other electrical machinery and electrical connections thereto, bursting of boilers, breakage of shafts, or any latent defect in the machinery or hull (excluding the cost and expense of replacing or repairing the defective part);

Contact with Aircraft or with any land conveyance;

Negligence of Master, Charterers other than an Assured, Mariners, Engineers or Pilots;

Provided such loss or damage has not resulted from want of due diligence by the Assured, the Owners or Managers of the Vessel, or any of them. Masters, Mates, Engineers, Pilots or Crew not to be considered as part owners within the meaning of this clause should they hold shares in the Vessel.

In the event of accident whereby loss or damage may result in a claim under this Policy, notice shall be given in writing to the Underwriter, where practicable, prior to survey, so that it may appoint its own surveyor if it so desires. The Underwriter shall be entitled to decide the port to which a damaged Vessel shall proceed for docking or repairing (the actual additional expense of the voyage arising from compliance with the Underwriter's requirements being refunded to the Assured) and the Underwriter shall also have a right of veto in connection with the place of repair or repairing firm proposed and whenever the extent of the damage is ascertainable the Underwriter may take or may require to be taken tenders for the repair of such damage. In the event of failure to comply with the conditions of this clause 15 per cent. shall be deducted from the amount of the ascertained claim.

In cases where a tender is accepted with the approval of the Underwriter, an allowance shall be made at the rate of 30 per cent. per annum on the insured value for each day or pro rata for part of a day from the time of the completion of the survey until the acceptance of the tender provided that it be accepted without delay after receipt of the Underwriter's approval.

No allowance shall be made for any time during which the Vessel is loading or discharging cargo or bunkering.

Due credit shall be given against the allowance as above for any amount recovered:

(a) In respect of fuel and stores and wages and maintenance of the Master, Officers and Crew or any member thereof allowed in General or Particular Average;

(b) From third parties in respect of damages for detention and/or loss of profit and/or running expenses;

for the period covered by the tender allowance or any part thereof.

Notwithstanding anything herein contained to the contrary, this policy is warranted free from Particular Average under 3 percent, or unless amounting to $4,850, but nevertheless when the Vessel shall have been stranded, sunk, on fire, or in collision with any other Ship or Vessel, the Underwriter shall pay the damage occasioned thereby, and the expense of sighting the bottom after stranding shall be paid, if reasonably incurred, even if no damage be found.

Grounding in the Panama Canal, Suez Canal or in the Manchester Ship Canal or its connections, or in the River Mersey above Rock Ferry Slip, or in the River Plate (above a line drawn from the North Basin, Buenos Aires, to the mouth of the San Pedro River) or its tributaries, or in the Danube or Demerara Rivers or on the Yentkale Bar, shall not be deemed to be a stranding.

Average payable on each valuation separately or on the whole, without deduction of thirds, new for old, whether the Average be Particular or General.

No claim shall in any case be allowed in respect of scraping or painting the Vessel's bottom.

The warranty and conditions as to Average under 3 percent or unless amounting to $4,850 to be applicable to each voyage as if separately insured, and a voyage shall commence at the Assured's election when the Vessel either begins to load cargo or sails in ballast to a loading port. Such voyage shall continue until the Vessel has made not more than three passages or not more than two passages with cargo (whichever first occurs) and extend further until the Vessel thereafter begins to load cargo or sails (whichever first occurs), but such extension shall not exceed 30 days in port. A passage shall be deemed to be from the commencement of loading at the first port or place of loading until completion of discharge at the last port or place of discharge, or, if the Vessel sails in ballast, from the port or place of departure until arrival at the first port or place thereafter other than a port or place of refuge or a port or place for bunkering only. Each period in port of 30 days in excess of 30 days between passages shall itself constitute a passage for the purposes of this clause. When the Vessel sails in ballast to effect damage repairs such sailing or passage shall be considered part of the previous passage. In calculating whether the 3 percent or $4,850 is reached, Particular Average occurring outside the period covered by this Policy may be added to Particular Average occurring within such period, providing it occur on the same voyage as above defined, but only that portion of the claim arising within the period covered by this Policy shall be recoverable hereon. A voyage shall not be so fixed that it overlaps another voyage on which a claim is made on this or the preceding or succeeding Policy. Particular Average which would be excluded by the terms of this Policy shall not be included in determining whether the 3 percent or $4,850 is reached.

No recovery for a Constructive Total Loss shall be had hereunder unless the expense of recovering and repairing the Vessel shall exceed the insured value.

In ascertaining whether the Vessel is a Constructive Total Loss the insured value shall be taken as the repaired value, and nothing in respect of the damaged or break-up value of the Vessel or wreck shall be taken into account.

In the event of Total or Constructive Total Loss, no claim to be made by the Underwriter for freight, whether notice of abandonment has been given or not.

In no case shall the Underwriter be liable for unrepaired damage in addition to a subsequent Total Loss sustained during the period covered by this Policy.

General Average, Salvage, and Special Charges payable as provided in the contract of affreightment, or failing such provision, or there be no contract of affreightment, payable in accordance with the Laws and Usages of the Port of New York. Provided always that when an adjustment according to the laws and usages of the port of destination is properly demanded by the owners of the cargo, General Average shall be paid in accordance with same.

And it is further agreed that in the event of salvage, towage or other assistance being rendered to the Vessel hereby insured by any Vessel belonging in part or in whole to the same Owners or Charterers, the value of such services (without regard to the common ownership or control of the Vessels) shall be ascertained by arbitration in the manner below provided for under the Collision Clause, and the amount so awarded so far as applicable to the interest hereby insured shall constitute a charge under this Policy.

When the contributory value of the Vessel is greater than the valuation herein the liability of the Underwriter for General Average contribution (except in respect to amount made good to the Vessel) or Salvage shall not exceed that proportion of the total contribution due from the Vessel that the amount insured hereunder bears to the contributory value; and if because of damage for which the Underwriter is liable as Particular Average the value of the Vessel has been reduced for the purpose of contribution, the amount of the Particular Average claim under this Policy shall be deducted from the amount insured hereunder and the Underwriter shall be liable only for the proportion which such net amount bears to the contributory value.

In the event of expenditure under the Sue and Labor Clause, this Policy shall pay the proportion of such expenses that the amount insured hereunder bears to the insured value of the Vessel, or that the amount insured hereunder, less loss and/or damage payable under this Policy, bears to the actual value of the salved property; whichever proportion shall be less.

If claim for total loss is admitted under this Policy and sue and labor expenses have been reasonably incurred in excess of any proceeds realized or value recovered, the amount payable under this Policy will be the proportion of such excess that the amount insured hereunder (without deduction for loss or damage) bears to the insured value or the sound value of the Vessel at the time of the accident, whichever value was greater.

And it is further agreed that if the Vessel hereby insured shall come into collision with any other Ship or Vessel and the Assured or the Charterers or the Surety in consequence of the insured Vessel being at fault shall become liable to pay and shall pay by way of damages to any other person or persons any sum or sums in respect of such collision, the Underwriter will pay the Assured, or the Charterers, or the Surety, whichever shall have paid, such proportion of such sum or sums so paid as its subscription hereto bears to the value of the Vessel hereby insured, provided always that its liability in respect to any one such collision shall not exceed its proportionate part of the value of the Vessel hereby insured. And in cases where the liability of the Vessel has been contested, or proceedings have been taken to limit liability, with the consent in writing of the Underwriter it will also pay a like proportion of the costs which the Assured or Charterers shall thereby incur, or be compelled to pay; but when both Vessels are to blame, then, unless the liability of the Owners or Charterers of one or both such Vessels becomes limited by law, claims under the Collision Clause shall be settled on the principle of Cross-Liabilities as if the Owners or Charterers of each vessel had been compelled to pay to the Owners or Charterers of the other of such Vessels such one-half or other proportion of the latter's damages as may have been properly allowed in ascertaining the balance or sum payable by or to the Assured or Charterers in consequence of such collision; and it is further agreed that the principles involved in this clause shall apply to the case where both Vessels are the property, in part or in whole, of the same Owners or Charterers, all questions of responsibility and amount of liability as between the two Vessels being left to the decision of a single Arbitrator, if the parties can agree upon a single Arbitrator, or failing such agreement, to the decision of Arbitrators, one to be appointed by the Managing Owners or Charterers of both Vessels, and one to be appointed by the Underwriter; the two Arbitrators chosen to choose a third Arbitrator before entering upon the reference, and the decision of such single, or of any two of such three Arbitrators, appointed as above, to be final and binding. Provided always that this clause shall in no case extend to any sum which the Assured, or the Charterers, or the Surety, may become liable to pay or shall pay for removal of obstructions under statutory powers, for injury to harbors, wharves, piers, stages, structures, or any other objects (excepting other Vessels and property thereon), consequent on such collision, or in respect of the cargo, baggage or engagements of the Insured Vessel, or for loss of life, or personal injury. And provided also that in the event of any claim under this clause being made by anyone other than the Owners of the Vessel hereby insured, he shall not be entitled to recover in respect of any liability to which the Owners of the Vessel as such would not be subject, nor to a greater extent than the Owners would be entitled in such event to recover.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this Policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA.
By *Maritime Administrator, acting for the Secretary of Commerce*

Maritime Administrator.

The Underwriting Agent does not, by countersigning this Policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at ---------- this ----- day of ---------- 195...
By:

Authorized Underwriting Agent.

Form MA-240-A (9-52)

UNITED STATES OF AMERICA

HULL WAR RISK AND STRIKES CLAUSES

Endorsement attached to and made part of policy No. ---------- It is agreed that this insurance covers only those risks which would be covered by the attached policy (including running down liability under the Collision Clause) in the absence of the F. C. & S. warranty contained therein but which are excluded by that warranty. This insurance is also subject, however, to the following warranties and additional clauses:

(1) The Adventures and Perils Clause shall be construed as including the risks of piracy, civil war, revolution, rebellion or insurrection or civil strife arising therefrom, floating and/or stationary mines and/or torpedoes whether derelict or not and/or military or naval aircraft and/or other engines of war including missiles from the land and weapons of war employing atomic fission or radioactive force and warlike operations and the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, but excluding arrest, restraint or detainment under customs or quarantine regulations, and similar arrests, restraints or detainments not arising from actual or impending hostilities or sanctions.

(2) This insurance also covers damage to or destruction of the property insured directly caused by strikers, locked out workmen, or persons taking part in labor disturbances or riots or civil commotions or caused by persons acting maliciously, but this paragraph shall not be construed to include or cover any loss, damage or expense caused by or resulting from delay, detention or loss of use.

(3) The Franchise warranty in the attached policy is waived and average shall be payable irrespective of percentage and without deduction of new for old. The provisions of the attached policy with respect to constructive total loss shall apply only to claims arising from physical damage to the insured vessel.

(4) Warranted free of any claim for delay or demurrage and warranted not to abandon in case of capture, seizure or detention, until after condemnation of the property insured.

(5) Warranted free of any claim based upon loss of or frustration of the insured voyage or adventure caused by arrests, re-

straints or detainments, of kings, princes, or peoples.

(6) Warranted free from any claim arising from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States or of the country in which the vessel is owned or registered.

(7) Should the vessel be at sea at the natural expiry of this policy, this insurance shall be extended until midnight, G. m. t., of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter, provided notice be given to the Underwriting Agent as soon as practicable and an additional premium paid, if required.

(8) The "Breach of Warranty" clause in the printed policy is deleted.

(9) Warranted no War Risk Insurance in excess of the amount insured herein, whether for hull, machinery, disbursements, or other similar interests however described, exists or will be placed during the currency of this insurance, except as authorized by the Maritime Administrator, acting for the Secretary of Commerce.

(10) Warranted no cancellation except by mutual consent: *Provided, however,* That if the vessel shall be requisitioned by the United States on a basis whereby the United States provides the war risk insurance, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

(11) For the purpose of determining liability under this policy for General Average contribution or Salvage and sue and labor expenses, the sum insured herein, or as stated in any binder of which this policy is a part, shall be deemed to be the "insured value" and the amount payable for the total loss of the vessel shall be deemed to be the "sound value".

SUBPART C—WAR RISK PROTECTION AND INDEMNITY INSURANCE

§ 308.200 *Amount of insurance for which application may be made.* An applicant for war risk protection and indemnity insurance shall state the amount of insurance desired but such amount shall not exceed $250.00 per gross ton of the vessel.

§ 308.201 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA–185 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR WAR RISK PROTECTION AND INDEMNITY INSURANCE

Application is made for War Risk Protection and Indemnity Insurance pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured _____
Address
Owner _____
Address
Mortgagee, if any, _____
Address
Loss, if any, payable to_____or order.
On_____ _____
(Vessel's name) (Flag)

_____ _____
(Gross tonnage) (Date built)

Sum to be insured $_____ but not exceeding $250 per gross ton of the vessel.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable subpart. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application. Binding Fee (not returnable unless application is rejected). $25.00.

Check payable to the order of the Treasurer of the United States enclosed herewith.

Rate of Premium: To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated _____ 195—.
Applicant _____
Binder to be sent to—
Name _____
Address _____
By _____,
Authorized signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.202 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.205 will be issued and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the standard war risk protection and indemnity insurance policy set forth in § 308.206 to the same extent as if such policy were made a part of the binder. The binding feel shall be $25.00.

§ 308.203 *Sum which will be insured under interim binder.* The sum insured shall be the amount stated in the application, but not in excess of $250.00 per gross ton of the vessel.

§ 308.204 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder has attached shall be reported promptly to, and all claim documents filed with, the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 308.205 *Standard form of war risk protection and indemnity insurance interim binder.* The following is the standard form of war risk protection and indemnity insurance interim binder:

Form MA–186 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

WAR RISK PROTECTION AND INDEMNITY INSURANCE

INTERIM BINDER NO. WRP & I

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against War Risk Protection and Indemnity liabilities only, subject to the conditions stated herein:

Assured _____
Loss, if any, payable to_____
or order.
On_____ _____
(Vessel's name) (Flag)

_____ _____
(Gross tonnage) (Date built)

Sum insured _____ dollars ($_____) but not exceeding $250 per gross ton of the insured vessel.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America),

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

this insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire one year from the date of issuance unless insurance has attached hereunder within that period.

Terms and conditions—There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the war risk protection and indemnity insurance policy set forth in § 308.206 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium—Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of the Treasurer of the United States.

Claims—Casualties arising after the attachment of insurance hereunder shall be reported promptly to the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C., and all claim documents shall likewise be filed with such Division.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting for the Secretary of Commerce.*
Countersigned at New York, N. Y., this _____ day of 195—.
AMERICAN WAR RISK AGENCY,
By: _____
Authorized Underwriting Agent.
_____,
Maritime Administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.206 *Standard form of war risk protection and indemnity insurance policy.* The following is the standard form of war risk protection and indemnity insurance policy:

Form MA–241 (3–52)

UNITED STATES OF AMERICA

POLICY NO. P. & I. _____

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter), by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, and in consideration of the stipulations herein named and of _____ dollars, being premium at the rate of _____, does insure _____ hereinafter called the Assured.

Loss, if any, payable to_____
or order. In the sum of_____
dollars at and from the _____ day of _____, 19____, _____ time until the_____day of _____, 19____, _____time, against the liabilities of the Assured as hereinafter described, and subject to the terms and conditions hereinafter set forth, in respect of the vessel _____
(or by whatsoever other name or names the said vessel is or shall be called),

The Underwriter undertakes to make good to the Assured all such loss and/or damage and/or expense as the Assured shall, as owner of the vessel named herein, have become legally liable to pay and shall pay on account of the liabilities, risks, events and/or happenings herein set forth:

Loss of life, injury and illness. (1) Liability for life salvage, loss of life of, or personal injury to, or illness of, any person, not including, however, unless otherwise agreed by endorsement hereon, liability to an employee (other than a seaman) of the Assured or, in case of his death, to his beneficiaries under any compensation act. Liability hereunder shall also include burial expenses not exceeding $200, where reasonably incurred by the Assured for the burial of any seaman. The term Person as aforesaid shall include any person or, persons carried on the insured vessel.

(a) Insurance hereunder shall not cover any liability under the provisions of Public Law 267, 64th Congress, approved September 7, 1916, as amended, now known as the Federal Employees Compensation Act, or under the provisions of section 2 (c) of Public Law 17, 78th Congress, approved March 24, 1943, as amended.

(b) Insurance hereunder in connection with the handling of cargo for the insured vessel shall commence from the time of receipt by the Assured of the cargo on dock or wharf, or on craft alongside for loading, and shall continue until due delivery thereof from dock or wharf of discharge or until discharge from the insured vessel on to a craft alongside.

Repatriation expenses. (2) Liability for expenses reasonably incurred in necessarily repatriating any member of the crew or any other person employed on board the insured vessel: *Provided, however,* That the Assured shall not be entitled to recover any such expenses incurred by reason of the expiration of the shipping agreement, other than by sea perils, or by the voluntary termination of the agreement. Wages shall be recoverable hereunder only when payable under statutory obligation during unemployment due to the wreck or loss of the insured vessel.

Collision. (3) Liability for loss or damage arising from collision of the insured vessel with another ship or vessel insofar as such liability is excluded from the liabilities insured under the following four-fourths Collision Clause in the United States of America Hull Policy (MA–240): "And it is further agreed that if the Vessel hereby insured shall come into collision with any other Ship or Vessel and the Assured or the Charterers or the Surety in consequence of the insured Vessel being at fault shall become liable to pay and shall pay by way of damages to any other person or persons any sum or sums in respect of such collision, the Underwriter will pay the Assured, or the Charterers, or the Surety, whichever shall have paid, such proportion of such sum or sums so paid as its subscription hereto bears to the value of the Vessel hereby insured, provided always that its liability in respect to any one such collision shall not exceed its proportionate part of the value of the Vessel hereby insured. And in cases where the liability of the Vessel has been contested, or proceedings have been taken to limit liability, with the consent in writing of the Underwriter it will also pay a like proportion of the costs which the Assured or Charterers shall thereby incur, or be compelled to pay; but when both Vessels are to blame, then, unless the liability of the Owners or Charterers of one or both such Vessels becomes limited by law, claims under the Collision Clause shall be settled on the principle of Cross-Liabilities as if the Owners or Charterers of each Vessel had been compelled to pay to the Owners or Charterers of the other of such Vessels such one-half or other proportion of the latter's damages as may have been properly allowed in ascertaining the balance or sum payable by or to the Assured or Charterers in consequence of such collision; and it is further agreed that the principles involved in this clause shall apply to the case where both Vessels are the property, in part or in whole, of the same Owners or Charterers, all questions of responsibility and amount of liability as between the two Vessels being left to the decision of a single Arbitrator, if the parties can agree upon a single Arbitrator, or failing such agreement, to the decision of Arbitrators, one to be appointed by the Managing Owners or Charterers of both Vessels, and one to be appointed by the Underwriter; the two Arbitrators chosen to choose a third Arbitrator before entering upon the reference, and the decision of such single, or of any two of such three Arbitrators, appointed as above, to be final and binding. Provided always that this clause shall in no case extend to any sum which the Assured, or the Charterers, or the Surety, may become liable to pay or shall pay for removal of obstructions under statutory powers, for injury to harbors, wharves, piers, stages, structures, or any other objects (excepting other Vessels and property thereon), consequent on such collision, or in respect of the cargo, baggage or engagements of the Insured Vessel, or for loss of life, or personal injury. And provided also that in the event of any claim under this clause being made by anyone other than the Owners of the Vessel hereby insured, he shall not be entitled to recover in respect of any liability to which the Owners of the Vessel as such would not be subject, nor to a greater extent than the Owners would be entitled in such event to recover."

Provided, however, That insurance hereunder shall not extend to any liability, whether direct or indirect, in respect of the engagements of or the detention or loss of time of the insured vessel.

(a) Claims hereunder shall be settled on the principles of Cross-Liabilities to the same extent only as provided in the four-fourths Collision Clause above mentioned.

(b) Where both vessels are the property, in part or in whole, of the same Owners or Charterers, claims hereunder shall be settled on the basis of the principles set forth in the four-fourths Collision Clause above mentioned.

(c) Claims hereunder shall be separated among the several classes enumerated in this policy and each class shall be subject to the special conditions applicable in respect to such class.

(d) Notwithstanding the foregoing, the Underwriter shall not be liable for any claims hereunder where the various liabilities resulting from such collision, or any of them, have been compromised, settled or adjusted without the written consent of the Underwriter.

Damage caused otherwise than by collision. (4) Liability for loss of or damage to any other vessel or craft, or to property on board such other vessel or craft, caused otherwise than by collision of the insured vessel with another vessel or craft.

(a) Where such other vessel or craft or property on board such other vessel or craft belongs to the Assured, claims hereunder shall be adjusted as if it belonged to a third person: *Provided, however,* That if such vessel, craft or property be insured, the Underwriter shall be liable hereunder only in so far as the loss or damage, but for the insurance herein provided, is not or would not be recoverable by the Assured under such other insurance.

Damage to docks, buoys, etc. (5) Liability for damage to any dock, pier, jetty, bridge, harbor, breakwater, structure, beacon, buoy, lighthouse, cable or to any fixed or movable

object or property whatsoever, except another vessel or craft or property on another vessel or craft or on the insured vessel unless elsewhere covered herein.

(a) Where there would be a valid claim hereunder but for the fact that the damaged property belongs to the Assured, the Underwriter shall be liable as if such damaged property belonged to another, but only for the excess over any amount recoverable under any other insurance applicable on the property.

Wreck removal. (6) Liability for costs or expenses of or incidental to the removal of the wreck of the insured vessel if legally liable therefore; *Provided, however,* That:

(a) From such costs and expenses shall be deducted the value of any salvage from or which might have been recovered from the wreck inuring, or which might have inured, to the benefit of the Assured;

(b) The Underwriter shall not be liable for any costs or expenses which would be covered by full insurance under the United States of America Hull Policy (MA-240);

(c) In the event that the wreck of the insured vessel is upon property owned, leased, rented or otherwise occupied by the Assured, the Underwriter shall be liable for any liability for removal of the wreck which would be imposed upon the Assured by law in the absence of contract if the wreck had been upon the property belonging to another, but only for the excess over any amount recoverable under any other insurance applicable thereto.

Cargo. (7) Liability for loss of or damage to or in connection with cargo or other property (except mail or parcel post), including baggage and personal effects of persons other than members of the crew, and not exceeding $100 per person, to be carried, carried or which has been carried on board the insured vessel; *Provided, however,* That no liability shall exist hereunder for:

Specie, bullion, jewelry, etc. (a) Loss, damage or expense incurred in connection with the custody, carriage or delivery of specie, bullion, precious stones, precious metals, jewelry, silks, furs, banknotes, bonds or other negotiable documents, or similar valuable property;

Refrigeration. (b) Loss, damage or expense arising out of or in connection with the care, custody, carriage or delivery of cargo requiring refrigeration, unless the spaces, apparatus, and means used for the care, custody and carriage thereof have been surveyed by a classification or other competent disinterested surveyor under working conditions before the commencement of each round voyage unless otherwise agreed and found in all respects fit, and unless the Underwriter has approved in writing the form of contract under which such cargo is accepted for transportation;

Deviation. (c) Loss, damage or expense arising from any deviation, or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefor, unless notice thereof is given to the Underwriter and the Underwriter agrees, in writing, that such insurance is unnecessary;

Stowage in improper spaces. (d) Loss, damage or expense arising with respect to under deck cargo stowed on deck or with respect to cargo stowed in spaces not suitable for its carriage, unless the Assured shall show that every reasonable precaution has been taken by him to prevent such improper stowage;

Misdescription of goods. (e) Loss, damage or expense arising out of or as a result of the issuance of bills of lading which, to the knowledge of the Assured, improperly described the goods or their containers as to condition or quantity;

(f) Loss, damage or expense arising from issuance of clean bills of lading for goods known to be missing, unsound or damaged;

(g) Loss, damage or expense arising from the intentional issuance of bills of lading prior to receipt of the goods described therein, or covering goods not received at all;

(h) Loss, damage or expense arising from delivery of cargo without surrender of order bills of lading;

Freight. (i) Freight on cargo short-delivered, whether or not prepaid or whether or not included in the claim and paid by the Assured; *And provided further,* That:

(j) Liability hereunder shall in no event exceed that which would be imposed by law in the absence of contract;

Protective clauses required in contract of affreightment. (k) Liability hereunder shall be limited to such as would exist if the charter party, bill of lading, or contract of affreightment contained (i) a negligence general average clause in the form hereinafter specified under paragraph (12); (ii) a clause providing that any provision of the charter party, bill of lading, or contract of affreightment to the contrary notwithstanding, the Assured and the insured vessel shall have the benefit of all limitations of and exemptions from liability accorded to the owner or chartered owner of vessels by any statute or rule of law for the time being in force; (iii) such clauses, if any, as are required by law to be stated therein; (iv) and such other protective clauses as are generally in use in the particular trade;

Carriage of Goods by Sea Act. (l) When cargo carried by the insured vessel is under a bill of lading or similar document of title subject or made subject to the Carriage of Goods by Sea Act of the United States or a law of any other country of similar import, liability hereunder shall be limited to such as is imposed by said Act or law, and if the Assured or the insured vessel assumes any greater liability or obligation, either in respect of the valuation of the cargo or in any other respect, then the minimum liabilities and obligations imposed by said Act or law, such greater liability or obligation shall not be covered hereunder;

Limit of $500 per package. (m) When cargo carried by the insured vessel is under a charter party, bill of lading, or contract of affreightment not subject or made subject to the Carriage of Goods by Sea Act of the United States or a law of any other country of similar import, liability hereunder shall be limited to such as would exist if said charter party, bill of lading, or contract of affreightment contained a clause exempting the Assured and the insured vessel from liability for losses arising from unseaworthiness provided that due diligence shall have been exercised to make the vessel seaworthy and properly manned, equipped, and supplied, and a clause limiting the Assured's liability for total loss or damage to goods shipped to $500 per package, or in case of goods not shipped in packages, per customary freight unit, and providing for pro rata adjustment on such basis for partial loss or damage. The provisions of clauses (k), (l) and (m) herein may, however, be waived or altered by the Underwriter on terms agreed in writing;

Oral contract. (n) In the event cargo is carried under an arrangement not reduced to writing, the Underwriter's liability hereunder shall be no greater than if such cargo had been carried under a charter party, bill of lading or contract of affreightment containing the clauses referred to herein;

Assured's own cargo. (o) Where cargo on board the insured vessel is the property of the Assured, such cargo shall be deemed to be carried under a contract containing the protective clauses described in clauses (k), (l) and (m) herein; and such cargo shall be deemed to be fully insured under the usual form of cargo policy, and in case of loss of or damage to such cargo the Assured shall be insured hereunder in respect of such loss or damage only to the extent that he would have been if the cargo had belonged to another, but only in the event and to the extent that the loss or damage would not be recoverable from marine insurers under a cargo policy as above specified;

Transportation on land or on another vessel or craft. (p) No liability shall exist hereunder for any loss, damage or expense in respect of cargo or other property, including baggage and personal effects of persons other than members of the crew, being transported on land or on another vessel or craft;

Cargo on dock. (q) No liability shall exist hereunder for any loss, damage or expense in respect of cargo or other property, including baggage and personal effects of persons other than members of the crew, before loading on or after discharge from the insured vessel caused by flood, tide, windstorm, earthquake, fire, explosion, heat, cold, deterioration, collapse of wharf, leaky shed, theft, or pilferage unless such loss, damage or expense is caused directly by the insured vessel, her master, officers or crew.

Fines and penalties. (8) Liability for fines and penalties for the violation of any laws of the United States, or of any State thereof, or of any foreign country, *Provided, however,* That the Underwriter shall not be liable to indemnify the Assured against any such fines or penalties resulting directly or indirectly from the failure, neglect or fault of the Assured or its managing officers to exercise the highest degree of diligence to prevent a violation of any such laws.

Mutiny, misconduct. (9) Liability for expenses incurred in resisting any unfounded claim by the master or crew or other person employed on board the insured vessel, or in prosecuting such person or persons in case of mutiny or other misconduct; not including, however, costs of successfully defending claims elsewhere protected in this policy.

Quarantine expenses. (10) Liability for extraordinary expenses, incurred in consequence of the outbreak of plague, or other disease on the insured vessel, for disinfection of the vessel or of persons on board, or for quarantine expenses, not being the ordinary expenses of loading or discharging, nor the ordinary wages or provisions of crew or passengers; *Provided, however,* That no liability shall exist hereunder if the vessel be ordered to proceed to a port where it is known that she will be subjected to quarantine.

Putting in expenses. (11) Liability for port charges incurred solely for the purpose of putting into land an injured or sick seaman, and the net loss to the Assured in respect of bunkers, insurance, stores and provisions as the result of the deviation.

Cargo's proportion G/A. (12) Liability for Cargo's proportion of General Average, including special charges, so far as the Assured cannot recover the same from any other source: *Provided, however,* That if the charter party, bill of lading or contract of affreightment does not contain the negligence general average clause quoted below, the Underwriter's liability hereunder shall be limited to such as would exist if such clause were contained therein, viz:

Negligence G/A clause. "In the event of accident, danger, damage or disaster, before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which, or for the consequence of which, the Carrier is not responsible, by statute, contract, or otherwise, the goods, the shipper and the consignee, jointly and severally, shall contribute with the Carrier in general average to the payment of any sacrifices, losses, or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the Carrier, salvage shall be paid for as fully and in the same manner as if such salving ship or ships belonged to strangers."

Expenses and law costs. (13) Liability for costs, charges and expenses reasonably incurred and paid by the Assured in connection with any liability insured under this policy, provided that the Assured shall not be entitled to indemnity for the cost or expense of prosecuting or defending any claim or suit unless the same shall have been incurred with the approval in writing of the Underwriter, or the Underwriter shall be satisfied that such approval could not have been obtained under the circumstances without unreasonable delay, or that the expenses were reasonably and properly incurred. The cost and expense of prosecuting any claim in which the Underwriter shall have an interest by subrogation or otherwise shall be divided between the Assured and the Underwriter in proportion to the amounts which they would have been entitled to receive respectively, if the suit should be successful.

(14) Expenses which the Assured may incur under authorization of the Underwriter in the interest of the Underwriter.

GENERAL CONDITIONS AND LIMITATIONS

Prompt notice of claim. (15) In the event of any happening which may result in loss, damage or expense for which the Underwriter may become liable, prompt notice thereof, on being known to the Assured, shall be given by the Assured to the Underwriter, but failure to give such prompt notice because of wartime emergency conditions shall not prejudice this insurance. The Underwriter shall not be liable for any claim not presented to the Underwriter with proper proofs of loss within twenty-four (24) months after payment by the Assured.

Time for suit. (16) In no event shall suit on any claim be maintainable against the Underwriter unless commenced within twenty-four (24) months after the loss, damage or expenses resulting from liabilities, risks, events, occurrences and expenditures specified under this policy shall have been paid by the Assured.

Settlement of claims. (17) The Assured shall not make any admission of liability, either before or after any occurrence, which may result in a claim for which the Underwriter may be liable. The Assured shall not interfere in any negotiations of the Underwriter for settlement of any legal proceedings in respect of any occurrences for which the Underwriter is liable under this policy; *Provided, however,* That in respect of any occurrence likely to give rise to a claim under this policy, the Assured is obligated to and shall take such steps to protect his and the Underwriter's interests as would reasonably be taken in the absence of this or similar insurance. If the Assured shall fail or refuse to settle any claim as authorized or directed by the Underwriter, the liability of the Underwriter to the Assured shall be limited to the amount for which settlement could have been made or, if the amount is unknown, to the amount which the Underwriter authorized.

Defense of claims. (18) Whenever required by the Underwriter, the Assured shall aid in securing information and evidence and in obtaining witnesses and shall cooperate with the Underwriter in the defense of any claim or suit or in the appeal from any judgment, in respect of any occurrence as hereinbefore provided.

Assumed contractual liability. (19) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract: *Provided, however,* That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense covered under the provisions of this policy arising as a result of any contract for the employment of tugs where such contract is one which is substantially similar to those customarily in use or in force during the currency of this policy. The Assured's right of indemnity hereunder shall not include any liability for loss, damage or expense arising from collision between the insured vessel and another vessel or craft, other than liability consequent on such collision, (a) for removal of obstructions under statutory powers, (b) for damage to any dock, pier, jetty, bridge, harbor, breakwater, structure, beacon, buoy, lighthouse, cable or similar structures, (c) in respect of the cargo of the insured vessel and (d) for loss of life, personal injury and illness.

Assignment. (20) No claim or demand against the Underwriter shall be assigned or transferred, and no person, other than a receiver of the property or the estate of the Assured, shall acquire any right against the Underwriter without the express consent of the Underwriter; *Provided, however,* That this shall not affect the rights of any assignee under an assignment made by virtue of any governmental order or decree, in which event such assignee shall have and possess all of the rights of its predecessor in assignment.

Subrogation. (21) The Underwriter shall be subrogated to all the rights which the Assured may have against any other person or entity, in respect of any payment made under this policy, to the extent of such payment, and the Assured shall, upon the request of the Underwriter, execute all documents necessary to secure to the Underwriter such rights.

Double insurance. (22) The Underwriter shall not be liable for any loss or damage against which, but for the insurance hereunder, the Assured is or would be insured under existing insurance excepting as provided in paragraph (1) (a) hereof.

Limitation of liability. (23) If and when the Assured under this policy has any interest other than as an owner or bareboat charterer of the insured vessel, in no event shall the Underwriter be liable hereunder to any greater extent than if such Assured were the owner or bareboat charterer and were entitled to all the rights of limitation to which a shipowner is entitled.

Risks excluded. (24) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for any loss, damage, or expense sustained, directly or indirectly by reason of:

(a) Loss, damage or expense to hull, machinery, equipment or fittings of the insured vessel, including refrigerating apparatus and wireless equipment, whether or not owned by the Assured;

(b) Cancelment or breach of any charter or contract, detention of the vessel, bad debts, insolvency, fraud of agents, loss of freight, passage money, hire, demurrage, or any other loss of revenue;

(c) Any loss, damage, sacrifice, or expense which would be payable under the terms of the United States of America Hull Policy (MA-240), on hull, machinery, etc., whether or not the insured vessel is fully covered by insurance sufficient in amount to pay such loss, damage, sacrifice or expense;

(d) The insured vessel towing any other vessel or craft, unless such towage was to assist such other vessel or craft in distress to a port or place of safety; *Provided, however,* That this exception shall not apply to claims covered under paragraph (1) of this policy;

(e) For any claim for loss of life, personal injury or illness in relation to the handling of cargo where such claim arises under a contract of indemnity between the Assured and his subcontractor.

F. C. and S. Clause. (25) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detainment, or the consequences thereof or of any attempt thereat; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

(26) Liability hereunder in respect of any one accident or occurrence is limited to the amount hereby insured.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting, for the Secretary of Commerce.*

Maritime Administrator.

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at _____ this _____ day of _____ 195__.

By:

Authorized underwriting agent.

Form MA-241-A (3-52)

UNITED STATES OF AMERICA

WAR RISK PROTECTION AND INDEMNITY CLAUSES

Endorsement attached to and made part of Policy No. P. & I _____.

(1) This insurance to cover only the liability of the Assured for those protection and indemnity risks excluded from the Marine Protection and Indemnity Policy, to which these clauses are attached, by the F. C. & S. Clause contained therein.

(2) This insurance also to cover liability of the Assured for (a) strikes, riots and civil commotions and (b) for contractual repatriation expenses of any member of the crew as a result of perils excluded by the aforesaid F. C. & S. Clause.

(3) Claims for which the Underwriter shall be liable under these clauses shall not be subject to any deduction.

(4) The liability of the Underwriter under these clauses in respect of any one accident or series of accidents arising out of the same casualty shall be limited to the sum hereby insured.

(5) In the event of loss or shipwreck of the vessel from any cause prior to the natural expiry of this policy, this insurance shall continue to cover the liability of the Assured to the crew of the insured vessel, subject to its terms and conditions and at an additional premium if so required by the Underwriter, until the crew shall be either discharged or landed at a port or place to which the owners or charterers are obliged to bring them.

(6) Should the vessel be at sea at the natural expiry of this policy, this insurance shall be extended until Midnight, G. m. t., of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter provided notice be given to the Underwriter as soon as practicable and an additional premium paid, if required.

(7) Warranted no cancellation except by mutual consent, provided, however, that if the vessel shall be requisitioned by the United States on a basis whereby the United States provides the war risk protection and

indemnity insurance, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

(8) Notwithstanding any of the foregoing provisions, all liabilities covered by the Second Seamen's form of policy are excluded from this insurance.

SUBPART D—SECOND SEAMEN'S WAR RISK INSURANCE (1952)

§ 308.300 *Amounts of insurance for which application may be made.* An applicant for Second Seamen's war risk insurance shall not state the amount of insurance desired, which shall be as provided in § 308.303.

§ 308.301 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA–187 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR SECOND SEAMEN'S WAR RISK INSURANCE

Application is made for Second Seamen's War Risk Insurance (1952) pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured _____
Address
Loss, if any, payable in accordance with applicable provisions of Second Seamen's War Risk Policy (1952).

_____ _____
(Vessel's name) (Flag)

_____ _____
(Gross tonnage) (Date built)

In the amount specified in the Second Seamen's War Risk Policy (1952) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event, the number of crew members and modified benefits payable as of that date will immediately be declared to the Underwriting Agent. Any subsequent changes will be likewise declared.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable sub-part. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens, and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application. Binding Fee (not returnable unless application is rejected). $75.00.

Check payable to the order of the Treasurer of the United States enclosed herewith.

Rate of Premium: To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated _____, 195..
Applicant _____
Binder to be sent to—
Name _____
Address _____
By _____
Authorized Signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.302 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.305 will be issued and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the Second Seamen's War Risk Policy (1952) set forth in § 308.306 to the same extent as if such policy were made a part of the binder. The binding fee shall be $75.00.

§ 308.303 *Sums which will be insured under interim binder.* The sums insured are the amounts specified in the Second Seamen's War Risk Policy (1952) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event, the number of crew members and modified benefits payable as of that date shall be declared immediately to the underwriting agent that issued the binder. Any subsequent changes shall be likewise declared.

§ 308.304 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder has attached shall be reported promptly to, and all claim documents filed with, the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 308.305 *Standard form of Second Seamen's war risk interim binder.* The following is the standard form of Second Seamen's war risk interim binder:

Form MA–188 (3–52)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

SECOND SEAMEN'S WAR RISK INSURANCE (1952)

INTERIM BINDER NO. SSWR

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against Second Seamen's War Risk liabilities only, subject to the conditions stated herein:

Assured _____
Loss, if any, payable in accordance with applicable provisions of Second Seamen's War Risk Policy (1952).

_____ _____
(Vessel's name) (Flag)

_____ _____
(Gross tonnage) (Date built)

Sums insured: The amounts specified in the Second Seamen's War Risk Policy (1952) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event the number of crew members and modified benefits payable as of that date shall immediately be declared to the Underwriting Agent. Any subsequent changes shall be likewise declared and additional premium paid, if required.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G.m.t., of the day on which such outbreak of war occurs.

this insurance shall not attach until the expiry of 24 hours after midnight, G.m.t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment.

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire one year from the date of issuance unless insurance has attached hereunder within that period.

Terms and conditions: There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the Second Seamen's War Risk Policy (1952) set forth in § 308.306 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium: Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of the Treasurer of the United States.

Claims: Casualties arising after the attachment of insurance hereunder shall be reported promptly to the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C., and all claim documents shall likewise be filed with such Division.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agency by the Agreement made with the Maritime Administration, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By Maritime Administrator, acting for the Secretary of Commerce.
Countersigned at New York, N. Y., this ____ day of 195..
AMERICAN WAR RISK AGENCY,
By _____
Authorized Underwriting Agent.
_____
Maritime Administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.306 *Standard form of Second Seamen's War Risk Policy (1952):* The following is the standard form of Second Seamen's War Risk Policy (1952):

Form MA–242 (3–52)

UNITED STATES OF AMERICA

POLICY NO. SSWR (1952) _____

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter),

By this Policy of Insurance, in accordance with applicable provisions of law and subject to all limitations thereof, and in consideration of the stipulations herein named and of _____dollars, being premium at the rate of _____, does insure _____ for its legal and/or contractual liability for payments to master, officers and members of the crew of the vessel _____ in accordance with the terms, conditions, schedules and payee provisions of the Second Seamen's War Risk Policy, as amended, (8 F. R. 3455 et seq.) (sometimes hereinafter called Policy (1943)) which is made a part hereof.

At and from the _____ day of _____ 19____, _____ time, to the _____ day of _____ 19____, _____ time.

SPECIAL CONDITIONS

1. Without in any way amending or extending the coverage, it is understood and agreed that, wherever in Policy (1943) the words "War Shipping Administration", "Administrator", "Insured" or "Maritime War Emergency Board" appear, there shall be deemed substituted therefor the words "United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce".

2. The Underwriter agrees that detention and repatriation benefits, as provided under Article 17 of Policy (1943), shall continue until the crew member(s) shall be returned to the port to which the assured is obligated to return the crew member(s), as shown by the shipping articles signed by the crew member(s) or, if not on articles, by the contract of employment entered into by the crew member(s).

3. In the event the assured agrees to provide master, officers and crew members with insurance in principal sums over and above those provided by Policy (1943), but limited to the perils insured by said Policy (1943), this Policy is extended to cover such increased principal sums, provided that they are part of the shipping articles, collective bargaining agreements or other applicable employment agreements at date of attachment and, if such principal sums are increased after date of attachment, but before known or reported loss, they are declared to the Underwriter and an additional premium paid, if required.

4. Warranted no cancellation except by mutual consent: *Provided, however,* That if the vessel shall be requisitioned by the United States on a basis whereby the United States provides insurance equivalent to that provided hereby, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

5. Should the vessel be at sea at the natural expiry of this Policy, this insurance shall be extended until midnight, G. m. t., of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter, provided, notice be given to the Underwriter as soon as practicable and an additional premium paid, if required.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this Policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA,
By Maritime Administrator, acting for the Secretary of Commerce.
_____,
Maritime Administrator.

The Underwriting Agent does not, by countersigning this Policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at _____ this _____ day of _____ 195..
By:
_____
Authorized underwriting agent.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

Dated: June 17, 1952.

[F. R. Doc. 52–10068; Filed, Sept. 15, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 206]

CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

EXTENSION OF TIME FOR FILING WRITTEN VIEWS OR ARGUMENTS

SEPTEMBER 5, 1952.

The Commission, by Division 1, having under consideration the matter of freight commodity statistics to be compiled and reported by Class I common and contract motor carriers of property pursuant to regulations detailed in a notice dated July 31, 1952, which was published August 19, 1952, in the FEDERAL REGISTER, 17 F. R. 7550 (as modified by a notice dated August 22, 1952) has extended until October 31, 1952, the time within which written views or arguments may be filed to be considered in that connection.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10059; Filed, Sept. 15, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

LOUIS DREYFUS ET CIE, ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 7864, between Louis Dreyfus et Cie and Burles Markes, Ltd., provides for the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Louis Dreyfus Lines between United States Gulf ports and West, Southwest, South and East

Africa, from Walvis Bay to Italian Somaliland, both inclusive and including the Islands of Madagascar, Reunion and Mauritius.

2. Agreement No. 7865, between Waterman Steamship Corporation and Davie Transportation Limited, covers the transportation of canned pineapple and pineapple juice under through bills of lading from the Hawaiian Islands to Montreal, Canada, with transshipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 11, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 52-10084; Filed, Sept. 15, 1952; 8:52 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

Bureau of Supplies and Accounts

OFFICER IN CHARGE, REGIONAL ACCOUNTS OFFICE

DELEGATION OF AUTHORITY TO ELIMINATE EXCESSIVE PROFITS UNDER RENEGOTIATION ACT OF 1948

There is hereby delegated to the Officer in Charge, Navy Regional Accounts Office, Washington, D. C., the responsibility for the elimination of any excessive profits determined by agreement or order pursuant to the Renegotiation Act of 1948 to the extent that the Chief, Bureau of Supplies and Accounts is charged with such responsibility by the notice entitled "Delegation of Authority to Eliminate Excessive Profits Under the Renegotiation Act of 1948", effective January 20, 1952, from the Secretary of the Navy to the Chief, Bureau of Supplies and Accounts, 17 F. R. 7791.

This notice is effective as of the 20th day of January 1952.

M. L. ROYAR,
Rear Admiral, SC, U. S. Navy,
Chief of Bureau.

SEPTEMBER 8, 1952.

[F. R. Doc. 52-10051; Filed, Sept. 15, 1952; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2035]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 10, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on August 26, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain transmission pipe-line facilities as hereinafter described.

Applicant proposes to deliver to the plant of Anderson Clayton & Company (Mrs. Tucker's Products Division) located near Jacksonville, Illinois, up to 12,000 Mcf of natural gas per month on a firm basis, and up to 40,000 Mcf per month of natural gas on an interruptible basis. Such gas is proposed to be delivered from Applicant's Jacksonville lateral pipe line through metering facilities Applicant presently uses to deliver gas to Illinois Power Company for resale to the plant. The construction of no new facilities is contemplated by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10067; Filed, Sept. 15, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 7]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

AUGUST 11, 1952.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMDF..	Manzanillo, Oriente (new).....	1,500 kilocycles, .250...	ND	U	IV	Dec. 30, 1952

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F R. Doc. 52-10050; Filed, Sept. 15, 1952; 8:47 a. m.]

[Docket Nos. 8619, 10281]

WABX, INC., AND HARRISBURG BROADCASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of WABX, Inc., Harrisburg, Pennsylvania, Docket No. 8619, File No. BPCT-201; Harrisburg Broadcasters, Inc., Harrisburg, Pennsylvania, for construction permits for new television stations, Docket No. 10281, File No. BPCT-986.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952:

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 52-10040; Filed, Sept. 15, 1952; 8:45 a. m.]

[Docket Nos. 9136, 9137, 10243, 10316]

PIONEER BROADCASTERS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; Koin, Inc., Portland, Oregon, Docket No. 9137, File No. BPCT-493; KXL Broadcasters, Inc., Portland, Oregon, Docket No. 10243, File No. BPCT-954; Mount Hood Radio & Television Broadcasting Corporation, Portland, Oregon, for construction permits for new television stations, Docket No. 10316, File No. BPCT-1029.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952.

The Commission having under consideration the above-entitled application of Mount Hood Radio & Television Broadcasting Corporation requesting a construction permit for a new television broadcast station to operate on Channel 6 in Portland, Oregon; and

It appearing that said application proposes a mutually exclusive operation with the operations proposed in the other applications in this proceeding; and

It further appearing that the applicant, Mount Hood Radio & Television Broadcasting Corporation was advised on August 6, 1952, that its proposal was mutually exclusive with other applications as above stated and that said applicant has made reply requesting a hearing;

It is ordered, That, Pursuant to action 309 (a) of the Communications Act of 1934, as amended, the application of Mount Hood Radio & Television Broadcasting Corporation is designated for hearing in the same consolidated proceeding with the other above-entitled applications to commence at 10 a. m. on October 1, 1952 in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed stations.

2. To determine the type and character of the program service proposed to be rendered and whether it will meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed station would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the proposed station would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10039; Filed, Sept. 15, 1952; 8:45 a. m.]

[Docket Nos. 10246, 10247, 10317]

OREGON TELEVISION, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Oregon Television, Inc., Portland, Oregon, Docket No. 10246, File No. BPCT-938; Columbia Empire Telecasters, Inc., Portland, Oregon, Docket No. 10247, File No. BPCT-982; Northwest Television & Broadcasting Company, Portland, Oregon, for construction permits for new commercial television broadcast stations, Docket No. 10317, File No. BPCT-1059.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-captioned application of Northwest Television and Broadcasting Company requesting a construction permit for a new television broadcast station to operate on Channel 12 in Portland, Oregon; and

It appearing, that said application is mutually exclusive with the above applications of Oregon Television, Inc., and Columbia Empire Telecasters, Inc., which request construction permits for television broadcast stations to operate on Channel 12 in Portland, Oregon in that operation by all of the above applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that the applicant Northwest Television and Broadcasting Company was advised on August 13, 1952, that its proposal was mutually exclusive with the other above-captioned applications and that said applicant has not submitted a reply indicating that said conflict has been resolved;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Northwest Television and Broadcasting Co. is designated for hearing in the same consolidated proceeding with the other above-captioned applications to commence at 10:00 a. m. on October 1, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program service proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-captioned applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-captioned applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10049; Filed, Sept. 15, 1952; 8:47 a. m.]

[Docket Nos. 10250, 10251, 10252]

TRIBUNE CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of the Tribune Company, Tampa, Florida, Docket No. 10250, File No. BPCT-363; Pinellas Broadcasting Company, St. Petersburg, Florida, Docket No. 10251, File No. BPCT-448; the Tampa Bay Area Telecasting Corp., St. Petersburg, Florida, for construction permits for new television stations, Docket No. 10252, File No. BPCT-935.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10042; Filed, Sept. 15, 1952; 8:45 a. m.]

[Docket Nos. 10253, 10254, 10255]

TAMPA TIMES CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Tampa Times Company, Tampa, Florida, Docket No. 10253, File No. BPCT-458; W. Walter Tison, tr/as Tampa Broadcasting Company, Tampa, Florida, Docket No. 10254, File No. BPCT-942; Orange Television Broadcasting Company, Tampa, Florida, for construction permits for new television stations, Docket No. 10255, File No. BPCT-947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10043; Filed, Sept. 15, 1952; 8:46 a. m.]

[Docket Nos. 10256, 10257]

CITY OF ST. PETERSBURG, FLA., AND EMPIRE COIL CO., INC.

ORDER SCHEDULING HEARING

In re applications of City of St. Petersburg, Florida, St. Petersburg, Florida, Docket No. 10256, File No. BPCT-665; Empire Coil Company, Inc., Tampa, Florida, for construction permits for new television stations, Docket No. 10257, File No. BPCT-926.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952:

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at

10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10044; Filed, Sept. 15, 1952; 8:46 a. m.]

[Docket Nos. 10258, 10259, 10260, 10261, 10262]

SUNFLOWER TELEVISION CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of E. V. Yingling, W. L. Hartman, Virgil S. Browne, Jr., George P. Hollingberry, & John D. Montgomery, d/b as Sunflower Television Company, Wichita, Kansas, Docket No. 10258, File No. BPCT-677; the radio station KFH Company, Wichita, Kansas, Docket No. 10259, File No. BPCT-698; Taylor Radio & Television Corporation, Wichita, Kansas, Docket No. 10260, File No. BPCT-946; Wichita Television Corporation, Inc., Wichita, Kansas, Docket No. 10261, File No. BPCT-961; Mid-Continent Television Inc., Wichita, Kansas, for construction permits for new television stations, Docket No. 10262, File No. BPCT-964.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 20, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10046; Filed, Sept. 15, 1952; 8:46 a. m.]

[Docket Nos. 10263, 10264]

KAKE BROADCASTING CO., INC., AND WKY RADIOPHONE CORP.

ORDER SCHEDULING HEARING

In re applications of Kake Broadcasting Company, Inc., Wichita, Kansas, Docket No. 10263, File No. BPCT-700; WKY Radiophone Corporation, Wichita, Kansas, for construction permits for new television stations, Docket No. 10264, File No. BPCT-950.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10047; Filed, Sept. 15, 1952; 8:46 a. m.]

[Docket Nos. 10265, 10266]

KFBI, INC., AND WICHITA BEACON BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of KFBI, Inc., Wichita, Kansas, Docket No. 10265, File No. BPCT-963; Wichita Beacon Broadcasting Company, Inc., Wichita, Kansas, for construction permits for new television stations, Docket No. 10266, File No. BPCT-973.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 20, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10048; Filed, Sept. 15, 1952; 8:47 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO., INC., AND ROSSMOYNE CORP.

ORDER SCHEDULING HEARING

In re applications of Kendrick Broadcasting Company, Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT-937; Rossmoyne Corporation, Harrisburg, Pennsylvania, for construction permits for new television stations, Docket No. 10279, File No. BPCT-966.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 15, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10041; Filed, Sept. 15, 1952; 8:45 a. m.]

[Docket Nos. 10282, 10283]

WIBM, INC., AND JACKSON BROADCASTING & TELEVISION CORP.

ORDER SCHEDULING HEARING

In re applications of WIBM, Inc., Jackson, Michigan, Docket No. 10282, File No. BPCT-929; Jackson Broadcasting & Television Corp., Jackson, Michigan, for construction permits for new television stations, Docket No. 10283, File No. BPCT-969.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of September 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 20, 1952, in Washington, D. C.

Released: September 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10045; Filed, Sept. 15, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1847]

AMERICAN GAS AND ELECTRIC CO.

ORDER EXTENDING TIME FOR DISPOSITION OF WATER PROPERTIES

SEPTEMBER 10, 1952.

American Gas and Electric Company ("American Gas") having acquired all of the outstanding securities of Citizens Heat, Light and Power Company ("Citizens") in accordance with an order of this Commission dated August 19, 1948, said order providing that American Gas should dispose of the water properties and business of Citizens within one year from the date of acquisition, or such later date as the Commission should determine pursuant to a request for an extension of time for good cause shown; and

The Commission having previously extended the time for disposition of such properties to September 15, 1952, and American Gas having filed a further application setting forth that continuing efforts are being made for the disposition of such properties and business and that a program of rehabilitation of the properties has been commenced so as to facilitate their disposition, and requesting that the time for such disposition be extended for a period of six months from September 15, 1952; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said application for an extension of time:

It is ordered, That the time for disposition of the water properties and business of Citizens by American Gas be, and the same hereby is, extended to March 15, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10055; Filed, Sept. 15, 1952; 8:48 a. m.]

[File No. 70-2884]

SOUTHERN NATURAL GAS CO. AND MISSISSIPPI GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING SALE BY A PUBLIC UTILITY COMPANY OF ITS UTILITY AND OTHER ASSETS AND ITS LIQUIDATION

SEPTEMBER 10, 1952.

Southern Natural Gas Company ("Southern"), a registered holding company, and its public-utility company subsidiary, Mississippi Gas Company ("Mississippi"), having filed a joint declaration, pursuant to sections 12 (d), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-42, U-43 and U-44 promulgated thereunder, regarding the following proposed transactions:

Pursuant to a contract dated May 26, 1952, Mississippi proposes, subject to the approval of the Commission, to sell all of its utility property and other assets, including certain leasehold interests, gas supply and other contracts, but excluding cash, to Mississippi Valley Gas Company ("Valley"), a non-affiliate, for the sum of $3,320,981, plus or minus the amount of certain adjustments as at the closing date, and the assumption by Valley of certain tax liabilities, customer deposits, advances and contributions, and lease and contract obligations, of Mississippi relating to the property being sold. It is stated that the consideration was determined by arms-length bargaining and is the only offer obtained after extended effort.

Mississippi also proposes, upon the consummation of the proposed sale of property and assets, to pay its indebtedness, including bank debt, to distribute the remaining cash to its parent, Southern, in exchange for the surrender by Southern for cancellation of all of Mississippi's outstanding common stock and to dissolve.

Said declaration stating that no state commission has jurisdiction over the proposed transactions, but that the Federal Power Commission has jurisdiction over the sale by Mississippi and the acquisition and operation by Valley of certain gas transmission facilities owned and operated by Mississippi, and that the requisite approval of that Commission will be obtained prior to the closing date; and

The Commission having issued a notice of filing in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing in respect of said declaration; and

It appearing that the Federal Power Commission has entered an order containing the requisite approval of the proposed transactions; and

The Commission finding with respect to the declaration and the transactions therein proposed, that all of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and observing no basis for adverse findings or the imposition of terms and conditions, other than those hereinafter specified, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10053; Filed, Sept. 15, 1952; 8:48 a. m.]

[File No. 70-2910]

ARKANSAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER CONCERNING SALE OF BONDS

SEPTEMBER 10, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder regarding the issuance and sale by Arkansas of $15,000,000 principal amount of First Mortgage Bonds, — percent series, due 1982, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission, by order dated August 26, 1952, having granted said application, as then amended, subject to the condition that the proposed issuance and sale of bonds not be consummated until the results of competitive bidding should have been made a matter of record in these proceedings and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of fees and expenses incurred in connection with the proposed transactions; and

Arkansas having filed a further amendment to this application setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidding group headed by—	Coupon rate	Price to company (percent of principal amount)	Cost to company
White, Weld & Co.	3¼	100.209	3.4887
Merrill Lynch, Pierce, Fenner & Beane and Union Securities Corp.	3⅜	100.659	3.5348
Lehman Bros. and Stone & Webster Securities Corp.	3⅜	100.61	3.5375
Halsey, Stuart & Co., Inc.	3⅜	100.567	3.5398
The First Boston Corp.	3⅜	100.7799	3.5824
Equitable Securities Corp. and Central Republic Co. (Inc.)	3¾	100.279	3.6792

Said amendment stating that Arkansas has accepted the bid of the purchasing group represented by White, Weld & Co., and that said bonds will be offered for sale to the public at a price of 100.929 percent of the principal amount thereof, plus accrued interest from September 1, 1952, to the date of payment and delivery, resulting in an underwriters' spread of .72 percent or a total underwriting spread of $108,000; and

The record not having been completed with respect to legal fees and expenses, and the Commission observing no basis for adverse findings with respect to the other matters herein; and the Commission having considered the record as further developed:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding under Rule U-50, be, and the same hereby is, released, and jurisdiction heretofore reserved with respect to legal fees and expenses be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10054; Filed, Sept. 15, 1952; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 17]

HARD FIBER CORDS AND TWINES

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to hard fiber cords and twines, heretofore scheduled for December 1, 1952 (17 F. R. 7440), be postponed to 10 a. m., February 3, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 11th day of September 1952.

Issued September 11, 1952.

DONN N. BENT,
Secretary.

[F. R. Doc. 52-10069; Filed, Sept. 15, 1952; 8:50 a. m.]

[Investigation 18]

COTTON CARDING MACHINERY AND PARTS

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D. C., beginning at 10 a. m. on December 1, 1952, in the investigation with respect to cotton carding machinery and parts instituted on August 21, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 7827).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington, 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 11th day of September 1952.

Issued September 11, 1952.

DONN N. BENT,
Secretary.

[F. R. Doc. 52-10070; Filed, Sept. 15, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 122]

MILWAUKEE, WIS., CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated September 2, 1952, that the Milwaukee, Wisconsin, area (this area consists of all of Milwaukee County, Wisconsin) is a critical defense housing area, and in view of the defense housing program announced for the said area on September 10, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Milwaukee, Wisconsin, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10176; Filed, Sept. 15, 1952; 11:44 a. m.]

Office of Price Stabilization

[Delegation of Authority 11, Revision 1, Amdt. 2]

DIRECTORS OF THE REGIONAL OFFICES

AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revised (16 F. R. 11875), this Amendment 2 to Delegation of Authority 11, Revision 1, is hereby issued.

Delegation of Authority 11, Revision 1, is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 2 to Delegation of Authority 11, Revision 1, shall be effective September 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10180; Filed, Sept. 15, 1952; 11:53 a. m.]

REGIONS V AND VIII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on September 15, 1952.

REGION V

Jacksonville Order G1-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:14 p. m.

Jacksonville Order G2-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:15 p. m.

Jacksonville Order G3-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:16 p. m.

Jacksonville Order G3A-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:16 p. m.

Jacksonville Order G4-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:17 p. m.

Jacksonville Order G4A-15, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:18 p. m.

REGION VIII

Fargo Order G1-16, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:19 p. m.

Fargo Order G2-16, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:19 p. m.

Fargo Order G4-16, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:20 p. m.

Fargo Order G1-17, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:20 p. m.

Fargo Order G2-17, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:21 p. m.

Fargo Order G4-17, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:21 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-10182; Filed, Sept. 15, 1952; 11:54 a. m.]

[Region I, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. Authority to act under sections 6 and 8 of CPR 83, Revision 1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect as of August 29, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10075; Filed, Sept. 11, 1952; 4:40 p. m.]

[Region I, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of September 5, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10076; Filed, Sept. 11, 1952; 4:41 p. m.]

[Region IV, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect on September 22, 1952.

W. F. BAILEY,
Regional Director, Region IV.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10077; Filed, Sept. 11, 1952; 4:41 p. m.]

[Region IV, Redelegation of Authority No. 42]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect on September 22, 1952.

W. F. BAILEY,
Regional Director, Region IV.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10078; Filed, Sept. 11, 1952; 4:41 p. m.]

[Region XI, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1, RETAIL AND WHOLESALE SALES OF NEW PASSENGER AUTOMOBILES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 73 (17 F. R. 7757) this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect as of September 1, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10079; Filed, Sept. 11, 1952; 4:41 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 229]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 229, issued to Westinghouse Electric Corporation on August 3, 1951, effective August 4, 1951, established ceiling prices at retail for fans having the brand name "Westinghouse."

Westinghouse Electric Corporation has applied for a revocation of this special order. In the opinion of the Director, there is no reason why this request should not be granted.

The order of revocation requires the applicant to send a copy to all purchasers for resale who have received notice of the special order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 229, issued to Westinghouse Electric Corporation on August 3, 1951 effective August 4, 1951, establishing ceiling prices at retail for fans having the brand name "Westinghouse," shall be, and the same hereby is, revoked in all respects.

2. *Notification to resellers*—(a) *Notice to be given by applicant.* Within 15 days after the effective date of this order of revocation, the Westinghouse Electric Corporation must send a copy of this order of revocation to all purchasers for resale to whom it has given notice of Special Order 229.

The applicant must also, within 15 days after the effective date of this order of revocation, supply each purchaser for resale, other than a retailer, with sufficient copies of this order of revocation to enable such purchasers to comply with the notification requirements of this order of revocation.

(b) *Notices to be given by purchasers for resale (other than retailers).* Within 15 days of receipt of this order of revocation, each purchaser for resale (other than retailers) must send a copy of this order of revocation to each purchaser for resale to whom he has given notice of Special Order 229.

Effective date. This order of revocation shall become effective September 10, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10031; Filed, Sept. 10, 1952; 4:22 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 22]

BRONTE FIELD, COKE COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Bronte Field, Coke County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Bronte Field, Coke County, Texas. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from this field was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.65 per barrel for 40° API gravity and above, with a 2 cent differential less for each degree of gravity below 40°.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Bronte Field, Coke County, Texas shall be: $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This special order shall become effective on September 11, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10032; Filed, Sept. 10, 1952; 4:22 p. m.]

[Ceiling Price Regulation 34, Section 10, Special Order 12]

WHITE WAY CLEANERS, INC.

CENTRAL PRICING ORDER

Statement of considerations. In accordance with section 10 of Ceiling Price Regulation 34, the applicant named in the accompanying special order, White Way Cleaners, Inc. has applied to the Office of Price Stabilization for permission to establish out of its central office at 2609 First Avenue South, Minneapolis 8, Minnesota, uniform ceiling prices for the services which it renders at all of its service outlets throughout the United States. Section 10 of Ceiling Price Regulation 34, as amended, authorizes the Office of Price Stabilization, when it deems it consistent with the purposes of the regulation, to establish uniform prices for sellers owning or operating more than one service establishment. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including data submitted by the applicant that during the base period, December 19, 1950, to January 25, 1951, inclusive, White Way Cleaners, Inc., had a system of pricing whereby the prices for services sold at all of its service outlets, i. e., dry cleaning, dyeing, etc., were determined at the central office of White Way Cleaners, Inc., of Minneapolis, Minnesota, and the prices at all of its service outlets were uniform for all of the services rendered and that the establishment of a uniform system of central pricing will not result in an increase in the ceiling prices established under Ceiling Price Regulation 34.

This order will permit any existing service outlet of White Way Cleaners, Inc., to sell any service at the ceiling price established therefor by the central office of White Way Cleaners, Inc., regardless of whether or not that service outlet supplied or offered to supply such service during the base period. The order will also permit any new service outlet of White Way Cleaners, Inc., to establish as the ceiling prices for the services which they render, the ceiling price for such services established by the central office of White Way Cleaners, Inc. In addition this order authorizes the central office of White Way Cleaners, Inc., to apply to the Office of Price Stabilization on behalf of all its service outlets for the establishment of a ceiling price for any new service covered by Ceiling Price Regulation 34. In addition this order requires applicant to notify all of its service outlets of this order and any subsequent amendment issued with respect thereto.

Special provisions. (1) On and after the effective date of this special order the ceiling price for the services listed in Appendix B rendered at any of the service outlets of White Way Cleaners, Inc., listed in Appendix A attached hereto and made a part of this special order, shall be the prices for the services referred to or listed in Appendix B attached hereto and also made a part of this special order.

(2) Lower prices than those authorized in Appendix B may be charged by the seller or paid by the purchaser for any specific service covered by this special order at any time.

(3) On and after the effective date of this special order all of the service outlets of White Way Cleaners, Inc., shall be considered a single seller for the purpose of establishing ceiling prices for new services and the central office of White Way Cleaners, Inc., for the purposes of this order shall make application on behalf of all of the service outlets of White Way Cleaners, Inc., for the establishment of ceiling prices for new services pursuant to the provisions of section 5 of this special order. However, this special order does not relieve each service outlet covered by this order from the filing and posting requirements of section 18 of Ceiling Price Regulation 34.

(4) The ceiling prices for the services rendered at any service outlet of White Way Cleaners, Inc., which is opened after the effective date of this special order shall be the ceiling prices referred to or set forth in Appendix B of this special order. Within 20 days after opening a new branch office, the central office of White Way Cleaners, Inc., shall request the Director of Price Stabilization, Washington 25, D. C., to amend Appendix A of this special order to provide for the inclusion therein of such new branch office. The provisions of section 13 (c) of Ceiling Price Regulation 34 are waived for the purpose of establishing ceiling prices for services rendered by service outlets of White Way Cleaners, Inc., opened after the effective date of this special order.

(5) On and after the effective date of this special order the central office of White Way Cleaners, Inc., is authorized to apply to the Director of Price Stabilization, Washington 25, D. C., on behalf of all of its service outlets for the establishment of a ceiling price for any new service in line with the level of prices otherwise established by Ceiling Price Regulation 34, and in the case of a commodity rental or a manufacturing or processing service, a ceiling price consistent with the level of ceiling prices established for the sale of the commodity by the applicable commodity regulation. The application shall contain a description of the service, anticipated direct labor and material costs, and the proposed ceiling price. In addition, the application must contain a description of the most comparable service rendered by the service outlets of White Way Cleaners, Inc., during the base period, showing the present direct labor and material costs for such service and the present ceiling price therefor. Such application shall also contain a description and ceiling price for any comparable service furnished by the most closely competitive service organization to White Way Cleaners, Inc.

The service outlets of White Way Cleaners, Inc., may sell the new service at the proposed ceiling price 20 days after mailing such application to the Director of Price Stabilization, Washington 25, D. C. by registered letter, return receipt requested, unless and until notified that such price has been disapproved.

(6) Within 15 days after the effective date of this special order, White Way Cleaners, Inc., shall send a copy of this special order to each of its service outlets. Within 15 days after the effective date of any subsequent amendment to the special order, White Way Cleaners, Inc., shall send a copy of the amendment to each of its service outlets. Copies of this special order and any subsequent amendments to the special order shall be filed by each service outlet with their local OPS office within 30 days after the issuance thereof.

(7) This special order does not relieve the individual sellers covered by this order from the filing and posting requirements in section 18 of Ceiling Price Regulation 34.

(8) All provisions of Ceiling Price Regulation 34, except as changed by the pricing provisions of this special order shall remain in full force and effect as far as each outlet of White Way Cleaners, Inc., is concerned.

(9) This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

(10) The provisions of this special order are applicable in the United States and the District of Columbia.

APPENDIX A

Service Outlet Addresses

615 West Fifty-third Street, Minneapolis, Minn.
900 West Broadway, Minneapolis, Minn.
1408 West Lake Street, Minneapolis, Minn.
3015 Nicollet Avenue, Minneapolis, Minn.
927 Marquette Avenue, Minneapolis, Minn.
4148 Washington Avenue North, Minneapolis, Minn.
508 Central Avenue Northeast, Minneapolis, Minn.
815 Washington Avenue Southeast, Minneapolis, Minn.
1611 Nicollet Avenue, Minneapolis, Minn.
1231 North Seventh Street, Minneapolis, Minn.
2942 Twenty-seventh Street South, Minneapolis, Minn.
103 East Twenty-sixth Street, Minneapolis, Minn.
St. Anthony Shopping Village, St. Anthony Boulevard and Lowry Avenue North, Minneapolis, Minn.
Navarre, Minn.

APPENDIX B

DAY CLEANING PRICE LIST

Household Items

Quilt or comforter	$1.75
Blanket	1.35
Chair slip cover (including cushions)	1.75
Cushion cover (separate)	.60
Curtains (double price when ruffled), extra large and extra ruffled on estimate only	1.25
Davenport slip cover (including cushions)	3.95
Spread	1.75
Drapes:	
Up to 36 inches wide (unlined) (pair)	1.35
Up to 36 inches wide (unlined) (pair)	1.75
Double width (unlined)	1.95
Double width (lined)	2.50
(Add 30 cents per pair for each additional foot in width measured at bottom.)	
Valances per 42-inch width	.60
Pleated	.85

Household Goods

Auto robes	1.35
Auto covers	3.95
Bedspreads:	
Single (silk, taffeta or satin), candle wick, brocade, crocheted (heavy)	1.75
Double (silk, taffeta or satin) candle wick, crocade, crocheted, (heavy), cretonne, cotton, rayon, krinkled	3.00

Household Goods—Continued

Comforters:	
Cotton or sateen covered	$2.00
Silk covered:	
Wool filled	2.50
Eiderdown filled	3.25
Covers:	
Table, piano, oblong, velvet, silk or wool (small or large)	1.35
Coupe:	
Seat and back	2.00
With side pieces	2.25
Coach and 5 passengers (2 seats and and backs with side pieces)	3.95
Furniture covers	2.35
Portiers, per pair:	
Velvet, lined	3.50
Velvet, double faced	7.00
Robes: Auto steamer	1.35

Children's Apparel

Any plain jacket, blouse, sweater, skirt, trousers	.48
Any suit, coat, plain dress, bathrobe, sheep or pile lined jackets, baby blankets	.88
Any storm coat, rain coat, snow suit, dress, pleated	1.08
Bonnets: Silk or angora	.48
Boys' ulsters and overcoats (no waterproofing)	1.25
Waterproof	1.75
Gloves: Gauntlet, fur or fur lined	.65
Hats: Boys' and girls'	1.25
Knickers	.48
Middies	.48
Scarfs: Silk or wool	.35
Snowsuits: Zip-in lining or sheep lined	.98

Infants' Wear

Blankets: Silk covered or wool	1.25
Booties: White kid	.48
Caps: Bonnets, silk, wool	.48
Carriage cover	1.25
Padded silk	1.50
Coats:	
Silk or wool	.88
Fur trimmed	1.25
Dresses:	
Plain silk	.88
Fancy silk	1.25
Mittens	.48
Sets (cap, gloves, leggins and sweater (knitted or wool))	1.25
Sweaters, wool	.48

Men's Wear

Coat:	
Suit, sport, sack, unlined jacket [1]	.75
Regular sack	1.45
Topcoat	1.45
Full lining	1.85
Overcoat	1.80
Sheep, or heavy pile-lined storm coat	3.25
Hat: Felt	1.25
The following 3 items: Reironing, repowdering, resizing, $0.80 extra.	
New lining or new leather or new ribbon	.80
Felt factory reblocked	3.25
Panama or straw	1.60
Jacket:	
Smoking	.75
Unlined short, medium weight	1.00
Lined, windbreaker, reversible or mackinaw	1.00
Woolen, light	.75
Woolen, heavy	1.00
For sheep or heavy pile, add $0.60 to regular jacket price.	
Shirt: Wool, gabardine, silk, poplin, jackets, etc	.60
Suit:	
Corduroy [2]	1.25
Tux or full dress [2]	1.60
Linen or Palm Beach	1.60
White wool, 2- or 3-piece	1.60

[1] Press only, $0.35.
[2] Press only, $0.65.

Men's Wear—Continued

Ties: 3 for (20 cents each)	$0.50
Trousers or slacks:	
Corduroy	.65
Linen or Palm Beach	.65
Pongee or poplin	.65
Wool and cotton [4]	.65
Sports and hunting	.65 to 1.50
White wool or flannel	.85
Sweaters:	
Light or medium	.65
Extra heavy	.75

Miscellaneous Items

Bathrobes: Cotton, corduroy, wool	1.40
Caps: Cloth	.65
Dressing gowns and lounging robes (Silk, wool, plain)	1.75
Fur coats: Cleaned and glazed	5.95
Coats: Cravenette (with cleaning)	1.00 to 2.60
Gloves (any heavy leather, knit or fabrics, others reject)	.65
Linings: Removable from coat	1.00
Raincoats, charge in addition to cleaning:	
Waterproof:	
Full garment	1.00
Half garment	.50
Scarves	.50
Slack suits: Short or long sleeves	1.25
Snowsuits (adult)	1.40
Uniforms: Business	1.25
Vests:	
Wool	.50
Fancy white	.75
Sheep-lined	1.00

Men's List

Bathrobe: Silk lined	1.50
Breeches: Riding, leather faced	.65
Caps:	
Silk	.65
Fur	1.00
Coats: [5]	
Cravenette, lined (with cleaning)	3.00
Lamb, dry cleaned; sent to furrier.	
Fur lined, dry cleaned [6]	3.25
Extra, zipper lining (reversible add 25 cents to regular charge)	1.00
Additional charge for waterproofing	1.00
Costumes: 1-piece plain	1.25
Gloves	.65
Fur-lined	.65
Hats:	
Sailor straw	1.60
Binding:	
Inside band	.80
Outside band	.80
Other enteries (factory job)	3.25
Jackets:	
Velveteen	.75
Heavy ¾-inch length	1.60
Lumberjacks:	
Wool, light	1.00
Wool, heavy	1.60
Raincoats: Rubber or rubberized	1.60
Scarfs:	
Silk or wool:	
Small	.50
Large	.75
Spats	.50
Suits:	
Wool, 2- or 3-piece	1.25
Extra trousers	1.90

Ladies' Apparel

Blouses, silk, wool or knitted:	
Plain, short sleeve	.65
Plain, long sleeve	.70
Pleated and fancy, extra	.85

[3] Press only, $0.95.
[4] Press only, $0.35.
[5] Extra charge for fur collars:

Small	2.10
Large	2.95

[6] With cravenetting $4.25.

Ladies' Apparel—Continued

Coat:	
Lightweight	$1.50
Unlined	1.35
Shorty	1.20
Heavy (no fur)	1.85
Ordinary fur trim	2.10
Extra heavy, fur trim, fur sleeves, tux style, etc	2.95
Plush	3.25
Heavy pile and Teddy Bears (¾ length, full length, fur lined coats, dry cleaned, fur collars and cuffs, extra)	3.25
Dress:	
Plain, under 25 pleats (except white)	1.25
White	1.40
2-piece white dress	1.65
Plain, two-piece dress	1.35
Ensemble plain:	
2-piece plain sleeveless, jacket and blouse	2.75
2-piece dress and long coat	2.55
3-piece skirt, blouse and jacket	2.75
Fancy, or pleated except accordion or sun-burst very simple formal	1.75
Formal:	
Ordinary	3.00
Elaborate (or simple wedding gown)	5.75
Wedding, elaborate with train or sunburst pleated dress	8.00
Housecoat: Plain or quilted	1.50
Jacket:	
Wool or gabardine	.75
Lightweight, silk, rayon or cotton unlined, dress jacket	.70
White flannel	.75
Velvet	1.00
Windbreakers:	
Unlined, short, medium weight	.75
¾-inch length	1.60
Negligee	1.75
Skirt:	
Plain (to 25 pleats)	.65
Wool (plain) velvet, and white flannel	.85
Ballerina and full pleated	1.00
Slacks	.65
Suit	1.35
Ensemble:	
Skirt and long coat	2.10
Dress and long coat	2.80
Silk or linen 2-piece plain	1.35
White flannel, skirt and jacket	1.75
(Charge extra, pleats and fancies)	.03
Slack suit	1.30
Sweaters:	
Short sleeve	.60
Long sleeve	.65

Miscellaneous Items

Bathrobes	1.40
Breeches (riding-hiking, leather faced)	.65
Combining jackets	.75
Corsets, cotton or silk	1.50
Corselettes	1.50
Fur coats—Cleaned and glazed	5.95
Fur trimming, extra charge (small, medium, large, cuff collar (full charge)	2.10
Cuffs (small and large) with collar	2.95
Gloves	.65
Any heavy leather knit or fabric other reject	.65
Hankerchiefs, silk	.35
Hats: Felt, cleaned and reblocked	1.25
Straw, plain, cleaned and reblocked	1.60
Panama, plain, cleaned and reblocked	1.60
Hostess gowns	1.75
Extra fancy	3.00
Linings (removable from coats)	1.00
Shawls: Small plain, knitted, fringed and fancies charge according to value.	
Slips: Underskirts, plain, silk	1.25
Smocks	1.25

Miscellaneous Items—Continued

Stepins: Silk	$1.00
Scarves	.50
Snowsuits (adult)	1.40
Raincoats: Charge in addition to cleaning	1.60
Waterproof, full garment	1.00
Waterproof, half garment	.50
Bathrobes, lined or quilted	1.50
Blouses, boucle	.85
Fur trimming, extra charge (full fur sleeves, one fur front or two fur fronts or fur trim bottom, half-way or fur trim bottom around)	2.95
Collar and cuff sets, lace, linen and silk (plain)	.75
Pleated and fancy	.75 to 1.25
Dress (ensemble, 3-piece, skirt, blouse or jacket):	
With full-length coat	3.45
With ¾-length coat (charge extra for pleats and fancies 3 cents pleat)	3.30
Velvet, afternoon dress	1.75
Velvet, steam only	1.00
Evening gowns:	
Full skirt, with sleeves	3.00
Full skirt, net double	5.75
Full skirt, net triple	8.00
Extra fancy	8.00
Jackets:	
Suede	.75
Windbreakers, heavy	1.60
Jumpers: Pleats and fancies extra (full charge)	1.25
Slips:	
Formal	1.35
Extra fancy (pleats extra 3 cents)	1.35
Snow and ski suits:	
Reversible or zip lining	1.75
Sheep skin lining	2.50
Helmet	1.00
Suits:	
3-piece, skirt, jacket and ¾ coat	2.60
3-piece, skirt, jacket and long coat	2.80
Velvet 2-piece skirt and jacket	1.75
Riding, 2-piece plain unlined, lined or leather facing	1.30
Vestees:	
Small silk or lace	.60
Medium	.65
Large	.75
Wraps:	
Silk unlined or lined	1.75
Velvet, unlined or lined	2.50
Formal coat	2.50

Dye Work Price List

Any shirt, trousers, skirt, add $2.25 to cleaning charge.
Any dress, add $3.25 to cleaning charge.
Any coat, suit (ladies' or men's), household items, add $4.35 to cleaning charge.
Minimum deposit on all dye work, $1.00.

Effective date. This special order shall become effective September 11, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10033; Filed, Sept. 10, 1952; 4:22 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 3]

GENERAL MOTORS CORP.

CEILING PRICE FOR WHOLESALE LABOR WARRANTY SERVICES ON MODEL ICMR-12, "ZERO SELF-SERVER"

Statement of considerations. This Special Order 3, issued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes the ceiling price for first-year wholesale labor warranty services rendered to General Motors Corporation, or its authorized distributors or dealers, on Model ICMR-12, "Zero Self-Server", by dealers who have not sold the commodity to be serviced or by central service firms.

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new model of an existing commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers, or by central service firms, to it or its distributor organization, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

Model ICMR-12, "Zero Self-Server", is a new model of an existing commodity manufactured by General Motors Corporation which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers or by central service firms to it, or its distributor organization, as an incident of the sale of commodities.

The contracts General Motors Corporation has with its authorized dealers require the dealers to provide labor warranty services to customers to whom they sell commodities, without any charge to anyone other than their markup on the commodity. If the dealer who sells the commodity, however, has no service department, or if one dealer sells in another dealer's service area, or if the customer moves from one service area to another, and in some other circumstances, the dealer who sells the commodity is not required to provide such warranty services, but he is required to pay a uniform price, set by General Motors Corporation, to his distributor who in turn will pay that price to another dealer, or to a central service firm, to provide such labor warranty services. When the commodity to be serviced is located in the service area of a different distributor, the distributor whose dealer sold the commodity pays the price for the labor warranty service to General Motors Corporation which in turn pays it to the distributor in whose service area the commodity is located, who in turn pays it to a dealer or central service firm to provide labor warranty services.

The ceiling price established by this Special Order is based upon anticipated direct labor costs of rendering the wholesale labor warranty service, and is in line with the ceiling prices for comparable wholesale labor warranty services furnished to General Motors Corporation. This ceiling price does not include the cost of new parts, which will be furnished by General Motors Corporation without charge to anyone.

This Special Order applies only to wholesale labor warranty services furnished to General Motors Corporation, or to its distributors or dealers, by dealers who have not sold the commodities to be serviced, or by central service firms.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, this Special Order is hereby issued.

1. The ceiling price which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay for first-year wholesale labor warranty services, exclusive of new parts which will be furnished by General Motors Corporation without charge to anyone, on the commodity described below, to central service firms or dealers who have not sold the commodity, and which such central service firms or dealers may charge General Motors Corporation or its distributors or dealers for such services is as follows:

Commodity	Ceiling Price for first-year Wholesale Labor Warranty Services
Model ICMR-12, "Zero Self-Server"	$28.25

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

3. This Special Order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective September 11, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10060; Filed, Sept. 11, 1952; 11:41 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19010]

HERMAN KRAETZER

In re: Certificate of Beneficial Interest owned by Herman Kraetzer, also known as Hermann Kraetzer. F-28-31970.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Herman Kraetzer, also known as Hermann Kraetzer, whose last known address is Schneverdingen, Hansalen No. 10, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interest in and under one (1) Austin State Bank Certificate of Beneficial Interest, numbered 6604, dated December 16, 1935, said certificate registered in the name of Herman Kraetzer,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herman Kraetzer, also known as Hermann Kraetzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947 was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10027; Filed, Sept. 12, 1952; 8:53 a. m.]

[Vesting Order 19008]

HUGO DRESBACH ET AL.

In re: Securities owned by Hugo Dresbach, and others. F-28-31927.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are listed below, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

National:	Office of Alien Property File No.
Hugo Dresbach	F-28-31922
A. Gereau	F-28-31923
Dr. H. Gruenberg	F-28-31924
John Hering	F-28-31925
A. and J. Holfelder	F-28-31927
John J. Holfelder	F-28-31928
M. Kennedy	F-28-31930
Curt Smith	F-28-31933
Theodore Tietze	F-28-31934

2. That the property described as follows:

a. Three (3) Turkish Republic 7½ percent bonds of 1933, each of Fr. 500 face value numbered as listed below:

1750320 of the 3d Series,
1750321 of the 3d Series,
1750322 of the 3d Series,

said bonds presently in the custody of the Attorney General of the United States in safekeeping account numbered 66200029 and owned by Hugo Dresbach, together with any and all rights in, to and under said bonds,

b. Any and all rights and interests in, to and under four (4) certificates (leftovers III) one (1) at a face value of Fr. 12 and three (3) at Fr. 100 each, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, dated April 14, 1934, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200029, and owned by Hugo Dresbach,

c. Any and all rights and interests in, to and under twenty (20) Ottoman "A" Temporary Receipts, 1933 at a face value of Fr. 500 each, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200029, and owned by Hugo Dresbach,

d. One (1) Schatzschein der Stadtgemeinde Wien, Series B 5 percent bond having a face value of Kr. 1,000, numbered 12201, and due May 15, 1920, said bond presently in the custody of the Attorney General of the United States in safekeeping account numbered 66200030 and owned by A. Gereau, together with any and all rights in, to and under said bond,

e. Seven (7) Hungarian Treasury, 6 percent, 1929, bonds, each of Sw. Fr. 50 face value, numbered as listed below:

A 010.484	A 023.494
A 010.485	A 034.590
A 010.488	A 034.679
A 010.489	

said bonds presently in the custody of the Attorney General of the United States in safekeeping account numbered 66200032 and owned by Dr. H. Gruenberg, together with any and all rights in, to and under said bonds,

f. Any and all rights and interests in, to and under thirty-five (35) Hungarian Coupons at a face value of Fr. 50 each, represented by seven (7) sheets of coupons containing numbers 76/80 each, past due, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200033, and owned by John Hering,

g. Fifty (50) shares of no par value capital stock of Ohio Kentucky Gas Company (West Virginia), being a portion of one hundred (100) shares, evidenced by certificate numbered 1545, presently in the custody of the Attorney General of the United States, in safekeeping account No. 66200035, and owned by A. and J. Holfelder, together with all declared and unpaid dividends on said fifty (50) shares,

h. Any and all rights and interests in, to and under two (2) certificates (leftovers III) one (1) at a face value of Fr. 68 and one (1) at Fr. 100, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, dated December 20, 1933,

presently in the custody of the Attorney General of the United States in safekeeping account No. 66200035, and owned by A. and J. Holfelder,

i. Any and all rights and interests in, to and under six (6) certificates (leftovers II) four (4) at a face value of Fr. 100 each, one (1) at Fr. 80 and one (1) at Fr. 6, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, dated 1933/4, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200035, and owned by A. and J. Holfelder,

j. Any and all rights and interests in, to and under five (5) certificates (leftovers II) four (4) at a face value of Fr. 100 each and one (1) at Fr. 86, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, dated February 28, 1934, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200036, and owned by John J. Holfelder,

k. Any and all rights and interests in, to and under two (2) certificates (leftovers III) one (1) at a face value of Fr. 68 and one (1) at Fr. 100, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, dated February 26, 1934, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200036 and owned by John J. Holfelder,

l. Any and all rights and interests in to and under three (3) certificates (leftovers III) one (1) at a face value of Fr. 52 and two (2) at Fr. 100 each, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200039, and owned by M. Kennedy,

m. Two (2) Vienna 4½ percent bonds, 1917, each of Kr. 5000 face value numbered as listed below:

Series 06,258, No. 003
Series 06,260, No. 002

said bonds presently in the custody of the Attorney General of the United States in safekeeping account numbered 29200057 and owned by Curt Smith, together with any and all rights in, to and under said bonds,

n. Fourteen twenty-fifths (14/25ths) interest in one (1) Vienna 5 percent bond, 1924, Series C, numbered 07604 of Kr. 5000 face value, presently in the custody of the Attorney General of the United States in safekeeping account No. 29200057, and owned by Curt Smith, together with any and all rights thereunder and thereto,

o. Any and all rights and interests in, to and under five (5) certificates (leftovers II) four (4) at a face value of Fr. 100 each and one at Fr. 92, exchangeable for "Obligations de la Dette Turque" 7½ percent 1933, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200059, and owned by Theodore Tietze,

p. Any and all rights and interests in, to and under one hundred and four (104) Bagdad Trust Receipts Series II, 4 percent at a face value of Fr. 500 each, numbered 0139401/504, inclusive, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200059, and owned by Theodore Tietze, and

q. Any and all rights and interests in, to and under sixteen (16) Ottoman "A" Trust Receipts at a face value of Fr. 500 each, numbered 0511826/41 inclusive, presently in the custody of the Attorney General of the United States in safekeeping account No. 66200059, and owned by Theodore Tietze,

is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10025; Filed, Sept. 12, 1952; 8:52 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 182

Washington, Wednesday, September 17, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Sup. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP HAY AND PASTURE SEED LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 5601, and containing the specific requirements for the 1952 Crop Hay and Pasture Grass Seed Price Support Program are hereby amended as follows:

1. Section 601.1975 *Availability of price support*, paragraph (a) *Method of support* is amended to provide that tall fescue seed will be supported by purchase agreement so that the paragraph reads as follows:

(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on all seeds listed in § 601.1983, except tall fescue seed, the price of which will be supported by purchase agreements only.

2. Section 601.1983 *Schedule of basic specifications and rates* is amended by adding the following rates, specifications, and discounts for tall fescue seed to the Schedule of Basic Rates, Specifications and Discounts Applicable to 1952-Hay, Pasture and Range Grass Seeds:

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [1]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Tall fescue [12]	20	98	85	0.50	4.50	1.50	1.50	95	80
Tall fescue, certified [12]	27	[6] 98	85	.50	4.50	1.50	1.50	95	80

[1] [6] For these footnotes, see Schedule of Basic Rates, Specifications and Discounts in 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Hay and Pasture Seed.
[12] Alta and Kentucky 31 only.

3. Section 601.1984 *Delivery of seed to CCC*, paragraph (a) *Cleaning and Bagging* is amended by adding a subparagraph (4) which states the bagging requirements with respect to tall fescue seed when delivering to CCC and reads as follows:

(4) Tall fescue:

Type	Net capacity (pounds)
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	50 or 100
40-inch 2.11 yard or heavier	50 or 100
(ii) Burlap or jute: 10-ounce or heavier	50 or 100

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 12th day of September 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-10138; Filed, Sept. 16, 1952; 8:57 a. m.]

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Code of Federal Regulations

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Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 2]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

LIMITATION OF DAILY SHIPMENTS

§ 951.314 *Tokay Grape Order 2*—(a) *Findings.* (1) pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of daily shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than September 17, 1952. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await development of the crop and the information upon which the recommendations of the Industry Committee are based was not available to said Committee until September 12, 1952; recommendations as to the need for, and the extent of, regulation of the volume of daily shipments of such grapes were made at the meeting of said Committee on September 12, 1952, at which time the recommendations and supporting information were transmitted to the Department; shipments of the current crop of such grapes are already under way and are subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.313; 17 F. R. 7774); in order to effectuate the declared policy of the act, the advisable quantity should be an amount not in excess of the equivalent of 132,600 standard packages; the daily volume of shipments of Tokay grapes currently exceeds such advisable quantity; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., September 17, 1952, and ending at 12:01 a. m., P. s. t., October 11, 1952:

(i) The daily shipments of grapes shall be limited in accordance with the provisions of §§ 951.60 through 951.68 of said amended marketing agreement and said amended order; and

(ii) The total quantity of grapes advisable to be shipped each day shall be 132,600 standard packages or the equivalent quantity thereof.

(2) As used in this section, the terms "shipments," "shipped," "grapes," and "advisable" shall have the same meaning as when used in said amended marketing agreement and order; and the term "standard packages" shall have the meaning set forth therefor in § 951.103 of the Industry Committee regulations (7 CFR Part 951).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10222; Filed, Sept. 16, 1952; 11:22 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 12]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Muscogee County in Georgia;
Cook County in Illinois;
Sedgwick County in Kansas;
Kaw Township in Jackson County in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union Townships in Douglas County; Platte Township in Dodge County and Alda Township in Hall County in Nebraska;
Burlington Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Oklahoma County in Oklahoma;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon;

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and comunicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance.

This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established,

Muscogee County in Georgia;
Sedgwick County in Kansas; and
Oklahoma County in Oklahoma.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7927) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established, the area within the corporate limits of Kansas City in Wyandotte County, in Kansas; and the City of Baltimore in Maryland; Richland Township in Sarpy County, in Nebraska; Lancaster County in Pennsylvania; that part of Sioux Falls Township in Minnehaha County, in South Dakota, lying east of U. S. Highway 77 (Cliff Avenue in the City of Sioux Falls) and north of U. S. Highway 16 (10th Street in the City of Sioux Falls); Township 25 North, Range 5 West in King County in Washington. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7927) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792 as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123)

Done at Washington, D. C., this 11th day of September 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10111; Filed, Sept. 16, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7]

PART 6—ROTORCRAFT AIRWORTHINESS

DISTRIBUTION OF VERTICAL GROUND REACTION LOADS AND DETERMINATION OF ANGULAR INERTIA LOADS

This supplement is issued for the purpose of clarifying in detail the equilibrium conditions for § 6.231 (b) (2) and shall become effective upon publication in the FEDERAL REGISTER.

§ 6.231-1 *Distribution of vertical ground reaction loads and determination of angular inertia loads (CAA interpretations which apply to § 6.231 (b) (2)).* (a) Although § 6.231 (b) (2) states that the vertical loads are those specified in § 6.231 (b) (1), the distribution of the vertical loads among the ground reaction points is not necessarily the same for the two subparagraphs since the requirements of § 6.230 must be met. Section 6.230 (a) states, in part, that the external loads shall be placed in equilibrium with the linear and angular inertia loads in a rational or conservative manner.

(b) Compliance with § 6.231 (b) (2) is interpreted to require that a vertical inertia load of nW and a horizontal inertia load of 0.25 nW be applied at the center of gravity. For the level landing with drag on all wheels, the vertical ground reaction loads should be distributed between the forward and rear wheels to place the ground reaction loads in equilibrium with the rotorcraft linear inertia loads. For the level landing with drag on main wheels only, the pitching moments arising from the vertical and horizontal ground reactions should be placed in equilibrium with an angular inertia load about the c. g.

(c) The drag load at each wheel, in both cases, is required to be equal to 0.25 times the respective wheel vertical load.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10093; Filed, Sept. 16, 1952; 8:46 a. m.]

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10092; Filed, Sept. 16, 1952; 8:46 a. m.]

[Amdt. 76]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)*, is amended by changing name of facility at Lebo, Kans. to read: "Lebo, Kans., non-directional radio beacon;" in lieu of "Lebo, Kans., radio range station;"

2. Section 600.101 *Amber civil airway No. 1 (U. S.-Mexican Border to Nome, Alaska)*, is amended by deleting the portion which reads: "Skwentna, Alaska, radio range station; the intersection of the northwest course of the Skwentna, Alaska, radio range and the southeast course of the Farewell, Alaska, radio range; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station;" and by adding the following portion in lieu thereof: "Skwentna, Alaska, radio range station; Puntilla Lake, Alaska non-directional radio beacon; McGrath, Alaska, radio range station;"

3. Section 600.237 *Red civil airway No. 37 (Dallas, Tex., to Gordonsville, Va.)*, is amended by deleting the portion which reads: "From the intersection of the northeast course of the Huntington, W. Va., radio range and the west course of the Charleston, W. Va., VHF radio range to the Charleston, W. Va., VHF radio range station."

4. Section 600.292 is amended to read:

§ 600.292 *Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).* From the intersection of the southwest course of the Islip, N. Y., VHF VAR radio range and the southeast course of the Newark, N. J., radio range via the Islip, N. Y., VHF VAR radio range station to the intersection of the northeast course of the Islip, N. Y., VHF VAR radio range and the southeast course of the Bridgeport, Conn., radio range.

5. Section 600.312 *Red civil airway No. 112 (Hawaiian Islands)*, is amended by deleting the following: "excluding the portion above 5,000 feet."

6. Section 600.669 is amended to read:

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* From the St. Louis, Mo., radio range station via the Quincy, Ill., non-directional radio beacon; Ottumwa, Iowa, non-directional radio beacon to the Des Moines, Iowa, radio range station.

7. Section 600.682 *Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.)*, is amended by changing name of facility at Lebo, Kans., to read: "Lebo, Kans., non-directional radio beacon" in lieu of "Lebo, Kans., radio range station".

8. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)*, is amended between the Kansas City, Mo., omnirange station and the St. Louis, Mo., omnirange station to read: "Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 76° True and the Columbia omnirange 291° True radials, excluding those portions which overlap danger areas; St. Louis, Mo., omnirange station, including a north alternate;"

9. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)*, is amended by deleting "Portland (Manor) omnirange 234° True" and by adding in lieu thereof "Portland (Manor) omnirange 247° True"

10. Section 600.6040 *VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.)*, is amended by deleting "Detroit omnirange 141° True" and by adding in lieu thereof "Detroit omnirange 143° True"

11. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.)*, is amended by deleting "Tucson omnirange 92° True" and by adding in lieu thereof "Tucson omnirange 91° True", and also by deleting "Columbus, N. Mex., omnirange 276° True" and by adding in lieu thereof "Columbus, N. Mex., 277° True"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., September 16, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10094; Filed, Sept. 16, 1952; 8:46 a. m.]

[Amdt. 81]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 406—CERTIFICATION PROCEDURES

SUBPART B—ISSUANCE OF CERTIFICATES

MEDICAL CERTIFICATION OF MILITARY PERSONNEL

This amendment expressly provides that a medical certificate based on Standard Form 88 will not be issued under the authority of § 406.12a as published on May 3, 1952, in 17 F. R. 4104, for a grade higher than a Class 2 Medical Certificate (Commercial Grade).

Section 406.12a is amended by changing the period at the end of the first sentence to a semicolon and adding the following proviso: "*Provided*, That a medical certificate shall not be issued under these conditions for a grade higher than Class 2 (Commercial Grade)."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 602, 52 Stat. 1008 as amended; 49 U. S. C. 552)

4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.17 is amended to read:

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles east of the radio range station. From a line extended at right angles across such airway through a point 25 miles west of the Galena, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

2. Section 601.250 is amended to read:

§ 601.250 *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50.

3. Section 601.292 is amended by changing caption to read: *Red civil airway No. 92 control areas (New York, N. Y. to Islip, N. Y.).*

4. Section 601.1173 *Control area extension (San Francisco, Calif.).* (North dogleg route) is revoked.

5. Section 601.1173 is added to read:

§ 601.1173 *Control area extension (San Francisco, Calif.).* All that airspace bounded by a line beginning at a point on the coastline at 37° 51′ 00″, Long. 122° 33′ 40″, thence easterly along the coastline to Lat. 37° 14′ 00″, Long. 122° 24′ 55″, thence southwestward along a bearing of 240° True from the Pescadero, Cal., non-directional radio beacon (located at Lat. 37° 14′ 09″, Long. 122° 23′ 57″) to Lat. 36° 16′ 00″, Long. 124° 26′ 00′, thence northwesterly along the eastern boundary of the Oakland Flight Information Region to Lat. 37° 42′ 00″, Long. 125° 24′ 00″, thence easterly to Lat. 37° 50′ 15″, Long. 124° 26′ 00″, thence to Lat. 37° 43′ 00″, Long. 124° 00′ 00″, thence to Lat. 37° 47′ 00″, Long. 123° 00′ 00″, thence to Lat. 37° 51′ 00″, Long. 122° 33′ 40″ the point of beginning.

6. Section 601.1174 *Control area extension (San Francisco, Calif.).* (Rhumb line route) is revoked.

7. Section 601.1175 *Control area extension (San Francisco, Calif.).* (San Francisco-Honolulu south dogleg route) is revoked.

8. Section 601.1236 *Control area extension (West Palm Beach, Fla.),* is revoked.

9. Section 601.1236 is added to read:

§ 601.1236 *Control area extension (Seattle (Clear Lake), Wash.).* All that airspace bounded by a line beginning on the eastern edge of VOR civil airway No. 23 at Lat. 48° 32′ 00″, thence due east to Long. 122° 14′ 00″, thence clockwise along the arc of a circle 5 miles in radius centered at Lat. 48° 27′ 30″, Long. 122° 14′ 00″, to Lat. 48° 28′ 25″, Long. 122° 07′ 40″, thence southeast to Lat. 48° 12′ 30″, Long. 122° 03′ 05″, thence southwest to a point on the eastern edge of Amber civil airway No. 1 at Lat. 47° 59′ 00″, thence northerly along the eastern edge of Amber civil airway No. 1 and VOR civil airway No. 23 to point of beginning.

10. Section 601.1307 is added to read:

§ 601.1307 *Control area extension (Minchumina, Alaska).* Within 5 miles either side of the southeast course of the Minchumina radio range extending from the radio range station to a point 25 miles southeast.

11. Section 601.1308 is added to read:

§ 601.1308 *Control area extension (Gustavus, Alaska).* Within 5 miles either side of the northwest course of the Gustavus, Alaska, radio range extending from the radio range station to a point 15 miles northwest.

12. Section 601.1309 is added to read:

§ 601.1309 *Control area extension (Kodiak, Alaska).* Within 5 miles either side of the east course of the Kodiak, Alaska radio range extending from the radio range station to a point 25 miles east.

13. Section 601.1983 *Three-mile radius zones,* is amended by changing name of airport at Paso Robles, Calif., to "Paso Robles County Airport" in lieu of "San Luis Obispo County Airport."

14. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport:

Pittsburgh, Pa.: Greater Pittsburgh Airport.

and by adding the following airports:

Galena, Alaska: Galena Airport.
Tanana, Alaska: Tanana Airport.

15. Section 601.2043 *Casper, Wyo., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 269° True from the Casper ILS localizer extending from the Casper Natrona County Airport to a point 10 miles west of the ILS outer marker."

16. Section 601.2052 is amended to read:

§ 601.2052 *Quincy, Ill., control zone.* Within a 5 mile radius of the Quincy-Baldwin Airport and within 2 miles either side of the 35° True and 215° True radials of the Quincy omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

17. Section 601.2055 is amended to read:

§ 601.2055 *Joplin, Mo., control zone.* Within a 5 mile radius of the Joplin Municipal Airport and within 2 miles either side of the north and south courses of the Joplin radio range extending from the airport to a point 10 miles north of the radio range station, and within 2 miles either side of a line bearing 318° True from the airport extending through the ILS outer marker to a point 10 miles northwest of the ILS outer marker.

18. Section 601.2056 is amended to read:

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5 mile radius of the Kansas City Municipal Airport, within 2 miles either side of the north course of the Kansas City radio range extending from the radio range station to the Linkville Fan Marker, and within 2 miles either side of a line bearing 13° True from the airport extending through the Kansas City ILS outer marker compass locator to a point 5 miles north of the ILS outer marker compass locator.

19. Section 601.2057 is amended to read:

§ 601.2057 *Kirksville, Mo., control zone.* Within a 3 mile radius of the Kirksville Airport, within 2 miles either side of the southeast course of the Kirksville radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 316° True and 136° True radials of the Kirksville omnirange extending from the airport to a point 10 miles northwest of the omnirange station.

20. Section 601.2059 is amended to read:

§ 601.2059 *Laramie, Wyo., control zone.* Within a 5 mile radius of Brees Field, within 2 miles either side of the northwest course of the Laramie radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 332° True radial of the Laramie omnirange extending from the omnirange station to a point 10 miles northwest.

21. Section 601.2063 is amended to read:

§ 601.2063 *North Platte, Nebr., control zone.* Within a 5 mile radius of Lee Bird Municipal Field, within 2 miles either side of the south course of the North Platte radio range extending from the radio range station to a point 10 miles south, and within 2 miles either side of the 30° True and 210° True radials of the North Platte omnirange extending from Lee Bird Municipal Field to a point 10 miles southwest of the omnirange station.

22. Section 601.2074 is amended to read:

§ 601.2074 *Sioux City, Iowa, control zone.* Within a 5 mile radius of the Sioux City Municipal Airport, within 2 miles either side of the south course of the Sioux City radio range extending from the radio range station to the Sloan Fan Marker; within 2 miles either side of the 142° True radial of the Sioux City omnirange extending from the omnirange station to a point 10 miles southeast, and within 2 miles either side of a line bearing 136° True from the Sioux City ILS outer marker compass locator, extending from the ILS outer marker compass locator to a point 10 miles southeast.

23. Section 601.2076 is amended to read:

§ 601.2076 *Topeka, Kans., control zone.* All that area within an 8 mile radius of the Philip Billard Airport and within 2 miles either side of the Topeka ILS localizer course extending to a point 15 miles northwest of the ILS localizer; within 2 miles either side of the 40° True radial of the Topeka omnirange extending to a point 10 miles northeast of the omnirange station, and that area within a 5 mile radius of Forbes Air Force Base, Topeka, Kans., and within 2 miles either side of the southwest course of the Forbes AFB radio range extending to a point 10 miles southwest of the Forbes AFB radio range station.

24. Section 601.2273 is amended to read:

§ 601.2273 *Wake Island control zone.* Within a 5 mile radius of Wake Island Airport (Lat. 19° 16′ 53″, Long. 166° 38′ 40″), within 2 miles either side of a line bearing 102° True extending from the Wake HHW Type non-directional radio beacon (Lat. 19° 18′ 18″, Long. 166° 38′ 22″) to a point 10 miles east, and within 2 miles either side of a line bearing 282° True extending from the Wake MHW Type non-directional radio beacon (Lat. 19° 17′ 05″, Long. 166° 37′ 26″) to a point 10 miles west.

25. Section 601.2313 is added to read:

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5 mile radius of Greater Pittsburgh Airport and within 2 miles either side of the Greater Pittsburgh Airport ILS localizer southeast course extending southeastward from the ILS localizer to the boundary of the Allegheny County Airport Control Zone.

26. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.),* is amended by changing name of facility at Lebo, Kans., to read: "Lebo, Kans., non-directional radio beacon" in lieu of "Lebo, Kans., radio range station."

27. Section 601.4017 is amended to read:

§ 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska.).* Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

28. Section 601.4101 *Amber civil airway No. 1 (U. S.-Mexican Border, to Nome, Alaska.),* is amended between the Skwentna, Alaska radio range station and the Farewell, Alaska, radio range stations by adding the following reporting point: "Puntilla Lake, Alaska, non-directional radio beacon;"

29. Section 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska),* is amended between the Kodiak, Alaska, radio range station and the Kenai, Alaska, radio range station by adding the following reporting point: "Shuyak, Alaska, non-directional radio beacon;"

30. Section 601.4250 is amended to read:

§601.4250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* Tanana, Alaska, radio range station.

31. Section 601.4292 is amended by changing caption to read: *Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., September 16, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10095; Filed, Sept. 16, 1952; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5384]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ENCYCLOPEDIA BRITANNICA, INC.

Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1365 *Authorities and personages connected with;* § 3.1430 *Government indorsement, sanction or sponsorship:—Goods:* § 3.1640 *Government source, origin or connection;* § 3.1740 *Scientific or other relevant facts:—Prices:* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2055 *Sales for non-commercial recipients or objectives;.* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale and distribution in commerce, of respondent's books designated Britannica Junior, or any substantially similar books, by whatever name designated, (1) using the words "School Advancement Program" or any words of similar import to designate, describe or refer to respondent's sales plan known as the "15 for 1" plan, or any substantially similar plan; or otherwise representing, directly or by implication, that any such sales plan is designed primarily for the benefit or improvement of schools or of any particular school; (2) representing, directly or by implication, that the sale of books under respondent's sales plan known as the "15 for 1" plan, or under any substantially similar plan, is being sponsored by any school or school official, unless the school or official referred to is in fact sponsoring such sale; (3) representing, directly or by implication, that the prices at which said books are offered for sale are special or reduced prices or are applicable for a limited time only when such prices are in fact the customary and usual prices at which said books are sold by respondent in its regular and normal course of business; or, (4) representing, directly or by implication, that said books are essential or indispensable to the proper preparation by pupils of their school homework; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and Desist Order, Encyclopedia Britannica, Inc., Chicago, Ill., Docket 5384, June 12, 1952]

In the Matter of Encyclopedia Britannica, Inc., a Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

At the conclusion of the reception of such evidence in support of the complaint, counsel for the respondent filed with the Commission a motion to dismiss the complaint for failure of proof, which the Commission granted as to certain charges and denied as to certain other charges. Counsel for respondent having elected to introduce no evidence in opposition to the charges remaining in the complaint, the proceeding was closed by said examiner insofar as the reception of evidence was concerned.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, testimony and other evidence with respect to those charges remaining in the complaint, and proposed findings and conclusions submitted by counsel supporting the complaint (counsel for respondent having elected not to submit such proposals, and oral argument not having been requested), and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom, and order to cease and desist.

Thereafter, the matter was disposed of by the Commission's "Order denying the appeal of counsel supporting the complaint from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5384, June 12, 1952, as follows:

This matter came on to be heard by the Commission upon the appeal of counsel supporting the complaint from the initial decision of the hearing examiner herein and upon the briefs submitted in support of and in opposition to said appeal.

Counsel supporting the complaint under the first, third, fourth and fifth of his exceptions challenges, among other things, the hearing examiner's use of various words and terms such as "erroneous", "inherently erroneous and misleading", and "unwarranted and misleading" to characterize certain of the representations occurring during respondent's house-to-house sales presentations to the public and, in urging that they instead should be characterized as false, contends, in effect, that this is necessary and proper in order that any findings as to the facts issuing herein be not susceptible to an interpretation that the instances of misrepresentation disclosed by the record are but few in number or that they represent inadvert-

[1] Filed as part of the original document.

ent, unintentional mistakes on the part of respondent and its representatives. Counsel asserts also that supporting his contentions of error in this respect is the fact that the order of the Commission, dated April 25, 1951, ruling upon respondent's previously filed motion to dismiss contained recitations in detail of various representations and statements which the testimony indicated had been used by salesmen in respondent's sales presentations.

With respect to the circumstance last referred to, namely, the wording of the order of April 25, 1951, no requirement exists that hearing examiners subsequently adopt, verbatim, in the preparation of initial decisions such language relevant to the matters to be stated as may have appeared in the Commission's own interlocutory orders. The Commission, morevoer, does not share the view that the statements to which counsel's objections are interposed may be interpreted reasonably as an expression that the misrepresentation heretofore engaged in has occurred only in isolated instances or is attributable to inadvertent or unintentional error. The Commission is of the opinion that no error is presented by reason of the hearing examiner's use of the expressions excepted to in the particular contexts in which they occur or by reason of his failure, in such connection, to additionally characterize respondent's misrepresentations as false.

Under counsel's third exception, additional objection is directed to the words "unquestionably" and "already" appearing in Paragraph Four of the initial decision, counsel alleging in such connection that they have "significantly enthusiastic and complimentary implications." This position is untenable and it is deemed appropriate by the Commission for a hearing examiner to make reference to the circumstance that a party to a proceeding previously or already has discontinued a practice as the hearing examiner has done in the instant case in reference to respondent's former use of the term "School Advancement Program" to designate its sales plan, and it is noted in passing, in this connection also, that he properly concluded, in effect, that the public interest now requires a prohibition against any resumption of its use. In reference to the objection interposed to the word "unquestionably", counsel has advanced no reason why the value of reference books, as distinguished from their essentiality, in the preparation of student home work, should be regarded as questionable.

Counsel interposes objection in his second exception to the omission from the initial decision of a detailed narration of the statements made by respondent's salesmen in the course of those sales presentations which the hearing examiner deems to have been misrepresentative. Counsel does not urge, however, that the conclusions appearing in the initial decision characterizing the representations made by respondent as deceptive in import are erroneous conclusions nor does he contend that the prohibitions contained in the order are inadequate or not responsive to the record, and this exception clearly is without merit.

As a sixth ground for appeal, counsel supporting the complaint objects to the form of Paragraph Six of the hearing examiner's findings and, among other things, contends that, by there grouping together for discussion three of the charges of the complaint, the greater relative gravity which counsel feels adheres in one of such charges becomes obscured. It does not appear to the Commission that the recitations of this paragraph are characterized by a lack of proper emphasis or are erroneous otherwise, and this exception is not being granted.

The hearing examiner found that respondent has represented, contrary to fact, that its customary and usual prices were special or reduced prices and applicable only for a limited period of time, and the last of counsel's exceptions expresses objection to the hearing examiner's failure to find that sales agents falsely represented that savings of $120.00, in one instance, and of $60.00, in another instance, would be afforded to purchasers buying these reference books under the sales promotion being conducted locally. It does not appear that the hearing examiner failed to give consideration to the testimony to which this exception relates nor are any reasons advanced as bases for concluding that the omission of these matters from the findings as to the facts renders them erroneous substantively or that the order contained in the initial decision is deficient, and this exception is accordingly rejected.

The Commission, therefore, being of the opinion that counsel's appeal is without merit and that the initial decision of the hearing examiner constitutes an adequate and appropriate disposition of this proceeding:

It is ordered, That the aforesaid appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached, shall, on the 12th day of June 1952, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, Encyclopedia Britannica, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's books designated Britannica Junior, or any substantially similar books, by whatever name designated, do forthwith cease and desist from:

1. Using the words "School Advancement Program" or any words of similar import to designate, describe or refer to respondent's sales plan known as the "15 for 1" plan, or any substantially similar plan; or otherwise representing directly or by implication, that any such sales plan is designed primarily for the benefit or improvement of schools or of any particular school.

2. Representing, directly or by implication, that the sale of books under respondent's sales plan known as the "15 for 1" plan, or under any substantially similar plan, is being sponsored by any school or school official, unless the school or official referred to is in fact sponsoring such sale.

3. Representing, directly or by implication, that the prices at which said books are offered for sale are special or reduced prices or are applicable for a limited time only, when such prices are in fact the customary and usual prices at which said books are sold by respondent in its regular and normal course of business.

4. Representing, directly or by implication, that said books are essential or indispensable to the proper preparation by pupils of their school homework.

Issued: June 12, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10135; Filed, Sept. 16, 1952; 8:56 a. m.]

[Docket 5554]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NOEL'S GAY GAMES, INC. AND GUY E. NOEL

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Noel's Gay Games, Inc. et al., Muncie, Indiana, Docket 5554, June 17, 1952]

In the Matter of Noel's Gay Games, Inc., a Corporation, and Guy E. Noel, an Individual and Officer of Noel's Gay Games, Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on May 24, 1948, issued and subsequently served its complaint in this proceeding upon respondent Gay Games, Inc., a corporation (erroneously named in the complaint herein as Noel's Gay Games, Inc.) and respondent Guy E. Noel, an individual, charging said respondents with the use of unfair acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and respondents' answer thereto, testimony and other evidence in support of the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it. Thereafter, upon permission granted by said hearing examiner, respondents withdrew their said answer to the complaint and filed a new answer which, subject to the condition that the Commission take no action herein until its final determination of the matter of Superior Products Company, Inc., Docket No. 5561, admitted all of the material allegations of fact in said complaint and waived all intervening procedure, including the filing of a recommended decision by the hearing examiner, but which expressly reserved respondents' right of appeal from any decision of the Commission herein. Thereafter, this proceeding regularly came on for final hearing before the Commission upon the aforesaid complaint and respondents' answer admitting all of the material allegations of fact therein (the Commission in the meantime having issued its order to cease and desist in the matter of Superior Products Company, Inc.); and the Commission having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondents' answer admitting all of the material allegations of fact therein and waiving all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Gay Games, Inc., a corporation, and its officers, and the respondent Guy E. Noel, an individual, and their respective agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10132; Filed, Sept. 16, 1952; 8:55 a. m.]

[1] Filed as part of the original document.

[Docket 5580]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STANDARD DISTRIBUTORS, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1625 *Free goods or services;* § 3.1650 *History of product;* § 3.1735 *Sample, offer, or order conformance:—Price:* § 3.1780 *Combination sales;* §3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2060 *Sample, offer or order conformance;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale or distribution in commerce, or the New Standard Encyclopedia and its supplement, World Progress, edited and published by Standard Education Society, or any other book or books, (1) representing, directly or by implication, (a) that the New Standard Encyclopedia is a new encyclopedia; (b) that one may obtain a set of the New Standard Encyclopedia or a reduction in the price thereof merely by writing a letter of recommendation therefor or an opinion thereon; or that any of the books sold by the respondents may be obtained by any means other than by payment of the full purchase price; (c) that purchasers of a combination of books pay only for a part thereof; (d) that the price at which any book or combination of books is offered is less than the price at which it will be offered later, contrary to the fact; (e) that the quality of the binding, printing, paper or illustrations of any book, as delivered, will be equal in such respects to samples thereof exhibited to prospective purchasers, contrary to the fact; and (2) exhibiting to prospective purchasers samples of the binding, printing, paper or illustrations of such encyclopedia, supplement or any other book, which are superior in quality to the binding, printing, paper or illustrations of such books as delivered to purchasers thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Standard Distributors, Inc., et al., Chicago, Ill., Docket 5580, June 13, 1952]

In the Matter of Standard Distributors, Inc., a Corporation, LeRoy S. Bimstein, David Tuttle, and A. J. Noreus, Individually and as Officers of Standard Distributors, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on August 30, 1948, issued and thereafter caused to be served upon the respondents named in the caption hereof, other than David Tuttle, its complaint in this proceeding, charging said respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing by respondents, other than David Tuttle, of their answer thereto, testimony and other evidence in support of and in opposition to the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission upon said complaint, the respondents' answer thereto, the testimony and other evidence, the hearing examiners recommended decision and certain exceptions thereto, the respondents' exceptions to certain rulings of the hearing examiner, briefs in support of and in opposition to the complaint and oral arguments of counsel; and the Commission, having issued its orders disposing of the exceptions to the recommended decision and to the rulings of the hearing examiner and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusions[1] drawn therefrom.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents (other than David Tuttle), testimony and other evidence in support of and in opposition to the complaint introduced before a hearing examiner of the Commission theretofore duly designated by it, the hearing examiner's recommended decision and certain exceptions thereto, respondents' exceptions to certain rulings of the hearing examiner, and briefs and oral arguments of counsel, and the Commission having issued its orders disposing of the exceptions to the recommended decision and to the rulings of the hearing examiner and having made its findings as to the facts and its conclusion that Standard Distributors, Inc., a corporation, and LeRoy S. Bimstein, individually and as an officer of said corporation, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Standard Distributors, Inc., a corporation, and its officers, and the respondent, LeRoy S. Bimstein, individually and as an officer of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the New Standard Encyclopedia and its supplement, World Progress, edited and published by Standard Education Society, or of any other book or books, do forthwith cease and desist from:

(1) Representing, directly or by implication:

(a) That the New Standard Encyclopedia is a new encyclopedia;

(b) That one may obtain a set of the New Standard Encyclopedia or a reduction in the price thereof merely by writing a letter of recommendation therefor or an opinion thereon; or that any of the books sold by the respondents may be obtained by any means other than by payment of the full purchase price;

(c) That purchasers of a combination of books pay only for a part thereof;

(d) That the price at which any book or combination of books is offered is less than the price at which it will be offered later, contrary to the fact;

(e) That the quality of the binding, printing, paper or illustrations of any book, as delivered, will be equal in such respects to samples thereof exhibited to prospective purchasers, contrary to the fact;

(2) Exhibiting to prospective purchasers samples of the binding, printing, paper or illustrations of such encyclopedia, supplement or any other book, which are superior in quality to the binding, printing, paper or illustrations of such books as delivered to purchasers thereof.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to the respondents, David Tuttle and A. J. Noreus.

It is further ordered, That the respondents, Standard Distributors, Inc., and LeRoy S. Bimstein, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 13, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10134; Filed, Sept. 16, 1952; 8:55 a. m.]

[Docket 5661]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALLIED DISTRIBUTORS

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Albert Greenberg et al. d. b. a. Allied Distributors, Portland, Oregon, Docket 5661, June 17, 1952]

In the Matter of Albert Greenberg and P. D. Bergen, Individuals and Copartners Trading and Doing Business as Allied Distributors

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 1, 1949, issued and subsequently served its complaint in this proceeding upon the respondents Albert Greenberg and P. D. Beugen (erroneously named in the complaint as P. D. Bergen) charging said respondent with the use of unfair acts and practices in commerce in violation of the provisions of said act. No answer having been filed to said complaint within the time permitted under the Commission's rules of practice, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, upon motion of counsel for respondent Albert Greenberg, the hearing examiner permitted said respondent to file his answer to said complaint. Said answer of respondent Albert Greenberg, which was filed subject to the condition that the Commission take no action herein until its final determination of the matter of Superior Products Company, Inc., Docket No. 5561, admits all of the material allegations of fact in said complaint and waives all intervening procedure, including the filing of a recommended decision by the hearing examiner, but specifically reserves the right of appeal from any decision entered by the Commission herein. Upon motion of counsel supporting the complaint, all of the testimony taken herein other than that relating to respondent P. D. Beugen was stricken from the record.

Thereafter, this proceeding regularly came on for final hearing before the Commission upon the aforesaid complaint, the answer of respondent Albert Greenberg, the testimony and other evidence, and the recommended decision of the hearing examiner as to respondent P. D. Beugen (the recommended decision as to respondent Albert Greenberg having been specifically waived, no briefs having been filed, and oral argument not having been requested, and the Commission in the meantime having issued its order to cease and desist in the matter of Superior Products Company, Inc.); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Albert Greenberg admitting all of the material facts alleged therein and waiving all intervening procedure as to him, testimony and other evidence relating to the allegations of the complaint as to respondent P. D. Beugen, introduced before a hearing examiner of the Commission theretofore duly designated by it, and the hearing examiner's recommended decision as to the allegations of the complaint relating to respondent P. D. Beugen, and the Commission having made its findings as to the facts and its conclusion that respondent Albert Greenberg has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Albert Greenberg, individually, and trading under the name Allied Distributors or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent P. D. Beugen.

It is further ordered, That respondent Albert Greenberg shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10133; Filed, Sept. 16, 1952; 8:55 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 606—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (ALL STATES EXCEPT PUERTO RICO AND THE VIRGIN ISLANDS)

Pursuant to the authority vested in me by section 406 of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong., 66 Stat. 663), and after consultation with representatives of State unemployment compensation agencies, the following regulations are prescribed:

Sec.
606.1 Definitions.
606.2 Effective date of program.
606.3 Determination of veteran status under title IV.
606.4 Constructive eligibility.
606.5 Applicable State law.
606.6 Waiting period.
606.7 Compensation for weeks of unemployment.
606.8 Nonduplication of benefits under State or Federal law.
606.9 Applicability of State disqualifications.
606.10 Overpayments.
606.11 Appeals.

AUTHORITY: §§ 606.1 to 606.11 issued under sec. 406, Pub. Law 550, 82d Cong.

§ 606.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise:

(a) "Title IV" means title IV of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong., 66 Stat. 663), entitled "Unemployment Compensation for Veterans of Service on or after June 27, 1950."

(b) "Agency" means any agency administering a State unemployment compensation or employment security law which has entered into an agreement with the Secretary under title IV.

(c) "Compensation" means the money payments under title IV to veterans with respect to their unemployment.

(d) "Interstate Benefit Payment Plan" means the plan, in which the employment security agencies of all States (except Puerto Rico and the Virgin Islands) are participating, which provides for the payment of benefits to claimants who are not in the State in which they have qualifying wage credits, and also establishes uniform interstate appeals procedures. Under this plan a "liable State" is a State against which a worker claims benefits through the facilities of the employment security agency of another (agent) State.

(e) "State law" means a State unemployment compensation or employment security law, but shall not include the law providing unemployment compensation for sugar workers in Puerto Rico (Act No. 356, approved May 15, 1948, as amended).

(f) "Federal law" means a Federal unemployment compensation law, including the Railroad Unemployment Insurance Act (52 Stat. 1094), as amended, and title V of the Servicemen's Readjustment Act of 1944 (58 Stat. 284), as amended.

(g) "Veteran" means any person who has served in the active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States at any time on or after June 27, 1950, and prior to a date that shall be determined by Presidential proclamation or concurrent resolution of the Congress, and who has been discharged or released from such active service under conditions other than dishonorable after continuous service of ninety days or more, or by reason of an actual service-incurred injury or disability.

(h) "Week" means a week as defined in the applicable State law.

(i) "Secretary" means the Secretary of Labor.

(j) "State" includes Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the District of Columbia.

§ 606.2 *Effective date of program.* Compensation under title IV shall be payable for weeks of unemployment beginning after October 14, 1952. For any State operating under a flexible week for benefit payment purposes the first week for which compensation can be paid will start on October 15, 1952; for any State operating under a calendar week for benefit payment purposes the first week for which compensation can be paid will start on October 19, 1952; and for any State operating under any other statutory week for benefit payment purposes the first week for which compensation can be paid will start on the first day of the first such statutory week beginning after October 14, 1952.

§ 606.3 *Determination of veteran status under title IV.* (a) The agency of the State whose law is applicable in accordance with § 606.5 shall determine an individual's status as a veteran under title IV when the individual files his first request for such determination. Such a determination shall be subject to redetermination or modification only by such State even if additional evidence is adduced after the individual has moved to another State. A status determination by Puerto Rico, the Virgin Islands, or the Secretary acting in the absence of an agreement, pursuant to regulations prescribed under title IV, shall be binding on all States.

(b) If an individual is found to have had a period of service which would make him a veteran under title IV, his status as a veteran shall not be affected by the fact that he may be or may have been discharged or released under dishonorable conditions from some other period of service.

§ 606.4 *Constructive eligibility.* Whenever an individual meets the qualifying wage or employment requirements of any State or other Federal law or would meet them but for the provisions of title IV or any action taken by him under such title or his failure to file a claim for benefits, he shall be deemed eligible for unemployment benefits under such State or Federal law for purposes of title IV. Whenever an individual does not meet the qualifying wage or employment requirements of any State or other Federal law for a reason other than the provisions of title IV or any action taken by him under such title or his failure to file a claim for benefits, he shall be deemed not eligible for unemployment benefits under such State or Federal law for purposes of title IV.

§ 606.5 *Applicable State law.* (a) An individual who is eligible for unemployment benefits under a State law shall have any rights to compensation, which he claims under title IV to supplement his State benefits, determined in accordance with the law of such State. An individual who is eligible for unemployment benefits under more than one State law shall have any rights to compensation, which he claims under title IV to supplement his State benefits, determined under the law of the State selected as the liable State in accordance with the order of liability of States provided in the Interstate Benefit Payment Plan.

(b) An individual who is not eligible for unemployment benefits under any State law shall have his rights to compensation under title IV determined in accordance with the law of the State in which he files a claim for compensation. If a veteran moves to another State and files a claim for compensation under title IV, his claim shall be transferred to such State (or to the Secretary if the State to which he moves has no agreement under this title), unless:

(1) His stay in such State is of a temporary or transitory nature, or

(2) His claim is subject to a disqualification or postponement of compensation, or he has been disqualified because of a strike, lockout or other industrial controversy, not yet terminated at the establishment where he is or was last employed, or

(3) A determination regarding such disqualification or postponement has been made but is not final because of a pending hearing or appeal.

When a transfer is not made, because of any of the reasons above, any claim for compensation shall be filed as an interstate claim against the State from which the veteran moved.

(c) The State to which a veteran's claim for compensation under title IV is transferred shall make no determination of his rights to such compensation and shall pay no such compensation with respect to any period for which the State from which the claim is transferred (or the Secretary acting in the absence of an agreement) has previously made a determination.

(d) The agency of the State which determines rights to compensation under title IV shall pay such compensation in accordance with the State law, except for the weekly amount and maximum potential duration of such compensation and subject to §§ 606.6, 606.7, 606.8, 606.9 and 606.10.

§ 606.6 *Waiting period.* If a veteran who files a claim for compensation under title IV is not eligible for unemployment benefits under any State law, no waiting period shall apply. The waiting-period provisions of the applicable State law shall, however, apply to a veteran claiming compensation under title IV who is eligible for unemployment benefits under a State law; *Provided, however*, That no compensation under title IV shall be paid to a veteran who is serving a waiting period required by the Railroad Unemployment Insurance Act.

§ 606.7 *Compensation for weeks of unemployment.* (a) Compensation under title IV shall be payable to veterans during the effective period of title IV without regard to State benefit-year provisions. Such compensation shall be payable at a rate of $26 per week in accordance with the applicable State law for weeks of total unemployment and for weeks of less than full-time work until the total amount of compensation received under title IV equals $676.

(b) (1) If a veteran is eligible for unemployment benefits under any State or other Federal law at a rate less than $26 (including the amount of dependents' allowance, if any) for a week of total unemployment, compensation under title IV for a week of total unemployment shall be payable at a rate of $26 per week less the amount of such benefits.

(2) If a veteran is not eligible for unemployment benefits under any State or other Federal law, compensation under title IV for a week of total unemployment shall be payable at a rate of $26 per week.

(c) (1) If a veteran is eligible for unemployment benefits under any State or other Federal law at a rate less than $26 (including the amount of dependents' allowance, if any) for a week of total unemployment, the amount of compensation under title IV for a week of less than full-time work shall be the difference between the amount of such benefits and an amount calculated in accordance with the provisions of the applicable State law on the basis of a $26 rate for the week. The entire amount so calculated shall be payable under title IV if the earnings of the veteran for the week are such that no State or other Federal benefits are payable.

(2) If a veteran is not eligible for unemployment benefits under any State or other Federal law, the amount of com-

pensation under title IV payable to him for any week of less than full-time work shall be determined in accordance with the applicable State law, except that $26 shall be used as the weekly benefit amount for determining whether or not the veteran is unemployed and the amount of his compensation under title IV for such week. Any earnings disregarded under the applicable State law shall also be disregarded in determining the amount of his compensation under title IV for the week.

§ 606.8 *Nonduplication of benefits under State or Federal law.* (a) Whenever a veteran is eligible for unemployment benefits under any State or other Federal law at a rate of $26 or more (including the amount of dependents' allowance, if any) per week, he is not entitled to receive any compensation under title IV during the period for which he is eligible for such benefits, including waiting weeks and the effective period of disqualification or other postponement of benefits incurred in the course of a claim for benefits.

(b) Whenever a veteran is eligible for unemployment benefits under any State or other Federal law at a rate of less than $26 (including the amount of dependents' allowance, if any) per week, he may be paid compensation under title IV as a supplement to such benefits only with respect to weeks for which he meets the applicable conditions for payment of benefits, and is not disqualified, under the applicable State law: *Provided, however,* That such veteran may receive the supplement if he is denied benefits under such law because of title IV or any action taken by him under such title or because he is seeking or receiving benefits under any unemployment compensation law. *Provided further,* That this limitation shall not prevent the payment of compensation under title IV for a week of less than full-time work when the earnings are such that no State or other Federal benefits are payable.

(c) Compensation under title IV shall not be paid:

(1) For any period with respect to which the agency finds that a veteran receives an education and training allowance under subsection (a), (b), (c) or (d) of section 232 of the Veterans' Readjustment Assistance Act of 1952 or a subsistence allowance under part VII or part VIII of Veterans Regulation Numbered 1 (a), as amended; or

(2) For any period with respect to which the agency finds that a veteran receives additional compensation necessary for his maintenance under section 6(b) (2) of the Federal Employees' Compensation Act (39 Stat. 742), as amended.

§ 606.9 *Applicability of State disqualifications.* (a) All provisions of the applicable State law regarding disqualifications shall apply to a veteran filing a claim for compensation under title IV, except that:

(1) No veteran shall be disqualified for compensation under title IV solely because he is seeking or receiving benefits under title IV or any other unemployment compensation law, and

(2) No cancellation of wage credits or reduction of benefit rights under a State law shall be applied in such a manner as to result in a reduction of the maximum amount of compensation provided under title IV, but any such cancellation or reduction shall, so far as practicable, be given an equivalent effect by postponement of compensation under title IV; if the provision of the applicable State law cannot be given equivalent effect then the disqualification shall be a postponement of payments of compensation for a period of 1 to 20 weeks as determined by the agency in accordance with the circumstances in each case.

(b) Any benefit-year limitations on the maximum disqualification or period of postponement provided in the applicable State law shall be given equivalent effect in the case of a claim under title IV.

§ 606.10 *Overpayments.* (a) In cases where a veteran has received an overpayment of title IV compensation as a result of false statements knowingly made or material facts knowingly withheld as provided for in section 405 (b) of title IV, he shall be liable to repay any such outstanding overpayment; or, in the discretion of the agency, there may be offset against any such outstanding overpayment any future compensation payable to him under title IV if the existence of such nondisclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a reconsideration or appeal: *Provided, however,* That such offset is limited to future compensation payable to him under title IV within the two-year period following such finding.

(b) Except in cases where false statements are knowingly made or material facts are knowingly withheld as provided for in section 405 (b), the law of the State shall determine whether a veteran who has received an overpayment of compensation under title IV which he has not repaid shall receive any future compensation payable under title IV, or shall be liable to repay such overpayment, or whether there shall be permitted an offset of any future compensation payable to him under title IV against such outstanding overpayment, or whether a waiver of such overpayment shall be permitted.

§ 606.11 *Appeals.* All hearings and appeals regarding a determination rendered by a State shall be heard and decided by the State adjudicating authorities and under the conditions established by the law of such State. If the veteran is in or has moved to a State other than the State which rendered the determination, the interstate appeals procedure, as established under the Interstate Benefit Payment Plan, shall apply.

Effective date. This part shall take effect on October 15, 1952.

Signed at Washington, D. C., this 9th day of September 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-10128; Filed, Sept. 16, 1952; 8:53 a. m.]

PART 607—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 IN PUERTO RICO AND THE VIRGIN ISLANDS

Pursuant to the authority vested in me by sections 402 and 406 of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong., 66 Stat. 663):

Sec.
607.1 Definitions.
607.2 Constructive eligibility.
607.3 Effective date of program.
607.4 Determination of veteran status under title IV.
607.5 Applicable law.
607.6 Payment.
607.7 Waiting period.
607.8 Compensation for weeks of unemployment.
607.9 Nonduplication of benefits.
607.10 Disqualifications.
607.11 Overpayments.
607.12 Determination.
607.13 Appointment of referees.
607.14 Filing and perfecting an appeal before a referee.
607.15 Notice of appeal to referee.
607.16 Scheduling and notice of hearing before referee.
607.17 Conduct of hearing.
607.18 Evidence.
607.19 Record.
607.20 Withdrawals.
607.21 Non-appearance of claimant.
607.22 Notice of decision of referee.
607.23 Appeals to Secretary.
607.24 Certification of questions to Secretary.
607.25 Removal by the Secretary.
607.26 Procedures in preparation for review by the Secretary.
607.27 Hearing and review before Secretary.
607.28 Withdrawals.
607.29 Notice of Secretary's decision.
607.30 General provisions applicable to proceedings before referee or Secretary.

AUTHORITY: §§ 607.1 to 607.30 issued under secs. 402, 406, Pub. Law 550, 82d Cong.

§ 607.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise:

(a) "Title IV" means title IV of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 663), entitled "Unemployment Compensation for Veterans of Service on or after June 27, 1950."

(b) "Compensation" means the money payments under title IV to veterans with respect to their unemployment.

(c) "State law" means a State unemployment compensation or employment security law but shall not include the law providing unemployment compensation for sugar workers in Puerto Rico (Act No. 356, approved May 15, 1948, as amended).

(d) "Federal law" means a Federal unemployment compensation law, including the Railroad Unemployment Insurance Act (52 Stat. 1094), as amended, and title V of the Servicemen's Readjustment Act of 1944 (58 Stat. 284) as amended.

(e) "Veteran" means any person who has served in the active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States at any time on or after June 27, 1950, and prior to a date that shall be determined by Presidential proclamation or concurrent resolution of the Congress, and who has been discharged or released from such active service under conditions other than dishonorable after continuous service of ninety days or more, or by reason of an actual service-incurred injury or disability.

(f) "Week" means a week as defined in the applicable State law.

(g) "Secretary" means the Secretary of Labor of Puerto Rico.

(h) "Agency" means the agency in Puerto Rico or the Virgin Islands, as the case may be, which is cooperating with the United States Employment Service under the act of June 6, 1933 (48 Stat. 113).

(i) "Cooperating State" means a State which will honor claims for benefits under its unemployment compensation or employment security law from veterans in Puerto Rico and the Virgin Islands eligible therefor.

(j) "State" includes Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the District of Columbia.

§ 607.2 *Constructive eligibility.* (a) Whenever a veteran in Puerto Rico or the Virgin Islands meets the qualifying wage or employment requirements of any Federal law or the law of a cooperating State, or would meet them but for the provisions of title IV or any action taken by him under such title or his failure to file a claim for benefits, he shall be deemed eligible for unemployment benefits under such Federal or State law for purposes of title IV. Whenever such veteran does not meet the qualifying wage or employment requirements of any Federal law or the law of a cooperating State for a reason other than the provisions of title IV or any action taken by him under such title or his failure to file a claim for benefits, he shall be deemed not eligible for unemployment benefits under such Federal or State law for purposes of title IV.

(b) Whenever a veteran in Puerto Rico or the Virgin Islands cannot receive unemployment benefits under any Federal or State law solely because of his being in Puerto Rico or the Virgin Islands, he shall be deemed not eligible for such benefits for purposes of title IV.

§ 607.3 *Effective date of program.* In the case of veterans in Puerto Rico or the Virgin Islands who are not eligible for unemployment benefits under the law of a cooperating State, compensation under title IV shall be payable with respect to weeks of unemployment beginning after October 18, 1952. In the case of veterans in Puerto Rico or the Virgin Islands who are eligible for unemployment benefits under the law of a cooperating State, the first week for which compensation under title IV will be payable shall be determined in accordance with § 606.2.

§ 607.4 *Determination of veteran status under title IV.* (a) The agency shall determine whether or not an individual in Puerto Rico or the Virgin Islands, who is not eligible for unemployment benefits under the law of a cooperating State, is a veteran under title IV when the individual files his first request for such determination. Such a determination shall be subject to redetermination or modification only by Puerto Rico, or the Virgin Islands, as the case may be, even if additional evidence is adduced after the individual has moved therefrom. A status determination by another State or the Secretary of Labor of the United States pursuant to regulations prescribed under title IV shall be binding on Puerto Rico or the Virgin Islands, as the case may be.

(b) If an individual is found to have had a period of service which would make him a veteran under title IV, his status as a veteran shall not be affected by the fact that he may be or have been discharged or released under dishonorable conditions from some other period of service.

§ 607.5 *Applicable law.* (a) A veteran in Puerto Rico or the Virgin Islands who is not eligible for unemployment benefits under the law of a cooperating State shall have his rights to compensation under title IV determined in accordance with the unemployment compensation law of the District of Columbia except for the weekly amount and maximum potential duration of such compensation and except as otherwise provided in this part. If the veteran moves to another State and files a claim for compensation under title IV, his claim shall be transferred to such State (or to the Secretary of Labor of the United States if the State to which he moves has no agreement under this title), unless:

(1) His stay in such State is of a temporary or transitory nature; or

(2) His claim is subject to a disqualification or a postponement of compensation; or

(3) A determination regarding a disqualification or a postponement has been made but is not final because of a pending hearing or appeal.

(b) Upon such transfer from Puerto Rico or the Virgin Islands, the veteran's rights to compensation shall be determined in accordance with the unemployment compensation or employment security law of the State to which the claim is transferred and in accordance with Part 606 of this chapter[1] unless such transfer is between Puerto Rico and the Virgin Islands.

(c) A veteran in Puerto Rico or the Virgin Islands who is eligible for unemployment benefits under the law of a cooperating State shall have his claim for compensation under title IV forwarded to such State for determination in accordance with the law of such State and in accordance with Part 606 of this chapter.

§ 607.6 *Payment.* The agency in Puerto Rico shall pay compensation under title IV to veterans entitled thereto in Puerto Rico and the Virgin Islands who are not eligible for unemployment benefits under the law of a cooperating State.

§ 607.7 *Waiting period.* The waiting-period provisions of the unemployment compensation law of the District of Columbia shall not be applied by Puerto Rico or the Virgin Islands to a veteran who files a claim for compensation under title IV: *Provided, however,* That no compensation under title IV shall be paid to a veteran in Puerto Rico or the Virgin Islands who is serving a waiting period required by the Railroad Unemployment Insurance Act.

§ 607.8 *Compensation for weeks of unemployment.* (a) Compensation under title IV shall be payable during the effective period of title IV to veterans in Puerto Rico or the Virgin Islands, who are not eligible for unemployment benefits under the law of a cooperating State, without regard to the benefit-year provisions of the unemployment compensation law of the District of Columbia until the total amount of compensation received under title IV equals $676.

(b) (1) If such veteran is eligible for unemployment benefits under any other Federal law, or, in the case of a veteran in Puerto Rico, under any law of Puerto Rico, at a rate less than $26 (including the amount of dependents' allowance, if any) for a week of total unemployment, compensation under title IV for a week of total unemployment shall be payable at the rate of $26 per week less the amount of such benefits.

(2) If such veteran is not eligible for unemployment benefits under any other Federal law, or, in the case of a veteran in Puerto Rico, under any law of Puerto Rico, compensation under title IV for a week of total unemployment shall be payable at the rate of $26 per week.

(c) (1) If such veteran is eligible for unemployment benefits under any other Federal law at a rate less than $26 (including the amount of dependents' allowance, if any) for a week of total unemployment, the amount of compensation under title IV for a week of less than full-time work shall be the difference between the amount of such benefits for the week and an amount calculated in accordance with the unemployment compensation law of the District of Columbia on the basis of a $26 rate for the week.

(2) If such veteran is not eligible for unemployment benefits under any other Federal law, the amount of compensation under title IV payable to him for a week of less than full-time work shall be determined in accordance with the unemployment compensation law of the District of Columbia, except that $26 shall be used as the weekly benefit amount for determining whether or not the veteran is unemployed and the amount of his compensation under title IV for such week. Any earnings disregarded under the unemployment compensation law of the District of Columbia shall also be disregarded in determining his compensation under title IV for the week.

§ 607.9 *Nonduplication of benefits.* (a) Whenever a veteran in Puerto Rico or the Virgin Islands is eligible for unemployment benefits under any other Federal law at a rate of $26 or more (including the amount of dependents' allowance, if any) per week, he is not entitled to receive any compensation under title IV during the period for which he is eligible for such benefits, including waiting weeks and the effective period of disqualification or other postponement

[1] See F. R. Doc. 52-10128, *supra*.

of benefits incurred in the course of a claim for benefits.

(b) Whenever a veteran in Puerto Rico or the Virgin Islands is eligible for unemployment benefits under any other Federal law at a rate of less than $26 (including the amount of dependents' allowance, if any) per week, he may be paid compensation under title IV as a supplement to such benefits only with respect to weeks for which he meets the applicable conditions for payment of benefits and is not disqualified under the unemployment compensation law of the District of Columbia: *Provided, however*, That such veteran may receive the supplement if he is denied benefits under such law because of title IV or any action taken by him under such title or because he is seeking or receiving benefits under any unemployment compensation law.

(c) Compensation under title IV shall not be paid:

(1) For any period with respect to which agency finds that a veteran receives an education and training allowance under subsection (a), (b), (c) or (d) of section 232 of the Veterans' Readjustment Assistance Act of 1952 or a subsistance allowance under part VII or Part VIII of Veterans Regulations Numbered 1 (a), as amended; or

(2) For any period with respect to which the agency finds that a veteran receives additional compensation necessary for his maintenance under section 6(b)(2) of the Federal Employees' Compensation Act (39 Stat. 742), as amended.

§ 607.10 *Disqualifications.* (a) The claim for compensation under title IV of a veteran in Puerto Rico or the Virgin Islands who is not eligible for unemployment benefits under the law of a cooperating State shall be subject to all provisions of the unemployment compensation law of the District of Columbia with respect to disqualifications, except that no such veteran shall be disqualified for compensation under title IV solely because he is seeking or receiving benefits under title IV or any other unemployment compensation law.

(b) The claim for compensation under title IV of a veteran in Puerto Rico or the Virgin Islands who is eligible for unemployment benefits under the law of a cooperating State shall be subject to the applicable State law with respect to disqualifications in the manner provided for in § 606.8 of this chapter.

§ 607.11 *Overpayments.* (a) In cases where a claimant in Puerto Rico or the Virgin Islands who is not eligible for unemployment benefits under the law of a cooperating State and who has received an overpayment of title IV compensation as a result of false statements knowingly made or material facts knowingly withheld as provided for in section 405 (b) of title IV, he shall be liable to repay such outstanding overpayment; or, in the discretion of the agency, there may be offset against any such outstanding overpayment any future compensation payable to him under title IV if the existence of such nondisclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a reconsideration or appeal: *Provided, however*, That such offset is limited to future compensation payable to him under title IV within the two-year period following such finding.

(b) Except in cases where false statements are knowingly made or material facts are knowingly withheld as provided for in section 405 (b), the unemployment compensation law of the District of Columbia shall determine whether a claimant in Puerto Rico or the Virgin Islands who is not eligible for unemployment benefits under the law of a cooperating State and who has received an overpayment of compensation under title IV which he has not repaid shall receive any future compensation payable under title IV, or shall be liable to repay such overpayment, or whether there shall be permitted an offset of any future compensation payable to him under title IV against such outstanding overpayment, or whether a waiver of such overpayment shall be permitted.

§ 607.12 *Determination.* Promptly after a claimant in Puerto Rico or the Virgin Islands who is not eligible for unemployment benefits under the law of a cooperating State files a claim for compensation under title IV, an officer or employee of the agency in Puerto Rico or the Virgin Islands shall make a determination with respect to whether or not such compensation is payable, and if payable, the week with respect to which payments will commence and the maximum potential duration of such payments. A determination may, for good cause, be reconsidered. The claimant shall be promptly notified of the determination and of any amended determinations and the reasons for any denial of compensation under title IV. If such determination awards compensation under title IV, such compensation shall be paid promptly.

§ 607.13 *Appointment of referees.* The Secretary shall appoint one or more referees in Puerto Rico to hear and decide appealed claims in accordance with this part. The Territorial Representative of the United States Department of Labor shall act as the referee in the Virgin Islands to hear and decide appealed claims in accordance with this part.

§ 607.14 *Filing and perfecting an appeal before a referee.* If his claim is denied, the claimant may appeal from a determination or a reconsidered determination within ten days after the mailing of notice and a copy of such a determination to such claimant's last known address, or, in the absence of mailing, within ten days after delivery thereof to such claimant. Any appeal shall be in writing and may be filed with any office of the appropriate agency.

§ 607.15 *Notice of appeal to referee.* Notice that an appeal has been filed may, in the discretion of the referee, be given or mailed to any person who has offered or is believed to have evidence with respect to the claim.

§ 607.16 *Scheduling and notice of hearing before referee.* Appeals to a referee shall be promptly scheduled and heard. Written notice of hearing, specifying the time and place thereof, and those questions which are known to be in dispute shall be given or mailed to the claimant, the agency, and any person who has offered or is believed to have evidence with respect to the claim seven days or more before the hearing, *Provided, however*, That a shorter notice period may be used if consented to by the claimant.

§ 607.17 *Conduct of hearings.* The proceedings shall be informal, fair and impartial and shall be conducted in such manner as may be best suited to determine the claimant's rights to compensation under title IV. Hearings shall, in the absence of a showing of sufficient cause for a closed hearing, be open to the public. The referee shall open the hearings by ascertaining and summarizing the issue or issues involved in the appeal. The claimant and his representative may examine and cross-examine witnesses, inspect documents, and explain or rebut any evidence. An opportunity to present argument shall be afforded the claimant, which argument shall be made part of the record. Where a claimant is not represented by counsel or other representative, the referee who is conducting the hearing shall give him every assistance that does not interfere with the impartial discharge of his official duties. The referee who is conducting the hearing may examine the claimant and each witness to such extent as he deems necessary. Any issue involved in the claim shall be considered and passed upon even though such issue was not set forth as a ground for appeal.

§ 607.18 *Evidence.* Oral or written evidence of any nature, whether or not conforming to the legal rules of evidence, may be accepted. Any official record of Puerto Rico or the Virgin Islands, including reports submitted in connection with the administration of title IV, may be included in the record: *Provided, however*, That the claimant is given an opportunity to examine and rebut the same. A written statement may be accepted, if under oath or affirmation, when it appears impossible or unduly burdensome to require the attendance of a witness, provided the claimant is given an opportunity to examine such statement and to comment on or to rebut any or all thereof. Whenever possible, the claimant shall be permitted to cross-examine a witness whose testimony has been introduced in written form by written questions to be answered in writing.

§ 607.19 *Record.* All oral testimony shall be taken under oath or affirmation and a transcript thereof shall be made and kept. Such transcript together with all exhibits, papers and requests filed in the proceeding shall constitute the record for decision.

§ 607.20 *Withdrawals.* Any claimant who has filed an appeal may withdraw the same on the approval of the referee before whom the appeal is pending.

§ 607.21 *Non-appearance of claimant.* Failure of a claimant to appear at a hearing shall not result in decision be-

ing automatically rendered against him. The referee who is conducting the hearing shall render a decision on the basis of whatever evidence is properly before him, unless there appears to be good reason for continuing the hearing. Any claimant who fails to appear at a hearing with respect to his appeal may within seven days thereafter petition for a reopening of the hearing. Such petition shall be granted if it appears to the referee who conducted the hearing that the claimant has shown good cause for his failure to attend.

§ 607.22 *Notice of decision of referee.* A copy of the decision together with a statement of the reasons therefor shall promptly be given or mailed to the claimant, the agency, and to the Secretary of Labor of the United States. In the case of a claimant in Puerto Rico, there shall accompany the decision of the referee an explanation of the manner in which, and the time within which, a petition for review or an appeal to the Secretary may be filed. In the case of a claimant in the Virgin Islands, there shall accompany the decision of the referee an explanation of the rights of the claimant to judicial review and the manner in which such judicial review may be instituted.

§ 607.23 *Appeals to the Secretary.* If the decision of the referee in Puerto Rico affirmed or modified the determination, the claimant may appeal to the Secretary. Any such appeal shall be filed with the agency within ten days after the mailing of the notice of decision to such claimant's last known address, or in the absence of such mailing, within ten days after the delivery of such notice. Within the appeal period, the Secretary may on his own motion initiate a review of a decision of a referee.

§ 607.24 *Certification of questions to Secretary.* If, in connection with any proceeding, a referee has serious doubts as to the correctness of any principle declared in any prior decision of the Secretary, he may certify to the Secretary the findings of facts and the questions of law involved in the appeal for a decision by the Secretary with respect to such questions of law as are certified.

§ 607.25 *Removal by the Secretary.* The Secretary may at his own discretion remove to himself the proceedings on any appeal pending before a referee. In addition, if a question of law is certified to him in accordance with § 607.24 the Secretary may at his discretion remove to himself the entire proceedings on the appeal with respect to which the certification was made.

§ 607.26 *Procedures in preparation for review by Secretary.* The Secretary shall notify the claimant and the agency, and may, in his discretion, notify the persons who offered evidence with respect to the claims that an appeal is before the Secretary, or that any question involved therein has been certified to the Secretary, or that review has been initiated by the Secretary on his own motion. Notice of the time and place of any oral hearing or of an opportunity to present further written argument shall be given or mailed to the claimant and the agency seven days or more before the time specified: *Provided, however*, That a shorter notice period may be used if consented to by the claimant.

§ 607.27 *Hearing and review before Secretary.* The hearing of an appeal removed to the Secretary prior to the conclusion of a hearing before a referee, or the hearing of argument in connection with the certification of a question to the Secretary, shall be conducted in the manner prescribed for hearings before a referee. In all cases, review may be upon the record made before the referee, except that the Secretary may, in his discretion, permit argument and may receive or direct the taking of argument or additional evidence, in the manner prescribed by this part for proceedings before a referee.

§ 607.28 *Withdrawals.* Any claimant who has filed an appeal may withdraw the same on approval of the Secretary.

§ 607.29 *Notice of Secretary's decision.* A copy of the decision of the Secretary together with a statement of the reasons therefor shall promptly be given or mailed to the claimant, the agency, and to the Secretary of Labor of the United States. There shall accompany such decision an explanation of the rights of the claimant to judicial review and the manner in which judicial review may be instituted.

§ 607.30 *General provisions applicable to proceedings before referee or Secretary.* (a) A referee or the Secretary before whom the appeals are pending may consolidate the appeals of more than one claimant and conduct joint hearings thereon where the same or substantially similar evidence is relevant and material to the matters in issue. Reasonable notice of consolidation and the time and place of hearing shall be given or mailed to the claimants or their representatives, the agency, and to persons who have offered or are believed to have evidence with respect to the claims.

(b) In any proceedings before a referee or the Secretary, the claimant may be represented by counsel or other representative. Any such representative may appear at any hearing or take any other action which the claimant may take under this part. The referee or the Secretary may for cause bar any person from representing a claimant, in which event such action shall be set out in the record of the proceedings. No representative shall charge a claimant more than an amount fixed by the referee or the Secretary, for representing him in any proceeding under this part.

(c) Any hearing before a referee or the Secretary shall be postponed, continued or adjourned when such action is necessary to afford the claimant a reasonable opportunity for a fair hearing. In the event of any such action notice of the time and place of the subsequent hearing shall be given any person who received notice of the prior hearing.

(d) Information, either from the records or obtained in any proceedings herein provided for, shall be available to a claimant to the extent necessary for the proper presentation of his case. All requests for such information shall state, as clearly as possible, the nature of the information desired and shall, unless made at a hearing, be in writing.

(e) Copies of all decisions of a referee in Puerto Rico and of the Secretary shall be kept on file at the office of the Secretary. Copies of all decisions of the referee in the Virgin Islands shall be kept on file at his office in the Virgin Islands.

Effective date. This part shall take effect on October 15, 1952.

Signed at Washington, D. C., this 9th day of September 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-10129; Filed, Sept. 16, 1952; 8:54 a. m.]

PART 608—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (IN STATES WHICH HAVE NO AGREEMENT WITH THE SECRETARY OF LABOR)

Pursuant to the authority vested in me by section 402 (a) of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong., 66 Stat. 663), the following regulations are prescribed:

Sec.
608.1 Definitions.
608.2 Effective date of program.
608.3 Determination of veteran status under title IV.
608.4 Constructive eligibility.
608.5 Applicable State law.
608.6 Waiting period.
608.7 Compensation for weeks of unemployment.
608.8 Nonduplication of benefits under State or Federal law.
608.9 Applicability of State disqualifications.
608.10 Overpayments.
608.11 Filing of claims.
608.12 Determinations.
608.13 Appointment of referees.
608.14 Filing and perfecting an appeal before a referee.
608.15 Notice of appeal to referee.
608.16 Scheduling and notice of hearing before referee.
608.17 Conduct of hearings.
608.18 Evidence.
608.19 Record.
608.20 Withdrawals.
608.21 Non-appearance of veteran.
608.22 Notice of decision of referee.
608.23 Consolidation.
608.24 Representation of veteran.
608.25 Postponement or adjournment.
608.26 Information.
608.27 Copies of decisions.

AUTHORITY: §§ 608.1 to 608.27 issued under sec. 402, Pub. Law 550, 82d Cong.

§ 608.1 *Definitions.* The definitions of § 606.1 of this chapter,[1] shall apply to this part.

§ 608.2 *Effective date of program.* Compensation under title IV shall be payable for weeks of unemployment beginning after October 14, 1952, as specified in § 606.2 of this chapter.

§ 608.3 *Determination of veteran status under title IV.* (a) If the agency of the State whose law is applicable in accordance with § 606.5 of this chapter

[1] See F. R. Doc. 52-10128, *supra*.

does not have an agreement with the Secretary, a representative of the Secretary shall determine an individual's status as a veteran under title IV when the individual files his first request for such determination. Such a determination shall be subject to redetermination or modification only in accordance with §§ 608.12 through 608.25 even if additional evidence is adduced after the individual has moved to another State. A status determination by any State shall be binding on the Secretary and his representatives.

(b) Section 606.3 (b) of this chapter shall apply to this part.

§ 608.4 *Constructive eligibility.* Section 606.4 of this chapter shall apply to this part.

§ 608.5 *Applicable State law.* (a) Section 606.5 (a) and (b) of this chapter shall apply to this part.

(b) When a veteran's claim for compensation under title IV is transferred to the Secretary, the Secretary or his representatives shall make no determination of the veteran's rights to such compensation and shall pay no such compensation with respect to any period for which the State from which the claim is transferred has previously made a determination.

(c) When title IV compensation is payable by the Secretary under this part, such compensation shall be paid in accordance with the applicable State law, except for the weekly amount and maximum potential duration of such compensation and subject to §§ 608.6, 608.7, 608.8, 608.9, and 608.10.

§ 608.6 *Waiting period.* Section 606.6 of this chapter shall apply to this part.

§ 608.7 *Compensation for weeks of unemployment.* Section 606.7 of this chapter shall apply to this part.

§ 608.8 *Nonduplication of benefits under State or Federal law.* Section 606.8 of this chapter shall apply to this part.

§ 608.9 *Applicability of State disqualifications.* Section 606.9 of this chapter shall apply to this part.

§ 608.10 *Overpayments.* Section 606.10 of this chapter shall apply to this part.

§ 608.11 *Filing of claims.* In States which have no agreement with the Secretary of Labor, an individual may file a claim for compensation under title IV with such persons and at such places as shall be designated by the Secretary.

§ 608.12 *Determinations.* Whenever in accordance with the foregoing regulations the Secretary has jurisdiction to make a determination of entitlement to compensation under title IV, he or his representative shall promptly make a determination with respect to whether or not such compensation is payable and if payable the week with respect to which payments will commence and the maximum potential duration of such payments. A determination may, for good cause, be reconsidered. The claimant shall be promptly notified of the determination and of any amended determinations and the reasons for any denial of compensation under title IV. If such determination awards compensation under title IV, such compensation shall be paid promptly.

§ 608.13 *Appointment of referees.* The Secretary shall appoint one or more referees to hear and decide appealed claims in accordance with this part.

§ 608.14 *Filing and perfecting an appeal before a referee.* If his claim is denied, the claimant may appeal from a determination or a reconsidered determination within ten days after the mailing of notice and a copy of such a determination to such claimant's last known address, or, in the absence of mailing, within ten days after delivery thereof to such claimant. Any appeal shall be in writing and may be filed with any office designated by the Secretary.

§ 608.15 *Notice of appeal to referee.* Notice that an appeal has been filed may, in the discretion of the referee, be given or mailed to any person who has offered or is believed to have evidence with respect to the claim.

§ 608.16 *Scheduling and notice of hearing before referee.* Appeals to a referee shall be promptly scheduled and heard. Written notice of hearing, specifying the time and place thereof, and those questions which are known to be in dispute shall be given or mailed to the claimant, and any person who has offered or is believed to have evidence with respect to the claim seven days or more before the hearing: *Provided, however,* That a shorter notice period may be used if consented to by the veteran.

§ 608.17 *Conduct of hearings.* The proceedings shall be informal, fair and impartial and shall be conducted in such manner as may be best suited to determine the claimant's rights to compensation under title IV. Hearings shall, in the absence of a showing of sufficient cause for a closed hearing, be open to the public. The referee shall open the hearings by ascertaining and summarizing the issue or issues involved in the appeal. The claimant and his representative may examine and cross-examine witnesses, inspect documents, and explain or rebut any evidence. An opportunity to present argument shall be afforded the claimant, which argument shall be made part of the record. Where a claimant is not represented by counsel or other representative, the referee who is conducting the hearing shall give him every assistance that does not interfere with the impartial discharge of his official duties. The referee who is conducting the hearing may examine the claimant and each witness to such extent as he deems necessary. Any issue involved in the claim shall be considered and passed upon even though such issue was not set forth as a ground for appeal.

§ 608.18 *Evidence.* Oral or written evidence of any nature, whether or not conforming to the legal rules of evidence, may be accepted. Any official record of a State or the United States, including reports submitted in connection with the administration of title IV, may be included in the record: *Provided, however,* That the claimant is given an opportunity to examine and rebut the same. A written statement may be accepted, if under oath or affirmation, when it appears impossible or unduly burdensome to require the attendance of a witness, provided the claimant is given an opportunity to examine such statement and to comment on or to rebut any or all thereof. Whenever possible, the claimant shall be permitted to cross-examine a witness whose testimony has been introduced in written form by written questions to be answered in writing.

§ 608.19 *Record.* All oral testimony shall be taken under oath or affirmation and a transcript thereof shall be made and kept. Such transcript together with all exhibits, papers and requests filed in the proceeding shall constitute the record for decision.

§ 608.20 *Withdrawals.* Any claimant who has filed an appeal may withdraw the same on the approval of the referee before whom the appeal is pending.

§ 608.21 *Non-appearance of veteran.* Failure of a claimant to appear at a hearing shall not result in a decision being automatically rendered against him. The referee who is conducting the hearing shall render a decision on the basis of whatever evidence is properly before him, unless there appears to be good reason for continuing the hearing. Any claimant who fails to appear at a hearing with respect to his appeal may within seven days thereafter petition for a reopening of the hearing. Such petition shall be granted if it appears to the referee who conducted the hearing that the claimant has shown good cause for his failure to attend.

§ 608.22 *Notice of decision of referee.* A copy of the decision together with a statement of the reasons therefor shall promptly be given or mailed to the claimant and to the Secretary. There shall accompany the decision of the referee an explanation of the rights of the claimant to judicial review and the manner in which such judicial review may be instituted.

§ 608.23 *Consolidation.* A referee before whom the appeals are pending may consolidate the appeals of more than one claimant and conduct joint hearings thereon where the same or substantially similar evidence is relevant and material to the matters in issue. Reasonable notice of consolidation and the time and place of hearing shall be given or mailed to the claimants or their representatives, and to persons who have offered or are believed to have evidence with respect to the claims.

§ 608.24 *Representation of veteran.* In any proceeding before a referee the claimant may be represented by counsel or other representative. Any such representative may appear at any hearing or take any other action which the claimant may take under this part. The referee may for cause bar any person from representing a claimant, in which event such action shall be set out in the record of the proceedings. No representative shall charge a claimant more than such amount as is fixed by the referee, for representing him in any proceeding under this part.

§ 608.25 *Postponement or adjournment.* Any hearing before a referee shall be postponed, continued or adjourned when such action is necessary to afford the claimant a reasonable opportunity for a fair hearing. In the event of any such action notice of the time and place of the subsequent hearing shall be given any person who received notice of the prior hearing.

§ 608.26 *Information.* Information, either from the records or obtained in any proceeding provided for in this part, shall be available to a claimant to the extent necessary for the proper presentation of his case. All requests for such information shall state, as clearly as possible, the nature of the information desired and shall, unless made at a hearing, be in writing.

§ 608.27 *Copies of decisions.* Copies of all decisions of a referee shall be kept on file at the office of the Secretary.

Effective date of regulations. This part shall take effect on October 15, 1952.

Signed at Washington, D. C., this 9th day of September 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-10130; Filed, Sept. 16, 1952; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 69, Revision 1, Amdt. 4]

CPR 69—Food Products Sold in the Territory of Hawaii

Ceiling Prices for the Sale of Island Beef and Offal in the Territory of Hawaii

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

Statement of Considerations

This amendment to Ceiling Price Regulation 69, Revision 1, establishes dollar and cent ceiling prices for sales in the Territory of Hawaii of beef and offal derived from the slaughter of bovine animals in the Territory of Hawaii. Ceiling prices are established at the wholesale and retail levels.

Sales of island beef and offal have been covered by the General Ceiling Price Regulation. At the time of the "general freeze," prices had advanced on some of the islands but not on the others, thereby distorting the distribution pattern for island beef, a condition which was alleviated somewhat by the issuance of Supplementary Regulation 97 to the GCPR.

This amendment adds a new Article VII to Ceiling Price Regulation 69, Revision 1. Dollar and cent ceiling prices are established for sale of island beef carcasses. In addition, dollar and cent ceiling prices are established at wholesale and retail for island beef cuts and offal when sold in the Territory of Hawaii. The prices as specified reestablish the historic 2½ cent differential for wholesale beef between the Island of Oahu and all other islands, and maintain the distinction and normal price differential which exists between the beef of steers and heifers and that of cows and bulls.

A provision is also included to allow wholesalers to add $3.50 per hundredweight on sales of island beef to commercial, industrial, and institutional users. A method is provided whereby sellers may make application to the Director of the Office of Price Stabilization for prices on unlisted cuts. Pending determination of ceiling prices for such unlisted cuts, a seller may continue to use his ceiling price established under the General Ceiling Price Regulation until the Director of Price Stabilization, by order, establishes his new ceiling price.

Selling prices at retail of each cut of island beef must be posted in a conspicuous place on or near the meat counter.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing January 25 to February 24, 1951, inclusive, and to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives including trade association representatives, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, but insofar as any provision of this regulation may operate to compel changes therein, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

Amendatory Provisions

1. Ceiling Price Regulation 69, Revision 1, is amended by adding a new article, Article VII—Island Beef Prices, following Article VI, as follows:

Article VII—Island Beef Prices

Sec.
7.1 What this article does.
7.2 Ceiling prices for island beef carcasses.
7.3 Ceiling prices at wholesale for island beef cuts.
7.4 Ceiling prices for island beef offal at wholesale and retail.
7.5 Ceiling prices for island beef cuts at retail.
7.6 Wholesale ceiling prices to commercial, industrial, or institutional users.
7.7 Cuts other than those described in this regulation.
7.8 Posting.
7.9 Territorial tax on retail sales of island beef and offal.
7.10 Definitions.
Appendix—Beef cutting charts

AUTHORITY: Sections 7.1 to 7.10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Article VII—Island Beef Prices

SEC. 7.1. *What this article does.* This article of the regulation establishes ceiling prices for island beef and offal when sold at wholesale and retail in the Territory of Hawaii.

SEC. 7.2. *Ceiling prices for island beef carcasses.* Ceiling prices for sales of island beef carcasses per cwt., in the Territory of Hawaii, are as follows:

[Per hundredweight]

	Steer	Heifer	Cow	Bull
	Oahu			
Full carcass	$52.50	$51.50	$46.50	$45.50
Side	52.50	51.50	46.50	45.50
Hind quarter	57.75	56.65	51.15	50.05
Fore quarter	48.30	47.30	42.78	41.86
	Outer islands			
Full carcass	$50.00	$49.00	$44.50	$43.50
Side	50.00	49.00	44.50	43.50
Hind quarter	55.00	53.90	48.95	47.85
Fore quarter	46.00	45.08	40.94	40.02

SEC. 7.3. *Ceiling prices at wholesale for island beef cuts.* Ceiling prices of island beef cuts per cwt. for sales at wholesale in the Territory of Hawaii, are as follows:

[Per hundredweight]

	Oahu		Outer Islands	
	Steer and heifer	Cow and bull	Steer and heifer	Cow and bull
Round	$63.00	$55.80	$60.00	$53.40
Untrimmed loin	58.00	51.30	55.25	49.17
Trimmed loin	91.87	81.30	87.50	77.88
Head loin (sirloin)	80.00	70.80	76.20	67.82
Short loin	95.00	84.10	90.48	80.52
Flank	32.02	28.30	30.05	27.14
Rib	63.00	55.80	60.00	53.40
Regular chuck (square cut)	56.70	50.22	54.00	48.06
Short plate	34.65	30.69	33.00	29.37
Brisket	42.00	37.20	40.00	35.60
Fore shank	31.50	27.90	30.00	26.70
Cross cut chuck	51.45	45.57	49.00	43.61
Back	59.32	52.50	56.50	50.28
Triangle	48.82	43.20	46.50	41.38
Arm chuck	53.55	47.43	51.00	45.39
Long plate	37.63	32.73	35.60	31.13

SEC. 7.4. *Ceiling prices for island beef offal at wholesale and retail.* Ceiling prices for the sale of island beef offal at wholesale and retail in the Territory of Hawaii, are as follows:

	Wholesale	Retail
Edible offal:		
Liver, lb.	$0.55	$0.89
Tongue, lb.	.37	.65
Heart, lb.	.29	.45
Tripe, lb.	.22	.35
Brains, set	.22	.35
Kidneys, lb.	------	.45
Cheeks, lb.	.30	.50
Lungs, lb.	.10	.15
Melts, lb.	.10	.15
Trimmings, lb.	.29	.49
Inedible offal:		
Meat and bone meal, ton.	120.00	------
Dried blood, ton.	120.00	------
Condemned offal (dog food), lb.	.25	------

SEC. 7.5. *Ceiling prices for island beef cuts at retail.* Ceiling prices for island beef per pound when sold at retail in the Territory of Hawaii, by class, are as follows:

	Oahu		Outer Islands	
	Class I (steer and heifer)	Class II (cow and bull)	Class I (steer and heifer)	Class II (cow and bull)
Sirloin steak	$0.99	$0.88	$0.98	$0.87
Sirloin tip (boned roast or steak)	1.05	.94	1.00	.89
Pin bone sirloin steak	.97	.86	.95	.84
Porterhouse steak	1.10	.98	1.00	.89
Cube steak	.98	.98	.92	.92
T-Bone steak	1.01	.99	.98	.87
Club steak	1.01	.90	.98	.87
Round steak	.98	.87	.92	.81
Heel of round	.89	.78	.89	.78
Boneless cross rib	.99	.88	.98	.87
Boneless rump	.98	.87	.90	.80
Bone in rump	.80	.69	.72	.62
Flank steak	.98	.87	.90	.80
Flank stew	.75	.75	.75	.75
Boneless stew	.81	.81	.78	.78
Rib 7" (roast or steak)	.89	.79	.89	.79
Rib 10" (roast or steak)	.81	.71	.81	.71
Rib-blade 2 ribs	.75	.65	.73	.66
Short ribs	.72	.62	.72	.65
Chuck blade, 1 rib	.70	.61	.70	.61
Boneless chuck roast	.89	.81	.87	.79
Chuck steak and chuck pot roast	.79	.71	.79	.71
Round bone chuck	.79	.71	.79	.71
Boneless neck	.81	.81	.78	.78
Hamburger	.69	.69	.59	.59
Lean ground beef	.81	.81	.69	.69
Shank meat, hind and fore	.69	.69	.63	.63
Brisket, bone in	.65	.60	.55	.52
Brisket, boneless	.81	.75	.72	.64
Plate, bone in	.47	.42	.47	.42
Plate, boneless	.58	.52	.58	.53
Lean trimmings	.68	.68	.65	.65
Soup bones	.10	.10	.10	.10

SEC. 7.6. *Wholesale ceiling prices to commercial, industrial, or institutional users.* Wholesalers of island beef may add $3.50 per cwt. to the ceiling prices listed in section 7.3 when selling to commercial, industrial, or institutional users.

SEC. 7.7. *Cuts other than those described in this regulation.* If you desire to sell cuts other than those listed in this regulation, you must apply to the Director of the Hawaii Office of the Office of Price Stabilization. Your application must be signed and must contain the following information:

(a) Your business name and address.

(b) The name of the cut or cuts for which you seek a ceiling price.

(c) Description of the preparation of the cut or cuts.

(d) Type of wrapping or packaging, if any.

(e) GCPR ceiling price or prices for sales to the class or classes of purchaser to whom you sell.

(f) Proposed ceiling price or prices.

(g) A brief statement of the reason you believe your proposed price or prices are in line with other ceiling prices established by this regulation.

(h) The estimated quantity of the cut or cuts which you will sell during the current calendar year.

You may not sell any cut not listed in this regulation at a price higher than your General Ceiling Price Regulation ceiling price until the Director of Price Stabilization has, by order, established your new ceiling price for the sale of such cuts.

SEC. 7.8. *Posting.* Every person offering to sell island beef at retail shall plainly mark the selling price, name of the cut, and class (i. e., Class I or Class II) of the island beef either on the commodity itself or on the tray or shelf on which it is displayed. In addition, you shall post in a conspicuous place on or near the meat counter the list of prices contained in section 7.5 of this regulation.

SEC. 7.9. *Territorial taxes on retail sales of island beef and offal.* Ceiling prices established by this regulation for the retail sale of island beef and offal in the Territory of Hawaii, include all taxes levied on or incident to a retail sale in the Territory of Hawaii. Therefore, notwithstanding the provisions of section 1.5 of this regulation, no amount in addition to the ceiling prices established by this article may be charged, paid, or received for taxes.

SEC. 7.10 *Definitions*—(a) *General.* (1) "Island beef" means meat from the carcasses of bovine animals exceeding 200 pounds, live weight, slaughtered in the Territory of Hawaii.

(2) "Classes" of island beef:

(i) At wholesale there are four classes:

(*a*) Steer beef is beef produced from the slaughter of a male bovine animal which has been castrated before reaching sexual maturity.

(*b*) Heifer beef is the beef produced from the slaughter of a female bovine animal which has not produced a calf.

(*c*) Cow beef is the beef produced from the slaughter of a female bovine animal which has produced a calf.

(*d*) Bull beef is beef produced from the slaughter of an adult male bovine animal uncastrated, or castrated after reaching maturity.

(ii) At retail there are two classes:

(*a*) Class I beef is beef derived from steer or heifer carcasses.

(*b*) Class II is beef derived from cow or bull carcasses.

(3) "Wholesaler" means a person or a firm engaged in buying beef or cattle from producers or other wholesalers and reselling the beef to retailers.

(b) *Wholesale beef definition.* (1) "Beef Carcass" means, and is limited to, two sides of beef or two hind quarters and two fore quarters derived from the same beef animal and shall be dressed in the following manner: The head shall be removed by disjointing at the socket joint. The front feet shall be detached at the lower knee joint and the hind legs shall be detached at the hock joint. The belly shall be opened by cutting or sawing through the aitch bone down the belly at the center of the sternum bone and continuing through the sternum bone to the neck. All the viscera not including the kidneys and the kidney fat shall be removed. The heart fat, caul fat and the sweetbreads from the neck shall be removed. The tail shall be left on one side of the carcass. In dressing cows, the udders shall be entirely removed and in dressing steers, and bulls, the entire genito-urinary tract shall be removed. The carcass shall be separated into two sides by splitting or sawing the chine bones as nearly as possible to the center of the spinal column so that the spinal cord is fully exposed. The muscular portion of the skirt (diaphragm) shall be left attached to the carcass but the non-muscular part shall be trimmed to leave no more than one-half inch of it remaining to the red muscle meat. The hanging tender shall be left on the carcass. The inside and outside of the carcass shall be thoroughly cleaned by washing. A beef carcass shall not be broken in any other manner.

(2) "Side of beef" means a hindquarter and forequarter, separated or attached, which are derived from one side of the beef animal.

(3) "Beef wholesale cut" means and is limited to any of the following cuts defined in this paragraph meeting the following minimum specifications, derived from the beef carcass but excludes the offal and any item not included herein.

(4) "Hindquarter" means the posterior portion of the side remaining after severance from the forequarter made by cutting the beef side between the twelfth and thirteenth rib leaving one rib on the hindquarter and will comprise the round full loin including the thirteenth rib, flank, kidney and hanging tender all in one piece.

(5) "Forequarter" means the anterior portion of the side remaining after the severance of the hindquarter and comprises the rib, regular chuck, brisket, short plate and foreshank, all in one piece which anterior portion contains the first to twelfth ribs.

(6) "Round" means that portion of the hindquarter remaining after the severance of untrimmed full loin from the hindquarter and shall be made by cutting on a straight line from that point on the back bone which is the juncture of the last sacral vertebra and the first tail vertebra, and which just misses the end of the protuberance of the femur bone and continues in the same straight line to complete the cut.

(7) "Trimmed full loin" means that portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin and pelvic fat from the inside of the loin and comprising the short loin and sirloin (loin end) in one piece, and shall be cut beginning at the 13th rib, 10" from the thoracic vertebrae and continuing in a straight line to the ventral point where the loin is separated from the round.

(8) "Flank" means that portion of the hindquarter remaining after the severance of the round and untrimmed loin from the hindquarter.

(9) "Short loin" means that portion of the trimmed full loin after the severance of the sirloin made by cutting from the juncture on the chine bone of the fifth and sixth lumbar vertebra and continuing in a straight line perpendicular to the contour of the outside skin surface of the trimmed loin to and through a point flush against the end of the hip bone, but leaving no part of the hip bone in the short loin.

(10) "Sirloin" (loin end or head loin) means the thick portion of the trimmed full loin remaining after severance of the short loin.

(11) "Cross cut chuck" means that portion of the forequarter remaining after the severance of the rib and short plate by cutting between the fifth and the sixth ribs on a straight line from the chine bone through the plate and comprises the regular chuck, brisket and fore shank all in one piece.

(12) "Regular chuck" means that portion of the cross cut chuck remaining after the severance of the brisket and fore shank from the cross cut chuck.

(13) "Brisket" means that portion of the cross cut chuck remaining after the severance of the regular chuck and fore shank from the cross cut chuck which portion contains parts of four ribs and rib cartilages which connect the ends of the rib bone with the breast bone.

(14) "Rib" means that portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarters and contains parts of seven ribs (6th to 12th inclusive) and shall be cut 10 inches from the inside of the thoracic vertebra to the end of the ribs. NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the sixth and twelfth thoracic vertebra and not from the hollow of the chine bone.

(15) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter.

(16) "Fore shank" means that portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the forequarter.

(17) "Triangle" means that portion of the forequarter remaining after the severance of the rib. It includes the short plate, brisket, fore shank, and the regular chuck.

(18) "Long plate" means the short plate and brisket in one piece.

(19) "Back" means that portion of the forequarter remaining after the severance of the short plate, brisket, and fore shank and contains the rib and regular chuck all in one piece.

(20) "Arm chuck" means that portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and fore shank all in one piece.

(21) "Untrimmed loin" means that portion of the hindquarter remaining after the severance of the round. It shall include the kidney.

(c) *Retail beef definitions.* (1) "Sirloin" or "pinbone" steak (bone in) is made from the standard primal sirloin (loin end). All fat exceeding one inch in thickness shall be trimmed from this steak.

(2) "Sirloin Tip" is that portion of meat on the hindquarter extending from the knee cap and between the top and bottom round muscles of the leg to the ball of femur, and then at right angle to the flank side of the loin.

(3) "Porterhouse" steak is made from the standard primal short loin. Porterhouse steaks contain a large portion of the tenderloin. It is cut from the short loin from a point opposite the center of the fourth lumbar vertebrae to the juncture of the chine bone of the fifth and sixth lumbar vertebrae. All fat exceeding one inch in thickness shall be trimmed from the steaks.

(4) "T-bone steak" means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebrae to a point opposite the juncture of the first and second lumbar vertebrae.

(5) "Club steaks" are the remaining portion of the short loin after the T-bone and porterhouse steaks are removed.

(6) "Cube steak" means the lean muscle meat made from the sirloin tip, the boneless sirloin, the top round, and the bottom round and scored in accordance with the normal business practice. This steak must be free from all fat except marbling.

(7) "Round steak" (bone in), full cut, includes a part of the top round, the bottom round, and the eye of the round and round bone. Round steaks (full cut) shall contain the round bone but no part of the knee cap or knuckle bone. All fat exceeding one inch in thickness shall be trimmed from this steak. It may be cut into two or more pieces before selling. It may be ground after being weighed and sold.

(8) "Heel of round." The heel of round may be separated from the hind shank; however, it does not include the front muscle of the shin bone. It may be ground after being weighed and sold.

(9) "Bone in rump," called the standing rump, is removed from the standard round by cutting perpendicular to the outside surface of the round one-half inch from the parallel with the aitch bone. The bone in rump contains part of the aitch bone, but none of the tail vertebrae, the rump knuckle and socket. All fat must be trimmed to one inch or less in thickness.

(10) "Boneless rump" is the meat remaining after all the bones, cartilage and gristle have been removed from the bone in rump (standing rump) and all fat has been trimmed to one inch, or less in thickness. This cut may be rolled and tied.

(11) "Hind shank" (bone in), is the section of the round remaining after the rump, round steaks (or tips, inside and outside), heel or round, knee joint, and hock have been removed.

(12) "Foreshank." The foreshank is the hock or knee joint removed from the primal cut foreshank.

(13) "Flank steak" is made from the standard wholesale beef flank. All membrane must be removed from this steak. The steak must not be cut into more than two pieces before selling.

(14) "Flank stew" (boneless) is the meat remaining after the flank steak, bone, gristle, membrane and cod fat have been removed from the primal cut.

(15) "Rib" may be either steaks or roasts and is from the primal rib after the blade bone or blade cartilage has been removed. It must not exceed 10 inches for the 10" cut, and 7 inches for the 7" cut. All external fat must be trimmed to one inch or less.

(16) "Rib blade" (2 ribs) is from the lower side of the cross rib between cross rib and brisket. It shall be trimmed of excess fat and include 2 ribs.

(17) "Chuck blade" (1 rib) or blade pot roast is made from the blade bone portion of the standard primal chuck. No portion of the arm knuckle shall be included.

(18) "Chuck steak" is made from the standard primal chuck. All fat exceeding one inch in thickness must be removed from this steak.

(19) "Round bone chuck," also called chuck pot roast, cross rib, or shoulder clod, is made from the shoulder round bone portion of the standard primal chuck. No portion of the arm knuckle is included in the round bone chuck.

(20) "Boneless neck" is the meat remaining after the bone, cartilage, fat, tendon gristle, and throat trimmings have been removed from the neck. It may be sold as ground beef, hamburger or boneless stew beef.

(21) "Boneless brisket" means that part of the brisket remaining after all bones, intercostal meat, and deckle have been removed, and exposing the lean meat surface lying directly below.

(22) "Plate," boneless, refers to the boneless meat of the primal plate after all bone, gristle, cartilage, membrane, and excess fat have been removed.

(23) "Plate," bone in, is made from the standard primal plate without removing the bones.

(24) "Trimmings" means any pieces of meat derived from the beef carcass in connection with the production of wholesale cuts, fabricated cuts or boneless beef, and which does not include in excess of 24 per cent trimmable fat. Trimmings are to be free from bones, splinters, gristle, blood clots and bruises.

(25) "Lean ground beef" means ground, chopped, or comminuted fresh beef derived from the skeletal portion of the dressed carcass (but not including head-meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 15 per cent by chemical analysis. Ground beef shall be ground twice.

(26) "Hamburger" means ground beef which has a fat content of more than 15 per cent but less than 25 per cent.

(27) "Chuck pot roast," bone in, is made from the blade bone, English cut, or arm bone portion of the standard primal chuck. All fat shall be trimmed to one inch or less in thickness.

(28) "Short ribs" are the ends of the ribs which are removed when making a 7-inch rib.

(29) "Boneless cross rib," (also called boneless chuck, boneless clod), means the upper half of the chuck with the neck off. It shall include only the first five ribs and shall not include the blade knuckle or any part of the blade bone.

(30) "Boneless stew" is made from fresh beef including skirt, brisket, flank, shank, neck, plate, heel of round and other beef trimmings. It shall not contain more than 15 percent fat.

(d) *Definitions of island offal.* (1) "Edible offal" means eatable animal organs such as liver, heart, kidney, tripe, brain, and tongue.

(2) "Inedible offal" means animal organs, gristle, bones, tallow, hide, blood, hooves, and other parts of the animal not eaten by humans. It also includes edible offal such as livers which have been condemned for use as human food.

(3) "Liver" means all beef livers of any weight, bright and uniform in color, free from mutilations. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

(4) "Tongue" means the tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet, including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue.

(5) "Heart" means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

(6) "Tripe" means tripe which has been thoroughly cooked by boiling in water, scalding, or any other good commercial method.

(7) "Brains" means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

(8) "Kidney" means kidneys free from spots and reasonably free from fat. They shall be sold with the carcass when the carcass is sold by the side or quarter.

(9) "Dog food" includes edible offal and meat items which have been declared unfit for human consumption.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 69, Revision 1 is effective September 22, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

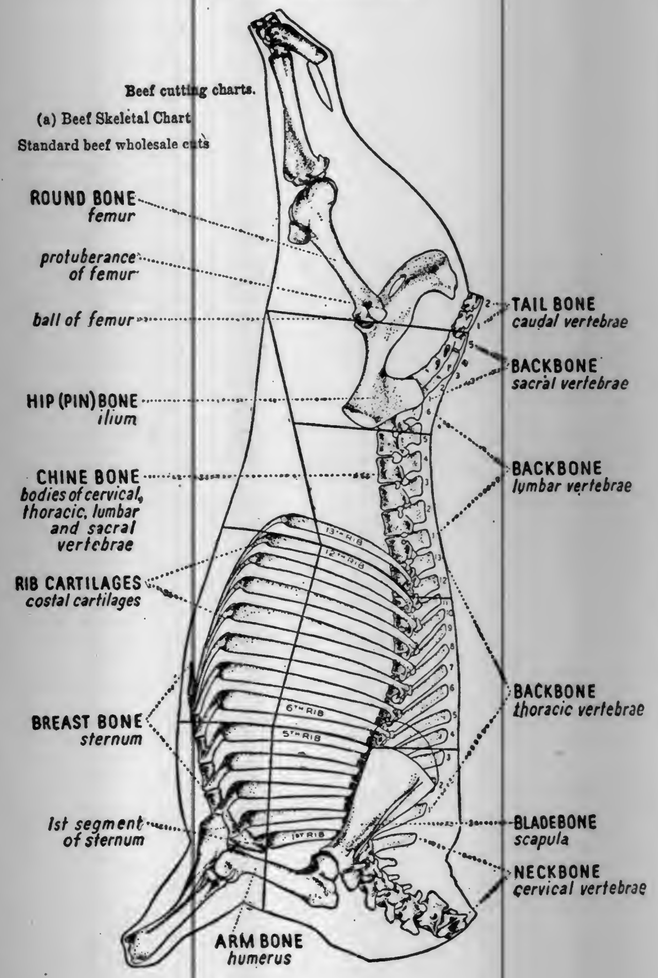
SEPTEMBER 16, 1952.

Appendix—Beef cutting chart.

Beef cutting charts.

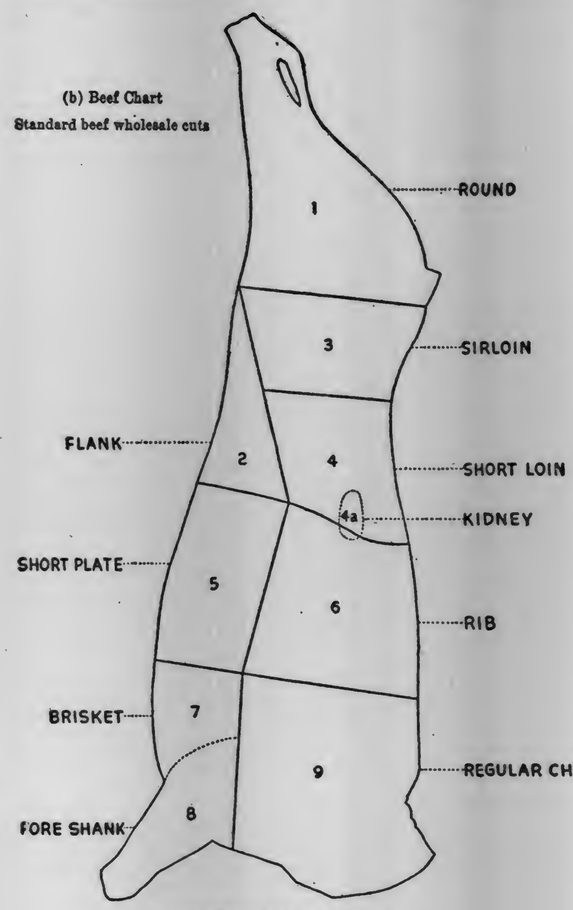
(a) Beef Skeletal Chart

Standard beef wholesale cuts



(b) Beef Chart

Standard beef wholesale cuts



COMBINATION PRIMAL CUTS

3,4.....TRIMMED FULL LOIN
7,8,9....CROSS CUT CHUCK (KOSHER OR TRAEFER)
6,9.....BACK
5,7,8,9..TRIANGLE (KOSHER OR TRAEFER)
8,9.....ARM CHUCK

[F. R. Doc. 52-10217; Filed, Sept. 16, 1952; 10:51 a. m.]

[General Overriding Regulation 10, Amdt. 5]

GOR 10—ADJUSTMENTS OF CEILING PRICES FOR MANUFACTURERS

ALLOCATION OF CENTRAL OFFICE EXPENSES IN ADJUSTMENTS FOR A SEPARATE PLANT OR FACTORY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

GOR 10 has heretofore provided that a manufacturer may file an application for adjustment if his existing ceilings would require him to operate at a loss with respect to the manufacturing operations either for his entire business or for a separate plant or factory, but that no portion or pro ration of central office costs or expenses may be included in calculating the loss for a separate plant or factory.

Experience in the administration of the regulation has indicated that the difficulties involved in arriving at a proper allocation of central office expense are outweighed by the impact of the prohibition on manufacturers with substantial central office expenses and in particular the unequal effect of the prohibition on those manufacturers who concentrate most administrative operations in a central office as against those who perform many of such functions in the administrative offices of the separate plant itself.

Accordingly, this amendment eliminates the prohibition against the inclusion of a portion of central office expense in calculating the loss for a separate plant. This amendment provides that, in calculating the loss for a separate plant, central office expenses may be allocated in accordance with generally accepted accounting principles, subject to OPS approval. If the applicant has had a practice in the past of allocating such expenses, the allocation of those expenses which he makes in applying for an adjustment for a separate plant must be consistent with his past practice providing that practice is in accordance with generally accepted accounting principles.

In view of the nature of this amendment special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. Section 2 (a) (1) is amended to read as follows:

SEC. 2. *Who may apply.* (a) A manufacturer may file an application for adjustment under this regulation if the following conditions are met: (1) His existing ceiling prices would require him to operate at a loss with respect to his manufacturing operations, either for his entire business or for a separate plant or factory, provided that, where central office expenses or costs are allocated for the purpose of calculating the loss for a separate plant or factory, such allocation must be based on generally accepted accounting principles and is subject to OPS review. If the applicant has had a practice in the past of allocating such expenses, the method of allocation used in the application must be consistent with such past practice providing that practice is in accordance with generally accepted accounting principles.

2. Section 3 (c) is amended to read as follows:

(c) An application for adjustment on the basis of a loss with respect to applicant's entire manufacturing business must include a detailed profit and loss statement covering the applicant's entire manufacturing business during the most recent period of such operations under his existing ceiling prices, of one month or more, for which such a statement can be prepared.

An application for adjustment on the basis of a loss with respect to the operations of a separate plant or factory must include a detailed operating statement covering the applicant's operations in that plant or factory during the most recent period of such operations under his existing ceiling prices, of one month or more, for which such a statement can be prepared. The application must also include a profit and loss statement for the applicant's entire manufacturing business covering the same recent period.

The profit and loss statement required in an application with respect to the applicant's entire manufacturing business,

and the operating statement required in an application with respect to a separate plant, must be accompanied by a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation, and where an actual loss has not yet been experienced, a statement of the changes in conditions which have already occurred will cause the manufacturer to incur a loss and a statement of what the minimum amount of this loss will be. If application is made with respect to a separate plant, and if any central office costs or expenses are allocated in calculating the loss for the separate plant, the operating statement must indicate the amounts of such costs and expenses which have been allocated to the separate plant and must be accompanied by a statement showing the total amount of such costs and expenses and the method used in making the allocation together with a statement whether this method is the same as that used by the applicant from 1946 to date for allocating central office costs or expenses to the operation of the separate plant or factory. If the method of allocation differs from that previously employed, the difference and the reasons therefor, should be explained. If the applicant has not previously allocated central office expenses to the operations of the separate plant, that fact should be stated.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment to General Overriding Regulation 10 is effective September 22, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10214; Filed, Sept. 16, 1952; 10:50 a. m.]

[Ceiling Price Regulation 170]

CPR 170—CEILING PRICES FOR THE WESTERN WOOD PRESERVING INDUSTRY (PRESSURE PROCESS ONLY)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 170 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation provides a method for arriving at ceiling prices of preservatively treated forest products treated in the part of the United States west of the 100th Meridian or in any part of North or South Dakota. It also provides a method for arriving at ceiling prices for the service of pressure treating customer-owned forest products when the service is performed within this region.

The industry covered is essentially of the service type, which makes no basic change in the form of the products treated. In each case the product is prepared and treated according to specifications set by the purchaser, ordinarily in terms of the standards set by the American Wood Preservers Association.

Forest products such as lumber, poles, piling, posts, bridge materials, railroad ties, and miscellaneous sawn forest products are treated with a preservative to protect the wood against decay and insect damage. Pressure treatment involves forcing an oil or water borne preservative into the material in a closed cylinder (retort) under pressure, the amount of preservative injected and left in the wood in each case being specified by the purchaser. Pressure preservative treatment serves to prolong the life of forest products from three to ten fold.

According to a listing compiled by the U. S. Department of Agriculture in cooperation with the American Wood Preservers Association, there were, on January 1, 1952, in the area covered by this regulation, 28 commercial pressure treating plants, operated by 21 companies. Value added in manufacture by commercial treating plants in 1947 amounted to approximately $14.7 million.

The wood preserving industry has two classes of sales. A major portion of the business consists in selling treated forest products where the treater furnishes the untreated product as well as the treating service. A minor portion consists of sales of the treating service only, referred to in the industry as "TSO," in which the customer provides the untreated forest products, and the treater provides the treatment service, including the preservative and services incidental to the treatment. This regulation provides separate price schedules to be used in computing ceilings in connection with these two classes of sales.

For sales of treated forest products, ceiling prices are determined by summating: (1) The ceiling price of the untreated product as established by an applicable dollars and cents ceiling regulation; or, where necessary, by the General Ceiling Price Regulation; (2) the actual cost of the preservative delivered to the plant, plus such handling charges as are authorized in this regulation; (3) a charge for the treatment service as specified in dollars and cents terms in this regulation; (4) transportation charges determined by multiplying the established weights involved by the freight rate in effect at the time of shipment; and (5) charges for whatever special services the customer may require, determined by rate schedules or methods specified in this regulation.

It has been determined that the customary practice both of integrated and non-integrated concerns, in making quotations on treated forest products, is to figure the raw material component on the basis of estimates of what the market price will be when delivery is required. This was one consideration in authorizing the use of established ceiling prices for the raw material component. A further consideration was that this allows establishing ceiling prices for the treated products covered by this regulation which can be ascertained with certainty.

The basic ceiling price for treating customer-owned materials is determined by adding the actual cost of the preservative and the specified handling charges to the dollars and cents ceiling prices for the treatment service provided in this regulation.

The ceiling prices for treating treater-furnished materials are established at a level approximately equal to the weighted average of GCPR prices. The ceiling prices for treating customer-owned materials (TSO) are established at a lower level, the differentials corresponding to that which has prevailed in the market during recent years between the price for that service and the price for treating treater-owned materials. The ceiling prices established for furnishing miscellaneous services incident to treatment are established at approximately the average of GCPR prices. Thus, on the average, the ceiling prices established by this regulation will exceed the GCPR level only to the extent that increases in the costs of untreated materials, preservative materials, and transportation charges since the GCPR base period are reflected in the prices of treated products.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stablization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period May 24, 1950 through June 24, 1950; to those prevailing during the period January 25, 1951 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Industry Advisory Committee for Western Wood Preserving.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale, and distribution of preservatively treated forest products covered by this regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. What regulations are superseded.
3. Geographical applicability.
4. What transactions are covered.

Sec.
5. Basic ceiling prices for treating service only (TSO) sales.
6. Basic f. o. b. ceiling prices for treated products.
7. Additions to basic ceiling prices determined under sections 5 and 6.
8. Ceiling prices for delivered treated products.
9. F. A. S. water shipments.
10. General notes.
11. Inspection service.
12. Terms and discounts.
13. Established weights for treated products.
14. Ceiling prices for special items.
15. Invoices.
16. Modification of proposed ceiling prices by the Director of Price Stabilization.
17. Petitions for amendment.
18. Adjustable pricing.
19. Records.
20. Transfer of business or stock in trade.
21. Interpretations.
22. Prohibitions and violations.
23. Evasions.
24. Definitions and explanations.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for the service of preservatively treating forest products by pressure process when the treatment is done in the part of the United States west of the 100th meridian, or in North Dakota or South Dakota. It also establishes ceiling prices for sales by treaters of all forest products preservatively treated by pressure process in the part of the United States west of the 100th meridian, or in North Dakota or South Dakota. The sales thus covered by this regulation are of two kinds: Sales of treatment services only, where the forest products are not supplied by the seller of the treatment; and sales of treated forest products, where both forest products and treatment are supplied by the seller. Among the forest products covered by this regulation, but not limited thereto, are poles, piling, lumber, railroad crossing plank, railroad ties, and wood block flooring.

SEC. 2. *What regulations are superseded.* Insofar as the transactions covered by this regulation are concerned, this regulation supersedes the General Ceiling Price Regulation, Ceiling Price Regulation 34, Ceiling Price Regulation 126, Ceiling Price Regulation 155, and Supplementary Regulation 102 to the General Ceiling Price Regulation.

SEC. 3. *Geographical applicability.* The provisions of this regulation are applicable to sales or deliveries in the 48 states of the United States and in the District of Columbia.

SEC. 4. *What transactions are covered.* This regulation applies to all sales of the service of preservatively treating forest products by pressure process when the treatment is done in the part of the United States west of the 100th meridian, or in North Dakota or South Dakota. It also applies to all sales by treaters of forest products preservatively treated by pressure process in the part of the United States west of the 100th meridian, or in North Dakota or South Dakota.

SEC. 5. *Basic ceiling prices for treating service only (TSO) sales.* Your basic ceiling prices for sales of preservative pressure treating service only (TSO) shall be the sum of the following:

(a) The cost of the preservative that is used as delivered to your plant;

(b) A charge for handling and mixing the preservative determined as follows:

(1) For creosote or creosote petroleum mixture: ¼ cent per gallon used.

(2) For all preservatives other than creosote or creosote petroleum mixture: 2½ percent of the delivered price of the preservative used; and

(c) An applicable service charge determined as follows:

(1) For treating lumber and all other sawn forest products not specifically named in subparagraphs (2) through (5) of this paragraph, and including: incising when required; unloading from railroad cars or trucks to tram cars; and loading from tram cars to railroad cars: $32.00 per M'BM.

(2) For treating cross ties, and including: incising when required; unloading from railroad cars or trucks to tram cars; and loading from tram cars to railroad cars: $26.00 per M'BM.

(3) For treating poles of the following lengths, and including: one manufacturer's brand and mark showing length, date, class and/or size; shaving and roofing; framing, if required, consisting of two cross gains, and boring of holes therein or equivalent slab gain with holes; unloading from trucks or railroad cars to tram cars; and loading railroad cars from tram cars:

(i) Poles 50' and shorter: $0.52 per cu. ft.

(ii) Poles over 50' and including 75': $0.64 per cu. ft.

(iii) Poles over 75': $0.76 per cu. ft.

(4) For treating piling of the following lengths, and including: unloading trucks or railroad cars to tram cars and loading railroad cars from tram cars:

(i) Piling, 50' and shorter: $0.47 per cu. ft.

(ii) Piling over 50' and including 75': $0.58 per cu. ft.

(iii) Piling over 75': $0.72 per cu. ft.

(5) For treating short round material, and including unloading trucks or railroad cars to tram cars, and loading railroad cars from tram cars: $0.32 per cu. ft.

SEC. 6. *Basic f. o. b. ceiling prices for treated products.* Your basic ceiling prices, f. o. b. treating plant, for sales of preservatively pressure treated forest products shall be the sum of the following:

(a) A transportation charge for inbound freight determined as follows: If known, the actual transportation cost of the untreated forest product from loading out point to treating plant must be used; if unknown, the cost may be calculated by multiplying the weight (as established in the applicable ceiling price regulation, or, if none is established by regulation, the estimated weight used by you during the period from November 24, 1950 through February 24, 1951) for the untreated material by the applicable freight rate in effect at the time of shipment. If the untreated material is received from several loading out points, an average inbound freight rate may be used.

(b) The f. o. b. ceiling price for the specific untreated forest product established in the applicable dollars and cents ceiling price regulation, or, if a dollars and cents ceiling price regulation has not been issued, the f. o. b. ceiling price of your supplier of the untreated forest product;

(c) The cost of the preservative that is used as delivered to your plant;

(d) A charge for handling and mixing the preservative determined as follows:

(1) For creosote or creosote petroleum mixture: ¼ cent per gallon used.

(2) For all preservatives other than creosote or creosote petroleum mixture: 2½ percent of the delivered price of the preservative used; and

(e) An applicable service charge determined as follows:

(1) For treating lumber and all other sawn forest products not specifically named in subparagraphs (2) through (5) of this paragraph, and including: incising when required; unloading from railroad cars or trucks to tram cars; and loading from tram cars to railroad cars: $37.00 per M'BM.

(2) For treating cross ties, and including: incising when required; unloading from railroad cars or trucks to tram cars; and loading from tram cars to railroad cars: $30.00 per M'BM.

(3) For treating poles of the following lengths, and including: one manufacturer's brand and mark showing length, date, class and/or size; shaving and roofing; framing, if required, consisting of two cross gains, and boring of holes therein or equivalent slab gain with holes; unloading from trucks or railroad cars to tram cars; and loading railroad cars from tram cars:

(i) Poles 50' and shorter: $0.59 per cu. ft.

(ii) Poles over 50' and including 75': $0.71 per cu. ft.

(iii) Poles over 75': $0.83 per cu. ft.

(4) for treating piling of the following lengths, and including: unloading trucks or railroad cars to tram cars and loading railroad cars from tram cars:

(i) Piling, 50' and shorter: $0.54 per cu. ft.

(ii) Piling over 50' and including 75': $0.64 per cu. ft.

(iii) Piling over 75': $0.78 per cu. ft.

SEC. 7. *Additions to basic ceiling prices determined under sections 5 or 6.* Under the circumstances indicated in this section, the following additions may be made to the basic ceiling prices as determined under sections 5 or 6:

(a) For sales of a treating service or a treated product involving less than 1,000 board feet of ties, lumber and all other sawn forest products, you may add as much as 25 percent to the basic ceiling prices as determined under sections 5 or 6, and for sales of 1,000 board feet up to and including 10,000 board feet, you may add as much as 10 percent.

(b) For sales of poles 70 and 75 feet in length, which have been stored for 30 days or longer before treatment, you may add as much as 12½ percent to the basic ceiling prices as determined under section 6, and for sales of poles 76 feet and longer you may add as much as 25 percent.

(c) For sales of piling 70 and 75 feet in length, which have been stored for 30 days or longer before treatment, you may add as much as 12½ percent to the basic ceiling prices as determined under section 6, and for sales of piling 76 feet and longer you may add as much as 25 percent.

(d) For sales of a treating service or a treated product involving 83 cubic feet or less of poles, piling or short round material, you may add as much as 25 percent to the basic ceiling prices as determined under sections 5 or 6.

(e) For sales of a treating service or a treated product involving 84 to 833 cubic feet of poles, piling or short round material, you may add as much as 10 percent to the basic ceiling prices as determined under sections 5 or 6.

(f) When a purchaser requests cross gains in addition to those referred to in sections 5 and 6, you may add as much as 15 cents per additional gain.

(g) When a purchaser requests brands or marks on round material in addition to those referred to in sections 5 and 6, you may add as much as 15 cents per additional brand or mark.

(h) When a purchaser requests holes in addition to those referred to in sections 5 and 6, you may add as much as 5 cents per additional hole.

(i) When, at the request of the buyer, shipments from a treating plant of treated products are packaged in sling lots, or otherwise packaged whereby the load is divided into individual parcels for the purpose of facilitating mechanical unloading of cars, an additional flat charge of $15.00 per car may be made to cover the cost of all labor and material used in the packaging.

(j) When a purchaser requests that the products be framed prior to treatment, or extra services be performed for his convenience, such as, but not limited to, storing treated material for the purchaser, loading material in box cars, separating mixed species, adzing cross ties, incising lumber without treatment, and any other service ancillary to the treatment of forest products not covered in this section or in sections 5 and 6, you may add an amount equal to the highest price you charged for such service during the period from November 24, 1950 through February 24, 1951.

SEC. 8. *Ceiling prices for delivered treated products.* If you sell treated products on a delivered basis, and shipment from the treating plant is by common carrier rail or truck, your ceiling prices shall be the otherwise applicable basic f. o. b. ceiling prices determined under sections 6 and 7, except that instead of computing the transportation charge in the manner provided in section 6 (a), you shall compute the transportation charge as follows:

(a) Where treating in transit rates are available, the transportation charge must be computed by multiplying the applicable through freight rate from the original loading out point to the point of destination by the appropriate established weights as set forth in section 13. If the untreated forest product is received from several loading out points, an average through freight rate may be used. You may add the transit charge to the through freight charge. When transit privileges do not apply, the transportation charge is the freight charge from loading out point to treating plant (computed as provided in section 6 (a)) plus the freight charges from the treating plant to the point of destination (calculated by multiplying the established weight of the treated material as set forth in section 13, by the applicable freight rate in effect at the time of shipment).

(b) If shipment from the treating plant is by truck owned or controlled by you, the transportation charge shall be the freight charge from loading out point to the treating plant (computed as provided in section 6 (a)) plus a charge for shipment from the treating plant to the point of destination which is not in excess of the applicable published common carrier truck rate multiplied by the appropriate established weight of the treated material as set forth in section 13. If there is no published common carrier truck rate, the actual cost of transportation may be charged.

(c) When truck delivery follows a rail haul, as specified by the purchaser, the actual cost of the truck delivery may be added. This may include the cost of unloading, handling, and reloading involved in the transfer from rail car to the truck and the cost of unloading the truck at the point of destination. When an all truck haul ends in delivery to a job site or a storage yard and the unloading is performed by you, you may add the actual cost of unloading.

SEC. 9. *F. A. S. water shipments.* If you sell treated products f. a. s. for water shipment, your ceiling prices shall be computed in the manner set forth in section 8, with the delivery charge computed to the dock as the point of destination, and you may add one or more of the following service charges that may be applicable:

(a) If you own or lease deep water dock facilities which are used in loading your items aboard a vessel, you may add as much as $3.50 per M'BM in the case of lumber, cross ties, and all other sawn products, and as much as 4 cents per lineal foot in the case of poles, piling or short round material.

(b) If you use public dock facilities in loading your items aboard a vessel, you may add the applicable published commercial rate for the use of the facilities. If there is no published commercial rate, the actual cost may be charged.

(c) If you are required by circumstances beyond your control to transfer your items from deep water dock facilities upon which it has been placed preparatory to loading aboard a vessel to another loading point, you may add the actual cost of making the transfer.

SEC. 10. *General notes.* The following general notes are applicable to ceiling prices as determined under this regulation:

(a) If you customarily send bills for partial services, you may continue to send such bills provided the total sum of all the partial billings does not exceed the permissible ceiling prices determined under this regulation.

(b) A ceiling price for the sale of treated products determined under this regulation may be evened out to the nearest quarter dollar per M'BM, or to the nearest quarter cent per lineal foot or per cubic foot, or to the nearest five cents per pole, or to the nearest one-half cent per piece for other items, whichever is applicable.

SEC. 11. *Inspection service.* When a buyer requests special inspection service to be furnished by an inspection agency designated by the buyer, you may add the actual cost to you for such service to the ceiling price of the item inspected.

SEC. 12. *Terms and discounts.* Your cash discounts and other terms of sale shall not be less favorable to each buyer than those which you had in effect during the period from November 24, 1950, through February 24, 1951.

SEC. 13. *Established weights for treated products.* The following are the established weights in pounds, per piece or measure, as indicated for preservatively pressure treated products covered by this regulation:

(a) *Poles.*

TABLE I—DOUGLAS FIR POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					320	280	250	210	175	160
18					360	315	280	235	200	180
20	580	530	440	395	400	350	310	260	220	200
22	615	570	530	505	460	405	350	310	265	220
25	700	650	600	575	525	460	400	350	300	250
30	1,110	990	810	690	600	510	480	450	390	
35	1,435	1,260	1,085	875	770	665	595	560		
40	1,760	1,560	1,320	1,120	920	800	680			
45	2,070	1,845	1,575	1,350	1,125	945	810			
50	2,500	2,150	1,850	1,600	1,300	1,100	950			
55	2,860	2,495	2,145	1,815	1,540	1,320				
60	3,360	2,820	2,460	2,040	1,740					
65	3,835	3,250	2,795	2,340	2,015					
70	4,340	3,640	3,080	2,590	2,240					
75	4,800	4,050	3,450	2,925						
80	5,240	4,400	3,760	3,200						
85	5,780	4,930	4,165							
90	6,300	5,400	4,950							
95	6,935	5,985	5,605							
100	7,600	6,700	6,300							

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE IV—WESTERN LARCH POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					335	295	260	215	185	165
18					380	330	295	245	205	190
20	610	555	515	460	420	365	325	275	230	210
22	645	600	555	530	485	425	370	325	275	230
25	735	690	630	595	545	485	420	370	315	260
30	1,165	1,075	870	730	655	555	485	415	410	
35	1,505	1,325	1,140	920	810	700	625	590		
40	1,850	1,640	1,365	1,175	945	840	715			
45	2,175	1,938	1,635	1,415	1,194	960	850			
50	2,625	2,255	1,940	1,680	1,365					
55	3,000	2,660	2,295	1,940	1,625					
60	3,530	2,990	2,585	2,140	1,825					
65	4,025	3,410	2,935	2,455	2,115					
70	4,555	3,820	3,255	2,720	2,350					
75	5,040	4,230	3,620	3,070						
80	5,540	4,690	4,005	3,360						
85	6,070	5,175	4,375							
90	6,615	5,670	5,195							

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE V—WESTERN RED CEDAR POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Length (feet)	Classes									
	Heavy duty	1 (30" top)	1	2 (30" top)	2	3	4	5	6	7	8	9	10
16								250	190	135	135	105	85
18								305	185	175	160	120	90
20							350	365	260	200	180	140	90
22							440	390	280	230	205	160	120
25							525	450	370	310	295	180	120
30	1,265	1,120	880	960	750	645	540	440	370	310	295	225	
35	1,460	1,385	1,035	1,180	880	750	660	570	495	415	445		
40	1,920	1,820	1,320	1,575	1,145	1,015	1,010	705	615	615			
45	2,515	2,090	1,790	1,785	1,585	1,365	1,210	1,115	880				
50	2,870	2,615	2,025	2,015	1,760	1,540	1,410	1,071	1,145				
55	3,395	2,970	2,240	2,435	1,935	1,700	1,635	1,410					
60	4,100	3,455	2,615	2,845	2,280	2,025	1,935	1,671					
65	4,560	4,300	3,005	3,340	2,610	2,340	2,270	1,935					
70			3,605		3,095	2,730	2,730	2,240					
75			4,490		3,695	3,170	3,180	2,730					
80			4,810		3,960	3,520	3,720						
85			5,810		4,980	4,225							
90			6,530		5,530	5,040							
95			7,580		6,530	5,750							
100			8,240		7,100	6,300							
105			9,190		7,750	6,850							
110			10,160		8,350	7,500							
115			11,340		9,060	8,160							
120					9,980	8,750							
125													

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE II—JACK PINE AND RED (NORWAY) PINE POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					225	195	170	130	150	115
18					258	230	195	150	170	135
20	546	487	373	390	325	280	245	195	215	150
22	645	579	506	419	374	324	285	240	305	214
25	807	702	604	525	461	402	340	345	342	268
30	1,094	945	821	706	599	525	513	513	371	311
35	1,473	1,244	1,043	1,044	807	644	612	612		
40	1,705	1,480	1,266	1,101	947	805	674	674		
45	2,103	1,773	1,514	1,269	1,121	938	807	807		
50	2,461	2,080	1,806	1,539	1,310	1,124	952	952		
55	2,785	2,379	2,048	1,741	1,488	1,254				
60	3,210	2,726	2,357	1,991	1,691	1,444				

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE III—LONGLEAF PINE POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					185	160	131	150	109	87
18				254	218	186	150	167	120	106
20	564	448	371	313	262	226	196	207	160	128
22	655	535	444	368	317	270	226	244	186	150
25	792	655	545	492	395	336	284	340	311	
30	1,095	865	745	650	534	441	377	513	420	
35	1,264	1,079	928	802	685	592	512	433		
40	1,520	1,302	1,126	970	844	735	638			
45	1,780	1,526	1,327	1,155	1,008	882	773			
50	2,075	1,774	1,537	1,335	1,164	1,016	920			
55	2,373	2,045	1,777	1,545	1,345	1,231				
60	2,755	2,327	1,991	1,730	1,537					
65	3,190	2,655	2,220							
70	3,670	2,985	2,470							
75	4,110	3,350								

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

(b) *Piling*

TABLE I—DOUGLAS FIR PILING AND OTHER WEST COAST SPECIES

[Established weight in pounds per lineal foot for 10-pound final retention]

Lengths (feet)	9" minimum butt includes 8" 1' to 8" 6'	10" minimum butt includes 9" 1' to 9" 6'	11" minimum butt includes 10" 1' to 10" 6'	12" minimum butt includes 11" 1' to 11" 6'	13" minimum butt includes 12" 1' to 12" 6'	14" minimum butt includes 13" 1' to 13" 6'	15" minimum butt includes 14" 1' to 14" 6'	16" minimum butt includes 15" 1' to 15" 6'	17" minimum butt includes 16" 1' to 16" 6'	18" minimum butt includes 17" 1' to 17" 6'	19" minimum butt includes 18" 1' to 18" 6'	20" minimum butt includes 19" 1' to 19" 6'	21" minimum butt includes 20" 1' to 20" 6'	22" minimum butt includes 21" 1' to 21" 6'	23" minimum butt includes 22" 1' to 22" 6'
15–17	23	27	33	39	47	53	61	68	78	87					
18–22	21	26	32	38	44	51	59	67	76	85					
23–27	20	25	30	37	43	50	57	65	74	83					
28–32	19	24	29	35	41	48	55	63	72	80					
33–37	18	23	28	34	39	46	53	61	70	78					
38–42	17	22	26	32	38	45	52	59	67	76					
43–47	16	21	25	31	37	43	50	58	65	74					
48–52	15	20	24	29	35	41	49	56	63	72	89	99	100	110	121
53–57				28	34	40	47	54	62	70	78	88	97	108	119
58–62				27	33	38	45	53	60	68	76	85	95	106	116
63–67				26	31	37	44	51	58	66	74	83	93	103	114
68–72				25	30	36	42	49	56	64	72	81	91	101	111
73–77				24	29	35	40	47	54	62	70	79	88	98	108
78–82						33	39	46	53	61	68	77	86	96	106
83–87						32	38	44	51	59	67	75	84	94	104
88–92						31	37	43	50	57	65	73	82	91	101
93–97						29	35	41	48	55	63	71	80	89	99
98–102						28	34	40	47	53	61	69	78	87	96
103–107							33	39	45	52					
108–112							32	38	44	51					
113–117								36	42	49					
118–122								35	41	48					
123–127									39	46					

NOTE:

(1) Where top diameter controls the size of the pile to be furnished, the butt diameter may be determined by adding to the diameter 1" for each 10' of length. For example, if a 40' pile is ordered measuring not less than 12" at the butt with a minimum top of 10", figuring a natural taper of 1" for each 10' of length, the butt diameter would be 10" top plus 4" or 14" and the weight is found under the heading 14" minimum butt.

(2) To arrive at the weight for piling with a minimum diameter at a specified point more than 6' from the butt:

(a) Convert this specified diameter to a diameter 6' from the butt by adding 1" for each 10' or fraction thereof by which the distance from the butt to the specified point exceeds 6'.

(b) Select the weight in the tables applicable to the diameter 6' from the butt determined in (a) above.

For example: (1) A pile measuring 12" 7' from the butt would be figured as follows:

	Inches
Diameter 7' from butt	12
7' exceeds 6' by 1' add for 1' (fraction of 10')	1
Diameter 6' from butt	13

The weight is found under column headed 14" minimum butt which includes weight for 13" 6' from the butt.

(2) A 70' pile measuring 12" one-quarter of the length from the butt would be figured as follows:

	Inches
Diameter 17½' from the butt (¼ of 70')	12
17½' exceeds 6' by 11½' add for 10'	1
Add for 1½' (fraction of 10')	1
Diameter 6' from butt	14

The weight is found under column headed 15" minimum butt, which includes weight for 14" 6' from the butt.

(3) For retention of preservative other than 10 pounds per cubic foot, add to or subtract from the weights for 10 pounds retention 1 pound per cubic foot for each pound variation in the retention of preservative specified.

(c) *Short round material.*

TABLE 1—SHORT ROUND MATERIAL

[Established weight in pounds per piece]

Lengths	Diameter at small end	Weight
6'	3" round	16
	4" round	27
	5" round	47
	6" round	65
6½'	3" round	18
	3½" round	23
	4" round	29
	4½" round	36
	5" round	51
	6" round	70
7'	2½" round	14
	3" round	19
	3½" round	25
	4" round	32
	4½" round	39
	5" round	54
	6" round	75
	7" round	105
8'	2½" round	15
	3" round	23
	3½" round	31
	4" round	36
	4½" round	50
	5" round	62
	6" round	90
	7" round	119
	8" round	151
9'	6" round	100
	7" round	133
	8" round	169
	9" round	210
10'	2½" round	19
	3" round	32
	3½" round	39
	4" round	53
	4½" round	63
	5" round	83
	6" round	113
	7" round	151
	8" round	189
	9" round	234
12'	2½" round	24
	3" round	40
	3½" round	47

TABLE 1—SHORT ROUND MATERIAL—Continued

Lengths	Diameter at small end	Weight
12'	4" round	63
	4½" round	77
	5" round	99
	6" round	135
14'	2½" round	28
	3" round	45
	3½" round	55
	4" round	74
	4½" round	88
	5" round	115
	6" round	160
6'	4" halves	15
	4½" halves	18
	5" halves	22
	5½" halves	27
	6" halves	34
6½'	4" halves	16
	4½" halves	20
	5" halves	24
	5½" halves	29
	6" halves	36
7'	4" halves	17
	4½" halves	22
	5" halves	26
	5½" halves	31
	6" halves	40
8'	4" halves	20
	4½" halves	25
	5" halves	30
	5½" halves	36
	6" halves	45
6'	7" quarters	22
6½'	7" quarters	31
	8" quarters	24
7'	7" quarters	33
	8" quarters	26
8'	7" quarters	37
	8" quarters	30
	8" quarters	44

NOTE: The weights in this table are based on treatment with a final retention of 6 pounds of creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each pound variation in the retention of preservative specified.

(d) *Lumber*—(1) *Preservative treatment.* (i) The established weight in the applicable ceiling price regulation for untreated lumber (rough green or surfaced green), may be increased by adding 50 pounds per MFBM for each pound retention per cubic foot of creosote, creosote mixture or oil mixture treatment.

(ii) For salt treatment 900 pounds per MFBM may be added to rough or surfaced green weights, when shipped wet from retort. When kiln or air dried after treatment, an addition of only 225 pounds per MFBM may be made.

(e) The established weights of treated products not specifically set out in this section are the estimated weights you used for such products during the period from November 24, 1950 through February 24, 1951.

SEC. 14. *Ceiling prices for special items*—(a) *Application.* If you cannot ascertain a ceiling price for an item subject to this regulation under any other provision of this regulation, as for example, should you wish to sell an item with specifications, ancillary services, or other extras not specifically mentioned in this regulation, you must file an application signed by an authorized person with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) Your trade name and address.

(2) As complete a description as possible of the item for which the application is filed. This should include, the species, class, length, specifications, ancillary extras, or other extras involved.

(3) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(4) Your General Ceiling Price Regulation ceiling prices for both the item that is the subject of your application and the most nearly comparable item for which a ceiling price is established by this regulation.

(5) The proposed use to which the buyer will put the item for which you are proposing a special ceiling price.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your items at a price not higher than the ceiling price proposed in your application, provided that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve, modify, or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later time.

SEC. 15. *Invoices.* On all sales of items covered by this regulation you must submit an invoice to the buyer which as a minimum shows:

(a) The name and address of the seller and the buyer;

(b) The prices charged by you for each item, together with the quantity involved;

(c) A description of the item, including the species, class, length, and type of treatment, if any involved;

(d) Extras and services which affect the price charged by you (the charges need not be shown separately for such items);

(e) On delivered sales involving a rail or truck shipment, the point of destination of the shipment and the applicable rail or truck rate.

SEC. 16. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed under section 14 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 17. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 18. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver, or agree to deliver, at a price to be adjusted in accordance with any increase in ceiling prices after delivery.

SEC. 19. *Records*—(a) *Existing records.* On and after the effective date of this regulation, you shall maintain and keep for examination by the Director of Price Stabilization for the applicable periods specified, respectively, in section 16 of the General Ceiling Price Regulation, in section 18 of Ceiling Price Regulation 34, in section 17 of Ceiling Price Regulation 126, and in section 17 of Ceiling Price Regulation 155, all your existing records relating to prices charged by you for the items or services covered by this regulation which you were required to keep under the provisions of section 16 of the GCPR, section 18 of CPR 34, section 17 of CPR 126, and section 17 of CPR 155. You shall also maintain and keep for examination by the Director of Price Stabilization, for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, all your existing records relating to the prices you charged during the period from November 24, 1950 through February 24, 1951, for any of the ancillary services of the sort specified in section 7 (j) of this regulation.

(b) *Current records.* After the effective date of this regulation, every person who sells and every person who, in the regular course of business, buys items subject to this regulation shall make and keep for inspection by the Director of Price Stabilization, for a period of two years after each sale, accurate records or invoices of each sale or purchase made in any month in which the seller sold or the buyer bought more than $1,000 worth of items subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) The kind of sales involved, i. e., delivered or f. o. b.;

(4) A description of the items sold or bought, including the species, class, length, specifications, and any extras involved;

(5) The prices charged or paid, including all additions, extras and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this section.

SEC. 20. *Transfer of business or stock in trade.* If a business, assets, or stock in trade are sold, or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity or service, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 21. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 22. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not re-

lieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 23. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 24. *Definitions and explanations.* The terms appearing in this regulation, unless the context clearly requires a different meaning, shall be construed as follows:

(a) *Office of Price Stabilization.* This term means the Director of Price Stabilization and also applies to any official (including officials of regional or district offices) to whom the Director of Price Stabilization delegates a function, power or authority referred to in this regulation.

(b) *Person.* This term includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

(c) *Records.* This term includes without limitation, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers, documents, letters and correspondence.

(d) *Sell.* This term means sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

(e) *Service.* This term means any service rendered or supplied in connection with the pressure preservative treatment of forest products covered by this regulation.

(f) *Treater.* This term means (1) a person who supplies his own untreated forest products, impregnates them with a wood preservative by a pressure process, and who sells them in their treated form; or (2) a person who supplies his own forest products, but contracts with another for the performance of the treating service, and who sells the forest products in their treated form.

(g) *You.* This term means a treater subject to this regulation.

Effective date. This regulation shall become effective September 22, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10216; Filed, Sept. 16, 1952; 10:50 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 119]

GCPR, SR 119—EXEMPTION OF SALES BETWEEN MANUFACTURERS OF TOBACCO PRODUCTS AND THEIR SUBSIDIARIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 119 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides that a corporation engaged in the manufacture of tobacco products and any subsidiaries it may have may apply jointly to the Office of Price Stabilization for exemption of their intercorporate purchases and sales of tobacco or tobacco products from the provisions of the General Ceiling Price Regulation (GCPR).

This exemption will be allowed when the Director of Price Stabilization finds that such purchases and sales are carried out in accordance with business practices specially established for such transactions, that compliance with the provisions of the GCPR necessitates or threatens to necessitate substantial changes in those practices, that the requested exemption is not likely to result in price increases for sales to outside buyers, and that the requested exemption will not interfere with carrying out the purposes of the Defense Production Act of 1950, as amended.

Some corporations manufacture tobacco products from tobacco purchased from subsidiaries which grow, purchase, cure, or otherwise handle it. On the other hand, manufacturers sometimes buy tobacco, process it into finished tobacco products, and sell them for cost plus a manufacturing or other charge to a subsidiary which, in turn, markets the finished products.

It has come to the attention of the Office of Price Stabilization that application of the GCPR to these inter-company sales and purchases will probably have the effect of causing substantial change in standard accounting practices developed for such transactions. In the ordinary course of events, the prices charged in these inter-company transactions have no effect on the prices charged to distributors, consumers or others beyond the circle of those transactions. Control of the prices charged between the described companies and the consequent necessity for changes in accounting practices would therefore serve no useful purpose in relation to the economic stabilization program.

However, there are some cases in which the combined effect of this exemption and the provisions of the GCPR would result in higher ceiling prices for sales of tobacco products to outsiders than warranted. For example, section 11 of the GCPR permits a seller to increase his ceiling price for tobacco, or products processed therefrom, by the dollar-and-cent amount of any increases he pays his supplier for that commodity or its products. If a company were exempted under this supplementary regulation and thereafter indiscriminately increased the prices it charged its parent for tobacco or tobacco products, that parent would be able to raise its ceiling prices to outsiders far above the ceiling prices it could charge absent the exemption. Similar results would follow under sections 4 and 5 of the GCPR, which direct sellers to determine ceiling prices by applying percentage markups to costs. To guard against such results it is provided that any company exempted under this supplementary regulation must calculate its ceiling prices to outsiders on the assumption that the commodities purchased from its affiliate were purchased at a price no higher than what its affiliate's ceiling price for sales to it would be were the affiliate not exempted under this supplementary regulation.

As a further precaution it is provided that the exemption granted in any given case shall terminate whenever the Director of Price Stabilization finds that ceiling prices to outsiders are higher than what they would be were the exemption not in effect. This termination provision is in addition to the usual retention of jurisdiction power lodged in the Director with respect to individual price actions.

FINDINGS OF THE DIRECTOR

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of the Office of Price Stabilization, the exemptions allowed by this supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Who may apply for exemption; form of application.
4. Action of the Director; findings justifying exemption.
5. Ceiling prices for non-exempt sales.
6. How long the exemption lasts.
7. Continued applicability of General Ceiling Price Regulation.
8. Definitions.

AUTHORITY: Sections 1 through 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 806, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes a procedure by which a corporation manufacturing tobacco products may jointly apply with one or more of its subsidiary corporations for exemption from the provisions of the General Ceiling Price Regulation, as amended, of sales and purchases between them of tobacco and tobacco products. In addition, it sets forth standards to govern the grant and duration of exemptions and indicates how exempted corporations must determine their ceiling prices for sales to outside purchasers.

SEC. 2. *Where this regulation applies.* This regulation applies to the forty-eight States, the Territories and possessions of the United States, and the District of Columbia.

SEC. 3. *Who may apply for an exemption; form of application.* If you are a corporation manufacturing tobacco products and have one or more subsidiaries to which you sell, or from which you buy, tobacco or tobacco products, or both, you and one or more of those subsidiaries may jointly apply for permission to make sales to and purchases from one another without regard to the provisions of the General Ceiling Price Regulation, as amended and supplemented. Your application must be sent to the Office of Price Stabilization, Grocery Products Branch, Washington 25, D. C. It must be in writing, signed by a duly authorized officer, must state that it is filed under section 3 of SR 119 to the GCPR, and must contain the following information:

(1) A description of the practices, including accounting methods, for handling such sales and purchases during the base period;

(2) The nature and extent of the changes in those base period practices which will be required by reason of the provisions of the General Ceiling Price Regulation, as amended;

(3) A detailed description of the types of purchases and sales for which exemption is requested.

SEC. 4. *Action of the Director; findings justifying exemption.* The Director of Price Stabilization, or his duly authorized representative, will issue a letter-order granting an application for exemption filed under section 3 of this supplementary regulation only if he finds that:

(a) You and your subsidiaries have well-defined practices specially established for handling inter-corporate sales and purchases and that those practices were in effect during the base period;

(b) Compliance with the provisions of the General Ceiling Price Regulation, as amended, has necessitated or probably will necessitate substantial changes in those practices;

(c) The granting of the exemption is not likely to cause any increase in ceiling prices for sales not covered by the exemption; and

(d) The granting of the exemption applied for will not interfere with the purposes of the Defense Production Act of 1950, as amended.

If the Director or his duly authorized representative finds that any of those conditions are not met, he will issue a letter-order denying the application for exemption.

SEC. 5. *Ceiling prices for non-exempt sales.* Your ceiling prices for sales to purchasers, other than those to whom your sales are exempt from the provisions of the GCPR pursuant to an order issued under this supplementary regulation, must be determined under the applicable provisions of the General Ceiling Price Regulation, as amended and supplemented. In determining those ceiling prices, however, you must base all your calculations on the assumption that any commodity purchased from a corporation whose sales to you are exempt from the provisions of the GCPR (pursuant to an order issued under this supplementary regulation), was purchased at a price no higher than what that corporation's ceiling price to you for the commodity would have been had the sale not been exempt. In addition, any notice of "parity" adjustment filed pursuant to section 11 (f) of the General Ceiling Price Regulation, as amended, must be based on that assumed purchase price.

Example. You are a subsidiary corporation of corporation P, from which you buy cigarettes which you then resell to retailers. A letter-order issued under section 4 of this supplementary regulation exempts sales and purchases between you and P from the provisions of the GCPR. During and since the GCPR base period you have been selling X brand cigarettes (manufactured by P) to retailers and your ceiling price for those sales is $7.78 per 1,000. P charges you $7.60 per 1,000 for X brand cigarettes, but if P's sales to you were not exempt its ceiling price to you for them would only be $7.56 per 1,000. P now starts selling you Y brand cigarettes at a price of $7.65 per 1,000. If P's sales to you were not exempt, its ceiling price to you for those cigarettes would be $7.62 per 1,000.

You must determine your ceiling price for sales of Y brand cigarettes to retailers under section 5 of the GCPR, using X brand as your "comparison commodity" under that section. The calculation of your ceiling price for Y brand cigarettes must be based on the assumption that the price you are paying P for X brand is no higher than $7.56 per 1,000, and the price you are paying for Y brand is no higher than $7.62 per 1,000. Your ceiling price calculations are, therefore, as follows:

(1) $7.78 (your ceiling price for sales of X brand to retailers) ÷ $7.56 equals 2.9% (or .029)
(2) $7.62 × 1.029 equals $7.84 (your ceiling price for sales of Y brand to retailers)

SEC. 6. *How long the exemption lasts.* The Director of Price Stabilization or his duly authorized representative may terminate any exemption granted under this supplementary regulation whenever he finds that either you or one of your subsidiaries has, for sales not covered by the exemption, increased ceiling prices in excess of what the ceiling prices for such sales would have been if the exemption had not been granted, or that continuation of the exemption is inconsistent with the purposes of the Defense Production Act of 1950, as amended.

SEC. 7. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, as amended and supplemented, except as modified by this supplementary regulation, continue to apply to you even though you may be one of the sellers who are affected by this supplementary regulation.

SEC. 8. *Definitions.* "Subsidiary" means, for purposes of this supplementary regulation, a corporation whose business operations during and since the base period have been controlled by another corporation through ownership of voting stock.

Effective date: This Supplementary Regulation 119 to the General Ceiling Price Regulation, as amended, is effective September 22, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10219; Filed, Sept. 16, 1952; 4:00 p. m.]

[General Overriding Regulation 14, Amdt. 22]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

SUSPENDING CERTAIN TANNING SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 22 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the list of services suspended from price control those services performed in the tanning, finishing or currying of leather, except such services performed in the territories and possessions of the United States.

By Amendment 1 to Ceiling Price Regulation 2, Revision 2, effective April 28, 1952, and Amendment 4 to General Overriding Regulation 4, Revision 1, effective June 23, 1952, all sales of imported and domestic hides and skins, and their cut parts suitable for making leather, and imported and domestic leather were suspended from price control, except sales in the territories and possessions of the United States, and in the case of leather, sales at retail. As explained in detail in the statements of considerations for these two amendments, sales of these commodities were suspended because they are selling at prices materially below ceilings and are not expected to reach ceilings in the foreseeable future.

A low level of selling prices of commodities usually has a depressing effect on the charges for services connected with the processing of those commodities. Many shoe manufacturers, other users of leather and some tanners from time to time have hides and skins or semi-processed leather owned by them tanned, finished or curried on contract by another. It is apparent that these manufacturers will engage in this practice to a much lesser extent, or not at all, if leather processed to the desired stage can be purchased at a lower price

than the cost of the raw material plus the processing service charge. Market forces will continue to hold these service charges in line and will prevent any appreciable increases. Accordingly, it is the judgment of the Director that as long as the prices of hides and skins and leather do not rise to any significant degree, charges for the processing of services suspended by this amendment will not increase appreciably.

In the judgment of the Director controls over the services suspended by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event this suspension will be terminated when the suspension of ceilings on hides and skins or leather is terminated.

All records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 4 of General Overriding Regulation 14, as amended, is further amended by adding the following subparagraph to paragraph (b) thereof:

(4) All services performed in the tanning, finishing or currying of leather, except such services performed in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 14 shall become effective September 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10215; Filed, Sept. 16, 1952; 10:50 a. m.]

[General Overriding Regulation 36]

GOR 36—CERTIFICATION OF SALES BELOW CEILING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency Order No. 2, this General Overriding Regulation 36 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes the procedure, pursuant to section 411 of the Defense Production Act, as amended, whereby persons may be relieved of OPS reporting requirements with respect to sales of materials or services if they certify that their sales are made at prices below the ceiling prices established by OPS.

Since it is impossible to certify that a sale is being made at a price below its ceiling price until the ceiling price has been established, this certification procedure does not apply to reports required in connection with the establishment or adjustment of a ceiling price. Further, the Conference Report stated, with regard to this provision, that "The relief from the burden of furnishing reports would not, of course, deny the right of investigation under section 705." Accordingly, the filing of the required certification does not excuse a person from filing reports in connection with investigations under section 705 of the act. Such reports include surveys to determine whether a new level of ceiling prices should be established for an industry, surveys to establish dollars and cents ceiling prices, surveys to determine whether a particular material or service should be exempted or suspended from, or subject to, price control, and information necessary to establish ceiling prices for new sellers or new materials or services.

The certification procedure established by this regulation applies to all materials and services. However, special circumstances may require a different certification procedure in some cases. Accordingly, the certification procedure established by this regulation does not apply if the OPS regulation under which a report or other information is required contains a special certification procedure.

In the formulation of this regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. How you certify that your sales are below ceiling prices.
3. Effect of certification.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C., App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation tells you how you may, in lieu of filing reports or any other information as to sales as required by other OPS regulations, certify that such sales of a material or service are below ceiling prices. This regulation will not apply to you, however, if the regulation under which the report or other information is required specifies a different certification procedure.

SEC. 2. *How you certify that sales are below ceiling prices*—(a) *Certification procedure.* You certify that sales are below ceiling prices by filing a signed statement with whatever OPS office you would otherwise be required to file a report or other information under the regulation applicable to you. This statement must be filed by registered mail, return receipt requested. If the ceiling prices for the commodities or services for which you are filing a certification are not established by the same OPS regulation, you must file a separate certificate for each group of commodities under a different regulation.

(b) *Form of certification.* Your certification must be in the following form:

CERTIFICATION OF SALES BELOW CEILING PRICES

It is hereby certified that _____
(name of company)
is presently selling the material(s) or service(s) listed below to all purchasers at prices below the ceiling prices established by
_____
(title of the applicable OPS regulation)

_____
(Name of Company)

_____
(Address of Company)

_____
(Signature of Authorized Person)

_____
(Title or Position of Signer)

Date:

Materials or services for which certification is filed: (If your ceiling price for any of the materials or services which you list is established by a letter order issued by OPS, list the number of the letter order following the name of such material or service.)

SEC. 3. *Effect of certification*—(a) *Reports of sales.* If you have filed a certification that your sales are below ceiling prices, as provided in section 2 of this regulation, you are not required to file any reports with regard to sales of the materials or services included in the certification. However, the filing of such certification does not excuse you from filing reports in connection with investigations under section 705 of the act. Such reports include surveys to determine whether a new level of ceiling prices should be established for your industry, surveys to establish dollars-and-cents ceiling prices, and surveys to determine whether a particular material or service should be exempted or suspended from, or subject to, price control.

(b) *Reports in connection with the establishment or adjustment of a ceiling price.* The filing of a certification that your sales are below ceiling prices does not excuse you from filing reports in connection with the establishment or adjustment of a ceiling price.

Example. You are planning to manufacture and sell a new commodity. The basic regulation covering the commodity requires you to establish a ceiling price by reference to the ceiling price of another commodity sold by you. It further provides that before selling any such new commodity you must file a report with OPS showing how you calculated the ceiling price. Accordingly, you will not have established your ceiling price for the new commodity until after you have filed the required report. A certification by you under this regulation will not relieve you from the necessity of filing such a report.

(c) *Record-keeping.* The filing of a certification that your sales are below ceiling prices does not excuse you from the record-keeping requirements of the applicable OPS regulation.

(d) *Period during which certification remains in effect.* Once you have filed a certification that your sales are below ceiling prices, that certification will remain in effect as long as you continue to sell the materials or services covered by the certification at prices below the applicable ceiling prices established for those materials or services. If, after you have filed your certification, you sell a material or service, covered by the certification, at a price equal to its ceiling price, your certification is voided with respect to the material or service which you have sold at its ceiling price. This means that after the date of a sale at ceiling price, you must file all reports required by the applicable OPS regulations which are in effect on or after the date of such sale. However, reports need not be filed with respect to sales of the material or service made during the period between the filing of your certification and the date of your sale at ceiling price. You may reinstate your certification, with respect to this material or service, by filling a new certification in the manner required by this regulation if sales are again made below ceiling prices.

SEC. 4. *Definitions.* Unless the context otherwise requires, the term:

(a) "Act" means the Defense Production Act of 1950, as amended.

(b) "Material" means raw materials, articles, commodities, products, supplies, components, technical information and processes.

(c) "OPS" means the Office of Price Stabilization.

(d) "Service" means any act or acts performed or rendered otherwise than as an employee for a fee, charge or other consideration. The term includes any privilege sold or granted, or any forbearance to act, for a fee, charge or other consideration. The term also includes the rental of any commodity or service.

(e) "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation is effective September 22, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10220; Filed, Sept. 16, 1952; 4:00 p. m.]

[General Overriding Regulation 37]

GOR 37—REQUIRED REPORTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 37 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is issued to improve OPS information-gathering surveys. It provides a more formalized procedure to enable the OPS to obtain essential facts and figures, and will lessen the administrative burden for the industry as well as for OPS.

It is frequently necessary for OPS to obtain data such as the level of selling prices and of ceilings in a particular industry. This is required, for example, to make ceiling price adjustments under the Industry Earnings Standard; to determine whether distributors' margins meet the requirements of the Herlong Amendment; to decide whether controls should be suspended, or whether they should be reimposed in areas where they have been suspended.

Congress recognized this need for information. In section 705 of the Defense Production Act of 1950, as amended, it granted the President very broad powers to obtain all information which, in his discretion, is necessary for the administration and enforcement of the stabilization program. The President has delegated these powers to the Office of Price Stabilization. OPS has sought to exercise these broad powers in the most limited manner consistent with the efficient discharge of its responsibilities.

The primary objective of this regulation is to enable OPS to conduct surveys of particular industries through the use of a "sampling" technique. By directing inquiries only to a sample, rather than to every company in a particular industry, OPS aims to minimize the burden imposed on business. Such samples will be selected to include only the smallest number of companies necessary to give OPS a representative picture of the particular industry. Being limited to such a minimum, the difficulties produced by nonresponse may be very great. The unwillingness to cooperate of one or two companies may destroy the statistical validity of all the information obtained from the rest of the sample. Supplementary correspondence, to fill in the gaps, may hold up a survey for weeks and thereby prevent or postpone necessary adjustments or other industry-wide action.

One approach to this problem is to take expected nonresponse into consideration in the selection of a sample. This would, however, require a considerable increase in the number of firms selected. Furthermore, a sub-sample of the nonrespondents would be necessary. This could not start until after it is definitely known which companies failed to respond. For this sub-sample a complete response would be necessary. It is obvious that this approach is both cumbersome and time-consuming. As a result, the real purpose of the sample method—keeping the burden on industry to a minimum—would be frustrated.

The most effective way to eliminate the statistical bias resulting from nonresponse is to assure that all companies included in a sample survey supply the required information. Congress has provided adequate power to obtain information which OPS considers necessary. Under this regulation OPS can use the power provided by section 705 of the Defense Production Act. Whenever it is essential to obtain particular information within a specified period of time, requests to particular companies may be accompanied by letter orders. Failure to comply with the letter order constitutes a violation of the Defense Production Act and subjects the violator to the penalties provided by the act.

The approach adopted by this regulation insures that OPS will obtain essential information in the shortest possible time and with the smallest amount of inconvenience to the business community.

While this regulation is primarily designed for use in surveys using a sampling technique, it may in some cases be necessary to require all members of an industry to reply. There also may be instances where this regulation will be used to obtain essential information from a single company.

Before a survey is launched its scope and purpose will be defined, as provided by section 705. A determination will be made whether adequate and authoritative data can be obtained from any Federal or other responsible agency. Furthermore, the provisions of the Federal Reports Act of 1942, relative to clearance of surveys by the Bureau of the Budget, will, of course, continue to be observed.

Simultaneously with the issuance of this regulation, OPS is initiating streamlined procedures for making ceiling price adjustments under the Industry Earnings Standard. This regulation is essential to the successful operation of the streamlined earnings standard procedure.

Since this regulation will govern all sellers with respect to whom the Director of Price Stabilization has issued or may issue ceiling price regulations, he has determined that consultation with industry representatives, including trade association representatives, would be impracticable. In the judgment of the Director the provisions of this regulation are generally fair and equitable, are necessary to effectuate the provisions of Title IV and Title VII of the Defense Production Act, as amended, and conform with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Letter orders.
3. What information you must submit.
4. Enforcement.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides for the use by the Office of Price Stabilization of the powers to obtain information provided in section 705 of the Defense Production Act of 1950, as amended.

SEC. 2. *Letter orders.* The Director of Price Stabilization may issue letter orders requiring sellers to submit information which he considers necessary or appropriate to the administration or enforcement of the Defense Production Act and the regulations or orders issued thereunder.

SEC. 3. *What information you must submit.* The letter order will indicate the information which you are required to submit. It will also specify the date by which the information must be submitted. If you are unable for any reason to submit the required information by the date specified, you must notify the

Director of the date when you will be able to supply it not later than three working days after you receive the letter order.

SEC. 4. *Enforcement.* If you receive a letter order issued under this regulation and fail to submit the required information on or before the date specified in the order, you are subject to applicable sanctions of the Defense Production Act of 1950, as amended.

Effective date. This regulation shall be effective September 16, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Individual surveys will be undertaken pursuant to this regulation only after the specific approval of the Bureau of the Budget when the Federal Reports Act requires such approval and will show that such approval has been obtained.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10218; Filed, Sept. 16, 1952; 4:00 p. m.]

[Ceiling Price Regulation 98, Amdt. 6]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

RECALCULATIONS OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 98 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 3 permitted resellers under CPR 98 to reflect in their ceiling prices under certain specified conditions the increase in the mill price of iron or steel products authorized by the Office of Price Stabilization. That amendment permitted the warehouse reseller to reflect the price increase even though he received no shipment of the product by the end of the month in which his principal source of supply effected the ceiling price increase authorized by the Office of Price Stabilization. This was permitted in order to eliminate, to the extent possible, the creation of a dual price structure unique among warehouse resellers and to enable small resellers, who receive shipments less frequently than larger resellers, to establish their ceiling prices at the same general level as the larger resellers. This permission for resellers to use the price of their principal source of supply, however, extended only for one month following the month in which the producers put the increase into effect and thereafter such resellers were required to average their increase in the customary manner provided elsewhere in the regulation. It is evident now that many small warehouse resellers as well as larger resellers have not as yet received any invoices with the increase. On the 16th of September they would be compelled to revert to using the ceiling prices which they had determined from their past invoices which did not reflect any increase. The problem has been heightened by the postponement in shipments of steel products due to the prolonged steel strike.

In order to avert the contingency set forth and to provide a reasonable method of transition, thereby insuring the results originally intended in the issuance of Amendment 3, this amendment permits such resellers to continue using the increased price of their principal source of supply in calculating their ceiling prices until such time as they have received invoices for the product during the preceding calendar month which do reflect the authorized mill increase.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In view of the emergency nature of this amendment, special circumstances have rendered consultation with the industry advisory committee impracticable but industry representatives, including trade association representatives have been consulted and their recommendations considered.

AMENDATORY PROVISIONS

Section 5 (b) (1) is amended to read as follows:

(1) As stated in paragraph (a) of this section, this regulation, in general, requires you to compute your ceiling price (except for products covered by Part IV) by determining your average material costs during a calendar month, adding an amount calculated by applying a specified percentage markup to your average material cost, and adding incoming transportation costs and extras. It requires you to recompute your ceiling prices monthly at the close of each calendar month by using the invoices received by you during that calendar month. It further provides that you may not put into effect the ceiling prices so determined until the 16th of the month following the calendar month in which the invoices were received. This paragraph, however, permits you, as provided in subparagraphs (2), (3) and (4) of this paragraph, to recalculate immediately your ceiling warehouse price for a product under certain conditions. The supplemental pricing provisions of subparagraph (2) of this paragraph are applicable only between the time a price increase authorized by the Office of Price Stabilization becomes effective and the 15th day of the following month. On the 16th day of the following month your ceiling prices determined under subparagraph (4) of this paragraph become effective. Each month thereafter you determine your ceiling price under the regular recalculating provisions of the regulation, provided that you have received invoices which you can use in recalculating your ceiling prices for the product applying to shipments from a mill made on or after July 26, 1952.

Where you have not received any invoices for shipments made from a mill on and after July 26, 1952, either in the previous month or in the last calendar month in which you did receive invoices for the product, you may continue to use as the basis of your calculations under the regular recalculating provisions of the regulation for the month or months following that in which you established ceiling prices under subparagraph (4) of this paragraph, the new increased price of your principal source of supply which you determined in the manner set forth in subparagraph (4).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10187; Filed, Sept. 15, 1952; 4:02 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Suspension]

REG. X—REAL ESTATE CREDIT

NOTICE OF SUSPENSION

1. a. The Secretary of Labor has transmitted to the Board of Governors of the Federal Reserve System the estimates required to be made by section 607 of the Defense Production Act of 1950, as amended, and section 503 of Executive Order No. 10161, as amended.

b. The Secretary of Labor, on the basis of his estimates of the number of permanent, nonfarm, family dwelling units, the construction of which has been started during each of the three calendar months, June, July, and August 1952, has estimated the annual rate of construction starts during each such months, after making reasonable allowance for seasonal variations in the rate of construction.

c. The annual rate of construction starts so estimated by the Secretary of Labor for each of the said three months was at a level below an annual rate of 1,200,000 starts per year.

2. In view of the foregoing, as required by section 607 of the Defense Production Act, as amended, and section 503 of Executive Order No. 10161, as amended, the Board of Governors of the Federal Reserve System, with the concurrence of the Housing and Home Finance Administrator, hereby announces the beginning of a "period of residential credit control relaxation" which period shall begin on September 16, 1952.

3. a. Effective September 16, 1952, Regulation X is suspended.

b. The suspension of Regulation X was adopted by the Board after consideration of all relevant matter, including recommendations received from time to time from industry and trade association representatives and others. Section 709 of the Defense Production Act of 1950, as amended, provides that the functions exercised under such Act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

(Sec. 704, 64 Stat. 798, Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2154, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp, E. O. 10373, July 14, 1952, 17 F. R. 6425. Interprets or applies sec. 602, 64 Stat. 813; 50 U. S. C. App. 2132)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 52-10185; Filed, Sept. 16, 1952; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 10[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

A. Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following revisions in commodity descriptions are made to conform with revisions in *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States*, as announced in P. B.-1, issued July 22, 1952, by the Bureau of the Census and make no substantive change in export controls.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
645710	Phosphor copper wire; cupro-nickel wire other than resistance wire; and nickel-silver wire (specify copper content)[11]	Lb.	NONF	25	RO
645710★	Beryllium copper wire, bare (specify copper content)[11]	Lb.	NONF	None	RO
645710	Brass and bronze wire, bare (including phosphor bronze)[11]	Lb.	NONF	25	RO
654519	Nickel and nickel alloy primary forms, n. e. c. (specify by name and nickel content) (report cupro-nickel wire in 645710)	Lb.	NONF	25	RO
657050	Zinc dust (zinc content) (report zinc dust in 619450)[12]	C. lb.	NONF	100	RO
720112	Construction power cranes and shovels, new (report used in 720160):	No.	CONS	None	RO
	Crawler mounted, full revolving, convertible, 2½ cu. yd. dipper capacity and under, or 50 net tons maximum rated capacity and under		CONS	500	RO
	Industrial type trucks, tractors, trailers, and stackers (specially designed for materials handling in and around industrial plants, depots, docks, terminals and similar installations), and parts:				
	Industrial type trucks, tractors for towing or provided with crane booms or winches)[13]	No.	CONS	500	RO
	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.:				
739010	Shearers, 50 up to but not including 200 horsepower[14]	No.	MINE	None	R
739010	Other mining equipment, n. e. c. (report underground mine conveyors in 738965)[14]	No.	MINE	None	RO
744065★	Pipe valves, except automatic control or regulating:				
	Valves designed for working pressures of 300 or more pounds per square inch	No.	GIEQ	None	RO
744065★	Valves and cocks with pressure parts wholly fabricated of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A"	No.	GIEQ	25	RO
746170	Propellers, metal, n. e. c. (specify metal) (report those for military watercraft in 746165)	Lb.	TRAN	250	R
746170	Boat propellers, brass or bronze, of 12-inch diameter and over, and blades for such propellers (report those for military watercraft in 746165)[15]	Lb.	TRAN	None	RO
746170	Boat propellers, except brass or bronze, for watercraft 18 feet in length and over, and blades for such propellers (specify metal) (report those for military watercraft in 746165)[15]	Lb.	TRAN	100	RO
	Plastics and resin materials:				
619139	Cellulose acetate sheets, rods, and tubes (report manufactured plastic articles in 861300 and 861400)	Lb.	RESN 66	100	R
630320	Cellulose acetate, cellulose acetate-butyrate, cellulose acetate-propionate, and other cellulose esters:				
630610	Molding and extrusion compositions (report cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized, in 832810)[14]	Lb.	RESN	25	R
632810	Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized (excluding molding compositions)[16]	Lb.	RESN	25	R
632890	Cellulose acetate and cellulose acetate-butyrate in waste or scrap form, not plasticized[5]	Lb.	RESN	25	R
645710	Cupro-nickel resistance wire; Dumet wire; and thermocouple wire (specify copper content)[11]	Lb.	NONF	25	RO

★The commodities described in this Positive List entry are excepted from the provisions of General Is-Transit License GIT. See § 371.9 (c) of this regulation for the entry presently on the Positive List under Schedule B No. 601400.

[1] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 601400.

[2] The above revised entry is substituted for the two entries presently on the Positive List under Schedule B No. 649905 and 649910. The revision in commodity description makes no substantive change.

[3] Unit of quantity changed from pound to carat.

[4] The above revised entry is substituted for the two entries presently on the Positive List under Schedule B No. 739010. Hall Ionola shearers are now classified under Schedule B No. 739010.

[5] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 618857. Brass pipe valves are now classified under Schedule B No. 774165.

[6] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 618988. All brass pipe valves are now classified under Schedule B No. 774165.

[7] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 619139. Molding powder and cold bronze powder are now classified under Schedule B No. 619140.

[8] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 630320. Molding powder and cold bronze powder are now classified under Schedule B No. 619140.

[9] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 630610. Molding powder and cold bronze powder are now classified under Schedule B No. 619140.

[10] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 632890. Molding powder and cold bronze powder are now classified under Schedule B No. 619140.

[11] The above revised entry is substituted for the third entry presently on the Positive List under Schedule B No. 645710. Phosphor copper wire, cupro-nickel wire other than resistance wire, and nickel-silver wire are now classified under Schedule B No. 645710.

[12] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 657050. Zinc dust is now classified under Schedule B No. 657050.

[13] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 720112. Crawler mounted, full revolving, convertible, 2½ cu. yd. dipper capacity and under, or 50 net tons maximum rated capacity and under are now classified under Schedule B No. 720112.

[14] Unit of quantity changed from pound to short ton.

[15] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 746170. Boat propellers, brass or bronze, of 12-inch diameter and over, and blades for such propellers are now classified under Schedule B No. 746170.

[16] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 632810. Cellulose acetate flake and powder, not plasticized, and cellulose acetate-butyrate flake and powder, not plasticized, are now classified under Schedule B No. 632810.

[1] This amendment was published in Current Export Bulletin No. 678, dated September 4, 1952.

[12] The Schedule B number is changed from 654509 to 654519.
[13] The above revised entry is substituted for the two entries presently on the Positive List under Schedule B No. 657050.
[14] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 720112.
[15] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 725020.
[16] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 730610.
[17] The above two entries under Schedule B No. 774465 are substituted for the two entries presently on the Positive List under Schedule B No. 774460. Brass pipe valves with working pressures not exceeding 125 psi W.O.G. rating formerly included in Schedule B No. 618857, are now included in Schedule B No. 774465.
[18] The above three entries are substituted for the three entries presently on the Positive List under Schedule B No. 705170.
[19] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 826505.
[20] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 832810.
[21] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 832890.

This part of the amendment shall become effective as of September 4, 1952.

2. The following deletions are made to conform with revisions in *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States*, as announced in P. B.–1, issued July 22, 1952, by the Bureau of the Census and make no substantive change in export controls.

Dept. of Commerce Schedule B No.	Commodity
	Welding rods and wires:
619037	Manganese (formerly 669108).[1]
	Nonferrous ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates in 829040):
664598	Strontium.[2]
	Power-driven metalworking machine tools (nonportable) and parts:
740480	Cylinder reboring machines, and other reboring machines for garage use (formerly 793180).[3]
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):
832990	Ethyl cellulose.[4]

[1] Investigation shows no welding rods of manganese.
[2] Report strontium metal in Schedule B No. 664998.
[3] Report this commodity in Schedule B No. 793185.
[4] Report this commodity in Schedule B No. 826150.

This part of the amendment shall become effective as of September 4, 1952.

4. The following revisions are made in commodity descriptions. These revisions *Statistical Classification of Domestic and Foreign Commodities Exported from the United States*, as announced in P. B.–1, issued July 22, 1952, by the Bureau of the Census and make no substantive change in export controls.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
506098	Ferrocarbo (silicon carbide briquettes) [1]	Lb.	MINL	100	RO
	Metal powders:				
610140	Gilding; and gold bronze (specify copper content) [2]	Lb.	NONF	100	RO
619159	Zinc dust (specify zinc content) [3]	Lb.	NONF	25	RO
	Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.:				
709495	Aluminum bus bars [4]	Lb.	NONF	100	RO
709495	Copper bus bars [4]	Lb.	NONF	100	RO
709495	Rail bonds, wire [4]	Lb.	STEE	500	RO
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:				
766990	Penetron gamma ray thickness meters, and specially fabricated parts and accessories, n. e. c.[7]	----------	GIEQ	None	RO
793185	Cylinder reboring machines, and other reboring machines for garage use.[8]	No.	TOOL	100	R

[1] Formerly included in the entry presently on the Positive List under Schedule B No. 541140.
[2] Formerly included in the third entry presently on the Positive List under Schedule B No. 619159.
[3] Formerly included in the second entry presently on the Positive List under Schedule B No. 657050. The unit of quantity has been changed from content pound to pound, but for the purposes of export control the zinc content shall be specified on export license applications.
[4] Formerly included in the entry presently on the Positive List under Schedule B No. 630310.
[5] Formerly included in the entry presently on the Positive List under Schedule B No. 642400.
[6] Formerly included in the first entry presently on the Positive List under Schedule B No. 605950.
[7] Formerly included in the entry on the Positive List under Schedule B No. 703825 and the entry under Schedule B No. 703850.
[8] Formerly included in the second entry presently on the Positive List under Schedule B No. 740409.

This part of the amendment shall become effective as of September 4, 1952.

4. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2):				
	Other metals, except precious (specify by name and type of metal):				
619950	Aluminum molding; aluminum collapsible tubes; aluminum slugs; and aluminum shot (report crude form of aluminum shot in 630070).[1]	----------	NONF	100	RO
619950	Other aluminum and aluminum-base alloy manufactures, n. e. c.[2]	----------	CDGS	100	RO
619950	Burning bars (specify metal content) [4]	Lb.	NONF	100	RO
619950	Lead collapsible tubes [4]	Lb.	NONF	100	RO
619950	Other lead manufacturers, n. e. c.[4]	Lb.	CDGS	100	RO
619950	Nickel catalysts; and nickel slugs [4]	Lb.	NONF	100	RO
619950	Other nickel manufactures, n. e. c.[4]	Lb.	CDGS	100	RO
619950	Tenaplate (specify metal content) [5]	----------	NONF	100	RO
519950	Tin shot; tin slugs; and tin collapsible tubes [5]	Lb.	CDGS	25	RO
619950	Other tin manufactures, n. e. c.[5]	----------	GIEQ	250	RO
763035	Rubber tire and tube building machines, and specially fabricated parts, n. e. c. (specify by name).[10]	----------	GIEQ	500	RO
763045	Rubber tire repairing, recapping and retreading machines n. e. c., and specially fabricated parts, n. e. c. (specify by name).[10]	----------			
	Other industrial chemicals:				
839900	Cobalt compounds (report cobalt salts of organic compounds in 839750; cobalt-containing pigments in 842900; and cobalt-containing paint and varnish driers in 843600).[11]	----------	SALT	NONE	RO

[1] The effect of this revision is to list separately these commodities which are presently classified on the Positive List under the first entry for Schedule B No. 619950.
[2] The effect of this revision is to change the processing code from NONF to CDGS for other aluminum and aluminum-base alloy manufactures, n. e. c.
[3] The effect of this revision is to list separately this commodity which is presently included on the Positive List under the seventeenth entry for Schedule B No. 619950.
[4] The effect of this revision is to list separately this commodity which is presently included on the Positive List under the fifteenth entry for Schedule B No. 619950.
[5] The effect of this revision is to change the processing code from NONF to CDGS for the fifteenth entry presently on the Positive List under Schedule B No. 619950, and to reword the description without making substantive changes.
[6] The effect of this revision is to list separately these commodities which are presently included on the Positive List under the seventeenth entry for Schedule B No. 619950.
[7] The effect of this revision is to change the processing code from NONF to CDGS for the seventeenth entry presently on the Positive List under Schedule B No. 619950, and to reword the description without making substantive change.
[8] The effect of this revision is to list separately this commodity which is presently classified on the Positive List under the first entry for Schedule B No. 619950, and to require that the metal content be specified.
[9] The above two entries are substituted for the nineteenth and twentieth entries presently on the Positive List, under Schedule B No. 619950. The effect of this revision is to change the GLV dollar value limit for tin shot and tin slugs from $25 to $100, and to change the processing code from NONF to CDGS for tin manufactures other than tin shot, tin slugs and tin collapsible tubes.
[10] The above two entries are substituted for the three entries presently on the Positive List under Schedule B Nos. 763030, 763040, and 763050. The effect of this revision is to change the Schedule B numbers to conform to revisions announced by Bureau of the Census in P. B.-1, issued July 22, 1952; to delete the units of quantity; to reduce the GLV dollar-value limit from $500 to $250 for rubber tire and tube building machines and specially fabricated parts; and to remove rubber tire repairing, recapping and retreading machine parts from the commodities subject to the IC/DV procedure. The commodities included in the above first entry are subject to the IC/DV procedure (see § 373.34 of this subchapter).
[11] The above entry is substituted for the tenth entry presently on the Positive List under Schedule B No. 839900. The effect of this revision is to reduce the GLV dollar-value limit from $100 to None. In addition, an "A" is also hereby added in the "Commodity List" column, indicating that the commodity is subject to IC/DV procedure (§ 373.34 of this subchapter), effective October 20, 1952, and a "B" is added indicating that the commodity is subject to the dollar-limit (DL) restrictions (§ 374.2 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., September 11, 1952.

5. The dollar value limit in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV Dollar-Value Limits
	Metal powders:	
619140★	Beryllium copper	500
619151★	Beryllium and beryllium alloys, except beryllium copper	500
	Foil and leaf (less than .006 inch in thickness) (report paper-backed foil in 486100):	
619220★	Beryllium foil	500
	Beryllium:	
664506★	Metal and alloys (except beryllium copper) in crude form, and scrap (report beryllium copper in 664000–647950).	500
664509★	Primary forms n. e. c. (specify by name) (report beryllium copper primary forms in 644000–647950).	500
	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):	
838400	Ammonium nitrate	300
	Other industrial chemicals:	
839900★	Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate).	500

★ These commodities are excepted from the provisions of the General In-Transit License GIT. See § 372.9 (c) of this subchapter.

This part of the amendment shall become effective as of 12:01 a. m., September 4, 1952.

6. The following commodities are excepted from the General In-Transit License (GIT) procedure (§ 371.9 (c) of this subchapter). These commodities are identified on the Positive List by the symbol ★.

Dept. of Commerce Schedule B No.	Commodity
640100★	Copper matte, regulus, unrefined copper as blister or converter copper (copper content).
640100★	Copper ore and concentrates (copper content).
641200★	Refined copper in cathodes, billets, ingots, wire bars and other crude forms (include anodes) (report copper bars except wire bars in 642400).
641300★	Copper scrap (new and old) (see § 373.11 (e) of this subchapter).
642200★	Copper pipe and tubing.
642300★	Copper plates, sheets, and strips, including nickel-plated.
642400★	Copper rods and bars, n. e. c. (report copper-weld rods in 642510; copper wire bars and redrawing rods in 641200; copper bus bars in 709495).
642510★	Copper wire and cable, bare, for electrical conduction only (report electrical insulated copper wire in 709610–709883).
642510★	Copper wire and cable, bare, other than for electrical conduction (report welding rods and electrodes in 619039).
642900★	Copper primary forms: rough forgings and castings.
642900★	Other copper primary forms, n.e.c. (specify by name).
644000★	Copper-base alloy scrap (new and old) (see § 373.11 (e) of this subchapter.
644100★	Other copper-base alloy ingots.
644900★	Phosphor copper rods and bars (specify copper content).
644900★	Brass, bronze and nickel silver, or German silver bars, rods, and other crude shapes (extruded, rolled and drawn).
644900★	Other copper-base alloy bars, rods, and other crude shapes (extruded, rolled and drawn).
645000★	Brass and bronze blanks.
645000★	Brass and bronze circles.
645000★	Phosphor copper plates, sheets, and flat or coiled strip; and cupro-nickel strip (specify copper content).
645000★	Brass, bronze and nickel silver, or German silver, plates, sheets, and strips.
645000★	Other copper-base alloy plates, sheets, and strips.
645300★	Brass and bronze pipes and tubes (pipe coils included).
645300★	Phosphor copper pipes and tubes (specify copper content).
645300★	Seamless cupro-nickel pipes and tubes (specify copper content).
645300★	Other copper-base alloy pipes and tubes (pipe coils included).
645700★	Cupro-nickel resistance wire; Dumet wire; and thermo-couple wire (specify copper content).
645700★	Phosphor copper wire; cupro-nickel wire other than resistance wire; and nickel-silver wire (specify copper content).
645700★	Brass and bronze wire, bare (including phosphor bronze).
647913★	Brass and bronze castings and forgings, rough and semi-finished.
647913★	Other copper-base alloy castings and forgings, rough and semi-finished (specify copper content).
647950★	Brass and bronze in primary forms, n. e. c. (specify by name).
647950★	Other copper-base alloy primary forms, n. e. c. (specify by name).
	Tungsten:
664580★	Ores and concentrates.
664581★	Tungsten metal and alloys in crude form, and scrap (specify by name and tungsten content).
664583★	Tungsten carbide die inserts (specify tungsten content).
664583★	Other tungsten metal and alloys in primary forms, n. e. c. (specify by name and tungsten content).

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

This part of the amendment shall become effective as of 12:01 a. m., October 4, 1952.

7. The letter "A" is inserted in the column headed "Commodity Lists" opposite the commodities listed below to indicate that they are subject to the IC/DV procedure (see § 373.34 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
	Abrasive products:
541210	Manufactured grinding wheels, of silicon carbide or aluminum oxide composition, including corundum.
832700	Cellulose nitrate lacquer base, wet down or plasticized.

This part of the amendment shall become effective as of October 20, 1952.

8. The letter "A" set forth in the column headed "Commodity Lists" opposite the entry for sodium nitrate fertilizer materials, Schedule B No. 850700, is hereby deleted to indicate that these commodities are no longer subject to the IC/DV procedure (see § 373.34 of this subchapter).

This part of the amendment shall become effective as of September 4, 1952.

9. The processing codes as set forth opposite the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing codes
384985	Broad woven plastic fabrics based on vinyl or vinylidine chloride resins and copolymers thereof (e. g., Saran woven sheeting formerly 825420 and 825450).	RESN 66
	Tool bit blanks:	
617903	Containing tungsten carbide	TOOL
617905	Molybdenum tool bit blanks	TOOL
	Construction materials:	
618988	Other metals (specify by name and type of metal) (report iron and steel construction materials, n. e. c. in 618986).	CDGS
	Metal powders:	
619159	Selenium (specify selenium content and grade)	MINL
619850	Type, for printing (report type metal in 651510)	PRIN
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2):	
	Other metals, except precious (specify by name and type of metal):	
619950★	Beryllium copper manufactures	CDGS
619950★	Other beryllium and beryllium alloy manufactures	CDGS
619950	Copper manufactures	CDGS
619950	Selenium metal manufactures, n. e. c. (specify selenium content and grade)	CDGS
619950	Zinc manufactures	CDGS
619950	Other manufactures, n. e. c., of metals other than iron, steel, or precious metals [1]	CDGS
	Finished coal tar products, n. e. c., exclusive of medicinals (specify by name):	
806998	Ethyl centralite	COTA
806998	Methyl centralite	COTA
	Sodium compounds:	
837990	Sodium azide	SALT
	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):	
838500	Nitroguanidine	SALT
	Other industrial chemicals:	
839900	Lead azide	SALT

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.
[1] The following metal manufactures retain the Processing Code NONF: Aluminum molding, collapsible tubes, slugs, and shot; burning bars; lead collapsible tubes; nickel catalysts and slugs; tenaplate; and tin shot, slugs and collapsible tubes.

This part of the amendment shall become effective as of September 4, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in item 4 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., September 11, 1952, may be exported under the previous general license provisions up to and including October 4, 1952. Any such shipment not laden aboard the exporting carrier on or before October 4, 1952, requires a validated license for export.

B. Section 399.3 *Appendix C—Commodity Processing Codes* is simultaneously amended to reflect the changes in processing codes set forth in item 9 of this amendment.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10030; Filed, Sept. 16, 1952; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter I—War Rental Housing Insurance

PART 283—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

1. Section 283.9 is amended to read as follows:

§ 283.9 *Eligible mortgages.* The mortgage must be executed in connection with:

(a) The sale by the Government, or any agency or official thereof, of housing acquired or constructed under Public Law 849, 76th Congress, as amended; Public Law 781, 76th Congress, as amended; or Public Laws 9, 73, or 353, 77th Congress, as amended; or

(b) The sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt Towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio, Greenbelt, Maryland, and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or

(c) The sale by the Government, or any agency or official thereof, of any of the village properties under the jurisdiction of the Tennessee Valley Authority; or

(d) The sale by the Public Housing Administration, or by any public housing agency, with the approval of the said Administration, of any housing (including any property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, 76th Congress; or

(e) The first resale, within two years from the date of its acquisition from the Government, or any agency or official thereof, of any portion of a project or property of the character described in paragraphs (a), (b), (c) and (d) of this section; or

(f) The sale by a State or municipality, or an agency, instrumentality, or body politic of either, of any permanent housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) constructed by or on behalf of such State, municipality, agency, instrumentality, or body politic, for the occupancy of veterans of World War II, their families, and others.

2. Section 283.11 is amended to read as follows:

§ 283.11 *Amount of principal obligation.* The mortgage must secure a principal obligation in multiples of one hundred dollars ($100) but not in excess of five million dollars ($5,000,000) and not in excess of 90 percent of the appraised value of the property as determined by the Commissioner, except that a mortgage of the character described in § 283.9 (f) shall not involve a principal obligation in excess of 85 percent of the appraised value of the property as determined by the Commissioner, and not in excess of $8,100 per family unit for such part of such property as may be attributable to dwelling use.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., September 10, 1952.

B. C. BOYARD,
Acting Federal
Housing Commissioner.

[F. R. Doc. 52-10105; Filed, Sept. 16, 1952; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

CONDITIONS AFFECTING PAYMENTS OF COMMERCIAL ACCOUNTS

The center head "Payment Under Contracts, Formal and Informal" including §§ 535.5 through 535.9 and the center head "Prompt Payment of Bills and Accounts" including §§ 535.28 through 535.30 are rescinded, and the following as set forth above is substituted therefor:

Sec.
535.5 Assignment of claims or transfer of contracts.
535.6 Discounts.
535.7 Advance payments.
535.8 Partial payments.
535.9 Unsatisfactory performance.
535.9a Miscellaneous special cases.
535.9b Adjustments.

AUTHORITY: §§ 535.5 to 535.9b issued under R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 3477, as amended, 3737, as amended; 31 U. S. C. 203, 41 U. S. C. 15.

SOURCE: §§ 535.5 to 535.9b contained in AR 85-3220, July 18, 1952.

§ 535.5 *Assignment of claims or transfer of contracts.*—(a) *Financing institutions.* A "company" regularly engaged in the financing business is not disqualified from accepting assignments under the Assignment of Claims Act of 1940 as "financing institution" solely because it consists of an individual or a partnership (20 Comp. Gen. 415). A business concern which merely as an incident to its principal business of acting as selling agent, advances money to pay for raw materials, labor, etc., is not a "financing institution" to which moneys due or to become due under a Government contract may be assigned under authority of the Assignment of Claims Act of 1940. 20 Comp. Gen. 415 distinguished. (See 22 Comp. Gen. 44; 31 id. 90.)

(b) *Transfer of entire business.* Where the entire business of a contractor is sold, the transfer is not such an assignment as is prohibited by sections 3477 and 3737, Revised Statutes, and payment to the transferee is authorized upon compliance with contract terms and the furnishing of a waiver from the original contractor. (See 9 Comp. Gen. 72.)

(c) *Assignments by operation of law.* Section 3477, Revised Statutes, applies to voluntary assignments and does not embrace cases in which the transfer of title is by operation of law such as the passing of title to heirs, devises, or assignees in bankruptcy. (See 10 Comp. Dec. 159; 3 Comp. Gen. 623; 9 id. 72.)

(d) *Merger.* The merger of a corporation or a change in the corporate does not operate to annul existing contracts between such corporation and the Government and is not of itself a change in the contractor's responsibility. (See 4 Comp. Gen. 184.)

(e) *Assignment of contract payments.* (1) The Assignment of Claims Act of 1940, authorizing the assignment of moneys due or to become due under Government contracts, does not authorize the assignment of the contract itself, and hence, it is the contractor's, and not the assignee's responsibility to execute required certificates on vouchers, invoices, etc., having reference to material facts incident to performance of the contract and establishing the right to payment. (See 20 Comp. Gen. 295.)

(2) Where there is a valid assignment of moneys payable under a Government contract, there is no necessity for a specific claim therefor from the assignee, but the voucher, invoice, or other data in support of a payment direct to the assignee should clearly indicate that the contractor recognizes the assignment, its validity, and the right of the assignee to receive payment. The form or means of indicating such recognition is not material insofar as the General Accounting Office is concerned. (See 20 Comp. Gen. 295.) The contractor's certification of a voucher on which the name of the assignee is shown is sufficient to give affect to this requirement.

(3) A Government contractor's right under the Assignment of Claims Act of 1940 to assign moneys due or to become due under its contract is not dependent upon the surety's acceptance of or acquiescence in the assignment, and, therefore, the assignee's right to receive otherwise proper payments under the contract is not affected by the fact that the contractor's surety has indicated a lack of consent to, or has "refused to accept," the assignment. (See 22 Comp. Gen. 520.)

(f) *Written notice of assignments.* (1) An "assignee" under the Assignment of Claims Act of 1940 who does not substantially comply with the requirement respecting the filing of "written notice of the assignment together with a true copy of the instrument of assignment" has no enforceable right against the Government under the assignment, but where a copy of an assignment is received and there is any doubt whether there has been a strict compliance with the "written notice" provision of the statute, the required written notice should be obtained from the assignee. (See 20 Comp. Gen. 424.)

(2) There is no objection to administrative instructions to the effect that the "true copy of the instrument of assignment," may consist of a duplicate original, a complete photostatic copy of the original, or a certified true copy of the original. However, with respect to certified copies, it would appear desirable that the certificate be executed by a notary public or other officer authorized by law to administer oaths. (See 20 Comp. Gen. 295.)

(3) A disbursing officer should not make payment to an "Assignee" under the Assignment of Claims Act of 1940 when there is any doubt as to compliance with the statutory requirement regarding written notices without first submitting the matter to the General Accounting Office for decision. (See 20 Comp. Gen. 424.)

(g) *Effect of assignee's delay in giving contractor's surety notice of assignment.* (1) The Assignment of Claims Act of 1940 does not specify any period of time within which written notice of an assignment of moneys due or to become due under a Government contract must be given to the contractor's surety, and, therefore, a delay of 5 months by the assignee in filing written notice of the assignment with the contractor's surety does not, of itself, subordinate the rights of the assignee to those of the surety as to future payments where such delay has not operated to the prejudice of the surety.

(2) Even though a Government contractor's assignee under the Assignment of Claims Act of 1940 delayed 5 months in giving the contractor's surety the written notice required by the act, the circumstances that the financial difficulties of the contractor may have come to the attention of the surety prior to such notice, or that the surety may have made advances to the contractor in ignorance of the assignment, would not effect the right of the assignee to continue to receive otherwise proper payments under the contract, in the absence of at least a showing that the surety would have taken a different course of action had it known of the assignment. (See 22 Comp. Gen. 520.)

(h) *Amounts due under change orders.* (1) The stipulation in contract providing for changes of any of the items or materials covered by the contract and the drawings and specification applicable thereto when ordered by the Government is as much an integral part of the agreement between the parties as any other part thereof, and, therefore, the obligations thus imposed date from the execution of the contract, even though the contract contemplates the execution of amendments from time to time covering such changes.

(2) Where, in accordance with the authorization in the Assignment of Claims Act of 1940 to assign "moneys due or to become due" under a public contract, a contractor has assigned to a particular assignee "all amounts payable" under its contract, separate assignments of amounts due under change orders issued pursuant to the "Changes" provision of the contract are not required in order for the assignee to be entitled to payment of all amounts payable under the contract, including amounts payable for work under change orders, until a duly executed release of the assignment has been properly filed. (See 23 Comp. Gen. 943.)

(i) *Release and reassignment.* A contractor who, pursuant to the Assignment of Claims Act of 1940, has assigned all moneys due or to become due under a Government contract may be considered as having reestablished his right to direct payment of the proceeds of the contract upon the filing, with those parties to whom the assignee was required by the act to give notice and a copy of the original assignment, of a written notice and true copy of a release and reassignment properly executed by the assignee. (See 22 Comp. Gen. 520.)

(j) *Payments under contracts for transportation services.* With respect to assignment of claims for transportation charges payable under Government bills of lading, see 21 Comp. Gen. 265 and 23 Comp. Gen. 989.

§ 535.6 *Discounts.*—(a) *Responsibility for prompt rendering of invoices.* The responsibility for promptly furnishing a correct invoice, or bill, for deliveries under a contract is that of the contractor and the Government is entitled to discount offered for prompt payment, if payment is made within the discount period after receipt of a correct invoice. Date of receipt of invoice will be shown thereon. Discounts should not be taken on vouchers when the discount date has expired prior to payment, but the voucher should be returned to the certifying officer for certification in the full amount due.

(b) *Expedite handling of documents.* All documents relating to a cash discount transaction will be given preferential treatment with due regard to exigent factors in other accounts or transactions which do not provide discounts. Where discounts are involved, the originals and copies of the purchase instruments will be stamped "Discount—Expedite" by the initiating office, and the discount terms shown thereon underscored or circled in red to invite attention of all concerned to the possible priority status of the instrument and allied document.

(c) *Character of offer of discount.* (1) Deduction of discounts under agreements by the Government to purchase supplies is authorized only when the vendor has made an express offer of such discounts. In case of payment for articles purchased under a numbered contract, a statement as to discount shown on the printed commercial bill of the vendor submitted for payment will not be regarded as an express offer of discount. (See 23 Comp. Dec. 141; 2 Comp. Gen. 83; 5 id. 739). For prolonged offer of discount typed or stamped on invoice, see 25 Comp. Gen. 890.

(2) In cases of purchases other than under numbered contracts, a statement as to cash discount appearing on a dealer's invoice should be considered an offer of cash discount of which advantage should be taken, and any protest by a dealer against deduction of such discount, on the ground that his bid or the procuring instrument was silent as to cash discount, or that the procuring instrument showed the price to be net, should be considered as a claim to be submitted to the General Accounting Office for direct settlement. (See MS. Comp. Gen. B 53778, 14 February 1946.)

(3) Where discount was deducted but not earned, voucher for repayment of discount erroneously deducted will be paid by the disbursing officer without being referred to the Chief of Finance for settlement by the General Accounting Office where the facts clearly show that the vendor is properly entitled to payment.

(d) *Discount period.*—(1) *Definition.* In the absence of specific stipulation to the contrary, the discount period is generally to be considered to begin on the date of delivery of the supplies to carrier when final inspection and acceptance are at point of origin, on date of delivery at destination or port of embarkation when final inspection and acceptance are at these points, or on the date correct bill or voucher properly certified by the contractor is received if the latter date is later than the date of delivery. (See 14 Comp. Gen. 721; 9 id. 161; 30 id. 10; 30 id. 125.)

(2) *Receipt of invoice by proper office.* Date of receipt of invoice is held to be the day on which the invoice is received in the office of the Government specified in the contract. Should the contractor fail to forward invoices to the proper office, any delay in receipt by the proper office is the direct result of the contractor's error in submission. (See MS. Comp. Gen. A 53305, 20 February 1934.)

(3) *Last day falls on Sunday.* Where the last day of the discount period falls on Sunday, the following business day is considered as being within the discount period. (See 20 Comp. Gen. 310.)

(4) *Computation of final date for payment.* As set forth in subparagraph (1) of this paragraph, the discount period is established by the date of receipt of the supplies or date of receipt of a proper invoice, whichever is later, and the final date for payment. In determining the actual final date on which payment

must be made, to come within the discount period, the date beginning the period is the day following the actual day of receipt of supplies or day of receipt of invoice, whichever is later, for example:

Goods delivered	Mar. 1, 1951
Invoice received	Mar. 4, 1951
Terms	2 percent, 10 days
Final date payment must be made to come within discount period.	Mar. 14, 1951

(See 20 Comp. Gen. 310; 30 id. 10.)

(5) *Date of payment.* Date of payment for discount purposes must be considered as the date of issuance of the check. Care should be taken to see that checks are mailed the same day they are dated where there is a question of discount involved and that the date of mailing of the checks in such cases be made a matter of record. (See MS. Comp. Gen. A 39516, November 30, 1931; MS. Comp. Gen. B 30491, January 21, 1943; 31 Comp. Gen. 260.)

(e) *Payment within discount period.* In all cases of bills for the payment of which on or before a certain date or within a certain time a cash discount is offered, advantage will be taken of the offer of such discount and payment made on or prior to the date on which the discount feature expires, if possible to do so.

(f) *In case of doubt.* In cases in which there is involved any question, as between the Government and the payee, of the right to deduct the discount, in the interest of making prompt payments, and to save the right of the Government to the discount if it is subsequently determined to have been properly deductible at the time of payment, the discount should be deducted and payment of the balance tendered the payee, who, if not satisfied, may accept the payment under protest and file claim in the General Accounting Office, either direct or through military channels for a refund of the amount deducted. (See 7 Comp. Gen. 537.)

(g) *Computation of discount where excise tax involved.* Federal excise taxes imposed upon items which are subject to cash discount will be included in the amount on which discount is computed, except in those cases where the contract or other instrument governing the taking of discount specifically provides otherwise and the tax is itemized separately on the invoice. Part 410 of this title contains a list of items on which Federal excise taxes are imposed by the Internal Revenue Code. In addition to such list, the regulation shows the taxes from which exemption is available with respect to sales made for the exclusive use of the United States. If an item is not listed in Part 410 of this title, payment of Federal excise tax should not be made thereon without prior submission of complete details of the transaction to the Chief of Finance, Department of the Army, Washington 25, D. C., Attn: Receipts and Disbursements Division, for instructions. Payment of Federal excise tax should not be made on items, where the tax is not shown on the vendor's invoice, even though the tax is listed in Part 410 of this title as applicable to the United States.

(h) *Discounts with respect to trade customs.* (1) Where a contract provides that a certain discount will be allowed if payment for the goods purchased thereunder is made within a stipulated period, the amount to be deducted as discount should be based on the price fixed in the contract even though such price should include the amount paid by the vendor as freight on the goods when delivered at destination. The amount allowed as a discount under a contract is the sum the vendor is willing to pay for payment of the account within a stipulated period, and it is immaterial whether such account represents the value of the goods sold at point of origin or includes other expenditures made by the vendor in accordance with the terms of the contract. (See 5 Comp. Gen. 868.)

(2) While trade or commercial custom is not accepted as conclusive in the interpretation of Government contracts generally, where goods purchased by a cost-plus-a-fixed-fee contractor were consummated under agreements to which the United States was not a party, the contractor's method of computing the vendor's offered discount on the net invoice price, exclusive of freight, in accordance with the prevailing commercial custom of the industry in that particular locality, rather than on the contract or delivered price, inclusive of freight, as is the rule with respect to Government purchases, will not be objected to by General Accounting Office. 5 Comp. Gen. 868, distinguished. (See 24 Comp. Gen. 277.)

(i) *Discount taken after deduction of export differential.* Where a contract for supplies provides that, as a consideration for furnishing the articles involved, the contractor should be paid the total sum specified therein, subject to a discount for prompt payment, but the contract price itself is subject to reduction with respect to such of the articles as are consigned for export shipment, the discount with respect to articles so consigned may be computed on the reduced contract price, that is, after deduction of the export differential, rather than on the full contract price, even though there is no provision to that effect in the contract. (See 22 Comp. Gen. 846.)

(j) *Discount on water bills.* Where a contract for furnishing water provided for payment therefor at certain specified meter rates, with discount for prompt payment, the contractor is entitled to the full specified meter rates upon failure of the Government to make payment within the time specified for the allowance of discount. (See 12 Comp. Gen. 274; 16 id. 151.)

(k) *Responsibility for loss of discount.* (1) It is the responsibility of the disbursing officer to establish internal office procedures which will permit advantage to be taken of any offered discounts. However, should the payment documents be received in the disbursing office at such time as to preclude taking advantage of the offered discount, the disbursing officer is not required to justify failure or to obtain waivers for failure to take advantage of discounts in those cases where payment is made after the expiration of the discount period.

(2) The General Accounting Office has no alternative but to disallow credit in the accounts of the disbursing officer for the amount of offered discounts not deducted where it is determined that they were deductible at the time of payment. (See MS Comp. Gen. B 31627, June 23, 1943.)

(l) *Loss of discount no cause for further delay in payment.* Request for advance decision of the Comptroller General as to the propriety of payment, or submission of an account to the General Accounting Office for direct settlement, solely because of loss of discount, is not necessary. In no case should payment be further delayed because a discount has been lost through delayed payment.

§ 535.7 *Advance payments*—(a) *Advances of public money prohibited.* No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. (See R. S. 3648; sec. 11, Act August 2, 1946 (60 Stat. 809; 31 U. S. C. 529).

(b) *Procedure for making advance payments.* For policies and provisions for advances, interest, etc., under authority of title II, First War Powers Act (55 Stat. 839; 50 U. S. C. App. 611), as amended, and Executive Order 10210, February 2, 1951 (3 CFR 1951 Supp.), see Part 431 of this title and Subpart I, Part 590 of this chapter.

(c) *Periodicals.* Subscriptions to newspapers, magazines, periodicals, and other publications may be paid in advance (Act April 27, 1914 (38 Stat. 362; 31 U. S. C. 530)). Subscription charges for newspapers, magazines, and other periodicals for official use of any office under the Government of the United States, or the municipal government of the District of Columbia may be paid in advance from appropriations available when it is proved more economical to take advantage of such subscriptions, notwithstanding, the provisions of section 3648, Revised Statutes (31 U. S. C. 529). (See Act June 12, 1930 (46 Stat. 580; 31 U. S. C. 530) 23 Comp. Gen. 326; 24 id. 163.)

(d) *Change in rental rate.* While no adjustment in rent or other charges is ordinarily authorized in the event of the termination of a tenancy or change in rental rate between rent days where the rental or other charges are payable in advance unless the contract or lease provides otherwise, an apportionment of rent charges is authorized where the Government, as lessor, anticipating its need for possession of a portion of the leased premises between rent days, effects an arrangement, prior to the rent due date, whereby payment of the month's rental is withheld by the lessee subject to later adjustment to conform to the reduced rental which was to become effective upon the surrender of the involved portion of the premises. (See 22 Comp. Gen. 599.)

(e) *License to use patent for its life.* The payment of a lump sum for a license to use a patent for its remaining life (15 years) is not in contravention of the prohibition in section 3648, Revised Statutes, against payment for services in advance of their rendition, and, therefore, there is no legal objection to the purchase of such a license the subject matter of which is reasonably within the objects for which the appropriation to be charged is available during the current fiscal year. (See 22 Comp. Gen. 904.)

(f) *Payment for articles delivered and accepted.* When a supply contract provides for payment "for articles delivered and accepted" and that the contractor shall be responsible for the supplies or materials "until they are actually in the possession of a Government representative at destination," payments thereunder upon the basis of vouchers or invoices supported by evidence of shipment, only, without evidence of arrival of the supplies at destination and without assurance of receipt or acceptance of such supplies by the Government, would be unauthorized. (See 20 Comp. Gen. 230.)

(g) *Payment in advance of delivery of article.* While, under the advance payment prohibition of section 3648, Revised Statutes, payment may not be made for articles in which the United States has acquired no right or interest and from which it derives no benefit, payment may be made for articles in advance of actual delivery if title therein has vested in the Government at the time of payment, or if the articles are impressed with a valid lien in favor of the United States in an amount at least equal to the payment. 15 Comp. Dec. 74, distinguished. (See 20 Comp. Gen. 917 and § 535.8(c).)

§ 535.8 *Partial payments*—(a) *Unnumbered contracts.* Partial payments, not to exceed five in number on any given contract, may be made with respect to partial deliveries under unnumbered contracts, including purchase orders, amounting to less than $5,000 (which provide for single payment), provided that the original signed contract is attached to the first payment voucher. There will be indicated on each payment voucher reference to all preceding payments under the contract showing: name of disbursing officer; period of account; voucher number; and amount paid. (See MS. Comp. Gen. B 45107, April 22, 1952.)

(b) *Under contracts containing partial payments clause.* (1) Partial payments may be made under contracts which contain the partial payments clause prescribed in § 596.150–1 of this chapter. Partial payments on vouchers under contracts containing the partial payments clause may be made without supporting papers or evidence prior to receipt of approval of the General Accounting Office to have such contracts audited locally under the decentralized audit plan, provided the contracting officer, or his duly authorized representative, advises the disbursing officer in writing that application has been made to the General Accounting Office for inclusion of the subject contracts in local audit projects by field units of the General Accounting Office.

(2) Upon receiving a written notification that contracts against which partial payments have been made, as outlined in subparagraph (1) of this paragraph, have in fact been accepted by the General Accounting Office for inclusion in local audit projects of their field units, disbursing officers will notify the contracting officer, or his duly authorized representative, of the amounts paid on the partial payment vouchers and request a written notification be furnished from the local representative of the General Accounting Office that said partial payments will be included in the local decentralized audit plan. Upon receipt of such written notification, payment of the amounts withheld on the partial payment vouchers will be made on certified vouchers without further supporting papers or evidence.

(3) In case the application for inclusion in the decentralized audit plan is not approved by the General Accounting Office, payment of the amounts withheld will not be made unless and until the necessary supporting papers and evidence covering both partial and final payments are furnished.

(c) *Payment in advance of delivery of article.* (1) Where the Government is presently unable to fulfill its obligation under a contract for office equipment by accepting and making final payment therefor, the contract may be modified to provide for the taking of title to the equipment in storage and to permit partial payment, provided the contractor's performance bond surety will consent thereto, and if the modifying instrument provide that the contractor shall be responsible absolutely for the care and protection of the equipment, and that the contractor will remain liable for the fulfillment of the terms and conditions of the original contract. (See 20 Comp. Gen. 917; 28 id. 468.)

(2) While, under the advance payment prohibition of section 3468, Revised Statutes, payment may not be made for articles in which the United States has acquired no right or interest and from which it derives no benefit, payment may be made for articles in advance of actual delivery if title therein has vested in the Government at the time of payment, or if the articles are impressed with a valid lien in favor of the United States in an amount at least equal to the payment. 15 Comp. Dec. 74, distinguished. (See 20 Comp. Gen. 917.)

(d) *Doubtful cases.* Where a disbursing officer is in doubt as to the legality of a portion of the amount covered by a voucher which is before him for payment, only the amount in doubt will be withheld for submission to the Comptroller General or transmission to the General Accounting Office, and payment will be made to the contractor of such portion of the voucher as is not in question. Disbursing officers will consider such vouchers with a view to paying the maximum amount consistent with protection of the interests of the Government.

(e) *Waiver of contractual claims.* Certain cost-plus-a-fixed-fee contracts issued in connection with construction projects require as a condition to final payment that the contractor execute a release of all claims against the Government arising under the contract other than such claims as are specifically excepted from release in stated amounts set forth therein. Contracting officers, however, have been authorized to waive the contractual requirement that claims excepted from the operation of the release be in stated amounts where the claims involved are claims for reimbursement under the contract of payments arising out of any employment by the contractor in connection with the contract work and based on the maximum hour and overtime provisions of the Fair Labor Standards Act or are claims in connection with any proceedings for the enforcement thereof. Disbursing officers will accept such releases, when accepted by the contracting officer, as being in full compliance with the contract provisions, and will make final payment thereagainst when otherwise proper.

§ 535.9 *Unsatisfactory performance*—(a) *Nature*—(1) *Default.* Default is the refusal or the failure of a contractor to carry out the terms of a contract. (See § 406.103–11 of this title.)

(2) *Delay.* Delay is the failure or the refusal of the contractor to furnish supplies or services within the time limit fixed in the contract.

(3) *Unsatisfactory supplies.* Unsatisfactory supplies are supplies which have been inspected and payment has been made for the supplies and then subsequent use or inspection reveals the supplies to be not in accordance with the terms of the contract. (See 8 Comp. Gen. 103.)

(b) *Liquidated damages*—(1) *Definition.* Liquidated damages are defined as the amount, determinable from stipulations in a contract between a contractor and the Government, to be paid to the Government, in lieu of actual damages, as a result of failure or delay by the contractor in complying fully with the contract provisions.

(2) *Contract provision.* Except with the permission of the chief of the technical service concerned (which may be granted with respect to contracts individually or by class), or in accordance with general instructions given by him, no contract shall provide for liquidated damages in the event of default. Where a contract provides for liquidated damages and default takes place, action will be taken as provided in the Armed Services Procurement Regulations, (Subchapter A of this title), promptly on behalf of the Government to enforce any remedies available under the contract. So far as possible, such action will be taken in such manner as will prevent the inequitable accumulation of liquidated damages. (See § 406.105–5 of this title and § 596.105–5 of this chapter.)

(3) *Remission.* Whenever any contract includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the Secretary of the Army is authorized and

empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. (See sec. 6, Act February 19, 1948 (62 Stat. 24; 41 U. S. C. Sup. IV, 155) (§ 596.105–5 (d) of this chapter).)

(4) *Claims for liquidated damages withheld.* Whenever, under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the applicable Reserve for Settlement of Claims account, subject to a determination whether all or part of the amount of liquidated damages withheld is due to the contractor and, if appropriate, the taking of action set forth in subparagraph (5) of this paragraph. Generally, amounts withheld on account of liquidated damages will not again become available for obligation or for payment by disbursing officers and pay protests made by the contractor against the deduction of liquidated damages will be forwarded together with a statement of all payments made, citations to all vouchers, and a detailed statement from the contracting officer, through the Chief of Finance, Washington 25, D. C., Attn: Receipts and Disbursements Division, to the General Accounting Office. However, Reserve for Settlement of Claims established from "No year" or "Available until expended" appropriations may be transferred from the Reserve Account to the account originally charged and treated as unobligated balances available for expenditure when no objection to the deduction for liquidated damages have been raised by the contractor within a period of 2 years or more. (See 16 Comp. Gen. 374.)

(5) *Submission of claims.* (i) Except in those cases where appeals are made to higher authority, under specific contractual provisions, against determinations of fact by contracting officers, the claims or protests of contractors and vendors arising from the deduction of amounts for liquidated damages will be forwarded through the Chief of Finance to the General Accounting Office. The claim or protest will be accompanied by a statement of all payments made, citations to all vouchers, and a detailed statement from the contracting officer, and by citations to the symbols and titles of the appropriations against which funds are reserved for settlement.

(ii) Upon receipt of evidence from the General Accounting Office that a claim has been settled direct or upon payment of a claim by a disbursing officer pursuant to proper authorization by the General Accounting Office, the Chief of Finance will charge the amount of the settlement or payment to the applicable Reserve for Settlement of Claims account.

(c) *Special cases.* (1) Where a contract contains a liquidated damages clause based on the contract price and also contains an offer of discount for prompt payment, the liquidated damages should be deducted on the basis of the gross contract price and without regard to the discount. The discount is likewise to be computed on the gross contract price without regard to the amount of the liquidated damages. (See 18 Comp. Gen. 784.)

(2) Where a contract contains a liquidated damages clause based on the contract price, which price is subsequently modified, and also contains an offer of discount for prompt payment, the liquidated damages and the discount should each be computed on the basis of the modified contract price. (See 18 Comp. Gen. 784.)

(3) Where a contract contains a liquidated damages clause based on the contract price and also contains clause providing for price reduction and for penalties, the liquidated damages should be computed on the price as revised but without regard to any penalties that may be assessed. (See 18 Comp. Gen. 784.)

(4) Liquidated damages need not be deducted for delays resulting from changes in specifications covered by change orders issued in accordance with provisions of standard forms of contracts. The change order should specify the changes, increase or decrease in price, and the number of days added thereby. (See MS. Comp. Gen. A 26558, April 1, 1929.)

(5) Where a contract contains a delay-liquidated damages clause which provides that if the contractor refuses or fails to make delivery of the materials or supplies within the time specified, the contractor shall pay to the Government liquidated damages for each calendar day of delay in making delivery and which gives the Government the additional right to terminate the contract and to purchase similar material or supplies from another source and to charge against the contractor any excess cost occasioned the Government thereby, together with liquidated damages accruing until such time as the Government may reasonably procure similar material or supplies elsewhere, liquidated damages are assessed against the contractor for all deliveries which were due at the time the contract was terminated, as well as with respect to deliveries due to be made under the contract subsequent to the date of termination thereof. (See MS. Comp. Gen. B 86513, May 29, 1951.)

(6) Where a contractor abandons his contract, necessitating the termination thereof by the Government and the subsequent reletting of the uncompleted portion of the work to another contractor, no liquidated damages accrue to the United States after the date of termination in the absence of a provision in the contract that liquidated damages will not cease to accrue at the time of termination. (See 7 Comp. Gen. 409; 11 id. 81; 15 id. 903; 17 id. 503.)

(7) Partial payments, as distinguished from final payment, may be made on periodical progress reports without deduction of liquidated damages for time intervening between the effective date of an order for suspension of work and the effective date of an order to resume work, or delivery of supplies. (See 8 Comp. Gen. 80.)

(d) *Actual damages*—(1) *Provisions in contract.* Whenever under a contract containing provisions for actual damages the contracting officer determines that the failure to complete the contract within the specified time did not result in any actual damage to the Government, the provisions of subparagraph (2)(iv) of this paragraph will apply.

(2) *No provisions in contract.* (i) Where no specific provision is made in a contract for either liquidated or actual damages, the contractor is, upon failure to complete the contract within the specified time, chargeable with all expenses caused the Government by the delay as actual damages, unless the delay is excusable under the provisions of the contract or under statutory provisions. (See sec. 301, Act March 27, 1942 (56 Stat. 177; 50 U. S. C. App 633).)

(ii) Where there has been delay in performance under a contract which does not contain a provision for damages, the contracting officer will determine whether or not the delay resulted in actual damage to the Government.

(iii) In cases where the contracting officer has determined that the delay resulted in actual damage to the Government, the contracting officer will furnish for the file with the voucher a statement of damage resulting from the delay.

(iv) In cases where the contracting officer has determined that the delay did not result in actual damage, the contracting officer will not be required to furnish a certificate to that effect, except as hereinafter provided. In all cases where the voucher is not accompanied by a statement as to damages, it will be assumed that the contracting officer has determined that no actual damage resulted or that the contractor was not responsible for the delay, and the disbursing officer will make full payment of the voucher, if otherwise correct. If in any such case the General Accounting Office should, after payment of the voucher, request a certificate, the contracting officer will prepare and furnish a certificate that the delay did not result in any actual damage to the Government.

(e) *Disposition of amounts collected because of contractor's default or unsatisfactory supplies*—(1) *Default.* Amounts collected on account of actual damages or excess costs charged to defaulting contractors will be credited to "Miscellaneous Receipts." (See MS. Comp. Gen. A 26073, March 20, 1929; August 8, 1929; 10 Comp. Gen. 510.)

(2) *Unsatisfactory supplies.* Amounts refunded because of the rejection of unsatisfactory supplies will be credited to the appropriations from which the original payments were made. (See 8 Comp. Gen. 103.)

(f) *Set-offs.* The Government always has the right to set-off against an amount due to a claimant any sum the claimant owes the Government, either under the same or other contracts or obligations. (Barry v. U. S., 229 U. S. 47; 37 Op. Atty. Gen. 215; 7 Comp. Gen. 186; 18 id. 524.) The right of set-off does not apply to unliquidated demands, but the Government has the equitable right to withhold payment of moneys due under one contract to a contractor who is in default under another contract

until his indebtedness thereunder can be liquidated (7 Comp. Dec. 213). Where a contract so provides, payment to an assignee shall not be subject to reduction or set-off for any indebtedness of the assignor arising independently of the assigned contract. (See 31 Comp. Gen. 90.)

§ 535.9a *Miscellaneous special cases*—(a) *Indefinite quantities and unlimited amounts.* It has been stated that contracts for indefinite quantities are invalid. This is merely the statement of the general legal principle that the undertakings of the parties to a contract must be sufficiently definite to be capable of enforcement. Thus in 14 Comp. Gen. 446, is was stated that one of the first and most important requisites of a valid contract is that the terms thereof shall be certain, definite, and specific and that, while it may not be possible to determine definitely the quantities which may be required under certain conditions, there appears no reason why there should not be an estimated quantity specified with a variance of 10, 20, or 25 percent. It has also been stated that contracts purporting to obligate the Government to pay unlimited amounts are not authorized. This statement reflects the principle that, with certain exceptions, no contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment (R. S. 3732; 41 U. S. C. 11); whereas an obligation involving payment of an unlimited amount might exceed the appropriation. (15 Comp. Dec. 405, 407; 5 Comp. Gen. 450, 454.) The obligation of funds in advance of or in excess of available appropriation is prohibited. (R. S. 3679; sec. 1211, Act September 6, 1950 (64 Stat. 765; 31 U. S. C. Sup. IV, 665)). These principles do not invalidate the so-called "indefinite quantity contracts" under which the contractor undertakes to furnish all of the actual requirements of a Government agency for a particular item and the Government agency in turn agrees to purchase from the contractor all of its requirements of that item during the specified period. (19 Comp. Gen. 599.) Likewise, these principles do not affect the validity of cost-plus-a-fixed-fee contracts authorized by law, pursuant to which a contractor agrees to deliver a specified quantity of items or to perform a specified service, and to pay an undetermined amount to be computed by adding to the fixed fee the actual cost incurred.

(b) *Rates effective "until further notice."* In the absence of competition there is no objection to entering into agreements for public utilities services at stipulated rates "until further notice," without necessity for new agreements or annual renewals except to cover changes in rates or services. Unless the interests of the Government require otherwise in a particular case, the original agreements and all changes will be filed in the General Accounting Office and the vouchers will cite the agreement involved and bear a statement by a responsible officer of the public utility concerned as to the rates charged. Payment may not be made for service in an amount stipulated in a substitute agreement which is in excess of the rate stated in the original contract, effective "until further notice," prior to the date of actual receipt of the substitute agreement by the proper administrative representative of the Government. (See 15 Comp. Gen. 920; MS. Comp. Gen. A 65231, December 15, 1936.)

(c) *Customs duties on foreign purchases*—(1) *Duty free purchases.* The Act June 30, 1914 (38 Stat. 399; 34 U. S. C. 568) authorized the Secretary of the Navy to make emergency purchases of war material abroad and provided that the same shall be admitted free of duty. By Executive Order 9177, May 30, 1942 (3 CFR 1943 Cum. Supp.), this authority was extended to the Secretary of the Army and others.

(2) *Payment of customs duties.* Where the importation is not duty free, the amount of the customs duty is properly chargeable to the same appropriation as the purchase, notwithstanding the fact that the importation and the purchase are in different fiscal years. (See 26 Comp. Dec. 610.)

(3) *Philippine export tax.* No export tax shall be imposed or collected by the Philippines or the United States on articles exported to or from one another.

(d) *No valid contract.*—(1) *Approval of contract.* If approval of a contract by any officer or official of the Army Establishment other than the contracting officer is required, the "Approval of Contract" clause set forth in § 406.105–2 of this title will be included, all changes and deletions will have been made before such approval is requested, and the contract will not be valid until such approval has been obtained. (See § 590.604–13 of this chapter.)

(2) *Lost contract.* Where a contract properly executed has been lost, its contents may be proved by the production of the original proposal, a certified copy of its acceptance, and an unsigned copy of the contract, so as to authorize payment at the contract rates for supplies which have been actually delivered. (See 4 Comp. Dec. 82.)

(3) *Informally executed agreements.* When payment has been made and accepted under an agreement shown to be reasonable, but informally executed, the transaction is complete and both parties are bound thereby. (See 24 Comp. Dec. 226.)

(4) *Quantum meruit.* (i) Accounts covering supplies furnished or services rendered before the making of a contract, without a valid contract, or where otherwise settlement is on a quantum meruit basis, should be transmitted to the Chief of Finance for processing under section 17 of the Contract Settlement Act of 1944 or for transmission to the General Accounting Office (M. S. Comp. Dec. A. D. 4997, 6 August 1920). For exception see subdivision (iv) of this subparagraph.

(ii) The agreed price, if any, is prima facie but not conclusive evidence as to the correct price. (See 8 Comp. Dec. 526; 20 id. 437.)

(iii) Where a military order commandeered labor and property upon the terms and with compensation as set forth therein, and the parties to whom the order was directed could not have refused to obey it, the Government is liable on an implied contract to pay them on a quantum meruit basis the value of the labor material, supplies and equipment furnished thereunder. Such agreement may not be considered a contract within the meaning of that word, as used in statutes prohibiting the procurement of supplies of labor under contracts on a cost-plus-a-percentage-of-cost basis. However, in support of reimbursement vouchers, there should be furnished such evidence as will satisfactorily establish that the labor and materials involved were actually furnished pursuant to orders, and, where reimbursement is to be made for the actual cost thereof, evidence that the amounts claimed have actually been paid. (See MS. Comp. Gen. B 36873, October 16, 1943.)

(iv) Notwithstanding the provisions of subdivision (i) of this subparagraph a cost-plus-a-fixed-fee contractor may be reimbursed for proper expenses which were not included in the fixed fee and which were incurred in connection with expediting performance of work under the contract prior to its formal execution, but after verbal notification that the contract would be awarded. (See 21 Comp. Gen. 462.)

(5) *Informal commitments.* Informal commitments will be entered into under the circumstances only as authorized by § 590.909–1 (c) of this title, and pursuant to the instructions of the head of a procuring activity. Informal commitments will not be entered into for specific amounts. The basis of payment will be "fair compensation" as approved by the appropriate approving authority, depending upon the amount involved. (See § 592.409 of this title.)

(e) *Penalty for nonpayment.* The United States is liable under an implied contract for the payment of a penalty prescribed by a city ordinance to be added to delinquent water rents for their nonpayment within a prescribed time when it takes the water from the city while such an ordinance is in force and is delinquent in paying therefor. (See 12 Comp. Dec. 640.)

(f) *Postal charges.* Where a procuring instrument provides for payment by the Government of transportation charges and the vendor is directed by proper authority, either in the procuring instrument or by separate instructions, to ship via parcel post, postal charges are reimbursable and will be included in the vendor's invoice as a separate item. The vendor's certificate on the invoice will be accepted as sufficient evidence of the correctness of such charges and it will not be required that any additional certificate or other supporting evidence, such as verification by weight or postal zone, be furnished.

(g) *Subsistence claims.* Claims received from railroad companies and others concerned covering incidental expenses of subsistence incured by troops while en route, where reimbursement by train commanders is impossible because the organizations have departed for oversea destinations, will be forwarded to the Chief of Finance, Washington 25, D. C., Attn: Receipts and Disbursements Division.

(h) *Withholding final payment due to Notices of Exceptions.* The fact that Notices of Exceptions are outstanding which can be cleared by furnishing certain information or supporting papers, or that the General Accounting Office has not audited prior payments, is no reason for withholding subsequent or final payments, and such action should in no instances be taken when it is apparent that the Notices of Exceptions can be cleared or there are other current contracts in existence with the contractor involved from which recoupment can be made in case the Notices of Exceptions finally result in disallowances by the General Accounting Office.

(i) *Guarantee deposits.* (1) Checks of contractors representing guarantee deposits of bidders submitted in lieu of performance bonds will, upon award of the contract or as soon thereafter as is practicable, be disposed of as follows:

(i) The deposit of the successful bidder will be turned over to the local disbursing officer who will receipt therefor and place it in a deposit account, until the transaction is completed, whereupon the amount of the deposit will be credited to the last payment or refunded by the disbursing officer by use of a Standard Form 1049 (Public Voucher for Refunds).

(ii) Where, upon a contractor's default and after readvertisement for bids, the Government elected to have the work performed on a basis entirely different than that contemplated under the original contract because the only bid received upon readvertisement was considered excessive, the defaulted contractor is liable to the Government for any damages arising out of the breach, representing the difference between the original contract price and the reasonable cost of completing the work as originally specified, together with the cost incurred by the readvertisement for bids and such other administrative expenses as may be directly attributed to the default.

(2) In the absence of express or clearly implied stipulation to the contrary, a deposit to secure faithful performance of a Government contract is regarded merely as a guarantee against such loss or damage as is actually occasioned the Government by breach of the contract, rather than as a liquidation in advance of the damages which might result from the contractor's default so that a breach of the contract does not of itself give the Government an absolute right to the amount deposited; but the Government may exercise its common-law right to retain and resort to such deposit for application or set-off against damages resulting from default.

(3) An election by the Government, upon a contractor's default, to have the work performed on an entirely different basis than that contemplated under a defaulted contract, due to the fact that the only replacement bid received appeared excessive, does not relieve the contractor from liability for damages. It may be taken as an indication that the reasonable cost of completing the work as originally specified would have been in excess of the contract price at least to the extent of the defaulting contractor's deposit to secure faithful performance, and, therefore, refund of the deposits is not authorized. (See 23 Comp. Gen. 234.)

(4) Deposits of unsuccessful bidders will be returned by the contracting officer when the award is made.

(j) *Rights in sureties.* Settlement with the contractor and surety will be made by the General Accounting Office in accordance with the following. A surety which completes work under a contract on which it is surety is subrogated to the rights of the contractor against the Government for the unpaid balance due from the United States on that contract and also to the rights of the Government against the contractor for the excess cost of completing the work or furnishing the materials and supplies and therefore, the surety is entitled to be paid by the Government the cost to the surety of completing the work but no profit. The contractor is entitled to be paid for work performed by it, if any funds are available for such payment after reimbursing the surety. The total payment by the Government must not exceed the contract price. It is the practice to require releases from the contractor and the surety. Payment into court of the balance should not be made. The amount remaining due may be paid to the assignee of a receiver where the court orders the receiver to accept the assignee's offer to complete the work in consideration of receiving all the payments and retained percentages due. (See 16 Comp. Dec. 351; id. 490; 26 id. 467; 3 Comp. Gen. 623; 5 id. 995; 8 id. 36; id. 58; id. 266; id. 318; id. 435; 14 id. 567.)

(k) *Payments due deceased or incompetent creditors*—(1) *Deceased.* All claims for amounts due accounts of individual deceased creditors of the United States, except military personnel and civilian officers and employees, will be made on Standard Form 1055 (Claim Against the United States for Amounts Due in the Case of a Deceased Creditor). Claims to be submitted on such form are for direct settlement by the General Accounting Office and will include, among other things, payment due deceased contractors and other public creditors for supplies furnished or services rendered. Claim for payment of Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of such public creditors, which cannot be paid because of the death of the payee, will also be stated on the newly revised claim form. (See General Regulations 104—Revised.)

(2) *Incompetent.* No form is prescribed for use of guardians or committees of estates of minors or incompetents in making claim for sums due from the United States. However, an application setting forth the entitlement of the minor or incompetent to sums due from the Government, giving the name of the department and bureau, establishment, or agency, must be submitted by the guardian or committee over his or her signature and address accompanied by a short certificate of the court showing the appointment and qualifications of the claimant as guardian or committee. All Government checks drawn on the Treasurer of the United States or other authorized Government depositary to the order of individuals, which cannot be paid because of the incompetency of the payee, should accompany the claim. Applications for subsequently recurring payments need not be accompanied by an additional certificate of the court, but must be supported by a statement that the appointment is still in full force and effect. Where the total amount due the estate of the minor or incompetent is small, and no guardian or committee of the estate has been or will be appointed, payment may be made, in the discretion of the Comptroller General, to the person, or persons, having care or custody of the minor or incompetent, or to close relatives who will hold the amount for the use and benefit of the minor or incompetent. (See General Regulations 104—Revised.)

§ 535.9b *Adjustments*—(a) *Mistakes in contract price.* Where a contractor claims payment in addition to the contract price on the ground that a mistake was made in the contract price, consideration may be given to whether the contract should be amended in accordance with the procedure outlined in § 591.405 and Subpart I, of this chapter and Part 590 of this chapter. In the event that the contract is amended in accordance therewith, payment will be made in accordance with the contract as amended. Otherwise, only the price specified in the contract will be paid and the contractor will be advised to present to the General Accounting Office any protests he may have in connection with the settlement as made.

(b) *Contract provisions for price adjustment.* Where contracts contain price escalation or price redetermination clauses, payment will be made in accordance with the terms thereof.

(c) *Inferior goods.* Varying contract provisions are found dealing with goods which do not conform to specifications but are, nevertheless, retained and used by the Government. For instance, certain quartermaster contracts dealing with canned foods provide for deductions from the contract price and for cash reimbursement, in lieu of the right to reject and require replacement of defective cans. Other contracts provide that if public necessity requires use of rejected goods not conforming to specifications, payment therefor shall be made at a proper reduction in price. Payment for rejected goods so retained and used has usually been on the basis of their reasonable value as distinguished from the contract price. (See Barry v. United States, 229 U. S. 47; Corr & Sons v. United States, 55 Ct. Cl. 7; 5 Comp. Gen. 993.) Where contract terms provide for payment of a lesser amount in the event that inferior goods are accepted under proper authority, payment may be made by disbursing officer on the basis of the determination of the contracting officer without reference to the Chief of Finance, provided there is received by the disbursing officer an invoice certified by the contractor in the reduced amount covering the inferior goods. In all cases where inferior goods are accepted at reduced prices, and the covering contract does not provide for such acceptance, the disbursing officer will submit the voucher for such reduced payment to the Chief of Finance for consideration.

(d) *Violations of the 8-hour law*—(1) *Disposition of amounts collected.* Amounts withheld from a contractor as a penalty for violation of the 8-hour law of June 19, 1912 (37 Stat. 137; 40 U. S. C. 324), as amended, are moneys collected for the use of the United States as specifically provided in said law, and, accordingly, are for depositing and covering into the Treasury as miscellaneous receipts as provided by sections 3617 and 3618, Revised Statutes. Such amounts, however, may be permitted to remain to the credit of the appropriation involved until such time as the right of appeal to the head of the department, as provided in the act of June 19, 1912, as amended, has expired (6 months), or until final action on such appeal in case same is duly filed. (See 10 Comp. Gen. 504.)

(2) *Suspension of law.* Because of the national emergency, Congress provided in section 5b, Act June 28, 1940 (54 Stat. 679; 50 U. S. C. App. 1155), that the provisions of the 8-hour law should be suspended for work covered by Army, Navy and Coast Guard contracts. Section 303, Act September 9, 1940 (54 Stat. 884; 40 U. S. C. 325a), provided that work in excess of 8 hours a day is now permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. The effect of this latest statute is to reinstate the provisions of the act of 1912, and to provide a statutory waiver thereof where time and one-half is paid, Hence, if the contractor fails to pay such extra compensation, he still violates the 1912 statute and is subject to its penalties. (See 20 Comp. Gen. 233; id. 890; 21 id. 1110.)

(e) *Adjustments after final payment.* Supplemental payment to a contractor may be made after the final settlement voucher has been paid where it is clear from the facts in the case, in which both the contractor and the contracting officer concur, that the voucher previously marked "Final Payment" was so marked through error. The supplemental voucher will be marked "Final Payment," with appropriate citation to the previous so-called final payment voucher, and will have attached thereto, in addition to other required supporting papers, the complete file of correspondence or other papers substantiating the facts. The supplemental final voucher will also contain the certificate "No release has been had from the contractor."

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10085; Filed, Sept. 16, 1952; 8:45 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued:

1. Paragraph (g) of § 590.354–4 is added as follows:

§ 590.354–4 *Action by purchasing offices.* * * *

(g) The policy governing the relations between the Department of Defense and the Small Defense Plants Administration stipulates that competition and wide-spread publicity will be used to the fullest extent practicable with respect to proposed procurements under joint determinations (joint determinations by assigned representatives of the Small Defense Plants Administration and the contracting office to earmark all or part of a specific procurement for exclusive participation by small business concerns) as provided for in section 714 (f) (2) of the Defense Production Act, as amended. The Department of Commerce will publish information with respect to procurements under joint determination under a separate heading in the daily Synopsis. Therefore, in transmitting procurement information to the Department of Commerce for inclusion in the daily Synopsis, a separate transmittal will be made on those procurements which are under joint determination, and the transmittal will clearly state that "the proposed procurement(s) listed herein is (are) under joint determination."

2. Section 590.606–8 is amended by changing paragraph (a) (3) and adding a new paragraph (e) as follows:

§ 590.606–8 *Distribution of procurement contracts to the Army Audit Agency.* (a) * * *

(3) Three copies of all letter contracts and fixed-price contracts which provide for price redetermination, price escalation, advance payments, or partial payments; also three copies of all changes, amendments, and supplements to such contracts.

* * * * *

(e) For contracts involving industrial property as defined in paragraph 104.4, appendix B, ASPR (Appendix B, Part 413 of this title), contracting officers will furnish to the regional auditor, Army Audit Agency, having property audit responsibility, a letter of notification showing contract number, name, and address of contractor, address of office administering the contract, and location of the property records. Notifications may be consolidated and furnished weekly or monthly, depending upon volume, but separate letters will be furnished for each location of records. Special arrangements may be made between a purchasing office and the Army Audit Agency in the furnishing of this information.

3. Section 591.102 is amended by adding at the end of paragraph (a) thereof the following sentence: "However, as to procurement in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j)."

4. Section 591.201 (j) is added as follows:

§ 591.201 *Preparation of forms.* * * *

(j) *Standardization of equipment and interchangeability of parts.* All invitations for bids which contemplate negotiation of future procurements of the same equipment with the successful bidder in the interest of standardization of equipment and interchangeability of parts (see §§ 592.201–592.201–2 and 592.213–592.213–3 of this subchapter) will contain the following additional special provision in the Schedule or on an attached continuation sheet:

STANDARDIZATION OF EQUIPMENT AND INTERCHANGEABILITY OF PARTS

(a) The bidder is hereby given notice that this procurement contemplates the negotiation of future procurements of the same equipment from the successful bidder, to assure standardization of equipment and interchangeability of parts.

(b) In the event that, after execution of the contract for equipment specified herein, a final determination is made as to the necessity for standardization, the price developed as a result of this procurement will be used as a basis in negotiating subsequent contracts. Such subsequent contracts will contain mutual price protection in the form of standard escalation clauses covering labor and material, OPS ceiling price statement, and equal to best price to any customer warranty.

(c) The foregoing statements will not be construed as a commitment on the part of the Government to later standardize the equipment or subsequently to negotiate with the successful supplier for future requirements of the same or similar equipment.

5. Section 592.213–2 is amended by adding at the end thereof the following sentence: "In the case of formal advertising contemplating subsequent negotiation of procurements of the same equipment from the successful bidder in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j) of this subchapter."

6. Section 602.805 is amended by changing paragraph (a) and adding a new paragraph (h) as follows:

§ 602.805 *General.* (a) The authority to authorize exceptions is delegated to Heads of Procuring Activities with power of redelegation to the chiefs of field purchasing offices, the acting chiefs of field purchasing offices, or alternates for the chiefs of field purchasing offices, selected personally by Heads of Procuring Activities. Class or group exceptions are not authorized. Each exception must relate to a specific contract, specific invitation for bids, or specific request for proposals, and be covered by a suitable change in the contract clause.

* * * * *

(h) Property shipped out for repair with no parts or material furnished and/or no significant scrap resulting therefrom, may be accounted for as a suspense item in the Military Property Account from which shipped. Account-

ing for property under appendix B, ASPR (Appendix B, Part 413 of this title), is not required of contractors covering property shipped out for repair under § 596.150–5 of this subchapter.

[Proc. Cir. 16, Aug. 26, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–10119; Filed, Sept. 16, 1952; 8:51 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Regulations Under the 1948 Act

PART 1421—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

PART 1423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

CORRECTIONS

The following corrections are hereby made in the amendments to Parts 1421 and 1423 as published in the issue of August 8, 1952 (17 F. R. 7218):

1. In §§ 1421.131, 1421.132 and 1421.133, the references to §§ 1428.824, 1428.825 and 1428.826 are changed to read §§ 1428.825, 1428.826 and 1428.827, respectively.

2. In § 1423.331–1 (e), the word "not" is inserted between the word "shall" and the words "be deemed."

(Sec. 3 (f), 62 Stat. 258; 50 U. S. C. App. 1193)

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52–10124; Filed, Sept. 16, 1952; 8:52 a. m.]

PART 1422—PROCEDURE FOR RENEGOTIATION

PLACE FOR FILING

Section 1422.245–3 *Place for filing* is amended by deleting the list contained in paragraph (a) and inserting in lieu thereof the following:

Boston Regional Renegotiation Board, 140 Federal Street, Boston 10, Mass.

Chicago Regional Renegotiation Board, U. S. Courthouse, 219 South Clark Street, Chicago 4, Ill.

Detroit Regional Renegotiation Board, David Broderick Tower Building, 10 Witherell Street, Detroit 26, Mich.

Los Angeles Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

New York Regional Renegotiation Board, John Wanamaker Building, 70 East Tenth Street, New York 3, N. Y.

Washington Regional Renegotiation Board, Rizik Building, 1737 L Street NW., Washington 25, D. C.

(Sec. 3 (f), 62 Stat. 258; 50 U. S. C. App. 1193)

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman, the Renegotiation Board.

[F. R. Doc. 52–10122; Filed, Sept. 16, 1952; 8:52 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1472—CONDUCT OF RENEGOTIATION

MISCELLANEOUS AMENDMENTS

1. Section 1452.1(b) *Executive orders* is amended by adding a new subparagraph (4) to read as follows:

(4) On June 30, 1952, the President issued the following Executive Order 10369 (17 F. R. 5932):

By virtue of the authority vested in me by the Renegotiation Act of 1951, 65 Stat. 7, hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

SECTION 1. The Bureau of Reclamation, which exercises functions having a direct and immediate connection with the national defense, is hereby designated, pursuant to section 103 (a) of the Act, as an agency of the Government included within the definition of the term "Department" for the purposes of Title I of the Act.

SEC. 2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Bureau of Reclamation, and related subcontracts, to the extent of the amounts received or accrued on or after the first day of July 1952, whether such contracts or subcontracts were made on, before, or after that date.

2. Section 1452.2 *Application of the act to prime contracts* is amended by adding at the end thereof the following:

July 1, 1952:
Bureau of Reclamation.

3. Section 1453.5 (b) *Exemptions* is amended by inserting the word "prime" before the word "contracts" in the first sentence, and by adding a new subparagraph (16) to read as follows:

(16) *Bureau of Reclamation.* All contracts to the extent that they obligate funds of the Bureau of Reclamation, except contracts entered into after June 30, 1950 (i) for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy, and (ii) for materials required for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy.

4. Section 1455.3 (b) (2) *Real estate contracts* is amended by deleting the word "Contracts" in the first sentence and inserting in lieu thereof the words "Prime contracts", and by deleting subdivision (i) in its entirety.

5. Section 1472.5 (d) *Place for filing* is amended by deleting the list contained in subparagraph (1) and inserting in lieu thereof the following:

Boston Regional Renegotiation Board, 140 Federal Street, Boston 10, Mass.

Chicago Regional Renegotiation Board, U. S. Courthouse, 219 South Clark Street, Chicago 4, Ill.

Detroit Regional Renegotiation Board, David Broderick Tower Building, 10 Witherell Street, Detroit 26, Mich.

Los Angeles Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

New York Regional Renegotiation Board, John Wanamaker Building, 70 East Tenth Street, New York 3, N. Y.

Washington Regional Renegotiation Board, Rizik Building, 1737 L Street NW., Washington 25, D. C.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52–10127; Filed, Sept. 16, 1952; 8:53 a. m.]

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

SELLING AND ADVERTISING EXPENSES

Section 1459.7 (b) (2) is amended by adding a new subdivision (iii) to read as follows:

(iii) When a prime contractor sells materials with brand names or of a proprietary nature to a Department for free issue by such Department to government personnel, and the Board is satisfied that the quantities purchased by the Department are determined in general by the preference of the ultimate consumers, advertising expense will be allocated to the renegotiable business of such prime contractor in such proportion as the Board determines to be reasonable.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52–10123; Filed, Sept. 16, 1952; 8:53 a. m.]

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

MISCELLANEOUS PROVISIONS APPLICABLE TO CONSOLIDATED RENEGOTIATION

Section 1464.7 (a) is amended by deleting the last sentence and inserting in lieu thereof the following: "The Board may grant requests filed after that date if no inconvenience to the Board will result."

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52–10125; Filed, Sept. 16, 1952; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

TAMPA BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.193 (a) (1) is hereby amended to provide for the relocation of an existing explosives anchorage area, east of Mullet Key, in Tampa Bay, as follows:

§ 202.193 *Tampa Bay, Fla.*—(a) *The anchorage grounds*—(1) *Explosives anchorage east of Mullet Key.* A rectangular area in Tampa Bay approximately 4,459 yards long and 1,419 yards wide, beginning at latitude 27°38′30″, longitude 82°39′09″, and extending northeasterly to latitude 27°39′48″, longitude 82°37′15″; thence southeasterly to latitude 27°39′17″, longitude 82°36′46″; thence southwesterly to latitude 27°37′52″, longitude 82°38′38″; thence northwesterly to the point of beginning.

* * * * *

[Regs. Aug. 27, 1952, 800.2121–ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–10120; Filed, Sept. 16, 1952; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

ADVANCE OF FUNDS FOR COOPERATIVE WORK

Pursuant to the authority vested in the Secretary of Agriculture Part 211 is amended by adding thereto a new § 211.5 as follows:

§ 211.5 *Advance of funds for cooperative work.* Funds made available for research for which the Forest Service is responsible may be advanced, when advancements are authorized by law, as a cooperative aid to individuals and public and private agencies, organizations, and institutions when in the judgment of the Chief, Forest Service, or such Directors of Forest Experiment Stations, and the Forest Products Laboratory, as he may designate, such action will stimulate or facilitate cooperative research.

(R. S. 161, 30 Stat. 35, as amended; 5 U. S. C. 22, 16 U. S. C. 551. Interpret or apply Pub. Law 451, 82d Cong.)

Done at Washington, D. C., this 12th day of September 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–10139; Filed, Sept. 16, 1952; 8:58 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRITION OF DOMESTIC MAIL MATTER

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NATURALIZATION MATTER; AUSTRALIA AND INDONESIA

1. In § 58.12 *Free registration of official matter*, amend paragraph (d) to read as follows:

(d) *Naturalization matter.* All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the [Immigration and Naturalization Service] by clerks of [State or Federal] courts addressed to the Department of Justice or the [Immigration and Naturalization Service], or any official thereof, and endorsed "Official Business" should be transmitted free by registered mail without fee, and so marked. (Sec. 343, 54 Stat. 1163, 66 Stat. 163; 8 U. S. C. 743.)

2. a. The order amending § 127.209 *Australia*, (17 F. R. 7494) in which subdivisions "(vii)" and "(viii)" were added to paragraph (b) (6) is amended by redesignating subdivisions (vii) and (viii) as (v) and (vi), respectively.

b. The order amending § 127.278a *Indonesia*, (17 F. R. 6595) in which "(c)" was added to subdivision (iv) of paragraph (b) (6), is amended by redesignating the "(c)" as "(b)".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52–10104; Filed, Sept. 16, 1952; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 863]

NEBRASKA

REVOKING PUBLIC LAND ORDER 189 OF OCTOBER 30, 1943, ESTABLISHING BOX BUTTE NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Public Land Order No. 189 of October 30, 1943, which reserved and set apart all lands and waters acquired or to be acquired by the United States within the following-described area in Dawes County, Nebraska, for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife, to be known as the Box Butte National Wildlife Refuge, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 49 W.,
Sec. 20, that part of the SE¼ lying below the reservoir contour;
Sec. 28;
Sec. 29, that part lying below the reservoir contour;
Sec. 30, lots 2 and 3, SE¼NW¼, and those parts of lot 4, NE¼, E½SW¼, and SE¼ lying below the reservoir contour;
Sec. 32, those parts of the NE¼NE¼ and N½NW¼ lying below the reservoir contour;
Sec. 33, those parts of the NW¼NE¼, NW¼, and NW¼SW¼ within the following-described boundaries: Beginning at a point on the north boundary of sec. 33, 3,000 feet east of the northwest corner; S. 45°00′ W., 4,243 feet to a point on the west boundary of the section; North, 3,000 feet to the northwest corner; East, 3,000 feet to the place of beginning.
Sec. 33, that part of the NE¼NE¼ within the following-described boundaries: Beginning at the northeast corner of sec. 33, thence South, 290 feet; N. 45°00′ W., 440 feet to a point on the north boundary of sec. 33; East 290 feet to the place of beginning.
T. 29 N., R. 50 W.,
Sec. 25, N½SW¼ and that part of the N½ lying south of the line described as follows: Beginning at a point on the east boundary of sec. 25, 1,586 feet south of the northeast corner N. 82°57′ W., 463.0 feet; S. 22°57′ W., 576.0 feet; N. 61°44′ W., 2,313.6 feet; S. 82°35′ W., 953.8 feet; S. 1°58′ W., 642.7 feet; N. 87°18′ W., 953.0 feet; S. 70°28′ W., 769.3 feet, to a point on the west boundary of sec. 25, 1,763 feet south of the northwest corner;
Sec. 25, those parts of the SW¼SW¼ and SE¼ lying below the reservoir contour;
Sec. 26, that part within the following-described boundary: Beginning at a point on the east boundary of sec. 26, 520 feet north of the southeast corner; N. 71°16′ W., 878.4 feet; N. 59°38′ W., 1,154.0 feet; S. 72°50′ W., 658.1 feet; N. 72°50′ W., 347.7 feet; N. 25°17′ W., 2,189.2 feet; N. 53°13′ E., 807.0 feet; S. 64°52′ E., 1,122.0 feet; S. 9°55′ E., 412.0 feet; S. 89°41′ E., 893.0 feet; N. 44°11′ E., 499.0

feet; N. 70°28′ E., 795.5 feet, to a point on the east boundary of sec. 26, 1,763 feet south of the northeast corner, South 2,973.1 feet, to the place of beginning.

The tract as shown upon Bureau of Reclamation map of Mirage Flats Project, Nebraska, Box Butte Reservoir Right-of-Way Map MF-2-8, dated August 24, 1942, contains approximately 2,210 acres. The reservoir contour referred to herein is at an elevation of 4,012 feet above sea level.

The lands described have been acquired or are to be acquired for irrigation and other incidental purposes in connection with the construction, operation, and maintenance of the Box Butte Reservoir of the Mirage Flats Project.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10098; Filed, Sept. 16, 1952; 8:48 a. m.]

[Public Land Order 864]

ARIZONA

REVOCATION OF EXECUTIVE ORDER 1537 OF MAY 28, 1912, AND FOREST-HOMESTEAD ORDER OF MAY 19, 1908

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) and the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506-509) it is ordered as follows:

Executive Order No. 1537 of May 28, 1912, reserving the following-described tract of public land in Arizona for use by the Forest Service, Department of Agriculture, as the Roosevelt Annex Administrative Site in connection with the administration of the Coronado National Forest, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 23 S., R. 18 E.,
A tract of land in secs. 26, 34, and 35 described as follows: Beginning at a point from which the corner common to Sections 2, 3, 34, and 35, Townships 23 and 24 South, Range 18 East, bears S. 22° W. 73.08 chains; thence, N. 34°30′ W. 20 chains; S. 55°30′ W. 60 chains; S. 19°45′ E. 20 chains; N. 55°30′ E. 53 chains; N. 60°00′ E. 11.70 chains to the point of beginning. This survey was run on a variation of 12°30′ E.

The tract as described contains 124.7 acres, within the Coronado National Forest.

Subject to any intervening adverse claims, the order of the First Assistant Secretary of the Interior of May 19, 1908, opening certain lands within a national forest in Arizona to entry under the said act of June 11, 1906, is hereby revoked so far as it affects the above-described land (List 1146).

This order shall become effective at 10:00 a. m. on the 35th day after the date of this order. At that time the land shall become subject to such disposition as may by law be made of national-forest lands.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

SEPTEMBER 11, 1952.

[F. R. Doc. 52-10099; Filed, Sept. 16, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For amendment of § 17.3 by the deletion of the Box Butte National Wildlife Refuge from the tabulation contained therein, see Public Land Order 863 in the Appendix to Title 43, Chapter I, *supra*, revoking Public Land Order No. 189 of October 30, 1943, which established the said wildlife refuge.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

APPLICATION FOR STATION LICENSE WHERE NO CONSTRUCTION PERMIT IS REQUIRED; FORM 481

In the matters of revision of FCC Form 340, adoption of FCC Forms 341 and 342, amendment of the Commission's rules and regulations concerning the use of FCC Forms 340, 341 and 342.

On July 30, 1952, the Commission adopted an order revising FCC Form 340, adopting FCC Forms 341 and 342 and revising various sections of the Commission's rules and regulations (FCC 52-818). Subparagraph (13) of § 1.318 (b) should have been redesignated as subparagraph (14), but was inadvertently omitted.

Accordingly, it is ordered, That § 1.318 (b) is amended by redesignating present subparagraph (13) as subparagraph (14).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10140; Filed, Sept. 16, 1952; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

SURPLUS OUTLETS

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9, regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER, except that if the 10th day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to the provisions of § 909.101 (c) of the aforesaid marketing agreement and order, the Almond Control Board, the administrative agency thereunder, has transmitted to the Department its unanimous finding that diced almonds, sliced almonds, and slivered almonds, packed in hermetically sealed tin or glass containers of 8 ounces or less net contents, are noncompetitive with existing normal markets for almonds and has resolved that they be designated as outlets for surplus almonds.

The Board has submitted definitions contained herein for such packs of almonds. It states that almonds purchased for household use are largely used as kernels, and that the quantity which is chopped, or sliced, by household users is negligible. For some years diced, sliced, and slivered almonds have been used by the bakery, confectionery, and ice cream industries. These types of almonds for such use are generally packed in containers of 5 pounds, 25 pounds, and 100 pounds, net weight. The Board believes that the relatively high cost of packing diced, sliced, or slivered almonds, in small containers as herein proposed, would preclude the use of these small packs by the manufacturing industries now using these types of processed almonds. The Board believes that the designation of the packs of almonds herein specified as outlets for surplus will develop such outlets, particularly for household use in preparation of foods, and will result in increased consumption of almonds with consequent benefits to the industry.

Therefore, after consideration of the Almond Control Board's finding, resolution, and information submitted, such proposed administrative rule is as follows:

§ 909.401 *Additional outlets for surplus almonds.* Diced almonds, sliced almonds, and slivered almonds, as defined in this section, packed in hermetically sealed tin or glass containers of net contents not in excess 8 ounces, are hereby designated as approved outlets for surplus almonds.

(a) "Diced almonds" means fairly uniform pieces of shelled almonds. Not more than 5 percent by weight of the diced almonds shall be too large to pass through a round opening $^{19}/_{32}$ inch in diameter, nor shall more than 10 percent by weight pass through a round opening $^{3}/_{32}$ inch in diameter. Diced almonds shall not contain more than one-tenth of 1 percent by weight of shells, hulls, and other foreign material, and not more than 3 percent by weight of inedible pieces.

(b) "Sliced almonds" means fairly uniform, thin, wafery, slices of shelled almonds. Not more than 1 percent by weight shall be greater than $^{3}/_{32}$ inch in thickness. At least 60 percent by weight of the slices shall be too large to pass through a round opening $^{1}/_{4}$ inch in diameter, and not more than 10 percent by weight shall pass through a round opening $^{1}/_{8}$ inch in diameter. Sliced almonds shall not contain more than one-tenth of 1 percent by weight of shells, hulls, and other foreign material, and not more than 3 percent by weight of inedible slices or fragments thereof.

(c) "Slivered almonds" means fairly uniform, thin, narrow pieces of shelled almonds. Not more than 5 percent by weight of the slivered almonds shall be too wide to pass through a round opening $^{19}/_{32}$ inch in diameter, nor shall more than 1 percent by weight pass through a round opening $^{1}/_{8}$ inch in diameter. Slivered almonds shall not contain more than one-tenth of 1 percent by weight of shells, hulls, and other foreign material, and not more than 3 percent by weight of inedible pieces.

(d) Terms used in this section shall have the same meaning as in said marketing agreement and order.

Issued at Washington, D. C., this 11th day of September 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10113; Filed, Sept. 16, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

AGE REQUIREMENTS FOR STUDENT PILOT CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by October 17, 1952. Copies of such communications will be available after October 21, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Present provisions of Part 20 of the Civil Air Regulations require that an applicant for a student pilot certificate who is under the age of 21 years have parental consent before such a certificate may be issued to him. It has come to the Board's attention that the military forces of the United States are about to embark on a program of providing limited amounts of flight training at civilian contract flight schools to cadets and ROTC trainees. It is a considerable burden for such trainees, who are usually trained at points distant from their homes, to obtain the needed parental consent in order to qualify for student pilot certificates which will allow them to pilot the civil planes used by the contracting schools. Two arguments have been made which militate against such a requirement: (1) Any trainee accepted for any reserve or ROTC program, who is under the age of 21 years is required to obtain parental consent and (2) any individual who is a member of the armed forces is sufficiently responsible to exempt him from the parental consent provisions. It would be an anomaly to say that an 18 year old is considered sufficiently mature to be inducted into the armed forces without parental consent, but not to obtain a pilot certificate from a civilian agency of the Government.

The Bureau believes that such arguments are valid and that any member of the regular or reserve components of the armed forces or any member of an ROTC or other armed forces training program should be exempted from the requirement for producing the consent of parent or guardian for the issuance of a student pilot certificate.

Accordingly, it is proposed to amend Part 20 of the Civil Air Regulations by amending the undesignated paragraph following § 20.2 (b) to read as follows:

§ 20.2 *Age.* * * *
(b) * * *

If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

This amendment is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: September 11, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52-10137; Filed, Sept. 16, 1952; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 9, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 020098, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described tract of land in Alaska:

Beginning at a point on the North property line of General Land Office Amended Survey No. 55 located at Sand Point, Alaska, approximate latitude 55°20'30" North, longitude 160°30' West from whence Corner No. 3 of said survey bears North 74°0' West 113 feet; thence, North 31°0' East 800 feet to Corner No. 1, the place of beginning.

Thence, North 59°0' West 100 feet to Corner No. 2; thence, North 31°0' East 500 feet to Corner No. 3; thence, South 59°0' East 100 feet to Corner No. 4; thence, 31°0' West 500 feet to Corner No. 1, the place of beginning. Said area to contain 1.15 acres more or less.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-10096; Filed, Sept. 16, 1952; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 9, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 019600, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described tract of land located in the East Addition to Kodiak Townsite, Alaska, U. S. Survey No. 2538A:

Beginning at Corner Number 3, being the Northwest Corner of United States Land Survey Number 562 (the Erskine Subdivision of Kodiak, Alaska), go East 253.21 feet to a point (being Corner Number 18 of U. S. Survey Number 2538-B); thence go North 34°43' West, 709.33 feet to the point of beginning; thence go North 34°34' West, 1,990.56 feet to a point, thence go North 55°21' East, 4,300 feet to a point, thence go South 34°39' East, 1,327.35 feet to a point, thence go South 55°15' West, 1,501.27 feet to a point, thence go South 34°46' East, 394.83 feet to a point; thence go South 51°00' West, (along the North Boundary of United States Survey No. 2538-B), 646.64 feet to a point; thence go North 39°00' West, 17.28 feet to a point; thence go South 41°00' West, 1,918.57 feet to the point of beginning; thereby comprising a tract of land containing 169.9 acres, more or less.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-10097; Filed, Sept. 16, 1952; 8:47 a. m.]

Office of the Secretary

[Order No. 2605, Amdt. 7]

DEFENSE MINERALS EXPLORATION ADMINISTRATION ET AL.

ORGANIZATION AND FUNCTIONS

This amendment supersedes the original text of Order No. 2605 and Amendments 1 through 6. Order No. 2605 is revised to read as follows:

SECTION 1. *Purpose.* The purpose of this order is to establish the Defense Minerals Exploration Administration, the Defense Electric Power Administration, the Defense Solid Fuels Administration, and the Defense Fisheries Administration, to carry out the functions vested in the Secretary of the Interior under the Defense Production Act of 1950 (50 U. S. C. app. 1946 ed., Supp. V, sec. 2061 et seq.) with respect to metals and minerals, electric power, solid fuels, and fishery commodities.

SEC. 2. *Establishment of Administrations.* There are established a Defense Minerals Exploration Administration, a Defense Electric Power Administration, a Defense Solid Fuels Administration, and a Defense Fisheries Administration. Each of the defense administrations shall be headed by an Administrator, who shall be appointed by the Secretary of the Interior.

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, and except as the Secretary of the Interior may otherwise provide, all the functions and powers vested in the Secretary of the Interior by Executive Order 10161, as amended (15 F. R. 6105, 16 F. R. 61, 8789), and by redelegations made to him under that order by appropriate officers of the Government, and all the functions and powers vested in the Secretary of the Interior by delegations made by the Defense Production Administrator under Executive Order 10200 (16 F. R. 61) and by redelegations made by other officers of the Government under such delegations, may be performed and exercised by:

(a) The Administrator of the Defense Minerals Exploration Administration in so far as these functions and powers relate to metals and minerals;

(b) The Administrator of the Defense Electric Power Administration insofar as these functions and powers relate to electric power;

(c) The Administrator of the Defense Solid Fuels Administration insofar as these functions and powers relate to solid fuels; and

(d) The Administrator of the Defense Fisheries Administration insofar as these functions and powers relate to fishery commodities or products.

SEC. 4. *Limitations.* (a) Section 3 of this order does not authorize any of the Administrators there mentioned to:

(1) Exercise any functions or powers which cannot be redelegated by the Secretary of the Interior under the provisions of Executive Order 10161 or under redelegations pursuant to that order or under redelegations made by the Defense Production Administrator pursuant to Executive Order 10200, or

(2) Redelegate any power or function to any person other than an officer of the agency which the Administrator heads.

(b) With respect to the defense administrations established by this order, the Secretary of the Interior reserves to himself the maintenance of interagency relationships respecting matters which are common to two or more defense administrations, including representation on the policy level with the Office of Defense Mobilization, the Defense Production Administration, the National Production Authority, the Executive Office of the President, other major agencies concerned with defense production, and the Congress.

SEC. 5. *Policies and procedures.* The powers and functions delegated by this order shall be exercised subject to the direction and control of the Secretary of the Interior. This order will be supplemented from time to time by policy and procedural instructions respecting the exercise of powers and performance of functions by the Administrators.

SEC. 6. *Acting Administrator, Defense Electric Power Administration.* (a) The Deputy Administrator shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The General Counsel shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator and the Deputy Administrator.

(c) The Director of the Materials and Equipment Division, in the absence of a designation in writing by the Administrator, as provided in paragraph (d) of this section, shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, Deputy Administrator, and the General Counsel.

(d) The Director of the Power Supply Division, when designated in writing by the Administrator or in the absence of the Director of the Materials and Equipment Division, shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, Deputy Administrator, and the General Counsel.

(e) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 7. *Acting Administrator, Defense Fisheries Administration.* (a) The Deputy Administrator shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The Executive Officer shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator and the Deputy Administrator.

(c) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 8. *Acting Administrator, Defense Minerals Exploration Administration.* (a) The Deputy Administrator shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The Special Assistant to the Administrator shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator and the Deputy Administrator.

(c) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 9. *Acting Administrator, Defense Solid Fuels Administration.* (a) The Deputy Administrator, who supervises the activities of the Materials and Equipment Division, the Industry Finance Division, and the Transportation Division, shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The Deputy Administrator, who supervises the activities of the Anthracite Coal Division, the Bituminous Coal Division, and the Coke Division, shall perform the duties of the Administrator in case of the death, resignation, absence, or sickness of the Administrator and the Deputy Administrator specified in paragraph (a) of this section.

(c) An official acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 10. *Acting Deputy Administrator, Defense Electric Power Administration.* (a) The General Counsel shall perform the duties of the Deputy Administrator in case of the death, resignation, absence, or sickness of the Deputy Administrator.

(b) The Associate General Counsel shall perform the duties of the Deputy Administrator in case of the death, resignation, absence, or sickness of the Deputy Administrator and the General Counsel.

(c) An official acting under authority of this section shall sign documents under the title "Acting Deputy Administrator."

SEC. 11. *Acting Deputy Administrator, Defense Minerals Exploration Administration.* (a) The Special Assistant to the Administrator shall perform the duties of the Deputy Administrator in case of the death, resignation, absence, or sickness of the Deputy Administrator, and when so serving shall sign documents under the title "Acting Deputy Administrator."

(b) When the Deputy Administrator is serving as Acting Administrator, the authority vested in the office of Deputy Administrator may be exercised by the Special Assistant to the Administrator. Under such circumstances, the Special Assistant to the Administrator shall sign documents under his own title.

SEC. 12. *Effect on other orders.* This order does not affect section 4 of Order 2509, Order 2596, or Order 2609.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

SEPTEMBER 10, 1952.

[F. R. Doc. 52-10100; Filed, Sept. 16, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

ORGANIZATIONAL STATEMENT

Pursuant to authority vested in me by law (Rev. Stat. 161, 5 U. S. C. 22) the organizational statement of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, as amended (11 F. R. 177A-239, as amended, 14 F. R. 2534), is hereby revised to read as follows:

ORGANIZATION

(a) *Central and field organization.* The Chief of the Bureau, aided by five assistant chiefs and five regional directors has general administrative supervision and control over all of the work of the Bureau, which (1) conducts research and disseminates information concerning the utilization of beneficial insects, the means of eradicating and controlling noxious and injurious insects, in order to prevent injury and annoyance to man, and to eliminate the damage and destruction of food, fiber, products, materials, and other possessions; (2) takes steps to eradicate, control, and prevent the spread of insect pests and diseases in plants; (3) administers plant quarantines and regulatory orders issued by the Secretary of Agriculture to prevent the entry and spread of insect pests and plant diseases; and (4) upon request inspects and certifies plants and plant products offered for export to meet the sanitary requirements of the receiving country. The foregoing work is conducted in accordance with the following statutes:

5 U. S. C. 511; 7 U. S. C. and Supp. 141–149, 150–150g, 151–167, 281–283, 441; 16 U. S. C. and Supp. 581–581i, 594a, 594–1 to 594–5. The work is conducted through 16 divisions, 5 regional offices and a special equipment center, each headed by a leader.

(b) *Divisional and field organization.* (1) Division of Budget and Administrative Management, with headquarters in Washington, D. C., handles the budgetary and administrative management matters of the Bureau.

(2) Division of Accounting and Auditing, with headquarters in Washington, D. C., handles the accounting and auditing functions of the Bureau.

(3) Division of Administrative Services, with headquarters in Washington, D. C., handles the procurement, property management, real property management and record management functions of the Bureau.

(4) Division of Personnel Management, with headquarters in Washington, D. C., handles all personnel matters of the Bureau.

(5) Division of Information, with headquarters in Washington, D. C., releases information pertaining to the functional operations of the Bureau.

(6) Division of Insect Detection and Identification, with headquarters in Washington, D. C., conducts research on the classification and identification of insects, and, in cooperation with States, other agencies and individuals, conducts a nation-wide economic insect detection and reporting activity.

(7) Division of Fruit Insect Investigations, with headquarters in Washington, D. C., conducts research on insects affecting fruits, nuts, and grapes, including the oriental and Mexican fruit flies, and the Japanese beetle. The field headquarters for the investigation of fruit flies are located at Mexico City, Mexico, and Honolulu, Hawaii.

(8) Division of Truck Crop and Garden Insect Investigations, with headquarters at Washington, D. C., conducts research on insects affecting vegetables, greenhouse and outdoor ornamental plants, including bulbs, sugar beets, and tobacco.

(9) Division of Cereal and Forage Insect Investigations, with headquarters at Washington, D. C., conducts research on insects affecting cereal and forage crops, including sugarcane and rice.

(10) Division of Cotton Insect Investigations, with headquarters at Washington, D. C., conducts research on insects affecting the production of cotton.

(11) Division of Forest Insect Investigations, with headquarters at Beltsville, Maryland, conducts research on insects attacking forest and shade trees, hardy ornamentals, and forest products; conducts surveys to appraise status of insect pests of forests.

(12) Division of Insects Affecting Man and Animals, with headquarters at Washington, D. C., conducts research on insects which affect animals, attack, annoy, or injure man.

(13) Division of Bee Culture and Biological Control, with headquarters at Beltsville, Maryland, conducts research on the honey bee and its diseases, develops and improves strains of bees, works out improved methods of managing apiaries and of using bees in the pollination of economic plants, administers the statutes and regulations governing the importation of honey bees (7 U. S. C. 281–283; 7 CFR Part 322), and

conducts studies in foreign countries to locate the natural enemies of insect pests within the United States, imports beneficial parasites, and directs or coordinates biological control activities.

(14) Division of Stored Product Insect Investigations, with headquarters in Washington, D. C., conducts research on the control of insects affecting products in storage, the development of special techniques, methods and equipment for the prevention or control of insect pests involved in industry and commerce and the treatment and control of insect pests in buildings.

(15) Division of Insecticide Investigations, with headquarters at Beltsville, Maryland, conducts research on the chemical and physical properties of and manufacture of materials used as insecticides.

(16) Division of Plant Quarantines, with headquarters at Washington, D. C., supervises and controls the importation of plants, plant products and other materials and insects from foreign countries and from Hawaii and Puerto Rico to the mainland and certifies for export plants and plant products to meet sanitary requirements of receiving countries, is responsible for inspections in transit of products regulated by plant quarantines, enforces Federal quarantines or State quarantines in cooperation with the several States and administers the Terminal Inspection Act.

(17) Northeastern Region, with headquarters at Greenfield, Mass., plans, directs and coordinates the program activities of the White-Pine Blister Rust Control Project within the regional boundaries, the Gypsy and Brown-Tail Moths Control Project, the Golden Nematode Project, and the Japanese Beetle Control Project, and directs administrative functions of the Bureau within the regional boundaries.

(18) Southeastern Region, with headquarters at Gulfport, Miss., plans, directs and coordinates the program activities of the White-Fringed Beetle Control Project, the Sweetpotato Weevil Control Project, the Phony Peach and Peach Mosaic Disease Eradication Project, and directs administrative functions of the Bureau within the regional boundaries.

(19) Southwestern Region, with headquarters at San Antonio, Texas, plans, directs and coordinates the program activities of the Pink Bollworm and Mexican Fruit Fly Control Project, the Wild Cotton Eradication Project, the project Cooperation with Mexico, and directs administrative functions of the Bureau within the regional boundaries.

(20) Western Region, with headquarters at Berkeley, Calif., plans, directs and coordinates the program activities of the White-Pine Blister Rust Control Project within the regional boundaries, the Developmental and Investigative Projects relating to white-pine blister rust and the Hall scale control project, and directs administrative functions of the Bureau within the regional boundaries.

(21) North Central Region, with headquarters at Minneapolis, Minn., plans, directs and coordinates the program activities of the White-Pine Blister Rust Control Project within the regional boundaries, and the Grasshopper Control and the Barberry Eradication Projects, and directs administrative functions of the Bureau within the regional boundaries.

(22) Aircraft and Special Equipment Center, with headquarters at Oklahoma City, Okla., develops and implements policies and procedures for acquiring, maintaining and operating all Bureau-owned aircraft; develops specifications and standards for aircraft work done for the Bureau under contract and tests and demonstrates aircraft used in pest control operations; develops and implements plans and procedures for an effective program of adapting and modifying special purpose equipment to meet insect and plant disease control requirements.

(23) Special field locations: The foregoing divisions from time to time establish local field offices and laboratories to cope with special local conditions.

Public information, submittals, and requests. Public information may be obtained from, and submittals and requests may be made to, the officer in charge of the various Divisions, regional headquarters, or field stations listed in (a) and (b) hereof as to the work performed by each Division, region, or station. All other requests and submittals should be sent to the office of the Chief, Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C. Requests and submittals on matters pertaining to the various plant quarantines may be made to the various field offices listed in the regulations (7 CFR Chap. III).

Delegations of final authority. All delegations of final authority are contained in the regulations of the Bureau (7 CFR Chap. III), except the following: Officials in charge of regions and field stations are authorized to exercise limited authority to contract for supplies and services.

FUNCTIONS

Research. The Bureau, independently and in cooperation with Federal, State, local, and private agencies, conducts investigations on insects and pests to determine and develop methods of eradicating and controlling those which are injurious, and develops methods of utilizing beneficial insects (5 U. S. C. 511 and 16 U. S. C. 581–581i). Information obtained as a result of such research is disseminated to the public.

Service. The Bureau offers the following service, which the public can secure in accordance with the paragraph relating to Public information, submittals, and requests: Information and advice on the identification, habits, and means of controlling or using insects, appraisals of insecticides, their composition and use, inspections to determine the status of insect pests destroying forest trees, and advice on the means of control; surveys on the distribution and occurrence of pests and insects, and information concerning patents controlling insecticides and devices for insect control. The Bureau also advises Federal, State, and local authorities with reference to quarantine policies and insect control needs and methods (5 U. S. C. 511; 7 U. S. C. 141–148e; 16 U. S. C. 594a).

Control and prevention of spread of insects and plant diseases. The Bureau cooperates with Federal, State, and local agencies, private organizations, and the Governments of Mexico and Canada, in carrying out operations to control, suppress, eradicate, and prevent the spread of insects pests and plant diseases (7 U. S. C. 147a, 148–148c, and 151–167). Individual participation in the control work is voluntary as far as the Bureau is concerned, but some State laws require participation. The control work includes such measures as the destruction of diseased plants and trees, surveys to determine distribution of the pests, and applying insecticides and other control measures.

Plant quarantine orders affecting interstate movement. The Bureau advices the Secretary on the promulgation of all quarantines and restrictive notices affecting the interstate movement of plants, plant products, and other articles, and administers the provisions of those issued by the Secretary pursuant to statute (7 U. S. C. 151–167). The quarantine and restrictive notices describe the procedures followed by the Bureau and to be followed by anyone desiring to make interstate shipments of the plants and articles subject to the quarantines (7 CFR Part 301).

Plant quarantine orders affecting Puerto Rico and Hawaii. The Bureau administers the provisions of certain quarantines governing the movement of plants, plant products, and other materials from Puerto Rico and Hawaii to the mainland, issued pursuant to statute (7 U. S. C. 151–167). The quarantine notices prescribe the procedure to be followed (7 CFR 301.13, 301.16, 301.30, 301.32, 301.47, 301.60 and 301.75).

Plant quarantine orders affecting the introduction of products into the United States. The Bureau advises the Secretary on the promulgation of restrictive and prohibitory orders governing the importation of plants, plant products, and other articles, issued pursuant to statute (7 U. S. C. 151–167). The Bureau also enforces such orders which describe the procedure to be followed (7 CFR Parts 319, 321, 351, and 352). Enforcement work is conducted in cooperation with other agencies in the Federal Government, such as the Bureau of Customs of the Treasury Department, and the Post Office Department.

Movement of vehicles into the United States from Mexico. The Bureau makes inspections of railway cars, other vehicles, express, baggage, and other material from Mexico in order to prevent the entry of insect pests and plant diseases, requires cleaning if needed, and when necessary fumigates or disinfects vehicles or materials, for which a fee is collected (7 U. S. C. 149). The procedures are described in the regulations (7 CFR Part 320).

Terminal inspection of materials regulated by State quarantines. A State desiring terminal inspection of mails, express, and parcel post may secure the cooperation of the Department of Agriculture and the Post Office Department in the conduct of such an inspection operation in order to prevent the introduction of injurious pests into the State (7 U. S. C. 166). The Postmaster General is authorized to issue the rules and regulations concerning the inspections and the statute states how the assistance of the Department of Agriculture may be obtained.

Movement of plants and plant products into and from the District of Columbia. The movement of plants and plant products into or out of the District of Columbia is restricted by statute (7 U. S. C. 167) and must be in compliance with the rules and regulations issued by the Secretary of Agriculture which prescribe the procedure to be followed (7 CFR Part 302).

Importation of honey bees. Importations of honey bees are prohibited by statute (7 U. S. C. 281–282), except by the United States Department of Agriculture for experimental or scientific purposes, or, under regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture, from countries determined by the Secretary of Agriculture as free from dangerous adult honey bee diseases. The Bureau administers this statute and the regulations issued by the Secretaries pursuant thereto (7 CFR Part 322).

Transit inspections of materials regulated by quarantines. In order to assure that plants, plant products, and other materials regulated by Federal plant quarantines are moving in compliance with the regulations, the Bureau inspects at appropriate distribution centers and transfer points, mail, express, and freight, and cooperates with officials of the Post Office Department, express companies, railroads, and State officials in this connection (7 U. S. C. 161). The procedures are prescribed in the regulations (7 CFR Part 301).

Sanitary inspection and certification of plants and plant products offered for export. The Bureau, upon request, inspects plants and plant products offered for export and issues certificates showing compliance with the sanitary plant pest requirements of the country to which the articles are to be shipped, and cooperates with State officials in the issuance of certificates (7 U. S. C. 147a). The procedure is set out in the regulations (7 CFR Part 353).

Importation or interstate movement of insect pests. The importation or interstate movement of certain insects is prohibited (7 U. S. C. 141–144), except for scientific purposes. The Bureau issues permits for such movement of insects for scientific purposes upon request of interested persons. No special form of request is prescribed, but the request should recite the particular purpose, the kind of insects, origin, destination, and time and number of shipments. In the issuance of permits, the Bureau cooperates with the Public Health Service of the Federal Security Agency, the Bureau of Customs of the Treasury Department, the Post Office Department, and transportation companies.

Regulations affecting the introduction of mollusks into the United States. The Bureau advises the Secretary on the promulgation of restrictive and prohibitory regulations governing the importation of mollusks issued pursuant to statute (7 U. S. C. 441). The Bureau also enforces such regulations which describe the procedure to be followed (7 CFR Part 324). Enforcement work is conducted in cooperation with other agencies in the Federal Government, such as the United States National Museum, and United States Public Health Service, and interested State plant pest officials.

Review of rulings. Any person aggrieved by the ruling of an employee of the Bureau in connection with any work of the Bureau may request a review of that ruling by the Chief of the Bureau and from the Chief's ruling may request review by the Secretary of Agriculture. No form is prescribed for such requests, but they may be accompanied by supporting evidence.

Done at Washington, D. C., this 12th day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10112; Filed, Sept. 16, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 7]

ORGANIZATION AND FUNCTIONS

CHANGES OF ADDRESSES FOR AIRPORT DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish changes of addresses of Airport District Offices.

1. Section 43 (g) (3) (ii), Region 1, is amended by substituting "Charleston, West Virginia, Kanawha County Airport—West Virginia" for "Charleston, West Virginia, Kanawha County Court House—West Virginia".

2. Section 43 (g) (3) (ii), Region 2, is amended by (1) substituting "Miami, Florida, Building 514, Miami International Airport, Miami 48—Florida" for "Jacksonville, Florida, 430 Lynch Building—Florida" (2) substituting "Atlanta, Georgia, 50 Seventh Street NE.—Georgia" for "Atlanta, Georgia, A. G. Rhodes Building—Georgia" (3) substituting "Wilmington, North Carolina, 231 U. S. Customhouse—North Carolina, South Carolina" for "Wilmington, North Carolina, 124 U. S. Custom House—North Carolina" (4) deleting "Subcffice, Columbia, South Carolina, Capital Airport—South Carolina" (5) substituting "Nashville, Tennessee, U. S. Court House, 801 Broadway—Tennessee" for "Nashville, Tennessee, Berry Field—Tennessee".

3. Section 43 (g) (3) (ii), Region 3, is amended by substituting "Indianapolis, Indiana, 514 F Century Building—Indiana" for "Indianapolis, Indiana, 360 Massachusetts Avenue—Indiana" (2) substituting "Louisville, Kentucky, Bowman Field—Kentucky" for "Louisville, Kentucky, 334 East Broadway—Kentucky".

4. Section 43 (g) (3) (ii), Region 6, is amended by substituting "Phoenix, Arizona, New Terminal Building, Phoenix Sky Harbor Municipal Airport—Arizona" for "Phoenix, Arixona, 707½ West Thomas Road—Arizona".

5. Section 43 (g) (3) (ii), Region 7, is amended by substituting "Boise, Idaho, 1412 Idaho Street—Idaho" for "Boise, Idaho, 1412 West Idaho Street—Idaho".

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10091; Filed, Sept. 16, 1952; 8:46 a. m.]

National Production Authority

[Suspension Order 27; Docket No. 37]

AMERICAN METAL SUPPLY COMPANY

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 21st day of August 1952 before Lowell Turrentine, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), dated August 30, 1951, and Delegation of Authority under NPA–GAO 16–06 (17 F. R. 2098); and

The respondent, Meyer Leson, doing business as American Metal Supply Company, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and

The National Production Authority being represented by E. J. Spielman, Regional Attorney, and the respondent appearing in person; and

The respondent having stipulated on the 18th day of August 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. On November 3, 1951, the respondent requested delivery from his supplier of aluminum controlled material, to wit: 30,000 pounds of aluminum coil sheet for delivery in the second quarter 1952, said amount of aluminum being 23,700 pounds greater than the amount required to fulfill his authorized production schedule.

2. On November 3, 1951, the respondent placed authorized controlled material orders with his supplier for 30,000 pounds of aluminum coil sheet for delivery in said calendar quarter, whereas he was lawfully entitled to order only 6,300 pounds of aluminum.

3. On or about January 10, 1952, the respondent placed an order with his sup-

plier and applied a DO rating and allotment symbol thereon, which order purported to be an authorized controlled material order, for 40,000 pounds of aluminum coil roofing sheet for first quarter 1952 delivery, whereas he was lawfully not entitled to place such or apply such rating or allotment symbol to any amount of aluminum for said calendar quarter.

4. On February 7, 1952, the respondent placed an order with his supplier and applied a DO rating and allotment symbol thereon, which order purported to be an authorized controlled material order, for 60,000 pounds of aluminum coil roofing sheet for second quarter 1952 delivery, whereas he was lawfully not entitled to place such order or apply such rating or allotment symbol to any amount of aluminum for said calendar quarter.

5. On April 1, 1952, the respondent placed an order with his supplier and applied a DO rating and allotment symbol thereon, which order purported to be an authorized controlled material order, for 50,000 pounds of aluminum coil roofing sheet for second quarter 1952 delivery, whereas he was lawfully not entitled to place such order or apply such rating or allotment symbol to any amount of aluminum for said calendar quarter.

6. The respondent failed to maintain accurate records of allotments received and of procurement pursuant to allotments during the calendar quarters commencing October 1, 1951, January 1, 1952, and April 1, 1952.

7. The respondent failed to retain at his regular place of business all documents on which he relied as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials by destroying the official copy of his CMP–4B application form which had endorsed thereon the allotments and advance allotments authorized for the fourth quarter 1951, first quarter 1952, and second quarter 1952.

8. During the calendar quarter commencing April 1, 1952, the respondent acquired, used, and disposed of controlled material, to wit: approximately 70,000 pounds of aluminum roofing sheet procured by the issuance of respondent's purchase orders dated January 8, 1952, and February 7, 1952, subsequent to the cancellation by the National Production Authority of respondent's advance allotments on December 12, 1951.

9. The respondent failed to return within the prescribed time his unused allotment for fourth quarter 1951 of 10,500 pounds of aluminum.

10. The respondent, having on December 12, 1951, received notice of cancellation of his first quarter 1952 and second quarter 1952 advance allotments for quantities of aluminum, failed to cancel an order which he placed and which purported to be an authorized controlled material order for 30,000 pounds of aluminum roofing sheet.

Conclusions. During the period November 3, 1951, to April 30, 1952, the respondent violated the provisions of National Production Authority regulations, orders, and directives as follows:

(a) The unauthorized placing of orders with suppliers for 173,700 pounds of aluminum more than respondent was entitled to order during the calendar quarters commencing January 1, 1952, and April 1, 1952, contrary to the provisions of CMP Regulation No. 1, section 19 (f) dated May 3, 1951 (16 F. R. 4127), and amended November 23, 1951 (16 F. R. 11860).

(b) Of the amount set forth in the foregoing conclusion (a), the respondent received, used, and consumed 70,000 pounds of aluminum during the calendar quarter commencing April 1, 1952, contrary to the provisions of CMP Regulation No. 1, section 17 (b), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

(c) The failure to return within the prescribed time respondent's unused allotment for the fourth quarter 1951, of 10,500 pounds of aluminum, contrary to the provisions of CMP Regulation No. 1, section 18 (b), dated May 3, 1951 (16 F. R. 4127).

(d) The failure to cancel an order which respondent placed and which purported to be an authorized controlled material order for 30,000 pounds of aluminum subsequent to the cancellation of respondent's first quarter 1952 and second quarter 1952 advance allotments of aluminum, contrary to the provisions of section 13 of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860).

(e) The failure to maintain accurate records of allotments received and of procurement pursuant to allotments during the calendar quarters commencing October 1, 1951, January 1, 1952, and April 1, 1952, contrary to the provisions of sections 23 (a) and (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

In order to correct the unauthorized use of aluminum occasioned by the violations found herein, and in order to prevent future violations of National Production Authority regulations, orders, and directives by the respondent,

It is accordingly ordered: 1. That all priority assistance, apart from the privileges of self-authorization and self-certification, be withdrawn and withheld from Meyer Leson individually and Meyer Leson doing business as American Metal Supply Company for a period commencing from the date of issuance of this order until the 31st day of March 1953.

2. That all allocations and allotments of controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Meyer Leson individually and Meyer Leson doing business as American Metal Supply Company for a period commencing from the date of issuance of this order until the 31st day of March 1953.

Issued this 29th day of August 1952 at San Francisco, Calif.

NATIONAL PRODUCTION AUTHORITY,
BY LOWELL TURRENTINE,
Hearing Commissioner.

[F. R. Doc. 52-10235; Filed, Sept. 16, 1952; 11:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5083]

ISLAND AIR FERRIES, INC.; RENEWAL APPLICATION

NOTICE OF ORAL ARGUMENT

In the matter of the application of Island Air Ferries, Inc., for amendment of its temporary certificate of public convenience and necessity for route No. 89.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 9, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 12, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10131; Filed, Sept. 16, 1952; 8:55 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request No. 36—DPAV–43]

REQUEST TO EXECUTE AND PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF PORT OF NEW YORK

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to execute and participate in the Defense Warehousemen's Association Agreement of the Port of New York was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

This voluntary agreement provides for the formation of a warehousemen's association in the Port of New York area, to be known as the "Defense Warehousemen's Association of the Port of New York," the sole purpose of which is to furnish public warehousing services and public storage facilities to the Government pursuant to the terms of a contract to be negotiated with the Department of Defense and the Executive Committee of the Association. This voluntary agreement has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to execute and participate in the voluntary agreement, a copy of which is enclosed.

In my opinion, such participation will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Administrator of the Defense Production Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your participation therein is within the limits set forth in the voluntary agreement.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Allgood Terminal Warehouses, Lexington Avenue, at East First Street, Bayonne, N. J.
American Dock Company, 17 State Street, New York 4, N. Y.
Baker & Williams, 114–126 Leroy Street, New York 14, N. Y.
Beard's Erie Basin, Inc., 21 State Street, New York 4, N. Y.
Bowne-Morton's Stores, Inc., 611 Smith Street, Brooklyn, N. Y.
Brooklyn Terminal Stores, Inc., 26–42 North Tenth Street, Brooklyn 11, N. Y.
Bush Terminal Company, 100 Broad Street, Brooklyn, N. Y.
J. Leo Cooke Warehouse Corp., Erie, Twelfth and Provost Street, Jersey City 2, N. J.
J. Leo Cooke Warehouse Corp., 140 Bay Street, Jersey City 2, N. J.
Gardner Warehouse Company, Fifty-ninth Street and Twelfth Avenue, New York, N. Y.
Harborside Warehouse Company, Inc., 34 Exchange Place, Jersey City, N. J.
Hoboken Dock Stores, Inc., foot of Sixth Street, Hoboken, N. J.
Independent Warehouses, Inc., 415 Greenwich Street, New York 13, N. Y.
Johnson Warehouses, Inc., Pier B., E and 1, Jersey City, N. J.
Lehigh Warehouse & Transportation Co., 98–108 Frelinghuysen Avenue, Newark 5, N. J.
Mid-Hudson Warehouse, Inc., 29–51 Pavonia Avenue, Jersey City 2, N. J.
Midtown Warehouse, Inc., 601 West Twenty-sixth Street, New York 1, N. Y.
Municipal Warehouse Company, Inc., 409–411 Bond Street, Brooklyn, N. Y.
New York Dock Company, 44 Whitehall Street, New York, N. Y.
Port Warehouses, Inc., 47 Vestry Street, New York 13, N. Y.
Pouch Terminal, Inc., 17 State Street, New York 4, N. Y.
S. & F. Warehouse, Port Street, Port Newark, N. J.
Shephard Warehouses, Inc., 667 Washington Street, New York 14, N. Y.
Sun Warehouses, Inc., 79–101 Laight Street, New York, N. Y.
Vendors Warehouse & Distribution Service, Inc., foot of Humbolt Avenue, Jersey Central Yards, Elizabethport, N. J.
Essex Warehouse Company, 950 McCarter Highway, Newark, N. J.
Henry I. Stetler, Inc., 84 Bank Street, New York 14, N. Y.
Fidelity Warehouse Company, 286 South Street, New York, N. Y.
Towers Warehouses, Inc., 531–545 West Twenty-first Street, New York, N. Y.
L. & F. Stores, Inc., 15–21 Worth Street, New York 13, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: September 16, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-10233; Filed, Sept. 16, 1952; 11:50 a. m.]

[DPA Request No. 45—DPAV–42]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 20MM PROJECTILES AND FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on 20MM Projectiles and Fuzes in accordance with the voluntary plan entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Projectiles and Fuzes," dated February 25, 1952, was approved by the Attorney General after consultations with respect thereto between the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this 20MM Projectiles and Fuzes Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on 20MM Projectiles and Fuzes in accordance with the voluntary plan entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Projectiles and Fuzes," dated February 25, 1952, a copy of which is herewith enclosed.

In my opinion, your participation in the formation and activities of this Committee will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G–4, United States Army, Pentagon Building, Washington 25, D. C.?

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on 20MM Projectiles and Fuzes, and your participation therein, are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Albert Wright Screw Machine Products, 1209 Park Avenue, Emeryville 8, Calif.
Aluminum Industries, Inc., Cincinnati 25, Ohio.
American Safety Razor Corporation, Brooklyn 1, N. Y.
Anderson Brass Works, Inc., P. O. Drawer 2151, Birmingham 1, Ala.
The Defiance Automatic Screw Company, Fort Wayne Road, Defiance, Ohio.
G. M. Co. Manufacturing, Inc., 13–08 Forty-third Avenue, Long Island City 1, N. Y.
Harvey Machine Company, Inc., One Hundred and Ninetieth Street and Western Avenue, Torrance, Calif.
Hechethorn Manufacturing & Supply Company, Littleton, Colo.
Kelly Machine Company, 544 Green Road, Cleveland 21, Ohio.
Knapp-Monarch Company, St. Louis, Mo.
Merco Centrifugal Company, 150 Green Street, San Francisco, Calif.
Chefford Master Manufacturing Company, Inc., Fairfield, Ill.
Chicago Electric Manufacturing Company, 6333 West Sixty-fifth Street, Chicago 38, Ill.
Columbia Electric & Manufacturing Company, P. O. Box 2180, Spokane, Wash.
Northwest Automatic Products Corporation, 1700 Linden Avenue, Minneapolis 3, Minn.
Norwalk Lock Company, 395 Broadway, New York 13, N. Y.
Pantex Manufacturing Corporation, Pawtucket, R. I.
Persons-Majestic Manufacturing Company, 54–72 Commercial Street, Worcester 8, Mass.
Stoner Manufacturing Corporation, Aurora, Ill.
The Yale & Towne Manufacturing Company, Stamford, Conn.
Majestic Manufacturing Company, 4550 Gustine Avenue, St. Louis 16, Mo.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: September 15, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-10234; Filed, Sept. 16, 1952; 11:50 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-445]

COSTUME JEWELRY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference under the auspices of the Federal Trade Commission will be held for the Costume Jewelry Industry in the Commodore Hotel, New York City, on October 9, 1952, commencing at 10 a. m., e. s. t.

All persons, firms and corporations engaged in the production, distribution or marketing of costume jewelry are considered members of the industry and are cordially invited to attend and participate in this industry conference.

NOTE: "Costume jewelry," as here used, includes all jewelry except that containing precious stones or composed of gold or platinum group metals or alloys thereof. Products of silver, and of silver or base metal flashed, coated, or plated with gold or platinum group metals, are considered costume jewelry.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: September 12, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10136; Filed, Sept. 16, 1952; 8:57 a. m.]

RENEGOTIATION BOARD

REGIONAL BOARDS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

The delegation of authority published in the issue of February 13, 1952 (F. R. Doc. 52-1777; 17 F. R. 1401), as heretofore amended, is hereby further amended by deleting section 1 and inserting in lieu thereof the following:

SECTION 1. There are hereby created six Regional Boards which shall consist of five members each, and which are hereby designated as the Boston Regional Renegotiation Board, the Chicago Regional Renegotiation Board, the Detroit Regional Renegotiation Board, the Los Angeles Regional Renegotiation Board, the New York Regional Renegotiation Board and the Washington Regional Renegotiation Board, respectively.

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-10121; Filed, Sept. 16, 1952; 8:52 a. m.]

STATEMENT OF ORGANIZATION

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52-1774; 17 F. R. 1400), as heretofore amended, is hereby further amended as follows:

1. By inserting the word "Renegotiation" between the word "Regional" and the word "Board" in each of the six numbered paragraphs of the list contained in section 3 (b).

2. By deleting the words "175 Washington Street, Boston 9, Mass. (temporary address)" from paragraph (1) of section 3 (b) and inserting in lieu thereof the words "140 Federal Street, Boston 10, Mass.".

Dated: September 11, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-10126; Filed, Sept. 16, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2916]

SOUTHERN NATURAL GAS CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

SEPTEMBER 11, 1952.

Southern Natural Gas Company ("Southern"), a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-23 thereunder, in respect of the following proposed transactions:

Southern proposes to issue and sell promissory notes (herein called the "Revolving Credit Notes") pursuant to a revolving credit agreement to be executed between Southern and The Chase National Bank of the City of New York, and certain other banks. The agreement provides that the Participating Banks will severally make loans to Southern at any time and from time to time from the date of the agreement within a period of two years in an aggregate principal amount at any one time outstanding not exceeding $25,000,000, and that during said period Southern may borrow, prepay (as provided in the agreement) and re-borrow thereunder. The Revolving Credit Notes will bear interest from their respective dates until September 15, 1953, at the rate of 3 percent per annum, and thereafter until their maturity on September 15, 1954 at the rate of 3¼ percent per annum. Southern agrees to pay a commitment fee computed from the date of the order of the Commission permitting this declaration to become effective, or September 15, 1952, whichever is earlier, at the rate of ¼ percent per annum on the daily average unused amount of the commitments. Southern has the right to prepay all, or from time to time any, of the Revolving Credit Notes, in whole or in part, upon payment of accrued interest and, if prepayment is made directly or indirectly from the proceeds, or in anticipation, of any bank borrowing otherwise than under the agreement, Southern will pay a premium at the rate of ¼ percent per annum. Southern has the right at any time or from time to time to reduce or terminate the commitments.

The proceeds of the Revolving Credit Notes will be applied to the cost of construction of additions to Southern's system proposed to be completed during 1952 and 1953. Southern expects to provide subsequent permanent financing of its 1952 and 1953 construction program by the issue of first mortgage bonds and by the issue of additional common stock or other securities of Southern, or by the sale of the stocks of Southern's subsidiaries, Alabama Gas Corporation and Mississippi Gas Company. Southern would expect to sell additional first mortgage bonds sometime during the first six months of 1953 in the amount permissible at the time under Southern's first mortgage, and would expect to provide for other permanent financing by the sale of additional first mortgage bonds or other securities in such amounts as may be appropriate at the time.

Southern requests that the Commission's Order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-10106; Filed, Sept. 16, 1952; 8:49 a. m.]

[File No. 70-2927]

UNITED GAS CORP.

NOTICE OF FILING AND SALE OF DEBENTURES AND RELATED TRANSACTIONS

SEPTEMBER 11, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's two wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a), 10 and 12 thereof and Rule U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

United proposes to issue and sell at competitive bidding pursuant to Rule U-50, $60,000,000 principal amount of ------ Sinking Fund Debentures, due 1972, to be issued under a debenture agreement dated as of October 1, 1952 with Irving Trust Company as Trustee. The proposed sinking fund is designed to retire 70 percent of the issue prior to maturity.

United proposes to use the proceeds from the sale of the debentures, as follows:

(a) To prepay $40,000,000 principal amount of bank loans presently outstanding, evidenced by United's outstanding promissory notes due December 31, 1952 and July 1, 1953.

(b) To acquire from Pipe Line for $10,000,000 cash, 10,000 shares of Pipe Line's no par value common stock, which Pipe Line proposes to sell and United proposes to purchase.

(c) To acquire from Pipe Line for cash at par plus accrued interest an aggregate of $5,000,000 principal amount of Pipe Line's 4½ percent Sinking Fund Debentures, due 1971, which Pipe Line proposes to sell and United proposes to purchase.

(d) To lend Union $1,000,000, such loan to be evidenced by Union's 4 percent promissory note in like principal amount, maturing on or before six years from the date of issue.

Of the securities to be acquired by United from its subsidiaries, the common stock of Pipe Line and the promissory note of Union will be pledged with the corporate trustee under United's Deed of Trust pursuant to the provisions of that indenture. The debentures of Pipe Line to be acquired by United will be retained in the portfolio of United, and pursuant to the provisions of the indenture, will recite that such security is non-transferable except to a successor of United.

The proceeds from the sales of securities described above are to be used to defray the costs in part of the construction program of United and Pipe Line which, for the years 1951, 1952, and 1953, is estimated to require the expenditure of $245,328,000. The application-declaration states that at June 30, 1952, United and Pipe Line had expended for this purpose $158,664,000 and the completion of the program of these two companies is estimated to require the expenditure of an additional amount of $86,664,000.

The application-declaration further states that in addition to the sales of securities described above, United contemplates the sale of securities in the year 1953 designed to raise approximately $50,000,000, which securities will consist of additional debentures and common stock in amounts not now determined.

Notice is further given that any interested person may, not later than September 24, 1952, at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 24, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and Rule U-100 thereof. All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-10107; Filed, Sept. 16, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27384]

LIME FROM TEXAS TO CHICAGO AND JOLIET, ILL., AND MILWAUKEE, WIS.

APPLICATION FOR RELIEF

SEPTEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Lime, carloads.

From: Points in Texas.

To: Chicago and Joliet, Ill., and Milwaukee, Wis.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 155.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10114; Filed, Sept. 16, 1952; 8:50 a. m.]

[4th Sec. Application 27385]

ACETIC ACID AND ANHYDRIDE FROM POINTS IN TEXAS AND CROSSETT, ARK., TO MISSISSIPPI RIVER CROSSINGS AND SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 12, 1952.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3894, 3908, and 3967.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, in bulk, in drums or barrels, carloads.

From: Bishop, Houston, Texas City, and Brownsville, Tex., and Crossett, Ark.

To: Mississippi River crossings and points in southern and official territories.

Grounds for relief: Rail and market competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3894, Supp. 126. F. C. Kratzmeir, Agent, I. C. C. No. 3908, Supp. 116. F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10115; Filed, Sept. 16, 1952; 8:51 a. m.]

[4th Sec. Application 27386]

COMMODITY RATES BETWEEN COILTOWN, KY., AND POINTS IN UNITED STATES AND CANADA

APPLICATION FOR RELIEF

SEPTEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Consolidated Freight Classification No. 20, Alternate Agent A. H. Carson's I. C. C. No. 109.

Involving: Commodity rates.

Between: Coiltown, Ky., and points in the United States and Canada.

Grounds for relief: Rail competition, circuitous routes, to maintain grouping, and new freight station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10116; Filed, Sept. 16, 1952; 8:51 a. m.]

[4th Sec. Application 27387]

CLAY BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, carloads.

From: Points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

To: Points in southern territory, including Ohio River crossings and northern Virginia.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10117; Filed, Sept. 16, 1952; 8:51 a. m.]

[4th Sec. Application 27388]

ACETIC ACID AND ANHYDRIDE FROM BISHOP, HOUSTON, AND TEXAS CITY, TEX., TO POINTS IN MARYLAND, VIRGINIA, WEST VIRGINIA, AND OHIO

APPLICATION FOR RELIEF

SEPTEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, in tank-car loads.

From: Bishop, Houston, and Texas City, Tex.

To: Points in Maryland, Virginia, West Virginia, and Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10118; Filed, Sept. 16, 1952; 8:51 a. m.]

THE NATIONAL ARCHIVES

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Washington, Thursday, September 18, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[Administration Letter 260 (443)]

PART 332—PROCESSING INSURED LOANS

EFFECTIVE DATE OF MORTGAGE INSURANCE FOR INSURED LOANS FROM STATE RURAL REHABILITATION CORPORATION FUNDS

The last sentence of paragraph (h) of § 332.10, Title 6, Code of Federal Regulations (17 F. R. 1079), is amended to provide that the date of loan closing will be inserted in the insurance endorsement on the promissory note as the effective date of the insurance of the mortgage. As amended, paragraph (h) will read as follows:

§ 332.10 *Closing of loan.* • • •

(h) The due date of the first installment on the loan will be the first March 31st following the date of the loan closing. The amount of the first installment, not to exceed 4.326 percent of the loan, will be agreed upon mutually by the County Supervisor and the borrower, taking into consideration the borrower's financial circumstances, and the extent to which he will receive income from the farm during the calendar year preceding the date of the first installment. Whenever possible, the first installment should be not less than the interest that will accrue on the loan from the date of closing to the first March 31st thereafter. In special cases, however, where the borrower will not have income from his farm during the calendar year preceding the first due date, a nominal payment of less than the interest may be accepted. The County Supervisor should advise the borrower, in the event of disagreement, that it is the duty of the County Supervisor to determine the amount of the first installment based on the foregoing conditions. The promissory note will be dated as of the date of loan closing, except when the loan is made from State Rural Rehabilitation Corporation funds under an agreement executed pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act. In such case the note will be dated with the same date appearing on the United States Treasury check for the loan, and the date of the first repayment installment will be the following March 31. The date of loan closing will be inserted in the insurance endorsement on the promissory note as the effective date of the insurance of the mortgage.

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015)

[SEAL] DILLARD B. LASSETER, *Administrator, Farmers Home Administration.*

SEPTEMBER 5, 1952.

Approved: September 12, 1952.

C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-10164; Filed, Sept. 17, 1952; 8:52 a. m.]

Subchapter F—Miscellaneous Regulations

[FHA Instruction 447.1]

PART 383—ORCHARD LOAN PROGRAM

REVISED APPLICATION AND CERTIFICATION FORMS

Section 383.9 (a), Title 6, Code of Federal Regulations (15 F. R. 6905) is amended to provide for the use of Form FHA-197, "Application for FHA Services," Form FHA-197A, "Report on Application for Loan," and Form FHA-910, "Statement of Loss and Certifications," in lieu of Form FHA-202, "Application and Certifications for Disaster Loan." The section as amended reads as follows:

§ 383.9 *Loan forms and routines*—(a) *Applications.* Applications for orchard loans will be made to the county office of the Farmers Home Administration. The applicant will be required to execute Form FHA-197, "Application for FHA Services," Form FHA-197A, "Report on Application for Loan," and Form FHA-910, "Statement of Loss and Certifications." In the case of applications for subsequent orchard loans, Form FHA-197 will be required only when the borrower has changed farms since his

(Continued on p. 8377)

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FEDERAL REGISTER

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last orchard loan was received, and Form FHA–910 will not be required if the purpose of the loan is to supplement an orchard loan previously made to cover the year's operations.

(R. S. 161; 5 U. S. C. 22)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

SEPTEMBER 5, 1952.

Approved: September 12, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–10163; Filed, Sept. 17, 1952; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES

In F. R. Doc. 52–7571 appearing in the issue for Thursday, July 10, 1952, (17 F. R. 6181), in the second column on page 6181, line fourteen of paragraph (b) and line 5 in the third column on page 6183, paragraph (c) of § 44.3 are corrected to have the total sulfites read as follows: "not more than 250 parts".

This supersedes the correction appearing in the Wednesday, August 6, 1952, issue (17 F. R. 7135).

Issued this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 52–10198; Filed, Sept. 17, 1952; 8:58 a. m.]

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR FLORIDA TANGERINES

On July 31, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 7017) regarding proposed United States Standards for Florida Tangerines.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice of rule making, the following United States Standards for Florida Tangerines are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.417 *Standards for Florida Tangerines*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be highly colored.

(ii) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See tolerances for defects, paragraph (c) (1) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be fairly well colored.

(ii) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See tolerances for defects, paragraph (c) (1) of this section.)

(3) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided,* That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See tolerances for defects, paragraph (c) (1) of this section.)

(4) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(5) *U. S. No. 2.* U. S. No. 2 consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be reasonably well colored.

(ii) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(6) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20

percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with light brown discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(7) *U. S. No. 3.* U. S. No. 3 consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See tolerances for defects, paragraph (c) (2) of this section.)

(b) *Unclassified.* Unclassified consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Russet, U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than a total of 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(2) *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects, except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

(e) *Standard pack.* (1) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(f) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

[Diameter in inches]

Pack:	*Minimum*
100	2 15/16
120	2 11/16
150	2 7/16
176	2 5/16
210	2 1/16
246	2 3/16
294	2

(ii) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I of this paragraph.

(f) *Definitions.* (1) "Mature" means the same as that term is set forth for tangerines in §§ 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

(2) "Firm" means that the flesh is not soft and the fruit is not badly puffy, and that the skin has not become materially separated from the flesh of the tangerine.

(3) "Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

(4) "Damage" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(ii) Creasing, when it materially affects the appearance or shipping quality of the fruit;

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(v) Pitting, when materially affecting the appearance or shipping quality of the individual fruit;

(vi) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(vii) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(viii) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(ix) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xi) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade;

(xii) Scars, when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(xiii) Scab, when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(5) "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

(6) "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See definition, "Bronzed Russeting", subparagraph (8) of this paragraph.)

(7) "Fairly well colored" means that the fruit may have green color which does not exceed the aggregate area of a circle 1 inch in diameter and that the remainder of the surface shows a good tangerine color with some portion of the surface showing a reddish tangerine blush.

(8) "Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

(9) "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

(10) "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

(11) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(ii) Creasing, when it causes the skin to be seriously weakened;

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(v) Pitting, when seriously affecting the appearance or shipping quality of the fruit;

(vi) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(vii) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(viii) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(ix) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xi) Melanose, when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xii) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades; and,

(xiii) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

(12) "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

(13) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Ammoniation, when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(ii) Creasing, when causing the skin to be seriously weakened;

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit;

(v) Scale, when it very seriously affects the appearance of the fruit;

(vi) Sprayburn, when it very seriously affects the appearance of the fruit;

(vii) Sunburn, when it very seriously affects the appearance of the fruit;

(viii) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(ix) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected;

(x) Scars, when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(xi) Scab, when it causes the fruit to be very seriously injured.

(14) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(g) *Effective time.* The United States Standards for Florida Tangerines contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10199; Filed, Sept. 17, 1952; 8:59 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53098]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

OFFICIAL SUPPLIES FOR U. S. DIPLOMATIC OFFICERS; DIRECT EXPORTATION

1. Revised information concerning countries whose governments accord reciprocal privileges to official supplies for United States diplomatic officers, consular officers, and other representatives has been published as T. D. 52847.

Accordingly, footnote 32 appended to § 10.30, Customs Regulations of 1943 (19 CFR 10.30), is amended to read as follows:

[32] Information concerning countries whose governments accord such reciprocal privileges is published in T. D. 52847.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

2. Existing regulations require a statistical copy of immediate exportation entries (customs Form 7512) only if the merchandise is not covered by some other form of entry, a statistical copy of which has been sent to the Section of Customs Statistics. The Bureau of the Census, Department of Commerce, wishes complete coverage in connection with immediate export entries and has formally asked that the regulations be amended to provide for a statistical copy of immediate export entries in every case. To accomplish this, § 18.25 (a), Customs Regulations of 1943 (19 CFR 18.25 (a)), is amended to read as follows:

(a) Except as otherwise provided for in § 9.11 (a) of this chapter, relating to exportation by mail, when no entry has been made or completed for merchandise in customs custody, or when the merchandise is covered by an unliquidated consumption entry, or when merchandise which has been entered in good faith is found to be prohibited under any law of the United States, and such merchandise is to be exported directly without transportation to another port, an entry on customs Form 7512 shall be filed in quintuple.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 12, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10190; Filed, Sept. 17, 1952; 8:56 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter H—Forestry

PART 61—GENERAL FOREST REGULATIONS

ADVERTISEMENT OF SALES

Section 61.14 is amended to read as follows:

§ 61.14 *Advertisement of sales.* Sales of timber shall be made only after advertisement; provided that permit sales may be made without advertisement for stumpage not exceeding $100 in value, pursuant to § 61.27, and that open-market sales to Indians may be made without advertisement for stumpage not exceeding $5,000 in value, pursuant to § 61.17. The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. If the estimated stumpage value of the timber offered does not exceed $1,000 the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days. If no contract is executed after such advertisement, the officer approving the advertisement may, within one year from the last day on which bids were to be received as defined in the advertisement, sell such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraised value at the time of sale, whichever is greater.

(Secs. 7, 8, 36 Stat. 857; 25 U. S. C. 406, 407)

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10148; Filed, Sept. 17, 1952; 8:47 a. m.]

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

SEPTEMBER 5, 1952.

On August 8, 1952, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.86 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands at the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, within 30 days from the date of publication of the notice. No views, data or arguments were submitted. Accordingly, § 130.86 of Title 25, Code of Federal Regulations, is amended as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1953 and subsequent years until further notice are hereby fixed as follows:

(a) Minimum charges for all tracts in noncontiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each accessable acre	5.50
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.45

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387)

E. MORGAN PRYSE,
Area Director.

[F. R. Doc. 52-10143; Filed, Sept. 17, 1952; 8:45 a. m.]

Subchapter R—Leases and Sale of Minerals

PART 186—LEASING OF TRIBAL LANDS FOR MINING

SALE OF OIL AND GAS LEASES

Section 186.3 (a) of the regulations in this part is hereby amended to read as follows:

§ 186.3 *Sale of oil and gas leases.* (a) At such times as the Secretary of the Interior, or his authorized representative, may direct, after being authorized by the tribal council, the superintendent shall cause notices to be posted or advertisements to be published for a period of not less than fifteen days, offering for sale at public auction or under sealed bids, or both, to the highest responsible bidder, oil and gas leases of specific tracts, each of which shall be in a compact body. As a guaranty of good faith the successful bidder shall deposit with the superintendent on the day of the sale, a certified check or bank draft drawn on a solvent bank in an amount not less than twenty per cent of the bonus bid and of the first year's rental. Unless such period shall have been extended by the superintendent for good and sufficient reason, within twenty days after the date upon which the lease is forwarded to the successful bidder for execution he shall return to the superintendent the same completely executed accompanied by the balance of the bonus and of the first year's rental. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or of the Department, the amount of the bonus and rental deposited with the bid shall be forfeited, as liquidated damages, for the use and benefit of the Indian lessor.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1952.

[F. R. Doc. 52-10147; Filed, Sept. 17, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 17, Interpretation 2]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 17—ADJUSTMENTS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

INT. 2—COMPUTATION OF THE VALUE OF PRODUCTION (SECTION 11 (C))

The "value of production" is defined in section 11 (c) as a figure arrived at by multiplying the dollar amount of net sales during the applicable overhead period by the cost of goods produced and dividing the result by the cost of goods sold during the same period. In order to obtain the correct dollar amounts for the cost of goods produced and the cost of goods sold, it is necessary to make adjustments for the change in work-in-process inventory and finished goods inventory, respectively, between the beginning and end of the overhead period.

It has come to the attention of the Office of Price Stabilization that some manufacturers do not keep inventory records adequate to enable them to arrive at the exact data required for such a determination. In such cases, where the manufacturer does not maintain perpetual inventory records, or otherwise have inventory records for the beginning and end of these overhead periods, he must make a reasonable estimate, based on past experience, of the inventory figures required for a proper determination of the cost of goods produced and cost of goods sold during the period.

A manufacturer who finds it necessary to compute his value of production in this way should attach to his OPS Public Form 100 a statement setting forth in detail the methods used in arriving at the value of production figures based on such estimates of inventory.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10283; Filed, Sept. 17, 1952; 12:06 p. m.]

[Ceiling Price Regulation 171]

CPR 171—CEILING PRICES FOR UNTREATED EASTERN POLES AND PILING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 171 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes producers' dollars-and-cents ceiling prices for sales of untreated Southern Yellow Pine poles, anchor logs and reinforcing stubs, and Southern Yellow Pine, Cypress, Mixed Oak, White Oak and Mixed Hardwood piling produced in the part of the United States east of the one-hundredth meridian, except the portion of North Dakota and South Dakota east of that meridian. It also provides a method for determining ceiling prices for concentrators' sales of these items.

Poles and pilings are select peeled logs generally cut in longer lengths than saw logs. Poles are used to support telephone and electric distribution and transmission lines. Piling is used in the foundation of buildings, and in the construction of bridges, docks, and wharves. Specifications of the American Standards Association for poles and the American Society for Testing Materials and Federal Specification MMP 371 for piling require that these items be selected from trees that are free from defects and of a degree of straightness not required of saw logs. Because of these strict requirements, trees suitable for poles or piling are generally limited in number and scattered throughout a tract of timber. For this reason, and because poles and piling are cut and handled in longer lengths than saw logs, the entire operation of producing poles and piling is at every step more expensive than that involved in the production of saw logs. As a result, the prices paid for poles and piling normally are higher than those paid for saw logs.

During 1947, the production of Southern Yellow pine poles was at a level of six million. In the face of this large production, there was in 1948 a general deferment in construction programs by utility companies, which resulted in excessive pole inventories, and a drop in prices. Notwithstanding the 1948 depressed market price for poles, there was an increased demand for Southern Yellow Pine lumber with correspondingly high prices. In 1949 there was an increase over the 1948 requirements for poles, but these requirements were mainly filled from 1948 surplus inventories and therefore had little effect on the market price for poles. In 1950, like 1948, there was again a very small demand for poles, which was accentuated by competition from lightweight steel towers. For these reasons the ceiling prices for poles, as frozen under the General Ceiling Price Regulation, were at a very low level and at an abnormal competitive relationship with lumber prices. Consequently, since that regulation has been in effect, trees suitable for poles and piling have been diverted into the manufacture of lumber.

Meanwhile, because of the expansion in the past 18 months of construction programs of electric transmission lines, coupled with the fact that the government has encouraged the exclusive use of wood poles in such programs instead of steel towers, there has been a great increase in the demand for poles, especially those of longer length. Dollars-and-cents ceiling prices have already been established above GCPR levels for the Western poles under CPR 126 and CPR 155. The increase over the GCPR level of prices for the Western species was necessary to restore the normal competitive relationship with saw-logs of the same species.

This regulation restores the long term competitive relationship, in the area affected, between the prices of poles and piling and the prices of manufactured lumber. The ceiling prices established for Southern Yellow Pine poles are an average 15.6 percent higher than their GCPR level.

The basic ceiling prices established by this regulation are for untreated poles and piling, f. o. b. cars or boomed and rafted in towable waters. In addition, the regulation makes provision for delivered sales, with transportation charges computed on the basis of established weights set forth in the regulation. This regulation recognizes the traditional role of concentrators as principle suppliers of poles and piling. It, therefore, provides a method whereby concentrators may ascertain their ceilings by applying a dollar and cent markup to the producers' ceiling prices established by the regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendation. This consultation included two meetings with the Eastern Poles and Piling Industry Advisory Committee, and two meetings with its subcommittee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of poles and piling covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention of evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Explanation of zones.
4. Explanation of ceiling price provisions.
5. Ceiling prices for Southern Yellow Pine poles.
6. Ceiling prices for Southern Yellow Pine anchor logs and reinforcing stubs.
7. Ceiling prices for Southern Yellow Pine piling.
8. Ceiling prices for Cypress piling.
9. Ceiling prices for Mixed Oak and White Oak piling.
10. Ceiling prices for piling of Mixed Hardwood species.
11. General notes to sections 7, 8, 9 and 10.
12. Selling on an averaging-out basis.
13. Concentrators' ceilings.
14. Inspection service.
15. Transportation charges.
16. Ceiling prices for special items.
17. Modification of proposed ceiling prices by the Director of Price Stabilization.
18. Petitions for amendment.
19. Adjustable pricing.
20. Records.
21. Interpretations.
22. Prohibitions and violations.
23. Evasions.
24. Definitions.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation establishes dollars-and-cents ceiling prices for producers' sales of untreated Southern Yellow Pine poles, anchor logs, and reinforcing stubs, and Southern Yellow Pine, Cypress, Mixed Oak, White Oak, and Mixed Hard-

wood piling produced in the part of the United States east of the 100th Meridian except the portion of North Dakota and South Dakota east of that Meridian. It also provides a method for determining ceiling prices for these items when they are sold by concentrators. The regulation divides the production area covered into three production zones for Southern Yellow Pine and Cypress items, and for each zone it sets specific ceiling prices. The ceiling prices established for Mixed Oak, White Oak and Mixed Hardwood items apply uniformly throughout the entire production area covered by this regulation.

(b) This regulation supersedes the General Ceiling Price Regulation, including Supplementary Regulation 87 to the GCPR, insofar as it pertains to the transactions covered by this regulation.

SEC. 2. *Geographical applicability.* The provisions of this regulation are applicable in the 48 States of the United States and the District of Columbia.

SEC. 3. *Explanation of zones.* The production zones for the Southern Yellow Pine and Cypress items covered by this regulation are:

(a) Zone A, which includes Missouri, Arkansas, Oklahoma, Texas, and the part of Louisiana west of the Mississippi River.

(b) Zone B, which includes South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Illinois, and the part of Louisiana east of the Mississippi River.

(c) Zone C, which includes North Carolina, Virginia, Delaware, Maryland, and West Virginia.

SEC. 4. *Explanation of ceiling price provisions*—(a) *General.* The basic ceiling prices for items covered by this regulation and set out in sections 5 through 10 are f. o. b. carload ceiling prices at a normal loading out point, or are ceiling prices that apply when you sell items boomed and rafted in towable waters at a normal loading out point. If your place of production or concentration yard is in one zone and your normal loading out point is in a different zone, your ceiling prices are the ceiling prices for the zone in which your normal loading out point is located. If you make delivery beyond a normal loading out point, section 15 permits you to make certain additions to the basic ceiling prices.

(b) *Normal loading out point explained.* The term "normal loading out point" means the siding or point on a railroad, and the booming and rafting grounds in towable waters, to which items covered by this regulation can be most cheaply transported by rail or raft from their place of production to their point of destination.

(c) *Reduction for non-delivery at normal loading out point and nonperformance of services.* (1) If you do not deliver your items as far as a normal loading out point, and you neither load them on cars nor boom and raft them, the otherwise applicable basic ceiling prices are reduced by an amount equal to the sum of (i) the cost of transporting the items from the place of delivery to a normal loading out point, and (ii) depending on whether the normal loading out point is a rail point or siding or booming and rafting grounds, the cost of loading on cars or of booming and rafting the items involved.

(2) If, when you deliver your items to a normal loading out point or to other places beyond a normal loading out point, such as, a concentration yard, a treating plant, a job site or a storage yard, you neither load them on cars nor boom and raft them, the otherwise appropriate basic ceiling prices are reduced by an amount equal to the cost of whichever service you are required to perform at that normal loading point.

For the purposes of this paragraph, in computing the transportation cost, you must apply applicable published contract or common carrier rates; if there are no published rates, the actual cost of transportation must be used. In computing the loading or booming and rafting cost, you must apply applicable established commercial rates for such services; if there are no established commercial rates, the actual cost of performing such services must be used.

SEC. 5. *Ceiling prices for Southern Yellow Pine poles.*—(a) *Basic ceiling prices.* The basic ceiling prices and established weights for untreated rough peeled Southern Yellow Pine poles, produced according to American Standards Association specifications in effect on the effective date of this regulation are as follows:

Length (feet)	Classes	Weight (pounds per pole)	Price per pole		
			Zone A	Zone B	Zone C
16	5	234	$1.40	$1.30	$1.55
	6	202	1.30	1.20	1.45
	7	165	1.20	1.10	1.35
	9	138	1.15	1.05	1.25
	10	110	1.05	.95	1.15
18	3	381	2.25	2.00	2.35
	4	325	2.05	1.85	2.15
	5	275	1.80	1.60	2.00
	6	234	1.70	1.50	1.90
	7	188	1.45	1.25	1.70
	9	151	1.40	1.20	1.60
	10	133	1.25	1.10	1.45
20	1	710	3.00	2.65	3.20
	2	564	2.70	2.35	2.90
	3	467	2.40	2.10	2.60
	4	394	2.20	1.90	2.40
	5	330	1.95	1.70	2.15
	6	284	1.75	1.55	1.95
	7	234	1.55	1.40	1.80
	9	202	1.50	1.30	1.70
	10	161	1.35	1.25	1.55
22	1	825	3.40	2.95	3.50
	2	674	3.00	2.70	3.15
	3	559	2.75	2.40	2.85
	4	463	2.55	2.25	2.65
	5	398	2.30	2.05	2.50
	6	339	2.15	1.85	2.35
	7	284	1.90	1.70	2.10
	9	234	1.80	1.60	2.00
	10	188	1.65	1.45	1.85
25	1	990	4.40	3.85	4.55
	2	811	3.75	3.30	3.90
	3	674	3.45	3.05	3.60
	4	573	3.15	2.75	3.30
	5	491	2.90	2.50	2.95
	6	422	2.50	2.20	2.65
	7	344	2.20	1.95	2.35
	9	289	2.00	1.75	2.15
	10	234	1.75	1.55	1.95
30	1	1,279	6.40	5.60	7.10
	2	1,082	5.45	4.80	6.15
	3	921	4.90	4.25	5.50
	4	784	4.50	3.95	5.05
	5	660	3.95	3.50	4.30
	6	550	3.35	2.85	3.90
	7	454	2.95	2.50	3.40
	9	371	2.40	2.10	2.65
35	1	1,568	10.45	9.90	11.40
	2	1,343	9.70	9.10	10.70
	3	1,155	8.40	7.90	9.70
	4	1,004	7.90	6.90	8.25
	5	892	$6.30	$6.10	$7.25
	6	743	4.50	3.90	5.00
	7	646	3.60	3.35	4.10
40	1	1,884	12.75	12.00	15.00
	2	1,623	11.50	10.75	13.50
	3	1,403	10.50	9.75	12.00
	4	1,219	9.25	8.50	10.25
	5	1,059	7.50	7.05	8.50
	6	921	5.90	5.50	6.40
	7	807	3.80	3.05	5.00
45	1	2,223	17.00	16.00	19.20
	2	1,911	14.50	13.50	16.00
	3	1,664	13.25	12.75	14.40
	4	1,444	11.00	10.50	12.00
	5	1,274	9.00	8.50	10.40
	6	1,114	7.15	6.20	7.40
	7	976	4.15	3.20	6.50
50	1	2,585	20.50	24.50	27.00
	2	2,214	21.50	21.50	23.50
	3	1,925	19.00	19.00	21.00
	4	1,687	17.00	17.00	19.00
	5	1,494	10.50	10.50	11.85
	6	1,329	7.50	7.50	9.75
	7	1,169	5.25	5.25	7.75
55	1	2,993	31.00	31.00	35.00
	2	2,567	28.50	28.50	32.00
	3	2,220	27.00	27.00	30.00
	4	1,934	21.50	21.50	24.50
	5	1,719	15.00	15.00	16.40
	6	1,533	10.00	10.00	13.60
60	1	3,451	39.80	39.80	42.50
	2	2,943	33.80	33.80	38.00
	3	2,512	30.80	30.80	36.00
	4	2,186	28.80	28.80	29.70
	5	1,955	21.10	30.10	21.50
	6	1,801	18.60	18.60	19.80
65	1	4,015	51.20	51.20	51.20
	2	3,341	43.70	43.70	46.70
	3	2,814	39.70	39.70	42.85
	4	2,457	33.70	33.70	36.00
	5	2,257	23.80	23.80	25.80
70	1	4,620	61.55	57.00	62.00
	2	3,781	53.65	50.50	56.10
	3	3,144	49.55	47.00	53.00
	4	2,732	43.65	39.50	45.10
	5	2,488	34.60	30.00	30.80
75	1	5,198	75.60	69.50	71.00
	2	4,235	65.90	63.00	64.00
	3	3,506	58.65	57.00	60.00
	4	3,021	55.50	50.00	52.00
80	1	6,400	94.00	86.65	90.00
	2	5,170	81.10	77.70	78.50
	3	4,240	71.30	69.00	69.70
	4	3,615	66.30	61.00	66.00
85	1	7,200	105.50	104.25	106.00
	2	5,745	93.30	92.00	94.00
	3	4,690	84.00	82.30	83.00
90	1	8,140	121.00	119.00	125.00
	2	6,405	110.00	108.50	108.00
	3	5,160	97.50	95.50	97.00
95	1	9,120	130.00	130.00	130.00
	2	7,080	125.00	125.00	125.00
	3	5,580	120.00	120.00	120.00
100	1	10,350	160.00	160.00	160.00
	2	7,920	155.00	155.00	155.00
	3	6,120	150.00	150.00	150.00

(b) *Additions to basic ceiling prices.* Under the circumstances indicated below, whether you are a producer or a concentrator, you may make the following additions to the basic ceiling prices for untreated Southern Yellow Pine poles set out in paragraph (a) of this section:

(1) For loading specified length groups of four consecutive lengths in 5-foot multiples, you may add as much as $0.01 per lineal foot.

(2) For loading specified length groups of three consecutive lengths in 5-foot multiples, you may add as much as $0.02 per lineal foot.

(3) For loading specified length groups of two consecutive lengths in 5-foot multiples, you may add as much as $0.03 per lineal foot.

(4) For loading specified single lengths, you may add as much as $0.04 per lineal foot.

(5) For loading random length orders where the purchaser specifies restricted loading, you may add as much as two-thirds of the proper specified length addition shown above.

NOTE: The above additions may be made only when an order requires specified length group loading, and the additions may be applied only to the items loaded in such manner. For loading specified length groups of five or more consecutive lengths in 5-foot multiples, no addition is allowed.

(6) For classes 1, 2 and 3, or top size equivalent of clean hand-peeled poles, you may add as much as $0.03 per lineal foot; for classes 4, 5 and 6, or top size equivalent, you may add as much as $0.02 per lineal foot; for classes 7, 9 and 10, or top size equivalent, you may add as much as $0.01 per lineal foot.

(7) For machine peeling of poles, including cutting to specified lengths when required, you may add as much as the following:

Length (feet)	Classes								
	1	2	3	4	5	6	7	9	10
16					$0.28	$0.24	$0.21	$0.18	$0.15
18									
20	$0.84	$0.67	$0.45	$0.38	.33	.28	.24	.21	.18
22	.98	.80	.66	.55	.47	.39	.34	.32	.25	.23
25	1.17	.96	.80	.60	.58	.50	.41	.39	.33	.26
30	1.51	1.28	1.09	.93	.78	.65	.54	.44		
35	1.85	1.58	1.37	1.19	1.02	.88	.76			
40	2.23	1.92	1.66	1.44	1.25	1.09	.95			
45	2.63	2.26	1.97	1.71	1.51	1.32	1.15			
50	3.06	2.62	2.28	1.99	1.77	1.57	1.38			
55	3.54	3.03	2.60	2.29	2.03	1.85				
60	4.08	3.48	2.97	2.58	2.31	2.13				
65	4.75	3.95	3.33	2.90	2.64					
70	5.46	4.47	3.72	3.23	2.94					
75	6.10	5.00	4.14	3.57						

(8) For framing poles, which includes roofing, gaining (two gains per pole), and boring one hole in each of the two gains, you may add as much as the following:

	Per pole
Classes 1, 2, 3 and 4 of all poles under 40 feet in length	$0.40
Classes 5, 6, 7, 9 and 10 of all poles under 40 feet in length	.30
Classes 1, 2, 3 and 4 of all poles 40 feet in length	.45
Classes 5, 6 and 7 of all poles 40 feet in length	.35
All classes of poles 45 feet in length and longer	.50
	Per gain
For each additional gain with one hole	$0.10
	Per hole
For boring of additional holes in the pole	$0.04

(9) For handling poles incident to framing, you may add as much as 1½ cents per cubic foot.

(10) For each continuous 12 inches of slab-gained surface, including the boring of the hole in the gain, you may add as much as 10 cents. A continuous slab gain shall be considered as multiple gains and may be priced accordingly.

(11) For branding by burning, you may add as much as 7 cents per pole; for branding by hammer, you may add as much as 1½ cents per pole.

(12) When a buyer's request exceeds your supply of a specific class and length of pole, you may fill the request by cutting off the most similar pole available. You may charge the ceiling price for the pole that was cut back without a deduction for the reduced footage. However, any additions for transportation on the cut-back poles shall be those additions applicable to the class and length of pole ordered by the buyer, and no addition may be made for labor involved in the cutting-back operations.

(c) *Deductions from basic ceiling prices.* Under the circumstances indicated below, whether you are a producer or a concentrator, you must make the following deductions from the basic ceiling prices for Southern Yellow Pine poles set out in paragraph (a) of this section:

(1) For classes 1, 2 and 3, or top size equivalent, of unpeeled poles, you must deduct 3 cents per lineal foot.

(2) For classes 4, 5 and 6, or top size equivalent, of unpeeled poles, you must deduct 2 cents per lineal foot.

(3) For classes 7, 9 and 10, or top size equivalent, of unpeeled poles, you must deduct 1 cent per lineal foot.

SEC. 6. *Ceiling prices for Southern Yellow Pine anchor logs and reinforcing stubs.* The basic ceiling prices and established weights for clean peeled untreated Southern Yellow Pine anchor logs and reinforcing stubs are as follows:

Minimum diameter small end (inches)	Weight, pounds per lineal foot	Price per lineal foot	
		Zones A and B	Zone C
5	13	$0.08	$0.09
6	17	.10	.11
7	22	.11	.12
8	27	.14	.15
9	33	.18	.20
10	40	.22	.24
11	47	.25	.27
12	55	.30	.32
13	64	.35	.37
14	72	.43	.45
15	82	.49	.51
16	92	.55	.57

SEC. 7. *Ceiling prices for Southern Yellow Pine piling.* The basic ceiling prices and established weights for rough peeled untreated Southern Yellow Pine piling produced according to Federal Specification MMP–371, dated March 31, 1947 are as follows:

(a) *Ceiling prices and established weights for production Zones A and B.*

Diameters (inclusive)	9″ minimum butt 8″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′		17″ minimum butt 15″/4′ to 15″/6′ and 16″/1′ to 16″/3′		18″ minimum butt 16″/4′ to 16″/6′ and 17″/1′ to 17″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	26	$0.20	31	$0.22	38	$0.26	45	$0.31	52	$0.34	61	$0.37	70	$0.42	79	$0.47	89	$0.53	99	$0.58
18′ to 22′	24	.20	30	.21	36	.24	44	.29	51	.32	59	.35	68	.40	77	.45	87	.50	97	.56
23′ to 27′	23	.20	29	.21	35	.24	41	.29	49	.32	57	.35	66	.40	74	.45	84	.50	95	.56
28′ to 32′	22	.20	28	.21	33	.24	40	.29	47	.32	55	.35	63	.40	72	.45	82	.50	92	.56
33′ to 37′	21	.20	26	.21	32	.24	38	.29	45	.32	53	.35	61	.40	70	.45	79	.50	90	.56
38′ to 42′	20	.20	25	.21	30	.24	37	.30	44	.34	51	.37	59	.42	68	.45	77	.50	87	.56
43′ to 47′	19	.23	24	.24	29	.28	35	.33	42	.36	49	.39	57	.44	66	.47	75	.50	85	.56
48′ to 52′			23	.28	28	.33	34	.39	40	.44	47	.47	55	.52	64	.54	73	.57	83	.61
53′ to 57′			22	.33	27	.36	33	.42	39	.47	46	.50	53	.55	62	.60	71	.61	80	.65
58′ to 62′					26	.39	31	.45	38	.50	45	.53	52	.58	59	.64	68	.69	78	.71
63′ to 67′							30	.48	36	.51	43	.55	50	.62	58	.66	67	.74	75	.76
68′ to 72′									35	.55	42	.64	49	.69	56	.72	64	.79	73	.83
73′ to 77′									34	.60	40	.66	47	.75	55	.82	63	.87	71	.93
78′ to 82′											39	.70	45	.85	53	.88	62	.93	70	.98
83′ to 87′											37	.80	43	.95	52	1.00	60	1.05	68	1.10
88′ to 92′											36	.85	42	1.00	50	1.05	58	1.10	66	1.15
93′ to 97′											35	.95	41	1.10	48	1.15	56	1.20	64	1.25
98′ to 102′											34	1.05	40	1.20	46	1.25	54	1.30	62	1.35

(b) *Ceiling prices and established weights for production Zone C.*

Diameters (inclusive)	9″ minimum butt 5″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′		17″ minimum butt 15″/4′ to 15″/6′ and 16″/1′ to 16″/3′		18″ minimum butt 16″/4′ to 16″/6′ and 17″/1′ to 17″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	26	$0.23	31	$0.24	36	$0.28	45	$0.34	52	$0.37	61	$0.40	70	$0.45	79	$0.50	89	$0.55	99	$0.61
18′ to 22′	24	.21	30	.24	36	.26	44	.32	51	.35	59	.38	68	.43	77	.48	87	.53	97	.59
23′ to 27′	23	.21	29	.24	35	.26	41	.32	49	.35	57	.38	66	.43	74	.48	84	.53	95	.59
28′ to 32′	22	.21	28	.24	33	.26	40	.32	47	.35	55	.38	63	.43	72	.48	82	.53	92	.59
33′ to 37′	21	.21	26	.24	32	.26	38	.32	45	.35	53	.38	61	.43	70	.48	79	.53	90	.59
38′ to 42′	20	.21	25	.24	30	.26	37	.32	44	.35	51	.38	59	.43	68	.48	77	.53	87	.59
43′ to 47′	19	.23	24	.24	29	.28	35	.33	42	.37	49	.40	57	.43	66	.48	75	.53	85	.59
48′ to 52′	------	------	23	.28	28	.33	34	.39	40	.45	47	.47	55	.53	64	.55	73	.58	83	.63
53′ to 57′	------	------	22	.33	27	.38	33	.42	39	.47	46	.50	54	.56	62	.61	71	.66	80	.71
58′ to 62′	------	------	------	------	26	.41	31	.45	38	.50	45	.53	52	.58	59	.68	68	.73	78	.78
63′ to 67′	------	------	------	------	------	------	30	.48	36	.51	43	.55	50	.65	58	.72	67	.83	75	.88
68′ to 72′	------	------	------	------	------	------	------	------	35	.55	42	.65	49	.75	56	.85	64	.93	73	.98
73′ to 77′	------	------	------	------	------	------	------	------	34	.60	40	.70	47	.80	55	.90	63	.97	71	1.00
78′ to 82′	------	------	------	------	------	------	------	------	------	------	39	.75	45	.85	53	.95	62	1.00	70	1.05
83′ to 87′	------	------	------	------	------	------	------	------	------	------	37	.85	43	.95	52	1.00	60	1.10	68	1.15
88′ to 92′	------	------	------	------	------	------	------	------	------	------	36	.90	42	1.00	50	1.05	58	1.15	66	1.20
93′ to 97′	------	------	------	------	------	------	------	------	------	------	35	1.00	41	1.10	48	1.15	56	1.20	64	1.25
98′ to 102′	------	------	------	------	------	------	------	------	------	------	34	1.10	40	1.20	46	1.25	54	1.30	62	1.35

SEC. 8. *Ceiling prices for Cypress piling.* The basic ceiling prices and established weights for rough peeled untreated Cypress piling produced according to Federal Specification MMP–371, dated March 31, 1947 are as follows:

(a) *Ceiling prices and established weights for production Zones A and B.*

Diameters (inclusive)	9″ minimum butt 5″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	21	$0.20	26	$0.22	31	$0.26	37	$0.31	43	$0.34	50	$0.37	57	$0.42	65	$0.47
18′ to 22′	20	.20	25	.21	30	.24	36	.29	41	.32	49	.35	55	.40	63	.45
23′ to 27′	19	.20	24	.21	28	.24	34	.29	40	.32	46	.35	54	.40	61	.45
28′ to 32′	18	.20	23	.21	27	.24	32	.29	39	.32	45	.35	52	.40	59	.45
33′ to 37′	17	.20	21	.21	26	.24	31	.29	37	.32	43	.35	50	.40	57	.45
38′ to 42′	16	.20	20	.21	25	.24	30	.30	36	.34	42	.37	49	.42	55	.45
43′ to 47′	15	.23	19	.24	23	.28	29	.33	34	.36	40	.39	47	.44	54	.47
48′ to 52′	------	------	18	.26	22	.33	28	.39	33	.44	39	.47	45	.52	52	.54
53′ to 57′	------	------	17	.33	21	.36	26	.42	32	.47	37	.50	44	.55	50	.60
58′ to 62′	------	------	------	------	20	.39	24	.45	30	.50	36	.53	42	.58	49	.64
63′ to 67′	------	------	------	------	------	------	22	.48	28	.51	34	.55	41	.62	47	.66
68′ to 72′	------	------	------	------	------	------	------	------	27	.55	32	.64	39	.69	46	.72
73′ to 77′	------	------	------	------	------	------	------	------	25	.60	30	.66	37	.75	45	.82
78′ to 82′	------	------	------	------	------	------	------	------	------	------	29	.70	36	.85	43	.88

(b) *Ceiling prices and established weights for production Zone C.*

Diameters (inclusive)	9″ minimum butt 5″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	21	$0.23	26	$0.24	31	$0.28	37	$0.34	43	$0.37	50	$0.40	57	$0.45	65	$0.50
18′ to 22′	20	.21	25	.24	30	.26	36	.32	41	.35	49	.38	55	.43	63	.48
23′ to 27′	19	.21	24	.24	28	.26	34	.32	40	.35	46	.38	54	.43	61	.48
28′ to 32′	18	.21	23	.24	27	.26	32	.32	39	.35	45	.38	52	.43	59	.48
33′ to 37′	17	.21	21	.24	26	.26	31	.32	37	.35	43	.38	50	.43	57	.48
38′ to 42′	16	.21	20	.24	25	.26	30	.32	36	.35	42	.38	49	.43	55	.48
43′ to 47′	15	.23	19	.24	23	.28	29	.33	34	.37	40	.40	47	.43	54	.48
48′ to 52′	------	------	18	.28	22	.33	28	.39	33	.45	39	.47	45	.53	52	.55
53′ to 57′	------	------	17	.33	21	.38	26	.42	32	.47	37	.50	44	.56	50	.61
58′ to 62′	------	------	------	------	------	------	24	.45	30	.50	36	.53	42	.58	49	.68
63′ to 67′	------	------	------	------	------	------	22	.48	28	.51	34	.55	41	.65	47	.72
68′ to 72′	------	------	------	------	------	------	------	------	27	.55	32	.65	39	.75	46	.85
73′ to 77′	------	------	------	------	------	------	------	------	25	.60	30	.70	37	.80	45	.90
78′ to 82′	------	------	------	------	------	------	------	------	------	------	29	.75	36	.85	43	.95

SEC. 9. *Ceiling prices for Mixed Oak and White Oak piling.* (a) The basic ceiling prices and established weights for rough peeled untreated Mixed Oak and White Oak piling produced according to Federal Specification MMP–371, dated March 31, 1947 are as follows:

(1) *Mixed Oak piling ceiling prices and established weights.*

Diameters (inclusive)	9″ minimum butt 8″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	31	$0.23	37	$0.25	45	$0.27	53	$0.29	62	$0.32	72	$0.37	83	$0.44	93	$0.51
18′ to 22′	29	.23	36	.25	43	.27	51	.29	60	.32	70	.37	80	.44	91	.51
23′ to 27′	27	.23	34	.25	41	.27	49	.29	58	.32	67	.37	77	.44	88	.51
28′ to 32′	26	.23	33	.25	39	.27	47	.29	56	.32	65	.37	75	.44	85	.51
33′ to 37′	25	.23	31	.25	38	.27	45	.29	53	.32	62	.37	72	.44	83	.51
38′ to 42′	23	.27	29	.29	36	.31	44	.33	51	.36	60	.41	70	.48	80	.55
43′ to 47′	22	.30	28	.32	34	.34	42	.36	49	.39	59	.44	68	.51	78	.58
48′ to 52′	21	.38	27	.40	33	.42	40	.44	48	.47	56	.52	66	.59	75	.66
53′ to 57′	------	------	------	------	------	------	39	.52	47	.55	54	.60	63	.67	73	.74
58′ to 62′	------	------	------	------	------	------	37	.63	45	.66	52	.71	61	.78	70	.85
63′ to 67′	------	------	------	------	------	------	------	------	44	.77	51	.82	59	.89	68	.98
68′ to 72′	------	------	------	------	------	------	------	------	------	------	------	------	58	1.05	66	1.15

(2) *White Oak piling ceiling prices and established weights.* (i) You shall determine your ceiling prices for White Oak piling by adding the appropriate addition set forth below to the Mixed Oak ceiling prices of corresponding lengths set forth in paragraph (a) of this section:

	Addition
9 to 11 inches, minimum butt, inclusive	$0.08 per lineal foot.
12 to 14 inches, minimum butt, inclusive	0.10 per lineal foot.
15 to 16 inches, minimum butt, inclusive	0.12 per lineal foot.

(ii) Your established weights for White Oak piling shall be the same as those established in subparagraph (1) of this paragraph for corresponding sizes and lengths of Mixed Oak piling.

SEC. 10. *Ceiling prices for piling of Mixed Hardwood species.* (a) The basic ceiling prices and established weights for rough peeled untreated piling of Mixed Hardwood species produced according to Federal Specification MMP–371, dated March 31, 1947 are as follows:

Diameters (inclusive)	9″ minimum butt 8″/1′ to 8″/3′		10″ minimum butt 8″/4′ to 8″/6′ and 9″/1′ to 9″/3′		11″ minimum butt 9″/4′ to 9″/6′ and 10″/1′ to 10″/3′		12″ minimum butt 10″/4′ to 10″/6′ and 11″/1′ to 11″/3′		13″ minimum butt 11″/4′ to 11″/6′ and 12″/1′ to 12″/3′		14″ minimum butt 12″/4′ to 12″/6′ and 13″/1′ to 13″/3′		15″ minimum butt 13″/4′ to 13″/6′ and 14″/1′ to 14″/3′		16″ minimum butt 14″/4′ to 14″/6′ and 15″/1′ to 15″/3′	
Lengths (inclusive)	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot	Weight, pounds per lineal foot	Price per lineal foot
15′ to 17′	29	$0.19	35	$0.20	42	$0.22	50	$0.26	58	$0.29	68	$0.34	77	$0.39	88	$0.46
18′ to 22′	27	.19	34	.20	40	.22	48	.26	56	.29	66	.34	75	.39	85	.46
23′ to 27′	26	.19	32	.20	39	.22	46	.26	55	.29	63	.34	72	.39	82	.46
28′ to 32′	24	.19	31	.20	37	.22	44	.26	53	.29	61	.34	70	.39	80	.46
33′ to 37′	23	.19	29	.20	35	.22	42	.26	50	.29	59	.34	68	.39	77	.46
38′ to 42′	22	.21	28	.22	34	.24	41	.28	49	.31	57	.36	66	.41	75	.48
43′ to 47′	21	.22	26	.25	32	.27	39	.31	47	.33	54	.39	63	.44	73	.51
48′ to 52′	20	.24	25	.27	31	.29	37	.33	46	.36	53	.41	61	.46	71	.53
53′ to 57′	------	------	------	------	------	------	36	.36	42	.39	51	.44	59	.49	68	.56
63′ to 67′	------	------	------	------	------	------	34	.40	41	.43	48	.48	57	.53	66	.60
68′ to 72′	------	------	------	------	------	------	32	.47	39	.50	47	.55	55	.60	64	.67
73′ to 77′	------	------	------	------	------	------	30	.51	37	.54	45	.59	53	.64	61	.71
							29	.56	36	.59	44	.64	52	.69	59	.76

SEC. 11. *General notes to sections 7, 8, 9 and 10.* Whether you are a producer or concentrator, the following notes pertain to the basic ceiling prices for Southern Yellow Pine, Cypress, Mixed Oak, White Oak and Mixed Hardwood species piling set out in sections 7, 8, 9 and 10.

(a) When a top diameter of piling only is specified, or where the top diameter controls, the butt size shall be determined by adding 1 inch for each 10-foot length or fraction thereof.

(b) You determine the ceiling price for piling with a minimum diameter at a specified point more than 6 feet from the butt in the following manner:

(1) Convert this diameter to a diameter 6 feet from the butt by adding 1 inch to the diameter for each 10 feet or fraction thereof by which the distance from the butt to the specified point exceeds 6 feet.

(2) Your ceiling price is the ceiling price set out in the table applicable to the diameter 6 feet from the butt as determined in this paragraph.

Example: The ceiling price for a piling with a minimum diameter of 12 inches at 7 feet from the butt is determined as follows:

	Inches
Diameter 7 feet from butt	12
7 feet exceeds 6 feet by 1 foot, add for 1 foot (fraction of 10 feet)	1
Diameter 6 feet from butt	13

Your ceiling price is found in the applicable table in the column headed 15 inches minimum butt, which includes the ceiling price for piling measuring 13 inches in diameter 6 feet from the butt.

Example: The ceiling price for a 70-foot piling with a minimum diameter of 12 inches one-quarter of the length from the butt is determined as follows:

	Inches
Diameter 17½ feet (¼ of 70 feet) from butt	12
17½ feet exceeds 6 feet by 11½ feet:	
Add for 10 feet	1
Add for 1½ feet	1
Diameter 6 feet from butt	14

Your ceiling price is found in the applicable table in the column headed 16 inches minimum butt, which includes the ceiling price for piling measuring 14 inches in diameter 6 feet from the butt.

(c) For loading specified length groups, you may add as much as the following to the appropriate basic ceiling prices: For three consecutive length groups, $0.01 per lineal foot; for two consecutive length groups, $0.02 per lineal foot; for one length group, $0.03 per lineal foot. These additions may be made only when an order requires specified length group loading, and the additions may be applied only to the items loaded in such manner. For loading more than three consecutive length groups, no addition is permitted.

(d) For loading in lengths of 5-foot multiples, you may add as much as the following to the appropriate basic ceiling prices: For four consecutive lengths, $0.01 per lineal foot; for three consecutive lengths, $0.02 per lineal foot; for two consecutive lengths, $0.03 per lineal foot; for single lengths, $0.04 per lineal foot. These additions may be made only when an order requires loading in 5-foot multiples, and the additions may be applied only to the items loaded in such manner. For loading more than four consecutive lengths of 5-foot multiples, no addition is permitted .

(e) For loading in random lengths, which require restricted loading, you may add two-thirds of the appropriate additions permitted by paragraphs (c) and (d) of this section.

(f) For clean peeled Pine, Cypress and Mixed Hardwoods piling having a 12-inch minimum butt and smaller, you may add as much as $0.04 per lineal foot; for 13-inch minimum butt and larger, you may add as much as $0.06 per lineal foot.

(g) For unpeeled Pine, Cypress and Mixed Hardwoods piling having a 12-inch minimum butt and smaller, you must deduct $0.02 per lineal foot; for 13-inch minimum butt and larger, you must deduct $0.03 per lineal foot.

(h) For clean peeled Oak piling, you may add as much as $0.06 per lineal foot.

(i) For unpeeled Oak piling, you must deduct $0.03 per lineal foot.

(j) For heading, pointing and chamfering piling having a 13-inch minimum butt and smaller, you may add as much as $0.40 per piling; for 14-inch minimum butt and larger, you may add as much as $0.80 per piling.

(k) For mixed orders of Pine and Cypress piling containing at least 25 percent Pine, the transportation addition may be computed by using the established Pine weights set worth in section 7 of this regulation.

(l) When a buyer's request exceeds your supply of a specific size and length of piling, you may fill the request by cutting off the most similar piling available. You may charge the ceiling price for the piling that was cut back without a deduction for the reduced footage. However, any additions for transportation on the cut-back piling shall be those additions applicable to the size and length of piling ordered by the buyer, and no addition may be made for labor involved in the cutting-back operations.

(m) For orders specifying minimum butt diameters in multiples of one-half inch, you may use the average ceiling price and established weight of the next smaller and the next larger butt diameter. For example, the ceiling price and established weight for a piling having a 13½-inch minimum butt diameter is determined by averaging the ceiling prices and established weights of a piling having a 13-inch minimum butt diameter and a piling having a 14-inch minimum butt diameter.

SEC. 12. *Selling on an averaging-out basis.* When a buyer requests a single flat delivered price for items of the same size and species, and the request involves shipments from two or more normal loading out points, with different ceiling prices, or different freight rates, or both, you may charge a weighted-average price. For example, the average price per pole for an order of 2,000—40 foot, Class 4 Southern Yellow Pine poles to be shipped from three normal loading out points with the different prices indicated is computed as follows:

1,000 at $9.25 per pole	$9,250
500 at 8.50 per pole	4,250
500 at 10.25 per pole	5,125
2,000	$18,625

Average price—$9.31 per pole.

If you sell on an averaging-out basis, you must prepare a record of the transaction, showing the individual items, the number shipped from each normal loading out point, the total amount invoiced for each order, and the total amount you would have realized if the actual quantities were invoiced at ceiling prices permitted by this regulation. The total amount realized on an averaging-out basis shall not exceed the sum of the applicable ceiling prices established by this regulation. You must retain your calculations supporting your computations, and such data must be available for inspection by the Office of Price Stabilization for a period of two years after each transaction.

SEC. 13. *Concentrators' ceilings*—(a) *Markup.* (1) If you are a contractor, you determine your ceiling price to each class of your purchasers for sales of an item subject to this regulation in the following manner: Add to your purchase cost (not to exceed the producers' ceiling price) of the item the highest dollars-and-cents markup which you made on your sales of the item to purchasers of the same class during the base period January 1, 1950, to June 30, 1950, inclusive. The current cost to which a markup is applied in determining your ceiling prices may not include cost elements other than those included in the base period cost on the basis of which you computed the markup.

(2) If you are a concentrator, you must determine your ceiling prices under this regulation, applying either this paragraph or paragraph (c) of this section; you may not determine your ceiling prices by applying the provision of Supplementary Regulation 87 to the General Ceiling Price Regulation. Only one concentrator's markup may be made under this section.

(b) *Concentrator defined.* The term "concentrator" means a person who either:

(1) Maintains a concentration yard with supervisory and other employees, who purchases from producers all the items subject to this regulation that he sells, and who sells those items either to persons purchasing for resale, or to ultimate users, such as, but not limited to, railroads, power companies, telephone companies, treating plants, contractors, industrial plants, state highway departments, municipalities and other governmental agencies; or

(2) Produces items subject to this regulation, and who must, in addition, do the following:

(i) Maintains a concentration yard with supervisory and other employees, where he purchases items subject to this regulation for sale either to persons purchasing for resale, or to ultimate users, such as, but not limited to, railroads, power companies, telephone companies, treating plants, contractors, industrial plants, state highway departments, municipalities and other governmental agencies; and

(ii) Have purchased from producers, during the three calendar months next preceding any calendar month in which he does business as a concentrator, at least 33⅓ percent of the total amount of items subject to this regulation that he sold.

(c) *Application for establishment of a ceiling markup.* If you cannot ascertain your markup under paragraph (a) of this section, you must apply by registered mail, return receipt requested to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of your ceiling markup. Your application must be signed and must set forth all relevant facts, including the following: (1) Your trade name and address; (2) your proposed markup and the item to which it will be applied; (3) the location of your concentration yard; (4) the number of your supervisory and other employees; and (5) a statement explaining why you believe your proposed markup is in line with markups allowed in paragraph (a) of this section. If you cannot price under paragraph (a) of this section and file an application for the establishment of your ceiling markup, you may not sell items subject to this regulation until the Director of Price Stabilization establishes a ceiling markup for you. If, however, the Director of Price Stabilization does not notify you to the contrary or request further information from you within 20 days after the receipt of your application, or within 20 days after the receipt of requested further information, your proposed ceiling markup shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

SEC. 14. *Inspection service.* When a buyer requests special inspection service to be furnished by an inspection agency designated by the buyer, you may add the actual cost to you of such service to the otherwise appropriate ceiling price of the item inspected.

SEC. 15. *Transportation charges.* Whether you are a producer or concentrator, if you make delivery beyond a normal loading out point, you may add to the basic ceiling prices established by this regulation a transportation addition determined as follows:

(a) *Common or contract carrier shipments.* For delivery by common or contract carrier, multiply the applicable published rate in effect at the time of shipment by the appropriate established weight. The transportation addition so determined must be evened out to the nearest quarter cent per lineal foot or five cents per pole, whichever is applicable.

(b) *Private truck shipment.* (1) If shipment is by truck owned or controlled by you, a charge not in excess of the common carrier truck published rate may be made. If there is no published rate, the actual cost of transportation may be charged.

(2) When a truck delivery follows a rail haul, the actual cost of truck delivery may be added. This may include the cost of unloading, handling and reloading involved in the transfer from rail car to the truck and the cost of unloading the truck at the point of destination, if actually performed by you. When an all truck haul ends in delivery to a job site or storage yard and the unloading is performed by you, you may add the actual cost of unloading.

SEC. 16. *Ceiling prices for special items*—(a) *Application.* If you cannot ascertain a ceiling price for items subject to this regulation, as for example, should you wish to sell items with specifications or other extras not specifically mentioned in this regulation, you must file an application with the Director of Price Stabilization, Washington 25, D. C., for approval of a ceiling price. Your application must be signed and must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) Your trade name and address.

(2) As complete a description as possible of the items for which the application is filed. This should include the species, class, length specifications, or other extras involved.

(3) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(4) Your General Ceiling Price Regulation ceiling prices for both the item that is the subject of your application and the most nearly comparable item for which a ceiling price is established by this regulation.

(5) The proposed use to which the buyer will put the item for which you are proposing a special ceiling price.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your items at a price not higher than the ceiling price proposed in your application: *Provided,* That you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later time.

SEC. 17. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed under sections 13 and 16 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 18. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 19. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver, at a price to be adjusted in accordance with any increase in ceiling prices after delivery.

SEC. 20. *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the applicable periods indicated in section 16 of the General Ceiling Price Regulation, you shall preserve all your existing records that you were required to keep under the provisions of section 16 of the General Ceiling Price Regulation. If you are a concentrator, you shall also preserve for the same period all your existing records relating to your markups on items you sold during the period from January 1, 1950, through June 30, 1950.

(b) *Current records.* Every person who sells and every person who in the regular course of business buys products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records of each sale or purchase made in any month in which the seller sold, or the buyer bought, at least $1,000.00 worth of items subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) A description of the items sold or bought, including the species, class, size and length;

(4) The prices charged or paid, including all additions, extras and discounts; and

(5) The place of delivery by the seller.

The retention by a buyer of an invoice furnished by a seller, or the retention by a seller of an invoice or settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(c) *Other records.* If you apply for approval of a proposed ceiling price for special items under section 16 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 21. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 22. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 23. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely

representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commission, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 24. *Definitions.* The terms used in this regulation shall be construed as follows:

Anchor logs. This term means a peeled or unpeeled section of a tree longer than one foot in length, suitable for burying in the ground and to which a cable may be attached.

Concentrator. This term is defined in section 13.

Director of Price Stabilization. This term extends to any official, including officials of Regional or District offices, to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

Mixed Hardwood piling. This term refers to piling made from any species of hardwood except Oak. A sale of Mixed Hardwood piling within the meaning of this regulation may consist of piling made from one or more of the hardwood species except Oak.

Normal loading out point. This term is defined in section 4.

Person. This term means an individual, corporation, partnership, association, or any other organized group of persons, or the legal successors or representatives of the foregoing, and the United States and any other government or their political subdivisions or agencies.

Piling. This term means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for driving in the ground to form a foundation for construction purposes, such as for wharves, bulkheads, and buildings.

Pole. This term means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for the support of transmission or communication lines at varying heights above the ground.

Purchaser of the same class. The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer. It may, but need not, be based on differing terms or conditions of sale or delivery. It may, but need not, be based on the location of the purchaser of the quantity of poles and piling purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

Records. This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Reinforcing stub. This term means a peeled or unpeeled section of a tree longer than four feet in length, suitable for reinforcing a pole at the ground line.

Sell. This term includes sell, supply, dispose, barter, trade, lease, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

You. The pronoun "you" indicates any producer or concentrator who sells items subject to this regulation. The terms "your" and "yours" shall be construed accordingly.

Effective date. This Ceiling Price Regulation is effective September 22, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10284; Filed, Sept. 17, 1952; 12:06 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 32]

CPR 22—MANUFACTURER'S GENERAL CEILING PRICE REGULATION

SR. 32—ADJUSTMENT IN CEILING PRICES FOR FRIT PRODUCERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 22 authorizes an increase of 5.0 percent in the ceiling prices for ceramic frit and porcelain enamel frit when sold by the manufacturer of the frit product. Frit products are vitreous coating bases and include ceramic glaze frit (applied to pottery and dinnerware) and porcelain enamel frit (applied to metal goods). The industry is presently operating under Ceiling Price Regulation 22.

At the request of representatives of the frit industry, the Office of Price Stabilization has completed a survey to determine whether the ceiling prices established for sales of frit by the manufacturer under CPR 22 provide a sufficeint return under this Agency's industry earnings standard.

In accordance with the requirements of the industry earnings standard, earnings data were collected from noncaptive frit manufacturers for the years 1946 through 1951 and by quarters from the first quarter of 1950 through the first quarter of 1952. The price adjustment provided for by this supplementary regulation is based upon a comparison of aggregate earnings to consolidated net worth for four firms in the best 3 out of 4 years during the period 1946 through 1949, with the aggregate earnings to consolidated net worth for the first quarter of 1952 projected on an annual basis. The reduction in earnings to present levels was caused by increased costs of production and by a decline in sales since the middle of 1951. These data support the conclusion that an increase of 5.0 percent is required to satisfy the industry earnings standard at the industry's present volume of sales. Accordingly, the price adjustment here granted may be applied by each firm to its ceiling prices established by CPR 22.

In the judgment of the Director of Price Stabilization, the provisions of this Supplementary Regulation to the Ceiling Price Regulation 22 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of ceiling prices of frit products.

AUTHORITY: Section 1 to 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Sup.

SECTION 1. *What this supplementary regulation does.* This Supplementary Regulation modifies Ceiling Price Regulation 22 to the extent that it permits a producer of frit to adjust his ceiling prices, otherwise determined pursuant to CPR 22, as amended to date, by the addition of an amount not in excess of 5.0 percent of such ceiling prices.

SEC. 2. *Adjustment of ceiling prices of frit products.* On and after the effective date of this Supplementary Regulation, if you are a producer of frit, you may adjust your ceiling prices for frit products, otherwise determined pursuant to CPR 22, as amended, by the addition of an amount not in excess of 5.0 percent of your ceiling prices.

Effective date. This Supplementary Regulation to Ceiling Price Regulation 22 shall become effective September 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10286; Filed, Sept. 17, 1952; 4:00 p. m.]

[General Overriding Regulation 14, Amdt. 23]

GOR 14—ADDITIONAL EXCEPTED SERVICES

THEATER TICKET BROKERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 23 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 23 to General Overriding Regulation 14 amends section 3 (a) (94) of that regulation by extending the present exemption of the sale of theater tickets by governmentally licensed and regulated theater ticket brokers to include sales of tickets to other events, including tickets to athletic and sporting events. The previous exemption for ticket brokers was limited to the sale of theater tickets partly because the admission charges made by the theater enterprises themselves, were exempted from ceiling price regulation by the provisions of section 402 (e) (iii) of the Defense Production Act of 1950, as amended. On the other hand admission charges to non-scholastic athletic and sporting events were and are still subject to ceiling price regulation. However, upon further examination of the operation of the theater ticket broker industry there appears to be good reason for extending the exemption to the fees charged by ticket brokers for the sale of the tickets to sporting events. Such service on the part of the theater ticket brokers is normally incidental to their larger activity of acting as broker for the sale of theater tickets. In the metropolitan areas where theater ticket brokers are licensed and regulated by the municipal or State government and the municipal or State government establishes by law the maximum charge which the ticket broker may make for the resale of tickets there is generally no distinction made between the sale of theater tickets and the sale of tickets to sporting events. The maximum charge is usually the same whether the ticket be for a theatrical production or a sporting event. The service is likewise much the same, namely, that of securing tickets for members of the public who cannot purchase them at the box office. Moreover, the amount of income derived by ticket brokers for the sale of tickets to sporting events is small in relation to the burden of price control administration by the Federal government. For these reasons the present limited exemption of ticket brokerage service is being extended to cover governmentally licensed and regulated ticket broker services in all cases where the maximum retail charge or brokerage fee is established by law.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Subparagraph (94) of paragraph (a) of section 3 is amended to read as follows:

(94) Any ticket brokerage services rendered by theater ticket brokers licensed by governmental authority to the extent that the maximum charges for such services are established under a statute or a municipal ordinance.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This Amendment 23 to General Overriding Regulation 14, shall be effective September 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10285; Filed, Sept. 17, 1952; 12:06 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Dir. 2—Revocation]

M-6A—STEEL DISTRIBUTORS

DIR. 2—FLOOD-DAMAGED AREA RELIEF

Direction 2 (17 F. R. 4237) to NPA Order M-6A and Amendment 1 of June 4, 1952 (17 F. R. 5068), are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 2 to NPA Order M-6A as originally issued or as amended June 4, 1952, nor deprive any person of any rights received or accrued under said Direction 2 to NPA Order M-6A prior to the effective date of this revocation.

This revocation is effective September 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10268; Filed, Sept. 17, 1952; 11:18 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 3]

SFO-3—DISTRIBUTION OF BITUMINOUS COAL

The representatives of certain coal producers, and the representatives of their employees, are engaged in negotiating a contract covering terms and conditions of employment. Should these negotiators fail to reach an agreement prior to the expiration date of the present employment contract, such failure may result in a stoppage of production at many bituminous coal mines. The cessation of production at these mines if continued will create shortages in the supply of bituminous coal for the military programs in support of national security and for essential civilian needs. Therefore, this order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order it was impracticable to consult with industry representatives because of the need for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on shipments of bituminous coal.
4. Railroads prohibited from accepting bituminous coal.
5. Exceptions.
6. Report to Area Distribution Manager.
7. Shipment of unbilled cars of coal held pursuant to this order.
8. Certification that shipment is made pursuant to the terms of this order.
9. How a consumer obtains coal.
10. Applications for adjustment or exemption.
11. Exemptions from damages or penalties.
12. Violations.
13. Communications.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order prohibits the shipment in railroad cars after 12:01 a. m., September 19, 1952, except as specifically directed by DSFA, from bituminous coal mines, loading ramps, coal preparation plants, or designated hold points, of bituminous coal produced at a mine, the operator of which has received a notice which will permit the termination of the contract with his employees, concerning terms and conditions of employment, on September 20, 1952.

SEC. 2. *Definitions.* As used in this order:

(a) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(b) "Bituminous coal" includes all forms of bituminous, subbituminous, and lignitic coals.

(c) "Person" means any individual, firm, partnership, corporation, association, or any other organized group of persons.

(d) "Shipper" means any person who ships bituminous coal produced at a mine, the operator of which has received a notice which will permit the termination of the contract with his employees, concerning terms and conditions of employment, on September 20, 1952, in railroad cars from a coal mine, a loading ramp, coal preparation plant, or designated hold points.

(e) "Coal mine" means any open pit, underground, or any other type of operation conducted for the primary purpose of producing coal.

(f) "Loading ramp" means any facility for the loading of bituminous coal from trucks into railroad cars for rail shipment.

(g) "Coal preparation plant" means a facility for the cleaning, sizing, or otherwise preparing bituminous coal for shipment in railroad cars.

(h) "Designated hold point" means a point designated by tariff where a spe-

cific number of cars may be held without billing free of demurrage.

(i) "Area Distribution Manager" means the person appointed by Defense Solid Fuels Administration as its temporary representative in a specified area for the period this order remains in effect. The names and addresses of Area Distribution Managers and the territories over which they have jurisdiction is shown in Appendix A to this order.

(j) "Railroad" means any common carrier by railroad subject to the jurisdiction of the Interstate Commerce Commission.

SEC. 3. *Restrictions on shipments of bituminous coal.* Except as provided in section 5 of this order, no shipper shall ship or deliver to any railroad for shipment any bituminous coal in railroad cars after 12:01 a. m., September 19, 1952.

SEC. 4. *Railroads prohibited from accepting bituminous coal for shipment.* Pursuant to ICC Service Order No. 890, each railroad subject to such service order is prohibited after 12:01 a. m., September 22, 1952, from accepting for shipment over its lines any car of bituminous coal from any shipper, as defined in section 2 (d), unless the waybill or forwarding instructions covering the shipments contains a certification by the shipper substantially as set forth in section 8.

SEC. 5. *Exceptions.* The provisions of this order shall not apply to:

(a) Coal required by the operator of the producing coal mine for the operation of his power plant.

(b) Coal required to maintain minimum temperature in beehive coke ovens which the shipper operates.

(c) Any shipment which may be specifically authorized by the Defense Solid Fuels Administration.

SEC. 6. *Report to Area Distribution Manager.* Each shipper shall report by letter or telegram before noon of Monday, September 22, 1952, to the Area Distribution Manager having jurisdiction over the area in which his mine, loading ramp, coal preparation plant, or designated hold point, is located, the number of unbilled cars of bituminous coal by type of car and size of coal which he has on hand, together with the name of the railroad, or railroads, upon which his facility is located.

SEC. 7. *Shipment of unbilled cars of coal held pursuant to this order.* To assure the most efficient and equitable distribution of the available supply of bituminous coal in the interest of national defense and public health and welfare, DSFA will direct shipments of coal held on tracks in accordance with this order by individual directives issued pursuant to DSFA Order SFO–2. Such directives shall be in the form of a letter or telegram and must be fully complied with. Any person receiving such a directive requiring delivery of bituminous coal by him shall immediately acknowledge to DSFA receipt of the directive and shall indicate his ability to comply: *Provided, however,* That no shipper shall be required to deliver bituminous coal to any other person at the direction of the DSFA Administrator unless such other person makes arrangements for payment satisfactory to the shipper to whom the directive is issued. The terms proposed by the shipper shall not be more stringent than those he offers to his customers of like class in the normal course of his business, and the price charged shall not be higher than the applicable ceiling price established by the Office of Price Stabilization.

SEC. 8. *Certification that shipment is made pursuant to the terms of this order.* Each shipper who makes a shipment of bituminous coal by railroad after 12:01 A. M., September 19, 1952, shall place upon the waybill or forwarding instructions a certification substantially as follows:

This shipment is made pursuant to Directive No. ------ issued by DSFA under Order SFO–3.

SEC. 9. *How a consumer may obtain coal.* Any consumer of bituminous coal who is urgently in need of coal and who is unable to obtain coal from his normal source of supply because of a work stoppage at the mine where such coal is produced may apply to the Area Distribution Manager or DSFA for priority assistance. Such application may be in the form of a letter or telegram which gives the applicant's name and address, the name and address of his normal source of supply, size and type of coal required, the number of tons and the number of days' supply he has on hand, the purpose for which the coal is to be used, the nature of his business, and evidence of its essentiality to the national defense program or national health or welfare. The application should be directed to the Area Distribution Manager or Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C. It shall be the policy of DSFA to allocate and distribute the available supply of coal accumulated in railroad cars pursuant to this order on the basis of need and essentiality. An applicant to whom an allocation is made will be informed by telegram the name and the address of the shipper who has been directed to make shipment to him. It will then be the obligation of the applicant to communicate with the shipper and arrange for suitable terms of payment.

SEC. 10. *Applications for adjustment or exemption.* Any shipper subject to any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue hardship upon him, not suffered generally by other shippers, and that its enforcement against him would not be in the interest of the national defense or in the public interest. Requests for adjustment or exemption may be either in the form of a letter or telegram and must set forth in detail all facts upon which they are based.

SEC. 11. *Exemptions from damages or penalties.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with this order or any directive issued under it or under DSFA Order SFO–2.

SEC. 12. *Violations.* Any person who wilfully fails to comply with the provisions of this order or with any directive issued under this order or DSFA Order SFO–2, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order or any directive issued pursuant to this order or DSFA Order SFO–2, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of solid fuels or using facilities under priority or allocation control and to deprive him of priorities assistance.

SEC. 13. *Communications.* All communications concerning this order or any directive issued pursuant to this order shall be addressed to "Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C."

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on September 19, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

APPENDIX A

The Area Distribution Managers and the districts they will cover are as follows:

District 1 (eastern Pennsylvania, Maryland, and Grant, Mineral, and Tucker Counties of West Virginia): F. Wallace Krater, Central Pennsylvania Coal Producers Association, Pennsylvania Electric Building, Altoona, Pa. Telephone: Altoona 3–8175.

District 2 (western Pennsylvania): H. A. Sutter, Western Pennsylvania Coal Operators Association, Oliver Building, Pittsburgh, Pa. Telephone: Court 1–2446.

District 3 (northern West Virginia): Daniel E. Cronin, Fairmont Coal Bureau, Peoples Building, Fairmont, W. Va. Telephone: Fairmont 4230.

District 4 (Ohio) and District 6 (West Virginia panhandle): Ezra Van Horn, Ohio Coal Association, NBC Building, Cleveland, Ohio, Telephone: Prospect 1–8232.

District 7 (low volatile coal producing areas of Virginia and West Virginia): Dan Carroll, c/o Pocahontas Operators Association, Bluefield, W. Va. Telephone: Bluefield 8149.

District 8 (high volatile coal producing areas of West Virginia, eastern Kentucky, southwest Virginia, North Carolina, and Tennessee): Goodwyn Holmes, Appalachian Coals Inc., Cincinnati, Ohio. Telephone: Highland 0635.

District 10 (Illinois): J. R. Henderson, Illinois Coal Producers Advisory Association, 105 West Monroe, Chicago, Ill. Telephone: Franklin 2–7952.

District 11 (Indiana): C. C. Lydick, Coal Trade Association of Indiana, 632 Cherry Street, Terre Haute, Ind. Telephone: Crawford 1353.

[F. R. Doc. 52–10264; Filed, Sept. 17, 1952; 10:16 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 76 to Schedule A]

[Rent Regulation 2, Amdt. 74 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA, MICHIGAN, PENNSYLVANIA AND NEW JERSEY

Effective September 18, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of East Gary, Highland and Munster, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

Ditto.

In Lake County, the Town of Highland, and the Townships of Hanover and Winfield.

This decontrols the City of Whiting and the Town of East Gary both in Lake County, Indiana, portions of the Gary-Hammond, Indiana, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Farmington, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Clawson, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Belleville, Ecorse, Garden City, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Livonia, Melvindale, Plymouth and River Rouge, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shores, Inkster, Rockwood, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Townships of Brownstown, Canton, Ecorse, Grosse Ile, Huron, Nankin, Northville, Plymouth, Romulus, Sumpter, Taylor and Van Buren; and Macomb County, except the Cities of Centerline, East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the City of Centerline in Macomb County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 266, is amended to describe the counties in the defense-rental area as follows:

Bucks County; Chester County; Delaware County, except the Township of Concord, and the Boroughs of Media, Rose Valley and Swarthmore; Montgomery County, except the Borough of North Wales; and Philadelphia County.

In Bucks County, the Townships of Bensalem, Bristol, Falls, Lower Makefield, Middletown, Newton, Northampton, Upper Makefield, and Wrightstown, and the Boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, Newton, Penndell, South Langhorne, Tullytown and Yardley.

This decontrols the Township of Concord in Delaware County, Pennsylvania, a portion of the Philadelphia, Pennsylvania Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 190, is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey				
(189) Paterson	B	Bergen County, except the boroughs of Allendale, Hohokus, Ramsey, Rutherford and Saddle River, the village of Ridgewood, and the township of Mahawah; Morris County, except the township of Jefferson; and Passaic County.	Mar. 1, 1942	July 1, 1942
	C	Morris County, except the township of Jefferson	Sept. 1, 1950	Feb. 11, 1952
	A	In Morris County, the township of Jefferson	do	Do.
New Jersey				
(190) Northeastern New Jersey.	B	The counties of Essex, Hudson, Middlesex, Monmouth, Somerset, and Union.	Mar. 1, 1942	July 1, 1942

The effect of these amendments is to divide the Northeastern New Jersey Defense-Rental Area as it existed prior to these amendments into the two defense-rental areas described above.

[F. R. Doc. 52–10188; Filed, Sept. 17, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 83 to Schedule A]

[Rent Regulation 4, Amdt. 27 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND NEW JERSEY

Effective September 18, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of East Gary and Munster, and the Townships of Cedar Creek, Eagle Creek and West Creek.

This decontrols the City of Whiting and the Town of East Gary both in Lake County, Indiana, portions of the Gary-Hammond, Indiana, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the act.

2. Schedule A, Item 190 is changed to Item 189 and is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(189) Paterson	New Jersey	Morris County	Sept. 1, 1950	Feb. 11, 1952

The effect of these amendments is to create the Paterson, New Jersey, Defense-Rental Area and to transfer jurisdiction of Morris County to that Area. Morris County has heretofore been under the jurisdiction of the Northeastern New Jersey Defense-Rental Area, Item (190).

[F. R. Doc. 52–10189; Filed, Sept. 17, 1952; 8:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHOPTANK RIVER, MARYLAND

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended by modification of paragraph (f) (6), governing the operation of the Baltimore and Eastern Railroad Company bridge across the Choptank River at Denton, Maryland, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(6) Choptank River, Md.; Baltimore and Eastern Railroad Company bridge at Denton. At least thirty days' advance notice required. Paragraph (e) of this section shall not apply to this bridge.

• • • • • •

[Regs., August 29, 1952, ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10141; Filed, Sept. 17, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.4, paragraph (a) (1) is amended to read as follows:

§ 4.4 *Indian wars.* For the purposes of the acts of March 4, 1917 (39 Stat. 1199), and March 3, 1927 (44 Stat. 1361), as amended, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. However, the $60 rate ($64.50 for periods on and after July 1, 1952) provided for in the act of March 3, 1944, as amended, is payable only when the unremarried widow was the wife of the veteran during his Indian war service (Pub. Law 245, 78th Cong., Pub. Law 398, 80th Cong., and Pub. Law 356, 82d Cong.). (See § 4.80.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 4.16.)

• • • • •

(R. S. 4766, as amended, sec. 1, 39 Stat. 1199, sec. 2, 44 Stat. 1362, as amended, sec. 3, 58 Stat. 109, 62 Stat. 4, Pub. Law 356, 82d Cong.; 38 U. S. C. 192, 374a, 375, 331a, 381e)

2. In § 4.6, paragraph (a) (1) is amended to read as follows:

§ 4.6 *Civil War.* For the purposes of any service pension law granting pension to widows, remarried widows, and children of veterans of the Civil War, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to June 27, 1905. However, the $60 rate ($64.50 for periods on and after July 1, 1952) provided for in the act of July 3, 1926, as amended by the acts of July 30, 1947 and May 23, 1952, is payable only when the widow was the wife of the veteran during his Civil War service. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 4.16.)

• • • • •

(R. S. 4708, as amended, R. S. 4766, as amended, sec. 3, 26 Stat. 182, as amended, sec. 2, 3, 39 Stat. 845, as amended, sec. 4, 41 Stat. 526, sec. 2, 44 Stat. 806, sec. 3, 46 Stat. 529, sec. 1, 58 Stat. 797, sec. 2, 61 Stat. 610, Pub. Law 356, 82d Cong.; 38 U. S. C. 192, 205, 276, 281, 283, 285, 288, 291, 291b, 293)

3. In § 4.12, paragraph (a) (1) is amended to read as follows:

§ 4.12 *Spanish-American War, Boxer Rebellion, and Philippine Insurrection; service acts as reenacted by Public No. 269, 74th Congress, and as amended.* For the purposes of Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), Public Law 762, 80th Congress (act of June 24, 1948), and Public Law 108, 82d Congress (act of August 4, 1951), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection shall mean a person who was married to the veteran prior to January 1, 1938. As to awards and increases in pension approved on or after March 1, 1944, continuous cohabitation as described in § 4.16 must be established (sec. 4, Pub. Law 242, 78th Cong.): *Provided,* That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $60 rate ($64.50 for periods on and after July 1, 1952) is payable only when the widow was the wife of the veteran during his war service. (Pub. Law 242, 78th Cong., act of March 1, 1944, as amended) (See § 4.117.)

• • • • •

(Sec. 2, 44 Stat. 382, as amended, sec. 4, 58 Stat. 107, secs. 1, 2, 62 Stat. 645, secs. 1, 2, 49 Stat. 614, Pub. Laws 108 and 356, 82d Cong.; 38 U. S. C. 364a, 364b, 364j, 364j, 368, 369)

4. In § 4.91, paragraph (c) (1) is amended to read as follows:

§ 4.91 *Apportionment.* • • •

(c) *Rates payable*—(1) *General.* In apportioning compensation or pension between a widow and a child or children not in her custody, the amount payable to a widow is specified in succeeding subdivisions of this subparagraph. The remainder of the amount which would be payable to the widow if all children were in her custody will be equally divided among the children. The amount payable on behalf of any child or children in the widow's custody will be added to the widow's share. Where the widow is entitled to a higher rate by reason of attained age or by reason of having been the wife of the veteran during service, the additional amount shall be added to her share.

	On and after Oct. 17, 1940 (sec. 3, Public Law 866, 76th Cong.)	On and after Sept. 1, 1947 (Public Law 270, 80th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$21.00	$25.20	$27.09
Child	15.00	18.00	19.35
Each additional child	6.00	7.20	7.74

(i) *Compensation.* For periods prior to September 1, 1948, and where compensation is payable at a protected rate under section 20, Public No. 78, 73d Congress, or section 28, Public No. 141, 73d Congress, the rule outlined in subdivision (ii) (*a*) of this subparagraph shall apply. For periods on and after September 1, 1948, and prior to July 1, 1952, where the wartime rate is payable, the rate for the widow shall be $60 monthly and for periods on and after July 1, 1952, shall be $65 monthly. For periods on and after September 1, 1948, and prior to July 1, 1952, where the peacetime rate is payable, the rate for the widow shall be $48 monthly, and for periods on and after July 1, 1952, shall be $52 monthly.

(ii) *Pension.* Public No. 484, 73d Congress, as amended, and Part III, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12):

(*a*) Apportionment of death pension which is payable under Part III, Veterans' Regulation 1 (a), or which is payable for periods prior to July 1, 1952, under Public No. 484, 73d Congress, as amended, shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

(*b*) In apportionment of pension under Public No. 484, 73d Congress, as amended, for periods on and after July 1, 1952, where there is a widow and one child, the rate for the widow shall be $36 monthly and where there is a widow and more than one child, the rate for the widow shall be $30 monthly.

(iii) *Civil War pension.* Public No. 190, 66th Congress (act of May 1, 1920), as amended:

(iv) *Indian War pension.* Public No. 723, 69th Congress (act of March 3, 1927), as amended:

	Oct. 17, 1940 (sec. 3, Public Law 866, 76th Cong.)	Mar. 1, 1948 (Public Law 398, 80th Cong.)	July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$21.00	$25.20	$27.09
Child	15.00	18.00	19.35
Each additional child	6.00	7.20	7.74

(v) *Spanish-American War (including Boxer Rebellion and Philippine Insurrection) pension, Service Act, reenacted by Public No. 269, 74th Congress, and amended.* Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress, and as amended:

	On and after Oct. 17, 1940 (sec. 3, Public Law 866, 76th Cong.)	On and after Sept. 1, 1946 (Public Law 611, 79th Cong.)	On and after Sept. 1, 1947 (Public Law 270, 80th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$21.00	$28.00	$33.60	$36.12
Child	15.00	18.00	21.60	23.22
Each additional child	6.00	6.00	7.20	7.74

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5. In § 4.122, paragraph (a) (1) and (3) is amended to read as follows:

§ 4.122 *Death due to peacetime service*—(a) *Peacetime rate.* (1) Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace (except as to those instances falling within the purview of paragraph (b) of this section), the following rates are payable:

	Per month			
	Aug. 1, 1943, to Aug. 31, 1948 (Public Law 144, 78th Cong.)	On and after Sept. 1, 1948 (Public Law 868, 80th Cong.)	On and after Dec. 1, 1949 (Public Law 339, 81st Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$38.00	$60.00	$60.00	$60.00
Widow with 1 child	49.00	80.00	84.00	96.80
Each additional child	10.00	12.00	20.00	23.20
Children where there is no widow, total payable equally divided:				
1 child	19.00	46.40	46.40	53.60
2 children	28.00	65.60	65.60	75.20
Three children	36.00	84.80	84.80	97.60
Each additional child	8.00	16.00	16.00	18.40
Dependent mother or father (Or both), each	30.00 20.00	48.00 28.00	48.00 28.00	48.00 28.00

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(3) The foregoing rates for the period prior to September 1, 1948, are contained in Public Law 690, 77th Congress, and section 14 (b), Public Law 144, 78th Congress. The rates on and after September 1, 1948, are authorized by paragraph III, Part II, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), as amended by section 3, Public Law 868, 80th Congress. The increase in rates payable for periods on and after December 1, 1949, for widows with children is contained in section 3 (b), Public Law 339, 81st Congress. The rates on and after July 1, 1952, are authorized by section 3, Public Law 356, 82d Congress.

(3) The foregoing rates for periods prior to September 1, 1948, are contained in section 5, Public No. 198, 76th Congress, as amended by section 10, Public Law 667; 77th Congress; section 14 (a), Public Law 144, 78th Congress; and section 2, Public Law 662, 79th Congress. The rates in section 5, Public No. 198, 76th Congress, originally applied only to World War I cases but were specifically made applicable to cases pertaining to the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, under the terms of Public Law 242, 77th Congress, and became applicable to cases pertaining to the other wars by reason of the provisions of paragraph I (c), Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress. The rates on and after September 1, 1948, as to cases pertaining to Spanish-American War, Boxer Rebellion and Philippine Insurrection, World War I, and World War II are contained in paragraph IV, Part I, Veterans Regulation 1 (a), as amended by section 1, Public Law 868, 80th Congress, and are applicable to cases pertaining to other wars by virtue of the provisions of section 2, Public Law 868, 80th Congress. The increase in rates payable for periods on and after December 1, 1949, for widows with children is contained in section 3 (b), Public Law 339, 81st Congress. These rates were made applicable, effective May 11, 1951, to claims based on service rendered on or after June 27, 1950 (see § 4.31), by Public Law 28, 82d Congress. The rates on or after July 1, 1952, are contained in Public Law 356, 82d Congress.

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(Sec. 5, 53 Stat. 1070, as amended, 55 Stat. 665, 844, as amended, sec. 14, 57 Stat. 558, as amended, sec. 2, 60 Stat. 910, 60 Stat. 13, 223, 62 Stat. 1213, sec. 3, 63 Stat. 732, Pub. Laws 28 and 356, 82d Cong.; 10 U. S. C. 336, 38 U. S. C. 38, 471a–3, 472b, 731, ch. 12 note)

6. In § 4.124, the headnote, and paragraph (a) (1) and (3) are amended to read as follows:

§ 4.124 *Death due to wartime service or service on or after June 27, 1950.* (a) (1) Where death resulted from active military or naval service rendered during the Civil War, the Indian wars, the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, World War I, World War II, or service on or after June 27, 1950, the following rates are payable:

	Per month				
	Aug. 1, 1943, to Aug. 31, 1946 (Public Law 144, 78th Cong.)	Sept. 1, 1946, to Aug. 31, 1948 (Public Law 662, 79th Cong.)	On and after Sept. 1, 1948 (Public Law 868, 80th Cong.)	On and after Dec. 1, 1949 (Public Law 339, 81st Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$50.00	$60.00	$75.00	$75.00	$75.00
Widow with 1 child	65.00	78.00	100.00	105.00	121.00
Each additional child	13.00	15.60	15.00	25.00	29.00
Children where there is no widow, total payable equally divided:					
1 child	28.00	30.00	58.00	58.00	67.00
2 children	38.00	45.60	82.00	82.00	94.00
3 children	46.00	57.60	106.00	106.00	122.00
Each additional child	10.00	12.00	20.00	20.00	23.00
Dependent mother or father (Or both), each	45.00 25.00	54.00 30.00	60.00 35.00	60.00 35.00	60.00 35.00

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(b) *Rates under section 2, Public Law 16, 78th Congress (par. 4, Part VIII, Veterans' Regulation 1 (a).* Where

7. Section 4.126 is revised to read as follows:

§ 4.126 *Death due to Veterans' Administration hospital treatment, etc.*—(a) *Rates under section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress.* Where death occurred under the conditions set forth in section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress, the rates payable (1) where the veteran served in a war or on or after June 27, 1950, are those authorized in paragraph 1, Veterans' Regulation 1 (g) (38 U. S. C. ch. 12), subject for periods on and after September 1, 1946, to the increases provided by section 2, Public Law 662, 79th Congress, or (2) where the veteran served during peacetime are those authorized in paragraph 2, Veterans' Regulation 1 (g): *Provided,* That for periods on and after September 1, 1948, the rates outlined in § 4.122 or § 4.124, whichever is applicable, shall be payable. Nothing contained in this paragraph shall prevent the payment of a higher rate under a service or other act where authorized.

10. In § 4.134, paragraph (a) is amended to read as follows:

§ 4.134 *Spanish American War, including the Boxer Rebellion and Philippine Insurrection*—(a) *Rates under the act of May 1, 1926, as reenacted by Public No. 269, 74th Congress and as amended; sections 1 and 7, Public Law 144, 78th Congress.*

(1) *Widows and remarried widows.*

	Per month			
	On and after Aug. 1, 1941 (Public Law 212, 78th Cong.)	On and after Sept. 1, 1946 (Public Law 611, 79th Cong.)	On and after Sept. 1, 1947 (Public Law 270, 80th Cong.)	On and after July 1, 1952 (Public Law 550, 82d Cong.)
(a) Widows:				
Act of Mar. 3, 1927—				
70 years of age or over	$30.00	$40.00	$48.00	$51.60
Wife during service	40.00	50.00	62.40	61.50
Additional for each child	6.00	6.00	7.20	7.74
(b) Remarried widows:				
Act of Mar. 3, 1927—				
Additional for each child	6.00	6.00	7.20	7.74
(c) Children:				
Act of Mar. 3, 1927—1 child	$36.00	$46.00	$55.20	$59.34
Each additional child	6.00	6.00	7.20	7.74

Where there is a widow or remarried widow, the additional amount for a child is applicable as to each child within the purview of either § 4.2 (b) (1) or § 4.14 (c). (See § 4.12 (c).)

(2) *Children, where there is no widow.* (i) The rates for children who are eligible by reason of the definition of the term "child" contained in § 4.2 (b) (1) (see § 4.12 (c)), are as follows:

	Per month			
	On and after Aug. 18, 1945	On and after Sept. 1, 1946 (Public Law 611, 79th Cong.)	On and after Sept. 1, 1947 (Public Law 270, 80th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
1 child	$36.00	$46.00	$55.20	$59.34
Each additional child	6.00	6.00	7.20	7.74

The rate for a child or children entitled under this subdivision is not affected by any payments made to a child or children under subdivision (ii) of this subparagraph over the same period of time.

(ii) The rates for children who are eligible solely as a result of the definition of the term "child" contained in § 4.14 (c) (see § 4.12 (c)), shall be as follows:

	Per month			
	On and after June 1, 1944 (Public Law 312, 78th Cong.)	On and after Sept. 1, 1946 (Public Law 611, 79th Cong.)	On and after Sept. 1, 1947 (Public Law 270, 80th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
1 child	$18.00	$21.60	$25.92	$26.00
2 children	27.00	32.40	38.88	39.00
3 children	36.00	43.20	51.84	52.00
Each additional child	4.00	4.80	5.76	7.20

(Secs. 2, 4, 44 Stat. 1362, 1363, as amended, sec. 3, 58 Stat. 109, 62 Stat. 4, Pub. Law 356, 82d Cong.; 38 U. S. C. 374a, 381a, 381c, 381e)

9. Section 4.132 is revised to read as follows:

§ 4.132 *Civil War.*

	Per month			
	Prior to Mar. 1, 1948	On and after Mar. 1, 1948 (Public Law 398, 80th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)	
(a) (1) Widows and remarried widows:				
Act of Mar. 3, 1927—				
Act of July 3, 1926 (wife during service)	$30.00	$36.00	$38.70	
Act of June 9, 1930 (70 years of age or over)	50.00	60.00	64.50	
Additional for each child	8.00	8.00	7.74	
(2) Widows—Act of Dec. 8, 1944	30.00	36.00	38.70	
70 years of age or over	40.00	48.00	51.60	
(b) Children—				
Act of May 1, 1920—1 child	30.00	43.20	46.44	
Additional for each child, equally divided	6.00	7.20	7.74	

(Sec. 2, 57 Stat. 43, sec. 2, 60 Stat. 910, Pub. Law 894, 81st Cong.; 38 U. S. C. 471a–3, 501a, 501a–1, ch. 12 note)

8. Section 4.130 is revised to read as follows:

§ 4.130 *Indian wars.*

(Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43, sec. 2, 60 Stat. 910, Pub. Law 894, 81st Cong.; 38 U. S. C. 471a–3, 501a, 501a–1, ch. 12 note)

The total payable shall not exceed $64 for periods prior to December 14, 1944, and $74 for periods on or after December 14, 1944, and prior to August 8, 1946 (sec. 2, Pub. Law 483, 78th Cong.). No limitation as to the amount payable is applicable for periods on and after that date (Pub. Law 673, 79th Cong.).

(Sec. 2, 48 Stat. 1281, as amended, sec. 2, 60 Stat. 910, Pub. Laws 28 and 356, 82d Cong.; 38 U. S. C. 471a–3, 504, 745)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective September 18, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–10195; Filed, Sept. 17, 1952; 8:58 a. m.]

The rate for a child or children entitled only under this subdivision over any period of time that a child or children are entitled under subdivision (i) of this subparagraph will be the share to which such child or children would be entitled, if all of the children were awarded pension under this subdivision.

* * * * *

(Sec. 2, 44 Stat. 382, as amended, sec. 1, 49 Stat. 614, sec. 1, 57 Stat. 554, sec. 3, 58 Stat. 107, sec. 4, 60 Stat. 864, sec. 1, 61 Stat. 610, sec. 1, 62 Stat. 645, Pub. Laws 108 and 356, 82d Cong.; 38 U. S. C. 364a, 364g, 364g–1, 3641, 368, 370f, 727)

11. Section 4.140 is revised to read as follows:

§ 4.140 *World War I, World War II, and service on or after June 27, 1950.* Rates under Public No. 484, 73d Congress (act of June 28, 1934), as amended; Pub. Law 312, 78th Cong.; Pub. Law 28, 82d Cong. (act of May 11, 1951):

	Per month		
	On and after June 1, 1944 (Public Law 312, 78th Cong.)	On and after Sept. 1, 1946 (Public Law 662, 79th Cong.)	On and after July 1, 1952 (Public Law 356, 82d Cong.)
Widow	$35.00	$42.00	$48.00
Widow with 1 child	45.00	54.00	60.00
Each additional child	5.00	6.00	7.20
Children where there is no widow, total payable equally divided:			
1 child	18.00	21.60	26.00
2 children	27.00	32.40	39.00
3 children	36.00	43.20	52.00
Each additional child	4.00	4.80	7.20

The total payable shall not exceed $64 for periods prior to December 14, 1944, and $74 for periods on or after December 14, 1944, and prior to August 8, 1946 (sec. 2, Pub. Law 483, 78th Cong.). No limitation as to the amount payable is applicable for periods on and after that date (Pub. Law 673, 79th Cong.).

(Sec. 2, 48 Stat. 1281, as amended, sec. 2, 60 Stat. 910, Pub. Laws 28 and 356, 82d Cong.; 38 U. S. C. 471a–3, 504, 745)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective September 18, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–10195; Filed, Sept. 17, 1952; 8:58 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PROVISIONAL REGULATIONS; SERVICEMEN'S INDEMNITY FOR DEATH

In § 4.453, new paragraphs (p) (q) and (r) are added as follows:

§ 4.453 *Servicemen's indemnity for death.* * * *

(p) *Basic requirements of service as outlined in paragraph (c) of this section*—(1) *Reserves.* Active service in the Reserve components of the Army, Air Force, Navy, Marine Corps, and Coast Guard includes active duty for training purposes. Inactive duty for training is excluded except "while engaged in aerial flights in Government-owned or leased aircraft" as comprehended under paragraph (c) (2) (i) of this section.

(2) *National Guard.* (i) In time of national emergency, such as the Korean hostilities, the National Guard organizations or units of the various States, territories, and the District of Columbia may be mustered into the Federal service in answer to a call or order of the President of the United States. Service rendered after muster into the Federal service is as a member of the Army or Air Force. When serving on such extended active duty in the Army or Air Force, the entitlement of guardsmen to indemnity is the same as that of the Regular Establishment and the Reserve components of the Armed Forces on extended active duty, and specific information as to the length of the period of service for which called or ordered, that is, 14 days or over, is not required.

(ii) "Active duty or active training duty for 14 days or more" in the National Guard, as described under paragraph (c) (1) (ii) of this section, comprehends such duty under the sections of the National Defense Act (act of June 3, 1916), as amended, which are enumerated in section 3, Public Law 108, 81st Congress, that is, sections 5, 81, 92, 94, 97, and 99. If the duty was not performed under one of the enumerated sections of the National Defense Act, there is no entitlement to indemnity. For indemnity coverage, duty must be performed in the interests of the Federal Government, purely State duty being excluded. Accordingly, National Guardsmen called to active duty by the Governor of a state in connection with an emergency, such as flood relief, to quell a riot, or to impose martial law, are excluded. There is no entitlement to indemnity based upon inactive training duty, such as assemblies for drill or instruction, except while "engaged in aerial flights in Government-owned or leased aircraft" as comprehended in paragraph (c) (2) (i) of this section.

(3) *Persons provisionally accepted for service (volunteers), Reservists called to active duty subject to final type physical examination and registrants (selectees) under Selective Service Act of 1948, as amended.* Paragraph (c) (2) (ii) and (iii) of this section comprehends the following classes under the conditions specified therein:

(i) Persons (volunteers) who have been or are provisionally accepted and directed to report to the place of final acceptance.

(ii) Reservists of the Army, Air Force, Navy, Marine Corps, or Coast Guard called to active duty, including active duty for training purposes, subject to passing a final type physical examination prior to acceptance for duty.

(iii) Registrants (selectees) under the Selective Service Act of 1948, as amended (designated as the "Universal Military Training and Service Act" by Pub. Law 51, 82d Cong.).

Coverage of persons provisionally accepted (volunteers) and registrants (selectees) is limited to those who died or shall die as a result of disability incurred while en route from the place of assembly or draft board to the induction station, and does not extend to travel to the place of assembly or draft board or to the period after rejection, including the return trip. Coverage of Reservists under paragraph (c) (2) (ii) of this section applies in those cases in which the Reservists are called to active duty by the terms of their orders, even though the duration of such active duty is made conditional upon medical examination to determine fitness for active duty. If the terms of the orders do not place the Reservists in active duty, the limitations prescribed for volunteers and selectees shall apply.

(q) *Reservists and National Guardsmen engaged in aerial flights in Government-owned or leased aircraft; paragraph (c) (2) (i) of this section*—(1) *Crew members and passengers.* Under paragraph (c) (2) (i) of this section, engagement in aerial flights in Government-owned or leased aircraft has to be an incident to military or naval training. Coverage thereunder is not confined to persons assigned as members of the crew on the flights, but extends to those persons designated as passengers who are engaged in aerial flights as part of their training duty, such as members of combat units (paratroopers), trainees, administrative and logistic personnel, etc. It is not the particular position they occupy in aerial flights but their status of training duty which determines whether they are deemed to be in active service under the second proviso of section 2 of Public Law 23.

(r) *Additional 120-day coverage; death after service.* Under paragraph (c) (1) of this section, if the serviceman had been called to extended active duty for a period exceeding 30 days, indemnity may be payable if death occurred within 120 days after separation or release from such active service. The additional 120-day coverage extends to any serviceman called to active service for a period exceeding 30 days, notwithstanding the fact that any such person may have been separated or released from such active service prior to having served for a period exceeding 30 days. (Instruction No. 1–D, Part I, Pub. Law 23, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective September 18, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–10194; Filed, Sept. 17, 1952; 8:58 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SPECIAL CONSIDERATIONS CONCERNING PURSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36 (e), a new subparagraph (1) is added as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* • • •

(e) *Normal progression.* • • •

(1) A review or coaching course or special licensing examination preparatory course (for example, a bar review course, a CPA coaching course, or a coaching course for licensure examination as a stationary engineer), following basic professional training or basic training in the skills of a trade does not represent an advancement or progression to a level of knowledge or skills which is higher than the basic professional or basic trade training and therefore may not be held to be a normal progression from such basic course.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective September 18, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10192; Filed, Sept. 17, 1952; 8:57 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

EFFECTIVE BEGINNING DATES FOR PAYMENT OF BENEFITS; RATES OF SUBSISTENCE ALLOWANCE

1. In § 21.100 (b), subparagraphs (2) and (3) are amended to read as follows:

§ 21.100 *Effective beginning dates for payment of benefits.* • • •

(b) • • •

(2) The date of entrance or reentrance into training as certified by the institution or establishment on VA Form 7–1953 (original or supplemental) will be accepted if the certification is received in the Veterans' Administration within a period of 90 days from that date or the date VA Form 7–1953 was issued, whichever is the later. The date of reentrance into training as certified on VA Form 7–1909 by the institution or establishment will be accepted if the certification is received in the Veterans' Administration within a period of 90 days from the certified date of reentrance. Otherwise, except as provided in subparagraph (3) of this paragraph, the date of receipt of VA Form 7–1953 or 7–1909 by the Veterans' Administration will be the governing date.

(3) Where, prior to the cut-off date as defined in § 21.35, a veteran's application for education or training and/or subsistence allowance or the certification of his entrance or reentrance into training or evidence of dependency is received in the Veterans' Administration after the 90-day delimiting period prescribed in subparagraphs (1) and (2) of this paragraph, and where in view of all facts and circumstances it is the opinion of the chief, vocational rehabilitation and education division, that the case is meritorious and that the application of the 90-day rule would be inequitable and should be waived, a statement of all pertinent facts and circumstances, together with appropriate recommendations, may be forwarded to the assistant administrator for vocational rehabilitation and education, central office. Where, subsequent to the cut-off date as defined in § 21.35, VA Form 7–1953 or 7–1909 is received in the Veterans' Administration after the 90-day period prescribed in subparagraphs (1) and (2) of this paragraph, the chief, vocational rehabilitation and education division, will submit a statement of all pertinent facts and circumstances in the individual case to the assistant administrator for vocational rehabilitation and education for consideration of waiver of the 90-day rule. If the 90-day rule is waived, the date of receipt of claim for education or training and/or subsistence allowance by the institution, or the date of entrance or reentrance into training as certified by the institution will be accepted by the Veterans' Administration, if otherwise in order.

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2. In § 21.133, paragraphs (a), (b) (1), (c), (d), and (e) are amended to read as follows:

§ 21.133 *Rates of subsistence allowance*—(a) *$75, $105, or $120 per month—full-time institutional training.* On or after April 1, 1948, the monthly amount of subsistence allowance payable to the veteran enrolled under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), in a course of institutional training, as defined in § 21.58 (a), will be the normal rate of $75, $105, or $120 per month, or more if necessary, to bring the sum of subsistence allowance and disability pension or disability compensation (including special statutory allowances) to the amount established as a minimum by the provisions of Public Law 338, 80th Congress. (Rates in effect prior to April 1, 1948, were $65 per month for a veteran without a dependent or $90 per month if he has a dependent or dependents.)

(b) *$65 or $90 per month* (1) The monthly amount of subsistence allowance payable to the veteran enrolled in courses of apprentice or other on-the-job training, institutional on-farm training, and combination or cooperative courses requiring less than the normal full-time classroom instruction, will be the normal rate of $65 or $90 monthly, or more if necessary, to bring the sum of subsistence allowance and disability pension or disability compensation (including special statutory allowances) to the amount established as a minimum by the provisions of Public Law 338, 80th Congress. On or after April 1, 1948, for a veteran who pursues a part of his course in an educational institution, the extent of such training will be determined in accordance with the criteria set out in § 21.104 (a), and subsistence allowance in addition to the basic rates of $65 and $90 will be payable to the extent of the appropriate fractional part (¾, ½, ¼) of the difference between the basic rates of $65 or $90 and $75, $105, or $120, whichever is applicable.

• • • • • •

(c) *Disability compensation renounced or not applied for.* Where a veteran is found eligible for vocational rehabilitation under Part VII on a memorandum rating, or renounces his right to disability compensation before or after entrance into training, he will receive only the amount of subsistence allowance authorized by paragraph 6, Part VIII, Veterans' Regulation 1 (a), as amended, except that veterans receiving retirement or retainer pay who report that the combined amount of retirement or retainer pay and subsistence allowance is less than the minimum rates provided in paragraph 3, Part VII, Veterans' Regulation 1 (a), as amended, may receive the greater amounts of subsistence allowance upon receipt of a report from the service department showing the amount of the retirement or retainer pay.

(d) *Reduction to zero of disability compensation.* Where the disability rating of a veteran pursuing a course under Part VII is reduced to zero, he is entitled to the minimum payment provided for veterans with disabilities rated less than 30 percent in the first proviso of paragraph 3, Part VII, Veterans' Regulation 1 (a), as amended.

(e) *Disability compensation suspended for failure to report for physical examination.* When the disability compensation of a veteran pursuing a course under Part VII is suspended for failure to report for a physical examination, he can receive only the rate of subsistence allowance authorized by paragraph 6 of Part VIII of Veterans' Regulation 1 (a), as amended, so long as he persists in his refusal to report for physical examination.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective September 18, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10193; Filed, Sept. 17, 1952; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

SEPTEMBER 10, 1952.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U. S. C. 1001) and authority contained in the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Secretary to the Commissioner of Indian Affairs by Order No. 2508 approved January 11, 1949 (14 F. R. 259) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 5457), notice is hereby given of intention to modify § 130.32 (a) of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho, as follows:

By decreasing the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership for which water can be delivered for irrigation from $3.50 to $3.25 per acre.

The foregoing proposed charge is to become effective for the irrigation season 1953 and to continue in effect thereafter until further notice.

Section 130.32 (a) as amended will, therefore, read as follows:

§ 130.32 *Basic and other water charges.* (a) In compliance with the provisions of the act of March 1, 1907 (34 Stat. 1024) the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership to which water can be delivered for irrigation under the Fort Hall Indian Irrigation Project, Idaho, are hereby fixed at $3.25 per acre for the calendar year 1953 and subsequent years until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 1, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

E. MORGAN PRYSE,
Area Director.

[F. R. Doc. 52-10142; Filed, Sept. 17, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 913]

2⅛ PERCENT TREASURY NOTES OF SERIES A–1953

OFFERING OF NOTES

SEPTEMBER 15, 1952.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 2⅛ percent Treasury Notes of Series A–1953, in exchange for Treasury Certificates of Indebtedness of Series E–1952, maturing October 1, 1952.

II. *Description of notes.* 1. The notes will be dated October 1, 1952, and will bear interest from that date at the rate of 2⅛ percent per annum, payable on a semiannual basis on June 1 and December 1, 1953. They will mature December 1, 1953, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before October 1, 1952, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series E–1952, maturing October 1, 1952, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10191; Filed, Sept. 17, 1952; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 11, 1952.

Notice is given that the plat of original survey of the following described lands, accepted May 13, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

U. S. SURVEY NO. 3100

Spruce Cape Small Tract Group embracing Lots 1 to 21, inclusive, the area containing 34.35 acres, latitude 57°48'13" N., longitude 152°21'30" W., at Corner No. 1

The lands are included in the withdrawal made by Executive Order No. 8344, of February 10, 1940, temporarily

withdrawing the lands from settlement, location, sale or entry, for classification and in aid of legislation.

Anyone having a settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing application under the appropriate public land law, setting forth all facts relative thereto.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 52-10144; Filed, Sept. 17, 1952; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 64

SEPTEMBER 11, 1952.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427 approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District embracing approximately 51.22 acres:

FOR LEASING AND SALE

FOR CABIN SITES

Seward Meridian

T. 17 N., R. 4 W.,
Sec. 35: Lots 37, 38.

The land above described is included in the homestead entry of Gordon L. Kukowski, Anchorage 022372.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the homestead entry Anchorage 022372 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-10145; Filed, Sept. 17, 1952; 8:46 a. m.]

[Misc. 56089]

CERTAIN STATES

REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATIVE SITES OR FOR PROPOSED NATIONAL MONUMENT

SEPTEMBER 12, 1952.

Pursuant to requests of the Department of Agriculture and in accordance with Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

1. The departmental orders hereinafter listed, withdrawing certain lands within national forests for use by the Forest Service, Department of Agriculture, as administrative sites, are hereby revoked so far as they affect the following-described public lands:

Date of Order, Administrative Site, and Lands

ARIZONA

GILA AND SALT RIVER MERIDIAN

September 23, 1907; Allen Lake Ranger Station; T. 24 N., R. 3 E., sec. 9, SE¼, containing 160 acres.

October 26, 1906, as amended April 14, 1920; Ranger Station No. 7 (Maine Administrative Site); T. 22 N., R. 4 E., sec. 28, N½NE¼SE¼NE¼, W½SE¼NE¼, N½NE¼, SW¼NE¼, and NW¼, containing 305 acres.

April 15, 1908, Moqui Administrative Site; T. 28 N., R. 5 E., sec. 29, W½NE¼, E½NW¼, and E½W½NW¼, containing 200 acres.

The above-described lands are within the Kaibab National Forest.

September 23, 1907, as amended April 5, 1913, and October 14, 1919; Munds Park Ranger Station; T. 18 N., R. 7 E., sec. 17, lots 1, 3, and 6, and parts of lots 2, 4, and 5, containing 165.10 acres.

The above-described land is within the Coconino National Forest.

CALIFORNIA

SAN BERNARDINO MERIDIAN

October 3, 1908; Mendenhall Valley Administrative Site; T. 10 S., R. 1 E., sec. 1, SE¼SW¼, containing 40 acres.

The above-described land is within the Cleveland National Forest, and reserved from location or entry under the mining laws by the act of May 31, 1938 (52 Stat. 587).

COLORADO

SIXTH PRINCIPAL MERIDIAN

June 30, 1908; Rollinsville Administrative Site; T. 1 S., R. 73 W., sec. 33, SW¼SE¼NW¼NE¼, W½SE¼SE¼NW¼NE¼, S½SW¼NW¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, W½SW¼SW¼SE¼NE¼, S½N½SE¼NE¼NW¼, S½SE¼NE¼NW¼, and NE¼SE¼NW¼, containing 62.50 acres.

The above-described land is within the Roosevelt National Forest and reserved as a part of the Rollinsville Ranger Station by Public Land Order No. 725 of June 4, 1951.

MONTANA

PRINCIPAL MERIDIAN

November 5, 1907; Fleecer Administrative Site; T. 1 N., R. 9 W., sec. 8, S½NE¼, containing 80 acres.

The above-described land is within the Deerlodge National Forest and reserved as a part of the Fleecer Administrative Site by Public Land Order No. 725 of June 4, 1951.

UTAH

SALT LAKE MERIDIAN

July 17, 1908; Verdure Ranger Station; T. 34 S., R. 23 E., sec. 27, S½SE¼; sec. 34, N½NE¼, containing 160 acres.

The above-described land is within the Manti-La Sal National Forest.

2. The order of the Acting Commissioner of the General Land Office approved by the Acting Secretary of the Interior on July 16, 1907, which withdrew the following-described lands in New Mexico, upon the recommendation of the Acting Secretary of Agriculture, for the proposed Lady Magdalena National Monument, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 S., R. 4 W.,
Sec. 34, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼.

The areas described, aggregating 240 acres of public land, are within the Cibola National Forest. The SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼ are reserved as a part of the Magdalena Ranger Station Pasture by Public Land Order No. 725 of June 4, 1951.

This order shall become effective at 10:00 a. m. on the 35th day after the date hereof.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 52-10146; Filed, Sept. 17, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 135]

BRITISH MERCANTILE CO., LTD., ET AL.

ORDER DENYING LICENSE PRIVILEGES

In the matter of British Mercantile Co., Ltd., Melvin C. Lubar, Mary Andre Gonzalez Lubar, 640 Riverside Drive, New York, New York; David M. Silverberg, 880 West 180th Street, New York, New York; Brelan Material Corp., 38 Rock Street; Jersey City, New Jersey; Davern Sales Corp., 1472 Broadway, New York, New York; respondents; Case No. 135.

This proceeding was instituted on April 24, 1952, by a charging letter issued by the Director, Investigation Staff, Office of International Trade, to the respondents named above and duly served upon them. Said respondents were therein charged with having violated the Export Control Act of 1949 (63 Stat. 7) as amended, and the regulations thereunder, as amended, in that said respondents made and caused to be made false representations and statements on thirty-six (36) separate shipper's export declarations and related bills of lading for the purpose of effecting the exportation of large quantities of materials from the United States to diverse consignees in various cities in India between February 28 and April 16, 1951. The letter charged that respondents knew and intended at the time such representations were made on such export control documents that the commodity in each instance was not virgin polystyrene and polystyrene powder as stated thereon but ground and scrap plastics.

The charging letter further alleged that in connection with certain of the aforesaid exportations, and based thereon, the Grand Jury for the United States District Court, Southern District of New York, on August 9, 1951, issued a nineteen (19)-count indictment charging these respondents with having made false representations affecting said exportations and with having otherwise violated specific Federal statutes relating to export control. It was further alleged in said charging letter that on November 7, 1951, respondents Melvin C. Lubar, Mary Andre Gonzalez Lubar (hereinafter referred to as Mary Lubar), and British Mercantile Co., Ltd., pleaded guilty to all nineteen (19) counts of said indictment and that sentences were imposed by the Court on November 16, 1951, and December 14, 1951.

The records of the United States District Court for the Southern District of New York show that respondent Melvin C. Lubar was sentenced to five (5) years' imprisonment and respondent Mary Lubar to two (2) years' imprisonment and in each case imposition of sentence was suspended and respondents placed on probation; respondent British Mercantile Co., Ltd., was fined and payment of fine remitted. These respondents were directed by the Court to make restitution, and did make partial restitution to the Indian consignees defrauded by the transactions. As a further condition of probation, respondent Mary Lubar was ordered by the Court to stay out of the export business.

Respondent David M. Silverberg, individually and as an officer of Brelan Material Corp. and Davern Sales Corp., pleaded "not guilty" to the charges contained in the indictment and is presently free on bail and is awaiting trial.

Respondents Melvin C. Lubar, Mary Lubar, and British Mercantile Co., Ltd., after receiving the charging letter as aforesaid, conferred through their counsel and in person with officials of the Office of International Trade and with the Compliance Commissioner. Thereafter, respondents submitted to the Office of International Trade with the advice of and through counsel a statement dated June 11, 1952, amended August 14, 1952, in which they admitted for the purpose of this compliance proceeding only the charges in said charging letter, waived all rights to a hearing thereon, and consented to the entry of an order denying to them all export privileges until December 15, 1953, and suspending the operation of the order for a period of three (3) years thereafter under terms set forth below.

Respondents David M. Silverberg, Brelan Material Corp., and Davern Sales Corp. did not answer or otherwise contest the charges made against them in said charging letter and, in accordance with the provisions of § 382.4 of the regulations, the evidence against said respondents was presented to the Compliance Commissioner at a regularly scheduled hearing held before him at Washington, D. C., on August 6, 1952. Said respondents did not appear at the hearing and were not represented by counsel.

The Compliance Commissioner has received and reviewed the aforesaid proposal, as amended, for a consent order submitted by respondents Melvin C. Lubar, Mary Lubar, and British Mercantile Co., Ltd., and has informally reviewed the evidence presented by the Investigation Staff in support of the charges against them. The Compliance Commissioner has submitted a report in which he has found that the charges applicable to respondents Melvin C. Lubar, Mary Lubar, and British Mercantile Co., Ltd., are substantiated by the evidence and has concluded that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable and should be approved. He has also reviewed and considered the oral and documentary evidence presented by counsel for the Investigation Staff in support of the charges against respondents David M. Silverberg, Brelan Material Corp., and Davern Sales Corp. On the basis thereof, on the evidence so received, and on the entire record, the Compliance Commissioner has duly filed his report.

It appears from the Compliance Commissioner's reports that respondents Melvin C. and Mary Lubar at all the times relevant to this proceeding were, and are, the principals of respondent British Mercantile Co., Ltd., a domestic corporation engaged in exports. In December 1950, said respondents circularized prospective purchasers in India offering large quantities of virgin polystyrene, Monsanto grade, in various colors. On the basis of this circularization, British Mercantile Co., Ltd., received orders for this commodity from twenty-nine (29) different Indian consignees and letters of credit for $147,530.60 in payment therefor. Because virgin polystyrene was no longer available on the market when such orders arrived, these respondents contrived to defraud the Indian consignees by exporting alleged substitutes in place of polystyrene. In order to avoid possible civil action by the consignees, the Lubars got David M. Silverberg, a friend of Melvin C. Lubar, to form Brelan Material Corp. and Davern Sales Corp. for the ostensible purpose of "selling" the material to British Mercantile Co., Ltd., to be exported to India. It was to appear that British Mercantile Co., Ltd., had legitimately purchased polystyrene from Brelan Material Corp. and Davern Sales Corp., thereby making it appear that British Mercantile Co., Ltd., was blameless and that the fraudulent substitution was chargeable to Brelan Material Corp. and Davern Sales Corp. Although these corporations were duly constituted corporations formed under the laws of New Jersey and New York, respectively, they had no substance, were mere names used by respondents to camouflage their real purposes, and were mere "mail drops" in selected locations. Purchases of ground plexiglas, lucite and other scrap materials were made from various dealers in the names of Brelan Material Corp. and Davern Sales Corp. by Mary Lubar and David M. Silverberg, and, in addition, Mary Lubar purchased from a dealer in New York City an alleged substitute for polystyrene which turned out to be ground phonograph records and other worthless trash. Payments to such dealers for the commodities so acquired were made by checks signed by David M. Silverberg as an officer of Brelan Material Corp. and/or Davern Sales Corp., which thereupon "sold" the materials to British Mercantile Co., Ltd., and the materials were exported by these respondents to the Indian consignees in five (5) separate shipments and on five (5) different vessels between February 28 and April 16, 1951. Respondents made and caused to be made false representations and statements on each of the thirty-six (36) shipper's export declarations authenticated by the Collector of Customs and on each of the related bills of lading effecting such exportations that the materials so exported were polystyrene powder and virgin polystyrene, respectively.

In his reports, the Compliance Commissioner has held that David M. Silverberg was an accomplice of Melvin C. and Mary Lubar in the fraud perpetrated upon the Indian consignees and was an active participant therein, although playing a lesser role in its concept and consummation than the dominant role of the Lubars. The Compliance Commissioner has further held that respondents knowingly made and caused to be made the false representations on the shipper's export declarations and related bills of lading for the purpose of effecting the exportations from the United States and that said respondents were therefore guilty of the charges as stated in the aforesaid charging letter.

While the Compliance Commissioner has properly found, and his reports show, that these respondents knowingly committed a fraud upon the Indian purchasers and demonstrated a degree of untrustworthiness in export matters that would call for a long term denial of export privileges, he has pointed out certain extenuating factors applicable to these respondents which warrant the consideration of a lesser period of time. Among these factors are their loss of reputation and of their business by the criminal sentences imposed upon Melvin C. and Mary Lubar, and their restitution to the Indian consignees to the limit of their capabilities.

The Compliance Commissioner has also taken cognizance that the Lubars and British Mercantile Co., Ltd., have been barred from engaging in any export operations since June 5, 1951, by the issuance of a temporary denial order against them and that David M. Silverberg, Brelan Material Corp., and Davern Sales Corp. have likewise been enjoined from export operations since August 3, 1951.

With respect to respondents Melvin C. and Mary Lubar and British Mercantile Co., Ltd., the findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the proposals for a consent order. It appears that such findings and recommendations are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

With respect to respondents David M. Silverberg, Brelan Material Corp., and Davern Sales Corp., the report of the Compliance Commissioner, the findings and recommendations contained therein, as well as the record in this matter have been carefully considered and it appears that said report and findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) Respondents Melvin C. Lubar, Mary Andre Gonzalez Lubar, British Mercantile Co., Ltd., David M. Silverberg, Brelan Material Corp., and Davern Sales Corp., and each and all of them, are hereby denied the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include and prohibit the participation by said respondents, or any of them, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of validated export licenses or general licenses and any export control documents relating thereto, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to M. G. Andre, Incorporated, and Boston Trading Company (two companies owned by the Lubars), and Materials Inspection Company (a Silverberg firm), and to any person, firm, corporation, or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(3) This order shall extend until December 15, 1956, or until the expiration of export controls, whichever occurs first: *Provided, however,* The denial of export privileges with respect to each and all of said respondents as stated herein shall be held in abeyance and all export privileges restored to said respondents on and after December 15, 1953, subject to the following conditions: If said respondents or any of them shall at any time until December 15, 1953, or within the three (3) years ensuing immediately thereafter, knowingly violate any of the provisions of this order or any of the provisions of the United States export control law or regulations now or hereafter issued thereunder, the Office of International Trade may summarily, at such time as it determines such violation has occurred, issue a supplemental order making immediately operative as to each and all of said respondents the denial of export privileges provided in this order, for a further term of three (3) years, or until the expiration of export controls, whichever occurs first, beginning as of the date of such supplemental order, without thereby precluding the Office of International Trade from instituting any other and further action it may deem appropriate based on such violation.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (2) hereinabove, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

(5) This order supersedes and cancels the Office of International Trade temporary denial order of August 3, 1951, applicable to the named respondents and each of them.

Dated: September 12, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-10184; Filed, Sept. 17, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Alabama Textile Products Corp., Crestview, Fla., effective 9-8-52 to 9-7-53; 10 percent of the productive factory force (men's pajamas).

Capitol City Manufacturing Co., 925 Huger Street, Columbia, S. C., effective 9-4-52 to 9-3-53; 10 percent of the productive factory force (cotton dresses).

E. R. Partridge, Inc., 157½ Pryor Street SW., Atlanta, Ga., effective 9-4-52 to 12-3-52; one learner (men's work clothing).

Prairie Manufacturing Co., 106 Washington Avenue, East Prairie, Mo., effective 9-8-52 to 9-7-53; 10 percent of the productive factory force (pants).

Primo Pants Co., Versailles, Mo., effective 9-2-52 to 3-1-53; 50 learners for expansion purposes (men's and boys' pants).

The Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 9-8-52 to 3-7-53; 40 learners for expansion purposes (men's play shirts).

Shirtcraft Co., Inc., West Lurgan Street, Shippensburg, Pa., effective 9-5-52 to 9-4-53; 10 percent of the productive factory force (men's dress and sport shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6838).

Advance Glove Manufacturing Co., 1700 Maple Street, Rome, Ga., effective 9-9-52 to 9-8-53; 10 percent of the productive factory workers engaged in the learner occupations (cotton and leather palm work gloves).

Wells Lamont Corp., Elsberry, Mo., effective 9-9-52 to 9-8-53; 10 percent of the productive factory workers engaged in the learner occupations (leather work gloves).

Wells Lamont Corp., Waynesboro, Miss., effective 9-8-52 to 2-24-53; 15 learners for expansion purposes (supplemental certificate) (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Ashburn Hosiery Mills, South Street, Mount Airy, N. C., effective 9-5-52 to 3-4-53; 30 learners for expansion purposes.

Commonwealth Hosiery Mills, Randleman, N. C., effective 9-15-52 to 9-14-53; 5 percent of the productive factory force.

Hamilton Hosiery Finishers, Inc., 315 Morning Glory Avenue, Durham, N. C., effective 9-9-52 to 9-8-53; 5 percent of the productive factory force.

Hoburt Hosiery Corp., Denton, N. C., effective 9-5-52 to 9-4-53; five learners.

Holston Manufacturing Co., Ninth Avenue and Mitchell Street, Knoxville, Tenn., effective 9-5-52 to 3-4-53; 15 learners for expansion purposes.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pa., effective 9-5-52 to 9-4-53; five learners.

Liberty Hosiery Mills, Inc., Gibsonville, N. C., effective 9-21-52 to 9-20-53; 5 percent of the productive factory force.

Wee-Sox Hosiery Mills, Inc., Randleman, N. C., effective 9-24-52 to 9-23-53; 5 percent of the productive factory force.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Union Grove Telephone Co., Union Grove, Wis., effective 9-8-52 to 9-7-53.

Knitted Wear Industry Learner Regulations, (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Seamprufe, Inc., Holdenville, Okla., effective 9-6-52 to 3-5-53; 75 learners for expansion purposes (slips and nightgowns).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., 522 West Baxter Avenue, Knoxville, Tenn., effective 9-5-52 to 9-4-53; 7 percent of the productive factory force; machine operating, pressing, handsewing; each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's summer clothing, coats and pants).

The following special learner certificates were issued to the school-operated industries listed below:

Adelphian Academy, Holly, Mich., effective 9-1-52 to 8-31-53; woodwork shop—machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in the shop; 40 learners; 250 hours at 55 cents per hour, 250 hours at 60 cents per hour, 250 hours at 70 cents per hour.

Atlantic Union College, South Lancaster, Mass., effective 9-1-52 to 8-31-53; print shop—compositor, pressman, bindery worker and related skilled and semiskilled occupations; 28 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbindery—bookbinder, bindery worker and related skilled and semiskilled occupations; 32 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; clerical—bookkeeper, cashier and related skilled and semiskilled occupations; 2 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Pacific Union College, Angwin, Napa County, Calif., effective 9-1-52 to 8-31-53; print shop—pressman, compositor, lithographer, bindery worker, related skilled and semiskilled occupations including clerical work in the shop; 12 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour, unless higher standards are established by State law; bookbindery—bookbinder, including sewer, gold stamper, trimmer and backer, cutter, case-maker and related skilled and semiskilled occupations; 8 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour, unless higher standards are established by State law; lamp shade shop—covering frame with fabric (hand skill) and related skilled and semiskilled occupations including incidental clerical work in shop; 12 learners; 100 hours at 55 cents per hour, 50 hours at 60 cents per hour, 50 hours at 70 cents per hour, unless higher standards are established by State law.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of September 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-10149; Filed, Sept. 17, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4902 et al.]

CONSOLIDATED FLOWER SHIPMENTS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Consolidated Flower Shipments, Inc., Bay Area; John Barulich and William Zappettini; Docket No. 4902 et al.

In the matter of the investigation of the activities and practices of Consolidated Flower Shipments, Inc., Bay Area, and others.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 7, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 15, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10186; Filed, Sept. 17, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6446]

GLACIER COUNTY ELECTRIC COOPERATIVE, INC., AND MARIAS RIVER ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

SEPTEMBER 11, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a), Glacier County Electric Cooperative, Inc., a rural electric cooperative operating in Glacier County, Montana, on July 28, 1952, filed with the Federal Power Commission an application, for authorization by the Commission to transmit electric energy to Canada, to serve the office buildings and residences of National Revenue, Customs and Excise Division, Canadian Government at Carway and Del Bonita, Alberta, Canada, from points on the international boundary between the United States and Canada, in Glacier County, Montana, opposite thereto in quantities not in excess of 84,000 kilowatt hours at a rate of 25 kilowatts and 36,000 kilowatt hours at a rate of 15 kilowatts annually, respectively.

On September 8, 1952, Marias River Electric Cooperative, Inc., from which Glacier County Electric Cooperative, Inc., purchases the electric energy proposed to be transmitted to Canada filed its joinder in the application heretofore filed July 28, 1952.

Any person desiring to be heard or to make any protest with reference to the application should, on or before October 1, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10158; Filed, Sept. 17, 1952; 8:50 a. m.]

[Docket No. G-1757]

NATURAL GAS STORAGE CO. OF ILLINOIS

NOTICE OF OPINION NO. 236 AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 12, 1952.

Notice is hereby given that on September 11, 1952, the Federal Power Commission issued its opinion and order entered September 9, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10154; Filed, Sept. 17, 1952; 8:49 a. m.]

[Docket No. E-6443]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENTAL ORDER APPROVING PROPOSED METHOD OF COMPLYING WITH COMPETITIVE BIDDING REQUIREMENTS

SEPTEMBER 12, 1952.

Notice is hereby given that on September 11, 1952, the Federal Power Commission issued its order entered September 11, 1952, approving proposed method of complying with competitive bidding requirements in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10153; Filed, Sept. 17, 1952; 8:49 a. m.]

[Docket No. G-1781]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

SEPTEMBER 11, 1952.

The Commission, by order issued September 4, 1951, suspended the operation of United Fuel Gas Company's proposed FPC Gas Tariff, Second Revised Volume No. 1; and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in said tariff.

The Commission finds:

(1) The public hearing in this proceeding should be held at the time and place hereinafter designated.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) A public hearing be held commencing on September 29, 1952, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in United Fuel's proposed FPC Gas Tariff, Second Revised Volume No. 1.

(B) At the hearing the burden of proof to justify the proposed increase and changes in tariff provisions, as provided by section 4 (e) of the Natural Gas Act, shall be upon United Fuel.

(C) At the hearing United Fuel shall go forward first and shall present its complete case-in-chief before cross-ex-

amination is undertaken. Upon completion of United Fuel's case-in-chief, other parties to the proceeding may proceed with such cross-examination as they may wish to conduct at that time and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing shall be recessed by the Presiding Examiner subject to further order of the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10165; Filed, Sept. 17, 1952; 8:52 a. m.]

[Docket Nos. G-1948, G-2001]

EAST TENNESSEE NATURAL GAS CO. AND PHILADELPHIA ELECTRIC CO.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 12, 1952.

In the matters of East Tennessee Natural Gas Company, Docket No. G-1948; Philadelphia Electric Company, Docket No. G-2001.

Notice is hereby given that on September 11, 1952, the Federal Power Commission issued its orders entered September 9, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10155; Filed, Sept. 17, 1952; 8:49 a. m.]

[Docket No. G-1955]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS EASTERN TRANSMISSION CORP.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

SEPTEMBER 9, 1952.

On May 9, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental) and Texas Eastern Transmission Corporation (Texas Eastern), Delaware corporations having principal business offices in Houston, Texas, and Shreveport, Louisiana, respectively, filed a joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of metering facilities and the necessary pipe to interconnect the 20-inch Marcus-Hook lateral of Transcontinental and the 20-inch South lateral of Texas Eastern near Philadelphia, Pennsylvania. Such facilities will be utilized for the delivery of natural gas to Texas Eastern, which company in turn will deliver equivalent volumes of natural gas to the East Ohio Gas Company, New York State Natural Gas Corporation, the Peoples Natural Gas Company, United Natural Gas Company and the Indiana Gas & Water Company.

Temporary authorization to construct and operate the above facilities for the delivery and sale of natural gas to the above-named companies was granted on May 15, 1952. On the same date the Commission adopted an order allowing certain rate schedules to take effect relating to said sales.

Due notice of the filing of such application was given, including publication in the FEDERAL REGISTER on May 23, 1952 (17 F. R. 4728).

Transcontinental and Texas Eastern have requested that their joint application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission finds:

(1) Good cause has not been shown for granting the request of Transcontinental and Texas Eastern that their application be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in the proceeding in Docket No. G-1955 less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The request of Transcontinental and Texas Eastern that their joint application in Docket No. G-1955 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 23, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10151; Filed, Sept. 17, 1952; 8:49 a. m.]

[Docket No. G-1962]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 9, 1952.

On May 27, 1952, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application and, on July 9, 1952, a supplement to that application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 23, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pensylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10152; Filed, Sept. 17, 1952; 8:49 a. m.]

[Docket No. G-2021]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 11, 1952.

On August 1, 1952, Public Service Electric and Gas Company (Applicant), a New Jersey corporation having its principal place of business at Newark, New Jersey, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition to intervene having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 15, 1952 (17 F. R. 7440).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 30, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10160; Filed, Sept. 17, 1952; 8:48 a. m.]

[Docket No. G-2032]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 11, 1952.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed on August 18, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 21 miles of 6⅝-inch pipeline looping certain of Applicant's existing pipeline facilities as hereinafter described.

Applicant proposes to construct and operate (1) a 6⅝-inch pipeline, 13.5 miles in length, including a river crossing under the Wabash River approximately 800 feet in length, extending from Applicant's Oaktown, Indiana, compressor station to a point approximately 3 miles from Robinson, Illinois, and adjacent to Applicant's existing 4-inch pipeline; and (2) a 6⅝-inch pipeline, 7.5 miles in length, starting from a point near Lawrenceville, Illinois, and extending in a northeasterly direction toward Applicant's Oaktown, Indiana, compressor station, and adjacent to Applicant's existing 4-inch pipeline. Applicant estimates the cost of the facilities at $424,475, and proposes to accomplish the financing out of funds on hand.

Applicant states that this application was filed in compliance with the condition contained in subparagraph (B) (6) of the order issued July 25, 1952, in Docket No. G-1847, and accompanying Commission Opinion No. 232, which required that Applicant obtain authority for loop lines to Robinson and Lawrenceville, Illinois, in order to transport the maximum volumes of natural gas specified in subparagraph (B) (1) of said order.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10159; Filed, Sept. 17, 1952; 8:51 a. m.]

[Docket No. G-2038]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 11, 1952.

Take notice that on September 2, 1952, Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate the following described gas facilities:

1. Three 1,600 hp. compressor units at Applicant's existing Greensburg Compressor Station located in Section 23, Township 27 South, Range 18 West, Kiowa County, Kansas.

2. Six 1,100 hp. compressor units at a compressor station in Section 8, Township 22 South, Range 1 West, Harvey County, Kansas, to be known as Applicant's Hesston Compressor Station.

The application recites that the addition of three 1,600 hp. units will (a) increase the capacity of Applicant's 26-inch line from the Kansas-Hugeton gas field to Kansas City, Missouri, by 56,000 Mcf daily, (b) and the construction and operation of six 1,100 hp. compressor units at the proposed Hesston Compressor Station is required to complete the capacity increase of Applicant's 26-inch line from Kansas-Hugeton gas field to Kansas City, Missouri and make available the increased quantities of gas referred to above. Applicant states the increased supply of gas is needed to meet additional peak-day requirements, and that with the proposed facilities, curtailments on its system would be reduced to 585,332 Mcf, enabling all firm demands, and 15,176 Mcf of curtailable industrial demand to be served.

The estimated over-all capital cost of the proposed facilities is $2,781,000 and will be defrayed from funds available under an existing credit agreement negotiated in April 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 1st day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10160; Filed, Sept. 17, 1952; 8:51 a. m.]

[Docket No. G-2051]

HOPE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

SEPTEMBER 11, 1952.

On August 15, 1952, Hope Natural Gas Company (Hope), pursuant to Part 154 of the Commission's general rules and regulations, filed with the Commission proposed Sixth Revised Sheet No. 3, Fourth Revised Sheet No. 3-A, Fifth Revised Sheet No. 4, Fourth Revised Sheet No. 4-A and Second Revised Sheet No. 5, respectively, to its FPC Gas Tariff, Original Volume No. 1, setting forth therein its proposed Rate Schedules H-1A, H-1B, H-2A, H-2B and H-3, respectively; and requested that such proposed rate schedules be permitted to become effective as of September 15, 1952.

The proposed rate schedules would increase the presently effective rates and charges to Hope's six interstate wholesale customers; namely, the Manufacturers Light and Heat Company (Manufacturers), Mount Morris Gas Company (Mount Morris), the Peoples Natural Gas Company (Peoples), the East Ohio Gas Company (East Ohio), New York State Natural Gas Corporation (New York Natural), and the River Gas Company (River Gas).

Copies of the proposed rate schedules, together with copies of material submitted by Hope to this Commission pursuant to § 154.63 of the Commission's general rules and regulations (18 CFR 154.63), were transmitted by Hope to each of its said interstate wholesale customers. Peoples, East Ohio, New York Natural and River Gas are affiliates of Hope in the Consolidated Natural Gas Company system.

According to Hope's estimatees, the proposed rate schedules would increase the presently effective rates and charges for the interstate sales by a total of $2,334,497 for the year ending September 14, 1953, distributed as follows:

Customer:	*Increase*
Manufacturers	$149,998
Mount Morris	619
Peoples	431,244
East Ohio	1,197,846
New York Natural	519,612
River Gas	35,178
Total	2,334,497

Hope avers that the proposed increased rates are necessitated by reason of a proposed rate increase of Tennessee Gas Transmission Company, which supplies natural gas to Hope, which in-

crease has not taken effect but has been suspended by the Commission by order of even date herewith.

The rates, charges and classifications set forth in Sixth Revised Sheet No. 3, Fourth Revised Sheet No. 3–A, Fifth Revised Sheet No. 4, Fourth Revised Sheet No. 4–A and Second Revised Sheet No. 5 to Hope's FPC Gas Tariff, Original Volume No. 1, comprising the proposed new Rate Schedules H–1A, H–1B, H–2A, H–2B and H–3 may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges and classifications set forth in Hope Natural Gas Company's Sixth Revised Sheet No. 3, Fourth Revised Sheet No. 3–A, Fifth Revised Sheet No. 4, Fourth Revised Sheet No. 4–A and Second Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, and that said tariff sheets filed on this proceeding be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held at a date and place hereinafter to be fixed by the Commission concerning the lawfulness of the rates, charges and classifications subject to the jurisdiction of the Commission, as set forth in Sixth Revised Sheet No. 3, Fourth Revised Sheet No. 3–A, Fifth Revised Sheet No. 4, Fourth Revised Sheet No. 4–A and Second Revised Sheet No. 5 to FPC Gas Tariff, Original Volume No. 1, filed by Hope Natural Gas Company.

(B) Pending such hearing and decision thereon, said tariff sheets filed in this proceeding by Hope Natural Gas Company on August 15, 1952, be and they hereby are suspended and the use thereof is deferred until February 15, 1953, and until such further time thereafter as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10166; Filed, Sept. 17, 1952; 8:53 a. m.]

[Docket No. G–2052]

TENNESSEE GAS TRANSMISSION CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES, IN PART AND PROVIDING FOR HEARING

SEPTEMBER 11, 1952.

On August 15, 1952, Tennessee Gas Transmission Company (Tennessee), filed with the Commission proposed rate schedules consisting of tariff sheets contained in Third Revised Volume No. 1 and First Revised Volume No. 2 of its FPC Gas Tariff, designed to supersede Second Revised Volume No. 1 and Original Volume No. 2 of said tariff, to become effective September 15, 1952, whereby Tennessee proposes a system-wide rate increase for the sale for resale and transportation of natural gas in interstate commerce.

According to Tennessee's estimates, the proposed rate schedules would increase the presently effective rates and charges for such sale and transportation by a total of approximately $17,850,000 for the year ending August 31, 1953, distributed among the companies and communities and in the amounts set out in Appendix A hereto.

Tennessee avers that the proposed increased rates are necessitated by reason of claimed increases in cost of gas, labor, services, material and supplies.

Copies of the proposed rate schedules, together with copies of material submitted by Tennessee to this Commission, were transmitted by Tennessee to each of its interstate wholesale customers and transportation service customers and to the State commissions concerned. Many of the State commissions and customer companies have protested the increase and have requested suspension and hearing.

Tennessee's proposed rate schedules include Rate Schedule GS–1 for general service to customers in its Zone 1 having a maximum demand on Tennessee of less than 5,000 Mcf of gas per day. This proposed rate schedule provides for a straight commodity rate of 26.64 cents per Mcf. Such rate is equivalent to the rate proposed to larger customers in that zone at 50 percent load factor. This proposed rate schedule, however, will reduce the rates to several of Tennessee's smaller customers and will increase them to none. It therefore appears appropriate to permit this rate to become effective pending investigation.

The rates, charges and classifications set forth in the rate schedules contained in Third Revised Volume No. 1 and First Revised Volume No. 2 to Tennessee's FPC Gas Tariff, including said Rate Schedule GS–1, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in sections 4 and 5 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Third Revised Volume No. 1 and First Revised Volume No. 2 of Tennessee's FPC Gas Tariff; and that pending hearing and decision thereon, said Third Revised Volume No. 1 and First Revised Volume No. 2 of Tennessee's FPC Gas Tariff be suspended, except to the extent that provision is made therein for Rate Schedule GS–1.

The Commission orders:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in Third Revised Volume No. 1 and First Revised Volume No. 2 of FPC Gas Tariff, filed by Tennessee Gas Transmission Company.

(B) If, after hearing, the Commission shall find that any rate, charge, classification, service, rule, regulation or practice set forth in the aforesaid tariff sheets, filed on August 15, 1952, by Tennessee, is unjust, unreasonable, unduly discriminatory or preferential, it will determine and fix by appropriate order just, reasonable and non-discriminatory rates, charges, classifications, services, rules, regulations and practices to be thereafter observed and in force.

(C) Pending such hearing and decision thereon, said Third Revised Volume No. 1 and First Revised Volume No. 2 of Tennessee's FPC Gas Tariff, filed on August 15, 1952, except to the extent that provision is made therein for Rate Schedule GS–1, be and the same hereby are suspended and the use thereof is deferred until February 15, 1953, and until such further time thereafter as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A—TENNESSEE GAS TRANSMISSION COMPANY

DISTRIBUTION OF INCREASE FOR 12 MONTHS ENDING AUGUST 31, 1953

Purchaser	*Increase*
New York zone:	
Iroquois Gas Corp	$488,100
New York State Natural Gas	445,504
Northeastern Gas Transmission Co	1,124,275
Republic L H & P Co	23,315
Subtotal, New York zone	2,081,194
Northern zone:	
The East Ohio Gas Co	612,200
Equitable Gas Co	459,150
Ellis T. Myers Gas Co	6,283
Pennsylvania Gas Co	153,050
Peoples Natural Gas Co	306,100
United Natural Gas Co	153,050
Lake Shore Pipe Line Co	72,273
Subtotal, Northern zone	1,762,106
Eastern zone:	
Godfrey L. Cabot, Inc	72,875
Cumberland Gas Corp	14,575
Hope Natural Gas Co	3,279,375
United Fuel Gas Co	5,846,542
Subtotal, Eastern zone	9,213,367
Central zone:	
Inland Gas Corp	272,500
Louisville Gas & Electric	284,200
City of Morehead, Kentucky	6,483
Texas Gas Transmission Corp	17,054
United Fuel Gas Co	1,065,750
Western Kentucky Gas Co	87,230
Subtotal, Central zone	1,733,217
Southern zone:	
Alabama-Tennessee Natural	306,031
Town of Dickson, Tenn	(3,069)
East Tennessee Natural Gas	1,487,616
Lobelville Gas Co	(866)
City of Portland, Tenn	(1,650)
Springfield, Tenn	5,057
Tennessee Natural Gas Lines	464,114
Texas Gas Trans. Corp	185,014
Town of Batesville, Miss	(2,096)
City of Holly Springs, Miss	11,120
New Albany & Pentotoc, Miss	10,230
Ripley, Booneville & Baldwyn	11,099
United Gas Pipe Line Co	47,963
Town of Chatham, La	261
Village of Robeline, La	199
Subtotal, Southern zone	2,521,023
Total sales, all zones	17,310,907
Transportation of gas for others:	
Manufactures light and heat	538,800
Total interstate sales and transportation	17,849,707

[F. R. Doc. 52–10167; Filed, Sept. 17, 1952; 8:53 a. m.]

[Docket No. G–2053]

COMMONWEALTH NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

SEPTEMBER 11, 1952.

On August 15, 1952, Commonwealth Natural Gas Company (Commonwealth) filed with the Commission First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B of its FPC Gas Tariff, Original Volume No. 1, to supersede corresponding tariff sheets effective March 19, 1952, under bond in Docket No. G–1815, to be effective October 9, 1952.[1]

Said proposed tariff sheets, as filed, would result in an increase in the commodity charge component of the rate for natural-gas service of 4.7 cents per Mcf. There are also proposed changes in the billing adjustment for heat content variation. The proposed increase in charges would result in annual increase payments by Commonwealth's customers amounting to $516,400, which is an increase of about 16 percent based on estimated sales for the year ending August 31, 1953. Commonwealth states that the rate increase is necessitated principally by a proposed increase by Commonwealth's supplier, Virginia Gas Transmission Corporation. Such higher rates of Virginia Gas Transmission Corporation are, however, not presently effective, have not been shown to be fully justified, and are being suspended by order of the Commission issued concurrently with the order herein.

The increased rates and charges provided in said First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said proposed tariff sheets have been sent to each customer of Commonwealth which would be effected thereby, Petersburg and Hopewell Gas Company, a customer of Commonwealth, has filed objections to the proposed increased charge, and has requested that said tariff sheets be suspended or rejected.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B of Commonwealth's FPC Gas Tariff, Original Volume No. 1, and that said sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid Commonwealth's First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B.

(B) Pending such hearing and decision thereon, First Revised Sheets Nos. 5 and 8 and Second Revised Sheet No. 8B, of Commonwealth Natural Gas Company's FPC Gas Tariff, Original Volume No. 1 be and the same are hereby suspended and the use thereof deferred until March 9, 1953, and until such further time as such sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[1] Commonwealth requested that its filing become effective simultaneously with that of Virginia Gas Transmission Corporation which was accepted for filing on September 8, 1952.

[F. R. Doc. 52–10168; Filed, Sept. 17, 1952; 8:53 a. m.]

[Docket No. G–2054]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED TARIFFS

SEPTEMBER 11, 1952.

On September 8, 1952, the Atlantic Seaboard Corporation (Atlantic) filed with the Commission its FPC Gas Tariff, Fifth Revised Volume No. 1 and Virginia Gas Transmission Corporation (Virginia) filed its Third Revised Volume No. 1 to supersede their present tariffs effective under bond in Docket No. G–1806.[1]

These proposed tariffs, as filed, would result in an increase in the commodity charge component of the rate for natural-gas service of 4.7 cents per Mcf. The proposed increase in charges would result in annual increased payments by customers of Atlantic and Virginia amounting to about $4,318,000 which is an increase of 14.4 percent based on estimated sales for the year ending August 31, 1953. Atlantic and Virginia state that the rate increase is necessitated principally by the proposed rate increase by their supplier, United Fuel Gas Company. Such higher rates of United Fuel Gas Company are, however, not presently effective, have not been shown to be fully justified, and are being suspended by order of the Commission issued concurrently with the order herein.

The increased rates and charges provided in said Fifth Revised Volume No. 1 and Third Revised Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, copies of said proposed tariffs have been sent to each customer of Atlantic and Virginia which would be affected thereby. All non-affiliated customers have filed protests to the proposed increased charges.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Atlantic's Fifth Revised Volume No. 1 and Virginia's Third Revised Volume No. 1, and that said tariffs be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid tariffs.

(B) Pending such hearing and decision thereon, said Atlantic's FPC Gas Tariff, Fifth Revised Volume No. 1 and Virginia's FPC Gas Tariff, Third Revised Volume No. 1 be and the same are hereby suspended and the use thereof deferred until March 9, 1953, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[1] Atlantic and Virginia submitted incomplete filings on August 15, 1952. Thereafter, on September 8, 1952 additional information was submitted by the two companies which made their proposed tariffs acceptable for filing pursuant to the Commission's rules and regulations.

[F. R. Doc. 52–10169; Filed, Sept. 17, 1952; 8:53 a. m.]

[Docket No. G–2055]

UNITED FUEL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

SEPTEMBER 11, 1952.

On August 15, 1952, the United Fuel Gas Company (United Fuel) filed with the Commission its FPC Gas Tariff, Third Revised Volume No. 1, to supersede its present tariff effective under bond in Docket No. G–1781.

Said Third Revised Volume No. 1, as filed, would result in an increase in the commodity charge component of the rate for natural-gas service from 17.25 cents per Mcf to 20.35 cents per Mcf. The proposed increase in charges would result in annual increased payments by United Fuel's customers amounting to $6,974,000, which is an increase of 11.9 percent based on estimated sales for the year ending August 31, 1953. United Fuel states that the rate increase is necessitated principally by the proposed increase by United Fuel's supplier, Tennessee Gas Transmission Company, filed concurrently with that of United Fuel. Such higher rates of Tennessee Gas Transmission Company, are, however, not presently effective, have not been shown to be fully justified, and are being suspended by order of the Commission issued concurrently with the order herein.

The increased rates and charges provided in said Third Revised Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said Third Revised Volume No. 1 has been sent to each customer of United Fuel which would be affected thereby, and also to the State Commissions of West Virginia, Kentucky, Pennsylvania and Ohio. The Portsmouth Gas Company, United Fuel's only nonaffiliated customer, has filed objections to the proposed increased charge, and has requested that said Third Revised Volume No. 1 be suspended or rejected.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of United Fuel's FPC Gas Tariff, Third Revised Volume No. 1, and that said Third Revised Volume No. 1 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid United Fuel Gas Company's FPC Gas Tariff, Third Revised Volume No. 1.

(B) Pending such hearing and decision thereon, said United Fuel Gas Company's FPC Gas Tariff, Third Revised Volume No. 1 be and the same is hereby suspended and the use thereof is deferred until February 15, 1953, and until such further time as United Fuel's Third Revised Volume No. 1 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10170; Filed, Sept. 17, 1952; 8:54 a. m.]

[Docket No. G–2054]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

SEPTEMBER 11, 1952.

On August 15, 1952, Central Kentucky Natural Gas Company (Central Kentucky) filed with the Commission its FPC Gas Tariff, Third Revised Volume No. 1 to supersede its present tariff effective under bond in Docket No. G–1791.

Said Third Revised Volume No. 1, as filed, would result in an increase in the commodity charge component of the rate for natural gas sold from 21.0 cents per Mcf to 23.25 cents per Mcf. The proposed increase in charges would result in annual increased payments by Central Kentucky's customers amounting to $1,085,000, which is an increase of 6.7 percent, based on estimated sales for the twelve-month period ending August 31, 1953. Central Kentucky states that the proposed increase is necessitated principally by the proposed increase by Central Kentucky's supplier, United Fuel Gas Company, filed concurrently with that of Central Kentucky. Such higher rates of United Fuel Gas Company are, however, not presently effective, have not been shown to be fully justified, and are being suspended by order of the Commission issued concurrently with the order herein.

The increased rates and charges provided in said Third Revised Volume No. 1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said Third Revised Volume No. 1 has been sent to each customer of Central Kentucky which would be affected thereby. Several customers have filed protests and objections to the proposed increase.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Central Kentucky's FPC Gas Tariff, Third Revised Volume No. 1, and that said Third Revised Volume No. 1 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid Central Kentucky Natural Gas Company's FPC Gas Tariff, Third Revised Volume No. 1.

(B) Pending such hearing and decision thereon, said Central Kentucky Natural Gas Company's FPC Gas Tariff, Third Revised Volume No. 1 be and the same is hereby suspended and the use thereof is deferred until February 15, 1953, and until such further time thereafter as said Third Revised Volume No. 1 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: September 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10171; Filed, Sept. 17, 1952; 8:54 a. m.]

[Project No. 1169]

W. H. WELCH

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

SEPTEMBER 12, 1952.

Notice is hereby given that on August 21, 1952, the Federal Power Commission issued its order entered August 19, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10156; Filed, Sept. 17, 1952; 8:50 a. m.]

[Project No. 2065]

THOMAS S. AND K. DOLORES DODD

NOTICE OF ORDER DISMISSING APPLICATION AND RESCINDING ORDER ISSUING LICENSE

SEPTEMBER 12, 1952.

Notice is hereby given that on September 11, 1952, the Federal Power Commission issued its order entered September 9, 1952, dismissing application for license (Minor) and rescinding order issuing license in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10157; Filed, Sept. 17, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27389]

LIQUEFIED PETROLEUM GAS FROM DAWES, W. VA., TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4446, pursuant to fourth-section order No. 17220.

Commodities involved: Liquified petroleum gas, in tank-car loads.

From: Dawes, W. Va.

To: Points in central territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–10172; Filed, Sept. 17, 1952; 8:54 a. m.]

[4th Sec. Application 27390]

CHEESE AND OLEOMARGARINE BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1331.

Commodities involved: Cheese and oleomargarine, carloads.

Between: Points in southern territory.

Grounds for relief: Rail and motor competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1331.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–10173; Filed, Sept. 17, 1952; 8:45 a. m.]

[4th Sec. Application 27391]

MIXED CARLOADS OF MERCHANDISE FROM NORTH ATLANTIC COASTAL CITIES TO LOUISIANA AND FLORIDA

APPLICATION FOR RELIEF

SEPTEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A–936.

Commodities involved: Merchandise, in mixed carloads.

From: Baltimore, Md., Philadelphia, Pa., New York, N. Y., Boston, Mass., and points grouped therewith.

To: Baton Rouge and New Orleans, La., Jacksonville, South Jacksonville, Miami, Tampa, Ocala, and Orlando, Fla.

Grounds for relief: Rail and motor competition, circuity, and grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A–936, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–10174; Filed, Sept. 17, 1952; 8:55 a. m.]

[4th Sec. Application 27392]

PROPORTIONAL RATES ON WATERMELONS FROM SOUTHWEST TO MISSISSIPPI RIVER CROSSINGS IN ILLINOIS

APPLICATION FOR RELIEF

SEPTEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3705.

Commodities involved: Watermelons, carloads.

From: Points in New Mexico, Oklahoma, Texas, and Arkansas.

To: East Burlington, East Clinton, East Dubuque, and other east-bank Mississippi River crossings in the state of Illinois (on traffic destined to Canada).

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3705, Supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–10175; Filed, Sept. 17, 1952; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2574]

SOUTHERN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

SEPTEMBER 12, 1952.

In the matter of the Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company,

Mississippi Power Company; File No. 70–2574.

The Commission, by orders dated March 21, 1951, and April 3, 1951, having granted and permitted to become effective a joint application-declaration, and amendments thereto, filed pursuant to the act by the Southern Company ("Southern"), a registered holding company, and its four public utility subsidiaries, Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, with respect to the issuance and sale by Southern of 1,000,000 shares of $5 par value common stock and the investment of the proceeds, together with treasury funds, in additional shares of the common stocks of the above-named subsidiaries, and the Commission having released jurisdiction over the payment of all fees and expenses in connection therewith, except the payment of the legal fee and expenses of Winthrop, Stimson, Putnam & Roberts, counsel for Southern; and

The record having been completed with respect to the proposed fee and expenses of said counsel in the amounts of $10,000 and $100, respectively; and

It appearing to the Commission that such fee and expenses, in the amounts stated, are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved over the payment of the legal fee and expenses of counsel for Southern be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10162; Filed, Sept. 17, 1952; 8:52 a. m.]

[File No. 70–2917]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER REGARDING AMENDMENTS TO ARTICLES OF INCORPORATION AND BY-LAWS OF SUBSIDIARY COMPANY AND SOLICITATION OF STOCKHOLDERS

SEPTEMBER 12, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company, and Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard, having filed a declaration and an amendment thereto pursuant to sections 6 (a), 7 and 11 (b) of the act and Rules U-62 and U-65 promulgated thereunder with respect to the following transactions:

It is proposed that the articles of incorporation and the by-laws of Oklahoma be amended in order to bring them into conformity with the standards of the Commission and, in connection with such proposed amendments, Oklahoma proposes to solicit proxies to be used at a special meeting of stockholders to be held on September 30, 1952.

The proposed amendments will:

(1) Set forth the preemptive rights of the holders of the Common Stock and 4 Percent Cumulative Preferred Stock to purchase pro rata any additional stock of the particular class held by them offered for sale for cash prior to any sale of such stock to others;

(2) Provide that Oklahoma shall not merge or sell all or substantially all of its assets without the affirmative vote of a majority of the total voting power of the outstanding shares entitled to vote;

(3) Place limitations on the authority of the Board of Directors of Oklahoma to adopt or alter the by-laws of the company without a stockholder vote;

(4) Redefine the Directors' rights to indemnification by the company; and

(5) Afford a liberalized right to the stockholders to initiate the calling of special meetings.

The amended declaration states that adoption of the amendments to the Amended Articles of Incorporation will require the affirmative vote of a majority of the total voting power of the outstanding shares of 4 percent Cumulative Preferred Stock and Common Stock, and in addition the affirmative vote of the holders of a majority of the outstanding shares of Common Stock by a separate class vote. It is stated that the company will solicit proxies by mail and may also make direct solicitations through its officers and other regular employees of the company. Authority to solicit proxies is not sought in connection with the proposed amendments to the by-laws.

Oklahoma estimates that its total expenses in connection with the proposed transactions will be $5,500, including printing ($1,500), postage ($900), attorneys' fees ($1,800) and miscellaneous ($1,300).

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10161; Filed, Sept. 17, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

ASSISTANT ECONOMIC STABILIZATION ADMINISTRATOR (OPERATIONS), DEPUTY ASSISTANT ECONOMIC STABILIZATION DIRECTOR, AND GENERAL COUNSEL

DELEGATION OF AUTHORITY TO ACT AS ECONOMIC STABILIZATION ADMINISTRATOR (REVISION 1)

Legal basis. By virtue of the authority vested in the Economic Stabilization Administrator by E. O. 10161 of September 9, 1950 (15 F. R. 6105), as amended; E. O. 10182 of November 21, 1950 (15 F. R. 8013), as amended; E. O. 10205 of January 16, 1951 (16 F. R. 419); E. O. 10233 of April 21, 1951 (16 F. R. 3503); E. O. 10276 of July 31, 1951 (16 F. R. 7535), as amended; E. O. 10281 of August 28, 1951 (16 F. R. 8789); E. O. 10290 of September 24, 1951 (16 F. R. 9795); E. O. 10293 of September 27, 1951 (16 F. R. 9927); and E. O. 10377 of July 25, 1952 (17 F. R. 6891), this revision of previous redelegations of authority by the Economic Stabilization Administrator (16 F. R. 10009; 16 F. R. 12411) is hereby issued.

Redelegation in absence of the Administrator. Whenever the Economic Stabilization Administrator is absent from the City of Washington, D. C., the redelegable functions delegated to him by the foregoing Executive Orders are hereby further redelegated to the following officers of this Agency, under the circumstances, and in the alternative order described below.

First. To the Deputy Administrator.

Second. In the event that there be no Deputy Administrator, or that he be absent from the city, then to the Assistant Administrator (Operations).

Third. In the event that there be no Deputy Administrator and no Assistant Administrator (Operations) or that both of them be absent from the city, then to the Deputy Assistant Administrator (Operations).

Fourth. In the event that there be no Deputy Administrator, and no Assistant Administrator (Operations), and no Deputy Assistant Administrator (Operations), or that all three of them be absent from the city, then to the General Counsel.

The foregoing redelegated authority, in the order of alternatives described above, shall be exercised by the officer acting under said authority, as Acting Economic Stabilization Administrator.

All prior orders of the Economic Stabilization Agency are hereby amended to conform with this delegation of authority.

This revision of internal delegation of authority shall take effect upon filing with the Division of the Federal Register.

ROGER L. PUTNAM, *Administrator.*

[F. R. Doc. 52–10236; Filed, Sept. 16, 1952; 2:54 p. m.]

[Determination No. 123]

WILLIAMSPORT, PA., CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated September 12, 1952, that the Williamsport, Pennsylvania, area (this area consists of the Townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward; also the Boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the City of Williamsport, all in Lycoming County, Pennsylvania), is a critical defense housing area, and in view of the defense housing program announced for the said area on April 12, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Williamsport, Pennsylvania, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM, *Administrator.*

SEPTEMBER 16, 1952.

[F. R. Doc. 52–10261; Filed, Sept. 17, 1952; 10:03 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 184

Washington, Friday, September 19, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART B—GENERAL COMPENSATION RULES

SPECIAL PROVISIONS

Paragraphs (b) and (c) of § 25.104 are redesignated as paragraphs (c) and (d). A new paragraph (b) is added as set out below. This new paragraph supplements § 36.1 (c) (2) which provides for retroactive effective dates of classification decisions after successful appeal from downgrading, where a classification error has been made, an appeal is filed within 30 days and the error is corrected through the appeal process. New paragraph (b) expresses the pay policy which goes along with the rule in § 36.1 (c) (2) that cancellation or correction of the personnel action and retroactive pay shall accompany the retroactive classification decision. Consequently, the new regulation is to be effective on the same date as § 36.1, which was March 30, 1952, or at such earlier date as the agency desired to put it into effect. As amended, § 25.104 reads as follows:

§ 25.104 *Special provisions.* (a) An employee promoted, repromoted or transferred to a higher grade between Classification Act positions or grades shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than one-step increase of the grade from which he is transferred or promoted, unless a higher rate is authorized under the provisions of § 25.103 (b). If there is no rate in such higher grade which is at least a one-step increase above his existing rate of basic compensation, he shall receive the maximum scheduled rate of such higher grade, or his existing rate, whichever is the higher.

(b) When a classification decision is made effective retroactively under § 36.1 (c) (2) of this chapter, corrective personnel action affecting the employee concerned shall be termed a cancellation or correction, as the case may be, of the original action of demotion and the employee concerned shall be entitled to retroactive pay in accordance with the terms of the corrective action.

(c) Under the authority of sections 1101 and 1105 (b) of the Classification Act of 1949, establishment of initial salary rates of basic compensation for employees who on an effective date specified by the Commission under section 1105 (b) of the Classification Act of 1949 occupy positions under that act which immediately prior to October 28, 1949, were exempt from the Classification Act of 1923, as amended (including positions in grade 9 of the professional and scientific service or in grade 16 of the clerical, administrative, and fiscal service referred to in section 13 of such act), shall be as follows:

(1) If the employee is receiving a rate of basic compensation less than the minimum scheduled rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(2) If the employee is receiving a rate of basic compensation within the range of salary prescribed for the grade in which his position is placed, at one of the rates fixed therein, no change shall be made in his existing rate.

(3) If the employee is receiving a rate of basic compensation within the range of salary prescribed for the grade in which his position is placed, but not at one of the rates fixed therein, his compensation shall be increased to the next higher rate.

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate for the grade in which his position is initially placed, no change shall be made in his existing rate.

(5) After salary rates have been initially established, an employee may subsequently receive an increase in compensation by reason of the operation of Titles V and VII, section 802 (b) of Title VIII, or Title X. An employee whose salary was initially established under the foregoing provisions in a position which is later changed to a lower grade without material change of duties and responsibilities, shall be paid at the rate he received immediately prior to the date his position became subject to the act, or at a higher rate authorized by the provisions of § 25.103.

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FEDERAL REGISTER

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Parts 1–699 ($5.00)

Part 700 to end ($5.25)

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Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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(6) The rate of basic compensation of a subsequent appointee to such position shall be fixed in accordance with the other applicable provisions in this subpart.

(d) If, by virtue of section 604 (b) (11) of the Classification Act of 1949, an employee is receiving a rate of basic compensation which is in excess of the appropriate new maximum rate of the grade of his position, he shall continue to receive not less than such rate so long as he remains in the same position and grade.

(1) The rate of basic compensation of a subsequent appointee to such position shall be fixed in accordance with the other provisions in this subpart.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52–10239; Filed, Sept. 18, 1952; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR SHELLED PECANS

On August 6, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 7150) regarding proposed United States Standards for Shelled Pecans.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice of rule making, the following United States Standards for Shelled Pecans are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.343 *Standards for shelled pecans*—(a) *General.* The pecan grading chart to which reference is made in paragraph (g) of this section is the pecan grading chart issued in 1952 by the United States Department of Agriculture. Such pecan grading chart is annexed[1] hereto and made a part hereof.

(b) *Grades*—(1) *U. S. No. 1 Halves.* U. S. No. 1 Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, chipped halves, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See size requirements for halves, paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(*b*) 20 percent, by weight, for chipped halves;

(*c*) 12 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(*d*) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

(2) *U. S. Commercial Halves.* U. S. Commercial Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, rancidity, mold, decay, and insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. (See size requirements for halves, paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided,* That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

[1] The pecan grading chart was filed with these United States Standards for Shelled Pecans and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(*b*) 15 percent, by weight, for broken kernels and particles and dust: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(*c*) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(3) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(*b*) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, external discoloration, internal discoloration, or other means.

(4) *U. S. Commercial Pieces.* U. S. Commercial Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, rancidity, mold, decay, insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(b) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(c) *Unclassified.* Unclassified consists of shelled pecans which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements for halves.* The size of pecan halves may be specified in accordance with the size designations shown in Table I:

TABLE I

Size designation	Number of halves per pound [1]
Mammoth	200–250
Junior Mammoth	251–300
Jumbo	301–350
Extra Large	351–450
Large	451–550
Medium	551–650
Topper	651–750
Large Amber [2]	400 or less
Regular Amber [2]	More than 400

[1] The number of halves per pound shall be determined on the basis of the weight of the pecan halves after the broken kernels, particles and dust, and foreign material have been removed.

[2] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations specified in Table I, the size of pecan halves may be specified in terms of the number of halves per pound, as, for example, "400", or a range may be stated, as, for example, "600–700".

(2) *Tolerance for counts per pound.* In order to allow for variations incident to proper sizing, the following tolerance shall be permitted:

(i) When an exact number of halves per pound is specified, as, for example, "400", the actual number may vary from the specified number by not more than 5 percent.

(ii) When the size designations shown in Table I are used to specify size, or when a range is specified, as, for example, "600–700", no tolerance for counts above or below those specified shall be allowed.

(e) *Size requirements for pieces.* The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

Size designations	Maximum diameter (will pass through a sieve with round openings of the following diameters)	Minimum diameter (will not pass through a sieve with round openings of the following diameters)
	Inch	*Inch*
Extra Large		5/16
Large	5/16	5/16
Medium	4/16	4/16
Small	4/16	3/16
Midget	3/16	3/16
Regular Amber [1]		4/16
Small Amber [1]	4/16	3/16

[1] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters, expressed in sixteenths of an inch.

(2) *Tolerances for size of pieces.* In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(i) When the size designations "Extra Large", "Large", "Medium", "Small" and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter;

(ii) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than two-sixteenths inch in diameter; and,

(iii) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided*, That when a minimum diameter of two-sixteenths inch is specified, not more than 5 percent of the pieces may be less than two-sixteenths inch in diameter.

(f) *Application of tolerances.* The tolerances in these standards are on a lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers, in which the pecans are found to be materially inferior to those in the majority of the containers, shall be considered a separate lot.

(g) *Definitions.* (1) "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

(2) "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust or dirt.

(3) "Pieces of shell and center wall" means pieces of pecan shell, center wall and any other part of the pecan except the kernel. "Shell" means the hard outer covering of the nut exclusive of the softer, corky or papery material which occurs between the halves and within the grooves of the kernel.

(4) "Chipped half" means a pecan half-kernel which shows more than slight chipping or skinning of the outer, curved surface or the edge, but which does not have more than one-eighth of the original half-kernel missing. The presence or absence of the portion joining both halves of the complete kernel should be disregarded. Two chipped halves, each of which has one-eighth chipped or broken off, are illustrated in the lower right-hand corner of the pecan grading chart referred to in this section.

(5) "Broken kernels" means portions of half-kernels each of which is less than seven-eighths of a complete half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

(6) "Particles and dust" means fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

(7) "Noticeable shriveling" means any shriveling which more than slightly affects the appearance of the individual portion of kernel. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded.)

(8) "Rancidity" means that the portion of kernel is distinctly rancid to the taste.

(9) "Mold" means any mold growth which noticeably affects the exterior or interior of the portion of kernel.

(10) "Decay" means that the portion of kernel is putrid or decomposed.

(11) "Insect injury" means that the insect, web, or frass is present or that the portion of kernel shows other noticeable evidence of insect injury.

(12) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Leanness, when a portion of kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged are illustrated in the center of the upper row of the pecan grading chart referred to in this section;

(ii) Hollowness, when a cross-section of the portion of kernel shows more than a moderate hollowness, or the portion of kernel is not fairly firm and meaty. A half-kernel and cross-section showing moderate hollowness not considered damaged are illustrated in the upper right-hand corner of the pecan grading chart referred to in this section; and,

(iii) Discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(*a*) When the portion of kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart referred to in this section. Natural markings, including dark lines, specks, or mottling, shall not be considered as damage if the ground color is not too dark according to the chart;

(*b*) When there is more than one dark kernel spot on a portion of kernel, or when any spot is more than one-eighth inch in greatest dimension;

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than 5 percent of the surface; and,

(*d*) When internal discoloration is readily noticeable.

(13) "Fairly uniform in size" means that in a representative sample of 100 halves, from which broken kernels and particles and dust have been removed, the weight of the 10 largest halves shall not be greater than twice the weight of the 10 smallest halves.

(14) "Fairly uniform in color" means that the variation in color of the pecan halves in a lot shall not be sufficient to materially detract from the appearance of the lot.

(15) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Shriveling, when materially affecting more than one-third of the portion of kernel. The maximum percentage of shriveling (one-third of the half-kernel) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart referred to in this section. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded);

(ii) Leanness, when a portion of kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart referred to in this section;

(iii) External discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(*a*) When the portion of kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart referred to in this section;

(*b*) When there are more than three dark kernel spots on a portion of kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel or piece of kernel;

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface; and,

(iv) Internal discoloration, when dark discoloration extends more than one-third the length of the center ridge of the portion of kernel or more than one-third the length of a piece of kernel which is detached from the center ridge.

(h) *Effective time.* The United States Standards for Shelled Pecans contained in this section and which supersede the United States Standards for Shelled Pecans effective November 1, 1938, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10249; Filed, Sept. 18, 1952; 8:56 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U. S. STANDARDS FOR GRADES OF DRIED CURRANTS [1]

On July 3, 1952 a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5998) regarding a proposed revision of the United States Standards for Grades of Dried Currants. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Dried Currants are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952):

§ 52.288 *Dried currants.* Dried currants are dried grapes of such Vinifera varities as Black Corinth that have been properly processed by stemming, capstemming, and cleaning.

(a) *Types (varieties) of dried currants.* (1) *Type I.* Zante type (domestic).

(2) *Type. II.* Other than Zante type (domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

(b) *Grades of dried currants.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 2 percent, by weight, of dried currants may possess capstems;

(iii) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 3 percent, by weight, of dried currants may be damaged;

(v) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than 2 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of dried currants may be affected by decay.

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	Substandard
	Maximum count (per 16 ounces)		
Pieces of stem	2	3	
	Maximum (by weight) (percent)		
Currants with capstems	1½	2	No limit.
Poorly developed, blowovers	1	2	...do...
Damaged	2	3	...do...
Visibly sugared	5	10	...do...
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material	1	2	
	But not more than		
Decay	½	1	

(2) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 2 percent, by weight, of dried currants may possess capstems;

(iii) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 2 percent, by weight, of dried currants may be damaged;

(v) Not more than 5 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than 1 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than ½ of 1 percent, by weight, of dried currants may be affected by decay.

(c) *Explanation of terms.* (1) A "piece of stem" means a portion of the branch or main stem.

(2) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(3) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(4) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, or the edible or shipping quality of the currant.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

pearance, edibility, keeping quality, or shipping quality of the currants.

(5) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the currant or on the surface which is readily apparent.

(6) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the currant appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(7) "Affected by insect infestation" means that the currants show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(d) *Work sheet for dried currants.*

Size of case or package			
Markings			
Label or brand			
Net weight			
Type			
Moisture content			

	A	B	Field
Similar varietal characteristics			
Color			
Flavor			
Development			

Defects	Maximum (per 16 ounces)		
Pieces of stem	2	3	

	(Maximum by weight) (percent)		
Currants with capstems	1½	2	No limit.
Poorly developed, blow-overs.	1	2	Do.
Damaged	2	3	Do.
Visibly sugared	5	10	Do.
Moldy, decay, fermentation, insect infestation, imbedded dirt, foreign material.	1	2	Do.
	But not more than		
Decay	½	1	

Grade			

(e) *Effective time and supersedure.* The revised United States Standards for Grades of Dried Currants (which is the second issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Dried Currants which have been in effect since August 15, 1943.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C. this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10248; Filed, Sept. 18, 1952; 8:56 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for Contracts for the 1950 and Succeeding Crop Years," as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694; 17 F. R. 2109, 5081, 5633), which shall continue in full force and effect for the 1952 crop year, are hereby amended for the 1953 and succeeding crop years to read as set forth below. The provisions of this subpart shall, until amended or superseded, apply to all continuous flax contracts as they relate to the 1953 and succeeding crop years.

Sec.
415.1 Availability of flax crop insurance.
415.2 Coverage per acre.
415.3 Premium rates.
415.4 Application for insurance.
415.5 The contract.
415.6 Public notice of indemnities paid.
415.7 Refund of excess note payments.
415.8 Creditors.
415.9 Changes in continuous contracts covering the 1952 and succeeding crop years.
415.10 The policy.

AUTHORITY: §§ 415.1 through 415.10 issued under secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup. 1507, 1508, 1509.

§ 415.1. *Availability of flax crop insurance.* (a) Flax crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided with respect to applications for flax insurance filed in a county unless such written applications, together with flax crop insurance contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 415.2 *Coverage per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 415.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 415.4 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Crop Insurance on Flax" may be made by any person to cover his interest as landlord, owner-operator, or tenant in a flax crop. For any crop year applications shall be submitted to the county office on or before March 31 preceding such crop year.

§ 415.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 415.6 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 415.7 *Refund of excess note payments.* Refund of any excess note payment will be made only to the person who made such payment, except that where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 415.8 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 415.9 *Changes in continuous contracts covering the 1952 and succeeding crop years.* Continuous flax insurance contracts in effect for the 1952 and succeeding crop years shall be amended for 1953 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth herein.

§ 415.10 *The policy.* The provisions of the policy for 1953 and succeeding crop years are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

_____ (Name)
_____ (Policy)
_____ (Address)
_____ (County) _____ (State)

(hereinafter designated as the insured) against unavoidable loss of production on his flax crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued _____

FEDERAL CROP INSURANCE CORPORATION,
By _____
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured flax.* The flax to be insured shall be flax seeded for harvest as seed but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after seeding flax each year, the insured shall submit to the Corporation, on a form approved by the Corporation, a report over his signature of all acreage in the county seeded to flax in which he has an interest at the time of seeding. This report shall show the acreage of flax for each insurance unit and his interest in each at the time of seeding. If the insured does not have an insurable interest in flax seeded in any year, the acreage report shall nevertheless be submitted promptly after the seeding of flax is generally completed in the county. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after the seeding of flax is generally completed in the county, as determined by the Corporation.

(c) Failure of the Corporation to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage seeded to flax which is destroyed (as defined in section 16) and on which it is practical to reseed to flax, as determined by the Corporation, and such acreage is not reseeded to flax, or (b) any acreage initially seeded to flax too late to expect to produce a normal crop, as determined by the Corporation. The Corporation reserves the right to limit the insured acreage on any farm to the flax allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended.

5. *Insured interest.* The insured interest in the flax crop covered by the contract shall be the interest of the insured at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre established for the area in which the insured acreage is located shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and seeded to a substitute crop, (b) not harvested and not seeded to a substitute crop, or (c) harvested.

7. *Fixed price.* The fixed price per bushel for the first crop year of the contract shall be the price established for that year by the Corporation and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year the fixed price shall be on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which such price applies. The fixed price shall be used to determine the cash equivalent of premiums and of any indemnities.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the contract upon threshing or removal from the field, whichever occurs first, but in no event shall the insurance remain in effect later than October 31 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before December 31 preceding the seeding of the crop for which the cancellation is to become effective; provided, however, if any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended to the following closing date for filing applications for insurance. The insured shall give such notice to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on flax seeded or to be seeded in the county for harvest in the next calendar year unless subsequent to such cancellation he files an application for insurance on or before December 31 preceding such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date for filing applications for insurance the contract shall continue to be in force.

10. *Death or incompetence of the insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of seeding of the flax crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional flax seeded for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

11. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to December 31. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

12. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof); (c) seeding excessive acreage under abnormal conditions; (d) seeding perennial or biennial legumes or perennial grasses with the flax or in the growing flax crop; (e) seeding flax under conditions of immediate hazard; (f) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (g) breakdown of machinery, or failure of equipment due to mechanical defects; (h) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand: (i) domestic animals or poultry; or (j) theft.

13. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of flax, (2) the applicable premium rate(s) and (3) the insured interest in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured flax crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. (See Section 31 for definition of "Consecutively insured crops.") Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

(c) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his flax acreage report on or before June 30 of that crop year.

(d) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before October 31 following the maturity date (July 31), and an additional one percent on the principal amount unpaid at the end of each two calendar-month period thereafter.

14. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payment tendered shall not be regarded as paid unless collection is made.

(b) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of

maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) If any damage occurs to the insured crop during the growing season and a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office promptly after such damage.

(b) If a loss under the contract is sustained, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office within 15 days after threshing is completed or by October 31, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for indemnity if either of the notices required by this section is not given.

16. *Released acreage.* Any acreage of the insured flax crop which is destroyed after it is too late to reseed to flax may be released by the Corporation to be put to another use. Any acreage shall be considered destroyed if it is damaged to the extent that farmers in the area where the land is located generally would not further care for the crop or harvest any portion thereof. (For production to be counted, see section 20.) No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. Proper measures shall be taken to protect the crop from further damage on any insured acreage if the crop has been damaged but the acreage has not been released by the Corporation. Where released acreage is not put to another use, or is reseeded to flax, and flax is harvested from such acreage, the release may be disregarded by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire flax crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation form entitled "Statement in Proof of Loss", such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the production of flax on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any flax acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of flax in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of flax in the county owned by one person which is operated by the insured as a share tenant at the time of seeding, or (c) all the insurable acreage of flax in the county which is owned by the insured and is rented to one share tenant at the time of seeding. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the seeded acreage (exclusive of any acreage to which insurance did not attach) by the applicable bushel coverage per acre, (2) subtracting therefrom the total production to be counted for the seeded acreage, and (3) multiplying the remainder by the insured interest in such unit. However, if the seeded acreage on the insurance unit exceeds the insured acreage on the insurance unit, or if the premium computed for the seeded acreage is more than the premium computed for the acreage and interest as approved by the Corporation on the acreage report, the amount of loss so determined shall be reduced. This reduction shall be made on the basis of the ratio of the insured acreage to the seeded acreage except that the Corporation may elect to make the reduction on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the seeded acreage. The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage on which flax is threshed (exclusive of any acreage shown in item 2 below).	1. Actual production of flax which is threshed.
2. Acreage on which the Corporation determines that the threshed flax (i) is not eligible for a Commodity Credit Corporation loan because of the quality of the flax and would not meet these loan requirements if properly handled, and (ii) has a value per bushel which is less than the lower of the fixed price or the county loan rate for the lowest grade flax eligible for loan.	2. The number of bushels obtained by (i) multiplying the actual production by the value per bushel as determined by the Corporation, and (ii) dividing the result thus obtained by the lower of the fixed price or the county loan rate for the lowest grade flax eligible for loan.
3. Acreage released by the Corporation and planted to a substitute crop.	3. That portion of the appraised production which is in excess of the coverage.
4. Acreage not harvested and not seeded to a substitute crop.	4. That portion of the appraised production which is in excess of the number of bushels determined by subtracting (i) the coverage for such acreage from (ii) the coverage for such acreage if it were harvested.
5. Acreage put to another use without being released by the Corporation.	5. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre.
6. Acreage with reduced yield due solely to any cause(s) not insured against.	6. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any flax harvested.
7. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	7. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from an insurance unit is commingled with the production from another insurance unit or with production from uninsured acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured or (2) allocate all of the commingled production among the insurance unit(s) involved in such manner as it determines appropriate.

21. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any indemnity payment under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a flax crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract on the transferred interest by, within 15 days after the date of transfer, unless such time is extended in writing by the Corporation, (1) submitting to the county office such information concerning the transfer as may be required by the Corporation and (2) making arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. In any case, the transferee and transferor shall be jointly and severally liable for the amount of the premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* If the insured dies, is judicially declared incompetent or disappears after the seeding of the flax crop in any year any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where the insured is paid by another Government agency for damage to the flax crop, the Corporation reserves the right to deduct from any indemnity the amount paid by such other agency.

25. *Subrogation.* The insured shall assign to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition, of all flax produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

28. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect the amount of the premium note, if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the flax crop whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the premium note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions in the application and policy, the Flax Crop Insurance Regulations for Continuous Contracts in effect for the crop year involved shall govern with respect to (1) minimum participation requirements, (2) closing dates for filing applications for insurance, (3) refund of excess note payments, and (4) creditors.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

(c) When the cancellation date or the closing date for filing applications falls on a Sunday or other day on which the county office is not officially open for business, such date shall be extended to the next business day.

31. *Meaning of terms.* (a) "Consecutively insured crops" means the flax crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's farm is located, shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (1) the failure to apply for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation that failure to apply for insurance for any crop year was due to the fact that flax was not seeded in that year.

(b) "Contract" means the accepted application for insurance and this policy.

(c) "County Actuarial Table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the price per bushel, the coverages per acre and the premium rates per acre applicable in the county.

(d) "County office" means the office of the County Production and Marketing Administration in the county unless another office is specified by the Corporation.

(e) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Harvest" means the mechanical severance from the land of matured flax for threshing where the flax crop has not been destroyed.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Substitute crop" means any crop, except biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of flax becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the flax or in the growing flax crop shall not be considered a substitute crop.

(i) "Tenant" means a person who rents land from another person for a share of the flax crop or proceeds therefrom produced on such land.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on September 4, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: September 15, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10221; Filed, Sept. 18, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

BILLING DATE; COMPUTATION OF 72-HOUR LIMITATION

Notice is hereby given of the approval by the Secretary of Agriculture of the amendment, as hereinafter set forth, to the rules and regulations (7 CFR 951.100 et seq.; Subpart—Rules and Regulations) of the Industry Committee, established under the marketing agreement, as amended, and Order 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid amendment defines the term "billing date," as used in §§ 951.60 through 951.68 of the said amended marketing agreement and order, so as to give recognition to recent revisions in

railroad freight schedules. Under regulations pursuant to the provisions of §§ 951.60 through 951.68 of the said amended marketing agreement and order, grapes held at railroad assembly points are released for continued shipment by the Industry Committee in the order of priority of billing date which currently corresponds to a particular calendar day. The revised railroad freight schedules provide expedited service on cars of grapes billed prior to 8:00 p. m. of a particular day over cars of grapes billed on or after 8:00 p. m. of such day. Since such regulations are designed to regulate the flow of shipments of Tokay grapes, the term "billing date" should be redefined to permit the release of cars of grapes billed prior to 8:00 p. m. of a particular day at an earlier time than those cars of grapes that are billed on or after 8:00 p. m. of such day. The provisions of the amended marketing agreement and order specifically authorize, in subparagraph (5) of § 951.60 (e), changes in the meaning of the term "billing date" to reflect such additional conditions as may develop.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: Volume shipments of Tokay grapes are now being made; such shipments are currently subject to grade and size limitation (17 F. R. 7774) under this program; it may become necessary, in accordance with the requirements of § 951.62 of the amended marketing agreement and order, to limit in the immediate future, the total daily shipments of such grapes in order to effectuate the declared policy of the act; and this amendment should be effective prior to any such limitation of daily shipments so as to maintain equity between handlers of grapes in accordance with the revised railroad freight schedules.

The amendment of the aforesaid rules and regulations, effective upon issuance hereof, is as follows:

1. Delete § 951.107 *Billing date* and insert, in lieu thereof, the following:

§ 951.107 *Billing date.* As provided in § 951.60 (e) (5), "billing date" means (a) with reference to grapes in a railroad car shipped to a railroad assembly point but not precooled at such point, the date shown on the bill of lading if such bill of lading was issued prior to 8:00 p. m. of that date; (b) with reference to grapes in a railroad car shipped to a railroad assembly point but not precooled at such point, one calendar day after the date shown on the bill of lading if such bill of lading was issued on or after 8:00 p. m. of that date; (c) with reference to grapes in a railroad car shipped to a railroad assembly point and precooled at such point, one calendar day after the date shown on the bill of lading if such bill of lading was issued prior to 8:00 p. m. of that date; (d) with reference to grapes in a railroad car shipped to a railroad assembly point and precooled at such point, two calendar days after the date shown on the bill of lading if such bill of lading was issued on or after 8:00 p. m. of that date; and (e) with reference to a car of grapes or the equivalent thereof at a cold storage assembly point, the second calendar day subsequent to the day of actual delivery of such grapes at such point, and any car of grapes which were received at the cold storage assembly point in diverse quantities shall have its billing date computed as the second calendar day subsequent to the day the last package of said car is delivered to the cold storage assembly point.

2. Delete § 951.131 *Computation of 72-hour limitation* and insert, in lieu thereof, the following:

§ 951.131 *Computation of 72-hour limitation.* The time that a car of grapes is held at a railroad assembly point, within the meaning of § 951.65 (d), shall be computed from the time that said car could have departed from said assembly point under then current railroad freight schedules. No car of grapes eligible for release shall be held at a railroad assembly point longer than 72 hours.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 951.60 (e) (5))

Done at Washington, D. C., this 15th day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10223; Filed, Sept. 18, 1952; 8:50 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

BUDGET OF EXPENSES FOR MARKETING SEASON BEGINNING AUGUST 1, 1952, AND RATE OF ASSESSMENT

Notice of proposed rule making, with respect to a budget of expenses of the Hop Control Board for the marketing season beginning August 1, 1952, and rate of assessment, was published in the FEDERAL REGISTER of August 20, 1952 (17 F. R. 7602), pursuant to provisions of Marketing Agreement No. 107, as amended, and Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of the order contained herein until thirty (30) days after publication in the FEDERAL REGISTER, for the reasons that (1) handling of hops of the 1952 crop is about to begin and all hops of such crop handled are to be subject to the assessment rate set forth herein, and (2) the order herein will require no special preparation by handlers or the Hop Control Board.

The approval of the order set forth herein does not constitute approval of the payment by the Hop Control Board of any salary or wage which is not in compliance with the regulations of the Wage Stabilization Board.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Hop Control Board and rate of assessment shall be as follows:

§ 986.303 *Budget of expenses for the marketing season beginning August 1, 1952, and rate of assessment*—(a) *Budget of expenses.* Expenses in the amount of $154,450 are reasonable and likely to be incurred by the Hop Control Board (including but not limited to the Growers Allocation Committee and the several Growers Advisory Committees) for its maintenance and functioning during the marketing season beginning August 1, 1952; and

(b) *Rate of assessment.* The rate of assessment for the marketing season beginning August 1, 1952, shall be fourtenths (4/10) of a cent per pound, net dry weight, of hops handled, and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73 of said amended agreement and order.

(Sec. 5, 49 Stat., as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of September 1952, to become effective upon the publication of this document in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10224; Filed, Sept. 18, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

This supplement was necessitated by the revision of Part 1 to supersede Part 2 and sections of Part 43. It consists of rules, policies, and interpretations issued by the Civil Aeronautics Administration relating to aircraft type, production, and airworthiness certification; aircraft and aircraft product identification; and aircraft nationality and registration marks. The proposed rules were published on November 17, 1951, in 16 F. R. 11697; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration was given to all relevant matter presented. The following rules, policies, and interpretations are hereby adopted.

TYPE CERTIFICATES

Sec.
1.10–1 Application for type certificate.
1.11–1 Appliances.
1.12–1 Requirements for issuance of type certificates.
1.14–1 Transferability.
1.15–1 Inspection.
1.19–1 Statement of conformity.

CHANGES IN TYPE DESIGN

1.20–1 Changes in type design..

PRODUCTION CERTIFICATES

1.30–1 Production Certificate.
1.30–2 Submitting application.
1.30–3 Processing application.
1.32–1 Issuance of a production certificate.
1.32–2 Production certification requirements.
1.33–1 Location of manufacturing facilities.
1.34–1 Quality control.
1.35–1 Statement of conformity.
1.36–1 Data required from prime manufacturer.
1.37–1 Data required from subsidiary manufacturers.
1.38–1 Modification of required data.
1.39–1 Multiple products.
1.40–1 Production limitation record.
1.41–1 Modifying a production limitation record.
1.42–1 Transferability.
1.43–1 Inspection by CAA representative.
1.44–1 Duration.
1.45–1 Display.

AIRCRAFT AND PRODUCT IDENTIFICATION

1.50–1 Identification.

AIRWORTHINESS CERTIFICATES

1.60–1 "Registered owner."
1.60–2 Application form.
1.60–3 Processing application.
1.60–4 Airworthiness certificates.
1.61–1 Airworthiness certificate classifications.
1.62–1 Changing airworthiness classification.
1.64–1 Duration of airworthiness certificate.
1.65–1 Display of airworthiness certificate.
1.69–1 Issuance of restricted airworthiness certificates.
1.70–1 Issuance of multiple airworthiness certificates.
1.71–1 Issuance of limited airworthiness certificates.
1.72–1 Procedure to be followed for recertification in the "limited category."
1.73–1 Experimental airworthiness certification.
1.74–1 Requirements for the issuance of experimental airworthiness certificates.
1.74–2 Additional information.
1.74–3 Certification of amateur-built aircraft.
1.75–1 Special flight permits.
1.76–1 Application for permit.
1.76–2 Airworthiness.
1.76–3 Flight restrictions.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

1.101–1 Assignment of registration numbers.
1.108–1 Identification marks for nonconventional aircraft.

AUTHORITY: §§ 1.10–1 to 1.108–1 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553.

TYPE CERTIFICATES

§ 1.10–1 *Application for type certificate (CAA rules which apply to § 1.10)*—(a) *Application for aircraft type certificate, Form ACA–312.*[1] (1) This application shall be submitted in duplicate by the applicant to the appropriate regional office of the Civil Aeronautics Administration.

(2) The application shall be accompanied by a three-view drawing and such preliminary basic data as the applicant may have available.

(b) *Application for an engine type certificate, Form ACA–312.*[1] This application shall be submitted in duplicate, together with preliminary technical data as required by Part 13 of this subchapter, to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(c) *Application for a propeller type certificate, Form ACA–312.*[1] (1) This application, together with Form ACA–335,[1] propeller supplement to application for type certificate, ACA–312, shall be submitted in duplicate to the Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C.

(2) The Form ACA–335 shall contain a description of the design features, the proposed rating, and intended application of the propeller.

(3) The preliminary data as required in Part 14 of this subchapter, and the application forms shall be submitted prior to starting any portion of the official type test.

NOTE: The application, Form ACA–312, serves as a formal request by the applicant and shall be submitted for each new model eligible for approval under the terms of a type certificate.

§ 1.11–1 *Appliances (CAA policies which apply to § 1.11).* Inasmuch as Part 15 of this subchapter has been rescinded, that portion of § 1.11 relating to "appliances" may be considered as no longer applicable. Appliances formerly covered by Part 15 of this subchapter are now covered by Technical Standard Orders. Likewise, items formerly approved under a Product and Process Specification, have, for the most part, been covered by Technical Standard Orders. Those items formerly covered by Product and Process Specifications which as yet are not approved under the Technical Standard Order system should be approved as a part of the airplane. (Procedures relating to the type certification of communications equipment are contained in CAM 16.)

§ 1.12–1 *Requirements for issuance of type certificates (CAA policies which apply to § 1.12).* (a) The requirements for the issuance of a type certificate for an aircraft may be found in the following parts of this subchapter:

(1) Part 3—Airplane Airworthiness; Normal, Utility, Acrobatic and Restricted Purpose Categories.

(2) Part 4a—Airplane Airworthiness.

NOTE: Applies to new airplanes for which application for type certificate was received prior to the effective dates prescribed in Part 3 of this subchapter, dated November 1, 1949, and Part 4b of this subchapter, dated October 1, 1949.

(3) Part 4b—Airplane Airworthiness; Transport Categories.

(4) Part 5—Glider Airworthiness.

(5) Part 6—Rotorcraft Airworthiness.

(6) Part 8—Aircraft Airworthiness; Restricted Category.

(7) Part 9—Aircraft Airworthiness; Limited Category.

(8) Part 13—Aircraft Engine Airworthiness.

(9) Part 14—Aircraft Propeller Airworthiness.

(10) Part 16—Aircraft Radio Equipment Airworthiness.

§ 1.14–1 *Transferability (CAA interpretations which apply to § 1.14).* The CAA and the manufacturer to whom the type certificate is issued are the first and second persons involved, and any other person to whom the type certificate holder may transfer privileges incidental to the type certificate is the "third person."

§ 1.15–1 *Inspection (CAA policies which apply to § 1.15)*—(a) *Complete aircraft.* (1) In addition to the inspection of the prototype aircraft for conformity with the design data, all aircraft subsequently produced without benefit of a production certificate will be subjected to conformity inspection by a representative of the Administrator to determine conformity with the type design.

(2) Aircraft manufactured under a type certificate only should be flight tested in accordance with requirements contained in § 1.19, and in accordance with procedures outlined in § 1.36–1 (d).

(b) *Complete engines.* Each engine produced under the terms of a type certificate only should be subjected to a satisfactory test run consisting of break-in runs which should include a determination of fuel and oil consumption and maximum power characteristics. This test run should include five hours of operation at the maximum rating, of which at least thirty minutes should be at take-off power and speed where this rating is in excess of the maximum continuous rating. Subsequent to the completion of a test run, as described in this paragraph, each engine should be subjected to such internal inspections and examinations by a CAA representative as may be necessary to ascertain that no unsafe condition exists. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller.

(c) *Complete propellers and appliances.* The nature and extent of functional or other tests and conformity inspections required in connection with the approval of propellers and other appliances manufactured under the terms of a type certificate only will be determined by a representative of the Administrator and will depend upon the nature and complexity of the product and production processes involved.

(d) *Inspection approval of complete products.* When products other than complete aircraft or communications equipment (individual airworthiness certificates are issued for aircraft) are manufactured under the terms of a type certificate only, the Aviation Safety Agent, having determined by inspection that the product is acceptable, will prepare and attach thereto, by means of a lead seal, an Approval Tag, Form ACA 186. This tag will show the make and model of the product tagged, will indicate that the product has been inspected

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

and approved, and will be signed by the CAA Agent.

(e) *Shipment of unassembled aircraft.* Aircraft manufactured under a type certificate only; i. e., without benefit of a production certificate, may be shipped unassembled, provided: (1) The aircraft is assembled and flight tested by the manufacturer prior to shipment; (2) the aircraft is inspected for conformity and airworthiness by an Aviation Safety Agent at the manufacturer's plant; and (3) Approval Tags, Form ACA 186, are attached to all major assemblies, components, and boxes of parts. These tags will be signed by the Aviation Safety Agent and will indicate the make, model, and serial number of the aircraft.

(f) *Inspection approval of major components.* Likewise, any major spare or replacement component of an aircraft, aircraft engine, propeller, or appliance manufactured under a type certificate only will be inspected for conformity and airworthiness by an Aviation Safety Agent. All such major assemblies or components, upon determination of acceptability, will be tagged with Approval Tags, Form ACA 186, which identify the part to which attached and indicate the make and model of the aircraft, engine, propeller, etc., and the Aviation Safety Agent's signature.

(g) *Inspection approval of major components fabricated by a subsidiary manufacturer.* The conformity, quality, and acceptability of major components and critical parts manufactured by a subsidiary manufacturer in accordance with the prime manufacturer's approved drawings will be determined in accordance with § 1.34–1 (a) (2), except that, in accordance with § 1.15, an agent of the CAA will conduct such additional inspections as may be deemed necessary to determine conformity, compliance, and acceptability of materials and workmanship.

§ 1.19–1 *Statement of conformity (CAA rules which apply to § 1.19).* The manufacturer of any prototype product presented for type certification, or the manufacturer of a type certificated product manufactured without the benefit of a production certificate, shall present to a representative of the Administrator a properly executed Statement of Conformity, Form ACA 317.[2] The Statement of Conformity, Form ACA 317, shall certify that the completed product submitted for type inspection or certification has been manufactured in accordance with the current technical data approved by the Administrator, except for any deviations therefrom which shall be listed and described on the form. The Statement of Conformity shall be signed by a person who holds a responsible position in the manufacturer's organization and who has been authorized to perform this function by the holder of the type certificate or licensing agreement.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

CHANGES IN TYPE DESIGN

§ 1.20–1 *Changes in type design (CAA policies which apply to § 1.20).* Any design change which may affect the flight characteristics, structural integrity, or airworthiness of an aircraft, engine, propeller, or appliance for which a type certificate has been issued may require the submission of additional technical data. The examination of these data may indicate the necessity for additional engineering evaluation, inspection, and tests to substantiate the airworthiness of the product as modified.

PRODUCTION CERTIFICATES

§ 1.30–1 *Production certificate (CAA interpretations which apply to § 1.30).* A production certificate is a document issued by the Administrator to a manufacturer certifying that the manufacturer's organization, facilities, and production and quality control systems in a particular location have been inspected by the CAA and found adequate for the production of duplicates of the product for which a type certificate has been issued.

§ 1.30–2 *Submitting application (CAA rules which apply to § 1.30).* The application for a Production Certificate, Form ACA 332,[1] shall be submitted, in duplicate, to the appropriate regional office of the Civil Aeronautics Administration. The data required in § 1.36 shall be submitted with the application.

§ 1.30–3 *Processing application (CAA policies which apply to § 1.30).* Upon receipt of an application and supporting production certification data (see § 1.36), the CAA will examine these data, and if they are considered satisfactory, issue a Manufacturing Inspection Authorization, Form ACA 313, authorizing an inspection of the applicant's facilities, organization, and systems to determine their adequacy for the production of duplicates of the product. If the application and supporting data submitted are not considered satisfactory, the CAA will so notify the applicant, and request supplemental information or data, as required, prior to issuing the manufacturing inspection authorization. Upon issuance of the manufacturing inspection authorization, an agent will be assigned to conduct the required inspection and report the results thereof on the Manufacturing Inspection Report, Form ACA 314.

§ 1.32–1 *Issuance of a production certificate (CAA policies which apply to § 1.32).* Upon receipt of an approved Manufacturing Inspection Report, Form ACA 314, from the Aviation Safety Agent who conducted the inspections, the CAA will issue a Production Certificate, Form ACA 333, together with a Production Limitation Record, Form ACA 333a. The original of the production certificate and the original of the production limitation record will be delivered to the applicant.

§ 1.32–2 *Production certification requirements (CAA policies which apply to § 1.32).* The following provisions are considered a minimum in determining the eligibility of a manufacturer for a production certificate and are intended to be used by the Aviation Safety Agent as a guide in conducting the factory inspection:

(a) *Materials and parts.* The manufacturer should have reliable sources for obtaining materials and parts which are uniform in quality and suitable for aircraft construction.

(b) *Purchasing.* The manufacturer's method of purchasing should be such as to provide a check on the suitability of the materials received. Recognized specifications should be used as a basis for purchase orders when possible. The specification should be sufficiently detailed and comprehensive to insure procurement of material of a uniformly high grade, equaling or exceeding the minimum strength properties assumed in the structural design data approved by the CAA.

Deviations from this procedure may be made under the following conditions:

(1) The manufacturer may use materials, subassemblies, and essential components obtained from a supply source specializing in the manufacture of aircraft material and parts. In this case, he should ascertain that the supply source is following the procedures outlined in this paragraph, and should require copies of the applicable verified test and inspection reports with his purchases.

(2) Manufacturers may establish their own specifications, provided these are submitted to the appropriate CAA regional office for approval.

(c) *Records of purchases.* The manufacturer should maintain complete records of all purchases and the disposition of such purchases for a period of at least two years to enable him to check back on any particular lot of material in which defects may later be found.

(d) *Records of inspection.* The manufacturer should have an established procedure for the inspection of all purchases before placing them in the stockroom. Records of all incoming inspections should be maintained by the manufacturer for at least two years. They should include information concerning source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with recognized aircraft standards and disposition of materials handled.

(e) *Stockroom.* The manufacturer should maintain a clean, orderly, and carefully managed stockroom and have:

(1) An adequate number of shelves, bins, or other individual storage spaces which are properly marked;

(2) Provisions for keeping records in an orderly manner;

(3) Boundaries defined by partitions with a designated opening through which all stock is issued in order to prevent access to the stock by unauthorized personnel;

(4) A responsible person in charge of all entries, storing, withdrawals and an appropriate system for recording them;

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(5) All stock in designated places, except temporarily during sorting and inspection;

(6) No material or parts stocked which are known to be defective or damaged, even though they may be so marked.

There is no objection to combining toolroom with stockroom.

(f) *Identification of stock.* Provisions should be made for the appropriate storing and identification of incoming material and parts or manufactured parts in such a manner as to preclude the inadvertent issuing of the wrong part or material. Particular attention should be given to the segregation and identification of items of a similar appearance but with different physical characteristics.

(g) *Protection of stock.* Adequate protection should be provided for materials subject to damage from abrasion, sunlight, temperature, moisture, grease, or corrosion.

(h) *Production.* (1) Production control procedures should be established to insure proper routing of materials and parts for inspection. Suitable means should be provided for identifying parts or materials as they progress through the factory. This could be a production job card which specifies materials to be used, processing flow, and specific inspection operations, and provides a place for recording the completion of each of these operations. This card should accompany the part or assembly through all its stages of operation and will be a complete record of production, inspection, and processes involved.

(2) It is realized that equivalent procedures may be employed and these are acceptable provided the control is adequate to preclude unfinished, inferior, or damaged parts being installed in the completed products.

(i) *Facilities.* (1) The manufacturer's facilities should be adequate to produce units in conformity with the technical design data for which the type certificate is granted.

(2) Accommodations should be provided which will adequately protect both the facilities and the product during fabrication. Provisions should be made to isolate processes which adversely affect or may be affected by other operations.

(3) The amount and type of equipment required will depend upon the complexity of the product and the rate and volume of production.

(j) *Processes.* (1) Production manufacturing processes such as woodworking, gluing, welding, heat treatment, metal work, etc., employed by the applicant, should be so controlled as to produce parts and assemblies which are equivalent to the original approved product.

(2) In addition to controlling manufacturing processes, a definite procedure should be established and followed in connection with each process employed so that conformity of material, workmanship, and standards is maintained.

(i) Woodworking: Provisions should be made to maintain the moisture content of wood within approved limits during fabrication. (Ref. ANC 19a, "Wood Aircraft Inspection and Fabrication.")

(ii) Gluing: Gluing operations should be performed in accordance with a process specification found to be acceptable.

(iii) Welding and brazing: When a welding or brazing process such as flash welding or induction brazing requires close control in order to consistently produce acceptable parts, the process should be performed in accordance with a process specification found to be acceptable.

(iv) Heat treatment: Under the category of heat treatment come all processes for the conditioning of metals by heat; such as hardening, tempering, annealing, normalizing, etc., of both ferrous and nonferrous metals. Rigid procedures should be established to control heat-treat operations in order to assure that desired properties are obtained. In the event parts are heat-treated by an outside agency, it is the responsibility of the production certificate holder to determine the adequacy of such agency, and the acceptability of the results.

(v) Metal work: The fabrication of metal parts by various forming and machining operations should be controlled by the observance of approved standards to attain the surface finishes which are indicated on approved drawings, regular contours, etc., required in metal structures.

(k) *Quality control.* For additional "requirements for issuance," as provided for in § 1.32, see requirements for "quality control" as provided for in § 1.34–1.

§ 1.33–1 *Location of manufacturing facilities (CAA policies which apply to § 1.33).* Subsidiary manufacturers' facilities should be located within the United States, since it is not feasible to conduct the required inspections beyond these limits without placing undue burden on the CAA.

§ 1.34–1 *Quality control (CAA policies which apply to § 1.34).* The following shall be considered as a minimum in determining the acceptability of the manufacturer's quality control system as provided for in § 1.34:

(a) *Inspection system.* The activities of the aircraft industry are of such number and variety that it is impracticable, within the scope of this manual, to give more than a general outline of the manner in which an approved inspection organization should operate.

(1) *Inspection—prime manufacturer.* (i) The prime manufacturer's inspection organization should be controlled by a chief inspector who, in turn, should be directly responsible to the management of the firm so that his decisions are not influenced by considerations other than the quality of the work for which he is responsible. It is also essential that the chief inspector control inspection through all departments of the firm. If such an arrangement is not possible by reason of the fact that certain departments are engaged in specialized work, these departments should operate under a separate inspection system. However, their activities should be coordinated under the general supervision of a quality control organization. The same procedure should apply in the case of dispersed or branch facilities of a main organization when inspection activity is divided.

(ii) The inspection system should be so organized that parts and materials will receive appropriate inspection while in an inspectable condition. Spot and sampling inspection systems may be considered as meeting these requirements provided the prime objectives of conformity, airworthiness, and safety are assured.

(iii) The inspection department should be provided with tools and equipment necessary to conduct all phases and types of inspection and tests essential to the continued production of duplicate products. Master templates, precision tools, and gauges should be readily available and used by the inspection department. The tools used by the production department in constructing the part, if used by inspection, should be periodically checked to determine that the results obtained are within approved tolerances and that conformity with approved design data is maintained.

(iv) Clearly defined areas for inspection of large units on the production floor and cages or booths for smaller items should be provided in order that the inspectors may operate efficiently and without interference.

(v) Definite procedures should be established for delivering parts to the inspection booths and for removing and storing inspected parts in order that installation of uninspected parts will be prevented.

(vi) After the manufacturer's facilities are approved for a production certificate, detailed inspection by the CAA of each part or component during fabrication will not normally be necessary. Continuation of this procedure will depend upon the extent to which the manufacturer maintains the adequacy of such facilities and the conformity and quality of the article produced.

(vii) Civil Aeronautics Administration personnel will spot-check to determine whether individuals in the inspection department are capable and fulfill their duties in an efficient manner.

(2) *Inspection; subsidiary manufacturer.* The following is in reference to major components, assemblies, or critical parts which are fabricated by a subsidiary manufacturer in accordance with the prime manufacturer's (type certificate holder's) approved drawings. This relates only to those components and parts which are delivered to the prime manufacturer for installation on or in the type certificated product. It will be necessary that the prime manufacturer or his authorized representative conduct such inspections and investigations as may be necessary to determine the acceptability of such parts before they are presented to the CAA for inspection in the final configuration. Acceptability, as referred to in this subparagraph, includes determination of compliance with related regulations and standards, conformity with approved design data forming the basis for type certification of the finished product, and the general acceptability and airworthiness of ma-

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terials and workmanship incorporated in these products, as provided for in § 1.15 with respect to products manufactured under a type certificate only, or as provided herein with respect to products manufactured under a type and production certificate. If these major components, assemblies, or critical parts are of such a nature that they cannot be properly inspected for determination of acceptability when received at the prime manufacturer's facilities, it will be the responsibility of the prime manufacturer to arrange for the performance of such inspections at the subsidiary manufacturer's plant as may be necessary to make these determinations. Examples of the assemblies, components, and parts referred to above include covered wings, covered control surfaces, rotary gear box assemblies, landing gear assemblies, and other critical parts, the malfunctioning or failure of which might adversely affect the operational characteristics or safety of the aircraft. The prime manufacturer holds basic responsibility for the conformity, airworthiness, and acceptability of the finished product, and, in accordance with § 1.19, will be required to submit a statement of conformity with respect to each product manufactured under a type certificate only which is to be presented for CAA approval in the case of engines, propellers, etc., or certification in the case of an aircraft. The prime manufacturer should arrange with the subsidiary manufacturers to permit CAA inspection at the subsidiary manufacturers' plants on request from authorized Aviation Safety Agents.

(b) *Inspection records.* (1) Inspection records should be maintained which are complete and present a historical compilation of all events during the course of manufacture. Smaller parts, which are inspected in quantities, should be segregated, tagged, stamped, or otherwise marked after having been inspected.

(2) It is recommended that continuous records of all parts be maintained which indicate the name, drawing number, number of pieces inspected, and the number accepted and rejected.

(3) At final assembly, the inspection forms for the components of the completed unit should be identified with the complete unit, so that they may be traced at a later date if it becomes necessary to place responsibility for inspection of various components or to determine that all components have been inspected.

(4) Company production inspection forms and records should be retained in the files of the manufacturer for at least one year subsequent to the date of sale and delivery of the product involved. Under such a system, individual inspection responsibility may be established at a later date.

(c) *Inspector's identification.* All parts inspected and approved should be permanently marked when practicable to identify the individual inspector responsible.

(d) *Inspectors required.* The number of inspectors required to perform the necessary inspection will vary with the complexity of the product and of processes involved. It will also vary between departments and with labor conditions. Under any circumstances there should be sufficient inspection personnel to adequately check all processes and products to the extent necessary to provide reasonable assurance of conformity, quality, and acceptability of the finished product. Spot and sampling inspection systems may be considered as meeting these requirements provided the prime objective of conformity, airworthiness, and safety is assured. Inspection personnel should be vested with sufficient authority to permit them to perform their assigned duties in a manner which will warrant the issuance or continuation of a production certificate, provided other requirements are complied with.

(e) *Material review.* Procedures should be established for the satisfactory processing of items rejected due to damage or manufacturing errors, but which, by reason of action by the Material Review Board, are found to be serviceable. Such procedures should provide for the routing of salvaged or reworked parts for reinspection, the maintenance of complete records concerning the salvage or rework operations and the results of reinspection.

(f) *Technical data.* A system should be established whereby detailed drawings and other technical data are available to both production and inspection personnel.

§ 1.35–1 *Statement of conformity (CAA policies which apply to § 1.35).* The Statement of Conformity, Form ACA 317,[2] also will not be required for a product to be exported, provided the product is produced under the terms of a production certificate.

§ 1.36–1 *Data required from prime manufacturer (CAA policies which apply to § 1.36).* The production certification data (one copy only) should be submitted with the application for a Production Certificate, Form ACA 332,[1] to the local factory agent of the CAA. The data should outline the preparation which has been made by the applicant to produce and maintain the conformity and quality of the products for which the production certificate is requested. These data should be limited to those essential to the determination of acceptability of a manufacturer's organization, facilities, and systems, insofar as they are related to fabrication methods, processes, determination of conformity with approved design data, and the maintenance of quality in products involved, including at least the following:

(a) A general description of the manufacturer's layout and production flow. Manufacturer's layout and production flow charts will be accepted provided they indicate the major operations involved.

(b) A listing and description of any special processes required by the design of the product to be produced. The term "special processes" is intended to include any processes requiring specific approval; such as, brazing, soldering, gluing, material treatment, etc. A manufacturer's prepared process specification may be submitted in lieu of the description.

(c) A description of the established quality control organization, its functions and responsibilities, together with an organizational chart indicating line of authority for quality control and inspection responsibilities. These data should contain an outline of methods and procedures established by the manufacturer for the maintenance of quality and standards of acceptability and of implementing forms and records utilized in connection therewith, except as may have been otherwise submitted as a part of the type certification data.

(d) Production flight tests or operational tests for new products: A description of the production flight test procedures, including a copy of the flight check-off list. For products other than aircraft, an outline describing any production operational test to be employed in determining that the finished product conforms with the type design and is functionally satisfactory.

(1) *Production aircraft flight testing.* Aircraft manufacturers will develop production flight test procedures and a flight test check-off form to be used in connection with the initial flight testing of new production aircraft. This flight test procedure will apply to aircraft which are assembled and flight tested at the manufacturer's plant, and to those which are delivered unassembled to an authorized distributor by whom they will be initially assembled and flight tested.

(i) Data to be submitted in substantiation of the flight test procedure to be established and the acceptability of the production flight test procedure and of the flight test check-off form will be determined by the CAA. Production flight test procedures and flight test check-off forms, having once been approved, will be periodically checked by the CAA to determine continued acceptability. A production flight test check-off form, inasmuch as this is considered a functional and reliability test, should provide for at least the following:

(*a*) A functional check of each part or system normally operated by the crew while in flight.

(*b*) A functional check of the trim, controllability, and other operational characteristics of the aircraft throughout the normal range of operation while in flight.

(*c*) A check of the operational characteristics of the aircraft on the ground.

(*d*) A determination that all instruments are properly marked, that all readings are within the normal range, and that all gauges and control markings are correct.

(*e*) Any other items peculiar to the aircraft being tested which can best be checked during the ground operation or flight of the aircraft.

(*f*) A record of the date or dates and duration of production flight tests.

(ii) Flight test procedures established at a distributor's plant should be equivalent to those established at the manufacturer's plant, including the use of an identical flight test check-off form. The manufacturer should acquaint authorized distributors with flight test procedures established at the manufacturer's plant and provide them with copies of the approved flight test check-off form. These forms, when prepared by the manufacturer, will be filed as a part of the aircraft inspection record and, when prepared by an authorized distributor, will be returned (copy or original) to the manufacturer and likewise filed.

(iii) Aircraft manufactured under a type certificate only should be initially assembled and flight tested at the manufacturer's plant prior to airworthiness certification. These flight tests should be conducted by, or under the supervision of, CAA flight test agents. At the discretion of these agents, this responsibility may, to the extent determined expedient in each case, be delegated to the manufacturer.

(iv) Aircraft manufactured under a production certificate will be flight tested periodically by the CAA. The number or percentage of aircraft flight tested by the CAA will be dependent upon the complexity and size of the aircraft, and upon experience gained through type inspection and functional and reliability tests. The manufacturer and the CAA should formulate a working schedule that is mutually suitable for conducting these flight tests.

(v) Aircraft which have been flight tested by the manufacturer (including all aircraft manufactured under a type certificate only), when shipped to and reassembled by an authorized distributor, should be given an abbreviated functional flight test to determine that the engine or engines, controls, systems, etc., are operating satisfactorily.

(vi) To facilitate compliance with provisions of § 43.10 (b) of this subchapter, and in order that the production flight tests may be conducted prior to the initial issuance of individual airworthiness certificates, the following entry will be made on the reverse side of the Dealers' Aircraft Registration Certificates, Form ACA 1707,[2] issued to manufacturers and authorized distributors:

> In accordance with the provisions of § 43.10 (b) of this subchapter, special authority is herewith issued to ----------
> (List certificate holder)
> to conduct production flight tests of new aircraft.

(vii) The special authorization on the reverse side of the dealer's aircraft registration certificate, as discussed in subdivision (vi) of this subparagraph, is provided for the convenience of the operator and has no connection with the issuance, validity, or continuation of the dealer's aircraft registration certificate. This entry is normally accomplished by the agent having responsibility for CAA activities at the plant or agency to which the dealer's registration certificate is issued.

(viii) Aircraft flight tested in accordance with the foregoing which are intended for U. S. registration and certification should display the appropriate U. S. identification markings in accordance with related regulations and instructions.

(ix) New aircraft intended for export should display the foreign identification markings assigned during production flight testing. If these markings are not available, the aircraft may display temporarily assigned U. S. identification markings.

(x) Under the following conditions, aircraft intended for export may be flight tested without displaying identification markings, provided these flights are confined to a radius of twenty miles of the manufacturer's base, and provided prior notices of such flights are transmitted to the local, state, or CAA authorities responsible for the enforcement of flight regulations:

(*a*) When foreign identification markings have been requested for aircraft to be delivered via flyway, but not received prior to the performance of the flight test, or

(*b*) When foreign identification markings are not available and the aircraft is to be disassembled and crated for shipment upon completion of the production flight test.

(2) *Logging of production aircraft flight test time.* Operating time, accumulated during the flight testing of new production aircraft manufactured under a type or a type and production certificate, should be construed as a part of the inspection and quality control provided for in this part. Accordingly, this flight test time need not be made a part of the aircraft or aircraft engine logbooks or historical records, but will be recorded on the flight test check-off form. This policy does not apply to time accumulated during accelerated service flight testing of prototype or modified aircraft. Once an aircraft is certificated, all subsequent flight time should be appropriately recorded in accordance with § 43.23 of this subchapter.

(3) *Standardized empty weight and C. G. for production aircraft.* The following is intended to provide a procedure which will permit manufacturers of aircraft, as described in subdivision (ii) of this subparagraph, to establish an average empty weight and empty C. G., thus avoiding the necessity of weighing each aircraft. This procedure may be applied to newly manufactured aircraft (except transport category aircraft) which are produced under the terms of a production certificate.

(i) Manufacturers who are interested in establishing an average empty weight and empty C. G., in lieu of actually weighing each aircraft, should prepare a detailed proposal regarding the procedure to be followed. This material will be furnished to the local Aviation Safety Agent and, with his comments and recommendations, will be forwarded to the Aircraft Engineering Branch for coordination and approval. Any proposal which will provide an accurate determination of average empty weight and C. G. may be considered acceptable.

(ii) The following example outlines an acceptable method for effecting this system:

(*a*) Actually weigh and determine empty C. G. of five to ten aircraft of a particular model, which have relatively identical equipment installed, as a means of establishing an average empty weight and empty C. G.

(*b*) Subsequently, with respect to aircraft of the same model which have relatively identical equipment installed, weigh an individual aircraft at regular intervals; e. g., each tenth aircraft, for the purpose of determining continued accuracy of the initial empty weight and empty C. G. established.

(*c*) If the spot checking, as described in subdivision (*b*) of this subparagraph, indicates a variation in empty weight which is in excess of 1 percent of the initially established weight, or a variation in the empty C. G. which exceeds ½ percent of the MAC, a new average weight should be established in accordance with procedures followed in establishing the initial average empty weight and C. G. conditions.

(iii) Inasmuch as a weight and balance report is required in connection with each aircraft presented for certification, these reports may be computed for aircraft which are not actually weighed. Such reports should be marked "computed" for those aircraft which are not actually weighed, and all other reports should be marked "actual."

(4) *Engines.* Aircraft engines produced under the terms of a production certificate should be subjected to a satisfactory test run consisting of a break-in run which should include the determination of each engine's fuel and oil consumption and maximum power characteristics. This test may be conducted with the engine mounted on a torque stand or on a fixed stand with a calibrated test club or propeller. Sufficient internal examination of each engine should be accomplished to reasonably ascertain that no unsafe conditions exist.

(5) *Propellers and appliances.* The necessity for functional test of propellers and other products will depend upon the nature of the product.

(e) The list of subsidiary manufacturers need not include the suppliers of standard parts and materials.

§ 1.37–1 *Data required from subsidiary manufacturers (CAA interpretations which apply to § 1.37).* (a) A subsidiary manufacturer who contracts with the prime manufacturer to produce and supply to the prime manufacturer, major assemblies and components which are manufactured in conformity with the prime manufacturer's approved drawings, may be required to submit the data prescribed by § 1.36 (a), (b), and (c). This information should be submitted through the prime manufacturer.

(b) Data required of subcontractors by § 1.37 are intended to assist the manufacturer in obtaining approval of major components or parts which, by reason of the nature of the article, cannot be readily inspected after delivery to the prime manufacturer's plant. For example, a complete wing nacelle or other such assembly, by reason of the covering, could not be properly inspected for conformity and quality of workmanship.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The prime manufacturer will furnish the CAA with complete information regarding the type of quality control which is to be maintained at the subcontractor's plant. At the request of the prime manufacturer, and when the prime manufacturer has so advised the subcontractor, the CAA will inspect the subcontractor's facilities and, if they are found acceptable, will grant the same privileges regarding acceptance of items manufactured for the prime contractor as though they were manufactured in the prime contractor's plant. Acceptance of subcontractors' quality control procedures does not relieve the prime contractor of his responsibility for the over-all conformity and airworthiness of the part or assembly. Periodic visits will be made to the subcontractor's plant by CAA personnel to determine that quality and conformity are being maintained in the manner originally approved. Submission of data by subsidiary manufacturers is optional with the prime manufacturer and subsidiary manufacturer. However, if these data are not furnished, parts and assemblies must be subjected to a complete inspection for conformity and quality at the prime manufacturer's plant, or arrangements must be made for suitable inspection at the subsidiary manufacturer's plant by the prime manufacturer's inspection personnel and, as required, by CAA personnel.

§ 1.38–1 *Modification of required data (CAA policies which apply to § 1.38).* Changes to a manufacturer's organization, production facilities, systems, processes, or quality control organization which would make production certification data initially submitted no longer applicable should be promptly directed to the attention of the CAA by means of revised pages or supplementary reports or data covering these changes.

§ 1.39–1 *Multiple products (CAA policies which apply to § 1.39).* More than one airplane type may be manufactured under the same production certificate, provided the types of construction and processes are similar. However, two basically different products such as an airplane and helicopter or an airplane and an engine will not be included under one production certificate. Separate production certificates will be issued for dissimilar products.

§ 1.40–1 *Production limitation record (CAA policies which apply to § 1.40).* The production limitation record is actually page 2 of the production certificate. Therefore, the Production Certificate, Form ACA 333, and the Production Limitation Record, Form ACA 333a, should always be displayed together. Type certificate number(s) covering products fabricated in conformity with the type design data, and approved for production under the terms of the production certificate, are reflected only on the production limitation record. Revisions to the production certificate for the purpose of adding or deleting a type certificate are accomplished by revising the production limitation record only. This policy has been adopted inasmuch as the aircraft, engine, propeller, or appliance specification, under the heading "Production Basis," will indicate those models of an aircraft, engine, propeller, etc., which are eligible for production under a production certificate. Conversely, those models which are not eligible for production under a production certificate will likewise be listed on the specification and such listings will be accompanied by a note stipulating that a CAA representative must perform a detailed inspection for workmanship, materials, and conformity with the approved technical data prior to approval, and, in the case of an aircraft, prior to certification.

§ 1.41–1 *Modifying a production limitation record (CAA policies which apply to § 1.41).* The holder of a production certificate may obtain the addition of a new type certificate number to the production limitation record in accordance with the procedures described in paragraph (a) of this section. Normally, a new type certificate number is assigned when a manufacturer has applied for a type certificate for a new type design which is not related to a previously type certificated design. When a manufacturer applies for a type certificate for a new model which is closely related to a previously type certificated design, the new model designation may be merely added to the previous type certificate. In such cases, it will not be necessary to amend the production limitation record; however, if the manufacturer desires to obtain an extension of his production certificate privileges to such new model, he should notify the CAA in accordance with the procedures described in paragraph (b) of this section. When a manufacturer makes a change in a previously type certificated design, but does not make a new application for type certificate, no action is required with respect to the production limitation record, and any necessary changes in the production certification data should be handled in accordance with § 1.38.

(a) *Addition of new type certificate number to a production limitation record.* To obtain the addition of a new type certificate number to a production limitation record:

(1) The manufacturer should submit an application for a Production Certificate, Form ACA 332,[1] in duplicate. This application should be accompanied by a description of any special processes or fabrication methods, not previously reported, which are pertinent to products covered by the new type certificate.

(2) A Manufacturing Inspection Authorization, Form ACA 313, will be issued by the appropriate CAA office.

(3) (i) A Manufacturing Inspection Report, Form ACA 314, will be prepared by the local Aviation Safety Agent with respect to the product covered by the new type certificate. This report will be executed only with respect to those items, processes, methods, or procedures not previously reported upon, or at variance with those previously reported upon. In such cases, an entry will be made under "Remarks" to the effect that those items not checked off were covered by previous reports.

(ii) The regional office of the CAA, upon receipt of a satisfactory application, Form ACA 332,[1] and an approved Manufacturing Inspection Report, Form ACA 314, will issue a superseding production limitation record which will include the new type certificate number and the date of issuance thereof. The original of the superseding production limitation record will be forwarded to the manufacturer with a request that the superseded production limitation record be immediately returned for cancellation and file.

(iii) The manufacturer, by letter, may request the deletion of one or more type certificates from a production limitation record, if he so desires. In such cases, a revised production limitation record reflecting these changes will be issued by the CAA and forwarded to the manufacturer with a request that the superseded production limitation record be immediately returned for cancellation and file.

(b) *Extension of production certificate privileges to a new model listed on a previous type certificate.* (1) The holder of a production certificate should notify the CAA that production certification privileges will be desired with respect to a new model of a product by appropriately indicating this fact upon the application for a Type Certificate, Form ACA 312.[1] On the assumption that the new model will be type certificated (granted type approval) under the type certificate number covering the basic model, the CAA, by reason of the above-mentioned note on the Form ACA 312,[1] will indicate on the Type Inspection Authorization, Form ACA 316, that the manufacturer has requested that production certification privileges be extended to cover the product which is being presented for type approval when such type approval has been issued. The local Aviation Safety Factory Agent, upon receipt of a type inspection authorization indicating that the manufacturer desires production certification privileges, while conducting or witnessing such inspections and/or tests as may be requested in the type inspection authorization, will also determine whether the manufacturer should be extended production certification privileges with respect to the product in question. The local Aviation Safety Agent, having determined that the manufacturer is entitled to production certification privileges with respect to the modified product, will indicate this fact on page 7 of Part I of the Form ACA 283–3–4b (which is submitted by reason of the receipt of a type inspection authorization), or, at the specific request of the regional office of the CAA, will prepare and submit to the regional office a Manufacturing Inspection Report, Form ACA 314.

(2) The local agent will forward to the regional office with the Form ACA 283–3–4b, or the Form ACA 314, a report or description of any new processes or changes to fabrication methods not previously reported, which he will obtain from the manufacturer.

(3) The regional office, upon receipt of information indicating that the local factory agent has recommended that production certification privileges be extended to cover the modified product, as discussed above, and upon concurrence with the agent's recommendations, will notify the manufacturer, in writing, that production certification privileges have been extended. Two copies of this letter to the manufacturer will be forwarded to the Manufacturing Inspection Branch, Washington.

§ 1.42–1 *Transferability (CAA policies which apply to § 1.42).* A production certificate is not transferable and becomes invalid upon transfer of the controlling interest of the concern, or when the manufacturing facilities are moved from one location to another. In the event the controlling interest of an organization holding a production certificate is transferred, or the manufacturing facilities are physically moved from the location noted on the production certificate, the production certificate should be returned immediately to the Regional Aircraft Engineering Branch for cancellation. Concurrent with the return of the production certificate, application may be made for production certification coverage of future products manufactured under either or both of the conditions outlined in the foregoing.

§ 1.43–1 *Inspection by CAA representative (CAA policies which apply to § 1.43).* (a) Under the terms of a production certificate, a manufacturer is authorized to produce duplicates of his products without detailed inspection by CAA personnel. However, CAA representatives will conduct periodic inspections of the manufacturer's facilities and make such spot inspections of individual products as may be necessary to determine that the manufacturer is continuously complying with related regulations, and that individual products conform with approved type design data.

(b) Manufacturers holding a current production certificate may produce and ship their products without detailed inspection by CAA representatives. This procedure is predicated upon the manufacturer's demonstrated ability to maintain standards whereby conformity, interchangeability, and quality are assured. Major assemblies, components, and boxes of parts will be properly identified by the manufacturer prior to shipment. (Identification may be accomplished by the attachment of Approval Tags, Form ACA–186, to major components and assemblies, or to boxes of small parts.) A manufacturer holding a production certificate may obtain the appointment of individuals in his employ as designated manufacturing inspection representatives. These representatives will be authorized to represent the Civil Aeronautics Administration in determining the compliance of the product with requirements of related Civil Air Regulations; and to issue documents pertinent to domestic and export certification or approval of such products.

§ 1.44–1 *Duration (CAA policies which apply to § 1.44)*—(a) *Suspension.* In case of an emergency; that is, if it appears that a dangerous condition may develop as a result of continued production of a product being manufactured under a production certificate, by reason of unsatisfactory conditions noted or reported, the production certificate may be immediately suspended, in whole or in part, by the Administrator, for a period not to exceed thirty days. The Administrator will immediately give notice of the suspension to the holder of the certificate and will enter upon a hearing. During the pendency of the proceeding the Administrator may further suspend the certificate, in whole or in part, for an additional period not to exceed thirty days.

(b) *Surrender.* Where production under the terms of a production certificate has been indefinitely or permanently discontinued, the manufacturer should surrender the production certificate to the Regional Aircraft Engineering Branch with a request for cancellation. When the cancellation is properly noted in the regional office file, the canceled production certificate, including the production limitation record, with the manufacturer's request for cancellation, should be forwarded to the Washington office of the Manufacturing Inspection Branch.

§ 1.45–1 *Display (CAA policies which apply to § 1.45).* The purpose of § 1.45 is to make the certificates available to representatives of the Administrator in order that they may at any time see that the certificates are current and in order. To facilitate such an examination, it is recommended that production certificates be posted in a conspicuous place in the office of the factory.

AIRCRAFT AND PRODUCT IDENTIFICATION

§ 1.50–1 *Identification (CAA policies which apply to § 1.50).* (a) The primary purpose of identification data is to furnish information which will readily identify and indicate the approval status of individual products fabricated under the requirements of the Civil Air Regulations. The identification plate attached to products which are manufactured under the terms of a production certificate should list both the type and production certificate numbers. Those type certificated products manufactured without benefit of a production certificate should list the type certificate number.

(b) The "capacity or rating" should be indicated in the identification data with respect to products such as engines, and other products for which definite ratings or capacities are established. The display of ratings on aircraft and propellers is not necessary.

(c) After the product has been properly identified by the manufacturer and approved by the Administrator, the identification data required by this section should not be changed or altered without the approval of the CAA, and it should remain with the product to which assigned.

(d) For example, the following should not be changed or altered without CAA approval:

(1) Manufacturer's name.

(2) Model designation.

(3) The manufacturer's serial number.

(4) Date of manufacture when required.

(5) Type Certificate number.

(6) Production Certificate number (if applicable).

(7) Capacity or rating (if applicable).

(e) For requirements concerning identification plates, see the airworthiness part of this subchapter applicable to the particular product involved. (See § 1.12–1).

AIRWORTHINESS CERTIFICATES

§ 1.60–1 *"Registered owner" (CAA interpretations which apply to §1.60).* The term "registered owner of the aircraft," as used in § 1.60, means the person listed on the official CAA register as the owner of the aircraft. (Regulations of the Administrator, Part 501 of this title, sets forth the rules and procedures concerning aircraft registration certificates.)

§ 1.60–2 *Application form (CAA rules which apply to § 1.60).* Application for an airworthiness certificate shall be made by completing Form ACA–305[1] Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft, original only, and submitting it to the local CAA Aviation Safety Field Representative. (Application forms, Form ACA–305, are available from all CAA regional and district offices, Designated Manufacturing Inspection Representatives, and Designated Aircraft Maintenance Inspectors.)

§ 1.60–3 *Processing application (CAA policies which apply to § 1.60*—(a) *Application requirements.* (1) The CAA will not require the applicant for a certificate of airworthiness to show legal evidence that he is a U. S. citizen and the owner of the aircraft, nor will his agent be required to furnish such evidence. The certifying statement made upon the application, Form ACA 305, will be accepted as satisfying the citizenship and ownership requirements of § 1.60.

(2) However, at the time the aircraft is presented for the airworthiness inspection, a current registration certificate executed in the name of the applicant must be displayed in the aircraft. Failure to present a current registration certificate will be considered an incomplete application and cause for rejection of the application. There are three types of registration certificates, any one of which will be considered acceptable for the purpose of indicating that the aircraft is currently registered. The three types of registration certificates acceptable for this purpose are:

(b) *The permanent type.* Part A of Form ACA 500 is the permanent registration certificate. This certificate is the one returned to the registered owner from the Aircraft Records Branch, Washington, D. C. The certificate will have been validated by the Washington office of the CAA and is current as of the date of issue shown on the form.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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(c) *The temporary type.* This certificate is the original of Part B of Form ACA 500.[1] This form is completed by the applicant and displayed in the aircraft in accordance with instructions furnished with the form. The duration of this certificate is set forth in Item 5 of the certificate.

(d) *Dealer's aircraft registration certificate.* A current Dealer's Aircraft Registration Certificate, Form ACA 1707,[2] is recognized as a current registration certificate for purpose of making application for an airworthiness certificate. (Dealers' aircraft registration certificates are described and provided for in Regulations of the Administrator, Part 502 of this title.)

(e) *CAA procedure.* During the course of the inspection, the CAA representative conducting the airworthiness inspection will indicate on the Aircraft Inspection Report, Form ACA 305A, which is forwarded to Washington, the type of registration certificate displayed in the aircraft. This information will be compared with the official registration records in Washington to determine if the applicant is the official registered owner. Discrepancies involving official registration will be brought to the attention of the registered owner by the Washington office.

§ 1.60–4 *Airworthiness certificates (CAA policies which apply to § 1.60).* (a) Upon satisfactory application, and when the aircraft described in the application is found to conform with the airworthiness requirements specified in other related sections of the Civil Air Regulations, the CAA representative making the airworthiness determination will prepare a Certificate of Airworthiness, Form ACA 1362, or ACA 1362A, and deliver it to the applicant.

(b) The certificate of airworthiness will contain the following information: Aircraft nationality and registration mark, airworthiness classification, expiration date of certificate, date certificate was issued or renewed, signature of validating CAA representative, and scope of certificate.

§ 1.61–1 *Airworthiness certificate classifications (CAA policies which apply to § 1.61).* For purposes of airworthiness identification and administration, airworthiness certificates are classified as "Standard, limited, restricted," and "experimental." Aircraft found to conform to the "limited" or "restricted category" requirements will be issued a limited or restricted certificate of airworthiness, respectively. Aircraft found eligible for certification under the "normal," "utility," "acrobatic," or "transport category" requirements will be issued a standard airworthiness certificate. Experimental airworthiness certificates will be issued for aircraft conforming to the requirements of § 1.74.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] The reporting requirements of this form are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1.62–1 *Changing airworthiness classification (CAA policies which apply to § 1.62).* (a) Application to amend or modify an airworthiness certificate should be submitted to a CAA representative on Form ACA 305,[1] entitled "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft." Upon finding the aircraft eligible for the classification of airworthiness specified on the application, the CAA representative will reissue the certificate of airworthiness, Form ACA 1362 and/or prescribe changes, if necessary, to the aircraft operating limitations required by § 43.10(b) of this subchapter.

(b) An example of a condition which would require amendment or modification of the airworthiness certificate and/or operating limitations is cited below:

Example. An aircraft certificated in the standard classification of airworthiness, to be used for research and development. The experimental installation does not conform to the design requirements for standard certification. Therefore, it would be necessary to have this aircraft certificated in the experimental classification of airworthiness in order to conduct the research and development experiments. The CAA representative would, in this case, also issue the appropriate operating limitations on Form ACA 309.

§ 1.64–1 *Duration of airworthiness certificate (CAA policies which apply to § 1.64).* All airworthiness certificates, issued after January 15, 1951, will contain an expiration date or will indicate specific conditions under which the airworthiness certificate will expire.

(a) *Air carrier aircraft.* (1) Airworthiness certificates issued for air carrier aircraft, being maintained under an approved continuous maintenance system as provided for in Parts 41, 42, or 61 of this subchapter, will not contain a specific expiration date but instead a condition under which a certificate is considered to expire automatically.

(2) Small irregular air carrier aircraft not maintained under an approved continuous maintenance system are issued an airworthiness certificate which contains a specific expiration date as outlined in paragraph (b) of this section.

(b) *Personal type aircraft.* Standard, restricted, and limited airworthiness certificates issued, or renewed, for aircraft other than air carrier aircraft being maintained as described in paragraph (a) of this section, will be issued to expire one year from the date of issuance or renewal.

(c) *Experimental aircraft.* (1) Experimental airworthiness certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental airworthiness certificate may vary from one flight, to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(2) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the airworthiness certificate issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

§ 1.65–1 *Display of airworthiness certificate (CAA rules which apply to § 1.65).* The airworthiness certificate shall be displayed at the cabin or cockpit entrance in such a manner that it is legible to passengers or crew.

§ 1.69–1 *Issuance of restricted airworthiness certificates (CAA policies which apply to § 1.69).* CAA policies concerning "restricted category" airworthiness certificates are contained in Part 8 of this subchapter. (The manual for Part 8 of this subchapter may be procured from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for sixty cents.)

§ 1.70–1 *Issuance of multiple airworthiness certificates (CAA policies which apply to § 1.70).* CAA policies concerning multiple airworthiness certificates are contained in Part 8 of this subchapter. (See § 1.69–1 for procurement of the manual for Part 8 of this subchapter.)

§ 1.71–1 *Issuance of limited airworthiness certificates (CAA policies which apply to § 1.71).*—(a) *Aircraft models issued a limited type certificate.*

Aircraft manufacturer	Models eligible	Limited aircraft specification No.
Boeing	B–17F and B–17G (Flying Fortress)	AL–1
North American	B–25G, B–25H, and B–25J (Mitchell)	AL–2
Douglas	A–26B and A–26C (Invader)	AL–4
Do	A–24B (Navy SBD–5) (Dauntless)	AL–4
Consolidated-Vultee	PB2Y–3, PB2Y–3R, PB2Y–5, PB2Y–5R, and PB2Y–5Z (Coronado)	AL–5
Consolidated	LB–30	AL–6
Sikorsky	R–4B Helicopter	AL–7
Grumman	TBF–1, TBF–1C, TBM–1, TBM–1C, TBM–3, and TBM–3E (Avenger)	AL–8
Douglas	A–20B, A–20C, A–20G, A–20H, and A–20J (Havoc)	AL–9
Lockheed	P–38E, P–38J, P–38L, P–38M, F–5E, F–5F, and F–5G (Lightning)	AL–10
North American	P–51–C, P–51D, and P–51K (Mustang)	AL–11
Beech	AT–10, AT–10BH, AT–10G1, and AT–10GF (Wichita)	AL–12
Lockheed	B–34, PV–1, and PV–2 (Ventura)	AL–13
Northrop	P–16, P–61A, and (Black Widow)	AL–14
North American	A–36A (Mustang)	AL–15
Curtiss	O–52	AL–16
Grumman	J2F–3, J2F–4, J2F–5, and J2F–6 (Duck)	AL–17
Curtiss-Wright	P–40N and P–40L (Warhawk)	AL–18
Sikorsky	R–5A Helicopter	AL–19
Martin	PBM–5 (Mariner)	AL–20
Bell	P–63C and P–63E (Kingcobra)	AL–21

Aircraft manufacturer	Models eligible	Limited aircraft specification No.
North American	BC–1	AL–22
Grumman	F8F–1 (Bearcat)	AL–23
Chance-Vought	OS2U–1, OS2U–2, and OS2U–3 (Kingfisher)	AL–24
Grumman	FM–2 (Wildcat)	AL–25
Stinson	L–1, L–1A, L–1B, L–1C, L–1D, L–1E, and L–1F (Vigilant)	AL–26
North American	BT–9, BT–9A, BT–9B, and BT–9C (Yale)	AL–27
Culver	PQ–14A, PQ–14B, and TD2C–1	AL–28
Sikorsky Helicopter	R–6A and HOS–1	AL–29
Consolidated	C–87A (Liberator Express)	AL–30
Curtiss	AT–9 and AT–9A (Jeep)	AL–31
North American	BT–14 (Yale)	AL–32

(b) *Application procedure for an original limited airworthiness certificate.* The following procedure should be followed by an applicant for a limited airworthiness certificate:

(1) Establish that the aircraft in question is one of the models or series that have been issued a limited type certificate. (See paragraph (a) of this section for listing of aircraft issued a "limited category" type certificate.)

(2) Determine that the aircraft configuration conforms to the requirements set forth in the pertinent "limited category" aircraft specification.

(3) Present evidence that the periodic inspection has been accomplished by an appropriately rated mechanic immediately prior to submitting the application. The scope of a periodic inspection is described on the reverse of Periodic Aircraft Inspection Report, Form ACA 319[1] (revised 11–49).

(4) Accomplish a flight test for the purpose of checking the proper functions of the powerplant, instruments and controls of airframe and powerplant.

(5) Present logbooks for the aircraft. The logbooks should show the results of the flight test and be signed by the pilot making the flight test. The entry should indicate that the aircraft performs normally and is considered airworthy.

(6) Present any information or technical orders that the CAA representative deems necessary to establish airworthiness compliance.

(7) Present a properly executed application for a limited airworthiness certificate. Application for a Limited Airworthiness Certificate is made on Form ACA 305.[1] (See § 1.60–2 for application procedure.)

(8) (i) Present with the application a "limited category" aircraft specification for the particular model shown on the application. "Limited category" aircraft specifications are available free of charge from the CAA regional offices or the CAA Office of Aviation Information, Washington 25, D. C.

(ii) The applicant should discuss the "limited category" aircraft certification requirements with the local CAA representative prior to formally submitting the aircraft for inspection and certification. This procedure is not mandatory; however, it will usually expedite final approval since the CAA representative will be able to instruct the applicant concerning the requirements for his particular aircraft.

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1.72–1 *Procedure to be followed for recertification in the "limited category" (CAA policies which apply to § 1.72).* Aircraft previously certificated in the "limited category" and subsequently certificated in the "restricted" or "experimental" classification of airworthiness are eligible for recertification in the "limited" classification of airworthiness; provided, the aircraft is restored to the original level of airworthiness and is in a good state of preservation and repair, and in condition for safe operation. Application for recertification should be made in the same manner as outlined in § 1.71–1 (b).

§ 1.73–1 *Experimental airworthiness certification (CAA policies which apply to § 1.73).*—(a) *Type of operations.* Experimental airworthiness certificates are issued for the following, and similar types of operations: Research and development; flight testing leading to type certificates; testing of new installations such as powerplants, propellers, controls, electronic equipment, etc., racing and exhibition flights and amateur-built aircraft.

(b) *Experimental military type aircraft.* Aircraft built on a military contract and identified by military aircraft identification marks are considered public aircraft and do not require issuance of airworthiness certificates. However, aircraft of military design built independently by manufacturers with the intention of demonstrating to prospective military purchasers, and not having military identification, will be required to obtain an experimental airworthiness certificate inasmuch as such aircraft would be considered civil aircraft.

(c) *Amateur-built aircraft.* Amateur-built aircraft will be eligible for an experimental airworthiness certificate when the applicant presents satisfactory evidence that the aircraft was designed and/or fabricated by an individual or group of individuals, the project having been undertaken for educational or recreation purposes and the CAA finds that the aircraft complies with the amateur-built aircraft requirements set forth in § 1.74–3.

§ 1.74–1 *Requirements for the issuance of experimental airworthiness certificates (CAA rules which apply to § 1.74 (a)).* In addition to the information required to be submitted on application Form ACA 305,[1] the applicant shall indicate on a separate sheet of paper:

(a) The purpose of the experiment.

(b) The estimated time or number of flights required to conduct the experiment.

(c) The areas over which it is desired to conduct the experiment.

(d) A three-view drawing of the aircraft specifying only the external dimensions. (Three-view dimensioned photographs will be acceptable in lieu of the drawings. This information need not be submitted for any "experimental" aircraft converted from a basic approved type provided the external configuration has not appreciably changed.)

§ 1.74–2 *Additional information (CAA policies which apply to § 1.74 (a)).* The applicant may be called upon to submit additional information during the airworthiness inspection conducted by the CAA representative. For example, the CAA representative might request the applicant to furnish information concerning a particular construction technique used to fabricate the aircraft or information as to the type of material or gauge of tubing. The purpose of such requests by the CAA representative would be to help determine the general airworthiness of the aircraft and to establish operation limitations or restrictions to safeguard the general public.

§ 1.74–3 *Certification of amateur-built aircraft (CAA policies which apply to § 1.74).* The following policies will apply to the certification and operation of aircraft of amateur design and construction designed and built by educational institutions and individuals without complying with all the requirements of "standard" aircraft:

(a) *Scope.* While amateur-built aircraft are issued "experimental" airworthiness certificates, the airworthiness requirements for this type of aircraft are of greater scope than those for other types of "experimental" aircraft. The reason is that after the aircraft has completed the flights specified in paragraphs (g) and (h) of this section, the aircraft operation limitations, upon application, may be modified to permit the carriage of non-revenue passengers. In addition, the area restrictions normally prescribed for "experimental" aircraft may be modified to authorize extended flights.

(b) *Design and construction, powerplant and equipment.* (1) Amateur-built aircraft should not have any apparent unsatisfactory features of design and construction.

(2) The following guide to design and construction should be followed by an applicant if he intends to apply for an amateur-built aircraft experimental airworthiness certificate:

(i) Approved components such as engines, propellers, wheels, and similar items should be used wherever possible. Structural components of other aircraft may be used; however, it is not intended that this provision be used to avoid obtaining approval of major alterations to aircraft previously certificated in another category.

(ii) Protrusions, knobs, sharp corners, and other objects likely to cause serious injury to the pilot or passengers in the event of a minor crash should be reduced to a minimum. Where removal is impractical, consideration should be given to use of padding.

(iii) Instruments and equipment as required by § 43.30 (a) of this subchapter

should be installed. Safety belts should be installed for each seat.

(iv) Suitable means, consistent with the size and complexity of the aircraft, should be provided to reduce the hazard of fire. A fire wall isolating the engine compartment from the remainder of the aircraft should be provided.

(v) Any engine or propeller may be used, provided no adverse characteristics of the engine, propeller, or engine-propeller combination are evident or known to the Administrator.

(vi) The complete powerplant installation, including the propeller, as installed in the aircraft should satisfactorily undergo at least one hour of ground operation from idling to full throttle power prior to the first flight. The applicant may use any time interval he desires at the various speeds he selects.

(vii) Only fuel of a grade which will eliminate destructive detonation and minimize the possibility of vapor lock should be used.

(viii) Suitable means should be provided to minimize the possibility of carburetor ice.

(ix) An identification plate containing at least the following should be displayed in the cabin or cockpit:

(*a*) The name and address of the builder.

(*b*) The model designation.

(*c*) The serial number.

(*d*) The date of manufacture.

(c) *Essential data.* In addition to the information furnished on application, Form ACA–305, the following information should be submitted with the application:

(1) Horsepower rating of engine and propeller.

(2) Empty weight and maximum weight at which the aircraft will be operated.

(3) Number of seats installed and their arrangement with respect to each other.

(4) Whether single or dual control.

(5) Fuel and oil capacities.

(6) Maximum speed at which the applicant expects to operate the aircraft.

(7) A statement as to the criteria (any regulations, design data, or other information) used as a basis for the design.

(d) *Examination and inspection.* As part of the certification procedure the aircraft will be subjected to examination and general inspection for airworthiness by an authorized CAA representative. Compliance with specific design requirements contained in paragraph (b) of this section, as well as good aeronautical practice will be determined by means of this inspection and examination. Any apparent unairworthy feature, workmanship or device disclosed by the inspection will be repaired, reworked, or otherwise be changed to be acceptable to the CAA prior to certification as an amateur-built aircraft.

(e) *Initial restrictions.* Upon satisfactory completion of all necessary inspections and testing on the ground, the CAA representative will issue an amateur-built aircraft "experimental" airworthiness certificate. Initially, the aircraft operating limitations of all amateur-built aircraft will contain appropriate restrictions as follows:

(1) Only day VFR flight will be authorized.

(2) The permissible flight area will be restricted to minimize any hazard to the general public. In no case will the initial permissible flight area exceed a 25 mile radius from applicant's base. Flights over thickly populated areas will be prohibited.

(3) Occupants of the aircraft will be limited to essential crew members, and, except in single place aircraft, the cabin or cockpit will be placarded, "Passengers Prohibited," in such a manner and location as to be visible from all seats.

(4) The aircraft will not be used for the carriage of cargo nor in connection with any business or employment.

(5) Such additional restrictions as the Administrator may deem necessary in the interest of safety.

(f) *Modified restrictions.* (1) Upon satisfactory completion of the flight experience requirements outlined in paragraph (g) of this section, and the flight test demonstration outlined in paragraph (h) of this section, the flight operation restrictions applied at the time of initial certification may be amended as follows:

(i) Acrobatics may not be performed while carrying passengers.

(ii) The restriction regarding flight areas may be removed.

(iii) Passengers or cargo may not be carried for compensation or hire.

(2) The placard "Passengers Prohibited" may be removed and the following substituted:

Passenger Warning: This aircraft is amateur-built and does not comply with the Federal safety regulations for "standard" aircraft.

(g) *Flight experience.* Prior to conducting the flight demonstration provided in paragraph (h) of this section, and subsequent to modification of the operating restrictions as provided for in paragraph (f) of this section, the applicant should submit evidence that the following flight experience has been accumulated on the aircraft.

(1) The aircraft should have been flown at least 50 hours when a type certificated engine is installed, or 75 hours when an uncertificated engine is used.

(2) When application is made for the modification of the operation restrictions, the applicant should submit a log of the aircraft flight history, containing at least the following information:

(i) The duration of each individual flight counted toward the flight time of subparagraph (1) of this paragraph.

(ii) A statement as to the purpose of each flight (test, pleasure, or proficiency).

(iii) Number of landings made.

(iv) A full description of any mishaps however minor, or any experiences not entirely normal that occur during the flight experience period.

(3) The pertinent portion of the log should be certified by the signature of the applicant and by the signature of the pilot or pilots, other than the applicant that flew the aircraft during the flight experience period.

(h) *Flight test demonstration.* Upon satisfactory completion of the flight experience required in paragraph (g) of this section, the applicant may apply for the modified restrictions provided for in paragraph (f) of this section. Application should be made in writing to the local CAA Aviation Safety District Office. An Aviation Safety Agent will re-examine the aircraft and the flight experience record and upon finding them satisfactory will witness the flight test demonstration. The flight test will be conducted by a certificated pilot holding at least a private pilot's rating. The flight test will be of such scope as to demonstrate that the aircraft performance is adequate for such operations with respect to take-off, climb, and landing at maximum and minimum weights, for which the aircraft is to be certificated. The aircraft will be demonstrated to be satisfactorily controllable and reasonably maneuverable during taxiing, take-off, climb, level flight, dive and landing, with or without power. Adequate provisions should be made for emergency egress and use of parachutes by the crew during the flight test.

§ 1.75–1 *Special flight permits. (CAA interpretations which apply to § 1.75)*—(a) *General.* (1) Section 43.10 (a) of this subchapter states in part that "No aircraft, except foreign aircraft authorized by the Administrator to be flown in the United States, shall be operated unless an appropriate and valid airworthiness certificate or special flight authorization and a registration certificate issued to the owner of the aircraft are carried in the aircraft. * * *"

(2) "Special flight authorization," mentioned in subparagraph (1) of this paragraph is interpreted to mean the special flight permit described in this section. Special flight permits are issued for only two purposes: The first and primary purpose is to permit aircraft not fully complying with the established airworthiness requirements to be flown to bases where repairs or alterations may be made; the second purpose is to permit "flyaway" delivery or flights to points of export of aircraft which are airworthy but not eligible for a U. S. certificate of airworthiness. For example, an aircraft purchased by a person other than an American citizen would not be eligible for a U. S. certificate of airworthiness due to the fact that a current U. S. registration certificate is a prerequisite to obtaining an airworthiness certificate, and only a U. S. citizen, who can present proof of ownership, may obtain a current aircraft registration certificate.

§ 1.76–1 *Application for permit (CAA rules which apply to § 1.76)*—(a) *Persons who may make application.* The registered aircraft owner or his agent shall make application for a special flight permit.

(b) *Application form.* Application shall be made by completing in duplicate Form ACA–1779 [1] entitled "Application and Authorization for Ferry Permit," and submitting it to an authorized CAA Aviation Safety Representative. (Application forms are available at all CAA regional and Aviation Safety District Offices and from designated CAA representatives. The application form consists of two parts: The first part is completed by the applicant and furnishes a description of the aircraft, and the proposed flight; the second part is completed by the CAA representative, and is the authority to conduct the flight. This part shall be prepared to contain the conditions and limitations under which the flight is to be conducted.)

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1.76–2 *Airworthiness (CAA policies which apply to § 1.76).* While the aircraft may not be eligible for a Certificate of Airworthiness, it must be found safe for the flight described on the application prior to commencing the flight. The CAA representative may make this determination prior to issuing the authorization, or he may require a pre-flight inspection to be conducted by a certificated mechanic in order to determine that the aircraft is safe for the flight authorized.

§ 1.76–3 *Flight restrictions (CAA policies which apply to § 1.76).* The following flight restrictions will be prescribed for all aircraft to be operated under a special flight permit:

(a) The carriage of persons other than crew members will be prohibited.

(b) Weather minimums under which the flight may be conducted will be established.

(c) The duration of the authorization will be shown.

(d) The purpose of the flight will be indicated.

(e) Special area restrictions will be listed, if applicable.

(f) Pre-flight inspection requirements, if any, will be listed.

(g) The origin, destination, and proposed itinerary, taking into consideration reasonable deviations necessitated by weather or other circumstances beyond the control of the operator, will be indicated.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

§ 1.101–1 *Assignment of registration numbers (CAA policies which apply to § 1.101 (a))*—(a) *General.* (1) Section 1.101 (a) requires that all U. S. civil aircraft display identification marks. This section, in part, states that the identification marks shall be the Roman capital letter "N" followed by the registration number. The purpose of this policy is to make known the method by which an aircraft owner can obtain a registration number for an unidentified aircraft.

(2) Most aircraft are assigned a registration number and display the proper identification marks prior to leaving the manufacturer's plant. Generally speaking, the registration number will continue to identify that particuular aircraft throughout the remainder of its operating life. There are many times, however, that it is necessary for the owner of the aircraft to request that a registration number be assigned his aircraft. This is particularly true with converted military surplus, amateur-built aircraft, experimental aircraft, and aircraft imported from other countries which have not been certificated at the manufacturer's plant.

(b) *Procedure.* (1) An aircraft should be assigned a registration number before the owner applies for registration. To obtain a registration number, the aircraft owner should furnish the local Aviation Safety District Office, or International Field Office if the aircraft is located outside the United States, the following information:

(i) The name of the aircraft manufacturer.

(ii) The aircraft model.

(iii) The aircraft serial number.

(2) This information can usually be found on the manufacturer's nameplate, displayed in the aircraft, or on the bill of sale. Upon receipt of this information, the CAA representative will issue a registration number. This number is used when making application for registration and must be displayed on the aircraft in accordance with the requirements of §§ 1.101 through 1.107.

§ 1.108–1 *Identification marks for nonconventional aircraft (CAA rules which apply to § 1.108)*—(a) *Purpose.* The purpose of this section is to prescribe the procedure for displaying identification marks on nonconventional aircraft. For the purpose of prescribing identification marks, an aircraft is considered to be nonconventional when it is impossible to display the identification marks in accordance with the applicable rules prescribed in §§ 1.101 through 1.107.

(b) *Procedure.* (1) The owner of the aircraft shall submit to the local CAA representative a dimensioned three view drawing, or dimensioned photographs of the aircraft, including a statement setting forth the reson why it is not possible to identify the aircraft in accordance with the standard requirements. If the owner desires to include a proposed method of marking, it too will be considered. Such proposal shall take into consideration, as near as possible, the standard identification marking procedure set forth in §§ 1.101 through 1.107.

(2) This information shall be submitted to the local CAA representative as far in advance of the anticipated flight date as possible, since the CAA representative must forward the information to the Washington office for final decision.

This supplement shall become effective October 1, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–10200; Filed, Sept. 18, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–99, as amended September 18, 1952]

M–99—CRYOLITE

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, as amended, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation in advance of the issuance of this order, as amended, with representatives of all affected trades and industries was rendered impracticable because of the need for immediate action and because of the large number of different trades and industries affected.

EXPLANATORY

NPA Order M–99, of February 29, 1952, as amended by Amendment 1 of April 15, 1952, has been rewritten to effect the following changes: (1) The grade of cryolite known as Raymond Mill Dust is excluded from the definition of cryolite regulated by this order; (2) except as to purchases for export and purchases by producers of primary aluminum, this order, as amended, regulates the use of cryolite rather than its purchase; (3) the provisions of this order, as amended, relating to cryolite insecticides are clarified; (4) inventory limits are increased, and purchasers are required to certify to their right under the order, as amended, to purchase and accept delivery of cryolite; (5) a quarterly report by users of cryolite is required; (6) users of less than 100 pounds of cryolite per calender quarter are exempted from certain provisions of this order as amended.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. Limitations on use.
4. Limitations on purchase.
5. Exports.
6. Authorizations and directives.
7. Inventory limitations.
8. Small user exemption.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950, Supp.; sec. 2, E. O. 10100, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951, Supp.

SECTION 1. *What this order does.* This order, as amended, requires conservation in the use of cryolite. It regulates the use of cryolite and, with certain exceptions, limits inventory of users of cryolite. Persons who use 100 pounds or less of cryolite per calendar quarter for all purposes are exempted from certain provisions of the order. Quarterly reports are required from users of cryolite.

SEC. 2. *Definitions.* As used in this order:

(a) "Cryolite" means refined natural and synthetic cryolite of all grades except the grade known as Raymond Mill Dust.

(b) "Raymond Mill Dust" means that grade of cryolite which:

(1) Results as a by-product of the initial grinding of crude cryolite ore in producing refined natural cryolite, and

(2) Is not further refined, and

(3) Contains not more than 85 percent sodium aluminum fluoride, and 98

percent or more of which, by weight, passes through a 300 mesh screen.

(c) "Primary aluminum producer" means a person who produces alumium in either pig or ingot form by electrolytic reduction of alumina. Wherever the term "primary aluminum producer" is used in this order, it shall be understood to relate solely to the producer's use of cryolite for producing aluminium in the form and by the method described in the preceding sentence.

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(e) "NPA" means the National Production Authority.

SEC. 3. *Limitations on use.* (a) No person shall use any cryolite in the production, processing, preparation, or manufacture of any material or product when it is commercially feasible to substitute some other material or materials for cryolite. No person shall use a greater quantity or a higher grade of cryolite in the production, processing, preparation, or manufacture of any material or product, if it is commercially feasible to use a lesser quantity or a lower grade for that material, product, or purpose, unless required to meet military specifications or standards.

(b) No person shall use cryolite to produce insecticide-grade cryolite without authorization from NPA, and no person shall purchase or accept delivery of insecticide containing cryolite except for use, or resale for use, as an insecticide.

(c) Subject to the provisions of paragraph (a) of this section, no person, other than a primary aluminum producer or a producer of insecticide-grade cryolite, may, during any calendar quarter commencing with the fourth quarter of 1952, use in the production of any product a quantity of cryolite in excess of 125 percent of the quantity of cryolite used by him for such purpose during the first calendar quarter of 1950.

SEC. 4. *Limitations on purchase.* No primary aluminum producer shall purchase or accept delivery of cryolite without authorization from NPA.

SEC. 5. *Exports.* No person shall purchase cryolite for export without specific authorization from NPA. The application for an export license to the Office of International Trade shall constitute a request for such NPA authorization.

SEC. 6. *Authorizations and directives.* NPA may issue authorizations or directives to any person from time to time with respect to the quantities of cryolite which may be shipped or accepted for delivery by any person.

SEC. 7. *Inventory limitations.* (a) No person other than primary aluminum producers and producers of, dealers in, and consumers of insecticides containing cryolite, may receive or accept delivery of any cryolite if his inventory of cryolite is, or by reason of such receipt would become, more than 50 percent of the quantity of cryolite he is authorized to use during a calendar quarter under section 3 of this order, or 1500 pounds, whichever is greater, but in no event to exceed twice the quantity of cryolite he is authorized to use during any calendar quarter under section 3 of this order. No such person may place any orders calling for delivery of any cryolite at a time earlier or in greater amounts than he would be permitted to receive under this section. Any such person who at any time has orders outstanding for cryolite calling for delivery earlier or in quantities greater than he would be permitted to receive under this section shall immediately notify his supplier of the extent to which such deliveries may not be accepted as scheduled, and such orders shall be adjusted accordingly. The provisions of NPA Reg. 1 are applicable to cryolite to the extent that such provisions are not inconsistent with the provisions of this section.

(b) No person shall deliver any cryolite if he knows or has reason to believe that the person to whom the delivery is to be made may not accept delivery of that quantity of cryolite or that he will use the cryolite in violation of any provision of this order. No person shall deliver cryolite unless he has previously received from the person to whom delivery is to be made a certificate reading substantially as follows:

Certified under the provisions of NPA Order M-99.

Such certification shall be signed in accordance with the provisions of NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the person to whom the delivery is to be made is authorized to accept such delivery under the provisions of this order.

SEC. 8. *Small user exemption.* Any person whose use of cryolite for all purposes during any calendar quarter does not exceed 100 pounds is not subject to the provisions of section 3 (c) and section 7 (a) of this order during such quarter. However, every such person is subject to the inventory limitations and all other provisions of NPA Reg. 1.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) For the third calendar quarter of 1952 and for each calendar quarter thereafter, any person whose use of cryolite for all purposes during that calendar quarter exceeded 100 pounds, shall file with the National Production Authority Form NPAF-225 on or before the tenth day of the month following the close of the quarter for which the report is required. Persons who purchase insecticide-grade cryolite for their own use as insecticide are not required to file Form NPAF-225 as to insecticide-grade cryolite so purchased.

(d) Persons subject to this order shall make such records and submit such further reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-99.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 1, 1952.

Issued September 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10319; Filed, Sept. 18, 1952; 11:06 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective September 19, 1952, Item 36 of Schedule A to Rent Regulation 1 and Rent Regulation 2 pertaining to the Barstow Defense-Rental Area is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(36) Barstow	A	In San Bernardino County, the township of Barstow.	May 1, 1951	Nov. 15, 1951
	A	In San Bernardino County, the U. S. Matine Corps Depot Military Reservation outside the township of Barstow.	do	Mar. 14, 1952
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township outside the U. S. Marine Corps Depot Military Reservation, bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952

[F. R. Doc. 52-10237; Filed, Sept. 18, 1952; 8:53 a. m.]

[Rent Regulation 3, Correction to Schedule A]

[Rent Regulation 4, Correction to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective September 19, 1952, Item 36 of Schedule A to Rent Regulation 3 and Rent Regulation 4 pertaining to the Barstow Defense-Rental Area is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(36) Barstow	California	In San Bernardino County, the township of Barstow.	May 1, 1951	Nov. 15, 1951
		In San Bernardino County, the U. S. Marine Corps Depot Military Reservation outside the township of Barstow.	do	Mar. 14, 1952
		In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Belleville Township outside the U. S. Marine Corps Depot Military Reservation, bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of Township 8 North, and on the west and north by the Belleville Township line.	do	Sept. 15, 1952

[F. R. Doc. 52-10238; Filed, Sept. 18, 1952; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

DUE DATE OF PREMIUMS

1. In Part 6, § 6.15 is revised to read as follows:

§ 6.15 *Due date of premiums.* Premiums on United States Government life insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans' Administration in the city of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly, in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3½ percent per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity by death or otherwise, the discounted value at 3½ percent per annum of the premiums paid in advance beyond the current calendar month shall be refunded to the insured, if living; otherwise to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, § 8.5 is revised to read as follows:

§ 8.5 *Due date of premiums.* Premiums on National Service life insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans' Administration in the city of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly, in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3 per centum per annum, except that premiums on insurance issued under sections 620 and 621 of the National Service Life Insurance Act, as amended, shall be discounted at 2¼ per centum per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity the discounted value of the premiums paid in advance beyond the current month shall be refunded to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

(Sec. 10, Pub. Law 23, 82d Cong.)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 19, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10196; Filed, Sept. 18, 1952; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

STATUS "REHABILITATED"

In § 21.281, paragraphs (a) and (c) are amended to read as follows:

§ 21.281 *Status "rehabilitated."* (a) A trainee under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be considered employable and declared "rehabilitated" and the necessary steps will be taken to effect such action as soon as any one of the following conditions exists:

(1) When the trainee has completed the prescribed course of training as outlined in the individual training program. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

(2) When a trainee while in training status or while properly in interrupted status as required by § 21.282 accepts employment in the same occupation for which he is being trained or in an occupation for which the training received under Part VII has contributed materially toward rehabilitation, and his earnings approximate those of the average trained worker in the occupation, and the employment is such kind that to pursue it full time would be not incompatible with the trainee's disability—thus demonstrating attainment of satisfactory employment: *Provided*, That where such employment is not in the same occupation for which the veteran was being trained, his case will be referred to the advisement and guidance section for determination of whether the occupation in which the veteran is employed is compatible with the veteran's disability and aptitudes. The effective date of rehabilitation will be the day following the last day of instruction. If the findings of the advisement and guidance section are negative, the veteran will be placed in discontinued status.

(3) When a veteran whose training has been interrupted under § 21.282 (e) after taking a required examination for license to practice the occupation for which he was trained has passed the examination. The effective date of rehabilitation will be the day following completion of the examination or on the day following completion of the course, whichever is later.

* * * * *

(c) When a trainee discontinues training under § 21.283 (a) (1), (2), (3), (4), or (5) and investigation later discloses that the trainee has accepted employment in an occupation for which the training received under Part VII has contributed materially toward employability and medical or other acceptable evidence indicates that the employment is of a kind which to pursue full time would be not incompatible with the trainee's disability, the trainee will be placed in status "rehabilitated" effective on the day following the last day of instruction for purposes of the office record. In such cases, the veteran shall not receive written notice of rehabilitation and shall not be paid the subsistence allowance ordinarily paid for 2 months following the determination of employability. As indicated, this action is for record purposes only, and the veteran's reentrance into training under the conditions provided for in § 21.286 will not be jeopardized by this recording.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective September 19, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10197; Filed, Sept. 18, 1952; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1832]

PART 70—MINERAL LANDS: COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

This part is hereby completely revised as follows, effective 60 days after date of issuance hereof by the Secretary of the Interior:

GENERAL

Sec.
70.1 Statutory authority.
70.2 Area and limitation on holdings.
70.3 Qualifications of applicants.
70.4 Permits and leases for lands disposed of with reservation of coal.
70.5 Requirements when lands are within a withdrawal.
70.6 Payments.

COAL LEASES

70.7 Leasing units.
70.8 Form of lease.
70.9 Minimum expenditure and lease bond.
70.10 Minimum production; suspension of operations.
70.11 Application for lease by competitive bidding.
70.12 Offer of lands or deposits for lease by competitive bidding.
70.13 Notice of lease offer.
70.14 Sale; bidding requirements; action by successful bidder.
70.15 Modification and leasing of additional land or coal deposits; consolidation of leases of small areas.
70.16 Renewal of lease; readjustment of terms and conditions.
70.17 Relinquishment of lease.
70.18 Cancellation of lease.
70.19 Use of timber.

COAL PROSPECTING PERMITS

70.20 Character of lands.
70.21 Rights conferred.
70.22 Application for permit.
70.23 Permit bond.
70.24 Reward for discovery.

TRANSFERS OF PERMITS AND LEASES: OVERRIDING ROYALTIES

70.25 Transfers, including sub-leases.
70.26 Limitation on overriding royalties.

LIMITED COAL LICENSES

70.27 Purpose of license.
70.28 Area and duration.
70.29 Application for license.

AUTHORITY: §§ 70.1 to 70.31, issued under sec. 17, 38 Stat. 745; 48 U. S. C. 451.

GENERAL

§ 70.1 *Statutory authority.* Sections 1 to 19, inclusive, of the act of October 20, 1914 (38 Stat. 741, et seq.; 48 U. S. C., sections 432–438, 438a, 439–452), as amended, authorize the Secretary of the Interior to:

(a) Divide into leasing units and award leases of the coal, lignite and associated minerals in unreserved coal lands and coal deposits owned by the United States in Alaska;

(b) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits in Alaska; and

(c) Issue limited licenses or permits to prospect for, mine and dispose of, for free use, coal on specified tracts belonging to the United States in Alaska.

§ 70.2 *Area and limitation on holdings.* A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form, if good reasons appear for not including a contiguous area. A lease will comprise contiguous tracts, except in a case where it appears that non-contiguous tracts can be practically worked as a single mine or unit. No person, association, or corporation, except as in the act provided, may hold more than 2,560 acres in the aggregate, whether directly through the ownership of coal leases and permits or interests in such leases or permits, or indirectly as a member of an association or associations, or as a stockholder of a corporation, holding such leases and permits or interests therein or both.

§ 70.3 *Qualifications of applicants.* (a) Leases, prospecting permits and limited licenses may be issued to citizens of the United States over the age of 21 years, associations of such citizens, corporations organized under the laws of the United States or any State or Territory thereof, including a company or corporation operating a railroad or common carrier, and municipalities. A majority of the stock of such corporation shall at all times be owned and held by citizens of the United States.

(b) Every applicant for coal permit or lease must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 2,560 acres, not including areas held under a limited license which, under the act (48 U. S. C., sec. 445), is no bar to acquiring or holding a lease.

(c) Where the applicant is or operates a railroad or common carrier, it must make a statement that it operates main or branch lines in the Territory of Alaska; that the coal or coal lands applied for through leases, applications therefor, and permits, do not exceed such area or quantity as may be required and used solely for its own use; and that the aggregate acreage, other than as set out in § 70.28, in leases and applications therefor and permits in which it is interested directly or indirectly does not exceed 2,560 acres.

(d) Every applicant for lease or permit must also furnish a showing as to the need for additional coal production which cannot otherwise be reasonably met, or, if such a showing of need cannot be made, a statement of the reasons why a lease or permit is desired.

§ 70.4 *Permits and leases for lands disposed of with reservation of coal.* Where lands included in a lease or permit have been disposed of with reservation of the coal deposits, a lessee or permittee must make full compliance with the law under which such reservation was made. See the act of March 8, 1922 (42 Stat. 416; 48 U. S. C., sec. 377); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U. S. C., Supp. III, 54), and other laws authorizing such reservations.

§ 70.5 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for coal lease or permit is within a withdrawal which does not preclude disposition of the coal deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a coal lease or permit. In cases where such agency recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, an appropriate stipulation will be included in the lease or permit.

§ 70.6 *Payments.* Unless otherwise directed by the Secretary, rentals, royalties and other payments under leases, permits and licensees issued under the act shall be paid to the manager of the land office for the land district in which the lands are situated. All remittances shall be made payable to the Treasurer of the United States.

COAL LEASE[1]

§ 70.7 *Leasing units.* (a) No coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be established either upon application or when it is deemed advisable that additional coal units be established.

(b) All material facts, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

(c) Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

§ 70.8 *Form of lease.* Leases shall be issued on Form 4–031a.[2]

§ 70.9 *Minimum expenditure and lease bond.* (a) An actual bona fide expenditure for mine operation, development, or improvement purposes on or for the benefit of the leased land, of the amount that may be determined will be a condition in each lease as the minimum basis on which it will be granted, with the requirement that not less than one-third of such expenditure shall be made during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

(b) Prior to the issuance of a lease, the lessee shall furnish a bond executed by the lessee with approved corporate surety on Form 4–1113 or the lessee's personal bond on Form 4–1114, in such sum as may be required but in no event less than $1,000, and conditioned upon compliance with all of the terms and provisions of the lease. Personal bonds must be accompanied by a deposit of securities such as specified in § 70.23. If the amount of the bond is fixed at $1,000, the lessees may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties to cover compliance with all terms and provisions of the lease or the applicable law or regulations. Each surety must execute a statement showing that he is worth in real property not exempt from execution double the sum specified in the undertaking, over and above his just debts and liabilities, and that he is either a resident of the same State or Territory and the United States Judicial District as the principal on the bond, or of the Territory and the Judicial District in which the lands involved are located. There must also be furnished a certificate by a judge or clerk of record, a United States Attorney, a United States Commissioner, or United States postmaster, as to the indemnity, signature and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on Form 4–215.

§ 70.10 *Minimum production; suspension of operations.* (a) Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the sixth year of the lease, unless, on application and showing made, the Secretary of the Interior in the interest of conservation, or for other satisfactory cause, shall direct, or shall assent to the suspension of operations or production of coal as provided in section 19 of the act (48 U. S. C. 438a). The law provides that where suspensions are made the payment of rentals will be waived for the period of suspension and the lease term extended for a like period.

(b) If operations or production are suspended pursuant to section 19 of the act (48 U. S. C. sec. 438a), no payment of acreage rental prescribed in the lease is required during such period of suspension. Any such suspension if granted shall be effective beginning with the first day of the lease month following the date of filing of written application for such suspension in duplicate in the office of the regional mining supervisor, and ending with the first day of the lease month in which relief is terminated in writing by the Secretary of the Interior or the regional mining supervisor. Where rentals have been paid in advance, proper credit will be allowed on the next rental or royalty payment due under the lease. Complete information must be furnished showing the necessity for suspension of operation and production in the interest of conservation or other satisfactory cause for the suspension requested.

(c) The term of a lease shall be extended by adding thereto any period of suspension of operations or production assented to or directed by the Secretary of the Interior.

(d) The minimum annual production requirements of a lease shall be proportionately reduced for that portion of a lease year for which suspension of operations or production is directed or granted by the Secretary of the Interior in the interest of conservation or for other satisfactory cause.

§ 70.11 *Application for lease by competitive bidding.* (a) An application for a lease by competitive bidding must be filed in duplicate in the proper land office. No specific form is required, but the application should cover the following points:

(1) The applicant's name and address.

(2) A statement as to citizenship: In the case of an individual, whether native born or naturalized, and if naturalized, date of naturalization, court in which naturalized, and the number of certificate if known, and if a woman, whether married or single, and if married, the facts as to the citizenship of her husband and the date of her marriage if both are not native born citizens. Associations are required to file a certified copy of their articles of association and the same showing as to citizenship and holdings of their members as required of an individual and specified in this subparagraph. If the applicant is a corporation, it must file (i) a certified copy of the articles of incorporation or appropriate reference by land office serial number of the record of the Bureau in which such a copy has been filed, with statement as to any subsequent amendments,

[1] On request addressed to the Director of the Bureau of Land Management at Washington, D. C., a blank lease (Form 4–031a) will be furnished the applicant; also, those who desire may procure from the Superintendent of Documents, Government Printing Office, Washington, D. C., a folio containing photolithographic copies of the approved plats of the topographic and subdivisional township surveys of the Matanuska field (13 townships) for $1 and of the Bering River field (8 townships) for 75 cents.

[2] Filed as part of the original document.

(ii) a separate showing as to the citizenship and holdings of any stockholder owning or controlling at least 20 percent of the stock of the corporation, and (iii) a statement of the proportion of its stock owned or held by aliens. If a majority of the stock of a corporation is held by aliens, the application will be denied. A municipality must submit evidence of: (i) The law, charter and procedure taken by which it became and exists as a legal body corporate; (ii) that the taking of a permit or lease is authorized under such law or charter; and (iii) that the action proposed has been duly authorized by the governing body of such municipality.

(3) A statement that the interests, direct or indirect, in coal leases, permits or applications therefor in Alaska, do not exceed in the aggregate 2,560 acres, except as indicated in § 70.3 (b). Where the applicant is or operates a railroad or common carrier, it must state that the coal or coal lands applied for through leases, applications therefor, and permits, do not exceed such area or quantity as may be required and used solely for its own use.

(4) Description of the land for which the lease is desired, by legal subdivision if surveyed, and by metes and bounds if unsurveyed. In order to properly identify unsurveyed lands, if practicable, the metes and bounds description should be connected by course and distance with some corner of the public-land surveys and their position with reference to rivers, creeks, mountains or mountain peaks, towns, islands, or other prominent topographical points or natural objects or monuments should be given.

(5) The showing specified in § 70.3 (d).

(6) A statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities and the character and extent of the coal deposits so far as known.

(7) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(b) The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement[3] as to citizenship and acreage holdings. Application on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

§ 70.12 *Offer of lands or deposits for lease by competitive bidding.* If the lands or deposits are found to constitute an acceptable leasing unit and subject to coal lease, they will be offered for such lease on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bidding as provided by the notice of sale. If it be found that the area covered by an application does not constitute an acceptable leasing unit, the area may be adjusted, by appropriate additions and eliminations, to constitute an acceptable leasing unit which may be offered for lease.

§ 70.13 *Notice of lease offer.* Notice under the preceding section of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation, published in the Territory of Alaska. The notice will be published at the expense of the Government. Such notice will show the day, hour, and place of sale, whether the sale will be at public auction or by sealed bids, the method of submitting sealed bids, the rental and rate of royalty to be charged, the minimum investment and the minimum production requirement, and the description of the land. If the sale is by public auction the notice will also specify that sealed bids will be accepted. The right is reserved by the Director, Bureau of Land Management, in the public interest, to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. All bidders at any public sale of leases are warned against committing any act of intimidation, combination or unfair management to hinder or prevent bidding thereon, in violation of 18 U. S. C., 1860.

§ 70.14 *Sale; bidding requirements; action by successful bidder.* When the sale is by public auction, before bidding is commenced by those persons present, the manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of sale. The successful bidder must on the day of sale deposit with the manager of the land office or other officer conducting the sale and each sealed bid must be accompanied by the following: Certified check, money order, or cash, for one-fifth of the amount of bid and evidence of qualifications of the bidder as prescribed in § 70.11 (a) (2), (3) and (b), if a current showing in that regard has not been filed in connection with the application for lease of the lands or deposits. If the land is surveyed, the successful bidder will be allowed 30 days from receipt of lease forms within which (a) to file in the proper land office a lease, duly executed by him on form 4–031a and the bond required by § 70.9, and (b) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with requirements of paragraphs (a) and (b) in this section until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder fails to comply after due service of notice, that portion of his deposit representing the minimum required to be deposited with the bid shall be held as liquidated damages and disposed of as other receipts under the Alaska Coal Act.

§ 70.15 *Modification and leasing of additional land or coal deposits; consolidation of leases of small areas.* (a) Under section 4 of the act (48 U. S. C. Sec. 435), a lessee may obtain a further or new lease to include additional coal lands contiguous to those embraced in his original lease, but in no event shall the area embraced in the original and new lease exceed in the aggregate 2,560 acres, except where the rule of approximation applies. The lessee shall file his application for a new lease in duplicate in the proper land office describing the additional lands desired, the needs and reason for and the advantage to the lessee of such lease. Upon determination by the Director that the new lease is justified, the land or deposits may be offered as provided in § 70.13.

(b) Upon a satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within three years thereafter, an additional tract of land or coal deposit may be leased. An application should be filed in duplicate in the proper land office and should contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserves and for any lands requested, and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit, they will be offered for leasing as provided in § 70.13. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease which must not exceed 2,560 acres; otherwise, a separate lease may be issued.

(c) Under section 5 of the act (48 U. S. C., sec. 436), lessees holding under leases small blocks or areas may consolidate their leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands. The lessees should file their joint application for a new lease in duplicate in the proper land office describing the lands held in their respective leases and giving the serial numbers of such leases, and stating the reasons why they desire a consolidated lease. If the showing is deemed satisfactory to the Director, a consolidated lease will be issued.

(d) Before a new lease under paragraph (a) of this section, or a lease modified under paragraph (b) of this section, or a consolidated lease under paragraph (c) of this section is issued, the lessee or lessees shall file the consent of the surety or sureties and the acceptance by the lessee or lessees of the terms and conditions proposed.

§ 70.16 *Renewal of lease; readjustment of terms and conditions.* A lease is subject to renewal and its terms and conditions are subject to readjustment at the end of each fifty-year period (or such extended period as results from the grant of a suspension of operations or production) succeeding the date of the lease unless otherwise provided by law at the time of the expiration of such periods. In addition, the lessor may readjust and fix royalties payable under the lease at the end of each 20-year period of the lease. The lessee will be notified by the lessor of the proposed readjustments or notified that no readjustment is to be made. Unless the lessee files objection to the proposed terms or a relinquishment of the lease within 30 days after receipt of notice, he will be deemed to have agreed to such terms and, at the end of each 50-year period, to renewal of his lease. Notice of the proposed readjustments will be given, whenever feasible, before the expiration of each such twenty- or fifty-year period as the case may be.

§ 70.17 *Relinquishment of lease.* Upon payment of all rentals, royalties, and other debts due and payable to the lessor, upon payment of all wages or money due and payable to the workmen employed by the lessee, and upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease. The lessee may also surrender any legal subdivision of the are included within the lease, but in no case shall such lease be so terminated in whole or in part until and unless the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered thereby in accordance with the regulations and terms of the lease. A surrender must be made by a relinquishment filed in duplicate in the proper land office. A relinquishment upon its acceptance shall take effect as of the date it is filed.

§ 70.18 *Cancellation of lease.* If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease or at the effective date of any readjustment of the terms and conditions thereof under § 70.16, or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default shall continue for 30 days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 14 of the act (48 U. S. C. sec. 449). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

§ 70.19 *Use of timber. The use of* timber found upon the public lands in Alaska, by the permittee and the lessee, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes in addition to that taken from the area in the permit or lease, may be obtained under the act of May 14, 1898 (30 Stat. 414; 48 U. S. C. sec. 423), as amended, or by arrangement with the Department of Agriculture, if the land is in a national forest.[4]

COAL PROSPECTING PERMITS

§ 70.20 *Character of lands.* Permits shall be issued on Form 4–031b[5] for a period of four years to qualified applicants to prospect unclaimed and undeveloped lands where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

§ 70.21 *Rights conferred.* A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary to determine the workability and commercial value of the coal deposits in the land.

§ 70.22 *Application for permit.* An application for a permit must be filed in duplicate in the manner and in the office specified in § 70.11 (a). Each application must be accompanied by a filing fee of $10.00 which will be retained as a service charge even though the application should be rejected or withdrawn either in whole or in part. No specific form of application is required, but in addition to the requirements of § 70.11 (a) (1), (2), (3), (4) and (5) and (b), it should cover the following points:

(a) Condition of coal occurrences, so far as determined; description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal.

(b) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

(c) Brief statement of applicant's experience in coal-mining operations, if any, together with one or more references as to his reputation and business standing.

§ 70.23 *Permit bond.* The applicant must furnish a corporate surety bond on Form 4–1130 or his personal bond on Form 4–1131 conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in the sum of $1,000 and where the lands applied for have been entered or patented with the coal reserved to the United States pursuant to the act of March 8, 1922 (42 Stat. 416; 48 U. S. C., sec. 377), the bond must be conditioned upon the payment of any damages caused to the crops or improvements thereon by reason of prospecting for coal thereon under the permit. Personal bonds must be accompanied by a deposit of negotiable Federal securities equal at their par value to the amount of the bond. The bond may be filed with the application which will expedite action thereon, or within 30 days after receipt of notice by the applicant, that the permit will be granted when the bond is filed. The permittee may, in place of a bond of the two types specified above, submit one on Form 4–1130 with two qualified sureties as provided in § 70.9 (b).

§ 70.24 *Reward for discovery.* A permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in compact form. An application for preference right lease must be filed in duplicate in the office specified in § 70.11 (a) promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be 25 cents for each acre, or fraction thereof. The lease, if issued, will be in accordance with the provisions of §§ 70.8 to 70.10, inclusive, and will be dated the first day of the month following the date the application is filed unless the applicant requests that it be dated the first day of the month within which it is filed. If the permit expires and the application for lease is finally rejected, royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

TRANSFERS OF PERMITS AND LEASES; OVERRIDING ROYALTIES

§ 70.25 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval at the office specified in § 70.11 (a) within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 70.11 (a), (2) and (3) and (b). If the instrument fails to describe the true consideration, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in duplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final

[3] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

[4] See Part 79 of this chapter, Timber.

[5] Filed as part of the original document.

approval or if the transferee requests, the first day of the month of approval.

(b) The transferor of a permit or lease, including a sublease, and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval, the transferee, including sublessee, and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the transfer to the contrary. The account under the permit or lease must be in good standing before approval of a transfer will be given.

(c) An application for approval of any instrument or transfer of a lease or permit or interest therein or a filing of any such instrument must be accompanied by a fee of $10, and an application not accompanied by payment of such a fee will not be accepted for filing by the manager. Such fee will not be returned even though the application later be withdawn or rejected in whole or in part.

§ 70.26 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any over overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

LIMITED COAL LICENSES

§ 70.27 *Purpose of license.* Coal licenses may be issued, for the supply of strictly local and domestic needs for fuel, for a period of two years to any of the applicants having the qualifications specified in § 70.3 (a), without the payment of royalty for the coal mined or for the land occupied. All licensees may mine coal for sale, except a company or corporation operating a common carrier, which is restricted by section 3 of the act (48 U. S. C., sec. 434), to the requirement of only such an area or amount of coal as may be required and used solely for its own consumption. The holding of a lease is no bar to the acquisition of, holding or operating a limited coal license and the holding of a license is no bar to the acquisition or holding of a lease or interest therein. No such licenses, however, will be issued for coal lands in the Bering or Matanuska coal fields which have been surveyed into leasing blocks or tracts or in fields where mines are being operated under lease. A license grants the right to prospect for, mine, and remove coal free of charge from specified tracts of lands belonging to the United States in Alaska, and does not authorize the mining of any other form of mineral deposits, nor the cutting or removal of timber.

§ 70.28 *Area and duration.* A license will be limited to specified tracts not to exceed 10 acres in any one coal field. The ground covered by a license must be square in form and should be limited to an area reasonably sufficient to supply the quantity of coal needed. The act limits the license period to 10 years, but a license will expire by limitation at the end of 2 years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the 2-year period, subject to such conditions necessary for the protection of the public interest as may be imposed prior to or at the time of the extension. Misrepresentation, carelessness, waste, injury to the property, the charge of unreasonable prices for coal, or material violations of the rules and regulations governing operation as shall have been prescribed in advance of the issuance of a license, will be deemed sufficient cause for revocation.

§ 70.29 *Application for license.* (a) Application for a license to mine coal for local and domestic needs must be filed on Form 4–694a, or its substantial equivalent in the office specified in § 70.11 (a) and be accompanied by a $10 filing fee. A municipality must file with the application a showing of (1) the law or charter and procedure taken by which it became and exists as a legal body corporate, (2) that the taking of a license is authorized under such law or charter and (3) that the proposed action has been duly authorized by the governing body of the municipality.

(b) Prior to the execution of the application, the applicant must have gone upon the land, plainly marked the boundaries thereof by substantial monuments, and posted a notice setting forth his intention of mining coal therefrom. The application must contain the statement that these requirements have been complied with and the description of the land as given in the application must correspond with the description as marked on the ground. The license, if granted, should be recorded with the local mining district recorder, if the land is situated within an organized mining district.

(c) Applicants are allowed, due to the long distances and limited means of transportation, the privilege of mining coal as soon as their applications have been forwarded to the office specified in § 70.11 (a). If the application should be rejected, upon receipt of notice of such rejection, all privileges under this section terminate and the applicant must cease mining the coal.

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1952.

[F. R. Doc. 52–10202; Filed, Sept. 18, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 36—ALASKA REGION

SUBPART—KENAI NATIONAL MOOSE RANGE, ALASKA

Basis and purpose. The following regulations are basically explanatory and also modify existing general restrictions to be specifically applicable to public use allowed on the Kenai National Moose Range, Alaska.

Inasmuch as these regulations are informative, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the following subpart and sections are added:

GENERAL REGULATIONS

Sec.
36.41 Entry.
36.42 Temporary use.
36.43 Hunting, fishing, and trapping.
36.44 Economic uses.
36.45 Cabins and structures.
36.46 Hunting camp sites.
36.47 Tent sites.
36.48 Public use area.
36.49 Fires.
36.50 Guided party camps.
36.51 Mining and prospecting.
36.52 Airplane landing fields.
36.53 Permit applications.
36.54 Revocation of permits.

AUTHORITY: §§ 36.41 to 36.54, issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 36.41 *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations in Parts 18 and 21 of this chapter and by §§ 36.42 to 36.54, inclusive, and strict compliance therewith is required.

§ 36.42 *Temporary use.* Any person without a permit may go on any part of this refuge (a) for temporary use for camp site purposes, (b) for recreational purposes, the taking of photographs, nature study or scientific study, and (c) for any other temporary or transient uses not inconsistent with the purposes for which the refuge was established and not in conflict with the provisions of §§ 36.41 to 36.53, inclusive, or other applicable laws and regulations, including those of the Territory.

§ 36.43 *Hunting, fishing, and trapping.* Any person may hunt, trap, or take game fish on the Kenal National Moose Range, provided such person complies with the provisions of the Alaska Game Law and regulations issued pursuant thereto and has on his person and exhibits at the request of any authorized Federal or Territorial officer whatever license or licenses may be required by such law or by Territorial law or regulations, which license shall serve as a Federal permit for such activity.

§ 36.44 *Economic uses.* When such operations will not endanger the purpose for which the refuge was established, the Regional Director or the Refuge Manager may grant revocable permits for the removal of timber, firewood, or other spontaneous products of the soil, including sand, shell, gravel, and stone, or for other privileges and uses of the refuge under such terms and conditions and at such rates of charge as the Director may determine to be in the public interest.

§ 36.45 *Cabins and structures.* (a) The Regional Director may grant revocable permits in accordance with § 36.44 for the erection or maintenance of cabins or other structures of a permanent or semipermanent nature after a full consideration of all the facts and equities. The benefits of such a permit shall inure only to the person or persons owning such building or structure at the time of the granting of the original permission, and such right and interest shall not be transferable.

(b) The Regional Director may refuse to grant a permit for the use and maintenance of any cabins or other structure whenever such action, in his discretion, is in the public interest. Whenever the Regional Director determines that the public interest will be served by refusing to grant a permit authorizing the continued occupancy or maintenance of any cabin or structure erected prior to the effective date of this subpart, such cabin or structure shall be deemed to be in trespass.

§ 36.46 *Hunting camp sites.* Revocable permits may be granted under § 36.44 for the use of sites within an area adjoining Chickaloon Bay designated by the Refuge Manager for the maintenance of duck hunting camps by organizations and individuals. No permits will be issued for commercial lodges.

§ 36.47 *Tent sites.* Temporary tent camps for private use (as distinguished from commercial or guided operations) are allowed without formal permit, provided that no site may be occupied for more than 60 days, and all installations and facilities shall be removed from the site at the conclusion of the occupancy.

§ 36.48 *Public use area.* The exercise of any privileges under the terms of any permit issued pursuant to the provisions of §§ 36.44 to 36.47 shall be subject at all times to the right of the public to enter upon, cross, and otherwise use seasonally in connection with commercial fishing operations such of the lands described in the permit as lie within 100 yards of the high-water mark of Cook Inlet.

§ 36.49 *Fires.* (a) The following acts in regard to fires are prohibited on the refuge:

(1) Setting on fire or causing to be set on fire any timber, brush, grass, or other soil cover, except as authorized by or on areas designated by the Refuge Manager.

(2) Building a camp fire in a dangerous place or during windy weather without confining it to holes or cleared spaces from which all vegetable matter has been removed.

(3) Leaving a camp fire without completely extinguishing it.

(b) Provisions of the Territorial Fire Control Act, Sec. 65–5, ACLA 1949, shall apply to the refuge.

(c) Certain areas of high hazard on the refuge may be closed to public entry during periods of high fire danger, by suitable posting by the Refuge Manager.

§ 36.50 *Guided party camps.* (a) A permit issued without charge by the Refuge Manager shall be required of all guides or transportation agents serving parties or individuals on the Range, whether on a commercial or noncommercial basis. The Refuge Manager may specify the area or areas within which guide or transportation services may be furnished and the period during which such services may be provided as authorized under such permit.

(b) No such permit shall be issued for nor shall any individual or party served by a guide or transportation agent enter or use the following areas:

(1) Kenai River between Skilak Lake and a point approximately 4 miles downstream, and on the Kenai River from Skilak Lake upstream to the Moose Range boundary.
(2) Skilak Lake.
(3) Hidden Lake.
(4) Russian River.
(5) Upper and Lower Russian Lakes.

§ 36.51 *Mining and prospecting.* Entry on the refuge for the purpose of prospecting or mining is prohibited except on valid mining locations predating the Executive Order establishing the refuge (December 16, 1941).

§ 36.52 *Airplane landing fields.* The construction of airplane landing fields or the alteration or improvement of the terrain in any manner which would result in the creation of landing areas other than those available in the natural condition is prohibited on the refuge.

§ 36.53 *Permit applications.* Applications for permits covering any of the above permitted uses should be addressed to the Regional Director, Fish and Wildlife Service, Juneau, Alaska, or to the Refuge Manager, Fish and Wildlife Service, Kenai, Alaska.

§ 36.54 *Revocation of permits.* Any permit issued under this subpart may be revoked by the issuing officer for noncompliance with the terms thereof, for nonuse, or for violation of any law or regulation applicable to the refuge or of any Territorial or Federal law or regulation protecting game, fish, or other wildlife, and it is subject at all times to discretionary revocation by the Director of the Service.

Dated: September 12, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52–10201; Filed, Sept. 18, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN DICED CARROTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Frozen Diced Carrots, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.218 *Frozen diced carrots.* Frozen diced carrots is the clean and sound product prepared from the root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(b) *Grades of frozen diced carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen diced carrots that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen diced carrots possess the typical color of frozen carrots and such color may be slightly dull but not off color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(ii) If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished by internal or external discoloration, sunburn or green colored units, pathological injury or insect injury, and units blemished by other means.

(a) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, or damaged by other means.

(b) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter.

(c) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(d) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof or 5 percent, by weight, of all the units may consist of blemished units and seriously blemished units and of such 5 percent not more than ⅛ thereof or ½ of 1 percent, by weight, of all the units may be seriously blemished: *Provided*, That the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units and of such 16 percent not more than ½ thereof or 8 percent, by weight, of all the units may consist of blemished units and seriously blemished units and of such 8 percent not more than ¼ thereof or 2 percent, by weight, of all the units may be seriously blemished: *Provided*, That the presence of blemished and seriously blemished units does not materially affect the appearance or eating quality of the product.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse or fibrous units.

(i) Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a uniform character.

(ii) If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in character but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen diced carrots the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen diced carrots.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Style			
Factors		**Score points**	
I. Color	25	(A)	21–25
		(B)	1 18–20
		(SStd.)	1 0–17
II. Uniformityof size and shape.	15	(A)	12–15
		(B)	1 8–11
		(SStd.)	1 0– 7
III. Absence of defects	30	(A)	26–30
		(B)	1 22–25
		(SStd.)	1 0–21
IV. Texture	30	(A)	26–30
		(B)	1 22–25
		(SStd.)	1 0–21
Total score	100		
Grade			
Flavor and odor			

[1] Indicates limiting rule.

Issued at Washington, D. C., this 15th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–10250; Filed Sept. 18, 1952; 8:57 a. m.]

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1952

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9, regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if the tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to provisions of said agreement and order, a budget of $49,000 has been recommended by the Almond Control Board, the administrative agency under said agreement and order. Approximately 55 percent of the proposed amount of the budget is composed of salaries, and most of the remainder is for board meetings, travel, rent, office supplies and equipment, services, and unappropriated reserve. The recommendation appears to be reasonable.

It is expected that almonds received by handlers for their own accounts (the quantity on which assessments will apply) during the crop year beginning July 1, 1952, will approximate 37,000,000 pounds of edible kernels. The agreement and order established an assessment rate of two-tenths of a cent per pound. The application of this rate would provide an amount considerably in excess of the proposed budget. A rate of fifteen one-hundredths of a cent (0.15 cent) per pound would result in collection of sufficient funds to meet the budget. The agreement and order provides that funds collected in excess of expenditures within the authorized budget shall be refunded pro rata to handlers from whom the assessments were collected. It is therefore proposed to fix the assessment rate at fifteen-hundredths of a cent (0.15 cent) per pound.

Therefore, the proposed rule is as follows:

§ 909.302 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1952*—(a) *Budget of expenses.* For the crop year beginning July 1, 1952, expenses in the amount of $49,000 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1952, shall be, in lieu of the assessment rate specified in § 909.121 of said agreement and order, fifteen one-hundredths of a cent (0.15 cent) for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Issued at Washington, D. C., this 16th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 52–10246; Filed, Sept. 18, 1952, 8:55 a. m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR 1952–53 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish a salable percentage of 100 and a surplus percentage of zero in connection with dried prunes which are produced in California during the 1952–53 crop year. These percentages were recommended by the Prune Administrative Committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 993.203 *Dried prune salable tonnage and surplus tonnage regulation for the 1952–53 crop year.* (a) The salable percentage of dried prunes produced in California for the crop year beginning August 1, 1952, and ending July 31, 1953, shall be 100 percent, and the surplus percentage of such dried prunes for said crop year shall be zero percent.

(b) A salable percentage of 75 percent and surplus percentage of 25 percent were established for the 1951–52 crop year. Among the factors tending to support the presently proposed rule are: (1) A substantially smaller carrying of dried prunes at August 1, 1952 than that of a year earlier; (2) a smaller prospective production of dried prunes in California in 1952 than that in 1951; (3) anticipated consumer purchasing power for 1952–53 at least equal to that of 1951–52; and (4) in spite of the foregoing factors, there is expected to be a moderate surplus consisting of substandard dried prunes during the 1952–53 crop year. The surplus for the 1952–53 crop year is not expected to exceed the quantity of substandard prunes estimated to be contained in the current year's pro-

duction. Under the provisions of the aforesaid marketing agreement and order, substandard prunes are set aside and pooled as surplus when the surplus percentage is established as zero. The surplus substandard prunes may be sold for animal feed and for manufacturing purposes. Any of such prunes as are used for manufacturing purposes for human consumption must meet prescribed minimum standards of quality. It does not appear from data currently available that average returns to California producers of 1952 crop prunes will exceed the price level specified in section 2 (1) of the act.

Issued at Washington, D. C., this 16th day of September 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10247; Filed, Sept. 18, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

SIMON VUKAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Simon Vukas, 865 First Avenue, New York, New York, Claim No. 68549, Vesting Order No. 12324; $10,303.15 in the Treasury of the United States.

Executed at Washington, D. C., September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10240; Filed, Sept. 18, 1952; 8:54 a. m.]

GIUSEPPE DINO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Giuseppe Dino, Petralia Sottano, Province of Palermo, Italy, Claim No. 35872; $964.61 in the Treasury of the United States.

Executed at Washington, D. C., on September 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10241; Filed, Sept. 18, 1952; 8:54 a. m.]

ANNA LOUISE TROWITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Anna Louise Trowitz, Hallerstrasse 9, Hamburg, Germany, Claim No. 42126, $10,367.76 in the Treasury of the United States.

Executed at Washington, D. C., September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10242; Filed, Sept. 18, 1952; 8:54 a. m.]

THEODORE GREISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or afer 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Theodore Greisch, Niederanven, Luxembourg; Claim No. 31607; $1,876.65 in the Treasury of the United States.

Executed at Washington, D. C., on September 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10243; Filed, Sept. 18, 1952; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[FCA Order No. 559]

DEPUTY INTERMEDIATE CREDIT COMMISSIONER AND ASSISTANT INTERMEDIATE CREDIT COMMISSIONER

DELEGATION OF AUTHORITY TO EXECUTE AND PERFORM CERTAIN DUTIES AND FUNCTIONS

SEPTEMBER 10, 1952.

1. Martin H. Uelsmann, Deputy Intermediate Credit Commissioner, is hereby designated as Acting Intermediate Credit Commissioner for the period during which the office of Intermediate Credit Commissioner is vacant, and during such period he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Intermediate Credit Commissioner, including, but not limited to, all duties of the said Commissioner in respect to the preparation and issuance of consolidated debentures of the Federal intermediate credit banks.

2. Walter F. Patterson, Assistant Intermediate Credit Commissioner, is hereby designated as Acting Deputy Intermediate Credit Commissioner for the period during which the office of Intermediate Credit Commissioner is vacant, and during such period he is hereby authorized to execute and perform all functions, powers, and duties pertaining to the office of Deputy Intermediate Credit Commissioner, including, but not limited to, all duties of the Deputy Intermediate Credit Commissioner in respect to the preparation and issuance of consolidated debentures of the Federal intermediate credit banks.

3. This order shall be and become effective on the date hereof.

4. Farm Credit Administration Order No. 504, dated September 30, 1949 (14 F. R. 6119), is modified accordingly.

[SEAL] I. W. DUGGAN,
Governor.

[F. R. Doc. 52-10245; Filed, Sept. 18, 1952; 8:55 a. m.]

Office of the Secretary

MASSACHUSETTS AND NEW YORK

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to authority contained in Public Law 760, 81st Congress, the County of Worcester in Massachusetts and the County of Franklin in New York are hereby designated as areas in which mineral interests covered by a single application are to be sold for their fair market value, and accordingly, Schedule A entitled "Fair Market Value Areas," accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), is amended by adding such areas in alphabetical order.

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 17th day of September, 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10320; Filed, Sept. 18, 1952; 11:20 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5658]

U. S. AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the U. S. Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on September 18, 1952, is hereby indefinitely postponed.

Dated at Washington, D. C., September 16, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10244; Filed, Sept. 18, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF GAS PLANT ADJUSTMENT

SEPTEMBER 15, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, approving and directing disposition of amount classified in Account 107, gas plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10232; Filed, Sept. 18, 1952; 8:53 a. m.]

[Docket No. E-6455]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 11, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 (a) of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of $1,500,000 principal amount of a new series of First Mortgage Bonds to be dated as of October 1, 1952 and to be due on October 1, 1982, and the issuance of 26,775 shares of Common Stock, par value $15 per share. The new bonds are to be sold, through negotiation, to private institutions. The Common Stock is to be offered pro rata to the Preferred and Common Stockholders of the Company, on the basis of one share for each six shares of Preferred Stock, and one share for each twelve shares of Common Stock. Applicant has previously been authorized by the Commission to negotiate for the private sale of the new bonds and proposes to amend its application to set forth the results of such negotiation and to apply for exemption from the competitive bidding requirements of the Commission's Rules covering the issuance of the new bonds; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 1st day of October, 1952, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10225; Filed, Sept. 18, 1952; 8:51 a. m.]

[Docket Nos. G-1903, G-2042]

LOPENO GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 5, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application in Docket No. G-2042, for an order pursuant to section 7 (b) of the Natural Gas Act authorizing the abandonment of a portion of its facilities and in Docket No. G-1903, for amendment of a Presidential Permit granted on July 18, 1952, pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, operation, maintenance, and connection of facilities for the importation of natural gas into the United States from Mexico.

Applicant proposes to abandon two parallel 8-inch pipelines supported from the International Bridge between the United States and Mexico, at Roma, Texas, and to remove said pipelines from said bridge, for the reason that an existing 10-inch by-pass pipeline connecting with an 8-inch pipeline in the river bed of the Rio Grande is deemed to have sufficient capacity to transport the present and prospective gas load of approximately 500 Mcf per month required for the service proposed to be rendered by Applicant. Applicant states that two 8-inch pipelines connecting with the lines proposed to be removed, and owned by Compania Mexicana de Gas, S. A., are to be discontinued and removed by the latter company, and that the Starr County Bridge Company has requested Applicant to discontinue and remove its lines from the International Bridge.

On August 4, 1952, the Commission issued its findings and order in Docket No. G-1977, issuing a certificate of public convenience and necessity, authorizing the operation of certain river crossing facilities for the importation of natural gas, including the two 8-inch pipelines, hereinbefore described. On July 18, 1952, a Presidential Permit authorizing the construction, operation, maintenance, and connection of facilities at the border of the United States and Mexico for the importation of natural gas from Mexico, as requested in Docket No. G-1903, was signed by the President and was later accepted by Applicant. The facilities therein authorized included the two 8-inch pipelines now proposed to be abandoned by Applicant. Applicant requests authorization to abandon said facilities and an amendment of said Presidential Permit to eliminate therefrom the description of said facilities in order to permit their discontinuance and removal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10226; Filed, Sept. 18, 1952; 8:51 a. m.]

[Docket No. G-1992]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 15, 1952.

Notice is hereby given that on September 10, 1952, the Federal Power Commission issued its order entered September 9, 1952, in the above-entitled matter, permitting and approving abandonment of the facilities of Mississippi Gas Company by sale and assignment of lease to Mississippi Valley Gas Company, and issuing certificate of public convenience and necessity to Mississippi Valley Gas Company, Docket No. G-1992.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10229; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. G-2029]

PANHANDLE EASTERN PIPELINE CO.

NOTICE OF ORDER DENYING REQUEST FOR DECLARATORY ORDER

SEPTEMBER 15, 1952.

Notice is hereby given that on September 12, 1952, the Federal Power Commission issued its order entered Septem-

ber 11, 1952, denying request for a declaratory order in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10230; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. G-2041]

FREDERICKSBURG NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 15, 1952.

Take notice that on September 5, 1952, Fredericksburg Natural Gas Company (Applicant), a Virginia corporation, having its principal place of business in Fredericksburg, Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the following-described facilities:

1. Approximately 28½ miles of 4½" O. D. pipeline;
2. Approximately 0.72 miles of 3½" O. D. pipeline;
3. Four meter and regulating stations.

The above facilities will be used for the transportation of natural gas from a point on the existing natural-gas pipeline of Transcontinental Gas Pipe Line Corporation a distance of approximately 28½ miles through Culpeper, Orange, Spotsylvania, and Stafford Counties, Virginia, to the city of Fredericksburg, Virginia. Applicant will distribute the gas so transported in the city of Fredericksburg and environs.

Applicant estimates that its peak-day and annual requirements for each of the first five years of its operation will be as follows:

	First year	Second year	Third year	Fourth year	Fifth year
	Mcf.	*Mcf.*	*Mcf.*	*Mcf.*	*Mcf.*
Peak-day volumes	1,718	2,234	2,877	3,268	5,501
Annual volume	498,299	664,845	851,022	985,684	1,070,618

Applicant estimates that the total capital cost of its proposed project is $746,690, inclusive of $316,730 representing costs related to the acquisition, modification, and extension of the existing municipally owned manufactured gas distribution in the city of Fredericksburg.

Applicant proposes to finance the cost of its proposed project by the issuance and sale of Applicant's debt and equity securities.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of October 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10227; Filed, Sept. 18, 1952; 8:52 a. m.]

[Project No. 2097]

NAMEKAGON HYDRO CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 12, 1952.

Notice is hereby given that the hearing, in the above-designated matter, now scheduled to resume on October 14, 1952, is hereby continued to November 12, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10228; Filed, Sept. 18, 1952; 8:52 a. m.]

[Docket No. ID-1178]

FLOYD W. WOODCOCK

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 15, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10231; Filed, Sept. 18, 1952; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-444]

TOBACCO SMOKING PIPE AND CIGAR AND CIGARETTE HOLDER INDUSTRIES

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Tobacco Smoking Pipe and Cigar and Cigarette Holder Industries in the Statler Hotel, New York City, on October 10, 1952, commencing at 10:00 a. m., e. s. t.

All persons, firms, and corporations engaged in the production, distribution, or marketing of tobacco smoking pipes, or of cigar or cigarette holders, are considered members of said industries and are cordially invited to attend and participate in this conference.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for these industries under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: Sept. 16, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10253; Filed, Sept. 18, 1952; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WINIFRED ROSE GALBRAITH

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Winifred Rose Galbraith, The Barclay, 18th & Rittenhouse Square, Philadelphia 3, Pa.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September 1952.

I. The Commission's public official files disclose that Winifred Rose Galbraith, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1948, 1949, 1950, and 1951, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 15th day of October 1952 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 10, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 15, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10206; Filed, Sept. 18, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

[File No. 70-2914]

OHIO EDISON CO.

NOTICE OF FILING WITH RESPECT TO PROPOSED EXCHANGE OF UTILITY ASSETS

SEPTEMBER 15, 1952.

Notice is hereby given that an application-declaration, with amendments thereto, has been filed with this Commission by Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company. Applicant-declarant has designated sections 9, 10 and 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Ohio Edison proposes to acquire from Columbus and Southern Ohio Electric Company ("Columbus and Southern"), a non-affiliated public utility company, certain electric distribution and related facilities, serving approximately 1,500 retail customers, located in Madison, Franklin, Fayette and Union Counties, Ohio. The properties to be conveyed by Columbus and Southern have an estimated gross original cost of approximately $526,000 and an estimated applicable reserve for depreciation of approximately $69,000, which amounts Ohio Edison proposes to record on its books.

In exchange for such properties, Ohio Edison proposes to transfer to Columbus and Southern certain electric distribution and related facilities, serving approximately 1,300 retail customers, located in Delaware and Franklin Counties, Ohio. A determination of the original cost of these properties, among others, is being made but is not yet completed.

As part of the exchange, Ohio Edison will receive from Columbus and Southern a cash adjustment of approximately $28,200 to reflect the slightly higher value, based on revenues, attributable to the properties to be conveyed by Ohio Edison.

It is stated that the proposed transactions by integrating the properties with closer sources of supply will result in operating economies.

The filing indicates that the transactions proposed by Ohio Edison and Columbus and Southern are subject to the approval of the Public Utilities Commission of Ohio. It is represented that the accounting entries with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the Uniform System of Accounts of the Federal Power Commission, which system of accounts requires that within six months from the date of acquisition, or disposition of properties the proposed journal entries giving effect to the transactions and reflecting the original cost of the properties must be submitted to that Commission for approval. The filing further indicates that when the original cost and accrued depreciation of the properties proposed to be acquired and disposed of is finally determined, Ohio Edison will eliminate any amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, with a contra entry to earned surplus.

It is estimated that the expenses to be incurred by Ohio Edison in connection with the proposed transactions will aggregate $6,200, consisting of $1,200 to Commonwealth Services, Inc.; $3,000 to J. S. Hartt, independent engineer; $1,500 to Winthrop, Stimson, Putnam & Roberts, counsel for the company, and $500 for miscellaneous expenses. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than September 29, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1952, said application-declaration, as amended, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10204; Filed, Sept. 18, 1952; 8:47 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

ORDER CONCERNING SALE OF BONDS AND OF SERIAL NOTES SUBJECT TO RESERVATIONS

SEPTEMBER 15, 1952.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-42 and Rule U-50 thereunder with respect to the following proposed transactions:

Appalachian proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $17,000,000 principal amount of its First Mortgage Bonds ____ percent Series due 1982, and $6,000,000 aggregate principal amount of its ___ percent Serial Notes due 1956–67.

The First Mortgage Bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated as of December 1, 1940, as supplemented, and as to be supplemented by four supplemental indentures.

The Serial Notes due 1956–67 will mature annually in the amounts of $250,000 in each of the years 1956 to 1960, inclusive; $500,000 in each of the years 1961 and 1962, and $750,000 in each of the years 1963 to 1967, inclusive.

The proceeds from the sale of securities are to be used in part for prepayment of notes payable to banks which, it is contemplated, will be outstanding in the amount of $14,000,000 at the time of the issuance and sale of the securities. The balance of the proceeds to be realized will be applied to extensions, additions and improvements to Appalachian's properties.

Said application having been filed on August 27, 1952, an amendment thereto having been filed on September 11, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the

time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of the securities are for the purpose of financing the business of Appalachian as a public utility company, the Commission also finding that the proposed transactions have been specifically authorized by the State Corporation Commission of Virginia, the State Commission of the State in which Appalachian was organized and one of the States in which it does business, and by the Tennessee Railroad and Public Utilities Commission, the State Commission of another of the States in which Appalachian does business, the Commission observing that it is unnecessary to determine whether the proposed transactions constitute an application under section 6 (b) or a declaration under section 7 since the Commission finds that it is appropriate to grant such application or permit such declaration to become effective without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application or declaration be, and the same hereby is, granted or permitted to become effective forthwith, subject to the following conditions:

1. That the proposed sale of securities shall not be consummated until a further order shall have been entered by the Commission herein in the light of the record as further developed setting forth the results of competitive bidding under Rule U-50;

2. That jurisdiction be, and the same hereby is, reserved with respect to the fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10203; Filed, Sept. 18, 1952; 8:47 a. m.]

[File No. 70-2929]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING AND ORDER FOR HEARING CONCERNING SALE BY RIGHTS OF COMMON STOCK OF UNITED GAS CORPORATION

SEPTEMBER 15, 1952.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Bond and Share proposes to offer to its stockholders 525,000 shares of the common stock of United Gas Corporation ("United") held by Bond and Share, on the basis of one share of United stock for each ten shares of Bond and Share stock held, at a price to be determined by the board of directors of Bond and Share immediately prior to the commencement of the offering period and as of a record date to be determined. The proposed rights will be evidenced by fully transferable warrants. Bond and Share does not propose to accept subscriptions for fractional shares, but will provide facilities for the purchase and sale of rights in order that Bond and Share's stockholders who so elect may either acquire such additional rights as are necessary to enable them to subscribe for full shares of United stock, or sell such rights as are not required for subscription to such shares.

The application-declaration states that the warrants will be exercisable for a period of at least fourteen days, beginning on the day following the date of completion of the mailing of warrants to Bond and Share's stockholders.

It is further stated that, in the event that United shall declare a dividend payable to its stockholders of record as of a date which is within the rights offering period, the right of any record holder to receive such a dividend will not be affected by the offering of this stock, except that a person exercising warrants will be deemed to be a holder of record of the shares covered by such warrants on the date when the subscription agent shall have received such warrants in proper form for exercise and New York funds sufficient to pay the purchase price.

It is further stated that, provided that not less than 85 percent of the United common stock being offered shall have been subscribed for at the conclusion of the offering period, the holders of Bond and Share's stock who have not exercised or sold their warrants will be paid cash amounts representing the value of their warrants (based on the final average price received by the subscription agent in connection with the sale of rights on the closing date of the offering period) less allowances for such expenses as would be incurred in the sale of shares represented by such warrants, or that in the alternative, Bond and Share may instruct the subscription agent to sell, as of the last day of the offering period, rights equivalent to the warrants for such unsubscribed for shares of United stock, and to remit the net proceeds to stockholders who did not exercise or sell their warrants.

On February 6, 1952, the Commission issued its Findings and Opinion and Order directing Bond and Share to dispose of the 3,165,781 shares (27 percent) of the common stock of United held by Bond and Share. Bond and Share filed a Petition for Review of this Order in the United States Court of Appeals, District of Columbia Circuit, which appeal is presently pending. In the meantime, Bond and Share has filed a plan under section 11 (e) of the act proposing, among other things, the disposition of not less than 2,598,750 shares of the common stock of United through sales by rights, a capital distribution, and dividend distributions during the years 1952 through 1955. That plan proposes that the rights offerings of the United stock be at a discount of 25 percent below the market price at the time of such offerings, the first of such rights offerings being scheduled for the year 1952 in the amount of 525,000 shares. The present application-declaration does not set forth the discount at which the United stock is to be offered, and constitutes a withdrawal from the plan of the rights offering scheduled for the year 1952. The withdrawal of these shares from the plan is stated to be in accordance with the provision therein which allows Bond and Share to separately consummate certain parts of the plan or to take certain transactions out of the plan at any time prior to its approval by the Commission.

Bond and Share states that it is important to consummate the rights offering of the United stock as proposed in the year 1952 in order to avail itself of tax benefits which expire at the end of this year. The application-declaration states that a substantial tax loss carry-over of Bond and Share will expire at the end of 1952, and that if the rights offering is not accomplished this year, there will be a capital gain of several million dollars which could not be set off against the present capital loss carry-over, with the result that Bond and Share might be required to pay a considerable capital gains tax upon the disposition of the 525,000 shares of the United stock.

The Commission considering that the application-declaration raises issues that should not be resolved prior to affording notice and opportunity for hearing with respect thereto; and

It also appearing that evidence heretofore taken in connection with the plan proceedings of Bond and Share (File No. 54-127) may be pertinent to the issues to be considered herein:

It is hereby ordered, That hearings in the above entitled matter be convened on September 30, 1952, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before September 26, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice:

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That at such hearing the record heretofore made in the proceedings on Bond and Share's plan (File No. 54-127) be incorporated by reference herein to the extent pertinent to the issues herein set forth.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether it is appropriate that the proposed transactions be withdrawn from the plan of Bond and Share;

2. Whether the proposed transactions are in accordance with the applicable standards of the act;

3. Whether the disposition of the United stock as proposed is in accordance with the order of the Commission of February 6, 1952;

4. Whether the terms of the rights offering are fair to the stockholders of Bond and Share;

5. Whether, in the event the transactions are carried out, any terms or conditions should be imposed in connection therewith or in connection with the use of the proceeds to be realized from the sale.

It is further ordered, That at the hearing to be held particular attention be directed to the foregoing matters and issues.

It is further ordered, That a copy of this notice and order be served upon Bond and Share, United, and those persons who have been granted leave to participate in the Bond and Share plan proceedings (File No. 54-127), and that notice be given to all other persons by general release of this Commission, which shall be distributed to the press, and to the mailing list for releases under the Public Utility Holding Company Act of 1935, and by publication of this Order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10205; Filed, Sept. 18, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27393]

ANHYDROUS AMMONIA FROM POINTS IN ARKANSAS, TEXAS, KANSAS, AND LOUISIANA TO NEW ALBANY AND JEFFERSONVILLE, IND.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Military, Kans., Lake Charles, West Lake Charles, and Sterlington, La.

To: New Albany and Jeffersonville, Ind.

Grounds for relief: Rail competition, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10207; Filed, Sept. 18, 1952; 8:48 a. m.]

[4th Sec. Application 27394]

PREFABRICATED HOUSES FROM COLLINS AND LAUREL, MISS., AND FORT PAYNE, ALA., TO OHIO AND MICHIGAN

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Houses or garages, wooden, portable or prefabricated, carloads.

From: Collins and Laurel, Miss., and Fort Payne, Ala.

To: Points in Ohio and Michigan.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10208; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27395]

ANHYDROUS AMMONIA FROM ARKANSAS, LOUISIANA, TEXAS, AND KANSAS TO NEW ALBANY AND JEFFERSONVILLE, IND.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Military, Kans., Lake Charles, West Lake Charles, and Sterlington, La.

To: New Albany and Jeffersonville, Ind.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10209; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27396]

SCRAP PAPER FROM ELIZABETH, LA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3992.

Commodities involved: Scrap and waste paper, carloads.

From: Elizabeth, La.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to

apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3992, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10210; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27397]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the New England Motor Freight, Inc.

Commodities involved: All freight, carloads.

Between: Boston, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10211; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27398]

CINDERS, CLAY OR SHALE, BETWEEN POINTS IN KANSAS AND MISSOURI AND POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Cinders, clay or shale, carloads.

Between: Points in Kansas and Missouri, on the one hand, and points in the Southwest, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 201.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10212; Filed, Sept. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27399]

GYPSUM LATH FROM POINTS IN TEXAS AND OKLAHOMA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4026.

Commodities involved: Gypsum lath, carloads.

From: Acme, Celotex, Rotan, and Sweetwater, Tex., and Southard, Okla.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4026.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10213; Filed, Sept. 18, 1952; 8:50 a. m.]

Reference Room

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 185

Washington, Saturday, September 20, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10395

EXTENSION OF TIME RELATING TO THE DISPOSITION OF CERTAIN TEMPORARY HOUSING

By virtue of the authority vested in me by section 611 of the act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, hereinafter called the Act, and having determined, after considering the needs of national defense and the effect of the extensions hereinafter provided for upon the general housing situation and the national economy, that such extensions are in the public interest, it is hereby ordered as follows:

1. The time stipulated in subsection (c) of section 601 of the Act on or before which requests must be filed under subsection (h) of that section is extended to December 31, 1952.

2. The time stipulated in subsection (c) of section 601 of the Act on or before which all conditions to relinquishments or transfers pursuant to requests made under subsection (h) of that section must be complied with is extended to June 30, 1953.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 18, 1952.

[F. R. Doc. 52-10347; Filed, Sept. 19, 1952; 10:30 a. m.]

EXECUTIVE ORDER 10396

ESTABLISHING A SEAL FOR THE SMALL DEFENSE PLANTS ADMINISTRATION

WHEREAS the Small Defense Plants Administration has caused to be made, and has recommended that I approve, a seal of office for the Small Defense Plants Administration, the design of which accompanies and is hereby made a part of this order, and which is of the following description:

On a disk divided horizontally, of defenders blue and silver gray, a yoke pedestal of the first supporting a chain of three spur gears of the second, in front of a series of factory buildings of the like emanating from partition line, all encircled by a defenders blue band edged in silver gray containing the inscription "SMALL DEFENSE PLANTS ADMINISTRATION" in silver gray letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the Small Defense Plants Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Small Defense Plants Administration.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 18, 1952.

[F. R. Doc. 52-10348; Filed, Sept. 19, 1952; 10:30 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 3]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

REVISION OF PRORATION OF 1952 QUOTA

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating among the foreign countries other than Cuba and the Republic of the Philippines which had filled their prorations by September 1, 1952, that part

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FEDERAL REGISTER

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of the basic quota for all such foreign countries which has not been filled.

Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country has not been filled, the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date.

This amendment increases the prorations of the basic quota to some of the countries. In order to afford adequate opportunity to ship the sugar as authorized by this amendment, and thereby protect the interest of consumers, it is essential that the revised prorations be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment hereinmade shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. Sup. IV, 1100) and the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), Sugar Regulation 813 (16 F. R. 13032) as amended (17 F. R. 5691; 17 F. R. 6758), establishing quotas for 1952 is hereby further amended as follows:

1. Section 813.33 is amended by adding thereto new paragraphs (e) and (f) as follows:

§ 813.33 *Determination and proration of area deficits.* * * *

(e) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that unfilled prorations of the quota for foreign countries other than Cuba and the Republic of the Philippines, established under section 202 (c) of the act, amount to 33,306,361 pounds of sugar, raw value, and that Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru and the United Kingdom had filled their prorations of such quota by September 1, 1952.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act, as follows:

Country:	*Additional prorations in pounds, raw value*
Colombia	466
Costa Rica	35,571
Dominican Republic	11,511,751
Haiti	1,590,979
Netherlands	376,096
Peru	19,186,175
United Kingdom	605,344

Statement of bases and considerations. In Sugar Regulation 813, the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act, equaled 66,858,000 pounds of sugar, raw value.

Section 204 (b) of the act provides that if, on the first day of September in any calendar year, any part or all of the proration to any foreign country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under the provisions of section 202 (c) has not been filled, the Secretary may revise the proration of such quota among such foreign countries by allotting an amount of sugar equal to the unfilled proration to those countries which have filled their quotas by such date. Section 204 (c) of the act provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

Only seven countries, as of September 1, 1952, had filled their prorations of the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act. Therefore, pursuant to subsections (b) and (d) of section 204 of the act, the portion of the quota unfilled has been prorated to those seven countries named in paragraph (f) of § 813.33 on the basis of their initial prorations.

The proration of Philippine deficit remains unchanged as initially made in S. R. 813, Amendment 1.

After giving effect to the changes set forth in Sugar Regulation 813 and Amendments 1 and 2 thereto, the current prorations of quota in terms of pounds, raw value, for the full duty countries are shown in the following table:

ADJUSTED PRORATION OF BASIC QUOTA AND PHILIPPINE DEFICIT FOR FOREIGN COUNTRIES OTHER THAN CUBA AND THE REPUBLIC OF THE PHILIPPINES

[Pounds, raw value]

Country	Basic proration [1]	Adjusted basic proration	Philippine deficit	Total adjusted proration
Argentina	19,559			
Australia	274			
Belgium	394,891			
Brazil	1,606			
British Malaya	35			
Canada	757,029			
China and Hongkong	886,580	624		624
Columbia	358	946		946
Costa Rica	27,636	63,186		63,186
Czechoslovakia	353,280			
Dominican Republic	8,947,514	20,459,265	5,391,700	25,850,965
Dutch East Indies	283,627			
Dutch West Indies	8			
France	235			
Germany	157			
Guatemala	449,359			
Haiti	1,236,587	2,827,566	745,160	3,572,726
Honduras	4,605,690			
Italy	2,349			
Japan	5,379			
Mexico	8,093,344	132,509	4,877,000	5,009,509
Netherlands	292,323	668,536		668,536
Nicaragua	13,714,156	7,529,920		7,529,920
Peru	14,912,478	34,098,653	8,986,140	43,084,793
Salvador	11,013,911			
United Kingdom	470,512	1,076,795		1,076,795
Venezuela	389,114			
Unallotted reserve	500,000			
Total	66,858,000	66,858,000	20,000,000	86,858,000

[1] By reason of sec. 204 (c) of the act each individual country retains its basic proration of the quota even though it may not have filled such proration by Sept. 1.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 17th day of September 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

C. J. MCCORMICK,
Acting Secretary.

[F. R. Doc. 52-10323; Filed, Sept. 19, 1952; 8:51 a. m.]

Chapter IX, Production and Mar- in the State of Arizona which may be

PRORATE BASE SCHEDULE—Continued

wise proper petitions for intervention

Wool Products Labeling Act. Subpart—

Thereafter the proceeding regularly

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 453]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.560 *Lemon Regulation 453*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 *et seq.*) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 17, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 21, 1952, and ending at 12:01 a. m., P. s. t., September 28, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C. this 18th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Sept. 14, 1952]

DISTRICT NO. 2

[12:01 a. m. Sept. 21, 1952, to 12:01 a. m. Oct. 5, 1952]

Handler	Prorate Base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.075
American Fruit Growers, Inc., Fullerton	.206
American Fruit Growers, Inc., Upland	.132
Badington Fruit Co	.345
Venturo Coastal Lemon Co	4.025
Ventura Pacific Co	3.676
Glendora Lemon Growers Association	1.549
La Verne Lemon Association	.438
La Habra Citrus Association	.794
Yorba Linda Citrus Association, The	.515
Escondido Lemon Association	1.227
Olta Loma Heights Citrus Association	.269
Etiwanda Citrus Fruit Association	.070
Mountain View Fruit Association	.068
Old Baldy Citrus Association	.428
San Dimas Lemon Association	.552
Upland Lemon Growers Association	3.667
Central Lemon Association	.507
Irvine Citrus Association	.422
Placentia Mutual Orange Association	.139
Corona Citrus Association	.037
Corona Foothill Lemon Co	1.455
Jameson Co	.569
Arlington Heights Citrus Co	.297
College Heights Orange & Lemon Association	2.112
Chula Vista Citrus Association, The	.625
Escondido Cooperative Citrus Association	.083
Fallbrook Citrus Association	1.498
Lemon Grove Citrus Association	.294
Carpinteria Lemon Association	4.031
Carpinteria Mutual Citrus Association	4.439
Goleta Lemon Association	6.659
Johnston Fruit Co	7.494
Haseltine Packing Co	.089
North Whittier Heights Citrus Association	.456

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
San Fernando Heights Lemon Association	0.535
Sierra Madre-Lamanda Citrus Association	.347
Briggs Lemon Association	2.779
Culbertson Lemon Association	1.503
Fillmore Lemon Association	.655
Oxnard Citrus Association	7.204
Rancho Sespe	.757
Santa Clara Lemon Association	4.880
Santa Paula Citrus Fruit Association	3.490
Saticoy Lemon Association	5.352
Seaboard Lemon Association	6.080
Somis Lemon Association	4.493
Ventura Citrus Association	1.448
Ventura County Citrus Association	.702
Limoneira Company	2.843
Teague-McKevett Association	.601
East Whittier Citrus Association	.283
Leffingwell Rancho Lemon Association	.497
Murphy Ranch Company	1.314
Chula Vista Mutual Lemon Association	.574
Index Mutual Association	.097
La Verne Cooperative Citrus Association	.939
Orange Belt Fruit Distributors	.222
Ventura County Orange & Lemon Association	3.090
Whittier Mutual Orange & Lemon Association	.017
Latimer, Harold	.045
Paramount Citrus Association, Inc	.000

[F. R. Doc. 52-10344; Filed, Sept. 19, 1952; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-18]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INTERVENTION BY CITIES, OTHER PUBLIC BODIES, AND CHAMBERS OF COMMERCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of September 1952.

The present § 302.15 of the Board's Procedural Regulations requires prospective interveners in Board proceedings, other than mail rate proceedings in which a show cause order has been issued, to file a petition for intervention with the Board prior to the first prehearing conference, or, in the event that no such conference is to be held, not later than 15 days prior to the hearing. Experience under the rule has shown that it presents many practical problems for cities, other public bodies, and chambers of commerce, which may desire to participate in Board proceedings. Lack of familiarity with the rules, absence of knowledge of prehearing conferences in proceedings in which they may be interested, and the necessity to obtain formal authorization from a city council or other body, contribute to a situation in which compliance with the present rule is difficult for such groups. The result is that the Board is presented with a substantial number of requests for untimely intervention.

The Board cannot meet all of these requests and at the same time adhere to its rules. Consequently, many otherwise proper petitions for intervention may be denied. Under the circumstances the public interest would appear to be in the direction of amending the rules so as to permit interventions by such groups in formal Board economic proceedings at a later date than is now provided. An appropriate cut-off date is the beginning of the hearing in a proceeding in which intervention is sought. We do not believe that this extension will impose any burden on air carrier parties to proceedings while it will help city and similar interveners to meet the problems cited above.

Nor will such a change affect the right of a party under § 302.15 (c) (3) to the an answer within 7 days after the intervention petition is filed. If the petition is not filed until the day before the beginning of a hearing, participation in hearing will take place subject to ultimate Board action thereon.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice. Also since the problem is immediately pressing, the Board desires to make the change immediately effective. At the same time it desires to give an opportunity for comments thereon prior to any permanent change in the intervention rule. It will therefore, adopt the proposed change, effective September 15, 1952, as a temporary rule for 60 days, and give notice of a proposed permanent revision of the same character to be circulated for comment.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR 302) as follows, effective September 15, 1952, to continue in effect to and including November 15, 1952:

By adding to the provisions of paragraph (c), subparagraph (2), of § 302.15 a new subdivision (iii) to read as follows:

(iii) A petition to intervene in any Board proceeding filed by a city, other public body, or a chamber of commerce shall be filed with the Board not later than the last day prior to the beginning of the hearing therein.

(Sec. 205, 52 Stat. 934; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10301; Filed, Sept. 19, 1952; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5856]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERZEE SPORTSWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution into commerce, of wool sportswear or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said Wool Products Labeling Act, misbranding such sportswear or other wool products, (1) by falsely or deceptively stamping, tagging or labeling or otherwise identifying such products; (2) by failing to securely affix to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Berzee Sportswear, Inc. et al., New York, N. Y., Docket 5856, June 12, 1952]

In the Matter of Berzee Sportswear, Inc., a Corporation, Harry Zimmerman and Walter Bernstein, Individually and as Officers of Said Corporation

This proceeding was heard by Frank Hier, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, and a hearing at which testimony and other evidence in support of and in opposition to the complaint were introduced before said examiner, respondents having filed no answer, nor appeared by counsel.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, testimony and other evidence, and said examiner, having duly considered the record, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 12, 1952.

The said order to cease and desist is as follows:

It is ordered, That respondents Berzee Sportswear, Inc., a corporation, its officers, and Harry Zimmerman and Walter Bernstein, individually and as officers of said corporation, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wool sportswear or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said Wool Products Labeling Act, do forthwith cease and desist from misbranding such sportswear or other wool products:

1. By falsely or deceptively stamping, tagging, labeling or otherwise identifying such products;

2. By failing to securely affix to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939:

Provided, That the foregoing provi-

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Employees' Compensation, Federal Security Agency

PART 301—ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Federal Security Administrator by section 4 (b) of the Federal Employees' Compensation Act, as amended (5 U. S. C. 764 (b)), and in accordance with the provisions of section 4 (c) of the Federal Employees' Compensation Act, as amended (5 U. S. C. 764 (c)), Part 301 is amended as follows:

1. Section 301.101 is amended by adding thereto the following new paragraph:

§ 301.101 *Definitions.* * * *

(m) "Physician" includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopaths, within the scope of their practice as defined by State law.

2. Section 301.102 is amended by adding thereto the following new paragraph:

§ 301.102 *Claims.* * * *

(d) Where a claim is filed by a person who is not the employee, the claim shall be accompanied by a statement from the employee, if he is alive, indicating his wishes with respect to the payment of compensation.

3. Section 301.103 is amended by adding thereto the following new paragraph:

§ 301.103 *Medical service and supplies.* * * *

(d) Where a claimant has received treatment from a physician, the Bureau may require that a report be submitted by the physician on such form as the Bureau may prescribe.

4. Section 301.104 is amended by adding thereto the following new paragraph:

§ 301.104 *Compensation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

5. Section 301.105 is amended by adding thereto the following new paragraph:

§ 301.105 *Vocational rehabilitation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

6. Section 301.106 is amended by adding thereto the following new paragraph:

§ 301.106 *Payment of compensation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

7. Section 301.107 is amended by adding thereto the following new paragraph:

§ 301.107 *Adjustment of compensation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

8. Section 301.108 is amended by adding thereto the following new paragraph:

§ 301.108 *Forfeiture of compensation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

9. Section 301.109 is amended by adding thereto the following new paragraph:

§ 301.109 *Refund of compensation.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

10. Section 301.110 is amended by adding thereto the following new paragraph:

§ 301.110 *Appeals.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

11. Section 301.111 is amended by adding thereto the following new paragraph:

§ 301.111 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

12. Section 301.112 is amended by adding thereto the following new paragraph:

§ 301.112 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

13. Section 301.113 is amended by adding thereto the following new paragraph:

§ 301.113 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

14. Section 301.114 is amended by adding thereto the following new paragraph:

§ 301.114 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

15. Section 301.115 is amended by adding thereto the following new paragraph:

§ 301.115 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

16. Section 301.116 is amended by adding thereto the following new paragraph:

§ 301.116 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

17. Section 301.117 is amended by adding thereto the following new paragraph:

§ 301.117 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

18. Section 301.118 is amended by adding thereto the following new paragraph:

§ 301.118 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

19. Section 301.119 is amended by adding thereto the following new paragraph:

§ 301.119 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

20. Section 301.120 is amended by adding thereto the following new paragraph:

§ 301.120 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

21. Section 301.121 is amended by adding thereto the following new paragraph:

§ 301.121 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

22. Section 301.122 is amended by adding thereto the following new paragraph:

§ 301.122 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

23. Section 301.123 is amended by adding thereto the following new paragraph:

§ 301.123 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

24. Section 301.124 is amended by adding thereto the following new paragraph:

§ 301.124 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

25. Section 301.125 is amended by adding thereto the following new paragraph:

§ 301.125 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

26. Section 301.126 is amended by adding thereto the following new paragraph:

§ 301.126 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

27. Section 301.127 is amended by adding thereto the following new paragraph:

§ 301.127 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

28. Section 301.128 is amended by adding thereto the following new paragraph:

§ 301.128 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

29. Section 301.129 is amended by adding thereto the following new paragraph:

§ 301.129 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

30. Section 301.130 is amended by adding thereto the following new paragraph:

§ 301.130 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

31. Section 301.131 is amended by adding thereto the following new paragraph:

§ 301.131 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

32. Section 301.132 is amended by adding thereto the following new paragraph:

§ 301.132 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

33. Section 301.133 is amended by adding thereto the following new paragraph:

§ 301.133 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

34. Section 301.134 is amended by adding thereto the following new paragraph:

§ 301.134 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

35. Section 301.135 is amended by adding thereto the following new paragraph:

§ 301.135 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

36. Section 301.136 is amended by adding thereto the following new paragraph:

§ 301.136 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

37. Section 301.137 is amended by adding thereto the following new paragraph:

§ 301.137 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

38. Section 301.138 is amended by adding thereto the following new paragraph:

§ 301.138 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

39. Section 301.139 is amended by adding thereto the following new paragraph:

§ 301.139 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

40. Section 301.140 is amended by adding thereto the following new paragraph:

§ 301.140 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

41. Section 301.141 is amended by adding thereto the following new paragraph:

§ 301.141 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

42. Section 301.142 is amended by adding thereto the following new paragraph:

§ 301.142 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

43. Section 301.143 is amended by adding thereto the following new paragraph:

§ 301.143 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

44. Section 301.144 is amended by adding thereto the following new paragraph:

§ 301.144 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

45. Section 301.145 is amended by adding thereto the following new paragraph:

§ 301.145 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

46. Section 301.146 is amended by adding thereto the following new paragraph:

§ 301.146 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

47. Section 301.147 is amended by adding thereto the following new paragraph:

§ 301.147 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

48. Section 301.148 is amended by adding thereto the following new paragraph:

§ 301.148 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

49. Section 301.149 is amended by adding thereto the following new paragraph:

§ 301.149 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

50. Section 301.150 is amended by adding thereto the following new paragraph:

§ 301.150 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

51. Section 301.151 is amended by adding thereto the following new paragraph:

§ 301.151 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

52. Section 301.152 is amended by adding thereto the following new paragraph:

§ 301.152 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

53. Section 301.153 is amended by adding thereto the following new paragraph:

§ 301.153 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

54. Section 301.154 is amended by adding thereto the following new paragraph:

§ 301.154 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

55. Section 301.155 is amended by adding thereto the following new paragraph:

§ 301.155 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

56. Section 301.156 is amended by adding thereto the following new paragraph:

§ 301.156 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

57. Section 301.157 is amended by adding thereto the following new paragraph:

§ 301.157 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

58. Section 301.158 is amended by adding thereto the following new paragraph:

§ 301.158 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

59. Section 301.159 is amended by adding thereto the following new paragraph:

§ 301.159 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

60. Section 301.160 is amended by adding thereto the following new paragraph:

§ 301.160 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

61. Section 301.161 is amended by adding thereto the following new paragraph:

§ 301.161 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

62. Section 301.162 is amended by adding thereto the following new paragraph:

§ 301.162 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

63. Section 301.163 is amended by adding thereto the following new paragraph:

§ 301.163 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

64. Section 301.164 is amended by adding thereto the following new paragraph:

§ 301.164 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

65. Section 301.165 is amended by adding thereto the following new paragraph:

§ 301.165 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

66. Section 301.166 is amended by adding thereto the following new paragraph:

§ 301.166 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

67. Section 301.167 is amended by adding thereto the following new paragraph:

§ 301.167 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

68. Section 301.168 is amended by adding thereto the following new paragraph:

§ 301.168 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

69. Section 301.169 is amended by adding thereto the following new paragraph:

§ 301.169 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

70. Section 301.170 is amended by adding thereto the following new paragraph:

§ 301.170 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

71. Section 301.171 is amended by adding thereto the following new paragraph:

§ 301.171 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

72. Section 301.172 is amended by adding thereto the following new paragraph:

§ 301.172 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

73. Section 301.173 is amended by adding thereto the following new paragraph:

§ 301.173 *Miscellaneous.* * * *

(d) Where a claimant has been paid compensation for total disability for a period of 45 days or more, he shall submit to the Bureau, at such intervals as the Bureau may prescribe, a certificate from a physician as to the continuance of total disability.

74. Section 301.174 is amended by adding thereto the following new paragraph:

§ 301.174 *

sions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance", Docket 5856, June 12, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered. That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 12, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10252; Filed, Sept. 19, 1952; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53101]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

DIVERSION OF CARGO

Section 4.33 (c), Customs Regulations of 1943, as amended by T. D. 51610, now requires the posting of a special bond with the collector of customs in support of an application by a vessel's owner or agent to amend the vessel's manifest to show a different domestic port of discharge for the cargo on board than that shown on the manifest filed on entry of the vessel. Such bond is conditioned to hold the collector blameless for permitting the diversion of the cargo to another domestic port for discharge.

In this connection, consideration has been given to representations that the exaction of such a bond constitutes an unnecessary restriction on commerce and should not be required.

After a careful study of the various aspects of the matter, the conclusion has been reached that an application to divert cargo to another port for discharge need no longer be supported by the above-mentioned special bond. It has also been concluded that, when a strike or other emergency exists at a United States port for which inward foreign cargo is manifested, provision should be made for the master, owner, or agent of the vessel to apply for the temporary diversion of the cargo to a foreign port without the necessity of filing an export entry therefor. Accordingly, and also to clarify the procedure in connection with applications to divert cargoes, § 4.33, Customs Regulations of 1943 (19 CFR 4.33), as amended, is hereby further amended as follows:

1. Paragraph (c) is amended to read:

(c) The inward foreign manifest of a vessel may be changed at any time following entry of the vessel to substitute domestic ports for either other domestic or foreign ports as ports of discharge of the merchandise shown on the inward foreign manifest. A written application for the diversion shall be made by the master, owner, or agent of the vessel to the collector of the port where the vessel is located, after entry of the vessel at that port. An amended manifest under oath covering the merchandise which it is desired to divert shall be furnished in support of the application. The amended manifest shall be filed in such number of copies as the collector may require for local customs purposes. The certified traveling manifest shall not be altered or added to in any way by the master or agent. When an application to divert to another port for discharge is approved by a collector for an intermediate port, he shall securely attach an approved copy of the application and a copy of the amended manifest to the traveling manifest and shall send one copy of the amended manifest to the collector at the port where the vessel's bond was filed.

2. A new paragraph (d) is added:

(d) If, as the result of a strike or other emergency at a United States port for which inward foreign cargo is manifested, it is desired to retain the cargo on board the vessel for discharge at a foreign port but with the purpose of having the goods returned to the United States, an application to amend the vessel's manifest under a procedure like that described in paragraph (c) of this section, except to substitute a foreign for the domestic port named as the port of discharge, may be made by the master, owner, or agent of the vessel. If the application is approved, it shall thereafter be handled in the same manner as an application filed under paragraph (c). However, before approving the application, the collector is authorized to require such bond as he deems necessary to insure that export control laws and regulations are not circumvented.

(Secs. 449, 624, 46 Stat. 715, 759; 19 U. S. C. 1449, 1624.)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: September 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10298; Filed, Sept. 19, 1952; 8:50 a. m.]

[T. D. 53102]

PART 12—SPECIAL CLASSES OF MERCHANDISE

IMPORTATION OF WILD ANIMALS AND BIRDS AND EGGS OF GAME BIRDS

In view of the amendment of the regulations of the Departments of the Interior and Agriculture governing the importation of wild animals and birds and the eggs of game birds, §§ 12.26 and 12.29, Customs Regulations of 1943 (19 CFR 12.26 and 12.29), are amended as follows:

1. Section 12.26 is amended as follows:

a. Paragraph (a) is amended to read:

§ 12.26 *Importations of wild animals or birds; certain species prohibited; permits required.* (a) The importation into the United States or any territory or district thereof of the mongoose, the so-called "flying fox" or fruit bat, the English sparrow, the starling, and such other birds and animals as the Secretary of the Interior may from time to time declare to be injurious to the interest of agriculture or horticulture is prohibited.[12] If any such animal or bird is imported, release thereof to the importer shall be refused and immediate exportation or destruction shall be required. The species of birds and animals declared by the Secretary of the Interior to be injurious to agriculture or horticulture are published in 50 CFR 9.1.[12a]

(1) Mynahs and starlings of the genera Acridotheres and Sturnus, family Sturnidae, are prohibited importation under 50 CFR 9.1 (a), except for exhibition in zoological parks.

(2) All other wild birds are prohibited importation under 50 CFR 9.1 (b), except:

(i) Game birds imported for propagation and stocking purposes and for exhibition in zoological parks.

(ii) Non-game birds which are to be confined in cages or otherwise, and for exhibition in zoological parks.

(3) European rabbits (Lepus cuniculus) and European hares (Lepus europaeus) are prohibited importation under 50 CFR 9.1 (c), unless imported for fur farming or other agricultural purposes and such animals are to be kept in confinement.

(4) If any of the birds or animals referred to in the preceding three subparagraphs are imported for the purposes permitted, the importer and, in the case of a zoological park, the director or other principal officer thereof, shall file an affidavit with the collector of customs stating the purpose of the importation and, in the case of non-game birds, rabbits, and hares, that such birds and animals will be kept in confinement.

b. Footnote 12a, appended to § 12.26 (a), is added, reading as follows:

[12a] See Appendix XXIII, Customs Regulations of 1943, quoting 50 CFR 9.1 and 9.2.

c. Paragraph (b) is amended as follows:

1. Subparagraph (1) is amended by substituting "Part 6" for "Part 1" in the first sentence.

2. Subparagraph (3) is amended by deleting "except from Canada and except imports from Mexico arriving otherwise than by water," and also "Inspection and Quarantine Division," from the first sentence.

3. A new subparagraph (5) is added, reading as follows:

(5) Ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, except from Canada, may be imported only under a permit from the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C.[13] Such permits must be obtained before the birds are shipped from the country of origin. Such birds from Canada must be accompanied by a certificate issued by a Canadian Government veterinarian. All such birds must be inspected at designated ports of entry by inspectors of the Bureau of Animal Industry, United States Department of Agriculture.

4. Footnotes 13 and 13a, appended to § 12.26 (b), (c), and (d), are amended to read as follows:

[12] See Appendix XII, Customs Regulations of 1943, quoting 9 CFR, Part 92.

[13a] See Appendix XVIII, Customs Regulations of 1943, quoting 42 CFR 71.152–71.155.

(R. S. 161, sec. 1, 62 Stat. 687, as amended; U. S. C. 22, 18 U. S. C. 42)

32a. Section 12.29 (d) is amended to read as follows:

(d) The eggs of game birds may be entered for propagating purposes upon the filing of an affidavit with the collector of customs that they are being imported for propagation and will be so used.[13a] The eggs of migratory birds may be imported for propagating purposes under permits issued by the Fish and Wildlife Service, United States Department of the Interior, Washington 25, D. C. Eggs of migratory birds may also be imported under permits issued by the Fish and Wildlife Service for scientific and other limited purposes. Public museums, zoological parks and societies, and public scientific and educational institutions may import the eggs of migratory birds without a permit. (See 50 CFR 6.8.) The eggs of certain game or migratory birds imported for hatching, such as ducks, geese, swans, turkeys, pigeons, doves pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, are subject to the regulations of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C.[13b] Such regulations require that permits, except for eggs from Canada, must be obtained before the eggs are shipped from the country of origin and that all eggs shall be accompanied by a certificate issued by a government veterinarian of the country of origin and inspected at a designated port of entry.

b. Footnotes 16a and 16b, appended to § 12.29 (d), are added, reading as follows:

[13a] See Appendix XXIII, Customs Regulations of 1943, quoting 50 CFR 9.1 and 9.2.

[13b] See Appendix XII, Customs Regulations of 1943, quoting 9 CFR, Part 92.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624.)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10299; Filed, Sept. 19, 1952; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Regs. 4, Amdt.]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950 ——)

EVIDENCE AS TO ADOPTION

Section 404.714 of Regulations No. 4 (20 CFR 404.714) is amended to read:

§ 404.714 *Evidence as to adoption.* If the relationship is by adoption, a certified copy of the decree or order of adoption shall be submitted. If it is not possible to obtain such a certified copy, or if such a certified copy can be obtained only by order of a court, a statement to this effect shall be furnished and the applicant may submit evidence of probative value establishing that a final decree or order of adoption was granted by a court of competent jurisdiction, when such decree was granted, and who were named in such decree as the adopting parent or parents, and the adopted child. If, under the law of the place of adoption, no decree or order is required to effect such adoption, there shall be submitted either a certified copy of the public record of adoption required by such law or, if no such record is required, the original document, if available, by which the adoption was effected. If the original document is not available, there shall be submitted an authentic copy thereof with a statement of the reason why the original is not available.

(Secs. 205, 1102, 49 Stat. 624, as amended, 647, as amended; 42 U. S. C. 405, 1302)

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: September 16, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-10266; Filed, Sept. 19, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 513—ASSISTANCE OF CREDITOR BY DEPARTMENT OF THE ARMY

Section 513.1 is amended to read as follows:

§ 513.1. *Assistance of creditor by Department of the Army.* (a) Commanding officer will insure that all complaints from creditors receive prompt consideration and that the following action is taken:

(1) Claimant is notified of receipt of his communication and requested to communicate direct with the organizational commander instead of the Department of the Army, in the event further correspondence regarding the complaint is necessary.

(2) The communication is delivered promptly to the person concerned.

(3) If the indebtedness is admitted, prompt reply is made to the claimant indicating the debtor's intentions in the matter.

(4) If the indebtedness is disputed or denied, complainant will be so advised by the commanding officer and informed that it is a matter for adjudication by the proper civil court.

(b) Commanding officers should not tolerate actions of dishonesty, neglect, evasiveness, or irresponsibility in the financial dealings of their personnel. Although neither a commanding officer nor a court martial has authority to require a member of the Army to pay a private debt or to divert any part of his pay in satisfaction thereof, willful failure to pay a just debt is a discredit to the military service and may be a matter for disciplinary action under the Uniform Code of Military Justice, Articles 123 or 134.

(64 Stat. 142; 50 U. S. C. Sup. 727, 728). [C3, AR 600-10, Sept. 4, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10251; Filed, Sept. 19, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order 14]

GSO 14—EXEMPTION OF EMPLOYEES IN THE PRIBILOF ISLANDS

STATEMENT OF CONSIDERATIONS

The Wage Stabilization Board has by General Wage Regulation 16B exempted the wages, salaries and other compensation of employees in the Pribilof Islands upon the ground that to maintain wage stabilization controls over such employees would interfere with the program of the Department of the Interior of the United States to set up a schedule of cash compensation for the native population employed in the fur seal industry in place of the present mixed form of compensation which combines cash payments with compensation paid in kind. The Department of the Interior has determined that such a change-over in the compensation paid to the native population is desirable and in accordance with the execution of the duties imposed upon it by the Fur Seal Act of 1944 (52 Stat. 100; 16 U. S. C. secs. 631a to 631r). The effectuation of this program free from wage stabilization is not deemed by the Wage Stabilization Board to have inflationary effects.

It appears that apart from the native population employed in the fur seal in-

dustry the only other employees in the Pribilof Islands are Government workers (whose compensation is fixed either by the Classification Act of 1949, as amended, or by Government wage boards) and employees of a private fur company stationed there during the fur sealing season.

In view of the foregoing, the application of salary stabilization to the Pribilof Islands is found by the Salary Stabilization Board to be unnecessary under present circumstances to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. This General Salary Order 14 is therefore issued for the purpose of excluding this area from the scope of salary stabilization.

ORDER

SECTION 1. *Exemption of Pribilof Islands.* The salaries and other compensation of employees who are bona fide residents of and actually employed in the Pribilof Islands are exempted from salary stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.)

By order of the Salary Stabilization Board.

SEPTEMBER 16, 1952.

JUSTIN MILLER,
Chairman.

Approved: September 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52–10345; Filed, Sept. 19, 1952; 9:08 a. m.]

[Interpretation 7, Amdt. 1]

INT. 7—STOCK OPTION AND STOCK PURCHASE PLANS

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 7 is to substitute appropriate section references in General Salary Stabilization Regulation 1, Amended, for references in the superseded provisions of General Salary Stabilization Regulation 1, as amended, General Salary Stabilization Regulation 3, as amended and General Salary Order 6, as amended.

1. Paragraph 3 is amended to read as follows:

Q. An employer desiring to grant an 85 percent stock option has available amounts for general salary increases to the employees, to whom the option is to be granted, under sections 22 and 41 of General Salary Regulation 1, Amended, and for merit and length-of-service increases under Article V, General Salary Stabilization Regulation 1, Amended. Must the employer observe the restrictions with regard to the distribution of the amounts available for increases contained in sections 22 and 41 of General Salary Stabilization Regulation 1, Amended?

A. Yes.

With regard to amounts available for increases under section 22 of General Salary Stabilization Regulation 1, Amended, the employee to whom the stock option is to be granted must be within the group for which the section 22 increases are computed. However, there are no limitations on the manner in which the increase may be distributed among the members of the group.

With regard to amounts available under section 41 of General Salary Stabilization Regulation 1, Amended, paragraph (d) of that section provides for the manner in which increases under that section may be distributed and such limitations must be observed in charging the difference between the option price and 95 percent of the fair market value of the stock at the time the option is granted to the employees to whom the stock option is granted.

With regard to amounts available under Article V, General Salary Stabilization Regulation 1, Amended, sections 52 and 53 of that Article provide not only for an over-all limitation on the amount of merit and length-of-service increases, but also for determination of the maximum merit or length-of-service increase which an individual employee may receive in any calendar year. Both over-all and individual limitations on such increases must be observed in charging the difference between the option price and 95 percent of the fair market value of the stock at the time the option is granted to the employees to whom the stock option is granted. Accordingly, merit and length-of-service increases which may be granted to one employee may not be used to grant stock options to another employee.

2. The answer contained in paragraph 4 is amended to read as follows:

A. Yes, in the manner provided for in the regulation under which such increases are authorized.

3. Paragraph 5 is amended by inserting the words "as amended" after the references to General Salary Stabilization Regulation 2, by deleting the words "as amended" and substituting the word "Revised" after the reference to Interpretation 3.

4. Paragraph 9 is amended by inserting the words "as amended" after the reference to General Salary Stabilization Regulation 5.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 16, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52–10364; Filed, Sept. 19, 1952; 11:30 a. m.]

[Interpretation 13, Amdt. 1]

INT. 13—RELATION OF GENERAL SALARY STABILIZATION REGULATION 2, AS AMENDED, TO CERTAIN STOCK PURCHASE PLANS

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 13 is to eliminate reference to certain filing requirements in order to conform to the record-keeping provisions of General Salary Stabilization Regulation 2, as amended.

1. The introductory paragraph and paragraph 3 are amended by inserting the words ", as amended" after the references to General Salary Stabilization Regulation 2.

2. The answer contained in paragraph 1 is amended by inserting the word ", Revised" after the reference to Interpretation 3.

3. The answer contained in paragraph 9 is amended to read as follows:

A. Not later than August 31, 1952, and semiannually thereafter, the corporation should file a report containing such information pertinent to the grant and exercise of the stock option and in such form as the Office of Salary Stabilization may prescribe.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 16, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52–10365; Filed, Sept. 19, 1952, 11:30 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation 16B]

GWR 16B—EXEMPTION FOR PRIBILOF ISLANDS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Laws 96 and 429, 82d Cong.); Executive Order 10161, 15 F. R. 6105, as amended, Executive Order 10377, 17 F. R. 6891; General Order No. 16 of the Economic Stabilization Administrator, 17 F. R. 6925; and upon consideration by the Economic Stabilization Administrator of the recommendation of the Wage Stabilization Board, made August 13, 1952, pursuant to section 403 (b) (5) of the Defense Production Act of 1950, as amended, this General Wage Regulation No. 16B is hereby promulgated and issued.

STATEMENT OF CONSIDERATIONS

Under the provisions of the Fur Seal Act of 1944 (52 Stat. 100; 16 U. S. C. 631a-631r) the Department of the Interior has jurisdiction over the Pribilof Islands, a small group of islands in the Bering Sea off the Aleutian chain, and is responsible for the welfare of the resident Aleut natives. The only industry on the Islands is the taking and processing of fur-seals and foxes. The native Aleuts now receive some cash compensation from the government for their services in capturing and skinning these fur-bearing animals, and for related activities. In addition, they are supplied with food, housing, fuel, medical and other services by the Department of the Interior without charge. This is in accordance with a practice going back more than 40 years. The Department of the Interior has, since the passage of the Fur Seal Act, formulated a compensation plan for the native workmen which calls for a gradual transition from a system

of compensation based primarily on payment in kind to a system of straight cash wages. The change is designed to encourage the natives to exercise their full rights and responsibilities as United States citizens.

The only employment in the Pribilof Islands other than the work performed by the native Aleuts is Government work and work performed by a few employees of a private fur company which, under the contract with the Government, assigns some specialized personnel to the Islands during the fur-seal season. Wages for the Federal employees other than the native workmen are based either on the Classification Act of 1949, as amended, or are set by Wage Boards at the place of recruitment, which is ordinarily Seattle, Washington.

Because of the Islands' unique economy and the special reasons for increasing the wages of the native workmen, it is believed that exemption of their compensation from the General Wage Regulations will create no unstabilizing effects either in the Islands or in the United States.

In the judgment of the Wage Stabilization Board, the continued application of wage stabilization regulations to employees in the Pribilof Islands, is unnecessary to effectuate the purposes of the Defense Production Act of 1950, as amended. Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

SECTION 1. *Exemption for employment in Pribilof Islands.* The wages, salaries and other compensation of employees in the Pribilof Islands are exempted from wage stabilization regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, as amended; 3 CFR, 1950 Supp., E. O. 10377, July 29, 1952, 17 F. R. 6891)

Dated: September 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52–10346; Filed, Sept. 19, 1952; 9:08 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available, and Instructions for Mailing, make the following changes:

1. In § 127.15 *Registration* strike out "25 cents" and insert in lieu thereof "40 cents."

2. In § 127.101 *Special provisions applicable to international registry service* amend paragraph (c) by striking out "25 cents" and inserting in lieu thereof "40 cents".

3. In §§ 127.204 *Algeria* to 127.230 *Chile*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents".

4. In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard))* amend paragraph (a) (2) to read as follows:

(2) *Registration.* Fee, 40 cents, to Taiwan only. (See §§ 127.15 and 127.101.)

5. In §§ 127.232 *Colombia* to 127.278 *India*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

6. In § 127.278a *Indonesia* make the following changes:

a. Amend paragraph (a) (1) by striking out the second paragraph thereof.

b. Amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

7. In §§ 127.279 *Iran* to 127.287 *Kenya* and *Uganda*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

8. In § 127.288 *Korea* amend paragraph (a) (2) to read as follows:

(2) *Registration.* Fee, 40 cents, to Republic of Korea only. (See §§ 127.15 and 127.101.)

9. In §§ 127.289 *Labuan* to 127.322 *Pakistan*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

10. In §§ 127.324 *Panama* to 127.341 *Rumania*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

11. In §§ 127.343 *St. Helena* to 127.381 *Zanzibar* and *Pemba*, inclusive, amend paragraph (a) (2) by striking out "25 cents" and inserting in lieu thereof "40 cents."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52–10263; Filed, Sept. 19, 1952; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.71 *Sealing* amend paragraph (a) by adding "Corsica (insured)" in alphabetical order to the list of countries appearing in said paragraph.

b. In § 127.102 *Special provisions applicable to international insurance service* amend paragraph (a) by adding "Corsica" in alphabetical order to the list of countries appearing in said paragraph.

c. In § 127.227 *Canada* make the following changes:

1. Amend subdivision (iii) of paragraph (b) (3) to read as follows:

(iii) The domestic insurance fees and limits of indemnity shall apply to insured mails to Canada as follows:

Limit of indemnity:	Fee (cents)
Up to $5.00	5
$5.01 to $10.00	10
$10.01 to $25.00	15
$25.01 to $50.00	20
$50.01 to $100.00	30
$100.01 to $200.00	35

2. Amend subdivision (i) of paragraph (a) (5) to read as follows:

(i) The following fees are applicable to letters intended for special delivery:

Weight:	Fee (cents)
Up to 2 pounds	20
Over 2 but not over 10 pounds	35
Over 10 pounds	50

d. In § 127.233 *Corsica* amend paragraph (b) as follows:

1. In the tabulated information below the table of surface parcel rates in subparagraph (1) (i) strike out "Sealing: Optional'" and insert in lieu thereof "Sealing: ' Insured parcels must, and ordinary parcels may, be sealed", and strike out "Insurance: No" and insert in lieu thereof "Insurance: Yes."

2. Redesignate subparagraphs (4) and (5) as (6) and (7), respectively.

3. Insert a new subparagraph (4) to read as follows:

(4) *Indemnity.* Same as France.

4. Insert a new subparagraph (5) to read as follows:

(5) *Insurance.* Same as France.

e. In § 127.243 *Ecuador* amend subdivision (i) of paragraph (b) (6) by striking out the table of fees and limit of indemnity appearing under the caption "Registered Parcel-Post Packages" and inserting in lieu thereof the following:

Limit of indemnity:	Fee (cents)
Up to $10.00	40
$10.01 to $25.00	55
$25.01 to $50.00	65

f. In § 127.332 *Portugal* amend subdivision (i) of paragraph (b) (6) by striking out the table of fees and limit of indemnity under the caption "Registered Parcel-Post Packages" and inserting in lieu thereof the following:

Limit of indemnity:	Fee (cents)
Up to $10.00	40
$10.01 to $25.00	55
$25.01 to $50.00	65

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52–10262; Filed, Sept. 19, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 904]

HANDLING OF MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR 904), the market administrator is considering the issuance, as hereinafter proposed, of amendments to the rules and regulations (7 CFR 904.101 et seq.) issued to effectuate the terms and provisions of the said order.

All persons who desire to submit data, views, or arguments in connection with proposed amendments to the rules and regulations should submit them in writing to the market administrator at Room 403, 230 Congress Street, Boston, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., September 22, 1952.

The proposed amendments are as follows:

1. Delete § 904.102 and renumber §§ 904.103, 904.104, and 904.105 as §§ 904.102, 904.103, and 904.104. Change the references to these section in § 904.101 accordingly.

2. In the new § 904.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 904.102 (d)) to the new § 904.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Delete paragraph (b) from § 904.112 and renumber paragraphs (c) and (d) as (b) and (c).

5. Amend the table of standard weights in § 904.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

Issued at Boston, Massachusetts, this 12th day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10271; Filed, Sept. 19, 1952; 8:47 a. m.]

[7 CFR Part 934]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area (7 CFR 934), the market administrator is considering the issuance, as hereinafter proposed, of amendments to the rules and regulations (7 CFR 934.101 et seq.) issued to effectuate the terms and provisions of the said order.

All persons who desire to submit data, views, or arguments in connection with proposed amendments to the rules and regulations should submit them in writing to the market administrator at 25 Argyle Street, Shawsheen Village, Andover, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., September 22, 1952.

The proposed amendments are as follows:

1. Delete § 934.102 and renumber §§ 934.103, 934.104, and 934.105 as §§ 934.102, 934.103, and 934.104. Change the references to these sections in § 934.101 accordingly.

2. In the new § 934.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 934.102 (d)) to the new § 934.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 934.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

Issued at Boston, Massachusetts, this 12th day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10267; Filed, Sept. 19, 1952; 8:46 a. m.]

[7 CFR Part 996]

HANDLING OF MILK IN SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Order No. 96, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR 996), the market administrator is considering the issuance, as hereinafter proposed, of amendments to the rules and regulations (7 CFR 996.101 et seq.) issued to effectuate the terms and provisions of the said order.

All persons who desire to submit data, views, or arguments in connection with proposed amendments to the rules and regulations should submit them in writing to the market administrator at Room 605, 145 State Street, Springfield, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., September 22, 1952.

The proposed amendments are as follows:

1. Delete § 996.102 and renumber §§ 996.103, 996.104, and 996.105 as §§ 996.102, 996.103, and 996.104. Change the references to these sections in § 996.101 accordingly.

2. In the new § 996.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 996.102 (d) to the new § 996.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 996.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

Issued at Boston, Massachusetts, this 12th day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10270; Filed, Sept. 19, 1952; 8:47 a. m.]

[7 CFR Part 999]

HANDLING OF MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

NOTICE OF OPPORTUNITY TO SUBMIT DATA, VIEWS, AND ARGUMENTS IN CONNECTION WITH PROPOSED AMENDED RULES AND REGULATIONS

Notice is hereby given that pursuant to the authority contained in Order No. 99, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR 999), the market administrator is considering the issuance, as hereinafter proposed, of amendments to the rules and regulations (7 CFR 999.101 et seq.) issued to effectuate the terms and provisions of the said order.

All persons who desire to submit data, views, or arguments in connection with proposed amendments to the rules and regulations should submit them in writing to the market administrator at Room 403, 107 Front Street, Worcester, Massachusetts, by mail or otherwise, in time to be received not later than 5:15 p. m., September 22, 1952.

The proposed amendments are as follows:

1. Delete § 999.102 and renumber §§ 999.103, 999.104, and 999.105 as §§ 999.102, 999.103, and 999.104. Change the references to these sections in § 999.101 accordingly.

2. In the new § 999.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 999.102 (d)) to the new § 999.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 999.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

Issued at Boston, Massachusetts, this 12th day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10269; Filed, Sept. 19, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Draft Release 4]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INTERVENTION BY CITIES, OTHER PUBLIC BODIES, AND CHAMBERS OF COMMERCE

Notice is hereby given that the Civil Aeronautics Board has under consideration a revision of § 302.15 of the Procedural Regulations (14 CFR 302.15). This revision relates to the filing of petitions to intervene by cities, other public bodies, or chambers of commerce, in formal Board proceedings.

The present § 302.15 (c) (2) (ii) of the Procedural Regulations (rules of practice) requires that intervention petitions shall be filed with the Board prior to the first prehearing conference in a proceeding. It is proposed to change this rule so as to permit interventions by cities, other public bodies, or chambers of commerce up to the date of hearing. The reasons for the proposed change are set forth in an accompanying temporary rule [1] of the same nature effective immediately and to continue in effect for 60 days while the proposed permanent change is under consideration.

There shall be added to the provisions of paragraph (c), subparagraph (2), of § 302.15 of the Procedural Regulations a new subdivision (iii) to read as follows:

(iii) A petition to intervenue in any Board proceeding filed by a city, other public body, or a chamber of commerce shall be filed with the Board not later than the last day prior to the beginning of the hearing therein.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received by October 15, 1952, will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available after October 15, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

Dated September 15, 1952, at Washington, D. C.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10302; Filed, Sept. 19, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 79th Supp.]

EQUITABLE FIRE AND MARINE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

SEPTEMBER 16, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $902,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 26, D. C.

Name of company, location of principal executive office, and State in which incorporated

Equitable Fire & Marine Insurance Co., Providence, R. I.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10300; Filed, Sept. 19, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order 7, Amdt. 1]

REGIONAL DIRECTORS AND PROJECT HEADS

REDELEGATION OF AUTHORITY WITH RESPECT TO ACQUISITION OF LANDS AND WATER RIGHTS

SEPTEMBER 11, 1952.

Pursuant to the authority contained in Amendment No. 1, dated August 12, 1952 (17 F. R. 7513), to Secretary's Order No. 2625, dated April 6, 1951 (16 F. R. 3311), section 1 (a) (2) of Commis-

[1] See F. R. Doc. 52-10301, Title 14, Chapter I, Part 302, *supra*.

sioner's Order No. 7 dated August 24, 1951 (16 F. R. 8850) is revised to read as follows:

(2) Contract for and effect or authorize the officer in charge of any district or project (herein called the project head) to contract for and effect the purchase or exchange of lands or interests in lands and water rights at the appraised value, and acquire at more than the apraised value easements for $100 or less, if necessary and in the interest of the Government, but any exchange involving public lands, except public lands within the Columbia Basin Project, shall be effected only with the concurrence of the Director of the Bureau of Land Management.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 52-10259; Filed, Sept. 19, 1952; 8:45 a. m.]

NORTH PLATTE PROJECT, WYOMING

ORDER OF REVOCATION

MAY 9, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of Feb. 11, 1903 and Aug. 10, 1908, in so far as said orders affect the following-described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

Sixth Principal Meridian, Wyoming

T. 23 N., R. 63 W.,
Sec. 3, Lots 1 to 4 inclusive

The above areas aggregate 160.68 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The topography of the land is level to gently rolling. The soil is a heavy clay which packs when water is applied, and is not suitable for cultivation. It is chiefly valuable for grazing purposes. While any application that is filed will be considered on its merits, it is unlikely that any substantial part of the restored (or opened) lands will be classified for any use other than shown.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

SEPTEMBER 16, 1952.

[F. R. Doc. 52-10256; Filed, Sept. 19, 1952; 8:45 a. m.]

[No. 44]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 8, 1952.

1. *Operation and maintenance charges.* The minimum annual operation and maintenance charge for the irrigation season of 1953 and thereafter until further notice for all lands of the Orland Project, California, under public notice shall be $6.27 per irrigable acre, whether water is used or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. This charge includes $0.67 per acre in payment for rehabilitation and betterment work accomplished on the project. Additional water up to the amount of the surplus natural flow water, or operational spill from Stony Gorge Dam, used prior to the time it becomes necessary to draw upon the storage supply, will be furnished at the rate of $0.30 per acre-foot. Further additional water, if available, will be furnished during the irrigation season at the rate of $1.87 per acre-foot.

2. *Time of payment.* The minimum charge for the 1953 irrigation season, together with charges for additional water used during the 1952 irrigation season, shall be payable on or before December 31, 1952.

3. *Penalties.* If payment of the charges, or any part thereof, is not made on or before the due date, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid, and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue. No water shall be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Orland, California.

RICHARD L. BOKE,
Regional Director.

[F. R. Doc. 52-10257; Filed, Sept. 19, 1952; 8:45 a. m.]

[No. 45]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

SEPTEMBER 8, 1952.

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland Project, California, water will be furnished during the irrigation season of 1953 and thereafter until further notice, upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. *Charges and terms of payment.* The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be $6.27 per irrigable acre, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. Additional water, if available, will be furnished at the rate of $1.87 per acre-foot.

The minimum charge will be payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charge for additional water at the rates above-specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00.

3. *Application for, and payment of service.* Applications for water service and the payments required by this notice will be received at the office of the Bureau of Reclamation, Orland, California.

RICHARD L. BOKE,
Regional Director.

[F. R. Doc. 52-10258; Filed, Sept. 19, 1952; 8:45 a. m.]

Geological Survey

BLUE AND HERRING LAKES, ALASKA

POWER SITE CLASSIFICATION NO. 427

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites in so far as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

Vicinity of lat. 57°04' N., long. 135°12' W., 6 miles east of Sitka.

All lands between elevations 350 feet and 500 feet above sea level which drain into Blue Lake and Medvetcha River (Sawmill Creek) upstream from a point 250 feet downstream from the junction of the stream draining Herring Lake.

All lands below an altitude of 500 feet above sea level draining into Herring Lake and its outlet stream, and not reserved by Power Site Classification No. 221.

The area described is estimated to be 1,000 acres.

Dated: September 12, 1952.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 52-10255; Filed, Sept. 19, 1952; 8:45 a. m.]

CALIFORNIA

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

(1) *California.*

Name of Field, Effective Date, and Acreage	
Aliso Canyon Field, Aug. 21, 1952	1,978
Del Valle Field, Aug. 21, 1952	1,017
Gato Ridge Field (revision), Dec. 30, 1946	1,424
Government "18" Field, Dec. 14, 1951	320
Honor Rancho Field, Aug. 21, 1952	1,343
Merchants Field, Aug. 21, 1952	172
Morales Canyon Field, Mar. 16, 1951	360
Placerita Field, Aug. 21, 1952	1,038
Ramona Field, May 8, 1951	1,072
Rincon Field, Aug. 21, 1952	565
Russell Ranch Field, Feb. 15, 1919	2,343
South Cuyama Field, July 1, 1952	4,172
Taylor Canyon Field, Aug. 22, 1950	40

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 52-10295; Filed, Sept. 19, 1952; 8:50 a. m.]

Office of the Secretary

[Order 2558, Amdt. 2]

SOUTHEASTERN POWER ADMINISTRATION

ESTABLISHMENT AND FUNCTIONS

This amendment supersedes the original text of Order No. 2558 and Amendment No. 1.

Order No. 2558 is revised to read as follows:

SEC. 1. *Establishment.* (a) The Southeastern Power Administration is established as an agency of the Department of the Interior. The Administration shall carry out the functions assigned to the Secretary of the Interior by section 5 of the Flood Control Act of December 22, 1944 (16 U. S. C., 1946 ed., sec. 825s), with respect to the transmission and disposition of electric power and energy generated at reservoir projects which are or may be under the control of the Department of the Army in the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky. The States mentioned in this paragraph shall constitute the area within which the Administration is authorized to transmit and dispose of power.

(b) The Administration shall be in the charge of an Administrator appointed by the Secretary.

SEC. 2. *Contracts.* The Administrator may, without Secretarial approval, consummate contracts for the sale, interchange, or other disposition of power and energy, if such contracts are composed entirely of standard provisions which have previously received Secretarial approval. If such a contract is not composed entirely of standard provisions, the Administrator may only execute the contract subject to Secretarial approval.

SEC. 3. *Acting Administrator.* (a) The Chief, Division of Operations, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator.

(b) The Chief, Division of Engineering, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator and the Chief, Division of Operations.

(c) The Chief, Division of Power Management, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator, the Chief, Division of Operations, and the Chief, Division of Engineering.

(d) The Chief Counsel shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator, the Chief, Division of Operations, the Chief, Division of Engineering, and the Chief, Division of Power Management.

(e) The officer acting under authority of this section shall sign documents under the title "Acting Administrator."

SEC. 4. *Accounts.* The Administrator shall maintain a system of accounting in accordance with the uniform system of accounting prescribed for public utilities by the Federal Power Commission.

SEC. 5. *Reports.* The Administrator shall submit monthly reports and an annual report through the Division of Water and Power to the Secretary. The Administrator shall file with the Federal Power Commission such data and reports as public utilities subject to the Commission's jurisdiction are required to file.

(Sec. 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

SEPTEMBER 15, 1952.

[F. R. Doc. 52-10260; Filed, Sept. 19, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 26, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SUPPLEMENTARY REGULATION 5 TO CEILING PRICE REGULATION 34

By virtue of the authority vested in the Director of Price Stabilization, pur-

suant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority No. 26, Revision 1, is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This revised delegation of authority shall take effect on September 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 19, 1952.

[F. R. Doc. 10371; Filed, Sept. 19, 1952; 11:40 a. m.]

[Delegation of Authority No. 29, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CEILING PRICE REGULATION 70

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority No. 29, Revision 1, is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This revised delegation of authority shall take effect on September 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 19, 1952.

[F. R. Doc. 52-10372; Filed, Sept. 19, 1952; 11:40 a. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 497]

BESTFORM FOUNDATIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 497, issued to Bestform Foundations, Inc., on August 17, 1951, effective August 18, 1951, established ceiling prices at retail for foundation garments, brassieres, garter belts, girdles and panties, bandeaux, corselettes, long line brassieres, corsets having the brand name "Bestform".

Bestform Foundations, Inc., has applied for a revocation of this special order. The applicant states that it is unable to comply with the preticketing provisions of the special order. Because strict compliance with the preticketing requirements of an order issued under section 43 of Ceiling Price Regulation 7 is necessary, this special order, in the opinion of the Director, should be revoked.

The order of revocation requires the applicant to send a copy to all purchasers for resale who have received notice of the special order.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 497, issued to Bestform Foundations, Inc., on Auugst 17, 1951, effective August 18, 1951, establishing ceiling prices at retail for foundation garments, brassieres, garter belts, girdles and panties, bandeaux, corselettes, long line brassieres, corsets having the brand name "Bestform", shall be, and the same hereby is, revoked in all respects.

2. Bestform Foundations, Inc., must, within 15 days from the effective date of this order of revocation, send a copy of this order of revocation to all purchasers for resale to whom it has given notice of Special Order 497.

Effective date. This order of revocation shall become effective September 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10296; Filed, Sept. 17, 1952; 3:55 p. m.]

[Ceiling Price Regulation 34, Section 10, Special Order 13]

WORTHINGTON CORP.

CENTRAL PRICING ORDER

Statement of considerations. In accordance with section 10 of Ceiling Price Regulation 34, the applicant named in this special order, Worthington Corporation, has applied to the Office of Price Stabilization for permission to establish out of its central office in Harrison, New Jersey, uniform ceiling prices for the services which it renders at all of its service outlets throughout the United States. Section 10 of Ceiling Price Regulation 34, as amended, authorizes the Office of Price Stabilization, when it deems it consistent with the purposes of the regulation, to establish uniform prices for sellers owning or operating more than one service establishment. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director of Price Stabilization indicates that the applicant has complied with the stated requirements.

The Director has determined on the basis of facts available to him, that during the base period, December 19, 1950, to January 25, 1951, inclusive, Worthington Corporation had eleven plants. Each of these plants (hereinafter called "Works") manufactured substantially different types of heavy machinery or equipment. The major Works were located at Harrison, New Jersey, Holyoke, Massachusetts, Wellsville, New York, and Buffalo, New York. The products manufactured at the Works were sold through district sales offices located throughout the United States. However, the district sales offices did not service the Worthington products. Rather, all of the products were serviced directly from the Works. Each Works had its own service department specialists, trained to service its own products. All of the Works had a uniform system for pricing their services. The charge for a service specialist from any one of the Works included a daily rate for the service specialist, his roundtrip transportation costs from the Works to the customer, and maintenance expenses for the entire time the specialist was in travel status.

Subsequent to the base period, in order to alleviate the expensive transportation and maintenance costs and thereby reduce the price of its service, Worthington Corporation opened several regional engineering and service offices (hereinafter called "regional service offices") which were staffed with personnel trained to service any type of machinery manufactured by the Worthington Corporation. The regional service offices established uniform ceiling prices for the services which they render pursuant to the provisions of Ceiling Price Regulation 34.

On the basis of these facts, it has been determined by the Director of Price Stabilization that a uniform system of central pricing will not result in an increase in the ceiling prices established under Ceiling Price Regulation 34.

This order will permit any existing regional service office of Worthington Corporation to sell any service at the ceiling price established therefor by the central office of Worthington Corporation regardless of whether or not that regional service office had heretofore established a ceiling price for that service. The order will also permit any new regional service office to establish as the ceiling prices for the services which it renders, the ceiling prices for such services established by the central office of Worthington Corporation. In addition, this order authorizes the central office of Worthington Corporation to apply to the Office of Price Stabilization on behalf of all of its regional service offices for the establishment of a ceiling price for any new service covered by Ceiling Price Regulation 34. In addition, this order requires applicant to notify all of its regional service offices of this order and any subsequent amendments issued with respect thereto.

Special provisions. (1) On and after the effective date of this special order the ceiling prices at all of the regional service offices of Worthington Corporation listed in Appendix "A" attached hereto and made a part of this order, for services rendered by the general service specialists on all of the products manufactured by Worthington Corporation shall be $40.00 per day plus maintenance and roundtrip travel expenses from closest regional office to the customer.

(2) Lower prices than those authorized in section (1) of this special order may be charged by the seller for any service covered by this special order at any time.

(3) The previously established ceiling prices for services rendered by service specialists from the various works of Worthington Corporation shall continue in order that no purchaser shall be required to pay more for any service rendered than such purchaser was required to pay during the base period for the same or a similar service.

(4) On and after the effective date of this special order all of the regional service offices of Worthington Corporation shall be considered a single seller for the purpose of establishing ceiling prices for new services and the central office of Worthington Corporation shall make application on behalf of all of such regional service offices for the establishment of ceiling prices for new services pursuant to the provisions of section 6 of this special order. However, this special order does not relieve each regional service office of Worthington Corporation covered by this order from the filing and posting requirements of section 18 of Ceiling Price Regulation 34.

(5) The ceiling prices for the services rendered by any regional service office of Worthington Corporation which is opened after the effective date of this special order shall be the ceiling prices listed in section (1) of this special order. Within 20 days after opening a new regional service office, the central office of Worthington Corporation shall request the Director of Price Stabilization, Washington 25, D. C. to amend Appendix "A" of this special order to provide for the inclusion therein of such new office. The provisions of section 13 (c) of Ceiling Price Regulation 34 are waived for the purpose of establishing ceiling prices for services rendered by service outlets of Worthington Corporation opened after the effective date of this special order.

(6) On and after the effective date of this special order the central office of Worthington Corporation is authorized to apply to the Director of Price Stabilization, Washington 25, D. C., on behalf of all of its regional service offices for the establishment of a ceiling price for any new service in line with the level of prices otherwise established by Ceiling Price Regulation 34, and in the case of a commodity rental or a manufacturing or processing service, a ceiling price consistent with the level of ceiling prices established for the sale of the commodity by the applicable commodity regulation. The application shall contain a description of the service, anticipated direct labor and material costs, and the proposed ceiling prices. In addition, the application must contain a description of the most comparable service rendered by the Worthington Corporation during the base period, showing the present direct labor and material costs for such service and the present ceiling price therefor. Such application shall also contain a description and ceiling price for any comparable service furnished by the most closely competitive service organization to Worthington Corporation.

The regional service offices of Worthington Corporation may sell the new service at the proposed ceiling price 20 days after mailing such application to the Director of Price Stabilization, Washington 25, D. C., by registered letter, return receipt requested, unless and until notified that such price has been disapproved.

(7) Within 15 days after the effective date of this special order, Worthington Corporation shall send a copy of this special order to each of its regional service offices. Within 15 days after the effective date of any subsequent amendment to the special order, Worthington Corporation shall send a copy of the amendment to each of its regional service offices. Copies of this special order and any subsequent amendments to the special order shall be filed by each branch office with their local OPS office within 30 days after the issuance thereof.

(8) This special order does not relieve the individual sellers covered by this order from the filing and posting requirements in section 18 of Ceiling Price Regulation 34.

(9) All provisions of Ceiling Price Regulation 34, except as changed by the pricing provisions of this special order shall remain in full force and effect as far as each regional service office of Worthington Corporation is concerned.

(10) This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

(11) The provisions of this special order are applicable in the United States and the District of Columbia.

APPENDIX "A"

WORTHINGTON CORPORATION

1. Worthington Corporation
   Midwest Regional Engineering & Service Division
   400 W. Madison St.
   Chicago 6, Illinois
2. Worthington Corporation
   Eastern Regional Engineering & Service Division
   2913 W. Broad St.
   Philadelphia, Pennsylvania
3. Worthington Corporation
   Central Regional Engineering & Service Division
   522 Terminal Tower
   Cleveland, Ohio
4. Worthington Corporation
   Southwest Regional Engineering & Service Division
   2426 W. Holcombe Boulevard
   Houston 2, Texas

Effective date. This Special Order shall become effective September 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10297; Filed, Sept. 17, 1952; 3:55 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6452]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK AND DENYING APPLICATION FOR EXEMPTION FROM COMPETITIVE BIDDING

SEPTEMBER 16, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, authorizing issuance of common stock and denying application for exemption from competitive bidding requirements of the Commission's rules in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10273; Filed, Sept. 19, 1952; 8:47 a. m.]

[Docket Nos. G-683, G-1532, G-1683, G-1857, G-1970]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF ORDER IMPLEMENTING TEMPORARY AUTHORIZATION AND MODIFYING CERTIFICATE ORDER

SEPTEMBER 16, 1952.

Notice is hereby given that on September 15, 1952, the Federal Power Commission issued its order entered September 11, 1952, in the above-entitled matters, implementing temporary authorization and modifying certificate order issued November 9, 1951 (16 F. R. 11704) in Docket No. G-1683.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10274; Filed, Sept. 19, 1952; 8:47 a. m.]

[Docket No. G-1759]

MISSISSIPPI POWER & LIGHT CO.

ORDER SUBSTITUTING APPLICANT AND FIXING DATE OF HEARING

SEPTEMBER 16, 1952.

On August 10, 1951, Mississippi Power and Light Company (Mississippi Power),

a Florida corporation having its principal place of business at Jackson, Mississippi, filed an application for a certificate of public convenience and necessity authorizing it to construct and operate approximately 2½ miles of 2-inch natural-gas transmission pipeline to extend from a sales metering station on the 18-inch pipeline of Texas Gas Transmission Corporation in Mississippi to the town of Jonestown, Mississippi, for the purpose of providing natural gas service to the town of Jonestown, Mississippi.

On August 22, 1952, Mississippi Power and Mississippi Valley Gas Company (Mississippi Valley), a Mississippi corporation having its principal place of business at Jackson, Mississippi, filed a joint petition to amend said application filed August 10, 1951, wherein they requested that the Commission issue an order authorizing amendment of the application herein by substitution of Mississippi Valley for Mississippi Power as Applicant in Docket No. G–1759.

From said petition to amend, it appears that Mississippi Power, subsequent to the filing of its application herein on August 10, 1951, sold all of its gas properties, rights and franchises to Mississippi Valley pursuant to a certificate of public convenience and necessity issued on March 11, 1952, in Docket No. G–1865.

The Commission finds:

(1) It is appropriate to carry out the provisions of the Natural Gas Act that Mississippi Valley Gas Company be substituted as Applicant in Docket No. G–1759 for the reason set forth in the petition to amend filed with the Commission on August 22, 1952.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Mississippi Valley Gas Company be and it hereby is substituted for Mississippi Power and Light Company as Applicant in Docket No. G–1759.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 7, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as amended: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10237; Filed, Sept. 19, 1952; 8:48 a. m.]

[Docket No. G–2004]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 16, 1952.

Notice is hereby given that on September 16, 1952, the Federal Power Commission issued its order entered September 12, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10275; Filed, Sept. 19, 1952; 8:47 a. m.]

[Docket No. G–2039]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 16, 1952.

Take notice that on September 4, 1952, Colorado Interstate Gas Company (Applicant), a Delaware corporation, having its principal place of business at Colorado Springs, Colorado, filed an application for an order disclaiming jurisdiction, or in the alternative, for a certificate of public convenience and necessity, pursant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described should it be ultimately determined that such facilities are subject to the Commission's jurisdiction.

The facilities which the Applicant seeks authorization to construct and operate are as follows:

(1) 6.2 miles of 10¾ inch OD electric weld line pipe to extend from Applicant's Amarillo-Denver transmission line to a new delivery point near the northeasterly limits of the City of Colorado Springs, Colorado.

(2) Meter and regulator station including construction of necessary structure and installation of measuring and regulating equipment.

The proposed facilities will be utilized by the Applicant for supplying additional volumes of gas to the City of Colorado Springs, Colorado.

The maximum volume of gas deliverable to the City of Colorado Springs, Colorado, through Applicant's existing facilities is 38,000 Mcf per day. Estimates of anticipated peak-day sales, in 1952, amount to 37,800 Mcf which is slightly less than the total capacity of the present facilities. Estimates of peak-day sales of gas for 1953 through 1956 are all in excess of the present capacity of the existing facilities.

The estimated cost of the proposed facilities is $153,388 which will be financed by Applicant out of cash on hand.

Applicant further requests that the Commission proceed in accordance with § 1.32 of the Commission's rules of practice and procedure in processing this application, and that the Commission omit the intermediate decision procedure, and Applicant waives oral hearings and opportunity for filing exceptions to the decision of the Commission.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of October 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10288; Filed, Sept. 19, 1952; 8:49 a. m.]

[Docket No. G–2040]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 16, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 4, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of its transmission pipeline facilities as hereinafter described.

Applicant proposes to sell to Bohn Aluminum and Brass Company (Bohn) for use in its Plant No. 24 located in Adrian, Michigan a maximum of 2,200 Mcf of natural gas per day under a classification giving Applicant the right to curtail or interrupt deliveries when, in its judgment, the gas is needed for Applicant's other customers receiving service under a classification contemplating on an interruptible supply of gas, or when deliveries will interfere with deliveries of gas to Citizens Gas Fuel Company (Citizens), the distribution company in Adrian. The gas will be delivered by Applicant to Bohn at the point at which Applicant deliveries gas to Citizens. The gas will then be delivered by Citizens through its local distribution system to Bohn. Applicant states that no new facilities are required to be constructed by it in order to make the proposed sale, although additional facilities may be needed to meet the demands of Citizens and to continue service to Bohn for the 1952–53 winter season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10289; Filed, Sept. 19, 1952; 8:49 a. m.]

[Docket No. G–2070]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

SEPTEMBER 11, 1952.

On August 18, 1952, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) filed its Third Revised Sheet No. 4 and First Revised Sheets Nos. 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1 containing increased rates and charges which are proposed to be made effective as of September 18, 1952.

The proposed increased rates and charges would result in an estimated increase of $313,220 per annum, or 50 percent, based upon estimated sales for the 12-month period ending September 30, 1953. In the filing a two-part, demand-commodity rate is proposed to replace the straight commodity rate which became effective May 1, 1952, pursuant to the Commission's Opinion No. 226 and accompanying order issued in In the Matter of Alabama-Tennessee Natural Gas Company, Docket No. G–585.

The proposed increase in rates and charges is based primarily upon claimed changed conditions since the Commission's order in Docket No. G–585. Among other things, Alabama-Tennessee claims that during the test period ending September 30, 1953, the peak-day demand on the system will reach 31,426 Mcf after curtailment of all interruptible deliveries and that the system will reach capacity operations during the winter of 1952–1953. Further, Alabama-Tennessee represents that it has received requests from its resale customers asking for increases in the maximum daily amounts of gas to be made available to them and that the resulting demands will exceed the capacity of the existing facilities.

No detailed data were submitted in justification of the claim of changed conditions. Additionally, several of Alabama-Tennessee's resale customers, responding to the opportunity to comment upon the filing, protest and complain against the increase in rates.

The increased rates and charges provided in said proposed Third Revised Sheet No. 4 and First Revised Sheets Nos. 5, 6, and 7 to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1 as filed August 18, 1952, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of said Third Revised Sheet No. 4 and and First Revised Sheets Nos. 5, 6, and 7 to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1 and that said sheets and the rate schedule therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Third Revised Sheet No. 4 and First Revised Sheets Nos. 5, 6, and 7 to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, said Third Revised Sheet No. 4 and First Revised Sheets Nos. 5, 6, and 7 to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof is deferred until February 18, 1953, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10272; Filed, Sept. 19, 1952; 8:47 a. m.]

INTERNATIONAL JOINT COMMISSION

[Docket No. 68]

CONSTRUCTION OF WORKS FOR POWER DEVELOPMENT IN INTERNATIONAL RAPIDS SECTION OF ST. LAWRENCE RIVER

FINAL HEARING

The Governments of the United States and Canada, on June 30, 1952, each submitted to the International Joint Commission, under the provisions of the Boundary Waters Treaty of January 11, 1909, applications requesting the Commission to approve the construction of certain works for the development of power, as further described in the applications, in the International Rapids Section of the St. Lawrence River, giving consideration to such effects as the construction and operation of these works may have on the levels of water resulting therefrom, to be maintained in Lake Ontario and the St. Lawrence River; and, further, these applications are filed with the International Joint Commission with the understanding on the part of each Government as specified in the applications.

The Commission has heretofore held public hearings in the above matter, at Ogdensburg and Albany, in New York State, and at Toronto, Cornwall, and Montreal, in Canada.

Further notice is hereby given that a final hearing in the above matter will be held in Washington, D. C., on October 20, 1952, at 10:00 a. m., e. s. t., in the Auditorium of the Federal Security Building.

The Auditorium above referred to is on the first floor of the Federal Security Building, on Independence Avenue between Third and Fourth Streets, Southwest.

Interested persons and organizations are invited to attend.

In order to permit all interests to present a full expression of views, it is suggested that, whenever possible, written statements be filed with the Commission and that fifty copies of such statements be prepared.

JESSE B. ELLIS, *Secretary, United States Section, International Joint Commission.*

E. M. SUTHERLAND, *Secretary, Canadian Section, International Joint Commission.*

SEPTEMBER 20, 1952.

[F. R. Doc. 52–10265; Filed, Sept. 19, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 78]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

SEPTEMBER 18, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Portsmouth-Chillicothe, Ohio, Area. (The area consists of all of Scioto, Pike, Ross, and Jackson Counties, Ohio.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52–10350; Filed, Sept. 19, 1952; 10:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–177, 59–91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER GRANTING FURTHER EXTENSION OF TIME TO MODIFY PLAN

SEPTEMBER 16, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation, applicants, File No. 54–177; Pennsylvania Gas & Electric Corporation and its subsidiary companies, respondents, File No. 59–91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding

company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the dissolution of Penn Corp;

The Commission having issued its findings and opinion dated June 5, 1952, concluding that the aforesaid plan may be approved if within 30 days or such additional time as may be granted upon a proper showing the aforesaid plan is modified in accordance with the views expressed in said findings and opinion;

The Commission, by orders dated July 21, 1952, and August 12, 1952, having extended the period in which Penn Corp may file an amended plan, the more recent order extending the time to September 8, 1952, and Penn Corp. by letters dated September 4, 1952, and September 11, 1952, having represented that it is actively engaged in preparing an Amended Plan, which conforms to the evaluation of the various classes of securities of Penn Corp determined by the Commission in its decision of June 5, 1952, and which has received the approval of representatives of all classes of securities affected by the Amended Plan, and that it has not been possible to develop all of the details of the Amended Plan within the time permitted by the Commission's previous orders; and Penn Corp having requested a further extension of time within which to prepare and file its Amended Plan, the request being for an additional 30 days from September 8, 1952:

It is ordered, That the time within which the Amended Plan may be filed be, and hereby is, extended to October 8, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10291; Filed, Sept. 19, 1952; 8:49 a. m.]

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF FILING AND ORDER GIVING OPPORTUNITY FOR HEARING ON APPLICATION FOR AUTHORITY TO RENEW OUTSTANDING PROMISSORY NOTES

SEPTEMBER 16, 1952.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application in connection with the Amended Reorganization Plan No. 4 filed by it and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"). Said application seeks the approval of this Commission of the issuance by EUA to the First National Bank of Boston of $9,094,000 principal amount of 2¼ percent promissory notes to mature one year from October 19, 1952, or such other date, not later than October 19, 1953, as the Commission may deem proper under the circumstances. Such notes will be issued under a loan agreement with said bank which permits presently outstanding notes in the amount of $9,094,000 to be renewed for one year from October 19, 1952. The original notes evidencing the loan were approved by this Commission in this proceeding by order, dated August 17, 1950, and the proceeds therefrom were used by EUA to purchase certain shares of capital stock of its subsidiary, Fall River Electric Light Company, then held by others. By order, dated September 21, 1951, the Commission authorized the renewal of such notes for a period of one year. It is contemplated by EUA that the notes presently outstanding under said loan agreement will be retired by the financing proposed in said Amended Reorganization Plan No. 4.

It is ordered, That any interested person may, not later than September 29, 1952, at 5:30 p. m., e. s. t., request this Commission in writing that a hearing be held on EUA's application to renew its outstanding promissory notes, stating therein the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or submitted for consideration at any such hearing. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1952, the Commission may grant said application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10293; Filed, Sept. 19, 1952; 8:49 a. m.]

[File No. 70-3912]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF BIDDING IN SALE OF PREFERRED STOCK

SEPTEMBER 16, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, having filed an application, with amendments thereto, under section 6 (b) of the act with respect to the issuance and sale by Duquesne, pursuant to the competitive bidding requirements of Rule U-50, of 140,000 shares ____ Percent Preferred Stock, $50 par value, and $14,000,000 principal amount of First Mortgage ____ Percent Bonds, Series due September 1, 1982; and

The Commission having, by order dated September 8, 1952, granted said application, as amended, except that the issuance and sale of the preferred stock and the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order or orders issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of September 8, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Duquesne having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission, dated September 8, 1952, it offered the preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidding group headed by—	Annual dividend rate (percent)	Price to company (dollars per share)	Annual cost to company (percent)
The First Boston Corp....	4.15	50.150	4.106
Lehman Bros., Kuhn, Loeb & Co. and Smith, Barney & Co....	4.20	50.60	4.159
Kidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co....	4.20	50.51	4.157
	4.20	50.3399	4.171

Said amendment having further stated that Duquesne has accepted the bid of the First Boston Corporation for the purchase of the preferred stock, as set forth above, and that the preferred stock will be offered for sale to the public at a price of $51.23 per share, resulting in an underwriter's spread of $1.071 per share, or an aggregate amount of $149,940; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing any terms or conditions with respect to the price to be received by Duquesne for the preferred stock, the dividend rate, the underwriter's spread, or otherwise, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the preferred stock be released:

It is ordered, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the preferred stock be, and the same hereby is, released subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the bonds and over all fees and expenses be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

[F. R. Doc. 52-10294; Filed, Sept. 19, 1952; 8:50 a. m.]

[File No. 70-2919]

GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING CAPITAL CONTRIBUTION TO SUBSIDIARY

SEPTEMBER 15, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-45 thereunder with respect to the following proposed transaction:

GPU proposes to make cash contributions in the aggregate amount of $1,000,000 to its subsidiary, New Jersey Power & Light Company ("NJP&L"). Said contributions will be credited initially by NJP&L to capital surplus and promptly thereafter transferred to the stated capital applicable to its common stock. Such capital contributions will be made by GPU as NJP&L requires funds for construction purposes or to reimburse its treasury for expenditures therefrom for construction purposes.

Such declaration having been duly filed and notice of its filing having been duly given as prescribed by Rule U-23, and the Commission not having received a request for hearing with respect thereto nor having ordered such a hearing; and

The Commission finding with respect to said declaration that the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, That said declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10290; Filed, Sept. 19, 1952; 8:49 a. m.]

[File No. 70-2928]

GRANITE STATE ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE OF PROMISSORY NOTES

SEPTEMBER 16, 1952.

In the matter of Granite State Electric Company, Haverhill Electric Company, Malden Electric Company, Salem Electric Lighting Company, Suburban Gas and Electric Company, Worcester County Electric Company, File No. 70-2928.

Notice is hereby given that the above named public-utility subsidiary companies of New England Electric System ("NEES"), a registered holding company, hereinafter individually referred to as "Granite", "Haverhill", "Malden", "Salem", "Suburban" and "Worcester" and collectively referred to as the "borrowing companies", have filed declarations, pursuant to the Public Utility Holding Company Act of 1935, and have designated section 7 of the act and Rule U-42 thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to banks, from time to time but not later than December 31, 1952, unsecured promissory notes in the maximum principal amount of $7,025,000. The borrowing companies further propose that the principal amount of all of their unsecured promissory notes outstanding at any one time during the period from October 1, 1952, to December 31, 1952, will not exceed $7,275,000.

Each of the notes proposed to be issued will be due six months after its issue date and will bear interest at the prime rate of interest at the time of its issuance. It is stated that said prime rate of interest for such notes at the present time is 3 percent. In the event that such interest rate is in excess of 3¼ percent at the time any of the proposed notes are to be issued, the borrowing company will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. The borrowing companies request that such amendment become effective at the end of such period unless the borrowing company or companies concerned are notified by the Commission to the contrary within such period.

Each of the borrowing companies, except Salem, presently has outstanding notes payable to banks or to NEES and each will use the proceeds derived from the notes proposed to be issued to pay off presently outstanding notes maturing during the period from October 1, 1952, to December 31, 1952, or to pay for construction costs during this period or to reimburse its treasury for prior construction expenditures. The following table shows the amount of notes proposed to be issued and the maximum amount to be outstanding at any one time during the above mentioned period by each of the borrowing companies and the use of the proceeds derived therefrom:

Company	Amount of notes		Use of proceeds to pay		
	To be issued	To be outstanding	Notes to banks	Notes to NEES	For construction
Granite	$450,000	$550,000	$350,000	----	$100,000
Haverhill	700,000	700,000	----	$500,000	200,000
Malden	1,550,000	1,550,000	1,100,000	----	450,000
Salem	200,000	200,000	----	----	200,000
Suburban	1,125,000	1,275,000	1,075,000	----	50,000
Worcester	3,000,000	3,000,000	----	900,000	2,100,000
Total	7,025,000	7,275,000	2,525,000	1,400,000	3,100,000

Granite, Haverhill, Salem and Suburban propose to issue all of their notes to the First National Bank of Boston. Malden proposes to issue its notes to the First National Bank of Boston ($1,030,000), First National Bank of Malden ($120,000), Malden Trust Company ($100,000), and Middlesex County National Bank ($300,000). Worcester proposes to issue its notes in the aggregate amount of $3,000,000 to Worcester County Trust Company, the Mechanics National Bank and Guaranty Bank and Trust Company, all of Worcester, Massachusetts, and the First National Bank of Boston.

The declarations further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300 for each of the borrowing companies, or an aggregate of $1,800. The declarations further state that, except for an exemption granted to Granite by the Public Utilities Commission of New Hampshire with respect to the issuance of promissory notes payable in less than twelve months and in an amount not exceeding $600,000, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's Order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than September 29, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10292; Filed, Sept. 19, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27400]

SULPHURIC ACID FROM FRONT ROYAL, VA., TO KNOXVILLE, TENN.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Front Royal, Va.

To: Knoxville, Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1200, supl. 59.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10276; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27401]

ALCOHOL FROM BATON ROUGE, NORTH BATON ROUGE, AND NEW ORLEANS, LA., TO LLANERCH, PA.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company, and others, pursuant to fourth section order No. 16101.

Commodities involved: Alcohol, denatured, and related articles, carloads.

From: Baton Rouge, North Baton Rouge and New Orleans, La.

To: Llanerch, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10277; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27402]

ACRYLONITRILE FROM POINTS IN NEW JERSEY AND WEST VIRGINIA TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff ICC No. A-911, and Agent L. C. Schuldt's tariff ICC No. 4367, pursuant to fourth section order No. 16101.

Commodities involved: Acrylonitrile, in tank-car loads.

From: Warners, N. J., Belle, Charleston, Elk, Institute, Owens, South Charleston and South Ruffner, W. Va.

To: Baton Rouge, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10278; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27403]

STAVES, CONCRETE, FROM CAMDEN, OHIO TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to L. C. Schuldt's tariff ICC No. 4367, pursuant to fourth section order No. 16101.

Commodities involved: Staves, concrete, not reinforced, silo, grain bin or water tank, carloads.

From: Camden, Ohio.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10279; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27404]

COMMODITY RATES FROM POINTS IN UNITED STATES AND CANADA TO WHITE PINE, MICH.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Duluth, South Shore and Atlantic Railroad Company for itself and on behalf of carriers parties to Consolidated Freight Classification No. 20, Geo. H. Dumas, Agent, ICC No. 33.

Commodities involved: Commodity rates.

From: Points in the United States and Canada.

To: White Pine, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and to apply over rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10280; Filed, Sept. 19, 1952; 8:48 a. m.]

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VOLUME 17 NUMBER 186

Washington, Tuesday, September 23, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2988

GENERAL PULASKI'S MEMORIAL DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Count Casimir Pulaski, Polish nobleman, was impelled by his enduring love of liberty to come to our shores and join in the fight for American independence; and

WHEREAS this valiant Pole, having attained the rank of Brigadier General in the Continental Army, gave his life for the American cause on October 11, 1779, thus becoming one of the immortals in our history; and

WHEREAS the American people, generation after generation, have remembered and cherished the gallant deeds of General Pulaski, who made a heroic contribution to the winning of the freedom we hold so dear:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set aside Saturday, October 11, 1952, the one hundred and seventy-third anniversary of his death, as General Pulaski's Memorial Day, and I invite the people of this Nation to observe the day with ceremonies designed to render homage to this Polish patriot who fought under freedom's banner. I also direct that the flag of the United States be displayed on all Government buildings on October 11 in honor of his memory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10395; Filed, Sept. 22, 1952; 9:43 a. m.]

PROCLAMATION 2989

SUPPLEMENTARY TRADE AGREEMENT: VENEZUELA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 350 of the Tariff Act of 1930, as amended and extended (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410; ch. 585, 63 Stat. 697; Public Law 50, 82d Congress), on August 28, 1952 I entered into a supplementary trade agreement, through my duly empowered Plenipotentiary, with the Junta of Government of the United States of Venezuela, through its duly empowered Plenipotentiary, the said supplementary agreement to become effective on and after the thirtieth day following the exchange of my proclamation and the instrument of ratification of the Government of the United States of Venezuela, as provided for in Article 13 of the said supplementary agreement;

AND WHEREAS I proclaimed the said supplementary agreement on September 10, 1952 and my proclamation and the instrument of ratification of the Government of the United States of Venezuela were duly exchanged at the city of Washington on September 11, 1952;

NOW, THEREFORE, be it known that I, Harry S. Truman, President of the United States of America, supplementing my said proclamation of September 10, 1952, do hereby make known and proclaim that the said supplementary agreement, signed on August 28, 1952, will come into force on October 11, 1952.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 19th day of September, in the year of our Lord one thousand nine [SEAL] hundred and fifty-two and of the Independence of the United States of America the one hundred seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10383; Filed, Sept. 19, 1952; 4:18 p. m.]

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FEDERAL REGISTER

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Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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[Amdt. 3]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

Correction

In F. R. Doc. 52–9968, appearing at page 8206 of the issue for Friday, September 12, 1952, the following change should be made:

In the first line of the second column on page 8206, the words "of the insured, except that if such death or judicial declaration of incompetence" should be inserted between "incompetence" and "occurs".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PROFICIENCY REQUIREMENTS

Sections 41.53–1 through 41.53–6 are being issued to establish periodic flight checks and instructions to be given pilots conducting operations under Part 41. These checks and instructions are similar to those which have been prescribed for pilots conducting operations under Part 61 of this subchapter. The following policies are hereby adopted:

Sec.
41.53–1 Failure to complete instrument competency check (CAA policies which apply to § 41.53).
41.53–2 General standards (CAA policies which apply to § 41.53).
41.53–3 Purpose of observing performance (CAA policies which apply to § 41.53).
41.53–4 Aircraft used in flight check (CAA policies which apply to § 41.53).
41.53–5 Flight simulator (CAA policies which apply to § 41.53).
41.53–6 Proficiency checks (CAA policies which apply to § 41.53).

AUTHORITY: §§ 41.53–1 to 41.53–6 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554.

§ 41.53–1 *Failure to complete instrument competency check (CAA policies which apply to § 41.53).* A scheduled air carrier should not utilize as a pilot in command in scheduled air transportation any pilot who has failed to perform satisfactorily any of the proficiency checks set forth in § 41.53–6.

§ 41.53–2 *General standards (CAA policies which apply to § 41.53).* Section 41.53–6 prescribes the minimum checks which should be given by an air carrier in determining the proficiency of a pilot in command. The air carrier may undertake these checks in any order or arrangement that will achieve complete coverage of the proficiency check in a minimum amount of flight time. Where demonstrated performance is unsatisfactory, additional training may be given during the check or later, and the unsatisfactory item rechecked during the check or later for satisfactory performance. The extent of this additional training should depend on the applicant's satisfactory flight proficiency demonstrated in other phases of the check which, in the opinion of the check pilot, would warrant such additional training. In addition, the air carrier should, where a particular type or condition of operation prevails, add to the checks listed in § 41.53–6.

§ 41.53–3 *Purpose of observing performance (CAA policies which apply to § 41.53).* When an agent of the Administrator is observing the performance of a proficiency flight, his primary objectives will be: (a) An evaluation of the air carrier's pilot flight proficiency training program, and (b) a determination as to whether the air carrier's check pilot is requiring demonstrated performance by the pilot in command as set forth in § 41.53–6 and the air carrier's pilot flight proficiency training program. Any problem pertaining to the performance of the pilot in command during the proficiency flight should be discussed only between the air carrier's check pilot and the agent of the Administrator. In the event there is a difference of opinion between the air carrier's check pilot and the agent as to methods of performing the required maneuvers, such differences of opinion should be resolved between the agent and the air carrier and should not be discussed on the flight deck during the proficiency flight.

§ 41.53–4 *Aircraft used in flight check (CAA policies which apply to § 41.53).* (a) Where a pilot in command is scheduled to fly only one type of land aircraft or one type of seaplane, he should be given his proficiency checks in that type of aircraft he is scheduled to fly.

(b) Where a pilot in command is scheduled to fly more than one type of land aircraft and/or seaplane, his proficiency should be checked in all types of aircraft he is scheduled to fly. However, the following exceptions will be allowed:

(1) If a pilot is scheduled to fly two-engine, three-engine, and four-engine land aircraft or any combination therof, and/or more than one type of such aircraft, he should take his proficiency check in one of the larger and more complicated type of aircraft; or if only one of the smaller type aircraft is available, he may take his check immediately due in that aircraft, but his next check should be accomplished in one of the larger and more complicated type of aircraft.

(2) If a pilot is scheduled to fly two-engine, three-engine, and four-engine seaplanes or any combination thereof, and/or more than one make or model of such seaplanes, he should take his proficiency check in one of the larger and more complicated type of seaplane; or if only one of the smaller type of seaplane is available, he may take his check immediately due in that seaplane, but his next check should be made in one of the larger and more complicated type of seaplane.

(3) If a pilot is scheduled to fly both land aircraft and seaplanes, his check should include a demonstration of proficiency in both land aircraft and seaplane in accordance with subparagraphs (1) and (2) of this paragraph.

§ 41.53–5 *Flight simulator (CAA policies which apply to § 41.53).* An air carrier using a flight simulator in its pilot's training program may be approved to utilize such a device for certain maneuvers in conducting proficiency checks: *Provided*, That (a) the training device accurately simulates the flight characteristics and the performance of the applicable aircraft through all ranges of normal and emergency operation, (b) the maneuvers to be conducted in the simulator other than those specifically authorized in § 41.53–6 (l), (m), (n), (o), (p), and (q), are submitted to the Washington Office for approval by the region in which the headquarters of the air carrier is located, and (c) certain critical maneuvers which demonstrate the proficiency of a pilot are executed in an aircraft of the type flown by the pilot in air carrier service. The proficiency flight in the aircraft should include at least maneuvers (minimum speed), approach procedures, handling under regular approach conditions, and take-off and landings, with engine failures as outlined in § 41.53–6 (g), (q), (u) and (v), respectively.

§ 41.53–6 *Proficiency checks (CAA policies which apply to § 41.53).* The following checks are prescribed by the Administrator to determine the proficiency of the pilot in command:

(a) *Equipment examination (oral or written).* (1) The equipment examination should be pertinent to the type of aircraft to be flown by the pilot in command and may be given (i) in the air carrier's ground school, (ii) during a routine line check under the supervision of an authorized company check pilot, or (iii) during the proficiency check.

(2) The examination should at least contain questions relative to engine power settings, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anti-icing, heating and ventilating, and pressurization system (if pressurized). A record should be maintained in the pilot's file which will indicate the date, condition under which equipment examination was given, and grade received.

(b) *Taxiing, sailing, or docking.* Attention should be directed to (1) the manner in which the pilot in command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, (2) any taxi instruction which may be published in the air carrier's operations manual, and (3) general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(c) *Run-up.* Attention to detail in the use of cockpit check list and cockpit procedure should be observed on all proficiency flights.

(d) *Take-off.* For those air carriers authorized take-off minimums of 200½, the pilot being examined should whenever practicable execute a take-off solely by reference to instruments, or at the option of the check pilot, a contact take-off may be made following which instrument conditions should be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot should observe the pilot's ability to maintain a constant heading during the take-off run, his proficiency in handling power, flap and gear operation during the critical period between take-off (off ground) and reaching five hundred feet. If it becomes necessary for the check pilot to give assistance after becoming airborne, the maneuver should be considered as unsatisfactory.

(e) *Climbs and climbing turns.* Climbs and climbing turns should be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the "Airplane Flight Manual." The use of proper climb speeds and designated rates of climb should be considered in determining the satisfactory performance of this phase of the proficiency flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns should consist of at least forty-five degrees of bank. The turns should be at least 180° of duration, but need not be more than 360°. Smooth control application, and ability to maneuver aircraft within prescribed limits, should be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information should be reviewed and discussed. As a guide, the tolerances of 100 feet plus or minus a given altitude should be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observers' position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(g) *Maneuvers (minimum speeds).* Maneuvers at minimum speed should be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention should be directed to airplane performance as related to use of flaps vs. clean configuration while operating at minimum speeds. Attention should be directed towards the pilot's ability to recognize and hold minimum controllable airspeed, to maintain altitude and heading, and to avoid unintentional approaches to stalls.

(h) *Approach to stalls.* Approach to stalls should be demonstrated from straight flight and turns, with and without power. An approach to stall should be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized should be dictated by (1) the type of aircraft being flown, (2) its reaction to stall conditions, and (3) the limitation established by the air carrier. Performance should be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering should be performed. Such propeller feathering should be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed should be the desired prerequisites in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering should also be noted.

(j) *Maneuvers (one or more engines out).* When performing maneuvers (one or more engines out) the aircraft should be maneuvered with a loss of fifty percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot in command should be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency should be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

(k) *Rapid descent and pull-out.* This maneuver should consist of the following steps: While the aircraft is under the normal approach configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude should be one which permits a descent of at least 1000 feet.) Upon reaching the lower altitude, the aircraft should be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emergency pull-out should be executed which will involve a change of direction of at least 180°. Performance should be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[1]

(m) *Orientation.*[1]

(n) *Beam bracketing.*[1]

(o) *Cone identification.*[1]

(p) *Loop orientation.*[1]

(q) *Approach procedures.* An approach procedure should be made in the aircraft on the let-down aid for which the lowest minimums on a system-wide basis are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. If at the time of the proficiency flight the let-down aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums on a system-wide basis should be used. Where a particular air carrier is authorized landing minimums based on instrument landing systems and ground control approach, the predominate landing aid on a system-wide basis should be utilized. In some cases a particular air carrier may be authorized its lowest landing minimums on a let-down aid which is not installed and operating at locations where the air carrier's pilots are based. In this case the air carrier should conduct the proficiency flights at locations where such an aid is installed and operating. All other approaches for which a particular operator may be authorized to use, such as ADF, LF/MR range, VOR, and VAR should be made and may be conducted in a simulator or other approved type trainer. A record should be maintained in the pilot's file which will indicate the date that these approaches were performed and the grade received. If these approaches (ADF, LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they should be accomplished on the proficiency flight.

(r) *Missed approach procedures.* (See par. (s) of this section.)

(s) *Traffic control procedures.* Missed approach procedures and traffic control procedures should be accomplished in a manner satisfactory to the authorized check pilot. The degree of satisfactory or unsatisfactory performance should be predicated on the pilot's ability to (1) maneuver the aircraft while performing these procedures, and (2) follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Paragraphs (r) and (s) of this section may be accomplished while performing paragraph (q) of this section.

(t) *Cross-wind landing.* A cross-wind landing should be performed when practicable. Traffic conditions and wind velocities will dictate whether a cross-wind landing is practicable. Performance should be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during roll-out.

(u) *Landing under regular approach conditions.* Landing under regular approach conditions will necessitate a path of flight around the landing area of not more than a 180° turn but not less than a 90° turn. The pilot should be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Take-offs and landings (with engine(s) failures).* If it is consistent with safety, traffic patterns, local rules and laws, a simulated engine failure should be experienced during take-off. The simulated failure should occur at any time after the aircraft has passed the V_1 speed pertinent to the particular take-off and when practicable before reaching 300 feet. When performing the landing, the aircraft should be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power should be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver should be evaluated in the manner stated under paragraph (i) of this section.

(w) *Judgment.* The pilot should demonstrate judgment commensurate with experience required of a pilot in command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures should be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record should be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

These policies shall become effective October 20, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–10304; Filed, Sept. 22, 1952; 8:45 a. m.]

[1] Paragraphs (l), (m), (n), (o), and (p) of this section should be accomplished in a satisfactory manner either (1) during a routine line check under the supervision of an authorized company check pilot, (2) in a simulated or synthetic trainer, or (3) during the proficiency flight. A record should be maintained in the pilot's file which will indicate the date, method utilized, and grade received in the performance of these items.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 81]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

Correction

In F. R. Doc. 52–10095, appearing at page 8323 of the issue for Wednesday, September 17, 1952, the following change should be made:

"Section 601.2273" in item 24 and the section designation "§ 601.2273" should read "Section 601.2272" and "§ 601.2272", respectively.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5953]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALLIED WEAVERS OF AMERICA ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.55 *Demand or business opportunities;* § 3.60 *Earnings;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts;* § 3.240 *Special or limited offers.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service;* § 3.2061 *Scientific or other relevant facts;* § 3.2070 *Special offers, savings and discounts;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale or distribution of courses of instruction in weaving in commerce, (1) representing that weaving is either easy to learn or to do; and representing directly or by implication, (2) that persons, irrespective of manual dexterity, general aptitude or practical experience, will become expert weavers upon completion of respondents' course; (3) that the earning potential of persons completing respondents' course is greater than said earning potential is in fact; (4) that any specified amount is charged for performing the type of weaving services taught by respondents when said amount is in excess of the charges usually and customarily made for said type of weaving; (5) that there is a great demand for persons who have completed respondents' course of instruction or representing in any manner that the opportunities for employment on the part of persons trained through respondents' course of instruction are greater than they are in fact; (6) that any of respondents' offers are limited or restricted in point of time when such offers are in fact not so limited or restricted; (7) that respondents assist persons who have completed their course in obtaining weaving work; or, (8) that the number of persons to whom any franchise or other similar instrument of authority or recognition will be conferred by respond-

ents is a limited number when such franchise or other instrument is given to all persons buying and completing such course; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Allied Weavers of America et al., San Francisco, Calif., Docket 5953, June 19, 1952]

In the Matter of Allied Weavers of America, a Corporation, and Walter E. Powell, and George Wallace, Individually and as Officers of Said Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the Commission's complaint (the "notice" portion of which provided that the failure of said respondent to appear at the time and place therein fixed would be deemed to authorize the Commission and said examiner, without further notice, to find the facts to be as alleged in the complaint and to issue an order to cease and desist in the form set forth in said notice), and upon the hearing therein fixed.

Motion at said hearing before said examiner, theretofore duly designated by the Commission, by the attorney in support of the complaint, that the respondents be found in default, and for an entry of an order to cease and desist in the form set forth, as above noted, was granted, and the hearing thereupon closed.

Thereafter the proceeding regularly came on for final consideration by said examiner upon said complaint and motion, and said examiner, having duly considered the record and having found that the proceeding was in the interest of the public, and acting pursuant to Rules V and VIII of the Commission's rules of practice, made his initial decision comprising certain findings as to the fact,[1] conclusion drawn therefrom,[1] and order to cease and desist:

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 19, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents Allied Weavers of America, a corporation, and its officers, and Walter E. Powell and George Wallace, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of instruction in weaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that weaving is either easy to learn or to do;

2. Representing directly or by implication that persons, irrespective of manual dexterity, general aptitude or practical experience, will become expert weavers upon completion of respondents' course.

3. Representing directly or by implication that the earning potential of persons completing respondents' course is greater than said earning potential is in fact.

4. Representing directly or by implication that any specified amount is charged for performing the type of weaving services taught by respondents when said amount is in excess of the charges usually and customarily made for said type of weaving.

5. Representing directly or by implication that there is a great demand for persons who have completed respondents' course of instruction or representing in any manner that the opportunities for employment on the part of persons trained through respondents' course of instruction are greater than they are in fact.

6. Representing directly or by implication that any of respondents' offers are limited or restricted in point of time when such offers are in fact not so limited or restricted.

7. Representing directly or by implication that respondents assist persons who have completed their course in obtaining weaving work.

8. Representing directly or by implication that the number of persons to whom any franchise or other similar instrument of authority or recognition will be conferred by respondents is a limited number when such franchise or other instrument is given to all persons buying and completing such course.

By "Decision of the Commission and order to file report of compliance", Docket 5953, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance with said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10314; Filed, Sept. 22, 1952; 8:46 a. m.]

[1] Filed as part of the original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

In § 221.31 *Defense Production Act of 1950 controls*, paragraph (a) is hereby amended to read as follows:

(a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after September 16, 1952, and covering property upon which there is located a dwelling designed principally for a single-family residence shall not involve a principal amount in excess of $14,000.

(Sec. 211, as added by sec. 3, 52 Stat. 22; 12 U. S. C. 1715b)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10306; Filed, Sept. 23, 1952; 8:45 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 232 is hereby amended by striking out § 232.16a.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10307; Filed, Sept. 22, 1952; 8:46 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

In § 241.15a temporary limitation upon maximum amount of mortgage, paragraph (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of §241.4, the maximum ratio of loan to replacement cost limitation with respect to applications (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after January 12, 1951, shall be 90 percent, except that such limitation may be increased by reason of veteran membership as provided in §241.4, in which event such maximum ratio of loan to replacement cost limitation shall not exceed 95 percent and a mortgage insured pursuant to any such application shall not involve a principal amount for such part of the property or project as may be attributable to dwelling use in excess of the following:

(1) If the number of rooms in the project is less than 4 per family unit, not to exceed $7,200 per family unit, plus the increase, if any, by reason of veteran membership as provided in §241.4, but in any event not to exceed $7,650 per family unit; or

(2) If the number of rooms in the project equals or exceeds 4 per family unit, not to exceed $8,100 per family unit, plus the increase, if any, by reason of veteran membership as provided in §241.4, but in any event not to exceed $8,550 per family unit: *Provided*, That this paragraph shall not be applicable as to mortgages executed by a mortgagor of the character described in §241.16(a)(2).

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10308; Filed, Sept. 22, 1952; 8:46 a. m.]

Subchapter I—War Rental Housing Insurance

PART 280—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 280 is hereby amended by striking out § 280.22c.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10309; Filed, Sept. 22, 1952; 8:46 a. m.]

PART 283—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE; REVOCATION

Part 283 is hereby amended by striking out § 283.22b.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10310; Filed, Sept. 22, 1952; 8:46 a. m.]

Subchapter J—House Manufacturing Loans, War Housing Insurance

PART 285—ELIGIBILITY REQUIREMENTS OF LOAN FOR MANUFACTURE OF HOUSES

MANUFACTURER'S LOAN; PURCHASER'S LOAN

1. Section 285.5 *Manufacturer's loan; eligibility requirements* is hereby amended by striking out paragraph (l) thereof.

2. Section 285.6 *Requirements of eligibility and conditions of insurance of purchaser's loan* is hereby amended by striking out paragraph (h) thereof.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., September 16, 1952.

WALTER L. GREENE, *Federal Housing Commissioner.*

[F. R. Doc. 52-10311; Filed, Sept. 22, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

Sections 805.31 to 805.40 and 805.51 to 805.61 (16 F. R. 12695; 32 CFR 805.31 to 805.61) are rescinded and the following new sections are added as follows:

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR FACILITIES

Sec.
805.31 Policy.
805.32 Facility clearances.
805.33 Scope of facility clearance.
805.34 Facility denial.
805.35 Plant survey.
805.36 Central records.
805.37 Subcontractors.
805.38 Applicability to "restricted data."
805.39 Applicability to cryptographic material.
805.40 Prescribed forms.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

805.51 Policy.
805.52 Responsibility.
805.53 Dissemination of classified information.
805.54 Investigations.
805.55 Clearances.
805.56 Waiver of certain clearance requirements.
805.57 Revocation of clearance.
805.58 Appeals from denials.
805.59 Central records.
805.60 Subcontractor employees.
805.61 Prescribed forms.

AUTHORITY: §§ 805.31 to 805.61 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 10, 44 Stat. 787; 10 U. S. C. 310.

DERIVATION: AFR's 205-17, 205-18.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR FACILITIES

§ 805.31 *Policy.* To assure the protection of classified security information, procurement activities and other interested activities of the Air Force that are authorized to release classified security information will insure that a prospective bidder or contractor has been granted a facility security clearance by one of the military departments prior to disclosing classified security information to such prospective bidder or contractor in connection with precontract negotiations or the performance of a contract.

§ 805.32 *Facility clearances.* (a) Facility security clearances are required for prospective bidders or contractors whenever access to security information classified higher than Restricted is involved, and whenever any officer, director, or owner of a facility is an alien and access to Restricted security information is involved. In addition, alien employees of a facility will not be permitted access to Restricted security information until they have been investigated and cleared in accordance with the provisions of §§ 805.31 to 805.40. The provisions of this section do not affect the requirement for a security agreement whenever any classified security information is involved, nor the requirement for an appropriate plant security survey in accordance with § 805.35.

(b) Facility security clearances, when required by paragraph (a) of this section, will be granted by major air commands concerned to prospective bidders or contractors: *Provided, That:*

(1) The officers, directors, owners and key employees who will require access to such classified security information in connection with precontract negotiations or preparation of bids are either United States citizens or aliens who have been lawfully admitted to the United States for permanent residence under immigration visas.

(2) Except as indicated in subparagraph (5) of this paragraph a check of the central records of the Federal Bureau of Investigation and the records of such other agencies as may be pertinent reveals no adverse information concerning:

(i) The facility.
(ii) Officers of the facility.
(iii) Directors of the facility.
(iv) Owners and key employees who will have access to classified security information.

(3) A check of the fingerprint files and subversive indexes of the Federal Bureau of Investigation reveals no adverse information concerning persons referred to in subparagraph (2) (ii) (iii) and (iv) of this paragraph.

(4) Sufficient investigation has been conducted to support a decision to grant or deny a security clearance, if the records reveal adverse information concerning persons referred to in subparagraph (2) of this paragraph.

(5) A background investigation has been completed if one of the persons referred to in subparagraph (2) of this paragraph is an alien and security information classified Secret or higher is involved.

(6) Persons referred to in subparagraph (1) of this paragraph have been issued letters of consent as necessary for access to classified security information.

(c) Subject to the conditions prescribed in paragraphs (a) and (b) of this section regarding aliens, security agreements, and surveys, major air commands concerned may grant interim facility security clearances for access to Confidential security information, sub-

ject to revocation if derogatory information is subsequently developed, pending completion of the required investigation and clearance.

(d) In those cases where a facility security clearance is not initially required under the provisions of §§ 805.31 to 805.40, and access to security information classified higher than Restricted is involved subsequent to the award of a contract, action will be taken to grant a clearance as prescribed in §§ 805.31 to 805.40, prior to disclosure of such information.

§ 805.33 *Scope of facility clearance.* A clearance accorded a facility for the purpose of precontract negotiations or preparation of bids, made in accordance with § 805.32, will also constitute a clearance of the facility for purposes of the award of a contract: *Provided, however,* That:

(a) Nothing contained in §§ 805.31 to 805.40 may be construed as authorizing the disclosure of classified security information by any means or in any form to a contractor, prospective contractor or prospective bidder, or any representative thereof. Policy prescribed in §§ 805.1 to 805.22, as supplemented by procedures prescribed in current directives, applies with respect to the approval or disapproval of all requests for classified security information and all proposals to release classified security information to private individuals, firms, corporations, or other non-governmental organizations.

(b) A facility security clearance will not be considered to dispense with the requirements of § 805.35 for adequate facilities for the protection of classified security information at the place or places where the contract will be performed.

(c) Clearance of contractor personnel will be required in the manner and to the extent provided by §§ 805.51 to 805.61.

§ 805.34 *Facility denial.* (a) Facility security clearances will not be granted when an officer or director of the firm or corporation or any owner who will have access to classified security information is found to be unsuited for access to classified security information under the following criteria: On all the evidence and information available, reasonable grounds exist for belief that the person:

(1) Has committed acts of treason or sedition, has engaged in acts of espionage or sabotage, has actively advocated or aided the commission of such acts by others, or has knowingly associated with persons committing such acts.

(2) Is employed by, or subject to the influence of, a foreign government under circumstances which may jeopardize the security interests of the United States.

(3) Has actively advocated or supported the overthrow of the Government of the United States by the use of force or violence.

(4) Has intentionally disclosed military information classified Confidential or higher without authority and with reasonable knowledge or belief that it may be transmitted to a foreign government, or has intentionally disclosed such information to persons not authorized to receive it.

(5) Is mentally or emotionally unstable, is a habitual offender of the law, or does not possess the integrity, discretion, and responsibility essential to the security of classified military information.

(6) Is, or recently has been, a member of, or affiliated or sympathetically associated with, any foreign or domestic organization, association, movement, group, or combination of persons which

(i) Is, or has been designated by the Attorney General as, totalitarian, fascist, communist, or subversive;

(ii) Has adopted, or has been designated by the Attorney General as having adopted, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States; or

(iii) Seeks, or has been designated by the Attorney General as seeking, to alter the form of the Government of the United States by unconstitutional means.

(b) When a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated, together with appropriate recommendations, will be sent to the Army-Navy-Air Force Personnel Security Board for decision. A facility security clearance denied or revoked on security grounds other than those pertaining to the physical elements of security is appealable to the Industrial Employment Review Board. Security clearances for precontract negotiations need not be denied when a key employee is found to be unsuited for access to classified security information: *Provided,* That the employee concerned will not be given access thereto.

(c) In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for denial of clearance will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force, Washington 25, D. C.

(d) If the facility is foreign-owned or controlled to the extent that it may constitute a security risk, clearance will be denied in accordance with specific instructions on this subject.

(e) When any officer, director, owner, or key employee is found to be an alien in the United States under other than an immigration visa, military information will not be released or disclosed to the alien without the specific approval of the Director of Intelligence, Headquarters United States Air Force.

§ 805.35 *Plant survey.* (a) In addition to requirements concerning facility security clearances, the award of a contract involving classified security information will be subject to an appropriate security survey of the plant, shop, laboratory, or place at which work under the contract will be performed to determine whether adequate facilities are available for protecting classified security information that will be released to or developed by the contractor, so far as can be anticipated at the time of the survey. Commanders concerned will conduct such formal or informal surveys as they deem proper, according to the security classification, nature, or volume of classified security information that will require physical protection. Whenever practicable, however, and time permits, a complete security survey will be conducted and DD Form 374, Plant Security Survey Report, will be used.

(b) When a security survey reveals inadequate facilities for the protection of the classified security information, the award of a contract involving classified security information will be withheld pending satisfactory completion of negotiations for the correction of the deficiencies. Responsibility for assuring compliance by the prospective contractor when agreements for the installation of security measures have been reached in such cases will rest with the commander concerned.

§ 805.36 *Central records.* Facilities cleared or denied clearance for precontract negotiations or for the award of contracts involving classified security information will be recorded, as will personnel cleared or denied clearance for access to classified security information. Record thereof, together with copies of security surveys and security agreements, will be forwarded promptly to the Central Index Files, Army-Navy-Air Force Personnel Security Board, c/o Provost Marshal General, Washington 25, D. C., where they will be maintained in such a way that information concerning the status of such facilities and persons is immediately available to all procurement activities of the Department of Defense.

§ 805.37 *Subcontractors.* The policies contained in §§ 805.31 to 805.40 pertaining to contractors are equally applicable to subcontractors.

§ 805.38 *Applicability to "restricted data."* The policies contained in §§ 805.31 to 805.40 will apply to "restricted data" as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801–1819), bearing military classifications, subject to the following additional specific requirements and limitations:

(a) A complete National Agency Check is required beforehand concerning all officers, directors, owners, and all key employees who will have access to classified security information if the security information involved is classified Top Secret, Secret, or Confidential.

(b) In addition, if one of the persons referred to in paragraph (a) of this section is an alien, a background investigation of such alien is required before he may have access to the classified security information described.

(c) With respect to security information classified Restricted, a National Agency Check will be made of the persons referred to in paragraph (a) of this section if one of them is an alien, except that only such alien key employees who must have access to the classified security information need be checked.

(d) The granting of Atomic Energy Commission "Q" clearances for access to "restricted data" in the possession of contractors or contractors' employees of the Atomic Energy Commission is governed by current directives.

§ 805.39 *Applicability to cryptographic material.* The policies contained in §§ 805.31 to 805.40, except § 805.38, will apply with respect to contracts involving research, development, or production of classified cryptographic equipment or other classified cryptographic material, subject to all of the following additional requirements and limitations.

NOTE: In view of the extremely sensitive information involved, the disclosure of the actual details of cryptographic information to bidders or prospective bidders is not anticipated.

(a) Whenever time permits, a background investigation will be conducted in advance on all officers, directors, owners, and key employees who will have access to the classified security information.

(b) If time does not permit the completion of background investigations, at least a complete National Agency Check is required beforehand concerning all persons referred to in paragraph (a) of this section.

(c) All officers, directors, and owners, and all key employees who must be granted access to the classified security information, must be eligible for access to cryptographic matter under criteria prescribed in current directives.

(d) If all persons referred to in paragraph (c) of this section are eligible for access to cryptographic matter, and the results of the investigations of all such persons and the facility are satisfactory, cryptographic clearances may be granted such personnel by the commander concerned, letters of consent for contractor personnel to have access to classified cryptographic information may be issued (see §§ 805.51 to 805.61), and the necessary disclosure of information may be made.

(e) A decision of the commanding general of the major air command concerned not to award a contract involving access to classified cryptographic information due to security limitations prescribed by this section is not appealable under the provisions of §§ 805.31 to 805.40.

§ 805.40. *Prescribed forms.* The following Department of Defense forms are prescribed for use as indicated below:

(a) *Central Security Index File Check, DD Form 555.* A request for information from the Central Index Files concerning the security clearance status of contractors, prospective contractors, and individuals may be submitted on DD Form 555, Central Security Index File Check.

(b) *Requests for investigations.* The following forms are prescribed for requesting investigations, including the number of copies of each form to accompany each request:

(1) Five copies of DD Form 48, Personnel Security Questionnaire, will be completed by all United States citizens who are subject to investigation.

(2) Five copies of DD Form 49, Alien Questionnaire, will be completed by all aliens who are subject to investigation.

(3) One Applicant Fingerprint Card (Number 16–63416–1) will be completed for all persons subject to investigation. National Defense Program fingerprint cards may be used until present supplies are exhausted.

(c) *Plant Security Survey Report, DD Form 374.* One copy of DD Form 374, Plant Security Survey Report, referred to in § 805.35 will be forwarded to the Central Index Files.

(d) *Notification of Facility Security Clearance, DD Form 562.* One copy of DD Form 562, Letter of Notification of Facility Security Clearance, will be furnished each facility upon granting facility clearance.

(e) *Letters of Consent for Employees, DD Form 560 and DD Form 561.* One copy of DD Form 560, Letter of Consent for United States Citizens, or DD Form 561, Letter of Consent for Aliens, as appropriate, will be furnished a facility as notification that a letter of consent for an employee has been granted.

(f) *Central Security Index File-Facility, DD Form 265.* A record of facility clearance action will be sent to the Central Index Files on DD Form 265, Central Security Index File-Facility. The fact that a fingerprint check has been conducted also will be reflected on the form.

(g) *Central Security Index File-Personnel, DD Form 264.* A record of personnel clearance action will be sent to the Central Index Files on DD Form 264, Central Security Index File-Personnel. The fact that a fingerprint check has been conducted also will be reflected on the form.

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

§ 805.51 *Policy.* To minimize the security risk incident to the handling of classified security information by Air Force contractor employees, it is essential that the loyalty, integrity, and trustworthiness of the personnel specified in §§ 805.51 to 805.61 be established by investigation.

§ 805.52 *Responsibility.* (a) The Department of the Air Force is responsible for investigating and clearing Air Force contractor personnel in accordance with the provisions of §§ 805.51 to 805.61. A clearance granted as prescribed herein constitutes an administrative determination that the employment of such a person in the manner proposed will not be inimical to the interests of the United States, and it will be evidenced by the issuance of an appropriate letter of consent as prescribed in § 805.61. However, a letter of consent issued on DD Forms 560 or 561 by activities of the Departments of the Army or Navy will be accepted by the Air Force commander concerned as authority for the same contractor to employ the same person on Air Force contracts without additional clearance action, unless additional investigative action is necessary to meet the requirements of §§ 805.51 to 805.61. Further, a letter of consent issued by activities of the Department of the Army or Navy should be accepted as a basis for the issuance of a letter to another contractor for employment of the same person on Air Force contracts: *Provided,* That the commander concerned determines that it is not necessary to request that the previous investigation be brought up to date: *And provided,* That no additional investigative action is necessary to meet the requirements of §§ 805.51 to 805.61.

(b) Commanders concerned are responsible for taking appropriate action to prevent the disclosure of classified security information to persons referred to in §§ 805.51 to 805.61 until the prescribed clearances have been granted.

§ 805.53. *Dissemination of classified information.* Nothing contained in §§ 805.51 to 805.61 may be construed as authorizing the dissemination or disclosure of any classified security information in any form to employees or other representatives of contractors, prospective contractors, or prospective bidders. Policy prescribed in §§ 805.1 to 805.22 as supplemented by procedures prescribed in current directives applies with respect to all requests for classified security information and all proposals to release classified security information to contractors, prospective contractors, prospective bidders, and their employees or other representatives.

§ 805.54 *Investigations.* Air Force contractor employees in the following categories will be investigated as indicated:

(a) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to any security information classified Top Secret or to cryptographic information classified Secret, Confidential, or Restricted, a background investigation will be conducted.

(b) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to "restricted data," as defined in the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801–1819), that is classified Secret or Confidential, or to other security information classified Secret, except cryptographic information, a National Agency Check will be conducted.

(c) For aliens whose duties or employment in connection with the performance of a contract will involve access to any classified security information, a background investigation will be conducted. (As used in §§ 805.51 to 805.61 the term "alien" applies only to those aliens who are in the United States under an immigration visa for permanent residence.)

(d) For contractor employees whose duties or employment in connection with the performance of a contract will involve access to Confidential or Restricted security information, investigation and clearance are not required, except as prescribed in paragraphs (a), (b), (c), and (e) of this section.

(e) The provisions of §§ 805.51 to 805.61 are not intended to preclude investigation of contractor personnel not otherwise provided for herein when there is any evidence that the continued employment of these persons constitutes a security risk.

§ 805.55 *Clearances.* (a) *General.* Except for clearances provided in para-

graphs (d) and (e) of this section, upon completion of the required investigations as prescribed in § 805.54, major air commanders concerned may grant personnel security clearances by issuance of a letter of consent to the contractor involved. In the case of United States citizens referred to in paragraph (a) of § 805.54, a letter of consent may be issued based on favorable results of a National Agency Check pending completion of the required background investigation. In the case of aliens referred to in paragraph (c) of § 805.54, a letter of consent may be issued for access to "restricted data" classified Restricted or other security information classified up to and including Confidential, based on favorable results of a National Agency Check, pending completion of the required background investigation. In all instances, letters of consent are subject to revocation if derogatory information within the meaning of the criteria established for the Industrial Employment Review Board (see § 805.34 (a)) is subsequently developed.

(b) *Military clearances for "Restricted Data."* Letters of consent issued pursuant to paragraph (a) of this section, to authorize the employment of persons on duties requiring access to security information classified Top Secret, Secret, Confidential, or Restricted, will also constitute authority for the employment of the same persons on duties requiring access to atomic energy "restricted data" of like military security classification, except as indicated in paragraph (d) of this section. Letters of consent issued in accordance with the provisions of §§ 805.51 to 805.61 will not include any reference to atomic energy "restricted data."

(c) *Denial of clearances.* Except as authorized in paragraph (e) of this section, Air Force activities will not initially deny personnel security clearances to contractor employees. Whenever a denial appears justified, a copy of the report of investigation and any other evidence upon which the decision is predicated will be forwarded, with appropriate recommendations, to the Army-Navy-Air Force Personnel Security Board for decision. In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for denial of clearance will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force, Washington 25, D. C.

(d) *"Q" clearances for "restricted data."* The granting of Atomic Energy Commission "Q" clearances for access to "restricted data" in the possession of contractors or contractors' employees of the Atomic Energy Commission is governed by current directives. Denials or revocation of "Q" clearances are not appealable under the provisions of §§ 805.51 to 805.61.

(e) *Cryptographic clearances.* (1) A cryptographic clearance is required before a letter of consent may be issued for any person to have access to classified cryptographic information in connection with a contract involving research, development, or production of classified cryptographic equipment or other classified cryptographic material.

(2) Whenever time permits, a background investigation will be conducted in advance on all individuals who will have access to the classified security information referred to in subparagraph (1) of this paragraph.

(3) If time does not permit the completion of background investigations, at least a complete National Agency Check will be conducted in advance before such persons may be granted access to the classified security information involved.

(4) Only such persons as are eligible for access to cryptographic matter under criteria prescribed in current directives may be granted crytographic clearances.

(5) If a person referred to in subparagraph (1) of this paragraph, is eligible for access to the classified cryptographic information specified, and the results of the investigation of such person are satisfactory, a cryptographic clearance may be granted and a letter of consent issued. Only an interim clearance may be granted if the investigation completed is only a National Agency Check.

(6) Letters of consent which are based on a cryptographic clearance will include a notation to that effect.

(7) Denials or revocations of cryptographic clearances are not appealable under §§ 805.51 to 805.61.

(f) *Employees of colleges and universities.* In addition to other clearances prescribed in this section, commanders concerned are responsible for granting clearances and issuing letters of consent for the employment by colleges and universities of persons on duties requiring access to information classified Confidential or Restricted, pursuant to the provisions of current directives.

(g) *Unclassified information.* Appropriate letters of consent may be issued by major air commanders concerned, to contractors involved, for alien employees requiring access to unclassified matter described in section 10 (j), act of July 2, 1926 (44 Stat. 787; 10 U. S. C. 310 (j)). Consent will not be granted unless, after full consideration of the evidence presented, it is determined that the employment of such person in the manner proposed will not be inimical to the interests of the United States. When a denial is indicated, the provisions of paragraph (c) of this section will govern. Normally, a review of DD Form 49 should be sufficient.

§ 805.56 *Waiver of certain clearance requirements.* (a) Except for atomic energy "restricted data" and cryptographic information, commanders of major air commands concerned are authorized to modify clearance requirements for Air Force contractor employees, except aliens, who require access to Secret matter, pending completion of National Agency Checks, when considered necessary for the performance of contracts. Such action will not be taken, however, unless after full consideration of the evidence presented (DD Form 48, with personnel reports of contractors or other similar data, such as that obtainable from local sources), it is determined that such access will not be inimical to the security interests of the United States. In arriving at decisions to modify clearance requirements, the criteria referred to in § 805.55 (a) should be applied. Further, letters of consent should be issued when favorable action is taken pursuant to the provisions of this paragraph, subject to revocation if derogatory information is subsequently developed.

(b) In connection with the authority to modify clearance requirements as indicated in paragraph (a) of this section it is not intended that contractors should be compelled to furnish personnel reports. However, when personnel reports or other similar data are not available, action to modify clearance requirements will not be taken.

§ 805.57 *Revocation of clearance.* Except as authorized in § 805.55 (e), when a letter of consent has been issued, it will not be revoked, except in an emergency, until authorization therefor has been obtained from the Army-Navy-Air Force Personnel Security Board. An emergency is defined as any situation in which failure to act until the above authorization has been obtained presents a serious threat to the security interests of the United States. In arriving at decisions to revoke letters of consent, the criteria referred to in § 805.55 (a) should be applied. In each instance, a copy of the recommendations forwarded to the Army-Navy-Air Force Personnel Security Board for revocation of a letter of consent (clearance) will be forwarded to the Deputy Inspector General for Security, Headquarters United States Air Force.

§ 805.58 *Appeals from denials.* Any contractor employee who has been denied a personal security clearance or whose clearance has been revoked will be advised of his right of appeal in accordance with established policy on this subject. (This does not apply to cryptographic clearances or to Atomic Energy Commission "Q" clearances.)

§ 805.59 *Central records.* (a) Immediately upon the granting of a clearance of contractor employees, DD Form 264, Central Security Index File-Personnel, will be completed and promptly sent to the Central Index Files, Army-Navy-Air Force Personnel Security Board, c/o Provost Marshal General, Washington 25, D. C. The fact that a fingerprint check has been conducted will be reflected on the form.

(b) When a clearance is denied, or a letter of consent revoked, a statement to that effect will be sent to the Central Index Files in addition to the other information required in paragraph (a) of this section. Periodically, a list of such denials will be made available to major air commands concerned.

§ 805.60 *Subcontractor employees.* The policies contained in §§ 805.51 to 805.61 pertaining to contractor employees are equally applicable to employees of subcontractors.

§ 805.61 *Prescribed forms.* The following Department of Defense forms are prescribed for the uses indicated:

(a) *Central Security Index File Check, DD Form 555.* A request for information from the Central Index Files concerning the security clearance status of contractors, prospective contractors, and individuals may be submitted on DD Form 555, Central Security Index File Check.

(b) *Investigative forms.* The following forms are prescribed for requesting investigations, including the number of copies of each form which will accompany each request:

(1) Five copies of DD Form 48, Personnel Security Questionnaire, will be completed by all United States citizens who are subject to investigation by reason of employment on Department of the Air Force contracts.

(2) Five copies of DD Form 49, Alien Questionnaire, will be completed by all aliens who are subject to investigation by reason of employment on Department of the Air Force contracts, and, in the case of contracts for furnishing or constructing aircraft, aircraft parts, and aeronautical accessories, by all aliens who require access to the plans or specifications, or to the work under construction, or who participate in the contract trials, whether or not access to classified security information is involved.

(3) One Applicant Fingerprint Card (Number 16–63416–1) will be completed for all persons subject to investigation by reason of employment requiring access to classified security information. The National Defense Program Fingerprint Cards may also be used until present supplies are exhausted.

(c) *Letters of Consent for Employees, DD Form 560 and DD Form 561.* One copy of DD Form 560, Letter of Consent for United States Citizens, or DD Form 561, Letter of Consent for Aliens, as appropriate, will be furnished a facility as notification that a letter of consent for an employee has been granted.

(d) *Central Security Index File-Personnel, DD Form 264.* A record of personnel clearance action will be sent to the Central Index Files on DD Form 264, Central Security Index File-Personnel, as prescribed in § 805.59.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52–10303; Filed, Sept. 22, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 51, Amdt. 6]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

NEW PRICES FOR THE SALE OF CODFISH

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 51, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 51 establishes new ceiling prices for the sale of salted codfish in Puerto Rico at all levels of distribution.

About 95 percent of the codfish consumed in Puerto Rico is imported from Newfoundland, under contracts extending from July 1 to June 30 of the succeeding year. The present contract with the Newfoundland Association of Fish Exporters Ltd., otherwise known as NAFEL, expired on June 30, 1952. Under suppliers' present asking prices and at existing ceiling prices, Puerto Rico importers of codfish will not be enabled to receive margins equivalent to those received by them in the pre-Korea period. The increase in ceiling price to importers and in turn of the ceiling price at wholesale and retail should enable these importers to continue to import the codfish and at the same time receive their normal markups in accordance with section 402 (k) of the Defense Production Act. This amendment increases the ceiling prices of codfish by $1.20 per hundredweight for sales by importers to wholesalers, by $1.30 per hundredweight for sales at wholesale and by 1½ cents per pound for sales at retail.

In formulating this amendment, the Director has consulted with the Industry Advisory Committee for Codfish to the fullest extent practicable prior to the issuance of this amendment and has given due consideration to its recommendations. In the judgment of the Director, this amendment is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Paragraph (b) of section 2.1 of Ceiling Price Regulation 51 is amended to read as follows:

(b) *Ceiling prices.* Ceiling prices for salted codfish are established as follows:

Salted codfish:	
Sales to wholesalers (per 100 pounds)	$19.50
Sales at wholesale (per 100 pounds)	20.50
Sales at retail:	
1 pound	.24
2 pounds	.47

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Ceiling Price Regulation 51 is effective September 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 19, 1952.

[F. R. Doc. 52–10391; Filed, Sept. 19, 1952; 5:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 3, Revised]

INT. 3—PROFIT SHARING AND OTHER BONUSES UNDER GENERAL SALARY STABILIZATION REGULATION NO. 2, AS AMENDED

GENERAL

0.01 Q. Does the Bonus Regulation issued by the Salary Stabilization Board differ from the bonus regulation issued by the Wage Stabilization Board?

A. Yes, because of the substantial differences in custom and general practice in bonus payments to management employees as distinguished from production workers.

SECTION 1

1.01 Q. To what types of bonuses does the Bonus Regulation apply?

A. The Bonus Regulation applies primarily to bonuses based on profit sharing.

The Bonus Regulation applies whether the bonuses are paid directly to employees or under a profit-sharing plan or into a fund or trust. The profit-sharing plan or trust may, but need not, be one approved by the Bureau of Internal Revenue under section 165 of the Internal Revenue Code. Such a profit-sharing plan or trust does not necessarily give rise to contractual bonuses under section 3 of the Regulation (see 3.09).

The Bonus Regulation also applies to bonuses customarily paid on holidays, at the end of the employer's fiscal or calendar year, at vacation time or on similar occasions. However, paid vacations are not within the scope of the Bonus Regulation; to the extent that such paid vacations were a practice of the employer in effect on January 25, 1951, they may represent an auxiliary pay practice authorized by section 91 of General Salary Stabilization Regulation 1, Amended.

Christmas or year-end bonuses may, at the employer's election, be paid to the extent permitted under either the Bonus Regulation or any special regulation, order or interpretation made applicable to 1952. If paid under Interpretation 2, bonuses of a similar nature paid in prior years may not be included as part of the "base period bonus fund" provided for by the Bonus Regulation.

1.02 Q. Does the Bonus Regulation apply to a bonus paid for the successful performance of an important assignment, such as the successful completion of a series of especially newsworthy articles?

A. Yes, provided the employer has a bonus fund available under the Regulation.

1.03 Q. Are there bonuses to which the Bonus Regulation does not apply?

A. Yes. The Bonus Regulation does not apply to bonuses which are directly related to hours worked, such as bonuses for overtime or work on Saturdays, Sundays, or holidays. The Bonus Regulation does not apply to bonuses based on units

produced, such as incentive bonuses of the type often paid to wage earners.

The Bonus Regulation also does not apply to bonuses that are both computed and paid more often than every three months (see 1.05 and 1.06).

The Bonus Regulation also does not apply to new profit-sharing and other bonuses authorized by General Salary Order 12 or new deferred profit-sharing or stock bonus plans and trusts which may be put into effect under General Salary Stabilization Regulation 6, as amended.

1.04 Q. Are salesmen's commissions considered bonuses within the Bonus Regulation?

A. No. Salesmen's commissions are not bonuses within the Regulations, but are a distinct method of paying salesmen their basic compensation, which has been made the subject of a separate regulation. On the other hand, a bonus paid to a department store or branch manager based on a percentage of profits is a profit-sharing bonus within the provisions of the Bonus Regulation.

1.05 Q. Does the Bonus Regulation apply to a bonus that is computed each month but paid only once a year?

A. Yes. Only bonuses which are both computed and paid more frequently than every three months are excluded from the provisions of the Bonus Regulation.

1.06 Q. A company has had a practice of computing and setting aside 5 percent of its net profits after the close of each calendar year and paying such profits to employees in monthly installments. Does the Bonus Regulation apply to these profit-sharing bonuses?

A. Yes. Even though the bonuses are paid in monthly installments, they are computed only once a year.

1.07 Q. Is severance pay covered by the Bonus Regulation?

A. No. Severance pay constitutes an auxiliary pay practice governed by the provisions of other salary stabilization regulations.

1.08 Q. How are bonuses classified under the Bonus Regulation?

A. The Bonus Regulation classifies bonuses as follows:

(1) Contractual bonuses which are paid pursuant to a contract or established plan under which both computation and allocation are predetermined (section 3);

(2) Bonuses paid pursuant to an established plan under which allocation is of a discretionary nature (section 4);

(3) Discretionary bonuses under which both computation and allocation are of a discretionary nature (section 5).

The Bonus Regulation treats bonuses in the first category differently from those in the second and third categories; bonuses in the second and third categories are, generally speaking, treated in a similar manner.

1.09 Q. Under the Bonus Regulation, must a bonus be paid in cash?

A. No. Bonuses may be paid in cash or in property, such as stock of the employing corporation or of another corporation, government bonds, or any other property.

1.10 Q. How should the amount of bonus paid in stock or other property be determined for the purpose of the Regulation?

A. By determining the fair market value of the stock or property at the time of its award (see 2.05).

1.11 Q. Under a profit-sharing plan bonuses have historically been paid 50 percent in cash and 50 percent in stock. May the bonus this year be paid 75 percent in cash and 25 percent in stock?

A. Yes. Provided the total bonus does not exceed the total amount allowable under the Bonus Regulation.

SECTION 2

2.01 Q. Does the Bonus Regulation establish a dollar ceiling on bonuses?

A. Yes. The Bonus Regulation establishes a dollar ceiling upon all bonuses other than contractual bonuses, which are separately treated in the Bonus Regulation.

For bonuses paid under either section 4 or section 5, the employer is given two general alternatives in computing his dollar ceiling:

(1) The employer can base current bonus payments on the total bonuses paid for the calendar year 1950. If the employer elects this alternative and paid bonuses totaling $50,000 for the calendar year 1950, the sum of $50,000 is his ceiling.

(2) The Bonus Regulation recognizes that the year 1950 may not have been typical for certain companies. Accordingly, it gives the employer the alternative of selecting three years from the five calendar years 1946 to 1950 and taking the average of the total bonuses paid in the three years thus selected.

EXAMPLE: The employer paid bonuses as follows:

1946	$35,000
1947	60,000
1948	45,000
1949	55,000
1950	50,000

The total bonuses for the three highest years (1947, 1949 and 1950) amount to $165,000, producing an annual average of $55,000. This annual average is higher than the 1950 bonus of $50,000, and the employer may treat the sum of $55,000 as his ceiling.

The ceiling under either alternative selected by the employer is called the "base period bonus fund".

2.02 Q. If an employer did not distribute a bonus in 1950, may he nevertheless distribute a bonus in 1951?

A. Yes, provided that a bonus was paid in at least one out of the four years 1946, 1947, 1948 and 1949. If he paid a bonus in only one of these four years, his bonus ceiling is one-third of the bonus paid in that one year. If he paid a bonus in only two of these years, his bonus ceiling is one-third of the total bonuses paid in these two years.

2.03 Q. May an employer who was limited in the distribution of discretionary bonuses in 1950 or other years since 1946, due, for example, to a restrictive agreement with the Reconstruction Finance Corporation, or another lending institution, increase his bonus ceiling when the restriction is removed?

A. No.

2.04 Q. To what extent is the employer bound by his selection of either alternative in computing the bonus ceiling?

A. The employer is bound by his selection for the purpose of all other determinations under the Bonus Regulation, including the determination of the highest single bonus paid by the employer for the purpose of sections 4 and 5, and the determination of increases or decreases in the bonus group under section 6. All such determinations must be made on the basis of the year or years used in computing the base period bonus fund.

2.05 Q. How is property distributed as a bonus valued for the purpose of determining the bonus ceiling?

A. Property distributed as a bonus should be valued at its fair market value as of the time of the bonus award. Valuation practices acceptable under the Internal Revenue Code may be followed in making such valuations. However, a past practice which has been consistently followed prior to January 25, 1951, should be continued; for example, if common stock is awarded as a bonus and, according to past practice, has been valued at its average market value over a particular period, such practice should be followed under the Regulation.

2.06 Q. If an annuity is awarded as a bonus, how should the annuity be valued?

A. The amount of the premium paid for the annuity by the employer on behalf of the employee represents the value of the bonus under the Bonus Regulation.

2.07 Q. What is meant by bonuses "payable with respect to the calendar year 1950"?

A. Many companies follow the practice of paying bonuses for a particular year after the close of that year. It would have been inequitable to permit some companies to use 1950 profits to compute their bonus ceiling because such companies happened to pay 1950 bonuses in 1950 while not permitting other companies to use 1950 profits for the purpose of their bonus ceiling because such companies, in accordance with their normal practice of paying bonuses for one year after the close of that year, had not paid 1950 bonuses prior to January 25, 1951, the stabilization date. On the other hand, companies could not be permitted to determine their 1950 bonuses, subsequent to issuance of the Bonus Regulation, for any such permission would be wholly inconsistent with stabilization objectives. The Bonus Regulation was issued on August 17, 1951 and it was assumed that companies which normally paid bonuses for 1950 after the close of that year would long before the issuance of the Bonus Regulation have made their bonus determinations and awards subject only to the approval of stabilization authorities.

In view of the foregoing, bonuses "payable with respect to the calendar year 1950" are construed to mean bonuses which are:

(1) Payable as compensation for services rendered during 1950, and

(2) Payable entirely out of profits earned in 1950, and

(3) Determined and fixed in amount prior to August 17, 1951, and which would have been paid prior to August 17, 1951, but for wage or salary stabilization.

Any employer paying 1950 bonuses in 1951 must maintain records sufficient to establish that such bonuses comply with each of the foregoing requirements. Profit and loss statements, balance sheets, annual reports, income tax returns, and substantiating entries in the employer's books will be considered relevant. The amendment subsequent to August 17, 1951, of income tax or other returns to reflect increased bonuses will be deemed prima facie evidence that such bonuses were not determined and fixed in the manner contemplated by the Bonus Regulation and bonuses paid under such circumstances may be deemed a violation of the Bonus Regulation.

2.08 Q. What is meant by bonuses payable with respect to three years selected by the employer out of the five calendar years from 1946 to 1950?

A. Bonuses paid with respect to each such year after the close of that year as compensation for services rendered during that year and paid entirely out of that year's profits. If the year 1950 is included among the three base years, such bonuses must have been both fixed in amount and determined prior to August 17, 1951 (see 2.07).

2.09 Q. How may an employer on a fiscal year basis, whose fiscal year ends after January 31, compute his base period bonus fund?

A. For the purpose of computing his base period bonus fund, an employer with a fiscal year ending after January 31 may use only bonus payments made during the calendar year 1950 or one-third of the total bonus payments paid during any three calendar years selected from the five calendar years 1946 through 1950. An employer on such a fiscal year basis may not include bonuses that were not actually paid on or before December 31, 1950.

EXAMPLE: A profit-sharing plan provides that 10 percent of net profits shall be placed in a bonus fund with selection of participants in the bonus fund discretionary. The company's fiscal year expires on June 30. In September 1950 the company paid into the bonus fund and thereafter paid out $50,000, representing 10 percent of its net profits of $500,000 for the fiscal year ending June 30, 1950. The company's net profits for July through December 1950 (the first 6 months of the company's fiscal year ending June 30, 1951) amounted to $750,000. However, no part of such profits was distributed to employees. The company's ceiling amounts to $50,000 and the company may not increase such ceiling by adding 10 percent of the net profits during the last 6 months of 1950. If the employer had distributed a part of the July–December 1950 profits in 1950, such part may be added to the ceiling.

2.10 Q. An employer's fiscal year ends January 31. Since 1947 he has had a profit-sharing plan including a formula providing for a percentage of net profits to be placed in a bonus fund for key executives, with selection of participants and their share in the bonus fund discretionary with the employer. How should the employer compute his base period bonus fund for the purpose of determining bonuses payable with respect to the fiscal year ending January 31, 1952?

A. The employer may apply the bonus fund formula to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of net profits for the fiscal year ending January 31, 1950.

The total so computed constitutes the employer's base period bonus fund which he may not exceed in determining bonuses payable with respect to the fiscal year ending January 31, 1952.

In the alternative, the employer may use as his base period bonus fund one-third of the total bonuses paid in or with respect to any three out of the four fiscal years ending January 31, 1947, January 31, 1948, January 31, 1949, and January 31, 1950, or one-third of the total bonuses paid in any three out of the five calendar years 1946 to 1950 inclusive.

EXAMPLE: The fiscal year of a department store expires on January 31. Its net profits for the fiscal year ending January 31, 1950, were $120,000 and for the fiscal year ending January 31, 1951, were $180,000. The company has had a profit-sharing plan providing for a five (5) percent bonus fund. The company may use as its base period bonus fund the sum of $8,750, computed as follows:

1/12 of $120,000 equals	$10,000
5 percent of $10,000 equals	$500
11/12 of $180,000 equals	165,000
5 percent of $165,000 equals	8,250
1950 base period bonus fund	8,750

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.11 Q. An employer has a fiscal year ending January 31. At the close of each year he has paid bonuses on a wholly discretionary basis without a bonus fund. How should the employer compute his base period bonus fund?

A. An employer may determine the percentage which the total of all bonuses distributed in or with respect to the fiscal year ending January 31, 1950, bears to the net profits for that fiscal year. The percentage thus obtained may be applied to eleven-twelfths of the net profits for the fiscal year ending January 31, 1951, and to one-twelfth of the net profits for the fiscal year ending January 31, 1950. The total so computed constitutes the employer's base period bonus fund in or with respect to the calendar year 1950 which he may not exceed in determining bonuses payable with respect to the fiscal year ending on January 31, 1952.

EXAMPLE: The fiscal year of a department store expires on January 31. The company has paid bonuses on a purely discretionary basis and without a bonus fund. With respect to the fiscal year ending January 31, 1950, the company paid bonuses totaling $6,000 and had profits totaling $120,000. In the fiscal year ending January 31, 1951, the company's profits were $180,000. The company may use as its base period bonus fund the sum of $8,750 computed as follows:

The percentage which $6,000 bears to $120,000 is 5 percent:

5 percent of $120,000 equals	$6,000
1/12 of $6,000 equals	$500
5 percent of $180,000 equals	9,000
11/12 of $9,000 equals	8,250
1950 base period bonus fund	8,750

The $8,750 figure is the employer's base period bonus fund for the fiscal year ending January 31, 1952, and any future fiscal year.

2.12 Q. What is the basis for the interpretation given in paragraphs 2.10 and 2.11 to the general rule?

A. The interpretation given in paragraphs 2.10 and 2.11 is based on the consideration that, with regard to the fiscal year ending January 31, 1951, only six days of the entire fiscal year postdate the stabilization date of January 25, 1951. The same consideration does not apply in the case of fiscal years expiring after January 31.

SECTION 3

3.01 Q. What is a contractual bonus?

A. A contractual bonus is a bonus payable under a contract or a corporate instrument, such as a by-law, or under an established plan, in effect on January 25, 1951, providing a method or formula for both the computation of the bonus fund and for its allocation in a fixed or specific manner among ascertainable employees. Such a definite share in the profits is considered part of the rate of compensation that the employee was receiving on January 25, 1951, and which he may continue to receive.

EXAMPLE: A corporate by-law provides that 7½ percent of the company's net profits shall be set aside for the president and four vice presidents, the president to receive 2½ percent and each of the four vice presidents to receive 1¼ percent. The by-law is considered as fixing a rate of compensation for the designated employees which includes the stated percentage of profits. The Bonus Regulation allows payment of such percentage compensation to continue.

3.02 Q. Is there a limitation on contractual bonuses?

A. The limitation on contractual bonuses is on the method or formula for computing the bonus. There is no dollar ceiling and the amount payable pursuant to such an arrangement may continue to be paid irrespective of variations in amount, but no increase in payments may be made as a result of a change, subsequent to January 25, 1951, in the method or formula of computing the bonus.

3.03 Q. What kind of changes in contractual bonuses are prohibited under the Bonus Regulation?

A. If a contract between an employing corporation and its president in effect on January 25, 1951, provides for the payment of a fixed salary plus 2½ percent of the net profits after taxes, the contract may not now be changed to increase the percentage of profits payable to the president from 2½ to 3½ percent. Similarly, the contract may not now be changed to compute the share of profits before taxes or to eliminate depreciation as an expense item in the computation of his share of the profits if depreciation had previously been treated as an expense. Changes of such a nature may result in increased bonus payments. Nor may the formula be changed in such a way as to change the base in a manner not permitting a definite determination as to whether the bonus would be increased by the change.

On the other hand, reduction in the percentage of profits to be charged may of course be put into effect.

3.04 Q. Under an employment contract made in 1948, an employee is entitled to receive 2 percent of the company's annual net profits up to $500,000 and 2½ percent of the company's annual net profits in excess of $500,000. If the company's net profits have never exceeded $500,000 in the past but are expected to exceed $500,000 in 1951, may the employee be paid 2½ percent of the company's net profits in excess of $500,000?

A. Yes. The increased percentage is considered part of the employee's rate of compensation in effect on January 25, 1951.

3.05 Q. A bonus plan in effect on January 25, 1951, provides that 5 percent of the company's annual net profits shall be distributed among ten designated officers and employees of the company in proportion to their salaries at the time of the bonus award. Is the plan considered a contractual bonus plan?

A. Yes, if all the participating officers and employees were specifically designated and ascertainable prior to January 25, 1951. However, if the officers and employees were subject to selection, the plan would not be considered a contractual bonus plan.

3.06 Q. A bonus plan provides that 10 percent of the net profits shall be set aside for the president of the company and such employees as he may designate, the president to receive 25 percent of the bonus fund and the remaining employees to receive such bonuses as the president may determine. Is this a contractual bonus plan?

A. No, except as to the president, since he is the only employee who is entitled to a bonus determined in accordance with a definite method or formula for both computation and allocation of the bonus.

3.07 Q. A bonus plan provides that 5 percent of the net profits of the company shall be set aside for five designated employees in proportion to their salaries. The plan provides that the share of any participating employee may either be reduced or increased by not more than 10 percent in the discretion of the Board of Directors. Is this a contractual bonus plan?

A. Yes, this is a contractual bonus plan but only to the extent that each of the participating employees has a predetermined share in the fund, i. e., as to 90 percent of his interest in the bonus fund. The remaining 10 percent interest of the participating employees constitutes a fund under a discretionary bonus plan (section 4) since allocation is of a discretionary nature.

3.08 Q. In the foregoing example, would the result be changed if the Board of Directors, subsequent to January 25, 1951, renounced its discretion to reduce or increase the share of each participating employee?

A. No. Such renunciation represents an attempt to convert the bonus fund from a discretionary to a contractual basis in respect to the 10 percent interest of the participating employees.

3.09 Q. Are profit-sharing plans that are qualified under section 165 of the Internal Revenue Code contractual bonuses?

A. The answer depends upon the nature of the plan and the obligation of the employer to the participating employees. The same considerations apply as in the case of other plans. However, new deferred profit-sharing and stock bonus plans and trusts qualified under section 165 (a) of the Internal Revenue Code are subject to General Salary Stabilization Regulation 6, as amended, and not to the Bonus Regulation.

3.10 Q. An employment contract in existence on January 25, 1951, provides that in any year in which the employing company's annual net profits exceed $100,000, the employee shall be paid a bonus equal to 5 percent of his salary. In 1950 the employee's salary was $10,000. In June 1951 the employee's salary was increased to $11,000. Is the employee entitled in December 1951 to a bonus of $500 (5 percent of $10,000) or $550 (5 percent of $11,000)?

A. The employee is entitled to a bonus of $550, assuming of course that the salary increase was permitted by salary stabilization regulations. On the other hand, if the employee received the salary increase as a result of a promotion and the employee's predecessor in the position to which he was promoted was receiving a salary of $11,000 without a contractual bonus arrangement, the profit-sharing arrangement is no longer part of the rate of compensation for the employee's position and the contractual bonus cannot be continued.

3.11 Q. Under an employment contract made in November 1950 an employee is entitled to 2½ percent of the net profits. The contract expires on October 31, 1951. May the contract be renewed for an additional period?

A. Yes, provided the terms, including the profit-sharing percentage and its computation, are no more favorable to the employee. Renewal of the contract under such circumstances will not be considered to have increased the employee's rate of compensation.

3.12 Q. Under an employment contract in effect on January 25, 1951, the Executive Vice President of a company was entitled to 2½ percent of the company's net profits. The contract expired on August 31, 1951, at which time the Executive Vice President left the company's employment. May another individual employed as Executive Vice President or promoted to that position receive a contract upon the same terms as the Executive Vice President who resigned?

A. Yes, provided the terms, including the profit-sharing percentage and its computation, are no more favorable to the new Executive Vice President than the previous contract. The contractual bonus was part of the rate of compensation attached to the position of Executive Vice President on January 25, 1951 and may continue to be paid to an individual actually discharging the duties and responsibilities of that position.

SECTION 4

4.01 Q. A company has had a profit-sharing plan which provides that 5 percent of the company's net profits shall be set aside for allocation to key employees selected by a Bonus Committee. During 1950 the company's net profits amounted to $500,000 representing a greater amount than the average net profits during any three of the five years, 1946 to 1950. The company distributed $25,000 as profit-sharing bonuses in respect to the year 1950. During 1951 it is expected that the company's net profits will amount to $750,000 so that under the company's plan the company will have available for profit sharing 5 percent of $750,000, or $37,500. May the company distribute the sum?

A. No. The company may not distribute as bonuses more than $25,000, subject to permissible adjustments permitted by salary stabilization regulations. (See 6.01; consult also section 9 of the Bonus Regulation).

4.02 Q. How is the existence of an established written bonus plan determined?

A. An established written plan implies a formal documentary basis, permanence in time, and continued application. These requirements are not fulfilled if the plan can only be shown to exist by a compilation of payroll or similar records showing that a bonus was paid by an employer in the past. However, if the requirements of an established plan are met, the plan need not have been formally communicated to the employees.

4.03 Q. Does an employer have an established plan if the plan is readopted from year to year either by the board of directors, by stockholders, or by both?

A. Yes.

4.04 Q. A company has had a profit-sharing plan which provides that 5 percent of the company's net profits shall be set aside for allocation to employees. During 1950 the company's net profits amounted to $500,000 and the company distributed $25,000 as profit-sharing bonuses. In 1951 the company's net profits will amount to $400,000. How much may the company distribute as profit-sharing bonuses?

A. $20,000. The company must adhere to the method or formula of computation contained in the plan even though the ceiling for 1950 is at a higher figure.

4.05 Q. May the method or formula for computing the bonus fund be changed?

A. No. The bonus fund may not be increased as a result of a change in the method or formula made after January 25, 1951. (See 3.03.)

4.06 Q. If an employer uses a three-year period for computing his bonus ceiling, may he pay in the current year a bonus to any one of his employees up to the highest bonus paid to any employee in any one of the three years selected?

A. Yes. For example, if an employer used the average of all his bonuses paid in 1947, 1948 and 1949, and the highest bonus paid in any one of these three years was $15,000, the highest bonus payable is $15,000. If, in this example, the employer paid a bonus of $20,000 in 1950 but that year was not used in computing the bonus ceiling, the employer may not use the $20,000 bonus for the individual bonus ceiling.

4.07 Q. What other limitations are imposed on the employer's discretion in distributing bonuses?

A. The employer must follow his historical or usual practices in distributing bonuses to his employees or to groups of his employees under the plan.

For instance, if an employer had in effect a particular type of personnel evaluation system, he may not abandon this system and substitute arbitrary discretion.

If an employer allocated bonuses among divisions of his company, treating the employees in each division as a separate group, he may not abandon this system and distribute bonuses to only one division or distribute them arbitrarily among all employees without regard to sharing in the bonuses by the employees in these divisions as groups.

If the employer distributes bonuses among business divisions or other groups or units of his employees, he must observe the ceiling on the highest individual bonus in each such division, group or unit paid in the base bonus period.

4.08 Q. An employer with an established but discretionary bonus plan, administered by a Bonus Committee of the Board of Directors, had in 1950 a minimum salary requirement for participating employees of $8,500 per annum. The employer now desires to lower the minimum requirement to $7,500 per annum. May he do so?

A. No, not without approval by the Office of Salary Stabilization. Approval would likewise be required for the employer to increase the minimum salary requirement.

4.09 Q. May a discretionary bonus plan include both employees under the jurisdiction of the Wage Stabilization Board and of the Salary Stabilization Board?

A. Yes, provided that in paying bonuses, the employer separates the bonus fund for the two groups of employees, and observes the provisions of the Bonus Regulation of the Salary Stabilization Board and his historical or usual practice with regard to that portion of the bonus fund which is paid as bonuses to the employees under the jurisdiction of the Salary Stabilization Board.

4.10 Q. An employer formally adopted a bonus plan between January 1, 1950 and January 25, 1951 containing a method or formula for computation of the bonus fund and providing for discretionary distribution thereof. The bonus plan applies to work performed before and after January 25, 1951, but the first payment of bonuses under the plan is to be made only after January 25, 1951. May the employer pay bonuses under this plan without the prior approval of the Office of Salary Stabilization, and how does he compute his base period bonus fund?

A. The employer may pay bonuses under the plan without prior approval. The base period bonus fund shall be the amount which, under the plan, would have become available for bonuses either in the calendar year 1950 or in the fiscal year ending in 1950 (dependent on whether the employer operates on a calendar or fiscal year basis), if the plan had been in effect during such calendar or fiscal year. No other method may be used to compute the base period bonus fund under the plan.

SECTION 5

5.01 Q. How may discretionary bonuses be paid?

A. The employer may pay up to the same bonuses paid or payable to the same employees in or with respect to the calendar year 1950.

For example, if employees A, B, and C received in 1950 bonuses of $1,000, $3,000, and $10,000 respectively, their employer may in 1951 pay bonuses to A up to $1,000, to B up to $3,000 and to C up to $10,000. Under this method B cannot receive a bonus of $5,000. If the employer wants to pay B such a bonus, he must use the bonus fund method under section 5 (b), as explained in paragraph 5.02.

5.02 Q. If the employer desires to make a different allocation to employees from that made in 1950, how may he do so?

A. The employer may compute his bonus ceiling (in accordance with the options allowed in section 2) and treat an amount not in excess of such ceiling as a fund which he may distribute in his discretion among any of his employees, subject to the ceiling on individual bonuses and the limitation that he must follow any past practice as to the particular groups of employees who have been paid a bonus in the past. For example, if bonuses have in the past only been paid to department heads and officers of the company were not paid bonuses, an officer of the company may not be paid a bonus this year under the Bonus Regulation.

5.03 Q. Are there any other limitations on the exercise of the employer's discretion in distributing the bonus fund?

A. The same general limitations apply as apply to the distribution of the bonus fund under an established plan (see, e. g., 4.06).

SECTION 6

6.01 Q. If an employer has in the past awarded bonuses under a plan (section 4) or out of a bonus fund (section 5 (b)) to a group of employees, may he increase the fund if the group has increased?

A. Yes. If the group is composed entirely of employees under the jurisdiction of the Salary Stabilization Board and has increased solely through hiring, promotions, or transfers into the group, the employer may average the bonuses paid to the employees in the group in the base bonus year and add an amount not in excess of such average for each new employee in the group. The increase in the group is the difference between the current number of employees in the group and the number of employees in the group during the base period even though some of the employees in the group during the base period received no bonus.

Examples: (a) An employer had a group of 20 scientists who received bonuses totaling $5,000 in 1950 (the base year), and the average bonus paid to such employees was therefore $250. In 1951, at the time of the distribution of bonuses, the number of scientists has increased to 30 by the expansion of the group through the hiring of 10 new scientists. The employer may increase the bonus fund by ten times $250 or $2,500, bringing the total bonus fund to $7,500. The employer may distribute this total of $7,500 among his 30 scientists as he sees fit, subject to the limitations in the regulation as to past practice, etc. Within these limitations the employer need not distribute a bonus to the 10 new scientists even though their addition to the group has increased the bonus fund. However, the average bonus paid to the scientists must not exceed the amount of $250, which was the average of the bonuses paid to the scientists in the base period 1950.

(b) If the employer in 1950 had paid bonuses to only 15 out of the 20 scientists he may not increase the bonus fund because he wants to give a bonus this year to the five scientists who did not participate last year, if there has been no increase in the group through hiring, promotion or transfer. However, the employer can distribute the bonus fund among all 20 employees by reducing the individual bonus of some or all of the 15 recipients of the 1950 bonus.

6.02 Q. How does the employer determine the average bonus which he must maintain when the group is increased?

A. The average bonus is determined by dividing the total bonus paid to the group by the number of employees who received a bonus. If the employer paid 20 scientists total bonuses aggregating $5,000 in the base year 1950, the average bonus is $250. Regardless of the amount that he may add when the group increases, the average of the bonuses paid in any subsequent calendar year may not exceed $250.

Assuming that in the example given in the answer to the preceding question, the group of scientists has increased in 1951 to 30 and the bonus fund has increased to $7,500, the employer, if he so desires, may pay three of the scientists bonuses of $500 (if this sum was not in excess of the highest single permissible bonus) provided bonuses to the other scientists are reduced sufficiently so that the $250 average for the group of scientists is maintained.

6.03 Q. Under the employer's bonus plan all employees who earn $5,000 or more per annum are eligible for a bonus. A, whose salary in 1950 was $4,500, is promoted to a position in the scientific department paying $5,500. B, an employee in the department, receives a merit increase, which increases his salary from $4,800 to $5,100. Can the bonus fund for the scientific department be increased on account of A's promotion and B's salary increase?

A. Yes.

6.04 Q. An employer computes his bonus ceiling by taking an average of the total bonuses paid in the three years 1947, 1948 and 1949. In 1947, he had 25 scientists; in 1948, 30 scientists; and in 1949, 35 scientists. What is the size of the group on the basis of which he can determine whether the group has increased or decreased in 1951?

A. 30. The average size of the group for the three years forms the basis for the increase or decrease in the bonus fund.

SECTION 7

7.01 Q. An employer has distributed his bonus fund in such a manner that some employees have received very high bonuses and others very low ones. Can the disparity of total compensation thus created be used as a basis for an application to increase the salary or other compensation of the employees who received low bonuses?

A. No. The Bonus Regulation expressly provides that any inequities created by the distribution of bonuses shall not constitute a basis for a subsequent application for increasing salaries or other compensation.

SECTION 8

8.01 Q. A company has customarily paid bonuses on October 1. It now desires to pay bonuses on June 1, so that the employees may receive their bonuses before the usual summer vacations. May it do so?

A. No. Bonuses may not be accelerated in advance of the customary time of payment.

8.02 Q. An employer in the past has paid a bonus on November 1 of each calendar year. The employer contemplates going out of business on October 1, 1951. May the payment of the customary bonus be accelerated?

A. The payment of bonuses in this situation may not be accelerated.

8.03 Q. Under a profit-sharing plan, a bonus awarded in one year is paid in five annual installments. May the bonus now be paid in four instead of five annual installments?

A. No. Such a change would represent an acceleration in payment.

8.04 Q. Under a profit-sharing plan, a bonus award made in one year is payable in four annual installments and such installments are paid only if "earned out"—that is, subject to the condition, among others, that the employee continues in the company's employ. May the plan be amended to provide that the unpaid installments of the bonus award shall be paid to the employee if his employment is terminated before earning out such installments?

A. No. If the plan did not contain such a provision prior to January 25, 1951, the plan may not be so amended.

SECTION 9

9.01 Q. A company has annually paid discretionary bonuses to a group of its employees, the bonuses to each individual in the group having ranged from $1,000 to $5,000. In 1950 total bonuses to the group aggregated $100,000. May the salaries or other compensation of the group be increased by 10 percent of $100,000, or $10,000, pursuant to the provisions of section 22 of General Salary Stabilization Regulation 1, Amended?

A. No. Bonuses paid under the Bonus Regulation shall not be included in any manner in the computation of an increase authorized by section 22.

9.02 Q. In 1949 a company paid aggregate bonuses of $100,000 to a group of its employees. In 1950, and subsequent to January 15, 1950, it paid aggregate bonuses of $125,000. Must the $25,000 increase in its bonuses paid in 1950 be charged against the 10 percent allowable for salary increases under section 22?

A. No. The Bonus Regulation provides that a bonus increase in 1950 need not be charged against the allowable 10 percent catch-up increase, as distinguished from a salary increase which has become a permanent part of the employee's rate of compensation. Upon the same reasoning, the bonus cannot be prorated back to the January 15, 1950, base salary level to provide an additional bonus or salary increase.

9.03 Q. The bonus ceiling of an employer based upon total bonuses paid in 1950 is $50,000. These bonuses were paid on December 31, 1950, to a group of five employees whose aggregate salaries amounted to $1,000 per week for the first regular payroll period ending on or after January 15, 1950. The employees in the group have received no increases in salaries since January 15, 1950, and the number of employees in the group has remained constant. May the bonus ceiling of $50,000 be augmented by the 10 percent catch-up increase provided in section 22, and, if so, by how much?

A. The bonus ceiling of $50,000 may be increased by $5,200. This sum is computed by multiplying the aggregate weekly salaries of $1,000 by the number of weeks from the commencement of the bonus period, January 1, 1951, to the date of bonus distribution, December 31, 1951 (i. e. 52 weeks), and by taking 10 percent of that amount.

9.04 Q. Upon the facts stated in the example just given, the highest single bonus paid in 1950 was $12,000. What is the highest individual bonus that may be paid?

A. $17,200—that is, the $12,000 ceiling on individual bonuses, plus the entire amount ($5,200) available by reason of the increase of the bonus fund under General Salary Stabilization Regulation 2, as amended. The 10 percent allowance may in the discretion of the employer be distributed to only one individual in a group, subject to the condition that any inequity so created cannot be used as a basis for approval of other salary adjustments.

9.05 Q. If an employer uses the 10 percent catch-up increase for bonuses in 1951, may he use it again for bonuses thereafter?

A. Yes, unless he has granted a general 10 percent increase or otherwise used the permissible increase since December 31, 1951.

9.06 Q. An employer has a weekly base compensation payroll of $10,000 for employees subject to the jurisdiction of the Salary Stabilization Board. The authorized percentage increase under section 41 of General Salary Stabilization Regulation 1, amended, is 2 percent, as of December 1, 1951, the date of the employer's computation under section 41. What is the maximum amount available to the employer at that date for distribution of bonuses assuming the amount available for that purpose under the terms of section 41 as of December 1, 1951?

A. $200.00, if December 1, 1951, is the employer's customary date for distributing bonuses. If the employer's customary date of distribution is December 28, 1951, the payroll remaining constant, the employer may add $800.00 to the bonus fund and pay that amount by way of bonuses.

9.07 Q. If an employer uses the entire percentage increase authorized under section 41, as an addition to an existing base period bonus fund for the payment of bonuses on December 31, 1951, may he use the percentage increase to pay a bonus in a subsequent calendar year?

A. Yes, unless the employer has granted an increase in salaries equal to the percentage increase authorized under section 41 or has otherwise used the entire authorized percentage increase since December 31, 1951. However, if an employer has since December 31, 1951 granted an increase in salaries or other compensation, using part of the authorized percentage increase only, the unused balance may be added to the existing base period bonus fund of the employer in the subsequent calendar year.

9.08 Q. An employer had available a percentage increase of 2 percent authorized under section 41 and used one-half thereof, or one (1) percent, as an addition to his existing base period bonus fund in distributing bonuses at the end of the fiscal year on February 29, 1952. May he add the same one (1) percent to his base period bonus fund in paying bonuses at the end of his next fiscal year, beginning March 1, 1952 and ending February 28, 1953?

A. Yes, unless during such next fiscal year the employer uses part or all of the one (1) percent paid as bonuses on February 29, 1952 for increases in salaries or other compensation before the time of the distribution of the bonuses in 1953. Only the percentage which is not paid out as increases in salaries or other compensation may be paid as bonuses on February 28, 1953.

SECTION 10

10.01 Q. Must an employer who has paid bonuses pursuant to the Bonus Regulation, file reports with the Office of Salary Stabilization?

A. No. In accordance with amendment 1 to General Salary Stabilization Regulation 2, reports are no longer required to be filed with the Office of Salary Stabilization. However, employers must keep records sufficient to establish compliance with this regulation. If the bonus fund has been increased through use of moneys available for increases in salaries and other compensation under sections 22 or 41 of General Salary Stabilization Regulation 1, Amended, the records and summary statements required by section 101 of that regulation must also be kept.

SECTION 11

11.01 Q. What is the purpose of section 11?

A. To make clear that permission granted by the Bonus Regulation to pay a particular bonus does not mean, for example, that the payment of the bonus could not be challenged as a waste of corporate assets in an action by stockholders. Obviously, the Salary Stabilization Board, in issuing its salary stabilization regulations, is making no determination with respect to the validity or propriety of payments under laws other than those relating to salary stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on September 16, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-10409; Filed, Sept. 22, 1952; 12:00 m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-66 and Direction 1—Revocation]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

DIR. 1—ALLOCATION AUTHORIZATIONS OF ARTIFICIAL GRAPHITE AND CARBON ELECTRODES FOR THE FOURTH QUARTER 1952

REVOCATION

NPA Order M-66 (16 F. R. 9285) and Direction 1 under that order (17 F. R. 7942) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-66 or Direction 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10404; Filed, Sept. 22, 1952; 11:01 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 3, Revocation]

SFO-3 DISTRIBUTION OF BITUMINOUS COAL

REVOCATION

Order SFO-3 (17 F. R. 8389) which controlled the shipment of bituminous coal in railroad cars from certain mines is hereby revoked.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.)

This revocation is effective September 20, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 52-10408; Filed, Sept. 22, 1952; 11:28 a. m.]

Chapter XIV—General Services Administration

[Revision 1]

MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT DEMING, NEW MEXICO

This regulation, as amended, is further amended and revised for the purpose of extending the time within which persons may give notice to the Government of their desire to participate in this purchase program, and for the purpose of adjusting the price schedule for manganese ore. This regulation, as amended and revised, reads as follows:

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ores.
7. Ores containing lead and zinc in excess of the allowable maximum.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to delegation of authority from the Defense Materials Procurement Administrator, manganese ore of domestic origin at Deming, New Mexico, for the fiscal years 1952–1956, as authorized by the Defense Production Administration on June 20, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ore for the Government. In accordance with the Program set forth herein, the Administrator will buy domestically produced manganese ore containing not less than 15 percent manganese, in accordance with the specifications contained in this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Deming, New Mexico.

(d) "Manganese ore" means crude ore containing not less than 15 percent manganese, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Any person may participate in the Program by notice given to the General Services Administration Regional Office, Building 41, Denver Federal Center, Denver, Colorado, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1953. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the Program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment on an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6 of this regulation. Deliveries not conforming to the minimum specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this Program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ores.* (a) The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent or above, payment will be made at the next higher figure.

Percent Mn in ore:	*To be paid for 1 long dry ton*
15	$8.54
16	10.24
17	12.00
18	13.71
19	15.48
20	17.20
21	19.13
22	21.06
23	23.05
24	24.99
25	26.94
26	29.64
27	32.40
28	35.11
29	37.88
30	40.60
31	44.73
32	45.86
33	50.00
34	53.14
35	56.29
36	60.74
37	65.15
38	69.61
39	74.03
40 fines	78.00
40 ore	88.00

The above price schedule applies to lots received from individual shippers aggregating less than 200 tons during any 30-day period, and shall constitute the final and definite price for such lots.

(b) For lots received from individual shippers aggregating 200 tons or more

during any 30-day period, the above price schedule shall serve as a basis for preliminary settlement pending laboratory tests. The preliminary settlement shall be adjusted up or down, as the case may be, as a result of tests for laboratory-determined recoverability. Final settlement shall be calculated on the basis of $2.20 per long ton unit of manganese determined from the laboratory tests to be recoverable from the ore, subject to a charge of $10 per ton of ore (the estimated cost of sampling, milling, and handling) and to the specifications, premiums, and penalties set forth below.

SPECIFICATIONS

	Percent
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent, up to and including 8.0 percent. Above 8.0 percent; 2 cents plus ¾ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government will reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)	
Manganese (Mn)	40.0	minimum.
Iron (Fe)	16.0	maximum.
Silica plus alumina (SiO_2 plus Al_2O_3)	15.0	maximum.
Phosphorus (P)	0.30	maximum.
Copper plus lead plus zinc (Cu plus Pb plus Zn). Of which not more than 0.25 percent may be copper	1.00	maximum.

SEC. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this program, provided that such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization.

This regulation, as amended and revised, shall be effective as of May 29, 1952.

Dated: September 19, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-10396; Filed, Sept. 22, 1952; 11:02 a. m.]

[Amdt. 1]

MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT WENDEN, ARIZONA

Pursuant to the authority vested in me by the Defense Materials Procurement Administrator (Delegation No. 13, June 27, 1952), this regulation is amended by adding a new section 7, reading as follows:

SEC. 7. *Ores containing lead and zinc in excess of the allowable maximum.* Ores containing lead and zinc exceeding the maximum percentage allowed by section 6 of this regulation shall be accepted and purchased under this program, provided that such ores are amenable to nodulization, and as a result of nodulization the contained lead and zinc of the ores will be reduced to the maximum percentage allowed by section 6 of this regulation. Such ores shall be subject to a charge of $2.25 per long dry ton to cover the cost of nodulization. All provisions of this regulation not inconsistent herewith shall apply to this section.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154, Interprets or applies sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093, E. O. 10161, 15 F. R. 6105; E. O. 10281, 16 F. R. 8789)

This amendment shall be effective as of the date hereof.

Dated: September 19, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-10397; Filed, Sept. 22, 1952; 11:03 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 17 to Schedule B]

[Rent Regulation 2, Amdt. 18 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

ILLINOIS

Effective September 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 62 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

62. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A):*

With respect to housing accommodations in Cook County, Illinois, a portion of the Chicago Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increase in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Cook County, Illinois, a portion of the Chicago Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 62 of Schedule B.

2. A new item 68 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

63. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A):*

With respect to housing accommodations in Cook County, Illinois, a portion of the Chicago Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Cook County, Illinois, a portion of the Chicago Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this item 68 of Schedule B.

[F. R. Doc. 52-10410; Filed, Sept. 22, 1952; 12:14 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MALLETTS BAY, LAKE CHAMPLAIN, VERMONT

Pursuant to the provisions of section 1 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.8 is hereby prescribed establishing a special anchorage area, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, in Malletts Bay, Lake Champlain, Vermont, as follows:

§ 202.8 *Malletts Bay, Lake Champlain, Vt.* The southwesterly portion of Malletts Bay, south of Coates Island and west of a line bearing 213° true, from the most southerly point of Coates Island to the mainland.

[Regs. Sept. 5, 1952, § 800.212 (Malletts Bay, Vt.)—ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10332; Filed, Sept. 22, 1952; 8:49 a. m.]

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS OF STATE OF NEW JERSEY; BRIDGES WHERE CONSTANT ATTENDANCE OF DRAW TENDERS IS NOT REQUIRED

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.225 (f) is hereby amended to include in subparagraph (3) the Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, across the Elizabeth River in the City of Elizabeth, New Jersey, and revocation of subparagraph (4) and redesignation of subparagraph (3–a) as subparagraph (4), as follows:

§ 203.225 *Navigable waters of the State of New Jersey; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • •

(3) Elizabeth River; The Central Railroad Company of New Jersey bridge and Union County bridges at Baltic Street, Summer Street, South Street, and Bridge Street, in the City of Elizabeth. The draws need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(3–a) Woodbridge Creek; • • • [This subparagraph redesignated subparagraph (4).]

(4) Shrewsbury River (South Branch) • • • [Revoked]

• • • • •

[Regs. Sept. 8, 1952, 823.01—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10331; Filed, Sept. 22, 1952; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—DISBURSEMENTS AND ACCOUNTS

RECOVERED MONEYS; TRANSMITTAL TO DEPARTMENT

In § 17.19 *Recovered moneys* amend paragraph (a) to read as follows:

(a) *Transmittal to Department.* All moneys recovered from mail robbers or other offenders against the postal laws, and moneys recovered by suit, or otherwise on account of moneys taken from the mail or losses therein shall be forwarded at once to the Chief Post Office Inspector, who shall deposit the same daily with the Bureau of Finance: *Provided,* That moneys received on the last work day of any month shall be deposited on the following work day.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10316; Filed, Sept. 22, 1952; 8:47 a. m.]

PART 117—PROHIBITED IMPORTATIONS

MISCELLANEOUS AMENDMENTS

a. In § 117.1 *Articles prohibited importation by copyright law* amend paragraphs (a), (b), and (c) to read as follows:

(a) *Treatment of.* The joint regulations governing the treatment of dutiable and supposed dutiable articles received in the mails from foreign countries (see Part 116 of this chapter) shall govern also in the treatment of articles which contain or which are supposed to contain matter prohibited importation by sections 106 to 109, inclusive, Title 17, United States Code, except as hereinafter modified.

(b) *Unsealed matter.* Unsealed correspondence and packages (registered and unregistered) of all kinds which, upon examination, prove to contain articles prohibited importation by the copyright act shall be retained by customs officers, who will notify the addressee of the facts of the case. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the customs officers shall take appropriate steps to forfeit the articles, as provided in section 108, Title 17, United States Code.

(c) *Sealed matter.* Sealed articles supposed to contain matter prohibited importation by the copyright act shall be appropriately marked to indicate that fact at the exchange office of receipt. The same conditions shall apply in regard to the marking, opening, and disposition of such sealed articles by the addressee or authorized agent as are required in the case of the opening and treatment of sealed "supposed liable to customs duty" pieces. If the customs officer finds an article contains matter prohibited importation by the copyright act, he shall notify the addressee of the facts through the postmaster at the office of delivery. If an application is not then made within a reasonable time to the Secretary of the Treasury for permission to return the article to the country of export, the customs officer shall take appropriate steps to forfeit the matter, as provided in section 108, Title 17, United States Code.

b. In § 117.2 *Other matter prohibited importation* rescind paragraph (c), and amend paragraph (b) to read as follows:

(b) *Examination of foreign mails—*(1) *Endorsement of sealed letters.* All mails of foreign origin shall be examined at the office of first receipt for the presence of matter prohibited importation. When it is believed that such matter is contained in sealed letters (in their usual and ordinary form) which do not bear an endorsement indicating that they may be officially opened, the letters shall be stamped or endorsed "Supposed to contain matter prohibited importation. See sec. 117.2, P. L. & R.," and forwarded at once to the post office of destination. Postmasters at offices of delivery shall also examine foreign mails in order to insure the proper treatment of any letters (in their usual and ordinary form) believed to contain prohibited matter which have escaped endorsement. Upon discovery, such letters shall be stamped or endorsed as prescribed above and treated in accordance with subparagraph (2) of this paragraph.

NOTE: Mail matter from foreign countries in transit through the United States shall not be subject to the endorsement quoted above.

(2) *Examination and disposition at delivery office.* When a letter endorsed "Supposed to contain matter prohibited importation. See sec. 117.2, P. L. & R." is received at the office of delivery, the postmaster shall notify the addressee to appear and open the letter in the presence of the postmaster, or furnish written authority whereby the letter may be opened (the postmaster may be designated to act for the addressee). In the case of registered mail, the receipt of the addressee or his authorized agent shall be obtained. Letters found to contain lottery matter shall be forwarded daily to the post office inspector in charge of the division in which the office of address is located. Letters found to contain contraceptive matter shall be transmitted to the Solicitor for instructions as to the disposition. In the event the addressee fails to appear or respond to the notification within 30 days, the letter shall be treated as undeliverable and disposed of in accordance with § 114.26 of this chapter.

c. Add the following new section to Part 117:

§ 117.3 *Gold imports.* The transportation in the regular mails or parcel post from any foreign country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $50, is prohibited.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10315; Filed, Sept. 22, 1952; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 865]

MONTANA

PARTIAL REVOCATION OF THE EXECUTIVE ORDER OF AUGUST 5, 1878

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The Executive order of August 5, 1878, reserving certain public lands as an addition to the United States Military Reservation at Fort Missoula, Montana, is hereby revoked so far as it affects the following-described lands:

PRINCIPAL MERIDIAN

T. 13 N., R. 19 W.,
Sec. 30, SE¼NE¼ and SE¼SE¼.
T. 13 N., R. 20 W.,
Sec. 25, S½SE¼.

The areas described aggregate 160 acres.

2. The described lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and others entitled to preference.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 17, 1952.

[F. R. Doc. 52-10305; Filed, Sept. 22, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

MISCELLANEOUS AMENDMENTS

1. Section 505.1 is hereby amended to read as follows:

§ 505.1 *Claim defined.* (a) A properly completed and executed application made on an official form provided by the Commission for such purpose constitutes a claim and will be adjudicated under laws administered by the Commission.

(b) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within six months from the date it was transmitted for execution, the claim will be disallowed.

(c) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of section 7 (b) and (c) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within two months from the date it was transmitted for execution, the claim will be disallowed.

2. Section 505.6 is hereby amended to read as follows:

§ 505.6 *Documents to accompany forms.* (a) All claims filed pursuant to the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany each type of official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within six months following the date of request, the claim may be deemed to have been abandoned and be disallowed.

(b) All claims filed pursuant to the provisions of sections 7 (b) and (c) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany the official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within one month following the date of request, the claim may be deemed to have been abandoned and be disallowed.

3. Section 505.7 is hereby amended to read as follows:

§ 505.7 *Language for forms and documents.* Official forms shall be prepared in accordance with the instructions which accompany each type of official form and in the English language, but evidentiary documents, instruments or records, or authenticated copies thereof, shall be submitted in the language in which originally written.

4. Section 505.8 is hereby added to read as follows:

§ 505.8 *Receipt of claims.*—(a) *Claims deemed received.* A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date when delivered, either at the office of the Commission in Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

(b) *Claims developed.* In the event that a claim has been so prepared as to preclude adjudication thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the adjudication thereof. If the evidence or official form requested is not received within the time limitations set forth in §§ 505.1 and 505.6 the claim may be deemed to have been abandoned and be disallowed.

5. Section 505.9 is hereby added to read as follows:

§ 505.9 *Failure to note change of address.* If any communication mailed to the claimant at the last address furnished to the Commission is returned unclaimed, the claim may be disallowed for failure of the claimant to keep the Commission informed of current address. Such claims shall thereupon be sent to the closed files.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10329; Filed, Sept. 22, 1952; 8:40 a. m.]

PART 508—PAYMENT

LIVING PRISONERS OF WAR OR LIVING CIVILIAN AMERICAN CITIZENS

Paragraph (a) of § 508.2 which appears at 14 F. R. 7846, December 30, 1949, and which now reads as follows: "*Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits will be certified to the Treasurer of the United States for payment to the person entitled thereto or to his legal or natural guardian," is hereby corrected to read as follows:

§ 508.2 *Payments under the War Claims Act*—(a) *Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits will be certified to the Secretary of the Treasury for payment to the person entitled thereto or to his legal or natural guardian.

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10328; Filed, Sept. 22, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 890]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of September A. D. 1952.

It appearing that due to a prospective stoppage in the production of bituminous coal, the Defense Solid Fuels Administrator has ordered that no bituminous coal shipper shall bill, consign, release or otherwise dispose of bituminous coal which may be on mine tracks; hold tracks; assigned tracks; in classification or assembly yards between mines and scales; the railroad scales; or at any other facility for shipment via railroads; that the Defense Solid Fuels Administrator has represented that a preference or priority is necessary in the transportation of bituminous coal for essential civilian needs and for the military programs in support of national security; that the Defense Transport Administration has made representations to this Commission regarding an impending emergency with respect to coal transportation and has recommended that this Commission take action; the Commission is of the opinion that an emergency requiring immediate action exists: It is ordered, that:

§ 95.890 *Restrictions on movement of unbilled bituminous coal.* (a) No common carrier by railroad, subject to the Interstate Commerce Act, serving any bituminous coal mine, or mines, which have ceased operation due to work stoppage, shall transport cars loaded with bituminous coal from such mines; from scales; from hold points; from classification or assembly yards between mines and scales; from any designated mine tracks or designated mine sidings; or hold points; which coal was not billed prior to 12:01 a. m., September 22, 1952, unless and until the shipper furnishes to the originating carrier shipping instructions containing a certification that such shipment is made pursuant to the terms of Solid Fuels Order No. 3, issued by the Defense Solid Fuels Administration, Department of Interior, Washington 25, D. C. The waybill or shipping instructions shall show reference to the number of the directive issued by Defense Solid Fuels Administration.

(b) Application: This section shall apply to intrastate and foreign shipments as well as interstate traffic.

(c) Rules, regulations and practices suspended: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(d) Effective date: This section shall become effective at 12:01 a. m., September 22, 1952.

(e) Expiration date: This section shall expire at 11:59 p. m., November 22, 1952.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10324; Filed, Sept. 22, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

EMERGENCY AND EVACUATION EQUIPMENT AND PROCEDURES FOR SCHEDULED AND IRREGULAR PASSENGER AIR CARRIER OPERATIONS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

Reference should be made to the notice of proposed rule making published in the FEDERAL REGISTER on September 4, 1952 (17 F. R. 8022).

The original notice of proposed rule making, setting forth the text of proposed amendments to Parts 41, 42, 61, and the proposed revised Part 40 of the Civil Air Regulations entitled "Emergency and Evacuation Equipment and Procedures for Scheduled and Irregular Passenger Air Carrier Operations," due to clerical error stated that all communications received by September 29, 1952, would be considered by the Board before taking action on the proposed rules.

As interested parties have specifically requested that this deadline be extended to allow the full thirty-day period for the return of comments on this proposal, the Board hereby extends the final date for return of comment until October 6, 1952. All comment received by this date will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after October 8, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Dated: September 16, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10330; Filed, Sept. 22, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[MC-C-1]

REVISION OF ZONE BOUNDARY OF ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 18, 1952.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, it is proposed to modify the presently defined limits of such zone, as set forth in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 1 M.C.C. 656, 2 M. C. C. 285 (49 CFR 170.3), as hereinafter indicated, and to revise 49 CFR 170.3 (a) to read as follows:

§ 170.3 *St. Louis, Mo.-East St. Louis, Ill.* (a) For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of St. Louis, Mo., and East St. Louis, Ill., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203 (b) (8) of the act, is hereby determined to include, and to be comprised of the area within the corporate limits of St. Louis, Mo.; that part of St. Louis County, Mo., (1) north of a line beginning at the Jefferson Barracks Bridge across the Mississippi River and extending westerly along Missouri Highway 77 to junction U. S. Highway 61 and thence along U. S. Highway 61 to junction U. S. Highway 66, (2) east of a line beginning at junction U. S. Highways 61 and 66 and extending northerly along U. S. Highway 66 (Lindbergh Boulevard) to the southern boundary of Kirkwood, Mo., thence along the southern, western, and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo., thence along the western and northern boundaries of Huntleigh to junction U. S. Highway 66, thence in a northerly direction along U. S. Highway 66 (Lindbergh Boulevard) to junction Natural Bridge Road, and (3) south of a line beginning

at the junction U. S. Highway 66 and Natural Bridge Road and extending in an easterly direction along U. S. Highway 66 to the western boundary of St. Ferdinand (Florissant), Mo., thence along the western, northern, and eastern boundaries of St. Ferdinand to junction U. S. Highway 66, and thence along U. S. Highway 66 (Taylor Road) to the corporate limits of St. Louis (near Chain of Rocks Bridge); and the area within the corporate limits of East St. Louis, Nameoki, Granite City, Madison, Venice, Brooklyn National City, Fairmont City, Washington Park, and Monsanto, Ill.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the said boundary of the St. Louis, Mo.-East St. Louis, Ill., commercial zone, may do so by the submission of written data, views, or arguments. The original and five copies of such submission shall be filed with the Commission on or before October 31, 1952.

Notice to the general public of the action herein shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10325; Filed, Sept. 22, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. NYC-3]

DISTRICT COMMISSIONER FOR NEW YORK CITY DISTRICT AND DIRECTOR OF INTERNAL REVENUE, UPPER MANHATTAN

TERMINATION OF CERTAIN INTERIM AUTHORITY

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. Effective as of the date of the establishment of the office of District Commissioner for the Buffalo District, the authority vested in the District Commissioner for the New York City District and the Director of Internal Revenue, Upper Manhattan, by Commissioner's Reorganization Order No. NYC-2, dated June 23, 1952, shall be, and the same is hereby terminated with respect to the territory comprising the Buffalo District.

2. Effective as of the date of the establishment of the office of District Commissioner for the District which shall include the territory now comprising the Fifth Collection District of New Jersey, the authority vested in the District Commissioner for the New York City District by Commissioner's Reorganization Order No. NYC-2, dated June 23, 1952, shall be, and the same is hereby terminated with respect to the territory comprising such Fifth Collection District of New Jersey.

3. Commissioner's Reorganization Order No. NYC-2 is hereby modified accordingly.

[SEAL] JOHN B. DUNLAP, *Commissioner.*

[F. R. Doc. 52-10326; Filed, Sept. 22, 1952; 8:48 a. m.]

Office of the Secretary

[Treasury Department Order 150-7]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

In the matter of Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Fourteenth, Twenty-first, and Twenty-eighth Collection Districts of New York; establishment of offices of District Commissioner and Directors of Internal Revenue; extension of area of New York City District and Third Collection District in State of New York.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 3650 (a) of the Internal Revenue Code and Executive Order 10289, dated September 19, 1951, it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Fourteenth, Twenty-first, and Twenty-eighth Collection Districts of New York shall become effective as of 12 o'clock midnight, September 21, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., September 22, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Buffalo District, and which shall be comprised of the territory presently comprising the Fourteenth, Twenty-first, and Twenty-eighth Internal Revenue Collection Districts of New York, with the exception of the territories known as the Counties of Bronx, Rockland, and Westchester.

3. *Location of headquarters.* The headquarters office shall be located in Buffalo, New York.

4. *Extension of area of New York City District.* Effective as of January 1, 1953, the territories known as the Counties of Bronx, Rockland, and Westchester, within the State of New York, shall be, and they are hereby, attached to and made a part of the New York City District, established by Treasury Department Order No. 150-4, dated June 23, 1952, for all purposes authorized by the internal revenue laws of the United States.

5. *Bronx, Rockland, and Westchester Counties transferred to Third Collection District of New York.* Effective as of January 1, 1953, the territories known as the Counties of Bronx, Rockland, and Westchester, now comprising a part of the Fourteenth Internal Revenue Collection District of New York, shall be, and they are hereby, transferred to and made a part of the Third Internal Revenue Collection District of New York for all purposes authorized by the internal revenue laws of the United States.

6. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., September 22, 1952, there are hereby created the following offices within the Buffalo District:

(a) Director of Internal Revenue for the Fourteenth Collection District of New York (as presently constituted). The headquarters of such office shall be located in Albany, New York, and the office shall have the operating title of Director of Internal Revenue, Albany.

(b) Director of Internal Revenue for the Twenty-first Collection District of New York (as presently constituted). The headquarters of such office shall be located in Syracuse, New York, and the office shall have the operating title of Director of Internal Revenue, Syracuse.

(c) Director of Internal Revenue for the Twenty-eighth Collection District of New York (as presently constituted). The headquarters of such office shall be located in Buffalo, New York, and the office shall have the operating title of Director of Internal Revenue, Buffalo.

Dated: September 17, 1952.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 52-10327; Filed, Sept. 22, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 724]

CONTRACT RATES, NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE, ET AL.

NOTICE OF HEARING AND PREHEARING CONFERENCE

Notice is hereby given that a hearing will be held before an examiner of the Federal Maritime Board at a time and place hereafter to be determined concerning investigation on the Board's motion of a proposal of the North Atlantic Continental Freight Conference to initiate a system of dual rates under which a differential of ten percent is allowed shippers who enter into contracts to patronize members of the Conference exclusively.

Notice is also given that a prehearing conference will be held before said Examiner, on September 29, 1952, at 10:00 a. m., in Room 4821, Commerce Building, Washington, D. C., under § 201.59 of the Board's Rules of Procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

At the prehearing conference a date will be set for the hearing to receive evidence to determine whether the differential in rates of the proposed system is arbitrary and unreasonable and whether the proposed system of dual rates is unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States or is in violation of the act.

The hearing to receive such evidence will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before September 29, 1952, and should promptly file a petition for leave to intervene in accordance with § 201.81 of the rules.

Dated: September 22, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-10406; Filed, Sept. 22, 1952; 11:17 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4979]

CARIBBEAN ATLANTIC AIRLINES, INC.; CERTIFICATE RENEWAL CASE, CIUDAD TRUJILLO–SAN JUAN ROUTE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Caribbean Atlantic Airlines, Inc., for a permanent or temporary certificate of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 16, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 18, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-10343; Filed, Sept. 22, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2045]

PERMIAN OIL AND GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1952.

Take notice that The Permian Oil and Gas Company (Applicant), an Ohio corporation having its principal place of business at the First National Bank Building, Marietta, Ohio, filed on September 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the purchase, transportation and sale of natural gas as hereinafter described.

The Commission in Opinion No. 231, issued July 3, 1952, in Docket No. G-1693, authorized and directed Texas Eastern Transmission Corporation (Texas Eastern), in paragraph (3) of its orders, to reserve not to exceed 300 Mcf of natural gas a day for Applicant. This reservation was conditioned upon Applicant receiving the necessary authorization from the Commission on or before November 1, 1952. Applicant proposes to purchase not to exceed 300 Mcf of natural gas a day from Texas Eastern and to transport and sell this gas to its customers in the villages of Caldwell, Dexter City, Macksburg, Elba, Dudley, Olive and South Olive, all in Ohio, and the outlying and intermediate districts thereof. Applicant states that this volume of gas is necessary to supplement its existing supply in local wells which have become depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10321; Filed, Sept. 22, 1952; 8:47 a. m.]

[Docket No. G-2046]

TENNESSEE GAS PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1952.

Take notice that Tennessee Gas Pipe Line Company (Applicant), a Tennessee corporation having its principal place of business at Murfreesboro, Tennessee, filed on September 10, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a natural-gas transmission pipeline approximately 12 miles in length extending from the City of Murfreesboro, Tennessee, to the nearest point of connection on the pipeline of Texas Eastern Transmission Corporation (Texas Eastern) in Tennessee.

By means of the proposed facilities Applicant proposes to transport natural gas for the account of Tennessee Gas Company, an affiliate, to the City of Murfreesboro where it will be delivered to Tennessee Gas Company for distribution to ultimate consumers.

The total over-all estimated cost of construction of the facilities in Docket No. G-2046 is $200,000, of which two thirds will be financed by the sale of bonds and the remainder through sale of equity securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10322; Filed, Sept. 22, 1952; 8:47 a. m.]

[Project No. 1447]

BREITENBUSH HOT SPRINGS, INC., AND E. C. KENNEDY

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

SEPTEMBER 17, 1952.

Notice is hereby given that on August 14, 1952, the Federal Power Commission issued its order entered August 12, 1952, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10312; Filed, Sept. 22, 1952; 8:46 a. m.]

[Project No. 1650]

HAVEN W. JORGENSEN

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

SEPTEMBER 17, 1952.

Notice is hereby given that on August 25, 1952, the Federal Power Commission issued its order entered August 21, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10313; Filed, Sept. 22, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27405]

RUBBER TIRES FROM BAYWAY, N. J., AND CARLISLE, PA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff ICC No. A-911.

Commodities involved: Tires, rubber, pneumatic and parts, carloads.

From: Bayway, N. J., and Carlisle, Pa.
To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, ICC No. A-911, supl. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10281; Filed, Sept. 19, 1952; 8:48 a. m.]

[4th Sec. Application 27406]

POTATOES FROM MAINE TO NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

SEPTEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff ICC No. 611.

Commodities involved: Potatoes, carloads.

From: Maine.

To: Points in New Jersey and Pennsylvania.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: I. N. Doe, Agent, ICC No. 611, supl. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10282; Filed, Sept. 19, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-198, 59-98]

INVESTMENT BOND AND SHARE CORP. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES, DISMISSING PROCEEDING AND DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

SEPTEMBER 17, 1952.

In the matter of Investment Bond and Share Corporation, and its subsidiaries, and William J. Walsh, Edwin Joseph Small, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Small, Edwin W. Small, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., respondents, File No. 59-98; and Investment Bond and Share Corporation, and its subsidiaries, File No. 54-198.

The Commission by order dated July 11, 1952, having, among other things, approved a plan of liquidation of Investment Bond and Share Corporation ("IBS") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and having reserved jurisdiction with respect to the payment of all fees and expenses incurred and having continued jurisdiction with respect to the proceedings instituted by the Commission pursuant to section 11 (b) and other sections of the act:

IBS and the other respondents having filed (1) a notification pursuant to Rule U-24 certifying that said plan of liquidation and other proposals have been consummated in accordance with the provisions of said plan and related proposals, (2) an application requesting approval of fees and expenses aggregating $38,006, including counsel fees of $30,000 payable to Dallstream, Schiff, Stern & Hardin, counsel to IBS, and $1,180 payable to Arthur Young & Company for accounting services, (3) requesting a dismissal of the proceeding instituted by the Commission pursuant to section 11 (b) of the act, among others, as to all respondents named therein and listed above, and (4) requesting an order declaring that IBS has ceased to be a holding company under the act;

Notice of such filing having been given and a hearing not having been requested or ordered;

The Commission finding that said plan of liquidation and other proposals have been consummated in accordance with the provisions thereof, that said fees and expenses in the amounts requested are not unreasonable, that the proceeding instituted by the Commission pursuant to section 11 (b) and other sections of the act should be dismissed and that IBS has ceased to be a holding company:

It is therefore ordered, That jurisdiction is hereby released with respect to the payment of the fees and expenses in the amount of but no more than the sums requested.

It is further ordered, That the proceeding herein instituted by the Commission pursuant to section 11 (b) and other sections of the act is hereby dismissed as to all respondents.

It is further ordered, That IBS has ceased to be a holding company under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10317; Filed, Sept. 22, 1952; 8:47 a. m.]

[File No. 70-2905]

POTOMAC EDISON CO. AND POTOMAC LIGHT AND POWER CO.

ORDER PERMITTING PARENT COMPANY TO ACQUIRE COMMON STOCK FROM A SUBSIDIARY COMPANY

SEPTEMBER 17, 1950.

The Potomac Edison Company ("Potomac Edison"), a registered holding company, and its direct and wholly-owned public utility subsidiary, Potomac Light and Power Company ("Potomac Light"), have filed a joint application-declaration, and an amendment thereto, pursuant to sections 6, 7, 9, 10, and 12 of the act and Rules U-43 and U-44 promulgated thereunder with regard to certain transactions as follows:

Potomac Light proposes to issue and sell for cash 5,685 shares of its common stock to Potomac Edison at a price equal to the par value thereof of $100 per share, or a total consideration of $568,500.

Potomac Light proposes to use the proceeds from the sale of such shares for construction purposes. Potomac Edison states that it has in its treasury sufficient funds to purchase such shares without resorting to additional financing and that it will pledge such shares as collateral security for its First Mortgage and Collateral Trust Bonds, pursuant to the terms of the Trust Indenture, dated October 1, 1944, between Potomac Edison and Chemical Bank and Trust Company (New York) as Trustee.

It is represented in the filing that the above described transactions have been approved by the Public Service Commission of Maryland and the Public Service Commission of West Virginia to the extent that such transactions are subject to the jurisdiction of those Commissions, the filing containing copies of orders adopted by those Commissions.

It is requested that the Commission's order herein become effective upon issuance.

Said application-declaration, and an amendment thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10318; Filed, Sept. 22, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19011]

KAROLINA ESSKUCHEN MÜLLER

In re: Rights of Karolina Esskuchen Müller under insurance contract. File No. F-28-31839-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.) and pursuant to law, after investigation, it is hereby found:

1. That Karolina Esskuchen Müller, whose last known address is 22b Nerzweiler, Pfalz, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4410 108 issued by The Mutual Life Insurance Company of New York, New York, New York, to Karolina Esskuchen Müller, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Charles Skambea and Katherinela Skambea, residents of the United States, and the aforesaid Mutual Life Insurance Company of New York, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karolina Esskuchen Müller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-10333; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19012]

ENNO BRACKLO

In re: Rights of Enno Bracklo under insurance contracts. Files Nos. F-28-26719-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Mary E. Geussenhainer, deceased, including, but not limited to: Maria Geussenhainer, also known as Maria Franziska Geussenhainer; Edwin Geussenhainer, also known as Edwin Josef Johann Geussenhainer; Wilhelm Geussenhainer, also known as Wilhelm Harald Hans Geussenhainer; domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Wilhelm Geussenhainer, also known as Wilhelm Harald Hans Geussenhainer; Karl Geussenhainer, also known as Karl Francis Geussenhainer, also known as Carl Francis Geussenhainer; domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Enno Bracklo, also known as Enno Bracklo, Jr., also known as Enno Bracklo, 3rd; Ernst Bracklo, also known as Ernst Bracklo, Jr., also known as Ernst

sonal representatives, heirs, next of kin, devisees, legatees and distributees of Karl Geussenhainer, also known as Karl Francis Geussenhainer, also known as Carl Francis Geussenhainer; Luise Elfriede Minna Geussenhainer, nee Eitner; Ursula Marie Helene Geussenhainer; Karin Anni Geussenhainer; Friedrick Geussenhainer, also known as Friedrich Rudolf Geussenhainer; and domiciliary personal representatives, heirs, next of kin, devisees, legatees and distributees of Friedrick Geussenhainer, also known as Friedrich Rudolf Geussenhainer; whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Mary E. Geussenhainer, deceased, which is in the process of administration by Albert C. Neufeld, Successor Administrator, acting under the judicial supervision of the County Court, Outagamie County, Wisconsin, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10335; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19014]

HANS ADOLF OSKAR WILHELM DIECKMANN ET AL.

In re: Rights of Hans Oskar Adolf Wilhelm Dieckmann and others under insurance contracts. Files Nos. F-28-5752-H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, have been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 1021129 and 1021130 issued by the Occidental Life Insurance Company of California, Los Angeles, California, to Hans Oskar Adolf Wilhelm Dieckmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Occidental Life Insurance Company of California, together with the right to demand, receive and collect same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That on or since December 11, 1941, and prior to January 1, 1947, said Hans Oskar Adolf Wilhelm Dieckmann and Paula Dieckmann were controlled by or acting for or on behalf of a designated enemy country (Germany) and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10336; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19015]

MARGARETHE WILHELMINE FRANZISKA ARKENBERG ET AL.

In re: Securities owned by and debt owing to Margarethe Wilhelmine Franziska Arkenberg, and others. F-28-13376.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9783 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Margarethe Wilhelmine Franziska Arkenberg, 36 Osterstrasse, Hameln on the Weser, Germany;

Wilhelm Heinrich Georg Arkenberg, 38 Langestrasse, Wunstdorf, Germany;

Albert Heinrich Hermann Arkenberg, 38 Langestrasse, Wunstdorf, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Fritz Adolf Arkenberg, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Ten (10) shares of stock of Anderson Hotel Company, 1369 E. Hyde Park Blvd., Chicago, Ill., evidenced by certificate numbered 16, said certificate registered in the name of Kony Arkenberg, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Mrs. Helene Schrader, 3648 North Avers Avenue, Chicago, Illinois in the amount of $126.00, as of March 18, 1952, arising out of a portion of dividends received on the stock described in subparagraph 3a above, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 and referred to in subparagraph 2 hereof, be treated as persons who are and prior to Jauary 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10337; Filed, Sept. 22, 1952; 8:49 a. m.]

[Vesting Order 19017]

GERDA RAEDER

In re: Debt owing to Gerda Raeder. F-28-31946-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gerda Raeder, whose last known address is Briesenerstrasse 1, Koenigsberg/Pr, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Arno P. Mowitz, 1420 Walnut Street, Philadelphia 2, Pennsylvania, arising out of funds received in behalf of Miss Gerda Raeder, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerda Raeder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10339; Filed, Sept. 22, 1952; 8:50 a. m.]

[Vesting Order 18997, Amdt.]

HERBERT SEEBER ET AL.

In re: Securities owned by Herbert Seeber and others.

Vesting Order 18997, dated August 28, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Herbert Seeber, whose last known address is Lauda, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That Bankhaus Cl. Harlacher, the last known address of which is Frankfurt Main, Germany, and Commerzbank A. G., the last known address of which is Frankfurt Main, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Three (3) 5 percent, 50 year Gold Brazil Railway Company Debentures of $500 face value each, said bonds numbered B10200/1 and B10199, presently in the custody of the Attorney General of the United States and owned by Herbert Seeber, together with any and all rights thereunder and thereto,

b. One (1) 5 percent, 50 year Gold Brazil Railway Company Debenture of $500 face value, numbered B11536, presently in the custody of the Attorney General of the United States and owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Willibald, deceased, together with any and all rights thereunder and thereto,

c. Two (2) First Mortgage Collateral Trust 6 percent, 10 year Gold Coupon Yukon Milling, Dredging and Power Company Bonds, said bonds numbered 9538 and 9539, presently in the custody of the Attorney General of the United States and owned by Bankhaus Cl. Harlacher, together with any and all rights thereunder and thereto, and

d. Seventeen hundred (1700) shares of $1.00 par value capital stock of the Gold Belt Development & Reduction Company, evidenced by certificate numbered 484, registered in the name of A. Lotichins, and certificate numbered 1505, registered in the name of August and Dr. Alfred Lotichins, said certificates presently in the custody of the Attorney General of the United States and owned by Commerzbank, A. G., together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 3, and referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10340; Filed, Sept. 22, 1952; 8:50 a. m.]

LORENZO FASSIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Lorenzo Fassio, Asti, Italy; Claim No. 39875; $8,128.79 in the Treasury of the United States.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10341; Filed, Sept. 22, 1952; 8:50 a. m.]

CAROLINA HEINZEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Carolina Heinzel, Burgenland, Austria, Claim No. 40141; $54.94 in the Treasury of the United States.

Edward Zorka, Michael Zorka, Sr., Michael Zorka, Jr., Maria Robisek, Franz Zorka and Johann Zorka, Burgenland, Austria; Claims Nos. 42390, 42391, 42392, 42393, 42394, 42395, respectively; $54.94 in the Treasury of the United States. Michael Zorka, Sr., is entitled to one-fourth of the property and Edward Zorka, Michael Zorka, Jr., Maria Robisek, Franz Zorka and Johann Zorka are each entitled to three-twentieths of the property.

Frank Tury, Burgenland, Austria; Claim No. 44991; $54.94 in the Treasury of the United States.

Rosa Bischoff nee Graf, Berta Heschl nee Graf, Burgenland, Austria; Maria Graf, Johannesstrabe, Austria; and Hermine Graf, Herrliberg, Switzerland; Claim No. 44992; $54.94 in the Treasury of the United States. Rosa Bischoff nee Graf, Berta Heschl nee Graf, Maria Graf, and Hermine Graf are each entitled to one-fourth of the property.

Executed at Washington, D. C. on September 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10342; Filed, Sept. 22, 1952; 8:50 a. m.]

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1934
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FEDERAL REGISTER

VOLUME 17 NUMBER 187

Washington, Wednesday, September 24, 1952

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1952 SEASON

Pursuant to the authority conferred by the Golden Nematode Act (62 Stat. 442; 7 U. S. C. Sup. V 150–150e), and the Secretary of Agriculture of the United States having determined that the State of New York, through legislation, appropriations, and issuance of quarantine regulations has provided authority, funds, and other means for that State to carry out effectively for the 1952 potato crop year a cooperative program to suppress, control, and prevent the spread of the infestation of the golden nematode known to exist in a certain area in that State, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York hereby cooperatively promulgate the following regulations to govern the payment of compensation to growers in such area for not planting potatoes pursuant to such program.

Sec.
303.1 Eligibility for compensation.
303.2 Payment of compensation.
303.3 Agreement and voucher requirements.
303.4 Administration.

AUTHORITY: §§ 303.1 to 303.4 issued under 62 Stat. 442; 7 U. S. C. Sup. 150–150e.

§ 303.1 *Eligibility for compensation.* Compensation will be paid under the regulations in this subpart only to persons who: (a) During the 1952 potato crop year own and operate land customarily used for growing potatoes in the portion of Long Island, New York, where the golden nematode is known to occur; (b) refrain from planting potatoes on those portions of such land which are found to be infested or dangerously exposed to infestation by the golden nematode and plant on such portions of the land only crops approved by the Department of Agriculture and Markets of the State of New York (hereinafter called the New York Department of Agriculture); (c) comply in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the New York Department of Agriculture; and (d) execute an agreement in the form provided for in § 303.3 and comply therewith.

§ 303.2 *Payment of compensation.* (a) Losses to owner-operators of lands found to be infested by or dangerously exposed to infestation by the golden nematode, arising from such owner-operators' refraining from planting potatoes pursuant to the cooperative program for the control and suppression of such nematode, shall be borne by the United States Department of Agriculture, the New York Department of Agriculture, and the owner-operators.

(b) Compensation to each owner-operator eligible therefor under the provisions of this subpart will be paid jointly and in equal amounts by the United States Department of Agriculture and the New York Department of Agriculture.

(c) It has been determined that, based on (1) the estimated value of crops approved by the New York Department of Agriculture for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Long Island, New York, (3) the average annual yield of potatoes in Long Island, and (4) the estimated sale value of potatoes in that area, joint compensation of $60 per acre will not be more than two-thirds of the total loss accruing to any owner-operator from the nonplanting of potatoes. Therefore, compensation at the rate of $60 per acre will be paid to each eligible owner-operator with respect to lands of such owner-operator which are found to be infested by or exposed to infestation by the golden nematode. One-half of such payment will be made by the United States Department of Agriculture and the other one-half will be made by the New York Department of Agriculture.

§ 303.3 *Agreement and voucher requirements.* Each owner-operator who wishes to be eligible for compensation under the regulations in this subpart

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shall execute an agreement with the New York Department of Agriculture on a form obtainable from said Department. The agreement shall be executed at least in duplicate. Claim for Federal compensation under the regulations in this subpart shall be made by each owner-operator eligible therefor by submitting to the United States Department of Agriculture one fully executed copy of the agreement certified by a responsible officer of the New York Department of Agriculture with a voucher (Standard Form 1034) executed by the owner-operator stating the purpose of the voucher substantially as follows:

One-half of compensation for refraining from planting potatoes on _____ acres of land infested by or exposed to the golden nematode.

The agreement and certificate will be deemed a part of the voucher. The agreement and certificate shall conform substantially to the sample forms thereof, filed in the Federal Register Division with this document.

§ 303.4 *Administration.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control and prevent the spread of the golden nematode during the 1952 potato crop year. The Federal official in charge of the Golden Nematode Project, working under the direction of the Chief of said Bureau, has been designated as the authorized agent of the Secretary of Agriculture of the United States for determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be paid by the United States Department of Agriculture to any owner-operator who refrains from planting potatoes during the 1952 potato crop year.

Enabling legislation by the State of New York authorizing State cooperation, required by section 4 of the Golden Nematode Act as a requisite for Federal participation, is contained in Chapter 217 approved March 25, 1952. Regulations pertaining to the cooperative program to suppress the Golden Nematode for the 1951 season became effective September 4, 1951, 7 CFR Supp. § 303.1–3. The program to suppress the golden nematode was cooperatively reviewed September 13, 1951, by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York, and it was jointly agreed that for the season of 1952 the procedures followed for the 1951 season would be continued but that the rate of compensation paid to each owner-operator of lands infested by or exposed to infestation by the golden nematode would be reduced to the rate of $60 per acre. Information with reference to this proposed change was presented to the land owners in advance of planting operations. Land owners recognized the value of the program for suppressing, controlling, and preventing the spread of the golden nematode.

Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible land owners. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that further notice and public procedure on these regulations are unnecessary, impracticable and contrary to the public interest, and good cause is found for their issuance effective less than 30 days after publication.

The regulations in this subpart shall be effective September 24, 1952, and on that date shall supersede the regulations contained in 7 CFR, 1951 Supp. 303.1 et seq., effective September 4, 1951.

Done at Washington, D. C., this 18th day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Concurred with August 11, 1952.

C. CHESTER DUMOND,
Commissioner of Agriculture and Markets, State of New York.

[F. R. Doc. 52-10361; Filed, Sept. 23, 1952; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

DETERMINATION WITH RESPECT TO MAJOR CHANGE IN SUPPLY CONDITIONS

It is provided in § 993.63 (h) of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended, (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), that any surplus tonnage prunes remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for, unless determination with respect to a shortage of supply has been made as provided for in § 993.63 (d) (5). It is provided in § 993.63 (d) (5) that any offer outstanding as of July 5 of any crop year shall be withdrawn and the Prune Administrative Committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war, a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

Pursuant to the aforesaid provisions of the marketing agreement and order, and on the basis of available information, the aforesaid committee has determined as follows: "That a major change in conditions has occurred and recommends that 2,875 tons of 1951 crop year surplus prunes now remaining in the surplus pool, previously relegated for disposal as animal feed to effect better economic stability in the prune industry, be released for sale for manufacturing purposes and primarily for prune juice so as to alleviate as much as possible the effects of this change in economic conditions brought about by a 1952 crop which has ample stocks of prunes to meet the demand for dried prunes as such but which lacks a sufficient supply of the type suitable and economically acceptable for manufacturing purposes."

Among the factors supporting the committee's determination are: (1) An estimated 1952 production of dried prunes in California of 137,000 tons, the smallest since 1929; (2) estimated 1952–53 requirements of dried prunes by juice manufacturers approximating 1951–52 requirements; (3) a much larger than normal proportion of medium and large size prunes in the 1952 dried prune production, thereby providing an adequate supply of dried prunes for consumption as such but a short supply of the grades and sizes of prunes economically acceptable for the manufacture of prune juice; (4) current early season prices to producers for 1952 crop prunes which average approximately 23 percent higher than the average price producers received for the 1951 crop; (5) an estimate that the total presently available quantity of dried prunes which the manufacturers can afford to use will not be sufficient to supply them with adequate stocks so priced as would permit them to meet the demand for prune juice.

Pursuant to the applicable provisions of the marketing agreement and order and on the basis of available information, it is hereby found that the Prune

Administrative Committee's determination that a major change in conditions has occurred which indicates a shortage of dried prunes for manufacturing purposes should be, and it hereby is, approved.

It is hereby found also that it is impracticable and unnecessary to give preliminary notice, to engage in public rule making and postpone the approval of the committee's determination that a major change in conditions has occurred until thirty days after publication thereof in the FEDERAL REGISTER because: (1) Delay now in the disposition of the 1951 crop surplus tonnage prunes results in their deterioration; (2) the committee made its determination and its proposal to sell such prunes to handlers for manufacturing purposes after extensive debate in open meetings and handlers are aware of the committee's action; (3) an offer of such prunes to handlers for manufacturing purposes would impose no obligation on the handlers to accept them; and (4) in the circumstances, handlers will not require any additional time to consider the committee's determination and its offer to sell such prunes to them.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c: 7 CFR, § 993.63)

Done at Washington, D. C., this 19th day of September 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10387; Filed, Sept. 23, 1952; 8:50 a. m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice of proposed rule making with respect to the fixing of salable, surplus, and withholding percentages of merchantable filberts for the fiscal year beginning August 1, 1952, was published in the FEDERAL REGISTER on September 6, 1952 (17 F. R. 8079), pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington (7 CFR 1951 Sup., Part 997). In said notice, in which it was proposed to fix the salable percentage of merchantable in-shell filberts at 66 percent, the surplus percentage at 34 percent, and the withholding percentage at 52 percent for the fiscal year beginning August 1, 1952, opportunity was afforded interested parties to submit to the Department written data, views, or arguments for consideration prior to final issuance of the rule fixing the percentages.

During the period prescribed for submitting data, views and arguments with respect to the proposed percentages, the Department received several letters from independent filbert packers in which it was argued that (1) the estimate of trade demand of 11,000,000 pounds for the fiscal year beginning August 1, 1952, which was adopted by the Filbert Control Board, is too low, and (2) that the disappearance factor used by said Board in estimating 1952 merchantable filbert production also is too low and results in too high an estimate of such merchantable production.

With respect to item (1) above the independent packers who submitted briefs propose that the trade demand estimate for the 1952–53 fiscal year be increased to about 12,000,000 pounds from the 11,000,000 pounds recommended by the Board. A trade demand of 12,000,000 pounds would represent an increase of approximately 2,600,000 pounds, or about 28 percent, over the average trade acquisitions of about 9,400,000 pounds during the last three fiscal years. The aforesaid independent packers contend that the trade demand which they propose is a realistic estimate of the potential for filberts in 1952–53. They base this view, however, on the assumption that trade acquisitions in the fiscal years 1950–51 and 1951–52 would have been from 30 percent to 50 percent higher had it not been for the short filbert crops in those years and the resulting shortages of merchantable supplies. Such estimates of the trade demand potential for in-shell filberts may be subject to considerable upward bias because of duplication in orders received by packers but which were rejected for lack of supplies. The Department has decided that it would not be justified in increasing the Board's estimate of trade demand on the basis of the aforesaid views and arguments and believes that an estimate of 11,000,000 pounds, which is 17 percent above the average trade demand for the last three fiscal years, is a practical and realistic objective in the 1952–53 fiscal year.

In connection with item (2) above independent packers who submitted briefs regarding the proposed percentages argued that a disappearance factor of 27.1 percent should be used in converting 1952 orchard-run production to merchantable production. This compares with the factor of 25.1 percent adopted by the Board at its meeting in Portland, Oregon, on August 15, 1952, as a compromise between the different viewpoints of Board members regarding such factor. The Department recognizes the difficulty of making accurate estimates of the disappearance factor for filberts. However, as a result of the analysis of data submitted by the Board and individual packers regarding historical crop disposition and special conditions expected in the fiscal year 1952–53 which might affect production of merchantable filberts, the Department does not believe it would be justified in changing the Board's estimate of disappearance.

It is hereby found and determined that good cause exists for making this document effective upon its publication in the FEDERAL REGISTER instead of waiting thirty days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to any handling of 1952 crop filberts, (2) the handling of 1952 crop filberts will be imminent thereafter, and (3) operations under the marketing agreement and order will not require handlers to make any preparation in complying with the percentages fixed herein prior to the fixing of such percentages.

After consideration of the data, views and arguments submitted with respect to the proposed percentages and other relevant matters, the percentages are fixed as follows:

§ 997.202 *Salable, surplus, and withholding percentages for merchantable in-shell filberts.* For the fiscal year beginning August 1, 1952, the salable percentage of merchantable in-shell filberts shall be 66 percent, the surplus percentage shall be 34 percent, and the withholding percentage shall be 52 percent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 19th day of September 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10386; Filed, Sept. 23, 1952; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

BUREAU OF MENTAL HYGIENE, HEALTH DEPARTMENT, GOVERNMENT OF THE DISTRICT OF COLUMBIA

1. Effective August 31, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the following addition:

§ 27.1 *Exclusion from provisions of the Federal Employees Pay Act and the Classification Act.* • • •

Student clinical psychologist, Bureau of Mental Hygiene, Health Department, Government of the District of Columbia, third year approved postgraduate training.

2. Effective August 31, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the following addition:

§ 27.2 *Maximum stipends prescribed.* • • •

Student clinical psychologist—Bureau of Mental Hygiene, Health Department, Government of the District of Columbia: Third year approved postgraduate training, $2,000.

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52-10349; Filed, Sept. 23, 1952; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 22]

PART 61—SCHEDULED AIR CARRIER RULES

PROFICIENCY REQUIREMENTS; EMERGENCY PROCEDURES

Proposed § 61.112–5 (x) was published on April 22, 1952, in 17 F. R. 3561. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted.

§ 61.112–5 *Proficiency requirements (CAA rules which apply to § 61.112).* • • •

(x) *Emergency procedures.* The emergency procedures shall be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record shall be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, 49 U. S. C. 551)

These rules shall become effective October 25, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10351; Filed, Sept. 23, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 17]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable. Part 610 is amended as follows:

1. Section 610.6007 *VOR Civil Airway No. 7,* is amended to read in part:

From—	To—	Minimum altitude
Cross City, Fla. (VOR): Dir. & W. Alter.	Tallahassee, Fla. (VOR): Dir. & W. Alter.	1,400

2. Section 610.6016 *VOR Civil Airway No. 16,* is amended by adding:

From—	To—	Minimum altitude
Tucson, Ariz. (VOR)..	Cochise, Ariz. (VOR).	11,000
Cochise, Ariz. (VOR)..	Columbus, N. Mex. (VOR).	12,000

3. Section 610.6023 *VOR Civil Airway No. 23,* is amended to read in part:

From—	To—	Minimum altitude
Eugene, Oreg. (VOR): Via W. Alter.	Newburg, Oreg. (VOR): Via W. Alter.	5,000
Portland (Manor), Oreg. (VOR).	Seattle, Wash. (VOR).	5,000
Seattle, Wash. (VOR)..	Bellingham, Wash. (VOR).	4,000

4. Section 610.6066 *VOR Civil Airway No. 66,* is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif. (VOR).	Seeley (INT), Calif...	10,000
Barrett Lake, Calif. (FM).	San Diego, Calif. (VOR): Westbound only.	6,000
Douglas, Ariz. (VOR)..	Int. Douglas, Ariz. (VOR): rad. 50 & Columbus, N. Mex. (VOR) rad. 264.	13,000
Int. Douglas, Ariz. (VOR): rad. 50 & Columbus, N. Mex. (VOR) rad. 264.	Columbus, N. Mex. (VOR).	12,000

5. Section 610.6098 *VOR Civil Airway No. 98,* is amended to read in part:

From—	To—	Minimum altitude
Coalinga, Calif. (VOR).	San Francisco, Calif. (VOR).	7,000

6. Section 610.6101 *VOR Civil Airway No. 101,* is added to read:

From—	To—	Minimum altitude
Ogden, Utah (VOR)...	Burley, Idaho (VOR).	12,500

7. Section 610.01 *Green Civil Airway No. 1,* is amended to read in part:

From—	To—	Minimum altitude
Millinocket, Maine (LFR).	Orient (INT), Maine.	2,100

8. Section 610.14 *Green Civil Airway No. 4,* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (LFR)—	New Alexandria, Pa. (LF/RBN).[1]	3,000
Gage, Okla. (LFR.....	Wichita, Kans. (LFR).	3,600

[1] 4,000'—minimum crossing altitude at New Alexandria (LF/RBN), eastbound.

9. Section 610.18 *Green Civil Airway No. 8,* is amended to read in part:

From—	To—	Minimum altitude
Cold Bay, Alaska (LFR).	King Salmon, Alaska (LFR)	10,000

10. Section 610.101 *Amber Civil Airway No. 1,* is amended to read in part:

From—	To—	Minimum altitude
Skwentna, Alaska (LFR).[1]	Puntilla Lake, Alaska (LF/RBN).	9,100
Puntilla Lake, Alaska (LF/RBN).	Farewell, Alaska (LFR).[2]	9,100
Hinchinbrook, Alaska (LFR).	Whittier (INT), Alaska.[3]	4,800

[1] 7,000'—minimum crossing altitude at Skwentna (LFR), westbound.
[2] 8,600'—minimum crossing altitude at Farewell (LFR), southeast-bound.
[3] 8,600'—minimum crossing altitude at Whittier (INT), westbound.

11. Section 610.103 *Amber Civil Airway No. 3,* is amended to read in part:

From—	To—	Minimum altitude
Truth or Consequences, N. Mex. (LFR).	Belen, N. Mex. (LF/RBN).	10,000
Belen, N. Mex. (LF/RBN).	Albuquerque, N. Mex. (LFR).	8,000

12. Section 610.104 *Amber Civil Airway No. 4,* is amended to read in part:

From—	To—	Minimum altitude
Allee, Tex. (LFR).....	Losoya (INT), Tex...	1,800

13. Section 610.106 *Amber Civil Airway No. 6,* is amended to read in part:

From—	To—	Minimum altitude
Smyrna, Ga. (FM).....	Atlanta, Ga. (LFR): Southeast-bound only	3,000
	Northwest-bound only	3,200

14. Section 610.109 *Amber Civil Airway No. 9,* is amended to read in part:

From—	To—	Minimum altitude
Myrtle Beach, N. C. (LFR).	Wilmington, N. C. (LFR).	1,400

15. Section 610.111 *Amber Civil Airway No. 11,* is amended to read in part:

From—	To—	Minimum altitude
South Maui (INT).....	Maui (LFR) (Northbound).	6,000

16. Section 610.210 *Red Civil Airway No. 10,* is amended to read in part:

From—	To—	Minimum altitude
Purgatoire (INT), Colo.	Dalhart, Tex. (LFR).	8,900
Wichita Falls, Tex. (LFR).	Dallas, Tex. (LFR)...	2,300

17. Section 610.220 *Red Civil Airway No. 20,* is amended to read in part:

From—	To—	Minimum altitude
Pittsburgh, Pa. (LFR).	Mount Pleasant (INT), Pa.[1]	3,000

[1] 4,000'—minimum crossing altitude at Mount Pleasant (INT), eastbound.

18. Section 610.221 *Red Civil Airway No. 21,* is amended to read in part:

From—	To—	Minimum altitude
Int. NE crs. Allentown, Pa. (LFR) & NW. crs. Newark, N. J. (LFR).	Chatham, N. J. (LF/RBN).	2,700
Chatham, N. J. (LF/RBN).	Newark, N. J. (LFR).	2,000

19. Section 610.227 *Red Civil Airway No. 27,* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (LF/RBN).	Toledo, Ohio (LFR)..	2,100

20. Section 610.232 *Red Civil Airway No. 32,* is amended to read in part:

From—	To—	Minimum altitude
Smithville, Tex. (LF/RBN).	Richmond, Tex. (LFR).	1,600

21. Section 610.263 *Red Civil Airway No. 63,* is amended to read in part:

From—	To—	Minimum altitude
Oxford (INT), Mich...	Sarnia, Ontario (LFR).	2,400

22. Section 610.603 *Blue Civil Airway No. 3,* is amended by adding:

From—	To—	Minimum altitude
Kokomo, Ind. (LF/RBN).	Goshen, Ind. (LFR)..	2,100

23. Section 610.605 *Blue Civil Airway No. 5,* is amended to read in part:

From—	To—	Minimum altitude
Dallas, Tex. (LFR)....	Pilot Point (INT), Tex.	2,000
Pilot Point (INT), Tex.	Marietta (INT), Tex..	2,100
Galveston, Tex. (LFR).	Houston, Tex. (LFR).	1,400

24. Section 610.613 *Blue Civil Airway No. 13,* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex. (LFR)..	Lufkin, Tex. (LF/RBN).	1,500
Lufkin, Tex. (LF/RBN).	Shreveport, La. (LFR).	1,700
Texarkana, Ark. (LFR).	Van Buren, Ark. (LF/RBN).	3,800
Van Buren, Ark. (LF/RBN).	Neosho (INT), Mo....	3,000

25. Section 610.622 *Blue Civil Airway No. 22,* is amended to eliminate:

From—	To—	Minimum altitude
Ponca City, Okla. (RBN).	Tulsa, Okla (LFR)....	2,200

26. Section 610.670 *Blue Civil Airway No. 70,* is amended to read in part:

From—	To—	Minimum altitude
Ardmore, Okla. (LF/RBN).	Int. 290°-110° mag brg. Oklahoma City (LFR) & a 20°-200° mag brg. Tulsa, Okla. (LFR)—Ardmore, Okla. (LF/RBN).	2,700
Int. 290°-110° mag. brg. Oklahoma City (LFR) & a 20°-200° mag. brg. Tulsa, Okla. (LFR)—Ardmore, Okla. (LF/RBN).	Tulsa, Okla. (LFR)...	2,200

27. Section 610.1001 *Direct Routes; Northeast United States,* is amended to eliminate:

From—	To—	Minimum altitude
Little Rock, Ark.....	St. Louis, Mo.....	3,000

28. Section 610.1002 *Direct Routes; Southeast United States,* is amended by adding:

From—	To—	Minimum altitude
Dallas, Tex. (LFR)....	Greenville (INT), Tex	2,000
Duncanville, Tex. (LF/RBN).	Greenville (INT), Tex.	2,000
Palacios, Tex. (LFR)..	Richmond, Tex. (LFR)	1,500
Galveston, Tex. (LFR).	Int. N crs. Galveston, Tex. (LFR) & E crs. Houston, Tex. (LFR).	1,400
Int. N crs. Galveston, Tex. (LFR) & E crs. Houston, Tex. (LFR).	Int. N crs. Galveston, Tex. (LFR) & NE crs. Richmond, Tex. (LFR).	1,600
Monument (Houston), Tex. (LF/RBN).	Beaumont, Tex. (LFR).	1,600

29. Section 610.1002 *Direct Routes; Southeast United States,* is amended to read in part:

From—	To—	Minimum altitude
Albany, Ga. (LFR)....	Lawson AFB (LFR), Columbus, Ga.	1,500
Dallas, Tex. (LFR)....	Houston, Tex. (LFR).	2,000
Enid, Okla. (Vance LFR).	Oklahoma City, Okla. (LFR).	2,500
Van Buren, Ark. (LF/RBN).	Springfield, Mo. (LFR).	3,800

30. Section 610.1002 *Direct Routes; Southeast United States,* is amended to eliminate:

From—	To—	Minimum altitude
Albany, Ga. (LFR)....	Columbus, Ga.....	1,600
Newalla, Okla. (FM)..	Int. E crs. Oklahoma City, Okla. (LFR) & Blue Airway 70 (19° mag.) brg. to Tulsa, Okla. (LFR).	2,700
Houston, Tex. (LFR)..	Lufkin, Tex. (RBN)..	1,600
Shreveport, La. (LFR).	Lufkin, Tex. (RBN)..	1,700

31. Section 610.1003 *Direct Routes; Southwest United States,* is amended by adding:

From—	To—	Minimum altitude
Laredo, Tex. (LFR)...	Int. SE crs. Laredo, Tex. (LFR) & W crs. Brownsville, Tex (LFR).	1,900
Int. SE crs. Laredo, Tex. (LFR) & W crs. Brownsville, Tex. (LFR).	Brownsville, Tex. (LFR).	1,600
La Junta, Colo. (LFR).	Int. NW crs. La Junta, Colo. (LFR) & N crs. Pueblo, Colo (LFR).	8,000

From—	To—	Minimum altitude
Int. E crs. Oklahoma City, Okla. (LFR) & SW crs. Tulsa, Okla. (LFR).	Int. E crs. Oklahoma City, Okla. (LFR) & 20°-200° mag. brg. Tulsa, Okla. (LFR).	2,100

32. Section 610.1003 *Direct Routes; Southwest United States,* is amended to eliminate:

From—	To—	Minimum altitude
Brownsville, Tex. (LFR).	Moore (INT), Tex....	1,500
Moore (INT), Tex.....	Laredo, Tex. (LFR)..	1,800
Las Vegas, Nev. (VOR): Via rad. 216.	Otto, N. Mex. (VOR): Via rad. 36.	9,600

33. Section 610.1004 *Direct Routes; Northwest United States,* is amended by adding:

From—	To—	Minimum altitude
The Dalles, Oreg. (VOR).	Yakima, Wash. (VOR).	8,000

34. Section 610.6021 *VOR Civil Airway No. 21,* is amended to read in part:

From—	To—	Minimum altitude
Ogden, Utah (VOR)[1]...	Malad City, Idaho (VOR).	11,000

[1] 9,000'—minimum crossing altitude at Ogden (VOR), northbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These alterations shall become effective September 28, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10254; Filed, Sept. 19, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5970]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILADELPHIA CHEWING GUM CORP.

Subpart—*Using or selling lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale and distribution of chewing gum or other articles of merchandise in commerce, (1) selling or distributing to jobbers and wholesale dealers or others, chewing gum or other merchandise so packed and assembled that the sales of such chewing gum or other merchandise to the general public are to be made, or are intended or designed to be made, by means of a lottery, gaming device or gift enterprise; (2) packing or assembling in the same package or assortment of chewing gum, for sale to the public at retail, pieces of chewing gum contained within wrappers bearing various legends or letters, which wrappers, bearing particular legends or letters, when obtained in particular combinations, entitle the holder thereof to certain specified articles of merchandise as a prize; or (3) selling or distributing any assortments of chewing gum, or other merchandise, which are designed or intended to be used in the distribution of merchandise to members of the public by lottery or chance; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Philadelphia Chewing Gum Corporation, Havertown, Pa., Docket 5970, June 23, 1952]

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission and respondent's answer, in which it admitted all of the material allegations of fact set forth in said complaint, waived all intervening procedure and further hearing as to said facts, and consented that an order to cease and desist might issue in the form set forth in the "Notice" portion of said complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer thereto, all intervening procedure having been waived and the right to submit proposed findings and conclusion not having been reserved or requested, and said examiner, having duly considered the record in the matter and having found the proceeding in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion[1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commisison on June 23, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Philadelphia Chewing Gum Corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of chewing gum or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing, to jobbers and wholesale dealers or others, chewing gum or other merchandise so packed and assembled that the sales of such chewing gum or other merchandise to the general public are to be made, or are intended or designed to be made, by means of a lottery, gaming device or gift enterprise;

2. Packing or assembling in the same package or assortment of chewing gum, for sale to the public at retail, pieces of chewing gum contained within wrappers bearing various legends or letters, which wrappers, bearing particular legends or letters, when obtained in particular combinations, entitle the holder thereof to certain specified articles of merchandise as a prize;

3. Selling or distributing any assortments of chewing gum, or other merchandise, which are designed or intended to be used in the distribution of merchandise to members of the public by lottery or chance.

By "Decision of the Commission and order to file report of compliance," Docket 5970, June 23, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 23, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10382; Filed, Sept. 23, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 6

CONSENT ELECTION AGREEMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 499, 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eighteith Congress, first session, the National Labor Relations Board hereby issues the following amendment to its rules and regulations, Series 6, as amended, which it finds necessary to carry out the provisions of said act. National Labor Relations Board rules and regulations, Series 6, as amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D. C., September 19, 1952.

By direction of the Board.

LOUIS R. BECKER,
Executive Secretary.

The rules and regulations of the National Labor Relations Board, Series 6,

as amended,[1] are hereby further amended.

Section 102.54 is amended as follows:

At the end of paragraph (a) of § 102.54 *Consent election agreements*, strike the period, insert a comma, and add the words: "provided further that rulings or determinations by the regional director in respect to any amendment of such certification, shall also be final."

(Sec. 101, 61 Stat. 140; 29 U. S. C. Sup., 156)

[F. R. Doc. 52-10373; Filed, Sept. 23, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 10, Revision 1, Amdt. 1]

CPR 10—SOAPS, CLEANSERS AND SYNTHETIC DETERGENTS

DISTRIBUTORS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 10, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

During the past four months manufacturers of soaps, cleansers and synthetic detergents have introduced a number of changes in their products which require the establishment of new ceiling prices by distributors. Under CPR 10, Revision 1, distributors would in many instances have been obliged to apply to OPS under section 9 for the establishment of new ceiling prices. This method is impracticable because of the large number of distributors, estimated at 500,000. This amendment provides methods by which distributors calculate their own new ceiling prices. They will use an appropriate percentage markup previously established under this regulation for the most nearly comparable product.

The amendment becomes effective on September 27, 1952. In order, however, to facilitate the establishment of ceiling prices for sales made after that date of products with a new weight or composition established since April 30, 1952, the amendment calls for the establishment of ceiling prices in accordance with the new provisions for future sales of products which have since April undergone the changes specified.

In the formulation of this amendment there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 10, Revision 1, is hereby amended as follows:

1. Paragraph (d) of section 9 is redesignated as paragraph (e).

2. The following is introduced as a new paragraph (d) of section 9.

(d) (1) If the manufacturer of a packaged household soap, cleanser, or synthetic detergent changes the weight of the retail package by more than five percent, but there is no change either in net weight or the ceiling price to you of the wholesale unit (e. g. case) in which you purchase such product, determine your ceiling price for your sale of such product under subparagraph (i) or (ii) of this paragraph, whichever is applicable:

(i) If you are a jobber or wholesaler, there is no change in your ceiling price.

(ii) If you are a retailer, determine your new ceiling price per retail package by applying to your supplier's ceiling price the same percentage markup over your supplier's ceiling price as you had established under this regulation on the item at its previous weight. Divide the result by the new number of packages in the wholesale unit.

EXAMPLE: Manufacturer A previously sold you a packaged detergent packed 9 to a case, at his ceiling price of $6.30 per case. You, the retailer, had a customary markup of 8 percent on the item, giving you a per package price of $\frac{\$6.30\times 108\%}{9}=\$0.7560$ which, when rounded to the nearest whole cent is 76 cents, your ceiling price under this regulation. Manufacturer A now changes the number of units per case from 9 to 10 but makes no change in the net weight or ceiling price of case lots. Your ceiling price on the new size unit or package is obtained by applying your customary markup of 8 percent to your supplier's ceiling price of $6.30 and dividing by 10 the number of units or packages now in each case. $\frac{\$6.30\times 108\%}{10}=\$0.6804$, which, when rounded to the nearest whole cent is 68 cents, your new ceiling price.

(2) (i) If the manufacturer of a packaged household soap, cleanser or synthetic detergent changes the weight of the wholesale unit by more than 5 percent and if you are a jobber or wholesaler of such product, determine your new ceiling price for wholesale units by applying to the manufacturer's ceiling price the same percentage markup as was reflected in your ceiling price for such product before its weight was so changed.

(ii) If the manufacturer of a packaged household soap, cleanser or synthetic detergent changes the net weight of both the wholesale and the retail units by more than 5 percent, and you are a retailer of such product, determine your new ceiling price by applying to your supplier's ceiling price to you the percentage markup over your supplier's ceiling price which was reflected in your ceiling price for the product before the weight was so changed.

EXAMPLE: The previous ceiling price of manufacturer B to retailer for a 16 ounce package of soap flakes, packed 24 to a case, was $6.50. On this item you as a retailer had an 8 percent markup, which gave you a per package price of $\frac{\$6.50\times 108\%}{24}=\$0.2925$, which, when rounded to the nearest whole cent, is 29 cents, your ceiling price under this regulation. Manufacturer B increases the net weight of his package from 16 ounces to 20 ounces and his ceiling prices from $6.50 per case of 24 to $8.125 per case of 24. You, as a retailer, compute your ceiling price on the new item by applying your 8 percent markup to the manufacturer's new ceiling price and dividing the product by the number of units per case. This will be $\frac{\$8.125\times 108\%}{24}$ or $0.3656, which, when rounded to the nearest whole cent, is 37 cents, your new ceiling price.

(3) If a manufacturer produces a household soap (cake, bar, flake, or powder), household detergent (powdered or liquid) or household cleanser with a composition different from that of any product for which you had previously established a ceiling price under this regulation, and you are a jobber, wholesaler, or retailer, determine your ceiling price for such new item by applying to your supplier's ceiling price the same percentage markup over the supplier's ceiling price as is reflected in your ceiling price for your sales of the most nearly similar nationally distributed product of the same approximate weight.

EXAMPLE: Manufacturer X introduces a new packaged detergent, packed 24 to a case, at a ceiling price of $6.24 per case. You, as a retailer, sell a closely similar product, which is nationally distributed in units of approximately the same weight as the new product on which you have a markup over cost of 9 percent. You compute your per package ceiling price on this new product by applying this 9 percent markup to your supplier's ceiling price and dividing the product obtained by the number of units per case. This will be $\frac{\$6.24\times 109\%}{24}$ or $0.2834, which, when rounded to the nearest whole cent is 28 cents.

(4) If a manufacturer produces any product (other than products described in paragraph (3)) whose composition is different from that of any product for which you had previously established a ceiling price under this regulation and you are a jobber, wholesaler or retailer, determine your ceiling price for such new item by applying to your supplier's ceiling price the same percentage markup over your supplier's ceiling price as is reflected in your ceiling price under this regulation for the soap or synthetic detergent (as the case may be) whose ceiling price to you is nearest to your supplier's ceiling price to you for such new product.

EXAMPLE: Manufacturer Y introduces a combination soap-detergent toilet cake, packed 100 to a case, at a ceiling price of $8.50 per case. You have never sold such an item before. However, you do sell a cake of soap or synthetic detergent which from the standpoint of cost to you has approximately the same ceiling price, i. e., $8.60. On this item you, as a retailer, have a customary markup of 10 percent. You compute your ceiling price on the new combination cake by applying this 10 percent markup to your supplier's ceiling price ($8.50) and dividing the product obtained by the number of units per case, which, in this instance, will be $\frac{\$8.50\times 110\%}{100}$ or $0.0935 which, when rounded to the nearest whole cent, is 9 cents.

(5) Carry all calculations under this paragraph (d) to the fourth decimal place and round the final fractional result to the nearest whole cent.

(6) If you are a distributor other than a retailer and you establish ceiling prices under this paragraph (d), you must inform all your buyers of such ceiling prices and inform them of the subparagraphs of this paragraph (d) under which they were established.

(7) This paragraph (d) applies to all sales made by distributors subsequent to September 27, 1952 of any of the products covered in this paragraph as to which any of the types of changes referred to in this paragraph occur after April 30, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 27, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 22, 1952.

[F. R. Doc. 52-10414; Filed, Sept. 22, 1952; 4:00 p. m.]

[Ceiling Price Regulation 69, Amdt. 5]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 69, Revision 1, establishes ceiling prices on certain food items at various levels of distribution.

Dollar and cent ceiling prices are established for certain food items and ceiling prices computed by the application of a division factor to "direct cost" (as defined in section 1.15) are established for various other items. In issuing this regulation, the intention of the Office of Price Stabilization was to permit sellers of items imported from foreign countries to compute their direct cost and ceiling prices on the same basis as sellers of items brought into the Territory from the continental United States. This intention, however, is not clear from the present wording of section 1.15. This amendment clarifies section 1.15 and provides that the direct cost of imported articles covered by the regulation is the sum of the amounts corresponding to the charges itemized and included in direct cost for articles brought into the Territory from the mainland, plus certain specified charges peculiar to imports.

This amendment also makes certain changes in the method of tax computation. Section 1.15 has been amended to permit retailers to subtract .02 from each of the division factors used to compute their ceiling prices. If retailers elect to pursue this course, the resulting ceiling prices will be "tax included" and no further additions may be made.

Retailers in Hawaii have requested this change, since, customarily, they have quoted "tax included" prices. A number of retailers have complained to the Territorial Office that the present requirement of separate statement of taxes has caused some consumer resistance and dissatisfaction. Since the resulting ceiling prices will be approximately the same, in a few cases, slightly less than the ceiling prices plus taxes computed in accordance with the regulation as it now stands, the Office of Price Stabilization finds this amendment desirable.

Ceiling Price Regulation 69, Revision 1, requires retail grocers to post both their ceiling and selling prices. The Office of Price Stabilization has determined, with respect to these grocers, that the Stabilization program can be as well served by the posting of selling prices alone. This will relieve grocers of the burden of posting both prices, and will also follow the Office of Price Stabilization practice in the mainland grocery regulation. Section 1.7 (b) of the regulation has been amended accordingly.

Section 1.10 (b) is amended to require retail grocers to compute their ceiling prices each time the direct cost changes, and to note on their records the recomputed ceiling price and the selling price of the first sale of each commodity included in the invoice or record. The requirement for the posting of ceiling prices in the regulation, which requirement has been deleted by this amendment, effectively assured the computation of the ceiling price by each retail grocer. With the removal of the requirement for posting ceiling prices some method of assuring the computation of the ceiling price based on changes in cost is required. This provision will achieve that result, and will moreover provide a record helpful in the enforcement of the regulation.

In the formulation of this amendment, the Office of Price Stabilization has consulted extensively with members of the retail grocery industry and trade associations in Hawaii and full consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Paragraph (c) of section 1.15 of Ceiling Price Regulation 69, Revision 1, is amended to read as follows:

(c) If you purchase goods directly from a foreign seller or his agent for importation into the Territory of Hawaii, your direct cost is the sum of the amount corresponding to the amounts stated in paragraph (a) (1) of this section actually incurred by you and may also include the following amounts when they are actually incurred by you: customs duties or import taxes; other commodity taxes; dock charges; clearance; insurance; letter of credit expenses; and any customary buying commission to a purchasing agent outside the United States.

2. Section 1.5 is amended by inserting the following undesignated paragraph at the end thereof:

In the event that you do not collect any tax in addition to your ceiling price in accordance with this section you may compute your ceiling price for each item listed in Tables 5A and 5B by dividing the direct cost (as defined in section 1.15) of that commodity by the division factor given you for it in Tables 5A and 5B, after reducing that division factor by .02.

Example. If you do not choose to collect a tax in addition to your ceiling price on coffee, which has a division factor of .87, you may reduce this division factor of .87 by .02 and compute your ceiling price on coffee by using the division factor of .85.

3. Paragraph (b) of section 1.7 is amended to read as follows:

(b) *Posting.* On and after the effective date of this regulation every person offering to sell any listed commodity at retail shall display the selling price of such commodity in a manner plainly visible to and understandable by the purchasing public. The selling prices may be displayed on the commodity itself or may be posted in a place in the establishment where the commodity is offered for sale.

4. Paragraph (b) of section 1.10 is amended to read as follows:

(b) *Retailers.* If you purchase and sell listed commodities at the retail level in the course of trade or business, and if your ceiling price is fixed by this regulation on the basis of direct cost plus a fixed markup (which includes the use of a division factor), you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, all invoices or other records showing purchases of listed commodities by you. You must write on the invoice or other record of each purchase on the basis of which you compute or recompute your ceiling price, or on a separate piece of paper attached to the invoice or other record, the direct cost per selling unit of the purchase. You must recompute your ceiling price for a commodity each time the direct cost of that commodity changes. You must keep separate, or mark or tag plainly, all invoices or other records on which this direct cost per selling unit has been written.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE. The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Amendment 5 to Ceiling Price Regulation 69, Revision 1 is effective September 27, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 22, 1952.

[F. R. Doc. 52-10412; Filed, Sept. 22, 1952 1:04 p. m.]

[1] This amends rules and regulations, Series 6, effective March 1, 1951 which appeared at 16 F. R. 1934, as amended in 16 F. R. 11636, effective October 23, 1951, and November 16, 1951, and as amended in 17 F. R. 4982, effective June 3, 1952.

[Ceiling Price Regulation 120, Amdt. 5]

CPR 120—Ceiling Prices for Territorial Restaurants and Eating and Drinking Establishments

SERVICE CHARGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 120 establishes ceiling prices for the sale of meals, food items, and beverages served by restaurants and eating and drinking establishments in Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

Section 7 of the regulation establishes ceiling prices for certain service charges such as entertainment charges on the basis of the highest price received during the calendar year 1951 for the same service. Provision is made in paragraph (b) of section 7 for a restaurant operator, who did not have entertainment in his eating and drinking establishment, and who now wishes to change the policy of his operation and to provide entertainment, to apply to the Territorial Director of the Office of Price Stabilization for permission to institute an entertainment or cover charge for such entertainment.

It has been called to the attention of the Office of Price Stabilization that the regulation does not contain a provision for a restaurant operator who furnished entertainment for which he made no charge, to apply to the Territorial Director of the Office of Price Stabilization for permission to institute an entertainment charge where costs are increased due to a different type of entertainment. Accordingly, section 7 of CPR 120 is being amended to provide that if a restaurant operator offered entertainment during the calendar year 1951 but did not make a charge for it and now wishes to replace the entertainment with another type of entertainment which costs more and by reason of the change to institute an entertainment charge, he may apply to the Territorial Director of the Office of Price Stabilization for permission to institute such charge. In addition, if the restaurant operator offered entertainment during the calendar year 1951 for which he made a charge, and now wishes to replace the entertainment previously offered with another type of entertainment which costs more and by reason of the change wishes to increase the entertainment charge, he may also apply to the Territorial Director of the Office of Price Stabilization for permission to increase such charge.

In the formulation of this amendment there has been consultation with industry representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title 4 of the Defense Production Act as amended.

AMENDATORY PROVISIONS

1. Paragraphs (b) and (c) of section 7 of CPR 120 are amended to read as follows:

(b) You may apply to the Territorial Director of the Office of Price Stabilization for permission to institute or increase an entertainment charge in the following circumstances:

(1) If during the calendar year of 1951 you did not have entertainment in your eating and drinking establishment and you now wish to change the policy of your operation and provide entertainment, and to make a charge for it; or

(2) If during the calendar year 1951 you offered entertainment but did not make a charge for it and you now wish to replace the entertainment with another type of entertainment which costs you more and, by reason of the change, to institute an entertainment charge; or

(3) If you offered entertainment during the calendar year 1951 for which you made a charge, and you now wish to replace the entertainment previously offered with another type of entertainment which costs you more and by reason of the change to increase your entertainment charge.

(c) Your application under paragraph (b) of this section must contain the name and address of your establishment, the reason you are requesting permission to institute or increase an entertainment charge, and your proposed ceiling price for such a charge or the amount of increase requested. You must submit a copy of the contract with the person furnishing the entertainment and the terms and conditions of employment. You must also submit a statement of the terms and conditions of employment, including cost, entered into by you in the calendar year 1951, which reflects your highest cost for entertainment in that year. If you wish, you may submit a copy of the contract which contains this information in lieu of the statement. The Office of Price Stabilization will consider the type of entertainment you propose to offer, the terms and conditions of the contract, and whether the institution or increase of an entertainment charge is bona fide and not for the purpose of evasion. If the Office of Price Stabilization finds that you qualify under this section, it will grant you permission to institute or increase an entertainment charge in an amount necessary to cover the cost or the increased cost of the entertainment. The permission to institute or increase an entertainment charge in a specified amount granted under this paragraph permits you to charge the authorized amount only as long as you continue to offer the same type of entertainment.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to Ceiling Price Regulation 120 is effective September 27, 1952.

NOTE: The reporting requirements of this amount have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 22, 1952.

[F. R. Doc. 52-10411; Filed, Sept. 22, 1952; 1:04 p. m.]

[General Ceiling Price Regulation, Amdt. 13 to Supplementary Regulation 29]

GCPR, SR 29—Ceiling Prices for Certain Sales at Retail and at Wholesale

RECALCULATION OF CEILING PRICES BY CATEGORIES OR PRODUCT LINES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 29 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 4 of SR 29 to the General Ceiling Price Regulation provides for changes in resellers' ceiling prices to reflect suppliers' price changes pursuant to ceiling price regulations. Inasmuch as a reseller under this section is permitted or required to adjust his ceiling prices only for commodities received at the increased or decreased cost, it has been necessary in establishing ceiling prices to distinguish between those commodities which were in inventory prior to the cost change and those commodities received in inventory at the increased or decreased cost.

Under the regulation as it stood before this amendment a reseller had two methods of determining the portion of his inventory as to which an adjustment was applicable. He could, of course, have physically separated the units of a given commodity purchased before their cost had changed from those actually purchased at the increased or decreased cost. He could also, as the Office of Price Stabilization has held by interpretation, have adjusted his ceiling price under SR 29 when the number of units of the given commodity sold by him since the receipt of new items of that same commodity at the increased or decreased cost equal the number on hand when the new merchandise was received. The latter method is commonly known as "first-in, first-out" or "Fifo."

Neither the physical segregation method nor the "Fifo" method is completely suitable to the type of business enterprise in which the manufacturing entity is a separate legal entity from the unit or units in which retail or wholesale sales are made, since the result in both cases is that ceiling prices of different items in the same category or product line will fall due for adjustment at different times, depending upon the rate of inventory depletion of particular items. Thus the pattern of pricing as between items in a category or product line is completely destroyed. Further, the use of either of these methods may make uniform pricing in the units of a chain virtually impossible even as to single items, since inventory exhaustion of a particular item will generally occur at a different time in each unit of the chain. Where the manufacturing and selling components are parts of the same legal entity, ceiling price changes under manufacturers' regulations become effective at the same time in all the selling outlets.

This amendment is designed to permit the same result where the manufacturing and selling components are separate legal entities. Under its provisions, a group of separately incorporated reseller outlets under common ownership or control with, and buying an entire category or product line output of, a manufacturer who employs a category or product line method in recalculating his ceiling prices and who increases the prices of products in that category or line by a uniform percentage amount under authority of OPS regulations, may apply for an order permitting the reseller outlets to put into effect at one time recalculated ceiling prices for the entire category or product line, provided demonstration is made that the applicant's net realization, in terms of ceiling prices, under the requested order will not exceed the net realization, in terms of ceiling prices, to which the applicant would have been entitled without the order.

Although, under prior interpretation, the so-called "Fifo" method has been in use under the regulation, it was considered advisable to spell out this method explicitly as one which could be adopted at the seller's option. This the amendment does.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 29 to the General Ceiling Price Regulation is amended by adding a paragraph (f) to section 4 to read as follows:

(f) *How to obtain uniform ceiling prices for all units of the same commodity offered for sale at the same time.* When you have in stock units of the same commodity for which you would otherwise have different ceiling prices under this supplementary regulation, you may determine a uniform ceiling price by using the method set out in subparagraph (1) of this paragraph. If you are a group of resellers of the kind described in subparagraph (2) of this paragraph, you may apply to OPS for an order in accordance with that paragraph.

(1) *First-in, first-out (Fifo).* To use the "Fifo" method you proceed as follows:

(i) Determine how many units of the commodity you have in stock.

(ii) Determine, in the following manner, how many units are covered by each of the invoices for that commodity: If the number of units on hand is less than or equal to the number of units covered by the last (most recent) invoice, all the units on hand are deemed covered by the last invoice; if the number of units on hand is more than the number of units covered by the last invoice, a number of units equivalent to the number of units in the last invoice is deemed covered by the last invoice; the remaining units to the extent that they do not exceed the number in the next-to-the-last invoice are deemed covered by the next-to-the-last invoice; if there are any remaining units, they are deemed covered in the same way by previous invoices, proceeding in order from the more recent to the less recent invoices.

(iii) When you have determined how many units of the commodity in your inventory are covered by the respective invoices, you mark all of the units in your inventory at or below the ceiling price based on the earliest invoice until you have sold a quantity equal to the number of units covered by that invoice.

(iv) You then mark the balance of the units in your inventory at or below the ceiling price based on your next invoice until you have sold a quantity equal to the number of units on that invoice. You follow the same procedure with each successive invoice in chronological order.

(2) *Special method for certain resellers.* This subparagraph applies to you if you are a group of resellers under common ownership and control with a manufacturer from whom you buy his entire output of any particular category or product line. If that manufacturer recalculates his ceiling prices by a method which yields a uniform percentage adjustment for all commodities in a category or product line and if he increases or decreases by a flat percentage his selling prices to you for all commodities in that category or product line, you may apply to the Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. for an order authorizing all the resellers of the group to put into effect at one time recalculated ceiling prices for all commodities in that category or product line. This application must include:

(i) A statement that it is an application filed under this section of this regulation;

(ii) The names and addresses of all the sellers in the group;

(iii) The name and address of the manufacturer;

(iv) A statement that the resellers and the manufacturer named are under common ownership and control;

(v) Identify the manufacturer's categories or product lines covered by the application;

(vi) The date on which the manufacturer first sold or will sell to any reseller within the group at the new selling price;

(vii) The total inventory in the hands of the group of resellers as of the last date prior to the date in subdivision (vi), of this subparagraph for which you have figures kept in the regular course of your business;

(viii) Your total dollar sales for a period of a year prior to the date in subdivision (vi) for which you have monthly, quarterly or annual figures kept in the regular course of your business, and on the basis of these figures, the approximate date on which it can reasonably be expected that the inventory will be exhausted.

The Director of Price Stabilization may grant or deny the application in whole or in part. An order granting the application will permit you to put into effect the recalculated ceiling prices for all the resellers of the group on a date specified in the order. The order may require such subsequent reports and make such provision for subsequent adjustments in your ceiling prices as are, in the Director's judgment, necessary to insure that your net realization, in terms of ceiling prices, under the order will not exceed the net realization, in terms of ceiling prices, to which you would have been entitled without the order.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 27, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 22, 1952.

[F. R. Doc. 52-10415; Filed, Sept. 22, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 93, Revision 1]

GCPR, SR 93—Vending Machine Sales of Cigarettes

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplementary Regulation 93 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The Statement of Considerations to Supplementary Regulation (SR) 93 to the General Ceiling Price Regulation (GCPR) indicates that that supplementary regulation was issued to permit sellers of cigarettes from coin-operated automatic vending machines, whose ceiling prices were raised from 20 and 25 cents per package to 21 and 26 cents, respectively, to add one cent to those ceiling prices, thereby increasing them to 22 and 27 cents, respectively. This was made necessary by the one cent per package increase in the Federal excise tax on cigarettes, which became effective November 1, 1951. It was found that the cost of inserting pennies in each package sold from a vending machine, to make change from a quarter, was about one cent per package. Therefore, if only a one cent increase to compensate for the additional tax were permitted, the extra cost incurred to collect the one cent would cancel out that return and the seller would still be incurring an added cost of one cent per package as a result of the tax increase.

The wording of section 3 of SR 93 gave relief only to those sellers whose ceiling prices were or became 21 or 26 cents per package on or after March 31, 1952, the effective date of that supplementary regulation. However, in addition to the Federal tax increase, certain sellers incurred local tax increases between November 1, 1951, and March 31, 1952, so that, on that latter date, their ceiling prices were already 22 and 27 cents per package. They, therefore, could not increase their ceiling prices an additional one cent to compensate them for the extra cost incurred in inserting change in each package of cigarettes.

This Revision 1 of SR 93 corrects that situation. It provides that any seller of cigarettes from vending machines, whose ceiling price increased or increases to 21 or 26 cents per package after October 31, 1951, can raise his ceiling price to 22 or 27 cents, respectively. In addition, he may add to that 22 or 27 cent ceiling price the amount of any tax increase incurred by him after his ceiling price first increased to 21 or 26 cents. For example, if the sellers' ceiling prices were 20 cents per package on October 31, 1951, and they incurred tax increases of two cents per package since that date their ceiling prices, pursuant to this revision, would be 23 cents per package.

This revision also makes provision for the reduction of ceiling prices which have been increased under SR 93 if there is a subsequent reduction in taxes. In particular, it provides that when a reduction in taxes lowers a seller's ceiling price below 22 cents per package, the seller must deduct an extra one cent to compensate for the one cent he originally added to his ceiling price under SR 93 or this revision.

As indicated above, this revised SR 93 contains specific provisions concerning the handling of taxes by sellers who avail themselves of this revision. Therefore, for purposes of clarity, section 4 now specifically provides that certain paragraphs of section 20 of the GCPR do not apply to those sellers.

In the formulation of this revised supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this revised supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Ceiling prices established by this regulation.
4. Continued applicability of the General Ceiling Price Regulation.

AUTHORITY: Secs. 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This Supplementary Regulation (SR) 93, Revision 1, supersedes the original SR 93. It allows most sellers who distribute cigarettes from coin operated automatic vending machines to increase their ceiling prices for sales of cigarettes from these machines by 1 cent when their ceiling prices per package of cigarettes are 21 or 26 cents. In addition, it requires those sellers who increase their ceiling prices, as permitted herein, to reduce those ceiling prices if the reason for the increase ceases to exist.

SEC. 2. *Where this regulation applies* This regulation applies in the 48 States of the United States and in the District of Columbia.

SEC. 3. *Ceiling prices established by this regulation*—(a) *Increase in ceiling prices.* If you sell cigarettes from a coin operated automatic vending machine and, after October 31, 1951, your ceiling price (including excise, sales, and gross receipts taxes) for such sales increased or increases to 21 or 26 cents per package, respectively, you may raise your ceiling price to 22 or 27 cents per package, respectively. In addition, you may increase that 22 or 27 cent price by the exact amount of any increase in or new sales, excise or similar tax imposed on you (or of any increase in or new manufacturer's excise tax reflected on the invoice to you) after the date that your ceiling price first became 21 or 26 cents. However, you may not increase the ceiling price per package of cigarettes sold from any vending machine pursuant to this paragraph unless a selling price of 20 or 25 cents per package, respectively, from that machine is less than your net invoice cost per package of cigarettes plus state or local excise, sales, gross income and gross receipts taxes paid by you plus 5 cents per package.

(b) *Decrease in ceiling prices.* If you have, pursuant to paragraph (a) of this section, increased your ceiling prices for sales of cigarettes from coin operated automatic vending machines, and the amount of any tax included in your ceiling price (in accordance with that paragraph (a)) is reduced or eliminated, you must lower your ceiling price to reflect the amount of such reduction or elimination. Furthermore, if a given tax reduction lowers your ceiling price below 22 or 27 cents per package, respectively, you must at that time deduct an additional 1 cent from your ceiling price per package to compensate for the 1 cent you previously added to your ceiling price under paragraph (a).

Example: On November 1, 1951, the Federal excise tax of 1 cent per package of cigarettes became effective. Under section 20 of the General Ceiling Price Regulation (GCPR), as amended, your former selling price of 20 cents for sale of X brand cigarettes from coin operated automatic vending machines increased to 21 cents. Therefore, section 3 (a) of this revised supplementary regulation permits you to increase your ceiling price for X brand to 22 cents per package.

On January 1, 1952, an additional State excise tax of 1 cent per package became effective. Under section 3 (a) of this revised supplementary regulation you may, therefore, increase your ceiling price for X brand cigarettes from 22 cents to 23 cents per package.

However, your State later reduces its excise tax by 2 cents per package, which lowers your ceiling price, pursuant to section 3 (b) of this revised supplementary regulation, from 23 cents to 21 cents. You must, therefore, under section 3 (b), reduce your ceiling price by an additional 1 cent to 20 cents per package of X brand cigarettes.

SEC. 4. *Continued applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, as amended, except section 20 (a), (b), (c), (d), (e), and (g) thereof, and except any other provisions which are modified by this revised supplementary regulation, and all the provisions of SR 29, as amended, except those which are modified by this revised supplementary regulation continue to apply to you even though you are one of the sellers who are authorized under this revised supplementary regulation to increase their ceiling prices.

Effective date. This Revision 1 of Supplementary Regulation 93 to the General Ceiling Price Regulation is effective September 27, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 22, 1952.

[F. R. Doc. 52-10413; Filed, Sept. 22, 1952; 4:00 p. m.]

[Ceiling Price Regulation 125, Amdt. 1]

CPR 125—REFRACTORY PRODUCTS

ADJUSTMENT IN CEILING PRICES FOR MANUFACTURERS OF REFRACTORY PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 125 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 125 authorizes an increase of 5 percent in the manufacturer's ceiling prices of refractory products.

At the request of representatives of the refractory industry, the Office of Price Stabilization has completed a survey to determine whether the ceiling prices established for refractory products by Ceiling Price Regulation 125 are generally fair and equitable. In accordance with the requirements of the Industry Earnings Standard, earnings data were obtained from representative firms in the industry for the years 1946 through 1949 and by quarters for 1951 and the first two quarters of 1952. The price adjustment provided for by this amendment is based upon a comparison of aggregate earnings to consolidated net worth for the companies involved in the best 3 out of 4 years during the 1946 to 1949 period, with the aggregate earnings to consolidated net worth for a recent representative period. A comparison of the data referred to above indicates that the industry's earnings, until recently, were adequate under the Standard but that because of the impact of various increases and particularly the increased labor costs resulting from the labor contracts which the industry has recently put into effect, the industry's earnings have now decreased to the extent that a 5 percent increase in prices is required to restore them to the Industry Earnings Standard level (85 percent of the industry's average base period earnings, before income and excess profits taxes, adjusted for changes in net worth).

Accordingly, this amendment permits manufacturers of refractory products to increase their ceiling prices by 5 percent.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. A new section 5a is added to read as follows:

SEC. 5a *Adjustment in ceiling prices.* If you are a manufacturer of refractory products you may add to the ceiling price for such products otherwise established by this regulation or an individual letter order issued pursuant to this regulation prior to September 23, 1952, an amount not in excess of 5.0 percent of such ceiling prices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 23, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10452; Filed, Sept. 23, 1952; 4:00 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

In § 4.160, paragraphs (c) (4) (ii) and (e) are amended to read as follows:

§ 4.160 *Under section 12, Public Law 144, 78th Congress.* • • •

(c) *Definitions.* • • •

(4) • • •

(ii) In the case of a veteran whose award is subject to reduction under section 1, Public Law 662, 79th Congress, by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration, and in the case of a veteran whose award is subject to increase under Public Law 877, 80th Congress, and as amended by section 4, Public Law 339, 81st Congress, by reason of the existence of dependents, prima facie proof of dependents or of other factors affecting entitlement, such as statements on VA Form 8–404 or on the claim for benefits, provided satisfactory evidence is furnished in support of the claim for accrued benefits. The provisions of this subdivision are not applicable to original awards of accrued benefits.

• • • • •

(e) *Readjustment allowance, subsistence allowance and education and training allowance.* Readjustment allowance and subsistence allowance under the provisions of Public Law 346, 78th Congress, as amended, and subsistence allowance (including the two-months post-rehabilitation allowance which became payable when the veteran's employability was determined) under the provisions of Public Law 16, 78th Congress, as amended by Public Law 268, 79th Congress, and education and training allowance under the provisions of Public Law 550, 82d Congress, remaining due and unpaid at the date of the veteran's death, shall be payable under the provisions of this section: *Provided*, That readjustment allowance shall be payable only under the provisions of paragraphs (a) and (c) of this section.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 24, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10384; Filed, Sept. 23, 1952; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

In § 34.95 *Parcels addressed to certain A. P. O.'s* (17 F. R. 2282; 3063; 5952), make the following changes:

1. In paragraph (a) (1), insert in numerical order under "Care Postmaster, New York, N. Y." A. P. O. Nos. 120 and 163.

2. Strike out A. P. O. No. 830 appearing under "Care Postmaster, New Orleans, La." in paragraph (a) (1).

3. Amend the list of A. P. O. Nos. in paragraph (b) (1) by striking out Nos. 125–B and 751, and inserting Nos. 1–A, 65–A, 115, 120, 128, 131, 132, 163, 164, 177, 178–A, 208–A, 403–A, 407–A, 696–A, and 757–A.

4. Amend paragraph (b) (3) by inserting A. P. O. No. 163 in numerical order in the list of A. P. O. Nos. shown therein.

5. In the list of A. P. O. Nos. appearing under paragraph (b) (4), delete No. 751, and add in numerical order Nos. 65–A, 128, 131, 132, 164, 177, and 208–A.

6. In paragraph (b) (5), insert in proper order A. P. O. No. 120 in the A. P. O. numbers there listed.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-10352; Filed, Sept. 23, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10068]

PART 1—PRACTICE AND PROCEDURE

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendments of Parts 1, 10, 11, and 16 of the Commission's rules to eliminate obsolete forms and require the use of proposed new application Form 400 and Amendment Request Form 400–A,' and to make such editorial changes as are necessary.

On October 4, 1951, the Commission adopted a notice of proposed rule making looking toward the use of the proposed new application Form 400 and the Amendment Request Form 400–A. That notice was published in the FEDERAL REGISTER (16 F. R., page 10312) in accordance with section 4 (a) of the Administrative Procedure Act. Interested persons were requested to file comments with the Commission on or before November 3, 1951. Persons who desired to file answers or further comments in response to comments filed by the November 3 date were afforded opportunity to do so.

Comments in support of the proposal were received from the Central Committee on Radio Facilities of the American Petroleum Institute, Motorola, Inc., and National Forest Industries Communications.

Also, comments supporting the proposal and expressing interest in it, respectively, were received from Aeronautical Radio, Inc., and the Independent Telephone Association.

The National Committee for Utilities Radio, National Rural Electric Cooperative Association, and Rural Electrification Administration of the U. S. Department of Agriculture have suggested changes for the use of the FCC Form 400–A insofar as it pertains to the modification of authorizations in which mobile units are included. The comments were directed particularly to Item 1 (c) of the instructions in Appendix E[1] and § 11.64 (b) (5) of the proposed rules; however, the same comments would also apply to § 10.65 (b) (5) of Part 10 and § 16.64 (b) (5) of Part 16, as the wording in this respect in the three parts is identical.

The revision suggested by these comments would have the effect of permitting licensees to add or delete mobile transmitters without authorization from the Commission, provided that such changes did not exceed fifteen percent of the number of mobile units authorized.

These changes may not be accepted since the operation of even one transmitter in excess of those shown on the

[1] Instructions and forms filed as part of the original document.

authorization would constitute the operation of unlicensed equipment in violation of section 301 of the Communications Act.

Item 1 (c) of the instructions[1] for completion of Form 400 has been modified, however, to indicate to the applicants that there is no objection to licensing a reasonable number of additional transmitters, which may be installed at a later date, in order to provide for expansion.

In the comments submitted by the Association of American Railroads, request was made for a change in § 16.160 (j) of the proposed rules which states:

(j) A copy of Part 16, Land Transportation Radio Services, shall be maintained in the records of each station licensed under this part.

The Association pointed out that in many instances the records for a number of stations in the Railroad Radio Service are kept at a central point and that "it does not appear that any good purpose would be served by maintaining in each of these files a copy of Part 16." The Commission in substance agrees with this observation and inasmuch as the applicant is required to certify that he has a current copy of the appropriate rules each time he submits FCC Form 400, this requirement has been deleted.

The Association of American Railroads also suggested that the last sentence under Item 1 (c) of the instructions[1] be modified as follows: "In the event the same mobile units are to be operated on more than one frequency *due to channel switching or transfer of equipment from one geographical area to another*, bracket together those frequencies in Item 1 (b) and complete columns (c), (d), and (e) in the same manner as for single frequency operation. (Italics indicate suggested modification.)

It is stated: "The purpose of this suggestion is to have the instructions so worded as to make certain that it will cover conditions existing in railroad operation and thereby reduce the number of applications which otherwise might have to be filed with the Commission due to misinterpretation of the instructions as presently worded."

The inherent problems relating to the operation of the various railroad radio communication systems are well known to the Commission. The Association of American Railroads may be assured that the intent of the instructions, as proposed, is the same as that suggested in their comments; however, as FCC Form 400 will be used in connection with services other than the Railroad Radio Service, it is felt that the language as suggested by the Association might have the effect of confusing applicants for some of these other services; moreover, the reasons underlying the necessity for multi-frequency operation should be considered individually. Therefore no change in the instructions has been made.

National Forest Industries Communications has suggested that FCC Form 400-A, be handled by the FCC field offices rather than by the Washington office. While such a procedure might have some merit, it is administratively infeasible at this time. The procedures which have been planned for the handling of the Form 400–A will facilitate as prompt handling as could be accomplished in the field.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 4 (i), 301, 303 (r), and 308 (b) of the Communications Act of 1934, as amended: *It is ordered*, This 10th day of September 1952 that Parts 1, 10, 11, and 16 of the Commission's rules, together with FCC Forms 400 and 400–A are hereby respectively amended and adopted as set forth below. *It is further ordered*, That Parts 1, 10, 11, and 16 of the Commission's rules, as amended, and FCC Forms 400 and 400–A, shall become effective January 5, 1953.

Released: September 15, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 1, Practice and Procedure, is amended in the following respects:

1. Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations.

a. Delete the following forms which are for radio services no longer provided for in the Commission's rules:

401–C	§ 1.312 (d)
455	§ 1.312 (e)

b. Delete the following forms which are superseded by the new form 400:

401–B	§ 1.312 (c)
402	§ 1.318 (b) (2)

c. Insert in the appropriate place in the table the following new forms:

400	§§ 1.312 (a), 1.317 (b) (5), 1.319 (b) (12), 1.322 (b) (3).
400–A	§ 1.312 (b)

2. In § 1.312 revise text to indicate present names of services and presently used application forms as follows:

§ 1.312 *Application forms for construction permit or modification thereof; radio services other than broadcast.* Applications for new facilities or modifications thereof in the Fixed Public Radio Services, Experimental Radio Service, Coastal and Marine Relay Services, Aviation Services, Public Safety Radio Services, Industrial Radio Services, Land Transportation Radio Services, and Radio Stations in Alaska shall be made on the following forms except as noted:

(a) FCC Form 400 "Application for Radio Station Authorization in Public Safety, Industrial and Land Transportation Radio Services." This form is used in these services for New Station, Modification, Renewal, Assignment of Authorization, or License to cover Construction Permit.

(b) FCC Form 400–A "Request for Amendment of Radio Station Authorization." This form may be used when requesting certain amendments to an existing radio station authorization, in the Public Safety, Industrial and Land Transportation Radio Services, as enumerated on the form and specified in the rules for the particular Service.

(c) FCC Form 401 "Application for new or modified Radio Station Construction Permit (other than Broadcast, Public Safety, Industrial, or Land Transportation Radio Services)."

(d) FCC Form 401–A, "Description of Proposed Antenna Structure(s) (services other than Broadcast)."

3. Delete the text of § 1.313 and substitute the following:

§ 1.313 *Installation or removal of apparatus; broadcast and nonbroadcast.* Application for construction permit or modification thereof involving the installation of new transmitting apparatus shall be filed at least sixty days prior to the contemplated installation.

NOTE: In the Public Safety, Industrial, and Land Transportation Radio Services replacement of transmitting equipment may be made without prior authorization provided the replacement transmitters appear on the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

4. In § 1.314 delete the text of paragraph (b) and substitute the following:

(b) Application for extension of time within which to construct a station shall be filed on FCC Form 701, except in the Public Safety, Industrial, and Land Transportation Radio Services when FCC Form 400–A shall be used. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

5. In § 1.317 revise list under paragraph (b) to include a new paragraph (5) and designate present paragraph (5) as paragraph (6):

(5) FCC Form 400 "Application for Radio Station Authorization in the Public Safety, Industrial and Land Transportation Radio Services." Check Item 16 to indicate application is for License to cover Construction Permit.

6. In § 1.319 revise paragraph (b) to read as follows:

(b) The following application forms should be used:

(1) FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station." To be used for all applications for modification of any term of an existing authorization of a broadcast station (except in the International, Facsimile, Experimental, or Auxiliary Broadcast Services).

(2) FCC Form 312, "Application for Modification of International, Facsimile, or Experimental Broadcast Station License."

(3) FCC Form 313, "Application for Authorization in the Auxiliary Radio Broadcast Services."

(4) FCC Form 340, "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM Broadcast Station." To be used for all applications for modification of any term of an existing authorization for a noncommercial educational FM broadcast station.

(5) FCC Form 400, "Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services." Check Item 16 to indicate application is for Modification.

(6) FCC Form 403, "Application for Radio Station License or Modification Thereof (other than broadcasting, amateur, ship, or aircraft)."

(7) FCC Form 404–A, "Application for Private Aircraft Radio Station License."

(8) FCC Form 501–A, "Application for Ship Radiotelephone Station License, New, Modified, or Renewal."

(9) FCC Form 501–B, "Application for Ship Radar Station License."

(10) FCC Form 503, "Application for Modification of Ship Radio Station License." Form 503 should be accompanied by FCC Form 500, submitted in triplicate, if there is to be any

(11) FCC Form 505, "Application for Citizens Radio Station Construction Permit and License."

(12) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

7. In § 1.322 revise items under paragraph (b) to include a new subparagraph (1) and designate present subparagraphs (1) and (2) as (2) and (3) respectively.

(1) FCC Form 400, "Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services" may be used for application for assignment of station authorization. Attached thereto shall be a notarized letter from proposed assignor stating his desire to assign his current authorization in accordance with the rules governing the particular service involved.

Part 10, Public Safety Radio Services, is amended in the following respects:

8. In § 10.6 delete last sentence and substitute the following: "Requests for authority to assign or transfer control of a station authorization may be submitted in accordance with § 10.55 (b) or (d) of Subpart B of this part, whichever is applicable."

9. In § 10.7 add new paragraph:

(c) Each application for a mobile station proposing to receive coordinated service shall be accompanied by a letter from the licensee of the base station concerned indicating that the proposed coordinated service will be rendered.

10. In § 10.8 add new section, text of which was transferred from § 10.57, as follows:

§ 10.8 *Frequency coordination procedures.* (a) Except for application in the Special Emergency Radio Service, each application requesting assignment of a frequency not previously authorized for use by the applicant shall be accompanied by information in the form required by either paragraph (b) or (c) of this section.

(b) (1) A statement under oath that all existing licensees in the same service located within a radius of 75 miles of the proposed station and operating on frequencies within the band proposed to be used by the applicant have been notified of the applicant's intention to request the particular frequency; and

(2) A report based on a field study covering an area within a radius of 75 miles of the proposed station, indicating the probable interference to existing stations operating in the same service in the band requested.

(c) In lieu of the statement and report described in paragraph (b) of this section, the applicant may submit a statement from a frequency advisory committee commenting upon the frequency requested and giving the opinion of the committee regarding the probable interference to existing stations. The frequency advisory committee must be so organized that it is representative of all persons involved who are eligible for radio facilities in the service concerned in the area the committee purports to represent and for which recommendations are made. The functions of such committees are purely advisory in character and their comments and recommendations are not binding upon the Commission.

11. Delete present title of Subpart B and substitute the following: "Applications, Authorizations and Notifications."

12. In § 10.52 delete headnote and text of this section and substitute the following:

§ 10.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 10.55 (a).

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base, fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

13. Delete text of § 10.53 (c), (d) and (e) and substitute the following:

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In particular, applications involving the installation of new equipment shall be filed at least sixty days prior to the contemplated installation.

(d) Failure on the part of the applicant to provide all the information required by the application form or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area," "Eastern U. S.", etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

[1] Instructions and forms filed as part of the original document.

14. Delete headnote and text of § 10.55 and substitute the following:

§ 10.55 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units) to be operated in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station in those cases where the mobile units will operate with that base station in a single radio communication system.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 10.65 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration date of his authorization and the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 10.65 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock-ownership, the control of a corporate permittee or licensee.

(e) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(f) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of station license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

15. Delete § 10.57 in its entirety.

16. In § 10.58 delete headnote and text and substitute the following:

§ 10.58 *Supplementary information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

(a) Statement with respect to frequency selection and coordination:

(1) Any statements or showings, required by the applicable subpart of these rules, in connection with the use of the frequency requested.

(2) Evidence of frequency coordination as required by § 10.8.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations, in accordance with the instructions accompanying Form 400.

(f) Copies of all agreements and statements which may be required under § 10.7 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the Rules in this part in connection with developmental operations. See §§ 10.202, 10.203, 10.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipment Acceptable for Licensing and designated for use in the Public Safety, Industrial and Land Transportation Radio Services.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

17. Delete § 10.59 in its entirety.

18. In § 10.63 insert "(a)" at beginning of existing paragraph and add new paragraph (b) as follows:

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

19. In § 10.65 delete headnote and text and substitute the following:

§ 10.65 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 10.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A.

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile transmitters which are included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

20. Delete § 10.67 in its entirety.

21. Delete § 10.109 in its entirety.

22. In § 10.151 add new paragraph (e) as follows:

(e) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

Part 11, Industrial Radio Services, is amended in the following respects.

23. In § 11.5 delete the present text of this section and substitute the following:

§ 11.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest. Requests for authority to assign a station authorization may be submitted in accordance with § 11.56 (b) while a request for authority to transfer control of a corporation, as by sale of controlling stock interest, shall be submitted in accordance with § 11.56 (d).

24. Add new § 11.8 as follows:

§ 11.8 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned to stations operating in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Each frequency, or band of frequencies, available for assignment to stations in these services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; such use may also be restricted to one or more specified geographical areas.

(b) Each applicant shall use the highest order of frequencies available, compatible with the operational requirements of the particular radio system involved, and the actual channel loading of the bands in each area. Differentials in first cost and maintenance expense are factors which will not be considered as conclusive by the Commission in approving a choice between the ranges 1.6–6.0, 25–50, 152–174, and 450–460 Mc.

(c) The operational requirements of applicants for land mobile radio systems as authorized under this part dictate that the single frequency simplex method of operation be employed, and frequencies have been made available to each of the services largely on that basis. Consequently, in no case will more than one frequency, or band of frequencies, be assigned for the use of a single applicant until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency, or band of frequencies, is essential to the operation of the radio system.

(d) With respect to fixed point-to-point circuits, simultaneous two-way communication will be required in most cases; consequently, it will be customary to assign two frequencies, or bands of frequencies, to such systems and, where possible, with such frequency separation that full duplex operation may be accomplished.

(e) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 152 Mc, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular Services are also available for assignment to Operational Fixed Stations in the same Service on condition that no harmful interference be caused to mobile service operations.

25. In Subpart B delete present title and substitute the following: "Applications, Authorizations, and Notifications."

26. In § 11.52 delete headnote and text and substitute the following:

§ 11.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 11.56.

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FFC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C. an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

27a. Delete the text of § 11.54 (d) and substitute the following:

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

b. Paragraph (e) (1) change "six months" to "one year" wherever shown.

c. Paragraph (e) (2) change "six months" to "one year" wherever shown.

d. Delete paragraph (f) in its entirety.

28. In § 11.56 delete the headnote and text and substitute the following:

§ 11.56 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units) to be operated in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 11.64 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically-designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration date of his authorization and the call

sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 11.64 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock ownership, the control of a corporate permittee or licensee.

(e) Informal application. (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) A request for special temporary authorization must include full particulars as to the purpose for which the request is made and such request should be submitted at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reason for the delay in submitting the request. The information necessary to Commission action on requests for Special Temporary Authority is set forth in § 11.53.

(f) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

29. Delete § 11.57 in its entirety.

30. In § 11.58 delete headnote and text and substitute the following:

§ 11.58 *Supplementary information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required.

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of the frequency requested.

(1) Each application for authority to operate on one of the frequencies in the range 1.6–6.0 Mc must be fully justified, and shall be accompanied by: A satisfactory showing that the safety of human life will be jeopardized by failure of the Commission to authorize the use of a frequency in the requested range; a description in detail of the particular activity involved; and the manner in which radio will be used in the activity. The circumstances must be such that the activity, by reason of its nature or location, is hazardous to personnel engaged therein, or to the public in the vicinity thereof; that the radiocommunication facilities requested will materially reduce such hazard; and that it is impossible to use a higher order of frequencies for accomplishment of the same purposes.

(2) The issuance of authority for use of frequencies within the band 72–76 Mc is contingent upon a showing that no interference will be caused to reception of television channels 4 or 5. Each application for use of one of these frequencies at a location within 55 miles of a television station authorized to use TV channel number 4 or 5 (35 miles in the case of community stations), shall be accompanied by the following data: [1]

(i) A map of suitable scale showing the area enclosed by a circle having a radius of approximately 15 miles, centered on and surrounding the site chosen for the applicant's fixed station. This map should be marked with a circle of 5 miles radius and another circle of ½ mile radius centered on the proposed site to indicate the scale of the map.

(ii) A count of the houses and estimated population within the ½ mile circle shown on the map. (Use a count of 5 persons per house unless there are apartment houses in the area.)

(iii) The height above sea level of the center of the radiating portion of the antenna system, and the radiation pattern of the proposed antenna.

(iv) The height above sea level of nearby towns (within 10 miles of the proposed station).

(v) A written statement from the applicant that it will satisfactorily adjust all complaints of interference to television reception caused by operation of the proposed fixed station, when such complaints are made by owners of television receivers which are located both within one mile of the site of the proposed fixed station, and within the protected service area of television stations using TV channel number 4 or 5. The applicant's statement shall indicate agreement to the condition that this adjustment of interference complaints be made a part of the authorization.

(b) Statements justifying the need for more than one frequency, as required by § 11.8.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations.

(f) Copies of all agreements and statements which may be required under § 11.6 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the rules in connection with developmental operation. See §§ 11.202, 11.203, and 11.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipments Acceptable for Licensing, and designated for use in the Public Safety, Industrial, and Land Transportation Radio Service.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

31. In § 11.62 insert "(a)" at beginning of existing paragraph and add new paragraph (b) as follows:

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

32. In § 11.64 delete headnote and text and substitute the following:

§ 11.64 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary:

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 11.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A:

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile transmitters which are included in the Commission's "List of Transmitting Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

33. Delete § 11.109 in its entirety.

34. In § 11.151 add new paragraph (f) to read as follows:

(f) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken "to avoid interference to other stations."

35. Delete § 11.160 (j) in its entirety.

Part 16, Land Transportation Radio Services, is amended as follows:

36. In § 16.5 delete the text and substitute the following:

§ 16.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed, of or indirectly transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that the said transfer is in the public interest. Requests for authority to assign a station authorization may be submitted in accordance with § 16.56 (b) while a request for authority to transfer control of a corporation, as by sale of controlling stock interest, shall be submitted in accordance with § 16.56 (d).

37. Add new § 16.8 as follows:

§ 16.8 *Policy governing the assignment of frequencies.* (a) The frequencies which may be assigned to stations operating in the Land Transportation Radio Services are listed in the applicable subpart of these rules. Each frequency, or band of frequencies, available for assignment to stations in these services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event that two or more licensees are unable to make an equitable division of transmission time the Commission, at its discretion, may specify a time sharing arrangement. The use of any of these frequencies may be restricted to one or more geographical areas.

(b) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 152 Mc, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular Services are also available for assignment to Operational Fixed Stations in the same Service on condition that no harmful interference be caused to mobile service operations.

38. Delete present title of Subpart B and substitute the following: "Applications, Authorizations, and Notifications."

39. In §16.52 delete headnote and text and substitute the following:

§ 16.5. *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 16.56 (a).

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base, fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new, or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

40. In § 16.53 (b) substitute "(g)" for "(h)" in fourth line.

41a. In § 16.54 delete the text of paragraph (d) and substitute the following:

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

b. Delete the text of paragraph (c) and substitute the following:

(c) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area", "Eastern U. S.", etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

42. In § 16.56 delete the text and substitute the following:

§ 16.56 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units) to be operated in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station for such mobile units as will operate with that base station only.

[1] Subject to change upon finalization of proceedings in Docket No. 10515.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of a combined construction permit and station license for changes outlined in § 16.64 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, station the file number and expiration date of his authorization and the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 16.64 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporate permittee or licensee.

(e) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(f) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(g) Informal applications:

(1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and action desired.

(2) A request for special temporary authorization must include full particulars as to the purpose for which the request is made and such request should be submitted at least 10 days prior to the date of the proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reason for the delay in submitting the request. The information necessary to Commission action on requests for Special Temporary Authority is set forth in § 11.53 of this subpart.

43. Delete § 16.57 in its entirety.

44. In § 16.58 delete title and text and substitute the following:

§ 16.58 *Supplementary information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of the frequency requested.

(1) The issuance of authority for use of frequencies within the band 72–76 Mc is contingent upon a showing that no harmful interference will be caused to reception of television Channel 4 or 5. Therefore, each application for use of one of these frequencies at a location within 55 miles of a television station authorized to use TV channel number 4 or 5 (35 miles in the case of community stations), or within a like distance of a location to which TV channel number 4 or 5 is allocated in the Commission's rules, shall be accompanied by the following data:[1]

(i) A map of suitable scale showing the area enclosed by a circle having a radius of approximately 15 miles, centered on and surrounding the site chosen for the applicant's fixed station. This map should be marked with a circle of 5 miles radius and another circle of ½ mile radius centered on the proposed site to indicate the scale of the map.

(ii) A count of the houses and estimated population within the ½ mile circle shown on the map. (Use a count of 5 persons per house unless there are apartment houses in the area.)

(iii) The height above sea level of the center of the radiating portion of the antenna system, and the radiation pattern of the proposed antenna.

(iv) The height above sea level of nearby towns (within 10 miles of the proposed station).

(v) A written statement from the applicant that it will satisfactorily adjust all complaints of interference to television reception caused by operation of the proposed fixed station, when such complaints are made by owners of television receivers which are located both within one mile of the site of the proposed fixed station, and within the protected service area of television stations using TV channel number 4 or 5. The applicant's statement shall indicate agreement to the condition that this adjustment of intereference complaints be made a part of the authorization.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in quadruplicate, in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations.

(f) Copies of all agreements and statements which may be required under § 16.3 if operation is desired in connection with any cooperative or joint use of the proposed radio communication facilities.

(g) Statements required by the Rules in connection with developmental operation. See §§ 16.202, 16.203, 16.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipments Acceptable for Licensing, and designated for use in the Public Safety, Industrial and Land Transportation Radio Services.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

45. In § 16.62 insert "(a)" at beginning of existing paragraph and add new paragraph as follows:

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

46. In § 16.64 delete title and text and substitute the following:

§ 16.64 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary:

(a) Proposed changes which will result in operation inconsistent with any

[1] Subject to change upon finalization of proceedings in Docket 10315.

of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 16.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A:

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile transmitters which are included in the Commission's "List of Transmitting Equipment Acceptable for Licensing and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services."

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipments Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

47. Delete § 16.109 in its entirety.

48. In § 16.151 add new paragraph (f) to read as follows:

(f) Tests may be conducted by any licensed station, as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 308, 48 Stat. 1081, 1082, as amended, 1086; 47 U. S. C. 301, 303, 308)

[F. R. Doc. 52–10377; Filed, Sept. 23, 1952; 8:51 a. m.]

[Docket No. 10244]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, rules governing television broadcast stations.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 52–770) issued in the above-entitled proceeding on July 24, 1952, proposing to change certain television channel assignments which fail to meet the minimum separation requirements prescribed by § 3.610 (c) of the Commission's rules and regulations.[1] In order to correct such sub-standard separations, the following changes in the Table of Assignments contained in § 3.606 of the rules were proposed:

City	Channel No.	
	Delete	Add
Wilmington, Del	53	83
Elberton, Ga	16	24
Fort Wayne, Ind	21	69
Lexington, Ky	33	64
Fall River, Mass	40	68
North Adams, Mass	15	74
Lima, Ohio	41	73
Allentown, Pa	45	67
Newberry, S. C	37	70

2. In light of such changes, the Table of Assignments was proposed to be amended to read as follows:

City	*Channel No.*
Delaware: Wilmington	12, *59−, 83+
Florida:[1]	
Orlando	6−, 9, 18, *24−
Tallahassee	*11−, 24, 51
Georgia: Elberton	24+
Indiana: Fort Wayne	*27+, 33−, 69
Kentucky: Lexington	27−, 64
Massachusetts:	
Fall River	46−, 68
North Adams	74+
Ohio: Lima	35−, 73
Pennsylvania: Allentown	39, 67
South Carolina: Newberry	70

[1] The changes in Orlando and Tallahassee would not change channel assignments but merely would alter the offset requirements in these communities for Channel 24 in light of the proposed employment of that channel in Elberton.

3. The Commission's notice of proposed rule making provided that comments or briefs either opposing or supporting the proposed changes in channel assignments could be filed on or before August 18, 1952, and that comments or briefs in reply could be filed within 10 days from the last day for filing original comments or briefs. No comments or briefs either supporting or opposing the proposed amendments were filed, with the exception of one comment opposing the proposed assignment of Channel 64 to Lexington, Kentucky.

4. Bluegrass Broadcasting Co., Inc., Lexington, Kentucky, filed a timely comment opposing the proposed substitution of Channel 64 in Lexington for Channel 33. Bluegrass Broadcasting Co., Inc. points out that in addition to the assignments listed in the aforesaid Notice of Proposed Rule Making which fail to meet the minimum separation requirements, the separation between the assignment of Channel 37 to Winchester, Kentucky, and the assignment of Channel 22 to Somerset, Kentucky, does not meet the minimum separation prescribed for such channels by Section 3.610 (c) of the Rules. This rule requires that a separation of 75 miles be maintained between channels spaced 15 miles apart in order to avoid the effects of picture image interference. Bluegrass Broadcasting Co., Inc. points out that the separation between Winchester (Channel 37) and Somerset (Channel 22) is only 67 miles. Bluegrass submits that the sub-standard separation involving Channel 33 in Lexington "can be rectified, and at the same time the further deficiency with respect to the assignment of Channel 37 to Winchester, Kentucky, and the assignment of Channel 22 to Somerset, Kentucky, can be rectified, by making the following changes in the Commission's Table of Assignments:"

City	Present assignments	Proposed assignments
Kentucky:		
Lexington	33+	37+
Winchester	37+	60
Richmond	60	33+
Somerset	22−	67
Tennessee: Harriman	67	22+

It is contended by Bluegrass that its own proposal "does not require the use of an additional channel as does the Commission's proposal, inasmuch as the assignment of Channel 33 to Richmond, Kentucky, provides for utilization of this channel in this region." It is argued that the channel changes proposed by Bluegrass comply with the separation requirements of § 3.610 (c) and that the adoption of the Bluegrass proposal would remove the existing sub-standard separation between Channel 37 in Winchester and Channel 22 in Somerset and, in addition, would not require the use of an additional channel as would the Commission's proposed change which places Channel 64 in Lexington.

5. The Commission agrees with Bluegrass Broadcasting Co., Inc. that the additional sub-standard separation between Channel 37 in Winchester and Channel 22 in Somerset must be corrected. Bluegrass proposes to correct it by making changes in Winchester, Somerset, Richmond and Harriman, as well as suggesting Channel 37 for Lexington instead of Channel 64 as proposed by the Commission. The Commission is of the view, however, that all of these changes are not necessary in order to correct this additional sub-standard separation. Indeed, this may be accomplished merely by assigning Channel 29 in Somerset in place of Channel 22. Such assignment would comply with all minimum spacing requirements and would require no shifts in Winchester, Richmond or Harriman. We see no merit in Bluegrass' contention that its proposal eliminates the use of an additional channel and hence is more efficient than the Commission's proposal which would assign Channel 64 in Lexington. While the Commission's proposal would not utilize Channel 33 in this region at this time, this channel would be available for assignment through rule making at a future date. The Bluegrass proposal would entail unnecessary changes in channel assignments in 3 communities. The additional sub-standard separation pointed out by Bluegrass can be corrected by a simple channel switch in

[1] This notice of proposed rule making was published in the FEDERAL REGISTER on July 29, 1952 (17 F. R. 6924).

Somerset. We see no reason, therefore, for adopting the Bluegrass proposal.

6. In view of the foregoing, *It is ordered*, That, effective 30 days from the date of publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

City	Channel No.
Delaware: Wilmington	12, *59−, 83+
Florida:	
Orlando	6−, 9, 18, *24−
Tallahassee	*11−, 24, 51
Georgia: Elberton	24+
Indiana: Fort Wayne	*27+, 33−, 69
Kentucky:	
Lexington	27−, 64
Somerset	29−
Massachusetts:	
Fall River	46−, 68
North Adams	74+
Ohio: Lima	35−, 73
Pennsylvania: Allentown	39, 67
South Carolina: Newberry	70

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: September 10, 1952.

Released: September 15, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10378; Filed, Sept. 23, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 162]

ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

EXTENSION OF TIME

Notice is hereby given of an extension, until October 15, 1952, of the period of time within which any interested person may submit written data, views, or arguments concerning the proposal to amend §§ 162.10 and 162.17 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 162.10, 162.17).

Notice of rule making concerning the proposed amendments was published in the FEDERAL REGISTER on August 15, 1952 (17 F. R. 7436).

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief of the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 19th day of September 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10363; Filed, Sept. 23, 1952; 8:47 a. m.]

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

REVISED GRADE REQUIREMENT FOR SURPLUS

Notice is hereby given that the Department is considering the issuance of the proposal herein set forth in accordance with the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should forward the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., in sufficient time to be received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day should fall on a Saturday, Sunday, or holiday, such documents may be received on the next following work day.

The Almond Control Board, the administrative agency for operations under the aforesaid marketing agreement and order, at its meeting in Sacramento, California, on July 21, 1952, unanimously recommended a revision in the grade requirement for surplus almonds, and requested the United States Department of Agriculture to take action thereon as provided for in the aforesaid agreement and order.

The requirements in § 909.65 (b) of the marketing agreement and order are minimum grade requirements for almonds tendered as surplus. Credit for surplus under the program is, however, on the basis of the edible kernel content of the lots tendered and the administrative rule proposed herein does not change the situation in that regard. The proposed revised grade requirement does increase grade defect tolerances for lots tendered as surplus.

Information submitted to the Department by the Almond Control Board indicates that it is desirable to establish more liberal grade requirements for lots of almonds tendered as surplus, and that such liberalization will result in considerable saving in expense of grading. The grade requirement herein proposed is considered by the Board to be satisfactory for surplus almonds to be used for oil production which is the most important surplus outlet. The grade of surplus almonds disposed of through outlets which require higher grades than those herein specified would be regulated by the demands of the users of such surplus, as is the case in respect to salable almonds under the agreement and order program. The proposed requirement set forth herein provides that lots tendered as surplus shall be homogeneous. This is to insure that the inspection sample will be uniform and to facilitate program operations.

Therefore after consideration of the Almond Control Board's recommendation and all other relevant information, the proposed administrative rule is as follows:

§ 909.401 *Revised grade requirement for surplus almonds.* In lieu of the grade requirement for surplus almonds set forth in § 909.65 (b) of the marketing agreement and order regulating the handling of almonds grown in California, the following grade requirement shall apply. Lots of almonds to be eligible for certification as surplus must meet the following requirements, and only edible kernel weight, inclusive of the weight of loose edible kernels included in in-shell lots or the weight of edible kernels in-shell included in shelled lots, shall be credited as surplus: (1) Each lot shall consist of almonds which do not vary widely in grade factors and such almonds must be well mixed or commingled so as to permit representative sampling; (2) shall be dry and properly cured; (3) unshelled almonds shall not be affected by adhering hulls (where more than 10 percent of the surface is affected) on more than 10 percent by count; shall contain no more than 5 percent by weight of loose shells, hulls, and other foreign material; and not more than 10 percent by count of the kernels shall be inedible; (4) shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of loose hulls, shells, unshelled almonds, other foreign material, inedible kernels, and material of any kind which will pass through a round opening one-eighth inch in diameter.

Issued at Washington, D. C., this 19th day of September, 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10385; Filed, Sept. 23, 1952; 8:50 a. m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the proposed administrative rules herein set forth pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon and Washington (7 CFR Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

[1] Commissioner Hennock not participating; Commissioner Jones dissenting.

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on September 30, 1952.

Pursuant to provisions of the aforesaid agreement and order the Walnut Control Board, the administrative agency thereunder, at a duly called meeting in San Francisco on August 26, 1952, unanimously recommended that the salable percentage of merchantable walnuts for the 1952–53 marketing year be fixed at 80 percent and the surplus percentage at 20 percent. The Walnut Control Board also unanimously adopted the following estimates:

(1) The quantity of merchantable walnuts to be produced and packed during the 1952–53 marketing year will be 1,141,120 bags of 100 pounds each;

(2) The handler carryover as of August 1, 1952, was 129,000 bags of 100 pounds each of which 127,000 bags were certified for handling, subjected to surplus control and assessed under the 1951–52 program pursuant to the marketing order;

(3) The trade demand for the marketing year 1952–53 in the continental United States, Hawaii, Puerto Rico, Canal Zone, and Cuba, will be 925,000 bags of 100 pounds each.

According to the Control Board's estimates, the handler carryover of August 1, 1952, plus the salable quantity from the 1952 crop resulting from the use of the proposed percentage will be sufficient to satisfy the trade demand for merchantable walnuts and leave adequate carryover stocks on August 1, 1953.

It is provided in § 984.4 of the aforesaid marketing agreement and order that a withholding percentage shall be announced, that it shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage, adjusted to the nearest whole number. On the basis of the proposed surplus percentage of 20 percent and salable percentage of 80 percent, the withholding percentage would be 25 percent.

The Walnut Control Board's estimates and recommendation have been considered along with other pertinent information available to the Department, and appear reasonable.

Therefore, such proposed administrative rule is as follows:

§ 984.204 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1952–53 marketing year.* For merchantable walnuts, during the 1952–53 marketing year, the salable percentage shall be 80 percent, the surplus percentage shall be 20 percent, and the withholding percentage shall be 25 percent.

Issued at Washington, D. C., this 19th day of September 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10389; Filed, Sept. 23, 1952; 8:51 a. m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MINIMUM GRADE REQUIREMENTS FOR PROCESSED RAISINS

Notice is hereby given that the Secretary of Agriculture is considering the approval of proposed minimum grade requirements for processed raisins, as hereinafter set forth, which have been submitted to him by the Raisin Administrative Committee in accordance with the provisions of Marketing Agreement No. 109 and Order No. 89 (17 F. R. 1255, 1555) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). Said minimum grade requirements will, if they are made effective, supersede the minimum grade requirements for processed raisins now set forth as Exhibit B (§ 989.97) to Marketing Agreement No. 109 and Order No. 89.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REGISTER except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 989.205 *Minimum grade requirements for processed raisins*—(a) *Definitions*—(1) *Processed raisins.* Processed raisins are dried grapes of the Vinifera varieties—Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth, or White Corinth—which have been properly stemmed, capstemmed, and cleaned.

(b) *Types and varieties.* (1) Type I—Thompson Seedless (Sultanina): (i) Unbleached (natural or sun-dried); (ii) Sulfur Bleached and Golden Bleached; (iii) Soda Dipped.

(2) Type II—Muscat: (i) Seeded (seeds removed); (ii) Unseeded (loose); (iii) Soda Dipped Unseeded (Valencia).

(3) Type III—Sultana.

(4) Type IV—Zante Currants: (i) Black Zante (Black Corinth); (ii) White Zante (White Corinth).

(c) *Moisture content.* (1) Muscat Seeded raisins shall contain not more than 19 percent, by weight, of moisture. All other processed raisins shall contain not more than 18 percent, by weight, of moisture.

(d) *Grade*—(1) *Thompson Seedless raisins.* Thompson Seedless raisins shall possess similar varietal characteristics, possess a fairly good typical color in Thompson Seedless Unbleached and Soda Dipped raisins, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

(i) Not more than 35 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iii) Not more than five percent, by weight, of raisins may be damaged;

(iv) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(v) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(2) *Muscat raisins.* Muscat raisins shall possess similar varietal characteristics, possess a fairly good typical color with not more than 20 percent, by weight, of raisins consisting of dark reddish-brown berries in Muscat Soda Dipped Unseeded (Valencia) raisins, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

(i) Not more than 20 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than 20 seeds per pound of raisins in Muscat Seeded raisins may be present;

(iii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than five percent, by weight, of raisins may be damaged;

(v) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(3) *Sultana raisins.* Sultana raisins shall possess similar varietal characteristics, possess a fairly good typical color, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

(i) Not more than 65 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iii) Not more than five percent, by weight, of raisins may be damaged;

(iv) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(v) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(4) *Zante Currant raisins.* Zante Currant raisins shall possess similar varietal characteristics, possess a reasonably good typical color, possess a good characteristic flavor, show development characteristic of dried currants prepared from reasonably well-matured grapes and meet the following requirements:

(i) Not more than two percent, by weight, of dried currants may possess capstems and not more than three pieces of stem per pound may be present;

(ii) Not more than two percent, by weight, of dried currants may be poorly developed, blowovers;

(iii) Not more than three percent, by weight, of dried currants may be damaged;

(iv) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(v) Not more than two percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than one percent, by weight, of dried currants may be affected by decay.

(e) *Color of Thompson Seedless Sulfur Bleached and Golden Bleached raisins.* Fairly well-bleached color (or extra choice color) means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than six percent, by weight, of all the raisins may be definitely dark berries.

(f) *Explanation of terms.* (1) "Capstems" means woody stems exceeding one-eighth inch in length which attach the raisins to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(2) A "piece of stem" means a portion of the branch or main stem.

(3) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded raisins.

(4) "Poorly developed, blowovers" refers to raisins (berries) that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(5) "Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(6) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the raisin or on the surface which is readily apparent.

(7) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a three percent hydrogen peroxide solution).

(8) "Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

The foregoing requirements are those specified in United States Standards for Grades of Processed Raisins, with respect to Grade C for raisins other than Zante Currants, and in United States Standards for Grades of Dried Currants, with respect to Grade B for Zante Currants.

In addition, it is contemplated that a conforming change will be made in § 989.201 (a) (3) of this part, in which there are set forth the companion minimum grade requirements for natural condition raisins, in that the words therein reading "and to meet the minimum grade requirements set forth in § 989.97 (Exhibit B)" will be changed to read "and to meet the minimum grade requirements set forth in § 989.205 of this part."

Issued at Washington, D. C., this 19th day of September, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 52-10388; Filed, Sept. 23 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

DELEGATION OF AUTHORITY RELATING TO GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1952

Pursuant to the provisions of the Golden Nematode Act (7 U. S. C. 150–150e), authority is hereby delegated with respect to the Golden Nematode Suppressive Program, 1952 (7 CFR 303.1 et seq., as amended) as follows:

(a) *Agency designated to act for Federal Government.* The Bureau of Entomology and Plant Quarantine of this Department is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program for the 1952 potato crop year to suppress, control, and prevent the spread of the golden nematode.

(b) *Agent of Secretary of Agriculture to determine eligibility for payment.* The Federal official in charge of the Golden Nematode Project, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulatons governng the golden nematode suppressive program, 1952 (7 CFR § 303.1 et seq., as amended), and approving the amount of compensation to be provided by the United States Department of Agriculture under such regulations to any owner-operator who refrains from planting potatoes during the 1952 potato crop year.

This delegation shall be effective immediately. All action heretofore taken which would have been authorized by this delegation if it had been in effect at the time of such action is hereby ratified.

Done at Washington, D. C., this 18th day of September 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10362; Filed, Sept. 23, 1952; 8:47 a. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY TENNESSEE STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1952 CROP

Section 729.369 of the Marketing Quota Regulations for the 1952 Crop of Peanuts (17 F. R. 4317) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Tennessee State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above.

The Tennessee State PMA Committee redelegates to the Chairman of the Tennessee State PMA Committee all authority delegated to the State PMA Committee in the Marketing Quota Regulations for 1952 Crop of Peanuts except that there is redelegated to the County PMA Committee the authority delegated to the State PMA Committee in §§ 729.341 (j) (2) (ii), 729.353 (a), and 729.353 (c) of the Marketing Quota Regulations for 1952 Crop of Peanuts.

Issued at Washington, D. C., this 18th day of September 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10390; Filed, Sept. 23, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

APPLICANTS IN PUBLIC SAFETY, INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

NEW APPLICATION FORMS FOR RADIOCOMMUNICATION FACILITIES

SEPTEMBER 11, 1952.

The Commission on September 10, 1952, adopted FCC Forms 400 and 400–A for use by persons desiring authority to install new radiocommunication facilities or modify existing facilities in the Public Safety, Industrial, or Land Transportation Radio Services. Parts 1, 10, 11, and 16 of the rules were amended accordingly. The new forms represent a radical departure in the Commission's licensing procedure in these services; however, they will not be available for distribution until January 1953 or shortly thereafter. In the meantime, applications should be submitted in the usual manner on FCC Forms 401, 401–B, 403, 702, and 703, as applicable. The latter forms will be replaced by the Forms 400 and 400–A in the above-mentioned radio services.

FCC Form 400 is a multi-leaf form with carbons attached and the applicant will fill out all necessary copies at the same time that the application is completed. The first page of the form is composed of a "work sheet" which is to be detached and filled out in pencil before the entries are made on the portion of the form which is to be submitted to the Commission. In order to assist the applicant, detailed instructions, reviewing the form item-by-item, are available.

FCC Form 400–A may be used by persons who hold an authorization in the Public Safety, Industrial, or Land Transportation Radio Services and wish to modify the authorization in some of its terms. One of its chief advantages will be in the very simple manner in which an applicant can obtain authority to add mobile units to an existing system.

In accordance with the new procedure, the make and type of transmitting equipment generally will not be shown on the authorization, but instead will be included in a list of equipment which will be prepared by the Commission. Any equipment which is included in the list and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services may be used provided the equipment employs the same type of emission and does not exceed the power limitations as shown on the authorization. Equipment which is not included in the list can be authorized provided the applicant submits the required technical data with the application to show that it meets the minimum technical requirements of the Commission's rules. In such cases the equipment will be specifically shown on the authorization. Provision has also been made for the issuance of a combined construction permit and license which will eliminate the necessity of submitting separate applications for these authorizations in many cases.

The Commission's "List of Equipments Acceptable for Licensing" will be released at the same time that the forms become available. This list will be comprised of that equipment which has been previously licensed in these services. It is planned that rule making proceedings will be initiated in the near future proposing acceptance for licensing based upon actual test data demonstrating compliance with the technical requirements of the Commission's rules. In practice, this data will, in general, be submitted by the equipment manufacturer. The proposed rules will provide for a gradual revision of the equipment list looking towards such acceptance of all equipment licensed in these services. However, it is expected that equipments in regular service for which the required showing has not been made, will be continued on the list for a limited period unless interference is caused by failure to comply with the Commission's rules and regulations.

It will be economically infeasible for the Commission to print the list and distribute copies to the public at large; however, copies will be retained at the Washington offices of the Commission and at each of the Field Offices, where they may be inspected. Interested parties may reproduce the list in whole, or in part, if they so desire.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10381; Filed, Sept. 23, 1952; 8:49 a. m.]

[Docket No. 10230]

ARCTIC TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Arctic Telephone and Telegraph Company, Docket No. 10230, File No. 11330–F4–MP–D; application for modification of construction permit to change location of a fixed public point-to-point telephone station from Fourth of July Creek, Alaska, to Anchorage, Alaska, to add frequencies and to increase the maximum power.

The Commission having under consideration its order of July 10, 1952, designating this matter for hearing in Washington, D. C., on August 26, 1952; also its order of August 19, 1952, adjourning the hearing from August 26, 1952, to September 30, 1952, subject to such further order as might be appropriate if, and when, applicant filed the appearance and the request mentioned in its order of August 19, 1952, that the place of hearing be changed to Seattle, Washington, or Portland, Oregon;

The Commission also having under consideration a letter dated September 8, 1952, addressed to the Commission by applicant, the Arctic Telephone and Telegraph Company, in which it is stated that applicant was forwarding on that day to the Commission a Petition for Reconsideration and Grant;

It appearing that the Commission may be unable to act upon the Petition for Reconsideration and Grant before September 30, 1952, or sufficiently in advance of that date to enable the parties to proceed with the hearing on that date;

It is ordered, This 16th day of September 1952, that the hearing on this matter is continued without date, subject to further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10380; Filed, Sept. 23, 1952; 8:49 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT–264; Stark Broadcasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT–949; for construction permits for new television stations.

The Commission having under consideration a petition filed September 11, 1952, by Stark Broadcasting Corporation requesting a continuance of the hearing in the above-captioned proceeding from October 1, 1952, to December 8, 1952; and

It appearing, that all other parties to this proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit an early consideration of this request; and that just and sufficient cause has been shown why this continuance should be granted;

It is ordered, This 12th day of September 1952, that the petition is granted; and the hearing in the above-captioned proceeding presently scheduled to be held on October 1, 1952, is continued to December 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 52-10379; Filed, Sept. 23, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1693, G–1473, G–1649, G–1727, G–1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 18, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1693; Alabama-Tennessee Natural Gas Company, Docket No. G–1473; Tennessee Gas Company, Docket No. G–1649; Shippensburg Gas Company, Docket No. G–1727; Consumers Gas Company, Docket No. G–1737.

Notice is hereby given that on September 17, 1952, the Federal Power Commission issued its order entered September 16, 1952, amending order (17 F. R. 6287) issuing certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10368; Filed, Sept. 23, 1952; 8:48 a. m.]

[Docket No. G–1955]

TRANSCONTINENTAL GAS PIPE LINE CORP., AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF AMENDMENT TO APPLICATION

SEPTEMBER 19, 1952.

Take notice that on September 16, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental) and Texas Eastern Transmission Corporation (Texas Eastern), Delaware corporations, having their principal place of business in Houston, Texas, and Shreveport, Louisiana, respectively, filed an amendment to their joint application theretofore filed for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain natural-gas pipeline facilities, and the rendering of natural-gas service to the East Ohio Gas Company, New York State Natural Gas Corporation, and the Peoples Natural Gas Company, to United Natural Gas Company, and to Indiana Gas & Water Co., Inc. Such facilities consist of metering facilities and the necessary pipe to interconnect the 20-inch Marcus Hook lateral of Transcontinental and the 20-inch South lateral of Texas Eastern near Philadelphia, Pennsylvania.

The original application was filed on May 9, 1952, and notice of the filing thereof was published in the FEDERAL REGISTER on May 23, 1952 (17 F. R. 4728).

On May 15, 1952, the Commission granted Transcontinental and Texas Eastern temporary authorization to construct and operate the facilities above referred to, upon the condition, among others, that the authorization should not in any event extend beyond September 30, 1952.

On September 11, 1952, the Commission issued an order setting the proceeding for hearing on September 23, 1952, concerning the matters involved and the issues presented by the application.

By the amendment to the application filed on September 16, 1952, Transcontinental and Texas Eastern seek additional authorization from the Commission to operate the facilities above described, and to render the service above referred to, and more particularly described in the application until November 30, 1952.

On September 19, 1952, the Commission issued an order postponing the date of hearing from September 23, 1952, to October 3, 1952.

The amendment to the application is on file with the Commission for public inspection.

Protests or petitions to intervent may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of October 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10366; Filed, Sept. 23, 1952; 8:47 a. m.]

[Docket No. G–1956]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS EASTERN TRANSMISSION CORP.

ORDER POSTPONING HEARING

SEPTEMBER 18, 1952.

On May 9, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental) and Texas Eastern Transmission Corporation (Texas Eastern), filed a joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of metering facilities and the necessary pipe to interconnect the 20-inch Marcus Hook lateral of Transcontinental and the 20-inch South lateral of Texas Eastern near Philadelphia, Pennsylvania. Such facilities will be utilized for the delivery of natural gas to Texas Eastern, which company in turn will deliver equivalent volumes of natural gas to the East Ohio Gas Company, New York State Natural Gas Corporation, the Peoples Natural Gas Company, United Natural Gas Company and the Indiana Gas & Water Company, Inc.

On May 15, 1952, the Commission granted Transcontinental and Texas Eastern temporary authorization to construct and operate the facilities above referred to, upon the condition, among others, that the authorization should not in any event extend beyond September 30, 1952.

On September 11, 1952, the Commission issued an order setting the proceeding for public hearing on September 23, 1952, concerning the matters involved and the issues presented by the application.

On September 16, 1952, Transcontinental and Texas Eastern filed an amendment to such application, whereby they seek additional authorization from the Commission to operate the facilities above described and to render the service above referred to until November 30, 1952.

The Commission finds: Good cause exists for postponing the date of hearing, as hereinafter provided, and for fixing the date of hearing at less than 15 days after publication in the FEDERAL REGISTER of notice of hearing respecting the application as amended.

The Commission orders: The public hearing in this matter, now set to commence on September 23, 1952, be and the same hereby is postponed to commence at 10:00 a. m., e. s. t., on October 3, 1952, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application as amended.

Date of issuance: September 19, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10367; Filed, Sept. 23, 1952; 8:47 a. m.]

[Docket No. G–2003]

MOUNTAIN FUEL SUPPLY CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 18, 1952.

Notice is hereby given that on September 17, 1952, the Federal Power Commission issued its order entered September 16, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10369; Filed, Sept. 23, 1952; 8:48 a. m.]

[Docket No. G–2006]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 18, 1952.

Notice is hereby given that on September 17, 1952, the Federal Power Commission issued its order entered September 16, 1952, in the above-entitled matter, issuing certificate of public convenience and necessity, and dismissing that part of application not subject to the jurisdiction of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10370; Filed, Sept. 23, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–89]

UNITED CORP.

ORDER POSTPONING HEARING ON APPLICATION TO PAY FEE AND EXPENSES

SEPTEMBER 18, 1952.

The Commission having by order dated September 2, 1952, designated September 23, 1952, as the date for public

hearing on an application filed by Randolph Phillips, a common stockholder of the United Corporation ("United"), a registered holding company, for the payment of a requested fee in the amount of $39,000 and reimbursement of expenses incurred in the amount of $23,414.71 for services claimed to have been rendered in 1943 and 1944 in connection with United's plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), providing for the exchange, on a voluntary basis, of portfolio assets, including cash, for the then outstanding shares of United's $3 Cumulative Preference Stock; and

Randolph Phillips having requested that said hearing be postponed until certain court proceedings involving, among other things, similar claims for fees and expenses of Phillips in the years 1943 and 1944 are terminated, and United having stated that it does not object to a postponement of the hearing, and it appearing that a postponement will not prejudice the interest of investors or the administration of the act:

It is ordered, That the hearing in this matter scheduled for September 23, 1952, be and hereby is postponed until further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10375; Filed, Sept. 23, 1952; 8:48 a. m.]

[File No. 70–2908]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL.

ORDER AUTHORIZING PROPOSED SALE OF COMMON STOCK TO ASSOCIATES

SEPTEMBER 18, 1952.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Eastern Utilities Associates; File No. 70–2908.

Eastern Utilities Associates ("EUA"), a registered holding company, and its three direct public-utility subsidiary companies, namely, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"), having filed an application-declaration, pursuant to scections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-43 promulgated thereunder, with respect to the following proposed transactions:

Blackstone, Brockton and Fall River own all of the outstanding stock of Montaup Electric Company ("Montaup"), the system's generating company, such stock ownership being 43.63 percent, 23.42 percent and 32.95 percent, respectively, of the investment in Montaup. The power contract under which Montaup sells electric energy to its owner companies requires periodic changes in the investment of such owner companies in Montaup so that their investment ratios will be approximately the same as the ratios based on their actual use of Montaup's facilities. To accomplish this purpose Blackstone proposes to sell 3,066 shares of common stock of Montaup, of which 1,544 will be sold to Fall River and 1,522 will be sold to Brockton. Such stock will be sold at a price of $103.72815 per share or for a total consideration of $318,030.51. The price per share represents the par value plus the pro rata portion of the earned surplus attributable to each common share of Montaup outstanding at the close of business on September 30, 1951.

All of the Montaup stock held by Blackstone is pledged as mortgaged property under that company's indenture of mortgage securing its outstanding bonds. The cash consideration of $318,030.51 will be deposited by Blackstone with its indenture trustee in order to secure the release of said 3,066 common shares and, subsequently, the cash deposited with the trustee will be released by the substitution by Blackstone of bondable property additions in accordance with the provisions of the mortgage indenture.

The Massachusetts Department of Public Utilities has approved the proposed acquisition of common stock by Fall River and Brockton. The application-declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The application-declaration further states that the expenses in connection with the proposed transactions are estimated not to exceed $700 of which $600 represents counsel fees.

It is requested that the transactions be authorized pursuant to the procedure of Rule U-23, without a hearing, and that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10376; Filed, Sept. 23, 1952; 8:48 a. m.]

[File No. 70–2930]

WACHUSETT GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF CAPITAL STOCK AND ACQUISITION BY PARENT

SEPTEMBER 18, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Wachusett Gas Company ("Wachusett"). NEES and Wachusett have designated sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

Wachusett proposes to issue and sell, for cash, 5,000 shares of additional capital stock, $100 par value, at a price of $100 per share. NEES, the sole stockholders of Wachusett, proposes to acquire such shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with the National City Bank of New York, Wachusett presently has outstanding $430,000 principal amount of unsecured promissory notes, due April 1, 1953. The proceeds from the proposed issuance and sale of capital stock will be used by Wachusett to pay its then outstanding note indebtedness under its loan agreement and the balance of the proceeds will be used to pay for construction.

The application-declaration states that the total expenses to Wachusett and NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,500 and $300, respectively.

Wachusett has applied to the Department of Public Utilities of the Commonwealth of Massachusetts for approval of the proposed issuance and sale of capital stock and, according to the application-declaration, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than October 15, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10374; Filed, Sept. 23, 1952; 8:48 a. m.]

Reference Room

UNITED STATES TARIFF COMMISSION

[Investigation No. 20]

ROSARIES

NOTICE OF INVESTIGATION

Upon application of G. Klein & Son, New York, N. Y. and the H. M. H. Co. Inc., Pawtucket, Rhode Island, received September 15, 1952, the United States Tariff Commission, on the 19th day of September 1952, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the customs treatment reflecting the concession granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 1544	Rosaries, chaplets, and similar articles of religious devotion, made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones.

Inspection of application. The application filed in this case, except for confidential material, is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 19th day of September 1952.

Issued: September 19, 1952.

DONN N. BENT,
Secretary.

[F. R. Doc. 52-10392; Filed, Sept. 23, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27407]

RUBBER TIRES FROM CAMDEN, N. J., TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-911, pursuant to fourth-section order No. 16101.

Commodities involved: Tires, rubber, and parts, carloads.

From: Camden, N. J.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10353; Filed, Sept. 23, 1952; 8:45 a. m.]

[4th Sec. Application 27408]

CLASS RATES FROM OR TO INTERMOUNTAIN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to Docket No. 28300, Class Rate Investigation, 1939, 281 I. C. C. 213.

Involving: Class rates.

Territory: From or to points generally west of the Rocky Mountains.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and to continue rates prescribed or approved in Docket 28300, from or to intermediate points.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10354; Filed, Sept. 23, 1952; 8:45 a. m.]

[4th Sec. Application 27409]

ANHYDROUS AMMONIA FROM HOUSTON, TEX., TO SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Houston, Tex.

To: Points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Grounds for relief: Rail competition, circuity, market competition, operation through higher-rated territory, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10355; Filed, Sept. 23, 1952; 8:45 a. m.]

Reference Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

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Washington, Thursday, September 25, 1952

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-386]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of September 1952.

Special Civil Air Regulation SR-381 which terminates September 30, 1952, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has advised the Board that the regulation is a desirable one and not subject to abuse. It therefore recommends that the authority granted by SR-381 be continued and that it be incorporated in Part 41 of the Civil Air Regulations. Certain scheduled air carriers have also asked that the authority be incorporated in Part 41. However, the Board considers, since a proposed major revision of Part 41 is expected to be published shortly, that it would be more advisable to extend the authority granted by SR-381 and incorporate the changes in the proposed revision of Part 41 when published.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately.

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additonal flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall supersede Special Civil Air Regulation Serial Number SR-381 and shall terminate one year from its effective date, unless sooner superseded or rescinded by the Board.

(Continued on p. 8527)

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, 1008, 1010; 49 U. S. C. 551, 552, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52–10422; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

FOURTH APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1952

The funds available for purposes of the National School Lunch Act (60 Stat. 230) for food assistance for the fiscal year ending June 30, 1952, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State agency	Withheld for private schools
Alabama	$2,580,189	$2,520,906	$59,283
Arizona	399,872	378,516	21,356
Arkansas	1,599,664	1,572,008	27,656
California	2,947,144	2,947,144	----
Colorado	527,601	491,693	35,908
Connecticut	596,972	596,972	----
Delaware	77,700	73,905	3,795
Dist. of Col.	155,861	155,861	----
Florida	1,232,012	1,187,357	44,655
Georgia	2,395,599	2,395,599	----
Idaho	299,754	291,662	8,092
Illinois	2,413,994	2,413,994	----
Indiana	1,491,368	1,491,368	----
Iowa	1,018,892	913,722	105,170
Kansas	778,782	778,782	----
Kentucky	2,144,069	2,144,069	----
Louisiana	1,688,285	1,688,285	----
Maine	428,922	374,181	54,741
Maryland	754,057	678,634	75,423
Massachusetts	1,445,523	1,445,523	----
Michigan	2,239,307	1,954,985	284,322
Minnesota	1,242,419	1,068,171	174,248
Mississippi	2,208,621	2,208,621	----
Missouri	1,442,717	1,442,717	----
Montana	211,866	193,100	18,766
Nebraska	487,922	437,470	50,452
Nevada	44,190	43,492	698
New Hampshire	217,178	217,178	----
New Jersey	$1,364,462	$1,105,055	$259,407
New Mexico	431,728	431,728	----
New York	3,910,213	3,910,213	----
North Carolina	3,005,949	3,005,949	----
North Dakota	306,881	276,881	29,700
Ohio	2,505,441	2,164,481	340,960
Oklahoma	1,313,928	1,313,928	----
Oregon	531,960	531,960	----
Pennsylvania	3,426,730	2,961,441	465,289
Rhode Island	240,495	240,495	----
South Carolina	1,875,279	1,855,899	19,380
South Dakota	238,071	213,301	24,770
Tennessee	2,317,461	2,262,120	55,341
Texas	3,541,503	3,541,503	----
Utah	370,813	365,758	5,055
Vermont	183,931	183,931	----
Virginia	1,764,287	1,709,929	54,337
Washington	757,508	714,766	42,742
West Virginia	1,316,339	1,287,731	28,608
Wisconsin	1,308,718	1,079,317	229,201
Wyoming	115,086	115,086	----
Total	63,818,975	61,280,240	2,538,735

Dated: September 19, 1952.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52–10425; Filed, Sept. 24, 1952; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

Correction

In F. R. Doc. 52–8385, appearing at page 6995 of the issue for Thursday, July 31, 1952, the sixth line of § 701.412 (c) should read: "in §§ 701.413 to 701.415, 701.416 (2), 701.417".

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5932; Regs. 103, 111]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INVOLUNTARY LIQUIDATION AND REPLACEMENT OF INVENTORIES ACCOUNTED FOR ON LAST-IN FIRST-OUT METHOD

On April 9, 1952, notice of proposed rule making to conform Regulations 103 (26 CFR Part 19) and 111 (26 CFR Part 29) to Public Law 91, 82d Congress, approved January 11, 1951, and to section 306 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 3105). After consideration of all relevant matter presented by interested persons, the amendments to such regulations set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 19.22 (d)–1 the following:

PUBLIC LAW 919, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 (d) (6) (relating to the involuntary liquidation and replacement of elective inventories) of the Internal Revenue Code is hereby amended as follows:

(a) By amending the title of subparagraph (A) thereof to read as follows:

(A) *Adjustment of net income and resulting tax.* Years beginning prior to January 1, 1948.

(b) By striking out in subparagraph (A) thereof "January 1, 1951" and by inserting in lieu thereof "January 1, 1953".

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

* * * * *

PAR. 2. Section 19.22 (d)–7, as amended by Treasury Decision 5841, approved May 22, 1951, is further amended by striking from the second paragraph, as revised by Treasury Decision 5645, approved July 20, 1945, the date "January 1, 1951" and inserting in lieu thereof the following: "January 1, 1953".

PAR. 3. There is inserted immediately preceding § 29.22 (d)–1 the following:

PUBLIC LAW 919, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 (d) (6) (relating to the involuntary liquidation and replacement of elective inventories) of the Internal Revenue Code is hereby amended as follows:

(a) By amending the title of subparagraph (A) thereof to read as follows:

(A) *Adjustment of net income and resulting tax.* Years beginning prior to January 1, 1948.

(b) By striking out in subparagraph (A) thereof "January 1, 1951" and by inserting in lieu thereof "January 1, 1953".

(c) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

SEC. 2. LIQUIDATIONS IN TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND PRIOR TO JANUARY 1, 1954.

(a) *In general.* Section 22 (d) 6) of the Internal Revenue Code is hereby amended by the addition of the following subparagraph:

(F) *Years ending after June 30, 1950, and prior to January 1, 1954.*

(i) *Adjustment of net income and resulting tax.* If, for any taxable year ending after June 30, 1950, and prior to January 1, 1954, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if the taxpayer elects, at such time and in such manner and subject to such regulations as the Commissioner with the approval of the Secretary may prescribe, to have the provisions of this paragraph apply, and if it is established to the satisfaction of the Commissioner, in accordance with such regulations, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B) (as modified by clause (ii) of this subparagraph), and if the closing inventory of a subsequent taxable year, ending prior to January 1, 1956, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidations shall be increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost, or decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation. The taxes imposed by this chapter and by chapter 2 for the year of such liquidation, for preceding taxable years, and for all taxable years intervening between the year of liquidation and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(ii) *Definition of involuntary liquidation.* For the purposes of this subparagraph the term "involuntary liquidation" shall have the meaning given to it in subparagraph (B) and, in addition, it shall mean a failure, as referred to in that subparagraph, on the part of the taxpayer due, directly and exclusively, to disruption of normal trade relations between countries. For the purposes of this subparagraph the words "enemy" and "war", as used in subparagraph (B), shall be interpreted, pursuant to regulations prescribed by the Secretary, in such a way as to apply to circumstances, occurrences and conditions, lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war.

(iii) *Application of Subparagraphs (C) and (E).* Subparagraphs (C) and (E), to the extent that they refer to any taxpayer subject to the provisions of subparagraph (A) or to the adjustments specified in or resulting from the effect of subparagraph (A), shall be as applicable to a taxpayer subject to the provisions of this subparagraph or to adjustments specified in or resulting from the effect of this subparagraph as though they specifically referred to this subparagraph. For this purpose, and with respect to the taxable years covered by this subparagraph, the reference in subparagraph (E) to section 734 (d) shall be taken as a reference to section 450 (d) [sic].

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

Approved January 11, 1951.

SEC. 306. INVOLUNTARY LIQUIDATION AND REPLACEMENT OF INVENTORY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (d) (6) (F) (iii).* Section 22 (d) (6) (F) (iii) (relating to replacement of inventory involuntarily liquidated) is hereby amended by striking out the last sentence and inserting in lieu thereof the following: "If, for any taxable year ending after June 30, 1950, and prior to January 1, 1953, subparagraph (C) is applicable with respect to involuntary liquidations of goods of the same class subject to the provisions of both subparagraph (A) and this subparagraph, the involuntary liquidations of such goods subject to the provisions of this subparagraph shall be considered for the purpose of subparagraph (C) as having occurred prior to the involuntary liquidations of such goods subject to the provisions of subparagraph (A). For the purpose of this clause, and with respect to the taxable years covered by this subparagraph, the reference in subparagraph (E) to section 734 (d) shall be taken as a reference to section 452 (d)."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years ending after June 30, 1950.

PAR. 4. Section 29.22 (d)–7, as amended by Treasury Decision 5841, approved May 22, 1951, is further amended as follows:

(A) By striking from the first sentence of paragraph (a) "If prevailing war conditions beyond the control of the taxpayer should render it impossible during the period of the war for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise" and inserting in lieu thereof the following: "If prevailing war conditions beyond the control of the taxpayer, or certain prescribed post-war conditions beyond his control, should render it impossible either during the period of the war or within the prescribed post-war period for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise".

(B) By striking from paragraph (a) "If the taxpayer notifies the Commissioner at any time not later than six months after the time of filing his income tax return for the year of the liquidation" from the second sentence and inserting in lieu thereof the following: "If the taxpayer notifies the Commissioner at any time not later than six months after the time of filing his income tax return for the year of the liquidation, or at any time not later than December 15, 1952, in the case of the year of liquidation being a taxable year ending after June 30, 1950, and before March 1, 1952,".

(C) By striking "January 1, 1951" from paragraph (b) and inserting in lieu thereof the following: "January 1, 1953."

(D) By inserting at the end of paragraph (b) the following: "The statutory provisions affording recognition to the involuntary character of inventory decreases which become apparent in post-war taxable years and authorizing for tax purposes a replacement of the items of merchandise so liquidated are limited in their application to liquidations occurring in taxable years ending after June 30, 1950, and prior to January 1, 1954, and to inventory replacements effected in taxable years ending prior to January 1, 1956."

(E) By striking "A failure on the part of the taxpayer" from the first sentence of paragraph (c) and inserting in lieu thereof the following: "With respect to inventory decreases occurring during the period of the war, a failure on the part of the taxpayer".

(F) By inserting immediately after paragraph (c) the following new undesignated paragraph:

With respect to inventory decreases occurring in taxable years ending after June 30, 1950, and prior to January 1, 1954, the rules prescribed in the preceding paragraph shall apply. For the purpose of such rules, the words "enemy" and "war" shall be interpreted to apply to circumstances, occurrences, and conditions lacking a state of war, which are similar, by reason of a state of national preparedness, to those which would exist under a state of war. The various directives, orders, regulations, and allotments issued by the Federal Government in connection with national preparedness are among such circumstances and conditions. Likewise, a voluntary compliance with a request of an authorized representative of the Federal Government made upon an industry or an important segment thereof, or a voluntary allocation of materials by an industry or important segment thereof sanctioned by the Federal Government, if made in connection with the national preparedness program, might be considered as such a circumstance or condition. Similarly, so much of an inventory decrease as is directly and exclusively attributable to the Federal Government's stockpiling program for periods during which an item is not subject to allotment shall also be considered as subject to the provisions of section 22 (d) (6). Thus, so much of an inventory decrease as is due wholly to the effect of directives, orders, regulations, or allotments issued pursuant to the Defense Production Act of 1950, or to any other circumstance or condition which is solely dependent upon other action taken by the Federal Government in furtherance of the national preparedness program, ordinarily shall be considered as an involuntary liquidation under section 22 (d) (6) and this section; however, to the extent that such a decrease is due to the disposition of goods acquired in violation of such directives, orders, regulations, or allotments, such decrease shall not be considered as such an involuntary liquidation. With respect to an inventory decrease in a taxable year ending after June 30, 1950, and prior to January 1, 1954, due directly and exclusively to a disruption of normal trade relations between countries, such an inventory decrease shall be considered as an involuntary liquidation subject to the rules and requirements prescribed in the preceding paragraphs, including the requirement that the taxpayer establish to the satisfaction of the Commissioner the cause of the involuntary liquidation. A disruption of normal trade relations between countries may be reflected by unusual export limitations imposed by a foreign government, by unusual exchange restrictions, or by other unusual circumstances or conditions beyond the control of the taxpayer.

(G) By striking the first sentence from paragraph (d) and inserting in lieu thereof the following: "If the taxpayer would have the involuntary liquidation and replacement provisions applicable with respect to any inventory decrease, he must so elect within the time prescribed by this part".

(H) By striking from the second sentence of paragraph (d) "(3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved" and inserting in lieu thereof the following: "(3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved, including evidence of the applicable National Production Authority inventory control figures for the beginning and the close of the taxable year (or if none, a statement to that effect), allotments applied for, allotments received, and reason for failure to place allotments received".

(I) By striking the period at the end of the first sentence of paragraph (g) and inserting in lieu thereof the following: "; however, in a case involving involuntary liquidations of goods of the same class subject to the provisions of both section 22 (d) (6) (A) and section 22 (d) (6) (F), the involuntary liquidations of such goods subject to the provisions of section 22 (d) (6) (F) shall, for the purpose of replacements made in taxable years ending prior to January 1, 1953, be considered as having occurred prior to the involuntary liquidations of such goods subject to the provisions of section 22 (d) (6) (A)".

(J) By changing the penultimate sentence of paragraph (h) to read as follows: "The tax previously determined shall be ascertained in accordance with the principles stated in section 734 (d) and section 452 (d) and those sections of the regulations prescribed thereunder".

(53 Stat. 9, 32, 467; 26 U. S. C. 22, 62, 3791)

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

Approved: September 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10417; Filed, Sept. 24, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING-OUT PAYMENTS

Section 536.75 is revised, § 536.76 (a) (2), (b) (3) and (c) (2), and § 536.77 (a) (1) and (7) are amended as follows:

§ 536.75 *Mustering-out payments—(a) Members engaged in active service in World War II—(1) To whom payable.* Except as provided in subparagraph (2) of this paragraph, each member of the Armed Forces who shall have been engaged in active service in World War II and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment. See Section 1 (a), act of February 3, 1944 (58 Stat. 8; 38 U. S. C. 691a).

(2) *To whom not payable.* No mustering-out payment shall be made to:

(i) Any member entering upon active service or enlisting on or after July 1, 1947.

(ii) Any member of the Armed Forces who at the time of discharge or relief from active service was serving as a warrant officer in a pay grade W–4 or officer in a pay grade O–3 (more than 17 years' service). (29 Comp. Gen. 371.)

(iii) Any member of the Armed Forces who at the time of discharge or relief from active service is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay.

(iv) Any member of the Armed Forces discharged or relieved from active service or who was transferred to a Reserve component and subsequently discharged from an inactive status, because of the individual's importance to National health, safety, or interest, including any member discharged or relieved from active service on his own initiative to accept employment, unless he has served outside the continental limits of the United States or in Alaska.

(v) Any member whose total period of service was as a student detailed for training under the Army Specialized Training Program.

(vi) Any member of the Armed Forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, unless subsequently separated from the Academy.

(vii) Any member of the Armed Forces whose sole service has been as a cadet at the United States Military Academy or in a preparatory school after nomination as a principal, alternate, or candidate for admission to the Academy.

(viii) Any commissioned officer unless he is discharged or relieved from active service before April 28, 1955. See section 1, act of February 3, 1944 (58 Stat. 8); section 6, act of June 28, 1947 (61 Stat. 192; 38 U. S. C. Sup. 691a).

(b) *Members engaged in active service on or after June 27, 1950—(1) To whom payable.* Except as provided in subparagraph (2) of this paragraph, each member of the Armed Forces who shall have been engaged in active service on or after June 27, 1950, and prior to such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress, and who is discharged or relieved from active service under honorable conditions, shall be eligible to receive mustering-out payment. See section 501 (a), act of July 16, 1952 (Public Law 550—82d Cong.).

(2) *To whom not payable.* No mustering-out payment shall be made to any member within the purview of subparagraph (1) of this paragraph:

(i) Who at the time of discharge or relief from active service is in a pay grade higher than O–3.

(ii) Who at the time of discharge or release from active service is entitled to severance pay or is transferred or returned to the retired list with retired pay, retirement pay, retainer pay, or equivalent pay, or to a status in which he receives such pay: *Provided*, That this paragraph shall not apply to any member who is retired or separated pursuant to title IV, Career Compensation Act of 1949.

(iii) For any active service performed prior to date of his discharge or relief from active service on his own initiative to accept employment, or in the case of any member so relieved from active service, for any active service performed prior to date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska.

(iv) Whose total period of service has been as a student assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians.

(v) For any active service performed prior to the date of his discharge from the Armed Forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy.

(vi) Whose sole service has been as a cadet at the United States Military Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said academies.

(vii) Any commissioned officer unless he is discharged or relieved from active service within 3 years after such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress.

(viii) Any member of the Armed Forces who is ordered to active service for the sole purpose of training duty or a physical examination, or for a period of less than 60 days. See section 501 (b), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(c) *Questionable payments.* Pending clarification from the Comptroller General of the United States, mustering-out payment will not be made to a member under the provisions of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550—82d Cong.) when such member had received mustering-out payment upon separation on or after June 27, 1950 under the provisions of the Mustering-Out Payment Act of 1944, as amended.

(d) *Members entering active service prior to July 1, 1947.* Members entering active military service prior to July 1, 1947 and serving continuously thereafter who are eligible to receive mustering-out payment under the Mustering-Out Payment Act of 1944, as amended, and under the Veterans' Readjustment Assistance Act of 1952 for the same period of active service, shall elect to receive mustering-out payment under either act, but shall not be entitled to payment under both provisions of law. See section 501 (c), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(e) *Rates and conditions*—(1) *Amounts.* Mustering-out payment for members eligible under paragraphs (a) and (b) of this section shall be in sums as follows:

(i) $300 for members who, having performed active service for 60 days or more, have served outside the continental limits of the United States or in Alaska.

(ii) $200 for members who, having performed active service for 60 days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(iii) $100 for members who have performed active service for less than 60 days. See section 2 (a), act of February 3, 1944 (58 Stat. 9; 38 U. S. C. 691b) and section 502 (a), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(2) *Method of payment.* (i) Each member eligible to receive mustering-out payment under subparagraph (1) (i) of this paragraph shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service, or, at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army; and the remaining amount of such payment shall be paid in two equal installments, 1 month and 2 months, respectively, from the date of the original payment.

(ii) Each member eligible to receive mustering-out payment under subparagraph (1) (ii) of this paragraph shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service, or at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army; and the remaining amount of such payment shall be paid 1 month from the date of the original payment.

(iii) Each member eligible to receive mustering-out payment under subparagraph (1) (iii) of this paragraph shall receive the stipulated amount at the time of such discharge or relief from active service, or at the option of the member so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army.

(iv) A member entitled to receive the first installment of the mustering-out payment at the time of discharge for the purpose of enlistment, reenlistment, or appointment in the Regular Army shall, at his election, receive the whole of such payment in one lump sum, rather than in installments. See section 2 (b), act of February 3, 1944 (58 Stat. 9); section 7 (a), act of October 6, 1945 (59 Stat. 540; 38 U. S. C. 691b); and section 502 (b), act of July 16, 1952 (Public Law 550—82d Cong.).

(f) *Time of payment.* No member of the Armed Forces shall receive mustering-out payment under the Mustering-Out Payment Act of 1944, as amended, more than once or under the Veterans' Readjustment Assistance Act of 1952 more than once. Such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Army. See section 3, act of February 3, 1944 (58 Stat. 9); section 7 (b), act of October 6, 1945 (59 Stat. 540); act of May 19, 1943 (62 Stat. 241); 38 U. S. C. Sup. 691c; and section 503, act of July 16, 1952 (Pub. Law 550—82d Cong.).

(g) *Payments of survivors.* If any member of the Armed Forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child, or children, then in equal shares to his surviving parents, if any. No payments under these acts shall be made to any other person. See section 4, act of February 3, 1944 (58 Stat. 9; 38 U. S. C. 691d); and section 504, act of July 16, 1952 (Pub. Law 550—82d Cong.).

(h) *Payments on behalf of survivors and mentally incompetent members.* The Secretary of the Army, or such subordinate officer as he may designate, is authorized to make direct payment to survivors over 17 years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the Armed Forces, or survivors thereof, as defined in paragraph (g) of this section, without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the Secretary or his designees, the interests of the persons under 17 years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this paragraph shall constitute a complete discharge of the obligation of the United States as provided in these acts; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to section 5 (b), 58 Stat. 10, or section 505 (b), 66 Stat. 690. The provisions of this paragraph shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment. See section 5 (c), added to the act of February 3, 1944 (58 Stat. 10), by the act of December 16, 1944 (58 Stat. 812; 38 U. S. C. 691e (c)) and section 505 (c), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(i) *Exemption from taxation and claims of creditors.* Mustering-out payments due or to become due under these acts shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee. See section 5 (a), act of February 3, 1944 (58 Stat. 10; 38 U. S. C. 691e (a)) and section 505 (a), act of July 16, 1952 (Pub. Law 550—82d Cong.).

(j) *Decisions and designations of persons to receive mustering-out payment under Veterans' Readjustment Assistance Act of 1952*—(1) *Authority regarding decisions concerning deceased persons.* The Commanding General, Finance Center, U. S. Army, will make all decisions, under approved policies and procedures and subject to such instructions as may be received from the Chief of Finance, as to relationship and selection in cases pertaining to mustering-out payment to the eligible survivors, legally appointed guardians or committees, and other persons authorized to act in a fiduciary capacity, who are entitled to receive mustering-out payment in lieu of or on behalf of a qualified veteran or qualified survivors of veterans, under the provisions of the act of July 16, 1952.

(2) *Designation of persons to receive mustering-out payment of mentally incompetent members.* The Commanding General, Finance Center, U. S. Army will designate the person, or persons, as trustee, to receive mustering-out payment due any member of the Army who is mentally incompetent and who is entitled to receive mustering-out payment under the provisions of the act of July 16, 1952, for the use and benefit of such member.

(k) *Definitions.* (1) The term "member of the Armed Forces" means any member of the United States Army, United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, or any of their respective components.

(2) The term "spouse" means a lawful wife or husband.

(3) The term "child" includes:

(i) A legitimate child;

(ii) A child legally adopted; and

(iii) A stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(4) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption.

(l) *Claims—Veterans' Readjustment Assistance Act of 1952*—(1) *By whom paid.* All claims for mustering-out payments of members who have performed active military service on or after June 27, 1950, and who were discharged prior to July 16, 1952, will be forwarded to the Mustering-Out Payment Branch, Finance Center, U. S. Army, St. Louis 20, Missouri. A former member will submit a signed application containing information set forth in subparagraph (2) of this paragraph for mustering-out payment with his original Report of Separation from Armed Forces of the United States (DD Form 214). The former member will place his name and address on the DD Form 214 to assure its return. A member or former member inquiring about lost or destroyed Forms 214 should be advised to request a duplicate Form 214 from The Adjutant General and upon receipt submit the duplicate Form 214 with a signed application to the Mustering-Out Payment Branch, Finance Center, U. S. Army, St. Louis 20, Missouri.

(2) *Information required to be furnished with application.* The following information will be submitted:

(i) Statement that member was not discharged or released from active service on his own request to accept employment; or if discharged or released to accept employment, statement that the member served outside the United States after June 26, 1950.

(ii) Statement that member is not now serving on active duty in the Armed Forces of the United States, if applicable.

(iii) Statement that member has not and will not make any other application for mustering-out payment for service after June 26, 1950.

(iv) Statement that member served outside the continental limits of the United States or in Alaska after June 26, 1950, if applicable.

(v) If member has served outside the continental limits of the United States or in Alaska, date of arrival in the United States.

(vi) Statement that member has or has not received any mustering-out payment for service after June 26, 1950.

(vii) Statement requesting return of DD Form 214, and address to which check should be mailed, substantially as set forth below:

_____ (First name) _____ (Middle name) _____ (Surname)
Print or type

_____ (Service No.) _____ (Street No.)

_____ (City and zone) _____ (State)

(viii) Statement reading as follows:

I certify that the above information is true and correct.

_____
(Signature)

§ 536.76 *Payments on behalf of members discharged as mentally incompetent of managing their own affairs*—(a) *By whom made.* * * *

(2) *Finance Center, U. S. Army.* Mustering-out payments on behalf of any member discharged as mentally incompetent, who, in the opinion of the examining physician, is mentally incompetent to manage his own personal affairs and where no legal guardian or committee had been appointed, will be made only by the Commanding General, Finance Center, U. S. Army. Claims for such payment will be forwarded to Chief, Military Pay Division, Finance Center, U. S. Army, Indianapolis 49, Indiana.

(b) *To whom payable.* * * *

(3) Person or persons designated by the Commanding General, Finance Center, U. S. Army, to receive mustering-out payments for the use and benefit of the mentally incompetent veteran (paragraphs (h), (j) and (k) of § 536.75).

* * * * *

(c) *Evidence required for payment.* * * *

(2) [Revoked]

* * * * *

§ 536.77 *Payments to survivors*—(a) *General*—(1) *By whom made.* All mustering-out payments to survivors will be made by the Commanding General, Finance Center, U. S. Army. Original applications for mustering-out payment received from the relative or relatives of a deceased veteran by finance officers will be transmitted to the Chief, Military Pay Division, Finance Center, U. S. Army, Indianapolis 49, Indiana, with a statement that no payment has been or will be made on behalf of the veteran named therein.

* * * * *

(7) *Payments to selected persons for use and benefit of mentally incompetent or minor survivors.* Where no legal guardian or committee has been appointed, and where payment cannot be made to a survivor under subparagraph (5) of this paragraph, payment is authorized to be made for the use and benefit of mentally disabled survivors who are otherwise qualified, or survivors under 17 years of age who are otherwise qualified, to a person selected under the provisions of § 536.75 (h) and (j). Such payments will not be made without a written and signed statement executed by the person selected to receive the payment for the use and benefit of the survivor containing a statement that the proceeds of the payment will be used for the exclusive benefit of the survivor and such other recitals and supported by such additional evidence as the selecting officer may require. In such cases, the check covering the payment will name the payee thereof as follows: "Richard Roe, for the use and benefit of (name of survivor)."

* * * * *

[C1, AR 35-1340, Aug. 25, 1952] (sec. 5 (b), 58 Stat. 10, sec. 505 (b), 66 Stat. 690; 38 U. S. C. 691e (b))

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10393; Filed, Sept. 24, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Federal Security Agency

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

FEE FOR SUPERVISION

Notice having been published in the FEDERAL REGISTER on July 22, 1952 (17 F. R. 6717), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner for Social Security and the Federal Security Administrator, proposed to prescribe certain regulations in lieu of the § 301.6 of the present regulations of the Bureau of Federal Credit Unions (45 CFR 301.6) and that prior to the official adoption of the proposed regulations consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulations proposed to be adopted having been set forth in the FEDERAL REGISTER on page 6717 (17 F. R. 6717), and the 30-day period having elapsed and no data, views, or arguments pertaining to the proposed regulation having been submitted, the proposed regulations as printed in the FEDERAL REGISTER (17 F. R. 6717), and as amended by inserting "FCU-544" in paragraph (a) (3) after the words, "Manual of Accounting Procedure for Federal Credit Unions" are hereby adopted and promulgated as set forth below thirty days after the date of

publication of this document in the FEDERAL REGISTER.

Section 301.6 is hereby amended to read as follows:

§ 301.6 *Fee for supervision*—(a) *Extent of fee.* (1) Not later than January 31 of each calendar year, each Federal credit union shall pay to the Bureau of Federal Credit Unions, for the preceding calendar year, a supervision fee in accordance with the graduated scale set forth in subparagraph (2) of this paragraph on the basis of assets as of December 31 of such preceding year, but such fee shall in no event be less than $10: *Provided, however,* That no such annual fee shall be payable by such an organization with respect to the year in which its charter is issued or the year in which final distribution is made in liquidation of the credit union or the charter is otherwise canceled.

(2) Scale of supervision fees:

Total Assets	*Maximum Fee*
$500,000 or less	30 cents per $1,000;
Over $500,000 and not over $1,000,000	$150, plus 25 cents per $1,000 in excess of $500,000;
Over $1,000,000 and not over $2,000,000	$275, plus 20 cents per $1,000 in excess of $1,000,000;
Over $2,000,000 and not over $5,000,000	$475, plus 15 cents per $1,000 in excess of $2,000,000;
Over $5,000,000	$925, plus 10 cents per $1,000 in excess of $5,000,000.

Provided, however, That no fee shall be payable with respect to the last fractional part of $1,000 of total assets.

(3) Definition of assets: (i) The term "assets" as used in this section shall mean all items properly coming within the classification of asset accounts as stated in the Manual of Accounting Procedure for Federal Credit Unions, FCU-544 as revised.

(ii) The term "total assets" as used in this section shall mean the sum of all assets.

(b) *Supervision fee certificate.* The treasurer of each Federal credit union shall certify as to the correctness of the Supervision Fee Certificate, Form FCU 511 Rev. He shall send, not later than January 31 of each year, the original Supervision Fee Certificate and as many copies as the Bureau of Federal Credit Unions may request, together with a check in payment of the supervision fee stated on the Supervision Fee Certificate to be due, to the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office, and shall retain one copy of the Supervision Fee Certificate in the permanent files of the Federal credit union. Copies of the Supervision Fee Certificate form may be obtained from any Regional Office of the Bureau of Federal Credit Unions.

(c) *Checks in pyament of supervision fees.* All checks in payment of supervision fees shall be made payable to the Treasurer of the United States.

(d) *Audit of supervision fee computation and payment.* Whenever the Bureau of Federal Credit Unions makes a regular or special examination of a Federal credit union, the employee of the Bureau of Federal Credit Unions making the examination will audit the computation and payment of annual supervision fee(s) for the years which have elapsed since the last previous audit. Such employee shall adjust any errors in computation and the Federal credit union shall deliver to such employee a check payable to the Treasurer of the United States to cover the amount of any underpayment of the supervision fee(s). The decision of the employee of the Bureau as to amount due shall be final and conclusive: *Provided,* That the Federal credit union may make the supplementary payment subject to the results of an appeal from the employee's decision to the Regional Representative of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office: *Provided further,* That the Federal credit union shall file such appeal within 30 days from the date the employee's decision is made. If the audit discloses that an overpayment has been made, the employee of the Bureau of Federal Credit Unions is authorized to advise and assist the Federal credit union to prepare and file a request for a refund of the amount of overpayment. Such request should be addressed to the Regional Representative of the Bureau of Federal Credit Unions for the area in which the credit union maintains its principal office.

(Sec. 16, 48 Stat. 1221, as amended; 12 U. S. C. 1766)

Dated: September 5, 1952.

[SEAL] CLAUDE R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

Approved: September 18, 1952.

A. J. ALTMEYER,
Commissioner for Social Security.

Approved: September 18, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-10407; Filed, Sept. 24, 1952; 8:46 a. m.]

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 507—ENTITLEMENT TO AWARD

SUBPART C—REIMBURSEMENT TO RELIGIOUS ORGANIZATIONS AND PERSONNEL THEREOF

Part 507 is hereby amended as follows:

§ 507.50 *Religious organization functioning in the Philippine Islands.* (a) A "religious organization functioning in the Philippine Islands" for purposes of section 7 (a) of the act, means any church, sect, denomination, religious order or congregation, or any group, body, corporation, association or other entity formed for religious purposes, professing and adhering to the tenets of some particular religious faith or form of worship and which maintained under its auspices in the Philippine Islands, on or after December 7, 1941, a church, chapel, or other place of divine worship or a religious house, community, mission, convent or facilities for divine worship, or operated a school, dormitory, hospital, dispensary, orphanage or other like institutions under religious auspices; or any part, division or association of such churches, sects, denominations, religious orders, congregations, groups, bodies, corporations or entities.

(b) Within the contemplation of section 7 (b) of the act the term "such religious organization" shall be deemed to include a religious organization as defined in paragraph (a) of this section, but restricted to the religious organization which owned and operated the schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with their educational, medical, or welfare work at the time loss or damage was sustained.

(c) Within the contemplation of section 7 (c) of the act the term "such [affiliated] organization"[1] shall be deemed to mean a religious organization as defined in paragraph (a) of this section.

§ 507.51 *Affiliated with a religious organization in the United States.* A religious organization functioning in the Philippine Islands will be deemed to have been affiliated with a religious organization in the United States when (a) by its charter or articles of association, incorporation or its rules, regulations or constitution it was a branch, part or division of a religious organization operating in the United States; or (b) by its rules, regulations or customs was subject to the control or directions of the duly constituted authorities of a church, sect, or religious order operating in the United States; or (c) it was directly supported financially, in whole or in part, by a church, sect, or religious organization operating in the United States; or, furnished or exchanged personnel with such organizations under conditions determined by the Commission to be consistent with the intent and purpose of section 7 (a), (b), and (c) of the act.

§ 507.52 *Personnel*—(a) *Personnel of any such Philippine organization within the meaning of section 7 (a) of the act.* The personnel of such Philippine organization for purposes of section 7 (a) shall be deemed to include any person who held office therein by reason of appointment, ordination, consecration, profession, religious vows or other form of ceremonial admission to ministerial religious status, and any duly authorized representative, agent or employee of such organization.

(b) *Personnel of any such religious organization within the meaning of section 7 (b) of the act.* The term personnel of a religious organization for purposes of section 7 (b) of the act shall include only a person, group of persons (e. g. trustees, vestrymen or deacons, etc.), or any other individual or legal entity in whom legal title to that portion of the property for which claim is made is vested pursuant to the customs, practices, or usages of a religious organization as defined in § 507.50, for the beneficial use of such organization.

§ 507.59 *Definitions of "compensated"*—(a) *Compensated.* (1) The word "compensated" as employed in section 7 (b) of the act shall be deemed to include a computation of the loss or damage sustained, deducting therefrom any amounts which such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b) or any person or entity, has heretofore received from, or which have been expended by, the Philippine War Damage Commission or any other agency of the United States on account of the same loss or damage.

(2) In any case in which a claim may properly be filed under section 7 (c) of the act, no compensation for the same loss or damage may be authorized under section 7 (b).

(b) *"Compensated" within the meaning of section 7 (c) of the act.* Within the contemplation of section 7 (c) of the act, the term "compensated" shall be deemed to include a computation of the loss or damage sustained deducting therefrom any amounts which the Philippine War Damage Commission or any other agency of the United States has heretofore awarded and paid or expended on account of the same loss or damage.

§ 507.60 *Loss or damage sustained as a consequence of the war.* (a) Within the contemplation of section 7 (b) of the act, "loss or damage sustained as a consequence of the war" shall be deemed to include any such loss or damage which resulted directly from one or more of the following perils subsequent to December 6, 1941, and prior to August 15, 1945:

(1) Enemy attack;

(2) Action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy;

(3) Action taken by enemy representatives, civil or military, or by the representatives of any government cooperating with the enemy;

(4) Action by the Armed Forces of the United States in opposing, resisting, or expelling the enemy from the Philippines;

(5) Looting, pillage, or other lawlessness or disorder accompanying the collapse of civil authority determined by the Commission to have resulted from any of the other perils enumerated in this section or from control by enemy forces.

(b) Any award made pursuant to the provisions of section 7 (c) of the act shall be authorized only for loss or damage sustained as a consequence of the war as defined in paragraph (a) of this section.

[1] Bracket supplied.

§ 507.61 *"Other property or facilities connected with" within the meaning of section 7 (b) of the act.* The term "other property or facilities connected with" within the meaning of section 7 (b) of the act shall be deemed to include any property, both real and personal, owned by such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b), which was substantially used and necessarily maintained in the operation of its schools, colleges, universities, scientific observatories, hospitals, dispensaries, and orphanages in the furtherance of its work in the fields of education, medicine and welfare.

§ 507.62 *Educational, medical and welfare work within the meaning of section 7 (b) of the act.* Educational, medical and welfare work shall be deemed to include those programs, curricula and other duly constituted procedures and services essential to the functioning of educational, medical and welfare institutions, and which were regularly offered by such schools, colleges, universities, scientific observatories, hospitals, dispensaries and orphanages.

§ 507.63 *Any interest in.* The term "any interest in" as used in section 7 (c) of the act shall mean less than a freehold ownership but shall include substantial participation in the management and operation of a hospital by furnishing the equipment, teachers, nurses, or personnel by which such institutions were operated.

§ 507.64 *American citizens substantially composed the administrative staff.* The administrative staff of any hospital described in section 7 (c) of the act will be deemed to be substantially composed of American citizens where it is determined that persons, who are citizens of the United States, mainly, and for the most part, comprised or made up the personnel engaged in the management, conduct, direction or superintendence of the application of things, or functions of persons, in connection with and directly related to the operation of such hospital. Where a hospital within the purview of section 7 (c) has ceased operations, qualifications relating to the composition of the administrative staff will be determined as of December 7, 1941.

§ 507.65 *At the time of the outbreak of the war.* The phrase "at the time of the outbreak of the war" as used in section 7 (c) of the act, means December 7, 1941.

§ 507.66 *Postwar*—(a) *Real property.* (1) "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in cases where buildings, structures, installations, etc., have not been replaced or restored, the twelve-month period extending from October 1, 1951, to October 1, 1952.

(2) In cases where real property has been fully replaced or restored at the expense of an eligible claimant, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean the actual date on which the obligation was incurred or the calendar year during which the obligation was incurred.

(3) In cases where real property has been partially replaced or restored, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act, for that portion which has been replaced or restored shall be determined in accordance with subparagraph (2) of this paragraph, and as to that portion which has not been replaced or restored in accordance with subparagraph (1) of this paragraph.

(b) *Personal property.* "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in relation to personal property lost or damaged as a consequence of the war, the twelve-month period extending from October 1, 1951, to October 1, 1952.

§ 507.67 *Cost of replacement.* The term "cost of replacement" as used in the phrase "postwar cost of replacement" for purposes of section 7 (d) of the act shall be the amount determined to be fair and equitable within the limitations set forth in § 507.66, required to restore the property lost or damaged as defined in § 507.60 to the same actual functional capacity or degree of usefulness as existed immediately prior to the loss or damage.

§ 507.68 *In an amount sufficient to enable such organization to replace.* The term "in an amount sufficient to enable such organization to replace" as used in section 7 (c) of the act shall be construed in relation to both real and personal property in accordance with the formulae and limitations set forth in §§ 507.66 and 507.67: *Provided, however,* That the date to be used in determining the actual functional capacity or degree of usefulness shall be December 7, 1941.

§ 507.69 *The hospital's facilities and capacity.* The term "the hospital's facilities and capacity" as used in section 7 (c) of the act shall be deemed to be restricted to property, both real and personal, which was substantially used and necessarily maintained in the operation of such hospital as of December 7, 1941.

§ 507.70 *Equal to.* The term "equal to" as used in section 7 (c) of the act means the same actual functional capacity and degree of usefulness as existed on December 7, 1941.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup., 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10472; Filed, Sept. 24, 1952; 9:34 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by

the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of batches of antibotic and antibiotic-containing durgs (21 CFR 1951 Supp., 146; 17 F. R. 7885) are amended as indicated below:

1. In § 146.45 *Procaine penicillin in oil*, subparagraph (1) (iii) of paragraph (c) *Labeling*, change the figures "24" and "36" to read "36" and "48", respectively.

2. Section 146.62 is revised to read as follows:

§ 146.62 *Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing aureomycin; animal feed containing chloramphenicol; animal feed containing bacitracin.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin shall be exempt from the requirements of sections 502 (l) and 507 of the act under the following conditions:

(a) If it is intended for use solely as an animal feeding supplement and is conspicuously so labeled; or

(b) If it is intended for veterinary use in the cure, mitigation, treatment, or prevention of disease and it contains as the active drug ingredient only a drug certified under section 507 of the act for mixing in such animal feed, it has been mixed in accordance with the directions in the labeling of such certified drug, and the labeling of the animal feed bears only the indications and directions for use approved when the drug was certified.

3. In § 146.216 *Aureomycin therapeutic formula for animal feed* * * *, in the last sentence of paragraph (b) *Packaging*, the figure "10" is changed to read "50".

This order, which provides for a change in the expiration date for procaine penicillin in oil to a minimum of 36 months and a maximum of 48 months after the month during which the batch was certified; for the exemption from certification of animal feed containing antibiotic drugs if it is intended for use solely as an animal feed supplement and is conspicuously so labeled, or if it is intended for veterinary use in the cure, mitigation, treatment, or prevention of disease and it contains as the active drug ingredient only a drug certified under section 507 of the act for mixing in such animal feed, it has been mixed in accordance with the directions, and the labeling of such certified drug and the labeling of the animal feed bear only the indications and directions for use approved when the drug was certified; and for a change in the maximum size of container permitted for aureomycin therapeutic formula for animal feed from 10 pounds to 50 pounds, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I do so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: September 19, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-10416; Filed, Sept. 24, 1952; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 13 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. For the Fourth Quarter, 1952, the following entry and related submission dates are added:

Dept. of Comm. Sched. B No.	Commodity	Submission dates, fourth quarter, 1952
	Controlled materials: Commodities with processing code TNP1: Secondary tinplate products.	Oct. 6-Oct. 27, 1952.

b. The following submission dates for the First Quarter, 1953, are added thereto:

Dept. of Comm. Sched. B No.	Commodity	Submission dates, first quarter, 1953
	Controlled materials: Commodities with processing code TNPL: Specification production plate.	Oct. 6-Oct. 27, 1952.

c. The submission dates for the First Quarter, 1953, for Commodities with processing code STEE (Controlled Materials) are amended to read as follows:

Sept. 8-Oct. 6, 1952.

2. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended by deleting therefrom the following entries.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Blallek, William E., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2137, 3-12-52.
Croton Trading Co., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	do	17 F. R. 2137, 3-12-52.
Croton Trading Co. Inc., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	do	17 F. R. 2137, 3-12-52.
Leviant & Co., 239 Broadway, New York, N. Y.	6-1-52	9-1-52	Validated licenses, all commodities, any destination.	17 F. R. 4722, 5-23-52.
Leviant, Jacques, 239 Broadway, New York N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.
Leviant, Kalman, 239 Broadway, New York, N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.
Leviant, Riva, 239 Broadway, New York N. Y.	6-1-52	9-1-52	do	17 F. R. 4722, 5-23-52.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

This amendment shall become effective as of September 18, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10423; Filed, Sept. 24, 1952; 8:47 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 11 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

SEC. 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 679, dated September 18, 1952.

1. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.7):				
	Iron and steel (specify by name):				
619910	Steel shot [2]	Lb.[1]	STEE	100	RO
619910	Flexible tubing, except electrical [2]	Lb.[1]	STEE	1,000	RO
619910	Packing, nickel-bearing stainless steel [2]	Lb.[1]	STEE	100	RO
619910	Packing, non-nickel-bearing stainless steel [2]	Lb.[1]	STEE	100	RO
619910	Tubular steel scaffolding equipment [2]	Lb.[1]	STEE	1,000	RO
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
775360	Filters, fabricated of or lined with corrosion-resistant materials as defined in the "General Notes to Appendix A" [4]	----------	GIEQ 1	100	R
	Crushing, pulverizing and screening machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report construction and mining types in 728310-729990):				
775380	Specially fabricated parts for crushers and grinders [3]	----------	GIEQ	100	R
	Plastics and resin materials:				
	Synthetic resins, n. e. c., including film, monofilaments, and bristles (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985) (specify by name):				
	Molding and extrusion compounds, including scrap:				
825910	Plastic-type nylon (specify manufacturer's type number). [5]	Lb.	RESN	25	RO

[1] The unit of quantity "pound" is added.

[2] The commodities included in this Positive List entry are subject to (1) dollar-limit (DL) restrictions (see § 374.2), and (2) evidence of availability (see §373.16).

[3] The commodities included in this Positive List entry are (1) subject to dollar-limit (DL) restrictions (see § 374.2), and (2) are controlled materials (see §398.5).

[4] The above revised entry, effective Sept. 18, 1952, is substituted for the eighth entry presently on the Positive List under Schedule B No. 775360. The amendment clarifies the description without making substantive change.

[5] The above revised entry, effective Sept. 18, 1952, is substituted for the second and third entries presently on the Positive List under Schedule B No. 775380. The effect of this amendment is to increase the GLV dollar-value limit from $25 to $100 on parts specially fabricated for crushers and grinders for cement and lime-making machinery installations.

[6] The above revised entry is substituted for the first entry presently on the Positive List under Schedule B No. 825910. The effect of this amendment is to require the exporter to specify the manufacturer's type number. The commodities included in this Positive List entry are subject to dollar-limit (DL) restrictions (see § 374.2).

This part of the amendment shall become effective as of 12:01 a. m., September 25, 1952, except the revisions for filters (Schedule B No. 775360) and specially fabricated parts for crushers and grinders (Schedule B No. 775380) which shall become effective as of September 18, 1952.

2. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limit
619130	Metal powders: Aluminum or aluminum-bronze powders and pastes (aluminum content)	100

This part of the amendment shall become effective as of 12:01 a. m., September 18, 1952.

3. The letter "C" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer "Controlled Materials" as defined in § 398.5 of this subchapter. These entries otherwise remain unchanged on the Positive List.

Dept. of Commerce Schedule B No.	Commodity
	Castings, iron and steel, rough and semi-finished:
610050	Other railway car wheels (chilled iron wheels).
	Fabricated steel products:
618961	Other structural shapes, fabricated (specify by name).
618963	Plates, fabricated, punched or shaped n. e. c.
618965	Penstock for conducting water (sections fabricated from rolled steel plate).
618967	All other storage tanks, unlined (all steel grades) (specify type), field erected (report tanks when used as shipping containers in 619012, 619022).

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

This part of the amendment shall become effective as of September 18, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-10424; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 21]

DMO 21—ESTABLISHING A DEFENSE LOAN REVIEW COMMITTEE

By virtue of the authority vested in me by Executive Order No. 10193, and Executive Order No. 10161, as amended, and in order to improve the coordination and effectiveness of Federal policies and programs relating to loans under section 302 of the Defense Production Act of 1950, as amended, and section 310 of Executive Order No. 10161, as amended, *It is hereby ordered:*

1. There is established in the Office of Defense Mobilization a Defense Loan Review Committee which shall be composed of a Chairman designated by the Director of Defense Mobilization, a representative of the Reconstruction Finance Corporation, and a representative of the agency which has certified the loan being reviewed by the Committee as essential to the national defense pursuant to Executive Order No. 10161, as amended.

2. There shall be referred to the Committee, at the request of the certifying agency, any application for a loan under section 302 of the Defense Production Act of 1950, as amended, which the Reconstruction Finance Corporation has denied or has notified the certifying agency of its intention to deny, and which had been certified as essential to the national defense by the Secretary of Agriculture, the Defense Production Administrator, or the Defense Materials Procurement Administrator.

3. The Committee shall review each application so referred, determine whether the interest of national defense requires that the loan be granted, and make its report and recommendation thereon to the Director of Defense Mobilization.

4. This order shall take effect on September 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-10455; Filed, Sept. 24, 1952; 8:49 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 41, Amdt. 4]

CPR 41—SHOE MANUFACTURERS' REGULATION

SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 41 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends the provisions of Ceiling Price Regulation 41 on and after September 23, 1952. This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future.

Simultaneously with the issuance of this amendment there is being issued an amendment to General Overriding Regulation 4, Revision 1 suspending the application of all ceiling price regulations to shoe sales, except for sales in the territories and possessions of the United States. CPR 41 was never made mandatory and many manufacturers and manufacturer-retailers covered by this regulation elected to remain under the General Ceiling Price Regulation. Also, manufacturers' sales of some footwear were covered by Ceiling Price Regulation 45, Ceiling Price Regulation 22 or Supplementary Regulation 8 to CPR 22. Wholesalers of shoes were subject to Supplementary Regulation 29 to the GCPR and retailers were under Ceiling Price Regulation 7.

As detailed at greater length in the statement of considerations for Amendment 7 to GOR 4, Rev. 1, being issued together with this amendment, sales of shoes are currently below ceiling prices. There is no prospect in the foreseeable future of a significant rise in shoe prices unless prices of raw materials for the shoes increase substantially. Hides and skins and leather, the principal shoe raw materials, are selling well below ceiling price levels and have been suspended from price control by Amendment 1 to Ceiling Price Regulation 2, Revision 2, issued April 28, 1952, and Amendment 4 to GOR 4, Rev. 1, issued June 23, 1952. The statements of considerations for those amendments explain in some detail the reasons for the Director's conclusion that the prices of these commodities will not increase materially in the foreseeable future.

It is therefore the judgment of the Director of Price Stabilization that price controls on shoes are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. This suspension will be terminated, in any event, when the suspension of ceilings on hides and skins or leather is terminated.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 41, as amended, is further amended by adding a new section, 32, to read as follows:

SEC. 32. *Suspension.* All provisions of this regulation are suspended on and after September 23, 1952. You must, however, continue to comply with section 26 of this regulation as to all records you were required to have on September 22, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it. The suspension of this regulation does not operate to place any of the commodities affected under the General Ceiling Price Regulation or any other ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall take effect on September 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10470; Filed, Sept. 23, 1952; 4:33 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 7]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF SHOES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds shoes and slippers made of leather, felted, knitted or woven fabrics, or rubber or plastics to the commodities suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1. This suspension action does not apply to manufacturer's sales of all-rubber shoes vulcanized as a unit or rubber-soled fabric-upper shoes vulcanized as a unit, or to any sales in the territories and possessions of the United States.

Heretofore sales of the footwear affected by this suspension action have been covered by Ceiling Price Regulation 41, Ceiling Price Regulation 45, the General Ceiling Price Regulation, Supplementary Regulation 29 to the GCPR, and Ceiling Price Regulation 7. CPR 41, Shoe Manufacturers' Regulation, covered most of the manufacturers' sales of shoes, but because this regulation was never made mandatory some manufacturers who otherwise would be subject to CPR 41 have elected to continue under the GCPR. Manufacturers' sales of a few items of footwear, such as babies' bootees and plastic overshoes, have been subject to CPR 45. CPR 41 and the GCPR have covered sales by manufacturer-retailers; Supplementary Regulation 29 to the GCPR has covered sales by wholesalers, and retailers have been subject to CPR 7 or the GCPR. An amendment suspending the application of CPR 41 is being issued together with this amendment to GOR 4, Rev. 1.

This suspension action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director of Price Stabilization, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

By Amendment 1 to Ceiling Price Regulation 2, Revision 2, and Amendment 4 to this revised general overriding regulation, sales of hides and skins and leather, the principal shoe raw materials, were suspended from price control. Despite a mild upturn in prices since their suspension from price controls, these basic shoe raw materials remain far below both former ceilings and the points at which controls would be re-imposed. Prices of cattlehides, as of mid-September 1952, were 44 percent below the prices in CPR 2, Revision 2, the suspended regulation governing the prices of hides and skins, and 30 percent below the level of prices at which controls would be re-imposed. All other types of hides and skins are also substantially below former ceilings. Hides, skins and leather are in adequate supply to meet the foreseeable demand and are not likely to increase materially in price within the foreseeable future.

The bulk of manufacturers' sales of shoes are now at levels generally from 10 to 15 percent or more below peak prices. A proportionate decline in prices is evident at the retail level. To a large extent the decline in shoe prices is a reflection of the decrease in raw material costs. Leather is by far the largest single cost item in the typical shoe. The Wholesale Price Index of the Bureau of Labor Statistics of the United States Department of Labor indicates that as of August 1952, the most recent month for which data are available, prices of footwear were 11.3 percent below the post-Korea peak of February 1951. Although the rate of decline has decreased perceptibly, there is no evidence of any significant reversal in the trend. Reports obtained from the shoe trade, both at the manufacturing and distributive levels, indicate further price declines in fall offerings of shoes.

The price decline has affected all types of shoes, whether used for dress or work purposes, or used by men, women or children. Manufacturers' prices of men's and boys' shoes, in August 1952, were 14.5 percent below the peak reached in February 1951. Women's and misses' shoes and children's and infants' shoes in August 1952 were 8.8 and 12.6 percent, respectively, below post-Korea peak levels.

The decline in shoe prices that has occurred at the manufacturers' level is also evident at the retail level. Retail prices of shoes reached a post-Korea peak in September 1951 and have consistently declined since that date. Data of the Bureau of Labor Statistics on retail prices of shoes are now available in detail only as late as June 1952. Due to the lag of several months between the time retailers make their purchases from manufacturers and their offerings to the consumer, June 1952 retail prices did not fully reflect the continuing decline in wholesale prices of shoes that has taken place since the beginning of 1952. This will be shown below. It is significant, however, that the data of the Bureau of Labor Statistics for June 1952 already showed a decline of 4.3 percent below the September 1951 peak for all types of shoes. Women's shoes were 5.6 percent below the peak and men's street and work shoes were 4.0 and 4.9 percent, respectively, below the peak. Children's shoes, however, showed a decline of slightly less than 1 percent from September 1951 to June 1952.

The decline in shoe prices is largely the result of the sharp drop in the cost of leather. In the case of children's shoes, the proportion of the cost of leather to the total cost of the shoes is less than in other types of shoes. Consequently, the drop in leather prices has not had as severe an effect on the prices of children's shoes.

Because of the lag mentioned above, more recent data were collected by a survey of three of the country's largest retailers. This survey shows that fall 1952 prices at retail have declined in relative proportion to the decline in manufacturers' prices. Retail prices have declined from the peak of 1951 by the following percentage ranges: men's and boys' shoes from 9.2 to 15.4 percent, though one low priced shoe declined only 7.6 percent; men's work shoes from 13.7 percent to 23.4 percent though one high priced shoe declined only 8.4 percent; women's and misses' shoes from 8.3 to 12.7 percent; and children's and infants' shoes from 8.5 to 14.7 percent, though one low priced shoe declined only 4.8 percent. It is, therefore, apparent that both manufacturers' and retail prices are materially below the 1951 peak prices.

Shoe manufacturing capacity in the United States is well in excess of six hundred million pairs per year, while the largest number ever produced in this country in a year (1946) was about five hundred thirty million pairs. During 1951, about four hundred eighty million pairs were produced, with an average work week of 36.8 hours for the employees engaged in shoe manufacture. The shoe manufacturing industry can supply any foreseeable demand with present capacity and work force. Unless there is a sustained surge of raw material prices, therefore, there does not appear to be any prospect of a significant rise in shoe prices.

Data available to the Director are inconclusive as to whether manufacturers' selling prices of the all-rubber and rubber and fabric vulcanized shoes have declined below ceiling prices to the same general extent as in the case of the other types of shoes. For this reason, and pending further study, the Director has concluded that sales by manufacturers of such rubber and vulcanized shoes should not be suspended at this time. At the retail level, however, these shoes are sold together with and in competition with other types of shoes. In the judgment of the Director, therefore, price controls of sales at other than the manufacturing level can safely be suspended.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, price ceilings on shoes will be reimposed when the suspension of ceilings on hides and skins or leather is terminated.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(k) Shoes and slippers made of leather, felted, knitted or woven fabrics, or rubber or plastics, except (1) manufacturer's sales of all-rubber shoes vulcanized as a unit and rubber-soled fabric-upper shoes vulcanized as a unit, and (2) any sales made in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10469; Filed, Sept. 23, 1952; 4:33 p. m.]

[Ceiling Price Regulation 7, Amdt. 23]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 23 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 7 generally requires sellers to keep for inspection by the Office of Price Stabilization all of their invoices and certain other records, for as long as the Defense Production Act of 1950, as amended, remains in effect and for a period of two years thereafter.

In an effort to minimize the burden of record keeping for sellers involved in extensive record keeping, it has been deemed advisable to change the requirements by providing that current records need not be kept more than two years. Most other regulations issued by the Office of Price Stabilization do not require the keeping of current records for longer than two years. Base period records, however, must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for a period of two years thereafter. The accompanying amendment to Ceiling Price Regulation 7 makes this distinction between current and base period records.

In the formulation of this amendment industry representatives, including trade association representatives, were consulted to the extent practicable and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended as follows:

1. Section 38b is amended by adding to paragraph (d) the following sentence: "The records you are required to keep by this paragraph must be kept for a period of two years."

2. The first undesignated paragraph of section 52 following the words "SEC. 52 *Records*" is amended to read as follows:

The records required by paragraph (a) and subparagraph (4) of paragraph (b) of this section must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. The records required by subparagraphs (1) and (2) of paragraph (b) of this section must be kept for a period of two years. All such records must be kept at your store, except in the case of certain chain stores for which special record-keeping requirements are provided in Supplementary Regulation 1 to this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective on September 29, 1952.

NOTE: The record-keeping and reporting requirements of the regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10490; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 13 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES, MAIL ORDER ESTABLISHMENTS AND DEPARTMENTALIZED ESTABLISHMENTS, CONSIGNORS AND CONSIGNEE OUTLETS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7 are included in a Statement of Considerations to an

accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended as follows:

1. Section 3 is amended by adding the following: "The notices or notifications the central or main office of the chain must send to its outlet under this section must be kept by the outlet for a period of two years."

2. The first paragraph of section 6 (f) is amended to read as follows:

(f) *Records.* You must keep the records required by subparagraphs (1) and (2) of this paragraph for two years. The records required by subparagraph (3) of this paragraph must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept in your main office.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective on September 29, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10491; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 1 to Supplementary Regulation 5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 5—SPECIAL METHODS FOR DETERMINING INBOUND TRANSPORTATION COST INCREASES

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Under the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 5 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 5 to Ceiling Price Regulation 7 are included in a statement of considerations to an accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISION

Supplementary Regulation 5 to Ceiling Price Regulation 7 is amended by amending the first paragraph of section 6 preceding paragraph "(a)" to read as follows:

1. SEC. 6. *Records.* The records required by this section, insofar as they relate to any matter which occurred in any base period specified in this supplementary regulation and the records required by section 3 and section 5 must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter. All other records required by this section must be kept for a period of two years. A seller electing to determine ceiling prices under any provision of this supplementary regulation must:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective on September 29, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10492; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Amdt. 1 to Supplementary Regulation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 6—ALTERNATIVE PRICING METHOD FOR RETAILERS WITH UNREPRESENTATIVE CATEGORY CHARTS

MODIFICATION OF RECORD KEEPING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order No. 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 6 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying this amendment to Supplementary Regulation 6 to Ceiling Price Regulation 7 are included in a Statement of Considerations to an accompanying Amendment 23 to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Section 5 of Supplementary Regulation 6 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 5. *Records.* In addition to the records you are required to keep by Ceiling Price Regulation 7 you must preserve for inspection by OPS for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter the following records:

(a) The OPS acknowledgment described in section 4 of this supplementary regulation.

(b) A copy of the report filed pursuant to section 4;

(c) The records referred to in paragraph (d) of section 4.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 29, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10493; Filed, Sept. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 33]

CPR 22 MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 33—INTRODUCTORY OFFERS DURING THE BASE PERIOD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 33 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides a procedure under which manufacturers may obtain an upward adjustment in the ceiling prices of commodities introduced during their base periods under CPR 22 or a supplementary regulation to CPR 22, at prices substantially below competitors' prices, and which consequently now have ceiling prices under CPR 22 which are out of line with those of competing commodities. They may also obtain adjustments in the ceiling prices of commodities whose ceiling prices have been established by reference to the former ceiling prices of such base period commodities.

When the General Ceiling Price Regulation went into effect, freezing all prices, it was recognized that some inequities would result. Various supplementary regulations, including SR 26 and SR 27, were issued to correct these inequities. Under SR 26 a manufacturer who was selling a commodity during the GCPR base period under the terms of a special deal at an abnormally low price, could obtain relief. Under SR 27 a manufacturer who had introduced a new commodity during the GCPR base period at a price substantially below his competitors' prices could obtain an upward adjustment in the price of such a commodity. Similarly, this supplementary regulation is intended to correct certain inequities arising from the use of CPR 22 base periods.

Under normal business conditions it is commonplace for manufacturers to price commodities which they are selling for the first time substantially below the level of competition. Sometimes this is done deliberately for the purpose of breaking into the market, with the intention of raising the price at a later time when a measure of demand or good will for the commodity has been created. At other times the manufacturer is inexperienced with the product, and inaccurate cost estimates lead him to believe that he can make a normal margin of profit on the commodity while selling at a price substantially below competition.

Under normal business conditions such initial prices are readily subject to adjustment by the individual manufacturer. In many cases which have come to the attention of the Office of Price Stabilization, such adjustments in the prices of commodities introduced during the year before Korea had been made by the effective date of GCPR, so that the GCPR ceiling prices of the commodities were in line with the level of prices prevailing for the same or substantially similar competing commodities.

However, under CPR 22 the manufacturers of these commodities were compelled to go back to their low base period prices in order to establish ceiling prices under that regulation. As a result, the addition of material and labor cost adjustment factors to comparatively low base period prices still gave manufacturers CPR 22 ceiling prices on their commodities which in many cases were substantially below the level of prices of the same or substantially similar competing commodities.

Under this supplementary regulation a manufacturer in such a position may apply to the Director of Price Stabilization for an adjustment which will raise the ceiling price of his commodity to the general level of ceiling prices prevailing for the same or substantially similar competing commodities. This adjustment may also be made for any new commodity whose ceiling price was established by reference to such a base period commodity.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, this supplementary regulation is generally fair and equitable, and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered.
3. How to apply for an adjustment under this supplementary regulation.
4. Action on applications.
5. Delegation of authority.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a procedure whereby CPR 22 ceiling prices predicated on unusually low base period prices due to an introductory offer during your base period may be adjusted upward. Included in the term "CPR 22 ceiling prices" are ceiling prices for any commodity established under CPR 22, under any supplementary regulation to CPR 22, or under CPR 161 by reference to a ceiling price established under CPR 22 or under one of the supplementary regulations thereto. This regulation does not prevent you from applying for an adjustment under any other regulation for which you are eligible.

SEC. 2. *Commodities covered.* You may apply for an adjusted ceiling price for any commodity which satisfies all the following conditions:

(a) Its present ceiling price has been established under CPR 22, under one of the supplementary regulations to CPR 22, or under CPR 161 by reference to a ceiling price established under CPR 22 or one of the supplementary regulations thereto.

(b) You had not prior to your base period delivered, contracted in writing to sell or offered for sale in the usual course of business that commodity or any commodity in the same product line.

(c) Its base period price, or the base period price of the commodity by reference to which you have determined its ceiling price, was substantially below the level of prices prevailing during the base period for substantially similar commodities on sales to the same classes of purchasers.

(d) Its present ceiling price is substantially below the level of current ceiling prices for substantially similar commodities on sales to the same classes of purchasers.

SEC. 3. *How to apply for an adjustment under this supplementary regulation.* An application under this supplementary regulation must be sent by registered mail to the Office of Price Stabilization, Washington 25, D. C. It must be signed by the seller, and must include his name and address and a statement identifying it as filed under this supplementary regulation. In addition, the application should contain the following information. If for any reason you cannot supply certain information called for by this section, state why you cannot in your application.

(a) *Base period commodities.* For each base period commodity whose ceiling price you wish to adjust, you must supply:

(1) A brief description of each base period commodity whose ceiling price you wish to adjust and of three substantially similar commodities sold by competing sellers during your base period. The description should cover construction, appearance, quality, or whatever other factors are traditionally considered as significant in your industry. If you have catalogues or specification sheets of these commodities, you may submit them in satisfaction of this requirement.

(2) The date on which you first delivered, contracted in writing to sell or offered the commodity for sale in the usual course of business.

(3) The selling prices to the largest class of purchaser of the four commodities described in subparagraph (1) on or around the date given in subparagraph (2) of this paragraph.

(4) Your current ceiling price, and the current ceiling or selling prices, if ceiling prices are not known, to your largest buying class of purchaser, of the competing commodities described in subparagraph (1).

(5) Your proposed ceiling price and the reasons why you believe this proposed ceiling price is in line with the current level of ceiling prices.

(b) *New commodities.* For each new commodity whose ceiling price you wish to adjust, you must supply:

(1) All the information called for by subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section with respect to the base period commodity which was used as the comparison commodity to determine the ceiling price of the new commodity whose price you wish to adjust.

(2) Your proposed ceiling price and the reasons why you believe this proposed ceiling price is in line with the current level of ceiling prices.

SEC. 4. *Action on applications.* You may not sell any commodity covered by your application at a price higher than the ceiling price otherwise established for it until an adjusted ceiling price has been authorized in writing by the Director of Price Stabilization, or a duly authorized Regional or District Director. An application under this supplementary regulation may be granted in whole or in part, or further information may be requested. Where adjusted ceiling prices are granted under this supplementary regulation, you may be required to notify your purchasers of the adjusted ceiling prices.

SEC. 5. *Delegation of authority.* The National Office of the Office of Price Stabilization may refer any application for adjustment filed pursuant to this supplementary regulation to the appropriate Regional Director. Any Regional Director, or any District Director authorized by the appropriate Regional Director, may in cases properly referred to him, take action in accordance with section 4 of this supplementary regulation.

SEC. 6. *Definitions.* Unless the context otherwise requires the terms used in this supplementary regulation have the same meaning as in CPR 22.

Base period. Your base period is determined by the base period you had elected to use, under CPR 22 or a supplementary regulation to CPR 22, for the commodity covered by your application.

Base period commodity. This means a commodity sold or offered for sale during your base period.

New commodity. A new commodity means any commodity first sold or offered for sale after June 24, 1950.

Effective date. This supplementary regulation to Ceiling Price Regulation 22 is effective September 29, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10486; Filed, Sept. 24, 1952; 11:03 a. m.]

[Ceiling Price Regulation 71, Supplementary Regulation 1]

CPR 71—Manufacturers of Sintered Tungsten Carbide Products and Mixed Powders

SR 1—Certain Manufacturers of Mixed Powder

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 71, is hereby issued.

STATEMENT OF CONSIDERATIONS

Since issuance of Ceiling Price Regulation 71 it has become apparent that the regulation, although generally fair and equitable to the group which it covers, may work an inequity on at least one manufacturer of mixed powders covered by the regulation. The provisions of this supplementary regulation are designed to correct this situation.

CPR 71 sets forth specific dollar and cents prices based upon the general industry price level prevailing during December 19, 1950, to January 25, 1951 (the base period of the General Ceiling Price Regulation) but under section 7 (a) requires that customary special discounts be reflected. At least one manufacturer charged, during the base period of the GCPR, a higher base price than that prevailing in the industry, but gave toolmakers to whom he sold mixed powders a higher discount which brought his net prices in line with those of his competitors. The result is that this manufacturer, who must use his high customary discount and the lower base price fixed in the regulation, has ceiling prices to some purchasers which are out of line with those of other producers.

This supplementary regulation will permit application for individual adjustment of ceiling prices under these circumstances, to bring the applicant's net ceiling prices for mixed powders in line with the net ceiling prices of his competitors established under the regulation.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Application for individual adjustment.
3. Order of adjustment.
4. Applicability of provisions of CPR 71.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits an adjustment of ceiling prices for certain producers of mixed powders. This adjustment will be given where the producer can show that prior to the issuance of CPR 71 his net prices were in line with those of other producers and that, because of an historical method of granting special customer's discounts, his ceiling prices to various classes of purchasers under CPR 71 are lower than the net ceiling prices of other sellers to the same classes of purchasers.

SEC. 2. *Application for individual adjustment*—(a) *Who may apply.* If you are a manufacturer of mixed powders covered by Ceiling Price Regulation 71 you may apply for an adjustment of your ceiling prices for such powders determined under the provisions of the regulation where:

(1) On January 25, 1951, you customarily sold mixed powders at base prices higher than those of other sellers but at net prices in line with the net prices charged by other sellers of mixed powders; and

(2) Your ceiling prices determined under the provisions of the regulation are below the ceiling prices established for other manufacturers of mixed powders as a result of the necessity of reflecting your special customer discounts.

(b) *How to file an application.* An application pursuant to this section must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following:

(1) Your name and address; a statement of the mixed powders you manufactured as of January 25, 1951, classes of purchasers to whom you sold, your base prices and the base price differentials, delivery terms, allowances, premiums and extras, deductions, guarantees, security terms and other terms and conditions of sale to each of the classes of purchasers;

(2) A statement of your existing ceiling prices for sales of mixed powders to your different classes of purchasers; including base price delivery terms, allowances, premiums and extras, deductions, guarantees, security terms, and other terms and conditions of sale;

(3) Identification of the mixed powders covered by your application and the classes of purchasers to which you wish to have your ceiling prices for these mixed powders adjusted.

(4) A statement of your net prices as of January 25, 1951, for the powders listed in subparagraph (3) for sale to the classes of purchasers listed in subparagraph (3) of this paragraph and the net prices of your two most closely competitive sellers for the same mixed powders to the same classes of purchasers as of January 25, 1951, together with the names and addresses of such sellers.

(5) A statement as to why your net ceiling prices which you wish adjusted are out of line with those of other sellers covered by CPR 71;

(6) A schedule of your proposed adjusted ceiling prices for mixed powders.

SEC. 3. *Order of adjustment.* Any adjustment pursuant to this supplementary regulation will be granted by Letter Order and the ceiling prices so established will be limited to an amount sufficient to bring your ceiling prices in line with the ceiling prices of other sellers under CPR 71.

SEC. 4. *Applicability of provisions of CPR 71.* Except to the extent expressly modified or supplemented by this regulation all provisions of CPR 71, including the reporting provisions, shall be applicable to any manufacturer subject to this regulation.

Effective date. This supplementary regulation is effective September 29, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10488; Filed, Sept. 24, 1952; 11:08 a. m.]

[Ceiling Price Regulation 74, Amdt. 13]

CPR 74—Ceiling Prices of Pork Sold at Wholesale

Dried Pork, Specialty Pork Products, and Prefabricated Retail Cuts

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 13 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 74 increases the ceiling prices for prefabricated retail pork cuts, specialty pork products and dried (other than aged, dry cured) pork products that are processed from pork cuts for which ceiling price increases were granted by Amendment 11 to CPR 74. This increase is necessary to permit continued production of these items.

After October, when the seasonal adjustments in ceiling prices for pork cuts are revised to reflect the then effective legal requirements of the Defense Production Act of 1950, as amended, the ceiling price increases provided by this amendment will be terminated.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 5 (c) is deleted and a new section 5 (c) is added to read as follows:

(c) *Prefabricated retail cuts.* (1) If you produced and sold a prefabricated retail cut prior to September 25, 1951, you may increase your ceiling price for that cut established under the General Ceiling Price Regulation (GCPR) by the dollars-and-cents amount by which the ceiling price provided by CPR 74, prior to July 29, 1952, for the wholesale pork cut from which that prefabricated retail cut is processed was increased effective July 29, 1952.

(2) If your ceiling price for a prefabricated retail cut that you purchase for resale was established under the General Ceiling Price Regulation before September 29, 1952, your ceiling price for that cut is increased by the dollars-and-cents amount your supplier is authorized to increase his ceiling price for this product on and after July 29, 1952.

(3) If, after September 29, 1952, you first sell a prefabricated retail cut which you purchase, your ceiling price for that cut is established under the provisions of the GCPR. If you are authorized to adjust your ceiling price pursuant to the provisions of this paragraph, you must give written notice of this to each buyer on the initial sale of that prefabricated retail cut to each buyer. A legible statement stamped on the invoice covering the initial sale of your product to each buyer indicating the amount of the increase in your ceiling price permitted by this section will be considered as meeting the requirements of this paragraph.

2. Section 5 (f) is deleted and a new section 5 (f) is substituted therefor to read as follows:

(f) *Purchasers of dried (other than aged, dry cured) pork or specialty pork product.* If you purchase a dried (other than aged, dry cured) pork or a specialty pork product for which the ceiling price of the producer of the product has been established either by letter order or by section 5 (g) of this regulation, your ceiling price for that product shall be the producers' ceiling price, as amended from time to time, plus any applicable additions provided for your sale of that product in Article IV.

3. A new section 5 (g) is added to read as follows:

(g) *Ceiling price adjustment for dried or specialty pork products.* (1) If, prior to September 29, 1952, your filing under section 5 (a) has not been acted upon by letter order, signed by the Director of Price Stabilization, either approving, modifying, or denying your application, you may increase your GCPR ceiling price for your dried or specialty pork product, which you produced and sold in 1950, by the dollars-and-cents amount by which the ceiling price provided by CPR 74, prior to July 29, 1952, for the wholesale pork cut from which that product is processed, was increased effective July 29, 1952.

(2) If you are authorized to adjust your ceiling price for your dried or specialty pork product pursuant to the provisions of this paragraph, you must give written notice of this to each buyer on the initial sale of your product to each buyer. A legible statement stamped on the invoice covering the initial sale of your product to each buyer indicating the amount of the increase in ceiling price permitted by this section will be considered as meeting the requirements of this paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 29, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10494; Filed, Sept. 24, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6, Revision 1, Corr.]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 6—Milk Products for Fluid Consumption in the Springfield, Massachusetts, Milk Marketing Area

CORRECTION

Due to an error, the symbol "$" was inserted before the figure "0.946" in the last sentence of Example No. 1 in section 5(b). Accordingly, that example is corrected by deleting the last sentence thereof and substituting therefor the following: "The equivalent rate of increase per quart of milk is, therefore, 0.946 cent per quart."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

JOSEPH M. MCDONOUGH,
Director of Region 1 Office,
Boston 9, Massachusetts.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10448; Filed, Sept. 23, 1952, 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 31, Corr.]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 31—Milk Products for Fluid Consumption in the Fall River, Massachusetts, Milk Marketing Area

CORRECTION

Due to an error, the symbol "$" was inserted before the figure "0.946" in the last sentence of Example No. 1 in section 5 (b). Accordingly, that example is corrected by deleting the last sentence thereof and substituting therefor the following: "The equivalent rate of increase per quart of milk is, therefore, 0.946 cent per quart."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH M. MCDONOUGH,
Director of Region 1 Office,
Boston 9, Massachusetts.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10449; Filed, Sept. 23, 1952, 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 34]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 34—Western Nevada Milk Marketing Area, State of Nevada

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at various levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate Regional or District Director. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the Western Nevada marketing area, consisting of Washoe, Pershing, Churchill, Lyon, Douglas, Ormsby and Storey Counties, on sales of fluid milk products within that area by processors, distributors, and operators of retail stores. Sales of milk products not covered by this regulation remain bound by the provisions of the General Ceiling Price Regulation.

This marketing area was selected after consideration of all relevant factors. The population within this area is reached by most of the large distributors. Nearly uniform conditions in this economic market apply in terms of labor and material costs. Raw milk product cost has been historically uniform throughout the area. The pattern of prices charged throughout the area has been based upon the processors' local prices, plus transportation, and this pattern has been retained.

This Area Milk Price Regulation provides for uniform adjustments over each seller's base period prices as originally determined under the General Ceiling Price Regulation. Various adjustments are provided for fluid milk items and cream items of different container size. These adjustments are based on an increase of 30 cents per pound butterfat together with an increase of $.005 per sales point in distributors' costs of direct labor, delivery labor, and containers.

These increases have been incurred since the first six months of 1950, which period is established as the base period for Supplementary Regulation 63. Calculations were based on data submitted by a representative number of processors and distributors including the largest firm in the area and one of the smaller, altogether representing approximately 55% of the volume sold in the area.

This regulation indicates a price for producer milk of $1.64½ per pound of butterfat for Grade A milk f. o. b. processors' plant, and is to be the basis for computing future parity adjustments.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, June 24, 1950, inclusive; and to all relevant factors of general applicability.

The director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items.
5. Ceiling prices of unlisted items.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Producer prices.
9. Rounding of fractions.
10. Transfer of business or stock in trade.
11. Prohibitions.
12. Violation.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation (hereinafter referred to as GCPR base period prices). These adjustments are for the listed milk products in designated types and sizes of containers sold in the Western Nevada milk marketing area to all classes of purchasers. It also provides a method for determining ceiling prices for the listed products sold in containers of other types and sizes as well as ceiling prices of products which are unlisted in this area milk price regulation but which are within the purview of Supplementary Regulation 63.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Western Nevada milk marketing area described as follows: The counties of Washoe, Pershing, Churchill, Lyon, Douglas, Ormsby and Storey.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors, and operators of retail stores. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to the General Ceiling Price Regulation as amended. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

SEC. 4. *Ceiling prices of listed items.*—(a) *How you determine your ceiling prices.* If you are a processor, distributor or operator of a retail store, your ceiling prices for the listed items shall be your GCPR base period prices plus the following uniform adjustments:

Products	Minimum butterfat content, percent	Container size	All classes of purchasers
Standard milk	3.5	½ pint	$0.0075
		Quarts	.03
		Gallon	.12
Half and half	12.5	½ pint	.02
		Pints	.01
		Quarts	.08
		Gallon	.32
Table cream	22.0	½ pint	.04
		Quarts	.16
		Gallon	.64
Whipping cream	38.0	½ pint	.065
		Quarts	.26
		Gallon	1.04
Chocolate and buttermilk	.5	Quarts	.02
		Gallon	.08
Skim		Quarts	.02

The above adjustments apply equally to sales in either paper or glass containers.

(b) *Reporting of ceiling prices.* Processors and distributors (but not operators of retail stores) shall report the ceiling prices resulting from the application of the uniform adjustments specified in paragraph (a) of this section to the District Office of the Office of Price Stabilization, 1475 Wells Avenue, Reno, Nevada, by registered mail, return receipt requested, no later than September 15, 1952. The report shall be filed on OPS Public Form 124 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation.

SEC. 5. *Ceiling prices of unlisted items.*—(a) *Listed products in unlisted types and sizes of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the dollar-and-cents differential which existed between your ceiling prices, determined pursuant to section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar, first, as to size, and, second, as to type and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Unlisted products.* Your ceiling price for a product which is not listed in section 4, but which is within the purview of Supplementary Regulation 63, shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the differential which you customarily used in the GCPR base period between the price of your comparison item and the price of the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product most similar in composition as to butterfat and other ingredients to the item for which you are determining a ceiling price, packed in the container most similar, first as to size and second as to type, and delivered to the same class of purchaser.

(c) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from, among others, discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(d) *Reporting of differentials and prices resulting therefrom for Processors and Distributors.* You shall report the ceiling prices computed pursuant to paragraphs (a) through (c) of this section and the differentials used in determining these ceiling prices to the District Office of the Office of Price Stabilization, 1475 Wells Avenue, Reno, Nevada, by registered mail, return receipt requested, no later than September 15, 1952. The report shall be filed on OPS Public Form 123 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation.

(e) *Modification of proposed ceiling prices by District Director of Price Stabilization.* The District Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices.*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the District Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the District Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a processor:* A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) *If you are a distributor:* A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122, which may be obtained from the District Director of the Office of Price Stabilization who issued this regulation.

SEC. 7. *Sellers who cannot price under other sections of this regulation.*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5, and 6, you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The prices provided in sections 4 and 5 of this regulation are based upon a producer paying price of $1.645 per pound of butterfat for Grade A milk f. o. b. processor's plant. This paying price shall be used as the basis for pertinent computation of parity adjustment under section 8 (a) of General Ceiling Price Regulation, SR 63.

(b) After the determination of your ceiling price under either sections 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 11. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 12. *Violation.*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk

products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective as of September 1, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

FRED C. BORLACHER,
Director, Reno District Office.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10450; Filed, Sept. 23, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 65]

CCPR, SR 65—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF PORK PRODUCTS

ADDITION OF ITEMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 2 to Supplementary Regulation 65 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Supplementary Regulation (SR) 65 to the General Ceiling Price Regulation (GCPR) places retail sales of specialty pork products, prefabricated retail pork cuts and dried pork under SR 65.

Amendment 13 to Ceiling Price Regulation 74 increased the ceiling prices of the above-mentioned products. In the absence of this amendment to SR 65 retailers could not pass on their increased costs of these products, except for aged dry cured pork, and retail margins would have been squeezed. This amendment provides for an increase or reduction each week in a retailer's GCPR price for each of these products by the amount of the difference between his cost of each in the base week and his cost of each in the week preceding the one in which each is being sold, in the same way retailers now calculate their ceiling prices for retail pork cuts derived from wholesale pork cuts they buy.

In formulating this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable statutory standards.

AMENDATORY PROVISIONS

Supplementary Regulation 65 to the General Ceiling Price Regulation is amended in the following respects.

1. Section 4 is amended to read as follows:

SEC. 4. *Exclusions.* This regulation does not apply to:

(a) Pork items exempted by General Overriding Regulation 7, as amended;

(b) Sausage;

(c) Sterile canned meat;

(d) Canned pork produced in Europe; or

(e) Mail order retail sales.

2. Section 13 (p) is amended to read as follows:

(p) "Wholesale pork cuts" means

(1) Those cuts, not including dressed hogs, listed and defined in Appendix 2 of Ceiling Price Regulation 74; and

(2) Specialty pork products defined in section 60 (x) of Ceiling Price Regulation 74; and

(3) Prefabricated retail cuts defined in section 60 (bb) of Ceiling Price Regulation 74.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10495; Filed, Sept. 24, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 8]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

EXEMPTION OF LIQUID WHEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, exempts liquid whey from price control. Liquid whey is a by-product of cheese manufacturing. Most of this liquid whey never enters commercial channels and most of the small percentage remaining is dried for use as an animal feed ingredient. Liquid whey is of slight significance in the cost of living and its continuation under price control does not justify the administrative burden it imposes.

Before issuing this amendment, the Director of Price Stabilization has consulted extensively with individual members of the industry affected as well as with trade association representatives. In view of the foregoing, a formal meeting with an industry advisory committee was deemed to be unnecessary and impracticable. It is the judgment of the Director that the provisions of this amendment comply with all the requirements of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended by the addition of a new subdivision (i) to read as follows:

(i) Milk Products:
(1) Liquid whey.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10489; Filed, Sept. 24, 1952; 11:08 a. m.]

[General Overriding Regulation 38]

GOR 38—FREE DELIVERY OF SMALL PARCELS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this General Overriding Regulation 38 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 21 to Ceiling Price Regulation 7, issued July 9, 1952, permits a retailer "to discontinue a practice of delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser."

Amendment 21 applies only to the delivery of items covered by CPR 7. Since most retail stores carry items covered by regulations other than CPR 7, it has been determined to extend the principle of the amendment to these items. The effect of this extension upon the cost of living is insignificant. It does, however, eliminate the administrative burden placed on retailers by the necessity of separating CPR 7 items from non-CPR 7 items at the time of sale or delivery.

In the formulation of this General Overriding Regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

SECTION 1. *What this general overriding regulation does.* This general overriding regulation authorizes retailers to discontinue delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser. It shall not be deemed a violation of any regulation covering sales at retail for a retailer to discontinue such practice.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This General Overriding Regulation is effective September 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10496; Filed, Sept. 24, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, Amdt. 2 of Sept. 23, 1952]

M-8—TIN

MODIFICATION OF CERTAIN END USE RESTRICTIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

NPA Order M-8, as issued July 21, 1952, and as amended by issuance of Amendment 1 thereto on August 1, 1952, is hereby further amended in the following respects:

AMENDATORY PROVISIONS

1. Subparagraph (3) of paragraph (b) of section 8 is changed to read as follows:

(3) Solder containing no more than 40 percent tin by weight (such solder may be used, however, only in accordance with the provisions of Schedule II of this order);

2. Item (3) of Schedule II is changed to read as follows:

(3) For a filler or smoother for the production or repair of automobile or truck (3) 30 bodies or fenders or for similar purposes.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect September 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-10453; Filed, Sept. 23, 1952; 12:58 p. m.]

[NPA Order M-22 as Amended September 24, 1952]

M-22—DISTRIBUTION AND USE OF ALUMINUM SCRAP

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amended order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

EXPLANATORY

NPA Order M-22, as last amended December 17, 1951, is hereby further amended by removing therefrom the requirement that owners or generators of scrap file Form NPAF-152, and by revising the provisions respecting requests for adjustment or exception, records and reports, communications, and violations so that these provisions conform to corresponding provisions in more recent NPA orders and regulations.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Segregation of aluminum scrap.
4. Restrictions on distribution of aluminum scrap.
5. Restrictions on use of aluminum scrap.
6. Allocations and directives.
7. Restrictions on toll agreements.
8. No acquisition or delivery in violation of order.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The primary purpose of this order is to regulate the segregation, acceptance, delivery, and distribution (whether on purchase, toll agreement, or otherwise) of aluminum scrap. The order also prohibits undue accumulations of such scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, the principal ingredient of which by either weight or volume is metallic aluminum, or from which metallic aluminum may be recovered by sweating, either of domestic generation or imported in either loose or scrap pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings.

(c) "Producer" means any prime producer of metallic aluminum from the raw material alumina.

(d) "Smelter" means any person who maintains the necessary sorting and preparation equipment and who remelts virgin metal or scrap to produce properly alloyed, refined, chemically tested, specification casting ingot and metallurgical shapes for sale to other persons, and who has the testing equipment and technical knowledge necessary to perform this function without downgrading or waste.

(e) "Reclaimer" means any person who reclaims aluminum from scrap contaminated with extraneous materials in a furnace, crucible, or sweater operation. A "reclaimer" produces only unrefined metal which is not alloyed to a given specification or which is not otherwise properly controlled or refined, and which is sold as reclaimed scrap pig to a producer or a smelter.

(f) "Dealer" means any persons regularly engaged in the business of buying and selling aluminum scrap.

(g) "Generator of aluminum scrap" means any person who in salvage, manufacture, or fabrication produces aluminum scrap.

(h) "Fabricator" means a person who produces for sale (in whole or in part) the following mill products:

Plate, sheet (coiled or flat), or foil.
Extrusion or tubing.
Rod, bar, or wire.
Powder (atomized or flake, including paste).

(i) "Foundry" means a person who produces aluminum or aluminum alloy cast shapes by melting for use in rough or finished form, without further rolling, drawing, or extruding operations.

(j) "Ingot" means aluminum as cast to specific composition for remelting.

(k) "Pig" means aluminum of variable composition as produced in an electric reduction furnace.

(l) "Scrap pig" means unrefined aluminum of variable composition as produced in a reclamation operation.

SEC. 3. *Segregation of aluminum scrap.* (a) Any generator of aluminum scrap shall segregate such scrap by alloy and shall not mix scrap of one alloy with any other alloy or material: *Provided, however,* That this segregation requirement does not apply to skimmings, drosses, grindings, buffings, and sawings.

(b) Any dealer receiving aluminum scrap in segregated form must maintain such segregation.

SEC. 4. *Restrictions on distribution of aluminum scrap*—(a) *Delivery by scrap owners and generators.* Except as provided in section 5 (a) of this order, any person (other than a producer, smelter, reclaimer, fabricator, or dealer) who owns or generates any aluminum scrap shall deliver such scrap to a producer, smelter, reclaimer, fabricator, or dealer, and shall not dispose of such scrap in any other way.

(b) *Time of delivery.* Except as provided in section 5 (a) of this order, any person who generates or holds any aluminum scrap shall deliver all such scrap to a producer, reclaimer, smelter, fabricator, or dealer at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur.

(c) *Delivery by dealers.* Dealers shall deliver all aluminum scrap which they

receive at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 30 days, whichever shall first occur. A dealer shall deliver aluminum scrap only to a producer, smelter, reclaimer, or fabricator: *Provided, however*, That (1) any dealer may deliver any aluminum scrap to another dealer if, in the regular course of business, he does not collect sufficient scrap to make it practicable for him to deliver directly to a producer, smelter, reclaimer, or fabricator; except that a dealer who has received from another dealer scrap in a lot of 20,000 pounds or more may sell or deliver such scrap only to a producer, smelter, reclaimer, or fabricator, but not to another dealer; and (2) any dealer may deliver scrap reusable in the form in which received to any consumer of controlled materials who is entitled to receive and use it under applicable regulations and orders of the National Production Authority and who may elect to use it in lieu of aluminum in the forms and shapes listed in Schedule I of CMP Regulation No. 1. Any consumer who receives aluminum scrap as provided herein, shall charge such aluminum against his CMP allotment.

SEC. 5. *Restrictions on use of aluminum scrap.* (a) Except as provided in section 4 (c) of this order, no person other than a producer, smelter, reclaimer, or fabricator shall melt, reprocess, smelt, or otherwise use aluminum scrap: *Provided, however*, That a foundry may remelt its own gates, risers, and sprues, and its defective, rejected, and obsolete castings, if by so doing it does not degrade or contaminate the aluminum alloy: *And provided further*, That any person other than a producer, smelter, reclaimer, or fabricator who uses aluminum scrap in his regular operations (such as a chemical plant, steel mill, etc.) may request the National Production Authority for authorization to use aluminum scrap in such operations. Any such authorization will specify the type and grade of aluminum scrap to be used for the stated purpose.

(b) No person shall use a type of aluminum scrap, scrap pig, or ingot for a purpose or a process in which a lower grade is suitable.

(c) No person who melts, smelts, or otherwise reprocesses aluminum scrap shall downgrade such scrap.

SEC. 6. *Allocations and directives.* The National Production Authority from time to time may allocate scrap and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap to be delivered or acquired by such person.

SEC. 7. *Restrictions on toll agreements.* No aluminum scrap shall be delivered or received pursuant to any existing or future toll, conversion, or repurchase agreement, or any similar arrangement, without the prior written approval of the National Production Authority: *Provided, however*, That aluminum scrap owned by a fabricator may be shipped to a producer or to another fabricator for conversion into any product usually purchased by such fabricator, without specific approval of the National Production Authority. All approvals of toll transactions granted by the National Production Authority prior to the effective date of this order are hereby revoked as to all shipments of scrap not made on or before September 30, 1951.

SEC. 8. *No acquisition or delivery in violation of order.* No person shall acquire or deliver aluminum scrap if he knows or has reason to believe that such material has been or will be used in violation of this or of any other order of the National Production Authority.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. A producer, smelter, or fabricator shall keep his own metallurgical heat or furnace charge records, indicating the grade, quality, and weight of aluminum charged; the weight of the finished aluminum recovered; and the analysis thereof. A reclaimer shall keep a furnace charge record indicating the types and quantities of scrap treated. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) All persons who melt, smelt, or reclaim any aluminum scrap, shall file with the Department of the Interior, Bureau of Mines, Washington 25, D. C., in duplicate, the following reports on or before the fifteenth day of the month following the period reported: (1) Smelters and reclaimers shall file Form 6–1114–M monthly; (2) producers, fabricators, and all other persons consuming aluminum scrap or secondary ingot (such as iron and steel plants and foundries and chemical producers), except foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot, shall file Form 6–1111–M monthly; and (3) foundries consuming less than a total of 12,000 pounds annually of scrap and secondary ingot shall file Form 6–1111–Q quarterly.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–22.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect September 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–10485; Filed, Sept. 24, 1952; 10:58 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 6]

DFO–3—AGRICULTURAL IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.), and having determined that the following amendment of Defense Food Order 3, as amended (17 F. R. 6088), is necessary or appropriate to carry out the provisions of said act and the revised determination made by the Secretary of Agriculture under section 104 of the act, said Defense Food Order 3, as amended, is further amended as hereinafter set forth. Defense Food Order No. 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and, to effectuate such determinations, must be made effective as soon as possible. The amendment relieves certain restrictions currently imposed by the order and must be made effective promptly if it is to be of maximum benefit to importers. The order affects numerous segments of the economy and time does not permit consultation with all affected segments. Therefore, consultation with industry representatives on the amendment is impracticable and has been omitted.

SUMMARY OF AMENDMENT

Section 6 of Defense Food Order 3, as amended, provides that the Administrator will from time to time remove commodities from the list in Appendix A thereof in accordance with determinations by the Secretary of Agriculture under section 104 of the act. In order to implement the Secretary's revised determination, this amendment deletes Stilton cheese and all varieties of Italian type cheese except the following from import restrictions: Romano, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz.

This amendment, effective October 1, 1952, also contains a clarifying change with respect to varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda, by expressly stating that substitutes for cheese are included in this category.

Appendix A of Defense Food Order 3, as amended (17 F. R. 6088), is hereby amended in the following respects:

1. Delete the listing "Italian cheese (B)" and the applicable Commerce Import Class Nos. from Appendix A and insert, in lieu thereof, the following:

Italian type cheese of the following varieties (B):	
Romano in original loaves made from cow's milk	0046.010
Reggiano in original loaves	0046.110
Parmesano in original loaves	0046.120
Provoloni in original loaves	0046.230
Provolette in original loaves	0046.250
Sbrinz in original loaves	0046.940

2. Delete the listing "Blue mold cheese (B)" from Appendix A and insert, in lieu thereof, the following:

Blue Mold cheese, except Stilton (B).

3. Delete the listing "Varieties of cheese containing, or processed in whole or in part, from Cheddar, Blue Mold, Edam and Gouda (B)" from Appendix A and insert, in lieu thereof, the following:

Varieties of cheese (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda (B).

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1952. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to the effective date hereof, all the provisions of said Defense Food Order 3, as amended, in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO–3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52–10504; Filed, Sept. 24, 1952; 12:04 p. m.]

[Import Determination re DFO–3, Revision 2]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

On July 3, 1952 (17 F. R. 6090), the Secretary of Agriculture made a determination, pursuant to the authority vested in him by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), relating to certain imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States. Such determination was made upon the basis of facts then available and, as stated therein, would be subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act. Upon the basis of facts available at present, it is hereby determined that the revision, as hereinafter set forth, of the determination of July 3, 1952, is necessary or appropriate in effectuating the purposes of the act.

The Import Determination re DFO–3, Revision 1 (17 F. R. 6090), is hereby revised to read as follows:

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), it is hereby found and determined that imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

SECTION 1. This determination applies to all types and varieties of the following listed commodities and products except as otherwise specified:

Butter.[1]
Butter oil.[2]
Casein and lactarene, and mixtures in chief value thereof, n. s. p. f.[3]
The following types and varieties of cheese:
Italian type cheese of the following varieties:[4]
Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.
Cheddar.[5]
Blue Mold,[6] except Stilton.
Edam and Gouda.[7]
Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda.[8]
Flaxseed (linseed).[9]
Linseed oil, and combinations and mixtures, in chief value of such oil.[10]
Malted milk and compounds, or mixtures of or substitutes for milk or cream.[11]
Skimmed, dried milk (nonfat, dried milk solids).[12]
Peanuts (blanched, roasted, prepared, preserved).[13]
Peanuts (shelled, not shelled).[14]
Peanut oil (ground nut oil).[15]
Paddy rice.[16]
Uncleaned or brown rice.[17]
Cleaned or milled rice.[18]
Cleaned Patna rice for use in canned soups.[19]
Broken rice.[20]

SEC. 2. Importations during the period from July 1, 1952, through June 30, 1953, of the following commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104 of the Defense Production Act, as amended:

(a) Casein or lactarene and mixtures in chief value thereof, n. s. p. f., in an aggregate quantity not in excess of 40,000,000 pounds;

(b) Cheddar cheese in an aggregate quantity not in excess of 8,500,000 pounds;

[1] Commerce Import Class No. 0014.000
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class No. 0943.000.
[4] Commerce Import Class Nos. 0046.010, 0046.110, 0046.120, 0046.230, 0046.250, and 0046.940.
[5] Commerce Import Class No. 0046.490.
[6] Commerce Import Class No. 0046.600.
[7] Commerce Import Class Nos. 0046.750 and 0046.790.
[8] Commerce Import Class No. 0046.990.
[9] Commerce Import Class No. 2233.000.
[10] Commerce Import Class No. 2254.000.
[11] Commerce Import Class No. 0041.900.
[12] Commerce Import Class No. 0041.100.
[13] Commerce Import Class No. 1330.080.
[14] Commerce Import Class Nos. 1367.000, 1368.000.
[15] Commerce Import Class No. 1427.000.
[16] Commerce Import Class No. 1051.000.
[17] Commerce Import Class No. 1051.100.
[18] Commerce Import Class No. 1053.000.
[19] Commerce Import Class No. 1054.000.
[20] Commerce Import Class No. 1059.200.

(c) The following varieties of Italian type cheese in an aggregate quantity not in excess of 8,000,000 pounds:

Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.

(d) Blue Mold cheese, except Stilton, in an aggregate quantity not in excess of 3,000,000 pounds;

(e) Edam and Gouda cheese in an aggregate quantity not in excess of 4,000,000 pounds;

(f) Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from Cheddar, Blue Mold, Edam, and Gouda, in an aggregate quantity not in excess of the quantity imported during the calendar year 1950;

(g) Malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order No. 3, as amended, to have none of the customary uses of butter;

(h) Registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(i) Brewer's rice;

(j) The listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00; and

(k) Such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

SEC. 3. This determination is made upon the basis of facts available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

SEC. 4. It is hereby deemed necessary, taking into consideration the broad effects upon international relationships and trade, that, with respect to each of the commodities and products listed in paragraphs (a), (b), (c), (d), (e), and (f) of section 2 hereof, additional imports of 15 percent of the respective aggregate quantity fixed for each such commodity or product be authorized.

SEC. 5. The provisions hereof shall become effective at 12:01 a. m., e. s. t., October 1, 1952, and shall supersede the determination of July 3, 1952 (17 F. R. 6090), under section 104 of the Defense Production Act, as amended, but said determination of July 3, 1952, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829, 6088), prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10505; Filed, Sept. 24, 1952; 12:04 p. m.]

[Defense Food Order 3, Sub-Order 3, Amdt. 1]

DFO-3—AGRICULTURAL IMPORTS

SO 3—STATEMENT OF POLICIES AND PROCEDURES RE IMPORT AUTHORIZATIONS FOR CERTAIN COMMODITIES

Sub-Order 3 (17 F. R. 6269), containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F. R. 6088), was issued pursuant to the authority vested by said amended Defense Food Order 3, under sections 101, 104, and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.). Said Defense Food Order 3 was further amended on September 23, 1952, to effectuate the determinations under the act, including the revised determination of the Secretary of Agriculture made on September 23, 1952. This amendment to Sub-Order 3 must be issued promptly in order to inform affected persons as soon as possible concerning the policies and procedures relating to import authorizations under the order. This amendment affects several segments of the economy and time is not available to permit consultation with all affected segments.

The most recent amendment to Defense Food Order 3, as amended, effective October 1, 1952, removed Stilton cheese and all varieties of Italian type cheese except the following from import restrictions: Romano, Reggiano, Parmesano, Provoloni, Provolette, and Sbrinz. Such amendment also contained a clarifying change with respect to varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam or Gouda, by expressly stating that substitutes for cheese are included in this category. This amendment to Sub-Order 3 changes the various classifications of cheese, set forth in section 1 (c) (3) thereof, so as to be in conformity with the foregoing amendment of October 1, 1952, to Defense Food Order 3.

Defense Food Order 3, Sub-Order 3 (17 F. R. 6269) is hereby amended by deleting the provisions of section 1 (c) (3) and inserting, in lieu thereof, the following:

(3) In the administration of this Sub-Order, each of the following classifications is considered to be a type of cheese:

Description	*Commerce Import Class No.*
Italian type cheese of the following varieties:	
Romano in original loaves made from cow's milk	0046.010
Reggiano in original loaves	0046.110
Parmesano in original loaves	0046.120
Provoloni in original loaves	0046.230
Provolette in original loaves	0046.250
Sbrinz in original loaves	0046.940
Cheddar	0046.490
Blue Mold, except Stilton	0046.600
Edam and Gouda	0046.750 and 0046.790
Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda	0046.990

This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO-3, Sub-Order 3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-10506; Filed, Sept. 24, 1952; 12:05 p. m.]

[Defense Food Order 3, Sub-Order 4]

DFO-3—AGRICULTURAL IMPORTS

SO 4—REVOCATION OF IMPORT AUTHORIZATIONS WITH RESPECT TO ITALIAN TYPE CHEESE

Pursuant to the authority vested in me by section 11 and 13 of Defense Food Order 3, as amended, it is hereby determined that this order of revocation is necessary to effectuate the current determinations, under section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074).

Both the revised determination of the Secretary of Agriculture and the most recent amendment to Defense Food Order 3, as amended, which are to become effective October 1, 1952, exclude from import controls certain varieties of Italian type cheese. It is, therefore, necessary that all outstanding import authorizations for Italian type cheese be revoked and new authorizations issued for imports, after September 30, 1952, of the controlled varieties of Italian type cheese in quantities consistent with the revised determination of the Secretary. Consultation with industry representatives in the formulation of this order has been rendered impracticable since this order affects numerous segments of the economy and time is not available to permit consultation with all such segments.

SUMMARY OF ORDER

The effect of this order is to revoke, as of October 1, all import authorizations with respect to Italian type cheese that were heretofore issued pursuant to Defense Food Order 3, as amended. New import authorizations will be required for the importation, on or after October 1, 1952, of any variety of Italian type cheese remaining under import control.

It is hereby ordered that all authorizations issued under Defense Food Order 3, as amended (17 F. R. 6088), prior to the issuance of this revocation order, for the importation of Italian type cheese of any variety are revoked effective at 12:01 a. m., e. s. t., October 1, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 23d day of September 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-10507; Filed, Sept. 24, 1952; 12:05 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 18 to Schedule B]

[Rent Regulation 2, Amdt. 19 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

GARY-HAMMOND DEFENSE-RENTAL AREA

Effective September 25, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of September 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 63 is added to Schedule B of Rent Regulation 1, reading as follows:

63. Provisions relating to the Gary-Hammond Defense-Rental Area (Item 102 of schedule A):

With respect to housing accommodations in the Gary-Hammond Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The housing accommodation had a maximum rent in effect on June 30, 1947 or January 1, 1951 or June 11, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Gary-Hammond Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 63 of Schedule B.

2. A new item 69 is added to Schedule B of Rent Regulation 2, reading as follows:

69. Provisions relating to the Gary-Hammond Defense-Rental Area (Item 102 of Schedule A):

With respect to housing accommodations in the Gary-Hammond Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on June 11, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Gary-Hammond Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 69 of Schedule B.

[F. R. Doc. 52-10418; Filed, Sept. 24, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF NEW JERSEY TURNPIKE (TOLL HIGHWAY) BY COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 16th day of September A. D. 1952.

The above-entitled matter being under consideration:

It appearing, that the Commission has received many inquiries regarding the use of the New Jersey Turnpike as an alternate route by common and contract motor carriers of property subject to the Interstate Commerce Act;

It further appearing, that the said Turnpike is a modern toll highway in which there are improvements in design and construction over other highways in that region, including the elimination of cross traffic, reduction in grades, lengthening of curves, and widening of the pavement; that its use as an alternate route by motor carriers of property, as indicated below, would promote economical operation, improve the service rendered to the public, serve purposes of national defense, and contribute to the promotion of safety on the highways; and that only in special and unusual instances will there exist reasons for denying to any carrier of property operating over these parallel highways permission to use the Turnpike as an auxiliary highway;

And it further appearing, that the use of the said Turnpike as an alternate route by motor carriers of property holding authority to operate over certain highways which parallel the Turnpike, as more fully described herein below, is or will be required by public convenience and necessity in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers, and the Commission so finding; therefore: It is ordered, that:

§ 211.5 *Use of the New Jersey Turnpike by motor carriers of property authorized to operate over parallel highways*—(a) *Parallel highways.* The New Jersey Turnpike and such additional highways as may be required in traveling by the shortest practicable route between authorized highways and the Turnpike in performing authorized operations, may be used as an alternate route, without obtaining prior authority therefor, by common and contract motor carriers of property subject to the Interstate Commerce Act who are authorized to operate over highways which parallel the Turnpike, as follows:

(1) The segment extending between the Delaware Memorial Bridge interchange and the Camden-Philadelphia interchange, by those authorized to operate over U. S. Highways 1, 13, 130, and New Jersey Highway 45;

(2) The segment extending between the Camden-Philadelphia interchange and the Bordentown-Trenton interchange, by those authorized to operate over U. S. Highways 1, 13, and 130;

(3) The segment extending between the Bordentown-Trenton interchange and the New Brunswick interchange, by those authorized to operate over U. S. Highways 1, 13, and 130, and New Jersey Highway 27;

(4) The segment extending between the New Brunswick interchange and the George Washington Bridge interchange, by those authorized to operate over U. S. Highways 1, 13, and 130, and New Jersey Highways 17, 25, and 27;

(5) The entire length of the Turnpike, that is, extending between the Delaware Memorial Bridge interchange and the George Washington Bridge interchange, by those authorized to operate over U. S. Highways 1, 13, and 130;

(b) *Conditions.* The use of the Turnpike as indicated in paragraph (a) of this section shall be subject in all instances to the following conditions:

(1) The carrier in each case shall give notice to the Commission, by letter setting forth a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave its authorized route and the point where it proposes to return to such route; a complete description by highway numbers of the proposed deviation route, including the portion of the Turnpike to be used, between the point where it proposes to leave its authorized route and the point where it will return to such route; and a list of all known competitors, with a statement that a copy of such letter notice has been served on each of those listed.

(2) The letter shall state that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the Turnpike will not enable the carrier to engage in transportation between any points where because of the circuity of its present routes, or otherwise, such operation is not now practicable.

(3) The right to use the Turnpike as an alternate route shall continue only so long as the carrier is entitled to use the highway or portion thereof described in its Certificate or Permit which parallels the Turnpike, in performing service authorized under the Interstate Commerce Act, and only so long as the conditions mentioned herein are observed.

(c) *Protests.* Any party in interest may file a protest within 30 days from the date a carrier gives notice of intent to operate over the Turnpike. Such protest may be in the form of a letter, should contain facts and information to support protestant's opinion that the carrier filing such notice cannot meet the terms of the above-specified conditions, and should reflect that a copy of the protest has been furnished to the carrier filing the notice. If such a protest is filed the Commission will give due consideration to all facts of record in the particular case, including the notice and protest, and will make a determination in accordance with those facts.

(d) *When applications required.* Motor carriers holding authority to operate over specified regular routes in New Jersey, which do not include the Turnpike or any of the highways specified above, who desire to use the Turnpike as an alternate route in performing their authorized service, must apply for and obtain such authority, using Form BMC 78, before operating over the Turnpike. If it appears that the use of the Turnpike by any such applicant would not result in a substantial change in its service between terminal points or to or from intermediate and off-route points, and would not enable the carrier to render service which is now impracticable because of the circuity of the carrier's presently authorized route, or otherwise, consideration will be given to the granting of authority without hearing and with or without restrictions.

(e) *Irregular-route operations.* If a motor carrier is authorized to operate within or through New Jersey over irregular routes, no specific authority is required from this Commission to use the New Jersey Turnpike in performing its authorized service.

It is further ordered, that this order shall become effective October 20, 1952, unless prior thereto it is otherwise ordered by this Commission.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10405; Filed, Sept. 24, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on August 17, 1951 (10 A. D. 1033) prescribing the rates and charges to be assessed by the respondent for stockyard services at the Denver Stock Yards, Denver, Colorado. On December 26, 1951, an order was issued (10 A. D. 1502) authorizing respondent to make certain modifications in its rates and charges.

On September 11, 1952, respondent filed a petition requesting authority to make certain additional modifications in its rates and charges. Those sections of respondent's current schedule of rates and charges modified as requested by the petition would read as follows:

SECTION 2

FEED, BEDDING, ETC. (SEE NOTE)

Prairie or alfalfa hay on fence: $2.40 per hundredweight.

Prairie or alfalfa hay fed out: $2.50 per hundredweight.

Corn: $2.35 per bushel measure.

Bedding: [1] $1.20 per bale.

Miscellaneous feed, current market price, f. o. b. Stock Yards, plus: $0.75 per hundredweight.

When feed other than the above is desired, it will be furnished, if obtainable, by special arrangement.

When livestock is fed or bedded or watered in cars, a charge of $2 per deck will be made in addition to the regular charge for feed or other material used.

When empty stock or box cars are bedded with hay or straw, a charge of 55 cents per deck will be made in addition to the charge for hay or straw used.

The selling price of feed, bedding, etc. at The Denver Union Stock Yards shall be as follows:

Hay (on fence), current market price, f. o. b. Stock Yards, plus: $0.50 per hundredweight.

Hay (fed), current market price, f. o. b. Stock Yards, plus: $0.60 per hundredweight.

Miscellaneous feed, current market price, f. o. b. Stock Yards, plus: $0.75 per hundredweight.

Corn, current market price, f. o. b. Stock Yards, plus: $0.45 per bushel.

Bedding, current market price, f. o. b. Stock Yards, plus: $0.40 per bale.

The charges on hay, corn and miscellaneous feed and bedding shall be divisible by 5 and the company shall amend its charges whenever the margin between the cost and the sale price varies 5 cents from the margin of profits set forth above. When feed other than that set forth above is desired, it will be furnished, if obtainable, by special arrangement.

[1] Hay may be furnished at the discretion of the Stock Yard Co.

NOTE: Applies only on market business; see section 3 for feed charges on transit business.

SECTION 5

DIPPING AND SPRAYING CHARGES (SEE NOTE)

Dipping charges will be as follows:

Cows, steers, and heifers: $0.50 per head—minimum $40 per lot.

Calves: $0.40 per head—minimum $40 per lot.

Bulls: $1.50 per head—minimum $40 per lot.

Lambs: $0.10 per head—minimum $40 per lot.

Ewes: $0.12 per head—minimum $40 per lot.

Bucks: $0.15 per head—minimum $40 per lot.

Spraying charges will be as follows:

Lambs: $0.10 per head—minimum $15 per lot.

Ewes: $0.12 per head—minimum $15 per lot.

Bucks: $0.15 per head—minimum $15 per lot.

This company will not be responsible for any loss or damage incident to dipping, unless insured with the company. The company will insure any kind of live stock against death for 1 percent of the declared value in addition to dipping charge. In the event insurance is desired, declaration of value and desire of insurance must be made when dipping order is placed.

All dipping and spraying is subject to the supervision and regulations of the Bureau of Animal Industry of the U. S. Department of Agriculture.

NOTE: These charges contemplate a standard charging of dip with chemical solutions. If double strength charge is ordered by user or by U. S. D. A. requirements, the additional chemicals used will be charged against the user at a rate of $5 per car or portion thereof in addition to regular charges and minimums set forth above.

SECTION 6

DISINFECTING CHARGES

Whenever the Bureau of Animal Industry or other governmental authority deems it necessary to disinfect any portion of this company's yards, occasioned by the movement of infected stock, the following will be collected from owner of such infected stock:

	Each
Pens, single load	$10.00
Pens, double load	14.00
Chutes	10.00
Alleys (same proportion as pens).	

*Item eliminated. Service not available (disinfecting stock cars).

**Item eliminated. Service not available (disinfecting stock trucks or trailers).

SECTION 8

SPECIAL SALES

This company maintains special stables, pavilions and auction facilities for the sale of livestock.

The use of such facilities and all services in connection therewith will be charged for under special agreement.

SECTION 11

MISCELLANEOUS

***Item eliminated. Service not available (use of facilities and water for cleaning and washing trucks).

	Cents per head
Delivering cattle and calves from truck unloading chutes to sales division	6
Delivering sheep and hogs from truck unloading chutes to sales division	1

Special arrangements may be made for water troughs and feed troughs, papering cars, partitions in cars, double decking cars, drayage, tying bulls, and other services not covered by tariff.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 22d day of September 1952.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52-10426; Filed, Sept. 24, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 136]

LEONARD SCHMERER, ET AL.

ORDER DENYING LICENSE PRIVILEGES

In the matter of: Leonard Schmerer, Simon Kaplan, Julia Considine, Leonard Schmerer & Co., Room 608, 90 Broad Street, New York, New York; Sherman International, Ltd., Room 608, 90 Broad Street, New York, New York, respondents; Case No. 136.

By charging letters dated December 13, 1951, the above-named respondents were charged by the Director, Investigation Staff, with a series of violations of the Export Control Act of 1949, as amended, and the regulations issued thereunder, occurring between December 1949 and June 1951, involving trafficking in licenses, falsifying documents filed with the Office of International Trade in support of pending applications, false representations on applications, improper and unauthorized use of licenses issued to others, duplication of applications for licenses, and false representations on shipper's export declarations and other export control documents effecting exportations. The majority of these violations were alleged to have been committed in concert with six (6) different hide and leather companies located in various cities in the United States and Canada.

The eligibility of respondents to participate as parties to any validated export licenses or to any exportations effected thereunder pending determination of these administrative compliance proceedings was suspended by the terms of the charging letters.

Charging letters were also served upon each of the said six (6) hide and leather concerns and their responsible officers or employees charging them with having participated with the above-named respondents in the commission of violations of the export control law and regulations. To date, one such company has admitted the charges applicable to it and has consented to the entry of an order under whose terms the company has been denied all export privileges for a period of sixty (60) days by order dated May 16, 1952 (17 F. R. 4723), and the officer of said company who was responsible for such violations has been denied all export privileges for fifteen (15) months by order issued May 21, 1952 (17 F. R. 4826). The proceedings against the other cited concerns are pending and will be disposed of in due course.

After receiving the charging letters mentioned above, respondents named herein conferred through their counsel and Leonard Schmerer with officials of the Office of International Trade and with the Compliance Commissioner. Thereafter, respondents submitted to the Office of International Trade, with the advice of and through counsel, a statement dated July 21, 1952, amended August 18, 1952, in which they admitted for the purpose of this compliance proceeding only the charges applicable to them in said charging letters, waived all rights to a hearing before the Compliance Commissioner and consented to the entry of an order, the terms of which are set forth below.

The charges, which respondents have admitted and to which they have entered their consent as above stated, are, in substance, the following: In the winter of 1950–51, respondents Leonard Schmerer & Co., a partnership, and Sherman International, Ltd., a domestic corporation, both engaged in the import-export of hides and skins, in which concerns Leonard Schmerer is the principal, held orders for large quantities of skins and hides from customers in Japan. Hides were in scarce supply and subject, therefore, to quota allocations established by the Office of International Trade governing their exportation. Respondents held, or had applied for, licenses to export such hides but knew that the likelihood of obtaining sufficient licenses to export the entire quantity of hides for which they held orders was remote in view of the known quotas established by the Office of International Trade for the export of hides and the share of such quotas respondents were likely to receive. With the intention of evading and circumventing such quota allocations and for the purpose of obtaining a larger number of licenses than they were entitled to so as to enable them to fill all of such orders, respondents took the following actions: [1]

Case No. 1; "A" Company, New York, N. Y. (A) Between December 1950 and May 1951, respondents prepared and filed or caused to be prepared and filed with the Office of International Trade twelve (12) applications for export licenses in the name of "A" to ship hides and skins purchased and to be purchased from "A" to their own consignees in Japan.

(B) In purported compliance with the Office of International Trade regulations, but without the knowledge or consent of "A," respondents prepared and filed in support of ten (10) such applications spurious, fabricated copies of documents purporting to evidence that "A" held accepted orders from the consignees named in the applications for the quantities of hides described therein.

(C) Without authority of the Office of International Trade, respondents used two (2) licenses, issued by the Office of International Trade to "A" in reliance upon the representations in said applications, to effect exportations for their own benefit and to ship hides to their own consignees, and prepared and caused "A" to execute three (3) shipper's export declarations relating to the exportations, one (1) such declaration covering a

[1] The names of the companies listed are withheld in view of the rule of confidentiality expressed in § 382.14 of the regulations.

quantity of skins purchased from a supplier other than "A."

(D) Respondents knew and intended that various of the applications filed in the name of "A" were duplicative of applications filed in the name of Leonard Schmerer & Co.; and knew and intended that such licenses would be used for their benefit to export from the United States larger quantities of hides and skins than they were permitted to export under validated licenses received by them or expected to be received by them under applications filed in the name of Leonard Schmerer & Co.

(E) The violation described in this paragraph was committed solely by respondents and the "A" Company was not a participant or involved therein.

(1) Respondents filed an application for a validated license on January 26, 1951, in the name of Leonard Schmerer & Co. to export to a customer in Japan a quantity of hides for which an order had been received, and on or about May 15, 1951, refiled said application;

(2) While said application was pending before the Office of International Trade and for the purpose of obtaining two (2) licenses to enable them to export a quantity of hides in excess of the order supporting the application, respondents filed a duplicate application on May 21, 1951, in the name of Sherman International, Ltd., therein falsely representing that Sherman International, Ltd., held an accepted order from the same customer in Japan described in the pending application (1) above, and, in purported compliance with the regulations, submitted in support of said application certain false and fabricated documents intended to evidence that Sherman International, Ltd., held an accepted order from the said customer for the hides described therein and an end-use statement, although Sherman International, Ltd., held no order whatsoever.

Case No. 2; "B" Company, New York, N. Y. (A) In June 1951, respondents entered into an arrangement with "B", whereby, for a consideration, "B" permitted respondents to have the use and benefit of a validated license issued by the Office of International Trade to "B", to export hides to their own customer in Japan. "B" asked the Office of International Trade for a consignee amendment to said license but returned the license at the request of the Office of International Trade and filed a new application, in lieu of the request for amendment. Said application falsely represented that "B" held an accepted order from the consignee in Japan regarding whom they had sought the amendment.

(B) Respondents prepared and filed in support of said application spurious, fabricated copies of documents as purported evidence that "B" held an accepted order and an ultimate consignee statement whereas "B", in fact, held no order whatsoever from the consignee.

(C) Respondents used the license issued to "B" on said application for their own benefit to export to their own customer hides purchased from other suppliers, and effected the export by a falsified shipper's export declaration misdescribing "B" as the exporter-seller and misdescribing the type of hides so exported.

Case No. 3; "C" Company, New York, N. Y. (A) During May 1951, respondents arranged with "C", whereby, for a consideration, "C" permitted respondents the use and benefit of three (3) export licenses issued to them to enable respondents to export hides to their customers in Japan.

(1) "C" amended three (3) licenses to show ultimate consignees who, in fact, were respondents' customers;

(2) Respondents fabricated false documents purporting to be evidence that "C" held accepted orders from the consignees named in the request for amendments, although "C" held no orders nor had received any orders whatsoever.

(3) Using the three (3) licenses as amended and issued to "C", respondents exported hides to their own customers in Japan, and effected the shipments by filing falsified shipper's declarations representing "C" as the exporter.

Case No. 4; "D" Company, Wilmington, Del. (A) Respondents, in the name of Sherman International, Ltd., applied for validated license on January 4, 1951, to export 1,385 hides to their customer in Japan; on March 6, 1951, respondents filed a request to amend and change the name of the consignee to another concern in Japan. In support of the applications, respondents filed a photostatic copy of a letter from the new consignee (February 22, 1951) certifying to the intended end-use of the hides.

(B) On January 8, 1951, respondents prepared and filed an application in the name of "D" which was in all respects a duplicate of the application in (A) above. "D" held no order from the Japanese customer.

(C) On March 6, 1951, respondents filed a request to amend and change the name of the consignee in the "D" application to the new consignee, just as they had done in the Sherman application (A) above, and submitted the identical photostatic copy of a letter from said consignee, dated February 22, 1951, certifying to the intended end-use of the hides except that this letter was ostensibly addressed to "D".

(D) The Sherman International, Ltd., license was issued by the Office of International Trade on March 13, 1951.

(E) The "D" license was issued by the Office of International Trade on March 13, 1951, but was not used and was subsequently surrendered to the Office of International Trade.

Case No. 5; "E" Company, Philadelphia, Pa. (A) Respondents, between December 1950 and January 1951, prepared and filed in the name of "E" two (2) applications for licenses to export to their own Japanese customer an aggregate of over 4,300 skins and hides, falsely representing that "E" held accepted orders for the commodities. Respondents also prepared and filed with the Office of International Trade in support of one (1) of these applications (for 1,825 skins) false and fabricated documents purporting to be evidence that "E" held an accepted order from such Japanese customer for the quantity of hides stated.

(B) In reliance upon the representations and certifications made in the applications and upon the purported evidence of an accepted order submitted to the Office of International Trade, two (2) licenses were issued to "E." although for a reduced quantity of 675 (out of 2,500 sought) as to the first application, but for the full quantity of 1,825 hides as to the second application.

(C) Without authority of the Office of International Trade, respondents used the said licenses issued to "E" for their own benefit and purpose to ship to their customer the hides thereon purportedly authorized to be exported. Respondents shipped 675 hides under the first license; and then, in two (2) separate shipments exported 1,056 hides and 769 hides, the latter quantity having been acquired from a supplier other than "E." Respondents effected these exportations, other than the 769 hides, by preparing falsified shipper's export declarations, naming "E" as the exporter-seller, having same executed by "E," which submitted them for authentication by the Collector of Customs. As to the shipper's export declaration relating to the 769 hides, respondents prepared and filed said declaration with the Collector of Customs themselves.

Case No. 6; "F" Company, Quebec, Province of Ontario, Canada. In December 1949, respondent Sherman International, Ltd., received an order for 3110 hides of Canadian origin from a Viennese customer for export to Austria. The letter of credit covering the order specified hides of Canadian origin and further stated that the funds for the purchase had been authorized by ECA procurement authorization for the Austrian Government.

Respondents, during December 1949 and January 1950, entered into an arrangement with "F", whereby they did the following:

(A) Respondents purchased 2911 United States origin hides.

(B) Exported such hides to Canada for the purported account of "F".

(C) Effected the export by filing shipper's export declarations with the United States Collector at the Canadian border representing that Canada was the ultimate destination and "F" the ultimate consignee.

(D) "F" entered such hides in Canada in three (3) railroad cars and shortly thereafter re-exported same in the same railroad cars through the United States in bond to New York City for export to Austria for the account of Sherman International and pursuant to false representations made to Canadian and United States officials that such hides were of Canadian origin.

(E) Respondents exported said 2911 hides to the Austrian customer by falsified documents filed with the United States authorities that such hides were of Canadian origin and therefore properly exportable from the United States to Austria under general in transit license GIT.

The charging letters, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order, as amended, have been submitted to the Compliance Commissioner for review. Upon the basis of such review and upon the presentation of the facts, including extenuating circumstances claimed by respondents at the conference with counsel for the Office of International Trade and with respondents and their counsel, the Compliance Commissioner has found that the charges applicable to respondents are supported by the evidence and has concluded that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable and should be approved.

The Compliance Commissioner has pointed out that the basis for the longer suspension period imposed upon Leonard Schmerer (and Leonard Schmerer & Co. and Sherman International, Ltd., in which he is a partner and officer-stockholder, respectively) is predicated upon his being primarily responsible for the conception and consummation of the violative acts herein described and that lesser sanctions have been given to Julia Considine and Simon Kaplan, minor employees who were subject to the instructions of Leonard Schmerer. The Compliance Commissioner has also pointed out that respondents have been prohibited from engaging in exports under validated licenses since December 13, 1951, pursuant to the suspension contained in the charging letters.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letters, the evidentiary material, and the proposal for a consent order, as amended. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, as follows:

(1) Respondents Leonard Schmerer, Leonard Schmerer & Co., Sherman International, Ltd., Julia Considine, and Simon Kaplan, and each and all of them, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include any action by the named respondents, or any of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses and any export control documents relating thereto; (b) as a party or a representative of a party to any export license application; (c) in any exportation from the United States to Canada or to any other foreign destination; (d) in the financing, forwarding, transporting or other servicing of exports from the United States; and (e) in the receiving in any foreign country of any exportation from the United States.

(2) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

(3) This order shall be effective from the date of issuance and shall extend with respect to Leonard Schmerer, Leonard Schmerer & Co., and Sherman International, Ltd., until December 13, 1954, or until the expiration of export controls, whichever occurs first, and shall extend until November 13, 1952, with respect to Julia Considine and Simon Kaplan.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (2) above, without prior disclosure of such facts to, and specific authorization, from, the Office of International Trade.

Dated: September 19, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-10394; Filed, Sept. 24, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6457]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

SEPTEMBER 18, 1952.

Take notice that on September 17, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $4,000,000 Promissory Notes to be issued to The National City Bank of New York, dated as of the dates of their respective issue, to be due not more than one year after the dates of their respective issue, bearing interest at the commercial bank rate in effect at the dates of their respective issue. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each note and the First National Bank of Minneapolis will have a 15 percent participation in each note; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 8th day of October 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10398; Filed, Sept. 24, 1952; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

GROUND STEATITE TALC HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 596, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 20,000 pounds of ground steatite talc now held in the National Stock Pile. The material to be disposed of is no longer needed in the Stock Pile because of a revised determination by the Munitions Board made on August 12, 1952, that this particular lot of ground steatite talc is no longer strategic and critical material within the purview of the above act.

The revised determination of the Munitions Board was made because of obsolescence of the material for use in time of war. As a result of contamination with bits of rotten bagging and other extraneous matter, the talc to be disposed of can no longer be processed into electronic insulators. The material was part of a larger quantity of ground steatite talc transferred to the National Stock Pile as Government-owned excess property at the close of World War II after a period of storage during which the burlap bag containers rotted and became incapable of withstanding normal handling. The greater portion of the material was successfully moved to the permanent storage location, but the portion to be disposed of, as a result of its deterioration, is no longer suitable for stock piling.

To avoid continuing storage costs and to obtain the greatest benefit to the Government from property no longer needed in the National Stock Pile, it is proposed to release the material for use by the Emergency Procurement Service, General Services Administration, in dusting bales of stock-piled rubber to prevent adhesion. The material will be made available for such use after May 1, 1953. Since the material is to be consumed by the Emergency Procurement Service, no disruption of the market for talc can result from this action.

Dated: September 22, 1952.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 52-10466; Filed, Sept. 24, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19016]

GEBR. HOESCH ET AL.

In re: Debts owing to Gebr. Hoesch and others. F-28-31616.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in the aforesaid Exhibit A are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the enterprises whose names and last known addresses are listed below:

Names and Addresses

Spar & Gewerbebank, e. G. m. b. H., Gemuend, Eifel, Germany;
Geschaeftsstelle des Altkatholischen Volksblattes, Bonn, Germany;
Verlag Stahleisen m. b. H., Duesseldorf, Germany;
Kloeckner & Co., Duisburg, Germany;

are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the persons whose names and last known addresses are listed below:

Names and Addresses

August Budde, Remscheid, Germany;
Wilhelf Auler, Solingen, Germany;
Adolf Heiderhoff, Wuppertal-Elberfeld, Germany;
Heinrich Kissing, Menden, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That Anna Taggesell, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

6. That the personal representatives, heirs, next of kin, legatees and distributees of William John Sander, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

7. That the persons who own the property described in subparagraphs 8 (l), (m) and (n) hereof, who, if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and which, if corporations, partnerships, associations or other business organizations there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks owned by the persons identified therein as owners, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

b. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered BC 8115004, in the amount of $3.00, said Money Order owned by Spar & Gewerbebank, e. G. m. b. H., together with any and all rights to demand, enforce, and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

c. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered AK 6145430, in the amount of $1.00, dated March 30, 1940, payable to Altkatholisches Volksblatt, and owned by Geschaeftsstelle des Altkatholischen Volksblattes, together with any and all rights to demand, enforce, and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

d. That certain debt or other obligation evidenced by one (1) American Express Money Order numbered AJ 8400788, in the amount of $11.00, dated January 30, 1940, payable to and owned by Verlag Stahleisen m. b. H., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

e. That certain debt or other obligation evidenced by one (1) Bill of Exchange dated August 14, 1939, in the amount of $2,991.49, payable to and owned by Kloeckner & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Bill of Exchange,

f. Those certain debts or other obligations evidenced by three (3) the National City Bank of New York Traveler's Checks, said Checks numbered A 7-080-077 in the amount of $10.00, and B 4-865-593/4 in the amount of $20.00 each, owned by August Budde, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Checks,

g. That certain debt or other obligation evidenced by one (1) Sola Bill of Exchange numbered 5584, in the amount of $10.00, dated July 27, 1940, drawn on the Yokohoma Specie Bank, Limited, New York, and owned by Wilhelm Auler, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Sola Bill of Exchange,

h. That certain debt or other obligation evidenced by one (1) American Express Company Money Order numbered AF 7442866, in the amount of $10.00, dated September 22, 1938, owned by Adolf Heiderhoff, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said Money Order,

i. Those certain debts or other obligations evidenced by four (4) American Express Company United States Dollar Traveler's Cheques numbered P 8,625,-392/5, in the amount of $50.00 each, owned by Anna Taggesell, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Cheques,

j. Those certain debts or other obligations evidenced by four (4) Promissory Notes, in the amounts listed below, dated and due on the dates listed opposite each such amount:

Amounts	Dated	Date due
$141.71	Apr. 7, 1939	Apr. 7, 1942
141.71	....do....	Apr. 7, 1943
141.71	....do....	Apr. 7, 1944
141.71	....do....	Apr. 7, 1945

said Promissory Notes payable to and owned by Heinrich Kissing, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Promissory Notes,

k. Those certain debts or other obligations evidenced by ten (10) American Express Company United States Dollar Traveler's Cheques numbered U 2,704,-976/85, in the amount of $10.00 each, owned by the personal representatives, heirs, next of kin, legatees and distributees of William John Sander, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said Traveler's Cheques,

l. That certain debt or other obligation evidenced by one (1) Treasurer's Voucher numbered E 357571, in the amount of $92.80, dated March 1, 1941, drawn by the Equitable Life Assurance Society of the United States on the Chase National Bank of the City of New York, Pennsylvania Branch, owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Treasurer's Voucher,

m. Those certain debts or other obligations evidenced by two (2) Vouchers numbered E2 20710 in the amount of $95.64, and E2 143195 in the amount of $92.80, said Vouchers dated March 1, 1940, and December 1, 1940, respectively, drawn by the Equitable Life Assurance Society of the United States on the Guaranty Trust Company of New York, and owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Vouchers, and

n. That certain debt or other obligation evidenced by one (1) Check numbered 71 925, in the amount of $10.40,

dated November 9, 1940, drawn by the Treasurer of the United States, payable to Walter Schmits, and owned by the persons referred to in subparagraph 7 hereof, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said Check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

9. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 6 and 7, and named in subparagraphs 3, 4 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Gebr. Hoesch, Kreuzau bei Duren.	3679	$253.46	11-13-39	Central Hanover Bank & Trust Co...	The Philadelphia National Bank.	F. Weber Co.
Deutsche Bank Aachen for Emil Brauer & Co., Germany.	76030 A	100.76	2- 1-40	The National City Bank of New York, N. Y.		Emil Brauer & Co.
	76029 A	87.58	2- 1-40	....do....		Do.
	14193 A	51.69	1-19-40	....do....		Do.
Geschw. Speier, Germany.....	01773	5.85	12-21-39	....do....	Anaconda Copper Mining Co....	Karl Kuerkes.
	109178	2.92	3-25-40	....do....	....do....	Do.
	112157	8.14	12-21-40	....do....	....do....	Do.
	112578	5.43	3-24-41	....do....	....do....	Do.
Rhein. Nadelfabriken G. m. b. H., Aachen, Reichsweg 1942.	51 5680	20.25	11-29-39	The Chase National Bank, New York.		J. H. Nobis & Thissen G. m. b. H.
	F.A 45173	85.22	10- 7-39	....do....		Joh. Casp. & W. Rumpe.
Franz Heinze, Wiemeringhausen, Sauerland.	73207 A	108.34	10-14-39	The National City Bank of New York, N. Y.		Franz Heinze.
Wwe. Arnold Holste, Bielefeld.	7633	33.83	2-13-40	Central Hanover Bank & Trust Co...		Arnold Holste.
Helene Thomas, Bielefeld.....	UD713929	10.00	8-20-40	Chemical Bank & Trust Co., New York.	New York Life Insurance Co.....	Helen Thomas.
	UD729723	10.00	11-19-40	....do....	....do....	Do.
	UG350090	10.00	2-19-41	Guaranty Trust Co. of New York ...	....do....	Do.
	UD752750	10.00	3-19-41	Chemical Bank & Trust Co., New York.	....do....	Do.
	UG263418	10.00	10-19-39	Guaranty Trust Co. of New York ...	....do....	Do.
	UX28820	10.00	12-19-39	The National City Bank of New York	....do....	Do.
	UX280120	10.00	1-19-40	....do....	....do....	Do.
	UD696133	10.00	3-19-40	Chemical Bank & Trust Co., New York.	....do....	Do.
	UX298522	10.00	2-10-40	The National City Bank of New York	....do....	Do.
	UG343715	10.00	1-13-41	Guaranty Trust Co. of New York ...	....do....	Do.
	UX378056	10.00	1-13-41	The National City Bank of New York.	....do....	Do.
	UX38057	10.00	1-13-41	....do....	....do....	Do.
	UD743057	10.00	1-13-41	Chemical Bank & Trust Co....	....do....	Do.
	UX388058	10.00	1-13-41	The National City Bank of New York.	....do....	Do.
C. A. Dellus & Soehne, Bielefeld, Gehlstr. 16-18.	592	1,410.80	3-19-40	Grace National Bank of New York, N. Y.		C. A. Dellus E. Soehne.
Ursula Koehler, Goettingen....	T. 257540	57.04	2- 2-40	City Bank Farmers Trust Co., New York.	City Bank Farmers Trust Co., New York.	Dresdner Bank.
	T. 217610	59.84	11-16-39	....do....	....do....	Do.
	T 220718	114.00	3- 1-40	....do....	....do....	Do.
Hans Fischer, Ubbedissen.....	66690	10.16	1- 3-40		The Chase National Bank.....	Hans Fischer.
Margaret Buba, Bexterhagen No. 10 (Lippe).	65756	34.91	11- 2-39		....do....	Do.
	P 103887	171.09	11- 1-40	National Bank of Detroit.....	Comptroller of the Currency, Washington, D. C.	Margaret Buba.
Heinrich Beckmann (H. Beckmann Soehne), Bocholt.	396110	1,396.57	10-25-39	The National City Bank of New York, N. Y.		H. Beckmann Sohne.
	396518	444.09	11- 6-39	....do....		Do.
	397503	479.22	11-27-39	....do....		Do.
	396178	1,837.85	10-26-39	....do....		Do.
Gustav Brueggestrat, Bochum-Harpen.	N 147891	2,497.39	1-16-40	Irving Trust Co., New York	New York Life Insurance Co.....	Elsse Middelmann, Mrs. Friederike Cremer, Julius Brueggestrat, and Gustav Brueggestrat.
Hans Ringsdorff, Bad Godesberg.	E 12104	537.05	10-20-39		Central Hanover Bank & Trust Co	Commerz- und Privat-Bank Aktiengesellschaft.
Tapetenfabrik, H. Strauven, Bonn.	B 121633	102.00	12-13-39		Bank of the Manhattan Co., N. Y.	H Strauven.
Bonner Fahnenfabrik, Bonn...	397727	211.30	11-27-39	The National City Bank of New York, N. Y.		Deutsche Bank.
Annabella Anheuser, Bonn.....	172920	100.00	10-27-39	Irving Trust Co., New York	First National Bank, St. Louis....	Annabella Anheuser.
	173993	100.00	2-26-40	National City Bank, New York ...	....do....	Do.
Gustav Tuchel, Enger, Westf...	228192	8.10	1-16-40	The Chase National Bank, New York.	Radio Corp. of America.....	Gustav Tuchel.
Fritz Sievers, Godesberg.....	E 12106	179.03	10-20-39		Central Hanover Bank & Trust Co., New York.	Deutsche Bank.
Paula Ringsdorff, Godesberg...	E 12105	179.03	10-20-39		....do....	Do.
A. Wirtz, Sechtem, bei Bonn...	Unnumbered	1.00	11-40	Seattle-First National Bank, Spokane, Wash.	Rev. Charles M. Deplere.....	Fraulein A. Wirtz/Sechtem.
Mitteleuropaeisches, Reisebuero, Detmold.	1614691	5.63	2-20-40		The Chase National Bank.....	Mitteleuropaeisches Reisebuero.
E. Siekmann, Lage (Lippe)....	58062	2.50	9-20-31	Guaranty Trust Co., New York....		Fa. H. Siekmann.
	58064	2.50	9-20-31	....do....		H. Siekmann.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Marie Albert, Dortmund-Berghofen.	94659	35.96	12-27-39	Lawyers Trust Co., New York	The Mortgage Corp., New York	Marie Albert.
	122541	48.89	3-21-40	do	do	Do.
	105672	39.37	1-25-40	do	do	Do.
Kloeckner & Co., Duisburg	2470	234.25	10-21-40	Bank of America N. T. & S. A., Los Angeles.	R. P. Oldham Co., Los Angeles	Kloeckner & Co.
	2504	114.80	12-12-40	do	do	Do.
Brabender, O. H., Duisburg, Wanheimerort.	245	26.83	8-16-40	Manufacturers Trust Co., New York	Rochelle Park Bank, New Jersey	Brabender, O. H.
Kloeckner & Co., Duisburg	2538	70.00	1-24-41	Bank of America N. T. & S. A., Los Angeles.	R. P. Oldham Co., Los Angeles	Kloeckner & Co.
	6625729	501.51	8-19-39		Bank of America N. T. & S. A., Los Angeles.	Do.
	0484099	84.60	12-39	Pan American Trust Co., New York		Do.
Antonie Huemmeler, Essen-Steele.	35023	20.00	1-2-40	Old Kent Bank, Grand Rapids, Mich.	The Guarantee Bond & Mortgage Co., Grand Rapids, Mich.	Maria Huemmeler and Antonie Huemmeler.
Dr. Wilhelm Kern, Essen	DS3940	3.20	1-19-40	City National Bank & Trust Co., Chicago.	Halsey, Stuart & Co., Inc., Chicago.	Dir. Dr. Wilhelm Kern.
Erich Hammer, Essen-Brodeney.	25882	11.18	4-1-40	The Agents Bank of Montreal, New York.	Sun Life Assurance Co., Canada	Erich Hammer.
W. Doellken & Co., G. m. b. H., Essen-Werden.	5394	6.23	11-9-39	Manufacturers Trust Co., New York	Bendix Manufacturing Co., Inc., New York.	W. Doellken & Co., G. m. b. H.
Fried, Krupp, Essen	28769	11.31	3-12-41	Union Trust Co., Baltimore, Md	Rustless Iron & Steel Corp	Technische Mitteilungen Krupp.
Chemiedenta, Hoesel b/Duesseldorf.	09755	5.81	12-8-39	The National City Bank of New York, New York.		Chemiedenta Chemische Produkte.
Marie and Antonie Huemmeler, Essen-Steele.	111	80.00	12-15-39	Manufacturers Trust Co	Manufacturers Trust Co	Maria Huemmeler and Antonie Huemmeler.
	36521	25.00	1- 2-41	Old Kent Bank, Grand Rapids, Mich.	The Guarantee Bond & Mortgage Co., Grand Rapids, Mich.	Do.
Martha Krause, Bertlich bei Westerholt.	2906	25.00	1-24-40	Manufacturers Trust Co., New York	The First National Bank of Lewiston, Lewiston, Maine.	Mrs. Martha Krause.
Ewald Brockling, Gevelsberg	394443	207.75	9-25-39	The National City Bank of New York, N. Y.		Deutsche Bank.
Ernst Poehler, Hagen, Richard Wagnerstr. 2.	U 651	311.85	1- 2-40	Central Hanover Bank & Trust Co., New York.	The Philadelphia National Bank, Philadelphia.	Ernst Pohler.
Sophie Salfeld, Herford	21808	182.84	1-13-40	The Chase National Bank, New York	American Trust Co., S. F.	Kreissparkasse,
Friederike Zoephel, Herford	013166	14.85	1-15-40	Philadelphia National Bank, Philadelphia.	Insurance Co. of North America, Philadelphia.	Friedr. Zoephel.
Knebel & Roettger, Iserlohn	394250	123.90	9-20-39	National City Bank of New York, N. Y.		Knebel & Roettger.
Dossmann & Co., Iserlohn	1192	202.40	10-24-39	Manufacturers Trust Co., New York	Foreign & Domestic Commerce Corp., New York.	Dossmann & Co.
August Theodor Geck, Iserlohn	73867 A	82.45	11-17-39	The National City Bank of New York, N. Y.		August Theodor Geck.
	73543 A	34.65	10-28-39	do		Do.
Johanne Guenther, Oberstdorf, Allgaeu.	98697	20.00	1- 2-40	The Chase National Bank, New York.	Savannah Bank & Trust Co., Savannah, Ga.	Bankhaus J. H. Stein.
	98088	45.00	11-14-39	do	do	Do.
Frau Bertha Jacobs, Koln	34780	33.00	6-13-41	The National City Bank of New York, Fordham Branch.	The National City Bank of New York, Fordham Branch.	Felix Meyer.
Danzas & Cie G. m. b. H., Koln	25964	33.00	6- 4-41	Manufacturers Trust Co., New York		Banco de Vizcaya.
Dresdne Bank, Koln	20213	375.00	5-25-39		The San Francisco Bank, San Francisco.	Estate of Mary Brandt.
Helene Schutz, Koln-Nippes	4233	200.00	1- 8-40	Inter-State National Bank, Kansas City, Mo.	The Florence State Bank, Florence, Kans.	Deutsche Bank.
Vereinigte Ultramarinfabriken, A. G., Koln.	858	67.63	2- 3-40	Bank of America N. T. & S. A., Oakland Main Office.		Vereinigte Ultramarinfabriken A. G.
Pferdmenges & Co., Koln, for Alwine Pammel, Germany.	50470	100.00	1- 4-40	Guaranty Trust Co., New York	Harris Trust & Savings Bank, Chicago.	Bankhaus Pferdmenges & Company.
Emmy Pfaff, Koln-Riehl	41563	562.05	11- 7-39	First National Bank, New York	Boston Safe Deposit & Trust Co	Emy Pfaff.
Agrippina See-Fluss & Land-Vers., Koln.	15952	6,246.39	10-25-39	Empire Trust Co., New York	Francis C. Carr & Co., Inc	Agrippina See-Fluss und Landtransport Vers in Koln.
Gerling Konzern, Koln	35044	50.00	9-21-39	The New York Trust Co., New York.	Mississippi Valley Trust Co., St. Louis.	Gerling Konzern.
Pauline Vierlinger, Saalhausen (Sangerland).	83645	.18	2-15-40	The Chase National Bank, New York	Consolidated Oil Corp., New York	P. A. Vierlinger.
	85567	.11	2-15-41	do	do	Do.
Luise Knott, Koln-Braunsfeld, Melatenguertel 6.	855490	145.70	1-26-40	The First National Bank, New York	Aetna Life Insurance Co., Hartford, Conn.	Luise Knott.
	901473	145.70	4-26-40	do	do	Do.
Heinrich Hascher, Koln	479	1,000.00	4-10-40	The New York Trust Co., New York		Au porteur (bearer).
P. J. Tonger, Koln-Bayenthal, Ulmenallee 132.	10166	11.50	10-9-39	The Detroit Bank, Detroit, Mich	German American Import House, Detroit, Mich.	P. J. Tonger.
Oberfinanzpraesidium, Koln	D78845	40.00	10-14-39	City National Bank & Trust Co., Chicago.	Halsey, Stuart & Co., Inc., Chicago.	Obfinanzpraidend Rolin
Wilhelm Kremer, Leverkusen-Schlebusch, Kurt Neubanerstr. 6.	59	20.00	12-28-39	The Mutual National Bank of Chicago, Chicago.	Chicago City Bank & Trust Co	Joseph Kremer.
	60	20.00	12-28-39	do	do	Wilhelm Kremer.
	135	3.00	5-15-48	Chicago City Bank & Trust Co., Chicago.	Anderson Hotel Co., Chicago	Joseph Kremer, Martin Kremer, and Wilhelm Kremer, J. T.
	143	3.00	11-15-47	do	do	Do.
	147	2.60	5-20-47	do	do	Do.
	312	72.27	5-22-48	The Mutual National Bank of Chicago, Chicago.	Chicago City Bank & Trust Co	Do.
Scheibler & Co., Krefeld	168	500.00	10-23-39	Corn Exchange Bank Trust Co., N. Y.		Rud Scheltookes & Co.
Edmund Bercker, I. Fa. Butzon & Bercker G. m. b. H., Kevelaer.	302	2.25	2-29-40	The First National Bank, Minnesota	Rev. Matth. Hoffmann, Urbank, Minn.	Butzon & Bercker G. m. b. H.
	11153	1.65	1- 5-40	The Chase National Bank, New York.	Lawndale National Bank, Chicago.	Butzon & Bercker.
	10907	2.07	2-19-40	Chemical Bank & Trust Co., New York.	Jefferson-Gravois Bank of St. Louis, Mo.	Sanctificatio Nostra
	33890	5.00	12-28-39	do	First National Bank & Trust Co., Vicksburg, Miss.	Butzon & Bercker.
	60287	1.56	3- 2-40	Continental Illinois National Bank & Trust Co., Chicago.	Society of the Divine Word, St. Mary's Mission House, Techny, Ill.	Do.
Albert C. Feubel, Krefeld, Uerdingerstr. 487.	E2 14414	64.26	2-27-40	Guaranty Trust Co., New York	Equitable Life Assurance Society of the United States, New York.	Albert C. Feubel.
	E2 14437	59.69	2-28-40	do	do	Do.
	E2 26701	64.57	3-27-40	do	do	Do.
	E2 28932	59.09	3-28-40	do	do	Do.
	E2 43198	68.38	5- 2-40	do	do	Do.
	E2 54723	59.69	5-28-40	do	do	Do.
	E2 112869	62.01	9-26-40	do	do	Do.
	E2 112152	57.74	9-28-40	do	do	Do.
	E2 13999/2	57.72	11-28-40	do	do	Do.
	E2 2302	66.09	1-30-41	do	do	Do.
	E2 24068	62.31	2-27-41	do	do	Do.
	E2 24057	57.03	2-28-41	do	do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Bernhard Boedefeld Bevinghausen.	41965	46.68	11-21-39	Bankers Trust Co., New York	Fidelity-Philadelphia Trust Co., Philadelphia.	Maria Bodefeld Kompernas.
Reichsbanknebenstelle, Luedenscheid.	68899	150.00	11- 9-40	National City Bank, New York	Commercial National Bank, Shreveport, La.	Paul Stippel.
Willy Cordt, Luedenscheid	678/25337 (dup.)	59.96	5-20-39	Chemical Bank & Trust Co., New York.		A. Kinkel A. G.
						Do.
Heinrich Kissing, Menden	6038	79.50	1- 9-40	The Chase National Bank, New York.		Heinrich Kissing
	405	17.64	2- 1-40	Marshall & Ilsley Bank, Milwaukee		Do.
Maschinenfabrik Ferd., Gothot, G.m.b.H., Muelheim/Ruhr.	96292	131.42	12-19-39	Central Hanover Bank & Trust Co		Maschinenfabrik Ferd. Gothot G.M.B.H.
Franz Mueller, Muenchen-Gladbach.	4826	5.40	12-11-39	The Chase National Bank, New York.	MAWACO, Brooklyn, N. Y.	Franz Muller.
Georg Fischer, Muenster, Mauritz Lindenweg 35.	66991	111.41	1- 3-40		The Chase National Bank, New York.	George Fischer.
					do	Do.
	63747	34.91	11- 2-39			
Erich Proehl, Neuss	54112	60.48	12-26-39	The First National Bank, New York	American Radiator & Standard Sanitary Corp.	Hermann Prohl
Continho & Co., Remscheid	758/16	543.03	9- 6-39	Hongkong & Shanghai Banking Corp., New York.		Hollandsche Bank, Unie N. V.
Honsberg & Spler, Remscheid-Hasten.	0512739	70.70	3-29-40	Pan American Trust Co., New York		Commerz- und Privat Bank A. G.
Ferd. Esser & Co., Remscheid.	74050 A	118.40	11-20-39	The National City Bank, New York		Do.
Luckhaus & Guenther, Remscheid.	37	263.30	2- 1-40	Chemical Bank & Trust Co., New York.		Do.
Korff & Honsberg, Weddhausen bei Coburg.	401782	8.62	2- 9-40	The National City Bank, New York		Do.
	76878	91.54	9-27-39	The Chase National Bank, New York.		Do.
	77011	182.84	10-18-39	do		Do.
	77012	276.01	10-18-39	do		Do.
	77222	224.03	11-17-39	do		Do.
	77061	24.85	9-39	do		Do.
	77026	271.43	11-39	do		Do.
	77741	123.33	1-40	do		Do.
	39/2128	744.51	10-10-39	The National City Bank, New York		Do.
	39/3639	909.91	12-25-39	do		Do.
Hermann Schoett A. G. Rheydt	6110	10.00	11-11-39	The Peoples National Bank of Brooklyn, N. Y.	Fred Bauer, Brooklyn, N. Y.	Herman Schott A. G.
Dynamit A. G., Troisdorf	6022	43.15	12-22-39		The Chase National Bank, New York.	Dynamit Actien Gesellschaft
Franz Massen, Alzenbach	2406	75.00	1-19-40	The Chase National Bank, New York.	The Burlington National Bank, Burlington, Wis.	Franz Maassen
Wilhelm Auler, Solingen	7957	7.50	3-30-40	The National City Bank, New York		Wilhelm Auler,
Hugo Bauer, Solingen-Wald	241	5.60	11- 2-39	Modern Industrial Bank, New York	J. Bloom, New York	Hugo Bauer.
Gebr. Grah, Odyssens-Werk K. G., Solingen.	79534	88.13	10-14-39	Chemical Bank & Trust Co., New York.		Deutsche Bank A. Diskonto.
Wilhelm Hoppe, Solingen, Auf dem Kamp 47.	599336	50.49	11- 9-39	National City Bank of New York, N. Y.		Guillermo Hoppe.
Heinr Boker & Co., Baumwerk, Solingen.	3822	634.52	1-19-40	Bank of the Manhattan Co., New York.	H. Boker & Co., Inc., New York	Heinr. Boker & Co.
Robuso, Stahlwarenfabrik, Buntenbach & Sohn, Solingen-Holscheid.	30428	19.33	10-27-39	National City Bank of New York, N. Y.		Robuso-Stahlwarenfabrik, Buntenbach & Sohn.
	21070	13.28	11-24-39	First National Bank, New York	The Gary State Bank, Gary, Ind	C. F. Schwartz & Co.
Elisabeth Phillipps, Solingen-Graefrath.	84044	0.63	10- 1-40	Chemical Bank & Trust Co., New York.	The Yale & Towne Manufacturing Co., Stamford, Conn.	Mr. Karl Josef Phillips.
	89168	1.67	12-18-40	do	do	Do.
	75787	0.67	4- 1-40	do	do	Do.
	95042	0.63	1- 2-41	do	do	Do.
Gebr. Bell, Solingen-Graefrath.	29596	76.69	9-13-39	National City Bank, New York	The Mid-City National Bank of Chicago, Chicago, Ill.	Gebr Bell.
Mann & Federlein Solingen-Ohligs.	76502	74.80	2-16-40	do		Mann & Federlein.
Ernst Witte, Solingen-Ohligs	42185	19.42	8-17-39	Mercantile Home Bank & Trust Co., Kansas City, Mo.	The Haver-Glover Laboratories, Kansas City, Mo.	Ernst Witte.
Herberz & Cie., Solingen-Ohligs, 6 Goldstrasse.	A 56473	392.25	9-20-39	Guaranty Trust Co., New York		Compania Cubana de Propaganda Commercial S. A.
Theresa Drolshagen, Warburg	1851	21.32	12-29-39	State Bank of Morton, Morton, Mich	State Bank of Morton, Morton, Mich.	Theresa Drolshagen.
Kirchner & Wahlefeld, Wuppertal-Barmen.	30367	74.35	9-26-39	National City Bank, New York		Kirchner & Wahlefeld.
Vereinigte Glanzstoff-Fabriken, A. G., Wuppertal-Elberfeld.	J 11972/241	2,216.70	4-10-40	Commercial National Bank & Trust Co., New York.	Commercial National Bank & Trust Co., New York.	Deutsche Bank.
Richard Ern, Wuppertal-Elberfeld.	89026	49.40	10-14-39	Central Hanover Bank & Trust Co., New York.		Barmer Credit-bank E. G. M. B. H.
Schaeffer-Homberg G. m. b. H., Wuppertal-Barmien.	C 30674	93.01	10-24-39	First of Boston International Corp., New York.		Deutsche Bank.
Emil Krenzler, Wuppertal-Barmen, Marearetenstr.	52	19.30	3- 6-40	Chase National Bank, New York		Emil Krenzler.
Adolf Beiderhoff, Wuppertal-Elberfeld.	31511	15.00	6- 5-39	Irving Trust Co., New York	National Bank of Wareham, Mass	Felipe Gomes Vimas.
	393497	10.00	5-19-39	Chase National Bank, New York	Bank of America, Dixon, Calif	Augusto Andrade
	10758 E	80.00	5- 4-39	First National Bank, Boston, Mass	Antonio Cardozo	Catarina A. Miranda
	10763 E	10.00	5- 4-39	do	do	Marcelino J. Monteiro.
	10759 E	5.00	5- 4-39	do	do	Manuel S. Nunes
	10791 E	2.00	5- 9-39	do	do	Fanna Dias de Pina
	4257	5.00	5-19-39	Central Hanover Bank & Trust Co., New York.	Plymouth National Bank, Massachusetts.	Laura Teixeira Amado.
	4275	10.00	5-29-39	do	do	Christiano J. Monteiro.
	12735	5.00	5-10-39	Rockland Trust Co., Rockland, Mass.	Rockland Trust Co., Scituate, Mass.	Mrs. Maria Monteiro Reis.
	385915	5.00	5- 8-39	Chase National Bank, New York	Security-First National Bank of Los Angeles, Calif.	Maria H. Gonsalves.
	3162	5.00	5-15-39	do	The Buzzards Bay National Bank, Buzzards Bay, Mass.	Manuel J. Baptista.
	497004	15.00	5-29-39	National City Bank, New York	Bank of America N. T. & S. A., Sacramento, Calif.	Barmer Credit-bank E. G. M. B. H.
Richard Ern, Wuppertal-Elberfeld.	89157	203.80	9-21-39	Central Hanover Bank & Trust Co., New York.		Deutsche Bank.
Vereinigte Glanzstoff-Fabrien A. G., Wuppertal-E.	414	$2,098.35	4-10-40	Commercial National Bank & Trust Co., New York.	Commercial National Bank & Trust Co., New York.	Do.
	403	8,395.40	12-20-39	do	do	Do.
	238	8,866.80	12-20-39	do	do	Do.
W. Schueller & Sohn, Wuppertal-Wichlinghausen.	65723	40.25	10-30-39		Chase National Bank, New York	Leo Baruch.
Hedwig Peters Wuppertal-Elberfeld, Viktoriastr. 40.	1053	4.50	12-21-39	Chase National Bank, New York	do	Miss Hedwig Peters.
	1067	2.25	3- 7-40	do	do	Do.
	1061	2.09	12-23-40	do	do	Do.
	71180	.67	1- 2-40	Chemical Bank & Trust Co., New York.	The Yale & Towne Manufacturing Co., Stamford, Conn.	Do.
	84642	.63	10- 1-40	do	do	Do.
	89168	1.67	12-18-40	do	do	Do.
	93669	.63	1- 2-41	do	do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Breffka & Helmke, Duesseldorf.	3850	5.59	10-27-39	Continental Bank & Trust Co., New York.	M. A. Irmischer, Inc.	Fa Breffka & Helmke.
Internationales Fl. Verk., Kontor, Duesseldorf.	90327	233.74	2-26-40	Central Hanover Bank & Trust Co., New York.		Deutsche Bank.
				do		Do.
Verlag Stahleisen m. b. H., Duesseldorf.	90370	135.35	5-16-40	Chase National Bank, New York	G. E. Stechert & Co., New York	Verlag Stahleisen.
	295389	6.72	1-16-41	do	do	Do.
	295396	11.24	1-16-41	do	do	Verlag Stahleisen M. B. H.
	294322	3.28	3-21-40	do	do	Do.
	774333	6.50	4- 4-41	National City Bank, New York	National City Bank, New York	Do.
	310	16.08	12-22-39	do	American Cast Iron Pipe Co., Birmingham, Ala.	
	8818	16.04	1-10-40	Chase National Bank, New York	Crucible Steel Co. of America, New York.	Do.
	6856	16.10	5-21-40	Guaranty Trust Co., New York	E. J. Lavino & Co., Philadelphia, Pa.	Do.
	16282	16.20	1- 6-41	Farmers Deposit National Bank, Pittsburgh, Pa.	Allegheny Ludlum Steel Corp., Brackenridge, Pa.	Do.
Selmolz & Bickenbach, Rundereth l. Rh.	15472	157.11	10-39	Chemical Bank & Trust Co., New York.		Commerz- und Privat Bank A.-G.
	15552	299.79	11-39	do		Commerz-und Privat Bank
	000544 (B.P.)	194.75	10- 4-39	Bank of London & South America, Ltd., New York.		Banco Central de Bolivia
	000475	736.66	9-21-39	do		Do.
Anton Peters G. m. b. H., Duesseldorf.	212	59.82	11-17-39	Merchants National Bank, Mobile, Ala.	Southern Pine & Hardwood Lumber Co., Inc., Mobile, Ala.	Ant. Peters G. m. b. H.
Glessorei-Verlag G. m. b. H. Duesseldorf.	303	12.06	12-22-39	National City Bank, New York	American Cast Iron Pipe Co., Birmingham, Ala.	Glessorei-Verlag G. m. b. H.
	76743	9.00	4- 9-40	Equitable Trust Co., Baltimore, Md.	Pangborn Corp., Hagerstown, Md.	Do.
Verein Deutscher Eisenhuettenleute, Duesseldorf.	10725	14.76	2-14-40	Chase National Bank, New York	Pacific National Bank, San Francisco, Calif.	Verein Deutscher Eisenhuttenleute.
Wilmar Mertgens, Duesseldorf.	64477	13.36	10-23-40	Continental Illinois National Bank & Trust Co., Chicago, Ill.	International Harvester Co., Chicago, Ill.	Miss Wilma Mertgens.
				do	do	Do.
Dr. Willi Huber, Essen	63825	7.20	4-15-40	do	Hoisey, Stuart & Co. Inc., Chicago, Ill.	Dr. W. Huber.
	DS3988	16.00	1-19-40	City National Bank & Trust Co. of Chicago.		
	DS4007	14.40	1-19-40	do	do	Do.

[F. R. Doc. 52-10338; Filed, Sept. 24, 1952; 8:50 a. m.]

[Vesting Order 19018]

NORBERT BLOCH

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Norbert Bloch, deceased. F-28-31982-E-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Norbert Bloch, deceased, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a checking account entitled Norbert Bloch, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 1 hereof, the aforesaid nations of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10419; Filed, Sept. 24, 1952; 8:47 a. m.]

[Vesting Order 19019]

HERMANN AND EMILIE FREYTAG

In re: Coupon owned by Hermann Freytag and Emilie Freytag.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hermann Freytag and Emilie Freytag, each of whose last known address is Westfalen, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) coupon detached from State of Rio Grande Do Sul Consolidated Municipal 40-year 7 Percent Sinking Fund Bond numbered M663, said coupon numbered 27, due December 1, 1940, and presently in the custody of the Federal Reserve Bank of New York, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hermann Freytag and Emilie Freytag, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10420; Filed, Sept. 24, 1952; 8:47 a. m.]

[Vesting Order 15603, Amdt.]

GEORGE A. SCHLUETER

In re: Stock owned by George A. Schlueter.

Vesting Order 15603, dated November 9, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (b) of Vesting Order 15603 the phrase "evidenced by certificates numbered 010930 for fifteen (15) shares and 06701 for five (5) shares," and substituting therefor the phrase "evidenced by a certificate numbered CM 0183."

All other provisions of said Vesting Order 15603 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10421; Filed, Sept. 24, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-941]

BREWING CORP. OF AMERICA

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

SEPTEMBER 19, 1952.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $15 Par Value, of Brewing Corporation of America.

The Commission issued a notice of the filing of the above application and of the opportunity for any interested person to request a hearing in regard to the terms to be imposed upon the delisting of this security. This notice stated that the reason set forth in the above application for striking this security from listing and registration on this exchange is that the amount outstanding in the hands of the public has been reduced to approximately 5,000 shares, which is an amount that is too small for the security to be suitable for trading on the applicant exchange.

Holders of the above security having filed with the Commission a request for a hearing on the above matter; and the Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Wednesday, October 8, 1952, at the New York Regional Office of the Commission at 42 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Edward C. Johnson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10399; Filed, Sept. 24, 1952; 8:45 a. m.]

[File Nos. 54-201, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER APPROVING PLAN

SEPTEMBER 18, 1952.

In the matter of the United Gas Improvement Company, File No. 54-201; The United Gas Improvement Company and Subsidiary Companies, respondents, File No. 59-6.

The United Gas Improvement Company ("UGI"), a registered holding company, having filed a plan, together with an amendment thereto (the "Plan"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), providing, among other things, for the merger of UGI and its various subsidiary companies, and for other transactions and steps as more fully set forth in said Plan;

The Commission having given public notice with respect to the filing of said Plan and with respect to holding of a hearing thereon, which notice was given by notice and order dated January 22, 1952 (Holding Company Act Release No. 11015), and public hearings having been held after such notice, at which hearings all interested persons were afforded an opportunity to be heard;

UGI having requested the Commission to enter an order finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

UGI having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of Part 2 of the Plan;

The Commission having previously, by order entered June 15, 1951 (Holding Company Act Release No. 10624) directed that UGI dispose of its direct and indirect ownership, control and holdings of certain securities therein named, including securities of Delaware Coach Company, and UGI having requested that the time for compliance with such order be extended for one year from June 15, 1952, and that such order be modified by eliminating therefrom the requirement for disposition by UGI of its securities of Delaware Coach Company (being a note in the amount of $916,666.67), so as to permit the retention of such note and the liquidation therof in accordance with its terms;

UGI having requested that the Commission, upon approving the Plan, find that UGI shall have ceased to be a holding company, and that an order be entered under section 5 (d) of the act so declaring, and finding that UGI's registration under the act shall cease to be in effect; and

UGI having proposed, in connection with such Plan, to acquire 1,459 shares of the capital stock of Consumers Gas Company from Drexel & Co., financial advisers to UGI, at the price of $20.25 per share, being the cost of such shares to Drexel & Co., and such acquisition appearing to meet the standards of the act.

The Commission being duly advised and having this day issued its findings and opinion, and on the basis of such findings and opinion and pursuant to the applicable provisions of the act and the rules and regulations thereunder:

It is ordered, That the Plan of UGI be, and it is hereby approved, subject to the terms and conditions in Rule U-24 of the general rules and regulations promulgated under the act, and subject to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the transactions proposed in Part 2 of the Plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing Part 2 of the Plan;

2. Jurisdiction be and it is hereby specifically reserved as to the following matters:

(a) To approve, determine, award, allow or allocate any fees, expenses and remunerations in connection with the Plan, and to pass upon the reasonableness thereof;

(b) To take such further action as the Commission may deem appropriate to effectuate the provisions of the Plan concerning efforts of the company to locate persons entitled to securities or cash by reason of their holdings of the securities of UGI and its subsidiaries;

(c) To entertain such further proceedings, to make such supplemental findings, to enter such further orders, and to take such further action as the Commission may deem appropriate in connection with the Plan, as amended, the transactions incident thereto, and the consummation thereof; and

(d) To consider whether, after all of the transactions provided in Parts 1, 2 and 3 of the Plan shall have been consummated, and UGI shall have renewed its request, an order should be entered under section 5 (d) of the act, and whether such order should be subject to any terms and conditions as necessary for the protection of investors.

It is further ordered, That the Commission's order entered June 15, 1951, be, and hereby is, amended to eliminate the requirement that UGI dispose of its holdings of securities of Delaware Coach Company, and that an extension of time be and is hereby granted until June 15, 1953, for compliance with the remaining provisions of such order.

It is further ordered and recited, That all transactions proposed in the aforesaid Plan to be effected by UGI, Allentown-Bethlehem Gas Company ("Allentown"), Consumers Gas Company ("Consumers"), The Harrisburg Gas Company ("Harrisburg"), Lancaster County Gas Company ("Lancaster"), Lebanon Valley Gas Company ("Lebanon"), Luzerne County Gas and Electric Corporation ("Luzerne"), and The Philadelphia Gas Works Company ("PGW"), or any of them, or by the holders of securities heretofore or hereafter issued or assumed by any of them, including particularly the exchanges, redemptions, issuances, transfers, acquisitions, expenditures, distributions, conveyances, dispositions and sales hereinafter itemized, specified, described, and recited are authorized, approved, and required; that said transactions are necessary or appropriate to the integration or simplification of the holding company system of which said corporations are members and are necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935; that said transactions or any of them may be effected through and deliveries may be made to or through trustees, exchange agents, or otherwise, and or the stocks, securities and cash, and other property may be delivered direct to those ultimately entitled thereto, all in any manner consistent with the court order enforcing the Plan and within the time limits specified in the Plan or in said court order; and that this order is issued under the authority of subsection (e) of section 11 of the Public Utility Holding Company Act of 1935 to effectuate the provisions of subsection (b) of section 11 of said act:

1. The resumption by UGI, as agent of Northern Liberties Gas Company, of the conduct of the latter's business and the operation of its gas properties under the July 2, 1900, agreement between UGI and Northern Liberties Gas Company; such resumption to be accomplished by UGI and PGW terminating the existing agreement between them dated May 14, 1937, pursuant to which PGW was substituted for UGI as agent to operate such properties and to supply and distribute gas in that portion of the City of Philadelphia, formerly known as District of Northern Liberties.

2. The merger into UGI of Allentown, Consumers, Harrisburg, Lancaster, Lebanon, Luzerne, and PGW, with UGI remaining as the surviving and continuing corporation, all as more particularly provided and set forth in the proposed Agreement of Merger (which is Exhibit A to the Plan), which Agreement of Merger is incorporated herein by reference, and, in connection therewith, the transfer to and vesting in UGI, as such surviving and continuing corporation, of all the rights, privileges and franchises theretofore vested in each of said constituent subsidiary corporations and all the estate and property, real and personal, and rights of action of each of said corporations, including the transfer to and acquisition by UGI of the securities owned by said corporations, which at present are as follows:

Owned by	Name of Security	Shares [illegible]
Consumers Gas Co.	Reading Gas Co. capital stock	3,0[illegible] shares.
Do.	U. S. Treasury 2½ percent bonds due June 15, 1959-62	$1[illegible]
Do.	Berks County Trust Co. capital stock	1,[illegible] shares.
The Philadelphia Gas Works Co.	U. S. Treasury certificates of indebtedness, 1¼ percent Series "A" due Feb. 15, 1953.	$[illegible],000.

3. The execution, delivery and recording by UGI and Fidelity-Philadelphia Trust Company, Trustee, of a UGI First Mortgage and Deed of Trust dated as of the effective date of the merger substantially in the form set forth as Exhibit B to said Plan, which Mortgage and Deed of Trust is incorporated herein by reference.

4. The surrender by the holders of all First Mortgage Bonds issued respectively by Allentown, Harrisburg and Luzerne and presently outstanding in the aggregate amount of $15,648,000 in the following respective amounts and series:

Company	Principal amount	Series
Allentown-Bethlehem Gas Co	$2,172,000	3¾ percent (now 3 percent) series due 1965.
Do	1,455,000	2¾ percent series due 1968.
Do	1,500,000	3.348 percent series due 1976.
The Harrisburg Gas Co	2,002,000	2⅞ percent series due 1971.
Do	970,000	3⅛ percent series due 1971.
Do	1,000,000	3.15 percent series due 1976.
Luzerne County Gas & Electric Corp	6,549,000	3½ percent series due 1966.

to UGI in exchange for a like principal amount of First Mortgage Bonds issued by UGI of a series corresponding to the series surrendered, together with accrued interest, if any, on their Bonds up to the effective date of the merger, the acquisition and cancellation by UGI of the said First Mortgage Bonds issued respectively by Allentown, Harrisburg and Luzerne, the issuance and delivery of its First Mortgage Bonds and cash for accrued interest by UGI to such holders and the acquisition thereof by such holders in such exchange.

5. The satisfaction, cancellation, release and discharge by the respective trustees thereof of the various indentures of mortgage and the supplements thereto of Allentown, Harrisburg and Luzerne securing, respectively, the aforesaid outstanding bonds issued by said companies; the surrender by such trustees of the securities and/or cash, if any, held by them under the provisions of such indentures and supplements; the acquisition of such securities and/or cash by UGI, and the cancellation of such securities by UGI.

6. The surrender by the holders thereof to Harrisburg for the redemption price thereof ($110 per share plus an amount equal to accrued and unpaid dividends thereon to the redemption date) and the redemption, acquisition and cancellation by Harrisburg of 4 838 shares of the 4½ percent Preferred Stock of Harrisburg.

7. The surrender by the holders thereof to UGI of 25,000 shares of the 4¼ percent Preferred Stock of Luzerne in exchange for one share of the 4¼ percent Preferred Stock of UGI, plus accrued and unpaid dividends on their Luzerne 4¼ percent Preferred Stock up to the effective date of the merger, for each share of the Luzerne 4¼ percent Preferred Stock so surrendered, the acquisition and cancellation by UGI of said Luzerne's 4¼ percent Preferred Stock, the issuance and delivery by UGI of its 4¼ percent Preferred Stock and cash for such dividends to such holders and the acquisition thereof by such holders in such exchange.

8. The surrender by the holders thereof to UGI of their certificates of UGI Capital Stock in exchange for certificates representing a like number of shares of UGI Common Stock, the acquisition and cancellation by UGI of such certificates of UGI's Capital Stock, the issuance and delivery by UGI of certificates for such UGI Common Stock to such holders and the acquisition thereof by such holders in such exchange.

9. The cancellation by UGI of the following securities now owned by it:

Name of issuing company	Security	Shares
Allentown-Bethlehem Gas Co.	Common capital stock	132,375
Consumers Gas Co.	Capital stock	110,085
The Harrisburg Gas Co.	Common stock	29,225
Lancaster County Gas Co.	Capital stock	50,000
Lebanon Valley Gas Co.	Common stock	19,800
Luzerne County Gas & Electric Corp.	do.	176,694
The Philadelphia Gas Works Co.	Capital stock	50

10. The surrender by the holders thereof to UGI of the 80,787 shares of Consumers Capital Stock, not owned by UGI, in exchange for 8/10ths of a share of UGI Common Stock (and/or cash for fractional interests of less than one share) for each share of Consumers Capital Stock so surrendered, the acquisition and cancellation by UGI of such Consumers Capital Stock, the issuance and delivery of such UGI Common Stock and/or cash to such holders and the acquisition thereof by such holders in such exchange.

11. The surrender by the holders thereof to UGI of the 12,208 shares of Harrisburg Common Stock, not owned by UGI, in exchange for four shares of UGI Common Stock for each share of Harrisburg Common Stock so surrendered, the acquisition and cancellation by UGI of such Harrisburg Common Stock, the issuance and delivery of such UGI Common Stock to such holders and the acquisition thereof by such holders in such exchange.

12. The cancellation by UGI and its utility subsidiaries of all intercompany indebtedness owing by such subsidiaries to UGI; presently as follows:

Name of debtor subsidiary	Debt represented by—	Amount of debt
Allentown-Bethlehem Gas Co.	Open book account	----
Consumers Gas Co.	4 percent promissory note	$875,000
Do.	Open book account	1,455,000
The Harrisburg Gas Co.	do	1,270,000
Lancaster County Gas Co.	do	1,050,000
The Philadelphia Gas Works Co.	do	3,000,000

13. The cancellation by UGI of all its First Mortgage Bonds and of all shares of its 4¼ percent Preferred Stock and Common Stock reserved, respectively, for issuance on surrender by the holders thereof of the First Mortgage Bonds (referred to in 4 above), the 4¼ percent Preferred Stock of Luzerne (referred to in 7 above), the Capital Stock of Consumers and the Common Stock of Harrisburg (referred to in 10 and 11 above, respectively), which shall not have been surrendered in exchange therefor within the time limits specified in the Plan or in the court order enforcing the Plan; and the retention by UGI of the cash remaining in its hands reserved for payment on surrender by the holders of First Mortgage Bonds of subsidiary companies, of Luzerne's 4¼ precent Preferred Stock, and of Consumers Capital Stock and the Harrisburg Common Stock which shall not have been surrendered in exchange therefor within the time limits specified in the Plan or in the court order enforcing the Plan.

14. The disposition by sale or otherwise by UGI of the following securities which it owns:

Name of company	Security	Shares
Central Illinois Light Co.	Common stock	35,340
Consumers Power Co.	do	63,612
Delaware Power & Light Co.	do	37,355
Niagara Mohawk Power Corp.	do	159,500
Philadelphia Electric Co.	do	16,543
Public Service Electric & Gas Co.	Preference common	36,801
Do.	Common stock	4,861

It is further ordered, That the proposed acquisition by UGI of 1,459 shares of the capital stock of Consumers Gas Company from Drexel & Co., be, and hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10402; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2920]

ARKANSAS POWER & LIGHT CO.

ORDER CONCERNING ACQUISITION OF UTILITY ASSETS

SEPTEMBER 18, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof with respect to the following proposed transactions:

Arkansas proposes to acquire all of the outstanding stock of Swifton Power & Light Company ("Swifton") for a cash consideration of $65,000. Upon acquiring such stock, Arkansas proposes to surrender the stock of Swifton, liquidate that company and transfer its assets to Arkansas. All of the outstanding 360 shares of the capital stock of Swifton are owned by Graham Brothers Company, a non-affiliated Arkansas corporation.

Swifton operates an electric distribution system in the town of Swifton, Arkansas. It is presently interconnected with Arkansas, which services adjacent territory, and purchases all of its electric power requirements from Arkansas. For the year ended March 1952, Swifton's kilowatt-hour sales were: Residential, 152,464; commercial, 177,694. The net plant of Swifton is stated at $27,131. The total operating revenues of Swifton for the twelve months ended May 31, 1952, were $14,429 and its net profit $2,201.

The proposed transactions have been approved by the Arkansas Public Service Commission, and that Commission has directed Arkansas to eliminate the newly created Electric Plant Acquisition Adjustments (Account 100.5) in the amount of $39,911.86 by a charge to Earned Surplus.

The application states that upon consummation of the transactions, the operations of Swifton's facilities will be fully integrated with those of Arkansas and by reason of application of Arkansas' rate schedule will result in over-all savings of approximately 9 percent to the customers of Swifton.

Said application having been filed on August 21, 1952, an amendment thereto having been filed on September 4, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions have been specifically approved by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business, the Commission also finding that the proposed acquisition of properties has the appropriate tendencies under section 10 of the act and that no adverse findings are necessary thereunder:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24, that the said application, as amended, be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10403; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2921]

CENTRAL MAINE POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHORT-TERM NOTES

SEPTEMBER 19, 1952.

Central Maine Power Company ("Central Maine"), a public utility subsidiary

of New England Public Service Company, a registered holding company, having filed an application with this Commission, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Central Maine proposes to issue and renew from time to time, up to and including March 1, 1953, notes having a maturity of three months or less up to the maximum amount of $11,000,000 at any one time outstanding (including the renewal of notes outstanding at the date of authorization). Each such note, including the renewal notes, will be made payable to the First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper. It is stated that the interest rate for prime paper is presently 3 percent per annum. In case the interest rate should exceed 3¼ percent per annum on any note, the company will file an amendment to its application stating the rate of interest and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sales of the notes will be used to finance the company's construction program. The application states that the company intends, soon after March 1, 1953, to issue and sell approximately $6,000,000 of First and General Mortgage Bonds and sufficient Common Stock to yield approximately $5,000,000 to refund the then outstanding short-term notes. However, it is stated that market conditions may require some variation of this financing.

It is represented that no regulatory authority, other than this Commission, has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the proposed transactions will aggregate approximately $125. The applicant requests that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10401; Filed, Sept. 24, 1952; 8:46 a. m.]

[File No. 70-2023]

LOWELL ELECTRIC LIGHT CORP.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

SEPTEMBER 19, 1952.

The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder with respect to the following proposed transactions:

The declaration states that Lowell presently has outstanding $2,700,000 principal amount of promissory notes, due October 1, 1952, issued pursuant to a bank loan agreement with five banks, namely, The First National Bank of Boston ($1,485,000), The Chase National Bank of the City of New York $351,000), The Hanover Bank ($351,000), Irving Trust Company ($351,000) and The New York Trust Company ($162,000). Lowell proposes to issue to these banks, from time to time but not later than December 31, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $3,100,000. Lowell further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952, will not exceed $3,100,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Lowell will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Lowell requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Lowell will use $2,700,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay the outstanding promissory notes maturing October 1, 1952, and will use the remainder of such proceeds to pay for construction cost incurred or to be incurred. Lowell estimates that its construction expenditures for the period July 1, 1952, to December 31, 1952, will aggregate $620,500. Lowell proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Lowell requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10400; Filed, Sept. 24, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27410]

ASPHALT FILLER FROM CHATSWORTH, GA., TO NEVILLE ISLAND, PA.

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1193 and 1324.

Commodities involved: Asphalt filler, consisting of pulverized soapstone or pulverized talc tailings, carloads.

From: Chatsworth, Ga.

To: Neville Island, Pa.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1193, Supp. 71; C. A. Spaninger, Agent, I. C. C. No. 1324, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the

Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10356; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27411]

ASPHALT FROM ARKANSAS, LOUISIANA, AND TEXAS TO LOUISVILLE, KY., AND NEW ALBANY, IND.

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3725.

Commodities involved: Asphalt (asphaltum) and petroleum road oil, carloads.

From: Points in Arkansas, Louisiana, and Texas.

To: Louisville, Ky., and New Albany, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3725, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10357; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27412]

ANHYDROUS AMMONIA FROM HOUSTON, TEX., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Houston, Tex.

To: Cincinnati, Ohio.

Grounds for relief: Rail competition, circuitous routes, market competition, and operation through higher-rated territory.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission, in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10358; Filed, Sept. 23, 1952; 8:46 a. m.]

[4th Sec. Application 27413]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO POINTS IN MIDWEST

APPLICATION FOR RELIEF

SEPTEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Points in Illinois, Indiana, Iowa, and Wisconsin, and Hannibal, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission, in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10359; Filed, Sept. 23, 1952; 8:46 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 189

Washington, Friday, September 26, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 5—REGULATIONS, INVESTIGATION AND ENFORCEMENT

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PERSONS DISQUALIFIED FOR APPOINTMENT; NATIONAL ENFORCEMENT COMMISSION

1. Section 5.101 (a) is amended by the addition of a proviso clause as set out below. As amended, the paragraph reads as follows:

§ 5.101 *Persons disqualified for appointment.* (a) Persons disqualified for any of the reasons stated under Civil Service Rule II, § 2.104 (a) (1) through (8) of this chapter, may, in the discretion of the Commission, be denied examination, or be denied any of the types of appointment listed in Civil Service Rule II, § 2.112 (a) (1) through (7) of this chapter, namely, original probational, reappointment, reinstatement, temporary appointment, inter-agency transfer, conversion from excepted, war service indefinite or temporary indefinite appointment to competitive appointment, and indefinite appointments under Parts 2, 7, and 8 of this chapter, for a period of not more than 3 years from the date of the determination of such disqualification: *Provided*, That no person shall be admitted to competitive examination, nor shall he be employed in any position in the competitive service within 3 years after a final determination that he is disqualified for Federal employment because of a reasonable doubt as to his loyalty to the Government of the United States.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.155 (c) is revoked and a new paragraph (f) is added as follows:

§ 6.155 *Economic Stabilization Agency.* • • •

(f) *National Enforcement Commission.* (1) The Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-10454; Filed, Sept. 25, 1952; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

[FHA Instruction 442.2]

PART 352—POLICIES

Part 352, Title 6, Code of Federal Regulations (13 F. R. 9426, 14 F. R. 3883, 16 F. R. 1180) is revised to read as follows:

Sec.
352.1 General.
352.2 Basic objective.
352.3 Area planning.
352.4 Types of assistance.
352.5 Purposes.
352.6 Loan terms.
352.7 Loan limit.
352.8 Eligibility.
352.9 Planning.
352.10 Water rights.
352.11 Tenure.
352.12 Security.
352.13 Insurance.
352.14 Subsequent loans.

AUTHORITY: §§ 352.1 to 352.14 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 352.1 *General.* Sections 352.1 to 352.14 set forth the basic policies for extending technical and financial assistance to individual farmers; to incorporated mutual water companies and water users associations; and to irrigation districts, and other improvement organizations of a public or quasi-public nature, (all incorporated applicants being hereinafter referred to as "associations"), in the arid and semiarid areas of the United

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FEDERAL REGISTER

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States for farmstead and irrigation water facilities under the Water Facilities Program administered pursuant to 50 Stat. 869, as amended, hereinafter referred to as the Water Facilities Act. As used herein, the arid and semiarid areas of the United States include the 17 Western States; namely, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

§ 352.2 *Basic objective.* The objective of the act is to provide facilities for water storage and utilization in the arid and semiarid areas of the United States to alleviate wastage and inadequate utilization of water resources on farm, grazing, and forest lands, thereby contributing to the preservation of natural resources; to the protection of the public health and public lands; and to the prevention of droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence on public relief.

(Sec. 1, 50 Stat. 869; 16 U. S. C. 590r)

§ 352.3 *Area planning.*—(a) *Previously approved areas.* All areas previously approved for water facilities operations by the Water Facilities Board and by the Farm Security Administration are adopted as approved areas by the Farmers Home Administration subject to the same limitations covering ground water development contained in the existing authorizations.

(b) *Requirements for area plans.* Approved area plans will be required when applicants residing outside presently approved areas request assistance in the development of ground water for irrigation, either by pumping or artesian flow, beyond the amount which is used under established water rights or water use, before assistance is rendered to such applicants.

§ 352.4 *Types of assistance.*—(a) *Loans.* Water Facilities loans may be made for authorized purposes to eligible individuals, or to eligible incorporated associations for such purposes.

(b) *Technical assistance.*—(1) *With loans.* Technical assistance will be furnished to individuals and associations receiving loans under this program. Such assistance will include the planning of the facility to be installed, advice and guidance about planning and carrying out farm and home operations, as well as technical supervision in the installation and operation of the facility.

(2) *Without loans.* When eligible applicants make application for technical assistance only and cannot obtain such assistance from public or private sources it may be furnished if personnel can be made available. It may include the same types of assistance as are furnished in connection with loans, except that it may not include actual supervision of the installation or operation of the facility.

(3) *Government responsibility.* The County Supervisor must inform applicants that the Government will not be responsible for or guarantee the successful installation and operation of the facility, and also so inform others who furnish labor, supplies, and equipment to applicants if they inquire.

§ 352.5 *Purposes.* (a) The construction, repair, rehabilitation, reinstatement, or enlargement of farmstead facilities and irrigation facilities. Included are such items and appurtenances thereto as reservoirs, storage and diversion dams, ponds, wells, cisterns, pipelines, storage tanks, stock water tanks, spring development, pumping installations (including windmills and other kinds of motors) and distribution systems, as well as real estate or interest therein necessary for sites or rights-of-way upon which a facility will be located. Water Facilities loan funds may be used to pipe water into the farm dwelling or other farm buildings provided the loan is being made primarily for some other authorized purpose. Loan funds may not be used for plumbing and plumbing fixtures within the dwelling or other buildings or for power plants to generate electricity.

(b) The acquisition of a source of water supply. Included are the purchase of water stock or memberships in an association provided the organizational, financial, and water right situations of such association are sound; the acquisition of a water right through appropriation or purchase; and the acquisition of land with water rights in cases where it is not possible to acquire and transfer the water apart from the land, provided the value of the land without the water rights is an incidental part of the purchase price of the land and the appurtenant water right.

(c) The purchase of stock or memberships in, or the payment of assessments to, an association which will help such association to finance water facilities for which loan funds may be used, *Provided:*

(1) The organization and the financial structure of the association are sound; and

(2) The water facilities plans for the contemplated facility and the water right situation are approved by the Farmers Home Administration.

(d) The cost of hiring labor and equipment for land leveling which is necessary to make efficient use of irrigation water on land owned by the applicant.

(e) The refinancing of debts in the following situations:

(1) Where the indebtedness being refinanced is secured by a lien on an existing facility and the Water Facilities loan is being made for the enlargement or rehabilitation of that facility, and where all of the following conditions are present:

(i) The indebtedness was incurred in the construction or repair of the existing facility;

(ii) The present lienholder is unwilling to make additional advances to place the facility in a satisfactory condition;

(iii) Arrangements cannot be made with the present lienholder to extend or modify the terms of the security instrument(s) in order to provide a satisfactory basis upon which the Water Facilities loan may be made; and

(iv) The amount to be used for refinancing is an incidental part of, and never more than 50 percent of, the total of the Water Facilities loan funds being advanced. In addition, the amount advanced for refinancing may not exceed the value of the existing encumbered facility or the cost of refinancing it, whichever is less.

(2) Where the indebtedness being refinanced is for the discharge of the borrower's obligations for the enlargement or rehabilitation of an existing facility or for the construction of a new facility, if they were incurred at a time when a Water Facilities loan was being processed for those purposes and at a time when all of the following conditions existed:

(i) The Water Facilities loan had been approved, the conditional approval letter had been issued, and the applicant had indicated that he could meet the loan conditions;

(ii) It became necessary, prior to the closing of the loan, but subsequent to the events described in subdivision (i) of this subparagraph, to begin construction of the approved facility in order to avoid loss or damage to the applicant's current crops or loss of a favorable firm offer of equipment or of a contract bid; and

(iii) The loan approving official had consented in writing to the beginning of such construction or to the purchase of materials for the approved facility, with the specific statement that no loan funds would be advanced unless loan approval conditions should be met.

(3) Where the indebtedness being refinanced is for the discharge of the borrower's obligations arising from temporary credit obtained for repair or replacement of a portion of a water facility covered by a mortgage securing an existing Water Facilities loan, if it was obtained by him after a request for a subsequent Water Facilities loan for those purposes and at a time when all of the following conditions existed:

(i) The State Director had determined that the immediate repair or replacement of the facility was necessary to avoid substantial crop damage;

(ii) The security value of the facility would have been substantially lessened by the failure of the part or the whole of the facility needing repair or replacement; and

(iii) The applicant did not have resources with which to pay such costs, could not levy assessments therefor and could not secure credit from other sources on terms which he could be expected to meet.

(f) The purchase of equipment needed by an association having governmental or quasi-governmental functions, such as a soil conservation district, for the purpose of use for construction, installation or maintenance of individual or group water facilities for the farmers served by such association, provided equipment purchased is not otherwise available at reasonable cost or the cost of the projects will be materially lower as the result of such purchase, and the equipment can be used effectively in maintenance work upon such projects.

(g) The purchase of equipment needed by an association or a Water Facilities group service for construction or maintenance of its farmstead or irrigation water system, if:

(1) Equipment purchased for use in construction is not otherwise available at reasonable cost or the cost of the project will be materially lower as the result of such purchase; and it can be used effectively in maintenance work after the project is complete or will be sold and the funds used for other planned costs of the project or returned as payment on the loan.

(2) Equipment purchased for maintenance only can be used effectively and economically throughout its useful life on the water system operated by the group.

(h) The hiring of or contracting for personal services such as services of engineers, attorneys, auditors, construction foremen and laborers needed for the planning, organization, construction or repair of the facility with respect to which a loan is made. Funds to pay costs incidental to loan closing such as those incurred to quiet title, obtain title evidence, and file and record lien instruments, may be included in a Water Facilities loan.

§ 352.6 *Loan terms*—(a) *Interest rate.* Water Facilities loans will bear interest at the rate of three percent (3%) per annum on the unpaid principal balance. Interest will begin as of the date of the loan check for all loans.

(b) *Repayments.* Every Water Facilities loan will be scheduled for repayment within the shortest period of time consistent with the ability of the borrower to repay as reflected in the annual and long-time farm and home plans or comparable documents. No Water Facilities loan, however, will be scheduled for repayment over a period which exceeds the anticipated useful life of either the facility or the security property whichever is the lesser. Also, in no case will the repayment period exceed 20 years from the date of the loan except as provided hereinafter. In no case will the repayment of a loan to an individual be scheduled over a longer period than otherwise necessary in order that the borrower may anticipate additional income to be used in making investments or improvements not essential to the efficient operation of his farm, and not incorporated in the long-time farm and home plan or similar document or in expanding his operation beyond that of an efficient family-type farm. Periodic repayment dates will be scheduled annually. The first installment will be payable not later than the end of the first full crop year after the closing of the loan except where deferment of the first annual payment is authorized hereinafter. The annual repayment dates will correspond to the receipt of income from which payments are to be made.

(1) The first installment of principal and interest may be deferred for a period of not to exceed two full crop years after the proposed facility is placed in operation. A deferment, however, may not be used to extend the term of any loan beyond the repayment period authorized. Deferred payments will be permitted only when the anticipated income during the proposed period of the deferment will be insufficient to meet regular annual installments on the loan as well as the payment of annual farm operating and family living expenses, a reasonable payment on real estate debts, and annual payments on chattel debts roughly equivalent to annual depreciation on chattels owned.

(2) A loan to a water association may be scheduled for repayment over a period longer than 20 years from the date of the loan, but not more than 40 years therefrom, but only when the loan docket contains specific data demonstrating clearly the inability of the association's water users to pay annual assessments or charges totaling enough to enable the association to repay the loan within 20 years or less, and within a period shorter than that scheduled for repayment.

(c) *Farmer contributions.* Individuals and associations, including the members thereof, will be expected to contribute to the cost of any facility to the extent practicable by furnishing such items as funds, labor, materials, and equipment.

(d) *Voluntary services for making surveys and plans.* Association applicants may utilize the compensated or uncompensated services of members or stockholders or other artisans or laborers in the part of the survey and planning undertaken by the association as its contribution to the planning and construction of the facility. However, if services are requested by Farmers Home Administration personnel, as gratuitous services,

(1) Any such request for assistance will be limited to such labor and other forms of aid as can be rendered personally by the individual involved, and

(2) Every person furnishing the assistance must acknowledge in writing that he will provide the assistance gratuitously.

(Sec. 4 (3), 50 Stat. 870; 16 U. S. C. 590u (3))

§ 352.7 *Loan limit.* Not more than $100,000 of Federal funds may be expended for the construction, repair, enlargement, and maintenance or financial assistance to any one project.

(Sec. 7, 54 Stat. 1124, as amended, 63 Stat. 171; 16 U. S. C. 590z–5)

§ 352.8 *Eligibility.* The benefits of the Water Facilities Program will be extended to individuals or to groups of individuals (including associations) whose lands are in use for agricultural purposes, including grazing, or whose lands will be placed in such use as a result of the installation of a proposed water facility.

(a) *Individuals.* An individual is eligible to receive a Water Facilities loan for authorized purposes, *Provided:*

(1) The individual is a farm owner or farm tenant whose lands are in need of water facilities to promote sound operations.

(2) The individual cannot obtain credit for the purpose of the loan on reasonable terms and conditions and in sufficient amount from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides.

(3) The farm unit on which the facility will be installed is not substantially larger than a family-type farm for the area and the individual applicant does not operate a farm unit substantially larger than a family-type farm for the area. A loan may be made to install water facilities on a farm smaller than an efficient family-type farm when such farm is something more than a subsistence unit or rural residence, and when the proposed facility will maintain or increase the output of farm commodities produced for sale; planned farm operations will produce a substantial but not necessarily a major portion of the total family cash income; and cash income from the farm operations will be larger than the cash farm operating expenses.

(b) *Joint operators.* When individuals own and operate a farm together, they may receive separate loans or a joint loan, provided, in either case: (1) The individuals jointly or severally cannot obtain credit for the purpose of the loan on reasonable terms and conditions and in sufficient amounts from commercial banks, cooperative lending agencies, or from any other responsible source in or near the community; (ii) a major portion of each individual's labor will be spent in the actual operation and management of the farm unit; and (iii) the acreage if divided among the individual owners would not constitute farms substantially larger than a family-type unit for each family represented.

(c) *Associations.* A nonprofit association having all corporate powers necessary to the borrowing and repayment of the loan and the operation of the water facility financed with the loan is eligible to receive a Water Facilities loan for authorized purposes; also a corporation organized for a profit, having the necessary powers to borrow and to repay the loan and to operate the water facility, will be eligible to receive a Water Facilities loan, but only upon approval of the Administrator, upon such conditions as may be prescribed by the Administrator, and upon the further condition that, within such time as the Administrator may prescribe, it will convey the facility to, to be operated on a nonprofit basis by and for the benefit of, the users of water therefrom, either incorporated or unincorporated; provided, in either case:

(1) Owners or tenants operating farm units of the size specified in paragraph (a) (3) of this section will use the major portion of the water to be made available by the facility.

(2) The association does not have sufficient funds to carry out the objectives for which the loan is sought and cannot obtain such funds by levying special assessments or charges on its members, or on reasonable terms and conditions from commercial banks, cooperative lending agencies, or from any other responsible source normally serving the area.

(d) *Unincorporated water associations.* An unincorporated water association is not eligible to receive a Water Facilities loan. However, Water Facilities loans may be made to individuals to participate in an unincorporated water association or water facilities group service approved by the Farmers Home Administration.

(e) *Certification by applicant.* Each applicant for a Water Facilities loan, individual or association, must certify, before a loan is approved, that he is unable to obtain credit on reasonable terms and conditions and in sufficient amount, from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides, to carry out the objectives for which the Water Facilities loan is sought.

(f) *Certification by County Committee.* No Water Facilities loan, initial or subsequent, may be made unless the County Committee certified in writing that the applicant is eligible to receive a Water Facilities loan under the appropriate requirements of paragraphs (a), (b) and (c) of this section.

(g) *Administrative determination.* All certifications by County Committees that applicants are eligible to receive Water Facilities loans are subject to administrative review and final determination. The loan approval officer is directed to determine whether an applicant so certified by the County Committee is eligible to receive a Water Facilities loan. In making such determination, the loan approval officer will take into consideration the certifications of the applicant and of the County Committee, and other pertinent information. Generally, the applicant will not be required to submit a written notice of rejection for credit from other available credit sources. However, the County Committee or loan approval officer should state what attempts have been made to secure other credit and may require such a written notice of rejection in doubtful cases.

§ 352.9 *Planning*—(a) *Water Facilities plans.* Water Facilities plans will be developed as a means of determining costs and feasibility of proposed water facilities to be constructed with loans and as a guide for subsequent installations of such facilities.

(b) *Farm and home plans.* Farm and home plans will be developed. A loan to a non-operating owner will be based upon a financial statement, a statement of income and expenses, and an appraisal report as set out in Part 354 of this subchapter.

(c) *Group plans*—(1) *Water Facilities group services.* At the time the initial assistance is rendered to a Water Facilities group service, an operating plan, and an operating budget will be developed with the group. Annually thereafter, until all loans have been repaid, the group will be required to summarize the operations for the past year and review and modify, if necessary, the operating plans and prepare a budget for the coming year's operations.

(2) *Water Facilities associations.* A loan to an association will be based on a financial report consisting of a balance sheet and an operating statement showing the results of operations for the association's last fiscal year, and a budget showing estimated receipts and expenditures for the next fiscal year. Annually thereafter, the Board of Directors will summarize operations for the past year and submit to the Government for approval a financial report and a budget for the next year's operations.

§ 352.10 *Water rights.* Assistance will be extended under this program only to applicants who comply with all applicable state laws with respect to the appropriation and use of water. In the absence of state laws requiring filing, but where state rules and regulations do not prevent the filing of an application for, or of notice of appropriation of, a water right, such filing will be required for all loans for irrigation purposes and association loans for farmstead systems involving a new or additional appropriation or use of water.

§ 352.11 *Tenure.* (a) Credit under this program will be extended to individual applicants who have reasonable assurance of the use of the land on reasonable terms and for a period of time sufficient to permit the repayment of the Water Facilities loan. If individual applicants are in default under the terms of their leases, purchase contracts, or mortgages, they will be required before loans are made to make arrangements with their landlords or land creditors for removing such defaults which in the opinion of the loan approving official can be carried out.

(b) When a loan is made to a tenant, the landlord will be required to compensate the tenant for the improvement to the real estate. This may be accomplished through such methods as extended tenure, reductions in rent, repayment of residual value, removal of the facility, or other equitable adjustments in tenure.

§ 352.12 *Security.* All Water Facilities loans will be secured in a manner which will adequately protect the Government's financial interest.

(a) *Loans to individuals.* (1) Except as provided in paragraph (a) (2), (3), and (4) of this section, each Water Facilities loan will be secured by the best lien obtainable on real estate and water rights owned or to be acquired by the applicant. When a junior lien is taken on real estate it must be determined that the applicant's equity has substantial security value. It is preferable that the lien taken cover the real estate upon which the facility is installed and that which it serves. When a junior lien is taken on real estate, a first lien will be obtained on any mortgageable property purchased with the loan. All liens on real estate will be taken subject to the title requirements in Part 354 of this subchapter.

(i) When a lien on real estate plus a first lien on mortgageable property purchased with the loan will not provide adequate security, the applicant will be required to give a lien on other property of the types listed in subparagraph (2) of this paragraph or obtain from his land creditor(s), if any, an agreement to pay in the event of foreclosure, the residual value of the facility or the unpaid balance of the loan, or to do both if necessary to adequately secure the loan.

(ii) The applicant may be required to obtain from his land creditor(s) an agreement to pay the residual value of the water facility or the unpaid balance of the loan when the debt(s) secured by prior lien(s) has (have) unreasonable repayment schedules, when prior lien instruments contain unlimited future advance clauses, or when the real estate is being acquired pursuant to a purchase contract.

(2) When a real estate lien cannot be obtained, or, if obtained, would have no significant security value, the loan will be secured by a first lien on the mortgageable property purchased with the loan plus a lien on other property of the

quality and value set forth in subdivision (i), (ii) and (iii) of this subparagraph:

(i) A first lien on selected items of livestock, farm equipment, or both.

(ii) A first lien on crops when a first lien on other personal property is not available.

(iii) A junior lien on selected items of livestock, farm equipment, or crops, subject only to outstanding liens held by the Farmers Home Administration as security for operating loans.

(3) Water Facilities loans only for the purchase of portable equipment, such as pumps, motors, and sprinkler systems may be secured by liens in either of the methods provided in subparagraphs (1) and (2) of this paragraph.

(4) When a loan is made only for the purchase of shares of water stock, such stock will be pledged or assigned as security for the loan. No other security will be required if the stock represents a right to receive water for irrigation purposes, if it can be resold readily by the pledgee or assignee, and if the purchase price is no greater than the price at which stock in the particular company is normally sold.

(5) A lien will be taken also on the rights-of-way and easements owned or acquired by the borrower for use in connection with the proposed facility, if it is necessary to do so in order to protect adequately the Government's financial or security interests. Applicants will obtain partial releases or consents to easements and rights-of-way across privately owned tracts of land from any holders of outstanding liens disclosed by the forms of title evidence required by Part 354 of this subchapter.

(b) *Loans to associations.* (1) A first lien, if obtainable, will be taken on real and personal property, exclusive of easements, rights-of-way, and water rights, owned by the applicant at the time the loan is approved. If a first lien is not obtainable, junior mortgages on such property may be taken.

(2) A first lien will be taken on real and personal property acquired with loan funds exclusive of easements, rights-of-way, and water rights.

(3) A mortgage lien will be taken on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with the facility. In some instances such easements or rights-of-way will involve private lands, and will not be derived pursuant to state statutes authorizing the installation of water or irrigation works across lands of other owners. In such cases, associations will obtain partial releases or consents to such easements and rights-of-way from holders of outstanding liens which are disclosed by real estate lien searches covering a period of at least ten years prior to the execution of the easements, and so forth.

(4) Assignments of association income will be taken as additional security.

(5) Bonds creating liens on lands served by an association having governmental or quasi-governmental functions, such as irrigation districts, may be accepted in lieu of liens on the kinds of property listed in subparagraphs (1), (2) and (3) of this paragraph, and assignments of income, *Provided:*

(i) Statutes do not confer upon such associations the authority to mortgage the water facilities operated by them and to assign income from that part of assessments, taxes, or charges levied to repay the loans; and

(ii) All statutory requirements pertaining to the authorization, sale and acceptance of the bonds are met.

§ 352.13 *Insurance*—(a) *When required.* Insurance will be required on mortgageable property (except windmills and their towers) purchased with the loan when the location, character, and construction of the facility is such that it is subject to destruction or damage by fire, windstorm, or tornado to the extent of $500 or more. When real estate is taken as loan security, insurance will be required on the dwelling and the other farm buildings thereon without which the borrower could not continue successful farming operations. This insurance will cover destruction, loss, and damage from fire, lightning, windstorm, and any other hazard covered customarily in the area.

(b) *Amount of insurance.* (1) When real estate is not taken as security and insurance is required on the mortgageable property purchased with the loan, the amount of that insurance will be equal to the depreciated replacement value of such property or the amount of the loan, whichever is less.

(2) When a first real estate mortgage is taken, the amount of insurance required will be equal to the depreciated replacement value of the mortgageable property purchased with the loan and of the farm buildings required to be insured, or the amount of the Water Facilities loan, whichever is less.

(3) When a second real estate mortgage is taken, the amount of insurance required will be equal to the depreciated replacement value of the mortgageable property purchased with the loan and of the farm buildings required to be insured, or the unpaid amount of the first mortgage plus the amount of the Water Facilities loan, whichever is less.

§ 352.14 *Subsequent loans.* Subsequent Water Facilities loans may be made under the same policies, requirements, limitations, and procedures as for initial loans, if the loan limit set out in § 352.7 is not exceeded thereby, where one or more of the following situations exist:

(a) A need for additional credit in connection with the facility exists because of a catastrophe, such as a storm, flood, earthquake, failure of water supplies, and so forth.

(b) An expansion or corrective action is needed in connection with the facility which could not be foreseen at the time the initial loan was made.

(c) To complete a facility begun with the initial loan where increased costs which cannot be absorbed by the applicant make the subsequent loan necessary for the protection of the investment of the Government.

(Sec. 7, 54 Stat. 1124, as amended, 63 Stat. 171; 16 U. S. C. 590z–5)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

SEPTEMBER 16, 1952.

Approved: September 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–10428; Filed, Sept. 25, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES

Correction

In F. R. Doc. 52–7571, appearing at page 6181 of the issue for Thursday, July 10, 1952, make the following change:

In column 1 on page 6184, line 5, "Cu Cl_2·$6H_2O$" should read "$CoCl_2$·$6H_2O$".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR–18]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INTERVENTION BY CITIES, OTHER PUBLIC BODIES, AND CHAMBERS OF COMMERCE

Correction

In F. R. Doc. 52–10301, appearing at page 8452 of the issue for Saturday, September 20, 1952, the following change should be made:

The seventeenth line of the first column on page 8453, "of a party under § 302.15 (c) (3) to the", should read "of a party under § 302.15 (c) (3) to file".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 10]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52–10080, appearing at page 8351 of the issue for Wednesday, September 17, 1952, make the following change:

In column 1 on page 8352, the line reading "4. The following revisions are made in commodity descriptions. These revisions" should read "3. The following additions are made to conform with revisions in *Schedule B*,".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5842]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HEALTH SPOT SHOE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1255 *Manufacture or preparation;* § 3.290 *Qualities or properties.* Subpart—*Using misleading name—Goods:* §3.2325 *Qualities or properties—Vendor:* § 3.2450 *Products.* In connection with the offering for sale, sale and distribution in commerce, of respondents' shoes designated by them as "Health Spot Shoes," or any other shoe of similar construction, (1) using the name "Health Spot Shoe Company" or any name in which the word "Health" appears in ordinary business transactions unless in immediate conjunction therewith there appear clearly and conspicuously the words "a corporate and trade name only"; (2) using in any advertisement of respondents' shoes the word "Health" or any other word importing a like or similar meaning, alone or in combination with any other word or words, to designate, describe or refer to respondents' shoes, or representing in any manner that the wearing of respondents' shoes will prevent or correct abnormalities of the feet, keep the feet healthy, prevent the development of abnormalities or deformities or will correct any disorder of the feet; (3) representing, directly or by implication, that the use of their shoes will prevent weak feet, weak ankles, inrolling ankles, weak and broken down arches, faulty posture, or will correct such conditions where they exist; (4) representing, directly or by implication, that their shoes possess features and characteristics which will prevent or correct any common foot ailment; (5) representing, directly or by implication, that the use of their shoes in the case of children will promote proper foot and postural development or provide the necessary support to the feet and arches in cases of ankle pronation; or (6) representing, directly or by implication, that the use of their shoes will assure comfort to the user, provide foot and body balance, eliminate foot fatigue, keep the ankles straight and strong or will hold the heel in normal position; prohibited, subject to the provision, however, that the prohibitions of "1" and "2", insofar as they relate to labels in or on shoes manufactured or in process of manufacture on the date the order is issued, and cartons or containers in which said shoes are now or may be packaged, and existing supplies used for business and not advertising purposes such as letterheads, envelopes, cards, sales books, and checks shall become effective on and after six months from the date the order is issued; and subject to the further provision that the marketing by respondent of any of said shoes, manufactured or in process of manufacture when the order is issued and on hand and unsold at the expiration of the six months' period above referred to, under a new name and with the words "Formerly Health Spot Shoes" appearing clearly and conspicuously and in immediate conjunction therewith shall not be construed as a violation of the order.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Health Spot Shoe Company, Oconomowoc, Wisconsin, Docket 5842, June 24, 1952]

In the Matter of Health Spot Shoe Company, a Corporation, and George E. Musebeck and Willard A. Andrews, Individually and as Officers of Said Corporation

This proceeding was heard by Webster Ballinger, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearing at which testimony, documents, and a stipulation were offered on behalf of both parties by their respective counsel and admitted in evidence.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore, duly designated by the Commission, upon the complaint, the answers thereto, testimony and other evidence, which was duly filed in the office of the Commission, requested findings, and conclusion and form of order submitted by counsel for the complaint, oral argument having been waived, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion [1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 24, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents Health Spot Shoe Company, a corporation, its officers, agents, representatives and employees, and George E. Musebeck and Willard A. Andrews, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their shoes now designated by them as "Health Spot Shoes," or any other shoe of similar construction, do forthwith cease and desist from:

1. Using the name "Health Spot Shoe Company" or any name in which the word "Health" appears in ordinary business transactions unless in immediate conjunction therewith there appear clearly and conspicuously the words "a corporate and trade name only."

2. Using in any advertisement of respondents' shoes the word "Health" or any other word importing a like or similar meaning, alone or in combination with any other word or words, to designate, describe or refer to respondents' shoes, or representing in any manner that the wearing of respondents' shoes will prevent or correct abnormalities of the feet, keep the feet healthy, prevent the development of abnormalities or deformities or will correct any disorder of the feet.

3. Representing, directly or by implication, that the use of their shoes will prevent weak feet, weak ankles, inrolling ankles, weak and broken down arches, faulty posture, or will correct such conditions where they exist.

4. Representing, directly or by implication, that their shoes possess features and characteristics which will prevent or correct any common foot ailment.

5. Representing, directly or by implication, that the use of their shoes in the case of children will promote proper foot and postural development or provide the necessary support to the feet and arches in cases of ankle pronation.

6. Representing, directly or by implication that the use of their shoes will assure comfort to the user, provide foot and body balance, eliminate foot fatigue, keep the ankles straight and strong or will hold the heel in normal position.

It is further ordered, That the foregoing Paragraphs One and Two insofar as they relate to labels in or on shoes manufactured or in process of manufacture on the date this order is issued, and cartons or containers in which said shoes are now or may be packaged, and existing supplies used for business and not advertising purposes such as letterheads, envelopes, cards, sales books, and checks shall become effective on and after six months from the date this order is issued.

It is further ordered, That the marketing by respondent of any of said shoes, manufactured or in process of manufacture when this order is issued and on hand and unsold at the expiration of the six months' period referred to in the preceding paragraph, under a new name and with the words "Formerly Health Spot Shoes" appearing clearly and conspicuously and in immediate conjunction therewith shall not be construed as a violation of this order.

By "Decision of the Commission and order to file report of compliance," Docket 5842, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing set-

[1] Filed as part of the original document.

ting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10462; Filed, Sept. 25, 1952; 8:49 a. m.]

[Docket 5955]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KRANE-BERMAN CLOTHING CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction of manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce of men's trousers or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, misbranding such products by, (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein; (2) failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weght, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Krane-Berman Clothing Company, New York, N. Y., Docket 5955, June 21, 1952]

In the Matter of James Berman and Benjamin Krane, Individually and as Partners, Doing Business as Krane-Berman Clothing Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and separate stipulation as to the facts by each of the respondents, whereby it was agreed that a statement of facts signed and executed by counsel for the respective respondents and counsel in support of the complaint might be taken as the facts in the proceeding, and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto, and that the hearing examiner might proceed upon said statement of facts to make his initial decision stating his findings as to the facts, including inferences which he might draw from the said stipulations, and his conclusion based thereon, and enter his order disposing of the proceeding as to each of said respondents, without the filing of proposed findings and conclusions or the presentation of oral argument.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and the aforesaid stipulations as to the facts, each of which also provided that the Commission might, if the proceeding came before it upon appeal from the initial decision of said examiner or by review upon the Commission's own motion, set aside the same and remand the case to said examiner for further proceedings under the complaint, and each of which had been approved by said examiner and made a part of the record, and said examiner, having duly considered the record and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion [1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 21, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, James Berman and Benjamin Krane, individually and as partners, doing business as Krane-Berman Clothing Company, or under any other name, names or designation, and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of men's trousers or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

(1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein;

(2) Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 5955, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10463; Filed, Sept. 25, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 23, Amdt. 5]

CPR 23—LIVE CATTLE

MODIFICATION OF REPORTING REQUIREMENTS AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order No. 2, and Economic Stabilization Agency General Order No. 5, Revision, this Amendment 5 to Ceiling Price Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several changes in Ceiling Price Regulation (CPR) 23.

(1) In extending the Defense Production Act on July 1, 1952, Congress stated it to be its policy to ease reporting requirements with respect to sales which are below ceiling prices. Although CPR 23 is a regulation based on maximum costs rather than ceiling prices, this amendment will parallel the policy of the Congress with respect to ceiling price reports by suspending all reporting requirements of that regulation for the time being. Market prices on all grades of cattle have been somewhat under maximum prices stated in the regulation in most of the country since June. Therefore, in conformity with Congressional policy, it is possible to suspend maximum cost reports at this time.

However, it is probable that cattle of Prime, Choice and Good grades will again be selling at higher prices in the near future, for the decline in market prices for the higher grades has been partly seasonal and also markedly less than that for Commercial, Utility and Cutter and Canner grades. In the preparation of this amendment, consideration has been given to limiting compliance and reporting requirements to the top three grades; however, largely in order to conform with parallel Congressional policy, all reporting requirements, but no compliance requirements, are suspended at this time. If the present spread between prices for the higher and lower grades of cattle continues, it is likely that, if prices stiffen, the top grades may approach maximum permissible prices although the lower grades may remain substantially below their maximum. In that event, the present compliance and reimposed reporting requirements may be limited to prices paid for cattle of Prime, Choice, and Good grades.

It must be understood that the suspension of reports does not mean that this entire regulation is suspended. The other provisions of CPR 23 remain in effect. Purchases of cattle of all grades must be made at all times in compliance with the maximum costs set by this regulation. Records required by this regulation must also be kept. The live cattle market is not soft enough to permit suspension of controls under the applicable OPS standards.

(2) A permanent change in the reporting requirements is also made by this amendment. Hereafter these requirements will cover only slaughterers of 20 or more head of cattle per accounting period. This change will eliminate reporting requirements for a very substantial number of the country's cattle slaughterers without materially reducing the volume of slaughter on which reports are required.

Experience has demonstrated that purchases by small slaughterers of a total of less than 20 cattle per accounting period exert but little pressure on cattle prices. These slaughterers will remain subject to the price compliance and some record keeping requirements of this regulation; but because of their relatively minor role in the live cattle picture, their reports can be discontinued. Hereafter, Drove Compliance Report (OPS Public Form 13, Revised) filing requirements will be as follows:

Slaughterers killing 20 or more head of cattle in any one establishment for their own account during any accounting period must file OPS Public Form 13, Revised, for that accounting period and for each accounting period thereafter. However, if in any subsequent accounting period they slaughter less than 20 cattle in any establishment for their own account, they need answer only the first five items on the Form.

Slaughterers who kill some but not more than 19 head of cattle in any one establishment for their own account during the first accounting period governed by this amendment must file a statement indicating this fact and that they will file OPS Public Form 13, Revised, for the next subsequent accounting period during which their cattle slaughter, in any establishment for their own account, is 20 or more head. In that case they shall be subject to the provisions of the preceding paragraph thereafter.

Slaughterers who kill no cattle at all are exempt from filing any statements pursuant to Section 8 of this regulation. It is a violation of this regulation to slaughter cattle without filing either OPS Public Form 13, Revised, or the statement referred to above.

This amendment also relieves slaughterers of less than 20 cattle for their own account in any one establishment during an accounting period from the requirement of filing a report on OPS Public Form 14 every time their maximum calculated prices change. They need file such a report only with the first OPS Public Form 13, Revised, filed after such a change.

These provisions shall become effective with the first accounting period after the effective date of this amendment when reports are next required.

(3) For the same reason, Section 7 is amended to relieve small slaughterers of the record keeping burden on adjusted costs, killing floor work sheets, and other records specified in subsections 7 (a) (7), 7 (b) and 7 (c) for accounting periods during which they are not required to file OPS Public Form 13, Revised. However, such slaughterers must keep for all accounting periods the other records required by section 7 (a).

(4) This amendment makes it clear that slaughterers who take hot weights after washing and shrouding must deduct the actual weight of all "tare" materials involved in weight-taking appropriate to their operations and method of weighing, including wet or dry shrouds, whichever are used. It also provides that a slaughterer having no facilities for taking hot weights shall, in reporting the chilled carcass weight of beef slaughtered, use the weight of carcasses obtained at least 24 hours after slaughter.

(5) The amendment requires that each lot of cattle killed be given a separate lot number. This will permit identification of the number of head, live weight and cost of the cattle for each lot. Each lot is to retain this identity during all plant operations of slaughtering, weighing, chilling and grading.

(6) The Instructions in Appendix A which explain how to determine maximum permissible cost and how to fill out OPS Public Form 13 have been revised to reflect changes in reporting requirements due to amendments to the regulation and to changes in the report form.

The revised OPS Public Form 13 removes the requirement of reporting number of head, weights, and costs in connection with condemned cattle.

Provision is made to omit the reporting of live weights by a slaughterer in cases where undue hardship would be caused by the requirement of weighing the cattle. The weighing may be omitted upon the filing of a statement including but not limited to the distance the cattle would have had to be transported to the nearest scale, if weighed.

Provision is made for reporting the killing of cattle raised by a slaughterer from the time of their birth. Since no purchase cost is involved for such cattle they are not subject to drove cost compliance. However, the number of head and live weight of such cattle killed is to be reported with the number of cattle fed more than 120 days, for the purposes of obtaining more complete information from slaughterers and of facilitating cross-checking the reports filed.

Instructions for reporting on transportation costs are made more specific. Since some cattle are purchased with the intention of feeding them before they are killed, transportation charges from the point of purchase to the feedlot and for transshipment, if any, between feedlots, are required to be reported as a part of the purchase cost. The reasons supporting the freight deduction, provided in the regulation, for transportation cost on cattle purchased for immediate slaughter do not apply to cattle purchased for feeding. Such deductions, used in determination of adjusted costs, are predicated in part on the need to compensate for tissue shrink enroute. There is no justification for, and the regulation does not permit, such an adjustment on cattle shipped to a feedlot.

In some instances slaughterers obtain all cattle at markets within their im-

mediate vicinity. If no transportation costs are incurred, slaughterers must show on their reports that such cattle were all purchased locally.

Cattle purchased for immediate slaughter sometimes undergo a transportation delay beyond the control of the slaughterer so that they become subject to the feedlot cost addition, without benefiting by gain in weight or grade because of feeding operations. Therefore, this amendment provides that when cattle purchased for immediate slaughter are delayed enroute more than 8 days, for reasons beyond the control of the slaughterer, no feedlot costs need be added until the 4th day after delivery. This will allow sufficient time to prepare such cattle for slaughter, without causing the slaughterer to make the feedlot cost addition.

(7) Section 6 is revised with respect to price exemptions for "club" and "show" cattle, and the certificates required to support such purchase cost exemptions. The president, secretary or manager of a fair or show have been designated as proper officials to apply for OPS approval to hold sales of competitively exhibited "club" or "show" cattle on a price exempt basis, and to issue such certificates of exemption. Uniformity in the procedures of applying for exemptions and for certifications has been provided by making one certificate form applicable to both "club" and "show" cattle. Further, the provisions of this section have been correlated as far as possible with the parallel provisions of Distribution Regulation 1, Revision 1.

(8) This regulation does not prohibit the purchase of cattle on a dressed grade and yield basis. To make the intention of the regulation in this regard clear, section 3 is amended to state specifically that this method of purchasing cattle is permitted and that such purchases are subject to the record keeping and cost reporting requirements of the regulation.

(9) The definition of "live weight" as set forth in section 11 (i) is expanded to cover the transfer weight at the time a slaughterer's own fed cattle are transferred from his feedlot to slaughter. Definitions of "own account" and of "dressed carcass" are added.

CONCLUSIONS

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of CPR 23, in general use in the livestock and meat industry. Such standards as are prescribed are indispensable to price control of live cattle, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of CPR 23, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 23 is amended in the following respects:

1. Section 3 is amended by adding the following paragraph (c) at the end of that section to read as follows:

(c) Nothing in this regulation shall be construed as prohibiting the purchase of live cattle at a price to be determined on the basis of the dressed yield and grade of beef derived from the slaughter of such animals. However, purchases made in this manner are subject to all applicable requirements of this regulation.

2. Section 4 (a) is amended to read as follows:

(a) Regardless of any contract, agreement or other obligation, if a slaughter has slaughtered in a particular establishment during an accounting period 20 or more cattle, (1) his adjusted cost for all steers, heifers, cows and stags slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase, may not exceed his maximum permissible cost for such steers, heifers, cows and stags, and (2) his adjusted cost for all bulls slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase may not exceed his maximum permissible cost for such bulls.

3. Section 5 is amended by adding a new paragraph (f) to read as follows:

(f) The president, secretary or manager of a fair, show, or exhibition is prohibited from issuing exemption certificates for the sale of "club" cattle or "show" cattle except as provided in section 6.

4. Section 6 is amended to read as follows:

SEC. 6. *Exempt purchases.* (a) The following purchases of cattle are exempt from this regulation if all the applicable conditions specified in this section 6 are complied with:

(1) *Club cattle.* (i) Purchases of live cattle from members of 4–H clubs, Future Farmers of America, or other recognized farm youth organizations, at sales made at the place and time of a fair, show or exhibition.

(ii) Purchases of one head of live cattle per club member per year from members of 4–H clubs, Future Farmers of America, or other recognized farm youth organizations at a public stockyard which is under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended.

(2) *Show cattle.* Purchases of live cattle which have been exhibited in competition at a fair, show or exhibition, if the cattle were purchased by you in the course of a regularly scheduled public sale held at the place and time of such fair, show, or exhibition.

(b) *Application for permission to issue exemption certificates.* The president, secretary, or manager of the organization promoting a fair, show or exhibition must apply in writing to the OPS District Office for the area where the fair, show, or exhibition is to be held for permission to issue certificates exempting "club" and "show" cattle from this regulation. However, in the case of an international fair held outside the 48 States of the United States and the District of Columbia, application shall be made to the nearest OPS District Office.

(c) *Approval by OPS District Office to issue exemption certificates.* The OPS District Office will authorize the president, secretary or manager of the organization promoting the fair, show, or exhibition to issue to purchasers, or to the exhibitors of "club" cattle to be later sold at a public stockyard, certificates exempting from this regulation "club" or "show" cattle subject to the following conditions:

(1) *For "club" cattle.* The animal or animals are bona fide project animals fed in an original club under the direction of the United States Department of Agriculture Extension Service or a recognized State Agency. In the case of "club" cattle to be later sold at a public stockyard, the president, secretary or manager of the fair, show, or exhibition will issue the exemption certificate only in cases where (i) the "club" animal has been entered and officially accepted for exhibition and actually exhibited at a fair, show, or exhibition; and (ii) the seller has certified in writing that he has not sold any cattle on an exempt basis under this section 6 during the current calendar year.

(2) *For "show" cattle.* (i) The fair, show, or exhibition is recognized as being of county, state, regional (embracing more than one state), national or international character;

(ii) The organization promoting such fair, show, or exhibition has been in existence prior to 1951 or is the bona fide successor to an organization which was in existence prior to 1951.

(iii) The fair, show, or exhibition has been promoted and held as a regular event prior to 1951; and

(iv) The traditional events occurring at such fair, show, or exhibition until 1951 included a regularly scheduled public sale for slaughter of some or all of the cattle exhibited.

(d) *Issuance of exemption certificates.* After the president, secretary or manager has received from the OPS District Office approval to issue exemption certificates on "club" or "show" cattle (OPS Public Forms 44, Revised) at the fair, show or exhibition, he shall make such announcement at the time of the opening of the event. He shall make an original and two copies of each exemption certificate he issues. He shall give the original and one copy of such exemption certificate to the purchaser of "club" or "show" cattle, or to the exhibitor in the case of a "club" animal to be sold later at a public stockyard. He shall, on the

closing date of the fair, show or exhibition, forward to the District Office which approved the application for exemption the third copy of each certificate issued. Each exemption certificate must contain the following information:

(1) Name of the organization conducting the fair, show or exhibition, and the place and date at which it was held.

(2) The location of the OPS District Office which approved the fair, show or exhibition, and the date of such approval.

(3) Name and address of the person purchasing the cattle; or in the case of one head of "club" cattle to be sold later at a public stockyard, the name and address of the "club" member exhibitor.

(4) The number and live weight of the cattle purchased, or to be later sold at a public stockyard.

(5) A statement that:

(i) *In the case of "club" cattle,* the animal or animals listed on the certificates were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture Extension Service or a recognized State Agency; or

(ii) *In the case of "show" cattle,* that each of the animals listed on the certificate was entered and officially accepted for exhibition purposes at the fair, show or exhibition and in fact was exhibited there in competition. For the purposes of this paragraph, cattle which have been rejected for, or barred from, competitive exhibition prior to the holding of the event in which competition winners are selected, shall not be deemed to have been exhibited at such fair, show or exhibition.

(6) The signature of the president, secretary or manager of the fair, show or exhibition.

(e) *Sales of Club cattle at a public stockyard.* (1) A member of a recognized youth organization who has exhibited in competition one head of "club" cattle at a fair, show or exhibition but did not sell the animal there may obtain from the president, secretary or manager of the fair, show or exhibition an exemption certificate authorizing the sale of that animal at a public stockyard which is under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended. The member shall endorse on the original and one copy of the certificate that (i) he is a member of a recognized youth organization, named and defined as referred to in section 6 (a) (5) (1) above; (ii) the animal to be sold at the public stockyard was owned and raised by him and was competitively exhibited at a fair, show or exhibition; and (iii) he has not sold any cattle on an exempt basis pursuant to this Section 6 during the current calendar year.

(2) The original and one copy of the exemption certificate containing the endorsement required in paragraph (1) above shall be presented by the member to the manager of the public stockyard at which the animal is to be sold. The manager of the stockyard shall transmit these copies of the certificate to the purchaser of the animal. The purchaser shall attach the original of the certificate to his OPS Public Form 13, Revised. If he is not required to file Public Form 13, he shall transmit the certificate (OPS Public Form 44, Revised) to his OPS District Office at the end of the current accounting period.

(f) Notwithstanding any exemption specified in this section 6, exempt purchases shall be subject to the record keeping and reporting provisions of sections 7 and 8 of this regulation.

5. Section 7 (a) is amended by adding a new sub-paragraph (7) to read as follows:

(7) Each lot of cattle purchased for immediate slaughter and each lot transferred from feeding operations for slaughter shall be assigned a killing lot number, and the records required by Section 7 (a) shall be kept for each lot of cattle by lot number. The identity of each lot shall be retained, and it shall be identified by its lot number, from the time of purchase or transfer from feeding operations through the slaughtering, weighing, chilling and grading operations.

6. Section 7 (c) (1) (i) is amended to read as follows:

(i) The killing lot number and the serial number of the carcass;

7. Section 7 (c) (2) is amended to read as follows:

(2) *Work sheet.* In addition to the foregoing, each operator of a slaughtering establishment shall keep for inspection by the Office of Price Stabilization a daily work sheet showing for each killing lot, the lot number, the date the lot is killed, and for each dressed carcass in the lot, the serial number, its hot weight, (except as provided in (iv) below) and its weight, as adjusted to show the chilled carcass weight 24 hours after slaughtering. However, if the operator elects, he may show the adjusted chilled carcass weight by grades in total instead of for each individual carcass. In adjusting from hot weight to chilled carcass weight 24 hours after slaughtering, the operator shall use the shrink allowance specified below that is appropriate to his method of weighing:

(i) If the hot weight is taken before washing and shrouding deduct 1¾% from the hot weight;

(ii) If the hot weight is taken after washing and before shrouding, deduct 2½ percent from the hot weight;

(iii) If the hot weight is taken after washing and after shrouding, deduct for pins, neck cloths, shank cloths, kidney cloths and shrouds the actual tare appropriate for your method of operations and weighing, and deduct 2½ percent from this hot weight;

(iv) In the event that the operator does not have facilities for obtaining hot weights, the weight to put on the carcass tags and work sheets as specified above in section 7 (c) (1) and (2) is the actual weight of the dressed carcass at the time of weighing. This weight shall be taken at least 24 hours after slaughter, and used for reporting purposes as the chilled carcass weight 24 hours after slaughter.

(v) Under all methods of weighing the actual tare for hooks and trolleys shall be deducted.

(vi) The daily work sheets required by this sub-paragraph shall be filled out with indelible pencil, and each shall bear a statement signed by the weigher that it is the original sheet on which he recorded such information.

8. Section 7 is further amended by redesignating section 7 (c) (3) as section 7 (c) (4) and by adding, immediately preceding that section, a new section 7 (c) (3) to read as follows:

(3) If you have not already done so, a statement of the method you use to determine chilled carcass weight 24 hours after slaughter must be filed with your next OPS Public Form 13, Revised, with the OPS office where you are registered. This formula or any change therefrom is subject to the approval of the Office of Price Stabilization.

9. Section 7 (d) is amended to read as follows:

(d) *Preservation of records.* Every person subject to this regulation must keep all records required by this regulation and a copy of each form and statement which he is required to file under sections 7 and 8 for a period of two years. All records and reports required to be preserved under this section may, 30 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

10. Section 7 is further amended by adding a new paragraph (f) at the end of that section to read as follows:

(f) *When records are not required.* The record keeping requirements of sections 7 (a) (7), 7 (b), 7 (c) (1) and 7 (c) (2) are not applicable to a slaughterer during any accounting period for which he is not required to file OPS Public Form 13, Revised.

11. Section 8 is amended to read as follows:

SEC. 8. *Reports required of slaughterers.* (a) If you are a Class 1, Class 2, Class 1A or Class 2A slaughterer, as defined in Distribution Regulation 1, Revision 1, you are required to file an OPS Public Form 13, Revised, Drove Compliance Report, for the first accounting period commencing after reporting requirements are reinstated under this regulation, during which 20 or more cattle were killed for your own account in any one establishment and for each accounting period thereafter. This form must be filed separately for each such establishment and within 10 days after the end of each accounting period.

(1) If no cattle or less than 20 cattle were killed for your own account in one establishment during an accounting period, you are exempt from filing OPS Public Form 13, Revised, until the number of cattle you slaughter in any accounting period reaches such limit, provided you file with the OPS for your first accounting period commencing after reporting requirements are reinstated under this regulation a statement that (i) less than 20 cattle were killed for your own account, and (ii) you will file OPS Public Form 13, Revised, for the first accounting period during which 20 or

more cattle are killed for your own account in one establishment.

(2) If, after filing an OPS Public Form 13, Revised, you have an accounting period during which you slaughter less than 20 cattle, you must continue to file OPS Public Form 13, Revised, but for each such accounting period you need answer only the first 5 items and sign and file the Form.

(3) If you kill no cattle at all, you are exempt from filing any reports or statements pursuant to this section 8. You are in violation of this regulation if you slaughter cattle without filing either OPS Public Form 13, Revised, or having filed the statement referred to in section 8 (a) (1).

(4) If a change in a slaughterer's maximum calculated prices for a given establishment becomes effective during an accounting period, the slaughterer shall file two OPS Public Forms 13, Revised, one Form based on the maximum permissible cost of cattle prior to such effective date, and the other Form based on the maximum permissible cost on and after such effective date, or he may file one OPS Public Form 13, Revised, for the entire accounting period based on the lowest maximum calculated prices in effect during the accounting period.

(b) OPS Public Form 14, Slaughterer's Maximum Calculated Prices Statement, containing the information specified in Appendix A, Instructions III shall be filed, if not already filed, by a slaughterer to show the latest maximum calculated prices in effect for each establishment in which 20 or more cattle are killed for his own account during an accounting period. A revised OPS Public Form 14 shall be filed thereafter whenever there is a change in a slaughterer's maximum calculated prices for a given establishment with the first OPS Public Form 13 filed after the change.

(c) Reports shall be filed by Class 1 and Class 1A slaughterers with the Office of Price Stabilization at Washington 25, D. C., and by Class 2 and Class 2A slaughterers with the OPS District Office where they are registered under Distribution Regulation 1, Revision 1.

(d) Copies of OPS Public Form 13, Revised, and OPS Public Form 14 may be obtained from the Washington Office or any Regional or District Office of the Office of Price Stabilization.

(e) This section 8 is suspended, effective for slaughterer's accounting periods beginning after July 26, 1952.

12. Section 11 (i) is amended to read as follows:

(i) "Live weight" means the purchase weight of cattle slaughtered, except that in the case of transfer of cattle from your feeding operations to slaughter it means the weight at the time of such transfer.

13. Section 11 is further amended by adding the following paragraphs (m), (n), and (o) at the end of that section to read as follows:

(m) "Own account" means that you own the cattle at the time they are killed, whether killed by you or for you by another person.

(n) "Dressed beef carcass" means and is limited to "beef carcass" as defined in Appendix 2 (a) (1) of Ceiling Price Regulation 24, as amended or revised from time to time.

(o) "Side of beef" means a hindquarter and a forequarter, separated or attached, which are derived from one side of a beef animal and which have been dressed in accordance with the specifications applicable to "dressed beef carcass".

14. Appendix A—Instructions II through V, inclusive, are amended to read as follows:

II

Report the following on OPS Public Form 13, Revised:

Items 1, 2, 3, 4, 5, 7 and 8 (e). These items are self-explanatory.

Item 6 (a). Enter separately in Items 6 (a) (1) and 6 (a) (2) the number of head and live weight of (1) cattle other than bulls, and (2) bulls, killed in this establishment for your own account during the accounting period and slaughtered within 120 days of the date of purchase. Purchases are deemed made on the day the animals are weighed to you. Include animals the carcasses of which were graded as beef even though you may have purchased them as calves. Exclude cattle the carcasses of which were wholly condemned, and animals the carcasses of which have been graded as calf. The weight of any cattle reported in Item 6 (a) which have been slaughtered more than 10 days (but not more than 120 days) after purchase shall be the weight at the time of transfer from feedlot to slaughter. If animals of more than one classification are purchased in a single mixed lot and the separate actual live weight of the animals in a given classification is not obtainable, the computed live weight of such animals shall be obtained by dividing the dressed weight of the meat derived from the animals of such classification by the average dressed yield of the entire lot. The average dressed yield of the entire mixed lot is determined by dividing the dressed weight of the meat derived from the entire lot by the actual live weight of the entire mixed lot.

In the event scales for weighing live cattle are not available to the slaughterer and movement of livestock to scales would cause undue hardship, the live weight to be reported is the applicable calculated live weight determined in Column 3 of Item 9 (a) and 9 (b). However, a satisfactory statement justifying the failure to obtain actual live weights shall be filed with the OPS office where you are registered.

For the purposes of these instructions, steers, heifers, cows and stags shall be one classification, bulls shall be a second classification, and calves shall be a third.

Item 6 (b). Enter the number of head and live weight of cattle, including bulls, which you slaughtered more than 120 days after purchase or which you raised from time of their birth. Purchases are deemed made on the day the animals are weighed to you, or if not purchased on a weighed basis, on the day cattle are started on feed for your account. The weight to be reported in this item is the actual weight taken at the time the cattle are transferred from your feedlot for slaughter.

Item 6 (c). Enter the number of head and live weight of club and show cattle owned by you which were killed for your own account in this establishment during the accounting period and the purchase of which is exempted by section 6 of CPR 23. If any such exemption is claimed, attach the applicable certificate of exemption (OPS Public Form 44, Revised). If certificates are not attached such cattle are not exempt from cost compliance.

Item 8 (a). Enter separately for each classification the purchase cost of all cattle reported in Item 6 (a). Do not include in the purchase cost any commission or similar service charge or any allowance for shrinkage. Purchase cost of the fed cattle reported in Item 7 (a) must include all charges paid for transportation from the time of original purchase to the time immediately prior to shipment from the feedlot to slaughter.

If bulls, other cattle, and calves were purchased in a mixed lot and you cannot segregate the purchase cost of each classification, compute the purchase cost for each classification by multiplying the average price per pound alive of the entire lot by the live weight of each classification as determined under Item 6 (a). The purchase cost of animals bought as cattle, the carcasses of which were graded as calf, shall be excluded. The purchase cost of animals bought as calves, the carcasses of which were graded as beef, shall be included.

Item 8 (b). Enter separately for each classification charges paid for transportation to your slaughtering establishment on all cattle reported in Item 6 (a), including charges paid for feeding and bedding en route. On cattle which you have fed more than 10 but not more than 120 days, include only charges paid for transportation from your feedlot to slaughter. Determine the transportation charges for animals transported in mixed lots by multiplying the live weight per cwt. of the animals in each classification (as determined under Item 6 (a)) by the average freight rate per cwt. Do not include charges for transportation to your establishment (i) from a point within the corporate limits of, or the zone adjacent to and commercially a part of, the municipal corporation in which the establishment is located, or (ii) by facilities owned or operated by you used for hauls of 25 miles, or less, one way. If your own facilities are used for hauls longer than 25 miles, one way, to your establishment from a point outside the area described in (i) above, you must include in your charges for transportation the equivalent common carrier rate for such hauls. If all cattle were acquired locally and no transportation costs were incurred, enter in Item 8 (b) the statement: "Purchased locally."

Item 8 (c). For all the cattle reported in Item 7 (a), enter a feedlot cost addition computed at 70 cents per head per day from the date each animal was purchased to the date it was slaughtered. When cattle purchased for immediate slaughter are en route more than 8 days due to circumstances beyond the control of the carrier or slaughterer, the feedlot cost addition shall be computed from the fourth day after delivery date of such cattle by the carrier to the slaughtering establishment.

Item 8 (d). For all cattle reported in Item 6 (a) enter a non-public market addition at the rates specified below for purchases at the indicated markets.

(i) 20 cents per live cwt. for purchases at any point other than public markets covered by the following subparagraph (ii).

(ii) 10 cents per live cwt. for purchases at public markets under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended. However, no addition is required for purchases at such public markets in the following cities: Baltimore; Chicago; Denver; Fort Worth; Indianapolis; Kansas City, Missouri; Lancaster, Pennsylvania; Oklahoma City, Omaha; South St. Joseph, Missouri; St. Louis National Stockyards, Illinois; San Antonio; Sioux City, Iowa; Sioux Falls, South Dakota; South St. Paul. If all cattle are purchased at one or more of these exempt markets enter in Item 8 (d) the statement: "All cattle purchased at exempt markets."

Item 8 (f). You may claim a freight deduction as determined below for a portion of the transportation costs reported in Item 8 (b), if you file with this report a statement showing for all cattle purchased at each separate market for which a deduction is made: (1) the total live weight of cattle purchased, (2) the total freight charges paid, and (3) the total deduction claimed. The statement should also show the total weight, charges and allowances for all markets. The amount of freight deduction you may claim is determined as follows:

If your establishment is located east of a line following the eastern side of Lake Michigan, the eastern boundary of Indiana and the Ohio and Mississippi Rivers to the Gulf of Mexico, the allowance shall not exceed 75 per cent of the actual cost of freight exclusive of charges for feed and bedding, paid on such cattle, or 80 cents per live cwt., whichever is lower. If your establishment is located west of such a line, the allowance shall not exceed 40 per cent of the actual cost of freight exclusive of charges for feed and bedding paid on such cattle, or 50 cents per live cwt., whichever is lower.

When the allowance is figured on a weight and rate basis use railroad weight if shipped by rail, or the purchase weight if shipped by truck.

Item 8 (g). Make the additions indicated in Item 8 (e) and the deduction allowed in Item 8 (f) to arrive at your reported adjusted cost of steers, heifers, cows and stags as one classification, and of bulls as another classification.

Item 9 (a) and (b), Column (1). Enter separately for each classification and grade the total chilled carcass weight of beef derived from slaughter of the steers, heifers, cows, stags and bulls on which adjusted costs are reported in Item 8. The beef carcasses shall be graded as required by Distribution Regulation 2. The chilled carcass weights shall be determined by the method which you have selected, the statement of which you have filed under section 7 (c) (3) of CPR 23.

Column (3). Enter separately for each classification and grade the calculated live weight of animals by dividing the chilled carcass weights in column (1) by the conversion factors listed in column (2).

Column (4). Enter separately the maximum calculated prices per cwt. by classifications and grades from your OPS Public Form 14.

Column (5). Enter separately the result obtained by multiplying the weights entered in column (3) by the prices entered in column (4) and dividing by 100.

For Item 9 (a) enter the total for all grades in each of column (1), (3) and (5). The totals entered in Items 9 (a) and 9 (b), Column (5) are your reported maximum permissible costs for all steers, heifers, cows and stags as one classification, and bulls as another classification, respectively, for which you have reported adjusted costs in Item 8 (g).

III

The maximum calculated price per cwt. referred to in the instructions for Items 9 (a) and (b), Column (4), OPS Public Form 13, Revised, is computed on OPS Public Form 14 as follows:

Item 1. Enter your name as the slaughterer making the report and state whether you are a Class 1, 1A, 2 or 2A slaughterer.

Class 1 and 2 slaughterers enter your OPS registration number which appears in the upper right-hand corner of your OPS Form DO 1-1 or DO 1-2 Registration. Class 1A and 2A slaughterers enter the registration number which may be obtained from your Class 1 or 2 slaughterer.

Item 2. Enter address of your place of business, including, City, County and State.

Item 3. If the cattle covered by this report were custom slaughtered for you, enter the name of the establishment where slaughtered.

Item 4. Enter address of establishment where cattle were slaughtered, including City, County and State.

Item 5. Indicate by checking one of the spaces whether the establishment where the cattle were slaughtered was operated by you.

Item 6 (1). Enter separately by grades your base ceiling price for beef carcass in dollars per cwt. for each grade as shown in section 20 of CPR 24, as amended from time to time.

Item 6 (2). Enter the appropriate zone differential from section 40 of CPR 24, as amended from time to time, assuming that the distribution point is your slaughtering establishment.

Item 6 (3). Enter separately by grades in Item 6 (3) the sum of Items 6 (1) and (2).

Item 6 (5). Enter separately by grades in Item 6 (5) the result obtained by multiplying the amounts in Item 6 (3) by the conversion factors listed in Item 6 (4). These conversion factors are: Prime, 62%; Choice, 59%; Good, 56%; Commercial, 53%; Utility, 47%; Cutter and Canner, 43%; Bulls (all grades), 55%.

Item 6 (6). Enter separately in Item 6 (6) and Item 7 (6) the following amounts applicable to grades reported, depending upon the location of your slaughtering establishment.

	Plants in all States west of and including Montana, Wyoming, Colorado, and New Mexico	All other States and District of Columbia
Prime	$0.95	$1.10
Choice	1.00	1.15
Good	1.10	1.25
Commercial	1.20	1.35
Utility	1.20	1.35
Cutters and Canners	1.10	1.25
Bulls	.65	.80

Item 6 (7). Enter separately by grades in Item 6 (7) the result obtained by adding Item 6 (6) and Item 6 (5) rounded to the nearest 5 cents. The sums obtained by these additions are your respective maximum calculated prices, per cwt. of calculated live weight, by grades of steers, heifers, cows and stags, applicable in determining the maximum permissible cost of such cattle.

Item 7. The entries in Item 7 should be made in the same manner as the entries in Item 6.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment shall become effective September 30, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10563; Filed, Sept. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 31, Amdt. 14, Correction]

CPR 31—IMPORTS

INCLUSION OF TIN IN APPENDIX A (5), CORRECTION

The word "impracticable" has been omitted from the end of the first sentence under Findings of the Director in the Statement of Considerations. The first sentence should read as follows: "In view of the nature of this amendment, special circumstances have rendered extensive consultation with industry representatives, including representatives of trade associations, impracticable."

(Sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10556; Filed, Sept. 25, 1952; 11:36 a. m.]

[Ceiling Price Regulation 74, Amdt. 14]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 14 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 74 makes several substantive changes as well as certain clarifications and corrections of a minor nature.

1. Section 30 has been amended to make clear that on the sale of a dressed hog, denominator basis, where brokerage fees less than 17½ cents per hundredweight are paid by the seller, the ceiling price is reduced by the difference between the amount of the brokerage fees actually paid and 17½ cents per hundredweight.

2. This amendment provides that on a sale to a purveyor of meals, the distribution point may be the point where the meat is delivered to the carrier when the seller pays the actual shipping charges directly to the carrier and enters such shipping charges as a separate item on the invoice. This will permit many sellers to follow their usual practice of prepaying the shipping cost and adding it to the buyer's invoice.

3. Sections 46 and 47 have been amended to permit an addition to be taken on the sale of a center cut, shoulder end or ham end of loin by a hotel supply house or a combination distributor to a purveyor of meals. This will more closely reflect the normal profit margin on these sales in relation to the sales of other cuts.

4. The provisions of section 50 (Sales to defense procurement agencies or under defense procurement agency subcontracts) have permitted the seller to add the actual cost of transportation if the sale is made on a delivered basis, including when delivery is made by his own trucks. However, in the latter situation, it is very difficult, if not impossible, to calculate the actual transportation cost. On such a sale, hereafter, the seller must charge no more than the applicable local delivery addition specified in section 42

when he uses his own truck in making a delivery.

On a sale to a defense procurement agency or under a defense procurement agency subcontract the seller is no longer required to file, with the District Office of the Office of Price Stabilization, a signed statement itemizing the costs which he has added to determine his ceiling price. He must, nevertheless, make and preserve an itemized record of these costs, explaining how he determined them.

5. An addition has been provided for use of an outer shipping container to ship an edible pork by-product, listed in section 26, originally packed in a metal, fibre or watertight container that holds less than 15 pounds. The language of the shipping container addition in section 52 (b) has been reworded to make clear that the addition may be taken on sales by a slaughterer's branch house not physically attached to the slaughterer's plant.

6. The definition for canned whole picnic has been corrected to eliminate a typographical error.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 30 is amended by deleting the fourth paragraph and by inserting a new paragraph therefor to read as follows:

The base price for dressed hogs, as determined under Schedule X, Section 30, shall include all charges for brokerage and no additions may be made for brokerage fees. If the seller pays no brokerage fees, the ceiling price shall be reduced by 17½ cents per hundredweight. If the seller pays brokerage fees in an amount less than 17½ cents per hundredweight, the ceiling price shall be reduced by the difference between the amount of the brokerage fee actually paid by the seller and 17½ cents per hundredweight.

2. Section 35 (a) (1) is amended to read as follows:

(1) The point at which the meat consigned to the purveyor of meals is delivered to a carrier for shipment to the purveyor, who pays the shipping charges directly to the carrier, or pays the seller, when the actual shipping charges are paid by the seller to the carrier and entered on the invoice to the buyer as a separate item; or

3. Section 46 (a) is amended by deleting item (9) and by substituting the following therefor:

(9) Loins—regular, bladeless, center cut, shoulder end, or ham end, $10.00.

4. Section 47 (a) is amended by deleting item (9) and by substituting the following therefor:

(9) Loins—regular, bladeless, center cut, shoulder end, or ham end, $7.50.

5. Section 50 (a) (6) is amended to read as follows:

(6) Actual cost of transportation if sold on a delivered basis and delivered by a common or contract carrier or the applicable local delivery addition specified in section 42 if sold on a delivered basis and delivered by a truck owned or leased by the seller. You may not, however, add any of the additions specified in sections 51, 52, or 54.

6. Section 50 (b) is amended to read as follows:

(b) If you make this selling addition, you must not only make and preserve the records required by section 11 (a), but you must also make and preserve an itemized record of the costs listed in section 50 (a), paragraphs (1) through (5), inclusive, which you have added to your ceiling price determined under the appropriate Schedule in Article II. This record must also explain how you determined these costs.

7. Section 52 (a) is amended by deleting the last paragraph thereof and by substituting the following paragraph therefor:

No more than one container addition may be taken on the sale of any one product with the following exception: When an outer shipping container is used to ship an edible pork by-product, listed in section 26, originally packed in a metal, fibre or watertight container that holds less than 15 pounds, you may take the applicable additions provided for both containers in this schedule.

8. Section 52 (b) is amended by deleting the last sentence and inserting the following sentence therefor: "This provision does not apply to a slaughterer except on sales made by a slaughterer's branch house not physically attached to his slaughtering plant."

9. Appendix 2 (c) (75) is amended to read as follows:

(75) *Canned whole picnic* means a cured whole picnic packed in a hermetically sealed tin container. The picnic shall be short shanked, completely skinned, boned and the external fat shall be trimmed to within ½ inch of the lean. The picnic shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on September 30, 1952.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10557; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 117, Amdt. 3 to Revision 1]

CPR 117—MALT BEVERAGES

"SPECIAL PACKS" SOLD IN THE "BASE PERIOD"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Revision 1 of Ceiling Price Regulation 117 is hereby issued.

STATEMENT OF CONSIDERATIONS

A so-called "special pack" case of malt beverages, as defined in Ceiling Price Regulation (CPR) 117, Revision 1, is a case in which the containers therein are packed in units of at least two and are customarily sold to consumers in those units. The most common "special pack" case, for example, is one holding four carry-home cartons of six containers each.

Only a small number of brewers sold "special packs" during the CPR 117, Revision 1, base period (May 24–June 24, 1950). However, the base period prices charged by most of those brewers for "special pack" items were the equivalent of at least 8 cents per case of 24 bottles and 5 cents per case of 24 cans higher than the prices charged for standard packs of the same items in bottles and cans, respectively. The Office of Price Stabilization found that those differentials were necessary to cover an appropriate amount of the added cost involved in producing "special packs." Therefore, for the great majority of brewers who did not sell "special packs" in the base period, CPR 117, Revision 1, provides that their ceiling prices for "special packs" reflect those differentials over their ceiling prices for standard packs.

A very few brewers who sold "special packs" in the base period, however, charged prices for them which did not reflect the equivalent of the 8-cent and 5-cent differentials (mentioned above) over their prices for standard packs. This resulted from the fact that "special packs" were new items for those few brewers and were experimentally priced during the base period at levels below what subsequently proved to be necessary to cover an appropriate part of the added production costs then incurred.

Since, under section 21 of CPR 117, Revision 1, the ceiling price for a "special pack" case sold during the base period is determined by adding to the base period price an amount to cover only certain cost increases experienced subsequent thereto, such brewers were unable to recover that appropriate part of the added costs initially incurred in producing "special packs." Consequently, there was excessive cost absorption on "special packs" not only by those few brewers but by other brewers who, even though they had higher ceiling prices, were forced for competitive reasons to meet the low prices of those few brewers.

This amendment remedies that situation by giving brewers who sold "special packs" during the base period the option to determine their ceiling prices for those packs either under section 21 or section 22 (e) of CPR 117, Revision 1. The ceiling prices arrived at by a brewer under section 22 (e) will be the equivalent of 8 cents per case of 24 bottles and 5 cents per case of 24 cans higher than his ceiling prices for standard packs of the same items in bottles and cans, respectively. In addition, provision is made for the recalculation of ceiling prices by those wholesalers who purchased "special packs" in the base period and, as a result of this amendment, are charged more for those "special packs" than their brewers' ceiling prices in effect before this amendment was issued. It is not necessary to make any special provisions for retailers, however, because the regulation already provides for recalculation of their ceiling prices whenever there is a change in their costs.

In the formulation of this amendment the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of the act.

AMENDATORY PROVISIONS

Ceiling Price Regulation (CPR) 117, Revision 1, is amended in the following respects:

1. Paragraph (c) of section 21 is amended to read as follows:

(c) (1) Add together your "base period" price (determined in paragraph (a)) and the applicable dollar-and-cent "permitted increase" figure (determined in paragraph (b)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (i) an f. o. b. price, if your "base period" price was an f. o. b. price; (ii) a delivered price, if your "base period" price was a delivered price. That price, however, may be adjusted or modified under the provisions of subparagraph (c) (2) of this section and sections 70, 71, 76, 77, and 78 of this regulation, if applicable. In addition, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

(2) If, during the "base period," you sold or offered for sale to a class of purchaser a "special pack" case (defined in section 90 (b) (3)) of 11, 11½, or 12-ounce containers of an item you may, instead of using the ceiling price determined under this section 21 for sales of the item to that class of purchaser, calculate your ceiling price for such sales under section 22 (e). In calculating your ceiling price under section 22 (e) you may assume that you cannot determine your ceiling price for the item under paragraph (b), (c) or (d) of section 22 and you may regard a "special pack" case as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. In no event, however, may you calculate your ceiling under section 23, 24, or 25, despite the reference to those sections in section 22 (e). Finally, if you do determine your ceiling price for sale of a "special pack" case of an item under section 22 (e), then the notice of that ceiling price which you are required to give your purchaser under section 28 (b) must, in addition to the other information required, state that such price was determined as permitted under section 21 (c) (2) of CPR 117, Revision 1.

2. The first unnumbered paragraph of section 31 is changed to read as follows:

SEC. 31. *How a wholesaler is to determine his ceiling prices for items dealt in during the "base period."* This section applies to you if you are a wholesaler who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you sold or offered for sale to that same class of purchaser during the "base period." However, if during the "base period" you sold a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers of a particular item, and have received a notice from your brewer stating that he determined his ceiling price for that "special pack" item as permitted under section 21 (c) (2) of CPR 117, Revision 1, you may determine your ceiling price for sales of that item either under this section 31 or under section 32, 33, 34 or 36, whichever applies. (Note that in determining your ceiling price for sales of a "special pack" item to a particular class of purchaser under section 32, 33, 34 or 36, you may assume that you cannot determine your ceiling price for such sales under section 31.) If this section 31 applies to you (or if you choose to use this section for those "special pack" items mentioned above) you must figure your ceiling price for sales of an item sold or offered for sale during the "base period" to a class of purchaser (except your ceiling price for delivered sales to consumers, to which section 35 applies) as follows:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 117, Revision 1, is effective September 30, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10558; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 129, Amdt. 2]

CPR 129—CEILING PRICES FOR HORSEMEAT PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 2 to Ceiling Price Regulation 129 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in CPR–129:

1. For some time, the Office of Price Stabilization has been investigating representations by certain segments of the industry covered by CPR 129 to the effect that this regulation did not provide a sufficient mark-up on sales exceeding 100 pounds of horsemeat per day, by slaughterers to zoos, animal hospitals, kennels, research laboratories and other buyers who do not purchase for resale. Additional data now available indicate that the expense involved in making sales and deliveries to some of these types of purchasers was not adequately covered by the regulation. As a result, it appears that many slaughterers were unable to accept orders from these types of buyers, particularly where the total sale did not amount to at least 1,000 pounds of horsemeat. To enable slaughterers to continue to supply the horsemeat requirements of these buyers, a special mark-up for slaughterers who sell less than 1,000 pounds per day to these classes of buyers has been provided.

2. In large metropolitan cities the distribution of beef, pork, lamb, and veal had been performed to a great extent by peddler truck sellers. However, in formulating the provisions of CPR 129, it was not deemed necessary to provide for this type of seller since there was then no evidence available indicating that peddler truck operators participated in the distribution of horsemeat. Since the issuance of the regulation, evidence of the existence of peddler truck sellers in the horsemeat business has been received by the Office of Price Stabilization. Accordingly, this amendment provides an appropriate mark-up for peddler truck sellers who handle horsemeat. This mark-up covers both the seller's addition and the local delivery allowance.

3. Sellers of packaged horsemeat have demonstrated that the amount permitted

in the regulation for small cartons was insufficient to cover the actual cost of the container and the expense incurred in packaging the horsemeat in these containers. Accordingly, sellers who sell ground horsemeat packaged in wax-lined containers weighing not more than 5 pounds each are now authorized to add an additional 1 cent per pound.

4. Section 21, Schedule II (Sales at Retail) has been amended to establish special prices for steaks and roasts derived from the ribs and loins of the horse carcass. A considerable amount of trimming is required to remove the fat and perspiration glands so as to make the horsemeat more palatable and acceptable. In order to maintain a proper operating margin for retailers, two new items are added by this amendment to provide for steaks and roasts from ribs and loins completely trimmed for human consumption.

5. A review of the applications from a number of the processors of canned horsemeat who had submitted requests for revised ceiling prices, disclosed that the percentage of horsemeat in each can ranged from 25 percent to 30 percent of the total ingredients. In order to avoid a widespread change in the standard formulae for several of the leading dog food products, this amendment changes the 30 percent horsemeat cut off between the major price classes of these products to 25 percent, so that the lowest price range will cover products containing from 5 percent to 25 percent horsemeat, and the next price range will cover products containing from 25 percent to 80 percent horsemeat. This change in specifications is not of a sufficient magnitude to warrant a revision in the prices for the various types of canned horsemeat.

6. A new definition of a "peddler truck sale" is added to Section 30. Also the definition of the term "wholesaler" has been amended in order to accomplish the objectives referred to in item 1 of this statement of considerations. Finally, the definition of the term "hindquarter" has been revised at the request of industry. These definition changes will in effect conform the applicable provisions of this regulation to the customary practices of the industry.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 129, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of horsemeat, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 129, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 129 is amended in the following respects:

1. Section 20, Schedule I, is amended by changing Item 1 under "Special Adjustments for Schedule I" to read as follows:

1. For sales by a slaughterer to buyers other than "wholesalers", you may add $3.00 per hundredweight to the ceiling prices specified above. If you are a "wholesaler" you may add $3.00 per hundredweight to the ceiling prices specified above. See section 30 (k) for definition of "wholesaler."

2. Section 20, Schedule I, is further amended by adding a new Item 6 under "Special Adjustments for Schedule I" to read as follows:

6. On a "peddler truck sale" delivered to the buyer's store door or to a delivery point designated by the buyer, you may add $5.00 per hundredweight to the ceiling prices listed above. No additional charge may be made for local delivery. See section 30 (m) for definition of a "peddler truck sale."

3. Section 20, Schedule I, is further amended by adding a new Item 7 under "Special Adjustments for Schedule I" to read as follows:

7. If you sell any of the products priced under Items 5 (a), 5 (b), 6 (a) or 6 (b) of Schedule I, packaged in a wax-lined container, you may add $1.00 per hundredweight to the prices listed above.

4. Section 21, Schedule II is amended by adding two new items, 11 and 12, to Schedule II to read as follows:

	Inspected		Uninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
11. Steaks and roasts [1] (boneless)	38	36	36	33
12. Tenderloin steaks [1]	50	47	47	43

[1] Steaks and Roasts in Items 11 and 12 of Schedule II must be derived from the loin or rib only and must be completely trimmed with all fat and perspiration glands removed.

5. Section 22, Schedule III is amended by changing Items 3 and 4 of Schedule III to read as follows:

	Inspected		Uninspected	
	Zones 1 and 3	Zone 2	Zones 1 and 3	Zone 2
3. Containing 25 percent or more, but less than 80 percent horsemeat	6.70	6.10	6.10	5.50
4. Containing 5 percent or more, but less than 25 percent horsemeat	4.80	4.60	4.60	4.40

6. Section 30 (k) is amended to read as follows:

(k) "Wholesaler" means a person:

(1) Who buys horsemeat for resale; and

(2) Who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of horses or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns nor controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person.

For the purpose of this regulation any person, other than a retailer, who buys more than 1,000 pounds of horsemeat in any one day and who meets the foregoing requirements, except that he does not buy horsemeat for resale, shall be regarded as a "wholesaler."

7. A new section 30 (m) is added to read as follows:

(m) "Peddler truck sale" means a sale of wholesale horsemeat cuts or boneless horsemeat from stock carried in a truck where:

(1) The seller's first record of the transaction is made concurrently with the delivery of the product sold and the total delivery to one establishment does not consist of more than 500 pounds of horsemeat during any single day;

(2) The seller does not sell or deal in meat in any manner other than sales out of stock carried in a truck driven by him; and

(3) The seller has sold meat in this manner at any time between January 1, 1950, and March 14, 1952.

8. Section 32 (m) is amended to read as follows:

(m) "Hindquarter" means the posterior portion of the horse carcass and shall contain not more than 4 ribs.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 30, 1952.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10559; Filed, Sept. 25, 1952; 11:37 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 9]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

PROCESSED DUCKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of Ceiling Price Regulation (CPR) 79, Revision 1, and all other regulations dealing with processed ducks on and after September 25, 1952, except those dealing with routine record-keeping. This action is taken in line with the general policy of the Office of Price Stabilization relating to suspension or relaxation of price controls. In accordance with that policy the Director of Price Stabilization has re-examined market conditions of processed ducks and determined that market prices of processed ducks are and have been for some time substantially below ceilings. For example, current wholesale selling prices of fresh dressed ducks in barrels at New York are 27½–28½ cents per pound while the comparable ceiling price is 32½ cents per pound. Selling prices are likely to remain below ceiling prices in the foreseeable future, short of a worsening of the international situation and a sudden and unexpected development of a very tight supply situation. Absent these factors, production of ducks during the 1952–53 marketing year (April 1–March 31) may be about 6 percent above last year. Furthermore, cold storage holdings of ducks on September 1, 1952, were at record levels. Supplies of chicken and turkey, which compete to some extent with ducks, will also be plentiful throughout 1952, and prices for these are below legal minima.

Further continuance of price controls on processed ducks appears, therefore, unnecessary and imposes upon the OPS an administrative burden out of all proportion to the importance of maintaining control on this commodity or to the expected benefits in terms of price stabilization. Hence, this commodity conforms to the requirements of the OPS suspension standards. The Office of Price Stabilization will continue, however, to observe market prices and, should they rise unduly despite the present expectations to the contrary, the Director of Price Stabilization will consider immediate termination of this suspension action. In case of termination of this suspension, the Director may, if such action should then appear necessary, revise the present CPR 79, Revision 1, ceilings for processed ducks in order to comply with all the applicable standards of the Defense Production Act of 1950, as amended.

In the formulation of this amendment special circumstances have rendered it impractical to consult with official advisory committees or trade association representatives. The provisions of this regulation conform, however, with the recommendations of persons representing substantial segments of the industry.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of section 12 to article III to read as follows:

SEC. 12. *Suspension of controls applicable to processed ducks.* On and after September 25, 1952, the application of the provisions contained in CPR 79, Revision 1, relating to the sales of processed ducks, and any other ceiling price regulation, heretofore or hereafter issued by the OPS relating to processed ducks, is suspended. If, however, you were required by CPR 79, Revision 1, or any other regulation heretofore issued to keep, prepare, or preserve any record concerning this commodity, you shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in that regulation, all such records which you were required to have on September 24, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, request or require you to submit data pertaining to price changes for this commodity after September 24, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies the suspension.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This Amendment 9 to General Overriding Regulation 7, Revision 1, is effective September 25, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10561; Filed, Sept. 25, 1952; 11:38 a .m.]

[General Overriding Regulation 34, Amdt. 1]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

EXEMPTION OF FANCY FACE VENEER, WALNUT LUMBER AND WALNUT GUNSTOCK BLANKS, WOODEN MINE MATERIALS, AND CERTAIN UNTREATED POLES, PILING AND FENCE POSTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization General Order No. 2, this Amendment 1 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 34 exempts from price control fancy face veneer, Walnut lumber and Walnut gunstock blanks, primary producers' sales of all species of untreated fence posts, primary producers' sales of wooden mine materials except those covered by Ceiling Price Regulation 128, and primary producers' sales of the following items in untreated condition produced in the United States east of the 100th Meridian: Northern White Cedar, Jack Pine and Norway Pine poles and piling.

The items hereby exempted are relatively unimportant factors in business or living costs. The decision to exempt these items was made because of the heavy administrative burden entailed in maintaining price controls over them, and because the establishment of specific industry-wide ceilings in the areas involved for fancy face veneer, wooden mine materials, and poles, piling and fence posts is not considered feasible.

All items covered by this amendment except fancy face veneer and Walnut lumber and Walnut gunstock blanks are exempted from price controls only at the primary producer level of sales. The exemption of fancy face veneer is not limited to the producers' level because most of this material is sold by the producers directly to users. Walnut lumber and Walnut gunstock blanks are exempted at all levels.

Fancy face veneer is cabinet wood veneer not thicker than ⅛", designed for use on the exposed surface of a panel. It has individual decorative characteristics, and is either selected from flitch stock samples or manufactured to buyer's technical specifications as to thickness, size, color, species, and design. Fancy face veneer is produced from only the highest grade logs. The value of each piece is determined by expert appraisal of its quality and peculiar characteristics. Since no standard pricing technique has been developed in this industry, the establishment of effective ceiling prices would involve administrative and enforcement burdens far beyond any possible benefits under the stabilization program.

Walnut lumber and gunstock blanks are of minor commercial importance. Most gunstock blanks sold to or for the government have been exempt from price control under General Overriding Regulation 2.

The wooden mine materials industry consists essentially of many small portable sawmill operators, producing on an individual contract basis. The products of this industry are a minor item in the cost of producing coal, various ores, or metals. Any increase in the price of wooden mine materials, therefore, would not appreciably affect other prices. The determination and administration of equitable price ceilings for this industry, except in the Pacific Northwest Douglas Fir area, is not practicable because of the problem of collecting data and lack of standardization in products. The exemption of this commodity as provided by this action will not cause any appreciable diversion of timber or manpower into the production of mine materials because of the limited demand for these products.

The untreated poles, piling and fence posts covered by this amendment are of minor importance and are produced by

numerous small operators. The prices for these items will be effectively stabilized by the ceilings on competing products.

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his opinion the exemptions provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

1. Section 2 is amended by adding six new paragraphs to read as follows:

(b) Fancy-face wood veneer.

(c) Walnut (Juglans nigra) lumber and Walnut gunstock blanks.

(d) Primary producers' sales of wooden mine materials except those covered by Ceiling Price Regulation 123 (applicable to Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock lumber).

(e) Primary producers' sales of untreated Northern White Cedar, Jack Pine and Norway Pine poles produced in the United States east of the one-hundredth meridian, and sold for use as supports for transmission or communication lines.

(f) Primary producers' sales of untreated Northern White Cedar, Jack Pine and Norway Pine piling produced in the United States east of the one-hundredth meridian, and sold for use as a piling foundation for construction purposes.

(g) Primary producers' sales of untreated fence posts of any species for use in fence construction.

2. Section 3 is amended by adding six new paragraphs to read as follows:

(b) As used in paragraph (b) of section 2, "Fancy face wood veneer" means cabinet wood veneer, not more than 1/8" thick, for use on the exposed surface of a panel, having individual decorative characteristics, and either selected from flitch stock samples or manufactured to buyer's technical specifications as to thickness, size, color, species and design.

(c) As used in paragraph (c) of section 2, "Walnut gunstock blank" means green, air-dried or kiln-dried Walnut lumber suitable for manufacture into the wooden portion of portable firearms.

(d) As used in paragraph (d) of section 2, "Wooden mine materials" means wooden props (rough timber segments) from which any of the following enumerated items are made for use in mines: Mine ties, switch ties, cross bars, cribbing, lagging, posts, caps, wedges, stull timber, pit posts, pit blocks, and timber used in underground mining. The term does not include mine car timber, as defined in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(e) As used in paragraph (e) of section 2, "Pole" means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for the support of transmission or communication lines at varying heights above the ground.

(f) As used in paragraph (f) of section 2, "Piling" means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for driving in the ground to form a foundation for construction purposes, such as for wharves, bulkheads, bridges, and buildings.

(g) As used in paragraph (g) of section 2, "Fence post" means any round, hewn or split, peeled or unpeeled, section of a tree not more than 14 feet in length, suitable for use in fence construction.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10562; Filed, Sept. 25, 1952; 11:38 a .m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-65, Revocation]

M-65—CONSERVATION OF METAL IN PRINTING PLATES

REVOCATION

NPA Order M-65 (16 F. R. 9519) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-65 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52—10552; Filed, Sept. 25, 1952; 11:01 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

OHIO RIVER, MISSISSIPPI RIVER ABOVE CAIRO, ILL., AND THEIR TRIBUTARIES; USE, ADMINISTRATION, AND NAVIGATION; AUTHORITY OF LOCK MASTER

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.300 (a) is hereby amended to include appropriate remarks regarding the status of the locks on the Muskingum River and the locks and dams on the Big Sandy River, as follows:

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation*—(a) *Authority of lock master.* • • •

NOTE 5: The operation of Muskingum River Lock 2 near Devols, Lock 3 near Lowell, Lock 4 near Beverly, Lock 5 near Luke Chute, Lock 6 near Stockport, Lock 7 near McConnellsville, Lock 8 near Rokeby Lock, Lock 9 near Philo, Lock 10 near Zanesville, and Lock 11 near Ellis, Ohio, has been discontinued.

NOTE 6: Big Sandy River, W. Va., and Ky., including Levisa and Tug Forks: Lock and Dam 1 near Catlettsburg, Ky., and movable dam of this structure is being operated for high water navigation only. Operation of the Lock has been discontinued. Operation of Lock and Dam 2 near Buchanan, Ky., Lock and Dam 3 near Fort Gay, W. Va., Lock and Dam 1 on Levisa Fork near Gallup, Ky., and Lock and Dam 1 on Tug Fork near Louisa, Ky., has been discontinued.

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[Regs. Sept. 8, 1952, 800.211-ENGW] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10427; Filed, Sept. 25, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 869, Amdt. 6]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September A. D. 1952.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994; 17 F. R. 2765); and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited,* of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., September 30, 1952, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10444; Filed, Sept. 25, 1952; 8:47 a. m.]

[S. O. 690-A]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of September A. D. 1952.

Upon further consideration of Service Order No. 890 (17 F. R. 8489) and good cause appearing therefor: It is ordered, that:

Section 95.890 *Restrictions on movement of unbilled bituminous coal,* be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:00 a. m., September 22, 1952; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10445; Filed, Sept. 25, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—LAKE ILO NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that public fishing and the use of boats, including motorboats, for the purpose of fishing can be permitted without interfering with the primary purpose of the area.

Since the following regulations are relaxations of existing restrictions concerning fishing and boating on the refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.121 through 33.128, inclusive, are added:

SUBPART—LAKE ILO NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

Sec.
33.121 Fishing permitted.
33.122 Waters open to fishing.
33.123 State fishing laws.
33.124 Fishing licenses and permits.
33.125 Routes of travel.
33.126 Use of boats.
33.127 Shore line fishing.
33.128 Temporary restrictions.

AUTHORITY: §§ 33.121 to 33.128 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.121 *Fishing permitted.* Noncommercial fishing is permitted in the waters of the Lake Ilo National Wildlife Refuge, North Dakota, as specified in § 33.122, during the daylight hours of the period May 16 to September 15, inclusive, and from December 1 to March 1, inclusive, of each year in accordance with the provisions of Parts 18 and 21 of this subchapter, and subject to the conditions, restrictions, and requirements of §§ 33.122 to 33.128, inclusive.

§ 33.122 *Waters open to fishing.* The waters of Lake Ilo lying within sections 27, 28, and 29, T. 145 N., R. 94 and 95 W., fifth principal meridian, as designated by suitable buoy markers, shall be open to fishing. Winter fishing shall be permitted on the entire lake.

§ 33.123 *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws of the State of North Dakota. Fishing under §§ 33.121 to 33.128, inclusive, shall be by hook and line only, as defined by State law.

§ 33.124 *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the North Dakota Game and Fish Department, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge, and must be exhibited upon the request of any representative of the North Dakota Game and Fish Department or the Fish and Wildlife Service.

§ 33.125 *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

§ 33.126 *Use of boats.* The use of motorboats, either inboard or outboard, not to exceed 6-horsepower, for fishing purposes only, is permitted. The use of racing craft, powered by either inboard or outboard motors, is prohibited. Boats may be launched and landed only at points designated by suitable posting by the officer in charge of the refuge. The use of rowboats, canoes, or sailboats is permitted in all waters open to fishing.

§ 33.127 *Shore line fishing.* Fishing from the shore line is permitted on the north shore from the center of section 28, T. 145 N., R. 95 W., 5th P. M., eastward around the shore line to the parking area southwest of the refuge headquarters, as designated by posting by the refuge officer.

§ 33.128 *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are suitably posted by such officer.

Dated: September 19, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-10431; Filed, Sept. 25, 1952; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

PERMISSION TO FISH FOR CHUM SALMON AND DUNGENESS CRABS IN CERTAIN WATERS

Basis and purpose. On the basis of facts obtained by field representatives of the Fish and Wildlife Service, it has been determined that: (1) There is an abundance of chum salmon, in excess of spawning requirements, in certain bays and inlets of Southeastern Alaska which can be taken for commercial purposes without interfering unduly with pink salmon escapements; and (2) that Dungeness crabs of excellent quality are presently available in Orca Inlet in Prince William Sound. Therefore, the following amendment is adopted to become effective immediately.

PART 111—PRINCE WILLIAM SOUND AREA

Section 111.20 is amended by deleting the proviso.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

Section 117.4 is amended to permit fishing for chum salmon in the open waters of Excursion Inlet from 6 o'clock antemeridian September 25 to 6 o'clock antemeridian October 6: *Provided,* That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Excursion Inlet during this period with salmon on board.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Section 118.6 is amended to permit fishing for chum salmon in the open waters of Hood Bay and Chiak Bay from 6 o'clock antemeridian September 25, to 6 o'clock antemeridian October 6: *Provided,* That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Hood Bay or Chiak Bay during this period with salmon on board.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Section 119.3 is amended to permit fishing for chum salmon in the open

waters of Security Bay and Port Camden from 6 o'clock antemeridian September 25 to 6 o'clock antemeridian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Security Bay or Port Camden during this period with salmon on board.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Section 122.5 is amended to permit fishing for chum salmon in the open waters of Cholmondeley Sound from 6 o'clock antemeridian September 25 to 6 o'clock antemeridian October 6: *Provided*, That all fishing boats must be registered with the local representative of the Fish and Wildlife Service before leaving Cholmondeley Sound during this period with salmon on board.

(44 Stat. 752; 48 U. S. C. 221)

ALBERT M. DAY,
Director.

[F. R. Doc. 52-10430; Filed, Sept. 25, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 943]

[Docket No. AO-231-A2]

HANDLING OF MILK IN THE NORTH TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Dallas, Texas, on September 16, 1952, pursuant to notice thereof which was issued on September 9, 1952 (17 F. R. 8218).

The material issues of record related to:

1. The level of the Class I price for a limited period; and

2. The necessity for prompt action which would prelude the issuance of a recommended decision.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

1. The formula price for Class I milk should be increased 46 cents per hundredweight for the months of October 1952 through February 1953 and 23 cents for the month of March 1953; this should be accomplished by providing that for these months the differential to be added to basic formula prices be increased by these amounts.

For the second year in succession the production area of the North Texas milkshed has experienced a disastrous drought. As of September 1 the official crop production report of the Department lists practically the entire area as one of extreme drought with the remaining portion in the severe drought classification. Pastures have failed and yields of hay and forage crops have been reduced to a fraction of normal. The cumulative effects of the two year drought make the situation particularly critical for milk production in this area during the coming winter season. Producers have for some time been forced by the failure of their pastures to feed hay during the normal pasture season. With yields of hay sharply reduced by the drought and an extended feeding season producers will need to increase their cash outlays for feed substantially if they are to keep their herds in production.

The 1952 drought covered a much more extensive area than that of 1951. As a result the areas in nearby States from which hay supplies were imported last year by North Texas producers must import hay for their own needs. The competition for supplies and increased transportation costs has resulted in prices of $55 to $60 for alfalfa hay to farmers in the area. There are prospects that the hay program of the Department for drought areas will reduce hay prices. No deliveries under the program were reported at the time of the hearing.

While the North Texas market has shown a steady increase in the number of producers since the order first became effective in September 1951, sales have also increased, and the market is not adequately supplied with milk. In August 1.5 million pounds of other source milk were classified as Class I milk. Many of the new producers entering the market have been from areas in Arkansas, Oklahoma, and Missouri, which are also affected by drought.

With present prospects for milk production there will be a critical shortage of milk in this area unless there is some price incentive for dairymen to incur the costs necessary to continue milk production and avoid the dispersal of producing herds. Handlers have recognized that there is such a need by paying more than the minimum prices of the order for milk delivered the last week or ten days of August. All interests in the market are agreed that the Class I price of the order should be increased for the coming fall and winter season.

Since May the Class I price of the North Texas order has been $6.68, a "floor" price established for the months of May through September. Producers proposed that a "floor" price of $7.40 be established for the months of October through March. For milk received during the latter part of August handlers paid premiums varying from 36 to 61 cents over the $6.47 uniform price for August milk. Approximately half the handlers paid the 36-cent premium, another large group paid a premium of 57 cents and one handler paid a premium of 61 cents.

A consideration of the factors involved in the current condition in the North Texas market leads to the conclusion that the temporary increase required by drought conditions should be effected by increasing the Class I differential of the order rather than by the establishment of a fixed "floor" price. One of the reasons handlers are paying premiums to maintain local production is the high cost of imported supplies of approved milk. Changes in the costs of imported milk follow to considerable degree changes which occur in the basic formula price of the North Texas order. Changes in basic formula prices could easily change the relationship between any fixed "floor" price and the prices of other Federally regulated markets with which the North Texas market competes for producers. This is especially important with respect to the Springfield, Missouri, market, from which approximately 100 producers entered the North Texas market in August.

The present Class I differential of the North Texas order is $2.20 for the months of July through March. An increase of 46 cents in this differential is appropriate at this time in view of the present conditions in the North Texas market, and is approximately the same as the increases granted in competing markets also affected by drought conditions.

A temporary change in the Class I differential which will provide that formula prices rather than "floor" prices to be effective order prices will permit changes in the Class I price of the order to be determined by the basic formula price and supply-demand adjustment provisions of the order, which represent, respectively, the national market for milk or milk products and the relationship of local supplies to sales. Basic formula prices are increasing at this time. Official notice is taken of the fact that condensery pay prices for the first fifteen days of September advanced 17 cents (on a 4 percent milk basis) over the August average. The supply-demand adjustment provision of the North Texas order will provide an upward adjustment of 17.5 cents in the October price. Based on these factors and a Class I differential of $2.66 (the present $2.20 differential plus 46 cents) the October order Class I price would be $7.323, which is approximately the level proposed as a "floor" price. Under provisions already in the order, the Class I price cannot decrease from October through December.

There is little indication that production conditions in the North Texas milkshed will improve to any appreciable extent prior to March 1953. For the month of March the increase in the differential should be 23 cents rather than 46 cents in view of the near approach of the spring season when production conditions may be expected to improve.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the proposals here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the North Texas marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 943.51 (a) (3) and substitute therefor the following:

(3) For each of the months of October 1952 through February 1953 the amount to be added to the basic formula price shall be $2.66 in lieu of $2.20, and for the month of March 1953 such amount shall be $2.43 in lieu of $2.20.

[F. R. Doc. 52-10553; Filed, Sept. 25, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

[Docket No. 3666; Notice 8]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 19, 1952.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend Commodity List (15 F. R. 8265, 8266, 8269, 8270, 8272, Dec. 2, 1950) (17 F. R. 1558, Feb. 20, 1952; 17 F. R. 4293, May 10, 1952; 17 F. R. 7279, Aug. 9, 1952) (49 CFR 72.5, 1950 Rev.) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G.	73.302, 73.308, 73,314, 73.315.	Red Gas	300 pounds.
Engines, internal combustion	See § 73.120.			
Monomethylamine, anhydrous	F. G.	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
Motors, internal combustion	See § 73.120.			
0 Nitrous oxide	Nonf. G.	73.302, 73.308, 73.315	Green	300 pounds.
Propellant explosives	Expl. II	No exemption, 73.93	Red #	10 pounds.
Trimethylamine, anhydrous	F. G.	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
Add				
Bursters (explosive)	Expl. A	No exemption 73.69		Not accepted.
Charged oil well jet perforating guns (*total explosive contents in guns exceeding 15 pounds per motor vehicle*).	Expl. A	No exemption 73.53 (u), 73.80.		Not accepted.
Charged oil well jet perforating guns (*total explosive contents in guns not exceeding 15 pounds per motor vehicle*).	Expl. C	No exemption 73.53 (u), 73.110.		Not accepted.
*Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Nonf. G	73.302, 73.314, 73.315	Green	300 pounds.
Monochloropentafluoroethane	Nonf. G	73.302, 73.308	Green	300 pounds.
*Nickel catalyst, finely divided, activated or spent.	F. S.	No exemption, 73.233	Yellow	100 pounds.
Supplementary charges (explosive)	Expl. A	No exemption, 73.69		Not accepted.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.29 introductory text of paragraph (a), and paragraph (d) (16 F. R. 5322, June 6, 1951) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers except carboys (see paragraph (c) of this section) previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

* * * * *

(d) Empty bottles other than carboys previously used for the shipment of acids or other corrosive liquids must be securely stoppered.

* * * * *

2. Amend § 73.31 Note 1 and Note 2 to paragraph (g) and entire paragraph (h) (16 F. R. 9373, Sept. 15, 1951) (16 F. R. 11775, Nov. 21, 1951) (15 F. R. 8278, 8279, Dec. 2, 1950) (49 CFR 73.31, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.31 *Qualification, maintenance and use of tank cars.* * * *

(g) * * *

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except those in chlorine service, now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until December 31, 1953, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of ICC–103A, 103A–W, 103C, 103C–W, and 103C–AL tank cars (§§ 78.266, 78.281, 78.268, or 78.283 of this chapter), now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until December 31, 1953, or until further order of the Commission.

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized, as indicated on the certificate of construction. When a car is to be used for the transportation of a commodity other than those approved on the certificate of construction, it must be approved for such loading by the A. A. R. Tank Car Committee. Changes in fittings or commodity stenciling required to transfer a car from one service to another as authorized on the certificates of construction may be only by the owner or owner's authorized agent, except, that where no change in fittings or other appurtenances is necessary, ICC–103, 103W, 103A, 103A–W, 103B, 103B–W, 103C, and 103C–W (§§ 78.265, 78.280, 78.266, 78.281, 78.267, 78.282, 78.268, and 78.283 of this chapter) tank cars may be transferred from one commodity service to another when authorized for the transportation of such commodity by this part.

NOTE 1: For qualification of cylinders and tank cars for compressed gases see §§ 73.34, 73.301 (g), and 73.314.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

1. Amend § 73.53 paragraph (s), and add paragraph (u) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(s) *Boosters, bursters, and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and used to rupture a projectile or bomb to permit release of its contents.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h) (1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 35 grams of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

2. Amend § 73.58 paragraph (b) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.58, 1950 Rev.) to read as follows:

§ 73.58 *Ammunition for small arms.* * * *

(b) Each outside package must be plainly marked "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE BULLETS" or "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE PROJECTILES," as the case may be.

* * * * *

3. Amend § 73.60 paragraph (e) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.60, 1950 Rev.) to read as follows:

§ 73.60 *Black powder and low explosives.* * * *

(e) Each outside package must be plainly marked, stamped, or stenciled "BLACK POWDER" or "LOW EXPLOSIVES," and may also show "BLASTING," "RIFLE," etc., as "BLACK BLASTING POWDER," "BLACK RIFLE POWDER," "LOW BLASTING EXPLOSIVE" or "BLACK PELLET POWDER," as the case may be.

* * * * *

4. Add paragraph (c) (2) to § 73.63 (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.63, 1950 Rev.) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(c) * * *

(2) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

* * * * *

5. Amend entire § 73.69 (17 F. R. 7280, Aug. 9, 1952) (16 F. R. 11776, Nov. 21, 1951) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp. 73.69) to read as follows:

§ 73.69 *Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges.* (a) Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

(b) The gross weight of one outside package containing detonating fuzes must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "DETONATING FUZES, HANDLE CAREFULLY — DO NOT STORE OR LOAD WITH AND HIGH EXPLOSIVE," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE) — HANDLE CAREFULLY," as the case may be.

(d) Detonating fuzes, boosters, bursters and supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

6. Add § 73.80 (15 F. R. 8292, Dec. 2, 1950) (49 CFR 73.80, 1950 Rev.) to read as follows:

§ 73.80 *Charged oil well jet perforating guns.* (a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the steel tubes and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns in steel tubes or pipes having wall thickness at least ¼ inch and of sufficient length and diameter to completely enclose each gun and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the metallic strips and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed that accidental damage to guns or shaped charges will be avoided. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or by at least equally safe means. No greater number of blasting caps, electric blasting caps, or other firing devices shall be transported on the same motor vehicle transporting oil well jet perforating guns than is necessary for use on any particular trip.

(f) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

7. Amend § 73.93 paragraph (f) (2) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.93, 1950 Rev.) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, or other devices.* * * *

(f) * * *

(2) *Label.* Each outside container of propellant explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

8. Amend § 73.100 paragraphs (g) and (h) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* * * *

(g) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. (See § 73.93 (b), (c), and (d) when shipped with propellant explosives.)

(h) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

* * * * *

9. Add § 73.110 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.110, 1950 Rev.) to read as follows:

§ 73.110 *Charged oil well jet perforating guns, total explosive content in guns not exceeding 15 pounds per motor vehicle.* (a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

Amend § 73.140 paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.140) to read as follows:

§ 73.140 *Zirconium, metallic, solutions, or mixtures thereof, liquid.* (a) * * *

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or

porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (62) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(62) Nickel catalyst, finely divided, activated or spent.

2. Add paragraph (a) (2) to § 73.157 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.157, 1950 Rev.) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide or succinic acid peroxide, wet.* (a) • • •

(2) Spec. 5, 5B, 6A, 6B, or 6C (§§ 78.80, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums having liners of polyethylene or other suitable material. Not more than 4 vent holes of not to exceed ⅛-inch diameter may be provided in the drum near the top periphery. Gross weight not to exceed 350 pounds. Authorized only for benzoyl peroxide, wet.

3. Add paragraph (a) (4) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by asbestos or fire resistant cushioning material which will protect the contents with equal efficiency. Net weight in outside container must not exceed 50 pounds.

4. Amend § 73.162 paragraph (g) (1) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* • • •

(g) • • •

(1) Lump charcoal used for the preparation of ground, crushed, granulated, or pulverized charcoal must be stored subject to ventilation, and protected from the weather for not less than 20 days after its removal from the coolers before milling; or the ground, crushed, granulated or pulverized charcoal must be stored in bags, subject to ventilation and protected from the weather for not less than 20 days before shipment. Lump charcoal made from pine wood must be stored as above described for not less than 5 days before milling. Ground, crushed, or granulated charcoal made by the "Stafford" process must be stored subject to ventilation and protected from the weather for not less than 7 days before shipment in lieu of the 20-days' storage otherwise prescribed.

• • • • •

5. Add paragraph (a) (2) to § 73.215 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.215, 1950 Rev.) to read as follows:

§ 73.215 *Zirconium, metallic, dry.* (a) • • •

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be securely closed glass bottles or metal containers not over 1 pound net weight each and enclosed in a securely closed metal can and sufficiently cushioned with noncombustible material.

6. Amend § 73.229 paragraph (a), and paragraph (c) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives must be packed as follows:

• • • • •

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

7. Add § 73.233 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.233, 1950 Rev.) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) Nickel catalyst, finely divided, activated or spent must be wet with not less than 40 percent by weight of water or other equally suitable liquid and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(3) Spec. 5, 6A, 6B, or 6C (§§ 78.80, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.245 paragraph (a) (4) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(4) Spec. 5A, 5C, or 5M (§§ 78.81, 78.83, or 78.90 of this chapter). Metal barrels or drums.

• • • • •

2. Amend § 73.263 paragraph (a) (9) and add paragraph (a) (12) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) • • •

(9) Spec. 103B, 103B–W, 108, or 108A (§§ 78.267, 78.282, 78.278, or 78.279 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight.

• • • • •

(12) Spec. 103B100–W (§ 78.296 of this chapter). Tank cars. Authorized for acid not over 44½ percent strength by weight.

• • • • •

3. Amend § 73.264 paragraph (b) (1) 16 F. R. 9375, Sept. 15, 1951) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* • • •

(b) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[1] or 38,[1] also spec. 4B, 4BA, or 4C if not brazed (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50, 78.51, or 78.52 of this chapter). Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.308 paragraph (a) Table (17 F. R. 7282, Aug. 9, 1952) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
	Percent	
Anhydrous ammonia	54	ICC–4; ICC-3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC-3.
Carbon dioxide—nitrous oxide mixtures	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Chlorine (see Note 6)	125	ICC–3A480; ICC–3AA480; ICC–25; ICC–3; ICC–3BN480.
Cyclopropane	55	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–7–300; ICC–3; ICC–3E1800.
Dichlorodifluoromethane	119	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	(1)	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4A240; ICC–4B240; ICC–4BA240; ICC–9.
Difluoroethane	79	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Difluoromonochloroethane	100	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Dimethylamine, anhydrous	59	ICC–3A150; ICC–3AA150; ICC– 3B150; ICC–4B150; ICC–4BA225.

[1] § 73.304 (a) and (b).

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Chlorine	125	ICC–105A500, 106A500X, Note 12.
Crude nitrogen fertilizer solution	125	ICC–105A300, 105A300W, Note 8.
Dichlorodifluoromethane	Note 6	ICC–105A300, 105A300W, 105A500, 105A500W.
Difluoroethane	119	ICC–105A300, 105A300W, 110A500W, Note 12.
Difluoromonochloroethane	100	ICC–105A300, 105A300W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–105A500, 106A500X, 110A500W, Note 12.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Note 16	ICC–105A500, 106A500X, 110A500W, Note 12.
Difluoromonochloroethane	79	ICC–105A300, 105A500, 106A500X, Note 12.
Dimethylamine, anhydrous	59	ICC–105A300, 105A500, 106A500X.
Dimethyl ether	62	ICC–105A300, 105A300W.
Dispersant gas, n. o. s.	Note 16	ICC–105A500, 106A500X, Note 12.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–105A500, 106A500X, 105A300, 105A300W.
Helium	Note 5	ICC–107A.
Hydrogen sulfide	Note 5	ICC–107A, Note 7.
Liquid carbon dioxide	68	ICC–105A500, 106A500X, Notes 12 and 13.
	Note 10	ICC–105A500, 105A500W, 106A500, 106A600W, Note 11.
Liquid hydrocarbon gas	Note 6	Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 3	ICC–105A300, 105A300W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.)	Note 3	ICC–105A400, 105A400W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.)	Note 3	ICC–105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.)	Note 4	ICC–106A500, 105A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.)	Note 3	ICC–105A500, 106A500X, Notes 5 and 9.
Methyl chloride	81	ICC–105A500, 106A500X, Note 12. ICC–106A-300, 105A300W.
Methyl mercaptan	80	ICC–105A500, 106A500X, Note 13.
Monochlorodifluoromethane	115	ICC–105A300, 105A300W, 110A500W, Note 12.
Monochlorotetrafluoroethane	125	ICC–105A500, 106A500X, Note 12.
Monomethylamine, anhydrous	62	ICC–105A300, 105A300W.
Nitrogen	Note 5	ICC–107A.
Nitrosyl chloride	115	ICC–105A300CI, Notes 12 and 17.
Oxygen	Note 5	ICC–107A.
Sulfur dioxide	125	ICC–105A500, 106A500X, Note 12.
Trimethylamine, anhydrous	59	ICC–105A300, 105A300W.
Vinyl chloride, inhibited	84	ICC–106A500, 106A500X, Note 12.
	87	ICC–105A300, 105A300W.

Note 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 105A300 or 105A300W (§ 78.276 of this chapter), containing dichlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 105A300 or 106A500X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying with specification 106A500X CI (§ 78.276 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided interstate facilities are present for handling tanks where transfer in transit is necessary. See § 74.506 of this chapter, for rail freight-motor vehicle shipments.

Note 17: Safety vents must be of the fusible plug type and must function at a temperature of not exceeding 170° F. and be vapor tight at 130° F.

3. Amend § 73.315 paragraph (a) (1) Table, paragraph (h) Table, and paragraph (i) (2) Table (17 F. R. 7282, Aug. 9, 1952) (15 F. R. 8330, 8331, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Ethane	30.8	ICC–3A1800; ICC–3AA1800; ICC–3.
	35.8	ICC–3A2000; ICC–3AA2000.
	31.0	ICC–3A1800; ICC–3AA1800; ICC–3.
	32.5	ICC–3A2000; ICC–3AA2000.
Ethylene	69	ICC–3A1800; ICC–3.
Hydrogen chloride	68	ICC–3A1800; ICC–3AA1800; ICC–3E1800; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480.
Hydrogen sulfide	(2)	ICC–3A300; ICC–3AA300; ICC–3E1800; ICC–4B300; ICC–4BA300; ICC–3.
Insecticide, liquefied gas (see Note 8)	68	ICC–3A1800; ICC–3.
Liquefied carbon dioxide (see Notes 3 and 10)	(2)	ICC–3A300; ICC–4B300; ICC–4BA300; ICC–1D300.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Note 4)	84	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–4; ICC–25; ICC–26–300; ICC–38.
Methyl chloride (see Note 4)	80	ICC–3A1800; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.
Methyl mercaptan	105	ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.
Monochlorodifluoromethane	110	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225.
Monochlorotetrafluoroethane	100	ICC–3A1800; ICC–3AA1800; ICC–3.
Monomethylamine, anhydrous	(6)	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Nitrosyl chloride	110	ICC–3A1800CI only.
Nitrous oxide (see Note 2)	68	ICC–3A1800; ICC–3AA1800; ICC–3.
Propylene	43	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–3; ICC–4; ICC–25; ICC–26–300; ICC–38.
Sulfur dioxide	125	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–3; ICC–4; ICC–25; ICC–26–300; ICC–38.
Sulfur hexafluoride	110	ICC–3A1800; ICC–3AA1800; ICC–3.
Tetrafluoroethylene, inhibited	90	ICC–3A1200; ICC–3AA1200; ICC–3E1800.
Trifluorochloroethylene	115	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA225.
Trimethylamine, anhydrous	57	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.
Vinyl chloride, inhibited (see Note 7)	84	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–3; ICC–4; ICC–25.
Vinyl methyl ether, inhibited (see Note 7)	68	ICC–3A1800; ICC–3AA1800; ICC–3B1800; ICC–4A1800; ICC–4B1800; ICC–4BA1800; ICC–3; ICC–4; ICC–25.

[1] § 73.304 (a) and (b).
[2] § 73.304 (a) and (b) and the pressure in the container must not at 130° F, exceed 5/4 the marked service pressure of the container.

(No change in Notes.)

• • • • •

2. Amend § 73.314 paragraph (a) Table, Note 12, and add Note 17 (16 F. R. 9377, Sept. 15, 1951) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Anhydrous ammonia	60	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300, 105A300W.
Argon	Note 5	ICC–107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 3	ICC–104A, 101A–W, Note 9.

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design working pressure (p. s. i. g.)
Anhydrous ammonia	56	82 See Note 5	ICC–51, MC–330	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330	150.
Anhydrous monomethylamine	60	See Note 7	ICC–51, MC–330	150.
Anhydrous trimethylamine	57	See Note 7	ICC–51, MC–330	150.
Carbon dioxide	(1)	95	ICC–51, MC–330	2500; see Note 3.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	(1)	See Note 7	MC–330	250.
Liquefied petroleum gas	(2)	(2)	ICC–51, MC–330	See subpar. (h) (1) of this section.
Nitrous oxide	(1)	95	ICC–51, MC–330	2000; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC–51	225.

[1] See par. (c) of this section.
[2] See par. (b) of this section.

* * * * *

(h) * * *

Kind of gas	Permitted gaging device
Anhydrous ammonia	Rotary tube; fixed length dip tube.
Carbon dioxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	None.
Liquefied petroleum gases	Rotary tube; adjustable slip tube; fixed length dip tube.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Sulfur dioxide	Fixed length dip tube.

* * * * * *

(i) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Anhydrous ammonia	265
Carbon dioxide	(1)
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	250
Liquefied petroleum gases	(2)
Nitrous oxide	(1)
Sulfur dioxide:	
Up to 1,200 gal. water capacity tank	120
Over 1,200 gal. water capacity tank	110

[1] See par. (i)(1) of this section.
[2] 90 percent of the design working pressure of tank.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Add paragraph (a) (4) to § 73.332 (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.332, 1950 Rev.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.* (a) * * *

(4) Spec. 105A500W (§ 78.288 of this chapter). Tank cars which shall be not over 6,000 gallons capacity. The weight of lading shall not exceed 60 percent of the water weight capacity of the car. Valves and fittings must be tested for leakage by a method acceptable to the Bureau of Explosives.

* * * * *

2. Add paragraph (a) (2) to § 73.333 (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.333, 1950 Rev.) to read as follows:

§ 73.333 *Phosgene or diphosgene.* (a) * * *

(2) Spec. 106A500 or 106A500X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F. Authorized only for phosgene.

* * * * *

3. Amend § 73.346 paragraph (a) (1) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(1) Spec. 5, 5A, 5B, or 5C (§§ 78.80, 78.81, 78.82, or 78.83 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

* * * * *

4. Add paragraph (a) (8) to § 73.359 (17 F. R. 4295, May 10, 1952) (49 CFR 73.359, 1950 Rev.) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophospate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) * * *

(8) Spec. 12B (§78.205 of this chapter). Fiberboard boxes as authorized by § 78.205–19 (a) of this chapter.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns, and add footnote d to chart in paragraph (a) of § 74.538 (15 F. R. 8349, 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive) bursters (explosive), or supplementary charges (explosive) without detonators.[c, d]

* * * * * *

"g" Detonating fuzes.

* * * * * *

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* * * * * *

SUBPART C—PLACARDS ON CARS

Add paragraph (a) (5) to § 74.544 (15 F. R. 8351, Dec. 2, 1950) (49 CFR 74.544, 1950 Rev.) to read as follows:

§ 74.544 *Placards not required.* (a) * * *

(5) Cars containing vehicles and shipments of electrolyte acid packaged and cushioned with absorbent material in sufficient quantity to absorb the contents of the inner containers when offered in carload lots by the Departments of the Army, Navy, and Air Force of the United States Government.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

Amend entire § 77.806 (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.806, 1950 Rev.) to read as follows:

§ 77.806 *United States Government shipments.* (a) Shipments of explosives or other dangerous articles offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government, must be packed, including limitations of weight, in accordance with the regulations in Part 73 of this chapter or in containers of equal or greater strength and efficiency as required by their regulations.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in Parts 71–78 of this chapter.

SUBPART B—LOADING AND UNLOADING

Amend § 77.840 paragraph (c) (16 F. R. 5327, June 6, 1951) (49 CFR 77.840, 1950 Rev., 1951 Supp.) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying the specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns and add footnote d to chart in paragraph (a) of § 77.848 (15 F. R. 8368, 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators. [c, d]

* * * * * *

"g" Detonating fuzes.

* * * * * *

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* * * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend entire § 78.205–19 (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–19, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

* * * * * *

§ 78.205–19 *Special box; authorized only for contents in 1-gallon rectangular metal cans or cylindrical metal cans of 26 gauge material.* (a) Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; to be marked "FOR 1-GAL. CYLINDICAL OR RECTANGULAR CANS ONLY" near the I. C. C. specification mark; authorized gross weight 84 pounds.

2. Amend § 78.219–5 paragraphs (a) and (b), and § 78.219–12 paragraph (a) (17 F. R. 1564, Feb. 20, 1952) (49 CFR 78.219–5, 78.219–12, 1950 Rev.) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

* * * * * *

§ 78.219–5 *Tape.* (a) Pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width, or for vertical application as provided by § 78.219–12 tape must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per square inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent ravelling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(b) The tape authorized by paragraph (a) of this section must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate or become brittle at 0° F.

* * * * *

§ 78.219–12 *Closing for shipment.* (a) The upper and lower sections of the container shall be secured together by the application of one single strip of tape not less than 1 inch wide, exclusive of manufacturer's joint disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½ inches minimum. The container may alternately be closed by using tape as specified in § 78.219–5 (a) for vertical application. When closed by this method, the cover of the container shall be secured to the bottom by application of single strips of tape, not less than ½ inch wide, to the sides and in a vertical manner; two strips, one on each side for containers 18 inches in length or under; four strips, two on each side, minimum for containers over 18 inches in length. The taping shall start within 1 inch of the top-side score and extend to within 1 inch of the side-bottom score and in no case shall the strips be less than 4 inches in length.

* * * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Add Note 4 to paragraph (f) of § 78.259 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.259, 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* * * *

(f) * * *

NOTE 4: For application for approval to make repairs by fusion welding for reconditioning of manway covers for Class ICC–104A and ICC–105A series tank cars, applicant should submit data as to original construction, application numbers, and class of car, with numbers of drawings used in original construction. Application also to contain drawings and detailed explanation of how repairs are to be made. As covers are repaired, the outer edge shall be stamped with letters at least ⅜ inch high, giving repair application number. Car number and initials to which reconditioned cover is applied must appear on certificate of construction.

* * * * * *

2. Amend § 78.265 paragraph ICC–19 (a) (15 F. R. 8490, Dec. 2, 1950) (49 CFR 78.265, 1950 Rev.) to read as follows:

§ 78.265 *Specification for tank cars having riveted steel tanks Class ICC–103.*

* * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * * *

3. Amend § 78.269 paragraph ICC–19 (a) (15 F. R. 8494, Dec. 2, 1950) (49 CFR 78.269, 1950 Rev.) to read as follows:

§ 78.26 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * * *

4. Amend § 78.270 paragraph ICC–19 (a) (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested, as prescribed for original tests in paragraph ICC–17, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Safety valves must be retested, as prescribed for original test in paragraph ICC–18, at intervals of 5 years or less after the original test. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

5. Amend § 78.271 paragraphs ICC–15 (a) and (b) (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A300.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 300 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure on the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

ICC–15. (b) Retests of tanks must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 10 years or less. Tanks must also be retested before being returned to service after any repairs requiring welding. Retests of safety valves must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 5 years or less.

6. Amend § 78.272 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A400.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 400 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

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7. Amend § 78.273 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A500.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 500 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

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8. Amend § 78.274 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A600.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 600 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraph ICC–10 (b) and ICC–14.

• • • • •

9. Amend § 78.280 paragraph ICC–19 (a) (15 F. R. 8509, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks, Class ICC–103–W.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

10. Add paragraph ICC–6 (a) to § 78.282 (15 F. R. 8511, Dec. 2, 1950) (49 CFR 78.282, 1950 Rev.) to read as follows:

§ 78.282 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B–W.* • • •

ICC–6. *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Riveted patches whose efficiency is 70 percent or greater and which will provide a minimum bursting pressure of 300 pounds per square inch, may be applied provided the design is first submitted to the Committee on Tank Cars of the Association of American Railroads for their approval.

• • • • •

11. Amend 78.284 paragraph ICC–19 (a) (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.284, 1950 Rev.) to read as follows:

§ 78.284 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104–W.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original tests. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

12. Amend § 78.285 paragraph ICC–19 (a) (15 F. R. 8515, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104A–W.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

13. Amend § 78.286 paragraphs ICC–10 (b) and ICC–19 (a) (15 F. R. 8515, 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A300–W.* • • •

ICC–10. • • •

ICC–10. (b) Manhole cover must be of forged or rolled steel at least 2¼ inches thick (or nickel at least 2 inches thick when required by the lading), machined to approved dimensions. Manhole cover must be attached to manhole neck by through or stud bolts not entering tank.

• • • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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14. Amend § 78.287 paragraph ICC–19 (a) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A400–W.* • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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15. Amend § 78.288 paragraph ICC–19 (a) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A500–W.* • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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16. Amend § 78.289 paragraph ICC–19 (a) (15 F. R. 8520, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A600–W.* • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

17. Amend § 78.291 paragraph ICC–19 (a) (16 F. R. 5336, June 6, 1951) (49 CFR 78.291, 1950 Rev., 1951 Supp.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–103–AL–W.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

18. Amend § 78.294 paragraph ICC–19 (a) (17 F. R. 7288, Aug. 9, 1952) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • •

19. Add § 78.295 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.295, 1950 Rev.) to read as follows:

§ 78.295 *Specifications for tank cars having fusion-welded nickel-chromium-iron alloy tanks Class ICC–106A800NCI.* This specification covers Class ICC–106A-800NCI tank cars having fusion-welded nickel-chromium-iron alloy tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–106A500, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.275 Specification ICC–106A500).

ICC–1. *Type and general requirements.* (a) Tanks built under this specification must be cylindrical, with heads dished convex inward. The end forgings of the shell shall be flanged-in in such a manner that the heads are locked in independent of the strength of the fillet welds, as well as providing a chime to which handling hooks can be attached. These end forgings shall be seamless; and the thickness of the cylindrical portion into which the head is driven and the thickness of the flat flanged-in ends shall be at least equal to the head thickness, whereas the cylindrical portion next to the circumferential welds joining the end forgings to the shell shall be thinned down to the shell plate thickness. All openings must be located in the heads. Tanks must be securely attached to car structure in such a manner that they can be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,500 pounds of water and not more than 2,500 pounds of water.

ICC–2. *Material.* (a) All plates and forgings for tank and heads shall be annealed, uniform nickel-chromium-iron alloy of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and shall have the following chemical composition and tensile properties:

Nickel (plus cobalt)	75.00 percent minimum.
Chromium	12.00 to 15.00 percent.
Iron	9.00 percent maximum.
Copper	0.50 percent maximum.
Manganese	1.00 percent maximum.
Carbon	0.15 percent maximum.
Silicon	0.50 percent maximum.
Sulfur	0.02 percent maximum.

Tensile strength 80,000 to 110,000 pounds per square inch. Yield point (0.2 percent offset) 30,000 to 60,000 pounds per square inch. Elongation in 2 in. 35 percent minimum.

A test specimen must be capable of being bent cold through 180° flat on itself without cracking on the outside of the bent portion. The tensile and bend specimens must be taken from the finished rolled or forged material after annealing, and there must be at least one tensile and one bend test on specimen from each heat.

ICC–2. (b) All plates and forgings must have their heat number and name or brand of manufacturer legibly stamped on them at the mill.

ICC–3. *Thickness of plates.* (a) The wall thickness of tanks must be at least $\frac{15}{32}$ inch and must be such that at the test pressure the calculated fiber stress in the wall of the tank or in the longitudinal weld seam will not be in excess of 25,000 pounds per square inch, as calculated by the following formula:

$$S = \frac{P\ (1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

Where P is interior test pressure in pounds per square inch; D, outside diameter in inches; d, inside diameter in inches; and S, wall stress in pounds per square inch.

ICC–3. (b) Tank heads shall have a thickness equal to at least twice the shell thickness and must also be of sufficient thickness to provide for the threading of openings therein as prescribed in paragraph ICC–4 (b).

ICC–4. *Tank heads.* (a) The heads must be hot pressed, flanging and dishing being done in one heat, so as to make a flange at least 3 inches deep, a mean crown radius not greater than the inside diameter of the head and a mean knuckle radius equal to at least 3½ times the head thickness. They must be inserted into the tank shell and forgings with flange extending outward and have a snug driving fit into the shell.

ICC–5. *Welding and heat-treatment.* (a) All joints and seams shall be welded by qualified welders using approved methods of welding and approved filler rod having the same composition as the tank plate. Deposited metal must be fused smoothly and uniformly into plate surface at the top of the joint. All welds shall be free from voids or slag inclusions. Main longitudinal joint shall be double-welded butt joint made with a procedure insuring proper fusion and penetration. Heads shall be fillet welded to the end forgings with welds having a throat at least 25 percent greater than the head thickness. The circumferential welds joining the

end forginga and shell shall be of the butt type with nickel-chromium-iron alloy backing strips to insure complete fusion. Welded joints shall be tested by specimens and radiographs in accordance with paragraphs AAR–6 (d–1) to (k–5) of § 78.280 Specification ICC–103W.

ICC–5. (b) Each finished tank, before being subjected to the hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of 1,400° F. for 1½ hours in a non-oxidizing furnace atmosphere so as to remove any undue strains due to processes of manufacture.

ICC–8. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 800 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–11. (b) Each tank must be tested to 800 pounds per square inch.

ICC–14. (b) ICC–106A800NCI.

20. Add § 78.296 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.296, 1950 Rev.) to read as follows:

§ 78.296 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B100–W.* This specification covers Class ICC–103B100–W tank cars having rubber-lined fusion-welded steel tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approved by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–W, except as modified in the following paragraphs (paragraph numbers refer to like number in § 78.280 Specification ICC–103–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical with heads dished convex outward. The tank must be provided with an expansion dome, manhole nozzle and cover on top of tank of sufficient diameter to permit access to interior of tank and provide for proper mounting of venting, loading, unloading, gauging and air valves, and a protective housing and cover surrounding these devices. Other openings in tank prohibited.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

ICC–3. *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate steel of flange quality, the carbon content of which shall not exceed 0.30 per cent. The lining must be acid-resisting rubber, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

ICC–3. (d) This paragraph does not apply.

AAR–3. *Lining.* (b) See paragraphs ICC–3 (a) and ICC–4 (b).

AAR–3. (d) Rubber-lined tanks must be stenciled as prescribed in paragraph ICC–20 (e).

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

Inside diameter of tanks	Bottom sheet	Shell sheet	Tank head	Dome shell	Dome head
	Inch	*Inch*	*Inch*	*Inch*	*Inch*
87 inches or under	½	½	½	3/8	3/8
Over 87 to 96 inches	9/16	9/16	9/16	3/8	3/8

ICC–4. (b) The rubber lining must be at least 5/32 inch thick except that over all rivets and seams formed by riveting attachments the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. Directly under the dome, vulcanized to the lining on bottom of tank, must be applied a rubber reinforcement pad at least 4½ feet square and at least ½ inch thick, with edges of pad beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted.

ICC–4. (d) This paragraph does not apply.

AAR–4. (b) This paragraph does not apply.

AAR–4. (c) Car must have underframe.

AAR–4. (d) This paragraph does not apply.

AAR–5. (a) The tank head shape shall be an ellpsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

ICC–6. (b) Manhole nozzle, sump, or other attachments must be attached to tank by fusion welding. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type. All projecting edges of plates and castings on inside of tank must be rounded and free from fins or other irregular projections. Castings must be free from porosity.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of the tank shell to top of manhole flange, of at least one percent of the capacity of tank and dome combined.

ICC–9. (b) The opening in manhole ring, before lining, must be at least 18 inches in diameter, and the opening in the tank shell at the dome shall be fully cut out or flued to the inside diameter of the dome, which shall not exceed 42 inches. The tank shell at the dome must be adequately reinforced.

ICC–9. (c) The dome head if of pressed steel must be dished convex outward. The entire dome with attachments, or dome head and manhole ring with attachments, made of cast steel or other malleable metal may be used in place of dished steel plate dome head.

AAR–9. (a) The entire dome must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible. The dome head if separate must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible.

AAR–9. (b) Dome head must be of approved contour. If dished, the knuckle radius shall be at least 6 percent of the spherical dish radius, and the thickness shall be not less than that calculated by the formula in paragraph AAR–2 (a) where "d" is twice the inside spherical radius, which radius shall not be in excess of the diameter of the dome. Dome heads may be flued for attachment of the manhole nozzle, in which case added reinforcement of the opening is not required.

AAR–9. (c) See Figure 14 for tank shell reinforcement at dome opening.

ICC–10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, or pressed steel at least 18 inches inside diameter having approved wall thicknesses and dimensions.

ICC–10. (b) Manhole cover must be of suitable metal of approved thickness, and must be attached to manhole nozzle by through bolts not entering tank. The top, bottom where exposed to lading, and edge of manhole cover must be covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b). Through bolt holes may be lined with rubber at least ⅛ inch in thickness. Cover made of metal not affected by lading need not be rubber covered. All rubber surfaces on outside of tank or fittings must be painted with an age-resisting paint to protect rubber from light rays. Manhole rings, welded to manhole nozzle, must be made of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of nozzle.

ICC–10. (c) The shearing valve of the bolts attaching the protective housing to manhole cover must not exceed 70 percent of shearing valve of bolts attaching manhole cover to manhole nozzle.

ICC–10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC–10. (e) Protective housing of cast or pressed steel must be bolted to manhole cover. Housing must be equipped with a steel cover that can be securely closed. Housing cover must have a suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved closure.

AAR–10. (a) Bolted type of manhole cover must be used.

ICC–11. *Venting, loading and unloading, gauging, and air inlet devices.* (a) These devices when installed must withstand a pressure of 100 pounds per square inch without leakage. They must be bolted to fittings or seatings on the manhole cover. Connections to valves must be closed with blind flanges bolted tightly over valve outlets, chained or otherwise fastened to prevent misplacement. Discharging (siphon) pipe must be securely anchored.

ICC–12. *Venting, loading and unloading, gauging, and air inlet devices.* (a) When installed, these devices must be of metal and have all surfaces in contact with the lading covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b) except that lining must be at least ⅛ inch thick. These devices when made of metal not affected by the lading need not have such surfaces rubber covered.

ICC–13. *Bottom discharge outlets.* (a) Bottom discharge outlet prohibited. Bottom sump of cast, pressed, or forged metal is permissible. If used and welded to tank, it must be of cast, pressed, or forged metal and be of good weldable quality in conjunction with metal of tank.

ICC–13. (b) This paragraph does not apply.

ICC–13. (c) This paragraph does not apply.

AAR–13. (a) This paragraph does not apply.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) This paragraph does not apply.

AAR–13. (d) This paragraph does not apply.

AAR–13. (e) This paragraph does not apply.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC–14. (b) This paragraph does not apply.

ICC–14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see par. ICC–18.)

ICC–14. (d) Tanks used for the transportation of corrosive liquids need not be equipped with safety valves, but may be equipped with one safety vent, lined with rubber of at least ⅛ inch thick, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of material not affected by the lading and of a suitable thickness that will rupture at a pressure of 75 pounds per square inch plus or minus 5 percent. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

AAR–14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity, which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAR–14. (b) Safety vent flanges, if welded to cover plate, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of cover plate.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, sump, and those mounted on manhole nozzle and cover, are prohibited.

ICC–15. (b) This paragraph does not apply.

ICC–16. *Plugs for openings.* (a) Plugs prohibited. Closures must be effected with blind flanges bolted over openings. Flanges must have all surfaces exposed to the lading covered with rubber or be made of metal not affected by lading.

ICC–17. *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 100 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

ICC–17. (c) This paragraph does not apply.

AAR–17. *Hammer test.* (a) The tank shall be subjected to a hydrostatic pressure of 100 pounds per square inch and while subject to this pressure shall be given a thorough hammer or impact test. This impact test shall consist of striking the plate at 6-inch intervals on both sides of the welded joint and for the full length of all welded joints. The weight of the hammer in pounds shall approximately equal thickness of the shell in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate. Following the impact test this pressure must be held for at least 10 minutes.

AAR–17. (b) This paragraph does not apply.

AAR–17. (c) See paragraph ICC–17 (a).

ICC–18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 65 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks and safety valves.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–19. (b) Safety valves must be retested, as prescribed for original tests in paragraph ICC–18, at intervals of 5 years or less. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) This paragraph does not apply.

ICC–20. (b) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank or jacket, if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

ICC–20. (e) "Rubber-lined tank—pressure test not required," stenciled on tank, or jacket if lagged, instead of record of test of tank.

ICC–20. (g) This paragraph does not apply.

ICC–20. (h) This paragraph does not apply.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, Commodity List	To provide for the transportation of bursters (explosive), supplementary charges (explosive), charged oil well jet perforating guns via private motor carriers, dichlorodifluoromethane-monofluorotrichloromethane mixture, monochloropentafluoroethane, nickel catalyst; and to correct omissions or typographical errors in printing.
73.29, (a) and (d)	To provide for adequate closure of "empty" containers.
73.31, (g) Note 1 and Note 2	To waive periodic retest requirements of metal tanks, safety valves, and heater systems of tank cars, except those in chlorine service, because of the present emergency and until Dec. 31, 1953.
73.31, (h)	To allow transfer of tank cars from one commodity service to another when authorized for transportation of such commodity by the regulations without obtaining prior approval of the Tank Car Committee of the Association of American Railroads.
73.53, (s)	To provide for the transportation of military devices not heretofore included in the regulations.
73.53, (u)	To provide for the transportation of oil well jet perforating guns not heretofore included in the regulations.
73.58, (b)	To clarify marking on packages of ammunition for small arms with explosive bullets or projectiles.
73.60, (c)	To clarify marking on packages of black powder and low explosives.
73.63, (c) (2)	To provide an additional type of interior packing for high explosives (dynamite).
73.69, entire section	To provide a safer method of transportation and packing of detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges.
73.80, entire section	To provide for the packing and transportation of oil well jet perforating guns via private motor carriers.
73.93, (f) (2)	To clarify labeling of packages of propellant explosives.
73.100, (g)	To correct a typographical error in the regulations.
73.100, (h)	To provide for the transportation of igniters which are enclosed in bakelite plastic tubes or containers.
73.110, entire section	To provide for the transportation of oil well jet perforating guns, total explosive content in guns not exceeding 15 pounds per motor vehicle, as class C explosive.
73.140, (a) (1)	To provide an additional inside container for the transportation of zirconium metallic solutions or mixtures thereof.
73.153, (c) (62)	To exclude nickel catalyst from exemptions for flammable solids.
73.157, (a) (2)	To provide an additional container for the transportation of benzoyl peroxide, wet.
73.158, (a) (4)	To provide for the use of fiberboard boxes for the transportation of benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide, dry, or succinic acid peroxide, dry.
73.162, (g) (1)	To provide for the transportation of ground, crushed or granulated charcoal made by the "Stafford" process.
73.215, (a) (2)	To provide for the transportation of zirconium, metallic, dry, in fiberboard boxes.
73.229, (a) and (c)	To provide for the transportation of chlorate and borate mixtures, and chlorate and magnesium chloride mixtures.
73.233, entire section	To provide packing requirements for the transportation of nickel catalyst.
73.245, (a) (4)	To provide an additional container for the transportation of acids or other corrosive liquids not specifically provided for.
73.263, (a) (9) and (a) (12)	To provide for the shipment of higher strength hydrochloric acid in specially designed tank cars.
73.264, (b) (1)	To provide for the transportation of hydrofluoric acid, anhydrous in ICC–4BA cylinders.
73.308, (a) Table	To provide for the transportation of monochloropentafluoroethane and hydrogen chloride in cylinders; and provide for an additional cylinder for the transportation of chlorine.
73.314, (a) Table	To provide for shipments of dichlorodifluoromethane-monofluorotrichloromethane mixture in tank cars; authorize transportation of nitrosyl chloride in new type tank cars.
73.314, Note 12	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixtures in ton containers and to provide for the shipment of nitrosyl chloride in new type containers via motor vehicles.

APPENDIX—Continued

Section, Paragraph, and Reason for Amendment—Continued	
73.314, Note 17	To provide for the use of a safety device on containers used for the transportation of nitrosyl chloride.
73.315, (a) (1) Table	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane in cargo tanks.
73.315, (h) Table	To prohibit the use of gauging devices on cargo tanks and portable tanks transporting dichlorodifluoromethane-monofluorotrichloromethane mixture.
73.315, (i) (2) Table	To provide a start-to-discharge pressure of safety relief valve on tanks used for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixture.
73.332, (a) (4)	To provide for the transportation of hydrocyanic acid in tank cars.
73.333, (a) (2)	To provide for the transportation of phosgene in tank cars.
73.346, (a) (1)	To provide an additional container for the transportation of poisonous liquids not specifically provided for.
73.359, (a) (8)	To provide an additional container for the transportation of hexaethyl tetraphosphate mixtures, parathion mixtures and other similar compositions.
74.538, (a) Chart items "e" and "g".	To provide for the proper loading in cars of boosters (explosive), bursters (explosive) and supplementary charges.
74.538, footnote d	To authorize boosters, bursters or supplementary charges to be loaded in cars together with detonating fuzes.
74.544, (a) (5)	To exempt cars containing vehicles and shipments of electrolyte acid from placarding requirements when offered for transportation by departments of the army, navy or air force.
77.806, entire section	Clarification.
77.840, (c)	To provide for the transportation of dichlorodifluoromethane-monofluorotrichloromethane mixtures in ton containers and to provide for the shipment of nitrosyl chloride in new type containers via motor vehicles.
77.848, (a) Chart items "e" and "g".	To provide for the proper loading in motor vehicles of boosters (explosive), bursters (explosive), and supplementary charges (explosive).
77.848, footnote d	To authorize boosters, bursters or supplementary charges to be loaded in motor vehicles together with detonating fuzes.
78.205–19, (a)	To provide for the manufacture of an additional type of inside container for use with ICC–12B outside fiberboard boxes.
78.219–5, (a) and (b)	To provide for the use of alternate tape in the manufacture of ICC–23H fiberboard boxes.
78.219–12, (a)	Do.
78.259, (f) Note 4	To provide for making fusion-welded repairs to manway covers on certain types of tank cars.
78.265, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
79.269, ICC–19 (a)	Do.
78.270, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.271, ICC–15 (a) and (b)	Do.
78.272, ICC–15 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.273, ICC–15 (a)	Do.
78.274, ICC–15 (a)	Do.
78.280, ICC–19 (a)	Do.
78.282, ICC–6 (a)	To provide for the use of riveted patches on fusion-welded tank cars.
78.284, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.285, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.286, ICC–10 (b)	To allow manhole cover to be made of nickel steel 2 inches in thickness in lieu of 2¼ inches in thickness.
78.286, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.287, ICC–19 (a)	Do.
78.288, ICC–19 (a)	Do.
78.289, ICC–19 (a)	Do.
78.291, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars.
78.294, ICC–19 (a)	To provide for the inspection of interior surface of tank heads during retests on tank cars and to extend retest period of tanks from 5 to 10 years.
78.295, entire section	New specification for the construction of tank cars having fusion-welded, nickel-chromium-iron alloy tanks.
78.296, entire section	New specification for the construction of tank cars having rubber-lined fusion-welded steel tanks.

[F. R. Doc. 52–10360; Filed, Sept. 25, 1952; 8:46 a. m

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 1706 et al.]

AMERICAN OVERSEAS AIRLINES, INC. ET AL.; TRANSATLANTIC FINAL MAIL RATE CASE

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of American Overseas Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc., in transatlantic operations.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that the above-entitled proceeding is assigned for hearing on October 20, 1952, at 10:00 a. m., e. s. t., in Conference Room A, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

The issues to which evidence may be addressed relate to the question of the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the respective air carriers and periods concerned for transatlantic operations under the standards of the Civil Aeronautics Act of 1938, as amended.

For a further specification of subsidiary issues and the extent to which there has been a limitation of issues pursuant to Subpart C of the Board's rules of practice, interested persons are referred to the Statements of Tentative Findings and Conclusions, the Objections and Answers of parties, the Prehearing Conference Reports and Exceptions thereto in Dockets Nos. 1666, 1706, 2375, and 4021, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before October 20, 1952, a statement setting forth the matters of fact or law which he desires to present or controvert and such person may then appear and participate in the hearing in accordance with Rule 14 of the rules of practice.

Dated at Washington, D. C., September 23, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52–10471; Filed, Sept. 25, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS V, VIII AND XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following Orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on September 22, 1952.

REGION V

Jacksonville Order G1–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G2–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G3–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G3A–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G4–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G4A–15, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:09 p. m.

REGION VIII

Fargo Order G1–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

Fargo Order G2–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

Fargo Order G4–17, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 4:09 p. m.

REGION XII

Fresno Order G1–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G2–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G4–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Fresno Order G4A–14, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 4:10 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER, *Recording Secretary.*

[F. R. Doc. 52–10451; Filed, Sept. 25, 1952; 12:01 p. m.]

[Delegation of Authority 4, Supp. 1, Revision 2]

DISTRICT ENFORCEMENT DIRECTORS AND ACTING DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), by Delegation of Authority 4 of the Director of Price Stabilization (16 F. R. 3595), and Delegation of Authority 40 of the Director of Price Stabilization (16 F. R. 12411), this Revision 2 of Delegation of Authority 4, Supplement 1 (16 F. R. 3595) is hereby issued.

1. Those functions relating to the enforcement of price stabilization, including those with respect to the allocation of meat, which were delegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Delegation of Authority 4 and Delegation of Authority 40 are hereby redelegated to the several District Enforcement Directors or Acting District Enforcement Directors subject to such rules, regulations, and orders as may hereinafter be issued by the Assistant Director of Price Stabilization for Enforcement, and the several District Enforcement Directors or Acting District Enforcement Directors are each hereby authorized and empowered, within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515), to make such investigations, inspections, or inquiries as may be necessary or appropriate in their discretion, to the enforcement or the administration of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, and the regulations or orders issued thereunder, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

2. The authority of section 705 (a) in the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made thereunder have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. The Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) shall be such competent authority within the United States, the District of Columbia and any and each territory and possession of the United States. In addition, the several District Enforcement Directors or Acting District Enforcement Directors are each hereby designated and constituted as such competent authority within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515).

3. In connection with any investigation, inspection, or inquiry necessary or appropriate, in their discretion, to the enforcement or administration of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952, and the regulations or orders issued thereunder, the several District Enforcement Directors or Acting District Enforcement Directors of the Office of Price Stabilization, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient, are each authorized within the respective areas serviced by each Regional or District Office to which such District Enforcement Director or Acting District Enforcement Director is attached, the location of such Offices and the geographical limitations of such areas being described in the Organizational Statement Amendment of August 15, 1952 (17 F. R. 7515):

(a) To sign and issue Subpenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place;

(b) To sign and issue Inspection Authorizations requiring any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records, and other writings in the possession or control of said person at the place where such person usually keeps them, and to inspect the premises or property of said person;

(c) To issue and use Letters requesting the inspection of books, documents, and records and inspection of premises or property.

Such subpenas, Inspection Authorizations, and Request Letters will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made have been defined by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) or the District Enforcement Director or Acting District Enforcement Director in whose area as above defined such investigation, inspection, or inquiry is to take place, and it is assured that no adequate and authoritative data sought thereby are available from any Federal or other responsible agency.

4. The terms herein shall have the same meaning as in the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952.

This revision shall become effective as of August 19, 1952.

LAMBERT S. O'MALLEY, *Assistant Director of Price Stabilization for Enforcement.*

SEPTEMBER 25, 1952.

[F. R. Doc. 52–10564; Filed, Sept. 25, 1952; 4:00 p. m.]

[Delegation of Authority 68, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (B) (2)

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6.05), and Economic Stabilization Agency General Order No. 2, as amended, (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority 68 is hereby issued.

Delegation of Authority 68 is amended by redesignating the present paragraph 2 as paragraph 3 and inserting a new paragraph 2 to read as follows:

2. *Authority to act under section 11 (b) (2) of CPR 24, as amended.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under section 11 (b) (2) of CPR 24, as amended.

This Amendment 1 to Delegation of Authority No. 68 shall take effect on September 26, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10560; Filed, Sept. 25, 1952; 11:37 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 23]

SOUTH CARLTON FIELD, CLARKE COUNTY, ALABAMA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. The Office of Price Stabilization has been requested to adjust the ceiling price of crude petroleum produced from the South Carlton Field, Clarke County, Alabama from $1.35 per barrel to $1.56 per barrel flat.

On the basis of the evaluation of 12.9° API gravity sample of the crude taken in June, 1950, a receiving tank price of $1.35 per barrel was established at the well. A recent analysis representative of the production in November, 1951 showed this crude to be 13.4° API gravity and that it contained a higher percentage of gas oil and a lower percentage of bottoms than that obtained from the first sample which was received shortly after the field was discovered. This error has prevented a normal price adjustment in the field. Furthermore, the change in API gravity shown in the accepted analysis has resulted in a higher value of approximately 21 cents per barrel to the purchaser, and accordingly a revision in the ceiling price has been requested.

From the information available to this Office, it appears that the adjusted price will not exceed the ceiling price of comparable crude petroleum produced in this same area. The ceiling price of $1.56 per barrel flat for 13° API gravity crude conforms to ceiling prices in the same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32,

It is ordered:

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the South Carlton Field, Clarke County, Alabama shall be: $1.56 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This special order shall become effective September 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10447; Filed, Sept. 23, 1952; 12:00 m.]

FEDERAL POWER COMMISSION

[Docket No. G-1291]

NEW YORK STATE NATURAL GAS CORP., AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 19, 1952, the Federal Power Commission issued its order entered September 18, 1952, modifying order (15 F. R. 7488) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10433; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 18, 1952, the Federal Power Commission issued its order entered September 18, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10434; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-1006]

ATLANTIC SEABOARD CORP., AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 22, 1952.

Notice is hereby given that on September 19, 1952, the Federal Power Commission issued its order entered September 18, 1952, in the above-entitled matter issuing a certificate of public convenience and necessity to Atlantic Seaboard Corporation, and approving the application of Virginia Gas Transmission Corporation for abandonment of its facilities and services, by transfer, to Atlantic Seaboard Corporation.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc 52-10435; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-1958]

ROCKLAND LIGHT AND POWER CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 22, 1952.

On May 19, 1952, Rockland Light and Power Company (Applicant), a New York corporation having its principal place of business at Nyack, New York, filed an application seeking authorization pursuant to section 7 of the Natural Gas Act to acquire and operate all of the properties, assets, and franchises owned or enjoyed by Rockland Gas Company, Inc. (Rockland Gas), a New York corporation having its principal place of business at Spring Valley, New York, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant has advised this Commission that if the acquisition of facilities proposed in its application were consummated substantial savings in operating costs would accrue and that it is Applicant's intention to apply a substantial portion of such savings so as to effect gas rate reductions in the Rockland County, New York area. Applicant has further represented to the Commission that it intends to effect such rate reductions immediately upon receiving the necessary authority to consummate the proposed acquisition, and that the prompt and expeditious disposition of this proceeding will serve to accelerate the time when the proposed rate reductions can be put into effect.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings, and this proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest, or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 6, 1952 (17 F. R. 5174).

The Commission finds: It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on October 3, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10432; Filed, Sept. 25, 1952; 8:46 a. m.]

[Docket No. G-2047]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the facilities as hereinafter described.

Applicant proposes to construct and operate a measuring and regulating station and appurtenant equipment to be used in the delivery to the chemical plant of National Petro-Chemicals Corporation (Petro-Chemicals), located near Tuscola, Illinois, of up to 7,000 Mcf of natural gas per day during the seven-month period, September 16 through April 15 and up to 24,000 Mcf per day during the five-month period, April 16 through September 15. Of these volumes of natural gas it is contemplated that 7,000 Mcf per day will be used for plant fuel in Petro-Chemicals extraction plant, where hydrocarbons will be extracted from natural gas, and in its chemical plant where ethane will be converted into ethylene, and up to 17,000 Mcf per day will be used in the five months, April 16 through September 15 for fuel in the plant boiler station. The above volumes of natural gas are contemplated to be sold on "uninterruptible" basis; however in the event of a shortage of gas Applicant has the right to curtail such sales to the extent reasonably necessary in its judgment after first curtailing so far as practicable, deliveries of natural gas to customers purchasing gas on an interruptible basis.

Petro-Chemicals was organized by Applicant and National Distillers Products Corporation to engage in the extraction and manufacture of various chemicals from natural gas. Applicant has contracted with Petro-Chemicals to sell to it in addition to the volumes of natural gas stated above, certain volumes of ethane and heavier hydrocarbon gasses contained in the stream of natural gas being transported in Applicant's pipeline.

The cost of the facilities for which applicant in the alternative seeks certification is $27,000, and financing is proposed to be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10456; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2048]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate 5.5 miles of 6-inch o. d. loop pipeline paralleling portion of Applicant's Adrian lateral pipeline extending from its main Michigan pipe to Adrian, Michigan. The proposed facilities are to permit the delivery of natural gas through the Adrian lateral to the plant of Bohn Aluminum & Brass Corporation (Bohn) during the months of November, December, January, February, and March, during which months Applicant will be delivering large volumes of firm gas through the lateral to Citizens Gas Fuel Company, the distributing company in Adrian, Michigan. Relative to the sale of gas to Bohn, Applicant has applied at Docket No. G-2040 for a certificate of public convenience and necessity authorizing such service.

The estimated cost of the facilities is $110,000 which amount will be initially financed by Applicant out of funds on hand. Bohn, however has agreed to pay $35,000 toward the cost of the construction of the facilities, such amount to be returned by a credit of 5 cents per Mcf of natural gas purchased by it from Applicant and by the payment to it of any balance remaining after the termination of the contract. Citizens has agreed to pay Applicant toward the cost of the facilities by a payment of 1½ cents per Mcf of interruptible natural gas delivered by Citizens to Bohn.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10457; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2049]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the service as hereinafter described.

Applicant proposes to deliver to the corn drying plant of the DeKalb Agricultural Association (DeKalb), located at Tuscola, Illinois, maximum volumes of natural gas not in excess of 2,000 Mcf in any one day or 40,000 Mcf in any calendar year. Such gas is to be delivered only during the months of September, October, November, and December. Delivery is to be made through the facilities of the Citizens Gas Company, the distributing company in Tuscola, Illinois, under an operating arrangement providing generally that Citizens has no obligation to transport gas to DeKalb's plant if it will interfere with the operations of its distribution plant or with deliveries to its customers. Service proposed to be rendered by Applicant contemplates an "uninterruptible" supply; however, the right is reserved to curtail or interrupt deliveries to DeKalb if a shortage of gas exists on Applicant's pipe line system.

Applicant proposes to construct no new facilities in order to provide the service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10458; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2050]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on September 11, 1952, an application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the service as hereinafter described.

Applicant proposes to sell on a temporary or dump basis to the Monroe Paper Products Company, located in Monroe,

Michigan, a supply of natural gas not in excess of 3,000 Mcf per day to supplement the 1,500 Mcf per day being sold to Monroe Paper by Michigan Gas Utilities Company (Utilities), the local distributing company in Monroe, Michigan. It is contemplated that the gas will be used in two of the four steam boilers of Monroe Paper, the other two boilers being kept in reserve for firing with coal in the event of interruption of gas. Deliveries are proposed to be made to Monroe Paper plant through the facilities of Utilities and no new construction is contemplated by the Applicant in order to render the service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commisison for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10459; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2057]

MISSOURI PUBLIC SERVICE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Missouri Public Service Company (Applicant), a Missouri corporation having its principal place of business at Warrensburg, Missouri, filed on September 11, 1952, an application pursuant to section 7 of the Natural Gas Act for:

(1) An order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transmission facilities near New Franklin, Missouri, with the proposed facilities of and to sell and deliver natural gas to Applicant for resale as hereinafter described; and

(2) A certificate of public convenience and necessity authorizing the construction and operation of the following: A 10-inch pipeline, 63.6 miles in length, extending from the proposed point of interconnection with Panhandle's existing pipeline near New Franklin northwesterly past Glasgow and Keytesville, and continuing north to Brookfield; an 8-inch pipeline, 45.7 miles in length, extending from Brookfield in a westerly direction to near Chillicothe, and thence north to Trenton; two 3-inch laterals, totaling 12.5 miles, extending from the main line to Salisbury and to Brunswick; three 2-inch laterals, totaling 8.7 miles, extending from the main line to Dalton, Bucklin and Chula; and an 8-inch pipeline, approximately 6 miles in length, extending from Chillicothe to Utica. All communities and facilities involved in this application are located in the State of Missouri.

Applicant proposes, by means aforementioned, to supply natural gas service to the cities or towns of Glasgow, Salisbury, Dalton, Brunswick, Keytesville, Marceline, Bucklin, Brookfield, Laclede, Meadville, Wheeling, Chula, Utica, Chillicothe and Trenton. None of these communities are presently served with natural gas, although Applicant now serves Chillicothe and Trenton with propane-air gas service. Applicant estimates its annual requirements for all types of service at 3,706,834 Mcf.

The estimated total over-all capital cost of the proposed facilities is $5,080,845, which Applicant proposes to finance by issuance and sale of first mortgage bonds, debentures, preferred and/or common stock, and by retained earnings and funds set aside for its depreciation reserve.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10460; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2058]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that Gulf Interstate Gas Company (Applicant), a Delaware corporation, address, Houston, Texas, filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for the account of United Fuel Gas Company (United Fuel Gas), a wholly owned subsidiary of the Columbia Gas System, Inc., and for such purpose to construct and operate a natural-gas pipeline extending from fields located in Cameron and Vermillion Parishes in Southern Louisiana, through Louisiana, Mississippi, Tennessee, and Kentucky to a terminus in Boyd County, Kentucky, including a 30-inch main transmission line approximately 860 miles in length; various laterals consisting of approximately 26 miles of 24-inch pipe, 128 miles of 20-inch pipe, 23 miles of 16-inch pipe, and 52 miles of 12-inch pipe; five compressor stations totaling 10,000 horsepower; together with requisite metering and measuring stations, appurtenant gathering lines and equipment necessary to render the service proposed by Applicant; and an initial line capacity approximating 375,000 Mcf per day.

The estimated cost of the proposed facilities is $127,887,000. The proposed financing includes issuance and sale of Applicant's debt and equity securities in a ratio of not to exceed 75 percent debt securities and 25 percent equity securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10461; Filed, Sept. 25, 1952; 8:48 a. m.]

[Docket No. G-2067]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 22, 1952.

Take notice that on September 12, 1952, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a direct industrial sales metering station for the sale of natural gas to Mississippi Power & Light Company for use as fuel in an electric generating station now being constructed by that company near Cleveland, Mississippi.

Applicant proposes to sell and deliver to Mississippi Power & Light Company for this purpose on an interruptible basis up to 30,000 Mcf per day for a period of ten years.

The estimated construction cost of about $24,000 will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 10, 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10496; Filed, Sept. 25, 1952; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5766]

BORDEN-AICKLEN AUTO SUPPLY CO., INC., ET AL.

ORDER APPOINTING HEARING EXAMINER

In the matter of Borden-Aicklen Auto Supply Co., Inc., a corporation, et al.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission:

It is ordered, That Earl J. Kolb, a Hearing Examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

Issued: September 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10465; Filed, Sept. 25, 1952; 8:49 a. m.]

[Docket No. 5767]

D & N AUTO PARTS CO., INC., ET AL.

ORDER APPOINTING HEARING EXAMINER

In the matter of D & N Auto Parts Company, Inc., a corporation, et al.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission:

It is ordered, That Earl J. Kolb, a Hearing Examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

Issued: September 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10464; Filed, Sept. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-173, 54-191]

STANDARD GAS AND ELECTRIC CO., AND PHILADELPHIA CO.

NOTICE OF FILING AND NOTICE OF ORDER REOPENING HEARINGS

SEPTEMBER 22, 1952.

In the matters of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

I. Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Power"), also a registered holding company, and Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard, having filed a plan dated February 8, 1951, ("Standard plan") pursuant to section 11 (e) of the act, for compliance by Standard and Philadelphia with the provisions of section 11 of the act (File No. 54-191); and

Hearings having been held and the record closed with respect to Step I of the Standard plan, which step proposes the retirement of the Prior Preference Stock of Standard through the distribution of portfolio securities, and also with respect to Step I-A of such plan, which step provides for the settlement of intercompany claims between Standard and Power; and

Standard having heretofore filed a plan ("Philadelphia plan") under section 11 (e) of the act for the simplification of the system of Philadelphia (File No. 54-173), Step 4 of which provides for the retirement of two classes of Philadelphia's outstanding preferred stocks and the preferred stock of a subsidiary, as to which Philadelphia has guaranteed the payment of dividends, which step was approved by the Commission after public hearings thereon and which is now pending for enforcement in the United States District Court for the Western District of Pennsylvania;

Notice is hereby given that an amendment has been filed to Step II of the Standard plan providing for the retirement of the $4 Cumulative Preferred Stock and the Common Stock of Standard through the distribution of common stock of Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, to the $4 Cumulative Preferred-stock holders of Standard and, in essence, the distribution of common stock of Philadelphia to the Common-stock holders of Standard. An amendment has also been filed to Step 5 of the Philadelphia plan providing for the retirement of the $5 Cumulative Preference Stock of Philadelphia through the distribution of common stock of Duquesne. All interested persons are referred to said plans, as amended, which are on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized hereinafter.

II. Upon consummation of Steps I and I-A of the Standard plan, the principal asset of Standard will consist of its present holdings of 5,024,790 shares or 96.8 percent of the common stock of Philadelphia. In addition, it will own 46,834 shares of common stock of Wisconsin Public Service Corporation ("Wisconsin"), 2,889 shares of common stock of Oklahoma Gas and Electric Company ("Oklahoma") and 20,427 shares of common stock of Duquesne, plus certain miscellaneous minor assets including the capital stocks of Public Utility Engineering and Service Corporation ("Service Corporation") and of Horseshoe Lake Oil and Gas Company ("Horseshoe"). Standard's only outstanding securities will be its $4 Cumulative Preferred Stock and its Common Stock.

Step II, as amended, of the Standard plan proposes that:

1. Standard will sell such holdings of Wisconsin and Oklahoma, will liquidate or otherwise dispose of the stock of Service Corporation, and will sell or otherwise dispose of the stock of Horseshoe.

2. Philadelphia will distribute, as a partial liquidating dividend, 7/10 of a share of common stock of Duquesne for each share of common stock of Philadelphia presently outstanding, so that Standard will receive 3,014,874 shares of common stock of Duquesne. Such distribution will be carried out either under Step II or pursuant to a separate plan for the partial liquidation of Philadelphia.

3. The $4 Cumulative Preferred Stock ("$4 Preferred") of Standard will be retired by delivery in exchange for each share, including all dividends accrued and in arrears thereon to the effective date of the exchange, 4 shares of common stock of Duquesne. The effective date shall be as soon as possible after March 1, 1953, and will be such that holders of the $4 Preferred will be entitled to receive dividends payable on the Duquesne common stock subsequent to the dividend which is expected to be paid on April 1, 1953; all dividends on the common stock of Duquesne distributable under Step II expected to be paid on April 1, 1953, and prior thereto shall be payable to either Standard or Philadelphia. Pending such effective date no dividends will be paid on the $4 Preferred.

4. As soon as practicable after the retirement of the $4 Preferred, Standard will discharge or provide for its liabilities. It will thereupon retire its Common Stock by the delivery in exchange therefor of common stock of Philadelphia as follows: For each share of Common Stock of Standard the holder will receive that number of shares of Philadelphia common stock equal to the total number of shares of Philadelphia common stock held by Standard divided by the number of outstanding shares of Common Stock of Standard. If on that basis a holder of Common Stock of Standard is entitled to a fractional share of Philadelphia common stock other than 1/100 or a multiple thereof, such fraction shall be adjusted to the next lowest 1/100 of a share and any shares of Philadelphia common stock remaining undistributed as a result of such adjustment shall be surrendered by Standard to Philadelphia as a capital contribution and shall be canceled. Following the retirement of its Common Stock, Standard will be liquidated and dissolved or otherwise disposed of in such manner that it will cease to have any interest in or be otherwise connected with Philadelphia, Duquesne, Wisconsin or Oklahoma.

5. On the effective dates of the exchanges of Standard's $4 Preferred and Common Stock the securities to be issued in the respective exchanges will be deposited with an exchange agent and thereupon Standard shall cease to have any rights with respect to the deposited securities and the holders of the $4 Preferred and of the Common Stock shall cease to have any rights as stockholders of Standard except that they shall be entitled to receive their pro rata distribution of the deposited securities and any cash which they may become entitled to receive in respect of dividends on deposited securities paid to the exchange agent. In addition, holders of Standard Common Stock shall be entitled to a final distribution referred to hereinafter. Certificates for $4 Preferred surrendered to the exchange agent shall be canceled; certificates for Common Stock surrendered to the exchange agent shall either be canceled or shall be disposed of as may be directed by the Commission and the United States District Court to which the Commission may apply to enforce and carry out Step II of the Standard plan.

6. No certificates for fractional shares of common stock of Philadelphia will be issued but in lieu thereof the exchange agent will issue scrip certificates which when combined in lots representing one

or more full shares may be exchanged for common stock. For a period of six months after the effective date of Step II holders of scrip certificates may sell the same or purchase additional scrip without the payment of any commission. The holders of scrip certificates will not be entitled to the rights of stockholders unless and until the scrip is exchanged for stock certificates but upon such exchange the holder shall be entitled to receive an amount equal to all dividends declared upon the shares received by him after the effective date and prior to receipt of the shares. If the scrip certificates are not exchanged within a period of approximately five years such certificates shall become void.

7. After five years from the date of deposit of certificates for common stock of Philadelphia with the exchange agent by Standard, as aforesaid, holders of $4 Preferred and Common Stock of Standard shall cease to be entitled to make exchanges and their certificates shall become void. All the stock of Duquesne and Philadelphia remaining in the hands of the exchange agent after five years shall be converted into cash and such cash together with all cash received by the exchange agent as dividends, or otherwise, upon such stock and any cash received by the exchange agent from the exchange agent under Step I of the plan as provided in said Step I shall be distributed pro rata by the exchange agent to former holders of Common Stock of Standard who have surrendered their certificates for exchange and who, after the said five years, have filed an acknowledgment of receipt of notice as hereinafter referred to. Not more than 60 days after the said five years the exchange agent will notify such former holders of Standard Common Stock that cash is available for distribution and that those who deliver to the exchange agent within 120 days after the date of such notice a signed acknowledgment of receipt of notice will be entitled to participate in the distribution of such cash. Those who do not file such acknowledgment shall cease to be entitled to participate in the distribution of such cash and all such cash will be distributed to former holders of Standard Common Stock who have delivered such acknowledgment.

8. During the five year period in which exchanges may be made Standard undertakes to give notice to the holders of the $4 Preferred and of the Common Stock of their distribution rights, to use reasonable efforts to locate any missing holders of such stocks and periodically to notify the Commission of the results of these efforts.

9. Standard proposes to request the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the proposed exchanges of securities. The effective date of Step II is to be that specified in the court's decree of enforcement, or, if not so specified, then such date, not later than ninety days after the court's decree becomes final and no longer subject to review, as the Board of Directors of Standard shall determine. Notice of the effective date will be given by Standard to holders of the $4 Preferred and the Common Stock by mail and by newspaper publication at least ten days before such effective date.

10. Provisions of Step I of the Standard plan relating to fees and expenses and court enforcement of any order of the Commission approving the plan are also applicable to Step II.

III. Upon consummation of Step 4 of the Philadelphia plan, the capitalization of Philadelphia will consist of notes payable to banks in the amount of $16,000,000, 53,868 shares of $5 Cumulative Preference Stock ("$5 Preference Stock"), having an aggregate stated value of $5,386,800, and common stock. The $5 Preference Stock has preference as to dividends ahead of the common stock. On liquidation it is entitled to $100 per share plus accrued dividends before the common stock. It is callable at $110 per share plus accrued dividends. There are no arrears in dividends. Step 5 of the Philadelphia plan as amended provides, among other things, for the following:

1. The $5 Preference Stock will be retired by the delivery of 3.6 shares of common stock of Duquesne in exchange for each share of the $5 Preference Stock and any dividends accrued thereon to the effective date of the exchange.

2. Provisions as to deposit of shares, the issuance of scrip for fractional interests, notice to the holders of the $5 Preference Stock and searches therefor, and the voiding of certificates for $5 Preference Stock and of scrip upon the expiration of five years from the date of deposit by Philadelphia with the exchange agent of certificates for common stock by Duquesne are similar to those prescribed under Step II of the Standard plan. With respect to unclaimed shares of Duquesne common stock and cash received as dividends on such unclaimed shares it is proposed that such stock and cash be turned over by the exchange agent to Duquesne and the shares shall be owned by Duquesne as treasury shares and sold as part of the first public offering by Duquesne of common stock and the cash so turned over shall be added to its corporate funds.

3. Provisions in the Philadelphia plan relating to fees and expenses and court enforcement of any order of the Commission approving the plan are also applicable to Step 5.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on Step II of the Standard plan and Step 5 of the Philadelphia plan to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing that common questions of law and fact are involved in the proceedings upon the Standard plan and the Philadelphia plan and that they should be consolidated for the purpose of hearing; and

It further appearing that the records heretofore made in the said proceedings contain evidence that may have a bearing upon the issues presented by Step II of the Standard plan and by Step 5 of the Philadelphia plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the instant proceedings:

It is hereby ordered, That the proceeding with respect to the Standard plan (File No. 54–191) and the proceeding with respect to the Philadelphia plan (File No. 54–173) be, and they hereby are, consolidated for the purpose of the hearing hereinafter ordered, and the records therein are hereby incorporated into the record of the instant consolidated proceeding: *Provided*, That this order of consolidation is without prejudice to the Commission's right to separate, either for hearing, in whole or in part, or for determination, in whole or in part, any issues or questions hereinafter set forth or which may arise in this consolidated proceeding, to separate the proceedings consolidated herein, or take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved: *And provided further*, That the incorporation of the records in File Nos. 54–191 and 54–173 into the instant consolidated proceeding is subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the record in respect of said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the instant consolidated proceeding.

It is further ordered, That a public hearing on Step II of the Standard plan and Step 5 of the Philadelphia plan be held in the consolidated proceeding at 10:00 a. m., e. s. t., on the 28th day of October 1952, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event that amendments or supplements are filed during the course of the proceedings on Step II of the Standard plan and on Step 5 of the Philadelphia plan, no notice of such amendments or supplements need be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of such amendments or supplements should request such notice of Standard. Any person desiring to be heard in connection with this consolidated proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before October 24, 1952, his written request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of Step II, as amended, of the Standard plan and Step 5, as amended, of the Philadelphia plan and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to the presentation of additional matters and questions upon further examination and without consideration at this time of the issues involved in connection with Steps III and IV of the Standard plan:

1. Whether Step II of the Standard plan and Step 5 of the Philadelphia plan, as submitted or as may hereafter be modified, are necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether Step II of the Standard plan and Step 5 of the Philadelphia plan, as submitted or as may hereafter be modified, are fair and equitable to the persons affected thereby;

3. Whether the proposal to treat Power's and Standard's holdings of Philadelphia common stock on the same basis as the holdings of public common stockholders of Philadelphia in the distribution of Duquesne common stock is fair and equitable;

4. Generally, whether the transactions proposed in Step II, as amended, of the Standard plan and Step 5, as amended, of the Philadelphia plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder, with particular reference to the proposed distribution by Philadelphia of common stock of Duquesne as a dividend in kind;

5. Whether the fees, expenses and other remuneration which may be claimed or paid in connection with the said Step II and Step 5 of the respective plans and the transactions incident thereto are for necessary services and are reasonable in amount, and whether the proposed allocation thereof is appropriate;

6. Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

7. Whether the respective plans as submitted or as they may be modified, or a plan or plans proposed by the Commission or by any person having a bona fide interest in the consolidated proceeding, should be approved by the Commission for the purposes of section 11 (d) of the act, and, if proposed by the Commission or by a person having a bona fide interest, what the terms and provisions of such plan or plans should be;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Power; Standard; Philadelphia; Duquesne; Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania; the Chase National Bank of the City of New York, N. Y.; Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois; Paul D. Miller, Esq.; Alfred Berman, Esq.; W. Howard Dilks, Jr., Esq.; William L. Fox, Esq.; Milton H. Cohen, Esq.; Leo B. Mittelman, Esq.; A. Albert Minton, Esq.; Marvin M. Notkins, Esq.; Edmond M. Hanrahan, Esq.; I. T. Flatto, Esq.; Lewis Schimberg, Esq.; the Pennsylvania Public Utility Commission; the Federal Power Commission; and the City of Pittsburgh, Pennsylvania; and that said notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard shall give further notice of this hearing to the holders of its $4 Cumulative Preferred Stock and Common Stock and that Philadelphia shall give further notice of this hearing to the holders of its $5 Preference Stock and common stock (insofar as the identity of such security holders is known or available to them) by mailing to each of said persons a copy of this notice and order to his last known address at least 20 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10438; Filed, Sept. 25, 1952; 8:46 a. m.]

[File No. 59-9]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER OF DISMISSAL AS TO NORTHERN STATES POWER COMPANY HOLDING-COMPANY SYSTEM

SEPTEMBER 22, 1952.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, and subsidiary companies thereof, File No. 59-9.

Whereas the Commission on March 6, 1940, instituted this proceeding under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("the act") with respect to Standard Power and Light Corporation ("Standard Power"), a registered holding company, and all subsidiary companies thereof, which then included Northern States Power Company (Delaware), a registered holding company, and its subsidiaries; and

Whereas said Northern States Power Company (Delaware) and its subsidiary companies thereafter ceased to be subsidiary companies of Standard Power as defined in section 2 (a) (8) (A) of the act; and

Whereas Northern States Power Company (Delaware) was thereafter dissolved pursuant to order of the Commission issued under section 11 (b) (2) of the act and Northern States Power Company (Minnesota), a registered holding company then became and now is the top holding company in the Northern States system; and

Whereas the Commission has this day instituted a new and independent proceeding (File No. 59–99) under section 11 (b) (1) of the act with respect to all companies in the Northern States system; and it appearing appropriate that this proceeding (File No. 59–9) be dismissed with respect to such companies:

Therefore it is ordered, That this proceeding be, and hereby is, dismissed as to Northern States Power Company (Delaware), Northern States Power Company (Minnesota), and all subsidiary companies thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–10437; Filed, Sept. 25, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELVIRA JUKOPILA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Elvira Jukopila, a/k/a Jucopila, Medulin, Istra, FNR Yugoslavia; Claim No. 38470; $492.22 in the Treasury of the United States.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52–10467; Filed, Sept. 25, 1952; 8:50 a. m.]

LUDWIG FILIPP HELUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Ludwig Filipp Helus, Herbstrasse 7, Vienna XVI; Claim No. 42082; $1,419.81 in the Treasury of the United States.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10468; Filed, Sept. 25, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 3, Amdt. 3]

ANN ARBOR RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 3 and good cause appearing therefor: *It is ordered,* That:

Taylor's I. C. C. Order No. 3 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1952; and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 22, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-10446; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27414]

PLASTER, PLASTERBOARD AND RELATED ARTICLES FROM HANOVER AND HEATH, MONT., TO POINTS IN SOUTH DAKOTA

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Plaster, plasterboard and related articles, carloads.

From: Hanover and Heath, Mont.

To: Rapid City, S. Dak., and certain other points in South Dakota.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on basis of the short line distance formula.

Schedules filed containing proposed rates: CMStP&P RR. tariff I. C. C. No. B-7194, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10439; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27415]

VEGETABLES FROM FLORIDA TO POINTS IN CANADA AND THE UNITED STATES

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1195.

Commodities involved: Cabbage, celery and tomatoes, carloads.

From: Points in Florida.

To: Points in Canada and intermediate points in the United States.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1195, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10440; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27416]

CEMENT FROM POINTS IN SOUTHERN TERRITORY TO WEST PALM BEACH, FLA.

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1244.

Commodities involved: Cement and related articles, carloads.

From: Points in southern territory.

To: West Palm Beach, Fla.

Grounds for relief: Rail competition, circuitous routes, market competition, and port competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10441; Filed, Sept. 25, 1952; 8:47 a. m.]

ference Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 17 NUMBER 190

Washington, Saturday, September 27, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2990

COLUMBUS DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Christopher Columbus, after sailing many weeks on a vast and unknown sea, found a western continent and a new world on October 12, 1492; and

WHEREAS the daring and resolution of this man of destiny have encouraged in every generation the perseverance of those who seek the truth beyond the horizon; and

WHEREAS the Congress of the United States, mindful of the rich heritage left us by Christopher Columbus, provided, by a resolution approved on April 30, 1934 (48 Stat. 657), that the anniversary of his epochal discovery should be commemorated each year:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Sunday, October 12, 1952, as Columbus Day, and I invite the people of the United States to observe the day with appropriate ceremonies in their homes, their schools, and their churches, or in other suitable places. I direct the officials of the Government to arrange for the display of the flag of the United States on all public buildings on October 12 in honor of the man whose discovery gave democracy a new birthplace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of September in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10588; Filed, Sept. 26, 1952; 11:36 a. m.]

EXECUTIVE ORDER 10397

CONTINUING IN EFFECT CERTAIN APPOINTMENTS AS OFFICERS AND WARRANT OFFICERS OF THE ARMY AND AIR FORCE

By virtue of the authority vested in me by section 1 (c) of the Emergency Powers Continuation Act (66 Stat. 333), I hereby continue in effect until and including April 1, 1953, all appointments as officers and as warrant officers of the Army and of the Air Force which under the following provisions of law would terminate after April 27, 1952, and before April 1, 1953:

(1) Sections 37 and 38 of the act of June 3, 1916 (ch. 134, 39 Stat. 189, 190), as amended (10 U. S. C. 358, 32 U. S. C. 19), and section 127a of that act as added by the act of June 4, 1920 (ch. 227, 41 Stat. 785), as amended (10 U. S. C. 513).

(2) Section 515 (e) of the act of August 7, 1947 (ch. 512, 61 Stat. 907; 10 U. S. C. 506d (e)).

(3) Section 3 of the act of August 21, 1941 (ch. 384, 55 Stat. 652), as amended (10 U. S. C. 591a).

HARRY S. TRUMAN

THE WHITE HOUSE,
September 25, 1952.

[F. R. Doc. 52-10565; Filed, Sept. 25, 1952; 1:45 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 704—AGRICULTURAL CONSERVATION PROGRAM; ALASKA

SUBPART—1953

The United States Department of Agriculture offers every farmer in the Territory of Alaska an opportunity to improve and conserve the fertility of his land through participation in the 1953 Agricultural Conservation Program.

Payment will be made for the performance of approved conservation practices to the extent of the individual practice allowances and available funds. Developed under the provisions of the Soil

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs insofar as practicable.

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AUTHORITY: §§ 704.201 to 704.273 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

CONTROL OF FUNDS

§ 704.201 *Maximum farm payment.* The State Office will determine the amount of assistance for each farm, taking into consideration the funds allocated, the conservation needs of other farms in the area, and conservation needs on the farm for which assistance is requested. An allowance will be established for each practice approved for a farm and the maximum payment for the farm will be the sum of the individual practice allowances. The total of the maximum payments for all farms shall not exceed available funds.

§ 704.202 *Adjustments.* If the total obligations under the program exceed the total funds available for payments, payments will be reduced equitably, except that payment will be made in full for land clearing services furnished by the ACP Branch under a purchase order for carrying out the practice contained in § 704.221.

§ 704.203 *Allocation.* The amount of funds available for conservation practices under this program is $27,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments.

SELECTION AND APPROVAL OF CONSERVATION PRACTICES

§ 704.206 *Selection of practices.* Practices included in the 1953 program are only those which by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, or conserving and increasing range and pasture forage, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in desired volume on the basis of relative conservation needs unless payments are made therefor.

§ 704.207 *Adaptation of practices and rates of assistance.* In order to encourage the performance of practices which are needed most, the State Office may designate from the practices listed herein those practices which will be applicable on designated groups of farms, and may approve rates of assistance lower than the rates of assistance set out in this subpart. For recurring practices, the State Office may, on the basis of the experience of the producer in performing the practices, approve rates of assistance for individual farms lower than the rates of assistance set out in this subpart.

§ 704.208 *State Office approval.* Payment will be made only for those practices included in §§ 704.211 to 704.226, for which written approval is granted by the State Office. Written approval will be given only where the farmer requests assistance before he begins the conservation practice. Requests for assistance may be made by contacting a representative of the State Office or by writing to the State Office. The farmer will be notified in writing of the number of units of each practice approved, the date by which performance of the practice is to be reported, and the amount of funds set aside for the practice. It is the responsibility of the farmer to report performance of each practice on or before the closing date shown on the notice of approval.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

§ 704.210 *Conservation practices and maximum rates of assistance.* (a) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the period from September 1, 1952, to December 31, 1953, inclusive, the conservation practices included in §§ 704.211 to 704.226 which are approved for a farm. However, no payment may be made under the 1953 program which will result in an additional payment for practices completed under the provisions of the 1952 program. Payment will be made in the form of cash payments as reimbursement for a part of the cost of performing the practices, or as services furnished for carrying out the land clearing practice.

(b) Of the permanent-type conservation practices authorized under this program, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 704.217, 704.218 (2), and 704.224. In addition, the Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 704.215 and 704.216, if guidelines must be established under the 1953 program. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). Also, in areas where the State Office, the designated representative of the Soil Conservation Service in the area, and the Forest Service representative having jurisdiction of farm forestry in the area, determine that there is need for making a prior determination that land to be cleared under § 704.221 is suitable for clearing for the purpose of the practice, the Soil Conservation Service technician shall have the responsibility for such determination of suitability. The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278.

(c) The Forest Service is responsible for the technical phases of the practice contained in § 704.226. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through the State Office, determining compliance in meeting these specifications.

§ 704.211 *Practice 1: Applying fertilizer.* Payment will be made only for the application of phosphate (P_2O_5) and potash (K_2O) to pastures excluding small grains; to grass or legume cover crops excluding small grains seeded alone; or to leguminous crops (with or without a nurse crop) excluding vegetable or truck crops for sale. Application must be made at a time so that the eligible crop will receive the principal benefit of the material. Receipts or invoices showing the purchase and the analysis of the fertilizer bought, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection. Application of these fertilizers must be made in the proper relationship with nitrogen in order to receive payment. The correct amount is to be decided in each district by the district agricultural agent and the ACP committee.

Maximum assistance. (1) 7 cents per pound of available P_2O_5 applied.

(2) 6 cents per pound of available K_2O applied.

§ 704.212 *Practice 2: Field peas with oats for winter cover.* Payment will be made for using field peas with oats in rotation with other crops. To qualify for assistance, a good stand and a good growth of field peas must be obtained and left on the land as a cover crop for winter protection. The minimum rate of seeding is 42 pounds of field peas and 32 pounds of oats per acre. Acreages harvested for grain or hay are not eligible for assistance.

Maximum assistance. $3 per acre.

§ 704.213 *Practice 3: Field peas with or without oats for green manure.* Payment will be made for plowing under a good stand of field peas with or without oas which have been brought to the proper stage of maturity, which will be considered to be the blossoming period. The minimum rate of seeding is 42 pounds of field peas per acre. Acreages harvested for seed or hay are not eligible for assistance.

Maximum assistance. $5 per acre.

§ 704.214 *Practice 4: Sweetclover for green manure.* Payment will be made for plowing under during the 1953 program year a good stand and a good growth of sweetclover seeded in the spring of 1953 at a rate of not less than 10 pounds of seed per acre. Pasturing consistent with good management is permitted.

Maximum assistance. $3 per acre.

§ 704.215 *Practice 5: Contour farming intertilled crops on nonterraced land.* Payment will be made for farming intertilled crops on the contour on nonterraced land. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or protective tillage operations carried out. Permanent guidelines must be established on the true contour. If this practice is used on fields that have, or are in the future to have, diversion ditches, the guidelines should be staked on the same grade as the ditches. Applicable on Classes II, III, and IV sloping land.

Maximum assistance. (1) $1.50 per acre where all cultural operations are on the contour.

(2) $1 per acre where only the planting and cultivating are on the contour.

§ 704.216 *Practice 6: Contour farming drilled or close-sown crops on nonterraced land.* Payment will be made for contour farming drilled or close-sown grasses, legumes, or small grains on nonterraced land. Permanent guidelines must be established on the true contour. If this practice is used on fields that have, or are in the future to have, diversion ditches, the guidelines should be staked on the same grade as the ditches. Applicable on Classes II, III, and IV sloping land.

Maximum assistance. (1) 75 cents per acre where all cultural operations are on the contour.

(2) 50 cents per acre where only the seeding operation is on the contour.

§ 704.217 *Practice 7: Diversion ditches to divert excess water.* These terraces or ditches are for the purpose of removing excess water from snow melting in the spring. They should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. In all cases the grades, size, and spacing of ditches must be staked by a qualified technician. Diversion terraces or ditches must be provided with an outlet channel.

Maximum assistance. (1) 12 cents per cubic yard of material moved, when constructed on land where the topography, stoniness, or size of field requires that the ditching be constructed entirely by hand labor.

(2) 6 cents per cubic yard of material moved, when constructed on other land.

§ 704.218 *Practice 8: Establishing permanent sod waterways to dispose of excess water without causing erosion.* This practice is essential to adequate water disposal. The waterway may be either an excavated ditch or a natural drainage way. In either case, more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid channel erosion and the formation of gullies. They must be planted long enough in advance to develop a protective cover in the channel. This will take one to two years before water is diverted into them. In all cases the outlet channels will be selected by a qualified technician. New channels must be staked, constructed according to lines and grades and sod established. Seedings in establishing permanent sod waterways shall be at a rate of at least 15 pounds per acre and shall contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses or adapted legumes. The stand must be established before assistance can be offered.

Maximum assistance. (1) 75 cents per 1,000 square feet for seeding or sodding.

(2) 12 cents per cubic yard of earth moved with dirt-moving equipment in shaping and filling.

§ 704.219 *Practice 9: Establishing a permanent cover on steep slopes.* Payment will be made for establishing on steep slopes, a permanent cover of adapted perennial grasses or a mixture of perennial grasses and perennial or biennial legumes. The seed of these crops must be well distributed over the area soon to insure a good stand at maturity. The minimum seeding rate shall not be less than 12 pounds of seed per acre.

Maximum assistance. $4 per acre.

§ 704.220 *Practice 10: Establishing or improving permanent pasture.* Payment will be made for establishing or improving permanent pasture by seeding adapted varieties of perennial grasses or legumes. The seed must be adapted to local conditions, and must be properly distributed over the area sown, a sufficient amount being used to insure a good stand at maturity.

Maximum assistance:	Cents per pound
(1) Smooth bromegrass	50
(2) Kentucky bluegrass	25
(3) Meadow fescue	25
(4) Slender wheatgrass	25
(5) Timothy	12½
(6) Alsike clover	37½
(7) Russian red clover	50
(8) Siberian alfalfa	50
(9) Redtop	25
(10) Yellow blossom sweetclover	25

§ 704.221 *Practice 11: Clearing woodland for tillage or pasture.* (a) The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management practices can be carried out on all parts of the farm.

(b) Clearing areas which will result in increased erosion will not qualify for payment.

(c) Methods of clearing which result in destruction of needed organic material are considered to be disqualifying practices. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an applicant to additional land clearing payments under this program.

(d) Payment will not be approved for clearing more than 5 acres on any farm during the 1953 program year and approval will not be given for clearing in excess of 30 acres on any farm under all programs. Payment will not be made for clearing land for 5-acre home sites or on farms not having sufficient acreage for economic farm units as determined by the State Office. Where clearing is partially completed with stumps, timber, or debris left in windrows or piles, payment will be made only for that acreage cleared which is ready for tillage.

Maximum assistance. $40 per acre.

§ 704.222 *Practice 12: Management of pastures.* (a) Pastures to be eligible for payment, must have a good stand of adapted grass and be capable of good production. Worn out, weedy or brushy pastures must be reseeded to qualify.

(b) The following practices must be applied on each field:

(1) Fertilization: Pastures must be fertilized with not less than 40 pounds of N and 20 pounds of P_2O_5 per acre.

(2) Rotation grazing: Fields must be divided into grazing units of 5 acres or less by permanent or temporary fencing and grazed in rotation.

(3) Fields shall be mowed and harrowed at least once each year.

(4) Field units shall not be overgrazed or season-long grazing permitted on any one unit.

(c) The cost of mowing and the cost of improvements for which payment is made under other 1953 practices will not be considered in determining the payment under this practice.

Maximum assistance. 50 percent of the cost of supplemental improvements, but not in excess of $100.

§ 704.223 *Practice 13: Field stripcropping to protect soil from wind or water erosion.* Land subject to damage from wind erosion should be protected by the following requirements in order to qualify for payment:

(a) The land to be protected from wind erosion must be planted to a system of alternating close growing crops and row crops planted approximately at right angles to direction of the dominant prevailing erosive winds.

(b) Strips of the row crops should be less than 50 feet wide.

(c) Strips of the protecting close growing crops should be less than 150 feet wide and not less than width of the row crop.

(d) All crop residues of both the row strips and the protecting close growing crop strips should be utilized for wind erosion. Control in following manner:

(1) The stubble on the protecting strips in the fall must be left at least 6 inches to 8 inches high.

(2) All crop residues on the row crop strips should be evenly distributed and left on the surface of the soil.

(3) If the protecting close grown strips are perennial grasses and legumes, they should not be utilized so close that their wind erosion control value is reduced or the plant system permanently damaged.

Maximum assistance. (1) $0.50 per acre for systems with strips in excess of 10 rods in width.

(2) $0.75 per acre for systems with strips not in excess of 10 rods in width.

§ 704.224 *Practice 14: Installation of facilities for sprinkler irrigation for permanent pasture on rolling land.* (a) Practice applicable where primary use is for permanent pasture on excessively sloping or rolling land.

(b) The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the local ACP Committee.

(c) The practice is not applicable on land for which water is not available.

(d) The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

Maximum assistance. (1) 50 percent of the average cost of permanently installed pipe and fittings, but not in excess of $500 per farm.

(2) 50 percent of the average cost of portable pipe and fittings, but not in excess of $500 per farm.

§ 704.225 *Practice 15: Constructing wells for livestock water.* Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. Assistance will not be given for wells constructed at or for the use of headquarters.

Maximum assistance. (1) $1 per linear foot of well with bore taking casings less than 4 inches in diameter, and all artesian wells.

(2) $2 per linear foot of well with bore taking casings 4 inches, but less than 6 inches in diameter.

(3) $3 per linear foot of well with bore taking casings 6 inches or more in diameter.

§ 704.226 *Practice 16: Planting or interplanting forest trees or shrubs on farm land for forestry purposes, windbreaks, shelter belts, or erosion control.* Plantings must be protected from fire and grazing. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Detailed specifications to be supplied by Forest Service.

Maximum assistance. 80 percent of the average cost of trees and planting, excluding land preparation and cultivation.

PAYMENTS

§ 704.231 *Division of payments.* (a) The payment earned in carrying out practices with conservation services shall be credited to the producer to whom the services are furnished. Payment for practices performed with conservation services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the State Office determines the producers contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the State Office that their contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 704.232 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71 but less than $1 shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$32 to $32.99	$10.40
$2 to $2.99	.80	$33 to $33.99	10.60
$3 to $3.99	1.20	$34 to $34.99	10.80
$4 to $4.99	1.60	$35 to $35.99	11.00
$5 to $5.99	2.00	$36 to $36.99	11.20
$6 to $6.99	2.40	$37 to $37.99	11.40
$7 to $7.99	2.80	$38 to $38.99	11.60
$8 to $8.99	3.20	$39 to $39.99	11.80
$9 to $9.99	3.60	$40 to $40.99	12.00
$10 to $10.99	4.00	$41 to $41.99	12.10
$11 to $11.99	4.40	$42 to $42.99	12.20
$12 to $12.99	4.80	$43 to $43.99	12.30
$13 to $13.99	5.20	$44 to $44.99	12.40
$14 to $14.99	5.60	$45 to $45.99	12.50
$15 to $15.99	6.00	$46 to $46.99	12.60
$16 to $16.99	6.40	$47 to $47.99	12.70
$17 to $17.99	6.80	$48 to $48.99	12.80
$18 to $18.99	7.20	$49 to $49.99	12.90
$19 to $19.99	7.60	$50 to $50.99	13.00
$20 to $20.99	8.00	$51 to $51.99	13.10
$21 to $21.99	8.20	$52 to $52.99	13.20
$22 to $22.99	8.40	$53 to $53.99	13.30
$23 to $23.99	8.60	$54 to $54.99	13.40
$24 to $24.99	8.80	$55 to $55.99	13.50
$25 to $25.99	9.00	$56 to $56.99	13.60
$26 to $26.99	9.20	$57 to $57.99	13.70
$27 to $27.99	9.40	$58 to $58.99	13.80
$28 to $28.99	9.60	$59 to $59.99	13.90
$29 to $29.99	9.80	$60 to $185.99	14.00
$30 to $30.99	10.00	$186 to $199.99	(1)
$31 to $31.99	10.20	$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 704.233 *Payments limited to $2,500.* The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500. All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

CONSERVATION SERVICES

§ 704.236 *Availability.* To assist farmers in obtaining a larger volume of needed land clearing, land clearing services may be furnished by the ACP Branch to farmers for carrying out Practice 11, "Clearing woodland for tillage or pasture," as contained in § 704.221. Services may not be furnished to farmers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights to setoff in order to permit the furnishing of the service.

§ 704.237 *Cost to producer in cash.* The producer shall pay that part of the cost of land clearing, as established by the ACP Branch, which is in excess of the credit for the service in carrying out the practice.

§ 704.238 *Deduction.* A deduction shall be made for the service furnished by the ACP Branch from the payment of the producer to whom the service is furnished. The deduction shall be the credit value of the conservation service furnished, except that where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost. If a land clearing service is furnished and the farmer uses the land for purposes other than those authorized in § 704.221 for Practice 11, "Clearing woodland for tillage or pasture," during the 1953 program year, an additional deduction equal to the original amount of the deduction for the service so misused shall be made. If the deduction for the service exceeds the payment for the farmer to whom the service is furnished, the amount of the difference shall be paid by the farmer to the Treasurer of the United States.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 704.241 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the State Office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate, or if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 704.232.

§ 704.242 *Practices defeating purposes of programs.* If the State Office finds that any producer has adopted, or participated in, any practice which tends to defeat the purposes of the 1953 or any previous agricultural conservation program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 704.243 *Depriving others of payment.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1953 program.

§ 704.244 *Filing of false claims.* If the State Office finds that any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 704.245 *Misuse of purchase orders.* If the State Office finds that any producer has knowingly used a purchase order issued to him for conservation services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 704.246 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 704.247 and except for indebtedness to the United States subject to set off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 704.247 *Assignments.* Any person who may be entitled to any payment in connection with the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized, unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70—Insular Region.

§ 704.248 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the State Office. Services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 704.249 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program, shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 704.251 *Persons eligible to file applications.* An application for payment respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where his only payment is earned with conservation services furnished by the ACP Branch in an amount that no small payment increase is due.

§ 704.252 *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form which should be filed in the State Office or with a representative of the State Office on or before March 31, 1954. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the time fixed by the Director of the ACP Branch, except that any time limit established may be extended, but not later than December 31, 1954, by the State Office if failure to timely submit the form or information requested was due to conditions over which the farmer had no control. At least two weeks' notice to the public shall be given of the expiration of the time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed.

APPEALS

§ 704.256 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State Office. Written notice of any decision rendered under this section by the State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 704.261 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to Alaska, and forms will be available in the State Office. Producers wishing to participate in the program should obtain all information needed from the State Office.

DEFINITIONS

§ 704.266 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Alaska.

(e) "State Office" means the office of the Director of Extension, University of Alaska, College, Alaska.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(g) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of the farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind-erosion hazard to the community.

(j) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(k) "Range land" means any land which produces or can produce forage suitable for grazing by range livestock without cultivation or general irrigation.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 704.271 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g–590q).

§ 704.272 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for payment of applications filed after December 31, 1954.

§ 704.273 *Applicability.* (a) The provisions of the 1953 program contained herein are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 24th day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–10502; Filed, Sept. 26, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tokay Grape Order 1, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of

1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 27, 1952. Shipments of Tokay grapes of the current crop have been subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.313; 17 F. R. 7774), which has been in effect since August 26, 1952, and is to continue until January 1, 1953; a reasonable determination as to the need for continued regulation of the shipments of Tokay grapes by grades and sizes must await the availability of information relative to the probable supply and demand conditions for such grapes; information available to the committee on September 23, 1952, was to the effect that, without the tightening of the tolerances permitted under such grade and size regulation, for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, the supply thereof during the period September 27, 1952, to January 1, 1953, will exceed the demand therefor, and recommendation and supporting information for the reduction of such tolerances set forth in Tokay Grape Order 1 was forwarded promptly to the Department and made available to handlers and producers of Tokay grapes; the provisions of this amended regulation are the same as the aforesaid recommendation of the committee; and compliance with the provisions of this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. It is therefore ordered as follows: The provisions in subdivision (iii) of paragraph (b) (1) of § 951.313 (Tokay Grape Order 1; 17 F. R. 7774) are hereby amended to read as follows:

(iii) In lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of seven (7) percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements of U. S. No. 1 Table Grapes: *Provided,* That with respect to Tokay grapes produced in the Fiorin District, there shall be allowed, in addition to the tolerances provided for U. S. No. 1 Table Grapes, for each container of such grapes an aggregate tolerance of four (4) percent, by weight, for defects not considered serious damage, for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes, and for bunches which are not fairly well colored: *Provided, further,* That none of the aforesaid tolerances shall apply to the maturity requirements specified in subdivision (ii) of this subparagraph.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of September 1952, to become effective at 12:01 a. m., P. s. t., September 27, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10554; Filed, Sept. 26, 1952; 8:55 a. m.]

[Tokay Grape Order 2, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

LIMITATION OF DAILY SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of daily shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 27, 1952. Shipments of Tokay grapes of the current crop are subject to regulation by grades and sizes pursuant to Tokay Grape Order 1 (§ 951.313; 17 F. R. 7774), which has been in effect since August 26, 1952, and is to continue until January 1, 1953; the advisable quantity of such of the Tokay grapes as are eligible for shipment on the basis of such Order 1 was fixed at 132,600 standard packages pursuant to Tokay Grape Order 2 (§ 951.314; 17 F. R. 8321), effective during the period September 17, 1952, to October 11, 1952; a reasonable determination as to the need for continued regulation of the volume of daily shipments of Tokay grapes must await the availability of information relative to the probable supply and demand conditions for such grapes; information available to the committee on September 23, 1952, was to the effect that, without a reduction in the volume of daily shipments of such grapes, the supply thereof during the period September 27, 1952, through October 10, 1952, will exceed the demand therefor, and recommendation and supporting information for reduction of the volume of daily shipments from 132,600 standard packages to 110,500 standard packages was forwarded promptly to the Department and made available to handlers and producers of Tokay grapes; the provisions of this amended regulation are the same as the aforesaid recommendation of the committee; and compliance with the provisions of this amended regulation will not require of handlers any preparation therefore which cannot be completed by the effective time hereof.

Order. It is therefore ordered as follows: The provisions in subparagraph (ii) of paragraph (b) (1) of § 951.314 (17 F. R. 8321) are hereby amended to read as follows:

(ii) The total quantity of grapes advisable to be shipped each day shall be 110,500 standard packages or the equivalent quantity thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of September 1952, to become effective at 12:01 a. m., P. s. t., September 27, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10555; Filed, Sept. 26, 1952; 8:55 a. m.]

[Lemon Reg. 454]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.561 *Lemon Regulation 454*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 24, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 28, 1952, and ending at 12:01 a. m., P. s. t., October 5, 1952; is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 453 (17 F. R. 8452) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of September 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10571; Filed, Sept. 26, 1952; 9:03 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-387]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

SPECIAL CIVIL AIR REGULATION; EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of September 1952.

Civil Air Regulations Amendment 4b-4, effective December 20, 1951, prescribes emergency exit provisions for new type transport category airplanes. The amendment was not made applicable to airplane types currently in operation. Nevertheless the Board considers that more stringent rules should apply to all large airplanes carrying passengers for hire. A study of current type airplanes indicates that in some instances the exit facilities have become marginal for the number of occupants carried and that further increases in occupancy must be more strictly related to the number of exits available. The study further reveals that even in some of the airplane types which are not considered marginal in this respect further increases in occupancy should not be permitted without the installation of additional exits.

The regulation herein adopted requires on all large airplanes (above 12,500 pounds maximum certificated take-off weight) compliance with either § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4, effective December 20, 1951, or with the listed values of maximum number of occupants, except that the listed values can be adjusted for the number of exits installed in the ratio of not more than eight additional occupants for each additional exit. The type, size, and location of such additional exits are being made dependent upon the presently installed exit facilities on the individual airplane types. The listed values of maximum number of occupants and the corresponding number of exits reflect in most instances the arrangement presently approved. In a few cases, upward adjustments from the presently approved arrangement have been made where the number of exits so warrants.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective October 27, 1952:

Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (above 12,500 pounds maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4, effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for emergency egress of passengers. Additional occupants above the values listed in the table may be carried if additional exits are provided, except that in no case shall more than eight additional occupants be carried for any one additional exit. The type, size, and location of such additional exits shall be approved by the Administrator. For airplanes which have a ratio of maximum number of occupants to number of exits (as listed in the following table) greater than 14:1 and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit approved by the Administrator for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. In no case shall an occupancy greater than 115 be allowed unless there are two full-size door-type exits in the rearward portion of the cabin, one on each side of the fuselage.

Airplane type	Maximum number of occupants including all crew members	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	67	4
CV-240	53	7
CV-340	53	7
DC-3	35	4
DC-3 (Super)	39	5
DC-4	86	5
DC-6	87	7
DC-6B [1]	112	11
L-18	17	3
L-049, L-649, L-749	87	7
L-1049	96	9
M-202	53	7
M-404	53	8

[1] The DC-6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC-6B.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-10518; Filed, Sept. 26, 1952; 8:53 a. m.]

[Civil Air Regs., Amdt. 62-2]

PART 62—NOTICE AND REPORTS OF AIRCRAFT ACCIDENTS AND MISSING AIRCRAFT

NON-AIR CARRIER ACCIDENT REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of September, 1952.

Sections 62.38 and 62.39 of Part 62 of the Civil Air Regulations now specify that the report of a non-air carrier accident be prepared in duplicate and transmitted to the nearest office of the Civil Aeronautics Board or to a Civil Aeronautics Administration agent.

By agreement, those States having active aviation authorities will, after September 28, 1952, participate in the investigation and reporting of civil non-air carrier accidents with the Board and the Civil Aeronautics Administration. Pursuant thereto, Form 453 (non-air carrier accident report) has been revised and simplified and is now printed in triplicate to provide a copy for the State authorities. Therefore it is necessary that §§ 62.38 and 62.39 be amended to provide for the preparation of the Form 453 in triplicate and its distribution.

Since these amendments are procedural in nature and impose no burden of consequence upon any person, notice and public procedure are unnecessary, and the amendments may be made effective upon less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 62 of the Civil Air Regulations (14 CFR Part 62, as amended), effective September 22, 1952.

1. By amending § 62.38 to read as follows:

§ 62.38 *Form of report and contents.* The report shall be made in triplicate on an accident report form furnished by the Civil Aeronautics Board and shall contain all available information required therein.

2. By amending § 62.39 to read as follows:

§ 62.39 *To whom the report is directed.* The original and two copies of the report and exhibits should be mailed or delivered to the nearest office of the Civil Aeronautics Board or a Civil Aeronautics Administration agent. However, where a State by agreement with the Board actively participates in the investigation of non-air carrier accidents and the accident occurred in that State, a State aviation official or investigator is authorized to receive such report and exhibits in behalf of the Board.

NOTE: Where a Civil Aeronautics Administration agent or a State aviation authority receives such an accident report and exhibits or conducts the investigation in behalf of the Board, distribution of the copies of the report and exhibits shall be in accordance with the agreement with the Board.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 702, 52 Stat. 1007, 1013; 49 U. S. C. 551, 582)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-10517; Filed, Sept. 26, 1952; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 77]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.231 is amended by changing the caption to read: "*Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.),*" and by deleting the first portion which reads: "From the Denver, Colo., VHF radio range station to the intersection of the north course of the Denver, Colo., VHF radio range and east course of the Cheyenne, Wyo., radio range."

2. Section 600.237 is amended to read:

§ 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* From the Tyler, Tex., radio range station to the intersection of the north course of the Tyler, Tex., radio range and the west course of the Texarkana, Tex., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

3. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.),* is amended by changing the last portion to read: "From the Duncanville, Tex., non-directional radio beacon via the Tyler, Tex., radio range station; the Longview, Tex., Gregg County non-directional radio beacon to the Shreveport, La., radio range station."

4. Section 600.613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.),* is amended by deleting: "Fort Smith, Ark., non-directional radio beacon;" and by adding the following facility in lieu thereof: "Van Buren, Ark., non-directional radio beacon;"

5. Section 600.621 *Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.),* is amended by deleting the following portion "Parkersburg, W. Va., VHF radio range station; the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the southwest course of the Wheeling, W. Va., VHF radio range to the Wheeling, W. Va., VHF radio range station," and by adding the following portion in lieu thereof: "Parkersburg, W. Va., radio range station to the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the west course of the Pittsburgh, Pa., radio range."

6. Section 600.6001 is added to read:

§ 600.6001 *VOR civil airway No. 1 (Norfolk, Va., to New York, N. Y.).* From the Norfolk, Va., VHF VAR station via the intersection of the north course of the Norfolk VHF VAR station and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 39° True and the Atlantic City omnirange 203° True radials; Atlantic City, N. J., omnirange station; intersection of the Atlantic City omnirange 23° True radial and the south course of the Matawan VHF VAR station to the Matawan, N. J., VHF VAR station. Those portions of this airway overlapping danger areas and those portions between Atlantic City, N. J., omnirange station and Matawan, N. J., VHF VAR radio range station more than 2 miles either side of the center line are excluded.

7. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.),* is amended between Rock River, Wyo., omnirange station and Hill City, Kans., omnirange station to read: "Rock River, Wyo., omnirange station, including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station; Thurman, Colo., omnirange station; Goodland, Kans., omnirange station, including a north alternate; Hill City, Kans., omnirange station, including a north alternate;"

8. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.),* is amended before Grand Island, Nebr., omnirange station to read: "From the Denver, Colo., omnirange station via the Akron, Colo., omnirange station, including a north alternate; Imperial, Nebr., omnirange station, including a south alternate; Lexington, Nebr., omnirange station, including a south alternate; Grand Island, Nebr., omnirange station, including a south alternate;"

9. Section 600.6012 *VOR civil airway No. 12 (Daggett, Calif., to Philadelphia, Pa.),* is amended between Zuni, N. Mex., omnirange station and Albuquerque, N. Mex., omnirange station to read: "Zuni, N. Mex., omnirange station; Acomita, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station;"

10. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.),* is amended by changing the first portion to read: "From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station; Shreveport, La., omnirange station to the Texarkana, Ark., omnirange station."

11. Section 600.6015 is amended by changing caption to read: "*VOR civil airway No. 15 (Galveston, Tex., to Minot, N. D.),*" and by amending the first portion to read: "From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; College Station, Tex., omnirange station; Waco, Tex., omnirange station, including an east alternate; Dallas, Tex., omnirange station; Ardmore, Tex., omnirange station to the Tulsa, Okla., omnirange station, including an east alternate."

12. Section 600.6017 is amended to read:

§ 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).* That airspace over United States territory from the Laredo, Tex., omnirange station via Cotulla, Tex., omnirange station; San Antonio, Tex., omnirange station; Austin, Tex., omnirange station; Waco, Tex., omnirange station, including an east alternate; Ft. Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; Oklahoma City, Okla., omnirange station, including an east alternate; Gage, Okla., omnirange station, Garden City, Kans., omnirange station to the Goodland, Kans., omnirange station, including a west alternate.

13. Section 600.6018 is amended to read:

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Tuscaloosa, Ala.).* From the Dallas, Tex., omnirange station via the Quitman, Tex., omnirange station; Shreveport, Tex., omnirange station; Monroe, La., omnirange station; Jackson, Miss., omnirange station, including a south alternate; Meridian, Miss., omnirange station, including a south alternate to the Tuscaloosa, Ala., omnirange station, including a north alternate.

14. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Sheridan, Wyo.),* is amended by changing the first portion before Truth or Consequences, N. Mex., to read: "That airspace over United States territory from the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 271° True and the Truth or Consequences omnirange 162° True radials; Truth or Consequences, N. Mex., omnirange station;" and by changing the last portion to read: "From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate; Douglas, Wyo., omnirange station, including an east alternate; Casper, Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate to the Sheridan, Wyo., omnirange station, including an east alternate."

15. Section 600.6020 is added to read:

§ 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Mobile, Ala.).* That airspace over United States territory from the Laredo, Tex., omnirange station via the Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station; Beaumont, Tex., omnirange station; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; New Orleans, La., omnirange station; intersection of the New Orleans 066° True and the Mobile omnirange 242° True to the Mobile, Ala., omnirange station.

16. Section 600.6022 is amended by changing caption to read: "*VOR civil airway No. 22 (New Orleans, La., to Tallahassee, Fla.),*" and by adding the following first portion to read: "From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 066° True and the Mobile 242° True radials; Mobile, Ala., omnirange station; intersection of the Mobile 070° True and the Crestview 274° True radials;"

17. Section 600.6068 is amended by changing caption to read: "*VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.),*" and by adding a last portion to read: "Junction, Tex., omnirange station; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 316° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi 238° True and the Brownsville 338° True radials to the Brownsville, Tex., omnirange station, excluding the portion lying outside the United States."

18. Section 600.6074 is amended to read:

§ 600.6074 *VOR civil airway No. 74 (Ponca City, Okla., to Little Rock, Ark.).* From the Ponca City, Okla., omnirange station via the Tulsa, Okla., omnirange station, including a south alternate; Ft. Smith, Ark., omnirange station; intersection of the Ft. Smith omnirange 098° True and the Little Rock 302° True radials to the Little Rock, Ark., omnirange station.

19. Section 600.6099 is added to read:

§ 600.6099 *VOR civil airway No. 99 (Lafayette, La., to Baton Rouge, La.).* From the Lafayette, La., omnirange station to the Baton Rouge, La., omnirange station.

20. Section 600.6113 is added to read:

§ 600.6113 *VOR civil airway No. 113.* [Unassigned].

21. Section 600.6114 is added to read:

§ 600.6114 *VOR civil airway No. 114 (Dalhart, Tex., to New Orleans, La.).* From the Dalhart, Tex., omnirange station via the Amarillo, Tex., omnirange station; Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; Dallas Tex., omnirange station; Gregg County, Tex., omnirange station; Shreveport, La., omnirange station; intersection of the Shreveport omnirange 169° True and the Alexandria omnirange 312° True radials; Alexandria, La., omnirange station; Baton Rouge, La., omnirange station to the New Orleans, La., omnirange station.

22. Section 600.6115 is added to read:

§ 600.6115 *VOR civil airway No. 115.* [Unassigned].

23. Section 600.6116 is added to read:

§ 600.6116 *VOR civil airway No. 116 (Austin, Tex., to Houston, Tex.).* From the Austin, Tex., omnirange station to the Houston, Tex., omnirange station.

24. Section 600.6117 is added to read:

§ 600.6117 *VOR civil airway No. 117.* [Unassigned].

25. Section 600.6118 is added to read:

§ 600.6118 *VOR civil airway No. 118 (Laramie, Wyo., to Cheyenne, Wyo.).* From the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 1, 1952.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-10510; Filed, Sept. 23, 1952; 8:51 a. m.]

[Amdt. 82]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.231 is amended by changing caption to read: "*Red civil airway No. 31 control areas (Cheyenne, Wyo., to Minneapolis, Minn.).*"

2. Section 601.237 is amended by changing caption to read: "*Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).*"

3. Section 601.1026 *Control area extension (Grand Island, Nebr.),* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 180° True and 360° True radials of the Grand Island omnirange extending from the omnirange station to points 25 miles north and south."

4. Section 601.1031 is amended to read:

§ 601.1031 *Control area extension (North Platte, Nebr.).* All that airspace within a 25 mile radius of the North Platte radio range bounded on the south by Green civil airway No. 3, and the airspace bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south

by VOR civil airway No. 8, and on the northwest by Blue civil airway No. 36.

5. Section 601.1033 *Control area extension (St. Joseph, Mo.)*, is amended by adding following portion to present control area extension: "and within 5 miles either side of the 355° True radial of the St. Joseph omnirange extending from the omnirange station to a point 25 miles north."

6. Section 601.1036 *Control area extension (Vichy, Mo.)*, is amended by adding the following portion to present control area extension: "and within 5 miles either side of the northwest course of the Vichy radio range extending from the radio range station to a point 25 miles northwest."

7. Section 601.1109 *Control area extension (Goodland, Kans.)*, is amended by adding the following portion to the present control area extension: "and within 5 miles either side of the 202° True radial of the Goodland omnirange extending from the omnirange station to a point 25 miles southwest."

8. Section 601.1240 is amended to read:

§ 601.1240 *Control area extension (Tyler, Tex.)*. All that airspace within a 25 mile radius of the Tyler, Tex., radio range station including the area between the Dallas, Tex., radio range station and the Shreveport, La., radio range station bounded on the north by Red 10, on the south by Red 68 and on the west by Blue 5.

9. Section 601.1291 *Control area extension (Garden City, Kans.)*, is amended by adding the following portion to present control area extension: "and within 5 miles either side of the north course of the Garden City radio range extending from the radio range station to a point 25 miles north."

10. Section 601.1310 is added to read:

§ 601.1310 *Control area extension (Anchorage, Alaska) (Anchorage-Sandspit route)*. All that airspace within 5 miles either side of direct lines between the Whittier, Alaska, Fan Marker, the Middleton Island, Alaska, nondirectional radio beacon and the Sandspit, B. C., radio range station extending from the Whittier Fan Marker to the United States-Canadian Border.

11. Section 601.1311 is added to read:

§ 601.1311 *Control area extension (Oscoda, Mich.)*. All that airspace within a 30 mile radius of the Oscoda Air Force Base excluding the portion which overlaps danger areas.

12. Section 601.1312 is added to read:

§ 601.1312 *Control area extension (Zanesville, Ohio)*. All that airspace within 5 miles either side of a line bearing 30° True and 210° True from the Zanesville non-directional beacon extending from Green civil airway No. 4 to a point 20 miles southwest of the Zanesville Municipal Airport.

13. Section 601.1313 is added to read:

§ 601.1313 *Control area extension (Sioux City, Iowa)*. All that airspace within a 25 mile radius of the Sioux City omnirange station extending from the 234° True radial clockwise to the western boundary of Amber civil airway No. 4 and within 5 miles either side of a line bearing 136° True from the Sioux City outer compass locator extending from the outer compass locator to a point 25 miles southeast.

14. Section 601.1314 is added to read:

§ 601.1314 *Control area extension (Kirksville, Mo.)*. Within 5 miles either side of the 316° True radial of the Kirksville omnirange extending from the omnirange station to a point 25 miles northwest.

15. Section 601.1315 is added to read:

§ 601.1315 *Control area extension (Emporia, Kans.)*. Within 5 miles either side of the 134° True and 314° True radials of the Emporia omnirange extending from the omnirange station to points 25 miles southeast and northwest.

16. Section 601.1316 is added to read:

§ 601.1316 *Control area extension (La Junta, Colo.)*. All that airspace northwest of the La Junta radio range station bounded on the northeast by a line 5 miles northeast of and parallel to the northwest course of the La Junta radio range, on the south by VOR civil airway No. 10 and on the west by Amber civil airway No. 3.

17. Section 601.2039 *Tulsa, Okla., control zone*, is amended by adding the following portion to present control zone: "and within 2 miles either side of the 340° True and 160° True radials of the Tulsa omnirange extending from the Tulsa Municipal Airport to a point 10 miles northwest of the omnirange station."

18. Section 601.2126 is amended to read:

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5 mile radius of the Toledo Municipal Airport, within 2 miles either side of the north course of the Toledo, Ohio radio range extending from the Airport to the radio range station, and within 2 miles either side of a line bearing 134° True from the Toledo Municipal Airport through the Genoa non-directional radio beacon extending from the Airport to a point 10 miles southeast of the Genoa non-directional radio beacon.

19. Section 601.2191 is amended to read:

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5 mile radius of the Zanesville Municipal Airport and within 2 miles either side of a line bearing 210° True from the Municipal Airport extending from the airport to a point 10 miles southwest.

20. Section 601.2247 is amended to read:

§ 601.2247 *Abilene, Tex., control zone.* Within a 5 mile radius of the Abilene Municipal Airport and within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to the Phantom Hill fan marker; within a 5 mile radius of the Abilene Army Airfield and within 2 miles either side of the 174° True and 354° True radials of the Abilene omnirange extending from Abilene Army Airfield to a point 10 miles north of the omnirange station, and within 2 miles either side of a direct line extending from the Abilene Army Airfield to the Abilene radio range station.

21. Section 601.2314 is added to read:

§ 601.2314 *Bryan, Tex., control zone.* All that airspace within a 3 mile radius of the Easterwood Airport, College Station, Tex., including the airspace within a 5 mile radius of Bryan Air Force Base, Bryan, Tex.

22. Section 601.4210 *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.)*, is amended by deleting the following reporting point: "the intersection of the northwest course of the Tyler, Tex., radio range and the east course of the Dallas, Tex., radio range;" and by correcting "northeast" course of the Tyler, Tex., radio range to read: "north" course of the Tyler, Tex., radio range.

23. Section 601.4231 is amended by changing caption to read: *"Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.)."*

24. Section 601.4237 is amended by changing caption to read: *"Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.)."*

25. Section 601.4613 is amended to read:

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.)*. Van Buren, Ark., non-directional radio beacon.

26. Section 601.6001 is added to read:

§ 601.6001 *VOR civil airway No. 1 control areas (Norfolk, Va., to New York, N. Y.)*. All of VOR civil airway No. 1.

27. Section 601.6015 is amended to read:

§ 601.6015 *VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. D.)*. All of VOR civil airway No. 15 including east and west alternates.

28. Section 601.6017 is amended to read:

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.)*. All of VOR civil airway No. 17 including east and west alternates.

29. Section 601.6018 is amended to read:

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Tuscaloosa, Ala.)*. All of VOR civil airway No. 18 including north and south alternates.

30. Section 601.6020 is added to read:

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Mobile, Ala.)*. All of VOR civil airway No. 20.

31. Section 601.6022 is amended to read:

§ 601.6022 *VOR civil airway No. 22 control areas (New Orleans, La., to Tallahassee, Fla.)*. All of VOR civil airway No. 22.

32. Section 601.6068 is amended to read:

§ 601.6068 *VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.)*. All of VOR civil airway No. 68 including north and south alternates.

33. Section 601.6074 is amended to read:

§ 601.6074 *VOR civil airway No. 74 control areas (Ponca City, Okla., to Little Rock, Ark.)*. All of VOR civil airway No. 74 including south alternates.

34. Section 601.6099 is added to read:

§ 601.6099 *VOR civil airway No. 99 control areas (Lafayette, La., to Baton Rouge, La.)*. All of VOR civil airway No. 99.

35. Section 601.6113 is added to read:

§ 601.6113 *VOR civil airway No. 113 control areas.* [Unassigned].

36. Section 601.6114 is added to read:

§ 601.6144 *VOR civil airway No. 114 control areas (Dalhart, Tex., to New Orleans, La.)*. All of VOR civil airway No. 114.

37. Section 601.6115 is added to read:

§ 601.6115 *VOR civil airway No. 115 control areas.* [Unassigned].

38. Section 601.6116 is added to read:

§ 601.6116 *VOR civil airway No. 116 control areas (Austin, Tex., to Houston, Tex.)*. All of VOR civil airway No. 116.

39. Section 601.6117 is added to read:

§ 601.6117 *VOR civil airway No. 117 control areas.* [Unassigned].

40. Section 601.6118 is added to read:

§ 601.6118 *VOR civil airway No. 118 control areas (Laramie, Wyo., to Cheyenne, Wyo.)*. All of VOR civil airway No. 118.

41. Section 601.7001 *VOR reporting points*, is amended by adding the following: "Salisbury, Md., omnirange station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10511; Filed, Sept. 26, 1952; 8:51 a. m.]

[Amdt. 35]

PART 608—DANGER AREAS

ALTERATION; QUANTICO, VIRGINIA

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.54, the Quantico, Virginia, area, published on July 16, 1949, in 14 F. R. 4297, and amended on April 26, 1952, in 17 F. R. 3724, and on June 14, 1952, in 17 F. R. 5389, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 38°33'00" N, long. 77°20'00" W; WSW to lat. 38°29'00 N, long. 77°28'45" W; WNW to lat. 38° 31'20" N, long. 77°34'07" W; due N to lat. 38°37'00" N; ENE to lat. 38°38'47" N, long. 77°30'00" W; ESE to lat. 38°38'00" N. long. 77°26'15" W; SSE to lat. 38°34'00" N, long. 77°24'00" W; ESE to lat. 38°33'00" N, long. 77°20'00" W, point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 1, 1952.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 52-10512; Filed, Sept. 26, 1952; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5933; Regs. 48]

PART 306—PROCESSING TAX ON CERTAIN OILS

ELIMINATION OF ADDITIONAL TAX APPLICABLE TO COCONUT OIL PRODUCED IN, OR PRODUCED FROM MATERIALS GROWN IN, TERRITORY OF PACIFIC ISLANDS

In order to conform Regulations 48 (26 CFR Part 306), relating to the processing tax on certain oils, as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, to Public Law 391, (82d Cong., 2d Sess.), approved June 12, 1952, such regulations are hereby amended as follows:

PARAGRAPH 1. Article 1, as amended by Treasury Decision 5179, approved November 4, 1942, is further amended by adding at the end of § 306.1 the following paragraph(s):

(s) The Trust Territory of the Pacific Islands consists of the former Japanese mandated Mariana, Marshall and Caroline Islands (except Guam).

PAR. 2. Immediately preceding § 306.2 (article 2), there is inserted the following:

PUBLIC LAW 391 (82D CONGRESS) [APPROVED JUNE 12, 1952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2470 (a) (2) of the Internal Revenue Code (relating to the additional tax on domestic processing of coconut oil) is hereby amended to read as follows:

(2) *Additional rate on coconut oil.* There shall be imposed (in addition to the tax imposed by the preceding paragraph) a tax of 2 cents per pound, to be paid by the processor, upon the first domestic processing of coconut oil or of any combination or mixture containing a substantial quantity of coconut oil with respect to which oil there has been no previous first domestic processing. The additional tax imposed by this paragraph shall not apply when it is established, in accordance with regulations prescribed by the Secretary, that the coconut oil (whether or not contained in a combination or mixture) (A) is wholly the production of the Philippine Islands, any possession of the United States, or the Territory of the Pacific Islands (hereinafter in this paragraph referred to as the "Trust Territory"), or (B) was produced wholly from materials the growth or production of the Philippine Islands, any possessions of the United States, or the Trust Territory: *Provided, however*, That such additional tax shall apply in respect of coconut oil (whether or not contained in a combination or mixture) so derived from the Trust Territory, to such extent, and at such time after the date of the applicable proclamation, as the President, after taking into account the responsibilities of the United States with respect to the economy of the Trust Territory, shall hereafter determine and proclaim to be justified to prevent substantial injury or the threat thereof to the competitive trade of any country of the free world. The tax imposed by this paragraph shall not apply to any domestic processing after July 3, 1974.

SEC. 2. The amendment made by this act shall be effective only after the day on which this Act is enacted.

PAR. 3. Article 6, as amended by Treasury Decision 5179 is further amended by adding at the end of § 306.6 the following:

(c) For the period beginning 12:01 a. m., eastern standard time, June 13, 1952, the additional tax of 2 cents per pound, imposed by section 2470 (a) (2), does not apply to the first domestic processing of coconut oil or of any combination or mixture containing a substantial quantity of coconut oil wholly produced in, or wholly produced from materials grown or produced in, the Trust Territory of the Pacific Islands. However, such additional tax shall apply in respect of coconut oil (whether or not contained in a combination or mixture) so derived from the Trust Territory to such extent and at such time as the President, after taking into account the responsibilities of the United States with respect to the economy of the Trust Territory, shall determine and proclaim to be justified to prevent substantial injury or the threat thereof to the competitive trade of any country of the free world.

PAR. 4. The first paragraph of subdivision (c) of article 8, as amended by Treasury Decision 5101, approved December 5, 1941 is further amended by changing § 306.8 (c) (1) and (2) thereof to read as follows:

(1) Separately, the quantity of coconut oil or combination or mixture containing a substantial quantity of coconut oil, which is wholly the production of (i) the Philippine Islands, (ii) Guam, (iii) American Samoa, (iv) all possessions of the United States, and (v) the Trust Territory of the Pacific Islands, and

(2) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut

oil, produced wholly from materials which are the growth or production of (i) the Philippine Islands, (ii) Guam, (iii) American Samoa, (iv) all possessions of the United States, and (v) the Trust Territory of the Pacific Islands.

Because this Treasury decision makes technical amendments to the regulations to provide for the inapplicability of the tax under section 2470 (a) (2) to the first domestic processing of coconut oil produced from materials grown or produced in the Trust Territory of the Pacific Islands, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: September 23, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10519; Filed, Sept. 26, 1952; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 120]

GCPR, SR 120—SPECIAL METHODS PERMITTING WHOLESALERS AND RETAILERS TO REFLECT INBOUND TRANSPORTATION COST INCREASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this supplementary regulation to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This regulation permits certain wholesalers and retailers to adjust their ceiling prices so as to reflect certain increases in inbound transportation costs for merchandise. These transportation cost increases have resulted from the rate increases which were granted since the issuance date of GCPR.

Since May 1951, transportation rates have gone up from 6 percent to 25 percent and in some cases much more; for some furniture articles, less-than-carload-lot rail rates in certain regions have gone up from 35 percent to 130 percent, depending on the particular article. The impact on distributors' operations of these substantial rate increases varies considerably and is difficult to measure on an over-all basis because of a number of complex factors. Nevertheless, it is evident that they represent a major burden to wholesalers and retailers.

For some distributors these increased transportation costs may amount to as much as three-quarters of one percent of their sales volume, or, in some cases, even more. While such an increase may not appear to be large it may often account for a major fraction of the distributors' current net profits—as much as one-third. Moreover, they must be considered in conjunction with increases in distributors' operating expense ratios which have resulted in a significant decline in net profit ratios. For example, the 1951 net profit ratio (before Federal Income Taxes) of department stores, an important segment of retail trade, was 3.0 percent of sales—compared with 4.9 percent for the previous year.

Published data as to wholesalers' and retailers' earnings before taxes as related to net worth, for the years 1946 to 1949 and currently, are not adequate to permit general application of the industry earnings standard. Moreover, these data do not indicate the extent to which any deficiency in current earnings may be due to sales below ceiling rather than to the level of ceiling prices.

Because of the multiplicity and great diversity of wholesaling and retailing operations in the commodity areas covered by the GCPR, earning standard studies, "industry" by "industry" would not only be time-consuming and costly, but also might result in inconclusive statistical data.

On the other hand, the available data was sufficient to lead the Director to the conclusion that adjustments of retailers' ceiling prices under CPR 7 to reflect the increases in inbound transportation costs were required by the industry earnings standard, and that such an adjustment, as provided by SR 5 of CPR 7, is consistent with the spirit and intent of the earnings standard. A fair presumption from the evidence available indicates that, were data for other wholesale and retail trades operating under the GCPR available, many of them would also be found to be eligible for adjustments under the industry earnings standard. This is especially true since transportation cost increases on inbound merchandise affect all distributors and are not the type of cost increase that are unique to any specific industry or trade.

Moreover, it appears desirable to permit an adjustment of distributors' ceiling prices under the GCPR to reflect increased transportation costs in order to make this regulation consistent with other ceiling price regulations. In addition to SR 5 of CPR 7, which allows retailers under this regulation to reflect increases in transportation costs, several other regulations permit a pass-through of increased transportation costs.

All of the above regulations allowing adjustments in ceilings to reflect increases in transportation costs are necessary because no provisions for transportation costs had previously been included, since there was no expectation that there would be any significant changes in transportation rates. However, substantial and far-reaching rate changes have recently been granted by the various regulatory agencies and rate-making bodies. Because of these basic rate changes it is necessary to allow adjustments in ceiling prices to reflect the higher transportation costs.

Because of the innumerable complexities in transportation rate structures, it has not proven possible to reflect in all instances, either by commodity, by destination, or by transportation medium (rail, water, truck, express, parcel post, etc.) the actual percentages or amounts of rate increases. Any regulation tailored to all the varied and numberless transportation rate situations encountered in daily trade would have been so complex as to be impossible of application by the wholesaler or retailer. Instead, the OPS, after careful analysis and extended consultations, has determined the approximate over-all rate increases by grouping wherever feasible, the transportation media, territories and classes of commodities involved in these rate increases.

Moreover, because of the innumerable variety of methods by which transportation costs are handled as between different buyers and sellers and for different commodities, and because the objective of the Agency is to minimize the record-keeping burden, it is necessary to provide in this regulation for alternative methods of adjusting ceiling prices to reflect the increases in transportation costs.

Several methods for reflecting the increase in freight rates since the GCPR went into effect are provided by this Supplementary Regulation. The first three of these, Methods A, B, and C, permit calculation of the increase on the basis of actual dollar differences in freight or differences in transportation rates; or through application of specific factors to current transportation costs. These three methods of calculation may be used interchangeably. Method D, which is presented in several variations, involves calculation by the wholesaler or retailer of his pre-GCPR ratio of total transportation costs to total purchases, either for a defined segment of his business or for his total business. The distributor who elects to use Method D is not permitted to use the other methods at the same time for that part of his business.

The base period and current actual freight calculation which is permitted by the Method A, allows the retailer who can determine (1) the actual "pre-GCPR" transportation cost for a commodity, and (2) the current transportation cost for the same commodity shipped from the same source of supply via the same transportation method, to subtract (1) from (2) in order to determine the amount of the increased transportation cost which can be added directly to the ceiling price. It should be noted that this method allows the retailer to pass-through actual rather than average or approximate increases in transportation costs.

The specific factor calculation permitted by Method B requires that each current freight bill be multiplied by an applicable freight rate increase factor which is set forth in the regulation. This would give the total increase in each freight bill which could then be apportioned to the individual items of merchandise in the shipment covered by the freight bill. Method C is a variation of Method B covering certain commodities.

A retailer or wholesaler using Method D multiplies his pre-GCPR ratio of total transportation costs to total purchases by an applicable increase factor set forth in the regulation. The result is the percentage increase in the ratio which, applied to current merchandise invoice costs, yields the increase which may be added to all of the distributors' ceiling prices to reflect increases in transportation costs. A variation of this method permits distributors to use ratios for certain groups of their suppliers, grouped according to specified distances from the distributor's place of business.

It is apparent that the increases allowed by this regulation will only approximate the actual dollar-and-cent increases in transportation costs for specific commodities shipped to particular distributors. However, the increases allowed by this regulation will generally reflect the approximate over-all increase in inbound transportation costs on the major portion of the distributor's total volume of business. Furthermore, special increase factors allowed by this regulation make it possible to reflect the exceptionally high increases in transportation costs of certain commodities effected by the cancellation of exception ratings for less-than-carload-lot rail shipments of those commodities.

The transportation cost increase factors set forth in this regulation reflect changes in transportation rates from the list date of GCPR to the issuance date of this regulation and the ratio increase factors also reflect changes in the level of prices from the base period to the issuance date. The Director of Price Stabilization may, where warranted, revise these increase factors if there should be further significant changes in transportation rates, the level of prices, or other factors.

In the preparation of this supplementary regulation, frequent and extensive conferences were held with the Retail and Wholesale Industry Advisory Committees and with other representative groups of retail and wholesale sellers, including representatives of trade associations; and their views and recommendations have been given careful consideration in the promulgation of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales of commodities by wholesalers and retailers to which this regulation applies; exceptions.
3. When this regulation may be used.
4. Choice of methods.
5. Method A—Actual Transportation Increases.
6. Method B—Increases determined by use of rate increase factors applied to current transportation costs.
7. Method C—Increases for Appendix O commodities determined by use of rate increase factors applied to current transportation costs.
8. Method D—Freight to purchases ratio method.
9. Chains and mail order establishments requiring modifications of provisions.
10. Records.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies the ceiling prices of wholesalers and retailers for commodities (other than those listed in section 2) determined under the General Ceiling Price Regulation and under Supplementary Regulation 29 to the GCPR to permit those prices to reflect increases in inbound transportation costs incurred after September 26, 1952, effected by rate increases since the General Ceiling Price Regulation was issued.

SEC. 2. *Sales of commodities by wholesalers and retailers to which this regulation applies; exceptions.* This regulation applies only to commodities for which ceiling prices are determined by wholesalers or retailers pursuant to the General Ceiling Price Regulation or Supplementary Regulation 29 to the GCPR; except that any wholesaler or retailer determining ceiling prices pursuant to an order issued under SR 28, who but for the provisions of SR 28 would be permitted to determine ceiling prices pursuant to the GCPR, may use the provisions of this supplementary regulation.

This regulation does not apply to:

(a) Commodities for which sales by wholesalers or retailers are determined pursuant to supplementary regulations to the GCPR other than those as mentioned above; nor to

(b) Any of the following commodities:

(1) Any agricultural commodities listed in section 11 (a) of the General Ceiling Price Regulation and any food products processed from one or more of them;

(2) Fresh meats, processed pork, and semi-sterile canned meats;

(3) Soft drinks;

(4) Malt beverages; wines; or distilled spirits;

(5) Cigars; nor to

(c) Commodities for which uniform wholesale prices have been established by an authorization under section 6 of SR 29; nor to uniform wholesale or retail ceiling prices established pursuant to section 43 of CPR 7 or Supplementary Regulation 4 to CPR 7.

SEC. 3. *When this regulation may be used.* If you are a wholesaler or retailer you may use this regulation to reflect increases in transportation costs incurred by you after September 26, 1952 for commodities for which you determine your ceiling prices pursuant to the GCPR or SR 29, except as provided in section 2. (See definition of transportation costs in section 11.)

SEC. 4. *Choice of methods.* This regulation contains four methods (sections 5 through 8) for determining the amount which you may add to the ceiling price of a commodity for transportation cost increases. Methods A, B and C may be used for a segment of your business simultaneously. Method D must not be used in conjunction with the other methods simultaneously for any segment of your business. You must record the date you begin to use any method. If you at any time begin to use Method D for any segment of your business, you must use that method for at least six months. If you change to another method after six months you must indicate such change on your record and record the date on which you begin to use the other method. An amount added to the ceiling price of a commodity pursuant to this regulation must not be stated separately on the invoice.

SEC. 5. *Method A—Actual transportation increases.* This method permits you to determine actual increases in transportation costs by subtracting a "base year" transportation cost from a "current" transportation cost. You must record the calculations made under this section and must keep them and the supporting data available for inspection by the OPS.

This method may be used only if the commodity for which you are determining a ceiling price is the same as one which you had received in the base year; which is shipped from the same place by the same transportation method, and in the same size of shipment as was the commodity in the base year. The term "base year" for the purposes of this section is the period July 1, 1950 to June 30, 1951 inclusive. (As used in this paragraph the terms "same commodity," "same place," "same transportation method," and "same size of shipment," have specialized meanings. "Same commodity" means a commodity which actually is the same model, style or lot number as the base period commodity, or any commodity of the same weight as the base period commodity and subject to the identical current transportation rate as the base period commodity. "Same place" means the same city or rail terminal as that from which the base period commodity was shipped. "Same transportation method" means the identical carrier as transported the base period shipment or a carrier whose charges for the current shipment are the same as or less than the current charges of the base period carrier. "Same size of shipment" means that the number of units in the shipment being compared must be roughly equal.) If the two commodities, that is, the base year commodity and the commodity for which a ceiling price is being determined, meet the foregoing tests, you determine the increase in transportation costs by subtracting the transportation costs for the base year commodity (determined from any base year transportation bill) from the current transportation cost. The result is the increase in transportation cost which may be added to the ceiling price for the commodity.

(a) The base year transportation cost and the current transportation cost of the commodity may be determined by apportioning the total transportation bill among the commodities covered by the bill in any generally accepted manner, that is, by weight, by value, or by number of units. Only one method of apportioning transportation costs may be applied to a single transportation bill under this section; and the same method of apportionment must be used for both the base year and the current transportation bill.

(b) If the current transportation bill for a rail shipment covers some commodities which were subject to cancelled LCL exception ratings which caused the increases for these commodities to be considerably greater than the increases for commodities not subject to such ratings (See Appendix O for list of commodities subject to such cancelled LCL exception ratings) and some commodities which were not subject to such exception ratings in the base year, the increases attributable to commodities subject to such cancelled LCL exception ratings can be most precisely ascertained by apportioning the transportation bills among the commodities on the basis of the weight of the respective commodities multiplied by the appropriate freight rate for those commodities as shown on the freight bill.

Example 1. Automatic Washer #931 purchased from Kleen-Klothes Corp. of Detroit, Michigan, shipped by rail in LCL lots on December 8, 1950 and on September 15, 1952.

Current transportation cost per washer	$8.23
Base year transportation cost per washer	7.22
Increase	1.01
Ceiling price of washer	241.65
Increase	1.01
Adjusted ceiling price	242.66

SEC. 6. *Method B—Increases determined by use of rate increase factors applied to current transportation costs.* This method permits you to determine the increase in transportation costs which may be added to the ceiling price of a commodity by applying a factor set forth in the regulation to the "current" transportation bill. You must record the calculations made under this section and must keep them and the supporting data available for inspection by the OPS. Only one method of apportioning transportation costs may be applied to a single transportation bill under this section.

This method may be used to price any commodity for which you have paid inbound transportation cost by applying an appropriate factor to the "current" transportation bill.[1] Appendix S sets forth a table of freight increase factors for rail, motor and water common carrier, railway express and parcel post shipments. (Section 7 sets forth a method for determining more precisely increases for commodities covered by Appendix O whose rail transportation rates for LCL shipments have increased more substantially by cancellation of certain exception ratings. If any of the commodities covered by a current transportation bill are commodities listed in Appendix O, you may determine the amount of the increase in freight for all of the commodities in the shipment pursuant to section 7.)

To determine the amount of the increase in transportation costs pursuant to this section:

[1] Methods B and C are the only methods available to sellers who were not in business prior to January 26, 1951, the issuance date of the GCPR.

(a) Select appropriate increase factor from the Table of Freight Rate Increase Factors in Appendix S.

(b) Apply the appropriate factor found in Appendix S to the total transportation bill.

(c) Allocate the result among the commodities covered by the transportation bill in any reasonable manner (by weight, value, or number of units).

(d) An amount allocated under (c) to a commodity may be added to the ceiling price of the commodity.

Example 2. A wholesaler receives two articles in a truck shipment:

	Weight, pounds
1 coffee table No. 31 (ceiling price $16.50)	46
1 desk No. 411 (ceiling price $69.50)	121
Total weight of shipment	167
Total freight bill (including tax)	$14.72
Flat increase factor from appendix S (percent)	12.5
Total increase for this freight bill ($14.72×0.125)	$1.84
Total freight increase allocated to items by weight:	
To coffee table (46÷167=.28×$1.84)	.52
To desk (121÷167=.72×$1.84)	1.32
Adjusted ceiling price of coffee table No. 31: $16.50+$0.52	17.02
Adjusted ceiling price of desk No. 411: $69.50+$1.32	70.82

Example 3. Determine ceiling price adjustment for rail shipment of commodity subject to a rate increase maximum.

Assume a shipment of a carload of B and BTR Ponderosa Pine, S2S, 4 4–R/W–R/L–4" and wider from Vancouver, Washington to Chicago, Illinois; Retail ceiling price under SR 29, $429.00 per 1000 board feet.

Total weight of this 25,000 board feet shipment at 1,900 pounds per 1,000 board feet (pounds)	47,500
Total freight bill, including tax (rate $1.23 per 100 pounds, plus tax)	$601.78
Increase factor (from Appendix S), 13 percent or 12 cents per 100 pounds, whichever results in the lesser adjustment:	
(a) $601.78×0.13	78.23
(b) 475 one-hundred-pound units×$0.12	57.00
Total increase in freight	57.00
Increase in freight per 1,000 board feet ($57.00÷25) (per 1,000 board feet)	$2.28
Adjusted ceiling price of lumber in this shipment ($429.00+$2.28) (per 1,000 board feet)	431.28

Example 4. Suppose a wholesaler received by railway express a fill-in order of one electric fan No. 1018; ceiling price $30.50:

Weight of shipment (pounds)	52
Total express bill (including tax)	$5.26
Increase in freight (increase factor $0.36 per shipment under 100 pounds)	.36
Adjusted ceiling price of electric fan No. 1018 ($30.50+0.36)	30.86

SEC. 7. *Method C—Increases for Appendix O commodities determined by use of rate increase factors applied to current transportation costs.* This method permits you by applying appropriate factors to the current transportation bill to determine the increases which may be added to the ceiling price of each of the commodities in the shipment if one or more of the commodities in the shipment is a commodity covered by Appendix O. The commodities listed in Appendix O are those whose rail transportation rates for LCL shipments have increased more substantially by cancellation of certain exception ratings. Appendix O sets forth a list of those commodities, definitions of various kinds of shipments, and a table of applicable increase factors. It is accompanied by a map which permits selection of the applicable freight increase factor from Appendix O.

You must record the calculations made under this section and must keep them and the supporting data available for inspection by the OPS.

(a) *Determining increase for an "unmixed shipment" of Appendix O commodities.* An "unmixed shipment" is an LCL rail shipment composed wholly of commodities covered by Appendix O if all of the commodities are subject to the same factor. If the commodity was included in an "unmixed shipment," you determine the amount of the increase in freight pursuant to this paragraph as follows:

(1) Apply the appropriate factor found in Appendix O to the total LCL freight bill.

(2) Allocate the result among the commodities covered by the transportation bill in any reasonable manner (by weight, value, or number of units).

(3) An amount allocated under (2) to a commodity may be added to the ceiling price of the commodity.

Example 5. Example of unmixed shipment. Suppose a wholesaler in Dallas receives an LCL rail shipment of eight chairs No. 72 from Gardner, Massachusetts. Ceiling price of chairs (under SR 29) is $15.21. The chairs were set up, wooden, outdoor, with one coat of green paint and were shipped "loose." This description is exactly the same as that of item No. 42 in Appendix O, so an Appendix O factor may be used.

Since the shipment originates in Gardner (Zone 1) and terminates in Dallas (Zone 2), the factor must be selected from Column 4 of Appendix O, which is headed "Shipment between points in Zone 1 and points in Zone 2."

Increase factor (Column 4 factor for item No. 42 from Appendix O	0.52
Total freight bill (including tax)	$17.82
Total increase for this freight bill ($17.82×0.52)	9.26
Total freight increase allocated to items by number (to 8 chairs), chair No. 72 ($9.26÷8=$1.158)	1.16
Adjusted ceiling price of chair No. 72 ($15.21+$1.16)	16.37

(b) *Determining increases for "mixed" shipments containing Appendix O commodities.* A "mixed" shipment is an L. C. L. rail shipment composed both of commodities covered by Appendix O and of commodities not covered by Appendix O, or an L. C. L. shipment composed of commodities covered by Appendix O subject to more than one factor listed in Appendix O. If the commodity was included in a mixed shipment, you determine your increase under this paragraph as follows:

(1) Apportion the total amount of the current transportation bill among the commodities covered by it in any reasonable manner (by weight, by weight times rate, by value, or by number of units). Only one method of apportioning transportation costs may be applied to a single transportation bill under this section.

NOTE: the increase attributable to each commodity subject to a cancelled L. C. L. exception rating which substantially affects the amount of the increase can be most precisely ascertained by apportioning the bill among the commodities on the basis of the weight of each of the respective commodities multiplied by the appropriate freight rate for that commodity as shown on the freight bill.

(2) For the commodities in the shipment covered by Appendix O select from column 3 or 4 in Appendix O the appropriate increase factor for each commodity. Multiply the amount of the freight allocated to the commodity under subparagraph (1) of this paragraph by the appropriate factor. The result is the increase in freight which may be added to the ceiling price of the commodity.

Example 6—Example of mixed shipment. Suppose three articles are covered by a freight bill. Two of the articles, the desk No. 411 (ceiling price $69.50) and coffee table No. 31 (ceiling price $16.50), are not subject to cancelled L. C. L. exception ratings which affect their rates. The third article is affected by these higher rates: a group of 8 chairs No. 72 (wooden chairs, outdoor with one coat of green paint, SU, loose (item number 42 in Appendix O)), ceiling price, $15.21 each. Allocate the total freight bill to the articles by weight and rate *before* you find your increase. You will see below that allocation of freight bill by weight and rate shown on the bill permits a more accurate determination of the increase for the articles covered by Appendix O.

Two methods of allocating the total bill are shown:

(a) *Allocation of total bill by weight:*

Item	Weight	Allocated amounts
8 chairs No. 72 (0)	100	$12.85
1 coffee table No. 31	46	5.91
1 desk No. 411	121	15.54
Total freight bill (including tax)		34.30

Adjustment for coffee table and desk, the articles not covered by Appendix O (the adjustment factor 0.125 is from Appendix S):

Coffee table: $5.91 x 0.125=$0.74+$16.50=$17.24, adjusted ceiling price.

Desk: $15.54 x 0.125=$1.94+$69.50=$71.44, adjusted ceiling price.

Adjustment for the chairs No. 72, the articles covered by Appendix O, using 0.52, the factor shown in column 4 of Appendix O is $12.85 x 0.52=$6.68÷8=$0.84 per chair.

Adjusted ceiling price of each chair: $15.21+$0.84=$16.05.

(b) *Allocation by weight and rate shown on current bill:*

Item	Weight and rate	Tax	Allocated current freight
8 chairs No. 72 (0)	100 pounds at $18.49=$18.49	$0.55	$19.04
1 desk No. 411	121 pounds at $9.25=$11.19	.34	11.53
1 coffee table No. 31	46 pounds at $7.86=$3.62	.11	3.73
Total (including tax)			34.30

Adjustment for coffee table and desk, the articles not covered by Appendix O (the adjustment factor 0.125 is from Appendix S):

Coffee table No. 31: $3.73×0.125=$0.47+$6.50=$16.97 adjusted ceiling price.

Desk No. 411: $11.53×0.125=$1.44+$69.50=$70.94 adjusted ceiling price.

Adjustment for chairs No. 72, the articles covered by Appendix O, using the factor shown in Column 4 of Appendix O ($19.04×0.52=$9.90÷8=$1.24).

Adjusted ceiling price of chair, $15.21+$1.24=$16.45.

(3) If any of the commodities in the shipment were commodities not covered by Appendix O apply the appropriate factor from Appendix S to the amounts allocated to each of the commodities not covered by Appendix O. The result is the increase in freight for each of the commodities not covered by Appendix O which may be added to the ceiling price for the commodity. (See example 6.)

SEC. 8. *Method D—Freight to purchases ratio method.* This method permits you to determine for any segment of your business the percentage ratio of your total dollar merchandise transportation costs for that segment in a base year to your total dollar merchandise purchases for that segment in that period and to apply an appropriate percentage increase factor to that percentage ratio. The result is the percentage of the commodity's net invoice cost which may be added to the ceiling price to reflect increases in transportation costs. In order to use this method you must find the freight to purchases ratio for a defined segment of your business in a base year. The general method described in this section contemplates a single freight to purchases ratio for each segment of the business by including all base year shipments from all base year suppliers of merchandise (whether or not otherwise covered by this regulation) except commodities listed in paragraphs A2 and A3 of Appendix S. (However commodities covered by paragraphs A2 and A3 of Appendix S may be included if the total cost of all purchases of such commodities for that segment of the business constituted less than 10 percent of the total cost of purchases of all commodities by that segment.) An alternative method is provided in paragraph (d) of this section by which freight to purchases ratios for any segment of the business may be determined by certain groups of suppliers rather than by including all suppliers. (If the commodity is one covered by Appendix O, the railway transportation rates of which have been more substantially increased by the cancellation of L. C. L. exception ratings, a special adjustment involving the use of an appropriate multiplier is provided in paragraph (c) (2) of this section.)

You must record the calculations made under this section and must keep them and supporting data available for inspection by the OPS.

In general Method D may not be used in conjunction with any other method in this regulation; that is, if Method D is being used for a segment of your business, no increase for any commodity sold in that segment of your business may be determined by any other method in this regulation. The exception to this general rule is in the case of a segment of the business for which a freight to purchases ratio has been determined by excluding commodities covered by paragraphs A2 and A3 of Appendix S. In such case increases for the excluded commodities may be determined by Methods A or B.

Merchandise purchases and inbound merchandise transportation costs shall be determined according to any generally accepted accounting method, but only such transportation costs may be included as are included in the definition of that term in section 11.

The base year for the purposes of this section is the calendar year 1950 or your fiscal year ending closest to December 31, 1950.

(a) *Freight to purchases ratio including all base year shipments from all base year suppliers.* You may determine your freight to purchases ratio for any defined segment of your business based on purchases from all your base period suppliers as follows:

(1) Describe the segment of the business for which you are determining the freight to purchases ratio.

(2) Determine from your records the total inbound merchandise transportation costs in the base year for that segment of your business for all commodities except commodities covered by paragraphs A2 or A3 of Appendix S if those commodities constitute 10 percent or more of the total costs of purchases for that segment of your business.

(3) Determine from your records the total of your merchandise purchases in the base year for that segment of your business for all commodities except commodities covered by paragraphs A2 or A3 of Appendix S if those commodities constitute 10 percent or more of the total costs of purchases for that segment of your business.

(4) Determine the percentage ratio of freight to purchases for that segment by dividing the total transportation costs found under subparagraph (2) by the total costs of purchases as determined under subparagraph (3) of this paragraph.

(b) *Determination of percentage increases in freight to purchases ratios.* The percentages determined under this paragraph indicate the increases in the net invoice cost of a commodity attributable to increases to inbound transportation costs. Subparagraph (1) of this paragraph sets forth factors applicable to wholesalers and retailers generally; subparagraph (2) of this paragraph permits a wholesaler or retailer whose parcel post payments are 11 percent or more or 19 percent or more of total dollar inbound transportation costs respectively to reflect his higher rate increases. The percentage increase in freight to purchases ratio for any segment of your business is determined by multiplying the percentage determined under paragraph (a) (4) or (d) (3) of this section by the appropriate increase

factor from subparagraph (1) or subparagraph (2).

(1) *Wholesalers or retailers generally.* For any segment of your business, unless that segment qualifies for and elects to use a higher increase factor under subparagraph (2), your increase factor is:

(i) Wholesalers	15%
(ii) Retailers	16%

(2) *Segment of business of wholesaler or retailer parcel post payments which were 11 percent or more or 19 percent or more of total inbound transportation costs respectively in the base year.* Determine what percentage of the total dollar inbound transportation costs for the segment of the business in the base year was parcel post payments. To do this, you compute from your records the dollar amount of the parcel post charges paid by you for incoming shipments for any segment of your business and the dollar amount of the other transportation costs incurred in the base year for that segment except for commodities covered by paragraphs A2 and A3 of Appendix S if those commodities constitute 10 percent or more of the total costs of purchases for that segment. Divide the dollar amount of inbound parcel post charges by the total dollar amount of all inbound merchandise transportation costs (including the parcel post payments) except for commodities covered by paragraphs A2 and A3 of Appendix S if those commodities constitute 10 percent or more of the total costs of purchases for that segment. If you are a retailer and the parcel post payments for the segment of the business constituted 19 percent or more (or if you are a wholesaler and the parcel post payments for the segment of the business constituted 11 percent or more) of the total dollar transportation costs for the segment, you may use the appropriate freight to purchases ratio increase factor shown in the appropriate table below:

(i) *Wholesalers.*

If the base year percentage of inbound parcel post cost to total inbound transportation cost is:	Your ratio increase factor is:
11%–21%	16%
21%–30%	17%
30%–39%	18%
39%–49%	19%
49%–58%	20%
58%–67%	21%
67%–77%	22%
77%–86%	23%
86%–95%	24%
95%–100%	25%

(ii) Retailers.

If your percentage of inbound parcel post cost to total inbound transportation cost is:	Your ratio increase factor is:
19%–29%	17%
29%–38%	18%
38%–48%	19%
48%–57%	20%
57%–67%	21%
67%–76%	22%
76%–86%	23%
86%–95%	24%
95%–100%	25%

(c) *Determination of amounts of increases—(1) Commodities not covered by Appendix O.* You determine the amount of the transportation increase permitted to be added to your ceiling price of a commodity (other than one covered by Appendix O or other than commodities covered by paragraphs A2 or A3 of Appendix S excluded in determining freight to purchases ratio because they constituted 10 percent or more of the total cost of purchases) by multiplying the net invoice cost of the commodity by the appropriate increase in freight to purchases ratio as determined under paragraph (b) or (d) of this section. The result is the increase in transportation cost which may be added to the ceiling price.

Example 7. A wholesaler, located in Portland, Oregon, finds his freight to purchases ratio for calendar year ending December 31, 1950, determined as a "seller generally," to be 4%.

Freight-to-purchases increase factor for wholesalers	15%
Increase in freight-to-purchases ratio (0.04×0.15=0.006)	0.6%
Net cost of Sleep-Tite Sheets (per dozen)	$22.65
Ceiling price of sheets (per dozen)	$27.25
Increase in freight ($22.65×0.006 =$0.14)	$0.14
Adjusted ceiling price ($27.25+ $0.14)	$27.39

(2) *Commodities covered by Appendix O.* If the commodity is a commodity covered by Appendix O, you determine the amount of the transportation increase permitted to be added to your ceiling price of the commodity as follows:

(i) Multiply the net invoice cost of the commodity by an increase in freight to purchases ratio determined under paragraph (b) of this section by the use of the factor for wholesalers or retailers generally;

(ii) If you are a retailer select from column 5 or 6 in Appendix O the appropriate multiplier for the commodity, and multiply the amount found in subdivision (i) of this subparagraph by that multiplier.

(iii) If you are a wholesaler select from column 7 or 8 in Appendix O the appropriate multiplier, and multiply the amount in subdivision (i) by that multiplier.

(iv) The result found in subdivisions (ii) or (iii) is the total freight increase for the commodity covered by Appendix O and this amount may be added to the ceiling price for the commodity.

Example 8. A wholesaler located in Erie, Pa., received two cartons of chairs from a manufacturer in High Point, N. C. In one carton were chairs (No. 702), finished and not upholstered beyond the seat pad and inside of the back which were shipped set up (SU) and in package type "5F" (this number was found on both the freight bill and on the front panel of the carton). Chairs No. 42, in the second carton, were "in the white," were knocked down other than flat, and were shipped in package type "9F". These two items are determined to be covered by Appendix O by reference to column 2 of that Appendix. The net cost of chair No. 702 was $36.00; of chair No. 42 was $14.00.

The wholesaler's base period freight to purchases ratio percentage was 10 percent. Seller determined his percentage increase in freight to purchases ratio to be 0.10×0.15=1.5 percent. Following the two steps outlined above for determining the amount of the increase:

Step 1. Applying 1.5 percent to the current net cost of each:

Chair No. 702: $86.00×0.015	$0.54
Chair No. 42: $14.00×0.15	.21

Step 2. Column 8 in Appendix O indicates that for shipments between points in Zone 1 and Zone 2 the specific factor for chair No. 702 (item number 31 in Appendix Y), "chairs or stools, wooden or with wooden frames, finished, not upholstered beyond seat and inside of back, SU in package "5F" is 5.6; for chair No. 42 (item number 41 in Appendix O), chairs or stools, wooden or with wooden frame, in the white (that is, unfinished), KD other than flat in package "9F" is 2.0.

Final adjustment for chair No. 702 is ($0.54×5.6)	$3.02
Final adjustment for chair No. 42 is ($0.21×2.0)	.42

These amounts may be added to the respective ceiling prices of the commodities.

(d) *Freight to purchases ratios by groups of suppliers.* This alternative of Method D permits you for any segment of your business to group certain of your suppliers and to determine your increases in transportation costs on your purchases from them by use of separate freight to purchases ratio for each group.

(1) *Suppliers to be included within a group.* You may determine separate freight to purchases ratios for any segment of your business or for your entire establishment for each of the three groups of suppliers defined below if during the base year you had received at least 10 shipments from the group. You must include every shipment from every base year supplier. In order properly to group these base year suppliers, you must list their shipping points showing the distance from their shipping points to your place of business. The three groups of base year suppliers are:

(i) Nearby group, that is, all those whose shipping points are located less than 250 miles from your place of business;

(ii) The intermediate group, that is, all those whose shipping points are located 250 to 1,000 miles from your place of business;

(iii) The distant group, that is, all those whose shipping points are located 1,000 or more miles from your place of business.

(2) *Method of determining freight to purchases ratio for each group.* You compute the freight to purchases ratio for each group from which you had at least 10 shipments as follows:

(i) Describe the segment of the business for which you are determining the freight to purchases ratios.

(ii) Determine from your records the total inbound merchandise transportation costs on shipments from suppliers in the group to that segment of your business in the base year.

(iii) Determine from your records the total of the merchandise purchases for that segment of your business from each group of suppliers in the base year.

(iv) Divide the transportation cost total found under subdivision (ii) by the total of purchases found under subdivision (iii) of this subparagraph. The result is your freight to purchases ratio for the group.

(3) *Use of group factors.* The percentage determined for a group under subparagraph (2) of this paragraph may be used only in determining increases in transportation costs on shipments from base period suppliers in the group. For determining increases in transportation costs on shipments from suppliers not included in a group or from suppliers for which you are unable to determine a group ratio because you had fewer than 10 shipments from suppliers in the group, you must determine a freight to purchases ratio under paragraph (a)[2] of this section and use that to determine the increase in transportation costs from such suppliers.

(4) *Percentage increases.* The percentage increase in the freight to purchases ratio for a group is then determined under paragraph (b).

(5) *Amount of increase.* The amount of increase is determined under paragraph (c).

SEC. 9. *Chains and mail order establishments requiring modification of provisions.* The OPS may, by order, modify any provision contained in this supplementary regulation for any group of retail or wholesale outlets under common ownership or control or for any mail order establishment whose methods of operation are not adaptable to the requirements of this regulation. Application under this section must be filed with the OPS, Washington 25, D. C., and must specify in detail a plan of operation under the regulation which will not raise the level of prices, the modification of the provisions of this regulation necessary to permit applicant to operate under its plan, and must set forth why your methods of operation are not adaptable to the requirements of the regulation.

SEC. 10. *Records.* The records required by this section, insofar as they relate to any matter which occurred in any base period specified in this supplementary regulation and the records required by section 4 and section 8 must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter. All other records required by this section must be kept for a period of two years. A seller electing to determine ceiling prices under any provision of this supplementary regulation must:

(a) Preserve for inspection by the OPS all freight bills, receipts, or other documents showing freight or transportation charges, used in establishing adjustments under this regulation.

(b) Attach the freight bill or other document to the invoice covering the articles, or put a reference number or other identification of the freight bills or other documents on the invoice and keep the freight bills or other documents in any accepted manner, so long as ready reference to the original can be had.

(c) In addition to the reference, if any, required by paragraph (b) of this section, you must note on the invoice the section of this regulation used to determine the freight increase adjustment and which item number of Appendix O, if any, was used in making the adjustment.

(d) Keep a record indicating the basis you used for apportioning freight as between articles of different kinds or groups of articles of the same kind on a given invoice. Only one method of apportionment may be applied to a single freight bill or for a single invoice.

(e) Preserve for inspection by the OPS the records required by sections 4, 5, 6, 7, and 8; and make a record of the fiscal year, if any, used under section 8.

SEC. 11. *Definitions*—(a) *"Transportation costs."* The term "transportation costs" means actual transportation charges (excluding transportation in your own trucks or other means of transport) paid to independent transportation companies either by you or on your behalf for bringing the commodities you are pricing from your supplier's place of business to your place of business. Included are such items as payments to railroads, steamships, or trucking companies, and parcel post payments. Excluded are separately stated charges for transportation made by your supplier if the amount stated is not the actual transportation charge or if he makes the deliveries in his own trucks; transportation expenses incurred by you if you employ your own trucks to pick up your merchandise from your supplier; separately stated warehouse charges, cartage, handling, unloading, sorting, checking and other similar charges or expenses.

(b) *Current transportation bill.* A current transportation bill is any bill or other document received after September 26, 1952, which represents transportation costs paid by you or on your behalf.

(c) *Segment of your business.* The phrase "segment of your business" means any defined part of your business, such as a department in a physically departmentalized establishment, or a separate outlet; or a separate warehouse and shipping establishment; or a department in your accounting records, or all of the smaller parts of your business considered together; or any group or zone of outlets or parts of outlets considered together.

Effective date. This regulation shall become effective on the 1st day of October 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 26, 1952.

[2] In computing a freight to purchases ratio under paragraph (a) you must not exclude any base period supplier even though you have included him in determining a group freight to purchases ratio.

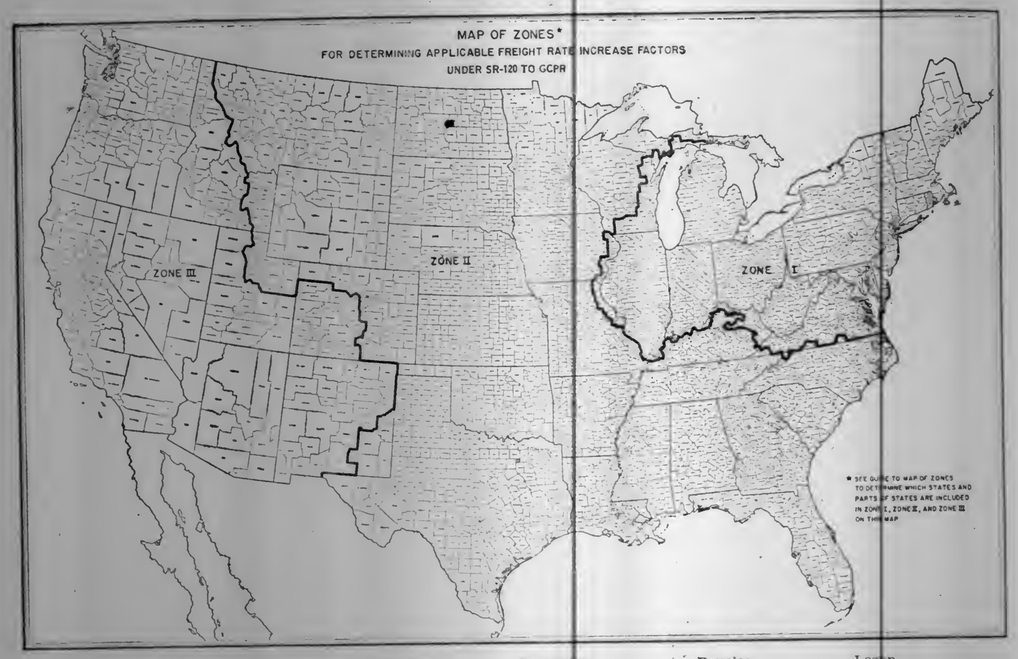
APPENDIX S

TABLE OF FREIGHT RATE INCREASE FACTORS

A. *Rail, Motor and Water common carrier shipments:*		
1. All such shipments, except rail shipments of commodities covered by items 2 and 3 below, 12.5 percent.		
2. Rail shipments of the following commodities, 13 percent, but in no case to exceed the maximum increase noted beside each commodity:		
	Commodity	*Maximum increases*[1]
	a. Lumber and articles listed in tariffs[2] as taking lumber rates.	12 cents per 100 pounds.
	b. Building woodwork and millwork as described in item 55 of tariff X–175–A, as amended, except where listed in tariffs[2] as taking lumber rates.	14 cents per 100 pounds.
	c. Phosphate rock, not further processed than ground including phosphatic clay.	60 cents per ton.
	d. Salt (sodium chloride)	60 cents per ton.
	e. Muriate of potash	$1.00 per ton.
	f. Manure salts	$1.00 per ton.
	g. Sulphate of potash	$1.00 per ton.
	h. Sulphate of potash magnesia	$1.00 per ton.
	i. Copper, lead and zinc articles as described in groups 559 and 563 of Freight Commodity Statistics, Steam Roads.	12 cents per 100 pounds.
3. Rail shipments of sand; gravel; stone, broken, crushed or ground; slag, other than expanded or ground open-hearth basic slag; shells, oyster, clam, or mussel, whole, crushed or ground, or screenings; all in open-top cars, not protected by tarpaulin or other protective coverings.		12 percent.
B. *Railway express shipments:*		
1. Shipments weighing less than 100 pounds		36 cents per shipment.
2. Shipments weighing 100 pounds or over		33 cents per 100 pounds.
C. *Parcel post shipments* (all shipments)		20 percent.

[1] Maximum increases and commodity classifications are derived from Interstate Commerce Commission, Docket Ex Parte No. 175, Increased Freight Rates, 1951, Report and Order, April 11, 1952.

[2] "Tariffs" mean tariffs lawfully on file with the Interstate Commerce Commission and in effect at the time of shipment.



GUIDE TO MAP OF ZONES

GUIDE FOR DETERMINING WHICH STATES AND PARTS OF STATES ARE INCLUDED IN ZONE I, ZONE II, AND ZONE III ON THE MAP OF ZONES

Zone I

Zone I is comprised of the following States and parts of States:

Connecticut.
Delaware.
District of Columbia.
Illinois.
Indiana.
Iowa: Only the following counties:

Clinton.	Lee.
Des Moines.	Louisa.
Dubuque.	Muscatine.
Jackson.	Scott.

Kentucky: Only the following counties:

Ballard.	Lawrence.
Bath.	Letcher.
Boone.	Lewis.
Boyd.	Livingston.
Bracken.	McCracken.
Campbell.	Magoffin.
Carter.	Martin.
Clark.	Mason.
Elliott.	Menifee.
Fayette.	Montgomery.
Floyd.	Morgan.
Greenup.	Oldham.
Henderson.	Pendleton.
Jefferson.	Pike.
Johnson.	Rowan.
Kenton.	Trimble.
Knott.	

Maine.
Maryland.
Massachusetts.
Michigan: Except the following counties:

Alger.	Dickinson.
Baraga.	Gogebic.
Chippewa.	Houghton.
Delta.	Iron.
Keweenaw.	Marquette.
Luce.	Ontonagon.

Missouri: Only the following counties:

Clark.	Pike.
Lewis.	Ralls.
Lincoln.	St. Charles.
Marion.	St. Louis.

New Hampshire.
New Jersey.
New York.
North Carolina: Only the following county: Ashe.
Ohio.
Pennsylvania.
Rhode Island.
Vermont.
Virginia: Except the following counties: Henry, Lee, Mecklenburg, Patrick, Scott.
West Virginia.
Wisconsin: Only the following counties:

Brown.	Marinette.
Calumet.	Milwaukee.
Dane.	Oconto.
Dodge.	Outagamie.
Door.	Ozaukee.
Fond du Lac.	Racine.
Green.	Rock.
Iowa.	Sheboygan.
Jefferson.	Walworth.
Kenosha.	Washington.
Kewaunee.	Waukesha.
Lafayette.	Winnebago.
Manitowoc.	

Zone II

Zone II is comprised of the following States and parts of States:

Alabama.
Arkansas.
Colorado: Only the following counties:

Adams.	Boulder.
Arapahoe.	Cheyenne.
Baca.	Crowley.
Bent.	Denver.
Douglas.	Logan.
Elbert.	Moffat.
El Paso.	Morgan.
Gilpin.	Otero.
Grand.	Phillips.
Huerfano.	Prowers.
Jackson.	Pueblo.
Jefferson.	Routt.
Kiowa.	Sedgwick.
Kit Carson.	Teller.
Larimer.	Washington.
Las Animas.	Weld.
Lincoln.	Yuma.

Florida.
Georgia.
Idaho: Only the following counties:

Bannock.	Franklin.
Bear Lake.	Fremont.
Bingham.	Jefferson.
Bonneville.	Madison.
Caribou.	Teton.
Clark.	

Iowa: Except the following counties:

Clinton.	Lee.
Des Moines.	Louisa.
Dubuque.	Muscatine.
Jackson.	Scott.

Kansas.
Kentucky: Except the following counties:

Ballard.	Johnson.
Bath.	Kenton.
Boone.	Knott.
Boyd.	Lawrence.
Bracken.	Letcher.
Campbell.	Lewis.
Carter.	Livingston.
Clark.	McCracken.
Elliott.	Magoffin.
Fayette.	Martin.
Floyd.	Mason.
Greenup.	Menifee.
Henderson.	Montgomery.
Jefferson.	Morgan.
Oldham.	Rowan.
Pendleton.	Trimble.
Pike.	

Louisiana.
Michigan: Only the following counties:

Alger.	Houghton.
Baraga.	Iron.
Chippewa.	Keweenaw.
Delta.	Luce.
Dickinson.	Marquette.
Gogebic.	Ontonagon.

Minnesota.
Mississippi.
Missouri: Except the following counties:

Clark.	Pike.
Lewis.	Ralls.
Lincoln.	St. Charles.
Marion.	St. Louis.

Montana.
Nebraska.
New Mexico: Only the following counties: Chaves, Curry, Eddy, Lea, Roosevelt.
North Carolina: Except the following county: Ashe.
North Dakota.
Oklahoma.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah: Only the following counties:

Cache.	Salt Lake.
Carbon.	Summit.
Daggett.	Uintah.
Davis.	Utah.
Duchesne.	Wasatch.
Morgan.	Weber.
Rich.	

Virginia: Only the following counties: Henry, Lee, Mecklenburg, Patrick, Scott.
Wisconsin: Except the following counties:

Brown.	Marinette.
Calumet.	Milwaukee.
Dane.	Oconto.
Dodge.	Outagamie.
Door.	Ozaukee.
Fond du Lac.	Racine.
Green.	Rock.
Iowa.	Sheboygan.
Jefferson.	Walworth.
Kenosha.	Washington.
Kewaunee.	Waukesha.
Lafayette.	Winnebago.
Manitowoc.	

Wyoming.

Zone III

Zone III is comprised of the following States and parts of States:

Arizona.
California.
Colorado: Except the following counties:

Adams.	Kit Carson.
Arapahoe.	Larimer.
Baca.	Las Animas.
Bent.	Lincoln.
Boulder.	Logan.
Cheyenne.	Moffat.
Crowley.	Morgan.
Denver.	Otero.
Douglas.	Phillips.
Elbert.	Prowers.
El Paso.	Pueblo.
Gilpin.	Routt.
Grand	Sedgwick.
Huerfano.	Teller.
Jackson.	Washington.
Jefferson.	Weld.
Kiowa.	Yuma.

Idaho: Except the following counties:

Bannock.	Franklin.
Bear Lake.	Fremont.
Bingham.	Jefferson.
Bonneville.	Madison.
Caribou.	Teton.
Clark.	

New Mexico: Except the following counties: Chaves, Curry, Eddy, Lea, Roosevelt.
Nevada.
Oregon.
Utah: Except the following counties:

Cache.	Salt Lake.
Carbon.	Summit.
Daggett.	Uintah.
Davis.	Utah.
Duchesne.	Wasatch.
Morgan.	Weber.
Rich.	

Washington.

APPENDIX O—FREIGHT RATE INCREASE FACTORS FOR CERTAIN RAIL SHIPMENTS OF SPECIFIED ARTICLES

NOTES

1. SU ("set up") means that the portion of the article described as SU is all assembled and ready for use except for accessories, for example, knobs, castors, etc.
2. KD ("knocked down") means that the portion of the article described as KD has been disassembled and the component parts have been shipped; items described as "flat," "collapsed," "knock-down-flat," "fully collapsed," "folded," or "compressed," are not equivalent to KD.
3. An item which is described on the invoice or freight bill as "flat," "collapsed," "knocked-down-flat," "fully collapsed," "folded," "compressed," or other similar description is not covered by the term KD, in appendix O, unless Column 2 mentions "flat" or "collapsed," or some similar description in addition to KD.
4. "Loose" indicates that the articles are not packaged; "in bundles" indicates that the articles are not packaged, but are tied together in groups.
5. The terms, "SU," "KD," "Loose," "In Bundles," etc., are generally shown on the freight bill.
6. Package numbers referred to in Column 2 (for example, 1F, 2F, 3F, etc.) are usually shown on the front panel of packages; they are also generally shown on freight bill and on shipping orders.
7. NOIBN means "not otherwise indexed by name": when used in this appendix, it means that the factors apply to the article if no other item number in the appendix more precisely describes the article.

		Factors used by wholesalers and retailers pricing under Method C		Factors used by retailers pricing under Method D		Factors used by wholesalers pricing under Method D	
Item No.	Article	Shipments originating and terminating in Zone I	Shipments between points in Zone I and points in Zone 2	Shipments originating and terminating in Zone I	Shipments between points in Zone I and points in Zone 2	Shipments originating and terminating in Zone I	Shipments between points in Zone I and points in Zone 2
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)
	Furniture, bamboo, cane, fibre, grass, rattan, reed or willow, with or without steel or wood reinforcement						
1	SU, chairs or settees in packages 4F, 23F, or 27F, also chairs in package 8F	0.55	0.52	7.6	6.7	8.1	7.2
2	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.49	.46	5.9	5.3	6.3	5.6
3	KD, in packages 1F, 2F, 3F, 5F or 10F	.29	.27	2.6	2.3	2.7	2.4
	Bassinettes or baskenettes, bamboo, cane, fibre, grass, rattan, reed or willow:						
4	SU or with legs folded, in packages 1F, 2F, 3F, 5F, 10F, 21F, 23F or 28F	.55	.52	7.6	6.7	8.1	7.2
	Boxes, cabinets, chests, closets or wardrobes, garment or household utility storage, fibreboard and fibreboard and wood combined:						
5	SU, in package 1F	.55	.52	7.6	6.7	8.1	7.2
6	Flat, folded flat or KD, including tops, bottoms or doors thereof, in package 9F	.25	.23	2.1	1.8	2.2	2.0
7	Mattresses, or upholstered box springs, in bales, wrapped in paper and burlap; mattresses in packages 5F, 10F, 11F or 12F; upholstered box springs in packages 5F, 10F or 12F	.41	.38	4.3	3.8	4.5	4.0
	NOTE: Crib mattresses may also be in package 36F. Ratings also apply on headboards, legs and brackets when such articles are completely wrapped, and inserted between mattress and upholstered box spring in package 10F.						
	Baby jumpers, tenders or walkers, without wheels, metallic or wooden:						
8	SU, in packages 1F, 3F, 5F or 28F	.49	.46	5.9	5.3	6.3	5.9
9	KD flat or folded flat, in packages 1F, 3F, 5F, or 25F	.25	.23	2.1	1.8	2.2	2.0

Item No.	Article	Factors used by wholesalers and retailers pricing under Method C: Shipments originating and terminating in Zone 1	Factors used by wholesalers and retailers pricing under Method C: Shipments between points in Zone 1 and points in Zone 2	Factors used by retailers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by retailers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2	Factors used by wholesalers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by wholesalers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)
	Cabinets, radio receiving set, (taking machine or dictation machine, or combination thereof), console type, in packages 1F, 2F, 3F, 5F, 22F or 24F	0.29	0.27	2.6	2.2	2.7	2.4
29	NOTE: Not eligible; box type sets, SU or KD.						
	Cabinets, wardrobe, storage, or kitchen, NOIBN:						
	Steel with glass:						
30	SU, in packages 1F, 3F, 5F, 28F, 30F or 34F	.29	.27	2.6	2.2	2.7	2.4
31	KD, in packages 1F, 3F, 5F, 28F or 30F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if wooden, steel without glass, etc.						
	Chairs or stools, NOIBN:						
	Steel or wire, or with steel or wire seats:						
32	SU, in package 31F	.40	.46	5.9	5.3	6.3	5.6
33	SU, in packages 1F, 3F, 5F, 28F or 30F	.41	.38	4.3	3.8	4.5	4.0
	KD, in packages 1F, 3F, 5F, 28F or 30F	.29	.27	2.6	2.2	2.7	2.4
34	NOTE: Not eligible if wooden, stool without glass, etc.						
	Chairs or stools, NOIBN:						
	Steel or wire, or with steel or wire seats:						
35	SU, in package 31F	.40	.46	5.9	5.3	6.3	5.6
	SU, in packages 1F, 3F, 5F, 28F or 30F	.25	.23	2.1	1.8	2.2	2.0
	KD, other than backs removed and seats separated and removed from frames or backs and seats removed from frames, interlaced in packages 1F, 3F, 5F, 28F, 30F or 34F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if SU, in packages 1F, 3F, 5F or 28F.						
	Wooden, or with wooden frames:						
	Finished, not upholstered beyond seat and inside of back:						
36	SU, in package 9F	.55	.52	7.6	6.7	8.1	7.2
37	SU, in packages 1F, 2F, 3F, 5F or 28F	.40	.46	5.9	5.3	6.3	5.6
38	KD, other than flat, in package 8F	.39	.36	4.1	3.6	4.3	3.8
39	KD, flat, in packages 1F, 2F, 3F, 5F or 28F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if KD, flat, in package 9F.						
	Finished, NOIBN; not overstuffed, upholstered beyond seat or inside of back:						
	Having legs with stretchers or platform bases or having each pair of legs made of 1 piece of bent plywood:						
40	In packages 7F or 27F	.55	.52	7.6	6.7	8.1	7.2
41	In packages 1F, 3F, 5F or 28F	.40	.46	5.9	5.3	6.3	5.6
42	Having legs without stretchers:						
43	In packages 7F, 8F, 27F or 28F	.55	.52	7.6	6.7	8.1	7.2
44	In packages 1F, 3F, 5F or 28F	.40	.46	5.9	5.3	6.3	5.6
45	Finished, overstuffed, in packages 1F, 2F, 3F, 4F, 5F, 21F or 28F	.40	.46	5.9	5.3	6.3	5.6
46	In the white (unfinished):						
	SU, in packages 1F, 2F, 3F, 5F, 8F or 28F	.41	.38	4.3	3.8	4.5	4.0
47	KD, other than flat, in package 9F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if KD, flat, in bundles.						

Item No.	Article	Factors used by wholesalers and retailers pricing under Method C: Shipments originating and terminating in Zone 1	Factors used by wholesalers and retailers pricing under Method C: Shipments between points in Zone 1 and points in Zone 2	Factors used by retailers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by retailers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2	Factors used by wholesalers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by wholesalers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)
65	Cots, steel frame, with rolled wire spring, folded, thickness exceeding 12 inches	0.29	0.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if thickness is less than 12".						
	Couch hammocks or gliders (imbedding in same package as article):						
66	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.29	.27	2.6	2.3	2.7	2.4
67	KD, other than flat, in package 19F	.39	.36	4.1	3.6	4.3	3.8
68	KD, flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	With frames or stanchions:						
69	Taken apart with frames SU, in packages 1F, 2F, 3F, 5F, 21F, 28F or 30F	.41	.38	4.3	3.8	4.5	4.0
70	KD, other than flat, in packages 1F, 3F, 5F, 21F, 42F, or, if not upholstered, in package 31F	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if KD, flat, in packages 1F, 3F, 5F or 28F.						
71	Cradles, of day-beds, without arms, wood in the white, and iron or steel combined, not upholstered, loose or in packages	.41	.38	4.3	3.8	4.5	4.0
	Cradle yards, play pens or play yards, wooden:						
72	SU, in packages 1F, 3F, 5F or 28F	.55	.52	7.6	6.7	8.1	7.2
	NOTE: Not eligible if metal, KD, or wooden, KD or collapsed in package 3F or 28F.						
	Desk sets, wooden (child's desk and chair in same package):						
73	SU, in packages 1F, 2F, 3F, 5F, 21F, 25F or 28F	.41	.38	4.3	3.8	4.5	4.0
74	KD, other than flat, finished, in packages 1F, 2F, 3F or 19F	.25	.23	2.1	1.8	2.2	2.0
	Desksets, cypress, other than rustic, or redwood, not painted or varnished:						
75	SU, in package 9F	.55	.52	7.6	6.7	8.1	7.2
76	KD, flat, in package 9F	.39	.36	4.1	3.6	4.3	3.8
	Desks, with one or more enclosed pedestals on either side or both sides of an open knee space, which contain compartments or drawers, to be not more than 2 inches wider than the open knee space, in packages 1F, 2F, 3F, 5F, 21F, 28F, 35F or 42F:						
77	SU, finished in packages 1F, 2F, 3F, 5F, 21F, 28F, 35F or 42F	.41	.38	4.3	3.8	4.5	4.0
78	KD, other than flat, finished, in packages 1F, 2F, 3F, 5F or 19F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if KD, flat, in package 9F; also if KD, flat, drawers may be SU, in packages 1F, 2F, 3F, 5F or 19F.						
79	Desks, NOIBN, steel:						
	SU, in boxes or crates, or in package 31F	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if KD.						
80	Desks, wooden:						
81	SU, in package 31F	.40	.46	5.9	5.3	6.3	5.6
82	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.41	.38	4.3	3.8	4.5	4.0
83	KD, in packages 1F, 3F, 5F, 19F or 28F	.25	.23	2.1	1.8	2.2	2.0
	Fireplaces, imitation, portable, in packages 1F, 3F, 5F, 21F or 28F	.41	.38	4.3	3.8	4.5	4.0

Item No.	Article	Factors used by wholesalers and retailers pricing under Method C: Shipments originating and terminating in Zone 1	Factors used by wholesalers and retailers pricing under Method C: Shipments between points in Zone 1 and points in Zone 2	Factors used by retailers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by retailers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2	Factors used by wholesalers pricing under Method D: Shipments originating and terminating in Zone 1	Factors used by wholesalers pricing under Method D: Shipments between points in Zone 1 and points in Zone 2
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)
	Chairs or stools, NOIBN—Continued						
	Outdoor, varnished or painted, with green paint:						
48	SU, loose	0.55	0.52	7.6	6.7	8.1	7.2
49	SU, in package 9F	.49	.46	5.9	5.3	6.3	5.6
50	KD, other than flat, in bundles	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if KD, flat, in bundles.						
	Revolving chairs and stools:						
51	SU, in packages 7F, 8F or 31F	.41	.38	4.3	3.8	4.5	4.0
52	SU, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3	2.7	2.4
53	KD, in packages 1F, 3F, 5F, 7F, 8F or 31F	.25	.23	2.1	1.8	2.2	2.0
	Barber, dental or surgeons' or chair tables, NOIBN:						
54	SU, in packages 1F, 3F, 5F, 28F or 30F	.55	.52	7.6	6.7	8.1	7.2
55	KD or folded, in packages 1F, 3F, 5F or 30F	.25	.23	2.1	1.8	2.2	2.0
	Cafeteria or school, with table arms or with table arm attachments:						
56	SU, in same package as seat; 8F may be separated from wooden parts and shipped loose	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Steel frames may be shipped in packages 1F, 3F, 5F or 28F.						
57	Rolling or invalid, hand-propelled:	.49	.46	5.9	5.3	6.3	5.6
58	Other than KD flat, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8	4.5	4.0
59	KD flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Chairs, settees, tables or taboarettes, rustic wooden:						
60	SU, loose	.55	.52	7.6	6.7	8.1	7.2
	NOTE: Not eligible if KD, in bundles.						
	Chaise lounges, couches, davenports, day-beds, divans, lounges, sofas or settees:						
61	Upholstered in package 28F, or in packages 41F or 57F, overstuffed in packages 1F, 2F or 5F	.41	.38	4.3	3.8	4.5	4.0
	NOTE: Not eligible if KD, in packages 3F, 5F or 28F. Dual purpose sleeping equipment such as sofa beds with out ends or with ends detached or enclosed in bedding compartment when ordered with mattress may be shipped in packages 10F or 16F.						
	Metal, without ends or metal with metal or wooden ends, not upholstered (see Note):						
62	SU, in packages 1F, 3F, 5F or with backs or heaves folded and tied to sides in packages 2F, 3F, 5F, 19F, 28F or 30F	.41	.38	4.3	3.8	4.5	4.0
63	KD, in packages 2F, 3F, 5F, 19F or 30F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if KD, flat, in package 3F, 5F or 19F.						
	Mattress when enclosed in same package with article:						
64	Cots, steel frame, thickness folded exceeding 12 inches	.29	.27	2.6	2.3	2.7	2.4

Item No.	Article	Factors used by wholesalers and retailers pricing under Method C		Factors used by retailers pricing under Method D		Factors used by wholesalers pricing under Method D	
		Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2	Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2	Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2
(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)
	Footstool or leg rests:						
84	SU, in package 8F	0.29	0.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if KD or SU in packages 1F, 2F, 3F, or 5F.						
85	Map cases, SU, with stands, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3	2.7	2.4
	Porch seats, swinging, NOIBN:						
86	SU, in package 19F	.41	.38	4.3	3.8	4.5	4.0
87	SU, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if KD flat or folded flat in package 9F.						
	Racks, hall (hall trees):						
88	SU, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8	4.5	4.0
89	KD, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Serving trays, wheeled, or serving wagons, with or without cooling or heating devices:						
90	SU, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3	2.7	2.4
91	KD, flat or folded, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Settees (seats with backs and legs, with or without arms, not upholstered, designed to accommodate two or more persons):						
	Iron, or iron with wooden slats:						
92	SU, in package 9F	.41	.38	4.3	3.8	4.5	4.0
	NOTE: Not eligible if KD in package 9F.						
	Wooden other than rustic:						
93	SU, in package 8F	.55	.52	7.6	6.7	8.1	7.2
94	SU, in packages 1F, 2F, 3F, 5F, 23F or 28F	.49	.46	5.9	5.3	6.3	5.6
95	Folded, in packages 1F, 2F, 3F, 5F or 8F	.25	.23	2.1	1.8	2.2	2.0
	NOTE: Not eligible if KD, in packages 1F, 3F, 5F or 8F.						
	Stands:						
96	Baggage, SU, in package 18F	.49	.46	5.9	5.3	6.3	5.6
97	SU, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8	4.5	4.0
	Chiropractic or osteopathic:						
98	SU, in packages 1F, 3F, 5F or 28F	.55	.52	7.6	6.7	8.1	7.2
99	KD or folded, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
100	Control or douche, hydro-therapeutic, KD, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
101	Domestic science or school laboratory (domestic science or school laboratory desks), or parts, with or without fume hoods, KD in package 19F	.25	.23	2.1	1.8	2.2	2.0
	Surgeons' autopsy or operating:						
102	SU, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8	4.5	4.0
103	Folded flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Veterinary surgeons' operating:						
104	SU, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8	4.5	4.0
105	KD, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Swings with platforms or suspending frames:						
106	SU, in packages 1F, 2F, 3F, 5F or 28F	.55	.52	7.6	6.7	8.1	7.2
	NOTE: Not eligible if seats, SU, suspending frames collapsed, in packages 1F, 3F, 5F or 28F, or if folded, KD flat or nested or entirely taken apart in package 9F.						
	Swings, NOIBN:						
107	SU, in packages 1F, 3F, 5F or 28F	.55	.52	7.6	6.7	8.1	7.2
108	KD, flat or folded flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8	2.2	2.0
	Tables, steel:						
109	SU, in package 9F	.29	.27	2.6	2.3	2.7	2.4
	NOTE: Not eligible if SU, in boxes or crates or if KD or folded flat. Not eligible if steel and wood combined or if wooden.						
	Tables without tops:						
110	SU, in packages 1F, 2F, 3F, 5F or 28F	.55	.52	7.6	6.7	8.1	7.2
111	Store or office fixtures:						
	Bins or shelving, steel or steel and wood combined, NOIBN:						
	SU, in boxes or crates or in package 98S	.25	.23	2.1	1.8	2.2	2.0
112	Counters, NOIBN, with or without glazed bins or drawers:						
	Steel or with steel frames:						
	SU, in boxes or crates	.25	.23	2.1	1.8	2.2	2.0
113	Show or display cases, counter or floor, NOIBN, or clothing cabinets, finished:						
	SU, in boxes or crates	.29	.27	2.6	2.3	2.7	2.4
114	KD, in flat sections, in boxes or crates	.25	.23	2.1	1.8	2.2	2.0
	Show case frames (show cases without glass) finished:						
115	SU, in boxes or crates	.55	.52	7.6	6.7	8.1	7.2
116	KD, in flat sections, in boxes or crates	.25	.23	2.1	1.8	2.2	2.0

[F. R. Doc. 52-10590; Filed, Sept. 26, 1952; 12:02 p. m.]

[General Overriding Regulation 27, Amdt. 2]

GOR 27—APPROVAL OF PRICES IN LONG TERM CONTRACTS FOR SALES OF CERTAIN COMMODITIES

SELLERS OF CALCINED GYPSUM PLASTER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to General Overriding Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 27 (GOR 27) was issued on April 2, 1952, as a regulation governing sales of certain chemicals when sold under certain long-term contracts. On July 25, 1952, GOR 27 was amended to make it applicable to certain other chemicals sold under similar long-term contracts.

It has been found that the problem dealt with in GOR 27 is present in commodities other than chemicals and that the authorization to price under long-term contracts for such commodities under the conditions set forth in GOR 27 may be appropriate. Accordingly, GOR 27 is no longer applicable solely to chemicals but also to such other commodities under long-term contracts as the Director of Price Stabilization may find its provisions appropriate.

Under GOR 27 a seller is permitted to sell the commodities specified therein in accordance with a long-term contract made prior to price control upon his filing of an application requesting permission to put into effect the pricing provision of the contract in lieu of his present ceiling prices. The statement of considerations accompanying the issuance of GOR 27 pointed out that the regulation is limited solely to situations where sellers entered into long-term contracts covering the specific commodity described in the regulation in good faith prior to price control and then found themselves unable, because of price control, to put into effect certain pricing provision of the contract.

The Director of Price Stabilization has found a similar situation affecting sales of calcined gypsum plaster to manufacturers of gypsum products. This amendment therefore extends the scope of GOR 27 to include calcined gypsum plaster when sold under long-term contract to a manufacturer of gypsum products. The statement of considerations in GOR 27 applies equally to the commodity covered by this amendment and therefore is incorporated herein.

In the formulation of this amendment, there was consultation with industry representatives to the extent practicable, and consideration was given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 27, as amended, is further amended in the following respects:

1. The title is amended to read as set forth above.

2. Section 1 is amended by substituting the word "commodity" for the word "chemical" wherever the latter word appears in that section so that section 1 will read as follows:

SECTION 1. *What this regulation does.* This regulation permits a seller who entered into a long-term written contract prior to January 26, 1951, for the sale of a commodity, listed in section 2 of this regulation, to apply for permission to put into effect the pricing provisions of that contract in the place of his present ceiling prices notwithstanding the provisions of any other regulation. A long-term contract is one obligating the seller to make deliveries of the commodity for a period of more than one year.

3. Section 2 is amended by substituting a comma for the period at the end of section 2, and adding the following:

(g) Calcined gypsum plaster sold to a manufacturer of gypsum products.

4. Section 3 is amended by substituting the word "commodity" for the word "chemical" or "chemicals" wherever the latter words appear in the section, and by eliminating the words "Rubber, Chemicals and Drugs Division." Section 3 as so amended reads as follows:

SEC. 3. *Application*—(a) *Seller's application.* Your application as a seller of a commodity listed in section 2 for permission to put into effect the pricing provisions of your long term contract in place of your existing ceiling prices must be filed with the Office of Price Stabilization, Washington 25, D. C. The application must contain the following information:

(1) Your name and address.

(2) Your buyer's name and address.

(3) A statement that you are applying under this regulation.

(4) Name and description of the commodity involved.

(5) A showing that your contract was entered into prior to January 26, 1951.

(6) A showing that you are obligated to make deliveries of the commodities for a period of more than one year.

(7) The prevailing ceiling prices for the commodity involved, and names and addresses of commodity manufacturers whose ceiling prices are cited.

In addition to the foregoing, your application must be accompanied by a copy of your contract.

(b) *Buyer's statement.* Upon receipt of your application, the Office of Price Stabilization will request of the buyer a statement containing the following information:

(1) His name and address.

(2) The type of business in which he is engaged and the use to which he puts the commodity involved.

(3) That he agrees to the prices provided by the terms of the contract.

(4) That any change in costs to him as a result of the approval of the provisions of such contract will not be used as a basis for requesting or obtaining any increase in the ceiling prices of commodities sold by him or ceiling prices for such commodities which are higher than would otherwise be allowable.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 1, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10591; Filed, Sept. 26, 1952; 12:03 p. m.]

[Ceiling Price Regulation 172]

CPR 172—DISTILLERS' DRIED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Ceiling Price Regulation 172 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for processors, jobbers, wholesalers and retailers of distillers' dried products.

Distillers' dried products are by-product feeds of the distilled liquor and alcohol industries. The dried products include distillers' dried grains (commonly referred to as light grains), distillers' dried grains with solubles (commonly referred to as dark grains), and distillers' solubles. These by-product feeds are a significant part of the country's feed ingredient supply. During the 1950–51 season, for example, the production of dried products amounted to 634,000 tons.

Distillers' dried products are high in protein and fat content. They provide nearly as much bulk as wheat bran and they contain substantially the same amount of total digestible nutrients as corn. Because of their feeding characteristics, the dried products are extensively used as feed ingredients in dairy and other cattle rations.

Prices for distillers' dried products were frozen at depressed levels under the General Ceiling Price Regulation (the GCPR) and then under Supplementary Regulation (SR) 18 to the GCPR, as a consequence of abnormally heavy production and abnormally large supplies of these products during the base period common to both regulations (December 19, 1950 to January 25, 1951). Subsequent adjustments in the ceiling prices of competing by-product feeds, and the increase in the prices of competing feed grains increased the distortion in normal price relationships. In order that more nearly normal price relationships might obtain until such time as a tailored regulation was put into effect for distillers' dried products, this Office, on February 23, 1952, issued SR 90 to the GCPR. SR 90 permitted processors to sell their distillers' dried products at amounts up to $10.00 per ton above their SR 18 ceiling prices, provided that they agreed in writing to make refunds if the ceiling prices subsequently established by the tailored regulation were lower than their selling prices.

This regulation does three things. First, it establishes dollars-and-cents ceiling prices which are based on normal price relationships, and thereby eliminates price distortions existing under SR 18. Second, it sets ceiling prices at all levels of distribution in order to facilitate orderly marketing of the dried products. Third, it tailors pricing and other provisions to the practices of the industry.

Processors' ceiling prices for deliveries of products of standard protein content at any point within an area are the basing point prices for that area plus the lowest proportional grain products rate (or if no such proportional rate, the lowest applicable rate) from the area basing point to the point of delivery. The area basing point prices are as follows:

Products	Area A—Basing point prices, Peoria, Ill.	Area B—Basing point prices, Louisville, Ky.	Area C—Basing point prices, Kansas City, Mo., and Omaha, Nebr.
Light grains—21 percent protein content	$65.00	$69.50	$63.25
Dark grains—21 percent protein content	67.00	71.50	65.25
Solubles—30 percent protein content	84.00	88.50	82.25

Area A includes roughly the northern states located east of the Mississippi River and parts of Virginia and West Virginia. Area B includes all the southern states located east of the Mississippi River. Area C includes the rest of the country.

The basing points used and pricing by reference to these points follow customary industry practices.

The ceiling prices were arrived at by applying historical price relationships to the ceiling prices for corn gluten feed, a closely competitive by-product feed of similar feeding characteristics. The basing point prices established also reflect customary price differentials between these points.

Provision is made for processors' l. c. l. differentials and for the pricing of products of less than standard protein content.

Jobbers calculate their ceiling prices at any point by applying fixed dollars-and-cents markups to processors' ceiling prices at the same point. Wholesalers and retailers calculate their ceiling prices by applying fixed dollars-and-cents markups to their suppliers' delivered ceiling prices.

Dollars-and-cents allowances for sacks and sacking are also provided.

It is estimated that the ceiling prices established under this regulation are slightly higher than currently prevailing prices.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as

amended, and comply with all of the applicable provisions of that act.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing industry practices. Insofar as any provisions of this regulation may operate to compel changes in those practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Processors' ceiling prices, per ton, bulk.
3. Jobbers' ceiling prices.
4. Wholesalers' and retailers' ceiling prices.
5. Sacking allowances.
6. Petitions for amendment.
7. Adjustable pricing.
8. Excise taxes.
9. Transfer of business.
10. Records.
11. Interpretations.
12. Compliance and enforcement.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Coverage.* This regulation establishes ceiling prices for sales by processors, jobbers, wholesalers and retailers of distillers' dried products. For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation (the GCPR), Supplementary Regulation (SR) 18, Rev. 1 to the GCPR, and SR 90 to the GCPR.

(b) *Geographical applicability.* This regulation applies in the 48 States of the United States and the District of Columbia.

(c) *Exemptions.* This regulation does not apply to:

(1) Export sales and sales for export. These sales are covered by Ceiling Price Regulation 61.

(2) Sales of imported distillers' dried products. These sales are covered by Ceiling Price Regulation 31.

SEC. 2. *Processors' ceiling prices, per ton, bulk.* If you are a processor, your ceiling prices for distillers' dried grains (light grains), distillers' dried grains with solubles (dark grains) and distillers' solubles, per ton, bulk, are as follows:

(a) *Deliveries in carload quantities and standard protein content.* (1) Your ceiling prices delivered in carload shipments or pool car lots to any point within an area are the basing point prices for the area, as set forth in Table I, plus the lowest proportional grain products railroad rate (or if no such proportional rate, the lowest applicable railroad rate) from the area basing point to the point of delivery.

TABLE I—PROCESSORS' BASING POINT PRICES PER TON

Products	Standard protein content	Area A—Basing point prices, Peoria, Ill.	Area B—Basing point prices, Louisville, Ky.	Area C—Basing point prices, Kansas City, Mo., and Omaha, Nebr.
	Percent			
Distillers' dried grains (light grains)	21	$65.00	$69.50	$63.25
Distillers' dried grains with solubles (dark grains)	24	67.00	71.50	65.25
Distillers' solubles	30	84.00	88.50	82.25

(2) For deliveries at any point in Area C, use the area basing point (either Kansas City or Omaha, as the case may be) which will result in the lowest ceiling prices at the point of delivery.

(b) *Less or more than standard protein content.* (1) If you deliver a distillers' dried product of less than the standard protein content set forth for the product in Table I reduce your ceiling price for the product in such proportion as the deficiency bears to the standard protein content.

(2) If you deliver a distillers' dried product of more than the standard protein content set forth in Table I, your ceiling price is the same as your ceiling price for that product of standard protein content.

(c) *L. c. l. differential.* For deliveries in less than carload lots, add $1.00 per ton to your ceiling price.

SEC. 3. *Jobbers' ceiling prices.* If you are a jobber, your ceiling price for a lot of a distillers' dried product delivered at any point is the processors' ceiling price for that lot at the same point, as determined under section 2, plus the applicable markup set forth in Table II.

TABLE II—JOBBERS' MARKUPS

Type of delivery made by jobber:	*Markup per ton*
Deliveries in pool car lots	$1.25
All other deliveries	1.00

SEC. 4. *Wholesalers' and retailers' ceiling prices.* (a) If you are a wholesaler or a retailer, your ceiling price for a distillers' dried product is your "cost at ceiling" (as determined under paragraph (b) of this section), plus your "transportation cost" (as defined in paragraph (d) of this section), if any, from your warehouse or store, plus the applicable markup set forth in Table III.

TABLE III—WHOLESALERS' AND RETAILERS' MARKUPS

	Markup per ton
Wholesalers	$5.00
Retailers	9.00

(b) Except as provided in paragraph (c) in this section, determine your "cost at ceiling" for a distillers' dried product by the following methods:

(1) Method 1. If you maintain the identity of any receipt then, on the sale of such receipt, you may use as your "cost at ceiling" your supplier's ceiling price for that receipt at the rail point nearest your warehouse or store plus your "transportation cost", if any, from that rail point to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) Method 2. You may use this method for the resale of any two or more receipts. In using it, you may not include in your calculations any receipt whose identity is maintained and for which you determine your "cost at ceiling" under Method 1.

For receipts in bulk, use as your "cost at ceiling" the weighted average of your suppliers' delivered ceiling prices at the rail point nearest your warehouse or store plus your "transportation cost," if any, from that rail point to your warehouse or store. Determine your "cost at ceiling" for receipts in sacks by the same method. You calculate each weighted average of ceiling prices as follows:

(i) Select a day for calculation and recalculate on that day each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

(a) Step 1. Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

(b) Step 2. Multiply the number of tons of each receipt by your supplier's ceiling price per ton for that receipt at the rail point nearest your warehouse or store and add to this amount your transportation costs, if any, from that rail point to your warehouse or store.

(c) Step 3. Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is the "cost at ceiling" for the first week for all sales of that distillers' dried product (except, of course, for sales for which you elect to determine your ceiling price under Method 1).

(iii) Follow the directions of subdivision (ii) of paragraph (b) (2) of this section for all weekly recalculations except that you use your last receipt prior to the day of recalculation and all receipts during the 14 day period preceding such last receipt in arriving at your "cost at ceiling".

(iv) If you wish to discontinue using this Method 2 for a distillers' dried product, you may do so if, on the next recalculation day, you take an inventory of the product. You may then treat the amount in inventory (excluding any receipts priced under Method 1) as a receipt on which your "cost at ceiling" is the weighted average price you would compute under this Method 2 for the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

(c) Only one markup by a wholesaler is permitted under this regulation in

connection with the sale of any distillers' dried product. Accordingly, if you are a wholesaler and your supplier of a receipt is also a wholesaler, your ceiling price for such receipt is his ceiling price to you for the receipt plus your transportation costs, if any, to and from your warehouse or store. You must, of course, exclude such receipt from your calculations of any "cost at ceiling" under paragraph (b) of this section.

(d) "Transportation cost" means:

(1) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily in such transportation charges) which are actually incurred by the seller or the purchaser, as the case may be. This amount may include, if applicable, the 3 percent transportation tax.

(2) When the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading) not exceeding the lawful common carrier or contract carrier rate for the same service or any ceiling price established by the Office of Price Stabilization for such service.

(3) When any movement involves a combination of the types of transportation described in subparagraphs (1) and (2) of this paragraph, the sum of the amounts computed separately for each portion of the movement.

SEC. 5. *Allowance for sacks and sacking.* (a) If you are a processor and you sell and deliver a distillers' dried product in your sacks, or if you are a wholesaler or a retailer and you sack a distillers' dried product which you buy in bulk, you may add to your ceiling price, as otherwise determined under this regulation, $1.00 per ton plus the lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the distillers' dried product you deliver; *or*

(2) The applicable allowance set forth in Table IV.

TABLE IV—SACKING ALLOWANCES PER TON

Type of sack used	New sacks	Used sacks
	Per ton	*Per ton*
Burlap or burlap lined with paper	$5.80	$3.60
Cotton	6.40	4.80
Paper	2.80	-------

(b) If you sack a lot of a distillers' dried product in sacks furnished by your buyer, you may add $1.00 per ton to your ceiling price for the lot in bulk, as otherwise established under this regulation.

SEC. 6. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 7. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 8. *Excise taxes.* If you have customarily separately stated and collected any excise or similar tax, you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily state and collect separately from the purchase price the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price. In the case of such tax imposed after the effective date of this regulation, if at the time you calculate your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you. In every case where the tax is collected from the purchaser, the amount thereof shall be separately stated.

SEC. 9. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any distillers' dried product business and carry on the business or continue to deal in any distillers' dried product separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business, assets or stock, you must either preserve and make available, or turn over to the transferee all records which are necessary for him to comply with the ceiling price or record provisions of this regulation.

SEC. 10. *Records*—(a) *General.* Except as otherwise provided in this section, every person who sells and every person who in the course of business buys a distillers' dried product shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(b) *Sales.* Every person making a sale under this regulation to a buyer other than a feeder shall record each such sale on an invoice or bill of sale, a copy of which must be given to the buyer. Every person making a sale to a feeder in a lot of more than 1,000 pounds must keep a record thereof, although it does not have to be in the form of an invoice or bill of sale, and, upon demand, must give a copy of such record to the feeder. Every such sales record must state: the name and address of the seller and buyer; the date of sale and delivery; the kind of distillers' dried product and its guaranteed protein content (if any); the selling price. Except for sales of 5,000 pounds or less to a feeder, sales records must also indicate: the buyer's receiving point; the charge, if any, made for sacks and sacking; the applicable basing point price and freight from basing point to the buyer's receiving point (in the case of sales records of processors and jobbers); any transportation charge incurred by the seller in making delivery to his purchaser (in the case of sales records of wholesalers and retailers); and any markup specified in the regulation which is added by the seller.

(c) *Purchases.* Every person other than a feeder making a purchase in the course of trade or business must keep the records which his seller is required to give him under this section.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local Office of Price Stabilization District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation No. 1, Revised.

SEC. 12. *Compliance and enforcement*—(a) *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, (but not in limitation of the above) you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established under this regulation, and you shall make and preserve true and accurate records required under this regulation.

(b) *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted under this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in-agreements, trade understanding, as well as omission from records of true data and inclusion in the records of false data.

(c) *Penalties.* If you violate any provisions of this regulation, you are subject to criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act of 1950, as amended.

SEC. 13. *Definitions*—(a) *Areas.* (1) "Area A" includes the area east of Illinois-Indiana state line; on and north of the Ohio River to Kenova, West Virginia; on and north of the Norfolk and Western Railroad from Kenova to Roanoke, Virginia; on and north of the Virginia Railroad from Roanoke, Virginia to Norfolk, Virginia; and the states of Illinois and Wisconsin.

(2) "Area B" includes the area south of Area A and east of the Mississippi River.

(3) "Area C" includes the rest of the continental United States.

(b) *Sellers and related terms.* (1) "Jobber" means, with respect to any lot, a person other than the processor who sells such lot without having previously unloaded it into a warehouse or store.

(2) "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(3) "Processor" means, with respect to any lot, the person who manufactures that lot from the residue obtained in the production of alcohol or distilled liquors.

(4) "Retailer" means a person, other than the processor who maintains a "store", and who, with respect to any lot he has purchased and unloaded into the store, resells such lot to a feeder.

(5) "Store" means a building where a regular business of selling and delivering feeds or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis in such business or in a general retail business of which such feed or grain business is a part.

(6) "Wholesaler" means, with respect to any lot:

(i) A person, other than the processor, who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or,

(ii) A person other than the processor, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(7) "You" means a person subject to this regulation.

(8) "Your supplier" means the person from whom a wholesaler or retailer purchases the lot for which he is establishing a ceiling price.

(c) *Products covered.* (1) "Distillers' dried grains (light grains)" means the product obtained in the manufacture of distilled liquors and alcohol from one or more agricultural commodities by drying that portion of the whole stillage retained by screens.

(2) "Distillers' dried grains with solubles (dark grains)" means the product obtained in the manufacture of distilled liquors and alcohol from one or more agricultural commodities by drying that portion of the whole stillage retained by screens to which condensed screened stillage has been added so that the final product contains not less than three-fourths of the solids content of the whole stillage.

(3) "Distillers' solubles" means the product obtained in the manufacture of distilled liquors and alcohol from one or more agricultural commodities by condensing and drying the screened stillage obtained therefrom.

(4) "Distillers' dried products" means distillers' dried grains (light grains), distillers' dried grains with solubles (dark grains) or distillers' solubles.

(d) *Miscellaneous.* (1) "Carload shipment" means a lot which, when shipped by rail, takes a carload rate under the applicable railroad tariff requirements, and includes mixed car shipments taking such rate.

(2) "Pool car lot" means a lot being shipped to the buyer as part of a rail carload shipment of products sold by one seller to two or more persons.

(3) "Less-than-carload lot" means any lot other than a pool car lot which is less than a carload shipment. It includes any delivery by or into a truck.

(4) "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Effective date. This regulation becomes effective October 1, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10589; Filed, Sept. 26, 1952; 12:02 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 6]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

CLARIFICATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2 this amendment to General Overriding Regulation 5, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to GOR 5, Revision 1, issued August 29, 1952, suspended from ceiling price regulations the following floor coverings: "Soft surface floor coverings made entirely of wool or falling within the categories of chenille, wilton, velvet, axminster, and punched felt." As was said in the Statement of Considerations accompanying that amendment these are the same floor coverings then covered at the manufacturer's level by SR 11 to the GCPR. The language used in defining the coverage of the suspension action was the same as that used in defining the coverage of SR 11 to the GCPR. Since the issuance of Amendment 2 to GOR 5, Rev. 1, however, it has come to the attention of the agency that this language, taken out of the context of SR 11 to the GCPR, has given rise to some questions as to the exact coverage, particularly with regard to the category of "chenille." The term "chenille" was used in the technical sense of "true" chenille, i. e., chenille woven on a carpet loom. It was not intended to include what is known in the rug and carpet manufacturing industry as "cotton chenille," such as is found in certain bath mats, throw rugs and even rugs of larger size which are not woven on a carpet loom. This amendment is being issued to clarify the coverage of the suspension action.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is amended in the following respect:

Section 105 is hereby amended to read as follows:

SEC. 105. *Floor coverings.* The following floor coverings:

Soft surface floor coverings which are made entirely of wool.

Soft surface floor coverings regardless of material, which are woven on a carpet loom and are of the axminster, wilton, velvet or chenille type of weave.

Punched felt floor coverings.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10593; Filed, Sept. 26, 1952; 4:00 p. m.]

[General Interpretation 8]

GEN. INT. 8—RETENTION OF RECORDS FOR COMMODITIES WHICH HAVE BEEN EXEMPTED FROM PRICE CONTROL

A question has been raised as to whether records relating to a decontrolled material or service must continue to be preserved after such material or service has been exempted from price control. The obligation to preserve records imposed by the regulation applicable to any material or service at the time it is exempted from control is not terminated by such exemption. Any records which the seller was required, under the OPS regulation applicable to him, to have at the time the material or service was decontrolled must continue to be preserved for the period specified in the applicable regulation. The obligation to preserve these records exists regardless of whether or not the instrument which decontrols the commodity or service specifically so provides.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10592; Filed, Sept. 26, 1952; 4:00 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 77 to Schedule A]

[Rent Regulation 2, Amdt. 75 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 27, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(272) Williamsport	B	In Lycoming County, the city of Williamsport, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport, and the townships of Armstrong, Clinton, Loyalsock, and Old Lycoming.	Mar. 1, 1942	Nov. 1, 1942
	C	In Lycoming County the city of Williamsport, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport, and the townships of Armstrong, Clinton, Loyalsock, and Old Lycoming.	Jan. 1, 1952	Sept. 29, 1952
	A	In Lycoming County the boroughs of Hughesville, Jersey Shore, Muncy, Picture Rocks and Salladasburg, and the townships of Anthony, Bastress, Brady, Eldred, Fairfield, Hepburn, Limestone, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	do	Do.
	B	In Montour County, the borough of Danville, and the township of Mahoning; in Northumberland County, the cities of Shamokin and Sunbury, the boroughs of Northumberland and Riverside, and the townships of Coal, Gearhart, Point, Rockefeller, and Upper Augusta; in Snyder County, the borough of Selingrove, and the townships of Monroe and Penn including Shamokin Dam; and in Union County, the borough of Lewisburg, and the townships of Buffalo and East Buffalo.	Mar. 1, 1942	Dec 1, 1942
	B	In Clinton County, the city of Lock Haven, the boroughs of Flemington, Mill Hall and Renovo, and the townships of Allison, Bald Eagle, Castanea, Dunstable, Pine Creek, Wayne and Woodward.	do	Feb. 1, 1944

[F. R. Doc. 52-10513; Filed, Sept. 26, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 84, to Schedule A]

[Rent Regulation 4, Amdt. 28 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

These amendment are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 27, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(272) Williamsport	Pennsylvania	In Lycoming County, the city of Williamsport; the boroughs of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	Jan. 1, 1952	Sept. 29, 1952

[F. R. Doc. 52-10514; Filed, Sept. 26, 1952; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

EMPLOYMENT OF LEARNERS IN CIGAR INDUSTRY IN CONTINENTAL UNITED STATES; SUBMINIMUM RATES

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) the Administrator has heretofore issued regulations (§§ 522.201 through 522.211) providing for the employment of learners in the cigar industry in the continental States at wages lower than the minimum wage applicable under section 6 of the act.

Such regulations have been re-examined in the light of recent changes in wage levels, administrative experience in the operation of the regulations, and after consultation with interested parties in the industry. All relevant information available indicates that it is necessary and appropriate, in the light of the standard set forth in section 14 of the act, to amend the learner regulations for this industry by increasing the minimum learner wage rates as provided below.

On September 6, 1952, notice was published in the FEDERAL REGISTER that the Administrator proposed to amend this part as provided below, and interested persons were given 15 days to submit data, views or argument pertaining to such amendment. No such material has been submitted.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended, § 522.204 (a) is hereby amended to read as follows:

§ 522.204 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 65 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 65 cents per hour for the first 480 hours and 70 cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 65 cents per hour for the first 320 hours and 70 cents per hour for the second 320 hours in the occupation of making Italian stogies; and not less than 65 cents per hour in the occupations of hand stripping and machine stripping.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

The above amendment shall become effective October 27, 1952.

Signed at Washington, D. C., this 24th day of September 1952.

WM R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-10509; Filed Sept. 26, 1952; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

NATURALIZATION MATTER; AUSTRALIA AND INDONESIA

Correction

In F. R. Doc. 52–10104, appearing on page 8363 of the issue for Wednesday, September 17, 1952, make the following change:

The sixth line of paragraph (d) of § 58.12 should read "zation] Service by clerks of [State or".

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

CREDIT FOR TAXES OF FOREIGN CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of section 332 (relatng to credit for taxes of foreign corporations) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.131–1 the following:

SEC. 332. CREDIT FOR TAXES OF FOREIGN CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Foreign subsidiary of a domestic corporation.* Effective with respect to dividends received by a domestic corporation from a foreign corporation during taxable years beginning after December 31, 1950, the first sentence of section 131 (f) (1) is hereby amended by striking out "a majority" and inserting in lieu thereof "at least 10 per centum".

(b) *Foreign subsidiary of a foreign corporation.* Effective with respect to dividends received by a foreign corporation from another foreign corporation in taxable years beginning after December 31, 1950, section 131 (f) (2) is hereby amended by striking out "all the voting stock (except qualifying shares)" and inserting in lieu thereof "50 per centum or more of the voting stock".

(c) *Clerical amendment.* So much of section 131 (f) (1) as precedes the first sentence thereof is hereby amended to read as follows:

(f) *Taxes of foreign corporations.*—(1) *Treatment of taxes paid by foreign corporation.*

PAR. 2. Section 29.131–3, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by revising the first sentence, which commences with the words "For credit where taxes", of paragraph (d) thereof to read as follows: "For credit available to a domestic corporation with respect to taxes paid by a foreign corporation, see § 29.131–7."

PAR. 3. Section 29.131–7, as amended by Treasury Decision 5452, approved April 19, 1945, is further amended as follows:

(A) By revising so much thereof as precedes the words "of the voting stock of a foreign corporation", which appear in the first sentence of paragraph (a) thereof, to read as follows:

§ 29.131–7 *Taxes of foreign corporation*—(a) *Domestic corporation owning stock of a foreign corporation.* In the case of a domestic corporation which owns a majority or, effective with respect to dividends received during a taxable year beginning after December 31, 1950, at least 10 percent * * *.

(B) By striking out of the expression "paid or accrued by such controlled foreign corporation to any foreign country", which appears in the first sentence of paragraph (a) thereof, the word "controlled" so that such expression will read as follows: "paid or accrued by such foreign corporation to any foreign country".

(C) By revising the second and third sentences of paragraph (a) thereof, which commence, respectively, with the words "See, however, the limitations" and "If dividends are received", to read as follows: "If dividends are received from more than one such foreign corporation, the limitation is to be computed separately for the dividends received from each. For other limitations upon the amount of credit available under section 131, see § 29.131–8."

(D) By striking out of the last sentence of paragraph (a) thereof "a controlled" and inserting in lieu thereof "such a", so that such sentence will read as follows: "Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only."

(E) By revising the headnote and paragraph (b) (1) thereof to read as follows:

(b) *Foreign corporation owning stock of another foreign corporation.* (1) If any foreign corporation coming within the scope of paragraph (a) of this section owns all (except qualifying shares) or, effective with respect to dividends received in a taxable year beginning after December 31, 1950, 50 percent or more of the voting stock of another foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid that proportion of any income, war-profits, and excess-profits taxes paid or accrued by the latter corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war-profits, and excess-profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country upon or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(F) By striking out of paragraph (b) (2) thereof the following: "parent".

[F. R. Doc. 52–10520; Filed, Sept. 26, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 156]

COMMISSIONER OF ACCOUNTS, BUREAU OF ACCOUNTS

DELEGATION OF GENERAL AUTHORITY OVER FUNCTIONS OF ALL OFFICERS, EMPLOYEES, AND AGENCIES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Accounts, to the extent not heretofore transferred to him, the functions of all officers, employees, and agencies of the Bureau of Accounts.

The functions herein transferred may be delegated by the Commissioner to subordinates in the Bureau of Accounts in such manner as he shall from time to time direct.

This order shall become effective as of October 1, 1952.

Dated: September 24, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–10521; Filed, Sept. 26, 1952; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2509, Amdt. 17]

DELEGATIONS OF AUTHORITY; GENERAL

SEPTEMBER 22, 1952.

Order No. 2509, Amendment No. 16, July 18, 1952 (17 F. R. 6793), is amended as follows:

1. Section 1 (a) (4) is amended to read:

(4) The issuance of regulatory documents, which are subject to codification in the Code of Federal Regulations (44 U. S. C., 1946 ed., sec. 305; 1 CFR 1.10), other than public land orders; and

2. Section 50 (g) is amended to read:

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Office of Territories, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration and the Southwestern Power Administration.

3. Section 51 (a) is amended to read:

(a) Irrespective of the amount involved, the Chief Clerk is authorized to enter into contracts for supplies or services (1) for the Office of the Secretary, and (2) for bureaus and offices and territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute.

4. Section 60 is amended by inserting after the caption the letter "(a)" and by adding a new subsection (b) to read:

(b) The Commissioner of Reclamation may redelegate to legal personnel of the bureau the authority granted in subsection (a) above.

5. Section 61 is amended by inserting after the caption the letter "(a)" and by adding a new subsection (b) to read:

(b) The Commissioner of Reclamation may redelegate to legal personnel of the bureau the authority granted in subsection (a) above.

(Sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174)

VERNON D. NORTHROP,
Under Secretary of the Interior.

[F. R. Doc. 52–10473; Filed, Sept. 26, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S–18 (Sub. No. 1)]

PACIFIC TRANSPORT LINES, INC.

NOTICE OF HEARING

Notice is hereby given that a hearing has been authorized and directed to be held concerning the application of Pacific Transport Lines, Inc., for written permission under section 805 (a) of the Merchant Marine Act, 1936, to continue to engage in domestic service between California ports and the Hawaiian Islands, such permission to be contingent upon approval by the Federal Maritime Board of said company's pending application for operating-differential subsidy on Freight Service 2 of Trade Route 29. Temporary permission to continue such domestic service is also sought by the company in the event affirmative action should be taken on said application for subsidy before final action is taken on the subject request.

The hearing will be held before Chief Examiner G. O. Basham, at a time and place hereafter to be announced, to receive evidence relative to determinations which the Board is required, after hearing, to make pursuant to section 805 (a) of said act. It will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and the presiding officer will issue a recommended decision.

All persons, firms, or corporations having any interest in such application and desiring to participate in the hearing should notify the Board accordingly on or before October 7, 1952, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: September 24, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc 52–10523; Filed, Sept. 26, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 28 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043; and June 2, 1952; 17 F. R. 3818).

Elloree Garment Corporation, Elloree, S. C., effective 9–19–52 to 3–18–1953; 25 learners for expansion purposes (ladies' lingerie, night gowns, pajamas).

Hadley Manufacturing Corp., 1709 North Church Street, Burlington, N. C., effective 9–11–52 to 3–10–53; 25 learners for expansion purposes (ladies' lingerie).

Charles W. Henson Garment Manufacturing Co., Inc., Lawrenceville, Ga., effective 9–11–52 to 3–10–53; 25 learners for expansion purposes (work shirts, work pants).

The H. D. Lee Co., Inc., Box 454, Boaz, Ala., effective 9–11–52 to 3–10–53; 25 additional learners for expansion purposes (pants, overalls, coveralls), supplemental certificate.

Northern Garment Manufacturing Co., Inc., Onaway, Mich., effective 9–10–52 to 9–9–53; three learners for normal labor turnover (men's and boys' jackets and pants).

Omega Corporation, Yoe, Pa., effective 9–11–52 to 9–10–53; 10 learners for normal labor turnover (men's and boys' shirts).

Reznick Garment Co., Fifth and Follis Streets, Johnston City, Ill., effective 9–11–52 to 3–10–53; 25 learners for expansion purposes (ladies' dresses and lingerie).

Rutherford Garment Co., Rutherford, Tenn., effective 9–12–52 to 9–11–53; 10 percent for normal labor turnover purposes (wool jackets and mackinaws).

Wilson Bros., 1000 Lane Avenue, Crawfordsville, Ind., effective 9–10–52 to 3–9–53; 15 learners for expansion purposes (men's sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Pennstate Cigar Corp., 426 East Allegheny Avenue, Philadelphia, Pa., effective 9–12–52 to 3–11–53; 48 learners for expansion purposes. Cigar machine operators, 320 hours at 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 9–9–52 to 3–8–53; 125 learners for expansion purposes (cotton and leather palm gloves), expansion certificate.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Chattooga Mills, Inc., Summerville, Ga., effective 9–15–52 to 5–14–53; 20 learners for expansion purposes.

Granite Hosiery Mills, Mount Airy, N. C., effective 9–12–52 to 5–11–53; 25 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Dundee Telephone and Telegraph Co., Dundee, N. Y., effective 9–15–52 to 9–14–53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

El Capitan Sportswear, 8211 Lankershim Boulevard, North Hollywood, Calif., effective 9–15–52 to 3–14–53; 10 learners for expansion purposes only (children's bathing and sunsuits).

Rohrer Knitting Mills, Inc., South Wayne Street, Orwigsburg, Pa., effective 9–15–52 to 9–14–53; 5 percent of the total number of productive factory workers (not including office and sales personnel) (men's and boys' knitted underwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not

available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of September 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-10474; Filed, Sept. 25, 1952; 8:45 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Opportunity Workshop of the Jewish Vocational Service of Essex County, 652 High Street, Newark 2, New Jersey; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective August 22, 1952, and expires February 28, 1953.

Memphis Goodwill Industries, Inc., 94 North Second Street, Memphis, Tennessee; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher 40 cents per hour for the first 160 hours, 50 cents per hour for the next 160 hours and 60 cents per hour thereafter. Certificate is effective August 8, 1952, and expires July 31, 1953.

Cleveland Rehabilitation Center, 2239 East Fifty-fifth Street, Cleveland, Ohio; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for a training period of 40 hours and 10 cents thereafter, whichever is higher. Certificate is effective August 6, 1952, and expires July 31, 1953.

Flint Goodwill Industries, Inc., 2410 North Saginaw, Flint, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for a training period of 40 hours, and 35 cents thereafter, whichever is higher. Certificate is effective August 7, 1952, and expires July 31, 1953.

Cleveland Society for the Blind, 2275 East Fifty-fifth Street, Cleveland, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 40 hours and a training period of 120 hours, 20 cents thereafter in the Contract Shop and 40 cents in the Sewing and Broom Departments, whichever is higher. Certificate is effective August 6, 1952, and expires July 31, 1953.

Goodwill Industries of Toledo, Inc., 601 Cherry Street, Toledo 4, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 30 cents per hour for a training period of 40 hours and 50 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Michigan Veterans' Facility, Soldiers' Home, 3000 Monroe Avenue, Grand Rapids 5, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 19 cents per hour, whichever is higher. Certificate is effective September 1, 1952, and expires August 31, 1953.

The Volunteers of America, Peoria Post, 823 Jefferson Avenue, Peoria, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Missouri Goodwill Industries, 4140 Forest Park Boulevard, St. Louis 8, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective July 29, 1952, and expires December 31, 1952.

Goodwill Industries of Denver, Inc., 1130 Thirty-first Street, Denver 5, Colorado; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 35 cents per hour for an evaluation period of 80 hours and a training period of 120 hours and 45 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires January 31, 1953.

Daisy Ann Originals Manufacturing Company, 2604 Routh Street, Dallas, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hours for an evaluation period of 80 hours and a training period of 80 hours and 60 cents thereafter, whichever is higher. Certificate is effective September 1, 1952, and expires August 31, 1953.

The Volunteers of America, 1955 Post Street, San Francisco 15, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour for an evaluation period of 160 hours and 75 cents thereafter, whichever is higher. Certificate is effective August 28, 1952, and expires August 27, 1953.

Goodwill Industries of Oregon, 512 Southeast Mill Street, Portland 14, Oregon; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour for an evaluation period of 160 hours and 55 cents thereafter, whichever is higher. Certificate is effective July 28, 1952, and expires January 24, 1953.

Davis Memorial Goodwill Industries, 1218 New Hampshire Avenue NW., Washington, D. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rates hereinafter specified, whichever is higher: 25 cents per hour for the entire shop with the exception of the following departments: Administration, Handling and Building Maintenance, 50 cents per hour; and Transportation, 30 cents an hour. Certificate is effective August 1, 1952, and expires July 31, 1953.

Onondaga Health Association, sponsors of Onondaga Workshop for the Handicapped, McCarthy Building, Syracuse 2, New York; at a wage rate of not less than the rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective September 15, 1952, and expires March 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment of other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 18th day of September 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-10508; Filed, Sept. 26, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 5566, 5569]

COLONIAL AIRLINES, INC. ET AL.; ACQUISITION OF ASSETS; INTEGRATION INVESTIGATION

NOTICE OF HEARING

In the matter of the application of Colonial Airlines, Inc., and Eastern Air Lines, Inc., under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement with the acquisition of the assets of Colonial Airlines, Inc., by Eastern Air Lines, Inc., Docket No. 5666;

In the matter of an integration of the routes of National Airlines, Inc., and Colonial Airlines, Inc., Docket No. 5569.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 408, 412, and 1002 (b) of said act, that public hearings in the above-entitled proceedings are hereby assigned to be held on October 27, 1952, at 10:00 a. m., e. s. t., in Room 5855, Department of Commerce Building between Fourteenth and Fifteenth Streets on Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues involved in these proceedings, particular attention will be directed to the following matters:

1. Whether an agreement, dated July 18, 1952, between Colonial and Eastern, covering acquisition by Eastern of the assets of Colonial should be approved as being consistent with the public interest and in accordance with the other statutory tests prescribed by the Civil Aeronautics Act; and

2. Whether the integration of the routes of National and Colonial into a single unified system by means of merger, consolidation, acquisition of control, route transfer or in any other lawful manner would be in the public interest and in accordance with the public convenience and necessity as defined in section 2 of said Civil Aeronautics Act.

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in these proceedings must file with the Board on or before October 27, 1952, a statement setting forth the matters of fact or law which he desires to advance.

For further details regarding these proceedings and the issues involved therein, all interested parties are referred to the application under Docket No. 5666; Board Order Serial No. E-6427, dated May 14, 1952, under Docket No. 5569; and the Examiner's Reports of Prehearing Conference, served July 10, 1952 and August 8, 1952, respectively. Each of the foregoing documents is on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., September 24, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10515; Filed, Sept. 26, 1952; 8:53 a. m.]

[Docket No. 4902 et al.]

CONSOLIDATED FLOWER SHIPMENTS, INC. ET AL.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Consolidated Flower Shipments, Inc.-Bay Area, John Barulich, William Zappettini; Docket No. 4902 et al.

In the matter of the investigation of the activities and practices of Consolidated Flower Shipments, Inc.-Bay Area, and others.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, assigned to be heard on October 7, is postponed to October 23, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 24, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10516; Filed, Sept. 26, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1702]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that on September 12, 1952, Jersey Central Power & Light Company (Jersey Central), a New Jersey corporation having its principal place of business at Asbury Park, New Jersey, and New Jersey Natural Gas Company (New Jersey), a New Jersey corporation having its principal place of business at Atlantic Highlands, New Jersey, filed a joint application in Docket No. G-1702 requesting that the Commission reopen the above-entitled proceeding for the purpose of amending the order issued September 20, 1951, to substitute the name of New Jersey for that of Jersey Central.

Applicants state that subsequent to issuance of the order of September 20, 1951, wherein Jersey Central was granted a certificate of public convenience and necessity authorizing it to construct and operate facilities for the transportation of natural gas into its system, New Jersey has acquired all of the gas properties of Jersey Central (Docket Nos. G-1896 and G-1897), and that New Jersey will construct and operate the facilities authorized in Docket No. G-1702.

Applicants request that their application be heard under the shortened procedure provided by the Commission's rules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1952. The application is on file with the Commission and open for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10497; Filed, Sept. 25, 1952; 8:49 a. m.]

[Docket No. G-1781]

UNITED FUEL GAS CO.

NOTICE OF CONTINUANCE OF HEARING

SEPTEMBER 24, 1952.

Upon consideration of the request of Commission staff counsel filed September 24, 1952, for continuance of the hearing in the above-designated matter now scheduled for September 29, 1952;

Notice is hereby given that said hearing be and it is hereby continued to 10:00 a. m., October 6, 1952, in the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10522; Filed, Sept. 26, 1952; 8:54 a. m.]

[Docket Nos. G-2011, G-2031]

OHIO FUEL GAS CO.

ORDER DENYING REQUESTS FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

On July 25, 1952, the Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application in Docket No. G-2011 for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity authorizing

the construction and operation of approximately 2.2 miles of 6⅝-inch and 7-inch natural-gas transmission pipeline, representing replacement of a portion of its existing Line E–2 and extension of said Line E–2 to a new point of delivery to the National Fireproofing Corporation, and in connection therewith, an order authorizing and approving the abandonment of a portion of said Line E–2 consisting of 1.3 miles of 4½-inch pipe.

On August 15, 1952, Applicant filed an application in Docket No. G–2031 for an order disclaiming jurisdiction, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 13.9 miles of 10¾ inch natural-gas transmission pipeline in Clark and Champaign Counties, in Ohio, extending from Applicant's existing Line "Z" to Urbana, Ohio, representing replacement of 13.3 miles of 6⅝-inch line between the same points, and in connection therewith, an order authorizing and approving the abandonment of said 13.3 miles of 6⅝-inch line, and authorization to construct and operate measurement facilities and to deliver natural gas to the Liquid Carbonic Corporation.

Due notice of the filing of said applications has been given, including publication in the FEDERAL REGISTER on August 20, 1952 (Docket No. G–2011) (17 F. R. 7610) and on September 13, 1952 (Docket No. G–2031) (17 F. R. 8279).

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

It appears that the above-entitled proceedings involve common questions of law and fact with respect to jurisdiction.

The Commission finds:

(1) Good cause has not been shown for granting Applicant's request that its applications in Docket Nos. G–2011 and G–2031 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purposes of hearing.

The Commission orders:

(A) The Ohio Fuel Gas Company's request that its applications in Docket Nos. G–2011 and G–2031 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) The aforesaid proceedings in Docket Nos. G–2011 and 2031 be and the same hereby are consolidated for purposes of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on October 13, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in said applications.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance September 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–10500; Filed, Sept. 26, 1952; 8:50 a. m.]

[Docket No. G–2064]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that on September 12, 1952, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct approximately 0.7 miles of 24-inch pipeline on its existing suspension bridge across the Red River in Red River Parish, Louisiana, said line to be in addition to its existing line crossing the Red River.

Applicant states that said line will be connected to facilities proposed to be constructed by Texas Eastern Transmission Corporation (Texas Eastern) in Docket No. G–1947, and that the line will be operated by Texas Eastern under terms of a license agreement between it and Texas Eastern dated September 11, 1952. Estimated cost of the proposed facilities is $140,830.

Applicant requests that its application be heard under the shortened procedure provided by the Commission's rules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1952. The application is on file with the Commission and open for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–10498; Filed, Sept. 26, 1952; 8:49 a. m.]

[Docket No. G–2066]

CHATTAHOOCHEE NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1952.

Take notice that on September 12, 1952, Chattahoochee Natural Gas Company (Applicant), a Georgia corporation having its principal place of business at Birmingham, Alabama, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a natural-gas pipeline to commence at a point of connection with the pipeline of Southern Natural Gas Company in Floyd County, Georgia, and to extend approximately 43 miles therefrom in a northeasterly direction to the City of Dalton, Georgia.

Said pipeline will be designed to serve the municipalities of Trion, Summerville, LaFayette, and Dalton, all in Georgia, and for such purpose Applicant proposes to construct lateral lines varying from 10.2 to 3.6 miles in length. Applicant states that the proposed system is designed to deliver up to 11,500 Mcf per day and that it has executed a precedent agreement with Southern Natural Gas Company for delivery of sufficient quantities of gas to enable it to provide adequate service to said four communities.

Estimated cost of the proposed pipe line is $1,533,254.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of October 1952. The application is on file with the Commission and open for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–10499; Filed, Sept. 26, 1952; 8:49 a. m.]

[Project No. 2064]

WINTER ELECTRIC LIGHT AND POWER CO.

ORDER FIXING HEARING

On May 12, 1952, Winter Electric Light and Power Company's license for proposed Project No. 2064, filed application for amendment of its license for the project situated in the East Fork of the Chippewa River, Sawyer County, Wisconsin, to include therein findings under section 4 (e) of the Federal Power Act respecting navigability and effect of the proposed project on the interests of interstate or foreign commerce, and a finding under section 21 of the act as a basis for the licensee to exercise the right of eminent domain.

The State of Wisconsin and the Public Service Commission of Wisconsin have intervened in opposition to the amendment sought.

The Commission finds: It is appropriate and in the public interest that a public hearing be held on the application for amendment of the license for Project No. 2064.

The Commission orders: A public hearing be held commencing on November 13, 1952 at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., respecting the matters involved and issues presented in this proceeding on the application for amendment of license for proposed Project No. 2064.

Date of issuance: September 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–10501; Filed, Sept. 26, 1952; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 16, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Mutual Mortgage Insurance Fund Debentures, Series K, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1953, on which date interest on such debentures shall cease:

2½ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES K

Denomination:	Serial Nos. (*all numbers inclusive*)
$50	2 to 3
$100	3 to 4
$500	2 to 3
$1,000	3 to 4
$5,000	3 to 4

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1952, and provision will be made for the payment of final interest due on January 1, 1953, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1952, to December 31, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1953, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Commissioner.

Approved: September 19, 1952.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–10475; Filed; Sept. 26, 1952; 8:45 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 16, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C. title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1953, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial Nos. (*all numbers inclusive*)
$50	814 to 920
$100	10509 to 10927
$500	885 to 985
$1,000	4104 to 4524
$5,000	840 to 999; 1251
$10,000	4656 to 5000; 7851 to 8501

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1952, and provision will be made for the payment of final interest due on January 1, 1953, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1952, to December 31, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1953, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Commissioner.

Approved: September 19, 1952.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–10476; Filed, Sept. 26, 1952; 8:46 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 16, 1952.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1953, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	Serial Nos. (*All numbers inclusive*)
$50	231 to 326
$100	838 to 1239
$500	277 to 332
$1,000	773 to 1098
$5,000	310 to 492
$10,000	110 to 137

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1952. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1952, and provision will be made for the payment of final interest due on January 1, 1953, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1952, to December 31, 1952, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1953, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Commissioner.

Approved: September 19, 1952.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–10477; Filed, Sept. 26, 1952; 8:47 a. m.]

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section IV, *Special delegations of authority*, is amended as follows:

Paragraph g is added to section IV as follows:

(g) The Field Office Director of the Fort Worth, Texas Field Office is hereby delegated the authority to execute "Agreements Not to Alienate or Sell Property" between PHA and Local Housing Authorities located in the State of Louisiana.

Date approved: September 22, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52–10478; Filed, Sept. 26, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-598]

COMBINED LOCKS PAPER CO.

ORDER GRANTING EXEMPTION

SEPTEMBER 22, 1952.

Combined Locks Paper Co. ("Combined Locks"), having filed an application with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption from the provisions of the act on behalf of itself and its wholly owned subsidiaries, the D. M. Eare Paper Company, a non-utility company and South Shore Utility Company, a public utility company; and

Due notice of the filing of said application having been given and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Combined Locks is only incidentally a holding company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that the granting of an exemption to Combined Locks as a holding company and to its subsidiaries as such will not be detrimental to the public interest and the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Combined Locks as a holding company and its subsidiaries as such be, and the same hereby are, exempted from all provisions of the act, such companies remaining subject, however, to any obligations imposed upon them in any capacity other than as a holding company or a subsidiary of a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10482; Filed, Sept. 26, 1952; 8:48 a. m.]

[File No. 31-600]

CONNOR LUMBER AND LAND CO.

ORDER GRANTING EXEMPTION

SEPTEMBER 22, 1952.

The Connor Lumber and Land Company ("Connor"), having filed an application with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption from the provisions of the act on behalf of itself and its subsidiaries, Connor Builders Supply Company, Rat River Improvement Company, Connor Hardwood Products, Inc., and Laona & Northern Railway Company, all of which are non-utility companies, and Laona Public Service Company, a public-utility company; and

Due notice of the filing of said application having been given and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Connor is only incidentally a holding company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that the granting of an exemption to Connor as a holding company and to its subsidiaries as such will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Connor as a holding company and its subsidiaries as such be, and the same hereby are, exempted from all provisions of the act, said companies remaining subject, however, to any obligation imposed upon them in any capacity other than as a holding company or as a subsidiary of a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10481; Filed, Sept. 26, 1952; 8:48 a. m.]

[File No. 54-206]

UNITED PUBLIC SERVICE CORP.

ORDER APPROVING PLAN

SEPTEMBER 22, 1952.

United Public Service Corporation ("UPS"), a registered holding company, having filed a plan and amendments thereto ("Plan") with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), for the liquidation and dissolution of UPS;

A public hearing having been held after appropriate notice, at which hearing all interested persons were afforded an opportunity to be heard;

UPS having requested the Commission to enter an order finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby and that the Commission's order herein become effective immediately upon its issuance;

UPS having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the Plan;

The Commission having considered the record in the matter and having filed its findings and opinion herein, finding that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to all persons affected thereby;

It is ordered, On the basis of the record herein and the said findings and opinion, pursuant to section 11 (e) of the act and other applicable provisions of the act, that the said Plan be, and it hereby is, approved, subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Plan;

2. That jurisdiction be and it hereby is, specifically reserved with respect to the following matters:

a. The supervision of efforts to locate stockholders of UPS entitled to cash distributions under the terms of the Plan.

b. The entertaining of such further proceedings, entering of such supplemental findings and such further orders, and the taking of such further action as may be necessary in connection with the Plan, the transactions incident thereto, and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10483; Filed, Sept. 26, 1952; 8:48 a. m.]

[File No. 59-99]

NORTHERN STATES POWER CO. (MINNESOTA) ET AL.

NOTICE OF ORDER FOR HEARING

SEPTEMBER 22, 1952.

In the matter of Northern States Power Company (Minnesota) and its subsidiary companies, respondents; File No. 59-99.

The Commission having been advised by its Division of Public Utilities ("Division") that the Division, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("the act"), has examined the corporate structure of Northern States Power Company ("the Minnesota Company"), a Minnesota corporation, with principal offices at Minneapolis, which is both an operating utility company and a registered holding company, the corporate structures of its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby; and it appearing to the Division from such examination that:

I. 1. (a) The Northern States Power Company holding-company system consists of the following companies, with State of organization, State of operations, and nature of business, with indentations to show the relationship of the companies inter se:

	State of organization	States of operations	Nature of business
Northern States Power Co.	Minnesota	Minnesota, North Dakota, South Dakota.	Electric, gas, steam-heating, water, telephone, and holding company.
Minneapolis Mill Co.	do	Minnesota	Water power and dam ownership.
Saint Anthony Falls Water Power Co.	do	do	Do.
Mississippi & Rum River Boom Co.	do	do	Water rights and lands.
United Power & Land Co.	do	do	Real estate holdings.
Chippewa Valley Construction Co.	Wisconsin	Wisconsin, Minnesota	Do.
Chippewa River Power & Fibre Co.	do	Wisconsin	Do.
Interstate Light & Power Co.	do	do	Electric and gas.
St. Croix Falls Wisconsin Improvement Co.	do	do	Electric.
St. Croix Power Co.	do	do	Electric power production.
Northern States Power Co.	do	Wisconsin, Minnesota	Electric, gas, hot water, steam-heating and holding company.
Chippewa and Flambeau Improvement Co.	do	Wisconsin	Ownership and operation of water storage reservoirs.
Eau Claire Dells Improvement Co.	do	do	Electric power production.

(b) All the voting securities of the system subsidiaries are owned by their respective parent companies except that 2 percent of the voting securities of Northern States Power Company, a Wisconsin Corporation ("the Wisconsin Company"), represented by its outstanding preferred stock, are publicly held, and 45 percent of the voting securities of Chippewa and Flambeau Improvement Company are owned by other users of the water storage facilities of that company who are not part of the holding company system.

(c) The Wisconsin Company was exempted from registration as a holding company pursuant to section 3 (a) (2) of the act, by order of the Commission dated June 23, 1936.

2. (a) Approximately 89 percent of the system's total consolidated operating revenues of $88,727,994 for 1951 were derived from the sale of electricity, 9 percent from the sale of gas, and 2 percent from heating, water and telephone services.

(b) As at December 31, 1951, the system's utility plant account was shown on its consolidated balance sheet as follows:

At original cost:	
Electric	$309,895,125
Gas	20,590,770
Other utilities	6,031,621
Common	5,635,642
Total	342,153,158
Less reserves for depreciation and amortization	65,437,545
Net	276,715,613
Acquisition adjustments in process of amortization	1,993,728
Total	278,709,341

3. The Minnesota Company and its public-utility subsidiaries furnish electricity to a population estimated by the companies at approximately 1,335,000. The system companies supply electric service at retail in 478 communities, and electric energy (directly or indirectly) at wholesale for resale in 73 additional communities. Of the communities served, 372 (including Minneapolis and St. Paul) are located in Minnesota, 114 in Wisconsin, 21 in North Dakota and 44 in South Dakota. In addition, the companies furnish electric service directly to many rural and farm customers, and at wholesale to rural electric cooperative associations and to other utility companies. The major part of the electric territory is served through interconnected facilities extending through west-central Wisconsin and central and southern Minnesota into and including part of southeastern South Dakota. In addition, the Minnesota company serves the Fargo-Grand Forks area of eastern North Dakota and northwestern Minnesota and the Minot (North Dakota) area, which areas are not interconnected with each other nor with the facilities in west-central Wisconsin, central and southern Minnesota, and southeastern South Dakota. These additional areas accounted for approximately $4,600,000 out of the system's total 1951 electric operating revenues of $79,098,708.

4. The Minnesota Company and two of its subsidiaries furnish gas at retail in 24 communities in Minnesota, Wisconsin, and North Dakota. Gas operating revenues for the year 1951 totaled $8,221,181 for the 100,024,602 therms sold during that period, and there were 135,628 gas customers at December 31, 1951. Natural gas (purchased from Northern Natural Gas Company, a non-affiliated company) is served in St. Paul and 7 other communities in Minnesota, while manufactured or liquefied petroleum gas is served in 9 communities in Minnesota, 5 in Wisconsin, and 2 in North Dakota.

5. The Minnesota Company and the Wisconsin Company serve hot water or steam for heating in 2 communities in Minnesota, 2 in Wisconsin and 3 in North Dakota. For the year 1951, the system derived $1,010,687 of revenues from this type of service and there were 1,295 steam heating customers at December 31, 1951.

6. The Minnesota Company supplies telephone service in Minot, North Dakota and vicinity. For the year 1951 it received $376,655 revenue from this service and there were 7,979 telephone subscribers as at December 31, 1951.

7. The Minnesota Company also supplies water service in Tracy, Minnesota for which it received revenues totaling $20,673 for the year 1951. There were 858 water customers as at December 31, 1951.

II. 8. The Division avers that the foregoing allegations indicate or tend to indicate that the Minnesota Company and its subsidiaries may not, under the standards of section 11 (b) (1) of the act, continue to own, operate or control the following properties and facilities along with the electric properties and facilities located in west-central Wisconsin, southern and central Minnesota, and southeastern South Dakota (to the extent that such interconnected properties and facilities constitute an integrated public-utility system):

(a) The gas utility properties and facilities, it appearing that these properties and operations are non-retainable under the standards of Clauses A and C of said section;

(b) The electric utility properties and facilities in North Dakota and northwestern Minnesota, serving Minot, Grand Forks, Fargo and contiguous communities, it appearing that these properties are non-retainable under the same standards;

(c) The heating, telephone, and water-distribution properties and facilities, it appearing that these minor businesses are not public utilities as defined by the act, and that they may not be retained as reasonably incidental, or economically necessary or appropriate to the operations of the integrated public-utility system or systems retainable under the control of the Minnesota Company.

It appearing to the Commission, on the basis of the above allegations of the Division of Public Utilities, that proceedings should be instituted under section 11 (b) (1) of the act with respect to the Northern States Power Company holding company system:

It is ordered, That proceedings be and the same hereby are instituted under section 11 (b) (1) of the act with respect to the Minnesota Company and each of its subsidiary companies hereinbefore named, all of which are made respondents herein.

It is further ordered, Pursuant to the applicable provisions of the act, that a hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on October 28, 1952, at 10:00 o'clock, a. m., e. s. t. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. At such time respondents and any other interested persons will be heard with respect to the matters and questions hereinafter set forth.

It is further ordered, That such respondents shall file with the Secretary of the Commission on or before October 20, 1952, their joint or several answers in the form prescribed by Rule U-25 under the act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I and II hereof. The answer should state which of the properties and facilities of the Northern States Power Company holding company system constitutes its principal system. Any such answer may include a statement of the claim of the respondents, or any of them, as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of the system to a single integrated public-utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (b)

the extent to which the system should be permitted to continue to control, in addition to its claimed principal system, one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of section 11 (b) (1) of the act; and (c) the extent to which any of said respondents should be permitted to own, operate or control any business (other than the business of a public-utility company as such) as reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system or systems. Any such answer may, if such respondents so desire, state that they propose and are prepared to take such action as will cause them to comply with section 11 (b) (1) within the meaning of the act, together with a description of such action and the time within which they propose to take action.

The Division of Public Utilities having advised the Commission that, upon the basis of its preliminary examination of the Northern States Power Company holding company system, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the electric utility assets of the Northern States Power Company holding company system constitute an integrated electric utility system or systems;

(b) Whether the gas utility assets of the Northern States Power Company holding company system constitute an integrated gas utility system or systems;

(c) The nature, extent and location of the principal public-utility system of the Northern States Power Company holding company system;

(d) Whether, in addition to the Northern States Power Company holding company system's principal integrated public-utility system, any of its additional electric or gas utility systems may be retained under common control under the provisions of section 11 (b) (1) of the act, specifically Clauses (A) and (C) thereof;

(e) Whether any of the non-utility businesses conducted by the Northern States Power Company holding company system are reasonably incidental or economically necessary or appropriate to the operations of the integrated public-utility system or systems retainable under common control;

(f) What action is necessary to be taken by the Northern States Power Company holding company system to limit the operations of the system to those of a single integrated public-utility system, together with such additional utility systems, and other businesses, if any, as are retainable under the standards of section 11 (b) (1) of the act;

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That Edward C. Johnson or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, not later than five days prior to the date hereinbefore fixed as the date for said hearing, his request or application therefor, as prescribed by Rule XVII of the rules of practice of the Commission. Such request shall set forth the nature of the applicant's interest in the proceedings, his reasons for requesting to be heard or to intervene, which of the allegations and issues, as hereinbefore set forth, applicant proposes to controvert, together with a statement of any additional issues which the applicant proposes to raise with respect to the proceedings herein instituted.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail not less than 30 days prior to the date fixed therefor to each of the respondent companies, the Federal Power Commission, the Railroad and Warehouse Commission of Minnesota, the Public Service Commission of Wisconsin, the Public Service Commission of North Dakota, and the Public Utilities Commission of South Dakota; and that notice of said hearing is hereby given to the aforesaid and to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of the respondent companies, to all state commissions, state security commissions, and all agencies, authorities or instrumentalities of any state, municipality, or other political subdivision having jurisdiction over any of the respondent companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act; and by publication of this notice and order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10479; Filed, Sept. 26, 1952; 8:47 a. m.]

[File No. 70-2912]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF BIDDING IN SALE OF BONDS AND OVER CERTAIN FEES AND EXPENSES

SEPTEMBER 23, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, having filed an application, with amendments thereto, under section 6 (b) of the act with respect to the issuance and sale by Duquesne, pursuant to the competitive bidding requirements of Rule U-50, of 140,000 shares of 4.15 percent Preferred Stock, $50 par value, and $14,000,000 principal amount of First Mortgage ------ percent Bonds, Series due September 1, 1982; and

The Commission, by order dated September 8, 1952, having granted said application, as amended, except that the issuance and sale of the preferred stock and the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order or orders issued, for which purpose jurisdiction was reserved; and the Commission, by order dated September 16, 1952, having released jurisdiction with respect to the issuance and sale of the preferred stock; and

Jurisdiction also having been reserved in said orders of September 8, 1952, and September 16, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Duquesne having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the order of the Commission, dated September 8, 1952, it offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company [1] (percent of principal amount)	Annual cost to company (percent)
Kuhn, Loeb & Co.	3¼	101.962	3.1484
Halsey, Stuart & Co. Inc.	3¼	101.939	3.1496
The First Boston Corp.	3¼	101.819	3.1557
Glore, Forgan & Co.	3¼	101.6799	3.1628
Drexel & Co. and Equitable Securities Corp.	3¼	101.437	3.1753
Harriman Ripley & Co., Inc.	3¼	101.348	3.1799
White, Weld & Co.	3¼	101.18	3.1886

[1] Plus accrued interest from Sept. 1, 1952, to the date of delivery and payment.

Said amendment having further stated that Duquesne has accepted the bid of Kuhn, Loeb & Co. for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 102.422 percent of the principal amount thereof, plus accrued interest from September 1, 1952, resulting in an underwriters' spread of .46 percent of the principal amount of the bonds, or an aggregate amount of $64,400; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing any terms or conditions with respect to the price to be received by Duquesne for the bonds, the interest rate, the underwriters' spread, or otherwise, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the bonds be released; and

The record having been completed with respect to certain fees and expenses and the Commission deeming it appropriate to release jurisdiction as to such fees and expenses provided such fees and expenses, paid or to be paid, as to which jurisdiction is being released, do not exceed the amounts stated below:

It is ordered, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the bonds be, and the same hereby is, released subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, released with respect to the following fees and expenses, provided they do not exceed the amounts herein stated:

	Preferred Stock	Bonds	Total
Securities and Exchange Commission filing fee	$756	$1,449	$2,205
Federal stamp tax	7,700	15,400	23,100
Pennsylvania stock bonus	14,000	None	14,000
Printing	9,000	11,000	20,000
Engraving	10,250	7,100	17,350
Trustee's charges including authentication	None	9,500	9,500
Qualifying under securities laws of various States	2,000	2,000	4,000
Listing on New York Stock Exchange	1,400	1,700	3,100
Miscellaneous expenses	2,394	3,351	5,745
Total	47,500	51,500	99,000

It is further ordered, That jurisdiction, heretofore reserved, over fees and expenses for accounting and legal services in connection with the proposed transactions be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10480; Filed, Sept. 26, 1952; 8:48 a. m.]

SAN FRANCISCO STOCK EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission today announced that it had declared effective a revised Plan filed on August 18, 1952, by the San Francisco Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of all applications, reports and documents filed with that Exchange prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. The Plan also provides for the regular disposition of similar material which has been on file with the Exchange more than five years, as soon as practicable after January 1st of each year.

The purpose of the Plan is to alleviate the record storage problem of the Exchange and to facilitate the availability of material filed with the Exchange within five years. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The original Plan of this Exchange, which was declared effective on June 25, 1951, and discussed in Securities Exchange Act Release No. 4621, did not make provision for the disposal of any material filed pursuant to section 14 of the Securities Exchange Act of 1934, and limited the material which could be disposed of under section 12 of that act. Under the revised Plan, the Exchange will be permitted to dispose of all applications, reports and documents filed prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or the rules and regulations thereunder.

The Text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the revised Plan filed on August 18, 1952 by the San Francisco Stock Exchange pursuant to Rule X-17A-6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said revised Plan by sending at least 10 days' written notice to the San Francisco Stock Exchange.

The Commission finds that Rule X-17A-6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action may be and is hereby declared to be effective September 19, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 18, 1952.

[F. R. Doc. 52-10484; Filed, Sept. 26, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 63]

GREAT LAKES-NORTH CHICAGO-WAUKEGAN, ILLINOIS, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 26, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as—

Great Lakes-North Chicago-Waukegan, Illinois, Area: (The area consists of all of Lake County, Illinois.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10585; Filed, Sept. 26, 1952; 10:52 a. m.]

[RC 64]

SIOUX CITY, IOWA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 26, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as—

Sioux City, Iowa, Area: (The area consists of all of Woodbury County, Iowa.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10586; Filed, Sept. 26, 1952; 10:52 a. m.]

[RC 65]

PORTSMOUTH-CHILLICOTHE, OHIO AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 26, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as—

Portsmouth-Chillicothe, Ohio, Area: (The area consists of all of Scioto, Pike, Ross, and Jackson Counties, Ohio.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as

amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

Dated: September 26, 1952.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10587; Filed, Sept. 26, 1952; 10:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27417]

RUBBER TIRES FROM POINTS IN TENNESSEE, ALABAMA, AND MISSISSIPPI TO SANDUSKY, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Rubber tires and parts, carloads.

From: Chattanooga and Memphis, Tenn., Gadsden, Robbins, Tuscaloosa, Birmingham, and North Birmingham, Ala., and Natchez, Miss.

To: Sandusky, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 122.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10442; Filed, Sept. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27418]

COKE FROM INDIANAPOLIS AND TERRE HAUTE, IND., TO POINTS IN ARKANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

SEPTEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 680.

Commodities involved: Coke, coke breeze, dust, screenings, and related articles, carloads.

From: Indianapolis and Terre Haute, Ind.

To: Points in Arkansas and Oklahoma.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 680, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10443; Filed, Sept. 25, 1952; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 191

Washington, Tuesday, September 30, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2991

IMPOSING IMPORT FEES ON SHELLED AND PREPARED ALMONDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, and section 3 of the act of June 28, 1950, 64 Stat. 261 (7 U. S. C. 624), I caused the United States Tariff Commission to make an investigation to determine whether certain tree nuts are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, certain programs or operations undertaken by the Department of Agriculture with respect to such nuts, or to reduce substantially the amount of any product processed in the United States from such nuts with respect to which any such program or operation is being undertaken; and

2. WHEREAS the Commission instituted such investigation on April 13, 1950, and on November 24, 1950 reported to me that there was at that time no basis for any action under the said section 22 with respect to imports of such nuts, but that it was continuing the investigation; and

3. WHEREAS, after further investigation, including a public hearing, the Commission, on November 28, 1951, reported to me regarding the need for action under the said section 22 in order to protect the programs of the United States Department of Agriculture for the crop year 1951–52 with respect to almonds, pecans, filberts, and walnuts, in which report the Commission found that the imposition of a specified fee on imports of shelled almonds and of blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of a specified aggregate quantity, was necessary to prevent imports of such almonds from rendering ineffective or materially interfering with the program undertaken by the Department of Agriculture with respect to almonds; and

4. WHEREAS, in accordance with the Commission's recommendation in the said report of November 28, 1951, on December 10, 1951 I issued a proclamation pursuant to the said section 22 imposing a fee on imports of shelled almonds and on blanched, roasted, or otherwise prepared or preserved almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of a certain aggregate quantity, as specified in the Commission's recommendation; and

5. WHEREAS the Commission continued the said investigation for the purpose of reporting to the President regarding any later action which might be found to be necessary to carry out the purposes of the said section 22; and

6. WHEREAS, after further investigation, including a hearing, for the purpose of determining what action, if any, should be taken under the said section 22 with respect to imports of certain tree nuts, to prevent imports of such nuts from entering during the 1952–53 crop year under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, programs undertaken by the Department of Agriculture with respect to almonds, filberts, walnuts, or pecans, or to reduce substantially the amount of any product processed in the United States from domestic almonds, filberts, walnuts, or pecans, the Commission reported to me on September 25, 1952 its findings resulting from such investigation; and

7. WHEREAS, on the basis of such further investigation and report of the Commission, I find that shelled almonds, blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) are practically certain to be imported into the United States during the period October 1, 1952 to September 30, 1953, both dates inclusive, under such conditions and in such quan-

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tities as to render or tend to render ineffective, or materially interfere with the program undertaken by the Department of Agriculture with respect to almonds pursuant to the Agricultural Marketing Agreement Act of 1937, as amended; and

8. WHEREAS I find and declare that the imposition of the fees hereinafter proclaimed are shown by such investigation of the Commission to be necessary in order that the entry of imported shelled almonds, blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) will not render or tend to render ineffective, or materially interfere with, the said program undertaken by the Department of Agriculture with respect to almonds:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim:

That a fee of 5 cents per pound shall be imposed upon shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds (not including almond paste) entered, or withdrawn from warehouse, for consumption during the period October 1, 1952 to September 30, 1953, both dates inclusive, until an aggregate quantity of 7,000,000 pounds of such almonds have been so entered or withdrawn during such period, and a fee of 10 cents per pound shall be imposed upon such almonds entered, or withdrawn from warehouse, for consumption during such period in excess of an aggregate quantity of 7,000,000 pounds: *Provided*, That in neither case shall the fee be in excess of 50 per centum ad valorem.

The fees imposed by this proclamation shall be in addition to any other duties imposed on the importation of the articles subject to such fees.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of September in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-10643; Filed, Sept. 29, 1952; 12:45 p. m.]

EXECUTIVE ORDER 10398

MILITARY PROTECTION OF THE CANAL ZONE

WHEREAS the Commander in Chief, Caribbean, is responsible, subject to the authority of the President, the Secretary of Defense, the Secretary of the Army, and the Joint Chiefs of Staff, for the military security, protection, and defense of the Canal Zone;

WHEREAS the Canal Zone Government, under the Governor of the Canal Zone and subject to the supervision of the Secretary of the Army, is charged, except as otherwise provided by law, with the performance of various duties connected with the civil government, including protection, of the Canal Zone;

WHEREAS as a practical matter, the aforesaid duties of the Commander and the Governor are not wholly mutually exclusive, particularly in time of emergency; and

WHEREAS it is necessary to make appropriate arrangements concerning the security of the Canal Zone during the present emergency:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including the Canal Zone Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. As between the Commander in Chief, Caribbean, and the Governor of the Canal Zone, the views of the former shall prevail with respect to determinations as to whether any aspect of the protection of the Canal Zone pertains to its military security, protection, and defense, as distinguished from the protection afforded by the civil authorities. Should the Governor of the Canal Zone disagree with any specific decision of the Commander in Chief, Caribbean, under this paragraph, the said Governor may, through the Secretary of the Army or through the Board of Directors of the Panama Canal Company, as may be appropriate, appeal such decision to the President. Pending any modification of the said decision by the President pursuant to appeal, such decision shall remain binding and effective. The provisions of this paragraph shall remain in force until the termination of the emergency proclaimed by the President December 16, 1950.

2. Executive Order No. 2382 of May 17, 1916, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 26, 1952.

[F. R. Doc. 52-10613; Filed, Sept. 26, 1952; 4:41 p. m.]

EXECUTIVE ORDER 10399

DESIGNATING THE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE TO PERFORM CERTAIN DUTIES UNDER THE INTERNATIONAL SANITARY REGULATIONS (WORLD HEALTH ORGANIZATION REGULATIONS NO. 2)

WHEREAS, under Articles 21 and 22 of the Constitution of the World Health Organization, adopted in New York on July 22, 1946, accepted June 14, 1948, on behalf of the United States of America by the President acting pursuant to the authority granted by the joint resolution of the Congress of the United States of America approved June 14, 1948 (Public Law 643, 80th Congress, 22 U. S. C. 290), the Government of the United States of America, together with the governments of other countries which have accepted the said Constitution, undertakes to give effect to regulations of the World Health Assembly concerning sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease, as to which the said governments have not entered an unacceptable reservation or a rejection; and

WHEREAS the World Health Assembly on May 25, 1951, adopted International Sanitary Regulations (World Health Organization Regulations No. 2) concerning sanitary and quarantine measures which may be imposed on international traffic to prevent the international spread of smallpox, plague, cholera, yellow fever, typhus, and relapsing fever, as well as concerning reports and notifications of outbreaks of such diseases; and

WHEREAS the said International Sanitary Regulations have been accepted by the Government of the United States of America without reservation and come into force on October 1, 1952, with respect to the said Government and the governments of certain other countries; and

WHEREAS, in order that the Government of the United States of America may give full and complete effect to the said regulations and assist in the prevention of the international spread of disease, it is necessary that an agency of the executive branch of the said Government be designated to exercise functions and perform duties under the said regulations; and

WHEREAS authority and responsibility for the prevention of the introduction, transmission, or spread of communicable diseases from foreign countries into the States and possessions of the United States of America already is vested in the Surgeon General of the Public Health Service, Federal Security Agency, pursuant to the Public Health Service Act (Public Law 410, 78th Congress; 42 U. S. C. 201, et seq.):

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, I hereby designate the Surgeon General of the Public Health Service in the Federal Security Agency as the "health administration" of the United States of America for the purpose of performing the duties prescribed and undertaken in the said International Sanitary Regulations.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 27, 1952.

[F. R. Doc. 52-10627; Filed, Sept. 29, 1952; 10:26 a. m.]

EXECUTIVE ORDER 10400

AMENDING EXECUTIVE ORDER NO. 10122[1] OF APRIL 14, 1950, ENTITLED "REGULATIONS GOVERNING PAYMENT OF DISABILITY RETIREMENT PAY, HOSPITALIZATION, AND RE-EXAMINATION OF MEMBERS AND FORMER MEMBERS OF THE UNIFORMED SERVICES"

By virtue of and pursuant to the authority vested in me by section 414 (b) of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the Armed Forces of the United States, I hereby amend Executive Order No. 10122 of April 14, 1950, entitled "Regulations Governing Payment of Disability Retirement Pay, Hospitalization, and Re-examination of Members and Former Members of the Uniformed Services", as follows, such amendments to be effective October 15, 1952:

Section 3 of such order is amended to read as follows: "All duties, powers, and functions incident to the hospitalization, except as provided in section 5 of this order, and re-examination of members of the uniformed services placed on the temporary disability retired list under the provisions of the Career Compensation Act of 1949 shall be vested in the Secretary concerned."

Section 5 of such order is amended to read as follows: "All duties, powers, and functions incident to the hospitalization of members or former members of the uniformed services placed on the temporary disability retired list or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases shall be vested in the Administrator of Veterans' Affairs: *Provided*, that all duties, powers, and functions incident to the hospitalization of such members or former members who are or have been admitted to hospitals under the jurisdiction of the uniformed services before October 15, 1952, may be exercised by the Secretary concerned until April 15, 1953: *Provided further*, that all the duties, powers, and functions incident to hospitalization for such members or former members who have completed twenty or more years of active duty, as defined in section 412 of the Career Compensation Act of 1949, who require hospitalization for chronic diseases other than blindness, neuropsychiatric or psychiatric disorders and tuberculosis, who are acceptable medically to the Commanding Officer of a service hospital, and who elect not to receive hospitalization in Veterans Administration facilities shall be vested in the Secretary concerned: *And provided further*, that for the purpose of this order, the term 'chronic diseases' shall be construed to include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be so defined jointly by the Secretary of Defense, the Administrator of Veterans' Affairs, and the Federal Security Administrator and so described in appropriate regulations of the respective departments and agencies concerned. Executive Order No. 9703 of March 12, 1946, prescribing regulations relating to the medical care of certain personnel of the Coast Guard, Coast and Geodetic Survey, Public Health Service, and the former Lighthouse Service, is hereby amended to the extent necessary to conform to the provisions of this section."

HARRY S. TRUMAN

THE WHITE HOUSE,
September 27, 1952.

[F. R. Doc. 52-10628; Filed, Sept. 29, 1952; 10:27 a. m.]

[1] 15 F. R. 2173; 3 CFR 1950 Supp.

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR SHELLED ALMONDS

On August 15, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 7435) regarding proposed United States Standards for Shelled Almonds.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice of rule making, the following United States Standards for Shelled Almonds are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.457 *Standards for shelled almonds*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 3 percent;

(*c*) *For kernels injured by chipping or scratching.* 5 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(*f*) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for serious damage.

(2) *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 5 percent;

(*c*) *For kernels damaged by chipping or scratching.* 5 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(*f*) *For other defects.* 4 percent, including not more than three-eighths of this amount, or 1½ percent, for serious damage.

(3) *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping or scratching.* 10 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(*f*) *For other defects.* 5 percent, including not more than three-tenths of this amount, or 1½ percent, for serious damage.

(4) *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping and scratching.* 15 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 5 percent: *Provided*, That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(5) *U. S. Standard Sheller Run.* U. S. Standard Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 25 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 15 percent: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $^{20}/_{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(6) *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(ii) Unless otherwise specified, the minimum diameter shall be not less than $^{20}/_{64}$ of an inch. (See other size requirements and tolerances for size.)

(iii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 35 percent;

(*c*) *For foreign material.* Three-tenths of 1 percent (0.30%);

(*d*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*e*) *For undersize.* 5 percent; and,

(*f*) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(7) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum diameter shall be not less than $^{5}/_{64}$ of an inch. (See other size requirements and tolerances for size.)

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For bitter almonds mixed with sweet almonds.* 1 percent;

(*b*) *For foreign material.* Three-tenths of 1 percent (0.30%);

(*c*) *For particles and dust.* 1 percent; and,

(*d*) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(b) *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

(c) *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any

of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided*, That the kernels are fairly uniform in size.

Count range per ounce
16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
36 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

(e) *Tolerances for size.* When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided*, That not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

(f) *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

(2) "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

(3) "Clean" means that the kernel is practically free from dirt and other foreign substance.

(4) "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

(5) "Decay" means that the kernel is putrid or decomposed.

(6) "Rancidity" means that the kernel is noticeably rancid to the taste.

(7) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(8) "Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening 3/64 of an inch in diameter.

(9) "Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

(10) "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening 9/64 of an inch in diameter.

(11) "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening 3/64 of an inch in diameter.

(12) "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(i) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

(13) "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(ii) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(iii) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(iv) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(v) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

(14) "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

(15) "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

(16) "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

(h) *Effective time.* The United States Standards for Shelled Almonds contained in this section and which supersede the United States Standards for Shelled Almonds effective August 23, 1951, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of September 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10572; Filed, Sept. 29, 1952; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 8458), notice that the market administrator under Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 904.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 4, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 4, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 904.102 and renumber §§ 904.103, 904.104, and 904.105 as §§ 904.102, 904.103, and 904.104. Change the references to these sections in § 904.101 accordingly.

2. In the new § 904.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 904.102 (d)) to the new § 904.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Delete paragraph (b) from § 904.112 and renumber paragraphs (c) and (d) as (b) and (c).

5. Amend the table of standard weights in § 904.141 to provide the following standard weights for flavored milk and flavored skim milk, minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10577; Filed, Sept. 29, 1952; 8:54 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 8458), notice that the market administrator under Order No. 34, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area (7 CFR Part 934), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 934.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 34, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 34, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 934.102 and renumber §§ 934.103, 934.104, and 934.105 as §§ 934.102, 934.103, and 934.104. Change the references to these sections in § 934.101 accordingly.

2. In the new § 934.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 934.102 (d)) to the new § 934.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 934.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10576, Filed, Sept. 29, 1952; 8:54 a. m.]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendment thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than October 1, 1952. Any delay beyond October 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the North Texas marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective October 1, 1952 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 943.51 (a) (3) and substitute therefor the following:

(3) For each of the months of October 1952 through February 1953 the amount to be added to the basic formula price shall be $2.66 in lieu of $2.20, and for the month of March 1953 such amount shall be $2.43 in lieu of $2.20.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of September 1952, to be effective on and after the 1st day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10616; Filed, Sept. 30, 1952; 8:53 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 20, 1952 (17 F. R. 3458) notice that the market administrator under Order No. 96, regulating the handling of milk in the Springfield, Massachusetts, marketing area (7 CFR Part 996), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 996.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 96, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 96, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 996.102 and renumber §§ 996.103, 996.104, and 996.105 as §§ 996.102, 996.103, and 996.104. Change the references to these sections in § 996.101 accordingly.

2. In the new § 996.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)".

3. Add the following paragraph (now § 996.102 (d)) to the new § 996.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 996.141 to provide the following standard weights for flavored milk and flavored skim milk minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	79.0

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10574; Filed, Sept. 29, 1952; 8:54 a. m.]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Findings and determinations. In accordance with the provisions of the Administrative Procedure Act (60 Stat. 237), there was published in the FEDERAL REGISTER of September 9, 1952 (17 F. R. 8459) notice that the market administrator under Order No. 99, regulating the handling of milk in the Worcester, Massachusetts, marketing area (7 CFR Part 999), was considering the issuance of proposed amendments to the rules and regulations (7 CFR 999.101 et seq.) issued by him to effectuate the terms and provisions of that order.

The aforesaid notice specified that all persons who desired to submit data, views, or arguments in connection with the proposed amendments to the rules and regulations should submit them in writing to the market administrator in time to be received not later than 5:15 p. m., September 22, 1952. No such data, views, or arguments were received within the time specified in the notice.

It is hereby found and determined that the amendments to the rules and regulations herein set forth are necessary to effectuate the terms and provisions of Order No. 99, as amended, and as further amended September 1, 1952. Since they do not require substantial or extensive preparation by the persons affected, it is impractical and unnecessary to delay the effective date of these amended rules and regulations. Therefore, pursuant to authority contained in said Order No. 99, the following amendments to the rules and regulations are hereby issued, to be effective on and after the first day of October 1952.

1. Delete § 999.102 and renumber §§ 999.103, 999.104, and 999.105 as §§ 999.102, 999.103, and 999.104. Change the references to these sections in § 999.101 accordingly.

2. In the new § 999.102 add to the list of milk products "unsweetened condensed milk (except concentrated milk)."

3. Add the following paragraph (now § 999.102 (d)) to the new § 999.103:

(c) All fluid milk products disposed of to and used by a livestock farmer for animal feed, except milk suitable for human consumption as milk, shall be classified as Class II milk.

4. Amend the table of standard weights in § 999.141 to provide the following standard weights for flavored milk and flavored skim milk, minus the quantity of syrup or other flavoring material, to be used in the absence of specific net weights:

Product	Weight (pounds)		
	Butterfat test	Per quart container	Per 40-quart container
Flavored milk [1] / Flavored skim milk [1]	Any test	2.00	[illegible]

[1] Minus the quantity of syrup or other flavoring material.

(Sec. 5, 49 Stat. 743, as amended; 7 U. S. C. and Sup. 608c)

Issued at Boston, Massachusetts, this 23d day of September 1952.

[SEAL] RICHARD D. APLIN,
Market Administrator.

[F. R. Doc. 52-10575; Filed Sept. 29, 1952; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 13]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASE

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Talbot County in Georgia;
Cook and St. Clair Counties and Oswego Township in Kendall County in Illinois;
City of Baltimore in Maryland;
Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Oklahoma County in Oklahoma;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Talbot County in Georgia;
St. Clair County and Oswego Township in Kendall County in Illinois;
City of Baltimore, in Maryland.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8322) apply with respect to shipments of swine and carcasses, parts and offal of swine from those localities.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Muscogee County in Georgia;
Sedgwick County in Kansas;
Kaw Township in Jackson County in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Balston, and Union Townships in Douglas County; Platte Township in Dodge County; and Alda Township in Hall County in Nebraska.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8322) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 24th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10553; Filed, Sept. 29, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 866]

NORTH DAKOTA

RESERVING CERTAIN PUBLIC LAND AS ADDITION TO UPPER SOURIS NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public land in North Dakota is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved as an addition to the Upper Souris National Wildlife Refuge, established by Executive Order No. 7161 of August 27, 1935, on public lands and lands acquired by the United States pursuant to the provisions of the Migratory Bird Conservation Act (45 Stat. 1222; 16 U. S. C. 715–715d, 715e, 715f-715k, 715l-715r):

FIFTH PRINCIPAL MERIDIAN

T. 159 N., R. 85 W.,
Sec. 15, SW¼SE¼.

The area described contains 40 acres.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10526; Filed, Sept. 29, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

Upon consideration of request on behalf of respondents for an extension of time beyond December 31, 1952, within which to equip non-interchange cars used in freight service with powed brakes and appliances as required by the order heretofore entered herein on September 21, 1945, as amended, and good cause appearing therefor:

It is ordered, That said order of September 21, 1945, as amended, be, and it is hereby, further amended so as to require that all said non-interchange cars that may be used in transporting revenue freight and all cabooses shall be so equipped on or before December 31, 1953, and that all other said non-interchange cars shall be so equipped on or before December 31, 1954.

Dated at Washington, D. C., this 24th day of September A. D. 1952.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10541; Filed, Sept. 29, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

EDITORIAL NOTE: For order reserving certain public lands in North Dakota as an addition to the Upper Souris National Wildlife Refuge, thereby amending the tabulation in § 17.3, see Public Land Order 866 in the Appendix to Title 43, Chapter I, *supra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 19]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURE

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1 239 kc; BFL; SBMRAZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt. NW—1,600′ (Famosa FM) (Final)	NW	10 mi—2,000′ W side NW ers 15 mi—2,000′ W side NW ers 20 mi—2,000′ W side NW ers 25 mi—2,000′ W side NW ers	1,600	141	2.0	515	R A T*	700 800 300	2.0 2.0 1.0	700 800 300	2.0 2.0 1.0	Turn right (west) and climb to 3,000′ on NW ers within 25 mi, or as directed by ATC. *Take-offs or landings on Rwys 7 or 25 Not Authorized. NOTE: Deviation in terrain clearance for procedure turn minimums authorized; also for altitude over range on final approach.
MIAMI, FLA. Miami International Airport 365 kc; MIA; SBRAZ-DTV	E—Min. en route alt. SE—Min. en route alt. W—Min. en route alt. W—600′ (Kromte FM) (Final) N—Min. en route alt.	W	10 mi—1,100′ S side W ers 15 mi—1,100′ S side W ers 20 mi—1,100′ S side W ers 25 mi—1,100′ S side W ers	600	85	5.7	9	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400′ on E ers, or as directed by ATC. *Runway 9R.
NEW YORK, N. Y. New York International Airport (Using Idlewild LFR) 379 kc; IDL; SMRA	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. SW—700′ (SE ers Newark LFR) (Final) NW—Min. en route alt.	SW	10 mi—1,200′ E side SW ers 15 mi—1,200′ E side SW ers 20 mi—1,500′ E side SW ers 25 mi—1,500′ E side SW ers	700	40	2.9	12	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to at least 400′ on NE ers of Idlewild LFR, then turn right, climbing on ers of 130° intersecting the SW ers of Mitchel LFR, continue climbing to 1,500′ outbound on the SW ers of Mitchel LFR, or as directed by ATC. *Runway 4R.
SHREVEPORT, LA. Greater Shreveport Airport 230 kc; SHV; SBRAZ-DTV	E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. NW—Min. en route alt. NW—860′ (Dixie FM & Rbn) (Final)	NW	10 mi.—1,700′ *E side NW ers 15 mi.—1,700′ *E side NW ers 20 mi.—1,700′ *E side NW ers 25 mi.—1,700′ *E side NW ers	860	192	8.5	251	R A T	600 800 300	2.0 2.0 1.0	600 800 300	2.0 2.0 1.0	Turn left, climb to 1,500′ on ers of 135°, intersect and proceed S on S ers of LFR within 25 mi, or as directed by ATC. *Deviation from standard criteria authorized in direction of procedure turn due to ATC.
Downtown Airport	E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. NW—Min. en route alt. NW—800′ (Dixie FM & Rbn) (Final)	NW	10 mi—1,700′ #E side NW ers 15 mi—1,700′ #E side NW ers 20 mi—1,700′ #E side NW ers 25 mi—1,700′ #E side NW ers	800	152	1.8	179	R (R) S* A T	500 500 500 NA 300	1.5 1.0 1.0 ---- 1.0	500 500 500 NA 300	1.5 1.5 1.5 ---- 1.0	Climb to 1,500′ on S ers, or as directed by ATC. *Runway 13. #Deviation from standard criteria authorized in direction of procedure turn due to ATC. NOTE: No weather reporting service or communication available at this arpt.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
TOPEKA, KANS. Forbes AFB 269 kc; TOE; MRAWZ	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	SW	10 mi—2,300′ W side SW ers 15 mi—2,300′ W side SW ers 20 mi—NA** 25 mi—NA**	1,800	32	3.5	1,078	R S* A T	500 500 1,500 300	1.5 1.0 3.0 2.0	500 500 1,500 300	#1.5 #1.5 #3.0 3.0	Make climbing right turn to cross Forbes LFR at 2,500′, proceed out-bound at 2,500′, on left side of NW ers within 25 mi, or as directed by ATC. *Runway 3. #No runway lights on Rwy 3/21. **Procedure turn beyond 15 mi Not Authorized due to Osage City Danger Area. NOTE: This facility should be used with caution—no standby transmitter available.
WILLOW GROVE, PA. Johnsville NAS 391 kc; NXX; SMRLZ	NE—MEA (E ers Allentown LFR) SE—Min. en route alt. SE—2,000′ (NE ers Philadelphia LFR) SW—MEA (E ers Harrisburg LFR) NW—Min. en route alt. NW—2,000′ (SW ers Allentown LFR)	NW	10 mi—2,000′ N side NW ers 15 mi—2,000′ N side NW ers 20 mi—2,000′ N side NW ers 25 mi—2,000′ N side NW ers	1,220	164	2.2	367	R S A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Make climbing right (west) turn, climb to 1,900′ on SW ers.
WINSLOW, ARIZ. Winslow Airport 266 kc; INW; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. E—7,000′ (Joseph City FM) S—Min. en route alt. W—Min. en route alt.	E	10 mi—7,000′ S side E ers 15 mi—7,000′ S side E ers 20 mi—7,000′ S side E ers 25 mi—7,000′ S side E ers	5,440	160	1.5	4,937	R (R) A T	600 500 800 300	2.0 2.0 2.0 1.0	600 500 800 300	2.0 2.0 2.0 1.0	If not contact over LFR, climb to 7,000′ on E ers within 25 mi, or as directed by ATC.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (degs)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound: outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (miles)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
DOVER, DEL. Dover AFB 206 kc; DOV; HW	(All directions— MEA from primary fixes)					314 134	10 mi—1,500′ E side course 15 mi—NA 20 mi—NA 25 mi—NA	700	2.2	28	R (R) S* A T	500 500 500 1,000 (RCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ on ers of 314° within 10 mi of Rbn, or as directed by ATC. *Runway 31.
	Int. SW ers Millville LFR & 134° bearing to Rbn	Rbn	134	9.0	1,500									
KANSAS CITY, KANS. Fairfax Field 219 kc; MK; LOM 201 kc; KC; LMM	(All directions—MEA from primary fixes)					184 4	10 mi—2,500′ W side course 15 mi—2,500′ W side course 20 mi—2,500′ W side course 25 mi—2,500′ W side course	2,500 (over LOM)	#84°, 4.4 (LOM to Bluff FM)	746	R (R) A T	700 700 800 300	1.5 1.0 2.0 1.0	If contact not established within 4.4 mi after passing LOM, or at Bluff FM, immediately turn right, climb to 2,500′ on ers of 275° outbound from Kansas City LFR, or as directed by ATC. #Course and distance from Bluff FM to airport: 222°, 0.8 miles. CAUTION: (1) 1,123′ msl obstructions located 2.5 miles SE of airport—adhere strictly to published procedure. (2) 911′ msl cracking plant and 853′ msl stack, 0.5 miles ESE of approach end of Rwy 35. (3) 1,570′ msl TV tower, 4.5 miles SSE of airport. NOTE: Deviation from standard criteria authorized in missed approach procedure.
	Kansas City LFR	LOM	30	4.8	2,500									
	Linkville FM	LOM	124	10.1	2,500									
	Liberty FM & Rbn	LOM	240	12.1	2,500									
	Kansas City VOR	LOM	154	4.5	2,500									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station					Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (miles)	
ONTARIO, OREG. Ontario Airport 305 kc; ONO; BMH-DTV	(All directions—MEA from primary fixes)					320 110	10 mi—4,000' E side course 17 mi—4,000' E side course 20 mi—NA 25 mi—NA	3,200	On arpt.	2,190	R • A T	1,000 1,000 1,000 300	1.0 2.0 2.0 1.0	Turn right, climb to 9,000' on ers of 110° within 25 mi of Rbn, or as directed by ATC. •Night minimums. NOTE: Minima approved for left with stall speeds of 75 mph or less only.
	Payette FM	Rbn	192	9.5	5,000									
	Int. 121° bearing to Boise LFR & 280° bearing to Rbn	Rbn	280	25.0	6,000									
FRESNO, CALIF. Fresno Air Terminal 295 kc; FN; LOM	(All directions—MEA from primary fixes)					288 108	10 mi—1,700' S side course 15 mi—NA 20 mi—NA 25 mi—NA	1,000	4.4	331	R (R) S+ A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on ers of 288°, turn left and climb to 2,000' on W ers of Fresno LFR within 20 mi, or as directed by ATC. •When approaching from Bowles FM, execute left turn of 265° at LOM to intercept outbound ers of 108°. #Procedure turn S side of ers due to terrain. +Runway 29.
	Fresno LFR	LOM	71	11.0	1,700									
	Bowles FM•	LOM	15	12.0	1,700									
	Fresno VOR	LOM	55	8.0	1,700									
MIAMI, FLA. Miami International Airport 227 kc; MI; LOM	(All directions—MEA from primary fixes)					85 265	10 mi—1,100' N side course 15 mi—1,100' N side course 20 mi—1,100' N side course 25 mi—1,100' N side course	600	4.4	9	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400' on ers of 85° within 25 mi of LOM, or as directed by ATC. •Right turn from the S or left turn from the N from Miami LFR to LOM not authorized #Runway 9R. NOTE: Deviation authorized in direction of procedure turn to avoid possible traffic confliction with Tamiami Airport.
	Miami LFR•	LOM	85	1.5	1,100									
	Miami VOR	LOM	263	1.0	1,100									
	Krome FM (Final)	LOM	91	10.0	600									
OKLAHOMA CITY, OKLA. Will Rogers Field 219 kc; OK; LOM	(All directions—MEA from primary fixes)					350 170	10 mi—2,600' E side course 15 mi—2,600' E side course 20 mi—2,600' E side course 25 mi—2,600' E side course	2,300	4.7	1,293	R (R) S• A T	500 500 500 800 300	1.0 1.0 2.0 1.0	Climb to 4,000' on ers of 350° within 25 mi of LOM, or as directed by ATC. •Runway 35.
	Int. N. ers Okla. Cy LFR & 170° bearing to LOM	LOM	170	17.0	2,500									
	Washington FM	LOM	334	15.0	2,500									
	Mustang FM	LOM	106	11.0	2,500									
	Oklahoma Cy LFR	LOM	149	6.0	2,500									
	OKLAHOMA Cy VOR	LOM	150	10.0	2,500									
	Int. SW ers Tulsa LFR & E ers Okla. Cy. LFR	LOM	243	25.0	2,700									
SHREVEPORT, LA. Greater Shreveport Airport 213 kc; SH; LOM	(All directions—MEA from primary fixes)					135 315	10 mi—1,400' W side course 15 mi—1,400' W side course 20 mi—1,400' W side course 25 mi—1,400' W side course	1,400	4.3	251	R (R) S• A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on ers of 135° within 20 mi of LOM, or as directed by ATC. •Runway 13.
	Shreveport VOR	LOM	183	12.0	1,700									
	Dixie Rbn	LOM	181	14.0	1,400									
	Shreveport LFR	LOM	225	8.0	1,400									
	Int. 339° bearing to Shreveport LFR & 53° bearing to Barksdale LFR	LOM	300	12.0	1,400									
	Int. W ers Shreveport LFR & 135° bearing to LOM (Final)	LOM	135	8.0	1,400									

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS				Final ILS approach course; degrees in-bound; out-bound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)			Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
CINCINNATI, OHIO Greater Cincinnati Airport, (Procedure No.1) Freq. 109.9 mc Ident. CVG	Int. NW ers Cincinnati LFR & N ers ILS.	LOM	180	23	2,300	S 360 180	2,000'—E side S ers	2,000	2,000	1,060	4.50	0.60	890	R (R) S• A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,300' on N ers ILS to NW ers Cincinnati LFR, or as directed by ATC. •Runway 36.
	Union FM	LOM	360	5	2 000												
	Cincinnati LFR	LOM	235	21	2,400												
	Int. SW ers Cincinnati LFR & 320° bearing to LOM	LOM	320	3	2,000												
	Cincinnati VOR	LOM	142	3	2,000												
(Procedure No. 2- Using Back Course ILS Localizer)	Int. NW ers Cincinnati LFR & N ers ILS	Addyston Marker	180 180	11.5	2,100	N 180	2,100'—W side N ers (within 5 mi.)	1,600 (over Addyston Mrkr)	•	•	5.8 (from Addyston Mrkr)		890	R (R) S# A T	500 500 400 800 300	1.5 1.0 1.0 2.0 1.0	Proceed to ILS middle compass locator, climb to 2,000' on ers of 240° within 15 mi of LMM, or as directed by ATC. •This procedure not premised on use of glide path. #Runway 18.
	Int. NW ers Cincinnati LFR & N ers ILS	Addyston Marker (Final)	180	11.5	1,600												
	Int. SW ers Cincinnati LFR & S ers ILS	Addyston Marker	360	15.5	2,300												
	Cincinnati VOR	Addyston Marker	12	9.0	2,300												
ONTARIO, CALIF. Ontario International Airport Freq. 108.3 mc Ident. ONT	Ontario VOR	LMM	348	8.2	•2,500	E 255 75	3,200'—S side E ers (NA beyond 10 mi—N ers Riverside LFR)	2,710	2,120	1,110	4.50	0.66	952	R (R) S+ A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 4,000' and hold E of the Int. W ers ILS & NE ers Long Beach LFR in a non-standard 2 min pattern, or as directed by ATC. •Must be on top, with tops at Ontario not above 5,000' msl. #When tops are 5,000' or below, transition from Riverside LFR to Int. E ers ILS authorized at 5,000', with straight-in approach to Ontario International Airport authorized from on top at glide path interception. When tops are above 5,000', use procedure outlined in Note @. @ When established on localizer ers westbound, descend westbound and make S procedure turn between LMM and Int. W ers IL & NE ers Long Beach LFR at not below 4,000'. Recross LOM eastbound at not below 3,200'. +Runway 25. CAUTION: High terrain N—all maneuvering on S side of localizer course.
	Fontana FM	LMM	224	13.0	•5,000												
	Downey FM & Rbn	W ers ILS	55	21.0	•2,500												
	Int. N ers Riverside LFR & E ers ILS	LOM	255	9.5	@10,000												

4. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VHF OMNIRANGE (VOR) PROCEDURES

Station; frequency; identity; class	Initial approach to VOR station: From—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
ALBANY, N. Y. Albany Airport 116.9 mc; ALB; BVOR (Procedure No. 1)	(Initial approaches from primary fixes from any direction—MEA)				190 10	1,600′—W side crs (within 20 mi) 1,800′—within 25 mi.	*1,100	On arpt.	288	R (R) S# A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,000′ on crs of 195°, turn right and proceed out crs of 253° climbing to 3,000′, or as directed by ATC. *If position over Albany LFR not positively identified by both visual and aural means on final approach, descent below 1,100′ Not Authorized. #Runway 19. NOTE: Deviation from standard criteria authorized for straight-in minimums.
	Saratoga Springs FM	207	25.0	1,600									
	Round Lake FM (Final)	190	13.0	1,100									
	Albany LFR (Final)	190	2.5	*									
(Procedure No. 2)	(Initial approaches from primary fixes from any direction—MEA)				10 190	2,200′—E side crs	1,700 (over Delmar FM)	5.4 (from Delmar FM)	288	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 3,000′ on crs of 10° within 25 mi of VOR. Alternate procedure: (when directed by ATC), climb to 3,000′ on crs of 295°. *Runway 1. NOTE: Deviation from standard criteria authorized for initial approach and procedure turn.
	Saratoga Springs FM	207	25.0	2,200									
	Coxsackie FM (Final)	10	25.0	1,700									
BAKER, OREG. Baker Airport 115.3 mc; BKE; BVOR	Baker, LFR	114	1.7	9,000	116 296	7,000′—*E side crs (within 10 mi—NA beyond 10 miles.)	5,060	0	3,368	R ** A T **	1,700 1,700 1,700 1,000 1,000	1.0 2.0 2.0 1.0 2.0	Make climbing left turn, climb to 10,000′ # on crs of 296° within 25 mi of VOR, or as directed by ATC. *Procedure turn W side NA due to high terrain. **Night minimums. #Climb to 7,000′ within 10 mi of VOR. SHUTTLE: To 8,000′ on crs of 125° outbound, 305° inbound within 10 mi. All turns to E. CAUTION: 5,100′ terrain, 6 mi SE of airport.
BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1 115.4 mc; BFL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				131 311	2,000′—W side crs	1,600	4.4	515	R A T*	700 800 300	2.0 2.0 1.0	Turn right, climb to 2,000′ on crs of 320° within 25 mi of VOR, or as directed by ATC. *Take-offs or landings on Rwy 7/25 Not Authorized.
	Famosa FM (Final)	140	8.0	1,600									
	Bakersfield LFR	299	3.0	2,000									
BOISE, IDAHO Boise Air Terminal 113.3 mc; BOI; BVOR	(Initial approaches from primary fixes from any direction—MEA)				96 276	4,100′—S side crs	3,600	4.0	2,858	R * (R) S# A T	600 700 600 500 800 300	1.5 1.5 1.0 1.0 2.0 1.0	Make right climbing turn, climb to 9,000′ on crs of 280° within 25 mi of VOR, or as directed by ATC. SHUTTLE: To 4,100′ on crs of 276° outbound, 96° inbound within 25 mi of VOR. All turns to S. *Night minimums. #Runway 10L.
	Boise LFR	255	2.1	4,100									
	Eagle FM	127	10.1	4,100									
	Boise LOM	206	0.2	4,100									
BURLEY, IDAHO Burley Airport 114.1 mc; BYI; BVOR	(Initial approaches from primary fixes from any direction—MEA)				103 283	6,000′—S side crs	4,800	5.3	4,150	R * A T *	600 600 800 500 500	1.0 2.0 2.0 1.0 2.0	Make climbing left turn, climb to 7,000′ on crs of 277° within 25 mi of VOR, or as directed by ATC. *Night minimums. NOTE: Minima authorized for acft with stall speeds of 75 mph or less only.
	Burley LFR	251	7.1	7,000									
EUGENE, OREG. Mahlon Sweet Airport 112.9 mc; EUG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				159 339	3,000′—*E side crs (within 15 mi—NA beyond 15 miles)	1,500	4.4	365	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Make climbing right turn, climb to 3,000′ on crs of 347° within 25 mi of VOR, or as directed by ATC. *Procedure turn on W side NA due to high terrain. #Runway 16.
	Eugene LFR	45	0.8	3,000									
	Int. N crs Eugene LFR & 159° bearing to VOR	159	2.5	3,000									
GOODING, IDAHO Gooding Airport 113.9 mc; GNG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				68 248	5,000′—S side crs (within 20 mi—NA beyond 20 miles)	4,320	4.5	3,729	R * (R) * A T	500 500 500 500 800 300	1.5 2.0 1.0 2.0 2.0 1.0	Turn right, climb to 7,000′ on crs of 96° within 25 mi of VOR, or as directed by ATC. *Night minimums.
	Gooding Rbn	245	5.0	6,000									

AUTOMATIC DIRECTION FINDING PROCEDURE—Continued

Station; frequency; identity; class	Initial approach to VOR station: From—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach (ft.)	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
LOVELOCK, NEV. CAA Int. Field 111.7 mc; LOL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				165 345	7,500′—*E side crs (within 15 mi—NA beyond 15 miles)	5,800	220°, 5.0	3,906	R (R) A T	800 700 800 300	1.5 1.0 2.0 1.0	Turn left immediately and return to stn on crs of 40°, climbing to 7,500′ on crs of 345° within 15 mi and recross stn southbound at a minimum of 9,000′. *Procedure turn right for more suitable terrain. SHUTTLE: To 8,500′ on crs of 345° outbound, 165° inbound within 15 miles.
	Int. 231° bearing to VOR & N crs Lovelock LFR	231	17.0	9,000									
	Int. NW crs Fallon LFR & NE crs Reno LFR	35	35.0	9,000									
MALAD CITY, IDAHO Malad City Airport 117.5 mc; MLD; VORW	(Initial approaches from primary fixes from any direction—MEA)				93 273	9,500′—S side crs (within 15 mi—NA beyond 15 miles)	9,000	87°, 8.6	4,503	R* A* T*	3,000 3,000 3,000	3.0 3.0 3.0	Make climbing left turn, climb to 11,000′ on crs of 273° within 25 mi of VOR, or as directed by ATC. *Night operations not authorized. CAUTION: High terrain in all directions.
	Malad City LFR	244	5.8	11,000									
MARTINSBURG, W. VA. Martinsburg Airport 113.2 mc; MRB; BVOR	(All directions—MEA)				286 106	2,800′—N side crs (within 15 mi) 3,000′—within 25 mi	2,300	7.1	556	R A T	500 800 300	2.0 2.0 1.0	Climb to 4,000′ on crs of 286° within 25 mi of VOR or as directed by ATC.
MEDFORD, OREG. Medford Airport 116.9 mc; MFR; BVOR	(Initial approaches from primary fixes from any direction—MEA)				153 333	6,000′—E side crs (procedure turn W side NA due to high terrain)	*5,500 (trail FM) *4,000 (Medford VOR)	144°, 7.3	1,330	R A T	1,000 1,000 300	2.0 2.0 1.0	Make climbing right turn, climb to 6,500′ on crs 333° within 25 mi# of VOR, or as directed by ATC. *If Trail FM not received, cross VOR at 5,500′; cross airport at 4,000′. #Climb to 5,500′ within 10 mi. of VOR.
	Medford LFR	307	5.2	6,000									
	Trail FM (Final)	153	9.1	4,000									
MIAMI, FLA. Miami International Airport 113.5 mc; MIA; BVOR	(Initial approaches from primary fixes from any direction—MEA)				86 266	1,100′—S side crs	600	3.3	9	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,400′ on crs of 86° within 25 mi of VOR. *Runway 9R.
	Miami LFR (Final)	83	2.7	600									
ONTARIO, OREG. Ontario Airport 114.6 mc; ONO, BVOR	(Initial approaches from primary fixes from any direction—MEA)				320 140	4,000′—E side crs (within 15 mi.-NA beyond 15 miles)	3,200	2.4	2,190	R * A T	600 600 800 300	1.0 2.0 2.0 1.0	Make climbing right turn, climb to 9,000′ on crs of 107° within 25 mi. of VOR, or as directed by ATC. *Night minimums. SHUTTLE: To 4,000′ on crs of 140° outbound, 320° inbound within 15 mi. of VOR. All turns to E. NOTE: Minima authorized for acft with stall speeds of 75 mph or less only.
	Payette FM	181	11.5	5,000									
	Eagle FM to Int. 320° bearing to VOR	267	22.0	6,000									
OTTO, N. MEX. CAA International Field 114.0 mc; OTO; BVOR	(Initial approaches from primary fixes from any direction—MEA)				256 76	8,500′—N side crs (within 10 mi—NA beyond 10 mi)	7,500	3.4	6,226	R A T	500 800 300	1.0 2.0 1.0	Turn left, climb to 9,500′ on crs of 74° within 25 mi of VOR, or as directed by ATC. SHUTTLE: To 8,500′ on crs of 76° outbound, 256° inbound within 10 mi. NOTE: (1) Minima authorized for acft with stall speeds of 75 mph or less only, (2) deviation authorized in direction of missed apch.
	Int. 21° bearing to Las Vegas VOR & 254° bearing to Otto VOR	254	19.0	8,500									
PENDLETON, OREG. Pendleton Airport 112.7 mc; PDT; BVOR	(Initial approaches from primary fixes from any direction—MEA).				71 251	3,500′—N side crs (procedure turn on S side NA due to high terrain)	2,600	4.5	1,493	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Make climbing left turn, climb to 4,000′ on crs of 234° within 25 mi of VOR, or as directed by ATC *Runway 7.
	Pendleton LFR	252	7.3	4,000									
	Cabbage Hill FM	282	18.2	4,000									
	Int. S crs Walla Walla LFR & 241° bearing to VOR	241	22.0	3,500									
PLATTSBURG, N. Y. Plattsburg Airport 112.9 mc; PLB; BVOR-DME	(All directions—MEA)				230 50	1,500′—N side crs (within 15 mi—NA beyond 15 mi.)	1,000	9.6	375	R A T	600 800 300	1.5 2.0 1.0	Make a climbing left turn and climb to 1,500′ returning to VOR, or as directed by ATC. SHUTTLE: To 3,500′ on crs of 50° outbound, 230° inbound within 15 miles.

AUTOMATIC DIRECTION FINDING PROCEDURE—Continued

Station; frequency; identity; class	Initial approach to VOR station					Minimums		Final approach course; degrees inbound; outbound	Procedure turn minimum altitude	If visual contact not established as authorized landing minimums, or if landing not accomplished; remarks
	From—	Magnetic course (degs.)	Distance	Minimum altitude (ft.)	Field elevation (ft.)	Ceiling (ft.)	Visibility (mi.)			
POCATELLO, IDAHO Phillips Field 114.9 mc; PIH; BVOR	(Initial approaches from primary fixes from any direction—MEA)			5,100	4,448	R 600 * (600) (R) 500 * 500 A 500 T 300	1.5 2.0 1.0 2.0 2.0 1.0	70 250	6,000'—N side ers (1mile in 10 mi) 4,000**—NA Due to high terrain	Make climbing left turn, climb to 7,000' on ers of 294° within 25 mi of VOR, or as directed by ATC. *Night minimums.
	Pocatello LFR	213	3.5	7,000						
PORTLAND, OREG. Portland International Airport 117.4 mc; PDX; BVOR	(Initial approaches from primary fixes from any direction—MEA)			2,000	23	R# 600 ## (600) (R)# 500 * 500 A# 500 T 300	1.5 1.5 2.0 1.0	151 341	3,000'—W side ers (within 10 mi) 4,000**—NA within 25 mi	Make climbing right turn, climb to 3,000'* on ers of 151° within 25 mi of VOR, or as directed by ATC. •Climb to 2,000' within 17 mi of VOR. ••Do not descend below 3,500' until past Woodland FM inbound. #If Portland LFR received; otherwise maintain 2,000' until past 1,000'. ##Night minimums. CAUTION: 1,630' msl radio tower located 17 mi S of VOR.
	Woodland FM (Final)	151	15.7	3,000						
	La Center FM (Final)	151	4.7	2,000						
	Sauvies Island Rbn	41	11.9	3,000						
	Portland LFR	342	7.1	3,000						
ROCHESTER, N. Y. Rochester Airport 117.8 mc; ROC; BVOR	(All directions—MEA)			1,100	558	R (600) (R) 600 A 600 T 300	1.5 (1.5) 2.0 1.0	120 300	1,900'—S side ers	Climb to 2,000' on ers of 120° within 25 mi of VOR, or as directed by ATC. Note: Take-offs on Rwy 12 and landings on Rwy 30 not authorized.
SEATTLE, WASH. Boeing Field 113.9 mc; SEA; BVOR	(Initial approaches from primary fixes from any direction—MEA)			1,600	17	R 800 A 800 T 300	2.0 2.0 1.0	338 158	2,000'—E side ers (within 14 mi) 4,000'—NA beyond 14 mi)	Climb to 2,000' on ers of 338° within 25 mi of VOR, or as directed by ATC.
	Hobart FM	296	16.3	4,000						
	Int. NW ers Seattle LFR & 158° bearing to VOR	158	7.0	2,000						
	Seattle LFR	193	4.6	2,000						
Seattle-Tacoma International Airport	(Initial approaches from primary fixes from any direction—MEA)			1,600 (over Seattle LOM)#	416	R (R) 500 A 500 T 300	1.5 1.0 2.0 1.0	338 158	2,000'—E side ers (within 10 mi) 4,000'—NA beyond 10 mi)	Climb to 5,000' on ers of 338° within 25 mi of VOR, or as directed by ATC. •Night minimums. ••Maintain 1,600' until past LOM inbound on 338° bearing. #Seattle LOM; Freq. 224 kc, Ident. SE.
	Int. NW ers Seattle LFR & 158° bearing to VOR	158	7.0	2,000						
	Seattle LFR	193	4.6	2,000						
	Hobart FM	296	16.3	4,000						
	Lakeview FM to Int. 338° bearing to VOR (Final)	27	3.8	1,600**						
SPOKANE, WASH. Geiger Field 116.5 mc; GEG; BVOR	(Initial approaches from primary fixes from any direction—MEA)			3,700	2,372	R * (600) (R) * S# 500 A 500 T 300	1.5 1.5 1.0 1.0 2.0 1.0	26 206	4,000'—S side ers	Make climbing left turn, climb to 5,000' on ers of 239° within 25 mi of VOR, or as directed by ATC. *Night minimums. #Runway 2.
	Spokane LOM	222	16.6	5,000						
	Spokane LFR	202	0.7	4,000						
	Spangle FM	306	13.3	4,100						
	Harrington FM to Int. of 26° bearing to VOR	75	22.6	4,000						

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These procedures shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10429, Filed, Sept. 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 7 to Supplementary Regulation 2, Revision 1]

GCPR, SR 2—RETAIL COAL DEALERS

ADJUSTED CEILING PRICES; ELIMINATION OF WOOD AND WOOD PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 2, Revision 1, GCPR, permits retail coal dealers to increase their ceiling prices by various amounts as set forth hereafter. The increases result from the findings in a nationwide sample survey made of the retail coal industry under the OPS industry earnings standard and from a study of recent wage increases granted to drivers and helpers. The results of the survey show the earnings on net worth of the industry are less than 85 percent of the average of the three best years in the period 1946–49. The industry, therefore, qualifies for an adjustment of ceiling prices under the provisions of the industry earnings standard.

The earnings survey disclosed that those dealers who primarily sell anthracite and are located along the Atlantic Seaboard have suffered a greater reduction in their earnings on net worth than those whose sales are predominantly bituminous coals, and accordingly, a greater increase is allowed the anthracite dealers. As there are many dealers who handle both types of fuel irrespective of their location, OPS has determined that the increase should be permitted on the type of solid fuel sold rather than the geographical location of the seller. The adjustment figure includes an allowance for recent wage increases. Dealers' payrolls have shown substantial increases, largely as a result of driver and helper pay raises and recognition has been given to these wage increases in the ceiling price adjustment in order to reflect present conditions.

In determining the increase to be allowed on solid fuels other than anthracite and bituminous, i. e., briquets, coke, packaged fuels, etc., which account for about 4 percent of total sales, it was found that a ceiling price increase midway between the two major fuels reflecting the average increase granted under the industry earnings standard would be justified under the standard and fair to the dealers and consumers. In the case of all solid fuels the increases allowed are approximately two percent of the selling prices.

This amendment permits all sellers of solid fuels at retail to increase their ceiling prices by the following amounts on all grades and sizes:

	Cents per net ton
Anthracite	35
Bituminous coal	25
All other solid fuels	30

The regulation is further amended by deleting from coverage wood and wood products used for fuel as the prices of these products are now provided for in SR 87, GCPR.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended as follows:

1. Section 2 (c) is amended by deleting from the coverage of this supplementary regulation "and (8) wood and wood products used for fuel," so that section 2 (c) will read as follows:

(c) "Solid fuel" or "solid fuels" means: (1) Bituminous coal, including all bituminous, semi-bituminous, sub-bituminous and cannel coal; (2) lignite coal; (3) Virginia anthracite; (4) Pennsylvania anthracite; (5) all coke, including beehive, oven, low temperature, semi-distilled coal and petroleum coke; (6) all briquets and packaged fuel made from coke or coal; (7) sea coal used for foundry facings.

2. Section 3 of Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation, as amended, is further amended by adding a new paragraph (h) as follows:

(h) Each retail coal dealer may add to the ceiling price previously established under this supplementary regulation; (1) For each size and kind of anthracite, an amount of 35 cents per net ton; (2) For each size and kind of bituminous coal, an amount of 25 cents per net ton; (3) For all other solid fuels, an amount of 30 cents per net ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to SR 2, Revision 1, to the GCPR, shall become effective October 1, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10637; Filed, Sept. 29, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplemental Regulation 63, Amdt. 1 to Area Milk Price Regulation 33]

GCPR, SR–63—AREA MILK PRICE ADJUSTMENTS

AMPR 33—SOUTHERN NEW JERSEY MILK MARKETING AREAS

MODIFICATION OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 738) this Amendment 1 to Area Milk Price Regulation 33, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), and pursuant to Delegation of Authority No. 41 (16 F. R. 12679), is hereby issued.

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 33, effective September 4, 1952, established ceiling prices for sales of milk products for fluid consumption by processors and distributors in New Jersey Milk Marketing Areas I and II. These ceilings were established at the GCPR base period level, to which was added a uniform adjustment of one-fourth ($0.0025) cent per sales point. As stated in the Statement of Considerations accompanying AMPR 33, this adjustment was determined by examining prices in effect during the period January 1, 1950 through June 30, 1950, and adding increases and deducting decreases in costs of (1) direct labor, including distribution labor and commission, (2) cans, cases and containers and (3) raw milk and other agricultural commodities or products thereof.

On September 16, 1952, the Director of the Office of Milk Industry for the State of New Jersey, in Order No. 52–2, authorized an increase in the producer's price of Class I fluid milk from $5.87 per hundredweight to $6.07 per hundredweight, to become effective October 1, 1952. Accordingly, a petition was filed with the Regional Director of Office of Price Stabilization by a representative number of milk processors and distributors in the areas covered by AMPR 33 requesting further adjustment of prices based upon this new price to the producer.

The Regional Director has carefully examined the effect of this increase upon the price structure of processors and distributors in the light of the criteria established by Supplementary Regulation 63. Upon the basis of such examination it has been determined that an additional adjustment of three-fourths cent per sales point, effective October 1, 1952, is required to meet such criteria. This amendment therefore modifies the adjustment authorized by AMPR 33 from one-fourth cent to one cent per sales point.

In formulating this amendment the Regional Director has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply

with all the applicable statutory standards.

AMENDATORY PROVISIONS

AMPR 33 is amended in the following respects:

1. The first sentence of section 4 (a) is amended by changing the words "one-fourth ($0.0025) cent" to read "one ($0.01) cent."

2. Section 4 (b) is amended to read as follows:

(b) *Reporting of ceiling prices.* You shall report the ceiling prices resulting from the application of the uniform adjustment specified in section 4 (a) to the Regional Office of the Office of Price Stabilization, Commercial Trust Building, Philadelphia 2, Pennsylvania, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. Such report must also be filed within 5 days after the affective date of any amendment hereto which modifies the adjustment authorized by section 4 (a). The report shall be filed on OPS Public Form 124, which may be obtained from the above mentioned office. Unless the required report is filed within the period specified by this paragraph you shall not thereafter sell at the ceiling price computed pursuant to this section, until such report has been received by the Office of Price Stabilization as shown by your return receipt.

3. Section 7 is amended to read as follows:

SEC. 7. *Producer prices upon which ceiling prices are based.* The producer price for Class I, Grade B Milk, 3.5 percent butterfat, upon which ceiling prices established under this regulation are based is $6.07 per hundredweight.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Area Milk Price Regulation 33, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective October 1, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH J. MCBRYAN,
Regional Director, Region III.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10612; Filed, Sept. 26, 1952; 4:37 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 78 to Schedule A]

[Rent Regulation 2, Amdt. 76 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

CONNECTICUT AND TENNESSEE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 30, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Connecticut				
(50) New London	B	New London and Windham	Apr. 1, 1941	July 1, 1952
	C	New London	July 1, 1951	Sept. 30, 1952
Tennessee				
(297) Waverly, Camden	A	Benton and Humphreys	Oct. 1, 1951	Oct. 1, 1952

[F. R. Doc. 52-10566; Filed, Sept. 29, 1952; 8:52 a. m.]

[Rent Regulation 1, Amdt. 79 to Schedule A]

[Rent Regulation 2, Amdt. 77 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

These amendments are issued as a result of a resolution submitted under section 204 (k) of the act by the governing body of Arlington County, Virginia.

Effective September 29, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 26th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Item 339 is added to Schedule A of Rent Regulation 1 and Rent Regulation 2, reading as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Virginia				
(339) Arlington County	B	Arlington County	Aug. 1, 1952	Sept. 29, 1952

[F. R. Doc. 52-10597; Filed, Sept. 26, 1952; 1:26 p. m.]

[Rent Regulation 3, Amdt. 85 to Schedule A]

[Rent Regulation 4, Amdt. 29 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CONNECTICUT AND TENNESSEE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective September 30, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of September 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(50) New London	Connecticut	New London	July 1, 1951	Sept. 30, 1952
(297) Waverly-Camden	Tennessee	Benton and Humphreys	Oct. 1, 1951	Oct. 1, 1952

[F. R. Doc. 52-10567; Filed, Sept. 29, 1952; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

SUSPENSION OF PROCESSING OF MUTUALLY EXCLUSIVE APPLICATIONS

In the matter of amendment of footnote 10, § 1.371 of Part I of the Commission's rules and regulations (Temporary Processing Procedure for Television Broadcast Applications).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952:

The Commission having under consideration various means to expedite the processing of television broadcast applications in order to bring television service as rapidly as possible to areas presently without such service and to bring additional service to areas presently without a choice of television services; and

It appearing that under the existing provisions of its Temporary Processing Procedure for Television Broadcast Applications the Commission has, since July 1, 1952, designated for hearing 65 applications for new television broadcast stations and has sent pre-hearing letters to 168 applicants, and

It further appearing that the number of applications heretofore designated for hearing when added to the number of applications which have been the subject of pre-hearing letters and which are presently awaiting designation for hearing total a number sufficient to occupy the time and consideration of the Commission's hearing examiners and other staff members engaged in hearing work for many months to come; and

It further appearing that further consideration of mutually exclusive applications which cannot be granted without a hearing would, during the coming months, serve no purpose other than to create an additional backlog of hearing cases which cannot be set for hearing for some months to come; that during the coming months the Commission could spend its time more purposefully by considering non-competitive applications for television stations the grants of which, if the applicants are duly qualified, will result in the extension of television service throughout the country; and that the modification of the above Temporary Processing Procedure for a limited period of time to effectuate said purpose would serve the public interest, convenience and necessity; and

It further appearing that, while the amendment proposed herein is procedural in nature and that while the public notice and the 30 day effectuation requirements of sections 4 (a) and 4 (c) of the Administrative Procedure Act are not applicable herein, the Commission is desirous of affording interested parties reasonable notice of said modification of its existing procedure;

It is ordered, That, effective October 15, 1952, footnote 10 of § 1.371 is amended by adding after paragraph (k) the following paragraph (l) reading as follows:

(l) Commencing October 15, 1952, and until further order of the Commission, processing of mutually exclusive applications in Group A-2 and in Group B is suspended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10547; Filed, Sept. 29, 1952; 8:50 a. m.]

PART 1—PRACTICE AND PROCEDURE

SUSPENSION OF OPERATOR LICENSES

In the matter of delegation of authority to the Staff to issue orders suspending radio operator licenses and to designate suspension matters for hearing.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952:

The Commission having under consideration the means of expediting its enforcement functions and procedures;

It appearing, that under section 303 (m) (1) of the Communications Act of 1934, as amended, the Commission has authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee has committed any of the acts listed in that section; and

It further appearing, that under section 303 (m) (2) of the act a suspension order becomes effective fifteen (15) days after the date of its receipt by the licensee unless a hearing is requested in which event the suspension order is held in abeyance pending the conclusion of such hearing; and

It further appearing, that the issuance of suspension orders of operator licenses pursuant to section 303 (m) (1) of the act and the designation of suspension matters for hearing, if one is requested pursuant to section 303 (m) (2), are functions which should be delegated to the staff in the interest of expediting enforcement procedures in connection with the administration of the rules of the Commission governing amateur and commercial operators; and

It further appearing, that the rules governing amateur operators and those governing commercial operators are administered by the Commission's Safety and Special Radio Services Bureau and Field Engineering and Monitoring Bureau, respectively;

It is ordered, Under the authority contained in section 5 (d) (1) of the Communications Act of 1934, as amended, that effective immediately (1) authority is delegated to the Chief, Safety and Special Radio Services Bureau to issue, in accordance with section 303 (m) (1) of the act, orders suspending the licenses of amateur operators and, if a hearing thereon is requested pursuant to section 303 (m) (2) of the act, to designate such matters for hearings; and (2) authority is delegated to the Chief, Field Engineering and Monitoring Bureau to issue, in accordance with section 303 (m) (1) of the act, orders suspending the licenses of commercial operators and, if a hearing thereon is requested pursuant to section 303 (m) (2) of the act, to designate such matters for hearing.

It is further ordered, Pursuant to authority granted by sections 4 (i), 303 (r) and 303 (m) of the Communications Act of 1934, as amended, that, effective immediately, § 1.404 of the Commission's rules is amended as follows:

§ 1.404 *Suspension of operator licenses.* Whenever it appears that grounds exist for suspension of an operator license, as provided in section 303 (m) of the act, the Chief of the Safety and Special Radio Services Bureau, with respect to amateur operator licenses, or the Chief of the Field Engineering and Monitoring Bureau, with respect to commercial operator licenses, pursuant to authority delegated by the Commission, issue an order suspending the operator license. No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application before the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be designated for hearing by the Chief, Safety and Special Radio Services Bureau or the Chief, Field Engineering and Monitoring Bureau, as the case may be, pursuant to authority delegated by the Commission, and said order of suspension shall be held in abeyance until the conclusion of the hearing, which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing, the Commission may affirm, modify, or revoke said order of suspension. If the license is ordered suspended, the operator shall send his operator license to the office of the Commission in Washington, D. C., on or before the effective date of the order, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10548; Filed, Sept. 29, 1952; 8:50 a. m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO; MISCELLANEOUS AMENDMENTS

In the matter of amendment to Appendix A to Part 2 of the Commission's rules and regulations, list, for information only, of laws, treaties, agreements and arrangements relating to radio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952;

The Commission having under consideration Appendix A to Part 2 of its rules and regulations; and

It appearing, that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary and that this order may be made effective immediately for the same reasons.

It is ordered, That, effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend date under title of Appendix A to read as follows: (As of August 22, 1952).

2. Add chronologically under paragraph 1 the following:

1952—Agreement between the United States of America and Canada which assigns television frequency channels to cities within 250 miles of the United States-Canadian border. Effected by exchange of notes dated April 23, 1952 and June 23, 1952. Entered into force June 23, 1952. (Not available at Government Printing Office.)

3. Amend the parenthetical note after the subject listing in paragraph 1 of "1951—Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) * * *" to read as follows: (Not available at Government Printing Office. Available from International Telecommunication Union, Geneva, Switzerland.)

4. Add chronologically under paragraph 3 the following:

1952—Agreement between the United States of America and Canada for the purpose of promoting Safety on the Great Lakes by means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Enters into force 2 years from the date of exchange of instruments of ratification. Ratified by the United States July 17, 1952. Instruments of ratification not yet exchanged. (Not available at Government Printing Office.)

5. Delete the following parenthetical note after the subject listing of "1951 * * * TIAS * * * 2366" of paragraph 1: (Not available at Government Printing Office.)

6. In paragraph 4, amend the listing

1946
1947 } ICAO Regional Air Navigation Meet-
1948 } ings, Communications Committee
1949 } Final Reports.[1]
1950

so that it reads as follows:

1946 to present } ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]

[F. R. Doc. 52-10546; Filed, Sept. 29, 1952; 8:50 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. The Commission has before it for consideration the following pleadings: "Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company" filed April 30, 1952, by Memphis Publishing Company; "Opposition to 'Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company'" filed May 6, 1952, by WREC Broadcasting Service; "Statement in Support of WMCT 'Petition to Correct Sixth Report, etc.'" filed May 8, 1952 by Capital Broadcasting Company; "Correction and Supplement to 'Opposition to Petition to Correct Sixth Report and Order, for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company'" filed May 8, 1952 by WREC Broadcasting Service; "Motion to Strike" filed May 8, 1952 by Memphis Publishing Company; "Answer to Motion to Strike" filed May 12, 1952, by WREC Broadcasting Service; "Petition of Memphis Publishing Company for Rehearing" filed June 20, 1952 by Memphis Publishing Company; and "Answer to 'Petition of Memphis Publishing Company for Rehearing'", filed June 25, 1952 by WREC Broadcasting Service.

2. Memphis Publishing Company is the licensee of Television Broadcast Station WMCT, Memphis, Tennessee, presently operating on Channel 4. In the "Third Notice of Further Proposed Rule Making" (FCC 51-244), issued in these proceedings, the Commission proposed to assign to Memphis VHF Channels 5, 10, and 13, and UHF Channels 42 and 48, with Channel 10 reserved for noncommercial educational use. Since Channel 4 was no longer proposed to be assigned to this community, Memphis Publishing Company was ordered to show cause why its license should not be modified to specify operation of WMCT on Channel 5 in lieu of Channel 4. No opposition to the Show Cause Order was filed by Memphis Publishing Company. On the basis of the record in these proceedings, the Commission in its "Sixth Report and Order", adopted April 11, 1952, and released April 14, 1952 (FCC 52-294) assigned VHF Channels 3, 5, 10, and 13 and UHF Channels 42 and 48 to Memphis, with Channel 10 reserved for noncommercial educational use. With respect to the WMCT Show Cause Order, the Commission concluded that "An appropriate authorization will be issued to Memphis Publishing Company to specify operation of WMCT on Channel 5."

3. On April 16, 1952, WREC Broadcasting Service filed an amended application for a permit to construct a television broadcast station on Channel 3 in Memphis (BPCT-452).

4. In the Third Notice the Commission proposed to assign to Nashville, Tennessee, VHF Channels 2, 4, and 8 and UHF Channels 30 and 36. A joint counterproposal by WLAC Broadcasting Station and WSIX Broadcasting Service, and a counterproposal by Capital Broadcasting Company, were filed requesting the additional assignment of VHF Channel 5 to Nashville. The Commission in its Sixth Report found that "the assignment of Channel 5 to Nashville is in accordance with our standards" and granted the counterproposals requesting this assignment. The Commission therefore in its Sixth Report assigned Channel 5 to Nashville in addition to the assignments as proposed in the Third Notice.

5. In its "Petition to Correct the Sixth Report and Order for Modification of Order to Show Cause and Consent Thereto on Behalf of Memphis Publishing Company" filed April 30, 1952, Memphis Publishing Company requests that the Order to Show Cause directed to petitioner be amended so as to specify operation of Station WMCT on Channel 3 rather than Channel 5, and that the Sixth Report and Order be corrected accordingly. In support of its request petitioner alleges that "The Commission's conclusion to finalize the allocation of VHF Channel 5 to Nashville, Tennessee was based upon the finding of fact that 'the assignment of Channel 5 to Nashville meets the Commission's standards for minimum separation of co-channel and adjacent channel stations'". It is asserted by petitioner that this conclusion is in error for the reason that the distance from the authorized transmitter site of WMCT to Nashville is only 187.5 miles; whereas the minimum co-channel separation for Zone II assignments is 190 miles. Petitioner submits that Station WMCT can be shifted to VHF Channel 3, which has also been assigned to Memphis, and that the operation of WMCT on Channel 3 would meet all minimum spacing requirements.

6. In its "Opposition" to the foregoing petition filed May 6, 1952, WREC Broadcasting Service requests that the said petition be dismissed or denied. WREC Broadcasting Service asserts that the petition "Is an attempt to circumvent the prohibition against petitioner filing an application for a different television channel than the one assigned to petitioner as a result of the Show Cause Order or the Third Notice of Further Proposed Rule Making." WREC contends that since the Commission in the Third Notice proposed a co-channel transmitter-to-transmitter separation of only 170 miles and a city-to-city separation of only 180 miles, the operation of a television station at Nashville on Channel 5 would be "greater than the separation proposed to be adopted pursuant to the aforesaid Third Notice and which petitioner accepted." It is further contended that the assignment of Channel 3 to Memphis was made by the Commission upon the request and showing of WREC and that petitioner who was on notice of that request "* * * contributed absolutely nothing in that connection." WREC Broadcasting Service urges that petitioner "* * * acquiesced in and consented and agreed to the Commission's order directing that the licensee of Station WMCT show cause why it should not be changed from VHF Channel 4 to VHF Channel 5" and asserts that the operation as proposed by it would be more efficient than the operation on Channel 3 by WMCT at its present site. It is contended that the Commission's television rules adopted in the Sixth Report and Order do not require the removal of station WMCT from its present site and that the only requirement which would be applicable to petitioner as a result of the separation of 187.5 miles would be that if in the future petitioner should voluntarily move its station it would then be required to move it to a site which would meet the required minimum separation of 190 miles.

7. In its "Statement in Support of WMCT's 'Petition to Correct Sixth Report, etc.'", Capital Broadcasting Company states that it together with other parties participated in the rule making proceedings and proposed therein the assignment of VHF Channel 5 to Nashville on the assumption that the required separation between stations on Channel 5 in this area would be 180 miles; that the Commission's findings that the assignment of Channel 5 to Nashville "is in accordance with out standards" is in error in view of the required 190 miles minimum co-channel assignment separation in Zone II; but that the assignment of Channel 5 to Nashville would be proper under the standards if Channel 3 were assigned to WMCT in lieu of Channel 5.

8. In its "Correction of and Supplement to Opposition to Petition to Correct Sixth Report, etc." filed May 8, 1952, WREC Broadcasting Service states that the assertion in its "Opposition, etc." that Memphis Publishing Company 'consented in writing to the change in the television channel assignment of television station WMCT from Channel 4 to Channel 5" was in error. However, WREC contends that the failure of Memphis Publishing Company to file an answer or opposition to the Show Cause Order was "* * * for all legal purposes its acquiescence in the Commission's proposal * * *" WREC argues further that if the Commission determines that it should correct its Sixth Report, it could shift the reservation of Channel 10 for noncommercial educational use to Channel 5 and could thus make Channel 10 available for the operation of WMCT. It is further contended that the provision of footnote 4 of § 3.610 of the rules[1] "* * * specifically and categorically provides that even if the existing transmitting plant of Station WMCT is less than 190 miles from Nashville, Tennessee, it may continue to operate and that notwithstanding the minimum requirement of 190 miles set out in § 3.610 (a) promulgated to govern separations between television stations operating on VHF channels in Zone II."

9. In its "Motion to Strike" filed May 8, 1952, Memphis Publishing Company asserts that the Opposition filed by WREC Broadcasting Service is "so replete with name-calling and with so many vituperative allegations without support of statements of fact that it should be stricken as sham and scandalous." Memphis Publishing Company argues also that if WMCT is ordered to shift its operation from Channel 4 to Channel 5, the Rules require that Channel 5 be deleted from Nashville, while a shift in WMCT's channel assignment from 4 to 3 would preserve the assignment of Channel 5 in both Memphis and Nashville.

10. In its petition "For Rehearing" filed June 20, 1952, Memphis Publishing Company requests that "unless in the meantime, the Commission shall have granted the relief requested in the petition filed April 30, 1952, petitioner asserts that it is entitled as a matter of law to a hearing upon any proposal of the Commission whereby the license of station WMCT would be arbitrarily modified," and, that "In the event, therefore, the relief requested in the pending petition filed April 30, 1952, is not granted, petitioner requests a hearing upon the modification of its license pursuant to the provisions of section 312 (b) of the Communications Act of 1934."

11. In its "Answer to Petition of Memphis Publishing Company for Rehearing" filed June 25, 1952, WREC Broadcasting Service asserts that the said petition by Memphis Publishing Company is defective in that petitioner has not alleged that it would be injured, or that its interests would be adversely affected, if station WMCT should be operated on Channel 5, and also that the time within which a petition for rehearing may be filed has expired. Finally, WREC urges that footnote 10, paragraph (7) (k) of § 1.371 of the Commission's rules specifically provides that "* * * those applicants who are so ordered to show cause why they should not operate their television stations on another channel will not be permitted to apply for a different channel, or, more specifically, that provision states that such applications will not be accepted."

12. In summary, the foregoing pleadings consist of (1) a request by Memphis Publishing Company, and the supporting petition of Capital Broadcasting Company, that the Commission correct the Sixth Report and Order and modify the Show Cause Order issued to Memphis Publishing Company so as to specify operation of WMCT on Channel 3 in lieu of Channel 5; (2) the alternative request of Memphis Publishing Company for rehearing upon the modification of its license pursuant to the provisions of Section 312 (b) of the Communications Act of 1934; and (3) the Opposition of WREC Broadcasting Service to the foregoing request.[2]

13. The foregoing pleadings make it apparent that our action in granting the counterproposals of the Nashville parties seeking the additional assignment of Channel 5 in Nashville was based on an erroneous understanding of the facts. We stated in the Sixth Report in granting the above counterproposals that "the assignment of Channel 5 to Nashville is in accordance with our standards" (par. 749). The Memphis Publishing Company's petition points out that our statement clearly was incorrect since the distance between Nashville and the WMCT transmitter site in Memphis is only 187.5 miles, and is thus below the 190 mile minimum separation established for co-channel assignments in Zone II where both cities are situated. Although the distance between Nashville and the City of Memphis meets this minimum, we were unaware, in acting on the above counterproposals, that the separation between Nashville and the WMCT site did not meet it. The Sixth Report makes clear "where a transmitter is in existence by reason of a Commission authorization, that transmitter site is obviously the appropriate reference point." Thus in all our mileage computations expressed in the Sixth Report where an existing station was involved, the transmitter site was used as a reference point.

14. WREC Broadcasting Service argues, however, that operations of WMCT on Channel 5 would not be in violation of our separations requirements despite the assignment of Channel 5 at Nashville at a distance below 190 miles. In reaching this result WREC places reliance on footnote 4 of § 3.610 of the rules set out above. In the Sixth Report and Order we recognized that in a very small number of instances in Zone I some existing separations would operate at separations below the minimum prescribed by our rules. We found it impossible in this densely populated area

[1] Footnote 4 of § 3.610 provides as follows: Licensees and permittees of television broadcast stations which were operating on April 14, 1952 pursuant to one or more separations below those set forth in § 3.610 may continue to so operate, but in no event may they further reduce the separations below the minimum. As the existing separations of such stations are increased, the new separations will become the required minimum separations until separations are reached which comply with the requirements of § 3.610. Thereafter, the provisions of said section shall be applicable.

[2] In addition to the foregoing, we are presented with a Motion to Strike the Opposition of WREC Broadcasting Service filed on May 6, 1952 by Memphis Publishing Company and an answer to the said motion filed by WREC Broadcasting Service on May 12, 1952. Insofar as the Motion to Strike was based on misstatements of fact contained in the Opposition filed by WREC Broadcasting Service, it has been corrected by the petition filed May 8, 1952 by WREC Broadcasting Service. No other valid basis has been brought to our attention in support of the Motion to Strike and we have considered the "Opposition, etc." of WREC on the merits.

to correct the sub-standard separations without moving existing stations to the UHF band, for in those instances, existing stations were involved at both ends of such sub-standards separations. Footnote 4 of § 3.610 refers to such situations. It does not refer to situations such as that presented by WMCT and Nashville where an existing station lies only on one end of the separation. In assigning Channel 5 to Nashville we were unaware that a sub-standard mileage situation would be created. This is made abundantly clear by our statement in paragraph 128 of the Sixth Report that "in the area comprising Zone II, the Commission's proposed Table and final Table have no assignment separations below 190 miles." Consistently throughout our Sixth Report and Order we denied counterproposals failing to meet our minimum separations. If in acting on the Nashville counterproposals we had been aware of the sub-standard separation actually involved, we would then have denied the counterproposals. Our grant of such counterproposals was not an exception to our minimum separation requirements as suggested by WREC, but was an erroneous action based on a misconception of the actual mileage separation involved.

15. It is our view that Channel 5 is incorrectly assigned to Nashville at a sub-standard separation. We believe that we must reconsider our action on the Nashville counterproposals in light of the facts now brought to light. If, in acting on these counterproposals, we had been aware of the actual separation between Nashville and WMCT, we would not, and in fact could not under our Standards, have assigned Channel 5 to Nashville. Upon reconsideration, therefore, and based on our knowledge of the actual separation between Nashville and the WMCT transmitter site, we are required to deny the counterproposals of the Nashville parties seeking the additional assignment of Channel 5 to Nashville and to correct the Sixth Report and Order and the Table of Assignments set out in § 3.606 of our rules by deleting therefrom the assignment of Channel 5 to Nashville.

16. As set forth above, alternate methods of correcting the substandard separation resulting from the assignments of Channel 5 in Nashville and Memphis have been proposed by Memphis Publishing Company and WREC Broadcasting Company. The proposal of Memphis Publishing Company is that the WMCT show cause order be modified to authorize operation on Channel 3 rather than Channel 5. WREC Broadcasting Company proposed that the WMCT show cause order be modified to authorize operation on Channel 10 in lieu of Channel 5. It has been urged in support of the foregoing alternate methods of correcting the sub-standard separation that these alternate solutions would retain the assignment of Channel 5 in the City of Nashville. We cannot accept this argument as a basis for adopting either of these alternate solutions since our decision here will not necessarily result in precluding the assignment of Channel 5 in the Nashville area. Although Channel 5 may not be assigned to Nashville since the separation between WMCT's transmitter site and that city is sub-standard, this circumstance may not prevent the assignment of that channel to another city within the Nashville area provided minimum separations are maintained. Moreover, we are impelled to reject the foregoing alternate proposals for the following reasons. First, they are new proposals, offered in the instant pleadings, subsequent to the time provided for the filing of such requests, and long after our Report has been issued. Second, the requests at this time for the modification of WMCT's license to specify a new frequency is inconsistent with the provisions of § 1.371, footnote 10 of our rules (Temporary Processing Procedure). We there provided that "Except with respect to Group A–(1) applications (applications filed pursuant to show cause orders), an application by a licensee or permittee of a television broadcast station which seeks to modify an outstanding license or permit to specify a channel other than that authorized in said license or permit will not be accepted for filing by the Commission." Clearly, the modification of the WMCT show cause order to specify Channel 3 or Channel 10, rather than Channel 5 would be in contravention of the foregoing rule.

17. In light of the foregoing, and upon reconsideration, *it is ordered*, That our action in the Sixth Report and Order granting the joint counterproposal of WLAC Broadcasting Station and WSIX Broadcasting Service and the counterproposal of Capital Broadcasting Company is set aside, and that the aforesaid counterproposals are denied.

It is further ordered, That in all other respects the aforesaid petitions of Memphis Publishing Company are denied.

It is further ordered, That effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to delete Channel 5 from the assignments to Nashville, Tennessee.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: September 16, 1952.

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-10545; Filed, Sept. 29, 1952, 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10200]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DOMESTIC FIXED SERVICE

In the matter of amendment of § 2.104 (a) (1) (d) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc for purposes other than the safety of life and property, Docket No. 10200.

1. On May 21, 1952, the Commission adopted a notice of proposed rule making in the above-entitled matter, involving the deletion of the authority now contained in § 2.104 (a) (1) (d) of the Commission's rules for the use of certain frequencies by the Federal-State Market News Service of California (FSMNS). This notice was duly published in the FEDERAL REGISTER on June 4, 1952 (17 F. R. 5044). The notice indicated that comments would be accepted by the Commission on or before July 1, 1952. Several parties requested an extension of time in order to give further study to the proposal before commenting and the Commission, therefore, extended the time for filing comments until July 21, 1952. This time has now expired.

2. Comments were received from the following:

Tokay Marketing Agreement, Lodi, Calif.
Agricultural Council of California, Sacramento, Calif.
Pismo Oceano Vegetable Exchange, San Luis Obispo, Calif.
Earl Myers Co., San Luis Obispo, Calif.
Cross and Heller, Santa Maria, Calif.
H. E. Tabb Co., Santa Maria, Calif.
Puritan Ice Co., Guadalupe, Calif.
Ed Pryor, Santa Maria, Calif.
Kenneth F. Mann, Santa Maria, Calif.
Santa Maria Distributors, Santa Maria, Calif.
S. A. Gerrard Co., Santa Maria, Calif.
W. Hampton Katze, Santa Maria, Calif.
United Farms Co., Santa Maria, Calif.
California State Veterinary Medical Association, San Francisco, Calif.
Associated Produce Dealers & Brokers of Los Angeles, Los Angeles, Calif.
National Council of Farmer Cooperatives, Washington, D. C.
Western Packing Co., Guadalupe, Calif.
Grower Shipper Vegetable Association of Santa Barbara and San Luis Obispo Counties, Santa Maria, Calif.
California Commission on Interstate Cooperation, Sacramento, Calif.
Los Angeles County Farm Bureau, Los Angeles, Calif.
Poultry Producers of Central California, San Francisco, Calif.
California Farm Bureau Federation, Berkeley, Calif.

[1] Commissioner Jones not participating, Commissioners Webster and Hennock dissenting.

Early Apple Advisory Board, Sebastopol, Calif.
California Fruit Growers Exchange, Los Angeles, Calif.
American Farm Bureau Federation, Washington, D. C.
San Francisco Grain Exchange, San Francisco, Calif.
State of California, Department of Agriculture.
Los Angeles Chamber of Commerce.
Wine Institute, San Francisco, Calif.
California State Grange, Sacramento, Calif.
Rosemary Packing Company, Santa Maria, Calif.
Laytonville Grange No. 726.
Kern County Potato Growers Association, Bakersfield, Calif.
Grower-Shipper Vegetable Association of Central California, Salinas, Calif.
Pacific Dairy & Poultry Association, Los Angeles, Calif.
California Wool Growers Association, San Francisco, Calif.
Marketing and Foreign Trade Committee, Washington, D. C.
United States Department of Agriculture.
California Fruit Exchange, Sacramento, Calif.

3. The Commission has studied all of the comments received and finds that they relate to the following issues: In every case the comment involved an expression of fear that, should the Commission no longer permit the FSMNS to use the radio frequencies now assigned to it, the market news service could not exist. Comments also were directed to several other factors relating to the Commission's proposal, as follows: Five comments to the effect that the radio frequencies and service were required for civil defense, three comments to the effect that they were required for public health, two comments to the effect that no interference would be caused to other services by continuing present use, two comments to the effect that the proposal was discriminatory because the Commission had not proposed the deletion of frequencies for similar uses, one comment to the effect that the proposed action was not in the public interest, one that the market service served the public interest, one that the service served public safety, one that there was no evidence that other services needed the frequencies, one that the installation of wire lines or microwave facilities would be costly and a waste of manpower and material, one that the policy of requiring the domestic fixed service to use wire lines or microwaves should not apply in this instance, one comment to the effect that, because of climatic and terrain problems, microwaves would not prove feasible for this service, and one comment to the effect that the recent authorization given to the State of California for operation of teletype facilities on the FSMNS radio circuit was an indication the Commission intended to continue to authorize the operation of the radio system. Three of the comments requested that the Commission hold a hearing on this matter before making its proposal final.

4. Careful and detailed consideration of the comments filed in this proceeding has indicated to the Commission that its original notice of proposed rule making apparently did not set forth in sufficient detail the purpose of, and the reasons for, the proposed amendment to its rules and that it has consequently been misconstrued. This further notice of proposed rule making is being issued in an effort to clear up any misunderstanding which may have been inadvertently caused by the original notice, and in an attempt to enlist the support of all interested parties for this proposal which the Commission believes, on the basis of all the facts now available to it, is in the public interest.

5. Initially, the Commission wishes to emphasize as strongly as possible that its proposal in no way intended to terminate the market news service in the State of California, nor do we believe that adoption of this proposal will, in fact, require the service to be terminated. The Commission has a full appreciation and awareness of the importance and value of the market news service and of the necessity for maintaining it in California. However, we believe, for the reasons set forth in detail below, that the public interest requires that the use of radio frequencies below 25,000 kc for this service by FSMNS should be discontinued and that conversion to wire lines or to available microwave frequencies will result in improvement in the market news service which will be of benefit to its users in the State of California.

6. The factors upon which the Commission bases this belief are as follows:

A. The use of the frequencies below 25,000 kc available for fixed service (point-to-point) for fixed communications within the continental United States, where landlines are available or can readily be made available, is contrary to existing national policy, which limits these valuable frequencies to the international service where their long range characteristics are particularly valuable.

B. The frequencies now employed by the Federal-State Market News Service were assigned at a time when wire service was generally inadequate and more expensive to install and operate than it is today and the demands for use of the available radio frequencies were much less.

C. The international fixed service of the United States, including both Government and non-Government stations, has suffered a significant reduction of spectrum space pursuant to the provisions of the Atlantic City (1947) Radio Regulations. As a consequence, finding a sufficient number of operating frequencies for this important international service is a problem which confronts the United States and which is one of the major projects involved in the implementation of the Atlantic City Table of Frequency Allocations. The Commission does not believe it can or should permit the continuance of the State of California's use of frequencies below 25,000 kc for this purely domestic fixed service at a time when the United States is bending every effort toward putting its international fixed service in-band pursuant to the Agreement reached at the Geneva Extraordinary Administrative Radio Conference. The Commission believes that, on the contrary, it has an obligation to give priority to the international fixed service over the domestic fixed service in the frequency bands below 25,000 kc. Moreover, it is apparent from the Commission's Table of Frequency Allocations in Part 2 of the Commission's rules and regulations that ample radio frequencies above 25,000 kc have been provided for the domestic fixed service. Also, it is a fact that many licenses of the Commission are operating satisfactorily domestic fixed circuit communication systems in the microwave portion of the spectrum.

D. Three of the frequencies used by the FSMNS, namely, 5365, 7625 and 7640 kc, are in the portion of the spectrum in which the problem of sufficient international fixed service channels is most difficult to solve. It will be noted that comments received from interested persons suggest that the use of these frequencies by the FSMNS does not jeopardize their use by other services, since the operation is in the "daytime" when the frequencies can be shared on a time-sharing basis. This does not appear to be the case, inasmuch as the use of these three frequencies by FSMNS is between 7:30 a. m. and 3:30 p. m. P. s. t. (1530–2330 GMT), which substantially overlaps the time during which this order of frequency is needed and is now in use by the international fixed service for circuits between the West Coast and the Territory of Hawaii, Territory of Alaska and other points in the Pacific Area. Examination of the current West Coast international fixed operations reveals that between the West Coast and Alaska frequencies of the order of 7600 kc have been utilized in recent months during the entire 24 hours from 0000 to 2400 GMT. From the West Coast to Asia, and to the Territory of Hawaii, such circuits, using frequencies in the vicinity of 7600 kc, are active during the hours of operation of the FSMNS. Furthermore, with respect to the frequency 5365 kc, investigation indicates that frequencies of this order are needed during certain parts of the sunspot cycle for communication between the United States and Alaska during the night and carrying over into late morning, which includes the most active hours of the FSMNS operations.

E. With respect to the use of 4245 kc by the FSMNS, it is to be noted that this frequency is in an Atlantic City coast station band and is only 2 kc away from the frequency 4247 kc, which is proposed to be used by Station KPH, a high-powered coast station at Bolinas, California. Even if consideration were to be given to a derogation of the Atlantic City Table on the part of the FSMNS, the 4245 kc assignment could not exist on an adjacent channel to KPH.

F. Finally, in the case of 2848 kc, this frequency is located in a portion of the spectrum which is most useful to all of the mobile radio services (which cannot use wire lines and must use radio frequencies), and the continued use of 2848 kc by FSMNS will prevent full use of frequencies in this band by the mobile service. Furthermore, in its comments filed in this docket, FSMNS has indicated that the frequency 2848 kc is not particularly useful in its operations.

G. The comments received in connection with this docket stress the "loss of the service" or "discontinuing of the

service." The Commission's proposal does not imply, nor does it mean, that this communication service should be discontinued. The fact that wire lines are available, that 37 other States are utilizing wire lines for this service, and have apparently found such use to be practical and economical, appear to the Commission to be persuasive evidence that the service will not be jeopardized by the discontinuance of the use of the high frequency spectrum for such communications. Thirty-eight States disseminate market news in cooperation with the Production and Marketing Administration of the Department of Agriculture, but California is the only State utilizing high frequencies for this service. As indicated above, the Commission believes the evidence available points to the fact that it would be in the public interest for FSMNS to obtain service through utilization of wire lines or microwave facilities of common carriers, as is now the case in all other States utilizing this market service. Moreover, in view of the fact that California is, and has been for many years, the only State which has been authorized to use high frequencies for this type of service, it is abundantly clear that the Commission's proposal is in no way discriminatory toward the State of California or the FSMNS.

H. The Commission is furthermore of the opinion that the speed and accuracy of transmission by a wire line printer system would improve rather than impair the service rendered by the Federal-State Market News Service. The maximum speed of manual transmission on the existing radio net is approximately 35 words per minute, subject to personnel errors and interruptions occasioned by atmospherics and vagaries of radio propagation. Tape transmission by means of wire lines would approximately double the present radio rate of transmission and would reduce errors to a minimum. This would be particularly true if incoming traffic from the Department of Agriculture leased line were automatically re-perforated for relay on the Federal-State Market News Service communication circuit. Unedited Department of Agriculture traffic is believed to constitute roughly 80 percent of the total traffic now handled by the FSMNS radio network.

I. Moreover, in an effort to insure that there would be sufficient time for the State of California to convert the FSMNS and its equipment from its present operations to the use of wire lines or microwave facilities, the Commission in its original notice of proposed rule making provided that the effective date of the amendment to its rule would be 6 months after the issuance of the Commission's final order in this docket, or March 1, 1953, whichever is later. None of the comments filed in response to the original notice of proposed rule making indicated that the conversion period specified by the Commission would not be adequate, and it is the Commission's belief that the process of conversion of the existing system to wire line service would not be lengthly or costly.

J. It has been suggested that the FSMNS should retain its present radio frequency assignments in the interests of civil defense. It must be emphasized that the assignment of radio frequencies for civil defense purposes must be coordinated by the Commission with the Federal Civil Defense Authority, the Department of Defense, and other interested agencies. The frequencies on which the FSMNS now operates have not been assigned for civil defense use and it is not contemplated that they will be assigned for that purpose. However, other frequencies have been coordinated and set aside for civil defense use and some of the radio equipment of the FSMNS could be used on those frequencies.

7. The Commission wishes to afford all interested parties an opportunity to reconsider the proposed amendment to its rules set forth in its original notice of proposed rule making in light of the considerations set forth above.

8. This further notice of proposed rule making is issued pursuant to the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

9. Any interested person who wishes to submit further comments in this docket directed towards the additional facts incorporated in this notice may file with the Commission on or before November 10, 1952, a written statement or brief setting forth his views. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs that are filed before taking final action.

10. An original and 14 copies of each brief or written comment should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: September 17, 1952.

Released: September 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10544; Filed, Sept. 29, 1952; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 10318]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, rules governing television broadcast stations, Docket No. 10318.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has this day modified the Sixth Report and Order (FCC 52-294) in Docket 8736 et al., to delete the assignment of Channel 5 to Nashville, Tennessee. The reasons for this action have been set out in detail in a Memorandum Opinion and Order (FCC 52-1069). The Commission is of the opinion that in view of the deletion of Channel 5 from Nashville, it would be in the public interest to assign Channel 5 to Old Hickory, Tennessee. Old Hickory is a community of approximately 8,500 persons located in the Nashville metropolitan area at a distance of approximately 11 miles from the City of Nashville. The assignment of Channel 5 to Old Hickory would make it possible for a station operating on Channel 5 to serve the needs and interests of the Nashville metropolitan area as well as the community of Old Hickory itself. The assignment of Channel 5 to Old Hickory would be fully consistent with the standards and policies set forth in the Sixth Report and Order and with the Commission's rules and regulations.

The deletion of Channel 5 from Nashville creates an inefficiency in the use of spectrum space which is of serious consequence to the residents of the Nashville metropolitan area. However, by assigning Channel 5 to Old Hickory, the Commission would be affording recognition to public interest requirements substantially the same as those which were recognized in the assignment of Channel 5 to Nashville during the proceedings in Docket 8736.

3. In light of the above, the Commission proposes to amend the Table of Assignments contained in § 3.606 of the Commission's rules and regulations to read as follows:

City	*Channel No.*
Tennessee: Old Hickory	5

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 3, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 16, 1952.

Released: September 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10543; Filed, Sept. 29, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 24]

ACCOUNTING REGULATIONS PRESCRIBED FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICE AGAINST HEAT OR COLD

REPAIRS—REFRIGERATION SERVICE FACILITIES

SEPTEMBER 18, 1952.

Having under consideration the matter of the allowances at specified unit prices to cover repairs of refrigerating devices in cars and damage to cars by top or body ice, the Commission by Division I has approved modification of the prescribed accounting regulations to include the cost of repairs for which such allowances are made in account 410, "Repairs—Refrigeration Service Facilities," instead of charging them to account 310, "Car Repairs," as now provided.

Any interested party may on or before October 22, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the above modification effective December 1, 1952.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R Doc. 52-10540; Filed, Sept. 29, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 19, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 021424, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands located in the East Addition to Anchorage Townsite:

All of Block 33B, and all that portion of Block 40, per townsite plat of East Addition to Anchorage Townsite, approved December 19, 1917, lying south of Ship Creek, including Block 40C, and the streets and alleys lying north of First Street and west of East "K" Street, as shown on plat accepted August 30, 1941.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F R. Doc. 52-10524; Filed, Sept. 29, 1952; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

SEPTEMBER 19, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 021657, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands:

T. 1 S., R. 14 W., Seward Meridian
Sec. 34, Lot 6

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-10525; Filed, Sept. 29, 1952; 8:45 a. m.]

Office of the Secretary

NORTH DAKOTA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING CERTAIN PUBLIC LAND AS ADDITION TO UPPER SOURIS NATIONAL WILDLIFE REFUGE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1952.

[F. R. Doc. 52-10527; Filed, Sept. 29, 1952; 8:45 a. m.]

[1] See Title 43, Chapter I, Appendix, PLO 866, *supra*.

CIVIL AERONAUTICS BOARD

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the Caribbean American Lines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on September 30, 1952, at 10:00 a. m., is postponed indefinitely.

Dated at Washington, D. C., September 25, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10568; Filed, Sept. 29, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, As Amended, Section 20 (c), Special Order 14]

ALBERT, INC.

PRICES FOR SELLING SERVICES SUPPLIED

Statement of considerations. The ceiling price for selling services supplied to Albert, Inc., 317 West Adams Street, Chicago, Illinois, by its sales representatives on sales of ladies' lingerie is adjusted by this Special Order pursuant to Section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the

same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that applicant sells ladies' lingerie throughout the United States through the services of ten sales representatives. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for such service will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of such service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of Albert, Inc., 317 West Adams Street, Chicago, Illinois, for an adjustment of the ceiling prices which sellers may charge applicant for selling ladies' lingerie is granted as follows:

On and after the effective date of this Special Order, the ceiling price for selling ladies' lingerie for Albert, Inc., by the following sales representatives shall be 6 percent of the net sales price of the articles sold:

Barney Blum, 3198 West Seventh Street, Los Angeles, Calif.
Martin Davis, 149 Madison Avenue, New York, N. Y.
Herbert Ellis, 2049 East Sixty-seventh Street, Chicago, Ill.
Steve Godich, 1812 Exposition Avenue, Dallas, Tex.
Calvin Goldman, 16915 Eldemere, Cleveland, Ohio.
Jack Riley, 1708 South Downing, Denver, Colo.
Jerry Weisberg, 6342 North Troy, Chicago, Ill.
Gene Wicder, 7764 Wise Avenue, St. Louis, Mo.
John Wilson, 511 Edward Street, Burlington, Wis.
Sam Winn, 701 Eighty-second Street, Miami Beach, Fla.

2. Albert, Inc., may pay to the sellers listed above the increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by Albert, Inc., to the sellers listed above. A copy of this order shall be kept by each of these sellers and another copy shall be filed by each seller with the appropriate District Office of the Office of Price Stabilization with which each of the sellers has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of Albert, Inc., not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective September 25, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

SEPTEMBER 24, 1952.

[F. R. Doc. 52-10487; Filed, Sept. 24, 1952; 11:08 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10293]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN; AMENDMENT

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 18th day of September 1952;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 52-819) setting forth the above amendment was issued by the Commission on July 30, 1952 and was duly published in the FEDERAL REGISTER (17 F. R. 7153), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 3, 1952; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of pending applications requesting Class B assignments in Clemson and Seneca, South Carolina;

It is ordered, That effective October 27, 1952, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
1. Clemson, S. C.		246
Newberry, S. C.	246	293
Columbia, S. C.	293	
2. Seneca, S. C.		293
Asheville, N. C.	293	

Released: September 23, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10542; Filed, Sept. 29, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6450]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

SEPTEMBER 24, 1952.

Notice is hereby given that on September 23, 1952, the Federal Power Commission issued its order entered September 23, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10528; Filed, Sept. 29, 1952; 8:45 a. m.]

[Docket No. E-6452]

IDAHO POWER CO.

NOTICE OF SUPPLEMENTAL ORDER APPROVING PROPOSED METHOD OF COMPLYING WITH COMPETITIVE BIDDING REQUIREMENTS

SEPTEMBER 24, 1952.

Notice is hereby given that on September 22, 1952, the Federal Power Commission issued its order entered September 22, 1952, approving proposed method of complying with competitive bidding requirements in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10529; Filed, Sept. 29, 1952; 8:46 a. m.]

[Docket Nos. G-1824, G-1980]

NEW YORK STATE NATURAL GAS CORP.

ORDER REOPENING PROCEEDING, CONSOLIDATING PROCEEDINGS, DENYING SHORTENED PROCEDURE AND FIXING DATE OF HEARING

SEPTEMBER 23, 1952.

On June 25, 1952, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office in New York City, New York, filed at Docket No. G-1980 an application, and supplement thereto on August 29, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 20 miles of 16-inch, 75 miles of 20-inch, and 970 feet of 20-inch pipeline connecting lines 2, 4, and 34 to the Sabinsville Compressor Station, all as described in Notice of Application published in the FEDERAL REGISTER on July 12, 1952 (17 F. R. 6287).

On August 29, 1952, Applicant filed a petition for modification of the Commission's order issued February 27, 1952, in Docket No. G-1824, for the purpose of deleting therefrom authorization to construct and operate (a) approximately 17.1 miles of 16-inch loop pipeline paralleling Applicant's existing line (Line No. 2) between Colesburg and County Line Header in Potter County, Pennsylvania, and (b) authorization to install and operate an additional 1,320 hp. compressor capacity at the J. B. Tonkin Compressor Station.

The applicant has requested that the application filed at Docket No. G-1980 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for a noncontested proceeding.

Dispostion of the foregoing application and petition may entail a need for modification of the Commission's order issued February 27, 1952, in Docket No. G-1824, so as to rescind that portion of the certificate authorization relating to the items contained in paragraphs (3) and (6) of said order.

The application, together with supplement at Docket No. G-1980, and the petition to modify filed at Docket No. G-1824, are on file with the Commission and open for public inspection.

The Commission finds:

(1) The Commission should on its own motion reopen the proceeding in Docket No. G-1824 for the sole purpose of determining whether it is in the public interest to modify its order of February 27, 1952, issued in Docket No. G-1824, and rescind the authorization to construct and operate the facilities described in paragraphs (3) and (6) of the order, as requested by Applicant.

(2) Good cause exists to consolidate the proceeding in Docket No. G-1980 and the reopened proceeding referred to in finding (1) above.

(3) Good cause has not been shown for granting the Applicant's request that the application filed at Docket No. G-1980 be heard under the shortened procedure, as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

The Commission orders:

(A) The proceeding in Docket No. G-1824 be, and the same hereby is, on the Commission's own motion, reopened for the sole purpose of determining whether the authorization to construct and operate the facilities as described in paragraphs (3) and (6) of the Commission's order issued February 27, 1952, at Docket No. G-1824, should be rescinded as requested by the Applicant.

(B) The proceeding in Docket No. G-1980, and the reopened proceeding referred to in paragraph (A) above, be, and they hereby are consolidated for purpose of hearing.

(C) The request of the Applicant in Docket No. G-1980 for disposition of the proceeding in accordance with the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be, and the same hereby is denied.

(D) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on October 8, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid consolidated proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10549; Filed, Sept. 29, 1952; 8:51 a. m.]

[Docket No. G-1976]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 24, 1952.

Notice is hereby given that on September 24, 1952, the Federal Power Commission issued its order entered September 23, 1952, amending its order of August 13, 1952 (17 F. R. 7681), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10530; Filed, Sept. 29, 1952; 8:46 a. m.]

[Docket No. ID-1035]

EDWARD G. TWOHEY

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

SEPTEMBER 24, 1952.

Notice is hereby given that on September 24, 1952, the Federal Power Commission issued its order entered September 23, 1952, authorizing applicant to hold certain positions pursuant to Section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10531; Filed, Sept. 29, 1952; 8:46 a. m.]

[Project No. 2103]

MONTANA PHOSPHATE PRODUCTS CO.

NOTICE OF ORDER ISSUING LICENSE (MINOR PART)

SEPTEMBER 24, 1952.

Notice is hereby given that on August 5, 1952, the Federal Power Commission issued its order entered July 31, 1952, issuing license (Minor Part) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-10532; Filed, Sept. 29, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by section 302 (a) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), as amended, hereinafter called the "act," authority is hereby delegated to the Secretary of Agriculture to negotiate, in accordance with section 302 (c) (4) of the act, without advertising, contracts for the rendition of engineering and architectural services in connection with the establishment of a laboratory and related facilities for investigation of foot-and-mouth and other animal diseases as authorized by the act of April 24, 1948 (21 U. S. C. 113a).

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and preservation of data, and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of Agriculture.

4. This delegation of authority shall be effective as of the date hereof.

Dated: September 25, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-10598; Filed, Sept. 29, 1952; 9:08 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 66]

SEWARD, ALASKA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and

Rent Act of 1947, as amended, exist in the area designated as

Seward, Alaska, Area: (The area consists of, in the Third Judical Division, Seward District except those portions of the district which are within a 20-mile radius of the Post Office of the City of Anchorage, Fort Richardson, and Elmendorf Air Force Base, Alaska.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10638; Filed, Sept. 29, 1952; 12:00 m.]

[RC 67]

CEDAR RAPIDS, IOWA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Cedar Rapids, Iowa, Area: (The area consists of all of Linn County, Iowa.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10639; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 68]

ALLENTOWN-BETHLEHEM, PENNSYLVANIA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Allentown-Bethlehem, Pennsylvania, Area: (The area consists of Northampton and Lehigh Counties in Pennsylvania; and the Townships of Greenwich, Lopatcong, and Pohatcong, the Borough of Alpha, and the town of Phillipsburg, all in Warren County, New Jersey.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10640; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 69]

EVANSVILLE, INDIANA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Evansville, Indiana, Area: (The area consists of Vanderburgh County, Indiana.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10641; Filed, Sept. 29, 1952; 12:01 p. m.]

[RC 70]

DENVER, COLORADO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 29, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Denver, Colorado, Area: (The area consists of the Counties of Denver, Adams, Arapahoe, and Jefferson, Colorado.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10642; Filed, Sept. 29, 1952; 12:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

SEPTEMBER 24, 1952.

The Commission, on December 24, 1947, having issued its order approving a plan of reorganization of Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden"), also a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") subject to conditions reserving jurisdiction to determine, among other things, the reasonableness and appropriate allocation of all fees, expenses, and other remuneration incurred and to be incurred in connection with said plan;

The Commission on February 20, 1951, having issued its order approving a supplemental plan proposing the distribution of certain assets previously placed in escrow, said order having provided that jurisdiction was specifically reserved to consider and determine the reasonableness and allocation of all fees and expenses incurred and to be incurred in connection with said supplemental plan and the transactions incident thereto;

The Commission, on June 26, 1952, having issued its order releasing jurisdiction over certain fees and expenses incurred in connection with said supplemental plan subject to a reservation of jurisdiction with respect to an application by Phillip D. Crockett, a representative of certain debenture holders, as to which the record had not been completed;

Said Phillip D. Crockett having filed an amendment requesting approval and an allowance only of his expenses in the amount of $930;

The Commission finding that such expenses are reasonable and were necessarily incurred in connection with said supplemental plan;

It is ordered, That Ogden is directed to pay the expenses requested by Phillip D. Crockett:

It is further ordered, That the jurisdiction heretofore reserved with respect to the application filed by Phillip D. Crockett is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10550; Filed, Sept. 29, 1952; 8:51 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

SUPPLEMENTAL ORDER RE BONDS, SERIAL NOTES AND RESERVATIONS WITH RESPECT TO FEES

SEPTEMBER 24, 1952.

The Commission, by order dated September 15, 1952, having granted the application, or permitted the declaration to become effective, of Appalachian Electric Power Company ("Appalachian"), an electric subsidiary of American Gas and Electric Company, a registered holding company, with respect to the issuance and sale by Appalachian of $17,000,000 principal amount of First Mortgage Bonds ____ percent Series due 1982, and $6,000,000 aggregate principal amount of its ____ percent Serial Notes due 1956–1967, subject to a reservation of jurisdiction with respect to the results of competitive bidding under Rule U-50 concerning both securities, and a further reservation of jurisdiction with respect to fees and expenses; and

A further amendment having been filed on September 24, 1952, setting forth the action taken by Appalachian to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the securities have been received:

BONDS

Bidder	Annual interest rate (percent)	Price to company (percent of principal)	Annual cost to company (percent)
The First Boston Corp.	3½	101.569	3.416
Kuhn, Loeb & Co. and Union Securities Corp.	3½	101.421	3.4238
Halsey, Stuart & Co., Inc.	3½	101.311	3.4297
Harriman, Ripley & Co., Inc.	3½	101.009	3.4458

SERIAL NOTES

Kuhn, Loeb & Co. and Union Securities Corp.	3½	100.76	3.4336
Halsey, Stuart & Co., Inc.	3½	100.65	3.4397
The First Boston Corp.	3½	100.3099	3.4717

Said amendment to the declaration also setting forth that Appalachian has accepted the bid for the Bonds of the group headed by the First Boston Corporation, and that said Bonds will be reoffered to the public at a price of 102.25 percent of the principal amount thereof plus accrued interest from October 1, 1952, to the date of payment and delivery, resulting in a gross underwriting spread of 0.681 percent of the principal amount of said Bonds, said spread aggregating $115,770; and

Said amendment also setting forth that Appalachian has accepted the bid for the Serial Notes of the group headed by Kuhn, Loeb & Co. and Union Securities Corporation, as shown above, and that said Serial Notes will be reoffered to the public at the yields shown below with respect to the several maturities resulting in an average price to the public of 101.165 percent of the principal amount thereof plus accrued interest from October 1, 1952, to the date of payment and delivery, and resulting in a gross underwriting spread of 0.405 percent of the principal amount of said Serial Notes, such spread aggregating $24,302.30; said amendment further setting forth that the said Serial Notes will be reoffered to the public at prices which will result in the yields set forth below, for the respective maturities, for the period from the delivery date to maturity, plus in each case accrued interest from October 1, 1952, to the delivery date:

Series:	Yield (Percent [1])
1956	3.0
1957	3.05
1958	3.10
1959	3.15
1960	3.20
1961	3.25
1962	3.30
1963	3.35
1964	3.40
1965	3.45
1966	3.475
1967	3.475

[1] Computed as of an assumed delivery date of Oct. 2, 1952.

The record not having been completed with respect to the fees and expenses of counsel, and it appearing that the other expenses as estimated are not unreasonable; and

The Commission having examined said amendment, and having considered the record herein, and finding no reason for the imposition of terms and conditions with respect to the results of competitive bidding, and it appearing appropriate to release jurisdiction with respect to fees and expenses other than the fees and expenses of counsel:

It is ordered, That jurisdiction with respect to the matters to be determined as a result of competitive bidding under Rule U-50 and with respect to fees and expenses, other than the fees and expenses of counsel be, and the same hereby is, released and that said application or declaration, as amended, be, and the same hereby is, granted or permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to the fees and expenses of counsel be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10551; Filed, Sept. 29, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27419]

RUBBER TIRES FROM MASSACHUSETTS AND CONNECTICUT TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent I. N. Doe's tariff I. C. C. No. 610, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Points in Massachusetts and Connecticut.

To: Memphis, Tenn., Baton Rouge, La., and other points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10533; Filed Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27420]

COAL FROM DU QUOIN, ILL., DISTRICT TO ILLINOIS, INDIANA, AND MICHIGAN

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company, for itself and on behalf of the Chicago & Eastern Illinois Railroad Company, and the Grand Trunk Western Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Mines in the Du Quoin, Ill., district.

To: Points in Illinois, Indiana, and Michigan, on the Grand Trunk Western Railroad.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Mo. Pac. RR. tariff I. C. C. No. A-10201, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10534; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27421]

TRANSIT RATES ON LUMBER FROM SOUTHERN TERRITORY TO ANNISTON, ALA.

APPLICATION FOR RELIEF

SEPTEMBER, 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Lumber and other forest products, carloads.

From: Points in southern territory.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11211, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10535; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27422]

FERTILIZER FROM MARTINSVILLE, VA., SPARTANBURG, S. C., AND SELBYVILLE, DEL., TO OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-816.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Martinsville, Va., and Spartanburg, S. C., to destinations in official territory, and from Selbyville, Del., to destinations in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10536; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27423]

YARN FROM FLORA, MISS., TO TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 856.

Commodities involved: Yarn, in carloads.

From: Flora, Miss.

To: Trunk-line (including Buffalo-Pittsburgh) and New England territories.

Grounds for relief: Rail and motor competition, circuity, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 856, Supp. 155.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10537; Filed, Sept. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27424]

FERTILIZER FROM LAKE JUNCTION, N. J., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-816.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Lake Junction, N. J.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-816, Supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10538; Filed, Sept. 29, 1952; 8:48 a. m.]

[4th Sec. Application 27425]

COKE FROM POTTER, OKLA., TO MIDWEST AND SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3952.

Commodities involved: Coke, coke breeze, coke dust and screenings, carloads.

From: Potter, Okla.

To: Points in Arkansas, Louisiana, Kansas, Missouri, Illinois, Tennessee, and Mississippi.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3952, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10539; Filed, Sept. 29, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19020]

FERD. MULHENS, INC.

In re: Rights and interests in trademarks and goodwill of Ferd. Mulhens, Inc., and agreements relating thereto.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193; as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), sometimes designated as the House of Muelhens, was, on December 11, 1941, and until his death in 1945, a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), who there is reasonable cause to believe are and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title and interest, if any, of whatsoever kind or nature, including without limitation any reversionary interest, under statutory or common law of the United States and of the several States thereof, of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), or of the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), in and to any and all of the goodwill of the business in the United States of Ferd. Mulhens, Inc., a New York corporation, its successors or assigns, and in and to any and all registered or unregistered trademarks and trade names appurtenant to said business of Ferd. Mulhens, Inc.; and all interests and rights of whatsoever kind or nature created in Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), or the domiciliary personal representatives, heirs, next of kin, legatees or distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), by virtue of any and every agreement, license, privilege, power, writing or understanding of whatsoever kind or nature (including, but not limited to, an agreement made and entered into at New York, New York as of May 1, 1931, between Peter Muelhens and Ferd. Mulhens, Inc., and any and all modifications thereof or supplements thereto, including, but not limited to, an agreement made and entered into at New York, New York as of January 1, 1936, between Paul Peter Muelhens and Ferd. Mulhens, Inc., and an agreement or understanding set forth or contained in an exchange of letters from Ferd. Mulhens, Inc. to Maxwell C. Katz and from Maxwell C. Katz to Ferd. Mulhens, Inc., respectively dated at New York, New York, January 31, 1941, and February 24, 1941) arising under or with respect to said business of Ferd. Mulhens, Inc., its successors or assigns,

is, to the extent not heretofore vested, property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons identified in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Peter Muelhens, also known as Paul Peter Muelhens (or Mulhens), be treated as persons who are and prior to January 1, 1947, where nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-10569; Filed, Sept. 29, 1952; 8:54 a. m.]

[Vesting Order 1590, Amdt.]

FERD. MULHENS, INC., AND PAUL PETER MULHENS

In re: Trademarks and other property of Ferd. Mulhens, Inc. and Paul Peter Mulhens (Muelhens), and contractual interests relating thereto.

Vesting Order No. 1590, executed June 3, 1943, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 6 (g) of said vesting order and substituting the following:

(g) The interests and rights in and to an agreement or agreements more fully described and identified in Exhibit C attached hereto and made a part hereof.

2. By deleting Exhibit C of said vesting order and substituting the following:

EXHIBIT C

All interests and rights (including, without limitation, all accrued royalties and other moneys payable or held with respect to said interests and rights and all damages for breach of the agreement or agreements hereinafter described, together with any and all rights to sue therefor) created in Peter Muelhens (Paul Peter Muelhens) by virtue of a certain agreement dated at New York, New York as of May 1, 1931 (including any and all modifications thereof and supplements thereto, if any, including, without limitation,

modifications thereof and supplements thereto, if any, set forth or contained in an agreement dated as of January 1, 1936, between Paul Peter Muelhens (Peter Muelhens) Cologne, Germany, and Ferd. Mulhens, Inc., and/or an agreement set forth or contained in a letter from Ferd. Mulhens, Inc., to Maxwell C. Katz dated at New York, New York, January 31, 1941, and a letter in reply thereto from Maxwell C. Katz to Ferd. Mulhens, Inc., dated at New York, New York, February 24, 1941) by and between Peter Muelhens, therein designated the House of Muelhens, and Ferd. Mulhens, Inc., pursuant to which Peter Muelhens agreed, among other things, to appoint Ferd. Mulhens, Inc., his sole and exclusive agent in the United States of America for the compounding, manufacturing and/or selling of eau de cologne, soaps, perfumeries, toiletries and kindred articles under the trademark, trade name and label "4711" and such other trademarks, trade names and labels as directed by Peter Muelhens, and Ferd. Mulhens, Inc., agreed to pay Peter Muelhens for his services in assisting in the direction of the business of Ferd. Mulhens, Inc., and further agreed that all trademarks, trade names or labels used or hereafter to be used upon or in relation to products sold by Ferd. Mulhens, Inc., including the recipes for blending, manufacturing or compounding of any such products, are the property of Peter Muelhens.

All other provisions of Vesting Order No. 1590 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby confirmed and ratified.

Executed at Washington, D. C. on September 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10570; Filed, Sept. 29, 1952; 8:54 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 192

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1952 CCC Cottonseed Bulletin 3, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1952 COTTONSEED PRODUCTS PURCHASE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations of Commodity Credit Corporation (referred to in this subpart as CCC) with respect to the purchase of cottonseed products as a means of supporting the price of 1952-crop cottonseed (1952 CCC Cottonseed Bulletin 3, 17 F. R. 4638) are amended as hereinafter specified. The amendment to paragraph (b) (2) of § 643.742 will permit a participating crusher who delints cottonseed at one mill and transports the resulting meats to another mill under the same management in the same area for the processing of oil and meal to deliver, upon approval by the PMA Commodity Office, linters at the mill where cottonseed is delinted and oil and meal at the mill where the oil and meal is produced, irrespective of the method of extracting the oil. The amendment to paragraph (a) of § 643.743 will enable a participating crusher to tender to CCC products produced from eligible cottonseed purchased from other participating crushers. The amendment to paragraph (b) of § 643.743 will permit crushers to grade cottonseed on the basis of samples drawn from not in excess of each 200 tons of cottonseed purchased. The new paragraph (d) added to § 643.743 specifies the cottonseed grading requirements in the case of a crusher and a ginner which are the same legal entity. The amendment to paragraph (a) of § 643.744 will permit a participating crusher to exclude cottonseed cake or meal from any tender to CCC provided cottonseed oil and cottonseed linters produced from eligible cottonseed are included in the tender in the applicable quantities specified in § 643.744 (a) and payment is made to CCC for any amount by which the CCC purchase price for cake or meal specified in § 643.747 (a) is less than the crusher's ceiling price determined under Federal law, or if ceiling prices are not in effect, is less than the last applicable ceiling price determined under Federal law, or the current market price determined by CCC, whichever is higher, for the applicable quantity of cake or meal specified in § 643.744 (a) which the crusher would otherwise be required to tender. The amendment to § 643.754 requires that the books, records and accounts of the crusher with respect to purchases of cottonseed and all other transactions under this subpart be retained by him for a period of at least two years from the last date any of the products tendered by the crusher under this subpart have been delivered.

1. Paragraph (b) (2) of § 643.742 is amended to read as follows:

§ 643.742 *Availability.* • • •

(b) *Source.* • • •

(2) If the crusher operates more than one cottonseed crushing mill, he may file one acceptance for those mills for which he desires to accept this offer and shall specify in the acceptance the names and locations of the mills covered by the acceptance; but each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased for processing at, and cottonseed products produced at, each such mill; except that, upon request by the crusher and approval by the PMA Commodity Office, where two or more mills covered by the one acceptance are under the same management and are located in such proximity that they have identical freight rates for the shipment of cottonseed products, irrespective of destination, they shall be considered collectively as a single unit with respect to the rights and obligations of the crusher for cottonseed purchased for processing, and cottonseed products produced at each such mill; further, upon request by the crusher and approval by the PMA Commodity Office, where a crusher delints cottonseed at one mill and transports the resulting meats to another mill under the same management in the same area for the processing of oil and cake or meal, CCC will accept delivery of the linters at the mill where the cottonseed is delinted and oil and cake or meal at the mill where

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Code of Federal Regulations

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Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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the oil and cake or meal is produced. CCC will acknowledge in writing the receipt of each acceptance.

2. Paragraph (a) of § 643.743 is amended to read as follows:

§ 643.743 *Purchases of cottonseed by crusher*—(a) *Eligible cottonseed.* (1) Only 1952 crop cottonseed purchased by the crusher from (i) ginners participating in the 1952 cottonseed purchase program (1952 CCC Cottonseed Bulletin 2), (ii) from producers eligible under such program, (iii) or from other participating crushers, is covered by this subpart. In the case of purchases of cottonseed from another participating crusher, such cottonseed must have been a part of the inventory of eligible cottonseed of the selling crusher and must not have been the basis for any tender of cottonseed products made by the selling crusher to CCC. The selling crusher must furnish the buying crusher for his records a certified statement showing the name of the buying crusher, the grade and quantity of eligible cottonseed sold, and the date of delivery. A copy of such statement shall be sent by the selling crusher to the appropriate PMA Commodity Office. The selling crusher's inventory of eligible cottonseed shall be reduced by the quantity so sold.

(2) The crusher must pay for all such cottonseed purchased from ginners under this subpart not less than $¢6.40 per ton basis grade (100), f. o. b. gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100), and from producers not less than the applicable gin price to producers determined in accordance with 1952 Cottonseed Bulletin 2. Cottonseed which is "below grade" or "off quality" as defined in the rules of the National Cottonseed Products Association may be purchased at a price mutually agreeable to the crusher and the ginner or the producer selling the cottonseed. The names and addresses of participating ginners and beginning dates of their participation will be furnished to the crusher by the appropriate PMA Commodity Office. The crusher may obtain and rely upon information received in writing from either the county or State PMA Committee or from the PMA Commodity Office as to additions to the list of participating ginners. If a participating ginner should become ineligible to deliver cottonseed, written notice to the crusher of such ineligibility will be given by the appropriate PMA Commodity Office.

3. Paragraph (b) of § 643.743 is amended to read as follows:

§ 643.743 *Purchases of cottonseed by crusher.* • • •

(b) *Purchases on official grades.* Unless otherwise approved by the President of CCC, all cottonseed which is purchased by the crusher under this subpart shall be graded in accordance with the U. S. Official Standards for Grades of Cottonseed and shall be purchased on the basis of such grades, except that the crusher shall be permitted to have composite samples drawn from not more than 200 tons of cottonseed in lieu of the 35 tons now prescribed. (All other provisions with respect to drawing samples remain unchanged.) Cost of sampling and chemical analysis of cottonseed shall be for the account of the crusher.

4. Section 643.743 is amended by adding a new paragraph (d) to read as follows:

§ 643.743 *Purchases of cottonseed by crusher.* • • •

(d) *Grading when crusher and ginner are a single legal entity.* Notwithstanding the other provisions of this section, where a crusher under this subpart and a ginner participating under the 1952 cottonseed purchase program (1952 CCC Cottonseed Bulletin 2) are a single legal entity, and cottonseed purchased from producers in accordance with the terms and conditions of 1952 CCC Cottonseed Bulletin 2 are received by the crusher from the ginner, such cottonseed shall be covered by this subpart and shall be graded by the crusher in accordance with paragraph (b) of this section.

5. Paragraph (a) of § 643.744 is amended to read as follows:

§ 643.744 *Purchase of cottonseed products by CCC*—(a) *Option to tender products.* (1) The crusher shall have the option to sell and CCC shall purchase if offered, for each ton of cottonseed purchased by the crusher under this subpart, the quantities of crude cottonseed oil, 41 percent protein cake or meal and linters specified below for the applicable area.

	Oil (pounds)	41 per cent protein cake or meal (pounds)	Linters (pounds net weight)
Southeastern area	310	860	188
Valley area	325	871	182
Texas-Oklahoma area	360	843	181
Arizona-New Mexico area	332	875	187
California	340	900	200

If a crusher elects to sell any products to CCC, the quantities of oil, cake or meal and linters shall be tendered in the proportions specified above for the area in which the mill is located except as provided below. CCC may reject LCL shipments except for a clean-up car on the last delivery of each product, on which the crusher protects the minimum freight rate. Upon prior approval from the PMA Commodity Office, shipments may be made by truck. Any crusher who produces substantially less linters per ton than the applicable quantity specified above shall not be required to deliver in excess of his actual average outturn of linters per ton of cottonseed, as determined by the appropriate PMA Commodity Office.

(2) Purchases of linters, oil and cake, or meal, shall be in accordance with §§ 643.745 through 643.748 and applicable rules of the National Cottonseed Products Association in effect on the date of tender of such products except to the extent that such rules are inconsistent with this subpart and except as to periods specified in such rules for presentation of claims and the rules on arbitration. Each tender shall indicate the quantity of cottonseed purchased, the quantities of products tendered to CCC, and the delivery dates. CCC shall confirm in writing all tenders of products under this paragraph which comply with the provisions of this subpart. Each tender by the crusher and confirmation by CCC shall constitute separate contracts for the sale of such products in accordance with the terms of this subpart and the applicable rules of the National Cottonseed Products Association. The obligations of CCC for the purchase of cottonseed products under this subpart shall be limited to those quantities of products manufactured from cottonseed acquired by the crusher under the terms of this subpart up to the time of tender and which have not been sold or contracted for sale to other persons. In determining whether the crusher meets these requirements, all commercial sales contracts for cottonseed products shall be deemed to be the crusher's obligations, first, against products produced or to be produced from cottonseed acquired up to the time of tender and not purchased by the crusher under the terms of this subpart, and second, against cottonseed purchased by the crusher under the terms of this subpart, regardless of whether such contracts were actually consummated by delivery. Hedges on commodity exchanges do not constitute commercial sales contracts within the meaning of

this paragraph. CCC will not accept deliveries of products which bear brand names.

(3) Notwithstanding any other provisions of this section, the crusher may exclude from any tender of products to CCC cottonseed cake or meal produced from eligible cottonseed if the cottonseed oil and cottonseed linters included in the tender are in the applicable quantities specified in this section and, if payment is made to CCC for any amount by which the CCC purchase price specified in § 643.747 is less than the latest ceiling price of the crusher determined under Federal law, or if ceiling prices are not in effect, any amount by which such purchase price is less than the last ceiling price determined under Federal law, or the current market price determined by CCC, whichever is higher, for the applicable quantity of cake or meal which the crusher would otherwise be required to tender under this section.

6. Section 643.754 is amended to read as follows:

§ 643.754 *Books and records.* The crusher shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased), and all other transactions under this subpart for a period of at least two years from the last date any of the products tendered by the crusher under this subpart have been delivered, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request. CCC may at any time examine and audit the books, records, and accounts of the crusher to the extent necessary to assure compliance with the provisions of this subpart.

(Sec. 4, 62, Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714b, 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 26th day of September 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52–10615; Filed, Sept. 30, 1952; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

1. Effective August 31, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the addition of the following:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* * * *

Hospital administration intern, U. S. Public Health Service, first year approved postgraduate training.

2. Effective August 31, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.* * * *

Hospital administration intern—U. S. Public Health Service: First year approved postgraduate training	$2,000

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52–10573; Filed, Sept. 30, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5934]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

TREASURY CERTIFICATES OF INDEBTEDNESS, TREASURY NOTES, AND TREASURY BILLS IN PAYMENT OF INCOME AND PROFITS TAXES

In order to reflect the changes made necessary by Paragraph 5 of Department Circular No. 418, as amended May 13, 1952 (31 CFR 309.5; 17 F. R. 4561), relating to acceptance before maturity of Treasury bills in payment of income and profits taxes, Article 1 of Treasury Decision 4703, approved November 3, 1936, as made applicable by Treasury Decision 4885, approved February 11, 1939 (26 CFR, 1943 Cum. Supp., page 5876), codified in 26 CFR, Part 3 (1938 ed.), as § 3.56–5, is hereby amended to read as follows:

§ 3.56–5 *Treasury certificates of indebtedness, Treasury notes and Treasury bills in payment of income and profits taxes.* (a) Treasury certificates of indebtedness and Treasury notes (not including interim receipts issued by Federal reserve banks in lieu of definitive certificates or definitive notes) the maturity dates of which are the 15th day of any calendar month may be tendered at par or dollar face amount, plus accrued interest, if any, payable with the principal (not represented by coupons attached), in payment of income and profits taxes payable under the provisions of the Internal Revenue Code, but only if (1) such certificates or notes, according to the express terms of their issue, are made acceptable in payment of such income and profits taxes, and (2) such taxes for which the certificates or notes are tendered in payment become due on the same date as that on which such certificates or notes mature.

All interest coupons attached to Treasury certificates of indebtedness and Treasury notes shall be detached by the taxpayer before such certificates or notes are tendered in payment of taxes.

(b) Treasury bills of any series (not including interim receipts issued by Federal reserve banks in lieu of definitive bills) may be tendered at or before maturity at maturity value in payment of income and profits taxes payable under the provisions of the Internal Revenue Code, due on the date on which the bills mature or a specified prior date, but only if such bills, according to the express terms of their issue, are made acceptable in payment of such income and profits taxes due on that date.

(c) Receipts given by the collector or Director of Internal Revenue for Treasury certificates of indebtedness, Treasury notes, or Treasury bills received in payment of income or profits taxes as provided in this section shall contain an adequate description of such certificates, notes or bills, including a statement of the par value or dollar face amount thereof and accrued interest, if any, payable with the principal (not represented by coupons attached), and shall show that they are tendered by the taxpayer and received by the collector or Director, subject to no condition, qualification, or reservation whatsoever, in payment of no more than an amount of taxes equal to such par value or dollar face amount and accrued interest, if any, payable with the principal (not represented by coupons attached). Any certificate, note, or bill offered in payment of income or profits taxes under the provisions of the Internal Revenue Code subject to any condition, qualification, or reservation, or for any greater amount than the par value or dollar face amount thereof and accrued interest, if any, payable with the principal (not represented by coupons attached) shall not be deemed to be duly tendered and shall be returned to the taxpayer.

(d) For the purpose of saving taxpayers the expense of transmitting such Treasury certificates of indebtedness, Treasury notes, or Treasury bills to the office of the collector or Director of Internal Revenue in whose district the taxes are payable, taxpayers desiring to pay income and profits taxes by such certificates, notes or bills acceptable in payment of taxes may deposit such certificates, notes, or bills with a Federal reserve bank or branch, subject to the condition that the Federal reserve bank issue a receipt in the name of the collector or Director of Internal Revenue, covering the par or dollar face amount of the certificates, notes, or bills, and accrued interest, if any, payable with the principal (not represented by coupons attached), and stating on the face of the receipt that the securities represented thereby are held by the bank for redemption and application of proceeds in payment of income or profits taxes due on a specified date by the taxpayer named therein.

Because this Treasury decision extends to taxpayers the privilege of applying specified Treasury bills at maturity value in payment of income or profits taxes due prior to the maturity date of such bills, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 447, 467; 26 U. S. C. 3657, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: September 25, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–10600; Filed, Sept. 30, 1952; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 804, RELATIONS WITH AGENCIES OF PUBLIC CONTACT

COMMERCIAL LIFE INSURANCE SOLICITATION

The following sections supersede §§ 804.201, 804.202 (14 F. R. 7315; 32 CFR 804.201, 804.202):

Sec.
804.201 Purpose.
804.202 Policy.
804.203 Regulating procedures.
804.204 Violation of regulations.

AUTHORITY: §§ 804.201 to 804.204 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 34–21.

§ 804.201 *Purpose.* Sections 804.201 to 804.204 establish a uniform Air Force policy in connection with solicitation of Air Force personnel by representatives of commercial life insurance companies at Air Force installations. It is applicable to all Air Force activities.

§ 804.202 *Policy.* The control of the activities of dealers, tradesmen, or their agents is the responsibility of the installation commander. Life insurance solicitation may be permitted at the discretion of the installation commander and under such regulations as he shall prescribe. The minimum control which will be exercised over such solicitation by commercial life insurance agents is as follows:

(a) Commanders of Air Force installations over which exclusive jurisdiction has been ceded to the United States may (but are not required to) authorize solicitation of commercial life insurance on their installations when both the company and its agents are licensed in any State or the District of Columbia.

(b) Where the State has retained exclusive or concurrent jurisdiction over the installation, the company and the agents must qualify under the laws of that State prior to soliciting business on the installation.

(c) There will be no solicitation of recruits or basic trainees.

(d) There will be no solicitation of personnel being processed at ports of embarkation, except by written appointment.

(e) There will be no mass solicitation at formations or captive audiences.

(f) Solicitation will not be permitted which interferes with military duty.

(g) No emoluments of any nature will be offered to, or accepted by military or civilian personnel employed by the Air Force to facilitate transactions.

§ 804.203 *Regulating procedures.* (a) Commanders will regulate solicitation within their commands to avoid discriminatory practices. No commercial life insurance organization, association, company, groups, or other such entity or agent, or special company plan of insurance, will, in any way, be sponsored by any member of the Air Force, nor will any special consideration be afforded or granted to any one company or agent over another. The only life insurance considered non-commercial by the Department of the Air Force is that made available to military personnel as a result of Federal legislation and underwritten by the U. S. Government.

(b) All allotment authorizations (DD Form 234, "Allotment Authorization to Start or Stop Allotments") for commercial life insurance will be completed prior to signature and processed in accordance with current directives.

(c) The official use of DD Form 234 bearing an unauthorized overprint is prohibited. Air Force personnel officers and disbursing officers will not certify such forms.

(d) Whenever commercial life insurance data are utilized by commanders for insurance lectures, it will be ascertained that the names of the companies represented or their commercial offerings are not coincidentally mentioned or credited in any manner. Commanders will insure that all information contained in the lectures pertaining to Servicemen's Indemnity or Government life insurance is accurate and as promulgated in current directives.

§ 804.204 *Violation of regulations.* Commanding officers may bar any agent from his command for violation of regulations. When such action is taken, commanding officers will cooperate with state officials when the State has exclusive or concurrent jurisdiction over the installations. In those cases where the United States has exclusive jurisdiction, commanding officers will forward a report to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., setting forth all factors upon which the decision to ban the agent was based. The Director of Military Personnel will ascertain that a complete and impartial investigation has been made. If the Director of Military Personnel determines that the agent in question was involved in fraudulent, unethical or other conduct harmful to the best interests of Air Force personnel, the agent concerned may be banned from all Air Force installations. In all such cases the Director of Military Personnel will furnish the facts and a statement of its intended action to the other military departments. Final action banning an agent from an Air Force installation should not be taken until an opportunity is afforded the agent involved to be heard when possible. When the Air Force determines that an agent will be banned from its installations, it will notify the insurance commissioner of the State of domicile of the company concerned.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52–10578; Filed, Sept. 30, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 34]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 34—CEILING PRICES FOR AGRICULTURAL AND GARDEN HAND TOOLS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 34 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes new ceiling prices for manufacturers of agricultural and garden hand tools at a higher level than those previously in effect.

The Office of Price Stabilization has recently completed a financial survey of the agricultural and garden hand tools industry. The survey was undertaken as the result of information submitted by industry members at various informal meetings which indicated that the level of ceiling prices hitherto in effect for this industry was below the minimum prescribed by the "industry earnings standard" (the so-called "Johnston Formula"). The industry earnings standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to not less than 85 percent of the average earnings for the industry's best three years during the period 1946–1949 inclusive adjusted for changes in net worth. Financial data were obtained from a representative group of manufacturers in the agricultural and garden hand tool industry, whose total sales represent over 80 percent of the industry's annual volume. Based upon this data, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard, ceiling prices for this industry will have to be established at 8 percent above the present level of selling prices. Such ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in cost of steel, other materials, wages,

and freight that have already been incurred. Manufacturers covered by this supplementary regulation may not, therefore, adjust their ceiling prices under GOR 35 issued for the purpose of permitting a pass-through of increased steel and other metals' costs.

This supplementary regulation establishes ceiling prices for manufacturers of agricultural and garden hand tools which are 108 percent of their highest selling prices since September 1, 1951.

This supplementary regulation applies only to manufacturers who have previously established ceiling prices under CPR 22. However, a supplementary regulation to the General Ceiling Price Regulation is being issued simultaneously herewith, which provides a corresponding adjustment for manufacturers subject to that regulation.

Manufacturers continue to have the election to determine their ceiling prices under the various regulations that were issued pursuant to the so-called "Capehart Amendment". If they do so, however, they may not use this supplementary regulation.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered by this supplementary regulation.
3. Ceiling prices for agricultural and garden hand tools dealt in between September 1, 1951, and September 29, 1952, inclusive.
4. Ceiling prices for agricultural and garden tools which cannot be determined under section 3.
5. Reports.
6. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 through 6 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes new ceiling prices for sales by manufacturers of agricultural and garden hand tools. These new ceiling prices are to be used in place of those previously established under sections 3 and 30 to 34, inclusive, of Ceiling Price Regulation 22, or under any supplementary regulations to CPR 22. All provisions of CPR 22 and of any supplementary regulation to CPR 22 otherwise applicable and not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Commodities covered by this supplementary regulation.* The commodities covered by this supplementary regulation are agricultural and garden hand tools, known in the trade as "steel goods". They include, but are not limited to, rakes, hoes, forks, cultivators, spades, shovels, scoops, weeders, edgers, and grass whips. Edge tools are not included.

SEC. 3. *Ceiling prices for agricultural and garden hand tools dealt in between September 1, 1951 and September 29, 1952, inclusive.* (a) Your ceiling price for sale of an agricultural and garden hand tool product is 108 percent of the highest price at which you delivered it between September 1, 1951 and September 29, 1952, to a purchaser of the same class. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless, during the period September 1, 1951 to September 29, 1952, you made at least 20% by dollar volume of your total deliveries of the commodity to that class of purchaser at that price or a higher price. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 108 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your CPR 22 ceiling price for the same agricultural and garden hand tool product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Ceiling prices for agricultural and garden hand tools which cannot be determined under section 3.* If you are unable to establish a ceiling price for an agricultural and garden hand tool under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with the provisions of CPR 161 (Consumer Durable Goods Regulation). Ceiling prices which were established under sections 3 or 4 of CPR 161 prior to the effective date of this supplementary regulation may be recomputed, using as the ceiling price of the comparison commodity or commodities a ceiling price determined under this supplementary regulation. You need not report this recomputation. Sections 3 and 4 of CPR 161 require you to determine a ceiling price by reference to the ceiling price of a comparison commodity or commodities. In applying sections 3 or 4 after the effective date of this supplementary regulation, use as the ceiling price of the comparison commodity a ceiling price determined under this supplementary regulation or under SR 1 to CPR 161.

SEC. 5. *Reports.* Prior to using this supplementary regulation, you must have complied with the reporting requirements of sections 46 and 48 of CPR 22. If you have filed an OPS Public Form No. 8 in compliance with these sections of CPR 22, you need not amend your Form 8 to reflect the adjustment authorized by this supplementary regulation.

SEC. 6. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use Supplementary Regulations 17 or 18 to Ceiling Price Regulation 22 or GOR 20 to establish your ceiling prices for agricultural and garden hand tools. If you so elect, you may not use the provisions of this supplementary regulation. You may not use the provisions of General Overriding Regulation 35.

Effective date. The effective date of this supplementary regulation is September 29, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10648; Filed, Sept. 29, 1952; 4:19 p. m.]

[Ceiling Price Regulation 161, Supplementary Regulation 1]

CPR 161—CONSUMER DURABLE GOODS REGULATION

SR 1—CEILING PRICES FOR AGRICULTURAL AND GARDEN HAND TOOLS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6103) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of agricultural and garden hand tools in view of the recently issued supplementary regulations to CPR 22 and the General Ceiling Price Regulation. The purpose of this supplementary regulation is to adjust the ceiling prices under CPR 161 to bring them to the same level as those agricultural and garden hand tools which are covered by CPR 22 or GCPR.

In view of the nature of this supplementary regulation, the Director has not found it necessary or practicable to consult formally with industry representatives. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for agricultural and garden hand tools.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6103; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation establishes new ceiling prices for manufacturers of agricultural and garden hand

tools covered by Supplementary Regulation 34, CPR 22 and Supplementary Regulation 121 to the GCPR. Agricultural and garden hand tools, known in the trade as "steel goods", include, but are not limited to rakes, hoes, forks, cultivators, spades, shovels, scoops, weeders, edgers and grass whips. Edge tools are not included. All provisions of CPR 161 not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Ceiling prices for agricultural and garden hand tools.*

(a) You may recompute your ceiling prices for agricultural and garden hand tools which were computed under sections 3 or 4 of CPR 161 prior to the effective date of this supplementary regulation. In the recomputation, use as the ceiling price of the comparison commodity or commodities a ceiling price established under Supplementary Regulation 34 to CPR 22 or Supplementary Regulation 121 to the GCPR. You need not report this recomputation.

(b) In applying sections 3 or 4 of CPR 161 after the effective date of this supplementary regulation, for your agricultural and garden hand tools, use as the ceiling price of a comparison commodity, a ceiling price computed under Supplementary Regulation 34 to CPR 22, Supplementary Regulation 121 to the GCPR or under this supplementary regulation.

Effective date. This supplementary regulation is effective September 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10649; Filed, Sept. 29, 1952; 4:19 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 121]

GCPR, SR 121—CEILING PRICES FOR AGRICULTURAL AND GARDEN HAND TOOLS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of agricultural and garden hand tools at a level that is in accordance with the minimum prescribed by the industry earnings standard. A full statement of the reasons for this action is set forth in the Statement of Considerations for SR 34, Ceiling Price Regulation 22.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV to the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered by this supplementary regulation.
3. Ceiling prices for agricultural and garden hand tools dealt in between September 1, 1951 and September 29, 1952, inclusive.
4. Ceiling prices for agricultural and garden hand tools which cannot be determined under section 3.
5. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 to 5, issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of agricultural and garden hand tools, replacing those previously established under sections 3, 4, 6, and 7 of the General Ceiling Price Regulation. All provisions of the General Ceiling Price Regulation not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Commodities covered by this supplementary regulation.* The commodities covered by this regulation are agricultural and garden hand tools, known in the trade as "steel goods". They include, but are not limited to, rakes, hoes, forks, cultivators, spades, shovels, scoops, weeders, edgers and grass whips. Edge tools are not included.

SEC. 3. *Ceiling prices for agricultural and garden hand tools dealt in between September 1, 1951 and September 29, 1952, inclusive.* (a) Your ceiling price for a sale of an agricultural and garden hand tool product is 108 percent of the highest price at which you delivered it between September 1, 1951 and September 29, 1952, to a purchaser of the same class. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless, during the period September 1, 1951 to September 29, 1952, you made at least 20% by dollar volume of your total deliveries of the commodity to that class of purchaser at that price or a higher price. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 108 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your GCPR ceiling price for the same agricultural and garden hand tool product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Ceiling prices for agricultural and garden hand tools which cannot be determined under section 3.* If you are unable to establish a ceiling price for any sale of agricultural and garden hand tools under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with the provisions of CPR 161 (Consumer Durable Goods Regulation). Ceiling prices which were established under sections 3 or 4 of CPR 161 prior to the effective date of this supplementary regulation may be recomputed, using as the ceiling price of the comparison commodity or commodities a ceiling price determined under this supplementary regulation. You need not report this recomputation. Sections 3 and 4 of CPR 161 require you to determine a ceiling price by reference to the ceiling price of a comparison commodity or commodities. In applying sections 3 or 4 after the effective date of this supplementary regulation, use as the ceiling price of a comparison commodity a ceiling price determined under this supplementary regulation or under Supplementary Regulation 1 to CPR 161.

SEC. 5. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use General Overriding Regulation 20 or 21 to establish your ceiling prices for agricultural and garden hand tools. If you so elect, you may not use the provisions of this supplementary regulation. You may not use the provisions of General Overriding Regulation 35.

Effective date. The effective date of this supplementary regulation is September 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10650; Filed, Sept. 29, 1952; 4:20 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Directions 2 and 3—Revocation]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 2—ASSISTANCE FOR SMALL PRODUCERS

DIR. 3—FILING DATE FOR APPLICATIONS ON FORM PAD-26LP FOR FOURTH QUARTER 1952 REQUIREMENTS OF LINE PIPE

REVOCATION

Direction 2 (17 F. R. 2844) and Direction 3 (17 F. R. 4563) under NPA Order M-46 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Directions 2 and 3 of NPA Order M-46 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective September 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10693; Filed, Sept. 30, 1952; 10:34 a. m.]

[NPA Order M-46 as amended, September 30, 1952]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

This order as amended is found necessary and appropriate to promote the national defense and is issued under the authority of the Defense Production Act of 1950, as amended. Consultation with industry representatives has been rendered impracticable due to the fact that this order applies to all branches of the petroleum and gas industries.

EXPLANATORY

This amended order affects NPA Order M-46 as amended December 12, 1951, and as further amended by Amendment 1 of July 31, 1952, by changing the definitions of "construction operation" in section 2 (h), "large construction operation" in section 2 (i), "small construction operation" in section 2 (j), and "controlled material" in section 2 (p); by deleting the reference to Schedule C in section 6 (c); by raising the dollar amounts of delivery orders for controlled material which must be filed for approval or information as provided in section 8, and revising the arrangement of section 8, including the addition of a new Schedule E; by deleting the references to NPA Order M-46C in sections 12 (c) and 13; by revising section 13 to provide for the disposition of controlled materials obtained by priorities assistance; by revising Schedule C to describe the limitations on the use of rating symbols under the order; and by adding a new section 17 providing for adjustments and exceptions.

This order, as amended, incorporates the filing date for Form PAD-26LP as provided in Amendment 1 of July 31, 1952. Direction 2 of March 31, 1952; and Direction 3 of May 19, 1952, are superseded and revoked concurrently. This order, as amended, does not affect Directions 1, 4, and 5 to this order which directions remain in effect.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Allotment and rating symbols.
4. Assistance for MRO material.
5. Assistance for production operations.
6. Assistance for construction operations.
7. Assistance in procuring line pipe.
8. Filing of delivery orders.
9. Revalidation.
10. Filing requirements and communications.
11. Certification.
12. Allotments, cancellations, and inventory restoration.
13. Restrictions.
14. Authority.
15. Added use of assistance.
16. Other orders.
17. Request for adjustment or exception.
18. Records and reports.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order sets out the procedures by which petroleum and gas operators in the United States and Canada are authorized to use priority symbols to secure materials for their operations, including MRO material and material for production and construction operations. Priority symbols, when authorized, are used by placing them on delivery orders for the materials required. Authority to use symbols to secure certain materials must be applied for on specific forms issued by the Petroleum Administration for Defense. These forms must be used for all requirements of casing, tubing, and drill pipe; for certain quantities of line pipe; and for all material going into large construction operations as defined in this order. To use symbols to secure all other material, an operator simply places the appropriate symbol, in accordance with the rules of this order, on his delivery order. Depending on the dollar amount of the delivery order, it must be filed for approval or information, and in some cases it need not be filed at all. When forms or delivery orders are required to be filed, the order provides that operators located in the United States must file with the Petroleum Administration for Defense, Washington, D. C., and Canadian operators with the Department of Defence Production, Toronto, Canada.

SEC. 2. *Definitions.* As used in this order:

(a) "Operator" means: (1) Any person located in the United States to the extent that he is engaged in the petroleum and gas industries (domestic operator), or (2) any person located in the Dominion of Canada to the extent that he is engaged in the petroleum and gas industries (Canadian operator).

(b) "United States" means the United States, its territories and possessions.

(c) "Petroleum" means crude oil and associated hydrocarbons, including the products thereof.

(d) "Gas" means natural gas, manufactured gas, or mixtures thereof.

(e) "Petroleum and gas industries" includes any of the following activities and any operations directly incident to these activities as they pertain to petroleum or gas:

(1) The discovery, development, or depletion of petroleum or gas (production);

(2) The extraction or recovery of natural gasoline or associated hydrocarbons (natural gasoline recovery);

(3) The movement, loading, or unloading of petroleum (transportation);

(4) The transportation of gas (gas transmission);

(5) The processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending (refining);

(6) The processing of material for the production of manufactured gas (manufactured gas production);

(7) The distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (marketing and distribution);

and shall include for each of the above listed branches of the industries, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum or gas operations by means of research, technical, or control laboratories.

(f) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(g) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production, except (1) a use of material for a gathering line for a gas or condensate well, or a use of material for a crude oil gathering line connecting a lease or field shipping tank or battery where petroleum is first gauged to any other petroleum gathering or movement facility or any refinery facility, (2) a use of material for any of the following designated plants or facilities where the material to be installed or added increases the rated capacity of the plant more than 500 horsepower: vacuum plant or facilities; cycling plant or facilities; plant or facilities for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas, or (3) a use of material in a secondary recovery production operation by water flooding or by utilization of gas where the total cost of material and equipment to be used in the project will be in excess of $300,000, or the amount of steel will be in excess of 1,000 tons, or the copper and copper-base alloy products will be in excess of 3,000 pounds.

(h) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to any branch of the petroleum and gas industries, other than production, except a use involving a service station, but shall include any such use of material for the type of construction or installation which is specifically excepted from the definition of a production operation.

(i) "Large construction operation" means any one complete construction operation in which the total cost of controlled materials to be used is $5,000 or more, or which involves a building, warehouse, office, residence, or other enclosed structure where the total cost of all materials to be used in such building, warehouse, office, residence, or other enclosed structure is $25,000 or more.

(j) "Small construction operation" means any one complete construction operation in which the total cost of controlled materials to be used is less than $5,000, or which involves a building, warehouse, office, residence, or other enclosed structure where the total cost of all materials to be used in such building, warehouse, office, residence, or other enclosed structure is less than $25,000.

(k) "MRO material" means material for (1) maintenance and repair, (2) operating supplies, or (3) laboratory equipment, as these terms are defined in this order.

(l) "Maintenance and repair" means (without regard to accounting practice):

(1) The upkeep of any structure, equipment, or material in a sound working condition, or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged, or destroyed;

(2) Any other use of material in any branch of the industry, other than marketing and distribution, not exceeding in material cost $1,000 for any one complete operation which has not been subdivided for the purpose of coming within this definition;

(3) Any other use of material for the marketing and distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto, not exceeding in material cost $100 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

(m) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum and gas industries and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including among other items, chemicals, additives, and blending agents.

(n) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum and gas industries operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(o) "Use of material" means use of material other than nonindustry uses of material as defined in Schedule A of this order.

(p) "Controlled material" has the same meaning as "controlled material" as defined in section 2 (c) of CMP Regulation No. 1, as amended from time to time.

(q) "Allotment," "Class A product," and "Class B product" have the same meanings, respectively, as in CMP Regulation No. 1.

(r) "PAD district" means any one of the five areas designated as a Petroleum Administration for Defense district in Schedule B of this order with respect to domestic operators, or the Dominion of Canada in the case of Canadian operators.

(s) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(t) "Line item" means the total quantity of any single entry on a delivery order.

(u) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment or which is specifically designated to be such by any regulation or order of the Petroleum Administration for Defense or the National Production Authority.

(v) "Administrative operations" means the supervisory, fiscal, administrative, or clerical activities necessary to the operation of plants, units, or facilities involved in and a part of the petroleum and gas industries.

SEC. 3. *Allotment and rating symbols.*—(a) *Introductory.* Symbols are used to identify programs and uses of material. An appropriate symbol, together with a quarterly designation, constitutes an allotment symbol, which the operator may use, where authorized, to obtain given quantities of controlled material. An appropriate symbol preceded by the letters "DO" constitutes a rating symbol which the applicant may apply, where authorized, to obtain material or products other than controlled material. In no event, however, may any allotment symbol or rating symbol provided for in this order be used to obtain any materials in violation of the rules of Schedule C of this order.

(b) *Symbols for operations in United States.* The following are the symbols which may be used by an operator to procure material for use in the petroleum and gas industries in the United States:

H-9—MRO material.
H-1—Material for use in a construction operation.
H-2—Material for use in a production operation.
H-2E—Emergency requirements of oil well casing and tubing.

(c) *Symbols for operations in Canada.* The following are the symbols which may be used by an operator to procure material for uses in the petroleum and gas industries in Canada:

G-6—Material for use in a construction operation.
G-7—Material for all other uses.

The rules whereby priority assistance is made available to petroleum and gas operators in Canada are the same as the rules for domestic operators, with the following exceptions. The Canadian symbols G-6 and DO-G-6 shall be substituted for the symbols H-1 and DO-H-1, and the Canadian symbols G-7 and DO-G-7 shall be substituted for the symbols H-2, DO-H-2, H-9, and DO-H-9, wherever such symbols appear in this order. No symbol equivalent to the symbol H2E is available for use by Canadian operators.

(d) *Examples.* If a domestic operator is given an allotment of controlled material for use in a production operation and is authorized to take delivery of such material in the second quarter of 1952, the complete symbol which he uses on his delivery orders is H-2-2Q52. If a domestic operator needs material other than controlled material for a construction operation, and he is authorized to use priority assistance pursuant to this order, the rating symbol he uses to identify his order is DO-H-1. If a Canadian operator needs MRO material which is not controlled material, and he is authorized to use priority assistance pursuant to this order, the rating symbol he uses to identify his order is DO-G-7.

SEC. 4. *Assistance for MRO material.*—(a) *Introductory.* To use the allotment symbol H-9 and the rating symbol DO-H-9 to secure MRO material, different procedures are prescribed for (1) line pipe, (2) MRO material other than MRO material for administrative operations and line pipe, (3) MRO material for administrative operations, and (4) emergency MRO material.

(b) *Line pipe for use as MRO material.* To obtain authorization to use the allotment symbol H-9 to secure line pipe for use as MRO material, an operator must follow the procedure set out in section 7 of this order.

(c) *MRO material other than MRO for administrative operations and line pipe.* To use the allotment symbol H-9 or the rating symbol DO-H-9 to secure MRO material other than MRO material for administrative operations and line pipe, an operator must place on each delivery order the allotment symbol H-9 or the rating symbol DO-H-9, together with a certification, and, where required by section 8 of this order, shall submit copies of each such order for approval or information.

(d) *MRO material for administrative operations.* To use the allotment symbol H-9 or the rating symbol DO-H-9 to secure MRO material for administrative operations, an operator must establish a quota in accordance with the provisions of Schedule D of this order, and thereafter shall place on each delivery order for material the appropriate symbol together with a certification: *Provided, however,* That an operator may not use either symbol to secure any MRO material for administrative operations in excess of his quota. Delivery orders for MRO material for administrative operations are not required to be filed for either approval or information under section 8 of this order.

(e) *Emergency MRO material.* Where there has been an actual breakdown or suspension of operations and the procedures of section 4 (b), (c), and (d) of this order will not enable an operator to obtain the necessary material on the date or in the quantity required, he may request authorization to use the allotment symbol H-9 or the rating symbol DO-H-9 to obtain emergency MRO material. Such request may be made by letter, telegram, or telephone, and shall state (1) the price, quantity, and a detailed description of the material required, (2) the operations affected, (3) the branch of the industry, (4) a description of the equipment to be repaired and its function in maintaining continuous operations, (5) the number and the date of delivery orders therefor, and (6) the supplier or suppliers from whom the material is to be

obtained. If the request is made by telephone, it must be confirmed within 3 days by letter or telegram. If the request is approved, the operator, in order to use the symbols H–9 or DO–H–9 to obtain delivery of the required materials, must place the symbol, together with a certification, on each delivery order for such material, and must file one copy of every such delivery order for information.

SEC. 5. *Assistance for production operations*—(a) *Introductory.* This section prescribes how the allotment symbol H–2 and the rating symbol DO–H–2 shall be used to procure materials for all production operations except production offices and camp facilities. For the purpose of this order, production offices and camp facilities are deemed construction operations, and to obtain materials for such operations the procedures of section 6 must be used. Different procedures are established for acquiring (1) casing and tubing, (2) drill pipe, (3) line pipe, and (4) all other materials. Furthermore, different procedures are prescribed for obtaining normal and emergency requirements of casing and tubing, and drill pipe. In general, normal requirements of casing and tubing and drill pipe are the quantities necessary to meet an operator's projected quarterly drilling program, including exploratory wells. Emergency requirements are the quantities of casing and tubing, or drill pipe found necessary to carry out exploratory operations, drilling obligations, or the like, in circumstances where sufficient materials are not on hand, readily available, or otherwise obtainable without the use of priorities assistance.

(b) *Casing and tubing.* To obtain authorization to use the allotment symbol H–2 to secure normal requirements of casing and tubing, an operator must file Form PAD 17 (Domestic Petroleum Operator's Quarterly Requirements Statement of New Casing and Tubing) for each PAD district in which, during the calendar quarter when delivery of material is required, operations are to be conducted. Where an operator proposes to undertake operations during a quarter in more than one PAD district, he must file at the same time a summary report of all proposed operations, using Form PAD 17. One copy of Form PAD 17 will be returned to the operator after review by the Petroleum Administration for Defense, and the operator will be advised of the quantity of casing and tubing which may be obtained by the use of the symbol H–2. To use the symbol to obtain deliveries of the quantities authorized, an operator must place the symbol, together with a certification, on each delivery order for such material.

(c) *Drill pipe.* To obtain authorization to use the allotment symbol H–2 to secure normal requirements of drill pipe, an operator must file Form PAD 17DP (Domestic Operator's Drill Pipe Inventory Statement and Requirements Application) for those operations which will be conducted during the calendar quarter when delivery of the material is required. One copy of Form PAD 17DP will be returned to the operator after review by the Petroleum Administration for Defense, and the operator will be advised of the quantity of drill pipe which may be obtained by the use of the symbol H–2. To use the symbol to obtain deliveries of the quantities authorized, an operator must place the symbol, together with a certification, on each delivery order for such material.

(d) *Line pipe.* To obtain authorization to use the allotment symbol H–2 to secure requirements of line pipe for production operations, an operator must follow the procedure set out in section 7 of this order.

(e) *All other material.* To use the allotment symbol H–2 or the rating symbol DO–H–2 to obtain any other material required for production operations, other than emergency requirements of casing and tubing, or drill pipe, an operator must place on each delivery order the appropriate allotment or rating symbol, together with a certification, and, where required by section 8 of this order, copies of each such order shall be submitted for approval or information.

(f) *Supplemental requests.* After Form PAD 17 or PAD 17DP has been returned to an operator, he may find that the quantities authorized are inadequate for his normal requirements during the ensuing calendar quarter. In that event, the operator may file a supplemental request for casing and tubing, or drill pipe. This filing should be by Form PAD 17 for casing and tubing, or Form PAD 17DP for drill pipe, accompanied by an explanatory letter in duplicate. The filing should be within 2 weeks of the time that the operator receives his original authorization or his returned application. Each supplemental request should make reference to the operator's original application by Petroleum Administration for Defense file number. In the event that additional quantities are authorized, the operator will be appropriately notified and may then apply the allotment symbol H–2 to his delivery orders for these quantities in the manner specified in paragraphs (b) and (c) of this section.

(g) *Emergency requirements of casing and tubing, or drill pipe.* To obtain authorization to use the allotment symbol H–2E to secure emergency requirements of casing and tubing, or the allotment symbol H–2 to secure emergency requirements of drill pipe, an operator must file Form PAD 15 (Emergency Requirements Application for Casing and Tubing) for casing and tubing, and Form PAD 17DPE for drill pipe. The operator will thereafter be advised of the quantities of material for which he is authorized to use the appropriate allotment symbol (H–2E for casing and tubing or H–2 for drill pipe), which symbol may then be used by placing it on each delivery order, together with a certification.

SEC. 6. *Assistance for construction operations*—(a) *Introductory.* This section describes the procedure for obtaining authorization to use the allotment symbol H–1 and the rating symbol DO–H–1 to procure materials for all construction operations, and describes how such symbols may be used. For the purposes of this order, production offices and camp facilities are deemed construction operations.

(b) *Large construction operations.* To obtain authorization to use the allotment symbol H–1 or the rating symbol DO–H–1 to secure material for a large construction operation, an operator must file Form PAD 26 (Application to Complete or Construct a Petroleum or Gas Project). After its review, the operator will be advised of the quantities of material which may be obtained by the use of the symbols. To use either symbol to obtain delivery of the quantities authorized, an operator must place the symbol, together with a certification, on each delivery order for such material.

(c) *Small construction operations.* To use the allotment symbol H–1 or the rating symbol DO–H–1 to obtain material for a small construction operation, an operator must place the appropriate symbol on each delivery order for material to be used in the operation, together with a certification, and, where required by section 8 of this order, must file copies of each such order for approval or information: *Provided, however,* That to use the allotment symbol H–1 to secure line pipe for a small construction operation, an operator must follow the procedure set out in section 7 of this order.

SEC. 7. *Assistance in procuring line pipe*—(a) *Introductory.* To use the allotment symbols of this order to obtain line pipe, different procedures are prescribed depending on whether the line pipe (1) is for use in a large construction operation, (2) is for use in any other operation (MRO, production, small construction), and the operator's total quarterly line pipe requirement for all these other operations is $5,000 or more, or (3) is for use in any other operation (MRO, production, small construction), and the operator's total quarterly line pipe requirement for all these other operations is less than $5,000.

(b) *Line pipe for large construction operation.* To obtain authorization to use the allotment symbol H–1 to secure line pipe for use in a large construction operation, an operator must file Form PAD 26 in accordance with section 6 (b) of this order.

(c) *Line pipe for other operations, where line pipe requirements total $5,000 or more.* When an operator's combined requirement of line pipe in any calendar quarter for use as MRO material, for use in production operations, and for use in small construction operations, totals $5,000 or more, the operator, to use the allotment symbols H–1, H–2, or H–9 to obtain line pipe for any of these uses, shall file Form PAD 26LP (Domestic Operator's Quarterly Requirements Application for Line Pipe for MRO, Production, and Small Construction Operations).

(d) *Line pipe for other operations, where line pipe requirements total less than $5,000.* When an operator's combined requirement of line pipe in any calendar quarter for use as MRO material, for use in production operations, and for use in small construction operations, totals less than $5,000, the operator, to use the allotment symbols H–1, H–2, or H–9 to obtain line pipe for any of these uses, shall either file Form PAD 26LP or shall place the appropriate allotment symbol on each delivery order, together with a certification, and where required by section 8 of this order, shall file copies of each such order for approval or information.

(e) *Supplemental requests.* When Form PAD 26LP is filed pursuant to this section, one copy of the form will be returned, after review by The Petroleum Administration for Defense, advising the operator of the quantity of line pipe which may be obtained by use of the allotment symbol. If the operator finds that the quantities authorized are inadequate to meet his requirements, he may file a supplemental request for line pipe, on Form PAD 26LP, accompanied by an explanatory letter in duplicate. The filing must be within 2 weeks of the time the operator receives his original authorization or his returned application. Each supplemental request should make reference to the operator's original application by Petroleum Administration for Defense file number. To use the authorized symbol to obtain deliveries of any quantity of line pipe authorized pursuant to either an original application or a supplemental request, the operator shall place the symbol, together with a certification, on each delivery order for such material.

SEC. 8. *Filing of delivery orders*—(a) *Introductory.* To obtain priorities assistance, certain delivery orders must be filed for approval, certain delivery orders must be filed for information, and certain delivery orders need not be filed either for information or approval. Where a delivery order must be filed for approval, the order must be submitted in duplicate, and an operator may not use any of the priority assistance of this order until there has been returned to him an approved copy of the order. In every instance where a delivery order is submitted for approval, an operator shall prepare a statement of the reasons why assistance is required, containing the following information: (1) The price, quantity, and a detailed description of the material required, including the weight, if controlled material (carbon and alloy steel in tons; copper, aluminum, and stainless steel in pounds); (2) the branch of industry in which the material will be used (see section 2 (e) of this order); (3) the number and date of the delivery order; (4) the date at which delivery must be made or has been promised by the supplier; (5) the reasons why timely delivery can not be effected without the assistance requested; (6) the relationship of the materials to operations (specific or actual enduse); and (7) the circumstances which justify assistance in the interests of national defense. This statement in duplicate should be submitted with, or as part of, the delivery order. Where a delivery order must be filed for information, one copy only need be filed. A delivery order need not be filed for approval or information if priority assistance has been authorized on Forms PAD 15, 17, 17DP, 26, or 26LP.

(b) *Filing for approval.* The following delivery orders must be filed for approval: (1) Any delivery order for controlled material if it is in a total amount specified in Item I of Schedule E of this order; and (2) any delivery order for other than controlled material if it is in a total amount specified in Item II of Schedule E.

(c) *Filing for information.* The following delivery orders must be submitted for information: (1) Any delivery order for controlled material if it is in a total amount specified in Item III of Schedule E of this order; and (2) any delivery order for other than controlled material if it is in a total amount specified in Item IV of Schedule E.

(d) *No filing required.* The following orders need not be submitted for approval or information: (1) Any delivery order for controlled material if it is in a total amount of less than the minimum amount specified in Item III of Schedule E of this order; and (2) any delivery order for other than controlled material if it is for a total amount of less than the minimum amount specified in Item IV of Schedule E.

(e) *Limitation on use of self-authorization for construction operations.* Paragraphs (c) and (d) of this section provide certain privileges of self-authorization to petroleum and gas operators for acquiring materials for their operations. Notwithstanding the provisions of these paragraphs, no operator may obtain by self-authorization, for any small construction operation, more than 25 tons of carbon and alloy steel including all types of structural shapes (but not to include more than 2½ tons of alloy steel and no stainless steel) per project per quarter.

SEC. 9. *Revalidation.* If an operator, who has received an allotment of controlled material, does not succeed in having his delivery order for such material accepted by the last day of the quarter for which the allotment was made, his allotment becomes invalid. An operator who is unable to obtain acceptance of a delivery order or whose allotment has become invalid as in the first sentence of this section may, at any time prior to the fifteenth day after the close of the quarter for which the allotment was made, request revalidation: *Provided, however,* That no revalidation can be requested for authorizations of oil well casing, oil well tubing, or oil well drill pipe. Any request for revalidation for material authorized originally on Form PAD 26 or Form PAD 26LP shall be submitted by letter in duplicate, and for material authorized originally on an approved delivery order, by delivery order in duplicate, giving in either case (a) reference to original PAD authorization covering the material for which revalidation is requested, (b) description of material (if authorized on Form PAD 26, give item number of section IIIB of that form), (c) total of items authorized (tons or pounds), (d) quantity of material for which revalidation is sought, (e) quarter and year in which material was allotted, (f) quarter and year for which revalidation is requested, and (g) names of vendors who refused acceptance of such delivery order covered by the request for revalidation.

SEC. 10. *Filing requirements*—(a) *Where filings are to be made.* Wherever in this order a form, request, application, delivery order, or other information is required to be filed or submitted, or whenever there is any communication relating to this order, a domestic operator shall file or communicate with the Petroleum Administration for Defense, Washington 25, D. C., and a Canadian operator shall file or communicate with the Petroleum Division, Department of Defence Production, Toronto, Canada.

(b) *When filings are to be made.* The following are the filing dates for the forms designated in this order:

Form PAD 15—As the emergency requires.

Form PAD 17—On or before the first day of the third month preceding the calendar quarter in which delivery of material is required.

Form PAD 17DP—On or before the fifteenth day of the fourth month preceding the calendar quarter in which delivery of material is required.

Form PAD 17DPE—As the emergency requires.

Form PAD 26—As far as possible in advance of the time an allotment of controlled materials and other priority assistance is required for use in the project.

Form PAD 26LP—On or before the first day of the fourth month preceding the calendar quarter in which delivery of material is required.

Whenever the last day for filing as specified above is either a Sunday or a legal holiday, the last day for filing shall be the next suceeding day which is not a Sunday or a legal holiday.

(c) *Required copies.* Whenever this order requires a filing of Form PAD 15, PAD 17, PAD 17DP, PAD 17DPE, PAD 26, or PAD 26LP, an original and 3 copies of such form shall be filed.

SEC. 11. *Certification.* Wherever in this order certification is required, the operator must state as follows:

The undersigned certifies that the symbol used hereon is authorized by and properly used pursuant to the provisions of NPA Order M–46.

SEC. 12. *Allotments, cancellations, and inventory restoration*—(a) *Allotments.* Any priority assistance obtained through this order when used in connection with a specific quantity of controlled material constitutes an allotment for the purposes of CMP Regulation No. 1. Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order is an authorized controlled material order, provided that such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled material producer or other supplier at such time as is specified in CMP Regulation No. 1 or at such later time as the controlled material producer may find is practicable to accept the order.

(b) *Use and cancellation of allotments.* If within 30 days of receiving an allotment of controlled material, or within 30 days after the commencement of the quarter for which such allotment is authorized, whichever date is later, an operator has not placed a delivery order for such material, or has elected not to use such allotment, he shall

promptly notify the Petroleum Administration for Defense, Washington 25, D. C., or the Petroleum Division, Department of Defence Production, Toronto, Canada, as appropriate, of the facts, and the extent to which he has not placed delivery orders or has elected not to use the allotment. An operator who has placed a delivery order for controlled material pursuant to the authority of this order may, subject to established trade customs, cancel or reduce the same by notice in writing to the person with whom the order has been placed. Where an authorization received by an operator is canceled in whole or in part, he must, to the extent of the cancellation, cancel all delivery orders placed pursuant to that authorization.

(c) *Inventory restoration.* An operator may, subject to the provisions of this order, use a symbol duly authorized in accordance with the order to restore to a practicable working minimum his inventory of material where the inventory has been depleted through the use of MRO material necessary to a production or construction operation.

SEC. 13. *Restrictions.* (a) An operator may not use any symbol authorized pursuant to this order to obtain materials: (1) For any purpose other than a purpose authorized under this order, or in greater amounts or on earlier dates than required for any authorized purpose; (2) if it can be secured without the use of priorities assistance; (3) the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design; (4) of a type for which use of priorities assistance is prohibited as set forth in Schedule C of this order.

(b) If it develops, after a person has received delivery of controlled materials obtained pursuant to priorities assistance, that he can not use such material for the purpose for which authorized, he shall not use or dispose of such material except upon authorization of the Petroleum Administration for Defense.

SEC. 14. *Authority.* The Petroleum Administration for Defense may, pursuant to the provisions of Delegation 13 of the National Production Authority, as amended, take additional or other action in respect to the receipt, use, delivery, or other disposition of material covered by this order and priorities assistance therefor authorized pursuant to this order.

SEC. 15. *Added use of assistance.* The priorities assistance made available pursuant to this order may be used to secure services to the extent provided for in NPA Reg. 2, *infra*, as amended from time to time.

SEC. 16. *Other orders.* This order and all transactions affected hereby except as herein otherwise provided, are subject to all applicable orders and regulations of the National Production Authority as amended from time to time. None of the provisions of CMP Regulations Nos. 2, 4, 5, 6, or 7, *supra*, (or the limitations incorporated in any NPA or CMP regulation to the extent that they may be in conflict with the provisions of this order) shall apply to an operator, and no operator shall obtain any material under them or be limited by the provisions of such regulations or limitations to the extent that he is entitled to obtain material through the assistance made available by this order.

SEC. 17. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 18. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete reports of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority or the Petroleum Administration for Defense at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the Petroleum Administration for Defense and the National Production Authority as they shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 19. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material facts in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. Administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect September 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE A OF NPA ORDER M–46—NONINDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum and gas industries:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment: *Provided*, That:

(1) Where material or equipment is to be used on a tank truck or trailer and is specialized petroleum or gas material or equipment which is actually to be attached to the truck or trailer and is necessary to the containing, dispensing, measuring the movement, or distributing of petroleum or gas, such use shall be considered a use of material in the petroleum and gas industries.

(2) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum and gas industries.

(3) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and is not under the jurisdiction of the United States Maritime Commission, the Navy Department, or any other Federal agency, for the purpose of establishing methods by which material incident to the operation of the marine equipment may be made available, such use shall be considered a use of material in the petroleum and gas industries.

SCHEDULE B OF NPA ORDER M–46—PETROLEUM ADMINISTRATION FOR DEFENSE DISTRICTS

District 1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia, Puerto Rico, and Atlantic possessions.

District 2. Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

District 3. Alabama, Mississippi, Louisiana, Arkansas, Texas, and New Mexico.

District 4. Montana, Wyoming, Colorado, Utah, and Idaho.

District 5. Arizona, California, Nevada, Oregon, Washington, Territory of Alaska, Hawaii, and Pacific possessions.

SCHEDULE C OF NPA ORDER M–46—ITEMS NOT OBTAINABLE THROUGH ANY SYMBOL IN THIS ORDER

No symbol specified in this order may be used to obtain any of the following materials: (a) any item of material on Schedule I of CMP Regulation No. 5 as such schedule may be amended from time to time; (b) any item of material the procurement of which by the use of rating symbols is limited by NPA Reg. 2 as amended from time to time.

SCHEDULE D OF NPA ORDER M–48—QUOTA FOR MRO MATERIAL TO BE USED FOR ADMINISTRATIVE OPERATIONS

To establish a quota, pursuant to section 4(d) of NPA Order M–46, for MRO material to be used for administrative operations, an operator may elect any one of the 3 types of quotas described below. When an operator elects one quota, he may not change to either of the other two without permission.

(a) *Standard quota.* The standard quota is on a quarterly basis and is 30 percent of the dollar amount which the operator spent during the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is 30 percent of the dollar amount spent for MRO material for administrative operations during the fiscal year ending nearest December 31, 1950.

(b) *Seasonal quota.* The seasonal quota is 120 percent of the dollar amount which the operator spent during the corresponding calendar quarter of the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is 120 percent of the dollar amount spent for MRO material for administrative operations during the corresponding quarter of the fiscal year ending nearest December 31, 1950.

(c) *Administrative quota.* The administrative quota is a quota applied for to and determined by the Petroleum Administration for Defense or the Petroleum Division, Department of Trade and Commerce, which the operator may use in lieu of either the standard quota or seasonal quota. It is designed to provide relief where an operator was only in partial operation in 1950, did not operate at all in 1950, or has had such expansion of operations since 1950 that neither the standard quota nor seasonal quota properly represents the operator's demands for MRO material to be used for administrative purposes. An application for an administrative quota must be made by letter, with 3 copies, setting forth in full the circumstances as to the applicant's operations which make inappropriate the use of either the standard quota or the seasonal quota. An operator may use only a standard quota or seasonal quota until he has received authority to use the administrative quota.

SCHEDULE E OF NPA ORDER M–46—DOLLAR AMOUNTS OF DELIVERY ORDERS TO BE FILED AS PROVIDED IN SECTION 8

Item I: $500 or more.
Item II: $5,000 or more, or $1,500 or more for any line item, as defined in this order.
Item III: $100 or more but less than $500.
Item IV: $500 or more but less than $5,000 with no line item $1,500 or more.

[F. R. Doc. 52–10694; Filed, Sept. 30, 1952; 10:34 a. m.]

[NPA Order M–46B as amended September 30, 1952]

M–46B—CONSTRUCTION LIMITATIONS FOR THE PETROLEUM AND GAS INDUSTRIES OF THE UNITED STATES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950 as amended. In the formulation of this amended order, consultation with industry representatives has been impracticable due to the need for immediate action and because the order applies to all branches of the petroleum and gas industries.

EXPLANATORY

This amended order revises NPA Order M–46B of June 1, 1951, by making the following changes:

1. The use of material permitted for a construction operation in section 5 (a) (3) is changed to permit the use of material in a small construction operation.

2. The references to NPA Order M–4 in section 9 have been supplanted by references to Revised CMP Regulation No. 6.

3. New sections 11, 12, and 13 have been added to include standard provisions for adjustment or exceptions, records and reports, and communications, respectively.

REGULATORY PROVISIONS

PURPOSES, DEFINITIONS, AND SCOPE

SEC.
1. What this order does.
2. Definitions.
3. Scope.

RESTRICTIONS AND PERMISSIONS

4. Restrictions on use of material.
5. Permitted uses of material.
6. Application for authorization to use material.
7. Prohibited deliveries.
8. Defense against claims for damages.

GENERAL

9. Applicability of Revised CMP Regulation No. 6.
10. Authority.
11. Request for adjustment or exception.
12. Records and reports.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

PURPOSE, DEFINITIONS, AND SCOPE

SECTION 1. *What this order does.* This order sets out the rules which must be followed by petroleum and gas operators who want to construct facilities in the petroleum and gas industries. The order does not apply to foreign operations.

SEC. 2. *Definitions.* (a) "Operator" means any person located in the United States of America to the extent he is engaged in the petroleum and gas industries.

(b) "Petroleum" means crude oil and associated hydrocarbons, including the products thereof.

(c) "Gas" means natural gas, manufactured gas, or mixtures thereof.

(d) "Petroleum and gas industries" includes any of the following activities and any operations directly incident to these activities as they pertain to petroleum or gas:

(1) The discovery, development, or depletion of petroleum or gas (production);

(2) The extraction or recovery of natural gasoline or associated hydrocarbons (natural gasoline recovery);

(3) The movement, loading, or unloading of petroleum (transportation);

(4) The transportation of gas (gas transmission);

(5) The processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending (refining);

(6) The processing of material for the production of manufactured gas (manufactured gas production);

(7) The distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (distribution);

and shall include for each of the above listed branches of the industries, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum or gas operations by means of research, technical, or control laboratories.

(e) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(f) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production, except (1) a use of material for a gathering line for a gas or condensate well; a crude oil gathering line connecting a lease or field shipping tank or battery where petroleum is first gaged to any other petroleum gathering or movement facility or any refinery facility; or (2) a use of material for any of the following enumerated plants or facilities where the material to be installed or added increases the rated capacity of the plant more than 500 horsepower: Vacuum plant or facilities; cycling plant or facilities; plant or facilities for the extraction or recovery of natural gasoline or associated hydrocarbons, or for other treatment, processing, or compression of natural gas.

(g) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to any branch of the petroleum and gas industries, other than production, but shall include any use of material for the type of construction or installation which is specifically excepted from the definition of a production operation.

(h) "Maintenance and repair" means (without regard to accounting practice):

(1) The upkeep of any structure, equipment, or material in a sound working condition, or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged, or destroyed.

(2) Any other use of material not exceeding in material cost $1,000 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

(3) Maintenance and repair does not include: (i) The deepening, redrilling, or plugging back of any well or the initial installation on any well of pumping or artificial lifting equipment, or (ii) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes, or the replacement of equipment worn out and beyond repair.

(l) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum and gas industries and which is normally carried by an operator as operating expense or which is normally chargeable to operating expense, including among other items, chemicals, additives, and blending agents.

(j) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum and gas industries operations by means of research, technical, or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

SEC. 3. *Scope.* Provisions of this order shall be applicable to the petroleum and gas industries in the United States, its territories and possessions. This order does not apply to tank cars, tank trucks, railroad rolling stock, tankers, barges, or other mobile marine equipment, or the construction of service stations.

RESTRICTIONS AND PERMISSIONS

SEC. 4. *Restrictions on use of material.* No material may be used in the petroleum and gas industries unless permission to use material is granted pursuant to the provisions of sections 5 and 6 of this order.

SEC. 5. *Permitted uses of material.* (a) Material may be used in the petroleum and gas industries: (1) For maintenance and repair purposes, as operating supplies, or for laboratory equipment or its installation, notwithstanding any other provision in this section; (2) for any production operation, except (i) a multiunit residential building in excess of three stories and basement or (ii) a residential unit for single family occupancy where the total floor space in the unit exceeds 2,500 square feet; (3) for any small construction operation as defined in NPA Order M-46, as amended, except a small construction operation involving a service station; and (4) for any production or construction operation which as of May 3, 1951, has actually commenced or which has been duly authorized pursuant to the provisions of NPA Order M-4, *supra*.

(b) A production or construction operation will be deemed to have commenced if there has been substantial site clearance (including demolition of buildings or structures) preliminary to the start of or incident to the proposed construction operation, or if there has actually been incorporated as a part of a construction operation a substantial quantity of material which is to be an integral and permanent part of the completed operation.

SEC. 6. *Application for authorization to use material.* (a) Where a person wants to use material in the petroleum and gas industries but cannot do so because of the preceding provisions of this order, he must make application for authorization to use material on PAD Form 26. Five copies of the form should be prepared. One copy should be retained by the applicant, and the original and three copies, together with supporting attachments, should be sent to the Petroleum Administration for Defense, Interior Building, Washington 25, D. C., Ref: M-46B.

(b) The Petroleum Administration for Defense will after review, notify the applicant whether or not permission is granted to use material in the proposed operation.

(c) Any priorities assistance needed for the operation may be requested on Form PAD 26 pursuant to NPA Order M-46.

SEC. 7. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material which he knows or has reason to believe will be used in violation of provisions of this order.

SEC. 8. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority or the Petroleum Administration for Defense (including any direction, directive, or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority invalid.

GENERAL

SEC. 9. *Applicability of Revised CMP Regulation No. 6.* Every operator shall be bound by the provisions of this order to the extent that this order is applicable to him or his operations; and except as specified herein, no operator is bound by or will be governed by the provisions of Revised CMP Regulation No. 6, as amended from time to time. Limitations on the construction of service stations will continue to be imposed by Revised CMP Regulation No. 6. Operators must make application for authority to construct a service station pursuant to the provisions of that regulation. No operator shall use any copper or aluminum controlled material in violation of Article V of Revised CMP Regulation No. 6.

SEC. 10. *Authority.* The Petroleum Administration for Defense may, pursuant to the provisions of Delegation 13 of the National Production Authority, as amended, take additional or other action in respect to the receipt, use, delivery, or other disposition of material covered by this order.

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority or the Petroleum Administration for Defense, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority or the Petroleum Administration for Defense as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the Petroleum Administration for Defense, Interior Building, Washington 25, D. C., Ref: NPA Order M-46B.

SEC. 14. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of the National Production Authority or the Petroleum Administration for Defense, or who furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to use material or any other assistance as may be rendered pursuant to the provisions of this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect September 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10695; Filed, Sept. 30, 1952; 10:35 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

NATURALIZATION MATTER; AUSTRALIA AND INDONESIA

Correction

In F. R. Doc. 52-10104, appearing on page 8363 of the issue for Wednesday, September 17, 1952, make the following change:

The ninth line of paragraph (d) of § 58.12 should read "Naturalization] Service, or any official".

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 71, Amdt 1]

PART 291—DEFINITION OF CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS

CERTAIN DEPOSITS IN THE CAPITAL RESERVE FUND; EFFECTIVE DATE

General Order 71 (§ 291.5 *Definition of capital necessarily employed in the business*), published in the FEDERAL REGISTER, issue of December 31, 1949 (14 F. R. 7936, 46 CFR 291.5), be and the same hereby is amended as follows:

1. By striking the period at the end of subparagraph (8), *Certain deposits in the Capital Reserve Fund* of paragraph (c) *Miscellaneous items* and adding the following: ": *And provided further*, That, for the period between December 31, 1946, and the termination of the recapture period which was current on December 31, 1946, only, there shall be included in 'capital necessarily employed in the business' amounts (excluding mortgage payments) actually disbursed from the Capital Reserve Fund, or from other funds to the extent that the Administrator determines that such disbursements from other funds would have been payable or reimbursable from the Capital Reserve Fund upon proper application, between January 1, 1947, and December 31, 1949, for the purchase or reconstruction (including capitalizable expenditures for reconditioning, betterment, and improvement) of a vessel or vessels required to be operated in the subsidized services, routes, or lines under the provisions of the respective operating-differential subsidy agreements and all addenda thereto, to the extent that such amounts are not otherwise so includable under the provisions of this section: *And provided further*, That in no event shall there be so included any funds, prior to the date of the availability thereof for such use.

2. By striking paragraph (g) *Effective date* in its entirety and substituting therefor the following:

(g) *Effective date.* The effective date of this section, as amended, shall be as follows:

(1) The day next following the termination of the recapture period which was current on December 31, 1946, with respect to an operating-differential subsidy resumption addendum executed prior to May 1, 1951;

(2) January 1, 1947, with respect to an operating-differential subsidy resumption addendum executed after April 30, 1951; and

(3) The effective date of the contract, with respect to an operating-differential subsidy contract executed after December 31, 1946.

(Sec. 607, 49 Stat. 2005, as amended; 46 U. S. C. 1177)

Dated: September 17, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-10618; Filed, Sept. 30, 1952; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[SO 858, Amdt. 9]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1952.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434; 16 F. R. 819, 2005, 1284, 1678, 4550, 9901, 13102; 17 F. R. 2764), and good cause appearing therefor: It is ordered, That:

Section 95.858 *Lumber; restrictions on reconsigning*, of Service Order No. 858 be, and it is hereby further amended by substituting paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective 11:59 p. m., September 30, 1952.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10583; Filed, Sept. 30, 1952; 8:46 a. m.]

[Rev. SO 889—A]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of September A. D. 1952.

Upon further consideration of Revised Service Order No. 889 (17 F. R. 7496) and good cause appearing therefor: It is ordered, that:

Section 95.889 *Railroad freight cars to be stopped to complete loading*, be and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., September 30, 1952; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10584; Filed, Sept. 30, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF EXCESS PROFITS NET INCOME FOR THE TAXABLE YEAR

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regu-

lations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 122 (b) of the Internal Revenue Code, as amended by section 330 (b) of the Revenue Act of 1951, approved October 20, 1951, § 40.433 (a)–2 (j) (3) of such regulations is amended by striking "1950 and 1951" from the third sentence from the end, and by inserting in lieu thereof "1950, 1951, and 1952", and by inserting "and any subsequent taxable year" immediately after "for 1950" in the second sentence from the end, so that such sentences as so amended will read as follows: "If the excess profits credit for 1950 is determined under section 435 or under section 436 (a) by the use of section 458, the $85,000 so computed may, at the election of the taxpayer made on its return for 1950, be treated as a net operating loss carry-over from 1949, and the $85,000 carry-over will, subject to the provisions of section 122 (b) (2), be a carry-over to the years 1950, 1951, and 1952. The net operating loss deduction for 1950 and any subsequent taxable year is determined without regard to any other carry-over from a taxable year ending before June 30, 1950, for example the loss for 1948, if such loss exceeded the net income for 1949, and the net operating loss deduction for any subsequent taxable year for which the excess profits credit is computed under neither section 435 nor section 458 is determined without regard to the $85,000 carry-over from the base period."

[F. R. Doc. 52-10601; Filed, Sept. 30, 1952; 8:49 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EQUITY CAPITAL OF SECTION 204 INSURANCE COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., withing the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to the provisions of Public Law 166, 82d Congress, approved October 10, 1951, relating to equity capital of section 204 insurance companies, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.437–1 the following:

PUBLIC LAW 166, 82d CONGRESS, APPROVED OCTOBER 10, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 437 (c) of the Internal Revenue Code is amended by striking out "(other than mutual and other than life or marine)" and inserting in lieu thereof "taxable under the provisions of section 204".

SEC. 2. The amendment made by section 1 shall have the same effect as if it had been a part of the said section 437 (c) on January 3, 1951.

PAR. 2. The first sentence of paragraph (b) (5) of § 40.437–5 of Regulations 130 is amended by deleting the parenthetical phrase "(other than mutual and other than life or marine)" and inserting in lieu thereof "taxable under the provisions of section 204". Such sentence as amended will read as follows: "In the case of an insurance company taxable under the provisions of section 204, the equity capital shall include 50 percent of its reserves required by law, except the reserve for unearned premiums used in computing borrowed capital under section 439 (b) (2)."

[F. R. Doc. 52-10604; Filed, Sept. 30, 1952; 8:50 a. m.]

[26 CFR Parts 29, 40]

INCOME TAX AND EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941 AND JUNE 30, 1950, RESPECTIVELY

CHANGES IN CORPORATION INCOME TAX AND EXCESS PROFITS TAX RATES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to sections 121 (a), (b), (c), (d), and (g) (1), (2), (4), and (5) 122, and 123 of the Revenue Act of 1950, approved September 23, 1950, sections 201 (a), (b), and (e) and 202 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and sections 121 (a), (b), (c), (f) (other than the addition of section 15 (c) of the Internal Revenue Code), and (g), 122, 124, 125, 311, and 612 of the Revenue Act of 1951, approved October 20, 1951.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 121 (a), (b), (c), (d), and (g) (1), (2), (4), and (5), 122, and 123 of the Revenue Act of 1950, approved September 23, 1950, sections 201 (a), (b), and (e) and 202 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and sections 121 (a), (c), (f) (other than the addition of section (15) (c) of the Internal Revenue Code), and (g), 122, 124, 125, 311, and 612 of the Revenue Act of 1951, approved October 20, 1951, and in order to conform Regulations 130 (26 CFR Part 40) to sections 121 (b) and 125 of the Revenue Act of 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.13–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 13.* Section 13 (relating to the normal tax on corporations) is hereby amended to read as follows:

SEC. 13. NORMAL TAX ON CORPORATIONS.

(a) *Definitions.* For the purposes of this chapter—(1) *Adjusted net income.* The term "adjusted net income" means the net income minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations.

(2) *Normal tax net income—(A) Calendar year 1950 and taxable years beginning after June 30, 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, and in the case of taxable years beginning after June 30, 1950, the term "normal-tax net income" means the adjusted net income minus the sum of the following credits:

(i) The credit for dividends received provided in section 26 (b);

(ii) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h); and

(iii) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(B) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which subparagraph (A) applies) beginning before July 1, 1950, the term "normal-tax net income" means the adjusted net income minus the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax—(1) Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a tax of 25 per centum of the normal-tax net income.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, there shall be levied, collected, and paid for such taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a tax of 23 per centum of the normal-tax net income.

(3) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (2) applies) beginning before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than $25,000 (except a corporation subject to a tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

(A) *General rule.* A tax of 24 per centum of the normal-tax net income; or

(B) *Alternative tax (corporations with normal-tax net income over $25,000, but not over $50,000).* A tax of $4,250, plus 31 per centum of the amount of the normal-tax net income in excess of $25,000.

For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

(c) *Exempt corporations.* For corporations exempt from taxes under this chapter, see section 101.

(d) *Tax on personal holding companies.* For surtax on personal holding companies, see section 500.

(e) *Improper accumulation of surplus.* For surtax on corporations which accumulate surplus to avoid surtax on shareholders, see section 102.

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (a)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 13.* Subsections (a) and (b) of section 13 (relating to normal tax on corporations) are hereby amended to read as follows:

(a) *Definitions.* For the purposes of this chapter—

(1) *Adjusted net income.* The term "adjusted net income" means the net income minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations.

(2) *Normal-tax net income.* The term "normal tax net income" means the adjusted net income minus the sum of the following credits:

(A) The credit for dividends received provided in section 26 (b);

(B) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h); and

(C) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q)—

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, a tax of 28¾ per centum of the normal-tax net income.

(2) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, a tax of 30 per centum of the normal-tax [net] income.

(3) *Taxable years beginning after March 31, 1954.* In the case of taxable years beginning after March 31, 1954, a tax of 25 per centum of the normal-tax net income.

* * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part [inc. sec. 121 (a)] shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

PAR. 2. Section 29.13–1, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended as follows:

(A) By striking out the period in the headnote of the section and the first sentence of paragraph (a) and inserting in lieu thereof the following: "—(a) *Taxable years beginning before July 1, 1950 (other than the calendar year 1950).* For taxable years beginning before July 1, 1950 (other than the calendar year 1950), section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than $25,000."

(B) By striking out the third, fourth, and fifth sentences of paragraph (b) of the section and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before July 1, 1950 (other than the calendar year 1950), the normal-tax net income is the adjusted net income minus the credit for dividends received provided in section 26 (b). Section 26 (b) applicable to such taxable years relates to dividends received from a domestic corporation which is subject to taxation under chapter 1 (85 percent of dividends received). For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4."

(C) By striking out in paragraph (e) of the section the following introductory sentence: "This section may be illustrated by the following examples:" and inserting in lieu thereof the following introductory sentence: "The computation of the tax under section 13 may be illustrated by the following examples:".

(D) By adding at the end of the section the following new paragraph (f):

(f) *Calendar year 1950 and taxable years beginning after June 30, 1950.* (1) For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, section 13 imposes an income tax on corporations generally. Every corporation is liable to the tax imposed by such section, except (i) corporations expressly exempt from all taxation under Chapter 1 (see section 101); (ii) corporations subject to tax under Supplement U (see section 421); (iii) foreign corporations not engaged in trade or business within the United States (see section 231 (a)); (iv) insurance companies (see Supplement G); and (v) regulated investment companies (see Supplement Q).

(2) It makes no difference that a domestic corporation subject to any tax imposed by section 13 may derive no income from sources within the United States. The tax imposed by section 13 for a taxable year is computed upon the "normal-tax net income" for the taxable year, that is, the adjusted net income for such year minus (i) the credit for dividends received provided in section 26 (b) for such year, and (ii), in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h) for such year, and (iii), in the case of a Western Hemisphere trade corporation (see section 109), the credit provided in section 26 (i) for such year. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9. The "adjusted net income" of a corporation is the net income as defined in section 21 minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities.

(3) The tax imposed by section 13 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For treatment of the tax imposed on foreign corporations engaged in trade or business within the United States, see § 29.231–1 (b). In the case of foreign corporations not engaged in trade or business within the United States, the tax is as provided in section 231 (a). In the case of insurance companies, the tax is as provided in Supplement G (sections 201 to 207, inclusive). In the case of regulated investment companies, the tax is as provided in Supplement Q (sections 361 and 362). In the case of corporations subject to tax under Supplement U, the tax is as provided in sections 421 to 424, inclusive. For surtax on corporations generally, see § 29.15–1. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102. For treatment of capital gains and losses, see section 117. For treatment of mutual savings banks conducting life insurance business, see section 110.

(4) The tax imposed by section 13 for a taxable year which is the calendar year 1950 and for a taxable year beginning after June 30, 1950, is computed by applying to the "normal-tax net income" the rate in effect for such taxable year. The rates of tax under section 13 applicable for the respective taxable years are as follows:

	Percent
For a taxable year which is the calendar year 1950	23
For taxable years beginning after June 30, 1950, and before April 1, 1951 (other than the calendar year 1951)	25
For a taxable year which is the calendar year 1951	23¾
For taxable years beginning after March 31, 1951, and before April 1, 1954	30
For taxable years beginning after March 31, 1954	25

(5) The computation of the tax under section 13 may be illustrated by the following example:

Example. The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), has for the calendar year 1951 a net income of $130,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $10,000 and cash dividends received (allowable as a credit under section 26 (b) (1)) in the amount of $10,000. The corporation's tax under section 13 for the calendar year 1951 is $32,056.25, computed as follows:

Net income		$130,000
Less credit for interest on United States obligations		10,000
Adjusted net income		120,000
Less credit for dividends received (85 percent of $10,000)		8,500
Normal-tax net income		111,500
Tax under section 13 (b) (1) (28¾ percent of $111,500)		32,056.25

PAR. 3. There is inserted immediately preceding § 29.14–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(b) *Amendment of section 14 (a).* So much of section 14 (relating to normal tax on special classes of corporations) as precedes subsection (b) thereof is hereby amended to read as follows:

SEC. 14. TAX ON SPECIAL CLASSES OF CORPORATIONS IN CASE OF TAXABLE YEARS (OTHER THAN THE CALENDAR YEAR 1950) BEGINNING BEFORE JULY 1, 1950.

(a) *Imposition of tax in cases of taxable years (other than the calendar year 1950) beginning before July 1, 1950.* In the case of taxable years beginning before July 1, 1950 (other than a taxable year beginning on January 1, 1950, and ending on December 31, 1950), there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of the following corporations (in lieu of the tax imposed by section 13 (b) (3)) the tax hereinafter in this section specified. For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (b)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(g) *Technical amendment.* Section 14 (relating to normal tax on special classes of corporations in the case of taxable years beginning before July 1, 1950) is hereby repealed.

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (g)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951.* * *

PAR. 4. Section 29.14–1 is amended as follows:

(A) By striking out the headnote and the first sentence of paragraph (a) of the section and inserting in lieu thereof the following:

§ 29.14–1 *Tax on special corporations for taxable years beginning before July 1, 1950 (other than the calendar year 1950).* (a) Section 14 and this section are applicable with respect to taxable years beginning after December 31, 1941, and before July 1, 1950 (other than the calendar year 1950).

(B) By adding after the third sentence of paragraph (c) of the section the following: "For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4."

PAR. 5. There is inserted immediately preceding § 29.15–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(c) *Amendment of section 15.* Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter—

(1) *Calendar year 1950 and taxable years beginning after June 30, 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, and in the case of taxable years beginning after June 30, 1950, the term "corporation surtax net income" means the net income minus the sum of the following credits:

(A) The credit for dividends received provided in section 26 (b);

(B) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h);

(C) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(2) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before July 1, 1950, the term "corporation surtax net income" means the net income minus the credit for dividends received provided in section 26 (b) and minus, in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h). For the purposes of this paragraph, dividends received on the preferred stock of a public utility shall be disregarded in computing the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax*—(1) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax of 20 per centum of the amount of the corporation surtax net income in excess of $25,000.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, there shall be levied, collected, and paid for such taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax determined by computing a tentative surtax of 19 per centum of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 per centum of the lower of (A) the amount of the credit provided in section 26 (a), or (B) the amount by which the corporation surtax net income exceeds $25,000.

(3) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (2) applies) beginning before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a western hemisphere trade corporation as defined in section 109, and except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax as follows:

(A) *Surtax net incomes not over $25,000.* Upon corporation surtax net incomes not over $25,000, 6 per centum of the amount thereof.

(B) *Surtax net incomes over $25,000 but not over $50,000.* Upon corporation surtax net incomes over $25,000, but not over $50,000, $1,500 plus 22 per centum of the amount of the corporation surtax net income over $25,000.

(C) *Surtax net incomes over $50,000.* Upon corporation surtax net incomes over $50,000, 14 per centum of the corporation surtax net income.

For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (c)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 201. SURTAX ON CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) *Rate of tax.* Section 15 (b) (1) of the Internal Revenue Code (relating to rate of surtax in the case of taxable years beginning after June 30, 1950) is hereby amended by striking out "20 per centum" and inserting in lieu thereof "22 per centum".

* * * * *

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121 INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Amendment of section 15.* Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter, the term "corporation surtax net income" means the net income minus the sum of the following credits:

(1) The credit for dividends received provided in section 26 (b);

(2) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h);

(3) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax of 22 per centum of the amount of the corporation surtax net income in excess of $25,000.

* * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (f)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

SEC. 612. CREDIT IN PRIOR TAXABLE YEARS FOR DIVIDENDS RECEIVED ON PREFERRED STOCK OF A PUBLIC UTILITY (TITLE VI, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of taxable years beginning before April 1, 1951, any reference in section 15 (a) or 26 (b) of the Internal Revenue Code to dividends received on the preferred stock of a public utility shall be construed as referring only to dividends received on the preferred stock of a public utility with respect to which the credit provided in section 26 (h) of such Code for dividends paid was allowable.

PAR. 6. Section 29.15–1, as amended by Treasury Decision 5517, is further amended as follows:

(A) By striking out the period in the headnote of the section and the first sentence of paragraph (a) of the section and inserting in lieu thereof the following: "—(a) *Taxable years beginning before July 1, 1950 (other than the calendar year 1950).* For taxable years beginning before July 1, 1950 (other than the calendar year 1950), section 15 imposes a surtax upon the corporation surtax net income of every corporation, except (1) corporations expressly exempt from taxation under chapter 1 (see section 101), (2) Western Hemisphere trade corporations (see section 109), (3) foreign corporations taxable under section 231 (a), (4) insurance companies (see Supplement G), and (5) regulated investment companies (see Supplement Q)."

(B) By striking out the second sentence of paragraph (b) and the second sentence of paragraph (d) of the section and inserting in lieu of each the following: "For the purposes of determining the corporation surtax net income, dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid is allowable under section 26 (h) must be disregarded in computing the credit provided in section 26 (b) for dividends received."

(C) By inserting in the first sentence of paragraph (d) and in the first sentence of paragraph (e) of the section after "For taxable years beginning after December 31, 1945," the following: "and before July 1, 1950 (other than the calendar year 1950),".

(D) By adding at the end of paragraph (g) of the section the following: "For treatment of taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4."

(E) By adding at the end of the section the following new paragraph (i):

(i) *Calendar year 1950 and taxable years beginning after June 30, 1950.* (1) For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, section 15 imposes a surtax upon the corporation surtax net income of every corporation, except (i) corporations expressly exempt from all taxation under chapter 1 (see section 101), (ii) corporations subject to tax under Supplement U (see section 421), (iii) foreign corporations not engaged in trade or business within the United States (see section 231 (a)), (iv) insurance companies (see Supplement G), and (v) regulated investment companies (see Supplement Q). For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102. For treatment of capital gains and losses, see section 117. For treatment of mutual savings banks conducting life insurance business, see section 110.

(2) (i) For such taxable years, the "corporation surtax net income" of a corporation is its net income for the taxable year minus (*a*) the credit for dividends received provided in section 26 (b) for such year, and (*b*), in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h) for such year, and (*c*), in the case of a Western Hemisphere trade corporation (see section 109), the credit provided in section 26 (i) for such year. The credit provided in section 26 (a) for interest received on obligations of the United States or its instrumentalities is not allowable in computing corporation surtax net income for any taxable year.

(ii) Section 15 imposes a surtax only upon so much of the corporation surtax net income as is in excess of $25,000. For a taxable year which is the calendar year 1950, the surtax on corporations is determined by computing a tentative surtax of 19 percent of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 percent of the lower of (*a*) the amount of the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities, or (*b*), the amount by which the corporation surtax net income exceeds $25,000. For taxable years beginning after June 30, 1950, the surtax on corporations is at the rate of 22 percent and is upon corporation surtax net income in excess of $25,000.

(3) For treatment of taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For treatment of taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(4) The computation of the surtax on corporations may be illustrated by the following examples:

Example (1). The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), has for the calendar year 1950 a net income of $86,000. The net income includes cash dividends received from a corporation (allowable as a credit under section 26 (b) (1)) in the amount of $10,000, and interest on United States obligations (allowable as a credit under section 26 (a) in determining adjusted net income for purposes of corporation normal tax) in the amount of $10,000. The A Corporation's surtax for the calendar year 1950 is $9,675, computed as follows:

Net income		$86,000
Less credit for dividends received (85 percent of $10,000)		8,500
Corporation surtax net income		77,500
Tentative surtax (19 percent of $52,500, the excess of $77,500 over $25,000)		9,975
Less the lower of:		
1 percent of $10,000 (amount of the credit provided in sec. 26 (a))	$100	
or		
1 percent of $52,500 (the excess of $77,500 (corporation surtax net income) over $25,000)	525	100
Surtax		9,875

Example (2). The facts are the same as in example (1), above, except that the taxable year is the calendar year 1951 instead of the calendar year 1950. The A Corporation's surtax for the calendar year 1951 is $11,550, computed as follows:

Net income	$86,000
Less credit for dividends received (85 percent of $10,000)	8,500
Corporation surtax net income	77,500
Surtax (22 percent of $52,500, the excess of $77,500 over $25,000)	11,550

PAR. 7. There is inserted immediately preceding § 29.26–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(g) *Technical Amendments.* (1) Section 26 (h) (2) (relating to definition of public utility) is hereby amended by striking out "As used in this subsection and section 15 (a)" and inserting in lieu thereof "As used in this subsection, subsection (b), and sections 13 and 15".

* * * * *

SEC. 122. CREDITS OF CORPORATIONS (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Dividends received credit.* Section 26 (b) (relating to credits allowed corporations with respect to dividends received) is hereby amended to read as follows:

(b) *Dividends received.* An amount equal to the sum of—

(1) *In general.* 85 per centum of the amount received as dividends (other than dividends received in taxable years described in paragraph (2) on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter; and

(2) *Certain preferred stock*—(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, 50 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter.

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, 57 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter.

For the purpose of this subsection (but not for the purposes of computing adjusted net income), if the whole or any part of a dividend is received after August 31, 1950, in property other than money, then, with respect to such property, the shareholder shall not be considered to have received as a dividend an amount in excess of the adjusted basis of such property in the hands of the

distributing corporation at the time of distribution increased in the amount of gain or decreased in the amount of loss recognized to the distributing corporation by reason of such distribution. The credit allowed under this subsection shall not be allowed in respect of dividends received from a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U. S. C., title 15, c. 4), or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States. In no event shall the credit allowed by this subsection exceed 85 per centum of the adjusted net income computed without regard to the deduction allowed by section 23 (s).

(b) *Credit for dividends paid on certain preferred stock.* The first sentence of section 26 (h) (1) (relating to amount of credit for dividends paid on certain preferred stock) is hereby amended to read as follows: "In the case of a public utility, the amount of dividends paid during the taxable year on its preferred stock, except that (A) in the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, only an amount equal to 33 per centum of the lower of (i) the amount of dividends paid during such taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, and (B) in the case of any taxable year beginning after June 30, 1950, only an amount equal to 31 per centum of the lower of (i) the amount of dividends paid during such taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year."

(c) *Western hemisphere trade corporations.* Section 26 (relating to credits of corporations) is hereby amended by adding at the end thereof the following new subsection:

(l) *Western hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation (as defined in section 109)—

(1) *Taxable years beginning after June 30, 1950.* In the case of any taxable year beginning after June 30, 1950, an amount equal to 31 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, an amount equal to 33 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. secs. 121 (g) (1) and 122) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 202. CREDITS OF CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) *Credit for dividends paid on certain preferred stock.* Section 26 (h) (1) (B) of the Internal Revenue Code (relating to credit for dividends paid on certain preferred stock) is hereby amended by striking out "31 per centum" and inserting in lieu thereof "30 per centum."

(b) *Western hemisphere trade corporations.* Section 26 (l) (1) of such code (relating to credit of western hemisphere trade corporations) is hereby amended by striking out "31 per centum" and inserting in lieu thereof "30 per centum".

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 122. CREDITS OF CORPORATIONS (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Dividends received credit.* Paragraphs (1) and (2) of section 26 (b) (relating to credit for dividends received) are hereby amended to read as follows:

(1) *In general.* 85 per centum of the amount received as dividends (other than dividends described in paragraph (2) on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(2) *Certain preferred stock*—(A) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, 61 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, 62 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(C) *Taxable years beginning after March 31, 1954.* In the case of taxable years beginning after March 31, 1954, 59 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(b) *Credit for dividends paid on certain preferred stock.* The first sentence of section 26 (h) (1) (relating to amount of credit for dividends paid on certain preferred stock) is hereby amended to read as follows: "In the case of a public utility, (A) for a taxable year beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 28 per centum of the lesser of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, (B) for a taxable year beginning after March 31, 1951, and before April 1, 1954, an amount equal to 27 per centum of the lesser of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, and (C) for a taxable year beginning after March 31, 1954, an amount equal to 30 per centum of the lower of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year.

(c) *Western Hemisphere trade corporations.* Section 26 (l) (relating to credit of a Western Hemisphere trade corporation) is hereby amended to read as follows:

(l) *Western Hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation (as defined in section 109)—

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 28 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(2) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of a taxable year beginning after March 31, 1951, and before April 1, 1954, an amount equal to 27 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(3) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954, an amount equal to 30 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 122) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, • • • For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

SEC. 311. CREDIT FOR DIVIDENDS RECEIVED (TITLE III, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Dividends from foreign corporation engaged in trade or business in the United States.* Section 26 (b) (relating to dividends received credit) is hereby amended by inserting after paragraph (2) the following new paragraph:

(3) *Dividends received from certain foreign corporations.* In the case of dividends received from a foreign corporation (other than a foreign personal holding company) which is subject to taxation under this chapter, if, for an uninterrupted period of not less than 36 months ending with the close of such foreign corporation's taxable year in which such dividends are paid (or, if the corporation has not been in existence for 36 months at the close of such taxable year, for the period the foreign corporation has been in existence as of the close of such taxable year) such foreign corporation has been engaged in trade or business within the United States and has derived 50 per centum or more of its gross income from sources within the United States—

(A) an amount equal to 85 per centum of the dividends received out of its earnings or profits specified in clause (2) of the first sentence of section 115 (a), but such amount shall not exceed an amount which bears the same ratio to 85 per centum of such dividends received out of such earnings or profits as the gross income of such foreign corporation for the taxable year from sources within the United States bears to its gross income from all sources for such taxable year, and

(B) an amount equal to 85 per centum of the dividends received out of that part of its earnings or profits specified in clause (1) of the first sentence of section 115 (a) accumulated after the beginning of such uninterrupted period, but such amount shall not exceed an amount which bears the same ratio to 85 per centum of such dividends received out of such accumulated earnings or profits as the gross income of such foreign corporation from sources within the United States for the portion of such uninterrupted period ending at the beginning of such taxable year bears to its gross income from all sources for such portion of such uninterrupted period.

For determination of earnings or profits distributed in any taxable year, see section 115 (b).

• • • • • • •

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

SEC. 612. CREDIT IN PRIOR TAXABLE YEARS FOR DIVIDENDS RECEIVED ON PREFERRED STOCK OF A PUBLIC UTILITY (TITLE VI, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of taxable years beginning before April 1, 1951, any reference in section 15 (a) or 26 (b) of the Internal Revenue Code to dividends received on the preferred stock of a public utility shall be construed as referring only to dividends received on the preferred stock of a public utility with respect to which the credit provided in section 26 (h) of such Code for dividends paid was allowable.

PAR. 8. Section 29.26–5, as amended by Treasury Decision 5384, approved June 30, 1944, is further amended as follows:

(A) By amending the first sentence of paragraph (a) (1) of the section to read as follows: "(1) A credit is provided in section 26 (h) for dividends paid during the taxable year by certain public utility corporations on certain preferred stock."

(B) By inserting in the first sentence of paragraph (a) (2) of the section after "For the purposes of section 26 (h)" the following: "and this section".

(C) By striking out the headnote and the first sentence of paragraph (b) of the section and inserting in lieu thereof the following:

(b) *Amount of credit.* (1) For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the credit provided in section 26 (h) is an amount equal to the dividends paid during the taxable year by a public utility on its preferred stock. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the credit provided in section 26 (h) is an amount equal to a specified percent of the lesser of (i) the amount of the dividends paid during the taxable year by a public utility on its preferred stock or (ii) the adjusted net income of the public utility for such taxable year minus the credit for dividends received allowable to such public utility for such taxable year under section 26 (b). The specified percent applicable for the respective taxable years is as follows:

	Percent
For a taxable year which is the calendar year 1950	33
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	30
For a taxable year which is the calendar year 1951	23
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	27
For taxable years beginning after Mar. 31, 1954	30

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(2) For taxable years beginning after December 31, 1943, the amount of dividends paid in a given taxable year shall not include any amount distributed in such year with respect to dividends unpaid and accumulated in any taxable year ending prior to October 1, 1942.

(D) By striking out in the second sentence of paragraph (c) (2) of the section "the appropriate allocable portion of the total amount of dividends paid on such stock will be allowable as a credit under such section" and inserting in lieu thereof "the appropriate allocable portion of the total amount of dividends paid on such stock will be considered as having been paid on stock which was issued prior to October 1, 1942."

(E) By striking out the second and fourth sentences of the example following paragraph (c) (2) of the section.

PAR. 9. There is inserted immediately after § 29.26–5, as amended by Treasury Decision 5384, the following new sections:

§ 29.26–6 *Credit for dividends received*—(a) *Dividends on stock of domestic corporation.* A credit is provided in section 26 (b) for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code. Such credit of a corporation for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to 85 percent of such dividends received by the corporation during the taxable year. For the purpose of determining the corporation surtax net income for taxable years beginning before July 1, 1950 (other than the calendar year 1950), dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation shall be disregarded in determining the credit under this paragraph. The credit under this paragraph for a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, shall be determined without regard to dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For credit for such dividends received on the preferred stock of a public utility, see paragraph (b) of this section. If a credit for dividends paid is not allowable to the distributing corporation under section 26 (h) with respect to the dividends on its preferred stock, such dividends received from a domestic public utility corporation subject to taxation under chapter 1 are includible in determining the credit under this paragraph.

(b) *Dividends on certain preferred stock of public utilities.* For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a credit is provided in section 26 (b) (2) for dividends received on certain preferred stock of certain public utility corporations subject to taxation under chapter 1 of the Internal Revenue Code. Such credit is allowable only for dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation. The credit of a corporation under section 26 (b) (2) for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to the following percent of such dividends received by the corporation during the taxable year:

	Percent
For a taxable year which is the calendar year 1950	57
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	59
For a taxable year which is the calendar year 1951	61
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	62
For taxable years beginning after Mar. 31, 1954	59

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(c) *Dividends on stock of certain foreign corporations.* (1) For taxable years beginning after December 31, 1950, a credit is provided in section 26 (b) (3) for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 331) which is subject to taxation under chapter 1 of the Internal Revenue Code if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(2) The credit of a corporation under section 26 (b) (3) for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to 85 percent of such dividends—

(i) Received out of the foreign corporation's earnings or profits for its taxable year in which the dividends are paid (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year) without regard to the amount of the earnings and profits at the time the distribution was made, but not in excess of an amount which bears the same ratio to 85 percent of such dividends received

as the gross income of the foreign corporation for such taxable year from sources within the United States bears to its gross income from all sources for such year, and

(ii) Received out of that part of the foreign corporation's earnings or profits accumulated after February 28, 1913, which has accumulated after the beginning of the applicable uninterrupted period, but not in excess of an amount which bears the same ratio to 85 percent of such dividends received as the gross income of the foreign corporation from sources within the United States for that portion of the applicable uninterrupted period which ends at the beginning of its taxable year in which the dividends are paid bears to its gross income from all sources for the same portion of such applicable uninterrupted period.

(3) The determination of earnings or profits distributed in any taxable year shall be made in accordance with the principles of section 115 (b) of the Internal Revenue Code. For the determination of the source of income, see section 119 and the regulations thereunder.

(4) The application of section 26 (b) (3) may be illustrated by the following examples:

Example (1). Corporation A (a foreign corporation filing its income tax return on a calendar year basis) whose stock is 100 percent owned by Corporation B (a domestic corporation filing its income tax return on a calendar year basis) for the first time engaged in trade or business within the United States on January 1, 1940, and qualifies under section 26 (b) (3) for the entire period beginning on that date and ending on December 31, 1951. Corporation A had accumulated earnings or profits of $50,000 immediately prior to January 1, 1940, and had earnings or profits of $10,000 for each taxable year during the uninterrupted period from January 1, 1940, through December 31, 1951. It derived for the period from January 1, 1940, through December 31, 1950, 90 percent of its gross income from sources within the United States, and in 1951 derived 95 percent of its gross income from sources within the United States. During the calendar years 1940, 1941, 1942, 1943, and 1944 Corporation A distributed in each year $15,000; during the calendar years 1945, 1946, 1947, 1948, 1949, and 1950 it distributed in each year $5,000; and during the year 1951, $50,000. For 1951 a dividends received credit of $31,025 is allowable to Corporation B with respect to the $50,000 received from Corporation A, computed as follows:

(i) $8,075 which is $8,500 (85 percent of the $10,000 of earnings or profits of the taxable year) multiplied by 95 percent (the portion of the gross income of Corporation A derived during the taxable year from sources within the United States), plus

(ii) $22,950 which is $25,500 (85 percent of $30,000 (that part of the earnings or profits accumulated after the beginning of the uninterrupted period)) multiplied by 90 percent (the portion of the gross income of Corporation A derived from sources within the United States during that portion of the uninterrupted period ending at the beginning of the taxable year).

Example (2). If in example (1) Corporation A for the taxable year 1951 had incurred a deficit of $10,000 (shown to have been incurred prior to December 31), and if it had distributed $50,000 on December 31, 1951, the dividends received credit allowable to Corporation B would be $15,300, computed by multiplying $17,000 (85 percent of $20,000 earnings or profits accumulated after the beginning of the uninterrupted period) by 90 percent (the portion of the gross income of Corporation A derived from United States sources during that portion of the uninterrupted period ending at the beginning of the taxable year).

(5) For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6.

(d) *Limitations on credit.* No credit is allowable under section 26 (b) in respect of dividends received from a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U. S. C., title 15, c. 4), or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States. For taxable years beginning before January 1, 1946, the credit under section 26 (b) is limited to 85 percent of the corporation's adjusted net income reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code. For taxable years beginning after December 31, 1945, and ending before January 1, 1950, the credit under section 26 (b) is limited to 85 percent of the corporation's adjusted net income. For taxable years ending after December 31, 1949, the credit under section 26 (b) (that is, the sum of the credits determined under paragraphs (a), (b), and (c) of this section) is limited to 85 percent of the corporation's adjusted net income computed without regard to the deduction for net operating loss allowed by section 23 (s). For the purpose of section 26 (b) and this section (but not for the purpose of computing adjusted net income), if the whole or any part of a dividend is received after August 31, 1950, in property other than money, the amount of such dividend in such property shall not be considered to be in excess of the adjusted basis of such property in the hands of the distributing corporation at the time of distribution increased in the amount of gain or decreased in the amount of loss recognized to the distributing corporation by reason of such distribution. In no event shall the amount of the dividend in property other than money be treated as an amount greater than the fair market value of such property received by the shareholder. For definition of the term "adjusted net income", see section 13 (a) (1) and § 29.13–1. For taxable years beginning in 1945 and ending in 1946, see § 29.108–2.

§ 29.26–7 *Credit of Western Hemisphere trade corporations.* For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a credit is provided in section 26 (i) for Western Hemisphere trade corporations as defined in section 109. The credit under section 26 (i) of a Western Hemisphere trade corporation for a taxable year is an amount equal to the following percent of its normal-tax net income for such taxable year computed without regard to such credit:

	Percent
For a taxable year which is the calendar year 1950	33
For taxable yeara beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	30
For a taxable year which is the calendar year 1951	28
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	27
For taxable years beginning after Mar. 31, 1954	30

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

PAR. 10. There is inserted immediately preceding § 29.52–1 the following:

SEC. 124. FILING OF CORPORATION RETURNS FOR TAXABLE YEARS ENDING AFTER MARCH 31, 1951, AND BEFORE OCTOBER 1, 1951 (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of a corporation subject to a tax imposed by chapter 1 of the Internal Revenue Code for a taxable year ending after March 31, 1951, but prior to October 1, 1951, such corporation shall after the date of the enactment of this act and on or before January 15, 1952, make a return for such taxable year with respect to the tax imposed by chapter 1 of the Internal Revenue Code for such taxable year. The return required by this section for such taxable year shall constitute the return for such taxable year for all purposes of the Internal Revenue Code; and no return for such taxable year, with respect to any tax imposed by chapter 1 of such code, filed on or before the date of the enactment of this act shall be considered for any of such purposes as a return for such year. The taxes imposed by chapter 1 of such code (determined with the amendments made by this act) for such taxable year shall be paid on January 15, 1952, in lieu of the time prescribed in section 56 (a) of such code. All payments with respect to any tax for such taxable year imposed by chapter 1 of such code under the law in effect prior to the enactment of this act, to the extent that such payments have not been credited or refunded, shall be deemed payments made at the time of the filing of the return required by this section on account of the tax for such taxable year under Chapter 1 determined with the amendments made by this act.

PAR. 11. There is inserted immediately after § 29.52–3, as added by Treasury Decision 5861, approved October 18, 1951, the following new section:

§ 29.52–4 *Certain corporation returns for taxable years ending after March 31, 1951, and before October 1, 1951.* The return of a corporation subject to a tax imposed by chapter 1 of the Internal Revenue Code for a taxable year ending after March 31, 1951, and before October 1, 1951, shall be filed after October 20, 1951 (the date of enactment of the Revenue Act of 1951), and on or before January 15, 1952. Such return shall constitute the return for such taxable year, and no return for such taxable year filed on or before October 20, 1951, shall be considered as a return for such taxable year. The taxes for such taxable

year shall be paid on or before January 15, 1952. All payments of tax (including interest, penalties, and additions to the tax) for such taxable year made on or before October 20, 1951, shall be deemed to be payments of tax made at the time of the filing of the return required by this section to be filed on or before January 15, 1952, except to the extent any such payments are credited or refunded prior to the time such return is filed. The provisions of § 29.56–1 (b) (3) (ii) and (iv) shall apply with respect to the payment of such tax by installment payments, and for such purpose, the date prescribed for the payment of the tax as a single payment is January 15, 1952.

PAR. 12. Section 29.53–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by adding at the end of the section the following undesignated paragraph:

"For provisions relating to the time for filing certain corporation returns for taxable years ending after March 31, 1951, and before October 1, 1951, see § 29.52–4."

PAR. 13. Section 29.104–1 is amended to read as follows:

§ 29.104–1 *Tax on banks.* For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a bank, as defined in section 104 (a), is, under section 104 (b), subject to the tax imposed by section 13 if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a bank, as defined in section 104 (a), is, under section 104 (b), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1). Such a bank is also subject to the surtax imposed by section 15 (see § 29.15–1). For treatment of mutual savings banks conducting life insurance business, see section 110.

PAR. 14. Section 29.109–1 is amended as follows:

(A) By striking out the first sentence and so much of the second sentence of paragraph (a) as precedes the colon and inserting in lieu thereof the following: "The term 'Western Hemisphere trade corporation' for the purposes of chapter 1 of the Internal Revenue Code means a domestic corporation which meets the following tests:".

(B) By striking out of that portion of paragraph (a) following subparagraph (3) of the section "A domestic corporation is not excluded from the exemption" and inserting in lieu thereof "A domestic corporation is not excluded from the definition".

(C) By striking out in the first sentence of paragraph (b) of the section "A corporation which claims exemption as a Western Hemisphere trade corporation" and inserting in lieu thereof "A corporation which claims to qualify as a Western Hemisphere trade corporation".

PAR. 15. There is inserted immediately preceding § 29.119–1 the following:

SEC. 311. CREDIT FOR DIVIDENDS RECEIVED (TITLE III, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendment.* Section 119 (a) (2) (B) (relating to rules as to source of income in the case of dividends) is hereby amended by inserting before the semicolon at the end thereof the following: "to the extent exceeding the amount which is 100/85ths of the amount of the credit allowable under section 26 (b) in respect of such dividends".

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 16. Section 29.119–3 is amended as follows:

(A) By changing the last sentence of paragraph (b) of the section to read as follows: "However, for the purpose of section 131, relating to credits for taxes of foreign countries and possessions of the United States, dividends from a foreign corporation shall, for taxable years beginning before January 1, 1951, be treated as income from sources without the United States; and, for taxable years beginning after December 31, 1950, as income from such sources to the extent exceeding the amount which is 100/85ths of the amount of the credit, if any, allowable under section 26 (b) in respect of such dividends."

(B) By striking out in the last undesignated paragraph of the section "(except for the purposes of section 131)" and inserting in lieu thereof the following: "(except for the purpose of section 131 to the extent indicated in paragraph (b) of this section)".

PAR. 17. There is inserted immediately preceding § 29.122–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

* * * * * * *

(2) Section 122 (c) (relating to amount of net operating loss deduction) is hereby amended by striking out "without the credit provided in section 26 (e)" and inserting in lieu thereof "without the credits provided in section 26 (h) and (i)".

* * * * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (g) (2)) shall be applicable only with respect to taxable years ending after December 31, 1949. * * *

PAR. 18. Section 29.122–5 is amended by striking out at the end of paragraph (a) (2) "the credit provided in section 26 (e) for income subject to the excess profits tax shall not be allowed" and by inserting in lieu thereof the following: "the credits provided in section 26 (e) for income subject to the excess profits tax, section 26 (h) for dividends paid by a public utility on its preferred stock, and section 26 (i) in the case of a Western Hemisphere trade corporation, shall not be allowed."

PAR. 19. There is inserted immediately preceding § 29.204–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

* * * * * * *

(4) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 204 (a) (1) (relating to insurance companies other than life or mutual) is hereby amended by striking out "at the rates specified in section 13 or section 14 (b) and in section 15 (b)" and inserting in lieu thereof "computed as provided in section 13 (b) and in section 15 (b)".

* * * * * * *

PAR. 20. Section 29.204–1, as amended by Treasury Decision 5369, approved May 11, 1944, is further amended by striking out paragraph (c) and inserting in lieu thereof the following:

(c) Insurance companies are subject to both normal tax and surtax. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the normal tax shall be at the rate specified in section 13 (b) for such years if the company has a normal-tax net income of more than $25,000, or at the rate specified in section 14 (b) for such years if it has a normal-tax net income of not more than $25,000. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the normal tax shall be computed as provided in section 13 (b) for such years. For what constitutes normal-tax net income for the respective taxable years, see § 29.13–1. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the surtax shall be at the rate specified in section 15 (b) for such years. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the surtax shall be computed as provided in section 15 (b) for such years. For what constitutes corporation surtax net income for the respective taxable years, see § 29.15–1. For alternative tax where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 117 (c) and the regulations thereunder.

PAR. 21. There is inserted immediately preceding § 29.207–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(d) *Mutual insurance companies other than life or marine.* (1) Section 207 (a) (1) (relating to normal tax and surtax on mutual insurance companies, other than life or marine) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (1), or 50 per centum of the amount by which the normal-

tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (1).

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (2), or 46 per centum of the amount by which the normal-tax net income exceed $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (2).

(2) Section 207 (a) (3) (relating to normal tax and surtax on interinsurers or reciprocal underwriters) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (1), or 50 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (1), or 30 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (2), or 46 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, in an amount computed as provided in section 15 (b) (2), or in an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000, whichever amount is the lesser.

(3) The amendments made by this subsection shall apply only with respect to taxable years beginning after June 30, 1950, and to taxable years beginning on January 1, 1950, and ending on December 31, 1950.

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SEC. 201. SURTAX ON CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

• • • • • • •

(b) *Mutual insurance companies other than life or marine.* Section 207 (a) (3) (A) (ii) of such code (relating to surtax on interinsurers or reciprocal underwriters) is hereby amended by striking out "30 per centum" and inserting in lieu thereof "33 per centum".

• • • • • • •

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • • •

(c) *Mutual insurance companies other than life or marine.*

(1) Section 207 (a) (1) (relating to normal tax and surtax on mutual insurance companies, other than life or marine) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after December 31, 1950, and before April 1, 1951.* In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951—

(i) *Normal tax.* A normal tax of 28¾ per centum of the normal-tax net income, or 57½ per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954—

(i) *Normal tax.* A normal tax of 30 per centum of the normal-tax net income, or 60 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(C) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954—

(i) *Normal tax.* A normal tax of 25 per centum of the normal-tax net income, or 50 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(2) Section 207 (a) (3) (relating to a normal tax and surtax on interinsurers and reciprocal underwriters) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after December 31, 1950, and before April 1, 1951.* In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951—

(i) *Normal tax.* A normal tax of 28¾ per centum of the normal-tax net income, or 57½ per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954—

(i) *Normal tax.* A normal tax of 30 per centum of the normal-tax net income, or 60 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(C) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954—

(i) *Normal tax.* A normal tax of 25 per centum of the normal-tax net income, or 50 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

• • • • • • •

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (c)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, except that the amendments made to sections 207 • • • of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. In the case of an insurance company subject to the tax imposed by section 207, the provisions of section 26 (b) of such code applicable to the calendar year 1951 shall be applicable to a taxable year beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951. • • •

PAR. 22. Section 29.207–1, as amended by Treasury Decision 5600, approved February 2, 1948, is further amended as follows:

(A) By adding after the third sentence in paragraph (a) (2) of this section the following: "With respect to the credit for dividends received provided in section 26 (b) for taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, the provisions of section 26 (b) applicable to the calendar year 1951 shall, in the case of such companies, be applicable to such taxable years."

(B) By inserting in the headnote of paragraph (c) of the section after "*Taxable years beginning after December 31, 1945*" the following: ", *and before July 1, 1950 (other than the calendar year 1950)*".

(C) By inserting in the first sentence of paragraph (c) (1) of the section after "For any taxable year beginning after December 31, 1945," the following: "and before July 1, 1950 (other than the calendar year 1950),".

(D) By adding at the end of the section the following new paragraphs (d) and (e):

(d) *Calendar year 1950; taxable years beginning after June 30, 1950, and before January 1, 1951; and taxable years beginning after December 31, 1950, and ending before April 1, 1951.* (1) For a taxable year which is the calendar year 1950, for any taxable year beginning after June 30, 1950, and before January 1, 1951, and for any taxable year beginning after December 31, 1950, and ending before April 1, 1951, the tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the rate provided in section 13 (b) applicable to such year and upon corporation surtax net income as provided in section 15 (b) applicable to such year. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(2) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For a taxable year which is the calendar year 1950	46
For taxable years beginning after June 30, 1950, and before Jan. 1, 1951	50
For taxable years beginning after Dec. 31, 1950, and ending before Apr. 1, 1951	50

Under section 207 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000. Under section 207 (a) (3) interinsurers and reciprocal underwriters with normal-tax net incomes of over $50,000 and not over $100,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $50,000. The rates applicable for the respective taxable years in computing the normal tax of such interinsurers and reciprocal underwriters are as follows:

	Percent
For a taxable year which is the calendar year 1950	46
For taxable years beginning after June 30, 1950, and before Jan. 1, 1951	50
For taxable years beginning after Dec. 31, 1950, and ending before Apr. 1, 1951	50

(3) For a taxable year which is the calendar year 1950, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income of such interinsurer or reciprocal underwriter were reduced by $25,000. If, for a taxable year which is the calendar year 1950, an interinsurer or reciprocal underwriter has any partially tax-exempt interest for which a credit is provided in section 26 (a) and has corporation surtax net income of over $100,000 and not over $102,777.72, the surtax under section 207 (a) (3) of such interinsurer or reciprocal underwriter is the lesser of (i) the amount of the surtax computed as provided in section 15 (b) (2) applicable to such taxable year, or (ii) an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income were reduced by $25,000. For a taxable year beginning after June 30, 1950, and before January 1, 1951, or a taxable year beginning after December 31, 1950, and ending before April 1, 1951, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to 33 percent of that portion of its corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The X Company, a mutual casualty insurance company, for the calendar year 1950 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 23 percent of $30,000, or $6,900, since this is less than $12,420, 46 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax computed as provided in section 15 (b) (2) would be $1,850, tentative surtax of 19 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $1,900, reduced by $50, 1 percent of $5,000 (the lower of $5,000, amount of partially tax-exempt interest, or $10,000, excess of corporation surtax net income of $35,000 over $25,000). The combined tax of $8,750 ($6,900 plus $1,850) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $8,750, or $7,875, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $7,875, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The X Company would accordingly pay a combined normal tax and surtax of $7,875.

Example (2). The Y Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $100,000 and, due to partially tax-exempt interest of $20,000, normal-tax net income of $80,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $3,000,000. Under section 207 (a) (3) the normal tax of the Y Exchange for the taxable year is 46 percent of $30,000 (excess of normal-tax net income of $80,000 over $50,000), or $13,800, since this is less than $18,400, 23 percent of $80,000. The surtax under section 207 (a) (3) of the Y Exchange for the taxable year is $13,950, one and one-half times $9,300, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($9,500 (19 percent of $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000) reduced by $200 (1 percent of $20,000, the lower of $20,000, amount of partially tax-exempt interest, or $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $102,700 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,236, tentative surtax of $14,763 (19 percent of $77,700, excess of corporation surtax net income of $102,700 over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $77,700, excess of corporation surtax net income over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $14,229.

Example (3). The Z Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $102,700 and, due to partially tax-exempt interest of $52,700, normal-tax net income of $50,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,500,000. The Z Exchange is not subject to normal tax under section 207 (a) (3) for the taxable year as its normal-tax net income does not exceed $50,000. The surtax under section 207 (a) (3) of the Z Exchange for the taxable year is $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($10,013 (19 percent of $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $102,700 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,236, tentative surtax of $14,763 (19 percent of $77,700, excess of corporation surtax net income of $102,700 over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $77,700, excess of corporation surtax net income over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $14,229.

Example (4). If in the above example the partially tax-exempt interest were $53,500, the surtax under section 207 (a) (3) of the Z Exchange for the calendar year 1950, computed as provided in section 15 (b) (2), would be $14,228 (tentative surtax of $14,763, 19 percent of $77,700, reduced by $535, 1 percent of $53,500), since it is less than $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000.

(e) *Taxable years beginning after December 31, 1950, and ending after March 31, 1951.* (1) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the normal tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	28¾
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	30
For taxable years beginning after Mar. 31, 1954	25

(2) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the surtax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed on that portion of the corporation surtax net income in excess of $25,000 at the rate of 22 percent. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(3) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000. Under section 207 (a) (3) interinsurers and reciprocal underwriters with normal-tax net incomes of over $50,000 and not over $100,000 pay a normal tax computed on that portion of the normal-tax net income in excess of $50,000 at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (3) interinsurers and reciprocal underwriters with corporation surtax net incomes of over $50,000 and not over $100,000 pay a surtax, at the rate of 33 percent, on that portion of the corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The W Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $5,500 and, due to partially tax-exempt interest of $800, normal-tax net income of $4,700. The gross amount of income of the W Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $150,000. Its normal tax under section 207 (a) (1) for the calendar year 1952 is 60 percent of $1,700 ($4,700—$3,000), or $1,020, since its normal-tax net income is not over $6,000. It is not liable for surtax for the calendar year 1952 as its surtax net income does not exceed $25,000. It has no surtax and, therefore, its total tax under section 207 (a) (1) is the normal tax of $1,020. The tax under section 207 (a) (2) is 2 percent of $75,000 ($150,000—$75,000), or $1,500. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), namely, that imposed by section 207 (a) (1), the tax under section 207 (a) is $1,500, namely, that imposed by section 207 (a) (2).

Example (2). If in the above example the normal-tax net income were not over $3,000, the corporation surtax net income were not over $25,000, the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) were $90,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, were $70,000, the W Company would be required to file an income tax return but due to section 207 (a) no income tax would be imposed.

Example (3). The X Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $28,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $23,000. The gross amount of income of the X Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $1,200,000. Under section 207 (a) (1) its normal tax for the calendar year 1952 is 30 percent of $23,000, or $6,900, and the surtax is 22 percent of $3,000 ($28,000—$25,000), or $660. The combined tax under section 207 (a) (1) is $7,560 ($6,900 plus $660). The tax under section 207 (a) (2) is 1 percent of $1,200,000, or $12,000. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), the tax under section 207 (a) is $12,000, namely, that imposed by section 207 (a) (2).

Example (4). The Y Company, a mutual fire insurance company subject to the tax imposed by section 207, for the calendar year 1952 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 30 percent of $30,000, or $9,000, since this is less than $16,200, 60 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax would be 22 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $2,200. The combined tax of $11,200 ($9,000 plus $2,200) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $11,200, or $10,080, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $10,080, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The Y Company would accordingly pay a combined normal tax and surtax of $10,080.

Example (5). The Z Exchange, an interinsurer, for the calendar year 1952 has corporation surtax net income of $60,000 and, due to partially tax-exempt interest of $12,000, normal-tax net income of $48,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,700,000. The Z exchange is not liable for normal tax under section 207 (a) (3) for the calendar year 1952 as its normal-tax net income does not exceed $50,000. Its surtax is 33 percent of $10,000 ($60,000—$50,000), or $3,300, since that amount is less than $7,700, 22 percent of $35,000 (excess of corporation surtax net income of $60,000 over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), its total tax under section 207 (a) is $3,300.

PAR. 23. There is inserted immediately preceding § 29.231–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(g) *Technical amendments.*

* * * * *

(5) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 231 (b) (relating to foreign corporations engaged in trade or business within the United States) is hereby amended by striking out "section 14 (c) (1)" and inserting in lieu thereof "section 13".

PAR. 24. Section 29.231–1, as amended by Treasury Decision 5709, approved June 27, 1949, is further amended by striking out all of paragraph (b) of such section and inserting in lieu thereof the following:

(b) *Resident foreign corporations.* (1) A resident foreign corporation is not taxable upon the items of fixed or determinable annual or periodical income enumerated in section 231 (a) at the rate specified in that section. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a resident foreign corporation is, under section 14 (c) (1), liable to a tax of 24 percent of its normal-tax net income (regardless of the amount thereof). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a resident foreign corporation is, under section 13, liable to a tax in an amount equal to a specified percent of its normal-tax net income. The rates of tax under section 13 applicable for the respective taxable years are as follows:

	Percent
For a taxable year which is the calendar year 1950	23
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	25
For a taxable year which is the calendar year 1951	28¾
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	30
For taxable years beginning after Mar. 31, 1954	25

(2) The normal-tax net income of a resident foreign corporation is its net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232) less, for taxable years beginning before January 1, 1946, the credits provided in section 26 (a), (b), and (e) for such years, and less, for taxable years beginning after December 31, 1945, the credits provided in section 26 (a) and (b) for such years.

(3) A resident foreign corporation is also liable to the corporation surtax imposed by section 15.

(i) For taxable years beginning before January 1, 1946, the rates of corporation surtax are as follows:

(*a*) Upon corporation surtax net incomes of $25,000 or less, 10 percent of the amount thereof.

(*b*) Upon corporation surtax net incomes over $25,000 but not over $50,000, $2,500 plus 22 percent of the amount of such income in excess of $25,000.

(*c*) Upon corporation surtax net incomes of more than $50,000, 16 percent of the entire amount thereof.

(ii) For a taxable year beginning after December 31, 1945, and before July 1, 1950 (other than the calendar year 1950), the rates of corporation surtax are as follows:

(*a*) Upon corporation surtax net incomes of $25,000 or less, 6 percent of the amount thereof.

(*b*) Upon corporation surtax net incomes over $25,000 but not over $50,000, $1,500 plus 22 percent of the amount of such income in excess of $25,000.

(*c*) Upon corporation surtax net incomes of more than $50,000, 14 percent of the entire amount thereof.

(iii) For a taxable year which is the calendar year 1950, the surtax is determined by computing a tentative surtax of 19 percent of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 percent of the lower of:

(*a*) The amount of the credit provided in section 26 (a), or

(*b*) The amount by which the corporation surtax net income exceeds $25,000.

(iv) For taxable years beginning after June 30, 1950, the surtax is at the rate of 22 percent and is upon corporation surtax net income in excess of $25,000.

(4) The corporation surtax net income of a resident foreign corporation is its net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232) less, for taxable years beginning before January 1, 1946, the credits provided in section 26 (b) and (e) for such years, and less, for taxable years beginning after December 31, 1945, the credit provided in section 26 (b) for such years. For the purpose of determining the corporation surtax net income of a resident foreign corporation, the credit provided in section 26 (b) is limited, for a taxable year beginning before January 1, 1946, to 85 percent of its net income from sources within the United States reduced by the credit provided in section 26 (e) for such year, and, for a taxable year beginning after December 31, 1945, and ending before January 1 1950, to 85 percent of its adjusted net income from sources within the United States, and, for a taxable year ending after December 31, 1949, to 85 percent of its adjusted net income from sources within the United States computed without regard to the deduction for net operating loss allowed by section 23 (s).

(5) For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–4. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(6) As used in sections 119, 143, 144, 211, and 231, the phrase "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year. Such phrase does not include the effecting of transactions in the United States in stocks, securities, or commodities (including hedging transactions) through a resident broker, commission agent, or custodian. The term "commodities" as used in section 211 (b) means only goods of a kind customarily dealt in on an organized commodity exchange, such as a grain futures or a cotton futures market, and does not include merchandise in the ordinary channels of commerce.

PAR. 25. Section 29.251–3 is amended by striking out the first sentence of the section and inserting in lieu thereof the following: "For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a domestic corporation entitled to the benefits of section 251 is, under section 251 (c) (1), subject to the tax imposed by section 13 if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a domestic corporation entitled to the benefits of section 251 is, under section 251 (c) (1), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1)."

PAR. 26. Section 29.261–1 is amended by striking out the first sentence of the section and inserting in lieu thereof the following: "For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a China Trade Act corporation is, under section 261 (a), subject to the tax imposed by section 13 (b) if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a China Trade Act corporation is, under section 261 (a), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1)."

PAR. 27. There is inserted immediately preceding § 40.430–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Maximum tax.* Section 430 (a) (2) (relating to the limitation on the rate of the excess profits tax) is hereby amended as follows:

(1) By inserting after "(2)" the following: "(A) in the case of taxable years ending before April 1, 1951,".

(2) By striking out the period at the end of paragraph (2) and inserting ", or" and by adding after paragraph (2) the following:

(B) in the case of taxable years beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 17¼ per centum of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 per centum) to the increase of 2 per centum in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or

(C) in the case of taxable years beginning after March 31, 1951, an amount equal to 18 per centum of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 per centum) to the increase of 2 per centum in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or".

* * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (b)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

PAR. 28. Section 40.430–2 is amended as follows:

(A) By inserting in paragraph (a) (1) (ii) the following introductory phrase to the first sentence: "In the case of taxable years ending before April 1, 1951,".

(B) By striking out the period at the end of paragraph (a) (1) (ii) of the section and inserting in lieu thereof a comma and "or" and by inserting after such subdivision as so amended the following new subdivisions (iii) and (iv):

(iii) In the case of a taxable year which is the calendar year 1951, an amount equal to 17¼ percent of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or

(iv) In the case of taxable years beginning after March 31, 1951, an amount equal to 18 percent of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for

the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income.

(C) By striking out in paragraph (a) (2) of the section "section 430 (a) (2)" wherever appearing therein and inserting in lieu thereof "section 430 (a) (2) (A)".

[F. R. Doc. 52-10603; Filed, Sept. 30, 1952; 8:50 a. m.]

[26 CFR Parts 29, 601]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to Part II of Title III of the Revenue Act of 1950, approved September 23, 1950, and to Public Law 35, 82d Congress, approved May 17, 1951, such regulations are hereby amended as set forth below. A technical amendment is also made to 26 CFR 601.17 (a), respecting forms required of trusts claiming deductions under section 162 (a) of the Internal Revenue Code.

PARAGRAPH 1. There is inserted immediately preceding § 29.153–1, as added by Treasury Decision 5838, approved April 17, 1951, the following:

PUBLIC LAW 35, 82D CONGRESS, APPROVED MAY 17, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to taxable years beginning after December 31, 1949, section 153 (b) of the Internal Revenue Code (relating to special returns required from trusts claiming charitable, etc., deductions under section 162 (a) of such code) is hereby amended by adding at the end thereof the following:

This subsection shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

PAR. 2. Section 29.153–2, as added by Treasury Decision 5838, is hereby amended as follows:

(A) By changing the headnote and the first sentence thereof to read as follows:

§ 29.153–2 *Information required of certain trusts claiming charitable or other deductions under section 162 (a)*—(a) *In general.* For taxable years beginning after December 31, 1949, every trust (other than a trust described in paragraph (b) of this section) claiming a charitable or other deduction under section 162 (a) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041–A.

(B) By adding at the end thereof the following:

(b) *Exception.* The provisions of paragraph (a) of this section with respect to the filing of information returns shall not be applicable to the taxable year of a trust if the trustee is bound by the instrument creating the trust to distribute each year to the beneficiaries all the net income of the trust (such net income being determined under the applicable principles of the law of trusts).

PAR. 3. There is inserted immediately preceding § 29.162–1 the following:

SEC. 321. CHARITABLE, ETC., DEDUCTIONS OF TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 162.* Section 162 is hereby amended by adding at the end thereof the following:

(g) *Rules for Application of Subsection (a) in the Case of Trusts.*—(1) *Trade or business income.* In computing the deduction allowable under subsection (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwise allowable under subsection (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to its Supplement U business income for such year. As used in this paragraph the term "Supplement U business income" means an amount equal to the amount which, if such trusts were exempt under section 101 (6) from taxation, would be computed as its unrelated business net income under section 422 (relating to income derived from certain business activities and from certain leases).

(2) *Operations of Trusts.*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to; the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 cer centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 23 (o) (2), 23 (q) (2), 162 (a), 505 (a) (2), • • • shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

(4) *Accumulated income.* If the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in subsection (a) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(A) are unreasonable in amount or duration in order to carry out such purposes of the trust; or

(B) are used to a substantial degree for purposes other than those described in subsection (a); or

(C) are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries, the amount otherwise allowable under subsection (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)).

(b) *Technical amendment.* Section 162 (a) is hereby amended by striking out "There shall be allowed as a deduction" and inserting in lieu thereof "Subject to the provisions of subsection (g), there shall be allowed as a deduction."

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [sections 321 and 322 of the Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 4. Section 29.162–1, as amended by Treasury Decision 5838, is further amended as follows:

(A) By adding immediately after the fifth sentence in paragraph (a) thereof the following: "For limitations on the deduction otherwise allowable under section 162 (a), see section 3813. See also this paragraph and §§ 29.162–3 and 29.162–4."

(B) By amending the last sentence of paragraph (a) of such section to read as follows: "In the case of a trust, this deduction for any taxable year beginning after December 31, 1950, is subject to the limitations of section 162 (g). See §§ 29.162–3 and 29.162–4. See § 29.153–2 relating to the annual information return that must be filed for any taxable year beginning after December 31, 1949, by certain trusts claiming charitable, etc., deductions under section 162 (a) for the taxable year."

PAR. 5. There is added immediately after § 29.162–2 the following:

§ 29.162–3 *Rules for the application of section 162 (a) in the case of trusts*—(a) *Limitation on charitable, etc., deduction of trusts with trade or business income.* (1) In computing the deduction allowable under section 162 (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwise allowable under section 162 (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to the trust's Supplement U business income for such year. For the purpose of this section, the term "Supplement U business income" means an amount equal to the amount which, if such trust were exempt from taxation under section 101 (6), would be computed as its unrelated business net income under section 422 and the regulations thereunder. For the purpose of such computation under section 422, the term "unrelated trade or business" includes any trade or business regularly carried on by such a trust, or by a partnership of which it is a member.

(2) Unless the facts clearly indicate the contrary, the deduction otherwise allowable under section 162 (a) is allocable to the Supplement U business income on the basis of the ratio which the Supplement U business income bears to the net income of the trust computed without any deduction under section 162.

Example (1). The X trust has net income of $50,000 computed without any deduction under section 162. There is included in this amount a net profit of $30,000 from the operation of a trade or business. The trustee is required to pay one-half of the net income to A, an individual, and the balance of the net income to the Y charity, an organization described in section 23 (o) (2). The trustee pays each beneficiary $25,000. Under these facts, the Supplement U business income of the trust (computed after the deduction allowable under section 422 (a) (9) for charitable contributions) is $25,000. The deduction otherwise allowable under section 162 (a) is $25,000, the amount paid to the Y charity. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is $12,750, that is, an amount which bears the same ratio to $25,000 as $25,000 bears to $50,000.

Example (2). Assume the same facts as in example (1), above, except that the trustee has discretion as to the portion of the net income to be paid to each beneficiary, and the trustee pays $40,000 to A and $10,000 to the Y charity. The deduction otherwise allowable under section 162 (a) is $10,000. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is $5,100, that is, an amount which bears the same ratio to $10,000 as $25,500 bears to $50,000.

Example (3). Assume the same facts as in example (1), above, except that the terms of the trust instrument require the trustee to pay to the Y charity the net income, if any, derived from the trade or business, and to pay to A all the net income derived from other sources. The trustee pays $30,000 to the Y charity and $20,000 to A. The deduction otherwise allowable under section 162 (a) is $30,000. Under the facts in this case, $25,500 of the amount paid to the Y charity is allocable to the Supplement U business income and is therefore disallowed as a deduction.

(b) *Limitation on charitable, etc., deduction of trusts engaged in prohibited transactions.* (1) In the case of a trust which has engaged in any prohibited transaction (as described in section 162 (g) (2) (B)) after July 1, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall not exceed 15 percent of the net income of such trust (computed without the benefit of section 162 (a)) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered mail to the last known address of the fiduciary. However, notwithstanding the requirement of notification by the Commissioner, such limitation (on the amount otherwise allowable under section 162 (a) as a deduction) shall apply with respect to any taxable year beginning after December 31, 1950, if such trust during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting such income or corpus from the purposes described in section 162 (a) and such transaction involved a substantial part of such income or corpus. See examples under §§ 29.162–4 and 29.3813–1.

(2) A trust whose deduction under section 162 (a) has been limited by reason of the provisions of section 162 (g) (2) (A) may file, in any taxable year following the taxable year in which notice of limitation of deduction was issued, a claim for allowance of unlimited deduction under section 162 (a). This claim shall be filed with the collector for the district in which the fiduciary resides or has his principal place of business. The claim must contain or have attached to it an affidavit by the fiduciary that the trust will not knowingly again engage in a prohibited transaction.

(3) If the Commissioner is satisfied that the trust will not knowingly again engage in a prohibited transaction, he shall so notify the trust in writing. In such case the trust will be allowed unlimited deduction under section 162 (a) (subject to the provisions of section 162 (g)) with respect to taxable years subsequent to the taxable year in which such claim is filed. Section 162 (g) (2) (C) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

(c) *Limitation on charitable, etc., deduction of trusts accumulating income.* (1) For any taxable year beginning after December 31, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 percent of the net income of the trust (computed without the benefit of section 162 (a)), if the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in section 162 (a) during the taxable year or any prior taxable year (including taxable years beginning prior to January 1, 1951) and not actually paid out by the end of the taxable year are unreasonable. Amounts accumulated out of income for purposes described in section 162 (a) become unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the charitable or other purpose described in section 162 (a) for which such amounts were set aside. Furthermore, such limitation on the deduction otherwise allowable under section 162 (a) shall apply if amounts accumulated out of income for purposes described in section 162 (a) are used to a substantial degree for purposes other than those described in section 162 (a), or if such amounts are invested in such a manner as to jeopardize the interests of the

religious, charitable, scientific, etc., beneficiaries.

(2) For the purpose of section 162 (g) (4), the term "income" means gains, profits, and income determined under the principles applicable in determining the earnings or profits of a corporation. The amount accumulated out of income during the taxable year or any prior taxable year shall be determined under the principles applicable in determining the accumulated earnings or profits of a corporation. In determining the reasonableness of an accumulation out of income, there will be disregarded the following: (i) The accumulation of gain upon the sale or exchange of a donated asset to the extent that such gain represents the excess of the fair market value of such asset when acquired by the trust over its substituted basis in the hands of the organization; (ii) the accumulation of gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, where the proceeds of such sale or exchange are within a reasonable time reinvested in property acquired and held in good faith for the production of investment income.

(3) Whether the conditions specified in subparagraphs (A), (B) and (C) of section 162 (g) (4) are present in any case must be determined from all the facts. The conditions specified in section 162 (g) (4) (A), (B) and (C) may result from the use of only one trust or of a chain of two or more organizations.

(4) A trust whose deduction under secttion 162 (a) has been limited by reason of the provisions of section 162 (g) (4) may file a claim for allowance of unlimited deduction under section 162 (a). This claim shall be filed with the collector for the district in which the fiduciary resides or has his principal place of business. The claim must contain or be accompanied by information or evidence showing that the circumstances that caused the limitation on deduction prescribed under section 162 (g) (4) no longer exist, and an affidavit by the fiduciary that the trust will not knowingly again violate the terms of such section. Section 162 (g) (4) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

(5) In the case of a trust the deduction under section 162 (a) of which has been limited solely by reason of the provisions of section 162 (g) (4), deductions otherwise allowable under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2), for gifts or contributions made to such a trust in trust for charitable, etc., purposes, shall not be disallowed.

§29.162-4 *Disallowance to donors of certain charitable, etc., deductions for gifts made in trust.* (a) No gift or contribution made on or after January 1, 1951, which would otherwise be allowable as a charitable or other deduction under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2), shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or contribution is made, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A).

(b) The prohibited transactions enumerated in section 162 (g) (2) (B) are in addition to and not in limitation of the restrictions contained in section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2). A deduction may not be allowed in view of the general provisions of those sections, even though the trust has not engaged in any of the prohibited transactions referred to in section 162 (g) (2) (B). Thus, if the donor or the fiduciary of the trust enters into a transaction with the trust, such transaction will be closely scrutinized to ascertain whether the contribution is in fact made for the stated exempt purposes.

(c) If a trust, which receives a gift or contribution for charitable, etc., purposes after December 31, 1950, is not entitled to the unlimited deduction under section 162 (a) because it engaged in a prohibited transaction with the purpose of diverting its income or corpus from the purposes described in section 162 (a), and such transaction involved a substantial part of such income or corpus, and if the taxable year of the trust during which such gift or contribution is made begins after December 31, 1950, and is the same as, or is prior to, the taxable year of the trust in which such transaction occurred, then a deduction by the donor with respect to the gift or contribution shall not be disallowed under the first paragraph of this section unless the donor (or any member of his family if the donor is an individual) is a party to such prohibited transaction. For the purpose of the preceding sentence, the members of an individual donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants. See § 29.3813-3 for disallowance of certain charitable, etc., deductions otherwise allowable under section 162 (a).

Example. Under the terms of an irrevocable trust established by A in 1949, the trustees were to pay one-half of the income of the trust to A's wife for life, and the trustees were given discretion either to accumulate or distribute the remaining one-half of the income to a specified charitable beneficiary. Upon the death of the wife, the entire corpus was to be paid to the named charity. The trust makes its income tax returns on the basis of the calendar year. For 1949, A takes a charitable deduction for the amount of the gift in trust to the charity. In 1952, 1953, 1954, and 1955, A makes further contributions to the trust and takes charitable deductions for such years under section 23 (o) (2). In 1953, 1954, and 1955, B (not a member of A's family) makes contributions to the trust for its designated charitable purposes and takes charitable deductions for such years. In 1953, the trust commences purposely to divert income and corpus which had been set aside for its charitable purpose and to turn such income and corpus over to A, the creator of the trust, and a substantial amount of such income and corpus is so diverted by the close of the taxable year 1954. For 1953 and subsequent taxable years, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A). Both A and B are disallowed any charitable deduction for their charitable contributions made during 1953 to the trust. Moreover, the charitable deduction taken by A for contributions to the trust in the years 1953 and 1954 would also be disallowed since A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1952 by A was for the purpose of the prohibited transaction, then the charitable deduction for the year 1952 shall also be disallowed with respect to A, since the prohibited transaction would then have commenced with the making of such contribution and the deduction allowed the trust under section 162 (a) would then be limited for 1952 by reason of the provisions of section 162 (g) (2) (A).

PAR. 6. The Statement of Procedure contained in F. R. Doc. 46-15357, appearing at page 177A-22, Part II, Section 1, of the issue for September 11, 1946, as amended (26 CFR, Part 601; 14 F. R. 2063, 15 F. R. 6888; 17 F. R. 6948), is hereby further amended by changing the part of § 601.17 *Forms*—(a) *Description* relating to Form 1041 to read as follows:

Form 1041-A. Fiduciary information return required of trusts claiming charitable or other deductions under section 162 (a), I. R. C. for taxable years beginning after December 31, 1949.

[F. R. Doc. 52-10602; Filed, Sept. 30, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 931]

[Docket No. AO-220-A1]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cedar Rapids, Iowa, on August 7, 1952, pursuant to notice thereof which was issued on July 28, 1952 (17 F. R. 7095) upon a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on September 3, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on September 9, 1952 (17 F. R. 8124).

Exceptions to the recommended decision were filed on behalf of the three producer cooperative associations supplying milk to the market. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided herein are at variance with the exceptions, such exceptions are overruled.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (17 F. R. 8124; F. R. Doc. 52-9813) are hereby adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following amendment:

Delete the last sentence of the third complete paragraph in Column 1, 17 F. R. 8125 and all of the following paragraph which begins at the bottom of Column 1 and ends at the top of Column 2, and substitute therefor the following:

In the recommended decision it was recommended that the amount of this adjustment be fixed at 15 cents and that it be in effect only from October 1952 through April 1953.

The exceptants argue that the proposed adjustment is insufficient to prevent the threatened transfer of producers away from the market, and that it could result in a wider difference in price between the Cedar Rapids-Iowa City market and surrounding markets than was contemplated by the recommended decision. Had the amendment been in effect during the first 8 months of 1952, the average difference in the Class I prices between the Cedar Rapids-Iowa City and the Quad Cities market would have been approximately 14.5 cents. In individual months, however, there would have been fairly wide variations from this figure. Because of the possible ill effects on the market of short term variations in this relationship, it appears desirable to maintain a closer degree of uniformity in the prices in the two markets, at least until such time as sufficient data is available on which to establish a more permanent relationship based on supply and demand conditions in the Cedar Rapids-Iowa City market as well as in the markets with which it competes. Accordingly, the order should provide that for no delivery period prior to January 1954 shall the Class I price be less than the Class I price announced for the Quad Cities market less 15 cents. This provision should maintain the Class I price at competitive levels with surrounding markets until such time as a more permanent pricing formula can be developed.

As pointed out in the recommended decision it would appear desirable to adjust prices under this order in relation to supply and demand factors directly affecting the Cedar Rapids-Iowa City market rather than on conditions in the Chicago market. The present record contains data on less than a year's operation under a marketing order. It appears desirable that complete data for at least 2 full years' operation under the order should be available as a basis on which to determine adjustments which would automatically occur as supply and demand conditions in the market may change. Since the original order was made effective on September 1, 1951, it appears desirable to continue the temporary pricing provision through December 1953, rather than through April 1953, as proposed in the recommended decision. This additional period would provide ample time for an amendment to be made effective on January 1, 1954, based on a record which would contain complete statistics of 2 full years' operation under the marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "marketing agreement regulating the handling of milk in the Cedar Rapids-Iowa City Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules or practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with the decision.

This decision filed at Washington, D. C., this 26th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Cedar Rapids-Iowa City Marketing Area

§ 931.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Cong. (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Cedar Rapids, Iowa, on August 7, 1952, upon a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 931.50 (a) and substitute:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

December through April	$0.85
May, June	.65
July through November	1.15

Provided, That for any delivery period prior to January 1, 1954, the Class I price shall be not less than the price established per hundredweight for Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, minus 15 cents.

2. In the list of plants in § 931.50 (b) (1) insert "Carnation Co., Waverly, Iowa."

Order Directing That a Referendum Be Conducted Among Producers; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order regulating the handling of milk in the Cedar Rapids-Iowa City, marketing area) who, during the month of June 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of June 1952 is hereby determined to be a representative period for the conduct of such referendum. E. H. McGuire is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-10617; Filed, Sept. 30, 1952; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Part 145]

[No. 5524]

PURCHASE OF LOANS; REAL ESTATE LOANS AND INVESTMENTS SUBJECT TO 15-PERCENT-OF-ASSETS LIMITATION

PROVIDING FOR PURCHASE OF INSURED LOANS BEYOND REGULAR LENDING AREA

SEPTEMBER 26, 1952.

Resolved, that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), amendments to §§ 145.6–5 and 145.6–7 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.6–5, 145.6–7) as hereinafter set forth, are hereby proposed.

Resolved further, that a hearing will be held on October 31, 1952, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before October 27, 1952, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

a. The language preceding the second proviso of § 145.6–5 *Purchase of loans,* of the rules and regulations for the Federal Savings and Loan System is to be amended so that the section will read as follows:

§ 145.6–5 *Purchase of loans.* Any Federal association may purchase loans of any type that it may make; it may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area, at an investment of not more than $20,000: *Provided,* That no such insured loan may be purchased without the prior approval of the Board unless such loan is purchased from a member of a Federal Home Loan Bank and such loan was originated, and will be serviced, by a member of a Federal Home Loan Bank: *Provided, further,* That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

b. The proviso appearing at the end of § 145.6–7 *Real estate loans and investments subject to 15-percent-of-assets limitation,* of the rules and regulations for the Federal Savings and Loan System is to be amended to read as follows: "*Provided,* That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of section 14.1, or by any Federal association which has a Charter in any other form not inconsistent with the provisions of §§ 145.6 to 145.6–13 and any insured loan purchased by any such Federal association outside of its regular lending area in accordance with the provisions of § 145.6–5, is exempt from the limitations of this section."

(Sec. 5, 48 Stat. 132; 12 U. S. C. 1464. Interpret or apply sec. 12, Pub. Law 531, 82d Cong.)

HOME LOAN BANK BOARD,
[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52–10614; Filed, Sept. 30, 1952; 8:52 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2922]

CENTRAL INDIANA GAS CO.

NOTICE OF FILING REGARDING PROPOSED PRIVATE SALE OF BONDS

SEPTEMBER 25, 1952.

Notice is hereby given that an application has been filed with this Commission by Central Indiana Gas Company ("Central Indiana"), a subsidiary of Central Public Utility Corporation ("Central Public"), a registered holding company. The applicant has designated sections 6 and 12 and Rules U–42 and U–50 as applicable to the proposed transactions which are summarized as follows:

Central Indiana proposes to issue $1,000,000 principal amount of First Mortgage Bonds, 3½ percent Series due 1977, to be dated October 1, 1952, and to mature October 1, 1977. These bonds are to be issued under and secured by the Indenture of Mortgage and Deed of Trust dated September 1, 1942, as last supplemented and modified by a Supplemental Indenture, dated May 1, 1946, and to be further supplemented by the Third Supplemental Indenture, to be dated October 1, 1952, between Central Indiana and City National Bank and Trust Company of Chicago, Illinois, Trustee. Central Indiana proposes to sell said bonds to Reliance Life Insurance Company of Pittsburgh, Pennsylvania at 100 percent of the par value thereof plus accrued interest from October 1, 1952, to the date of sale.

It is represented in the filing that the proceeds from the sale of these bonds will be used to discharge $345,000 principal amount of outstanding notes of Central Indiana held by The Chase National Bank of the City of New York, New York and that the net balance of the proceeds is to be used to reimburse the treasury of Central Indiana for construction expenditures heretofore made by that company. Fees and expenses applicable to the proposed transactions are estimated by the company at $14,000, including company counsel fees of $2,500, purchaser's counsel fees of $3,000 and a finder's fee of $2,500.

The filing requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 10, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule U–23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U–20 and U–100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–10595; Filed, Sept. 30, 1952; 8:47 a. m.]

[File No. 70–2927]

UNITED GAS CORP.

ORDER REGARDING ISSUANCE AND SALE OF DEBENTURES

SEPTEMBER 25, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's two wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"), having filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a), 10, and 12 thereof and Rule U–50 thereunder regarding the following proposed transactions which are more fully set forth in the application-declaration, as amended:

United proposes to issue and sell at competitive bidding pursuant to Rule U–50, $60,000,000 principal amount of ------ percent Sinking Fund Debentures, due 1972, to be issued under a debenture agreement dated as of October 1, 1952, with Irving Trust Company as Trustee. The proposed sinking fund is designed to retire 70 percent of the issue prior to maturity.

United proposes to use the proceeds from the sale of the debentures, as follows:

(a) To prepay $40,000,000 principal amount of bank loans presently outstanding, evidenced by United's outstanding promissory notes due December 31, 1952, and July 1, 1953.

(b) To acquire from Pipe Line for $10,000,000 cash, 10,000 shares of Pipe Line's no par value common stock, which Pipe Line proposes to sell and United proposes to purchase.

(c) To acquire from Pipe Line for cash at par plus accrued interest an aggregate of $5,000,000 principal amount of Pipe Line's 4½ percent Sinking Fund Debentures, due 1971, which Pipe Line proposes to sell and United proposes to purchase.

(d) To lend Union $1,000,000, such loan to be evidenced by Union's 4 percent promissory note in like principal amount, maturing on or before six years from the date of issue.

Of the securities to be acquired by United from its subsidiaries, the common stock of Pipe Line and the promissory note of Union will be pledged with the corporate trustee under United's Deed of Trust pursuant to the provisions of that indenture. The debentures of Pipe Line to be acquired by United will be retained in the portfolio of United, and pursuant to the provisions of the indenture, will recite that such security is nontransferable except to a successor of United.

The proceeds from the sales of securities described above are to be used to defray the costs in part of the construction program of United and Pipe Line which, for the years 1951, 1952, and 1953, is estimated to require the expenditure of $245,328,000. The application-declaration states that at June 30, 1952, United and Pipe Line had expended for this purpose $158,664,000 and the completion of the program of these two companies is estimated to require the expenditure of an additional amount of $86,664,000.

The application-declaration further states that in addition to the sales of securities described above, United contemplates the sale of securities in the year 1953 designed to raise approximately $50,000,000, which securities will consist of additional debentures and common stock in amounts not now determined.

Said application-declaration having been filed on September 4, 1952, and on amendment thereto having been filed on September 23, 1952, notice of said filing having been given in the form and manner required by Rule U–23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission find that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said application-declaration, as amended, be granted and permitted to become effective without the imposition of terms and conditions, except as set forth below:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U–24, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the following conditions and reservations:

1. That the proposed issuance and sale of the sinking fund debentures shall not be consummated until the results of competitive bidding pursuant to Rule U–50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record as so completed; and

2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–10596; Filed, Sept. 30, 1952; 8:47 a. m.]

[File No. 70–2933]

NARRAGANSETT ELECTRIC CO.

NOTICE REGARDING FILING OF PROPOSED NOTE ISSUES

SEPTEMBER 25, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company. Narragansett has designated sections 6 (a) and 7 of the act and Rules U–23 and U–42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

In the declaration Narragansett estimates that, as at September 30, 1952, it will have outstanding with banks $5,150,000 principal amount of six months promissory notes. Narragansett proposes to issue to banks, from time to time but not later than December 31, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $4,400,000. Narragansett further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952, will not exceed $7,950,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Narragansett will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Narragansett requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Narragansett will use $1,600,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay outstanding promissory notes maturing prior to December 31, 1952, and will use the remainder of such proceeds to pay for other corporate purposes. Narragansett estimates that its construction expenditures for the period from October 1, 1952, to December 31, 1952, will aggregate $3,582,500. Narragansett proposes that if any permanent financing is done during the period from October 1, 1952, to December 31, 1952, the proceeds wherefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Narragansett requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 20, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U–23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U–20 and U–100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–10594; Filed, Sept. 30, 1952; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52-44]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT

1. The procedures for approvals and termination of approvals of various items of lifesaving, fire-fighting and miscellaneous equipment or installations used on merchant vessels or motorboats are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. In order that approvals of equipment can be kept current and to provide a definite means for identification, the approvals have been limited to 5 years and assigned approval numbers.

2. The present numbering and certificating system for approved equipment was inaugurated on July 31, 1947, and a notice of approval was published in the FEDERAL REGISTER of that date (12 F. R. 5185–5237). The items of equipment appearing in the FEDERAL REGISTER dated July 31, 1947, were approved for a period of 5 years from date of publication. In January 1952 individual letters were sent to the manufacturers of all items of equipment listed in this notice except where the approvals of equipment already had been superseded, suspended, or terminated. In cases where the manufacturers did not reply or letters were returned, follow-up letters were sent. Where the manufacturer indicated he desired to have his approval extended, a check was made to determine whether or not each item complied with current Coast Guard requirements and in those cases where the original approval did not comply with current requirements the manufacturer was so advised and he was given an opportunity to bring his equipment into compliance prior to the expiration date of his approval.

3. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120 dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below with each item of equipment, *It is ordered*, That:

(a) All the approvals for lifesaving, fire-fighting and miscellaneous equipment or installations which are listed in Part I of this document are prescribed and are extended for a period of 5 years from July 31, 1952, unless sooner canceled or suspended by proper authority; and,

(b) All the termination of approvals for lifesaving, fire-fighting and miscellaneous equipment or installations which are listed in Part II of this document shall be effective as of July 31, 1952, in accordance with the notice published in the FEDERAL REGISTER dated July 31, 1947 (12 F. R. 5186). The reason for termination of approvals, as set forth in Part II of this document, is that (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item of equipment no longer complies with present Coast Guard requirements. In the case of power boilers it has been decided that since detailed plans of power boilers must be submitted for each vessel or a group of vessels of a particular design there is no advantage in type approving such boilers. Accordingly, the approvals for power boilers are being terminated and new designs will no longer be listed under the heading of approved equipment. Notwithstanding the termination of approvals of equipment as listed in Part II of this document, such equipment already in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/1/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–226, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.002/2/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–227, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.002/3/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–272, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.002/4/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–273, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.002/5/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–233, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.002/6/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former Approval No. B–234, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.002/7/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–291, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.002/8/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–292, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.002/17/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–240, manufactured by Merit Manufacturing Corp., 225–227 Powell Street, Brooklyn 12, N. Y.

Approval No. 160.002/18/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–241, manufactured by Merit Manufacturing Corp., 225–227 Powell Street, Brooklyn 12, N. Y.

Approval No. 160.002/20/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–255, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.002/21/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–295, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.002/22/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–253, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.002/23/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–254, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.002/24/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–302, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.002/25/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–303, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.002/26/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–249, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.002/27/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–250, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.002/28/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–356, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.002/30/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, former approval No. B–372, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526c, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

CLEANING PROCESSES FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during cleaning process)

Approval No. 160.006/1/0, No. 111 cleaning process for kapok life preservers, as outlined in description of process dated 1 December 1944, submitted by Sinclair & Valentine Co., 611 West One Hundred and Twenty-ninth Street, New York 27, N. Y.

Approval No. 160.006/2/0, Filter-Vac cleaning process for kapok life preservers, as outlined in letter dated January 25, 1944, from Rug Renovating Co., Inc., 1438 Thirty-third Avenue, Long Island City, N. Y.

Approval No. 160.006/4/0, Sullivan cleaning process for kapok life preservers, as outlined in letter dated 11 June 1945, from Sullivan Awning Company, 801 South Van Ness Avenue, San Francisco 10, Calif.

Approval No. 160.006/7/0, Denihan cleaning process for kapok life preservers, as outlined in letter dated July 24, 1946, from B. J. Denihan, 215 East Sixty-fourth Street, New York, N. Y.

Approval No. 160.006/8/0, Opera House cleaning process for kapok life preservers, as outlined in letter dated 22 August 1946, from Opera House Laundry, 217 Northwest Everett, Portland 9, Oreg.

Approval No. 160.006/9/0, Opera House cleaning process for cork life preservers, as outlined in letter dated 20 November 1946, from Opera House Laundry, 217 Northwest Everett, Portland 9, Oreg.

(R. S. 4405, 4417a, 4426, 4462, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/1/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–60, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.007/2/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–71, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.007/3/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–82, manufactured by Atlantic-Pacific Mfg. Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.007/4/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–85, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.007/7/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–94, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.007/9/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–107, manufactured by Protection Products Co., 2637 West Polk Street, Chicago 12, Ill.

Approval No. 160.007/10/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–108, manufactured by The Comfort Cushion Co., 5062 Loraine, Detroit 8, Mich.

Approval No. 160.007/11/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–109, manufactured by Fortier Upholstery Co., Manistee, Mich.

Approval No. 160.007/12/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–110, manufactured by W. L. Dumas Manufacturing Co., 14 A Street NW., Miami, Okla.

Approval No. 160.007/14/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–122, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.007/16/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–127, manufactured by Benjamin T. Crump Co., Inc., 1310 East Franklin Street, Richmond 13, Va.

Approval No. 160.007/19/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–144, manufactured by The H. S. White Manufacturing Co., Inc., Sixth and Rosabel Streets, St. Paul 1, Minn.

Approval No. 160.007/20/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–156, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Approval No. 160.007/21/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–170, manufactured by Old Town Canoe Co., Old Town, Maine.

Approval No. 160.007/22/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–171, manufactured by Detroit Cushion Manufacturing Co., 2815 Woodward Avenue., Royal Oak, Mich.

Approval No. 160.007/25/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–215, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.007/28/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–307, manufactured by Lite Manufacturing Co., Inc., 101 West 21st Street, New York 11, N. Y.

Approval No. 160.007/29/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–335, manufactured by Auto Accesso Co., 2018 Wayne Street, Toledo 9, Ohio.

Approval No. 160.007/30/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–334, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.007/31/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–310, manufactured by Benton Harbor Awning & Tent Co., 710 East Main, Benton Harbor, Mich.

Approval No. 160.007/33/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–312, manufactured by Melman, Inc., 1901 Northwest Miami Court, Miami 36, Fla.

Approval No. 160.007/34/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–333 manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.007/35/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–314, manufactured by The S. E. Hyman Co., Fremont, Ohio.

Approval No. 160.007/40/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–319, manufactured by Higgins Sporting Goods Co., 2338 East Fifteenth, Tulsa 4, Okla.

Approval No. 160.007/41/0, Standard kapok buoyant cushion U. S. C. G. Specification Subpart 160.007, former approval No. A–320, manufactured by Freeport Bedding Co., Inc., 21 East Merrick Road, Freeport, N. Y.

Approval No. 160.007/42/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–321, manufactured by Aalco Manufacturing Co., 728 Dallas Drive, St. Louis County 23, Mo.

Approval No. 160.007/43/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–324, manufactured by Style Crafters, Inc., P. O. Box 2143, Greenville, S. C.

Approval No. 160.007/46/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–327, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.007/47/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–328, manufactured by Canvas Products Co., 622–24, Prospect Avenue, Kansas City 1, Mo.

Approval No. 160.007/49/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A–330, manufactured by Merit Manufacturing Corp., 225–27 Powell Street, Brooklyn 12, N. Y.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/1/0, 15" x 15" x 2", buoyant cushion, 24 oz. typha (processed cattail floss), specification dated 17 April 1944 (approved for duration of national emergency and six months thereafter), former approval No. B–222, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.008/2/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, U. S. C. G. Specification Subpart 160.008, former approval No. B–61, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/4/0, 14" x 20" x 2", rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. Specification Subpart 160.008, former approval No. B–63, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/9/0, 15" x 15" x 2" buoyant cushion 24 oz. typha processed cattail floss), Dwg. dated 12 August 1943 (approved for duration of National Emergency and 6 months thereafter), former approval No. B–208, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/11/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. No. B–66, dated 23 February 1946, U. S. C. G. Specification Subpart 160.008, former approval No. B–290, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.008/13/0, 12" x 20" x 2" rectangular buoyant cushion, 22 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–98, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/14/0, 12" x 24" x 2", rectangular buoyant cushion, 30 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–99, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/15/0, 12" x 30" x 2" rectangular buoyant cushion, 34 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–100, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/16/0, 12" x 36" x 2", rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–101, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/17/0, 12" x 42" x 2" rectangular buoyant cushion, 46 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–102, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/18/0, 12" x 45" x 2" rectangular buoyant cushion, 52 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–103, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/19/0, 12" x 48" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–104, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/20/0, 12" x 54" x 2", rectangular cushion, 64 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–105, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/21/0, 13" x 18" x 2", rectangular buoyant cushion, 21 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–106, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/22/0, 14" x 18" x 2", rectangular buoyant cushion, 22 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–107, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/23/0, 14" x 20" x 2", rectangular buoyant cushion, 28 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–108, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/24/0, 14" x 24" x 2" rectangular buoyant cushion, 30 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–109, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/25/0, 14" x 30" x 2" rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–110, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/26/0, 14" x 36" x 2", rectangular buoyant cushion, 45 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–111, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/27/0, 14" x 42" x 2" rectangular buoyant cushion 54 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–112, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/28/0, 14" x 45" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–113, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/29/0, 14" x 48" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–114, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/30/0, 15" x 20" x 2" rectangular buoyant cushion, 32 oz. kapok, undated Dwg. No. A, U. S. C. G. Specification Subpart 160.008, former approval No. B–115, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/31/0, 15" x 25" x 2" rectangular buoyant cushion, 40 oz. kapok, undated Dwg. No. F, U. S. C. G. Specification Subpart 160.008, former approval No. B–116, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/32/0, 15" x 30" x 2" rectangular buoyant cushion, 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–117, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/33/0, 15" x 35" x 2" rectangular buoyant cushion, 48 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–118, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/34/0, 15" x 40" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-119, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/35/0, 15" x 45" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-120, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/36/0, 16" x 18" x 2" rectangular buoyant cushion 30 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-121, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/37/0, 16" x 22" x 2" rectangular buoyant cushion, 34 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-122, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/38/0, 16" x 26" x 2" rectangular buoyant cushion, 38 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-123, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/39/0, 16" x 30" x 2" rectangular buoyant cushion, 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-124, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/40/0, 16" x 36" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-125, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/41/0, 16" x 42" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-126, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/42/0, 18" x 24" x 2" rectangular buoyant cushion, 42 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B-127, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/43/0, 18" x 30" x 2" rectangular buoyant cushion, 52 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–128, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/44/0, 18" x 36" x 2" rectangular buoyant cushion, 60 oz. kapok, undated Dwg. No. A., U. S. C. G. specification Subpart 160.008, former approval No. B–129, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/45/0, 20" x 24" x 2" rectangular buoyant cushion 44 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–130, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/46/0, 20" x 28" x 2" rectangular buoyant cushion, 54 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–131, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/47/0, 20" x 36" x 2" rectangular buoyant cushion, 56 oz. kapok, undated Dwg. No. A, U. S. C. G. specification Subpart 160.008, former approval No. B–132, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/48/0, 12" x 14" x 2" seat, 15 oz. kapok; 12" x 18" x 2" back, 20 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification Subpart 160.008, former approval No. B–133, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/49/0, 14" x 14" x 2" seat, 18 oz. kapok; 14" x 14" x 2" back 18 oz. kapok double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification Subpart 160.008, former approval No. B–134, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/50/0, 14" x 14" x 2" seat 18 oz. kapok; 14" x 20" x 2" back 25 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification Subpart 160.008, former approval No. B–135, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/51/0, 15" x 15" x 2" seat, 20 oz. kapok; 15" x 20" x 2" back 27 oz. kapok; double buoyant cushion, undated Dwg. No. B, U. S. C. G. specification Subpart 160.008, former approval No. B–136, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/52/0, 16" x 18" x 2" buoyant cushion, 20 oz. kapok, undated, Dwg. No. C, U. S. C. G. specification Subpart 160.008, former approval No. B–137, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/53/0, 17" x 19" x 2" buoyant cushion, 24 oz. kapok, undated Dwg. No. C, U. S. C. G. specification Subpart 160.008, former approval No. B–138, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/54/0, 18" x 20" x 2" buoyant cushion, 28 oz. kapok undated Dwg. No. C, U. S. C. G. specification Subpart 160.008, former approval No. B–139, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/55/0, 19" x 21" x 2" buoyant cushion 32 oz. kapok, undated Dwg. No. C, U. S. C. G. Specification Subpart 160.008, former approval No. B–140, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/56/0, 16" x 18" x 2" buoyant cushion 20 oz. kapok, undated Dwg. No. D, U. S. C. G. specification Subpart 160.008, former approval No. B–141, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/57/0, 17" x 19" x 2" buoyant cushion 24 oz. kapok, undated Dwg. No. D, U. S. C. G. specification Subpart 160.008 former approval No. B–142, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/58/0, 18" x 20" x 2" buoyant cushion 28 oz. kapok, U. S. C. G. specification Subpart 160.008, undated Dwg. No. D, former approval No. B–143, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/59/0, 19" x 21" x 2" buoyant cushion 32 oz. kapok, undated Dwg. No. D, U. S. C. G. specification Subpart 160.008, former approval No. B–144, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/60/0, 16" x 16" x 2" kapok buoyant cushion, 23 oz. kapok undated Dwg. No. E, U. S. C. G. specification Subpart 160.008, former approval No. B–145, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N.Y.

Approval No. 160.008/61/0, 18" x 18" x 2" buoyant cushion, 32 oz. kapok, undated Dwg. No. E, U. S. C. G. specification Subpart 160.008, former approval No. B–146, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Erooklyn 2, N. Y.

Approval No. 160.008/62/0, 20" x 20" x 2" buoyant cushion 36 oz. kapok, undated Dwg. No. E, U. S. C. G. Specification Subpart 160.008 former approval No. B–147, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/63/0, 13" x 19" x 2" rectangular buoyant cushion 22 oz. kapok, undated Dwg. No. F, U. S. C. G. Specification Subpart 160.008, former approval No. B–148, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/64/0, 14" x 20" x 2" rectangular buoyant cushion 25 oz. kapok, undated Dwg. No. F, U. S. C. G. Specification Subpart 160.008 former approval No. B–149, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/65/0, 12" x 22" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–309 manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/66/0, 12" x 27" x 2" rectangular buoyant cushion, 29 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–310, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/67/0, 12" x 33" x 2" rectangular buoyant cushion, 35 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–311, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/68/0, 12" x 39" x 2" rectangular buoyant cushion, 42 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–312, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/69/0, 12" x 51" x 2" rectangular buoyant cushion, 54 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–313, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/70/0, 12" x 57" x 2" rectangular buoyant cushion, 61 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–314, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/71/0, 12" x 60" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–315, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/72/0, 15" x 22" x 2" rectangular buoyant cushion, 29 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–316, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/73/0, 15" x 27" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–317, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/74/0, 15" x 32" x 2" rectangular buoyant cushion, 42 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–318, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/75/0, 15" x 38" x 2" rectangular buoyant cushion, 51 oz.

kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–319, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/76/0, 15" x 42" x 2" rectangular buoyant cushion, 56 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–320, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/77/0, 15" x 48" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–321, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/78/0, 15" x 51" x 2" rectangular buoyant cushion, 68 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–322, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/79/0, 15" x 54" x 2", rectangular buoyant cushion, 72 oz. kapok, Dwg. dated 25 May, 1946, former approval No. B–323, U. S. C. G. specification Subpart 160.008, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/80/0, 15" x 57" x 2" rectangular buoyant cushion, 76 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–324, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/81/0, 15" x 60" x 2", rectangular buoyant cushion, 80 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–325, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/82/0, 18" x 21" x 2" rectangular buoyant cushion, 34 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–326, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/83/0, 18" x 27" x 2" rectangular buoyant cushion, 43 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–327, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/84/0, 18" x 33" x 2" rectangular buoyant cushion, 53 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–328, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/85/0, 18" x 39" x 2" rectangular buoyant cushion, 62 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–329, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/86/0, 18" x 42" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–330, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/87/0, 18" x 45" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–331, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/88/0, 18" x 48" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–332, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/89/0, 18" x 51" x 2" rectangular buoyant cushion, 82 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–333, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/90/0, 18" x 54" x 2" rectangular buoyant cushion, 86 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–334, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/91/0, 18" x 57" x 2" rectangular buoyant cushion, 91 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–335, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/92/0, 18" x 60" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–336, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/93/0, 21" x 21" x 2" rectangular buoyant cushion, 39 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–337, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/94/0, 21" x 24" x 2" rectangular buoyant cushion, 45 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–338, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/95/0, 21" x 27" x 2" rectangular buoyant cushion, 50 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–339, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/96/0, 21" x 30" 2" rectangular buoyant cushion, 56 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–340, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/97/0, 21" x 33" x 2" rectangular buoyant cushion, 62 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–341, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/98/0, 21" x 36" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–342, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/99/0, 21" x 39" x 2" rectangular buoyant cushion, 73 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–343, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/100/0, 21" x 42" x 2" rectangular buoyant cushion, 78 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–344, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, 2, N. Y.

Approval No. 160.008/101/0, 21" x 45" x 2" rectangular buoyant cushion, 84 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–345, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/102/0, 21" x 48" x 2" rectangular buoyant cushion, 90 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–346, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/103/0, 21" x 51" x 2" rectangular buoyant cushion, 95 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–347, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/104/0, 21" x 54" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–348, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/105/0, 21" x 57" x 2" rectangular buoyant cushion, 106 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–349, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/106/0, 21" x 60" x 2" rectangular buoyant cushion, 112 oz. kapok, Dwg. dated 25 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–350, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/107/0, 12" x 18" x 21" x 2" trapezoidal buoyant cushion 20 oz. kapok Dwg. dated 27 May 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–308, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/108/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (processed cattail floss), Dwg. No. 4644, dated 6 April 1944 (approved for duration of National Emergency and 6 months thereafter) former approval B–219, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/112/0, 15" x 15" x 2" buoyant cushion filled with 40 oz. fibrous glass complying with Navy Dept. Spec. 23–G–7, U. S. C. G. specification Subpart 160.008 former approval No. B–296, manufactured by Comfort Cushion Co., 5026–84 Loraine Street, Detroit, Mich.

Approval No. 160.008/113/0, 15" x 17" x 19½" x 2½" trapezoidal buoyant cushion, 35 oz. kapok, Dwg. No. SK3680, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–70, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/114/0, 17½" x 19½" x 2½" rectangular buoyant cushion, 39 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–71, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/115/0, 18½" x 19" x 2½" rectangular buoyant cushion 40 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–72, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/116/0, 16½" x 21½" x 24" x 2" trapezoidal buoyant cushion 36 oz. kapok, Dwg. No. SK3679, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–73, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/117/0, 16½" x 24" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. SK3678, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–74 manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/118/0, 17" x 17" x 2½" rectangular buoyant cushion, 32 ozs. kapok, U. S. C. G. specification subpart 160.008, former approval No. B–75, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/119/0, 16" x 17" x17" x 2½" trapezoidal buoyant cushion, 31 oz. kapok, Dwg. No. SK3677 dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–76, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/120/0, 17 " x 24" x 25" x 2½" trapezoidal buoyant cushion, 47 oz. kapok, Dwg. No. SK3676, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–77, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/121/0, 17½" x 23" x 24" x 23¾" trapezoidal buoyant cushion, 50 oz. kapok, Dwg. No. SK3675 dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–78, manufactured by Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/122/0, 17" x 18" x 23¾" rectangular buoyant cushion, 39 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–79 manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/123/0, 17½" x 18½" x 2½" rectangular buoyant cushion, 36 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–80, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/124/0, 16" x 18" x 19" x 2½" trapezoidal buoyant cushion, 38 oz. kapok, Dwg. No. SK3674, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–81, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/125/0, 17" x 19" x 2½" rectangular buoyant cushion, 38 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–82, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/126/0, 17" x 19" x 2½" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. SK3673, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–83, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/127/0, 19½" x 19½" x 2½" rectangular buoyant cushion, 43 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–84, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/128/0, 19" x 19½" x 21" x 22½" x 2" trapezoidal buoyant cushion, 48 oz. kapok, Dwg. No. SK3672, dated 20 Jan. 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–85, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/129/0, 17" x 21" x 2½" rectangular buoyant cushion, 40 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–86, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/130/0, 17" x 17½" x 20" x 21" x 2½" trapezoidal buoyant cushion, 40 oz. kapok, Dwg. No. SK3671, dated 20 Jan. 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–87, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/131/0, 16½" x 37½" x 3" rectangular buoyant cushion, 83 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–88, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/132/0, 16½" x 24½" x 27½" x 2" trapezoidal buoyant cushion 39 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–89, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/133/0, 18½" x 24" x 3" rectangular buoyant cushion 60 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–90, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/134/0, 19" x 40" x 3" rectangular buoyant cushion, 101 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval B–91, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/135/0, 18" x 19" x 2" rectangular buoyant cushion, 31 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–92, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/136/0, 20" x 28½" x 3" rectangular buoyant cushion, 76 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–93, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/137/0, 15" x 20" x 28" x 28½" x 3" trapezoidal buoyant cushion, 66 oz. kapok, Dwg. No. SK3688, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–94, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/138/0, 21" x 31" x 23¾" rectangular buoyant cushion 80 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–95, manufactured by the Chris-Craft Corp., Algonac, Mich .

Approval No. 160.008/139/0, 29" x 31" x 20½" x 23¾" trapezoidal buoyant cushion, 76 oz. kapok Dwg. SK3667, dated 20 January 1942, U. S. C. G. specification Subpart 160.008, former approval No. B–96, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/140/0, 20" x 23" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. No. SK 6728, Rev. 6, May 1946; No. SK 3681, dated 20 January 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–303, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/141/0, 24" x 27" x 2½" rectangular buoyant cushion 83 oz. kapok, Dwg. No. SK 6729, Rev. 6 May, 1946 and SK 3681, dated 20 January 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–308, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/142/0, 17" x 18" x 2" rectangular buoyant cushion 40 oz. kapok, Dwg. Nos. SK 6770, dated 26 May 1946 and SK 3691, Rev. 5 June 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–352, manufactured by the Chris-Craft Corp., Algonac, Mich.

Approval No. 160.008/151/0, 15" x 15" x 2" buoyant cushion filled with 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B–283, manufactured by Dumas Manufacturing Co., 14 A Street N. W., Miami, Okla.

Approval No. 160.008/152/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, Dwg. No. 1–113, dated 6 February

1947, U. S. C. G. specification Subpart 160.008, former approval No. B–370, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Approval No. 160.008/153/0, 15" x 15" x 2" buoyant cushion filled with 24 oz. Typha (processed cattail floss) Specification dated 19 December 1944 (approved for duration of National Emergency and 6 months thereafter), former approval No. B–259, manufactured by Flamingo Textiles, Inc., 1700 Northwest Seventeenth Avenue, Miami 35, Fla.

Approval No. 160.008/158/0, 13" x 21" x 2" rectangular buoyant cushions, 24 oz. kapok, Dwg. No. L–204, dated 18 January 1947, U. S. C. G. specification Subpart 160.008, former approval No. B–366, manufactured by Style Crafters, Inc., P. O. Box 2148, Greenville, S. C.

Approval No. 160.008/159/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss), specification dated 26 February 1944 (approved for duration of National Emergency and 6 months thereafter) former approval No. B–210, manufactured by Old Town Canoe Co., Old Town, Maine.

Approval No. 160.008/160/0, 14" x 48" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–298, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.008/161/0, 14" x 20" x 2" rectangular buoyant cushion, 30 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification Subpart, former approval No. B–299, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.008/162/0, 18" x 22" x 3" rectangular buoyant cushion, 48 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–300, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.008/163/0, 15" x 20" x 2", rectangular buoyant cushion, 27 oz. kapok, Dwg. No. 313, dated 13 March 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–301, manufactured by Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.008/164/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter) former approval No. B–205, manufactured by the Elvin Salow Co., 31–33 South Street, Boston 11, Mass.

Approval No. 160.008/165/0, 14" x 21" x 2" rectangular buoyant cushion, 26 oz. kapok, U. S. C. G. specification Subpart 160.008, former approval No. B–60, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.008/166/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter) Dwg. No. SMBC 44, dated 6 April 1944, former approval No. B–221, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.008/167/0, 13" x 20" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. dated 3 January 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–287, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.008/168/0, 18" x 18" x 2" rectangular buoyant cushion, 29 oz. kapok, Dwg. dated 3 January 1946, U. S. C. G. specification Subpart 160.008, former approval No. B–288, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.008/175/0, 13" x 20" x 2" rectangular buoyant cushion, 24 oz. kapok, Dwg. No. 4, dated 17 January 1947, U. S. C. G. specification Subpart 160.008, former approval No. B–362, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul 1, Minn.

Approval No. 160.008/176/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, Dwg. No. 3, dated 17 January 1947, U. S. C. G. specification Subpart 160.008, former approval No. B–363, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul 1, Minn.

Approval No. 160.008/177/0, 15" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 2, dated 17 January 1947, U. S. C. G. specification Subpart 160.008, former approval No. B–364, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul 1, Minn.

Approval No. 160.008/178/0, 15" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 1, dated 17 January 1947, U. S. C. G. specification Subpart 160.008, former approval No. B–365, manufactured by H. S. White Manufacturing Co., 6th and Rosabel, St. Paul 1, Minn.

Approval No. 160.008/179/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B–269, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.008/180/0, 14¼" x 15¾" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg No. 1–109, dated 14 February 1946, U. S. C. G. Specification Subpart 160.008, former approval No. B–297, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.008/181/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. No. 1–110, dated 12 March 1946, U. S. C. G. Specification Subpart 160.008, former approval No. B–307, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.008/188/0, 11¾" x 15" x 20¾" x 21" x 2", trapezoidal buoyant cushion, 26 oz. kapok, Dwg. No. NSC–1, dated 8 April 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–379, manufactured by Benton Harbor Awning & Tent Co., 720 East Main, Benton Harbor, Mich.

Approval No. 160.008/196/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, U. S. C. G. Specification Subpart 160.008, former approval No. B–387, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.008/197/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz., kapok, The American Pad & Textile Co., Dwg. No. B–66, dated 23 February 1946, U. S. C. G. Specification Subpart 160.008, former approval No. B–388, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.008/205/0, 12" x 63" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–396, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/206/0, 12" x 65" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–397, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/207/0, 12" x 69" x 2" rectangular buoyant cushion, 74 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–398, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/208/0, 12" x 72" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–399, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/209/0, 12" x 75" x 2" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–400, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/210/0, 12" x 78" x 2" rectangular buoyant cushion, 83 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–401, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/211/0, 12" x 81" x 2" rectangular buoyant cushion 86 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–402, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/212/0, 15" x 63" x 2" rectangular buoyant cushion, 84 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–403, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/213/0, 15" x 66" x 2" rectangular buoyant cushion, 88 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–404, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/214/0, 15" x 69" x 2" rectangular buoyant cushion, 92 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–405, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/215/0, 15" x 72" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–406, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/216/0, 15" x 75" x 2" rectangular buoyant cushion, 100 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–407, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/217/0, 15" x 78" x 2" rectangular buoyant cushion, 104 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–408, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/218/0, 15" x 81" x 2" rectangular buoyant cushion, 108 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–409, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/219/0, 18" x 63" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–410, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/220/0, 18" x 66" x 2" rectangular buoyant cushion, 106 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–411, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/221/0, 18" x 69" x 2" rectangular buoyant cushion, 110 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–412, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/222/0, 18" x 72" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–413, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/223/0, 18" x 75" x 2" rectangular buoyant cushion, 120 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–414, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/224/0, 18" x 78" x 2" rectangular buoyant cushion, 125 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–415, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/225/0, 18" x 81" x 2" rectangular buoyant cushion, 130 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–416, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/226/0, 21" x 63" x 2" rectangular buoyant cushion, 118 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–417, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/227/0, 21" x 66" x 2" rectangular buoyant cushion, 123 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–418, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/228/0, 21" x 69" x 2" rectangular buoyant cushion, 129 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–419, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/229/0, 21" x 72" x 2" rectangular buoyant cushion, 134 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–420, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/230/0, 21" x 75" x 2" rectangular buoyant cushion, 140 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–421, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/231/0, 21" x 78" x 2" rectangular buoyant cushion, 146 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–422, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/232/0, 21" x 81" x 2" rectangular buoyant cushion, 151 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–423, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/233/0, 24" x 24" x 2" rectangular buoyant cushion, 51 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–424, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/234/0, 24" x 27" x 2" rectangular buoyant cushion, 58 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–425, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/235/0, 24" x 30" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–426, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/236/0, 24" x 33" x 2" rectangular buoyant cushion, 70 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–427, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/237/0, 24" x 36" x 2" rectangular buoyant cushion, 77 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–428, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/238/0, 24" x 39" x 2" rectangular buoyant cushion, 83 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–429, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/239/0, 24" x 42" x 2" rectangular buoyant cushion, 90 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–430, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/240/0, 24" x 45" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–431, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/241/0, 24" x 48" x 2" rectangular buoyant cushion, 102 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–432, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/242/0, 24" x 51" x 2" rectangular buoyant cushion, 109 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–433, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/243/0, 24" x 54" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–434, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/244/0, 24" x 57" x 2" rectangular buoyant cushion, 122 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–435, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/245/0, 24" x 60" x 2" rectangular buoyant cushion, 128 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–436, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/246/0, 24" x 63" x 2" rectangular buoyant cushion, 134 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–437, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/247/0, 24" x 66" x 2" rectangular buoyant cushion, 141 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–438, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/248/0, 24" x 69" x 2" rectangular buoyant cushion, 147 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former ap-

proval No. B–439, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/249/0, 24" x 72" x 2" rectangular buoyant cushion, 154 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–440, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/250/0, 24" x 75" x 2" rectangular buoyant cushion, 160 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–441, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/251/0, 24" x 78" x 2" rectangular buoyant cushion, 166 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–442, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/252/0, 24" x 81" x 2" rectangular buoyant cushion, 173 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–443, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/253/0, 27" x 27" x 2" rectangular buoyant cushion, 65 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–444, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160 008/254/0, 27" x 39" x 2" rectangular buoyant cushion, 72 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–445, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/255/0, 27" x 33" x 2" rectangular buoyant cushion, 79 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–446, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/256/0, 27" x 36" x 2" rectangular buoyant cushion, 86 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–447, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/257/0, 27" x 39" x 2" rectangular buoyant cushion, 94 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–448, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/258/0, 27" x 42" x 2" rectangular buoyant cushion, 101 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–449, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/259/0, 27" x 45" x 2" rectangular buoyant cushion, 108 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–450, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/260/0, 27" x 48" x 2" rectangular buoyant cushion, 115 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–451, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/261/0, 27" x 51" x 2" rectangular buoyant cushion, 122 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–452, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/262/0, 27" x 54" x 2" rectangular buoyant cushion, 130 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–453, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/263/0, 27" x 57" x 2" rectangular buoyant cushion, 137 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–454, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/264/0, 27" x 60" x 2" rectangular buoyant cushion, 144 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–455, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/265/0, 27" x 63" x 2" rectangular buoyant cushion, 151 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–456, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/266/0, 27" x 66" x 2" rectangular buoyant cushion, 158 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–457, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/267/0, 27" x 69" x 2" rectangular buoyant cushion, 166 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–458, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/268/0, 27" x 72" x 2" rectangular buoyant cushion, 173 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–459, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/269/0, 27" x 75" x 2" rectangular buoyant cushion, 180 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–460, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/270/0, 27" x 78" x 2" rectangular buoyant cushion, 187 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–461, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/271/0, 27" x 81" x 2" rectangular buoyant cushion, 194 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–462, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/272/0, 30" x 30" x 2" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–463, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/273/0, 30" x 33" x 2" rectangular buoyant cushion, 88 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–464, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/274/0, 30" x 36" x 2" rectangular buoyant cushion, 96 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–465, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/275/0, 30" x 39" x 2" rectangular buoyant cushion, 104 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–466, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/276/0, 30" x 42" x 2" rectangular buoyant cushion, 112 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–467, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/277/0, 30" x 45" x 2" rectangular buoyant cushion, 120 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–468, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/278/0, 30" x 48" x 2" rectangular buoyant cushion, 128 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–469, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/279/0, 30" x 51" x 2" rectangular buoyant cushion, 136 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–470, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/280/0, 30" x 54" x 2" rectangular buoyant cushion, 144 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–471, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/281/0, 30" x 57" x 2" rectangular buoyant cushion, 152 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–472, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/282/0, 30" x 60" x 2" rectangular buoyant cushion, 160 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–473, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/283/0, 30" x 63" x 2" rectangular buoyant cushion, 168 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–474, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/284/0, 30" x 66" x 2" rectangular buoyant cushion, 176 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–475, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/285/0, 30" x 69" x 2" rectangular buoyant cushion, 184 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–476, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/286/0, 30" x 72" x 2" rectangular buoyant cushion, 192 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–477, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/287/0, 30" x 75" x 2" rectangular buoyant cushion, 200 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–478, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/288/0, 30" x 78" x 2" rectangular buoyant cushion, 208 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–479, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/289/0, 30" x 81" x 2" rectangular buoyant cushion, 216 oz. kapok, Dwg. No. 4–2–47, U. S. C. G. Specification Subpart 160.008, former approval No. B–480, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.008/290/0, 21¼" x 23" x 2" rectangular buoyant cushion, 43 oz. kapok, Dwg. No. III dated 2 June 1946, U. S. C. G. Specification Subpart 160.008, former approval No. B–482, manufactured by Benton Harbor Awning & Tent Co., 720 East Main, Benton Harbor, Mich.

Approval No. 160.008/291/0, 17¼" x 21¼" x 22" x 22¾" x 2" trapezoidal buoyant cushion, 39 oz. kapok, Dwg. No. II dated 2 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–483, manufactured by Benton Harbor Awning & Tent Co., 720 East Main, Benton Harbor, Mich.

Approval No. 160.008/293/0, 20" x 14" x 2½" rectangular buoyant cushion, 31 oz. kapok, Dwg. No. 502 dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–485, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/294/0, 20" x 15" x 2½" rectangular buoyant cushion, 34 oz. kapok, Dwg. No. 503 dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–486, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/295/0, 15" x 15" x 2½" rectangular buoyant cushion, 25 oz. kapok, Dwg. No. 503, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–487, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/296/0, 22" x 18" x 3" rectangular buoyant cushion, 54 oz. kapok, Dwg. No. 504, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–488, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/297/0, 45" x 14" x 2½" rectangular buoyant cushion, 71 oz. kapok, Dwg. 505, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–489, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/298/0, 48" x 15" x 2½" rectangular buoyant cushion, 80 oz. kapok, Dwg. No. 506, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–490, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/299/0, 18" x 14" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 507 dated 1 June 1947, U. S. C. G. Specification 160.008, former approval No. B–491, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/300/0, 20" x 14" x 2" rectangular buoyant cushion, 25 oz. kapok Dwg. No. 509, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–492, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/301/0, 52" x 15" x 2" rectangular buoyant cushion, 69 oz. kapok Dwg. No. 509, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–493, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/302/0, 65" x 61" x 18" x 2" trapezoidal buoyant cushion, 101 oz. kapok, Dwg. No. 510, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–494, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/303/0, 66" x 68" x 16" x 2" trapezoidal buoyant cushion, 95 oz. kapok, Dwg. No. 511, dated 1 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–495, manufactured by Acme Products, Inc., 152–156 Brewery Street, New Haven, Conn.

Approval No. 160.008/304/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, Dwg. No. 101A, dated 16 June 1947, U. S. C. G. Specification Subpart 160.008, former approval No. B–496, manufactured by Nappe-Smith Manufacturing Co., Southard Avenue, Farmingdale, N. J.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

NOTE: The 20-inch and 24-inch diameter buoys are limited to service on motorboats only in accordance with 46 CFR 25.4–1.

Approval No. 160.009/1/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–50, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/2/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Secification Subpart 160.009, former Approval No. A–51, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/3/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–52, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/4/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–53, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/5/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval Nos. B–58 and B–175, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.009/6/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–61, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.009/7/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–62, manufactured by Wilber & Son, 590 Howard Street San Francisco, Calif.

Approval No. 160.009/8/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–63, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.009/9/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–64, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.009/10/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. B–224, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.009/11/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–72, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/12/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–73, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/13/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–74, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/14/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–75, manufactured by

Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/15/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. B–174 and B–179, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/16/0, 30-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. B–178 and B–180, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.009/25/0, 20-inch Cork Ring Life Buoy, U. S. C. G., Specification Subpart 160.009, former Approval No. A–224, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/26/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval No. A–225, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Approval No. 160.009/27/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification Subpart 160.009, former Approval Nos. B–172 and B–173, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4–1, 33.01–5, 33.40–1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/4/0, MSA one-hour oxygen breathing apparatus, Face Piece Type, complete in case, MSA Assembly Drawing No. A–1083 revised 24 March 1942, Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

Approval No. 160.011/5/0, Supplied-air respirator, fresh air hose mask No. 1905A, Bureau of Mines Approval No. BM–1905A consisting of Face Piece BM–1905A; Blower BM–1905A, Hose BM–1901, Harness, BM–1901, Drawing No. 4M2185, Maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/7/0, Ammonia gas mask No. 4, Bureau of Mines Approval No. BM–1420 consisting of Canister BM–1420, Canister Harness BM–1418 with Head Harness BM–1418 or Canister Harness BM–1418A with Head Harness BM–1418A. Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

Approval No. 160.011/8/0, Acme supplied-air respirator, fresh air hose mask and assembly, Bureau of Mines Approval No. BM–1910 consisting of Face Piece BM–1910 with Head Harness BM–1910 or Face Piece BM–1910A with Head Harness BM–1910A, Body Harness BM–1910, Hose BM–1910, Blower BM–1910 and Container BM–1910, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

Approval No. 160.011/11/0, Ammonia gas mask No. BM–1408, Bureau of Mines Approval No. BM–1408 consisting of Canister BM–1408, Face Piece BM–1408F, Canister Harness BM–1408, Davis Emergency Equipment Co., 45 Halleck Street, Newark 4, N. J.

Approval No. 160.011/13/0, Protexall gas mask assembly with two canisters and full-view face piece, Bureau of Mines Approval No. BM–1434 consisting of Canister BM–1434, Face Piece BM–1403, BM–1403E, BM–1901, BM–1901E, Canister Harness BM–1403, BM–1409, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/14/0, Ammonia gas mask with Type DA Canister, Bureau of Mines Approval No. BM–1401 consisting of Canister BM–1401C, Face Piece BM–1401, BM–1403, BM–1403E, Canister Harness BM–1401, American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.011/16/0, Acme Type FD all-purpose gas mask, Bureau of Mines Approval No. BM–1436, consisting of Canister BM–1436, Timer BM–1435, Canister Harness BM–1435, Face Piece BM–1418 with Head Harness BM–1418 or Face Piece BM–1418A with Head Harness BM–1418A, Acme Protection Equipment Co., 3037 West Lake Street, Chicago 12, Ill.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 61.16, 77.18, 95.17, 114.18, 160.011)

HATCHETS (LIFEBOAT AND LIFE RAFT)

Approval No. 160.013/1/0, No. 0 size hatchet, Hunters Ax, Drawing No. SK 2031 dated 25 September 1944, manufactured by Collins Co., Collinsville, Conn.

Approval No. 160.013/2/0, No. 0 size hatchet, True American, Drawing dated 6 November 1944, manufactured by Mann Edge Tool Co., Lewistown, Pa.

Approval No. 160.013/3/0, No. 0 size hatchet, No. 425 Bridgeport Belt Ax, Drawing No. D–674 dated 15 February 1945, manufactured by Bridgeport Hardware Manufacturing Co., Bridgeport 5, Conn.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.013)

COMPASSES, LIFEBOAT

Approval No. 160.014/1/0, Type LMC–101D, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. D–1 dated 18 July 1945, manufactured by John E. Hand & Sons Co., Atlantic and Washington Avenues, Haddonfield, N. J.

Approval No. 160.014/2/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. AA dated 25 September 1945, manufactured by W. M. Welch Manufacturing Co., 1515 Sedgewick Street, Chicago 10, Ill.

Approval No. 160.014/3/0, Model 1, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–5–C Revised 2 January 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/4/0, Model 2, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–5–C Revised 2 January 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/5/0, Model 1A, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–7 dated 24 October 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

Approval No. 160.014/6/0, Model 2A, compensating mariners liquid filled magnetic lifeboat compass with mounting, Assembly Drawing No. C–113–7 dated 24 October 1946, manufactured by Stellar Products, Inc., 71 Murray Street, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.15–1, 59.11)

LAMPS, SAFETY, FLAME

Approval No. 160.016/3/0, Wolf type, naphtha burning, key lock, Flame Safety Lamp, manufactured by Wolf Safety Lamp Co., of America, Inc., 227 Grand Avenue, Brooklyn 5, N. Y.

(R. S. 4405, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.016)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/1/0, Type A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated 1 November 1943, revised 24 August 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Approval No. 160.019/2/0 Type 9 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Bowman-Durham-Robbins, Inc., 603 Bergen Street, Brooklyn 17, N. Y.

Approval No. 160.019/3/0, Type BB 1 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Bogardus Bros., 20 Mechanic Street, New Rochelle, N. Y.

Approval No. 160.019/4/0, Type Seaway Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Seaway Manufacturing Co., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.019/5/0, Type N–1 Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Neptune Specialties, Inc., 52 Clark Street, Brooklyn 2, N. Y.

Approval No. 160.019/6/0, Type 2–A Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification dated 1 November 1943, revised 24 August 1944, manufactured by Eveready Canvas Corp., 254 Pearl Street, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14, 160.019)

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/0, Type SMC emergency signaling mirror, drawing dated 20 July 1946, manufactured by Safety Mirror Co., 30 Front Street, New York 4, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.020)

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/1/0, Aluminum shell parachute flare cartridge, Drawing No. MSP–1C dated 25 June 1936, manufactured by Coston Supply Co., 31 Water Street, New York 4, N. Y.

Approval No. 160.024/2/0, Aluminum shell Type 52 parachute flare cartridge, Drawing No. MS–11 Revised 11 January 1944, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 381, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.024)

NOZZLES, WATER SPRAY (FIXED TYPE)

Approval No. 160.025/1/0, Akr-O-Mist, No. 1250 1½'' fixed type, Water Spray Nozzle, Drawing No. 26 dated 4 February 1938, manufactured by Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/2/0, Marine ALFCO, Model 4M 1½'' fixed type, Water Spray Nozzle, Drawing No. 3M–1305 revised 14 January 1938, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 160.025/3/0, Fognozl, Type 3A, marine tip 1½'' fixed type, Water Spray Nozzle, Drawing No. P–1946–6–024 dated 26 June 1946, manufactured by Fog Nozzle International, Division of Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/4/0, Fognozl, Type B, marine applicator 1½'' fixed type, Water Spray Nozzle, Drawing No. P–1946–6–021, dated 25 June 1946, manufactured by Fog Nozzle International, Division of Akron Brass Manufacturing Co., Inc., Wooster, Ohio.

Approval No. 160.025/6/0, Mystery, M–200 1½'' fixed type, Water Spray Nozzle, Drawing dated 9 April 1938, manufactured by Elkhart Brass Manufacturing Co., 1302 West Beardsley Avenue, Elkhart, Ind.

Approval No. 160.025/8/0, Grinnell, Model B 1½'' fixed type, Water Spray Nozzle, Drawing No. 13215–A revised 4 September 1941, manufactured by Grinnell Co., Providence, R. I.

Approval No. 160.025/9/0, Rockwood waterfog, Nozzle No. N–21 1½'' fixed type, Water Spray Nozzle, Drawing No. S–275 dated 14 April 1942, manufactured by Rockwood Sprinkler Corp., 38 Harlow Street, Worcester 5, Mass.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 463a, 50 U. S. C. App. 1275; 46 CFR 34.10–40, 61.14)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/1/0, No. 52 Marine signal pistol, Drawing MSP–1, revised 1 October 1943, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio.

Approval No. 160.028/3/0, V–K Mark 12 signal pistol, Drawing S–100, revised 30 November 1942, manufactured by Van Karner Chemical Arms Co., 202 East 44th Street, New York 17, N. Y.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14)

SEARCHLIGHTS, MOTOR LIFEBOAT

Approval No. 161.006/1/0, One-mile-ray, Type N Motor-Lifeboat Searchlight, Drawing No. FA–4615, manufactured by Portable Light Co., Inc., 216 William Street, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 161.006)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/1/0, Model F 80, watertight flashlight, electric, hand, two cell, Coast Guard Specification Identification Type I, Size 2, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/2/0, Model F 90, watertight flashlight, electric, hand, three cell. Coast Guard Specification Identification Type I, Size 3, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/3/0, Model F 81, explosion-proof flashlight, electric, hand, two cell, Coast Guard Specification Identification Type II, Size 2, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/4/0, Model F 91, explosion-proof flashlight, electric, hand, three cell, Coast Guard Specification Identification Type II, Size 3, Drawing No. 139–C, dated 29 April 1946, manufactured by Stewart R. Browne Manufacturing Co., 258 Broadway, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14, 161.008)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/1/0, Reddy (Symbol PY), 1-quart carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly Dwg. No. B–9223, dated 19 February 1941, rev. 19 August 1946, Pyrene Name Plate Dwg. No. A–9095, dated 6 March 1940, rev. 9 October 1946, manufactured for W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago 6, Ill., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/2/0, Reddy (Symbol PY), 1½-quart carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly Dwg. No. B–9231, dated 19 February 1941, rev. 16 August 1946, Pyrene Name Plate Dwg. No. A–9104, dated 25 March 1940, rev. 7 March 1941, manufactured for W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago, Ill., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/8/0, Fire Gun No. 4, 1-gallon carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 31X–1000, dated 27 April 1938, name plate Dwg. No. 31X–1, alt. D, dated 27 April 1938, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.004/11/0, Buffalo Better Built, 1-quart carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 90, dated 11 July 1946, name plate Dwg. No. 3172, issue 2798, dated 17 December 1946, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.004/12/0, Buffalo Better Built, 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 91, dated 11 July 1946, name plate Dwg. No. 3173, issue No. 2799, dated 17 December 1946, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.004/13/0, Chief Croker (Symbol PY) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly Dwg. No. B–9223, dated 3 February 1941, Pyrene Name Plate Dwg. No. A–9099, dated 12 March 1940, rev. 9 October 1946, manufactured for Croker Fire Prevention Corp., 32 West 31st Street, New York, N. Y., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark, N. J.

Approval No. 162.004/14/0, Fyr-Fyter Super, 1 qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 10, issue 2777, dated 8 November 1946, name plate Dwg. No. 2127, issue 1896, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/15/0, Fyr-Fyter Super, 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 11, issue 2778, dated 8 November 1946, name plate Dwg. No. 2137, issue 1902, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/16/0, Dayton, 1 qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 28, issue 2779, dated 8 November 1946, name plate Dwg. No. 2143, issue 1905, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/17/0, Dayton, 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2143, issue 1905, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/18/0, Fyr-Fyter, Model A, 1-qt. carbon tetrachloride type hand portable fire extinguisher, assem-

bly Dwg. No. 83–2, dated 13 December 1945, name plate Dwg. No. 2134, issue 1899, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/19/0, Fyr-Fyter, Model A, 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 87–2, dated 1 January 1946, name plate Dwg. No. 2135, issue 1900, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/20/0, The Captain Fyr-Fyter duplex pump, 1 gal carbon tetrachloride type hand portable fire extinguisher assembly Dwg. No. 26, issue 2645, dated 13 March 1946, name plate Dwg. No. 2136, issue 1901, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.004/26/0, Pistol Grip, Trigger Type 1 qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 205, dated 8 August 1943, name plate Dwg. No. 303, dated 28 January 1935, manufactured by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Approval No. 162.006/27/0, Pistol Grip, trigger type 1½ qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 206, dated 8 August 1943, name plate Dwg. No. 304, dated 28 January 1935, manufactured by Kent Extinguisher Co., 830 Front Avenue, NW., Grand Rapids 4, Mich.

Approval No. 162.004/28/0, Miller Peerless (Symbol FY) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 28, issue 2779, dated 8 November 1946, name plate Dwg. No. 2144, issue 1906, dated 18 August 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/29/0, Miller Peerless 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2144, issue 1906, dated 18 August 1942, manufactured for Miller Peerless Manufacturing Co., 452 North Sangamon Street, Chicago 22, Ill., by The Fyr-Fyter Co., Dayton, Ohio.

Approval No. 162.004/30/0, National Model NBF (Symbol BU), 1 qt. carbon tetrachloride type hand portable fire extinguisher, Buffalo Assembly Dwg. No. 90, dated 11 July 1946, Buffalo name plate Dwg. No. 3300, dated 27 December 1946, manufactured for National Foam System, Inc., Union and Adams Streets, West Chester, Pa., by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/31/0, National Model NBF (Symbol BU), 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Buffalo Assembly Dwg. No. 91, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3300, dated 27 December 1946, manufactured for National Foam System, Inc., Union and Adams Streets, West Chester, Pa., by Buffalo Fire Appliance Corp., Dayton, Ohio.

Approval No. 162.004/33/0, Phister No. 1B, 1 gal. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. 106, dated 6 February 1936, rev. 9 November 1944, name plate Dwg. No. B–9–B, dated 6 February 1936, rev. 17 October 1941, manufactured by The Phister Manufacturing Co., 621–627 East Pearl Street, Cincinnati 2, Ohio.

Approval No. 162.004/36/0, Pyrene (Symbol PH) 2 qt. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. C–8817, dated 20 April 1938, name plate Dwg. No. B–15286, dated 6 August 1942, manufactured for Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J., by The Phister Manufacturing Co., Cincinnati 2, Ohio.

Approval No. 162.004/37/0, Pyrene, 1 gal. carbon tetrachloride type hand portable fire extinguisher, assembly Dwg. No. D–9986, dated 16 January 1945, name plate Dwg. No. C–8890, dated 10 October 1938, rev. 9 December 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/38/0, Security (Symbol PY) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Pyrene Assembly Dwg. No. B–9223, dated 3 February 1941, rev. 19 August 1946, name plate Dwg. No. A–9270, dated 3 June 1941, rev. 9 October 1946, manufactured for A. C. Rowe & Son, 50 Murray Street, New York 7, N. Y., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/39/0, Stempel Pistol Grip (Symbol KE) 1 qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly Dwg. No. 8A, dated 8 August 1943, Kent Name Plate Dwg. No. 30, dated 15 February 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., Jasper and York Streets, Phildelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Approval No. 162.004/40/0, Stempel Pistol Grip, (Symbol KE) 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly Dwg. No. 9A, dated 8 August 1943, Kent Name Plate Dwg. No. 31, dated 15 February 1940, manufactured for Stempel Fire Extinguisher Manufacturing Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Approval No. 162.004/41/0, Stempel Trigger type (Symbol KE), 1 qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly Dwg. No. 8A, dated 8 August 1943, Kent Name Plate Dwg. No. 304, dated 1 June 1936, manufactured for Stempel Fire Extinguisher Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Approval No. 162.004/42/0, Stempel Trigger Type (Symbol KE), 1½ qt. carbon tetrachloride type hand portable fire extinguisher, Kent Assembly Dwg. No. 9A, dated 8 August 1943, Kent Name Plate Dwg. No. 305, dated 1 June 1936, manufactured for Stempel Fire Extinguisher Co., Jasper and York Streets, Philadelphia 25, Pa., by Kent Extinguisher Co., 830 Front Avenue NW., Grand Rapids 4, Mich.

Approval No. 162.004/46/0, Defender (Symbol GE), 1 qt. carbon tetrachloride type hand portable fire extinguisher, General Detroit assembly Dwg. No. BT–185–X, dated 9 April 1943, rev. 8 July 1947, General Detroit name plate Dwg. No. AT–185–1G, dated 17 July 1946, rev. 22 August 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia 7, Pa., by the General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/47/0, Defender (Symbol GE) 1½ qt. carbon tetrachloride type hand portable fire extenguisher, General Detroit assembly Dwg. No. CT–195–X, dated 21 October 1944, rev. 28 June 1945, General Detroit name plate Dwg. No. AT–195–1G, dated 10 July 1946, rev. 22 August 1946, manufactured for Schwartz Bros., Inc., 827 Arch Street, Philadelphia 7, Pa., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/1/0, Alfite Model PSH, Series 15–N, squeeze grip valve, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. No. 28X–1558, alt. A, dated 14 July 1943, name plate Dwg. No. 28X–834, alt. A, dated 1 May 1945, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.005/2/0, Alfite Speedex 15, squeeze grip valve, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. No. 28X–1576, alt. F, dated 3 February 1946, name plate Dwg. No. 28X–840 (or Dwg. No. 28X–844, alt. U, dated 8 October 1946), manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Approval No. 162.005/4/0, Type PSH–15, squeeze grip valve, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. D–62325, alt. 2, dated 6 August 1946, name plate Dwg. No. D–57094, alt. 1, dated 5 August 1946, manufactured by C–O–Two Fire Equipment Co., Box 390, Newark 1, N. J.

Approval No. 162.005/5/0, Type PSH–10, squeeze grip valve, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. No. D–53620, alt. 2, dated 6 August 1946, name plate Dwg. No. D–56916, alt. 1, dated 5 August 1946, manufactured by C–O–Two Fire Equipment Corp., Box 390, Newark 1, N. J.

Approval No. 162.005/6/0, Type PSH–7½, squeeze grip valve, 7½-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. No. D–55855, alt. 0, dated 12 June 1942, name plate Dwg. No. C–53970, alt. 3, dated 10 December 1945, manufactured by C–O–Two Fire Equipment Corp., Box 390, Newark 1, N. J.

Approval No. 162.005/7/0, Type PS–4 squeeze grip valve, 4-lb. carbon dioxide type hand portable fire extinguisher, assembly Dwg. No. C–55389, alt. 1, dated 17 October 1944, name plate Dwg. No. C–53343, alt. 8, dated 7 May 1945, manufactured by C–O–Two Fire Equipment Corp., Box 390, Newark 1, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/5/0, Fyr-Fyter, 2½ gal. chemical foam type hand portable fire extinguisher, assembly Dwg. No. 18, issue 1652, dated 13 December 1940, name plate Dwg. No. 1405, dated 19 October 1927, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.006/6/0, Dayton, 2½ gal. chemical foam type hand portable fire extinguisher, assembly Dwg. No. 37, issue 1262, dated 13 December 1940, name plate Dwg. No. 2086, issue 1895, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.006/8/0, Pyrene (four-star shell), 2½ gal. chemical foam type hand portable fire extinguisher, assembly Dwg. No. C–8206, dated 24 August 1936, rev. 15 November 1946, name plate Dwg. No. B–15172, dated 7 March 1946, rev. 17 June 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.006/9/0, Pyrene, 2½ gal. chemical foam type hand portable fire extinguisher, assembly Dwg. No. B–7602, dated 21 January 1934, rev. 11 March 1946, name plate Dwg. No. B–15079, dated 9 October 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/1/0, First Aid, 2½ gal. soda-acid type hand portable fire extinguisher, assembly Dwg. No. EX–1, dated 3 April 1928, manufactured by W. D. Allen Manufacturing Co., 566–570 West Lake Street, Chicago 6, Ill.

Approval No. 162.007/6/0, Fyr-Fyter, 2½ gal. soda-acid type hand portable fire extinguisher, assembly Dwg. No. 17, issue 1658, dated 17 December 1940, name plate Dwg. No. 1380, dated 15 September 1927, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.007/7/0, Dayton, 2½ gal. soda-acid type hand portable fire extinguisher, assembly Dwg. No. 36, issue 1661, dated 17 December 1940, name plate Dwg. No. 2073, issue 1894, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.007/9/0, Pyrene (four-star shell) 2½ gal. soda-acid type hand portable fire extinguisher, assembly Dwg. No. C–8210, dated 24 August 1936, rev. 15 November 1946, name plate Dwg. No. B–15173, dated 19 February 1946, rev. 17 June 1946, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.007/10/0, Pyrene, 2½ gal. soda-acid type hand portable fire extinguisher, assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–15078, dated 3 October 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.007/13/0, Cambar 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–8174, dated 23 July 1936, rev. 4 March 1941, manufactured for Cameron & Barkley Co., Tampa, Fla., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.007/16/0, Pacific (Symbol PY), 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8971, dated 19 May 1939, rev. 27 February 1941, manufactured for Pacific Fire Extinguisher Co., 2923 East Eleventh Street, Los Angeles, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.007/17/0, Reliance, 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8180, dated 17 July 1936, rev. 28 February 1941, manufactured for W. S. Nott Co., 201 North Third Street, Minneapolis 1, Minn., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.007/18/0, Swiftout, 2½ gal. soda-acid type hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8173, dated 17 July 1936, rev. 3 March 1941, manufactured for H. L. Swift Co., 1229 North Highland Street, Hollywood, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, PUMP-TANK TYPE

Approval No. 162.008/1/0, Pyrene, 2½ gal. copper pump-tank type hand portable fire extinguisher, assembly Dwg. No. C–15134, dated 7 December 1945, name plate Dwg. No. B–15126, dated 16 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARTRIDGE-OPERATED TYPE

Approval No. 162.009/1/0, Kidde, Anti-Freeze (water), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. 62490, Rev. B, dated 27 October 1942, name plate Dwg. No. 76876, dated 15 December 1931, rev. 21 September 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.009/2/0, Kidde (water type), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. 62490, Rev. B, dated 27 October 1942, name plate Dwg. No. 76874, Rev. N. dated 15 September 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Approval No. 162.009/3/0, Pyrene (anti-freeze), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. C–8380, dated 5 January 1937, rev. 18 March 1946, name plate Dwg. No. 15129, dated 9 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.009/4/0, Pyrene (water type), 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. C–8612, dated 28 June 1937, rev. 18 March 1946, name plate Dwg. No. B–15128, dated 21 November 1945, manufactured by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.009/5/0, Instant, Model C, loaded stream, anti-freeze, 1¾ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. 70, issue 2703, dated 4 June 1946, name plate Dwg. 2241, issue 2057, dated 29 November 1943, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.009/6/0, Instant, Model X, loaded stream, anti-freeze, 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. 78, issue 2855, dated 25 March 1947, name plate Dwg. No. 2240, issue 1918, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.009/7/0, Polar Bear, anti-freeze, 2½ gal. cartridge-operated type hand portable fire extinguisher, assembly Dwg. No. 79, issue 2605, dated 17 January 1946, name plate Dwg. No. 2239, issue 1917, dated 18 August 1942, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/20/0, Model No. B175–1, Backfire Flame Arrester for Carburetors, Drawing No. B175–1 dated 30 June 1936, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich.

Approval No. 162.015/21/0, Model No. B175–3, Backfire Flame Arrestor for Carburetors, Drawing No. B175–3 dated 10 February 1937, Rev. B dated 18 February 1941, manufactured by Bendix Aviation Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich.

(R. S. 4405, 4491, 54 Stat. 165, 166, as amended; 46 U. S. C. 375, 489, 526l, 526p; 46 CFR 25.6–1, 26.4–1, 162.015)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/8/0, Figure No. 50, Varec flame arrester, aluminum body,

aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/9/0, Figure No. 50A, aluminum body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/10/0, Figure No. 50ACU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/11/0, Figure No. 50ABCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, female pipe threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/12/0, Figure No. 50ACCU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/13/0, Figure No. 50AN, Varec flame arrester, semi-steel and aluminum body, aluminum multiple plate bank, verticle type, square flange connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/14/0, Figure No. 50B, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, female threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/15/0, Figure No. 50C, Varec flame arrester, aluminum body, aluminum multiple plate bank, vertical type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/16/0, Figure No. 50CU, Varec flame arrester, semi-steel body, copper multiple plate bank, vertical type, flanged connections fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/17/0, Figure No. 50S Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/18/0, Figure No. 50SA, Varec flame arrester, semi-steel body, small aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/19/0, Figure No. 50SG, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/20/0, Figure No. 50SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, threaded connections, fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/21/0, Figure No. 50SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, vertical type, flanged and screwed connections fitted with extensible banks and removable cover plate, Dwg. No. C–746, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/22/0, Figure No. 53, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/23/0, Figure No. 53A, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/24/0, Figure No. 53B, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/25/0, Figure No. 53C, Varec flame arrester, aluminum body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/26/0, Figure No. 53S, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/27/0, Figure No. 53SA, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/28/0, Figure No. 53SB, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.016/29/0, Figure No. 53SC, Varec flame arrester, semi-steel body, aluminum multiple plate bank, horizontal type, flanged and screwed connections, fitted with extensible banks and removable cover plate, Dwg. No. C–749, Alt. A, dated 24 January 1947, approved for 2½", 3", 4", 6", 8", 10", and 12" pipe sizes, for use with inflammable or combustible liquids of Grade A or lower, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. App. 1275; 46 CFR 162.016)

REGULATORS AND LOW WATER ALARMS, BOILER FEED

Approval No. 162.024/1/0, Weir boiler feedwater regulator, float operated regulating valve, Dwg. No. 1252 dated 22 November 1943, approved for 3-inch size, maximum working pressure 600 p. s. i., manufactured by General Regulator Corp., 165 Broadway, New York 6, N. Y.

Approval No. 162.024/2/0, Copes type "P" boiler feedwater regulator, remote type flomatic regulator and feedwater regulator for combination feed systems, fitted with Copes type "P" thermostat and type "SLD" control valve, Dwg. Nos. 23716–M dated 10 June 1944 and 23712–L dated 22 August 1944; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Approval No. 162.024/3/0, Copes type "B1" boiler feedwater regulator, direct lever operated control valve, Copes marine triangular thermostat, Copes type "B1" control valve, Dwg. Nos. 23709–M dated 11 March 1943 and 23708–M dated 27 February 1945; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Approval No. 162.024/4/0, Copes type "SLH" boiler feedwater regulator, Marine flowmatic feedwater regulator, relay operated and pilot operated control valve, Copes marine type thermostat, Dwg. Nos. 23713–M dated 1 March 1945, 23715–M dated 21 December 1944, and 23606–M; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Approval No. 162.024/5/0, Copes direct operated flowmatic type boiler feedwater regulator, spring operated diaphragm control valve, Dwg. No. 23714–M dated 21 December 1944 and Bulletin No. 429A dated January 1943, Copes Flowmatic Regulator; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Approval No. 162.024/6/0, Copes remote control flowmatic marine type feedwater regulator, thermostat with flowmatic element and pilot valve for remote control, combination feed system fitted with type "SLD" control valve, Dwg. No. 23717–L dated 1 March 1945; type approval only; drawings listed herein are for basic designs only; where specific working drawings of installations differ from basic design drawings, such drawings shall carry as cross reference basic design drawing number or numbers. Manufactured by Northern Equipment Division, Continental Foundry & Machine Co., Erie 2, Pa.

Approval No. 162.024/8/0, Ohio low water alarm, steam whistle warning, for use in Scotch type marine boilers, tin fusible plug operating steam whistle, Dwg. No. 907–W dated 25 May 1928, manufactured by The Ohio Injector Co., 53 West Jackson Boulevard, Chicago 4, Ill.

(R. S. 4405, 4417a, 4418, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/5/0, Type LS 1, secondary boiler water gauge, remote water level indicator and recorder, Dwg. Nos. C 304886–C, revised 22 September 1941, C 305511–A, dated 17 September 1941, and D 34900F, dated 3 October 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

Approval No. 162.025/28/0, Type LS 35, secondary boiler water gauge, remote water level indicator and recorder, Dwg. Nos. C 304886–C, revised 22 September 1941, C 305511–A, dated 17 September 1941, and D 34900F, dated 3 October 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

Approval No. 162.025/29/0, Type LS 47, secondary boiler water gauge, remote water level indicator and recorder, Dwg. Nos. C 304886–C, revised 22 September 1941, C 305511–A, dated 17 September 1941, and D 34900F, dated 3 October 1940, manufactured by Bailey Meter Co., 1050 Ivanhoe Road, Cleveland 10, Ohio.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

DECK COVERINGS

Approval No. 164.006/2/0, Selbalith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG–3610–1215; FR 1779 dated 2 July 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby, Battersby & Co., 5235 Whitby Avenue, Philadelphia 43, Pa.

Approval No. 164.006/4/0, Federalite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–1233; FR 1807 dated 30 October 1940, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Federalite Products Co., 36 East Thirtieth Street, New York 16, N. Y.

Approval No. 164.006/7/0, Armorite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–72; FR 1836 dated 29 March 1941, approved for use without other insulating material as meeting Class A–60 requirements in thicknesses as follows: Underlayment only, 1⅜ inches, or underlayment 1¼ inches plus top coat ½ inch, manufactured by National Tile & Marble Corp., 529 West Forty-sixth Street, New York 19, N. Y.

Approval No. 164.006/8/0, Case magnesite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–73; FR 1842 dated 30 April 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by L. S. Case Co., Seventh and Daggett Streets, San Francisco 7, Calif.

Approval No. 164.006/9/0, Raecolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–76; FR 1866 dated 9 August 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle 8, Wash.

Approval No. 164.006/14/0, Leetol magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP–367–83; FR 1932 dated 25 February 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Wm. Lee Co., 1401 Third Street, San Francisco 7, Calif.

Approval No. 164.006/15/0, Moulstone magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–85; FR 1957 dated 15 April 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¼-inch thickness, manufactured by Thos. Moulding Floor Co., Inc., 165 West Wacker Drive, Chicago 1, Ill.

Approval No. 164.006/17/0, Kompolite plastic composition flooring, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; FR 1978 dated 1 July 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 Forty-fourth Road, Long Island City 1, N. Y.

Approval No. 164.006/20/0, Hubbellite magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–95; FR 2017 dated 28 November 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by H. H. Robertson Co., Farmers Bank Building, Pittsburgh, Pa.

Approval No. 164.006/21/0, Kompolite decking type II magnesite type deck covering in accordance with the manufacturer's letter of 2 June 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 Forty-fourth Road, Long Island City 1, N. Y.

Approval No. 164.006/22/0, "Kompodek Type CU Light Weight" magnesite type deck covering in accordance with the manufacturer's letter of 2 June 1945, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by Kompolite Co., Inc., 11–25 Forty-fourth Road, Long Island City 1, N. Y.

Approval No. 164.006/23/0, Dex-O-Tex Magnabond No. 1, composite mastic and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–116; FR–2395 dated 11 July 1945, approved for use without other insulating material as meeting Class A–15 requirements in the thickness noted below: Dex-O-Tex Subkote No. 1 underlay ¼ inch, plus magnesite overlay ⅜ inch, manufactured by Crossfield Products Corp., 71 South Union Street, Elizabeth, N. J.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

STRUCTURAL INSULATIONS

Approval No. 164.007/1/0, "48" C. G. Felt, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3610–1372; FR–2235 dated 1 April 1944, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, 4 inches at 6 pounds per cubic foot density. Manufactured by Forty-Eight Insulations, Inc., Aurora, Ill.

Approval No. 164.007/2/0, Spraykote, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/23, dated 2 June 1944, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 12 pounds per cubic foot density, 4 inches at 8 pounds per cubic foot density. Manufactured by Sprayed Insulation, Inc., 56–58 Crittenden Street, Newark 4, N. J.

Approval No. 164.007/3/0, Eagle Felt M–2, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/ITF dated 24 November 1939, bats, blankets, or fill approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 10 pounds per cubic foot density (loose fill), 4 inches at 8 pounds per cubic foot density (loose fill), 3 inches at 8 pounds per cubic foot density (bats or blankets), and 4 inches at 6 pounds per cubic foot density (bats or blankets). Manufactured by The Eagle-Pitcher Sales Co., 420 Lexington Avenue, New York 17, N. Y.

Approval No. 164.007/4/0, Fibrespray, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36, dated 25 June 1943, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 12 pounds per cubic foot density, and 4 inches at 8 pounds per cubic foot density. Manufactured by Acoustics, Inc., Commercial Trust Building, Philadelphia 2, Pa.

Approval No. 164.007/10/0, Rockwool, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density. Manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.007/11/0, Bacite cold set cement, plaster type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cubic foot density, manufactured by The Bird-Archer Co., 4337 North American Street, Philadelphia 40, Pa.

Approval No. 164.007/12/0, Tuco Zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density, manufactured by Tuco Products Corp., 30 Church Street, New York 7, N. Y.

Approval No. 164.007/13/0, Sprayed limpet asbestos, sprayed asbestos fiber type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 12 pounds per cubic foot density, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.007/15/0, Gold Bond type 2 zerocel, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–36; FR–1404 dated 17 May 1939, bats and blankets approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows: 3 inches at 8 pounds per cubic foot density, and 4 inches at 6 pounds per cubic foot density. Manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.007/18/0, Baldwin-Hill 6-pound felt, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/26, dated 16 July 1943, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Baldwin Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

Approval No. 164.007/19/0, Baldwin-Hill loose wool, mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III–6/36 dated 16 July 1943, approved for use without other insulating material to meet Class A–60 requirements in a 3-inch thickness and 11 pounds per cubic foot density, manufactured by Baldwin-Hill Co., 500 Breunig Avenue, Trenton 2, N. J.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR Part 144)

BULKHEAD PANELS

Approval No. 164.008/1/0, Bayer, bulkhead 100, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 120 dated 25 August 1943, approved as meeting Class B–15 requirements in a 1½-inch thickness when filled with Fiberglas insulation of 6 pounds per cu. ft. density, manufactured by A. J. Bayer Co., Slauson and Santa Fe Avenues, Los Angeles, Calif.

Approval No. 164.008/2/0, Aetna type FSI—Class B, hollow steel, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 128 dated 19 November 1945, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of type TW-MC Fiberglas insulation having a density of 3¼ pounds per cu. ft., manufactured by Aetna Marine Corp., 730 Fifth Avenue, New York 19, N. Y.

Approval No. 164.008/3/0, Aetna Type FAI—Class B, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 141 dated 7 October 1946, approved as meeting Class B–15 requirements in a 2-inch thickness when filled with two 1-inch blankets of J-M BX–4M insulation having a density of 4 pounds per cubic foot; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by Aetna Marine Corp., 730 Fifth Avenue, New York 19, N. Y.

Approval No. 164.008/4/0, James McCutcheon & Co. hollow aluminum bulkhead, hollow aluminum, insulation filled bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 125 dated 7 May 1945, and James McCutcheon & Co. Dwg. No. PWB–1 revised 17 July 1945, approved as meeting Class B–15 requirements in a 1¾-inch thickness when filled with Fiberglas insulation having a density 8 pounds per cubic foot; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by James McCutcheon & Co., 609 Fifth Avenue, New York 17, N. Y.

Approval No. 164.008/5/0 James McCutcheon & Co. hollow steel bulkhead, hollow steel, insulation filled bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/ITFU, dated 16 July 1943, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by James McCutcheon & Co., 609 Fifth Avenue, New York 17, N. Y.

Approval No. 164.008/6/0, Dietz marine, hollow steel, insulation filled identical to that described in National Bureau of Standards Test Report No. TG 3619–33, FR–1364 dated 31 March 1939, approved as meeting Class B–15 requirements in a 1-inch thickness when filled with 8 Ply Air Cell Fill 1¼ inches thick, manufactured by L. F. Dietz, Marine Building, 40 Grand Avenue, Englewood, N. J.

Approval No. 164.008/7/0, Seaporcel, hollow steel, insulation filled bulkhead panel identical to that described in Porcelain Metals, Inc., Dwg. entitled "Typical Size Sections Showing General Application of Seaporcel Flush Bulkhead and Ceiling", dated 29 December 1941, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one-half that listed to meet Class A–60 requirements, manufactured by Seaporcel Metals, Inc., 28–20 Borden Avenue, Long Island City 1, N. Y.

Approval No. 164.008/10/0, U. S. G. marine board, steel veneered, gypsum board steel veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc. Test Report—Retardant 2782, Application No. 43C798 dated 18 October 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Approval No. 164.008/11/0, U. S. G. marine board, aluminum veneered, gypsum board, aluminum veneered type bulkhead panel identical to that described in Underwriters' Laboratories, Inc. Test Report—Retardant 2782, Application No. 45C951 dated 22 October 1945, approved as meeting Class B–15 requirements in a ⅞-inch thickness; this panel shall not be used in Class A–60 construction without the approval of the Commandant for the specific location, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

Approval No. 164.008/16/0, Firefoil panel, corrugated asbestos with asbestos cement board veneer type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–21, FR–1253 dated 20 December 1938, approved as meeting Class B–15 requirements with a ⅞-inch, 6-ply corrugated asbestos core with a 3/32-inch asbestos cement veneer each side, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.008/17/0, C Board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–46, FR–1791 dated 13 August 1940, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/18/0, C–3 Marine board, asbestos cement board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–59, FR–2042 dated 15 February 1943, approved as meeting Class B–15 requirements in a ¾-inch thickness, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.008/19/0, Martin-Parry marine, hollow steel type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–34, FR–1365 dated 31 March 1939, approved as meeting Class B–15 requirements in a 2⅜-inch thickness with two 1/16-inch asbestos paper inserts, manufactured by Martin-Parry Corp., York, Pa.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.008)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/1/0, Firefoil sheathing, corrugated asbestos board type incombustible material, approved in a ½-inch thickness with a steel veneer on one side, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.009/2/0, Careystone asbestos-cement wallboard, asbestos-cement board type incombustible material identical to that described in National Bureau of Standards Letter, file III–6, dated 2 March 1943, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.009/3/0, Careystone sheathing, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 24 September 1942, approved in a 3/16-inch thickness, manufactured by The Philip Carey Manufacturing Co., Lockland, Cincinnati 15, Ohio.

Approval No. 164.009/4/0, APAC asbestos cement board type incombustible material identical to that described in Keasbey & Mattison Company letter of 30 December 1942, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/5/0, C–4 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 25 March 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/6/0, C–5 Marine board, asbestos cement board type incombustible material identical to that described in National Bureau of Standards letter, file III–6, dated 25 March 1944, manufactured by Keasbey & Mattison Co., Ambler, Pa.

Approval No. 164.009/7/0, gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated 4 June 1943, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.009/8/0, gold bond Natcor, gypsum core, asbestos cement veneered board type incombustible material identical to that described in National Gypsum Co. letter dated 23 May 1945, approved with 1/16-inch gypsum core with a 1/8-inch asbestos cement veneer each side, manufactured by National Gypsum Co., Buffalo 2, N. Y.

Approval No. 164.009/9/0, U. S. G. marine board, gypsum board, metal veneered type incombustible material identical to that described in National Bureau of Standards Test Report No. TG–3610–1348; FR–2131 dated 23 August 1943, approved in 3/8-inch minimum thickness with steel or aluminum veneer one side, manufactured by United States Gypsum Co., 300 West Adams Street, Chicago 6, Ill.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. App. 1275; 46 CFR 164.009)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Termination of approval No. 160.002/9/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–236, manufactured by Cluff Fabric Products, Inc., 457 East One Hundred and Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.002/10/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B–238, manufactured by

Cluff Fabric Products, Inc., 457 East One Hundred and Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.002/11/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-355, manufactured by Cluff Fabric Products, Inc., 457 East One Hundred and Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.002/12/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-230, manufactured by Grand Novelty Hassock Co., 273 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.002/13/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-231, manufactured by Grand Novelty Hassock Co., 273 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.002/14/0, Model 2, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-237, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.

Termination of approval No. 160.002/15/0, Model 5, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-293, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.

Termination of approval No. 160.002/16/0, Model 6, child kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-294, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.

Termination of approval No. 160.002/29/0, Model 3, adult kapok life preserver, U. S. C. G. Specification 160.002, former approval No. B-244, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

CLEANING PROCESSES FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during cleaning process)

Termination of approval No. 160.006/3/0, Allied cleaning process for kapok life preservers, Allied Cleaners, 969 Natoma Street, San Francisco 3, Calif.

Termination of approval No. 160.006/6/0, Shipservice cleaning process for kapok life preservers, Shipservice, Inc., 2-10 Provost Street, Brooklyn 22, New York.

(R. S. 4405, 4417a, 4420, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of approval No. 160.007/5/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-86, manufactured by Zee Rose, 853 Atlantic Avenue, Brooklyn, N. Y.

Termination of approval No. 160.007/6/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-93, manufactured by Cluff Fabric Products, Inc., 457 East One Hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.007/8/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-95, manufactured by Grand Novelty Hassock Co., 279-281 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.007/13/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-111, manufactured by Great Lakes Cushion Co., 4609 Twelfth Street, Detroit, Mich.

Termination of approval No. 160.007/15/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-123, manufactured by Badgley Manufacturing Co., 1816 Northeast Alberta Street, Portland 11, Oreg.

Termination of approval No. 160.007/17/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-128, manufactured by Mr. M. Gottfried, 2061 Jerome Avenue, Bronx, N. Y.

Termination of approval No. 160.007/18/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. B-354, manufactured by Neptune Specialties, Inc., 52 Clark Street, Brooklyn 2, N. Y.

Termination of approval No. 160.007/23/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007 former approval No. A-183, manufactured by Boston Leather Specialties, Inc., Everett, Mass.

Termination of approval No. 160.007/24/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-205, manufactured by Wycombe, Meyer, Inc., Norwalk, Conn.

Termination of approval No. 160.007/26/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-305, manufactured by Burlington Mills, Inc., Burlington, Wis.

Termination of approval No. 160.007/27/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-306, manufactured by Gladson Upholstering Shop, 3429 Wildwood Avenue, Cleveland, Tenn.

Termination of approval No. 160.007/32/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-311, manufactured by McPhaul Motorboat Cushion Co., 784 Third Street, Yuma, Ariz.

Termination of approval No. 160.007/36/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-315, manufactured by Earl G. Warfield, 110 Broad Street, Lynn, Mass.

Termination of approval No. 160.007/37/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007 former approval No. A-316, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn 16, N. Y.

Termination of approval No. 160.007/38/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-317, manufactured by Curran Cushion & Textile Co., South Main Street, Downers Grove, Ill.

Termination of approval No. 160.007/39/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-318, manufactured by International Cushion & Slip Cover Co., 515 North Halsted Street, Chicago 22, Ill.

Termination of approval No. 160.007/44/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-325, manufactured by Evr-Klean Manufacturing Co., 2301 Madison Avenue, St. Louis, Mo.

Termination of approval No. 160.007/45/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-326, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.007/48/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-329, manufactured by J. P. McNally Co., 22 Commercial Wharf (North) Boston, Mass.

Termination of approval No. 160.007/51/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-232, manufactured by Colonial Mercantile & Manufacturing Co., 1715 Mansfield Road, Toledo 12, Ohio.

Termination of approval No. 160.007/52/0, Standard Kapok Buoyant Cushion, U. S. C. G. Specification Subpart 160.007, former approval No. A-332, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Affiliated Retailers Inc., 350 Fifth Avenue, New York, N. Y.

Termination of approval No. 160.007/53/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-336, manufactured by Brooklyn Upholstering Co. (Rear), 3525 South Hanover Street, Baltimore 25, Md.

Termination of approval No. 160.007/54/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, former approval No. A-337, manufactured by DeMore Manufacturing Co., 547 Meeting Street, Charleston, S. C.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

Termination of approval No. 160.008/3/0, 14" x 14" x 2" seat, 17 oz. kapok, 14" x 14" x 2" back, 17 oz. kapok, double buoyant cushion, U. S. C. G. specification 160.008, former approval No. B-62, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/5/0, 12" x 48" x 2" rectangular buoyant cushion, 51 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-64, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/6/0, 12" x 36" x 2", rectangular buoyant cushion, 38 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-65, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/7/0, 12" x 24" x 2", rectangular buoyant cushion, 26 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-66, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/8/0, 14" x 17" x 2" rectangular buoyant cushion, 21 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-67, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/10/0, 14" x 14" x 2" seat, 17 oz. kapok, 14" x 18" x 2" back, 22 oz. kapok, double bouyant cushion, Dwg. No. B-70, dated 27 Jan. 1946, U. S. C. G. specification 160.008, former approval No. B-289, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/12/0, 15" x 48" x 2" rectangular buoyant cushion, 64 oz. kapok, Dwg. Nos. C-198 and A-135, dated 1 Nov. 1946, U. S. C. G. specification 160.008, former approval No. B-357, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/109/0, 14" x 20" x 2" rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-68, manufactured by Badgley Manufacturing Co., 1816 Northeast Alberta, Portland, Oreg.

Termination of approval No. 160.008/110/0, 15" x 15" x 2", buoyant cushion filled with 24 oz. Typha (Processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), former approval No. B-198, manufactured by Burgess-Manning Co., Libertyville, Ill.

Termination of approval No. 160.008/111/0, 13" x 19" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. No. 25, dated 27 July 1946, U. S. C. G. specification 160.008, former approval No. B-352, manufactured by Burlington Mills, Inc., Burlington, Wis.

Termination of approval No. 160.008/143/0, 12" x 20" x 2" rectangular kapok buoyant cushion, 23 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-274, manufactured by Cluff Fabric Products, Inc., 457-467 East One Hundred and Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/144/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-275, manufactured by Cluff Fabric Products, Inc., 457-467 East One Hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/145/0, 14" x 24" x 2", rectangular buoyant cushion, 30 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-276, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/146/0, 14" x 45" x 2" rectangular buoyant cushion, 56 oz. kapok, U. S. C. G. specification 160.008 former approval No. B-277, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/147/0, 14" x 20" x 2" rectangular buoyant cushion, 25 oz. kapok, Dwg. dated 30 March 1946, U. S. C. G. specification 160.008, former approval No. B-278, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/148/0, 19" x 22" x 2" chair design buoyant cushion 34 oz. kapok, Dwg. dated 30 March 1946, U. S. C. G. specification 160.008, former approval No. B-279, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/149/0, 12" x 14" x 2" seat 15 oz. kapok, 12" x 18 x 2" back, 19 oz. kapok double buoyant cushion, U. S. C. G. specification 160.008, former approval No. B-280, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/150/0, 15" x 20" x 2" rectangular buoyant cushion, 27 oz. kapok, U. S. C. G. specification 160.008, former approval No. B-284, manufactured by Cluff Fabric Products, Inc., 457-467 East One-hundred Forty-seventh Street, New York, N. Y.

Termination of approval No. 160.008/154/0, 15" x 15" x 2" buoyant cushion, 21 oz. kapok, Dwg. No. 2, dated 26 January 1946, U. S. C. G. specification 160.008, former approval No. B-285, manufactured by M. W. Fogg Co., 57 Rose Street, New York, N. Y.

Termination of approval No. 160.008/155/0, 15" x 15" x 2" seat, 21 oz. kapok; 15" x 15" x 2" back, 21 oz. kapok, double kapok buoyant cushion. Dwg. No. 1, dated 15 January 1946, U. S. C. G. specification 160.008, former approval No. B-286, manufactured by M. W. Fogg Co., 57 Rose Street, New York, N. Y.

Termination of approval No. 160.008/156/0, 14" x 14" x 2" seat, 20 oz. kapok; 14" x 14" x 2", back, 20 oz. kapok; double buoyant cushion Dwg. No. DC-1, dated 17 January 1947, U. S. C. G. Specification 160.008, former approval No. B-358, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn, N. Y.

Termination of approval No. 160.008/157/0, 14" x 14" x 2" seat, 20 oz. kapok, 14" x 18" x 2" back, 25 oz. kapok, double buoyant cushion, Dwg. No. DC-1, dated 17 January 1947, U. S. C. G. specification 160.008, former approval No. B-359, manufactured by Jurgensen Manufacturing Co., 162 Gates Avenue, Brooklyn, N. Y.

Termination of approval No. 160.008/169/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 30 August 1945, former approval No. B-270, manufactured by Shaw Upholstery Co., 5910 Northeast Second Avenue, Miami, Fla.

Termination of approval No. 160.008/170/0, 15" x 15" x 2" buoyant cushion, 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 29 December 1944, former approval No. B-223, manufactured by W. H. Temme & Co., 827-31 Madison Street, Oak Park, Ill.

Termination of approval No. 160.008/171/0, 14" x 14" x 2" seat, 18 oz. kapok; 14" x 14" x 2" back, 18 oz,. kapok; double buoyant cushion, Dwg. Nos. 4006, dated 9 February 1947, and 4007, dated 7 February 1947, U. S. C. G. specification 160.008, former approval B-367, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/172/0, 14" x 18" x 2" rectangular buoyant cushion 22 oz. kapok, Dwg. No. 5051, dated 8 February 1947, U. S. C. G. specification 160.008, former approval B-368, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/173/0, 12" x 48" x 2" rectangular buoyant cushion, 51 oz. kapok, Dwg. No. 5052, dated 8 February 1947, U. S. C. G. specification 160.008, former approval No. B-369, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/174/0, 15" x 15" x 2" buoyant cushion 24 oz. Typha (processed cattail floss) (approved for duration of National Emergency and 6 months thereafter), specification dated 31 May 1945, former approval No. B-267, manufactured by Velvagraph Co., 625 Broadway, New York, N. Y.

Termination of approval No. 160.008/182/0, 15" x 15" x 2" seat, 20 oz. kapok; 15" x 15" x 2" back, 20 oz. kapok; double buoyant cushion, Dwgs. Nos. 4014-A, dated 15 March 1947 and 4014-S, dated 14 March 1947, U. S. C. G. Specification 160.008, former approval No. B-373, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/183/0, 15" x 15" x 2" seat, 20 oz. kapok, 15" x 20" x 2" back, 27 oz. kapok, double buoyant cushion, Dwg. Nos. 4013-A, dated 14 March 1947 and 4013-S, dated 14 March 1947, U. S. C. G. Specification 160.008, former approval No. B-374, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/184/0, 19" x 21" x 2" fishing chair design buoyant cushion, 36 oz. kapok, Dwg. Nos. 4010-A, dated 10 March 1947, U. S. C. G. Specification 160.008, former approval No. B-375, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/185/0, 15" x 20" x 2" rectangular buoyant cushion, 27 oz. kapok, Dwg. Nos. 4012-A, dated 14 March 1947, and 4012-S dated 13 March 1947, U. S. C. G. Specification 160.008, former approval No. B-376, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/186/0, 12" x 20" x 2" rectangular buoyant cushion, 22 oz. kapok, Dwg. Nos. 4011-A, dated 13 March 1947, and 4011-S dated 13 March 1947, U. S. C. G. Specification 160.008, former approval No. B-377, manufactured by Trojan Marine Manufacturing Co., Inc., 273-81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/187/0, 12" x 14" x 2" seat 15 oz. kapok,

12" x 18" x 2", back, 20 oz. kapok, Dwg. Nos. 4015–A, dated 16 March 1947 and 4015–S, dated 16 March 1947, U. S. C. G. Specification 160.008, former approval No. B–378, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/189/0, 14" x 18" x 2" rectangular buoyant cushion, 23 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–380, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/190/0, 16" x 18" x 2" rectangular buoyant cushion, 26 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–381, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/191/0, 15" x 30" x 2" rectangular buoyant cushion, 40 oz. kapok, Dwg. No. 4016, dated 30 March 1947, U. S. C. G. Specification 160.008, former approval No. B–382, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/192/0, 14" x 25" x 2" rectangular buoyant cushion, 31½ oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–383, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/193/0, 16" x 25" x 2" rectangular buoyant cushion, 36 oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–384, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/194/0, 15" x 26" x 2" rectangular buoyant cushion, 35 oz. kapok, Dwg. No. 4017, dated 1 April 1947, U. S. C. G. Specification 160.008, former approval No. B–385, manufactured by Trojan Marine Manufacturing Co., Inc., 273–81 State Street, Brooklyn 2, N. Y.

Termination of approval No. 160.008/195/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, The American Pad and Textile Co., Dwg. No. B–66, dated 23 February 1946, U. S. C. G. Specification 160.008, former approval No. B–386, manufactured by The American Pad & Textile Co., for Affiliated Retailers, Inc., 350 Fifth Avenue, New York, N. Y.

Termination of approval No. 160.008/196/0, 12" x 32" x 2" rectangular buoyant cushion, 34 oz., kapok, Dwg. Nos. C–230 and A–175, dated 21 April 1947 U. S. C. G. Specification 160.008, former approval No. B–339, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/199/0, 12" x 40" x 2" rectangular buoyant cushion, 43 oz., kapok, Dwg. Nos. C–232 and A–177, dated 21 April 1947, U. S. C. G. Specification 160.003, former approval No. B–390, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/200/0, 12" x 42" x 2" rectangular buoyant cushion 45 oz. kapok, Dwg. Nos. C–233 and A–178, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–391, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/201/0, 14" x 46" x 2" rectangular buoyant cushion, 57 oz. kapok, Dwg. Nos. C–234 and A–179, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–392, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/202/0, 14" x 48" x 2" rectangular buoyant cushion, 60 oz. kapok, Dwg. Nos. C–235 and A–180, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–393, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/203/0, 14" x 52" x 2" rectangular buoyant cushion, 65 oz. kapok, Dwg. Nos. C–236 and A–181, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–394, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/204/0, 14" x 54" x 2" rectangular buoyant cushion, 67 oz. kapok, Dwg. Nos. C–237 and A–182, dated 21 April 1947, U. S. C. G. Specification 160.008, former approval No. B–395, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.008/292/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, U. S. C. G. Specification 160.008, former approval No. B–484, manufactured by The American Pad & Textile Co., for Spiegel, Inc., 1061 West Thirty-fifth Street, Chicago, Ill.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Termination of approval No. 160.009/17/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–112, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.009/18/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–113, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.009/19/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–114, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.009/20/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–115, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Termination of approval No. 160.009/21/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–146, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Termination of approval No. 160.009/22/0, 20-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–147, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Termination of approval No. 160.009/23/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–148, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Termination of approval No. 160.009/24/0, 24-inch Balsa Wood Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–149, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif.

Termination of approval No. 160.009/28/0, 20-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–322, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

Termination of approval No. 160.009/29/0, 24-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval No. A–323, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

Termination of approval No. 160.009/30/0, 30-inch Cork Ring Life Buoy, U. S. C. G. Specification 160.009, former Approval Nos. B–197 and B–209, manufactured by Kent Marine Products Corp., 428 Great East Neck Road, West Babylon, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.4–1, 33.01–5, 33.40–1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

BUOYANT APPARATUS

Termination of approval No. 160.010/1/0, 4.0′ x 4.0′ (8″ x 12″ body section), solid balsa wood buoyant apparatus, 10-person capacity, Dwg. No. 10 dated December 12, 1935, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.010/2/0, 6.0′ x 4.0′ (10″ x 12″ body section) solid balsa wood buoyant apparatus, 20-person capacity, Dwg. No. 20, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.010/4/0, 4.0′ x 4.0′ (8″ x 16″ body section) solid balsa wood buoyant apparatus, 12-person capacity, Dwg. No. 12, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.010/5/0, 3.0′ x 3.0′ (10″ x 12″ body section) solid balsa wood buoyant apparatus, 6-person capacity, Dwg. No. 6 dated 25 February 1937, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.010/6/0, 3.0′ x 3.0′ (10″ x 12″ body section) solid balsa wood buoyant apparatus, 8-person capacity, Dwg. No. 8 dated 25 February 1937, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.010/9/0, 4.46′ x 3.79′ x .88′, spruce with copper tanks, buoyant apparatus, 15-person capacity, Dwg. No. 1778 dated 25 August 1939, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.010/10/0, 5.92′ x 4.08′ x .83′, spruce with copper air tanks, buoyant apparatus, 20-person capacity, Dwg. No. 1840 dated 14 June 1940, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.54a, 60.47a, 76.51a, 160.010)

LIGHTS, WATER: SELF IGNITING (CALCIUM CARBIDE–CALCIUM PHOSPHIDE TYPE)

Termination of approval No. 160.012/2/0, Galbraith Light, self-igniting, calcium carbide type water light, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 1333, 50 U. S. C. App. 1275; 46 CFR 160.012)

WINCHES, LIFEBOAT

Termination of approval No. 160.015/1/0, Type G, size No. 1 lifeboat winch, approved for maximum working load of 8,600 pounds pull at the drums (4,300 pounds per fall), identified by General Arrangement Dwg. No. 1150 dated 21 June 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.015/2/0, Type GH–6 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 4,740 pounds pull at the drums (2,370 pounds per fall), identified by General Arrangement Dwg. No. 7243–D dated 5 August 1940, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.015/3/0, Type BSH–10 lifeboat winch, approved for maximum working load of 16,000 pounds pull at the drums (8,000 pounds per fall), identified by General Arrangement Dwg. No. 1172–D dated 8 March 1944 and revised 24 October 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.015/4/0, Type WH–10 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 6 wraps of the falls on the drums, approved for maximum working load of 4,400 pounds pull at the drums (2,200 pounds per fall), identified by General Arrangement Dwg. No. 1189–D–1 dated 24 October 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.015/5/0, Type WH–5 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,000 pounds pull at the drums (3,000 pounds per fall), identified by General Arrangement Dwg. No. 1029–D, dated 1 May 1942 and revised 16 June 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.015/6/0, Type S. E. W.–19–Q. R. lifeboat winch, approved for maximum working load of 6,340 pounds pull at the drums (3,170 pounds per fall), identified by General Arrangement Dwg. No. B. A. 380 dated 21 July 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.015/7/0, Type S. E. W.–10 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 2 wraps of the falls on the drums, approved for maximum working load of 3,334 pounds pull at the drums (1,667 pounds per fall), identified by General Arrangement Dwg. No. BA 381 dated 24 July 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.015/8/0, Type S. E. W.–19 lifeboat winch, approved for maximum working load of 8,000 pounds pull at the drums (4,000 pounds per fall), identified by General Arrangement Dwg. No. B. A. 240 dated 11 December 1941, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.015/9/0, Type S. E. W.–27 lifeboat winch, approved for maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by General Arrangement Dwg. No. A. A. 129 dated 26 April 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.015/10/0, Type H. W.–10.5 lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 2 wraps of the falls on the drums, approved for maximum working load of 3,500 pounds pull at the drums (1,750 pounds per fall), identified by General Arrangement Dwg. No. B. A. 419 dated 24 January 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.015/11/0, Type W. H. 3402 lifeboat winch, approved for maximum working load of 17,600 pounds pull at the drums (8,800 pounds per fall), identified by General Arrangement Dwg. No. 3402 dated 10 August 1944 and revised 2 September 1944, manufactured by Modern Boat & Engineering Co., 30 North La Salle Street, Chicago, Ill.

Termination of approval No. 160.015/12/0, Type W. H. 3407 lifeboat winch, approved for maximum working load of 7,000 pounds direct pull at the drums (3,500 pounds per fall), identified by General Arrangement Dwg. No. 3407 dated 11 January 1945, manufactured by Modern Boat & Engineering Co., 30 North La Salle Street, Chicago, Ill.

Termination of approval No. 160.015/13/0, Type DM lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ⅜ inch in diameter and with not more than 4 wraps of the falls on the drums, approved for maximum working load of 3,840 pounds pull at the drums (1,920 pounds per fall), identified by General Arrangement Dwg. Nos. 1201 RT–183 and 1202 RT–183 dated 27 July 1942, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.015/14/0, Type "New England" lifeboat winch for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 9 wraps of the falls on the drums, approved for maximum working load of 5,000 pounds pull at the drums (2,500 pounds per fall), identified by General Arrangement Dwg. No. R–2496–A dated 24 September 1943 and Dwg. No. R–2497–A dated 27 September 1943, manufactured by New England Trawler Equipment Co., Eastern Avenue, Chelsea 50, Mass.

Termination of approval No. 160.015/15/0, Type H68 lifeboat winch, formerly type HC, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 2564 dated 29 March 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/16/0, Type H68N lifeboat winch, formerly type HC–N, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 2564–13 dated 23 March 1943 and revised 22 July 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/17/0, Type H68S lifeboat winch, formerly type HSX, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. HSX–1 dated 10 July 1940, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/18/0. Type H68SN lifeboat winch, formerly type HSN, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 5 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums

(3,400 pounds per fall), identified by General Arrangement Dwg. No. HSX–1 dated 10 July 1940, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/19/0, Type D68 lifeboat winch, formerly type HD, for use with mechanical davits, fitted with wire rope not greater than ½ inch in diameter and with not more than 6 wraps of the falls on the drums, approved for maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by General Arrangement Dwg. No. 3087 dated 11 March 1946 and revised 26 April 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/20/0, Type C70 lifeboat winch, formerly type CWB, single drum, for use with mechanical davits, fitted with wire rope not greater than 9/16 inch in diameter and with not more than 3 wraps of the falls on the drums, approved for maximum working load of 6,970 pounds pull at the drums (3,485 pounds per fall), identified by General Arrangement Dwg. No. 2118 dated 5 December 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/21/0, Type C70N lifeboat winch, formerly type CWB–N, for use with mechanical davits, fitted with wire rope not greater than 9/16 inch in diameter and with not more than 3 wraps of the falls on the drums, approved for maximum working load of 6,970 pounds pull at the drums (3,485 pounds per fall), identified by General Arrangement Dwg. No. 2676–6 dated 19 August 1943 and revised 10 January 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/22/0, Type B110 lifeboat winch formerly type CWB double drum, approved for maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall) identified by General Arrangement Dwg. No. 2105 dated 12 November 1941 and revised 27 November 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/24/0, Type B135N lifeboat winch, formerly type CWB–6N, approved for maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by General Arrangement Dwg. No. 2676–2 dated 11 August 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval N. 160.015/25/0, Type V65 lifeboat winch, formerly type CV, approved for maximum working load of 6,500 pounds pull at the drums (3,250 pounds per fall), identified by General Arrangement Dwg. No. 2651 dated 28 June 1943 and revised 22 October 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/26/0, Type B172 lifeboat winch formerly type BWB, approved for maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by General Arrangement Dwg. No. 2114 dated 1 December 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/28/0, Type B200 lifeboat winch, formerly type BWB–1, approved for maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by General Arrangement Dwg. No. 2657 dated 4 June 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/29/0, Type B172H lifeboat winch, formerly type BWB horizontal, approved for maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by General Arrangement Dwg. No. 2477–N dated 15 July 1941 and revised 9 December 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy N. J.

Termination of approval No. 160.015/30/0, Type A150 lifeboat winch, formerly type A, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 2917 dated 15 November 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/31/0, Type A200 lifeboat winch, formerly type AH, approved for maximum working load of 20,000 pounds pull at the drums (10,000 pounds per fall), identified by General Arrangement Dwg. No. 2927 dated 22 December 1944 and revised 23 March 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/32/0, Type A150H lifeboat winch, formerly type AHS horizontal, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 2990–4 dated 22 December 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/33/0, Type A150V lifeboat winch, formerly type AHS vertical, approved for maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by General Arrangement Dwg. No. 3046–1 dated 22 December 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.015/43/0, Type H–40 lifeboat winch for use with mechanical davits; fitted with wire rope not greater than 3/4 inch in diameter and with not more than 5 wraps of the falls on the drums; approved for maximum working load of 4,000 pounds at the drums (2,000 pounds per fall) identified by General Arrangement Dwg. No. 3054–5, dated 17 April 1946 and revised 30 April 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LAMPS, SAFETY, FLAME

Termination of approval No. 160.016/1/0, American type "1–B", naphtha burning, key lock, Flame Safety Lamp, manufactured by American Safety Lamp & Mine Supply Co., Scranton, Pa.

(R. S. 4405, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.016)

LADDERS, EMBARKATION–DEBARKATION (FLEXIBLE)

Termination of approval No. 160.017/2/0, Embarkation-debarkation ladder, chain suspension, wood ears, Drawing No. 407, dated 17 July 1943, manufactured by Kent Marine Products Co., 426 Great East Neck Road, West Babylon, N. Y.

Termination of approval No. 160.017/6/0, Type 8PL–A embarkation-debarkation ladder, chain suspension, aluminum ears, Drawing No. 8PL–A, dated 5 June 1946, manufactured by H. K. Metal Craft Manufacturing Co., 3775–3789 Tenth Avenue at Two Hundred and Third St., New York 34, N. Y.

Termination of approval No. 160.017/7/0, Viking Type B–2, embarkation-debarkation ladder, Wire rope suspension, wood ears, W. C. Nickum and Sons Drawing No. 561–S1604–30, dated 8 April 1947, manufactured by Viking Marine Co.., 253 Colman Building, Seattle, Wash.

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

LIFE RAFTS

Termination of approval No. 160.018/1/0, 9.67′ x 8.67′ x 3.42′ life raft, 18–person capacity, identified by General Arrangement Dwg. No. G–281, dated 12 January 1942 and revised 15 December 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.018/2/0, 11.92′ x 8.67′ x 3.42′ life raft, 20–person capacity, identified by General Arrangement Dwg. No. G–309 dated 3 March 1943 and revised 22 April 1943, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.018/3/0, 10.63′ x 7.54′ x 3.31′ life raft, 17–person capacity, identified by General Arrangement Dwg. No. 47–CREV dated 3 January 1942, manufactured by Geo. W. Kneass Co., Eighteenth and Illinois Streets, San Francisco, Calif.

Termination of approval No. 160.018/4/0, 11.04′ x 8.58′ x 3.17′ life raft, 18–person capacity, identified by General Arrangement Dwg. No. S–18 revised 16 March 1942, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.018/6/0, 9.46′ x 8.69′ x 3.54′ life raft, 18–person capacity, identified by General Arrangement Dwg. No. 154–A dated 10 February 1942, manufactured by Lane Lifeboat and Davit Corporation, 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.018/7/0, 10.04′ x 8.23′ x 3.87′ life raft, 18–person capacity, identified by General Arrangement Dwg. No. 153–A dated 13 February 1942, manufactured by Lane Lifeboat and Davit Corporation, 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 246, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.018)

SEA ANCHORS, LIFEBOAT

Termination of approval No. 160.019/7/0, Type T Sea Anchor, U. S. C. G. Drawing No. MMI–562 and Specification, dated 1 November 1943, revised 24 August 1944, manufactured by Kent Marine Products Corp., 426 Great East Neck Road, West Babylon, N. Y.

(R. S. 4405 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14, 160.019)

MIRRORS, EMERGENCY SIGNALING

Termination of approval No. 160.020/1/0, No. ESM/1, emergency signaling mirror, Drawing No. 165–22–E–365GE, dated 1 March 1943, manufactured by General Electric Co., Trumbull Lamp Works, 1313 West Market Street, Warren, Ohio.

Termination of approval No. 160.020/3/0, Scotchlite Type, Size 20, emergency signaling miror, Drawing No. 165–22–E–388GE, dated 27 September 1945, manufactured by General Electric Co., Trumbull Lamp Works, 1313 West Market Street, Warren, Ohio.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, 245, as amended: 46 U. S. C. 367, 375, 391a, 404, 463a, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.020)

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Termination of approval No. 160.024/3/0, Aluminum shell parachute flare cartridge, Drawing Marine No. 3, manufactured by Hitt Fireworks Co., 5234 Thirty-seventh Avenue South, Seattle, Wash.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 381, 489, 1333, 50 U. S. C.; App. 1275; 46 CFR 160.024)

NOZZLES, WATER SPRAY (FIXED TYPE)

Termination of approval No. 160.025/7/0, Day Vapor, Model M 1½'' fixed type, Water Spray Nozzle, Drawing No. B–1 dated 7 February 1938, manufactured by Joseph L. Day, 671 West Delavan Avenue, Buffalo, N. Y.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended: 46 U. S. C. 367, 375, 391a, 404, 489, 463a, 50 U. S. C. App. 1275; 46 CFR 34.10–40, 61.14)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Termination of approval No. 160.026/1/0, Container for emergency provisions, Drawing dated 15 April 1944, Specification dated 3 July 1944, Chemical Service of Baltimore, Howard and West Streets, Baltimore 30, Md.

Termination of approval No. 160.026/2/0, Container for emergency drinking water, Drawing dated 15 April 1944, Specification dated 3 July 1944, Chemical Service of Baltimore, Howard and West Streets, Baltimore 30, Md.

Termination of approval No. 160.026/3/0, Container for emergency provisions, Drawing No. 667, dated 20 July 1943, Specification dated 3 July 1944, The Multiple Breaker Co., 918 Beacon Street, Boston 15, Mass.

Termination of approval No. 160.026/4/0, Container for emergency drinking water, Drawing No. 668 dated 20 July 1943, revised 9 August 1944, Specification dated 3 July 1944, The Multiple Breaker Co., 918 Beacon Street, Boston 15, Mass.

Termination of approval No. 160.026/5/0, Container for emergency provisions, Drawing dated 7 September 1944, Specification dated 12 September 1944, California Ration & Equipment Co., 1960 Carrol Avenue, San Francisco, Calif.

Termination of approval No. 160.026/6/0, Container for emergency drinking water, Drawing dated 7 September 1944, Specification dated 12 September 1944, California Ration & Equipment Co., 1960 Carrol Avenue, San Francisco, Calif.

Termination of approval No. 160.026/7/0, Container for emergency provisions, Drawing No. 15 dated 20 February 1945, Specification dated 3 July 1944, Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 59.11)

LIFE FLOATS

Termination of approval No. 160.027/1/0, Elliptical balsa wood life float, 10 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.027/2/0, Elliptical balsa wood life float, 15 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.027/3/0, Elliptical balsa wood life float, 25 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

Termination of approval No. 160.027/4/0, Elliptical balsa wood life float, 40 person capacity, Drawing No. 6243 dated 2 June 1943, Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.027)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Termination of approval No. 160.028/2/0, Mark IV signal pistol, Drawing 1–CG, revised 24 May 1943, manufactured by R. F. Sedgley, Inc., J and Ontario Streets, Philadelphia, Pa.

Termination of approval No. 160.028/5/0, Mark IV signal pistol, Drawing No. B–4–3318, dated 16 September 1944, manufactured by Harrington & Richardson Arms Co., Worcester, Mass.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14)

LINE-THROWING APPLIANCES, LYLE GUN TYPE

Termination of approval No. 160.029/1/0, Model F, bronze line-throwing gun, mounted type, Drawing No. M–100–3, dated 6 August 1942, manufactured by Naval Co., Old Eastern Highway, Doylestown, Pa.

Termination of approval No. 160.029/2/0, Bronze line-throwing gun, mounted type, Drawings 263, 1071, and A–243, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.029/3/0, Steel line-throwing gun, mounted type, Drawings 263, 1063, and 1070, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.029/4/0, Steel line-throwing gun, mounted type, Drawing No. D–1374–GD, Alt. C., dated 24 April 1942, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

Termination of approval No. 160.029/5/0, Type B, bronze line-throwing gun, mounted type, Drawing No. DP1814–AS, revision A, dated 1 July 1943, manufactured by Heat Transfer Products Inc., 90 West Street, New York, N. Y.

Termination of approval No. 160.029/6/0, Model F–B, bronze line-throwing gun, mounted type, Drawing No. M–108–B dated 27 April 1944, manufactured by Naval Co., Old Eastern Highway, Doylestown, Pa.

Termination of approval No. 160.029/7/0, line-throwing gun, mounted type, Drawing No. A–230A, dated 5 December 1943, manufactured by Kent Marine Products Corp., 426 Great East Neck Road, West Babylon, N. Y.

Termination of approval No. 160.029/8/0, Model S, steel line-throwing gun, mounted type, Drawing No. DS–256, dated 6 January 1944, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

Termination of approval No. 160.029/9/0, Model B, short barrel line-throwing gun, mounted type, Drawing No. DS–257, dated 9 January 1944, manufactured by Heat Transfer Products, Inc., 90 West Street, New York, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.55–1, 59.61)

FIRING ATTACHMENTS, MECHANICAL (WITH ACCESSORIES) FOR LYLE GUN TYPE LINE-THROWING APPLIANCES

Termination of approval No. 160.-030/1/0, Model VK–M20 firing attachment for line-throwing gun, Drawing VK–M–20, dated 12 September 1945, manufactured by Van Karner Chemical Arms Corporation, 202 East Forty-fourth Street, New York 17, N. Y.

Termination of approval No. 160.-030/2/0, Model F–100–A firing attachment for line-throwing gun, Drawing F–100–A, dated 30 September 1945, manufactured by Naval Co., Old Easton Highway, Doylestown, Pa.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 345, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.55–1, 59.61)

LINE-THROWING APPLIANCES, SHOULDER GUN TYPE

Termination of approval No. 160.031/1/0, Model 66, 45/70 caliber line-throwing gun, shoulder type, Drawing No. D–000, dated 29 June 1943, manufactured by Harrington & Richardson Arms Co., Worcester, Mass.

Termination of approval No. 160.031/2/0, Bridger, 45/70 caliber line-throwing gun, shoulder type, Drawing No. H–102, dated 26 September 1945, manufactured by Naval Co., Old Easton Highway, Doylestown, Pa.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 33.55–1, 59.61)

DAVITS, LIFEBOAT

Termination of approval No. 160.032/1/0, Mechanical Davit, straight boom sheath screw, size A–7–0. Approved for maximum working load of 13,600 pounds per set (6,800 pounds per arm) using not less than 3 part falls, identified by General Arrangement Dwg. No. 599–S8200–3 dated 6 April 1945 and revised 18 February 1946, manufactured by Consolidated Services & Supply Co., 71 Columbia Street, Seattle 4, Wash.

Termination of approval No. 160.032/2/0, Gravity Davit, size 2866, approved for maximum working load of 17,200 pounds per set (8,600 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 1123 dated 22 April 1942 manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.032/3/0, Mechanical Davit, Steward Type, size 2A–7–0, approved for maximum working load of 16,700 pounds per set (8,350 pounds per arm), using not less than 2 part falls. Identified by General Arrangement Dwg. No. A–100 dated 30 October 1939, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.032/4/0, Mechanical Davit, Steward Type, Size 4A–6–1, approved for maximum working load of 10,576 pounds per set (5,288 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. A–102 dated 1 April 1940, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.032/5/0, Mechanical Davit, Steward Type, Size 5A–5–6, approved for maximum working load of 8,180 pounds per set (4,090 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 1296 dated 22 March 1943, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.032/6/0, Mechanical Davit, Steward Type, Size 3A–6–6, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 101 dated 29 December 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.032/7/0, Mechanical Davit, Straight Boom Sheath Screw, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm), identified by General Arrangement Dwg. No. S–82–1 dated 25 November 1941, manufactured by Gulf Shipbuilding Corp., Post Office Box 1365, Mobile 8, Ala.

Termination of approval No. 160.032/8/0, Gravity Davit, Type A–1, approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using one part falls. Identified by General Arrangement Dwg. No. 565–E dated 12 October 1943 and revised 2 June 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/9/0, Gravity Davit, Type A, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using one part falls. Identified by General Arrangement Dwg. No. NY–4028, dated 4 January 1941 and revised 6 October 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/10/0, Mechanical Davit, Crescent Boom Sheath Screw Type 5–SS–6–0, approved for maximum working load of 4,496 pounds per set (2,248 pounds per arm). Identified by General Arrangement Dwg. No. NY–4032 dated 29 January, 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/11/0, Mechanical Davit, Crescent Boom Sheath Screw Type 3–SS–7–0, approved for maximum working load of 16,750 pounds per set (8,375 pounds per arm). Identified by General Arrangement Dwg. No. 4010 dated 13 August 1940, manufactured by The Landley Co., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/12/0, Mechanical Davit, Crescent Boom Sheath Screw Type 4–CS–6–6–X, approved for maximum working load of 9,500 pounds per set (4,750 pounds per arm) using not less than 2 part falls. Identified by General Arrangement Dwg. No. 331–D–X dated 7 April 1942 and revised 16 June 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/13/0, Mechanical Davit, Straight Boom Sheath Screw Type 8–SS–6–0, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm). Identified by General Arrangement Dwg. No. 5661–E dated 21 January 1941 and revised 21 February 1941, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/14/0, Mechanical Davit, Straight Boom Sheath Screw Type 3A–S–6–6, approved for maximum working load of 12,200 pounds per set (6,100 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. 425–D, dated 25 October 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/15/0, Mechanical Davit, Steward Type, Size 5–7–0, approved for maximum working load of 7,500 pounds per set (3,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 130–D dated 27 February 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/16/0, Mechanical Davit, Steward Type, Size 6–6–0–X–X, approved for maximum working load of 6,000 pounds per set (3,000 pounds per arm). Identified by General Arrangement Dwg. No. 100–D dated 2 February 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/17/0, Mechanical Davit, Steward Type, size 4–6–10, approved for maximum working load of 10,400 pounds per set (5,200 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 170–D dated 10 April 1942, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/18/0, Mechanical Davit, Steward Type, Size 5–6–0–S, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm). Identified by General Arrangement Dwg. No. S–150–D dated 30 November 1942 and revised 14 October 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/19/0, Mechanical Davit, Steward Type, Size 2X–7–0–L, approved for maximum working load of 15,000 pounds per set (7,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 220–D dated 1 May 1943, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/20/0, Mechanical Davit, Straight Boom Sheath Screw Size 5–S–6–0, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 445–D dated 12 November 1943 and revised 21 February 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/21/0, Mechanical Davit, Straight Boom Sheath Screw Type 3–S–6–6, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 460–D dated 24 July 1944 and revised 19 September 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/22/0, Mechanical Davit, Crescent Boom Sheath Screw Size 4–CS–6–6, approved for maximum working load of 11,000 pounds per set (5,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 330–D dated 29 September 1944, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.032/23/0, Gravity Davit, Type 51–66, approved for maximum working load of 19,000 pounds per set (9,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–111 dated 10 November 1941, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/24/0, Gravity Davit, Type GR–16, approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–133 dated 4 October 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/25/0, Gravity Davit, Type GR–27, approved for maximum working load of 27,000 pounds per set (13,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–122 dated May 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/26/0, Gravity Davit, Type GR–19B, approved for maximum working load of 19,000 pounds per set (9,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. AA–113 dated 12 January 1942, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/27/0, Mechanical Davit, Type MD–65, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA–224 dated 28 October 1941, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/28/0, Mechanical Davit, Type MD 35–14, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 278B, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/29/0, Mechanical Davit, Type MD 45–10.5, approved for maximum working load of 10,000 pounds per set (5,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 342 dated 20 January 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/30/0, Mechanical Davit, Type MD 65–12, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA 397B dated 24 August 1944 and revised 1 March 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/31/0, Mechanical Davit, Type MD 90–17.5, approved for maximum working load of 19,200 pounds per set (9,600 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA 376 dated 17 June 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/32/0, Mechanical Davit, Type ND 65–16, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. BA–429, dated 19 January 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/33/0, Mechanical Davit, Type RD 5–10. Approved for maximum working load of 5,800 pounds per set (2,900 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. CA 395, dated 10 January 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue Brooklyn 14, N. Y.

Termination of approval No. 160.032/34/0, Mechanical Davit, Type S. S. L. 5–10.5, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. BA343 dated 31 January 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/35/0, Mechanical Davit, Type S. S. L. 10.5–11.5, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. BA 421 dated 18 December 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue Brooklyn 14, N. Y.

Termination of approval No. 160.032/36/0, Mechanical Davit, Type S. S. L. 14, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. CA 301 dated 25 May 1942, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/37/0, Mechanical Davit, Type S. S. L. 5, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 4 part falls. Identified by General Arrangement Dwg. No. CA 300–B dated 30 August 1946, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.032/38/0, Gravity Davit, Type A–1 approved for maximum working load of 16,000 pounds per set (8,000 pounds per arm) using 1 part falls. Identified by General Arrangement Dwg. No. D–2446 dated 31 July 1944, manufactured by Modern Boat & Engineering Co., 6100 North Western Avenue, Chicago 45, Ill.

Termination of approval No. 160.032/39/0, Gravity Davit, Type B–1, approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. D–2572 dated 10 February 1945 and revised 3 April 1945, manufactured by Modern Boat & Engineering Co., 6100 North Western Avenue, Chicago 45, Ill.

Termination of approval No. 160.032/40/0, Gravity Davit, Type 28A, approved for maximum working load of 17,000 pounds per set (8,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2892, dated 17 August 1945 and revised 26 September 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/41/0, Gravity Davit, Type 33A, approved for maximum working load of 32,000 pounds per set (16,000 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2893, dated 20 August 1945 and revised 15 November 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/42/0, Gravity Davit, Type 135 (welded head) approved for maximum working load of 43,000 pounds per set (21,500 pounds per arm; 17,200 pounds taken by falls and 4,300 pounds taken by davit head) using 2 part falls. Identified by General Arrangement Dwg. No. 2096 dated 30 October 1941 and revised 10 December 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/43/0, Gravity Davit, Type 30–V, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2 part falls. Identified by General Arrangement Dwg. No. 2649 dated 30 October 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/45/0, Mechanical Davit, Crescent Sheath Screw Type CAB, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 2066, dated 12 April 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/46/0, Gravity Davit, Type 51–59, ap-

proved for maximum working load of 15,500 pounds per set (7,750 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 5159–1 dated 17 November 1941 and revised 21 May 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/47/0, Gravity Davit, Type 60–75, approved for maximum working load of 21,000 pounds per set (10,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 6075–1 dated 25 November 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/48/0, Gravity Davit, Type 135 (Riveted Head), approved for maximum working load of 43,000 pounds per set (21,500 pounds per arm; 17,200 pounds taken by falls and 4,300 pounds taken by davit head) using 2 part falls. Identified by General Arrangement Dwg. No. 2227 dated 17 March 1942 and revised 30 September 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/49/0, Gravity Davit, Type 135–S, approved for maximum working load of 41,000 pounds per set (20,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2635 dated 16 June 1943 and revised 12 January 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/50/0, Gravity Davit Type 76–99, approved for maximum working load of 27,000 pounds per set (13,500 pounds per arm) using 2 part falls. Identified by General Arrangement Dwg. No. 2400 dated 12 October 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/51/0, Gravity Davit Type 26A approved for maximum working load of 14,000 pounds per set (7,000 pounds per arm) using 2-part falls. Identified by General Arrangment Dwg. No. 3047 dated 24 September 1945, and revised 25 July 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/52/0, Gravity Davit, Type 36A approved for maximum working load of 35,000 pounds per set (17,500 pounds per arm) using 2-part falls. Identified by General Arrangement Dwg. No. 3047 dated 24 September 1945 and revised 25 July 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/53/0, Mechanical Davit Crescent Sheath Screw Type A, approved for maximum working load of 5,070 pounds per set (2,535 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1952 dated 17 March 1941 and revised 31 October 1941, manufacturer by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/54/0, Mechanical Davit, Crescent Sheath Screw Type A–5W, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1904–1 dated 15 March 1940 and revised 1 July 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/55/0, Mechanical Davit, Crescent Sheath Screw Type B, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 1974 dated 21 April 1941 and revised 4 November 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/56/0, Mechanical Davit, Crescent Sheath Screw Type C approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 2082 dated 17 October 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/57/0, Mechanical Davit, Crescent Sheath Screw Type AA, approved for maximum working load of 6,000 pounds per set (3,000 pounds per arm) using not less than 3 part falls. Identified by General Arrangement Dwg. No. 3070–3 dated 13 February 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/58/0, Mechanical Davit, Quadrant Type B, approved for maximum working load of 15,500 pounds per set (7,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. B–50 dated 24 February 1920 and revised 15 October 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/59/0, Mechanical Davit, Quadrant Type C, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. C–50 dated 22 November 1932 and revised 15 October 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/60/0, Mechanical Davit, Quadrant Type D–48, approved for maximum working load of 9,700 pounds per set (4,850 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–48 dated 7 November 1938, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/61/0, Mechanical Davit, Quadrant Type D–48A, approved for maximum working load of 8,100 pounds per set (4,050 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–48 dated 7 November 1938, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/62/0, Mechanical Davit, Quadrant Type D-54, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. D–54, dated 1 July 1920 and revised 25 November 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy,. N. J.

Termination of approval No. 160.032/63/0, Mechanical Davit, Straight Boom Sheath Screw, Type A, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 1996, dated 28 May 1941 and revised 11 September 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/64/0, Mechanical Davit, Straight Boom Sheath Screw, Type A-7, approved for maximum working load of 7,000 pounds per set (3,500 pounds per arm) using not less than 2 part falls. Identified by General Arrangement Dwg. No. 1967, dated 14 April 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/65/0, Mechanical Davit, Straight Boom Sheath Screw, Type A-66, approved for maximum working load of 8,000 pounds per set (4,000 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2260 dated 29 April 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/66/0, Mechanical Davit, Straight Boom Sheath Screw, Type B, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2203, dated 18 February 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/67/0, Mechanical Davit, Straight Boom Sheath Screw, Type B-N, approved for maximum working load of 13,500 pounds per set (6,750 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2411 dated 16 October 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/68/0, Mechanical Davit Straight Boom Sheath Screw, Type C, approved for maximum working load of 12,200 pounds per set (6,100 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 2549 dated 13 March 1943 and revised 23 March 1943, manufactured by Welin Davit and Boat, Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.032/69/0, Mechanical Davit, Straight Boom Sheath Screw, Type BB, approved for maximum working load of 15,400 pounds per set (7,700 pounds per arm) using not less than 6 part falls. Identified by General Arrangement Dwg. No. 3108–1, dated 22 June 1942 and revised 29 June 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e) 55 Stat. 244 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.032)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Termination of approval No. 160.033/1/0, Steward type A releasing gear, approved for maximum working load of 15,300 pounds per set (7,650 pounds per hook), identified by General Arrangement Dwg. No. A–104 dated 19 March 1940 and revised 17 October 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.033/2/0, Steward type B releasing gear, approved for maximum working load of 22,400 pounds per set (11,200 pounds per hook), identified by General Arrangement Dwg. No. A–104 dated 19 March 1940 and revised 17 October 1942, approved for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.033/3/0, Rottmer type, size A, releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. 1212R dated 18 August 1942, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.033/5/0, Mills type releasing gear, approved for maximum working load of 23,000 pounds per set (11,500 pounds per hook), identified by General Arrangement Dwg. Nos. 374A and 375A dated 20 March and 25 March 1946 respectively, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by C. C. Galbraith & Son Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.033/6/0, Mills type F releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. CD–1111 dated 15 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Imperial Lifeboat & Davit Co., Inc., Perth Amboy, N. J.

Termination of approval No. 160.033/7/0, Mill type G releasing gear approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. CD–1111 dated 15 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/8/0, Rottmer type, Assembly A, releasing gear, approved for maximum working load of 12,400 pounds per set (6,200 pounds per hook), identified by General Arrangement Dwg. No. S82–1–23 dated 5 April 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/9/0, Rottmer type R–1 releasing gear, approved for maximum working load of 15,300 pounds per set (7,650 pounds per hook), identified by General Arrangement Dwg. No. S82–1–28 dated 28 April 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/10/0, Rottmer type, Model R–2, releasing gear, approved for maximum working load of 19,000 pounds per set (9,500 pounds per hook), identified by General Arrangement Dwg. No. S82–1–35 dated 18 May 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/11/0, Rottmer type, Model R–3, releasing gear, approved for maximum working load of 18,200 pounds per set (9,100 pounds per hook), identified by General Arrangement Dwg. No. S82–1–39 dated 27 June 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/12/0, Rottmer type, Model OR5, releasing gear, approved for maximum working load of 25,200 pounds per set (12,600 pounds per hook), identified by General Arrangement Dwg. No. 2036 dated 16 December 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.033/13/0, Rottmer type 5A releasing gear, approved for maximum working load of 20,400 pounds per set (10,200 pounds per hook), identified by General Arrangement Dwg. No. 5A–1A dated 9 June 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.033/14/0, Steward type AA releasing gear, approved for maximum working load of 8,500 pounds per set (4,250 pounds per hook), identified by General Arrangement Dwg. No. S–676–F dated 2 December 1927 and revised 12 January 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by The Landley Co., Inc., 15 Park Row, New York 7, N. Y.

Termination of approval No. 160.033/15/0, Mills type, size C, releasing gear, approved for maximum working load of 13,000 pounds per set (6,500 pounds per hook), identified by General Arrangement Dwg. No. S–122 dated 3 November 1942, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.033/16/0, Mills type, size D, releasing gear, approved for maximum working load of 19,000 pounds per set (9,500 pounds per hook), identified by General Arrangement Dwg. No. M128 dated 15 July 1943, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn, 14, N. Y.

Termination of approval No. 160.033/17/0, Rottmer type, size A, releasing gear, approved for maximum working load of 13,000 pounds per set (6,500 pounds per hook), identified by Detail Dwg. No. R101 dated 6 December 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.033/18/0, Rottmer type, size B, releasing gear, approved for maximum working load of 20,600 pounds per set (10,300 pounds per hook), identified by Detail Dwg. No. R–109 dated 21 April 1944 and revised 18 October 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.033/19/0, Rottmer type, size C, releasing gear, approved for maximum working load of 27,050 pounds per set (13,530 pounds per hook), identified by Detail Dwg. No. R–114 dated 7 July 1944 and revised 18 September 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.033/20/0, Rottmer type A releasing gear, approved for maximum working load of 9,000 pounds per set (4,500 pounds per hook), identified by General Arrangement Dwg., No. 258Z undated, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.033/21/0, Rottmer type B releasing gear, approved for maximum working load of 11,000 pounds per set (5,500 pounds per hook), identified by General Arrangement Dwg. No. 259Z dated 6 May 1943, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.033/22/0, Rottmer type C releasing gear, approved for maximum working load of 14,200 pounds per set (7,100 pounds per hook), identified by General Arrangement Dwg. No. 260Z undated, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.033/23/0, Mills type, size A, releasing gear, approved for maximum working load of 12,000 pounds per set (6,000 pounds per hook), identified by General Arrangement Dwg. No. 1862 dated 11 December 1940, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.033/24/0, Mills type, size B, releasing gear, approved for maximum working load of 23,400 pounds per set (11,700 pounds per hook), identified by General Arrangement Dwg. No. 1862 dated 11 December 1940, for use on all vessels except ocean

and coastwise over 3,000 gross tons, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.033/25/0, Mills type, size C, releasing gear, approved for maximum working load of 35,800 pounds per set (17,900 pounds per hook), identified by General Arrangement Dwg. No. 1862 dated 11 December 1940, for use on all vessels except ocean and coastwise over 3,000 gross tons, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10–15, 33.10–20, 59.68, 76.62, 94.59, 160.033)

HAND PROPELLING GEAR, LIFEBOAT

Termination of approval No. 160.034/1/0, 1943 model hand propelling gear, identified by Dwg. No. 110 dated 16 April 1943, manufactured by Allen Manual Motors, 695 Castro Street, San Francisco, Calif.

Termination of approval No. 160.034/2/0, Fleming type W hand propelling gear, identified by Arrangement Dwg. No. 320 dated 20 April 1939, manufactured by Fleming Oarless Lifeboat Corp., 61 Broadway, New York 6, N. Y.

Termination of approval No. 160.034/3/0, Ro-Tork hand propelling gear, identified by Assembly Dwg. 3301 dated 23 September 1944 and revised 31 October 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.034/4/0, Morrison type hand propelling gear, identified by unnumbered Dwg. dated August 1941, manufactured by Frank Morrison & Son Co., 1330 West 11th Street, Cleveland, Ohio.

Termination of approval No. 160.034/5/0, Welin type hand propelling gear, identified by General Arrangement Dwg. No. 1595 dated 15 October 1937 and revised 16 July 1941, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.034/7/0, Fleming patent hand propelling gear, identified by Assembly and Arrangement Dwg. Nos. 2013 and 2015 dated 7 December 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 160.034)

LIFEBOAT

Termination of approval No. 160.035/1/0, 16.0′ x 5.5′ x 2.38′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. LB–125, dated 23 March 1942 and revised 12 December 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans 16, La.

Termination of approval No. 160.035/2/0, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. NL–18–12–P, dated 30 October 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans 16, La.

Termination of approval No. 160.035/3/0, 22.0′ x 7.5′ x 2.75′ steel, oar propelled lifeboat, 24-person capacity, identified by construction and arrangement Dwg. No. LB–24–P, Sheet No. 1, dated 9 July 1942 and revised 19 September 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans 16, La.

Termination of approval No. 160.035/4/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. NL–31–PW Sheets 1A and 2A, dated 21 September 1942, manufactured by Neptune Boat & Davit Co., Inc., New Orleans 16, La.

Termination of approval No. 160.035/5/0, 24.0′ x 8.0′ x 3.75′ steel, oar-propelled lifeboat, 38-person capacity, identified by construction and arrangement Dwg. No. NL–450, dated 2 April 1943, manufactured by Neptune Boat & Davit Co., Inc., New Orleans 16, La.

Termination of approval No. 160.035/6/0, 24.0′ x 8.0′ x 3.75′, steel motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. NL–450 M. B. dated 24 March 1943, manufactured by Neptune Boat & Davit Co., Inc., New Orlean 16, La.

Termination of approval No. 160.035/7/0, 14.0′ x 4.8′ x 2.0′, steel oar-propelled lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. G–360, dated 19 March 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/8/0, 12.0′ x 4.5′ x 1.92′, steel oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement Dwg. No. G–211A, dated 25 May 1945 and revised 25 May 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/9/0, 14.0′ x 5.0′ x 2.2′, steel, oar-propelled lifeboat, 9-person capacity, inland waters only, identified by construction and arrangement Dwg. No. G–359, dated 23 March 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/13/0, 18.0′ x 5.5′ x 2.4′, steel, oar-propelled lifeboat, 14-person capacity, identified by construction and arrangement Dwg. No. G–229–R1, dated 16 June 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/14/0, 20.0′ x 6.0′ x 2.6′, steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. G–130–1, dated 4 May 1945, manufactured by C. C. Galbaith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/15/0, 20.0′ x 6.5′ x 2.6′ steel oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement Dwg. No. G–363–D, dated 21 December 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/18/0, 22.0′ x 7.5′ x 3.167′ steel motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. G–344, dated 5 July 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/19/0, 24.0′ x 7.0′ x 3.0′ steel oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. G–338 dated 8 February 1944 and revised 25 April 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/21/0, 24.0′ x 7.75′ x 3.13′, steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. G–126–K, dated 16 October 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/23/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled T-bar keel lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. G–303, dated 11 January 1943 and revised 21 November 1944, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/24/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. G–365, dated 16 June 1945 and revised 1 August 1945, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/25/0, 26.0′ x 7.75′ x 3.25′ steel oar-propelled T-bar keel lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. G–389, dated 6 September 1946 and revised 15 October 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/28/0, 28.0′ x 10.0′ x 4.0′, steel motor-propelled lifeboat without radio cabin, 60-person capacity, identified by construction and arrangement Dwg. No. G–382, dated 11 April 1946 and revised 26 August 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Termination of approval No. 160.035/30/0, 31.0′ x 10.5′ x 4.33′ steel motor-propelled lifeboat, without radio cabin, 84-person capacity, identified by construction and arrangement Dwg. No. 2520, dated 16 February 1943 and revised 19 April 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/31/0, 12.0′ x 4.42′ x 1.92′, steel oar-propelled lifeboat, 6-person capacity for river service, identified by construction and arrangement Dwg. No. 3127, dated 3 August 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/32/0, 18.0′ x 6.25′ x 2.75′ aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 3049, dated 11 January 1946 and revised 16 August 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/33/0, 18.0′ x 6.5′ x 2.6′, steel oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 3121, dated 27 June 1946 and revised 5 August 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/34/0, 18.0′ x 5.75′ x 2.42′, steel oar-propelled lifeboat, 15-person capacity identified by construction and arrangement Dwg. No. 757–1, dated 15 May 1943 and revised 27 June 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/35/0, 18.0′ x 5.83′ x 2.58′, steel oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement Dwg. No. 2940, dated 11 January 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/36/0, 20.0′ x 6.0′ x 2.67′, wood, oar-propelled lifeboat, 19-person capacity, identified by construction and arrangement Dwg. No. 1492, dated 18 February 1946, and revised 24 June 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/37/0, 22.0′ x 7.5′ x 3.17′, steel motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. 2389, dated 12 September 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/38/0, 24.0′ x 7.75′ x 3.33′, steel, motor-propelled lifeboat without radio cabin, 31-person capacity, identified by construction and arrangement Dwg. No. 245–E dated 25 February 1942, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/39/0, 24.0′ x 8.0′ x 3.58′, steel motor-propelled lifeboat, without radio cabin, independent air tanks, 37-person capacity, identified by construction and arrangement Dwg. No. 2605, dated 5 May 1943 and revised 26 February 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/40/0, 24.0′ x 8.0′ x 3.58′, steel, motor-propelled lifeboat, without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. 3009, dated 14 June 1945 and revised 16 October 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/41/0, 24.0′ x 8.0′ x 3.58′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2602, dated 29 April 1943 and revised 18 February 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/42/0, 24.0′ x 8.0′ x 3.58′ steel, motor-propelled lifeboat with radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. 2981, dated 7 February 1946 and revised 26 February 1946, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/43/0, 24.0′ x 8.0′ x 3.73′ steel oar-propelled lifeboat, independent air tanks, 40-person capacity identified by construction and arrangement Dwg. No. 2628–4, dated 28 September 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/44/0, 24.0′ x 8.0′ x 3.73′ steel motor-propelled lifeboat without radio cabin, independent air tanks, 37-person capacity, identified by construction and arrangement Dwg. No. 2628–2, dated 30 October 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/45/0, 24.0′ x 8.0′ x 3.73′, steel motor-propelled lifeboat, without radio cabin, built-in air tanks, 36-person capacity, identified by construction and arrangement Dwg. No. 2727, dated 30 December 1943 and revised 24 February 1944, manufactured by Welin Davit and Boat Division of Contintental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/46/0, 36.5′ x 11.75′ x 5.25′ aluminum, motor-propelled lifeboat, with radio cabin, 130-person capacity identified by construction and arrangement Dwg. No. 2896–A, dated 19 April 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/47/0, 24.0′ x 8.0′ x 3.73′ steel oar-propelled lifeboat, built-in air tanks, 40-person capacity, identified by construction and arrangement Dwg. No. 2712, dated 8 December 1943 and revised 24 February 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/48/0, 24.0′ x 8.0′ x 3.33′ steel, oar-propelled lifeboat, T-bar keel, 38-person capacity, identified by construction and arrangement Dwg. No. 2847–1, dated 25 May 1944, and revised 26 September 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/49/0, 24.0′ x 8.0′ x 3.33′ steel, motor-propelled lifeboat without radio cabin, 36-person capacity, identified by construction and arrangement Dwg. No. 2847–3 dated 29 May 1944 and revised 26 September 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/50/0, 24.0′ x 8.63′ x 3.88′ aluminum motor-propelled lifeboat, without radio cabin, 43-person capacity, identified by construction and arrangement Dwg. No. 3050, dated 31 August 1945 and revised 16 August 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/51/0, 26.0′ x 9.0′ x 3.67′ steel, motor-propelled lifeboat without radio cabin, 46-person capacity, identified by construction and arrangement Dwg. No. 2574, dated 15 April 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/52/0, 26.0′ x 9.0′ x 3.67′ steel oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 1456–D, dated 22 June 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/53/0, 26.0′ x 9.0′ x 3.83′ aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3083 dated 14 May 1946 and revised 19 September 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/54/0, 26.0′ x 8.3′ x 3.6′ aluminum oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement Dwg. No. 2815–A dated 19 March 1945 and revised 4 December 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/55/0, 26.0′ x 8.3′ x 3.6′ aluminum, motor-propelled lifeboat, with radio cabin, 40-person capacity, identified by construction and arrangement Dwg. No. 3084 dated 2 May 1946 and revised 19 September 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/56/0, 26.0′ x 8.3′ x 3.6′ steel motor-propelled lifeboat, with radio cabin, 39-person capacity identified by construction and arrangement Dwg. No. 2868–1 dated 31 July 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/57/0, 26.0′ x 8.3′ x 3.6′ steel, motor-propelled lifeboat without radio cabin, 43-person capacity, identified by construction and arrangement Dwg. No. 2985, dated 23 March 1945 and revised 14 April 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/58/0, 28.0′ x 9.79′ x 4.13′ aluminum, hand-propelled lifeboat, built-in air tanks, 75-person capacity, identified by construction and arrangement Dwg. No. 3112, dated 7 June 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/59/0, 28.0′ x 9.79′ x 4.13′ steel, motor-propelled lifeboat without radio cabin, 65-person capacity, identified by construction and arrangement Dwg. No. 2413, undated, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/60/0, 28.0′ x 9.0′ x 3.96′ steel, motor-propelled lifeboat with radio cabin, 48-person capacity, identified by construction and arrangement Dwg. No. 2659, dated 13 July 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/61/0, 28.0′ x 9.0′ x 3.96′, aluminum, motor-propelled lifeboat, without radio cabin, built-in-air tanks, 54-person capacity, identified by construction and arrangement Dwg. No. 2810–1, dated 24 March 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/62/0, 28.0′ x 9.0′ x 3.96′, aluminum, oar-propelled lifeboat, built-in air tanks, 59-person capacity, identified by construction and arrangement Dwg. No. 2810–3 dated 20 March 1944 and revised 30 November 1944, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/63/0, 31.0′ x 11.25′ x 4.5′ steel, motor-propelled lifeboat, without radio cabin, 83-person capacity, identified by construction and arrangement Dwg. No. 2414, dated 8 March 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/64/0, 31.0′ x 11.25′ x 4.5′ steel, hand-propelled lifeboat, 84-person capacity, identified by construction and arrangement Dwg. No. 2665, dated 31 July 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/65/0, 33.5′ x 11.75′ x 4.87′ aluminum, motor-propelled lifeboat, with radio cabin, 109-person capacity, identified by construction and arrangement Dwg. No. 2882–A dated 8 May 1945 and revised 18 December 1945, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/66/0, 36.5′ x 11.75′ x 5.25′ aluminum, hand-propelled lifeboat, 135-person capacity, identified by construction and arrangement Dwg. No. 2894–A dated 28 January 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/67/0, 24.0′ x 8.0′ x 3.75′, wood, motor-propelled lifeboat, without radio cabin, 34-person capacity, identified by construction and arrangement Dwg. No. 5LA–101–X dated 24 April 1943, manufactured by Gunderson Brothers Engineering Corp., Portland, Oreg.

Termination of approval No. 160.035/68/0, 24.0′ x 8.0′ x 3.75′ wood, oar-propelled lifeboat, 34-person capacity, identified by construction and arrangement Dwg. No. 5L–228–X, manufactured by Gunderson Brothers Engineering Corp., 4700 Northwest Front Avenue, Portland, Oreg.

Termination of approval No. 160.035/69/0, 24.0′ x 8.5′ x 3.5′ wood, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 5L–101–X, dated 26 February 1943 and revised 7 April 1943, manufactured by Gunderson Brothers Engineering Corp., 4700 Northwest Front Avenue, Portland, Oreg.

Termination of approval No. 160.035/70/0, 16.0′ x 5.71′ x 2.30′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 2043 dated 8 June 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of Approval No. 160.035/71/0, 18.0′ x 6.0′ x 2.375′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 2014, dated 20 December 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/72/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 1024–A, dated 23 March 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/73/0, 22.0′ x 7.5 x 3.17′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. M–1025–A, dated 23 March 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/74/0, 24.0′ x 8.0′ 3.42′ steel, oar-propelled lifeboat, 38-person capacity, identified by construction and arrangement Dwg. No. M–1117, dated 15 April 1943, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/75/0, 24.0′ x 8.0′ x 3.42′ steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. M–1119, dated 15 April 1943, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Termination of approval No. 160.035/76/0, 26.0′ x 9.0′ x 3.6′ steel, motor-propelled lifeboat, without radio cabin, 44-person capacity, identified by construction and arrangement Dwg. No. 2059, dated 6 August 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/77/0, 26.0′ x 9.0′ x 3.60′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2058, dated 6 August 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/78/0, 28.0′ x 9.0′ x 3.16′ steel, motor-propelled lifeboat, without radio cabin, 52-person capacity, identified by construction and arrangement Dwg. No. S9–0–11, dated 9 November 1943 and revised 10 August 1944, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/79/0, 28.0′ x 9.0′ x 3.96′ steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement Dwg. No. 2079 dated 9 October 1945, manufactured by Imperial Lifeboat & Davit Co., Inc., Athens, N. Y.

Termination of approval No. 160.035/80/0, 28.0′ x 9.0′ x 3.96′ steel, motor-propelled lifeboat, with radio cabin, 55-person capacity, identified by construction and arrangement Dwg. No. 2078, dated 9 October 1945, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Termination of approval No. 160.035/81/0, 30.0′ x 9.67′ x 4.17′ steel hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement Dwg. No. 2156, dated 15 August 1946, manufactured by Imperial Lifeboat & Davit Co., Athens, N. Y.

Termination of approval No. 160.035/82/0, 12.0′ x 5.0′ x 2.25′ steel, oar-propelled, lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. 444, dated 11 June 1942, manufactured by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash.

Termination of approval No. 160.035/83/0, 26.0′ x 8.5′ x 3.825′ steel, hand-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 469B, dated February 1944, manufactured by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash.

Termination of approval No. 160.035/84/0, 26.0′ x 8.5′ x 3.825′ steel, motor-propelled lifeboat, with radio cabin, 40-person capacity, identified by construction and arrangement Dwg. No. 493 dated April 1944, manufactured by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash.

Termination of approval No. 160.035/86/0, 14.0′ x 5.0′ x 2.0′ steel, oar-propelled lifeboat, 8-person capacity, identified by construction and arrangement Dwg. No. 1416, dated 14 November 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/88/0, 14.0′ x 5.4′ x 2.3′, steel, oar-propelled lifeboat, square stern, 10-person capacity Lake, Bay and Sound Service, 12-person capacity, River Service, identified by construction and arrangement Dwg. No. 1411, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn, N. Y.

Termination of approval No. 160.035/92/0, 18.0′ x 6.0′ x 2.6′ aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 1816, dated 26 September 1944 and revised 6 December 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/93/0, 20.0′ x 6.6′ x 2.6′ steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement Dwg. No. 2020, dated 29 April 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/94/0, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 2020, dated 29 April 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/95/0, 20.0′ x 7.0′ x 3.10′ steel, oar-propelled lifeboat, 26-person capacity, identified by construction and arrangement Dwg. No. 2021, dated 14 October 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/96/0, 22.0′ x 6.9′ x 2.8′ steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement Dwg. No. 2220, dated 29 October 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/97/0, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. 2219, dated 12 June 1942, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 15, N. Y.

Termination of approval No. 160.035/99/0, 24.0′ x 7.0′ x 3.0′, steel oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. 2435, dated 19 June 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/100/0, 24.0′ x 7.5′ x 3.25′, steel oar-propelled lifeboat, 34-person capacity, identified by construction and arrangement Dwg. No. 2424 dated 3 August 1942, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/101/0, 24.0′ x 7.9′ x 3.3′, steel, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement Dwg. No. 2432, dated 17 August 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/102/0, 24.0′ x 8.0′ x 3.5′, steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. 2425 dated 5 August 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/103/0, 24.0′ x 8.0′ x 3.5′, steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2428, dated 5 August 1943 and revised 4 April 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/104/0, 24.0′ x 8.0′ x 3.73′, steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2436, dated 24 March 1945, and revised 4 April 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/105/0, 26.0′ x 9.0′ x 3.6′ steel, motor-propelled lifeboat, without radio cabin, 45-person capacity, identified by construction and arrangement Dwg. No. 2657, dated 4 April 1945 and revised 21 February 1946, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/106/0, 26.0′ x 8.3′ x 3.58′ steel, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement Dwg. No. 2659, dated 5 December 1945, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/107/0, 26.0′ x 9.0′ x 3.6′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2655, dated 10 January 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/108/0, 28.0′ x 9.25′ x 3.83′ aluminum, motor-propelled lifeboat, without radio cabin, 54-person capacity, identified by construction and arrangement Dwg. No. 2823 dated 26 September 1944 and revised 6 December 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/109/0, 28.0′ x 9.25′ x 3.83′ steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement Dwg. No. 2818, dated 24 July 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/110/0, 28.0′ x 9.8′ x 4.12′ steel, motor-propelled lifeboat, without radio cabin, 60-person capacity, identified by construction and arrangement Dwg. No. 2827, dated 11 September 1946, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/111/0, 28.0′ x 9.25′ x 3.83′ steel, motor-propelled lifeboat, without radio cabin, 52-person capacity, identified by construction and arrangement Dwg. No. 2817, dated 26 July 1943, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/112/0, 30.0′ x 9.25′ x 3.83′ steel, motor-propelled lifeboat, without radio cabin, 56-person capacity, identified by construction and arrangement Dwg. No. 3018 dated 14 January 1946, revised 25 July 1946, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/113/0, 31.0′ x 11.25′ x 4.5′ steel, hand-propelled lifeboat, 84-person capacity, identified by construction and arrangement Dwg. No. 3110, dated 6 October 1944, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Termination of approval No. 160.035/114/0, 26.0′ x 7.67′ x 3.92′ wood, motor-propelled lifeboat, without radio cabin, approved for Hawaiian waters only, 43-person capacity, Dwg. No. 3302 dated June 27, 1941, manufactured by Inter-Island Steam Navigation Co., Ltd., Honolulu, T. H.

Termination of approval No. 160.035/115/0, 26.0′ x 7.67′ x 3.42′, wood, oar-propelled lifeboat, capacity unknown, with no drawings on file, manufactured by Inter-Island Steam Navigation Co., Ltd., Honolulu, T. H.

Termination of approval No. 160.035/116/0, 24.0′ x 7.9′ x 3.33′ steel, oar-propelled lifebcat, 37-person capacity, identified by construction and arrangement Dwg. No. 24–37, undated, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/117/0, 14.0′ x 5.75′ x 2.62′ steel, oar-propelled lifeboat, 12-person capacity, identified by unnumbered construction and arrangement Dwg. dated August 1936, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/118/0, 16.0′ x 6.0′ x 2.5′, steel, oar-propelled lifeboat, 14-person capacity, identified by construction and arrangement Dwg. No. 16–14 dated 6 November 1941, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/119/0, 22.0′ x 6.0′ x 2.58′ steel, oar-propelled lifeboat, 20-person capacity, identified by unnumbered Dwg. dated 2 August 1938, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/120/0, 22.0′ x 6.17′ x 2.75′ steel, oar-propelled lifeboat, 22-person capacity, identified by construction and arrangement Dwg. No. 2222, dated 2 September 1933, and revised 5 August 1938, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/122/0, 24.0′ x 7.0′ x 3.0′, steel, oar-propelled lifeboat, 30-person capacity, identified by construction and arrangement Dwg. No. 1, dated 27 February 1940, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/123/0, 28.0′ x 9.25′ x 4.0′, steel, hand-propelled lifeboat, 60-person capacity, identified by unnumbered Dwg., dated 2 December 1940, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/124/0, 14.0′ x 5.66′ x 2.20′ steel, oar-propelled lifeboat, 10-person capacity, identified by unnumbered Dwg., manu-

factured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/125/0, 14.0′ x 5.83′ x 2.625′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 20F 2, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/127/0, 18.0′ x 6.0′ x 2.50′ steel, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement Dwg. No. 1 of G, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/128/0, 18.0′ x 5.84′ x 2.5′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. 1 of G, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/129/0, 20.0′ x 6.0′ x 2.16′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement Dwg. No. CC, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/130/0, 20.0′ x 6.0′ x 2.50′, steel oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 1, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/131/0, 22.0′ x 6.5′ x 2.75′ steel, oar-propelled lifeboat, 23-person capacity, identified by construction and arrangement Dwg. No. BB–1, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/132/0, 26.0′ x 7.75′ x 3.36′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 2 of 2, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/133/0, 26.0′ x 9.0′ x 3.63′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 1 of 1, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/134/0, 28.0′ x 8.38′ x 3.58′ steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement Dwg. No. 2 of 2, manufactured by Frank Morrison & Son Co., 1330 West Eleventh Street, Cleveland, Ohio.

Termination of approval No. 160.035/135/0, 30.0′ x 10.0′ x 4.13′ steel motor-propelled lifeboat with radio cabin, 64-person capacity, identified by construction and arrangement Dwg. No. 1821, dated 26 December 1939, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/136/0, 12.0′ x 4.5′ x 2.0′ steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement Dwg. No. 556 A dated 18 February 1943, manufactured by Boatcraft Co., corner Cropsey and Twenty-sixth Avenues, Brooklyn, N. Y.

Termination of approval No. 160.035/138/0, 22.0′ x 7.5′ x 2.16′ steel oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. 550, dated 25 May 1942, manufactured by Boatcraft Co., corner Cropsey and Twenty-sixth Avenues, Brooklyn, N. Y.

Termination of approval No. 160.035/139/0, 24.0′ x 8.0′ x 3.5′ steel oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. 553, dated 31 August 1942, manufactured by Boatcraft Co., corner Cropsey and Twenty-sixth Avenues, Brooklyn, N. Y.

Termination of approval No. 160.035/140/0, 27.8′ x 8.5′ x 3.8′ clinker-built wood oar-propelled lifeboat, 38 person capacity, identified by construction and arrangement Dwg. No. D. P. L. B. 61, Sheet No. 2, dated 28 October 1943, manufactured by Fox River Boat Works, DePere, Wis.

Termination of approval No. 160.035/141/0, 22.0′ x 7.5′ x 3.25′ steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement Dwg. No. K–109–2, Alt. 1, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.035/142/0, 22.0′ x 7.5′ x 3.25′ steel, motor-propelled lifeboat, without radio cabin, 25-person capacity, identified by construction and arrangement Dwg. No. K–108–2, Alt. 2, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.035/143/0, 24.0′ x 8.0′ x 3.73 steel, motor-propelled lifeboat, without radio cabin, 35-person capacity, identified by construction and arrangement Dwg. No. K–106–2, Alt. 5, dated 4 August 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.035/144/0, 24.0′ x 8.0′ x 3.73′ steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement Dwg. No. K–107–2, Alt. 3, dated 4 August 1945, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.035/145/0, 28.0′ x 9.0′ x 4.0′ steel, motor-propolled lifeboat without radio cabin, 46-person capacity, identified by construction and arrangement Dwg. No. M–13, Alt. 2, dated 26 July 1944, revision F dated 10 October 1944, manufactured by Kargard Boat & Engine Co., Marinette, Wis.

Termination of approval No. 160.035/146/0, 30.0′ x 10.0′ x 4.13′ steel motor-propelled lifeboat without radio cabin, 68-person capacity, identified by construction and arrangement Dwg. No. 2054, dated 14 March 1945, revised 26 June 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/147/0, 26.0′ x 9.0′ x 3.83′ aluminum hand-propelled lifeboat, 53-person capacity, identified by construction and arrangement Dwg. No. 3159, dated 9 March 1947 and revised 16 May 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/148/0, 16.0′ x 5.5′ x 2.38′ steel oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement Dwg. No. 408, dated 29 December 1943, and revised 13 March 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/151/0, 30.0′ x 10.0′ x 4.13′ aluminum motor-propelled lifeboat, with radio cabin, 75-person capacity, identified by construction and arrangement Dwg. No. 3124, dated 15 August 1946 and revised 10 March 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/152/0, 30.0′ x 9.67′ x 4.17′ aluminum hand-propelled lifeboat, 70-person capacity, identified by construction and arrangement Dwg. No. 3137, dated 16 October 1946, and revised 26 March 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/153/0, 30.0′ x 10.0′ x 4.13′ aluminum hand-propelled lifeboat, 83-person capacity, identified by construction and arrangement Dwg. No. 3125, dated 6 August 1946, and revised 10 March 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Termination of approval No. 160.035/154/0, 30.0′ x 10.25′ x 3.5′ steel hand-propelled lifeboat, 76-person capacity, identified by construction and arrangement Dwg. No. 1300, dated 16 April 1946, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc, Perth Amboy, N. J.

Termination of approval No. 160.035/157/0, 35.0′ x 12.33′ x 5.25′ steel lifeboat, motor-propelled, without radio cabin, 135-person capacity, identified by construction and arrangement Dwg. No. 2499, dated 18 January 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 33.01–59.13, 76.16, 94.15, 113.10, 160.035)

TELEPHONE SYSTEMS, SOUND POWERED

Termination of approval No. 161.005/6/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, Drawing No. W. T. P.–208 Alt. 0, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Termination of approval No. 161.005/7/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, Drawing No. W. T. P.–207 Alt. 0, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Termination of approval No. 161.005/8/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, bulkhead mounting, splashproof, Drawing No. ASP–200 Alt. 3: Type ASP—with 3″, 4″, 6″ or 8″ hand generator bell; Type ASPR—3″, 4″, 6″ or 8″ hand generator bell and relay; Type ASPRH—with 3″, 4″, 6″ or 8″ hand generator bell, relay and howler, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Termination of approval No. 161.005/9/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, bulkhead mounting, splashproof, Drawing No. CSP–201 Alt. 3: Type CSP—with 3″, 4″, 6″, or 8″ hand generator bell; Type CSPR—with 3″, 4″, 6″, or 8″ hand generator bell and relay; Type CSPRH—with 3″, 4″, 6″, or 8″ hand generator bell relay and howler, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Termination of approval No. 161.005/10/0, Sound powered telephone station, selective ringing, common talking, 7 station maximum, waterproof, with attached 3″, 4″, 6″, or 8″ hand generator bell, Drawing No. WTB–202/WTP–203 Alt. 3: Type WT No. 202—Bulkhead mounting; Type WT No. 203—Pedestal mounting, manufactured by Alwin Products Corp., 161 Van Wagenen Avenue, Jersey City, N. J.

Termination of approval No. 161.005/18/0, Sound powered telephone station, selective ringing, common talking, 11 station maximum, bulkhead mounting, splashproof, Drawing No. 9 Alt. 2: Model K–3—with attached 3″ hand generator bell; Model K–4—with attached 4″ hand generator bell; Model K–6—with attached 6″ hand generator bell; Model K–8—with attached 8″ hand generator bell; Model KCB—with attached hand generator Cox bell, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y.

Termination of approval No. 161.005/20/0, Sound powered telephone handset, Drawing No. A–257 Alt. 2, manufactured by United States Instrument Corp., 409 Broad Street, Summit, N. J.

Termination of approval No. 161.005/21/0, Sound powered telephone handset, type 22, Drawing No. L–893 issue 23, assemblies AO, CO, DO, EO, GO, HO, JO, KO, and LO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/22/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, splashproof, with attached hand generator bell, Drawing No. L–7002 issue 24, Type S. P. B., Model 2, assemblies AO, BO, and CO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/23/0 Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, splashproof, Drawing No. L–7003 issue 22, Type S. P. B. Model 2, assemblies AO, BO and CO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/24/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, with attached hand generator bell, Drawing No. L–7004 issue 26, Type W. T. B. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/25/0 Sound powered telephone station, selective ringing, common talking, 15 station maximum, bulkhead mounting, waterproof, Drawing No. L–7005 issue 25, Type W. T. B. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/26/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached hand generator bell, Drawing No. L–7006 issue 22, Type W. T. P. Model 2, assemblies AO, BO, CO, DO, EO and FO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/27/0, Sound powered telephone station, selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached 6″, 8″, 10″ or 12″ hand generator bell, Drawing No. L–7007 issue 24. Type W. T. P. Model 2, assemblies AO, BO, CO, DO, EO, FO, GO, HO, JO, KO, LO and MO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/28/0, Sound powered telephone station selective ringing, common talking, 15 station maximum, pedestal mounting, waterproof, with attached 6″, 8″, 10″ or 12″ hand generator bell, Drawing No. L–7008 issue 23, Type W. T. P. Model 2, assemblies AO, BO, CO, DO, EO, FO, GO, HO, JO, KO, LO and MO, manufactured by Automatic Electric Sales Corp., 1033 West Van Buren Street, Chicago 7, Ill.

Termination of approval No. 161.005/29/0, Sound powered Telephone Station Bell, Vibrating, 3″, 6″ and 8″ sizes, waterproof, Drawing No. 20–162–2 Alt. 1, Types 3B, 6B, 8B, 3P, 6P, and 8P, manufactured by Henschel Corp., Amesbury, Mass.

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended. 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 63.11, 79.12, 97.14, 116.10)

VALVES, SAFETY

Termination of approval No. 162.001/1/0, Style CI, Ashton pop safety valve, cast iron body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i. maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 24–B dated 6 September 1926, Catalog No. 41V, 2d Edition, material construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/2/0, Style CS, Ashton pop safety valve, steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 600 p. s. i., saturated steam 450 p. s. i. allowed for sizes up to and including 2½″ diameters, ventilated spring cover and sealing cap required on open spring type valve, Drawing No. 24–B dated 6 September 1924, Drawing No. 59–BB dated 5 October 1926, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.13, approved for sizes 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/3/0, Style HO semi-nozzle type, Crosby pop safety valve, cast iron body (high capacity), general low pressure saturated steam service, exposed spring, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. Style HO–1–B, series 03, dated 19 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/4/0, Style HR semi-nozzle type, Crosby pop safety valve, medium capacity, cast iron body, exposed spring, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No Style HR–1–A–B–C, series 03, dated 18 September 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½″, 2″, 2½″, 3″, 3½″, 4″ and 4½″ diameters, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/20/0, Style HSB full flanged nozzle type, Crosby pop safety valve, cast steel body, fully exposed spring, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 600 p. s. i., maximum temperature 650° F., Drawing No. Style HS–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to

Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, fitted with orifice "N," approved for size 4" diameter, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/21/0, Style HSBA full flanged nozzle type, Crosby pop safety valve, general high temperature steam service, cast steel body, fully exposed spring, fitted with cast steel cooling spool, flanged inlet and outlet, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, carbon steel spring, maximum working pressure 600 p. s. i., maximum temperature 750° F., Drawing No. HSA–1–2, series 01 dated 1 May 1930, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, fitted with Orifice "N", approved for size 4" diameter, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/22/0, Style HSBAC full flanged nozzle type, Crosby pop safety valve, high capacity for superheated and high temperature steam service, cast alloy steel body, bonnet and cooling spool, forged alloy steel nozzle and disc, nickel alloy guide and adjusting rings, tungsten steel spring, fully exposed spring, maximum working pressure 600 p. s. i., maximum temperature 900° F., Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, fitted with Orifice "N", approved for size 4" diameter, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/23/0, Style DI, Ashton duplex pop safety valve, cast iron body, open spring and single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/24/0, Style DI–10, Ashton duplex pop safety valve, cast iron body, closed head casting and single lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3" 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/25/0, Style DI–11, Ashton pop safety valve, cast iron body, open spring and rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 14 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14 approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/26/0, Style DI–12, Ashton pop safety valve, cast iron body, closed head casting and rocker-shaft lever, bottom guided wing disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. 64–B dated 5 May 1928, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.19 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/27/0, Model D, Lonergan pop safety valve, cast iron body, bronze mounted, 3-piece bolted body, enclosed spring, star disc and bevel seat, cam gear relieving lever, maximum working pressure 30 p. s. i., maximum temperatures 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. E71 dated 11 January 1914, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", and 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street., Philadelphia 6, Pa.

Termination of approval No. 162.001/28/0, Model C, Lonergan duplex pop safety valve, cast iron body, bronze mounted, twin valves mounted on "Y" base, enclosed spring and twin cam gear relieving levers, 3-piece bolted body, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. C2695, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½", diameters, manufactured by J. E. Lonergan Co., 211 Race Street Philadelphia 6, Pa.

Termination of approval No. 162.001/29/0, Model F, Lonergan duplex pop safety valve, cast iron body, bronze mounted, enclosed spring, rocker-shaft lifting gear, flanged inlet and outlet, full-bore seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. C–26100 dated 17 July 1920, Catalog No. 500, material, construction and capacity to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Termination of approval No. 162.001/30/0, Model WT, Lonergan pop safety valve, cast iron body, bronze mounted, enclosed spring, single lifting cam lever, solid body, bolted bonnet, full-bore seat area and wing guided bronze disc, flanged inlet and screwed outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. A–517S, dated 10 June 1925, Bulletin No. 501A dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18, 51.20 and 51.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Termination of approval No. 162.001/31/0, Model WTD, Lonergan pop safety valve, steel body, bronze mounted, enclosed spring, single lifting lever, solid body, bolted bonnet, full-bore seat area, wing guided bronze disc, flanged inlet and screwed outlet, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. A–517S dated 10 June 1925, Catalog No. 500, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17, 51.20 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Termination of approval No. 162.001/32/0, Figure 629, Lunkenheimer pop safety valve, bronze body, enclosed spring, male screwed inlet and female outlet, wing guided disc, bevel seat, maximum working pressure 250 p. s. i., maximum temperature 450° F., Drawing No. L–6941D dated 30 March 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by The Lunkenheimer Co., P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/33/0, Figure 630, Lunkenheimer pop safety valve, cast iron body, bronze mounted, enclosed spring, flanged inlet and female screwed outlet, wing guided disc, bevel seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Lunkenheimer Co., P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/34/0, Figure 434, Lunkenheimer pop safety valve, cast iron body, bronze mounted, enclosed spring, screwed inlet and outlet, wing guided disc, bevel seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1, dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Lunkenheimer Co., P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/35/0, Figure 752, Lunkenheimer twin pop safety valve, cast iron body, twin valves mounted on flanged "Y" base, flanged inlet and screwed outlet, wing guided disc, bevel seat, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. L–6942C dated 28 April 1914, Bulletin M–1 dated February 1939, Circular No. 502–RL dated November 1940, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for valve seat sizes 2", 2½", 3", 3½", 4" diameters, and "Y" base inlet sizes 3", 3½", 4½", 5", 6" diameters, manufactured by The Lunkenheimer Co , P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/36/0, Type 1553–A, Consolidated pop safety valve, cast carbon steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, maximum working pressure 900 p. s. i., maximum temperature 650° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/37/0, Type 1553–B, Consolidated pop safety valve, cast carbon steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 750° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/38/0, Type 1553–C, Consolidated pop safety valve, cast alloy steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 900° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/39/0. Type 1553–D, Consolidated pop safety valve, cast alloy steel body, through seat bushing, open spring, single straight lifting lever, top guided valve spindle, stainless steel seat bushing, adjusting ring and disc, alloy steel spring, maximum working pressure 900 p. s. i., maximum temperature 1000° F., Drawing No. 5855–B dated 30 September 1929, Drawing No. R–5855 dated 5 June 1930, Drawing No. S–6239–A dated 3 October 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for valve seat sizes 1½", 2", 2½", 3", 4" diameters, and "Y" base inlet sizes 3", 3½", 4½", 5", 6" diameters, manufactured by The Lunkenheimer Co., P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/40/0, Style CSH, Ashton pop safety valve, cast steel body, open spring, single lifting lever, alloy steel bottom guided wing disc, maximum working pressure 600 p. s. i., maximum temperature 750° F., ventilated spring covers and sealing caps are required, Drawing No. 83–B dated 21 September 1932. Catalog No. 41V, 2nd Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1", 2", 3", 4" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/41/0, Style DS, Ashton duplex pop safety valve, cast steel body, open springs, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., ventilated spring cover, sealing cap and flanged outlet required, Drawing No. 84–B dated 31 August 1933, Catalog No. 41V, 2d Edition, materials, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/42/0, Style DS–10, Ashton duplex pop safety valve, cast steel body, closed head casting, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. 84–B dated 31 August, 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½", diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/43/0, Style DS–11, Ashton duplex pop safety valve, cast steel body, open spring, rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., ventilated spring cover, sealing cap, and flanged outlet are required, Drawing No. 84–B dated 31 August 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/44/0, Style DS–12, Ashton duplex pop safety valve, cast steel body, closed head casting, rocker-shaft lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., Drawing No. 84–B dated 31 August 1933, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/47/0, Style CSM–10, Ashton pop safety valve, cast steel body, moderate capacity, closed head casting, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., maximum temperature 450° F., similar to Drawing No. 24–B dated 6 September 1924, Drawing No. 84–B dated 31 August 1933, Types CS and DS–10, respectively, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/48/0, Style CIM, Ashton pop safety valve cast iron body, moderate capacity (M), open spring, single lifting lever, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, similar to Drawing No. 24–B dated 6 September 1924, Type CI valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters,

manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/49/0, Style CIM–10, Ashton pop safety valve, cast iron body, moderate capacity, closed head casting, single lifting lever, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, similar to Drawing No. 64–B dated 14 May 1928, Type DI–10 valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/50/0, Style CSM, Ashton pop safety valve cast steel body, moderate capacity, open spring, single lifting lever, maximum working pressure 400 p. s. i., similar to Drawing No. 24–B dated 6 September 1924, Type CS valve, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/51/0, Style HH–270, Crosby pop safety valve, bronze body, bevel seated, side outlet, stainless steel spindle, carbon steel spring, screwed inlet and outlet, enclosed spring and bottom guide spindle, maximum working pressure 250 p. s. i., maximum temperature 406° F., limited to installation on evaporators and heating boilers, Drawing No. Style HH–270 dated 25 November 1936, Catalog No. 104 dated November 1942, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½", diameters, manufactured by Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/52/0, Style CSH–2, Ashton pop safety valve, cast steel body, open head casting, single lifting lever, suitable for superheater service, altered head casting to allow spring to be raised to fully exposed position, maximum working pressure 600 p. s. i., maximum temperature 850° F., ventilated spring cover and sealing cap are required, Drawing No. 91–B, similar to Style CSH as shown in Catalog No. 41V, 2d Edition and file No. 162.001/40/0, material, construction, and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1", 2", 3", 4" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/54 0, Style CS–100, Ashton pop safety valve, cast steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 400 p. s. i., 450 p. s. i. allowed for sizes up to and including 3½" diameters, maximum temperature 650° F., ventilated spring cover and flanged outlets are required, Drawing No. 102–B dated 19 June 1940, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3", 3½", 4", 4½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/55/0, Type 1531, Consolidated drum pilot actuated superheater pressure loaded safety valve and spring loaded drum pilot valve, cast alloy steel body, forged alloy steel feather and seat, alloy steel spring, maximum working pressure 1,500 p. s. i. maximum temperature 1,000° F., Drawing No. R–6211–N dated 2 October 1941, Drawing No. R–6181–BE dated 3 October 1941, Drawing No. R–6240–A dated 2 October 1939, Drawing No. R–6208 dated 8 November 1938, Brochure "Instructions for Installation and Repairs of Type 1531 Drum Pilot Actuated Superheater Valve" dated November 1939, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for sizes 1½", 2½", diameters, pilot, and 2½" diameter superheater safety valve, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/61/0, Type 34–SO, Texsteam pop safety valve, bronze body and trim, screwed inlet and outlet, top guided spindle, exposed spring, maximum working pressure 300 p. s. i. maximum temperature 450° F., Drawing No. 325 dated 26 February 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by Texsteam Corp., Houston 11, Tex.

Termination of approval No. 162.001/63/0, Type 1426–M Consolidated duplex pop safety valve, cast steel body, exposed spring, single lifting lever, bottom guided wing disc, maximum working pressure 250 p. s. i., maximum temperature 406° F., similar to 1426, except bronze substituted for nickel and stainless steel for seat bushing, adjusting ring, feather top ring and compression screw, Drawing No. F–6285–G, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/67/0, Style DS–100, Ashton duplex pop safety valve, cast steel body, open spring, single lifting lever, bottom guided wing disc, maximum working pressure 600 p. s. i., ventilated spring cover and sealing cap are reuired, Drawing No.q 336–B dated 1 September 1944, Catalog No. 41V, 2d Edition, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 2", 2½" diameters, manufactured by The Ashton Valve Co., 43 Kendrick Street, Wrentham, Mass.

Termination of approval No. 162.001/68/0, Model ODP, Lonergan pop safety valve, bronze body, enclosed spring, single lifting lever, bottom guided wing disc, bronze disc and seat, cadmium plated steel spring, flanged inlet, screwed outlet, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. B–1277–S dated 20 September 1941. Revised 8 January 1945, Bulletin No. 501–A dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 1½", 2", 2½" diameters, manufactured by J. E. Lonergan Co., 211 Race Street, Philadelphia 6, Pa.

Termination of approval No. 162.001/69/0, Type 1411, Consolidated pop safety valve, cast iron body, exposed spring, bottom guided feather disc, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on evaporators and heating boilers, not permitted on power boilers, Drawing No. S–5891–DA dated 15 July 1943, Catalog No. 1416 dated June 1944, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.18 and 52.14, approved for sizes 1½", 2", 2½", 3", 4" diameters, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Termination of approval No. 162.001/70/0, Figure 653, Lunkenheimer modified duplex pop safety valve, cast steel body, enclosed spring, flanged inlet and outlet, bottom guided wing disc, steam bronze disc, nickel alloy steel seat, cadmium plated steel spring, maximum working pressure 300 p. s. i., maximum temperature 450° F., Drawing No. L–8593 dated 31 January 1946, Drawing No. M–2029 dated 11 April 1946, Bulletin M–1 dated February 1939, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17, 51.20, and 52.14, approved for "Y" yoke inlet sizes 3", 3½", 4½", 5", 6" diameters and valve seat diameters, 2", 2½", 3", 3½", 4", manufactured by The Lunkenheimer Co., P. O. Box 360, Annex Station, Cincinnati 14, Ohio.

Termination of approval No. 162.001/71/0, Type 2399, Farris pop safety valve, cast steel body, open spring, flanged inlet and outlet, bottom guided wing disc, stainless steel disc, stainless steel valve seat, alloy steel spring. Maximum working pressure 600 p. s. i., maximum temperature 850° F., when fitted with carbon steel spring, maximum temperature 650° F, Drawing No. 1896–B, dated 10 January 1944. Material, construction, and capacities to conform to Coast Guard Marine Engineering Regulations 51.17, 51.20 and 52.14. Approved for pipe inlet sizes: 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/72/0, Type 2575A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 300 p. s. i., maximum temperature 650° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/73/0, Type 2575B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 300 p. s. i., maximum temperature 750° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/74/0, Type 2575C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 300 p. s. i., maximum temperature 900° F. Drawing No. 1983–B–C. G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/75/0, Type 2576A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 600 p. s. i., maximum temperature 650° F. Drawing No. 1983–B–C.G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/76/0, Type 2576B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 750° F. Drawing No. 1983–B–C.G., dated 10 September 1945. Material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14. Approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/77/0, Type 2576C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/78/0, Type 2577A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 600 p. s. i., maximum temperature 650° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications 51.15, 51.17, and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/79/0, Type 2577B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 750° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/80/0, Type 2577C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 600 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/81/0, Type 2578A, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, carbon steel spring, primary service pressure rating 900 p. s. i., maximum temperature 650° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17, and 52.14, approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/82/0, Type 2578B, Farris pop safety valve, full nozzle, carbon steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 900 p. s. i., maximum temperature 750° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications 51.15, 51.17 and 52.14 approved for valve inlet sizes 1½", 2" 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

Termination of approval No. 162.001/83/0, Type 2578C, Farris pop safety valve, full nozzle, alloy steel body, exposed spring, fitted with ventilated spring cover, flanged inlet and outlet, tungsten steel spring, primary service pressure rating 900 p. s. i., maximum temperature 900° F., drawing No. 1983–B–C.G., dated 10 September 1945, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.15, 51.17 and 52.14 approved for valve inlet sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Co., Commercial Avenue, Palisades Park, N. J.

(R. S. 4405, 4417a, 4417, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

BOILERS, POWER

Termination of approval No. 162.002/1/0, Acme Boiler and Tank Co. water tube boiler, sectional header type, cross drum straight tube, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Termination of approval No. 162.002/2/0, Acme Boiler and Tank Co. fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Termination of approval No. 162.002/3/0, Acme Boiler and Tank Co. fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

Termination of approval No. 162.002/4/0, Acme Boiler Works fire tube boiler, Western River type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler Works Co., Gallipolis, Ohio.

Termination of approval No. 162.002/5/0, Acme Boiler Works fire tube boiler,

vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler Works Co., Gallipolis, Ohio.

Termination of approval No. 162.002/6/0, Almy water tube boiler, types A, B, and C, single section water tubes connected to top and bottom manifolds, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/7/0, Almy water tube boiler, type D, single firebox design, double sectional water tubes, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/8/0, Almy water tube boiler, type E, double firebox design, double sectional water tubes, Catalog 1932 edition "Almy Sectional Water Tube Boilers", material design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/9/0, Almy water tube boiler, type HA, single section water tubes connected to top and bottom manifolds, designed for auxiliary and heating boilers, heating surface 155 sq. ft., Dwg. No. 891–935–1078 dated 8 November 1924, Catalog 1932 edition, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/10/0, Almy water tube boiler, type Z, sectional water tube, internal steam drum, "Z" section water tubes, Catalog 1932 edition and Dwg. No. "Z" Type Boiler dated January 1911, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56 approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/11/0, Almy water tube boiler, type Z, modified, sectional water tube, internal steam drum, "Z" section water tubes, Catalog 1932 edition and Dwg. No. "Z" Type Boiler dated 15 March 1939, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Almy Water Tube Boiler Co., 184 Allen Avenue, Providence, R. I.

Termination of approval No. 162.002/12/0, American Shipbuilding fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by American Shipbuilding Co., foot of West Fifty-fourth Street NW., Cleveland, Ohio.

Termination of approval No. 162.002/13/0, Babcock and Wilcox water tube boiler, sectional header type, cross drum, straight tube, forged steel sinuous headers, single and triple pass boilers, similar to Dwg. No. ML–261635 and No. ML–250321, material, design, and construction in conformance with U. S. Coast Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Termination of approval No. 162.002/14/0, Babcock & Wilcox water tube boiler, 2-drum bent tube type, similar to Dwg. No. ML–253262 dated 17 November 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Termination of approval No. 162.002/15/0, Babcock and Wilcox water tube boiler, 3-drum bent tube type similar to Dwg. No. MX–229115 dated 10 December 1938, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Termination of approval No. 162.002/16/0, Babcock and Wilcox water tube boiler, divided-furnace single uptake marine boiler, 4-drum bent tube type, similar to Dwg. Nos. ML–252801 and ML–252802 dated 2 April 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Babcock & Wilcox Co., 85 Liberty Street, New York, N. Y.

Termination of approval No. 162.002/17/0, Wm. Bros. Mfg. Co. fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Wm. Bros. Manufacturing Co., 43 Wilder Street, Minneapolis, Minn.

Termination of approval No. 162.002/18/0, Brown Bros. fire tube boiler, horizontal tubular, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Brown Bros. Boiler & Sheet Metal Works, 1200 South Third Street, Paducah, Ky.

Termination of approval No. 162.002/19/0, Combustion Engineering water tube boiler, sectional header type SM, cross drum, straight tube, Dwg. Nos. SB–7101–0, SC–7401–0, and SC–7400–1 dated 14 February 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Termination of approval No. 162.002/20/0, Combustion Engineering water tube boiler, 2-drum bent tube, type V2M, similar to Dwg. No. E–161–101–0 dated 7 April 1943, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Termination of approval No. 162.002/21/0, Combustion Engineering water tube boiler, 3-drum bent tube, type V3M, similar to Dwg. No. E–161–393 dated 25 November 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Termination of approval No. 162.002/22/0, Combustion Engineering water tube boiler, oil fired and waste heat types, forced circulation (La Mont Patent), similar to Dwg. No. 161–520 dated 25 July 1946 and No. E–161–518 dated 8 May 1946, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Combustion Engineering Co., Inc., 200 Madison Avenue, New York 16, N. Y.

Termination of approval No. 162.002/23/0, Dubuque fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Dubuque Boat & Boiler Co., Dubuque, Iowa.

Termination of approval No. 162.002/24/0, Edge Moor water tube boiler, sectional header type, cross drum, straight tube, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Edge Moor Iron Works, Edge Moor, Delaware.

Termination of approval No. 162.002/25/0, Erie City fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Erie City Iron Works, Erie, Pa.

Termination of approval No. 162.002/26/0, Foster Wheeler water tube boiler, sectional header type, similar to Dwg. Nos. E–161–152–9 dated 4 September 1943, NY–400–10 dated 20 October 1936, PMB–311–52 dated 4 August 1931, and PMB–310–26–A dated 15 October 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/27/0, Foster Wheeler water tube boiler, 2-drum bent tube type, Nelis water tube boiler, low head river type, Dwg. Nos. NYMB–261–22 dated 22 November 1926 and ND–6142–0 dated 24 January 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/28/0, Foster Wheeler water tube boiler, 2-drum bent tube type D, similar to Dwg. Nos. NY–450–21 dated 29 January 1945, NY–450–538–H dated 25 January 1946, and PD–350–12–I dated 13 November 1934, revised 29 April 1935, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/29/0, Foster Wheeler water tube boiler, 3-drum bent tube type A, similar to Dwg. Nos. NY–440–483 dated 16 December 1944 and PMB–311–19–B dated 13 March 1931, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/30/0, Foster Wheeler water tube boiler, waste heat type, heating elements consist of seamless boiler tubing covered with cast iron rings, Dwg. No. D–285–75 dated 20 January 1929, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/31/0, Foster Wheeler water tube boiler, waste heat type, 2-drum bent tube, similar to Dwg. No. NY–390–20–A dated 23 January 1939 and revised 14 February 1939, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/33/0, Ames fire tube boiler, western river type, constructed with three parallel longitudinal shells and one common steam and water drum, and two common mud drums, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Ames Iron Works Division of General Furnaces Corp., 90 Broad Street, New York 4, N. Y.

Termination of approval No. 162.002/34/0, Great Lakes fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Great Lakes Engineering Works, River Rouge, Mich.

Termination of approval No. 162.002/35/0, Hamburg fire tube boiler, vertical tubular type, similar to Dwg. dated 14 December 1939, vertical fire tube boiler 48" diameter and 9'–6" high, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Hamburg Boiler Works, Inc., Hamburg, Pa.

Termination of approval No. 162.002/36/0, Heilman water tube boiler, 2-drum bent tube type, Badenhausen design, automatic oil fired furnace, Dwg. Nos. 240N1 issue 3 dated 25 June 1945, 240 issue 4 dated 25 June 1945, H 111–452 issue 3 revised 6 November 1946, H 115–462 issue 1 revised 6 November 1946, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Foster Wheeler Corp., 165 Broadway, New York 6, N. Y.

Termination of approval No. 162.002/37/0, International fire tube boiler, vertical tubular type, similar to Dwg. No. 32–5443 dated 28 December 1943, 90" x 17' 9½" boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Termination of approval No. 162.002/38/0, International fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Termination of approval No. 162.002/39/0, International forced recirculator vertical water tube boiler, type L. F. R., spencal heating coils and separate vertical steam drum, riveted construction, Dwg. Nos. 57–5349 revised 23 June 1943, and 57–5341, 18 March 1943, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Termination of approval No. 162.002/40/0, International Scotch marine boiler, La Mont forced recirculation, type F. R. 35, horizontal fire tubes, riveted construction, Dwg. No. 57–5284 dated 12 February 1943, revised, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by International Boiler Works, 1 Birch Street, East Stroudsburg, Pa.

Termination of approval No. 162.002/41/0, Jensen fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Peter Jensen & Co., 23 East Eighteenth Street, New Albany, Ind.

Termination of approval No. 162.002/42/0, Johnson fire tube boiler, Scotch marine type, triple furnace wet back boiler, similar to Dwg. No. 343 dated 11 July 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Johnson Bros., Ferrysville, Mich.

Termination of approval No. 162.002/43/0, Jones & Laughlin fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Jones & Laughlin Steel Corp., Marine Ways, Floreffe, Pa.

Termination of approval No. 162.002/44/0, Manitowoc Shipbuilding Co. fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Manitowoc Shipbuilding Co., Manitowoc, Wis.

Termination of approval No. 162.002/45/0, Maxim waste heat boiler, Model MSCH, size 84–5000, heat recovery silencer type, fitted with silencer and spark arrestor, steel welded construction, Dwg. Nos. B–495 revised 2 November 1945 and B–693 revised 2 November 1945, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Maxim Silencer Co., Hartford, Conn.

Termination of approval No. 162.002/46 0, Moxley water tube boiler, miniature steam generator, oil fired, vertical inner and outer tubes forming water space, spherical heating coil located inside inner tube in combustion space, used as auxiliary boiler, Dwg. No. size No. 4, dated 24 January 1933, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by

Moxley Oil Burning Equipment, Hoquiam, Wash.

Termination of approval No. 162.002/47/0, Moxley water tube boiler, miniature steam generator, oil fired, vertical inner and outer tubes forming water space, spherical heating coil located inside inner tube in combustion space, used as auxiliary boiler, Dwg. No. size No. 5 dated 24 January 1933, material, design, and constructon in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Moxley Oil Burning Equipment, Hoquiam, Wash.

Termination of approval No. 162.002/48/0, Murray fire tube boiler, vertical tubular type, material, design and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Termination of approval No. 162.002/49/0, Murray fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Termination of approval No. 162.002/50/0, Murray fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Murray Iron Works, 1106 Washington Street, Burlington, Iowa.

Termination of approval No. 162.002/51/0, Ludlum water tube boiler, 3-drum bent tube type, one steam and water drum and two bottom water drums, Dwg. No. 4004, originally named Calven Boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by New York Engineering Co., 75 West Street, New York, N. Y.

Termination of approval No. 162.002/52/0, Ludlum water tube boiler, type B, 2-drum bent tube, Dwg. Nos. 2–1630–1 and 2–1630–4, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by New York Engineering Co., 75 West Street, New York, N. Y.

Termination of approval No. 162.002/53/0, Nooter fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by John Nooter Boiler Works Co., 1400 South Second Street, St. Louis, Mo.

Termination of approval No. 162.002/54/0, O'Brien water tube boiler, box header stay-bolted type, straight tube, double longitudinal drums, similar to Heine Boiler, Dwg. No. W–161–D and W–166–D dated 27 July 1926, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by John O'Brien Boiler Works Co., 318 North Eighth Street, St. Louis 1, Mo.

Termination of approval No. 162.002/55/0, Oil City fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Oil City Iron Works, Oil City, Pa.

Termination of approval No. 162.002/56/0, Page water tube boiler, sectional header type, single cross drum, Dwg. No. 790–I dated 4 November 1918, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Page Boiler Co., 815 West Webster Avenue, Chicago, Ill.

Termination of approval No. 162.002/57/0, Pearson fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Pearson Manufacturing Co., 800 Beaver Avenue, Pittsburgh, Pa.

Termination of approval No. 162.002/58/0, Porter fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by H. K. Porter Co., Oliver Building, Pittsburgh, Pa.

Termination of approval No. 162.002/59/0, Springfield water tube boiler, sectional cast steel header type, horizontal cross drum, similar to Dwg. Nos. ML–250321–2, D–732 5 486, D–585–4914, D–1338–8885, D–1337–8882, and A–400–9034, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Springfield Boiler Co., Nineteenth and Capitol Avenue, Springfield, Ill.

Termination of approval No. 162.002/60/0, Sun fire tube boiler, single ended Scotch marine type, welded S. E. Scotch boiler, 15'–3" I. D. x 11'–7" overheads, similar to Dwg. No. G–6372–1 dated 27 November 1940, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Sun Shipbuilding and Drydock Co., Chester, Pa.

Termination of approval No. 162.002/61/0, Thompson fire tube boiler, vertical tubular type, similar to Dwg. No. A–1022 dated 22 January 1943, #812 (48" x 96") plain vertical boiler, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Thompson Boiler Works, 1000 North Broadway, Los Angeles, Calif.

Termination of approval No. 162.002/62/0, Titusville fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Titusville Iron Works Co., Titusville, Pa.

Termination of approval No. 162.002/64/0, Titusville fire tube boiler, western river type, four-drum, double flue design, combination welded and riveted construction. Dwg. No. E–675–A dated 4 March 1945, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Titusville Iron Works Co., Titusville, Pa.

Termination of approval No. 162.002/65/0, Toledo Shipbuilding Co. fire tube boiler, Scotch marine type, similar to Dwg. No. 10–1–1624 dated November 1939, S. E. Scotch boiler 14'–6" x 12'–6", material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Toledo Shipbuilding Co., Inc., Toledo, Ohio.

Termination of approval No. 162.002/66/0, Union Iron Works fire tube boiler, Scotch marine type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Termination of approval No. 162.002/67/0, Union Iron Works fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Termination of approval No. 162.002/68/0, Union marine steel water tube auxiliary boiler, type M, two-drum, bent tube type, boiler consists of steam drum, mud drum, fitted with bent down-comer and generator tubes, Dwg. No. P. S. 3488 dated 12 October 1943, evaporation 9,000 lb./hr., h. p. 140, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Termination of approval No. 162.002/69/0, Union fire tube boiler, western river type, four-drum, two flues per drum, Dwg. No. EHD 2139–1 dated 26 September 1944 and revised 28 November 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Union Iron Works, 1515 Cascade Street, Erie, Pa.

Termination of approval No. 162.002/72/0, Vogt water tube boiler, sectional header type, similar to Dwg. No. X–1826–C–3 dated 11 June 1941 and No. X–1874–1H revised 31 July 1944, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Henry Vogt Machine Co., Tenth and Ormsby Streets, Louisville, Ky.

Termination of approval No. 162.002/73/0, Wickes water tube boiler, 3-drum bent tube, type A, welded, similar to Dwg. Nos. 43651–Z/15 dated 15 March 1943 and 43560–Z/15 dated 11 November 1942, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by The Wickes Boiler Co., Saginaw, Mich.

Termination of approval No. 162.002/74/0, Winona fire tube boiler, western river type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Winona Boiler Co., Winona, Minn.

Termination of approval No. 162.002/75/0, Winona fire tube boiler, vertical tubular type, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Winona Boiler Co., Winona, Minn.

Termination of approval No. 162.002/76/0, Acme Boiler & Tank Co. water tube boiler, Model No. MA–101, auxiliary boiler, cross drum, straight tube header type, steel, welded, Dwg. No. B30 dated 23 April 1947, material, design, and fabrication in accordance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, approved for type design only, manufactured by Acme Boiler & Tank Co., Salmon Bay Terminal, Seattle, Wash.

(R. S. 4405, 4417a, 4418, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

BOILERS, HEATING

Termination of approval No. 162.003/3/0, "Basmor" heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Bastian-Morley Co., Inc., 300 Truesdell, La Porte, Ind.

Termination of approval No. 162.003/5/0, Scotch marine type heating boiler, fire tube, Dwg. No. 2174–A and Bulletin describing Bigelow Scotch Type Heating Boiler, maximum working pressure 15 p. s. i., manufactured by The Bigelow Co., 100 River Road, New Haven 3, Conn.

Termination of approval No. 162.003/6/0, Model 19" oilsaver, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/12/0, Model DH–3 Delco domestic heating boiler, sectional cast iron construction, fin type oil fired, Catalog No. DEP–327R–SM–8–37–(17), approved models DH–3, DH–4, DL–5, and DL–6, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corp., Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/13/0, Model DB–3 Delco domestic heating boiler, sectional cast iron construction, fin type, oil or gas fired, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corp., Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/14/0, Vortex waste heat vertical heating boiler, heat recovery silencer type, welded inner and outer shell plate, Dwg. No. 1975 dated 10 April 1945, approved for sizes 27, 24, 22, 21, and 20 hours, performance rating for respective sizes 100, 150, 250, 350, and 500 pounds steam per hour maximum, over-all dimensions respective sizes 18" x 53", 21½" x 74", 28" x 89", 32" x 99", 34" x 108", maximum working pressure 30 p. s. i., manufactured by Engineering Specialties Co., Inc., 39 Cortlandt Street, New York, N. Y.

Termination of approval No. 162.003/16/0, Farrar and Trefts fire tube heating boiler, vertical tubular type, Dwg. No. 31052 dated 8 April 1941, material, design, and construction in conformance with U. S. Coast Guard Marine Engineering Regulations and Material Specifications, Parts 51, 52, and 56, heating surface total 243 square feet, maximum working pressure 30 p. s. i., manufactured by Farrar & Trefts, Inc., 11 Grimes Street, Buffalo, N. Y.

Termination of approval No. 162.003/17/0, Type RM–19 RZU JR., fire tube heating boiler, horizontal return tubular, welded steel plate fabricated, similar to Dwg. No. A1181 dated 3 September 1938, heating surface 111 square feet, maximum working pressure 30 p. s. i., manufactured by Fitzgibbons Boiler Co., Inc., 101 Park Avenue, New York, N. Y.

Termination of approval No. 162.003/19/0, Size No. 1 H. M. steam heating boiler, horizontal water tube boiler, water legs, firebox and shell welded steel plate, fitted with hot water heating coil, Dwg. No. 52–5295 dated 2 December 1942, boiler heating surface 63 sq. ft., over-all dimensions 3' 6" x 5' 1", maximum working pressure 30 p. s. i., manufactured by The International Boiler Works, East Stroudsburg, Pa.

Termination of approval No. 162.003/20/0, Size No. 0 H. M. steam heating boiler, horizontal water tube boiler, water legs, firebox and shell welded steel plate, fitted with hot water heating coil, Dwg. No. 52–5337 dated 23 March 1943, boiler heating surface 47 sq. ft., over-all dimensions 2' 11½" x 5' 1", maximum working pressure 30 p. s. i., manufactured by The International Boiler Works, East Stroudsburg, Pa.

Termination of approval No. 162.003/22/0, Fire tube boiler, vertical tubular heating boiler, welded steel fabrication, Dwg. dated 17 November 1941, maximum working pressure 30 p. s. i., manufactured by Orr & Sembower, Inc., 942 Morgantown Road, Reading, Pa.

Termination of approval No. 162.003/30/0, "Wee-Scot" low pressure steam heating boiler, horizontal Scotch marine, riveted construction, dry back type, Dwg. No. E–4398 revised 21 July 1939 and Catalog Form 5025–A, diameter 45", H. P. 20, heating surface 201 sq. ft., 3-inch fire tube, weight 7,000 lbs., maximum working pressure 30 p. s. i., manufactured by The Titusville Iron Works Co., Titusville, Pa.

Termination of approval No. 162.003/31/0, "Capital" heating boilers, cast iron construction, sectional and round fire pot type, maximum working pressure 15 p. s. i., manufactured by U. S. Radiator Corp., 1500 United Artist Building, Detroit 31, Mich.

Termination of approval No. 162.003/34/0, Weil-McLain cast iron heating boiler, maximum working pressure 15 p. s. i., manufactured by Weil-McLain Co., Michigan City, Ind.

Termination of approval No. 162.003/43/0, Model No. 70, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/44/0, Model No. 50, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/45/0, Model No. 100, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/46/0, Model No. 200, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/47/0, Model No. 300, Columbia heating boiler, cast iron construction, maximum working pressure 15 p. s. i., manufactured by Columbia Radiator Co., McKeesport, Pa.

Termination of approval No. 162.003/49/0, Model DH–4, Delco domestic heating boiler, section cast iron construction, fin type, oil fired, Catalog No. DEP–327R–SM–8–37–(17), maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corporation, Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/50/0, Model DL–5, Delco domestic heating boiler, sectional cast iron construction, fin type, oil fired, Catalog No. DEP–327R–SM–8–37–(17), maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General

Motors Corporation, Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/51/0, Model DL–6, Delco domestic heating boiler, sectional cast iron construction, fin type, oil fired, Catalog No. DEP–327R–SM–8–37–(17), maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corporation, Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/52/0, Model DB–4, Delco domestic heating boiler, sectional cast iron construction, fin type, oil or gas fired, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corporation, Lyell and Whitney Streets, Rochester, N. Y.

Termination of approval No. 162.003/53/0, Model DB–5, Delco domestic heating boiler, sectional cast iron construction, fin type, oil or gas fired, maximum working pressure 15 p. s. i., manufactured by Delco Appliance Division, General Motors Corporation, Lyell and Whitney Streets, Rochester, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346 and sec. 5 (e), 55 Stat. 244, 25, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Termination of approval No. 162.004/4/0, Fire Gun No. 1, 1¼ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X–1050, alt. H, dated 26 September 1945, name plate Dwg. No. 14X–29, alt. G, dated 25 January 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.004/6/0, LaFrance No. 5, 1½ qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X–1051, alt. H, dated 26 September 1945, name plate Dwg. No. 7AX–10, dated 28 May 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.004/7/0, LaFrance No. 6, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. 13X–1049, alt. L, dated 26 September 1945, name plate Dwg. No. 7AX–9, alt. G, dated 23 April 1946, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.004/9/0, Badger (Symbol FY), 1-quart carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 28, issue 2779, dated 8 November 1946, Fyr-Fyter Name Plate Dwg. No. 2173, issue 2338, dated 7 August 1945, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The Fyr-Fyter Co., Dayton, Ohio.

Termination of approval No. 162.004/10/0, Badger (Symbol FY), 1½-quart carbon tetrachloride hand portable fire extinguisher, Fyr-Fyter Assembly Dwg. No. 29, issue 2780, dated 8 November 1946, name plate Dwg. No. 2173, issue 2338, dated 7 August 1945, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The Fyr-Fyter Company, Dayton, Ohio.

Termination of approval No. 162.004/24/0, Queen Special (Symbol BU) 1 qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 90, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3338, dated 27 December 1946, manufactured for Harker Manufacturing Co., 121 West Third Street, Cincinnati, Ohio, by Buffalo Fire Appliance Corp., Dayton, Ohio.

Termination of approval No. 162.004/25/0, Queen Special (Symbol BU) 1½ qt. carbon tetrachloride hand portable fire extinguisher, Buffalo Assembly Dwg. No. 91, dated 11 July 1946, Buffalo Name Plate Dwg. No. 3338, dated 27 December 1946, manufactured for Harker Manufacturing Co., 121 West Third Street, Cincinnati, Ohio, by Buffalo Fire Appliance Corp., Dayton, Ohio.

Termination of approval No. 162.004/43/0, Wilbur, 1 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. FE 220, rev. 24 January 1946, name plate Dwg. No. FE 53, rev. 20 September 1945, manufactured by Wil-X-Manufacturing Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Termination of approval No. 162.004/44/0, Wilbur, 2 qt. carbon tetrachloride hand portable fire extinguisher, assembly Dwg. No. FE 226, rev. 24 January 1946, name plate Dwg. No. FE 53, rev. 20 September 1945, manufactured by Wil-X-Manufacturing Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Termination of approval No. 162.004/45/0, Chief Croker (Symbol GE), 1 qt. carbon tetrachloride hand portable fire extinguisher, General Detroit assembly Dwg. No. BT–185–X, dated 9 April 1943, rev. 8 July 1947, General Detroit name plate Dwg. No. AT–185–1N, dated 25 March 1947, manufactured for Croker Fire Prevention Corp., 32 West 31st Street, New York, N. Y., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

(R. S. 4405 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of approval No. 162.005/3/0, Alfite Speedex 4, squeeze grip valve, 4-lb. carbon dioxide portable fire extinguisher, assembly Dwg. No. 28X–1570, alt E, dated 18 June 1945, name plate Dwg. No. 28X–843 (on Dwg. No. 28X–844, alt. U, dated 8 October 1946), manufactured by American LaFrance Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.005/8/0, Type C-D/FOG, Model 15 K, 15-lb. carbon dioxide hand portable fire extinguisher, squeeze grip valve, assembly Dwg. No. CO–233E, dated 23 March 1943, name plate Dwg. No. CO–308–C, dated 15 July 1943, rev. 16 November 1943, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Termination of approval No. 162.005/11/0, KIDDE Model 15Z, squeeze grip valve, 15-lb. carbon dioxide hand portable fire extinguisher, General Arrangement Dwg. No. 30183, dated 29 June 1944, name plate Dwg. No. 80889, dated 16 August 1943, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J.

Termination of approval No. 162.005/12/0, KIDDE, Model 4T, 4-lb. carbon dioxide hand portable fire extinguisher, Assembly Dwg. No. M–890008, dated 8 April 1946, name plate Dwg. No. 67111, Rev. B, dated 10 July 1946, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Bellville 9, N. J.

(R. S. 4405, 4471a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Termination of approval No. 162.006/1/0. Foamite Crusader, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 4X–1036, alt. 6, dated 19 May 1939, name plate Dwg. No. 4X–208, alt. E, dated 11 July 1946, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.006/3/0. Firefoam, Model D. S., 2½ gal. foam, hand portable fire extinguisher, assembly Dwg. No. 4X–1072 (on Dwg. No. 4X–1070) alt. I, dated 6 April 1938, name plate Dwg. No. 4X–76, alt. I, dated 3 March 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.006/4/0, Alfoam, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. 4X–1070; alt. I, dated 6 April 1938, name plate Dwg. No. 4X–75, alt. K, dated 25 January 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.006/7/0, Quick Aid, Model F–833, 2½ gal. foam hand portable fire extinguisher, assembly Dwg. No. BF–833–X, dated 27 June 1945, rev. 19 Nov. 1945, name plate Dwg. No. CF–833–7R, dated 19 May 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of approval No. 162.007/2/0, Child's Model D. S., 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 8P–1074, alt. E, dated 5 June 1940, name plate Dwg. No. 2X–184, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.007/4/0, Rought Rider, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 2X–1033, alt. M, dated 11 June 1945, name plate Dwg. No. 2X–187, alt. I, dated 9 June 1945, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.007/5/0, Alert, Model D. S., 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. 2X–1038 (on Dwg. No. 8P–1024, alt. E, dated 5 June 1940), name plate Dwg. No. 2X–178, alt. L, dated 25 January 1937, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y.

Termination of approval No. 162.007/8/0, Quick Aid, Model SA–303, 2½ gal. soda-acid hand portable fire extinguisher, assembly Dwg. No. BS–303–X, dated 2 July 1947, name plate Dwg. No. CS–303–14Q, dated 14 May 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Termination of approval No. 162.007/11/0, Hartford 5–H, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene asembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8181, dated 17 July 1936, rev. 3 March 1941, manufactured for Belknap Hardware & Manufacturing Co., 111 East Main Street, Louisville, Ky., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/12/0, Akron, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7601, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8177, dated 20 July 1936, rev. 28 February 1941, manufactured for M. F. Murdock Co., Akron, Ohio, by Pyrene Manufacturing Co., 530 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/14/0, Hickory, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8178, dated 21 July 1936, rev. 3 March 1941, manufactured for Kelly-How-Thompson Co., Duluth, Minn., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/15/0, Ideal (Symbol PY), 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. No. B–7106, dated 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8183, dated 24 July 1936, rev. 3 March 1941, manufactured for Berkshire Mill Supply Co., Pittsfield, Mass., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/19/0, Universal (Symbol PY), 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly, Dwg. No. B–7106, date 20 December 1934, rev. 11 March 1946, Pyrene name plate Dwg. No. B–8933, dated 14 February 1939, rev. 27 February 1941, manufactured for Underwriters Equipment Co., 1726 East Seventh Street, Los Angeles, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/20/0, Union, 2½ gal. soda-acid hand portable fire extinguisher, Pyrene assembly Dwg. B–7106, dated 20 December 1934, rev. 11 March 1946, name plate Dwg. No. B–8175, dated 20 July 1936, rev. 3 March 1941, manufactured for Union Hardware & Metal Co., 411 East First Street, Los Angeles 54, Calif., by Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Termination of approval No. 162.007/21/0, Defender (Symbol GE), 2½ gal. soda-acid hand portable fire extinguisher, General Detroit Assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14D, dated 19 February 1946, rev. 23 December 1946, manufactured for Schwartz Bros., Inc., 327 Arch Street, Philadelphia 7, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Termination of approval No. 162.007/22/0, Kontrol (Symbol GE), 2½ gal. soda-acid hand portable fire extinguisher, General Detroit Assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14K, dated 14 February 1946, rev. 23 December 1946, manufactured for Stempel Fire Extinguisher Manufacturing Co., Jasper and York Streets, Philadelphia 25, Pa., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

Termination of approval No. 162.007/23/0, Chief Croker (Symbol GE), 2½-gal. soda-acid hand portable fire extinguisher, General Detroit Assembly Dwg. No. BS–303–X, dated 2 July 1947, General Detroit name plate Dwg. No. AS–303–14P, dated 2 May 1947, manufactured for Croker Fire Prevention Corp., 32 West Thirty-first Street, New York, N. Y., by The General Detroit Corp., 2272 East Jefferson, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Termination of approval No. 162.015/1/0, Model No. E52635M. Backfire Flame Arrestor for Carburetors. Drawing No. E52635M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit 31, Mich.

Termination of approval No. 162.015/2/0, Model No. E52636M, Backfire Flame Arrestor for Carburetors, Drawing No. E52636M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit 31, Mich.

Termination of approval No. 162.015/3/0, Model No. E52637M, Backfire Flame Arrestor for Carburetors, Drawing No. E52637M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit 31, Mich.

Termination of approval No. 162.015/4/0, Model No. E54647M. Backfire Flame Arrestor for Carburetors, Drawing No. E54647M, dated 8 December 1939, manufactured by Chrysler Corp., Marine Engine Division, Detroit 31, Mich.

Termination of approval No. 162.015/5/0, Type B, Trap No. 1, Backfire Flame Arrestor for Carburetors drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

Termination of approval No. 162.015/6/0, Type B, Trap No. 3, Backfire Flame Arrestor for Carburetors, drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

Termination of approval No. 162.015/7/0, Type B, Trap No. 6, Backfire Flame Arrestor for Carburetors, drawing dated 12 November 1931, manufactured by M. L. Oberdorfer Brass Co., Syracuse, N. Y.

(R. S. 4405, 4491, 54 Stat. 165, 166, as amended; 46 U. S. C. 375, 489, 526i, 526p; 46 CFR 25.6–1, 26.4–1, 162.015)

FLAME ARRESTERS FOR TANK VESSELS

Termination of approval No. 162.016/5/0, Model 1004A, Protectoseal flame arrester, cast iron body, grid assembly consists of rectangular bank of 96 bronze plates, fitted with removable grid cover plate, Dwg. No. 1004A, dated 22 June 1937, approved for size 4" diameter, for use with inflammable or combustible liquids of Grade A or lower, manufactured by Protectoseal Co. of America, 1920 South Western Avenue, Chicago 8, Ill.

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. App. 1275; 46 CFR 162.016)

REGULATORS AND LOW WATER ALARMS, BOILER FEED

Termination of approval No. 162.024/7/0, "Peco-Cambell" series 30, boiler feed water regulating and signaling system, fitted with pump control for high-low water level signal and alarm panels, Dwg. No. 300–1, revised 7 July 1945, approved for maximum working pressure of 300 p. s. i., manufactured by Proctor Engineering Co., 106 Key Highway, Baltimore, Md.

Termination of approval No. 162.024/9/0, "Peco-Cambell" series 60, boiler feed water regulating and signaling system, fitted with pump control for high-low water level signal and alarm panels, Dwg. No. 600–1, revised 7 July 1945, approved for maximum working pressure of 600 p. s. i., manufactured by Proctor Engineering Co., 106 Key Highway, Baltimore, Md.

(R. S. 4405, 4417a, 4418, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391A, 392, 411, 499, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Termination of approval No. 162.025/2/0, Diamond bicolor secondary boiler water level gauge, remote water level indicator, through vision gauge and remote reading color gauge illuminator. Forms 888 and 900 dated June 1941 and Bulletin No. 892A (remote reading color gauge illuminator considered an auxiliary gauge), manufactured by Diamond Power Specialty Corp., Detroit 31, Mich.

Termination of approval No. 162.025/3/0, McNeill secondary boiler water gauge, remote boiler water level indicator, concentric mercury U tube design, Dwg. No. 213G and 214G and Bulletin No. 1001G (remote reading gauge shall be used only as an auxiliary gauge glass), manufactured by McNeill Engineering Co., 4057 West Van Buren St., Chicago, Ill.

Termination of approval No. 162.025/4/0, Reliance secondary boiler water

gauge, prismatic periscope type remote boiler water level indicator Dwg. No. B–5231 dated 19 June 1942 and Catalog No. 434, approved for type design only, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

Termination of approval No. 162.025/7/0, Model E–20, Reliance Eye-Hye secondary boiler water gauge, remote boiler water level indicator, "U" tube differential pressure gauge connected to primary water column gauge, 125 p. s. i., dwg. No. B–5617–2, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

Termination of approval No. 162.025/8/0, Model E–21, Reliance Eye-Hye secondary boiler water gauge, remote boiler water level indicator, "U" tube differential pressure gauge connected to primary water column gauge, 125 p. s. i., dwg. No. B–5666–1, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

DECK COVERINGS

Termination of approval No. 164.006/1/0, Miller Marine magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–969; FR–1459 dated 10 June 1939, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Miller Marine Decking, Inc., 230 Park Avenue, New York 17, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

STRUCTURAL INSULATIONS

Termination of approval No. 164.007/5/0, ATOZ, plaster type structural insulation, identical to that described in National Bureau of Standards letter, File III–6/3519–43, dated 24 August 1940, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cu. ft. density, manufactured by American Acoustics, Inc., 120 South LaSalle Street, Chicago 3, Ill.

Termination of approval No. 164.007/8/0, J–M BX–18, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Termination of approval No. 164.007/16/0, J–M Aircoustic sheet, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Termination of approval No. 164.007/17/0, J–M Marine acoustical unit, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface and 3/16th inch perforated J–M Marine Veneer added, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density exclusive of the J–M Marine Veneer, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR Part 144)

BULKHEAD PANELS

Termination of approval No. 164.008/8/0, Seaporcel flush type, hollow steel, insulation board lined bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/36, dated 3 August 1944, approved as meeting Class B–15 requirements in a 1 11/16-inch thickness when lined each side with ¼-inch asbestos millboard, manufactured by Seaporcel Metals, Inc., 28–20 Borden Avenue, Long Island City 1, N. Y.

Termination of approval No. 164.008/9/0, Mobilwall, hollow steel, insulation filled bulkhead panel identical to that described in Snead & Co. Dwgs. X–101, X–102, X–103, and X–104, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one half that listed to meet Class A–60 requirements, manufactured by Virginia Metal Products Corp., Orange, Va.

Termination of approval No. 164.008/25/0, Paine Marine bulkhead steel vermiculite insulated corrugated sheet core type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–35; FR–1386 dated 31 March 1939, approved as meeting Class B–15 requirements in a 1 11/16-inch thickness when lined each side with ¼-inch asbestos millboard, manufactured by The E. Paine Manufacturing Co., Port Monmouth, N. J.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.008)

Dated: September 24, 1952.

MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard
Commandant.

[F. R. Doc. 52–10599; Filed, Sept. 30, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request No. 1—DPAV–2 (c)]

ADDITION TO MEMBERSHIP TO ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the names of the following additional companies which have become members of the Army Ordnance Integration Committee on Optical Fire Control in accordance with the Voluntary Plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee," dated January 30, 1951, which was published on 16 F. R. 1964 on March 1, 1951. The names of other companies heretofore requested to participate were published on March 1, 1951 (16 F. R. 1964), April 14, 1951 (16 F. R. 3315), and July 14, 1951 (16 F. R. 6806).

Leupold and Stevens Instruments, Inc., P. O. Box 5082, Portland 13, Oreg.
American Cystoscope Makers, Inc., 1241 Lafayette Avenue, New York, N. Y.
Liberty-Owens-Ford Glass Co., Rossford, Ohio.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.)

Dated: September 26, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52–10692; Filed, Sept. 30, 1952; 10:34 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27426]

GRAIN FROM ATCHISON AND LEAVENWORTH, KANS., AND KANSAS CITY AND ST. JOSEPH, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, I. C. C. No. A–3866, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10579; Filed, Sept. 30, 1952; 8:45 a. m.]

[4th Sec. Application 27427]

SAND AND GRAVEL BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315.

Commodities involved: Sand, gravel, and related articles, carloads.

Territory: Between points in southern territory; between points in southern territory and points in Virginia; and from southern Illinois to Mississippi Valley territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10581; Filed, Sept. 30, 1952; 8:46 a. m.]

[4th Sec. Application 27428]

PETROLEUM PRODUCTS FROM FLAT ROCK, MICH., TO CERTAIN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510.

Commodities involved: Petroleum and petroleum products, carloads.

From: Flat Rock, Mich.

To: Atlanta, Ga., and Birmingham, Ala., and points grouped therewith, Jacksonville and Panama City, Fla.

Grounds for relief: Competition with rail carriers, circuity, grouping, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10580; Filed, Sept. 30, 1952; 8:45 a. m.]

[4th Sec. Application 27429]

CLAY FROM BROWNS PORTLAND, CELO, AND PEACH ORCHARD, TENN., TO POINTS EAST OF THE ROCKY MOUNTAINS

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315.

Commodities involved: Clay, carloads.

From: Browns Portland, Celo, and Peach Orchard, Tenn.

To: Points in the United States generally east of the Rocky Mountains, on the other.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A–3929, Supp. 8. L. E. Kipp, Agent, I. C. C. No. A–3930, Supp. 9. F. C. Kratzmeir, Agent, I. C. C. No. 3999, Supp. 11. L. C. Schuldt, Agent, I. C. C. No. 4488, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10582; Filed, Sept. 30, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 10, Revocation]

PLACEMENT OF PROCUREMENT IN THE MANCHESTER, NEW HAMPSHIRE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that Manchester, New Hampshire is no longer classified as a Group IV, surplus labor area, and is now classified as a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preferences on the placement of Government contracts in accordance with Defense Manpower Policy No. 4 should no longer be given to the above named area. Effective immediately notification is rescinded.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,

gauge, prismatic periscope type remote boiler water level indicator Dwg. No. B–5231 dated 19 June 1942 and Catalog No. 434, approved for type design only, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

Termination of approval No. 162.025/7/0, Model E–20, Reliance Eye-Hye secondary boiler water gauge, remote boiler water level indicator, "U" tube differential pressure gauge connected to primary water column gauge, 125 p. s. i., dwg. No. B–5617–2, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

Termination of approval No. 162.025/8/0, Model E–21, Reliance Eye-Hye secondary boiler water gauge, remote boiler water level indicator, "U" tube differential pressure gauge connected to primary water column gauge, 125 p. s. i., dwg. No. B–5666–1, manufactured by The Reliance Gauge Column Co., 5902 Carnegie Avenue, Cleveland 3, Ohio.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

DECK COVERINGS

Termination of approval No. 164.006/1/0, Miller Marine magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG 3610–969; FR–1459 dated 10 June 1939, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Miller Marine Decking, Inc., 230 Park Avenue, New York 17, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

STRUCTURAL INSULATIONS

Termination of approval No. 164.007/5/0, ATOZ, plaster type structural insulation, identical to that described in National Bureau of Standards letter, File III–6/3519–43, dated 24 August 1940, approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 30 pounds per cu. ft. density, manufactured by American Acoustics, Inc., 120 South LaSalle Street, Chicago 3, Ill.

Termination of approval No. 164.007/8/0, J–M BX–18, mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Termination of approval No. 164.007/14/0, Fiberglas cement, glass fiber cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG 3619–37a; FR–1466a dated 7 July 1939, approved for use without other insulating material to meet Class A–60 requirements in a 4-inch thickness and 30 pounds per cu. ft. density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio.

Termination of approval No. 164.007/16/0, J–M Aircoustic sheet, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

Termination of approval No. 164.007/17/0, J–M Marine acoustical unit, mineral wool type structural insulation identical to J–M BX–18 described in National Bureau of Standards Test Report No. TG–3619–36; FR–1404 dated 17 May 1939, with special sanded surface and 3/16th inch perforated J–M Marine Veneer added, boards approved for use without other insulating material to meet Class A–60 requirements in a 2-inch thickness and 18 pounds per cu. ft. density exclusive of the J–M Marine Veneer, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR Part 144)

BULKHEAD PANELS

Termination of approval No. 164.008/8/0, Seaporcel flush type, hollow steel, insulation board lined bulkhead panel identical to that described in National Bureau of Standards letter, file III–6/36, dated 3 August 1944, approved as meeting Class B–15 requirements in a 1 11/16-inch thickness when lined each side with ¼-inch asbestos millboard, manufactured by Seaporcel Metals, Inc., 28–20 Borden Avenue, Long Island City 1, N. Y.

Termination of approval No. 164.008/9/0, Mobilwall, hollow steel, insulation filled bulkhead panel identical to that described in Snead & Co. Dwgs. X–101, X–102, X–103, and X–104, approved as meeting Class B–15 requirements in a minimum thickness of 1½ inches when filled with a structural insulation in a density as approved by the Coast Guard and a thickness of one half that listed to meet Class A–60 requirements, manufactured by Virginia Metal Products Corp., Orange, Va.

Termination of approval No. 164.008/20/0, Saino Marine, hollow steel, vermiculite insulated corrugated steel core type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG–3619–35, FR–1366 dated 31 March 1939, approved as meeting Class B–15 requirements in a ⅞-inch thickness, manufactured by The F. L. Saino Manufacturing Co., Inc., Memphis, Tenn.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.008)

Dated: September 24, 1952.

MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard Commandant.

[F. R. Doc. 52–10599; Filed, Sept. 30, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request No. 1—DPAV–2 (c)]

ADDITION TO MEMBERSHIP TO ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are herewith published the names of the following additional companies which have become members of the Army Ordnance Integration Committee on Optical Fire Control in accordance with the Voluntary Plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee," dated January 30, 1951, which was published on 16 F. R. 1964 on March 1, 1951. The names of other companies heretofore requested to participate were published on March 1, 1951 (16 F. R. 1964), April 14, 1951 (16 F. R. 3315), and July 14, 1951 (16 F. R. 6806).

Leupold and Stevens Instruments, Inc., P. O. Box 5092, Portland 13, Oreg.

American Cystoscope Makers, Inc., 1241 Lafayette Avenue, New York, N. Y.

Liberty-Owens-Ford Glass Co., Rossford, Ohio.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: September 26, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52–10692; Filed, Sept. 30, 1952; 10:34 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27426]

GRAIN FROM ATCHISON AND LEAVENWORTH, KANS., AND KANSAS CITY AND ST. JOSEPH, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A–3866.

Commodities involved: Grain, grain products and seeds, carloads.

From: Atchison and Leavenworth, Kans., Kansas City and St. Joseph, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A–3866, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10579; Filed, Sept. 30, 1952; 8:45 a. m.]

[4th Sec. Application 27427]

SAND AND GRAVEL BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315.

Commodities involved: Sand, gravel, and related articles, carloads.

Territory: Between points in southern territory; between points in southern territory and points in Virginia; and from southern Illinois to Mississippi Valley territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10580; Filed, Sept. 30, 1952; 8:45 a. m.]

[4th Sec. Application 27428]

PETROLEUM PRODUCTS FROM FLAT ROCK, MICH., TO CERTAIN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510.

Commodities involved: Petroleum and petroleum products, carloads.

From: Flat Rock, Mich.

To: Atlanta, Ga., and Birmingham, Ala., and points grouped therewith, Jacksonville and Panama City, Fla.

Grounds for relief: Competition with rail carriers, circuity, grouping, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10581; Filed, Sept. 30, 1952; 8:46 a. m.]

[4th Sec. Application 27429]

CLASS RATES BETWEEN PORTLAND, COLO., AND POINTS GROUPED THEREWITH AND POINTS EAST OF THE ROCKY MOUNTAINS

APPLICATION FOR RELIEF

SEPTEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Involving: Class rates.

Between: Portland, Colo., and points in Colorado grouped therewith, on the one hand, and points in the United States generally east of the Rocky Mountains, on the other.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A–3929, Supp. 8. L. E. Kipp, Agent, I. C. C. No. A–3930, Supp. 9. F. C. Kratzmeir, Agent, I. C. C. No. 3999, Supp. 11. L. C Schuldt, Agent, I. C. C. No. 4488, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–10582; Filed, Sept. 30, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 10, Revocation]

PLACEMENT OF PROCUREMENT IN THE MANCHESTER, NEW HAMPSHIRE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that Manchester, New Hampshire is no longer classified as a Group IV, surplus labor area, and is now classified as a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 10 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

SEPTEMBER 27, 1952.

[F. R. Doc. 52–10630; Filed, Sept. 30, 1952; 8:54 a. m.]

[Defense Manpower Policy No. 4, Notification 16, Revocation]

PLACEMENT OF PROCUREMENT IN NEW YORK, N. Y., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that New York, New York is no longer classified as a Group IV, surplus labor area, and is now classified as a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 16 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

SEPTEMBER 27, 1952.

[F. R. Doc. 52-10631; Filed, Sept. 30, 1952; 8:54 a. m.]

[Defense Manpower Policy No. 4, Notification 26, Revocation]

PLACEMENT OF PROCUREMENT IN THE NASHUA, N. H., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that Nashua, New Hampshire is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 26 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

SEPTEMBER 27, 1952.

[F. R. Doc. 52-10632; Filed, Sept. 30, 1952; 8:54 a. m.]

[Defense Manpower Policy No. 4, Notification 42, Revocation]

PLACEMENT OF PROCUREMENT IN THE BIDDEFORD, MAINE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that Biddeford, Maine, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 42 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

SEPTEMBER 27, 1952.

[F. R. Doc. 52-10633; Filed, Sept. 30, 1952; 8:54 a. m.]

[Defense Manpower Policy No. 4, Notification 46, Revocation]

PLACEMENT OF PROCUREMENT IN THE LEWISTON, MAINE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION OF CHANGE OF CLASSIFICATION

The Department of Labor has notified the Surplus Manpower Committee that Lewiston, Maine is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 46 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

SEPTEMBER 27, 1952.

[F. R. Doc. 52-10634; Filed, Sept. 30, 1952; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19021]

RAYMOND G. HORN AND MARIE HORN

In re: Real property owned by the personal representatives, heirs, next of kin, legatees and distributees of Raymond G. Horn, also known as Raymond Horn, deceased, and Marie Horn, deceased, nee Bechler, his widow. F-28-28141-B-1.

Under the authority of the Trading with the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Raymond G. Horn, also known as Raymond Horn, deceased, and Marie Horn, deceased, nee Bechler, his widow, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property, known as 1210-1212 Eastman Street, situated in the City of Zanesville, County of Muskingum, State of Ohio, and in the third Quarter, first Township and seventh Range of the United States Military lands, bounded as follows: Beginning at the Northeast (NE) corner of lands formerly owned by Adolph Horn, thence East with the South line of Eastman Street seventy-six and one-half (76½) feet to the Northwest corner of lot Seven (7) of Eastman's Addition to the City of Zanesville, thence South along the West line of lot Seven (7) one hundred and sixty (160) feet, more or less, to the Southwest corner of said lot number (7), thence West seventy-six and one-half (76½) feet, thence North one hundred and sixty (160) feet, more or less, to the place of beginning, and being part of the same premises conveyed to said Adolph Horn. by Loyal Bigelow and Phoebe Eastman by deed dated June 4, 1883, and recorded in the record of deeds of the aforesaid Muskingum County, Ohio, in Book 76, Page 585, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Raymond G. Horn, also known as Raymond Horn, deceased, and Marie Horn, deceased, nee Bechler, his widow, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10605; Filed, Sept. 30, 1952; 8:50 a. m.]

[Vesting Order 19022]

WALTER HERRMANN ET AL.

In re: Walter Herrmann, an infant by Edmond Herrmann, his guardian ad litem, Plaintiff, against Evanston Corporation, Defendant. File No. 017-27231.

Under the authority of the Trading with the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Walter Herrmann, whose last known address is Germany, on or since December 11, 1941 and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Walter Herrmann aforesaid, in and to that certain fund on deposit with the Comptroller of the State of New York to the credit of said Walter Herrmann, representing the proceeds and accretions thereto of the compromise settlement of an action in the Supreme Court of New York, entitled "Walter Herrmann, an infant by Edmond Herrmann, his guardian ad litem, plaintiff against Evanston Corporation, defendant," is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by Walter Herrmann, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Comptroller of the State of New York, as depositary pursuant to Article 6 of the Abandoned Property Law and acting under the judicial supervision of the Supreme Court of the State of New York;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947 was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10606; Filed, Sept. 30, 1952; 8:51 a. m.]

[Vesting Order 19023]

MARTHA SCHUMANN

In re: Debt owing to Martha Schumann. F-28-30403.

Under the authority of the Trading with the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Schumann, whose last known address is 9 Pasingerstrasse, Grafelfing, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: A one-half interest in that certain debt or other obligation of the United States Fidelity and Guaranty Company, 15 Market Street, Newark 2, New Jersey, arising out of a Thrift Account, account numbered 39424, held in the name of Edward Schumann maintained with the aforesaid company, and any and all rights to demand, enforce and collect the aforesaid one-half interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Schumann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10607; Filed, Sept. 30, 1952; 8:51 a. m.]

[Vesting Order 19024]

COMPANIA ARGENTINA DE MANDATOS-SOCIEDAD ANONIMA

In re: Debt owing to Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia. F-28-17628 A-1/2, C-1, D-1/4.

Under authority of the Trading with the Enemy Act, as amended (50 U. S. C. App. and Sup. 140); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1947 and prior to January 1, 1947, was organized under the laws of and had its principal place of business in, Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is 1365 Casilla de Correo, Buenos Aires, Argen-

tina, on or since December 11, 1941 and prior to January 1, 1947, was a branch of, and has been controlled by, Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

3. That Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., is a corporation organized under the laws of Argentina, whose principal place of business is located in Buenos Aires, Argentina, and which is, or on or since December 11, 1941 and prior to January 1, 1947 was, controlled by, or a substantial part of the stock of which was owned or controlled directly or indirectly by, the aforesaid Banco Aleman Transatlantico, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, arising out of a blocked account in the name of Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., maintained with the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Banco Aleman Transatlantico and Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., are, and prior to January 1, 1947 were, controlled by, or acting for or on behalf of, a designated enemy country (Germany), or persons within such country, and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

6. That the national interest of the United States requires that the persons named in subparagraphs 1, 2 and 3 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10608; Filed, Sept. 30, 1952; 8:51 a. m.]

SOCIETE D'EXPLOITATION DES BREVETS MOINEAU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Societe d'Exploitation des Brevets Moineau, 9 Avenue de la Liberte, Luxembourg, Claim No. 36535; $296,521.73 in the Treasury of the United States. Property described in the following Vesting Orders: No. 27 (7 F. R. 4629, June 23, 1942); No. 296 (7 F. R. 9842, November 26, 1942); No. 666 (8 F. R. 5047, April 17, 1943); No. 670 (8 F. R. 5003, April 17, 1943); No. 4043 (9 F. R. 10726, September 1, 1944), relating to United States Letters Patent, Patent Applications and contract interests identified in Schedule A, attached hereto and made a part hereof.

Executed at Washington, D. C., on September 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

I. Patents.

SCHEDULE A—*Societe D'Exploitation Des Brevets Moineau*

Patent No.	Date issued	Inventor	Title	Assignment data	V. O. No.
1,892,217	Dec. 27, 1932	Rene J. L. Moineau	Gear Mechanism	Oct. 23, 1936 (Not recorded).	4043
2,028,407	Jan. 21, 1936	do	do	do	4043
2,085,115 (now Re.21,374).[1]	June 29, 1937	do	do	Sept. 23, 1938 Rec. Sept. 28, 1938, M. 176, P. 645.	666 670
2,161,374	June 6, 1939	do	Motor Pump or Electric Generator.		666
2,189,867	Feb. 13, 1940	Gilbert H. Hagerman	Method of and Apparatus for Forming Internal Threads in a Workpiece.	Oct. 7, 1938 Rec. Oct. 12, 1938, R. 176, P. 172.	670
2,189,868	Feb. 13, 1940	do	Apparatus for Forming External Threads in a Workpiece.	do	670

[1] Both Reissue No. 21,374, which was granted by the Patent Office on Feb. 27, 1940, and Patent No. 2,085,115, which it superseded, were vested in separate vesting orders.

II. Patent applications.

Patent Application Serial No.	Date filed	Inventor	Title	Assignment data	V. O. No.
228,735[2] (now Pat. No. 2,278,147).	Sept. 7, 1938 (Issued Mar. 31, 1942).	Rene J. L. Moineau	Aircraft	Aug. 30, 1938 Rec. Sept. 7, 1938, H. 176, P. 130.	27 670
287,297 (now Pat. No. 2,320,640).	July 29, 1939 (Issued June 1, 1943).	do	Mechanism for the Propulsion of Water Craft.	July 29, 1939 Rec. July 29, 1939, G. 180, P. 594.	296

[2] Both Patent Application Serial No. 228,735 and Patent No. 2,278,147, granted on said application, were vested by separate vesting orders.

III. Contract interests.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Rene J. L. Moineau by virtue of an agreement dated October 1, 1936 (including all modifications thereof, and supplements thereto, if any) by and between Rene J. L. Moineau and Robbins & Myers, Inc., which agreement relates, among other things, to United States Letters Patent No. 1,892,217, to the extent owned by Rene J. L. Moineau immediately prior to the vesting thereof by Vesting Order No. 4043.

[F. R. Doc. 52-10611; Filed, Sept. 30, 1952; 8:52 a. m.]

LUCIA BUFFA ARIMONDI AND FRANCO BUFFA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lucia Buffa Arimondi, Franco Buffa, Rome, Italy; Claim No. 39758; $63.81 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 10 shares, third preferred capital stock, par value $25 per share, Certificate No. 253, and 10 shares, common capital stock, par value $50 per share, Certificate No. 206, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; one-half thereof to each claimant.

Executed at Washington, D. C., on September 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10609; Filed, Sept. 30, 1952; 8:51 a. m.]

GIACOMO BRUNETTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Giacomo Brunetti, Giovanni Battista Brunetti, Fanny Despot Brunetti, Genoa, Italy; Claim No. 39599; $1,035.00 in the Treasury of the United States;[1] one-third each to Giacomo and Giovanni Brunetti and the remaining one-third to Giacomo, Giovanni and Fanny Brunetti, with Fanny Brunetti having a life interest therein and Giacomo and Giovanni Brunetti being entitled to the remainder in equal shares. $890.00 in the Treasury of the United States;[1] one-third each to Giacomo, Giovanni and Fanny Brunetti.

Stock of the De Nobili Cigar Company, a New York corporation, consisting of 230 shares, third preferred capital stock, par value $25 per share, Certificate No. 103, and 100 shares, common capital stock, par value $50 per share, Certificate No. 49, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Giacomo, Giovanni and Fanny Brunetti, with Giacomo and Giovanni Brunetti each being entitled to one-half of the stock subject to the payment of income for life from one-third thereof to Fanny Brunetti.

[1] The above sums represent dividends received by this Office. From these sums this Office has presently disbursed a total of $1,035.06 for taxes and conservatory charges. The net amounts will be allocated to the individual claimants after a final audit of claimants' accounts.

Executed at Washington, D. C., on September 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10610; Filed, Sept. 30, 1952; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 193

Washington, Thursday, October 2, 1952

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[General Regs. 97, Revised, Supp. 2]

PART 8—BILLS OF LADING FOR TRANSPORTATION OF GOVERNMENT PROPERTY

PREPARATION OF BILL OF LADING FORMS

Section 8.4 *Preparation of bill of lading forms*, is amended by adding new paragraphs (c) and (d) thereto as follows:

(c) (1) The U. S. Government Bill of Lading, Standard Form No. 1103, now provides for showing whether "pick-up service at origin" and "delivery service at destination" was or was not performed by the Government or its agent.

(2) In certain instances tariffs covering pick-up or delivery service provide for the assessment of charges therefor in addition to line-haul charges. Accordingly, where such tariff provisions are in effect, and when pick-up or delivery service is not performed by the Government or its agent but is performed by the carrier at the request of the shipper or consignee in connection with a Less-Than-Carload, an Any Quantity, or a Trap Car shipment, the U. S. Government bill of lading and available copies should be indorsed to show that "Pick-up," "Delivery," or "Trap Car Service," as the case may be, "was requested of and furnished by the railroad." (This information is to be shown in addition to the information presently required by the U. S. Government Bill of Lading.) Such indorsements should be signed by or for the person who ordered such services at origin or destination, and whenever practicable, the indorsements should be placed in any available space adjacent to the space presently provided for certification as to "pick-up service at origin" or "delivery service at destination."

(3) Inasmuch as the indorsements in subparagraph (2) of this paragraph are prescribed as a temporary procedure pending revision of the U. S. Government Bill of Lading, this Office will offer no objections if the indorsements, when required, are imprinted on the bill of lading and available copies by means of rubber stamps.

(d) When a carrier is requested to perform special services incident to the line-haul transportation the U. S. Government Bill of Lading, Standard Form No. 1103, shall be indorsed to show the name of the carrier upon which the request was made, the kind and scope of the special services ordered, and the fact that such services were rendered. This indorsement shall be signed by or for the person who ordered the special services. However, if such an indorsement is impractical the same information may be set forth in a statement bearing symbol and number of covering bill of lading which shall be signed by or for the person who ordered the special services, and, if possible, attached to the bill of lading. If the bill of lading is not available, the statement shall be surrendered to the carrier from which the services were ordered, for transmittal to the last line-haul carrier and presentation in connection with the bill for line-haul transportation charges.

(42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 52-10672; Filed, Oct. 1, 1952; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 14]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SPECIAL PROVISIONS FOR IRON AND STEEL

Section 373.2 *Special provisions for iron and steel* is amended by adding thereto a new paragraph (f) to read as follows:

(f) *Distressed iron and steel scrap.*—(1) *Licensing within quantitative quotas.* A small quantity of iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, 601090, 601150, is allocated to meet the minimum operating requirements of certain consumers in Mexico traditionally dependent for such scrap upon sources in the southwestern United States.

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FEDERAL REGISTER

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(2) *Licensing in excess of quantitative quotas.* Export licenses may be granted in rare instances in connection with cases of extreme hardship arising out of the inability of holders of scrap to dispose of it in the domestic market because of the unwillingness of domestic buyers to purchase the scrap at reasonable prices. Such applications for export licenses must be accompanied by a written certification from the NPA that the scrap covered by the application qualifies as distressed material.

In addition, the applicant for export license must comply with the provisions of § 372.3 (d) of this chapter, § 373.1 (a), (b) and (c), § 373.2 (a) and § 373.34 relative to ultimate consignee statement, price, accepted order, import certificate and delivery verification.

(i) Requests for the NPA certification should be addressed to the Director, Steel Division, NPA, Washington 25, D. C. The NPA has indicated that complete justification must be furnished to indicate beyond question the distressed character of the scrap. Such justification should include, as a minimum, evidence as to the length of time the scrap has been held, the names and addresses of potential users in the seller's market to whom the scrap has been offered, prices at which it has been offered and the reasons for rejection of offers to sell.

(ii) Export licenses filed under the provisions of subparagraph (2) of this paragraph will not be granted for exports to destinations other than the United Kingdom until such time as the Office of International Trade has contacted United Kingdom authorities through the Mutual Security Agency, and has been advised of the declination of that country to purchase the scrap described in the application at a reasonable price.

This amendment shall become effective as of October 1, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–10713; Filed, Oct. 1, 1952; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5942]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN COMMERCIAL TRAVELER

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.2263 *Scientific or relevant facts;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale or distribution in commerce of hotel or auto motor court directories or other publications, representing, directly or by implication, in the soliciting of advertising for such directories or publications, (1) that the respondent is connected in any manner with the American Automobile Association or is able to obtain the approval of or the listing of hotels, auto courts or other accommodations with the American Automobile Association; (2) that the respondent has a working agreement with any business firm as a result of which such firm instructs its salesmen to patronize the advertisers listed in the respondent's publication; (3) that advertisers in the respondent's publication are granted exclusive listings within a prescribed area; or, (4) that any specific number of persons will patronize the advertisers in the respondent's publication; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Solomon L. Corush b/d/a American Commercial Traveler, Beverly Hills, Calif., Docket 5942, June 24, 1952]

In the matter of Solomon L. Corush, an individual doing business as American Commercial Traveler

This proceeding was heard by J. Earl Cox, hearing examiner, upon the Commission's complaint (the "Notice" portion of which provided that the failure of said respondent to file his answer within the time therein fixed and to appear at the time and place fixed for hearing would be deemed to authorize the Commission and said examiner without further notice, to find the facts to be as alleged in the complaint and to issue an order to cease and desist in the form set forth in said notice), and upon the hearing so fixed.

Following the respondent's failure to file an answer, and his statement in a letter that he did not intend so to do, and his failure to appear at the time and place fixed for the hearing, motion by the attorney in support of the complaint, before said examiner, theretofore duly designated by the Commission, that the respondent be found in default, and for the entry of an order to cease and desist in the aforesaid form, was granted and the hearing closed.

Thereafter the proceeding regularly came on for final consideration by said

examiner upon the complaint and said motion, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, and acting pursuant to Rules V and VIII of the Commission's rules of practice, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist accordingly, under the provisions of said Rule XXII became the decision of the Commission on June 24, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Solomon L. Corush, an individual, trading as American Commercial Traveler, or trading under any other name or trade designation, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of hotel or auto court directories or other publications, do forthwith cease and desist from representing, directly or by implication, in the solicitation of advertising for such directories or publications:

(1) That the respondent is connected in any manner with the American Automobile Association or is able to obtain the approval of or the listing of hotels, auto courts or other accommodations with the American Automobile Association.

(2) That the respondent has a working agreement with any business firm as a result of which such firm instructs its salesmen to patronize the advertisers listed in the respondent's publication.

(3) That advertisers in the respondent's publication are granted exclusive listings within a prescribed area.

(4) That any specific number of persons will patronize the advertisers in the respondent's publication.

By "Decision of the Commission and order to file report of compliance," Docket 5942, June 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10670; Filed, Oct. 1, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

ASSESSMENTS

Pursuant to the general authority contained in section 12 of the act of June 24, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), § 345.20 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370; 12 F. R. 2327) is amended by Board Order 52-313, dated September 15, 1952, to read as follows:

§ 345.20 *Assessments.* The Director of Fiscal Accounts is authorized, on behalf of the Board, to issue assessments of contributions, interest and penalties, and notices and demands for payment thereof.

(Sec. 12, 52 Stat. 1094, 1107; 45 U. S. C. 362)

Dated: September 24, 1952.

By Authority of the Board,

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 52-10626; Filed, Oct. 1, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 4 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER ARTICLES

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

EXTENSION OF TERMINAL DATES OF SPECIAL ORDERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to Supplementary Regulation 4 to Ceiling Price Regulation 7 extended the automatic revocation dates of certain special orders issued under section 43 of CPR 7 to October 15, 1952, and November 15, 1952, the date of revocation in each case, depending upon the number by which the order was designated. That extension was granted because it appeared that numerous applicants were having difficulty in preparing their applications under SR 4 in time to avoid lags between the dates their special orders under section 43 of CPR 7 expired and the dates on which their SR 4 authorizations would become effective.

The Office of Price Stabilization is actively considering decontrol or suspension from control in a number of commodity areas, and many of the unexpired section 43 special orders establish uniform resellers' prices for branded articles in these areas. Consequently, pending the completion of these studies, the Director of Price Stabilization deems it advisable at this time to extend until January 2, 1953, the automatic revocation dates of all unexpired special orders under section 43. Thus, in the event suspension or decontrol actions are taken, the extension granted by this amendment would relieve holders of unexpired orders covering articles affected by such actions of the burden and expense of preparing SR 4 applications and of complying with the preticketing and notification requirements of the regulation.

In view of the remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Section 10 (a) of Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 10. *Orders under section 43 of Ceiling Price Regulation 7*—(a) *Expiration of orders.* (1) Except as provided in subparagraph (2), each special order issued to a manufacturer or wholesaler and in effect under section 43 of Ceiling Price Regulation 7 (including orders amended as provided in paragraph (c) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on the following applicable date, whichever is earlier:

For orders numbered—	*Expiration date is—*
1 through 205	Sept. 1, 1952.
206 and following	Jan. 2, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on the 1st day of October 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10745; Filed, Oct. 1, 1952; 11:21 a. m.]

[Ceiling Price Regulation 34, Territorial Supplementary Regulation 2]

CPR 34—SERVICES

TSR 2—RECAPPING AND RETREADING SERVICES IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Territorial Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Territorial Supplementary Regulation 2 to Ceiling Price Regulation 34 establishes dollars-and-cents ceiling prices for sales at retail in the Virgin Islands of the United States, of the services of recapping and retreading of passenger car tires and recapping of truck tires. Previously, sales of such services were covered by Ceiling Price Regulation 34 which froze the seller's prices at the levels prevailing in the period December 19, 1950, to January 25, 1951.

The recapping and retreading of tires is a relatively new and important service in the Virgin Islands. Heretofore, persons desiring such services were obliged to ship their tire carcasses to Puerto Rico for processing. This was an expensive method since, in addition to the cost of recapping or retreading, the customer incurred transportation costs to and from Puerto Rico.

Prices for recapping and retreading services have been fairly stable over the past two years, due principally to competition. Recently, however, one of the two plants in operation in the Virgin Islands discontinued the service. At present, the sole supplier of recapping and retreading services is located on the island of St. Thomas, Virgin Islands, which is the servicing center for the Virgin Islands. It is, therefore, desirable to establish retail dollars-and-cents ceiling prices for these services to prevent individual price variations, and to furnish guidance to purchasers on the islands of St. Croix and St. John as to the current authorized prices they should pay for these services.

The ceiling prices established by this Territorial Supplementary Regulation are the same prices that were charged for these services in this area during the base period December 19, 1950, to January 25, 1951.

In formulating this Territorial Supplementary Regulation, the Director of Price Stabilization has consulted with representatives of the industry and has given full consideration to their recommendations. In the judgment of the Director, the prices established by this territorial price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this territorial supplementary regulation does.
2. Ceiling prices.
3. Posting.
4. Definitions.

AUTHORITY: Sections 1 through 4 issued under Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this territorial supplementary regulation does.* This territorial supplementary regulation establishes dollars-and-cents ceiling prices for sales at retail in the Virgin Islands of the United States of the service of recapping and retreading passenger car tires and recapping of truck tires. All provisions of CPR 34, except as changed by the pricing provisions of this territorial supplementary regulation shall remain in full force and effect.

SEC. 2. *Ceiling prices.* Ceiling prices for the service of recapping and retreading of passenger car tires and recapping of truck tires in the Virgin Islands of the United States are established as follows:

(a) Schedule A—Retail ceiling prices for recapping and retreading of passenger car tires:

Tire Size	Recapping	Retreading
4.75 x 19—4 or 6 ply	$8.70	----------
5.50 x 16—4 or 6 ply	8.50	----------
6.00 x 15—4 or 6 ply	8.50	----------
6.00 x 16—4 or 6 ply	8.50	$10.50
6.50 x 15—4 or 6 ply	9.90	12.25
6.50 x 16—4 or 6 ply	10.20	12.25
7.00 x 15—4 or 6 ply	11.90	13.90
7.00 x 16—4 or 6 ply	12.10	13.90
6.40 x 15—4 or 6 ply	9.50	----------
6.40 x 16—4 or 6 ply	9.50	----------
6.70 x 15—4 or 6 ply	10.50	11.25
6.70 x 16—4 or 6 ply	10.70	11.25
7.10 x 15—4 or 6 ply	11.25	12.25
7.10 x 16—4 or 6 ply	11.50	12.25
7.60 x 15—4 or 6 ply	12.25	13.90
7.60 x 16—4 or 6 ply	12.50	13.90
8.20 x 15—4 or 6 ply	14.60	16.00
8.20 x 16—4 or 6 ply	14.90	16.00

(b) Schedule B—Retail ceiling prices for recapping of truck tires.

Tire size:	*Recapping*
6.50 x 16—6 or 8 ply	$11.15
7.00 x 17—8 ply	15.50
7.00 x 20—8 or 10 ply	16.70
7.50 x 16—6 or 8 ply	18.10
7.50 x 17—8 ply	18.50
7.50 x 20—8 or 10 ply	18.90
8.25 x 20—10 or 12 ply	25.45
9.00 x 20—10 or 12 ply	29.95

SEC. 3. *Posting.* On and after the effective date of this territorial supplementary regulation you must post in your establishment, in a place clearly visible to your customers, the ceiling prices established by this territorial supplementary regulation for recapping and retreading services.

SEC. 4. *Definitions.* As used in this territorial supplementary regulation to CPR 34 the following terms have the following meanings:

(a) "A ply" is a layer of cord.

(b) "Carcasses" means worn tires to which camelback is applied to make recapped and retreated tires.

(c) "Retread" means to furnish a tire carcass completely with a new tread.

(d) "Recap" means to furnish a tire carcass with the top tread only.

Effective date. This territorial supplementary regulation to CPR 34 shall become effective October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10747; Filed, Oct. 1, 1952; 11:22 a. m.]

[Ceiling Price Regulation 22, Amdt. 2 to Supplementary Regulation 15, Revision 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 15—REVISION 1, STERILE CANNED MEAT AND DRY SAUSAGE

DEFINITION OF "STERILE CANNED MEAT AND DRY SAUSAGE"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 2 to Supplementary Regulation 15, Revision 1, to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment redefines the term "sterile canned meat," so as to include within its meaning those meat products which are first sterilized during processing and then packed in hermetically sealed containers as well as those meat products which are packed in hermetically sealed containers and then sterilized. This will more closely conform the definition of "sterile canned meat" to industry practice.

This amendment also adds a definition of the term "dry sausage" as used in Supplementary Regulation 15, Revision 1.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Supplementary Regulation 15, Revision 1, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 15, Revision 1, to Ceiling Price Regulation 22 is amended in the following respects:

1. Section 3 (a) is amended to read as follows:

(a) "Sterile canned meat" means (1) canned meat or any product consisting in substantial part of meat which has been sterilized in a hermetically sealed container and which requires no refrigeration while remaining in the sealed container; or (2) canned meat or any product consisting in substantial part of meat which has been first sterilized during processing and then packaged in a hermetically sealed container and which requires no refrigeration while remaining in the sealed container.

2. Section 3 is amended by adding a new paragraph (c) to read as follows:

(c) "Dry sausage" means a sausage which is air-dried and not cooked, the yield of which is less than 75 percent.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10746; Filed, Oct. 1, 1952; 11:22 a. m.]

[Ceiling Price Regulation 135, Amdt. 3]

CPR 135—Bakers, Wholesale and Retail Distributors of Frozen and Perishable Bakery Items

AREA PRICE ALIGNMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under CPR 135, bakers who sell in different market areas are required to reflect in their ceiling prices established differentials between classes of customers. In certain areas this has caused discrepancies between the ceiling prices of local bakers and the ceiling prices of bakers whose plants are located elsewhere, but who compete with local bakers.

For example, in the base period certain local bakers had a base period price of $0.16 in their primary market. Under CPR 135 they were permitted an increase of 16% over base period price, or $0.0256. Under Section 4.1 of the regulation this rounds to $0.03, establishing a price of $0.19.

A baker from another area selling in this market had a base period price of $0.14 to his largest purchasing class of customers in his primary market. Under CPR 135 this price is adjusted to $0.16. Under Section 2.1 (b) of the regulation he must maintain his customary differential between his largest purchasing class of customers and other classes of purchasers. In this case it is $0.02. Therefore, he is permitted to increase only from $0.16 to $0.18 in the secondary market, $0.01 below the price of the local bakers in that market. Because of this the local bakers cannot get the price of $0.19 to which they are entitled under CPR 135.

This action permits the in-lining of a baker's secondary price to the local primary ceiling price.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 135 is amended by adding a new section 2.13, which reads as follows:

Sec. 2.13. *Individual adjustments for bakers selling in more than one area*—(a) *Who may apply.* You may apply for the establishment of an in-line bread and bread-type roll ceiling price in an area if:

(1) You sell a bread or bread-type roll item to classes of purchasers located in an area other than one within which your plant is situated; and

(2) As a result of applying a differential based upon differences in location, your ceiling price in such other area is out of line with the ceiling price established under this regulation of your most closely competitive bakers selling the same item within the same area to the same class of purchasers. Should you decide to apply, your application must be sent by registered mail, return receipt requested, to your District OPS Office.

(b) *Contents of the application.* You must submit the following information in your application:

(1) Your name and address

(2) A list of the bread and bread-type roll items for which you are requesting an adjustment in ceiling prices together with the following data for each such item:

(i) A description of the item (including among other things, its net weight);

(ii) Your ceiling price to your largest buying class of purchasers and the section of this regulation under which you established that price; the general area in which such class of purchasers is located.

(iii) The price differential applied by you in establishing your ceiling price for the area within which you are requesting an adjustment; your ceiling prices for that area.

(iv) Your requested ceiling prices and the classes of purchasers to which the requested ceiling prices are to apply.

(3) A description of the area within which you are requesting an adjustment in terms of the boundaries of or counties included within that area.

(4) A statement as to what proportion of your sales within the area are sales to:

(i) Ultimate consumers, that is householders only, and

(ii) All other kinds of purchasers (grocery stores, restaurants, etc.),

(5) The names and addresses of at least two of your most closely competitive bakers with plants located within the area for which you are requesting an adjustment, whose operations are most comparable to your operations in terms of the proportions of sales described in subparagraph (4) of this paragraph; a list of the same items baked by them and their ceiling prices. If there is only one competitive baker within the area you need, of course, only supply such information for the one baker. Finally, if you operate chain grocery stores or other chain stores selling items baked by you, you must include in your list of most closely competitive bakers at least one such chain store operator selling items baked by him or exclusively for him under a private label.

(c) *Action to be taken by the Office of Price Stabilization.* (1) The Office of Price Stabilization, upon the filing of your application may adjust your ceiling price in order to bring it in line with the ceiling price for the same item within the area involved.

(2) You may not begin to sell the item at the adjusted ceiling price until the Office of Price Stabilization has fixed the adjusted ceiling price for you. However, if you receive no notice of your ceiling price from that office after 15 days from the date on which OPS received your application, as shown by return receipt, you may thereafter sell the item at your requested ceiling price unless or until notified to the contrary.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 6, 1952.

Note: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Joseph H. Freehill,
Acting Director of Price Stabilization.

October 1, 1952.

[F. R. Doc. 52-10752; Filed, Oct. 1, 1952; 4:00 p. m.]

[Ceiling Price Regulation 110, Amdt. 2]

CPR 110—Manufacturers of Copper Wire Mill Products

CLARIFICATION IN CEILING PRICE FOR ROLLING OR DRAWING SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 110, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 110 corrects the ceiling price for rolling and drawing services to conform to the changes made in Amendment 1 to this regulation.

Amendment 1 to CPR 110 changed the ceiling prices set forth in this regulation to take into account the changes in the price of foreign copper from 27½ cents to 36½ cents per pound and the allocation of this copper to all users. The changes in the price of foreign copper did not affect the ceiling price for rolling and drawing services, which remain the same, but under the wording set forth in the regulation it would appear that the ceiling prices for these services have been increased. This amendment clearly indicates that such ceiling prices have not been changed by requiring that the ceiling price for this service be the same as that which would have been computed on June 29, 1952. This date is prior to the change in CPR 110 which reflected the increased price of foreign copper.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 5 (a) of Ceiling Price Regulation 110 is amended to read as follows:

(a) *Rolling or drawing services.* Your ceiling price for the service of rolling copper bars into wire rods for drawing or for the service of drawing wire rods into wire is the price calculated in accordance with the following provisions:

(1) Determine the ceiling price established in this regulation as of June 29, 1952, for the product to be produced by the rolling or drawing operation performed by you; and

(2) Deduct from such price the value of the material supplied by the person for whom you are furnishing the service calculated by using the following prices:

(i) For copper bars, a price of 24½ cents per pound.

(ii) For copper or copper base alloy rods, your ceiling price as determined in accordance with the provisions of this regulation as of June 29, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 1, 1952.

Joseph H. Freehill,
Acting Director of Price Stabilization.

October 1, 1952.

[F. R. Doc. 52-10748; Filed, Oct. 1, 1952; 11:22 a. m.]

[Ceiling Price Regulation 173]

CPR 173—Soybean Products

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 173 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for the products of soybean processing with the exception of soybean oil and soybean flour. The ceiling price for soybean oil is established and suspended under Ceiling Price Regulation 6. The ceiling price for soybean flour is covered by CPR 22.

For the products covered, this regulation supersedes the General Ceiling Price Regulation (GCPR) and Supplementary Regulation 3 to the GCPR.

This regulation is issued in conformity with the policy of the Office of Price Stabilization to provide tailored regulations covering principal feed products for the current crop season. As regards distributors' margins, L. C. L. differentials, sacking allowances, reporting requirements, and other similar provisions it incorporates, with suitable adaptation, the corresponding provisions of the tailored regulations which have been issued this summer for other important feed products.

This regulation continues the use of the pricing technique employed in SR 3 to the GCPR by setting ceiling prices by reference to Decatur, Illinois, as a basing point, in conformity with established industry practice. It increases the ceiling price for soybean oil meal, the principal soybean feed product, from $81 to $87, per ton, bulk, f. o. b. Decatur. This price has been established on the basis of factors relating to the new crop season which has just begun. These include the new crop reports on soybeans and other feed products, data recently obtained from industry and public sources, the price relationship between soybean feed products and other feedstuffs, the customary proportion in which the sale of soybean feed products and soybean oil contribute to the revenues of soybean processors and other relevant information.

In addition to setting ceiling prices for soybean products, this regulation also establishes new price controls on the mixes which in recent months the industry has been manufacturing and selling at prices substantially above the ceiling price for soybean meal. Since the beginning of this year, the practice of converting soybean meal into mixes by adding limited quantities of other ingredients has been widely adopted. Processors of soybean meal have generally substituted mixes of this description for straight soybean meal; and the higher ceiling prices for the mixes have as a consequence caused an excessive increase in costs of feeders and manufacturers of formula feeds who customarily bought soybean meal. Moreover, the general substitution of the mixes for the straight meal has occasioned serious difficulty and dislocations in the industry. In particular, the manufacturers of the conventional type of formula feeds have complained to OPS about the complications involved in maintaining their feed formulas in view of the fact that one of the most important basic ingredients which they customarily acquired in pure form has been changed into a mix.

The Director has found that to permit the continued sale of such mixes at present levels would be incompatible with the objectives of price stabilization. Accordingly, this regulation provides a formula for calculating the ceiling prices of these mixes on a cost basis, which will bring their price level generally down to or below the level of the ceiling price for the straight soybean product. Provision is made for adjustments on a cost basis where such costs provide clear justification.

When the Director made an announcement on August 22 of his intention to establish such price controls on mixes, he indicated his intention to treat as mixes, for this purpose, any mixture at least 85 percent of the weight of which consisted of an oilseed feed product—in this case, a soybean feed product. A subsequent review of the problem of the mixes has disclosed that the objectives of the new pricing formula would not be achieved unless the figure of 85 percent was reduced to 80 percent. Accordingly, the latter figure is used in this regulation.

The Director has also recognized that the formula for establishing ceiling prices for such mixes, is not appropriate in the case of those mixes which were customarily produced and sold prior to the time when the practice of substituting mixes for the straight meal began. These consist of a very limited number of feed products which although they fall within the definition of a mix under this regulation were not developed as a substitute for straight soybean meal. Such feed products which were marketed during the base crop year (October 1950 to September 1951) may be sold at ceiling prices previously established under the GCPR and applicable supplementary regulations governing the sale of manufactured feeds; but such GCPR ceiling prices will apply only to deliveries in any quarter of the current crop year (October 1952 to September 1953) which do not exceed 110 percent of the quantities of such product delivered during the same quarter of the base crop year. The 10 percent increase thus allowed is estimated to cover normal volume increases, but sales during any quarter exceeding this volume will have to be made at the lower ceiling prices established for the mixes generally. The Director considers this requirement necessary to prevent the diversion of production from straight soybean products into uncustomary quantities of such mixes. This would not only, as in the case of the mixes marketed during the past eight or nine months, tend to defeat the purposes of price stabilization, but would also result in hardship to members of the industry who would suffer from the diversion of the soybean supply into such channels.

Provision is also made for limiting the volume of toll crushing to the volume of soybeans toll-crushed during the base crop year. This provision is deemed necessary to prevent a recurrence of certain practices which processors of another oilseed feed have engaged in, and which had the effect of circumventing the ceiling price. In any event, toll crushing of soybeans has not customarily been engaged in on an extensive scale, and this limitation is not expected to interfere with normal toll crushing operations.

The Director has sought to minimize any alteration of established industry practices, but to the extent that such changes are required by this regulation he has found them to be necessary in order to preclude the circumvention or evasion of the ceiling prices for soybean products and mixes. Should it be required in the light of experience under this regulation he is prepared to issue such amendments as may be needed to prevent the use of other devices having similar effect.

The specifications and standards for soybean products used in this regulation including those used in distinguishing different kinds, classes, and types of products, were prior to the issuance of the regulation, in general use in the industry.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The Director has given careful attention to the requirements of sections 402 (c) and 402 (d) (3) of Title IV of the Defense Production Act of 1950, as amended, with respect to reflection of the legal minimum price for soybeans and a generally fair and equitable margin for processing and he has found that this regulation complies fully with those requirements.

(2) Where the seller or purchaser, as

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Sales not covered.
3. Processors' per ton, bulk, ceiling prices for deliveries in carload or pool carlots.
4. Processors' l. c. l. differential.
5. Trucker-merchants' ceiling prices.
6. Car door sellers' ceiling prices.
7. Jobbers' ceiling prices.
8. Wholesalers' and retailers' ceiling prices.
9. Limitation on distributors' markups.
10. Allowance for sacks and sacking.
11. Soybean oil meal futures contracts.
12. Mixes.
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14. Power of the Director of Price Stabilization.
15. Petitions for amendment.
16. Adjustable pricing.
17. Excise taxes.
18. Transfer of business.
19. Current records.
20. Prohibitions.
21. Evasions.
22. Definitions.

AUTHORITY:

Sections 1 to 22 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) *Coverage.* This regulation establishes ceiling prices for sales by processors and distributors of soybean products and mixes. For sellers of soybean products and mixes this regulation supersedes Supplementary Regulation (SR) 3 to the General Ceiling Price Regulation (GCPR) and the GCPR.

(b) *Contracts for future delivery.* With the following exceptions, this regulation applies to all deliveries, on and after September 30, 1952 of all soybean products and mixes. The exceptions are:

(1) Deliveries no later than November 30, 1952, under firm contracts including futures contracts traded on commodity exchanges entered into prior to September 1, 1952 for delivery no later than November 30, 1952, and

(2) Deliveries no later than October 31, 1952, under firm contracts including futures contracts traded on commodity exchanges entered into between September 1, 1952 and September 26, 1952 inclusive, for delivery before November 1, 1952.

For deliveries falling within exceptions (1) and (2) above, the ceiling prices in effect at the time the contract for forward delivery was entered into, will apply. In order for a delivery to qualify under exceptions (1) and (2) above, the contract under which it is made must have been entered into during the periods stated, as a firm contract not subject to adjustment or renegotiation of price or month of delivery. As used in this paragraph, "deliveries" include delivery dates specified in futures contracts irrespective of whether physical delivery takes place.

(c) *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Sales not covered.* (a) This regulation does not apply to export sales, and sales for export, of soybean products or mixes. The ceiling prices for such sales are determined under Ceiling Price Regulation 61.

(b) This regulation does not apply to sales and deliveries of imported soybean products. The ceiling prices for such sales are determined under Ceiling Price Regulation 31. Mixes in which any imported soybean product is included are covered by this regulation.

SEC. 3. *Processors' per ton, bulk, ceiling prices for deliveries in carload or pool carlots.* If you are a processor your ceiling prices, per ton, bulk, for soybean products delivered at any point in carload lots or pool carlots are as follows:

(a) *Meal, cubes, pellets, cake, chips and flakes of specified guaranteed protein contents.* (1) Your delivered ceiling prices for the soybean products listed in Table I are the prices f. o. b. Decatur, Illinois, in the same table plus the lowest applicable rail freight rate from Decatur to the point of delivery.

TABLE I—PROCESSORS' PER TON, BULK, CEILING PRICES, F. O. B. DECATUR, ILLINOIS

Soybean products

	Price per ton
(1) The following products of guaranteed "standard protein content": soybean oil, meal, soybean oil cake, soybean oil chips, soybean flakes	$87.00
(2) The following products of guaranteed "standard protein content": soybean cubes or soybean pellets, soybean oil sized cake, soybean oil sized chips	89.25
(3) Soybean oil meal of guaranteed 50 percent protein content	99.00

(2) "Standard protein content" is:

(i) 44 percent for the soybean products listed above when such products result from the solvent extraction method of production exclusively, and

(ii) 41 percent for the soybean products listed above, when such products result from any other method or combination of methods of production.

(b) *Guarantee of less than standard protein content; failure to meet guarantees; no protein guarantees.* Determine your ceiling price for deliveries of a product described in paragraph (a) of this section for which you guarantee less than the standard protein content, for which you fail to meet your protein guarantees and for which you make no protein guarantee by adding the lowest applicable rail freight rate from Decatur, Illinois, to the point of delivery, to your ceiling price, f. o. b. Decatur, Illinois, calculated as follows:

(1) If you guarantee the protein content of a product listed in (1) or (2) of Table I at less than the standard protein content, and, upon delivery you meet the guarantee, calculate your ceiling price, f. o. b. Decatur, Illinois, by deducting from the f. o. b. Decatur ceiling price for the product in Table I $1.00 per ton for each one-half unit or fraction thereof by which your guaranteed protein content for the lot is less than the standard protein content.

(2) If you guarantee any minimum protein content, and, upon delivery, you fail to meet that guarantee, reduce the f. o. b. Decatur ceiling price for the product in such proportion as the deficiency bears to the guarantee.

(3) If you do not guarantee any minimum protein content, calculate your f. o. b. Decatur ceiling price by multiplying the actual number of half units of protein in the lot by 95 cents per ton. The f. o. b. Decatur ceiling price so calculated must not exceed the f. o. b. Decatur ceiling price for the same product under (1) or (2) (whichever is appropriate) of Table I of this section.

(c) *Other soybean products.* Your ceiling price delivered at any point for soybean feed, soybean hulls or soybean mill feed is your ceiling price for soybean oil meal of guaranteed standard protein content (determined under paragraph (a) (1) of this section), as adjusted by the latest differential between soybean oil meal of guaranteed standard protein and such product which you had in effect during the GCPR base period (December 19, 1950 to January 25, 1951).

SEC. 4. *Processors' l. c. l. differential.* If you are a processor, add $1.00 per ton to your ceiling price for deliveries of a soybean product or a mix in less than carload lots.

SEC. 5. *Trucker-merchants' ceiling prices.* (a) If you are a trucker-merchant, you determine your ceiling price for a lot of a soybean product or a mix by adding to your supplier's selling price on the sale of the lot to you, the hauling allowance from the point at which you take delivery of the lot from your supplier to the point at which you deliver it to your customer. "Hauling allowance" means the following scale of charges:

(1) If the total haul does not exceed 100 miles: 3 cents per 100 pounds for the first 5 miles, or fraction thereof, plus 1 cent per 100 pounds for each additional 5 miles or fraction thereof.

(2) If the total haul exceeds 100 miles:

(i) The lower of the following:

(a) The lowest carload rail rate from the rail point nearest the point of origin to the rail point nearest the point of destination, plus eight cents per 100 pounds; or

(b) 22 cents per 100 pounds.

(ii) You may add to the allowance computed under subdivision (i) ¼ cent per 100 pounds for each five miles or fraction thereof by which the total haul exceeds 100 miles.

In calculating the mileage for any haul, you must use the distance via the shortest route, reasonably suitable for truck movement, between the point where your receive delivery from your supplier and the point where your customer takes delivery.

(b) *Statement of information.* As a trucker-merchant, you must, with respect to every lot of a soybean product or a mix transported by you, procure or prepare a statement setting forth the following:

(1) Your name and address and the state vehicle license number(s) of your truck or other vehicle in which you transport the lot.

(2) The name and address of your supplier.

(3) The date of purchase.

(4) The guaranteed protein content, if any.

(5) Your supplier's selling price to you.

After you deliver the lot, you must add your hauling charge as determined under this section and sign the statement. Except for a sale which you make to a feeder, you must give a copy of this statement of information to your customer. If your customer is a feeder, you must give him a copy upon demand. Both the trucker-merchant and each customer other than a feeder must retain such copies in their files for a period of two years for inspection by the Office of Price Stabilization.

The statement of information required by this section is in addition to the sales record required by section 19, with which it may be combined.

SEC. 6. *Car door sellers' ceiling prices.* If you are a car door seller your ceiling price for a soybean product or a mix delivered at any point is your supplier's selling price to you at that point plus $5.50 per ton.

SEC. 7. *Jobbers' ceiling prices.* If you are a jobber your ceiling price for a soybean product or a mix delivered at any point is the processors' delivered ceiling price at the same point of delivery plus the applicable markup per ton set forth in Table II.

TABLE II—JOBBERS' MARKUPS

	Markup per ton
For deliveries of pool carlots	$2.25
For all other deliveries	2.00

SEC. 8. *Wholesalers' and retailers' ceiling prices.* (a) If you are a wholesaler or a retailer, determine your ceiling price for a soybean product or a mix by adding to your "cost at ceiling", as determined under paragraph (b) of this section, your transportation cost, if any, from your warehouse or store, and the applicable markup per ton set forth in Table III.

TABLE III—WHOLESALERS' AND RETAILERS' MARKUPS

	Markup per ton
Wholesalers:	
Sales and deliveries of 20,000 pounds or less	$5.00
All other sales and deliveries	4.50
Retailers	8.00

(b) Determine your "cost at ceiling" for a soybean product or a mix by one of the following methods:

(1) *Method 1.* If you maintain the identity of any receipt, then on the sale of such receipt, you may use as your "cost at ceiling" your supplier's delivered ceiling price for that receipt at the rail point nearest your warehouse or store, plus your "transportation cost", if any, from that rail point to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) *Method 2.* This method may be used both by wholesalers and retailers in connection with the resale of two or more receipts. In using it, you may not include in your calculations any receipt whose identity is maintained and for which you figure a "cost of ceiling" under Method 1 above.

For receipts in bulk, use as your "cost at ceiling" the weighted average of your supplier's delivered ceiling prices at the rail point nearest your warehouse or store plus "your transportation cost", if any, from that rail point to your warehouse or store. Determine your "cost at ceiling" for receipts in sacks by the same method. Calculate each weighted average of ceiling prices as follows:

(i) Select a day for calculation and recalculate on that day each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

Step 1. Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

Step 2. Multiply the number of tons of each receipt by your supplier's delivered ceiling price per ton for that receipt at the rail point nearest your warehouse or store, and add to this amount your "transportation cost", if any, from that rail point to your warehouse or store.

Step 3. Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is your "cost at ceiling" for the first week for all your sales of that soybean product or mix (except, of course, for the sales for which you elect to determine your ceiling price under Method 1).

(iii) Follow the directions of subdivision (ii) for all succeeding calculations except that you use your last receipt and all receipts during the 14-day period preceding such last receipt in arriving at your "cost at ceiling".

(iv) If you wish to discontinue using this Method 2, you may do so, if, on the next recalculation day, you take inventory of the commodity. You may then treat the amount in inventory (excluding any receipts priced under Method 1) as a receipt on which your "cost at ceiling" is the weighted average price you would compute under this Method 2 for the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

(c) "Transportation cost" means: (1) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily included in such transportation charges) which are actually incurred by the seller or purchaser, as the case may be. This amount may include, if applicable, the 3 percent transportation tax.

(2) Where the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading), not exceeding the common or contract carrier rate for the same service, or any ceiling price established by the Office of Price Stabilization for such service.

(3) When any movement involves a combination of the types of transportation included in (1) and (2), the sum of the amounts computed separately for each portion of the movement.

SEC. 9. *Limitation on distributors' markups.* Only one markup by a jobber and one markup by a wholesaler are permitted under this regulation in connection with the sale of any lot of a soybean product or mix. Accordingly,

(a) If you are a jobber and you buy a lot which another jobber has handled, your delivered ceiling price at any point is your supplier's ceiling price at the same point and not a ceiling price determined under section 7.

(b) If you are a wholesaler and you buy a lot which another wholesaler has handled, your ceiling price is your supplier's delivered ceiling price at the rail point nearest your warehouse or store, plus your transportation cost, if any, from the rail point to your warehouse or store, and your transportation cost, if any, from your warehouse or store. You must, of course, exclude such lot from the calculation of any ceiling price under section 8.

SEC. 10. *Allowance for sacks and sacking.* If you are a processor, and you sell and deliver a soybean product or a mix in sacks, or if you are a wholesaler or retailer and you sack a soybean product or a mix which you buy in bulk, you may add to your ceiling price, per ton, in bulk, as otherwise determined under this regulation, the following:

(a) $1.00 per ton; plus

(b) The lower of the following:

(1) An amount consisting of the cost per sack of sacks delivered to you under your most recent customary purchase of sacks of the kind, size and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the soybean product or mix you deliver; or

(2) The applicable allowance in Table IV:

TABLE IV—ALLOWANCE PER TON FOR SACKS

[Per ton]

Type of sack used	New sacks	Used sacks
Cotton	$5.25	$4.25
Burlap	4.25	3.50
Paper	3.25	

SEC. 11. *Soybean oil meal futures contracts.* The ceiling price for soybean oil meal futures contracts traded on the Chicago Board of Trade and the Memphis Merchants Exchange Clearing Association is $87 per ton, bulk, f. o. b. Decatur, Illinois.

SEC. 12. *Mixes.* (a) As used in this regulation:

(6) "Trucker-merchant" means, with

(1) "Mix" means any mixture at least 80 percent of the weight of which consists of any soybean product.

(2) "Base crop year" means the period October 1, 1950, to September 30, 1951.

(3) "Current crop year" means the period October 1, 1952, to September 30, 1953.

(b) If you are a processor of a mix which you did not deliver during the base crop year your delivered ceiling price for such mix is your "Decatur base price" for that mix as determined under paragraph (c) of this section plus the lowest applicable rail freight rate from Decatur to the point of delivery, and, if applicable, the amounts per ton for l. c. l. deliveries under section 4 and for sacks and sacking under section 10.

(c) Ascertain your "Decatur base price" as follows:

(1) Make the following determinations:

Step 1. Determine for each ingredient in the mix, other than soybean products, the cost to you of the quantity of such ingredient in one ton of the mix. Such cost may not exceed your supplier's ceiling price to you if you buy such ingredient, and may not exceed your cost of production, if you produce it.

Step 2. Ascertain the ceiling price, per ton, bulk, f. o. b. Decatur, Illinois, for the soybean product included in the mix. If you include more than one soybean product in the mix use the average of the ceiling prices, per ton, bulk, f. o. b. Decatur, Illinois, of such soybean products weighted in accordance with proportionate weight of each such product to the total weight of all soybean products in the mix.

If you include an imported soybean product in your mix, use the f. o. b. Decatur ceiling price established in accordance with the two preceding sentences, and not any ceiling price established under Ceiling Price Regulation 31.

Step 3. Multiply the price established under Step 2 by the fraction representing the proportion which the weight of the soybean product or products in the mix bears to one ton.

Step 4. Add the results under Steps 1 and 3.

Step 5. Add a $1.00 mixing allowance to the result under Step 4.

(2) The result under Step 5 is your "Decatur base price" if it does not exceed the price established under Step 2. If the result obtained under Step 5 exceeds the price established under Step 2, the Step 2 price is your "Decatur base price" for the mix.

(3) If the result under Step 5 exceeds the price established under Step 2, you may file an application for a different "Decatur base price". You may not, in determining your ceiling price for the mix, use a "Decatur base price" different from that established under subparagraph (2) of this paragraph, unless and until the Director of Price Stabilization notifies you in writing that you are authorized to do so. Your signed application should be addressed to the Grains and Related Products Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., and must include:

(i) The name and address of your company.

(ii) The location of the plants at which you will produce the mix.

(iii) A list of all the ingredients in the mix, and the quantity of each such ingredient by weight, per ton, of the mix.

(iv) A statement of the cost to you (calculated as under Step 1, subparagraph (1) of this paragraph) of the quantity of each ingredient per ton in the mix other than soybean products, and an explanation of the method and calculations by which you arrived at such costs.

(v) The ceiling price, per ton, bulk, f. o. b. Decatur, Illinois and the protein content of each soybean product contained in the mix.

(d) (1) If you are a processor of a mix which you delivered during the base crop year your ceiling prices are as follows:

(i) For deliveries during any quarter of the current crop year not in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10, your ceiling price is the same ceiling price as you establish for that product as a manufactured feed in accordance with the GCPR and SR 7 to the GCPR.

(ii) For deliveries during any quarter of the current crop year in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10, your ceiling price is the price established in accordance with paragraphs (b) and (c) of this section.

(2) You may not sell the mix until you have mailed by registered mail, return receipt requested, to the Office of Price Stabilization, Grains and Related Products Branch, Washington 25, D. C., a report of the number of tons of such mix which you delivered during each quarter of the base crop year.

(e) If you produce a lot of a mix for which your ceiling price must be established in accordance with paragraphs (b) and (c) of this section, you are required to make and keep for inspection by the Office of Price Stabilization for a period of two years the following records in addition to those required under section 19.

(1) Work sheets showing in detail the method and calculations you used in determining the cost to you of the ingredients in the mix under Step 1, paragraph (c) (1) of this section.

(2) All invoices covering ingredients included in the mix other than soybean products with identification of those invoices used in calculating your ceiling prices for mixes.

(3) All other material you used in making the determinations under Step 1, paragraph (c) (1) of this section.

(4) Original and revised ceiling prices established for each mix and the periods during which they applied.

SEC. 13. *Toll crushing.* (a) You may not perform any toll crushing until you have mailed by registered mail, return receipt requested, to the Office of Price Stabilization, Attention Grains and Related Products Branch, Washington 25, D. C., a report of the number of bushels of soybeans you toll crushed during each quarter of the base crop year. Thereafter, you may not during any quarter of the current crop year toll crush a greater volume of soybeans than you toll crushed during the same quarter of the base crop year.

(b) "Toll crush" means to perform the service of processing soybeans into any soybean product, soybean flour and/or soybean oil.

(c) If you toll crush you must, in addition to the records required under section 18 of Ceiling Price Regulation 34, keep a record of each sale of your toll crushing service containing the following information:

(1) The name and address of the person to whom you rendered the service;

(2) The date on which you performed the toll crushing;

(3) The number of bushels of soybeans which you toll crushed.

SEC. 14. *Power of the Director of Price Stabilization.* The Director of Price Stabilization may at any time request further information, disapprove or revise downward ceiling prices established or proposed under section 3 (c) or section 12 for the purpose of bringing them in line with the level of ceiling prices otherwise established under this regulation.

SEC. 15. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 16. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 17. *Excise taxes.* You may collect in addition to your ceiling price, the amount of any excise, sales, or similar tax actually paid by you if the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from your selling price.

SEC. 18. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any soybean product business, and you carry on the business, or continue to deal in soybean products or mixes separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business, assets or stock, you must either preserve and make available, or turn over to the transferee, all your records which are necessary for him to comply with the ceiling price or record-keeping provisions of this regulation.

SEC. 19. *Current records.* Except as otherwise provided in this section, every person who sells shall make and keep, and every person who in the regular course of trade or business buys a soybean product or a mix shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(a) *Sales.* (1) Every person making a sale under this regulation to a buyer other than a feeder shall make a record thereof on an invoice or bill of sale, a copy of which must be given to the buyer. Every person making a sale to a feeder in a lot of more than 1,000 pounds must keep a record thereof, although it does not have to be in the form of an invoice or bill of sale, and, upon demand, must give a copy of such record to the feeder. Every sales record provided for in this paragraph must state the name and address of the seller and buyer; the date of sale and of delivery; the kind of soybean product or mix and the quantity sold; the selling price; the guaranteed protein content, if any; the seller's ceiling price for the lot; (if the seller collects the amount of such tax), the excise, sales or similar tax, if any. Except for sales of 5,000 pounds or less to a feeder, every sales record must also indicate: the buyer's receiving point; (in the case of sales by processors, who are required to establish the ceiling price for the lot by reference to a price, f. o. b. Decatur, Illinois) the ceiling price f. o. b. Decatur, Illinois, and the lowest applicable freight rate from Decatur to the buyer's receiving point; (in the case of sales by jobbers and car door sellers) the delivered ceiling price of the seller's supplier at the receiving point at which the seller makes delivery to his buyer; (in the case of sales by wholesalers and retailers) the seller's "cost at ceiling" (as determined under section 8 (b)) and any transportation charge included in the ceiling price which is incurred by the seller in making delivery to his buyer; and, for all sellers, any markup or allowances specified in this regulation which is added by the seller.

(2) *Processors.* In addition to the sales records which he is required to give his buyer under subparagraph (1) of this paragraph, every processor who establishes his ceiling price under paragraph (c) of section 3 must keep the sales records indicating the GCPR base period differentials used in determining his ceiling prices; and every processor who establishes his ceiling price for a mix under section 12 (d) (1) (i) of this regulation must keep the records required under section 16 of GCPR for such product.

(3) *Wholesalers and retailers.* In addition to the sales records which he is required to keep under subparagraph (1) of this paragraph, every wholesaler or retailer, electing to apply Method 2 under section 8 (b) must keep a record of the calculations of each "cost at ceiling" determined under this method.

(b) *Purchases.* Every person other than a feeder making a purchase of soybean products or mixes in the course of trade or business must keep the sales record which his seller is required to give him under this section.

SEC. 20. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or deliver, and no person shall buy or accept delivery from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 21. *Evasions.* Any device, including the use of toll crushing, which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 22. *Definitions*—(a) *Sellers and related terms.*

(1) "Car door seller" means a person, other than the processor who, with respect to any lot he has received as a carload shipment, resells the same to feeders in l. c. l. lots from the rail car door.

(2) "Jobber" means, with respect to any lot of a soybean product or mix any person other than the processor, car door seller, or trucker-merchant, who sells such lot without previously having unloaded it into a warehouse or store.

(3) "Person" includes any individual, corporation, partnership, association or other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(4) "Processor" means, with respect to any lot of a soybean product or mix, the person who manufactures such lot. When any lot of a soybean product or a mix is processed by a person who does not own it, the owner who caused it to be processed shall be deemed to be the processor when he sells the commodity or commodities which result.

(5) "Retailer" means a person, other than the processor, who maintains a store, and who, with respect to any lot of a soybean product or mix he has purchased and unloaded into that store, resells such lot to a feeder. "Store" means a building where a regular business of selling and delivering feeds at retail is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis, in such retail business or in a general retail business of which such feed and grain business is a part. "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(6) "Trucker-merchant" means, with respect to any lot of a soybean product or mix, a person other than the processor who, without having previously unloaded the lot into a warehouse or store for his own account and use, transports and delivers the lot to his customer in a truck or wagon owned or leased and operated by him.

(7) "Wholesaler" means with respect to any lot of a soybean product or mix:

(i) A person, other than the processor, who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or

(ii) A person, other than the processor who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(b) *Products covered.* (1) "Soybean products" means soybean feed, soybean flakes, soybean hulls, soybean mill feed, soybean oil cake, soybean oil sized cake, soybean oil chips, soybean oil sized chips, soybean oil meal, soybean cubes or soybean pellets. "Soybean products" as used in this regulation does not include soybean oil or soybean flour.

(2) "Soybean feed" means the material resulting from the partial removal of protein and nitrogen free extract from solvent extracted soybean oil meal.

(3) "Soybean flakes" means "solvent extracted soybean flakes" or "dehulled solvent extracted soybean flakes." "Solvent extracted soybean flakes" means the product obtained after extracting part of the oil from soybeans by use of solvents. "Dehulled solvent extracted soybean flakes" means the product obtained from cleaned, dehulled soybeans after extracting part of the oil by the use of solvents.

(4) "Soybean hulls" means the product consisting of the outer covering of the soybean.

(5) "Soybean mill feed" is the by-product resulting from the manufacture of soybean flour or grits and is composed of soybean hulls and the offal from the tail of the mill.

(6) "Soybean oil cake" means the product obtained after expressing part of the oil from soybeans by crushing, cooking and hydraulic pressure.

(7) "Soybean oil sized cake" means soybean oil cake which has been carefully broken and sifted for size so that any uniform size of the product resulting will pass through a #2 U. S. standard mesh screen but will not pass through a #7 U. S. standard mesh screen.

(8) "Soybean oil chips" means the product obtained after expressing part of the oil from soybeans by crushing, cooking and mechanical pressure using an expeller screwpress or any other mechanical press.

(9) "Soybean oil sized chips" means soybean oil chips which have been carefully broken and sifted for size so that any uniform size of the product resulting will pass through a #2 U. S. standard mesh screen but will not pass through a #7 U. S. standard mesh screen.

(10) "Soybean oil meal" means "expeller soybean oil meal," "hydraulic soybean oil meal," or "solvent extracted soy-

bean oil meal." "Expeller soybean oil meal" means the product resulting from grinding soybean oil chips. "Hydraulic soybean oil meal" means the product resulting from grinding soybean oil cake. "Solvent extracted soybean oil meal" means the product resulting from grinding solvent extracted soybean flakes.

(11) "Soybean oil meal of guaranteed 50 percent protein content" means the product of guaranteed 50 percent protein content which is obtained from grinding and carefully grading dehulled solvent extracted soybean flakes.

(12) "Soybean cubes" or "soybean pellets" means soybean oil meal which has been processed through a cubing or pelleting machine.

(13) "Mix". This term is defined in section 12 (a).

(c) *Transportation terms.* (1) "Carload lot" means any quantity which takes the carload rail freight rate under the applicable railroad tariff requirements.

(2) "Less-than-carload lot" means any lot containing a quantity less than a carload lot other than a pool car lot. It includes any delivery by or into a truck.

(3) "Pool carlot" means a lot being shipped to the purchaser as part of a rail carload lot sold by one seller to two or more persons.

(4) "Transportation cost". This term is defined in section 8 (c).

(d) *Miscellaneous definitions.* (1) "Base crop year". This term is defined in section 12 (a) (2).

(2) "Current crop year". This term is defined in section 12 (a) (3).

(3) "Unit of protein" means one percent of protein.

Effective date. This regulation is effective September 30, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.
REGIONAL AND DISTRICT OFFICES

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Boston, Mass.
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Montpelier, Vt.
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814 Church Street
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1330 South Beretania Street, P. O. Box 3586
Honolulu, Hawaii
Triangle Bldg., P. O. Box 2481
Juneau, Alaska
Barracks C, PRRA Grounds
Puerta De Tierra
San Juan, P. R.
14A Norre gade Charlotte Amalie
St. Thomas, V. I.

[F. R. Doc. 52-10636; Filed, Sept. 29, 1952; 1:30 p. m.]

[Ceiling Price Regulation 173, Amdt. 1]

CPR 173—SOYBEAN PRODUCTS

FORWARD DELIVERY CONTRACTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 173 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 1 (b) of this regulation provides that with the exceptions of certain forward delivery contracts including futures contracts the ceiling prices established in the regulation apply to all deliveries on and after September 30, 1952, of all "soybean products and mixes".

The exceptions were provided for after extensive consultation with industry representatives, including trade association representatives, in order to avoid undue hardship to producers of mixes who had contracted to make future deliveries of mixes at the former ceiling prices.

This amendment is issued to make it clear that such exceptions include only contracts for sales of mixes.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

The first sentence of section 1 (b) of Ceiling Price Regulation 173 is amended to read as follows:

(b) *Contracts for future delivery.* With the following exceptions, which apply only to mixes, this regulation applies to all deliveries on and after September 30, 1952, of all soybean products and mixes.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 30, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10717; Filed, Sept. 30, 1952; 4:25 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 30]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 30—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

ADDITION OF COUNTIES TO AREA COVERED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679) this Amendment 1 to Area Milk Price Regulation 30 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Area Milk Price Regulation 30 is issued for the purpose of adding four counties to the area covered by the regulation. The Regional Director has determined, after making a survey of the processors in adjoining areas, that the counties of Navarro, Hill, McLennan and Palo Pinto have historically been a part of the Dallas Milk Marketing Area. The price structure existing in these counties is similar to that existing in the area covered by the original order. An accounting study revealed that raw material costs and allowable increased costs of operation for processors located in the four counties is similar to that for processors in the original sixteen-county area.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations prior to the issuance of this amendment.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 30 to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby amended in the following respects:

1. Section 2 is deleted and a new section 2 is added to read as follows:

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to the North Texas Milk Marketing Area which is composed of the following Texas counties:

Cooke	Fannin	McLennan
Collin	Grayson	Lamar
Dallas	Hill	Parker
Delta	Hopkins	Rockwall
Navarro	Hunt	Tarrant
Denton	Johnson	Palo Pinto
Ellis	Kaufman	

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 30, 1952.

ALFRED L. SEELYE,
Regional Director, Region X, Office of Price Stabilization.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10718; Filed, Sept. 30, 1952; 4:26 p. m.]

[General Overriding Regulation 7, Amdt. 10 to Revision 1]

GOR 7—EXEMPTION AND SUSPENSION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

ADDITIONAL FRUIT AND VEGETABLE PRODUCTS ADDED TO STATUTORY DECONTROL PROVISION; ADDITION SPECIALTY FOODS ADDED TO ARTICLE II

Pursuant to the Defense Production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 7, Revision 1, adds additional commodities to the list of products which are decontrolled because of Congressional enactment of the Harrison Amendment to the Defense Production Act of 1950, removing price ceilings from fruits and vegetables in fresh or processed form. The amendment also adds additional specialty food items to the list of products exempted from price control under Article II of the regulation, and makes other miscellaneous changes.

It was indicated in the Statement of Considerations accompanying Amendment 2 to GOR 7, Revision 1, that it was intended to include only those products which were clearly within the scope of the Harrison Amendment and that the Office of Price Stabilization was continuing its study in order to determine the Congressional intent and full implications of that amendment. It is the opinion of the Director that Congress intended primarily to remove price ceilings on those products which were priced under Ceiling Price Regulations 55 and 56 (the canned fruits, berries and vegetables regulations) and on the products covered by Ceiling Price Regulations 81 and 82 (the frozen fruits, berries and vegetables regulations). This amendment, therefore, adds to the statutory decontrol provisions of section 30, the additional products covered by those regulations which were not included in the original statutory decontrol action taken by Amendment 2 to GOR 7.

As to the products regarding which the Congressional intent under the Harrison Amendment is not clear, the Director of Price Stabilization has adopted the common usage test in determining what is a fruit or vegetable in fresh or processed form. In other words, he believes that the Amendment applies only to those commodities, in fresh or processed form, which (1) by common and general usage are considered and used as fruits or as vegetables and (2) are sold and used as such. In his opinion, the Amendment is not so broad as to apply to all products manufactured from fruits and vegetables, nor may it be construed as being applicable to products simply because their principal ingredients are fruits or vegetables, or to products which contain fruits or vegetables, but which are not sold and used as fruits or as vegetables. For example, it is his opinion that the Harrison Amendment does not cover such prod-

bean oil meal." "Expeller soybean oil meal" means the product resulting from grinding soybean oil chips. "Hydraulic soybean oil meal" means the product resulting from grinding soybean oil cake. "Solvent extracted soybean oil meal" means the product resulting from grinding solvent extracted soybean flakes.

(11) "Soybean oil meal of guaranteed 50 percent protein content" means the product of guaranteed 50 percent protein content which is obtained from grinding and carefully grading dehulled solvent extracted soybean flakes.

(12) "Soybean cubes" or "soybean pellets" means soybean oil meal which has been processed through a cubing or pelleting machine.

(13) "Mix". This term is defined in section 12 (a).

(c) *Transportation terms.* (1) "Carload lot" means any quantity which takes the carload rail freight rate under the applicable railroad tariff requirements.

(2) "Less-than-carload lot" means any lot containing a quantity less than a carload lot other than a pool car lot. It includes any delivery by or into a truck.

(3) "Pool carlot" means a lot being shipped to the purchaser as part of a rail carload lot sold by one seller to two or more persons.

(4) "Transportation cost". This term is defined in section 8 (c).

(d) *Miscellaneous definitions.* (1) "Base crop year". This term is defined in section 12 (a) (2).

(2) "Current crop year". This term is defined in section 12 (a) (3).

(3) "Unit of protein" means one percent of protein.

Effective date. This regulation is effective September 30, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 29, 1952.

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Cheyenne, Wyo.
222 South West Temple, Room 115
Salt Lake City, Utah

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Honolulu, Hawaii
Triangle Bldg., P. O. Box 2481
Juneau, Alaska
Barracks C, PRRA Grounds
Puerta De Tierra
San Juan, P. R.
14A Norre gade Charlotte Amalie
St. Thomas, V. I.

[F. R. Doc. 52-10636; Filed, Sept. 29, 1952; 1:30 p. m.]

[Ceiling Price Regulation 173, Amdt. 1]

CPR 173—SOYBEAN PRODUCTS

FORWARD DELIVERY CONTRACTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 173 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 1 (b) of this regulation provides that with the exceptions of certain forward delivery contracts including futures contracts the ceiling prices established in the regulation apply to all deliveries on and after September 30, 1952, of all "soybean products and mixes".

The exceptions were provided for after extensive consultation with industry representatives, including trade association representatives, in order to avoid undue hardship to producers of mixes who had contracted to make future deliveries of mixes at the former ceiling prices.

This amendment is issued to make it clear that such exceptions include only contracts for sales of mixes.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

The first sentence of section 1 (b) of Ceiling Price Regulation 173 is amended to read as follows:

(b) *Contracts for future delivery.* With the following exceptions, which apply only to mixes, this regulation applies to all deliveries on and after September 30, 1952, of all soybean products and mixes.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective September 30, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10717; Filed, Sept. 30, 1952; 4:25 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 30]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 30—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

ADDITION OF COUNTIES TO AREA COVERED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679) this Amendment 1 to Area Milk Price Regulation 30 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Area Milk Price Regulation 30 is issued for the purpose of adding four counties to the area covered by the regulation. The Regional Director has determined, after making a survey of the processors in adjoining areas, that the counties of Navarro, Hill, McLennan and Palo Pinto have historically been a part of the Dallas Milk Marketing Area. The price structure existing in these counties is similar to that existing in the area covered by the original order. An accounting study revealed that raw material costs and allowable increased costs of operation for processors located in the four counties is similar to that for processors in the original sixteen-county area.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations prior to the issuance of this amendment.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 30 to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby amended in the following respects:

1. Section 2 is deleted and a new section 2 is added to read as follows:

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to the North Texas Milk Marketing Area which is composed of the following Texas counties:

Cooke	Fannin	McLennan
Collin	Grayson	Lamar
Dallas	Hill	Parker
Delta	Hopkins	Rockwall
Navarro	Hunt	Tarrant
Denton	Johnson	Palo Pinto
Ellis	Kaufman	

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective September 30, 1952.

ALFRED L. SEELYE,
Regional Director, Region X,
Office of Price Stabilization.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10718; Filed, Sept. 30, 1952; 4:26 p. m.]

[General Overriding Regulation 7, Amdt. 10 to Revision 1]

GOR 7—EXEMPTION AND SUSPENSION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

ADDITIONAL FRUIT AND VEGETABLE PRODUCTS ADDED TO STATUTORY DECONTROL PROVISION; ADDITION SPECIALTY FOODS ADDED TO ARTICLE II

Pursuant to the Defense Production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 7, Revision 1, adds additional commodities to the list of products which are decontrolled because of Congressional enactment of the Harrison Amendment to the Defense Production Act of 1950, removing price ceilings from fruits and vegetables in fresh or processed form. The amendment also adds additional specialty food items to the list of products exempted from price control under Article II of the regulation, and makes other miscellaneous changes.

It was indicated in the Statement of Considerations accompanying Amendment 2 to GOR 7, Revision 1, that it was intended to include only those products which were clearly within the scope of the Harrison Amendment and that the Office of Price Stabilization was continuing its study in order to determine the Congressional intent and full implications of that amendment. It is the opinion of the Director that Congress intended primarily to remove price ceilings on those products which were priced under Ceiling Price Regulations 55 and 56 (the canned fruits, berries and vegetables regulations) and on the products covered by Ceiling Price Regulations 81 and 82 (the frozen fruits, berries and vegetables regulations). This amendment, therefore, adds to the statutory decontrol provisions of section 30, the additional products covered by those regulations which were not included in the original statutory decontrol action taken by Amendment 2 to GOR 7.

As to the products regarding which the Congressional intent under the Harrison Amendment is not clear, the Director of Price Stabilization has adopted the common usage test in determining what is a fruit or vegetable in fresh or processed form. In other words, he believes that the Amendment applies only to those commodities, in fresh or processed form, which (1) by common and general usage are considered and used as fruits or as vegetables and (2) are sold and used as such. In his opinion, the Amendment is not so broad as to apply to all products manufactured from fruits and vegetables, nor may it be construed as being applicable to products simply because their principal ingredients are fruits or vegetables, or to products which contain fruits or vegetables, but which are not sold and used as fruits or as vegetables. For example, it is his opinion that the Harrison Amendment does not cover such prod-

ucts as tomato soup, baby food vegetables with meat, or hash or meat stews with vegetables (many of which contain more vegetables by weight than meat), or vegetable margarines. All of these products contain fruits or vegetables in varying amounts, but they are neither sold nor used as fruits or as vegetables.

The additional list of the products contained in this amendment to section 30 of GOR 7, Revision 1, will, to a large extent, complete the removal of ceiling prices from products which the Director of Price Stabilization has determined are within the scope of the Harrison Amendment. This does not preclude, however, the addition of other products which may later be found by the Director to come within the decontrol provision of the Defense Production Act, nor does it preclude exemption or suspension actions under OPS standards with regard to commodities which are determined to be outside the scope of the Harrison Amendment.

The list of items added by this amendment to the exemption provisions of Article II (the provision for exemption not dealing with statutory decontrol under the Harrison Amendment) includes domestic and imported items which are of a specialty character. This action is taken in line with the policy of the Office of Price Stabilization of suspending or otherwise relaxing price controls on commodities, which by reason of their luxury or "specialty" character, are not required at this time to be controlled in order to carry out the purposes of the Defense Production Act of 1950, as amended. Available data indicate that this action will have little effect on the cost of living, the cost of the defense effort, or general industrial costs. Moreover, it is the judgment of the Director of Price Stabilization that the maintenance of ceiling price restrictions on sales of these items would involve an administrative burden out of all proportion to the importance of keeping them under price control.

This amendment also broadens the original provision of section (2) (e) of Article II by deleting the words "domestically processed and canned" so that the products listed in this provision are exempted from price control regardless of whether or not they are domestically processed. Additional processed fruits and vegetables which are not "canned" are also added to this paragraph. A similar change is made in paragraph (g) of section 2 by deleting reference to "domestically processed" in connection with the exemption of certain frozen fruit, berry, vegetable, and related products.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations. In the judgment of the Director, the exemptions under Article II provided for by this amendment, will not defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended. The exemptions under Article IV are, in the judgment of the Director, necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Paragraph (a) of section 2 is amended by adding the following:

(3) The following canned meat products: tongue spread; deviled tongue; pickled pork knuckles; pickled pork tidbits; liver paste; pickled boneless or semi-boneless pigs feet in containers of 28 ounces or less.

2. Paragraph (b) (1) of section 2 is amended to read as follows:

(1) Canned whole clams; canned smoked oysters; canned deviled crab meat; canned lobster a la Newburg; canned shrimp a la Newburg; canned shad; canned turtle or terrapin; canned anchovy roll fillets.

3. Paragraph (c) (1) (v) of section 2 is amended to read as follows:

(v) Wine or liquor jells and jellies which do not contain unfermented fruit or fruit juices; preserved kumquats; lemon marmalade; guava jelly; melon and fruit rind; glazed or candied fruits and peels.

4. Paragraph (c) (1) (xi) of section 2 is amended to read as follows:

(xi) The following canned soups: turtle, wine flavored; smoked turkey; consomme madrilene; jellied chicken consomme; game bird; fish or seafood (except clam chowder); almond; artichoke; broccoli; cucumber; water cress; vichysoisse; and all frozen soups.

5. Paragraph (c) (1) of section 2 is amended by adding the following:

(xvii) All package and bulk sales of the following prepared salads and ready-to-serve desserts: cabbage; potato; mixed vegetable; macaroni; waldorf; apple-pecan in gelatin; fresh banana in gelatin; fruit cocktail in gelatin; lemon aspic in gelatin; pineapple in gelatin; and crushed pineapple in pineapple gelatin.

(xviii) Processed pumpkin seed.

6. Paragraph (d) (5) of section 2 is amended to read as follows:

(5) Pure maple sugar and pure maple sugar candy, which is candy made from pure maple syrup with no other ingredients added.

7. Paragraph (d) of Section 2 is amended by adding the following:

(10) Monosodium glutamate; hydrolized vegetable protein; both when sold in containers of 16 ounces or less.
(11) Bouillon cubes; bouillon powders
(12) Antipasto
(13) Wheat germ.
(14) Water-ground wheat or buckwheat flour; tapioca food starch sold in bulk.
(15) Toppings in hermetically sealed containers when processed from vegetable oils, stabilizers and dry milk solids with not more than 15 percent of the total ingredients by weight consisting of dry milk solids.
(16) Food flavoring extracts (except vanilla extract) and artificial colors for foods in containers of not more than 16 ounces.
(17) Bottled table dressings and sauces of the following flavors: avocado; dill; onion; poppy seed; sherry; wine vinegar; chive; garlic; mint; tartar.
(18) Canned or bulk mincemeat.
(19) Chopped olive spreads.
(20) Fried bacon rinds.
(21) Dehydrated gravies; prepared gravy mixes; canned gravy.
(22) Tom and Jerry batter; bottled eggnog.
(23) Powdered malted milk (unflavored); chocolate flavored powdered malted milk (consisting only of sugar, chocolate (or cocoa) flavoring and not less than 35 percent by weight of plain powdered malted milk).
(24) Vegetable salt; vegetable flakes; vegetable powders.
(25) Potato flour and potato starch.
(26) Canned chutney.
(27) Prepared pasty doughs (excluding dry mixes).
(28) Cones for ice cream.
(29) Frozen cooked spaghetti products, with or without sauce.

8. The paragraph heading and the first sentence of paragraph (e) of section 2 are amended to read as follows:

(e) *Processed (other than frozen) fruit, vegetable and berry products.* The following processed (other than frozen) fruit, vegetable and berry products:

9. Paragraph (e) of section 2 is further amended by adding the following:

(46) Canned bamboo shoots; canned palm hearts.
(47) Canned water chestnuts.
(48) Canned horseradish.
(49) Apple and other fruit pomaces.
(50) All vegetable relishes.
(51) Canned hominy.

10. Paragraph (f) of section 2 is hereby amended by adding the following:

(4) Inedible egg products.
(5) Simulated or substitute animal's milk for animal feedings.

11. The first sentence of paragraph (g) of section 2 is amended by deleting the words "domestically processed" so that the sentence as amended will read as follows: "The following frozen fruit, berry, vegetable and related products".

12. Paragraph (b) of section 30 is amended by adding the following:

(23) Canned cauliflower.
(24) Canned salsify.
(25) Canned fresh field corn.
(26) Canned tomato sauces, including hot sauce, seafood cocktail sauce, fish sauce.
(27) Canned tomato paste.
(28) Canned tomato pulp or puree.
(29) Canned tomato catsup.
(30) Canned chili sauce.

13. Paragraph (c) of section 30 is amended by adding the following:

(16) Canned fruit and berry nectars.
(17) Canned currants.
(18) Canned papayas.

(19) Canned guavas.
(20) Canned domestic ripe and green olives.

14. Paragraph (f) of section 30 is amended by adding the following:

(6) Dry edible beans and peas when sold for human consumption as vegetables.
(7) Fresh fruit juices (including reconstituted fruit juices).

15. Paragraph (g) of section 30 is amended by adding the following:

(6) Pickles.
(7) Canned dried prunes and prune juice.
(8) All canned beans (including pork and beans but excluding beans with ham or other meats).
(9) Canned dry black-eye peas and other canned field peas.
(10) French fried onions.
(11) Dehydrated vegetables.
(12) Canned or packaged dried fresh corn.
(13) Citrus fruit beverage bases and other fruit beverage bases (but not fruit ades or soft drinks made therefrom).
(14) Bulk packs of domestic olives.
(15) Canned and frozen bean sprouts.
(16) Canned and frozen Chinese mixed vegetables.
(17) Maraschino cherries.
(18) All canned and frozen tomato products.

16. Paragraph (h) of section 30 is amended by adding the following:

(3) Olives.
(4) Maraschino cherries.

17. A new paragraph (i) is added to section 30 to read as follows:

(i) The following fruits, berries and vegetables covered by Ceiling Price Regulation 69.
(1) Poi.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective as of July 1, 1952 as to products covered by section 30, and on October 1, 1952 as to all other products.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10750; Filed, Oct. 1, 1952; 11:23 a. m.]

[General Overriding Regulation 24, Revision 1]

GOR 24—COMMUNITY PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of General Overriding Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation hitherto has required one copy of each list of the dollars-and-cents ceiling prices to be posted for each 1,500 square feet of selling space. In extending the program of community pricing the Director has decided that it will be both cheaper and more practical to reduce this requirement. However, on the basis of experience with community pricing under the test program, it now has been determined that this requirement can and should be modified in the interest of administrative simplicity. Therefore, this revision provides that one copy of each list of the dollars-and-cents ceiling prices fixed for dry groceries must be posted for each 1,500 square feet of selling space with a maximum of one copy for Group 1, one copy for Group 2, two copies for Groups 3 and 3A and five copies for Groups 4 and 4A. The OPS Offices will mail out this maximum number of copies to each store according to the group in which it has registered.

Ordinarily a change of this kind would be made by an amendment and not by a revision. However, the Director has decided that copies of GOR 24 shall be given to all interested retailers and it is more efficient to issue a GOR 24, Revised, than to reprint the original GOR 24 and a separate amendment. The following portions of the original Statement of Considerations explain the basic character and techniques of community pricing:

This General Overriding Regulation provides a legal basis for and sets out standard provisions to be used in community pricing orders to be issued by District Offices of the Office of Price Stabilization fixing dollars-and-cents ceiling prices. These orders will be called "adopting orders". None of the provisions of this regulation is self-executing, and they can become effective only when made applicable to a particular area by an "adopting order" issued by the appropriate District Office of the Office of Price Stabilization. The prices fixed by an adopting order will replace or override the ceiling prices set under otherwise applicable regulations. The result is uniform ceiling prices for a community rather than diverse prices for individual sellers. During World War II, the Office of Price Administration found that the most popular and effective method of price control for food items was the establishment of community dollars-and-cents ceiling prices because it enables the consumer to tell at a glance whether any particular item is being sold above the proper ceiling price. At the present time most food retail stores are under Ceiling Price Regulations 15 and 16 which provide for individual calculation of ceiling prices by various sellers using the markups prescribed for their groups. Under this system the consumer cannot tell whether the selling price for an item is above the ceiling price.

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Generally Groups 3 and 4 stores purchase dry groceries directly from manufacturers or processors. However, some Groups 3 and 4 stores purchase a high proportion of their dry groceries from wholesalers pricing under CPR 14 or from wagon wholesalers. These latter stores, therefore, have higher acquisition costs which result in higher ceiling prices. Under community pricing the dollars-and-cents ceiling prices for Group 3 and 4 stores will be computed by using the costs of acquisition from manufacturers or processors. To force Group 3 and 4 stores with higher acquisition costs to comply with ceiling prices figured on the lower costs would drastically reduce their margin of profit. Accordingly, section 7 of this regulation provides for separate groups, to be called 3A and 4A, into which these stores may be classified and for which separate dollars-and-cents ceiling prices will be fixed that take the higher acquisition costs into consideration.

Immediately after the issuance of the original regulation, the Office of Price Stabilization undertook an experiment in community pricing in three cities. After careful examination of the results of the experiment and of the present situation in the food field, the Director of Price Stabilization has decided that it is both feasible and desirable to institute a full-fledged program of community pricing for food products at retail. Within the very near future such a program will be started in approximately 54 areas which have OPS District Offices. As soon as practicable thereafter, this program will be extended to other areas.

In the formulation of this revised regulation the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Compliance with adopting orders.
3. Relation to other regulations.
4. Posting.
5. Evasion.
6. Prohibitions.
7. Reclassification of Group 3A and 4A retailers purchasing from wholesalers.
8. Applicability of other regulations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation puts into one document the provisions common to all community pricing orders which may be issued from time to time for various areas in the United States. Sales by retailers in which delivery is by mail or express shall not be covered by these orders.

Taken by itself, this regulation sets no ceiling prices. These will be issued in separate documents which will be called "adopting orders." The "adopting orders," when issued, will expressly adopt some or all of the provisions of this regulation. The provisions of this regulation will become effective only when and to the extent they are so adopted.

SEC. 2. *Compliance with adopting orders.* No person, except as otherwise provided in the applicable adopting order, may sell or offer to sell any item at a price higher than the dollars-and-cents ceiling price for that item fixed in the price list applicable to him and contained in an adopting order. Unless otherwise provided in an adopting order, farmers selling at retail produce grown on their own farms, health food stores and specialty stores shall be subject to all adopting orders.

SEC. 3. *Relation to other regulations.* The ceiling prices fixed in the applicable adopting order may be either "replacement" ceilings or "over-riding" ceilings. If the adopting order fixes "replace-

ment" ceiling prices for certain sellers, they shall be the only ceiling prices for the sellers covered. If the adopting order fixes "over-riding" ceiling prices for certain sellers, the ceiling price for each item sold by a seller who is covered by the order shall be either the ceiling price figured by him in accordance with the provisions of the otherwise applicable regulation (such as CPR 15 and 16) or the ceiling price for that item fixed in the price list in the applicable adopting order, whichever is lower. All sellers must refer to the applicable adopting order to find out whether the ceiling prices fixed are replacement ceiling prices or over-riding ceiling prices.

SEC. 4. *Posting*—(a) *Ceiling prices.* Every person selling food items at retail must obtain from the Office of Price Stabilization one or more copies (as many copies as may be needed to satisfy the requirements of this paragraph) of each list of the dollars-and-cents ceiling prices fixed by the applicable adopting order for those items. Unless a list contains a statement that it need not be posted, the following rules shall apply: One copy of each list of the dollars-and-cents ceiling prices fixed for dry groceries must be posted for each 1,500 square feet of selling space with a maximum of one copy for Group 1, one copy for Group 2, two copies for Groups 3 and 3A and five copies for Groups 4 and 4A. If more than one copy of a list of dry groceries is required, they must be posted at least 25 feet apart. One copy of each list of the dollars-and-cents ceiling prices for all items other than dry groceries must be posted at or near the place where the item or items are offered for sale. Each list must be posted in such a manner that it can be easily read and so that customers can approach it within a distance of two feet. If the dollars-and-cents ceiling prices established in an adopting order do not replace the ceiling prices of a seller, he must continue to post his ceiling prices as required by any other applicable regulation.

(b) *Selling prices.* Every person selling food items at retail must also post his selling price for each food item for which an adopting order fixes a dollars-and-cents ceiling price. The selling price must be posted either on the item or at or near the place in the store where the item is offered for sale.

SEC. 5. *Evasion.* You must not evade any of the provisions of this regulation or of any adopting order by any scheme or device. You must not, as a condition of selling any particular item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

SEC. 6. *Prohibitions.* If you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

SEC. 7. *Reclassification of Group 3 and 4 retailers purchasing from wholesalers.* (a) For purposes of community pricing, there shall be separate classifications for Group 3 and 4 retailers under CPR 15 purchasing a substantial portion (as set forth in (b) below) of their dry groceries from wholesalers. These retailers shall be designated as Groups 3A and 4A, respectively.

(b) If you are a Group 3 or 4 retailer, as defined in CPR 15, and if during the latest calendar year or your most recent complete fiscal year at least 40 percent by dollar volume of the net cost of the dry groceries purchased by you for the stores included in an application for adjustment, was purchased from wholesalers pricing under CPR 14 or from wagon wholesalers, you may apply under paragraph (c) of this section for permission to use the community dollars-and-cents ceiling prices fixed for Group 3A or 4A retailers.

(c) Your application must be filed in duplicate with the OPS Office for your area. You may include in one application two or more of your stores which operate as a unit with a central office or warehouse. The OPS Office for your area shall mean the Office having jurisdiction over the central office or warehouse. Your application shall consist of (1) name and address of each store included in the application, (2) the total net cost of dry groceries purchased by you for all of the stores included in the application during the latest calendar year or your most recent complete fiscal year, and (3) the net cost of such purchases from wholesalers pricing under CPR 14 or from wagon wholesalers, and (4) signature and title of a responsible officer of the applicant. You may not use Group 3A or 4A prices until your application has been approved.

(d) If, however, (1) under Maximum Price Regulation No. 422 issued by the Office of Price Administration you were either a Group 3A or 4A store, (2) you can establish that you were authorized by the OPA to use Group 3A or 4A ceiling prices and the authority was never revoked, and (3) you certify that your method of doing business has not changed in any material respect since the time you were authorized to use the Group 3A or 4A ceiling prices, you may consider yourself a Group 3A or 4A store under this regulation as soon as you have filed your application in accordance with this section. This authority may be withdrawn if it is determined that your store does not qualfy for adjustment under this section. If you are a store in Group 1 or 2, as defined in CPR 16, pricing as a Group 3 or 4 store under section 2 (d) of CPR 16, you may consider yourself classified in Group 3A or 4A, respectively, as soon as you have notified the OPS Office of your area.

(e) The OPS may at any time revoke a reclassification granted under this section if it finds that you are no longer qualified.

SEC. 8. *Applicability of other regulations.* Except to the extent that dollars-and-cents ceiling prices are fixed under this regulation, any seller subject to other regulations remains subject to all the provisions of those other regulations. If you are classified under any other regulation in a specified group of sellers, your classification for community pricing purposes will not affect your classification under the other regulation.

Effective date. This Revision 1 of General Overriding Regulation 24 shall become effective October 1, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10751; Filed, Oct. 1, 1952; 11:23 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 16]

INT. 16—EMPLOYEES OF RELATED CORPORATIONS AS EMPLOYEES OF A SINGLE EMPLOYER

This interpretation indicates when, for the purposes of adjustments in salaries and other compensation, under General Salary Stabilization Regulations and Orders, employees of two or more related corporations may be treated as employees of the same employer for the purpose of making a particular type of adjustment in compensation. Treating another of the related corporations as the employer for such purpose means that to that extent the identity of the corporation which entered into the legal employment relationship with the employee and to which the employee renders his services is disregarded. In other words, for the purposes of a particular type of adjustment in compensation a corporation other than the employing corporation may be regarded as the "employer."

This interpretation does not define the terms "establishments," "branches," "units," or "affiliates" for the purposes of determining whether a business qualifies under the "small business enterprise" exemption contained in Economic Stabilization Agency General Order 17.

1. (a) A corporation had in effect on and prior to January 25, 1951, or instituted thereafter in accordance with applicable general wage or salary stabilization regulations or orders or a specific determination of the Wage Stabilization Board or the Office of Salary Stabilization, a practice of treating some or all of its own employees and some or all of the employees of a subsidiary, parent, or affiliated corporation as a single group of employees, for instance:

(1) For the purpose of general salary increases; or

(2) In the administration of a salary plan for all employees, or a group of employees performing similar services in several or all of the corporations involved; or

(3) In the administration of a bonus plan or a stock purchase plan under which an offering is made in accordance with Interpretation 13; or

(4) In the administration of a pension, deferred profit-sharing or stock bonus plan; or

(5) In the administration of a health and welfare plan; or

(6) for the purpose of merit or length-of-service increases; or

(7) for the purpose of pro-rating salaries and other compensation of employees among several related corporations.

The corporation should continue the practice of treating such employees as a single group for the particular purpose. Such practice may not be changed without the prior approval of the Office of Salary Stabilization, nor may such practice be instituted without prior approval of the Office of Salary Stabilization, where it was not in effect prior to January 25, 1951 or instituted thereafter in accordance with applicable general wage or salary stabilization regulations or orders or a specific determination of the Wage Stabilization Board or of the Office of Salary Stabilization.

EXAMPLE: (1) The bonus plan of a corporation, in effect on January 25, 1951, provides that the term "employees" shall mean persons employed by the corporation or any subsidiary in which the corporation owns directly or indirectly 51 percent of the common stock. Accordingly, employees of subsidiary corporations in which the parent corporation owns directly or indirectly 51 percent of the common stock may be treated as employees of the parent corporation for purposes of distribution of bonuses under the plan.

(ii) A salary administration plan in effect on January 25, 1951, provides merit and length-of-service increases, cost-of-living increases and promotions for all the employees of the employing corporation, its wholly owned subsidiaries, and certain affiliate corporations which are controlled by the same parent corporation as the employing corporation. The employing corporation may continue to administer such plan jointly for all the employees covered thereby regardless of whether the employee receives his salary from or renders services to the employing corporation or one of the subsidiaries or affiliates.

(b) As used in paragraph (a), general increases in salaries and other compensation include increases in salaries and other compensation under section 41 of General Salary Stabilization Regulation 1, Amended.

2. For the purposes of paragraph 1 of this interpretation: (a) a corporation is a subsidiary corporation if the employing corporation owns more than 50 percent of its voting securities;

(b) A corporation is a parent corporation if such parent corporation owns more than 50 percent of the voting securities of the employing corporation;

(c) A corporation is an affiliate, if the corporation controlling both it and the employing corporation owns more than 50 percent of the voting securities of each corporation, unless the corporations which are affiliates by virtue of common stock ownership are in fact completely autonomous and independent.

3. The use of consolidated tax returns, balance sheets or the financial statements does not constitute a basis for combining employees of the corporations involved into a single group. Evidence with regard thereto must relate to the payment of compensation or the administration of plans providing for compensation or dealing with compensation practices.

4. For the purposes of General Salary Stabilization Regulation 4, Revised, as amended:

(a) The term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of granting of the option, each of the corporations other than the employer corporation owns stock possessing more than 50 per centum of the total combined voting power of all classes of stock in one of the other corporations in such chain. (See Internal Revenue Code, section 130A (d) (2).)

(b) The term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing more than 50 per centum of the total combined voting power of all classes of stock in one of the other corporations in such chain. (See Internal Revenue Code, section 130A (d) (3).)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, September 26, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-10755; Filed, Oct. 1, 1952; 11:24 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 1 to Schedule 1—Revocation]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 1—EARMARKED STOCKS—AIRCRAFT QUALITY ALLOY STEEL PRODUCTS

DIR. 1—ADDITIONAL RESTRICTIONS ON SALE AND DELIVERY

REVOCATION

Direction 1 (17 F. R. 6153) to Schedule 1 of NPA Order M-6A is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under this direction, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10764; Filed, Oct. 1, 1952; 11:31 a. m.]

[NPA Order M-16, Direction 1 as Amended October 1, 1952]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

DIR. 1.—ADVANCE AUTHORIZATIONS

This amended direction to NPA Order M-16 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives and consideration has been given to their recommendations.

EXPLANATORY

NPA Order M-16, Direction 1, as last amended July 2, 1952, is hereby amended to permit advance orders for copper raw materials to be placed by persons who receive quarterly allocations as well as those who receive their allocations on a monthly basis.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Advance authorizations.
3. Certification.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit persons who have received authority to purchase copper raw materials to place orders for and accept delivery of a limited quantity of similar materials during the 2 months succeeding the month or the calendar quarter for which the authorization was issued.

SEC. 2. *Advance authorizations.* (a) Any person who has received a written authorization pursuant to section 3 of NPA Order M-16, which authorization permits the acceptance of delivery of copper raw materials in a given month, may order for delivery to him during each of the two immediately succeeding months a quantity of copper raw materials for which he has such written authorization, not in excess of 50 percent of the quantity of each type of material other than refined copper, 75 percent of the quantity of domestic refined copper, and 75 percent of the quantity of other refined copper, and may during each of such succeeding two months accept delivery of the material so ordered. This paragraph does not apply to persons whose authorization to purchase issued pursuant to section 3 of NPA Order M-16, covers a period longer than one month.

(b) Any material received in any month pursuant to paragraph (a) of this section must be deducted from the quantity authorized to be received under the written authorization issued for that month in accordance with section 3 of NPA Order M-16. If the authorization received for any month is not large enough to cover the entire quantity ordered for such month, any excess must

be deducted from the next authorization received.

(c) Any person, who has received a written authorization pursuant to section 3 of NPA Order M–16 which permits the acceptance of delivery of copper raw materials in a given calendar quarter only, may order for delivery and may accept delivery in each of the 2 months next succeeding the calendar quarter for which such authorization was granted a quantity of copper raw materials not in excess of 30 percent of the quantity of each type of copper raw material for which he has such written authorization. This paragraph does not apply to persons whose authorizations to purchase issued pursuant to section 3 of NPA Order M–16 apply to a period longer than one calendar quarter.

(d) Any material received in any calendar month pursuant to paragraph (c) of this section shall be deducted from the quantity authorized to be received for that calendar quarter pursuant to the written authorization issued for that quarter in accordance with section 3 of NPA Order M–16.

(e) In arriving at the quantity of material for which any person may place an advance order for copper raw materials or receive copper raw materials pursuant to such order in accordance with this section, the percentages referred to in paragraphs (a) and (c) of this section shall be computed only as percentages of the quantity of copper raw materials for which initial written authorization was received pursuant to section 3 of NPA Order M–16. Supplemental authorizations shall not be considered in computing the quantities which may be ordered in advance of the period for which written authorization was received.

SEC. 3. *Certification.* Orders placed pursuant to the permission granted by section 2 of this direction shall be certified as provided in paragraph (b) of section 3 of NPA Order M–16, except that where such certification provides for the authorization number to be given, there shall be inserted the authorization number which is the basis for the advance order, together with the words "advance authorization."

This direction as amended shall take effect October 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–10763; Filed, Oct. 1, 1952; 11:31 a. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 1, as Amended March 1, 1952, Revocation; PAD Direction 1, Revocation]

PAD ORDER 1—AUTOMOTIVE TETRAETHYL LEAD FLUID

DIR. 1—SUSPENSION OF TETRAETHYL USE LIMITATION

REVOCATION

PAD Order No. 1, as amended, and Direction No. 1 relating thereto are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under PAD Order No. 1 as originally issued or as amended, or under Direction 1 thereto, nor does this revocation deprive any person of any rights received or accrued under said order as originally issued or as amended, or under Direction 1 thereto, prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, by 65 Stat. 131 and Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp. 2154)

This revocation is issued this 30th day of September 1952, and shall be effective on and after the 1st day of October 1952.

J. ED WARREN,
Deputy Petroleum Administrator for Defense.

[F. R. Doc. 52–10708; Filed, Oct. 1, 1952; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GREAT SMOKY MOUNTAINS AND EVERGLADES NATIONAL PARKS

1. Section 20.14 *Great Smoky Mountains National Park* is amended by the addition of paragraph (k), reading as follows:

(k) *Load and vehicle weight limitations.* From May 15 to October 15, inclusive, between the hours of 8:00 a. m. and 6:00 p. m., trucks over one and one-half tons capacity, and trucks of one and one-half tons capacity carrying a load in excess of 5,000 pounds, shall not be operated or moved over any road in Great Smoky Mountains National Park.

2. Paragraph (h) entitled *Speed,* of § 20.45, entitled *Everglades National Park,* is redesignated as paragraph (i).

(39 Stat. 535; 16 U. S. C. 3)

Issued this 25th day of September 1952.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

[F. R. Doc. 52–10620; Filed, Oct. 1, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

CREDIT RESTRICTIONS; LOAN CLOSING EXPENSES

1. In § 36.4356, paragraph (a) is amended to read as follows:

§ 36.4356 *Credit restrictions.* (a) No loan for the purchase, construction, repair, alteration or improvement of residental property will be eligible for guaranty or insurance unless the veteran makes a down payment in cash or its equivalent (e. g., equity in land) of an amount which when related to the sales price (i. e., the purchase price or cost of construction, repairs, alterations, or improvements) will not be less than that specified in the following schedule:

Sales price	*Minimum down payment*
Not more than $2,500	None.
More than $2,500 but not more than $8,000	Closing costs, but not to exceed 4 percent of sales price.
More than $8,000 but not more than $8,400	4 percent of sales price.
More than $8,400	5 percent of sales price.

Provided, That if the Administrator determines in any particular case that the veteran's financial condition is such that he cannot meet the minimum down payment required by the above schedule, the Administrator may waive such requirement and require instead that only closing costs need be paid in cash by the veteran. The minimum down payment prescribed in this paragraph may in all instances be used to pay the costs of closing the loan or financing the transaction: *Provided,* That the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items required to be paid by the borrower incident to closing the transaction will not be treated as closing costs but must be paid in cash by the borrower in addition to the down payment. With respect to construction loans in cases where the land is owned by the veteran, the sales price will include the reasonable value of the land, which in the case of farm housing shall be deemed, for the purpose of this paragraph, to be 5 percent of the cost of construction, and the value of the veteran's interest in the land will pro tanto satisfy the down payment requirement.

* * * * *

2. In § 36.4504, paragraph (e) is amended to read as follows:

§ 36.4504 *Loan closing expenses.*

* * *

(e) The veteran will be required to make a down payment in cash or its equivalent (e. g., equity in land) of an amount which when related to the sales price (i. e. the purchase price or cost of construction, repairs, alterations, or improvements) will not be less than that specified in the following schedule:

Sales price	*Minimum down payment*
Not more than $8,000	Closing costs.
More than $8,000 but not more than $8,400	4 percent of sales price.
More than $8,400	5 percent of sales price.

Provided, That if the Administrator determines in any particular case that the veteran's financial condition is such that he cannot meet the minimum down payment required by the above schedule, the Administrator may waive such requirement and require instead that only closing costs need be paid in cash by the veteran. The minimum down payment prescribed in this paragraph may in all instances be used to pay the costs of closing the loan or financing the transaction: *Provided,* That the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items required to be paid by the borrower incident to closing the transaction will not be treated as closing costs but must be paid in cash by the borrower in addition to the down payment requirement: *And provided further,* That in connection with such loans the veteran, in addition to the required down payment, will deposit with Veterans' Administration or in an escrow satisfactory to Veterans' Administration 10 percent of the estimated cost of construction or such alternative sum, in cash or its equivalent, as Veterans' Administration may determine to be necessary, in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion of the construction in accordance with the plans and specifications upon which Veterans' Administration based its loan commitment.

* * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation effective October 2, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

Credit Restrictions Pursuant to the Defense Production Act of 1950, as Amended, on Loans Made or Assisted by the Administrator of Veterans' Affairs.

I hereby find that the regulations contained in Title 38, Chapter I, §§ 36.4356 (a) and 4504 (e), regulations of the Administrator of Veterans' Affairs, effective concurrently herewith, are issued in accordance with title VI of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, and Part V of Executive Order 10161 (15 F. R. 6105) as amended by Executive Order 10373 (17 F. R. 6425).

In the formulation of the aforegoing, consultation with industry representatives was impracticable because special circumstances, namely that the provisions of the regulations of the Administrator of Veterans' Affairs, effective concurrently herewith, were drafted to conform in all major respects to express statutory provisions, caused such consultation to serve no purpose.

(Reorg. Plan No. 3 of 1947, 12 F. R. 4981; Pub. Law 774, 81st Cong., 64 Stat. 798, as amended; E. O. 10161, 15 F. R. 6105; and E. O. 10373, 17 F. R. 6425)

Effective as of the 2d day of October 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52–10711; Filed, Oct. 1, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 928]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing briefs on the record of the public hearing held at Pittsburg, Kansas, August 4–6, 1952, with respect to those proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area which were not disposed of by the decision of the Secretary of Agriculture issued August 20, 1952, is hereby extended until October 16, 1952.

Dated: September 26, 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator.

[F. R. Doc. 52–10635; Filed, Oct. 1, 1952; 8:47 a. m.]

[7 CFR Part 949]

[Docket No. AO 232–A1 ROI]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF PROPOSED REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that it is proposed to reopen the public hearing held at San Antonio, Texas, August 26, 1952, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the San Antonio marketing area.

The purpose of the proposed reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the proposed amendments, and to receive evidence concerning additional proposals for amendment. Such additional proposals should be submitted to the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture not later than October 15, 1952.

Notice will be given with respect to the time and place of the reopened hearing, and with respect to any additional amendments proposed.

Copies of this notice of proposed reopening of hearing, and the order now in effect, may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

Dated: September 29, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52–10678; Filed, Oct. 1, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.39]

CHINESE CHOPPING BLOCKS

TARIFF CLASSIFICATION

SEPTEMBER 26, 1952.

The Bureau, by letter to the collector of customs, San Francisco, California, dated September 26, 1952, ruled that Chinese chopping blocks, wood boards or blocks in various sizes from 12½ by 12½ by 2 inches to 23½ by 23½ by 6 inches, surfaced on all four sides, with beveled edges, ready for use in their condition as imported, are classifiable as manufactures of wood, not specially provided for, under paragraph 412, Tariff Act of 1930, as modified, and dutiable at the rate of 16⅔ percent ad valorem.

This ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 90 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-10673; Filed, Oct. 1, 1952; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CANCELLATION OF NOTICE OF FILING OF PLATS OF SURVEY

SEPTEMBER 25, 1952.

Notice is hereby given that the publication of August 27, 1952, giving notice of the filing of plats of survey describing the following land:

SAN BERNARDINO MERIDIAN

T. 10 No., R. 26 W.
T. 10½ No. Rgs. 26 and 27 W.

was erroneous and is canceled.

PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 52-10644; Filed, Oct. 1, 1952; 8:48 a. m.]

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 23, 1952.

Notice is given that the plat accepted February 9, 1950, of survey of three islands in the Truckee River, sec. 16, T. 19 N., R. 19 E., M. D. M., which were omitted from the original survey as shown on the plat approved October 13, 1863, will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 19 E., Sec. 16, Lots 10, 11, 12.

The areas aggregate 5.91 acres.

Available data indicates the described lands are uneven and rocky.

No application for the above-described lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Reno, Nevada.

A. L. SIMPSON,
Manager.

[F. R. Doc. 52-10619; Filed, Oct. 1, 1952; 8:45 a. m.]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 26, 1952.

Notice is given that the plat of original survey of the following described lands, accepted July 9, 1952, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 38 S., R. 4 W.,
All of secs. 1, 2, 11, 12, 13, and 14.

The areas described aggregate 3,888.76 acres.

Available information indicates that the lands described are rough and mountainous except for the bottom lands of Willis Creek; the soil is a clay loam, very rocky on the slopes and sandy in the bottoms. Timber is mainly juniper and pinon pine; undergrowth consists of sagebrush, bitterbrush, weeds, and grass. A small coal seam is located on the section line between sections 11 and 12.

All section 2 is within the boundaries of the Dixie National Forest by proclamations of August 20, 1902, January 17, 1906, Executive Order No. 3635 of February 14, 1922, and Public Land Order No. 260 of October 1, 1944.

Homestead Entry Survey No. 118, patented December 13, 1919, to Leroy M. Twitchell, invades sections 1 and 2 by 1.57 acres.

No application for the remainder of the land described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

DOUGLAS E. HENRIQUES,
Acting Manager.

[F. R. Doc. 52-10645; Filed, Oct. 1, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 30, Docket No. 29]

BROWN AND GRIST

SUSPENSION ORDER

In the matter of Roy G. Brown, R. E. Cassidy, A. W. Grist, R. F. Flaxington, L. E. Wooldridge, and B. J. Utley, Sr., copartners doing business under the firm name and style of Brown and Grist, respondents, a public hearing was held in the United States Court House at Newport News, Virginia, on July 30, 1952, before the undersigned hearing commissioner of the National Production Authority, upon a statement of charges brought by the General Counsel of the National Production Authority against said respondents, pursuant to National Production Authority General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to General Administrative Order 16–06 (16 F. R. 8799), redesignated as R. P. 1—Rules of Practice before Hearing Commissioners (16 F. R. 8894); and

The respondents, Roy G. Brown, R. E. Cassidy, A. W. Grist, R. F. Flaxington, L. E. Wooldridge, and B. J. Utley, Sr., being duly apprised of the specific violations charged and the administrative action which may be taken, they having been informed of the rules and regulations which govern these proceedings, appeared herein pursuant to timely notice. Without legal counsel, R. G. Brown and R. F. Flaxington, partners, and S. E. Hallett employed by the partnership, testified in their behalf and represented A. W. Grist, a member of the partnership temporarily absent from the State of Virginia.

National Production Authority was represented by Joseph J. Saunders, Esquire, of the Office of its General Counsel and Miles J. McCormick, Esquire, attorney for the Richmond Region.

The respondents, R. F. Flaxington and Roy G. Brown, and Stuart E. Hallett, an employee of the respondents, having testified in behalf of the respondents, and having cross examined adverse witnesses without limitation; documentary evidence having been produced, written arguments of counsel for the National Production Authority and of the respondents were received and the case taken under advisement; and

The hearing commissioner having considered the record and arguments of counsel and of the respondents, being fully advised in the premises, makes the following:

Findings of fact. 1. During the month of January 1951, respondents' use of aluminum in manufacture was limited by National Production Authority Order M–7 to eighty (80) percent of average monthly base-period usage, said percentage of respondents' base-period usage amounting to 16,678 pounds of such material. During January 1951, respondents used in manufacture 22,857 pounds of aluminum, in violation of section 26.25 (b) of National Production Authority Order M–7, dated November 13, 1950 (15 F. R. 7764), as amended December 1, 1950 (15 F. R. 8576).

2. During the month of February 1951, respondents' use of aluminum in manufacture was limited by National Production Authority Order M–7 to seventy-five (75) percent of average monthly base-period usage, said percentage of respondents' base-period usage amounting to 15,636 pounds of such material. During February 1951, respondents used in manufacture 21,331 pounds of aluminum in violation of section 5 (b) of National Production Authority Order M–7, dated November 13, 1950 (15 F. R. 7764), as amended February 1, 1951 (16 F. R. 1122).

3. During the month of March 1951, respondents' use of aluminum in manufacture was limited by National Production Authority Order M–7 to sixty-five (65) percent of average monthly base-period usage, said percentage of respondents' base-period usage amounting to 20,076 pounds of such material. During March 1951, respondents used in manufacture 33,627 pounds of aluminum, in violation of section 5 (b) of National Production Authority Order M–7, dated November 13, 1950 (15 F. R. 7764), as amended February 21, 1951 (16 F. R. 1792) and March 9, 1951 (16 F. R. 2337).

4. In violation of section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), during the period commencing September 18, 1951, and ending October 1, 1951, respondents placed controlled material orders calling for delivery of 71,000 pounds of aluminum in the calendar quarter commencing January 1, 1952. During the period commencing September 18, 1951, and ending October 1, 1951, the advance allotment of aluminum to respondents for use during the calendar quarter commencing January 1, 1952, amounted to 28,350 pounds.

5. In violation of section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), respondents placed controlled material orders for aluminum which provided for delivery, and did receive and accept such material, during the calendar quarter commencing October 1, 1951, in an amount totaling 59,396 pounds. The allotment of aluminum controlled materials made to respondents for the calendar quarter commencing October 1, 1951, amounted to 37,800 pounds.

6. In violation of section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), respondents placed controlled material orders for aluminum which provided for delivery, and did receive and accept such material, during the calendar quarter commencing January 1, 1952, in an amount totaling 89,176 pounds. The allotment of aluminum controlled materials made to respondents for the calendar quarter commencing January 1, 1952, amounted to 43,425 pounds.

7. During the calendar quarters commencing January 1, 1951, and April 1, 1951, respondents failed to maintain accurate records of inventories, receipts, deliveries, and uses of aluminum forms and products, in violation of section 26.30 (a) of National Production Authority Order M–7, dated November 13, 1950

(15 F. R. 7764), as amended December 1, 1950 (15 F. R. 8576), and section 11 (a) of National Production Authority Order M-7, as amended February 1, 1951 (16 F. R. 1122).

8. During the period commencing July 1, 1951, and ending June 26, 1952, respondents failed to maintain accurate records of allotments received and procurement pursuant to allotments, in violation of section 23 (a) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

9. During the period commencing January 1, 1951, and ending March 31, 1952, aluminum controlled materials ordered and received by the respondents in excess of their just and lawful entitlements and allocations, aggregate approximately 92,724 pounds.

10. Wilful violation was not charged and the evidence clearly indicates willingness on the part of the respondents to make restitution by way of reduced future allotments. Contrary to their understanding and belief, large volumes of aluminum controlled materials, required and used by them to produce rated orders, were chargeable to monthly and/or quarterly allotments. It is in the public interest to permit the respondents to maintain their industry under reasonably reduced allotments, thereby effecting such restitution.

Conclusions. Upon the foregoing findings it is concluded that the respondents, by their excessive usage of aluminum controlled materials to the extent and in the manner stated, have substantially reduced the quantities of aluminum available to meet the lawful requirements of other consumers; and that as a condition of continued allotments of aluminum to these respondents, they should, within a reasonable period and by way of reduced allotments, restore to the national reserves of such materials, the full quantity of their unauthorized usage, to wit: 92,724 pounds.

It is therefore ordered:

That commencing with the fourth calendar quarter, October 1, 1952, all regular and unrestricted allotments of aluminum controlled materials made to the respondents by the National Production Authority, pursuant to its established policies effective at the time such allotments are made, shall be reduced by the withholding of 30,908 pounds therefrom. In like manner 30,908 pounds shall be withheld from each of two succeeding quarterly allotments, to wit, during the first calendar quarter of 1953; and 30,908 pounds during the second calendar quarter of 1953. In any event, the effect of this order shall expire by limitation June 30, 1953.

This order shall be of full force and effect upon the co-partnership, Brown and Grist, upon the partners individually, and upon their successors and assigns.

Issued at Arlington, Virginia, this 12th day of September 1952.

NATIONAL PRODUCTION AUTHORITY,
By SAMUEL H. CROSBY,
Hearing Commissioner.

[F. R. Doc. 52-10765; Filed, Oct. 1, 1952; 11:31 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043; and June 2, 1952; 17 F. R. 3818).

Adella Dress Co., 1238 Callowhill Street, Philadelphia 23, Pa., effective 9-18-52 to 9-17-53; for normal labor turnover five learners (ladies' dresses).

Alcorn Manufacturing Co., Rienzi, Miss., effective 9-24-52 to 9-23-53; 10 percent of the productive factory force for normal labor turnover (sport shirts).

The Butler Shirt Co., 165 Brugh Avenue, Butler, Pa., effective 9-22-52 to 9-21-53; 10 percent of the productive factory force for normal labor turnover purposes (men's shirts).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 9-15-52 to 3-14-53; 10 learners for expansion purposes (overalls).

Elder Manufacturing Co., Webb City, Mo., effective 9-28-52 to 9-27-53; for normal labor turnover 10 percent of the productive factory workers (boys' dress shirts).

Exquisite Form Brassiere, Inc., 432 Lackawanna Avenue, Scranton, Pa., effective 9-25-52 to 9-24-53; for normal labor turnover 10 percent of the productive factory workers (brassieres).

Greensboro Manufacturing Corp., 308 Walker Avenue, Greensboro, N. C., effective 9-25-52 to 9-24-53; 10 percent of the productive factory force for normal labor turnover purposes (flannelette and cotton sleeping garments).

Hartsville Garment Corp., P. O. Box 215, Hartsville, Tenn., effective 9-17-52 to 9-16-53; 10 percent of the productive factory force or 10 learners, whichever is greater (sport shirts).

Hazleton-McAdoo Sportswear Co., 125 South Tamaqua Street, McAdoo, Pa., effective 9-17-52 to 9-16-53; 10 percent of the productive factory force. This certificate does not include the employment of learners at subminimum wage rates engaged in the production of ladies' and children's lined jackets and skirts (ladies' and children's sportswear).

Lackawanna Blouses, Inc., 332 North Washington Street, Scranton, Pa., effective 9-18-52 to 9-17-53; 10 learners for normal labor turnover purposes (women's blouses).

Leighton Manufacturing Co., Pilot Point, Tex., effective 9-21-52 to 9-20-53; for normal labor turnover, 10 learners (dresses).

Meyers & Son Manufacturing Co., First and Jefferson, Madison, Ind., effective 9-25-52 to 9-24-53; for normal labor turnover 10 percent of the productive factory force or 10 learners, whichever is greater (men's one-piece work suits, work aprons).

Muscatine Manufacturing Corp., 416 East Third Street, Muscatine, Iowa, effective 9-15-52 to 9-14-53; five learners for normal labor turnover purposes (overalls and dungarees).

Parcraft Shirt Co., Moulton, Ala., effective 9-19-52 to 3-18-53; 75 learners for expansion purposes (sport shirts).

Perfect Brassiere Co., Inc., 501 East Fourth Street, Bethlehem, Pa., effective 9-25-52 to 9-24-53; for normal labor turnover, 10 percent of the productive factory force (brassieres).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa., effective 9-22-52 to 3-21-53; 30 learners for expansion purposes (corsets and brassieres).

Sacony of Manning, Manning, S. C., effective 9-19-52 to 9-18-53; 10 percent of the productive factory force for normal labor turnover purposes (children's dresses).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Bayuk Cigars Inc., Merrine and Montgomery Avenue, Philadelphia 22, Pa., effective 9-15-52 to 9-14-53; 10 percent of the total number of workers engaged in each occupation listed below; cigar machine operators, 320 hours; packers (retailing for more than 6 cents), 320 hours; hand and machine strippers, 160 hours; each 60 cents per hour.

Bayuk Cigars Inc., Tenth and Bainbridge Streets, Philadelphia 47, Pa., effective 9-17-52 to 9-16-53; 10 percent of the total number of workers engaged in the occupation listed below; hand stripping, 160 hours at 60 cents per hour.

Bayuk Cigars Inc., Ninth and Columbia Avenue, Philadelphia 22, Pa., effective 9-17-52 to 9-16-53; 10 percent of the total number of workers engaged in each occupation listed below; cigar machine operators, 320 hours; packers (cigars retailing for more than 6 cents), 320 hours; packers (cigars retailing for less than 6 cents), 160 hours; hand and machine strippers, 160 hours; each 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., Palm, Pa., effective 9-19-52 to 9-18-53; 10 learners (work gloves).

The Boss Manufacturing Co., 400-06 Seneca Street, Leavenworth, Kans., effective 9-19-52 to 9-18-53; 10 learners (work gloves).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill., effective 9-19-52 to 9-18-53; 10 percent of the total number of workers engaged in the authorized learner occupations (work gloves).

The Boss Manufacturing Corp., 327 North Main Street, Bluffton, Ohio, effective 9-19-52 to 9-18-53; 10 learners (work gloves).

The Boss Manufacturing Co., 320 Ballard Street, Lebanon, Ind., effective 9-19-52 to 9-18-53; 10 learners (work gloves).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill., effective 9-19-52 to 9-18-53; 10 percent of the total number of workers engaged in the authorized learner occupations (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Bear Brand Hosiery Co., 205 East Twenty-first Street, Gary, Ind., effective 9-19-52 to 9-18-53; 5 percent of the total number of productive factory workers, not including office and sales personnel.

Brown Bros. Hosiery Mill, 529 Eighth Avenue NE., Hickory, N. C., effective 9-19-52 to 9-18-53; five learners.

Golden City Hosiery Mills, Inc., Villa Rica, Ga., effective 9-22-52 to 9-21-53; five learners.

Liberty Hosiery Mills, Inc., The Liberty Plant, Liberty, N. C., effective 9-20-52 to 9-19-53; 5 percent of the total number of productive factory workers (not including office and sales personnel).

Paul Knitting Mills, Inc., Pulaski, Va., effective 9-18-52 to 9-17-53; 5 percent of the total number of productive factory workers (not including office and sales personnel).

Ruby Hosiery Mill, Inc., 270 Thirteenth Avenue NE., Hickory, N. C., effective 9-19-52 to 9-18-53; five learners.

Unique Knitting Co., Acworth, Ga., effective 9-19-52 to 9-18-53; 5 percent of the total number of productive factory workers (not including office and sales personnel).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Sacony of Manning, Manning, S. C., effective 9-19-52 to 9-18-53; five learners for normal labor turnover (children's bathing suits).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Gardiner Shoe Co., Water Street, Gardiner, Maine, effective 9-19-52 to 9-18-53; 10 percent.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Whitener Chenille Co., Route No. 1, Dalton, Ga., effective 9-19-52 to 3-18-53; five learners. Chenille machine operators, 320 hours at 65 cents per hour for the first 160 hours and not less than 70 cents per hour for the remaining 160 hours (chenille spreads and rugs).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Mark Ross Optical Corp., Caguas, P. R., effective 9-8-52 to 2-7-53; 10 learners; temple maker, front maker and finisher, 200 hours at 34 cents per hour; polisher, 300 hours at 34 cents per hour (ophthalmic lenses).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of September 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-10621; Filed, Oct. 1, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5503]

SHULMAN, INC.; APPLICATION FOR REGISTRATION AS AIR FREIGHT FORWARDER

NOTICE OF HEARING

In the matter of the application of Shulman, Inc., for a letter of registration as an air freight forwarder pursuant to Part 296 of the Board's Economic Regulations.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on October 15, 1952, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by the application, particular attention will be given to the question as to whether or not the conduct of air freight forwarder operations by the applicant will not be inconsistent with the public interest.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board, on or before October 15, 1952, a statement setting forth the issues of fact or law to be controverted.

For further details of the matters concerned in this proceeding, interested parties are referred to the application, petitions, and the Examiner's prehearing conference report on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 29, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10671; Filed, Oct. 1, 1952; 8:49 a. m.]

[Docket No. 5764]

DAVID M. GERSTEIN ET AL.

NOTICE OF HEARING

In the matter of the application of David M. Gerstein, an individual, Harold Klong, an individual, K & R Delivery Inc., a corporation, and K & R Airfreight, Inc., a corporation, for approval of certain relationships pursuant to sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 6, 1952, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 26, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10646; Filed, Oct. 1, 1952; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section IV, *Special Delegations of Authority*, is amended as follows:

Paragraph h is added as follows:

h. Pursuant to the provisions of Public Law 139 (82d Cong.), Roger J. Matthews, Construction Engineer, is hereby delegated the following authority in connection with the operation of the Wichita Trailer Repair Depot:

(1) To execute or approve contracts and contract changes in any amount (involving expenditure of nonadministrative funds only) with respect to the repair or alteration of trailers;

(2) To execute Government Bills of Lading (Standard Form 1103), and to execute contracts for the transportation of personal property; and

(3) To order the publication of advertisements in accordance with General Accounting Office Regulations No. 109, Revised.

Date approved: September 25, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-10625; Filed, Oct. 1, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

WAGE RATES FOR SUGARCANE AND SUGARBEET INDUSTRIES; HAWAIIAN ISLANDS AND CALIFORNIA

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Honolulu, on the Island of Oahu, in the U. S. District Court Room, on October 22, 1952 at 9:00 a. m.;

At Hilo, on the Island of Hawaii, at the Naniloa Hotel, on October 24, 1952, at 9:00 a. m.; and

At Oakland, California, in the sixth floor conference room, 1515 Clay Street, on October 28, 1952, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of sugarcane in Hawaii and of sugar beets in California, southwestern Arizona, and southern Oregon during the calendar or crop year 1953 on farms with respect to which applications for payments under the said act are made and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the

1953 crop of Hawaiian sugarcane and the 1953 crop of sugar beets in California, southwestern Arizona, and southern Oregon to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act.

Such hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to the foregoing matters.

Ward S. Stevenson, Clarence Oviatt, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 29th day of September 1952.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Branch.

[F. R. Doc. 52-10679; Filed, Oct. 1, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 124]

HIBBING-GRAND RAPIDS-VIRGINIA-BABBITT, MINNESOTA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated September 12, 1952, that the Hibbing-Grand Rapids-Virginia-Babbitt, Minnesota area (the area consists of all of St. Louis County lying north of the southern boundary of Township 52, and all of Itasca County lying east of the Third Guide Meridian, Minnesota) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Hibbing-Grand Rapids-Virginia-Babbitt, Minnesota critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10709; Filed, Sept. 30, 1952; 3:51 p. m.]

Office of Price Stabilization

[Delegation of Authority 60, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this revised delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10753; Filed, Oct. 1, 1952; 4:00 p. m.]

[Delegation of Authority No. 62, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority No. 62 is hereby issued.

Delegation of Authority No. 62 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this delegation of authority are hereby confirmed and validated.

This Amendment 1 to Delegation of Authority No. 62 shall take effect on October 2, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10749; Filed, Oct. 1, 1952; 11:22 a. m.]

[Region II, Redelegation of Authority No. 13, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 35 Amendment 1 (17 F. R. 8201) this amendment 1 to Redelegation of Authority No. 13 is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 21, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. The authority hereby redelegated is to be exercised concurrently with the Regional and the National Office.

This redelegation of authority shall take effect on September 30, 1952.

JAMES G. LYONS,
Regional Director, Region II.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10651; Filed, Sept. 29, 1952; 4:20 p. m.]

[Region II, Redelegation of Authority No. 29 Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 11, Revision 1, Amendment 1 (17 F. R. 7195), this amendment 1 to Redelegation of Authority No. 29 is hereby issued.

Redelegation of Authority No. 29 is amended by adding a new section 1 (g) to read as follows:

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This redelegation of authority shall take effect on September 30, 1952.

JAMES C. LYONS,
Regional Director, Region II.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10652; Filed, Sept. 29, 1952; 4:20 p. m.]

[Region II, Redelegation of Authority No. 29 Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 11 Revision 1, Amendment 1 (17 F. R. 8312), this amendment 2 to Redelegation of Authority No. 29 is hereby issued.

Redelegation of Authority No. 29 is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the Regional or National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2) and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the Regional or National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This redelegation of authority shall take effect on September 30, 1952.

JAMES G. LYONS,
Regional Director, Region II.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10653; Filed, Sept. 29, 1952; 4:21 p. m.]

[Region II, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9, and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161;

(b) To issue letter orders, as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4, and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5, and 6 of CPR 161.

This redelegation of authority shall take effect on September 30, 1952.

JAMES G. LYONS,
Regional Director, Region II.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10654; Filed, Sept. 29, 1952; 4:21 p. m.]

[Region III, Redelegation of Authority No. 17, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF THE GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 35, Amendment 1 (17 F. R. 8201), this amendment to Redelegation of Authority No. 17 is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

The authority hereby redelegated is to be exercised concurrently with the Regional Office.

This amendment shall take effect as of September 25, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10655; Filed, Sept. 29, 1952; 4:21 p. m.]

[Region IV, Redelegation of Authority No. 19, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 1 to Delegation of Authority No. 35 (17 F. R. 8201), this Amendment 1 to Region IV Redelegation of Authority No. 19 (17 F. R. 199) is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to*

the GCPR. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This amendment shall take effect on October 13, 1952.

W. F. BAILEY,
Regional Director, Region IV.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10656; Filed, Sept. 29, 1952; 4:21 p. m.]

[Region IV, Redelegation of Authority No. 28, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES REGION IV, RICHMOND, VA.

AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 2 to Delegation of Authority No. 11, Revision 1 (17 F. R. 8312), this Amendment 1 to Region IV Redelegation of Authority No. 28 (17 F. R. 2731) is hereby issued.

Redelegation of Authority 28 is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5), of Distribution Regulation 1, Revision 1.

This Amendment 1 to Redelegation of Authority 28 shall be effective October 13, 1952.

W. F. BAILEY,
Regional Director, Region IV.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10657; Filed, Sept. 29, 1952; 4:21 p.m.]

[Region IV, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9, and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect on October 13, 1952.

W. F. BAILEY,
Regional Director, Region IV.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10658; Filed, Sept. 29, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 5, Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5 AND TO FIX CEILING PRICES UNDER SECTION 16 (b) OF CPR 67

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 22, Revision 2 (16 F. R. 10010, 17 F. R. 219, 17 F. R. 2508) this Revision 2 of Redelegation of Authority 5 is issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee Offices of the Office of Price Stabilization to act as follows:

1. To approve, pursuant to section 5 of CPR 67, a price-determining method of sales at wholesale or retail proposed by a reseller under CPR 67, disapprove such a proposed price-determining method, establish a different price-determining method, by order, or request further information concerning such a price-determining method;

2. To issue orders, pursuant to section 16 (b) of CPR 67, fixing ceiling prices for any person subject to this regulation who fails to keep the records, file the reports, and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This Revision 2 of Redelegtion of Authority 5 shall take effect as of September 10, 1952.

GEORGE D. PATTERSON, Jr.
Regional Director of Regional Office V.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10659; Filed, Sept. 29, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 13, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE-DETERMINING METHODS UNDER SECTION 5, AS AMENDED, AND TO ACT UNDER SECTION 17(b) OF CPR 100

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 37, Revision 1 (16 F. R. 12299; 17 F. R. 3563) this revised Redelegation of Authority is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of the Office of Price Stabilization to act as follows:

1. To approve, pursuant to section 5, as amended, of CPR 100, a price-determining method for sales of new complete farm equipment, or new farm equipment repair parts proposed by a seller under CPR 100, disapprove such a proposed price-determining method, establish a different price-determining method, or require further information concerning such a price-determining method;

2. To issue orders, pursuant to section 17 (b) of CPR 100, fixing ceiling prices for any person subject to this Regulation who fails to keep the records, file the reports and establish ceiling prices as required therein, or who fails to apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so.

This Revision 1 of Redelegation of Authority 13 shall take effect as of September 10, 1952.

GEORGE D. PATTERSON, Jr.,
Regional Director of Regional Office V.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10660; Filed, Sept. 29, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 27, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CEILING PRICE REGULATION 98 AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Redelegation of Authority 53, as amended (17 F. R. 1236; 17 F. R. 5971) this revised redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of the Office of Price Stabilization to act as follows:

1. To accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section;

2. To accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section;

3. To accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c);

4. Any District Director to whom authority is redelegated by or under this redelegation may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra to any other Director of a Regional or District Office of the Office of Price Stabilization or to the Director of Price Stabilization.

This Revision 1 of Redelegation of Authority 27 shall take effect as of September 10, 1952.

GEORGE D. PATTERSON, Jr.
Regional Director of Regional Office V.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10661; Filed, Sept. 29, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7 AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 63, Revision 1 (17 F. R. 3471; 17 F. R. 5739), this revised redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of the Office of Price Stabilization to act as follows:

1. To take appropriate action under section 6, 7 and 8 of CPR 23. All actions taken by any District Director in Region V under section 6, 7 and 8 of CPR 23, previous to this redelegation, are hereby confirmed and validated.

This Revision 1 of Redelegation of Authority 31 shall take effect as of September 10, 1952.

GEORGE D. PATTERSON, Jr.,
Regional Director of Regional Office V.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10662; Filed, Sept. 29, 1952; 4:23 p. m.]

[Region VI, Redelegation of Authority No. 27, Amdt. 3]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145), Delegation of Authority No. 11, Revision 1, Amendment 1 (17 F. R. 7195) and Delegation of Authority No. 11, Revision 1, Amendment 2 (17 F. R. 8312), this Amendment 3 to Redelegation of Authority No. 27 (17 F. R. 3067) is hereby issued.

Redelegation of Authority No. 27, as amended, is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the Regional Office or the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 15 (b), 19 (b) (3) or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 3 to Redelegation of Authority 27 shall be effective as of September 26, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10663; Filed, Sept. 29, 1952; 4:23 p. m.]

[Region VI, Redelegation of Authority No. 12, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 35, Amendment 1 (17 F. R. 8201), this Amendment 1 to Redelegation of Authority No. 12 (16 F. R. 12744) is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation 34 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation 34 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices mentioned above to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. *Redelegation of authority.* The authority hereby redelegated is to be exercised concurrently with the National and Regional Offices.

This amendment shall take effect on September 29, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10664; Filed, Sept. 29, 1952; 4:23 p. m.]

[Region VI, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this Redelegation of Authority No. 43 is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect as of September 19, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10665; Filed, Sept. 29, 1952; 4:23 p. m.]

[Region VIII, Redelegation of Authority No. 17, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority No. 35, dated September 10, 1952 (17 F. R. 8201), this Amendment 1 to Redelegation of Authority No. 17 (17 F. R. 620) is hereby issued.

Redelegation of Authority No. 17 is amended by deleting paragraph 1 and adding new paragraphs 1, 2, and 3 to read as follows:

1. *Authority to act under section 10 of Revised Supplementary Regulation 34 to the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation 34 to the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. *Redelegation of authority.* The authority hereby redelegated is to be exercised concurrently with the Regional and National Offices.

This Amendment 1 to Redelegation of Authority No. 17 shall take effect as of September 17, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10666; Filed, Sept. 29, 1952; 4:24 p. m.]

[Region IX, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 73, dated August 22, 1952 (17 F. R. 7757), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to approve, pursuant to sections 6 and 8 of Ceiling Price Regulation 83, Revision 1, a price determining method for sales by a seller under Ceiling Price Regulation 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall take effect as of September 11, 1952.

M. A. BROOKS,
Regional Director, Region IX.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10667; Filed, Sept. 29, 1952; 4:24 p. m.]

[Region X, Redelegation of Authority No. 12, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 35, Amendment 1 (17 F. R. 8201), this Amendment 1 to Redelegation of Authority No. 12 is hereby issued.

Redelegation of Authority No. 12 is amended by striking out the second paragraph thereof and substituting therefor the following numbered paragraphs:

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to accept filings under section 10 of Revised Supplementary Regulation 34 to the GCPR.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This amendment shall take effect on October 1, 1952.

ALFRED L. SEELYE,
Director of Regional Office, No. X.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10668; Filed, Sept. 29, 1952; 4:24 p. m.]

[Region XIV, Redelegation of Authority No. 10, Revision 3]

TERRITORIAL DIRECTORS, REGION XIV

REDELEGATION OF AUTHORITY TO ACT UNDER CEILING PRICE REGULATION 120

By virtue of the authority vested in the Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority No. 7 Revised (16 F. R. 10752; 17 F. R. 7062), this redelegation of authority is hereby issued.

1. *Authority to act under CPR 120.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, respectively,

(a) To exercise the authority granted under section 12 of CPR 120;

(b) To approve applications for permission to institute or increase an entertainment charge under section 7 (b) of CPR 120.

(c) To take appropriate action under the provisions of section 13 of CPR 120.

This redelegation of authority shall take effect on September 30, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

SEPTEMBER 29, 1952.

[F. R. Doc. 52-10669; Filed, Sept. 29, 1952; 4:24 p. m.]

[General Overriding Regulation 32, Special Order 1]

OHIO CIGARETTE WHOLESALERS AND RETAILERS

CEILING PRICES RAISED TO CONFORM WITH OHIO STATE LAW

Statement of considerations. This special order raises the ceiling prices of Ohio cigarette wholesalers and retailers above those previously established under the regulations of the Office of Price Stabilization (OPS) to the minimum prices required to be charged by the Ohio Unfair Cigarette Sales Act. This special order does not affect the ceiling prices of Ohio cigarette wholesalers and retailers which are at or above the minimum prices required by that act.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Ohio State Tax Commissioner that the Ohio Unfair Cigarette Sales Act was in effect and enforced on June 30, 1952, and on August 15, 1952 (the date of application); that Rule No. 237, setting forth the manner in which the formula contained in the act is applied when wholesale prices are computed, was authorized by law and lawfully adopted and issued; that the act and Rule No. 237 have not been held invalid by any court of competent jurisdiction; and that the ceiling prices of cigarettes sold by some wholesalers and retailers in the State of Ohio are lower than the minimum sales prices required to be charged by that act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32, this special order is hereby issued.

1. Ceiling prices of cigarettes sold by wholesalers and retailers subject to the Ohio Unfair Cigarette Sales Act, which are below the minimum sales prices computed pursuant to that Act and Rule No. 237, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Ohio on August 15, 1952 (the date of application by the Ohio State Tax Commissioner under GOR 32) are increased after that date pursuant to the Ohio Unfair Cigarette Sales Act and Rule No. 237, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new minimum prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the wholesalers and retailers affected by paragraph 1 hereof and any other wholesaler and retailer subject to the Ohio Unfair Cigarette Sales Act whose ceiling prices would, as the result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Ohio on August 15, 1952, are decreased after that date pursuant to the Ohio Unfair Cigarette Sales Act and Rule No. 237, the ceiling prices of wholesalers and retailers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Ohio after August 15, 1952, those wholesalers and retailers subject to the Ohio Unfair Cigarette Sales Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the GCPR (because their comparison brands are not priced under section 3 of the GCPR but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the State Act. These prices shall be established as ceiling prices for such wholesalers and retailers upon the sending of a report by the State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand name of the cigarettes and the minimum sales prices required to be charged for them by various classes of sellers in accordance with the Ohio Unfair Cigarette Sales Act, and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a wholesaler or retailer of cigarettes subject to the Ohio Unfair Cigarette Sales Act whose ceiling prices would be affected by the State Tax Commissioner filing the report set forth in paragraph 2 or 3 hereof from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Ohio Unfair Cigarette Sales Act upon his mailing of such report unless and until such seller is notified by the Office of Price Stabilization that the reported prices were disapproved or that further information is required. In the event of a request for further information the reported minimum price shall not be used as a ceiling price until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Ohio Unfair Cigarette Sales Act" means that Act as amended up to June 30, 1952 (sections 6402-11 to 6402-21 of the General Code of Ohio), and the term "Rule No. 237" means that rule as adopted by the Ohio State Tax Commissioner on July 28, 1949.

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

Effective date. This special order is effective October 2, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 1, 1952.

[F. R. Doc. 52-10754; Filed, Oct. 1, 1952; 4:01 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1301]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 25, 1952.

On June 17, 1952, Tennessee Gas Transmission Company (Petitioner), a Delaware corporation having its principal place of business at Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act for an amendment of the Commission's order issued June 21, 1950, in Docket No. G-1301, issuing a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale of natural gas on an interruptible basis to the City of Morehead, Kentucky. Service is now proposed to be rendered on a firm basis.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of prac-

tice and procedure, Petitioner having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 8, 1952 (17 F. R. 6137).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 17, 1952, at 9:30 a. m., e. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such petition: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10622; Filed, Oct. 1, 1952; 8:46 a. m.]

[Docket No. G-1572]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 25, 1952.

On June 17, 1952, Tennessee Gas Transmission Company (Petitioner), a Delaware corporation having its principal place of business in Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act for an order amending the certificate of public convenience and necessity issued to Petitioner on March 1, 1951, in Docket No. G-1572, authorizing the construction and operation of facilities for the sale of natural gas on an interruptible basis to Ellis T. Myers Gas Company for resale in the Village of Bowerston, Ohio, and environs. Service is now proposed to be rendered on a firm basis.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Petitioner having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 1, 1952 (17 F. R. 5918).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 17, 1952, at 9:45 a. m., e. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such petition: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provision of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10623; Filed, Oct. 1, 1952; 8:46 a. m.]

FEDERAL RESERVE SYSTEM

DIVISION OF SELECTIVE CREDIT REGULATIONS AND OFFICE OF DEFENSE LOANS

RULES OF ORGANIZATION

The Rules of Organization (formerly 12 CFR Part 261) have been amended in the following respects:

1. Effective September 23, 1952, the Board discontinued the Division of Selective Credit Regulation and the Board's Rules of Organization were amended so as to delete the subsection relating thereto.

2. Effective September 23, 1952, the Board established the Office of Defense Loans and the Board's Rules of Organization were amended to include the following subsection:

Office of Defense Loans is headed by an Administrator. It advises and assists the Board on matters arising under Part 223, relating to loan guarantees for defense production.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 52-10624; Filed, Oct. 1, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 79]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

SEPTEMBER 30, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Canton-Massillon, Ohio. Area. (The area consists of all of Stark County, Ohio.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10697; Filed, Sept. 30, 1952; 12:37 p .m.]

[CDHA 80]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

SEPTEMBER 30, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Columbus, Ohio, Area. (The area consists of Franklin County; the townships of Circleville, Harrison, Madison, Walnut, and Washington, in Pickaway County; and the townships of Amanda, Bloom, Clear Creek, and Violet, in Fairfield County; all in Ohio.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10696; Filed, Sept. 30, 1952; 12:36 p. m.]

[RC 71]

SANDUSKY, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Sandusky, Ohio, Area. (The area consists of Erie County, Ohio.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10698; Filed, Sept. 30, 1952; 12:37 p. m.]

[RC 72]

HARRISBURG, PENNSYLVANIA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Harrisburg, Pennsylvania Area. (The area consists of Dauphin County; Cumberland County (except the townships of Hopewell, Shippensburg, Southampton, Lower Mifflin, Upper Mifflin, North Newton, South Newton, and the boroughs of Newberg, Shippensburg and Newville); and in Perry County, the Townships of Rye, Penn, and Wheatfield, and the boroughs of Duncannon and Marysville, all in Pennsylvania.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10699; Filed, Sept. 30, 1952; 12:37 p. m.]

[RC 73]

MONMOUTH COUNTY, NEW JERSEY, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Monmouth County, New Jersey, Area. (The area consists of Monmouth County (except the Boroughs of Allentown and Roosevelt, and the Townships of Millstone and Upper Freehold), New Jersey.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10700; Filed, Sept. 30, 1952; 12:37 p. m.]

[RC 74]

AKRON, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Akron, Ohio, Area. (The area consists of all of Summit County, and that portion of the Village of Mogadore located in Portage County, Ohio.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10701; Filed, Sept. 30, 1952; 12:37 p. m.]

[RC 75]

BAY CITY, MICHIGAN, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Bay City, Michigan, Area. (The area consists of the cities of Bay City and Essexville, and the Townships of Bangor and Hampton, all in Bay County, Michigan.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10702; Filed, Sept. 30, 1952; 12:38 p. m.]

[RC 76]

CANTON-MASSILLON, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Canton-Massillon, Ohio, Area. (The area consists of all of Stark County, Ohio.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10703; Filed, Sept. 30, 1952; 12:38 p. m.]

[RC 77]

COLUMBUS, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Columbus, Ohio, Area. (The area consists of Franklin County; the townships of Circleville, Harrison, Madison, Walnut, and Washington, in Pickaway County; and the

townships of Amanda, Bloom, Clear Creek, and Violet, in Fairfield County; all in Ohio.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10704; Filed, Sept. 30, 1952; 12:38 p. m.]

[RC 78]

PUEBLO, COLORADO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Pueblo, Colorado, Area. (The area consists of Pueblo County, Colorado.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10705; Filed, Sept. 30, 1952; 12:38 p. m.]

[RC 79]

YOUNGSTOWN, OHIO, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Youngstown, Ohio, Area. (The area consists of Mahoning and Trumbull Counties, and that portion of the village of Washingtonville located in Columbiana County, all in Ohio; the Townships of Coolspring, Findley, Hempfield, Hickory, Pine, Pymatuning, Shenango, South Pymatuning, Springfield, and West Salem, the Boroughs of Clarksville, Greenville, Grove City, Mercer, Sharpsville, Wheatland, and West Middlesex, and the Cities of Farrell and Sharon, all in Mercer County, Pennsylvania.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10706; Filed, Sept. 30, 1952; 12:38 p. m.]

[RC 80]

KANSAS CITY, MISSOURI AND KANSAS, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

SEPTEMBER 30, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Kansas City, Missouri and Kansas, Area. (The area consists of Jackson and Clay Counties, and Pettis township in Platte County, Missouri; Wyandotte County (except the City of Bonner Springs, the township of Delaware, and the City of Edwardsville), Johnson County (except the cities of Olathe, De Soto, Edgerton, Gardner, and Spring Hill, and the townships of Gardner, Lexington, McCamish, Monticello, Olathe, and Spring Hill), all in Kansas.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-10707; Filed, Sept. 30, 1952; 12:38 p. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 21]

WATCH BRACELETS AND PARTS THEREOF OF METAL OTHER THAN GOLD OR PLATINUM

NOTICE OF INVESTIGATION

Upon application of the Watch Attachment Manufacturers Association, New York, N. Y., received September 24, 1952, the United States Tariff Commission, on the 26th day of September 1952, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the customs treatment reflecting the concessions granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 1527 (c) (2).	Watch bracelets and parts thereof (except parts valued less than 20 cents per dozen), finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate).

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 26th day of September 1952.

Issued: September 29, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-10629; Filed, Oct. 1, 1952; 8:47 a. m.]

[Investigation No. 22]

HAND-BLOWN GLASSWARE

NOTICE OF INVESTIGATION

Upon application of the Import committee for Hand Division of the American Glassware Association, New York, N. Y., received September 25, 1952, the United States Tariff Commission, on the 26th day of September 1952, under the authority of section 7 of the Trade Agreements Extension Act of 1951 approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the customs treatment reflecting the concession granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 218 (f).	Table and kitchen articles and utensils, and all articles of every description not specially provided for (except Christmas tree ornaments), composed wholly or in chief value of glass, blown or partly blown from molten glass gathered by hand, whether or not colored, cut, engraved, etched, frosted, gilded, ground, painted, printed in any manner, sandblasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 26th day of September 1952.

Issued: September 29, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-10647; Filed, Oct. 1, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19025]

FRED A. KATTERMANN ET AL.

In re: Trust Agreement dated March 17, 1932, between Fred A. Kattermann, Settlor, and Huberta M. Kattermann and the United States Trust Company of Paterson, New Jersey, Trustees. File No. D-28-12926 G-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended, by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Edith Ancke nee Richter, Hans Richter, Alice Richter, Maria Krucken, Magda Krucken, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, next of kin, legatees and distributees, names unknown, of Walter Richter, deceased and of Heinz Krucken, deceased, who there is reasonable cause to believe are, and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the corpus of the trust created under the Trust Agreement dated March 17, 1932, between Fred A. Kattermann, Settlor, and Huberta M. Kattermann and the United States Trust Company of Paterson, New Jersey, trustees, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is under the supervision and control of Huberta M. Kretzschmar (Formerly Huberta M. Kattermann, the widow of Fred A. Kattermann) 366 Mountain Avenue, Ridgewood, New Jersey, and United States Trust Company of Paterson, New Jersey, 126 Market Street, Paterson, New Jersey, trustees, under the trust agreement of March 17, 1932, aforesaid;

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on September 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10674; Filed, Oct. 1, 1952; 8:50 a. m.]

[Vesting Order 16099, Amdt.]

JOSEPH TILLINGER

In re: Securities and bank account owned by Joseph Tillinger. F-28-28551-A-1; E-1.

Vesting Order 16099, dated December 1, 1950, is hereby amended as follows and not otherwise:

a. By deleting from subparagraph 2-c of said Vesting Order 16099 the word "capital" and substituting therefor the word "preferred";

b. By deleting from subparagraph 2-c of said Vesting Order 16099 the name "Joseph Tillinger" and substituting therefor the name "Joseph and Elizabeth Tillinger".

All other provisions of said Vesting Order 16099 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10676; Filed, Oct. 1, 1952; 8:50 a. m.]

MARIA PAOLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Paoli, also known as Mary Paolo, Trento, Italy; Claim No. 45063; $498.73 in the Treasury of the United States.

Executed at Washington, D. C., September 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10677; Filed, Oct. 1, 1952; 8:50 a. m.]

[Vesting Order 18477, Amdt.]

LUDWIG ROCK

In re: Fred G. Rock v. Carl Rock et al. (Estate of Ludwig Rock, deceased). File No. D 28-12995—E&T No. 17124.

Vesting Order 18477, dated September 17, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Fritz Siebert, Otto Siebert, Maria Meier, and Louise Lambrecht, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Maria Volke, also known as Marie Voeke, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the proceeds of the real property which is the subject matter of the partition suit entitled Fred G. Rock v. Carl Rock, et al., in the District Court of Woodbury County, Iowa;

b. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the rentals and other income derived from, and on account of, the real property aforesaid, together with all rights to demand, collect and enforce the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10675; Filed, Oct. 1, 1952; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 4 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES AT DESIGNATED TERMINAL MARKETS

The regulation issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3693, 4103, 4834, 5785, 6069 and 7363, and containing the specific requirements for the 1952-crop wheat price support program is hereby amended (in order to include New York, N. Y. in both listings of terminal markets in § 601.1708 (a) (3)) as follows:

Section 601.1708 (a) (3) is amended to read as follows:

(3) (i) When shipped by rail or water and stored at any of the following markets:

Los Angeles, San Francisco and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
New York, N. Y.
Philadelphia, Pa.
Galveston and Houston, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma, and Vancouver, Wash.
Superior, Wis.

wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate.

(ii) For wheat received by truck and stored at any of the terminal markets in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal	Amount of deduction (cents per bu.)
Los Angeles, San Francisco, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston and Houston, Tex.; Norfolk, Va.; New York, N. Y	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 30th day of September, 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commidity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-10724; Filed, Oct. 2, 1952; 8:50 a. m.]

[1952 CCC Peanut Bulletin, 721 (Peanuts 1952)-1, Amdt. 1]

PART 646—PEANUTS

SUBPART—1952 CROP PEANUT PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation with respect to the 1952 Crop Peanut Price Support Program (17 F. R. 5787) are amended as provided herein.

The definition of merchantable farmers stock peanuts in § 646.404 is revised so that peanuts containing 7 percent or less damaged kernels will be eligible for farm and warehouse storage loans and purchase agreements, and peanuts containing 10 percent or less moisture will be eligible for price support through any method in the Southeast and Southwest

(Continued on p. 8797)

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Code of Federal Regulations

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Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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areas. The definition of high damage peanuts is of necessity amended so that it will not conflict with the revised definition of merchantable farmers stock peanuts.

The requirement in § 646.409 (c) is amended to provide that the type and grade of peanuts to be delivered to CCC under a purchase agreement will be determined at the time of storage in a warehouse if such peanuts are stored commingled.

With respect to farm storage loans, § 646.413 is amended so that the State Committee may establish a deduction from the estimated gross weight of bagged peanuts in excess of the 5 percent deduction previously required and to provide that such deduction shall also apply to bulk peanuts for which the gross weight is determined by weight instead of by measurement.

The requirement in § 646.414 (c) (1) with reference to eligible peanuts to be represented by warehouse receipts issued by a warehouse under contract with the cooperative is amended to include the word "merchantable". Also, in § 646.414 (d), Commodity Purchase Form 3 is omitted from the list of forms to be used in connection with purchase agreements, inasmuch as this form will not be used for peanuts.

Because of the change in the definition of high damage peanuts, it is necessary to provide in § 646.420 (c) for the separate distribution to producers of profits made by the cooperative with respect to peanuts containing 3 percent or less damaged kernels and peanuts containing more than 3 percent damaged kernels.

The method of settlement with producers whose peanuts are under warehouse storage loans is amended in § 646.425 (b) (1) to provide that any payment due the producer at the time of settlement will be made by sight draft on CCC by the PMA county office except that any payment due because of an overplus realized by CCC through its selling or pooling operations will be made by the Commodity Office.

The last sentence in § 646.425 (d) (4) regarding delivery of peanuts under a purchase agreement is amended to provide that the grade of such peanuts shall be determined by the Federal-State inspection service at the time of delivery.

The provisions of § 646.426 regarding the sale by CCC of peanuts acquired through warehouse storage loans are amended to include a provision that CCC shall not sell such peanuts for edible purposes or seed at less than 105 percent of the support price plus reasonable carrying charges.

The regulations in §§ 646.401 to 646.428 inclusive, are hereby amended as specified below:

1. Paragraphs (d) and (e) of § 646.404 are amended to read as follows:

§ 646.404 *Definitions.* • • •

(d) Merchantable farmers stock peanuts means farmers stock quota peanuts containing 15 percent or less foreign material, 7 percent or less damaged peanuts, and 10 percent or less moisture.

(e) High damage peanuts means meeting all requirements with respect to merchantable farmers stock peanuts except that they contain 8 percent or more damaged kernels.

2. Paragraph (c) of § 646.409, is amended to read as follows:

§ 646.409 *Determination of type and grade.* The Federal-State Inspection Service shall determine the type and grade of all peanuts which are to be:

• • •

(c) Delivered to CCC under a purchase agreement, such type and grade to be determined either (1) at the time the peanuts are delivered to CCC by the producer or (2) at the time the peanuts are delivered for commingled storage to a warehouse if a warehouse receipt is issued in the form approved by CCC;

3. Paragraph (b) of § 646.413 is amended to read as follows:

§ 646.413 *Method of determining quantity.* • • •

(b) If the peanuts are stored on the farm in bags, the county committee shall weigh a sufficient number of bags to determine the approximate gross weight of all the peanuts to be placed under loan and for the purposes of the loan shall deduct from such gross weight an amount specified by the State Committee, which amount shall be not less than 5 percent of such gross weight, to cover any discrepancy between such approximate gross weight and the actual weight of all such peanuts at the time of settlement. If the gross weight of bulk peanuts is determined by weight instead of by measurement, the county committee shall deduct from such weight an amount specified by the State Committee, which amount shall be not less than 5 percent of such gross weight.

4. Paragraphs (c) (1) and (d) of § 646.414 are amended to read as follows:

§ 646.414 *Applicable forms.* • • •

(c) *Warehouse receipts; cooperative warehouses.* Warehouse receipts, representing peanuts marketed through the cooperative and stored in approved warehouse storage, must:

(1) Be issued by a warehouse under contract with the cooperative pursuant to § 646.412, and must be non-negotiable. The receipts must cover eligible merchantable peanuts or high damage peanuts actually in store for the account of CCC in the warehouses described on the receipts.

• • • • •

(d) *Purchase agreements.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1, and Purchase Agreement Settlement, Commodity Purchase Form 4, signed by the producer and approved by the county committee, negotiable warehouse receipts from warehouses, and such other forms and documents as may be required by CCC.

5. Paragraph (c) of § 646.420 is amended to read as follows:

§ 646.420 *Transfer of producer's interest* • • •

(c) *Peanuts marketed through the cooperative.* Upon delivery of the peanuts to the cooperative, the producer authorizes the cooperative as his agent to pledge his peanuts to CCC as security for loans to the cooperative and to market his peanuts on his behalf. The producer shall be entitled to his pro rata share in any profits made by the cooperative from the sale of all peanuts of like quality; i. e., either peanuts containing 3 percent or less damaged kernels, or peanuts containing more than 3 percent damaged kernels.

6. Paragraph (b) (1) of § 646.425 is amended to read as follows:

§ 646.425 *Liquidation of loans and delivery under purchase agreements.* • • •

(b) *Warehouse storage loans.* (1) In the case of all warehouse storage loans with respect to commingled peanuts, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the peanuts in satisfaction of the loan in accordance with the provisions of the note and loan agree-

ment and § 646.426. Any payment due a producer at the time of settlement on a warehouse storage loan will be made by sight draft on CCC by the PMA county office, except that any payment due the producer because of any overplus realized by CCC through its selling or pooling operations (as set forth in the provisions of the note and loan agreement) will be made by the appropriate PMA Commodity office.

7. Paragraph (d) (4) of § 646.425 is amended to read as follows:

§ 646.425 *Liquidation of loans and delivery under purchase agreements.*

* * *

(d) *Purchase agreements.* * * *

(4) The peanuts delivered under a purchase agreement must meet the eligibility requirements in § 646.407 when delivered and will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Peanuts stored commingled in approved warehouses will be purchased, on the basis of the amount guaranteed on the warehouse receipts and/or accompanying documents. Peanuts stored identity preserved in an approved warehouse and peanuts delivered from other than approved warehouse storage will be purchased on the basis of the delivered weight, and the grade determined by the Federal-State Inspection Service at the time of delivery.

8. Section 646.426 is amended to read as follows:

§ 646.426 *Removal of peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held. If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price: *Provided, however,* That CCC shall not sell peanuts for edible purposes or seed at less than 105 percent of the support price plus reasonable carrying charges. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs., 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421.)

Issued this 30th day of September 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 865.5]

PART 865—SUGARCANE (HARVESTING); LOUISIANA

WAGES (HARVESTING) 1952 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 31, 1952, the following determination is hereby issued:

§ 865.5 *Fair and reasonable wage rates for persons employed in the harvesting of the 1952 crop of sugarcane in Louisiana*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the harvesting of the 1952 crop of sugarcane in Louisiana if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but after the date of issuance of this section, not less than the following:

(i) *Basic wage rates and adjustment for sugar price changes.* When the average price of raw sugar is within the base price range of $5.60 to $6.00, inclusive, per one hundred pounds for the four-week period immediately preceding the four-week period during which the work is performed, and for each full 10 cents that such price shall average more than $6.00 or less than $5.60, the basic day and piecework wage rates in the following table shall be applicable:

TABLE OF RAW SUGAR PRICE RANGES AND APPLICABLE BASIC WAGE RATES[1]

Operations	Price ranges: 4-week average price of 100 pounds of raw sugar						
At least	$5.201	$5.301	$5.401	$5.501	$6.100	$6.200	$6.300
But not more than	5.300	5.400	5.500	6.099	6.199	6.299	6.399
	Base price range: $5.60–$6.00						
Basic day wage rates per 9-hour day:							
Cutting, topping, stripping; scrapers	$3.675	$3.750	$3.825	$3.900	$4.000	$4.100	$4.200
Loading; grabmen, spotters, rojemen	4.325	4.400	4.475	4.550	4.650	4.750	4.850
Cutting and loading; pilers, hoist operators	3.875	3.950	4.025	4.100	4.200	4.300	4.400
Tractor drivers; truck drivers	4.425	4.500	4.575	4.650	4.750	4.850	4.950
Teamsters	4.225	4.300	4.375	4.450	4.550	4.650	4.750
Operators of mechanical loading or harvesting equipment	4.825	4.900	4.975	5.050	5.150	5.250	5.350
Any other operations connected with harvesting	3.175	3.250	3.325	3.400	3.500	3.600	3.700
Basic piecework rates per ton:							
Large barrel varieties: [2]							
Cutting top and bottom, and stripping	1.275	1.300	1.325	1.350	1.3875	1.4250	1.4625
Cutting top and bottom	.805	.820	.835	.850	.8725	.8950	.9175
Loading	.425	.430	.435	.440	.4475	.4550	.4625
Cutting top and bottom, stripping, and loading	1.700	1.730	1.760	1.790	1.8350	1.8800	1.9250
Cutting top and bottom and loading	1.230	1.250	1.270	1.290	1.3200	1.3500	1.3800
Small barrel varieties: [2]							
Cutting top and bottom, and stripping	1.560	1.590	1.620	1.650	1.6950	1.7400	1.7850
Cutting top and bottom	.990	1.010	1.030	1.050	1.0800	1.1100	1.1400
Loading	.500	.510	.520	.530	.5450	.5600	.5750
Cutting top and bottom, stripping and loading	2.060	2.100	2.140	2.180	2.2400	2.3000	2.3600
Cutting top and bottom and loading	1.490	1.520	1.550	1.580	1.6250	1.6700	1.7150

[1] For each successive full 10-cent price change above $6.30 or below $5.30, the basic wage rates shall be increased or decreased, correspondingly, by the same amounts as shown above for each full 10-cent price change.

[2] Large barrel varieties: Co. 290, C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/105; C. P. 29/120; C. P. 43/47; C. P. 44/101; and C. P. 44/155. Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a day basis.* For workers between 14 and 16 years of age, the basic wage rate per 8-hour day (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable basic day wage rate provided under subdivision (i) of this subparagraph.

(iii) *Hourly rates.* Where workers are employed on an hourly basis, the basic wage rate per hour shall be determined by dividing the applicable basic day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and three-fourths of such rate by 8 in the case of workers between 14 and 16 years of age.

(iv) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be that agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker, for the time involved, shall be not less than the applicable hourly rate specified in subdivision (iii) of this subparagraph.

(v) *Determination of average sugar prices.* The four-week average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar of the Louisiana Sugar Exchange, Inc., adjusted to a one hundred pound basis; except that if the Director of the Sugar Branch determines that for any four-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, the Director may designate the average price to be effective under this section. For the purpose of this section the average price of raw sugar prevailing during the period from August 22 through September 18, 1952, shall determine the wage rates from September 19 through October 16, 1952, and thereafter the wage rates in successive four-week work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding four-week period.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County Production and Marketing Administration Committee. Upon receipt of a wage claim the County Production and Marketing Administration Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement an appeal may be made to the State Production and Marketing Administration Committee, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Production and Marketing Administration Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within fifteen days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the harvesting of the 1952 crop of sugarcane in Louisiana, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana, on July 31, 1952, at which interested persons presented testimony with respect to fair and reasonable wage rates for harvesting the 1952 crop of sugarcane. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination, consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and byproducts; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *1952 wage determination.* This determination differs from the 1951 harvest determination in the following respects: (1) Basic time wage rates are increased about five percent above the 1951 harvest wage rates; (2) wage classifications for harvesting work are consolidated and reduced from 12 to 7; (3) the wage differential heretofore provided between adult male and adult female workers is eliminated; (4) the average price period of the wage-price escalator has been extended to four weeks rather than two weeks; and (5) three new varieties of sugarcane are clasified as "large barrel" varieties for piecework rate purposes.

At the public hearing representatives of producers recommended that there be no change in the wage rates from those provided in the 1951 harvest determination. Producer representatives also recommended that the wage-price escalator be applicable to a four-week period rather than a two-week period and that additional varieties of sugarcane be classed as "large barrel" varieties for application of piecework rates. Representatives of workers cited the low standard of living of persons employed in Louisiana sugarcane fields and recommended minimum wages of 75 cents per hour for unskilled workers and $1.00 per hour for skilled workers.

In examining the factors affecting wage rates in Louisiana, the Department had available data with respect to costs, returns and profits of the Louisiana sugar industry. These data indicate that under the conditions likely to prevail during the 1952 crop the wage rates specified in this determination are within producers' ability to pay. While there has been a marked increase in living costs in recent years, producer income affected as it has been by climatic conditions, yield and other physical considerations does not permit, at this time, wage determination rates greater than those provided in this determination. It is desirable that in time the producers' ability to pay will improve to a point which will facilitate a general improvement in the living standard of Louisiana sugarcane workers.

The discontinuance of the different time basis wage rates for adult male and adult female cane cutters is in accordance with general policy to eliminate distinctions in wage payments on work of similar classification. This action completes the elimination of the female wage differential from all Sugar Act wage determinations except for the determination covering work in the production and cultivation of sugarcane in Louisiana which is effective through the calendar year 1952.

As in previous wage determinations, in addition to cash wages, the workers must be furnished, without charge, customary perquisites such as habitable housing, medical attention and similar items.

After consideration of all pertinent factors, the wages in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 26th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52-10730; Filed, Oct. 2, 1952; 8:52 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 874.5]

PART 874—SUGARCANE; LOUISIANA

1952 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Thibodaux, Louisiana, on July 31, 1952, the following determination is hereby issued:

§ 874.5 *Fair and reasonable prices for the 1952 crop of Louisiana sugarcane.* Processor-producers of sugarcane in Louisiana who apply for payments under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1952 crop, if the requirements of this section are met.

(a) *Definitions.* For the purpose of this section, the term—

(1) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Branch

determines that such price does not reflect the true market value of sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(2) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc.; except that if the Director of the Sugar Branch determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, he may designate the price to be effective under this section.

(3) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or about the green leaf roll, dirt and all other extraneous material which is representative of the quantity of sugarcane from which the sample for trash determination is taken.

(4) "Salvage sugarcane" means sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(5) "Actual sugarcane" means sugarcane as delivered by a producer to a processor-producer.

(6) Standard sugarcane" means sugarcane, free of trash, containing 12 percent sucrose in the normal juice with a purity of at least 76.50 but not more than 76.99.

(b) *Basic price.* (1) The basic price for standard sugarcane shall be not less than $1.06 per ton for each one cent per pound of the average price of raw sugar determined in accordance with either of the following as agreed upon:

(i) The simple average of the daily prices of raw sugar for the week in which the sugarcane is delivered; or

(ii) The simple average of the weekly prices of raw sugar for the period October 10, 1952 through January 29, 1953;

Provided, That the average price of raw sugar as determined under subdivision (i) or (ii) of this subparagraph may be reduced by not more than the following:

(a) 0.065 cent for mills located north of Bayou Coula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia west of the Atchafalaya River; or

(b) 0.10 cent for mills located north and west of New Iberia west of the Atchafalaya River.

(2) The basis price for salvage sugarcane shall be as agreed upon between the processor-producer and the producer.

(c) *Conversion of actual sugarcane to standard sugarcane.* Except for salvage sugarcane, actual sugarcane shall be converted to standard sugarcane as follows:

(1) By deducting the weight of trash from the combined weight of sugarcane and trash delivered;

(2) By multiplying the net quantity of sugarcane determined pursuant to subparagraph (1) of this paragraph by the applicable quality factor in accordance with the following table:

Standard sugarcane quality factor [1]	*Percent sucrose in normal juice*
9.5	0.60
10.0	.70
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate normal juice sucrose percentages shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and

(3) By multiplying the adjusted quantity determined pursuant to subparagraph (2) of this paragraph by the applicable purity factor in the following table:

STANDARD SUGARCANE PURITY FACTOR [1]

Purity of normal juice		Percent sucrose in normal juice														
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least—	But not more than—	But not more than—9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	.989	.978	.967	.956	.945	.936	.929	.922	.915	.908	.901	.894	.887	.880	.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.99	1.010	.998	.987	.976	.965	.954	.946	.939	.932	.925	.918	.911	.905	.899	.893	.887
69.00	69.49	1.015	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.903	.897	.891
69.50	69.99	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.895
70.00	70.49	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.50	70.99	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
71.00	71.49	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.50	71.99	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
72.00	72.49	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.50	72.99	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
73.00	73.49	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.50	73.99	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
74.00	74.49	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.50	74.99	----------	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
75.00	75.49	----------	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.50	75.99	----------	----------	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
76.00	76.49	----------	----------	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.50	76.99	----------	----------	----------	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
77.00	77.49	----------	----------	----------	1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.50	77.99	----------	----------	----------	----------	1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
78.00	78.49	----------	----------	----------	----------	1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.50	78.99	----------	----------	----------	----------	----------	1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
79.00	79.49	----------	----------	----------	----------	----------	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.50	79.99	----------	----------	----------	----------	----------	----------	1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
80.00	80.49	----------	----------	----------	----------	----------	----------	1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.50	80.99	----------	----------	----------	----------	----------	----------	----------	1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
81.00	81.49	----------	----------	----------	----------	----------	----------	----------	1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.50	81.99	----------	----------	----------	----------	----------	----------	----------	----------	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
82.00	82.49	----------	----------	----------	----------	----------	----------	----------	----------	1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.50	82.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.035	1.027	1.020	1.013	1.007	1.000	.995
83.00	83.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.038	1.030	1.023	1.016	1.010	1.004	.998
83.50	83.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.027	1.019	1.013	1.007	1.000
84.00	84.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.036	1.030	1.022	1.016	1.010	1.004
84.50	84.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.025	1.019	1.013	1.007
85.00	85.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.028	1.022	1.016	1.010

[1] Factors applicable to higher sucrose and purity of the normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the Louisiana State Office of the Production and Marketing Administration, Alexandria, Louisiana, upon request.

(d) *Molasses payment.* Except for salvage sugarcane there shall be paid for each ton of actual sugarcane, minus trash, an amount equal to the product of 7.0 and one-half of the average price per gallon of blackstrap molasses in excess of 6 cents. The average price of blackstrap molasses shall be either the simple average of the daily prices for the week in which the sugarcane is delivered or the simple average of the weekly prices of blackstrap molasses for the period October 10, 1952, through January 29, 1953, as agreed upon between the processor-producer and the producer.

(e) *General.* (1) The sucrose and purity of the normal juice shall be determined by acceptable methods of analysis on actual sugarcane, such methods to be subject to the approval of the Louisiana State Office of the Production and Marketing Administration.

(2) Because of decreased boiling house efficiency deductions may be made from the payment for frozen sugarcane accepted by the processor-producer provided such deductions are at rates not in excess of 1.5 percent of the payment, computed without regard to the molasses payment, for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). Frozen sugarcane testing in excess of 4.75 cc. of acidity shall be considered as having no value. Sugarcane shall not be considered as frozen, even after being subjected to freezing temperature, unless and until there is evidence of damage having taken place because of the freeze, such evidence to be certified by the Louisiana State Office of the Production and Marketing Administration.

(3) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor-producer in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor-producer, subject to approval by the Louisiana State Office of the Production and Marketing Administration: *Provided,* That the payment for each ton of actual sugarcane, minus trash, delivered by a producer shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the simple average of the weekly prices of raw sugar and blackstrap molasses for the period October 10, 1952 through January 29, 1953, less an amount not to exceed $3.00 per actual ton for processing and less actual costs of hoisting, field weighing and transporting such sugarcane.

(4) Costs of hoisting and weighing sugarcane, which were absorbed by the processor-producer for the 1951 crop, shall be absorbed by the processor-producer for the 1952 crop; but nothing in this subparagraph shall be construed as prohibiting negotiations with respect to the level of such absorptions, subject to the approval of the Louisiana State Office of the Production and Marketing Administration.

(5) Allowances made to producers for transporting sugarcane from the customary delivery points to the mill which were made by the processor-producer for the 1951 crop, shall be made by the processor-producer for the 1952 crop: *Provided,* That nothing in this subparagraph shall be construed as requiring the processor-producer to make allowances to producers in excess of the actual costs or rates charged by a commercial carrier for the customary method of transportation: *Provided further,* That where the only available practicable means of transportation are rail facilities and the distance to the nearest mill is in excess of 50 miles or where, because of unusual circumstances, the cost of transporting sugarcane is in excess of customary allowances, such costs may be shared by the processor-producer and the producer by agreement, subject to the approval of the Louisiana State Office of the Production and Marketing Administration.

(6) If a processor-producer and the producers delivering sugarcane to such processor-producer agree upon a plan for the hiring of inspectors whose duties shall be (i) to inspect fields of sugarcane, suggest proper methods of harvesting, and obtain adherence to cutting and delivery schedules, and (ii) to determine the trash content of all sugarcane delivered to a processor-producer, and, if the control of such inspectors is exercised jointly by the processor-producer and producers or by a general committee of processors and producers, there may be deducted from the price per ton of sugarcane an amount equal to one-half of the cost of such inspection but not in excess of 1½ cents per ton of such sugarcane. Such deductions may not be made until a statement in writing setting forth the proposed plan jointly signed by authorized representatives of producers and processors has been filed with and approved by the Louisiana State Office of the Production and Marketing Administration.

(7) The processor-producer shall not reduce the returns from the 1952 crop of Louisiana sugarcane to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1952 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, a public hearing was held in Thibodaux, Louisiana, on July 31, 1952, at which time interested parties presented testimony with respect to fair and reasonable prices for the 1952 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Louisiana. In this price determination consideration has been given to the testimony presented at the hearing and to information resulting from investigations.

(c) *1952 price determination.* The 1952 price determination continues the provisions of the 1951 price determination except that molasses payments to producers will be based on a recovery rate of 7.0 gallons per ton of sugarcane, average production for the 1947–51 crops, instead of 6.9 gallons. Use of a moving five-year average to reflect current production of molasses was initiated in the 1951 crop price determination.

At the public hearing the Louisiana Grower-Processor Committee presented a unanimous recommendation that the provisions of the 1951 price determination be continued for the 1952 crop. The spokesman stated that in arriving at its decision the Committee had carefully analyzed the provisions of the 1951 price determination, and had concluded that such provisions would afford a fair and reasonable price to be paid for 1952 crop sugarcane.

A representative of the Louisiana Farm Bureau presented several recommendations on the broader aspects of the administration of the Sugar Act but only one recommendation directly pertinent to the fair and reasonable price determination for 1952 crop sugarcane, namely, that the average raw sugar price, upon which settlement with producers is based, be restricted to the period October through December. The witness stated that the period recommended was closely related to the time during which sugarcane is marketed and that the average raw sugar price for such period was higher than during the October through January period previously used.

In this determination consideration has been given to comparative costs, returns and profits of the Louisiana sugarcane and raw sugar industry obtained by survey during prior years and restated in terms of prospective conditions for the 1952 crop. Returns for the 1951 crop were unfavorable because of the general freeze and substantial losses were incurred, particularly, by the producing segment of the industry. As a result producers received a lower share of crop proceeds than had been anticipated. Under prospective crop, cost and price conditions for 1952 it is expected that returns to the industry will be more favorable and that a more equitable sharing relationship will prevail.

The recommendation for a change in the pricing period has not been adopted because the actual marketing of sugarcane customarily extends into the month of January and the October–January period coincides with the time during which raw sugar is available for marketing. Moreover, analysis of average price data shows the difference in average sugar prices for the period October–December compared with the period October–January is not as significant as data presented at the public hearing would indicate, largely because of the freight differential between the New York and New Orleans markets.

After analysis of all pertinent factors, the continuation of the sharing relationship provided in the 1951 crop price determination is deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131

Issued this 26th day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52–10731; Filed, Oct. 2, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

SUBPART—CONDUCT OF HEARINGS RELATING TO SUSPENDED COOPERATIVE PAYMENTS

SCOPE OF SUBPART

Sec.
927.300 Scope of subpart.

DEFINITIONS

927.301 Act.
927.302 Order No. 27.
927.303 Secretary.
927.304 Director.
927.305 Market Administrator.
927.306 Presiding Officer.
927.307 Office of Hearing Examiners.
927.308 Hearing Clerk.
927.309 Solicitor.
927.310 Person.
927.311 Party.
927.312 Cooperative association.

PRE-HEARING PROCEDURE

927.321 Service of notice of suspension.
927.322 Request for hearing.
927.323 Notice of hearing.
927.324 Notice of time and place of hearing.
927.325 Depositions.
927.326 Subpenas, witness fees and mileage.
927.327 Representation of parties.
927.328 Failure to appear.
927.329 Order of proceeding and burden of proof.
927.330 Evidence.
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POST-HEARING PROCEDURE

927.340 Filing the transcript of evidence.
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927.342 Presiding Officer's report.
927.343 Exceptions.
927.344 Transmittal to Secretary.
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927.346 Issuance of order.
927.347 Filing and service of order.
927.348 Petition to reopen hearing; for rehearing; or for reconsideration of order.

MISCELLANEOUS

927.350 Filing of documents.
927.351 Service.
927.352 Computation of time.
927.353 Extensions of time.

AUTHORITY: §§ 927.300 to 927.353 issued under sec. 10, 48 Stat. 37, 50 Stat. 246, 248, 7 U. S. C. 610; sec. 3, 60 Stat. 237, 5 U. S. C. 1002; E. O. 10199, Dec. 22, 1950, 15 F. R. 9217; 3 CFR 1950 Supp.

SCOPE OF SUBPART

§ 927.300 *Scope of subpart.* Sections 927.300 to 927.353 constitute regulations governing the conduct of the hearing to be afforded to a cooperative association under Order No. 27 after cooperative payments to the association have been suspended by the market administrator.

DEFINITIONS

§ 927.301 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 927.302 *Order No. 27.* "Order No. 27" means the order, as amended, regulating the handling of milk in the New York metropolitan marketing area (7 CFR 927.1 et seq.).

§ 927.303 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

§ 927.304 *Director.* "Director" means the Director of the Dairy Branch, Production and Marketing Administration, or any other officer or employee of the Department of Agriculture to whom the Administrator or Assistant Administrator of the Production and Marketing Administration of the Department delegates the authority to act in the place and stead of the Director with respect to the matters set forth in this subpart.

§ 927.305 *Market Administrator.* "Market Administrator" means the agency designated to administer Order No. 27.

§ 927.306 *Presiding Officer.* "Presiding Officer" means the examiner in the Office of Hearing Examiners, who has been designated by that office to conduct the hearing described in § 927.300.

§ 927.307 *Office of Hearing Examiners.* "Office of Hearing Examiners" means the Office of Hearing Examiners of the United States Department of Agriculture.

§ 927.308 *Hearing Clerk.* "Hearing Clerk" means the Hearing Clerk of the United States Department of Agriculture.

§ 927.309 *Solicitor.* "Solicitor" means the Solicitor of the United States Department of Agriculture.

§ 927.310 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 927.311 *Party.* "Party" means (a) the Director of (b) the cooperative association whose eligibility to receive suspended cooperative payments under Order No. 27 is the subject of the hearing.

§ 927.312 *Cooperative Association.* "Cooperative association" means the cooperative association whose eligibility to receive suspended cooperative payments under Order No. 27 is the subject of the hearing.

PRE-HEARING PROCEDURE

§ 927.321 *Service of notice of suspension.* Whenever the Market Administrator suspends and holds in reserve any cooperative payments to a cooperative association he shall serve the required notification upon the cooperative association by registered mail addressed to it at its last known address and the required notification to the Secretary shall be accomplished by the Market Administrator filing with the Hearing Clerk four copies of the notification to the cooperative association together with a statement of service thereof upon the cooperative association: *Provided*, That this section shall not be applicable to suspensions pending on October 6, 1952: *And provided further*, That the Director shall supply to the Hearing Clerk three copies of the notification issued on suspensions pending on October 6, 1952. Upon receipt of the notice of suspension, the Hearing Clerk shall transmit copies thereof to the Director and the Solicitor.

§ 927.322 *Request for hearing.* Within thirty days after service upon a cooperative association of the Market Administrator's notice of suspension or within thirty days after October 6, 1952, the cooperative association shall file with the Hearing Clerk a request for a hearing to afford it an opportunity to establish its eligibility to receive the suspended payments. The failure of a cooperative association to file such a request shall constitute a waiver of hearing and the Secretary may rule, without further hearing, that the cooperative association is disqualified from receiving the suspended payments. Upon receipt of a request for hearing the Hearing Clerk shall transmit copies thereof to the Director, the Solicitor and the Market Administrator.

§ 927.323 *Notice of hearing*—(a) *Issuance and contents.* As soon as practicable after the filing by a cooperative association of a request for hearing the Director shall file with the Hearing Clerk a notice stating that a hearing will be held at a time and place to be designated by the Presiding Officer and specifying the matters which will be inquired into at the hearing.

(b) *Service.* Upon receipt of the notice of hearing, or amendments thereto, the Hearing Clerk shall serve copies thereof on the Office of Hearing Examiners, the cooperative association, the Market Administrator and the Solicitor.

(c) *Amendments.* Amendments to the notice of hearing may be filed with the Hearing Clerk at any time prior to the hearing or may be made orally or otherwise at the hearing by the Director or his representative. If the amendments are made at the hearing, the Presiding Officer shall recess the hearing for a reasonable time if the cooperative association shows that it would otherwise be prejudiced by such amendments.

§ 927.324 *Notice of time and place of hearing*—(a) *Issuance and contents.* Within a reasonable time following request by the cooperative association or by the Director, or upon his own motion, the Presiding Officer shall fix a time and place for hearing, not earlier than 15 days after filing of the notice of hearing, and shall file with the Hearing Clerk a notice, in quintuplicate, stating the time and place of hearing. If any change in the time and place of hearing becomes necessary, it shall be made by the Presiding Officer who in such event shall file with the Hearing Clerk a notice of the change.

(b) *Service.* Upon receipt of the notice of time and place of hearing, the Hearing Clerk shall promptly serve copies thereof on the cooperative association, the Director, the Market Administrator and the Solicitor.

§ 927.325 *Depositions*—(a) *Procedure in lieu of deposition.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the Presiding Officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Issuance and use of depositions.* Depositions may be applied for, ordered, taken and admitted in evidence in accordance with the procedure described in and subject to the conditions set forth in § 900.61 of this chapter.

§ 927.326 *Subpenas, witness fees and mileage*—(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the Presiding Officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the Presiding Officer upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpena that it was mailed as provided herein and by the signed return post-office receipt: *Provided*, That, if the subpena is issued on behalf of the Department, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

(d) *Fees and mileage.* Witnesses who are subpenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpenaed on behalf of the Department, shall be proved before the person issuing the subpena, and, as to witnesses subpenaed on behalf of any other party, shall be presented to such party.

§ 927.327 *Representation of parties.* Parties may appear in person or by counsel or other representatives.

§ 927.328 *Failure to appear.* If the cooperative association, after being duly notified, fails to appear at the hearing, or otherwise waives a hearing, the Secretary may, without further procedure, rule that it is disqualified from receiving the suspended payments. If the cooperative association appears at the hearing, but no representative of the Department appears, the Presiding Officer shall proceed to hear the evidence of the cooperative association: *Provided*, That failure of the Department to appear at a hearing shall not be deemed to be a waiver of its right to file suggested findings of fact; conclusions and order; to be served with a copy of the Presiding Officer's report and to file exceptions thereto.

§ 927.329 *Order of proceeding and burden of proof.* The cooperative association shall proceed first at the hearing and shall have the burden of proving its eligibility to receive the suspended payments.

§ 927.330 *Evidence*—(a) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim. The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Presiding Officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The Presiding Officer shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Presiding Officer. The transcript shall not include argument or debate thereon, except as ordered by the Presiding Officer. The ruling of the Presiding Officer on any objection shall be a part of the transcript. Only objections made before the Presiding Officer may subsequently be relied upon in the proceeding.

(c) *Affidavits.* Affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(d) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the Presiding Officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(e) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Except where the Presiding Officer finds that the furnishing of copies is impracticable, five copies of each exhibit shall be filed with the Presiding Officer.

(f) *Incorporation by reference.* If the testimony of a witness refers to a statute, or to a report, document, or transcript, the Presiding Officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the Presiding Officer.

(g) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Presiding Officer's report or the tentative order or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(h) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. If the proffered evidence consists of a brief oral statement, it shall be inserted into the transcript in its entirety, or in the case of an exhibit, it shall be marked for identification. In either such event, it shall be considered evidence of record if the Secretary decides that the Presiding Officer's ruling in excluding the evidence was erroneous: *Provided*, That upon application of either party the evidence shall be reoffered subject to cross-examination and rebuttal, at a reopened hearing. If the taking of the proferred evidence will consume a considerable length of time at the hearing, the Presiding Officer shall limit the offer of proof to a brief description of the evidence offered. In the latter event, if the Secretary decides that the Presiding Officer erred in excluding the evidence, and that such error was prejudicial, the hearing shall be reopened to permit the taking of such evidence.

§ 927.331 *Transcript.* A copy of the transcript shall be kept on file in the office of the Hearing Clerk, where it shall be available for examination during official hours of business. Such copy shall remain the property of the Department and may not be removed from said office. If a copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

POST-HEARING PROCEDURE

§ 927.340 *Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the Presiding Officer shall cause to be transmitted to the Hearing Clerk the transcript of the testimony and the exhibits received at the hearing together with his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct and complete transcript of the testimony given in the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received at the hearing, with such exceptions as he shall specify. The Hearing Clerk shall note upon the transcript each correction specified in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) any words necessary to make the text conform to the correct meaning as certified by the Presiding Officer.

§ 927.341 *Proposed findings, conclusions and orders.* Within 10 days (unless the Presiding Officer shall have announced at the hearing a shorter or longer period of time) after the transcript has been filed with the Hearing Clerk, as provided in § 927.340, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and order, based upon the record, and briefs in support thereof.

§ 927.342 *Presiding Officer's report.* The Presiding Officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the Hearing Clerk, his report, a copy of which (together with notification of the date fixed by the Presiding Officer for the filing of exceptions thereto) shall be served by the Hearing Clerk upon each of the parties. Such report shall include his recommended findings, conclusion and order.

§ 927.343 *Exceptions.* Within a period of time (to be fixed by the Presiding Officer but not to exceed 20 days) after the filing of the Presiding Officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall file his exceptions with the Hearing Clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Presiding Officer, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

§ 927.344 *Transmittal to Secretary.* Immediately upon the expiration of the period for filing exceptions, the Hearing Clerk shall transmit to the Secretary the complete record of the proceeding, including the Presiding Officer's report, and the exceptions thereto, if any.

§ 927.345 *Argument before Secretary*—(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

§ 927.346 *Issuance of order.* The Secretary, upon the basis of the record, shall issue the final order in the proceeding. Such order shall rule upon the performance of the cooperative and either order the suspended payments to be paid to the cooperative, in whole or in part, or disqualify the cooperative and direct that the balance of payments held in reserve be returned to the producer-settlement fund.

§ 927.347 *Filing and service of order.* The order issued by the Secretary shall be filed with the Hearing Clerk who shall promptly serve copies thereof upon the cooperative association, the market administrator, the Director and the Solicitor.

§ 927.348 *Petition to reopen hearing; for rehearing; or for reconsideration of order*—(a) *Petition requisite*—(1) *Filing; service.* A petition to reopen the hearing to take further evidence, for good cause shown, or for rehearing or reargument, or for reconsideration of the order shall be made by petition filed with the Hearing Clerk, who immediately shall serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petition to reopen hearing.* A petition to reopen the hearing to take further evidence may be filed with the Hearing Clerk at any time prior to the issuance of the final order. If the petition is filed prior to the filing of the Presiding Officer's report it shall be referred to the Presiding Officer for decision but if filed later it shall be referred to the Secretary for decision.

(3) *Petition to rehear, reargue, or reconsider.* A petition to rehear or reargue, or to reconsider the final order, shall be filed with the Hearing Clerk within 20 days after the date of the service of such order and shall be referred to the Secretary for decision. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within ten days following the service of any petition provided for in this section, the other party to the proceeding may file an answer thereto with the Hearing Clerk. As soon as practicable thereafter, a ruling shall be issued granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall be stayed pending the ruling on the petition.

MISCELLANEOUS

§ 927.350 *Filing of documents.* Except as provided otherwise in this subpart, all documents or papers required or authorized to be filed with the Hearing Clerk shall be filed in quintuplicate. Any document or paper required or authorized under this subpart to be filed with the Hearing Clerk shall be deemed to have been filed when it is received by the Hearing Clerk.

§ 927.351 *Service.* Documents required to be served by the Hearing Clerk upon a cooperative association shall be served by registered mail addressed to the cooperative association or to its attorney or agent of record at its or his last known principal place of business, office or residence, and service shall be complete on the date of such mailing.

§ 927.352 *Computation of time.* Saturdays, Sundays and Federal holidays shall be included in computing the time allowed for filing of any document or paper: *Provided*, That, when such time expires on Saturday, Sunday or a Federal holiday, such time shall be extended to include the next following business day.

§ 927.353 *Extensions of time.* The time for the filing of any documents or papers authorized in this subpart to be filed may be extended upon the request of any party (a) by the Presiding Officer before the transmittal of the record to the Secretary, or (b) by the Secretary at any time.

Issued at Washington, D. C., this 30th day of September 1952, to become effective October 6, 1952, with respect to all pending or future suspensions of cooperative payments under Order No. 27.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10728; Filed, Oct. 2, 1952; 8:51 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, was published in the FEDERAL REGISTER (17 F. R. 8022) on September 4, 1952. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented including the budget of expenses and rate of assessment set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 959.205 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending June 30, 1953 will amount to $14,400.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as first handler thereof during said fiscal year;

(c) Terms used in this section shall have the same meanings as when used in Marketing Agreement No. 114 and Order No. 59, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 608c)

Done at Washington, D. C., this 30th day of September 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10729; Filed, Oct. 2, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 6 Amdt. 2]

PART 40—AIR CARRIER OPERATING CERTIFICATE

CEILING AND VISIBILITY MINIMUMS

This amendment is primarily intended to remove the 25-mile limit under § 40.101-1 (b) (1) (i) (b) for the take-off minimums of 200½ applicable to two-engine aircraft, and in lieu thereof insert a time limit of 15 minutes in calm air with one engine inoperative. This change will provide equitable recognition to the varying speed of different types of two-engine aircraft.

The amendment also changes the term "time of dispatch" to "time of departure" as in some instances the original dispatch is accomplished much in advance of the actual departure. Section 40.101-1 (b) (1) (i) (b) as published in 16 F. R. 1630–1632 on February 16, 1951, and amended in 17 F. R. 4557–8 on May 20, 1952, is revised to read:

§ 40.101-1 *Ceiling and visibility minimums (CAA policies which apply to § 40.101).*

* * * * *

(b) *Take-off minimums*—(1) *Regular, provisional or refueling airports*—(i) *Twin-engine aircraft.* * * *

(b) Take-off minimums as low as 200½ may also be approved at airports not served by ILS or GCA facilities, or at airports equipped with ILS or GCA when conditions are such that a straight-in ILS or GCA approach cannot be made in accordance with subdivision (a) of this subparagraph. Such approval, however, will be contingent upon the specification in the flight clearance of an alternate airport having an approved instrument approach procedure located within a distance equivalent to 15 minutes at one engine inoperative cruising flight in calm air from the airport of take-off. In addition, at the time of departure, the weather at such alternate airport must be at or above alternate landing minimums. In submitting applications for approval of such minimums, the lowest take-off minimums applicable without a take-off alternate should be shown in the take-off minimum column of the Operations Specifications—Airport. The take-off minimums applicable when a take-off alternate is specified in the flight clearance should be shown in the "Remarks" section of the Operations Specifications—Airport as follows:

—(Show minimums applicable) authorized in accordance with paragraph—Airport Preface Pages.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010 as amended; 49 U. S. C. 554)

These policies shall become effective October 4, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-10691; Filed, Oct. 2, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Revision of Export Regs., Amdt. 15]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 372.12 *Weight and volume tolerance*, paragraph (a) *10 percent tolerance* is amended by adding thereto the following commodities and related tolerance entry:

Commodities:	Tolerance
Rice, Schedule B Nos. 105500, 105710, and 105750.	None.

2. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation* is amended by adding thereto a new subparagraph (7) to read as follows:

(7) *Rice, Schedule B Nos. 105500, 105710, and 105750.* The report on Form IT-821 shall show the quantity of rice under each classification exported to Cuba during the crop marketing years of 1949–50, 1950–51, 1951–52. In addition, exportations during the month of August 1952, shall be shown in Column A of Form IT-821. The crop marketing year will be considered to have begun on August 1 of each year and to have ended on July 31, of the following year. Quantities will be stated in number of 100 lb. bags or in pounds if the shipment was made in bulk.

3. Part 373, Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.41 to read as follows:

§ 373.41 *Special provisions for rice.* These provisions are established to provide for the consideration of applications to export rice, Schedule B Nos. 105500, 105710, and 105750, by country and area.

(a) *Licensing of exports to Cuba*—(1) *Initial licenses.* Each applicant may receive license(s) in an aggregate amount equal to 10 percent (rounded to the nearest 1,000 bags) of the average annual shipments of rice he made to Cuba during the period August 1, 1949 through July 31, 1952, or 1,000 bags, whichever is greater; but in no case will an applicant be issued licenses for an amount in excess of 40,000 bags: *Provided,*

(i) The applicant submits to the Office of International Trade a Form IT-821 completed in accordance with § 373.24 (b) (7) of the Comprehensive Export Schedule. Such statement need be submitted only once.

(ii) Each license application is accompanied by a true copy of an irrevocable letter of credit or copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee. Such copy must show that the original document was officially signed by the issuing or advising bank. In addition, the applicant must certify in each case the amount of the unused balance of the letter of credit.

(iii) An applicant who has been issued emergency licenses between September 11, 1952 and October 8, 1952, must also submit copies of on-board bills of lading showing the shipments made against each of such licenses.

(2) *Additional licenses.* (i) An applicant who has received licenses author-

izing shipment of 10,000 bags, or more, of rice to Cuba under this procedure may apply for and receive additional licenses upon submission of (a) true copies of on-board ocean bills of lading, bearing the export license numbers showing that he has actually shipped against the licenses previously granted under this procedure, in an amount equivalent to that for which he is applying; and (b) true copies of irrevocable letters of credit or copies of a domestic bank's advice that irrevocable letters of credit have been established for the account of the purchaser in accordance with subparagraph (1) (ii) of this paragraph.

(ii) An applicant who has received licenses authorizing shipment of less than 10,000 bags, of rice to Cuba under this procedure may apply for an amount up to twice the amount he has shipped, as shown on the certified copies of on-board ocean bills of lading, accompanying such application, provided such amount together with the unshipped balances of any licenses previously granted to him does not exceed 10,000 bags. Applications here also must be accompanied by true copies of irrevocable letters of credit or copies of a domestic bank's advice that irrevocable letters of credit have been established for the account of the purchaser in accordance with subparagraph (1) (ii) of this paragraph. When an applicant qualifies to hold licenses covering 10,000 bags, subsequent license applications shall be submitted in accordance with subdivision (i) of this subparagraph.

(iii) Applications will be considered for validation in the order they are received until the quota has been exhausted, after which time they will be held for consideration during the next succeeding period in the order they were received. License applications accompanied by letters of credit which by their terms expire before shipment can be effected after the beginning of the next licensing period, will be returned to the applicant without action.

(b) *Licensing of exports to Japan, Indonesia, and Ceylon—allocation period August 1, 1952 to December 31, 1952—(1) Supporting information.* Exporters will submit to OIT by October 8 applications for licenses to cover all their sales to these countries which were entered into prior to September 11, 1952. Each application must be supported by: (i) A true copy of the sales contract with the foreign purchaser; (ii) a true copy of the letter of credit; (iii) the import license number where applicable; (iv) evidence that the rice has been contracted for with the supplier, including delivery dates; and (v) if a ship has been chartered for the exportation of the rice, the name of the ship and the proposed shipping date.

(2) *Japan.* In addition to the requirements set forth in subparagraph (1) of this paragraph, the OIT in connection with applications for Japan will obtain from the Japanese Embassy a list of importers who have contracts with U. S. exporters which are covered by Japanese import permits together with the respective import permit numbers and the names of the American exporters with whom the contracts have been placed. Preference will be given to applications against contracts which are so substantiated.

(3) *Indonesia and Ceylon.* (i) If the total of all applications covering sales entered into prior to September 11, 1952, for a country exceeds the allocation, licenses will be prorated to the applicants on the basis of the total sales which are supported in accordance with subparagraph (1) of this paragraph.

(ii) If the total of all applications for a country is less than the allocation, each application will be licensed for the amount of the contract without allowance for any tolerance which may be stated in the contract. Applications subsequently received which are accompanied by the documents required in subparagraph (1) of this paragraph will then be considered on the basis of the date of receipt in OIT.

(c) *To defense and occupied areas.* Rice allocations to the Department of Defense and to occupied areas (South Korea and the Ryukus) will be purchased by the Quartermaster Corps and the Commodity Credit Corporation.

(d) *Licensing of exports to other countries and areas—allocation period August 1, 1952, to December 31, 1952.* (1) If the total of all applications covering sales entered into prior to September 11, 1952, for a country received in OIT by October 8, 1952, exceeds the allocation, licenses will be prorated to the applicants on the basis of the total sales which are supported in accordance with subparagraph (3) of this paragraph.

(2) If the total of all applications covering sales entered into prior to September 11, 1952 for a country received in OIT by October 8, 1952, is less than the allocation, each application will be licensed for the amount of the contract. Applications subsequently received will then be considered on the basis of date of receipt in OIT until the quota is exhausted, after which time they will be held for consideration in the next succeeding period.

(3) Exporters will submit to OIT by October 8, 1952, applications for licenses to cover all their sales to these countries which were entered into prior to September 11, 1952. Each application must be supported by: (i) A true copy of the sales contract with the foreign purchaser; (ii) a true copy of the letter of credit, or evidence of any other means of financing to be used; and (iii) the import license number where applicable.

NOTE: A "true copy" as used in this section, is a photostatic or other copy of an original document which is certified by the applicant, either on the face of the photostatic or other copy or on an attachment which identifies the document to be a true and correct copy.

All licenses issued against the current allocation will expire January 31, 1953, except for applications receiving special handling which will be valid for only 30 days from date of issuance.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 2, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-10777; Filed, Oct. 2, 1952; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5562]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BETHANY COLLEGE AND DIVINITY SCHOOL ET AL.

Supart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Individual or private business as educational, religious, or research institution:—Reputation, success or standing.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2063 *Scientific or other relevant facts.* Subpart—*Using misleading name—Vendor:* § 3.2405 *Individual or private business being educational, religious, or research institution or organization.* In connection with the offering for sale, sale and distribution in commerce, of respondents' courses of study and instruction, (1) using the word "college" or any word of similar import as a part of said corporation's corporate or trade name or otherwise representing, directly or by implication, that respondents' enterprise is a college or institution of higher learning; (2) representing, directly or by implication, that respondents' school is recognized by any standard or accepted accrediting organization or is an accredited educational institution; or, (3) representing, by offering to grant or to confer or through conferring any so-called academic degrees, or by any other means, that respondents' degrees are accepted, recognized or accredited by accredited institutions of higher learning; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bethany College and Divinity School et al., St. Petersburg, Fla., Docket 5562, July 9, 1952]

In the Matter of Bethany College and Divinity School, a Corporation, Carl M. Kilmer and Lulu M. Kilmer, Individually, and as Officers of Said Corporation, and William Potter, Grace Sercomb, Ted Victor Vorhees, J. Frederick Doering, William Morgan Keller, Carl M. Kilmer, Jesse J. Coody, Richard H. Crowder, Merle P. Estabrooks, Edith C. Sheetz, and John W. Oliver, Individually and as Officers and Members of the Board of Governors of Said Corporation

Pursuant to the provisions of the Federal Trade Commisison Act, the Federal Trade Commission on May 28, 1948, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of their separate answers by certain of the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore designated by it to act in this proceeding, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final hearing before the Commission on the complaint, the answers thereto, testimony and other evidence, recommended decision of the hearing examiner theretofore duly designated by the Commission to act in the place and stead of the hearing examiner originally designated, and brief of counsel supporting the complaint (respondents having filed no brief and oral argument not having been requested); and the Commission, having duly considered the matter and being fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto, testimony and other evidence taken before a hearing examiner of the Commission theretofore duly designated by it, the recommended decision of the substitute hearing examiner duly designated to act in the place and stead of the original hearing examiner, and brief of counsel supporting the complaint (respondents having filed no brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents there designated have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Bethany College and Divinity School, a corporation, and its officers, and Carl M. Kilmer and Lulu M. Kilmer, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' courses of study and instruction, do forthwith cease and desist from:

(1) Using the word "college" or any word of similar import as a part of said corporation's corporate or trade name or otherwise representing, directly or by implication, that respondents' enterprise is a college or institution of higher learning.

(2) Representing, directly or by implication, that respondents' school is recognized by any standard or accepted accrediting organization or is an accredited educational institution.

(3) Representing, by offering to grant or to confer or through conferring any so-called academic degrees, or by any other means, that respondents' degrees are accepted, recognized or accredited by accredited institutions of higher learning.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents William Potter, Grace Sercomb, Ted Victor Vorhees, J. Frederick Doering, William Morgan Keller, Jesse J. Coody, Richard H. Crowder, Merle P. Estabrooks, Edith C. Sheetz, and John W. Oliver.

It is further ordered, That the charges of the complaint pertaining to advertising statements which have identified respondents' enterprise as a divinity school be, and the same hereby are, dismissed.

It is further ordered, That respondents, Bethany College and Divinity School, a corporation, Carl M. Kilmer and Lulu M. Kilmer, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10721; Filed, Oct. 2, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1952 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING OCTOBER 1, 1952

OCTOBER 1, 1952.

§ 129.15 *Calendar year 1952.* • • •

(d) *Quarter beginning October 1, 1952.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1952, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of U. S. money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Columbia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 263 of Dec. 10, 1945, defined the monetary unit as 15½ grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.585018 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10722; Filed, Oct. 2, 1952; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

ELIGIBILITY FOR AND DISPOSITION OF U. S. FLAG FOR BURIAL PURPOSES

In § 1.10 (a) (1), a new subdivision (v) is added as follows:

§ 1.10 *Eligibility for and disposition of the United States Flag for burial purposes*—(a) *Eligibility for burial flags.* (1) *Persons eligible.* • • •

(v) Any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies after separation from such service under conditions other than dishonorable, on or after April 25, 1951. (Pub. Law 21, 82d Cong.)

• • • • • •

(Sec. 2, 57 Stat. 591; 38 U. S. C. 184. Interprets or applies Pub. Laws 21 and 28, 82d Cong.)

This regulation is effective October 3, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-10716; Filed, Oct. 2, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 24, Collation 2]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

COLLATION 2—INCLUDING AMENDMENTS 1–19

Ceiling Price Regulation 24 is republished to incorporate the texts of Amendments 1 through 19, inclusive. Ceiling Price Regulation 24 was issued April 30, 1951 (16 F. R. 3721). Statements of Consideration for Ceiling Price Regulation 24, and for Amendments 1–19, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

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26. Schedule VII—Beef variety meats and by-products.
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ARTICLE IV—ZONE DIFFERENTIALS AND ADDITIONS

Sec.
40. Addition 1—Zone differentials.
41. Addition 2—Local delivery.
42. Addition 3—Wholesaler's addition.
43. Addition 4—Freezing for defense procurement agency.
44. Addition 5—Wrapping.
45. Addition 6—Packing in shipping containers.
46. Addition 7—Peddler truck selling addition.
47. Addition 8—Kosher forequarters and kosher wholesale cuts.
48. Addition 9—Beef from cattle slaughtered in Zone 4a.
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50. General definitions.
51. Inventory stock of Spencer rolls and regular rolls.

APPENDIXES

1. Zone definitions.
2. Beef carcass and wholesale cuts definitions.
3. Boneless beef cuts definitions.
4. Fabricated beef cuts definitions.
5. Boneless beef (military specifications) definitions.
6. Beef variety meats and byproducts definitions.
7. Certain cured, dried, and smoked beef products definitions.
8. Other beef products definitions.
9. Beef cutting charts.
10. Wholesale zoning map.
11. Beef zone differentials per hundredweight.

AUTHORITY: Sections 1 to 51 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–51 contained in Ceiling Price Regulation 24, April 30, 1951 (16 F. R. 3721), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 24, May 9, 1951. However, through and including May 11, 1951, if (1) you sell and deliver a beef product for which a ceiling price is established by this regulation by grades (2) this beef product left the slaughtering plant prior to May 7, 1951 and (3) such beef product does not bear the grade mark provided for in Distribution Regulation 2 for such beef products leaving the slaughtering plant on and after May 7, 1951, then your ceiling price for such products shall be your ceiling price established by the General Ceiling Price Regulation. Moreover, through and including May 11, 1951, if (1) you sell and deliver a beef product for which a ceiling price is established by this regulation by grades and (2) such beef product bears the grade mark provided for in Distribution Regulation 2 for such beef products leaving the slaughtering plant after May 7, 1951, your ceiling prices for such of those products as are not derived from cattle you slaughtered shall be, at your option, the ceiling prices established by this regulation or your ceiling prices established by the General Ceiling Price Regulation (16 F. R. 3721).

Amendment 1, May 4, 1951, 16 F. R. 4183.
Amendment 2, May 12, 1951, 16 F. R. 4442.
Amendment 3, July 5, 1951, 16 F. R. 6376.
Amendment 4, August 1, 1951, 16 F. R. 7664. 8588.
Amendment 5, August 24, 1951, 16 F. R. 9512.
Amendment 7, December 11, 1951, 16 F. R. 12346.
Amendment 8, February 5, 1952, 17 F. R. 990.
Amendment 9, May 28, 1952, 17 F. R. 4745.
Amendment 10, May 31, 1952, 17 F. R. 4820.
Amendment 11, June 13, 1952, 17 F. R. 5428.
Amendment 12, June 13, 1952, 17 F. R. 5457.
Amendment 13, July 1, 1952, 17 F. R. 6148.
Amendment 14, July 1, 1952, 17 F. R. 6148.
Amendment 15, July 16, 1952, 17 F. R. 6254.
Amendment 16, August 4, 1952, 17 F. R. 7144.
Amendment 17, August 21, 1952, 17 F. R. 7689.
Amendment 18, September 16, 1952, 17 F. R. 8211.
Amendment 19, September 16, 1952, 17 F. R. 8262.

[Effective date of CPR 24 amended by Amdt. 1]

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation establishes specific ceiling prices for most sales of beef, and beef products, including cuts, except for sales at retail. These ceiling prices supersede those established for these items by the General Ceiling Price Regulation, as amended and supplemented. This regulation does not, however, establish ceiling prices for sterile canned beef, or sausage. In addition, this regulation defines and standardizes the beef cuts which you may sell and prohibits the sale of non-standardized cuts.

[Section 1 amended by Amdt. 9]

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the forty-eight States and the District of Columbia.

SEC. 3. *Ceiling prices for specifically enumerated beef products.*—(a) *Beef carcasses and wholesale cuts.* Your ceiling price for each grade of beef carcass or beef wholesale cut shall be the price specified in section 20, plus any applicable additions permitted in Article IV.

(b) *Fabricated beef cuts.* Your ceiling price for each grade of fabricated beef cut shall be the price specified in section 21, plus the applicable additions permitted in sections 40 and 41.

(c) *Boneless beef cuts.* Your ceiling price for each boneless beef cut shall be the price specified in section 22, plus the applicable additions permitted in sections 41, 42, 45 and 46.

(d) *Boneless processing beef.* Your ceiling prices for boneless processing beef shall be the prices specified in section 23, plus the applicable additions permitted in sections 41 and 45.

(e) *Boneless beef (military specifications).* Your ceiling prices for frozen boneless beef (4-way, military specifications) and beef, processing (military specifications, JAN–B–617 and JAN–B–723) shall be the prices specified in sections 24 and 25 respectively. You may not include any of the additions specified in Article IV, except the addition specified in section 41, if applicable.

[Paragraph (e) amended by Amdt. 6]

(f) *Beef variety meats and by-products.* Your ceiling prices for certain beef variety meats and beef by-products shall be the prices specified in section 26, plus the applicable additions permitted in sections 40, 41, 42, 45 and 46.

[Paragraph (f) amended by Amdt. 2]

(g) *Prefabricated quick frozen and packaged retail cuts.* Your ceiling price for a prefabricated quick frozen and packaged retail cut, not specifically listed in section 28, delivered to any retail store properly equipped with the facilities necessary to maintain the cut in a solid frozen condition, is 80 percent of the retail ceiling price (Group 1 and 2 stores as established by Ceiling Price Regulation 25) for the corresponding grade and type of fresh retail cut applicable in the retail zone in which the buyer's store is located. In determining this figure the retail ceiling price shall first be converted to a per cwt. basis. The weight for determining the ceiling price shall be the net weight of the prefabricated quick frozen and packaged retail cut indicated on the package. None of the additions in Article IV may be added. Section 15 provides a method whereby a seller may apply for an adjustment in his ceiling prices for sales of prefabricated quick frozen and packaged retail cuts to a retailer.

[Paragraph (g) amended by Amdt. 9]

(h) *Prefabricated retail cuts.* Your ceiling price for a prefabricated retail cut delivered to any retail store is 80 percent of the retail ceiling price (Group 1 and 2 stores as established by Ceiling Price Regulation 25) for the corresponding grade and type of fresh retail cut applicable in the retail zone area in which the buyer's store is located. However, you may not sell prefabricated retail cuts to a retail selling establishment if prohibited by section 11 (b). In determining the ceiling price under this section, the retail ceiling price shall first be converted to a per cwt. basis. None of the additions in Article IV may be added. Section 15 provides a method whereby a seller may apply for an adjustment in his ceiling prices for sales of prefabricated retail cuts to a retailer.

[Paragraph (h) added by Amdt. 2; amended by Amdt. 9]

(i) *Certain, cured, dried, and smoked beef products.* Your ceiling prices for the cured, dried, and smoked beef products listed in section 27 are the prices specified therein plus the applicable additions permitted in sections 41, 42, 45, and 49A.

[Paragraph (i) added by Amdt. 2; amended by Amdt. 9]

(j) *Specialty products, prefabricated, quick frozen and packaged.* Your ceiling prices for specialty products, prefabricated, quick frozen, and packaged listed in section 28 are the prices specified therein plus the applicable additions permitted in sections 40 and 41.

[Paragraph (j) added by Amdt. 9]

SEC. 4. *Ceiling prices for certain beef products which are not specifically listed in section 3*—(a) *Variety meats and edible by-products.* If you sell a beef variety meat or a beef by-product which is not listed in section 26, your ceiling price is established by the General Ceiling Price Regulation, as amended.

(b) *Cured beef products.* (1) If during 1950 you manufactured or processed a cured, corned, cooked, smoked, barbecued, or dried beef product, other than those listed in section 27, your ceiling price for such product is established by Supplementary Regulation 61 to the General Ceiling Price Regulation, as amended. Before you may sell any such product you must file the report required by section 10 (b) (1) of this regulation.

(2) If you are a nonprocessing seller at wholesale of a cured, corned, cooked, smoked, barbecued, or dried beef product, other than those listed in section 27, your ceiling price for such product is established by the General Ceiling Price Regulation, as amended and supplemented. Before you may sell any such product you must file the report required by section 10 (b) (2) of this regulation.

(3) Your ceiling price for cured boneless processing beef imported into the continental United States is $53.00 per cwt. for bull meat and $50.00 per cwt. for other than bull meat, both f. o. b. point of entry. Such beef may not contain more than 5 percent salt or other curing agent. No charges or additions may be added to the ceiling prices specified above, except the additions permitted in section 42 and, if the meat is shipped or delivered in a container which is not to be returned to the seller, an addition equivalent to the cost of the shipping container or $1.00 per cwt., whichever is less.

(c) *Specialty beef products.* (1) If during 1950 you manufactured a specialty beef product, as defined in section 50 (aa), other than those listed in section 28, your ceiling price for such specialty beef product is established by Supplementary Regulation 61 to the General Ceiling Price Regulation, as amended. Before you may sell any such product you must file the report required by section 10 (b) (1) of this regulation.

(2) If you are a nonprocessing seller at wholesale of a specialty beef product, as defined in section 50 (aa), other than those listed in section 28, your ceiling price is established by the General Ceiling Price Regulation, as amended and supplemented. Before you may sell any such product you must file the report required by section 10 (b) (2) of this regulation.

(d) *New cured beef and specialty beef products.* If you desire to manufacture or process a beef product covered by paragraph (b) (1) or (c) (1) of this section which you did not manufacture or process in 1950, and which is not specifically listed in section 27 or 28, you shall apply in writing to the Meat and Fish Branch, Office of Price Stabilization, Washington 25, D. C. for a ceiling price. In your application you shall describe the product and state the same information as required in section 10 (b) (1), items (i) through (vi), inclusive. The Director of Price Stabilization may authorize a ceiling price for such product if your application includes sufficient information to enable the Director of Price Stabilization to find:

(1) That you have made a substantial financial investment which cannot be utilized except in the sale of such beef product;

(2) That the sale of this product will constitute at least 10 percent of your total dollar volume of business;

(3) That production of this item will not divert an abnormal amount of beef production from low cost to high cost items; and

(4) That approval of your application will be generally fair and equitable, will not adversely affect the ceiling price structure established by this regulation, and will not otherwise have an inflationary effect.

[Section 4 amended by Amdts. 2, 3, 6, 7 and 9]

SEC. 5. *Exempt sales.* The provisions of this regulation shall not apply:

(a) To sales at retail; or

(b) To sales or deliveries of any beef product to a buyer if, prior to the effective date of this regulation, this beef product has been received for shipment to such buyer by a carrier other than a carrier owned or controlled by the seller.

SEC. 6. *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because customary sources of supply are unavailable and because the established ceiling prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Director of Price Stabilization may by order designate such area as a critical area for such period as he may prescribe, and may in writing authorize you to charge and receive, for beef products sold to buyers in that area, an amount in excess of the applicable ceiling price.

SEC. 7. *Import and export sales.*—(a) *Ceiling prices for sales of imported beef.* Except as provided in section 4 (b) (2), your ceiling price for any imported beef product shall be the same as your domestic ceiling price for that product.

(b) *Exports sales and sales for export.* You shall compute your ceiling prices for export sales and sales for export (as those terms are defined in Ceiling Price Regulation 61) of any beef product under the appropriate provisions of CPR 61. These ceiling prices are your ceiling prices under this regulation, for these

sales in lieu of any ceiling prices otherwise established by this regulation. All other provisions of this regulation continue to apply to these sales.

[Paragraph (b) amended by Amdt. 18]

[Section 7 amended by Amdt. 2]

SEC. 8. *Evasion.*—(a) You shall not evade the provisions of this regulation, by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of beef, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of beef, or otherwise.

(b) Among others, the following practices are considered evasions and are prohibited:

(1) Falsely or incorrectly grading or invoicing beef.

(2) Selling or invoicing kosher beef to purchasers who are not bona fide buyers of kosher meat.

(3) Selling or invoicing fabricated beef cuts to defense procurement agencies or retailers (other than route truck sellers), located in the 48 states of the United States or the District of Columbia.

[Subparagraph (3) amended by Amdts. 3, 7 and 9]

(4) Offering, selling or delivering a beef product on condition that the buyer purchase another beef product or any other commodity or service.

(5) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which the beef was actually delivered.

(6) Selling or transferring to a slaughterer title to live cattle by the owner thereof or buying or receiving title to live cattle by a slaughterer from the owner thereof, on condition, or with any understanding or agreement, that dressed carcasses or wholesale cuts derived from such cattle, or from other cattle, be sold or delivered to any designated person: *Provided, however,* That this prohibition shall not apply to the sale or transfer of title to cattle certified to be club cattle.

(7) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this regulation.

(8) Selling to a buyer a carcass or wholesale cut of beef and buying back from that same buyer a portion of any carcass or wholesale cut at a price below the ceiling price for that portion.

[Subparagraph (8) added by Amdt. 6]

(9) Selling any fresh ground meat which contains beef and does not consist entirely of ground beef as defined in any of the following subparagraphs of Appendix 4 (a) paragraphs (33) through (36), inclusive, or paragraphs (38) or (39).

[Subparagraph (9) added by Amdt. 6]

(c) The following payments shall not be construed as evasions of this regulation if made under the following conditions:

(1) A payment of not to exceed 17½ cents per cwt. in excess of the ceiling prices fixed by this regulation, if paid by a buyer to a broker who had, prior to the issuance date of this regulation, rendered services as a broker, for services rendered by the broker to the buyer if the broker has no business affiliation with the seller.

(2) A payment by a buyer to a seller for icing services performed by the seller before delivery of any beef or beef product to a carrier, if the carrier's freight charges are paid directly by the buyer and if the amount paid for such icing services does not exceed the actual commercial rates for such icing services.

(3) Where the distribution point is the seller's place of business and the transportation charges are paid by the seller to the carrier, a payment by a buyer to a seller of the buyer's proportion of that transportation charge, if such payment appears on the seller's invoice as a separate item.

[Subparagraph (3) amended by Amdt. 6]

SEC. 9. *Records and Tagging.*—(a) *Records which must be preserved.* On or after the effective date of this regulation, each of you who sells or transfers and each of you who, in the course of trade or business, buys or receives any beef, beef cut or beef product shall make and preserve for inspection by the Office of Price Stabilization for a period of two years complete and accurate records of each such sale, transfer, purchase or receipt showing:

(1) The date thereof;

(2) The names and addresses of the buyer or the recipient and the seller or the transferor;

(3) The descriptive name or type of cut or item, the grade (if bull so designate), and the quantity and weight of all beef products sold, transferred, delivered or purchased, received or acquired.

All sales invoices or equivalent records required by this section must be numbered consecutively. If prior to November 8, 1951, you used for each selling establishment or group of selling establishments a systematic procedure of accounting for such records by means other than consecutive numbering, you may continue to use such system. You may not, however, change your system unless you substitute therefor a system of consecutive numbering.

[Subparagraph (3) amended by Amdts. 2 and 9]

(4) The price charged, received, or paid therefor;

(5) The names and addresses of the parties taking part in the transaction and the class of buyer or recipient and seller or transferor, *i. e.*, retailer (R), purveyor of meals (PM), wholesaler (W), combination distributor (CD), hotel supply house (HSH), processor (PR), peddler truck seller (P), intermediate distributor (ID), or ship supplier (SS). If you are a slaughterer, you need not show the class of seller designation and you need not show the designation (R) on sales to retailers.

The abbreviations indicated above must be used to designate the class of buyer and seller. If prior to November 8, 1951, you used abbreviations or symbols other than those indicated above, you may continue to use them. You may not, however, change or alter your abbreviations or symbols unless you substitute therefor the symbols indicated above.

[Subparagraph (5) added by Amdt. 6; amended by Amdts. 7 and 9]

You shall also continue to preserve all records required to be preserved by Section 16 of the General Ceiling Price Regulation.

All records required to be preserved under this section 9 may after the expiration of 90 days after the date of the transaction to which they relate be transferred to and preserved thereafter on microfilm.

(b) *Records which must accompany deliveries.* (1) Except as provided in section 9 (b) (2), (3) and (4) each of you who sells, transfers, or delivers any beef product shall furnish to the buyer at the time of delivery a written statement showing information set forth in section 9 (a).

(2) You shall send with each shipment, other than a C. O. D. shipment, a copy of the written statement referred to in 9 (b) (1): *Provided, however,* That the portion of the statement with respect to the price charged, received or paid therefor, may be omitted but (i) such portion must be mailed to the buyer within 24 hours after the shipment left your plant or, (ii) if it has been your customary practice to send invoices weekly, such portion must be mailed to the buyer during the week of the shipment.

[Subparagraph (2) amended by Amdts. 2 and 9]

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the statement referred to in section 9 (b) (1) shall be posted in the freight car or truck near or on the door. Where the shipment constitutes only a part of the content of a common carrier freight car or truck, a copy shall be securely attached in a conspicuous place to one of the items included within the shipment, or in the case of shipment by truck, copies of the statements accompanying each shipment contained in the truck may be given to and carried by the driver who shall be authorized to display such copies to any enforcement officer on request. Where the shipment is made by vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request.

[Subparagraph (3) amended by Amdt. 9]

(4) If you transfer any beef product, which constitutes the entire content of a vehicle, to a business establishment or warehouse controlled or operated by you, you shall send with each vehicle making such transfer, a statement showing the name and address of the owner, the point of destination and that the beef products are not being transferred to a buyer in connection with a sale. The transfer must be identified in the same manner as required in subparagraph (3) of this paragraph.

(c) *Tagging requirements.* The processor of any kosher beef product shall identify the product as kosher by securely attaching to it, with a wire seal, a tag bearing a rabbinical certification that the product is kosher and has been prepared in accordance with kosher dietary laws.

[Paragraph (c) added by Amdt. 9]
[Title of Section 9 amended by Amdt. 9]

SEC. 10. *Reports.*—(a) *Slaughter located in Zone 4a.* If you slaughter cattle in a slaughtering plant or plants located in Zone 4a you shall file with the Office of Price Stabilization at Washington, D. C., a true copy of the abattoir stamp together with the name and address of the slaughtering plant at which such abattoir stamp is used.

[Paragraph (a) amended by Amdt. 6]

(b) *Cured beef and specialty beef products.* (1) If you are a manufacturer or processor of any beef product for which a ceiling price is provided under section 4 (b) (1) or section 4 (c) (1) of this regulation you must, before you sell any such product, send by registered mail, to the Meat and Fish Branch, Office of Price Stabilization, Washington 25, D. C. a signed report containing your name and business address and the following information:

(i) A description of the product, including the name of the item;

(ii) The wholesale cut and the grade of beef used therein;

(iii) A complete description of its preparation;

(iv) The type of wrapping or packaging used;

(v) The manner in which the product differs substantially from the most similar product of the same type for which a ceiling price is provided in section 3 of this regulation;

(vi) A cutting test showing the cost of the specialty product;

(vii) Your ceiling price for the product under the General Ceiling price Regulation as amended and supplemented;

(viii) The total dollar volume you sold of the product during the calendar year 1950;

(ix) The total dollar volume of all your sales of all meat products during the calendar year 1950.

(2) If you are a non-processing seller at wholesale of any beef product for which a ceiling price is provided under section 4 (b) (2) or section 4 (c) (2) you must, before you sell any such product, send by registered mail, to the Meat and Fish Branch, Office of Price Stabilization, Washington 25, D. C., a signed report showing:

(i) Your name and business address;

(ii) The type or types of customers to whom you regularly and customarily sell the product;

(iii) An identification of the product and your ceiling price for this product under the General Ceiling Price Regulation, as amended and supplemented; and

(iv) The current cost to you of the product.

(3) You may not sell any of the products covered by sections 4 (b) (1), 4 (b) (2), 4 (c) (1), or 4 (c) (2) of this regulation until you have complied with this section 10 (b), insofar as it applies to you. If you have filed heretofore under this section 10 (b), you need not file again for the same product.

[Paragraph (b) amended by Amdts. 2 and 9]

(c) For other reports required by this regulation see sections 21, 42 and 46.

SEC. 11. *Prohibitions.*—(a) *Selling at prices above ceiling.* Regardless of any contract, agreement or other obligation, (1) you shall not sell or deliver any beef product at a price higher than the ceiling price established by this regulation, (2) you shall not buy or receive in the regular course of trade or business any beef product at a price higher than the ceiling price established by this regulation, and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing. You may, however, charge, demand, pay or offer lower prices for beef products than are established by this regulation.

(b) *Selling other than defined cuts.* (1) Regardless of any contract, agreement or other obligation, except for beef products, the ceiling prices of which are controlled by sections 3 (g), 3 (h), and 4 of this regulation, you shall not buy or receive in the regular course of trade or business and you shall not sell or deliver any beef product or any part or portion thereof unless such beef product is listed in Appendices 2 through 8, inclusive. Moreover, you shall not sell any prefabricated retail cut to a retail selling establishment unless (i) you have customarily sold prefabricated retail cuts to this establishment, or (ii) some other seller at wholesale has customarily sold prefabricated retail cuts to this establishment, or (iii) such selling establishment is a store which does not have adequate facilities for the preparation of retail cuts. Regardless of the foregoing, you shall not sell any prefabricated retail cut to a retail selling establishment unless in addition to qualifying under (i), (ii), or (iii) above, the retailer requests you in writing to sell him prefabricated retail cuts. You are not prohibited from selling a beef hindquarter, forequarter or cuts therefrom which are derived from beef imported from New Zealand and which have been cut in a manner other than that specified in Appendix 2.

[Paragraph (b) amended by Amdt. 2; redesignated (b) (1) by Amdt. 9; amended by Amdts. 15, 16, and 17]

(2) If you desire to sell prefabricated retail cuts as set forth in section 11 (b) (1) but you fail to meet one or more of the required qualifications, you may apply for special authorization, by writing to the appropriate District Office of Price Stabilization for the District in which your principal place of business is located, setting forth the following information: (i) the reasons why you desire to sell prefabricated retail cuts; (ii) the name and address of the retailer to whom you desire to sell; (iii) a statement, supported by such figures of proposed volume of sales, selling prices, and costs, as you may be able to supply, that the authorization requested will not cause an undue diversion of available meat supplies, and will not increase the overall cost of meat to this retailer; and (iv) a signed statement from this retailer that he joins in your application for such special authorization and that if the application is granted, he will not, as a result, apply thereafter to the Office of Price Stabilization for an increase in his ceiling prices.

The District Director of Price Stabilization may thereafter issue an order, authorizing you to sell prefabricated cuts to the designated retailer, subject to any appropriate conditions and limitations, provided the District Director finds that such authorization (i) will not cause an undue diversion of available meat supplies into prefabricated retail cuts; (ii) will not increase the overall cost of meat to such retailer or to ultimate consumers; and (ii) will not otherwise have any inflationary effect or produce economic results inconsistent with the provisions and purposes of this regulation. The District Director may, at any time thereafter, modify, suspend, or revoke such order, if he finds that any material information contained in the application was incorrect, or that the economic consequences of the authorization, upon actual operation, appear to be inflationary or otherwise inconsistent with the provisions or purposes of this regulation.

[Subparagraph (2) added by Amdt. 15]

(3) This regulation establishes a ceiling price for miscuts. The purpose of the provision establishing a ceiling price for miscuts is not to sanction the sale of such miscuts or to excuse violations of this section, but simply to establish a ceiling price for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. The sale of a miscut violates this section and the sale of a miscut at a price higher than the ceiling price prescribed by this regulation also violates paragraph (a) of this section.

[Subparagraph (2) added by Amdt. 9; redesignated (3) by Amdt. 15]

(4) This regulation establishes ceiling prices for unauthorized sales of these or other items either by unauthorized sellers or to unauthorized buyers. The purpose of the provision establishing such ceiling prices is not to sanction such unauthorized sale or to excuse the violation of this section 11, but simply to establish ceiling prices for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. Such unauthorized sales violate this section 11 (b), and such unauthorized sales at prices higher than those prescribed by this regulation for corresponding authorized sales also violate section 11 (a).

[Subparagraph (4) added by Amdt. 15]

(c) *Importation at prices above ceiling.* Regardless of any contract, agreement or other obligation you shall not, by direct or indirect methods, import into the 48 states or the District of Columbia from a foreign country any beef product purchased by you, directly or through any agent, or through a foreign or domestic corporation affiliated with you, or any foreign or domestic subsidiary thereof, if this beef product has a landed cost higher than the domestic ceiling price at the point of consignment.

(1) The "landed cost" shall mean the amount you paid for the product, directly or indirectly, plus the following expenses actually incurred by or for you:

(i) transportation costs to the point of consignment;

(ii) customs duties or other import taxes;

(iii) other commodity taxes;

(iv) dock charges;

(v) clearance;

(vi) insurance;

(vii) letter of credit expenses;

(viii) any customary buying commission to a purchasing agent outside continental United States; and

(ix) grading.

(2) The "domestic ceiling price at the point of consignment" shall mean the lowest price established in the appropriate schedule for this grade of beef product when sold by a slaughterer, plus the zone differential, where applicable, to the point to which the shipment is consigned. In computing this price the point to which the shipment is consigned shall be the distribution point and none of the additions provided in sections 41 through 48, inclusive, may be added.

(3) *Records.* Each of you who imports into the 48 States or the District of Columbia from a foreign country any beef product purchased by you, directly or indirectly, shall make and preserve for a period of two years the records required in section 9 (a) of this regulation; and, in addition to the information required to be shown in paragraphs (1) through (4) therein, you shall also make and preserve records for a period of two years showing any of the actual costs listed in paragraph (c) (1) (i) through (ix) of this section which you incurred.

[Paragraph (c) added by Amdt. 4]

(4) However nothing in this section 11 (c) shall prohibit the importation into the 48 States or the District of Columbia on or prior to August 31, 1951, of beef the delivery of which was contracted for prior to August 1, 1951.

[Subparagraph (4) added by Amdt. 5]

(d) *Failure to state grade.* If you do not furnish to the buyer a written statement, as required by section 9 (b) (1), in which is stated the grade of the beef product sold, transferred, delivered or purchased, received or acquired, you shall not sell or deliver, and the buyer may not receive or accept, such beef product at a price higher than the ceiling price established by this regulation for the lowest grade of such beef product.

[Paragraph (d) added by Amdt. 7]

(e) *Failure to designate class of buyer or seller.* If the invoice or other record relating to any sale or receipt of any beef or beef product, other than a fabricated cut, does not show the class of buyer and seller, as required by section 9 (a) (5), you shall not charge or receive, and the buyer shall not pay, more than the applicable price listed in the appropriate schedule of this regulation, and you shall not add any additions other than the addition in section 40. If a fabricated cut is sold or received and the class of buyer and seller is not designated on the invoice or other record relating thereto, you shall not charge or receive, and the buyer shall not pay, more than the price for that cut listed in Schedule II (d), and you shall not add any additions other than the addition in section 40.

[Paragraph (e) added by Amdt. 7]

(f) *Selling ungraded (or improperly graded) beef.* (1) Regardless of any contract, agreement, or other obligation, you shall not buy or receive in the regular course of trade or business and you shall not sell or deliver any beef which does not clearly bear a correct grade mark, as required by Distribution Regulation 2, as amended.

(2) This regulation establishes ceiling prices for beef which does not clearly bear a correct grade mark, as required by Distribution Regulation 2, as amended. The purpose of the provision establishing ceiling prices for ungraded (or improperly graded) beef is not to sanction the sale of such ungraded (or improperly graded) beef or to excuse the violation of this section 11 (f) or of Distribution Regulation 2, but simply to establish ceiling prices for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended.

The sale of ungraded (or improperly graded) beef violates this section 11 (f), and the sale of ungraded (or improperly graded) beef at prices higher than those prescribed by this regulation also violates section 11 (a).

[Paragraph (f) added by Amdt. 15]

SEC. 12. *Enforcement.* On or after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 13. *Petitions for amendment.* If you seek an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, issued by the Office of Price Stabilization.

SEC. 14. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

[Section 14 added by Amdt. 9]

SEC. 15. *Adjustment of ceiling prices for sales of certain prefabricated retail cuts to retailers.* This section applies to you only if you desire to sell to a retailer a prefabricated quick frozen and packaged retail cut, or a prefabricated retail cut which you are not prohibited from selling by section 11 (b) at a price above the ceiling price established by section 3 (g) or 3 (h) of this regulation.

(a) You may apply for an adjustment of your ceiling price by filing an application with the Regional Office of Price Stabilization for the area in which your selling establishment is located, containing the information listed below. If you have more than one selling establishment you must file separate applications for each selling establishment. Your application must contain the following information:

(1) The name and address of your selling establishment and of the retailers to whom you desire to sell at prices above your present ceiling prices under section 3 (g) or 3 (h) of this regulation;

(2) A statement by each of these retailers that he desires to purchase the particular retail cuts from you at prices higher than 80 percent of the retail ceiling for Group 1 and 2 stores, that he will not charge more than his applicable ceiling price for these cuts and that he will not apply to the Office of Price Stabilization for a higher ceiling price, as a result of the increase in your ceiling price.

(b) The Regional Director of Price Stabilization will, upon receipt of your application, adjust your ceiling prices of fabricated quick frozen and packaged retail cuts, and prefabricated retail cuts which you are not prohibited from selling by section 11 (b) for sales to the retailers from whom you have obtained the statement required by paragraph (a) (2) of this section, if he finds that you have complied with the requirements of paragraph (a) of this section.

(c) No adjustment granted under this section may increase your ceiling price to more than 90 percent of the retail ceiling price (Group 1 and 2 stores as established by Ceiling Price Regulation 25) for the corresponding grade and type of fresh retail cut applicable in the retail zone area in which the buyer's store is located.

[Section 15 added by Amdt. 9]

SEC. 16. *Exemption of experimental cuts for defense procurement.* (a) If you desire to prepare and sell experimental cuts for defense procurement, which differ from the cuts defined in Appendices 2 through 8 of this regulation, you may apply for written authorization by filing a signed application with the Meat and Fish Branch, Office of Price Stabilization, Washington 25, D. C. This application must contain the following:

(1) The name and address of your selling establishment;

(2) A description of the experimental cuts, the approximate volume (by weight) of such experimental cuts which you propose to produce and the length of time to which the experimental work involved in the production of each such cut is to be limited;

(3) A statement that the data and other results obtained from the experimental work and the production of such cuts will be made available to the Office of Price Stabilization upon request; and

(4) A certification by the Secretary of Defense or his authorized agent stating that the proposed experimental work is believed necessary and appropriate to improve present methods of procurement for the Department of Defense and that the plant or establishment be authorized to engage in such experimental work is physically capable of conducting such work in an efficient manner.

(b) Upon receipt of this application, the Director of Price Stabilization may grant written authorization permitting you to engage in the production of such experimental cuts as he may designate, in such amounts and for such periods of time as he may determine, subject to such reporting and record keeping requirements as may be appropriate (subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942), and to sell such experimental cuts pursuant to defense procurement contract. The Director of Price Stabilization may disapprove or modify the price set by any such defense procurement contract.

[Section 16 added by Amdt. 9]

ARTICLE II—PRICING SCHEDULES

SEC. 20. *Schedule I—Beef carcasses and wholesale cuts.* (All prices are on a dollars per cwt. basis; the price for any fraction of a cwt. shall be reduced proportionately).

	Prices by grade						
	Prime	Choice	Good	Commercial	Utility	Cutter and canner	Bulls[1] (all grades)
1. Carcass	$57.20	$55.20	$53.20	$48.20	$46.20	$41.70	$47.70
2. Hindquarter	64.10	61.10	58.40	52.30	50.10	42.40	47.70
3. Forequarter	50.70	49.60	48.30	44.30	42.50	41.00	47.70
4. Round	60.10	60.20	60.20	57.20	53.20	----------	----------
5. Trimmed full loin	89.70	81.70	73.70	60.60	59.90	----------	----------
6. Flank	29.20	29.20	29.20	29.20	29.20	----------	----------
7. Cross cut chuck	49.60	49.60	49.60	45.60	44.40	----------	----------
8. Regular chuck	54.20	54.20	54.20	50.20	49.20	----------	----------
9. Foreshank	31.20	31.20	31.20	31.20	31.20	----------	----------
10. Brisket	42.20	42.20	42.20	35.20	32.20	----------	----------
11. Rib	74.20	67.20	60.20	52.20	47.20	----------	----------
12. Short plate	31.20	31.20	31.20	31.20	31.20	----------	----------
13. Back	59.50	57.60	55.80	50.70	48.70	----------	----------
14. Triangle	46.30	46.30	46.30	43.00	42.10	----------	----------
15. Arm chuck	51.00	51.00	51.00	47.60	46.70	----------	----------
16. Untrimmed loin	68.70	63.20	57.70	48.70	48.20	----------	----------
17. Hip round	59.30	58.40	57.50	53.50	50.80	----------	----------
18. Full plate	35.80	35.80	35.80	32.90	31.60	----------	----------
19. Arm chuck rib	56.20	54.60	52.90	48.50	46.50	----------	----------
20. Sirloin	72.00	68.50	65.00	56.20	55.50	----------	----------
21. Untrimmed short-loin	81.40	71.20	63.40	49.20	48.60	----------	----------

[1] No wholesale cuts of bull meat may be sold except hindquarters and forequarters.

[Schedule I amended by Amdts. 7 and 9]

SPECIAL ADJUSTMENTS

(1) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above.

If you are a ship supplier you may add $5.00 per hundredweight to the prices listed above, on sales to ship operators.

In all cases, you may not charge the additions permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(2) If you are a combination distributor, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above.

In all cases, you may not charge the addition permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(3) If a buyer sends you a written request in duplicate for tender-ray processing of any beef carcass or wholesale cut, stating therein that he will absorb the expense of the tender-ray processing, you may add an amount not exceeding two percent of the appropriate price listed above to that price. A copy of the buyer's written request must be forwarded to the Office of Price Stabilization, Washington, D. C. before such addition may be taken.

(4) On sales to defense procurement agencies you may add $0.50 to the prices listed above.

(5) Your ceiling price for beef imported from New Zealand shall be the ceiling prices specified above except the following cuts which shall be discounted as follows:

	Per hundredweight
Forequarters	$0.50
Hindquarters	.50
Back	.50
Trimmed Loin	1.50
Untrimmed Short Loin	2.00
Trimmed Short Loin	2.50
Rib	3.50

[Special Adjustment (5) added by Amdt. 16; amended by Amdt. 17]

[Section 20 amended by Amdts. 3, 4, 6, 7, 12, 13 and 15]

SEC. 21. *Schedule II—Fabricated cuts.*[1] The prices listed in this section are for fabricated cuts from meat other than bull meat. No fabricated cut from bull meat may be sold.

Schedule II (a). *Sales of fabricated cuts by a hotel supply house or ship supplier to purveyors of meals.* No hotel supply house shall make sales to purveyors of meals under this section 21 (a) until such selling establishment shall have filed a statement in duplicate with the appropriate District office of the Office of Price Stabilization showing: (1) The total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it during 1950, excluding sales to government agencies; (2) The total volume by weight of all meats, including sausage, variety meats, and edible by-products sold or delivered by it during 1950 to purveyors of meals; (3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950, but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

[1] Compute the zone differential allowance for any grade of fabricated cut by multiplying the applicable addition for the corresponding grade listed in Appendix 11 to this regulation, times 1.3, and adjust to the nearest 10 cents per cwt.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (a)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	82.60	82.60	82.60	79.10	72.80
2. Boneless round	91.50	91.50	91.50	86.70	80.10
3. Boneless inside (top) and knuckles (face)	93.10	93.10	93.10	88.10	81.30
4. Boneless outside (bottom)	91.10	91.10	91.10	86.10	79.30
5. Boneless rump	77.00	77.00	77.00	62.50	61.60
6. Gooseneck boneless round	89.40	89.40	89.40	84.70	78.40
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	126.30	111.30	96.40	75.60	74.80
9. Sirloin (bone-in)	82.90	78.80	74.70	64.70	63.90
10. Sirloin (boneless)	102.10	96.70	91.30	78.40	77.40
11. Top sirloin (boneless)	131.30	124.40	117.50	101.00	99.60
12. Bottom sirloin (boneless)	81.30	77.00	72.70	62.50	61.60
13. Regular strip loin (bone-in)	161.20	138.90	116.50	87.30	86.40
14. Regular strip loin (boneless)	203.60	175.30	147.10	110.10	109.00
15. Trimmed strip loin (bone-in)	221.90	190.00	158.10	116.40	115.10
16. Trimmed strip loin (boneless)	290.80	249.10	207.10	152.40	150.70
17. Tenderloin	179.80	169.80	160.00	136.60	134.60
18. Oven prepared rib	105.60	95.00	84.40	72.30	64.70
19. Boned, rolled and tied rib	124.00	111.80	99.60	85.70	77.00
20. Regular short ribs	36.00	36.00	36.00	36.00	36.00
21. Trimmed short ribs	48.00	48.00	48.00	48.00	48.00
22. Boneless chuck (clod-in)	75.30	75.30	75.30	69.60	68.20
23. Boneless chuck (clod out)	71.90	71.90	71.90	66.60	65.20
24. Boneless clod	86.20	86.20	86.20	79.80	78.20
25. Boneless brisket (deckle off)	81.70	81.70	81.70	65.60	58.70
26. Boneless short plate	43.60	43.60	43.60	43.60	43.60
27. Cube steak	106.20	106.20	106.20	106.20	106.20
28. Flank steak	74.00	74.00	74.00	74.00	74.00
29. Sirloin steak (boneless)	107.20	101.60	95.90	82.40	81.30
30. Top sirloin steak (boneless)	137.90	130.70	123.40	106.00	104.60
31. Porterhouse—T Bone—Club Steaks	161.30	141.60	121.90	94.50	93.50
32. Regular strip steak (bone-in)	169.30	145.80	122.30	91.70	90.70
33. Regular strip steak (boneless)	213.80	184.20	154.50	115.70	114.50
34. Trimmed strip steak (bone-in)	233.00	199.50	166.00	122.20	120.90
35. Trimmed strip steak (boneless)	290.80	249.10	207.10	152.40	150.70
36. Regular ground beef (bulk)	66.50	66.50	66.50	66.50	66.50
37. Regular ground beef (patties)	65.50	65.50	65.50	65.50	65.50
38. Lean ground beef (bulk) [1]	70.50	70.50	70.50	70.50	70.50
39. Lean ground beef (patties) [1]	75.50	75.50	75.50	75.50	75.50
40. Ground chuck	71.70	71.70	71.70	71.70	71.70
41. Boneless stewing beef	72.70	72.70	72.70	72.70	72.70

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

[Schedule II (a) amended by Amdts. 7, 10, 15 and 19]

SPECIAL ADJUSTMENTS

(1) If you sell to a ship supplier, you must sell at or below the prices specified in section 21 (c). If you sell to a person other than a ship supplier or a purveyor of meals, you must sell at or below the prices specified in section 21 (d).

(2) If your place of business is located in Zone 4 (b), you may add $2.00 per cwt. to the ceiling prices listed above on all fabricated cuts derived from prime and choice grade beef.

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

Schedule II (b). *Sales of fabricated cuts by a combination distributor or a peddler truck seller to purveyors of meals.* No combination distributor shall make sales to purveyors of meals at the ceiling prices specified in this section 21 (b) until such selling establishment shall have filed a statement, in duplicate, with the appropriate District Office of the Office of Price Stabilization showing: (1) the total volume by weight of all meats including sausage, variety meats, and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950 but sales were made between January 1, 1951 and April 30, 1951, the sales made during this four-month period of 1951, may be reported in lieu of those specified herein for the year 1950.

No peddler truck seller shall make sales to purveyors of meals at the ceiling prices specified in this section 21 (b) until such seller shall have filed the report specified in section 46 of this regulation.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (b)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	80.20	80.20	80.20	76.90	70.70
2. Boneless round	89.00	89.00	89.00	84.20	77.80
3. Boneless inside (top) and knuckle (face)	90.40	90.40	90.40	85.50	78.90
4. Boneless outside (bottom)	88.40	88.40	88.40	83.50	76.90
5. Boneless rump	74.90	74.90	74.90	60.70	59.90
6. Gooseneck boneless round	86.90	86.90	86.90	82.30	76.20
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	123.00	108.40	93.80	73.60	72.80
9. Sirloin (bone-in)	80.70	76.70	72.70	63.00	62.20
10. Sirloin (boneless)	99.20	94.00	88.70	76.20	75.20
11. Top sirloin (boneless)	127.70	120.90	114.20	98.10	96.80
12. Bottom sirloin (boneless)	79.10	74.90	70.70	60.70	59.90
13. Regular strip loin (bone-in)	156.90	135.20	113.40	85.00	84.10
14. Regular strip loin (boneless)	198.20	170.70	143.10	107.20	106.00
15. Trimmed strip loin (bone-in)	215.70	184.80	153.60	113.10	111.80
16. Trimmed strip loin (boneless)	282.80	242.10	201.30	148.10	146.40
17. Tenderloin	174.80	164.90	155.50	132.40	130.60
18. Oven prepared rib	102.60	92.30	82.00	70.20	62.80
19. Boned, rolled, and tied rib	120.60	108.70	96.80	83.30	74.80
20. Regular short ribs	35.00	35.00	35.00	35.00	35.00
21. Trimmed short ribs	46.40	46.40	46.40	46.40	46.40
22. Boneless chuck (clod in)	73.20	73.20	73.20	67.80	66.40
23. Boneless chuck (clod out)	70.00	70.00	70.00	64.80	63.50
24. Boneless clod	83.90	83.90	83.90	77.60	76.10
25. Boneless brisket (deckle off)	79.10	79.10	79.10	63.40	56.70
26. Boneless short plate	42.40	42.40	42.40	42.40	42.40
27. Cube steak	102.80	102.80	102.80	102.80	102.80
28. Flank steak	72.00	72.00	72.00	72.00	72.00
29. Sirloin steak (boneless)	104.20	98.70	93.20	80.10	79.00
30. Top sirloin steak (boneless)	134.10	127.00	119.90	103.10	101.70
31. Porterhouse—T Bone—Club Steak	157.10	137.90	118.70	89.30	88.30
32. Regular strip steak (bone-in)	164.70	142.00	119.10	89.30	88.30
33. Regular strip steak (boneless)	208.10	179.20	150.30	112.60	111.40
34. Trimmed strip steak (bone-in)	226.50	194.00	161.30	118.80	117.40
35. Trimmed strip steak (boneless)	282.80	242.10	201.30	148.10	146.40
36. Regular ground beef (bulk)	68.70	68.70	68.70	68.70	68.70
37. Regular ground beef (patties)	68.70	68.70	68.70	68.70	68.70
38. Lean ground beef (bulk) [1]	73.70	73.70	73.70	73.70	73.70
39. Lean ground beef (patties) [1]	69.80	69.80	69.80	69.80	69.80
40. Ground chuck	70.80	70.80	70.80	70.80	70.80
41. Boneless stewing beef					

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

[Schedule II (b) amended by Amdts. 7, 10, 15 and19]

SPECIAL ADJUSTMENTS

(1) If you sell to a ship supplier, you must sell at or below the prices specified in section 21 (c) of this regulation. If you sell to a person other than a ship supplier or a purveyor of meals, you must sell at or below the prices specified in section 21 (d).

(2) If your place of business is located in Zone 4 (b), you may add $2.00 per cwt. to the ceiling prices listed above on all fabricated cuts derived from prime and choice grade beef.

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

Schedule II (c). *Sales of fabricated cuts by all other sellers to purveyors of meals and sales of fabricated cuts to ship suppliers.* You may not sell or deliver to a ship supplier any fabricated beef cuts at the ceiling prices specified in this section 21 (c) unless and until the ship supplier has furnished you with a written statement certifying that the fabricated cut you are selling or delivering to him will be sold or delivered to ship operators only.

[Above Paragraph amended by Amdt. 7]

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (c)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	77.90	77.90	77.90	74.60	68.60
2. Boneless round	86.40	86.40	86.40	81.70	75.50
3. Boneless inside (top) and knuckle (face)	87.70	87.70	87.70	82.90	76.50
4. Boneless outside (bottom)	85.70	85.70	85.70	80.90	74.50
5. Boneless rump	72.70	72.70	72.70	58.90	58.10
6. Gooseneck boneless round	84.40	84.40	84.40	79.90	74.00
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	119.60	105.50	91.30	71.60	70.80
9. Sirloin (bone-in)	78.50	74.60	70.90	61.30	60.50
10. Sirloin (boneless)	96.40	91.30	86.20	74.00	73.00
11. Top sirloin (boneless)	124.00	117.50	110.90	95.20	94.00
12. Bottom sirloin (boneless)	76.80	72.70	68.60	58.90	58.10
13. Regular strip loin (bone-in)	152.60	131.50	110.30	82.60	81.70
14. Regular strip loin (boneless)	192.70	166.00	139.20	104.20	103.10
15. Trimmed strip loin (bone-in)	209.60	179.50	149.20	109.70	108.40
16. Trimmed strip loin (boneless)	274.70	235.20	195.50	143.60	141.90
17. Tenderloin	169.80	160.10	150.80	128.60	126.90
18. Oven prepared rib	99.70	89.60	79.60	68.10	60.90
19. Boned rolled and tied rib	117.20	105.60	94.10	80.90	72.60
20. Regular short ribs	34.10	34.10	34.10	34.10	34.10
21. Trimmed short ribs	44.70	44.70	44.70	44.70	44.70
22. Boneless chuck (clod-in)	71.20	71.20	71.20	65.90	64.60
23. Boneless chuck (clod-out)	68.10	68.10	68.10	63.00	62.00
24. Boneless clod	81.60	81.60	81.60	75.50	74.00
25. Boneless brisket (deckle-off)	76.50	76.50	76.50	61.30	54.70
26. Boneless short plate	41.20	41.20	41.20	41.20	41.20
27. Cube steak	99.50	99.50	99.50	99.50	99.50
28. Flank steak	70.00	70.00	70.00	70.00	70.00
29. Sirloin steak (boneless)	101.20	95.90	90.50	77.70	76.70
30. Top sirloin steak (boneless)	130.20	123.40	116.50	100.00	98.70
31. Porterhouse-T Bone-Club steaks	152.90	134.20	115.50	89.50	88.50
32. Regular strip steak (bone-in)	160.20	138.10	115.80	86.70	85.80
33. Regular strip steak (boneless)	202.40	174.30	146.20	109.40	108.30
34. Trimmed strip steak (bone-in)	220.10	188.50	156.70	115.20	113.80
35. Trimmed strip steak (boneless)	274.70	235.20	195.50	143.60	141.90
36. Regular ground beef (bulk)	57.00	57.00	57.00	57.00	57.00
37. Regular ground beef (patties)	62.00	62.00	62.00	62.00	62.00
38. Lean ground beef (bulk) [1]	67.00	67.00	67.00	67.00	67.00
39. Lean ground beef (patties) [1]	72.00	72.00	72.00	72.00	72.00
40. Ground chuck	67.80	67.80	67.80	67.80	67.80
41. Boneless stewing beef	68.80	68.80	68.80	68.80	68.80

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

[Schedule II (c) amended by Amdts. 7, 15, and 19]

SPECIAL ADJUSTMENTS

(1) If your place of business is located in Zone 4 (b), you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from prime and choice grade beef.

(2) You may add to the ceiling prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

Schedule II (d). (1) *Sales by all sellers of fabricated cuts to route truck sellers and to all buyers other than purveyors of meals, ship suppliers, retailers, or defense procurement agencies;* and

(2) *Sales by all sellers to retailers located in the territories and possessions of the United States or to defense procurement agencies (or their buying units) located outside of the 48 States of the United States and the District of Columbia.*

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 49, inclusive.]

SCHEDULE II (d)

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	74.70	74.70	74.70	71.60	65.80
2. Boneless round	82.90	82.90	82.90	78.40	72.50
3. Boneless inside (top) and knuckle (face)	84.20	84.20	84.20	79.50	74.00
4. Boneless outside (bottom)	82.20	82.20	82.20	77.50	72.00
5. Boneless rump	60.80	60.80	60.80	56.50	55.80
6. Gooseneck boneless round	81.00	81.00	81.00	76.70	71.00
7. Hindshank (bone-in)	31.20	31.20	31.20	31.20	31.20
8. Short loin (bone-in)	115.20	101.60	87.90	68.90	68.20
9. Sirloin (bone-in)	75.60	71.80	68.10	59.00	58.30
10. Sirloin (boneless)	92.60	87.70	82.80	71.00	70.10
11. Top sirloin (boneless)	119.20	112.80	106.50	91.40	90.20
12. Bottom sirloin (boneless)	73.80	69.80	65.90	56.50	55.80
13. Regular strip loin (bone-in)	146.40	126.50	106.10	79.50	78.60
14. Regular strip loin (boneless)	184.90	159.70	133.90	100.20	99.20
15. Trimmed strip loin (bone-in)	200.80	172.40	143.20	105.20	104.00
16. Trimmed strip loin (boneless)	263.10	225.80	187.60	137.80	136.10
17. Tenderloin	164.30	154.00	144.00	123.30	121.70
18. Oven prepared rib	95.70	86.10	76.40	65.30	58.40
19. Boned rolled and tied rib	112.60	101.50	90.40	77.60	69.70
20. Regular short ribs	32.80	32.80	32.80	32.80	32.80
21. Trimmed short ribs	42.40	42.40	42.40	42.40	42.40
22. Boneless chuck (clod-in)	68.50	68.50	68.50	63.40	62.10
23. Boneless chuck (clod-out)	65.50	65.50	65.50	62.00	62.00
24. Boneless clod	78.50	78.50	78.50	72.60	72.00
25. Boneless brisket (deckle-off)	73.10	73.10	73.10	58.40	52.10
26. Boneless short plate	39.70	39.70	39.70	39.70	39.70
27. Cube steak	95.00	95.00	95.00	95.00	95.00
28. Flank steak	67.50	67.50	67.50	67.50	67.50
29. Sirloin steak (boneless)	97.30	92.10	86.90	74.60	73.60
30. Top sirloin steak (boneless)	125.20	118.50	111.90	96.00	94.80
31. Porterhouse—T Bone—Club Steaks	147.30	129.30	111.30	86.10	85.20
32. Regular strip steak (bone-in)	153.70	132.80	111.40	83.50	82.50
33. Regular strip steak (boneless)	194.20	167.70	140.60	105.30	104.20
34. Trimmed strip steak (bone-in)	210.80	181.00	150.40	110.50	109.20
35. Trimmed strip steak (boneless)	263.10	225.80	187.60	137.80	136.10
36. Regular ground beef (bulk)	55.00	55.00	55.00	55.00	55.00
37. Regular ground beef (patties)	60.00	60.00	60.00	60.00	60.00
38. Lean ground beef (bulk) [1]	65.00	65.00	65.00	65.00	65.00
39. Lean ground beef (patties) [1]	70.00	70.00	70.00	70.00	70.00
40. Ground chuck	65.30	65.30	65.30	65.30	65.30
41. Boneless stewing beef	66.30	66.30	66.30	66.30	66.30

[1] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

SPECIAL ADJUSTMENTS

(1) If you are a packer or packer branch house and you sell a fabricated cut of prime, choice, good or commercial grade of beef to a hotel supply house, combination distributor, packer, packer branch house, wholesaler or processor, you shall reduce the applicable ceiling price listed above by 3 percent (rounded to the nearest $0.10 per cwt.)

[Schedule II (d) amended by Amdts. 9, 15 and 19]

[Section 21 amended by Amdts. 3, 4, 6, 9, 11 and 19]

SEC. 22. *Schedule III—Boneless beef cuts.* The ceiling prices for the boneless beef cuts listed in columns (7) and (8) apply to both bull meat and other beef. The prices listed in columns (3), (4), (5), and (6) do not apply to bull meat.

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately. You may not add the additions set forth in sections 40, 43, 44, 47, and 48]

No.	Boneless cuts	Ceiling prices by grades						Zone differential allowance
		Prime	Choice	Good	Commercial	Utility	Cutter and canner	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Insides and knuckles	$84.00	$84.00	$84.00	$76.00	$74.00	$65.00	The zone differential for sales of boneless beef cuts listed in this sec. 22, shall be 1.4 times the zone differential listed in appendix II for the particular grade of beef sold. The zone differential shall be rounded to the nearest 10 cents per hundredweight.
2	Clods	77.50	77.50	77.50	72.00	72.00	63.00	
3	Strips				72.00	72.00	63.00	
4	Sirloin butts	88.00	82.00	76.00	71.00	70.00	63.00	
5	Regular rolls				100.00	100.00	76.00	
6	Tenderloin: [1]							
	a. Regular—Under 3 pounds				100.00	100.00	75.00	
	b. Regular—3 to 5 pounds				120.00	110.00	85.00	
	c. Regular—Over 5 pounds	150.00	140.00	130.00	130.00	120.00	95.00	
	d. Peeled				140.00	140.00	140.00	
7	Flank steak	65.00	65.00	65.00	65.00	65.00	65.00	
8	Chucks	67.00	67.00	67.00	63.00	62.00	57.00	
9	Rump	82.00	82.00	82.00	74.00	70.00	60.00	
10	Rounds	82.00	82.00	82.00	74.00	72.00	63.00	
11	Ground beef (bulk) [2]	55.00	55.00	55.00	55.00	55.00	55.00	
12	Ground beef in casings	56.00	56.00	56.00	56.00	56.00	56.00	
13	Ground beef patties	60.00	60.00	60.00	60.00	60.00	60.00	
14	Stewing beef	61.00	61.00	61.00	61.00	61.00	61.00	
15	Regular trimmings	47.00	47.00	47.00	47.00	47.00	47.00	
16	Sterilized trimmings	40.00	40.00	40.00	40.00	40.00	40.00	
17	Shank meat	58.00	58.00	58.00	58.00	58.00	58.00	
18	Tenderlion (military specifications).					115.00		
19	Lean ground beef (bulk) [2]	65.00	65.00	65.00	65.00	65.00	65.00	
20	Lean ground beef in casings	66.00	66.00	66.00	66.00	66.00	66.00	
21	Lean ground beef patties	70.00	70.00	70.00	70.00	70.00	70.00	
22	Outsides	82.00	82.00	82.00	74.00	72.00	63.00	
23	Skirt steak	65.00	65.00	65.00	65.00	65.00	65.00	
24	Spencer rolls				88.00	88.00	71.00	
25	Plate and brisket trimmings (kosher and nonkosher).	34.00	34.00	34.00	34.00	34.00	34.00	

[1] Bull tenderloins shall be regarded as cutter and canner grade tenders for the purpose of pricing under Schedule III.
[2] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties, and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

SPECIAL ADDITIONS

(1) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(2) If you are a combination distributor, you may add $2.00 per cwt. to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(3) If you are an independent frozen food distributor (as defined in section 50 (cc) of this regulation) and you sell frozen ground beef, frozen lean ground beef, or frozen lean ground beef patties, which you purchase already processed and packaged for resale, from an unaffiliated source, you may add $5.00 per cwt. to the ceiling prices listed above on sales to retailers and purveyors of meals only.

[Paragraph (3) added by Amdt. 7]

[Section 22 amended by Amdts. 2, 3, 4, 6, 7, 9, 12, 13 and 15]

SEC. 23. *Schedule IV—Boneless processing beef.* Your ceiling price for the following listed items of processing beef shall be determined by using the same method of computation as provided in section 22 of this regulation, but applying the conversion factors listed below:

Schedule IV

[All prices are on a dollars per cwt. basis. The price for any fraction of a cent shall be reduced proportionately. You may not add the additions set forth in sections 40, 42, 43, 44, 46, 47, and 48.]

Item	Zone 1 prices	Prices in all other zones
1. Fresh or frozen bull carcass—tenders out	$59.70	Zone 1 price plus 1.28 times zone differential (rounded to nearest 10 cents).
2. Fresh or frozen kosher boneless bull forequarter.[1]	61.70	Zone 1 price plus 1.25 times zone differential (rounded to nearest 10 cents).
3. Fresh or frozen boneless carcass other than bull—tenders out	57.00	Zone 1 price plus 1.43 times zone differential (rounded to nearest 10 cents).
4. Fresh or frozen kosher boneless beef forequarter other than bull.[1]	60.00	Zone 1 price plus 1.42 times zone differential (rounded to nearest 10 cents).

[1] The prices designated for items 2 and 4 for kosher beef shall apply only on sales to bona fide processors of kosher products. If you sell to a person other than a bona fide processor of kosher products your ceiling price for kosher bull forequarters shall be the price of item 1 and your ceiling price for kosher boneless forequarters other than bull shall be the price of item 3, and, moreover, you must remove all stamps and designations which identify such meat as kosher.

SPECIAL ADDITIONS

(1) If you are not a slaughterer you may add $1.50 per cwt. to the prices listed above.

(2) To the prices designated in items 2 and 4 for kosher beef you may add $1.00 per cwt. where the beef is derived from cattle slaughtered in Zone 4a.

[Section 23 amended by Amdts. 3 and 6]

SEC. 24. *Schedule V—Frozen boneless beef (4-way military specifications).* (a) Your ceiling prices for frozen boneless beef (4-way military specifications) shall be determined by using the same method of computation as provided in section 22, but applying the conversion factor listed below. These are f. o. b. plant prices.

Schedule V

[All prices are on a dollars per cwt. basis, frozen and packaged. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV, except the addition in section 41, if applicable]

	Choice	Good	Commercial	Utility
1. Prices for Zone 1	$82.70	$79.80	$72.60	$69.70
2. Prices for all other zones	Zone 1 price plus 1.45 times zone differential, (roundod to nearest 10 cents)			

SPECIAL ADDITIONS

(1) If you are not a slaughterer you may add $1.50 per cwt. to the prices listed above if you made deliveries of 4-way beef to the armed forces prior to July 1, 1951. If you made no deliveries of 4-way beef prior to July 1, 1951, you may not add the $1.50 per cwt. unless you receive specific authorization to do so from the Office of Price Stabilization, Washington, D. C.

In order to receive such authorization you should file a written application, in duplicate, with the Director of Price Stabilization, Washington 25, D. C., containing the following information: (i) Your name and address, (ii) the location of your plant, and (iii) a statement from your nearest local quartermaster market center office, certifying that the boning facilities of your plant are essential to meet military requirements for 4-way military beef. You may not add the $1.50 per cwt. unless and until the Director of Price Stabilization notifies you, in writing, that authorization to do so has been granted.

(2) If you make a delivery to the buyer by common carrier and you pay the expense of such delivery, you may add the actual cost to you of such delivery provided such transportation cost is separately stated on the invoice.

(3) If you sell 4-way beef to a governmental agency or institution (other than the armed forces), you may add 10 cents per cwt. to the prices listed above. No beef may be sold as 4-way beef to such a governmental agency or institution (other than the armed forces) unless there is affixed to each package a certification by an official U. S. D. A. grader showing that such meat has been prepared in accordance with military specifications.

(b) If any ground beef derived from the production of 4-way beef is rejected by a defense procurement agency due to excessive fat content, you may sell such rejected ground beef to any buyer, except a retailer, under the following conditions:

(1) If the fat content is over 30 percent but under 35 percent, your ceiling price is established by section 22, item 11, ground beef (bulk).

(2) If the fat content is between 35 percent and 50 percent, your ceiling price is established by section 22, item 25, plate and brisket trimmings.

(3) If the fat content exceeds 50 percent, the ground beef may not be sold.

[Paragraph (b) added by Amdt. 9]

[All prices are on a dollars per cwt. basis, frozen and packaged. The price for a fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV, except the addition in section 41, if applicable.]

Boneless processing beef for Army canned meats	Zone 1 prices	Prices in all other zones
1. Boneless carcass—tender out, utility grade	$65.90	Zone 1 price plus 1.47 times zone differential (rounded to nearest 10 cents).
2. Boneless carcass—tender out, cutter and canner grades.	60.00	Zone 1 price plus 1.47 times zone differential (rounded to nearest 10 cents).
3. Boneless beef from rounds, chucks, ribs and loins only—utility grade.	72.80	Zone 1 price plus 2.0 times differential (rounded to nearest 10 cents).
4. Boneless bull meat—tenders out	63.80	Zone 1 price plus 1.34 times zone differential (rounded to nearest 10 cents).

SPECIAL ADDITIONS

(1) If you are not a slaughterer you may add $1.50 per cwt. to the prices listed above.

SPECIAL DEDUCTIONS

(1) If the boneless beef has been rejected by a defense procurement agency or any of its authorized agents or representatives, you shall deduct $2.00 per cwt.

(2) If the boneless beef is delivered unfrozen, you shall deduct $0.50 per cwt.

[Section 25 amended by Amdt. 6]

SEC. 26. *Schedule VII—Beef variety meats and by-products.* The beef variety meats and by-products listed in this section include both those derived from bulls and from other beef cattle. The ceiling prices for beef variety meats and by-products other than those listed below shall be those established by the General Ceiling Price Regulation, as amended.

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in sections 43, 44, 47, and 48 of this regulation.]

Item	Non-kosher [1]	Kosher [1]	Sales to purveyors of meals
1. Brains	$17.00	$20.00	$19.00
2. Cheek meat	40.00	40.00	
3. Hanging tender	47.00	55.00	
4. Head meat	40.00	40.00	
5. Hearts	35.00	40.00	40.00
6. Kidneys	14.00		17.00
7. Lips, unscalded	$17.50	$21.00	
8. Lips, scalded	18.50	20.50	
9. Livers [3] [4]	[5] 60.00	80.00	[6] $75.00
10. Lungs	10.00	13.00	
11. Melts	10.00	13.00	
12. Sweet breads, heart	15.00	20.00	19.00
13. Sweet breads, neck	35.00	45.00	43.00
14. Tails	25.00	30.00	30.00
15 (a). Tongues (type No. 1) [8]	37.00	50.00	45.00
15 (b). Tongues (type No. 2) [8]	33.00	45.00	40.00
15 (c). Tongues (type No. 3)	30.00	35.00	33.00
16. Tripe, cooked	15.00	15.00	
17. Tripe, honeycomb	23.00	23.00	28.00
18. Tripe, scalded	11.50	11.50	
19. Udders	8.00		

[1] You may add $5 per cwt. to the prices listed above for sales of livers to a defense procurement agency.
[2] You may add $3 per cwt. to the prices listed above for slicing livers for purveyors of meals.
[3] For any livers which do not meet the specifications in Appendix 6 (a) 9 the ceiling price shall be reduced by $5 per cwt.
[4] If you are a wholesaler or if you make a peddler truck sale, you may add, in lieu of the addition permitted in section 42 or 46, the amount of $5.00 per cwt. to the ceiling prices listed above for sales of fresh unfrozen livers to retailers.
[5] If the tongue weighs less than 3 pounds but not less than 2 pounds and otherwise satisfies the requirements of type No. 1 tongue, the ceiling price is the price listed in item 15 (a) less $2.00 per cwt.
[6] If the tongue weighs less than 3 pounds but not less than 2 pounds and otherwise satisfies the requirements of type No. 2 tongue, the ceiling price is the price listed in item 15 (b) less $1.50 per cwt.
[7] If you are a hotel supply house or combination distributor, you may add $2.00 per cwt. to the ceiling prices listed in this column for sales to retailers or defense procurement agencies.

[Section 24 amended by Amdts. 4 and 6]

SEC. 25. *Schedule VI—Beef, processing (Military specifications).* Your ceiling prices for beef, processing (military specifications—JAN–B–617 and JAN–B–723) shall be determined by using the same method of computation as provided in section 22, but applying the conversion factors listed below. These are f. o. b. plant prices.

[Footnote 4 added by Amdt. 7, amended by Amdt. 9; Footnotes 5, 6 and 7 added by Amdt. 9]

[Section 26 amended by Admts. 2, 3, 7 and 9]

SEC. 27. *Schedule VIII—Certain cured, dried, and smoked beef products*—(a) *For sales by all sellers, except those listed in Section 27 (b).*

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41, 45, and 49A of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (a) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 51, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below except on sales to retailers. On sales to retailers you may not charge more than the prices listed in this Schedule VIII (a), plus any applicable addition.]

SCHEDULE VIII (A)

Item	Ceiling prices in Zone 1	Prices in all other zones. [As used herein the term "zone differential" means the zone differential allowance for the particular grade of beef used. The zone differentials are listed in Appendix II. Round the price to the nearest 10 cents per hundredweight.]
(1)	(2)	(3)
1. Corned boneless brisket (deckle-on):		
Prime, choice, good	$57.30	Zone 1 price plus 1.6 times zone differential.
Commercial and utility	45.60	Do.
2. Corned boneless brisket (deckle-off):		
Prime, choice, good	70.10	Zone 1 price plus 1.9 times zone differential.
Commercial and utility	55.40	Do.
3. Corned boneless insides, outsides, knuckles gooseneck rounds, rumps, or clods:		
Prime, choice, good	76.40	Zone 1 price plus 1.2 times zone differential.
Commercial and utility	69.90	Do.
4. Corned boneless sirloin butts:		
Prime, choice, good	85.70	Zone 1 price plus 1.4 times zone differential.
Commercial and utility	71.20	Do.
5. Tongues, short cut:		
Cured	37.00	Zone 1 price plus 1.0 times zone differential.
Smoked	50.00	Do.
6. Dried beef:		
Bulk	117.20	Zone 1 price plus 2.3 times zone differential.
Sliced, ¼-pound package	142.50	Do.
Sliced, other than ¼-pound package	137.20	Do.
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good.	80.30	Zone 1 price plus 1.9 times zone differential except zone 4a. Zone 4a, 3 times zone differential.
8. Kosher pickled tongues: Short cut	71.30	Zone 1 price plus 1.4 times zone differential.
9. Barrel beef	33.50	Zone 1 price plus 1.0 times zone differential.

[Schedule VIII (a) amended by Amdt. 19]

SPECIAL ADDITIONS

1. If you ship any of the above listed beef products (other than smoked or dried products), in a hardwood, watertight, metal-band bound keg, you may add the actual cost of this container to the ceiling prices listed above. However, this addition may not exceed $2.50 per hundredweight and must appear as a separate charge in your sales invoice to the purchaser. If you charge this keg addition, you may not use the addition set forth in section 45.

2. On sales to retailers, you may add $1.00 per hundredweight to the prices listed in column 2.

3. On sales to purveyors of meals, you may add $2.00 per hundredweight to the prices listed in column 2.

(b) *For sales by non-slaughtering processors, hotel supply houses, combination distributors, and wholesalers,[1] and for peddler truck sales.*

[1] If you are a wholesaler, you may add $2.25 per hundredweight to the prices listed in column (2) above on sales to all buyers.

[All prices are on a dollars per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41 and 45 of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (b) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers, see footnote 2 below.]

SCHEDULE VIII (B)

Item (1)	Prices in Zone 1: Sales by non-slaughtering processors: To all buyers [3] (2)	Sales by hotel supply houses: To purveyors of meals (3)	Sales by hotel supply houses: To other buyers [3] (4)	Sales by combination distributors and peddler truck sales: To purveyors of meals (5)	Sales by combination distributors and peddler truck sales: To other buyers [3] (6)	Prices in all other zones (7)
1. Corned boneless brisket (deckle-on):						
Commercial and utility	$50.50	$67.30	$62.30	$65.60	$62.30	The zone differential allowance for each item listed in this Schedule shall be the same as the zone differential allowance prescribed in column (A) and price shall be rounded to the nearest 10 cents per hundredweight in the same manner. No zone differential allowance for kosher corned boneless briskets.
Prime, choice, good	48.10	53.90	50.60	52.50	50.60	
2. Corned boneless brisket (deckle-off):						
Prime, choice, good	72.60	82.00	75.10	79.90	75.10	
Commercial and utility—outsides, knuckles, goosenecks	57.80	65.10	60.40	63.40	60.40	
3. Corned boneless rounds or clods:						
Prime, choice, good	82.10	91.10	84.40	88.80	84.40	
Commercial and utility	73.30	81.50	77.50	84.20	77.50	
4. Corned boneless short plates:						
Hand-trimmed short plates	92.50	102.50	94.80	99.90	94.80	
Commercial and utility	77.20	85.90	79.40	83.40	79.40	
5. Tongues, short cut:						
a. Cured	38.00	42.00	42.00	42.00	42.00	
b. Smoked	51.20	57.50	55.00	56.00	55.00	
6. Dried beef:						
Hulk	120.30	136.00	127.20	133.00	127.20	
Sliced ¼ lb. pkg	146.00	167.80	155.60	162.50	155.60	
Sliced, other than ¼ lb. pkg	140.70	160.90	147.20	152.50	147.20	
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good	94.50	104.60	98.90	101.80	98.90	
8. Kosher pickled tongues, short cut	73.60	84.30	78.80	82.10	78.80	
9. Barrel beef	91.50	98.50	96.50	98.50	96.50	

[1] On sales to retailers, you must not charge more for any item listed above than the ceiling price for the item listed in this Schedule VIII (B), plus the applicable additions, if any, authorized in Sections 41 and 45 of this regulation. However, if you have heretofore established a ceiling price for any item listed in this Schedule VIII (B), the ceiling price established by this section may not be used in connection with sales to retailers. As used in this footnote 1 to the term "retailer" means a seller who purchases any of the items listed in this schedule for resale to ultimate consumers, without cooking or further processing.

[Section 27 added by Amdt. 9; amended by Amdts. 12 and 19]

SEC. 28. *Schedule IX—Specialty beef products, prefabricated, quick frozen, and packaged*—(a) *For all sales, except for those sales by distributors of frozen foods covered by section 28 (b) below.*

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. All prices are f. o. b. your selling establishment. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add any of the additions set forth in section 41 and 45 through 49B. The ceiling prices established by this section 28 supersede the method for determining your ceiling prices set forth in section 4 (c) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below.]

Item	Price per cwt. in zone 1 [1]	Prices in all other zones
(1)	(2)	(3)
1. Wafer steaks:		
(a) 4 ounces or less package.	$110.50	The zone differentials for each item listed in this schedule IX shall be the same as the zone differentials prescribed in column (6) of schedule III.
(b) Over 4 ounces but not over 1 pound.	103.50	
(c) Over 1 pound package.	100.50	
2. Sandwich steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
3. Butterfly beef steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
4. Cheese-flavored beef steaks:		
(a) 1 pound or less package.	77.30	
(b) Over 1 pound package.	72.30	
5. Ground beef patties:		
(a) 1 pound or less package.	71.30	
6. Filet steaks or tenderloin steaks:		
(a) 1 pound or less package.	144.20	
(b) Over 1 pound package.	139.20	
7. Flake steaks:		
(a) 1 pound or less package.	93.40	
(b) Over 1 pound package.	88.40	
8. Dinner steaks:		
(a) 1 pound or less package.	100.00	
(b) Over 1 pound package.	95.00	

[1] If any item listed in this section 28 is not packaged in a moisture-proof carton the ceiling price set forth above shall be reduced by $4.00 per cwt.

SPECIAL ADDITIONS

1. If you are a non-slaughtering processor, you may add $2.00 per cwt. to the ceiling prices listed above.

2. On sales to retailers or purveyors of meals by processors or their affiliates, you may add $2.00 per cwt. to the ceiling prices listed above.

(b) *For certain sales by distributors of frozen foods.* (1) If you are a distributor of frozen foods and you purchase any of the items listed in section 28 (a) from a processor not affiliated with you, your ceiling price for sales to retailers and purveyors of meals shall be determined as follows:

(i) Multiply the ceiling price for the item listed in section 28 (a) by 1.12;

(ii) Add $2.00 per cwt., if you purchased the item from a non-slaughtering processor; and

(iii) Add the actual cost per cwt. of transportation incurred by you in bringing the item from the processing plant to your place of business.

(2) If you are a distributor of frozen foods and you purchase any of the items listed in section 28 (a) from a processor not affiliated with you, your ceiling price for sales to buyers other than retailers or purveyors of meals shall be determined as follows:

(i) Multiply the ceiling price for the item listed in section 28 (a) by 1.05;

(ii) Add $2.00 per cwt., if you purchased the item from a non-slaughtering processor;

(iii) Add the actual cost per cwt. of transportation incurred by you in bringing the item from the processing plant to your place of business.

[Section 28 added by Amdt. 9; amended by Amdts. 15 and 19]

SEC. 29. *Miscuts, ungraded (or improperly graded) beef, and unauthorized sales.* For the sole purpose of measuring the amount of damages in civil actions under the provisions of the Defense Production Act of 1950, as amended, for violations of Section 11 of this regulation involving sales of other than defined cuts (miscuts), sales of ungraded (or improperly graded) beef, or unauthorized sales (either by unauthorized sellers or to unauthorized buyers) the following ceiling prices shall apply:

(a) *Miscuts.* The ceiling price for any beef product or part or portion thereof which has not been prepared in accordance with the standards prescribed in Appendices 2 through 8, inclusive, is 50 percent of the ceiling price for the most nearly similar beef product listed in this regulation. If the miscut is of such nature as to render the product unidentifiable, the ceiling price is equal to that for "flank", as listed in Schedule I. This paragraph does not apply to New Zealand beef subject to the provisions of special Adjustment (5) of Schedule I.

[Paragraph (a) amended by Amdt. 16]

(b) *Ungraded (or improperly graded) beef.* The ceiling price for any beef product (other than tenderloins) listed in section 20, 21 or 22 of this regulation, which does not clearly bear a correct grade mark as required by Distribution Regulation 2, as amended, is the ceiling price established by this regulation for the lowest grade of such beef product.

However, notwithstanding any provisions of this regulation or of Distribution Regulation 2, you may sell imported boneless New Zealand beef provided such boneless beef is sold in its original shipping container which bears the inspection stamp of the B. A. I. and which is sold at prices not exceeding those prescribed in section 23 of this regulation.

[Paragraph (b) amended by Amdts. 16 and 17]

(c) *Unauthorized sales.* The ceiling price for any beef product sold in violation of section 11 (b) by an unauthorized seller or to an unauthorized buyer, is 50 percent of the ceiling price applicable to the same or most nearly similar class of buyer.

The ceiling price for any grade of beef sold when no specific ceiling price for beef of this grade has been established by the regulation, is the ceiling price of the nearest lower grade of the same item for which a specific ceiling price has been established by this regulation. If no specific ceiling price has been established for any lower grade, the ceiling price is 50 percent of the ceiling price for the lowest grade of the same item for which a specific ceiling price has been established by this regulation.

[Section 29 added by Amdt. 15]

ARTICLE III—DISTRIBUTION POINT

SEC. 30. *Distribution point.* The distribution point applicable to each of your sales determines the zone differential (section 40) and the local delivery addition (section 41), if applicable. In determining the distribution point applicable to each sale, you shall be governed as follows:

(a) *Beef products listed under sections 22, 23, 24, 25, 27, and 28.* On sales of beef products listed under sections 22, 23, 24, 25, 27, and 28, the distribution point is the seller's place of business.

[Paragraph (a) amended by Amdt. 9]

(b) *Beef products priced under sections 20, 21, and 26 sold to purveyors of meals.* On sales of beef products priced under sections 20, 21, and 26 to purveyors of meals, the distribution point may be, at the option of the seller:

(1) The point at which the meat consigned to the purveyor of meals is delivered to a carrier for shipment to the purveyor, who pays the shipping charges directly to the carrier; or

(2) Any of the points designated in paragraphs (c) or (d) of this section.

(c) *Beef products priced under sections 20, 21, and 26—less than carload shipments.* On sales of less than carload shipments of beef products priced under sections 20, 21, and 26, the distribution point may be, at the option of the seller:

(1) The seller's place of business, if the buyer comes to the seller's plant to pick up the meat; or

(2) The seller's place of business if the seller makes (or pays a carrier to make) a local delivery beginning at his place of business and continuing to the buyer's place of business; or

[Subparagraph (2) amended by Amdt. 11]

(3) The unloading station nearest the buyer's place of business.

(d) *Beef products priced under sections 20, 21, and 26—carload shipments.* On sales of carload shipments of beef products priced under sections 20, 21, and 26, the distribution point may be, at the option of the seller:

(1) The point at which the buyer takes actual physical possession of the meat; or

(2) The seller's place of business if the seller makes (or pays a carrier to make) a local delivery beginning at his place of business and continuing to the buyer's place of business; or

[Subparagraph (2) amended by Amdt. 11]

(3) The point from which the meat consigned to the buyer is delivered to a carrier for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier; or

(4) The unloading station nearest the buyer's place of business.

[Paragraph (e) deleted by Amdt. 11]

[Section 30 amended by Amdt. 2]

ARTICLE IV—ZONE DIFFERENTIALS AND ADDITIONS

SEC. 40. *Addition 1—Zone differentials.* (a) On sales of any item for which a specific ceiling price is established by Sections 20 or 26 of this regulation you may add the zone differential applicable to the distribution point for such sale. The applicable zone differentials are listed in Appendix 11 to this regulation.

(b) On sales of any item for which a specific ceiling price is established by sections 21, 22, 23, 24, 25, 27, or 28, you may add a zone differential calculated by applying the formula contained in each of these sections to the zone differentials listed in Appendix 11 to this regulation.

[Section 40 amended by Amdts. 3, 4, 7, 8, and 11]

SEC. 41. *Addition 2—Local delivery*—(a) *3,000 pounds or less.* Where you make (or pay a carrier to make) a local delivery of not more than 3,000 pounds in any one day to the delivery point designated by the buyer, you may add to the ceiling prices specified in Schedules I through IX, inclusive, the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a hundredweight shall be reduced proportionately]

Amount (per hundredweight):	*Distance of delivery* [1]
$0.40	Up to 35 miles.
$0.60	35 to 75 miles.
$1.00	75 to 150 miles.
$1.30	Over 150 miles.

[1] In terms of shortest railroad and/or truck route.

(b) *Over 3,000 pounds.* Where you make (or pay a carrier to make) a local delivery of more than 3,000 pounds in any one day to the delivery point designated by the buyer, you may add for local delivery to the ceiling prices specified in Schedules I through IX, inclusive, the lower of the following amounts:

(1) The regular commercial rate; or

(2) The amount specified in section 41 (a) above for local delivery for a corresponding distance.

(c) *Peddler truck sales.* You may not add a local delivery addition under this section on any peddler truck sale.

[Section 41 amended by Amdts. 2, 6, 9, and 11]

SEC. 42. *Addition 3. Wholesaler's addition.* On the sale of any beef product (not obtained through custom slaughtering):

(a) (1) To retailers, you may add $2.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2) of this regulation, or

(2) To purveyors of meals, you may add $2.25 per cwt. to the prices specified in Schedule I, III, and section 4 (b) (2), or

(3) To another wholesaler, you may add $0.75 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b) (2), or

(4) To other buyers, you may add $1.25 per cwt. to the prices specified in Schedules I, III, VII, and section 4 (b)

You may not add this wholesaler's selling addition unless you are a wholesaler as defined in section 50, and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement containing the following:

(i) Your name.

(ii) The address of your selling establishment.

(iii) The date that you began doing business as a wholesaler.

(iv) The type or types of customers to whom you regularly and customarily sell your product.

[Subparagraph (4) amended by Amdt. 10]

(b) *Addition for certain affiliated wholesalers.* (1) If you do not qualify as a wholesaler, only by reason of the fact that you do not meet the requirements of section 50 (u) (2) of this regulation, you may add the appropriate wholesaler's addition on sales of those beef products you buy for resale from unaffiliated sources, *Provided:*

(i) The product is readily distinguishable as having been purchased for resale (i. e., it bears the registration number required by section 3 (f) or 4 (f) of Distribution Regulation 1 or any wrapping or packaging bearing the name or identification of the non-affiliated slaughterer from whom you bought);

(ii) The name of the person from whom you bought for resale is stated on your invoice. (If the item is a wrapped or packaged item, the name of the person whose identification appears on the package or wrapper must be shown.)

(iii) After December 1, 1951, neither you nor any person affiliated with you, sells any beef carcasses or wholesale cuts to any slaughterer, packer, packer's branch house, or any person affiliated therewith.

[Subdivision (iii) amended by Amdt. 7]

(iv) You do not, during any calendar quarter beginning on or after July 1, 1951, take the addition on a greater volume, by weight, of beef than you obtained from unaffiliated sources and resold during the last quarter of 1950;

(v) You file with your District Office, on or before August 1, 1951, a statement

showing the volume by weight of beef you obtained from unaffiliated sources and resold during the last quarter of 1950;

[Subdivision (v) amended by Amdt. 10]

(vi) You file with your District Office, on or before October 15, 1951, and on or before the 15th day following the end of each calendar quarter ending on or after December 31, 1951, a statement showing, for the calendar quarter ended prior to the reporting date:

(a) The total volume by weight of beef obtained for resale from unaffiliated sources, and

(b) The total volume by weight of beef sold on which the wholesaler's addition was charged.

[Subdivision (vi) amended by Amdt. 10]

[Section 42 amended by Amdt. 3]

SEC. 43. *Addition 4—Freezing for defense procurement agencies.* On sales of beef carcasses or wholesale cuts to a defense procurement agency, you may add to the prices specified in Schedule I 65¢ per cwt. for freezing.

SEC. 44. *Addition 5—Wrapping.* (a) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper or in a stockinette you may add to the prices specified in Schedule I the cost of such wrapping, but in no event more than 15 cents per cwt.

(b) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper and in a stockinette, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 35 cents per cwt.

(c) For completely wrapping any beef carcass or wholesale cut in krinkle kraft paper and two stockinettes, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 50 cents per cwt.

(d) For completely wrapping any beef carcass or wholesale cut in a banana bag and a stockinette or peach paper and a stockinette, you may add to the prices specified in Schedule I an amount equal to the cost of such wrapping, but in no event in excess of 25 cents per cwt.

If, however, you take this wrapping addition, you may not take the addition permitted under section 45.

[Section 44 amended by Amdts. 3 and 7]

SEC. 45. *Addition 6—Packing in shipping containers.* For packing beef products in the following containers you may add to the prices specified in Schedules I, III, IV and VII the amount specified below opposite the type of container used.

	Cwt.
5/15 Lbs. Wood, metal or solid fibre containers	$1.80
16/35 Lbs. Wood, metal or solid fibre containers	1.50
36/65 Lbs. Wood, wire-bound crates, or solid fibre boxes	1.00
65 Lbs./Up Wood, wire-bound crates, or solid fibre boxes	0.80
Barrels	0.70
Corrugated boxes (all)	0.70

No more than one container addition may be made for any one product.

[Section 45 amended by Amdt. 3]

SEC. 46. *Addition 7—Peddler truck selling addition.* (a) On a peddler truck sale to a buyer's store door or place designated by the buyer for delivery, you may add $2.50 per cwt. to the prices specified in Schedules I and III, and to the prices specified in Schedule VII other than the prices specified in the last column of that schedule.

(b) If you purchase any beef product from a wholesaler who has taken the appropriate wholesaler's addition specified in section 42, you may add (in addition to the $2.50 per cwt. specified in paragraph (a) of this section) to the prices specified in Schedule I and III, and to the prices specified in Schedule VII, other than the prices specified in the last column of that schedule, the exact sum of the wholesaler's addition paid by you but not in excess of $1.00 per cwt.

(c) You may not add the addition in paragraph (a) or (b) of this section unless you make a peddler truck sale as defined in section 50 (m), and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) Your business address.

(3) The date you began doing business as a peddler truck operator.

(4) The type or types of customers to whom you regularly and customarily sell your product.

[Paragraph (c) amended by Amdt. 10]

[Section 46 amended by Amdt. 7]

SEC. 47. *Addition 8—Kosher forequarters and kosher wholesale cuts.* For any grade of kosher beef triangle or kosher wholesale cut obtained from the triangle sold to a bona fide purchasher of kosher meat, you may add $1.20 per cwt. to the prices specified in Schedule I.

For any grade of kosher forequarter sold to a bona fide purchaser of kosher meat, you may add $1.00 to the prices specified in Schedule I.

SEC. 48. *Addition 9—Beef from cattle slaughtered in Zone 4 (a).* (a) On sales to retailers, purveyors of meals or any defense procurement agency of the following non-kosher cuts, obtained from prime, choice, good or commercial grade beef slaughtered in Zone 4 (a), you may add to the prices specified in Schedule I the following amounts:

Item:	*Amount (per cwt.)*
Forequarter	$1.00
Triangle or any cut derived from the triangle	1.20

(b) On sales of the following kosher beef cuts, obtained from prime, choice, good, or commercial grade beef slaughtered in Zone 4a, you may add to the ceiling prices specified in Schedule I the following amounts (in addition to the amount permitted by section 47):

(1) If you are a slaughterer, selling to a retailer or a purveyor of meals, you may add $1.50 per cwt. to the ceiling price for a forequarter or $1.80 per cwt. to the ceiling price for a triangle or any cut derived from a triangle.

(2) If you are a slaughterer, selling to a buyer other than a retailer or purveyor of meals, you may add $0.75 per cwt. to the ceiling price for a forequarter or $0.90 per cwt. to the ceiling price for a triangle or any cut derived from a triangle.

(3) If you are a slaughterer, selling to a processor, you may add $1.80 per cwt. to the ceiling prices for briskets, short plates, or full plates. This addition may only be taken in lieu of the amount permitted in subparagraph (2) of this paragraph.

(c) You shall not add any of the amounts listed in paragraph (b) of this section, unless the meat is sold to a bona fide buyer of kosher meats and clearly shows the appropriate abattoir stamp.

[Paragraph (c) added by Amdt. 9]

[Section 48 amended by Amdts. 2, 6, 7, and 9]

SEC. 49A. *Addition 10—Intermediate Distributor's Addition.* (a) If you are an intermediate distributor, as defined in section 50 (w) you may add $1.00 per cwt. to the prices specified in Schedules I and III, and to the prices specified in Schedule VII other than the prices specified in the last column of that schedule.

(b) You may not add this intermediate distributor's addition unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) The address of your business.

(3) The date you began doing business as an intermediate distributor.

(4) The type or types of customers to whom you regularly and customarily sell your product.

(5) The reason you do not qualify as a wholesaler or peddler truck seller under this regulation.

(6) Whether or not you sell meat out-of stock carried in trucks owned or operated by you. If you sell meat in this manner, you should state the number of trucks you own or operate.

[Paragraph (b) amended by Amdt. 10]

(c) You may not, during the month of December 1951, take the addition on a greater volume by weight of beef than you bought and resold for your own account during the same month in 1950. Moreover, you may not during any calendar quarter, beginning on or after January 1, 1952, take the addition on a greater volume by weight of beef than you bought and resold for your own account during the last calendar quarter in 1950.

You shall file with your OPS District Office, on or before December 31, 1951, a statement showing the volume by weight of beef you bought and resold for your own account during the month of December 1950 and during the last calendar quarter of 1950.

If you add the intermediate distributor's addition you should file with your OPS District Office:

(1) On or before January 15, 1952, a statement showing, for the month of December 1951, the total volume by weight of beef on which you charged the intermediate distributor's addition; and

(2) On or before April 15, 1952, and on or before the 15th day following the end of each calendar quarter thereafter, a statement showing, for the calendar quarter ended prior to the reporting date, the total volume by weight of beef on which you charged the intermediate distributor's addition.

[Paragraph (c) amended by Amdt. 10]

[Section 49A added by Amdt. 7]

SEC. 49B. *Addition 11—Affiliated Boner's Addition.* (a) If you are a boner, who is a slaughterer or who is affiliated with a slaughterer, and you have purchased carcass beef from an unaffiliated source, you may add the wholesaler's addition in section 42 to the prices in Schedule III and you may add $1.50 per cwt. to the prices listed in Schedules IV, V, and VI for the boneless beef derived from the cattle purchased from unaffiliated sources, provided:

(1) The beef purchased from an unaffiliated source clearly bears an abattoir stamp or registration number identifying the unaffiliated source from which the beef was purchased;

(2) You do not, during the month of December 1951, take the addition on a greater volume by weight of boneless beef than 70 percent of the total volume by weight of carcass beef purchased from unaffiliated sources during the same month in 1950. Moreover, you do not, during any calendar quarter beginning on or after January 1, 1952, take the addition on a greater volume by weight of boneless beef than 70 percent of the total volume by weight of carcass beef purchased from unaffiliated sources during the last calendar quarter of 1950;

(3) You file with your District Office, on or before December 31, 1951, a statement showing the volume by weight of each grade of carcass beef obtained by you from unaffiliated sources during the month of December 1950 and during the last calendar quarter of 1950;

[Subparagraph (3) amended by Amdt. 10]

(4) You file with your District Office, on or before January 15, 1952, a statement showing, for the month of December 1951, the total volume by weight of beef on which you charged the non-slaughterer's addition;

[Subparagraph (4) amended by Amdt. 10]

(5) You file with your District Office, on or before April 15, 1952, and on or before the 15th day following the end of each calendar quarter thereafter, a statement showing for the calendar quarter ending prior to the reporting date:

(i) The total volume by weight of each grade of carcass beef purchased by you from unaffiliated sources, and

(ii) The total volume by weight of each grade of boneless beef sold on which the wholesaler's addition or the $1.50 per cwt. non-slaughterer's addition was charged.

[Subparagraph (5) amended by Amdt. 10]

(b) If the Director of Price Stabilization finds that you have taken these additions on boneless beef derived from carcasses which were not obtained from unaffiliated sources, or that you have taken these additions on a greater volume of boneless beef than permitted under paragraph (a) (2) of this section, he may prohibit you thereafter from taking these additions.

[Section 49B added by Amdt. 7]

ARTICLE V—GENERAL DEFINITIONS

SEC. 50. *General definitions.* When used in this regulation, the term:

(a) *Affiliated* means the relationship existing between two persons when one is owned or controlled by the other, or both are owned or controlled by the same person, or when one is an employee or agent of the other. Own or control means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock, or to have made loans or advances in excess of 5 percent of the other person's monthly sales. Where, however, a seller is not otherwise affiliated as defined in this section, he shall not be deemed to be affiliated solely by reason of the fact that he is obligated on an open account for an amount in excess of 5 percent of his monthly sales.

[Paragraph (a) amended by Amdt. 7]

(b) *Beef* means meat graded as beef pursuant to the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the United States Department of Agriculture.

(c) *Beef product* means a product (other than sausage or sterile canned meat) produced in whole or substantial part from beef. It includes all items listed in Appendices 2 through 8, whether or not a specific ceiling price therefor is established by this regulation.

[Paragraph (c) amended by Amdt. 9]

(d) *Buyer of kosher meat* means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(e) *Carload* means

(1) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariff of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be less than the transportation charge for that shipment at the railroad less-than-carload rate, that shipment shall be considered a carload; or

(2) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; or

(3) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses or any combination of the foregoing.

(f) *Club cattle* means any cattle which have been bred, raised and fed, or fed only, by a member of a 4-H or F.F.A. club under the supervision of the Extension Service of the United States, or by an individual participating in a vocational agricultural project under the supervision of a vocational teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural County Agent or vocational agricultural project teacher under whose supervision such cattle were bred, raised, or fed.

(g) *Combination distributor* means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume, by weight, of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

[Paragraph (g) amended by Amdts. 2, 3, 7, 12, and 19]

(h) *Defense procurement agency* means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Marine Corps, the United States Coast Guard, the Department of Agriculture, the Veterans' Administration or any agency of the foregoing.

[Paragraph (h) amended by Amdt. 7]

(i) *Fresh meat carload freight rate* or *carload freight rate* means the charge solely for transportation of a carload of fresh beef (exclusive of any charge for services, e. g., icing), including the federal transportation tax thereon. If there is a charge for carloads of fresh meat hung carcasses and for carloads of other fresh meat, then fresh meat carload freight rate or carload freight rate shall mean the simple average of those two charges, exclusive of any charge for services, and including the federal transportation tax thereon, except where the distribution point is in Zone 3. Where the distribution point is in Zone 3, and the two charges pertain, fresh meat carload freight rate or carload freight rate shall mean the charge for carloads of fresh meat other than hung carcasses, exclusive of any charge for services, and including the federal transportation tax thereon.

[Paragraph (i) amended by Amdt. 2]

(j) *Grades* means the uniform grades required under Distribution Regulation 2.

(k) *Hotel supply house* means any establishment which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

[Paragraph (k) amended by Amdts. 2, 12, and 19]

(l) *Local delivery* means delivery commencing at the distribution point and continuing to the buyer's place of business or to the delivery point designated by the buyer.

(m) *Peddler truck sale* means a sale of beef from a truck by a person

(1) Who purchases beef at or below the ceiling price from a seller with whom he has no other financial affiliations or relationships;

(2) Who takes delivery at the seller's place of business;

(3) Who does not sell or deal in meat in any manner other than sales out of stock carried in a truck driven by him; and

(4) Who has sold meat in this manner at any time between Jan. 1, 1950, and the issuance date of this regulation.

(n) *Purveyor of meals* means

(1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and serves meals, food portions or refreshments for a consideration; or

(2) Any hospital, asylum, orphanage, prison or other similar institution; or

(3) Any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States, but in no event shall any defense procurement agency be considered a purveyor of meals; or

[Subparagraph (3) amended by Amdt. 6]

(4) Any person operating an oceangoing vessel or Great Lakes vessel, engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal trade, or trade upon interior waterways or the Great Lakes, including ships operated under the jurisdiction of the Maritime Administration, if meat is delivered for consumption aboard such vessel.

[Subparagraph (4) amended by Amdt. 7]

(o) *Sale at retail* means a sale to an individual for consumption by himself or his family off the seller's premises. A retailer means a person who sells at retail.

[Paragraph (o) amended by Amdt. 9]

(p) *Shipment*, whenever used in section 9 (b), means commodities which are consigned to a single buyer as part of a single freight car or truck movement or delivery to the place of business or warehouse of the buyer, other than a consignment or delivery of the entire content of a common carrier, freight car or truck to a defense procurement agency.

(q) *Ship supplier* means any person who sells beef or beef products to a ship operator. A person is a ship supplier only with respect to sales of beef or beef products to ship operators.

[Paragraph (q) amended by Amdt. 7]

(r) *Slaughterer* means a person who owns or is affiliated with a slaughtering plant or facilities or who has cattle slaughtered for him.

[Paragraph (r) amended by Amdt. 7]

(s) *Slaughtering facilities* means any equipment used for the commercial killing of cattle.

[Paragraph (s) amended by Amdt. 7]

(t) *Slaughtering plant* means any place used for the commercial killing of cattle.

[Paragraph (t) amended by Amdt. 7]

(u) *Wholesaler* means a person (other than a hotel supply house, combination distributor, peddler truck seller)

(1) Who buys for resale; and

(2) Who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of cattle or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns nor controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person; and

[Subparagraph (2) amended by Amdt. 14]

(3) Who maintains and operates a separate selling establishment, equipped with reasonable and adequate storage facilities, in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him; and

(4) Who operated in this manner at any time between Jan. 1, 1950 and the issuance date of this regulation.

If you are a wholesaler within the meaning of the foregoing definition and if you also qualify as a combination distributor or hotel supply house under section 50 (g), or 50 (k), respectively, you must elect whether you shall be a wholesaler or a combination distributor, or hotel supply house. You shall make your election by filing with your District Office of the Office of Price Stabilization the statement required by section 42 of this regulation if you elect to be a wholesaler, or the statement required by section 21 (a) if you elect to be a hotel supply house or the statement required by section 21 (b) if you elect to be a combination distributor. This election shall be made on or before May 30, 1951. If, before that date, you have filed with your District Office more than one of the aforesaid statements, you shall, on or before May 30, 1951, notify your District Office by a statement in writing of the classification you elect. Once you have made this election, you may not change to a different classification until after December 31, 1951. You may change your classification, once after December 31, 1951, and once after June 30, 1952, and once after each successive December 31 and June 30 thereafter. You shall notify your District Office of such change of classification by a statement in writing. The change in your classification shall be effective five days after you have mailed or delivered such a statement to the District Office. If, however, you have not operated in this manner at any time between January 1, 1950, and April 30, 1951, but you have made a substantial investment in plant or equipment prior to February 9, 1951, you may file an application with the Director of Price Stabilization, Washington, D. C., requesting that you be qualified as a wholesaler. Your application shall state the nature and extent of your investment in plant or equipment and when such investment was made. If the Director finds that you have made such an investment prior to February 9, 1951, he may, by order, qualify you as a wholesaler under the appropriate provision of this section.

[Subparagraph (4) amended by Amdts. 2, 3 and 10]

(v) *You* or *person* indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing. However, no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency. For the purposes of this regulation, each separate plant or selling establishment shall be treated as a separate person.

[Paragraph (v) amended by Amdt. 9]

(w) *"Intermediate distributor"* means a person (other than a hotel supply house, combination distributor, or peddler truck seller) who meets all of the requirements of the definition of "wholesaler" set forth in paragraph (u) of this section except that he does not operate or maintain a separate selling establishment equipped with the storage facilities as required by that definition.

[Paragraph (w) added by Amdt. 7; amended by Amdts. 9 and 14]

(x) *Processor* means a person who manufactures any cured, smoked, barbecued, dried, or cooked beef product, any specialty beef product, any sausage, or any prefabricated quick frozen and packaged retail beef cut.

[Paragraph (x) added by Amdt. 9]

(y) *Distributor of frozen foods* means a person who purchases frozen foods for resale other than at retail.

[Paragraph (y) added by Amdt. 9]

(z) *Sausage* means any chopped, ground, or comminuted meat seasoned with spice or condiments to which salt, sodium nitrate, sodium nitrite, or extender may be added, and which has been cured, smoked, cooked, or otherwise processed.

[Paragraph (z) added by Amdt. 9]

(aa) *Specialty beef product* (or specialty steak product) means a beef product which:

(1) Differs substantially from a beef product for which a ceiling price is provided by this regulation;

(2) Was sold in 1950 by retailers as a specialty item at a substantially higher price per pound than the most similar beef product for which a ceiling price is provided in Ceiling Price Regulation 25, as revised and amended, or was sold in 1950 to purveyors of meals as a specialty item at a substantially higher price per pound than the most similar beef product for which a ceiling price is provided in this regulation;

(3) Is contained in a distinctive wrapping or package bearing the name and net weight of the product, a list of the ingredients, the name of the processor, and (unless the wrapping or package is marked "ground beef" or unless identification of the grade is otherwise prohibited by the regulations of the U. S. Department of Agriculture) the grade of the beef contained therein; and

(4) Requires a substantial investment in special equipment used to process and wrap or package the item.

[Paragraph (aa) added by Amdt. 9]

(bb) *Route truck seller* means a person (1) who makes sales of beef to consumers from stock carried in a truck; (2) whose first record of the transaction is made concurrently with the delivery of the beef sold; (3) who sold beef in this manner at any time between January 1, 1950 and April 30, 1951; and (4) who does not sell, or deal in, meat in any other manner.

[Paragraph (bb) added by Amdt. 9]

(cc) *Independent frozen food distributor* means a person who, (1) sells a frozen food item which is packaged, (2) buys this item already processed and packaged from a person with whom he is not affiliated, and (3) is not a processor of this particular type of frozen food item.

[Paragraph (cc) added by Amdt. 15]

SEC. 51. *Inventory stock of Spencer rolls and regular rolls.* Until December 31, 1951, you may sell at the ceiling prices in effect prior to September 19, 1951, any Spencer roll of commercial grade of beef, or any regular roll of commercial grade of beef, which you prepared or purchased prior to September 19, 1951. For the purpose of this section, regular roll and Spencer roll mean such boneless cuts as defined in Appendix 3 (a) (5) and (24), respectively.

[Section 51 added by Amdt. 7]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.
By JOSEPH L. DWYER,
Recording Secretary.

APPENDIX 1—ZONE DEFINITIONS

(a) *Zone 1.* Zone 1 means the area described as follows:

The entire States of Nebraska, Kansas, and South Dakota;

The entire State of Missouri, except the City of St. Louis and St. Louis County;

The portion of Colorado included in the following counties: Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Logan, Washington, Lincoln, Weld, Morgan, Denver, Adams, Arapahoe, Douglas, Elbert, El Paso, Teller, Pueblo, Crowley, Otero, Bent, Kiowa, and Prowers;

The portion of Wyoming included in the counties of Platte, Goshen and Laramie;

The portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford; and

The portion of Minnesota south of and including the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine.

The entire State of Iowa except the counties of Dubuque, Jackson, Clinton and Scott.

[Paragraph (a) amended by Amdts. 3 and 4]

(b) *Zone 2.* Zone 2 means the area described as follows:

The entire States of Oklahoma, Arkansas, Louisiana, New Mexico, and North Dakota;

The portion of Wyoming which is not included in Zone 1;

The portion of Colorado which is not included in Zone 1;

The portion of Minnesota which is not included in Zone 1; and

The portion of Montana east of and including the Counties of Phillips, Petroleum, Musselshell, Yellowstone, and Big Horn.

The entire State of Texas, except that portion west and southwest of the Pecos River.

[Paragraph (b) amended by Amdt. 4]

(c) *Zone 2a.* Zone 2a means the portion of Wisconsin which is not included in Zone 1.

(d) *Zone 3.* Zone 3 means the area described as follows:

The entire States of California, Utah, Nevada, Washington, Oregon, Arizona, and Idaho; and

The portion of Montana which is not included in Zone 2.

(e) *Zone 4.* Zone 4 means that portion of the United States which is not included in Zones 1, 2, 2a, 3, 4a, or 4b.

(f) *Zone 4a.* Zone 4a means the area described as follows:

The entire States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia;

The portion of New York east of and including the Counties of St. Lawrence, Jefferson, Lewis, Herkimer, Otsego and east and southeast of and including the County of Delaware; and

The portion of Pennsylvania east of and including the Counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

(g) *Zone 4b.* Zone 4b means the area described as follows:

The portion of Florida south of and including the counties of Pinellas, Hillsborough, Polk, Orange, Seminole, and Volusia.

(h) *Zone 2b.* Zone 2b means the area described as follows:

The portion of Iowa which is not included in Zone 1, i. e., the counties of Dubuque, Jackson, Clinton, and Scott.

[Paragraph (h) added by Amdt. 4]

(i) *Zone 2c.* Zone 2c means the area described as follows:

The portion of Texas which is not included in Zone 2, i. e., that portion of Texas west and southwest of the Pecos River.

[Paragraph (i) added by Amdt. 4]

APPENDIX 2—BEEF CARCASSES AND WHOLESALE CUTS DEFINITIONS

(a) Section 58 of this regulation contains a chart showing the cuts the technical descriptions of which are given below. When used in this regulation, the term:

(1) *Beef carcass* means and is limited to two sides of beef or two hindquarters and two forequarters derived in either case from the same beef animal which shall be dressed in the following manner: The head shall be removed by disjointing at the socket joint (occipito-atlis). The hide shall be entirely removed. The belly shall be opened by cutting or sawing through the aitch bone (symphysis-pelvis) down the belly in a straight line to the center of the sternum bone and continuing through the sternum bone to the neck. All the viscera (not including the kidneys and the kidney fat) shall be removed. The heart (mediastinal) fat, caul fat and the sweetbreads from the neck shall be entirely removed. The front feet shall be detached at the lower knee (carpo-metacarpal) joint and the hind legs shall be detached at the hock (tarso-metatarsal joint). The tail shall be removed leaving not more than two tail (caudal) vertebrae remaining attached to the carcass.

In dressing cows, the udders shall be entirely removed. In dressing steers, stags, and bulls, the entire genito-urinary tract shall be removed. The carcass shall be separated into two sides by splitting or sawing the chine bones as nearly as possible through the center of the spinal column and spinous processes so that the spinal cord is fully exposed. The spinal cord may then be removed. The muscular portion of the skirt (diaphragm) shall be left attached to the carcass, but the non-muscular part (centrum tendineum) shall be trimmed so as to leave not more than one-half inch of it remaining adjacent to the red (muscle) meat. Bruises and grubs shall be trimmed out. The hanging tender may be removed. The inside of the carcass shall be thoroughly cleaned by washing. The beef carcass shall not be broken in any other manner than as provided below.

[Above paragraph amended by Amdt. 19]

Side of beef means a hindquarter and forequarter separated or attached which are derived from one side of a beef animal and which have been dressed in accordance with the specifications applicable to "beef carcass".

Beef wholesale cut means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included therein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side).

(2) *Hindquarter* means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, and kidney, all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (coastal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut. The hanging tender may be left on or taken off at the option of the seller.

[Subparagraph (2) amended by Amdt. 9]

(3) *Forequarter* means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side and

comprises the rib, regular chuck, brisket, short plate and fore-shank, all in one piece, which anterior portion contains the first to twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than one-half inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in Appendix 2 (a) (1).

(4) *Round* means the portion of the hindquarter remaining after the severance of untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: The untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through the point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(5) *Trimmed full loin* means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the backbone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebrae shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows:

First, part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2d lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(6) *Flank* means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than 1 inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(7) *Cross cut chuck* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib, while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(8) *Regular chuck* means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the arm bone (humerus), parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(9) *Foreshank* means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(10) *Brisket* means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2d to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(11) *Rib* means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the backbone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine bone.

(12) *Short plate* means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breast bone.

(13) *Back* means the portion of the forequarter remaining after severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the fifth rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine bone.

(14) *Triangle* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebrae, and not from the hollow of the chine bone.

(15) *Arm chuck* means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(16) *Untrimmed loin* means the portion of the hindquarter remaining after the severance of the round.

[Subparagraph (16) added by Amdt. 6]

(17) *Hip Round* means that portion of the hindquarter remaining after severance of the short loin, hanging tender, kidney knob, and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, and comprising the round, flank and sirloin in one piece.

First, part of the kidney knob, all of the kidney, and the fat lying closely around the kidney in the open (left) and closed (right) sides shall be removed, first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in the open (left) side of the hindquarter, shall be removed from the open side of the loin by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, the flank shall be separated from the short loin by starting from a point on the 13th rib, determined by measuring off 10 inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra and continuing in a straight line toward the ventral part where the round is normally severed from the hindquarter.

Fourth, the short loin shall be removed by cutting perpendicular to the contour of the outside or skin surface of the loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside of skin surface of the loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae, and part of the 13th rib.

[Subparagraph (17) added by Amdt. 7]

(18) *Full plate* means the cut of meat obtained by leaving in one piece the short plate [as defined in Appendix 2 (a) (12)] and the brisket [as defined in Appendix 2 (a) (10)].

(19) *Arm chuck rib* means the cut of meat obtained by leaving in one piece the arm chuck [as defined in Appendix 2 (a) (15)] and the rib [as defined in Appendix 2 (a) (11)].

(20) *Sirloin* means the cut defined in Appendix 4 (a) (23).

(21) *Untrimmed shortloin* means that portion of the hindquarter remaining after severance of the round, as defined in 2 (a) (4), the flank as defined in 2 (a) (6), the sirloin as defined in 4 (a) (23), and the hanging tender, if any. It includes the kidney knob, but excludes the flank and hanging tender.

[Subparagraphs (18), (19), (20) and (21) added by Amdt. 9]

[Appendix 2 amended by Amdt. 6]

APPENDIX 3—BONELESS BEEF CUT DEFINITIONS

When used in this regulation the term:

(a) *Boneless beef cut* means any of the following cuts derived from any grade of beef:

Preparatory to making any "boneless beef cut", the carcass must be separated into "hindquarters" and "forequarters", as specified in Appendix 2 (a) (2) and (3).

The foreshank shall be removed from the forequarter in the following manner: Insert a knife in the elbow joint and draw along the side of the upper forearm, as closely to the bone as possible, to the knuckle joint at the base of the blade bone. Draw the knife over the knuckle joint in such a manner to throw the shank out of the socket joint. A complete separation shall then be made by severing the remaining connective tissue and muscle.

Boneless beef cuts from the hindquarter shall be prepared as follows: The hanging tender shall be removed from the hindquarter as prescribed in Appendix 2 (a) (5). The round is separated from the loin by sawing behind and parallel to the aitch pelvic bone, leaving a small piece of the middle portion of the aitch bone on the round. This cut shall continue in a straight line through the bottom portion of the sirloin and the flank muscle at the proper angle to produce a full knuckle.

The flank shall be removed from the full loin as prescribed in Appendix 2 (a) (6).

The rough rump shall be separated from the loin starting at the center of the fifth sacral vertebra sawing through the knuckle bone, approximately one and one-half inches from the large exposed end of the aitch bone.

[Paragraph (a) amended by Amdt. 15]

(1) *Boneless beef inside (top round), outside (bottom round), and knuckle (face)* shall be prepared in the following manner:

The "knuckle" shall be separated from the outside at the natural muscle seams between the knuckle and the outside, on the one side, and from the inside muscles on the other side, leaving one and one-half inches of the wedge-shaped piece of meat from the overlapping inside muscle attached to the knuckle. The knuckle shall be completely "faced"; removing all connective tissue, fat, and outside covering tissue, including the wedge-shaped strip of lean meat left on the knuckle when separating from the beef inside. The patella (knee-cap bone) and all cartilage or connecting tissue shall be removed. It shall be free from bruises and blood clots.

The "inside" and "outside" shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside muscles and continuing the cut in a straight line to a point on the rump end which is just barely on the outside of the large muscle seam visible at this end. All fat on the skin surface shall be trimmed down to one-eighth inch in thickness. The crotch fat or the inside shall be trimmed down to the connective tissue (fel). The grascillis sinew below the crotch shall be completely removed. The popliteal gland and the fat on the cut surface on both the inside and outside muscles are to be removed and trimmed smooth. The inside shank muscle and the heavy sinew ends of the gambrel cord shall be removed from the inside. The shank muscle imbedded in the shank portion of the outside shall not be removed.

(2) *Boneless beef shoulder clod* shall be prepared in accordance with the same specifications as fabricated "shoulder clod", defined in Appendix 4 (a) (17), and shall be removed in the same manner as prescribed in that paragraph.

The brisket, rib, and short plate are removed in the manner prescribed in Appendix 2 (a) (12), (13) and (14).

(3) *Boneless beef strip* means that part of the strip loin remaining after all the bones have been removed. The strip loin shall be separated from the sirloin in the manner prescribed in Appendix 4 (a) (9). The boneless strip shall be entirely free from bruises, blood clots, and mutilations. The wing (flank side) shall be removed from the strip by a cut running parallel to the chine bone edge starting one and one-half inches beyond the eye of the strip at the rib end. All loose pieces shall be removed.

(4) *Boneless beef sirloin butt* means the boneless meat remaining after removal of all bone from the sirloin. All rough, ragged edges, and semi-loose pieces shall be removed. It shall be free from blood clots and bruises.

(5) *Boneless beef regular roll (rib eye)* means the rib eye muscles with no fat or bones included, free from bruises and blood clots and with the back strap removed. The rib cover shall be removed in such a manner that the wedge-shaped piece of lean meat that lies along the eye of the rib is left attached to the roll.

(6) *Boneless beef tenderloin* shall be removed from the loin in the manner prescribed in Appendix 4 (a) (11), and the same specifications for trimming the tenderloin, as outlined in that paragraph shall apply. A peeled tenderloin shall be prepared only from tenderloins weighing more than 5 pounds each. All skin and fat and large blood vessels are to be removed. The strip of lean meat lying along the edge of the tenderloin is to be completely removed to within 4½ inches from the butt of the tenderloin. Knife-gashed and hook-torn tenderloins are to be completely trimmed free of rough ends and slivers of thin meat. The trimmed weight of the completely peeled tenderloin shall not be less than 2¾ pounds each.

[Subparagraph (6) amended by Amdt. 15]

(7) *Boneless beef flank steak* means the flat oval-shaped lean muscle embedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the fibrous membrane which lies directly under and to which it is attached. None of the fibrous membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(8) *Boneless beef chuck (clod out)* means the boneless meat remaining after the clod, back strap and all bones have been removed from the regular chuck in the manner prescribed in Appendix 4 (a) (15) and (16). It shall be free from all cartilage, blood clots and bruises.

(9) *Boneless beef rump* means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed. All the meat and fat on the inside of the rump bone shall be completely removed by running a knife along the edge of the bone beginning at the knuckle bone side and following closely the surface of the bone to the opposite side of the rump. All loose pieces of meat shall be trimmed smooth and it shall be free from bruises, blood clots and bone splinters.

(10) *Boneless beef round* means that portion of the round remaining after the rump and shank and all bones have been removed. The cod or udder fat shall be trimmed so that it will not exceed one-quarter inch in thickness and all ragged pieces of meat and other fat in excess of one-quarter inch shall be removed. It shall be free from visible bruises and blood clots.

[Subparagraph (10) amended by Amdt. 2]

(11) *Ground beef* means ground beef as defined in Appendix 4 (a) (33).

(12) *Ground beef in casings* means ground beef in casings as defined in Appendix 4 (a) (34).

(13) *Ground beef patties* means ground beef patties as defined in Appendix 4 (a) (35).

(14) *Boneless stewing beef* means meat prepared from skeletal meat of beef carcasses of any grade except the tenderloin, and kidneys shall no be used. All serous membranes shall be stripped from the flanks, skirts, and short plates. All meat shall be free from bones, cartilage and tendons. Trimmable fat shall not exceed 10 percent. The meat shall be cut into pieces approximately one inch in size and may be formed into loaves (wrapped or plain) of any size from one pound up (quick-frozen or fresh).

The meat shall be packed in a solid fibre, corrugated, or other container. All meat shall be in prime condition at the time of delivery at destination.

(15) *Trimmings* means any pieces of meat derived from the beef carcass in connection with the production of wholesale cuts, fabricated cuts or boneless beef, and which does not include in excess of 25 percent trimmable fat. Trimmings are to be free from bones, splinters, gristle, blood clots and bruises.

(16) *Sterilized trimmings* means trimmings which have been passed for sterilization in accordance with the Meat Inspection Division Regulations issued by the U. S. Department of Agriculture.

(17) *Boneless beef shank (shank meat)* means the shank removed as specified in Appendix 4 (a) (1) with all bones removed. It shall be free from visible bruises and blood clots.

[Subparagraph (17) added by Amdt. 2]

(18) *Tenderloins (military specifications)* means tenderloins trimmed according to military specifications, weighing not less than 4 pounds, packaged in 50 pound V 3 S boxes or in 50 to 100 pound wirebound or solid fibre boxes. They shall be packaged in the presence of an official inspector designated by the U. S. Army or Navy or other U. S. Government Agency.

[Subparagraph (18) added by Amdt. 3]

(19) *Lean ground beef* means lean ground beef as defined in Appendix 4 (a) (38).

[Subparagraph (19) added by Amdt. 4]

(20) *Lean ground beef in casings* means lean ground beef as defined in Appendix 4 (a) (38) stuffed in natural or artificial casings, the total weight of each piece not to exceed 15 pounds.

[Subparagraph (20) added by Amdt. 6]

(21) *Lean ground beef patties* means lean ground beef patties as defined in Appendix 4 (a) (39).

[Subparagraph (21) added by Amdt. 4; redesignated by Amdt. 6]

(22) *Outsides:* See Appendix 3 (a) (1) for applicable definition.

[Subparagraph (22) added by Amdt. 6]

(23) *Skirt steaks* means the elongated diaphragm meat attached to the inside of the short plate with the outer tissue or membrane removed.

[Subparagraph (23) added by Amdt. 6]

(24) *Spencer roll.* Spencer roll means the part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed. The short ribs shall be cut off as described in Appendix 4 (a) (19), the intercostal meat shall not be included, and no further trimming is required.

[Subparagraph (24) added by Amdt. 7]

(25) *Plate or Brisket Trimmings.* Plate or brisket trimmings means any pieces of meat, derived from any grade of plate or brisket, which does not include more than 50 percent trimmable fat. These trimmings are to be free from bones, splinters, gristle, blood clots and bruises.

[Subparagraph (25) added by Amdt. 7]

APPENDIX 4—FABRICATED BEEF CUT DEFINITIONS

(a) When used in this regulation, the term fabricated beef cut means any of the following cuts meeting the following minimum specifications, and derived from specified beef wholesale cuts, as provided for in Appendix 2. All cuts shall be made in accordance with the specifications provided herein.

(1) *Round (rump and shank off)* means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(2) *Boneless round* means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in Appendix 4 (a) (1). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed. The rump shall not be removed.

(3) and (4) *Boneless insides or top rounds, boneless outsides or bottom rounds, and boneless knuckles or faces*, means the three natural muscle pieces into which the round is separated after the rough rump, shank and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in Appendix 4 (a) (1). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leaving one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank and portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump and which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(5) *Boneless rump* means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed. Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(6) *Gooseneck boneless round* means the outside (bottom) round and boneless rump, in one piece. It shall be made by separating the outside muscle with boneless rump attached from the knuckle and inside muscles by the method described in Appendix 4 (a) (3) and (4). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(7) *Hind shank* means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in Appendix 4 (a) (1).

(8) *Short loin (bone-in)* means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae, and part of the 13th rib.

(9) *Sirloin (bone-in)* means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(10) *Sirloin (boneless)* means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(11) *Top sirloin (boneless)* means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (ilium) from the chine bone side of the sirloin to the natural seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(12) *Bottom sirloin (boneless)* means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(13) *Regular strip loin (bone-in)* means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 13th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebra and continuing in a

straight line with full length of the strip loin parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(14) *Regular strip loin (boneless)* means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(15) *Trimmed strip loin (bone-in)* means a strip loin prepared as described in Appendix 4 (a) (13) except that the flank end of the loin shall be removed to a point not more than two (2) inches downward from the lower end of the eye muscle, and the fat shall not exceed one-half inch on the outside skin surface. The backstrap and all fat lying on the inside of the loin shall be removed.

(16) *Trimmed strip loin (boneless)* means a strip loin prepared in the manner described in Appendix 4 (a) (15) from which all bones have been removed.

(17) *Tenderloin* means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra at the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

Beef tenderloin also means the trimmed sirloin tenderloin which is that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described herein. Beef tenderloin also includes the trimmed tip tenderloin which is the portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described herein and at no point shall exceed one-half inch. All fat from the lower half shall be removed.

(18) *Oven prepared rib* means that part of seven-bone rib remaining after the chine bone and short ribs have been removed. The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by a cut which begins at a point on the 12th rib not more than 8 inches from the protruding edge of the 12th thoracic vertebra and continuing in a straight line to a point on the 6th rib which is not more than 8 inches from the protruding edge of the 6th thoracic vertebra (chine bone). All the blade bone, including the cartilage, shall be removed.

(19) *Boned, rolled and tied rib* means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Boned, rolled and tied rib shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(20) *Regular short ribs* means the portion of the rib cut off in fabricating oven prepared ribs, as described in this Appendix 4 (a) (18) and shall include the rib sections of seven ribs.

Plate short ribs means stripped pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages (rib cartilages).

(21) *Trimmed short ribs* means the portion of the rib cut off in fabricating oven prepared ribs, as described in Appendix 4 (a) (18), and shall include the rib sections of the 6th, 7th, 8th, and 9th ribs.

(22) *Boneless chuck (clod-in)* means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(23) *Boneless chuck (clod out)* means the same as the boneless chuck described in Appendix 4 (a) (22) except that the shoulder clod shall be removed.

(24) *Boneless clod* means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and the following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(25) *Boneless brisket (deckle off)* means that part of the green brisket remaining after all the bones, intercostal meat and deckle have been removed. The deckle means the layer of fat, meat and tissues lying between the rib bones, the rib (costal) cartilages, the breast (sternum) bone and the lean principal muscle of the brisket. The deckle shall be removed at the natural seam leaving the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the boned surface of the brisket and to within one-half inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle off) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat.

(26) *Boneless short plate* means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding one-half inch shall be removed.

(27) *Cube steaks* mean any lean muscle meat (not containing an outer surface of fat in excess of one-quarter of an inch) derived from the boneless sirloin or boneless round of prime, choice, good or commercial grade of beef, cut into steaks of uniform size, tenderized in accordance with normal business practice. Cube steaks can be made either by hand or by machine.

(28) *Flank steak* means the flat, oval-shaped lean muscle of meat embedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(29) *Sirloin steak (boneless)* means steaks cut from a boneless sirloin which has been trimmed as described in this Appendix 4 (a) (10). Only complete steaks shall be made.

(30) *Top sirloin steak (boneless)* means steaks cut from a top sirloin which has been trimmed as described in this Appendix 4 (a) (11). Only complete steaks shall be made.

(31) *Porterhouse, T-Bone, and Club steaks* mean steaks cut from a short loin as described in Appendix 4 (a) (8). The flank shall be removed at a point measured down not more than 4 inches from the lower end of the eye muscle. Not more than one inch of fat may be left on the outside skin surface.

(32) *Regular strip steak (bone-in)* means steaks cut from a regular bone-in strip loin prepared in the manner described in Appendix 4 (a) (13).

(33) *Regular strip steak (boneless)* means steaks cut from a regular boneless strip loin prepared in the manner described in Appendix 4 (a) (14).

(34) *Trimmed strip steak (bone-in)* means steaks cut from a trimmed bone-in strip loin prepared in the manner described in Appendix 4 (a) (15).

(35) *Trimmed strip steak (boneless)* means steaks cut from a trimmed boneless strip loin prepared in the manner described in Appendix 4 (a) (16).

(36) *Regular ground beef (bulk)* means ground, chopped or comminuted fresh beef derived from the skeletal portion of the dressed carcass (but not including head meat), which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 25 percent by chemical analysis. Ground beef shall be ground twice, the final grinding through a plate with holes not more than 7/16 of an inch in diameter, or 3/8 of an inch in the case of chile meat, or chopped in a rotary cutter, or by any other means giving equivalent results.

(37) *Regular ground beef (patties)* means ground beef prepared in the manner described in Appendix 4 (a) (36) which has been formed into portions of uniform size and thickness, each of which shall not weigh more than 4 ounces.

(38) *Lean ground beef (bulk)* means ground beef prepared in the manner described in Appendix 4 (a) (36) except that the fat content shall not exceed 12 percent by chemical analysis.

(39) *Lean ground beef (patties)* means ground beef patties prepared in the manner described in Appendix 4 (a) (37) except that the fat content shall not exceed 12 percent by chemical analysis.

(40) *Ground chuck* means ground, chopped, or comminuted fresh beef derived from boneless chucks of prime, choice, good, commercial, or utility grade beef. It shall be entirely free from bone splinters, cartilage, tendons, and course fibrous membranes. It shall contain no added blood, water or ice, or any adulterations or other foreign substances, except seasoning, and the fat content shall not be in excess of 22 percent by chemical analysis. The meat shall be ground twice, the final grinding through a plate with holes not more than 7/16 of an inch in diameter, or 3/8 of an inch in the case of chili meat. In lieu of grinding, the meat may be chopped in a rotary cutter or by

other means giving equivalent results. The meat may be formed into loaves and packed in suitable solid fibre, corrugated or other containers; or it may be prepared in bulk containers, wax paper lined. The meat shall be quick-frozen immediately after preparation and shall be in prime condition at the time of delivery at destination. Each container shall be inspected by an inspector of the Meat Grading Service of the U. S. Department of Agriculture.

(41) *Boneless stewing beef* means boneless stewing beef prepared in the manner described in Appendix 3 (a) (12).

[Appendix 4 amended by Amdts. 4, 6, 7, 9, 15 and 19]

APPENDIX 5—BONELESS BEEF (MILITARY SPECIFICATIONS) DEFINITIONS

When used in this regulation, the term:

(a) *Frozen boneless beef (4-way military specifications)* means beef, frozen and boneless, derived from steers or heifers of choice and good grades and satisfying the specifications and requirements contained in "Military Specification, Beef, boneless, Frozen (4-way)" (MIL-B-10017 (QMC)). Any frozen boneless beef which has been rejected by the purchasing agency of a defense procurement agency shall not be sold as "frozen boneless beef (military specifications)."

The seller shall place a sticker or stencil on the container, certifying the appropriate grade of the product contained therein. By placing an official U. S. inspection stamp on the container, the official inspector shall attest the accuracy of the seller's certification.

(b) *Beef, processing (military specifications, JAN-B-617 and JAN-B-723)* means beef derived from the grades and classes, and satisfying specifications and requirements of the Joint Army-Navy specifications entitled "Beef, Processing" (JAN-B-617 and JAN-B-723). No boneless beef shall be packed as "Beef, Processing (Military Specifications)", except in the presence of an official inspector designated by the U. S. Army or Navy or other U. S. Government Agency.

The seller shall place a sticker or stencil on the container, certifying the appropriate grade of the product contained therein. By placing an official U. S. inspection stamp on the container, the official inspector shall attest the accuracy of the seller's certification.

[Paragraph (b) amended by Amdt. 6]

APPENDIX 6—BEEF VARIETY MEATS AND BY-PRODUCTS DEFINITIONS

(a) When used in this regulation the term *beef variety meat or by-product* means any of the following edible by-products of cattle which is clean, sound, has at all times been handled in a sanitary manner, and is free from foreign material, mucus and hair. Referring to variety meats and edible by-products derived from livestock slaughter the term:

1. *Brains* means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

2. *Cheek meat* of cattle means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20 percent trimmable fat.

3. *Hanging tender* means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in the open (left) side of the hind quarter. It shall be removed from the open side of the loin by being severed at a point opposite the junction of the first and second lumbar vertebrae.

4. *Head meat* means the lean meat, exclusive of cheek meat, trimmed from the head of cattle.

5. *Hearts* means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

6. *Kidneys* means kidneys free from spots and reasonably free from fat. They shall be removed by first loosening the suet from the outside surface of the kidney and then cutting off the vein, leaving sufficient fat in the vein so that the fat will be flush with the surface of the kidney.

7. *Lips* means the meat and tissue from the side of the jaw when removed from cattle.

8. *Lips, scalded* means lips thoroughly cleaned by washing and scalding according to B. A. I. instructions—or similar good commercial methods.

9. *Livers* means all beef livers of any weight, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder by separating the liver from the carcass by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

10. *Lungs* means the lungs from cattle. The trachea (windpipe) is to be cut off close to the body of the lungs.

11. *Melts* means the spleens.

12. *Sweetbreads, heart* means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

13. *Sweetbreads, neck* means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle. They are to be trimmed reasonably free from fat.

14. *Tails* means tails of cattle. Ragged edges of tissue, loose fat and the last two joints of the tip end are to be removed.

15. *Tongues* means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the underside of the tongue, which shall be trimmed smooth in removing the glands. The tip may be cut up to a point where cross section thickness does not exceed one and one-half inches.

Tongues are divided into the following classifications:

(i) Type No. 1 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat or black skin, having no surface bruise or blood clot and no hair sore cut larger than one inch, or, if it has such hair sore cut, has no side knife cuts.

(ii) Type No. 2 tongue means a tongue weighing not less than three pounds, of firm consistency without yellow fat, having no surface bruise or blood clot, but not otherwise meeting the definition of Tongue (Type No. 1).

(iii) Type No. 3 tongue means any beef tongue not qualifying as a Type No. 1 or a Type No. 2 tongue.

[Subparagraph (15) amended by Amdt. 3]

16. *Tripe, cooked* means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from tripe.

17. *Tripe, honeycomb* means cooked beef tripe showing the characteristics of honeycomb markings. If the pocket is split, the apron around the open end cannot be more than three inches wide.

18. *Tripe, scalded* means paunches (stomachs) thoroughly cleaned by washing and scalding according to B. A. I. instructions or similar good commercial methods.

19. *Udders* means the severed mammary glands from cows, and shall be carefully drained by slicing according to good commercial practice.

APPENDIX 7—CERTAIN CURED, DRIED, AND SMOKED BEEF PRODUCTS DEFINITIONS

When used in this regulation, the term:

(a) *Corned boneless brisket, deckle-on,* means that part of the green brisket remaining after all the bones and intercostal meat have been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the bone surface of the brisket and to not more than ½ inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle-on) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat. The brisket shall be corned or cured in accordance with good commercial practice. The cured weight of the corned brisket (deckle-on) shall not exceed the green weight (boneless) by more than 20 percent.

(b) *Corned boneless brisket, (deckle-off),* means a boneless brisket as defined in Appendix 4 (a) (18), which has been corned or cured in accordance with good commercial practice. The cured weight of the corned brisket (deckle-off) shall not exceed the green weight (boneless) by more than 20 percent.

(c) *Corned boneless rumps, insides, outsides, knuckles, gooseneck boneless, rounds, and clods,* means rumps, insides, outsides, knuckles, gooseneck boneless rounds, or clods, as defined in Appendices 4 (a) (2), (5), (6), (7), (8), and (17), which have been cured or corned in accordance with good commercial practice. The cured weight shall not exceed the green weight (boneless) by more than 20 percent.

(d) *Corned boneless sirloin butts* means boneless sirloin butts as defined in Appendix 4 (a) (12), which have been corned or cured in accordance with good commercial practice. The cured weight of the corned boneless sirloin butt may not exceed the green weight (boneless) by more than 20 percent.

(e) *Tongues, short cut, cured and/or smoked,* means tongues as defined in Appendix 6 (a) (15), which have been cured in accordance with good commercial practice and whose cured weights do not exceed the green weight by more than 15 percent. The weight of the smoked tongue may not exceed the green weight of the tongue. The hinge (hyoid) bones shall be cut off at the point where they protrude from the skin surface of the tongue.

[Paragraph (e) amended by Amdt. 19]

(f) *Dried beef* means cured insides, outsides, or knuckles of the beef ham, which have had the moisture content reduced so that the resulting weight is not in excess of 65 percent of the green weight.

[Paragraph (f) amended by Amdt. 19]

(g) *Barrel beef* means beef commonly referred to as "plate beef" or "mess beef" which has been prepared by cutting plates of beef or other beef cuts into slabs weighing about 8 pounds each; which has been cured in accordance with good commercial practice; and which is packed in a watertight hardwood barrel or tierce.

[Paragraph (g) added by Amdt. 19]

[Appendix 7 added by Amdt. 9]

APPENDIX 8—OTHER BEEF PRODUCT DEFINITIONS

When used in this regulation the term:

(a) *Boneless processing beef* as used in this regulation means the following:

(1) *Fresh or frozen bull carcasses—tenders out* means the boneless meat derived from the entire skeletal portion of the bull carcass excluding therefrom the tenderloin, kidney, and kidney fat.

(2) *Fresh or frozen kosher boneless bull forequarter* means the boneless meat derived from the entire skeletal portion of a kosher bull forequarter.

(3) *Fresh or frozen boneless carcass (other than bull) tenders out* means the boneless meat derived from the entire skeletal portion of the carcass of a cow, stag, steer, or heifer, excluding therefrom the tenderloin, kidney, and kidney fat.

(4) *Fresh or frozen kosher boneless beef forequarter (other than bull)* means the meat derived from the entire skeletal portion of a kosher forequarter of a cow, stag, steer, or heifer.

The meat shall be free of all bones, cartilage, back-strap, and blood clots. If the beef (other than the tenderloins) derived from any of the wholesale cuts listed in Schedule I is removed, the remainder shall not constitute "boneless processing beef" as herein defined but shall be considered "plate and brisket trimmings" as defined in Appendix 3 (a) (25).

[Paragraph (a) amended by Amdt. 9]

(b) *Prefabricated quick frozen and packaged retail beef cuts* means any beef steaks or roasts, listed in Ceiling Price Regulation 25, derived from beef of prime, choice, good, commercial, or utility grade, which are separately wrapped in transparent moisture-proof paper, thoroughly frozen at quick freezing temperatures, and packaged in a container distinctive in appearance and bearing a description of the contents of the package, the name of the product, the grade and net weight of the meat, the name of the processor, and a blank space whereon the retailer may mark the price per pound and the total price.

[Paragraph (b) amended by Amdts. 2 and 9]

(c) *Kosher beef wholesale cut* means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(d) *Prefabricated packaged retail beef cut* means beef steaks, and roasts, listed in Ceiling Price Regulation 25, derived from beef of prime, choice, good, commercial, or utility grade, which are separately wrapped in moisture proof paper, and bearing a clearly visible tag or other marking showing the name of the cut, the net weight of the meat contained in the package, and the grade of beef. The grade marks shall not be removed from the beef except when such removal cannot be avoided in preparing the cut in accordance with the specifications provided for such cut in Ceiling Price Regulation 25.

[Paragraph (d) added by Amdt. 2; amended by Amdt. 9]

[Paragraph (e) added by Amdt. 4; deleted by Amdt 9. Instead, refer to Section 50 (aa)]

(f) *Specialty product, prefabricated, quick frozen, and packaged,* means a product which is listed in section 28 and is defined as follows: The product must be thoroughly frozen at quick freezing temperatures and packaged in a sealed moisture proof carton of distinctive appearance bearing the name of the product, i. e., both the trade name, if any, and the name of the product as designated in this regulation, the net weight of the meat, the name and address of the processor, and a blank space whereon the retailer may mark the price per pound and the total price. This definition is limited to the following:

(1) *Wafer steak* means a beef product made from any grade of boneless beef derived from the skeletal portion of the beef carcass, from which all sinews and excess fat have been removed so that it does not contain more than 10 percent of trimmable fat; which has been placed in molds or in casings, *without being ground at any stage of the manufacturing process;* which has been thoroughly frozen at quick freezing temperatures; and which has been sliced to a degree of thinness so that no slice weighs more than one ounce and no individual steak contains less than two slices. Each wafer steak must be separately wrapped or separated by a parchment or waxed paper.

[Subparagraph (1) amended by Amdt. 19]

(2) *Sandwich steak* means a beef product made and packaged in the same manner as a wafer steak except that it may be ground before freezing, and provided further that it does not contain fat in excess of 25 percent by chemical analysis.

(3) *Buttered beef steak* means a beef product made and packaged in the same manner as a sandwich steak except that each steak must contain not less than 5 percent by weight of added butter.

(4) *Cheese flavored beef steak* means a beef product made and packaged in the same manner as a sandwich steak except that each steak must contain not less than 5 percent nor more than 15 percent by weight of added cheese.

(5) *Ground beef patties* means ground beef patties as defined in Appendix 4 (a) (35) which are quick frozen and packaged in the same manner as sandwich steaks.

(6) *Filet steak or tenderloin steak* means steak made from tenderloins of any grade. All fat and skin tissue shall be removed. The steaks shall be cut uniform in weight and shall be quick frozen and packaged in the same manner as sandwich steaks.

(7) *"Flake steak"* means a product prepared from unground boneless beef which has been thoroughly frozen at quick freezing temperatures; which has been flaked and molded into individual steaks; which does not have a fat content of more than 15 percent by chemical analysis; and which is packaged in the same manner as wafer steaks.

[Subparagraph (7) added by Amdt. 15]

(8) *Dinner steak* means a product produced from round, loins and/or ribs of any grade; from which all flank, sinews, cartilage, back strap, and excess fat has been removed so that the trimmable fat left on the steak does not exceed 10% of the weight of the steak.

[Subparagraph (8) added by Amdt. 19]

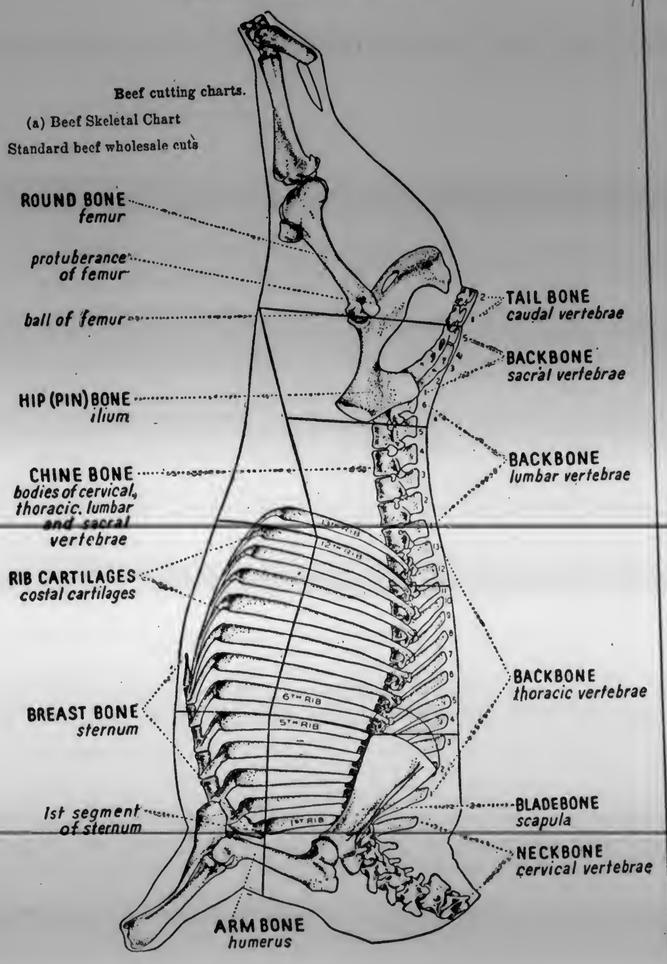
[Paragraph (f) added by Amdt. 9]

[Appendix 7 redesignated 8 by Amdt. 9]

Beef cutting charts.

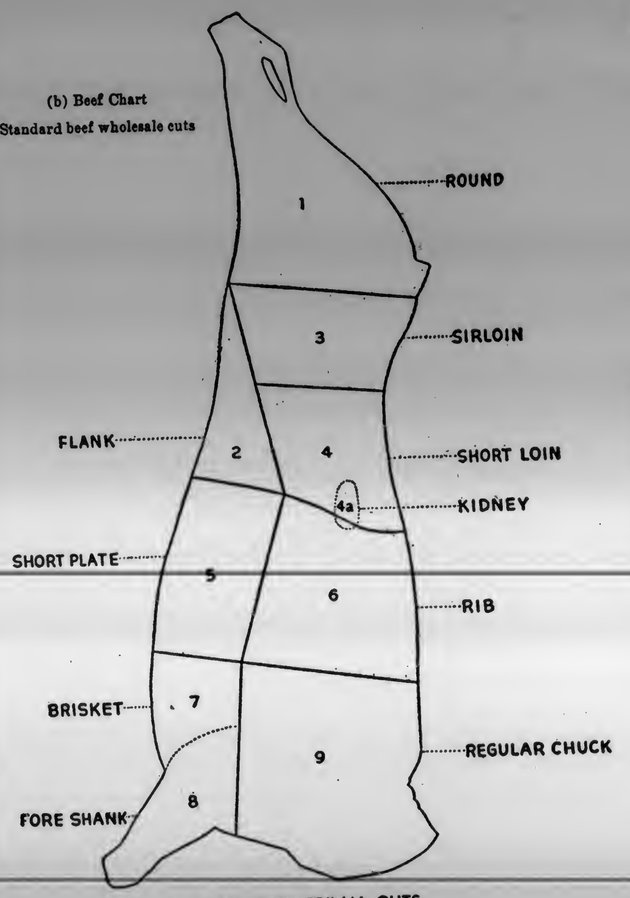
(a) Beef Skeletal Chart

Standard beef wholesale cuts



(b) Beef Chart

Standard beef wholesale cuts



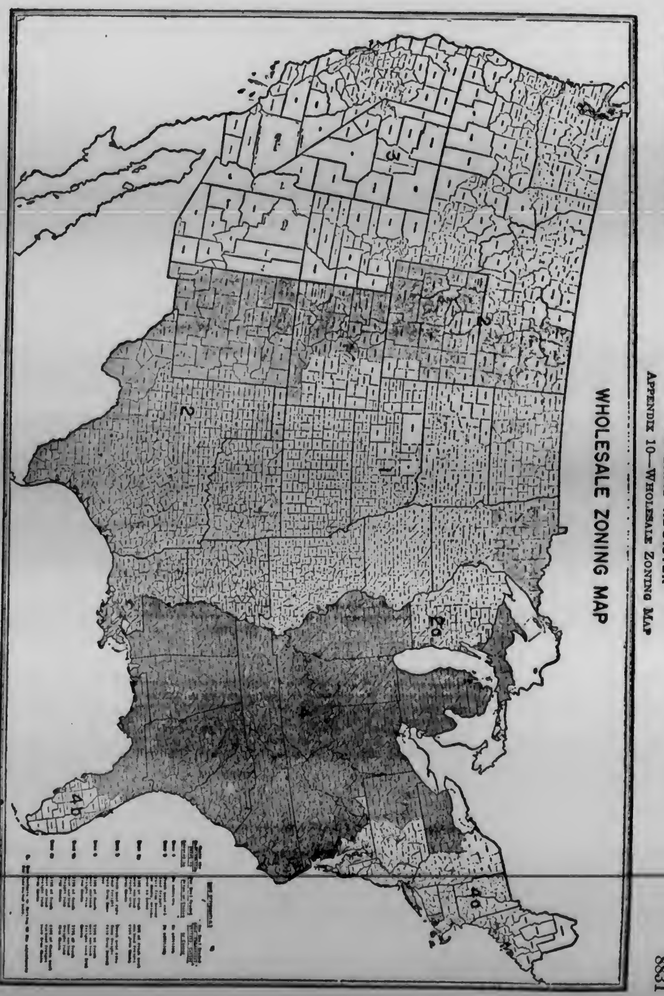
COMBINATION PRIMAL CUTS

3,4.....TRIMMED FULL LOIN
7,8,9.....CROSS CUT CHUCK (KOSHER OR TRAEFER)
4,9.....BACK
5,7,8,9..TRIANGLE (KOSHER OR TRAEFER)
8,9.....ARM CHUCK

[Appendix 8 renumbered 9 by Amdt. 9]

APPENDIX 10—WHOLESALE ZONING MAP

WHOLESALE ZONING MAP



[Appendix 9 renumbered 10 by Amdt. 9]

APPENDIX 11—BEEF ZONE DIFFERENTIALS PER HUNDREDWEIGHT

The zone differentials specified in this appendix apply as provided in Section 40. The zone differential for any town, city or other district having powers of local self-government which is not a part of any county for which a zone differential is included in this Appendix 11, shall be the highest zone differential for any of the adjoining counties.

The specific differentials set forth in this appendix apply directly, without further calculation, to items for which specific ceiling prices are established by Section 20 or 26.

Your zone differential for fabricated cuts shall be computed by multiplying your zone differential for the corresponding grade of carcass beef by 1.3, adjusted to the nearest 10¢ per hundredweight.

Your zone differential for variety meats and byproducts shall be the same as your zone differential for carcass beef graded prime and choice, in all states except in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. In these eight states the zone differential for variety meats and by-products shall be that specified for carcass beef of utility grade.

Your zone differential for bulls shall be the same as your zone differential for carcass beef graded commercial, utility, canner and cutter.

BEEF ZONE DIFFERENTIALS

[Per hundredweight]

	Prime, Choice, and Good	Commercial, Utility, Canner and Cutter
ALABAMA		
Counties of Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Clay, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Washington, Wilcox	$2.50	$2.10
All other counties	2.30	1.90
	All grades	
ARIZONA		
All counties	$2.30	
	Prime, Choice	Other grades
ARKANSAS		
Counties of Baxter, Benton, Boone, Carroll, Cleburne, Conway, Crawford, Fulton, Franklin, Izard, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Stone, Van Buren, Washington	$1.40	(1)
All other counties except Mississippi	1.70	(1)
Mississippi County	1.80	$1.50

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	All grades
CALIFORNIA	
All counties	$2.70

	Prime, Choice	Other grades
COLORADO		
Counties of: Alamosa, Archuleta, Conejos, Delta, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel	$1.00	(1)
Counties of: Baca, Boulder, Chaffee, Clear Creek, Costilla, Custer, Freemont, Gilpin, Grand, Huerfano, Jackson, Jefferson, Lake, Larimer, Las Animas, Park, Summit, Teller	.50	(1)
All other counties	(1)	(1)

[1] No zone differential.

	All grades
CONNECTICUT	
All counties	$2.80
DELAWARE	
All counties	2.80

	Prime, Choice, and Good	Commercial, Utility, Canner and Cutter
FLORIDA		
Counties of: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Lake, Levy, Madison, Marion, Nassau, Pasco, Putnam, St. Johns, Sumpter, Suwannee, Taylor, Union	$3.10	$2.40
Counties of: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	2.60	2.10
All other counties	3.70	2.70
GEORGIA		
Counties of: Appling, Atkinson, Bacon, Berrien, Brantley, Brooks, Bryan, Bullock, Burke, Camden, Chandler, Charlton, Chatham, Clinch, Coffee, Cook, Echels, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Jefferson, Jenkins, Lanier, Liberty, Long, Lowndes, McIntosh, Montgomery, Pierce, Richmond, Screven, Tattnall, Telfair, Toombs, Treutlen, Ware, Wayne, Wheeler	2.80	2.40
Counties of: Bartow, Catoosa, Chattooga, Dade, Fannin, Floyd, Gilmer, Gordon, Haralson, Murray, Polk, Walker, Whitfield	2.30	1.90
All other counties	2.70	2.30

	All grades
IDAHO	
Counties of: Beneweh, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone	$2.70
All other counties	2.20
ILLINOIS	
Counties of: Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Wabash, Washington, Wayne, White, Williamson	1.50
Counties of: Adams, Brown, Calhoun, Cass, Greene, Hancock, Henderson, Jersey, McDonough, Macoupin, Madison, Mercer, Monroe, Morgan, Pike, Rock Island, St. Clair, Schuyler, Scott, Warren	.70
All other counties	.90
INDIANA	
Counties of: Benton, Lake, Newton, Porter	.90
All other counties	1.50
IOWA	
Counties of: Clinton, Dubuque, Jackson, Scott	.50
All other counties	(1)

[1] No zone differential.

	All grades
KANSAS	
All counties	(1)

[1] No zone differential.

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
KENTUCKY		
Counties of: Bell, Boyd, Breathitt, Floyd, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry, Pike	$2.30	$2.10
All other counties	1.60	1.50

	Prime, Choice	Other grades
LOUISIANA		
Parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Calcasieu, Cameron, Concordia, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terreboone, Vermilion, Washington, West Baton Rouge, West Feliciana	$2.00	(1)
All other counties	1.80	(1)

[1] No zone differential.

	All grades
MAINE	
County of: Aroostook	$3.70
All other counties	2.80
MARYLAND	
Counties of: Allegany and Garrett	2.20
All other counties	2.80
MASSACHUSETTS	
All counties	2.80
MICHIGAN	
Counties of: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Iona, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford	1.80
All other counties	1.50

	Prime, Choice	Other grades
MINNESOTA		
Counties of: Aitkin, Beltrami, Becker, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena, Wilkin	$1.30	(1)
All other counties	(1)	(1)

[1] No zone differential.

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
MISSISSIPPI		
Counties of: Adams, Amite, Clarke, Copalh, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson-Davis, Jefferson, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Simpson, Smith, Stone, Walathall, Wayne, Wilkinson	$2.20	$2.00
Counties of: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahuma, De Soto, Grenada, Holmes, Humphries, Issaquena, Itawamba, Lafayette, Lee, Leflore, Lowndes, Madison, Marshall, Monroe, Montgomery, Okitbeha, Panola, Pontotoc, Prentiss, Quitman, Sharkey, Sunflower, Talabatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Yalobusha, Yazoo	1.90	1.80
All other counties	2.10	1.90
MISSOURI		
St. Louis and St. Louis County	0.70	0.70
All other counties	(1)	(1)

[1] No zone differential.

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice	Other grades
MONTANA		
Counties of: Big Horn, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, Wibaux, Yellowstone	$1.60	(1)
All other counties	2.20	$2.20

[1] No zone differential.

	All grades
NEBRASKA	
All counties	(1)

[1] No zone differential.

NEVADA	
All counties	$2.70
NEW HAMPSHIRE	
All counties	2.80
NEW JERSEY	
All counties	2.80

	Prime, Choice	Other grades
NEW MEXICO		
Counties of: Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, Socorro	$1.70	$1.00
All other counties	1.40	.80

	All grades
NEW YORK	
Counties of: Albany, Bront, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Montgomery, Nassau, New York, Orance, Ostero, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester	$2.80
Counties of: Allegany, Livingston, Monroe, Ontario, Steuben, Wayne, Yates	2.30
Counties of: Broome, Cayuga, Chemung, Chenango, Cortland, Madison, Oneida, Onondago, Oswego, Schuyler, Seneca, Tioga, Tompkins	2.40
Counties of: Cattaragus, Erie, Genesee, Niagara, Orleans, Wyoming	2.20
All other counties	2.10

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
NORTH CAROLINA		
Counties of: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Camden, Carteret, Caswell, Catawba, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Greene, Guilform, Halifax, Harnett, Hertford, Hoke, Hyde, Iredell, Johnson, Jones, Lee, Lenoir, Lincoln, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, North Hampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Tyrell, Union, Vance, Wake, Warren, Washington, Wayne, Wilson, Yadkin	$2.70	$2.40
All other counties	2.60	2.10

	Prime, Choice	Other grades
NORTH DAKOTA		
All counties	$1.50	(1)

[1] No zone differential.

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	All grades
OHIO	
Counties of: Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Warren	$1.60
Counties of: Allen, Auglaize, Champaign, Clark, Crawford, Darke, Defiance, Delaware, Fayette, Fulton, Greene, Hancock, Hardin, Henry, Logan, Lucas, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, Wyandot	1.70
All other counties	1.90

	Prime, Choice	Other grades
OKLAHOMA		
Counties of: Adair, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Latimer, Le Flore, McIntosh, Mayes, Muskogee, Okfuskee, Okmulgee, Osage, Ottowa, Pittsburg, Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, Washington	$1.30	(1)
Counties of: Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, Tillman	1.70	(1)
All other counties	1.50	(1)

[1] No zone differential.

	All grades
OREGON	
All counties	$2.70
PENNSYLVANIA	
Counties of: Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York	2.80
Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, Washington, Westmoreland	2.10
All other counties	2.30
RHODE ISLAND	
All counties	2.80

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
SOUTH CAROLINA		
Counties of: Abbeville, Anderson, Cherokee, Edgefield, Greenville, Greenwood, Laurens, McCormick, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union	$2.70	$2.20
All other counties	2.80	2.40
SOUTH DAKOTA		
All counties	(1)	(1)

[1] No zone differential.

TENNESSEE		
Counties of: Anderson, Blount, Bradley, Claborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Union	2.30	1.90
Counties of: Bedford, Benton, Bledsoe, Campbell, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Fentress, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Scott, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, Wilson	1.70	1.60
All other counties	2.50	2.50

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice	Other grades
TEXAS		
Counties of: Anderson, Angelina, Archer, Armstrong, Bailey, Baylor, Bell, Bosque, Bowie, Brazos, Briscoe, Brown, Burleson, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Comanche, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Deafsmith, Delta, Denton, Dickens, Donely, Eastland, Ellis, Erath, Falls, Fannin, Floyd, Foard, Franklin, Freestone, Garma, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Hunt, Hutchinson, Jack, Jasper, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Lubbock, Lynn, McLennan, Madison, Marion, Milam, Mills, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Vanzant, Walker, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wise, Wood, Yoakum, Young	$1.70	(1)
Counties of: Andrews, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Borden, Brazoria, Burnet, Caldwell, Calhoun, Chambers, Coke, Coleman, Colorado, Comal, Concho, Crane, Crockett, Dawson, DeWitt, Dimmitt, Duval, Ector, Edwards, Fayette, Fisher, Fort Bend, Frio, Gaines, Galveston, Gillespie, Glasscock, Goliad, Gonzales, Guadeloupe, Harris, Hays, Howard, Irion, Jackson, Jefferson, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Liberty, Live Oak, Llano, Loving, McCulloch, McMullen, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Mitchell, Nolan, Nueces, Orange, Reagan, Real, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Sterling, Sutton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Waller, Ward, Webb, Wharton, Wilson, Winkler, Zavala	2.00	
Counties of: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, Terrell	1.80	$1.10
All other counties	2.20	(1)

1 No zone differential.

	All grades
UTAH	
All counties	$1.90
VERMONT	
All counties	2.80
VIRGINIA	
Counties of: Accomack, Albemarle, Amelia, Amherst, Appomattox, Arlington, Augusta, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, York	2.70
All other counties	2.50
WASHINGTON	
All counties	2.70
WEST VIRGINIA	
All counties	2.20

	Prime, Choice	Other grades
WISCONSIN		
Counties of: Adams, Brown, Calomet, Columbia, Dane, Dodge, Door, Florence, Fond-Du-Lac, Forrest, Grant, Greene, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Oconoto, Oneida, Outagamie, Ozaurce, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vilas, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, Wood	$0.90	$0.50
All other counties	(1)	(1)
WYOMING		
Counties of: Albany, Carbon, Lincoln, Sweetwater, Uinta	1.30	(1)
Counties of: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Sublette, Teton, Washakie, Weston, Yellowstone Nat'l Park	1.60	(1)
All other counties	(1)	(1)

1 No zone differential.

	All grades
DISTRICT OF COLUMBIA	
Washington	$2.50

[Appendix 11 added by Amdt. 11]

[F. R. Doc. 52-10780; Filed, Oct. 1, 1952; 3:49 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 35]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 35—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes manufacturers subject to Ceiling Price Regulation 22 to adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another federal or state regulatory agency.

Under CPR 22 the extent to which a manufacturer has been able to pass on increases in outbound transportation costs has depended on his base period practice of quoting prices. If during the base period he followed the practice of quoting prices f. o. b. plant, CPR 22 established his ceiling prices on this basis and he has been able to pass on to buyers increases in outbound transportation costs. Those manufacturers, however, who during the base period customarily sold on a delivered price basis, have been required to continue this practice, thus requiring them to absorb increases in outbound transportation costs except insofar as adjustments are permitted by section 28 of CPR 22 and by Supplementary Regulations 17 and 18 to CPR 22. Section 28 of CPR 22 permits a manufacturer to add to his delivered ceiling price the dollars-and-cents amount of the increase in outbound transportation costs for his products between the end of his base period and March 15, 1951. SR 17 and SR 18 permit a manufacturer to add to his delivered ceiling price the dollars-and-cents amount of the increase in his outbound transportation costs between the end of his base period and July 26, 1951.

As a result, manufacturers in some industries have been required to absorb substantial increases in outbound transportation costs while other sellers, sometimes other sellers of the same commodities, have not been required to absorb such increases.

In view of the lapse of time since CPR 22 was issued, and the number and size of the increases in transportation costs that have occurred since that time, it is deemed appropriate at this time to allow all manufacturers under CPR 22 to be treated the same with respect to the passing on of outbound transportation cost increases. Accordingly, this supplementary regulation allows those manufacturers with ceiling prices determined under CPR 22, including those who have adjusted such ceiling prices under SR 17 or 18 to CPR 22 or under GOR 20 or 35, to adjust their delivered ceiling prices to reflect increases resulting from increased transportation rates authorized since the "cut-off" date to which increases in costs have until now been recognized. This supplementary regulation, however, does not apply to ceiling prices established under other specified supplementary regulations to CPR 22 which have already made some provision for increased transportation costs. Thus, a manufacturer of building materials under SR 28 to CPR 22 may not use this regulation to adjust ceiling prices which he has determined under SR 28, although he may, if he wishes, use this regulation instead of SR 28 to adjust his ceiling prices for such building materials determined under CPR 22.

Determination of the manner in which such adjustments should be permitted to be made has presented serious problems. Because of the number and variety of industries covered by CPR 22, no one technique could be singled out as universally desirable. A technique achieving perfect accuracy necessarily involves detailed computations, while one which is simple and easy to calculate must necessarily ignore many of the variable factors peculiar to particular industries. Therefore, two methods are provided. The first method permits an accurate adjustment for individual commodities or a group of commodities having the same unit transportation costs. The second method permits the calculation of an average transportation cost factor for a product line or category. Such an averaging technique is necessarily less accurate but simpler to apply than method one.

In particular instances different methods than those provided in this regulation may be appropriate. Accordingly, a procedure is provided by which manufacturers may apply for approval of such an alternative method.

In view of the broad coverage of this supplementary regulation, special circumstances have made consultation with all industry representatives, including all trade association representatives, impracticable. However, the relief provided by this supplementary regulation has been requested by many individual manufacturers and representatives of trade associations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation to Ceiling Price Regulation 22 are generally fair and equitable and are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of CPR 22.
3. Ceiling prices for new commodities and new sellers.
4. Reporting and record-keeping requirements.
5. Rounding.
6. Use of transportation bill.
7. Allocation of costs of mixed shipments.
8. Recalculation.
9. Definitions.

ARTICLE II—ADJUSTMENT PROVISIONS

21. How you calculate your transportation cost adjustment.
22. Method 1—Individual commodity method.
23. Method 2—Average adjustment for a group of related commodities.
24. Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under CPR 22 may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under CPR 22, including such ceiling prices as adjusted under SR 17 or 18 to CPR 22 or under General Overriding Regulation 20 or 35. This supplementary regulation does not apply to ceiling prices established under the following supplementary regulations to CPR 22: SR 28; SR 29; SR 30; SR 31; SR 32; or SR 34. The methods which may be used are set forth in Article II of this supplementary regulation.

SEC. 2. *Applicability of CPR 22.* All provisions of CPR 22 as that term is limited by section 1 shall be applicable to you except as those provisions are limited, modified or supplemented by this supplementary regulation.

SEC. 3. *Ceiling prices for new commodities and new sellers.* In addition to the ceiling prices specified in section 1, you may adjust under this supplementary regulation any ceiling prices which you have established under Ceiling Price Regulation 161 prior to the date as of which you calculate your adjustments under this supplementary regulation. In determining ceiling prices under CPR 161 or sections 30–34 of CPR 22 subsequent to your calculations of the adjustments under this regulation, you may use as the ceiling prices of the appropriate comparison commodities or of the appropriate competitor's commodities, ceiling prices adjusted under this supplementary regulation. If, after you have determined a ceiling price on the basis of a competitor's ceiling price, the competitor adjusts his ceiling price under this supplementary regulation, you may then recalculate your ceiling price on the basis of his new ceiling price.

SEC. 4. *Reporting and record-keeping requirements.* You must keep available for inspection by OPS for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, records showing the method(s) used in determining the adjustments calculated and the commodities to which each method applies, and all records and worksheets which you used in determining an adjustment under this supplementary regulation. All reporting and record-keeping provisions of CPR 22 remain applicable to you except that you need not report the adjusted ceiling prices you determine under this supplementary regulation.

SEC. 5. *Rounding.* You may round your ceiling prices adjusted under this supplementary regulation as provided by section 25 of CPR 22.

SEC. 6. *Use of transportation bill.* Wherever this supplementary regulation requires you to find what your transportation cost for a shipment would have been on the basis of rates in effect on your base date, you need not determine the rate in effect on the base date and calculate such transportation cost if you have a transportation bill which shows the transportation cost for such a shipment at a time when the base date rate or a higher rate was in effect.

SEC. 7. *Allocation of costs of mixed shipments.* Where for purposes of this regulation it is necessary to determine the transportation cost for a commodity included in a mixed shipment with one or more other commodities, you may determine such cost by allocating the amount of the transportation cost of the mixed shipment among the commodities included in it in any reasonable manner. Where you use this section in determining the current transportation cost of a commodity, you must determine the corresponding transportation cost of the commodity on the base date by the same method of allocation applied to the transportation cost of the same mixed shipment at the rates in effect on the base date.

SEC. 8. *Recalculation.* You may recalculate your transportation cost adjustments under this supplementary regulation at any time.

SEC. 9. *Definitions*— (a) *Generally.* Except as otherwise provided in this supplementary regulation, or as required by the context, the terms used in this supplementary regulation have the same meaning as in CPR 22.

(b) *Base date.* Your base date is March 15, 1951, or any later date you select for any particular shipment if on such later date the March 15, 1951 rate or a higher rate was in effect. However, if the ceiling prices which you adjust under this supplementary regulation were determined under SR 17 or SR 18 to CPR 22 or GOR 20, your base date is July 26, 1951, or any later date you select for any particular shipment if on such later date the July 26, 1951 rate or a higher rate was in effect.

(c) *Outbound transportation costs.* This term means the actual net amount paid by you to carriers for transporting the commodity from your manufacturing plant to the buyer or to a distribution point as defined in paragraph (d) (3). It does not include payments to any person who is an employee, subsidiary or affiliate of yours, or of whom you are a subsidiary or affiliate, or any amount for which you are reimbursed by

the buyer. The term includes payments made to railroads, trucking companies, water carriers, payment for railway express, air freight, or parcel post shipments, etc., insofar as these payments are not in excess of the rate authorized by statute, by OPS, or by other federal or state regulatory agency. It does not include warehouse charges, handling, unloading, sorting, checking, and other similar charges or expenses.

(d) *Delivered ceiling price.* This term includes the following:

(1) The case in which a manufacturer sells to all buyers at the same delivered price, or sells to all buyers in a zone or area at the same delivered price.

(2) The case in which a manufacturer quotes an f. o. b. price plus a transportation charge, and the transportation charge does not represent the actual transportation cost incurred by the manufacturer.

(3) The case in which a manufacturer quotes a price f. o. b. a distribution point not located at his manufacturing plant where it was the manufacturer's practice during his base period to ship the commodity from the manufacturing plant to the distribution point prior to shipment from the distribution point to the buyer. Adjustments under this supplementary regulation for ceiling prices f. o. b. distribution points must be calculated in the same manner as prescribed for a uniform delivered ceiling price for a zone or area, treating each distribution point as a separate zone.

(e) *Same shipment.* This term means a shipment of the same commodity with the same packaging and delivery terms, of the same weight, via the same carrier (or a carrier with the same or higher rates), and between the same points.

ARTICLE II—ADJUSTMENT PROVISIONS

SEC. 21. *How you calculate your transportation cost adjustment.* Three methods of calculating a transportation cost adjustment are provided by this article. You may use any method at your option. You may, except as limited in the succeeding sections, use one method for some of your commodities and another method for others.

SEC. 22. *Method 1—Individual commodity method*—(a) *Adjustments for individual transactions.* You will use this paragraph if you wish to adjust your delivered ceiling prices to reflect the exact dollar-and-cent amount of the increased outbound transportation costs per unit for each sale which you make.

(1) First, for each delivery of a commodity which you make, find the dollar-and-cent amount of your current transportation cost per unit, as defined in section 9, for shipment of the commodity from your manufacturing plant to the point of delivery to the purchaser.

(2) In the same way, find what the dollar-and-cent amount of your transportation cost was or would have been per unit for the same shipment at the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). The difference is the dollar-and-cent amount by which you may increase your ceiling price per unit for the delivery in question.

(4) If you have made the calculation described in subparagraphs (1) through (3) of this paragraph for a shipment of any commodity, you may add the difference found under subparagraph (3) to your ceiling price for another shipment of the same or any other commodity having the same transportation cost per unit instead of repeating the calculations outlined in subparagraphs (1) through (3) of this paragraph.

(b) *Average adjustments for deliveries within a defined area.* If you have uniform delivered ceiling prices for a commodity in one or more defined zones or areas, or if you have ceiling prices f. o. b. one or more distribution points, as defined in section 9 (d), you may use this paragraph to determine an adjustment for each such ceiling price.

(1) Find, for each such zone, area, or distribution point, the total dollar-and-cent amount of your actual transportation cost, as defined in section 9, for the shipments of the commodity from your manufacturing plant(s) to the zone, area or distribution point which you made during your last accounting period of not less than three months.

(2) In the same way, find what the total dollar-and-cent amount of your transportation cost would have been for the same shipments using the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). Divide the difference by the number of units of the commodity included in the shipments which you used in determining your transportation cost under subparagraph (1). The result is the dollar-and-cent amount by which you may increase your ceiling prices for sales of the commodity delivered to that zone, area, or distribution point.

(4) If you made more than four hundred shipments of a commodity to a zone, area or distribution point during your last accounting period of not less than three months, you may, at your option, make the calculations set forth in subparagraph (1) through (3), using only the shipments made in the first, fourth, seventh, and tenth weeks of your last accounting period of not less than three months, but you may not use a week in which you made fewer than thirty shipments. If in the first, fourth, seventh, or tenth week you made fewer than thirty shipments, you must use instead of such week the first succeeding week in which you made thirty or more shipments.

(5) You may make the calculations described in subparagraph (1) through (4) of this paragraph, for any group of commodities having the same unit transportation cost at the time of your calculation and at your base date, to determine a uniform adjustment for that group of commodities.

SEC. 23. *Method 2—Average adjustment for a group of related commodities.* This section permits you to determine a transportation cost adjustment factor for any product line, or category of commodities whose base period prices were delivered prices. This calculation is made in the following manner:

(a) Find the total dollar-and-cent amount of your outbound transportation cost for the product line or category incurred during your last accounting period of not less than three months. You may, but you need not, make a separate calculation for each zone in which you have a different ceiling price. The result is your current transportation cost.

(b) Find what the total dollar-and-cent amount would have been for those same shipments using rates in effect on your base date.

(c) Find the total dollar-and-cent net sales value of the shipments used in determining your current transportation cost under paragraph (a).

(d) Subtract your transportation cost found under paragraph (b) from your transportation cost found under paragraph (a). Divide the difference by the value of shipments found under paragraph (c). The result is the transportation cost increase factor by which you may increase your delivered ceiling prices for such commodities.

SEC. 24. *Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.* If you believe that the preceding sections of this supplementary regulation do not provide an adequate method of reflecting the transportation cost increases which you have experienced you may propose an alternate method for determining an adjustment.

You must submit your proposed method in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 24 of SR 35 to CPR 22" and must include the following:

(a) Your business name and address and a general description of the commodities you produce.

(b) A statement of the reasons why you believe that the methods provided by the preceding sections of this regulation do not permit you to properly reflect the transportation cost increases in outbound transportation cost which you have experienced.

(c) A detailed step-by-step description of the method you propose and the commodities to which it will apply. If your proposed method applies only to part of the commodities which you manufacture, state the method or methods which you propose to use for your other commodities and the commodities for which such methods are proposed to be used.

(d) A statement of the reasons why you believe that the method which you propose will more adequately reflect the increases in outbound transportation cost which you have experienced.

(e) Illustrations of your computations of transportation cost increases using your proposed method.

The Director of Price Stabilization may approve or disapprove your proposal in whole or in part. You may not use a transportation cost adjustment calculated by using your proposed method until such time as you have been notified by the Director of Price Stabilization that your proposed method has been approved.

Effective date. This supplementary regulation is effective October 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

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[Ceiling Price Regulation 30, Supplementary Regulation 8]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 8—ADJUSTMENT OF PRICING FORMULAS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 8 to Ceiling Price Regulation 30, is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this supplementary regulation is to extend the provisions of section 402 (d) (4) of the Defense Production Act of 1950, as amended, to manufacturers of machinery and related manufactured goods and suppliers of services covered by Ceiling Price Regulation 30 who determine their prices by a price-determining method or pricing formula. Therefore, the considerations involved in the issuance of this supplementary regulation are generally the same as those involved in the issuance of Supplementary Regulation 4 to Ceiling Price Regulation 30.

It has come to the attention of the Office of Price Stabilization since the issuance of Supplementary Regulation 4 to Ceiling Price Regulation 30 that some manufacturers who produce custom designed and fabricated commodities, and who, therefore, seldom have any repeat production of individual commodities, cannot properly apply the provisions of Supplementary Regulation 4 to Ceiling Price Regulation 30. They cannot, for example, determine under Supplementary Regulation 4 an overhead adjustment applicable to an individual commodity which was not produced in the pre-Korea period. The solution to this problem will be provided by two actions. The first action is embodied in this supplementary regulation. An additional method is to be issued in the form of an amendment to SR 4 to CPR 30. The forthcoming amendment will provide a method for computing an average overhead adjustment factor in those cases in which the formula priced commodity is in the same product line or category as the stock items.

This supplementary regulation permits manufacturers of formula priced commodities and services covered by Ceiling Price Regulation 30 to determine adjusted ceiling prices for these commodities and services by using direct labor and material costs as of July 26, 1951, in their pre-Korea pricing formula adjusted to yield ceiling prices in line with those determined under Supplementary Regulation 4 to Ceiling Price Regulation 30 for standardized commodities. Pricing formulas can be adjusted by the manufacturer on the basis of his own operating experience as shown by his profit and loss statements for prescribed accounting periods in 1950 and 1951 with the profit and loss statement for the 1951 period corrected to reflect July 26, 1951 costs. As an alternate to this method this supplementary regulation provides that a manufacturer may determine adjusted ceiling prices by using "price adjustment multipliers" calculated by the use of a table provided in the regulation. Before a manufacturer may use an adjusted pricing formula that he determines on the basis of his own records he is required to file a report and obtain written approval from the Director of Price Stabilization. If a manufacturer uses the alternate method and determines adjusted ceiling prices by using applicable price adjustment multipliers derived from the table he must first file a report but need not await specific approval before determining his adjusted ceiling prices.

Special sections are included which explain how applicable profit and loss statements must be developed for use in making the required calculations and how these statements must be corrected or modified to reflect July 26, 1951 costs. Further this supplementary regulation specifically provides that it supersedes and replaces Supplementary Regulations 4 and 5 to Ceiling Price Regulation 30 with respect to manufacturers of commodities which are custom designed and fabricated and for which the manufacturer was required to determine base period prices under section 9 of CPR 30, by using a pricing formula.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, and means or aids to distribution. Insofar as any provisions of this supplementary regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
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AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does*—(a) *Purpose and general description.* The purpose of this supplementary regulation is to provide methods by which you may obtain an adjustment in your ceiling prices, in accordance with section 402 (d) (4) of the Defense Production Act of 1950, as amended, for commodities and services covered by Ceiling Price Regulation 30 for which your Ceiling Price Regulation 30 base period prices are determined by a formula or price determining method under section 9 of Ceiling Price Regulation 30. This supplementary regulation permits you to reflect in your base period pricing formula your direct costs on July 26, 1951, as defined in this regulation.

You may determine your adjusted ceiling price by either of two methods. The first method is to adjust mark-ups over direct costs in your pricing formula to reflect the relation between a prescribed six months accounting period in 1950 and a like period in 1951, as shown in your profit and loss statements for these periods. The second method is to adjust a "tentative price" computed by using your pricing formula and July 26, 1951, costs, by a "price adjustment multiplier" selected on the basis of the ratio by which your sales for the prescribed accounting period in 1950 compared with the corresponding period of 1951. If the first method is not workable for you, and you do not wish to use the second method, which is optional, you may propose a method comparable to the first method which you believe will result in ceiling prices no higher than those determined by using the methods set forth in this supplementary regulation. This paragraph is descriptive only. The following sections control.

(b) *Sellers and sales covered by this supplementary regulation.* This supplementary regulation covers you if you are a manufacturer under Ceiling Price Regulation 30 and if you determine base period prices for commodities and services under section 9 of Ceiling Price Reg-

ulation 30 by using a formula or price determining method, i. e., formula priced commodities or services. It does not cover you if you are the manufacturer of a commodity or the supplier of a service under Ceiling Price Regulation 30 for which you did not have a formula or price determining method during the base periods specified in Ceiling Price Regulation 30 because you are a new manufacturer who has started in business since January 1, 1950; or because the commodity or service is in an entirely new category which requires labor skills, manufacturing equipment and processes different from those you used in your plant during the specified base period; or because your manufacturing methods have been changed to the extent that your base period experience and formulas or price determining methods are no longer applicable. In such cases you are required to apply for approval of a price determining method or methods in accordance with section 43a of Ceiling Price Regulation 30. Further, this supplementary regulation does not apply to standard commodities for which you issue or plan to issue price lists or catalogs, or to commodities for which there are established distributive channels, such as wholesale and retail outlets.

SEC. 2. *Base period and accounting periods.*—(a) *Base period.* The term "base period" as used in this supplementary regulation means the period January 1 through June 24, 1950. If you claim, for any reason, that the period January 1 through June 24, 1950, is not a representative period for your business you may apply for a substitute "base period" under section 5 of this supplementary regulation.

(b) *1950 and 1951 accounting periods.* The terms "1950 accounting period" and "1951 accounting period" as used in this supplementary regulation mean your normal six months accounting period ending nearest to, but not later than, June 30, 1950 and June 30, 1951, respectively. These periods may be six consecutive calendar or fiscal month accounting periods, two consecutive calendar or fiscal quarterly accounting periods, a semi-annual calendar or fiscal period, or any other type of six month accounting period that you normally employ. However, the periods used must be same for both 1950 and 1951. If for any reason you claim that the accounting periods established by this supplementary regulation are not representative periods for you, you may apply under section 5 of this supplementary regulation for approval of substitute accounting periods.

SEC. 3. *How to adjust your base period pricing formula and determine your adjusted ceiling prices.* This section provides the method by which you must adjust your base period pricing formula and how you determine your adjusted ceiling prices by applying the adjusted pricing formula. If you have different formulas for different categories of commodities, or different formulas for the same category of commodity based upon volume or other variables you must comply with the provisions of this section for each formula you use. An explanation of the term "pricing formula" is contained in section 11 (Definitions).

The following paragraphs explain how you must develop your base period pricing formula and determine from your profit and loss statements the relationships between your 1950 accounting period and your 1951 accounting period, for the purpose of calculating your adjusted pricing formula and your ceiling prices. You must make the calculations required by this section, file the specified report or reports, and receive written approval of your adjusted pricing formula before you use it to determine your adjusted ceiling prices.

(a) *Base period pricing formula.* Your base period pricing formula is the pricing formula, shown by your written records, which you last had in effect in your plant for determining selling prices of commodities that you were manufacturing during the period January 1 through June 24, 1950. In order to make the calculations required by this section you must first develop your base period pricing formula. In developing this pricing formula for the purposes of this section and for the required report you must clearly distinguish between elements of the formula which represent direct costs and factors or elements of the formula which represent mark-ups over direct costs (i. e., materials handling charge as a mark-up on direct materials cost, factory overhead expressed as a percentage of direct labor, etc.). Explanations of the terms "mark-up" and "direct costs" are found in section 11 (Definitions). For the purpose of the required report your base period pricing formula must show each actual percentage mark-up used and the element or elements of cost to which the mark-up was applied. If your base period pricing formula included a separately stated mark-up for profit, you must specify the profit percentage mark-up and the elements upon which this percentage mark-up was calculated (i. e., a specified percentage of total cost, a specified percentage of selling price, etc.).

(b) *Calculation of actual percentage relationships and profit and loss statements.* This paragraph explains how you must develop both your 1950 (base period) and your 1951 profit and loss statements, and how you calculate the percentage relationships between actual costs, shown by these profit and loss statements, and the mark-up elements in your base period pricing formula. These calculations are required for use in the determination of your adjusted pricing formula.

(1) *1950 (base period) profit and loss statement.* Your 1950 (base period) profit and loss statement is your applicable profit and loss statement for your 1950 accounting period. Section 6 of this supplementary regulation defines the term "applicable profit and loss statement" and contains instructions which explain the corrections and adjustments you are permitted or required to make in your profit and loss statement. You must develop your 1950 profit and loss statement to the extent necessary to show your direct costs and other costs which correspond to the mark-ups used in your base period pricing formula. For example, you must itemize direct materials costs, direct labor costs, and factory overhead; and you must also break down the factory overhead item to correspond to the elements of your base period pricing formula. As a further example, if your base period pricing formula contained, as separate elements, such costs as engineering, machine set-up charge, etc., which were in fact estimated costs, and if the item for factory overhead in your profit and loss statement includes actual costs for such elements, you must break down the factory overhead item to the extent necessary to show actual costs for engineering, machine set-up, etc. You may group all factory overhead costs which do not correspond to separate elements in your base period pricing formula under a heading such as "all other factory overhead costs".

(2) *Calculation of base period percentage relationships between actual costs and mark-up elements in your base period pricing formula.* Using your 1950 profit and loss statement as developed in paragraph (b) (1) of this section and your base period pricing formula as developed in paragraph (a) of this section, you calculate the relationship of:

(i) The actual costs corresponding to the mark-ups you use in your formula;

(ii) The actual costs corresponding to direct costs in your formula.

Example: In your base period pricing formula you determined factory overhead by multiplying direct labor by a fixed percentage mark-up of 150 percent. However, your 1950 profit and loss statement shows your actual direct labor costs to be $250,000 and your actual factory overhead to be $300,000. Therefore, your actual percentage relationship for the factory overhead element is 120 percent ($300,000÷$250,000=1.20 or 120%).

If your base period pricing formula contains separate mark-ups to cover minor elements of cost (i. e., materials handling cost as a percentage of direct materials cost, etc.) you need not make separate calculations for such minor elements of cost and they do not have to be broken down in your profit and loss statement if in your profit and loss statements such minor elements are included in a major element of cost, which corresponds to a mark-up in your pricing formula.

Example: In your base period pricing formula you determine your materials handling cost by applying a fixed percentage mark-up of 10 percent to direct materials cost. You also determined factory overhead in your pricing formula by a fixed percentage mark-up of 100 percent to the sum of direct materials and direct labor. However, your 1950 profit and loss statement includes actual materials handling cost as a part of actual factory overhead. Therefore, you need not calculate a separate percentage relationship for the materials handling cost mark-up element of your pricing formula because this minor element of cost is included in a major element of cost, factory overhead, which corresponds to a mark-up in your pricing formula.

You may, at your option, make separate calculations for minor elements of cost for which you have separate mark-ups in your pricing formula if you break down your profit and loss statements to show actual costs for these minor elements. The terms "major elements of cost" and "minor elements of cost" are explained in section 11 (Definitions).

If any elements of cost in your 1950 profit and loss statement are not covered by mark-up elements in your base period formula you must disregard such elements of cost in calculating your actual percentage relationships under this subparagraph.

Example 1: Your 1950 profit and loss statement contains, as an item of cost, salaries paid to salesmen of commodities you produce for which prices are not determined by your base period pricing formula. You must, therefore, eliminate all such salaries in making your calculation of percentage relationships.

Example 2: Your 1950 profit and loss statement contains an element of cost entitled "general expenses". In this general expense item you include outbound freight costs for commodities which you ship freight prepaid. The commodities for which you determine prices by the use of your pricing formula are shipped f. o. b. your factory. Therefore, you must exclude from your general expense item all freight prepayment for the purpose of making your calculations of percentage relationships.

(3) *1951 profit and loss statement.* Your 1951 profit and loss statement is your applicable profit and loss statement for your 1951 accounting period. You must develop your 1951 profit and loss statement in the same manner as you developed your 1950 profit and loss statement under subparagraph (1) of this paragraph.

(4) *Calculation of 1951 percentage relationships between actual costs and mark-up elements in your base period pricing formula.* You calculate the 1951 percentage relationships in the same manner as the base period percentage relationships under subparagraph (2) of this paragraph, substituting your 1951 profit and loss statement for your 1950 profit and loss statement.

(c) *Calculation of "multipliers" or cost change ratios.* This paragraph provides the method you must use to calculate the "multipliers" that you apply to your base period formula to determine your adjusted pricing formula.

(1) *Cost-change multipliers.* The cost-change multipliers are the factors showing the relationship of your base period actual cost experience to your 1951 actual cost experience. You calculate these multipliers by dividing the 1951 percentage relationships determined under paragraph (b) (4) of this section by the corresponding base period percentage relationships determined under paragraph (b) (2) of this section.

Example: Assume that under paragraph (b) (4) you determined that your actual cost of factory overhead was 130 percent of direct labor (your 1951 percentage relationship for factory overhead). Under paragraph (b) (2) you determined that your actual cost of factory overhead was 150 percent of direct labor (your base period percentage relationship for factory overhead). You divide 130 percent by 150 percent and the resulting figure of 0.867 or 86.7 percent is your factory overhead multiplier.

(2) *Multipliers where minor elements of cost are included in major elements of cost.* If you did not make separate calculations of percentage relationships for minor elements of cost as provided in paragraph (b) (2) and (4) you must use the same multiplier for the minor element of cost that you calculate for the major element of cost which included the minor element.

(d) *Determination of your adjusted pricing formula excluding profit mark-up.* You determine your adjusted pricing formula by applying the multipliers calculated under paragraph (c) of this section to the corresponding mark-up element of cost in your base period pricing formula. The result is your adjusted pricing formula excluding any profit mark-up. Paragraph (e) of this section explains how to calculate the profit mark-up element of your adjusted pricing formula.

(e) *Profit mark-up*—(1) *Separately stated profit mark-up.* If your base period pricing formula contains a separate mark-up factor for profit you determine the mark-up to be used in your adjusted pricing formula as follows:

(i) Determine the ratio of your prices at the end of the period covered by your 1951 profit and loss statement to your prices at the end of the period covered by your 1950 profit and loss statement for all commodities produced in the unit of your business which is covered by the profit and loss statements you have used. If you are unable to make this determination, or at your option, you may use the ratio of 118 percent.

(ii) Divide the mark-up for profit contained in your base period pricing formula by the ratio determined under subdivision (i). The result is your adjusted profit mark-up to be used in your adjusted pricing formula.

(2) *Profit mark-up included in overall mark-up factor.* If your base period pricing formula contains an overall mark-up factor which covers profit and other elements of cost (e. g. general, selling and administrative expenses and profit) you use the multiplier that you determined for the elements of cost as your adjusted overall mark-up factor, including profit, to be included in your adjusted pricing formula.

Example 1: Assume that in using your base period pricing formula you marked up factory cost by a mark-up factor of 40 percent to cover general, selling and administrative expenses and profit. Your base period percentage relationship for general, selling and administrative expense was 25.1 percent of factory cost, and your 1951 percentage relationship for the same factor was 22.3 percent of factory cost (you determine these percentage relationships under paragraph (b) of this section). Therefore, your multiplier or cost change ratio for general, selling and administrative expenses is 88.8 percent (22.3 percent÷25.1 percent). Your adjusted mark-up is 88.8 percent multiplied by your base period mark-up factor of 40 percent or 35.5 percent. This adjusted mark-up factor of 35.5 percent is used in your adjusted pricing formula to cover profit as well as general, selling and administrative expenses.

Example 2: In your base period pricing formula you used a "machine hour rate" which covered all factory labor and overhead, general, selling and administrative expenses, and profit (generally a "machine hour rate" is a stipulated multiple of the labor rate for the machine). Your base period labor rate on machine X was $1.50 per hour and the machine hour rate for machine X was $4.50. Therefore, this machine hour rate was 300 percent of your labor rate ($1.50×3=$4.50), which resulted in a mark-up over labor of 200 percent to cover other costs and profit. Your base period percentage relationship for factory overhead and general, selling and administrative expenses was 125.2 percent of direct labor, and your 1951 percentage relationship for the same factor was 120.1 percent (you determined these percentage relationships under paragraph (b) of this section). Therefore, your multiplier or cost change ratio for factory overhead, general, selling and administrative expense is 95.9 percent or .959 (120.1 percent÷125.2 percent). Your adjusted mark-up is 95.9 percent multiplied by your base period mark-up of 200 percent, or 191.8 percent (95.9 percent×200 percent). This adjusted mark-up factor of 191.8 percent is used in your adjusted pricing formula to determine your machine hour rate. The labor rate for machine X on July 26, 1951, was $1.75 per hour, therefore, your machine hour rate calculated by using your adjusted pricing formula would be $5.11 [$1.75+(191.8 percent×$1.75)].

(f) *Application of your adjusted pricing formula to determine your ceiling price.* You must apply your adjusted pricing formula determined under the foregoing paragraphs of this section as follows:

(1) Estimate direct costs using costs or rates in effect as to you on July 26, 1951. In making this calculation you must exclude all costs which are expressed as mark-ups of other elements of cost in your adjusted pricing formula. Section 7 of this supplementary regulation explains how you must determine July 26, 1951, costs. The term "direct costs" is explained in section 11 (Definitions).

(2) Using the costs determined under subparagraph (1) apply your adjusted pricing formula. The result is your ceiling price.

(g) *Reports.* Before you may use your adjusted pricing formula determined under this section you must file a report of your calculations by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., on OPS Public Form 152 in accordance with the instructions which are a part of this form. In addition, your adjusted pricing formula must be approved in writing by the Director of Price Stabilization.

SEC. 4. *Optional method of determining adjusted ceiling prices using your base period pricing formula and price adjustment multipliers.* This section provides a method which you may use instead of section 3 to determine your adjusted ceiling prices if your net sales during the specified 1951 accounting period are not greater than 160 percent of your net sales for the same period in 1950. Paragraph (a) explains how you determine whether or not you may use this section, and the remaining paragraphs of the section explain how you must develop your base period pricing formula to determine a "tentative price" which is adjusted by appropriate price adjustment multipliers to determine your adjusted ceiling price.

(a) *Net sales ratios.* Determine your net sales from your applicable profit and loss statement for your 1951 accounting period. If you do not maintain appropriate profit

and loss statements (monthly, quarterly or semi-annually), determine your net sales for the period January 1 through June 30, 1950, and for the period January 1 through June 30, 1951, from your actual sales records of these periods for your entire manufacturing and service operations without reference to profit and loss statements (specifically excluding sales of any commodities of which you are not the manufacturer). Divide the dollar amount of your 1951 net sales by the dollar amount of your 1950 net sales, as determined above. If the result is not greater than 160 percent, you may elect to use this section.

Example: Your net sales for the 1950 period were $1,000,000 and for the 1951 period $1,250,000 ($1,250,000÷$1,000,000=125 percent). Since the result is less than 160 percent you may use this section.

(b) *Base period pricing formula.* Develop your base period pricing formula in accordance with the method provided in section 3 (a) of this supplementary regulation. If you have different formulas for different categories of commodities, or different formulas for the same category of commodity based upon volume or other variable, you must separately develop each such formula you use.

(c) *Application of your base period pricing formula*—(1) *Tentative price.* Estimate direct costs using costs or rates as in effect to you on July 26, 1951. In making this calculation you must exclude all costs which are expressed as mark-ups of other elements of cost in your base period pricing formula. Section 7 of this supplementary regulation explains how you must determine July 26, 1951, costs or rates. The term "direct cost" is explained in section 11 (Definitions). Apply your base period pricing formula to these costs. The result is your tentative price.

(2) *Ceiling price.* Multiply the tentative price by the applicable price adjustment multiplier derived from the table in paragraph (c) of this section. The result is your ceiling price.

(c) *Price adjustment multipliers.* This paragraph contains the table of price adjustment multipliers that you must use in determining your ceiling price if you use this section. You determine the multipler applicable to you by using the sales volume ratio in column I determined in accordance with the method provided in paragraph (a) of this section.

TABLE OF PRICE ADJUSTMENT MULTIPLIERS

Column I	Column II
Sales Volume Ratio (Ratio of First Half 1951 Sales to First Half 1950 Sales)	*Price Adjustment Multiplier* (To be Applied to "Tentative Price")
115% or less	95.1%
Over 115% to 120%	94.5%
" 120% to 125%	93.9%
" 125% to 130%	93.3%
" 130% to 135%	92.7%
" 135% to 140%	92.2%
" 140% to 145%	91.7%
" 145% to 150%	91.3%
" 150% to 155%	90.9%
" 155% to 160%	90.5%

Over 160%—this section may not be used.

(d) *Reports.* Before you may use ceiling prices determined under this section you must file a report of your calculations on OPS Public Form 153 in accordance with the instructions which are a part of that form. This report must be sent by registered mail, return receipt requested, to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. As soon as you receive your return postal receipt confirming receipt by the Office of Price Stabilization you may use ceiling prices determined under this section. However, the Director of Price Stabilization may at any time revise or modify ceiling prices determined under this section, require further information or direct you to use your Ceiling Price Regulation 30 or General Ceiling Price Regulation ceiling prices until further notice.

SEC. 5. *Sellers who cannot adjust base period pricing formulas under section 3 of this supplementary regulation.* If you are unable to adjust your base period pricing formula and determine your ceiling prices under section 3 of this supplementary regulation because your accounting records do not permit you to develop the information required by that section, or if you claim the base period or accounting periods established by this supplementary regulation are not normal periods of operation for you because of strikes, lockouts, flood, fire or other unusual and abnormal conditions which affected your ability to produce, you may apply for an alternate method of adjusting your base period pricing formula, a substitute base period or substitute accounting periods in accordance with the provisions of this section. The substitute accounting periods may not cover a longer period of time than the accounting periods established by this supplementary regulation. Your application under this section must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., on OPS Public Form 152 in accordance with the instructions which are a part of that form, insofar as you are able to comply with these instructions. In addition, your application must contain the following information:

(a) A specific reference to this section 5 of this supplementary regulation.

(b) An explanation of your reasons for making an application under this section, that is, why you believe your records are insufficient or why you believe that the base period or accounting periods of this regulation are not normal for you.

(c) A statement of your proposed adjusted pricing formula, your proposed alternate base period, or your proposed accounting periods and an explanation of why you believe ceiling prices computed using such a formula, period or periods, will be in line with ceiling prices computed in accordance with section 3.

Upon receipt of this application the Director of Price Stabilization may approve your proposed adjusted pricing formula, or substitute accounting periods, or substitute base period, disapprove such formula, period or periods, establish a different formula, period or periods, or request additional information. You may not use an adjusted pricing formula, a substitute base period or substitute accounting periods proposed under this section until you have received written approval from the Director of Price Stabilization.

SEC. 6. *Profit and loss statements, and corrections or adjustments.* This section explains the meaning of the term "applicable profit and loss statements", and tells you how to correct or adjust such statements for the purposes of your calculations under this supplementary regulation. If you adjust your base period pricing formula under section 3 of this supplementary regulation you are required to submit your applicable profit and loss statements as a part of your report on OPS Public Form 152. If you use section 4 of this supplementary regulation to determine your ceiling prices by reference to a price adjustment multiplier you are not required to submit your applicable profit and loss statements.

(a) *Applicable profit and loss statements.* For the purposes of this supplementary regulation the applicable profit and loss statements are the first of the following profit and loss statements which are available from your normal accounting methods for the periods required by the section of this supplementary regulation under which you are determining your adjusted ceiling prices:

(1) The divisional or departmental profit and loss statements covering only sales of the commodities and services included in your report or application.

(2) The divisional, departmental, or plant-wide profit and loss statement covering sales of commodities and services included in your report or application, and sales of the other commodities and services in the same division, department or plant.

(3) Your overall profit and loss statement covering all manufacturing and service operations, but excluding all unrelated activities such as the reselling of commodities not produced by you.

The profit and loss statements must be detailed at least to the extent required to make the necessary calculations under the section of this supplementary regulation that you are using to determine your adjusted ceiling prices. Where important elements of cost are allocated in the preparation of your divisional, departmental or plant-wide operating statements, you must, if you are required to submit your applicable profit and loss statements, attach a separate sheet to your report explaining in detail the methods used in making such allocations.

(b) *Items which may not be included in your applicable profit and loss statements.* Your applicable profit and loss statements must be corrected, if necessary, to exclude the following items:

(1) Any depreciation in excess of normal depreciation, regardless of increase in usage.

(2) Accelerated amortization of emergency facilities pursuant to a "Certificate of Necessity", or otherwise.

(3) Depletion, except where it is based upon a cost of acquisition of the wasting asset.

(4) Unusual development costs in the base of wasting assets.

(5) Any item which constitutes a distribution of profits, including bonuses, payments on any profit sharing plans, or dividends.

(6) Interest.

(7) Losses on sales or disposition of capital assets.

(8) Costs due to unusual and non-recurring events, such as losses due to fires, floods, civil disturbances, or fines, awards or settlements, together with legal or court costs connected therewith.

(9) Costs attributable to services rendered prior to the period in which they were paid, such as a retroactive wage award paid during the period but covering services rendered prior to whatever period you are using.

(10) Amortization of costs under pension or welfare funds attributable to past services.

(11) The excess of costs for major repairs over normal amortization or other charges.

(12) Capital expenditures.

(13) Unreasonable or excessive expense accounts or entertainment costs.

(14) Wage, salary or other compensation paid to an employee in contravention of any regulation or order promulgated under the Defense Production Act of 1950, as amended.

(15) Payments for any materials or services in excess of ceiling prices at the time of their sale established under any regulation or order issued under the Defense Production Act of 1950, as amended.

(16) Expenditures for the personal benefit of any owner.

(17) Income or profit taxes.

(18) Charitable contributions during the period in excess of five percent of net income during that period.

(19) Excessive or unreasonable payments to affiliated persons for materials, services, licenses or for any other purpose.

(20) Losses on inventory, including inventory write-downs.

(21) Any cost which is unreasonable or excessive.

(c) *Treatment of non-recurring expenses.* Any non-recurring expense not excluded by paragraph (b) occurring within either period must be distributed over an appropriate period in accordance with sound accounting practice.

(d) *July 26, 1951, prices and costs.* Your applicable profit and loss statement for the period you used in 1951 may be adjusted to reflect the effect of all changes in cost occurring up to July 26, 1951. If you make such cost adjustments the net sales in your profit and loss statements must also be adjusted to reflect ceiling prices in effect on July 26, 1951.

SEC. 7. *Determination of costs and rates in effect on July 26, 1951.* This section explains how you must determine costs and rates in effect as to you on July 26, 1951, for the purpose of making the calculations required by this supplementary regulation to determine your adjusted ceiling prices either by the use of an adjusted pricing formula or by the use of price adjustment multipliers.

(a) *Labor rates.* The labor rates that you must use in determining your ceiling prices by applying your adjusted pricing formula or in determining ceiling prices by reference to price adjustment multipliers are the rates you paid on July 26, 1951, for each classification of labor that you used on that date or in the two weeks period ending not later than July 31, 1951. You may include, in determining your labor rates, any wage increase given under a contract retroactive to a date prior to July 26, 1951, provided that the contract was entered into prior to July 26, 1951, and that the only condition attached to the payment of the increase was that it be approved by the Wage Stabilization Board. If you require the use of labor of a classification not employed by you during the two weeks payroll period ending not later than July 31, 1951, you must use as the rate for that classification of labor the rate last prevailing on or before July 26, 1951, in the area in which you are located. If labor of that classification was not employed in your own area on or before July 26, 1951, you must use the rate on or before that date in the most comparable locality as accurately as you are able to determine that rate by the use of reasonable diligence.

(b) *Materials costs.* To determine the July 26, 1951, costs to you for materials, parts, subassemblies, subcontracted services, or expendable tools, dies, jigs, fixtures, moulds, patterns or work-holding devices, you must use the first of the prices listed below available to you. In no event may the price you use be in excess of the ceiling price in effect on July 26, 1951, for the commodity or service under the applicable ceiling price regulation:

(1) The net price per unit of the material, part, subassembly, or expendable tool, die, jig, fixture, mould, pattern, or work-holding device shown on the invoice for the last delivery of the particular commodity or service to you on or prior to July 26, 1951. If, however, the delivery was received more than thirty days prior to that date or was pursuant to a contract bearing a firm price entered into more than sixty days prior to that date, you need not use this subparagraph (1). If within thirty days prior to July 26, 1951, you received more than one delivery of the same commodity or service, you must use an average cost. You obtain this average cost by dividing the net amount you paid for all deliveries of the commodity or service during the thirty-day period preceding July 26, 1951, by the total number of units of the commodity or service delivered to you during that period.

(2) The net price per unit of the commodity or service stipulated in the written contract for the commodity or service in effect on or last prior to July 26, 1951, provided that it was entered into not more than sixty days prior thereto.

(3) The net price per unit of the commodity or service stipulated in the written offer for sale of the commodity or service to you made on or last prior to July 26, 1951, provided that you still have the written offer or obtain a copy of it from the offeror.

(4) The price shown on the spot market quotation for the week ending closest to July 26, 1951, or the price quoted in trade journals published last prior to July 26, 1951.

(5) If you are unable to determine your July 26, 1951, costs for any material in accordance with subparagraphs (1) through (4) of this paragraph you may use the current cost of the material reduced by a percentage factor derived from a comparison of July 1951, Bureau of Labor Statistics index figures for the same, or most comparable, material or commodity with index figures from the same source (BLS) for the most recent month for which such index figures are available. The complete title of the "BLS Index" is as follows: "Wholesale Price Index (1947–49=100), Indexes for Groups, Subgroups and Product Classes of Commodities, 1947–1951". This index is issued monthly by the United States Department of Labor, Bureau of Labor Statistics, and covers all basic raw materials and commodities.

Example: In your operations you are using a material for which you must determine July 26, 1951, cost under this subparagraph. The current cost of this material is $10.00 per unit. The July 1951, BLS Index figure for this material is 119, and the most recent BLS Index figure is 120. Your reduction percentage or multiplier is 0.99 or 99 percent (119÷120=0.99). Your July 26, 1951, cost for this material is, therefore, $9.90 per unit ($10.00×.99=$9.90).

SEC. 8. *Adjustable pricing.* You may, in connection with your application for an adjusted pricing formula under section 3 or 5 of this supplementary regulation, request the Director of Price Stabilization to make your proposed adjusted pricing formula effective from the date of your application (or any subsequent date) for the purposes of establishing your ceiling prices for commodities or services delivered prior to the date upon which the order is issued in response to your application. After filing your application and submitting the foregoing request, you may deliver a commodity or service covered by your application at a price which may be adjusted upward in accordance with the action taken by the Director of Price Stabilization in response to your application, provided also that you have notified your purchaser prior to such delivery that an action is pending under this supplementary regulation with respect to that commodity or service. Upon delivery, you may accept payment in an amount not exceeding your ceiling price in effect at that time for the commodity or service sold, but you shall not demand or receive any additional payment until the issuance of the order in response to your application and in accordance with the adjusted ceiling price determined in accordance with that order.

SEC. 9. *Applicability of CPR 30 and supplementary regulations to CPR 30.*—(a) *CPR 30.* Except as modified in this paragraph, all provisions of Ceiling Price Regulation 30 not inconsistent with this supplementary regulation remain applicable to you.

(1) You are not required to file, or to have previously filed, OPS Public Form 8, in connection with your application for adjustment under this supplementary regulation.

(2) If you were not covered by Ceiling Price Regulation 30 prior to your application for adjustment under this supplementary regulation, you need not make any of the calculations required by Ceiling Price Regulation 30 in connection with the establishment of your Ceiling Price Regulation 30 ceiling prices except as you may by letter be requested to do so in response to and in connection with your application for adjustment under section 5 of this supplementary regulation.

(b) *Supplementary regulations to CPR 30*—(1) *General.* No other supplementary regulation to Ceiling Price Regulation 30 (including Supplementary Regulation 2, Revision 1 to Ceiling Price Regulation 30) is applicable to your calculations or ceiling prices determined under this supplementary regulation.

(2) *Relation to Supplementary Regulations 4 and 5 to CPR 30.* This supplementary regulation supersedes and replaces Supplementary Regulations 4 and 5 to Ceiling Price Regulation 30 with respect to the establishment of adjusted ceiling prices for formula priced commodities and services covered by this supplementary regulation. On and after November 6, 1952, you may not sell any formula priced commodity or service covered by this supplementary regulation at a ceiling price established either under Supplementary Regulations 4 or 5 to Ceiling Price Regulation 30. In addition, your application for adjustment under this supplementary regulation may be made separately from your application for adjustment under Supplementary Regulations 4 or 5 to Ceiling Price Regulation 30, and your adjusted ceiling prices determined under this supplementary regulation may be made effective separately from your adjusted ceiling prices determined under Supplementary Regulations 4 or 5 to Ceiling Price Regulation 30.

SEC. 10. *Records and reports*—(a) *CPR 30 records and reports.* If you use this supplementary regulation you must comply with the record-keeping and reporting requirements of Ceiling Price Regulation 30 except as expressly modified by this supplementary regulation.

(b) *Additional records required by this supplementary regulation.* In addition to the records required by section 44 of Ceiling Price Regulation 30, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to substantiate that you have determined correctly your adjusted pricing formulas under this supplementary regulation, including appropriate worksheets, showing your computations under the provisions of this supplementary regulation. In addition, you must preserve for a period of two years all records showing the prices at which you have sold or offered for sale, commodities subject to this supplementary regulation.

SEC. 11. *Definitions.*—(a) *Definitions for this supplementary regulation*—(1) *A pricing formula.* A pricing formula is a method of determining the price of a commodity or service by relation to the cost, or certain elements of cost of that commodity or service. A pricing formula may consist of several factors, including, but not limited to, estimated materials cost, materials handling charge, estimated labor cost (based on estimated hours times hourly labor rate), and mark-ups to cover other costs, such as factory burden, general, administrative and selling expense, and profit. A pricing formula is applicable to custom designed and fabricated production, and cannot be applicable, for purposes of this supplementary regulation, to standard commodities for which you issue price lists or catalogues, or for which there are established distributive channels, such as wholesale and retail outlets. In order to have a base period pricing formula within the meaning of this supplementary regulation, you must have base period records which show your pricing formula and its application as required by section 9 (a) of Ceiling Price Regulation 30. If you do not have such records, you must secure approval of a proposed base period pricing formula under section 9 (b) of Ceiling Price Regulation 30 before you can apply for an adjusted pricing formula under this supplementary regulation.

(2) *Base period and accounting periods.* These terms are defined in section 2 of this supplementary regulation.

(3) *Direct costs.* For the purposes of this supplementary regulation the term "direct costs" means any element of cost used in a pricing formula which represents estimated actual cost and is not determined by the application of a percentage mark-up on some other element.

Example: One element or factor in your pricing formula is "materials handling". You determine the cost to be included for materials handling by applying a percentage factor of 10 percent to your estimated actual cost for materials. Therefore, materials is a direct cost, but materials handling is not. Other examples of costs which may be treated as direct costs are as follows:

(i) Direct or production labor actually used in the fabrication or processing of the commodity being produced or in the performance of the service being sold.
(ii) Engineering expenses.
(iii) Machine set-up expenses.
(iv) Royalty payments.
(v) Outbound transportation charges, if included as a part of your price.
(vi) Spoilage.

(4) *Mark-up.* The term mark-up means any element of a pricing formula which is used to estimate cost as a predetermined or stipulated percentage of some other element or elements of cost.

Example: See example under definition of direct costs. The 10 percent factor which is applied to estimated materials cost to determine "materials handling" is a mark-up.

(5) *Major elements of cost.* Major elements of cost are the more important elements used in a pricing formula, such as, direct materials, direct labor, factory overhead, general, selling and administrative expenses, etc.

(6) *Minor elements of cost.* Minor elements of cost are those elements which are a part of, but not all of, a major element of cost. Examples of minor elements of cost are: materials handling charge, engineering expense, machine set-up expense, and other costs which are part of factory overhead cost, but none of which constitutes all of factory overhead cost.

(b) *CPR 30 definitions.* Except as provided in this section, or unless the context otherwise requires, all terms used in this supplementary regulation have the same meaning as in Ceiling Price Regulation 30.

Effective date. This supplementary regulation is effective October 7, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 2, 1952.

[F. R. Doc. 52-10840; Filed, Oct. 2, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 9]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 9—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this supplementary regulation to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes manufacturers subject to Ceiling Price Regulation 30 to adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another federal or state regulatory agency.

Under CPR 30 the extent to which a manufacturer has been able to pass on increases in outbound transportation costs has depended on his base period practice of quoting prices. If during the base period he followed the practice of quoting prices f. o. b. plant, CPR 30 established his ceiling prices on this basis and he has been able to pass on to buyers increases in outbound transportation costs. Those manufacturers, however, who during the base period customarily sold on a delivered price basis, have been required to continue this practice, and as a result have been required to absorb increases in outbound transportation costs except insofar as adjustments are permitted by section 31 of CPR 30 and by Supplementary Regulations 4 and 5 to CPR 30. Section 31 of CPR 30 permits a manufacturer to add to his delivered ceiling price the dollars-and-cents amount of the increase in outbound transportation costs for his products between the end of his base period and March 15, 1951. SR 4 and SR 5 permit a manufacturer to add to his delivered ceiling price the dollars-and-cents amount of the increase in his outbound transportation costs between the end of his base period and July 26, 1951.

As a result, manufacturers in some industries have been required to absorb substantial increases in outbound transportation costs while other sellers, sometimes other sellers of the same commodities, have not been required to absorb such increases.

In view of the lapse of time since CPR 30 was issued, and the number and size of the increases in transportation costs that have occurred since that time, it is deemed appropriate at this time to allow all manufacturers under CPR 30 to be treated the same with respect to the passing on of outbound transportation cost increases. Accordingly, this supplementary regulation allows those manufacturers with ceiling prices determined under CPR 30 including those who have adjusted such ceiling prices under SR 4 or SR 5 to CPR 30 or under GOR 20 or GOR 35, to adjust their delivered ceiling prices to reflect increases resulting from increased transportation rates authorized since the "cut-off" date to which increases in costs have until now been recognized.

Determination of the manner in which such adjustments should be permitted to be made has presented serious problems. Because of the number and variety of industries covered by CPR 30, no one technique could be singled out as universally desirable. A technique achieving perfect accuracy necessarily involves detailed computations, while one which is simple and easy to calculate must necessarily ignore many of the variable factors peculiar to particular industries. Therefore, two methods are provided. The first method permits an accurate adjustment for individual commodities or a group of commodities having the same unit transportation costs. The second method permits the calculation of an average transportation cost factor for a product line or category. Such an averaging technique is necessarily less accurate but simpler to apply than method one.

In particular instances different methods than those provided in this regulation may be appropriate. Accordingly, a procedure is provided by which manufacturers may apply for approval of such an alternative method.

In view of the broad coverage of this supplementary regulation, special circumstances have made consultation with all industry representatives, including all trade association representatives, impracticable. However, the relief provided by this supplementary regulation has been requested by many individual manufacturers and representatives of trade associations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation to Ceiling Price Regulation 30 are generally fair and equitable and are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of CPR 30.
3. Ceiling prices for new commodities and new sellers.
4. Reporting and record-keeping requirements.
5. Rounding.
6. Use of transportation bill.
7. Allocation of costs of mixed shipments.
8. Recalculation.
9. Definitions.

ARTICLE II—ADJUSTMENT PROVISIONS

21. How you calculate your transportation cost adjustment.
22. Method 1—Individual commodity method.
23. Method 2—Average adjustment for a group of related commodities.
24. Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under CPR 30 may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under CPR 30, or a supplementary regulation thereto, including such ceiling prices as adjusted under General Overriding Regulation 20 or 35. The methods which may be used are set forth in Article II of this supplementary regulation.

SEC. 2. *Applicability of CPR 30.* All provisions of CPR 30 shall be applicable to you except as those provisions are limited, modified or supplemented by this supplementary regulation.

SEC. 3. *Ceiling prices for new commodities and new sellers*—(a) *Modified commodities.* In determining ceiling prices under section 8 of CPR 30 subsequent to your calculation of the adjustment under this regulation, you use as your adjustment to reflect increases in outbound transportation costs the same adjustment calculated under this supplementary regulation for the commodity before modification.

(b) *New commodities.* For those commodities whose base period prices you have determined under section 9 of CPR 30 you use either of the following:

(1) If you have established an average adjustment for a particular group of related commodities, such as a product line or category, and the new commodity may be classified as part of such group of related commodities, you apply the same transportation cost increase factor to the new commodity as was established for the appropriate group of related commodities.

(2) If subparagraph (1) is not applicable to your particular situation, you may propose a method for reflecting transportation cost increases in accordance with section 24 of this supplementary regulation.

(c) *Ceiling prices established under section 43a of CPR 30.* Inasmuch as ceiling prices for new sellers and other ceiling prices as established in accordance with section 43a of CPR 30 are required to be in line with ceiling prices otherwise established by the regulation, none of the adjustments permitted by this supplementary regulation may be applied to reflect transportation costs occurring before the establishment of such prices.

SEC. 4. *Reporting and record-keeping requirements.* You must keep available for inspection by OPS for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, records showing the method(s) used in determining the adjustments calculated and the commodities to which each method applies, and all records and worksheets which you used in determining an adjustment under this supplementary regulation. All reporting and record-keeping provisions of CPR 30 remain applicable to you except that you need not report the adjusted ceiling prices you determine under this supplementary regulation.

SEC. 5. *Rounding.* You may round your ceiling prices adjusted under this supplementary regulation as provided by section 28 of CPR 30.

SEC. 6. *Use of transportation bill.* Wherever this supplementary regulation requires you to find what your transportation cost for a shipment would have been on the basis of rates in effect on your base date, you need not determine the rate in effect on the base date and calculate such transportation cost if you have a transportation bill which shows the transportation cost for such a shipment at a time when the base date rate or a higher rate was in effect.

SEC. 7. *Allocation of costs of mixed shipments.* Where for purposes of this regulation it is necessary to determine the transportation cost for a commodity included in a mixed shipment with one or more other commodities, you may determine such cost by allocating the amount of the transportation cost of the mixed shipment among the commodities included in it in any reasonable manner. Where you use this section in determining the current transportation cost of a commodity, you must determine the corresponding transportation cost of the commodity on the base date by the same method of allocation applied to the transportation cost of the same mixed shipment at the rates in effect on the base date.

SEC. 8. *Recalculation.* You may recalculate your transportation cost adjustments under this supplementary regulation at any time.

SEC. 9. *Definitions*—(a) *Generally.* Except as otherwise provided in this supplementary regulation, or as required

by the context, the terms used in this supplementary regulation have the same meaning as in CPR 30.

(b) *Base date.* Your base date is March 15, 1951, or any later date you select for any particular shipment if on such later date the March 15, 1951, rate or a higher rate was in effect. However, if the ceiling prices which you adjust under this supplementary regulation were determined under SR 4 or SR 5 to CPR 30 or under GOR 20, your base date is July 26, 1951, or any later date you may select for any particular shipment if on such later date the July 26, 1951 rate or a higher rate was in effect.

(c) *Transportation costs.* This term means the actual net amount paid by you to carriers for transporting the commodity, from your manufacturing plant to the buyer or to a distribution point as defined in paragraph (d) (3). It does not include payments to any person who is an employee, subsidiary or affiliate of yours, or of whom you are a subsidiary or affiliate, or any amount for which you are reimbursed by the buyer. The term includes payments made to railroads, trucking companies, water carriers, payment for railway express, air freight, or parcel post shipments, etc., insofar as these payments are not in excess of the rate authorized by statute, by OPS, or by other federal or state regulatory agency. It does not include warehouse charges, handling, unloading, sorting, checking, and other similar charges or expenses.

(d) *Delivered ceiling price.* This term includes the following:

(1) The case in which a manufacturer sells to all buyers at the same delivered price, or sells to all buyers in a zone or area at the same delivered price.

(2) The case in which a manufacturer quotes an f. o. b. price plus a transportation charge, and the transportation charge does not represent the actual transportation cost incurred by the manufacturer.

(3) The case in which a manufacturer quotes a price f. o. b. a distribution point not located at his manufacturing plant where it was the manufacturer's practice during his base period to ship the commodity from the manufacturing plant to the distribution point prior to shipment from the distribution point to the buyer. Adjustments under this supplementary regulation for ceiling prices f. o. b. distribution points must be calculated in the same manner as prescribed for a uniform delivered ceiling price for a zone or area, treating each distribution point as a separate zone.

(e) *Same shipment.* This term means a shipment of the same commodity with the same packaging and delivery terms, of the same weight, via the same carrier (or a carrier with the same or a higher rate), and between the same points.

ARTICLE II—ADJUSTMENT PROVISIONS

SEC. 21. *How you calculate your transportation cost adjustment.* Three methods of calculating a transportation cost adjustment are provided by this article. You may use any method at your option. You may, except as limited in the succeeding sections, use one method for some of your commodities and another method for others.

SEC. 22. *Method 1—Individual commodity method*—(a) *Adjustments for individual transactions.* You will use this paragraph if you wish to adjust your delivered ceiling prices to reflect the exact dollar-and-cent amount of the increased outbound transportation costs per unit for each sale which you make.

(1) First, for each delivery of a commodity which you make, find the dollar-and-cent amount of your current transportation cost per unit, as defined in section 9, for shipment of the commodity from your manufacturing plant to the point of delivery to the purchaser.

(2) In the same way, find what the dollar-and-cent amount of your transportation cost was or would have been per unit for the same shipment at the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). The difference is the dollar-and-cent amount by which you may increase your ceiling price per unit for the delivery in question.

(4) If you have made the calculation described in subparagraphs (1) through (3) of this paragraph for a shipment of any commodity, you may add the difference found under subparagraph (3) to your ceiling price for another shipment of the same or any other commodity having the same transportation cost per unit instead of repeating the calculations outlined in subparagraphs (1) through (3) of this paragraph.

(b) *Average adjustments for deliveries within a defined area.* If you have uniform delivered ceiling prices for a commodity in one or more defined zones or areas or if you have ceiling prices f. o. b. one or more distribution points, as defined in section 9 (d), you may use this paragraph to determine an adjustment for each such ceiling price.

(1) Find, for each such zone, area, or distribution point, the total dollar-and-cent amount of your actual transportation cost, as defined in section 9 (c), for the shipments of the commodity from your manufacturing plant(s) to the zone, area, or distribution point which you made during your last accounting period of not less than three months.

(2) In the same way, find what the total dollar-and-cent amount of your transportation cost would have been for the same shipments using the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). Divide the difference by the number of units of the commodity included in the shipments which you used in determining your transportation cost under subparagraph (1). The result is the dollar-and-cent amount by which you may increase your ceiling prices for sales of the commodity delivered to that zone, area, or distribution point.

(4) If you made more than four hundred shipments of a commodity to a zone, area, or distribution point during your last accounting period of not less than three months, you may, at your option, make the calculations set forth in subparagraphs (1) through (3), using the shipments made in the first, fourth, seventh, and tenth weeks of your last accounting period of not less than three months, but you may not use a week in which you made fewer than thirty shipments. If in the first, fourth, seventh, or tenth week you made fewer than thirty shipments, you must use instead of such week the first succeeding week in which you made thirty or more shipments.

(5) You may make the calculation described in subparagraphs (1) through (4) of this paragraph, for any group of commodities having the same unit transportation cost at the time of your calculation and at your base date, to determine a uniform adjustment for that group of commodities.

SEC. 23. *Method 2—Average adjustment for a group of related commodities.* This section permits you to determine a transportation cost adjustment factor for any product line, or category of commodities whose base period prices were delivered prices. This calculation is made in the following manner:

(a) Find the total dollar-and-cent amount of your outbound transportation cost for the product line or category incurred during your last accounting period of not less than three months. You may, but you need not, make a separate calculation for each zone in which you have a different ceiling price. The result is your current transportation cost.

(b) Find what the total dollar-and-cent amount would have been for those same shipments using rates in effect on your base date.

(c) Find the total dollar-and-cent net sales value of the shipments used in determining your current transportation cost under paragraph (a).

(d) Subtract your transportation cost found under paragraph (b) from your transportation cost found under paragraph (a). Divide the difference by the value of shipments found under paragraph (c). The result is the transportation cost increase factor by which you may increase your delivered ceiling prices for such commodities.

SEC. 24. *Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.* If you believe that the preceding sections of this supplementary regulation do not provide an adequate method of reflecting the transportation cost increases which you have experienced you may propose an alternate method for determining an adjustment.

You must submit your proposed method in writing by registered mail, return receipt requested, to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 24 of SR 9 to CPR 30" and must include the following:

(a) Your business name and address and a general description of the commodities you produce.

(b) A statement of the reasons why you believe that the methods provided by the preceding sections of this regulation do not permit you to properly reflect the transportation cost increases in outbound transportation cost which you have experienced.

(c) A detailed step-by-step description of the method you propose and the commodities to which it will apply. If your proposed method applies only to part of the commodities which you manufacture, state the method or methods which you propose to use for your other commodities and the commodities for which such methods are proposed to be used.

(d) A statement of the reasons why you believe that the method which you propose will more adequately reflect the increases in outbound transportation cost which you have experienced.

(e) Illustrations of your computations of transportation cost increases using your proposed method.

The Director of Price Stabilization may approve or disapprove your proposal in whole or in part. You may not use a transportation cost adjustment calculated by using your proposed method until such time as you have been notified by the Director of Price Stabilization that your proposed method has been approved.

Effective date. This supplementary regulation is effective October 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 2, 1952.

[F. R. Doc. 52-10837; Filed, Oct. 2, 1952; 11:31 a. m.]

[General Ceiling Price Regulation, Amdt. 11 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

ADJUSTABLE PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to Supplementary Regulation 13 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 13 provides an adjustable pricing provision adapted to the immediate needs of the industry. Substantial increases in freight rates on coal consumed in producing coke have occurred since the base period; the latest of which became effective in May of this year, and the Director is informed that increases in wage rates also have occurred. It is intended to permit the making of sales with provision for adjustable pricing pending the completion of a survey of the industry to determine the need for an adjustment in ceiling prices. It is limited to coke producers, their sales agents and distributors. This amendment permits the use of this adjustable pricing provision for a period of 45 days from the effective date of the amendment.

It is believed that the 45-day period should be sufficient to enable the industry to provide this office with full information on which to base its determination of the need for adjustment, if any, to which the industry is entitled. Upon determination of any such adjustment, sellers who have adjustable pricing agreements with their buyers as permitted by this amendment, may then "carry back" any increase in ceiling prices, applying it to deliveries made after the date of their agreement.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

So far as practicable, the Director of Price Stabilization gave due consideration to the National effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation, as amended, is further amended in the following respects:

1. A new section 9 is added as follows:

SEC. 9. *Adjustable pricing.* From September 29, 1952 to November 12, 1952, inclusive, producers and distributors of coke subject to Supplementary Regulation 13 to the General Ceiling Price Regulation, are authorized to sell or agree to sell coke at prices not in excess of ceiling prices at the time of delivery, but by agreement between seller and buyer, such prices may be subject to adjustment upwards retroactively to the date of such agreement, in accordance with such order or orders which the Director of Price Stabilization may issue subsequent hereto.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This amendment shall become effective as of October 1, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 2, 1952.

[F. R. Doc. 52-10841; Filed, Oct. 2, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 122]

GCPR, SR 122—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes manufacturers subject to the General Ceiling Price Regulation to adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another federal or state regulatory agency.

Under the GCPR the extent to which a manufacturer has been able to pass on increases in outbound transportation costs has depended on his base period practice of quoting prices. If during the base period he followed the practice of quoting prices f. o. b. plant, the GCPR froze his ceiling prices on this basis and he has been able to pass on to buyers increases in outbound transportation costs. Those manufacturers, however, who during the base period customarily sold on a delivered price basis, have been required to continue this practice, thus requiring them to absorb increases in outbound transportation costs.

As a result, manufacturers in some industries have been required to absorb substantial increases in outbound transportation costs while other sellers, sometimes other sellers of the same commodities, have not been required to absorb such increases.

In view of the lapse of time since the GCPR was issued, and the number and size of the increases in transportation costs that have occurred since that time, it is deemed appropriate at this time to allow all manufacturers under the regulation to be treated the same with respect to the passing on of outbound transportation cost increases. Accordingly, this supplementary regulation allows those manufacturers with ceiling prices determined under the GCPR, including those who have adjusted such ceiling prices under GOR 20, 21, or 35, to adjust their delivered ceiling prices to reflect increases resulting from increased transportation rates authorized since the "cut-off" date to which increases in costs have until now been recognized. This supplementary regulation, however, does not apply to ceiling prices established under certain specified supplementary regulations to the GCPR which have already made some provision for increased transportation costs. Thus, a manufacturer of building materials under SR 106 to the GCPR may not use this regulation to adjust ceiling prices which he has determined under SR 106, although he may, if he wishes, use this regulation instead of SR 106 to adjust his ceiling prices for such building materials established by the GCPR.

Determination of the manner in which such adjustments should be permitted to be made has presented serious problems. Because of the number and variety of industries covered by the GCPR, no one technique could be singled out as universally desirable. A technique achieving perfect accuracy necessarily involves detailed computations, while one which is simple and easy to calculate must necessarily ignore many of the variable factors peculiar to particular industries. Therefore, two methods are provided. The first method permits an accurate adjustment for individual commodities or a group of commodities having the same unit transportation costs. The second method permits the calculation of an average transportation cost factor for a product line or category. Such an averaging technique is neces-

sarily less accurate but simpler to apply than method one.

In particular instances different methods than those provided in this regulation may be appropriate. Accordingly, a procedure is provided by which manufacturers may apply for approval of such an alternative method.

In view of the broad coverage of this supplementary regulation, special circumstances have made consultation with all industry representatives, including all trade association representatives, impracticable. However, the relief provided by this supplementary regulation has been requested by many individual manufacturers and representatives of trade associations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Applicability of the GCPR.
3. Ceiling prices for new commodities and new sellers.
4. Reporting and record-keeping requirements.
5. Rounding of ceiling prices.
6. Use of transportation bill.
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ARTICLE II—ADJUSTMENT PROVISIONS

21. How you calculate your transportation cost adjustment.
22. Method 1—Individual commodity method.
23. Method 2—Average adjustment for a group of related commodities.
24. Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SEC. 1. *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under the GCPR may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under the GCPR, including such ceiling prices as adjusted under General Overriding Regulation 20, 21, or 35. This supplementary regulation does not apply to ceiling prices established under the following supplementary regulations to the GCPR: 73, 80, 82, 83, 86, 92, 95, 100, 103, 106, 109, 113, 114, 115, 116, 121. The methods which may be used are set forth in Article II of this supplementary regulation.

SEC. 2. *Applicability of the GCPR.* All provisions of the GCPR as that term is limited by section 1 shall be applicable to you except as those provisions are limited, modified or supplemented by this supplementary regulation.

SEC. 3. *Ceiling prices for new commodities and new sellers.* In determining ceiling prices under section 4 or 6 of the GCPR subsequent to your calculations of adjustments under this regulation, you may use as the ceiling prices of the appropriate comparison commodities or of the appropriate competitor's commodities, ceiling prices adjusted under this supplementary regulation. If after you have determined a ceiling price on the basis of a competitor's ceiling price, the competitor adjusts his ceiling price under this supplementary regulation, you may then recalculate your ceiling price on the basis of his new ceiling price.

SEC. 4. *Reporting and record-keeping requirements.* You must keep available for inspection by OPS for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, records showing the method(s) used in determining the adjustments calculated and the commodities to which each method applies, and all records and worksheets which you used in determining an adjustment under this supplementary regulation. All reporting and record-keeping provisions of the GCPR remain applicable to you.

SEC. 5. *Rounding of ceiling prices.* You may round your ceiling prices as adjusted under this regulation to the nearest cents or fraction of a cent you normally employ. However, if you elect to round as permitted in this section you must round all your ceiling prices adjusted under this regulation whether such rounding results in an upward or downward change in your ceiling price. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding.

SEC. 6. *Use of transportation bill.* Whenever this supplementary regulation requires you to find what your transportation cost for a shipment would have been on the basis of rates in effect on your base date, you need not determine the rate in effect on the base date and calculate such transportation cost if you have a transportation bill which shows the transportation cost for such a shipment at a time when the base date rate or a higher rate was in effect.

SEC. 7. *Allocation of costs of mixed shipments.* Where for purposes of this regulation it is necessary to determine the transportation cost for a commodity included in a mixed shipment with one or more other commodities, you may determine such cost by allocating the amount of the transportation cost of the mixed shipment among the commodities included in it in any reasonable manner. Where you use this section in determining the current transportation cost of a commodity, you must determine the corresponding transportation cost of the commodity on the base date by the same method of allocation applied to the transportation cost of the same mixed shipment at the rates in effect on the base date.

SEC. 8. *Recalculation.* You may recalculate your transportation cost adjustments under this supplementary regulation at any time.

SEC. 9. *Definitions.* (a) *Generally.* Except as otherwise provided in this supplementary regulation, or as required by the context, the terms used in this supplementary regulation have the same meaning as in the GCPR.

(b) *Base date.* Your base date is January 26, 1951, or any later date you select for any particular shipment if on such later date the January 26, 1951 rate or a higher rate was in effect. However, if the ceiling prices which you adjust under this supplementary regulation were determined under GOR 20 or 21, your base date is July 26, 1951, or any later date you select for any particular shipment if on such later date the July 26, 1951 rate or a higher rate was in effect.

(c) *Outbound transportation costs.* This term means the actual net amount paid by you to carriers for transporting the commodity from your manufacturing plant to the buyer or to a distribution point as defined in paragraph (d) (3). It does not include payments to any person who is an employee, subsidiary or affiliate of yours, or of whom you are a subsidiary or affiliate, or any amount for which you are reimbursed by the buyer. The term includes payments made to railroads, trucking companies, water carriers, payment for railway express, air freight, or parcel post shipments, etc., insofar as these payments are not in excess of the rate authorized by statute, by OPS, or by other federal or state regulatory agency. It does not include warehouse charges, handling, unloading, sorting, checking, and other similar charges or expenses.

(d) *Delivered ceiling price.* This term includes the following:

(1) The case in which a manufacturer sells to all buyers at the same delivered price, or sells to all buyers in a zone or area at the same delivered price.

(2) The case in which a manufacturer quotes an f. o. b. price plus a transportation charge, and the transportation charge does not represent the actual transportation cost incurred by the manufacturer.

(3) The case in which a manufacturer quotes a price f. o. b. a distribution point not located at his manufacturing plant where it was the manufacturer's practice during his base period to ship the commodity from the manufacturing plant to the distribution point prior to shipment from the distribution point to the buyer. Adjustments under this supplementary regulation for ceiling prices f. o. b. distribution points must be calculated in the same manner as prescribed for a uniform delivered ceiling price for a zone or area, treating each distribution point as a separate zone.

(e) *Same shipment.* This term means a shipment of the same commodity with the same packaging and delivery terms, of the same weight, via the same carrier (or a carrier with the same or higher rates), and between the same points.

ARTICLE II—ADJUSTMENT PROVISIONS

SEC. 21. *How you calculate your transportation cost adjustment.* Three methods of calculating a transportation cost adjustment are provided by this article. You may use any method at your option. You may, except as limited in the succeeding sections, use one method for some of your commodities and another method for others.

SEC. 22. *Method 1—Individual commodity method.*—(a) *Adjustments for individual transactions.* You will use this paragraph if you wish to adjust your delivered ceiling prices to reflect the exact dollar-and-cent amount of the increased outbound transportation costs per unit for each sale which you make.

(1) First, for each delivery of a commodity which you make, find the dollar-and-cent amount of your current transportation cost per unit, as defined in section 9, for shipment of the commodity from your manufacturing plant to the point of delivery to the purchaser.

(2) In the same way, find what the dollar-and-cent amount of your transportation cost was or would have been per unit for the same shipment at the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). The difference is the dollar-and-cent amount by which you may increase your ceiling price per unit for the delivery in question.

(4) If you have made the calculation described in subparagraphs (1) through (3) of this paragraph for a shipment of any commodity, you may add the difference found under subparagraph (3) to your ceiling price for another shipment of the same or any other commodity having the same transportation cost per unit instead of repeating the calculations outlined in subparagraphs (1) through (3).

(b) *Average adjustments for deliveries within a defined area.* If you have uniform delivered ceiling prices for a commodity in one or more defined zones or areas, or if you have ceiling prices f. o. b. one or more distribution points as defined in section 9 (d), you may use this paragraph to determine an adjustment for each such ceiling price.

(1) Find, for each such zone, area, or distribution point, the total dollar-and-cent amount of your actual transportation cost, as defined in section 9, for the shipments of the commodity from your manufacturing plant(s) to the zone, area or distribution point which you made during your last accounting period of not less than three months.

(2) In the same way, find what the total dollar-and-cent amount of your transportation cost would have been for the same shipments using the rates in effect on your base date, as defined in section 9.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). Divide the difference by the number of units of the commodity included in the shipments which you used in determining your transportation cost under subparagraph (1). The result is the dollar-and-cent amount by which you may increase your ceiling prices for sales of the commodity delivered to that zone, area, or distribution point.

(4) If you made more than four hundred shipments of a commodity to a zone, area, or distribution point, during your last accounting period of not less than three months, you may, at your option, make the calculations set forth in subparagraph (1) through (3), using only the shipments made in the first, fourth, seventh, and tenth weeks of your last accounting period of not less than three months, but you may not use a week in which you made fewer than thirty shipments. If in the first, fourth, seventh, or tenth week you made fewer than thirty shipments, you must use instead of such week the first succeeding week in which you made thirty or more shipments.

(5) You may make the calculation described in subparagraphs (1) through (4) of this paragraph, for any group of commodities having the same unit transportation cost at the time of your calculation and at your base date, to determine a uniform adjustment for that group of commodities.

SEC. 23. *Method 2—Average adjustment for a group of related commodities.* This section permits you to determine a transportation cost adjustment factor for any product line, or category of commodities whose base period prices were delivered prices. This calculation is made in the following manner:

(a) Find the total dollar-and-cent amount of your outbound transportation cost for the product line or category incurred during your last accounting period of not less than three months. You may, but you need not, make a separate calculation for each zone in which you have a different ceiling price. The result is your current transportation cost.

(b) Find what the total dollar-and-cent amount would have been for those same shipments using rates in effect on your base date.

(c) Find the total dollar-and-cent net sales value of the shipments used in determining your current transportation cost under paragraph (a).

(d) Subtract your transportation cost found under paragraph (b) from your transportation cost found under paragraph (a). Divide the difference by the value of shipments found under paragraph (c). The result is the transportation cost increase factor by which you may increase your delivered ceiling prices for such commodities.

SEC. 24. *Method 3—Option to propose an alternate method for calculating a transportation cost adjustment.* If you believe that the preceding sections of this supplementary regulation do not provide an adequate method of reflecting the transportation cost increases which you have experienced you may propose an alternate method for determining an adjustment.

You must submit your proposed method in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 24 of SR 122 to the GCPR", and must include the following:

(a) Your business name and address and a general description of the commodities you produce.

(b) A statement of the reasons why you believe that the methods provided by the preceding sections of this regulation do not permit you to properly reflect the transportation cost increases in outbound transportation cost which you have experienced.

(c) A detailed step-by-step description of the method you propose and the commodities to which it will apply. If your proposed method applies only to part of the commodities which you manufacture, state the method or methods which you propose to use for your other commodities and the commodities for which such methods are proposed to be used.

(d) A statement of the reasons why you believe that the method which you propose will more adequately reflect the increases in outbound transportation cost which you have experienced.

(e) Illustrations of your computations of transportation cost increases using your proposed method.

The Director of Price Stabilization may approve or disapprove your proposal in whole or in part. You may not use a transportation cost adjustment calculated by using your proposed method until such time as you have been notified by the Director of Price Stabilization that your proposed method has been approved.

Effective date. This supplementary regulation is effective October 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 2, 1952.

[F. R. Doc. 52-10838; Filed, Oct. 2, 1952; 11:31 a. m.]

[General Overriding Regulation 32, Special Order 2]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO2—SELLERS OF CIGARETTES IN MAINE

CEILING PRICES RAISED TO CONFORM WITH MAINE UNFAIR SALES ACT

Statement of considerations. This special order raises the ceiling prices for Maine cigarette sellers above those previously established under the regulations of the Office of Price Stabilization where necessary to conform to the minimum prices required to be charged by the Maine Unfair Sales Act. This special order does not presently affect the ceiling prices of Maine cigarette sellers which are at or above the minimum prices required by that act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices for cigarette sellers sub-

ject to the Maine Unfair Sales Act in the event of a change in the minimum prices computed pursuant to that act and for the establishment of ceiling prices for new brands of cigarettes sold in Maine.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the Office of Price Stabilization to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the Office of Price Stabilization is required by the above noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Maine State Tax Assessor that the Maine Unfair Sales Act was in effect and enforced on June 30, 1952, and on August 8, 1952 (the date of the application); that the act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Maine are lower than the minimum sales prices required to be charged by that act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Maine Unfair Sales Act, which are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Maine on August 8, 1952 (the date of the application by the Maine State Tax Assessor under GOR 32) are increased after that date pursuant to the Maine Unfair Sales Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the State Tax Assessor by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for the various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other cigarette seller subject to the Maine Unfair Sales Act whose ceiling prices would, as the result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Maine on August 8, 1952 are decreased after that date pursuant to the Maine Unfair Sales Act, the ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Maine after August 8, 1952, those cigarette sellers subject to the Maine Unfair Sales Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Maine Unfair Sales Act. These prices shall be established as ceiling prices for such cigarette sellers upon the sending of a report by the State Tax Assessor by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Maine Unfair Sales Act, and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Maine Unfair Sales Act whose ceiling prices would be affected by the State Tax Commissioner's filing the report set forth in paragraph 2 or 3 hereof from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Maine Unfair Sales Act upon his mailing of such report unless and until such seller is notified by the Office of Price Stabilization that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Maine Unfair Sales Act" means that act as amended up to June 30, 1952 (Chapter 170 of the Revised Statutes of Maine, 1944, as amended by Chapters 130 and 134 of the Public Laws of 1947) insofar as such act applies to the sale of cigarettes.

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 3, 1952.

NOTE: The reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 2, 1952.

[F. R. Doc. 52-10839; Filed, Oct. 2, 1952; 11:31 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-82 as Amended October 2, 1952]

M-82—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

This amended NPA Order M-82 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

EXPLANATORY

This amended order revises NPA Order M-82, as last amended July 22, 1952, by changing only the provisions of section 6, *Limitations on Acceptance of Orders by Distributors.*

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. How a distributor obtains brass mill products.
4. Monthly X-6 quotas on orders placed with brass mills or other distributors.
5. Limitations on acceptance of X-6 orders by brass mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Request for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide for the restoration and maintenance of reasonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11.

SEC. 2. *Definitions.* As used in this order:

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

(h) "NPA" means the National Production Authority.

SEC. 3. *How a distributor obtains brass mill products.* (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in sections 4 and 7 of this order, a distributor may apply the allotment symbol X-6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Commencing on May 28, 1952, any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders which bear program identifications consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, or a program identification containing the suffix B-5, in obtaining materials to replace in inventory the brass mill products covered by such orders may append as a suffix to the X-6 allotment symbol the program identification B-5, so that the authorized controlled material order placed by him will contain a program identification which reads X-6-B-5.

(d) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 4 or 7 of this order. A distributor may apply the allotment symbol X-6 to all his orders for brass mill products. Such orders are hereby designated authorized controlled material orders for the purpose of section 17 (d) of CMP Regulation No. 1.

SEC. 4. *Monthly X-6 quotas on orders placed with brass mills or other distributors.* Any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders placed with him may place an order with a brass mill or another distributor for replacement in his inventory of an equal weight of brass mill products, to which order the allotment symbol X-6 may be applied. In addition, a distributor whose inventory (by weight) on the last business day of any calendar month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X-6 with a brass mill or another distributor during the succeeding month for 15 percent of the difference between his average monthly inventory (by weight) during the base period and such inventory at the end of the month. The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X-6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months during the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. *Limitations on acceptance of X-6 orders by brass mills or distributors.* (a) A brass mill or another distributor need not accept an X-6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X-6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X-6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M-82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept for delivery from his inventory orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 2,000 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept any order for copper controlled materials except an authorized controlled material order, or ship or deliver any copper controlled material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

SEC. 8. *Certification.* Any order for brass mill products placed by a distributor with a supplier and bearing the allotment symbol X–6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M–82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–82.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect October 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–10844; Filed, Oct. 2, 1952; 11:42 a. m.]

[NPA Order M–25, as amended October 2, 1952]

M–25—CANS

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this amended order has been rendered impracticable because the amended order affects a very substantial number of different trades and industries.

EXPLANATORY

This amended order affects NPA Order M–25 as amended May 14, 1952, and as further amended by Amendment 1 of August 15, 1952, in the following respects:

The definition of "can" in section 2 (b) is amended to exclude fibre-body cans. Section 7 is deleted as surplusage and a new section 7 is substituted. Section 8 is amended to change the title and to add a reference to the program identification B–5. Similar references to the program identification B–5 are added to subparagraphs (1) and (3) of section 9 (c). Section 9 (b) is amended by adding terneplate to the list of exempted materials (mill accumulation plate, unassorted temper tin plate, and unmended menders were added to this list by Amendment 1 of August 15, 1952). Subparagraph (2) of section 9 (b), relating to fibre-body cans, is deleted. Schedule I is revised throughout by adding certain additional items, by renumbering items, by changing the can specifications in various respects, and by providing certain additional exceptions, as listed at the head of Schedule I.

Directions 2, 3, 4, and 5 to NPA Order M–25 are unaffected by this amended order, and remain in full force and effect in accordance with their terms.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of cans.
4. Restrictions on manufacture, sale, and delivery of cans.
5. Restrictions on quantity of cans that may be accepted.
6. Restrictions on quantity of cans that may be used for packing.
7. Manufacture and use of cans conforming to former specifications.
8. Preference in filling defense orders.
9. Exceptions.
10. Certification of delivery of cans.
11. Request for adjustment or exception.
12. Records and reports.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order places restrictions upon the acceptance of, the delivery of, and the uses of cans. Schedule I sets out required plate specifications which vary according to the products packed. NPA Order M–24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M–8 sets forth specifications for solder that may be used in the manufacture of cans. Under the Controlled Materials Plan (CMP) allotments of tin plate, terneplate, and black plate are made to can manufacturers for the production of cans.

SEC. 2. *Definitions.* As used in this order:

(a) "NPA" means the National Production Authority.

(b) "Can" means any unused container made in whole or in part of tin plate, terneplate, or black plate, which is suitable for packing any product. The term does not include fluid milk shipping containers, crown closures for cone-topped cans, fibre-body cans, or glass containers having closures or fittings made of tin plate, terneplate, or black plate.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(d) "Packer" means any person who either (1) purchases or manufactures empty cans and fills such cans in packing any product, or (2) purchases empty cans and has them filled for his account by another party, but who controls sale and distribution of the finished product after packing.

(e) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, tin plate waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "specification production plate" or "mill accumulation plate," and each such class includes primes, seconds, and unassorted. Specification production plate is plate produced against orders for specific end uses. Mill accumulation plate is plate arising in the production of specification production plate not applicable against such orders.

(f) "Terneplate" means steel sheets coated with terne metal, and includes special coated manufacturing ternes (SCMT), manufacturing ternes, primes, seconds, unassorted, and terneplate waste-waste.

(g) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(h) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(i) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin; or into primes, seconds, or unassorted terneplate by hot-dipping in terne metal.

(j) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate, arising in the production of hot-dipped or electrolytic tin plate, which has been packaged without regard to temper.

(k) "Waste" means protective sheets and lacquered or lithographed misprint sheets of tin plate, terneplate, or black-plate, and includes scrap such as strips and circles produced in the ordinary course of manufacturing cans, and tin plate strips, terneplate strips, or black plate strips, produced in the ordinary course of manufacturing tin plate, terneplate, or black plate. The term also includes tin plate, terneplate, or black plate parts recovered from used cans.

(l) "Black plate" means steel sheets (other than tin plate or terneplate) 29-gage (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), chemically treated black plate (CTB), primes, seconds, and unassorted.

(m) "Black plate rejects" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds, or unassorted, and which has been segregated as to gage and size.

(n) "Black plate wasters" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds, or unassorted, and which has been segregated as to gage but not as to size.

(o) "Black plate waste-waste" means black plate 29-gage (128 pounds) or lighter, which has been rejected during processing by the producer because of imperfections which disqualify such black plate from sale as primes, seconds, or unassorted, and which has not been segregated as to either gage or size.

SEC. 3. *Restrictions on use of cans.* Subject to the exceptions set forth in section 9 of this order, no person shall use cans for any purpose other than for packing a product listed in Schedule I in accordance with the groupings, the quota percentage limitations, and the can material specifications set out in Schedule I appearing at the end of this order.

SEC. 4. *Restrictions on manufacture, sale, and delivery of cans.* No person shall manufacture, sell, or deliver cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of NPA. No person shall sell or deliver empty cans which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions (unless such export is to Canada) except as permitted under section 9 (d) of this order.

SEC. 5. *Restrictions on quantity of cans that may be accepted.* No person shall accept delivery of any cans at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a practicable minimum working inventory of cans, as defined in NPA Reg. 1, as now in force or as hereafter amended.

SEC. 6. *Restrictions on quantity of cans that may be used for packing.* (a) Commencing with the first calendar quarter of 1952, a packer shall select either the calendar year 1949 or the calendar year 1950 as the packing base period on the basis of which he shall predicate and compute his permitted usage of cans for packing each product which he packs. He may select either 1949 or 1950 for any particular product, but he must thereafter, until otherwise ordered, directed, or authorized by NPA, continue to use the base year so selected for a particular product as the basis for predicating and computing his permitted can usage for packing that product.

(b) During the second calendar quarter of 1952 and each subsequent calendar quarter of 1952, no person, unless otherwise authorized by NPA, or except as provided in paragraph (d) of this section, may use cans for packing any particular product listed in Schedule I of this order in excess of a quota of cans determined by applying the percentage listed in column (2) of Schedule I opposite the particular product to the amount of cans which he used for packing that particular product during the corresponding quarter of his selected base year.

(c) The term "amount of cans" as used in this order with respect to packing a particular product during a particular calendar quarter of a packer's selected base year means the total area of tin plate, terneplate, and black plate (including the total area of tin plate waste, terneplate waste, black plate rejects, black plate waste-waste, black plate wasters, and black plate waste) used in the manufacture of the cans and parts of cans which the packer used for packing that product during that quarter.

(d) If, for packing any product during the second or any succeeding calendar quarter of 1952, a packer uses cans or parts of cans having a tin-coating lighter than that specified for that product in Schedule I, he may use for packing that product, during the same or any succeeding calendar quarter or quarters of 1952, an additional quantity of cans to the extent that he does not exceed the total tin usage (by weight of tin) as established by the tin specifications listed for that product in Schedule I and by computation of his quota for that product under paragraph (b) of this section.

(e) Where the word "unlimited" appears in column (2) of Schedule I opposite a particular product, a packer may use the specified cans in an unlimited quantity to pack that particular product, subject to the inventory restrictions contained in section 5 of this order. Where a quota percentage appears in column (2) of Schedule I opposite a particular product, and a packer uses less than the limited quota of cans permitted for packing that particular product during any calendar quarter of 1952, he may, unless otherwise directed by NPA, use the unused quantity for packing that particular product during any succeeding calendar quarter or quarters of 1952. Nothing in this paragraph shall be construed as permitting a packer to use, after December 31, 1951, any carry-over quota or quotas attributable to any calendar quarter of 1951, or any part or parts of any such quota or quotas.

(f) No packer may assign, transfer, or surrender, to or for the benefit of any other person, his permissible can quota or quotas for any calendar quarter, or any part or parts of any such quota.

(g) In certain instances column (2) of Schedule I of this order authorizes one quota for packing a particular product in

cans of a larger size or sizes and a different quota for packing such product in cans of smaller size or sizes. In such instances, the packer's base-period usage for packing that product in cans of larger size or sizes determines his permitted base for packing such product in such larger size or sizes, and his base-period usage for packing such product in cans of smaller size or sizes determines his permitted base for packing such product in such smaller size or sizes.

SEC. 7. *Manufacture and use of cans conforming to former specifications.* Schedule I of this order as amended October 2, 1952, establishes, for packing certain products, can material specifications differing from those established for packing those products by Schedule I of this order as amended May 14, 1952. Schedule I of this order as from time to time hereafter amended may similarly establish can material specifications for packing a certain product or products differing from those theretofore established. Whenever the can material specifications respecting the packing of any product are amended, a can manufacturer shall continue to make, sell, and deliver cans and/or parts of cans conforming to the specifications for packing that product which were in force immediately prior to the effective date of the particular amendment, and shall not make any cans and/or parts of cans conforming to the specifications established by that amendment, so long as there is available to him specification production tin plate, terneplate, or black plate which was intended for his use in making cans for packing that product in accordance with the specifications in force immediately prior to the effective date of that particular amendment, and which, on the effective date of that particular amendment, was in process of manufacture for his account and cannot be converted to the specifications established by that particular amendment, or was held for his account by the manufacturer, or was held in his own inventory. Moreover, whenever the can material specifications for the packing of any product are amended, no packer shall use for packing that product any cans and/or parts of cans conforming to the specifications established by that amendment so long as any plate, cans, and/or parts of cans conforming to the specifications for packing that product which were in force immediately prior to the effective date of that amendment are available to him, whether in process of manufacture for his account, or held for his account by the manufacturer, or held in his own inventory.

SEC. 8. *Preference in filling defense orders.* So far as practicable, every can manufacturer shall schedule his operations (including his ordering of tin plate, terneplate, and black plate) so as to insure delivery of all rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), and any other orders under NPA directives.

SEC. 9. *Exceptions*—(a) *Small business.* (1) Any person who, during 1949 or 1950, purchased cans for packing and not for resale and who used such cans for packing, but whose total use of cans for packing all products during each of those years was not more than 250 base boxes of tin plate and terneplate, may purchase and use for packing in any calendar year, irrespective of the quota limitations in this order, but in accordance with the can material specifications in Schedule I, a total quantity of cans equivalent to not more than 250 base boxes of tin plate and terneplate. This exemption does not apply to any person who buys empty cans or parts thereof and sells such empty cans or parts thereof to a packer.

(2) During the second or any succeeding calendar quarter of 1952, any packer having only one line of equipment for packing all of his products in cans may use, for packing all such products, sufficient cans to utilize such facilities for the equivalent of twenty-six 8-hour shifts in each such calendar quarter.

(3) The use limitations of section 6 of this order and the can material specifications in Schedule I do not apply to cans used to pack any product in home canning, community canning, or institutional (meaning such institutions as prisons, vocational schools, and mental hospitals) canning where the product is not to be sold. This exception also applies to cans for packing laboratory samples and control samples, but not to cans for packing samples distributed for the purpose of advertising or for promoting the sale of a product, or to any cans used for packing products which are later repacked and sold.

(b) *Can materials.* The can material specifications and the quantity usage limitations of this order do not apply to cans or parts of cans made entirely of any of the following materials or entirely of any combination thereof:

Mill accumulation plate.
Unassorted temper tin plate.
Unmended menders.
Tin plate waste-waste.
Tin plate waste.
Terneplate.
Terneplate waste-waste.
Terneplate waste.
Black plate.
Black plate rejects.
Black plate waste-waste.
Black plate wasters.
Black plate waste.

(c) *Defense requirements.* (1) Rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), are exempt from the restrictions in sections 5 and 6 of this order on the quantity of cans that may be accepted and used.

(2) The use of cans for packing any product which is required to be packed in cans, set aside, and reserved for purchase by any authorized Government agency under the United States Department of Agriculture Set-Aside Program is exempt from the quantity usage limitations of this order, but not from the can material specifications of Schedule I: *Provided, however,* That there may be used, for all or any part of a packer's pack of any such set-aside product, 0.50 electrolytic tin plate for those soldered or nonsoldered parts of No. 10 cans for which 0.25 electrolytic tin plate is specified in Schedule I, when outside enamel is not provided for such parts.

(3) The can material specifications set out in Schedule I of this order shall not apply to rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), and requiring the packing of products in accordance with military or Federal specifications for the Department of Defense for use outside the 48 States of the United States and the District of Columbia by the Armed Forces of the United States, including the United States Coast Guard.

(4) The restrictions of this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially, or to cans for emergency rations and supplies for lifeboats.

(d) *Export.* The provisions of this order shall not apply to the sale or delivery of empty cans where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be by letter in substantially the following form (the inapplicable words stricken therefrom), shall constitute a representation to the seller and to NPA, and shall be filed with each purchase order with the person selling or delivering to such other person cans for export:

To ----------, seller: The undersigned purchaser certifies, subject to criminal penalties, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. ---------- for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same will be in compliance with the said validated export license.

In cases of export to those countries where the Office of International Trade does not require an export license, no certificate shall be required until such time as an export license is required by the Office of International Trade.

(e) *Special allotments of can materials.* As used in this paragraph the terms "allotment," "controlled materials," and "authorized production schedule" shall have the same meanings as in CMP Regulation No. 1. If the allotment or any supplemental allotment of controlled materials made to a can manufacturer for the first or second calendar quarter of 1952 includes in express terms a specified weight of mill accumulation plate, tin plate waste-waste, unmended menders, unassorted temper tin plate, or "other coated secondaries" (as defined in NPA Order M–24, as amended), for use by him in fulfilling his authorized production schedule, then, to the extent that he orders and accepts delivery of any such secondary material and to the extent that he manufactures cans or parts of cans or both made entirely therefrom, he shall offer such cans and parts of cans so manufactured, or an equivalent quantity of cans, among his customers on a pro rata basis. If, upon the first or any subsequent offering, any customer fails to order any cans or parts of cans representing his pro rata share, the cans and parts of cans so unordered also shall be offered by the can manufacturer among his remaining customers on a pro rata basis. The can manufacturer shall deliver to each purchaser of any cans or parts of cans supplied under this paragraph a certificate reading substantially as follows:

Certified for use in accordance with section 9 (e) of NPA Order M–25.

Any packer purchasing any cans or parts of cans so certified may use the same, or an equivalent quantity of cans, during any calendar quarter or quarters of 1952 for packing any product irrespective of the quota percentage limitations and the can material specifications of this order.

SEC. 10. *Certification of delivery of cans.* No manufacturer, jobber, or distributor shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form, shall constitute a representation to the seller and to NPA, and, once filed by a purchaser with a manufacturer, jobber, or distributor, shall cover all future deliveries of cans from the manufacturer, jobber, or distributor to that purchaser:

To ----------, manufacturer, jobber, or distributor: The undersigned purchaser certifies, subject to criminal penalties, that he is familiar with Order M–25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, submitted on Form NPAF–38, in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. Form NPAF–38 must be executed as therein required. A packer who requires cans for a new product he desires to pack may file a request on Form NPAF–38 with NPA for consideration in establishment of a can quota.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–25.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

This amended order shall take effect Oct. 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS

The figures in columns (3) and/or (4) specify the maximum weight in pounds of coating per base box of tin plate which may be used for the parts of cans for the products listed in column (1). Any packer may substitute, for packing a listed product, a can with a tin-coating lighter than that specified for that product.

EXCEPTIONS

1. Electrolytic 0.25 tin plate may be used for drawn fittings which are not required to be attached by soldering.

2. Electrolytic 0.50 tin plate may be used in place of electrolytic 0.25 tin plate or terneplate for all soldered parts of 5-gallon square cans and for drawn soldered fittings for any cans.

3. Hot-dipped 1.25 tin plate may be used for the body of a scored can to pack any of the meat products listed in this schedule.

4. Tin plate menders arising in the production of electrolytic tin plate may be used where either electrolytic or hot-dipped tin plate is permitted in this schedule.

5. Cans manufactured as provided in section 9 (b) of NPA Order M-25 may be used without regard to the can material specifications or the quantity usage limitations of this order.

Product (1)	Grouping and quota percentages (2)			Can materials	
				Soldered or welded parts (3)	Non-soldered parts (4)
Fruit and fruit products	*Group I*	*Group II*	*Group III*		
1. Apples, all types, quartered and sliced	Unlimited			1.25	0.50
2. Apple juices, all types, single strength		100		1.50	1.50
Enameled cans				1.25	.50
Plain bodies			90		
3. Apple cider				1.50	1.50
Enameled cans				1.25	.50
Plain bodies				1.25	.50
4. Apple sauce	Unlimited			1.25	.50
5. Apricots, whole or halves	Unlimited				
6. Bananas and banana pulp (except dehydrated)			90	1.25	1.25
Enameled cans				1.25	.50
Plain bodies					
7. Berries	Unlimited				
Blueberries and huckleberries:				1.50	1.50
Enameled cans				1.50	.50
Plain bodies				1.50	1.50
Cranberries, whole or sauce				1.25	.50
Gooseberries				1.50	[3]1.50
All other berries				1.50	1.50
8. Cherries, dark sweet	Unlimited			1.25	.50
9. Cherries, light sweet	Unlimited			1.50	1.50
10. Cherries, maraschino			90	1.50	1.50
11. Cherries, red sour	Unlimited				
12. Currants, including juice:					
No. 10 cans and larger	Unlimited				
Smaller than No. 10 cans			90		
Enameled cans				1.50	1.50
Plain bodies				1.25	.50
13. Figs	Unlimited			1.25	.50
14. Fruitade-base concentrates	Unlimited				
Frozen				.25	.25
Processed				1.50	1.50
15. Fruitades, ready to drink			90		
Berryades				1.50	1.50
All others				1.25	1.25
16. Fruits, baked		100			
Enameled cans				1.50	1.50
Plain bodies				1.50	.50
17. Fruit cocktail and mixed fruits				1.25	.50
Direct pack (except that canned pineapple and canned maraschino cherries may be used)	Unlimited				
Repacked from metal cans where fruits other than canned pineapple and canned maraschino cherries are used			90		
18. Fruit butters:		100			
No. 10 cans and larger			90		
Smaller than No. 10 cans					
Apple butter:				1.50	1.50
Enameled cans				1.50	.50
Plain bodies				1.50	1.50
All other fruit butters	Unlimited				
19. Fruit concentrate				1.50	.50
Apricots				1.25	.50
Other fruits		100			
20. Fruits, dehydrated or dried (except prunes)				.50	.50
5-gallon square cans				.25	.25
Other can sizes	Unlimited			.25	.25
21. Fruits, frozen, all varieties					
22. Fruit jams, jellies, marmalades, and preserves:		100			
No. 10 cans and larger			90		
Smaller than No. 10 cans				1.25	.50
Light color				1.50	1.50
Dark color					
23. Fruit juices, concentrate	Unlimited			.25	.25
Frozen, all varieties and blends				1.25	1.25
Processed grapefruit and grapefruit juice blends				1.50	1.50
All other fruit juice concentrates, processed					
24. Fruit juices, single strength (except apple):					
Citrus, pineapples, and blends	Unlimited			.25	.25
Frozen				1.25	1.25
Processed					
Grape juice:				1.25	1.25
5-gallon cans and larger	Unlimited		90	1.25	1.25
Smaller than 5-gallon cans		100		1.50	1.50
Prune juice		100		1.50	1.50
All other single-strength fruit juices					
25. Fruit nectars:		100			
Direct pack			90		
Repacked from metal cans				1.25	.50
Light-colored fruits				1.50	1.50
Dark-colored fruits					

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product (1)	Grouping and quota percentages (2)			Can materials	
				Soldered or welded parts (3)	Non-soldered parts (4)
Fruit and fruit products—Continued	*Group I*	*Group II*	*Group III*		
26. Fruit pulp and purees (except baby food)	Unlimited			Same as nonpureed fruits	
27. Fruit salad				1.25	0.50
Direct pack (except that canned apricots, canned pineapple, and canned maraschino cherries may be used)	Unlimited				
Repacked from metal cans, where fruits other than canned apricots, canned pineapple, and canned maraschino cherries are used			90		
28. Fruits, spiced:					
Crab apples			90		
Enameled cans					
Plain bodies				1.50	1.50
All others				1.50	.50
29. Grapes, processed:			90	1.50	.50
Colored—all can sizes					
Thompson, seedless			90	1.50	1.50
No. 10 cans and larger				1.25	.50
Smaller than No. 10 cans		100			
Spiced Thompson seedless			90		
30. Grapefruit and orange segments			90	1.50	1.50
31. Grapefruit segments	Unlimited			1.25	1.25
32. Nectarines	Unlimited			1.25	1.25
33. Olives, whole or chopped:	Unlimited			1.25	.50
Green ripe					
Green	Unlimited			1.25	1.25
Ripe			90	1.50	1.50
Enameled cans	Unlimited				
Plain bodies				1.50	1.50
34. Orange segments				1.50	.50
35. Papayas and papaya products		100		1.25	1.25
36. Peaches, whole, halves, quarters, sliced, and diced		100		1.25	1.25
37. Pears, whole, halves, quarters, sliced, and diced	Unlimited			1.25	.50
38. Pectin, liquid	Unlimited			1.25	.50
39. Pie and pastry filler (fruit filling only):				1.50	1.50
Direct pack (including frozen)		100			
Repack from metal cans (one or more components)		100			
Enameled cans			90		
Plain bodies				1.50	1.50
Other than fruit fillings				1.25	.50
40. Pineapple			90	.25	.25
41. Plums	Unlimited			1.25	1.25
Light-colored	Unlimited				
Dark-colored				1.25	.50
42. Prunes, dehydrated or dried				1.50	1.50
43. Prunes, dried in syrup		100		1.25	.50
44. Prunes, fresh in syrup		100		1.50	1.50
45. Quinces	Unlimited			1.50	1.50
		100		1.25	.50
Vegetables and vegetable products					
46. Artichokes					
47. Asparagus			90	1.25	.50
48. Beans, dry, soaked, all varieties	Unlimited			1.25	1.25
With sweetened sauce (Boston style)	Unlimited				
With chili sauce				.25	.25
With plain sauce or brine				1.25	.50
With tomato sauce				.25	.25
49. Beans, fresh-shelled				1.25	.25
50. Beans, green and wax	Unlimited			.25	.25
51. Beets	Unlimited			1.25	.25
52. Beet juice	Unlimited			1.25	1.25
53. Beets, pickled			90	1.25	1.25
54. Broccoli			90	1.50	1.50
55. Brussels sprouts			90	1.25	.25
56. Carrots			90	1.25	.25
57. Carrots and peas	Unlimited			1.25	.25
Direct pack	Unlimited			1.25	.25
Repack (either component from metal cans)					
58. Carrot juice			90		
59. Cauliflower			90	1.25	1.25
60. Celery			90	1.25	.25
61. Celery juice		100		1.25	.25
62. Corn, cream style and whole grain			90	1.25	1.25
63. Corn, on the cob	Unlimited			.25	.25
64. Green leafy vegetables			90	.25	.25
Leafy or chopped	Unlimited				
Pureed				1.25	.25
65. Lentils, dried, soaked				1.25	1.25
66. Mushrooms		100		.25	.25
Whole, sliced, stems, and pieces	Unlimited				
Broiled in butter				1.25	.25
67. Okra, with or without tomatoes	Unlimited			.25	.25
68. Onions			90	1.25	1.25
69. Parsnips			90	1.25	.25
70. Peas, all varieties, dry, soaked		100		.25	.25
71. Peas, fresh	Unlimited			.25	.25
72. Peppers and pimientos	Unlimited			.25	.25
73. Pickles, pickled relishes, and chow-chow				1.25	.25
No. 10 cans or larger		100		1.50	1.50
Smaller than No. 10 cans			90		
74. Potato salad			90		
75. Potatoes, sweet	Unlimited			1.25	1.25
76. Potatoes, white			90	1.25	.25
77. Pumpkin and squash	Unlimited			1.25	.25
78. Rhubarb			90	1.25	1.25
79. Rutabagas			90	1.50	1.50
80. Sauerkraut	Unlimited		90	1.25	.25
81. Sauerkraut juice and blends		100		1.50	1.50
82. Succotash				1.50	1.50
Direct pack	Unlimited			.25	.25
Repack (one or more components from metal cans)			90		
83. Tomatoes	Unlimited			1.25	.25

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product (1)	Grouping and quota percentages (2)			Can materials	
				Soldered or welded parts (3)	Non-soldered parts (4)
Vegetables and vegetable products—Continued	*Group I*	*Group II*	*Group III*		
4. Tomato products (from fresh tomatoes)	Unlimited				
Tomato catsup, chili sauce, and cocktail sauce:					
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
Tomato juice, aspic, cocktail, and juice blends, containing 70 percent or more tomato juice:					
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
Tomato juice concentrate, frozen:					
5-gallon square cans				.50	.50
Other can sizes				.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree:					
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
Tomato products (repacked from metal cans):					
Tomato aspic			90	1.25	.25
Catsup, chili sauce, and cocktail sauce		100			
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
Tomato sauce (including spaghetti), paste, pulp, and puree		100			
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
85. Turnips			90	1.25	.25
86. Vegetables, dehydrated	Unlimited				
5-gallon square cans				.50	CMQ
Other can sizes				.25	CMQ
87. Vegetables, frozen	Unlimited				
30-pound and larger				.25	.25
Smaller than 30-pound				.25	.25
88. Vegetables, mixed				1.25	.25
Containing 70 percent or more vegetables which are not limited to less than 100 percent quota:					
Direct pack from all fresh vegetables	Unlimited				
Repack (one or more components from metal cans)		100			
All other mixtures			90		
Fish and shellfish					
89. Caviar			60	.25	.25
90. Chowder, all varieties	Unlimited				
Enameled cans				.25	.25
Plain bodies				1.25	.25
91. Clam juice				.25	.25
1-gallon and larger cans		100			
Other sizes			60		
92. Clams, processed	Unlimited			.25	.25
93. Codfish, salted, dry			90	.25	.25
94. Crab and crabmeat				.25	.25
Deviled		100			
Processed	Unlimited				
95. Crawfish		100		.25	.25
96. Eels			90	.25	.25
97. Finnan haddie		100			
Round cans				.25	.25
Drawn cans				.50	.50
98. Fish and seafood, frozen or refrigerated	Unlimited			.25	.25
99. Fishballs and cakes		100		.25	.25
100. Fish flakes and ground fish for human consumption only, excluding tuna flakes	Unlimited			.25	.25
101. Fish frankfurters		100		.25	.25
102. Fish livers		100			
In reusable 5-gallon square cans				1.25	1.25
In nonreusable 5-gallon square cans and smaller size cans				.50	.50
103. Fish oil		100		.50	.50
104. Fish paste		100		.25	.25
105. Fish, pickled			90	1.50	1.50
106. Fish roe	Unlimited				
In round double-seamed cans				.25	.25
In oval drawn cans				.50	.50
107. Halibut			90	.25	.25
108. Herring, sea and river, in oil, or brine (including alewives, anchovies, mackerel, pilchards, and sardines) (1.25 tin plate may be used for scored covers)	Unlimited				
Round cans				.25	.25
¼ drawn cans				.25	.25
¾ 3-piece cans				.50	.50
Oval or oblong drawn (other than ¼ drawn)				.50	.50
109. Herring, sea and river, in tomato or mustard sauce (including alewives, anchovies, mackerel, pilchards, and sardines in oval, round, oblong, or drawn cans) (1.25 tin plate may be used for scored covers)	Unlimited			.50	.50
110. Lobster, processed or Newburg			90	.25	.25
111. Menhaden			90	.25	.25
112. Mullet		100		.25	.25
113. Mussels, processed		100		.25	.25
114. Oysters, processed	Unlimited			.25	.25
115. Salmon	Unlimited				
In round double-seamed cans				1.25	.25
In oval or drawn cans				.50	.50
116. Scallops, processed		100		.25	.25
117. Shad	Unlimited				
In round double-seamed cans				.25	.25
In oval or drawn cans				.50	.50
118. Shrimp, processed	Unlimited			.25	.25
119. Squid		100			
Enameled cans				.25	.25
Plain bodies				1.25	.25
120. Tuna, including tuna flakes	Unlimited			.25	.25
121. Turtle		100		.25	.25

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product (1)	Grouping and quota percentages (2)			Can materials	
				Soldered or welded parts (3)	Non-soldered parts (4)
Dairy products	*Group I*	*Group II*	*Group III*		
122. Butter and butter substitutes		100		0.25	0.25
123. Buttermilk, dry			90	.25	CMQ
124. Butter oil		100			
5-gallon square cans				.50	.50
Other cans				.25	.25
125. Cheese, cottage, grated, or processed		100			
Reusable cans				1.25	1.25
Single trip cans				.25	.25
126. Chocolate and other flavored milk liquids		100		.25	.25
127. Cream:					
Fresh, frozen, or dry:					
5-gallon square cans	Unlimited			.50	.50
Pressure-propellant type cans		100			
Bodies				.25	
Bottoms					.25
Tops with soldered valves or with drawn cones or drawn fittings				.50	.50
Other can sizes	Unlimited			.25	.25
Sterilized:					
Pressure-propellant type cans		100			
Bodies				.25	
Bottoms					.25
Tops with soldered valves or with drawn cones or drawn fittings				.50	.50
Other cans	Unlimited			.25	.25
128. Goat milk	Unlimited			.25	.25
129. Ice cream			90	.25	.25
130. Ice cream mix, wet or dry		100		.25	.25
131. Malted and other milk formulations, dry		100			
Domestic				.25	CMQ
Export				.25	.25
132. Milk, dry, nonfat solids:					
5-gallon, 50-pound and larger cans	Unlimited			.50	.50
Sizes smaller than 5-gallon			60		
Domestic (0.25 one end only, where solder tipping required)				.25	CMQ
Export				.25	.25
133. Milk, dry, whole, including milk sugar and dietary dried milk-base products	Unlimited				
5-gallon, 50-pound and larger cans				.50	.50
Smaller sizes than 5-gallon				.25	.25
134. Milk, fresh, frozen, refrigerated, or processed	Unlimited				
5-gallon square cans				.50	.50
Other sizes				.25	.25
135. Milk, liquid, condensed, sweetened	Unlimited			.75	.75
136. Milk, liquid, evaporated, and modifications of evaporated milk	Unlimited				
14½-ounce or larger:					
Body				1.25	
Ends				.75	.75
Under 14½-ounce				.75	.75
Poultry and poultry products					
137. Chicken and noodles			60	.25	.25
138. Chicken fricassee	Unlimited			.25	.25
139. Chicken or turkey, a la king		100		.25	.25
140. Chicken or turkey, boned	Unlimited			.25	.25
141. Chicken or turkey, spread			60	.25	.25
142. Chicken or turkey, whole, half, or disjointed	Unlimited			.25	.25
143. Eggs:					
Frozen	Unlimited			.25	.25
Dry, powdered		100			
5-gallon square cans				.50	.50
Other can sizes				.25	CMQ
Meat (beef, veal, mutton, or pork)					
144. Bacon			60		
All seams soldered				1.25	1.25
Side seams only soldered				.25	.25
145. Barbecued meat	Unlimited				
Enameled cans				.50	.50
Plain bodies				1.25	1.25
146. Beef and other gravies			90	.50	.50
147. Beef, dried			60	.25	.25
148. Beef, veal, mutton, or pork (boiled, broiled, braised, corned, roasted)	Unlimited				
All seams soldered				1.25	1.25
Side seams only soldered				.25	.25
149. Brains		100		.25	.25
150. Chili con carne, with or without beans	Unlimited			.50	.50
151. Frankfurters in brine		100		.25	.25
152. Frankfurters with barbecue sauce		100		1.25	1.25
153. Frankfurters with beans and tomato sauce		100		1.25	.25
154. Frankfurters with sauerkraut		100		1.50	1.50
155. Ham, deviled	Unlimited			1.25	1.25
156. Ham, spiced or chopped (including luncheon meat)	Unlimited			1.25	.25
157. Hams (whole, halves, quarters, and sections) and pork loins, boned and smoked	Unlimited				
Round cans—side seam only soldered				1.25	.25
Oblong cans, 3-pound and larger				1.25	.25
All seams soldered				1.25	1.25
158. Hamburger, including meat balls, with or without onions	Unlimited				
With plain sauce				.25	.25
With tomato sauce				1.25	.25
159. Hash, meat (including corned beef hash)	Unlimited			.25	.25
160. Meat and beans with tomato sauce		100		1.25	.25
161. Meat and gravy (including goulash)	Unlimited			.25	.25
162. Meat in vinegar			90	1.50	1.50
163. Meat loaf	Unlimited			.25	.25
164. Meat, refrigerated (including fancy meats and/or edible organs)	Unlimited			.25	.25

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product (1)	Grouping and quota percentages (2)			Can materials: Soldered or welded parts (3)	Can materials: Non-soldered parts (4)
Meat (beef, veal, mutton, or pork)—Continued	*Group I*	*Group II*	*Group III*		
165. Meat spreads, with or without liver	Unlimited	100		0.25	0.25
166. Potted meat	Unlimited			.25	.25
167. Sausage (including bulk, eastings, in oil, pork, or vienna)			90	.25	.25
168. Scrapple		100		1.50	1.50
169. Spareribs and sauerkraut	Unlimited			.50	.50
170. Stew, meat type (including beef, kidney, and brunswick)		100		.50	.50
171. Tamales		100		.25	.25
172. Tongue			50	1.25	1.25
173. Tripe					
Horsemeat					
174. Horsemeat, with or without gravy and/or vegetables, federally inspected (for human consumption only)			90	.25	.25
Miscellaneous food products					
175. Almond and poppy seed paste			90	.25	.25
176. Animal and pet food	Unlimited				
177. Baby food				1.50	1.50
Fruit				1.25	1.25
Vegetables				.50	.50
Meat, including poultry				.50	.50
Fish				.25	.25
Dry, powdered, carbohydrate				.25	.25
Milk-base				1.25	1.25
Vegetables with meat				1.50	1.50
Cereal, pudding, and custards, with fruit				.50	.50
Cereal, pudding, and custards, without fruit			90	.25	CMQ
178. Baking mixes, dry		100		.25	CMQ
179. Baking powder					.25
180. Bakery products:		100		.25	CMQ
Over 15-percent moisture content			90	.25	.25
Less than 15-percent moisture content			90	1.25	.25
181. Barbecue sauce			90	.25	CMQ
182. Beer and ale			90	.25	.50
183. Bouillon cubes			90	.50	CMQ
184. Candied fruit			90	.25	CMQ
185. Candy and confectionery			90	.25	.25
186. Cereals and flour		100		1.25	
187. Chinese food specialties					
Bamboo shoots					
Bean sprouts					
Chop suey.					
Chop suey vegetables.					
Chow mein.					
Egg foo yong.					
Mixed Chinese vegetables.					
Water chestnuts.		100		.25	.25
188. Chocolate and cocoa			90	.25	.25
189. Chocolate pudding, dry		100		.25	.25
190. Chocolate syrup		100		1.25	1.25
191. Citrus peel, moist (5-gallon cans only)		100		.50	.50
192. Coconut, moist		100			
193. Coffee, dry				.50	CMQ
10-pound and larger cans				.25	CMQ
5-pound and smaller cans			90	.25	.25
194. Coffee, liquid concentrate, frozen		100		.25	CMQ
195. Coffee, soluble			90	.25	CMQ
196. Coffee, substitutes, dry		100		1.25	.25
197. Corned beef and cabbage			90	.25	.25
198. Corn meal mush			90	.25	CMQ
199. Dessert powder		100			
200. Dietary foods, special formula				.25	CMQ
Dry				.50	.50
Wet				.25	CMQ
201. Dry foods specialties		100			
Peanut and other edible nut meats, all can sizes					
Other items, including but not limited to the following:					
Popped corn, Pop corn, Potato chips, Macaroni, Noodles, Pretzels — 3-pound and larger reusable containers		100			
Smaller than 3-pound cans			90		
202. Enchiladas		100		.25	.25
203. Food colors, certified		100		.50	.50
204. Food products packed in pressure-propellant type cans, except as listed under item 127, Cream					
		100		.50	.50
			90	.25	CMQ
205. Food stabilizers					
206. Fountain fruits and syrups:				1.25	1.25
Fruit and other acid syrups				.25	.25
Toppings, nonacid in character				1.50	1.50
Carbonated beverages, base syrups		100			
No. 10 cans and larger			90		
Smaller than No. 10 cans			90	1.25	.25
207. Gelatin desserts, other than powder		100		.25	.25
208. Hominy, processed, wet					
209. Honey:				1.25	1.25
All seams soldered				.25	.25
Side seams only soldered	Unlimited				
5-pound and larger cans			90		
Smaller than 5-pound cans		100			
210. Lard and shortening				.50	.50
5-gallon square cans					
All other sizes:					
Hermetic cans:				.25	.25
Tops, body and collars					CMQ
Bottoms				.25	CMQ
Non-hermetic cans	Unlimited			1.25	.25
211. Macaroni, noodles, and spaghetti, wet pack					

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product (1)	Grouping and quota percentages (2)			Can materials: Soldered or welded parts (3)	Can materials: Non-soldered parts (4)
Miscellaneous food products—Continued	*Group I*	*Group II*	*Group III*		
212. Mayonnaise (including salad dressing and other related products)				1.50	1.50
3-gallon cans and larger		100			
All other sizes			90		
213. Mincemeat				1.50	1.50
No. 10 cans		100			
Smaller than No. 10 cans			90		
214. Mushroom sauce (from fresh mushrooms)			90	1.25	.25
215. Oils, edible:					
5-gallon square cans		100		.50	.50
No. 10, 1-gallon cans and up to 5-gallon cans		100		.25	.25
All other sizes			90	.25	.25
216. Onions, french fried			90	.25	CMQ
217. Peanut and other edible nut butters		100		.25	CMQ
218. Potatoes, french fried, shoestring, sticks			90	.25	CMQ
219. Puddings, fruit, including spiced pudding			90	1.25	1.25
220. Ravioli		100		1.25	.25
221. Rice, processed			90	.50	.50
222. Rice, Spanish (including rice dinner)			10	1.25	.25
223. Sauces, including cream, Newburg and enchilada			10	.25	.25
224. Soups and soup bases, dehydrated, 9-ounce and larger cans only	Unlimited			.25	.25
225. Soups, liquid:					
Seasonal from fresh vegetables only	Unlimited				
Asparagus, cream of celery, cream of mushroom, tomato, and vegetarian vegetable				1.25	.25
All other seasonal				.50	.50
Nonseasonal	Unlimited				
Black bean, bean with bacon, and beef				1.25	.25
Chicken broth and chicken with noodles or rice				.50	.50
All other nonseasonal				.75	.50
226. Soybean milk (liquid, or dry powdered)	Unlimited			.25	.25
227. Spices and condiments		100			
Prepared				1.50	1.50
Dry				.25	CMQ
Dredges and sifter top					.50
228. Steak sauce with mushrooms (from fresh mushrooms)			10	1.25	.25
229. Syrups (including the following syrups and blends—cane, corn, molasses, malt, maple, and sorghum):					
All seams soldered (No. 10 cans and larger)		100		1.25	1.25
All seams soldered (smaller than No. 10 cans)			10	1.25	1.25
Double-seamed oblong (1-gallon and larger)		100		1.25	.25
Double-seamed oblong (smaller than 1-gallon)			90	1.25	.25
Double-seamed round (No. 10 cans and larger)		100		.25	.25
Double-seamed round (smaller than No. 10 cans)			90	.25	.25
Irregular shaped			90	.25	.25
230. Spaghetti with meat balls	Unlimited				
Enameled cans				1.25	1.25
Plain bodies				1.25	.25
231. Tea, dry			90	.25	CMQ
232. Tortillas		100		.25	.25
233. Welsh rarebit			90	.25	.25
234. Yeast, dry, edible				.25	CMQ
Nonactive		100			
Active			90		
235. All other nonprocessed foods			90	.25	CMQ
236. All other processed foods			90	.25	.25
Nonfood products					
237. Aerosol and other pressure-propelled nonfood products	Same as product involved		specified for		
Water- and/or alcohol-base products				.50	.50
Other products:					
Bodies				.25	
Bottoms					CMQ
Tops with soldered valves or with drawn cones or drawn fittings					
238. Abrasives, grinding and buffing compounds, wet		100		.50	.50
239. Acid, nitro-hydrochloric (outer container)		100		.25	.25
240. Aircraft supplies for aircraft use only:				.25	CMQ
Hydraulic oil		100			
Hydraulic preservative oil		100		1.25	1.25
Compass fluid		100		1.25	1.25
Grease, low temperature		100		.25	.25
Antisieze compound for oxygen system		100		.25	.25
241. Aniline		100		.25	.25
242. Antifreeze (all types)				1.25	1.25
Gallon cans	Unlimited			.25	.25
All other sizes		100			
243. Artists' and school supplies (including water color boxes, trays, pans, cups, chalk and crayon boxes, and all other)			90	.25	CMQ
244. Asphalt, pitch, and tar		100		.25	CMQ
245. Auto supplies:					
Liquid radiator antirust compounds		100		.50	.50
Radiator stop leaks		100		.50	.50
Hydraulic brake fluid		100		.25	.25
Shock absorber fluid		100		.25	.25
Tire preserver			50	.25	.25
Top dressing paste and liquid			50	.25	.25
Carbon removers		100		.25	.25
Gasoline additives		100		.25	.25
Rubber lubricants		100		.50	.50
All others			90	.25	CMQ
246. Bee feeder cans		100		.25	.25
247. Belt dressing		100		.25	CMQ
248. Benzol, toluene, naphtha, xylene, gasoline, and kerosene		100		.25	.25
249. Blood and blood plasma, including extenders and substitutes (outer container)	Unlimited			.25	.25
250. Cements:					
Water-base linoleum		100		1.25	1.25
Rubber, latex-type		100		1.25	1.25
Rubber, neoprene		100		1.25	1.25
Solvent-base linoleum		100		.25	.25
Rubber-base liquid and paste		100		.25	.25
All others			90	.25	CMQ

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product	Grouping and quota percentages			Can materials	
				Soldered or welded parts	Non-soldered parts
(1)	(2)			(3)	(4)
Nonfood products	*Group I*	*Group II*	*Group III*		
251. Chemicals, dry:					
Phenols		100		1.50	1.50
Phosphorus		100		1.25	1.25
Ammonium salts		100		1.25	1.25
Hypochlorite powders		100		.25	.25
Permanganates		100		.25	.25
Photographic		100		.25	CMQ
Sodium and potassium metals	Unlimited			.25	.25
Vanadium, catalyst		100		1.25	1.25
Cyanides		100		.25	CMQ
All others					
252. Chemicals, liquid:					
Alcohols, CP and USP	Unlimited			1.25	1.25
Aldehydes and halogenated hydrocarbons		100		.25	.25
Carbon disulfide		100		.25	.25
Carbon tetrachloride		100		.25	.25
Ketones, ethers, glycols		100		.25	.25
Sodium silicate		100		.25	.25
Alcohol, industrial		100		.25	.25
All others					
253. Cleaners:					
Window spray			90	1.25	1.25
Wall paper		100	10	.50	.50
Radiator, liquid			90	.25	.25
Cleaners, liquid or paste			10	.25	.25
Cleaning fluids, solvent-type			90	.25	CMQ
All others, dry or powder					
254. Compounds:					
Boiler, liquid		100		.50	.50
Caulking or sealing		100		.25	CMQ
Soldering or welding		100		.25	CMQ
All others		100		.25	CMQ
255. Cosmetic and toiletry supplies:					
Brushless shaving cream			10	.75	.75
Hair dressings and pomades			90	.50	.50
Cold creams, lotions, and hair wave preparations			10	.25	.25
Hair wave pads			90	.25	CMQ
All others, including personal and other powders, except baby powders		100			CMQ
Bodies					.25
Bottoms					.25
Other parts					
Baby powders	Unlimited				CMQ
Bodies					.25
Bottoms					.25
Other parts					
256. Dental supplies:					
Tooth powder, ammoniated		100		.25	.25
All others		100			CMQ
Bodies					.25
Bottoms					.25
Other parts					
257. Disinfectants and deodorizers:			90		
Household, smaller than 1-gallon cans		100			
Industrial, 1-gallon and larger cans				.25	.25
Creosote				.50	.50
Fumigants				.50	.50
Liquid formulations				.25	.25
Pine oil					
258. Drugs:					
Antiphlogistine		100		1.25	1.25
Chloroform and ether, USP and ether absolute ACS	Unlimited			1.25	1.25
Ointment and salves		100		.50	.50
Distilled water (outer container) for use in reactivating blood plasma, etc	Unlimited			.25	.25
Ampoules		100		.25	.25
Dry products		100		.25	CMQ
259. Dyes:					
Pastes and liquids		100		.50	.50
Dry		100		.25	CMQ
260. Essential oils		100		1.25	1.25
261. Explosives				.25	.25
262. Exterminators, paste and powders		100	10	.25	.25
263. Film boxes		100		.50	.50
264. Fire extinguisher recharges			10	.25	.25
265. First aid cabinets and kits				.25	CMQ
266. Glues and adhesives:					
Paste and liquid			10	1.25	1.25
Dry			90	.25	CMQ
267. Glycerine:					
CP and USP	Unlimited			1.25	1.25
Industrial		100		.50	.50
268. Grain fumigant		100		.50	.50
269. Graphite:					
In oil		100		.25	CMQ
Dry		100		.25	CMQ
270. Inks					
Spirit aniline				.50	.50
Rotogravure				.50	.50
Printing and duplicating				.25	.25
271. Insecticides:			90		
Household, smaller than 1-gallon cans		100			
Industrial, 1-gallon and larger cans				1.50	1.50
Nicotine sulphate				1.25	1.25
Water-base				1.25	1.25
Emulsifiable concentrate				.25	CMQ
Oil-base				.25	CMQ
Dry			10	.50	.50
272. Leather dressings and saddle soap			10	.25	CMQ
273. Lighter fluid		100		.25	CMQ
274. Lubricating grease		100		.25	CMQ
275. Lye, toilet bowl and drain cleaners		100		.50	.50
276. Maleic anhydride					

SCHEDULE I OF NPA ORDER M-25—CAN SPECIFICATIONS—Continued

Product	Grouping and quota percentages			Can materials	
				Soldered or welded parts	Non-soldered parts
(1)	(2)			(3)	(4)
Nonfood products—Continued	*Group I*	*Group II*	*Group III*		
277. Oils, industrial:					
Animal, fish, or vegetable		100			
5-gallon square cans				0.50	0.50
All other sizes				.25	.25
Transformer		100		.50	.50
Soluble and cutting		100			
Water-base				.25	.25
Oil-base				.25	CMQ
Lubricating and motor		100			
5-gallon cans				.50	.50
1-quart and 5-quart round				.25	CMQ
All other sizes				.25	.25
278. Paint products		100			
Antifouling paints				1.50	1.50
Water-base paints, including latex				.25	.25
Oil-base paints:					
Gallon cans				.25	CMQ
All other sizes				.25	CMQ
Lacquers and thinners				.50	.50
Shellac				terne plate	
Paint and varnish removers				.50	.50
Varnishes and oil stains				.25	CMQ
Shingle stains				.25	.25
Asphalt paints				.25	CMQ
Marine paints (ship storage)				.25	.25
Dry pigments, bronze powders				.25	CMQ
279. Plaster of Paris		100		.25	CMQ
280. Polishes and waxes:					
Water-base			0	.50	.50
Solvent-base			10	.25	CMQ
Shoe liquid			90	terne plate	
Shoe paste			10	.25	CMQ
281. Putty		100		.25	CMQ
282. Recreational supplies:					
Vacuum or pressure packages			10	.25	CMQ
All other			90	.25	CMQ
283. Seeds			10	.25	CMQ
284. Seed inoculants, and seed disinfectants		100		.50	.50
285. Snuff			10	.50	.50
286. Soaps and detergents:					
Liquid			10	1.25	1.25
Paste			10	.25	.25
Powders			10	.25	CMQ
Mechanics' paste hand cleaners	Unlimited			.25	.25
287. Stock and poultry food:					
Containing 15 percent or more moisture			10	.25	.25
Containing less than 15 percent moisture			10	.25	CMQ
288. Stock, pet, and poultry remedies:					
Liquid worm killer, liquid sheep and cattle dip, liquid sheep and horse drench:					
For internal use		100		1.25	1.25
For external use		100		.25	.25
Roost paint		100		1.25	1.25
Dry products		100		.25	CMQ
289. Surgical dressings and hospital supplies, bandages, adhesive tape, mustard plasters, etc		100		.25	CMQ
290. Tobacco:					
Cigars and cigarettes			90	.25	CMQ
Pipe:					
7-ounce and less		100		.25	CMQ
Larger than 7-ounce			90	.25	CMQ
291. Turpentine		100		.50	.50
292. Weed killers			10	.50	.50
293. Wood fillers		100			
Cellulose				1.25	1.25
Others				.25	CMQ
294. All other nonfood products			90	.25	CMQ

[F. R. Doc. 52-10843; Filed, Oct. 2, 1952; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1000—GENERAL PROVISIONS

REPORT OF PROFIT UNDER THE VINSON-TRAMMELL ACT

Section 1000.1 (15 F. R. 8970; 32 CFR 1000.01) is amended to read as follows:

§ 1000.1 *Report of profit under the Vinson-Trammell Act*—(a) *Requirement.* Prime contractors and subcontractors performing Air Force contracts which are subject to the provisions of the Vinson-Trammell Act (sec. 3, 48 Stat. 505, as amended; 34 U. S. C. 496, 10 U. S. C. 311) are required to file a report of profit with the Secretary of the Air Force within 90 days after completion of the contract.

(b) *Responsibility.* The report covering an Air Force prime contract which is subject to the terms of the act must be filed by the prime contractor as a condition precedent to final payment under such contract. Finance officers are required to withhold final payment on a prime contract which is subject to the Vinson-Trammell Act, until advised that the report covering the contract has been filed. Processing of reports will be expedited so that payment to prime contractors will not be unduly delayed.

(c) *Forms.* The form prescribed for use is DD Form 147, Report of Profit on Army, Navy, or Air Force Contract. Forms may be obtained from the Commanding Officer, Wilkins Air Force Specialized Depot, Shelby, Ohio; or, Commanding Officer, Cheli Air Force Specialized Depot, Atlantic and Pandini Boulevards, Maywood, Los Angeles County, California.

(d) *Use of report.* The data contained in the reports will not be disclosed to any unauthorized person. A prime contractor with whom negotiations are being conducted will not be furnished data obtained from a report previously filed by a subcontractor. However, where such a report indicates an unreasonable profit on a previous subcontract, the buyer may question the reasonableness of the subcontractor's prices in negotiations between the prime contractor and the Government, provided that the specific data contained in such subcontractor's report will not be revealed to the prime contractor.

[AFR 70-11] (Sec. 3, 48 Stat. 505, as amended; 34 U. S. C. 496, 10 U. S. C. 311)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-10630; Filed, Oct. 2, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 975]

[Docket No. AO-179-A9]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Cleveland, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Cleveland, Ohio on June 25–27, 1952, pursuant to notice thereof which was issued on June 13, 1952 (17 F. R. 5469).

The material issues presented on the record of the hearing were whether the order should be amended to provide for:

1. Increasing the level of the Class I price differential and introducing a factor which would automatically raise or lower the differential in response to undersupply or oversupply of milk in the market;

2. Substituting a cheese price formula for the butter-cheese formula as one of the basic formula prices;

3. Reducing the level of Class II and Class III prices, providing for a variable reduction in the price of the skim milk component of these classes when there is a specified oversupply of milk for the market, and eliminating special pricing for Class II butterfat in ice cream, Class III butterfat in butter and shrinkage, Class III skim milk in evaporated milk, and skim milk and butterfat sold during the flush production months to manufacturers of soup, candy, or bakery products;

4. Increasing the rate of location adjustments allowed to handlers and readjusting the schedule applicable to deliveries by producers;

5. Altering the pool plant disqualification provisions to give credit to the country plants originating shipments of milk destined for delivery to a city plant rather than crediting only the country plant from which shipment is finally made, and extending the credit to butterfat in the form of cream instead of confining it to shipments of whole milk;

6. Classifying as Class III the skim milk and butterfat content of any dairy products dumped or disposed of for livestock feeding;

7. Extending the pro rata allocation of other source milk to September and February instead of only the intervening months, and to apply in any of the specified months in which producer receipts are less than 120 percent;

8. Adding fluid cream to the schedule of fluid milk items on which handlers operating nonpool plants are subject to obligation;

9. Assessing payments on receipts of milk subject to other Federal orders when the prices under such other order are less than those applicable under the Cleveland order; and

10. Changes to clarify the language of certain provisions.

Findings and conclusions. The following findings and conclusions on the issues herein are hereby made upon the basis of the record of the hearing:

1. The Class I price differentials should be increased by an annual average of 30 cents per hundredweight and a supply-demand adjustment should be provided as a means of automatically adjusting prices to changes in the relationship between supply and market requirements.

Producers proposed that the annual level of the fixed Class I price differentials be increased by 35 cents per hundredweight. This increase was distributed seasonally at the rate of 25 cents during May and June bringing the total differential for those months to $1.10, 35 cents during March, April, July and August to a total of $1.45, and 40 cents during the months of January, February, September, October, November, and December to a total of $1.90.

The principal evidence advanced in support of the 35-cent increase in the average Class I premium was the fact that handlers have paid substantial premiums over order prices in every month since August, 1950. Handlers have apparently found it necessary to pay these premiums in order to attract and maintain sufficient supplies of producer milk to fill market requirements. The premiums were generally paid as an addition to the blend, or uniform prices payable to producers. However, such payments can be converted to the amount which it would be necessary to add to the Class I price in order to achieve the corresponding increase in blended prices. On this basis the premiums paid averaged 33.5 cents during the calendar year 1951 and 36.7 cents during the 16-month period January 1951–April, 1952. Producers took the position that the proposed 35-cent increase was amply justified by this history of the actual prices, inclusive of premiums, paid for milk over a considerable number of months and that they were more nearly in line with prices in the other markets with which Cleveland competes actively for milk supplies.

As noted above, a greater increase was requested during the months of lowest production and a lesser increase during the two flush production months of May and June. Producers recognized in their proposals for amendment that flush season production in this market was unduly large in relation to short season production. The proposed schedule of differentials provides for an 80-cent higher premium during the short season than in the flush months as compared with the 65-cent difference contained in the present order. It was testified that the higher rates of payment during the fall and winter months would more adequately compensate producers for the extra costs incurred in producing milk during these months and would encourage them to increase their production at this season.

Producers further proposed that the modified schedule of Class I price differentials be supplemented by a supply-demand adjustment which would increase the price whenever market supplies became less than normal and lower the price whenever an oversupply developed. The proposed adjustment was based upon the premise that receipts of milk from producers in November, the months of normally shortest supply, should be equal to 120 percent of gross sales of Class I milk. The normal or standard supply for months other than November was computed by applying the average seasonal distribution of producer receipts and gross Class I sales over the three year period 1949 through 1951 to the November base of 120. The supply-demand adjustment would be computed each month by comparing the actual relationship between receipts and sales in the preceding month with the standard supply-demand relationship, adding 2 cents for each percentage point that current supplies were less than normal and subtracting 2 cents for each percentage point above normal, with a limit of plus or minus 20 cents.

Handlers proposed that the Class I price differential be entirely dependent upon the proportion of producer milk utilized as Class I in the current month, without reference to fixed pattern of differentials. Their reference point or "normal" Class I differential was $1.85 per hundredweight, to be effective when producer receipts were 120 percent of the Class I utilization of producer milk. It was explained that this would be the normal situation in the month of shortest supply. In any month when receipts were less than 120 percent of sales, 3 cents would be added per percentage point deficit. In any month when receipts were more than 120 percent of sales, and this would normally include all months except November, the $1.85 differential would be reduced by 2 cents per percentage point of overage multiplied by the percentage of producer milk classified as Class I. For example, during 1951 producer receipts reached a peak of 167 percent of Class I utilization of producer milk, with 59.75 percent of the total producer receipts being in Class I. The supply percentage was 47 points above normal and the Class I differential would have been 56 cents per hundredweight below the standard of $1.85, a net of $1.29. In November receipts were only 112 percent of sales, a deficit of 8 points from standard, and the differential would have been $2.09, or 24 cents over normal. This device would automatically reward producers for any improvement in the seasonality of their production by making a lesser reduction of the $1.85 during the flush months and discourage any additional flush season production by providing a still lower price. It is also designed to correct year-to-year conditions of oversupply or shortage by appropriate reductions or increases, respectively, in the price differential.

The handlers' proposal appears to have several shortcomings. One fundamental difficulty is that it places too great a reliance on the current relationship between the supply of producer milk and Class I utilization. The utilization percentage in any given month may vary quite widely from normal as a result of storms, drought conditions, an early pasture season, interruptions in the distribution process as a result of strike, or other contingencies. In fact no two seasons are exactly alike, either as to supplies or sales. A pricing system which depends so largely upon one variable element does not meet the needs of dairy farmers. Dairying is a long-term venture characterized by large investments in relation to the average annual income. Changes in output are dependent upon natural phenomena and cannot be modified quickly. It follows that producers' plans will be facilitated

by as much definite assurance as possible of the level of prices which can be expected some months hence. Instead of allowing the entire Class I differential to depend upon the utilization percentage of a single month, it is more in line with dairymen's requirements to provide a fixed schedule of Class I price differentials, and a supply-demand adjustment which plays only a subordinate role in the adjustment of the stated prices.

A second difficulty is that the particular supply-demand relationship advocated by handlers is not computed until the following month, when complete data on receipts and utilization during the pricing month have become available. This, of course, is too late for a producer to respond to a price increase or decrease either by way of altering his feeding practices or shifting his market outlets. Handlers also cannot revise their procurement or sales policies in response to the price changes unless there is a prospect that a given change will continue for several months.

A third shortcoming is that the 2-cent per point adjustment provides only a comparatively small seasonal difference in the Class I price differential. Over the past three years the average variation in supplies and sales has been such that a utilization percentage of 180 in May would have coincided with the proposed goal of 120 in November. The May figure is 60 points over normal, or a gross deduction of $1.20, but only 55.6 percent of producer milk would be in Class I, so the net deduction is only 67 cents, having a Class I differential of $1.18. The present order has a seasonal difference of 65 cents between the flush and short months and this was widely regarded as much too small a difference to encourage more level production.

Upon consideration of both points of view and analysis of the data, it is recommended that the Class I price differential be established at $1.90 during the period August through January, $1.45 in February, March and July, and $1.00 in April, May and June. The short-season premium of $1.90 was proposed by producers, concurred in by one of the largest handlers in the market, and is 5 cents in excess of the normal short-season price proposed by the handlers as a group. This short-season differential reflects the average premiums which have been paid in this market over the twenty-month period preceding the hearing and is designed to achieve a price level under the order which will make it generally unnecessary for handlers to continue to pay premiums over order prices in order to obtain adequate supplies of pure and wholesome milk. The principle of establishing order prices at levels which will make it unnecessary to pay premiums was strongly endorsed by both producers and handlers.

The seasonal aspect of the pricing problem results from the fact that Cleveland producers have been supplying far greater quantities of milk during the spring months than are needed by the market. Sales requirements, of course, are essentially the same during all seasons of the year. Production, on the other hand, is normally greatest during the spring months when pasturage is available, but fluid milk markets are best served by as nearly constant milk production as natural factors will allow. In 1949 daily average receipts of milk from producers during May, the month of highest production, were 44 percent over those during the low month, November, in 1950 the June receipts were 48 percent over December, and in 1951 the June receipts were 53 percent over November. Over the three-year period peak receipts were averaged 48 percent over receipts during the shortest month. It is evident that the summer excess is of burdensome proportions and is growing progressively greater rather than being reduced.

Two measures are recommended to help remedy this situation. One is a 10-cent lower premium than that proposed by producers to be effective during the peak production months. There was, in fact, testimony that the differential of 85 cents now specified by the order should not be raised. However, it is clear that premiums continued to be paid during the late spring months in order to keep on a competitive procurement basis with adjacent markets. The recommended differential of $1.00 per hundredweight will help bring order prices to more competitive levels, yet leave producers a considerable incentive to shift from spring to fall production.

The differential of $1.45 during the intermediate months is the same as that recommended by producers and appears to represent an appropriate level to maintain supplies at adequate levels.

The second measure recommended to induce a more even seasonality of production consists of a re-grouping of the months to which the various rates of Class I differentials apply. Producers are not paid for milk until the 20th of the month following that in which milk was delivered. To some extent, therefore, their reaction to seasonally lower or seasonally higher prices is delayed beyond the time when the changes actually become effective. Accordingly, the maximum differential has been applied to the months of August through January instead of September through February. The flush-season differential has been made effective during April, May and June instead of only during the latter two months. The intermediate price differentials should be made effective during the months of February, March and July.

The supply-demand adjustment should be based on a normal supply of producer milk equal to 115 percent of gross Class I sales during November, the month of usually shortest supplies.

Proposals by both producers and handlers were based on a short-season normal supply equal to 120 percent of Class I utilization. It was testified that a monthly average reserve of 20 percent over requirements is needed to assure adequate supplies during days of peak demand. This is an unusually high reserve, however, especially since it constitutes a reserve over combined needs for fluid milk and cream instead of only over the former. The recommended standard utilization of 115 percent compares with an actual low of 111 in December 1950 and one of 106 in November 1951.

The standard utilization percentages for the other months should reflect a somewhat more even pattern of production than the market has experienced in recent years. In comparison with the average seasonality of the receipts-sales ratio in the years 1949–51, the standard has been reduced 4 points in April and 2 points in May. With slight improvement in seasonality of production in these months no adverse effect upon early summer differential would result. Off-setting increases have been made in August, September and October of 1, 3, and 2 points, respectively, which will tend also to encourage a more even seasonality of production. The monthly relationships between receipts of milk from producers and Class I sales which were considered desirable are as follows:

Month:	Percent	Month:	Percent
January	123	July	147
February	127	August	135
March	137	September	130
April	146	October	125
May	170	November	115
June	166	December	119

The most probable supply-demand relationship for the current month should be predicted on the basis of the average utilization during the first and second preceding months. When the current utilization percentages are below the corresponding standard percentages, the Class I price differential will be increased and when utilization is above normal there will be a corresponding decrease in the Class I price. The rates of increase and decrease should be varied seasonally. Fall production should be encouraged with a 3-cent price increase per percentage point when the market is undersupplied, and summer production should be discouraged by a 3-cent decrease whenever the market is oversupplied. On the other hand, any increase in supplies during the late fall months would not be burdensome except as an indication of a general oversupply, and the rate of discount should be only 2 cents. Similarly, any evidence of undersupply during the flush months should result in only a 2-cent per point increase. During the intermediate months, increases and decreases of 2 cents per point are appropriate. The amounts of the supply-demand adjustment have been tabulated to correspond to bracketed changes in the "deviation percentages" or the departure of the current utilization percentage from the standard. Bracketing the deviation percentages removes some of the random fluctuations which are inevitable in the use of recent supply-demand relationships to forecast a prospective situation. The maximum amount of the supply-demand adjustment has been limited to 55 cents. Any greater departure from normal than 18 percentage points is probable evidence of fundamental changes in the market and would indicate a need for complete review of the price structure.

Historical data cannot provide a complete test of the probable results of a supply-demand adjustment since it would have changed prices and thereby affected both receipts and sales. However, it is of interest to note that during

1949 the recommended schedule of adjustments would have raised Class I prices by 7 cents in March, April, May, August and September and would have lowered them 10 cents in June and July and 7 cents in December. In 1950 there would have been 10- to 13-cent decreases in January through May and 7- to 19-cent increases during the last 7 months, the average increase for the year being 2 cents. In 1951 increases would have been effective every month, averaging 16 cents for the year. In the first half of 1952 there would have been increases of 19 cents in January and February and of 7 cents in March and decreases of 10 cents in April, 28 cents in May, and 46 cents in June. The change from shortage to excess reflects the addition of pool plants in February and March and favorable production conditions in April and May.

2. A cheese price formula should be substituted for the butter-cheese formula which is now included in the order as one of the three alternative methods of determining the basic formula price.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices.

The cheese price formula presented for consideration at the hearing was developed by a multiple correlation analysis, using butter and cheese prices to account for changes in prices paid for 3.5 percent milk by Wisconsin cheese factories. The factors discovered by this analysis were closely related to yields and manufacturing costs. This indicates that considerable future reliance can be placed upon the operation of the formula; during the years 1948 through 1951 formula prices were within 6 cents per hundred pounds of the monthly average prices actually paid for 3.5 milk at the cheese factories in over 80 percent of the cases, and 16 cents was the maximum difference.

To determine the value per hundred pounds of 3.5 milk the average price per pound of cheddar cheese, as reported in the Wisconsin primary markets, is multiplied by 8.53, the price per pound of 92-score creamery butter at Chicago is multiplied by 0.902, and 34.3 cents is added to the sum of these products.

3. The price of butterfat used in all Class II products should be reduced to the same level as that used to produce ice cream, the prices of skim milk in Class II and of butterfat in Class III should remain unchanged, the price of skim milk in Class III should remain unchanged except for the elimination of the special pricing of skim milk used in evaporated or condensed milk in hermetically sealed cans, and the special credit applicable during the flush months to sales of milk and cream for manufacturing purposes to manufacturers of candy, soup or bakery products should be eliminated.

Handlers presented two sets of proposals for the pricing of milk used for Class II and Class III purposes. The proposal which they indicated they preferred would have continued to price butterfat in these two classes at a market price for butter multiplied by a fixed factor. However, they proposed to reduce the Class II and Class III prices of skim milk during any month when producer receipts were more than 140 percent of the Class I utilization of producer milk. Since handlers take the position that the supply in the normally shortest month should not be less than 120 percent of Class I utilization, it is apparent from market history that the supply percentage in the flush season would normally exceed 140 percent.

The fundamental difficulty with this proposal is that the prices it would establish for seasonally excess milk do not reflect returns obtainable for the products manufactured from this milk. That surplus prices should reflect these values was implicitly recognized in the handlers' proposal that Class II and Class III butterfat prices continued to be based upon market prices of butter and was explicitly recognized in testimony to that effect. Skim milk values should also be related to the value of the manufactured product. The milk processing facilities operated by handlers or available to them are not so limited in this area as to require distress pricing of the seasonal excess. The proposal should not, therefore, be adopted.

The alternative proposals which handlers offered in the event of unfavorable consideration of their primary pricing proposal involved changes in the formulas used in establishing Class II and Class III prices on the basis of market quotations for manufactured dairy products. They proposed that all butterfat utilized for Class II purposes be priced at 120 times the Chicago price of 92-score butter. It was brought out that ice cream is the principal outlet for Class II butterfat, and that cream used for creaming cottage cheese is the only other sizable category of Class II butterfat. It was testified that the quality standards of cream for these two purposes are identical and that the same sources of open market cream are available for use in cottage cheese as in ice cream. The present order uses a multiplier of 125, except that butterfat used to produce ice cream or ice cream mix is priced at 120 times the butter price. Since a multiplier of 120 has proved appropriate for ice cream and since other Class II products are on essentially the same competitive basis as ice cream, the price per hundred pounds of all butterfat utilized for Class II purposes should be established at 120 times the price per pound of 92-score butter at Chicago.

The notice of hearing contained a proposal by handlers altering the pricing of skim milk in Class II. However, no testimony was offered in support of this proposal and no change should be made in this provision of the order.

It was proposed by handlers that the value per hundred pounds of butterfat utilized in Class III be reduced to 110 times the price of 32-score butter at Chicago. The order currently provides a valuation of 120 times the butter price, except for butterfat used in the manufacture of butter which is priced at $5.00 per hundred pounds of butterfat below the specified price. There was very little specific information advanced in support of this change. Butter is by far the largest single outlet for Class III butterfat, and evaporated milk is the only other significant use. Deducting the $5.00 per hundredweight allowance on butterfat used in butter reduces the multiplier to 113 when butter is valued 70 cents per pound, and it appears that this valuation is very close to competitive levels.

With respect to the pricing of skim milk in Class III, handlers proposed a reduction of 20 cents per hundredweight during the months of April, May, June and July. The supporting testimony was principally devoted to the difficulties encountered by those handlers whose plants are located in or near Cleveland and who depend entirely upon direct-delivered milk. During the flush production months receipts from producers are commonly greater than can be handled at these plants, and considerable quantities of milk must be hauled to manufacturing plants. It must be recognized, however, that even in the absence of a milk marketing order, those handlers having only city plant facilities would still be in direct competition with those having country plants. They would be faced with the same volume of surplus milk and would have to choose whether to install sufficient facilities to manufacture the peak volumes or be prepared to transport the milk to specialized manufacturing plants.

Some further basis for judging the adequacy of the Class III price can be obtained by comparing the price per hundredweight of Class III milk containing 3.5 percent butterfat with prices paid for similar milk in markets comparably situated. These comparisons are perhaps more useful than comparisons of the component skim and fat values, since competition is primarily in terms of whole milk as delivered by producers, and the assignment of values to skim and to butterfat are somewhat arbitrary. Producers introduced a tabulation of comparative prices of milk used for butter and for other products generally corresponding to those classified in Class III under the Cleveland order. The markets for which prices are tabulated include all the Federal order markets in Ohio and those in Chicago, Illinois, and South Bend and Fort Wayne, Indiana. All these markets except Chicago are directly competitive with Cleveland for milk supplies. It was pointed out that the prices payable under the Cleveland order for 3.5 milk used in the manufacture of butter were lower than those in any of the markets listed except for the months of January and March 1952 when the Chicago Class IV price was slightly below the Cleveland butter price. The Cleveland Class III price for milk used in products other than butter was also generally lower than corresponding prices in all other markets except Fort Wayne, Toledo, and Lima. The fact that the Cleveland order prices for milk used for butter and other Class III products are generally below the corresponding prices in markets having a wide variety of operating conditions, supports the conclusion that neither the fat or skim components of the Class III prices should be reduced.

The Class III pricing provisions proposed by handlers omit any special provision relating to milk used for evaporated or condensed whole milk or skim milk in hermetically sealed cans. The present order prices 3.5 milk for such uses at the 18-condensery pay price less 8 cents, assigning the fat content a value based upon butter prices and leaving a residual price for the skim milk component. With regard to 3.5 milk so processed, the effect of this order provision is to provide a special price based on condenseries rather than on butter-powder values, the special price generally being lower than the Class III price. The value of skim milk so utilized, however, fluctuates erratically depending upon the level of prices paid by condenseries as compared with market values of butter and nonfat dry milk solids. In the circumstances, the special pricing for these items should be eliminated.

Handlers specifically proposed the elimination of the special provision reducing the price on milk or cream sold during the months of April through July to manufacturers of soup, candy and bakery products. They testified that they had been unable to develop any such outlets during these months. Since the provision has served no useful purpose, it should be deleted.

4. Location differentials to handlers and producers should be retained at present levels for distances up to 75 miles, the rate in the 75 to 90 mile zone should be increased one cent to a total of 18 cents per hundredweight, and the differential should increase thereafter at the rate of 2 cents per 15 miles.

Handlers originally proposed that the location adjustment at all distances be increased by 10 cents per hundredweight. However, testimony by contract haulers and others at the hearing demonstrated that the present schedule of differentials was more nearly in conformity with the hauling rates in the nearest zones and least adequate at the most distant locations. The proposal was therefore altered to call for raising the location adjustment rates progressively with increases in the distance from the market.

The recommended rate results in location adjustments which are generally equal to current hauling costs. There was testimony by one hauler that further increases in rates are in prospect, but the record provided no means of determining whether competitive conditions would permit such increases to become fully effective.

With respect to location adjustments to producers, handlers proposed that the same schedule of rates apply as in the handler adjustment, but that the amount of such adjustment be limited on a percentage basis to the actual amount of the adjustment allowed to handlers. This proposal results from the fact that the handler location differentials apply only to the actual quantity of Class I milk moved to the marketing area from a given location, whereas the producer differential applies on the total quantity of milk delivered to a plant at a given location. During the fall months when substantially all of the milk delivered to country plants is shipped into the marketing area, virtually the full amount of the producer differential would become effective. However, during the flush production months when large quantities of milk are processed at country plants instead of being shipped to market, the entire schedule of producer location differential rates would be reduced.

Location differentials have been a persistent problem since the inception of the order in Cleveland. Basically this results from the exceptionally keen competition for milk at the periphery of the milkshed with a less evident need to maintain prices for direct-delivered milk. The demands of the market have made necessary a continual expansion of the milkshed. This expansion has involved direct competition with numerous other markets, and handlers have been obliged to pay the local competitive price at such points and incur the cost of hauling such milk to Cleveland. Handlers therefore feel that they could compete more effectively for milk supplies at such points if the order would allow them to deduct somewhat lower location adjustments from producers.

The producer location differential is primarily a matter of distributing pool returns to producers and does not directly affect handlers' costs for milk. The Cleveland handlers point out, however, that the price of milk delivered directly by producers to city plants can be lowered and prices at country stations correspondingly raised by the proposed limitation on the producer location differentials. Fundamentally, however, the only condition consistent with long run stability and maximum efficiency in the marketing of milk at order prices is for the price of milk delivered to the city to be at such levels as will meet the competition for milk at the periphery of the milkshed and cover the transportation costs incurred in moving such milk to the city. The recommended pricing provisions and location adjustments are designed to accomplish this purpose and the proposed percentage limitation on the producer location adjustment has not been adopted.

5. The pool plant disqualification provisions should not be altered.

One proposed change would give credit to a country pool plant originating a given shipment or portion thereof instead of crediting only the country pool plant from which shipment is ultimately made to a city plant. This proposal was advanced as a means of allowing credit to each of several individual plants combining shipments into a full tank load, and to permit a given country plant to obtain supplemental supplies from more distant country plants without depriving the latter of the credits which would accrue if the milk was shipped directly to the city. It appears, however, that shipments of partial tank truckloads from a country plant would seldom be a problem at times when the maintenance of pool plant status would be a factor and that the shipment of supplementary milk is more a matter of business arrangements than of efficient shipment of milk to market. The disadvantage of the proposal is that it would tend to encourage the arbitrary allocation of shipments of milk among pool plants for the sole purpose of maintaining pool status, without regard to market requirements.

It was also proposed that the shipping requirements for continuance of pool plant status be in terms of either butterfat or milk, thereby crediting cream shipments instead of only milk shipments as at present. This would constitute a major revision of the requirements for maintaining pool plant status without altering those for initially acquiring status. For example, Cleveland has regularly obtained large quantities of cream from sources other than producers. The plants supplying such cream could maintain status as pool plants (if they could initially acquire such status) without making any fluid milk supplies available for the primary fluid milk needs of the market. There was no indication that the presently qualified pool plants are faced with a difficult problem in maintaining status during the next several months. It therefore appears preferable to keep the requirements in terms of milk until a more thorough review of all pool plant requirements can be made.

6. The Class III definition should be broadened to include homogenized milk and flavored milk and milk drinks disposed of for livestock feed and milk or skim milk dumped after suitable notice to the market administrator.

Handlers proposed that skim milk and butterfat in any milk product dumped or disposed of for livestock feed be classified as Class III. This proposal is not administratively feasible. Equitable treatment of all parties in the market requires that receipt and utilization be verifiable by audit or equivalent evidence. Any dumping which may be necessary must follow notice to the market administrator so that he can have it witnessed or verified by any other means he deems appropriate. This process is not applicable to the disposal of daily route returns which must necessarily be handled within the limits of the shrinkage allowance. With regard to livestock feeding, the addition of homogenized milk and flavored milk and milk drinks to skim milk and buttermilk encompasses virtually all the products which cannot be disposed in more remunerative outlets than as livestock feed.

7. The conditions under which other source milk should be prorated with the utilization of producer milk should not be changed.

The order now allows other source milk to be prorated during any of the months of October through January by any handler whose receipts of butterfat in milk from producers and pool plants is less than 110 percent of the butterfat

in Class I sales. Handlers proposed that 120 percent was a more appropriate measure of the type of short supply situation in which pro rata allocation of other source milk should be permitted and that the provision be extended to September and February. It was particularly urged that the producers' proposal to use 120 percent as the standard supply in November for Class I pricing purposes constituted an endorsement of the proposed allocation percentage. It must be recognized, however, that the supply-demand price adjustment is based upon average utilization in the entire market, that the proposed ratio of 120 percent applies only in one month, and that it constitutes a pricing normal above or below which corrective pricing only begins to become effective. The allocation standard applies to each handler individually and makes a complete change in the relative position of producer and other source milk. Moreover, the addition of 4 pool plants in February and March 1952 has provided a supply of producer milk which appears likely to maintain an adequate supply during the entire year. Thus, there now appears to be less need than in recent years for the type of action proposed.

8. Fluid cream should not be added to the list of products on which compensatory payments must be made by nonpool plants distributing such products in the marketing area.

The proponents of this change maintained that much of the fluid cream business in the marketing area had been captured by nonpool plants. It was charged that sanitary requirements for cream from such sources were sufficiently below those applicable to Grade A milk from Cleveland producers to give the nonpool plants a cost advantage. Such differences, however, are recognized in the lower price for cream than for other Class I products. The cream price was designed specifically to be competitive with nonpool sources of cream under prevailing inspection requirements, whereas no testimony was offered in support of the Class III price as reflecting cream values at nonpool plants.

9. The order should not be changed with respect to milk subject to the pricing provisions of other Federal orders.

The Cleveland order currently considers milk from other Federal markets as "other source" milk for allocation purposes, but exempts it entirely from pricing and payment provisions. It was proposed that such milk not be considered as other source milk for allocation purposes but should, rather, be allocated as the handler sees fit. This aspect of the proposal should not be adopted. From the viewpoint of the producers who regularly supply milk to Cleveland, such milk is as much other source as milk from State-regulated or unregulated sources. It should not be used to displace producer milk in Class I except under the same conditions as specified for all other source milk.

It was further proposed that on milk from other Federal order markets sold as Class I in the Cleveland market handlers be obligated to pay into the Cleveland producer-settlement fund any amount by which the value of the milk under the other order is below the Class I value under the Cleveland order. However, no need for such a provision was demonstrated. In fact there are no similar charges on other source milk acquired by a pool plant unless such acquisitions constitute more than 50 percent of its total receipts of producer milk. In the absence of such a charge on milk from unregulated sources, there is no basis for assessing a charge on milk from another Federal order market.

10. Paragraphs (a), (b), and (c) of § 975.53 should be amended to delete the phrase "and as Class II milk if transferred as cream" since cream is no longer a Class II product. Also the parenthetical phrase "(other than butterfat in butter)" should be deleted from § 975.56 (a) because the price applicable to the butterfat in shrinkage is the same as that applicable to butterfat used in the manufacture of butter.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. In § 975.51 (c) (1) delete the phrase "and skim milk or buttermilk disposed of for livestock feed;" and substitute therefor the following: "or accounted for as dumped milk or skim milk or as homogenized milk, flavored milk and milk drinks, skim milk, or buttermilk disposed of for livestock feed;"

2. Delete from each of paragraphs (a), (b), and (c) of § 975.53 the phrase "and as Class II milk if transferred as cream,"

3. Delete from paragraphs (a) and (e) of § 975.56 the phrase "(other than butterfat in butter)".

4. Delete § 975.60 (b) and substitute therefor the following:

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 0.902 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month; and

(2) Add 8.53 times the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department of Agriculture during the month; and

(3) Subtract 34.3 cents.

5. Delete § 975.61 (a) and substitute therefor the following:

(a) (1) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
April, May, and June	$1.00
February, March, and July	1.45
All others	1.90

and add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	117
February	121
March	125
April	132
May	142
June	158
July	168
August	156
September	141
October	132
November	128
December	120

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is—	Supply-demand adjustment for specified months is—		
	Jan., Feb., Mar., Aug., and Sept.	April, May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+18 or over	−37	−55	−37
+15 or +16	−31	−46	−31
+12 or +13	−25	−37	−25
+9 or +10	−19	−28	−19
+6 or +7	−13	−19	−13
+3 or +4	−7	−10	−7
+1 or −1	0	0	0
−3 or −4	+7	+7	+10
−6 or −7	+13	+13	+19
−9 or −10	+19	+19	+28
−12 or −13	+25	+25	+37
−15 or −16	+31	+31	+46
−18 or below	+37	+37	+55

(2) When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month: *Provided*, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

6. Delete § 975.62 (a) and substitute therefor the following:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120.

7. In § 975.63 (b) replace the colon preceding the word "*Provided*" with a period and delete all language appearing thereafter.

8. In § 975.70 replace the colon preceding the phrase "*And provided also*" with a period and delete all language appearing thereafter.

9. In § 975.71 change "17 cents per hundredweight" to read "18 cents per hundredweight", and change "an additional 1 cent for each additional 15 mile zone" to read "2 cents additional for each additional 15 mile zone".

Filed at Washington, D. C., this 30th day of September 1952.

[SEAL] GEORGE R. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-10726; Filed, Oct. 2, 1952; 8:51 a. m.]

[7 CFR Part 982]

[Docket No. AO 238]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Abilene, Texas, February 11–15, 1952, pursuant to notice thereof which was issued on January 16, 1952 (17 F. R. 661).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on July 2, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 8, 1952, (17 F. R. 6116).

The material issues of record related to:

1. Whether the handling of milk produced for the marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a milk marketing agreement or order;

3. The extent of the marketing area;

4. Scope of regulation;

5. The classification and allocation of milk;

6. The determination and level of class prices;

7. Payments to producers; and

8. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Central West Texas marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in states other than Texas are imported regularly to supply the needs of handlers in the Central West Texas area. Since the production area within the state does not furnish a sufficient supply, the importation of milk for fluid use is a normal part of the operations of several handlers in this area. One handler whose plant is located in Midland, Texas, is currently importing 3,000 gallons per day of milk produced in Missouri, which represents approximately 60 percent of his receipts. Another handler whose plant is located in San Angelo, Texas, imports from Missouri from 12 to 20 percent of his total receipts, or approximately 5,600 gallons per week. Other handlers also import milk from Wisconsin and Missouri.

Substantial volumes of milk are sold in Central West Texas by Dallas handlers subject to the North Texas milk marketing order. These handlers also receive milk from producers in states other than Texas. Such milk is sold in competition with that of handlers with plants located in cities of the Central West Texas area. There is also competition for sales between handlers of the Central West Texas area and handlers who receive milk from producers whose farms are located in New Mexico. The plant of one such handler is located in New Mexico.

2. *Need for regulation.* Marketing conditions in the Central West Texas marketing area justify the issuance of a marketing agreement and order.

The Central West Texas area is an extensive area in which the population of the principal cities has increased rapidly in recent years. At the same time the production of milk has declined, particularly under severe drought conditions of the past two years. As a consequence major handlers of the area have imported substantial quantities of milk throughout all months of the year. Local producers have nevertheless at times been paid surplus prices for their milk at the same time that handlers have been importing outside milk.

Producers delivering milk to the same plant are frequently paid different prices. The prices paid by handlers with plants located in the same city also differ from each other. One of the larger handlers operates five bottling plants located in five different cities of the area, and a receiving station at a sixth location. At his largest plant in Abilene, nearby producers who deliver their own milk are paid one price, while more distant producers, whose milk is picked up in cans at a collection point, are quoted a lower price at the collection point and also pay the hauling charge from the collection point to the Abilene plant. Thus, the milk picked up at the collection point actually costs the handler less than the direct delivered milk. As a result, some producers whose milk moves in their own cans to the Abilene plant receive 40 to 50 cents less per hundredweight for their milk, as delivered at Abilene, than do other producers delivering to the same plant. Inequitable costs to handlers for milk for fluid use also has resulted from this arrangement, since other handlers receiving milk at Abilene have paid prices equal to those paid by this handler for milk delivered direct to his plant. The same handler quotes prices for milk delivered to his Brownwood and Comanche plants which are less than his prices for milk delivered to his Midland, Abilene and San Angelo plants, and makes further deductions from payments to producers delivering milk to Brownwood and Comanche for movement of milk to such other plants. A San Angelo handler also is paying different prices for milk received at his plant to producers from different areas.

Handlers have refused to bargain with a cooperative association representing a substantial majority of the milk producers of the area with respect to the prices and conditions under which producers market their milk. With some few exceptions, handlers have not permitted the association to render to its members check testing and weighing services. For some time after the association was first organized in 1949, handlers by coercion and intimidation attempted to keep producers from joining the association. Handlers will not allow the association access to records to verify the use made of producer milk, and producers are not permitted to participate in the price-making functions of the market. They often learn of changes in price only at the time of payment for milk. This situation has prevented the development of an orderly system of establishing prices for milk produced for fluid consumption in this area. Such a system is needed to as-

sure producers of fair and equitable prices, and equal costs of milk to handlers.

There is need for market-wide information concerning production and sales in order that producers may plan their production and marketing programs intelligently. The adoption of a classified price plan based on the audited utilization of handlers, and market-wide pooling of returns among producers, will provide, respectively, equal costs to handlers for milk used for like purposes, and a fair division among all producers of the returns from fluid sales in the market.

3. *Extent of the marketing area.* The Central West Texas marketing area should be defined to include the cities of Abilene, Ballinger, Big Spring, Breckenridge, Brownwood, Cisco, Coleman, Colorado City, Comanche, Eastland, Lamesa, Midland, Odessa, Ranger, San Angelo, Snyder, Stamford, Sweetwater, and Winters, all in the State of Texas.

It was proposed that the marketing area be defined to include all the area within 27 counties in Texas. The 19 cities herein decided as the marketing area comprise the principal centers of urban population of this area. These cities have a total population of approximately 220,000, ranging in size from 2,500 to 52,000 population. Defining the marketing area by city boundaries rather than by county boundaries will simplify administration of the order and provide equally effective regulation for the area. Population in the rural areas is widely scattered, and the smaller towns not included in the area are completely served by handlers of the named cities. Because of the relatively small volume of sales which may be expected in such smaller towns, and the distances separating them, unregulated handlers would find it impractical to establish business in the counties proposed without sales within the defined marketing area.

Exceptions were received to the inclusion of the city of Lamesa in the marketing area and to the failure to include a number of other smaller cities. The exception to the inclusion of Lamesa was from a Lubbock handler who apparently will not be subject to full regulation of the order and was not concurred in by the handler with a plant located in that city. The exceptions to failure to include additional smaller cities in the marketing area appear to be based largely upon the possibility that outside handlers may start selling milk in these cities. This possibility presently appears somewhat remote. Since amendment hearings provide opportunity for further and more detailed consideration of the marketing situation in these cities, it is concluded that the marketing area defined in the recommended decision should be adopted at this time.

All milk sold for fluid consumption in the Central West Texas area is sold as Grade A milk. To be labeled "Grade A", milk must be produced and handled under the supervision of local health officers in accordance with the standards of the United States Public Health Service Milk Ordinance. These standards have been adopted by the Texas State Department of Health and are contained in the ordinances of the cities. Sanitarians of city-county health units enforce these standards with respect to milk received from producers by plants located in the area. These sanitarians accept the certification of each other and of other health authorities enforcing similar standards with respect to the quality of milk.

Milk moves freely within the defined area. Milk received and bottled at Abilene is sold in Breckenridge, Cisco, Eastland, Ranger, Snyder, Stamford and Winters. Milk received at Brownwood is sold in Comanche and Coleman in bottled form and is moved to Abilene, San Angelo and Midland for bottling. Milk received at Sweetwater is sold in Snyder. Milk received at a receiving station at Comanche is moved to Midland, where it is commingled with milk received at Midland and Big Spring and is sold in Midland and Odessa in competition with milk received from producers at another Midland plant. Such milk is also sold in Lamesa. Milk received at Big Spring is sold in Colorado City in competition with milk received at Midland and Sweetwater. Milk received at San Angelo is sold at Ballinger, Coleman, Big Spring, and at other points outside the marketing area in competition with milk received at plants in other cities of the area herein decided.

Milk is sold in these 19 cities from plants of handlers located in the cities of Abilene, Big Spring, Breckenridge, Brownwood, Lamesa, Midland, San Angelo, Stamford and Sweetwater, and by handlers whose plants are located in Dallas, Lubbock and Wichita Falls. The Dallas handlers are regulated under the North Texas marketing order. The Lubbock handler sells only a small portion of his total Class I sales in the cities of Lamesa and Snyder, and sells less milk in these cities than do handlers with plants in the marketing area. The sales by a Wichita Falls handler are in Stamford and are likewise not a large percentage of either his total sales or the total sales in that city. Provision is made in the proposed order to exempt from full regulation such outside handlers with relatively small sales in the area.

The Midland handler who imports 60 percent of his supplies from Missouri proposed that six counties which include Big Spring, Colorado City, Midland and Odessa be excluded from the proposed marketing area. The basis of his contention is that this is a separate deficit area for which both he and his competitor with two local plants in Big Spring and Midland must import a substantial portion of their milk supplies. The imports of this competitor are from his plants in Brownwood and Comanche. In fact all receipts at a Comanche plant are moved to Midland for processing, and this plant in fact serves as a receiving station for a Midland plant, although the producers supplying it hold Brownwood permits. It is doubtful if effective regulation of the milk received at Comanche would be provided unless the western towns are included in the marketing area, and the record shows conclusively that such milk should be subject to regulation. Should it be possible to devise effective regulation of this milk without including the western cities in the marketing area, milk would not be priced uniformly to handlers doing business there. Milk from a San Angelo plant is distributed there and the volume of milk sold there which is priced under the North Texas order is quite substantial. If these cities were excluded, and the Comanche milk priced under the order, then somewhat over half of the milk sold there would be priced under either the Central West Texas order or the North Texas order, and the handler proposing exclusion of these cities would be the only handler who would not have a substantial portion of his receipts priced under these two orders. These cities should be included in the marketing area so that effective regulation will be possible and producer receipts of all handlers will be priced uniformly.

4. *Scope of regulation.* The minimum class prices of the order should apply to Grade A milk produced under the regular inspection of the health authorities of the municipalities comprising the marketing area, which is received at milk bottling plants distributing milk in the marketing area, or at receiving stations supplying such bottling plants. The class prices should also apply to Grade A milk produced under the inspection of other health authorities whose certification is accepted by the appropriate health authorities of the marketing area, if such milk is received at a bottling plant from which a significant portion of the total Class I sales is on routes in the marketing area.

Milk sold in the marketing area is exclusively Grade A milk. The health authorities of the cities of the marketing area in which processing plants are located inspect the farms of and issue permits to those eligible producers whose milk is received at such plants. Health authorities of the marketing area also inspect farms and issue permits to producers whose milk is received at two receiving and cooling plants from which milk is regularly moved to bottling plants in the area. In addition, the farm and plant inspections of other authorities enforcing Grade A standards and requirements are recognized for both regular distribution and supplementary supplies.

In order to distinguish clearly what milk is to be subject to the order, which processors and distributors are to be subject to regulation, and which dairy farmers will participate in the market pool, it is necessary to include in the order definitions of "approved plant," "handler," "producer" and "other source milk."

"Approved plant" should be defined to include those Grade A milk plants under the routine inspection of health authorities of the marketing area from which Class I milk (fluid milk items specifically named elsewhere in the order) is disposed of on routes in the marketing area, or which serve as receiving stations for plants with route disposition in the marketing area. "Approved plant" should also include those Grade A milk plants under the routine inspection of other health authorities

from which at least 15 percent of the total disposition of Class I business is on routes operated wholly or partially in the marketing area. The definition thus will not include outside plants which furnish supplementary supplies to plants regularly supplying the area, nor will it include plants under the routine inspection of other health authorities whose route disposition in the area is a minor portion of their total Class I business. To include such plants would involve pricing milk that is not primarily associated with the Central West Texas market.

Provision must be made to insure that milk disposed of as Class I milk in the marketing area from sources other than producers will not underline the pricing and pooling requirements of this order. It is concluded that regulation in this respect should take the form of a payment into the producer-settlement fund on the amount of milk disposed of as Class I milk on routes wholly or partially within the marketing area from a plant from which Class I disposition on routes wholly or partially within the area is less than 15 percent of the total Class I sales inside and outside the area from such plant. The use of 15 percent of a plant's total Class I disposition as the standard for determining whether the receipts of milk at outside plants should be priced and pooled was proposed at the hearing by one of the handlers so affected. Plants with less than this percentage of their Class I business on routes in the marketing area cannot be considered to have their primary business in the marketing area, nor can their receipts of milk be considered to be produced primarily for sale in the marketing area.

Milk and milk products from sources other than producers are received in bulk, e. g. in tank trucks or in cans, at plants supplying the marketing area from plants located considerable distances from the marketing area. Milk and milk products also enter the market in bulk and in consumer containers from nearby distributors subject to other Federal orders. Finally, some milk and milk products in Class I are distributed on routes wholly or partially within the area from plants whose main Class I business is outside of the marketing area.

Because of the extreme deficit nature of the Central West Texas area, and because of the distances over which supplementary supplies must be transported, payments on the first two categories of outside milk and milk products, i. e. the bulk shipments from remote points and the receipts from plants subject to other Federal orders, are not necessary to protect the pricing and pooling plan of the order. There is little or no possibility of obtaining such supplies at substantially less than the minimum order prices, or of the marketing area becoming a dumping ground for surplus milk from these other areas. This market is in the center of a large area where the production of milk of Grade A quality is less on a year-around basis than is the consumption of such milk. The coordinated pricing of milk in the Federal order markets in the vicinity of the Central West Texas area can be relied upon to provide the necessary assurance that milk and milk products received from distributors under these other Federal orders will not undermine the pricing and pooling provisions of the Central West Texas order. Under these circumstances it appears that neither milk or milk products from distant unregulated sources nor from other Federal order markets will endanger the pricing and pooling provisions of this order, and therefore no special payments thereon need be required under present conditions.

It is only in connection with Class I milk distributed on routes in the marketing area by operators of unapproved plants not subject to other Federal orders whose principal Class I sales outlets are outside the area that a payment is necessary. The record shows that there are plants located at Lubbock and Wichita Falls, outside the marketing area, which have their principal Class I business in those cities but also dispose of some milk and milk products in Class I on routes which extend into the marketing area. With respect to each such plant, the evidence indicates that Class I disposition on routes wholly or partially within the marketing area is less than 15 percent of such plant's total sales of milk and milk products in Class I, inside and outside the area. The milk and milk products distributed from these unapproved plants is of the same Grade A quality as that distributed in the marketing area by wholly regulated handlers.

To price and pool the milk received from dairy farmers at plants such as these Lubbock and Wichita Falls plants would place the operators of such plants under full regulation of the order, while those with whom they compete in their respective primary markets would remain wholly unregulated. Further, such action would include in the market-wide pool under this order considerable volumes of milk produced primarily for those outside markets. The order should not regulate the prices paid to dairy farmers by such plants. On the other hand, it is essential that there be assurance that no competitive advantage accrues to these plant operators with respect to their sales of milk and milk products in Class I on routes in the area, as against wholly regulated handlers.

An equitable solution to the problem is to provide for the payment into the producer-settlement fund of the difference between the Class I price which would be payable under the order for an approved plant at the location of the unapproved plant and the lowest f. o. b. plant price actually paid to dairy farmers by the unapproved plant for a volume of milk equivalent to that disposed of from such plant as milk and milk products in Class I on routes wholly or partially within the marketing area. This difference can be ascertained from the operators of these unapproved plants, who, by virtue of their Class I sales in the marketing area, are handlers under the order, and will be required to report regularly to the market administrator with respect to their purchases of milk from dairy farmers and their disposition of milk and milk products, both within and outside of the marketing area. These reports will be subject to verification through audit by the market administrator.

"Handler" to whom the regulatory provisions of the order apply, should be defined as the operator of an approved plant in his capacity as such, the operator of an unapproved plant from which route disposition of Class I milk is made in the marketing area, or a cooperative association with respect to milk or producers diverted from an approved plant to an unapproved plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices. The operator of the unapproved plant from which route disposition of Class I milk is made in the marketing area should be defined as a handler in order that the status of his plant may be established and that the obligations described above may be imposed upon him. A cooperative association may need for short periods to divert producer milk from approved plants to unapproved plants. If the association is permitted to act as a handler for such milk, even though it may have no plant, the producers whose milk is so diverted will receive the uniform price of the order and their milk will be available for Class I use when needed.

"Producer" should be defined as any person, other than a producer-handler, who produces "approved milk" which is received at an approved plant or is diverted from an approved plant to an unapproved plant for the account of a handler. The definition should specify "approved milk" as that produced under a Grade A permit or rating issued by a health authority having jurisdiction in the marketing area, if such milk is received at (or diverted from) an approved plant under the regular inspection of such health authority, or that produced under a health authority whose certification is accepted by the local health authority if such milk is received at an outside bottling plant with route disposition in the marketing area equal to or in excess of 15 percent of total Class I sales. Provision should be made that any person whose milk is received by a handler subject to another Federal order will not be defined as a producer, since this would result in such person's milk being included in two pools.

The order does not propose to pool the Class I sales of a producer-handler, who is a person operating an approved plant who produces milk but receives milk only from his own production and from the approved plants of other handlers. Any milk they sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market to producer-handlers as compared with regular producers. Producer-handlers should therefore be excluded from the definition of producers, and the milk they deliver to buying handlers be treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat other than that contained in producer milk. When received at an approved plant, such milk would be from dairy farmers not approved by health authorities in the marketing area for producing Grade A milk, or from a plant which has not qualified as an approved plant. Other source milk would not be priced under the order, but would be allocated to the lowest valued use in the handler's plant, to prevent its displacing from Class I producer milk, which constitutes the regular supply of the market.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as Grade A milk or milk products, and unaccounted for milk except for an allowance for plant loss or shrinkage. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, allowable shrinkage, and closing inventory of Class I products (later adjusted by allocation of operating inventory to the same class). The provisions adopted specify as Class I milk those products which the record shows are currently required to be from Grade A milk. A proposal to include products which may hereafter be required to be from Grade A milk should not be adopted, as the diversity of health authorities with jurisdiction in the marketing area makes it improbable that such requirements will be adopted simultaneously in all parts of the area.

Unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance, except with respect to receipts of skim milk in the months of April, May and June, for which the maximum allowance should be increased to 5 percent. There is evidence that during these months some handlers may have no economical outlet for small volumes of skim milk. Verification of the volumes of skim milk dumped is administratively impracticable in this marketing area. An increase in the plant loss allowance will provide a practical means of providing classification at Class II for such small quantities of skim milk for which the handler receives no return. No limit need be placed on shrinkage of other source milk as Class II milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I the producer milk regularly supplying the market, other source milk should be allocated to the lowest use in a handler's plant. In establishing the classification of milk, responsibility should be placed upon the handler who first receives milk from producers to account for all milk and milk products received, and to prove to the market administrator his claim that such receipts should be classified other than as Class I. The handler who first receives milk from producers is the person who is in position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants. Transfers to approved plants of other handlers may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class and the prior claim of producer milk over other source milk on Class I utilization is maintained. Transfers to a producer-handler should be Class I milk, since producer-handlers normally purchase from handlers only for fluid use. Transfers from approved plants to fluid milk plants within 300 miles should be Class I milk, unless it can be shown that the receiving plant did not have Class I use in excess of its receipts from the dairy farmers constituting its regular source of supply. Transfers to milk manufacturing plants within 300 miles should be Class II milk. Transfers to plants beyond 300 miles should be Class I if the milk so transferred is in the form of milk or skim milk. Transfers of cream to such plants should be Class I if under Grade A certification, and Class II if without such certification. Milk and skim milk cannot economically be transferred long distances for manufacturing use. The limit of 300 miles is established as an area within which there are manufacturing facilities sufficient to dispose of any prospective excess of producer milk. Cream often moves long distances for use in ice cream. Grade A certification is considered a reasonably accurate criterion for distinguishing that cream moved for fluid uses from that moved for manufacturing purposes.

6. *The determination and level of class prices.* The Class I milk price should be based on the Class I price established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, to which should be added 35 cents per hundredweight. The Class I price should be further adjusted for the location of approved plants, both within and without the marketing area, at which milk is received from producers.

A substantial volume of milk priced under the North Texas milk order is distributed on routes operated in almost every city of the Central West Texas marketing area. Between 15 and 25 percent of the total fluid milk sales in the area are from the plants of North Texas handlers in Dallas who distribute through vendors in this area. Cities of the Central West Texas marketing area are at distances from Dallas varying from 131 miles to either Breckenridge or Comanche up to 350 miles to Odessa. Distribution at such distances in competition with plants receiving milk within the area is feasible because production conditions in the Central West Texas area are difficult and farmers in this area cannot produce milk except at relatively high prices. The increase in population and decline in milk production in the area have created a demand for milk which could not be supplied from local production. As a consequence one North Texas handler in particular has established sales which are a significant factor in the milk trade of the area. There are also areas in which there is competition for producers between the Central West Texas area and the North Texas area, since the milksheds of the two areas overlap to some extent. North Texas handlers buy milk from producers in Erath, Eastland and Hamilton Counties. Central West Texas handlers also have producers in these counties. A handler from Abilene until recently purchased milk from producers in Parker County, which is included in the North Texas marketing area.

Under these circumstances, there is a very close relationship between prices in the North Texas area and those in the Central West Texas area. The level of prices in the Central West Texas area has changed at about the same time as that of the North Texas area, and in approximately the same amounts in the same direction. The competition for sales and production requires integration of changes in price for the two markets.

Proponents of the order proposed to accomplish this result by basing the Class I price upon a basic formula identical with that of the North Texas order plus differentials to bring about the proper difference in the Class I price. The North Texas order, however, provides for adjustment of the Class I price by the ratio of producer supplies to Class I sales. The evidence received at the hearing indicates the necessity for maintaining a constant difference between the prices of the orders. This may be accomplished by specific reference in the Central West Texas order to the Class I price of the North Texas order. Official notice is taken of the fact that since the hearing amendments have been made to the Class I pricing provisions of the North Texas order.

It is further necessary that the Class I price vary for locations in the marketing area. Production conditions, influenced largely by rainfall, vary considerably throughout the milkshed. The cities of the marketing area are separated by considerable distances, and the population is not distributed in proportion to the milk production. The most favorable production conditions are in counties nearer to Brownwood and Comanche than to other cities in which there are plants that receive milk from producers. Approximately 25 percent of the receipts of producer milk are at plants in Brownwood and Comanche, but less than 10 percent of the sales in the area are from these plants. Plants in Abilene and San Angelo receive milk from producers who could deliver their milk to Brownwood and Comanche at less cost. Abilene and San Angelo plants have customarily paid prices higher than those at Brownwood and Comanche in order to secure supplies. A majority of both producer receipts and sales from plants in the area are from plants in Abilene, San Angelo and Sweetwater, at which locations producer prices have usually been approximately the same. At Big Spring and Midland plants, however, producer receipts are less than 15 percent of the total for the area while sales are in excess of 30 percent of the total sales of the area. Milk received at Brownwood and Comanche in excess of the needs for fluid sales in that area is regularly moved to a Midland plant by tank truck. Another Midland plant requires outside supplementary supplies for approximately 60 percent of its sales. Milk received at a receiving station operated by a cooperative association at Windthorst, 125 or more miles from Abilene, is produced under permits of Abilene health authorities and moved regularly to the plants of Abilene handlers. Prices established for producer milk received at plants in different parts of the marketing area and without the area must be adjusted so as to permit milk to move to the plants at which it is needed for Class I sales.

The general trend of movement of milk is westward. Proponents of the order proposed that the Class I price for milk be established at 23 cents over the North Texas order price for milk received in certain counties in the eastern portion of the proposed 27-county area, that this be increased to 46 cents for milk received in a large group of counties in the central portion of the area, and to 69 cents for milk received in the far western counties proposed. The handler operating plants in each of these proposed districts proposed that these amounts should be 10, 33, or 35, and 63 or 65 cents respectively. An analysis of the past relationships between Dallas-Fort Worth prices and those for Abilene, San Angelo and Sweetwater indicates that the prices paid for milk received at these Central West Texas cities have generally ranged from 30 to 45 cents above the Dallas-Fort Worth prices. Prices at Midland are currently at about the same level but there is general agreement that they should be higher than the Abilene price.

It is concluded that the appropriate relationships to the North Texas order price should be 15 cents, 35 cents and 55 cents, respectively, more than such price, and that provision should be made that the Class I price applicable for milk received at Windthorst, and plants in the North Texas marketing area should be the North Texas order price. This is accomplished by establishing the Class I price as that applicable in the Abilene-San Angelo-Sweetwater area, and providing location adjustments of (1) an additional 20 cents for milk received within 70 miles of Midland, and (2) a reduction of 20 cents for milk received at points east of the 103rd principal meridian that are both more than 180 miles from Midland and also more than 70 miles from Abilene, with a further reduction of 15 cents for milk received at such points more than 105 miles from Abilene. This system of location adjustments will provide the same relative system of zoning for all plants within the areas as was proposed, with the exception of one small plant at Breckenridge at which the Abilene rather than the Brownwood price will apply. The record shows that there is little milk production in this area, and that milk received at Abilene is regularly sold there, while no milk received at Brownwood is sold in Breckenridge.

The Class II price should be based on 92-score butter prices in Chicago, and the average of the prices for spray and roller process nonfat dry milk solids f. o. b. Chicago area plants. Ice cream and cottage cheese are the primary uses made of Class II milk solids by Central West Texas milk dealers. Health authorities in the area permit use of ungraded milk in the manufacture of these products, for which most ingredients must be imported. A butter-powder formula price appears to provide the best available estimate of cost to handlers of obtaining suitable alternative butterfat and nonfat solids for use in ice cream and cottage cheese. Three cents should be subtracted from the butter quotation and 5.5 cents from the nonfat solids quotation as a reflection of the manufacturing and marketing margin. Yields of 1.2 and 8.16 should be applied respectively. An overrun of at least 20 percent is commonly experienced in churning butter. Also a yield of 8.5 pounds or more of powder can be expected from 100 pounds of skim milk in a reasonably efficient plant. Since 100 pounds of whole milk testing 4.0 percent contain 96 pounds of skim, a yield of 8.16 per 100 pounds of whole milk is provided. These yield factors are in line with general market experience, and are closely comparable with those used in many other federally regulated markets.

The recommended Class II pricing formula is the same as that used as an alternative price for Class II milk in the North Texas order. This record does not provide a basis for an alternative Class II price determined from the paying prices of Texas manufacturing plants for ungraded milk such as is used in the North Texas order.

The minimum prices which handlers would be required to pay are for milk testing 4.0 percent butterfat. These should be adjusted upward or downward in accordance with variations from 4 percent in the butterfat content of the milk. The rate of adjustment for each class should be aligned with the respective class prices in order to properly apportion the value of butterfat and nonfat solids in these classes. This adjustment does not affect the class prices for milk of standard test.

It is concluded that extra butterfat above 4.0 percent in Class II milk should be priced at 1.15 times the Chicago 92-score butter price, and that such butterfat in Class I milk should be priced at 1.25 times such butter price. These figures should be converted and payment made on the basis of tenths of a pound. Deductions should be made at the same rate for milk testing less than 4.0 percent butterfat. These butterfat differentials are identical with those of the North Texas order and their use will preserve the comparability of prices in the two orders that is established by the class prices for milk of 4.0 percent butterfat content.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.84 per hundredweight as of March 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area; nor would it insure a sufficient quantity of pure and wholesome milk for the marketing area, or be in the public interest.

7. *Payments to producers.* The "market-wide" type of pool with base-rating plan should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable, a uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made of such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. This might facilitate the distribution of the available supply of milk in accordance with handlers' needs in a marketing area of this size. On the other hand, the record shows that a cooperative association will be a handler for milk it receives from producer members at a receiving station and regularly moves to the plants of proprietary handlers. Another cooperative association representing the majority of all producers has proposed that the order be so written as to enable it to become a handler when necessary to market any milk of its members in excess of the needs for Class I milk. Under these circumstances an individual handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. The use of a market-wide pool will also facilitate the distribution among producers of any payments that may be required from handlers relieved from full regulation of the order because of minor distribution in the area or because they are subject to other milk orders.

A Midland handler advocated an individual handler pool on the basis that deliveries of producer milk at Midland plants are less than Class I sales from such plants, and producers delivering to these plants have not historically borne any of the burden of carrying reserve milk for the market. The class prices and location adjustments provided in the order should result in equitable returns to producers variously situated, when all such producers share proportionably in the total Class I sales of the market. The other handler receiving milk at Midland operates plants in other cities, and under an individual handler pool his payments to producers would be computed on the basis of receipts and utilization of milk at all such plants. The necessity for premium payments by this handler under a handler pool ap-

pears more probable than does the necessity for his competitor to make such payments under a market-wide pool.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is found in other milk orders and is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under the North Texas order. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk in the months of April, May, and June should be made through the medium of a base-rating plan. The proposal for a base-rating plan is supported by both the producers association and handlers in the market. Producers have become accustomed to the use of bases under the marketing plans in effect in the area.

The purpose of a base-rating plan is to encourage producers to level out seasonal variations in their milk deliveries and thus avoid seasonal shortages and surpluses. This is accomplished by assigning each producer a base equal to his average delivery during the months of short production (October through January) and making prior assignment of Class I sales of the market during the months of greatest production (April through June) to the deliveries that producers make within such bases. A uniform price for base milk is thus computed which is enhanced above the average for the market and a uniform price for excess milk (deliveries in excess of base milk) which is below the average for the market. The lower price applicable to excess milk tends to limit deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influence of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments are made during all months of the year on a straight uniform price basis.

The record does not show clearly the seasonal pattern of milk deliveries for the entire area, nor have there been seasonal surpluses within the past year. If there is a deficit supply of milk in the months of April through June the uniform price for excess milk will be practically equal to that of base milk. The data available are, however, those for a period of severe drought and consequently cannot be considered representative of normal conditions. Seasonal surpluses are to be avoided in this area in view of the lack of adequate manufacturing facilities. The order for the North Texas market, with which the Central West Texas market is closely related, incorporates a base-rating plan. It is concluded that a base-rating plan similar to that of the North Texas order should be included even though the record indicates that there have been supply conditions under which such a plan is not normally effective.

Uniform prices to producers should vary with the locations of the approved plants at which their milk is received. With respect to the uniform prices for all milk and for base milk, the rate of adjustment should be identical with the rate of adjustment made with respect to the price for Class I milk to handlers. The uniform price for excess milk should be adjusted at such rates in proportion to the total volume of excess milk classified as Class I milk.

Although uniform prices are computed once a month, provision should be made to pay producers on a semi-monthly basis. The majority of producers on the market have customarily been paid twice a month and it concluded that this practice should be continued. The advance payment to be made on or before the 25th day of the month and covering receipts of producer milk during the first 15 days of the month should be at not less than the Class II price for the preceding month. Payment at this rate will largely eliminate the possibility of handlers making over-payments to producers who may leave the market before the end of the month. Final payment for milk received during each month should be made on or before the 15th day after the end of the month.

In the case of a qualified cooperative association, which so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

8. *Administrative provisions.* Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his approved plants within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups who have had experience with check sampling, weighing, and testing programs in the marketing area. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time, it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information.

A handler who operates a plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act, and from which the Secretary determines that a greater volume of Class I milk is disposed of in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. Such a handler should be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of by such persons within the area. It was proposed that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in this order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the area. The Class I price of this order applicable to plants receiving milk in the North Texas marketing area is the same as that of the North Texas order, so that no payments would be required on the milk priced under the North Texas order that is marketed in the Central West Texas marketing area. There is no present prospect that a handler subject to any order other than the North Texas order will engage in route distributions of milk in the Central West Texas area. It has therefore been concluded that the proposal for such payments need not be included in the order at this time.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Acting Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions, are overruled.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Central West Texas marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Central West Texas Marketing Area," and "Order Regulating the Handling of Milk in the Central West Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 30th day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Central West Texas Marketing Area

Sec.
982.0 Findings and determinations.

DEFINITIONS

982.1 Act.
982.2 Secretary.
982.3 Department.
982.4 Person.
982.5 Cooperative association.
982.6 Central West Texas marketing area.
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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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982.100 Effective time.
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AUTHORITY: §§ 982.0 to 982.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 982.0 *Findings and determinations.* (a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the months of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 982.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 982.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 982.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 982.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 982.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 982.6 *Central West Texas marketing area.* "Central West Texas Marketing Area" called the marketing area in this subpart means all territory within the corporate limits of the following cities, all in the state of Texas:

Abilene.	Lamesa.
Ballinger.	Midland.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	San Angelo.
Cisco.	Snyder.
Coleman.	Stamford.
Colorado City.	Sweetwater.
Comanche.	Winters.
Eastland.	

§ 982.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by and under the routine inspection of the health authority of any municipality in the marketing area:

(1) From which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on routes, or

(2) Which receives milk from producers as defined in § 982.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which milk or skim milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month, or (ii) was moved to plant(s) specified in subparagraph (1) of this paragraph in an amount equal to 60 percent or more of total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such a plant; or

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 982.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on a route in the marketing area; or

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 982.10 *Producer.* "Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the health authority of any municipality in the marketing area, which milk is received at an approved plant described in § 982.7 (a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority of a municipality in the marketing area, which milk is received at an approved plant described in § 982.7 (b).

(c) "Producer" shall include any such person whose milk is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 982.61.

§ 982.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by producers which is received by a handler, either directly from producers or from other handlers.

§ 982.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 982.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk other than from his own production and from approved plants.

§ 982.14 *Route.* "Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than to a milk processing plant.

§ 982.15 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 982.16 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 982.80.

MARKET ADMINISTRATOR

§ 982.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 982.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 982.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 982.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 982.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 982.30 to § 982.32, inclusive; or

(2) Made payments pursuant to § 982.90 to § 982.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 982.50 and the Class I butterfat differential pursuant to § 982.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 982.51 and the Class II butterfat differential pursuant to § 982.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 982.72 or § 982.73 as applicable and the butterfat differential computed pursuant to § 982.92, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association upon request the data furnished to the market administrator pursuant to § 982.31 (a) with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 982.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it;

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantities of skim milk and butterfat contained in or represented by all milk, skim milk, cream and products specified as Class I milk pursuant to § 982.41 (a) on hand at the beginning and the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The pounds of milk received from producers at each approved plant and the pounds of Class I milk disposed of from each such plant, if the handler operates more than one approved plant;

(g) The disposition of Class I products on routes wholly outside the marketing area; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 982.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from each such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 982.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 982.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 982.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the

litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 982.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 982.30 shall be classified by the market administrator pursuant to the provisions of §§ 982.41 to 982.46, inclusive.

§ 982.41 *Classes of utilization.* Subject to the conditions set forth in §§ 982.43 and 982.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May, and June) of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory at the end of the month as skim milk, cream or any product specified in paragraph (a) of this section.

§ 982.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 982.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

§ 982.44 *Transfers.* Skim milk or butterfat disposed of by a handler by either transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b. As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distance by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance and from which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The market administrator is permitted to audit the records of such unapproved plant; and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes.

§ 982.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 982.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 982.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 982.41;

(3) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk received as Class I products in consumer packages from an unapproved plant which are not in excess of the pounds of skim milk transferred to such unapproved plant as Class I milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in other source milk;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk contained in the Class I items in inventory at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 982.44 (a);

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 982.50 *Class I milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 35 cents.

§ 982.51 *Class II milk.* Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values pursuant to paragraphs (a) and (b) of this section:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department

during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(b) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

§ 982.52 *Butterfat differential to handlers* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 982.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 982.50 and 982.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

§ 982.53 *Location adjustment to handlers.* For milk classified as Class I milk the price set forth in § 982.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 20 cents;

(b) For milk received from producers at an approved plant located (1) east of the 103d principal meridian, (2) more than 180 highway miles from the United States Post Office in Midland, Texas, and also (3) at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 105 miles	20
105 miles or more	35

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

DETERMINATION OF UNIFORM PRICE

§ 982.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 982.46 by the applicable class prices.

§ 982.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 982.70 for all handlers who made the reports prescribed in § 982.30 and who made payments pursuant to §§ 982.90 and 982.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 982.91, and add the aggregate of the values of all such minus adjustments;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 982.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 982.72 *Computation of uniform price.* For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 982.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 982.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices for hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by (1) multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content, and (2) adding to the result the amount, if any by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 982.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 982.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 982.81 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 982.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 982.72 or 982.73, adjusted by the butterfat differential computed pursuant to § 982.92, subject to location adjustments to producers pursuant to § 982.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment pursuant to § 982.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 982.31.

§ 982.91 *Location adjustments to producers.* (a) In making payments to producers pursuant to § 982.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 982.72 or to the uniform price for base milk computed pursuant to § 982.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 20 cents;

(2) For milk received from producers at an approved plant located (i) east of the 103d principal meridian, (ii) more than 180 highway miles from the United States post office in Midland, Texas, and, also (iii) at the following distances from the United States post office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 105 miles	20
105 miles or more	35

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total volume of Class I milk allocated to producer milk pursuant to § 982.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

§ 982.92 *Producer butterfat differential.* In making payments pursuant to § 982.90 (a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 982.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 982.62 (b), 982.94 and 982.96, and out of which he shall make all payments to handlers pursuant to §§ 982.95 and 982.96.

§ 982.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 982.70 is greater than the amount required to be paid producers by such handler pursuant to § 982.90:

§ 982.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 982.70 is less than the amount required to be paid producers by such handler pursuant to § 982.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 982.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due;

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 982.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 982.90 (a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 982.98 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers, including such handler's own production.

§ 982.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to 8 (c) 15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 932.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 932.101.

§ 932.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 982.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 982.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 982.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 982.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Central West Texas Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Central West Texas marketing area) who, during the month of July 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of July 1952 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 52-10727; Filed, Oct. 2, 1952; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

APPLICATION FOR FINDING THAT BALING AND STORAGE OF FLAX STRAW CONSTITUTE AN INDUSTRY OF A SEASONAL NATURE

NOTICE OF HEARING

An application has been filed by Peter J. Schweitzer, Inc. for a determination that the baling and storage of flax straw for use in paper making constitute an industry or branch of an industry of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

Notice is hereby given pursuant to §§ 526.5 and 526.6 of the regulations of a public hearing to be held in Room 617 Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minnesota, on October 23, 1952, at 10:00 a. m. before an authorized representative of the Administrator, for the purpose of receiving evidence and arguments on the questions:

1. Whether baling and storing of flax straw for use in paper making constitute an industry or branch of an industry of a seasonal nature within the meaning of section 7(b)(3) of the Fair Labor Standards Act and Part 526, as amended, of the regulation issued thereunder.

2. What is the scope of the industry.

Any interested person may appear at the hearing to offer evidence, provided that not later than October 16, 1952, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 30th day of September 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-10712; Filed, Oct. 2, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150–8]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952 it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont Collection Districts shall become effective as of 12 o'clock midnight, October 5, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., October 6, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Boston District, and which shall be comprised of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

3. *Location of headquarters.* The headquarters office shall be located in the City of Boston, Massachusetts.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., October 6, 1952, there are hereby created the following offices within the Boston District:

(a) Director of Internal Revenue for the Collection District of Connecticut (as presently constituted). The headquarters of such office shall be located in Hartford, Connecticut and the office shall have the operating title of Director of Internal Revenue, Hartford.

(b) Director of Internal Revenue for the Collection District of Maine (as presently constituted). The headquarters of such office shall be located in Augusta, Maine and the office shall have the operating title of Director of Internal Revenue, Augusta.

(c) Director of Internal Revenue for the Collection District of Massachusetts (as presently constituted). The headquarters of such office shall be located in Boston, Massachusetts and the office shall have the operating title of Director of Internal Revenue, Boston.

(d) Director of Internal Revenue for the Collection District of New Hampshire (as presently constituted). The headquarters of such office shall be located in Portsmouth, New Hampshire and the office shall have the operating title of Director of Internal Revenue, Portsmouth.

(e) Director of Internal Revenue for the Collection District of Rhode Island (as presently constituted). The headquarters of such office shall be located in Providence, Rhode Island and the office shall have the operating title of Director of Internal Revenue, Providence.

(f) Director of Internal Revenue for the Collection District of Vermont (as presently constituted). The headquarters of such office shall be located in Burlington, Vermont and the office shall have the operating title of Director of Internal Revenue, Burlington.

Dated: September 29, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52–10723; Filed, Oct. 2, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 31; Docket No. 49]

SUNLIGHT METAL PRODUCTS CO.

SUSPENSION ORDER

A hearing was held in the above-entitled matter on September 2, 1952, before Stanley H. Johnson, a hearing commissioner of the National Production Authority, designated to hear the case by Walter H. Foster, Chief Hearing Commissioner, by a letter dated August 15, 1952. The cause was heard upon charges made by the General Counsel of the National Production Authority in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to General Administrative Order 16–06 (16 F. R. 8799). There were three charges: Charge No. 1 alleged that respondent company, which is engaged in the manufacture of metal doors and window frames, used 32,662 pounds of aluminum controlled material, being 16,962 pounds in excess of the amount required to fill its authorized production schedule and the related allotment made to it, during the calendar quarter commencing October 1, 1951, in violation of sections 17 (a), subsequently amended to read section 17 (b), and 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860). Charge No. 2 alleged that respondent violated sections 17 (a) and 19 (f) during the calendar quarter commencing January 1, 1952, by using 23,709 pounds of aluminum controlled material, being 1,595 pounds in excess of the amount required to fill its authorized production schedule and related allotment. Charge No. 3 alleged that respondent had failed to keep proper records, but this charge was not pressed, because the respondent at the time of the hearing had already remedied such defects as existed. No facts were produced in support of Charge No. 3.

Respondent by its counsel, Graham Susman, on August 25, 1952, filed five copies of its answer in which it denied the charges, and made affirmative allegations explaining why the materials were used in excess of the allocation orders, and requested dismissal of the charges.

The National Production Authority appeared at the hearing by its Regional Attorney, John L. Cleary of Kansas City, Missouri, assisted by Mr. Paul Ruston, formerly Regional Attorney for Denver, Colorado; and the respondent appeared through its attorney, Graham Susman of Denver, Colorado.

A stipulation dated September 2, 1952, and signed by counsel for both parties was filed with the hearing commissioner at the time of the hearing, containing a statement of facts to be considered by the hearing commissioner in lieu of the presentation of other evidence in support of or in opposition to the statement of charges.

Findings of fact. The commissioner finds:

1. During the calendar quarter commencing October 1, 1951, Sunlight Metal Products Company committed acts in violation of sections 17 (b) and 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), in that said Sunlight Metal Products Company, having received an authorized production schedule for the manufacture of metal doors and window frames and a related allotment, placed controlled material orders for, obtained, and used 32,662 pounds of aluminum controlled material, such quantity being 16,962 pounds in excess of the amount required to fulfill its authorized production schedule and the related allotment made to Sunlight Metal Products Company.

2. During the calendar quarter commencing January 1, 1952, Sunlight Metal Products Company committed acts in violation of sections 17 (b) and 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860); in that said Sunlight Metal Products Company, having received an authorized production schedule for the manufacture of metal doors and window frames and a related allotment, placed controlled material orders for, obtained, and used 23,709 pounds of aluminum controlled material, such quantity being 1,595 pounds in excess of the amount required to fulfill its authorized production schedule and related allotment made to Sunlight Metal Products Company.

3. No evidence was submitted in support of Charge No. 3 in the charging letter.

4. No evidence was submitted that the violations by the respondent were wilful, or done with intent to violate the act or defeat its purposes, but on the other hand the allegations of respondent's answer and statements made in explanation of its actions by officers of the respondent and by respondent's counsel indicated that the violation by respondent arose through a misinterpretation by it of its right to make use of materials allocated to it in the third quarter of the year 1951, which it was unable to use because of a delay in receipt of the allocation order, and because of its misinterpretation of a reduction order received by it on October 2, 1951, which it construed to authorize the use as an allotment for the fourth quarter of 1951, of 28,886 pounds of aluminum, whereas the intent of the order was to reduce the actual allotment of 40,571 pounds by 28,886 pounds giving the respondent a net allotment of only 11,685 pounds. Respondent appealed from the reduction order to the Appeal Board, but its appeal was denied.

Conclusions. During the period beginning October 1, 1951, and ending March 31, 1952, the respondent herein, although not wilfully, violated the provisions of National Production Authority regulations, orders, and directives as hereinabove found by obtaining and using in the production and manufacture of metal doors and window frames 18,557 pounds of aluminum controlled material in excess of the amount which it was authorized or permitted to use by the provisions.

In order to correct the unauthorized use of aluminum occasioned by the violations of the respondent found herein,

It is accordingly ordered:

1. That all allocations and allotments of aluminum which have been or may be granted to respondent Sunlight Metal Products Company, its successors and assigns, whether such allocation or allotment be by self-authorization or otherwise for the calendar quarter commencing October 1, 1952, and ending December 31, 1952, be reduced by 9,500 pounds.

2. That all allocations and allotments of aluminum which have been or may be granted to respondent Sunlight Metal Products Company, its successors and assigns, whether such allocation or allotment be by self-authorization or otherwise for the calendar quarter commencing January 1, 1953, and ending March 31, 1953, be reduced by 9,500 pounds.

3. Charge No. 3 contained in the charging letter is hereby dismissed.

4. The Sunlight Metal Products Company, its successors and assigns, is hereby prohibited during each of such periods from acquiring any items of aluminum in excess of its aluminum allocations and allotments as so reduced, but this order shall not be construed to prevent the right of the respondent to use any increases which may be made in its allocation by reason of increased supplies of aluminum controlled material which may be available during the 6-month period, less the 19,000 pounds withheld from it by this order.

A signed copy of this order shall be served upon the respondent by mail on September 8, 1952.

Issued this 2d day of September 1952.

NATIONAL PRODUCTION AUTHORITY,
By STANLEY H. JOHNSON,
Hearing Commissioner.

[F. R. Doc. 52-10845; Filed, Oct. 2, 1952; 11:42 a. m.]

[Suspension Order 32; Docket No. 34]

WOOLDRIDGE MANUFACTURING CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 15th day of September 1952, before William B. Owens, Esquire, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), dated August 30, 1951, and Delegation of Authority under NPA–GAO 16–06 (17 F. R. 2098); and

The respondents, Wooldridge Manufacturing Company, Henry Gusman, Hugo Fox, J. D. Gusman, and A. M. Routh, having been duly apprised of the specific violations charged and having appeared in these proceedings by their attorney, J. W. Jackson, an Attorney at Law, 220 Montgomery Street, San Francisco, California, and an answer having been filed by the corporate and individual respondents herein on August 9, 1952; and

The National Production Authority being represented by E. J. Spielman, Regional Attorney, and the respondents being represented by their attorney, J. W. Jackson; and

The respondents by their attorney, J. W. Jackson, Esquire, having entered into a stipulation dated September 12, 1952, withdrawing their answers and stipulating that said stipulation be filed in lieu of the presentation of other evidence in support of and in opposition to the statement of charges; and

The name of J. D. Gusman having by said stipulation been withdrawn as one of the respondents named in this proceeding and from each of the charges contained therein, it is hereby determined:

Findings of fact. 1. That Wooldridge Manufacturing Company is a corporation organized and existing under the laws of the State of Nevada having its principal plant and office at Hendry Avenue, Sunnyvale, California, for the manufacture of earth-moving equipment and machinery; that Henry Gusman is president of said corporation; that Hugo Fox is secretary-treasurer of said corporation, and A. M. Routh is purchasing agent for said corporation.

2. During the period beginning on or about August 21, 1951, and ending on or about February 8, 1952, the corporate respondent, Wooldridge Manufacturing Company, committed acts prohibited by section 3 (c) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6300), and as amended November 23, 1951 (16 F. R. 11860), in that the said Wooldridge Manufacturing Company, having received authorized production schedules and related allotments of controlled material, did, of the quantity of carbon steel plate set forth in Charge 1, acquire 300 tons thereof by the use of the allotment symbol A–4 1Q52 which it was otherwise entitled to procure under the allotment symbol L–1 1Q52.

3. I find that there is no evidence to indicate that this violation was wilful, or that respondents have not acted openly and in good faith, and it is clear that as a result of the use of the wrong symbol respondents did not obtain any more controlled materials than they were authorized to obtain. This violation, technical in nature, was due to misinterpretation of regulations at a time when a conversion of rated orders made such confusion understandable. This charge should be dismissed.

4. During the period beginning on or about July 6, 1951, and ending on or about October 16, 1951, Wooldridge Manufacturing Company committed acts prohibited by section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), in that the said Wooldridge Manufacturing Company, having received authorized production schedules and related allotments of carbon steel plate for use during the fourth quarter, 1951, placed orders for 363 tons of carbon steel plate more than it was authorized, to wit: 1,773 tons of carbon steel plate while lawfully authorized to place orders for not more than 1,410 tons.

5. Respondents stated that this was due to two errors in the keeping of their allotment record cards, in that one order for 117 tons was not entered and one item of 295 tons, though entered was improperly added, so that from their records it appeared their orders were below their authorized tonnage. I find that there is nothing to indicate any wilfulness in the placing of the excess orders which appears to have resulted from such errors and the adjustment hereinafter provided by this order is deemed sufficiently adequate to correct the dislocation.

6. During the period beginning on or about January 21, 1952, and ending on or about February 28, 1952, Wooldridge Manufacturing Company committed acts prohibited by section 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F. R. 11860), in that the said Wooldridge Manufacturing Company, having received authorized production schedules and related allotments of carbon steel plate for use in the production of construction machinery and equipment, used the said allotments to obtain and use 452 tons of carbon steel plate for purposes other than those authorized by the said sections of CMP Regulation No. 1.

7. I find that there is no evidence to indicate that this violation was committed wilfully or that any of the materials involved were diverted into unauthorized channels, though as a result a situation was created in which such diversion might have occurred. There was, however, in fact a disruption of the priorities and allocation program which should be corrected.

8. During the period beginning on or about July 6, 1951, and ending on or about February 28, 1952, Henry Gusman and Hugo Fox to the extent of being officers of Wooldridge Manufacturing Company committed acts prohibited by National Production Authority CMP Regulation No. 1, section 3 (c) dated

May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), and as amended November 23, 1951 (16 F. R. 11860), and section 19 (f) dated May 3, 1951 (16 F. R. 4127), and section 17 (b) as amended November 23, 1951 (16 F. R. 11860), as found in findings of fact numbers 2, 4, and 6.

9. During the period beginning on or about July 6, 1951, and ending on or about February 28, 1952, A. M. Routh committed acts prohibited by National Production Authority CMP Regulation No. 1, section 3 dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800) and as amended November 23, 1951 (16 F. R. 11860), and section 19 (f) dated May 3, 1951 (16 F. R. 4127), and section 17 (b) as amended November 23, 1951 (16 F. R. 11860), to the extent of his participation in the commission of the acts set forth in findings of fact numbers 2, 4, and 6.

Conclusions. During the period beginning July 6, 1951, and ending on or about February 28, 1952, Wooldridge Manufacturing Company, Hugo Fox, and A. M. Routh violated the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by disposing of 452 tons of carbon steel plate contrary to the provisions of the orders and regulations hereinabove cited. The special findings numbers 3, 5, and 7 constitute conclusions.

In order to correct the unauthorized use and disposition of carbon steel plate occasioned by the violations found herein, by the respondents:

It is accordingly ordered:

1. That all allocations and allotments of carbon steel plate which may be granted to Wooldridge Manufacturing Company, a Nevada corporation, its successors and assigns, and Henry Gusman, Hugo Fox, and A. M. Routh, individually, for use during the period commencing October 1, 1952, and ending June 30, 1953, be reduced as follows:

(a) By 150 tons during the fourth quarter, commencing October 1, 1952, and ending December 31, 1952.

(b) By 150 tons during the first quarter 1953, commencing January 1, 1953, and ending March 31, 1953.

(c) By 152 tons during the second quarter 1953, commencing April 1, 1953, and ending June 30, 1953.

2. That the respondents, Wooldridge Manufacturing Company, a Nevada corporation, its successors and assigns, and Henry Gusman, Hugo Fox, and A. M. Routh individually, be and each of them are hereby prohibited during each of the foregoing periods from acquiring any items of carbon steel plate in excess of their carbon steel plate allocations and allotments as so reduced, but shall not in any way be prohibited from making application to the National Production Authority for exceptions or adjustments in accordance with existing regulations.

3. Subject to the foregoing deductions to be made from allocations and allotments which may otherwise be granted to the Wooldridge Manufacturing Company during the period commencing October 1, 1952, and ending June 30, 1953, nothing herein contained shall be construed to prohibit Wooldridge Manufacturing Company, its successors and assigns, from applying for and obtaining its usual and necessary allotments of carbon steel plate in accordance with regulations then in force and effect.

To the extent necessary to carry out the provisions of this order, all allocations and allotments of carbon steel plate which may be acquired under the privileges of self-certification, self-authorization, or automatic allotment procedure are withdrawn and withheld from Wooldridge Manufacturing Company, its successors and assigns, and Henry Gusman, Hugo Fox, and A. M. Routh individually during the periods prescribed in paragraph 1 of this order.

Issued this 15th day of September 1952 at San Francisco, Calif.

NATIONAL PRODUCTION AUTHORITY,
By WILLIAM B. OWENS,
Hearing Commissioner.

[F. R. Doc. 52-10846; Filed, Oct. 2, 1952; 11:42 a. m.]

[NPA Delegation 14, as amended October 3, 1952]

ADMINISTRATOR OF FEDERAL SECURITY AGENCY ET AL.

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS AND ASSIGN RATINGS UNDER REVISED CMP REGULATION NO. 6

NPA Delegation 14, as last amended March 6, 1952, is hereby further amended to read as follows:

1. Pursuant to the authority under the Defense Production Act of 1950 as amended, Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), the following functions to be performed pursuant to Revised CMP Regulation No. 6 are delegated to each of the persons named in Table I of this delegation with power to delegate and to authorize successive delegations with respect to the categories of construction set forth in Table I opposite his name: To authorize construction schedules of owners in accordance with the provisions of Revised CMP Regulation No. 6; to make allotments of controlled materials for construction; to apply or to assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of building materials (other than controlled materials), building equipment, production machinery, and production equipment, which are required for construction under an approved construction program as provided by Revised CMP Regulation No. 6. Power is further delegated to process applications for adjustment or exception under the provisions of Revised CMP Regulation No. 6, and to take final appellate action under that regulation.

2. The authority delegated by paragraph 1 of this delegation shall be exercised within such construction program determinations or other quantitative restrictions as may be established by the Defense Production Administration, and in accordance with such instructions, record-keeping and reporting requirements, policy statements, memoranda, and directives, as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority, and in conformity with the provisions of Revised CMP Regulation No. 6, and as contained in the instructions applicable to forms to be made use of in connection with Revised CMP Regulation No. 6, or such other forms as have been or will be approved by the National Production Authority.

3. Any adjustment or exception under Revised CMP Regulation No. 6 issued by any delegate pursuant to this delegation must be correlated with the delegate's activities under the Controlled Materials Plan of the National Production Authority; and all projects approved by each delegate, and the allotment of controlled materials made therefor, will be charged against the total construction program and allotments approved for such delegate by the Defense Production Administration.

4. As used in this delegation, the terms "petroleum," "gas," "solid fuels," "electric power," "metals and minerals," "food," "domestic transportation," "storage," and "port facilities," have the same meanings as are set forth in Executive Order 10161, as amended, and other applicable interagency agreements.

5. All actions taken pursuant to this delegation shall be in the name of the delegate or other official to whom like authority has been delegated by the delegate, and shall be authenticated by the signature and title of the individual authorized to take such actions.

This amended delegation shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
R. A. McDONALD,
Administrator.

TABLE I OF NPA DELEGATION 14

Delegate	*Category of construction*
The Petroleum Administrator for Defense.	Facilities for the production, processing, refining, and distribution of petroleum and gas; and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation No. 9 (but not filling stations); construction of residential structures if such construction is required as an integral part of a program of the Petroleum Administration for Defense.
The Secretary of Commerce.	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities, civil airports; shipyards.
The Administrator of the Defense Transport Administration.	Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161, as amended.
The Atomic Energy Commission	All construction by, or for the account of, the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission; federally owned housing on federally owned property under the control of the Atomic Energy Commission.
The Secretary of Defense	Construction by, or for the account of, the Department of Defense. Navy construction, Army construction, Air Force construction, including but not limited to projects of an industrial nature financed by the military departments; housing on military reservations, and military housing under Public Law 211, 81st Congress (Wherry Act); Military Command construction; and construction for National Advisory Committee for Aeronautics.
The Administrator of the General Services Administration.	Federal buildings and facilities, except as otherwise specifically designated on this table, including buildings and facilities constructed by private interests and capital, where a predominant portion of the premises is designed and intended to be used under lease for extended periods by Federal Government agencies.
The Secretary of the Army	Civil Works Corps of Engineers projects; the Panama Canal Company; Domiciliary Building, Old Soldiers' Home (except projects having electric power generating facilities not specifically exempted by the Administrator of the Defense Electric Power Administration).
The Administrator of the Defense Materials Procurement Administration.	Facilities for production and processing of metals and minerals (except solid fuels, oil, and gas); construction of residential structures if such construction is required as an integral part of a program of the Defense Materials Procurement Administration.
The Administrator of the Housing and Home Finance Agency.	All public and private housing not specifically covered above.
The Administrator of the Federal Civil Defense Administration.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes.

NOTE: If a water well is an integral part of a residential structure, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well shall be with the claimant agency having jurisdiction over the structure of which it is an integral part. (For example, communications about a water well to be constructed on a farm shall be filed with the Department of Agriculture.) Further, the jurisdiction of certain of the claimant agencies over residential construction projects, specified in this table, does not include jurisdiction over any commercial or other facilities intended, or which might be construed, as supplemental to residential construction. (For example, jurisdiction over a shopping center proposed to service a residential development is with NPA, and not with the claimant agencies named in this table as having jurisdiction over categories of residential construction projects.)

Delegate	*Category of construction*
The Administrator of Veterans' Affairs.	All school, museum, and library construction; hospital and health facility housing; college and educational institutional housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations; recreational, entertainment, and amusement construction projects which are required as part of an integrated educational program or an integrated hospital program.
The Administrator of Veterans' Affairs.	The hospital program of the Veterans' Administration; recreational, entertainment, and amusement construction projects which are required as part of an integrated hospital program.
The Secretary of Agriculture.	Farm housing; facilities for production of food including on-farm and off-farm construction; wholesale food distribution and handling; canning, freezing, or otherwise processing or preparing food for marketing and distribution; tobacco auction warehouses; public cold storage food lockers and storage facilities owned or operated in whole or in major part as an integral part of such handling, processing, and wholesaling. (With respect to food having industrial uses, facilities for the specified purposes are included only to the point where responsibility for such food ceases to be exercised by Production and Marketing Administration under the agreement between Production and Marketing Administration and NPA (16 F. R. 3410), as from time to time amended.)
The Secretary of the Interior.	Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the production and processing of fishery products; construction of residential structures if such construction is required as an integral part of a program of the Department of the Interior, the Defense Solid Fuels Administration, or the Defense Fisheries Administration.

NOTE: *The following construction programs will be administered by the National Production Authority:*

Delegate	Category of construction
Communications Division, National Production Authority.	Operating construction in connection with communications facilities, but not including air navigation facilities.
Water Resources Division, National Production Authority.	Facilities for ground and surface water supply, transmission, pumping, treatment, storage, and distribution for domestic and industrial use; storm water control and drainage of flooded areas (including storm sewers); collection, treatment, and disposal of domestic and industrial liquid wastes; sewage collection, transmission, pumping, treatment, and disposal; water wells not within the area of responsibility specified in this table or note for any other claimant agency. (Excluded are the works and their operations for navigation, reclamation projects, hydroelectric generation of power, irrigation, recreation, and fish and wildlife. Also excluded are those facilities for storm water control and drainage of flooded areas (including storm sewers) the responsibility for which is delegated in this table or note to a claimant agency other than the NPA Water Resources Division, e. g., flood control projects of the Department of the Army or the Department of the Interior.)
Industrial Expansion Division, National Production Authority.	Industrial construction not listed above in this table or note.
Construction Controls Division, National Production Authority.	All other construction not specifically listed above in this table or note (including all categories of recreational, entertainment, and amusement construction projects, other than those specified in this table for the Federal Security Agency and the Veterans' Administration, or such projects where constructed by or for the account of the Department of Defense or the Atomic Energy Commission).

[F. R. Doc. 52-10842; Filed, Oct. 2, 1952; 11:41 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5480]

QUEEN CHARLOTTE AIRLINES, LTD.; SERVICE BETWEEN PRINCE RUPERT, BRITISH COLUMBIA, CANADA AND KETCHIKAN, ALASKA

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 7, 1952, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 29, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-10715; Filed, Oct. 2, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGION V AND REGION XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on September 25, 1952.

REGION V

Jacksonville Order G1-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:55 p. m.

Jacksonville Order G2-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:55 p. m.

Jacksonville Order G3-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:56 p. m.

Jacksonville Order G3A-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:56 p. m.

Jacksonville Order G4-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:57 p. m.

Jacksonville Order G4A-15, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:57 p. m.

REGION XII

San Francisco Order G1-13, Amendment 1, changes the price of certain food items in order to correct a clerical error made in Appendix A, filed 3:57 p. m.

San Francisco Order G1-13, Amendment 2, changes the retail prices for certain food items in the Fresno Area, filed 3:57 p. m.

San Francisco Order G1-13, Amendment 3, changes the retail prices for certain food items in the Fresno Area, filed 3:58 p. m.

San Francisco Order G2-13, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno Area, filed 3:58 p. m.

San Francisco Order G2-13, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno Area, filed 3:58 p. m.

San Francisco Order G4-13, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno Area, filed 3:58 p. m.

San Francisco Order G4-13, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno Area, filed 3:58 p. m.

San Francisco Order G4A-13, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno Area, filed 3:59 p. m.

San Francisco Order G4A-13, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno Area, filed 4:00 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER, *Recording Secretary.*

[F. R. Doc. 52-10719; Filed, Sept. 30, 1952; 4:26 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

NEW TELEVISION STATIONS

PROCESSING OF MUTUALLY EXCLUSIVE APPLICATIONS TO BE SUSPENDED COMMENCING OCT. 15, 1952, UNTIL FURTHER ORDER OF COMMISSION

SEPTEMBER 18, 1952.

The Commission, by order, amended its Temporary Processing Procedure for television broadcast applications so that, beginning October 15, 1952, and until further notice, it will suspend the processing of mutually exclusive applications (i. e., those which compete for the same channel in the same community or require comparative hearing for other reasons). This is being done to enable the Commission to concentrate, for the time being, on the processing of many pending non-competitive applications.

The Temporary Processing Procedure adopted by the Commission in the Sixth Report and Order (FCC 52-294) was designed to make television service available to the greatest number of people in the shortest period of time. Under this procedure, applications are grouped within categories based on the present lack of television service in the communities for which they are filed. On July 1, 1952, the Commission commenced the processing of the "post freeze" applications for new television broadcast stations. Since that time, 65 mutually exclusive applications were designated for hearing and 168 additional applicants were advised that their applications could not be granted because they were mutually exclusive with other applications.

Because of the limited number of Commission hearing examiners and other staff members engaged in hearing work it would not be possible to try such cases until the present backlog is removed, and therefore no useful purpose would be served by designating additional applications for hearing at this time. For this reason the interests of parties who have filed or who will file mutually exclusive applications will not be adversely affected by the processing only of non-competitive applications at this time. It is anticipated that the hearings in the cases now designated for hearing and those additional mutually exclusive applications already processed by the Commission will not be concluded for a considerable period. Accordingly, in order to bring television service as quickly as possible to as many people as possible, the Commission feels that the public interest will be served by processing, for a limited time, non-competitive applications only.

The Commission will continue to process non-competitive applications in the order of priorities set forth in its Temporary Processing Procedure. Where mutually exclusive applications are filed, the Commission will pass such applications and will issue public announcements weekly of the applications that were passed. If mutually exclusive applications are amended so as to remove the conflict, the Commission will consider such applications at that time. The Commission will reexamine its backlog of hearing cases from time to time. When it appears the Commission personnel engaged in hearing work will be available for the handling of additional cases, the Commission will resume the processing of mutually exclusive applications.

Adopted: September 17, 1952.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-10710; Filed, Oct. 2, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1741, G-1764, G-1944]

TENNESSEE GAS TRANSMISSION CO., AND FREDERICK GAS CO., INC.

NOTICE OF FINAL DECISIONS

SEPTEMBER 29, 1952.

Notice is hereby given that the Presiding Examiner's Decisions in the above-designated matters were issued and served upon all parties on August 26, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said Decisions became effective on September 25, 1952, as the final decisions and orders of the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10682; Filed, Oct. 2, 1952; 8:45 a. m.]

[Docket Nos. G-1810, G-1938, G-1939]

TEXAS-OHIO GAS CO.

ORDER FIXING DATE OF ORAL ARGUMENT AND TIME FOR FILING BRIEFS OR PROPOSED FINDINGS AND CONCLUSIONS

SEPTEMBER 26, 1952.

On September 8, 1952, the taking of evidence in support of the applications filed by Texas-Ohio Gas Company (Applicant) at Docket Nos. G-1810, G-1938 and G-1939, was concluded, and further hearings recessed subject to the further order of the Commission. With the close of Applicant's testimony-in-chief on September 8, 1952, and the subsequent service of the exhibits for which exhibit numbers were reserved, Applicant's case-in-chief is now concluded.

On September 23, 1952, counsel for National Coal Association et al., interveners in these proceedings, filed a motion to deny said applications.

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission respecting the matters involved and the issues presented by said motion to deny, prior to any further hearings in these proceedings.

The Commission orders:

(A) Oral Argument be had before the Commission on October 20, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the motion to deny, filed on September 23, 1952.

(B) Parties to these proceedings including Staff Counsel, in addition to filing an answer to said motion to deny as provided by § 1.12 (c) of the Commission's rules of practice and procedure, may file briefs or proposed findings and conclusions, on or before October 16, 1952. Movants may similarly file a brief or proposed findings and conclusions.

(C) Parties to the proceeding desiring to be heard at the oral argument shall notify the Secretary of the Commission on or before October 14, 1952, of the length of time requested for argument.

Date of issuance: September 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10683; Filed, Oct. 2, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS, AND DIRECTOR, SPECIAL OPERATIONS BRANCH

DELEGATIONS OF AUTHORITY WITH RESPECT TO THE ALASKA HOUSING PROGRAM

The Commissioner, Community Facilities and Special Operations, and the Director, Special Operations Branch, and each of them is hereby authorized, on behalf of the Housing and Home Finance Administrator, to take the following actions relating to purchase of obligations of the Alaska Housing Authority for the purpose of financing programs and making loans authorized under the Alaska Housing Act, as amended (63 Stat. 58 (1949), as amended, 48 U. S. C. Sup. V, 484), or as it may be amended:

a. Approve disbursements of funds for purchases authorized by the Administrator of obligations of the Alaska Housing Authority;

b. Execute, on behalf of the Housing and Home Finance Administrator, any and all documents and instruments in connection with bond issues of the Alaska Housing Authority required under any loan authorization, or in connection therewith, or relating thereto;

c. Amend or modify loan authorizations, or any requirement or condition therein (except to increase the amount thereof): *Provided*, That the said Commissioner or Director determines that such action will not materially affect adversely the interests of the Administrator; and

d. Consent to the release or substitution of any collateral and execute documents evidencing such consent: *Provided*, That the said Commissioner or Director determines that such action will not materially affect adversely the interests of the Administrator.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C. Sup. V 1701c; 63 Stat. 440 (1949), 12 U. S. C. Sup. V 1701d-1; 63 Stat. 58 (1949), as amended, 48 U. S. C. Sup. V 484)

Effective as of the 3d day of October, 1952.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 52-10714; Filed Oct. 2, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. AND AMERICAN NATURAL GAS CO.

ORDER POSTPONING HEARING

SEPTEMBER 29, 1952.

In the matter of United Light and Railways Company, American Light & Traction Company (now American Natural Gas Company).

The Commission having by order dated September 3, 1952, designated October 6, 1952, as the date for the commencement of a reconvened hearing in the above proceeding for the purpose of taking testimony upon the retainability by the American Natural Gas Company system of Milwaukee Solvay Coke Company, a non-utility subsidiary, in accordance with the jurisdiction thereto reserved by the order of the Commission dated December 30, 1947; and

American Natural Gas Company having requested that the hearing be postponed until November 10, 1952; and the Commission deeming it appropriate under the circumstances to grant such request:

It is ordered, That the hearing in this matter previously scheduled for October 6, 1952, at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., be, and hereby is, postponed to November 10, 1952, at the same hour and place.

It is further ordered, That said postponed reconvened hearing shall be before William W. Swift, hearing officer heretofore designated by the Commission to preside at such reconvened hearing, and that he shall have and exercise the same powers and duties authorized by the order of September 3, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10684; Filed, Oct. 2, 1952; 8:46 a. m.]

[File No. 70-2934]

SOUTHWESTERN DEVELOPMENT CO. AND WEST TEXAS GAS CO.

NOTICE OF FILING OF DECLARATION IN RESPECT OF PROPOSED SALE BY PUBLIC UTILITY COMPANY OF CERTAIN GAS TRANSMISSION FACILITIES

SEPTEMBER 29, 1952.

Notice is hereby given that Southwestern Development Company ("Southwestern"), a registered holding company, and its public utility company subsidiary, West Texas Gas Company ("West Texas"), have filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint declaration in respect of a proposed sale by West Texas of certain gas transmission facilities. Declarants designate section 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transaction.

Notice is hereby further given that any interested person may, not later than October 14, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held in respect of the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which it is proposed to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 14, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions proposed, which are summarized as follows:

Pursuant to the terms of a contract dated June 14, 1952, West Texas proposes to sell to El Paso Natural Gas Company ("El Paso"), a non-affiliate, at depreciated net book cost at the date of transfer, the gas transmission lines and appurtenances, including the Hereford compressor station, owned by West Texas, in Texas, and lying west of the points near Amherst and Dawn, Texas at which El Paso's 24 inch gas pipeline intersects the lines of West Texas, excepting the Hereford-Dimmitt lateral. The purchase price (approximately $290,000 at June 30, 1952) is to be paid 10 percent in cash at the date of transfer, and the balance is to be evidenced by a note payable in nine equal annual installments, with interest on the unpaid balance at 3 percent per annum, payable annually. El Paso may elect to pay the entire purchase price at the date of transfer, or to prepay the unpaid balance at any time prior to the due date of the final installment. El Paso, as a part of the transaction, is to assume the existing contract obligations of West Texas to sell natural gas to Southern Union Gas Company ("Southern Union"), a non-affiliate.

It is stated that:

For a period of more than 2 years, El Paso Natural Gas Company has provided all of the gas which is served from that portion of West Texas' facilities which are here proposed to be sold. During such period of time West Texas has been wholly dependent upon El Paso for a gas supply to enable it to adequately meet the demands of Southern Union Gas Company's Clovis (New Mexico) District. In the event the sale of the facilities as proposed is not consummated, West Texas would continue to occupy the position of "middle man" and would only be able to guarantee a supply of gas to Southern Union Gas Company of such quantities as it receives from El Paso Natural Gas Company. West Texas' current contract with El Paso Natural Gas Company for these gas purchases and its existing Service Agreement with Southern Union Gas Company expire June 30, 1956. If El Paso Natural Gas Company acquires the facilities proposed to be sold hereunder, it will be in a position to execute a long term service agreement with Southern Union Gas Company.

West Texas' distribution systems in towns now connected to, and receiving gas supplies from, the transmission facilities proposed to be sold will be retained by West Texas, and such towns will continue to be supplied from said transmission facilities as heretofore.

It is further stated that the proposed abandonment by West Texas by sale to El Paso, the acquisition and operation of the facilities by El Paso, and the substitution of El Paso for West Texas as the supplier of natural gas to Southern Union are subject to the jurisdiction of the Federal Power Commission and that the requisite approval of that Commission is to be obtained. It is also stated that no state commission has jurisdiction over the proposed transaction.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at not to exceed $500.

It is requested that the Commission enter an order to become effective upon its issuance, on the 30th day after the filing of the declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10685; Filed, Oct. 2, 1952; 8:46 a. m.]

[File No. 70-2935]

CONSOLIDATED NATURAL GAS CO.

NOTICE REGARDING PROPOSED NONINTEREST BEARING LOANS TO SUBSIDIARIES

SEPTEMBER 29, 1952.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated section 12 (b) thereof and Rule U-45 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 8, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 8, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Consolidated proposes to make short-term open account extensions of credit, without interest, to four of its subsidiaries, in the following amounts:

Hope Natural Gas Co	$3,000,000
The East Ohio Gas Co	1,000,000
The Peoples Natural Gas Co	2,000,000
New York State Natural Gas Corp	1,500,000
	7,500,000

Such extensions of credit will be made from time to time as required by the subsidiaries during the balance of 1952 to replenish their cash used in the building up of inventories of gas in underground storage to meet wintertime demands of customers. It is expected that the subsidiaries will repay to Consolidated the amounts of money so advanced during the early part of 1953 as the requisite cash is produced from sales during the winter months.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10686; Filed, Oct. 2, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27430]

COPPER RODS FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO CARROLLTON, GA.

APPLICATION FOR RELIEF

SEPTEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062, pursuant to fourth-section order No. 16101.

Commodities involved: Copper rods, unfinished, in coils, carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Carrollton, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10687; Filed, Oct. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27431]

ALCOHOL AND RELATED ARTICLES FROM PORT ARTHUR, TEX., TO POINTS IN ILLINOIS AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

SEPTEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Alcohol and related articles, carloads.

From: Port Arthur, Tex.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 235.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10688; Filed, Oct. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27432]

ALCOHOL AND RELATED ARTICLES FROM TEXAS TO ARKANSAS

APPLICATION FOR RELIEF

SEPTEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers.

Comodities involved: Alcohol and related articles, carloads.

From: Houston, Texas City, Port Neches, and Port Arthur, Tex.

To: Little Rock and North Little Rock, Ark.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 234.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10689; Filed, Oct. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27433]

CAUSTIC SODA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO HAMILTON, OHIO

APPLICATION FOR RELIEF

SEPTEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Hamilton, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 378, Supp. 211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10690; Filed, Oct. 2, 1952; 8:47 a. m.]

[4th Sec. Application 27434]

PAPER BOXES FROM ALBERT LEA, MINN., TO DUBUQUE, IOWA

APPLICATION FOR RELIEF

SEPTEMBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago Great Western Railway Company and the Minneapolis & St. Louis Railway Company.

Commodities involved: Boxes, fibreboard, strawboard, or pulpboard, carloads.

From: Albert Lea, Minn.

To: Dubuque, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3432, Supp. 165.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10691; Filed, Oct. 2, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 97]

ROYAL SAXON CO., INC.

Whereas, by Vesting Order No. 596, dated December 30, 1942 (8 F. R. 2449) and by Supplemental Vesting Order 1992, dated August 18, 1943 (8 F. R. 11699) there were vested an aggregate of one hundred (100) shares of $50 par value common stock of Royal Saxon Company, Inc., a corporation organized under the laws of the State of New Jersey (hereinafter referred to as the Company), comprising all of the issued and outstanding capital stock of the Company; and the direction, management, supervision and control of the Company were undertaken by said Vesting Order 596; and,

Whereas, by Vesting Order 3784, dated June 8, 1944 (9 F. R. 7277) there were vested certain interests and rights, including royalties and other monies payable, created in certain nationals of Germany by virtue of agreements entered into by and between such nationals of Germany and the Company; and,

Whereas, by Vesting Order 3955, dated July 17, 1944 (9 F. R. 9031) there was vested an account payable of the Company to a national of Germany; and,

Whereas, the Company has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors of the Company have been paid, except (a) such claims as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the Company, (b) the claim of Alfred H. Posselt for unpaid salary in the amount of $1,000.86 and (c) the claims of the Attorney General of the United States arising out of the obligations of the Company vested by the aforesaid Vesting Orders 3784 and 3955, in the amounts of $23,529.83 and $4,554.22, respectively; and,

2. Finding that the known assets of the Company consist of cash in the amount of $1,980.74 as of June 30, 1951; and,

3. Having determined (a) that it is in the national interest of the United States that the Company be dissolved and its assets distributed and (b) that a Certificate of Dissolution of the Company was issued by the Secretary of State of State of New Jersey on April 10, 1950;

hereby orders that the officers and directors of the Company (to wit: Francis J. Carmody, President and Director; Robert Kramer, Treasurer and Director; and Stanley B. Reid, Secretary and Director, and their successors, or any of them) continue the proceedings for the dissolution of said Company; and, further orders that the officers and directors of the Company wind up the affairs of the Company and distribute the assets thereof coming into their possession as follows:

1. They shall first pay the current expenses and necessary charges of winding up the affairs of the Company and effecting the dissolution thereof; and

2. They shall then pay all known Federal, State and local taxes and fees owed by or accruing against the Company; and

3. They shall then pay to the Attorney General of the United States (a) the amount of the claims he may have for monies advanced to or on behalf of the Company for payment of real estate taxes, (b) the amount of the claims he may have for monies advanced to or on behalf of the Company on or after April 10, 1950, in connection with the dissolution and winding up of the affairs of the Company and (c) the amount of the claims he may have for services rendered to or on behalf of the Company on or after April 10, 1950, in connection with the dissolution and winding up of the affairs of the Company; and

4. They shall then apply the funds, if any, remaining in their hands after the payments as aforesaid pro rata to the following claims: (a) The claim of Alfred H. Posselt in the amount of $1,000.86, (b) the claims of the Attorney General of the United States arising out of the obligations vested by Vesting Orders 3784 and 3955 and (c) the claims of the Attorney General of the United States for monies advanced or services rendered to or on behalf of the Company in addition to those claims of the Attorney General of the United States described in the preceding subparagraph hereof; and

Further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General of the United States against any funds or property received by him hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against the Company shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of the Company, pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington D. C., September 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-10720; Filed, Oct. 2, 1952; 8:49 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

TEACHER AND SUBSTITUTE TEACHER IN INDIAN SCHOOLS

Subparagraphs (4) and (8) of § 24.14 (a) are amended to read as follows:

§ 24.14 *Teacher and substitute (temporary) teacher, GS-1710, in Indian schools*—(a) *Educational requirement.*

* * *

(4) *Vocational subjects.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 24 semester hours in skilled trades.

NOTE: For temporary appointment of substitute teacher of vocational subjects, this educational requirement may be modified to require only two full years of study in an accredited college or university in the department of the subject matter area in which the teaching duties are to be performed.

* * * * *

(8) *English, home economics, music, physical education, and social studies.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 24 semester hours in the subject matter taught.

NOTE: For temporary appointment of substitute teacher, home economics, this educational requirement may be modified to require only two full years of study in an accredited college or university in the department of the subject matter area in which the teaching duties are to be performed.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-10738; Filed, Oct. 3, 1952; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 3]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (1952 MARKETING SEASON)

The "Honey Export Program (1952 Marketing Season)" 17 F. R. 3397, 5385, 6838, is hereby further amended in the manner provided below:

1. Section 524.251 *General statement* is hereby amended by deleting the entire section and inserting in lieu thereof the following:

§ 524.251 *General statement.* In order to encourage the exportation of honey produced in the continental United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters upon the terms and conditions stated in this subpart. Exporters are hereby put on notice that funds appropriated under Chapter XI, entitled "Mutual Security," of the Supplemental Appropriation Act, 1953, Public Law 547, 82d Congress, may not be used to finance foreign purchases on which export payments are made pursuant to section 32 of the Act of August 24, 1935 (Pub. Law 320, 74th Cong.), as amended. The exporter at the time of negotiating a sale, in order to protect himself against the use of such funds in making payment for honey sold under this program, shall in every instance receive assurance from the buyer that such funds are not being used, or will not be used, in consummating the transaction, and shall support his claim for payment with a warranty, as set forth in § 524.260 (d), that no such funds have been, or will be, used in payment for honey sold under this program. The exporter and the buyer may, of course, outside of this program and without benefit of payments hereunder, agree upon the sale of honey at the prevailing market price with the total amount of such sales price to be

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paid by the buyer in whole or in part out of such funds.

2. Section 524.252 *Eligibility for payment* is hereby revised with respect to paragraph (d) as of July 26, 1952, and is hereby amended by deleting paragraph (e) so that the section reads as follows:

§ 524.252 *Eligibility for payment.* Payments will be made to any individual, partnership, corporation or association located in the continental United States (except as provided in § 524.267), (a) who executes an application in quadruplicate, on the form attached hereto; (b) whose application has been approved by the Director; (c) who enters into a sales contract covering the sale and exportation of honey produced within the continental United States to an eligible destination (see § 524.255), who delivers honey pursuant to such contract, and who furnishes evidence of exportation of such honey as required by § 524.260; (d) who certifies, with respect to honey exported hereunder which is eligible under the 1952 Honey Price Support Program and which is sold by the producer during the period April 1, 1952, to March 31, 1953, inclusive, that the producer of such honey has received from the purchaser or exporter not less than the applicable prices as specified in § 524.271; and (e) who otherwise complies with all the terms and conditions of this program. Applications must be based on sales contracts and must be approved before exportation of the honey. Approval of applications will be in the order in which they are submitted (see § 524.253), and as long as funds are available. Applicants may make their sales contracts under this program subject to the condition that the Department of Agriculture will make an export payment on such sales.

3. Section 524.260 *Filing of claim* is hereby amended by deleting paragraph (d) and inserting in lieu thereof the following:

§ 524.260 *Filing of claim.* • • •

(d) The exporter shall file with each claim for payment submitted hereunder the original or a true copy of a warranty obtained from the buyer stating that no part of the purchase price for the honey covered by the sales contract attached to the claim for export payment has been, or will be, paid from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953. If the sales contract contains such a warranty, an additional document is not required.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., September 30, 1952. Exporters whose applications have been approved subsequent to 12:01 a. m., e. s. t., July 26, 1952, and prior to the effective date of this amendment shall have the election of complying either with this amendment or with Amendment No. 2, 17 F. R. 6838, with respect to warranty or certification requirements pertaining to the use of funds made available under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c; Pub. Law 547, 82d Cong.)

Dated this 30th day of September 1952.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 52–10744; Filed, Oct. 3, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Hawaii 52)–1, Supp. 1]

PART 705—AGRICULTURAL CONSERVATION PROGRAM; HAWAII

SUBPART—1952

ALLOCATION; PRACTICE 32

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 Agricultural Conservation Program; Hawaii, issued January 5, 1952 (17 F. R. 268), is amended as follows:

1. Section 705.103 *Allocation* is amended by changing the figures "$179,000" in the first sentence to "$182,000."

2. Section 705.142 (*Practice 32*) is amended by deleting the word "solely" in the headnote.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 1st day of October 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–10751; Filed, Oct. 3, 1952; 8:55 a. m.]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR CIGAR-FILLER TOBACCO AND CIGAR-FILLER AND CIGAR-BINDER TOBACCO FOR 1953–54 MARKETING YEAR AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

Sec.
723.401 Basis and purpose.
723.402 Findings and determinations with respect to the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1953.
723.403 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1953.

AUTHORITY: §§ 723.401 to 723.403 issued under Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 723.401 *Basis and purpose.* (a) Sections 723.401 to 723.403 are issued to announce the reserve supply level and the total supply of cigar-filler tobacco and cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) for the marketing year beginning October 1, 1952, to establish the amounts of the national marketing quotas for cigar-filler tobacco and cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1953, and to apportion the quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.402 and 723.403 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from cigar-filler tobacco and cigar-filler and cigar-binder tobacco producers and others as provided in a notice (17 F. R. 8078) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of a proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practical, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation and apportionment of the national marketing quotas contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 723.402 *Findings and determinations with respect to the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1953.*[1]—(a) *Reserve supply level.* The reserve supply level for cigar-filler tobacco is 154,500,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 52,000,000 pounds and a normal year's exports of 2,500,000 pounds.

(b) *Total supply.* The total supply of cigar-filler tobacco for the marketing year beginning October 1, 1952, is 169,300,000 pounds consisting of carry-over of 131,000,000 pounds and estimated 1952 production of 38,300,000 pounds.

(c) *Carry-over.* The estimated carry-over of cigar-filler tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 114,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 55,200,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler tobacco which will make available during the marketing year beginning October 1, 1953, a supply of cigar-filler tobacco equal to the reserve supply level of such tobacco is 40,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 40,400,000 pounds would be inadequate to meet market demands during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 48,500,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	24
Maryland	5
Pennsylvania	31,394
Reserve[1]	317

[1] Acreage reserved for establishing allotments for farms upon which no cigar-filler tobacco has been grown during the past five years.

§ 723.403 *Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco for the marketing year beginning October 1, 1953.*[1]—(a) *Reserve supply level.* The reserve supply level for cigar-filler and cigar-binder tobacco (exclusive of type 46 which has been designated (15 F. R. 8214) as a separate kind of tobacco) is 207,400,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 70,000,000 pounds and a normal year's exports of 3,000,000 pounds.

(b) *Total supply.* The total supply of cigar-filler and cigar-binder tobacco (exclusive of type 46) for the marketing year beginning October 1, 1952, is 217,200,000 pounds consisting of carry-over of 161,500,000 pounds and estimated 1952 production of 55,700,000 pounds.

(c) *Carry-over.* The estimated carry-over of cigar-filler and cigar-binder tobacco (exclusive of type 46) at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 143,200,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 74,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and cigar-binder tobacco (exclusive of type 46) which will make available during the marketing year beginning October 1, 1953, a supply of cigar-filler and cigar-binder tobacco equal to the reserve supply level of such tobacco is 64,200,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 64,200,000 pounds would be inadequate to meet market demands during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and cigar-binder tobacco (exclusive of type 46) in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 77,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Connecticut	12,096
Illinois	10
Indiana	3
Iowa	10
Massachusetts	5,948
Minnesota	406
New Hampshire	10
New York	444
Ohio	7,317
Pennsylvania	572
Vermont	13
Wisconsin	23,148
Reserve[1]	505

[1] Acreage reserved for establishing allotments for farms upon which no cigar-filler and cigar-binder tobacco has been grown during the past five years.

Done at Washington, D. C., this 1st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10822; Filed, Oct. 3, 1952; 8:59 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

[1023 (Cigar-Leaf-53)-3, Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 723.418 of the Cigar-filler and Binder tobacco marketing quota regulations, 1953–54 marketing year, relating to adjustments of acreage allotments for old farms. The amendment increases the acreage available for making such upward adjustments from one percent to four percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year. Since the amount of acreage so used will affect the size of farm tobacco acreage allotments and since it is imperative that farmers be notified of their farm tobacco acreage allotments at a very early date, it is necessary that the amendment become effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date it is filed with the FEDERAL REGISTER.

The Cigar-filler and Binder Tobacco Marketing Quota Regulations, 1953–54 Marketing Year, are amended by changing the last sentence of § 723.418 to read as follows: "The acreage available for increasing allotments under this section shall not exceed four percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year."

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 1st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10790; Filed, Oct. 3, 1952; 8:55 a. m.]

[1023 (Maryland-53)-1]

PART 727—MARYLAND TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR MARYLAND TOBACCO FOR 1953–54 MARKETING YEAR AND APPORTIONMENT OF QUOTA AMONG THE SEVERAL STATES

Sec.
727.401 Basis and purpose.
727.402 Findings and determinations with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1953.

AUTHORITY: §§ 727.401 and 727.402 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; Pub. Law 464, 82d Cong., 7 U. S. C. 1301, 1312, 1313.

§ 727.401 *Basis and purpose.* (a) Sections 727.401 and 727.402 are issued to announce the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1952, to establish the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1953, and to apportion the quota among the several States.

The findings and determinations by the Secretary contained in § 727.402 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (17 F. R. 8078) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation and apportionment of the quota contained herein shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 727.402 *Findings and determinations with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1953.*[1]—(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 100,500,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 30,000,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1952, is 101,000,000 pounds consisting of carry-over of 63,000,000 pounds and estimated 1952 production of 38,000,000 pounds.

(c) *Carry-over.* The estimated carry-over of Maryland tobacco on January 1, 1954, is 63,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 38,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year, beginning October 1, 1953, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 37,500,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 37,500,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 12 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1953, is 42,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Maryland	52,267
Virginia	21
Kentucky	55
North Carolina	5
Tennessee	19
Reserve[1]	529

[1] Acreage reserved for establishing allotments for farms upon which no Maryland tobacco has been grown during the past five years.

Done at Washington, D. C., this 1st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10789; Filed, Oct. 3, 1952; 8:55 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 167]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.590 *Grapefruit Regulation 167*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat.

237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 6, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 6, 1952; the recommendation and supporting information for continued regulation subsequent to October 5, 1952, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 30; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 6, 1952, and ending at 12:01 a. m., e. s. t., October 20, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nalled box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (7 CFR 51.193; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10792; Filed, Oct. 3, 1952; 8:55 a. m.]

[Orange Reg. 222]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.589 *Orange Regulation 222*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as provided in this section will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 6, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 6, 1952; the recommendation and supporting information for continued regulation subsequent to October 5 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 30; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 6, 1952, and ending at 12:01 a. m., e. s. t., October 20, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than 2 $^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (7 CFR 51.302; 17 F. R. 7879): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2 $^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida oranges (7 CFR 51.302; 17 F. R. 7879).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10793; Filed, Oct. 3, 1952; 8:55 a. m.]

[Tokay Grape Order 1, Amdt. 2]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable

provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than October 4, 1952. Shipments of Tokay grapes of the current crop have been subject to regulation by grades and sizes pursuant to Tokay Grape Order 1, as amended (§ 951.313; 17 F. R. 7774, 8611), which has been in effect since August 26, 1952, and is to continue until January 1, 1953; a reasonable determination as to the need for continued regulation of the shipments of Tokay grapes by grades and sizes must await the availability of information relative to the probable supply and demand conditions for such grapes; information available to the committee on September 30, 1952, was to the effect that, without the further tightening of the tolerances permitted under such grade and size regulation, as amended, for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, and without increasing the percentage of fairly well colored berries which each bunch of such grapes shall have, the supply thereof during the period October 4, 1952 to January 1, 1953, will exceed the demand therefor, and recommendation and supporting information for the reduction of such tolerances set forth in Tokay Grape Order 1, Amendment 1 (17 F. R. 8611), and increasing of the percentage of fairly well colored berries in each bunch as set forth in Tokay Grape Order 1 (17 F. R. 7774), was forwarded promptly to the Department and made available to handlers and producers of Tokay grapes; the provisions of this amended regulation are the same as the aforesaid recommendation of the committee; and compliance with the provisions of this amended regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Delete the provisions of paragraph (b) (1) of Tokay Grape Order 1, as amended (§ 951.313; 17 F. R. 7774, 8611), and insert, in lieu thereof, the following:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 4, 1952, and ending at 12:01 a. m., P. s. t., January 1, 1953, no shipper shall ship any Tokay grapes which do not meet the grade and size specifications of U. S. No. 1 Table Grapes and the following additional requirements:

(i) Each bunch of such grapes shall have at least 65 percent, by count, of fairly well colored berries; and

(ii) In lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of six (6) percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements of U. S. No. 1 Table Grapes: *Provided,* That with respect to Tokay grapes produced in the Florin District, there shall be allowed, in addition to the tolerances provided for U. S. No. 1 Table Grapes, for each container of such grapes an aggregate tolerance of two (2) percent, by weight, for defects not considered serious damage, for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes, and for bunches which are not fairly well colored.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 2d day of October 1952, to become effective at 12:01 a. m., P. s. t., October 4, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-10850; Filed, Oct. 3, 1952; 8:49 a. m.]

[Lemon Reg. 455]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.562 *Lemon Regulation 455.*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 1, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 5, 1952, and ending at 12:01 a. m., P. s. t., October 12, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 200 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 953; 14 F. R. 3612)

Done at Washington, D. C. this 2d day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Sept. 28, 1952]

DISTRICT NO. 2

[12:01 a. m. Oct. 5, 1952, to 12:01 a. m. Oct. 19, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.026
American Fruit Growers, Inc., Fullerton	.190
American Fruit Growers, Inc., Upland	.119
Badington Fruit Co	.432
Ventura Coastal Lemon Co	4.505
Ventura Pacific Co	3.738
Glendora Lemon Growers Association	1.724
La Verne Lemon Association	.406
La Habra Citrus Association	.690
Yorba Linda Citrus Association, The	.544
Escondido Lemon Association	1.114
Alta Loma Heights Citrus Association	.129
Etiwanda Citrus Fruit Association	.045
Mountain View Fruit Association	.057
Old Baldy Citrus Association	.219
San Dimas Lemon Association	.540
Upland Lemon Growers Association	3.358
Central Lemon Association	.334
Irvine Citrus Association	.256
Placentia Mutual Orange Association	.080
Corona Citrus Association	.015
Corona Foothill Lemon Co	1.030
Jameson Co	.500
Arlington Heights Citrus Co	.232
College Heights Orange & Lemon Association	2.064
Chula Vista Citrus Association, The	.604
Escondido Cooperative Citrus Association	.077
Fallbrook Citrus Association	1.409
Lemon Grove Citrus Association	.253
Carpinteria Lemon Association	3.929
Carpinteria Mutual Citrus Association	4.601
Goleta Lemon Association	7.142
Johnston Fruit Co	7.502
Hazeltine Packing Co	.066
North Whittier Heights Citrus Association	.276
San Fernando Heights Lemon Association	.579
Sierra Madre-Lamanda Citrus Association	.365
Briggs Lemon Association	2.521
Culbertson Lemon Association	1.502
Fillmore Lemon Association	.573
Oxnard Citrus Association	7.228
Rancho Sespe	.682
Santa Clara Lemon Association	5.016
Santa Paula Citrus Fruit Association	3.445
Saticoy Lemon Association	5.666
Seaboard Lemon Association	6.658
Somis Lemon Association	4.914
Ventura Citrus Association	1.589
Ventura County Citrus Association	.873
Limoneira Co	2.838
Teague-McKevett Association	.637
East Whittier Citrus Association	.219
Leffingwell Rancho Lemon Association	.492
Murphy Ranch Co	1.191
Chula Vista Mutual Lemon Association	.516
Index Mutual Association	.075
La Verne Cooperative Citrus Association	.754
Orange Belt Fruit Distributors	.160
Ventura County Orange & Lemon Association	8.262
Whittier Mutual Orange & Lemon Association	.011
Latimer, Harold	.028
Paramount Citrus Association, Inc	.000

[F. R. Doc. 52-10851; Filed, Oct. 3, 1952; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 14]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASE

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Pulaski County in Arkansas;

The State of California;

Talbot and Meriwether Counties in Georgia;

Sr. Clair County, Jarvis Township in Madison County and Aurora Township in Kane County in Illinois;

City of Baltimore in Maryland;

Egan, Inver Grove, Mendota, and West St. Paul Townships in Dakota County in Minnesota;

Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;

New York County and Clarkstown Township in Rockland County, in New York;

Oklahoma County in Oklahoma;

City of Seattle, City of Spokane, and City of Tacoma, and Section 24, Delta Township in Whatcom County in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Pulaski County in Arkansas;

Meriwether County in Georgia;

Jarvis Township in Madison County and Aurora Township in Kane County in Illinois;

Egan, Inver Grove, Mendota and West St. Paul Townships in Dakota County in Minnesota;

City of Seattle, City of Spokane, City of Takoma and Section 24, Delta Township in Whatcom County in Washington.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8653) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Cook County and Oswego Township in Kendall County in Illinois;

Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8653) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 30th day of September 1952.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-10743; Filed, Oct. 3, 1952; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5660]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO NOVELTY SALES CO. AND MARTIN KORS

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling;* § 3.2880 *In merchandising.* I. Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and, II, in connection with the offering for sale, sale and distribution in commerce, of watches, jewelry, fountain pens, knives, novelties, or other merchandise.

(1) supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards, or other lottery devices are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public; (2) selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise, or lottery scheme; or, (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C 45) [Cease and desist order, Martin Kors d. b. a. Chicago Novelty Sales Company, Portland, Oreg., Docket 5660, July 9, 1952]

In the Matter of Martin Kors, an Individual Trading and Doing Business as Chicago Novelty Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 1, 1949, issued and subsequently served its complaint in this proceeding upon the respondent, Martin Kors, an individual, charging him with the use of unfair acts and practices in commerce in violation of the provisions of that act. No answer having been filed to said complaint within the time permitted under the Commission's rules of practice, a hearing was held at which testimony and other evidence in support of the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it. Thereafter, upon motion of counsel for respondent, the hearing examiner permitted respondent to file his answer to said complaint. Said answer, which was filed subject to the condition that the Commission take no action herein until its final determination of the matter of Superior Products Company, Inc., Docket No. 5561, admits all of the material allegations of fact in said complaint, waives all intervening procedure, including the filing of a recommended decision by the hearing examiner, but specifically reserves the right of appeal from any decision entered by the Commission herein. Upon a joint motion of counsel supporting the complaint and counsel for respondent, all of the testimony taken herein was stricken from the record by the hearing examiner. Thereafter, this proceeding regularly came on for final hearing before the Commission upon the aforesaid complaint and answer (the Commission in the meantime having issued its order to cease and desist in the matter of Superior Products Company, Inc.); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom.[1]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondent's answer admitting all of the material allegations of fact therein and waiving all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Martin Kors, individually, and trading under the name Chicago Novelty Sales Company or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme:

It is further ordered, That said respondent and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of watches, jewelry, fountain pens, knives, novelties, or other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards, or other lottery devices are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public.

2. Selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise, or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme:

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: July 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10783; Filed, Oct. 3, 1952; 8:53 a. m.]

[Docket 5662]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASA ARNSBERG ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling;* § 3.2880 *In merchandising.* I. Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and, II, in connection with the offering for sale, sale and distribution in commerce, of watches, jewelry, novelties, or other merchandise, (1) supplying to or placing in the hands of others, push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards, or other lottery devices are to be used or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public; (2) selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise, or lottery scheme; or, (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Asa Arnsberg et al, t. a. Premier Sales Company, Portland, Oreg., Docket 5662, July 9, 1952]

In the Matter of Asa Arnsberg, Harry C. Arnsberg, and Dorothy Schubach, Individuals and Copartners Trading as Premier Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 1, 1949, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. Thereafter, on December 5, 1949, respondents filed their answer to said complaint, permission to file after time allowed by the Commission's rules of practice having been granted by a hearing examiner of the Commission duly designated by it. Said answer, which was filed subject to the condition that any order entered in this matter be held in abeyance pending the final determination by the Commission of the matter of Superior Products, Inc., et al., Docket No. 5561, admits all of the material allegations of fact in said complaint and waives all intervening procedure herein. Thereafter, this proceeding regularly came on for final hearing before the Commission upon the aforesaid complaint and answer (the Commission in the meantime having issued an order to cease and desist in the matter of Superior Products, Inc.); and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom.[1]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondents' answer admitting all of the material allegations of fact therein and

[1] Filed as part of the original document.

waiving all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Asa Arnsberg, Harry C. Arnsberg and Dorothy Schubach, individually or as copartners trading under the name Premier Sales Company or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used, or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme:

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of watches, jewelry, novelties or other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards, or other lottery devices are to be used, or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public.

2. Selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-10782; Filed, Oct. 3, 1952; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DEFINITIONS OF TERMS; FORM AND CONTENT OF PROSPECTUSES

On July 10, 1952, the Commission published notice that it had under consideration the adoption of a rule designated as § 230.132 (Rule 132) under the Securities Act of 1933, the amendment of § 230.431 (Rule 431) under that act, and the adoption of certain related policies having to do with acceleration of the effective date of registration statements pursuant to section 8 (a) of the act. The Commission has considered all of the comments and suggestions received and has determined that the proposals should be adopted, with certain modifications as set forth below. The Commission's action is designed generally (1) to provide a means, consistent with the statutory prohibition against selling effort before the effective date of the registration statement, for achieving more widespread dissemination of information during that period and (2) to further the aim of achieving prospectuses which are reasonably concise and readable.

I. *Statement of purpose.* In the absence of an exemption, the Securities Act prohibits the use of the mails or interstate facilities to make any sale or attempt to dispose of a security prior to the effective date of a registration statement, and requires the inclusion of material information in prospectuses used after that date. However, it does not prohibit the dissemination of information as such. Indeed, the provision for a waiting period before the effective date is based on the premise that information will in fact be disseminated.

Section 230.132 is designed to permit the use of a brief "identifying statement" which is intended for use as a screening device to locate persons who might be interested in receiving the proposed form of prospectus pursuant to § 230.131 (the "red herring prospectus") or the final prospectus. The identifying statement is not intended to be a selling document.

The rule is in the form of a definition of the terms "sale" and "offer" for purposes of section 5 only. The anti-fraud provisions are not affected.

Among other things, the identifying statement sets forth "the general type of business of the issuer"; it is contemplated that this statement regarding the nature of the business will not exceed a line or two. The identifying statement must state from whom copies of the prospectus or proposed prospectus may be obtained, and may include the name of an individual in the firm publishing the statement as well as the name of the firm.

Section 230.132 and the policy here announced are designed to encourage the publication of identifying statements by issuers, underwriters and dealers both before and after the effective date of a registration statement. It is recognized that dealers may not wish to publish identifying statements regarding a security until they have some reason to believe that they will participate in its distribution, and also that a dealer may have to have some idea as to the amount of his possible participation in order to determine the extent of his use of identifying statements and the number of proposed prospectuses that he should obtain and distribute. In view of the policy of the act to encourage the dissemination of information, the Commission feels that communications between underwriters and dealers, before the effective date, related to the question of publishing identifying statements and distributing proposed prospectuses do not violate section 5 and it has so provided in paragraph (a) of Rule 132.

The adoption of this rule does not modify the opinions of the General Counsel published in Securities Act Releases 464 and 802 [17 CFR 231.464 and 231.802; 11 F. R. 10953 and 10957], regarding the use of summaries of information contained in registration statements; and the restriction in Rule 132 against using the identifying statement until ten days after it is filed as a part of the registration statement is not intended to preclude making the entire registration statement, including the identifying statement, available for informational purposes at an earlier date.

Statutory basis. Section 230.132 is adopted pursuant to the Securities Act of 1933, particularly sections 2 (3) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

The text of § 230.132 is as follows:

§ 230.132 *Definition of "offer to sell," "offer for sale," "attempt or offer to dispose of," and "solicitation of an offer to buy" as used in section 2 (3) in connection with certain identifying statements*—(a) *General provision.* For purposes of section 5 only, sending or giving to any person or publishing an identifying statement, and communications between underwriters and dealers reasonably related to the contemplated use and distribution of an identifying statement and proposed form of prospectus, shall not constitute an "offer to sell," "offer for sale," "attempt or offer to dispose of," or "solicitation of an offer to buy" as used in section 2 (3) of the act: *Provided*, That the identifying statement is not used until ten days after it has been filed as a part of a registration statement under the Securities Act of 1933, unless the Commission notifies the issuer that it may be used earlier.

(b) *Definition of "identifying statement" and "proposed form of prospectus."* For the purposes of this section, the term "identifying statement" means a written communication or advertisement meeting the requirements set forth in paragraph (c) of this section; the term "proposed form of prospectus" means a document meeting the requirements of § 230.131.

(c) *Required information.* (1) The identifying statement shall contain the following legend in type as large as that used generally in the body thereof:

This is not an offer to sell these securities. They are subject to the registration and prospectus requirements of the Federal Securities Act. Information about the issuer, the securities, and the circumstances of the offering is contained in the prospectus which must be given to the buyer.

(2) The identifying statement shall indicate from whom copies of the prospectus or proposed form of prospectus may be obtained and shall include a detachable form for use in requesting such copies: *Provided*, That this information need not be included in the identifying statement as filed, in which event it must be added by the person who sends, gives or publishes the statement. The detachable form shall be substantially as follows:

Please send me a copy of the prospectus [or proposed form of prospectus] relating to
---

Name ---
Address ---

(d) *Optional information.* The identifying statement as used may briefly state any or all of the following items of information, which need not follow the numerical sequence of this paragraph.

(1) The title of the security;

(2) The name of the issuer;

(3) The general type of business of the issuer;

(4) The price of the security;

(5) The yield, in the case of a debt security with a fixed interest provision;

(6) The price at which, the conditions upon which, and the time when, the security may be redeemed or converted or exchanged or, if the security is a right or warrant or is offered by means of a right or warrant, the terms of such right or warrant with respect to price and the conditions and time of exercise;

(7) Whether the security is being offered in connection with a distribution by the issuer or in connection with a distribution by a security holder or both;

(8) Whether the security is traded over the counter or is, or is reasonably expected to be, listed or admitted to unlisted trading privileges on specified exchanges;

(9) Whether, in the opinion of counsel, the security is a legal investment for savings banks, fiduciaries, insurance companies, or other similar investors under the laws of any State or Territory or the District of Columbia;

(10) Whether, in the opinion of counsel, the security is exempt from specified taxes;

(11) The extent to which the issuer has agreed to pay any tax with respect to the security or measured by the income therefrom;

(12) Whether the issue represents new financing or a refunding operation or both;

(13) The title and number of shares or other units or (in the case of debt securities) principal amount of each class of outstanding securities;

(14) The amount of securities being offered;

(15) A legend in substantially the following form (or any part thereof):

The registration statement covering these securities is not yet effective. No offer to buy or sell the securities should be made and no offer to purchase the securities will be accepted until the registration statement has become effective. The publication of this notice is no assurance that the proposed offering will be made or as to the amount of securities, if any, that will be available for distribution by this firm.

(16) Any legend required by law of a state in which the identifying statement is to be used.

(e) *Prohibited statements.* The identifying statement shall not contain any information other than that specified in paragraph (d) of this section.

(f) *Variance between identifying statement as filed and as used.* The identifying statement as used shall be a copy of the identifying statement as filed with the Commission, provided:

(1) The identifying statement as used shall include the statement and form specified in paragraph (c) (2) of this section and may include the legends specified in paragraphs (d) (15) and (16) of this section, even though such statements, legends and forms are not included in the identifying statement as filed with the Commission;

(2) Any person using the identifying statement may omit any item of information specified in paragraph (d) of this section, even though such information is contained in the identifying statement as filed with the Commission;

(3) Where an amendment to the identifying statement is filed with the Commission, any person using the identifying statement shall incorporate the amendment as promptly as practicable, except as otherwise provided in subparagraph (2) of this paragraph;

(4) After the effective date of the registration statement, any person using the identifying statement shall make such corrections in the information contained therein as, to his knowledge, may be necessary to prevent it from being misleading.

(g) *Proceedings under section 8.* This section shall not apply when the registration statement is the subject of public proceedings which are pending under section 8 (b), (d), or (e) of the act, or of a public order entered under any of such sections.

II. *Statement of purpose.* In publishing these proposals for comment, the Commission indicated that it might amend its various registration forms under the Securities Act to require that each registration statement be accompanied by a form of identifying statement, in order to make certain that the identifying statement would be available for use by dealers. As a matter of simplicity, the Commission is incorporating this requirement in a new rule, which will be applicable to all registration statements.

Statutory basis. Section 230.414 is adopted pursuant to the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

The text of § 230.414 (Rule 414) is as follows:

§ 230.414 *Identifying statements.* Every registration statement shall include as an exhibit a form of identifying statement which states briefly such of the information listed in paragraph (d) of § 230.132 (Rule 132) as is available elsewhere in the registration statement, together with the legend specified in paragraph (c) (1) of that section.

III. *Purpose of amendment.* In order to facilitate the wider use of proposed prospectuses prior to the effective date of a registration statement under the Securities Act of 1933 and to avoid the necessity of duplicating the information contained in them at a later date, § 230.431 under the act is amended to provide generally that a final prospectus meeting the requirements of the act may consist of the latest proposed prospectus under § 230.131 plus a document containing such additional information that both together contain all the information required by the act. The amendment broadens a rule previously limited to offerings by an issuer to its existing stockholders.

Statutory basis. The amendment to § 230.431 is adopted pursuant to the Securities Act of 1933, particularly sections 10 and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

The text of § 230.431, as amended, is as follows:

§ 230.431 *Prospectuses supplementing preliminary material supplied previously.* A prospectus meeting the requirements of section 10 may consist of a copy of the latest proposed form of prospectus meeting the requirements of § 230.131 and a document containing such additional information that both together contain all of the information required to be included in a prospectus for registered securities: *Provided*, That—

(1) The proposed form of prospectus is incorporated by reference into and made a part of the document;

(2) Where the proposed form of prospectus has been sent or given before the effective date of the registration statement, the document is sent or given not more than 20 days later; and

(3) Where the proposed form of prospectus is sent or given after the effective date of the registration statement, the document is attached thereto.

Statement of Acceleration Policy With Respect to Dissemination of Identifying Statements and Proposed Prospectuses Pursuant to Rules 131 and 132

The Commission is adopting the following general policy regarding acceleration of the effective date of registration statements and amendments pursuant to section 8 (a) of the Securities Act of 1933 and the dissemination of information contained in such statements. This statement supplants the statements of policy contained in Securities Act Releases 3061 and 3177 (17 CFR Part 231).

Section 8 (a), in outlining the conditions under which the Commission may accelerate the effectiveness of registration statements, requires the Commission to consider whether adequate information respecting the issuer has been available to the public. The Commission, in ruling upon requests for acceleration, will consider whether the person making the offering has taken reasonable steps to make information contained in the registration statement con-

veniently available to underwriters and dealers who may be invited to participate in the distribution of the security.

The determination of what constitutes reasonable steps to make such information available must, of course, remain a question of fact in each case after consideration of all pertinent factors. Ordinarily such steps would involve as a minimum (1) the timely distribution of a copy of the identifying statement to each underwriter and dealer who may be invited to participate in the distribution of the security, and (2) the distribution to each such underwriter and dealer, a reasonable time in advance of the anticipated effective date of the registration statement, of as many copies of the proposed form of prospectus pursuant to § 230.131 as appear to be reasonable in the light of the Commission's aim to encourage the wider distribution of proposed prospectuses to prospective investors.

In the case of offerings at competitive bidding, the Commission because of mechanical problems normally will not require the distribution of identifying statements or proposed prospectuses as a condition of acceleration. However, the Commission will continue, as it has in the past, to take into consideration the adequacy of the distribution of the so-called bidding prospectus to underwriters and dealers in determining when to declare effective the post-effective amendment relating to price. Moreover, a form of identifying statement will have to be filed with the registration statement so that it will be available for use by dealers after the effective date.

So far as rights offerings to stockholders are concerned, the variety of techniques which may be employed does not lend itself to any categorical treatment. For that reason § 230.414 has been drafted to require the filing of an identifying statement, but the Commission will modify its acceleration policy here announced in accordance with the circumstances of the particular case. Any registrant or underwriter, before distributing copies of the identifying statement and proposed form of prospectus, may obtain from the Commission an opinion whether the proposed distribution of copies would be deemed adequate.

The granting of acceleration will not be conditioned upon the distribution of the identifying statement or the proposed form of prospectus in any state where their distribution would be illegal.

In the event that a proposed form of prospectus or identifying statement which has bene distributed by the issuer or an underwriter is found to be inaccurate or inadequate in material respects, the Commission considers that the person making the offering has the obligation to send correcting material to all underwriters and dealers to whom he has previously sent the inaccurate material. Accordingly, the Commission will not grant acceleration in such a case until it has received satisfactory assurance that appropriate correcting material has been sent to all such underwriters and dealers in quantity sufficient for their information and the information of others to whom they have circulated the inaccurate or inadequate material.

Statement of Acceleration Policy Where There Has Been No Bona Fide Effort To Prepare a Reasonably Concise and Readable Prospectus

Section 8 (a) of the Securities Act, in outlining the conditions under which the Commission may accelerate the effectiveness of registration statements, requires the Commission to consider the facility with which the nature of the securities and related matters can be understood. The Commission will refuse to accelerate the effective date of a statement where it is satisfied that there has been no bona fide effort to make the prospectus reasonably concise and readable, so as to facilitate an understanding of the information required to be contained in it.

The action announced herein will apply to registration statements filed on or after October 27, 1952.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s. Interprets or applies secs. 7, 10, 48 Stat. 78, 81; 15 U. S. C. 77g, 77j)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10737; Filed, Oct. 3, 1952; 8:46 a. m.]

PART 231—INTERPRETIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENTS OF COMMISSION RESPECTING ACCELERATION POLICY

Statements of the Commission respecting purpose of § 230.132 (Rule 132); respecting acceleration policy with respect to dissemination of identifying statements and proposed prospectuses pursuant to § 230.131 and 230.132 (Rules 131 and 132 (see F. R. Doc. 52-10737, *supra*)); and respecting acceleration policy where there has been no bona fide effort to prepare a reasonably concise and readable prospectus. [Securities Act Release No. 3453, October 1, 1952]

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 26, 1952.

[F. R. Doc. 52-10736; Filed, Oct. 3, 1952; 8:46 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

REPORTS OF DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS; EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

On June 18, 1952, the Commission published notice that it had under consideration proposals for the adoption of a new § 240.16a-8 (Rule X-16A-8) and amendments to §§ 240.16a-1, 240.16a-3, 240.16a-4, 240.16b-2, and § 240.16b-5 (Rules X-16A-1, X-16A-3, X-16A-4, X-16B-2, and X-16B-5). It invited all interested persons to comment upon the proposals. The notice of Rules X-16A-1, X-16A-3 and X-16A-4 was published in Securities Exchange Act Release No. 4718. The notice of Rules X-16B-2 and X-16B-5 was published in Securities Exchange Act Release No. 4719. The notice of Rule X-16A-8 was published in Securities Exchange Act Release No. 4720. The amendment to Rule X-16B-3 was suggested by comments received upon the proposed amendment to Rule X-16A-1. The Commission has considered all comments and suggestions received in connection with the proposed rules and has determined that Rules X-16A-1, X-16A-3, X-16A-4, X-16B-2, X-16B-3, and X-16B-5 should be adopted in the forms set forth below. The new Rule X-16A-8 is still under consideration.

The amendments clarify and enlarge the reporting requirements and exemptions provided by section 16 (a) and section 16 (b) of the Securities Exchange Act. Section 16 (a) requires beneficial owners of more than 10 percent of any class of equity registered on a national securities exchange and officers and directors of the issuers of such a security to file reports with the exchange and with the Commission indicating the extent of their beneficial ownership and any changes in such ownership which occur. Section 16 (b) provides, in general, for the recovery of profits realized by such persons when they effect purchases and sales or sales and purchases of such equity securities within any period of less than six months.

The new Rule X-16A-1 requires the holders of options, puts, calls, spreads and straddles to file the reports required by section 16 (a). The new Rule X-16A-3 requires any person who is a member of a partnership which owns securities of an issuer of which he is an officer, director, or ten percent stockholder to report all holdings and all changes in the beneficial ownership of equity securities of that issuer held by the partnership. It is not intended as a modification of the principles governing liability for short-swing transactions under Section 16 (b) as set forth in the case of Rattner v. Lehman, 193 F. 2d 564. But it is based upon the belief that full disclosure requires a report of all partnership transactions when an officer, director or ten percent stockholder of the issuer is a partner. The new Rule X-16A-4 clarifies the prior rule by indicating that the exemption provided in the rule is applicable only when the securities were held by the persons enumerated in the rule. It also reduces the period of time during which the exemption is effective from two years to one year.

The new Rule X-16B-2 broadens the prior rule by providing that the exemption is available for transactions of purchase and sale of securities in the course of a distribution of a block of securities on behalf of a security holder not standing in a control relationship to the issuer, as well as to other public distributions where the transactions are in the course of a public distribution of an issue

of securities on behalf of an issuer, or a person who does stand in a control relationship to the issuer. The amendment to Rule X-16B-3 broadens the exemption hitherto provided by the rule by making it applicable to acquisitions of nontransferable options, as well as to acquisitions of shares of stock. The new Rule X-16B-5 merely clarifies the prior rule, and does not change its effect.

The Commission has concluded not to adopt the proposed revision of Rule X-3B-2 as set forth in its notice, dated June 18, 1952 (Securities Exchange Act Release No. 4718, June 18, 1952). The comment received upon this proposal has convinced the Commission that adoption of the proposed revision would lead to undue uncertainties as to just what persons are to be treated as "officers" for purposes of sections 16 (a) and 16 (b), as well as sections 12, 13 and 14 of the act. It has concluded that it should adhere to the definition in Rule X-3B-2 as presently in effect, despite the intimations in the opinion of the Court in Colby v. Klune, 178 F. 2d 872, that the existing definition may be too narrow. The Commission is advised that that case is still awaiting trial upon remand to the district court. See also Lockheed Aircraft Corporation v. Rathman, F. Supp. (S. D. Cal.) decided July 21, 1952.

Although the Commission is continuing in effect the existing rule X-3B-2 as the Commission's definition of "officer," it is recognized that the ultimate determination of what constitutes an "officer" must be made by the courts and that the opinion in Colby v. Klune, 178 F. 2d 872, indicates the possibility that the provisions of the act applicable to officers may be held to reach a broader class of persons than might otherwise appear from the definition contained in Rule X-3B-2. Persons inquiring as to their statutory responsibilities will continue to be advised of this possibility.

Statutory basis. The new rules are adopted pursuant to the authority vested in the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b), and 23 (a).

The texts of the rules hereby adopted are as follows:

1. Section 240.16a-1 is amended by adding a new paragraph (h) thereto as follows:

§ 240.16a-1 *Reports under section 16 (a).* • • •

(h) *Report required for change in beneficial ownership.* For the purposes of this section the acquisition or disposition of any transferable option, put, call, spread, or straddle shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a report reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the reports required upon the exercise of such option, put, call, spread, or straddle.

2. Paragraph (b) of § 240.16a-3 is amended to read as follows:

§ 240.16a-3 *Manner of reporting holdings and changes in ownership under Rule X-16A-1.* • • •

(b) A partner who is required under § 240.16a-1 to report in respect of any equity security owned by the partnership shall include in his report the entire amount of such equity security owned by the partnership. He may, if he so elects, disclose the extent of his interest in the partnership and the partnership transactions.

• • • • •

3. Paragraphs (a) and (b) of § 240.16a-4 are amended to read as follows:

§ 240.16a-4 *Exemptions from sections 16 (a) and 16 (b).* (a) During the period of twelve months following their appointment and qualification, securities held by the following persons shall be exempt from sections 16 (a) and (b):

(1) Executors or administrators of the estate of a decedent;

(2) Guardians or Committees for an incompetent; and

(3) Receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and other similar persons duly authorized by law to administer the estate or assets of other persons.

After the twelve month period following their appointment or qualification the foregoing persons shall be required to file reports with respect to the securities held by the estates which they administer under section 16 (a) and shall be liable for profits realized from trading in such securities pursuant to section 16 (b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security (other than an otherwise exempted security) which is listed on a national securities exchange.

(b) Securities reacquired by or for the account of an issuer and held by it for its account shall be exempt from sections 16 (a) and (b) during the time they are held by the issuer.

• • • • •

4. Paragraphs (a) and (b) of § 240.16b-2 are amended to read as follows:

§ 240.16b-2 *Exemption from section 16 (b) of certain distributing transactions.* (a) Any transaction of purchase and sale of a security which is effected in the distribution of a substantial block of securities of the same class shall be exempt from the provisions of section 16 (b) of the act, to the extent specified in this section, as not comprehended within the purpose of said section, upon the following conditions:

(1) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(2) The security involved in the transaction is a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the issuer or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities; and

(3) Other persons not within the purview of section 16 (b) of the act are participating in the distribution of such block of securities on terms at least as favorable as those on which the person effecting the transaction is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16 (b) of the act by this section. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption which would otherwise be available under this section.

(b) The exemption of a transaction pursuant to this section with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this section.

• • • • •

5. Section 240.16b-3 is amended to read as follows:

§ 240.16b-3. *Exemption from section 16 (b) of certain acquisitions of securities under stock bonus or similar plans.* Any acquisition of shares of stock or nontransferable options (other than convertible stock or stock acquired pursuant to a transferable option, warrant or right) by a director or officer of the issuer of such stock shall be exempt from the operation of section 16 (b) of the act if the stock or option was acquired pursuant to a bonus, profit-sharing, retirement or similar plan meeting all of the following conditions:

(a) The plan has been approved specifically, or through the approval of a charter amendment authorizing stock for issuance pursuant to the plan, by the security holders of the issuer at a meeting for which proxies were solicited in accordance with such rules and regulations, if any, as were then in effect under section 14 (a) of the act.

(b) If the selection of the persons who may receive funds or securities pursuant to the plan, or the determination of the amount of funds or securities which may be so received by any such person is subject to the discretion of any person, such discretion shall be exercised by (1) a committee of three or more persons having full and final authority in the matter, or (2) the board of directors of the issuer, provided the members of such committee, or a majority of the directors acting in the matter, are not entitled to participate in such plan or in any other similar plan provided by the issuer or any of its affiliates.

(c) The plan effectively limits the aggregate amount of funds or securities which may be allocated with respect to each fiscal year pursuant to the plan, either by limiting the maximum amount which may be allocated to each participant in the plan or by limiting the maximum amount which may be so allocated to all such participants.

(d) The acquisition of the securities pursuant to the plan does not involve the payment of any cash other than the application of funds currently received pursuant to the plan or payable

pursuant to the option contract) directly or indirectly, to the issuer of any of its affiliates.

6. Section 240.16b–5 is amended to read as follows:

§ 240.16b–5 *Exemption from section 16 (b) of certain transactions in which securities are received by redeeming other securities.* Any acquisition of an equity security (other than a convertible security or right to purchase a security) by a director or officer of the issuer of such security shall be exempt from the operation of section 16 (b) upon condition that:

(a) The equity security is acquired by way of redemption of another security of an issuer substantially all of whose assets other than cash (or government bonds) consist of securities of the issuer of the equity security so acquired, and which—

(1) Represented substantially and in practical effect a stated or readily ascertainable amount of such equity security;

(2) Had a value which was substantially determined by the value of such equity security; and

(3) Conferred upon the holder the right to receive such equity security without the payment of any consideration other than the security redeemed;

(b) No security of the same class as the security redeemed was acquired by the director or officer within six months prior to such redemption or is acquired within six months after such redemption;

(c) The issuer of the equity security acquired has recognized the applicability of paragraph (a) of this section by appropriate corporate action.

The foregoing rules shall become effective November 1, 1952.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 16, 48 Stat. 896; 15 U. S. C. 78p)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 24, 1952.

[F. R. Doc. 52–10735; Filed, Oct. 3, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 6, Amdt. 6]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

PROVIDING FOR ESTABLISHMENT OF PROGRAM AND PROCEDURE TO COORDINATE MAKING OF COMMUNITY SURVEYS

1. Defense Mobilization Order No. 6, issued by this office under date of February 9, 1951, creating Interagency Regional Committees on Defense Mobilization, is hereby amended by renumbering paragraph 3 to be paragraph 4 and inserting therein a new paragraph numbered 3 as follows:

3. In order to ensure that special surveys of production capacity, labor requirements and supply, housing, community facilities, and similar resources are conducted with a minimum of cost, staff time and duplication, and of inconvenience to local officials and community organizations, and further to ensure that information available in the Federal agencies is utilized to the fullest extent possible, any Federal agency which proposes to initiate a community survey not subject to the Federal Reports Act of 1942 shall first so advise the Executive Secretary of the appropriate Regional Defense Mobilization Committee. Upon receipt of this advice, which shall include the nature and extent of the survey, the Executive Secretary of the Regional Defense Mobilization Committee, in collaboration with its membership, shall

a. Ascertain the extent of pertinent information that can be readily supplied through existing channels, and

b. Arrange for the release of information to the requesting agency. Full consideration shall be given by the requesting agency to the availability of such existing information in determining the need for the specific survey, and, if the survey is needed, in planning its scope and content.

2. This order is to take effect on October 4, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52–10848; Filed, Oct. 2, 1952; 3:59 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 4, Amdt. 5]

CPR 4—ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

ADJUSTMENTS ON ALL SIZES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 4 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases the ceiling prices on all sizes of anthracite by 20 cents per net ton f. o. b. the mines. The increase has been requested by the anthracite industry because of the interim agreement reached between the International Union of United Mine Workers of America, and the anthracite producers increasing the amount which the producers must pay to the Anthracite Health and Welfare Fund from 30 cents to 50 cents per net ton. The Wage Stabilization Board has advised the Union and the industry that "prior Board approval is not required before the affected employers may increase their contributions to the Anthracite Health and Welfare Fund from 30¢ per ton to 50¢ per ton, provided that such increase in contributions is necessary to maintain the level of benefits prevailing on January 25, 1951. Any increase in benefit levels or the institution of additional benefits requires Board approval."

Increases in the ceiling prices for some sizes of anthracite were recently authorized by the Office of Price Stabilization in Amendment 4. The increase authorized by that amendment was intended to permit the industry to recover substantially the amount to which it was entitled under the Industry Earnings Standard. On the basis of the industry earnings survey, and information received for the period January–July, 1952, this industry has demonstrated that the need for relief is immediate. So as not to delay this relief, the Agency is permitting an increase generally sufficient to cover the amount of increase in the welfare fund agreement. If the anthracite industry demonstrates that there is need for further relief so as to bring the level of the earnings of the industry up to the 85% level warranted by the Industry Standard, the Agency will take whatever action is deemed appropriate.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. The ceiling prices in Appendix A, provision 1, as amended, are further amended by an increase of 20 cents per net ton on all sizes so that provision 1 to Appendix A will read as follows:

1. The following ceiling prices, subject to the exceptions set forth in this regulation, are established for Anthracite f. o. b. mine:

	Per net ton
Broken	$14.40
Egg coal	14.65
Stove	14.90
Chestnut	14.80
Pea	11.60
No. 1 Buckwheat	8.95
Rice	7.35
Barley	6.05
Buckwheat No. 4 and smaller	5.05

2. The ceiling prices for "sub-standard" anthracite in Appendix A, provision 3, as amended, are further amended by an increase of 20 cents per net ton on all sizes so that provision 3 of Appendix A will read as follows:

3. The ceiling prices for anthracite (including anthracite for which a ceiling price has been established by any special order issued under this regulation, or otherwise), which does not meet the quality standards and price specifications set forth in Appendix B hereof, shall be the applicable ceiling price set forth below:

	Per net ton
Broken	$13.25
Egg coal	13.50
Stove	13.75
Chestnut	13.65
Pea	10.60
No. 1 Buckwheat	8.25
Rice	6.75
Barley	5.55
Buckwheat No. 4 and smaller	4.65

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Supp. 2154)

Effective date. This Amendment 5 to CPR 4 shall become effective as of October 1, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 3, 1952.

[F. R. Doc. 52–10868; Filed, Oct. 3, 1952; 2:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation No. 6 as amended October 3, 1952]

REVISED CMP REG. 6—CONSTRUCTION

This revised regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this revised regulation as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

Revised CMP Regulation No. 6 of March 6, 1952, as last amended by Amendment 3 of August 4, 1952, is hereby further amended to accomplish the following changes:

(1) Included in Revised CMP Regulation No. 6 are the rules with respect to construction of residential structures. These rules were set forth formerly in NPA Order M–100. To the extent that NPA Order M–100 was inconsistent with Revised CMP Regulation No. 6, insofar as the use of pre-October 1, 1951, inventory is concerned, this amendment modifies the rules relating to construction of residential structures to conform them to the provisions of Revised CMP Regulation No. 6.

(2) Sections 9 and 23 are amended to remove certain of the limitations on the use of DO ratings. These amended sections leave unchanged the rules relating to placing of DO-rated orders for construction machinery and for metalworking machines.

(3) Use of the allotment number T–9 is authorized for construction projects within the jurisdiction of the NPA Water Resources Division (section 22).

(4) Jurisdiction over certain recreational construction projects is given to the Federal Security Agency and the Veterans' Administration (section 33, and Table IV).

(5) The language of sections 4, 17, 20, 21, 25, 28, 33, and 34, and of Tables IV and V, is clarified, or is conformed to the other changes referred to above.

(6) The substance of Amendments 1 (17 F. R. 5559), 2 (17 F. R. 6763), and 3 (17 F. R. 7115) has been incorporated in this regulation as amended. Directions 2, 4, 5, 6, and 7 to this regulation are to remain in full force and effect.

REGULATORY PROVISIONS

ARTICLE I—EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.

ARTICLE II—COMMENCEMENT OR CONTINUANCE OF CONSTRUCTION

3. Categories of construction specified in Table I of this regulation.
4. All other categories of construction.

ARTICLE III—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN (CMP)

5. Claimant agencies.
6. Applications for authorized construction or production schedules and allotments.
7. Authorization of construction and production schedules.
8. How allotments are made.
9. Authorization of DO ratings.
10. Allotment numbers (controlled material orders).
11. Designation of DO orders.
12. Certification of orders.
13. Use of allotments.
14. Cancellation or reduction of allotments.
15. Prohibition of transfer of allotments.
16. Alternative procedure for simultaneous allotments.
17. Restrictions on placing authorized controlled material orders, and on use of allotments and materials.
18. Adjustments for changes in requirements.
19. Placing of orders.

ARTICLE IV—SMALL CONSTRUCTION PROJECTS

20. Self-authorization for small construction projects.
21. Who may self-authorize.
22. Self-authorization; allotment numbers.
23. DO ratings.

ARTICLE V—CONSERVATION

24. Limitations on the use of controlled materials.

ARTICLE VI—USE OF FOREIGN AND USED STEEL IN CONSTRUCTION

25. Definitions.
26. Use of foreign and used steel.
27. Hardship.

ARTICLE VII—GENERAL PROVISIONS

28. Exemptions.
29. Prohibited deliveries.
30. Scope of this regulation.
31. Communications.
32. Records and reports.
33. Applications for adjustment or exception.
34. Violations.

Table
I—Recreational, entertainment and amusement construction.
II—Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized.
III—Controlled materials.
IV—Jurisdiction of claimant agencies.
V—Items of metal-working machines.

AUTHORITY: Sections 1 to 34 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

ARTICLE I—EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* This revised regulation, as amended, supersedes Revised CMP Regulation No. 6 as last amended by Amendment 3 of August 4, 1952, and NPA Order M–100 as last amended August 4, 1952. The provisions formerly in NPA Order M–100 with respect to residential construction, modified to conform them to the restrictions affecting most other types of construction, are set forth now in this regulation.

(a) Article I of this regulation contains definitions of terms used in this regulation.

(b) Article II of this regulation explains the rules limiting the right to commence or continue construction.

(c) Article III of this regulation explains:

(1) How to obtain an authorized construction schedule; and

(2) How to obtain an allotment of controlled materials for construction.

(d) Article IV of this regulation explains the self-authorization procedure for obtaining controlled materials, which may be used in connection with small construction jobs.

(e) Article V of this regulation explains the rules limiting the use of controlled materials in construction.

(f) Article VI of this regulation explains the procedure to be followed to use foreign or used steel in construction.

(g) Article VII of this regulation sets forth the general provisions applicable to construction.

NOTE: Certain exemptions from the provisions of this regulation are specified in section 28.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Allotment" means an authorization of the amount of controlled materials which a claimant agency may receive or allot during a specified period, or an authorization by a claimant agency or other person of the amount of controlled materials which may be received or allotted by an owner, contractor, subcontractor, or a person manufacturing Class A products.

(d) "Authorized construction schedule" means a construction schedule specifically approved by a claimant agency with respect to an owner, or specifically approved by an owner or a contractor with respect to a prime contractor or a subcontractor.

(e) "Authorized controlled material order" means any order for any con-

trolled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in this regulation, or any such order which is placed pursuant to the self-authorization procedures specified in Article IV of this regulation, or which is specifically designated to be such an order by any regulation or order of NPA.

(f) "Authorized production schedule" means any production schedule specifically approved by a claimant agency or other person specifically mentioned in section 7 of this regulation, with respect to a producer of Class A products.

(g) "Class A product" means any product which is not a Class B product (as defined in paragraph (h) of this section), and which contains any controlled material fabricated or assembled beyond the forms and shapes specified in Table III of this regulation, other than any controlled material which may be contained in Class B products incorporated in it.

(h) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(i) "Commence construction" means to incorporate into a building, structure, or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations). Fabrication, production, or processing of prefabricated buildings, building equipment, or personal property to be installed does not constitute commencement of construction.

(j) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(k) "Contractor" means the person who does the actual construction of any building, structure, or project. A person who performs such work by virtue of an agreement directly with the owner is a prime contractor. A person who does such work as the result of an agreement with a prime contractor or a subcontractor is a subcontractor.

(l) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Table III of this regulation, whether new, remelted, rerolled, or redrawn, including used and second quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(m) (1) "Industrial plant, factory, or facility" means a building, structure, or project designed or intended for use in the production, manufacture, assembly, or processing of products or articles, and the following types of buildings, structures, or projects when an integral part of any such operation; generating plant, railroad siding, loading platform, storage warehouse, or repair shop, provided such buildings, structures, or projects are designed and intended for, and maintained and operated in connection with, such operations, and are located on the industrial site. The term specifically includes, but is not limited to: facilities for food and fibre processing, mining, extractive, forestry, logging, or lumber operations; warehouses used or to be used by a public carrier for the storage of goods in its custody as such carrier, or used or to be used by the public for the storage of goods incident to their concentration for shipment in volume, or while in transit or awaiting transshipment, or incident to their distribution following shipment; grain elevators; feed mills; printing and publishing establishments; facilities for radio and television broadcasting, including community antennae receiving systems.

(2) The term "industrial plant, factory, or facility" does not include the following: commercial buildings, such as wholesale and retail establishments for the storage, distribution, display, or sale of products or articles; administration buildings for any enterprise (without regard to location); office buildings; lofts, warehouses other than those specified in subparagraph (1); garages; service stations; gasoline filling stations; buildings, structures, or projects designed for furnishing services to those who may be either producers or consumers, other than those specified in subparagraph (1); fishing, agricultural, or dairy operations (excluding the processing of fish, food, and dairy products); farms; highways, roads, and bridges and similar construction; buildings, structures, or projects designed or intended for use in connection with transportation operations, including railroad switch tracks or spurs, bridges, transportation, or passenger or freight carrier terminals (other than those warehouses specified in subparagraph (1)); piers or wharves used in the transshipment of persons or property; water and sewage systems; and public utility systems. These listings are illustrative and not all inclusive.

(n) "Owner" means the person who owns the building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a completed project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this regulation.

(o) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be carried into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard or a golf course. A project shall not be subdivided for the purpose of coming within the self-authorization provisions of this regulation.

(p) "Residential structure" means any structure in which at least 50 percent of the floor space (excluding floor space devoted to stairways, halls, and other common space) is used or designed for dwelling purposes for other than transient occupancy. Separate buildings or construction on the residential site where used to service residential structures, such as private garages, tool sheds, and greenhouses, and electric utility, water, gas, or oil lines or pipes which are or will be the property of the owner, are part of the residential structure. The term does not include such buildings or structures as hotels, motels, or tourist camps primarily used for transient occupancy.

(q) "Steel, copper, and aluminum" means steel, copper, and aluminum in the forms and shapes indicated in Table III of this regulation.

(r) "Structural shapes" means those rolled flanged steel sections having at least one dimension of their cross-section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flanged sections. (This means that any standard rolled section, from a 3 x 2½ inch angle, 3 inch "T" beam, or 3 inch channel up, are structural shapes.) Wide flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Grey mill, in sizes ranging in depth from 4 to 36 inches.

(s) "Multiunit residential structure or project" means any residential structure or project such as an elevator-type apartment house, a dormitory, or a walk-up housing development, which includes more than four dwelling units in any single structure, whether or not such dwelling units are self-contained. A dwelling unit includes, but is not limited to, an apartment; or a room or group of rooms in a rooming or boarding house, or dormitory, used as individual living quarters by a single person or a group of persons. Houses connected by common walls, with individual heating and utility units and connections, and commonly known as "row" houses, are not considered multiunit residential structures. Separate buildings, even though they contain four or less dwelling units, which have common utility or heating systems constitute a multiunit residential project within the meaning of this regulation, if the total number of dwelling units in all such buildings is more than four. Separate buildings or construction on the residential site where used to service a multiunit residential structure or project, such as a heating or incinerator plant, a garage for use of tenants only, or electric utility, water, gas, or oil lines or pipes which are or will be the property of the owner, are part of the multiunit residential structure or project.

(t) "Completion of construction" means the stage of construction at which, and the date on which, a building, structure, or project is first suitable for occupancy for dwelling purposes or for its intended use, and all planned utility and service connections have been made.

(u) "Alteration" means the renovation, remodeling, or replacement of, or structural change in, a building, structure, or project, or a part thereof, or the improvement of any building, structure, or project, or a part thereof, by replacing parts or materials which are in sound working condition with parts or materials of a new or different kind, quality, or design. "Alteration" does not include maintenance and repair. "Maintenance" means the minimum upkeep necessary to continue any building, structure, or project, or part thereof, in sound habitable or usable condition. "Repair" means, with respect to any person, the restoration of a building, structure, or project, or part thereof, to sound habitable or usable condition when it has been rendered unsafe or unfit for use by wear and tear, damage, or the like.

ARTICLE II—COMMENCEMENT OR CONTINUANCE OF CONSTRUCTION

NOTE: See section 28 of this regulation for exemptions from this article.

SEC. 3. *Categories of construction specified in Table I of this regulation.* (a) (1) After March 5, 1952, no person shall commence the construction of any building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, or amusement construction) without receiving an adjustment or exception under section 33 of this regulation, unless the total quantity of controlled material to be installed on the site after March 5, 1952, for completion of such construction, including material for the manufacture of Class A products which are to be used in the construction project, does not exceed the following quantities:

Carbon steel including structural shapes (but not including wide-flange beam sections or columns)—2 tons.

Wide-flange beam sections or columns—none.

Alloy steel and stainless steel—none.

Copper and copper base alloys—200 pounds, or aluminum—100 pounds (as provided in section 24 of this regulation).

(2) After March 5, 1952, no person shall continue the construction of a building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, or amusement construction) which was properly commenced prior to March 6, 1952, without receiving an adjustment or exception under section 33 of this regulation, unless the total quantity of controlled material installed and to be installed on the site after September 30, 1951, for completion of such construction, including material for the manufacture of Class A products which are to be used in the construction project, does not exceed the following quantities:

Carbon steel (including all types of structural shapes)—2 tons.

Alloy steel and stainless steel—none.

Copper and copper base alloys—200 pounds, or aluminum—100 pounds (as provided in section 24 of this regulation).

(b) The self-authorization procedures specified in Article IV of this regulation do not apply to construction of any category of construction specified in Table I of this regulation.

(c) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission is exempt from the provisions of this section.

SEC. 4. *All other categories of construction.* (a) Except as otherwise specified in this section, no person shall commence or continue the construction of any building, structure, or project, construction of which is subject to this regulation, including but not limited to all residential construction projects (see section 28 for list of exemptions), other than a category of construction specified in Table I of this regulation (recreational, entertainment, or amusement construction) without receiving an authorized construction schedule and related allotment (as provided for in Article III of this regulation) unless, for completion of the construction, he will not require delivery after September 30, 1951, of any quantity of controlled material, including material for the manufacture of Class A products which are to be used in the construction project, in excess of the quantity for which he is permitted to self-authorize his purchase orders (as provided for in Article IV of this regulation), and he will not require authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and he will not require authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment, and production machinery, in dollar amounts exceeding those specified in section 23 of this regulation.

(b) No person shall commence construction of a multiunit residential structure or project, or any housing on military reservations and all military housing on or off military bases and reservations under P. L. 211, 81st Congress (Wherry Act), or any federally owned housing on federally owned property under the control of the Atomic Energy Commission, or any other construction by, or for the account of the Department of Defense, or the Atomic Energy Commission, without receiving an authorized construction schedule, and related allotment (as provided for in Article III of this regulation), unless he does not, or did not, require delivery after September 30, 1951, of any controlled material, including controlled material for the manufacture of Class A products which are to be used in the construction project.

(c) If a construction project, including, but not limited to, construction of residential structures other than multiunit residential structures, and other than construction by or for the account of the Department of Defense or the Atomic Energy Commission (but not including a recreational, entertainment, or amusement construction project—see section 3 and Table I of this regulation), was properly commenced prior to March 6, 1952, it may be continued without authorization, if, for completion, the owner will not require delivery after September 30, 1951, of controlled materials, including materials for the manufacture of Class A products, in excess of the quantities specified in Table II of this regulation for the appropriate category of construction. If delivery of more than these quantities is required, construction cannot be continued unless an authorized construction schedule and related allotment is made for the project.

(d) If the construction project is a "small construction project" (see section 20 of this regulation), construction may be commenced or continued under the self-authorization procedure specified in Article IV of this regulation, without receiving authorization pursuant to section 7 of this regulation.

(e) Except where otherwise provided by NPA, no person who has received an authorized construction schedule (whether pursuant to section 7 or of Article IV of this regulation) shall acquire controlled materials to fulfill such schedule except by use of the related allotment, or by charging the related allotment with the quantity of material acquired.

(f) See also Article VI of this regulation for the right to commence or continue construction when the owner uses foreign or used steel.

(g) (1) Except as specified in subparagraph (2) of this paragraph, no person shall commence or continue the alteration or extension of, or the addition to, a residential structure, without receiving an adjustment or exception from this regulation, unless such person has already received authorization under NPA Order M-100, if for completion of such alteration, extension, or addition, more than 50 percent of the appropriate quantity of controlled materials specified in Table II of this regulation (including controlled materials in Class A products) will be used.

(2) With respect to federally owned housing on federally owned property under the control of the Atomic Energy Commission, or any residential structures under the control of the Department of Defense, no person shall commence or continue any alteration, extension, or addition without receiving authorization therefor, as specified in Article III of this regulation.

(h) The rules respecting commencement or continuance of construction of the type specified in Table I of this regulation (recreational, entertainment, and amusement construction) are set forth in section 3 of this regulation, and not in this section.

ARTICLE III—CONSTRUCTION UNDER THE CONTROLLED MATERIALS PLAN (CMP)

SEC. 5. *Claimant agencies.* (a) NPA has granted to a number of Government agencies and NPA divisions the authority to process applications filed under this regulation. These agencies and NPA divisions are the claimant agencies. The categories of construction over which each claimant agency has jurisdiction

are set forth (for convenience) in Table IV of this regulation (Jurisdiction of Claimant Agencies).

(b) Any application filed pursuant to this regulation shall be filed with the claimant agency having jurisdiction over the particular category of construction. (For example, an application covering a steel plant should be filed with the NPA Industrial Expansion Division; an application covering a shopping center should be filed with NPA Construction Controls Division; and an application covering a fruit-canning factory should be filed with the Department of Agriculture.)

SEC. 6. *Applications for authorized construction or production schedules and allotments.* (a) To apply for an authorized construction schedule and allotment, Form CMP–4C or such other form as may be prescribed in the orders listed in section 28 of this regulation (for example, re electric utility construction, Form DEPA–9) shall be submitted. The application shall be made by the owner of the construction project, or his duly authorized agent. If the application is made by an agent, the agent shall submit written proof of his authority.

(b) The application shall state the actual controlled material requirements of the owner for that particular construction project. In computing such requirements:

(1) The owner shall include the controlled material requirements of all contractors, and producers of Class A products, who are to provide materials, equipment, or services for that construction project.

(2) To the extent required by CMP Regulation No. 2, inventories of controlled materials shall be taken into account.

(3) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

NOTE: The inventory of the owner does not include items in the possession of his contractors or of any other persons, unless his contractors or such other persons are actually holding such items for the account of the owner and have earmarked them to the owner's account.

(c) Upon the request of the appropriate claimant agency, or upon the request of the owner or the person for whom the contractor or producer is to provide materials, equipment, or services for a construction project, any contractor, or producer of Class A products, who is to furnish such materials, equipment, or services shall furnish a statement of his actual controlled material requirements to the agency or person making the request.

(d) (1) If at any time the owner learns that the actual requirements of controlled materials for a construction project have been overstated, he shall report such fact at once to the claimant agency where his application is filed.

(2) Any contractor, or producer of Class A products, who has overstated his actual requirements of controlled materials for a construction project shall report such fact at once to the person to whom he originally stated his requirements.

(e) Upon the request of a person for whom he is producing Class A products for use in construction, the person who is producing such Class A products shall furnish the information called for in Form CMP–4A to the person making the request. The producer of Class A products shall receive an authorized production schedule and allotment under this regulation. All the provisions of CMP Regulation No. 1 and the directions to and amendments of that regulation are applicable to producers of Class A products.

(f) If any person receives any statement of requirements of controlled materials for a construction project which he knows or has reason to believe is substantially in excess of the actual requirements, he shall withhold any allotment based thereon in a quantity sufficient to correct such excess, and shall report all facts immediately to the appropriate claimant agency (see Table IV).

SEC. 7. *Authorization of construction and production schedules.* (a) A construction schedule for the owner of a construction project may be authorized by the appropriate claimant agency designated in Table IV of this regulation which has jurisdiction over the particular category of construction.

(b) An owner who has received an authorized construction schedule shall, pursuant thereto, authorize a construction schedule for his contractors; and each contractor who has received an authorized construction schedule shall, pursuant thereto, authorize construction schedules for his subcontractors. Likewise, each subcontractor who has received an authorized construction schedule shall, pursuant thereto, authorize construction schedules for his subcontractors.

(c) (1) An owner or a contractor who has received an authorized construction schedule shall authorize a production schedule pursuant thereto for each person who is to produce a Class A product for him for use in the construction project. Likewise, each person who has received an authorized production schedule under this regulation shall, pursuant thereto, authorize a production schedule for each person who is to produce a Class A product for him.

(2) Any person having several authorized construction schedules bearing the same allotment number, or several production schedules authorized under this regulation bearing the same allotment number, may authorize, pursuant thereto, a single production schedule for a person who is to produce Class A products for him.

(d) Except as may be otherwise specifically provided by a claimant agency, no person shall authorize a construction schedule or a production schedule pursuant to this regulation unless at the same time he makes an allotment of controlled materials as provided in section 8 of this regulation; and no person shall make an allotment of controlled materials pursuant to this regulation unless at the same time he authorizes a related construction schedule or a related production schedule as provided in this section.

SEC. 8. *How allotments are made.* (a) Each claimant agency mentioned in Table IV of this regulation will receive an allotment of controlled materials from the Defense Production Administration for construction programs under its jurisdiction.

(b) When a claimant agency or other person authorizes a construction schedule or production schedule pursuant to section 7 of this regulation, it or he shall make an allotment of controlled materials so that such schedule can be fulfilled, unless an exception is granted pursuant to section 7 (d) of this regulation.

(1) The allotment by the claimant agency shall be made to the owner of the construction project.

(2) The owner shall make allotments to his prime contractors.

(3) Each prime contractor shall make allotments to his subcontractors, or to any person who is to produce Class A products for him for use in the construction project.

(4) Each subcontractor, or person who is to produce Class A products for him for the construction project, shall make allotments to his subcontractor, or to persons who are to produce Class A products for him.

(c) The allotment shall specify the types and quantities of controlled materials needed for delivery in specified calendar quarters to complete the related authorized construction schedule or the related authorized production schedule.

(d) Except where a further breakdown is made by the Defense Production Administration, or by NPA, allotments shall be made in each case in specified quantities of:

(1) Carbon steel (including wrought iron);

(2) Alloy steel (not including stainless steel);

(3) Stainless steel;

(4) Copper and copper-base alloy brass mill products;

(5) Copper wire mill products;

(6) Copper and copper-base alloy foundry products and powder; and

(7) Aluminum.

(e) Each allotment of controlled materials shall be identified by an allotment number. (See section 10 of this regulation.)

(f) Within such limits as may be specified by the Defense Production Administration, a claimant agency may make an advance allotment to the owner of a construction project.

(g) An advance allotment may be made in the same manner as specified in paragraph (b) of this section.

(h) The right to make an allotment provided for in paragraphs (b) and (g) of this section is subject to the restriction that no person shall make any allotment before he first shall have received his own allotment.

SEC. 9. *Authorization of DO ratings.* (a) In order that a construction or production schedule authorized under section 7 of this regulation may be fulfilled, the claimant agency or other person authorizing such schedule shall authorize the use of a DO rating on purchase orders. The DO rating shall only be used on purchase orders for the following purposes, and subject to the limitations specified in this section:

(1) To acquire building equipment and building materials (other than controlled materials) in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill such schedule.

(2) Except as provided in paragraphs (b), (c), and (d) of this section, to acquire production machinery and production equipment for operation of the completed construction project covered by the authorized construction schedule to which such DO rating relates, in the minimum practicable amounts required, and on a date or dates not earlier than required.

(3) Except as provided in paragraphs (b), (c), and (d) of this section, to replace in inventory products and materials (other than controlled materials) used to fulfill authorized construction schedules. Action taken under this subparagraph is not an element of hardship, if an application for adjustment or exception is made under section 33 of this regulation.

(b) The DO rating authorized pursuant to this section shall not be used on any purchase order for appliances such as cooking stoves or refrigerators, office machinery (including, but not limited to, business machines), office equipment, office furniture, or any other type of furniture. This limitation in this paragraph shall not apply to construction by, or for the account of, the Department of Defense or the Atomic Energy Commission, or to construction of schools or hospitals.

(c) The DO rating authorized pursuant to this section shall not be used to acquire any item of new metalworking machines as specified in Table V of this regulation, unless its use for that purpose has been specifically approved by the appropriate claimant agency. A person whose construction project falls within the jurisdiction of the NPA Industrial Expansion Division (see Table IV of this regulation), and who requires a DO rating to procure any item of such metalworking machines, shall comply with the procedures specified in Direction 5 to this regulation.

(d) The DO rating authorized pursuant to this section shall not be used on purchase orders for any item of construction machinery or equipment of a type listed on Part 1 of List A of NPA Order M–43: *Provided, however,* That this limitation in this paragraph shall not restrict any right of the Department of Defense or the Atomic Energy Commission to authorize DO ratings with the program identifications A, B, C, or E, for such machinery or equipment.

SEC. 10. *Allotment numbers (controlled material orders).* (a) Allotments shall be identified by an allotment number consisting of a claimant agency letter symbol and one digit designating the authorized construction program of such claimant agency.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a purchase order for controlled materials placed pursuant to an allotment identified by allotment number U–4 which is valid for the fourth quarter of 1952 shall be designated as follows: U–4–4Q52. The date or dates on which delivery is required must also be specified on such purchase order.

(c) An authorized controlled material order shall be certified in the manner prescribed in section 12 of this regulation.

SEC. 11. *Designation of DO orders.* (a) Purchase orders for products and materials other than controlled materials required for completion of an authorized construction or production schedule shall show the DO rating and the related allotment number, for example, DO–U–4. The date or dates on which delivery is required must also be specified on such purchase order.

(b) The purchase order shall be certified in the manner prescribed in section 12 of this regulation.

SEC. 12. *Certification of orders.* (a) This section sets forth the procedure to be used by an owner or contractor for certifying either an authorized controlled material order, or a purchase order with a DO rating, authorized under any section of this regulation.

(b) Such a controlled material order, or DO rated order shall contain a certification in the following form:

Certified under Revised CMP Regulation No. 6

(c) The certification must be signed by the person placing the order, or by a responsible individual who is duly authorized by such person to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written authorization must be kept.

(d) When such order is placed by telegram, the allotment number and/or the rating identification and the certification must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by paragraphs (b) and (c) of this section.

(e) On such orders requiring shipment within 7 days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with: The person making the statement for the buyer must be a person duly authorized to make the certification. Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(f) The person who places an authorized controlled material order, or a DO rated order as provided for in section 9 or 23 of this regulation, the individual whose signature is used, and the individual who approves the use of the signature, will each be considered making a representation to the claimant agency having jurisdiction over the particular category of construction and also to NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification shall be entitled to rely on it as a representation of the buyer of the truth thereof, unless he knows or has reason to believe that it is false.

(g) In addition to the representation referred to in paragraph (f) of this section, the certification of an authorized controlled material order or a DO rated order shall constitute a representation that, subject to the criminal penalties provided for in applicable United States statutes:

(1) the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all allotments made by him to any other person and all orders for controlled material placed by him and accepted by suppliers pursuant to the same allotment; or

(2) The purchaser is authorized to place a DO-rated order for the items covered by the order, in the amount for which the order is placed.

SEC. 13. *Use of allotments.* (a) Each person who receives an allotment of controlled materials may use only such portion of the allotment which he requires to obtain quantities of controlled materials as is needed for his own authorized construction schedule. He may allot the balance of such allotment to the contractors, subcontractors, or persons who are to produce Class A products for him for such construction, to cover their respective requirements of controlled materials for their related construction schedules or production schedules.

(b) No person shall make any allotment of controlled materials in any quantity in excess of the quantity thereof which may remain after he has deducted from the allotment which he has received, the total quantity of controlled material for which he has placed orders and for which he has already made allotments to others. Further, no person shall make any allotment of controlled materials to any other person in excess of the quantity required by such other person, to fulfill the related construction or production schedule authorized for the person to whom such allotment is made. However, in determining the quantity so required, quantities required by subcontractors or by persons who are to make Class A products for him for the construction project may be taken into consideration.

(c) Allotments shall be made on such forms as may be prescribed. Allotments may be made by telegraphing or tele-

phoning the information required by the prescribed form, if such information is confirmed on the prescribed form within 15 days thereafter.

SEC. 14. *Cancellation or reduction of allotments.* (a) A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made.

(b) A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it.

(c) In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and cancel all authorized controlled material orders which he has placed on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made or cancel or reduce authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as so reduced. If and to the extent that cancellation or reduction of an allotment is impracticable because of shipments already made pursuant to such allotment, he may use or dispose of the controlled materials or the Class A products which he gets with such allotment in the manner provided in section 17 of this regulation.

SEC. 15. *Prohibition of transfer of allotments.* No person except a claimant agency shall transfer any allotment (as distinct from making an allotment, see section 8 of this regulation).

SEC. 16. *Alternative procedure for simultaneous allotments.* A person who has received an authorized construction schedule and a related allotment of controlled materials, and who, in connection with such construction project, has several contractors or several persons producing Class A products for him which are to be used in the construction project, who are in different degrees of remoteness, may, at his option, authorize individual construction and/or production schedules and may, out of the quantities of controlled materials allotted to him for such project make direct allotments to all such persons of all degrees of remoteness. The person who is to make the allotment under this alternative procedure may request each such person of all degrees of remoteness, to furnish him directly with information regarding such person's requirements of controlled materials, and each such person shall comply with such request. If this procedure is followed, each such person shall include in the information he furnishes to the person requesting the same only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized construction schedules, authorized production schedules, and allotments, shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 17. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) No person shall request that delivery of any controlled material be made in a greater amount or on an earlier date than required to fulfill his authorized construction schedule or his authorized production schedule.

(b) No person shall request that delivery of any controlled material be made which would result in his having in inventory controlled materials in excess of the limitations prescribed in CMP Regulation No. 2, or provided in any other regulation or order of NPA.

(c) Without regard to the provisions of paragraphs (a) and (b) of this section, if the quantity of any controlled material required is less than the minimum mill quantity specified in CMP Regulation No. 1, and if such less than minimum mill quantity cannot be procured from a distributor, the person placing the order may accept delivery of the full minimum shown in CMP Regulation No. 1 (see paragraph (f) of this section).

(d) No person shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment, for any purpose except: (1) to fulfill the related authorized construction or production schedule; (2) to fulfill any of his other authorized construction or production schedules which bear the same allotment number, but, in such event, not to use for any single schedule more than the quantity actually allotted therefor; or (3) to replace in inventory controlled materials or Class A products used to fulfill any of such authorized construction schedules, subject to the provisions of CMP Regulation No. 2, or any other applicable regulation or order of NPA. (Action taken under (3) is not an element of hardship, if an application for adjustment or exception is made under section 33 of this regulation.) Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made of the allotment accounts or otherwise, describing the circumstances.

(e) If a person's needs for a controlled material or Class A products are reduced before he has ordered or received delivery of them, he must immediately return the allotment as explained in section 14 of this regulation unless he uses the allotment for the purposes permitted in paragraph (d) of this section. If he has already placed authorized controlled material orders or purchase orders for Class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and Class A products, in which case his use of them is covered by paragraphs (f) and (g) of this section.

(f) Unless otherwise provided by NPA, if it develops, after a person has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (d) of this section, he shall not use or dispose of them except as provided in this paragraph: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized construction schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M-6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M-82, sales of copper wire mill products to distributors of copper wire mill products who place orders in accordance with the provisions of NPA Order M-86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M-88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate claimant agency as to any other use or disposition of such controlled materials or Class A products.

(g) If, before using or disposing of controlled materials or Class A products in a way permitted by this section, the person to whom they were delivered receives instructions from NPA as to disposition or use of them, he must comply with such instructions. Also, he must comply with any instructions he receives from a claimant agency with respect to his use of controlled materials or Class A products which he obtained by use of an allotment from that claimant agency, in any construction program of the same claimant agency, or with respect to their sale to any other person for use in a program of the same claimant agency, subject always to whatever rights he may have to reimbursement.

(h) Each person shall maintain separate records of inventories of controlled materials or Class A products which he obtained by use of his allotments, for each individual construction schedule (see section 32 of this regulation), but he need not segregate the physical inventories.

SEC. 18. *Adjustments for changes in requirements.* (a) If a person's requirements for controlled materials or Class A products needed to fulfill an authorized construction or production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a person finds that he has been allotted substantially more controlled materials than he needs, he must return the excess. As of the first of each month, each person must check up on his anticipated requirements for the quarter and determine whether he has been allotted a greater quantity than he anticipates he needs. If he has any excess allotted he must return such excess by the tenth of the month. He need not take a physical inventory for this purpose, but must merely check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a person to return an allotment to the person from whom he received it, he may make the return directly to the appropriate claimant agency.

SEC. 19. *Placing of orders.* (a) A purchase order shall be deemed an authorized controlled material order only if it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in sections 10 and 22 of this regulation and if it is certified as provided in section 12 of this regulation, or if it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) Unless otherwise specifically provided, a person who has received an allotment may place an authorized controlled material order with any person. However, if an allotment made under section 8 of this regulation designates the source from which the controlled materials shall be obtained, then a person who receives an allotment pursuant to such grant shall use that allotment only to obtain controlled materials from the designated source.

(c) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer within the lead time specified in CMP Regulation No. 1, or at such later time as the controlled materials producer may find practicable to accept the same. No controlled material producer shall discriminate between customers in rejecting or accepting orders placed after such lead time.

(d) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(e) A controlled materials producer shall make shipment on each authorized controlled material order as close to the requested delivery date as is practicable. He may make shipment during the 15 days prior to the requested delivery month, but not before then, provided such shipment does not interfere with shipment on other authorized controlled material orders, and provided production to meet such shipment would not violate any production directive. If a producer, after accepting an order, finds that, due to contingencies which he could not reasonably have forseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be scheduled, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for shipment on a carry-over order, originally scheduled for delivery in any calendar quarter, falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which shipment is actually made, and the customer is not required to charge his allotment for the quarter during which shipment on such carry-over order is actually made.

ARTICLE IV—SMALL CONSTRUCTION PROJECTS

NOTE: See section 28 of this regulation for exemptions from this article.

SEC. 20. *Self-authorization for small construction projects.* (a) A "small construction project" is one (1) which the owner can complete without requiring authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and without requiring authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment and production machinery, in dollar amounts exceeding those specified in section 23 of this regulation, and (2) which the owner can complete without receiving delivery after September 30, 1951, of controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project, in excess of the appropriate quantities specified in Table II of this regulation for the particular category of construction; or (3) which the owner can complete without receiving delivery after September 30, 1951, of any controlled materials.

(b) Materials required for completion of a "small construction project" may be obtained by self-authorizing purchase orders for controlled materials, or by self authorizing a DO rating in the manner provided in sections 21, 22, and 23 of this regulation. The owner shall not file an application for an authorized construction schedule.

(c) (1) Article IV of this regulation does not apply to, and the term "small construction project" does not include:

(i) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission (see section 4 of this regulation).

(ii) Construction of multiunit residential structures (see section 4 of this regulation).

(iii) Recreational, entertainment, and amusement construction (see section 3, and Table I of this regulation).

(2) The self-authorization procedure may not be used to obtain controlled materials for use in the alteration of, or the construction of an addition or extension to, any residential structure, completed after March 5, 1952, within a period of 1 year after the completion of construction of such residential structure.

(d) See also Article VI of this regulation for the right to self-authorize orders where the owner uses foreign or used steel.

SEC. 21. *Who may self-authorize.* (a) The owner of a "small construction project" may self-authorize his purchase orders for controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project, if, in order to complete such construction, he will not require delivery after September 30, 1951, of quantities of controlled materials greater than those specified in Table II of this regulation for the appropriate category of construction, and if he will not require authorization to use a DO rating to procure delivery of any item described in section 23 (b) of this regulation, and if he will not require authorization to use a DO rating to procure delivery of building equipment, building materials (other than controlled materials), production equipment, and production machinery in dollar amounts exceeding those specified in section 23 of this regulation.

(b) The owner of a construction project which may be continued pursuant to section 4 (c) of this regulation may self-authorize his purchase orders for controlled materials, including controlled materials for the manufacture of Class A products which are to be used in the construction project if, in order to complete such construction, he will not require delivery after September 30, 1951, of quantities of controlled materials greater than those specified in Table II of this regulation for the appropriate category of construction.

SEC. 22. *Self-authorization: allotment numbers.* (a) An owner who may self-authorize purchase orders pursuant to sections 21 and 23 of this regulation is authorized to use the following allotment numbers on his purchase orders:

T-9 for water wells, water and sewage systems, and plants, under the jurisdiction of the NPA Water Resources Division (see Table IV of this regulation).

U-6 for industrial plants, factories, and facilities.

U-7 for residential structures other than multiunit residential structures.

U-8 for all other categories of construction other than those categories exempt from this article, as specified in sections 20 and 28 of this regulation.

(b) A purchase order for controlled materials bearing the appropriate allotment number and certified in the manner described in section 12 of this regulation shall constitute an authorized controlled material order.

(c) A "small construction project," or a project covered by section 4 (c) of this regulation, erected with controlled materials which are obtained either by the self-authorization procedure, or with materials properly contained in the owner's inventory (see CMP Regulation No. 2) prior to October 1, 1951, shall be considered to be constructed pursuant to an authorized construction schedule for the purpose of all CMP regulations.

SEC. 23. *DO ratings.* (a) The owner of a "small construction project," or a project covered by section 4 (c) of this regulation, is authorized to use the rating DO (with the appropriate allotment number specified in section 22 of this regulation) on his purchase orders calling for delivery after September 30, 1951, of building materials other than controlled materials and building equipment which are required for such construction, and for production machinery and production equipment which are necessary for the operation of the completed construction project.

(b) The authority to use the DO rating granted by paragraph (a) of this section shall not be deemed to authorize the use of such rating on purchase orders for:

(1) Metalworking machines (as specified in Table V of this regulation).

(2) Any item of construction machinery or equipment of a type listed on Part 1 of List A of NPA Order M–43.

(3) Appliances such as cooking stoves or refrigerators, office machinery (including, but not limited to, business machines), office equipment, office furniture, and any other type of furniture. This subparagraph shall not apply to construction of schools and hospitals.

(c) Further, a DO rating authorized pursuant to this section may not be used for any entire single construction project in dollar amounts in excess of the following:

Category of construction	Building equipment and building materials (other than controlled materials)	Production equipment and production machinery
Industrial plant, factory, or facility	$100,000	$200,000
Residential construction	No dollar limit	None
All other "small construction projects"	15,000	5,000

(d) Purchase orders bearing DO ratings, authorized under paragraph (a) of this section, shall be certified under section 12 of this regulation.

ARTICLE V—CONSERVATION

SEC. 24. *Limitations on the use of controlled materials.* (a) Except as permitted in paragraph (c) of this section, no person shall use aluminum controlled material (as defined in Table III of this regulation) in, or in connection with, the construction of any building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, and amusement construction).

(b) Aluminum controlled material may be used for any purpose in all construction other than the categories specified in Table I of this regulation (Recreational, entertainment, and amusement construction).

(c) In any construction project of the type specified in Table I of this regulation (Recreational, entertainment, and amusement construction), aluminum may be used, but only as a conductor of electric current.

ARTICLE VI—USE OF FOREIGN AND USED STEEL IN CONSTRUCTION

NOTE: See section 28 of this regulation for exemptions from this article.

SEC. 25. *Definitions.* (a) When used in this article:

(1) "Foreign steel" means steel in the forms and shapes indicated in Table III of this regulation, produced in foreign countries other than Canada, which can be positively identified as of such foreign origin through physical characteristics or markings or through adequate documentation.

(2) "Used steel" means steel in the forms and shapes indicated in Table III of this regulation, which has been utilized in production or construction, including but not limited to offal and steel salvaged from scrap.

(b) This article is not applicable to categories of construction specified in Table I of this regulation (recreational, entertainment, or amusement construction).

SEC. 26. *Use of foreign and used steel.* (a) If the owner of a construction project has received an authorized construction schedule and related allotment under sections 7 and 8 of this regulation, he may use foreign or used steel in his construction project in addition to the quantity of steel controlled material for which he has received an allotment, provided he will not require delivery of a greater quantity of copper or aluminum controlled material than the quantity for which he has received an allotment.

(b) If the owner of a construction project has not received an authorized construction schedule and related allotment under sections 7 and 8 of this regulation, he may nevertheless commence or continue construction, and he may use foreign and used steel in his construction project, in addition to the quantity of steel specified in Table II of this regulation for the particular category of construction, provided that:

(1) He will not require delivery, for completion of the construction project, of a greater quantity of copper and aluminum controlled material, including material required for the manufacture of Class A products to be used in the construction project, than is specified in Table II of this regulation for the particular category of construction; and

(2) He will not require authorization to use or apply a DO rating for any items specified in section 23 (b) of this regulation; and he will not require authorization to use or apply a DO rating to procure delivery of building equipment or building materials (other than controlled materials), production equipment and production machinery in dollar amounts exceeding those specified in section 23 of this regulation.

(c) If construction is commenced or continued pursuant to paragraph (b) of this section, the owner shall comply with the self-authorization rules and procedures specified in Article IV of this regulation.

SEC. 27. *Hardship.* No action taken by any person, as a result of the permission to use foreign or used steel under section 26 of this regulation, shall be considered as creating a condition of hardship if any application is made under section 33 of this regulation for an adjustment or exception to any provision of this regulation, or of any other regulation or order of NPA.

ARTICLE VII—GENERAL PROVISIONS

SEC. 28. *Exemptions.* (a) The following categories of construction are not subject to the provisions of Articles II and IV of this regulation:

(1) Construction of facilities for the generation, transmission, and distribution of electric power by electric utilities, which is subject to NPA Order M–50.

(2) Construction of facilities for the production, processing, refining, and distribution of petroleum and gas, which is subject to NPA Order M–46B.

(3) Operating construction in connection with communication facilities, which is subject to NPA Order M–77.

(b) Insofar as the provisions of Direction 4 to Revised CMP Regulation No. 6 are inconsistent with this regulation, that direction will supersede this regulation with respect to the construction of water wells.

(c) Article IV of this regulation does not apply to the following categories of construction:

(1) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

(2) Construction of multiunit residential structures.

(3) Recreational, entertainment, and amusement construction (see Table I of this regulation).

(d) Article VI of this regulation does not apply to recreational, entertainment, and amusement construction.

SEC. 29. *Prohibited deliveries.* No person shall accept an order for, or sell, deliver, or cause to be delivered, any material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this regulation.

SEC. 30. *Scope of this regulation.* This regulation shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States. However, where construction is being performed by contract with the Department of Defense outside the confines of the area just described, and it is necessary to get materials from the United States or its territories to complete the project, DO ratings and allotments of controlled materials may be issued in accordance with the provisions of this regulation.

SEC. 31. *Communications.* All communications concerning this regulation shall be addressed to the claimant agency having jurisdiction over the particular category of construction, as specified in Table IV of this regulation.

SEC. 32. *Records and reports.* (a) Each person making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his contractors and among persons producing Class A products for him. Such records shall be kept separately by allotment numbers, and shall include separate entries under each number of each person or claimant agency from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each person shall retain for at least 3 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or claimant agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 33. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) To apply for an adjustment or exception from section 3 of this regulation, both Form NPAF–24A and Form CMP–4C shall be filed. To apply for an adjustment or exception from section 24 of this regulation, Form NPAF–24A shall be filed.

(c) In determining whether an adjustment or exception should be granted under paragraph (b) of this section, the agency processing the application will consider whether the applicant has properly contained in his inventory, as provided for in CMP Regulation No. 2, controlled materials in a quantity sufficient to complete the proposed building, structure, or project.

(d) Each request for adjustment or exception shall be filed with the claimant agency having jurisdiction over the particular category of construction, as specified in Table IV of this regulation.

SEC. 34. *Violations.* (a) Any person who wilfully violates any provision of this regulation or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of receiving further deliveries of products or materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

(b) The omission from this amended regulation of certain provisions formerly in NPA Order M–4A, CMP Regulation No. 6, Direction 1 to CMP Regulation No. 6, Revised CMP Regulation No. 6 as last amended by amendment 3 of August 4, 1952, or NPA Order M–100 as last amended August 4, 1952, does not affect any liabilities for violation of those orders, regulations, or directions, as amended from time to time, or for violation of any adjustments, exceptions, directions, directives, or other actions taken under them, nor deprive any person of any right received thereunder.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This revised regulation as amended shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

TABLE I—RECREATIONAL, ENTERTAINMENT, AND AMUSEMENT CONSTRUCTION

All buildings, structures or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private, including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site, such as a roller coaster, merry-go-round, or similar device or kind. (This shall not include demountable or portable equipment.)
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bathhouse.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure, or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement, or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework, or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot-machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

TABLE II—CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED

A. ONE- THROUGH FOUR-FAMILY RESIDENTIAL STRUCTURES

1. *Residential structure using steel pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	2,300
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	200

2. *Residential structure using copper pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	1,950
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	400

NOTES

If a forced hot water heating system is installed, the owner may use and self-authorize purchase orders for an additional 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed, he may use and self-authorize purchase orders for an additional 500 pounds of copper and copper-base alloys.

For alterations, additions, or extensions, not more than 50 percent of the quantities specified above.

Part A of this table does not apply to residential construction by, or for the account of, the Department of Defense, or to construction of federally owned housing on

federally owned property under the control of the Atomic Energy Commission. No self-authorization is permitted for such construction.

B. MULTIUNIT RESIDENTIAL STRUCTURES

No self-authorization is permitted.

C. CONSTRUCTION OTHER THAN RESIDENTIAL CONSTRUCTION

1. *Construction of industrial plants, factories, or facilities:*

NOTE: These quantities are per project, per quarter.

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
5,000 pounds of copper and copper-base alloys.
4,000 pounds of aluminum.

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation):*

NOTE: These quantities are per project, and not per quarter.

25 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
No stainless steel or alloy steel.
500 pounds of copper and copper-base alloys.
500 pounds of aluminum.

3. *Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission; and recreational, entertainment, and amusement construction (see Table I of this regulation):*

No self-authorization is permitted.

4. *All other construction (see section 28 of this regulation for exemptions from this regulation):*

NOTE: These quantities are per project, per quarter.

5 tons of carbon steel (not to include more than 2 tons of structural shapes but no wide-flange beam sections or columns).
No stainless steel or alloy steel.
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.

TABLE III—CONTROLLED MATERIALS

("Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in this schedule, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.)

CARBON STEEL (INCLUDING WROUGHT IRON) [1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.[2]
(a) Bar, bar shapes—Continued
Includes—Continued
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing.
Includes:
Standard pipe (including type of couplings furnished by mill).[5]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
(f) Wire, wire products—Continued
Includes—Continued
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[6]
Billets, shell quality for component parts.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings (not including cast iron).

ALLOY STEEL [7] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[8]
Includes:
Rolled armor.
Other.
(d) Structural shapes.
(e) Pipe, tubing.
Includes:
Oil country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).

[1] For the purpose of this table "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) all grades of electrical sheet and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels, e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 3 inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means those rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide-flanged sections.

[5] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling stock.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[6] Includes only projectile body stock, sizes 3 inches and larger, rounds, and round-cornered squares.

[7] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

[8] Alloy steel plates include the following size specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

STAINLESS STEEL [9]

(a) Seamless tubing.
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[10]
Structural shapes.
Tubing (except seamless).
Wire, drawn.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.[11]

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS [12]

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).
Copper-base alloy: [13]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
All copper wire and cable for electrical conduction including but not limited to—Continued
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Copper, brass, and bronze castings.[14]
Copper, brass, and bronze powder.

ALUMINUM [15]

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material.

[10] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[11] "Stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

[12] Includes anodes—rolled or forged.

[13] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

[14] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer). Castings include anodes cast in a foundry or by an ingot maker.

[15] Aluminum foil and aluminum powder (atomized or flake, including paste) are neither Class A nor Class B products.

TABLE IV—JURISDICTION OF CLAIMANT AGENCIES

Category of construction*	Agency	Address where communications shall be filed
All school, museum, and library construction; hospital and health facility housing; college and educational institutional housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs, including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations; recreational, entertainment, and amusement construction projects which are required as part of an integrated educational program or an integrated hospital program.	Federal Security Agency	Schools, museums, and libraries: Office of Education, Federal Security Agency, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Hospitals and health projects: Public Health Service, Federal Security Agency, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
The hospital program of the Veterans' Administration, recreational, entertainment, and amusement construction projects which are required as part of an integrated hospital program.	Veterans' Administration	Assistant Administrator for Construction, Supply and Real Estate, Veterans' Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Farm housing; facilities for production of food including on-farm and off-farm construction; wholesale food distribution and handling; canning, freezing, or otherwise processing or preparing food for marketing and distribution; tobacco auction warehouses; public cold storage food lockers and storage facilities owned or operated in whole or in major part as an integral part of such handling, processing, and wholesaling. (With respect to food having industrial uses, facilities for the specified purposes are included only to the point where responsibility for such food ceases to be exercised by Production and Marketing Administration under the agreement between Production and Marketing Administration and NPA (16 F. R. 3410), as from time to time amended.)	Department of Agriculture	State offices, Production and Marketing Administration, Department of Agriculture. Ref: Revised CMP Regulation No. 6. Re on-farm construction, County offices, Production and Marketing Administration, Department of Agriculture. Ref: Revised CMP Regulation No. 6.
Facilities for departmental programs of the Department of the Interior; facilities for the production, preparation, and processing of solid fuels; facilities for the production and processing of fishery products (including construction of residential structures if such structures are required as an integral part of a program or project).	Department of the Interior	Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Defense Fisheries Administration, Department of the Interior Washington 25, D. C. Ref: Revised CMP Regulation No. 6

*If a water well, office building, or other facility is an integral part of a facility, jurisdiction of which is herein delegated to a specific claimant agency, jurisdiction over the water well, office building, or other facility shall be with the claimant agency having jurisdiction over the facility of which it is an integral part. (For example, communications about a water well to be constructed on a farm or to serve a farmstead shall be filed with the Department of Agriculture; communications about an administration building to be used exclusively by an industrial enterprise, and which is to be located on the factory or industrial site, shall be filed with the claimant agency having jurisdiction over such industrial construction.) However, the fact that jurisdiction over such water well, office building, or other facility is as herein described does not change the classification of the water well, office building, or other facility being constructed; and in determining the right to self-authorize orders for such construction, the definition in section 2 (m) of Revised CMP Regulation No. 6 shall be controlling.

The jurisdiction over residential construction of the claimant agencies specified in this table does not include jurisdiction over any commercial or other facilities intended, or which might be construed, as supplemental to residential construction. (For example, jurisdiction over a shopping center proposed to service a residential development is with the National Production Authority, and not with the claimant agencies for housing named in this table.)

TABLE IV—JURISDICTION OF CLAIMANT AGENCIES—Continued

Category of construction*	Agency	Address where communications shall be filed
Facilities for the production, processing, refining, and distribution of petroleum and gas; and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation No. 9 (but not filling stations), including construction of residential structures if such structures are required as an integral part of a program or project.	Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities; civil airports; shipyards.	Department of Commerce	Bureau of Public Roads, District Engineer, field offices (through State Highway Department). Ref: Revised CMP Regulation No. 6. Civil Aeronautics Administration, Attention: W-30, Washington 25, D. C. Ref: Revised CMP Regulation No. 6. Maritime Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for domestic transportation, storage, and port facilities, as defined in E. O. 10161, as amended.	Defense Transport Administration	Defense Transport Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All construction by, or for the account of the Atomic Energy Commission; industrial construction sponsored by the Atomic Energy Commission; federally owned housing on federally owned property under the control of the Atomic Energy Commission.	Atomic Energy Commission	Appropriate operations offices of the Atomic Energy Commission. Ref: Revised CMP Regulation No. 6.
Construction by or for the account of the Department of Defense, Navy construction, Army construction, Air Force construction, including but not limited to projects of an industrial nature financed by the military departments; housing on military reservations, and all military housing under Public Law 211, 81st Congress (Wherry Act), whether on or off military bases and reservations; military command construction; and construction for the National Advisory Committee for Aeronautics.	Department of Defense	Department of the Navy, Bureau of Yards and Docks, B-620, Washington 25, D. C. Army, Air Force, and Associated Agencies of the Department of Defense: Local representative of the military department or associated agency concerned, see Department of Defense Instruction Sheet CMP-4C-3.
Federal buildings and facilities, except as otherwise specifically designated on this table, including buildings and facilities constructed by private interests and capital, where a predominant portion of the premises is designed and intended to be used under lease for extended periods by Federal Government agencies.	General Services Administration	Controlled Materials Division, General Services Administration, Room G-125, GSA Building, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Civil works Corps of Engineers projects; the Panama Canal Company; Domiciliary Building, Old Soldiers' Home (except projects having electric power generating facilities not specifically exempted by the Administrator of the Defense Electric Power Administration).	Department of the Army	Department of the Army, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.	Housing and Home Finance Agency	Public multiunit housing: Public Housing Administration field offices. Ref: Revised CMP Regulation No. 6. Private multiunit housing: Federal Housing Administration field offices; 1- through 4-family housing: Defense Liaison Staff, Office of the Administrator, HHFA, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for the production and processing of metals and minerals (except solid fuels, oil, and gas), including construction of residential structures if such structures are required as an integral part of a program or project.	Defense Materials Procurement Administration	Defense Materials Procurement Administration, Mining Requirements Division, GSA Building, Washington 25 D. C. Ref: Revised CMP Regulation No. 6.
Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.	Federal Civil Defense Administration	Federal Civil Defense Administration, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Operating construction in connection with communications facilities, but not including air navigation facilities.	National Production Authority. See NPA Order M-77.	Communications Equipment Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Facilities for ground and surface water supply, transmission, pumping, treatment, storage, and distribution for domestic and industrial use; storm water control and drainage of flooded areas (including storm sewers); collection, treatment, and disposal of domestic and industrial liquid wastes; sewage collection, transmission, pumping, treatment, and disposal; water wells not within the area of responsibility specified in this table, or the notes thereto, for any other claimant agency. (Excluded are the works and their operations for navigation, reclamation projects, hydroelectric generation of power, irrigation, recreation, and fish and wild life. Also excluded are those facilities for storm water control and drainage of flooded areas (including storm sewers) the responsibility for which is delegated in this table, or the notes thereto, to a claimant agency other than the NPA Water Resources Division, e.g., flood control projects of the Department of the Army or the Department of the Interior.)	National Production Authority. See Dir. 4 to Revised CMP Regulation No. 6 re water wells.	Water Resources Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
Industrial construction not listed above in this table	National Production Authority	Industrial Expansion Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.
All other construction not specifically listed above in this table (including all categories of recreational, entertainment, and amusement construction projects, other than those specified in this table for the Federal Security Agency and the Veterans' Administration, or such projects where constructed by or for the account of the Department of Defense or the Atomic Energy Commission).	National Production Authority	Construction Controls Division, National Production Authority, Washington 25, D. C. Ref: Revised CMP Regulation No. 6.

TABLE V—ITEMS OF METALWORKING MACHINES

Ammunition machinery.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines, except physical property test equipment.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Upsetters.
Shearing machines.
Slotters.

[F. R. Doc. 52-10860; Filed, Oct. 3, 1952; 10:41 a. m.]

[Revised CMP Regulation No. 6, Direction 2 as amended Oct. 3, 1952]

REVISED CMP REG. 6—CONSTRUCTION

DIR. 2—MATERIALS FOR RECONSTRUCTION OR REPAIR OF DISASTER DAMAGE

This amended direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

Direction 2, as last amended April 17, 1952, under Revised CMP Regulation No. 6, is further amended by revising the statement in section 3 of quantities of controlled materials for which purchase orders bearing the allotment number "X-4" may be self-authorized. As so amended, Direction 2 under Revised CMP Regulation No. 6 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Use of allotment number and rating.
4. Certification.
5. Reports.
6. Filing applications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction authorizes any owner of a building, structure, or project, located in any area which has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, to obtain material for the reconstruction or repair of damage caused by any such disaster to any building, structure, or project. It permits the limited placing of authorized controlled material orders and DO rated orders for such purposes, notwithstanding certain restrictions established by CMP Regulation No. 5, Revised CMP Regulation No. 6, and other NPA regulations and orders. It does not apply to repair or replacement of equipment or supplies, since such repair or replacement is covered by Direction 2 to CMP Regulation No. 5.

SEC. 2. *Definitions.* As used in this direction:

(a) "Reconstruction" means restoring to substantially the same size and condition, on the same site, any building, structure, or project which has been damaged by storm, fire, flood, or other disaster, or by act of God.

(b) "Repair" means such work as is necessary to rehabilitate a building, structure, or project, or any portion thereof, when the same has been rendered unsafe or unfit for service by storm, fire, flood, or other disaster, or by act of God.

(c) "Project" has the meaning specified in section 2 of Revised CMP Regulation No. 6.

(d) "Owner" means the person who owns the building, structure, or project being constructed, or who will own it upon its completion. If a claimant agency will have title to a completed project, then the person under a direct contract with that claimant agency covering construction of that particular project shall also be considered the owner for the purposes of this direction.

SEC. 3. *Use of allotment number and rating.* (a) Any owner of a building, structure, or project, located in any area which, as the result of a disaster has been or is hereafter designated by the President under Pub. Law 875, 81st Cong., as a major disaster area, may use the allotment number X4 on delivery orders for controlled materials including materials for Class A products, and the rating DO-X4 on delivery orders for building equipment, building materials other than controlled materials, production machinery, and production equipment required as a result of damage caused by such disaster, in order to reconstruct or repair any building, structure, or project destroyed in whole or in part through such a disaster. However, such allotment number shall not be used to procure more than the following quantities of controlled materials (including materials for Class A products):

Multiunit residential structures	Carbon steel, 25 tons. Copper and copper-base alloys, 4,000 pounds. Aluminum, 4,000 pounds. No stainless steel or alloy steel.
1- through 4-family residential structures.	No more than the quantities and types of controlled materials specified in Table II of Revised CMP Regulation No. 6 for the appropriate category of construction.
All other buildings, structures, or projects.	Carbon steel, 25 tons. Copper and copper-base alloys, 4,000 pounds. Aluminum, 4,000 pounds. No stainless steel or alloy steel.

Further, no person shall use the rating DO-X4 except as permitted by section 9 of Revised CMP Regulation No. 6.

(b) Such allotment number or DO rating may be used only on purchase orders placed within 180 days after the occurrence of the damage necessitating the reconstruction or repair.

(c) A purchase order bearing the allotment number X4 and certified as provided in section 4 of this direction shall constitute an authorized controlled material order for the purpose of all NPA regulations and orders. A delivery order bearing the rating DO-X4 and certified as provided in section 4 of this direction shall constitute a rated order with an allotment number for the purpose of all NPA regulations and orders.

(d) Any person who obtains materials or products pursuant to this direction may do so in addition to any materials or products obtained pursuant to CMP Regulation No. 5, and Revised CMP Regulation No. 6, and the directions thereunder.

(e) Except as provided in paragraph (d) of this section, any person who is entitled under any other NPA order (such as, but not limited to: M-46, M-46B, M-50, M-70, M-73, M-77, and M-78) to obtain materials and products for MRO or construction, shall obtain such materials and products under the provisions of such order or by applying to the appropriate claimant agency or to NPA, as the case may be, and shall not use the allotment number X4 or the rating DO-X4.

(f) Any product or material obtained with the use of the allotment number X4 or the rating DO-X4 may be used only for the purposes and subject to the conditions specified in this direction.

SEC. 4. *Certification.* Every purchase order bearing the allotment number X4 or the rating DO-X4 must contain a certification in the following form:

Certified under Direction 2 to Revised CMP Regulation No. 6

Such certification shall be signed as provided in section 12 of Revised CMP Regulation No. 6. Further, the provisions of paragraphs (f) and (g) of section 12 of Revised CMP Regulation No. 6 shall apply to all persons who certify purchase orders under this section.

SEC. 5. *Reports.* Any person who uses the allotment number X4 or the rating DO-X4 to place purchase orders for materials or products in any one calendar month exceeding a total cost of $1,000 to him, must inform NPA by letter of such purchase orders, specifying separately the total cost of controlled materials ordered and the total cost of products and materials other than controlled materials ordered. In addition, reports on purchase orders for controlled materials, including materials for Class A products, shall show quantities of (a) carbon steel (including wrought iron), (b) alloy steel (except stainless steel), (c) stainless steel, (d) copper and copper-base alloy brass mill products, (e) copper wire mill products, (f) copper and copper-base alloy foundry products and powder, and (g) aluminum, in each case without further breakdown. Reports on all purchase orders placed within any one calendar month must be mailed within 10 days after the end of that month. All such letters, as well as other communications concerning this direction, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: Dir. 2 to Revised CMP Regulation No. 6.

SEC. 6. *Filing applications.* If any person requires controlled materials for reconstruction or repair in quantities greater than permitted herein, he shall apply on Form CMP-4C and file his application with the appropriate claimant agency at the address indicated in Table IV of Revised CMP Regulation No. 6.

NOTE: All record-keeping and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This direction as amended shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10861; Filed, Oct. 3, 1952; 10:42 a. m.]

[Revised CMP Regulation No. 6, Direction 5 as amended October 3, 1952]

REVISED CMP REG. 6—CONSTRUCTION

DIR. 5—PROCEDURE FOR USE OF RATINGS IN ACQUISITION OF METALWORKING MACHINES

This amended direction to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

Direction 5 to Revised CMP Regulation No. 6 is hereby amended to effect certain additions, deletions, and other changes in sections 2, 4, 5, and 6. As amended, Direction 5 to Revised CMP Regulation No. 6 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Use of DO–U4 ratings restricted.
4. Applications for ratings for metalworking machines.
5. Revalidation of DO–U4 rating where allotments of controlled materials have been made.
6. Revalidation of DO–U4 ratings where no allotment of controlled materials was made.
7. No increase in rating authority.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction modifies the authority granted in Revised CMP Regulation No. 6 for the use of ratings to acquire production machinery and production equipment insofar as it relates to the use of ratings for the acquisition of metalworking machines by persons who have received or have applied for authorized construction schedules from the NPA Industrial Expansion Division.

SEC. 2. *Definition.* "Metalworking machine" as used in this direction means any item of plant equipment as listed on Table V of Revised CMP Regulation No. 6 as the same may be amended from time to time.

SEC. 3. *Use of DO–U4 ratings restricted.* Notwithstanding the provisions of Revised CMP Regulation No. 6, on and after March 6, 1952, no person shall apply a DO–U4 rating to a delivery order for a metalworking machine. No DO–U4 rating which has been applied to a purchase order for a metalworking machine prior to March 6, 1952, shall be valid for the delivery of such metalworking machine on or after April 15, 1952, unless the same has been revalidated and converted into a Z3 rating as hereinafter provided.

SEC. 4. *Applications for ratings for metalworking machines.* On and after March 6, 1952, a person who applies to the NPA Industrial Expansion Division for an authorized construction schedule and a related allotment on Form CMP–4C, and who requires a DO rating for a metalworking machine necessary in connection with the operation of the project permitted by such authorized construction schedule, shall file with his original CMP–4C application an application for such a rating on Form NPAF–138 (Revised). If the application for a rating for a metalworking machine is granted by the NPA Industrial Expansion Division, the rating symbol Z3 shall be assigned.

SEC. 5. *Revalidation of DO–U4 rating where allotments of controlled materials have been made.* A person who, on or before March 6, 1952, has received an authorized construction schedule and a related allotment of controlled materials, and who has applied or has been authorized to apply a DO–U4 rating in connection therewith on a purchase order for a metalworking machine, may convert the DO–U4 rating into a DO–Z3 rating by furnishing to the supplier the following certification, clearly identifying such certification with the purchase order to which it applies:

The undersigned certifies that he is entitled, pursuant to Revised CMP Regulation No. 6, to convert the rating DO–U4 to DO–Z3 for the metalworking machines covered by the purchase order herein identified.

Such certification shall be signed as provided in section 12 of Revised CMP Regulation No. 6. A purchase order covered by the above certification shall be deemed a valid rated order with rating symbol Z3, and shall retain the position on the order board of the supplier of the metalworking machine which it occupied pursuant to the original application of the DO–U4 rating.

SEC. 6. *Revalidation of DO–U4 rating where no allotment of controlled materials was made.* A person who, on or before March 6, 1952, has received an authorized construction schedule but who in connection therewith did not receive a related allotment of controlled materials, and who has applied or has been authorized to apply a DO–U4 rating in connection therewith on a purchase order for a metalworking machine, must apply to the NPA Industrial Expansion Division, if he desires to revalidate any such rating. Such application shall be made by filing with NPA Form NPAF–138 (Revised), identifying such application with the related Form CMP–4C. If NPA grants such application, such person shall certify to the supplier in the form set forth in section 5 of this direction. A purchase order covered by such certification shall be deemed a valid rated order with rating symbol Z3, and shall retain the position on the order board of the supplier of the metalworking machine which it occupied pursuant to the original application of the DO–U4 rating.

SEC. 7. *No increase in rating authority.* The provisions of this direction providing for the use of DO–Z3 ratings shall not be construed to authorize an increase in the dollar amount of rating authority for production equipment and machinery granted in connection with an authorized construction schedule.

This amended direction shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10862; Filed, Oct. 3, 1952; 10:42 a. m.]

[Revised CMP Regulation No. 6, Direction 8 of October 3, 1952]

REVISED CMP REG. 6—CONSTRUCTION

DIR. 8—REVISIONS OF RESTRICTIONS ON ACQUISITION AND USE OF MATERIALS AND PRODUCTS, EFFECTIVE MAY 1, 1953

This direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. "Small construction projects".
3. Recreational, entertainment, and amusement construction projects.
4. Construction of multiunit residential structures.
5. Dollar limitation on DO-rated orders.
6. Self-authorization quantities of controlled materials.
7. Placing of purchase orders.
8. Effect of this direction.
Appendix A—Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* It has been determined that substantial revision and liberalization of the rules relating to construction of recreational, entertainment, and amusement construction projects, to construction of multiunit residential structures, and to self-authorization of purchase orders for materials and products to be used in construction may be permitted. This direction is issued, therefore, to enable persons to go forward with the planning necessarily preliminary to the commencement of construction (as defined in Revised CMP Regulation No. 6) and to place orders for delivery after May 1, 1953, so that actual construction work can proceed in the second quarter of 1953, and the quarters subsequent thereto, with the minimum possible delay. The revisions consist of the following:

(a) Provision for the right to self-authorize purchase orders up to the quantities specified in this direction, in connection with recreational, entertainment, and amusement construction projects (see sections 3, 5, and 6, and Appendix A of this direction).

(b) Provision that foreign and used steel may be used in recreational, entertainment, and amusement construction projects in the same manner as in all other construction (see section 4 of this direction).

(c) Provision for the right to self-authorize purchase orders up to the quantities specified in this direction, in connection with construction of multiunit residential structures (see sections 4, 5, and 6, and Appendix A of this direction).

(d) Elimination of the distinction made in section 2 and Table II of Revised CMP Regulation No. 6 between "industrial construction" and the category "all other construction"; and reclassification of construction projects into the following categories: (1) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission; (2) residential construction; (3) highway construction; (4) recreational, entertainment, and amusement construction; and (5) "all other construction." This new category "all other construction," referred to in the preceding sentence, includes both industrial and commercial construction, and the construction of schools and hospitals, public utility systems, water and sewage projects, transportation facilities, and public buildings and facilities (other than highway construction) (see sections 5 and 6, and Appendix A of this direction).

(e) Restatement of the quantities of materials and products for which purchase orders may be self-authorized, and elimination of the restriction on self-authorization of purchase orders for carbon steel wide-flange beam sections or columns (see sections 5 and 6, and Appendix A of this direction).

SEC. 2. *"Small construction project".* A project shall be considered a "small construction project" for the purposes of this direction if, after April 30, 1953, the owner will be able to complete the project: (a) Without requiring delivery of more controlled materials than the appropriate quantities specified in Appendix A of this direction for the particular category of construction; and (b) without requiring authorization to use a DO rating to procure delivery of building equipment and building materials (other than controlled materials), production equipment and production machinery, in dollar amounts exceeding those specified in section 4 of this direction; and (c) without requiring authorization to use a DO rating to procure any item described in section 23 (b) of Revised CMP Regulation No. 6.

SEC. 3. *Recreational, entertainment, and amusement construction projects.* (a) Effective May 1, 1953, the rules with respect to the commencement or continuance of recreational, entertainment, and amusement construction projects shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a), (d), and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective May 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small construction project" shall include, construction of recreational, entertainment, and amusement construction projects.

(b) Effective May 1, 1953, the provisions of Article VI of Revised CMP Regulation No. 6 (Use of foreign and used steel) shall be applicable to recreational, entertainment, and amusement construction projects.

SEC. 4. *Construction of multiunit residential structures.* Effective May 1, 1953, the rules with respect to the commencement or continuance of multiunit residential structures shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a), (d), and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective May 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small construction project" shall include, construction of multiunit residential structures.

SEC. 5. *Dollar limitation on DO-rated orders.* (a) Effective May 1, 1953, the following limitation shall be applicable to the placing of DO-rated purchase orders with respect to any "small construction project" where construction is or was commenced after March 5, 1952: A DO rating authorized pursuant to Article IV of Revised CMP Regulation No. 6 may not be used for any entire single construction project in dollar amounts in excess of the following:

Category of construction	Building equipment and building materials (other than controlled materials)	Production equipment and production machinery
Recreational, entertainment, and amusement construction projects	$15,000	$5,000
Residential construction projects other than multiunit residential structures	No dollar limit	None
All other "small construction projects"	100,000	200,000

(b) The provisions of paragraphs (a) and (b) of section 23 of Revised CMP Regulation No. 6 shall continue to be applicable to all construction projects covered by Article IV of Revised CMP Regulation No. 6 (see section 28 of Revised CMP Regulation No. 6 for exemptions).

SEC. 6. *Self-authorization quantities of controlled materials.* Effective May 1, 1953, the quantities of controlled materials for which the owner of a "small construction project" may self-authorize purchase orders, in connection with construction projects covered by Revised CMP Regulation No. 6, shall be the quantities specified in Appendix A of this direction.

SEC. 7. *Placing of purchase orders.* An owner of a "small construction project" may place his purchase orders, in accordance with the provisions of Article IV of Revised CMP Regulation No. 6, up to the amounts specified in section 5 and Appendix A of this direction at any time: *Provided, however,* That such orders shall not call for delivery, prior to May 1, 1953, of materials or products in excess of the quantities specified in section 23 and Table II of Revised CMP Regulation No. 6.

SEC. 8. *Effect of this direction.* To the extent that the provisions of this direction are inconsistent therewith, this direction supersedes the provisions of Revised CMP Regulation No. 6.

This direction shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

APPENDIX A TO DIRECTION 8 UNDER REVISED CMP REGULATION NO. 6

CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED [1]

A. RESIDENTIAL CONSTRUCTION [2]

1. *One- through four-family residential structures:*

(i) *Residential structure using steel pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	2,300
Carbon steel (structural shapes)	1,500
Stainless steel and alloy steel	None
Aluminum	275
Copper and copper-base alloys	200

(ii) *Residential structure using copper pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	1,950
Carbon steel (structural shapes)	1,500
Stainless steel and alloy steel	None
Aluminum	275
Copper and copper-base alloys	400

NOTES: If a forced hot water heating system is installed, the owner may use and self-authorize purchase orders for an additional 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed, he may use and self-authorize purchase orders for an additional 500 pounds of copper and copper-base alloys.

[1] Note that an owner of a "small construction project" may self-authorize his purchase orders, in accordance with section 22 of Revised CMP Regulation No. 6, up to the amounts specified in this appendix at any time: *Provided, however,* That such orders shall not call for delivery, prior to May 1, 1953, of controlled materials in excess of the quantities specified in Table II of Revised CMP Regulation No. 6.

[2] Part A of this appendix does not apply to residential construction by, or for the account of, the Department of Defense, or to construction of federally owned housing on federally owned property under the control of the Atomic Energy Commission. No self-authorization is permitted for such construction.

For alterations, additions, or extensions, not more than 50 percent of the quantities specified above.

2. *Multiunit residential structures:*

(i) *Walk-up structures, per dwelling unit:*
- 2 tons of carbon steel (not to include more than 500 pounds of all types of structural shapes).
- 200 pounds of copper and copper-base alloys.
- 275 pounds of aluminum.
- No stainless steel or alloy steel.

(ii) *Elevator structures, per dwelling unit:*
- 3 tons of carbon steel (not to include more than 600 pounds of all types of structural shapes).
- 225 pounds of copper and copper-base alloys.
- 275 pounds of aluminum.
- No stainless steel or alloy steel.

B. CONSTRUCTION OTHER THAN RESIDENTIAL CONSTRUCTION

1. *Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.*

No self-authorization is permitted.

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of Revised CMP Regulation No. 6):*

NOTE: These quantities are per project, and not per quarter.

- 25 tons of carbon steel (not to include more than 12 tons of all types of structural shapes).
- 500 pounds of copper and copper-base alloys.
- 500 pounds of aluminum.
- No stainless steel or alloy steel.

3. *Recreational, entertainment, and amusement construction (see Table I of Revised CMP Regulation No. 6):*

NOTE: These quantities are per project, per quarter.

- 5 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
- 500 pounds of copper and copper-base alloys.
- 300 pounds of aluminum.
- No stainless steel or alloy steel.

4. *All other construction (see section 28 of Revised CMP Regulation No. 6 for exemptions):*

NOTE: These quantities are per project, per quarter.

- 25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel)[3].
- 5,000 pounds of copper and copper-base alloys.
- 4,000 pounds of aluminum.

[F. R. Doc. 52-10863; Filed, Oct. 3, 1952; 10:42 a. m.]

[Direction 1 to NPA Order M-80 and to Schedules 1, 2, 3, 4, and 5]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

DIR. 1—MODIFICATION OF FILING REQUIREMENTS FOR ALLOCATION APPLICATIONS

This direction to NPA Order M-80 and to Schedules 1, 2, 3, 4, and 5 of that order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. Purpose of this direction.
2. Applications for allocations.
3. Effect on other provisions of M-80.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this direction.* In order to alleviate the administrative burden involved in the reviewing of applications for allocations of restricted alloying materials and the issuing of authorizations on a monthly basis, NPA has made allocations to melters and processors on a quarterly basis for the fourth quarter of 1952. This direction will continue this method of allocation by requiring melters and processors to file Form NPAF-114 on a quarterly basis, rather than on a monthly basis.

SEC. 2 *Applications for allocations.* Each melter or processor who requires delivery of and authorization to use any restricted alloying material during the first calendar quarter of 1953 shall file an application on Form NPAF-114 with NPA on or before the seventh day of December 1952. Thereafter, such applications may be made on or before the seventh day of the month next preceding the commencement of any subsequent calendar quarter. A separate application shall be submitted covering the applicant's total purchase and use requirements for each restricted alloying material for the calendar quarter for which the Form NPAF-114 is filed. Notwithstanding sections 4 and 7 of NPA Order M-80 and section 3 of Schedules 1 through 5 to that order, applications for allocation authorizations of restricted alloying materials shall no longer be filed monthly, but shall be filed quarterly as provided for in the first sentence of this section.

SEC. 3. *Effect on other provisions of M-80.* This direction shall not be deemed to alter any reporting requirement of NPA Order M-80 other than the filing of Form NPAF-114 on a quarterly basis rather than on a monthly basis as set out in section 2 of this direction. All other reporting requirements provided for by the order remain in full force and effect.

This direction shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10864; Filed, Oct. 3, 1952; 10:43 a. m.]

[NPA Order M-80, Schedule 2, as Amended October 3, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE 2—COBALT

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended schedule, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order.

EXPLANATORY

This schedule, as hereby amended, affects Schedule 2 to NPA Order M-80 as amended May 7, 1952, by deleting paragraph (b) of section 5 in order to permit the use of cobalt in manufacturing and coloring enameled metal signs.

As so amended, Schedule 2 to NPA Order M-80 reads as follows:

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Cobalt subject to allocation.
3. Applications for allocations.
4. Exceptions to allocation requirements.
5. Uses prohibited.
6. Communications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* All definitions contained in NPA Order M-80 are applicable to this schedule. "Cobalt" means and includes cobalt metal, cobalt fines, cobalt oxide, cobalt powder, and all other cobalt compounds produced from ores, metals, concentrates, and/or refinery residues, as well as scrap containing more than 5 percent cobalt, which are used as sources of cobalt in commercial manufacture and processing.

SEC. 2. *Cobalt subject to allocation.* Cobalt is subject to complete allocation.

SEC. 3. *Applications for allocations.* Section 10 of NPA Order M-80 forbids deliveries or use of any alloying material made subject to complete allocation, except in accordance with an allocation authorization. Persons desiring to apply for an allocation authorization shall make application on Form NPAF-114 on or before the seventh day of any month for delivery in the succeeding month.

SEC. 4. *Exceptions to allocation requirements.* The provisions of sections 2 and 3 of this schedule shall not apply to:

(a) Delivery to and use by any person whose total receipts from all sources during any calendar month are not thereby made to exceed 25 pounds of contained cobalt, and who delivers a signed certificate to his supplier as follows:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the cobalt herein ordered will not be in violation of NPA Order M-80 or of Schedule 2 of that order.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of such cobalt ordered may be accepted by the purchaser under NPA Order M-80 and this schedule, and that such cobalt will not be used by the purchaser in violation of that order or this schedule.

(b) Delivery and use of cobalt-bearing scrap or cobalt ores and concentrates: *Provided*, That the use of such scrap, ores, and concentrates shall be subject to the provisions of section 5 of this schedule.

SEC. 5. *Uses prohibited.* No person shall use cobalt or its derivatives for:

(a) Coloring glazes, glass batches, or porcelain enamels, or for the manufacture of ceramic body stains, porcelain enamel color oxides including blacks, glaze stains, glass batch colors, or paint or plastic pigments (except where used for optical or signal glass, decolorizers for glass and white ware, artists' colors, and color stabilizers in white pigment manufacture).

(b) Fertilizers of any type.

(c) Manufactured feeds for poultry, dogs, and cats.

(d) Magnets used in the following:

(1) Appliances, toys, games, musical instruments, model electric trains, and novelties.

(2) Coin rejecters for juke boxes, pinball games, or gambling devices.

(e) Magnet steels containing more than 20 percent cobalt (except where required by rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-2).

(f) Cast magnets containing more than 30 percent cobalt (except where required by rated orders bearing a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-2).

(g) Paint driers for use in exterior house paints.

SEC. 6. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule 2.

This schedule, as amended, shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10865; Filed, Oct. 3, 1952; 10:43 a. m.]

[NPA Order M-100, Revocation]

M-100—RESIDENTIAL CONSTRUCTION

REVOCATION

NPA Order M-100, as last amended by amendment 2 of August 4, 1952 (17 F. R. 7118), is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-100, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Residential construction is now subject to the provisions of Revised CMP Regulation No. 6.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-10866; Filed, Oct. 3, 1952; 10:43 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

WAIVER WITH RESPECT TO APPLICATIONS FOR RENEWAL OF AMATEUR OPERATOR LICENSE

In the matter of amendment of § 12.27 of the Commission's rules to provide for waiver, in the case of amateurs serving in the armed forces of the United States and those employed by agencies of the Federal Government who are assigned to duty in a foreign country, of the requirement that applications for renewal of amateur operator licenses be accompanied by a showing of actual operation of an amateur station during the last 3 or 12 months of the license period.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration the provisions of § 12.27 of Part 12 of its rules, which require that an application for renewal of an amateur operator license be accompanied by a showing that the applicant operated an amateur radio station (licensed by the Federal Communications Commission) for at least two hours in the last three months or five hours in the last twelve months of the license period, and the footnote of § 12.27 of Part 12, which exempts persons serving in the armed forces of the United States from the foregoing showing; and

It appearing, that, in addition to military personnel, certain employees of the Federal Government assigned to foreign duty are deprived of the opportunity of conducting the operation required for renewal of an amateur operator license and that they also should be included among persons exempt from the showing of operation required for renewal of an amateur operator license by the foregoing footnote and amendment; and

It further appearing, that the effective date of the aforementioned order and footnote extends only to December 31, 1952, and that approximately the same circumstances which made it necessary to adopt that order still prevail and are expected to continue for some time in the future; and

It further appearing, that, because the amendment herein ordered is minor in nature, compliance with the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act is unnecessary, and since the amendment will relieve a restriction it can be made effective in less than thirty days in accordance with the provisions of section 4 (c) of the same act; and

It further appearing, that authority for the aforesaid order and amendment of § 12.27 of Part 12 is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, the footnote 6 appended to § 12.27 of Part 12 is amended to read as follows:

[6] Until further order of the Commission, the showing that the applicant actually operated an amateur radio station or stations for the periods of time specified in § 12.27 will not be required in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States or was duly enrolled as an employee of an agency of the Federal Government and in the course of such employment was on duty in a foreign country continuously during the last year of the license term: *Provided*, That any such employee of the Federal Government shall submit with his application for renewal of license a statement signed by his agency head, or the chief of the Bureau or Division in which he is employed, attesting to such employment.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10739; Filed, Oct. 3, 1952; 8:47 a. m.]

[3] In the construction of chemical plants, the owner may self-authorize 1 ton of stainless steel, per project, per quarter, in addition to the quantities specified.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Grapefruit pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.363 *Canned grapefruit.* Canned grapefruit, commonly known as canned grapefruit sections, is prepared from sound, mature grapefruit (Citrus paradisi) which have been properly washed; the segments thereof have been separated; and the core, seeds, and major portions of membrane have been removed. The product is packed with or without the addition of water, grapefruit juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Grades of canned grapefruit.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 58 percent of the capacity of the container in containers smaller than the equivalent of No. 2 cans and of not less than 60 percent of the capacity of the container in containers the equivalent of No. 2 cans and larger; that consists of not less than 75 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container regardless of the size of the container; that consists of not less than 50 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Broken" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of less than 50 percent by weight of the drained grapefruit which is in whole or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

(b) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media in canned grapefruit are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designation of liquid media:	*Brix measurement*
Heavy sirup	18° or more.
Light sirup	16° or more, but less than 18°.
Slightly sweet	12° or more, but less than 16°.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit be filled with grapefruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned grapefruit is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Drained weight	20
(2) Wholeness	20
(3) Color	20
(4) Absence of defects	20
(5) Character	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Drained weight.* The drained weight of canned grapefruit is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the grapefruit less the weight of the dry sieve. The grapefruit thus drained is referred to in this section as "drained grapefruit" or "drained weight." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

(i) Canned grapefruit in containers smaller than the equivalent of No. 2 cans that possesses a drained weight of not less than 58 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table I; canned grapefruit in containers the equivalent of No. 2 cans and larger that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table I or II) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(ii) If the drained weight of the canned grapefruit in containers smaller than the equivalent of No. 2 cans is less than 58 percent of the capacity of the container, or if the drained weight of the canned grapefruit in containers the equivalent of No. 2 cans and larger is less than 60 percent of the capacity of the container but in either case the drained weight is not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table I or II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table I or II) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

Grade classification	Score points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size	
			3 Tall ($2^{11}/_{16}$ x $3^{4}/_{16}$ inches)	No. 303 ($3^{3}/_{16}$ x $4^{7}/_{16}$ inches)
			Ounces	*Ounces*
U. S. Grade A or U. S. Fancy	20	61 percent or more	5.28 or more	10.28 or more.
	19	59½ to 61 percent	5.15 to 5.27, inclusive	10.03 to 10.27, inclusive.
	18	58 to 59½ percent	5.02 to 5.14, inclusive	9.77 to 10.02, inclusive.
U. S. Grade B or U. S. Choice or U. S. Broken	17	56½ to 58 percent	4.89 to 5.01, inclusive	9.52 to 9.76, inclusive.
	16	55 to 56½ percent	4.76 to 4.88, inclusive	9.27 to 9.51, inclusive.
	15	52½ to 55 percent	4.54 to 4.75, inclusive	8.85 to 9.26, inclusive.
	14	50 to 52½ percent	4.33 to 4.53, inclusive	8.43 to 8.84, inclusive.
Substandard	13 or less	Less than 50 percent	Less than foregoing drained weights	

TABLE II—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

Grade classification	Score points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size		
			No. 2 ($3^{7}/_{16}$ x $4^{3}/_{16}$ inches)	No. 3 Cyl. ($4^{1}/_{16}$ x 7 inches)	No. 5 ($5^{1}/_{16}$ x $5^{10}/_{16}$ inches)
			Ounces	*Ounces*	*Ounces*
U. S. Grade A or U. S. Fancy	20	65 percent or more	13.33 or more	33.56 or more	38.42 or more.
	19	62½ to 65 percent	12.84 to 13.32 inclusive.	32.27 to 33.55, inclusive.	36.94 to 38.41, inclusive.
	18	60 to 62½ percent	12.33 to 12.83, inclusive.	30.95 to 32.26, inclusive.	35.46 to 36.93, inclusive.
U. S. Grade B or U. S. Choice or U. S. Broken	17	57½ to 60 percent	11.79 to 12.32, inclusive.	29.69 to 30.97, inclusive.	33.99 to 35.45, inclusive.
	16	55 to 57½ percent	11.28 to 11.78, inclusive.	28.40 to 29.68, inclusive.	32.51 to 33.98, inclusive.
Substandard	15	52½ to 55 percent	10.77 to 11.27, inclusive.	27.10 to 28.39, inclusive.	31.03 to 32.50, inclusive.
	14	50 to 52½ percent	10.25 to 10.76, inclusive.	25.81 to 27.09, inclusive.	29.55 to 31.02, inclusive.
	13 or less	Less than 50 percent.	Less than foregoing drained weights		

(2) *Wholeness.* (i) "Whole" or "Whole segment" means any grapefruit segment that retains its apparent original conformation and is not excessively trimmed.

(ii) "Almost whole" or "almost whole segment" means any portion of a grapefruit segment that is not less than 75 percent of the apparent original segment size.

(iii) "Broken" or "broken segment" means (*a*) any portion of a grapefruit segment that is less than 75 percent of the apparent original segment size, (*b*) a "whole segment" or "almost whole segment" that is excessively trimmed, and (*c*) portions of segments that are joined together only by a "thread" or membrane.

(iv) Canned grapefruit that consists of not less than 75 percent by weight of the drained grapefruit in whole segments or almost whole segments may be given a score of 18 to 20 points.

(v) If the canned grapefruit consists of not less than 50 percent by weight of the drained grapefruit in whole segments or almost whole segments, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(vi) If less than 50 percent by weight of the drained grapefruit is in whole segments or almost whole segments, a score of 0 to 15 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(3) *Color.* (i) Canned grapefruit that possesses a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform, bright, typical color free from any noticeable tinge of amber.

(ii) If the canned grapefruit possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a fairly bright color which may be variable in color but is not off color for any reason.

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(i) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(ii) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than $^{3}/_{16}$ inch in any dimension. A "large seed" is one that may be plump and measures more than $^{3}/_{8}$ inch in any dimension.

(iii) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(iv) Canned grapefruit that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(*a*) Not more than 4 seeds including not more than one large seed; and

(*b*) Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(v) If the canned grapefruit is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(*a*) Not more than 1 small piece of harmless extraneous material;

(*b*) Not more than 12 seeds including not more than 3 large seeds; and

(*c*) Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(vi) Canned grapefruit that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of

the total score for the product (this is a limiting rule).

(5) *Character.* The factor of character refers to the structure and condition of the cells of the grapefruit and reflects the maturity of the grapefruit.

(i) Canned grapefruit that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells or "ricey" cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(ii) If the canned grapefruit possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapefruit may be affected, but not seriously affected, by dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product.

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and is free from objectionable odors and objectionable flavors of any kind.

(2) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned grapefruit.*

Size and kind of container		----
Container mark or identification		----
Label		----
Net weight (ounces)		----
Vacuum (inches)		----
Drained weight (ounces)		----
Brix measurement		----
Syrup designation (heavy, light, etc.)		----
Count (whole segments or almost whole segments)		----
Factors	Score points	
I. Drained weight	20	(A) 18-20; (B), (Bkn) [1] 16-17; (SStd) [1] 0-15
II. Wholeness	20	(A) 18-20; (B) [1] 16-17; (Bkn) [1] 0-15
III. Color	20	(A) 18-20; (B), (Bkn) [1] 16-17; (SStd) [1] 0-15
IV. Absence of defects	20	(A) 18-20; (B), (Bkn) [1] 16-17; (SStd) [1] 0-15
V. Character	20	(A) 18-20; (B), (Bkn) [1] 16-17; (SStd) [1] 0-15
Total score	100	
Flavor and odor	{ }	Good. Fairly good.
Grade		

[1] Indicates limiting rule.

Issued this 30th day of September 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-10794; Filed, Oct. 3, 1952; 8:57 a. m.]

[7 CFR Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO TOBACCO MARKETING QUOTAS FOR THE 1953–54 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim national marketing quotas for Burley tobacco, fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, for the 1953–54 marketing year, determine the amount of the national marketing quota for each such kind of tobacco, apportion the national marketing quotas among the several States, and convert the State marketing quotas into State acreage allotments.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), provides that the Secretary of Agriculture shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. The act (7 U. S. C. 1301 (b) (15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

The act provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of this act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand.

The act (7 U. S. C. 1313 (i)) provides that notwithstanding any other provision of the act, whenever after investigation the Secretary determines with respect to any kind of tobacco that a substantial difference exists in the usage or market outlets for any one or more of the types comprising such kind of tobacco and that the quantity of tobacco of such type or types to be produced under the marketing quotas and acreage allotments established pursuant to this section would not be sufficient to provide an adequate supply for estimated market demands and carry-over requirements for such type or types of tobacco, the Secretary shall increase the marketing quotas and acreage allotments for farms producing such type or types of tobacco in the preceding year to the extent necessary to make available a supply of such type or types of tobacco adequate to meet such demands and carry-over requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the production of such type or types of tobacco during the period of years considered in establishing farm marketing quotas and acreage allotments for such kind of tobacco. The additional production authorized by this subsection shall be in addition to the national marketing quota established for such kind of tobacco pursuant to section 312 of this act. The increase in acreage under this subsection shall not be considered in establishing future State or farm acreage allotments.

National marketing quotas were proclaimed for the 1952–53 marketing year as follows:

Kind of tobacco:	*Federal Register*
Burley	16 F. R. 12169
Fire-cured	16 F. R. 11535
Dark air-cured	16 F. R. 11535
Virginia sun-cured	16 F. R. 11535

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1953–54 national marketing quota may, not later than March 1, 1953, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet marketing demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The act (7 U. S. C. 1312 (b)) requires that within 30 days after a national marketing quota is proclaimed for the 1953–54 marketing year for Burley tobacco, or Virginia sun-cured tobacco, the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1952 crop of each of such kinds of tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1953–54 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period. A separate referendum will be held for each of such kinds of tobacco and the results of any referendum will not affect the results of any other referendum.

Fire-cured and dark air-cured tobacco growers favored marketing quotas for the 1953–54 marketing year in a referendum held December 7, 1951 (16 F. R. 13119).

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, and the conversion of State marketing quotas into State acreage allotments, consideration will be given to any data; views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 1st day of October 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-10795; Filed, Oct. 3, 1952; 8:57 a. m.]

[7 CFR Part 976]

[Docket No. AO 237-A1]

HANDLING OF MILK IN THE FORT SMITH, ARKANSAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Community Room, First Floor, Sebastion County Court House, Fort Smith, Arkansas, beginning at 10:00 a. m., c. s. t., October 8, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Fort Smith, Arkansas, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Fort Smith, Arkansas, marketing area have been proposed as follows:

By the Farm Bureau Milk Producers Association, Fort Smith, Arkansas:

1. Provide that for a limited period of time the price for Class I milk be increased 40 cents per hundredweight.

By the Dairy Branch, Production and Marketing Administration:

2. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 2635 East Eleventh Street, Tulsa, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 8, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-10827; Filed, Oct. 3, 1952; 8:59 a. m.]

[7 CFR Part 978]

[Docket No. AO 184-A 9)

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Davidson County Court House, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., October 10, 1952, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the Nashville, Tennessee, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR 978 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area were proposed, as follows:

By the Nashville Milk Producers, Incorporated:

1. In § 978.51 (a), the differential shall be $1.75 instead of $1.25 for the

months of October 1952 through March 1953, and for this period the supply-demand adjustment shall remain unchanged from the September 1952 level.

2. Amend § 978.51 (a) (3) by eliminating the ceiling on the present supply-demand adjustment schedule.

By Dairy Branch, Production and Marketing Administration:

3. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, 152 Fourth Avenue North, Nashville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: October 2, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-10853; Filed, Oct. 3, 1952; 8:49 a. m.]

[7 CFR Part 982]

[Docket No. AO 238]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Correction

In F. R. Doc. 52-10727, appearing at page 8867 of the issue for Friday, October 3, 1952, the following sections should appear after § 982.53:

APPLICATION OF PROVISIONS

§ 982.60 *Producer-handlers.* Sections 982.40 through 982.46, 982.50 through 982.53, 982.70 through 982.75, 982.80, 982.81 and 982.90 through 982.99 shall not apply to a producer-handler.

§ 982.61 *Handlers subject to other orders.* In the case of any handler who operates a plant which the Secretary determines disposes of a greater quantity of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act than in this marketing area, the provisions of this subpart shall not apply with respect to the operations of such plant, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 982.62 *Handlers operating unapproved plants from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 982.9 (b) who is not subject to the provisions of § 982.61, the reporting, pricing and payment provisions of this subpart shall apply only as follows:

(a) The handler shall report as required pursuant to §§ 982.30 and 982.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports pursuant to § 982.33;

(b) The handler shall pay to the market administrator, on or before the 25th day after the end of the month, with respect to all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area, any plus difference between

(1) The value of such skim milk or butterfat at the Class I price which would be applicable at an approved plant thus located, and

(2) The value of such skim milk and butterfat at the price paid dairy farmers by such handler for milk received at the unapproved plant from them during the month, adjusted by the method used in computing payments to such dairy farmers to the average butterfat test of Class I milk disposed of in the marketing area: *Provided,* That if such handler has paid more than one such price, the lowest price(s) paid for an equivalent volume of milk shall be used in this computation; and

(c) As his pro rata share of the expense of administration hereof, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 982.98.

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

CIGAR-FILLER (TYPE 41) AND CIGAR-FILLER AND BINDER (TYPES 42-55) TOBACCO

MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for cigar-filler tobacco and a national marketing quota for cigar-filler and binder tobacco for the marketing year beginning October 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of cigar-filler tobacco and a referendum of farmers who were engaged in the production of the 1952 crop of cigar-filler and binder tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quotas and to determine whether such farmers are in favor of or opposed to cigar-filler and cigar-filler and binder tobacco marketing quotas for the three-year period beginning October 1, 1953.

Registration. The operator on each farm on which cigar-filler or cigar-filler and binder tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1952 crop of cigar-filler tobacco are eligible to vote in the cigar-filler tobacco marketing quota referendum and farmers who were engaged in the production of the 1952 crop of cigar-filler and binder tobacco are eligible to vote in the cigar-filler and binder tobacco marketing quota referendum. Any person who shares in the proceeds of the 1952 crop of cigar-filler or cigar-filler and binder tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1952.

2. If several members of the same family participate in the production of the 1952 crop of cigar-filler or cigar-filler and binder tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1952 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of cigar-filler or cigar-filler and binder tobacco in 1952.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of cigar-filler or cigar-filler and binder tobacco in 1952 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county committee in which he is engaged in the production of tobacco in 1952 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1952 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Cigar-filler tobacco and the Cigar-filler and binder tobacco marketing quota referenda will be held on Wednesday, October 29, 1952. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 1st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10823; Filed, Oct. 3, 1952; 8:59 a. m.]

MARYLAND TOBACCO

MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of Maryland tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Maryland tobacco marketing quotas for the 3-year period beginning October 1, 1953.

Registration. The operator on each farm on which Maryland tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1952 crop of Maryland tobacco are eligible to vote in the referendum. Any person who shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

8. The referendum will be held on Wednesday, October 29, 1952. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 1st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10826; Filed, Oct. 3, 1952; 8:55 a. m.]

[1] See Title 7, Chapter VII, Part 723, *supra.*

[1] See Title 7, Chapter VII, Part 727, *supra.*

DEPARTMENT OF LABOR

Division of Public Contracts

SMALL BUSINESS PRODUCTION POOLS

EXEMPTION FROM PROVISIONS OF PUBLIC CONTRACTS ACT; AMENDMENT

On June 19, 1951, under authority vested in me by section 6 of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45) I granted an exemption, from the requirement of section 1 (a) of this act, for all contracts entered into between contracting agencies of the United States and Defense Production Pools approved by the Administrator of the Defense Production Administration pursuant to section 708 of the Defense Production Act of 1950 (16 F. R. 5847-5848).

By Executive Order 10370 (17 F. R. 6141), dated July 7, 1952, the President of the United States delegated to the Administrator of the Small Defense Plants Administration authority to approve small-business production pools as qualified contractors pursuant to section 708 of the Defense Production Act. In order to carry out the purposes of Executive Order 10370, I find it in the public interest to amend the exemption order of June 19, 1951, to include small-business production pools approved by the Administrator of the Small Defense Plants Administration.

Notice is hereby given that the exemption order of June 19, 1951, referred to above, is amended as follows:

1. The title is changed to read "Small Business Production Pools".

2. The third paragraph is amended to read as follows:

In view of the fact that such Small Business Production Pools may not come within the terms "manufacturer" or "regular dealer" as those terms are used in section 1 (a) of the Public Contracts Act, the Departments of Army, Navy and Air Force have requested that an exception be granted to section 1 (a) of the act so as to permit the award of contracts subject to the act to Small Business Production Pools which have been approved by either the Administrator of the Defense Production Administration or the Administrator of the Small Defense Plants Administration pursuant to section 708 of the Defense Production Act of 1950, as amended. This request was based upon a finding by the Heads of the Departments of Army, Navy and Air Force that contracting with such pools will be in the public interest and beneficial to the defense effort, and that the conduct of Government business will be seriously impaired unless the requested exception is granted.

3. The last paragraph is amended to read as follows:

Accordingly, pursuant to authority vested in me by section 6 of the Public Contracts Act, I hereby exempt from the requirement of section 1 (a) of the act, all contracts en-

tered into between contracting agencies of the United States and Small Business Production Pools approved by either the Administrator of the Defense Production Administration or the Administrator of the Small Defense Plants Administration pursuant to section 708 of the Defense Production Act of 1950, as amended, and Executive Order 10370, dated July 7, 1952. This action shall not in any way be construed as exempting such contracts from other requirements of section 1 or any other provisions of the act; nor shall this action be construed as exempting contracts entered into by individual members of Small Business Production Pools when such contracts are not on behalf of such pools.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 1st day of October 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-10781; Filed, Oct. 3, 1952; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5573]

CONTINENTAL CHARTERS INC., COMPLAINT OF MARY BATTISTA ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the complaint of Mary Battista, Mary Messerlos, Joseph Wozniak, Albert Dichak and Thomas E. Myers with respect to Continental Charters, Inc. local passenger tariff CAB No. 8 Rule 26.1 applying to certain persons to bar claims and actions for injury and death due to negligence of air carrier.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 21, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 1, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10778; Filed, Oct. 3, 1952; 8:52 a. m.]

[Docket Nos. 2936, 3693]

ADDITIONAL NORTH-SOUTH SERVICE TO TULSA CASE; MID-CONTINENT ROUTE NO. 80 RENEWAL CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on October 28, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 30, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-10779; Filed, Oct. 3, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6453]

IOWA PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

SEPTEMBER 30, 1952.

Notice is hereby given that on September 25, 1952, the Federal Power Commission issued its order entered September 25, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10768; Filed, Oct. 3, 1952; 8:50 a. m.]

[Docket No. G-1115]

COLORADO INTERSTATE GAS CO.

NOTICE OF OPINION AND ORDER MODIFYING OPINION AND DENYING PETITION

SEPTEMBER 30, 1952.

Notice is hereby given that on September 29, 1952, the Federal Power Commission issued its opinion and order entered September 26, 1952, modifying Opinion No. 235 and order (17 F. R. 7439) and denying petition for rehearing in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10769; Filed, Oct. 3, 1952; 8:50 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 228-A AND ORDER AFFIRMING WORKING CAPITAL ALLOWANCE

SEPTEMBER 30, 1952.

Notice is hereby given that on September 26, 1952, the Federal Power Commission issued its opinion and order entered September 25, 1952, affirming working capital allowance after rehearing in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10770; Filed, Oct. 3, 1952; 8:51 a. m.]

[Docket No. G-1962]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 30, 1952.

Notice is hereby given that on September 26, 1952, the Federal Power Commission issued its order entered September 25, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10771; Filed, Oct. 3, 1952; 8:51 a. m.]

[Docket No. G-2059]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

NOTICE OF APPLICATION

SEPTEMBER 29, 1952.

Take notice that the Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, Natural Gas Company of West Virginia (Natural Gas), a West Virginia corporation, Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation and Home Gas Company (Home), a New York corporation, each having its address at Pittsburgh, Pennsylvania (all hereinafter sometimes referred to as "Applicants"), filed on September 12, 1952, a joint application for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities and for orders pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving abandonment and retirement of certain natural-gas facilities, as hereinafter described.

Manufacturers proposes to construct and operate approximately 24 miles of 26-inch, 21.29 miles of 16-inch, 33.14 miles of 12-inch, 33.38 miles of 10-inch, 92.11 miles of 8-inch, 2.79 miles of 6-inch, 4.58 miles of 4-inch, and 1.23 miles of 3-inch natural-gas transmission pipelines at various points on its system in Pennsylvania, West Virginia, and Ohio, and in connection therewith, to abandon or retire and sell or salvage, approximately 24 miles of 20-inch, 22.11 miles of 12-inch, 11.657 miles of 10-inch, 47.269 miles of 8-inch, 57.454 miles of 6-inch, 0.76 miles of 3-inch, 6.70 miles of 2-inch, and 0.88 mile of 1-inch existing pipeline. Manufacturers also proposes to abandon, retire and remove 440 horsepower in compressor units together with equipment and structures at its Rider Compressor Station in Fayette County, Pennsylvania.

Natural Gas proposes to construct and operate approximately 7.46 miles of 4-inch transmission pipeline in Columbiana County, Ohio, and in connection therewith to abandon in place and retire 7.46 miles of existing 8-inch transmission pipeline.

Cumberland proposes to construct and operate approximately 31.2 miles of 12-inch transmission pipeline, 24 miles of which is to extend from Garrett County, Maryland, to a point near Keyser, West Virginia, and 7.2 miles of which is to extend from near Cumberland, Maryland, to a point on the Maryland-Pennsylvania State Line, and to abandon, retire and remove 75 horsepower in compressor units with equipment and structures at its Rowlesburg Compressor Station in Preston County, West Virginia.

Home proposes to construct and operate approximately 46.7 miles of 12-inch transmission pipeline in Tioga and Broome Counties in New York, and to abandon, retire and remove 180 horsepower in compressor units with structure and equipment at its Hinman Corners Compressor Station in Broome County, New York.

Applicants state that through the means of the additional facilities they propose to improve and increase the deliverability of their transmission systems in the interest of flexibility, continuity of delivery, and adequacy of facilities, and that the retirement of facilities no longer used or useful in the public service, as proposed, will eliminate expenses in connection therewith. Applicants state that in no instance are any of the proposed facilities designed to serve new markets.

The total estimated net cost of retirement of existing facilities and of construction of additional facilities for Manufacturers is $8,250,079, for Natural Gas is $77,068, for Cumberland is $1,104,900, and for Home is $1,708,400. Such cost is proposed to be paid for through financing to be provided by the parent company of Applicants, the Columbia Gas System, Inc. The nature and terms of such financing according to Applicants will be subject to the jurisdiction of the Securities and Exchange Commission.

Manufacturers requests authority to construct, operate, abandon, retire, and remove the facilities for which such authorization is requested by Cumberland when and if Manufacturers is authorized to acquire and operate the property of Cumberland pursuant to its application filed concurrently with the application herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10773; Filed, Oct. 3, 1952; 8:51 a. m.]

[Docket No. G-2060]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 29, 1952.

Take notice that the Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, hereinafter sometimes referred to as "Applicants", both of which have their principal place of business at Pittsburgh, Pennsylvania, jointly filed on September 12, 1952, an application pursuant to section 7 of the Natural Gas Act, seeking authorization, as hereinafter described, for Manufacturers to acquire and operate all the property and facilities of Cumberland for the transmission of natural-gas in interstate commerce, and for Cumberland to abandon its property and facilities and the service rendered thereby by transferring the same to Manufacturers.

Manufacturers and Cumberland are affiliated companies and are subsidiaries of the Columbia Gas System, Inc. Cumberland owns and operates a main transmission pipeline system extending approximately 113 miles between Cumberland, Maryland, and Thomas Compressor Station, Lewis County, West Virginia, and consisting mostly of a single 12-inch, partly 10-inch and partly parallel 10-inch and 6-inch lines. Cumberland also owns and operates, as a part of its system numerous lateral pipelines consisting of 10-inch, 8-inch, 6-inch, and 4-inch pipe, and three compressor stations aggregating 2,150 horsepower. In addition to the foregoing transmission facilities for which authorization to abandon is requested, Cumberland owns and operates other properties consisting of real estate, leases, wells and gathering lines, meters, regulators, fittings, tools and various distribution systems, all of which it proposes to transfer to Manufacturers.

The proposed acquisition is to be consummated by the contribution by the Columbia Gas System, Inc., of all the capital stock of Cumberland to Manufacturers, and the forgiveness of all outstanding funded debt of Cumberland held by its parent. Cumberland will then dissolve, and Manufacturers, as sole stockholder will acquire all the property and rights of Cumberland and assume its remaining liabilities and obligations.

Upon completion of the proposed acquisition, Manufacturers proposes to operate the production, transmission, and distribution facilities of Cumberland and to serve the communities in West Virginia, and Maryland presently being served by Cumberland. Manufacturers does not propose to serve any new communities as a result of the proposed acquisition.

Applicants state that no financing will be required to complete the proposed transfer of properties.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10774; Filed, Oct. 3, 1952; 8:52 a. m.]

[Docket No. G-2061]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 29, 1952.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation, address, Charleston, West Virginia, filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 50.5 miles of natural-gas transmission pipeline consisting of 32.5 miles of 24-inch and 18 miles of 20-inch pipe, and extending from Applicant's Lanham Compressor Station to its proposed Compressor Station X-58, and the construction and operation of said Compressor Station X-58 consisting of three 880 horsepower compressor units together with necessary auxiliary equipment and piping, to be located at Applicant's Storage Pool X-58 in Wood and Wirt Counties, West Virginia.

Applicant proposes the construction and operation of said facilities in connection with the expansion of its underground storage operations which it states are necessary for the adequacy and continuity of service to present markets. No new markets are proposed to be served by means of the proposed facilities.

In conjunction with the operation of Storage Pool X-58, Applicant proposes to activate an additional pool designated as X-59 with an estimated ultimate maximum daily withdrawal rate of 70,000 Mcf at minimum storage pressure of 550 pounds. At a maximum storage pressure of 1,200 pounds, this daily withdrawal rate is expected to be 180,000 Mcf.

The estimated cost of the proposed facilities is $6,088,890. Applicant estimates the cost of acquiring and activating its proposed Storage Pool X-59 to be $1,885,800. The proposed construction and activation will be financed by issuance and sale of securities of Applicant to its parent company, the Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10775; Filed, Oct. 3, 1952; 8:52 a. m.]

[Docket No. G-2062]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 29, 1952.

Take notice that Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation, sometimes, hereinafter referred to as "Applicants," both of which have their principal place of business at Charleston, West Virginia, jointly filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, author-

izing the construction and operation of three compressor stations as follows: (1) At a point on Applicants' 26-inch pipeline approximately 31.5 miles from United Fuel Gas Company's Cobb Compressor Station, to be known as Frametown Station, consisting of one 5,000 horsepower compressor unit, auxiliary equipment and piping, (2) at a point on said 26-inch pipeline approximately 64.6 miles from Cobb Station, to be known as Cleveland Station, consisting of six 1,100 horsepower compressor units, auxiliary equipment and piping, and (3) at a point on said 26-inch pipeline approximately 194.4 miles from Cobb Station, to be known as Station "E", consisting of one 5,000 horsepower compressor unit, auxiliary equipment and piping; and the supercharging of three existing units from 880 horsepower to 1,100 horsepower and the installation of one additional 1,100 horsepower compressor unit in Atlantic Seaboard's existing Compressor Station "D", known as Lost River Station.

Applicants propose the construction and operation of said facilities to compress, when necessary, and to increase the pressure of natural gas delivered into the western or suction side of the compressor stations on said 26-inch pipeline to a line pressure of 750 pounds per square inch for transportation eastward. Applicants state that existing facilities are not adequate to meet estimated maximum day requirements of their wholesale customers during the winter period of 1953–54. Applicants expect the proposed facilities to supply approximately 86,200 Mcf of additional natural gas transmission capacity on a peak day during 1953–54 at an estimated load factor of 48 percent.

The estimated capital cost of the proposed facilties is approximately $6,885,600. Such cost is proposed to be provided for out of funds to be realized from the sale of securities to Applicants' parent company, the Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of October 1952. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10776; Filed, Oct. 3, 1952; 8:52 a. m.]

[Project No. 1132]

ROY A. GETCHELL

NOTICE OF ORDER DISMISSING APPLICATION FOR APPROVAL OF TRANSFER OF LICENSE (MINOR)

SEPTEMBER 30, 1952.

Notice is hereby given that on September 26, 1952, the Federal Power Commission issued its order entered September 25, 1952, dismissing application for approval of transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10772; Filed, Oct. 3, 1952; 8:51 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 30, 1952.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a license for proposed water power Project No. 2107 (to be known as the Poe Project) to be located on North Fork Feather River in Butte County, in the vicinity of Quincy and Oroville, and consisting of a reinforced concrete, gated diversion dam, in North Fork Feather River, about 60 feet in height above the stream bed; a reservoir, formed by the dam, with an effective capacity of about 470 acre-feet between normal operating water surface (elevation 1,380) and minimum operating water level (elevation 1,370); and intake structure; a concrete-lined tunnel about 33,700 feet long between the intake and the penstocks; a differential surge chamber with inside diameter of 90 feet; two penstocks each about 780 feet long; Poe powerhouse to contain two vertical turbine-generator units each of 73,000 hp.-63,000 kva. installed capacity; two short 220 kv. tap lines from the high tension switch and bus structure, at the proposed plant, to applicant's interconnected transmission system; substation and switchyard; and miscellaneous hydraulic, mechanical and electrical appurtenances.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before November 6, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10766; Filed, Oct. 3, 1952; 8:50 a. m.]

[Project No. 2108]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 30, 1952.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a license for proposed water-power Project No. 2108 (to be known as the Belden Project) to be located on the North Fork Feather River and on Yellow Creek, one of its tributaries, in Plumas County, California, in the vicinity of Quincy and Oroville, and consisting of a gated diversion dam, across North Fork Feather River, about 150 feet in height above stream bed, with spillway crest at elevation 2958 and the normal operating water surface at elevation 2,975; a reservoir to extend upstream to applicant's existing Caribou powerhouse and having an effective reservoir capacity of about 900 acre-feet between normal operating water surface (elevation 2,975) and minimum operating water level (elevation 2,950) and a gross capacity of about 2,500 acre-feet at elevation 2,975; a wheel-gate equipped intake structure; two pressure tunnels aggregating 33,700 feet in length, one on each side of the North Fork Feather River siphon and forming therewith a uni-linear conduit from the intake to the beginning of penstock, and a siphon about 1,750 feet long crossing North Fork Feather River; a penstock about 1,700 feet long, wye-branching into two pipes, each about 180 feet long, to the powerhouse; a differential surge chamber with inside diameter of 65 feet; Belden Powerhouse, on left bank of Yellow Creek, to house two vertical turbine-generator units each of 65,000 kva. capacity; substation and switchyard; three short 220-kv. tap lines from the high tension switch and bus structure at the plant to connect with the applicant's interconnected transmission system; and miscellaneous hydraulic, mechanical, and electrical appurtenances.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before November 6, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10767; Filed, Oct. 3, 1952; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10195]

MT. PLEASANT BROADCASTING CO. (KIMP)

ORDER SCHEDULING HEARING

In re application of Winston O. Ward, d/b as Mt. Pleasant Broadcasting Company (KIMP), Mt. Pleasant, Texas, Docket No. 10195, File No. BP–8039; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1952;

The Commission having under consideration a petition filed on July 7, 1952, by Winston O. Ward, d/b as Mt. Pleasant Broadcasting Company requesting reconsideration and grant without hearing of the above-entitled application requesting a construction permit to change hours from daytime only to unlimited using 500 watts nighttime and to install a directional antenna for nighttime use at Station KIMP, Mt. Pleasant, Texas;

It appearing, that the petition for reconsideration and grant and the supporting engineering affidavit merely describe the area and population of the city of Mt. Pleasant outside the nighttime interference-free contour and do not modify the proposed operation of Station KIMP to improve coverage or reduce interference and therefore the deficiencies of the petitioner's proposal with reference to coverage of the city of Mt. Pleasant and ratio of population losing service within the normally protected contour to population actually served remain unchanged:

It is ordered, That the said petition of Winston O. Ward, d/b as Mt. Pleasant Broadcasting Company requesting reconsideration and grant without hearing of the above-entitled application is denied:

It is further ordered, That hearing in the above-entitled matter is scheduled to commence at 10:00 a. m. on the 3d day of November 1952, at Washington, D. C.

By the Commission: Commissioner Bartley dissenting; Commissioners Sterling and Hennock not participating.

Released: September 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 52–10742; Filed, Oct. 3, 1952; 8:47 a. m.]

[Docket Nos. 10245, 9138, 10319]

PORTLAND TELEVISION, INC. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Portland Television, Inc., Portland, Oregon, Docket No. 10245, File No. BPCT–956; Westinghouse Radio Stations, Inc., Portland, Oregon, Docket No. 9138, File No. BPCT–494; North Pacific Television, Inc., Portland, Oregon, Docket No. 10319, File No. BPCT–1138; for construction permits for new commercial television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of September 1952;

The Commission having under consideration the above-captioned application of North Pacific Television, Inc., requesting a construction permit for a new television broadcast station to operate on Channel 8 in Portland, Oregon; and

It appearing, that the said application is mutually exclusive with the above-captioned applications of Portland Television, Inc., and Westinghouse Radio Stations, Inc., which request construction permits for television broadcast stations to operate on Channel 8 in Portland, Oregon, in that operation by all of the above applicants, as proposed, would result in mutually destructive interference; and

It further appearing, that the applicant North Pacific Television, Inc., was advised on September 3, 1952, that its proposal was mutually exclusive with the other above-captioned applications and was requested to file any reply within ten days, and that the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of North Pacific Television, Inc. be designated for hearing in the same consolidated proceeding with the other above-captioned applications to commence at 10:00 a. m. on October 1, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-captioned applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-captioned applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10740; Filed, Oct. 3, 1952; 8:47 a. m.]

[Docket Nos. 10245, 9138, 10319, 10324]

PORTLAND TELEVISION, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Portland Television, Inc., Portland, Oregon, Docket No. 10245, File No. BPCT–956; Westinghouse Radio Stations, Inc., Portland, Oregon, Docket No. 9138, File No. BPCT–494; North Pacific Television, Inc., Portland, Oregon, Docket No. 10319, File No. BPCT–1138; Cascade Television Company, Portland, Oregon, Docket No. 10324, File No. BPCT–1235; for construction permits for new commercial television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1952;

The Commission having under consideration the above-captioned application of Cascade Television Company requesting a construction permit for a new television broadcast station to operate on Channel 8 in Portland, Oregon; and

It appearing, that said application is mutually exclusive with the above-captioned applications of Portland Television, Inc., Westinghouse Radio Stations, Inc., and North Pacific Television, Inc., all of which request construction permits for television stations to operate on Channel 8 in Portland, Oregon; and

It further appearing, that the applicant Cascade Television Company was advised on September 10, 1952, that its proposal was mutually exclusive with the other above-captioned applications and was requested to file any reply within ten days, and that the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Cascade Television Company be designated for hearing in the same consolidated proceeding with the other above-captioned applications to commence at 10:00 a. m. on October 1, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-captioned applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-captioned applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10741; Filed, Oct. 3, 1952; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

CRITERIA AND LIST

The Commissioner of Education is required under section 253 of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 663, 675), known as Public Law 550 of the 82d Congress, to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution. The following criteria for determining nationally recognized accrediting agencies and associations have been evolved after consultation with an advisory group of educators. These criteria are presently effective but may nevertheless be modified as necessary or appropriate. For this purpose and in accordance with accepted procedures, interested accrediting agencies and associations are invited to submit suggestions and criticisms to the Com-

missioner of Education not later than forty-five (45) days from the publication of this notice in the FEDERAL REGISTER.

CRITERIA

The agency or association

1. Is regional or national in the scope of its operations. (Regional as here used means several States);

2. Serves a definite need for accreditation in the field in which it operates;

3. Performs no functions that might prejudge its independent judgment of the quality of an educational program;

4. Makes available to the public current information covering: (a) criteria or standards for accreditation, (b) reports of its operations, (c) a list of accredited institutions, courses or educational programs;

5. Has an adequate organization and effective procedures to maintain its operations on a professional basis. Among the factors to be considered in this connection are that the agency or association:

(a) Secures sufficient and pertinent data concerning the qualitative and quantitative aspects of the work of an institution, including data on such items as the educational objectives, educational programs, admission practices, training and experience of teachers, financial stability, laboratory and library resources.

(b) Uses qualified examiners to visit institutions and inspect courses, programs and facilities and who prepare written reports and recommendations for the use of the reviewing body—and causes such examination to be conducted under conditions that assure an impartial and objective judgment.

(c) Re-evalues at reasonable intervals the accredited institutions, programs and courses of study.

(d) Has financial resources as shown by its current financial statements, necessary to maintain accrediting operations in accordance with published policies and procedures.

6. Accredits only institutions which are found upon such examination to meet specific standards for accreditation, established in advance in terms that include the factors above described.

7. Has had not less than two years' experience as an accrediting agency, or in the alternative demonstrates to the satisfaction of the Commissioner that it has been organized under conditions that reasonably assure stability and permanence and that it has gained the acceptance required under 8 below during such shorter period.

8. Has gained acceptance of its criteria, methods of evaluation, and decisions, by educational institutions, practitioners, licensing bodies and employers throughout the United States;

9. Assurance is given that accreditation for the purposes of the act will not be conditioned on the payment of any sums of money: *Provided, however,* That a reasonable charge may be made by the agency or association for its services hereunder not exceeding the actual cost of the accreditation.

(LIST 1)

The following list of nationally recognized accrediting agencies and associations which have been determined to be reliable authority, in the field which each represents, as to the quality of training offered by an educational institution is issued as required by section 253 of the Veterans' Readjustment Assistance Act of 1952. This list supersedes the provisional list dated August 8, 1952, distributed to State Approving agencies on August 12, 1952.

Regional Accrediting Associations

Middle States Association of Colleges and Secondary Schools.

New England Association of Colleges and Secondary Schools.[1]

North Central Association of Colleges and Secondary Schools.

Northwest Association of Secondary and Higher Schools.

Southern Association of Colleges and Secondary Schools.

Western College Association.

National Professional Accrediting Agencies and Associations

Accrediting Association of Bible Institutes and Bible Colleges.

American Association of Colleges for Teacher Education.

American Association of Collegiate Schools of Business.

American Association of Theological Schools.

American Bar Association.

American Council on Education for Journalism.

American Council on Pharmaceutical Education.

American Osteopathic Association.

American Public Health Association.

Board of Education for Librarianship of the American Library Association.

Commission on Accreditation of the Council on Social Work Education.

Committee on Professional Training of the American Chemical Society.

Council on Dental Education of the American Dental Association.

Council on Education and Professional Guidance of the American Optometric Association.

Council on Education of the American Veterinary Medical Association.

Council on Education of the National Association of Chiropodists.

Council on Medical Education and Hospitals of the American Medical Association.

Engineers Council for Professional Development.

National Architectural Accrediting Board.

National Association of Schools of Music.

National Nursing Accrediting Service of the Division of Nursing Education of the National League for Nursing.

Society of American Foresters.

Additions to and deletions from the list will be made from time to time as conditions warrant. Any agency or association not included on the list which desires to be so included may be added to the list if, in the judgment of the Commissioner it meets the established criteria. Such organization should request inclusion in writing, accompanying such request with evidence establishing its compliance with the criteria. Upon receipt of any such application the Commissioner will make his determination on the basis of the evidence presented and any further or additional evidence including in the discretion of the Commissioner a field inspection. No adverse decision will be made without affording opportunity for a hearing.

Dated: September 17, 1952.

EARL J. MCGRATH,
U. S. Commissioner of Education.

[F. R. Doc. 52-10732; Filed, Oct. 3, 1952; 8:45 a. m.]

[1] Membership in the Association means that institutions have satisfied standards for membership similar to those required by regional accrediting agencies. The Association is represented on the National Committee of Regional Accrediting Agencies.

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following entries in section 22 (b) (5) are amended as indicated:

1. Opposite "Birmingham, Alabama," delete "Social Security Bldg." The correct address will then read "2111-13 Seventh Avenue, North."

2. Opposite "San Diego, California," delete the address "Room 200, San Diego Federal Savings Bldg., 601 'A' St." and in lieu thereof insert "San Diego Federal Savings and Loan Bldg."

3. Opposite "New Orleans, Louisiana," delete the address "Farm Credit Administration Bldg." and in lieu thereof insert "860 St. Charles Avenue."

4. Opposite "Kansas City, Missouri," delete the address "Federal Office Bldg." and in lieu thereof insert "Room 1100 Federal Bldg."

5. Opposite "Newark, New Jersey," delete the address "Raymond Commerce Bldg." and in lieu thereof insert "151 Washington Street."

6. Opposite "Albany, New York," the word "County" should be inserted. The correct address will then read "City and County Savings Bank Bldg."

7. Opposite "Cincinnati, Ohio," delete the address "Fifth-Third Union Trust Bldg." and in lieu thereof insert "Union Trust Bldg., 40 East 40th St."

8. Opposite "Cleveland, Ohio," delete the address "1510 Euclid Avenue" and in lieu thereof insert "WJW Bldg., 1375 Euclid Avenue."

9. Opposite "Pittsburgh, Pennsylvania," delete the address "Henry W. Oliver Bldg." and in lieu thereof insert "New Post Office Bldg."

10. Opposite "Beaumont, Texas," delete the address "Federal Bldg." and in lieu thereof insert "Post Office Bldg."

OSBORNE KOERNER,
Director, Administrative Services.

OCTOBER 1, 1952.

[F. R. Doc. 52-10733; Filed, Oct. 3, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27435]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM TEXAS TO LOUISIANA

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packinghouse products, in straight or mixed carloads or in mixed carloads with butter, cheese, eggs, canned goods, peanut butter, etc.

From: Dallas, Fort Worth, Greenville, and Miller, Tex.

To: Alexandria, Baton Rouge, and New Orleans, La.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3588, Supp. 172.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10756; Filed, Oct. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27436]

IMPREGNATED PAPER FROM MUNISING, MICH., TO TROY, N. Y.

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3940.

Commodities involved: Paper, resin impregnated, not laminated, coated with latex, in rolls, not decorated, carloads.

From: Munising, Mich.

To: Troy, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3940, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10757; Filed, Oct. 3, 1952; 8:48 a. m.]

[4th Sec. Application 27437]

MAGAZINES FROM CHICAGO, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Magazines, carloads.

From: Chicago, Ill.

To: Kansas City, Mo.-Kans.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 71.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10758; Filed, Oct. 3, 1952; 8:49 a. m.]

[4th Sec. Application 27438]

SUPERPHOSPHATE FROM EAST ST. LOUIS AND JOLIET, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, in bulk, carloads.

From: East St. Louis and Joliet, Ill.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 71.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10759; Filed, Oct. 3, 1952; 8:49 a. m.]

[4th Sec. Application 27439]

CEMENT FROM RAGLAND, ALA., TO TALLAPOOSA, GA.

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Seaboard Air Line Railroad Company and the Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Ragland, Ala.

To: Tallapoosa, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1244, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10760; Filed, Oct. 3, 1952; 8:49 a. m.]

[4th Sec. Application 27440]

SCRAP IRON AND STEEL FROM SOUTHERN TERRITORY TO FAIRLESS AND WILLIAMSPORT, PA., AND ASHLAND, OHIO

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Fairless and Williamsport, Pa., and Ashland, Ohio.

Grounds for relief: Circuity, rail competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 181.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10761; Filed, Oct. 3, 1952; 8:49 a. m.]

[4th Sec. Application 27441]

AMMUNITION BOXES FROM JACKSON, MISS. TO JOLIET ARSENAL, ILL.

APPLICATION FOR RELIEF

OCTOBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, ammunition or shell shipping, carloads.

From: Jackson, Miss.

To: Joliet Arsenal (Area 2), Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 52-10762; Filed, Oct. 3, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 82]

NEW CASTLE, PENNSYLVANIA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

OCTOBER 3, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

New Castle, Pennsylvania, area. (The area consists of Lawrence County; and that portion of the borough of Ellwood City located within Beaver County; all in Pennsylvania.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER, *Acting Secretary of Defense.*
HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-10858; Filed, Oct. 3, 1952; 10:10 a. m.]

[RC 83]

CASPER, WYOMING, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

OCTOBER 3, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Casper, Wyoming, Area. (The area consists of all of Natrona County, Wyoming.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER, *Acting Secretary of Defense.*
HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-10859; Filed, Oct. 3, 1952; 10:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1250]

PENNSYLVANIA EDISON CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT EXTENDING TIME FOR FINAL PAYMENT ON PREFERRED STOCK

SEPTEMBER 30, 1952.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company; File No. 70-1250.

On July 2, 1946, Associated Electric Company ("Aelec"), a registered holding company, and two of its public-utility subsidiary companies, Pennsylvania Electric Company ("Penelec") and Pennsylvania Edison Company ("Pened"), consumated a plan, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 pursuant to which, among other things, (1) Pened was merged into Penelec and Pened was dissolved, (2) the holders of Pened's $5 series and $2.80 series preferred stock received the liquidation value of their preferred stocks provided they transmitted their stock certificates to a named paying agent prior to July 2, 1952, and (3) upon such payment, the paying agent overstamped the stock certificates with a legend indicating that payment of the liquidation value had been made and that holders of the overstamped certificates were entitled to receive such additional amounts, if any, as might thereafter be finally determined, provided such overstamped certificates were transmitted to the paying agent for payment within three years after such final determination; and

It having been finally determined on September 15, 1949, that the holders of

certificates of Pened's $5 series and $2.80 series preferred stock were entitled to receive certain payments in addition to the liquidation value of their preferred stocks; and

Aelec and Penelec having filed a post-effective amendment to the section 11 (e) plan wherein it is proposed that the time be extended to November 30, 1952, within which holders of the stock certificates and the overprinted stock certificates of Pened's $5 series and $2.80 series preferred stock may surrender such certificates to the paying agent and receive final payment thereon; and

The Commission having considered such post-effective amendment and deeming it appropriate in the public interest and in the interest of investors that such post-effective amendment be approved:

It is ordered, That the said post-effective amendment be, and hereby is approved:

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as the Commission might deem appropriate in connection with the consummation of the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10734; Filed, Oct. 3, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 125]

PUEBLO, COLORADO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Pueblo, Colorado, area (this area consists of Pueblo County, Colorado), is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Pueblo, Colorado, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM, *Administrator.*

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10805; Filed, Oct. 3, 1952; 8:56 a. m.]

[Determination No. 126]

CEDAR RAPIDS, IOWA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 29, 1952, that the Cedar Rapids, Iowa, area (this area consists of all of Linn County, Iowa) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Cedar Rapids, Iowa, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM, *Administrator.*

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10806; Filed, Oct. 3, 1952; 8:56 a. m.]

[Determination No. 127]

ALLENTOWN-BETHLEHEM, PENNSYLVANIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 29, 1952, that the Allentown-Bethlehem, Pennsylvania, area (this area consists of Northampton and Lehigh Counties in Pennsylvania; and the Townships of Greenwich, Lopatcong, and Pohatcong, the Borough of Alpha, and the town of Phillipsburg, all in Warren County, New Jersey) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Allentown-Bethlehem, Pennsylvania, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM, *Administrator.*

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10807; Filed, Oct. 3, 1952; 8:56 a. m.]

[Determination No. 128]

EVANSVILLE, INDIANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 29, 1952, that the Evansville,

Indiana, area (the area consists of Vanderburgh County, Indiana) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Evansville, Indiana, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10808; Filed, Oct. 3, 1952; 8:56 a. m.]

[Determination No. 129]

DENVER, COLORADO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 29, 1952, that the Denver, Colorado, area (this area consists of the counties of Denver, Adams, Arapahoe, and Jefferson, Colorado) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Denver, Colorado, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10809; Filed, Oct. 3, 1952; 8:56 a. m.]

[Determination No. 130]

PORTSMOUTH-CHILLICOTHE, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Pub. Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 26, 1952, that the Portsmouth-Chillicothe, Ohio, area (the area consists of all of Scioto, Pike, Ross, and Jackson Counties, Ohio) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Portsmouth-Chillicothe, Ohio, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTMAN,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10810; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 131]

GREAT LAKES-NORTH CHICAGO-WAUKEGAN, ILLINOIS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 26, 1952, that the Great Lakes-North Chicago-Waukegan, Illinois, area (this area consists of all of Lake County, Illinois) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Great Lakes-North Chicago-Waukegan, Illinois, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10811; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 132]

SIOUX CITY, IOWA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 26, 1952, that the Sioux City, Iowa, area (this area consists of all of Woodbury County, Iowa) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Sioux City, Iowa, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10812; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 133]

SANDUSKY, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Sandusky, Ohio, area (the area consists of Erie County, Ohio) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Sandusky, Ohio, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10813; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 134]

HARRISBURG, PENNSYLVANIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Harrisburg, Pennsylvania, area (the area consists of Dauphin County; Cumberland County (except the townships of Hopewell, Shippensburg, Southampton, Lower Mifflin, Upper Mifflin, North Newton, South Newton, and the boroughs of Newburg, Shippensburg and Newville); and in Perry County, the Townships of Rye, Penn, and Wheatfield, and the boroughs of Duncannon and Marysville, all in Pennsylvania) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Harrisburg, Pennsylvania, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10814; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 135]

MONMOUTH COUNTY, NEW JERSEY, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Monmouth County, New Jersey, area (the area consists of Monmouth County, except the Boroughs of Allentown and Roosevelt and the townships of Millstone and Upper Freehold, New Jersey) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Monmouth County, New Jersey, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10815; Filed, Oct. 3, 1952; 8:57 a. m.]

[Determination No. 136]

AKRON, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong., Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Akron, Ohio, area (this area consists of all of Summit County, and that portion of the Village of Mogadore located in Portage County, Ohio) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Akron, Ohio, critical defense housing area to the extent necessary to encour-

age construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10816; Filed, Oct. 3, 1952; 8:58 a. m.]

[Determination No. 137]

BAY CITY, MICHIGAN, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Bay City, Michigan, area (this area consists of the cities of Bay City and Essexville, and the townships of Bangor and Hampton, all in Bay County, Michigan) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Bay City, Michigan, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10817; Filed, Oct. 3, 1952; 8:58 a. m.]

[Determination No. 138]

CANTON-MASSILLON, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Canton-Massillon, Ohio, area (the area consists of all of Stark County, Ohio) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Canton-Massillon, Ohio, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10818; Filed, Oct. 3, 1952; 8:58 a. m.]

[Determination No. 139]

YOUNGSTOWN, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Youngstown, Ohio, area (the area consists of Mahoning and Trumbull Counties and that portion of the village of Washingtonville located in Columbiana County, all in Ohio; the townships of Coolspring, Findley, Hempfield, Hickory, Pine, Pymatuning, Shenango, South Pymatuning, Springfield, and West Salem, the boroughs of Clarksville, Greenville, Grove City, Mercer, Sharpsville, Wheatland, and West Middlesex, and the cities of Farrell and Sharon, all in Mercer County, Pennsylvania) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Youngstown, Ohio, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10819; Filed, Oct. 3, 1952; 8:58 a. m.]

[Determination No. 140]

KANSAS CITY, MISSOURI AND KANSAS, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Kansas City, Missouri, and Kansas area (the area consists of Jackson and Clay Counties, and Pettis Township in Platte County, Missouri; Wyandotte County (except the city of Bonner Springs, the township of Delaware, and the city of Edwardsville), Johnson County (except the cities of Olathe, De Soto, Edgerton, Gardner, and Spring Hill, and the townships of Gardner, Lexington, McCamish, Monticello, Olathe and Spring Hill), all in Kansas, is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Kansas City, Missouri and Kansas critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10820; Filed, Oct. 3, 1952; 8:58 a. m.]

[Determination No. 141]

COLUMBUS, OHIO, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated September 30, 1952, that the Columbus, Ohio, area (the area consists of Franklin County; the townships of Circleville, Harrison, Madison, Walnut, and Washington, in Pickaway County; and the townships of Amanda, Bloom, Clear Creek, and Violet, in Fairfield County; all in Ohio) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Columbus, Ohio, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-10821; Filed, Oct. 3, 1952; 8:59 a. m.]

Office of Price Stabilization

FIELD OFFICE LOCATIONS AND BOUNDARIES

ORGANIZATIONAL STATEMENT

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), the Organizational Statement (17 F. R. 675) as amended (17 F. R. 7515), is further amended in the following respects:

The description of the location and area of Region XIII contained in Article III, section 33 *Locations of Field Offices*, is amended to read as follows:

REGION XIII—SEATTLE, WASHINGTON

The Seattle Regional Office will service that part of the State of Washington comprising the counties of Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

District Offices: District Offices will continue to be located at—

Boise, Idaho, servicing the entire State of Idaho, except the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone, and that part of the State of Oregon comprising the county of Malheur;

Portland, Oregon, servicing the entire State of Oregon, except the county of Malheur, and that part of the State of Washington comprising the counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum; and

Spokane, Washington, servicing that part of the State of Washington comprising the counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman, and that part of the State of Idaho comprising the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 3, 1952.

[F. R. Doc. 52-10887; Filed, Oct. 3, 1952; 12:03 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19026]

RUDOLF ALLERT

In re: Estate of Rudolf Allert, deceased. File No. D-28-1786; E. T. Sec. 990.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Luise Margarete Allert (Seibert), whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Charlotte Luise Margarete Allert (Seibert) in and to the Estate of Rudolf Allert, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1952.

For the Attorney General

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10784; Filed, Oct. 3, 1952; 8:54 a. m.]

ROBERT ROGER MAURICE DESAUBLIAUX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Robert Roger Maurice Desaubliaux, Paris, France; Claim No. 36410; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,109,820.

Executed at Washington, D. C., on September 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10785; Filed, Oct. 3, 1952; 8:54 a. m.]

SERGIO FERRAGUTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Sergio Ferraguti, Vittoria Ferraguti, Aldo Ferraguti, Milan, Italy; Claim No. 39798; $9.34 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 5 shares, common capital stock, par value $50 per share, Certificate No. 242, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; one-third thereof to each claimant.

Executed at Washington, D. C., on September 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10786; Filed, Oct. 3, 1952; 8:54 a. m.]

KLARA SELLIKSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Klara Selliksen, Stavenger, Norway; Claim No. 26583; $246.84 in the Treasury of the United States.

Serine Birkeland, Stavenger, Norway; Claim No. 26583; $246.84 in the Treasury of the United States.

Fredrik Knutsen Osterlid, Sandeid, Norway; Claim No. 26583; $246.83 in the Treasury of the United States.

Executed at Washington, D. C., on September 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10788; Filed, Oct. 3, 1952; 8:54 a. m.]

CARLOS MAYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Carlos Mayer, Barcelona, Spain; Claim No. 41568; $290.00 in the Treasury of the United States.

Executed at Washington, D. C., on September 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10787; Filed, Oct. 3, 1952; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 196

Washington, Tuesday, October 7, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND RATE OF ASSESSMENT FOR 1952–53 FISCAL PERIOD

On September 10, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 8160) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1952-53 fiscal period under Marketing Agreement No. 89, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.205 *Expenses and rate of assessment for the 1952–53 fiscal period*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1952, will amount to $21,748.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at six mills ($0.006) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of asessment is applicable to all pears shipped during the 1952–53 fiscal period; (2) shipments of such pears are now being made and are subject to the regulatory provisions of pear Order 5 (7 CFR 939.305, 17 F. R. 7274, 7919); (3) the provisions hereof do not impose any obligation on a handler until such handler ships pears; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Nothwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

As used in this section, the terms "handler," "handles," "shipments," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of October 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10852; Filed, Oct. 6, 1952; 8:52 a. m.]

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FEDERAL REGISTER

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Code of Federal Regulations

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Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Orders 368, 378]

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

MISCELLANEOUS AMENDMENTS

On August 22, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7700) a notice of proposed intention to amend the regulations governing the inspection and handling of livestock for exportation. After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by sections 4 and 5 of the act of Congress approved May 29, 1884, as amended (secs. 4, 5, 23 Stat. 32, as amended; 21 U. S. C. 112, 113), section 10 of the act of Congress approved August 30, 1890 (sec. 10, 26 Stat. 417; 21 U. S. C. 105), section 1 of the act of Congress approved May 3, 1891, as amended (sec. 1, 26 Stat. 833, as amended; 46 U. S. C. 466a), section 1 of the act of Congress approved February 2, 1903, as amended (sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 112, 113, 120, 121), the act of Congress approved March 4, 1907 (34 Stat. 1263; 21 U. S. C. 80, 81, 82, 86), and the act of Congress approved July 24, 1919 (41 Stat. 241; 21 U. S. C. 96), revokes the special regulations governing the exportation of livestock to Mexico now contained in §§ 93.13 to 93.17, Part 93, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, and amends Part 91 of said Title 9 in the following respects:

1. The headnote of Part 91 is amended to read as set forth above.

2. Section 91.1 is amended to read:

§ 91.1 *Definitions.* Whenever in the regulations in this part the following words, names, or terms are used they shall be construed as follows:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Horses, cattle, sheep, swine, and goats.

(f) *Horses.* Horses, mules, and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Stanchion.* Post or other fixed upright support.

3. Section 91.3 is amended to read:

§ 91.3 *Ports of export.* The following are designated ports of export for animals at which inspection will be maintained: Portland, Maine; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Jacksonville, Port Everglades, and Miami, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston and Houston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Seattle and Tacoma, Washington; Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California. Other ports may be designated in special cases by the Chief of Bureau.

4. Section 91.5 is amended to read:

§ 91.5 *Diagnostic tests for dairy and breeding cattle.* (a) No dairy or breeding cattle shall be exported to a foreign country unless they are shown by proper certificate to have passed a negative test for tuberculosis and, if they are more than 6 months old, a negative blood test for brucellosis (Bang's disease) within 30 days of the date of shipment: *Provided, however,* That the test for brucellosis may be waived in respect to animals that have been officially vaccinated as calves within the previous 12 months: *And provided further,* That either or both of these tests may be waived upon presentation by the exporter to the inspector at the port of embarkation of a written permit by an authorized representative of the foreign government to ship a specified lot of cattle to that particular country without said tests.

(b) The tuberculin test may be applied by a Bureau inspector or by a veterinarian accredited by the Bureau, in which case the certificate shall be endorsed by the inspector in charge of disease-eradication work in the State of origin. Blood tests for brucellosis shall be made in laboratories recognized by the Bureau and State authorities for that purpose, and the certificate shall be issued or endorsed by the inspector in charge of disease-eradication work in the State of origin. Test charts and certificates shall include descriptions of the cattle with ages and markings.

The foregoing amendments revoke the special regulations governing the exportation of livestock to Mexico (9 CFR 93.13–93.17), make the provisions of 9 CFR, Part 91, applicable to such exportation to Mexico, and provide that the test charts and certificates required by 9 CFR 91.5 include descriptions of the cattle with ages and markings.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 10, 26 Stat. 417, sec. 1, 26 Stat. 833, as amended, sec. 1, 32 Stat. 791, as amended, 34 Stat. 1263, 41 Stat. 241; 21 U. S. C. 80–82, 86, 96, 105, 112–113, 120–121, 46 U. S. C. 466a)

Done at Washington, D. C., this 1st day of October 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10834; Filed, Oct. 6, 1952; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5640]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FLORIDA CITRUS CANNERS COOPERATIVE ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—Price discrimination under 2 (a):* § 3.715 *Charges and price differentials.* In connection with the sale of citrus fruit juice products in commerce, discriminating, directly or indirectly, in the price of such products of like grade and quality (1) by selling such products to some purchasers thereof at prices lower than the prices charged other purchasers who in fact compete with the favored purchasers in the sale and distribution of such products; and (2) by selling such products, directly or through brokers, to any purchaser at prices lower than the prices charged other purchasers when such other purchasers buy from the respondents directly or through the respondents' agents or representatives, including brokers, and in fact compete in the sale and distribution of such products with said favored purchaser; prohibited, it being specified that for the purpose of comparison the term "price" as used in the order takes into account discounts, rebates, allowances and other terms or conditions of sale, but excepting C. O. D. and other terms or conditions requiring payment before or upon delivery when shown by the respondents to have been used in a particular instance solely be-

cause poor or bad credit risk was involved.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Florida Citrus Canners Cooperative et al., Lake Wales, Fla., Docket 5640, July 14, 1952]

In the Matter of Florida Citrus Canners Cooperative, a Corporate Cooperative Association, and Its Officers, Directors, and Members

Pursuant to the provisions of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act) (15 U. S. C. sec. 13), the Federal Trade Commission on February 18, 1949, issued and subsequently served its complaint in this proceeding upon the respondent, Florida Citrus Canners Cooperative, a corporate cooperative association, and upon its officers and directors and upon certain members of said cooperative association as representative of all the members of the association as a class, charging said Florida Citrus Canners Cooperative, its officers, directors, and members with having violated the provisions of subsection (a) of section 2 of said Clayton Act, as amended by the Robinson-Patman Act.

After the issuance of said complaint and the filing of the respondents' answer thereto, the respondents, pursuant to leave granted, withdrew said answer and filed in lieu thereof a substitute answer in which for the purpose of this proceeding the respondents admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to said facts, but reserved to themselves the right of a hearing with oral argument and the filing of briefs before the Commission as to what order, if any, should be issued upon the facts admitted. Subsequently, counsel for the respondents waived oral argument and consented to submission of the matter to the Commission on the record as then constituted. Thereafter, the proceeding regularly came on for final hearing before the Commission upon the complaint, the respondents' substitute answer, a memorandum for disposition of the case filed by counsel in support of the complaint, attached to which was a proposed form of order to cease and desist, and brief filed by counsel for the respondents in which it was contended that no order to cease and desist should be issued herein, but that if an order is to be issued the order proposed was "probably as fair and reasonable to all parties concerned in its terms and provisions as any that could be issued".

The Commission, being of the opinion that the proposed form of order to cease and desist should be altered in certain material respects, declined to dispose of the proceeding by the entry of an order in the form recommended and, on September 24, 1951, issued a tentative order which the Commission proposed to enter after making appropriate findings as to the facts and conclusion based upon and fully consistent with the facts alleged in the complaint and admitted in the substitute answer thereto, and gave the respondents leave to show cause why said tentative order should not be entered herein as the Commission's order to cease and desist. The respondents on October 8, 1951, filed their "Objection to Tentative Order Issued September 24, 1951"; and the Commission, having duly considered said objection and the matter as a whole and being now fully advised in the premises, makes this its findings as to the facts [1] and its conclusion drawn therefrom: [1]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the substitute answer of the respondents, in which answer said respondents, for the purpose of this proceeding, admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearings as to said facts, a memorandum of counsel in support of the complaint proposing disposition of the case, attached to which was a proposed form of order to cease and desist, and briefs in support of and in opposition to the complaint and in opposition to the tentative order to cease and desist included in the Commission's order of September 24, 1951, rejecting the form of order to cease and desist proposed by counsel in support of the complaint and affording the respondents an opportunity to show cause why said tentative order should not be entered as the Commission's order to cease and desist; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (a) of section 2 of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That the respondents, Florida Citrus Canners Cooperative, a corporate cooperative association, and its officers, members, agents, representatives, and any other parties acting for or on its behalf, directly or through any corporate or other device, in connection with the sale of citrus fruit juice products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

1. By selling such products to some purchasers thereof at prices lower than the prices charged other purchasers who in fact compete with the favored purchasers in the sale and distribution of such products.

2. By selling such products, directly or through brokers, to any purchaser at prices lower than the prices charged other purchasers when such other purchasers buy from the respondents directly or through the respondents' agents or representatives, including brokers, and in fact compete in the sale and distribution of such products with said favored purchaser.

For the purpose of comparison the term "price" as used in this order takes into account discounts, rebates, allowances and other terms or conditions of sale (excepting C. O. D. and other terms or conditions requiring payment before or upon delivery when shown by the respondents to have been used in a particular instance solely because poor or bad credit risk was involved).

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 14, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-10849; Filed, Oct. 6, 1952; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

PAYMENT OF TRANSPORTATION ACCOUNTS

Sections 535.22 to 535.27 are rescinded and the following §§ 535.22 to 535.34 substituted therefor:

Sec.
535.22 By whom paid.
535.23 Action when transportation appears to have been furnished improperly.
535.24 Payment when documents covering personal transportation are lost or destroyed.
535.25 Payment of bills of lading.
535.26 Advance payment.
535.27 Responsibility and action in case of loss, destruction, or damage.
535.28 Goods accepted after rejection.
535.29 Settlement of claims of vendors for prepaid transportations costs.
535.30 Assignment of claims.
535.31 Savings in freight charges.
535.32 Increased freight charge liability.
535.33 Overpayments.
535.34 Adjustments by General Accounting Office.

AUTHORITY: §§ 535.22 to 535.34 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 54 Stat. 954, as amended; 49 U. S. C. 65.

DERIVATION: SR 35-3200-1, Sept. 8, 1952.

§ 535.22 *By whom paid*—(a) *Within continental limits of United States and Alaska*—(1) *Finance Office, U. S. Army, Washington 25, D. C.* (i) All transportation accounts for Department of the Army bills of lading and transportation requests issued for service to and from and within the continental limits of the United States and Alaska (except those payable from appropriations for civil functions of the Corps of Engineers and transoceanic shipments from and to foreign countries moving by water) will be paid by the disbursing officer of the Finance Office, U. S. Army, Transportation Division, Washington 25, D. C.

(ii) Bills for miscellaneous charges such as demurrage, icing, salting, switching, reweighing, storage, etc., accruing in connection with shipments under Department of the Army bills of lading and transportation requests will be paid by the disbursing officer of the Finance Office, U. S. Army, Transportation Division, Washington 25, D. C.

(2) *Local disbursing officer.* Bills for miscellaneous charges, such as demurrage, icing, salting, switching, reweighing, storage, etc., accruing on shipments under prepaid commercial bills of lading or where no bill of lading or actual transportation movement is involved will be paid by the local disbursing officer without the necessity of obtaining a purchase order or other contractual instrument. Carrier's bill certified by the transportation officer or other authorized official of the Government as to performance of service and citing the appropriation chargeable will be accepted in lieu of purchase order or other contractual instrument.

(b) *Outside continental limits of United States.* (1) Accounts pertaining to Department of the Army bills of lading issued for service within the Caribbean or Pacific area, Philippine Islands, and in foreign countries covering ocean transportation services (except Government bills of lading covering ocean transportation from one point in the European Theater to another point in the European Theater), will be paid by the Disbursing Officer, Military Sea Transportation Service, Department of the Navy, Washington 25, D. C. Such transportation accounts will be forwarded to Commander, Military Sea Transportation Service, Department of the Navy, Washington 25, D. C.

(2) Transportation requests issued for service within the Caribbean or Pacific area, Philippine Islands, and in foreign countries will be paid by a disbursing officer in the area concerned except Canada and Mexico which will be paid by the disbursing officer of the Finance Office, U. S. Army, Transportation Division, Washington 25, D. C.

(c) *Officers of the Army detailed to the Air Force, Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty.* Payment of transportation accounts for packing, crating, drayage, unpacking, uncrating, and shipment of authorized household goods, reimbursement therefor, for officers of the Army detailed to the Air Force, Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty, will be made by the designated disbursing officer or agent of the service issuing the orders. (Example: Upon initial detail of a Navy officer (under Navy orders) to the Army, payment of transportation accounts will be made by the Navy. Upon future movements of this detailed Navy officer, including relief from duty with the Army (under Army orders), payment of transportation accounts will be made by the designated Army disbursing officer.) The amount will be chargeable to the appropriation of the service issuing the orders and no transfer of funds is necessary.

(d) *Civil functions of the Corps of Engineers.* Accounts covering transportation payable from appropriations for civil functions of the Corps of Engineers will be paid by district officers of the Corps of Engineers specially designated to settle the accounts for the specific project.

§ 535.23 *Action when transportation appears to have been furnished improperly.* If it appears to the paying officer that transportation has been furnished improperly by the issuing officer, he will make payment to the carrier for the service actually rendered, and will call upon the issuing officer for the authority upon which such transportation was furnished.

§ 535.24 *Payment when documents covering personal transportation are lost or destroyed*—(a) *Lost or destroyed request.* Payment of transportation charges, where the original transportation request has been lost or destroyed may be made only when the provisions of SR 55-110-1 (Department of the Army special regulations pertaining to transportation request) have been accomplished.

(b) *Lost or destroyed ticket.* Where the passenger has lost or destroyed the ticket issued on a transportation request, no refund can be secured from the carrier and a new transportation request cannot be issued for the same journey except as provided in SR 55-110-1.

§ 535.25 *Payment on bills of lading*—(a) *On original only.* Payment of transportation charges ordinarily will be made on the original accomplished Government bill of lading and never on memorandum copies or shipping orders.

(b) *When original lost.* Payment of transportation charges where the original bill of lading has been lost will be made on Standard Form 1108 (Certificate in Lieu of Lost U. S. Government Bill of Lading).

§ 535.26 *Advance payment.* Advance payment for movement of household goods for members of the uniformed services is not authorized. The purchase on behalf of the Government of coupon books to be used in the procurement of gasoline and oil incident to the operation of an automobile under Government control is not authorized, as such purchase involves the payment for supplies in advance of delivery in contravention of section 3648, Revised Statutes. See 8 Comp. Gen. 454.

§ 535.27 *Responsibility and action in case of loss, destruction, or damage*—(a) *General.* Payment for transportation of freight or express will be made to the last carrier, unless otherwise provided in the bill of lading, and only for the quantity of property delivered at destination, except that in case of loss of weight by natural shrinkage en route, the weight shipped as shown in the bill of lading, will be paid for, provided the packages are delivered intact.

(b) *Responsibility of carrier.* The carrier will be held responsible for loss, destruction, or damage to property while in transit in accordance with discrepancy notations on bills of lading, unless the cancellation of any such notation is authorized by the consignee who made it or the carrier is relieved of such responsibility by a report of survey. Reports of survey submitted and approved are the final authority under which common carriers are held responsible or relieved from responsibility.

(c) *Charges against carrier to be deducted from settlement.* Loss, destruction, or damage for which the carrier is held responsible will be deducted in making settlement for services.

§ 535.28 *Goods accepted after rejection*—(a) *Chargeable to contractor.* When goods have been rejected at destination by reason of the goods not being in accordance with the terms of the contract or purchase order, and are subsequently accepted by the Government under a reduced price or other adjustment, they may be accepted only under the terms of new or amended contract entered into by and between the contracting officer and the contractor. The payment to the contractor in this latter case would depend upon the terms of that contract and, in arriving at the price to be paid for the goods, consideration will be given to whatever charges may have been incurred or may have accrued at destination because of the prior rejection of the goods. While the new contract may provide for a total consideration without mentioning these charges specifically, it will refer to them in order to obviate any misunderstanding as to whether or not they are included in the consideration for the new agreement. In these cases all bills covering such charges will be certified by the destination transportation officer to show that payment will be made by the Government and adjustment thereof will be made by the contracting officer in entering into the new contract. The destination transportation officer will furnish to the contracting officer, with copies to the disbursing officer concerned, a statement showing the character and amounts of such bills, together with the name of the disbursing officer by whom the bills will be settled. When adjustment has been made, the contracting officer will advise the disbursing officer concerned in order that he may take action toward crediting the appropriation from which payments are made.

(b) *Chargeable to the Government.* If, through error on the part of the Government, goods are rejected at destination and are subsequently accepted, they can be accepted under the original contract only, in which case the Government becomes liable for all charges.

§ 535.29 *Settlement of claims of vendors for prepaid transportation costs.* The disbursing officer of the Finance Office, U. S. Army, Transportation Division, Washington 25, D. C., is designated as the paying officer for transportation accounts only in those cases where shipment moves on Government bill of lading, or there is a conversion to Government bill of lading prior to payment and a properly certified bill supported by such document is submitted by a carrier. It is not the function of the Finance Office, U. S. Army, Washington 25, D. C., to make reimbursement, either in the full amount, or in part, of a claim arising out of prepayment for transportation costs by a commercial concern under

a procurement instrument which provides directly or indirectly for shipment at the expense of the United States. Such reimbursement may be made by the disbursing officer designated to make payment under the procurement instrument in question to the extent of the constructive transportation cost for shipment on Government bill of lading, which cost may be ascertained from the Finance Office, U. S. Army, Transportation Division, Washington 25, D. C. In doubtful cases, such claims may be prepared for transmission to the General Accounting Office and submitted to the Chief of Finance, Washington 25, D. C., Attention: Receipts and Disbursements Division, for consideration. In no event will the disbursing officer forward, or instruct a vendor to forward, such a claim to the Finance Office, U. S. Army, Washington 25, D. C., for settlement.

§ 535.30 *Assignment of claims.* (a) A Government bill of lading constitutes a contract for transportation of the goods involved and as such comes within the authority in the Assignment of Claims Act of 1940, as amended, to assign moneys due or to become due "under a contract providing for payments aggregating $1,000 or more." See 21 Comp. Gen. 265.

(b) Where a carrier has assigned to a bank all moneys due for freights on the outward voyage of a vessel, and the Government bills of lading representing numerous shipments on the vessel constitute the only contract for the transportation, the assignment may be recognized, under the Assignment of Claims Act of 1940, as amended, as authorizing payment in the name of the assignee only with respect to each such bill of lading which involves a payment of $1,000 or more, but where the amount involved is less than $1,000, payment should be made in the name of the transportation company and the check mailed in care of the assignee. See 21 Comp. Gen. 265.

(c) Where an indefinite-quantity master contract with a particular carrier for hauling services to be entered into by the Department of the Army under its war powers authority as facilitating the prosecution of the war, would obligate the Government to order services for which payments would aggregate at least $1,000 during a given period, although each individual service would be covered by a separate bill of lading which might involve a payment of less than $1,000, payments under the contract are assignable pursuant to the Assignment of Claims Act of 1940, as amended, as "aggregating $1,000 or more" within the meaning of the act. 21 Comp. Gen. 365, amplified. See 23 Comp. Gen. 989.

(d) Where the quantity of hauling service to be ordered by the Government under a proposed contract with a carrier would be stated only as an estimate, which estimate would be not less than $1,000, but with the right reserved to the Government to order "more or less" than said estimated amount, the contract would not be one "providing for payments aggregating $1,000 or more" within the meaning of the Assignment of Claims Act of 1940, as amended, so that the payments under the contract could be assigned. See 23 Comp. Gen. 989.

(e) Where payments for hauling services under a master contract with a particular carrier are assigned pursuant to the Assignment of Claims Act of 1940, as amended, the bill of lading and voucher covering each individual hauling service should indicate that payments thereon are to be made to the designated assignee, with appropriate reference being made to the master contract. See 23 Comp. Gen. 989.

(f) A transportation request constitutes a contract for transportation of persons and as such comes within the authority in the Assignment of Claims Act of 1940, as amended, to assign moneys due or to become due "under a contract providing for payments aggregating $1,000 or more."

§ 535.31 *Savings in freight charges.* Shipment to the designated destination from a point nearer than the f. o. b. point does not entitle the contractor to the savings in freight charges over what the Government would have had to pay had shipment been from the f. o. b. point, even though the supplies cost the contractor more at the shipping point than they would have cost at the f. o. b. point. See 3 Comp. Gen. 56; 18 id. 953.

§ 535.32 *Increased freight charge liability.* The issuance of a change order at the request, and for the convenience, of the contractor, authorizing the shipment of certain materials on Government bill of lading from a place other than the f. o. b. shipping point designated in the contract with the stipulation that all other terms and conditions of the contract remain unchanged, is not to be regarded as imposing a liability on the Government for the additional freight costs resulting therefrom, notwithstanding the fact that the destination point was undetermined at the time of the issuance of the change order. See 28 Comp. Gen. 653.

§ 535.33 *Overpayments.* (a) Carriers may be paid in full and in due course for the transportation on Government bills of lading of the household effects, etc., including that in excess of the authorized weight allowances of Army officers upon change of station, without regard to whether any reimbursement has been or is to be collected from the officers for such excess, but such authority to pay carriers does not preclude a determination by the proper authority that the finance officer or other Department of the Army officer is pecuniarily responsible for failure to collect the required reimbursement. See 21 Comp. Gen. 559.

(b) Where the shipment of the household effects of a service member on change of station is made on a Government bill of lading, the carrier is entitled to payment pursuant to section 322 of the Transportation Act of 1940 (54 Stat. 955; 49 U. S. C. 66) prior to audit or settlement by the General Accounting Office, and the certifying officer will not be held financially liable for payments so made to the carrier, even though the member be primarily liable for a portion thereof due to excess weight, etc. 21 Comp. Gen. 559, distinguished. See 25 Comp. Gen. 360.

(c) Overpayments reported to administrative offices and disbursing officers in connection with the post audit of transportation payments generally should be recovered administratively from amounts otherwise payable on subsequent vouchers, and only in cases where the disbursing officer or administrative office concerned does not have, and is not likely to have, a subsequent voucher on which collection may be effected should the overpayment be reported to the General Accounting Office for collection as a claim by the United States against the payee. See 20 Comp. Gen. 347.

(d) Where it is determined that overpayments have been made to a transportation company as a result of overcharges made by such transportation company to a cost-plus-a-fixed-fee contractor who, in turn, has been reimbursed by the Government, the General Accounting Office will send notices of such overpayments to the disbursing officer of the Finance Office, U. S. Army Transportation Division, Washington 25, D. C., who will make the deductions from subsequent carrier bills and advise the sender in the General Accounting Office and the carrier of the deductions made. From that point on the matter of correctness of the original deductions will be a matter for settlement between the carrier involved and the General Accounting Office. All questions received from carriers as to the correctness of the original deductions should be referred to the Freight Transportation Section, Claims Division, General Accounting Office, Washington 25, D. C.

§ 535.34 *Adjustments by General Accounting Office.* Where a contract requires the contractor to deliver at a point f. o. b. and provides that the Government may direct delivery to be made at other points, with an adjustment in the contract price corresponding to the resulting increase or decrease in the amount of the freight, a disbursing officer will not attempt to adjust the matter if the contractor refuses to accept payment on the usual basis and contends that he has paid transportation expenses which the Government was obligated to pay or that the deduction from the contract price sought to be made on account of freight paid by the Government is excessive. Such cases will be transmitted to the General Accounting Office for direct settlement as claims. See 8 Comp. Gen. 500.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 52-10797; Filed, Oct. 6, 1952; 8:45 a. m.]

PART 536—CLAIMS AGAINST THE UNITED STATES

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

MARITIME CLAIMS

The following amendments to Subchapter B are issued:

1. Part 536 is amended by adding a new § 536.45, as follows:

§ 536.45 *Martime claims under Public Law 186, 82d Congress*—(a) *Scope.* Set forth in this section are the policies pertaining to section 1 of the act which provides for the settlement or compromise of claims for damage to, or loss or destruction of property, or personal injury or death caused by vessels of, or in the service of, the Department of the Army, and compensation for towage and salvage services, including contract salvage, rendered to such vessels, where the net amount payable by the United States, as settled or compromised, does not exceed $500,000.

(b) *Amounts exceeding $500,000.* Claims against the United States, settled or compromised at a net amount exceeding $500,000, are not payable hereunder, but will be investigated and processed under this section, and, if approved by the Secretary of the Army, will be certified by him to the Congress.

(c) *Claims not payable under this section.* Claims of the following categories are not payable under this section.

(1) Claims for damage to, or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat.

(2) Claims on account of personal injury or death of mmebers of the Armed Forces of the United States incurred incident to their service.

(3) Claims on account of personal injury or death of civilian employees of the United States, to whom the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742), as amended (5 U. S. C. 751 et seq.) is applicable.

(4) Claims for damage to or loss or destruction of property, or for personal injury or death, caused other than by vessels of or in the service of the Department of the Army.

(5) Claims as to which a suit has been filed by or against the United States and which is pending. (46 U. S. C. 786.)

(d) *Claims cognizable under other claims regulations.* (1) Claims which are within the scope of this section and also within the scope of §§ 536.12 to 536.23 normally will be processed under this section but may be processed under the provisions of §§ 536.12 to 536.23 where specific authority to do so has been obtained from The Judge Advocate General.

(2) Claims of military personnel and civilian employees of the Department of the Army for damage to, or loss, or destruction of personal property, occurring incident to their service, will be processed under the provisions of § 536.27. Claims of civilian crew members of Army vessels arising out of the war-risk benefit provisions of section 12, Maritime Personnel Regulations, Transportation Corps Pamphlet 4, November 5, 1947, will be settled under that regulation. (5 U. S. C. 946.)

(3) Claims which are within the scope of this section and also within the scope of § 536.26 may be processed under the provisions of § 536.26 where specific authority to do so has been obtained from The Judge Advocate General.

(e) *Claims of subrogees.* (1) An insurance carrier will be recognized as a claimant under this section to the extent that it has become subrogated by payment to, or in behalf of its insured, pursuant to a contract of insurance in force at the time of the accident, or incident from which the claim arises. An insurance carrier and its insured may file a claim either jointly or separately. Joint claims must be asserted in the names of, and must be signed by, all parties; payment then will be made jointly. If separate claims are filed, payment to each party will be limited to the extent of such party's undisputed interest.

(2) For the purpose of determining authority to settle or compromise a claim, the payable interests of the insurance carrier (or carriers) and the insured represent merely separable interests, which interests in the aggregate, must not exceed the amount authorized for administrative settlement or compromise.

(3) The policies set forth in subparagraphs (1) and (2) of this paragraph with respect to subrogation arising from insurance contracts are applicable to all other types of subrogation.

(f) *Statute of limitations.* No claim against the United States will be considered under this section unless it is presented in writing within 2 years after the cause of action arises. The presentation of a claim under this section does not toll the statute of limitations. See § 752.2 of this title.

(g) *Responsibility.* Claims within the purview of this section may be disapproved if asserted in an amount not exceeding $1,000, or settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General or such other officers or persons as the Secretary of the Army may designate for that purpose.

2. Part 537 is amended by adding a new § 537.7, as follows:

§ 537.7 *Maritime claims under Public Law 186, 82d Congress*—(a) *Scope.* Set forth in this section are the policies pertaining to sections 2 and 3 of the act which provide for the settlement or compromise of claims for damages cognizable in admiralty in a district court of the United States, and all claims for damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Department of the Army, or property for which the Department of the Army may have assumed, by contract or otherwise, any obligation to respond for damage thereto, where the net amount payable to the United States does not exceed $500,000, and claims in any amount for salvage services (including towage) rendered by the Department of the Army to any vessel.

(b) *Amounts exceeding $500,000.* Claims in favor of the United States, except claims for salvage service, may not be settled or compromised under this section at a net amount exceeding $500,000 payable to the United States. However, all such claims otherwise within the scope of this section will be investigated and reported to the Judge Advocate General.

(c) *Civil works activities.* Rights of the United States or penalties created by any statute and to liens, forfeitures, or other special remedies, by virtue of the provisions of the Rivers and Harbors Act, March 3, 1899, as amended (30 Stat. 1151; 33 U. S. C. 401–534), are not dealt with in this section. However, claims in favor of the United States for money damages, which are civil in nature, arising out of civil works activities of the Corps of Engineers, with respect to which an adequate remedy, in the discretion of the Chief of Engineers, is not afforded under the above-cited statute, may be processed under this section.

(d) *Responsibility.* Claims under this section, except claims for salvage services, may be settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General or such other officers or persons as the Secretary of the Army may designate for that purpose.

(e) *Demands.* Demands for the payment of claims in favor of the United States under this section may be made by The Judge Advocate General or other designees named in paragraph (d) of this section.

[AR 25-60, Sept. 18, 1952] (Secs. 1-6, 65 Stat. 573; 10 U. S. C. 1861-1866)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-10796; Filed, Oct. 6, 1952; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

Sections 836.141 to 836.148 are added to Part 836 as follows:

MARITIME CLAIMS

Sec.
836.141 Scope.
836.142 Amounts exceeding $500,000.
836.143 Claims not payable.
836.144 Claims cognizable under other claims regulations.
836.145 Claims of subrogees.
836.146 Statute of limitations.
836.147 Delegation of authority.
836.148 Investigation procedure.

AUTHORITY: §§ 836.141 to 836.148 issued under secs. 1-6, 65 Stat. 572; 10 U. S. C. 1861-1866.

DERIVATION: AFR 112-12.

MARITIME CLAIMS

§ 836.141 *Purpose and scope.* (a) The regulations contained in §§ 836.141 to 836.148, which are issued with the prior approval of the Secretary of Defense, set forth the policies of the Department of the Air Force relative to the settlement or compromise, under the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861–1866) of all claims against the United States not the subject of pending litigation, which arise from marine accidents and incidents.

(b) Included in §§ 836.141 to 836.148 are the policies pertaining to section 1 of the act (65 Stat. 572; 10 U. S. C. 1861), which provides for the settlement or compromise of claims for damage to, or loss or destruction of property, or personal injury or death caused by vessels of, or in the service of, the Department of the Air Force, and compensation for towage and salvage services, including contract salvage, rendered to such vessels, where the net amount payable by the United States, as settled or compromised, does not exceed $500,000.

NOTE: The act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861–1866) merely supplements the following statutes and authorizes the administrative settlement or compromise of such of those claims as are within its scope: The Tucker Act of March 3, 1887 (24 Stat. 505), as amended and codified in Title 28 U. S. C. by the Act of June 25, 1948 (62 Stat. 869); the Suits in Admiralty Act of March 9, 1920, as amended (41 Stat. 525, as amended; 46 U. S. C. 741–752); the Public Vessels Act of March 3, 1925 (43 Stat. 1112; 46 U. S. C. 781–790); as amended by the Act of June 19, 1948 (62 Stat. 496; 46 U. S. C. 740); and the Rivers and Harbors Act of March 3, 1899, as amended (30 Stat. 1151, as amended; 33 U. S. C. 401–534).

§ 836.142 *Amounts exceeding $500,000.* Claims against the United States, settled or compromised at a net amount exceeding $500,000 are not payable hereunder, but will be investigated and processed under §§ 836.141 to 836.148, and, if approved by the Secretary of the Air Force, will be certified by him to the Congress.

§ 836.143 *Claims not payable.* Claims of the following categories are not payable under §§ 836.141 to 836.148:

(a) Claims for damage to, or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat.

(b) Claims on account of personal injury or death of members of the Armed Forces of the United States incurred incident to their service.

(c) Claims on account of personal injury or death of civilian employees of the United States, to whom the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742, as amended; 5 U. S. C. 751, et. seq.) is applicable.

(d) Claims for damage to or loss or destruction of property, or for personal injury or death, caused other than by vessels of or in the service of the Department of the Air Force.

(e) Claims as to which a suit has been filed by or against the United States and which is pending (43 Stat. 1113; 46 U. S. C. 786).

§ 836.144 *Claims cognizable under other claims regulations.* (a) Claims which are within the scope of §§ 836.141 to 836.148 and also within the scope of §§ 836.11 to 836.24 (17 F. R. 3320) will normally be processed under §§ 836.141 to 836.148, but may be processed under the provisions of §§ 836.11 to 836.24 where specific authority to do so has been obtained from The Judge Advocate General, United States Air Force.

(b) Claims of military personnel and civilian employees of the Department of the Air Force for damage to, or loss, or destruction of personal property, occurring incident to their service, will be processed under the provisions of §§ 836.90 to 836.108 (15 F. R. 1511).

(c) Claims which are within the scope of §§ 836.141 to 836.148 and also within the scope of §§ 836.61 to 836.83 (15 F. R. 867) may be processed under the provisions of §§ 836.61 to 836.83 where specific authority to do so has been obtained from The Judge Advocate General, United States Air Force.

§ 836.145 *Claims of subrogees.* (a) An insurance carrier will be recognized as a claimant under §§ 836.141 to 836.148 to the extent that it has become subrogated by payment to, or in behalf of its insured, pursuant to a contract of insurance in force at the time of the accident, or incident from which the claim arises. An insurance carrier and its insured may file a claim either jointly or separately. Joint claims must be asserted in the names of, and must be signed by, all parties; payment will then be made jointly. If separate claims are filed, payment to each party will be limited to the extent of such party's undisputed interest.

(b) For the purpose of determining authority to settle or compromise a claim, the payable interests of the insurance carrier (or carriers) and the insured represent merely separable interests, which interests in the aggregate, must not exceed the amount authorized for administrative settlement or compromise.

(c) The policies set forth in paragraphs (a) and (b) of this section with respect to subrogation arising from insurance contracts are applicable to all other types of subrogation.

§ 836.146 *Statute of limitations.* No claim against the United States will be considered under §§ 836.141 to 836.148 unless it is presented in writing within two years after the cause of action arises. The presentation of a claim under §§ 836.141 to 836.148 does not toll the statute of limitations. (See § 752.2 of this title).

§ 836.147 *Delegation of authority.* Claims within the purview of §§ 836.141 to 836.148 may be disapproved if asserted in an amount not exceeding $1,000 or settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General, Assistant Judge Advocate General (Civil Law), Chief, Claims Division, Office of the Judge Advocate General, or Assistant Chief, Claims Division, Office of The Judge Advocate General, United States Air Force, or such other officers or persons as the Secretary of the Air Force may designate for that purpose.

§ 836.148 *Investigation procedure.* Claims arising within the purview of §§ 836.141 to 836.148 will be investigated and processed in accordance with the provisions of §§ 836.1 to 836.6 (17 F. R. 3320) or other applicable regulations.

PART 837—CLAIMS IN FAVOR OF THE UNITED STATES

1. "General Provisions" is hereby designated the center head for §§ 837.1 to 837.7 (15 F. R. 690; 32 CFR 837.1–837.7).

2. The following §§ 837.11 to 837.15 are added to Part 837.

MARITIME CLAIMS

Sec.
837.11 Scope.
837.12 Amounts exceeding $500,000.
837.13 Delegation of authority.
837.14 Demands.
837.15 Investigation procedure.

AUTHORITY: §§ 837.11 to 837.15 issued under secs. 1–6, 65 Stat. 572; 10 U. S. C. 1861–1866.

DERIVATION: AFR 112–12.

MARITIME CLAIMS

§ 837.11 *Purpose and scope.* (a) The regulations contained in §§ 837.11 to 837.15, which are issued with the prior approval of the Secretary of Defense, set forth the policies of the Department of the Air Force relative to the settlement or compromise, under the act of October 20, 1951 (65 Stat. 572; 10 U. S. C. 1861–1866) of all claims in favor of the United States not the subject of pending litigation, which arise from marine accidents or incidents.

(b) Included in §§ 837.11 to 837.15 are the policies pertaining to sections 2 and 3 of the act (65 Stat. 572; 10 U. S. C. 1862, 1863), which provide for the settlement or compromise of claims for damages cognizable in admiralty in a district court of the United States, and all claims for damage caused by a vessel or floating object to property of the United States under the jurisdiction of the Department of the Air Force, or property for which the Department of the Air Force may have assumed, by contract or otherwise, any obligation to respond for damage thereto, where the net amount payable to the United States does not exceed $500,000, and claims in any amount for salvage services (including towage) rendered by the Department of the Air Force to any vessel.

§ 837.12 *Amounts exceeding $500,000.* Claims in favor of the United States, except claims for salvage services, may not be settled or compromised under §§ 837.11 to 837.15 at a net amount exceeding $500,000 payable to the United States. However, all such claims otherwise within the scope of § 837.11 to 837.15, will be investigated and reported to The Judge Advocate General, United States Air Force.

§ 837.13 *Delegation of authority.* Claims under §§ 837.11 to 837.15 except claims for salvage services, may be settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General, Assistant Judge Advocate General (Civil Law), Chief, Claims Division, Office of The Judge Advocate General, Assistant Chief, Claims Division, Office of The Judge Advocate General, United States Air Force, or such other officers or persons as the Secretary of the Air Force may designate for that purpose.

§ 837.14 *Demands.* Demands for the payment of claims in favor of the United States under §§ 837.11 to 837.15 may be made by The Judge Advocate General or other designees named in § 837.13.

§ 837.15 *Investigation procedure.* Claims arising within the purview of §§ 837.11 to 837.15 will be investigated and processed in accordance with the provisions of §§ 836.1 to 836.6 (17 F. R. 3320) or other applicable regulations.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52–10801; Filed, Oct. 6, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Revision 1, Amdt. 1]

CPR 9—TERRITORIES AND POSSESSIONS

USE OF COMPARISON COMMODITIES IN DETERMINING MARKUPS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 9, Revision 1, is hereby issued

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 9, Revision 1, establishes ceiling prices on the basis of markups. Several methods are provided for a seller to determine the markup to use in computing his ceiling prices.

Section 3 (a) provides that the markup for a commodity delivered in the base period is the difference between the last direct cost incurred by the seller during the base period on which the selling price was figured, and the selling price. If a seller did not deliver the commodity in the base period, he determines his markup under section 3 (b) on the basis of his offering price in the base period. If he did not deliver or offer his commodity in base period he computes his markup under section 3 (c) (1) on the basis of his selling prices in the calendar year 1950. For new commodities, and as an alternative method for determining his markup for commodities not delivered or offered for delivery during the base period, section 3 (c) (2) provides that the seller may use the markup of a comparison commodity which has the same direct cost. This section of the regulation has proved satisfactory for those instances where a seller had a commodity with the same direct cost. In a great many cases, however, there is no comparison commodity with the same direct cost. This has made it necessary for a seller to make formal written application to the Office of Price Stabilization for a ceiling price under section 3 (d).

With a greatly reduced staff in the field offices due to the curtailment of the Office of Price Stabilization budget, an inordinately heavy work load has been imposed by these applications. It is therefore desirable that a method be devised for determining the markup under section 3 (c) (2) which would provide somewhat greater latitude to sellers in the use of comparison commodities.

This amendment changes section 3 (c) (2) to provide that the markup for a commodity which a seller did not deliver or offer to deliver in the base period and for which he cannot, or does not choose to, determine his markup under subparagraph (1) of section 3 (c) is to be the average of the dollar and cents markup of commodities in the same category with the same direct cost, or if there is no commodity in the same category with the same direct cost, it is to be the markup of the most nearly similar commodity in the same category with a direct cost not more than ten percent lower, or in the event the seller is not able to use either of these two methods for determining his markup he will be permitted to take, as his markup, the markup of the most nearly similar commodity in the same category which has a direct cost not more than ten percent higher than the direct cost of the commodity for which he seeks to determine his markup.

The Office of Price Stabilization feels that these provisions will give sufficient latitude to sellers to greatly reduce the workload of processing applications under section 3 (d). It will also relieve sellers of the considerable burden of making application for ceiling prices for a multitude of new commodities.

In the formulation of this amendment, no formal consultations have been held with the industry. Formal conferences which would embrace such widely separated areas as the territories and possessions of the United States would not be practicable. However, a great deal of correspondence on this subject has been received from sellers in the territories, from Chambers of Commerce and similar organizations, and full consideration has been given to the recommendations of these persons and groups. In the opinion of the Director, this amendment is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 3 (c) (2) is amended to read as follows:

(2) *Customarily sold by you (alternative method) or new commodities.* Your markup for a commodity which you did not deliver or offer to deliver in the base period and for which you cannot or do not choose to determine your markup under subparagraph (1) of this paragraph, is:

(i) The average of the dollar and cents markup, established under paragraphs (a), (b), or (d) of this section for sales by you, of all commodities in the same category having the same direct cost, or if you have no commodities in the same category with the same direct cost,

(ii) The markup of the most nearly similar commodity in the same category with a direct cost not more than ten per cent lower, or if you have no similar commodity with the same direct cost or a direct cost not more than ten per cent lower,

(iii) The markup of the most nearly similar commodity in the same category with a higher direct cost, provided that the direct cost of that commodity is not more than ten per cent higher than the direct cost of the commodity for which you seek to determine your markup.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 9, Revision 1, is effective October 11, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52–10925; Filed, Oct. 6, 1952; 10:47 a. m.]

[Ceiling Price Regulation 92, Amdt. 10]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

YEARLING AND MUTTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 10 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 92 authorizes the sale of ungraded yearling and mutton and provides one ceiling price for all carcasses and cuts of yearling and mutton.

1. Distribution Regulation 2, Revision 1 explains why grading and grademarking of yearling mutton and mutton are no longer required. Therefore, Distribution Regulation 2, Revision 1 is incorporated herein.

2. Yearling mutton and mutton carcasses and cuts are currently selling substantially below the ceiling prices established by CPR 92 and it is not expected that they will be sold at or close to those prices in the reasonably foreseeable future. For these reasons, it would be appropriate to suspend price controls on these commodities. It is recognized, however, that because of the similarity of top grades of lamb to meat of other ovine species, complete suspension of controls might enable sellers of prime, choice and good lamb carcasses and cuts to pass them off as yearling and thus evade the ceiling prices on lamb if there were no ceilings established on yearling mutton and mutton. Accordingly, this amendment provides that no carcass or cut of yearling or mutton may be sold at a price higher than the ceiling price for a prime yearling carcass or the corresponding cut of prime yearling. Thus this amendment substantially suspends ceiling prices on yearling mutton and mutton while retaining an over-riding ceiling to prevent evasion.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are appropriate to promote the national defense, and comply with all the applicable standards of the act. In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. A new section 17 is added, reading as follows:

SEC. 17. *Yearling and Mutton Ceiling Prices and Grades.* Notwithstanding any of the provisions of this regulation or of Distribution Regulation 2, you may sell a carcass or cut of yearling or mutton that is ungraded and you may sell a carcass or cut of yearling or mutton at a price not in excess of the ceiling price provided in this regulation for a carcass or the corresponding cut of prime grade yearling.

2. Section 50 is amended by deleting the definition of "lamb, yearling or mutton product" and substituting the following therefor:

"Lamb product" means meat graded as lamb under the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standard for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture, or any product produced in whole or in substantial part from lamb, except sausage and canned meats.

"Yearling or mutton product" means carcasses and meat derived from carcasses defined as yearling mutton or mutton by the "Official U. S. Standard for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture, or any product produced in whole or in substantial part from yearling mutton or mutton (or any combination of these), except sausage and canned meats.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52-10026; Filed, Oct. 6, 1952; 10:47 a. m.]

[Ceiling Price Regulation 167, Amdt. 1]

CPR 167—CEILING PRICES FOR PRODUCERS AND DISTRIBUTORS OF COTTONSEED FEED PRODUCTS

CERTAIN FEED MIXES CONTAINING COTTONSEED FEED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 167 is hereby issued.

STATEMENT OF CONSIDERATIONS

There has been a growing practice recently among persons who process agricultural commodities into feeds and feed ingredients, of adding other ingredients, thereby creating a new mixture. Generally, the straight feed normally produced by such processors constitutes at least 80 percent of the weight of the mixture. Processors engaging in this practice have established ceiling prices under the General Ceiling Price Regulation (GCPR) which range substantially above ceiling prices for the straight feed or feed ingredient which constitutes the bulk (frequently as high as 95–98 percent) of the mixture.

Even where the added ingredients are less costly than the straight feed product they replace—and this has usually been the case—the ceiling prices so established for the mixtures have been markedly higher than those of the basic feed products.

The increased prices established for the feeds so mixed have not been justified by their production cost, nor is there justification for the higher prices formula fed manufacturers and feeders are obliged to pay.

Moreover, there is widespread complaint against the distortions caused by the increasing substitution of such mixtures for the straight feed products customarily produced and sold.

It has become increasingly apparent that action is necessary to prevent serious dislocations in the price structure of feedstuffs and to avoid the inflationary effects of this new practice. The Director has given careful consideration to a number of alternative methods of dealing with the problem. The method used in this amendment with respect to mixes based on cottonseed feed products has been found to be the only practicable one taking into account all the interests involved, including the growers of the agricultural commodities, the processors who have adopted or propose to adopt the practice, the manufacturers of formula feeds, the livestock, poultry and cattle feeders, and the ultimate consumers of beef, pork, poultry, eggs, milk, and other related food commodities.

Due account has been taken, not only of the excessive levels attained in establishing ceiling prices for the mixes under the GCPR but also of the dislocations caused by the substitution of the new mixes for the straight feed product customarily processed and sold.

Ceiling prices for mixtures which are sold in lieu of the straight feed customarily produced will no longer be established under the GCPR. They will instead be based on the ceiling price of the basic ingredient—in this case, cottonseed feed products—plus the cost of the other ingredients and a one dollar mixing allowance. Prices so calculated which do not exceed the processor's ceiling price per ton for the basic ingredient may be taken by the processor as his ceiling price for the mixture without application to OPS. This will normally be the case, since the ingredients added to the basic feed product have in most instances been cheaper than the ceiling prices for the basic feed.

When the mix price calculated under this method exceeds the ceiling price for the basic feed, the processor may apply to OPS for a ceiling price, but until the Director establishes a different ceiling price, the processor may not sell the mix at prices higher than his ceiling price for the basic feed included in the mix. In reviewing such applications under this amendment, the Director will give particular attention to the submission of cost figures for the ingredients.

The Director has recognized that the formula for establishing ceiling prices for mixes generally would not be appropriate in the case of mixes which may have been produced and sold prior to the time when the practice of substituting mixes for the straight meal began. Accordingly, it has been provided that processors who sold such mixes during the base crop year (August 1950 to July 1951) may continue to use ceiling prices established under the GCPR. However, such GCPR ceiling prices will apply only to deliveries in any quarter of the current crop year (August 1952 to July 1953) which do not exceed 110 percent of the quantities of such product delivered during the same quarter of the base crop year. The 10 percent increase thus allowed is estimated to cover any normal volume increases, but sales during any quarter exceeding this volume must be made at the lower ceiling prices established for the mixes generally.

Provision is also made for limiting the volume of toll crushing to the volume of cottonseed toll-crushed during the base crop year. This provision is deemed necessary, in the light of experience, to prevent the use of toll crushing as an evasive device. In any event, toll crushing of cottonseed has not customarily been engaged in on an extensive scale, and this limitation is not expected to interfere with normal toll crushing operations.

This amendment applies the new policy on mixes to those based on cottonseed feed products. Similar action is being taken currently on mixes based on flaxseed feed products and soybean feed products.

In view of the necessity for prompt action on this amendment, in order to apply the new mix policy simultaneously to cottonseed mixes when such action was taken with respect to mixes based on other oilseed feeds, it was not practicable in the formulation of this amendment to have formal consultation with industry representatives or with trade association representatives. There has been informal consultation with industry members to the extent practicable.

Every effort has been made to conform this amendment to existing industry practices. Insofar as any provisions of this amendment may operate to compel changes in those practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 167 is amended in the following respects:

1. Section 2 of the regulation is amended by adding paragraph (c) which reads as follows:

(c) Deliveries of mixes made no later than October 31, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before November 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

2. The regulation is amended by adding a new section, Section 21, which reads as follows:

SEC. 21. *Mixes.* (a) As used in this regulation, (1) "Mix" means any mixture at least 80 percent of the weight of which consists of any domestic or imported cottonseed feed product.

(2) "Base crop year" means the period August 1, 1950 to July 31, 1951.

(3) "Current crop year" means the period August 1, 1952 to July 31, 1953.

(4) "Processor" with respect to a lot of a mix, means the person who produced that lot.

(b) If you are a processor of a mix which you did not deliver during the base crop year your ceiling price per ton, bulk, in a carload lot or pool carlot, f. o. b. your plant, is your "f. o. b. mix price" as determined under paragraph (c) of this section.

(c) Ascertain your "f. o. b. mix price" as follows:

(1) Make the following determinations:

Step 1. Determine for each ingredient in the mix, other than cottonseed feed products, the cost to you of the quantity of such ingredient in one ton of the mix. Such cost may not exceed your supplier's ceiling price to you if you buy such ingredient, and may not exceed your cost of production if you produce it.

Step 2. Ascertain your ceiling price, per ton, bulk, in carload lots or pool carlots, f. o. b. your plant, of the cottonseed feed product included in the mix. For this purpose use the same ceiling price you would have if you guaranteed the actual protein content of the product included in the mix.

If you include more than one cottonseed feed product in the mix use the average of the ceiling prices of such cottonseed feed products, per ton bulk, f. o. b. your plant, weighted in accordance with the proportionate weight of each such product to the total weight of all cottonseed feed products in the mix.

If you include in your mix any domestic or imported cottonseed feed product of which you are not the processor, use under this Step 2 the per ton bulk carlot f. o. b. ceiling price you would have if you were the processor of that cottonseed feed product.

Step 3. Multiply the ceiling price determined under Step 2 by the fraction representing the proportion which the weight of the cottonseed feed product(s) in the mix bears to one ton.

Step 4. Add the results under Steps 1 and 3.

Step 5. Add a $1.00 mixing allowance to the result under Step 4.

(2) The result under Step 5 is your "f. o. b. mix price" if it does not exceed the price established under Step 2. If the result obtained under Step 5 exceeds the price established under Step 2, the Step 2 price is your "f. o. b. mix price" for the mix.

(3) If the result under Step 5 exceeds the price established under Step 2, you may file an application for a different "f. o. b. mix price". You may not, in determining your ceiling price for the mix, use an "f. o. b. mix price" different from that established under paragraph (c) (2) of this section unless and until the Director of Price Stabilization notifies you in writing that you are authorized to do so. Your signed application should be addressed to the Grains and Related Products Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., and must include:

(i) The name and address of your company.

(ii) The location of the plants at which you will produce the mix.

(iii) A list of all the ingredients in the mix, and the quantity of each such ingredient, by weight, per ton of the mix.

(iv) A statement of the cost to you (calculated under paragraph (c) (1) of this section) of the quantity of each ingredient other than cottonseed feed products per ton of the mix and an explanation of the method and calculations by which you arrived at such cost.

(v) Your ceiling price per ton, bulk, f. o. b. your plant and the protein content of each cottonseed feed product contained in the mix, or (if you are not the processor), what such ceiling price would be if you were the processor of each such cottonseed feed product.

(4) If you are required to establish your ceiling price for sales and deliveries of the mix in accordance with paragraphs (b) and (c) of this section you must make and keep for inspection by the Office of Price Stabilization for a period of two years the following records in addition to those required by section 17:

(i) Worksheets showing in detail the method and calculations you used in determining the cost to you of the ingredients in the mix under Step 1, paragraph (c) (1) of this section.

(ii) All invoices covering ingredients included in the mix other than cottonseed feed products with identification of those invoices used in calculating your ceiling prices for mixes.

(iii) All other material you used in making the determinations under Step 1, paragraph (c) (1) of this section.

(iv) Original and revised ceiling prices established for each mix and the periods during which they applied.

(d) (1) If you are a processor of a mix which you delivered during the base crop year your ceiling prices are as follows:

(i) For deliveries during any quarter of the current crop year not in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10 your ceiling price is the same ceiling price as you establish in accordance with the GCPR and SR 7 to the GCPR.

(ii) For deliveries during any quarter of the current crop year in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10 your ceiling price is the same as the price you establish in accordance with paragraphs (b) and (c) of this section.

(2) You may not sell the mix until you have mailed by registered mail, return receipt requested, to the Office of Price Stabilization, Grains and Related Products Branch, Washington 25, D. C., a report of the number of tons of such mix which you delivered during each quarter of the base crop year.

(3) If you establish your ceiling price for a mix under subparagraph (1) (i) of this paragraph then, in addition to the records required under Section 17, you must make and keep for inspection by the Office of Price Stabilization for a period of two years the records required under the GCPR and SR 7 to the GCPR. If you establish a ceiling price for deliveries under subparagraph (1) (ii) of this paragraph, you must, in addition, keep the records required under paragraph (c) (4) of this section.

(e) The Director of Price Stabilization may at any time request further information or disapprove or revise ceiling prices established, reported or proposed under this section for the purpose of bringing them in line with the level of ceiling prices otherwise established under this regulation.

(f) In sections 1, 4, 5, 6, 8, 9, 10, 11, and 17 the term "cottonseed feed product", "cottonseed feed products", and "all other cottonseed feed products", will be deemed to include mixes.

3. The regulation is amended by adding a new section, Section 22, which reads as follows:

SEC. 22. *Toll crushing.* (a) You may not perform any toll crushing until you have mailed by registered mail, return receipt requested, to the Office of Price Stabilization, Grains and Related Products Branch, Washington 25, D. C. a report of the quantity of cottonseed you toll crushed during each quarter of the base crop year. Thereafter, you may not during any calendar quarter of the current crop year toll crush a greater volume of cottonseed than you toll crushed during the same quarter of the base crop year.

(b) "Toll crush" means to perform the service of processing cottonseed into any cottonseed feed product and/or cottonseed oil.

(c) If you toll crush you must, in addition to the records required under section 18 of Ceiling Price Regulation 34, keep a record of each sale of your toll crushing service containing the following information:

(1) The name and address of the person to whom you rendered the service;

(2) The date on which you performed the toll crushing;

(3) The quantity of cottonseed which you toll crushed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 7, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52-10930; Filed, Oct. 6, 1952; 4:00 p. m.]

[Distribution Regulation 2, Revision 1]

DR 2—ALLOCATION RECORDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order 2 and Economic Stabilization Agency General Order 5, Revision, this Distribution Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This revised regulation collates Distribution Regulation (DR) 2 and the amendments thereto into one document and eliminates the requirements concerning the grading and grademarking of yearling mutton and mutton.

Insofar as this regulation merely restates without substantial change the former provisions of DR 2, as amended, the statements and statements of consideration accompanying DR 2 and its amendments apply equally to this revised regulation and therefore those statements are incorporated herein.

Yearling mutton and mutton together account for only an insignificant portion of all meat consumed in this country. So small is the total production and consumption of yearling mutton and mutton that even were it necessary to allocate meat, it is unlikely that there would be allocation of either of these two types of meat in the foreseeable future. Accordingly, there is no present reason to require the grading and grademarking of these meats for possible future allocation.

While the Office of Price Stabilization has the authority to require grading and grademarking for price control purposes, for the reasons stated in Amendment 10 to Ceiling Price Regulation 92, which are incorporated herein it has been decided not to continue different ceiling prices on each grade of yearling mutton and mutton but, instead, overriding ceiling prices applicable to all grades have been imposed.

Since grading and grademarking of yearling mutton and mutton is no longer appropriate to carry out the Office of Price Stabilization's authority under Title I of the act and is not necessary to price control at this time this revised regulation omits the requirements for grading and grademarking of yearling mutton and mutton.

In the formulation of this revised regulation special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization the provisions of this revised regulation are generally fair and equitable, are necessary to effectuate the purposes of Title I and Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense and comply with all of the applicable standards of the act.

REGULATORY PROVISIONS

Sec.
1. What this Revised regulation does.
2. Where this Revised regulation applies.
3. Records and inspection.
4. Deliveries required by the Director of the Office of Price Stabilization.
5. Grading and grade marking.
6. Additional prohibitions.
7. Penalties.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title I and Title IV, 64 Stat. 798, 809, as amended; 50 U. S. C. App. Sup. 2061, 2071–2073, 2101, 2110, E. O. 10161, Sup. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this Revised regulation does.* This Revised regulation takes the following initial steps necessary for a detailed allocation program:

(a) First, it establishes a system of record-keeping with respect to deliveries of meat by sellers of meat at wholesale.

(b) Second, it provides for uniform grading of carcasses and wholesale cuts of beef, veal, calf and lamb in conformity with the standard grading system of the United States Department of Agriculture and requires that such carcasses and wholesale cuts be graded and grade marked.

SEC. 2. *Where this Revised regulation applies.* The provisions of this Revised regulation shall be effective in each of the 48 States of the United States and in the District of Columbia.

SEC. 3. *Records and inspection—(a) Invoices.* If you are a seller of meat at wholesale you must make for each sale, delivery or transfer of meat to a civilian buyer who is not an ultimate consumer, an invoice, sales slip or memorandum of sale setting forth the following information:

(1) The date of the sale, delivery, shipment or transfer to the buyer.

(2) Your name and address and the name and address of the buyer.

(3) The type, kind and cut of all meat sold, delivered or transferred, the grade of each cut if it is beef, veal, calf or lamb, the class of each such cut if it is beef and the weight range of each such cut if it is pork.

(4) The price paid, charged or received for each cut of meat and the weight of each such cut.

You must deliver a copy of such invoice, memorandum of sale or sales slip to the buyer and you and the buyer must each keep a copy.

(b) *Records of production and deliveries.* (1) If you are a seller of meat and meat products at wholesale you must keep records from which you can readily derive for each accounting period the total dollar volume of your deliveries to all civilian buyers, of all meat and meat products (including variety meats, semi-sterile canned meat and sausage but not including sterile canned meat).

(2) If you are a seller of meat at wholesale you must keep delivery records from which you can readily derive for each accounting period the weight of your total deliveries to all civilian buyers of beef, veal, calf and lamb, respectively, by grade, and of pork by the following cut classifications; loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(3) If you are a seller of meat at wholesale you may keep, in lieu of the records required by section 3 (b) (2), records from which you can readily derive for each accounting period, by the use of conversion factors or otherwise, the following information:

(i) The dressed weight of your total slaughter of beef, veal, calf and lamb, respectively, by grade, and of your total slaughter of pork;

(ii) The weight of your total purchases of beef, veal, calf and lamb, respectively, by grade, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iii) The weight of your opening and closing inventories of each of the following: Unprocessed utility beef, unprocessed cutter and canner beef, and unprocessed bull beef, and of pork by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal);

(iv) The weight of your total deliveries to the United States or any agency thereof of beef, veal, calf and lamb, respectively, by grade, and of pork, by the following cut classifications: Loins, shoulders (including picnics, boneless butts, and Boston butts), hams, bellies, trimmings, and all other pork (except offal).

(c) *1950 records.* If you are a seller of meat at wholesale you must keep all your records for the year 1950 relating to the purchase, sale or delivery of meat.

(d) *Meat grade certificates.* You must keep the certificates furnished you by official graders of the United States Department of Agriculture in accordance with section 5 (b) of this regulation.

(e) *Preservation of records.* You must keep all records required under this revised regulation and under Distribution Regulation 2 for a period of two years after the effective date of this revised regulation.

(f) *Inspection.* All records kept by you under this regulation may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at your place of business during regular business hours. If you are required to keep records under this regulation you must keep them available for such inspection.

(g) *Disclosure.* Information and documents obtained from you under this regulation will not be disclosed, whether in response to a subpoena or in any other way, unless the Director of the Office of Price Stabilization (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is necessary under the Defense Production Act of 1950, as amended.

SEC. 4. *Deliveries required by the Director of the Office of Price Stabilization.* Upon a finding and certification by the Secretary of Agriculture to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor, the Director of the Office of Price Stabilization may from time to time, upon a finding that there is a critical shortage of meat in a certain area require you by order if you are a seller of meat at wholesale to deliver meat to such areas in such amounts up to ten percent of your total available supply and upon such reasonable terms and conditions as he may determine.

SEC. 5. *Grading and grade marking—(a) Requirement of grading.* (1) Each carcass and wholesale cut of beef, veal, calf and lamb, with the exceptions specified in section 5 (a) (3) must be graded and grademarked in accordance with the requirements of this section and the grademark must be preserved on each such carcass and wholesale cut. This requirement applies, with the specified exceptions, to each veal or calf carcass with skin on and, upon removal of the skin, to each veal or calf carcass and wholesale cut derived therefrom. For the purpose of this section, ribbing shall not constitute breaking.

(2) You may not sell, offer for sale, ship, deliver or break, and you may not, in the course of trade or business, buy or receive any carcass or wholesale cut of beef, veal, calf or lamb unless each such carcass and wholesale cut has been graded and grademarked in accordance with the requirements of this section and unless the grademark has been preserved on each such carcass and wholesale cut. In addition, you may not agree, offer, attempt or solicit another to do any act in violation of this section.

(3) However, if you are a resident operator of a farm or a livestock raiser who qualifies under Distribution Regulation 1, Revision 1, as amended, you may ship, deliver, break or receive an ungraded or ungrademarked carcass or wholesale cut derived from livestock slaughtered by you or by a registered Class 1 or Class 2 slaughterer for consumption in your own household or on a farm which you operate. If you are a person other than a resident operator of a farm or a livestock raiser who qualifies under Distribution Regulation 1, Revision 1, as amended, you may ship, deliver, break or receive an ungraded or ungrademarked carcass or wholesale cut derived from livestock slaughtered pursuant to Distribution Regulation 1, Revision 1, as amended, if you have received from the owner of the carcass or wholesale cut a statement that either: (i) He operates a farm on which he resides for more than six months a year; or (ii) he actually superintended the raising of the livestock from which the carcass or wholesale cut was derived and it was raised on his own premises for at least 90 days immediately before slaughter, or, if the livestock was less than 90 days old at the time of slaughter, then that it was raised on his own premises from the time of its birth, and (iii) the carcass or wholesale cut is intended for consumption in his own household or on a farm which he operates. A statement furnished pursuant to Distribution Regulation 1, Revision 1, as amended, by the owner of the livestock from which the carcass or wholesale cut is derived, as a prerequisite to its slaughter, will be deemed sufficient to meet the requirements of the preceding sentence.

(b) *Grading by official graders.* Grading and grade marking shall, except in the cases covered in paragraphs (c), (d), and (e) of this section be performed by official graders of the Federal Meat Grading Service of the United States Department of Agriculture. Grades shall be determined and grade marks shall be applied in accordance with the provisions of Appendices A, B and C. The official grader will furnish you with a certificate covering products graded by him. You must pay the regularly established rates for the services of official graders.

(c) *Grading by non-official graders—(1) General authority to self-grade.* You may grade a carcass or wholesale cut of beef, "Cutter" or "Canner" and may grade mark such carcass or wholesale cut "60" or "70", yourself. You may grade a carcass or wholesale cut of veal, calf or lamb, "Cull" and may grade mark such carcass or wholesale cut "60", yourself. If you wish to have beef graded higher than "Cutter", or veal, calf or lamb graded higher than "Cull", you must, unless paragraph (d) or (e) is applicable, apply for the services of an official grader.

(2) *When services of official grader are not available.* If, after application for the services of an official grader pursuant to the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats and Meat Products; and Administrator's Instructions thereunder" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, §§ 53.1 to 53.42) you have received from a duly authorized representative of the Department of Agriculture a letter advising you that until further notice the services of an official grader will not be available you may perform the grading and grade marking of carcasses and wholesale cuts of beef, veal, calf or lamb yourself subject to the limitations set forth in section 5 (g), until such time as you have been advised thereafter that the services of an official grader will be available. The letter may, notwithstanding the provisions of paragraph (a) of this section, authorize you, if you do not wish to perform the grading and grade marking yourself, to ship such carcass and wholesale cuts to a place specified therein for grading and grade marking by an official grader.

(d) *Grading for Class 3 slaughterers.* If you are a Class 3 slaughterer you may (1) perform the grading and grade marking of beef, veal, calf or lamb carcasses and wholesale cuts yourself, or (2) deliver such carcasses to a commercial freezer or cooler plant, and have the owner or operator of such plant perform the grading and grade marking of the carcasses which you deliver to him. Grading and grade marking by you or by such owner or operator shall be performed in accordance with the provisions of Appendices A, B and C.

(e) *Grading of veal and calf carcasses.* If a veal or calf carcass has been graded and grade marked with skin on by an official grader you may, if an official grader is not available, upon removal of the skin, grade mark the carcass and each wholesale cut. In such case, numeral grade marks must be applied in the manner specified in Appendix B.

(f) *Familiarity with standards.* If you perform the grading of any beef, veal, calf or lamb carcass, or wholesale cut, yourself, you must apply the provisions of this section, the provisions of Appendices A, B, and C, and the applicable official standards of the Department of Agriculture for the grading of carcasses of the type which you are grading.

(g) *Limitation on nonofficial graders.* If you perform the grading and grade marking of any beef, veal, or calf carcass or wholesale cut, yourself, under section 5 (c) (2) or section 5 (d), you may not grade any such carcass or wholesale cut better than "Commercial" and you may not grade mark it better than "40" except that you may in the cases covered in section 5 (e) grade mark a veal or calf carcass or wholesale cut upon removal of the skin in accordance with the grade determined by the official grader. If you perform the grading and grade marking of any lamb carcass or wholesale cut yourself, under section 5 (c) (2) or section 5 (d), you may not grade any such carcass or wholesale cut better than "Utility" and you may not grade mark it better than "50". These limitations also apply to the owner or operator of a commercial freezer or cooler plant if he performs grading and grade marking of carcasses which you delivered to him in accordance with section 5 (d).

(h) *Appeal grading.* If you have a financial interest in any beef, veal, calf or lamb carcass which has been graded and grade marked by an official grader in accordance with this section and you are dissatisfied with the determination of such official grader, you may appeal the grading and grade marking by making an application for appeal grading in the manner provided in the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, and Meat Products: and Administrator's instructions thereunder" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, §§ 53.1 to 53.42).

(i) *Private grades or brands.* You are permitted to use a private grading and branding system in addition to that required by this section provided that you identify your private grading and branding system in such a manner as to distinguish it from the official grade marks as specified in Appendixes A, B, and C,

and provided that your private mark or brand is physically separated from the grade marks and provided that you may not use any of the words comprising an official grade mark in your private brand or mark.

SEC. 6. *Additional prohibitions.* You may not—

(a) Place false or misleading information on any invoice, sales slip, memorandum of sale schedule or other record;

(b) Alter, deface, mutilate, or destroy any record specified herein;

(c) Forge or counterfeit any record specified herein;

(d) Acquire, use, transfer or possess a forged, counterfeited, altered, defaced, or mutilated record specified herein;

(e) Wrongfully withhold a record specified herein;

(f) Bribe, hinder, or interfere with authorized Office of Price Stabilization officials; or

(g) Attempt to do any act in violation of this regulation, directly or indirectly, or aid or encourage another to do so.

SEC. 7. *Penalties.* If you violate any provision of this regulation you are subject to the criminal penalties and the civil remedies provided by the Defense Production Act of 1950, as amended.

SEC. 8. *Definitions.* When used in this regulation the term

(a) "Meat" means skeletal meat, that part of striated muscle, with or without attached overlying fat, which is part of a dressed carcass of beef, veal, calf, lamb or pork in good health at the time of slaughter. It does not include variety meat, canned meat or sausage.

(b) "Type of meat" means (1) beef, (2) veal, (3) calf, (4) lamb or (5) pork.

(c) "Beef", "veal", "calf", and "lamb", mean meat graded as such pursuant to the provisions of this regulation and in accordance with the "Official U. S. Standards for Grades of Carcass Beef", the "Official U. S. Standards for Grades of Veal and Calf Carcasses" and the "Official U. S. Standards for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture. "Pork" means meat derived from the carcasses of swine.

(d) "Class of meat" means with respect to beef carcasses, "bull".

(e) "Grade of meat" means one of the standard Department of Agriculture grades of beef, veal, calf or lamb, the use of which is required by this regulation.

(f) "Kind of meat" means meat of a given condition, of boning, trimming and/or stage of processing such as bone-in, boneless, trimmed, untrimmed, fresh, frozen, cured, smoked, cooked, dried, etc.

(g) "Cut of meat" means a dressed carcass or any given part thereof.

(h) "Weight range" means the range of weights within which you sell cuts of pork at the same price per pound.

(i) "Seller of meat at wholesale" means every person who regularly sells meat to persons who are not ultimate consumers.

(j) "Ultimate consumer" means an individual who purchases meat for his own consumption or that of his household.

(k) "Civilian buyer" means any buyer other than the United States or any agency thereof.

(l) "Accounting period" means the customary accounting period of a calendar month or a period of at least four weeks and not more than five weeks in length used by you in keeping your books and records, and shall be the same period used by you in making reports, if any, to the United States Department of Agriculture or to the Office of Price Stabilization, pursuant to Distribution Regulation 1, Revision 1.

(m) "You" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof or any other government, or any of the political subdivisions or any agency of the foregoing, provided that no punishment shall apply to the United States or to any such government, political subdivision or agency.

Effective date. The provisions of this revised regulation shall be effective on and after October 6, 1952.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

APPENDIX A—BEEF

1. GRADES

Beef carcasses and the wholesale cuts therein contained derived from steers, heifers, cows, bulls and stags shall be graded in the following uniform grades: Prime, choice, good, commercial, utility, cutter and canner, except that no cow, or bull, or stag carcass or wholesale cut shall be graded prime. In determining the grade of each beef carcass, the "Official U. S. Standards for Grades of Carcass Beef" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, §§ 53.102 to 53.104) shall be used, and the grade for such carcass shall apply to each wholesale cut derived therefrom.

2. GRADE MARKS

The appropriate grade mark for each grade of beef shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders when authorized
Prime	Prime	
Choice	Choice	
Good	Good	
Commercial	Commercial	
Utility	Utility	40
Cutter	Cutter	50
Canner	Canner	60
		70

The word "Bull" where applicable shall be stamped on each wholesale cut.

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS-B & G)-3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by persons other than official graders shall be stamped (i) with edible violet meat branding fluid, (ii) in numerals at least ½ inch in height, (iii) not more than two inches apart, and (iv) along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also along the belly on each side of the carcass, across the shoulder and along the fore shank. The grade stamping device shall include only the grade numerals. Class identification ("Bull") shall be made with a hand stamp at least once on each wholesale cut in letters at least one inch in height.

APPENDIX B—VEAL AND CALF

1. GRADES

Veal and calf carcasses and the wholesale cuts therein contained shall be graded in the following uniform grades: Prime, choice, good, commercial, utility and cull. In determining the grade of each such carcass the "Official U. S. Standards for Grades of Veal and Calf Carcasses" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, §§ 53.107 to 53.111) shall be used and the grade for such carcass shall apply to each wholesale cut derived therefrom, provided that if grading is performed by other than official graders no carcass shall be graded as veal or calf if it weighs more than 275 pounds, skin off, chilled, or 315 pounds, skin on, chilled. Such carcasses shall be graded as beef.

2. GRADE MARKS

The appropriate grade marks for each grade of veal or calf shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders when authorized
Prime	Prime	1 10
Choice	Choice	1 20
Good	Good	1 30
Commercial	Commercial	40
Utility	Utility	50
Cull	Cull	60

1 Not to be used except when carcass with skin on has been graded by an official grader.

The words "VEAL" or "CALF" where applicable shall be stamped on each wholesale cut.

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS-S & G)-3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by other than official graders shall be stamped (i) with edible violet meat branding fluid and (ii) in numerals at least ½ inch in height. A veal or calf carcass sold with the skin on shall be stamped only on the flanks and briskets. Upon removal of the skin, the grade marks shall be stamped not more than two inches apart along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also not more than two inches apart along the belly on each side of the carcass, across the shoulder and along the shank. The grade stamping device shall include only the grade numerals. Class identification ("Veal" or "Calf") shall be made with a hand stamp at least once on each wholesale cut in letters at least one inch in height.

APPENDIX C—LAMB

1. GRADES

Lamb carcasses and the wholesale cuts therein contained shall be graded in the following uniform grades: Prime, choice, good, utility and cull. In determining the grade of each lamb carcass, the "Official U. S. Standards for Grades of Lamb, Yearling Mutton Carcasses" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, §§ 53.114 to 53.118) shall be used, and the grade for such carcass shall apply to each wholesale cut derived therefrom.

2. GRADE MARKS

The appropriate grade mark for each grade of lamb shall be as follows:

Grade	Grade Mark	
	By official graders	By other than official graders when authorized
Prime	Prime	
Choice	Choice	
Good	Good	
Utility	Utility	50
Cull	Cull	60

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS-S & G)-3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by persons other than official graders shall be stamped (i) with edible violet meat branding fluid, (ii) in numerals at least ½ inch in height, (iii) not more than two inches apart, and (iv) along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also along the belly on each side of the carcass, across the shoulder and along the shank. The grade stamping device shall include only the grade numerals.

[F. R. Doc. 52-10927; Filed, Oct. 6, 1952; 10:47 a. m.]

[General Ceiling Price Regulation, Amdt. 36]

GCPR—GENERAL CEILING PRICE REGULATION

PLACE FOR FILING REPORTS UNDER SECTION 6 AND APPLICATIONS UNDER SECTION 7 FOR RETAILERS, WHOLESALERS, SERVICE SUPPLIERS AND SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 36 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation is issued as a part of the plan to delegate to the field offices of the Office of Price Stabilization, the authority to act on reports filed under section 6 and applications filed under section 7 of the GCPR by retailers, wholesalers, sellers of services and small manufacturers. By Delegation of Authority 76, the Director of Price Stabilization has delegated to the Regional Directors of the OPS the authority to act on such reports and applications. The Regional Directors may redelegate their authority to the District Directors. To carry out this plan this amendment provides that such reports and applications are to be filed with the field offices of OPS.

In view of the broad coverage of this amendment, special circumstances have made it impracticable to consult with representatives of the affected industries or trade associations.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. In the second sentence of the third subparagraph of section 6 (a), the phrase "with the Director of Price Stabilization, Washington 25, D. C." is deleted so that the sentence now reads: "Before selling any commodity or service for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) and, in addition, you must observe the following requirements:"

2. In the second sentence of subparagraph (a) (3) of section 6, the phrase "to the Director of Price Stabilization, Washington 25, D. C." is deleted so that the sentence reads: "You may begin sales of the new commodities and services as soon as you have prepared these records and mailed the required report and may continue to sell them unless and until notified by the Director of Price Stabilization that your ceiling prices have been disapproved or that more information is required."

3. A new subparagraph is inserted at the beginning of section 6 (b) to read as follows: "You should file your report with the OPS District Office for the district in which your place of business is located except as follows: (1) If you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $250,000 or more, or if you are a new manufacturer who has not completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $250,000 during your first fiscal year, you should file your report with the Director of Price Stabilization, Washington 25, D. C., and (2) Reports for a group of retail sellers determining uniform ceiling prices under section 12 should be filed in the OPS District Office for the district in which the central office of the group is located, or, if all sellers in the group are not located in the same OPS region, with the Director of Price Stabilization, Washington 25, D. C."

4. In the first sentence of section 7, the phrase "to the Director of Price Stabilization, Washington 25, D. C." is deleted so that the sentence now reads: "If your claim that you are unable to determine your ceiling price for a commodity or service under any of the foregoing provisions of this regulation (which, in the opinion of the Director of Price Stabilization, provides adequate pricing instructions for virtually all transactions), you may apply in writing for the establishment of a ceiling price."

5. A new paragraph is added at the end of section 7 to read as follows: "You should file your application with the OPS District Office for the district in which your place of business is located except as follows: (1) If you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $250,000 or more, or if you are a new manufacturer who has not completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $250,000 during your first fiscal year, you should file your application with the Director of Price Stabilization, Washington 25, D. C., and (2) Applications for a group of retail sellers determining uniform ceiling prices under section 12 should be filed in the OPS District Office for the district in which the central office of the group is located, or, if all sellers in the group are not located in the same OPS region, with the Director of Price Stabilization, Washington 25, D. C."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 11, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52-10932; Filed, Oct. 6, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 79]

GCPR, SR 79—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF VEAL, LAMB, AND MUTTON PRODUCTS

YEARLING AND MUTTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 1 to Supplementary Regulation 79 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes Supplementary Regulation 79 to the General Ceiling Price Regulation to conform to changes in Distribution Regulation (DR) 2 and Ceiling Price Regulation (CPR) 92.

For the reasons stated in DR 2, Revision 1 and the Statement of Considerations accompanying Amendment 10 to CPR 92, both of which are incorporated herein, grading and grademarking of yearling mutton and mutton carcasses and cuts are no longer required. Accordingly, this amendment revises the definitions of "lamb" and "mutton" to reflect the termination of grading and grademarking requirements on yearling mutton and mutton.

The method of calculating retail ceiling prices for lamb, yearling mutton and mutton remains the same as it was prior to the issuance of this amendment. The only difference is that the meat currently purchased may or may not have affixed thereto an official grademarking designation or an official identification indicating whether it is lamb, yearling mutton or mutton. In the absence of such designation on the animal carcass or wholesale cut, the designation on the purchase invoice will be the governing factor in making ceiling price calculations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act. In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 79 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 12 (a) is amended to read as follows:

(a) "Lamb" means carcasses and meat derived from carcasses of ovine animals, except mutton.

2. Section 12 (b) is amended to read as follows:

(b) "Mutton" means carcasses and meat derived from carcasses defined as mutton by the "Official U. S. Standards for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52-10923; Filed, Oct. 6, 1952; 10:47 a. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 95, Rev. 1]

GCPR, SR 95, REV. 1—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

CERTAIN FEED MIXES CONTAINING FLAXSEED FEED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

There has been a growing practice recently among persons who process agricultural commodities into feeds and feed ingredients, of adding other ingredients, thereby creating a new mixture. Generally, the straight feed normally produced by such processors constitutes at least 80 percent of the weight of the mixture. Processors engaging in this practice have established ceiling prices under the General Ceiling Price Regulation (GCPR) which range substantially above ceiling prices for the straight feed or feed ingredient which constitutes the bulk (frequently as high as 95–98 percent) of the mixture.

Even where the added ingredients are less costly than the straight feed product they replace—and this has usually been the case—the ceiling prices so established for the mixtures have been markedly higher than those of the basic feed products.

The increased prices established for the feeds so mixed have not been justified by their production cost, nor is there justification for the higher prices formula feed manufacturers and feeders are obliged to pay.

Moreover, there is widespread complaint against the distortions caused by the increasing substitutions of such mixtures for the straight feed products customarily produced and sold.

It has become increasingly apparent that action is necessary to prevent serious dislocations in the price structure of feedstuffs and to avoid the inflationary effects of this new practice. The Director has given careful consideration to a number of alternative methods of dealing with the problem. The method used in this amendment with respect to mixes based on flaxseed feed products has been found to be the only practicable one taking into account all the interests involved, including the growers of the agricultural commodities, the processors who have adopted or propose to adopt the practice, the manufacturers of formula feeds, the livestock, poultry and cattle feeders, and the ultimate consumers of beef, pork, poultry, eggs, milk, and other related food commodities.

Due account has been taken, not only of the excessive levels attained in establishing ceiling prices for the mixes under the GCPR but also of the dislocations caused by the substitution of the new mixes for the straight feed product customarily processed and sold.

Ceiling prices for mixtures which are sold in lieu of the straight feed customarily produced will no longer be established under the GCPR. They will instead be based on the ceiling price of the basic ingredient—in this case, flaxseed feed products—plus the cost of the other ingredients and a one dollar mixing allowance. Prices so calculated which do not exceed the processor's ceiling price per ton for the basic ingredient may be taken by the processor as his ceiling price for the mixture without application to OPS. This will normally be the case, since the ingredients added to the basic feed product have in most instances been cheaper than the ceiling prices for the basic feed.

When the mix price calculated under this method exceeds the ceiling price for the basic feed, the processor may apply to OPS for a ceiling price, but until the Director establishes a different ceiling price, the processor may not sell the mix at prices higher than his ceiling price for the basic feed included in the mix. In reviewing such applications under this amendment, the Director will give particular attention to the submission of cost figures for the ingredients.

The Director has recognized that the formula for establishing ceiling prices for mixes generally would not be appropriate in the case of those mixes which may have been produced and sold prior to the time when the practice of substituting mixes for the straight meal began. Accordingly, it has been provided that processors who sold such mixes during the base crop year (July 1950 to June 1951) may continue to use ceiling prices established under the GCPR. However, such GCPR ceiling prices will apply only to deliveries in any quarter of the current crop year (July 1952 to June 1953) which do not exceed 110 percent of the quantities of such product delivered during the same quarter of the base crop year. The 10 percent increase thus allowed is estimated to cover any normal volume increases, but sales during any quarter exceeding this volume must be made at the lower ceiling prices established for the mixes generally.

Provision is also made for limiting the volume of toll crushing to the volume of flaxseed toll-crushed during the base crop year. This provision is deemed necessary, in the light of experience, to prevent the use of toll-crushing as an evasive device. In any event, toll crushing of flaxseed has not customarily been engaged in on an extensive scale, and this limitation is not expected to interfere with normal toll crushing operations.

This amendment applies the new policy on mixes to those based on flaxseed feed products. Similar action is being taken currently on mixes based on cottonseed feed products and soybean feed products.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Every effort has been made to conform this amendment to existing industry practices. Insofar as any provisions of this amendment may operate to compel changes in those practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this amendment.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is amended in the following respects:

1. Section 2 of the regulation is amended by adding paragraph (c) which reads as follows:

(c) This supplementary regulation does not apply to deliveries of mixes made no later than October 31, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before November 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

2. The regulation is amended by adding a new section, section 10, which reads as follows:

SEC. 10. *Mixes.* (a) As used in this regulation:

(1) "Mix" means any mixture at least 80 percent of the weight of which consists of any domestic or imported flaxseed feed product.

(2) "Base crop year" means the period July 1, 1950 to June 30, 1951.

(3) "Current crop year" means the period July 1, 1952, to June 30, 1953.

(4) "Processor" with respect to a lot of a mix means the person who produced that lot.

(b) If you are a processor of a mix which you did not deliver during the base crop year, your ceiling price per ton, bulk, in carload lots, carload shipments or pool carlots, f. o. b. your plant is your "f. o. b. mix price" as determined under paragraph (c) of this section.

(c) Ascertain your "f. o. b. mix price" as follows:

(1) Make the following determinations:

Step 1. Determine for each ingredient in the mix, other than flaxseed feed products, the cost to you of the quantity of such ingredient in one ton of the mix. Such cost may not exceed your supplier's ceiling price to you if you buy such ingredient, and may not exceed your cost of production if you produce it.

Step 2. Ascertain your ceiling price, per ton bulk, in carload lots, carload shipments or pool carlots, f. o. b. your plant of the flaxseed feed product included in the mix. For this purpose use the same ceiling price you would have if you guaranteed the actual protein content of the product included in the mix.

If you include more than one flaxseed feed product in the mix, use the average of the ceiling prices of such flaxseed feed products, per ton, bulk, f. o. b. your plant weighted in accordance with the proportionate weight of each such product to the total weight of all flaxseed feed products in the mix. If you include in your mix any domestic or imported flaxseed feed product of which you are not the processor use under this Step 2 the per ton, bulk, carlot f. o. b. ceiling price that you would have if you were the processor of such flaxseed feed product.

Step 3. Multiply the ceiling price determined under Step 2 by the fraction representing the proportion which the weight of the flaxseed feed product(s) in the mix bears to one ton.

Step 4. Add the results under Steps 1 and 3.

Step 5. Add a $1.00 mixing allowance to the result under Step 4.

(2) The result under Step 5 is your "f. o. b. mix price" if it does not exceed the price established under Step 2. If the result obtained under Step 5 exceeds the price established under Step 2, the Step 2 price is your "f. o. b. mix price" for the mix.

(3) If the result under Step 5 exceeds the price established under Step 2, you may file an application for a different "f. o. b. mix price." You may not, in determining your ceiling price for the mix, use an "f. o. b. mix price" different from that established under paragraph (c) (2) of this section unless and until the Director of Price Stabilization notifies you in writing that you are authorized to do so. Your signed application should be addressed to the Grains and Related Products Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., and must include:

(i) The name and address of your company.

(ii) The location of the plants at which you will produce the mix.

(iii) A list of all the ingredients in the mix, and the quantity of each such ingredient, by weight, per ton of the mix.

(iv) A statement of the cost to you (calculated under paragraph (c) (1) of this section) of the quantity of each ingredient other than flaxseed feed products per ton of the mix, and an explanation of the method and the calculations by which you arrived at such cost.

(v) The ceiling price per ton, bulk, f. o. b. your plant and the protein content of each flaxseed feed product contained in the mix, or (if you are not the processor) what each such ceiling price would be if you were the processor of each such flaxseed feed product.

(4) If you are required to establish your ceiling price for sales and deliveries of the mix in accordance with paragraphs (b) and (c) of this section, you must make and keep for inspection by the Office of Price Stabilization for a period of two years the following records:

(i) Worksheets showing in detail the method and calculations you used in determining the cost to you of the ingredients in the mix under Step 1, paragraph (c) (1) of this section.

(ii) All invoices covering ingredients included in the mix other than flaxseed feed products with identification of those invoices used in calculating your ceiling prices for mixes.

(iii) All other material you used in making the determinations under Step 1, paragraph (c) (1) of this section.

(iv) Original and revised ceiling prices established for each mix and the periods during which they applied.

(d) (1) If you are a processor of a mix which you delivered during the base crop year, your ceiling prices are as follows:

(i) For deliveries during any quarter of the current crop year not in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10, your ceiling price is the same ceiling price as you establish in accordance with the GCPR and SR 7 to the GCPR.

(ii) For deliveries during any quarter of the current crop year in excess of the amount of such mix which you delivered during the same quarter of the base crop year multiplied by 1.10, your ceiling price is the price established in accordance with paragraphs (b) and (c) of this section.

(2) You may not sell the mix until you have mailed by registered mail, return receipt requested, to the Grains and Related Products Branch, Office of Price Stabilization, Washington 25, D. C., a report of the number of tons of such mix which you delivered during each calendar quarter of the base crop year.

(3) If you establish your ceiling price for a mix under subparagraph (1) (i) of this paragraph, you must make and keep for inspection by the Office of Price Stabilization for a period of two years the records required under the GCPR and SR 7 to the GCPR. If you establish a ceiling price for deliveries under subparagraph (1) (ii) of this paragraph, you must, in addition, keep the records required under paragraph (c) (4) of this section.

(e) In sections 1, 5, 6, 7, and 8 the terms "flaxseed feed product" and "flaxseed feed products" will be deemed to include mixes.

3. The regulation is amended by adding a new section, section 11, which reads as follows:

SEC. 11. *Toll crushing.* (a) You may not perform any toll crushing until you have mailed by registered mail, return receipt requested, to the Office of Price Stabilization, Grains and Related Products Branch, Washington 25, D. C., a report of the quantity of flaxseed you toll crushed during each quarter of the base crop year. Thereafter, you may not, during any calendar quarter of the current crop year, toll crush a greater volume of flaxseed than you toll crushed during the same quarter of the base crop year.

(b) "Toll crush" means to perform the service of processing flaxseed into any flaxseed feed product and/or linseed oil.

(c) If you toll crush you must, in addition to the records required under section 18 of Ceiling Price Regulation 34, keep a record of each sale of your toll crushing service containing the following information:

(1) The name and address of the person to whom you rendered the service;

(2) The date on which you performed the toll crushing;

(3) The quantity of flaxseed which you toll crushed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

Effective date. This amendment is effective October 7, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

4:00 p. m.]

[F. R. Doc. 52-10933; Filed, Oct. 6, 1952;

[General Overriding Regulation 14, Amdt. 24]

GOR 14—EXCEPTED SERVICES

EXEMPTS INSPECTION FEES AND CHARGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amend-

ment to General Overriding Regulation 14, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 24 to General Overriding Regulation 14, adds two categories of inspection and testing services to the list of services removed from price stabilization regulations.

The categories of inspection and testing services thus exempted are: (1) nonretail inspection and testing services rendered by non-profit associations, such as lumber grading and inspection services, safety testing of gas or electrical appliances and fire safety inspection services performed, and (2) inspection and testing services to meet governmental health or safety requirements when such services are supplied by members of various service industries, for whom maximum rates and charges are established by state statute, municipal ordinance, or order of a governmental regulatory body, including such services as motor vehicle inspections, warehouse inspections of grain and other agricultural commodities.

With respect to the inspection and testing services supplied by non-profit associations, such services, generally, are provided for the member of the association, and the charges for these services are only sufficient to cover the out-of-pocket expense of providing the services. In some instances, however, the service may be supplied to non-members of the association, but such instances are so infrequent that the exemption includes all inspection and testing services provided by such non-profit associations.

The Director has determined that the administrative burden of retaining control in the broad field of inspection and testing services outweighs the advantages of such control.

In the formulation of this amendment there has been consultation with industry's representatives including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director the provisions of this amendment are generally fair and equitable and are proper in the administration of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(110) Non-retail inspection and testing service supplied by non-profit associations (including but not limited to such services as lumber grading and inspection, safety testing of gas or electrical appliances and fire safety inspections).

(111) Inspection and testing service in compliance with governmental health or safety requirements when maximum service charges are established by state statute, municipal ordinance, or rule or order of a governmental regulatory body (including but not limited to such services as motor vehicle inspection, inspection and grading of grain and other agricultural commodities).

(Sec. 702, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 24 to General Overriding Regulation 14 shall become effective October 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 6, 1952.

[F. R. Doc. 52-10929; Filed, Oct. 6, 1952; 10:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

Correction

In F. R. Doc. 50-6222, appearing at page 4634 of the issue for Thursday, July 20, 1950, the following change should be made:

In the list of products under § 202.20 (a), "fuses" should read "fusees".

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte MC-7]

PART 1—GENERAL RULES OF PRACTICE

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

WASHINGTON, D. C., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 18th day of September A. D. 1952.

It appearing, that on August 6, 1948, the Commission, division 5, made and filed its report, 48 M. C. C. 460, and order on further hearing[1] in the above-entitled proceeding describing the zone adjacent to and commercially a part of Washington, D. C.;

It further appearing, that, by petition, dated July 7, 1952, Jacobs Transfer Company, Inc., seeks redefinition and extension of the said Washington, D. C., commercial zone;

It further appearing, that said petition has been tendered for filing after the expiration of the time provided by Rule 101(e) of the general rules of practice for the filing of such petition;

And it further appearing, that section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of any such municipality being under consideration, and good cause appearing therefor:

It is ordered, That Rule 101 (e) of the general rules of practice (49 CFR 1.101 (e)) be, and it is hereby, waived;

It is further ordered, That said proceeding be, and it is hereby, reopened for further consideration;

It is further ordered, That § 170.4 *Washington, D. C.*, the order entered in this proceeding on August 6, 1948 (49 CFR 170.4), be, and it is hereby, vacated and set aside and the following revision is hereby substituted in lieu thereof:

§ 170.4 *Washington, D. C.* The zone adjacent to and commercially a part of Washington, D. C., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone is partially exempt under section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) from regulation, includes and is comprise of all the area bounded by a line as follows:

Beginning at the intersection of MacArthur Boulevard, and Falls Road (Maryland Highway 189) and extending along Falls Road for a distance of about 4.7 miles to its junction with Tuckerman Lane (also called Winters Road), thence easterly over Tuckerman Lane to its junction with Old Georgetown Road (Maryland Highway 187) thence northerly along Old Georgetown Road to its junction with Rockville Turnpike (U. S. Highway 240), thence southerly along Rockville Turnpike, about 0.1 mile, to its junction with Montrose Road, thence easterly along Montrose Road for a distance of about 1.2 miles to its junction with an unnumbered highway; thence northeasterly along such unnumbered highway, about 0.7 mile to its junction with Viers Mill Road (Maryland Highway 586), thence northwesterly along Viers Mill Road about 1 mile, to its junction with an unnumbered highway, thence northeasterly along such unnumbered highway to its junction with Brookville Road (Maryland Highway 97), thence southeasterly along Brookville Road to its junction with Maryland Highway 183, thence northeasterly along Maryland Highway 183 to Colesville, Md., thence southeasterly along Beltsville Road to its junction with Powder Mill Road (Maryland Highway 212), thence easterly over Powder Mill Road to its junction with Montgomery Road, thence northeasterly along Montgomery Road, approximately 0.2 mile, to its junction with an unnumbered highway extending northeasterly to the north of Ammendale Normal Institute, thence along such unnumbered highway for a distance of about 2.2 miles to its junction somewhat north of Virginia Manor, Md., with an unnumbered highway extending easterly through Muirkirk, Md., thence along such unnumbered highway through Muirkirk to its junction, approximately 1.8 miles east of the Baltimore and Ohio Railroad, with an unnumbered highway, thence southwesterly along such unnumbered highway for a distance of about 0.5 mile to its junction with an unnumbered highway, thence southeasterly along such unnumbered highway through Springfield and Ellimeade, Md., to its junction with Defense Highway (U. S. Highway 50), thence southwesterly along Defense Highway approximately 0.8 mile to its junction with Enterprise Road (Maryland Highway 556), thence southerly over Enterprise Road to its junction with Central Avenue (Maryland Highway 214), thence westerly over Central Avenue about 0.5 mile to its crossing of Western Branch, thence southerly down the course of Western Branch to Maryland Highway 202, thence westerly approximately 0.3 mile along Maryland Highway 202 to its junction with White House Road, thence southwesterly along White House Road to its junction with Maryland Highway 221, thence southeasterly along Maryland Highway 221 to its junction with Maryland Highway 4, thence westerly along Maryland Highway 4 to the boundary of Andrews Air Force Base, thence south and west along said boundary to Brandywine Road (Maryland Highway 5), thence northwesterly along Maryland Highway 5 to its junction with Maryland Highway 337, thence southwesterly along Maryland Highway 337 to its junction with Maryland Highway 224, thence southerly along Maryland Highway 224 to a point opposite the mouth of Broad Creek, thence due west across the Potomac River to the west bank thereof, thence southerly along the west bank of the Potomac River to Gunston Cove, thence up the course of Gunston Cove to Pohick Creek, thence up the course of Pohick Creek to Telegraph Road (Virginia Highway 611), thence northeasterly along Telegraph Road to its junction with Back Lick Road (Virginia Highway 617), thence northerly along Back Lick Road through Newington, Springfield, and Springfield Station, Va., to Annandale, Va., thence northerly along Virginia Highway 649, to its junction with Virginia Highway 709, thence northerly along Virginia Highway 709 to its junction with Virginia Highway 650 thence northerly along Virginia Highway 650 to its junction with Virginia Highway 7, thence northwesterly over Virginia Highway 7 to Tysons Corner, Va., thence northeasterly along Virginia Highway 123 to Lewinsville, Va., thence northwesterly along Ash Grove Road (Virginia Highway 694), to Jones Corners, Va., thence northeasterly along Swinks Mill Road (Virginia Highway 685), to Swinks Mill, Va., thence along the course of Scott Run to the Potomac River, thence due north across the river to MacArthur Boulevard, thence northwesterly along MacArthur Boulevard to its junction with Maryland Highway 189, the point of beginning.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

And it is further ordered, That this order shall become effective November 12, 1952, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10925; Filed, Oct. 6, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

[No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of September A. D. 1952.

In the matter of investigation of power brakes and appliances for operating power brake systems, No. 13528.

Upon further consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the order heretofore entered herein on September 21, 1945, as amended, requiring respondents to install power brakes and appliances on their cars used in freight service be, and it is hereby, further amended so as not to require the installation of such brakes and appliances on cars that are used exclusively in switching operations and are not used in train movements within the meaning of the Safety Appliance Acts (45 U. S. C., secs. 1 to 16, inclusive).

(Sec. 6, 36 Stat. 299; 45 U. S. C. 15. Interprets or applies secs. 1, 2, 32 Stat. 943, sec. 3, 36 Stat. 298; 45 U. S. C. 8, 9, 12)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10824; Filed, Oct. 6, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—SALTON SEA NATIONAL WILDLIFE REFUGE, CALIFORNIA

HUNTING

Basis and purpose. On the basis of observations and reports of field investigations conducted by representatives of the Fish and Wildlife Service and in accordance with subsection (a) of section 4 of the Migratory Bird Hunting Stamp Act as amended August 12, 1949, 63 Stat. 600; 16 U. S. C. 718d (a), it has been determined that controlled public hunting can be permitted on designated areas of the Salton Sea National Wildlife Refuge, California, without interfering with the purposes for which these refuge lands were acquired.

Since the following regulation is a relaxation of existing restrictions, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the title of § 31.313 is amended to read *"Hunting permitted on Lea Act lands,"* and the following new section is added:

§ 31.315 *Hunting permitted on refuge lands.* Subject to the requirements of § 31.314 and Parts 18 and 21 of this subchapter, during the 1952–53 season only, migratory waterfowl and coot may be taken in section 21, T. 11 S., R. 13 E., S. B. M., of the Salton Sea National Wildlife Refuge in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act (§§ 6.1 to 6.10 of this chapter).

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: September 30, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-10802; Filed, Oct. 6, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 17, 28]

MEAT INSPECTION REGULATIONS; OLEOMARGARINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority conferred upon him by the Meat Inspection Act, as amended (21 U. S. C. 71–91), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) is considering amending the Meat Inspection Regulations (9 CFR Chapter I, Subchapter A) as follows:

1. Paragraph (c) of § 17.8 would be amended by adding the following subparagraph:

(53) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding one-pound capacity.

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type or lettering at least as large and in at least the same prominence as any other type or lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is displayed on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper

bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

2. Section 28.1 would be amended to read as follows:

§ 28.1 *Oleomargarine or margarine; identity; label statement of optional ingredients.* (a) Oleomargarine or margarine is the plastic food which is prepared in accordance with the provisions of subparagraph (1), (2), (3), and (4) of this paragraph.

(1) It is prepared with one or more of the optional fat ingredients named in any one of subdivisions (i), (ii), (iii), (iv) of this subparagraph.

(i) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles;

(ii) Any vegetable food fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles;

(iii) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceeds such weight by a ratio not greater than 9 to 1.

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than 9 to 1;

(2) It contains one of the articles named in subdivisions (i), (ii), (iii), or (iv) of this subparagraph, or a combination of two or more of such articles, intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

(i) Cream;

(ii) Milk;

(iii) Skim milk;

(iv) Any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water;

(v) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in subparagraphs (1) and (2) of this paragraph:

(i) Artificial coloring. For the purpose of this subdivision provitamin A shall be deemed to be artificial coloring.

(ii) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(iii) Vitamin A (with or without any accompanying vitamin D concentrate), in such quantity that the finished oleomargarine or margarine contains not less than 15,000 United States Pharmacopoeia units of vitamin A per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for total biological vitamin A activity. The vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of vitamin A or its fatty acid ester from animal sources; by synthetic vitamin A or its fatty acid esters; by mixtures of synthetic vitamin A or its fatty acid esters; with harmless substances formed during the synthesis of the vitamin A, if the vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by provitamin A; or by any combination of two or more of these. For the purpose of this subdivision the term "fatty acid" may include acetic acid.

(iv) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(v) (*a*) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (*b*) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (*c*) such monoglycerides and diglycerides in combination with the sodium sulfoacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (*d*) a combination of (*a*) and (*b*) of this subdivision in which the amount of neither exceeds that above stated; or (*e*) a combination of (*a*) and (*c*) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine. The weight of diglycerides in each of ingredients (*b*), (*c*), (*d*), and (*e*) of this subdivision is calculated at one-half actual weight.

(vi) Butter.

(vii) Salt.

(viii) Citric acid incorporated in the fat or oil ingredient used.

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an amount not to exceed 0.02 percent by weight of the finished oleomargine or margarine.

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine or margarine.

(4) The finished oleomargarine or margarine shall contain not less than 80 percent fat, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 7th Edition, Page 259, under "Indirect Methods," section 15.111.

(b) (1) When any ingredient named under one of the following specified subdivisions of subparagraphs of paragraph (a) of this section is used, the label shall, except as provided in subparagraph (2) of this paragraph, bear the statement set forth after such specified subdivision:

(i) Subdivision (i), subparagraph (1): "Prepared from Animal Fat," or "Made from Animal Fat," or "Prepared from Meat Fat," or "Made from Meat Fat."

(ii) Subdivision (iii), subparagraph (1): "Prepared from Animal and Vegetable Fats," or "Made from Animal and Vegetable Fats," or "Prepared from Meat Fats and Vegetable Fats," or "Made from Meat Fats and Vegetable Fats."

(iii) Subdivision (iv), subparagraph (1): "Prepared from Vegetable and Animal Fats," or "Made from Vegetable and Animal Fats," or "Prepared from Vegetable and Meat Fats," or "Made from Vegetable and Meat Fats."

(iv) Subdivision (i), subparagraph (3): "Artificially Colored," or "Artificial Coloring Added," or "With Added Artificial Coloring."

(v) Subdivision (ii), subparagraph (3): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative," or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative," stating the percent used.

(vi) Subdivision (iii), subparagraph (3): "Vitamin A Added," or "With Added Vitamin A."

(vii) Subdivision (iv), subparagraph (3): "Artificially Flavored," or "Artificial Flavoring Added," or "With Added Artificial Flavoring."

(viii) Subdivision (viii), subparagraph (3): "Citric Acid Added to Protect Flavor" or "Citric Acid Added as a Preservative."

(ix) Subdivision (ix), subparagraph (3): "Isopropyl Citrate Added to Protect Flavor" or "Isopropyl Citrate Added as a Preservative."

(x) Subdivision (x), subparagraph (3): "Stearyl Citrate Added to Protect Flavor" or "Stearyl Citrate Added as a Preservative."

(2) Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the words "animal," "meat," or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in subdivisions (i), (ii), (iii), (iv), (viii), (ix), and (x) of subparagraph (3) of paragraph (a) of this section are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia Units which have been added.

(3) Whenever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

The primary purpose of the foregoing proposed amendments is to place the definition and standard of identity for oleomargarine or margarine containing animal fats in line with the amended definition and standard of identity for oleomargarine or margarine promulgated by the Food and Drug Administration of the Federal Security Agency following a public hearing held by that organization. The evidence gathered at such public hearing has been carefully reviewed by the Meat Inspection Division. The proposed amendments will also bring into the regulations orders and instructions that were given to the field operating force of the Meat Inspection Division and inspected establishments following the enactment by the 81st Congress of Public Law 459 (Chapter 61, Second Session), (64 Stat. 20 (1950); 15 U. S. C. Sup. 55 (a), 55 (f), 21 U. S. C. Sup. 331 (m), 342 (e), 347) dealing with colored oleomargarine.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of October 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10835; Filed, Oct. 6, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Operations Reorganization Order No. 6]

HEADS OF APPELLATE, AUDIT, COLLECTION, AND ALCOHOL AND TOBACCO TAX DIVISIONS

DELEGATION OF CERTAIN AUTHORITY RELATING TO OFFERS IN COMPROMISE, APPLICATIONS FOR EXTENSIONS OF TIME TO PAY TAXES, AND CLOSING AGREEMENTS

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. There are hereby delegated to the Head, Appellate Division:

(a) The functions with respect to the acceptance (as evidenced by the signing of Form 7251C) of an offer in compromise of any case arising under the internal revenue laws in which the unpaid amount of the tax (including any interest, penalty, additional amount or addition to the tax) is less than $500.00;

(b) The authority to sign my name to the acceptance of the waiver of the statutory period of limitations for the assessment or collection of tax (Form 872), and as provided on Forms 656 and 656-C, Offer in Compromise. In each case, however, the initials of the Head, Appellate Division, or such other person to whom the Head of the Appellate Division may delegate authority, should appear immediately under the signature, together with the date of such signing;

(c) The function of signing letters granting or denying applications for extensions of time to pay taxes (except estate and gift taxes); and

(d) The functions imposed upon the Commissioner of Internal Revenue under section 3760 of the Internal Revenue Code, including those conferred and imposed upon him by Treasury Department Order No. 146, dated December 20, 1951, with respect to any closing agreement relating to the liability of any person (or the person or estate for whom he acts) respecting any internal revenue tax in any case in which the agreement relates only to tax liability for past taxable periods. The policy with respect to entering into closing agreements under section 3760 of the Internal Revenue Code, as set forth in Mimeograph No. 6383 (C. B. 1949-2, 100) will continue to be followed, unless and until changed by appropriate authority.

2. The function of signing Forms 7878 (Schedule of Accepted Offers in Compromise), relating to offers in compromise which have been accepted in the cases described in subparagraphs (a) of this order, is hereby delegated to the Heads of the Audit, Collection, and Alcohol and Tobacco Tax Divisions.

3. The function of signing letters granting or denying applications for extensions of time to pay estate and gift taxes is hereby delegated to the Head of the Audit Division.

4. The functions delegated by this order to the Heads of the Appellate, Audit, Collection, and Alcohol and Tobacco Tax Divisions may be delegated by each to any other officer or employee in the Bureau of Internal Revenue performing functions under his general supervision and control.

This order shall be effective as of August 11, 1952.

Dated: September 30, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-10804; Filed, Oct. 6, 1952; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ORGANIZATION

ARMED FORCES HOUSING AGENCY

I. *Introduction.* Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, there is hereby established, within the Office of the Secretary of Defense the Armed Forces Housing Agency (hereinafter called the "Agency") with the duties and relationships herein outlined.

II. *Definitions.* A. As used in this notice, the term, "family housing and associated matters", is defined as:

1. All family housing wholly or partially under the jurisdiction of the Department of Defense;

2. Family housing privately constructed under Government subsidy or guarantees for occupancy by Department of Defense military or civilian personnel.

3. Any interest of the Department of Defense in non-Government controlled or financed family housing; and

4. Related matters, including supporting facilities, such as utilities and schools, essential to the provision and effective administration of family housing.

III. *Organization.* A. The Armed Forces Housing Agency shall be headed by an Assistant to the Secretary of Defense who shall be the Director thereof and who shall be a civilian appointed by the Secretary of Defense. The Director of the Agency shall report to the Secretary of Defense through the Director of Installations.

B. A Family Housing Advisory Council shall be established to advise the Director of the Agency. This Council shall be composed of the Director, as Chairman, and one representative from each military Department to be appointed by the respective Secretaries of the military Departments.

C. The Director, with the approval of the Secretary of Defense, may appoint a Deputy Director who shall, in the absence or disability of the Director, act for and exercise the powers of the Director.

IV. *Authority.* Within its jurisdiction, as further defined in this notice or as may be further directed by the Secretary of Defense, the Agency shall be the principal agency of the Secretary of Defense responsible for performing the duties set forth in section V, below.

The Director of the Agency shall have authority to take executive action in consonnace with approved plans, programs and policies of the Agency. The Director may, without being relieved of his responsibility therefor, perform any of his duties with or through the aid of such members or officials of the Agency as he may designate. The Director is authorized, after coordination with the Director of Installations, to issue directives in the name of the Secretary of Defense to implement the policies and decisions of the Agency and to supervise their execution. The Director, subject to the policies prescribed by the Secretary of Defense, is authorized to estab-

lish such continuing or temporary committees, as may be necessary to conduct studies, assemble information, make recommendations, and otherwise to assist in carrying out the responsibilities of the Agency.

V. *Duties*—A. *Duties of the Agency.* Subject to the authority and direction of the Secretary of Defense, and in support of other Department of Defense programs, the Agency shall perform the following duties and such other duties as may be directed by the Director of Installations and the Secretary of Defense:

1. Develop policies for the provision and administration of family housing of the Services, both for the Zone of the Interior and overseas, including,

a. Development of criteria and standards to determine the adequacy of housing.

b. Development of criteria for determination of family housing requirements.

c. Development of policy governing the conditions under which Government-financed or subsidized construction is justified.

d. Development of policy regarding the eligibility for family housing and continued occupancy thereof.

e. Development of procedures for fixing charges applicable to housing assigned by the Services on a rental basis.

2. Develop design standards and cost criteria for family housing, both permanent and temporary, including,

a. Development of uniform design standards (within specific geographical areas) applicable to all Services.

b. Development of standardized construction practices.

c. Development of maximum and minimum acceptable space requirements.

d. Development of practicable cost criteria and policy governing unit costs in different geographical areas.

e. Development of policy regarding selection and provision of temporary housing.

f. Development of policy and criteria with respect to conversion, modification and maintenance of existing structures.

3. Develop procedures for the procurement of family housing.

4. Obtain requirements for family housing from the Services; review, approve and assemble these requirements into a single program; and, through normal legislative channels, support the introduction and justification of necessary legislation to expeditiously provide family housing in accordance with the approved requirements.

5. Represent the Department of Defense in dealings with other Executive Departments and Agencies in family housing matters, and act for the Secretary of Defense in connection with statutory family housing responsibilities placed in the Secretary and not otherwise delegated to the Secretaries of the military departments.

6. Conduct continuing studies of family housing conditions and requirements and associated matters, and report the results thereof and action thereon, through the Director of Installations, to the Secretary of Defense.

B. *Duties of the Assistant to the Secretary of Defense.* In addition to his responsibilities as Director of the Armed Forces Housing Agency, the Assistant to the Secretary of Defense shall be the principal advisor and assistant to the Secretary of Defense on defense housing matters.

VI. *Administration.* A. The Director, subject to the approval of the Secretary of Defense and in coordination with the Director of Installations, shall provide for the internal organization of the Agency. He shall establish its procedures and supervise its staff.

B. The Secretary of Defense will provide the Director of the Agency with such personnel, facilities, and other administrative support as the Secretary determines is required by the Agency for the performance of its functions.

C. The Family Housing Advisory Council shall meet at the call of the Chairman.

VII. *Relationships.* A. The Director of the Armed Forces Housing Agency and the staff of the Agency are authorized and expected to communicate directly and expeditiously with other agencies of the Secretary of Defense and the military departments and appropriate subdivisions thereof, concerning any matter within its jurisdiction and in which there exists a mutual interest or responsibility.

B. The Agency shall collaborate with the Office of the Assistant Secretary of Defense (Legal and Legislative Affairs) with respect to pending or proposed legislation on family housing and related matters.

C. The Agency shall collaborate with the Office of the Assistant Secretary of Defense (Manpower and Personnel) on family housing and related matters as they affect morale and establishment of basic allowances.

D. The Agency shall collaborate with the Office of the Assistant Secretary of Defense (Comptroller) on the budgetary and fiscal aspects of family housing and related matters.

E. The Agency shall collaborate with the Munitions Board on the procurement aspects of family housing and related matters.

F. The Agency shall maintain liaison with appropriate Governmental and private agencies on such matters as:

1. Mortgage insurance and related matters pertaining to the Wherry Act, 63 Stat. 570, as amended.

2. Department of Defense interest and jurisdiction regarding low cost housing under the Lanham Act, 54 Stat. 1126, 56 Stat. 11.

3. Determination of critical defense housing areas and Government financing and construction of military housing under the Defense Housing Act of 1951, 65 Stat. 293.

4. Determination, jointly with the Office of Defense Mobilization, as to critical defense housing areas, under 65 Stat. 131.

Such designation does not preclude direct liaison by the military departments with such agencies on operational matters entirely within the jurisdiction of the department concerned.

VIII. *Effective date.* This notice is effective September 25, 1952. The statement of organization "Establishment of Armed Forces Housing Agency" appearing in 17 F. R. 701, January 23, 1952 is rescinded.

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director, Executive Office of
the Secretary.

SEPTEMBER 25, 1952.

[F. R. Doc. 52-10798; Filed, Oct. 6, 1952; 8:45 a. m.]

ORGANIZATION

RESPONSIBILITIES AND RELATIONSHIPS IN INTERNATIONAL SECURITY AFFAIRS

I. *Purpose.* It is the purpose of this directive (notice) to bring up to date existing instructions within the Department of Defense relating to international security affairs, to define the responsibilities of the Department of Defense and the Secretary of Defense in this area, and to define pertinent relationships among the elements of the Department of Defense. It is the intention to have one official, the Assistant to the Secretary of Defense for International Security Affairs, be responsible to the Secretary of Defense for the coordination of all matters related to international security affairs as defined in paragraph II of this directive.

II. *Definition.* The term "international security affairs" includes all matters heretofore covered under the terms "mutual security assistance", "North Atlantic Treaty affairs", "foreign military affairs", politico-military affairs", "administration of occupied areas", "foreign economic defense affairs", and other similar international programs which are of concern to the Department of Defense.

The position of Assistant to the Secretary of Defense for International Security Affairs was originally established by Presidential directive of December 19, 1950. The term "international security affairs" as used in the Presidential directive is less broad than the term as used in this directive (notice). Wherever the term "Department of Defense" appears in this directive, it includes all departments, boards and agencies within the Department.

III. *Department of Defense responsibilities with reference to international security affairs.* With reference to the government as a whole the responsibility of the Department of Defense is to participate in the development of national objectives and U. S. government positions in international security affairs and to support such objectives and positions when established by appropriate authority. The Secretary of Defense (as a statutory member of the National Security Council) and the Joint Chiefs of Staff (as statutory advisors to the President, the National Security Council and the Secretary of Defense on military matters), have responsibilities which are not affected by the terms of this directive (notice).

In addition to its general responsibilities for advice, assistance and support to the government as a whole on international security matters, the Department of Defense has certain specific responsibilities as follows:

A. Furnishes representation on the Senior Staff of the National Security Council. This representative is an official nominated by the Secretary of Defense and appointed by the President. The Senior Staff is responsible to the President for providing staff coordination for matters under the consideration of the National Security Council.

B. Participates with the Office of the Director for Mutual Security and other governmental agencies in the development of United States governmental policy on military assistance defense support, and technical assistance programs and furnishes representation on such activities as may be required pursuant to the Mutual Security Act of 1951, and acts amendatory or supplementary thereto, for the development and coordination of such policy.

C. Furnishes representation for the Department of Defense on inter-agency committees and working groups to develop U. S. governmental positions required for U. S. participation in the United Nations, such as the Joint State-Defense working group on United Nations collective measures, the international control of atomic energy, and the regulation, limitation and balanced reduction of all armaments and armed forces.

D. Furnishes representation on various interdepartmental committees and subcommittees having functions related to international security affairs, such as the Mutual Assistance Advisory Committee, the Interdepartmental Committee on Trade Agreements, the Economic Defense Advisory Committee of the Director for Mutual Security, the Foreign Facilities Committee of the National Production Authority, the Advisory Committee on Export Policy of the Department of Commerce and the Psychological Strategy Board.

E. Furnishes representation as required on North Atlantic Treaty Organizations such as the North Atlantic Council (Secretary of Defense is U. S. Defense member), the North Atlantic Military Committee (Chairman of the Joint Chiefs of Staff is U. S. member), the North Atlantic Planning Board for Ocean Shipping, the Military Representatives Committee, the Standing Group, the Military Standardization Agency, committees and working groups of the NATO International Defense Production Staff and any planning groups in support of the Standing Group.

F. Furnishes representation as required on various other intergovernmental bodies and intergovernmental conferences such as the Organization of American States (Rio Pact), Inter-American Defense Board (Rio Pact), Joint U. S.-Canada Industrial Mobilization Committee, etc.

G. Establishes the U. S. organizational elements abroad required to assist the Department of Defense in the development, review and implementation of international military activities in which the U. S. is concerned. Examples are: regional organizations such as the Defense elements of the staff of the U. S. Special Representative in Europe; the U. S. Commander-in-Chief in Europe (U. S. Cinceur); and country organizations such as the Military Assistance Advisory Groups.

H. The furnishing of representation as outlined in the above paragraphs A through G includes responsibility for providing such U. S. representatives with Department of Defense policy guidance on their respective duties, and when required, providing staff assistance to such representatives.

I. Discharges certain duties related to United States defense support and military assistance programs. Inter alia, the Mutual Security Act of 1951 gives the Secretary of Defense primary responsibility and authority for:

(1) The determination of military end-item requirements:

(2) The procurement of military equipment in a manner which permits its integration with service programs;

(3) The supervision of end-item use by the recipient countries;

(4) The supervision of the training of foreign military personnel;

(5) The movement and delivery of military end-items, and

(6) The establishment of priorities in the procurement, delivery and allocation of military equipment.

J. Provides the Director for Mutual Security with Department of Defense recommendations and positions on defense support and military assistance programs under the Mutual Security Act of 1951 and similar future legislation.

K. Assumes and delegates where appropriate to one of its elements the operational responsibility for certain aspects of U. S. International activities such as the negotiation and administration of base rights agreements.

IV. *Responsibilities of the Assistant to the Secretary of Defense for International Security Affairs (subject to the direction and authority of the Secretary of Defense)*—A. *General.* 1. In consultation with appropriate organizations which have an interest by reason of their statutory and other assigned responsibilities, develops and recommends to the Secretary of Defense the Department of Defense positions on international security affairs. Under the guidance of the Secretary of Defense he shall speak authoritatively for the Department of Defense on international security affairs in dealing with other agencies of government.

2. Coordinates all activities within the Department of Defense related to international security affairs including arrangements for representation for the Department of Defense on interdepartmental and international organizations related to international security affairs, coordinates the work of, provides policy guidance, and arranges for staff support for such representatives. This includes the maintenance of coordination with U. S. military representation on the various boards and commissions operating in the international field such as those interested in hemispheric solidarity.

B. *Specific duties.* 1. Serves as defense member on the National Security Council Senior Staff and provides staff assistance to the Secretary of Defense in his capacity as a member of the National Security Council.

2. Provides or arranges for the provision of representation for the Department of Defense on such organizations as may be established by the President or the Director for Mutual Security pursuant to the Mutual Security Act of 1951, and acts amendatory or supplemental thereto.

3. Develops and recommends Department of Defense views in connection with the preparation of U. S. governmental positions on United Nations matters and provides representation on joint State-Defense and other interagency working groups established to assist in the coordinated development of these views, such as the State-Defense working group on United Nations Regulation of Armament Commission.

4. With reference to the Department of Defense responsibilities under United States defense support and military assistance programs, coordinates all activities of the Department of Defense and represents and speaks for the Department of Defense on matters of policy and program relating to military and defense support assistance to include serving as the point of contact with outside government agencies. This includes the responsibility of providing for, through his own office and other elements of the Department of Defense, the development of appropriate mutual defense assistance policies, plans and programs, guidance to the U. S. Special Representative in Europe, the follow-up of implementation by Military Departments of approved programs, including offshore procurement, and for assistance to the Director of Mutual Security in the presentation of such programs before appropriate budget and legislative officials pursuant to established procedures.

5. With reference to North Atlantic Treaty Affairs develops and recommends the Department of Defense views regarding positions to be taken by the U. S. Government in the North Atlantic Treaty Organization, and keeps the Secretary of Defense and appropriate officials in the departments and agencies of the Department of Defense informed on activities of North Atlantic Treaty Organization.

6. With regard to other international security affairs, such as foreign economic and commercial policy, intergovernmental economic mobilization planning, and economic defense measures, coordinates Department of Defense positions as required on matters referred to the Department of Defense and on matters developed in the Department of Defense for consideration by other agencies of government and by international organizations, and U. S. missions when appropriate.

7. Develops DOD policy guidance for those elements of DOD involved in the administration of occupied areas.

V. *Responsibilities of other elements of the Department of Defense.* It is the

intent of the following paragraphs to continue the relationships and responsibilities of other elements of the Department of Defense as they have existed heretofore insofar as such previous arrangements are not in conflict wih the foregoing portions of this directive.

A. *The Joint Chiefs of Staff.* 1. In general, advises the Secretary of Defense on the military aspects of international security affairs.

2. With regard to the military assistance programs, the Joint Chiefs of Staff will develop and recommend the broad military criteria and policies and the military basis of specific programs as requested by the Secretary of Defense. The Joint Chiefs of Staff will also continue to support and direct the Department of Defense military organizations and agencies overseas, maintained in support of the North Atlantic Treaty Organization except for the responsibility to the Secretary of Defense of the United States Commander-in-Chief in Europe; within the policy control of the Secretary of Defense, the Joint Chiefs of Staff will determine support to, and participation by overseas commands in the Mutual Defense Assistance Program, and will designate executive agents, as appropriate, to carry on any of the military operating responsibilities heretofore assigned.

B. *Munitions Board.* 1. The Munitions Board will advise the Secretary of Defense on the economic and industrial aspects of problems pertaining to International Security Affairs as they may affect the U. S. mobilization planning program, the current U. S. production and procurement programs, and such other activities for which the Board has responsibility.

2. The Munitions Board will be responsible fo revaluating military assistance programs to determine their effect on United States industrial mobilization and current military production programs and for arranging for their integration with Service programs. The Munitions Board will represent the Department of Defense in supporting military assistance and other approved foreign requirements for materials, manpower and facilities before government planning and control agencies.

C. *Other elements of the Office of the Secretary of Defense.* The other elements of the Office of the Secretary of Defense will perform their normal functions in connection with these activities.

D. *The Departments of the Army, Navy and Air Force.* The military departments will carry out such policy, administrative, operational and technical responsibilities as may be assigned by the Secretary of Defense. In connection with the Mutual Defense Assistance Program, the departments will be responsible for the detailed development, refinement, and implementation of their respective portions of the military assistance programs and to this end will continue in effect the present requirement that each Military Department or Agency will establish a single authoritative contact and liaison point as a direct channel to the Office of the Assistant to the Secretary for International Security Affairs.

E. *The U. S. Commander-in-Chief in Europe.* The U. S. Commander-in-Chief in Europe is designated by the Joint Chiefs of Staff and normally communicates with them. In certain matters the Secretary of Defense and the Military Departments communicate directly with the U. S. Cinceur (or his deputy).

F. *Organization of the Special Representative in Europe.* The Special Representative will in accordance with his terms of reference include among his duties the representation of the interests of the Secretary of Defense with respect to North Atlantic Treaty Affairs and the Mutual Security Program. The Deputy to the Special Representative for Defense affairs, appointed with the concurrence of the Secretary of Defense, will be the principal point of Defense Department contact within the area of responsibilty of the Special Representative.

G. *The Chairman of the U. S. Delegation to the Military Staff Committee of the United Nations.* The Senior Representative of the U. S. Delegation to the Military Staff Committee of the United Nations shall be designated as the Chairman. He will have the following duties:

1. Represent, on the U. S. Delegation to the Military Staff Committee, the President, Secretary of Defense, and the Joint Chiefs of Staff.

2. Principal military advisor to the Chief of the U. S. Mission to the United Nations.

3. Spokesman for the U. S. Delegation at all meetings of the United Nations' Military Staff Committee.

4. In accordance with procedures jointly agreed upon between the three Representatives, serve as Administrative head of the Delegation and supervise and coordinate its activities.

VI. *Effective date.* This directive is effective immediately.

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director, Executive Office of
the Secretary.

JULY 29, 1952.

[F. R. Doc. 52-10799; Filed, Oct. 6, 1952; 8:46 a. m.]

ORGANIZATION

DIRECTOR OF INSTALLATIONS

I. *Authority and purpose.* This notice is issued pursuant to the authority vested in the Secretary of Defense by section 408 of Public Law 534, 82d Congress, and by the National Security Act of 1947, as amended, for the purpose of creating within the Department of Defense the office of Director of Installations, and of defining the authority and duties of the Director of Installations and his relationships with the military departments, and with offices and agencies of the Office of the Secretary of Defense.

II. *Organization.* A. The Director of Installations (hereinafter called the "Director") shall be appointed by the Secretary of Defense from civilian life and shall be directly responsible to the Secretary of Defense. He shall be a person who has had a substantial amount of experience in the construction of public works of the types constructed by the military departments.

B. With the approval of the Secretary of Defense, the Director may appoint one or more Deputy Directors of Installations who shall, in his absence or disability, act for him and exercise all or a specified portion of his authority.

III. *Authority.* A. Subject to the authority and direction of the Secretary of Defense, the Director shall have authority to take executive action relating to the duties prescribed in Section IV, below, and shall have such further authority as may be conferred upon him from time to time by the Secretary of Defense. The Director may, without being relieved of his responsibility therefor, exercise his authority through such members of his office as he shall designate, provided that in the field of family housing the Director shall exercise his authority through the Director, Armed Forces Housing Agency.

B. There is hereby transferred to the Director the functions, authority and duties relating to public works and relating to the Armed Forces Housing Agency heretofore vested in the Munitions Board or its Chairman by the National Security Act of 1947, as amended, and by the statement of organization "Munitions Board, Organization and Functions" appearing in 17 F. R. 7160, August 6, 1952.

C. The Director is authorized to issue directives to prescribe and implement his policies and decisions, and to supervise their execution. The Director may establish, upon the approval of the Secretary of Defense, such continuing or temporary committees and advisory groups or individuals as he may deem desirable to assist him in carrying out his duties.

IV. *Duties.* Subject to the authority and direction of the Secretary of Defense, and in support of Department of Defense programs, the Director shall, for all Department of Defense public works programs:

A. Maintain direct surveillance over the planning and construction by the military departments of all public works projects.

B. Make such reports to the Secretary of Defense with respect to public works projects under construction by the military departments as he may deem necessary to keep the Secretary currently and fully informed with respect to the status, progress and cost of, and all other pertinent matters concerning such public works projects.

C. Develop Department of Defense policies, and coordinate the activities of the military departments, in establishing offices of record for the following detailed information:

1. Inventory of facilities: (a) In existence, (b) under construction, and (c) authorized and funded but on which construction has not yet started.

2. Utilization of the facilities described in 1, above.

3. Condition of existing facilities described in 1. above.

D. Develop Department of Defense policies and procedures for the computation of requirements for public works programs.

E. Develop uniform design criteria and construction standards for application by the military departments, with special emphasis on reducing unit costs.

F. Resolve conflicts arising from the desire of two or more military departments to acquire or utilize a single installation or adjacent installations where the operations of one Service interfere with the operations of another.

G. Develop and issue to the military departments necessary instructions and guidance for the preparation of public works programs, prescribe the review procedures to be utilized in developing such programs, and recommend to the Secretary of Defense the final programs to be approved by him for presentation to the Congress.

H. For approved public works programs of the Department of Defense to be submitted to the Bureau of the Budget and the Congress, coordinate with the Assistant Secretary of Defense (Legal and Legislative Affairs) in the preparation of authorizing legislation and with the Assistant Secretary of Defense (Comptroller) in the preparation of appropriation requests, and assist in the presentation of such programs before the Committees of Congress.

V. *Administration.* All personnel, funds and records now assigned to or in the possession of the Munitions Board which relate to any of the duties of the Director described above shall, to the extent requested by the Director and approved by the Secretary of Defense, be transferred to the Director. The Secretary of Defense will provide the Director with such additional engineering, clerical, stenographic and other personnel as the Director may require in order adequately to perform his functions.

VI. *Relationships.* A. The Director is authorized to require information from, and communicate directly and expeditiously with, other agencies of the Secretary of Defense and the military departments and appropriate sub-divisions thereof concerning any matter within his jurisdiction.

B. The Director shall generally coordinate with officials and offices of the Department of Defense having an interest in public works programs, and specifically with the officials listed in C, below, and, on matters of particular interest to them, with:

1. The Assistant Secretary of Defense (Manpower and Personnel) on matters affecting morale and basic allowances;

2. The Assistant Secretary of Defense (Legal and Legislative) on legal and legislative matters;

3. The Assistant to the Secretary of Defense for International Security Affairs on foreign public works programs;

4. The Chairman of Armed Forces Medical Policy Council on medical facilities aspects of public works programs.

The Director of Installations will determine, in each case, the formal concurrences, if any, which are required.

C. The following officials of the Department of Defense shall retain their respective responsibilities for the aspects of public works programs listed below:

1. The Assistant Secretary of Defense (Comptroller) shall continue to determine the fiscal aspects of public works programs, budget allocations therefor, and the policies and procedures relating thereto.

2. The Chairman, Munitions Board, shall continue to coordinate and evaluate Department of Defense construction materials requirements, and act as claimant for them and to advise the civilian control agencies on matters involving private industrial expansion projects and programs. He shall advise the Director on the availability of construction materials, and on the availability of existing privately and government owned industrial facilities as well as privately owned "commercial" type facilities, intended to provide services normally rendered by private enterprise, such as laundries, etc.

3. The Chairman of the Research and Development Board shall continue to determine the relative priorities of research and development facilities requirements of the military departments.

4. The Reserve Forces Policy Board shall continue to recommend policies and programs regarding the location, size and type of training facilities for Reserve Forces to be constructed or otherwise procured.

D. The Director shall coordinate his efforts with all executive agencies outside the Department of Defense which have a mutual interest or responsibility with respect to any of his programs.

VII. *Effective date and change in existing directives.* This notice is effective September 20, 1952. All provisions of any other pertinent directives or instructions or segments thereof, to the extent inconsistent with this directive, are rescinded.

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director, Executive Office of
the Secretary.

SEPTEMBER 20, 1952.

[F. R. Doc. 52-10800; Filed, Oct. 6, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ASSOCIATION OF WEST INDIA TRANS-ATLANTIC STEAM SHIP LINES AND ASSOCIATED STEAM SHIP LINES

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 116-1 between the member lines of the Association of West India Trans-Atlantic Steam Ship Lines (Puerto Rico and St. Thomas Section) modifies the basic agreement of that Conference (No. 116) by revising the provision covering infringement or breach of the agreement. Agreement No. 116 covers the trade between Europe and Puerto Rico and St. Thomas, Virgin Islands.

2. Agreement No. 5600-19, between the member lines of the Associated Steam Ship Lines (Manila), modifies the basic agreement of that Conference (No. 5600) to provide that regular meetings will be held as agreed upon by the members and at such time and place designated by the chairman. The agreement presently provides that unless otherwise agreed upon all regular meetings shall be held in the Association's office at 2: 15 p. m., on the second Tuesday of each month. Agreement 5600 covers the trade from the Philippine Islands direct to, or with transhipment at or via ports in Ceylon, India, Pakistan, Malaya, East Indies, Indo-China, Burma, Siam, Hong Kong, China, Korea, Japan, Siberia, United States, Canada, Cuba, Mexico, Central America, Canal Zone, South America, Caribbean Sea ports, the West Indies, Australia and New Zealand.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 2, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-10854; Filed, Oct. 6, 1952; 8:52 a. m.]

National Production Authority

[Suspension Order 21, Docket No. 31]

DAY CO.

SUSPENSION ORDER

This matter came on to be heard upon the respondent's petition for modification of suspension order, dated August 29, 1952, and was argued by counsel. It appearing to the Chief Hearing Commissioner that there exists good grounds for the allowance of said petition and it further appearing that the Office of the General Counsel of National Production Authority had stated in writing that the General Counsel has no objection to the allowance thereof,

It is hereby ordered: That Suspension Order No. 21, heretofore issued in the above-entitled proceeding on August 8, 1952, be, and the same hereby is, modified in the following respects:

A. Paragraph 4 thereof is amended and supplemented by the addition of the following exception thereto: "Except, however, that the respondent may place orders for, and purchase under allotments of the National Production Authority, 1,400 pounds of stainless steel, which product, when obtained, shall be

used by the respondent in completing the construction required under its Order 12372 from the Catalytic Construction Company on Purchase Order AEC 300–4170, bearing priority DOE–1."

B. The respondent, upon the filing with the General Industrial Equipment Division of the National Production Authority of documents evidencing the transfer and delivery of galvanized sheet steel now in the inventory of the respondent to a buyer or buyers having authority to purchase same under allotments issued by the National Production Authority, shall be credited with the tonnage so sold and delivered against the reduction in future allocations provided for under paragraph 2 of the suspension order.

Dated: September 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
WALTER H. FOSTER,
Chief Hearing Commissioner.

[F. R. Doc. 52–10934; Filed, Oct. 6, 1952; 11:17 a. m.]

[Suspension Order 28, Docket No. 40]

TEXAS LAWN SPRINKLER CO. OF DALLAS ET AL.

SUSPENSION ORDER

In the matter of Texas Lawn Sprinkler Company of Dallas, Texas Lawn Sprinkler Company, Inc., M. E. Snoddy and G. W. Kehres.

A hearing having been held in the above-entitled matter on the 27th day of August 1952, before Robert J. Farley, a hearing commissioner of the National Production Authority, on a statement of charges made by the Assistant General Counsel in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to NPA General Administrative Order 16–06 (16 F. R. 8799); and

The respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., M. E. Snoddy, and G. W. Kehres, having been duly apprised of the specific violations charged and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; the respondents having filed an answer herein and having been represented by their attorney, Morris Jaffe, 423 Republic Bank Building, Dallas, Tex., and the hearing commissioner having heard all of the evidence,

It is hereby determined:

Findings of fact. 1. The respondent during the period April 5 through June 30, 1951, used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 (e) of NPA Order M–12 of April 1, 1951 (16 F. R. 2957), and as amended April 9, 1951 (16 F. R. 3175); and

2. During the period July 9, 1951, through July 31, 1951, the respondents used copper controlled materials, to wit: Copper tubing for the installation of lawn sprinkler systems in construction in violation of section 4 (c) of NPA Order M–4 as amended July 1, 1951 (16 F. R. 6513); and

3. Respondents, on or about August 9, 1951, used copper controlled materials, to wit: Copper tubing for the installation of a lawn sprinkler system in construction in violation of section 6 of NPA Order M–4A of August 3, 1951 (16 F. R. 7703); and

4. Respondents, during the period August 27, 1951, through December 18, 1951, used copper controlled materials, to wit: Copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 of NPA Order M–4A as amended August 20, 1951 (16 F. R. 8361); and

5. Respondents, during the period April 16, 1951, through August 31, 1951, obtained and used 10,000 feet of copper tubing for the installation of lawn sprinkler systems in violation of sections 7 (e), 11 (a), and 11 (b) of NPA Order M–12 as amended April 9, 1951; section 6 of NPA Order M–4 as amended July 1, 1951; section 6 of NPA Order M–4A of August 3, 1951; and section 7 of NPA Order M–4A as amended August 20, 1951; and

6. Respondents, during the period August 1, 1951, through October 31, 1951, used copper controlled materials, to wit: Copper tubing for the installation of lawn sprinkler systems in construction in violation of section 6 of NPA Order M–4A of August 3, 1951, and section 7 of NPA Order M–4A as amended August 20, 1951; and

7. Respondent, M. E. Snoddy, owning, dominating, and controlling Texas Lawn Sprinkler Company of Dallas, Inc., and Texas Lawn Sprinkler Company, Inc., during the period April 5, 1951, through December 18, 1951, directed and supervised the use of copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 (e) of NPA Order M–12 of April 1, 1951, and as amended April 9, 1951, section 4 (c) of NPA Order M–4 as amended July 1, 1951; section 6 of NPA Order M–4A of August 3, 1951; section 7 of NPA Order M–4A as amended August 20, 1951; sections 7 (e), 11 (a), and 11 (b) of NPA Order M–12 as amended April 9, 1951; and section 6 of NPA Order M–4 as amended July 1, 1951; and

8. Respondent, G. W. Kehres, purchasing agent for the corporate respondent, certified under section 11 of NPA Order M–12 as amended April 9, 1951, for the purchase of 10,000 feet of copper tubing to be used by the corporate respondents for the installation of lawn sprinkler systems, and the corporate respondents received and used 10,000 feet of copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 (e) of NPA Order M–12 of April 1, 1951; section 4 (c) of NPA Order M–4 as amended July 1, 1951; section 6 of NPA Order M–4A of August 3, 1951; sections 7, 11 (a), and 11 (b) of NPA Order M–12 as amended April 9, 1951, and section 6 of NPA Order M–4 as amended July 1, 1951.

Conclusion. During the period beginning April 5, 1951, and ending December 18, 1951, the respondents herein violated the provision of National Productive Authority orders, regulations, and directives as hereinbefore cited by the unlawful use of copper tubing for the purposes prohibited by the National Production Authority regulations. That during the period beginning April 16, 1951, and ending October 31, 1951, the respondents violated National Production Authority orders, regulations, and directives as hereinbefore cited by unlawfully obtaining copper tubing for the installation of lawn sprinkler systems. The corporate and individual respondents herein committed acts prohibited by the National Production Authority regulations and orders as hereinbefore cited.

In order to correct the unauthorized acquisition and improper use and disposition of material occasioned by the violations committed herein, and in order to prevent future violations of National Production Authority orders and regulations by this respondent,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Texas Lawn Sprinkler Company of Dallas, Inc., its successors and assigns, Texas Lawn Sprinkler Company, Inc., its successors and assigns, M. E. Snoddy, and G. W. Kehres, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Texas Lawn Sprinkler Company of Dallas, Inc., its successors and assigns, Texas Lawn Sprinkler Company, Inc., its successors and assigns, M. E. Snoddy, and G. W. Kehres, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification granted by the National Production Authority with respect to controlled materials, and materials under control of the National Production Authority, be withdrawn and withheld from Texas Lawn Sprinkler Company of Dallas, Inc., its successors and assigns, Texas Lawn Sprinkler Company, Inc., its successors and assigns, M. E. Snoddy, and G. W. Kehres, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That respondents, Texas Lawn Sprinkler Company of Dallas, Inc., its successors and assigns, Texas Lawn Sprinkler Company, Inc., its successors and assigns, M. E. Snoddy, and G. W. Kehres, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority, while the Defense Production Act of 1950, as amended or as hereafter amended or extended remains in effect.

Issued this 27th day of August 1952.

NATIONAL PRODUCTION AUTHORITY,
ROBERT J. FARLEY,
Hearing Commissioner.

[F. R. Doc. 52–10935; Filed, Oct. 6, 1952; 11:17 a. m.]

[Suspension Order 29, Docket No. 38]

DAYTON IRRIGATION SYSTEMS OF DALLAS

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 22d day of August 1952, before H. Bascom Thomas, a hearing commissioner of the National Production Authority, on a statement of charges made by the Assistant General Counsel in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to NPA General Administrative Order 16–06 (16 F. R. 8799); and

The respondent, Herbert S. Jack, Sr., d/b/a Dayton Irrigation Systems of Dallas, having been duly apprised of the specific violations charged and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; the respondent having filed an answer herein and having been represented by attorney, Charles Romick, 1420 Kirby Building, Dallas, Tex.; and the hearing commissioner having heard all of the evidence,

It is hereby determined:

Findings of fact. 1. The respondent, during the period August 7 through August 16, 1951, used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 6 of NPA Order M–4A of August 3, 1951 (16 F. R. 7703); and

During the period September 16, 1951, through February 1952, the respondent used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 of NPA Order M–4A as amended August 20, 1951 (16 F. R. 8361); thereby unlawfully using more than 16,000 feet of copper tubing.

2. Respondent, on or about April 23, 1952, was engaged in the installation of four (4) lawn sprinkler systems using copper controlled materials, to wit: copper pipe and copper tubing in excess of the poundage permissible under Schedule I of NPA Order M–100 of March 6, 1952 (17 F. R. 2012); said poundage being 932 pounds, 678 pounds, 241 pounds, and 678 pounds, respectively.

Conclusion. During the period beginning August 7, 1951, and ending May 1, 1952, the respondent herein violated the provision of National Production Authority orders, regulations, and directives as hereinbefore cited by the unlawful use of copper tubing for purposes prohibited by the National Production Authority regulations.

That during the period beginning April 23, 1952, and ending May 1, 1952, the respondent violated National Production Authority regulations, orders, and directives as hereinbefore cited by unlawfully using in each of four (4) additions to residential construction more copper tubing than was permitted by the said regulations, orders, and directives.

In order to correct the unauthorized and improper use and disposition of material occasioned by the violations committed herein, and in order to prevent future violations of the National Production Authority orders and regulations by this respondent,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Herbert S. Jack, Sr., d/b/a Dayton Irrigation Systems of Dallas, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Herbert S. Jack, Sr., d/b/a Dayton Irrigation Systems of Dallas, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Herbert S. Jack, Sr., d/b/a Dayton Irrigation Systems of Dallas, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That respondent, Herbert S. Jack, Sr., d/b/a Dayton Irrigation Systems of Dallas, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

Issued this 3d day of September 1952.

NATIONAL PRODUCTION AUTHORITY,
H. BASCOM THOMAS,
Hearing Commissioner.

[F. R. Doc. 52–10936; Filed, Oct. 6, 1952; 11:17 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 46–DPAV–44]

REQUEST TO EXECUTE AND PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF PHILADELPHIA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to execute and participate in the Defense Warehousemen's Association Agreement of Philadelphia was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

This voluntary agreement provides for the formation of a warehousemen's association in the Philadelphia area, to be known as the "Defense Warehousemen's Association of Philadelphia," the sole purpose of which is to furnish public warehousing services and public storage facilities to the Government pursuant to the terms of a contract to be negotiated with the Department of Defense and the Executive Committee of the Association. This voluntary agreement has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to execute and participate in the voluntary agreement, a copy of which is enclosed.

In my opinion, such participation will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Administrator of the Defense Production Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your participation therein is within the limits set forth in the voluntary agreement.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Atlantic Terminal & Warehouse Company, Inc., Pier 5, North Delaware Avenue, Philadelphia, Pa.

Camden Marine Terminals, Beckett Street Terminal, Spruce Street Pier, Camden 1, N. J.

Commercial Warehousing Co., Meadow and Wolf Streets, Philadelphia, Pa.

Gallagher's Warehouses, Inc., 708 South Delaware Avenue, Philadelphia, Pa.

Hugh F. Gannon Trucking Corp., 430–432 North Front Street, Philadelphia, Pa.

Girard Warehouse Corp., 600 South Delaware Avenue, Philadelphia, Pa.

Highway Storage & Warehouse Co., Inc., 220 North Twenty-third Street, Philadelphia, Pa.

Mack Warehouse Corp., 4300–32 Torresdale Avenue, Philadelphia, Pa.

Merchants' Warehouse Co., 10 Chestnut Street, Philadelphia, Pa.

Pennsylvania Warehousing & Safe Deposit Co., 303 Chestnut Street, Philadelphia, Pa.

Philadelphia Warehousing & Cold Storage Co., Delaware Avenue and Noble Street, Philadelphia, Pa.

Philadelphia Piers, Inc., Pier 98, South Wharves, Philadelphia, Pa.

Philadelphia Tidewater Terminal, Inc., 10 Chestnut Street, Philadelphia, Pa.

Rex & Company, Inc., 2411 North American Street, Philadelphia, Pa.

Shippers Warehouse Co., 1020 West Allegheny Avenue, Philadelphia, Pa.

Terminal Warehouse Co., 81 Fairmount Avenue, Philadelphia, Pa.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: October 3, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52–10937; Filed, Oct. 6, 1952; 11:17 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2025]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 30, 1952.

On August 6, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction, and operation of a sales meter station on its main transmission pipe line near Ashland, Mississippi, for the sale and delivery of natural gas to the City of Ashland for resale in Ashland and environs.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 5, 1952 (17 F. R. 8057).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 30, 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10828; Filed, Oct. 6, 1952; 8:48 a. m.]

[Docket No. G–2069]

PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

SEPTEMBER 30, 1952.

Take notice that Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business at 1000 Chestnut Street, Philadelphia, Pennsylvania, filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8,895 feet of 4½-inch pipeline together with appurtenant facilities for the transportation and sale of natural gas, all as hereinafter described.

Applicant proposes to construct and operate a 4½-inch pipeline, approximately 8,860 feet in length, extending from a point of connection with Texas Eastern Transmission Corporation's existing lateral pipeline to a point near the plant of G. and W. H. Corson, Inc. (Corson), together with approximately 35 feet of 4½-inch service-supply pipeline and appurtenant facilities, all in Whitemarsh Township, Montgomery County, Pennsylvania. The transportation and sale of gas proposed to Corson is on an interruptible basis for use in the manufacture of fluxing stone used in manufacturing steel. Annual sales are estimated at 291,000 Mcf.

Applicant estimates the cost of the facilities at $58,243. Financing initially will be by Applicant out of its general funds, with Corson partially reimbursing Applicant for the cost of the facilities by payment of a sum estimated at $24,048.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10829; Filed, Oct. 6, 1952; 8:49 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF AMENDMENT TO APPLICATION

OCTOBER 1, 1952.

Public notice is hereby given that the Power Authority of the State of New York on September 22, 1952, filed an amendment to its previously filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a license to construct a hydroelectric project in the International Rapids Section of the St. Lawrence River, Project No. 2000. The amendment modifies its application for license so as to describe the proposed project in conformity with section 8 of the applications dated June 30, 1952, of the Governments of the United States and Canada to the International Joint Commission for an order of approval for certain works in connection with the St. Lawrence Seaway and Power Project, of which the navigation features would be constructed by Canada, and bringing up-to-date certain legal and engineering information contained in the application for license.

The modified project would include the Long Sault Dam, the portion of the Barnhart Island powerhouse to be located within the United States and to have an installation of about 1,100,000 horsepower; the portion of the Iroquois control dam to be located within the United States, and appurtenant works and facilities. The maximum normal pool level would be at elevation 238 feet for initial operation and at elevation 242 feet after a test period of 10 years or less.

Any protest against approval of the application as amended or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 31, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10847; Filed, Oct. 6, 1952 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 7, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 30, 1952.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Order No. 427, § 2.22 (a) (4), of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA–677, DA–703, DA–731, DA–734 and DA–744 subject to the stipulation that, if and when the lands are needed for development, any structures or improvements located thereon that may be found to interfere with such development will be removed or located without expense to the United States, its licensees or permittees; as to DA–675 subject to the stipulation that such land shall not be used so as to increase silt in the Exchequer Reservoir Project No. 88; as to DA–734 subject to the stipulation that the locator and his successors and assignees shall by means of substantial dikes or other adequate structures confine all their mine tailings and other debris in such a manner that it shall not be carried by storm water or otherwise into the water resource of the region; and as to DA–755 subject to the stipulations that:

(a) In the conduct of mining operations upon the subject lands, the locator or locators, their heirs, executors, grantees, assignees, independent contractors or successors shall maintain by means of adequate structures, and confine all tailings and debris from such operations within the bounds of said lands; and

(b) The locators further promise and agree to forego any claim for damages from the United States, its licensees, or permittees arising from any and all power developments at any time.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA–154–California..	Power-site reserve No. 28 of Apr. 22, 1922.	Under applicable public land laws.	California: T. 23 N., R. 3 E., M. D. M., sec. 14, SE¼SW¼NW¼, containing 10 acres.
DA–640–California..	Power-site reserve No. 655 of Sept. 7, 1917; project No. 382 of Jan. 31, 1923; project No. 564 of Sept. 25, 1925.	....do....	California: T. 27 S., R. 32 E., M. D. M., sec. 12, SW¼SW¼SE¼NE¼ and N½NW¼NW¼SE¼NE¼, containing 3.75 acres.
DA–653–California..	Project No. 210 of Nov. 9, 1922..	....do....	California: T. 1 S., R. 10 E., M. D. M., sec. 31, NW¼NE¼ and NE¼NW¼, containing 80 acres in the Stanislaus National Forest.
DA–675–California..	Power-site reserve No. 472 of Jan. 14, 1915, and project No. 802 of Feb. 13, 1928.	....do....	California: T. 4 S., R. 18 E., M. D. M., sec. 5, SW¼SE¼SW¼SE¼ and SE¼SW¼SW¼SE¼, containing 5 acres.
DA–677–California..	Power-site reserve No. 322 of Dec. 11, 1912, amended Jan. 4, 1930.	....do....	California: T. 13 S., R. 24 E., M. D. M., sec. 8, Lots 10 and 11, containing 28.18 acres.
DA–684–California..	Power-site reserve No. 471 of Jan. 14, 1915, described by Interpretation No. 230 of Oct. 31, 1934.	....do....	California: T. 15 S., R. 28 E., M. D. M., sec. 23, Lots 2, 3, 5, 7, 8, and 10, containing 102.84 acres.
DA–703–California..	Proposed project No. 687 of Jan. 18, 1926.	....do....	California: T. 19 N., R. 6 E., M. D. M., sec. 26, Lots 1 and 2, containing 24 acres.
DA–731–California..	Power-site reserve No. 87 of July 2, 1910.	For mining purposes only.	California: T. 7 N., R. 13 E., M. D. M., sec. 33, SE¼SW¼NE¼ and SW¼SE¼NE¼, containing 20 acres.
DA–734–California..	Power-site reserve No. 87 of July 2, 1910; project No. 707 of Mar. 26, 1927, amended July 31, 1940; project No. 525 of Aug. 6, 1924; project No. 137 of June 26, 1925, as amended.	Under applicable public land laws.	California: T. 7 N., R. 13 E., M. D. M., sec. 27, S½SW¼; sec. 34, N½NW¼, containing 160 acres.
DA–736–California..	Power-site classification No. 28 of Apr. 22, 1922; project No. 525 of Aug. 6, 1924; project No. 707 of Mar. 26, 1927; project No. 137 of June 26, 1925, as amended.	....do....	California: T. 6 N., R. 12 E., M. D. M., sec. 11, SW¼NW¼, containing 40 acres.
DA–738–California..	Power-site classification No. 28 of Apr. 22, 1922.	....do....	California: T. 16 N., R. 8 E., M. D. M., sec. 10, SE¼NE¼, containing 40 acres.
DA–744–California..	Reservoir site reserve No. 17 of June 8, 1926; power-site classification No. 256 of Mar. 8, 1932.	....do....	California: T. 2 S., R. 15 E., M. D. M., sec. 31, Lots 5 and 6, containing 27.72 acre.
DA–755–California..	Power-site reserve No. 204 of Sept. 4, 1911; power-site reserve No. 472 of Jan. 14, 1915; projects Nos. 802, 869, and 1153.	....do....	California: T. 4 S., R. 18 E., M. D. M., sec. 3, SE¼SE¼SE¼; sec. 10, W½NE¼NE¼ and NE¼NE¼NE¼; and Lot 2, containing less than 80 acres.
DA–759–California..	Project No. 105 of Nov. 22, 1920..	....do....	California: T. 6 S., R. 24 E., M. D. M., sec. 21, SW¼NE¼, SE¼NW¼, NE¼SW¼, containing 120 acres within the Sierra National Forest.

The character of the above-described lands outside the national forests and the relatively level tracts included in DA–154 and DA–667 is rough, mountainous, non-agricultural land, of which small, scattered portions may possibly be considered suitable for cabin-site purposes except as to DA–675, DA–731, DA–734, DA–736 and DA–755, which contain some evidence of being mineral in character, and DA–677, which is primarily valuable as a public camp ground. It is unlikely that any of the above-described lands will be classified for homestead or desert land entry.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m., P. s. t., on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office at Sacramento, California.

[SEAL] L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52–10803; Filed, Oct. 6, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 81]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 6, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Hutchinson, Kansas, area. (The area consists of all of Reno County, Kansas.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52–10944; Filed, Oct. 6, 1952; 12:12 p. m.]

[CDHA 82]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 6, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Sterling-Rock Falls, Illinois, area. (The area consists of Sterling and Coloma Townships, including the cities of Sterling and Rock Falls in Whiteside County, Illinois.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52–10945; Filed, Oct. 6, 1952; 12:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–188]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER AUTHORIZING RENEWAL OF OUTSTANDING PROMISSORY NOTES

October 1, 1952.

In the matter of Eastern Utilities Associates, and its subsidiary companies; File No. 54–188.

Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application in connection with the Amended Reorganization Plan No. 4 filed by it and its subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"). Said application seeks the

approval of this Commission of the issuance by EUA to The First National Bank of Boston of $9,094,000 principal amount of 2¼ percent promissory notes to mature one year from October 19, 1952, or such other date, not later than October 19, 1953, as the Commission may deem proper under the circumstances. Such notes will be issued under a loan agreement with said bank which permits presently outstanding notes in the amount of $9,094,000 to be renewed from year to year for a period of two years from October 19, 1951. The original notes evidencing the loan were approved by this Commission in this proceeding by order, dated August 17, 1950, and the proceeds therefrom were used by EUA primarily to purchase certain shares of capital stock of its subsidiary, Fall River Electric Light Company, then held by others. By order, dated September 21, 1951, the Commission authorized the renewal of such notes for a period of one year, from October 19, 1951. It is contemplated by EUA that the notes presently outstanding under said loan agreement will be retired by the financing proposed in said Amended Reorganization Plan No. 4.

Appropriate notice of said filing and order giving all interested persons an opportunity for a hearing having been given pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not have ordered a hearing thereon; and

The Commission finding that the proposal to renew said notes for a period of one year from October 19, 1952, satisfies the applicable provisions of the act and the rules promulgated thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the application insofar as it proposes the issuance of notes maturing not later than one year from October 19, 1952, be granted and that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, that the application insofar as it proposes the issuance of notes maturing not later than one year from October 19, 1952, be, and the same hereby is, granted and that this order become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10830; Filed, Oct. 6, 1952; 8:49 a. m.]

[File Nos. 54-168; 59-12]

AMERICAN POWER & LIGHT CO. AND ELECTRIC BOND AND SHARE CO.

ORDER DIRECTING PAYMENT OF FINAL ALLOWANCES OF FEES AND EXPENSES

OCTOBER 1, 1952.

American Power & Light Company ("American"), a registered holding company and a former subsidiary of Electric Bond and Share Company "Bond and Share"), also a registered holding company, having heretofore filed jointly with Bond and Share a plan and amendments thereto for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935, pursuant to section 11 (e) of the act, and the Commission having entered its findings and opinion and order approving said plan, as amended (Holding Company Act Release Nos. 9359-A and 9389, dated September 22, 1949, and October 4, 1949, respectively), and said plan, as amended, having provided that American would pay such fees and expenses incurred in connection with said plan or proceedings with respect to said plan as the Commission should approve, subject to the right of American to seek judicial review of any such order, and said plan having since been consummated and carried out in accordance with its terms; and

The Commission having, by said order of October 4, 1949, reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees, expenses and other remuneration incurred in connection with said plan, as amended; and

Applications for allowances of fees and reimbursements of expenses having been filed, a public hearing having been held, the Commission having on December 26, 1951, issued an interim order (Holding Company Act Release No. 10971) permitting American to make certain payments with respect to fees and reimbursement of expenses; and

The Commission having considered the record and having this day filed its findings and opinion herein; on the basis of said findings and opinion:

It is ordered, That the payment by American of the following fees and disbursements, including fees and disbursements relating to the plan filed on September 6, 1946, less such amounts as have heretofore been paid, be, and hereby is, approved, and American be, and hereby is, directed to make payment of such amounts herein authorized as have not already been paid. The fees of certain of the claimants have been reduced to the extent of payments made to them by counsel and included in the expenses allowed to such counsel.

	Fees	Expenses
Root, Ballantine, Harlan, Bushby & Palmer	$17,050.00	$12,428.22
W. Howard Miller	21,150.00	1,324.77
Gilbert Associates, Inc	23,523.68	1,738.07
Ebasco Services, Inc	22,175.82	427.81
City Bank Farmers Trust Co	57,500.00	
McLean, Southard & Hunt	820.00	86.53
Leo B. Mittelman, Estate of Joseph Nemerov, and H. Paul Shimik	10,000.00	11,417.09
Theodore R. Mackoul	43,900.00	
Alfred J. Kirsh	4,000.00	
Norman S. Nemser	3,500.00	
Robert M. Zeinick	2,000.00	
Harold Barnett	2,500.00	
Shearman & Sterling & Wright	70,000.00	13,092.66
E. Ralph Sterling	5,500.00	230.38
Debevoise, Plimpton & McLean	65,000.00	7,686.74
Reis & Chandler, Inc	28,549.83	1,653.28

It is further ordered, That the applications of George B. Martin and Newman & Bisco and of Hoffman, Bondi, Buchwald & Hoffman and Howard Hilton Spellman be, and the same hereby are, denied.

It is further ordered, That the application of Bond and Share for reimbursement from American for expenses incurred by Bond and Share in the reorganization proceedings of American be, and the same hereby is, denied, and that in so far as any claimants for services rendered to Bond and Share make claim against American for such services such applications be, and the same hereby are, denied.

It is further ordered, That payment by Bond and Share of the following fees and disbursements be, and the same hereby is, approved and Bond and Share be, and hereby is, directed to make payment of such amounts herein authorized as have not already been paid.

	Fees	Expenses
Reid & Priest	$45,000.00	$3,893.77
Simpson Thacher & Bartlett	55,000.00	2,085.64
Drexel & Company (Edward Hopkinson, Jr.)	15,000.00	
Ebasco Services, Inc	141,136.05	

It is further ordered, That to the extent the applications herein exceed the amounts approved as payment of fees and reimbursement of expenses, such applications, and the same hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10833; Filed, Oct. 6, 1952; 8:50 a. m.]

[File No. 70-2928]

GRANITE STATE ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUANCE TO BANKS OF PROMISSORY NOTES

OCTOBER 1, 1952.

In the matter of Granite State Electric Company, Haverhill Electric Company, Malden Electric Company, Salem Electric Lighting Company, Suburban Gas and Electric Company, Worcester County Electric Company; File No. 70-2928.

The above named public-utility subsidiary companies of New England Electric System ("NEES"), a registered holding company, hereinafter individually referred to as "Granite," "Haverhill," "Malden," "Salem," "Suburban," and "Worcester" and collectively referred to as the "borrowing companies", having filed with this Commission declarations, pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder, with respect to the following proposed transactions:

The borrowing companies propose to issue to banks, from time to time, but not later than December 31, 1952, unsecured promissory notes in the maximum principal amount of $7,025,000. The borrowing companies further propose that the principal amount of all of their unsecured promissory notes outstanding at any one time during the period from October 1, 1952, to December 31, 1952, will not exceed $7,275,000.

Each of the notes proposed to be issued will be due six months after its issue date and will bear interest at the prime rate of interest at the time of its issuance. It is stated that said prime rate of interest for such notes at the present time is 3 percent. In the event that such interest rate is in excess of 3¼ percent at the time any of the proposed notes are to be issued, the borrowing company will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. The borrowing companies request that such amendment become effective at the end of such period unless the borrowing company or companies concerned are notified by the Commission to the contrary within such period.

Each of the borrowing companies, except Salem, presently has outstanding notes payable to banks or to NEES and each will use the proceeds derived from the notes proposed to be issued to pay off presently outstanding notes maturing during the period from October 1, 1952, to December 31, 1952, or to pay for construction costs during this period or to reimburse its treasury for prior construction expenditures. The following table shows the amount of notes proposed to be issued and the maximum amount to be outstanding at any one time during the above mentioned period by each of the borrowing companies and the use of the proceeds derived therefrom:

Company	Amount of notes—		Use of proceeds to pay—		
	To be issued	To be outstanding	Notes to banks	Notes to NEES	For construction
Granite	$450,000	$550,000	$350,000		$100,000
Haverhill	700,000	700,000		$500,000	200,000
Malden	1,550,000	1,550,000	1,100,000		450,000
Salem	200,000	200,000			200,000
Suburban	1,125,000	1,275,000	1,075,000		150,000
Worcester	3,000,000	3,000,000		900,000	2,100,000
Total	7,025,000	7,275,000	2,525,000	1,400,000	3,100,000

Granite, Haverhill, Salem and Suburban propose to issue all of their notes to The First National Bank of Boston. Malden proposes to issue its notes to The First National Bank of Boston ($1,030,000), First National Bank of Malden ($120,000), Malden Trust Company ($100,000), and Middlesex County National Bank ($300,000). Worcester proposes to issue its notes in the aggregate amount of $3,000,000 to Worcester County Trust Company, The Mechanics National Bank and Guaranty Bank and Trust Company, all of Worcester, Massachusetts, and The First National Bank of Boston.

The declarations further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300 for each of the borrowing companies, or an aggregate of $1,800. The declarations further state that, except for an exemption granted to Granite by the Public Utilities Commission of New Hampshire with respect to the issuance of promissory notes payable in less than twelve months and in an amount not exceeding $600,000, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declarations having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declarations be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declarations be, and hereby are, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10831; Filed, Oct. 6, 1952; 8:50 a. m.]

[File No. 70-2931]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE BY SUBSIDIARIES OF PROMISSORY NOTES AND ACQUISITION OF SUCH NOTES BY PARENT COMPANY

OCTOBER 1, 1952.

In the matter of Amesbury Electric Light Company, Athol Gas Company, Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Connecticut River Power Company, Gloucester Electric Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Norwood Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Weymouth Light and Power Company, New England Electric System; File No. 70-2931.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and certain of its public-utility subsidiary companies, namely, Amesbury Electric Light Company ("Amesbury"), Athol Gas Company ("Athol"), Attleboro Steam and Electric Company ("Attleboro"), Beverly Gas and Electric Company ("Beverly"), Connecticut River Power Company ("Connecticut"), Gloucester Electric Company ("Gloucester"), Northampton Electric Lighting Company ("Northampton"), Northern Berkshire Gas Company ("Northern Berkshire"), Norwood Gas Company ("Norwood"), Quincy Electric Light and Power Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern Berkshire") and Weymouth Light and Power Company ("Weymouth"), hereinafter collectively referred to as "the borrowing companies", have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), and have designated sections 6, 7, 9, 10, and 12 of the act and Rules U-23, U-43, U-45, and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time during the period from October 1, 1952, to December 31, 1952, unsecured promissory notes in an aggregate amount of $9,380,000. Each of the proposed notes will mature July 1, 1953, and will bear interest at the prime rate of interest charged by banks for such notes at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said promissory notes are to be issued, the borrowing company or companies and NEES will file an amendment to this application-declaration setting forth therein the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. The borrowing companies and NEES request that such amendment become effective at the end of such period unless the Commission notifies them to the contrary within said period. The proposed notes may be prepaid, in whole or in part, without premium.

The application-declaration states that the proceeds derived from the notes proposed to be issued by the borrowing companies will be used to pay notes payable to NEES, due December 1, 1952, for construction costs, to reimburse the companies' treasuries for prior construction expenditures and for other corporate purposes. The following table sets forth the aggregate amount of notes each borrowing company proposes to issue and the use of the proceeds therefrom:

Company	Amount of notes proposed to be issued	Use of proceeds	
		Notes and advances to NEES	Construction
Amesbury	$515,000	$455,000	$60,000
Athol	60,000	45,000	15,000
Attleboro	495,000	405,000	90,000
Beverly	2,290,000	1,990,000	300,000
Connecticut	750,000		750,000
Gloucester Electric	730,000	655,000	75,000
Northampton	175,000	175,000	
Northern Berkshire	1,280,000	1,080,000	200,000
Norwood	400,000	275,000	125,000
Quincy	930,000	730,000	200,000
Southern Berkshire	905,000	855,000	50,000
Weymouth	850,000	750,000	100,000
Total	9,380,000	7,415,000	1,965,000

The application-declaration further states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for each of the borrowing companies and for NEES, or an aggregate of $2,600. The application-declaration further states that, with the exception of the Public Utilities Commission of New Hamsphire which has jurisdiction over the notes proposed to be issued by Connecticut, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 20, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10832; Filed, Oct. 6, 1952; 8:50 a. m.]

[File No. 812-800]

OGDEN CORP. AND ALLEN & CO.

NOTICE OF APPLICATION FOR AN ORDER EXEMPTING A TRANSACTION INVOLVING AFFILIATED PERSONS

OCTOBER 2, 1952.

Notice is hereby given that Ogden Corporation (hereinafter referred to as "Ogden"), a registered investment company, and Allen & Company (hereinafter referred to as "Allen" have filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order of the Commission (1) exempting from the provisions of sections 10 (f) of the act the proposed purchase by Ogden of subscription warrants to purchase 18,711 shares of common stock of Pubco Development, Inc. and (2) exempting from the provisions of section 17 (a) of the act the purchase of such subscription warrants from Allen at $3.08 per warrant.

Allen, which conducts an investment banking business with a principal office at 30 Broad Street, New York, New York, is the owner of 2,723,009 shares of Ogden constituting approximately 80 percent of the 3,399,261 shares of common stock of Ogden which are outstanding. The common stock is the only class of outstanding stock. Ogden, which has a principal office at 33 Pine Street, New York, New York, is a Delaware corporation registered under the Investment Company Act as a closed-end, non-diversified investment Company. Pubco, a New Mexico corporation with its principal office at 424 West Central Avenue, Alberquerque, New Mexico, is primarily engaged in the business of purchasing leasing or otherwise acquiring lands in New Mexico or any other state for the purpose of obtaining and prospecting for gas or oil or other materials. Pubco is not affiliated with Allen. Recently Pubco made an offering of subscription warrants to purchase 605,978 shares of its common stock and filed a registration statement under the Securities Act of 1933 covering the offering. In addition Pubco entered into an underwriting agreement dated July 14, 1952, with Allen pursuant to which Allen agreed to underwrite the offering. The subscription warrant was offered at $3.00 per warrant and entitled the holder to purchase one share of common stock of Pubco at $1 per share between January 1, 1955, and March 31, 1955. Allen agreed to pay $3 per warrant not purchased by the shareholders of Pubco.

On July 21, 1952, Allen entered into an agreement with Ogden pursuant to which Allen agreed to sell and Ogden agreed to purchase at a price of $3.08 for each warrant entitling the holder to purchase one share of common stock, up to 50,000 subscription warrants of Pubco, over and above the first 45,000 subscription warrants which Allen received pursuant to the underwriting agreement.

Allen pursuant to its commitment acquired subscription warrants to purchase 63,711 shares of common stock. Accordingly, Allen proposes to sell to Ogden subscription warrants for 18,711 shares of common stock representing the excess over and above warrants for 45,000 shares to be retained by Allen. The price to Ogden constitutes the same price at which Allen purchased the warrants plus the amount equal to a stock exchange commission in order to cover transfer taxes and other expenses.

Since Allen owns more than 5 percent of the voting securities of Ogden, Allen is an affiliated person of Ogden by reason of 2 (a) (3) (A) of the act and Ogden is an affiliated person of Allen by reason of section 2 (a) (3) (B) of the act. Therefore the proposed transaction is prohibited by sections 10 (f) and 17 (a) of the act unless the Commission by order issued pursuant to sections 10 (f) and 17 (b) of the act exempts the purchase from the prohibition of the act.

The application states that subscription warrants with identical rights but covering shares of common stock already issued by Pubco and now owned by its parent, Public Service Company of New Mexico, were quoted at approximately 3⅜ bid and 3⅞ offered on July 1, 1952. There appears to be an active market for the warrants and since September 8, 1952, warrants have been selling at approximately 6⅞.

All interested persons are referred to said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that in order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after October 15, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 14, 1952 at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional facts bearing upon the application for the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25 D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10872; Filed, Oct. 6, 1952; 8:52 a. m.]

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

THE TAX COURT OF THE UNITED STATES; STATISTICIAN (AGRICULTURAL)

1. Section 6.120 (b) which expired of its own limitations on December 31, 1951, is hereby revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. Section 24.93 *Statistician (Agricultural) GS-1530-5* is hereby revoked.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-10857; Filed, Oct. 7, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice of proposed rule making with respect to the fixing of salable, surplus, and withholding percentages of walnuts for the 1952–53 marketing year was published in the FEDERAL REGISTER of September 24, 1952 (17 F. R. 8518), pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 U. S. C. 601 et seq.). In said notice, in which it was proposed to fix the salable percentage of merchantable walnuts for the 1952–53 marketing year at 80 percent, the surplus percentage at 20 percent, and the withholding percentage at 25 percent, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to the issuance of the final rule. The Walnut Control Board at its meeting in Los Angeles on September 26, 1952, reviewed and confirmed its recommendation of the aforesaid percentages which were adopted at its meeting in San Francisco on August 26, 1952, and which are set forth in the accompanying rule. No other data, views, or arguments were received within the specified period.

After consideration of all relevant matters, such percentages are hereby fixed as follows:

§ 984.204 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1952–53 marketing year.* For merchantable walnuts, during the 1952–53 marketing year, the salable percentage shall be 80 percent, the surplus percentage shall be 20 percent, and the withholding percentage shall be 25 percent.

(Sec. 5, 49 Stat. 753, as amended: 7 U. S. C. and Sup. 608c)

It is hereby found and determined that good cause exists for making this rule effective upon publication in the FEDERAL REGISTER, instead of waiting thirty days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to any handling of the 1952 crop of walnuts; (2) the handling of 1952 crop walnuts is imminent; and (3) operations of handlers under the marketing agreement and order program will not require prior preparation with respect to the application of the percentages fixed herein.

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Issued at Washington, D. C., this 3d day of October 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-10915; Filed, Oct 7, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 146, Interpretation 1]

CPR 146—CEILING PRICES FOR SALES OF WOOL GREASE AND LANOLIN BY MANUFACTURERS AND PROCESSORS

INT. 1—CHANGE IN CONTAINER BASIS OF SALES BY MANUFACTURERS AND PROCESSORS OF WOOL GREASE AND LANOLIN (SECTION 3 (C))

Section 3 (c) of Ceiling Price Regulation 146 states "After the effective date of this regulation, a seller may not convert from a returnable container basis of sales to a non-returnable container basis with respect to a particular purchaser without permission in writing by the Director of Price Stabilization". The application for permission to convert must include a "statement that the change will not result, directly or otherwise, in a net price increase to the purchaser".

Ceiling Price Regulation 36 establishes dollars-and-cents ceiling prices for raw steel drums including the kind generally used to ship wool grease and lanolin. Section 6 (g) defines "raw steel drum" as a used steel drum which has been emptied, but has not been reconditioned for reuse after the last emptying • • •." Under CPR 36, the price at which a purchaser of wool grease and lanolin may sell his used empty drum is considerably less than either the reasonable market value of the drum when it was new or its net invoice cost to the seller of wool grease or lanolin. If a purchaser of wool grease or lanolin pays more for a drum container than he can receive on resale, the monetary difference would constitute, in effect, an indirect increase over the invoice price of the wool grease. Under section 3 (c) of CPR 146, therefore, before a seller can state that a proposed change to a non-returnable container basis will not result, directly or otherwise in a net price increase to the purchaser, he may not charge, or propose to charge, more for a drum than the ceiling price established by section 3 (a) of CPR 36 for the sale of "raw steel drums" by persons other than persons who purchase for resale.

Prior to the effective date of CPR 146, June 9, 1952, sellers of wool grease and lanolin were under the General Ceiling Price Regulation and could not change their container basis of sales. A change by a seller from a returnable to a non-returnable container basis of sales would have involved making the purchaser buy something in addition to the wool grease and lanolin and this would not only have varied the terms or conditions of sale or delivery in effect during the base period but also would have constituted a tie-in agreement in violation of section 18 of the GCPR. Any seller of wool grease and lanolin, desiring to change his returnable base period practice to a nonreturnable container basis of sales with respect to a particular purchaser, may now apply for permission to do so under section 3 (c) of CPR 146.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

OCTOBER 7, 1952.

[F. R. Doc. 52-10969; Filed, Oct. 7, 1952; 10:56 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 35]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 35—WILMINGTON, DELAWARE MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679), and Redelegation of Authority 21 (17 F. R. 171), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing area within their districts. Such orders may be issued in response to petitions, as has been the case in this instance, or upon a district director's own initiative whenever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices, for sales by processors and distributors of milk products for fluid consumption affecting the area designated as the Wilmington, Delaware, Milk Marketing Area. In general, sales are covered by this regulation if the purchaser is located in this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area, unless the delivery is for resale within the area. Products covered by this regulation are milk products for fluid consumption processed from Class I raw milk. Ceiling prices for milk products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

The milk marketing area created by this regulation and described as the Wilmington, Delaware, Milk Marketing Area comprises all that portion of New Castle County which lies north of a line formed by Route 4 joined to and supplemented by the northerly bounds of the towns of Middletown and Odessa and finally by the course of Appoquinimink Creek.

Calculations were based on data submitted by a representative number of distributors. The regulation is a result of petitions received from 5 of the 13 distributors in the area, representing the greater part of the volume of milk sold in the area. Among those petitioning were large, medium and small dealers. Spot checks were made to determine the accuracy of cost, sales, and volume figures contained in the petitions.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

This regulation indicates the producer prices for raw milk which are to be the basis for computing future parity adjustments. In the absence of an area milk price regulation, processors and distributors are not required to make a downward adjustment in their own selling prices to pass on to the consumer the

benefit of any reduction, in the price paid to the producer of milk. In this area milk price regulation such downward adjustments are required to be made.

The regulation will thus provide an effective means of maintaining an equitable relationship between the prices paid by processors and distributors and the ceiling prices for their own sales. It is intended that the regulation remain flexible and it is probable that it will be subject to amendment and modification from time to time to adjust for changing conditions within the dairy industry in this area. Such modifications may result from petitions filed by persons described in Supplementary Regulation 63 and in accordance with procedures prescribed therein or by the Office of Price Stabilization upon its own initiative.

In the judgment of the District Director of the Wilmington District Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952. The District Director gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

With respect to the simultaneous promulgation of two area milk price regulations for the State of Delaware, it is to be observed that the petitioners have sought the establishment of the particular marketing area which is defined in each of these regulations. Moreover, the information supplied by the petitioners in the Wilmington, Delaware Area and in the lower Delaware Area, makes it manifest in the judgment of the District Director, that separate marketing areas are called for by the circumstances of the milk industry in the lower Counties as contrasted with those in the upper part of the State of Delaware.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items for processors and distributors.
5. Use of competitor's ceiling prices to establish your ceiling prices.
6. Sellers who cannot price under other sections of this regulation.
7. Producer prices.
8. Rounding of fractions.
9. Transfer of business or stock in trade.
10. Prohibitions.
11. Violation.

AUTHORITY: Sections 1 to 11 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products in the Wilmington, Delaware, Milk Marketing Area for sales by processors and distributors. It provides further that ceiling prices so determined may be adjusted upward, and must be adjusted downward in accordance with future variations in the price paid to producers of milk.

SEC. 2. *Where this area milk price regulation applies.* The area covered by this regulation comprises all of the territory in northern Delaware north of a line which commences at the conjunction of the westerly boundary of Delaware with Route 4 and passes in an easterly direction along Route 4 to the town line of Middletown; thence easterly around the northerly boundary of Middletown to the point where the town line again crosses Route 4; thence still proceeding easterly along Route 4 to the town line of Odessa; thence easterly around the northerly boundary of Odessa to the point where that town line crosses Appoquinimink Creek; and thence along Appoquinimink Creek by its several courses to the Delaware River. This area comprises the greater part of New Castle County which lies north of the above described line, all within the State of Delaware.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption processed from Class I raw milk by processors and distributors. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to GCPR. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area unless the products are resold inside the area.

SEC. 4. *Ceiling prices of listed items for processors and distributors.* (a) Your ceiling prices as of September 30, 1952, for Class I, Grade A pasteurized milk of 3.5 percent butterfat content on a home delivered basis, shall be as follows:

Glass quart container	$0.23½
Glass pint container	.14¼
Glass ½ pint container	.08¼

(b) In order to establish a ceiling price for any unlisted milk item sold by you in quart, pint or half pint containers, you first ascertain the difference which existed between the highest price for the quart, pint, or half pint of milk defined in subsection (a), as established under the GCPR during the period from December 19, 1950, to January 25, 1951, and the highest price similarly established from the quart, pint or half pint milk item for which you seek to establish a ceiling price under this regulation. You then apply this difference to the price of the corresponding quart, pint or half pint of milk listed in subsection (a). The result is your ceiling price under this regulation for the unlisted milk item as of September 30, 1952.

(c) The definition of a milk item is contained in section 11 of SR 63 to GCPR.

SEC. 5. *Use of competitor's ceiling prices to establish your ceiling prices—*(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under section 4, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the District Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the District Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a processor.* A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) *If you are a distributor.* A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.) and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122, which may be obtained from the District Director of the Office of Price Stabilization who issued this regulation.

SEC. 6. *Sellers who cannot price under other sections of this regulation—*(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under section 4 or 5, you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 5 (c) (1) or (2) of this regulation; a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 7. *Producer prices.* (a) The producer price for Class I, Grade A Pasteurized Milk of 3.5 percent butterfat content, upon which the ceiling prices established under this regulation are based, is $6.12 per hundredweight.

(b) The producer price specified in section 7 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the GCPR.

(c) After the determination of your ceiling prices under this regulation you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 5 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under Section 6 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

(d) Before putting into effect any increase and upon putting into effect any decrease in any price resulting from your computation of a parity adjustment under this regulation and section 8 of Supplementary Regulation 63 to GCPR you shall report the amount of your parity increase or decrease to the District Director of Delaware, Office of Price Stabilization, 9 East Third Street, Wilmington, Delaware, in conformity with section 8 (b) (4) of SR 63 to GCPR.

SEC. 8. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 10. After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 11. *Violation—*(a) *Civil and criminal action.* Persons violating any provision of this regulaton are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective October 7, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

WILLARD D. BOYCE,
District Director, District of Delaware, Office of Price Stabilization.

OCTOBER 7, 1952.

[F. R. Doc. 52-10971; Filed, Oct. 7, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 36]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 36—LOWER DELAWARE MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679), and Redelegation of Authority 21 (17 F. R. 171), this area milk price regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing area within their districts. Such orders may be issued in response to petitions, as has been the case in this instance, or upon a district director's own initiative whenever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and dis-

tributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices, for sales by processors and distributors of milk products for fluid consumption affecting the area designated as the Lower Delaware Milk Marketing Area. In general, sales are covered by this regulation if the purchaser is located in this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area, unless the delivery is for resale within the area. Products covered by this regulation are "milk products for fluid consumption" as this term is defined in SR 63 to the General Ceiling Price Regulation. Ceiling prices for milk products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

The milk marketing area created by this regulation and described as the Lower Delaware Milk Marketing Area comprises the entire counties of Kent and Sussex as well as that portion of New Castle County which lies south of a line formed by Route 4 joined to and supplemented by the northerly bounds of the towns of Middletown and Odessa and finally by the course of Appoquinimink Creek.

Calculations were based on data submitted by a representative number of distributors. The regulation is a result of petitions received from 7 of the 11 distributors in the area, representing by far the greater part of the volume of milk sold in the area. Among those petitioning were large, medium, and small dealers. Spot checks were made to determine the accuracy of cost, sales, and volume figures contained in the petitions.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

This regulation indicates the producer prices for raw milk which are to be the basis for computing future parity adjustments. In the absence of an area milk price regulation, processors and distributors are not required to make a downward adjustment in their own selling prices to pass on to the consumer the benefit of any reduction, in the price paid to the producer of milk. In this area milk price regulation such downward adjustments are required to be made.

The regulation will thus provide an effective means of maintaining an equitable relationship between the prices paid by processors and distributors and the ceiling prices for their own sales. It is intended that the regulation remain flexible and it is probable that it will be subject to amendment and modification from time to time to adjust for changing conditions within the dairy industry in this area. Such modifications may result from petitions filed by persons described in Suplementary Regulation 63 and in accordance with procedures prescribed therein or by the Office of Price Stabilization upon its own initiative.

In the judgment of the District Director of the Wilmington District Office of the Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951 and 1952. The District Director gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included meetings of the Lower Delaware Industry Advisory Committee for Milk, and separate conferences with several processors and distributors of milk in Lower Delaware.

With respect to the simultaneous promulgation of two area milk price regulations for the State of Delaware, it is to be observed that the petitioners have sought the establishment of the particular marketing area which is defined in each of these regulations. Moreover, the information supplied by the petitioners in the Wilmington, Delaware Area and in the lower Delaware Area, makes it manifest in the judgment of the District Director, that separate marketing areas are called for by the circumstances of the milk industry in the lower Counties as contrasted with those in the upper part of the State of Delaware.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items for processors and distributors.
5. Use of competitor's ceiling prices to establish your ceiling prices.
6. Sellers who cannot price under other sections of this regulation.
7. Producer prices.
8. Rounding of fractions.
9. Transfer of business or stock in trade.
10. Prohibitions.
11. Violation.

AUTHORITY: Sections 1 to 11 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products in the Lower Delaware Milk Marketing Area for sales by processors and distributors. It provides further that ceiling prices so determined may be adjusted upward, and must be adjusted downward, in accordance with future variations in the price paid to producers of milk.

SEC. 2. *Where this area milk price regulation applies.* The area covered by this regulation comprises all of the territory in lower Delaware south of a line which commences at the conjunction of the westerly boundary of Delaware with Route 4 and passes in an easterly direction along Route 4 to the town line of Middletown; thence easterly around the northerly boundary of Middletown to the point where the town line again crosses Route 4; thence still proceeding easterly along Route 4 to the town line of Odessa; thence easterly around the northerly boundary of Odessa to the point where that town line crosses Appoquinimink Creek; and thence along Appoquinimink Creek by its several courses to the Delaware River. This area comprises the counties of Sussex and Kent and that portion of New Castle County which lies south of the above described line, all within the State of Delaware.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors and distributors. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to GCPR. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area unless the products are resold inside the area.

SEC. 4. *Ceiling price of listed items for processors and distributors.* (a) Your ceiling prices as of September 1, 1952 for regulation pasteurized milk of 3.5 percent butterfat content on a home delivered basis shall be as follows:

Glass quart container	$0.23½
Glass pint container	.15¼
Glass ½ pint container	.08⅛

(b) In order to establish a ceiling price for any unlisted milk item sold by you in quart, pint or half pint containers, you first ascertain the difference which existed between the highest price for the quart, pint or half pint of milk defined in subsection (a), as established under the GCPR during the period from December 19, 1950, to January 25, 1951, and the highest price similarly established for the quart, pint or half pint milk item for which you seek to establish a ceiling price under this regulation. You then apply this difference to the price of the corresponding quart, pint or half pint of milk listed in subsection (a). The result is your ceiling price under this regulation for the unlisted milk item as of September 1, 1952.

For example, assuming your highest price of a pint of chocolate milk established during the GCPR base period to have been 14 cents and further assuming that the highest price of a pint of milk as defined in subsection (a) and similarly established to have been 12 cents, to arrive at your ceiling price of a pint of chocolate milk, you ascertain the dollar and cent difference between 12 cents and 14 cents and you add this amount (2 cents) to the ceiling price listed in subsection (a), i. e., 15¼ cents. This gives 17¼ cents and would be your ceiling price under this regulation for a pint of chocolate milk. It is to be noted that the figures given in this example are assumed figures.

(c) The definition of a milk item is contained in section 11 of SR 63 to GCPR.

SEC. 5. *Use of competitor's ceiling prices to establish your ceiling prices—*(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under section 4, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the District Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the District Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a processor.* A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) *If you are a distributor.* A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.) and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122, which may be obtained from the District Director of the Office of Price Stabilization who issued this regulation.

SEC. 6. *Sellers who cannot price under other sections of this regulation—*(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under section 4 or 5, you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 5 (c) (1) or (2) of this regulation; a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 7. *Producer prices.* (a) The producer prices which each processor paid for milk or products processed therefrom, in the month of August 1952, are to be used as a basis of computing parity adjustments due to changes in the prices of such commodities or products.

(b) After the determination of your ceiling prices under this regulation you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 5 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order

(c) Before putting into effect any increase and upon putting into effect any decrease in any price resulting from your computation of a parity adjustment under this regulation and section 8 of Supplementary Regulation 63 to GCPR, you shall report the amount of your parity increase or decrease to the District Director of Delaware, Office of Price Stabilization, 9 East Third Street, Wilmington, Delaware, in conformity with section 8 (b) (4) of SR 63 to GCPR.

SEC. 8. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 10. After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 11. *Violation—(a) Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective October 7, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

WILLARD D. BOYCE,
District Director, District of Delaware, Office of Price Stabilization.

OCTOBER 7, 1952.

[F. R. Doc. 52-10972; Filed, Oct. 7, 1952; 4:00 p. m.]

[General Overriding Regulation 4, Amdt. 8 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF HOSIERY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds hosiery to the commodities suspended from price control by section 3 of General Overriding Regulation 4, Revision 1. This action is taken in line with the policy of suspending or otherwise relaxing controls on commodities when their selling prices generally are materially below ceiling prices and are not expected to increase significantly in the foreseeable future.

All yarns commonly used in the production of hosiery were suspended from price control on May 20, 1952, after a study which showed that they were selling well below ceiling prices and that there was little prospect of an early rise to ceiling level. Although there has been some firming of yarn prices in recent weeks they are still materially below ceilings and there are no discernible upward pressures presaging an early return to ceiling levels.

Since hosiery is produced directly from the yarn, without going through any intermediate finishing stages as does other apparel, it is the item of apparel most immediately sensitive to changes in cost for the yarns. Hosiery has experienced a more drastic and consistent decline in price than any other major apparel group. According to the latest price data from the Bureau of Labor Statistics of the United States Department of Labor, August 1952 wholesale prices of hosiery were 10.7 percent below the peak wholesale level reached in January 1951. While it is unlikely that the decline will continue much longer since costs are not decreasing, there is no evidence to indicate any strong upward pressure on prices in this area. Many items in this group are currently selling at prices considerably below pre-Korea levels despite increases in certain elements of cost. Retail prices of hosiery have followed the same pattern as wholesale prices. Nylon hosiery prices in June 1952 were 11.5 percent below the June 1951 level and other hosiery for which consumer price data are available were slightly below the June 1951 level, which was at or near the retail peak.

The hosiery industry has long complained of its excess productive capacity, and the labor supply is so great that it has been possible, contrary to prevailing trends, to effect wage cuts in certain areas in the past year. In the absence of major military developments it seems highly unlikely that any shortage of materials will arise. The indications are, therefore, that production of all types of hosiery will be more than adequate to meet consumer demand and that prices will remain at about current price levels.

In view of these considerations, it is the judgment of the Director of Price Stabilization that price controls on sales of hosiery are not required at this time to carry out the purposes of the Defense Production Act of 1950, as amended.

The Director may at any time modify or terminate this suspension if he determines that such action is required in the interest of the stabilization program. In any event, this suspension will be terminated as to any segment of the hosiery industry when controls are reimposed on the principal yarns used by that segment in the manufacture of hosiery.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(l) (1) Hosiery, including slipper socks, peds and sockettes, bed socks and foot warmers, but not including articles made for surgical or corrective use such as knitted elastic stockings or stump socks except sales made in the territories and possessions of the United States.

(2) Component parts, such as sock uppers for slipper socks, manufactured exclusively for further processing into or for use as a part of any article of hosiery included in subparagraph (1) of this paragraph, except sales made in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 7, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 7, 1952.

[F. R. Doc. 52-10970; Filed, Oct. 7, 1952; 10:56 a. m.]

[General Overriding Regulation 5, Revision 1, Interpretation 1]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

INT. 1—CATEGORIES IN CPR 7, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS, AFFECTED BY RECENT EXEMPTIONS AND SUSPENSIONS FROM PRICE CONTROL (ARTICLE III)

Amendments 1 through 4 to GOR 5, Rev. 1, exempt or suspend from price control regulations certain listed commodities. A number of questions have arisen as to the extent to which certain categories of commodities listed in Appendix B of CPR 7 are covered by these exemptions or suspensions. This interpretation is issued to clarify the application of the exemptions or suspensions to those categories.

1. *Radios, television sets, television accessories, phonographs, recorders and related commodities.* Amendment 1 to GOR 5, Rev. 1, which adds sections 102, 103 and 104 to the regulation, suspends from ceiling price regulations certain listed commodities which fall within this general description. It suspends all articles covered by the following categories listed in Appendix B of CPR 7: Categories 871 through 878, 880 through 884, 890 through 893 and 895. It does not suspend Category 894 (phonograph records).

2. *Floor coverings.* Amendment 2 to GOR 5, Rev. 1, which adds section 105 to the regulation, suspends from ceiling price regulations the following floor coverings: "Soft surface floor coverings made entirely of wool or falling within the categories of chenille, wilton, velvet, axminster, and punched felt." This amendment suspends all articles made entirely of wool which are covered by Categories 801, 802, 803, 803 B and 803 C in Appendix B to CPR 7. It also suspends all articles covered by those categories, regardless of the materials of which they are made, (1) if the articles are woven on a carpet loom and are of the axminster, wilton, velvet, or chenille type of weave, or (2) if the articles are punched felt. Handwoven imported oriental rugs which are included in Category 803 D were previously exempted from price controls by Amendment 1 to GOR 5. This exemption is now found in section 5 of GOR 5, Rev. 1.

Inquiries have been received as to the meaning of the term "chenille." This term was used in this suspension action in the technical sense of "true" chenille, i. e., chenille woven on a carpet loom. It was not intended to include what is known in the rug and carpet manufacturing industry as "cotton chenille" such as is found in bath mats, throw rugs and even rugs of larger size which are not woven on a carpet loom. Consequently, none of the articles covered by Category 803 A have been suspended since the chenille rugs covered by that category are cotton chenille only.

3. *Upholstered dual purpose sleeping equipment, metal beds, bedding and bed pillows.* Amendment 3 to GOR 5, Revision 1, which adds sections 106, 107, 108 and 109 to the regulation, suspends from ceiling price regulations certain commodities which fall within this group. It suspends all articles covered by Category 712 (upholstered dual purpose sleeping equipment) except suites composed of such an article and one or more chairs. In Categories 701 and 703 it suspends only metal beds and bunk beds when sold separately. It suspends all articles covered by Category 751. All articles covered by Category 752 (wood and metal cots) and Category 502 G (bed pillows) are suspended. Bed pillows and mattresses covered by Category 306 (infants' bedding and related items) are likewise suspended. The suspension of "mattress pads" covers only those which are, in fact, bedding; the term does not include quilted or similar pads used as mattress protectors. Such pads are covered by Category 505 and are not suspended. Unfinished headboards and bunk beds covered by Category 719 are also suspended.

4. *Jewelry and precious stones.* Precious stones and precious jewelry were previously exempt from ceiling price regulations by section 13 of GOR 5. Amendment 4 to GOR 5, Rev. 1, which amends section 13 of the regulation, adds all other jewelry to the exemption. It exempts all articles covered by Categories 970 through 980, 982, and 983 in Appendix B to CPR 7. It does not exempt articles in Categories 981 (watches), 984 (electric clocks) or 985 (non-electric clocks).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

OCTOBER 7, 1952.

[F. R. Doc. 52-10968; Filed, Oct. 7, 1952; 10:56 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

OFFICIAL FORMS

Section 505.3 is hereby amended to read as follows:

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for adjudication and such forms are available as prescribed in section 7 of the description of organization (14 F. R. 7819). An official form is provided for each type of claim that may be made under the provisions of sections 5 (a) through (e), 6 (a) through (c), 6 (d), as added by Public Law 303, 82d Congress, 7 (a), or 7 (b), or (c) of the act, as amended, and each such official form is accompanied by printed instructions which explain its proper use, preparation, and execution. The official forms provided for use with respect to each type of claim adjudicable under said sections 5(a) through (e), 6 (a) through (c), 6 (d) as added by Public Law 303, 82d Congress, 7 (a) or 7 (b) or (c) of the act, are designated and identified as follows:

(a) For compensation by living prisoners of war, WCC Form 601—Application for Living Ex-Prisoner of War Benefits.

(b) For compensation by living Philippine prisoners of war, or their survivors, WCC Form 602—Application for Ex-Prisoner of War Allowance.

(c) For compensation by living prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 611—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(d) For compensation by living Philippine prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 612—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(e) For compensation by survivors of deceased prisoners of war, WCC Form 650—Application for Prisoner of War Benefits by Survivors of Deceased Prisoners of War.

(f) For compensation by survivors of deceased prisoners of war, for inhumane treatment and forced labor, WCC Form 660—Application for Survivors of Deceased Ex-Prisoners of War for Compensation for Compulsory Labor and/or Inhumane Treatment.

(g) For detention benefits by living civilian American citizens, WCC Form 501—Application for Living Civilian Detention Benefits.

(h) For detention benefits by survivors of deceased civilian American citizens, WCC Form 550—Application for Detention Benefits by Survivors of Deceased Civilian Prisoners, Internees, Etc.

(i) For reimbursement by a religious organization or the personnel of a religious organization, WCC Form 701—Application for Reimbursement by Religious Organizations or Religious Personnel.

(j) For compensation to any religious organizations or personnel of a religious organization for loss or damage sustained to facilities as a consequence of the war, WCC Form 711—Application by Religious Organization for Compensation for Loss and Damage to Property as a Consequence of World War II.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-10871; Filed, Oct. 7, 1952; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

AUTHORIZATION FOR USE OF FREQUENCIES BELOW 25 MC TO NON-GOVERNMENT RADIO STATIONS

In the matter of amendment of § 2.103 (c) of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration the matter of amending § 2.103 (c) of the Commission's rules and regulations so as to permit non-Government radio stations to use frequencies below 25 Mc which are not in accordance with the Commission's Table of Frequency Allocations where such use is necessary for coordination with Government stations;

It appearing, that the public interest would be served by permitting non-Government stations to operate on frequencies which are not in accordance with the Commission's Table of Frequency Allocations where such operation is necessary to permit non-Government stations to communicate with or coordinate their operations with Government stations and where the Government agencies involved have indicated their concurrence in such operations; and

It further appearing, that § 2.103 (c) of the Commission's rules now provides that non-Government stations may be assigned to frequencies above 25 Mc exclusively assigned for use by Government stations where such use is necessary for intercommunication with Government stations or where such use by non-Gov-

ernment stations is required for coordination with Government activities; and

It further appearing, that this amendment is issued pursuant to the authority of sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the effect of this amendment is minor in nature and therefore compliance with the public rule making proceedings of section 4 (a) of the Administrative Procedure Act is unnecessary; and

It further appearing, that there are applications pending before the Commission which it would be in the public interest to grant at the earliest possible date in order to provide for effective cooperation between Government and non-Government stations and therefore this amendment should be made effective immediately.

It is ordered, That effective immediately, § 2.103 (c) of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Section 2.103 (c) is amended to read as follows:

§ 2.103 *Assignment of frequencies.*

* * *

(c). The use of frequencies in the bands above 25 Mc allocated exclusively to Government stations and the use of frequencies below 25 Mc which may not be in accordance with § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

[F. R. Doc. 52-10874; Filed, Oct. 7, 1952; 8:47 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September, 1952;

The Commission having under consideration its Memorandum Opinion and Notice of Further Rule Making (FCC 52-816) issued August 4, 1952 and published in the FEDERAL REGISTER on August 12, 1952 (17 F. R. 7350), proposing to make the following changes in channel assignments in § 3.606 of the Commission's rules and regulations:

City	Add Channel No.	Delete Channel No.
San Angelo, Tex.	3	6
Temple, Tex.	6	

To accomplish these changes it was proposed to amend the Table of Assignments contained in § 3.606 of the Commission's rules and regulations to read as follows:

Texas:	*Channel No.*
Beaumont-Port Arthur	4—, 6—, 31+, *37.
Corpus Christi	6+, 10—, *16+, 22.
San Angelo	3—, 8+, 17+, *23—.
Temple	6, 16, 22+.

It appearing, that in accordance with the provisions of paragraph 10 of the aforesaid Memorandum Opinion and Notice of Further Rule Making, the time for filing comments therein expired September 3, 1952; and

It further appearing, that a comment supporting the proposed amendment was filed by Bell Broadcasting Company, Temple, Texas, and that no comments opposing the proposed amendment were filed;

It is ordered, that, effective 30 days from the date of publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

Texas:	*Channel No.*
Beaumont-Port Arthur	4—, 6+, 31+, *37.
Corpus Christi	6+, 10—, *16+, 22.
San Angelo	3—, 8+, 17+, *23—.
Temple	6, 16, 22+.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10875; Filed, Oct. 7, 1952; 8:48 a. m.]

[Docket No. 10309]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Rules Governing Television Broadcast Stations; Docket No. 10309.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of September 1952;

The Commission having under consideration its Notice of Proposed Rule Making issued August 7, 1952 (FCC 52-851) and published in the FEDERAL REGISTER on August 16, 1952 (17 F. R. 7511), proposing to assign UHF Channel 59 to Fremont, Ohio, a community which is not listed in the Table of Assignments and is not within 15 miles of a community so listed;

It appearing, that in accordance with the provisions of paragraph 5 of the aforesaid Notice of Proposed Rule Making, the time for filing comments therein expired September 15, 1952; and

It further appearing, that no comments opposing the proposed amendment were filed;

It is ordered, That effective 30 days from the publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to Table of Assignments under the State of Ohio:

	Channel No.
Fremont	59+

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 52-10876; Filed, Oct. 7, 1952; 8:48 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AVAILABILITY FOR ASSIGNMENT TO NON-GOVERNMENT STATIONS OF FREQUENCIES ASSIGNED TO GOVERNMENT STATIONS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to permit non-Government stations to use frequencies.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration the matter of making available for assignment to non-Government coast and ship stations frequencies assigned to Government radio stations;

It appearing, that the Commission has received applications requesting assignment of such frequencies to non-Government ship radio stations; and

It further appearing, that the non-Government ship radio stations involved perform activities in behalf of the Federal Government and that the frequency usage requested is necessary in connection with the performance of such activities; and

It further appearing, that it would be in the public interest to amend the Commission's rules to permit assignment of Government frequencies to non-Government ship and coast stations under such circumstances and where governmental agencies involved have indicated concurrence in such frequency usage; and

It further appearing, that the effect of these amendments is minor in nature and, therefore, compliance with the public rule making procedures prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary; and

It further appearing, that there are applications now pending before the Commission which it would be in the public interest to grant at the earliest possible date in order to provide for effective cooperation between Government and non-Government stations and therefore these amendments should be made effective immediately;

It is ordered, Under the authority contained in section 4 (i) and sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, that Parts 7 and 8 of the Commission's rules are amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.324 (g) is amended by designating the existing text as subparagraph (1) and by adding a new subparagraph (2) to read as follows:

(2) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

2. Section 8.363 is amended by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) Frequencies assigned to government radio stations are assignable to non-Government ship radio stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

3. Section 7.206 (b) (8) is amended by adding a new subdivision (i) to subparagraph (8) to read as follows:

(i) Frequencies assigned to government radio stations are assignable to non-Government coast stations (public or limited) for communication with other non-Government stations by telegraphy when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

4. Section 7.304 (f) is amended by designating the existing text as subparagraph (1) and by adding a new subparagraph (2) to read as follows:

(2) Frequencies assigned to government radio stations are assignable to non-Government public coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

5. A new § 7.371 is added to read as follows:

§ 7.371 *Use of United States Government frequencies for telephony.* Frequencies assignable to government radio stations are assignable to non-Government limited coast stations for communication with other non-Government stations by telephony when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

[F. R. Doc. 52-10873; Filed, Oct. 7, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY: ROUTES

DEVIATION FROM AUTHORIZED REGULAR ROUTES IN TRANSPORTATION OF UNITED STATES MAIL BY COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 26th day of September A. D. 1952.

The above-entitled matter being under consideration:

It appearing, that the Commission has received inquiries regarding deviation from authorized regular routes in the transportation of the United States mail, under contracts with the Post Office Department, by common and contract motor carriers of property subject to the Interstate Commerce Act;

It further appearing, that in numerous instances motor carriers of property holding authority to operate over regular routes have entered into contracts with the Post Office Department for the transportation of United States mail, and that in carrying out the terms of such contracts the mail is often transported in the same vehicle and at the same time that the carriers' authorized commodities are transported; that picking up or delivering mail at some points, during which authorized commodities (other than mail) are carried in the same vehicle, necessitates deviation for short distances from authorized highways; that such deviation would promote economical operation and improve the service rendered to the Post Office Department and, incidentally, to the public; and that only in special and unusual instances will there exist reasons for denying to any motor carrier of property operating over a regular route which also is transporting United States mail in the same vehicle with authorized commodities, permission to deviate from an authorized highway in the performance of such service, when required;

And it further appearing, that deviation from their authorized regular routes, under the conditions described herein below, by motor carriers of property holding authority from this Commission, is or will be required by public convenience and necessity in the case of common carriers, and consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers, and the Commission so finding; therefore,

It is ordered, that:

§ 211.6 *Deviation from regular routes in the transportation of United States mail by motor carriers of property*—(a) *Conditions.* Common and contract motor carriers of property holding authority to operate over regular routes may deviate from their authorized routes, without obtaining prior authority therefor, in delivering or picking up the United States mail at points within 10 air-line miles of the authorized routes, under contract with the Post Office Department, transporting authorized commodities in the same vehicle with the mail, subject in all instances to the following conditions:

(1) In such case the carrier shall use such other highways as may be required in traveling by the shortest practicable route between the point to be served and the authorized highway to which that point is appurtenant.

(2) The carrier shall give notice to the Commission, by letter setting forth (i) a complete description by highway numbers of the carrier's authorized route between the point where it proposes to leave the authorized highway and point where it proposes to return to such highway, and (ii) a complete description by highway numbers of the proposed deviation route between the point where it proposes to leave its authorized highway and the point where it will return to such highway.

(3) The letter shall state that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve except in the transportation of the United States mail, and that such deviation from its authorized route will not enable the carrier to engage in transportation between any points where because of the circuity of its present route, or otherwise such operation is not now practicable.

(4) The right to operate in the manner indicated in this paragraph shall continue only so long as the carrier is performing service authorized under the Interstate Commerce Act and at the same time is transporting United States

mail under contract with the Post Office Department, and only so long as the conditions set forth in this paragraph are observed.

(5) Such further terms, conditions, and limitations as the Commission, in the future, may find it necessary to impose or attach to the exercise of the privileges authorized in this paragraph.

(b) *Irregular-route operations.* If a motor carrier is authorized to operate within a specified area, over irregular routes, in which are located the points to be served in the transportation of United States mail under contract with the Post Office Department, no specific authority is required from this Commission to transport mail and the carrier's authorized commodities in the same vehicle at the same time in such territory.

It is further ordered, that this order shall become effective November 3, 1952, unless prior thereto it is otherwise ordered by this Commission.

Notice of this order shall be given to motor carriers and general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-10885; Filed, Oct. 7, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 921]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

EXTENSION OF TIME FOR FILING BRIEFS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing briefs on the record of the public hearing held at Springfield, Missouri, August 7-8, 1952, with respect to those proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area which were not disposed of by the decision of the Secretary of Agriculture issued August 20, 1952 (17 F. R. 7743) is hereby extended until October 10, 1952.

Dated: October 2, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-10882; Filed, Oct. 7, 1952; 8:50 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A2]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on May 12-16, inclusive, 1952, pursuant to notice thereof which was issued on April 17, 1952 (17 F. R. 3415).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 12, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 16, 1952 (17 F. R. 7500).

The material issues and the findings and conclusions of the recommended decision (17 F. R. 7500; F. R. Doc. 52-9082) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. In the last paragraph of column 1, page 7501 after the phrase "600 pounds of Class I milk per day" delete the word "in" and substitute therefor the phrase "on routes operating wholly or partly within".

2. Delete the last paragraph beginning in column 2, page 7501 and the first paragraph beginning in column 3, page 7501, and substitute therefor the following:

(4) *Class prices.* The order should be amended to provide for the elimination of the butter-cheese formula, an increase of the number of local plants to 9, revision of the supply-demand formula, a Class II price equal to the local plant prices, the same butterfat differentials to handlers on Class I and Class II sales as that now applicable to producers, and an extension of the location adjustment rate schedule applicable to Class I and producer prices.

(a) *Basic formula prices.* The Class I price should be based on a formula representing the highest value for milk for manufacturing as determined by three alternative basic formulas: prices paid dairy farmers at 18 Midwest dairy manufacturing plants, prices paid dairy farmers at 9 Michigan dairy manufacturing plants, and a butter-powder formula price.

3. Delete the third paragraph in column 3, page 7501 and substitute therefor the following:

The butter-cheese formula is obsolete, primarily as a result of changes in the proportionate marketings of butter and cheese and should be deleted from the order. A revised formula designed to measure the value of milk for cheese-making, was introduced at the hearing. Handlers contend that there has not been opportunity for as full a consideration of the formula as the problem warrants. In the circumstances the formula should not be adopted at this time.

4. In column 1, page 7502, insert after the list of plants and locations, the following:

In the event any of the 9 listed plants becomes qualified as a handler plant under the order prices paid for milk delivered to such plant should cease to be included in the average.

5. In column 1, page 7502, delete the paragraph headed "(b) *Class I price*", and substitute therefor the following:

(b) *Class I price.* The Class I price should continue to be determined by adding the Class I differential to the basic formula price of the current month. Two of the handlers proposed the use of the previous month in order that the Class I price might be definitely known early in the month to which it applies. However, other handlers preferred remaining on the present basis in order to keep prices more nearly in line with those in competitive markets.

6. Delete the first 4 sentences of the first paragraph starting in column 2, page 7502, and substitute therefor the following:

The base schedule of the supply-demand adjustment should be revised to reflect the seasonal variation of both production and sales. To measure the normal seasonality the data on Class I sales and on producer receipts for the 3-year period 1948-50 were corrected for trend by 12-month moving averages. (The moving average, of course, involved data during a 6-month period preceding January, 1948 and following December, 1950.) This is the most recent period for which consistent data covering a large proportion of receipts and sales in the market are available. After correction for trend, the data reveal the normal seasonality of receipts and of Class I sales. Dividing the receipts by the sales gives the normal seasonal variation in utilization percentages.

7. In the second paragraph beginning in column 2, page 7502, delete the last sentence and substitute therefor the following: "Experience indicates that there is little likelihood of utilization remaining so close to a change point as to require continuation of the provision for an extra ½ percent change in utilization before a succeeding price change in an opposite direction can become effective".

8. Immediately preceding the section headed "(c) *Class II prices*" near the top of column 3, page 7502, insert the following:

The Class I price differential should be increased by 8 cents per hundredweight to a total of $1.43 in order to preserve the same general level of differentials as has prevailed since the inception of the order.

Producers testified that the Class I and blend prices which had prevailed under the order, inclusive of the supply-demand adjustment, had been no more than sufficient to maintain an adequate supply of milk for the market. In view of this circumstance they asked that any revision of the basic formula prices, the supply-demand adjustment, or other provisions of the order which would tend to lower returns to producers of fluid milk as compared with producers of manufacturing milk should be offset by corresponding increases in the Class I price differential.

The modified schedule of standard utilization percentages described above represents an attempt to develop as accurate a measurement of normal supply-demand relationships in the market as was possible. During the 12-month period August 1951 through July 1952 the average actual relationship of receipts from producers and total Class I sales averaged 2.7 percentage points below the normal percentages. The period during which the order has been in operation is too short to afford conclusive proof of the adequacy of the Class I prices which have prevailed. Clearly, however, this measure which is available tends to support the position that the Class I differential should not be reduced if adequate supplies are to be maintained.

The supply-demand adjustment now included in the order resulted in price increases of 30 cents in November and December, 1951, and in January 1952 and in 15-cent increases during February, August, and September, 1952. The modified supply-demand adjustment would have resulted in 15-cent increases during October, November and December, 1951, and in no further adjustment through August, 1952. The average adjustment during the 11-month period would have been 8 cents lower than those which actually occurred.

The only other significant change affecting returns to producers is that the schedule of location adjustments has been extended from the maximum of 21 cents at 97 miles to a maximum of 26 cents at 137 miles. This change, however, affects only a comparatively small portion of the present shippers and places prospective new shippers in the proper position of receiving the f. o. b. price less the cost of transporting milk from a distant country plant to the marketing area. This change in location adjustments is not, therefore, a significant factor affecting the general level of the Class I price differential.

9. In the second paragraph beginning in column 1, page 7503 delete the phrase "any of the months of August through December (the base-forming period) that the supply-demand adjustment operates to increase the Class I price," and substitute therefor the phrase "any month that total receipts of producer milk are less than 112.5 percent of total Class I utilization."

10. Delete the last two sentences of the third paragraph beginning in column 2, page 7503 and substitute therefor the following: "This proposal was supported on the basis that during any period of actual shortage of producer milk, all producers should be encouraged to maximize production, regardless of previously established bases. They should be paid at the uniform price rather than continuing to be paid at base and excess prices. This objective has considerable merit but an actual shortage of milk in the market would be more specifically indicated whenever producer receipts were less than 112.5 percent of Class I sales than by operation of the supply-demand adjustment. The latter indicates only relative shortages each month as compared with a normal supply, and a specific percentage is a preferable guide to actual shortage."

11. In the fourth line of column 3, page 7503 delete "October" and substitute therefor "November".

12. In column 3, page 7503, delete the paragraph headed "(6) *Administrative provisions*", and substitute therefor the following:

(6) *Administrative provisions.* Additional time should be allowed the handlers and the market administrator for the submission of reports, computation of marketwide prices, and preparation of producer payrolls whenever holidays occur during the first 15 days of the month. In practice, the reporting schedule now contained in the order requires that Saturday be utilized as a working day for the transmission of reports by handlers for the computation of the uniform price by the market administrator's staff and in the preparation of producer payrolls by handlers. Whenever such a working day is lost as a result of holiday, the problem of meeting the dates specified in the order imposes undue hardship on all parties. In such circumstances the order should be amended to provide for postponement of those functions required to be performed after the interruption caused by the holiday.

Section 924.65 of the order requires that handlers be notified on the 11th of the amounts due the producer-equalization fund, the base of any new producer, and similar items of information. This notification involves considerable additional work by the market administrator following computation of the uniform price. The uniform price is also announced on the 11th (unless holidays intervene as explained above) for this is the essential information required by handlers so that they may commence the preparation of their producer payroll. The information specified in § 924.65 can be delayed until the 12th without inconvenience to handlers or producers.

Rulings. Within the period reserved for filing exceptions to the recommended decisions, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of August, 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 2d day of October 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, on May 12–16 inclusive, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 924.6 (b) insert "or of Wayne County" following "Port Huron".

2. In § 924.50 delete the phrase "paragraphs (a), (b), (c) and (d)" and substitute therefore the phrase "paragraphs (a), (b) and (c)".

3. Delete § 924.50 (c).

4. Delete § 924.50 (d) and substitute the following:

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualifications of § 924.6, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Perrinton, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.
Pet Milk Co., Hudson, Mich.

5. In § 924.51 (a) delete the phrase "plus $1.35" and substitute therefor the phrase "plus $1.43".

6. Delete § 924.51 (b) and substitute therefor the following:

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased 15 cents if such percentage is 5.0 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 5.0 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	*Percentages*
January	121.3
February	123.1
March	129.6
April	138.1
May	152.6
June	156.3
July	142.9
August	140.1
September	129.6
October	121.7
November	117.5
December	122.3

7. Delete § 924.52 and substitute therefor the following:

§ 924.52 *Class II milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c): *Provided*, That for the months of May, June and July, there shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, (1) an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over the price determined pursuant to § 924.50 (b) less 9.3 cents, such excess to be multiplied by 0.18, and, (2) an amount per hundredweight of skim milk equal to such excess multiplied by 0.36.

8. Delete § 924.53 and substitute therefor the following:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential applicable to milk delivered in the current month.

9. In § 924.60 (c) delete from the tabulation appearing at the end of the section the reference to zone 8 and add the following:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
8	More than 97 miles but not more than 105 miles	$0.21
9	More than 105 miles but not more than 113 miles	.22
10	More than 113 miles but not more than 121 miles	.23
11	More than 121 miles but not more than 129 miles	.24
12	More than 129 miles but not more than 137 miles	.25
13	More than 137 miles	.26

10. In § 924.64 (b) delete "§ 924.70 (b)" and in § 924.80 delete "§ 924.70 (b) and (c)" and insert "§ 924.70 (b), (c), and (d)".

11. In § 924.65 delete "11th day" and substitute therefor "12th day".

12. In § 924.70 substitute "on December 1" for previous to "August 1".

13. In the next to the last sentence of § 924.70 (b) delete the phrase "August through December by .8" and substitute therefor the phrase "August and September by .8 and October, November and December by .9".

14. Delete § 924.70 (c) and substitute therefor § 924.70 (c) and § 924.70 (d) as follows:

(c) From the effective date of this part, as amended, amendment through December 1952, each producer shall have the option, upon request to the market administrator, of being paid at the uniform price for all milk delivered.

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered.

15. Add a § 924.132, as follows:

§ 924.132 *Special reporting dates.* When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j) (2), 924.31 (b), 924.65, 924.80, 924.84, 924.85, 924.86, and 924.87 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Detroit, Michigan, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Detroit, Michigan, marketing area) who, during the month of August 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of August 1952 is hereby determined to be the representative period for the conduct of such referendum.

George Irvine is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 52–10883; Filed, Oct. 7, 1952; 8:50 a. m.]

[7 CFR Part 976]

[Docket No. AO 237–A1]

HANDLING OF MILK IN THE FORT SMITH, ARKANSAS, MARKETING AREA

NOTICE OF HEARING OF PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 52–10827, appearing on page 8923 of the issue for Saturday, October 4, 1952, the date "October 8, 1952" in the date line should read "October 2, 1952".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

LIFEBOAT RADIO EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding technical requirements and related provisions for compulsorily provided lifeboat radio equipment; Docket No. 10325.

1. Notice is hereby given of proposed rule making in the above-entitled matter. Proposed amendments to Part 8 of the Commission's rules are set forth in the Appendix below.

2. The proposed amendments would establish detailed technical requirements for compulsorily provided lifeboat radio equipment, both portable and non-portable, and make provision for related matters such as inspection and testing of the equipment. The requirement to provide such equipment stems from the terms of the International Convention for the Safety of Life at Sea, London, 1948 which comes into force November 19, 1952, and regulations of the United States Coast Guard.

3. In general the proposed rules covering lifeboat radio equipment would call for a radiotelegraph transmitter operative alternately on the frequency 500 kc or 8364 kc, with manual and automatic keying; a radiotelegraph receiver for reception on 500 kc and on frequencies between 8266 kc and 8745 kc; a power supply consisting of storage batteries for non-portable equipment and a hand-cranked electric generator for portable equipment; antenna systems; artificial antennas for testing purposes, and grounding conductors.

4. The antenna systems which would be required for the portable equipment consist of a single wire antenna and either a collapsible rod antenna or a collapsible mast. It appears that there must be a compromise of undetermined extent between the necessity for a rather extensive antenna system for effective operation on 500 kc and the practical limitations inherent in portable equipment. Until further information and experience is gained, it is proposed to require that the rod antenna and the mast be of a "maximum practicable height" rather than specifying a required minimum height.

5. Insofar as possible within the terms of the new Safety Convention, provision is proposed to be made for the continued use of non-portable lifeboat radio equipment which heretofore has been installed as compulsory equipment and which may be installed before equipment meeting these proposed new requirements could reasonably be expected to be available.

6. These proposals are issued under authority of sections 303 (c), (e), (f), (g), (r), and 355, 356 and 359 of the Communications Act of 1934, as amended.

7. Any interested person may file with the Commission, on or before October 17, 1952, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within five days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

8. In accordance with § 1.784 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: October 1, 1952.

Released: October 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.519 is deleted.

2. Section 8.520 is amended to read as follows:

§ 8.520 *Lifeboat radio equipment.* (a) Lifeboat radio equipment, portable or non-portable, required by law to be provided, shall comply with applicable requirements of paragraph (b) through (g) of this section.

(b) All lifeboat radio equipment shall include the following components as a minimum:

(1) Antenna(s) for transmitting and receiving, either fixed in usable position in the lifeboat or capable of being quickly placed in usable position by a person in the lifeboat while afloat together with such antenna accessories as are necessary;

(2) An artificial antenna for test purposes;

(3) A transmitter with keying arrangement(s) for the use of radiotelegraphy;

(4) A radio receiver with head receiver;

(5) A power supply of required capacity;

(6) The necessary material or device for a ground connection to the water when the lifeboat is afloat.

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558 or 8.559, as may be applicable.

(d) Provisions relative to capacity, use and maintenance of storage batteries used as the power supply for lifeboat non-portable radio equipment:

(1) A storage battery power supply of lifeboat radio equipment shall be capable at all times of operating the entire lifeboat radio installation for a period of at least six continuous hours as is stipulated for an emergency power supply in § 8.504 (b).

(2) Storage batteries may be used to operate equipment other than radio except the electric starter and ignition system of a lifeboat motor, provided such additional use will not adversely affect the required capabilities of the battery. All individual circuits connected to the battery shall be independently and properly fused.

(3) Storage batteries shall be kept adequately charged at all times while at sea. The charging of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. The charging circuit for the lifeboat radio storage battery or batteries shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries, will give a continuous indication of the polarity and the rate of charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(4) In any installation made on or after November 19, 1952, provisions shall be made to enable charging of the storage battery by means of a generator on the motor lifeboat engine.

(5) Subject to approval of the United States Coast Guard storage batteries

shall be mounted in suitable containers that will provide protection from salt water spray and also allow proper ventilation.

(e) Lifeboat non-portable radio equipment shall be capable of developing by day, over the sea and under normal conditions and circumstances, a r. m. s. radio field intensity of 50 microvolts per meter on the frequency 500 kilocycles at a distance of 25 nautical miles. Ability to meet this requirement may be evidenced in the absence of such other means as will provide a reliable indication that this requirement is met, by a product of the maximum height of antenna above the mean surface of the water expressed in meters and a r. m. s. antenna current on the frequency 500 kilocycles expressed in amperes of not less than 10.

(f) Conditions of fitting of lifeboat radio equipment: (1) Non-portable radio equipment shall be installed in a cabin large enough to accommodate both the equipment and the person using it and arrangements shall be such that the efficient operation of the lifeboat radio installation shall not be interfered with by the motor boat engine while it is running, whether or not a battery is on charge.

(2) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted in lifeboat portable or non-portable radio equipment: *Provided, however,* That this limitation shall not prohibit the use of a metal mast or masts used as the antenna.

(g) Inspections and tests of lifeboat radio equipment: (1) Inspections and tests [19] of lifeboat radio equipment shall be conducted by a qualified representative of the licensee at weekly intervals while the ship is at sea and within 24 hours prior to the ship's departure from each port but not necessarily more than once each week. Such tests and inspections may be made with the lifeboat either afloat or not afloat; provided that when the vessel is in a harbor or port of the United States, an authorized representative of the Commission may require the lifeboat to be afloat.

(i) When the lifeboat is afloat there shall be an actual test of the transmitter and receiver to determine that each is in effective operating condition when connected to the antenna system(s).

(ii) When the lifeboat is not afloat, testing may be conducted with the transmitter connected to an artificial antenna.

(iii) Inspections and tests shall include batteries, which are provided as part of the lifeboat radio equipment, to determine their condition, and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type batteries. If required by an authorized representative of the Commission, proof of the batteries' capability shall be made as prescribed in the applicable provisions of § 8.504 (b).

(2) The results of inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's radio station log or in the ship's log if the ship is not provided with a radio station. These entries shall be made available to duly authorized representatives of the Commission upon request.

3. Section 8.524 (a) (4) is amended to read as follows:

(4) *Lifeboat radio equipment.* One electron tube of each type used for normal operation of the radio installation, including neon or any other type of tube or lamp employed as resonance indicator(s): Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If wire is used, sufficient wire shall be provided to permit six complete fuse replacements. Additionally, non-portable lifeboat radio equipment shall be provided with at least 35 feet of insulated wire suitable for use as antenna wire; 2 antenna insulators; one panel electric light bulb, if used, one screwdriver and one pair of sidecutting pliers.

4. Section 8.525 (b) is amended to read as follows:

(b) Spare parts and auxiliary equipment for the non-portable radio equipment shall be kept in the lifeboat cabin housing the radio equipment. Spare parts and auxiliary equipment for the lifeboat portable radio apparatus shall be so kept as to be convenient for the routine maintenance of the equipment.

5. Section 8.556 is amended to read as follows:

§ 8.556 *General requirements for lifeboat radio equipment.* (a) To be approved by the Commission pursuant to § 8.520, lifeboat radio equipment shall comply with the following general requirements in addition to the applicable specific requirements set forth in §§ 8.557, 8.558 and 8.559, except that equipment to which the provisions of § 8.559 are applicable need not meet the requirements of subparagraphs (1) and (5) of this paragraph.

(1) The design and construction of the radio equipment shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(2) All component parts used in this installation shall be of acceptable quality for marine service.

(3) A durable nameplate shall be mounted on the equipment or made an integral part thereof showing at least the following:

(i) The type or model number;

(ii) The name of the manufacturer;

(iii) The month and year of manufacture.

(4) Each lifeboat equipment shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the equipment.

(5) Simple instructions which are durable and waterproof and suitable for the use of an unskilled person shall be permanently and conspicuously attached to the control panel or surface of the transmitter, receiver or power supply. These instructions shall contain information together with sketches covering the erection of the antenna(s) and the operation of the equipment for automatic transmission; also information as to manual transmission of the radiotelegraph distress signal "S O S" and the international auto-alarm signal, and a statement that the latter signal is effective only if transmitted on the frequency 500 kc.

6. Section 8.557 is amended to read as follows:

§ 8.557 *Requirements for lifeboat portable radio equipment.* (a) There shall be provided as a single unit a portable buoyant apparatus consisting of a transmitter, receiver, power supply, grounding conductor, a collapsible rod antenna or in lieu thereof a collapsible mast, a single wire antenna, and a line for lowering the apparatus.

(1) The apparatus, as a single unit, shall be of sufficient buoyancy to float in sea water and shall be sufficiently rugged in construction to withstand physical shocks and rough handling. The apparatus shall be deemed to comply with this requirement if, after being dropped into sea water in various positions from a height of at least 20 feet, it can be operated immediately without any repair or adjustment (other than normal antenna circuit tuning) and without departure from required performance. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the head telephones, against physical harm from accidental or inadvertent blows and from the adverse effects of prolonged exposure to the weather. Operational parts of the apparatus adversely affected by immersion in sea water shall be enclosed so as to provide the necessary protection. Any such enclosure shall be deemed to be water-tight if it can be submerged in sea water so that no part is less than two inches below the surface of the water for a continuous period of two hours without leaking.

(2) The apparatus, as a unit, shall be fitted with durable handles or grips. These shall be so arranged and the distribution of the weight of the apparatus shall be such as to provide for convenient carrying by either one or two persons.

(3) Provision shall be made for securely fastening components of the apparatus, by lashing or other acceptable means, to a lifeboat thwart as may be necessary to enable easy and convenient operation of the lifeboat portable radio equipment.

(4) The apparatus exclusive of the line for lowering shall not weigh more than sixty pounds.

(5) The line for lowering shall consist of not less than 40 feet of 9 thread manila or sisal rope, or the equivalent thereof, which shall be in good condition and securely attached to the apparatus at all times.

(6) Components of the apparatus subject to loss by detachment from the unit for operation or test of the equipment shall be so arranged as to insure their availability at all times.

(7) Each apparatus shall be equipped with a removable plate permanent in character showing clearly the lifeboat radio call sign in letters and characters of the International Morse Code.

(b) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentage of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
500	Percent 0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 0.25 watt.	1 ohm resistance, 75 micromicrofarads capacitance.
500	.5	A2	do	do	Not less than 1.7 watts.	10 ohms resistance, 75 micromicrofarads capacitance.
8364	.2	A2	do	do	Not less than 4 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies: *Provided,* That not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal "SOS", the letter to be transmitted by means of the International Morse Code in one or more groups, each group consisting of three "SOS" signals.

(ii) On 8364 kc for transmission of the international distress signal "SOS" by means of the International Morse Code in one or more groups, each group consisting of three "SOS" signals followed by a dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) For completely de-energizing the receiver during such operation of the transmitter.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(vi) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(5) The transmitter shall be equipped with a reliable visual indicator or indicators as may be necessary (such as neon tubes) to indicate antenna circuit resonance at each operating frequency with any antenna provided. Failure of the indicator(s) shall have no adverse effect on the actual operation of the transmitter.

(c) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 and 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a noninductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	200	0.3	400	10 ohms resistance and 75 micromicrofarads capacitance.
8364	1000	.8	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for the reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(d) The power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation. The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and plus 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute nor shall the cycles of operation of the propelling lever(s) be greater than 70 cycles per minute. The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The single wire antenna and the collapsible rod antenna or the collapsible mast provided in lieu thereof shall comply with the following requirements:

(1) The collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus. The collapsible mast provided in lieu of the collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each

[19] Subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each transmitter for use in lifeboats be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a transmitter installed in or for use in a lifeboat is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. See § 8.68.

particular type of lifeboat radio apparatus and capable of supporting the required single wire antenna.

(2) The single wire antenna shall consist of a length of at least 40 feet of extra-flexible stranded copper wire having a cross-sectional area of not less than 10,000 circular mills together with means for effective insulation of the antenna, means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter.

(f) The grounding conductor shall comply with the following requirements:

(1) The grounding conductor shall consist of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the apparatus.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes, at the frequencies 500 kc and 8364 kc, of approximately the same electrical characteristics as the single wire antenna required by this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

7. Section 8.558 is amended to read as follows:

§ 8.558 *Requirements for lifeboat non-portable radio equipment.* (a) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentages of pesitive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
500	*Percent* 0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 35 watts.	10 ohms resistance and 100 micromicrofarads capacitance.
8364	.02	A2	do	do	Not less than 50 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies; provided that not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal "SOS", the latter to be transmitted by means of the International Morse Code in one or more groups, each group consisting of three "SOS" signals.

(ii) On 8364 kc for transmission of the international distress signal "SOS" by means of the International Morse Code in one or more groups, each group consisting of three "SOS" signals followed by a dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(v) For testing and required automatic keying arrangement without the generation of radio frequency energy.

(5) The transmitter shall be equipped with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit for each operating frequency

(b) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a non-inductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	25	0.3	400	10 ohms resistance and 100 micromicrofarads capacitance.
8364	100	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(6) The receiver shall be capable of developing a useful audio power for the purpose of the reception of type A2 emission of at least 6 milliwatts into the non-inductive load resistor prescribed in subparagraph (2) of this paragraph.

(c) The power supply shall comply with the following requirements:

(1) The power supply for the transmitter and the receiver shall consist of a storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(d) The antenna shall comply with the following requirement:

(1) A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(e) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes at the frequencies 500 kilocycles and 8364 kilocycles, of approximately the same electrical characteristics as the antenna required by paragraph (d) (1) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be effectively grounded to a bare copper plate of at least six square feet in area located on the hull of the lifeboat below the waterline.

8. Sections 8.559 and 8.560 are deleted.

9. Add a new § 8.559 to read as follows:

§ 8.559 *Transitional provisions for lifeboat non-portable radio equipment.* Any type of non-portable lifeboat radio equipment which complies with the former requirements of § 8.557 prior to revision [20] of that section effective_____, 1952, shall be deemed to comply with the requirements of § 8.520 (c) provided the equipment was installed in a motor lifeboat prior to (one year from effective date of this section) and if the equipment meets the following specific requirements from the respective dates set forth:

Requirement	*Date*
Section 8.558 (a) (1): Transmitter requirement that modulation frequency be not less than 450 cycles per second nor greater than 1350 cycles per second, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1952
Section 8.558 (a) (1): Transmitter requirements applicable to transmission on 8364 kc, if equipment installed on or after November 19, 1952	Nov. 19, 1953
Section 8.558 (a) (1): Transmitter requirement that modulation percentage be not less than 70	Nov. 19, 1952
Section 8.558 (a) (4): Transmitter requirements regarding an automatic keying device for operation on 500 kc and, if installed on or after Nov. 19, 1952, for operation on 8364 kc	Nov. 19, 1953
Section 8.558 (b): Receiver requirements regarding reception on frequencies between 8266 and 8745 kc, if equipment installed on or after Nov. 19, 1952	Do.

[20] Copies of former § 8.557 may be secured without charge upon request addressed to Secretary, Federal Communications Commission, Washington 25, D. C

Requirement	*Date*
Section 8.520 (d) (4): Provision of means for charging the radio battery after the lifeboat is launched, if equipment is installed on or after November 19, 1952	Nov. 19, 1952
Section 8.520 (e): Field strength requirement	Do.

[F. R. Doc. 52-10877; Filed, Oct. 7, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-124]

REGULATIONS UNDER NATURAL GAS ACT

FILING OF RATE INCREASE APPLICATIONS

SEPTEMBER 30, 1952.

Amendment of general rules and regulations to govern the filing of rate increase applications under the provisions of section 4 (e) of the Natural Gas Act, as amended. Docket No. R-124.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to adopt a general rule to govern the filing of rate increase applications (§ 154.63 (b) (3)) to replace the existing rule governing such filings. The revised § 154.63 (b) (3) is to read as provided in the accompanying attachment, set forth below, which is made a part hereof by reference.

3. This rule is proposed to be issued pursuant to the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U. S. C. 717c, 717o).

4. The proposed rule is designed to set forth the requirements for the basic data to be submitted by the natural gas company upon which it relies in support of its application for a rate increase.

5. The Commission proposes to adopt and issue the rule to replace the existing § 154.63 (b) (3) of Part 154—Rate Schedules and Tariffs, of Subchapter E—Regulations Under Natural Gas Act, of Chapter 1—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations.

6. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than November 21, 1952, data, views and comments in writing concerning the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY, *Secretary.*

Proposed substitution for existing § 154.63 (b) (3):

(3) (i) *Rate increase applications.* If the proposed change in tariff, contract, or part thereof will result in an increase in rates or charges, there shall be submitted in support thereof statements A to M described in this subparagraph. Where the information submitted does not comply with the requirements of this part, the application is subject to rejection.

(*a*) *Test year.* If the natural gas company has been in operation for 12 months at the time of the filing, the statements shall be based upon a test year consisting of 12 months of most recently available actual experience, adjusted for changes which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within six months of the last month of available actual experience. The 12 months of experience shall be adjusted to eliminate nonrecurring items. If the applicant has had less than 12 months' experience, the test year may consist of 12 consecutive months ending not more than one year from filing date.

Adjustments to experience, or estimates where 12 months' experience is not available, shall not include any amounts for facilities in respect to which a certificate of public convenience and necessity must be obtained but which has not been issued at the date of filing, nor shall adjustments or estimates include any amounts for other facilities associated therewith. The bases and procedures, including significant data, used in the derivation of adjustments or estimates shall be submitted in sufficient detail on supporting statements as to permit ready analysis of such adjustments or estimates.

(*b*) *Joint facilities.* If the applicant operates other departments in addition to the natural gas operations involved in the subject application and has allocated to such natural gas operations any of its net investment in joint or other department facilities and the operating, maintenance, or depreciation costs associated therewith, it shall show on the following statements, or the schedules in support thereof, the amounts so allocated together with the methods used in making such allocations: *Provided,* That if such allocations are recorded in applicant's books on the basis of current accounting procedures the submittal may be confined to a brief description of the methods followed.

Statement A—Over-all cost of service. This statement shall summarize the over-all cost of service (operating expenses, depreciation, taxes and return) developed from the supporting statements described below.

Statement B—Rate base and return. This statement shall summarize the over-all rate base from the figures contained in Statements D, E, and F, with an appropriate deduction for Contributions in Aid of Construction, if any. The statement shall also include the claimed rate of return and shall show the application of the claimed rate of return to the over-all rate base.

Statement C—Cost of plant. This statement shall show the balances of the gas utility plant in service by functional classification (§§ 201.301 to 201.322 of subchapter F of this chapter) as of the beginning of the test period, the book additions and reductions during the test period, and the balance at the end of such period. In adjoining columns there shall be shown the adjustments, if any, to the book figures and the total cost of plant claimed. Such adjustments shall be fully and clearly explained.

A supporting statement shall show the same information as described above but by the primary accounts for gas utility plant in service as prescribed in the Commission's Uniform System of Accounts for Natural Gas Companies.

The major plant additions and retirements, together with associated costs, for the test year shall be described and the approximate dates of commercial operation or retirement from service shall be given.

If the cost of any plant other than Plant in Service as defined in the Uniform System of Accounts for Natural Gas Companies is claimed as a part of the rate base, the amount, fully described, shall be included as the last item in the statement and the basis of the claim for inclusion in the rate base shall be clearly set forth.

Statement D—Accrued depreciation, depletion and amortization. This statement shall show the depreciation, depletion and amortization reserves by functional classifications of plant as of the beginning of the test period, the book additions and reductions during the period, together with the balances at the end of the test period. In adjoining columns there shall be shown the adjustments, if any, to the book figures and the total accrued depreciation, depletion and amortization claimed. Such adjustments shall be clearly and fully explained. If it is necessary to allocate an over-all gas plant reserve by functions, a complete explanation of the method, procedures and significant data used in making the allocation shall be set forth.

Statement E—Working capital. This statement shall show the computation of the working capital claimed as a part of the rate base. The statement shall show the respective components of the claimed working capital and be in such detail as to show how the amount of each component was computed. The balances for Materials and Supplies and Prepayments shall be shown for each of the 12 months of the test period.

If the cost of natural gas in storage is claimed as a part of the rate base, a separate supporting schedule shall be submitted showing the quantities and the respective costs of natural gas stored at the beginning of the test period, the input and output in Mcf and associated costs by months, and the balance at the end of the test period.

Statement F—Rate of return.—(1) *Rate of return claimed.* This statement shall show the percentage rate of return claimed. In addition, the following information shall be submitted:

(2) *Cost of debt capital.* (i) Show for each class and series of long-term debt outstanding at date of latest balance sheet:

(a) Description.
(b) Date of issuance and date of maturity.
(c) Interest rate.
(d) Principal amount of issue:
  Gross proceeds.
  Underwriters discount or commission:
    Amount.
    Percent gross proceeds.
  Issuance expense:
    Amount.
    Percent gross proceeds.
  Net proceeds.
  Net proceeds per unit.
(e) Cost of money:
  Yield to maturity based on the interest rate and net proceeds per unit determined by reference to any generally accepted table of bond yields.
(f) Method of sale, whether competitive or negotiated.
(g) If issue is owned by an affiliate, state name and relationship of owner.

(ii) Show weighted average cost of debt capital at date of latest balance sheet as determined from the foregoing detail.

(3) *Cost of preferred stock capital.* (i) Show for each class and series of preferred stock outstanding at date of the latest balance sheet:

(a) Description.
(b) Date of issuance.
(c) If callable, call price.
(d) If convertible, terms of conversion.
(e) Dividend rate.
(f) Par or stated amount of issue.
  Gross proceeds.
  Underwriters discount or commission:
    Amount.
    Percent gross proceeds.
  Issuance expenses:
    Amount.
    Percent gross proceeds.
  Net proceeds.
  Net proceeds per unit.
(g) Cost of money:
  Dividend rate divided by net proceeds per unit.
(h) Whether issue was offered to stockholders through subscription rights or to the public.
(i) If issue is owned by an affiliate, state name and relationship of owner.

(ii) Show weighted average cost of preferred stock capital at date of latest balance sheet as determined by detail submitted under subpart (3) (i) above.

(4) *Cost of common stock capital.* (i) Show for each sale of Common Stock during the five-year period preceding the date of the latest balance sheet:

(a) Number of shares sold.
(b) (1) Gross proceeds at offering price.
  (2) Underwriters discount or commission:
    Amount.
    Percent gross proceeds.
  (3) Proceeds to applicant.
  (4) Issuance expenses:
    Amount.
    Percent gross proceeds.
  (5) Net proceeds.
    Offering price per share.
    Net proceeds per share.
(c) Book value per share at date immediately prior to issuance.
  Closing market price at latest trading date prior to date of issuance.
  Latest published earnings per share available at date of issuance.
  Dividend rate at date of issuance.
(d) Whether issue was offered to stockholders through subscription rights or to the public.

(ii) Submit information respecting any stock dividends, stock splits or changes in par or stated value during five-year period preceding date of latest balance sheet.

(iii) Submit following information on outstanding common stock for the five calendar years preceding the date of the latest balance sheet and by months for the twelve-month period ended that date:

	Average number of shares outstanding	Book value per share	Annual earnings per share [1]	Annual dividend rate per share	Dividends per cent earnings	Market price		Earnings price ratio [2]	Dividend price ratio
						High	Low		
Years:									
1									
2									
3									
4									
5									
Months:									
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									

[1] For monthly figures, show current 12-month average.
[2] Relationship of annual earnings per share to average high-low market value of stock.
[3] Relationship of dividend per share to average high-low market value of stock.

(iv) If the applicant relied upon ratios or other data concerning the common stocks of other companies in reaching its conclusion as to a fair allowance for earnings on common equity, submit the following information respecting the common stock of such other companies:

(a) With respect to recent issuances, the same information as submitted under (3) (i).
(b) With respect to outstanding issues, the same information as submitted under (3) (iii).

(v) Show the earnings per share of common stock which the claimed rate of return would yield.

Statement G—Sales and operating revenues. This statement shall show the revenues from gas sales and other gas operating revenues for the test year at both the old and proposed rates. The operating revenues shall be classified between jurisdictional and nonjurisdictional sales and services. Each sale for resale, each transportation service, and each main line industrial sale shall be shown separately, but other sales, including retail sales, if any, may be grouped and classified as provided in the Commission's Uniform System of Accounts for Natural Gas Companies. For each revenue item shown separately, there shall be shown the points of delivery and the billing determinants (demand, volumes reduced to a common stated pressure base, Btu, etc.).

Statement H—Revenue deductions.—(1) *Operating expenses.* This statement shall show the gas operating expenses according to each pertinent account of the Uniform System of Accounts for Natural Gas Companies (the summary statement shall list the operating expenses by major functional classifications with the details on a supporting schedule). The operating expenses shall be shown by months in separate columns, under appropriate subheadings, as follows: (a) Actual operating expenses as per books, (b) adjustments, if any, to such actual operating expenses, and (c) total claimed operating expenses for the test period. Detailed explanations of the adjustments and the manner of their determinations shall be supplied.

On a separate supporting schedule, the cost of gas purchased shall be detailed for each purchase source of supply in the manner indicated above for all operating expenses. Such detail shall show, in addition, the determinants and the components of the purchase gas costs as between demand costs, commodity costs, etc. For such purchases subject to demand and commodity charges, the details shall show the actual or estimated maximum daily volume taken from each purchase source during the test period and the corresponding maximum daily volume taken within the period. Field purchases of 100,000 Mcf or less annually from individual nonassociated vendors may be grouped by field or production areas.

(2) *Depreciation and amortization expense.* This statement shall show the claimed gas plant depreciation, depletion, and amortization expense for the test period. The amounts of depreciable, depletable and amortizable plant shall be shown by the functions specified in Account 503.1, Depreciation of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each plant account, together with the rates used in computing these claimed expenses. Any deviation from the rates used in the applicant's last annual report on file with the Commission shall be explained in a footnote showing the rate or rates previously used together with supporting data for the new rate or rates used for this statement.

(3) *Income taxes.* This statement shall show the estimated income taxes and the computation thereof separately as between Federal and State, for the test year as if the proposed rates had been in effect during that period. This statement shall show total of each income tax and the allocation thereof to departments, if any, such as gas, electric, merchandising, etc., as well as to any nonoperating income of the company. If the natural gas company joins in a consolidated tax return, the total estimated tax on a consolidated basis shall be given as well as a full explanation of the method of prorating the tax to the applicant.

Any abnormalities (such as nonrecurring income, losses, deductions, etc.) affecting the income tax for the test year shall be explained and the tax effect thereon set forth.

(4) *Other taxes.* This statement shall show the claimed gas utility taxes, other than Federal or State income taxes, applicable to the test period. The taxes shall be shown by states and by kind of taxes.

Any adjustments to book amounts for the test period shall be fully explained.

Statement I—Allocation of over-all cost of service. This statement shall show the allocation of the over-all cost of service (Statement C), between the jurisdictional and the nonjurisdictional sales and services. The statement shall show the allocation of the operating expenses, depreciation, depletion, amortization, taxes and return, and for each such cost of service item the statement shall show the allocation ratio or ratios used, including the derivation of such ratios, and each amount or group of amounts related thereto. The methods and the procedures used in allocating the costs shall be set forth in such detail as to readily disclose the principles and steps followed. Where a demand factor is used in allocating costs, full details of the classification of costs to that factor and the allocation, such as respective loads on peak days, etc., shall be given. The deliveries to jurisdictional and nonjurisdictional customers on the 5 continuous days of maximum system deliveries during the most recent 12-month period shall be shown. In addition show similar 5-day data under test year operating conditions.

This statement shall include a schedule showing for the test year the company's Gas Account, in the form required by the Commission's Annual Report Form No. 2, page 121.

Statement J—Allocation of cost of service by zones. If the rates on file are zoned or if it is proposed to establish zone rates, the over-all costs shall be further allocated among the existing or proposed rate zones. A detailed description of the methods and procedures used to allocate costs to zones shall be given. Where zones are sought to be established for the first time, the reasons for this establishment and the selecting of the proposed zone boundaries shall be set forth.

Statement K—Comparison of estimated revenues with cost of service. This statement shall consist of a comparison of the total revenues under the proposed tariff from jurisdictional sales with the cost of serving such sales. Where zone rates are in existence or are proposed, this schedule shall also include a comparison by zones.

Statement L—Balance sheet. A balance sheet in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies as of the beginning of the test period and as of the most recent date available.

Statement M—Income statement. An income statement in the form prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies for the test year and for the most recent 12-month period available.

(ii) *Preparation for hearing.* A natural gas company filing for an increase in rates or charges shall be prepared to go forward immediately at a hearing and sustain the burden imposed by the Natural Gas Act of establishing that its proposed rates or charges are just and reasonable.

[F. R. Doc. 52-10856; Filed, Oct. 7, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Alva Frocks, Inc., Ridgeland, S. C., effective 9-29-52 to 3-28-53; 15 learners for expansion purposes (cotton wash dresses).

Bear Manufacturing Co., 2301 Front Street, Meridian, Miss., effective 9-25-52 to 9-24-53; 10 percent of the productive factory force or 10 learners, whichever is greater (cotton khaki trousers).

Blue Bell, Inc., Ripley, Miss., effective 9-25-52 to 9-24-53; 10 percent of the productive factory force (work shirts).

Boy Towne Shirt Co., Inc., 233 Market Street Philadelphia, Pa., effective 9-29-52 to 9-28-53; five learners (men's and boys' shirts).

Bruce Co., Inc., 120 East Fifteenth Ottawa, Kans., effective 9-28-52 to 9-27-53; 10 percent of the productive factory force (men's work clothing).

Cardinal Cotton Corp., 131-141 East Chestnut Street, Coatesville, Pa., effective 9-25-52 to 9-24-53; 10 percent of the productive factory force (dresses).

Carthage Corp., Carthage, Miss., effective 9-29-52 to 3-28-53; 75 learners for expansion purposes (men's work pants and ladies' dungarees).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 9-29-52 to 3-28-53; 20 learners for expansion purposes (denim bib overalls and overall jackets).

Elder Manufacturing Co., Thirteenth and Lucas Avenue, St. Louis, Mo., effective 9-28-52 to 9-27-53; 10 percent of the productive factory force (boys' wearing apparel).

Elder Manufacturing Co., Carl Junction, Mo., effective 10-4-52 to 10-3-53; 10 percent of the productive factory force (boys' and juvenile shirts).

Ely & Walker Coat Plant, 223 North Third Street, St. Joseph, Mo., effective 9-25-52 to 9-24-53; 10 percent of the productive factory force (men's and boys' heavy outerwear jackets).

Feldt Manufacturing Co., 117-119 South Main Street, Temple, Tex., effective 9-29-52 to 12-21-52; 10 percent of the productive factory force (men's and ladies' western shirts) (replacement certificate).

Hurlock Garment Co., Inc., Hurlock, Md., effective 9-24-52 to 3-11-53; 10 learners (ladies' blouses) (replacement certificate).

Hurlock Garment Co., Inc., Hurlock, Md., effective 9-24-52 to 3-23-53; five learners for expansion purposes (ladies' blouses).

Leesam Sportswear Co., Inc., 28-30 North William Street, Whitehall, N. Y., effective 9-26-52 to 9-25-53; 10 learners (women's and misses' blouses).

Locustdale Manufacturing Co., Locustdale, Pa., effective 9-29-52 to 9-28-53; five learners (ladies' blouses).

R. Lowenbaum Manufacturing Co., 2225 Locust Street, St. Louis 3, Mo., effective 9-28-52 to 9-27-53; 10 percent of the productive factory force (dresses).

Wm. H. Noggle & Sons, Inc., Lititz, Pa., effective 10-6-52 to 10-5-53; three learners (infants' and Children's wear, pants, sleepers).

Wm. H. Noggle & Sons, Inc., 27-37 East Ferdinand Street, Manheim, Pa., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (children's cotton wash garments).

Palmetto Garment Co., Inc., Goldsmith Street, Greenville, S. C., effective 9-26-52 to 3-25-53; 10 learners for expansion purposes (children's cotton underwear and shorts).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa, effective 9-26-52 to 9-25-53; five learners (overalls and dungarees).

Sherayne Blouse Co., 217 East Barnes Street, Wilson, N. C., effective 9–26–52 to 9–25–53; 10 learners (ladies' blouses).

Souderton Dress Co., Front and Chestnut Streets, Souderton, Pa., effective 10–6–52 to 10–5–53; five learners (dresses).

Triple A Trouser Manufacturing Co., 1429–35 Capouse Avenue, Scranton, Pa., effective 9–25–52 to 3–24–53; 30 learners for expansion purposes (trousers).

Troutman Shirt Co., Troutman, N. C., effective 9–24–52 to 9–23–53; 10 percent of the productive factory force (work shirts and sport shirts).

Vanderbilt Shirt Co., Inc., 29½ Broadway, Asheville, N. C., effective 9–22–52 to 3–21–53; 10 learners for expansion purposes (men's sport shirts).

Wentworth Manufacturing Co., 425 Pleasant Street, Fall River, Mass., effective 9–25–52 to 9–24–53; 10 percent of the productive factory force (house dresses).

Wood of Texas Industries, Hillsboro, Tex., effective 9–26–52 to 3–25–53; 30 learners for expansion purposes (cotton khaki trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Cuban Cigar Co., 401 Brand Avenue, Joplin, Mo., effective 9–29–52 to 9–28–53; three learners; Cigar packing (cigars retailing for less than 6 cents, 160 hours; cigar packing (cigars retailing for more than 6 cents, 320 hours; each 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Union Manufacturing Co., Union Point, Ga., effective 9–23–52 to 9–22–53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Norwich Knitting Co., Clayton, N. C., effective 9–24–52 to 3–23–53; 30 learners for expansion purposes (knitted underwear and outerwear).

Rice-Stix Factory No. 17, Houston, Miss., effective 10–9–52 to 10–8–53; 5 percent of the productive factory force (men's and boys' shorts).

Strutwear, Inc., Clarksdale, Miss., effective 9–29–52 to 3–28–53; 10 learners for expansion purposes (ladies' slips and panties).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 9–16–52 to 9–15–53; 10 percent of the productive factory force.

The following special learner certificates were issued to the school-operated industries listed below:

Campion Academy, Loveland, Colo., effective 9–1–52 to 8–31–53; print shop—compositor, pressman, bindery worker, and related skilled and semiskilled occupations, 7 learners, 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; broom shop—broom maker, stitcher, sorter, binder and related skilled and semiskilled occupations, 6 learners, 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour.

Washington Missionary College, Takoma Park, Washington 12, D. C., effective 9–1–52 to 8–31–52; print shop—pressman, compositor and related skilled and semiskilled occupations, 5 learners, 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bindery shop—machine operator, hand stitcher and related skilled and semiskilled occupations, 2 learners, 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour; clerical—clerk, typist, stenographer, bookkeeper and related clerical occupations, 2 learners, 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

The Carib Co., Inc., Aibonito, P. R., effective 9–10–52 to 3–9–53; 55 learners for expansion purposes; machine stitching (woven and knitted fabric gloves), 240 hours at 30 cents per hour, 240 hours at 38 cents per hour (machine sewn fabric gloves).

Walden Hosiery Mills of Puerto Rico, Inc., Cidra, P. R., effective 9–23–52 to 3–22–53; 18 learners for expansion purposes; knitters, 480 hours, loopers, 480 hours, menders, 240 hours, inspectors, 240 hours; each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of September 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52–10855; Filed, Oct. 7, 1952; 8:45 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

UNDERSTANDING OF PRODUCTION AND MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE, AND DEFENSE TRANSPORT ADMINISTRATION WITH RESPECT TO STORAGE AND WAREHOUSING MATTERS

AMENDMENT OF MEMORANDUM OF AGREEMENT

The memorandum of agreement (16 F. R. 11512) between the Administrator of the Production and Marketing Administration, United States Department of Agriculture, and the Administrator of the Defense Transport Administration, signed by them on October 25 and 24, 1951, respectively, and setting forth the understanding of the Production and Marketing Administration and the Defense Transport Administration as to the general manner in which each agency will perform its respective functions under delegations of authority made pursuant to the Defense Production Act of 1950, as amended, with respect to storage and warehousing matters, is hereby amended in the following respects:

1. Add, at the end of paragraph numbered 2 of said memorandum of agreement, the following new subparagraph "f".

f. Storage and warehousing facilities used in the domestic distribution of commercial fertilizer but not including storage or warehousing facilities operated in whole or in major part as public storage or warehousing facilities.

2. Revise the provisions in paragraph numbered 5 of said memorandum of agreement to read as follows:

5. The terms "food," "domestic distribution," and "commercial fertilizer" as used herein shall have the respective meanings as when used in Executive Order 10161.

Dated: September 30, 1952.

PRODUCTION AND MARKETING ADMINISTRATION,
HAROLD K. HILL,
Acting Administrator.
DEFENSE TRANSPORT ADMINISTRATION,
JAMES K. KNUDSON,
Administrator.

[F. R. Doc. 52–10975; Filed, Oct. 7, 1952; 11:22 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10118, 10119, 10120, 10121, 10320]

PENN JERSEY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Penn Jersey Broadcasting Co., Bristol, Pennsylvania, Docket No. 10118, File No. BP–8062; Leroy Bremmer and Dorothy Bremmer, d/b as Atlantic City Broadcasting Co., Atlantic City, New Jersey, Docket No. 10119, File No. BP–8090; Herbert Michels, Albert Spiro and John J. Farina, d/b as Garden State Broadcasting Company, Atlantic City, New Jersey, Docket No. 10120, File No. BP–8112; Press-Union Publishing Company, Atlantic City, New Jersey, Docket No. 10121, File No. BP–8143; Max M. Leon, Inc. (WDAS) Philadelphia, Pennsylvania, Docket No. 10320, File No. BP–8508; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of September 1952;

The Commission having under consideration the above-entitled application of Max M. Leon, Inc., to change facilties of Station WDAS, Philadelphia, Pennsylvania, from 1400 kc, 250 watts, unlimited time, to 1480 kc, 1 kw, unlimited time; and

It appearing, that said application is mutually exclusive with the application of Penn Jersey Broadcasting Company (Docket No. 10118; File No. BP–8062) for a new station on 1490 kc at Bristol, Pennsylvania; that operating as proposed Station WDAS will not provide satisfactory coverage of the Philadelphia metropolitan area and will involve objectionable mutual interference with Station WHOM, New York, New York; and

It further appearing, that the applicant was advised on August 13, 1952, of the matters set forth in the above paragraph and that the applicant in a letter dated September 4, 1952, recognized the pendency of the conflicting Penn Jersey proposal and admitted the deficiencies of the proposed WDAS operation described in the above paragraph; and

It further appearing, that in a letter dated September 11, 1952, counsel for Station WHOM, New York, New York, requested the Commission to include an issue in the contemplated order designating the WDAS application for hearing pertaining to the nature and character of the program service being rendered by Station WHOM in the area, if any, that might lose primary service from Station WHOM due to the proposed operation of Station WDAS; and

It further appearing, that the applicant, Max M. Leon, Inc., is legally, technically, financially and otherwise qualified to operate Station WDAS, as proposed:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Max M. Leon, Inc., is designated for hearing in the same consolidated proceeding with the other above-captioned applications to commence at 10:00 a. m. on September 22, 1952, in Atlantic City, New Jersey, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WHOM, New York, New York, and any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service and the type and character of the program service provided by such other primary services, if any, to such areas and populations.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Penn Jersey Broadcasting Co. (Docket No. 10118; File No. BP–8062) or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine the nature and character of program service being rendered by Station WHOM, New York, New York, in the area, if any, that might lose primary service from Station WHOM due to the proposed operation of WDAS.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the Philadelphia metropolitan area.

7. To determine on a comparative basis whether the application of Max M. Leon, Inc. or Penn Jersey Broadcasting Co., if either, should be granted.

It is further ordered, That Atlantic Broadcasting Company, Inc., licensee of Station WHOM, New York, New York, is made a party to this proceeding with respect to the application of Max M. Leon, Inc. only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10878; Filed, Oct. 7, 1952; 8:49 a. m.]

[Docket No. 10321]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company. Docket No. 10321, File No. P–C–2964; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of the Harlem Telephone Company, Incorporated.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southern Bell Telephone and Telegraph Company of certain telephone plant and property of the Harlem Telephone Company, Incorporated, located in Harlem, Georgia, and furnishing telephone service in parts of Columbia and McDuffie Counties, Georgia, will be of advantage to persons to whom service is to be rendered and in the public interest:

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to persons to whom service is to be rendered and in the public interest:

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 9th day of October 1952, and that a copy of this order shall be served on the Southern Bell Telephone and Telegraph Company, the Harlem Telephone Company, Incorporated, the Governor of Georgia, the Georgia Public Service Commission, and the Postmaster of Harlem, Georgia:

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Columbia and McDuffie Counties, Georgia, and shall furnish proof of such publication at the hearing herein.

Released: September 25, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10911; Filed, Oct. 7, 1952; 8:51 a. m.]

[Docket No. 10322]

MARVIN G. GRIGSBY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Marvin G. Grigsby, San Diego, California, Docket No. 10322; application for a restricted radiotelephone operator permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration the application of Marvin G. Grigsby, 1832 1st. Avenue, San Diego, Calif. for a restricted radiotelephone operator permit; and

It appearing, that said licensee, on February 6, 1952, engaged in the operation of the ship radiotelephone station KNFZ aboard the vessel Sun Dial without first having obtained a valid commercial radio operator license or permit authorizing such operation, in violation of section 318 of the Communications Act of 1934, as amended; and

It further appearing, that said licensee, on February 6, 1952, operated the ship radiotelephone station KNFZ on the frequency 2638 kilocycles, which is allocated for ship to ship telephony and primarily for the transmission of safety communications, for the unauthorized purpose of communicating with amateur radio station W6TIY at San Diego, California, in violation of § 8.358 of the Commission's rules; and

It further appearing, that said licensee, on February 6, 1952, while engaged in the operation of his amateur radio station the Sun Dial transmitted a call sign W6BOR, which had not been assigned by proper authority to the station he was operating in violation of § 12.158 of the Commission's rules; and

It further appearing, that the Commission is unable to determine from consideration of the information before it that the public interest would be served by granting Mr. Grigsby the license requested:

It is ordered, That pursuant to section 303 (1) of the Communications Act of 1934, as amended, the above entitled application is hereby designated for hearing in Washington, D. C., at a time to be specified by a subsequent order of the Commission upon the following issues:

1. To determine the applicant's character qualifications to hold a radio operator license.

2. To determine the applicant's use of radio transmitting equipment while not being the holder of a valid radio operator license issued to him by the Commission.

3. To determine whether the applicant transmitted a call sign which had not been assigned by proper authority to the station he was operating.

4. To determine in the light of the evidence adduced under the issues in this proceeding whether it would be in the public interest to grant a restricted radiotelephone operator permit to Mr. Grigsby.

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10879; Filed, Oct. 7, 1952; 8:49 a. m.]

ROY HOFHEINZ (KSOX)

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Roy Hofheinz (KSOX), Harlingen, Texas, File Nos. BMP-5709 and BL-4649; for modification of construction permit and for station license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration (1) a petition for reconsideration, filed December 3, 1951, by L. B. Wilson, Inc., licensee of Station WCKY, Cincinnati, Ohio, directed against the Commission action of November 14, 1951, granting without hearing the above-entitled application for modification of construction permit for Station KSOX, and also the action of November 28, 1951, authorizing the commencement of program tests by Station KSOX; (2) a similar petition filed December 4, 1951, by McClatchy Broadcasting Company, licensee of KFBK, Sacramento, California; (3) an opposition to the above petitions filed December 20, 1951,[1] by Roy Hofheinz; (4) an answer to the said opposition filed January 2, 1952, by L. B. Wilson, Inc.; (5) a reply to the said opposition filed January 3, 1952, by McClatchy Broadcasting Company; (6) a motion to strike "footnote 1" of the said opposition, filed January 9, 1952, by Roy Hofheinz; (7) a motion to strike certain parts of the answer of L. B. Wilson, Inc., filed January 10, 1952, by L. B. Wilson, Inc.; (8) a petition filed February 7, 1952, by McClatchy Broadcasting Company requesting that the above-entitled application for station license to cover construction permit be designated for hearing; (9) a similar petition filed February 14, 1952, by L. B. Wilson, Inc.; and (10) an opposition to and motion to dismiss the above two petitions, filed February 28, 1952,[2] by Roy Hofheinz;

It appearing, that said oral argument in this matter would be of assistance to the Commission in the disposition of the above-described pleadings:

It is ordered, That oral argument in the above-entitled matter be held before the Commission en banc at the offices of the Commission in Washington, D. C., on the 3d day of November 1952:

It is further ordered, That the Chief of the Broacast Bureau of the Federal Communications Commission participate in this oral argument.

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10880; Filed, Oct. 7, 1952; 8:49 a. m.]

AM AND FM STATIONS

ANNUAL EQUIPMENT PERFORMANCE MEASUREMENTS

SEPTEMBER 25, 1952.

Attention of AM and FM stations is directed to §§ 3.46 (e) and 3.254 of the Commission's rules and regulations. These sections require all standard and FM broadcast stations to make certain performance measurements at yearly intervals, with one such set of measurements being made during the four-month period preceding the date of filing application for renewal of station license. The measurements are not to be submitted to the Commission but are to be retained at the station and be available upon request by any duly authorized representative of the Commission. Because this measuring procedure affords the means of locating and correcting defective equipment, such measurements are necessary for the efficient and proper operation of the station. The Commission has therefore been concerned with the failure of licensees to answer the question in the renewal application as to whether the equipment performance measurements have been made.

Licensees, as well as the Commission, are interested in prompt action, in proper cases, upon applications for renewal of licenses. Aside from the fact that the failure to make timely and proper measurements reflects a lack of diligence on the part of licensees, the additional fact is present that the Commission cannot grant renewal applications in the absence of such measurements but must resort, in many cases, to protracted correspondence. This requires both time and effort placing an unnecessary administrative burden upon the Commission at a period when it must necessarily concentrate on problems much larger in scope. In the interests, therefore, of full operation in the public interest and economy of time for both the Commission and licensees, it is requested that steps be taken by all licensees to insure full and prompt compliance with these regulations.

Adopted: September 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10881; Filed, Oct. 7, 1952; 8:49 a. m.]

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[1] Time for filing of opposition extended to December 21, 1951, by order of December 21, 1951.

[2] Time for filing opposition extended to February 28, 1952, by order of February 25, 1952.

FEDERAL SECURITY AGENCY

Office of Education

NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

CRITERIA

Correction

In F. R. Doc. 52-10732, appearing at page 8929 of the issue for Saturday, October 4, 1952, the following change should be made:

In item 3 of the criteria, "prejudge" should read "prejudice".

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 6]

RAILROADS SERVING KANSAS AND MISSOURI

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, those railroads serving the States of Kansas and Missouri, because of work stoppage on the Kansas City Terminal Railway Company, Kansas City, Kansas and Kansas City, Missouri, are unable to transport traffic to or through the terminals in those cities: *It is ordered*, That:

(a) Rerouting traffic: Those railroads serving the States of Kansas and Missouri, which are unable to transport traffic moving to or through the Kansas City, Kansas and Kansas City, Missouri, terminals, because of work stoppage, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the diversions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., October 2, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., October 2, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-10884; Filed, Oct. 7, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-173]

PHILADELPHIA CO., AND STANDARD GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO EMPLOYMENT OF EXCHANGE AGENT

OCTOBER 2, 1952.

In the matter of Philadelphia Company, and Standard Gas and Electric Company; File No. 54-173.

Standard Gas and Electric Company, a registered holding company, having filed a plan, pursuant to section 11 (e) of the act, providing for the simplification of the corporate structure of the system of Philadelphia Company, its subsidiary and also a registered holding company;

The Commission by order dated August 22, 1952 (Holding Company Act Release No. 11450), having approved Step 4 of said plan and in said order having reserved jurisdiction with respect to the selection and employment by Philadelphia Company of the Exchange Agent provided for in Step 4;

Philadelphia Company having filed an application on September 30, 1952, stating that it has selected Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania, as the Exchange Agent under Step 4;

It appearing to the Commission from said application and the exhibits attached thereto that competitive conditions were maintained by Philadelphia Company in the selection of the Exchange Agent and that it is appropriate to release the jurisdiction heretofore reserved with respect to such matter:

It is ordered, That the jurisdiction heretofore reserved herein with respect to the selection and employment by Philadelphia Company of the Exchange Agent provided for in said plan be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-10870; Filed, Oct. 7, 1952; 8:46 a. m.]

[File Nos. 54-186, 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. ET AL.

ORDER APPROVING PLAN

OCTOBER 1, 1952.

In the matter of Arkansas Natural Gas Corporation, Cities Service Company, File No. 54-186; Arkansas Natural Gas Corporation and its subsidiaries and Cities Service Company, respondents, File Nos. 59-93 and 70-1804.

Arkansas Natural Gas Corporation ("Arknat"), a registered holding company and a subsidiary of Cities Service Company ("Cities"), also a registered holding company, having filed a plan, and thereafter an amendment thereto ("the plan") joined in by Cities, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") providing, among other things, for the simplification of Arknat's corporate structure, the separation of Arknat's utility from its non-utility interests, its merger with its oil subsidiary, and the settlement of claims asserted against Cities and its subsidiaries;

The Commission having by notices and orders dated May 19, 1948, and February 9, 1949, instituted proceedings pursuant to sections 11 (b) (1) and (2), and the Commission having consolidated the proceedings under sections 11 (b) (1) and (2) and 11 (e) of the act;

Public hearings having been held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

The Commission having been requested to enter an order finding that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and having been requested that such order contain recitals in accordance with the provisions and requirements of the Internal Revenue Code, as amended;

Arknat and Cities having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court in accordance with the provisions of subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the plan; and

The Commission being duly advised, and having this day issued its findings and opinion, on the basis of said findings and opinion, and pursuant to the applicable provisions of the act and the rules and regulations thereunder

It is ordered, That the said plan be, and hereby is, approved, subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the transactions proposed in the plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing said plan.

2. Arknat, Arkla, and Cities shall pay only such fees and expenses in connection with the plan and the proceedings relating thereto as the Commission may approve on appropriate application made to it, and jurisdiction is hereby reserved to determine the reasonableness and appropriate allocation of all such fees and expenses.

3. Jurisdiction be and it hereby is further specifically reserved with respect to the following matters:

a. The terms and conditions under which the proposed bonds are to be issued by Arkansas Louisiana Gas Company ("Arkla") and the proposed debentures are to be issued by Arknat;

b. The selection and composition of the first boards of directors of Arkla and of Arkansas Fuel Oil Corporation ("Fuel Oil") upon or after consummation of the plan;

c. The resolution of the problems presented by the continued existence of a minority public interest in Fuel Oil after consummation of the plan;

d. The amendment of Arkla's charter to require an affirmative vote of two-thirds of the stock to amend provisions of such charter granting cumulative voting privileges in the election of directors and conditional pre-emptive rights, and its amendment in such other respects as may be appropriate for the protection of investors; and

e. The entertaining of such further proceedings, entering of such further orders and the taking of such other action as may be necessary or appropriate to effectuate the provisions of section 11 (b) of the act and as may be appropriate in connection with the plan, the transactions incident thereto and the consummation thereof.

It is further ordered, And recited and the Commission finds that:

(1) The issuance and sale by Arknat of $23,000,000 principal amount of its 20-year sinking fund debentures and the exchange of Arknat preferred stock by the holders thereof other than Cities for such debentures, with such cash adjustments as may be appropriate, and the surrender to Arknat by Cities of its holdings of 870,812 shares of the preferred stock of Arknat for retirement and the receipt by Cities in payment therefor of the sum of $10.60 per share, together with an amount equal to unpaid dividends to the date specified for such payment;

(2) The change of the presently outstanding 298,988 shares of common stock of Arkla into 3,801,609 shares of common stock of Arkla of the par value of $5 per share, and the distribution of such common stock by Arknat to the holders of its common and Class A stock

on the basis of one-half share of such common stock of Arkla for each share of common or Class A stock of Arknat, and the distribution by Arknat to such holders of registered or bearer scrip certificates in lieu of fractional interests in such common stock of Arkla, and the distribution by Arknat of full share certificates of such common stock of Arkla in exchange for such scrip certificates when combined in proper amounts and presented at the proper time; and

(3) The merger of Arkansas Fuel Oil Company into Arknat, which will continue as the surviving corporation with the change of its name to Fuel Oil and, as part of such merger, the conversion of the outstanding 3,522,271-¼ shares of Class A stock and the outstanding 4,080,801 shares of common stock of Arknat, together with 147 shares of common stock of Arknat held in reserve for exchange for common stock of a predecessor company, into 3,801,609 shares of common stock of the par value of $5 per share of Fuel Oil in the ratio of one-half share of such common stock of Fuel Oil for each of said shares of Class A stock and common stock of Arknat, and the issuance of registered or bearer scrip certificates in lieu of fractional interests in such common stock of Fuel Oil and of full share certificates of such common stock in exchange for such scrip certificates when combined in proper amounts and presented at the proper time,

all as provided in the plan approved herein, are necessary and appropriate to the integration and simplification of the holding company system of which Cities, Arknat, Arkla and Arkansas Fuel Oil Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10867; Filed, Oct. 7, 1952; 8:46 a. m]

[File No. 70-2939]

TEXAS UTILITIES CO.

NOTICE REGARDING ACQUISITION OF SECURITIES OF NEWLY ORGANIZED SUBSIDIARY COMPANY

OCTOBER 1, 1952.

In the matter of Texas Utilities Company; File No. 70-2939.

Notice is hereby given that an application has been filed with this Commission by Texas Utilities Company ("Texas Utilities"), an exempt registered holding company, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Sections 9 (a) (2) and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

On April 5, 1950, the Commission issued its findings, opinion and order granting Texas Utilities and each of its subsidiary companies, as such, an exemption pursuant to section 3 (a) (1) of the act from all the provisions of the act except with respect to section 9 (a) (2) thereof among certain other exceptions.

Texas Utilities proposes to organize a new corporation under the laws of the State of Texas and to acquire for $500 in cash five shares (being all the shares) of the capital stock, par value $100 per share, of such company. The new company would be named Industrial Generating Co.

Texas Power & Light Company ("Texas Power"), a subsidiary company of Texas Utilities, has entered into contracts with the Aluminum Company of America ("Alcoa") under which Texas Power will construct in its service area near Sandow, Texas a new electric generating plant and transmission line for the account of Alcoa, operate such plant and certain lignite mines for Alcoa's account, and exchange emergency and standby power and energy with Alcoa. The Industrial Generating Co., on a non-profit basis, would contract with Texas Power to perform the obligations of Texas Power to Alcoa imposed by the contract between the latter two named companies to operate Alcoa's generating plant. It is stated that the financial statements of Texas Power would be substantially distorted if there is incorporated therein the operating costs of Alcoa's generating plant with the items making up the costs of its regular normal operations. It is submitted that the newly organized company, which would operate Alcoa's generating plant, would avoid such distortion and simplify operations under the operating agreement between Alcoa and Texas Power.

It is represented that no fees or commissions are to be paid in connection with the organization of Industrial Generating Co. and that the transactions here involved are not subject to the jurisdiction of any state commission.

Notice is further given that any interested person may, not later than October 16, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, of any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 16, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10868; Filed, Oct. 7, 1952; 8:46 a. m.]

[File No. 70-2941]

PHILADELPHIA CO.

NOTICE OF FILING REGARDING PROPOSED STABILIZATION

OCTOBER 2, 1952.

In the matter of Philadelphia Company; File No. 70-2941.

Notice is hereby given that an application has been filed pursuant to the act and to the rules and regulations promulgated thereunder by Philadelphia Company ("Philadelphia"), a registered holding company. The application designates sections 9 and 10 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

At the present time Philadelphia owns $6,354,000 principal amount of Twenty Year 3⅜ percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company ("Equitable"), a former utility subsidiary of Philadelphia. This Commission by order dated June 1, 1948, as supplemented by its order of March 14, 1950, has directed Philadelphia to divest itself of all securities of Equitable owned by Philadelphia. Philadelphia has notified the Commission, pursuant to Rule U-44 (c), that it intends to sell these debentures to non-affiliated interests under competitive conditions.

Bids for the debentures will be invited by a newspaper advertisement which will provide that interested persons shall notify Philadelphia of their desire for an opportunity to purchase said debentures. Thereafter Philadelphia will advise all such persons of the conditions of sale and the time for submitting bids, which time shall not be less than twenty-four hours after such advice has been given.

The sale of these debentures is not part of the instant application. Philadelphia in the instant application seeks permission to acquire debentures of Equitable by purchases on the over-the-counter market, if, in the judgment of Philadelphia's officers, such purchases are necessary or advisable to facilitate the intended sale by stabilizing the market price thereof. Purchases by Philadelphia will be made only during the period beginning on the third full business day prior to the opening of bids for the purchase of debentures and ending at the time of such opening.

The filing states that all debentures which are acquired through these stabilization operations will be promptly disposed of by Philadelphia after appropriate notice to the Commission.

It is represented in the application that no fees or commissions or underwriting spread will be paid or allowed except customary brokerage fees or commissions to be paid by Philadelphia in connection with purchases made by it for stabilization purposes. Expenses in connection with such transactions are estimated at $1,000, of which the major portion will be fees and expenses of counsel.

Philadelphia requests that the Commission's order herein become effective

forthwith upon issuance by the Commission.

Notice is further given that any interested person may, not later than October 15, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10869; Filed, Oct. 7, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 76]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on October 11, 1952.

JOSEPH H. FREEHILL, *Acting Director of Price Stabilization.*

OCTOBER 6, 1952.

[F. R. Doc. 52-10931; Filed, Oct. 6, 1952; 4:00 p. m.]

[Region I, Redelegation of Authority No. 19, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. I, and pursuant to Delegation of Authority No. 35, Amendment 1 (17 F. R. 8201) this amendment to Redelegation of Authority No. 19 (17 F. R. 98) is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This Amendment 1 to Redelegation of Authority No. 19 shall take effect as of September 24, 1952.

JOSEPH M. MCDONOUGH, *Regional Director, Region I.*

OCTOBER 3, 1952.

[F. R. Doc. 52-10892; Filed, Oct. 3, 1952; 12:04 p. m.]

[Region II, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this Redelegation of Authority No. 45 is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect on October 4, 1952.

JAMES G. LYONS, *Regional Director, Region II.*

OCTOBER 3, 1952.

[F. R. Doc. 52-10889; Filed, Oct. 3, 1952; 12:04 p. m.]

[Region II, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to the Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this Redelegation of Authority No. 46 is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect on October 4, 1952.

JAMES G. LYONS, *Regional Director, Region II.*

OCTOBER 3, 1952.

[F. R. Doc. 52-10890; Filed, Oct. 3, 1952; 12:04 p. m.]

[Region V, Redelegation of Authority No. 19, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority No. 11, Revision 1, Amendment 2 (17 F. R. 8312), this Amendment 2 of Redelegation of Authority No. 19 is hereby issued.

Redelegation of Authority No. 19, as amended, is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 2 to Redelegation of Authority No. 19 shall take effect as of September 24, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

OCTOBER 3, 1952.

[F. R. Doc. 52-10893; Filed, Oct. 3, 1952; 12:05 p. m.]

[Region V, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5, and 6 of CPR 161.

This redelegation of authority shall take effect as of September 24, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

OCTOBER 3, 1952.

[F. R. Doc. 52-10895; Filed, Oct. 3, 1952; 12:05 p. m.]

[Region V, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority No. 35, Amendment 1 (17 F. R. 8201), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This redelegation of authority shall take effect as of September 24, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

OCTOBER 3, 1952.

[F. R. Doc. 52-10894; Filed, Oct. 3, 1952; 12:05 p. m.]

[Region VI, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this Redelegation of Authority No. 44 is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 1, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

OCTOBER 3, 1952.

[F. R. Doc. 52-10906; Filed, Oct. 3, 1952; 12:07 p. m.]

[Region VI, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this Redelegation of Authority No. 45 is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of October 1, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

OCTOBER 3, 1952.

[F. R. Doc. 52-10905; Filed, Oct. 3, 1952; 12:07 p. m.]

[Region VII, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NFW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect on October 4, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10891; Filed, Oct. 3, 1952; 12:04 p. m.]

[Region VIII, Redelegation of Authority No. 28, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization Region VIII, pursuant to Amendment 2 to Delegation of Authority No. 11, Revision 1, dated September 15, 1952 (17 F. R. 8312), this Amendment 2 to Redelegation of Authority No. 28 (17 F. R. 2585) is hereby issued.

1. Section 1 (b) of Redelegation of Authority No. 28 is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) of Redelegation of Authority No. 28 is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 2 to Redelegation of Authority No. 28 shall take effect as of September 24, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10898; Filed, Oct. 3, 1952; 12:05 p. m.]

[Region VIII, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 26, Revision 1, dated September 19, 1952 (17 F. R. 8461), this redelegation of authority is hereby issued:

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of September 24, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10897; Filed, Oct., 3, 1952; 12:05 p. m.]

[Region VIII, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 29, Revision 1, dated September 19, 1952 (17 F. R. 8462), this redelegation of authority is hereby issued:

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII,

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of September 24, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10896; Filed, Oct. 3, 1952; 12:05 p. m.]

[Region XI, Redelegation of Authority No. 34, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REV. 1, DISTRIBUTION OF LIVESTOCK AND MEAT

By virtue of the authority vested in the Director of Regional Office of Price Stabilization Region XI, pursuant to Delegation of Authority No. 11, Rev. 1 (17 F. R. 2145), as amended, this Amendment 2 to Redelegation of Authority No. 34 is hereby issued:

Redelegation of Authority No. 34 is amended as follows:

1. Section 1 (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office or this Regional Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section 1 (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action

as the National Office or this Regional Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 2 to Redelegation of Authority No. 34 shall take effect as of September 29, 1952.

R. A. FITZSIMONDS,
Acting Regional Director.

OCTOBER 3, 1952.

[F. R. Doc. 52-10910; Filed, Oct. 3, 1952; 12:08 p. m.]

[Region XI, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in the Director of Regional Office of Price Stabilization Region XI, pursuant to delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued:

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of each of the District Offices of the Office of Price Stabilization in Region XI to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect as of September 29, 1952.

R. A. FITZSIMMONS,
Acting Regional Director.

OCTOBER 3, 1952.

[F. R. Doc. 52-10907; Filed, Oct. 3, 1952; 12:07 p. m.]

[Region XI, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 35 (16 F. R. 12025) and Amendment 1 thereto (17 F. R. 8201) this redelegation of authority is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation 34 to GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XI, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation 34 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region XI, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This redelegation of authority shall take effect as of September 29, 1952.

R. A. FITZSIMONS,
Acting Regional Director.

OCTOBER 3, 1952.

[F. R. Doc. 52-10908; Filed, Oct. 3, 1952; 12:07 p. m.]

[Region XI, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization Region XI, pursuant to Delegation of Authority 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of September 29, 1952.

R. A. FITZSIMONDS,
Acting Regional Director.

OCTOBER 3, 1952.

[F. R. Doc. 52-10909; Filed, Oct. 3, 1952; 12:07 p. m.]

[Region XII, Redelegation of Authority No. 18, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 35, as amended (16 F. R. 12025, 17 F. R. 8201), Region XII, Redelegation of Authority No. 18 (17 F. R. 621) is amended to read as follows:

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the Phoenix and Los Angeles District Offices of the Office of Price Stabilization to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the Phoenix and Los Angeles District Offices, Office of Price Stabilization to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This amendment shall take effect as of September 28, 1952.

EARL I. CLOUD,
Acting Regional Director, of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10900; Filed, Oct. 3, 1952; 12:06 p. m.]

[Region XII, Redelegation of Authority No. 29, Amdt. 1]

DIRECTOR OF RENO DISTRICT OFFICE, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 35, as amended (16 F. R. 12025, 17 F. R. 8201), Region XII Redelegation of Authority No. 29 (17 F. R. 1640) is amended to read as follows:

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Director of the Reno District Office, Office of Price Stabilization to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This amendment shall take effect as of September 28, 1952.

EARL I. CLOUD,
Acting Regional Director of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Ooc. 52-10901; Filed, Oct. 3, 1952; 12:06 p. m.]

[Region XII, Redelegation of Authority No. 38, Amdt. 4]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 11, Revision 1, as amended (17 F. R. 2145, 7195, 8312), Redelegation of Authority No. 38, as amended (17 F. R. 2947, 4132, 4866, 7798) is amended to read as follows:

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under sections 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This amendment shall take effect as of September 28, 1952.

EARL I. CLOUD,
Acting Regional Director of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10899; Filed, Oct. 3, 1952; 12:06 p. m.]

[Region XII, Redelegation of Authority No. 55]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect on October 5, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10903; Filed, Oct. 3, 1952; 12:06 p. m.]

[Region XII, Redelegation of Authority No. 56]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect on October 5, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10902; Filed, Oct. 3, 1952; 12:06 p. m.]

[Region XII, Redelegation of Authority No. 57]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in the Director of the Regional Office of

ice Stabilization No. XII, pursuant to Delegation of Authority 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect on October 5, 1952.

JOHN H. TOLAN, JR.,
Director of Regional Office No. XII.

OCTOBER 3, 1952.

[F. R. Doc. 52-10904; Filed, Oct. 3, 1952; 12:06 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARET CARRIE KASTAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margaret Carrie Kastan, Stadtoldendorf (Weserbergland) Germany; Claim No. 36737; $5,359.26 cash in the Treasury of the United States

Executed at Washington, D. C., on October 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10914; Filed, Oct. 7, 1952; 8:52 a. m.]

COTONIFICIO BRESCIANO OTTOLINI, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cotonificio Bresciano Ottolini S. A., Milan, Italy; Claim No. 36671; $4,561.65 cash in the Treasury of the United States.

Executed at Washington, D. C., on October 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10913; Filed, Oct. 7, 1952; 8:51 a. m.]

[Vesting Order 19027]

KARL ALBRECHT

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Karl Albrecht, deceased. F-28-31992.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Albrecht, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of Parmelee Transportation Company, 300 North Desplaines Street, Chicago 6, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NC 09117, dated October 8, 1930, registered in the name of Karl Albrecht, and presently in the custody of Schroder Trust Company, 57 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Schroder Trust Company, 57 Broadway, New York 15, New York, arising out of the receipt of cash dividends derived from the shares of stock described in the aforesaid subparagraph 2-a hereof, constituting the sum of money on deposit with said Schroder Trust Company, in an account, entitled Karl Albrecht, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Karl Albrecht, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-10912; Filed, Oct. 7, 1952; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 17 · NUMBER 198

Washington, Thursday, October 9, 1952

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR THE 1953 CROP OF UPLAND COTTON

Sec.
722.401 Basis and purpose.
722.402 Findings and determinations with respect to a national marketing quota for the 1953 crop of upland cotton.
722.403 National acreage allotment for the 1953 crop of upland cotton.

AUTHORITY: §§ 722.401 to 722.403 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342, 344, 347, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342, 1344, 1347.

§ 722.401 *Basis and purpose.* (a) This proclamation is issued to announce findings made by the Secretary of Agriculture with respect to the total supply and the normal supply of upland cotton for the marketing year beginning August 1, 1952, and to proclaim whether, upon the basis of such findings, a national marketing quota and a national acreage allotment for the 1953 crop of upland cotton are required under the provisions of the Agricultural Adjustment Act of 1938, as amended. Section 342 of the said act provides, in part, that, whenever during any calendar year the Secretary determines that the total supply of upland cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of upland cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed, the Secretary is required by section 344 (a) of the said act to determine and proclaim a national acreage allotment for the crop of upland cotton to be produced in the next calendar year. The act further provides that the proclamation with respect to a national marketing quota shall be made not later than October 15 of the calendar year in which the determinations relating thereto are made.

(b) The term "cotton" and the data appearing in § 722.402 do not include extra long staple cotton covered by section 347 (a) of the said act or similar types of such cotton which are imported.

(c) The terms "total supply," "carry-over," and "normal supply," as they relate to all cotton, are defined in section 301 of the said act as follows:

"Total supply" of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current.

"Normal supply" of cotton for the marketing year shall be the estimated domestic consumption of cotton for any marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(d) The findings and determinations made by the Secretary are contained in § 722.402 and have been made on the basis of the latest available statistics of the Federal Government. Prior to making such findings and determinations, notice was published in the FEDERAL REGISTER (17 F. R. 8159) that the Secretary was preparing to examine the supply situation to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto, postmarked not later than 20 days from the date of publication of the notice, which was September 10, 1952. All written expressions submitted pursuant to such notice have been duly considered in connection with making the findings and determinations.

§ 722.402 *Findings and determinations with respect to a national marketing quota for the 1953 crop of upland cotton—(a) Total supply.* The total

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FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

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CODIFICATION GUIDE

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supply of upland cotton for the marketing year beginning August 1, 1952 (in terms of running bales or the equivalent), is 16,451,000 bales, consisting of (1) a carry-over on August 1, 1952, of 2,682,000 bales, (2) estimated production from the 1952 crop of 13,684,000 bales, and (3) estimated imports into the United States during the marketing year beginning August 1, 1952, of 85,000 bales.

(b) *Normal supply.* The normal supply of upland cotton for the marketing year beginning August 1, 1952 (in terms of running bales or the equivalent), is 18,083,000 bales, consisting of (1) estimated domestic consumption for the marketing year beginning August 1, 1952, of 9,410,000 bales, (2) estimated exports during the marketing year beginning August 1, 1952, of 4,500,000 bales, and (3) 30 percent of the sum of subparagraphs (1) and (2) of this paragraph as an allowance for carry-over, or 4,173,000 bales.

(c) *National marketing quota.* It is hereby determined and proclaimed that the total supply of upland cotton for the marketing year beginning August 1, 1952, will not exceed the normal supply for such marketing year. Therefore, a national marketing quota shall not be in effect for the crop of upland cotton produced in the calendar year 1953.

§ 722.403 *National acreage allotment for the 1953 crop of upland cotton.* It is hereby determined and proclaimed that a national acreage allotment shall not be in effect for the crop of upland cotton produced in the calendar year 1953.

Done at Washington, D. C., this 6th day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10959; Filed, Oct. 7, 1952; 12:20 p. m.]

PART 722—COTTON

PROCLAMATION RELATING TO NATIONAL MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1953 CROP OF EXTRA LONG STAPLE COTTON

Sec.
722.1001 Basis and purpose.
722.1002 Findings and determinations with respect to a national marketing quota for the 1953 crop of extra long staple cotton.
722.1003 National acreage allotment for the 1953 crop of extra long staple cotton.

AUTHORITY: §§ 722.1001 to 722.1003 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 347, 371, 52 Stat. 38, as amended, 66 Stat. 760; 7 U. S. C. 1301, 1347, 1371.

§ 722.1001 *Basis and purpose.* (a) The regulations contained in §§ 722.1001 to 722.1003 are issued to announce that no national marketing quota shall be in effect for the 1953 crop of extra long staple cotton and that no national acreage allotment for such crop will be established under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended. The term "extra long staple cotton" as used herein means the kinds of cotton described in section 347 (a) of the Agricultural Adjustment Act of 1938, as amended.

(b) Section 347 (b) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever during any calendar year, not later than October 15, the Secretary of Agriculture determines that the total supply of extra long staple cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of such cotton produced in the next calendar year. Whenever a national marketing quota is proclaimed under the cotton marketing quota provisions of the act, the Secretary is also required by the act to determine and proclaim a national acreage allotment for the crop to be produced in the next calendar year.

(c) Section 371 (b) of the act authorizes the Secretary of Agriculture to dispense with marketing quotas for any agricultural commodity to which the provisions of Title III of the act are applicable if he finds after appropriate investigation that such action is necessary to meet a national emergency or an increase in export demand for the commodity.

(d) Pursuant to section 371 (b) of the act, an investigation has been made to determine whether marketing quotas should be proclaimed for the 1953 crop of extra long staple cotton. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to meet the present national emergency, that marketing quotas should not be proclaimed for the 1953 crop of extra long staple cotton. Accordingly, § 722.1002 states that no marketing quotas will be in effect for the 1953 crop of extra long staple cotton, and § 722.1003 states that no national acreage allotment will be in effect for the 1953 crop of such cotton.

(e) Prior to taking the action herein, public notice was given (17 F. R. 8160) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary was preparing to determine whether marketing quotas are required for the 1953 crop of extra long staple cotton. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas under the applicable provisions of the act. All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 722.1002 *National marketing quota for the 1953 crop of extra long staple cotton.* The total supply of extra long staple cotton described in section 347 (a) of the Agricultural Adjustment Act of 1938, as amended, for the marketing year beginning August 1, 1952, exceeds the normal supply of such cotton for such marketing year by more than 8 per centum. However, pursuant to section 371 (b) of the act, it has been determined that no national marketing quota shall be in effect for the crop of such cotton produced in 1953.

§ 722.1003 *National acreage allotment for the 1953 crop of extra long staple cotton.* A national acreage allotment shall not be in effect for the crop of extra long staple cotton produced in 1953.

Done at Washington, D. C., this 6th day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-10958; Filed, Oct. 7, 1952; 12:20 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5935; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEDUCTION OF STATE GASOLINE TAXES

On July 10, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6200) a notice of proposed rule making to conform Regulations 111 (26 CFR Part 29) to the act of May 12, 1951, Public Law 29, 82d Congress, allowing the consumer of gasoline to deduct, for income tax purposes, State taxes on gasoline imposed on the wholesaler and passed on to the consumer. No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (c)–1 the following:

PUBLIC LAW 29, 82D CONGRESS, APPROVED MAY 12, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 (c) (3) of the Internal Revenue Code (relating to deduction of retail sales taxes) is hereby amended to read as follows:

(3) *Gasoline and retail sales taxes* In the case of a tax imposed by any State, Territory, District, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, or upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his vendor such amount shall be allowed as a deduction in computing the net income of such consumer as if such amount constituted a tax imposed upon and paid by such consumer.

SEC. 2. The amendment made by this act shall apply to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.23 (c)–1, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended as follows:

(A) By revising the heading and subparagraph (1) of paragraph (b) thereof to read as follows:

(b) *State and local sales and gasoline taxes.* (1) Amounts representing sales or gasoline taxes paid by a consumer of services or tangible personal property are deductible by such consumer as taxes, provided they are not paid in connection with his trade or business. The fact that, under the law imposing it, the incidence of the sales or gasoline tax does not fall on the consumer is immaterial. The requirement of section 23 (c) (3) that the amount of the tax must be separately stated will be deemed complied with where it clearly appears that, at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purposes of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. Where the law imposing the sales or gasoline tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the sales or gasoline tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a gasoline tax imposed upon a whole-

saler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

(B) By adding at the end of paragraph (b) thereof the following new subparagraphs (3) and (4).

(3) For taxable years beginning after December 31, 1950, the term "gasoline tax" means, for purpose of this section, a tax imposed by such authorities upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale, or which is a stated sum per unit of the gasoline or fuel sold; but such term does not exclude from the definition of "sales tax", for taxable years beginning before January 1, 1951, a tax imposed by such authorities upon persons selling such products at retail.

(4) In general, the term "consumer" means the ultimate user or purchaser; it does not include a purchaser who acquires the property for resale, such as a retailer.

PAR. 3. The amendments hereby prescribed shall be applicable with respect to taxable years beginning after December 31, 1950.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 3, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10949; Filed, Oct. 8, 1952; 8:49 a. m.]

[T. D. 5937; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INAPPLICABILITY OF CERTAIN PENALTIES AND ADDITIONS TO TAX

In order to conform Regulations 111 (26 CFR Part 29) to Public Law 907 (81st Cong., 2d Sess.), approved January 2, 1951, and to section 103 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.145–1 the following:

PUBLIC LAW 907 81ST CONGRESS, 2D SESSION, APPROVED JANUARY 2, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 145 of the Internal Revenue Code (relating to penalties with respect to failure to file returns, pay tax, etc.), is amended by relettering subsection (e) as subsection (f) and by adding after subsection (d) a new subsection (e) as follows:

(e) In the case of taxable years beginning prior to October 1, 1950, and ending after September 30, 1950, the penalties perscribed by this section shall not be applicable if the taxpayer failed to meet the requirements of section 294 (d) (2) (relating to substantial underestimate of estimated tax), by reason of the increase in normal tax and surtax on individuals imposed by section 101 of the Revenue Act of 1950.

* * * * *

SEC. 103. INAPPLICABILITY OF CERTAIN PENALTIES AND ADDITIONS TO TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Penalties for failure to file return.* Section 145 (relating to penalties with respect to failure to file returns, pay tax, etc.) is hereby amended by relettering subsection (f) as subsection (g) and by adding after subsection (e) a new subsection (f) as follows:

(f) In the case of taxable years beginning prior to November 1, 1951, and ending after October 31, 1951, the penalties prescribed by this section for willful failure to make declarations of, or pay, estimated tax shall not be applicable to a failure to take into account the increase in rates of tax imposed on individuals by the Revenue Act of 1951.

* * * * *

PAR. 2. There is inserted immediately preceding § 29.294–1 the following:

PUBLIC LAW 907 (81ST CONGRESS, 2D SESSION, APPROVED JANUARY 2, 1951)

* * * * *

SEC. 2. Paragraph (2) of subsection (d) of section 294 of the Internal Revenue Code is amended by adding at the end of paragraph (2) a new sentence reading as follows: "In the case of taxable years beginning prior to October 1, 1950, and ending after September 30, 1950, the additions to tax prescribed by this subsection shall not be applicable if the taxpayer failed to meet the 80 per centum and 66⅔ per centum requirements of this paragraph by reason of the increase in normal tax and surtax on individuals imposed by section 101 of the Revenue Act of 1950."

SEC. 103. INAPPLICABILITY OF CERTAIN PENALTIES AND ADDITIONS TO TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Additions to tax.* Section 294 (d) (2) (relating to additions to tax for substantial under-estimates of estimated tax) is hereby amended by adding at the end thereof a new sentence as follows: "In the case of taxable years beginning prior to November 1, 1951, and ending after October 31, 1951, the additions to tax prescribed by this subsection shall not be applicable if the taxpayer failed to meet the requirements of this paragraph by reason of the increase in rates of tax on individuals imposed by the Revenue Act of 1951."

PAR. 3. Section 29.294–1, as amended by Treasury Decision 5855, approved September 13, 1951, is further amended by adding at the end of paragraph (b) the following new undesignated paragraph:

In the case of taxable years beginning before October 1, 1950, and ending after September 30, 1950, or beginning before November 1, 1951, and ending after October 31, 1951, the provisions of this section are subject to the limitations applicable to such years provided in the amendments made to section 294 (d) (2) by Public Law 907 (81st Cong.) and section 103 (b) of the Revenue Act of 1951.

Because of the technical nature of the amendments made by this Treasury decision, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 6, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10952; Filed, Oct. 8, 1952; 8:50 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5936; Regs. 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

ESTATE TAX UNDER CHAPTER 3 OF THE INTERNAL REVENUE CODE, AS AMENDED

In order to conform Regulations 105 (26 CFR Part 81) to sections 608, 609, and 610 of the Revenue Act of 1951 (82d Cong., 1st Sess.), approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 501 of the Revenue Act of 1950 (81st Cong., 2d Sess.) and preceding section 302 (c) of the Revenue Act of 1926 (as originally enacted), which precedes § 81.15, the following:

SEC. 608. TRANSFERS WITH INCOME RESERVED (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 7 (b) of the act entitled "An Act to amend certain provisions of the Internal Revenue Code", approved October 25, 1949 (63 Stat. 895), is hereby amended by striking out "January 1, 1950" and inserting in lieu thereof "January 1, 1951".

SEC. 609. TRANSFERS TAKING EFFECT AT DEATH (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Effective with respect to estates of decedents dying after February 10, 1939, section 7 (b) of the act entitled "An Act to amend certain provisions of the Internal Revenue Code", approved October 25, 1949 (63 Stat. 895), is hereby amended by striking out the word "sentence" and inserting in lieu thereof "two sentences" and by inserting immediately preceding the last sentence thereof the following sentence: "The provisions of section 811 (c) (1) (C) of such code shall not apply to a transfer made prior to September 8, 1916." The provisions of section 7 (c) of such act, as amended, shall not apply to an overpayment resulting from the application of this section.

PAR. 2. Section 81.17, as amended by Treasury Decision 5906, approved May 27, 1952, is further amended as follows:

(A) By inserting in the first sentence of paragraph (a) after "of which he has made a transfer" the following "after September 7, 1916".

(B) By adding at the end of paragraph (a) the following: "The provisions of section 811 (c) (1) (C) are not applicable to a transfer made before September 8, 1916."

(C) By striking from the first sentence of paragraph (c) "(whether made before or after the enactment of the Revenue Act of 1916)".

PAR. 3. Section 81.18, as amended by Treasury Decision 5834, approved March 8, 1951, is further amended by striking out "January 1, 1950", wherever it appears therein, and inserting in lieu thereof, "January 1, 1951".

PAR. 4. Section 81.19, as amended by Treasury Decision 5834 is further amended by striking therefrom "January 1, 1950", wherever it appears therein, and inserting in lieu thereof "January 1, 1951".

PAR. 5. There is inserted immediately preceding § 81.25 the following:

SEC. 610. REVERSIONARY INTERESTS IN CASE OF LIFE INSURANCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If refund or credit of any overpayment resulting from the application of section 503 of the Revenue Act of 1950 was prevented on October 25, 1950, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code, relating to closing agreements, and other than section 3761 of such code, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor was filed after October 25, 1949, and on or before October 25, 1950.

Because of the technical nature of the amendments made herein, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 6, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10950; Filed, Oct. 8, 1952; 8:50 a. m.]

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

PART 702—FORMS

MISCELLANEOUS AMENDMENTS

1. a. Section 701.48 is amended by striking subparagraph (3) of paragraph (c).

b. Paragraph (d) is amended to read as follows:

(d) Unless otherwise directed by the Court, the parties shall have 45 days from the date of the filing of the Commissioner's proposed findings of fact within which to file briefs, and 15 days additional within which to file reply briefs. Each brief shall be prepared in the manner and form prescribed in § 701.35, except that instead of following paragraph (e) (3) of that section, the parties shall state whatever exceptions they may have to the findings of the Commissioner so that they may be considered by the Division to which the case is assigned.

2. Section 701.64 is amended to read as follows:

§ 701.64 *Renegotiation of contracts cases.* (a) Except as otherwise prescribed by this section, proceedings for the redetermination of excessive profits under the Renegotiation Acts[1] shall be governed by the existing regulations in this part. Where any of the existing sections (except § 701.48) or the matter contained in the appendix refer to the Commissioner, such regulations and the matter in the appendix, when applied to a proceeding for the redetermination of excessive profits under the Renegotiation Acts, shall refer to the War Contracts Price Adjustment Board (or to the United States when substituted therefor),[2] to the Secretary as defined and used in the Renegotiation Acts, or to the Renegotiation Board. Similarly references to the taxpayer shall refer to the contractor or subcontractor; references to tax shall refer to profits under a contract or subcontract subject to renegotiation, or to excessive profits thereunder, dependent upon context; and references to the determination of a deficiency, or a notice of such determination, shall refer to the order of the Board or the Secretary determining the amount of excessive profits.

(b) (1) A proceeding for the redetermination of excessive profits under the Renegotiation Acts shall be initiated by the filing of a petition, as provided in §§ 701.4, 701.6, and the pertinent parts of § 701.7. (See § 702.2 of this chapter.)

(2) The authority making the determination of excessive profits, i. e., the appropriate Secretary, the War Contracts Price Adjustment Board (or the United States when substituted therefor)[2] or the Renegotiation Board, shall be shown as the respondent.

(3) The petition shall be complete in itself so as fully to state the issues. It shall contain:

(i) A caption in the following form:

THE TAX COURT OF THE UNITED STATES

Petitioner, v. Respondent.	}	Docket No. -------

PETITION

(ii) Proper allegations showing jurisdiction in the Court.

(iii) A statement of the amount of excessive profits determined by the Board or the Secretary, as the case may be, the period for which determined and the amount thereof in controversy. If the determination of excessive profits was made on the basis of a specific contract or contracts, the petition shall identify the contract or contracts and shall state the period covered thereby.

(iv) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Board or the Secretary in the determination of excessive profits. Each assignment of error shall be numbered.

(v) Clear and concise numbered statements of the facts upon which the petitioner relies as sustaining the assignments of error. The allegations of fact shall contain a statement of the amount received or accrued during the period in question under the contracts or subcontracts subject to renegotiation, the costs paid or incurred with respect thereto and the profits derived therefrom, the type and character of business done, and any other facts pertinent to a determination of the error alleged.

(vi) A prayer, setting forth relief sought by the petitioner.

(vii) The signature of the petitioner or that of his counsel. (See § 701.4.)

(viii) A verification by the petitioner in accordance with the applicable provision of §701.7 (c) (4) (viii).

(ix) A copy of the notice and a copy of the order determining the amount of excessive profits, which form the basis for the initiation of the proceeding shall be appended to the petition. If a statement has been furnished to the petitioner by the renegotiating authority setting forth the facts upon which the determination of excessive profits was based and the reasons for such determination, a copy of such statement shall also be appended to the petition.

(c) Any claim for the redetermination of an amount of excessive profits greater than the amount shown in the notice of determination shall be made by the respondent in his answer filed under § 701.14, or in an amendment thereto filed under § 701.17 at or before the time of the hearing.

(d) With respect to the matter covered by § 701.60, attention is directed to section 403 (e) (1) of the Renegotiation Act and to section 108 of the Renegotiation Act of 1951.

3. Section 701.65 is added:

§ 701.65 *Bond to stay execution of order of Renegotiation Board—(a) Statute.* The Renegotiation Act of 1951 provides that execution of the order of the Renegotiation Board may be stayed by filing with the Tax Court a bond, approved as to form and in an amount fixed by the Court, within ten days after the filing of the petition. See sections 105 (a) and 108 of the Renegotiation Act of 1951. For forms of bonds see appendix, §§ 702.8a and 702.8b of this chapter.

(b) *Fixing amount of bond.* An application to fix the amount of a bond filed with the petition will be considered prima facie evidence of the proper amount of the bond if it asks that a bond be fixed:

(1) At 112 percent of the full amount of the excessive profits determined in the unilateral order on which the petition is based, or

(2) At 112 percent of an amount equal to the full amount of the excessive profits determined in that order reduced by the credit authorized by section 3806 (b) of the Internal Revenue Code, and is accompanied by a statement from the Director of Internal Revenue[3] for the district in which the return for the tax-

[1] Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 701, Revenue Act of 1943, and section 108 of the Renegotiation Act of 1951.

[2] Section 201 (h) of the Renegotiation Act of 1951, as amended by section 3, Public Law 576, 82d Congress, 2d Session, approved July 17, 1952.

[3] Internal Revenue Agent in Charge where no Director has been appointed.

able year was filed, showing the amount of the credit to which the petitioner is entitled as a result of the determination.

(3) The Court will consider other applications differing from the above, but the applicant must have in mind the short time allowed by the statute for the approval of the bond.

(c) *Sureties and collateral.* (1) The Tax Court will accept as sureties on such bonds companies holding certificates of authority from the Secretary of the Treasury (See latest U. S. Treasury Form 356).

(2) If collateral is to be deposited as security for a bond, in lieu of a surety, United States Government marketable public securities fully negotiable by the bearer, owned by the petitioner, in a sum equal at their par value to the amount of the bond to be furnished, will be acceptable. A power of attorney and agreement must accompany such securities. See §§ 702.8c and 702.8d of this chapter. For other collateral which may be furnished and documents required therewith, see 31 CFR Part 225 (Treasury Department Circular No. 154, Revised).

4. Delete § 702.8a *Power of attorney and agreement by corporate appellants* and § 702.8b *Power of attorney and agreement by individual appellants.*

5. The following new forms are adopted pursuant to the requirements of § 701.65:

§ 702.8a *Form for bond with corporate surety in renegotiation cases.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to be furnished to stay the execution of an order of the Renegotiation Board (created by the act of March 23, 1951) involved in a petition to The Tax Court.

THE TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Petitioner, v. Respondent.	Docket No. -------

BOND

Know all men by these presents: That we ----------, as principal, and ----------, as surety, are held and firmly bound unto the Renegotiation Board and/or the United States of America, in the sum of $-------- (see § 701.65 (b) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this ------ day of ----------, 19----.

Whereas, the Renegotiation Board by its order dated ---------- determined that the above-named principal derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended ----------, in the amount of $--------; and

Whereas, said principal has filed or is about to file a petition in The Tax Court of the United States for a redetermination of the amount of the aforesaid excessive profits.

Now, therefore, the conditions of this obligation is such that if the above-named principal shall well and truly pay the amount of profits adjudged by The Tax Court of the United States to be excessive, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code, with interest thereon as required by law, or if said principal, in the event that said proposed proceeding in The Tax Court of the United States is not timely filed, or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated ---------- less any tax credit applicable thereto under section 3806 of the Internal Revenue Code, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

---------- [SEAL]
Proper signature and seal of principal

Surety

By ----------
Title

Attest:

[CORPORATE SEAL] *Secretary*

§ 702.8b *Form for bond with approved collateral in renegotiation cases.* A satisfactory form of bond for use in case the petitioner in a renegotiation case filed under the act of March 23, 1951, desires to furnish approved collateral under § 701.65 (c) (2) of this chapter instead of furnishing a corporate surety bond, follows. Forms of power of attorney covering the pledged collateral for use with bonds secured by collateral, both in appeals from this Court in tax cases and in petitions to this Court in such renegotiation cases, are also shown below.

THE TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Petitioner, v. Respondent.	Docket No. -------

BOND

Know all men by these presents: That ---------- is (are) held and firmly bound unto the Renegotiation Board and/or the United States of America in the sum of -------- ($--------) Dollars (see § 701.65 (b) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which, well and truly to be made, the said ---------- bind(s) himself (herself, itself or themselves) and his (her, its or their) successors and assigns, firmly by these presents.

Signed, sealed and dated this ------ day of ----------, 19----.

Whereas, the Renegotiation Board by its order dated ---------- determined that the above-named ---------- derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended ---------- in the amount of $--------; and

Whereas, the above-named ---------- has (have) filed or is about to file a petition in The Tax Court of the United States for a redetermination of the amount of the aforesaid excessive profits.

Now, therefore, the condition of this obligation is such that if the above-named ---------- shall well and truly pay the amount of profits adjudged by The Tax Court of the United States to be excessive, less any tax credit applicable thereunto under Section 3806 of the Internal Revenue Code, with interest thereon as required by law, or if the above-named ---------- in the event that said proposed proceeding in The Tax Court of the United States is not timely filed or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated ----------, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

The above-bounden obligor(s), in order the more fully to secure the Renegotiation Board and/or the United States in the payment of the aforementioned sum, hereby pledge(s) as security therefor bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: ---------- ($-------) Dollars which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: ----------

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which said bonds/notes are being herewith deposited with the Clerk of The Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of The Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

---------- [SEAL]

By ----------
Title

Attest:

Secretary.

6. The following revised forms are adopted:

§ 702.8c *Power of attorney and agreement by corporation.*

Know all men by these presents: That ----------, a corporation duly incorporated under the laws of the State of ----------, and having its principal office in the city of ----------, State of ----------, in pursuance of a resolution of the Board of Directors of said corporation, passed on the ------ day of ----------, 19----, a duly certified copy of which resolution is hereto attached, does hereby constitute and appoint the Clerk of The Tax Court of the United States as attorney for said corporation, for and in the name of said corporation to collect or to sell, assign, and transfer certain United States Liberty bonds, or other bonds or notes of the United States, the property of said corporation, described as follows:

Title of bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by it, pursuant to the Act of July 30, 1947, c. 390, 61 Stat. 646, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with (here enter "the Commissioner of Internal Revenue and/or the United States" or enter "the Renegotiation Board and/or the United States") under date of ---------, which is hereby made a part thereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, its said attorney shall have full power to collect said bonds/notes or any part thereof, or to sell, assign, and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and the undersigned further agrees that the authority herein granted is irrevocable.

And said corporation hereby for itself, its successors and assigns, ratifies and confirms whatever its said attorney shall do by virtue of these presents.

In witness whereof, the ----------, the corporation hereinabove named, by ---------- (name and title of officer), duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be hereto affixed this ------ day of ----------, 19----.

By ----------
Title

Attest:

[CORPORATE SEAL] *Secretary*

State of ----------
County of ----------} *ss:*

Before me, the undersigned, a notary public within and for the said county and state, personally appeared ---------- (name and title of officer), and for and in behalf of said ----------, corporation, acknowleged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ------ day of ----------, 19----.

[NOTARIAL SEAL] ----------
Notary Public

My commission expires ----------

§ 702.8d *Power of attorney and agreement by individuals.*

Know all men by these presents: That I (we), ----------, do hereby constitute and appoint the Clerk of The Tax Court of the United States as attorney for me (us), and in my (our) name to collect or to sell, assign, and transfer certain United States Liberty bonds, or other bonds or notes of the United States, being my (our) property described as follows:

Title of bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by me (us) pursuant to the Act of July 30, 1947, c. 390, 61 Stat. 646, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by me (us) with (here enter "the Commissioner of Internal Revenue and/or the United States" or enter "the Renegotiation Board and/or the United States") under date of ----------, which is hereby made a part thereof, and I (we) agree that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, my (our) said attorney shall have full power to collect said bonds/notes or any part thereof, or to sell, assign, and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and I (we) further agree that the authority herein granted is irrevocable.

And for myself (ourselves), my (our several) administrators, executors, and assigns, I (we) hereby ratify and confirm whatever my (our) said attorney shall do by virtue of these presents.

In witness whereof, I (we) hereinabove named, have executed this instrument and affixed my (our) seal this ------ day of ----------, 19----.

---------- [SEAL]

State of ----------
County of ----------} *ss:*

Before me, the undersigned, a notary public within and for the said county and state, personally appeared ---------- (Name of obligor), and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ------ day of ----------, 19----.

[NOTARIAL SEAL] ----------
Notary Public

My commission expires ----------

(53 Stat. 160, as amended; 26 U. S. C. 1111)

Effective date. September 5, 1952.

By the Court.

[SEAL] JOHN W. KERN,
Chief Judge,
The Tax Court of the United States.

OCTOBER 3, 1952.

[F. R. Doc. 52-10943; filed, Oct. 8, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 1, Revision 1, Amdt. 5]

CPR 1—NEW PASSENGER AUTOMOBILES

NEW PRODUCT CEILINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises the provisions of CPR 1, Revision 1 applying to new products. Delays have been encountered in the processing of applications for the establishment of ceiling prices for new passenger automobiles and items of optional equipment, because of the necessity for requesting additional information from the applicant. The revision of section 10 introduces OPS Public Form 149 for the use of manufacturers seeking to establish ceiling prices for items of extra, special or optional equipment not produced on the base date. It is expected that the use of such forms will greatly expedite the processing of applications covering such new equipment.

In the opinion of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with the industry representatives, including trade representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

CPR 1, Revision 1, is amended in the following respects:

1. Section 10 is amended to read as follows:

SEC. 10. *Ceiling prices for new products*—(a) *New automobiles.* If you produce a new automobile not a counterpart of any body style, line or series produced or sold on or after the base date, you must apply to the Office of Price Stabilization for an order establishing a ceiling price for your product. Your application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and contain the following information:

(1) A description of the new automobile for which a ceiling price is sought, with a statement justifying your classification as a new automobile, not a counterpart, within the meaning of this regulation. This description should give details of the body styles to be produced; the engine, including the manufacturer, number of cylinders, horsepower rating, bore and stroke; wheelbase and overall length; weight; tire size; type of automatic drive, if any; a description of the body styling; any other information you feel pertinent.

(2) A detailed statement of the total unit costs of the automobile as of the time of the application, including your direct materials and labor costs, factory overhead, tool amortization, selling, and general and administrative expense. If any of these costs are estimated this must be indicated, with the basis for arriving at your estimate.

(3) A description of the automobile you manufacture and consider most similar to the new automobile and for which you have a ceiling price, a detailed statement of the total unit costs as of the date of your application pursuant to this section, including your direct materials and labor costs, factory overhead, tool amortization, selling, and general and administrative expense (if any of these costs are estimated this must be indicated, with the basis for arriving at your estimate), and the selling price to each class of purchaser as of the time the application is submitted, for the similar automobile.

(4) If your method of allocating factory overhead, selling, and general and administrative expense reported under subparagraph (2) above is different from your method of allocating such costs reported under subparagraph (3) above, an explanation of why the methods do not conform.

(5) Any proposed suggested list price or factory retail price, discounts and net prices applicable to each class of purchaser, and all extra charges and deductions applicable to such item, such as transportation charges, delivery and handling charges, allowances for excise taxes.

You may indicate in your announcements of such list or retail prices, that the suggested prices incorporated therein reflect suggested markups no higher than those of the most similar commodities manufactured by you in effect during the periods May 24, 1950, to June 24, 1950, or January 26, 1951, to February 24, 1951.

(b) *New extra, optional or special equipment.* If you produce any item of extra, optional or special equipment not produced or sold by you on the base date you must apply to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. Your application must be made on OPS Form 149 in duplicate.

(c) *Action on your application.* On the basis of the information submitted the Director will establish ceiling prices for your product in line with ceiling prices established under Section 4 of this regulation.

2. Section 11 (a) (2) is amended to read as follows:

(2) Any proposed suggested list price or factory retail price and the discounts and net prices in effect to all classes of purchasers.

You may indicate in your announcements of such list or retail prices, that the suggested prices incorporated therein reflect suggested markups no higher than those of the most comparable commodities manufactured by you in effect during the periods May 24, 1950, to June 24, 1950, or January 26, 1951, to February 24, 1951.

3. Section 12 is amended by the addition of the following subsection:

(c) Within 10 days after the effective date of this amendment, you are required to file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., 2 copies of each current bulletin and notice which you issued or caused to be issued to dealers and/or distributors showing current suggested list prices and/or current factory retail prices of all automobiles, and factory-installed special, extra and optional equipment which you sell. Thereafter, in the event you shall issue or cause to be issued any additional bulletins or notices to dealers and/or distributors changing, modifying, correcting or stating new suggested list prices and/or factory retail prices of any automobiles, and factory-installed special, extra or optional equipment which you are then selling, you are required to file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., 2 copies of such bulletins and/or notices at the time you issue or cause such bulletins or notices to be issued.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 8, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 8, 1952.

[F. R. Doc. 52-11005; Filed, Oct. 8, 1952; 11:05 a. m.]

[Ceiling Price Regulation 22, Amdt. 56]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS CONCERNING REPAIR AND REPLACEMENT PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 56 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds a paragraph to section 1 of CPR 22 to give manufacturers the election of determining their ceiling prices under Supplementary Regulation 36 to CPR 22, which is being issued simultaneously herewith, for repair and replacement parts they manufacture, if they also manufacture the assembled article in which such parts are used. They may elect to use Supplementary Regulation 36 for their parts if the ceiling prices for the assembled articles were determined under CPR 22 or Supplementary Regulations 2, 17, or 18, thereto, and if the ceiling prices of the repair and replacement parts are not covered by CPR 30. If they use the supplementary regulation for more than 10 percent of the total number of parts they manufacture, they must use it for all of their repair and replacement parts covered by the supplementary regulation.

Because of the wide coverage of this amendment and its technical nature, it was impracticable to consult formally with industry and trade association representatives, However, a number of individual views, expressed informally to this Agency, were taken into consideration in issuing this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is hereby amended in the following respects:

1. Section 1 is amended by the addition of the following paragraph (c):

(c) You may elect to determine ceiling prices under Supplementary Regulation 36 to this regulation for repair and replacement parts manufactured by you if you are also the manufacturer of the assembled articles in the repair of which such parts are used and ceiling prices for the assembled articles were established under either this regulation or one of the supplementary regulations thereto. This election does not apply, however, to repair and replacement parts covered by CPR 30 (Machinery and Related Manufactured Goods). If you elect to use Supplementary Regulation 36 for more than 10 percent of the total number of repair and replacement parts manufactured by you and listed on your parts price list which was in effect on the date of issuance of Supplementary Regulation 36 (or if you have no parts price list, the total number of repair and replacement parts manufactured by you which you offered for sale on that date), you must use Supplementary Regulation 36 for all of your repair and replacement parts covered by Supplementary Regulation 36.

2. Paragraph (b) (5) of Appendix A is amended by the addition of the following sentence: "However, you may elect to determine ceiling prices under Supplementary Regulation 36 to this regulation for such repair and replacement parts under the conditions set out in that supplementary regulation."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 56 to Ceiling Price Regulation 22 is effective October 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 8, 1952.

[F. R. Doc. 52-11004; Filed, Oct. 8, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 36]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 36—REPAIR AND REPLACEMENT PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits manufacturers of repair and replacement parts used in assembled articles, the ceiling prices of which have been determined under CPR 22, or under one of the supplementary regulations thereto, to establish ceiling prices for any of these parts based upon the adjustments previously computed for the assembled articles. This supplementary regulation has no application to repair or replacement parts covered by CPR 30 (Machinery and Related Manufactured Goods).

Ceiling Price Regulation 22, the Manufacturers' General Ceiling Price Regulation, as originally issued, excluded from its coverage repair and replacement parts made by the manufacturer of the assembled articles in which such parts were to be used. These repair and replacement parts remained under the General Ceiling Price Regulation.

This regulation will permit manufacturers of repair and replacement parts affected by it to determine ceiling prices for these parts upon the basis of the same principles as underlie the ceiling prices established for the finished article under CPR 22.

Use of this supplementary regulation is optional until a manufacturer has established ceiling prices under it for 10 percent of the total number of repair and replacement parts he manufactures. Once he has brought 10 percent of such parts under this supplementary regulation, he must, if he wishes to use it for additional repair and replacement parts, use it for all of his repair and replacement parts covered by this supplementary regulation.

Because of the number of repair and replacement parts which may be included within a single assembled article, and for other reasons, it has been decided not to require a manufacturer to make new calculations in order to determine the ceiling prices of his parts but to permit him to use the calculations already made in determining the ceiling price of the assembled article in which the parts are used. Under this supplementary regulation a manufacturer adjusts the prices of his repair and replacement parts in the same manner as he adjusted the price of the assembled articles. That is to say, he uses the same factors or price adjustment ratio. Where the part is used in more than one assembled article and these articles do not all have the same factors or price adjustment ratio, the manufacturer will use the factors or ratios applicable to the best selling group of assembled articles.

Adjusted ceiling prices for repair and replacement parts introduced since the pre-Korean base period, but before the effective date of this supplementary regulation, may be calculated by reference to the adjusted ceiling prices of the base period commodities in accordance with the pricing techniques established by CPR 161 (Consumer Durable Goods Regulation).

Because of the wide coverage of this supplementary regulation and its technical nature, it was impracticable to consult formally with industry and trade association representatives. However, a number of individual views expressed informally to this Agency, were taken into consideration in issuing this supplementary regulation. In the judgment of the Director the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. Coverage of this supplementary regulation.
2. Ceiling prices for base period parts.
3. Ceiling prices for new parts.
4. Modification of ceiling prices by the Director of Price Stabilization.
5. Relationship of this supplementary regulation to CPR 22 and CPR 161.
6. Relationship of this supplementary regulation to GOR 20 and GOR 21.
7. Records.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *Coverage of this supplementary regulation.* This supplementary regulation provides a method by which manufacturers who have established ceiling prices for assembled articles under CPR 22, or under one of the supplementary regulations to CPR 22, may establish ceiling prices replacing GCPR ceiling prices for their repair and replacement parts manufactured and sold by them for use in such articles. This supplementary regulation may not be used for repair and replacement parts covered by CPR 30 (Machinery and Related Manufactured Goods). You may elect to use either this supplementary regulation or the GCPR, but if you elect to use this supplementary regulation for more than 10 percent of the total number of repair and replacement parts manufactured by you and listed on your parts price list in effect on the date of issuance of this supplementary regulation (or if you have no parts price list, of the total number of repair and replacement parts manufactured by you which you offered for sale on that date), you must use this supplementary regulation for all of your repair and replacement parts covered by this supplementary regulation.

SEC. 2. *Ceiling prices for base period parts.* (a) You determine your ceiling price for a base period part under this section. A base period part is a repair replacement part which was sold or offered for sale during the same base period as you employed to determine the ceiling price of the assembled article in which it is used.

(b) Your ceiling price for a base period part is your base period price for the part adjusted in the same manner as you adjusted the base period price of the assembled article in which it is used, or if you used SR 2 to CPR 22 to determine the ceiling price of the assembled article, your ceiling price for the part is the GCPR ceiling price adjusted in the same manner you adjusted the GCPR ceiling price of the assembled article. That is to say, you use the same labor cost adjustment factor, materials cost adjustment factor, overhead factors or price adjustment ratio as you used in establishing the ceiling price of the assembled article under CPR 22 or under one of the supplementary regulations to CPR 22. If, however, you computed your materials cost adjustment for the assembled article by Method 2 (Individual Commodity method) or if you use the same part in a number of assembled articles, you will first have to follow the rules laid down in paragraph (c) or (d) of this section, whichever is applicable, before you calculate a ceiling price for the part under this paragraph.

(c) If you used Method 2 (Individual Commodity method) to calculate your materials cost adjustment for the assembled article, divide the materials cost adjustment determined for the assembled article by its base period price. This gives you your materials cost adjustment factor to be used in determining the ceiling price for the part.

(d) If the same part is used in more than one assembled article and these articles do not all have the same factors or price adjustment ratios, determine which portion of your business during the last complete fiscal year ending not later than December 31, 1950 produced the greatest number of assembled articles sold. By "portion of your business" is meant the group of commodities having the same factors or price adjustment ratios. (It may be, depending upon your method of calculating ceiling prices of the assembled commodities, an individual commodity, a product line, a category or a unit of your business.) Then use the factors or ratio applicable to the assembled articles produced in that portion of your business.

EXAMPLES

(a) The No. 2 driveshaft that you manufacture is used in your deluxe outboard motor. You calculated your ceiling price for this motor under CPR 22. Your labor cost adjustment factor for this motor calculated under section 8 was 2.3 percent and your materials cost adjustment factor calculated under Method 1 (section 13 of CPR 22) was 4.8 percent, a total of 7.1 percent. Your base period price for the No. 2 driveshaft was $3.50; $3.50 times 7.1 percent gives you $0.24850; $3.50 plus 0.24850 is $3.749, which when rounded as permitted by section 25 of CPR 22, becomes $3.75. This is your ceiling price under this supplementary regulation for your No. 2 driveshaft.

(b) Assume the same facts as above except that the ceiling price of your deluxe outboard motor was calculated under SR 17 to CPR 22. Assume also that the base period price of the No. 2 driveshaft and the labor and materials cost adjustment factors for the deluxe outboard motor were the same under CPR 22 and SR 17. The 1950 overhead cost adjustment factor was 36.48 percent and the 1951 overhead cost adjustment factor was 38.22 percent. The 1950 overhead period price of the No. 2 driveshaft was $3.50 and the 1951 overhead period price was $3.65. Your labor and materials cost adjustment for the No. 2 driveshaft is $0.24850 ($3.50 times 7.1 percent); $3.50, the 1950 overhead period price of the part, multiplied by 36.48 percent, the 1950 overhead cost adjustment factor is $1.28, which is your total 1950 unit overhead for the No. 2 driveshaft; $3.65, your 1951 overhead period price, multiplied by 38.22 percent, the 1951 overhead cost adjustment factor, gives you $1.40, your total 1951 unit overhead; $1.40 minus $1.28 is $0.12. This is your overhead adjustment. $0.12, your overhead adjustment, and $0.25, your labor and materials cost adjustment, results in a total adjustment of $0.37, which, when added to your base period price of $3.50 gives you a ceiling price under this supplementary regulation for your No. 2 driveshaft of $3.87.

(c) Assume the same facts as (a) above, except that the materials cost adjustment of the deluxe outboard motor was $7.50, computed under section 14 of CPR 22 (Method 2), and the base period price of the motor was $156.45. You derive a materials cost adjustment factor for the No. 2 driveshaft by dividing the materials cost adjustment of $7.50 by the base period price of the motor, $156.45. The result is 4.8 percent. Your ceiling price for your No. 2 driveshaft is then calculated just as in Example (a) above.

(d) Now assume that the facts are the same as in paragraph (a) except your No. 2 driveshaft was designed to be used in your economy, standard and deluxe outboard motors and your materials cost adjustment was calculated separately under Method 2 for each motor. During your last complete fiscal year, ending not later than December 31, 1950, you sold 3,000 economy motors, 4,000 standard motors and 5,000 deluxe motors. You use the factors applicable to

your deluxe motors to calculate the ceiling price of the No. 2 driveshaft.

(e) Lastly, assume you manufacture a plastic knob that had a GCPR ceiling price of $0.024 and which is sold interchangeably as a part for commodities in your product lines "toys", "kitchen utensils" and "hardwares", each of which have separate price adjustment ratios computed under SR 2 to CPR 22 of 102.5, 102, and 101 percent, respectively. You sold 4,000 "toys", 3,000 "kitchen utensils" and 2,000 "hardwares" in the last complete fiscal year ending prior to December 31, 1950. You use the SR 2 price adjustment ratio applicable to toys to determine your new ceiling price for plastic knobs. $0.024 multiplied by 102.5 percent is 0.025 when rounded as permitted by section 25. $0.025 is your ceiling price for this plastic knob under this supplementary regulation.

SEC. 3. *Ceiling prices for new parts.* You determine your adjusted ceiling prices for new repair and replacement parts in accordance with CPR 161 (Consumer Durable Goods Regulation). A new repair or replacement part is one first offered for sale by you since the base period employed by you to determine the ceiling price of the assembled article in which it is used. Sections 3, 4 and 5 of CPR 161 require you to determine a ceiling price by reference to the ceiling price of "comparison commodities". In applying sections 3, 4 and 5, use as the ceiling prices of the "comparison commodities" the adjusted ceiling prices determined under this supplementary regulation.

SEC. 4. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used, or being used, under this supplementary regulation so as to bring them into line with the level of ceiling prices otherwise established or direct you to continue using your GCPR ceiling prices until further notice.

SEC. 5. *Relationship of this supplementary regulation to CPR 22 and CPR 161.* If you elect to use this supplementary regulation for any of your repair or replacement parts, the provisions of CPR 22 and the supplementary regulations thereto, except their reporting provisions and those provisions which are inconsistent with this supplementary regulation, become applicable to you in establishing your ceiling prices for any base period parts covered by your election. All the provisions of CPR 161, including its reporting provisions, which are not inconsistent with this supplementary regulation become applicable to you, if they are not yet applicable, in establishing your ceiling prices for any new commodities covered by your election. Note that you are not required to file OPS Public Forms 8, 100 or 105 for your base period repair and replacement parts. You are, however, required to file OPS Public Forms 142 to 147 for any new repair or replacement parts where required by CPR 161.

SEC. 6. *Relationship of this supplementary regulation to GOR 20 and GOR 21.* Issuance of this supplementary regulation has no effect upon applications for adjusted ceiling prices under GOR 20 and GOR 21. You may continue to apply under these regulations for the adjustment of your GCPR ceiling prices for repair and replacement parts. If you have already applied for and received adjusted ceiling prices under GOR 20 or GOR 21, you may continue to use them or you may elect to establish ceiling prices for these parts under this supplementary regulation.

SEC. 7. *Records.* With respect to any commodity covered by this supplementary regulation, you shall prepared and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including records showing base period prices, or ceiling prices under the General Ceiling Price Regulation if you use a price adjustment ratio computed under SR 2 to CPR 22, and worksheets showing how you computed and applied your cost adjustment factors or price adjustment ratios to the commodities covered by this supplementary regulation.

SEC. 8. *Definitions.* All terms have the same meaning as in CPR 22 except where otherwise noted.

(a) "Assembled article" means a commodity covered by CPR 22 in which the repair and replacement part is designed to be used.

(b) "Base period assembled article" means an assembled article sold or offered for sale during the base period of whatever regulation you used in determining the ceiling price of the assembled article.

(c) "CPR 22" means Ceiling Price Regulation 22.

(d) "Factors" means the labor, materials, and overhead cost adjustment factors determined under CPR 22 or SR 17 or 18 to CPR 22 for your assembled articles.

(e) "GCPR" means General Ceiling Price Regulation.

(f) "Part" means a repair or replacement part covered by this supplementary regulation.

(g) "Price adjustment ratio" is the price adjustment ratio established under SR 2 to CPR 22 for your assembled articles.

(h) "SR 17" means Supplementary Regulation 17 to CPR 22.

(i) "SR 18" means Supplementary Regulation 18 to CPR 22.

Effective date. This supplementary regulation is effective October 13, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 8, 1952.

[F. R. Doc. 52-11003; Filed, Oct. 8, 1952; 4:00 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. In § 21.107, paragraph (i) is amended to read as follows:

§ 21.107 *Periodic reports of conduct, progress, and compensation for productive labor.* • • •

(i) *Reductions in subsistence allowance because of unauthorized and excessive absences.* Subsistence allowance will be recovered for unauthorized and excessive absences reported on VA Form 7–1963, 7–1908, or otherwise in an amount representing the subsistence that would be paid for the number of days reported at the rate applicable for the month in which the adjustment is effected. For example: A veteran pursuing on-the-job training is receiving subsistence allowance at the rate of $90 per month. When VA Form 7–1963 is received on May 1, 1949, 5 days of unauthorized absence is reported. Subsistence allowance rate for the succeeding reporting period (May–August) is restricted to the wage differential of $60 per month. VA Form 7–1907c or 7–1907c–1 will be executed to authorize subsistence allowance at zero rate for the period May 1 through May 5, 1949, and at the rate of $60 per month for the remaining applicable period. The following notation will be made on VA Form 7–1907c or 7–1907c–1: "Deduct 5 days for absences." Subsistence allowance will be recovered for reported unauthorized and excessive absences even though it is not possible to make a prospective recovery—as in instances where the veteran has withdrawn from training at the time the action is being taken, or where the veteran's training will terminate prior to the end of the period necessary to effect full recovery. In these circumstances an authorization action will be effected retroactively for the appropriate number of days, with subsistence being awarded at zero rate for the applicable number of days immediately preceding the terminal date of the subsistence allowance award. For example: If in the case shown above the veteran's course was scheduled to be completed on May 3, 1949 (and the veteran has not requested leave), an authorization action will be executed to award subsistence allowance at zero rate for the period April 29 through May 3, 1949. However, in such cases where the closing date of the authorization action to effect recovery would revert to a date in a preceding month other than 30 days in length, subsistence allowance will be awarded at zero rate effective the first of such month for the appropriate number of days to effect full recovery.

2. In § 21.130, paragraphs (a), (b), (c), and (d) (4), (5), and (6) are amended to read as follows:

§ 21.130 *Effective dates.* (a) The beginning date of an authorization of subsistence allowance on account of vocational rehabilitation training shall be the date of entrance or reentrance into vocational rehabilitation training.

(b) All authorization actions entering veterans into vocational rehabilitation training will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency is of record which warrants an authorization of subsistence allowance on account of dependency. If satisfactory evidence of dependency existing at the time of entrance into training is received within 1 year of the date of the request therefor, subsistence allowance payable because of the dependency will be authorized to begin as of the date of entrance into training, otherwise, as of date satisfactory evidence is received in the Veterans' Administration.

(c) The beginning date of an increase in subsistence allowance on account of a dependent claimed after entrance into training will be the date the evidence establishing the dependency is received in the Veterans' Administration.

(d) The ending date of an award in which there is to be a reduction or discontinuance of subsistence allowance will be:

• • • • •

(4) Interruption of course, the last day of attendance or the last day in an approved leave status, whichever is applicable.

(5) Discontinuance of course, the last day of attendance or the last day in an approved leave status, whichever is applicable.

(6) Employability determined, the last day of attendance or the last day of approved leave status, whichever is applicable. The 2 months' post rehabilitation pay will be authorized in accordance with the provisions of § 21.133 (h).

• • • • •

3. In the FEDERAL REGISTER of October 18, 1949 (14 F. R. 6333) a new paragraph (f) was added to § 21.133. On November 29, 1949 (14 F. R. 7177) an additional paragraph was added to this section and inadvertently was designated as an amendment of paragraph (f); this new paragraph should have been designated paragraph (g). Paragraph (f) of § 21.133 as added October 18, 1949 is hereby amended to read as set forth below and a new paragraph (h) is added.

§ 21.133 *Rates of subsistence allowance.* • • •

(f) *Active or inactive military or naval service.* (1) When a veteran under Part VII reenters active military or naval service his training status is interrupted by the Veterans' Administration and the authorization of subsistence allowance is therefore not in order. However, a veteran who reenters active military service following the determination of his employability is not precluded from receiving post rehabilitation pay.

(2) Persons hospitalized pending final discharge from the active military or naval forces may not receive subsistence allowance in any amount by reason of the specific prohibition in section 1507, Public Law 346, 78th Congress, as added by Public Law 268, 79th Congress.

(3) Members of the Army Reserve, Naval Reserve, National Guard, Air Force Reserve, Air National Guard, Marine Corps Reserve, Coast Guard Reserve, ROTC, or NROTC, who receive annual training where a single period of training ordinarily does not exceed 60 days, such as "summer camp" or "annual cruise," will not be authorized subsistence allowance during such a period except where leave has been granted concurrently under § 21.261 or § 21.261a.

(4) The receipt of drill pay, flight pay, or commuted rations by members of the Army Reserve, Naval Reserve, National Guard, Air Force Reserve, Air National Guard, Marine Corps Reserve, or Coast Guard Reserve for short periods of training given each week or month and members of the advanced course of NROTC or ROTC who draw commutation in lieu of subsistence while in that specialized training does not preclude the payment of subsistence allowance.

(5) Persons receiving training under Public Law 729, 79th Congress, known as the Navy "Holloway Plan," are not entitled to receive concurrently any benefits under Part VII.

(6) Persons receiving training as a cadet or midshipman at one of the service academies are not entitled to receive concurrently any benefits under Part VII.

(7) The receipt of the Armed Forces retirement or retainer pay by a person not on active duty with such forces is not a bar to the authorization of subsistence allowance.

(g) *Waiver of service-connected disability compensation in order to receive non-service-connected disability pension.* • • •

(h) *Employability determined.* Upon determination of employability of a veteran who has pursued a course of training under Part VII, except under the conditions stated in § 21.281 (c), a lump sum payment of the 2 months' post rehabilitation pay will be authorized. The amount of such payment will be computed on the basis of the rate of subsistence allowance applicable in the individual veteran's case at the time employability was determined, except that for the purpose of this payment the rate shall not be affected by the provisions of paragraph (b) (2) (ii) of this section.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective October 9, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–10957, Filed, Oct. 8, 1952; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 8736, 8975, 9175, 8976]

PART 3—RADIO BROADCAST SERVICES

TELEVISION CHANNEL ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

On July 10, 1952, the Commission adopted an order (FCC 52–661) amending, without change in channel assignments, § 3.606 (b) of the Commission's rules and regulations, to provide for the addition of offset carrier identifications for channel assignment numbers. The channel assignments for Bowling Green, Kentucky, and Tiffin, Ohio, should have been listed as follows:

Kentucky: Bowling Green	13, 17+.
Ohio: Tiffin	47+.

However, due to an error in reproduction the numeral 1 in Channel 13 for Bowling Green and the numerals 47+ for Tiffin, Ohio, were inadvertently omitted. *Accordingly, it is ordered,* That § 3.606 (b) is corrected by the change of numeral 3 to numeral 13 in the channel assignment for Bowling Green, Kentucky, and by the addition of numeral 47+ to Tiffin, Ohio.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10946; Filed, Oct. 8, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COLLAPSIBLE CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 212 of the Revenue Act of 1950, approved September 23, 1950, and to section 326 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately after § 29.117–10, as added by Treasury Decision 5881, approved February 11, 1952, the following:

SEC. 212. TREATMENT OF GAIN TO SHAREHOLDERS OF COLLAPSIBLE CORPORATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Collapsible corporations.* Section 117 (relating to capital gains or losses) is hereby amended by adding after subsection (l) (added by section 211 (a) of this Act) the following new subsection:

(m) *Collapsible corporations*—(1) *Treatment of gain to shareholders.* Gain from the sale or exchange (whether in liquidation or otherwise) of stock of a collapsible corporation, to the extent that it would be considered (but for the provisions of this subsection) as gain from the sale or exchange of a capital asset held for more than 6 months, shall, except as provided in paragraph (3), be considered as gain from the sale or exchange of property which is not a capital asset.

(2) *Definitions.* (A) For the purposes of this subsection, the term "collapsible corporation" means a corporation formed or availed of principally for the manufacture, construction, or production of property, or for the holding of stock in a corporation so formed or availed of, with a view to—

(i) The sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation manufacturing, constructing, or producing the property of a substantial part of the net income to be derived from such property, and

(ii) The realization by such shareholders of gain attributable to such property.

(B) For the purposes of subparagraph (A), a corporation shall be deemed to have manufactured, constructed, or produced property, if—

(i) It engaged in the manufacture, construction, or production of such property to any extent,

(ii) It holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, or produced the property, or

(iii) It holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, or produced by the corporation.

(3) *Limitations on application of subsection.* In the case of gain realized by a shareholder upon his stock in a collapsible corporation—

(A) This subsection shall not apply unless, at any time after the commencement of the manufacture, construction, or production of the property, such shareholder (i) owned (or was considered as owning) more than 10 per centum in value of the outstanding stock of the corporation, or (ii) owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 10 per centum in value of the outstanding stock of the corporation;

(B) This subsection shall not apply to the gain recognized during a taxable year unless more than 70 per centum of such gain is attributable to the property so manufactured, constructed, or produced; and

(C) This subsection shall not apply to gain realized after the expiration of three years following the completion of such manufacture, construction, or production.

For the purposes of subparagraph (A), the ownership of stock shall be determined in accordance with the rules prescribed by paragraphs (1), (2), (3), (5), and (6) of section 503 (a), except that, in addition to the persons prescribed by paragraph (2) of that section, the family of an individual shall include the spouses of that individual's brothers and sisters (whether by the whole or half blood) and the spouses of that individual's lineal descendants.

(b) *Effective date.* The amendment made by this section shall be applicable to taxable years ending after December 31, 1949, but shall apply only with respect to gain realized after such date. The determination of the tax treatment of gains realized prior to January 1, 1950, shall be made as if this section had not been enacted and without inferences drawn from the fact that the amendment made by this section is not expressly made applicable to gains realized prior to such date and without inferences drawn from the limitations contained in section 117 (m), added to the Internal Revenue Code by this section.

SEC. 326. COLLAPSIBLE CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definitions with respect to collapsible corporations.* Section 117 (m) (2) (relating to definitions with respect to collapsible corporations) is hereby amended to read as follows:

(2) *Definitions.* (A) For the purposes of this subsection, the term "collapsible corporation" means a corporation formed or availed of principally for the manufacture, construction, or production of property, for the purchase of property which (in the hands of the corporation) is property described in subsection (a) (1) (A), or for the holding of stock in a corporation so formed or availed of, with a view to—

(i) The sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the net income to be derived from such property, and

(ii) The realization by such shareholders of gain attributable to such property.

(B) For the purposes of subparagraph (A), a corporation shall be deemed to have manufactured, constructed, produced, or purchased property, if—

(i) It engaged in the manufacture, construction, or production of such property to any extent,

(ii) It holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, produced, or purchased the property, or

(iii) It holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, produced, or purchased by the corporation.

(b) *Limitations on application of section 117 (m).* Subparagraphs (A), (B), and (C) of section 117 (m) (3) (relating to the limitations on the application of section 117 (m)) are hereby amended to read as follows:

(A) This subsection shall not apply unless, at any time after the commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in subsection (a) (1) (A) or at any time thereafter, such shareholder (i) owned (or was considered as owning) more than 10 per centum in value of the outstanding stock of the corporation, or (ii) owned stock which was considered as owned at such time by another shareholder who then owned (or was considered as owning) more than 10 per centum in value of the outstanding stock of the corporation;

(B) This subsection shall not apply to the gain recognized during a taxable year unless more than 70 per centum of such gain is attributable to the property so manufactured, constructed, produced, or purchased; and

(C) This subsection shall not apply to gain realized after the expiration of three years following the completion of such manufacture, construction, production, or purchase.

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after August 31, 1951, but shall be applicable only with respect to gains realized after such date. The determination of the tax treatment of gains realized prior to September 1, 1951, shall be made as if this section had not been enacted and without inferences drawn from the fact that the amendments to section 117 (m) made by this section are not expressly made applicable to gains realized prior to September 1, 1951, and without inferences drawn from the limitations contained in section 117 (m), as amended by this section.

§ 29.117–11 *Collapsible corporations*—(a) *In general.* With respect to taxable years ending after December 31, 1949, but only with respect to gain realized after such date, and subject to the limitations contained in paragraph (c) of this section, the entire gain from (1) the actual sale or exchange of stock of a collapsible corporation, (2) amounts distributed in complete or partial liquidation of a collapsible corporation which are treated, under section 115 (c), as payment in exchange for stock, and (3) a distribution made by a collapsible corporation which, under section 115 (d), is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, shall be considered as gain from the sale or exchange of property which is not a capital asset.

(b) *Determination of collapsible corporation.* (1) With respect to taxable years ending after December 31, 1949, but only with respect to gain realized after such date, a collapsible corporation is defined by section 117 (m) (2) (A) to be a corporation formed or availed of principally for the manufacture, construction, or production of property, or for the holding of stock in a corporation so formed or availed of, with a view to (i) the sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation manufacturing, constructing, or producing the property of a substantial part of the net income to be derived from such property, and (ii) the realization by such shareholders of gain attributable to such property. With respect to taxable years ending after August 31, 1951, but only with respect to gain realized after such date, the definition of a collapsible corporation under section 117 (m) (2) (A) is expanded to include a corporation formed or availed of principally for the purchase of property which (in the hands of the corporation) is property described in section 117 (a) (1) (A), or for the holding of stock in a corporation so formed or availed of, with a view to (i) the sale or exchange of stock by its shareholders (whether in liquidation or otherwise), or a distribution to its shareholders, prior to the realization by the corporation purchasing the property of a substantial part of the net income to be derived from such property, and (ii) the realization by such shareholders of gain attributable to such property.

(2) See paragraph (d) of this section for a description of the facts which will ordinarily be considered sufficient to establish whether or not a corporation is a collapsible corporation under the rules of this section. See paragraph (e) of this section for examples of the application of section 117 (m).

(3) Under section 117 (m) (2) (A), the corporation must be formed or availed of with a view to the action therein described, that is, the sale or exchange of its stock by its shareholders, or a distribution to them, prior to the realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the net income to be derived from such property, and the realization by the shareholders of gain attributable to such property. This requirement is satisfied in any case in which such action was contemplated by those persons in a position to determine the policies of the corporation, whether by reason of their owning a majority of the voting stock of the corporation or otherwise. The requirement is satisfied whether such action was contemplated unconditionally, conditionally, or as a recognized possibility. If the corporation was so formed or availed of, it is immaterial that a particular shareholder was not a shareholder at the time of the manufacture, construction, production, or purchase of the property, or if a shareholder at such time, did not share in such view, and any gain of such shareholder on his stock in the corporation shall be treated in the same manner as gain of a shareholder who did share in such view. See, however, the limitation contained in paragraph (c) (2) of this section. The existence of a bona fide business reason for doing busines in the corporate form does not, by itself, negate the fact that the corporation may also have been formed or availed of with a view to the action described in section 117 (m) (2) (A).

(4) A corporation is formed or availed of with a view to the action described in section 117 (m) (2) (A) if the requisite view existed at any time during the manufacture, production, construction, or purchase referred to in that section. Thus, if the sale, exchange, or distribution is attributable solely to circumstances which arose after the manufacture, construction, production, or purchase (other than circumstances which reasonably could be anticipated at the time of such manufacture, construction, production, or purchase), the corporation shall, in the absence of compelling facts to the contrary, be considered not to have been so formed or availed of. However, if the sale, exchange, or distribution is attributable to circumstances present at the time of the manufacture, construction, production, or purchase, the corporation shall, in the absence of compelling facts to the contrary, be considered to have been so formed or availed of.

(5) The property referred to in section 117 (m) (2) (A) is that property or the aggregate of those properties with respect to which the requisite view existed. In order to ascertain the property or properties as to which the requisite view existed, reference shall be made to each property as to which, at the time of the sale, exchange, or distribution referred to in section 117 (m) (2) (A), there has not been a realization by the corporation manufacturing, constructing, producing, or purchasing the property of a substantial part of the net income to be derived from such property. However, where any such property is a unit of an integrated project involving several properties similar in kind, the determination whether the requisite view existed shall be made only if a substantial part of the net income to be derived from the project has not been realized at the time of the sale, exchange, or distribution, and in such case the determination shall be made by reference to the aggregate of the properties constituting the single project.

(6) A corporation shall be deemed to have manufactured, constructed, produced, or purchased property if it (i) engaged in the manufacture, construction, or production of property to any extent, or (ii) holds property having a basis determined, in whole or in part, by reference to the cost of such property in the hands of a person who manufactured, constructed, produced, or purchased the property, or (iii) holds property having a basis determined, in whole or in part, by reference to the cost of property manufactured, constructed, produced, or purchased by the corporation. Thus, under subdivision (i) of this subparagraph, for example, a corporation need not have originated nor have completed the manufacture, construction, or production of the property. Under subdivision (ii) of this subparagraph, for example, if an individual were to transfer property constructed by him to a corporation in exchange for all of the capital stock of such corporation, and such transfer qualifies under section 112 (b) (5), then the corporation would be deemed to have constructed the property, since the basis of the property in the hands of the corporation would, under section 113 (a) (8), be determined by reference to the basis of the property in the hands of the individual. Under subdivision (iii) of this subparagraph, for example, if a corporation were to exchange property constructed by it for property of like kind constructed by another person, and such exchange qualifies under section 112 (b) (1), then the corporation would be deemed to have constructed the property received by it in the exchange, since the basis of the property received by it in the exchange would, under section 113 (a) (6), be determined by reference to the basis of the property constructed by the corporation.

(7) In determining whether a corporation is a collapsible corporation by reason of the purchase of property, it is immaterial whether the property is purchased from the shareholders of the corporation or from persons other than such shareholders. The property, however, must be property which, in the hands of the corporation, is property of a kind described in section 117 (a) (1) (A). Section 117 (a) (1) (A) describes the following property: Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business. The determination whether property is of a kind described in section 117 (a) (1) (A) shall be made without regard to the fact that the corporation is formed or availed of with a view to the action described in section 117 (m) (2) (A).

(8) Section 117 (m) is applicable whether the shareholder is an individual, a trust, an estate, a partnership, a company, or a corporation.

(c) *Limitations on application of section*—(1) *General.* This section shall apply only to the extent that the recognized gain of a shareholder upon his stock in a collapsible corporation would be considered, but for the provisions of this section, as gain from the sale or exchange of a capital asset held for more than six months. Thus, if a taxpayer sells at a gain stock of a collapsible corporation which he has held for six months or less, this section would not, in any event, apply to such gain. Also, if it is determined, under provisions of law other than section 117 (m), that a sale or exchange at a gain of stock of a collapsible corporation which has been held for more than six months results in ordi-

nary income rather than long-term capital gain, then this section (including the limitations contained herein) has no application whatsoever to such gain.

(2) *Stock ownership rules.* (i) This section shall apply in the case of gain realized by a shareholder upon his stock in a collapsible corporation only if the shareholder, at any time after the actual commencement of the manufacture, construction, or production of the property, or at the time of the purchase of the property described in section 117 (a) (1) (A) or at any time thereafter, (a) owned, or was considered as owning, more than 10 percent in value of the outstanding stock of the corporation, or (b) owned stock which was considered as owned at such time by another shareholder who then owned, or was considered as owning, more than 10 percent in value of the outstanding stock of the corporation.

(ii) The ownership of stock shall be determined in accordance with the rules prescribed by section 503 (a) (1), (2), (3), (5), and (6), except that, in addition to the persons prescribed by section 503 (a) (2), the family of an individual shall include the spouses of that individual's brothers and sisters, whether such brothers and sisters are by the whole or the half blood, and the spouses of that individual's lineal descendants.

(iii) For the purpose of this limitation, treasury stock shall not be considered as outstanding stock.

(iv) It is possible, under this limitation, that a shareholder in a collapsible corporation may have gain upon his stock in that corporation treated differently from the gain of another shareholder in the same collapsible corporation.

(3) *Seventy-percent rule.* (i) This section shall apply to the gain recognized during a taxable year upon the stock in a collapsible corporation only if more than 70 percent of such gain is attributable to the property referred to in section 117 (m) (2) (A). If more than 70 percent of such gain is so attributable, then all of such gain is subject to this section, and, if 70 percent or less of such gain is so attributable, then none of such gain is subject to this section.

(ii) For the purpose of this limitation, the gain attributable to the property referred to in section 117 (m) (2) (A) is the excess of the recognized gain of the shareholder during the taxable year upon his stock in the collapsible corporation over the recognized gain which the shareholder would have if the property had not been manufactured, constructed, produced, or purchased. In the case of gain on a distribution in partial liquidation or a distribution described in section 115 (d), the gain attributable to the property shall not be less than an amount which bears the same ratio to the gain on such distribution as the gain which would be attributable to the property if there had been a complete liquidation at the time of such distribution bears to the total gain which would have resulted from such complete liquidation.

(iii) Gain may be attributable to the property referred to in section 117 (m) (2) (A) even though such gain is represented by an appreciation in the value of property other than that manufactured, constructed, produced, or purchased. Where, for example, a corporation owns a tract of land and the development of one-half of the tract increases the value of the other half, the gain attributable to the developed half of the tract includes the increase in the value of the other half.

(4) *Three-year rule.* This section shall not apply to that portion of the gain of a shareholder that is realized more than three years after the actual completion of the manufacture, construction, production, or purchase of the property to which such portion is attributable.

(d) *Application of section.* (1) (i) Whether or not a corporation is a collapsible corporation shall be determined under the rules of paragraph (b) of this section on the basis of all the facts and circumstances in each particular case. Subparagraphs (2) and (3) of this paragraph set forth those facts which will ordinarily be considered sufficient to establish that a corporation is or is not a collapsible corporation. The facts set forth in the subparagraphs (2) and (3) of this paragraph are not exclusive of other facts which may be controlling in any particular case. For example, if the facts in subparagraph (2) of this paragraph, but not the facts in subparagraph (3) of this paragraph, are present, the corporation may nevertheless not be a collapsible corporation if there are other facts which clearly establish that the rules of paragraph (b) of this section are not satisfied. Similarly, if the facts in subparagraph (3) of this paragraph are present, the corporation may nevertheless be a collapsible corporation if there are other facts which clearly establish that the corporation was formed or availed of in the manner described in paragraph (b) of this section, or if the facts in subparagraph (3) of this paragraph are not significant by reason of other facts, such as the fact that the corporation is subject to the control of persons other than those who were in control immediately prior to the manufacture, construction, production, or purchase of the property.

(ii) See paragraph (c) of this section for provisions which make section 117 (m) inapplicable to certain shareholders of collapsible corporations.

(2) The following facts will ordinarily be considered sufficient (except as otherwise provided in subparagraphs (1) and (3) of this paragraph) to establish that a corporation is a collapsible corporation:

(i) A shareholder of the corporation sells or exchanges his stock, or receives a liquidating distribution, or a distribution described in section 115 (d);

(ii) Upon such sale, exchange, or distribution, such shareholder realizes gain attributable to the property described in subdivisions (iv) and (v) of this subparagraph; and

(iii) At the time of the manufacture, construction, production, or purchase of the property described in subdivisions (iv) and (v) of this subparagraph, such activity was substantial in relation to the other activities of the corporation which manufactured, constructed, produced, or purchased such property.

The property referred to in subdivisions (ii) and (iii) of this subparagraph is that property or the aggregate of those properties which meet the following two requirements:

(iv) The property is manufactured, constructed, or produced by the corporation or by another corporation stock of which is held by the corporation, or is property purchased by the corporation or by such other corporation which (in the hands of the corporation holding such property) is property described in section 117 (a) (1) (A) (relating to stock in trade, inventories, and property held primarily for sale to customers); and

(v) At the time of the sale, exchange, or distribution described in subdivision (i) of this subparagraph, the corporation which manufactured, constructed, produced, or purchased such property has not realized a substantial part of the net income to be derived from such property.

In the case of property which is a unit of an integrated project involving several properties similar in kind, the rules of this paragraph shall be applied to the aggregate of the properties constituting the single project rather than separately to such unit. Under the rules of this paragraph, a corporation shall be considered a collapsible corporation by reason of holding stock in other corporations which manufactured, constructed, produced, or purchased the property only if the activity of the corporation in holding stock in such other corporations is substantial in relation to the other activities of the corporation.

(3) The absence of any of the facts set forth in subparagraph (2) of this paragraph or the presence of the following facts will ordinarily be considered sufficient (except as otherwise provided in subparagraph (1) of this paragraph) to establish that a corporation is not a collapsible corporation:

(i) In the case of a corporation subject to the rules of subparagraph (2) of this paragraph only by reason of the manufacture, construction, production, or purchase (either by the corporation or by another corporation the stock of which is held by the corporation) of property which is property described in section 117 (a) (1) (A), the amount (both in quantity and value) of such property is not in excess of the amount which is normal—

(*a*) For the purpose of the business activities of the corporation which manufactured, constructed, produced, or purchased the property if such corporation has a substantial prior business history involving the use of such property and continues in business, or

(*b*) For the purpose of an orderly liquidation of the business if the corporation which manufactured, constructed, produced, or purchased such property has a substantial prior business history involving the use of such property and is in the process of liquidation.

(ii) In the case of a corporation subject to the rules of subparagraph (2) of this paragraph with respect to the manufacture, construction, or production (either by the corporation or by another corporation the stock of which is held by the corporation) of property, the amount of the unrealized net income from such property is not substantial in relation to the amount of the net income realized (after the completion of a material part of such manufacture, construction, or production, and prior to the sale, exchange, or distribution referred to in subparagraph (2) (i) of this paragraph) from such property and from other property manufactured, constructed, or produced by the corporation.

(e) *Examples.* The following examples will illustrate the application of this section:

Example (*1*). On January 2, 1951, A formed the W corporation and contributed $50,000 cash in exchange for all of the stock thereof. The W corporation borrowed $900,000 from a bank, the loan being guaranteed by the Federal Housing Authority, and used $800,000 of such sum in the construction of an apartment house on land which it purchased for $50,000. The apartment house was completed on December 31, 1951. On December 31, 1951, the corporation, having determined that the fair market value of the apartment house, separate and apart from the land, was $900,000, made a distribution (permitted under the applicable State law) to A of $100,000. At this time, the fair market value of the land was $50,000. As of December 31, 1951, the corporation has not realized any earnings and profits. It is assumed for the purpose of this example that the distribution is treated as a distribution described in section 115 (d). In 1952, the corporation began the operation of the apartment house and received rentals therefrom. The corporation has since continued to own and operate the building. The corporation reported on the basis of the calendar year and cash receipts and disbursements.

Since A received a distribution of the type described in section 115 (d) and realized a gain attributable to the building constructed by the corporation, since, at the time of such distribution, the corporation has not realized a substantial part of the net income to be derived from such building, and since the construction of the building was a substantial activity of the corporation, the W corporation is considered a collapsible corporation under (d) (2) of this section. Since the provisions of section 117 (m) (3) do not prohibit the application of section 117 (m) (1) to A, a gain of $50,000 to A (excess of $100,000 received over $50,000 basis of the stock) is, accordingly, considered ordinary income under section 117 (m) (1). In the event of the existence of additional facts and circumstances in the above case, the corporation, notwithstanding the above facts, might not be considered a collapsible corporation. See (b) and (d) (1) of this section. If the distribution were in fact not of the type described in section 115 (d) but resulted in ordinary income to A, then section 117 (m) (1) would have no application to this case.

Example (*2*). On January 2, 1950, B formed the X corporation and became the sole shareholder thereof. This corporation completed the construction of an office building in 1950. Immediately after the completion of the building, the corporation sold this building at a gain of $50,000, included this entire gain in its return for 1950, and distributed this entire gain (less taxes) to B. The corporation completed the construction of a second office building in June 1951. In August 1951, B sold the entire stock of the X corporation at a gain of $12,000, which gain is attributable to the second building. In view of the fact that B sold stock of the X corporation and realized a gain attributable to the second office building, that, at the time of such sale, the corporation had not realized a substantial part of the net income to be derived from such building, and that the construction of such building during the time of such construction was a substantial activity of the corporation, the X corporation is considered a collapsible corporation under (d) (2) of this section. Since the provisions of section 117 (m) (3) do not prohibit the application of section 117 (m) (1) to B, the gain of $12,000 to B is, accordingly, considered ordinary income.

Example (*3*). The facts in this example are the same as in example (2), except that the following facts are shown: B was the president of the X corporation and active in the conduct of its business. The second building was constructed as the first step in a project of the X corporation for the development for rental purposes of a large suburban center involving the construction of several buildings by the corporation. The sale of the stock by B was caused by his retiring from all business activity as a result of illness arising after the second building was constructed. Under these additional facts, the corporation is not considered a collapsible corporation. See (b) and (d) (1) of this section.

Example (*4*). On January 2, 1947, C formed the Y corporation and became the sole shareholder thereof. The Y corporation has been engaged solely in the business of producing motion pictures and licensing their exhibition. On January 2, 1952, C sold all of the stock of the Y corporation at a gain. The Y corporation has produced one motion picture each year since its organization and prior to January 2, 1952, it has realized a substantial part of the net income to be derived from each of its motion pictures except the last one made in 1951. This last motion picture was completed September 1, 1951. As of January 2, 1952, no license had been made for its exhibition. The fair market value on January 2, 1952, of this last motion picture exceeds the cost of its production by $50,000. A material part of the production of this last picture was completed on January 1, 1951, and between that date and January 2, 1952, the corporation had realized net income of $500,000 from other motion pictures produced by it. The corporation has consistently distributed to its shareholder its net income when received (after adjustment for taxes).

Although the corporation is within (d) (2) of this section with respect to the production of property, the amount of the unrealized net income from such property ($50,000) is not substantial in relation to the amount of the net income realized, after the completion of a material part of the production of such property and prior to sale of the stock, from such property and other property produced by the corporation ($500,000). Accordingly, the Y corporation is within (d) (3) (ii) of this section, and is not considered a collapsible corporation.

Example (*5*). The facts are the same as in example (4) except that C sold all of his stock to D on February 1, 1951. On January 2, 1952, D sold all of the Y corporation stock at a gain, the gain being attributable to the picture completed September 1, 1951, and not released by the corporation for exhibition. In view of the change of control of the corporation, the provisions of (d) (3) (ii) are not significant at the time of the sale by D, and the Y corporation would be considered a collapsible corporation on January 2, 1952. See (b) and (d) (1) of this section.

[F. R. Doc. 52-10953; Filed, Oct. 8, 1952; 8:51 a. m.]

[26 CFR Part 86]

ESTATE AND GIFT TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1029 and 3791 of the Internal Revenue Code (53 Stat. 157, 467; 26 U. S. C. 1029, 3791) and pursuant to the provisions of Public Law 814, 81st Congress, approved September 23, 1950.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 108 (26 CFR Part 86) to certain provisions of Parts I, II and III of Title III of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 86.12 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this Act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid,

or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section * * * 1004 (a) (2) (B), or 1004 (b) (2) or (3), of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

* * * * *

(g) *Rules for application of subsection (a) in the case of trusts.*

* * * * *

(2) *Operations of trusts—(A) Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 1004 (a) (2) (B), or 1004 (b) (2) or (3), shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

* * * * *

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (section 221, inserting subsection (g) in section 162 of the Internal Revenue Code) shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

* * * * *

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101, (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

"SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 1004 (a) (2) (B), or 1004 (b) (2) or (3), shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

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SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(g) *Amendment of section 1004 (a).* Section 1004 (a) (2) (B) is hereby amended by striking out "legislation;" and inserting in lieu thereof the following: "legislation. For disallowance of certain charitable, etc., deductions otherwise allowable under this subparagraph, see sections 3813 and 162 (g) (2);".

(h) *Amendment of section 1004 (b).* Section 1004 (b) is hereby amended by adding at the end thereof the following new paragraph:

For disallowance of certain charitable, etc., deductions otherwise allowable under paragraphs (2) and (3), see sections 3813 and 162 (g) (2).

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 * * * of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 86.13, as amended by Treasury Decision 5902, approved May 27, 1952, is further amended as follows:

(A) By adding a headnote to paragraph (a) thereof to read as follows: (a) *In general.";*

(B) By inserting immediately following the period at the end of paragraph (a) the following: "For disallowance of certain charitable gifts otherwise allowable as deductions hereunder see paragraph (b) of this section."; and

(C) By amending paragraph (b) thereof to read as follows:

(b) *Disallowance of certain charitable, etc., deductions.* (1) No deduction with respect to a gift made on or after January 1, 1951, to any trust or organization described in subparagraph (2) of paragraph (a) of this section which would otherwise be allowable under such paragraph shall be allowed if (i) the gift is made in trust and, for income tax purposes for the taxable year of the trust in which the gift is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the gift is made to any such organization subject to section 3813 which, for its taxable year in which the gift is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e), the term "gift" includes any gift, contribution, or other disposition.

(3) Part 29 of this chapter, relating to the income tax, contains the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of this chapter. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), or the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notification by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of this chapter.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to gifts made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the donor or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 86.14 is amended by adding at the end thereof the following: "For further limitations in the case of gifts made on or after January 1, 1951, see § 86.13 (b), relating to gifts to certain trusts and organizations engaged in a prohibited transaction described in section 162 (g) (2) (B) or 3813 (b)."

[F. R. Doc. 52–10951; Filed, Oct. 8, 1952; 8: 50 a. m.]

[26 CFR Part 143]

TAX WITH RESPECT TO TRANSPORTATION OF PROPERTY

MATERIAL EXCAVATED IN COURSE OF CONSTRUCTION WORK

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3472 and 3791 of the Internal Revenue Code (53 Stat. 423 and 467, 55 Stat. 722; 26 U. S. C. 3472, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 113 (26 CFR Part 143), relating to the tax on the amount paid for the transportation

of property, to section 495 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 143.10 the following:

SEC. 495. TRANSPORTATION OF MATERIAL EXCAVATED IN THE COURSE OF CONSTRUCTION WORK (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

(a) *Amendment of section 3475.* Section 3475 (relating to tax on transportation of property) is hereby amended by adding at the end thereof the following: "The tax imposed by this section shall not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project." • • •

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of enactment of this Act for transportation on or after such first day.

PAR. 2. Section 143.13 (a), as amended by Treasury Decision 5826, approved January 12, 1951, is further amended by redesignating subdivision (iii) in the first sentence of subparagraph (7) as subdivision (iv) and by inserting after subdivision (ii) the following: (iii) to an amount paid for the transportation of material excavated within the boundaries of, and in the course of, a construction project, where the transportation is to any place within, or adjacent to, the boundaries of such project (see § 143.16);".

PAR. 3. Immediately following § 143.15, there is inserted the following new section:

§ 143.16 *Excavated material.* (a) The tax does not apply to an amount paid on or after November 1, 1951, for the transportation, originating on or after that date, of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project.

(b) To come within the exemption it is necessary that two conditions be met, namely, (1) that the property be earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project, and (2) that the transportation of the excavated material be within the boundaries of the construction project or to a place adjacent thereto.

(c) In determining the boundaries of a construction project, consideration will be given to the type of construction operation which is involved and the area which is required to perform and carry out the necessary work. For example, in the case of a road-building operation, the boundaries of the project would embrace the area covered by the length and width of the roadway, plus any adjoining right-of-way. In the case of the construction of an airport, the boundaries would include the outermost limits of the airport.

[F. R. Doc. 52-10954; Filed, Oct. 8, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR, Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the calendar year 1952 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Georgia, in the production of peaches for market to determine whether such producers favor the termination of the said amended marketing agreement and order. D. K. Young and G. A. Nahstoll of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh peaches grown in the State of Georgia or in rendering services for or advancing the interests of the producers of such peaches, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, Room 631, 50 Seventh Street NE., Atlanta 5, Georgia, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee to appoint any member or members of a PMA county committee, in the State of Georgia, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to D. K. Young, Chief, Southeastern Marketing Field Office, Fruit and Vegetable Branch, Room 631, 50 Seventh Street NE., Atlanta 5, Georgia, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by D. K. Young of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 631, 50 Seventh Street NE., Atlanta 5, Georgia.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 6th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-10960; Filed, Oct. 8, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53110]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

TARIFF-RATE QUOTA

SEPTEMBER 29, 1952.

The tariff-rate quota for white or Irish potatoes, other than certified seed potatoes, pursuant to Item 771 (second), Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), for the 12-month period beginning September 15, 1952, is 13,315,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1952 made by the United States Department of Agriculture, as of September 1, 1952, was 337,685,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, the 1,000,000 bushels prescribed in the second proviso is increased by the amount by which such estimated production is less than 350,000,000 bushels, which amount is 12,315,000 bushels.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-10947; Filed, Oct. 8, 1952; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 2, 1952.

Whereas, the Office of Territories, Department of the Interior, made application, Anchorage 020550, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Chugiak School), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER September 10, 1952 (17 F. R. 8161), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

T. 15 N., R. 1 W., Seward Meridian, Sec. 17, Lots 1, 2 and 3.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the lands, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-10916; Filed, Oct. 8, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

NOTICE OF ORAL ARGUMENT

By notice appearing in the FEDERAL REGISTER of July 31, 1952 (17 F. R. 7020), the Board announced that it had under consideration a proposed rule of procedure relating to steamship freight conferences using contract/non-contract rates in the export or import trade of the foreign commerce of the United States. All persons interested in the proposed rule were requested to file written statements and comments thereon, which have been received, and certain parties have requested oral argument.

Notice is hereby given that oral argument will be heard by the Board at Washington, D. C., on October 16, 1952, beginning at 10 o'clock a. m., in Room 4821, Department of Commerce Building, with respect to: (1) Whether the Board has power to require advance filing of the initiation or modification of contract/non-contract rate systems before the latter go into effect, and (2) whether the

Board should require a 60-day or other advance filing requirement.

Other matters which have been presented in the statements and comments of interested parties will receive due consideration by the Board but do not require oral argument.

Parties are requested to notify the Secretary, Federal Maritime Board, Washington 25, D. C., immediately whether they will participate in the oral argument, and if so, the amount of time desired for argument.

Dated: October 6, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-10961; Filed, Oct. 8, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6388]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF ORDER TERMINATING PROCEEDINGS AND ACCEPTING RATE SCHEDULES FOR FILING

OCTOBER 3, 1952.

Notice is hereby given that on October 2, 1952, the Federal Power Commission issued its order entered September 30, 1952, terminating proceedings and accepting rate schedule for filing in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10917; Filed, Oct. 8, 1952; 8:45 a. m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY AND RELEASING PERMIT

OCTOBER 3, 1952.

Notice is hereby given that on October 2, 1952, the Federal Power Commission issued its order entered September 30, 1952, in the above entitled matter, authorizing transmission of electric energy to Mexico, and releasing Presidential Permit in Docket No. E-6432.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10918; Filed, Oct. 8, 1952; 8:45 a. m.]

[Docket No. E-6452]

IDAHO POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 3, 1952.

Notice is hereby given that on September 30, 1952, the Federal Power Commission issued its order entered September 30, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10919; Filed, Oct. 8, 1952; 8:45 a. m.]

[Docket No. G-1925]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF ORDER ACCEPTING RATE SCHEDULES FOR FILING AND TERMINATING PROCEEDINGS

OCTOBER 3, 1952.

Notice is hereby given that on October 2, 1952, the Federal Power Commission issued its order entered September 30, 1952, accepting rate schedule for filing and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10920; Filed, Oct. 8, 1952; 8:46 a. m.]

[Project No. 1824]

GLEN ASHMEAD AND C. W. ASHMEAD

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

OCTOBER 3, 1952.

Notice is hereby given that on August 29, 1952, the Federal Power Commission issued its order entered August 26, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10921; Filed, Oct. 8, 1952; 8:46 a. m.]

[Project No. 2027]

BADLEY INVESTMENT CO.

NOTICE OF ORDER DISMISSING INCOMPLETE APPLICATION FOR LICENSE (MINOR)

OCTOBER 3, 1952.

Notice is hereby given that on October 2, 1952, the Federal Power Commission issued its order entered September 30, 1952, dismissing incomplete application for license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-10922; Filed, Oct. 8, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3914]

OHIO EDISON CO.

ORDER PERMITTING EXCHANGE OF UTILITY ASSETS

OCTOBER 3, 1952.

Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company, has filed an application-declaration, with amendments thereto, pursuant to sections 9, 10, and 12 (d) of the act and Rule U-44 promulgated thereunder, with respect to certain proposed transactions which are summarized as follows:

Ohio Edison proposes to acquire from Columbus and Southern Ohio Electric Company ("Columbus and Southern"), a non-affiliated public utility company, certain electric distribution and related facilities, serving approximately 1500 retail customers located in Madison, Franklin, Fayette and Union Counties, Ohio. The properties to be conveyed by Columbus and Southern have an estimated gross original cost of approximately $526,000 and an estimated applicable reserve for depreciation of approximately $89,000, which amounts Ohio Edison proposes to record on its books.

In exchange for such properties, Ohio Edison proposes to transfer to Columbus and Southern certain electric distribution and related facilities, serving approximately 1300 retail customers located in Delaware and Franklin Counties, Ohio. A determination of the original cost of these properties, among others, is being made but is not yet completed.

As part of the exchange, Ohio Edison will receive from Columbus and Southern a cash adjustment of approximately $28,200 to reflect the slightly higher value, based on revenues, attributable to the properties to be conveyed by Ohio Edison.

It is stated that the proposed transactions by integrating the properties with closer sources of supply will result in operating economies.

The filing indicates that the transactions proposed by Ohio Edison and Columbus and Southern have been approved by the Public Utilities Commission of Ohio. It is represented that the accounting entries with respect to the proposed acquisition and disposition will be made in accordance with and subject to the requirements of the Uniform System of Accounts of the Federal Power Commission, which system of accounts requires that within six months from the date of acquisition or disposition of properties the proposed journal entries giving effect to the transactions and reflecting the original cost of the properties must be submitted to that Commission for approval. The filing further indicates that when the original cost and accrued depreciation of the properties proposed to be acquired and disposed of are finally determined, Ohio Edison will eliminate and debit amount includible in Account 100.5, Electric Plant Acquisition Adjustments, under the aforementioned system of accounts, with a contra entry to earned surplus or any credit amount by a contra entry to its depreciation reserve.

It is estimated that the expenses to be incurred by Ohio Edison in connection with the proposed transactions will aggregate $6,200, consisting of $1,200 to Commonwealth Services, Inc., $3,000 to J. S. Hartt, independent engineer, $1,500 to Winthrop, Stimson, Putnam & Roberts, counsel for the company, and $500 for miscellaneous expenses. It is requested that the Commission's order herein become effective upon issuance.

Said application-declaration, with the amendments thereto, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to all the transactions proposed in said application-declaration, as amended, including the proposed acquisition and disposition of electric distribution and related facilities by Ohio Edison, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10923; Filed, Oct. 8, 1952; 8:46 a. m.]

[File No. 812-803]

COMMONWEALTH FUND INDENTURE OF TRUST AND TRUSTEED FUNDS, INC.

NOTICE OF APPLICATION

OCTOBER 3, 1952.

In the matter of Commonwealth Fund Indenture of Trust, Plans C and D and Trusteed Funds, Inc.; File No. 812-803.

Notice is hereby given that an application has been filed for an order under section 6 (c) of the Investment Company Act of 1940 exempting from the provisions of section 22 (d) of the act the proposed offering of indentures of trust, Plan C of Commonwealth Fund Indenture of Trust, Plans C and D ("Commonwealth") otherwise than at a current public offering price described in the prospectus. Commonwealth is a diversified open-end management company registered under the Investment Company Act of 1940. Its principal underwriter is Trusteed Funds, Inc. ("Trusteed"), a Massachusetts corporation, with offices at 33 State Street, Boston, Massachusetts.

The public offering price of the indentures of trust, Plan C of Commonwealth is the sum of the net asset value of such shares and a sales load which varies according to the amount invested. The sales load is 8.1178 percent of the net asset value (7½ percent of the offering price) except where the initial amount sold is $25,000 or more, said sales load then being reduced to 4.1714 percent of the net asset value (4 percent of the offering price). Such securities are presently sold in units of either $1,000 or any higher sum that is a multiple of $500.

Trusteed now proposes to permit past purchasers of indentures of trust, Plan C to purchase additional and new Plan C holdings in multiples of not less than $100. The sales load for the additional purchases is to be 8.1178 percent of the net asset value (7½ percent of the offering price), except in those instances where the initial purchase or the aggregate holdings at the time of the purchase of additional indentures of trust, Plan C is $25,000 or more, the sales load then to be only 4.1714 per cent of the net asset value (4 percent of the offering price).

For additional details on the matters of fact and law involved, all interested persons are referred to the application, and to the registration statements of Commonwealth on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting appropriate relief from the provisions of section 22 (d) of the Investment Company Act of 1940, upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after October 22, 1952, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 21, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-10924; Filed, Oct. 8, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as amended, Section 20 (c), Special Order 15]

PEOPLES GAS LIGHT AND COKE CO.

PRICES FOR COLLECTION AGENCY SERVICES SUPPLIED

Statement of considerations. The ceiling price for collection agency services supplied to The Peoples Gas Light and Coke Company, 122 South Michigan Avenue, Chicago 3, Illinois, by its collection agents is adjusted by this Special Order pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that applicant maintains arrangements for the collection of gas bill payments with numerous neighborhood merchants and businesses. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for collection agency service will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of collection agency service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of The Peoples Gas Light and Coke Company, 122 South Michigan Avenue, Chicago 3, Illinois (hereinafter referred to as The Company) for an adjustment of the ceiling prices which sellers may charge applicant for collection agency service is granted as follows:

On and after the effective date of this Special Order, the ceiling price for collection agency service to The Company by the firms listed below shall be as follows:

$0.04 per bill payment handled to and including 400 such payments per month.
$0.03 per bill payment handled for all over 400 per month.
Minimum compensation—$5.00 per month.

A & G Hardware, 412 East One Hundred and Third Street, Chicago 28, Ill.
A. & J. Sales & Service, 6241–43 South Western Avenue, Chicago 36, Ill.
Addison Hardware, 6121 West Addison Street, Chicago 34, Ill.
Aldens Irving Park, Inc., 3601 West Irving Park Road, Chicago 18, Ill.
Allied Savings & Loan Association, 7119 West Grand Avenue, Chicago 35, Ill.
Allied Tire & Battery Co., 610 West Thirty-fifth Street, Chicago 16, Ill.
Al's Department Store, 2060 North Damen Avenue, Chicago 47, Ill.
Ambrosia Pharmacy, 2258 West Twenty-fourth Street, Chicago 8, Ill.
American Appliance Stores, 1445 West Seventy-ninth Street, Chicago 20, Ill.
Amity Federal Savings & Loan Association, 6910 South Halsted Street, Chicago 21, Ill.
S. B. Anderseen, 2831 West Armitage Avenue, Chicago 47, Ill.
Aranoff Hardware Co. 8235 South Cottage Grove Avenue, Chicago 19, Ill.
Archer Best Paint & Hardware Stores, 5034 South Archer Avenue, Chicago 32, Ill.
Armitage Dry Goods, 2153 West Armitage Avenue, Chicago 47, Ill.
I. Aron Hardware, 3816 West Lawrence Avenue, Chicago 25, Ill.
Atkins Department Store, 5539 Belmont Avenue, Chicago 41, Ill.
B. & B. Department Store, 3532 West North Avenue, Chicago 47, Ill.
B-L Radio & Appliance, 540 West One Hundred and Third Street, Chicago 28, Ill.
B V L Sales & Service, 3002 West Diversey Avenue, Chicago 47, Ill.
Barnes' Hardware, 4322 Fullerton Avenue, Chicago 39, Ill.
Baskind Radio & Jewelry Store, 4009 West North Avenue, Chicago 39, Ill.
Berg's Hardware, 2709 Peterson Avenue, Chicago 45, Ill.
Berger's Hardware, 2331–33 West Chicago Avenue, Chicago 22, Ill.
P. A. Bergner & Co., 5704 West Chicago Avenue, Chicago 51, Ill.
Berman's Hardware Store, 1638 West Sixty-third Street, Chicago 36, Ill.
Berman's, 7949–51 South Ashland Avenue, Chicago 20, Ill.
Berman's, 1741–43 North Harlem Avenue, Chicago 35, Ill.
Berny-Herms, 2722 West North Avenue, Chicago 47, Ill.
F. M. Bialon, 6189 West Archer Avenue, Chicago 38, Ill.
Alfred Block, 1900 North Halsted Street, Chicago 14, Ill.
J. Bloch Hardware, 500 West Wisconsin Street, Chicago 14, Ill.
Block Hardware Co., 2500 East Seventy-fifth Street, Chicago 49, Ill.
Nellie L. Bloomfield d. b. a. A. A. Bloomfield, 2310 North Lincoln Avenue, Chicago 14, Ill.
Brandt's Gift Shop, 4644 North Rockwell Street, Chicago 25, Ill.
B. Brongiel, 916 North Kildare Avenue, Chicago 51, Ill.
Bryn Mawr Fair, 3309 West Bryn Mawr Avenue, Chicago 45, Ill.
Bunes Department Stores, Inc., 1751–59 West Thirty-fifth Street, Chicago 9, Ill.
Burdahl Drugs, Inc., 3700 West Armitage Avenue, Chicago 47, Ill.
Burlingame's Appliance Co., 5425 North Clark St., Chicago 40, Ill.
Bush Furniture Co., 8437 South Burley Avenue, Chicago 17, Ill.
C. R. Auto Store, 549 West Thirty-first Street, Chicago 16, Ill.
California Hardware, 816 South California Avenue, Chicago 12, Ill.
Cappot Furniture Shops, 5212–14 West Chicago Avenue, Chicago 51, Ill.
Carlson Hardware, 2255 West Foster Avenue, Chicago 25, Ill.
Carroll Hardware, 8926 South Loomis Street, Chicago 20, Ill.
Casimer Television & Appliance Inc., 1049 North Ashland Avenue, Chicago 22, Ill.
Chambers Radio & Appliance Co., 3546 North Ashland Avenue, Chicago 13, Ill.
Chelten Radio & Appliances, 10534 South Torrence Avenue, Chicago 17, Ill.
Chicago Avenue Leader Store, 1535–39 West Chicago Avenue, Chicago 22, Ill.
City Furniture Co., 9133–35 South Commercial Avenue, Chicago 17, Ill.
City Wide Radio & Appliance, 7445 South Cottage Grove Avenue, Chicago 19, Ill.
Clark's Paint & Hardware, 5214 West North Avenue, Chicago 39, Ill.
Columbia Electric Shop, 524 East Seventy-ninth Street, Chicago 19, Ill.
Conrad Hardware & Electric Co., 2913 North Cicero Avenue, Chicago 41, Ill.
Cook's Hardware, 2342 North Clark Street, Chicago 14, Ill.
Cragin Department Store, 5018 West Armitage Avenue, Chicago 39, Ill.
Crawford Hardware Co., 4247 West Roosevelt Road, Chicago 24, Ill.
Crown Department Store, 5839 South Wentworth Avenue, Chicago 21, Ill.
Crown Hardware & Paints, 6831 South Stoney Island Avenue, Chicago 49, Ill.
Czer Hardware, 2552 West Fifty-ninth Street, Chicago 29, Ill.
Damen Hardware & Paints, 5343 South Damen Avenue, Chicago 9, Ill.
Darvin Furniture & Appliance Co., 619 West One Hundred and Twentieth Street, Chicago 28, Ill.
Diversey Hardware & Electrical Supplies, 5648 West Diversey Avenue, Chicago 39, Ill.
Dix Hardware, 7835 South Halsted Street, Chicago 20, Ill.
Dixon Brothers, Inc., 3140–42 West Sixty-third Street, Chicago 29, Ill.
Dombo's Hardware, 434 West One Hundred and Fifteenth Street, Chicago 28, Ill.
Robert F. Drews Co., 4134–36 Armitage Avenue, Chicago 39, Ill.
Economy Hardware & Paints, 637 North Cicero Avenue, Chicago 44, Ill.
Edgebrook Drugs, 5432 West Devon Avenue, Chicago 30, Ill.
Edward's Electric, 3452 West Sixty-third Street, Chicago 29, Ill.
The 18th Street Leader Department Store, 1700–08 West Eighteenth Street, Chicago 8, Ill.
Electric Appliance Mart, 1547 East Fifty-third Street, Chicago 15, Ill.
Epstein Drugs, 4459 West Diversey Avenue, Chicago 39, Ill.
F & R Hardware, 4459 West Harrison Street, Chicago 24, Ill.
Farley's Department Store, 2002 West Thirty-fifth Street, Chicago 9, Ill.
Fein Appliance, 1001 East Forty-seventh Street, Chicago 15, Ill.
Samuel H. Feldman, 3222 West Division Street, Chicago 51, Ill.
Ferino's Hardware, 7045 West Addison Street, Chicago 34, Ill.
Fifth Avenue Pharmacy, 3466 West Fifth Avenue, Chicago 24, Ill.
The First National Bank of Chicago, 38 South Dearborn Street, Chicago 3, Ill.
Frank's Hardware & Paint Store, 554 East Seventy-first Street, Chicago 19, Ill.
Gams Hardware Store, 4838 South Archer Avenue, Chicago 32, Ill.
Gardiner's Hardware, 13709 South Leyden Avenue, Chicago 27, Ill.
Garro and Son, 2929 West Harrison Street, Chicago 12, Ill.
General Radio & Appliance Store, 6562–64 Sheridan Road, Chicago 40, Ill.
General Radio Service Co., 3952 West Cermak Road, Chicago 23, Ill.
Glaser's Radio & Furniture Co., 5115–23 South Kedzie Avenue, Chicago 32, Ill.
Griffith's Hardware, 7131 West Belmont Avenue, Chicago 34, Ill.
Grovehill Hardware, 3455 West Fifty-ninth Street, Chicago 29, Ill.
Haas Radio & Appliance, 2545 West Sixty-third Street, Chicago 29, Ill.
Ray Haas Hardware, 3611 Narragansett Avenue, Chicago 34, Ill.
The Harlan Co., 1022–24 East Forty-third Street, Chicago 15, Ill.
Harvey Drugs, Inc., 2201 North Halsted Street, Chicago 14, Ill.
C. L. Herrmann Hardware, 6844–48 West North Avenue, Chicago 35, Ill.
Herst's Department Store, Inc., 4051–61 North Lincoln Avenue, Chicago 18, Ill.
Hilltop Television Furniture & Appliances, Inc., 3050 West One Hundred and Eleventh Street, Chicago 43, Ill.
John Hoferle & Son, 5073–75 North Lincoln Avenue, Chicago 25, Ill.
Hoff Radio, 11107 South Western Avenue, Chicago 43, Ill.
Hoffings Department Store, 2049 West Roscoe Street, Chicago 18, Ill.
Elsie D. Hoffman, d. b. a. Charles R. Hoffman, 4345 North Lincoln Avenue, Chicago 18, Ill.
The Home Store, 11808 South Michigan Avenue, Chicago 28, Ill.
Horwitz Hardware & Furniture, 5620 West Sixty-third Street, Chicago 38, Ill.
Ideal Electric Co., 8607 South Ashland Avenue, Chicago 20, Ill.
Ideal Housewares, 2201–03 East Seventy-first Street, Chicago 49, Ill.
J & J Furniture and Appliances, Inc., 5558 West North Avenue, Chicago 39, Ill.
Jack's Hardware, 5417 West Addison Street, Chicago 41, Ill.
Jarvis Hardware, 1544 Jarvis Avenue, Chicago 26, Ill.
Joe's Hardware, 4732 South Pulaski Road, Chicago 32, Ill.
Juiris Hardware & Paint Store, 2308 North Cicero Avenue, Chicago 39, Ill.
Kaden Dept. Store, 1442 West Monterey Avenue, Chicago 43, Ill.
Louis Katz, 3556 West Sixteenth Street, Chicago 23, Ill.
Kenmac Radio Center, Inc., 6348 North Western Avenue, Chicago 45, Ill.
Kenwood 5¢ to $1.00 Store, Inc., 402–04 East Sixty-first Street, Chicago 37, Ill.
Keystone Dept. Store, 4352 North Keystone Avenue, Chicago 41, Ill.
King's Hardware, 6133 Northwest Highway, Chicago 31, Ill.
King's Radio & Jewelry Co., 306 East Fifty-first Street, Chicago 15, Ill.
Klaus Department Store, Inc., 2861 North Milwaukee Avenue, Chicago 18, Ill.
F. J. Kleisner & Co., 2848 West Fifty-ninth St., Chicago 29, Ill.
Frank Kostka Real Estate, 3859 West Twenty-sixth Street, Chicago 23, Ill.
Kostner Pharmacy, 4563 West Armitage Avenue, Chicago 39, Ill.
Kremar Dry Goods, 1215 West Eighteenth Street, Chicago 8, Ill.
Kremin Appliance Outlet, 5915 South Halsted Street, Chicago 21, Ill.
LaMont Paint & Hardware, 454 East Eighty-third Street, Chicago 19, Ill.
LaRocca Drugs, 3501 West Chicago Avenue, Chicago 51, Ill.
Latshaw's Pharmacy, 1537 West Roosevelt Road, Chicago 8, Ill.
Leslie's Department Store, 3525–29 West Armitage Avenue, Chicago 47, Ill.
Lester's Novelty Shop, 3621 West Lawrence Avenue, Chicago 25, Ill.
A. Levine & Son Hardware, 6910 South Wentworth Avenue, Chicago 21, Ill.
Lind Hardware & Supply Co., Inc., 5211–15 North Clark Street, Chicago 40, Ill.
Logan Hardware & Paint Co., 2408–10 Fullerton Avenue, Chicago 47, Ill.
Louis Variety Store, 7206 Greenwood Avenue, Chicago 19, Ill.
Lubar Pharmacy, 2000 West Addison Street, Chicago 18, Ill.
H. Lustig Department Store, 5651–53 West Irving Park Road, Chicago 34, Ill.

Madigan Brothers, Inc., 4030 West Madison Street, Chicago 24, Ill.
Manor Drugs, 2500 West Montrose Avenue, Chicago 18, Ill.
The Marshall Drug Co., 1070 Berwyn Avenue, Chicago 40, Ill.
O. R. Martin Co., 826 West Belmont Avenue, Chicago 14, Ill.
Matthias & Co., 1412 West Van Buren Street, Chicago 7, Ill.
Mesirow Drug Store, Inc., 3341 West Roosevelt Road, Chicago 24, Ill.
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Ogden-Polk Pharmacy, 2064 West Ogden Avenue, Chicago 12, Ill.
Omans & Schultz, 1400 West Fifty-first Street, Chicago 9, Ill.
Osten-Miller Co., 1001 West Armitage Avenue, Chicago 14, Ill.
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B. Pankauski, 2021 South Canalport Avenue, Chicago 16, Ill.
Paradise Gift Shop, 1423 Wilson Avenue, Chicago 40, Ill.
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Patek's General Store, 2700 West Twenty-fifth Street, Chicago 8, Ill.
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Joseph Rak, 5142 West Fullerton Avenue, Chicago 39, Ill.
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Charles Ringer Co., 7915 Exchange Avenue, Chicago 17, Ill.
Rosen's Pharmacy, 1400 South Kedzie Avenue, Chicago 23, Ill.
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Savitz Radio & Music Shop, 2611 West Division Street, Chicago 22, Ill.
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I. Siegel, 3942 West School Street, Chicago 18, Ill.
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Fred B. Snite Furniture Co., 4732–34 North Lincoln Avenue, Chicago 25, Ill.
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Spaulding Department Store, Inc., 3301–09 West Montrose Avenue, Chicago 18, Ill.
Stanley Electric-Appliance Center, 5201–05 Milwaukee Avenue, Chicago 30, Ill.
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J. Vodrazka and Son, 3359 West Twenty-sixth Street, Chicago 23, Ill.
Wahler Bros. Best Hardware, 2603 North Halsted Street, Chicago 14, Ill.
H. S. Walsh Television & Appliances, 7004–06 North Western Avenue, Chicago 45, Ill.
Weller's Department Store, 3221 South Morgan Street, Chicago 8, Ill.
Wentworth Department Store, 4320 South Wentworth Avenue, Chicago 9, Ill.
West End Hardware and Paint Store, 5931 West Lawrence Avenue, Chicago 30, Ill.
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Wigdahl Electric Co., 4242 Milwaukee Avenue, Chicago 41, Ill.
Winsberg's Department Store, Inc., 6201 North Clark Street, Chicago 26, Ill.
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Wolf Furniture House, Inc., 4211–13 South Archer Avenue, Chicago 32, Ill.
Wolke and Kotler, 4811 North Milwaukee Avenue, Chicago 30, Ill.
H. C. Woolley & Co., 2937–45 South Archer Avenue, Chicago 8, Ill.
Zimmermann Hardware, 5365 West North Avenue, Chicago 39, Ill.
Zwick's Hardware, 3312½ West Foster Avenue, Chicago 25, Ill.

2. The Company may pay to the sellers listed above the increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by The Company to the firms listed above. A copy of this order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller of collection agency service with the appropriate District Office of the Office of Price Stabilization with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of The Company not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective October 4, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 3, 1952.

[F. R. Doc. 52–10886; Filed, Oct. 3, 1952; 12:03 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27442]

SCRAP RUBBER FROM NEW ORLEANS, LA., TO BARBERTON, OHIO

APPLICATION FOR RELIEF

OCTOBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 376, pursuant to fourth-section order No. 15101.

Commodities involved: Scrap rubber, viz: tires or tubes, old, worn out, or similar old worn out rubber articles, carloads.

From: New Orleans, La.

To: Barberton, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10938; Filed, Oct. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27443]

PREFABRICATED OR PORTABLE HOUSES FROM BATON ROUGE, LA. TO MICHIGAN AND OHIO

APPLICATION FOR RELIEF

OCTOBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378, pursuant to fourth-section order No. 16101.

Commodities involved: Houses or garages, wooden, prefabricated or portable, carloads.

From: Baton Rouge, La.

To: Points in Michigan and Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10942; Filed, Oct. 8, 1952; 8:48 a. m.]

[4th Sec. Application 27444]

FERTILIZER FROM MOREHEAD CITY, N. C., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1316.

Commodities involved: Fertilizer materials and urea, carloads.

From: Morehead City, N. C. (applicable on import and intercoastal traffic).

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1316, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10941; Filed, Oct. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27445]

RUBBER FROM TEXAS AND LOUISIANA TO DUNKIRK, N. Y.

APPLICATION FOR RELIEF

OCTOBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3967 and 3906.

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads.

From: Points in Texas and Louisiana.

To: Dunkirk, N. Y.

Grounds for relief: Competition with rail carriers ,circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 163; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 145.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10939; Filed, Oct. 8, 1952; 8:47 a. m.]

[4th Sec. Application 27446]

SUPERPHOSPHATE FROM THE SOUTHWEST TO HUTCHINSON, TOPEKA, AND JUNCTION CITY, KANS.

APPLICATION FOR RELIEF

OCTOBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Specified points in the Southwest.

To: Hutchinson, Topeka, and Junction City, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, Supp. 125; F. C. Kratzmeir, Agent, I. C. C. No. 3908, Supp. 121; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 164; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10940; Filed, Oct. 8, 1952; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 199

Washington, Friday, October 10, 1952

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53114]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

NARCOTIC DRUGS AND MARIHUANA

The Secretary of the Treasury, by Treasury Department Order No. 157[1] transferred to the Commissioner of Customs the functions relating to notice and demand to produce order forms for marihuana under section 2593 of the Internal Revenue Code (26 U. S. C. 2593). The said Treasury Department order authorizes the Commissioner of Customs to delegate such functions to subordinates of the Bureau of Customs. Accordingly, § 23.9, Customs Regulations of 1943 (19 CFR 23.9), is hereby amended by deleting the parenthetical matter at the end of paragraph (l) and by adding new paragraph (m) reading as follows:

§ 23.9 *Narcotic drugs and marihuana.*

* * *

(m) The functions relating to the notice and demand to produce order forms for marihuana under section 2593 of the Internal Revenue Code (26 U. S. C. 2593) may be performed by collectors of customs, supervising customs agents, and other officers of the customs.

(R. S. 161, secs. 584, 624, 46 Stat. 748, as amended, 759; 5 U. S. C. 22, 19 U. S. C. 1584, 1624. Reorganization Plan No. 26 of 1950; 3 CFR 1950 Supp., Ch. III)

[SEAL] FRANK DOW, *Commissioner of Customs.*

Approved: October 1, 1952.

E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-10948; Filed, Oct. 9, 1952; 8:47 a. m.]

[1] See F. R. Doc. 52-10955, Department of the Treasury, Office of the Secretary, notices section, *infra*.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

COMBAT DUTY PAY

A new § 536.60 is added to Part 536, as follows:

§ 536.60 *Claims for combat duty pay under Title VII, Public Law 488, 82d Congress, by former members now separated, retired, or deceased.* Individuals who are now separated or retired and who are entitled to combat pay, not previously paid, will forward their claims to The Adjutant General, Department of the Army, Washington 25, D. C., on DD Form 667. The Adjutant General will make a determination of facts on the form and forward same with any related documents to the Military Pay Division, Finance Center, U. S. Army, Indianapolis 49, Indiana, for processing for payment. Claims on behalf of deceased members, incompetent members, or members who for any reason are unable to submit their own claims, may be submitted by the legal representative or a member of the immediate family of such person. The claim should be accompanied by a letter explaining the reason the former member is unable to submit his own claim, and in the case of deceased veterans the letter should include the name and address of the veteran's next of kin in the following order: Wife, if no wife, children, if no wife or child, parents. If there are no living relatives of the foregoing categories, then the names and addresses of the veteran's brothers and sisters should be stated.

[AR 35-1270, August 13, 1952] (Pub. Law 488, 82d Cong.)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 52-10967; Filed, Oct. 9, 1952; 8:46 a. m.]

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FEDERAL REGISTER

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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 5 to Area Milk Price Regulation 12]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 12—SAN FRANCISCO DISTRICT, CALIFORNIA

PRESERVATION OF DIFFERENTIAL BETWEEN PRICES FOR STANDARD MILK ESTABLISHED ACCORDING TO STATE MINIMUM PRICES AND PRICES FOR MILK OTHER THAN STANDARD MILK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), the Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679) this Amendment 5 to Area Milk Price Regulation 12 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Quoted in the Statement of Considerations for Amendment 3 to AMPR 12 are certain provisions in the Defense Production Act Amendments of 1952 pertaining to the relationship between OPS ceiling prices and minimum prices established by a State regulatory body. Amendment 3 added subsection (c) to Section 1 of AMPR 12 to eliminate any conflict between OPS ceiling prices established by AMPR 12 and minimum prices established by the State of California Bureau of Milk Control.

Information in the hands of the Regional Director establishes that increases in State minimum prices which the State of California Bureau of Milk Control has effected have been within the limits of allowable cost increases as prescribed by Supplementary Regulation 63. Adjustments on margins of fluid milk items other than standard milk have therefore been appropriate. This amendment makes it permissible that State minimum prices for standard milk be used as the reference point for the computation of ceiling prices on other kinds of fluid milk. Such computation is made on the basis of each seller's base period differentials above or below the level of standard whole milk prices. If any future State ordered increase in minimum prices does not fall within Supplementary Regulation 63 criteria, this provision will be revoked and appropriate action will be taken to maintain proper ceiling levels on kinds of fluid milk other than standard.

The functions and territorial coverage of the San Francisco District Office have recently been taken over by the San Francisco Regional Office. Accordingly, AMPR 12 is further amended by substituting a reference to the San Francisco Regional Office in each place where a reference to the San Francisco District Office previously appeared.

In the judgment of the Regional Director the provisions of this amendment to Area Milk Price Regulation No. 12 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 12.

AMENDATORY PROVISIONS

Area Milk Price Regulation 12 is amended in the following respects:

1. Subsection (c) of Section 1, as added to the regulation by Amendment 3, is amended by adding the following sentence: "The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to section 1 (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation."

2. Wherever in the text of the regulatory provisions the phrase "San Francisco District Office" appears there is substituted therefor the phrase "San Francisco Regional Office."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to Area Milk Price Regulation 12 under Supplementary Regulation 63 to the General Ceiling Price Regulation is effective as of October 1, 1952.

JAMES P. KEENE, JR.,
Acting Regional Director,
San Francisco Regional Office.

OCTOBER 9, 1952.

[F. R. Doc. 52-11049; Filed, Oct. 9, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 14]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 14—SACRAMENTO DISTRICT, CALIFORNIA

ELIMINATION OF CONFLICT WITH STATE MINIMUM PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Area Milk Price Regulation 14 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendments of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-

called 'fair trade law') now in effect, or by regulation issued pursuant to such law." This Amendment 2 to AMPR 14 eliminates any conflict between OPS ceiling prices established by AMPR 14 and minimum prices established by the State of California Bureau of Milk Control.

The State of California Bureau of Milk Control has issued orders effective October 1, 1952, which increase processors' and distributors' margins on whole milk in the marketing areas covered by AMPR 14. Information in the hands of the Regional Director establishes that these increases are within the limits of allowable cost increases as prescribed by Supplementary Regulation 63. Adjustments on margins of fluid milk items other than standard milk are, therefore, appropriate. This amendment makes it permissible that State minimum prices for standard milk be used as the reference point for the computation of ceiling prices on other kinds of fluid milk. Such computation is made on the basis of each seller's base period differentials above or below the level of standard whole milk prices. If any future State ordered increase in minimum prices does not fall within Supplementary Regulation 63 criteria, this provision will be revoked and appropriate action will be taken to maintain proper ceiling levels on kinds of fluid milk other than standard.

The functions and territorial coverage of the Sacramento District Office have recently been taken over by the San Francisco Regional Office. Accordingly, AMPR 14 is further amended by substituting a reference to the San Francisco Regional Office in each place where a reference to the Sacramento District Office previously appeared.

The Sutter-Yuba Marketing Area, which originally comprised the California counties of Sutter and Yuba, has been extended by the California State Bureau of Milk Control to include the county of Colusa. It is deemed appropriate that OPS Marketing Areas coincide with marketing areas established by the State Bureau of Milk Control unless violation of Supplementary Regulation 63 criteria results. No such violation results from the inclusion of Colusa County in the Sutter-Yuba Marketing Area. Appendix II of AMPR 14 is therefore amended to indicate that the Sutter-Yuba Marketing Area comprises the counties of Sutter, Yuba and Colusa, California.

The California State Bureau of Milk Control has issued State marketing orders establishing minimum prices for standard milk in the Calaveras-Tuolumne Marketing Area and the Amador-El Dorado Marketing Area. These areas had not previously been covered by either State minimum price orders nor OPS area milk price regulations. Information in the hands of the Regional Director establishes that the minimum prices set by the State for these areas are within the limits of allowable increases over GCPR prices as prescribed by Supplementary Regulation 63. Corresponding adjustments of prices for fluid milk items other than standard milk are also within the criteria of Supplementary Regulation 63. Therefore, Appendix V covering Calaveras-Tuolumne Marketing Area and Appendix VI covering the Amador-El Dorado Marketing Area are added to the regulation.

In the case of the Shasta-Tehama Marketing Area, the currently ordered increase in processors' and distributors' margins is the first to be issued by the State Bureau of Milk Control since the General Ceiling Price Regulation freeze period. Appendix VII is added to give recognition to the increased margins required by the State Bureau of Milk Control for the area. Such increases are within Supplementary Regulation 63 limitations.

In the judgment of the Regional Director the provisions of this amendment to Area Milk Price Regulation No. 14 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 14.

AMENDATORY PROVISIONS

Area Milk Price Regulation 14 is amended in the following respects:

1. Section 1 is amended by adding the following subsection thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to section 1 (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

2. Wherever in the text of the regulatory provisions the phrase "Sacramento District Office" appears there is substituted therefor the phrase "San Francisco Regional Office"; and in section 3 (a), for the parenthetical sentence "(The 'Sacramento District Office', as used in this regulation, means the Sacramento District Office of the Office of Price Stabilization located at 1330 Jay Street, Sacramento, California.)" there is substituted the parenthetical sentence "(The 'San Francisco Regional Office', as used in this regulation, means the San Francisco Regional Office of the Office of Price Stabilization located at 870 Market Street, San Francisco, California.)"

3. The introductory statement to Appendix II—Sutter-Yuba Marketing Area, is amended to read: "This appendix covers milk and cream (including sour cream) in the Sutter-Yuba Marketing Area, comprising the counties of Sutter, Yuba, and Colusa, California."

4. Appendix V—Calaveras-Tuolumne Marketing Area, Appendix VI—Amador-El Dorado Marketing Area, and Appendix VII—Shasta-Tehama Marketing Area, which appear hereafter, are added to the regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Area Milk Price Regulation 14 under Supplementary Regulation 63 to the General Ceiling Price Regulation is effective as of October 1, 1952.

JAMES P. KEENE, JR.
Acting Regional Director,
San Francisco Regional Office.

OCTOBER 9, 1952.

APPENDIX V—CALAVERAS-TUOLUMNE MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Calaveras-Tuolumne Marketing Area.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.72		
Gallon bottle	.80	$0.90	$0.90
Half-gallon container	.40	.45	.45
Quart container	.20	.225	.225
Pint container	.115	.14	.14
Third-quart or three quarter-pint container	.082		
Half-pint container	.066		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size: Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.64	.32	.16	.08	.04
Whipping cream	.72	.36	.18	.09	.045
Other retail sales of standard milk (including homogenized)		.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.78 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Calaveras-Tuolumne Marketing Area Order No. 2 issued by the State of California Bureau of Milk Control effective October 1, 1952.

5. "Calaveras-Tuolumne Marketing Area" means that area as defined in said Calaveras-Tuolumne Order No. 2.

APPENDIX VI—AMADOR-EL DORADO MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Amador-El Dorado Marketing Area.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.74		
Gallon bottle	.80	$0.90	$0.90
Half-gallon container	.40	.45	.45
Quart container	.20	.225	.225
Pint container	.12	.14	.14
Third-quart or three quarter-pint container	.084		
Half-pint container	.067		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size: Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.64	.32	.16	.08	.04
Whipping cream	.72	.36	.18	.09	.045
Other retail sales of standard milk (including homogenized)		.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20¢ per quart or the retail home-delivered base period price was in excess of 20¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.63 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Amador-El Dorado Order No. 2 issued by the State of California Bureau of Milk Control effective October 1, 1952.

5. "Amador-El Dorado Marketing Area" means that area as defined in said Amador-El Dorado Order No. 2.

APPENDIX VII—SHASTA-TEHAMA MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Shasta-Tehama Marketing Area.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk milk, per gallon	$0.74		
Gallon bottle	.80	$0.90	$0.90
Half-gallon container	.40	.45	.45
Quart container	.20	.225	.225
Pint container	.12	.14	.14
Third-quart or three quarter-pint container	.084		
Half-pint container	.067		

2. For the following items the ceiling price is the base period price plus the following additions.

Type of sale	Container size: Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)		.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20¢ per quart or the retail home-delivered base period price was in excess of 20¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.72 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I, of Shasta-Tehama Order No. 22 issued by the State of California Bureau of Milk Control effective February 1, 1952.

5. "Shasta-Tehama Marketing Area" means that area as defined in said Shasta-Tehama Order No. 22.

[F. R. Doc. 52-11050; Filed, Oct. 9, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 15]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 15—FRESNO DISTRICT, CALIFORNIA

ELIMINATION OF CONFLICT WITH STATE MINIMUM PRICES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Area Milk Price Regulation 15 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendments of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." This Amendment 3 to AMPR 15 eliminates any conflict between OPS ceiling prices established by AMPR 15 and minimum prices established by the State of California Bureau of Milk Control.

The State of California Bureau of Milk Control has issued orders effective October 1, 1952, which increase processors' and distributors' margins on whole milk in both the Fresno County Marketing Area and the Madera-Merced Marketing Area. Information in the hands of the Regional Director establishes that these increases are within the limits of allowable cost increases as prescribed by Supplementary Regulation 63. Adjustments or margins of fluid milk items other than standard milk are, therefore appropriate. This amendment makes it permissible that State minimum prices

be used as the reference point for the computation of ceiling prices on other kinds of fluid milk. Such computation is made on the basis of each seller's base period differentials above or below the level of standard whole milk prices. If any future State ordered increase in minimum prices does not fall within Supplementary Regulation 63 criteria, this provision will be revoked and appropriate action will be taken to maintain proper ceiling levels on kinds of fluid milk other than standard.

The functions and territorial coverage of the Fresno District Office have recently been taken over by the San Francisco Regional Office. Accordingly, AMPR 15 is further amended by substituting a reference to the San Francisco Regional Office in each place where a reference to the Fresno District Office previously appeared.

In the judgment of the Regional Director the provisions of this amendment to Area Milk Price Regulation No. 15 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amened; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 15.

AMENDATORY PROVISIONS

Area Milk Price Regulation 15 is amended in the following respects:

1. Section 1 is amended by adding the following subsection thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to section 1 (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

2. Wherever in the text of the regulatory provisions of this regulation the phrase "Fresno District Office" appears there is substituted therefor the phrase "San Francisco Regional Office"; and in section 3 (a) for the parenthetical sentence "(The 'Fresno District Office', as used in this regulation, means the Fresno District Office of the Office of Price Stabilization located at 1550 Van Ness Avenue, Fresno 21, California.)" there is substituted the parenthetical sentence "(The 'San Francisco Regional Office', as used in this regulation, means the San Francisco Regional Office of the Office of Price Stabilization located at 870 Market Street, San Francisco, California.)"

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Area Milk Price Regulation 15 under Supplementary Regulation 63 to the General Ceiling Price Regulation is effective as of October 1, 1952.

JAMES P. KEENE, Jr.,
Acting Regional Director,
San Francisco Regional Office.

OCTOBER 9, 1952.

[F. R. Doc. 52-11051; Filed, Oct. 9, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Salary Procedural Regulation 2, Revised]

SPR 2—PROCEDURAL REQUIREMENTS REGARDING ENFORCEMENT OF GENERAL SALARY STABILIZATION REGULATIONS, GENERAL SALARY ORDERS, AND DETERMINATIONS

PURPOSE

This regulation sets forth the procedures with respect to the enforcement of General Salary Stabilization Regulations and General Salary Orders issued by the Salary Stabilization Board, and of determinations of the Office of Salary Stabilization.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Investigations, inspection authorizations and subpenas.
3. Preliminary letter, conferences and settlements.
4. Disallowance sanctions.
5. Enforcement by disallowance proceedings.
6. Criminal penalties for contraventions.
7. Injunctions and orders enforcing compliance.
8. Effective date.

AUTHORITY: Sections 1 to 8 issued under section 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* (a) "Act" means the Defense Production Act of 1950 and any amendments thereto.

(b) *"Commission"* means the National Enforcement Commission within the Economic Stabilization Agency. (Economic Stabilization Agency General Order No. 18, 17 F. R. 6925).

(c) "Board" means the Salary Stabilization Board.

(d) "Office" means the Office of Salary Stabilization (which includes the National Office in Washington, D. C., and the Regional Offices).

(e) "Chairman of the Board" as used in this regulation means the Chairman of the Salary Stabilization Board and the head of the Office.

(f) "Vice Chairman" as used in this regulation means the Vice Chairman of the Salary Stabilization Board, who in the absence of the Chairman of the Board is the head of the Office.

(g) "Executive Director" means the Executive Director of the Office.

(h) "Chief Counsel" means the Chief Counsel of the Office.

(i) "Regulations" and "Orders" mean the General Salary Stabilization Regulations and General Salary Orders of the Board.

(j) "Determination" means the written decision of the Office upon an application for the approval of a proposed adjustment in the salary or other compensation of one or more employees subject to the jurisdiction of the Board.

(k) "Contravention" means a violation of the act or of any regulation, order or determination issued thereunder.

(l) "Respondent" means a person named in a complaint as an alleged contravener.

(m) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 2. *Investigations, inspection authorizations and subpoenas.*—(a) *Investigations.* (1) The Chairman of the Board, the Vice Chairman, the Executive Director, the Chief Counsel, each Regional Director within his area, and any other person designated by the Chairman of the Board is authorized to make, or cause to be made, such investigations, inspections or inquiries as may be necessary or appropriate, in their discretion, relating to the enforcement of the act and the regulations, orders or determinations issued thereunder. No investigation, inspection or inquiry shall be made until the scope and purpose thereof have been defined by the Chairman of the Board or other competent authority designated by the Chairman of the Board and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

(b) *Inspection authorizations and subpoenas.* (1) The Chairman of the Board, the Vice Chairman, the Executive Director, the Chief Counsel, or any other person designated by the Chairman of the Board, may issue inspection authorizations and subpoenas in connection with any investigation relating to enforcement of the act and regulations, orders and determinations issued thereunder. No inspection authorization or subpoenas shall be issued until the scope and purpose thereof have been defined by the Chairman of the Board or other competent authority designated by the Chairman of the Board and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

SEC. 3. *Preliminary letter, conferences and settlements.* (a) Whenever there appears to be a contravention, a preliminary letter shall be forwarded to the alleged contravener briefly setting forth the nature of the alleged contravention.

(b) Within ten (10) days from the date of receipt of the letter by the alleged contravener, the alleged contravener may request a conference concerning the alleged contravention.

(c) In the event that a conference is requested, the Office shall notify the alleged contravener of the time and place of such conference. At such conference the alleged contravener may appear in person or by attorney and may present appropriate information and arguments.

(d) The alleged contravener may submit a proposal for settlement at any time. Every settlement shall provide assurance of prompt and full compliance thereafter with the act and regulations and orders issued thereunder. All settlements shall be subject to approval by the Chief Counsel and shall be submitted to the Commission for its approval or disapproval in conformity with the provisions of section 8.1 of General Procedural Regulation No. 1, Revised (17 F. R. 7737) and any other applicable regulations issued by the Economic Stabilization Agency.

SEC. 4. *Disallowance sanctions.* (a) Whenever any salary or other compensation has been paid in contravention of the regulations and orders issued pursuant to the act, or determinations made thereunder, the salary or other compensation payment shall be disallowed for one or more of the purposes of:

(1) Calculating deductions or the basis for determining gain under the Revenue Laws of the United States;

(2) Determining costs and expenses under any contract made by or on behalf of the United States, either directly or indirectly;

(3) Establishing any maximum price pursuant to the act; and

(4) Determining the costs or expenses of any person for the purpose of any other law or regulation.

(b) The amount paid or accrued in violation of the Act or regulations, orders or determinations made thereunder which may be disallowed and disregarded shall be the entire amount of salary or other compensation paid or accrued and not merely the amount paid or accrued in excess of the legal maximum of such salary or other compensation; provided that where extenuating and mitigating circumstances exist, of the character described in paragraph (c) of this section, less than the entire amount of such payments or accruals may be disregarded and disallowed; provided further that the general policy shall be to disallow and disregard an amount at least equal to that portion of any payment or accrual in excess of whatever payment was permissible under the governing regulation, order, or determination.

(c) Extenuating and mitigating circumstances which may be taken into account include:

(1) Prompt and voluntary disclosure of possible violation;

(2) Prompt and full cooperation with investigating and other officials;

(3) Prompt remedying of violation of applicable rules, regulations, or orders;

(4) The prompt adoption of adequate measures to prevent repetition of any violation of applicable rules, regulations, or orders;

(5) Inadvertent rather than intentional and wilful violations;

(6) Such other factors as may be appropriate in the particular case.

SEC. 5. *Enforcement by disallowance proceedings.*—(a) *Disallowance proceedings.* Whenever it has been determined that any salary or other compensation has been paid in contravention of the regulations and orders issued under the act, the extent to which any such salary or other compensation payment shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation shall be prescribed in accordance with the provisions of section 405 (b) of the act. Any salary or other compensation paid in contravention of the act, regulations, orders, and determinations issued thereunder may be disallowed in whole or in part for one or more of the purposes set forth in section 4 (a).

(b) *Institution of disallowance proceedings.* Whenever the Office has reason to believe that any person has paid salaries or other compensation in contravention of the act or regulations and orders issued pursuant thereto, or determinations made thereunder, it shall institute disallowance proceedings to ascertain whether a contravention has occurred, and to determine the amount to be certified to and disregarded by the executive departments and other government agencies.

(c) *Parties to disallowance proceedings.* Within the meaning of this regulation the term "parties" shall mean the Chief Counsel, to whom a delegation of authority for this purpose is hereby made, or the representative of the Chief Counsel, the person alleged to have contravened the act or regulations and orders issued pursuant thereto, or determinations made thereunder, and to the extent permitted the person intervening in any enforcement proceedings.

(d) *Complaint and answer.* (1) Whenever it appears that any person has contravened the act or regulations and orders issued pursuant thereto, or determinations made thereunder and the matter is not disposed of by settlement under section 3 (d) of this regulation, the Chief Counsel shall issue a complaint and cause the original thereof and one copy to be filed with the Commission and copies to be served upon all the parties.

(2) The complaint shall set forth (i) a concise statement of the nature of the alleged contravention and the facts alleged to constitute the contravention, (ii) the sanctions applicable thereto, (iii) that the respondent has the right to submit a written answer, together with any pertinent documents in support thereof, (iv) that the respondent has the right to a hearing before the Commission as provided in section 5 (e) hereof, and (v) that where no answer to the complaint is filed the right to a hearing shall be deemed to have been waived.

(e) *Hearings.* (1) The Commission is hereby authorized, designated, and appointed to hold and conduct all hearings that may be required upon any complaint issued by the Office and a delegation of authority is hereby made authorizing the Commission to perform this function and all other functions with respect to determinations as to violations or contraventions of the act, or any regulation or order or directive heretofore or hereafter promulgated thereunder, and the certification and transmission of such determinations to the same extent that the Commission is authorized to perform said functions by Economic Stabilization Agency General Order No. 18 (17 F. R. 6925).

(2) In all proceedings before the Commission the parties shall be governed by the procedures set forth in the applicable provisions of General Procedural Regulation No. 1, Revised (17 F. R. 7737) and any other regulations issued by the Economic Stabilization Agency.

SEC. 6. *Criminal penalties for contraventions.* (a) Whenever the Office has reason to believe that any person has wilfully violated any provision of section 405, Title IV, of the act or any regulation or order issued pursuant to Title VII of the act, it may certify the facts to the Attorney General who may, in his discretion, cause appropriate proceedings to be brought. Any person who wilfully pays or receives any salary or other compensation in contravention of the act or any regulation or order issued pursuant thereto shall upon conviction thereof, be subject to a fine or to imprisonment or both as set forth in section 409 of the act.

(b) Whenever the Office believes that any person has wilfully performed any act prohibited or wilfully fails to perform any act required by the provisions of section 705, Title VII, of the act or any rule, regulation or order issued pursuant thereto concerning testimony, inspection or the production of books, records or other documentary evidence, it may certify the facts to the Attorney General who may, in his discretion, cause appropriate proceedings to be brought. Any person who wilfully performs any act prohibited or wilfully fails to perform any act required by the provisions of section 705, Title VII, of the act, or any rule, regulation or order issued pursuant thereto shall, upon conviction thereof, be subject to a fine or imprisonment, or both, as set forth in section 705.

SEC. 7. *Injunctions and orders enforcing compliance.* (a) Whenever any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of the act or a contravention of any of the regulations or orders issued pursuant to Title IV or Title VII of the act, application may be made to any district court of the United States or any United States court of any territory or other place subject to the jurisdiction of the United States, for an order enjoining such acts or prac-

tices or for an order enforcing compliance with the regulations and orders in question.

(b) Whenever the Office has reason to believe that any person has paid salaries or other compensation in contravention of the act or the regulations, orders and determinations made thereunder, it may certify the facts to the Attorney General who may, in his discretion, seek an order enjoining such acts or practices or an order enforcing compliance with the regulations, orders and determinations in question.

SEC. 8. *Effective date.* This regulation is effective upon publication in the Federal Register.

NOTE: Requirements of this regulation with respect to information to be supplied in connection with answers, petitions, etc., have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52-11053; Filed, Oct. 9, 1952; 11:44 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt.]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

Housing and Home Finance Agency Regulation CR 3 (originally issued at 16 F. R. 3835, May 2, 1951, and last amended at 17 F. R. 6585, July 18, 1952) issued pursuant to sections 601 through 605 and section 704 of Pub. Law 775, 81st Cong. (64 Stat. 813, 814, 815, 816), as amended, sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), sections 101, 102 and 611 of Pub. Law 139, 82d Congress (65 Stat. 392), paragraph 3 of Executive Order 10296, October 2, 1951 (16 F. R. 10103), and the approval and authorization of the Board of Governors of the Federal Reserve System of HHFA Regulation CR 1 (16 F. R. 3834), May 2, 1951); is hereby amended as follows:

1. Section 1 entitled *Statement of purpose* is amended to read as follows:

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to assist in limiting the volume of new residential construction to a level which could have been maintained with the materials and labor available in the light of national defense requirements, restrictions on residential real estate credit (applicable where construction was started after noon of August 3, 1950) were imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (Chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"). Related credit restrictions (applicable to both new and old residential property) were contained in regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Actions restricting residential credit were taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and amendments thereto and of Executive Order 10161, issued September 9, 1950. In order to assist the provision of housing needed for in-migrant defense workers or military personnel and their families where the failure to provide such housing would impede national defense activities, residential credit restrictions were relaxed or modified in critical defense housing areas designated by the Housing and Home Finance Administrator.

In addition thereto, and pursuant to the provisions of Title I of the Defense Housing and Community Facilities and Services Act of 1951, approved September 1, 1951, and of Executive Order 10296, dated October 2, 1951, the Director of Defense Mobilization was authorized, upon a finding that certain conditions set forth in the Defense Housing and Community Facilities and Services Act of 1951 exist, to designate specified areas as critical defense housing areas. The Housing and Home Finance Administrator was also authorized under said Defense Housing and Community Facilities and Services Act of 1951 and under paragraph number 3 of Executive Order 10296, upon such a finding and designation by the Director of Defense Mobilization, to suspend or relax residential real estate credit restrictions imposed under the authority of the Defense Production Act of 1950, as amended.

The purpose of this regulation, issued by the Housing and Home Finance Administrator, was to prescribe uniform conditions and procedures under which exceptions from credit restrictions were made available in the designated critical defense housing areas in order to assure that the housing for which such exceptions were granted (whether or not such housing was financed with Government assistance) would meet the needs of the in-migrant defense workers or military personnel and their families. This procedure for granting exceptions from credit restrictions was in addition to other programs of the Housing and Home Finance Agency designed to assist in meeting such needs in critical defense housing areas. The approval of an application under this regulation (or under Housing and Home Finance Agency Regulation CR 2 which concerned exceptions from credit terms for areas affected by the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations of the Atomic Energy Commission) was required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX (National Defense Housing Insurance) of the National Housing Act, as amended.

On September 15, 1952, following certification by the Secretary of Labor that new non-farm housing starts had fallen below an annual rate of 1,200,000 units for three consecutive months, the Board of Governors of the Federal Reserve System and Housing and Home Finance Administrator acting simultaneously pursuant to the provisions of Title I of the Defense Production Act Amendments of 1952, approved June 30, 1952, providing for a period of residential credit control relaxation upon such a certification by the Secretary of Labor, announced respectively, the suspension of restrictions on residential real estate credit imposed by Regulation X and a relaxation of related credit restrictions in the regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs.

2. Section 9 entitled *Where and how builders should apply* and section 14 entitled *Where and how applications should be made*, are amended by adding an additional undesignated paragraph at the end of each reading as follows:

No application will be accepted under the provisions of this section after October 9, 1952. Any applicant whose application was submitted under the provisions of this regulation on or before October 9, 1952, and who has not commenced construction of defense housing under this regulation may elect to be released from the obligations, conditions and restrictions arising out of, or incurred by the execution of, such application and from the terms and provisions of this regulation. To obtain such release, the applicant will be required to file in writing with the local FHA office in which the application was filed a written notice of his intention to withdraw the application filed by him, and, if the application has been approved, such written notice must include a statement that the applicant is surrendering the quota of defense housing allocated to him in the approved application. An applicant who does not elect to be released will have his application processed or treated as provided elsewhere in this regulation and the housing covered by such an approved application will be eligible (if otherwise eligible) for FHA mortgage insurance under Title IX of the National Housing Act and for the special benefits provided in Title III of that Act in connection with purchases by the Federal National Mortgage Association of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. Any applicant who prior to October 10, 1952, has commenced construction of the programmed defense housing described in his approved application, or any applicant whose application was filed prior to October 10, 1952, and who does not elect to be released from the obligations, conditions and restrictions arising out of, or incurred by the execution of, such application and from the terms and provisions of this regulation, shall continue to be bound by all of the obligations, conditions, restrictions and liabilities arising out of or resulting from the execution of the application and from the terms and provisions of this regulation. After October 9, 1952, applications relating to the construction of programmed defense housing may be filed with the local office of the FHA serving the particular critical defense housing area in which the proposed defense housing is to be located, under appropriate regulations of the FHA.

3. Section 18 entitled *Approval of special credit exceptions* and section 19 entitled *Conditions and requirements* are herewith deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-10982; Filed, Oct. 9, 1952; 8:48 a. m.]

[CR 5]

CR 5—PRIVATE DEFENSE HOUSING IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES: REGULATION GOVERNING AVAILABILITY OF SPECIAL ASSISTANCE FOR CONSTRUCTION OF DEFENSE HOUSING IN CERTAIN CRITICAL DEFENSE HOUSING AREAS

REPEAL

Housing and Home Finance Agency Regulation CR 5 issued at 17 F. R. 7118, August 5, 1952, pursuant to Title I of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 65 Stat. 293), Titles III and IX of the National Housing Act, as amended (12 U. S. C. 1701), Title V of the Housing Act of 1948 (62 Stat. 1268), as amended, Reorganization Plan No. 3 of 1947 (61 Stat. 954), and Executive Order 10296 (16 F. R. 10103), is hereby repealed, effective as of the 10th day of October, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. 2154)

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-10988; Filed, Oct. 9, 1952; 8:52 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 80 to Schedule A]

[Rent Regulation 2, Amdt. 78 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA AND WYOMING

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective October 8, 1952, Schedule A of Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 8th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

No. 199——2

1. Item 267 (Pittsburgh, Pennsylvania, Defense-Rental Area) of Schedule A is amended so that for Class B housing accommodations in the City of New Castle, Lawrence County, Pennsylvania, and in any incorporated municipality in said county in which rent stabilization terminated on September 30, 1952, in accordance with the provisions of section 204 (f) (1) of the Housing and Rent Act of 1947, as amended, the maximum rent date is September 30, 1952, and the effective date of regulation is October 8, 1952.

2. Item 368 (Casper, Wyoming, Defense-Rental Area) of Schedule A is amended so that for Class B housing accommodations in the City of Casper in Natrona County, Wyoming, the maximum rent date is September 30, 1952, and the effective date of regulation is October 8, 1952.

[F. R. Doc. 52-11023; Filed, Oct. 9, 1952; 9:02 a. m.]

[Rent Regulation 1, Amdt. 19 to Schedule B]

[Rent Regulation 2, Amdt. 20 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

CINCINNATI, OHIO, DEFENSE RENTAL AREA

Effective October 13, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 8th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 64 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

64. Provisions relating to Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):

With respect to housing accommodations in Hamilton County, Ohio, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increase in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accomodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however*, That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this item 64 of Schedule B.

2. A new item 70 is added to Schedule B of Rent Regulation 2, reading as follows:

70. Provisions relating to Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):

With respect to housing accommodations in Hamilton County, Ohio, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however*, That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this item 70 of Schedule B.

[F. R. Doc. 52-11024; Filed, Oct. 9, 1952; 9:02 a. m.]

[Rent Regulation 1, Amdt. 20 to Schedule B]

[Rent Regulation 2, Amdt. 21 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA AND WYOMING

Effective October 8, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 8th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. A new item 65 is added to Schedule B of Rent Regulation 1 and a new item 71 is added to Schedule B of Rent Regulation 2, reading as follows:

Provisions relating to the City of New Castle in Lawrence County, Pennsylvania, and to any incorporated municipality in said county in which rent stabilization terminated on September 30, 1952, portions of the Pittsburgh, Pennsylvania Defense-Rental Area (Item 267 of Schedule A):

Section 91 et seq. of this regulation, relating to the establishment of maximum rents shall be applicable instead of section 81, et seq. relating to the establishment of maximum rents.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. A new item 66 is added to Schedule B of Rent Regulation 1 and a new item 72 is added to Schedule B of Rent Regulation 2, reading as follows:

Provisions relating to the City of Casper in Natrona County, Wyoming in the Casper, Wyoming Defense-Rental Area (Item 368 of Schedule A):

Section 91, et seq. of this regulation, relating to the establishment of maximum rents shall be applicable instead of section 81, et seq. relating to the establishment of maximum rents.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-11022; Filed, Oct. 9, 1952; 9:02 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FORT CLAYTON, COROZAL, AND CURUNDU ARMY RESERVATIONS, AND ALBROOK AIR FORCE BASE, CANAL ZONE

CROSS REFERENCE: For amendment to the tabulation in § 21.3, insofar as it relates to Fort Clayton, Corozal, and Curundu Army Reservations, and Albrook Air Force Base, see Canal Zone Order 29 in Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 29]

FORT CLAYTON, COROZAL, AND CURUNDU ARMY RESERVATIONS, AND ALBROOK AIR FORCE BASE, CANAL ZONE

SETTING APART OF RESERVATIONS; BOUNDARIES; CONDITIONS AND LIMITATIONS

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of Act September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Air Force in the case of Albrook Air Force Base, it is ordered as follows:

SECTION 1. *Setting apart of reservations; boundaries.* The areas of land in the Canal Zone hereinafter described as Fort Clayton Army Reservation (one parcel), Corozal Army Reservation (four parcels), Curundu Army Reservation (one parcel), and Albrook Air Force Base (five parcels), are hereby set apart and assigned as follows: Fort Clayton, Corozal, and Curundu Army Reservations to the uses and purposes of Army reservations, and to be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order; and Albrook Air Force Base to the uses and purposes of an Air Force reservation, and to be under the control and jurisdiction of the Secretary of the Air Force, subject to the provisions of section 2 of this order.

FORT CLAYTON ARMY RESERVATION

Beginning at monument No. 55, which is a 1½-inch iron pipe set in concrete, located on the eastern portion of the Canal Zone-Republic of Panama boundary, between monuments Nos. 88 and 89, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 9°01' N. plus 6,041.0 feet and longitude 79°31' W. plus 3,586.9 feet from Greenwich.

Thence from said initial point by metes and bounds:

Due West, 218.6 feet, to monument No. 1, which is a 1½-inch iron pipe set in concrete, located on a hillside in an open field;

S. 89° 59' W., 249.6 feet to monument No. 2, which is a 1½-inch iron pipe set in concrete, located on the eastern bank of a branch of the Rio Abajo;

Due West, 7,113.7 feet, through monuments Nos. 3, 4 and 5, which are 1½-inch iron pipes set in concrete, to monument No. 6, which is a ½-inch copper plug set in a 10-inch square concrete block, located on top of a high hill, west of the east fork of the Rio Cardenas, the distances being 1,266.4 feet, 839.2 feet, 2,055.2 feet and 2,952.9 feet, successively, from beginning of the course;

N. 89° 59' W., 3,864.6 feet, through monument No. 7, which is a 1½-inch iron pipe set in concrete, to monument No. 8, which is a 1½-inch iron pipe set in concrete, located on the side of a high hill, the distances being 2,504.1 feet and 1,360.5 feet, successively, from begining of the course.

N. 89° 57' W., 1,225.0 feet, to monument No. 9, which is a 1½-inch iron pipe set in concrete, located on the easterly side of the trail along the east bank of Rio Cardenas;

S. 89° 46' W., 200.3 feet, to monument No. 10, which is a 1½-inch iron pipe set in concrete, located on the west bank of the Rio Cardenas;

N. 89° 55' W., 413.3 feet, to monument No. 11, which is a 1½-inch iron pipe set in concrete, located on a small hill;

N. 89° 57' W., 1,255.1 feet, to monument No. 12, which is a 1½-inch iron pipe set in concrete, located on the edge of a high hill, 20 feet north of the boundary trail;

N. 89° 56' W., 172.7 feet, to monument No. 13, which is a 1½-inch iron pipe set in concrete, located on the above mentioned hill and on the north side of the boundary trail;

N. 89° 47' W., 1,231.5 feet, to monument No. 14, which is a 1½-inch iron pipe set in concrete, located in the rock bed of the east fork of the Rio Guanabano;

Due West, 874.6 feet, to monument No. 15, which is a 1½-inch iron pipe set in concrete, located on the southern slope of a steep rocky hill, north of the boundary trail;

N. 89° 56' W., 2,131.6 feet, to monument No. 16, which is a 1½-inch iron pipe set in concrete, located on the west bank of the west fork of the Rio Guanabano;

N. 89° 49' W., 1,015.2 feet, to monument No. 17, which is a 1½-inch iron pipe set in concrete, located about 20 feet west of the Panama-Cruces Trail;

N. 89° 58' W., 1,417.1 feet, to monument No. 18, which is a 1½-inch iron pipe set in concrete, located on the west side of the Chiva-Chiva Trail, 15 feet south of the wire fence of the various Canal Zone Farm Leases;

N. 89° 44' 30" W., 961.8 feet, to monument No. 19, which is a 2-inch iron pipe set in concrete, located on the east bank of the Rio Camaron;

N. 89° 54' 10" W., 331.2 feet, to monument No. 19–1, which is a 2-inch iron pipe;

N. 89° 56' 40" W., 1,498.0 feet, to monument No. 19–2, which is a 12-inch square concrete monument;

N. 00° 35' E., 504.0 feet, to monument No. 19–3, which is a 3-inch iron pipe set in concrete;

N. 21° 00' W., 410.0 feet, to monument No. 19–4, which is a 12-inch square concrete monument;

Due West, 506.0 feet, through monuments Nos. 19–5 and 19–6, which are 12-inch square concrete monuments, to monument No. 19–7, which is a 12-inch square concrete monument, the distances being 206.0 feet, 115.0 feet and 185.0 feet, successively, from beginning of the course;

S. 22° 31' W., 406.0 feet, to monument No. 19–8, which is a 12-inch square concrete monument;

S. 07° 27' W., 514.9 feet, through monument No. 19–9, which is a 12-inch square concrete monument, to monument No. 19–10, which is a 12-inch square concrete monument, the distances being 322.4 feet and 192.5 feet, successively, from beginning of the course;

N. 89° 52' W., 2,127.7 feet, through monuments Nos. 21, which is a 1½-inch iron pipe set in concrete, and 22, which is an 8-inch square concrete monument, to monument No. 22–A, which is an 8-inch square concrete monument, located on the easterly bank of the Caimitillo Arm of Miraflores Lake, the distances being 1,314.9 feet, 794.9 feet and 17.9 feet, successively, from beginning of the course. The geodetic position of monument No. 22–A is in latitude 9°02' N. plus 19.8 feet and longitude 79°36' W. plus 728.8 feet;

Southerly and northeasterly, along the 55 foot contour on the easterly bank of the Caimitillo Arm of Miraflores Lake to monument No. 22–B, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 9°01' N. plus 4,575.6 feet and longitude 79°35' W. plus 5,555.9 feet;

N. 82° 25' 30" E., 50.6 feet, to monument No. 22–C, which is a 3-inch iron pipe set in concrete, located on the 55 foot contour on the easterly bank of the Caimitillo Arm of Miraflores Lake;

Southerly, along the above mentioned 55 foot contour, to monument No. 23, which is a ⅜-inch brass plug set in an 8-inch square concrete monument, located 100 feet northerly and at right angles from the centerline of Gaillard Highway pavement, the geodetic position of which is in latitude 9°00' N. plus 5,494.7 feet and longitude 79°35' W. plus 5,833.0 feet;

Southerly and southeasterly, along a line parallel to, and 100 feet from the centerline of Gaillard Highway pavement to monument "X", which is a 2½-inch iron pipe set in concrete, located beside a cyclone fence, near the most westerly gate of the Post of Fort Clayton, the geodetic position of which is in latitude 9°00' N. plus 2,312.7 feet and longitude 79°35' W. plus 3,795.3 feet;

S. 33° 35' 00" W., 70.4 feet, to monument "A", which is a 2½-inch iron pipe set in concrete, located at the corner of the above mentioned cyclone fence;

S. 57° 00' 10" E., 1,123.4 feet, along the above mentioned cyclone fence, to monument "B", which is a 2½-inch iron pipe set in concrete;

S. 54° 29' 40" E., 187.3 feet, along the above mentioned cyclone fence, to monument "C", which is a 2½-inch iron pipe set in concrete;

S. 35° 38' 10" E., 279.7 feet, along the above mentioned cyclone fence, to monument "D", which is a 2½-inch iron pipe set in concrete;

S. 35° 38' 30" E., 675.0 feet, along the above mentioned cyclone fence, to monument "E", which is a 2½-inch iron pipe set in concrete;

S. 52° 42' 00" E., 25.9 feet, along the above mentioned cyclone fence, to monument "F", which is a 2½-inch iron pipe set in concrete;

S. 35° 38' 20" E., 1,239.8 feet, along the above mentioned cyclone fence, to monument "G", which is a 2½-inch iron pipe set in concrete;

S. 35° 39' 00" E., 766.1 feet, along the above mentioned cyclone fence, to monument "H", which is a 2½-inch iron pipe set in concrete;

S. 35° 39' 00" E., 932.8 feet, along the above mentioned cyclone fence, to monument "I", which is 2½-inch iron pipe set in concrete;

S. 34° 14' 10" E., 320.4 feet, along the above mentioned cyclone fence, to monument "J", which is a 2½-inch iron pipe set in concrete;

S. 35° 11' 00" E., 407.9 feet, to monument "K", which is a 2½-inch iron pipe set in concrete, located at the corner of a cyclone fence;

S. 33° 50' 40" E., 210.7 feet, along the above mentioned cyclone fence, to monument "L", which is a 2½-inch iron pipe set in concrete;

S. 85° 43' 30" E., 36.5 feet, along the above mentioned cyclone fence, to monument "M", which is a 2½-inch iron pipe set in concrete;

N. 71° 23' 40" E., 24.3 feet, along the above mentioned cyclone fence, to monument "N", which is a 2½-inch iron pipe set in concrete, located 100 feet from the centerline of the Gaillard Highway pavement, at the top of the right bank of the Rio Cardenas.

Southeasterly, along a line parallel to, and 100 feet from the centerline of the Gaillard Highway pavement, to monument No. 26–A, which is a brass plug in an 8-inch square concrete post, the geodetic position of which is in latitude 8°59' N. plus 2,542.4 feet and longitude 79°34' W. plus 4,995.3 feet;

N. 47° 17' 10" E., 813.2 feet, through monuments Nos. 26–1, which is a 2-inch iron pipe set in concrete, and 26–2, which is a 2½-inch iron pipe set in concrete, to monument No. 27, which is a brass plug in an 8-inch square concrete post, the distances being 236.1 feet, 337.3 feet and 239.8 feet, successively, from beginning of the course;

N. 28° 48' 50" E., 1,832.7 feet, through monuments Nos. 27–1, 27–2, 27–3, 27–4, 27–5, 27–6, and 27–7, which are 2½-inch iron pipes set in concrete, to monument No. 27–8, which is a brass plug in an 8-inch square concrete post, the distances being 140.4 feet, 258.5 feet, 202.6 feet, 312.0 feet, 452.9 feet, 212.9 feet, 150.3 feet and 103.1 feet, successively, from beginning of the course;

N. 20° 39' 40" E., 1,005.4 feet, through monuments Nos. 28, 28–1 and 28–2, which are 2½-inch iron pipes set in concrete, to monument No. 29, which is a brass plug in an 8-inch square concrete post, the distances being 348.1 feet, 306.0 feet, 151.2 feet and 200.1 feet, successively, from beginning of the course;

N. 20° 03' 20" W., 576.2 feet, through monument No. 29–1, which is a 2½-inch iron pipe set in concrete, to monument No. 30, which is a brass plug set in the upstream curb, near the southeast corner of the unused concrete bridge across the Rio Cardenas, the distances being 516.3 feet and 59.9 feet, successively, from beginning of the course;

Upstream, along the left bank of the Rio Cardenas, to monument No. 31, which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 900.8 feet and longitude 79°34' W. plus 3,399.0 feet;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 32, which is a 2-inch iron pipe set in an 8-inch square concrete post, located westerly from the C–8 Road, the geodetic position of which is in latitude 9°00' N. plus 958.7 feet and in longitude 79°34' W. plus 754.0 feet;

S. 36° 09' 30" E., 78.0 feet, to monument No. 33, which is a 2-inch iron pipe set in an 8-inch square concrete post, located easterly from the C–8 Road, on the right bank of the Rio Dos Bocas;

Upstream, in an easterly direction, along the right bank of the Rio Dos Bocas, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly from the centerline of the C–12 Road, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and in longitude 79°33' W. plus 4,994.6 feet;

Northwesterly, parallel to, and 100 feet from the centerline of the C–12 Road, to monument No. 35, which is a 3-inch iron pipe set in an 8-inch square concrete post, the geodetic position of which is in latitude 9°00' N. plus 1,639.7 feet and in longitude 79°33' W. plus 5,253.7 feet;

N. 16° 05' 00" E., 130.4 feet, to monument No. 41, which is a 2-inch iron pipe, located on the northerly side of the C–12 Road, at the southwest corner of the gasoline storage area;

N. 09° 00' 00" E., 921.0 feet, through monument No. 40, which is a 2-inch iron pipe, to monument No. 39, which is a 2-inch iron pipe, located at the northwest corner of the gasoline storage area, the distances being 601.0 feet and 320.0 feet, successively, from beginning of the course;

Due North, 4,419.5 feet, through monuments Nos. 38 to 25 inclusive, which are 2-inch iron pipes, to monument No. 24, which is a 3-inch iron pipe, the distances being 527.2 feet, 567.5 feet, 190.5 feet, 188.5 feet 226.4 feet, 315.0 feet, 281.4 feet, 199.1 feet, 290.6 feet, 382.3 feet, 106.9 feet, 383.5 feet, 355.6 feet, 278.8 feet and 126.2 feet, successively, from beginning of the course;

Due East, 8,000.1 feet, through monuments Nos. 23 to 4 inclusive, which are 2-inch iron pipes, to monument No. 3, which is a 2-inch iron pipe, the distance being 134.5 feet, 591.3 feet, 196.0 feet, 571.9 feet, 384.3 feet, 744.4 feet, 142.7 feet, 870.9 feet, 461.7 feet, 290.7 feet, 519.1 feet, 449.3 feet, 327.5 feet, 385.0 feet, 101.5 feet, 299.9 feet, 171.9 feet, 360.9 feet, 302.0 feet, 220.2 feet and 474.4 feet, successively, from beginning of the course;

N. 89° 59' 20" E., 616.1 feet, through monuments Nos. 2, which is a 1½-inch iron pipe, and 1, which is a 2-inch iron pipe, to monument "E", which is a brass plug set in a 10-inch square concrete post, located on the Canal Zone-Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 9°01' N., plus 1,046.6 feet and longitude 79°32' W. plus 2,469.6 feet, the distances being 427.7 feet, 64.0 feet and 124.4 feet, successively, from beginning of the course;

N. 63° 30' 00" E., 6,611.6 feet, along the Canal Zone-Republic of Panama boundary, through monuments Nos. E–1 to E–21 inclusive, (monuments E–1, E–18 and E–21 are iron rail; monuments E–2, E–3, E–4, E–6, E–7, E–8, E–9, E–10, E–12, E–14, E–15, E–16, E–17, E–19 and E–20 are 2-inch iron pipes set in concrete; E–5, E–11 and E–13 are square concrete posts) to monument "F", which is a square concrete post, the geodetic position of which is in latitude 9°01' N. plus 3,996.4 feet and longitude 79°31' W. plus 2,564.4 feet, the distances being 179.2 feet, 99.6 feet, 156.7 feet, 500.0 feet, 500.0 feet, 313.8 feet, 500.0 feet, 500.0 feet, 500.0 feet, 150.0 feet, 25.0 feet, 475.0 feet, 212.0 feet, 54.8 feet, 42.5 feet, 372.9 feet, 500.0 feet, 500.0 feet, 381.5 feet, 300.0 feet, 160.0 feet and 238.6 feet, successively, from beginning of the course;

N. 26° 31' W., 411.3 feet, to Canal Zone-Republic of Panama boundary monument No. 90, which is a 4-inch iron pipe with a brass cap;

N. 26° 32' W., 1112.7 feet, to Canal Zone-Republic of Panama boundary monument No. 89 which is a 4-inch iron pipe with a brass cap;

N. 26° 30' W., 766.0 feet, to monument No. 55, the point of beginning.

The directions of the lines refer to the true meridian. The area of Fort Clayton Army Reservation is 4782.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6116–34, entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

COROZAL ARMY RESERVATION

PARCEL NO. 1 (EAST OF GAILLARD HIGHWAY)

Beginning at monument No. 19, which is a 2-inch iron pipe, located on a hillside, easterly from the Army Finance Office in the Post of Corozal, the geodetic position of which is in latitude 8°59' N. plus 390.9 feet and longitude 79°34' W. plus 580.9 feet. Monument No. 19 is on the westerly boundary of Albrook Air Force Base (Parcel No. 2).

Thence from said initial point by metes and bounds:

N. 01° 26' 30" W., 1,563.8 feet, along the westerly boundary of Albrook Air Force Base (Parcel No. 2), through monuments Nos. 20, 21 and 22, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet, successively, from beginning of the course;

S. 60° 09' 30" W., 2,524.3 feet, through monuments Nos. 33–1 and 33–2, which are 2-inch iron pipes, located on opposite sides of the C–8 Road, 33–3 and 33–4, which are 2½-inch iron pipes, to monument No. 37, which is an 8-inch square concrete post, the distances being 1,044.3 feet, 64.6 feet, 598.5 feet, 391.8 feet and 425.1 feet, successively, from beginning of the course;

S. 47° 58' 20" W., 178.8 feet, to monument "A", which is an 8-inch square concrete monument, located on the southwesterly side of the short street in front of the Chapel in the Post of Corozal;

N. 49° 04' 30" W., 42.4 feet, to monument B–1, which is a brass plug, located in the southwesterly curb of the short street in front of the Chapel in the Post of Corozal;

N. 76° 19' 20" W., 23.8 feet, to monument A–3, which is a brass plug in the curb on the southeasterly side of Hospital Road;

S. 48° 20' 50" W., 189.9 feet, to monument A–2, which is a brass plug in the southeasterly curb of Hospital Road;

S. 09° 01' 50" W., 5.2 feet, to monument A–1, which is a brass plug in the easterly curb of Gaillard Highway;

S. 43° 53' 30" E., 70.8 feet, to monument "B", which is a 3-inch iron pipe set in concrete, located on the easterly side of Gaillard Highway, northwesterly from the Army Telephone Exchange building;

S. 40° 55' 30" E., 542.8 feet, along the easterly side of Gaillard Highway to monument 47–A, which is a 3-inch iron pipe, located 10.0 feet northwesterly from the prolongation of the northwesterly edge of the concrete pavement of a street extending northeasterly from Corozal Railroad Station to the Post of Corozal Theater;

Northeasterly, along a line parallel to and 10.0 feet from the northwesterly edge of the above mentioned street pavement to monument 47–E, which is a 3-inch iron pipe located 65 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building,

the geodetic position of which is in latitude 8°59' N. plus 906.0 feet and longtitude 79°34' W. plus 1,509.1 feet;

S. 25° 42' 40" E., 50.0 feet, to monument 47–F, which is a 3-inch iron pipe;

S. 36° 34' 00" E., 145.2 feet, to monument 47–G, which is a 3-inch iron pipe;

N. 46° 26' 20" E., 26.0 feet, to monument 47–H, which is a 3-inch iron pipe located 39.0 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building;

Southeasterly, along a line parallel to, and 39.0 feet southwesterly from the centerline of the pavement of the above mentioned street, to monument No. 17–A, which is a 3-inch iron pipe, located on the southerly side of a cyclone fence, on the westerly boundary of Albrook Air Force Base (Parcel No. 2), the geodetic position of which is in latitude 8°59' N. plus 247.0 feet and longitude 79°34' W. plus 838.5 feet;

N. 73° 51' 30" E., 51.8 feet, along the above mentioned cyclone fence, to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office;

N. 58° 02' 30" E., 244.7 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 19, the point of beginning.

PARCEL NO. 1–A (EAST OF GAILLARD HIGHWAY)

Beginning at monument "J," which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence on the northeasterly side of Gaillard Highway and northeasterly from the spur railroad track leading to the Army Quartermaster Warehouse in the Post of Corozal, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°58' N. plus 4,872.5 feet and longitude 79°34' W. plus 1,925.2 feet.

Thence from said initial point by metes and bounds:

Southeasterly, along the outside of the above mentioned cyclone fence, on the northeasterly side of Gaillard Highway, along the following courses:

S. 45° 17' 00" W., 19.0 feet, to monument "K," which is a 3-inch iron pipe set in concrete;

S. 29° 49' 00" E., 77.2 feet, to monument "L," which is a 3-inch iron pipe set in concrete;

S. 31° 51' 30" E., 243.7 feet, to monument "M," which is a 3-inch iron pipe set in concrete;

S. 33° 02' 50" E., 292.9 feet, to monument "N," which is a 3-inch iron pipe set in concrete;

S. 34° 03' 10" E., 312.7 feet, to monument "O," which is a 2½-inch iron pipe set in concrete;

S. 34° 50' 10" E., 382.5 feet, to monument "P," which is a 3-inch iron pipe set in concrete;

S. 34° 12' 30" E., 339.4 feet, crossing the entrance roads to Gate No. 8 of the Post of Corozal, to monument "Q," which is a 2-inch iron pipe, located back of the curb on the northeasterly side of Gaillard Highway;

N. 15° 38' 40" W., 95.3 feet, to monument "R," which is a 2-inch iron pipe;

N. 26° 38' 20" E., 93.9 feet, to monument "S," which is a 2-inch iron pipe, located inside a cyclone fence;

N. 67° 10' 50" E., 143.8 feet, to monument "T," which is a 2-inch iron pipe;

N. 17° 03' 00" E., 150.4 feet, to monument "U," which is a 2-inch iron pipe;

N. 09° 14' 50" E., 111.1 feet, to monument "V", which is a 3-inch iron pipe;

N. 13° 56' 20" W., 216.1 feet, to monument "W", which is a 2½-inch iron pipe;

N. 38° 43' 20" W., 125.7 feet, to monument "X", which is a 2-inch iron pipe;

N. 50° 36' 20" W., 166.0 feet, to monument "Y", which is a 2-inch iron pipe;

N. 60° 03' 00" W., 978.0 feet, through monument "Z", which is a 2-inch iron pipe, to monument "J", the point of beginning, the distances being 167.3 feet and 810.7 feet, successively, from beginning of the course.

PARCEL NO. 1–B (EAST OF GAILLARD HIGHWAY)

Beginning at monument "A", which is a 2-inch iron pipe, located on the easterly side of a macadam road and southerly from the diesel power plant, the geodetic position of which is in latitude 8°58' N. plus 4,085.6 feet and 79°34' W. plus 783.0 feet from Greenwich.

Thence from said initial point by metes and bounds:

N. 22° 20' 00" W., 159.2 feet, to monument "B", which is a 2½-inch iron pipe, located northwesterly from the diesel power plant;

N. 58° 20' 00" E., 72.1 feet, along the northwesterly side of the diesel power plant to monument "C", which is a 2-inch iron pipe;

S. 31° 36' 00" E., 111.9 feet, along the northeasterly side of the diesel power plant to monument "D", which is a 2-inch iron pipe;

S. 58° 15' 00" W., 45.9 feet, along the southeasterly side of the diesel power plant, to monument "E", which is a 2-inch iron pipe;

S. 31° 36' 00" E., 51.4 feet, to monument "F", which is a 2-inch iron pipe;

S. 65° 10' 00" W., 52.2 feet, to monument "A", the point of beginning.

PARCEL NO. 2 (WEST OF GAILLARD HIGHWAY)

Beginning at monument "A", which is a 3-inch iron pipe set in concrete, located on the easterly bank of the Rio Grande, approximately 800 feet southerly from the junction of the Rio Cardenas, the geodetic position of which is in latitude 8°59' N. plus 2,353.3 feet and longitude 79°34' W. plus 5,915.7 feet.

Thence from said initial point by metes and bounds:

Due East, 24.6 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

S. 54° 11' 30" E., 668.4 feet, to monument "E", which is a 1½-inch iron pipe set in concrete, located at the northeasterly side of a cyclone fence;

S. 49° 58' 30" E., 1,289.4 feet, along the above mentioned cyclone fence, to monument "G", which is a 3-inch iron pipe set in concrete;

S. 23° 20' 30" E., 139.0 feet, along the above mentioned cyclone fence, to monument "H", which is a 3-inch iron pipe set in concrete;

S. 18° 50' 20" E., 173.1 feet, along the above mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 74° 18' 00" E., 20.9 feet, along the above mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 23° 00' 30" E., 83.0 feet, along the above mentioned cyclone fence, to monument "K", which is a brass plug set in a concrete platform;

S. 29° 02' 00" W., 4.9 feet, through the above mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 38° 11' 30" E., 149.9 feet, along the above mentioned cyclone fence, to monument "M", which is a brass plug set in a concrete platform;

S. 53° 12' 50" E., 145.3 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

N. 37° 55' 30" E., 235.4 feet, to monument "O", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of a cyclone fence, on the southwesterly side of the Panama Railroad tracks;

S. 57° 11' 30" E., 231.7 feet, along the above mentioned cyclone fence, to monument "P", which is a brass plug in the pavement of the north entrance road to the Quartermaster Area;

S. 53° 23' 00" E., 423.3 feet, along the above mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

S. 49° 42' 30" E., 250.3 feet, along the above mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete;

S. 22° 44' 20" E., 74.0 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 46° 01' 40" E., 161.5 feet, along the above mentioned cyclone fence, on the westerly side of Barth Road, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 41° 28' 20" E., 200.2 feet, along the above mentioned cyclone fence, to monument "U", which is a 3-inch iron pipe set in concrete;

S. 37° 31' 30" E., 261.9 feet, along the above mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 32° 47' 40" E., 998.5 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the easterly side of a cyclone fence, on the westerly side of Barth Road;

S. 34° 02' 20" E., 301.7 feet, along the above mentioned cyclone fence, to monument "X", which is a brass plug set in a concrete pavement;

N. 58° 08' 10" E., 23.4 feet, along the above mentioned cyclone fence, to monument "Y", which is a brass plug set in a concrete pavement;

S. 32° 57' 00" E., 256.6 feet, along the above mentioned cyclone fence, to monument "Z", which is a brass plug set in the westerly curb of Barth Road;

S. 31° 45' 00" E., 557.2 feet, along the above mentioned cyclone fence, to monument Z–1, which is a 3-inch iron pipe set in concrete;

S. 30° 08' 20" E., 78.0 feet, along the above mentioned cyclone fence, to monument Z–2, which is a 3-inch iron pipe set in concrete;

N. 89° 59' 20" W., 3,290.3 feet, through monuments Nos. 13–1, 2, 13–2, 1, "O" which are 2½-inch iron pipes set in concrete, and 14, which is a 6-inch cast iron pipe, to an unmarked and unnumbered point on the +10 foot contour on the easterly bank of the Panama Canal, the geodetic position of said unmarked point is in latitude 8°58' N. plus 3,880.6 feet and longitude 79°34' W. plus 4,769.7 feet, the distance being 1,078.5 feet, 601.5 feet, 500.0 feet, 414.6 feet, 500.0 feet 187.9 feet and 7.8 feet successively, from beginning of the course;

In a northerly direction, following the +10 foot contour (except where drainage ditches extend inland from the shore line) along the easterly bank of the Panama Canal and the left bank of the Rio Grande, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The total area of Corozal Army Reservation is 279.3 acres, more or less (Parcel No. 1, East of Gaillard Highway is 43.6 acres, more or less; Parcel No. 1–A, East of Gaillard Highway is 12.0 acres, more or less; Parcel No. 1–B, East of Gaillard Highway is 0.3 acre, more or less and Parcel No. 2, West of Gaillard Highway is 223.4 acres, more or less), and is as shown on Canal Zone Government Drawing No. 6116–34, entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone",[1] scale 1 : 10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

CURUNDU ARMY RESERVATION

Beginning at monument No. 34, which is a 2½-inch iron pipe, located southeasterly from Albrook Air Force Gate No. 13, and 50 feet southwesterly from the centerline of the C–12 Road, the geodetic position of which is in latitude 8°59' N. plus 3,350.6 feet and longitude 79°33' W. plus 2,189.4 feet. Monument No. 34 is on the easterly boundary of Albrook Air Force Base (Parcel No. 2).

[1] Filed as part of the original document.

Thence from said initial point by metes and bounds:

S. 70° 02' 20" W., 70.1 feet, to monument No. 35, which is a 2½-inch iron pipe, located near the northeast corner of the Deer Park;

S. 15° 28' 20" E., 127.4 feet, along the eastern fence line of the Deer Park, to monument No. 36, which is a 1½-inch iron pipe, located at the southeast corner of the Deer Park;

S. 45° 43' 50" W., 149.8 feet, along the southerly fence line of the Deer Park, to monument No. 37, which is a 1½-inch iron pipe, located at the southwesterly corner of the Deer Park;

S. 39° 15' 30" E., 171.9 feet, to monument No. 38, which is a 1½-inch iron pipe;

S. 39° 15' 10" E., 111.9 feet, to monument No. 39, which is a 1½-inch iron pipe;

S. 39° 15' 30" E., 50.7 feet, to monument No. 40, which is a 1½-inch iron pipe;

S. 15° 28' 50" W., 739.4 feet, through monuments Nos. 41, 42, and 43, which are 1½-inch iron pipes, to monument No. 44, which is a 1½-inch iron pipe, the distances being 215.5 feet, 117.0 feet, 192.2 feet and 214.7 feet, successively, from beginning of the course;

S. 15° 28' 40" W., 972.1 feet, through monument No. 45, which is a 1½-inch iron pipe, to monument No. 46, which is a 1½-inch iron pipe, the distances being 669.0 feet and 303.1 feet, successively, from beginning of the course;

S. 28° 47' 50" E., 1,149.0 feet, through monument No. 47, which is a 1½-inch iron pipe, to monument No. 48, which is a 1½-inch iron pipe, the distances being 692.4 feet and 456.6 feet, successively, from beginning of the course.

S. 24° 35' 30" E., 104.3 feet, to monument No. 49, which is a 1½-inch iron pipe;

S. 14° 00' 20" E., 350.3 feet, along the westerly side of an improved drain, through monument No. 50, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 238.2 feet and 112.1 feet, successively, from beginning of the course;

S. 02° 25' 30" E., 303.4 feet, along the westerly side of the above mentioned improved drain, to monument No. 52, which is a 1½-inch iron pipe;

S. 21° 38' 00" E., 171.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 53, which is a 1½-inch iron pipe;

S. 34° 12' 30" E., 326.6 feet, along the westerly side of the above mentioned improved drain, to monument No. 54, which is a brass plug in a concrete road pavement;

S. 17° 11' 50" W., 451.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 55, which is a 1½-inch iron pipe;

S. 66° 17' 30" W., 77.1 feet, along the northerly side of the above mentioned improved drain, to monument No. 56, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 73° 27' 50" E., 148.1 feet, along the northerly side of an improved drain, to monument No. 57, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 48° 48' 20" E., 67.3 feet, along the southeasterly side of an improved drain, to monument No. 58, which is a 1½-inch iron pipe;

N. 64° 44' 40" E., 444.5 feet, along the above mentioned improved drain, to monument No. 59, which is a 1½-inch iron pipe;

N. 80° 37' 20" E., 631.5 feet, along the above mentioned improved drain and its prolongation, to monument No. 60, which is a 2-inch iron pipe, located on the southerly side of an improved drain at its head;

N. 48° 30' 00" E., 342.4 feet, along the above mentioned improved drain, to monument No. 61, which is a 2-inch iron pipe;

N. 72° 13' 40" E., 145.4 feet, along the above mentioned improved drain, to monument No. 62, which is a 2-inch iron pipe, located at the intersection of two improved drains;

S. 06° 52' 50" W., 541.3 feet, along the easterly side of an improved drain, to monument No. 63, which is a 1½-inch iron pipe;

S. 09° 14' 30" W., 241.4 feet, along the easterly side of the above mentioned improved drain, to monument No. 64, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 61° 37' 40" E., 262.2 feet, along the northwesterly side of an improved drain, to monument No. 65, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 68° 53' 50" E., 859.8 feet, along the northerly side of an improved drain, to monument No. 66, which is a 1½-inch iron pipe;

S. 11° 09' 00" W., 247.5 feet, along the easterly side of the above mentioned improved drain to monument No. 67, which is a 1½-inch iron pipe;

S. 64° 55' 30" E., 47.7 feet, to monument No. 68, which is a brass plug in the westerly edge of the concrete pavement of the Curundu Road;

S. 20° 49' 00" W., 676.2 feet, to monument No. 69, which is a 2-inch iron pipe, located at the corner of a cyclone fence on the westerly side of Curundu Road;

Along the above mentioned cyclone fence, with the following courses, to its intersection with the boundary line of the old Curundu Military Reservation:

S. 20° 48' 10" W., 587.0 feet, to monument No. 70, which is a 2-inch iron pipe;

S. 15° 51' 10" W., 1,319.8 feet, to monument No. 71, which is a 1½-inch iron pipe;

S. 19° 23' 30" W., 116.0 feet, to monument No. 72, which is a 2-inch iron pipe;

S. 26° 28' 20" W., 86.8 feet, to monument No. 73, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 52° 01' 20" W., 192.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

N. 49° 48' 50" W., 445.3 feet, to monument No. 75, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

S. 42° 32' 20" W., 129.4 feet, to monument No. 76, which is a 1½-inch iron pipe;

S. 35° 27' 30" W., 186.8 feet, to monument No. 77, which is a 1½-inch iron pipe;

S. 18° 49' 50" W., 786.7 feet, to monument No. 78, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

S. 52° 14' 00" W., 33.8 feet, to monument No. 79, which is a 1½-inch iron pipe, located on the original Curundu Military Reservation boundary;

The above described boundary line from monument No. 34 to monument No. 79 inclusive, is common with the easterly boundary of Albrook Air Force Base (Parcel No. 2).

N. 89° 24' 40" E., 410.0 feet, to monument No. 54, which is a copper plug, set in the centerline on the top of the closed concrete box culvert which contains the Rio Curundu;

N. 51° 33' 20" E., 609.3 feet, along the centerline of the above mentioned concrete box culvert, to monument "A," which is a 3-inch iron pipe set in concrete;

N. 62° 22' 30" E., 61.0 feet, along the centerline of the above mentioned concrete box culvert, to monument "B," which is a brass plug set in a concrete sidewalk;

N. 47° 20' 20" E., 134.6 feet, along the centerline of the above mentioned concrete box culvert, to monument "C," which is a brass plug set in the headwall of the above mentioned concrete box culvert;

In a generally northeasterly direction, along the centerline of the Rio Curundu and the Canal Zone-Republic of Panama boundary, to an unmarked and unnumbered point, located 32 feet northeasterly from the centerline of the Road to Bella Vista near Albrook Air Force Gate No. 12, the geodetic position of which is in latitude 8°58' N. plus 4,057.3 feet and longitude 79°32' W. plus 3,082.6 feet. The above mentioned unnumbered point is located at the southeast corner of Albrook Air Force Base (Parcel No. 4).

N. 34° 52' 20" W., 77.1 feet, along a line parallel to, and 32 feet northeasterly from the centerline of the road to Bella Vista, to monument No. 1, which is a 2-inch iron pipe set in concrete;

Westerly, along a line parallel to, and 32 feet northerly from the centerline of the road to Bella Vista, to monument "A", which is a brass plug set in a concrete monument, located 25 feet easterly from the centerline of Curundu Road, the geodetic position of which is in latitude 8°58' N. plus 4,714.3 feet and longitude 79°32' W. plus 4,797.3 feet;

Northerly, along a line parallel to, and 25 feet easterly from the centerline of Curundu Road, to monument "B", which is a 2-inch iron pipe set in concrete, located 10 feet westerly from the centerline of a railroad, the geodetic position of which is in latitude 8°58' N. plus 5,263.5 feet and longitude 79°32' W. plus 4,845.0 feet;

Northerly along a line parallel to, and 10 feet westerly from the centerline of the above mentioned railroad, to monument "C", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road, the geodetic position of which is in latitude 8°58' N. plus 5,920.2 feet and longitude 79°32' W. plus 4,877.6 feet;

N. 00° 08' 40" W., 322.6 feet, to monument "D", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road;

N. 65° 59' 30" E., 1,390.5 feet, along a line 99 feet northerly of the Air Force Warehouse Building line, through monuments "E", "F", and "G", which are 2-inch iron pipes set in concrete, to monument "H", which is a 2-inch iron pipe set in concrete, the distances being 223.6 feet, 387.6 feet, 423.1 feet and 356.2 feet, successively, from beginning of the course;

N. 65° 59' 00" E., 141.0 feet, to monument "I", which is a 2-inch iron pipe set in concrete;

N. 65° 59' 30" E., 199.2 feet, to monument "J", which is a 2-inch iron pipe set in concrete;

N. 65° 59' 40" E., 140.7 feet, through monument "K", which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Curundu, to an unmarked and unnumbered point, located on the Canal Zone-Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59' N. plus 956.7 feet and longitude 79°32' W. plus 2,869.1 feet, the distances being 116.2 feet and 24.5 feet, successively, from beginning of the course;

The above described boundary line, from unnumbered point located in the centerline of the Rio Curundu near Gate, No. 12 through monuments No. 1, and "A" to "K" inclusive, to unnumbered point described in the above paragraph, is common with the southerly, westerly and northerly boundary of Albrook Air Force Base (Parcel No. 4).

Northerly, along the centerline of the Rio Curundu, on the Canal Zone-Republic of Panama boundary, to an unmarked point called No. 72, the geodetic position of which is in latitude 8°59' N. plus 4,948.6 feet and longitude 79°32' W. plus 3,316.4 feet. Point No. 72 is located at the southeast corner of Albrook Air Force Base (Parcel 1).

Due West, 1,564.5 feet, through monuments Nos. 71 to 67 inclusive, which are 2-inch iron pipes, to monument No. 66, which is a 2-inch iron pipe, the distances being 32.0 feet, 364.4 feet, 370.7 feet, 387.9 feet, 854.1 feet and 55.4 feet, successively, from beginning of the course;

S. 87° 37' 40" W., 1,856.0 feet, through monuments Nos. 65 to 61 inclusive, which are 2-inch iron pipes, to monument No. 60, which is a brass plug in a concrete monu-

ment, being further identified as triangulation station "Cedro", the distances being 865.9 feet, 107.8 feet, 415.7 feet, 284.1 feet, 90.5 feet and 92.0 feet, successively, from beginning of the course;

S. 25° 38' 50'' W., 681.5 feet, to monument No. 59, which is a 2-inch iron pipe;

S. 75° 35' 10'' W., 378.5 feet, to monument No. 58, which is a 2-inch iron pipe;

S. 10° 51' 50'' W., 645.2 feet, to monument No. 57, which is a 2-inch iron pipe;

S. 80° 01' 40'' W., 558.9 feet, to monument No. 56, which is a 2-inch iron pipe, located 50 feet northeasterly from the centerline of the C–12 Road;

N. 47° 54' 50'' W., 153.9 feet, crossing the C–15 Road to monument No. 55, which is a 2-inch iron pipe, located 50 feet northeasterly from the centerline of the C–12 Road;

N. 15° 30' 20'' E., 1,004.3 feet, along the westerly side of the C–15 Road, through monument No. 54, which is a 1½-inch iron pipe, to monument No. 53, which is a 1½-inch iron pipe, located 40 feet westerly from the centerline of the C–15 Road, the distances being 728.4 feet and 275.9 feet, successively, from beginning of the course;

N. 49° 28' 30'' W., 835.5 feet, through monument No. 52, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 320.2 feet and 515.3 feet, successively, from beginning of the course;

N. 49° 51' 50'' W., 103.0 feet, to monument No. 50, which is a 2-inch iron pipe;

N. 64° 36' 20'' W., 1,184.6 feet, through monuments Nos. 49 and 48, which are 2-inch iron pipes, to monument No. 47, which is a 2-inch iron pipe, the distances being 551.0 feet, 565.8 feet and 67.8 feet, successively, from beginning of the course;

N. 37° 28' 00'' W., 198.1 feet, to monument No. 46, which is a 1½-inch iron pipe;

S. 70° 16' 30'' W., 389.5 feet, to monument No. 45, which is a 2-inch iron pipe;

N. 68° 32' 30'' W., 115.5 feet, to monument No. 44, which is a 2-inch iron pipe, located 50 feet easterly from the centerline of the C–12 Road;

In a northwesterly direction, parallel to, and 50 feet from the centerline of the C–12 Road, to monument No. 43, which is a 1½-inch iron pipe, located 1.5 feet from the face of a cyclone fence around the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1,483.6 feet and longitude 79°33' W. plus 4,740.7 feet;

S. 69° 07' 00'' W., 20.4 feet, along the above mentioned cyclone fence, to monument No. 42, which is a 1½-inch iron pipe, located at the southeast corner of the Gasoline Storage Area on the prolongation of the cyclone fence bordering the C–12 Road;

Northwesterly, along the face of the above mentioned cyclone fence, and its prolongation, to monument No. 41, which is a 2-inch iron pipe, located at the southwest corner of the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1,765.0 feet and longitude 79°33' W. plus 5,217.6 feet. Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation;

The above described boundary line from point No. 72 through monuments Nos. 71 to 41 inclusive, is common with the southerly boundary of Albrook Air Force Base (Parcel No. 1).

S. 16° 05' W., 130.4 feet, to monument No. 35, which is a 3-inch iron pipe set in an 8-inch square concrete post, located 100 feet southerly and at right angles from the centerline of the C–12 Road;

Southeasterly, along a line parallel to, and 100 feet southerly from the centerline of the C–12 Road, to monument No. 34, which is a 2½-inch iron pipe set in an 8-inch square concrete post, located on the right bank of the Rio Dos Bocas, the geodetic position of which is in latitude 9°00' N. plus 1,507.6 feet and longitude 79°33' W. plus 4,994.6 feet;

The above-described boundary line from monument No. 41 through monument No. 35 to monument No. 34 is common with a part of the easterly boundary of Fort Clayton Army Reservation;

Southerly, along a line parallel to, and 100 feet westerly from the centerline of the C–12 Road, to monument No. 34–A, which is a 2-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 5,777.0 feet and longitude 79°33' W. plus 4,419.1 feet;

S. 87° 45' 40'' W., 846.3 feet, through monument No. 34–B, which is a 1½-inch iron pipe set in concrete, and monument No. 34–C, which is a 2-inch iron pipe set in concrete, to monument No. 34–D, which is a 2-inch iron pipe set in concrete, the distances being 253.7 feet, 320.0 feet and 272.6 feet, successively, from beginning of the course;

S. 02° 34' 40'' W., 174.3 feet, to monument No. 34–E, which is a 2-inch iron pipe set in concrete;

S. 23° 27' 20'' E., 316.8 feet, through monument No. 34–F, which is a 2-inch iron pipe set in concrete, to monument No. 34–G, which is a 2-inch iron pipe set in concrete, the distances being 124.8 feet and 192.0 feet, successively, from beginning of the course;

S. 42° 03' 50'' E., 382.3 feet, through monument No. 34–H, which is a 2-inch iron pipe set in concrete, to monument No. 34–I, which is a 2-inch iron pipe set in concrete, the distances being 138.5 feet and 243.8 feet, successively, from beginning of the course;

S. 54° 22' 40'' E., 496.5 feet, to monument No. 34–J, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 40'' E., 44.7 feet, to monument No. 34–K, which is a 2-inch iron pipe set in concrete;

N. 88° 56' 10'' E., 266.1 feet, to monument No. 34–L, which is a 2-inch iron pipe set in concrete, located at right angles and 100 feet southwesterly from the centerline of the C–12 Road;

S. 38° 28' 30'' E., 152.2 feet, to monument No. 32–A, which is a 3-inch iron pipe set in concrete, located on the northerly boundary of Albrook Air Force Base (Parcel No. 2) at right angles to, and 100 feet southwesterly from the centerline of C–12 Road;

N. 33° 38' 50'' E., 51.7 feet, to monument No. 33, which is a 2-inch iron pipe, located at right angles to, and 50 feet southwesterly from the centerline of the C–12 Road, and is the most northerly point on the boundary of Albrook Air Force Base (Parcel No. 2);

Southeasterly, along a line parallel to, and 50 feet southwesterly from the centerline of the C–12 Road, through monument No. 33–A, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,317.7 feet and longitude 79°33' W. plus 3,512.1 feet, and monument No. 33–D, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,107.6 feet and longitude 79°33' W. plus 3,028.1 feet, to monument No. 34, the point of beginning.

The above described boundary line from monument No. 32–A, through monuments Nos. 33, 33–A, 33–D to monument No. 34, is common with the northerly boundary of Albrook Air Force Base (Parcel No. 2).

Excluded from the above reservation are two isolated areas, hereinafter described as Parcel No. 3 and Parcel No. 5 of Albrook Air Force Base.

The directions of the lines refer to the true meridian.

The area of Curundu Army Reservation is 787.2 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6116–34, entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu and Albrook Air Force Base, Canal Zone",[1] scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

[1] Filed as part of the original document.

ALBROOK AIR FORCE BASE

PARCEL NO. 1

Beginning at monument No. 41, which is a 2-inch iron pipe, located at the southwest corner of the Gasoline Storage Area, and on the prolongation of the cyclone fence which borders the C–12 Road, the geodetic position of which is in latitude 9°00' N. plus 1,765.0 feet and longitude 79°33' W. plus 5,217.6 feet. Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation, and on the northerly boundary of the Curundu Army Reservation.

Thence from said initial point by metes and bounds:

Southeasterly, along the face of the above mentioned cyclone fence, on the northeasterly side of the C–12 Road, to monument No. 42, which is a 1½-inch iron pipe, located on the prolongation of the fence line at the southeast corner of the Gasoline Storage Area, the geodetic position of which is in latitude 9°00' N. plus 1,476.4 feet and longitude 79°33' W. plus 4,759.8 feet;

N. 69° 07' 00'' E., 20.4 feet, to monument No. 43, which is a 1½-inch iron pipe, located 50 feet northeasterly of the centerline of the C–12 Road and 18 inches from the above mentioned cyclone fence;

Southeasterly, parallel to, and 50 feet from, the centerline of the C–12 Road, to monument No. 44, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°59' N. plus 5,579.6 feet and longitude 79°33' W. plus 4,236.2 feet;

S. 68° 32' 30'' E., 115.5 feet, to monument No. 45, which is a 2-inch iron pipe;

N. 70°16'30'' E., 389.5 feet, to monument No. 46, which is a 1½-inch iron pipe;

S. 37° 28' 00'' E., 198.1 feet, to monument No. 47, which is a 2-inch iron pipe;

S. 64° 36' 20'' E., 1,184.6 feet, through monuments Nos. 48 and 49, which are 2-inch iron pipes, to monument No. 50, which is a 2-inch iron pipe, the distances being 67.8 feet, 565.8 feet and 551.0 feet, successively, from beginning of the course;

S. 49° 51' 50'' E., 103.0 feet, to monument No. 51, which is a 1½-inch iron pipe;

S. 49° 28' 30'' E., 835.5 feet, through monument No. 52, which is a 1½-inch iron pipe, to monument No. 53, which is a 1½-inch iron pipe, located 40 feet westerly from the centerline of the C–15 Road, the distances being 515.3 feet and 320.2 feet, successively, from beginning of the course;

S. 15° 30' 20'' W., 1,004.3 feet, along the westerly side of the C–15 Road, through monument No. 54, which is a 1½-inch iron pipe, to monument No. 55, which is a 2-inch iron pipe, located northeasterly and 50 feet from the centerline of the C–12 Road, the distances being 275.9 feet and 728.4 feet, successively, from beginning of the course;

S. 47° 54' 50'' E., 153.9 feet, crossing the C–15 Road, to monument No. 56, which is a 2-inch iron pipe, located northeasterly, and 50 feet from the centerline of the C–12 Road;

N. 80° 01' 40'' E., 558.9 feet, to monument No. 57, which is a 2-inch iron pipe;

N. 10° 51' 50'' E., 645.2 feet, to monument No. 58, which is a 2-inch iron pipe;

N. 57° 35' 10'' E., 378.5 feet, to monument No. 59, which is a 2-inch iron pipe;

N. 25° 38' 50'' E., 681.5 feet, to monument No. 60, which is a brass plug in a concrete monument, being further identified as triangulation station "Cedro";

N. 87° 37' 40'' E., 1,856.0 feet, through monuments Nos. 61, 62, 63, 64, and 65, which are 2-inch iron pipes, to monument No. 66, which is a 2-inch iron pipe, the distances being 92.0 feet, 90.5 feet, 284.1 feet, 415.7 feet, 107.8 feet and 865.9 feet, successively, from beginning of the course;

Due East, 1,564.5 feet, through monuments Nos. 67, 68, 69, 70 and 71, which are 2-inch iron pipes, to an unmarked point called No. 72, which is on the Canal Zone-Republic of Panama boundary in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59' N. plus 4,948.6 feet and longitude 79°32' W. plus 3,318.4 feet, the distances being 55.4 feet, 354.1 feet, 387.9 feet, 370.7 feet, 364.4 feet and 32.0 feet, successively, from beginning of the course;

The above described boundary line from monument No. 41 to unmarked point No. 72, is common with the northerly boundary of Curundu Army Reservation.

Northerly, along the centerline of the Rio Curundu, which is the Canal Zone-Republic of Panama boundary line, to monument "E", which is a brass plug set in a 10-inch square concrete post, the geodetic position of which is in latitude 9°01' N. plus 1,046.6 feet and longitude 79°32' W. plus 2,469.6 feet. Monument "E" is also on the southern boundary of Fort Clayton Army Reservation;

S. 89° 59' 20'' W., 616.1 feet, through monuments Nos. 1, which is a 2-inch iron pipe, and 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 2-inch iron pipe, the distances being 124.4 feet, 64.0 feet and 427.7 feet, successively, from beginning of the course;

Due West, 8,000.1 feet, through monuments Nos. 4 to 23 inclusive, which are 2-inch iron pipes, to monument No. 24, which is a 3-inch iron pipe, the geodetic position of which is in latitude 9°01' N., plus 1,046.5 feet and longitude 79°33' W. plus 5,073.6 feet, the distances being 474.4 feet, 220.2 feet, 302.0 feet, 360.9 feet, 171.9 feet, 299.9 feet, 101.5 feet, 385.0 feet, 327.5 feet, 449.3 feet, 519.1 feet, 290.7 feet, 461.7 feet, 870.9 feet, 142.7 feet, 744.4 feet, 384.3 feet, 571.9 feet, 196.0 feet, 591.3 feet and 134.5 feet, successively, from beginning of the course;

Due South, 4,419.5 feet, through monuments Nos. 25 to 38 inclusive, which are 2-inch iron pipes, to monument No. 39, which is a 2-inch iron pipe, located at the northwest corner of the Gasoline Storage Area, the distances being 126.2 feet, 278.8 feet, 355.6 feet, 383.5 feet, 106.9 feet, 382.3 feet, 290.6 feet, 199.1 feet, 281.4 feet, 315.0 feet, 226.4 feet, 188.5 feet, 190.5 feet, 567.5 feet and 527.2 feet, successively, from beginning of the course;

S. 09° 00' W., 921.0 feet, through monument No. 40, which is a 2-inch iron pipe, to monument No. 41, the point of beginning, the distances being 320.0 feet and 601.0 feet, successively, from beginning of the course. The above described boundary line from monument "E" to monument No. 41 inclusive, is common with a part of the southerly and easterly boundary of Fort Clayton Army Reservation.

PARCEL NO. 2

Beginning at monument No. 2, which is a 1½-inch iron pipe located on the northeasterly side of Gaillard Highway, opposite Diablo Crossing, the geodetic position of which is in latitude 8°58' N. plus 3,010.7 feet and longitude 79°34' W. plus 663.5 feet.

Thence from said initial point by metes and bounds:

S. 64° 22' 50'' E., 483.6 feet, through monument No. 3, which is a 1½-inch iron pipe, to monument No. 4, which is a 1½-inch iron pipe, the distances being 177.2 feet and 306.4 feet, successively, from beginning of the course;

N. 44° 36' E., 102.3 feet, to monument No. 5, which is a 1½-inch iron pipe;

N. 09° 44' 20'' W., 1,883.2 feet, through monuments Nos. 6, 7, 8 and 9, which are 1½-inch iron pipes, to monument No. 10, which is a 1½-inch iron pipe, located inside of the cyclone fence surrounding the water tanks northerly from Diablo Crossing, the distances being 523.9 feet, 442.9 feet, 410.2 feet, 297.7 feet and 208.5 feet, successively, from beginning of the course;

N. 49° 31' 30'' E., 117.1 feet, to monument No. 11, which is a 1½-inch iron pipe, located on the outside of the above mentioned cyclone fence;

N. 31° 47' W., 307.1 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 12, which is a 2-inch iron pipe;

N. 22° 19' 50'' W., 257.5 feet through monument No. 13, which is a 2-inch iron pipe, to monument No. 14, which is a 2-inch iron pipe, the distances being 33.0 feet and 224.5 feet, successively, from beginning of the course;

N. 21° 28' W., 296.9 feet, to monument No. 15, which is a 2-inch iron pipe;

N. 10° 10' 00'' W., 261.1 feet, to monument No. 16, which is a 2-inch iron pipe;

N. 26° 10' 20'' W., 455.5 feet, to monument No. 17, which is a 2-inch iron pipe, located on the prolongation of a cyclone fence;

N. 73° 51' 30'' E., 219.8 feet, along the prolongation of, and along the face of the above mentioned cyclone fence, through monument No. 17–A, which is a 3-inch iron pipe, located on the southerly boundary of Corozal Army Reservation (Parcel No. 1), to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office, the distances being 168.0 feet and 51.8 feet, successively, from beginning of the course;

N. 58° 02' 30'' E., 244.7 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 19, which is a 2-inch iron pipe;

N. 01° 26' 30'' W., 1,563.8 feet, through monuments Nos. 20, 21 and 22, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, located on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet, successively, from beginning of the course.

The above described boundary line from monument No. 17–A to monument No. 23 inclusive, is common with the easterly boundary of Corozal Army Reservation (Parcel No. 1);

N. 60° 03' 20'' E., 1,485.1 feet, through monuments Nos. 24, 25, 26, and 27, which are 2-inch iron pipes, to monument No. 28, which is a 2-inch iron pipe, the distances being 497.2 feet, 202.0 feet, 229.1 feet, 225.5 feet and 331.3 feet, successively, from beginning of the course;

N. 33° 39' 20'' E., 1,623.6 feet, through monuments Nos. 29, 30 and 31, which are 2-inch iron pipes, to monument No. 32, which is a 2-inch iron pipe, the distances being 265.5 feet, 249.1 feet, 299.9 feet and 809.1 feet, successively, from beginning of the course;

N. 33° 38' 50'' E., 708.1 feet, through monument No. 32–A, which is a 3-inch iron pipe set in concrete, located on the westerly boundary of Curundu Army Reservation, to monument No. 33, which is a 2-inch iron pipe, located at right angles to, and 50 feet southwesterly from the centerline of the C–12 Road, the distances being 656.4 feet and 51.7 feet, successively, from beginning of the course;

Southeasterly, along a line parallel to, and 50 feet southwesterly from the centerline of the C–12 Road, through monument No. 33–A, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,317.7 feet and longitude 79°33' W. plus 3,512.1 feet, and monument No. 33–D, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,107.6 feet and longitude 79°33' W. plus 3,028.1 feet, to monument No. 34, which is a 2½-inch iron pipe, located near the northeast corner of Deer Park;

S. 70° 02' 20'' W., 70.1 feet, to monument No. 35, which is a 2½-inch iron pipe, located near the northeast corner of Deer Park;

S. 15° 28' 20'' E., 127.4 feet, along the eastern fence line of the Deer Park, to monument No. 36, which is a 1½-inch iron pipe, located at the southeast corner of the Deer Park;

S. 45° 43' 50'' W., 149.8 feet, along the southerly fence line of the Deer Park, to monument No. 37, which is a 1½-inch iron pipe, located at the southwesterly corner of the Deer Park;

S. 39° 15' 30'' E., 171.9 feet, to monument No. 38, which is a 1½-inch iron pipe;

S. 39° 15' 10'' E., 111.9 feet, to monument No. 39, which is a 1½-inch iron pipe;

S. 39° 15' 30'' E., 50.7 feet, to monument No. 40, which is a 1½-inch iron pipe;

S. 15° 28' 50'' W., 739.4 feet, through monuments Nos. 41, 42 and 43, which are 1½-inch iron pipes, to monument No. 44, which is a 1½-inch iron pipe, the distances being 215.5 feet, 117.0 feet, 192.2 feet and 214.7 feet, successively, from beginning of the course;

S. 15° 28' 40'' W., 972.1 feet through monument No. 45, which is a 1½-inch iron pipe, to monument No. 46, which is a 1½-inch iron pipe, the distances being 669.0 feet and 303.1 feet, successively, from beginning of the course;

S. 28° 47' 50'' E., 1,149.0 feet, through monument No. 47, which is a 1½-inch iron pipe, to monument No. 48, which is a 1½-inch iron pipe, the distances being 692.4 feet and 456.6 feet, successively from beginning of the course.

S. 24° 35' 30'' E., 104.3 feet, to monument No. 49, which is a 1½-inch iron pipe;

S. 14° 00' 20'' E., 350.3 feet, along the westerly side of an improved drain, through monument No. 50, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 238.2 feet and 112.1 feet, successively, from beginning of the course;

S. 02° 25' 30'' E., 303.4 feet, along the westerly side of the above mentioned improved drain, to monument No. 52, which is a 1½-inch iron pipe;

S. 21° 38' 00'' E., 171.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 53, which is a 1½-inch iron pipe;

S. 34° 12' 30'' E., 326.6 feet, along the westerly side of the above mentioned improved drain, to monument No. 54, which is a brass plug in a concrete road pavement;

S. 17° 11' 50'' W., 451.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 55, which is a 1½-inch iron pipe;

S. 66° 17' 30'' W., 77.1 feet, along the northerly side of the above mentioned improved drain, to monument No. 56, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 73° 27' 50'' E., 148.1 feet, along the northerly side of an improved drain, to monument No. 57, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 48° 48' 20'' E., 67.3 feet, along the southeasterly side of an improved drain, to monument No. 58, which is a 1½-inch iron pipe;

N. 64° 44' 40'' E., 444.5 feet, along the above mentioned improved drain, to monument No. 59, which is a 1½-inch iron pipe;

N. 80° 37' 20'' E., 631.5 feet, along the above mentioned improved drain and its prolongation, to monument No. 60, which is a 2-inch iron pipe, located on the southerly side of an improved drain at its head;

N. 48° 30' 00'' E., 342.4 feet, along the above mentioned improved drain, to monument No. 61, which is a 2-inch iron pipe;

N. 72° 13' 40'' E., 145.4 feet, along the above mentioned improved drain, to monument No. 62, which is a 2-inch iron pipe, located at the intersection of two improved drains;

S. 06° 52' 50'' W., 541.3 feet, along the easterly side of an improved drain, to monument No. 63, which is a 1½-inch iron pipe;

S. 09° 14' 30'' W., 241.4 feet, along the easterly side of the above mentioned improved drain, to monument No. 64, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 61° 37' 40'' E., 262.2 feet, along the northwesterly side of an improved drain, to

monument No. 65, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 68° 53′ 50″ E., 859.8 feet, along the northerly side of an improved drain, to monument No. 66, which is a 1½-inch iron pipe;

S. 11° 09′ 00″ W., 247.5 feet, along the easterly side of the above mentioned improved drain, to monument No. 67, which is a 1½-inch iron pipe;

S. 64° 55′ 30″ E., 47.7 feet, to monument No. 68, which is a brass plug set in the westerly edge of the concrete pavement of Curundu Road;

S. 20° 49′ 00″ W., 676.2 feet, to monument No. 69, which is a 2-inch iron pipe, located at the corner of a cyclone fence on the westerly side of Curundu Road;

Along the above mentioned cyclone fence, with the following courses, to its intersection with the boundary line of the old Curundu Military Reservation:

S. 20° 48′ 10″ W., 587.0 feet, to monument No. 70, which is a 2-inch iron pipe;

S. 15° 51′ 10″ W., 1,319.8 feet, to monument No. 71, which is a 1½-inch iron pipe;

S. 19° 23′ 30″ W., 116.0 feet, to monument No. 72, which is a 2-inch iron pipe;

S. 26° 28′ 20″ W., 86.8 feet, to monument No. 73, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 52° 01′ 20″ W., 192.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

N. 49° 48′ 50″ W., 445.3 feet, to monument No. 75, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

S. 42° 32′ 20″ W., 129.4 feet, to monument No. 76, which is a 1½-inch iron pipe;

S. 35° 27′ 30″ W., 186.8 feet, to monument No. 77, which is a 1½-inch iron pipe;

S. 18° 49′ 50″ W., 786.7 feet, to monument No. 78, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

S. 52° 14′ 00″ W., 33.8 feet, to monument No. 79, which is a 1½-inch iron pipe, located on the original Curundu Military Reservation boundary;

The above described boundary line, from monument No. 32–A to monument No. 79 inclusive, is common with the westerly boundary of Curundu Army Reservation;

S. 89° 09′ 00″ W., 417.3 feet, to monument Z–1, which is a brass plug set in the concrete pavement located northeasterly from the Civil Affairs Building;

S. 69° 21′ 20″ W., 403.3 feet, to monument "Z", which is a 2½-inch iron pipe, located northwesterly from the Civil Affairs Building;

S. 25° 29′ 40″ W., 226.6 feet, to monument "Y", which is a 3-inch iron pipe set in concrete, located southwesterly from the Civil Affairs Building;

S. 20° 18′ 10″ E., 254.1 feet, to monument "X", which is a 2½-inch iron pipe set in concrete, located 15 feet northerly from the north edge of the Gaillard Highway pavement;

S. 67° 02′ 00″ W., 308.7 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence near the southeast corner of the hangar;

S. 54° 38′ 10″ W., 65.7 feet, along the above mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 49° 14′ 20″ W., 154.6 feet, along the above mentioned cyclone fence to monument "U", which is a 3-inch iron pipe set in concrete;

S. 85° 23′ 00″ W., 57.4 feet, along the above mentioned cyclone fence, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 39° 04′ 50″ W., 836.2 feet, along the above mentioned cyclone fence, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 05° 12′ 40″ E., 20.4 feet, along the above mentioned cyclone fence, to monument "R," which is a 3-inch iron pipe set in concrete;

S. 40° 17′ 50″ W., 378.4 feet, through the above mentioned cyclone fence, to monument "Q," which is a 3-inch iron pipe set in concrete, located inside the above mentioned cyclone fence, and 30 feet northwesterly from the northwesterly edge of the Gaillard Highway pavement;

Southwesterly, along a line parallel to, and 30 feet from the northwesterly edge of Gaillard Highway pavement, passing through to the outside of the above mentioned cyclone fence, to monument "P," which is a 3-inch iron pipe set in concrete, located 1.5 feet from the outside of the above mentioned cyclone fence, the geodetic position of which is in latitude 8°57′ N. plus 4,796.5 feet and longitude 79°33′ W. plus 3,406.7 feet;

Westerly, parallel to, and 1.5 feet from the face of the above mentioned cyclone fence, to monument "M," which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°57′ N. plus 4,887.1 feet and longitude 79°33′ W. plus 4,153.0 feet;

N. 45° 40′ 40″ W., 265.2 feet, along the above mentioned cyclone fence, to monument "L," which is a 3-inch iron pipe set in concrete;

N. 34° 35′ 40″ W., 305.1 feet, along the above mentioned cyclone fence, to monument "K," which is a 3-inch iron pipe set in concrete;

N. 26° 57′ 30″ W., 300.2 feet, along the above mentioned cyclone fence, to monument "J," which is a 3-inch iron pipe set in concrete;

N. 20° 14′ 30″ W., 791.0 feet, along the above mentioned cyclone fence, to monument "I," which is a 3-inch iron pipe set in concrete;

N. 32° 45′ 40″ W., 507.7 feet, to monument "H," which is a 3-inch iron pipe set in concrete, located beside the above mentioned cyclone fence, northwesterly from Albrook Air Force Gate No. 2;

N. 32° 46′ 20″ W., 995.4 feet, along the above mentioned cyclone fence, through monument "G", which is a 3-inch iron pipe set in concrete, to monument "F", which is a 3-inch iron pipe set in concrete, the distances being 254.6 feet and 740.8 feet, successively, from beginning of the course;

N. 87° 49′ 10″ W., 29.2 feet, along the above mentioned cyclone fence, to monument D–2, which is a round iron corner post of the above mentioned cyclone fence;

N. 32° 43′ 50″ W., 647.3 feet, along the face of the above mentioned cyclone fence, to monument D–1, which is the first iron "I" post in the above mentioned cyclone fence, located southeasterly from Gate No. 1, of Albrook Air Force Base;

N. 41° 33′ 40″ W., 158.8 feet, to monument "D", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of Gaillard Highway, and is old Curundu Military Reservation boundary monument No. 51;

N. 32° 49′ 50″ W., 514.0 feet, to monument "C", which is a brass plug in the edge of the Gaillard Highway third lane widening strip, southeasterly from the Diablo Crossing;

N. 25° 35′ 50″ W., 39.0 feet, along the edge of the pavement widening strip, to monument "B", which is an iron rod set in concrete, located at an angle in the above mentioned widening strip;

N. 32° 49′ 50″ W., 362.7 feet, along the edge of the pavement widening strip and its prolongation, to monument "A", which is a brass plug set in the pavement on the east side of Diablo Crossing;

N. 57° 53′ 30″ E., 46.4 feet, to monument No. 2, the point of beginning.

PARCEL NO. 3

Beginning at monument "W", which is a 2-inch iron pipe set in concrete, located 25 feet from the centerline of the C–12 Road and 25 feet from the centerline of the Engine Test Valley Road, the geodetic position of which is in latitude 8°59′ N. plus 427.1 feet and longitude 79°32′ W. plus 5,975.0 feet;

Thence from said initial point by metes and bounds:

In a northerly direction, approximately 1,280 feet, along a line parallel to, and 25 feet westerly from the centerline of the Engine Test Valley Road, to monument "X", which is a 2-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59′ N. plus 1,620.1 feet and longitude 79°32′ W. plus 5,556.5 feet;

N. 33° 19′ 00″ W., 1,461.3 feet, to an unmarked point called X–1;

S. 56° 41′ 00″ W., 641.9 feet, to monument "Y", which is a 2-inch iron pipe set in concrete, located 25 feet northeasterly from the centerline of the C–12 Road;

In a southeasterly direction, approximately 2,275 feet, along a line, parallel to, and 25 feet northeasterly from the centerline of the C–12 Road, to monument "W", the point of beginning.

PARCEL NO. 4

Beginning at monument No. 1, which is a 2-inch iron pipe set in concrete, located on the right bank of, and 77.1 feet westerly from the centerline of the Rio Curundu, the geodetic position of which is in latitude 8°58′ N. plus 4,120.5 feet and longitude 79°32′ W. plus 3,126.7 feet, further described as being 32 feet northeasterly from the centerline of the Road to Bella Vista near Albrook Air Force Gate No. 12. Monument No. 1 is on the easterly boundary of Curundu Army Reservation.

Thence from said initial point by metes and bounds:

Westerly, along a line parallel to, and 32 feet northerly from the centerline of the Road to Bella Vista, to monument "A", which is a brass plug set in a concrete monument, located 25 feet easterly from the centerline of Curundu Road, the geodetic position of which is in latitude 8°58′ N. plus 4,714.3 feet and longitude 79°32′ W. plus 4,797.3 feet.

Northerly, along a line parallel to, and 25 feet easterly from the centerline of Curundu Road, to monument "B", which is a 2-inch iron pipe set in concrete, located 10 feet westerly from the centerline of a railroad, the geodetic position of which is in latitude 8°58′ N. plus 5,263.5 feet and longitude 79°32′ W. plus 4,845.0 feet;

Northerly, along a line parallel to, and 10 feet westerly from the centerline of the above mentioned railroad, to monument "C", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road, the geodetic position of which is in latitude 8°58′ N. plus 5,920.2 feet and longitude 79°32′ W. plus 4,577.6 feet;

N. 00° 08′ 40″ W., 321.6 feet, to monument "D", which is a 2-inch iron pipe set in concrete, located 25 feet westerly from the centerline of Warehouse Road;

N. 65° 59′ 30″ E., 1,390.5 feet, along a line, 99 feet northerly of the Air Force Warehouse Building line, through monuments "E", "F" and "G", which are 2-inch iron pipes set in concrete, to monument "H", which is a 2-inch iron pipe set in concrete, the distances being 223.6 feet, 387.6 feet, 423.1 feet and 356.2 feet, successively, from beginning of the course;

N. 65° 59′ 00″ E., 141.0 feet, to monument "I", which is a 2-inch iron pipe set in concrete;

N. 65° 59′ 30″ E., 190.2 feet, to monument "J", which is a 2-inch iron pipe set in concrete;

N. 65° 59′ 40″ E., 140.7 feet, through monument "K", which is a 2-inch iron pipe set in concrete, located on the right bank of the Rio Curundu, to an unmarked and unnumbered point, located on the Canal Zone-Republic of Panama boundary, in the center of the Rio Curundu, the geodetic position of which is in latitude 8°59′ N. plus 956.7 feet and longitude 79°82′ W. plus 2,869.1 feet, the distances being 116.2 feet and 24.5 feet, successively, from beginning of the course;

Southerly, along the centerline of the Rio Curundu, on the Canal Zone-Republic of Panama boundary, to an unmarked and unnumbered point, located 32 feet northeasterly from the centerline of the Road to Bella Vista, near Albrook Air Force Gate No. 12, the geodetic position of which is in latitude 8°58′ N. plus 4,057.3 feet and longitude 79°32′ W. plus 3,082.6 feet;

N. 34° 52′ 20″ W., 77.1 feet, parallel to, and 32 feet from the centerline of the Road to Bella Vista, to monument No. 1, the point of beginning.

The above described boundary line from monument No. 1 through monument "K" to unnumbered point in the centerline of the Rio Curundu, and from unnumbered point in the centerline of the Rio Curundu near Gate No. 12 to monument No. 1, is common with a part of the easterly boundary of Curundu Army Reservation.

PARCEL NO. 5

Beginning at monument "A", which is a 2-inch iron pipe set in concrete, located on the westerly side of the Engine Test Valley Road, the geodetic position of which is in latitude 8°59′ N. plus 3,486.8 feet and longitude 79°32′ W. plus 4,924.0 feet.

Thence from said initial point by metes and bounds:

S. 76° 29′ 20″ E., 275.0 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

N. 13° 30′ 30″ E., 740.0 feet, to monument "C", which is a 2-inch iron pipe set in concrete;

N. 76° 29′ 40″ W., 275.0 feet, to monument "D", which is a 2-inch iron pipe set in concrete;

S. 13° 30′ 20″ W., 739.9 feet, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian.

The total area of Albrook Air Force Base is 2,697.8 acres, more or less, (Parcel No. 1 is 1,403.9 acres, more or less; Parcel No. 2 is 1,158.8 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less, and Parcel No. 5 is 4.7 acres, more or less) and is as shown on Canal Zone Government Drawing No. 6116–34, entitled "Map Showing U. S. Army and U. S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

GENERAL

The surveys over the boundaries of the Fort Clayton Corozal and Curundu Army Reservations and the Albrook Air Force Base, were made in January 1946, November and December, 1950, January, August, September and December, 1951, and March and April 1952, and are recorded in Field Books numbered M–384, M–425, M–426, M–463, M–476, M–477, M–480, M–483, M–485, M–488 and M–492, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company. Any change in geodetic position of monuments describing the boundary of the old Curundu Military Reservation is due to recomputation of positions based on better controlled net-work and is not to be construed as the movement of monuments to new positions, with the exception of revisions agreed to by all concerned.

SEC. 2. *Conditions and limitations.* The reservations established by section 1 of this order shall be subject to the following conditions and limitations:

(a) The areas comprising these reservations shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of the Canal Zone Government and of the Panama Canal Company shall be permitted free access to these reservations to carry out necessary operations of such agencies in, or in the vicinity of, these reservations, in connection with the public health and sanitation, drainage, surveys, aids to navigation, power transmission and distribution, telephone service, water and sewerage facilities, et cetera; to inspect, maintain, repair, modify, or replace facilities or installations of such agencies within or adjacent to these reservations; and to install any additional services or utilities that are necessary to be installed through or upon, or in the vicinity of, these reservations.

(c) A right-of-way, through Curundu Army Reservation, over a strip of land 10 feet each side of the centerline of the railroad tracks, between monument "B" (Parcel No. 4) of Albrook Air Force Base and monument No. 68 (Parcel No. 2) of Albrook Air Force Base, is reserved for the Air Force.

SEC. 3. This order supersedes (1) Executive Order No. 3207 of December 30, 1919, which established Curundu Military Reservation, including Fort Clayton, the Panama Arsenal, the Engineer Depot, the Post of Corozal, and Albrook Field, (2) Executive Order No. 6713 of May 21, 1934, which corrected the description of the said reservation, (3) Canal Zone Order No. 26 of March 18, 1952, which revised the boundary of Parcel No. 1 of said reservation, (4) Canal Zone Order No. 27 of April 18, 1952, which revised the boundary of Parcel No. 1 of said reservation and created new Parcels Nos. 1–A and 1–B.

(Sec. 4, 37 Stat. 561; 2 C. Z. Code 5, 48 U. S. C. 1305)

FRANK PACE, JR.,
Secretary of the Army.

SEPTEMBER 26, 1952.

[F. R. Doc. 52–10962; Filed, Oct. 9, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. The Commission has before it for consideration its "Notice of Further Rule Making" (FCC 52–817) issued in these proceedings on August 4, 1952. The Commission stated in the Memorandum Opinion accompanying the above Notice that upon reconsideration it had determined that it was in error in concluding in the "Sixth Report and Order" that "it was necessary to leave Lafayette without any VHF assignment in order to make one available to Alexandria, Louisiana." In the Memorandum Opinion the Commission reaffirmed the decision to assign Channel 5 to Alexandria, but pointed out that such assignment could be accomplished without depriving Lafayette, Louisiana of a VHF assignment. In order to correct the Sixth Report and to assign a VHF channel to Lafayette, the Commission proposed in the aforesaid Notice of Further Rule Making to make the following changes in the channel assignments:

City	Channel, delete—	Number, add—
Baton Rouge, La	10	2
New Orleans, La	*2	*8
Mobile, Ala	5	10
Lafayette, La		10

2. The Commission therefore proposed to amend the table of assignments contained in § 3.606 of the Commission's rules and regulations to read as follows:

Channel No.

Alabama:
Mobile 5+, 10+, *12, 48+.
Louisiana:
Baton Rouge 2, 28, *34, 40–.
Lafayette 10, 38–, 67
New Orleans 4+, 6+, *8, 20–, 32+, 61.

3. The Commission also stated in the above notice that during the pendency of this matter applications would not be processed for television stations on Channel 10 in Baton Rouge, Channel 2 in New Orleans, Channel 8 in Mobile and Channel 5 in Alexandria.

4. Camellia Broadcasting Company, Inc., Lafayette, Louisiana filed a comment on August 26, 1952 supporting the proposed assignment of VHF Channel 10 in Lafayette.

5. On September 3, 1952, Alexandria Broadcasting Company, an applicant for a television station on Channel 5 in Alexandria, Louisiana, filed a comment in response to the above Notice of Further Rule Making. Alexandria Broadcasting Company supports the Commission's proposed assignments but urges that since the Commission has reaffirmed the assignment of Channel 5 to Alexandria, the processing of applications for that channel should not be upheld during the pendency of this proceeding.

6. James A. Noe, New Orleans, Louisiana, filed a comment in the above-entitled proceeding on August 25, 1952. James A. Noe urges that while the pro-

posed changes in channel assignments "would satisfy the demand for a VHF channel in Lafayette without depriving any other community of such a channel, it would not provide for the maximum or most efficient distribution of the VHF channels in the area." James A. Noe submits that these objectives could be realized by a different rearrangement of channel assignments which would also afford an additional VHF assignment to New Orleans. This would be accomplished by assigning Channel 3 to Baton Rouge, Louisiana in place of Channel 2 as proposed by the Commission, and by assigning both channels 2 and 8 to New Orleans rather than substituting Channel 8 for Channel 2 in that community as proposed by the Commission. James A. Noe urges that under these proposed assignments no city would be deprived of a VHF assignment nor would the number of assignments to any city be reduced, while all separation requirements would be met. It is pointed out that New Orleans has a population of almost 700,000 within its metropolitan area and is the twenty-second largest market in the United States, and it is urged that an additional VHF channel in New Orleans might permit the authorization of two new VHF stations in that community without the necessity of a comparative hearing. Finally, James A. Noe contends that "in any event, New Orleans eventually would be better supplied with television broadcasting service than the Commission's present proposal contemplates."

7. On September 5, 1952, Lamar Life Insurance Company, Jackson, Mississippi filed an opposition entitled "Comments on the 'Comments and Counter-proposal of James A. Noe' ". Lamar Life Insurance Company points out that it has before the Commission a "Petition for Reconsideration or Rehearing" of the Commission's action in its "Sixth Report and Order" deleting VHF Channel 3 from the assignments to Jackson, Mississippi. That petition for reconsideration requests that VHF Channel 3 be reassigned to Jackson. In its opposition to the James A. Noe comment, Lamar Life Insurance Company submits that this comment represents an attempt to change substantially the substance and effect of the Commission's Lafayette rule making proposal. Lamar contends that the Commission proposed to conduct rule making proceedings for the limited and sole purpose of providing a VHF television channel assignment to Lafayette, while the James A. Noe comment was offered "for the exclusive and sole purpose of trying to secure the assignment of an additional VHF channel to New Orleans." Lamar maintains that the Table of Assignments may be amended in only two ways: (1) By the timely filing of a petition for reconsideration; or (2) by the filing of a petition for rule making to amend the table. Lamar argues that the time for filing a petition for reconsideration, 20 days from the effective date of the order, has passed and that, accordingly, James A. Noe could not file a petition for reconsideration at this date. Further, it was argued that if the James A. Noe comments are intended to be a petition to amend the Table of Assignments, the one year waiting period prescribed by § 3.609 of Commission's rules precludes consideration of the request at this time. Lamar Life Insurance Company points out that the proposal of James A. Noe conflicts with its own petition for reconsideration seeking the assignment of VHF Channel 3 to Jackson, Mississippi since the assignment of Channel 3 to Baton Rouge would not meet the required minimum separation to a co-channel assignment at Jackson.

8. On August 29, 1952, a joint comment and proposal was filed in the above-entitled proceeding by Baton Rouge Broadcasting Company, Inc. and Air Waves, Inc., both of Baton Rouge, Louisiana. This joint comment urges the adoption of a proposal which would achieve "all of the desired results set forth in the aforesaid notice and making possible at the same time the addition of a second VHF channel in Baton Rouge, all of which can be accomplished without reducing the total number of assignments to any city." It was pointed out that Baton Rouge has a population of 125,629, is the capital of the State of Louisiana, and is its third largest city. The proposed assignments suggested by the joint comments are as follows:

City	Add Channel	Delete Channel
Lake Charles, La	10	7
Lafayette, La	7	
Baton Rouge, La	2, 13	10
Mobile, Ala	3	8
New Orleans, La	*8	*2
Pensacola, Fla	13	3
Biloxi, Miss	10	13

It was also urged as an alternative proposal that the following assignments could be made thereby also permitting an additional assignment to Baton Rouge and Lake Charles, La.:

City	Add Channel	Delete Channel
Lake Charles, La	10, 12	7
Lafayette, La	7	
Baton Rouge, La	2, 13	10
Mobile, Ala	3	8
New Orleans, La	*8	*2
Pensacola, Fla	13	3
Biloxi, Miss	10	13
Little Rock, Ark	12	11
Shreveport, La	11	12

It should be noted that in both of the above proposals suggested by Baton Rouge Broadcasting Company, Inc. and Air Waves, Inc., Channel 3 would be assigned to Mobile, Alabama. This assignment would not meet the required minimum spacing to the assignment of Channel 3 in Jackson, Mississippi. Accordingly, these proposals would also preclude a grant of the petition for reconsideration of Lamar Life Insurance Company seeking the assignment of Channel 3 to Jackson, Mississippi. On September 15, 1952, Calcasieu Broadcasting Company, Lake Charles, Louisiana, filed a "Comment to Proposal of Baton Rouge Broadcasting Company, Inc. and Air Waves, Inc." Calcasieu Broadcasting Company notes that one of the alternative proposals of Baton Rouge Broadcasting Company, Inc. and Air Waves, Inc. would permit the additional assignment of VHF Channel 12 to Lake Charles, Louisiana. It was stated that there are presently pending two mutually exclusive applications for the one VHF Channel, Channel 7, presently assigned to Lake Charles. These are the applications of Calcasieu Broadcasting Company and of Sowela TV, Inc. It was urged that the adoption of the alternative proposal "would make possible the establishment of two VHF commercial television stations in Lake Charles, without a hearing instead of only one station after a lengthy and costly hearing." Accordingly, Calcasieu Broadcasting Company supports the proposal of Baton Rouge Broadcasting Company, Inc. and Air Waves, Inc.

9. The proposal filed in this proceeding by Baton Rouge Broadcasting Company, Inc., and Air Waves, Inc., is designed to add an additional channel to Baton Rouge, Louisiana, and alternatively, to Baton Rouge and Lake Charles, Louisiana. Insofar as this proposal requests an immediate assignment to Baton Rouge or Lake Charles of a channel not previously assigned to that community, it cannot be entertained at this time. The request for an additional channel in Baton Rouge or Lake Charles was not timely made in a petition for reconsideration of the Sixth Report, and such a request may not be considered during the one-year waiting period prescribed by § 3.609 of the rules. Nor can we accept the argument that the proposal should, nevertheless, be considered since it would make possible the assignment of an additional channel to Baton Rouge at the end of the one-year period prescribed by § 3.609 of the rules. The Commission has made changes in the Assignment Table only on its own motion or on timely petitions filed for reconsideration where necessary to correct errors in the Sixth Report. And in correcting errors, the Commission has sought to keep the resulant changes in the Assignment Plan to a minimum. (See, for example, our Memorandum Opinion and Order issued in Docket 10244 FCC 52–1039.)

10. Such limitation upon Commission action and the further limitation prescribed by § 3.609 for the consideration of new proposals to amend the Table of Assignments are essential to the prompt establishment of a nationwide television service. For stability in the channel Assignment Plan is necessary to permit applicants to make all necessary preparations for the submission of applications for television channels, and upon appropriate authorization therefor to construct television stations. In addition, as we pointed out in the Sixth Report, the information and experience which we will acquire during this one-year waiting period will be of great value in determining future policy in channel assignments. Moreover, this one-year period permits the Commission to devote the maximum attention to the processing of television applications. In the present case the method proposed by the Commission for correcting the erroneous deletion of a channel from Lafayette necessarily effects changes in the channels in certain communities, but the Baton Rouge proposal would effect changes in several additional communities. To the extent that the Baton Rouge proposal would make such additional changes in the final assignment plan which are not required in order to correct the Lafayette error, it would unnecessarily disrupt the stability of the Assignment Table. For the reasons above stated, we consider such disruption highly undesirable.

11. The proposal filed by James A. Noe is subject to some of the same infirmities as the Baton Rouge proposal reviewed above. It, too, is designed to effect the assignment of an additional channel at this time to a community other than Lafayette; and we would not, under any circumstances, entertain such a proposal prior to the expiration of the one-year waiting period. The James A. Noe proposal, however, differs from the Baton Rouge proposal in that it suggests channel changes only in those communities where the Commission's proposed rule would also make changes. But if this fact should lead us to consider the Noe proposal on its merits, we should, nevertheless, be constrained to deny it. In the Sixth Report the Commission assigned to New Orleans 3 VHF channels and 4 UHF channels, with one of the VHF channels reserved for education. We are of the view that the assignment of a second VHF channel to Jackson is to be preferred over the assignment of a fourth VHF channel to New Orleans. The City of New Orleans is, of course, more important that the City of Jackson in terms of size, population and economic factors; and the number of assignments which we made to New Orleans as compared to Jackson is, in fact, based on those differences. Nevertheless, Jackson is a large and important community with a population of 98,000 persons in the city proper and a population of 142,000 persons within the metropolitan area. We have determined as a principle of assignment, followed consistently throughout the Sixth Report in the consideration of counterproposals filed in the television proceeding, that we would assign a second VHF channel to a city of the size and importance of Jackson before we would assign a fourth VHF channel to any city. The James A. Noe counterproposal must be denied. We are this day, by a separate Memorandum Opinion and Order, granting the petition for reconsideration seeking the assignment of Channel 3 to Jackson.

12. None of the comments filed in this proceeding opposed the assignment of an additional VHF channel to Lafayette. We are of the view that the assignments proposed in our Notice of Further Rule Making should be adopted. Alexandria Broadcasting Company has urged that the suspension of the processing of applications for television station on Channel 5 in Alexandria, Louisiana should not be continued. The Commission suspended the processing of applications for Channel 5 in Alexandria because of the pendency of the instant rule making proceeding. Since we have finally determined by our action herein to assign Channel 10 in Lafayette no further purpose would be served by the continued suspension of processing of applications for Channel 5 in Alexandria and such applications will again be processed.

13. In view of the foregoing: *It is ordered*, That, effective 30 days from the date of publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

	Channel No.
Alabama:	
Mobile	5+, 10+, *42, 48+.
Louisiana:	
Baton Rouge	2, 28, *34, 40—.
Lafayette	10, 38—, 67—.
New Orleans	4+, 6+, *8, 20—, 26, 32+, 61.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: September 25, 1952.

Released: September 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-10987; Filed, Oct. 9, 1952; 8:51 a. m.]

[1] Commissioner Sterling not participating.

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

SPECIAL REQUIREMENTS FOR RADIOTELEPHONE TRANSMITTERS

In the matter of amendment of §§ 7.137 and 8.137 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of September 1952;

The Commission having under consideration the provisions of §§ 7.137 and 8.137 of its rules regarding the requirements that certain coast and ship stations operating on frequencies above 30 Mc utilize transmitters which have been type accepted and include provision for automatically limiting modulation;

It appearing, that several of such stations, whose current authorization expires November 1, 1952, utilize transmitters which do not meet the above requirements, and will thereby be precluded from continued operation unless the transmitters are replaced or modified; and

It further appearing, that the requirements referred to were incorporated into the Commission's rules, effective July 23, 1951, and that it would be desirable to permit a further amortization period for equipment investments; and

It further appearing, that on January 1, 1955 a further equipment requirement will become applicable to many of such stations in that they must then be capable of operation on at least three radio channels and licensees may again be required to replace, modify or add to equipment; and

It further appearing, that it would be in the public interest to amend the Commission's rules to permit the continued licensing of such stations until January 1, 1955, subject to a condition that no harmful interference be caused thereby to the service of any other station by reason of unauthorized emissions; and

It further appearing, that because of the necessity of avoiding interruption of the service of such stations the rule amendments herein ordered are urgent in nature and compliance with the public rule making procedures provided for in section 4 (a) of the Administrative Procedure Act is impracticable, and for the same reason and because those amendments relieve a restriction, they may be made effective immediately;

It is ordered, Under authority of sections 303 (c), (e), (f), and (r) of the Communications Act of 1934, as amended, that, effective immediately, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.137 is amended as follows:

a. The last sentence of paragraph (a) is amended to read as follows: "This requirement, however, shall not apply (1) to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature; nor (2) to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the Maritime Mobile Service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a ship station license or a marine utility station license granted in behalf of the same licensee and having a date of expiration not later than December 31, 1954."

b. Subparagraph (1) of paragraph (c) is amended by adding new sentences at the end of subparagraph (1) to read as follows: "This requirement, however, shall not apply to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the Maritime Mobile Service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a ship station license or a marine utility station license granted in behalf of the same licensee and having a date of expiration not later than December 31, 1954. In the event the operation of any such transmitter causes harmful interference to the service of any station, by reason of unauthorized emission, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it has been type accepted pursuant to the foregoing provisions of this subparagraph."

2. Section 7.137 (b) (1) is amended by adding the following sentences at the end of subparagraph (1): "This require-

ment, however, shall not apply to any transmitter capable of operation exclusively at a frequency or frequencies above 30 Mc which was first authorized in a particular station license for use in the Maritime Mobile Service granted in behalf of a particular licensee prior to November 1, 1952, when that transmitter is authorized in a coast station license or a marine utility station license granted in behalf of the same licensee and having a date of expiration not later than December 31, 1954. In the event the operation of any such transmitter causes harmful interference to the service of any station, by reason of unauthorized emission, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it has been type accepted pursuant to the foregoing provisions of this subparagraph."

[F. R. Doc. 52-10984; Filed, Oct. 9, 1952; 8:49 a. m.]

[Docket No. 9898]

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

RELAY STATIONS

In the matter of a new policy on licensing of relay stations in the Industrial and Land Transportation Radio Services, Parts 11 and 16, respectively; Docket No. 9898.

These proceedings were instituted on February 17, 1951, by a Notice of Proposed Rule Making (Docket No. 9898) with respect to a revision of Part 11, Rules Governing Industrial Radio Services, and Part 16, Rules Governing Land Transportation Radio Services, to permit licensing of Mobile Relay Stations in these Services in certain situations where it appeared that no other satisfactory solution to an applicant's communication problem was possible. As a result of the comments filed in that proceeding, the Commission, on August 15, 1951, released a Report and Order making final certain parts of the proposal. Concurrently, with the issuance of the aforesaid Report and Order, a Further Notice of Proposed Rule Making was issued in the matter in which the following questions were designated for hearing:

(a) To determine under what circumstances, if any, Mobile Relay Stations should be licensed under Parts 11 and 16 of the Commission's rules for the purpose of providing extended-range point-to-mobile communications; and,

(b) To determine under what circumstances, if any, Operational Fixed (Control) Stations, associated with Mobile Relay Stations licensed under Parts 11 and 16 of the Commission's rules, should be permitted to operate on frequencies allocated to the Mobile Service.

The hearing was held on May 26, 1952, before Commissioner Bartley. Witnesses appeared on behalf of the Rural Electrification Administration, the National Rural Electric Cooperative Association, the National Committee for Utilities Radio, the Central Committee on Radio Facilities of the American Petroleum Institute, the Association of American Railroads, National Bus Communications, Inc., the Hawaiian Sugar Planters Association and Motorola, Inc.

Entwined in both issues is the problem of point-to-point operation on mobile service frequencies. However, there is one very important difference. Issue A would enlarge the class of persons eligible for mobile relay operations and, unless controlled carefully, would tend to emasculate by indirection the Commission's oft repeated general policy of prohibiting use of mobile service frequencies for fixed service operations. Issue B, on the other hand, would not, theoretically at least, increase the number of persons who could qualify since it relates only to the manner in which a system may be used once one has been obtained.

At this point we would like to comment briefly on a line of reasoning that ran through the testimony of most of the witnesses. It relates to the implications inherent in their testimony that failure to extend the use of mobile relay systems to encompass these point-to-point operations would be wasteful of spectrum space since, instead of using two frequencies per conversation, three or four would be needed. What such reasoning loses sight of is the fact that the additional frequencies used are those allocated to the fixed service and, as all of the witnesses know, mobile service frequencies are much more congested than those of the fixed service. Furthermore, presently known techniques limit the amount of spectrum space that can be used for mobile operations. Until, therefore, the demands for mobile service are satisfied it is extremely misleading to lump together frequencies available for both services without distinguishing between them. That the parties were aware of the mobile problem is apparent since all were agreed that all use of mobile service frequencies for fixed operations should be on a no interference basis to the mobile use.

At present, all Fixed Control Stations licensed in the Industrial and Land Transportation Service are required to operate on frequencies allocated to the fixed services. Since every mobile relay system requires the use of at least two mobile service frequencies, it had been proposed in the Notice of Proposed Rule Making issued February 7, 1951, to permit persons eligible for mobile relay systems to use one of these frequencies for control purposes.

Upon reconsideration, however, it was believed that the adoption of such a rule might discriminate in favor of those who could qualify for Mobile Relay Stations as against users of conventional systems who still would be limited to fixed frequencies for control purposes. Furthermore, there was some question as to whether such use would add to the already heavy communication burden borne by frequencies necessary primarily for mobile operations. Accordingly, it was decided to afford interested persons an opportunity to be heard specifically on the question.

All comments filed and all persons present at the hearing favored the adoption of a rule which would permit use of the frequency assigned to the mobile station for control purposes in mobile relay systems. Testimony on this point was to the effect that mobile service frequency utilization would be substantially unchanged by the increase in air time on the mobile station frequency because permitting both sides of a two-way conversation on this frequency instead of only one side does not sacrifice usable air time of other licensees due to the short intervals involved. As to the possibility that such use might be discrimination of a sort, the Commission, upon re-examination of the question, does not believe that as a practical matter any discrimination in fact exists. To be eligible for a mobile relay system, an applicant must make an extensive showing of need. This entitles him to use two frequencies, a use that is justified by the economic and operational considerations unique to such systems. Since the use of one of these frequencies for control purposes would not materially increase the air time of that frequency, no substantial injury is caused to those persons who do not qualify for mobile relay. It appears, therefore, that to deny such use would simply be the imposition of an artificial limitation for no valid reason. Accordingly, we are amending Parts 11 and 16, Rules Governing Industrial and Land Transportation Radio Services, respectively, as shown in the attached Appendix, to permit use of the mobile station frequency for control purposes in mobile relay systems.

In this connection, however, we wish to make the following observations. All mobile relay systems require at least two mobile service frequencies. While it is true that a number of so-called conventional systems also require two mobile frequencies, there is an important distinction between the two. No conventional system involves the simultaneous transmission of a single message on more than one fixed service frequency and one mobile service frequency at a time. In the case of most, if not all, mobile relay systems, each conversation will now appear simultaneously on both of the mobile service frequencies. The only justification for this extravagance in spectrum usage is operational necessity. The Commission, therefore, will continue to scrutinize carefully all applications for mobile relay systems to make certain that the applicant, in fact, has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication. We will take every precaution to guard against the possibility of using mobile relay systems in cases where the chief reason for the system is the cost that would be involved in setting up a two-way control link on fixed service frequencies.

A basic feature of the original proposal was to restrict the use of Mobile Relay Stations to those situations where an applicant could show a substantial requirement for extended range mobile-to-mobile communications greater than that obtainable by direct car-to-car communications. While this met with the approval of most of those interested, the railroads asked that the concept be expanded to permit eligibility for a mobile relay system in those cases where a person has a requirement for extending the range between his control station and his mobile units. The Association of American Railroads presented extensive testimony in support of this position. They were joined by the representative of National Bus Communications, Inc. and to a lesser extent by the representative of the Central Committee on Radio Facilities of the American Petroleum Institute.

Basically, the argument of the railroads is that while there is some need in Railroad Radio Service for the mobile-to-mobile type of communication, particularly in freight yards where cars are moved about by yard engines, the greater needs are on mainline operations in the point-to-train type of service. In present practice the mainline radio system consists of a series of base stations on or along the characteristically long, narrow railroad right-of-way. These stations are controlled locally or remotely by wire or carrier from a railroad wayside office or offices open twenty-four hours daily. These base stations are so spaced that each will provide direct communication with trains within its radial range of about five to twenty miles, dependent upon whether it is located in flat, rolling or mountainous terrain and other factors. However, on many railroads the distances between the aforementioned wayside offices is often so great that one or more intermediate base stations may be required to provide full radio coverage. It would be exceedingly costly if each of these intermediate stations had to be individually manned. While it is possible to control these intermediate stations remotely by wire or carrier circuits, these methods ordinarily are not as reliable as control by radio. In this connection, the railroads point out that since it is general practice to utilize two frequencies on roads employing both end-to-end and point-to-train communication, the use of one of these frequencies to relay traffic automatically at these stations would not increase the number of frequencies required.

Since almost every licensee and potential licensee has at one time or another some occasion to communicate with distant mobile units, a blanket eligibility proviso permitting anyone to qualify for mobile relay if he can show a requirement to extend the range between his base station and his mobile units is entirely impracticable. It would be tantamount to taking all restrictions off the use of mobile relay stations. All present at the hearing agreed that indiscriminate licensing of mobile relay systems was not desirable, but that it should be secondary to conventional operations. There just are not enough frequencies to permit such a thing to happen in all services. Not only would the numbers of frequencies required be increased, but the frequency assignment problem also is increased by the fact that the two frequencies which are assigned must be fairly widely separated—something on the order of half a megacycle at least with more separation being desirable. Since frequencies are allocated, in general, on a block basis and many of the blocks are too narrow to give the necessary separation, we would be faced with the prospect of imperfect utilization or a general re-allocation proceeding if Mobile Relay ever becomes the typical system design. Both alternatives are highly undesirable.

The Commission is of the opinion, however, that railroad and possibly bus operations differ sufficiently from those of most other users of radio to warrant separate consideration. The railroad industry has little or no occasion for long range train-to-train communication and so cannot qualify for mobile relay stations under present rules. By expanding the concept, however, to permit them to be eligible for the purpose of extending point-to-train communications, many wayside wire line circuits used for control purposes could be eliminated. In many parts of the country, this would result in substantial improvement in reliability of communications, an important consideration in safe and efficient railroad operation. However, the Commission believes that such systems should be limited in scope in order that the true purpose will be to facilitate mobile service operations and not a desire to substitute VHF point-to-point for microwaves. There are frequencies available for point-to-point operations and they should be used if that is the requirement.

While everything in the preceding paragraph could apply to the intercity bus industry, since they are in fact precluded from any form of mobile relay operation because there are no mobile service frequencies above 47 Mc suballocated to the Intercity Bus Service (see Report and Order of August 15, 1951, p. 4, Docket No. 9898), no provision is made for this industry at this time. As to the petroleum industry, while they demonstrated a sound need for the use of a mobile frequency for control purposes in mobile relay systems, we are of the opinion that their operations do not require extension of the mobile relay concept for the purpose of extending the range of point-to-mobile communications.

The Commission, therefore, is prepared to issue authorizations on a developmental basis in the Railroad Radio Service for the purpose of extending the range of point-to-train communications in mainline operations. This action enlarges only the scope of eligibility for mobile relay systems in the Railroad Radio Service. All technical considerations governing mobile relay operations currently found in the rules governing the Railroad Radio Service will be equally applicable to the new operations. In addition, it will be noted that the frequency assignment plan promulgated by the Association of American Railroads and used by the Commission in making assignments provides for the use of two and only two mobile service frequencies by each of the nation's railroads for mainline operations. During this developmental program either or both of these frequencies will have to be used in any mobile relay system applied for. No other frequencies will be assigned.

In view of the foregoing considerations and determinations, and pursuant to the authority contained in section 4 (i), 301 and 303 of the Communications Act of 1934, as amended, it is ordered this 24th day of September 1952, that:

1. The foregoing report is adopted.

2. Part 11, Industrial Radio Services, and Part 16, Land Transportation Radio Services, are amended as set forth below, effective November 3, 1952.

3. The proceedings in Docket 9898 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, as amended, 1082, as amended; 47 U. S. C. 301, 303)

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

1. a. Section 11.7 *Relay stations,* is amended by deleting the present paragraph (b) (7) and by substituting the following:

(b) *Mobile relay stations.* • • •

(7) An operational fixed (control) station associated with one or more mobile relay stations may be assigned any frequency available for assignment to operational fixed stations or, at the option of the applicant, the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of the Commission's rules.

b. Add a new paragraph (b) (10) as follows:

(10) A base station which is used intermittently as an operational fixed (control) station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

2. a. Section 16.355 *Relay stations* is amended by deleting the present paragraph (b) (7) and by substituting the following:

(b) *Mobile relay stations.* • • •

(7) An operational fixed (control) station associated with one or more mobile relay stations may be assigned any frequency available for assignment to operational fixed stations or, at the option of the applicant, the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

6. Add a new paragraph (b) (10) as follows:

(10) A base station which is used intermittently as an operational fixed (control) station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

[F. R. Doc. 52-10985; Filed, Oct. 9, 1952; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 891]

SUBSTITUTION OF STOCK CARS FOR BOX CARS TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of October A. D. 1952.

It appearing, that fruit and vegetable containers, box shooks and other packing material are now moving in box cars from origins in the States of Washington, Oregon and California, to destinations in the States of Washington, Oregon, California, Nevada and Arizona; that the substitution of stock cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment: It is ordered, that:

§ 95.891 *Substitution of stock cars for box cars to transport fruit and vegetable containers and box shooks—Transportation of fruit and vegetable containers, box shooks or other packaging or packing materials.* (a) Any common carrier by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials, in carloads, from origins located in the States of Washington, Oregon and California, to destinations in the States of Washington, Oregon, California, Nevada and Arizona may, at their option, furnish and transport not more than two (2) stock cars (Southern Pacific Series 70300–77775) in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 8, 1952.

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-10981; Filed, Oct. 9, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

Basis and purpose. On the basis of investigations and information received relating to serious depredations to agricultural crops occurring or likely to occur in certain areas of California, it has been determined that these depredations may be alleviated by reducing, in a portion of the State, the distance limitation between feed and where a hunter is stationed and shortening the specified period of time that must elapse between the placing or presence of feed which is likely to attract certain migratory birds to a hunting area and the opening date of the hunting season for such birds.

Since the following amendatory regulation is a relaxation of existing restrictions applicable to the hunting of waterfowl, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, the first paragraph of section 6.3 (b) of the regulations under the Migratory Bird Treaty Act (40 Stat. 755; 16 U. S. C. 704) is amended to read as follows:

(1) Waterfowl, coot, gallinules, doves, and pigeons may not be taken under any circumstances by the aid of salt, or shelled, shucked, or unshucked corn, wheat or other grains, or other feed similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are attempting to take them. In addition, such birds may not be taken within one-half mile of any place where salt, or shelled, shucked, or unshucked corn, wheat, or other grains, or other feed of similar use in attracting such birds is placed, exposed, deposited, distributed, scattered, or present at any time during or within two weeks prior to the open season on such birds: *Provided*, That during the 1952 waterfowl season in the California counties of Glenn, Butte, Colusa, Sutter, Yuba, Placer (west of a line running north and south through the city of Auburn), Yolo, Solano, Sacramento, Contra Costa, San Joaquin, Stanislaus, Merced, Madera, and Fresno the two-weeks period specified herein shall be reduced to two days and the one-half mile limitation reduced to 300 yards.

(Secs. 3, 4, 40 Stat. 755, as amended; 16 U. S. C. 704, 705)

Dated: October 6, 1952.

VERNON D. NORTHROP, *Acting Secretary of the Interior.*

[F. R. Doc. 52-10963; Filed, Oct. 9, 1952; 8:45 a. m.]

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—FORT PECK GAME RANGE, MONTANA

HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, it has been determined that the public hunting of waterfowl can be permitted on additional lands of the Fort Peck Game Range without interfering with the primary purpose of the refuge.

Inasmuch as the following regulation is a relaxation of existing regulations applicable to the Fort Peck Game Range, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.127 is revised to read as follows:

§ 31.127 *Area open to hunting.* The lands of the United States in the following portions of T. 26 N., R. 41 E., M. P. M., as designated by posting by the officer in charge, shall be open to the public hunting of migratory waterfowl and coots:

Sec. 3, all,
Sec. 10, W½ west of the road to the dam.
Sec. 15, NW¼, and portions of the NE¼ and the N½SW¼,
Sec. 16, NE¼, and portions of the NW¼ and the SE¼.

(45 Stat. 1224; 16 U. S. C. 715i)

Dated: October 3, 1952.

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 52-10976; Filed, Oct. 9, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 692]

RAILROAD, RAILWAY EXPRESS AND PROPERTY MOTOR TRANSPORT INDUSTRY IN PUERTO RICO

NOTICE OF POSTPONEMENT OF HEARING

On August 30, 1952, there was published in the FEDERAL REGISTER a notice of hearing on the minimum wage recommendations of Special Industry Committee No. 12 for Puerto Rico for a number of specified industries in Puerto Rico. Said notice stated that the hearing on the recommendations of the Committee for the Railroad, Railway Express and Property Motor Transport Industry in Puerto Rico would be held on October 14, 1952. Notice is hereby given that the hearing on the recommendations of the Committee for this industry is postponed until November 18, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C. In all other respects, the hearing shall be governed by the provisions of the original notice of hearing published in the FEDERAL REGISTER on August 30, 1952.

Signed at Washington, D. C., this 6th day of October 1952.

WM. R. MCCOMB, *Administer, Wage and Hour Division.*

[F. R. Doc. 52-10994; Filed, Oct. 9, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

REALLOCATION OF FREQUENCIES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 2.104 (a) of the rules and regulations with respect to the allocation of frequencies between 450–460 Mc; Docket No. 10323.

1. Notice is hereby given of proposed rule making in the above entitled matter, as set forth below.

2. It is proposed to amend § 2.104 (a) of Part 2 of the Commission's rules to reallocate the frequencies in the band 450–460 Mc in such a manner as to make possible greater flexibility in their assignment and use by a majority of the services involved. This is to be achieved by providing greater separation between the frequencies assignable to a particular service. The total number of frequencies available to each of the five services allocated space in this band is not changed.

3. A series of field tests conducted by interested persons appears to demonstrate that frequencies in this part of the spectrum are suitable for land mobile communication systems, at least in urban areas. It also appears, however, that the direct mobile-to-mobile range is quite short when compared to that obtained with similar installations in the 25–50 Mc and 152–174 Mc bands. One method of overcoming this disadvantage is to permit automatic relaying between the mobile units via a mobile relay station. Since it is necessary to transmit and receive simultaneously at such relay locations, the present allocation makes it difficult to consider making provision for this type of operation by those who eventually may desire it, due to the small separation in frequencies presently obtainable. The proposed change in allocations makes future consideration of this solution more practical.

4. The type of service offered by some communications carriers in the Domestic Public Land Mobile Radio Service requires that the base station transmit continuously during a two-way conversation. Lack of adequate frequency separation between the base station and mobile station frequencies in the present Domestic Public Land Mobile Service band 458–460 Mc is a factor which has retarded development of public service in this band. The proposed change in allocations would appear to eliminate this factor.

5. Commercial equipment suitable for land mobile service in the 450–460 Mc band is now becoming available in quantity. Since a change in allocations of the type proposed will require that many of the existing users of the band ultimately change frequency, the change should be made as quickly as possible to minimize the inconvenience and cost involved, if it is to be made at all. Although some changes in frequency assignments will be necessary if the proposal is adopted, a study of the Commission's frequency assignment lists indicates that the proposal, in its present form, will result in the fewest number of changes consistent with the objectives of the proposal.

6. Permittees and licensees of stations in the band 450–460 Mc will be allowed one year from the date of final action on these proposed rules to change frequency in any case where the presently assigned frequency becomes unavailable for continued use as a result of these proposed allocation changes.

7. Effective immediately, and until the proceedings in this docket are terminated, station authorizations other than Class 1 Experimental will be granted subject to the condition that the applicant change frequency, as may be necessary, no later than 90 days after the termination of these proceedings. Accordingly, it would appear to be unwise to make large scale investment in equipment on these frequencies during this period.

8. If this proposed rule making is made final in its present form, it will be necessary to amend Parts 4, 6, 10, 11, and 16 to reflect the change in allocations. This will be accomplished by a series of separate actions.

9. Authority for this rule proposal is vested in the Commission by sections 4 (i), 303 (c), (f), (g) and (h) of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before October 20, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 24, 1952.

Released: September 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

1. Change the Commission's Table of Frequency Allocations, § 2.104 (a) as follows:

a. Delete the entries in column 11 opposite the frequency band 450–460 Mc in column 7.

b. Substitute the following entries in lieu thereof:

Band, Mc	Service	Class of station	Frequency	Nature (of services and of stations)
7	8	9	10	11
450-460 (NG1, 22).....	Land mobile..	(a) Base; (b) land mobile.	450.05 450.15 450.25 450.35 450.45 450.55 450.65 450.75 450.85 450.95	Remote pickup broadcast base; remote pickup broadcast mobile.
			451.05 451.15 451.25 451.35 451.45 451.55 451.65 451.75 451.85 451.95	Industrial.
			452.05 452.15 452.25 452.35 452.45 452.55 452.65 452.75 452.85 452.95	Land transportation.
			453.05 453.15 453.25 453.35 453.45 453.55 453.65 453.75 453.85 453.95	Public safety.
			454.05 454.15 454.25 454.35 454.45 454.55 454.65 454.75 454.85 454.95	Domestic public.
			455.05 455.15 455.25 455.35 455.45 455.55 455.65 455.75 455.85 455.95	Remote pickup broadcast base; remote pickup broadcast mobile.
			456.05 456.15 456.25 456.35 456.45 456.55 456.65 456.75 456.85 456.95	Industrial.
			457.05 457.15 457.25 457.35 457.45 457.55 457.65 457.75 457.85 457.95	Land transportation.
			458.05 458.15 458.25 458.35 458.45 458.55 458.65 458.75 458.85 458.95	Public safety.
			459.05 459.15 459.25 459.35 459.45 459.55 459.65 459.75 459.85 459.95	Domestic public.

[F. R. Doc. 52-10983; Filed, Oct. 9, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1847]

NORTHWEST OKLAHOMA CATTLEMEN'S ASSOCIATION, INC.

NOTICE OF HEARING REGARDING BRAND INSPECTION AUTHORIZATION

On December 30, 1948, there was published in the FEDERAL REGISTER (13 F. R. 8736) an authorization for inspection of livestock issued by the Secretary of Agriculture to The Northwest Oklahoma Cattlemen's Association, Inc., under section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), granting to The Northwest Oklahoma Cattlemen's Association, Inc., the authority to charge and collect at stockyards subject to the provisions of the Packers and Stockyards Act (7 U. S. C. 181 et seq.) reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the Counties of Beaver, Cimarron, Ellis, Dewey, Harper, Major, Roger Mills, Texas, Woods, and Woodward, in the State of Oklahoma, for the purpose of determining the ownership of such livestock. On August 26, 1949, there appeared in the FEDERAL REGISTER (14 F. R. 5328) a complaint and notice of hearing issued by the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, alleging that it might be in the public interest to revoke the authorization granted. The complaint and notice of hearing, which was based upon an informal complaint filed with the Director of the Livestock Branch, alleged that:

1. Branding or marking livestock as a means of establishing ownership is not required by statutes of the State of Oklahoma;

2. The practice of branding or marking, or both branding and marking, livestock as a means of establishing ownership does not prevail by custom in the State of Oklahoma to an extent that would warrant the charging or collecting of fees for mandatory inspection;

3. Inspection under such authorization interferes with the orderly and expeditious handling of animals at posted stockyards;

4. Delays incident to such inspection cause shrinkage of livestock and loss of revenue to the shipper; and

5. The respondent is not equipped to perform the inspection in a manner which will be of value to the markets and shippers in that adequate records are not available to respondent to permit trained personnel to follow efficient procedures.

A hearing inquiring into the truth of said allegations was held at Woodward, Oklahoma, on November 1, 2 and 3, 1949.

On February 21, 1951, the Judicial Officer of the Department of Agriculture, after consideration of the evidence obtained at said hearing, ordered that the hearing be reopened in order to obtain additional information with respect to the facts alleged in the complaint and notice of hearing and the question of whether it would be in the public interest to revoke said authorization.

Pursuant to the said order issued by the Judicial Officer on February 21, 1951, the hearing was ordered reopened. Notice is hereby given that the hearing in this matter will be held on October 27, 1952, at 10:00 o'clock a. m., c. s. t., in the District Court Room, Court House, Woodward, Oklahoma. At such time any interested person desiring to be heard may present his views either in person or by attorney.

Done at Washington, D. C., this 7th day of October 1952.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52-10989; Filed, Oct. 9, 1952; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[T. D. No. 46]

DISTRICT SUPERVISORS AND AGENTS

DELEGATION OF FUNCTIONS

The Secretary of the Treasury, by Treasury Department Order No. 157,[1] transferred to the Commissioner of Narcotics the functions relating to notice and demand to produce order forms for marihuana under section 2593 of the Internal Revenue Code (26 U. S. C. 2593) and authorized the delegation of such functions to subordinates of the Bureau of Narcotics. Accordingly, the Commissioner of Narcotics hereby delegates such functions to the district supervisors and agents of the Bureau of Narcotics.

This delegation of functions shall take effect upon publication in the FEDERAL REGISTER.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: October 1, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10956; Filed, Oct. 9, 1952; 8:46 a. m.]

Office of the Secretary

[Treasury Department Order No. 157]

COMMISSIONER OF CUSTOMS AND COMMISSIONER OF NARCOTICS

DELEGATION OF FUNCTIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Customs and the Commissioner of Narcotics, to be exercised by either of them separately, the functions relating to notice and demand to produce order forms for marihuana under section 2593 of the Internal Revenue Code.

The functions herein transferred may be delegated by the Commissioner of Customs and the Commissioner of Narcotics to subordinates in their respective bureaus.

Dated: October 1, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-10955; Filed, Oct. 9, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-10955, Office of the Secretary, *infra*.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

SOUTH DAKOTA

ORDER ADJUSTING BOUNDARIES OF BADLANDS NATIONAL MONUMENT, S. DAK., AND TRANSFERRING CERTAIN LANDS ELIMINATED THEREFROM TO THE DEPARTMENT OF AGRICULTURE

Pursuant to authority contained in the act of May 7, 1952 (Pub. Law 328, 82d Cong., 2d Sess.): *It is ordered:*

Subject to valid existing rights, the exterior boundaries of Badlands National Monument in the Counties of Pennington, Jackson, and Washington, State of South Dakota, are hereby adjusted to encompass the following described lands:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 1 S., R. 14 E.,
Sec. 34, S½ and S½N½,
Sec. 35, S½ and S½N½,
Sec. 36, S½ and S½N½.
T. 1 S., R. 15 E.,
Sec. 31, All,
Sec. 32, All,
Sec. 33, S½,
Sec. 34, S½S½,
Sec. 35, SW¼SW¼.
T. 2 S., R. 14 E.,
Secs. 1 to 3, inclusive: All,
Secs. 10 to 15, inclusive: All,
Sec. 16, E½,
Sec. 21, E½,
Secs. 22 to 27, inclusive: All,
Sec. 28, E½,
Sec. 33, E½,
Secs. 34 to 36, inclusive: All.
T. 2 S., R. 15 E.,
Sec. 1, SW¼,
Secs. 2 to 36, inclusive: All.
T. 2 S., R. 16 E.,
Sec. 7, Lots 3 and 4, SE¼ and E½SW¼,
Sec. 8, S½,
Secs. 16 to 22, inclusive: All,
Sec. 23, S½,
Secs. 26 to 35, inclusive: All.
T. 3 S., R. 13 E.,
Sec. 13, All,
Sec. 23, S½,
Sec. 24, All,
Secs. 25 and 26,
Secs. 31 to 36, inclusive.
T. 3 S., R. 14 E.,
Secs. 1 to 3, inclusive,
Sec. 4, Lots 1 and 2, SE¼ and S½NE¼,
Sec. 9, E½,
Secs. 10 to 20, inclusive,
Sec. 21, N½,
Sec. 22, N½ and SE¼,
Secs. 23 to 26, inclusive,
Sec. 27, E½,
Secs. 29 and 30,
Sec. 31, Lots 1 and 2, NE¼ and E½NW¼.
T. 3 S., R. 15 E.,
Secs. 3 to 10, inclusive: All,
Sec. 11, S½SW¼ and NW¼SW¼,
Sec. 14, N½NW¼ and SW¼NW¼,
Secs. 15 to 20, inclusive: All.
T. 3 S., R. 16 E.,
Secs. 1 and 2: All,
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and SE¼,
Sec. 11, N½ and SE¼,
Secs. 12 and 13: All,
Sec. 24, All.
T. 3 S., R. 17 E.,
Sec. 6, Lots 6 and 7 and E½SW¼,
Secs. 7 to 24, inclusive: All,
Sec. 27, NW¼,
Sec. 28, N½.
T. 3 S., R. 18 E.,
Secs. 13 to 30, inclusive,
Sec. 32, N½,
Sec. 33, N½,
Sec. 34, N½ and E½SE¼,
Sec. 35, N½ and W½SW¼,
Sec. 36, N½.
T. 3 S., R. 19 E.,
Secs. 18, 19 and 30: All,
Sec. 31, Lots 1 and 2, NE¼ and E½NW¼.
T. 4 S., R. 13 E.,
Sec. 2, W½,
Secs. 3 to 10, inclusive: All,
Sec. 11, W½,
Secs. 15 to 18, inclusive: All,
Secs. 19 to 22, all fractional, inclusive: All.
T. 4 S., R. 18 E.,
Sec. 2, NW¼NW¼.

SIXTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 43 N., R. 44 W.,
Sec. 21, fractional, All.

Containing 121,883.12 acres, more or less.

Subject to valid existing rights, administrative jurisdiction over the hereinafter described lands, eliminated from the Monument boundaries, in the Counties of Pennington and Jackson, State of South Dakota, is hereby transferred from the Department of the Interior to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525; 7 U. S. C., 1946 ed., secs. 1010-1013), and the related provisions of Title IV thereof:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 2 S., R. 14 E.,
Sec. 33, W½.
T. 2 S., R. 16 E.,
Secs. 14 and 15: All,
Sec. 23, N½.
T. 3 S., R. 13 E.,
Sec. 12, S½.
T. 3 S., R. 14 E.,
Sec. 4, Lots 3 and 4, S½ and S½NW¼,
Sec. 7, Lots 3 and 4, SE¼ and E½SW¼,
Sec. 8, S½,
Sec. 9, W½,
Sec. 22, SW¼,
Sec. 27, W½,
Secs. 35 and 36: All.
T. 3 S., R. 15 E.,
Secs. 1 and 2: All,
Sec. 11, W½E½, NW¼ and NE¼SW¼,
Sec. 14, W½E½, SW¼ and SE¼NW¼,
Sec. 21, All,
Sec. 22, W½,
Sec. 27, W½,
Secs. 28 to 33, inclusive: All,
Sec. 34, W½.
T. 3 S., R. 17 E.,
Secs. 25 and 26: All,
Sec. 27, E½ and SW¼,
Sec. 28, S½,
Sec. 29, All,
Secs. 32 to 36, inclusive: All.
T. 3 S., R. 19 E.,
Secs. 16 and 17: All,
Secs. 20 and 21: All,
Secs. 28 and 29: All,

Sec. 32, N½,
Sec. 33, N½.
T. 4 S., R. 17 E.,
Secs. 1 to 5, inclusive: All,
Sec. 8, fractional, All,
Secs. 9 to 11, inclusive: All,
Sec. 12, fractional, All,
Sec. 13, fractional, All,
Sec. 14, fractional, All,
Sec. 15, fractional, All,
Sec. 16, fractional, All,
Sec. 17, fractional, All,
Sec. 20, fractional, All,
Sec. 21, fractional, All,
Sec. 22, fractional, All,
Sec. 23, fractional, All.

Containing 30,802.52 acres, more or less.

Dated: October 3, 1952.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

[F. R. Doc. 52-10964; Filed, Oct. 9, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1556]

SOUTHERN CALIFORNIA GAS CO.

ORDER GRANTING APPLICATION FOR REHEARING

OCTOBER 2, 1952.

On September 4, 1952, Southern California Gas Company filed its application for a rehearing of the Commission's order issued August 6, 1952, denying the Company's application for authority to transfer $3,000,000 from the reserve for possible tax deficiencies to earned surplus and authorizing the Company to transfer such amount to Account 258, Other Reserves. The Company's application also asks that the Commission stay its order issued August 6, 1952, pending rehearing and review.

As stated in the previous order the application to transfer the sum of $3,000,000 from the reserve for possible tax deficiencies to earned surplus was filed in the form of a letter dated April 18, 1952. Upon the basis of such letter application the Commission issued its order on August 6, 1952, without a hearings.

The Commission's order issued August 6, 1952, while it denies the Company's application to make the transfer to surplus and authorizes the transfer to Account 258, does not require action on the part of the Company, and therefore it does not appear necessary in order to maintain the status quo to stay such order pending rehearing or review.

The Commission finds:

(1) Good cause exists for granting rehearing of the Commission's order issued August 6, 1952, to make the determinations set forth in (A) below.

(2) No good cause has been shown for staying the order issued August 6, 1952, pending rehearing or review.

The Commission orders:

(A) Rehearing of the Commission's order issued August 6, 1952, be and it hereby is granted to determine whether Southern California Gas Company's application to transfer $3,000,000 from the reserve for possible tax deficiencies to earned surplus shall be authorized, and, if not, the proper accounting for such amount.

(B) A hearing shall be held at a time and place to be fixed hereafter by Commission order.

(C) Stay of the Commission's order of August 6, 1952, pending rehearing or review be and it hereby is denied.

Date of issuance: October 6, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10977; Filed, Oct. 9, 1952; 8:47 a. m.]

[Docket No. G-1736]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 2, 1952.

On August 10, 1951, the Ohio Fuel Gas Company (Ohio Fuel) filed with the Commission a proposed tariff, designated "FPC Gas Tariff, First Revised Volume No. 1, of the Ohio Fuel Gas Company," increasing the then effective rates and charges to Ohio Fuel's interstate wholesale customers. On September 6, 1951, pending a hearing and the Commission's decision upon the question of the lawfulness of the proposed rates, the Commission issued an order suspending such proposed tariff until February 10, 1952, and until such further time thereafter as the same might be made effective in the manner prescribed by the Natural Gas Act.

By order issued February 8, 1952, upon the application of Ohio Fuel, the Commission permitted the substitution of a proposed First Revised Sheet No. 6 to said FPC Gas Tariff, First Revised Volume No. 1, superseding Original Sheet No. 6 contained in said FPC Gas Tariff, First Revised Volume No. 1, and suspended such revised sheet until February 10, 1952, and until such further time thereafter as the same might be made effective in the manner prescribed by the Natural Gas Act.

By order issued February 26, 1952, the increased rate tariff became effective, under bond, subject to the refund of any portion of the increased rates and charges found by the Commission not to be justified.

The Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that these proceedings be set for hearing and that the procedure hereinafter prescribed shall be followed at such hearing.

The Commission orders:

(A) A public hearing be held commencing on November 17, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges and classifications contained in the aforesaid FPC Gas Tariff, First Revised Volume No. 1 and First Revised Sheet No. 6 to said FPC Gas Tariff, First Revised Volume No. 1, filed by the Ohio Fuel Gas Company.

(B) The order of procedure at the public hearing referred to in paragraph (A) hereof shall be:

(i) Pursuant to the provisions of section 4 (e) of the Natural Gas Act, Ohio Fuel shall go forward with the burden of proof imposed upon it, presenting its justification with respect to the issues referred to in paragraph (A) hereof;

(ii) After Ohio Fuel has so presented its justification, other parties and participants, including Commission staff counsel, may conduct as much of their cross-examination with respect to Ohio Fuel's justification as they are then prepared to undertake. Thereupon, if request therefor is made, the Presiding Examiner shall recess the hearing to a date to be fixed by further order of the Commission, in order to permit such preparation for the remainder of such cross-examination as the facts and circumstances may warrant.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 6, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10978; Filed, Oct. 9, 1952; 8:47 a. m.]

[Docket Nos. G-1903, G-2042]

LOPENO GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 3, 1952.

On September 5, 1952, Lopeno Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application in Docket No. G-2042, for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of a portion of its facilities, and in Docket No. G-1903, for amendment of a Presidential Permit granted on July 18, 1952, pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, operation, maintenance, and connection of facilities for the importation of natural gas from the United States into Mexico, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant proposes to abandon a portion of the facilities authorized by order of the Commission issued on August 4, 1952, in Docket No. G-1977, consisting of two parallel 8-inch pipe lines supported from the International Bridge between the United States and Mexico, at Roma, Texas. Applicant has represented to the Commission that said pipe lines are not required for the service proposed in its application filed in Docket No. G-1977, and that the Starr County Bridge Company has requested the removal of said lines on account of the additional weight imposed thereby upon the cables of said bridge. Applicant further represents that it has contracted for the services of a contractor for immediate removal of said lines, and that Compania Mexicana de Gas, S. A., which owns connecting 8-inch pipe lines on the Mexican side of said bridge proposes to remove its portion of the lines contemporaneously with removal by Applicant of its lines.

Applicant has requested that its application in Docket No. G-2042 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure [18 CFR 1.32 (b)] for noncontested proceedings, and this proceeding is a proper one for disposition under the aforementioned rule, provided no request to be heard, protest, or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 19, 1952 (17 F. R. 8443).

The Commission finds: It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and Commission's rules of practice and procedure, a hearing be held on October 13, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by said application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: October 6, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. D. Doc. 52-10980; Filed, Oct. 9, 1952; 8:47 a. m.]

[Docket No. G-2068]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

OCTOBER 6, 1952.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation, having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed on September 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas for resale as hereinafter described.

Applicant proposes to construct and operate a metering station on its pipe line now serving Boonville, Indiana, for the purpose of selling natural gas to Boonville Natural Gas Corporation for resale in the unincorporated town of Chandler, Warwick County, Indiana, and environs, in quantities not to exceed 200 Mcf a day, with total annual sales for the 1953-54 season estimated at 17,900 Mcf. Applicant estimates the cost of the facilities at $3,126, and proposes to accomplish the financing out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of October 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-10979; Filed, Oct. 9, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 58]

PLACEMENT OF PROCUREMENT WITH THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement with the petroleum and petroleum products industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to exempt the petroleum and petroleum products industry from the application of Defense Manpower Policy No. 4.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE PETROLEUM AND PETROLEUM PRODUCTS INDUSTRY UNDER DEFENSE MANPOWER POLICY NO. 4

In accordance with Section III, Paragraph 8 of Defense Manpower Policy No. 4, a Notice was published in the FEDERAL REGISTER of September 10, 1952 (17 F. R. 8165), that the Surplus Manpower Committee proposed to recommend to the Director of Defense Mobilization that the petroleum and petroleum products industry be exempted from the application of Defense Manpower Policy No. 4. Inasmuch as no objections have been received, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That all purchases of petroleum and petroleum products for the Department of Defense are made by the Armed Services Petroleum Purchasing Agency;

2. That presently notified surplus labor areas are in locations where refining capacity is inadequate for supply of local requirements or where no refining facilities exist and that placement of additional Government contracts in these areas would not change the status of employment but would necessitate further importation of finished products from refineries located in other than surplus labor areas to offset the quantities supplied to the Government;

3. That requests for proposals for petroleum and petroleum products have repeatedly been forwarded by the Armed Services Petroleum Purchasing Agency to possible contractors in notified surplus labor areas, and in no case has a proposal been received or an award been made under the provisions of Defense Manpower Policy No. 4.

4. That the administrative burden and cost involved in the implementation of Defense Manpower Policy No. 4 so far as procurement of petroleum and petroleum products is concerned cannot be justified in view of the negative results obtained.

RECOMMENDATION

The Committee therefore recommends that the Director of Defense Mobilization conclude that it is in the public interest to exempt the petroleum and petroleum products industry from the application of Defense Manpower Policy No. 4, and that the Director so notify the Secretary of Defense and the Administrator of General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

HENRY H. FOWLER,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-11025; Filed, Oct. 8, 1952; 4:04 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 142]

NEW CASTLE, PENNSYLVANIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated October 3, 1952, that the New Castle, Pennsylvania, area (the area consists of Lawrence County; and that portion of the borough of Ellwood City located

within Beaver County; all in Pennsylvania) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the New Castle, Pennsylvania, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

OCTOBER 3, 1952.

[F. R. Doc. 52-10965; Filed, Oct. 9, 1952; 8:46 a. m.]

[Determination No. 143]

CASPER, WYOMING, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law. 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Director of Defense Mobilization, dated October 3, 1952, that the Casper, Wyoming, area (this area consists of all of Natrona County, Wyoming) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952, by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Casper, Wyoming, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

OCTOBER 3, 1952.

[F. R. Doc. 52-10966; Filed, Oct. 9, 1952; 8:46 a. m.]

Office of Price Stabilization

REGIONS I, V, VII, AND X

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on October 1, 1952.

REGION I

Hartford Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Hartford Area, filed 3:53 p. m.

Hartford Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Hartford Area, filed 3:54 p. m.

Hartford Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Hartford Area, filed 3:54 p. m.

Hartford Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Hartford Area, filed 3:54 p. m.

Boston Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 3:52 p. m.

Boston Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 3:52 p. m.

Boston Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 3:52 p. m.

Boston Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 3:53 p. m.

REGION V

Atlanta Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:54 p. m.

Atlanta Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:55 p. m.

Atlanta Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:55 p. m.

Atlanta Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:55 p. m.

Atlanta Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:55 p. m.

Atlanta Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Atlanta Area, filed 3:56 p. m.

Columbia Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Columbia Area, filed 3:56 p. m.

Columbia Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Columbia Area, filed 3:56 p. m.

Columbia Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Columbia Area, filed 3:56 p. m.

Columbia Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Columbia Area, filed 3:56 p. m.

Jackson Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Jackson Area, filed 3:57 p. m.

Jackson Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Jackson Area, filed 3:57 p. m.

Jackson Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Jackson Area, filed 3:58 p. m.

Jackson Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Jackson Area, filed 3:58 p. m.

Montgomery Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:58 p. m.

Montgomery Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:58 p. m.

Montgomery Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:59 p. m.

Montgomery Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:59 p. m.

Montgomery Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:59 p. m.

Montgomery Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Montgomery Area, filed 3:59 p. m.

Nashville Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville Area, filed 4:00 p. m.

Nashville Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville Area, filed 4:00 p. m.

Nashville Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville Area, filed 4:00 p. m.

Nashville Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville Area, filed 4:01 p. m.

REGION VII

Chicago Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Chicago Area, filed 4:02 p. m.

Chicago Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Chicago Area, filed 4:02 p. m.

Chicago Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Chicago Area, filed 4:02 p. m.

REGION X

Dallas Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas Area, filed 4:03 p. m.

Dallas Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas Area, filed 4:03 p. m.

Dallas Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas Area, filed 4:03 p. m.

Dallas Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas Area, filed 4:03 p. m.

Dallas Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas Area, filed 4:03 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-10974; Filed, Oct. 7, 1952; 10:57 a. m.]

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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 705—AGRICULTURAL CONSERVATION PROGRAM; HAWAII

SUBPART—1953

The United States Department of Agriculture offers every farmer in the Territory of Hawaii an opportunity to improve and conserve the fertility of his land through participation in the 1953 Agricultural Conservation Program.

Under this program, part of the costs of the conservation practices is defrayed by the Government and this represents the Nation's interest in what happens to its basic resources.

Payment will be made for performance of recommended practices at approved rates to the extent of the individual farm allowance and available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act the program is designed to meet local conservation needs.

Information contained in this subpart outlines the general provisions of the 1953 Agricultural Conservation Program for Hawaii and specifications and rates of payment for practices.

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FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations undpr the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 705.201 to 705.288 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

CONTROL OF FUNDS

§ 705.201 *Amount of assistance.* The State Office will determine the amount of assistance for each farm, taking into consideration the needs of other farms in the State as well as the conservation work for which assistance is most needed in 1953 to enable the farm to make the maximum contribution to production needed in the defense effort.

§ 705.202 *Adjustments.* If the total estimated earnings under the program exceed the total funds available for pay-

ments the assistance will be reduced equitably.

§ 705.203 *Allocation.* The amount of funds available for conservation practices under this program is $182,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 705.257.

APPROVAL OF CONSERVATION PRACTICES

§ 705.205 *Selection of practices.* Practices included in the 1953 program are only those which by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving or improving farm woodland, assist in making possible the production of agricultural commodities needed in the defense effort. The practices included are those which will not be carried out in the desired volume on the basis of relative conservation needs unless assistance is given therefor.

§ 705.206 *Adaptation of practices and rates of assistance.* In order to encourage the performance of practices which are needed most, the State Office may designate from the practices listed in this subpart those practices which will be applicable on designated groups of farms.

§ 705.207 *Pooling agreements.* Producers in any local area may agree in writing, with approval of the State Office, to perform designated amounts of practices which the State Office determines are necessary to conserve or improve the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

§ 705.208 *Prior notice to State Office.* The State Office requires notification, in advance, of the farmer's intentions to participate in the 1953 program and of his designation of practices to be used. Intentions may be filed on Form ACP-201-Hawaii (52), by letter to the Honolulu or Hilo office of the Production and Marketing Administration, or by telephone or personal contact with authorized PMA farm checkers, but must be submitted on or before September 30, 1953. Information must include a description of the practice(s) and extent of the performance anticipated.

§ 705.209 *Program year and technical aid.* (a) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the period from January 1, 1953, to December 31, 1953, inclusive, the conservation practices included in this subpart which are approved for a farm, except that farmers, who before December 31, 1952, (1) complete all practices for which they will make claim for payment under the 1952 program, or (2) have carried out practices to the maximum extent of their allowance under the 1952 program, may enroll and perform practices under the 1953 program any time after September 30, 1952. No payment will be made under the 1953 program for any part of a practice carried out for payment under the 1952 program.

(b) Of the permanent-type conservation practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 705.211, 705.212, 705.214 through 705.216, 705.234, 705.236, and 705.238 through 705.241. In addition the Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 705.217 and 705.218 if guidelines must be established under the 1953 program. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). Also, in areas where the State Office, the designated representative of the Soil Conservation Service in the area, and the Forest Service representative having jurisdiction of farm forestry in the area determine that there is a need for making a prior determination that land to be cleared under § 705.226 or § 705.227 is suitable for clearing for the purpose of the practice, the Soil Conservation Service technician shall have the responsibility for such prior determination of suitability. The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278.

(c) The Forest Service is responsible for the technical phases of the practices contained in §§ 705.242 and 705.243. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through the State Office, determining compliance in meeting these specifications.

§ 705.210 *Practice specifications.* Minimum specifications which practices must meet to be eligible for assistance are set forth in this subpart. Additional specifications may be secured from PMA area office or SCS territorial office in Honolulu.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

§ 705.211 *Practice 1. Constructing continuous terraces and/or diversion ditches to control the flow of water on sloping farm land.* Credit will be allowed, provided the structures are properly laid out and constructed in accordance with detailed specifications provided by the State Office (see Practice Specification No. 1—Revised), adequately protected against siltation, overflowing, or washing, and supplied with outlets and waterways for the discharge of accumulated water. If the land terraced is planted to clean-tilled crops, the crop rows must follow contour lines on all slopes greater than 2 percent and less than 20 percent. Diversion ditches should be used on slopes between 16 percent and 20 percent. Only bench-type terraces will be recognized as effective on cultivated land of 20 percent or more slope. With soils of very light texture appropriate filter strips immediately above each terrace channel are required where slope conditions threaten heavy siltation during rainstorms. No payment will be allowed for reconstructing old terraces.

Maximum assistance. (a) $2 per 100 linear feet of terrace constructed in clear soil.

(b) $4 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) $8 per 100 linear feet for bench terraces.

(d) $0.10 per cubic yard of earth moved in ditch construction.

§ 705.212 *Practice 2: Constructing field interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding purposes.* Channels exceeding ½ percent in grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. The amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level or that determined by prior and subsequent sectional surveys. Payment will be allowed only once and that for the year of construction. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. $0.10 per cubic yard of material moved.

§ 705.213 *Practice 3: Constructing individual terraces around coffee, fruit, and nut trees.* Terrace ridge should be not less than 5 feet long and high enough to provide catchment capacity of not less than 3 cubic feet. Terrace ridge should be of firmly packed soil or rock set in soil. Wherever possible orchard land should be protected by permanent vegetative cover.

Maximum assistance. $1 per 100 linear feet of terrace.

§ 705.214 *Practice 4: Establishing a protective sod lining in waterways.* This practice will be applicable to waterways built or reshaped in the program year and used for removing excess water from farm land that is contoured, terraced, and/or trash mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before credit may be given for this practice. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. $0.75 per 1,000 square feet of surface established by shaping and seeding or sodding.

§ 705.215 *Practice 5: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farm land and reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material, and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) $0.14 per cubic yard of earth moved in the construction of the dams, wings, and walls.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $1.50 per cubic yard of rock used, for rock or rock and brush dams.

(f) 80 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.25 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $1.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 705.216 *Practice 6: Constructing permanent riprap or revetment of stone to control erosion of stream banks, gullies, dam faces, or water courses.* Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. $0.50 per square yard of exposed riprap surface.

§ 705.217 *Practice 7: Contour farming of intertilled crops on nonterraced land.* Credit will be given for farming intertilled crops planted during the program year on the contour on nonterraced land of 2 percent or more slope. However, no credit will be given if payment is authorized for the practice contained in § 705.218 on the same land in the same year. Credit will not be given for this practice on land under furrow irrigation. Credit will not be given for this practice on land of 6 percent or more slope, unless adequate ditching or terracing protection is provided in accordance with specifications in this subpart covering such practices. If the land is not promptly put into another crop, the crop residue must be left standing, or a cover crop established.

Maximum assistance. (a) $3 per acre per year where all cultural operations (plowing, harrowing, planting, and cultivating) are on the contour or where cultivating space between contour planted rows is furrowed to a depth not less than 6 inches.

(b) $1 per acre per year where only planting and cultivating are on the contour.

§ 705.218 *Practice 8: Planting orchards on the contour.* Credit will be given for planting orchards on the contour on land having more than 2 percent slope. The land must be protected by at least one of the following: terracing, ditching, ridging, or vegetative cover.

Maximum assistance. $5 per acre.

§ 705.219 *Practice 9: Maintaining a permanent vegetative cover in nonterraced orchards to prevent erosion.* If cover is mowed residue must be left on the land. Where mowing is impractical moderate grazing may be employed but not to the extent of endangering the vegetative cover.

Maximum assistance. $1 per acre.

§ 705.220 *Practice 10: Planting leguminous crops for use as green manure, stubble mulch, or cover.* In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land or turned under during the program year. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes, see § 705.221 (Practice 11), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and payment. Any of the following crops or any other locally-adapted crops approved by the State Office may be used.

	Minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	20
(e) Clover	5
(f) Kudzu	8
(g) Crotelaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum assistance. 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted.

§ 705.221 *Practice 11: Planting adapted nonlegumes for green manure, stubble mulch, cover, or filter strip.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for payment. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land or turned under. Acreage harvested for seed or hay is not eligible for assistance. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 705.220 (Practice 10) for ratio specifications.

Maximum assistance. 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area actually planted.

§ 705.222 *Practice 12: Organic manuring of fields with compost or dehydrated peat moss.* Farm compost must consist of agricultural waste material protected against leaching. In order to qualify, compost volume must be determined by county agent or PMA farm checker prior to spreading. To qualify as "compost" organic material must be decomposed to the extent that (a) there is no readily detectable heat of oxidation in the compost pile, (b) there is no readily detectable odor of any of the original materials employed, and (c) the original nature of organic material used is indistinguishable. In order for dehydrated peat moss to qualify, the farmer must provide analysis of the product and receipted bills showing amounts purchased and price. Analysis must show not less than 75 percent organic matter on the dry basis and a water absorbing ratio of not less than 7:1.

Maximum assistance. (a) Farm compost—$4 per cubic yard in the composting pit or pile.

(b) Dehydrated peat moss—50 percent of the cost at warehouse, but not in excess of $25 per acre.

§ 705.223 *Practice 13: Seeding or planting in prepared land or in unprepared and depleted range land adapted grasses, legumes, or other forage plants for establishing or improving permanent pastures.* Applicable only to ranches of 1,000 acres or less in size. The seed must be well distributed over the area sown to insure a good stand at maturity. No area seeded shall be grazed until grass and/or legumes are established. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. Any of the locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. The use of Koa haole under this practice is restricted to coastal areas of Maui between Kihei and Kaupo. In order to meet the minimum requirements, slips or stools of grasses may be planted in continuous rows.

Maximum assistance. 50 percent of the cost of seed at the farm, but not in excess of $5 per acre actually planted.

§ 705.224 *Practice 14: Applying ground limestone or its equivalent where soil analysis shows the need.* Lime material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20 mesh screen and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum assistance. 60 percent of the average cost delivered to the farm.

§ 705.225 *Practice 15: Applying potash or phosphate.* Payment will be made for applying potash or phosphate to grasses or legumes (excluding all crops for sale) or to green manure or cover crops in orchards (excluding all crops for sale). Payment will be made only for the application of phosphate (P_2O_5) and potash (K_2O) separately or in mixed form, and for not more than 100 pounds of each ingredient per acre. Application of phosphate or potash to the soil may be made to a growing scrop or at the time of seeding a new crop. Application must be made at a time so that the eligible crop will receive the principal benefit of the material. Receipts or invoices showing the purchase and analysis of the fertilizer used, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum assistance. (a) Potash—$3 per 100 pounds of available K_2O.

(b) Superphosphate or ammo-phos (16–20–0 analysis)—$6.10 per 100 pounds of available P_2O_5.

(c) Ammo-phos (11–48–0 analysis)—$5.46 per 100 pounds of available P_2O_5.

(d) Raw rock phosphate—$3.90 per 100 pounds of P_2O_5 content.

§ 705.226 *Practice 16: Clearing suitable land to permit conservation of other land in the farm.* This practice is applicable only where clearing is necessary for the adoption, on not less than equal acreage, of a better soil conserving cropping system, reforestation, or retirement from cultivation of severely eroded lands (but not lands in common rotation). No payment will be made for clearing a stand of merchantable timber. Records of labor and equipment used in the clearing operation will be required as evidence of cost.

Maximum assistance. 50 percent of the cost of the clearing operation, but not in excess of $10 per acre cleared.

§ 705.227 *Practice 17: Clearing suitable new land for permanent pasture.* This practice is applicable only to ranches of 1,000 acres or less in size and to land which has undergone no clearing operation within the past 25 years while under control of the present operator; or within 10 years in the case of a recent change in ownership or tenancy, except where the State Office determines otherwise. This practice is applicable only where clearing is necessary for the establishment of perennial legumes and grasses which must be established as soon as practicable and within the program year. No payment will be made for clearing a stand of merchantable timber. Records of labor and equipment used in the clearing operation will be required as evidence of cost.

Maximum assistance. 50 percent of the cost of the clearing operation, but not in excess of $10 per acre cleared.

§ 705.228 *Practice 18: Controlling weeds in established pasture or range land by grubbing out, or poisoning of undesirable plants.* Payment will be made only once for "grubbing" on the same land during 1953 regardless of the number of times weeds are removed during the year. Payments for poisoning will be repeated for each application made according to accepted practices. Receipts or invoices showing purchase and analysis of poisons used will be required by inspectors as evidence.

Maximum assistance. (a) $0.50 per acre per year for grubbing.

(b) 50 percent of the average cost of State Office approved chemicals, but not in excess of $1 per acre per application.

§ 705.229 *Practice 19: Applying sugarcane mill refuse to cane fields harvested or started in fallow during the program year.* Eligible materials will include separately or in any combination, cane leaf trash, soil washings, bagasse, and filter cake. Records of volume transported and identity as well as areas of fields treated will be required by inspectors before determining payments.

Maximum assistance. 50 percent of the hauling expense, but not in excess of $15 per acre treated.

§ 705.230 *Practice 20: Applying coffee pulp and/or husks around coffee trees.* Payment will be made for not more than 5 tons of pulp (unfermented weight) and/or husks applied per acre. Satisfactory evidence of the quantity of pulp applied will be required.

Maximum assistance. $2 per ton for mill produced pulp requiring truck hauling.

§ 705.231 *Practice 21: Applying organic mulch material to land in truck crops, fruit and nut trees, or pineapples.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust and wood shavings as well as macadamia nut husks and shells will be eligible. The mulch must be thick enough to completely cover the surface of soil areas treated. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance.

Maximum assistance. (a) 50 percent of the cost of material at the farm, but not in excess of $25 per acre treated with materials secured from outside the farm.

(b) $5 per acre treated with materials, other than pineapple trash produced on the farm.

(c) $2.50 per acre treated with pineapple trash produced on the farm.

§ 705.232 *Practice 22: Deferred grazing.* Payment will not be made on more than 25 percent of the grazing land in the unit, except that the State Office, with approval of the ACP Branch, may waive the percentage limitation for any local area where deferment of a larger area is necessary to conserve range resources, nor on any part of the deferred area which is cut for hay. For payment purposes, the deferment period may not be less than 12 months, credit being given for deferment time originating in the previous year for which payment was not made under the 1952 program. The following conditions must be observed in order to qualify for payment:

(a) The land on which the practice is carried out must be kept entirely free from grazing during the period.

(b) The range land in the farm must not be grazed to such extent as to injure the forage, tree growth, or watershed.

(c) This practice shall not be applicable to land which normally is not used for grazing during the period in which livestock is removed.

(d) Rested area must have a vegetative cover of forage crop acceptable to the State Office.

Maximum assistance. $1 per acre for the acreage deferred.

§ 705.233 *Practice 23: Producing during 1953 seed of grass and/or legumes for use in range or pasture improvement or for cover cropping or green manuring.* Receipts or invoices showing purchase of seed and other materials used and records of production expenses including harvest, will be required by inspectors as evidence of cost. The following species or others approved by the State Office will qualify for credit:

Kaimi clover (Desmodium canum).
Spanish clover (Desmodium uncinatum).
Crotalaria juncea.
Purple vetch.
Pigeon peas.
Canary grass.
Clovers.
Paspalum dilatatum.
Feather fingergrass (Chloris virgata).
Rhodes grass.
Bromegrass.
Australian bluegrass.
Guinea grass.
Orchard grass.
Ryegrass.
Mesquite grass.

Maximum assistance. 50 percent of the cost of production, but not in excess of $25 per acre.

§ 705.234 *Practice 24: Construction of dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management. No assistance will be given for cleaning or maintaining an existing structure. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) $0.14 per cubic yard of material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

§ 705.235 *Practice 25: Installation of pipelines for livestock water.* The project must contribute to a better distribution of grazing. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum assistance. 50 percent of the average cost of pipe at the farm, except that the payment for pipe in excess of 2 inches in diameter may not exceed the payment which may be made for 2-inch pipe.

§ 705.236 *Practice 26: Construction of permanent artificial watersheds and/or storage tanks for accumulating livestock water.* The project must contribute to a better distribution of grazing. No payment will be made if part of the water impounded or supplied is used for irrigation or domestic purposes. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) 50 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 705.237 *Practice 27: Construction of permanent fences to obtain better distribution of grazing on range or pastureland, or to protect farm woodland from grazing.* No payment may be made for the maintenance of existing fences or for construction of boundary fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens and corrals) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum assistance. (a) 50 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.10 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; and top width, 24 inches.

§ 705.238 *Practice 28: Constructing or enlarging dams, pits, and ponds to impound surface water for irrigation.* No assistance will be given for material moved in cleaning or maintaining a reservoir. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) $0.14 per cubic yard of earth material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 705.239 *Practice 29: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a written plan approved by the State Office. Receipts or invoices showing purchase of materials or equipment and records of labor employed will be required by inspectors as evidence of installation costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) $0.14 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals. No assistance will be given for cleaning a ditch.

(b) Lining ditches or reservoirs:

(1) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(c) Constructing or installing siphons, flumes, drop boxes or chutes, weirs, diversion gates, and pipe. No assistance will be given for repairs or replacements of existing structures.

(1) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry but excluding forms.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and fittings used for sprinkler irrigation. No assistance will be given for repairs or replacements of existing structures. Total assistance for portable pipe and fittings under this item shall not exceed $500 per farm.

§ 705.240 *Practice 30: Leveling land for more efficient use of irrigation water or to prevent erosion.* No assistance will be given for floating or for carrying out this practice on land for which assistance for leveling was given under a previous program. Not applicable to land for which no irrigation water is available. Receipts or records showing expense of labor used will be required by inspectors as evidence of earth moving costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. 50 percent of the average cost of earth moving, but not in excess of $10 per acre.

§ 705.241 *Practice 31: Construction or enlargement of open permanent farm drainage ditches.* No payment will be made for material moved in cleaning or maintaining a ditch. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum assistance. (a) $0.10 per cubic yard of material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and right-of-way.

§ 705.242 *Practice 32: Planting forest trees and shrubs on farm land for forestry purposes, windbreaks, or erosion control.* Plantings must be protected from fire and grazing. For recommended species and planting specifications see State Office.

Maximum assistance. $2 per 100 trees or shrubs planted.

§ 705.243 *Practice 33: Maintaining a stand of trees and shrubs in windbreaks, planted between January 1, 1948, and January 1, 1953.* Trees and shrubs must be of types suited to windbreak purposes. For recommended species and planting specifications see State Office. Plants must be protected from fire and grazing.

Maximum assistance. $2 per 100 trees or shrubs replanted.

§ 705.244 *Practice 34: Building temporary check dams of materials such as rock, wire, wood, or brush supplemented by vegetative cover of close-growing grasses or legumes.*

Maximum assistance. $0.10 per linear foot of dam crest.

§ 705.245 *Practice 35: Preventing cattle trail gullies.* Diversion of cattle from use of trails worn in pasture and/or range land at grades in excess of 6 percent must be effective so as to permit regrowth of vegetation in the old trails.

Maximum assistance. $1 per 1,000 linear feet of cattle trails so protected.

PAYMENTS

§ 705.256 *Division of payments*—(a) *Conservation practice payments.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the State Office determines the producers contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In the case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 705.257 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71 but less than $1 shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1 to $1.99	$0.40
$2 to $2.99	.60
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30

Amount of payment computed—Continued	Increase in payment
$54 to $54.99	$13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 705.258 *Payments limited to $2,500.* The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500. All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 705.261 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the State Office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 705.257.

§ 705.262 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 705.263 *Depriving others of payment.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part the amount of any payment which has been or would otherwise be made to him in connection with the 1953 program.

§ 705.264 *Filing of false claims.* If the State Office finds than any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 705.265 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 705.266 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 705.266 *Assignments.* Any person who may be entitled to any payment in connection with the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region. These forms may be obtained from the State Office or from any office of the Agricultural Extension Service.

§ 705.267 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the State Office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 705.268 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others, or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 705.271 *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 705.272 *Time and manner of filing applications and information required.* (a) Payment will be made only upon application submitted on the prescribed form to the State Office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if it is not submitted to the State Office by May 1, 1954. At least 2 weeks' notice to the public shall be given of the expiration of any time limit established for filing other prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by making copies available to the press.

(b) Any farmer wishing to apply for payment who has not been contacted by the State Office should communicate with the Production and Marketing Administration, 303 Dillingham Building, Honolulu, T. H., 140 Federal Building, Hilo, Hawaii, T. H., or any office of the Agricultural Extension Service, before May 1, 1953.

(c) If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of the payment, provided he does so on or before December 31, 1954.

APPEALS

§ 705.276 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State Office shall notify him of its decision in writing within 30 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State Office. Written notice of any decision rendered under this section by the State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 705.277 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program, and forms will be available in the State Office. Requests for information concerning the Agricultural Conservation Program, as well as inquiries of any other nature with respect to the program, may be directed to the Production and Marketing Administration, 303 Dillingham Building, Honolulu, T. H., or the Production and Marketing Administration, Room 140, Federal Building, Hilo, Hawaii, T. H.

DEFINITIONS

§ 705.281 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means the Territory of Hawaii.

(e) "State Office" means the Office of the Production and Marketing Administration in Honolulu, Territory of Hawaii.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(g) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind-erosion hazard to the community.

(j) "Orchard land" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(k) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Range land" means any land which produces or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 705.286 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 705.287 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the county office after December 31, 1954.

§ 705.288 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 8th day of October 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–11034; Filed, Oct. 10, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN THE CEDAR RAPIDS-IOWA CITY, IOWA, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 931.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held at Cedar Rapids, Iowa, on August 7, 1952, upon a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act.

(2) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order effective not later than October 16, 1952. Any delay beyond October 16, 1952, in the effective date of this order amending the order

will seriously disrupt the orderly marketing of milk for the Cedar Rapids-Iowa City marketing area. The changes effected by this order amending the order do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective October 16, 1952 (see sec. 4c, Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, which is marketed within the Cedar Rapids-Iowa City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Cedar Rapids-Iowa City marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (June 1952), were engaged in the production of milk for sale in the Cedar Rapids-Iowa City marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cedar Rapids-Iowa City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 931.50 (a) and substitute:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

December through April	$0.85
May, June	.65
July through November	1.15

Provided, That for any delivery period prior to January 1, 1954, the Class I price shall be not less than the price established per hundredweight for Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, minus 15 cents.

2. In the list of plants in § 931.50 (b) (1) insert "Carnation Co., Waverly, Iowa."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 8th day of October 1952, to be effective on and after the 16th day of October 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-11037; Filed, Oct. 10, 1952; 8:54 a. m.]

[Lemon Reg. 456]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.563 *Lemon Regulation 456*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 8, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 12, 1952, and ending at 12:01 a. m., P. s t., October 19, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 455 (17 F. R. 8895) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11065; Filed, Oct. 10, 1952; 9:02 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ESTABLISHMENT OF SALABLE AND SURPLUS PERCENTAGES FOR 1952–53 CROP YEAR

Notice was published in the September 19, 1952, issue of the FEDERAL REGISTER (17 F. R. 8441) that the Secretary of Agriculture was considering a proposed rule to establish a salable percentage of 100 and a surplus percentage of zero in connection with dried prunes which are produced in California during the 1952–53 crop year. These percentages were recommended by the Prune Administrative Committee in accordance with the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed within the period provided therefor.

After consideration of all matters pertaining thereto, including the recommendations of the Prune Administrative Committee, it is hereby found by me on behalf of the Secretary of Agriculture that to establish a salable percentage of

100 and a surplus percentage of zero, as hereinafter provided, will tend to effectuate the declared policy of the act, and it is, therefore, ordered, that such salable and surplus percentages shall be as follows:

§ 993.203 *Dried prune salable tonnage and surplus tonnage regulation for the 1952–53 crop year.* The salable percentage of dried prunes produced in California for the crop year beginning August 1, 1952, and ending July 31, 1953, shall be 100 percent, and the surplus percentage of such dried prunes for said crop year shall be zero percent.

It is hereby found that delaying the effective date of this order for 30 days after its publication (see section 4(c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest in that deliveries of dried prunes to handlers by producers and dehydrators for the 1952–53 crop year have begun; the salable and surplus percentages of 75 and 25, respectively, established for the 1951–52 crop year remain effective under provisions of the marketing agreement and order until the percentages established by this order become effective; and it is necessary in order to avoid confusion and to relieve handlers of the continuing obligation under such 1951–52 regulation that this order be made effective as promptly as practicable. In these circumstances, this order must be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 8th day of October 1952, to become effective on the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch.

[F. R. Doc. 52-11035; Filed, Oct. 10, 1952; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 14]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

This supplement: (1) Recodifies our interpretations of "nonacrobatic operation" and "limited acrobatic maneuvers"; (2) recodifies our policies relating to "accelerated service test for aircraft" and makes the policies applicable to larger aircraft only; (3) recodifies our rules regarding "changes of engines", makes the provisions policies rather than rules, and revises one paragraph; (4) recodifies our rules relating to the "approval of materials, parts, processes, and appliances", and adds our policies regarding such approval; (5) deletes our policies regarding "weighing procedure for new production aircraft not falling within the transport category", and recodifies our policies regarding "weight and balance limitations for flight tests"; (6) alters references contained in our policies regarding "allowable bending moments of stable sections in the plastic range"; (7) alters our policies regarding "new float designs"; (8) alters our policies regarding alternate standards for water loads; (9) adds interpretations of "approved tire rating", and alters our policies regarding tires "satisfactory for use on civil aircraft"; and (10) deletes our policies regarding "approval of seats and berths, and their installations", adds interpretations of "approved seats and berths", and adds policies concerning "proof of strength for seats and berths and their installations".

Substantive rule alterations are minor and do not impose additional burdens upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary, and therefore is not required.

1. Sections 3.6–1 and 3.6–2, published on April 14, 1951, in 16 F. R. 3278, are amended by substituting "§ 3.20" for "§ 3.6", "§ 3.20 (a) (1)" for "§ 3.6 (a) (1)", "§ 3.20 (a) (2)" for "§ 3.6 (a) (2)", "§ 3.20–1" for "§ 3.6–1", and "§ 3.20–2" for "§ 3.6–2".

2. Section 3.19–1, published on April 14, 1951, in 16 F. R. 3279, is amended by substituting "§ 3.16–1 *Accelerated service tests for aircraft having a maximum certificated take-off weight of more than 6000 pounds*" for "§ 3.19–1 *Accelerated service test for aircraft*", by rearranging paragraph (a) to read (b) and paragraph (b) to read (a), and by deleting from the footnote to subparagraph (d) (1) the words "for small, simple airplanes" and inserting in lieu thereof the words "wherever possible".

3. Section 3.23–1, published on April 14, 1951, in 16 F. R. 3281, is amended by substituting "§ 3.19" for "§ 3.23" and "§ 3.19–1" for "§ 3.23–1", by substituting "policies" for "rules" in § 3.19–1, and by revising paragraph (b) to read:

(b) Aircraft alterations involving weight or speed changes beyond those set forth above will be approved by the Administrator, if the applicant shows compliance with the applicable airworthiness requirements.

4. Section 3.31–1, published on April 14, 1951, in 16 F. R. 3281, is deleted, and in lieu thereof new § 3.18–1 and § 3.18–2 are adopted to read:

§ 3.18–1 *Approval of aircraft materials, parts, processes, and appliances (CAA rules which apply to § 3.18).* Aircraft materials, parts, processes, and appliances made the subject of Technical Standard Orders shall be approved upon the basis and in the manner prescribed in Part 514[1] of this title, Technical Standard Orders — C-Series — Aircraft Components.

§ 3.18–2 *Application of the Technical Standard Orders (TSO) System; C Series (CAA policies which apply to § 3.18).*—(a) *Purpose of Technical Standard Orders.* Technical Standard Orders are a means by which the Administrator adopts and publishes the specifications for which authority is provided in § 3.18 (a).

(b) *Applicability of Technical Standard Order requirements.* (1) The applicability of and effective dates for TSO items are set forth in each TSO.

(2) Each Technical Standard Order sets forth the conditions under which materials, parts, processes, and appliances approved by the Administrator prior to establishment of an applicable TSO, may continue to be used in aircraft.

(3) The establishment of a Technical Standard Order for any product does not preclude the possibility of establishing the acceptability of a similar product as part of an aircraft, engine, or propeller, under the type certification or modification procedures, if there is established a level of safety equivalent to that provided in the Civil Air Regulations as implemented by the appropriate Technical Standard Order and the product is identified as part of the airplane, engine, or propeller.

(c) *Administration of the Technical Standard Order (TSO) system.* The principles which apply in administering the Technical Standard Order system are as follows:

(1) Technical Standard Orders will reference performance provisions of recognized government specifications, or established industry specifications which have been found acceptable by the CAA. If no satisfactory specification exists, the Orders will include criteria prepared by the Administrator. In preparing criteria of this type, the Administrator will give consideration to recommendations made by the industry.

(2) Minimum performance requirements established by the Civil Aeronautics Administration and published in Technical Standard Orders will serve as a means by which materials, parts, processes, and appliances intended for use in certificated aircraft will be accepted.

(3) TSO's set forth the minimum requirements for safety. Every effort will be made by the CAA to keep the requirements at the minimum levels of safety and TSO's will not be used to set forth "desirable" standards.

(4) It will be the responsibility of the person submitting a statement of conformance to the CAA, certifying that his product meets the requirements of the TSO, to conduct the necessary tests demonstrating compliance therewith. This person will be held responsible for maintaining quality control adequate to assure that products which he guarantees to meet the requirements of a TSO do, in fact, meet these standards. The CAA will not formally approve such products as meeting the requirements of TSO's nor exercise direct inspection control over them. The statement of conformance with the provisions of a Technical

[1] Part 514 is available only through the Federal Register where it appeared on October 12, 1951, 16 F. R. 10403. Copies of individual TSO's contained therein are available upon application to the Aviation Information Office, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

Standard Order normally will be accepted by the CAA as sufficient indication that the applicable requirements have been fulfilled.

Any TSO item which is modified must continue to comply with the requirements of the TSO; and the person authorizing the modification will be responsible for such compliance.

(d) *Numbering of Technical Standard Orders.* Each Technical Standard Order will be assigned a designation consisting of the letters "TSO," a series code letter "C" indicating aircraft materials, parts, processes, and appliances, and a serial number to be assigned in sequence for each of the TSO's issued in the "C" series, e. g., TSO–C–1, "Smoke Detectors." Revisions are indicated by the addition of letters a, b, c, etc., after the number.

5. Section 3.71–1, published on April 14, 1951, in 16 F. R. 3282, is deleted, and § 3.71–2 is renumbered § 3.71–1.

6. Sections 3.174–3 and § 3.174–7, published on April 14, 1951, in 16 F. R. 3285, are amended by substituting "1943" for "1948" in § 3.174–3 (a), and "ANC–5" for "ANC–5a" in § 3.174–3 (a) (1) and § 3.174–7 (c).

7. Section 3.265–1 (b), published on April 14, 1951, in 16 F. R. 3288, is amended to read:

(b) New float designs which are submitted for approval should be investigated for the structural design requirements of this part.

8. Section 3.265–2, published on April 14, 1951, in 16 F. R. 3289, is amended to read:

§ 3.265–2 *Water loads; alternate standards (CAA policies which apply to §§ 3.10 and 3.265).* ANC–3 provides a level of safety equivalent to, and may be applied in lieu of, § 3.265.

9. Section 3.362–1, published on April 14, 1951, in 16 F. R. 3289, is amended to read:

§ 3.362–1 *Approved tire rating (CAA interpretations which apply to § 3.362).* An approved tire rating is a rating assigned by the Tire and Rim Association or by the Administrator.

§ 3.362–2 *Tire rating standards (CAA policies which apply to § 3.362).* Approved tire ratings or experimental tire ratings assigned by the Tire and Rim Association may be used in determining whether a tire is satisfactory for use on civil aircraft.

10. Section 3.390–1, published on April 14, 1951, in 16 F. R. 3291 is deleted, and §§ 3.390–1 and 3.390–2 are added to read:

§ 3.390–1 *Approved seats and berths (CAA interpretations which apply to § 3.390).* An approved seat or berth is one which complies with the pertinent requirements in the Civil Air Regulations as implemented by TSO–C25 "Aircraft Seats and Berths".

§ 3.390–2 *Proof of strength for seats and berths and their installations (CAA policies which apply to § 3.390).* (a) Proof of compliance with strength and deformation requirements for seats and berths, approved as a part of the type design, and for all seat and berth installations, may be shown by one of the following methods:

(1) Structural analysis alone when the structure conforms with conventional types for which existing methods of analysis are known to be reliable.

(2) A combination of structural analysis and static load tests to limit loads.

(3) Static load tests alone when such tests are carried to ultimate loads.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 62 Stat. 1216; 49 U. S. C. 551, 553)

This supplement shall become effective October 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11000; Filed, Oct. 10, 1952; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

OCCUPATIONAL TESTING

Notice is hereby given that § 604.10 (a) is amended to read as follows:

§ 604.10 *Occupational testing.* • • •

(a) To use objective tests and related techniques for the measurement of skills, aptitudes, and interests when such use will contribute to sound employment counseling and placement of applicants by local employment offices.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 49k)

Signed at Washington, D. C., this 6th day of October 1952.

ROBERT C. GOODWIN,
Director of the Bureau of Employment Security.

[F. R. Doc. 52–10993; Filed, Oct. 10, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

CLAIMS FOR COMBAT PAY

Sections 836.151 to 836.155 are added to Part 836 as follows:

Sec.
836.151 Purpose.
836.152 Claims from separated or retired personnel.
836.153 Claims on behalf of deceased or incompetent members.
836.154 Appeals.
836.155 Forms.

AUTHORITY: §§ 836.151 to 836.155 issued under secs. 701–707, Pub. Law 488, 82d Cong.
DERIVATION: AFL 173.3.

§ 836.151 *Purpose.* Sections 836.151 to 836.155 prescribe the procedure to be followed by former members of the Air Force or their beneficiaries in making application for combat duty pay as authorized by the Combat Duty Pay Act of 1952 (secs. 701–707, Pub. Law 488, 82d Cong.).

§ 836.152 *Claims from separated or retired personnel.* Persons who are separated or retired and who are entitled to combat pay not previously paid will forward their claims to the Air Adjutant General, Headquarters United States Air Force, Attention: Personnel Records Service Division, Washington 25, D. C., on DD Form 667. The Air Adjutant General or subordinates acting in his behalf will forward the DD Form 667, completed as to determination of facts, to the Military Pay Division, Air Force Finance Center, Denver 5, Colorado, for processing for payment.

§ 836.153 *Claims on behalf of deceased or incompetent members.* Claims on behalf of deceased members, incompetent members, or members who for any reason are unable to submit their own claims, may be submitted by the legal representative or a member of the immediate family of such person. DD Form 667, forwarded as stated in § 836.152, should be accompanied by a letter explaining the reason the former member is unable to submit his own claim, and in the case of deceased veterans the letter should include the name and address of the veteran's next of kin in the following order: Wife; if no wife, children; if no wife or children, parents. If there are no living relatives of the foregoing categories, then the names and addresses of the deceased veteran's brothers and sisters should be stated.

§ 836.154 *Appeals.* The Air Adjutant General, or subordinates acting in his behalf, will notify each person out-of-service for whom an unfavorable determination has been made. This notification will advise the individual of his right to submit further information and evidence.

§ 836.155 *Forms.* DD Form 667, Claim for Combat Pay, may be obtained from local post offices, or from Headquarters United States Air Force, Personnel Records Service Division, Washington 25, D. C.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force, Air Adjutant General.

[F. R. Doc. 52–10990; Filed, Oct. 10, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 24, Amdt. 20]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

RECORD OF CLASS OF BUYER AND SELLER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 20 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 24, and accompanying amendments to CPRs 92 and 101, discontinue the requirement of recording the class of buyer and seller on each record of a sale, transfer, purchase or receipt covered by these regulations and substitute, instead, a much simpler record keeping requirement. Symbols are no longer mandatory and records may be in the form of a card file, alphabetical list, or in some other suitable form. In whatever form maintained, the record must permit an objective determination of the legality of each sale, delivery, transfer or receipt.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended as follows:

Section 9 (a) (5) is amended to read as follows:

(5) A suitable record of the class of buyer or recipient and the class of seller or transferor. This record may be in the form of a card file, alphabetical list, your existing method of recording or in some other suitable form, provided it clearly shows the correct class of buyer or recipient and seller or transferor with regard to each sale, transfer, purchase, or receipt of beef.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52–11170; Filed, Oct. 10, 1952; 11:18 a. m.]

[Ceiling Price Regulation 34, Amdt. 10 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

INTERIM MODIFICATIONS OR SUPPLEMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to Supplementary Regulation 3 to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides for approval of interim modifications or supplements of a minor or routine character covering time allowances for operations or combinations of operations contained in an edition of or supplement to a flat rate manual or labor schedule previously specifically approved by OPS or published prior to January 26, 1951, which it would be impracticable or uneconomic to withhold from the repair trade until such time as it becomes feasible to include them in a new edition of, or major supplement to, the manuals or schedules affected. Such minor or routine changes and supplemental time allowances are customarily released by manufacturers in the form of manufacturers' service bulletins, or supplemental dated pages for insertion in loose-leaf type binders. Irrespective of any such interim approval, however, a new edition of or major supplement to a flat rate manual or labor schedule published thereafter may include all modifications or time allowances submitted to OPS for approval as provided by this supplementary regulation.

A new section is added to the supplementary regulation authorizing such interim approval and specifying the information required in an application therefor. Approvals will be granted by Special Order and published in the Federal Register, since such interim modification or establishment of time allowances will ordinarily apply to a number of sellers using the manuals or labor schedules.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations, although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended by adding a new section 5 to read as follows:

SEC. 5. *Approval of minor or routine interim modifications of or supplements to approved manuals and schedules.* (a) Any publisher of a flat rate manual or labor schedule approved under section 2, as amended, of this supplementary regulation or published prior to January 26, 1951 who wishes to issue minor or routine modification of or supplement to such manual or schedule of the nature customarily issued by the publisher as an interim matter pending publication of a new edition of his flat rate manual or labor schedule, may apply under this section for an order approving the use of such interim modification or supplement.

(b) The application should be addressed to the Director, Office of Price Stabilization, Washington 25, D. C., and should include:

(1) The name and address of the applicant;

(2) The name and edition of the manual or labor schedule being modified or supplemented, and the operation or combination of operations which are to be modified or added by the supplement;

(3) Two copies of the part of the manufacturers' service bulletin which contains the proposed modification or supplement reprinted page or other method by which the users of the manual or schedule will be notified of the approved change in time allowance.

(c) If the application is approved, OPS will issue and publish in the Federal Register a special order, subject to such terms and conditions as OPS shall deem to be appropriate, approving such interim modifications or supplements.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 10 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective October 15, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52–11171; Filed, Oct. 10, 1952; 11:19 a. m.]

[Ceiling Price Regulation 168, Amdt. 1]

CPR 168—CEILING PRICES FOR SITKA SPRUCE AND WEST COAST HEMLOCK MANUFACTURED AND SOLD IN ALASKA

TABLE OF ESTIMATED WEIGHTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 168 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 21 of Ceiling Price Regulation 168 refers to the Table of Estimated Weights, Appendix B of the regulation. This table is to be used to determine the charge which may be made in the ceiling

price for lumber sold on a delivered basis. Inadvertently, however, and through a clerical error, this appendix was omitted from the regulation. This amendment, therefore, adds Appendix B, Table of Estimated Weights, to the regulation.

Because consultation with industry representatives, including trade association representatives, was had in the formulation of Ceiling Price Regulation 168, further consultation was not practicable. In the opinion of the Director, this amendment is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. A new appendix, Appendix B, is added to Ceiling Price Regulation 168 following Appendix A, as follows:

APPENDIX B—TABLE OF ESTIMATED WEIGHTS

In arriving at transportation charges and delivered prices (sec. 21), the use of the following estimated weights (even if higher than actual weights) is permitted:

SITKA SPRUCE WEIGHT SCHEDULE

(Including comparative weight for west coast hemlock)

Flooring	Finished thickness	Weight per M b. m. dry, pounds
1 x 3 and 4"	$25/32$"	1,800
1 x 6"	$25/32$"	1,900
$5/4$ x 3 and 4"	$1\ 1/16$"	2,000
$5/8$ x 4"	$9/16$"	1,400

Square edge flooring—add 200 pounds.
Hemlock same weight as Sitka Spruce.

Ceiling, all patterns	Finished thickness	Weight per M b. m. dry, pounds
$3/8$ x 4"	$7/16$"	1,000
$5/8$ x 4"	$9/16$"	1,200
$5/8$ x 6"	$9/16$"	1,300
1 x 4"	$1\ 1/16$"	1,500
1 x 6"	$1\ 3/32$"	1,700

Ceiling worked $25/32$" net—deduct 100 pounds from flooring weight.
Hemlock same weight as Sitka Spruce.

Drop siding, rustic, clear shiplap	Finished thickness	Weight per M b. m. dry, pounds
1 x 4", pat. 119, 121	$3/4$"	1,300
1 x 4", pat. 120, 122	$3/4$"	1,400
1 x 4", pat. 106	$3/4$"	1,700
$5/8$ x 6", pat. 105, 106, 115, 117 and V rustic.	$9/16$"	1,300
1 x 6", pat. 107, 113, 115, 117, 124	$3/4$"	1,500
1 x 6", pat. 103, 108, 111, 114, 118	$3/4$"	1,600
1 x 6", pat. 101, 104, 105, 106, 112 and rustic.	$3/4$"	1,700
1 x 6", pat. 102, 109, 110, 116 and V rustic.	$3/4$"	1,800
1 x 8", pat. 116, and shiplap	$3/4$"	1,900

8" width—add 100 pounds to 6" pat.
Hemlock same weight as Sitka spruce.

Stepping	Finished thickness	Weight per M b. m. dry, pounds
$5/4$ x 10 and 12"	$1\ 1/16$"	2,200
$5/4$ x 10 and 12"	$1\ 3/16$"	2,300

Hemlock same weight as Sitka Spruce.

Clears and ship decking	Weight M b. m. dry, S4S Std., pounds	Weight M b. m. green, S4S Std., pounds
1 x 2"	1,700	2,200
1 x 3 and 4"	1,800	2,400
1 x 5" and wider	1,900	2,600
$1\ 1/4$ x 2"	1,900	2,400
$1\ 1/4$ x 3 and 4"	2,000	2,600
$1\ 1/4$" x 5" and wider	2,100	2,800
$1\ 1/2$" x 2"	2,000	2,500
$1\ 1/2$" x 3 and 4"	2,100	2,700
$1\ 1/4$" x 5" and wider	2,200	2,900
2 x 2"	1,800	2,300
2 x 3 and 4"	1,900	2,500
2 x 5" and wider	2,000	2,700
3 x 3 and 3 x 4"	2,400	2,700
3 x 5, 3 x 6, and 3 x 8"	2,500	2,800
3 x 10 and 3 x 12"	2,600	2,900
4 x 4, 4 x 5, 4 x 6 and 4 x 8"	2,600	2,900
4 x 10 and 4 x 12"	2,700	3,000
6 x 6"	2,700	3,000
6 x 8"	2,800	3,100
6 x 10"	2,800	3,100
6 x 12"	2,800	3,100
8 x 8"	2,800	3,100
8 x 10"	2,900	3,200
8 x 12"	2,900	3,200
10 x 10"	2,900	3,200
10 x 12"	2,900	3,200
12 x 12"	3,000	3,300

S. L. or S2S & M, deduct 100 pounds.
Hemlock, dry, add 100 pounds.
Hemlock, green, add 400 pounds.

Clears	Weight M b. m. dry, S1S or S2S only, pounds	Weight M b. m., green, S1S or S2S only, pounds
1" surfaced to $7/16$"	1,200	1,550
1" surfaced to $1/2$"	1,300	1,750
1" surfaced to $9/16$"	1,500	2,000
1" surfaced to $5/8$"	1,700	2,200
1" surfaced to $11/16$"	1,900	2,400
1" surfaced to $3/4$"	2,000	2,550
1" surfaced to $25/32$"	2,100	2,750
1" surfaced to $13/16$"	2,200	2,850
$1\ 1/4$" surfaced to $1\ 1/16$"	2,300	3,000
$1\ 3/8$" surfaced to $1\ 3/32$"	2,250	2,950
$1\ 1/2$" surfaced to $1\ 5/16$"	2,350	3,100
$1\ 5/8$" surfaced to $1\ 13/32$"	2,350	3,050
2" surfaced to $1\ 25/32$"	2,200	2,850
2" surfaced to $1\ 29/32$"	2,400	3,150
$2\ 1/4$" surfaced to $2\ 1/32$"	2,250	2,950
$2\ 1/2$" surfaced to $2\ 3/16$"	2,300	3,000
$2\ 3/4$" surfaced to $2\ 3/8$"	2,350	3,050
3" surfaced to $2\ 5/8$"	2,750	3,050
4" surfaced to $3\ 5/8$"	2,900	3,200

Hemlock, dry, add 100 pounds.
Hemlock, green, add 400 pounds.

Casing and base	Finished thickness	Weight per M b. m. dry, pounds
1 x 3 to 12"	$25/32$"	1,900
$5/8$ x 4, 5, 6, and 8"	$9/16$"	1,600

Hemlock same weight as Sitka Spruce.

Bevel and bungalow siding	Finished thickness	Weight per M b. m. dry, pounds
$1/2$" x 4" and 6"	$1/2$" x $3/16$"	800
$3/4$" x 8" and 10"	$3/4$" x $7/16$"	1,100

Hemlock same weight as Sitka Spruce.

Lath and shingle bands	Weight per 51 pieces green, pounds	Weight per M pieces dry, pounds
4' lath	750	500
4' fence lath	1,050	800
$3/4$" x $1\ 1/2$" x $10\ 1/2$" shingle bands	600	450

Hemlock lath, green, add 250 pounds; dry, deduct 100 pounds.
Hemlock fence, green, add 350 pounds; dry, deduct 100 pounds.

Box and factory lumber	Weight M b. m. S2S dry, pounds	Weight M b. m., rough	
		Dry, pounds	Green, pounds
$4/4$ x 5 and wider	$13/16$" 2,000	2,800	3,500
$5/4$ x 5 and wider	$1\ 1/32$" 2,200	2,800	3,500
$6/4$ x 5 and wider	$1\ 1/32$" 2,300	2,800	3,500
$8/4$ x 5 and wider	$1\ 25/32$" 2,400	2,800	3,500
$10/4$ x 5 and wider	$2\ 1/32$" 2,500	2,900	3,500
$12/4$ x 5 and wider	$2\ 1/4$" 2,500	2,900	3,500

Hemlock, S2S dry:
Surfaced $1\ 3/16$" add 300 pounds.
Surfaced $1\ 1/32$", add 200 pounds.
Surfaced $1\ 1/32$", add 150 pounds.
Surfaced $1\ 25/32$", add 100 pounds.
Surfaced $2\ 1/32$", add 100 pounds.
Surfaced $2\ 1/4$", add 400 pounds.
Hemlock, rough dry, add 200 pounds; rough green, add 500 pounds.

Log cabin siding	Clear or common	
	Weight per M b. m. dry, pounds	Weight per M b. m. green, pounds
2 inches	1,700	2,000
3 inches	2,000	2,300

Hemlock same weight as Sitka Spruce.

Boards and shiplap	Finished thickness	Weight per M b. m. dry, pounds	Weight per M b. m. green, pounds
$4/4$ x 2, and wider, rough or S1E.		2,800	3,300
$5/4$, $6/4$ x 2 and wider, rough or S1E.		2,800	3,300
$5/4$ and $6/4$ S1S or S2S	$1\ 1/32$"	2,400	2,800
1 x 2" S4S	$25/32$"	1,800	2,200
1 x 3 and 4" S4S	$25/32$"	2,000	2,400
1 x 6" and wider S4S	$25/32$"	2,100	2,500
1 x 6" and wider, S1S or S2S.		2,200	2,600

$5/4$ and $6/4$ S4S standard—Add 200 pounds to weight of 1" of same width.
S1L—D and N or C. N.—100 pounds less than S4S.
Surfaced to 3/4"—100 pounds less than $25/32$".
Surfaced to 13/16"—add 100 pounds to $25/32$".
Hemlock, dry, rough or S2S, add 100 pounds; green, rough or S1E, add 500 pounds.
Hemlock, dry, surfaced, add 100 pounds; green, surfaced, add 400 pounds.

Dimension, plank and small timbers	Weight M b. m. S4S, standard		Weight M b. m. CM and S1S of S2S Standard	
	Dry	Green	Dry	Green
2 x 2"	1,900	2,200	-------	-------
2 x 3"	2,000	2,400		
2 x 4"	2,100	2,500	1,800	2,150
2 x 6"	2,150	2,550	1,950	2,300
2 x 8"	2,150	2,550	2,000	2,400
2 x 10"	2,200	2,600	2,050	2,450
2 x 12"	2,200	2,600	2,050	2,500
3 x 3"	2,300	2,600	-------	-------
3 x 4"	2,300	2,600	1,950	2,250
3 x 6"	2,500	2,800	2,250	2,500
3 x 8"	2,500	2,800	2,300	2,600
3 x 10"	2,500	2,800	2,350	2,650
3 x 12"	2,500	2,800	2,400	2,700
4 x 4"	2,400	2,700	-------	-------
4 x 6"	2,500	2,800	2,300	2,600
4 x 8"	2,500	2,800	2,400	2,700
4 x 10"	2,600	2,900	2,450	2,750
4 x 12"	2,600	2,900	2,500	2,800
5 x 5"	2,600	2,900	-------	-------
5 x 6"	2,600	2,900	2,350	2,650
5 x 8"	2,600	2,900	2,450	2,750
5 x 10"	2,600	2,900	2,500	2,800
5 x 12"	2,600	2,900	2,550	2,850

Hemlock, dry, add 100 pounds; green, add 400 pounds.

Timbers	Weight M b. m. S1S or S4S standard, green, pounds
6 x 6 to 6 x 16"	2,900
6 x 18 to 6 x 24"	3,000
8 x 8 to 8 x 16"	3,000
8 x 18 to 8 x 24"	3,100
10 x 10 to 10 x 16"	3,000
10 x 18 to 10 x 24"	3,100
12 x 12 to 12 x 24"	3,100
14 x 14 to 14 x 24"	3,100
16 x 16 to 16 x 24"	3,100
18 x 18 to 18 x 24"	3,200
20 x 20 to 20 x 24"	3,200
22 x 22 to 22 x 24"	3,200
24 x 24"	3,200
Rough green	3,300

Hemlock, green, S1S or S4S standard, add 400 pounds.

Dimension, surfaced	Weight M b. m. S4S 3/4" off by indicated width, green
2 x 2"—1/4" off each way	2,550
2 x 3"—3/4" off each way	2,650
2 x 4"—3/4" off each way	2,750
2 x 6"—3/4" off each way	2,800
2 x 8"—3/4" off each way	2,850
2 x 8"—1/2" off by 1/2" off in width	2,750
2 x 10"—3/4" off each way	2,850
2 x 10"—1/2" off by 1/2" off in width	2,750
2 x 12"—3/4" off each way	2,850
2 x 12"—3/4" off by 1/2" off in width	2,800

Hemlock, green, add 400 pounds.

Plank and timbers surfaced	Weight M b. m., green, 3/4" off each way
3 x 3	2,800
3 x 4	2,850
3 x 6, 3 x 8, and 3 x 10	2,950
3 x 12	3,000
4 x 4	2,950
4 x 6	3,000
4 x 8, 4 x 10, and 4 x 12	3,050
6 x 6	3,050
6 x 8 and 6 x 10	3,100
6 x 12	3,150
8 x 8, 8 x 10, and 8 x 12	3,150
10 x 10 and 10 x 12	3,150
12 x 12	3,200

Hemlock, green, add 400 pounds.

SHIPPING WEIGHT FORMULA FOR SIZES NOT LISTED

When lumber is surfaced to a nonstandard size, or where the established weights are not specifically listed established weights for transportation are computed by applying to the appropriate average rough weight shown below, a percentage factor determined by the ratio of the area of the rough to the surfaced sizes. The resulting weight should then be rounded to the nearest 50 pounds.

	Pounds
Rough green clears	3,500
Rough dry 1" clears	2,700
Rough dry, clears over 1" and under 3" in thickness	2,800
Rough dry, clears 3" and thicker deduct 200 pounds from corresponding green weight.	
Rough green, all other grades	3,300
Rough dry, all other grades under 3" in thickness	2,800
Rough or surfaced dry 3" and over in thickness, deduct 200 pounds from corresponding green weight.	

Hemlock, rough green, all grades, add 500 pounds.
Hemlock, rough dry, all grades, add 100 pounds.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 168 is effective October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11178; Filed, Oct. 10, 1952; 11:21 a. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 24]

CPR 34—SERVICES

SR 24—LINEN SUPPLIERS LOCATED IN NEW YORK CITY AREA: SALES OF CERTAIN LINEN SUPPLY SERVICES TO SMALL COMMERCIAL USERS

CLARIFICATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 24 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 24 to Ceiling Price Regulation 34 clarifies the coverage of this supplementary regulation to indicate clearly that it applies only when both the buyer and the seller of linen supply services are located in the New York City Area (the counties of New York, Kings, Queens, Bronx, Richmond, Nassau, Suffolk and Westchester in New York State). If either the buyer or seller is located outside of the New York City Area, the transaction continues to fall within the provisions of Ceiling Price Regulation 34.

If a buyer or seller has several places of business, some of which are within the New York City Area, the ceiling prices established by this supplementary regulation apply to sales or purchases made to and by those places of business only. Thus, there are two criteria for the applicability of this Supplementary Regulation 24: the location of buyer and seller, and the volume of linen supply services purchased by the buyer.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 24 to Ceiling Price Regulation 34 is amended in the following respects:

1. The second sentence of section 1 is amended by inserting after the word "purchasers" the phrase "located in the New York City Area" so that the new sentence reads as follows: "It establishes dollars and cents ceiling prices for your sales of linen supply services listed in Appendix A to all commercial purchasers located in the New York City Area which are small accounts."

2. Subparagraph (a) (3) of section 4 is amended by inserting after the word "establishments" the phrase "located in the New York City Area" so that the new subparagraph reads as follows:

(3) If a commercial purchaser operates more than one establishment, all of these establishments located in the New York City Area for which linen supply services listed in Appendix A were purchases during the period specified in paragraph (b) of this section shall, for the purposes of this supplementary regulation, be considered a single purchaser for the purpose of determining whether the commercial purchaser is a large account.

3. Paragraph (c) of section 5 is amended by adding at the beginning thereof the following new subparagraph:

(5) This paragraph sets forth the information that your application must contain. If the purchaser operates more than one establishment, all of such establishments located in the New York City Area shall be considered a single purchaser. Data which relates to any establishments outside of the New York City Area operated by the purchaser cannot be used as a basis for redesignation and therefore the information submitted under this section must be limited to establishments located in the New York City Area.

4. Paragraph (b) of section 8 is amended by adding at the end thereof the following new sentence: "For the purposes of this regulation the term 'commercial purchaser' refers only to such purchasers located in the New York City Area."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 is effective October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11172; Filed, Oct. 10, 1952; 11:19 a. m.]

[Ceiling Price Regulation 51, Amdt. 7]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

CEILING PRICES FOR MILK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases by one cent per quart the ceiling prices for cow's milk at all levels of distribution determined under Article 5 of Ceiling Price Regulation 51. Under the regulation the prices of milk are frozen to the weighted average prices received by the seller on 75 percent of sales by dollar volume during the period from January 15, 1952, to February 15, 1952, inclusive.

In the period between 1948 and the issuance of the General Ceiling Price Regulation prices for fresh milk in Puerto Rico were frozen under directive of the General Supplies Administration, a territorial governmental agency. The General Ceiling Price Regulation therefore also froze these prices until the inclusion in Ceiling Price Regulation 51 of Article 5 which established ceiling prices for cow's milk.

Producers have incurred cost increases both in labor and materials used prior to the subsequent freeze order and have requested adjustment of their ceil-

ing prices to take account of these increases. It has been determined by the Office of Price Stabilization that an increase in ceiling prices for milk is necessary in order to enable producers to receive their pre-Korean margins on sales of milk. In determining the amount of the increase to be granted in this regulation, studies were made of costs of representative groups of large, medium and small producers.

Although distributors also sustained certain cost increases after the freeze order was issued, it has been determined that they have compensated the increased costs by shifting to higher priced milk, i. e., homogenized, on which an added markup is received.

The Director has consulted the advisory committees for the cow's milk industry to the fullest extent practicable prior to the issuance of this amendment and has given due consideration to their recommendations. In the judgment of the Director, this amendment is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Paragraph (b) of section 5.1 of Ceiling Price Regulation 51 is amended to read as follows:

(b) *Ceiling prices.* Your ceiling prices for sales of raw milk, pasteurized milk, and pasteurized-homogenized milk for fluid consumption, are the weighted average prices you received on 75 percent of your sales by dollar volume, for fluid consumption, of raw milk, pasteurized milk, or pasteurized-homogenized milk, respectively, in the same size container to purchasers of the same class during the period from January 15, 1952, to February 15, 1952, inclusive, plus an increase computed at the rate of one cent per quart. On sales at retail in containers of less than a quart the increase on the total quantity sold shall be rounded to the nearest cent. For example: If you sell one pint of milk, the increase is one half cent which rounded to the nearest cent results in an increase of one cent. However, if you sell two pints of milk, then the increase results in an increase of one cent for the two pints.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11173; Filed, Oct. 10, 1952; 11:20 a. m.]

[Ceiling Price Regulation 74, Amdt. 15]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

RECORD OF CLASS OF BUYER AND SELLER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 15 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Ceiling Price Regulation (CPR) 74:

1. This amendment conforms CPR 74 to the wholesale veal, lamb and beef regulations by requiring records to be kept clearly showing the correct class of buyer, receiver, seller or transferor with regard to each sale, transfer, purchase or receipt of pork.

2. This amendment, and companion amendments to CPRs 92 and 101, also permit sellers who began doing business prior to April 30, 1951, to qualify as hotel supply houses or combination distributors, as the case may be, on the basis of their sales made from January 1, 1951, to April 30, 1951, for the reasons stated in the Statement of Considerations accompanying Amendment 19 to CPR 24. That Statement of Considerations is therefore incorporated in this amendment.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 11 (a) is amended by adding immediately following section 11 (a) (4) and immediately before the first unnumbered paragraph of section 11 (a) the following new subparagraph:

(5) A suitable record of the class of buyer or recipient and the class of seller or transferor. This record may be in the form of a card file, alphabetical list, your existing method of recording or in some other suitable form, provided it clearly shows the correct class of buyer or recipient and seller or transferor with regard to each sale, transfer, purchase, or receipt of pork.

2. Section 46 (c) is amended by deleting the last undesignated paragraph and substituting the following therefor:

Any statement filed in accordance with the similar provisions of CPR 24, 92 or 101 shall also satisfy the requirements for filing under this section. If no sales were made in 1950 but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

3. Section 47 (c) is amended by deleting the last undesignated paragraph and substituting the following therefor:

Any statement filed in accordance with the similar provisions of CPR 24, 92 or 101 shall also satisfy the requirements for filing under this section. If no sales were made in 1950 but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

4. Section 60 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume, by weight, of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

5. Section 60 (g) is amended to read as follows:

(g) "Hotel supply house" means any establishment which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951, not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11174; Filed, Oct. 10, 1952; 11:20 a. m.]

[Ceiling Price Regulation 92, Amdt. 11]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

RECORD OF CLASS OF BUYER AND SELLER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this amendment to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Ceiling Price Regulation (CPR) 92:

1. This amendment eliminates the requirement of recording by the use of symbols the class of buyer, seller, transferor or recipient on each record of a sale, transfer, purchase or receipt of lamb.

2. This amendment also permits sellers who did not engage in business in 1950 but were in business prior to April 30, 1951 to qualify as hotel supply houses or combination distributors, as the case may be.

The reasons for both of these actions are explained in the statements of consideration accompanying amendment 20 to CPR 24 and amendment 15 to CPR 74 and therefore those statements of consideration are incorporated in this amendment.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

CPR 92 is amended in the following respects:

1. Section 6 (b) is amended by substituting the following for the last undesignated paragraph thereof:

A statement filed by you in accordance with the similar provisions of Ceiling Price Regulation 24, 74, or 101 shall also satisfy the requirement of filing under this section. If no sales were made in 1950 but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950.

2. Section 9 (a) (2) is amended to read as follows:

(2) A suitable record of the class of buyer or recipient and the class of seller or transferor. This record may be in the form of a card file, alphabetical list, your existing method of recording or in some other suitable form, provided it clearly shows the correct class of buyer or recipient and seller or transferor with regard to each sale, transfer, purchase, or receipt of lamb.

3. The definition of combination distributor in section 50 is amended to read as follows:

"Combination distributor" means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume, by weight, of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951, to April 30, 1951, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

4. The definition of hotel supply house in section 50 is amended to read as follows:

"Hotel supply house" means any establishment which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951, to April 30, 1951, not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11175; Filed, Oct. 10, 1952; 11:20 a. m.]

[Ceiling Price Regulation 101, Amdt. 9]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

RECORD OF CLASS OF BUYER AND SELLER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 9 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Ceiling Price Regulation (CPR) 101:

1. This amendment eliminates the requirement of recording by the use of symbols the class of buyer, seller, transferor or recipient on each record of a sale, transfer, purchase or receipt of veal.

2. This amendment also permits sellers who did not engage in business in 1950 but were in business prior to April 30, 1951, to qualify as hotel supply houses or combination distributors, as the case may be.

The reasons for both of these actions are explained in the statements of considerations accompanying Amendment 20 to CPR 24 and Amendment 15 to CPR 74 and therefore those statements of considerations are incorporated in this amendment.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

CPR 101 is amended in the following respects:

1. Section 10 (a) (2) is amended to read as follows:

(2) A suitable record of the class of buyer or recipient and the class of seller or transferor. This record may be in the form of a card file, alphabetical list, your existing method of recording or in some other suitable form, provided it clearly shows the correct class of buyer or recipient and seller or transferor with regard to each sale, transfer, purchase, or receipt of veal.

2. The first paragraph of section 21 (a) is amended to read as follows:

SEC. 21. *Schedule II, fabricated veal cuts*—(a) *Sales of fabricated veal cuts by a hotel supply house to purveyors of meals or sales by a ship supplier to ship operators.* No hotel supply house shall make sales to purveyors of meals until such selling establishment shall have filed a statement, in duplicate, with the appropriate District Office of the Office of Price Stabilization showing:

(1) The total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950 but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950. A statement filed by you in accordance with the similar provisions of CPR 24, 74 or 92 shall also satisfy the requirement of filing under this section.

3. The first paragraph of section 21 (b) is amended to read as follows:

(b) *Sales of fabricated veal cuts by a combination distributor or a peddler truck seller to purveyors of meals.* No combination distributor shall make sales to purveyors of meals until such selling establishment shall have filed a statement, in duplicate, with the appropriate District Office of the Office of Price Stabilization showing:

(1) The total volume by weight of all meats including sausage, variety meats, and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats, and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1). If no sales were made in 1950 but sales were made between January 1, 1951, and April 30, 1951, the sales made during this four-month period of 1951 may be reported in lieu of those specified herein for the year 1950. A statement filed by you in accordance with the similar provisions of CPR 24,

74 or 92 shall also satisfy the requirement of filing under this section.

4. Section 50 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume, by weight, of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951, to April 30, 1951, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

5. Section 50 (g) is amended to read as follows:

(g) "Hotel supply house" means any establishment which sold or delivered to purveyors of meals during the year 1950, or if no sales were made in 1950, during the period from January 1, 1951, to April 30, 1951, not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 15, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11176; Filed, Oct. 10, 1952; 11:20 a. m.]

[Ceiling Price Regulation 137, Amdt. 2]

CPR 137—CEILING PRICES FOR SALES OF BULK SUPERPHOSPHATE

REVISION OF CEILING PRICE FOR LAKE CHARLES, LOUISIANA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 137 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment effects an increase in the ceiling price per unit of APA for sales of run-of-the-pile pulverized superphosphate at the production point of Lake Charles, Louisiana.

A ceiling price of $0.94 per unit of available phosphoric acid for ordinary superphosphate when sold in bulk to other fertilizer manufacturers now prevails at Lake Charles under Ceiling Price Regulation 137. The establishment of this price was arrived at by grouping Lake Charles with other Gulf Coast production points in Louisiana and Texas, who receive shipments of the basic raw material, phosphate rock, by barge from sources of supply in Florida.

Additional information received since the issuance of Ceiling Price Regulation 137 discloses that shipments of phosphate rock to Lake Charles are not made by barge and therefore a superphosphate producer at that production point does not enjoy the same low freight costs as are available to producers operating plants at other Gulf Coast production points. Freight costs for phosphate rock constitute nearly 25 percent of the current selling price of superphosphate at Lake Charles and accordingly is a very substantial item to be considered in establishing a fair and equitable ceiling price for that area.

Shreveport, Louisiana, is the closest competitive inland production point to Lake Charles. The ceiling price established by this amendment reflects the difference in incoming freight costs for phosphate rock from the same area of supply, Florida, to Shreveport and to Lake Charles.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable and consideration has been given to their recommendations. In view of the corrective nature of the amendment, special circumstances have rendered consultation with trade association representatives impracticable.

AMENDATORY PROVISIONS

Section 3 (a) of Ceiling Price Regulation 137 is amended by changing the ceiling price for ordinary pulverized superphosphate at the production point of Lake Charles, Louisiana, from $0.94 per unit of available phosphoric acid to $1.015 per unit of available phosphoric acid.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 137 is effective October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11177; Filed, Oct. 10, 1952; 11:21 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 120, Correction]

GCPR, SR 120—SPECIAL METHODS PERMITTING WHOLESALERS AND RETAILERS TO REFLECT INBOUND TRANSPORTATION COST INCREASES

CORRECTION

Due to a clerical error, the letters "LCL" were omitted from the heading of Appendix O. Accordingly, the heading for Appendix O in SR 120 to the GCPR is corrected to read as follows: Appendix O—Freight Rate Increase Factors For Certain LCL Rail Shipments of Specified Articles.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11180; Filed, Oct. 10, 1952; 11:23 a. m.]

[General Overriding Regulation 6, Amdt. 7]

GOR 6—EXEMPTIONS RELATING TO SPECIFIC NONPROFIT ORGANIZATIONS

SALES BY ASSOCIATION OF JUNIOR LEAGUES OF AMERICA, INC., AND AFFILIATED JUNIOR LEAGUES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 6 adds certain sales to those exempted by the regulation from any price regulations issued by the Office of Price Stabilization. The sales here exempted are sales by the Junior Leagues chartered by the Association of Junior Leagues of America, Inc. These are nonprofit organizations which sell used, waste and damaged goods, handmade articles made by handicapped persons or members of the Junior Leagues, and used personal articles consigned to the Junior Leagues for sale. Sales are made by the Thrift and Gift Shops of the Junior Leagues. The affiliated Junior Leagues operate throughout the United States and conduct a program of rehabilitation and training for underprivileged persons. These organizations also provide a selling outlet for merchandise made by handicapped persons which, together with other activities, further the fulfillment of the organizations' philanthropic and charitable purposes.

These organizations receive donations from members of the public of various types of merchandise, such as apparel, furniture and household appliances which are sold either in the condition received or as reconditioned. In addition, handmade articles made by members of the Junior Leagues and by handicapped persons, and merchandise received on consignment are sold through the Thrift and Gift shops. With respect to the consignment sales, a small amount of the proceeds of such sales is returned to the consignors of the articles and the balance is used to defray the administrative, charitable and educational expenses of the organizations.

Generally, the considerations stated in support of General Overriding Regulation 6 and the amendments thereto are likewise applicable to the sales here referred to. In the judgment of the Director of Price Stabilization the exemptions provided for by this amendment will not impair the carrying out of the Defense Production Act of 1950, as amended, and it is accordingly not necessary for ceilings to be applied to these sales.

To the extent practicable under the circumstances, the Director has consulted with persons involved prior to the issuance of this amendment and has given consideration to their recommendations.

AMENDATORY PROVISION

General Overriding Regulation 6 is amended as follows: By adding the following new section numbered 11:

SEC. 11. *Sales by Association of Junior Leagues of America, Inc. and affiliated Junior Leagues.* No price regulation issued by the Office of Price Stabilization applies to sales by the Junior Leagues chartered by the Association of Junior Leagues of America, Inc. of used, waste or damaged goods donated by members of the public to those organizations and sold in the condition received or as reconditioned by the organizations, of articles handmade by handicapped persons or members of Junior Leagues, and of used personal articles consigned to the Junior Leagues for sale by the organizations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 6 is effective October 10, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11181; Filed, Oct. 10, 1952; 11:23 a. m.]

Chapter XIV—General Services Administration

BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

Sec.
1. Basis and purpose.
2. Participation in the Program.
3. Duration of the Program.
4. Inspection and acceptance.
5. Price.
6. Government purchase depots.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1951 Supp., E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of beryl ore by small producers by providing a uniform price scale, and the establishment of Government purchase depots for such ore. It is issued pursuant to Delegation of Authority from the Defense Materials Procurement Administrator[1] of even date with this regulation. In accordance with the Program described herein as authorized by the Defense Production Administration, the Administrator of General Services will buy domestically produced beryl ore containing not less than eight percent (8%) beryllium oxide (BeO) by weight, in accordance with the terms and conditions set forth herein. For the purpose of this regulation, domestically produced beryl ore means beryl ore produced within the continental United States.

[1] See F. R. Doc. 52-11031, Defense Materials Procurement Agency, in the Notices section, *infra*.

SEC. 2. *Participation in the Program.* (a) Any producer whose total anticipated or actual production of domestically produced beryl ore is less than twenty-five (25) short dry tons per calendar year shall be eligible to participate in this Program. Producers whose total annual production exceeds twenty-five (25) short dry tons may negotiate for the sale of their production of domestically produced beryl ore.

(b) Any producer wishing to participate in the Program shall give notice to the Regional Director of the General Services Administration having jurisdiction over the Government purchase depot located nearest to the producer. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1953, and shall state: (1) That the producer has read this regulation and accepts its terms and conditions, (2) that the producer desires to participate in the Program and will offer domestically produced beryl ore to the Government pursuant thereto, and (3) location of beryl deposit. The notice must be signed and a return address given. Any eligible producer giving notice in the required form will be sent a certificate authorizing delivery of beryl ore which conforms to the requirements of this regulation.

SEC. 3. *Duration of the Program.* This Program shall terminate and be of no further force and effect at the close of business June 30, 1955, or when deliveries under the Program total fifteen hundred (1,500) short dry tons, whichever first occurs.

SEC. 4. *Inspection and acceptance.* (a) All offers of beryl ore to the Government under this Program shall be delivered f. o. b. Government purchase depot located nearest to the producer.

(b) Ores containing less than eight percent (8%) beryllium oxide (BeO) shall not be accepted.

(c) Beryl ores acceptable under this Program shall be in the form of clean crystals, cobbed free of waste.

(d) Shipments of beryl ore weighing less than five hundred (500) pounds shall be inspected only at the Government purchase depot; shipments weighing in excess of five hundred (500) pounds but not in excess of two thousand (2,000) pounds may be inspected at the place of production or at such other place as may be mutually agreed upon by the producer and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government purchase depot to which the producer will ship.

(e) Except as provided in paragraph (f) of this section, inspection shall be on the basis of visual inspection by the Government whose decision as to the acceptability of the ore (including grade and other requirements) shall be final.

(f) Shippers of lots of beryl ore weighing in excess of five hundred (500) pounds may request the Government to sample and analyze such lots for the purpose of establishing the actual beryllium oxide (BeO) content. If the Government determines, from visual inspection, that sampling and analysis are justified, the Government shall arrange for sampling and analysis. The cost of sampling and analysis shall be for the account of the producer.

(g) The Government may reject any shipment failing to meet the requirements of this regulation, and all costs to the Goverment, in case of rejection, shall be borne by the producer.

SEC. 5. *Price.* (a) Shipments accepted by the Government on the basis of visual inspection shall be purchased at the rate of $400 per short dry ton (20 cents per pound avoirdupois).

(b) Shipments accepted on the basis of sampling and chemical analysis shall be purchased on the basis of short ton units of contained beryllium oxide (BeO) as follows:

Beryllium oxide (BeO) content:	Price per unit
8.0% to 8.9% inclusive	$40
9.0% to 9.9% inclusive	45
10.0% and over	50

SEC. 6. *Government purchase depots.* The purchase depots for the purposes of this Program shall be located at:

1. Franklin, N. H.: Under the jurisdiction of Regional Director, General Services Administration, 620 Post Office and Courthouse, Boston, 9, Mass.

2. Spruce Pine, N. C.: Under the jurisdiction of Regional Director, General Services Administration, 50 Whitehall Street SW., Atlanta 3, Ga.

3. Custer, S. Dak.: Under the jurisdiction of Regional Director, General Services Administration, 1800 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

Dated: October 7, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-11032; Filed, Oct. 10, 1952; 8:52 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 2, Amdt.]

CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.) PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

MISCELLANEOUS AMENDMENTS

Housing and Home Finance Agency Regulation CR 2 (originally issued at 16 F. R. 2232, March 10, 1951, and last amended at 17 F. R. 1721, February 27, 1952) issued pursuant to sections 601 through 605 and section 704 of Pub. Law 775, 81st Congress (64 Stat. 813, 814, 815, 816), as amended, sections 501, 502, and 902 of Executive Order 10161, September

9, 1950 (15 F. R. 6106), sections 101, 102 and 611 of Pub. Law 139, 82d Congress (65 Stat. 293), paragraph 3 of Executive Order 10296, October 2, 1951 (16 F. R. 10103) and the approval and authorization of the Board of Governors of the Federal Reserve System of HHFA Regulation CR 1 (16 F. R. 3834, May 2, 1951); is hereby amended as follows:

1. Section 1 *Statement of purpose,* is amended to read as follows:

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to assist in limiting the volume of new residential construction to a level which could have been maintained with the materials and labor available in the light of national defense requirements, restrictions on residential real estate credit (applicable where construction was started after noon of August 3, 1950) were imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (Chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"). Related credit restrictions (applicable to both new and old residential property) were contained in regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Actions restricting residential credit were taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and amendments thereto and of Executive Order 10161, issued September 9, 1950. The Housing and Home Finance Administrator made surveys with respect to the housing needs within the areas affected by the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations of the Atomic Energy Commission and designated such areas, with the concurrence of the Board and in accordance with section 6 (p) of such Regulation X chapter XV of this title) as areas in which exceptions from residential real estate credit restrictions were to be granted in order to help provide the housing needed to support the development and operation of the three installations. Such exceptions were granted in accordance with this regulation.

In addition to the authority and actions referred to above, and pursuant to the provisions of Title I of the Defense Housing and Community Facilities and Services Act of 1951, approved September 1, 1951, and of Executive Order 10296, issued October 2, 1951, the Director of Defense Mobilization was authorized, upon a finding that certain conditions set forth in the Defense Housing and Community Facilities and Services Act of 1951 exist, to designate specified areas as critical defense housing areas for purposes of that act. Under such authority, the Director of Defense Mobilization designated the areas affected by the Savannah River, Paducah (Kentucky) and Idaho Reactor Testing Station installations of the Atomic Energy Commission to be critical defense housing areas for purposes of that act. The Housing and Home Finance Administrator was also authorized under said Defense Housing and Community Facilities and Services Act of 1951 and under paragraph 3 of Executive Order 10296, upon such a finding and designation by the Director of Defense Mobilization, to suspend or relax residential real estate credit restrictions imposed under the authority of the Defense Production Act of 1950, as amended.

The purpose of this regulation, issued by the Housing and Home Finance Administrator, was to prescribe uniform conditions and procedures under which such exceptions from residential real estate credit restrictions were made available in order to assure that the housing for which such exceptions were granted (whether or not such housing was financed with Government assistance) would meet the needs of the persons employed or stationed at the three installations and of certain other defense workers, military personnel and persons displaced from their homes by defense activities. This procedure for granting exceptions from credit restrictions was in addition to other programs of the Housing and Home Finance Agency designed to assist in meeting housing needs in critical defense housing areas.

The approval of an application under this regulation (or under Housing and Home Finance Agency Regulation CR 3 which concerned exceptions from credit restrictions in all other critical defense housing areas) was required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX (National Defense Housing Insurance) of the National Housing Act, as amended.

On September 15, 1952, following certification by the Secretary of Labor that new non-farm housing starts had fallen below an annual rate of 1,200,000 units for three consecutive months, the Board of Governors of the Federal Reserve System and Housing and Home Finance Administrator acting simultaneously pursuant to the provisions of Title I of the Defense Production Act Amendments of 1952, approved June 30, 1952, providing for a period of residential credit control relaxation upon such a certification by the Secretary of Labor, announced respectively, the suspension of restrictions on residential real estate credit imposed by Regulation X and a relaxation of related credit restrictions in the regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs.

2. Section 7 *Where and how to apply,* is amended by adding an additional paragraph at the end of the section reading as follows:

No application will be accepted under the provisions of this section after October 10, 1952, except that applications may be submitted up to and including October 20, 1952, with respect to needed rental housing appearing in the area program schedules announced by the Housing and Home Finance Administrator (pursuant to section 5 of this regulation) prior to September 16, 1952. Any applicant whose application was submitted under the provisions of this section on or before October 10, 1952 (or on or before October 20, 1952, with respect to programmed rental housing announced by the Housing and Home Finance Administrator prior to September 16, 1952) and who has not commenced construction of defense housing under this regulation may elect to be released from the obligations, conditions and restrictions arising out of, or incurred by the execution of, such application and from the terms and provisions of this regulation. To obtain such release, the applicant will be required to file in writing with the appropriate local office of the Housing and Home Finance Agency at Aiken, South Carolina, Paducah, Kentucky, or Idaho Falls, Idaho, in which the application was filed, a written notice of his intention to withdraw the application filed by him, and, if the application has been approved, such written notice must include a statement that the applicant is surrendering the quota of defense housing allocated to him in the approved application. An applicant who does not elect to be released will have his application processed or treated as provided elsewhere in this regulation and the housing covered by such an approved application will be eligible (if otherwise eligible) for FHA mortgage insurance under Title IX of the National Housing Act and for the special benefits provided in Title III of that Act in connection with purchases by the Federal National Mortgage Association of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. Any applicant who prior to October 11, 1952, has commenced construction of the programmed defense housing described in his approved application, or any applicant whose application was filed prior to October 11, 1952 (or on or before October 20, 1952, with respect to programmed rental housing announced by the Housing and Home Finance Administrator prior to September 16, 1952), and who does not elect to be released from the obligations, conditions and restrictions arising out of, or incurred by the execution of, such application and from the terms and provisions of this regulation, shall continue to be bound by all of the obligations, conditions, restrictions and liabilities arising out of or resulting from the execution of the application and from the terms and provisions of this regulation. After October 10, 1952 (or after October 20, 1952, with respect to programmed rental housing announced by the Housing and Home Finance Administrator prior to September 16, 1952) applications relating to the construction of programmed defense housing may be filed with the local office of the FHA serving the particular critical defense housing area in which the proposed defense housing is to be located, under appropriate regulations of the FHA.

3. Section 12 *Certificates of eligibility for financing, pursuant to excepted credit terms, of owner-occupied housing,* is amended by having paragraph (a) of section 12 read as follows:

(a) The Atomic Energy Commission or any officer or employee of the Commission designated by it (herein collectively referred to as the "Commission") is hereby authorized to certify (by the issuance of appropriate certificates of ownership eligibility) persons who shall be eligible to finance the construction or purchase of family dwellings for their own occupancy under suspended or relaxed residential credit terms made available for the Savannah River, Paducah, and Idaho Reactor Testing Station areas by the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Such certificates of ownership eligibility shall be issued only for one- and two-family dwelling properties (whether existing or to be built) located in the three areas described in section 3 of this regulation and shall be issued in accordance with program schedules announced prior to September 16, 1952, for sales-type houses prescribed by the Housing and Home Finance Administrator from time to time pursuant to section 5 of this regulation. Such certificates (which will not exceed the number authorized by the HHFA in the program schedules announced prior to September 16, 1952) shall be granted by the Commission only to (1) persons whom the Commission determines to be essential, in-migrant personnel employed (or to be employed) in permanent positions by the Commission or its contractors and (2) persons who have been or are about to be displaced from their homes (whether owned or rented by them) as a result of the acquisition (by purchase or condemnation) of land in one of the three areas described in section 3 of this regulation for an installation of the Atomic Energy Commission or its contractors. No person shall be eligible to receive such a certificate unless he is in need of a family dwelling and has declared his intention to occupy at least one family dwelling unit in the property, the construction or purchase of which is financed pursuant to such a certificate of ownership eligibility. Such delegation of authority to the Commission to issue certificates of ownership eligibility shall terminate on January 1, 1953.

4. Section 13 *Housing for persons employed by, stationed at, or displaced from their home by, installations of the Department of Defense,* is amended by having the first paragraph of paragraph (c) *Over-occupied housing,* of section 13 read as follows:

(c) *Owner-occupied housing.* With respect to housing built or sold for owner-occupancy, the Department of Defense is hereby authorized to certify, by the issuance of appropriate certificates of ownership eligibility within the number authorized by the Housing and Home Finance Agency, persons who shall be eligible to finance the construction or purchase of family dwellings for their own occupancy under suspended or relaxed residential credit terms announced for the three areas referred to in section 3 of this regulation. Such certificates of ownership eligibility shall be issued only for one- and two-family dwelling properties (whether existing or to be built) located in the three areas and shall be issued in accordance with program schedules announced prior to September 16, 1952, for sales-type housing prescribed by the Housing and Home Finance Administrator pursuant to section 5 of this regulation. Such certificates of ownership eligibility shall be granted only to (1) persons whom the Department of Defense determines to be military personnel stationed at, or essential in-migrant defense workers employed by, a listed Defense Department installation and (2) persons who have been or are about to be displaced from their homes (whether owned or rented by them) as a result of the acquisition on or after November 1, 1950 (by purchase or condemnation) of land in one of the three areas described in section 3 of this regulation for such a listed Defense Department installation. No person shall be eligible to receive such a certificate unless he is in need of a family dwelling and has declared his intention to occupy at least one family dwelling unit in the property, the construction or purchase of which is financed pursuant to such a certificate of ownership eligibility. Such delegation of authority to the Department of Defense to issue certificates of ownership eligibility shall terminate on January 1, 1953.

5. Section 14 *Housing for persons employed by defense plants or agencies, other than AEC or Defense Department installations, or for persons engaged in defense-supporting service activities,* is amended by having the first paragraph of paragraph (c) *Owner-occupied housing,* of section 14 read as follows:

(c) *Owner-occupied housing.* With respect to housing built or sold for owner occupancy, the local or regional office or representative of the Housing and Home Finance Agency will certify, by the issuance of certificates of ownership eligibility, persons who shall be eligible to finance the construction or purchase of family dwellings for their own occupancy under suspended or relaxed residential credit terms announced for the three areas referred to in section 3 of this regulation. Such certificates of ownership eligibility will be issued only for one- and two-family dwelling properties (whether existing or to be built) located in the three areas and will be issued in limited numbers in accordance with program schedules announced prior to September 16, 1952, for sales-type housing prescribed by the Housing and Home Finance Administrator pursuant to section 5 of this regulation. Such certificates of ownership eligibility will be issued only to persons who are found by the Housing and Home Finance Agency to be eligible for occupancy in accordance with the standards set out in paragraph (a) of this section. Any person who is eligible for the acquisition of housing under the standards set out in paragraph (a) of this section may apply for a certificate of ownership eligibility to the local or regional office or representative of the Housing and Home Finance Agency for the particular area.

NOTE: No person is eligible for such a certificate unless his employer, or the defense-supporting service activity in which the applicant is engaged, appears on a defense activity list included in the area program announced for the area.

Each person applying for such a certificate of ownership eligibility is required to declare his intention to occupy at least one family dwelling unit in the property, the construction or purchase of which is financed pursuant to such a certificate. Each person receiving a certificate of ownership eligibility is required to comply with all applicable provisions of this regulation and is hereby also required to comply with such conditions and provisions governing the use, expiration and cancellation of such certificate received by him as may appear thereon.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-11062; Filed, Oct. 10, 1952; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter G—Marine Regattas or Marine Parades

[CGFR 52-48]

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS DURING MARINE REGATTAS OR MARINE PARADES

PERMISSIBLE STATE REGULATION OF MARINE REGATTAS OR MARINE PARADES

• The purpose of the following new regulation is to clarify the status of the marine regattas or marine parades on navigable waters of the United States which could be controlled by State authorities. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary because the new regulation is a relaxation of requirements applicable to marine regattas or marine parades.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statute cited with the regulation below, the following new regulation is prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Part 100 was amended by adding a new § 100.30, reading as follows:

§ 100.30 *Permissible state regulation of marine regattas or marine parades.* (a) In the exercise of his discretion as provided in section 1 of the act of April 28, 1908, as amended (sec. 1, 35 Stat. 69, as amended; 46 U. S. C. 454), the Commandant has determined that the regulations in this part shall not be applicable to a marine regatta or a marine parade occurring on the interior waters of a state if:

(1) The state directs and controls the operation of such a marine regatta or marine parade in a manner such as to insure the safety of life on navigable

waters during a marine regatta or marine parade; and,

(2) The state submits to the Commander of the Coast Guard district in which the marine regatta or marine parade is to occur its complete plans for regulation of such regatta or parade, such plans to be submitted at least two weeks before the occurrence of such regatta or parade.

(b) Upon the completion of his study of the plans and at least one week before the occurrence of a marine regatta or marine parade, the Commander of the Coast Guard district will notify the state which submitted the plans:

(1) That the plans are approved and the regulations in this part shall not be applicable to such regatta or parade; or,

(2) That the interest of safety of life on the navigable waters require specific change or changes in the plans before they can be approved; or,

(3) That the plans are not approved, with reasons for such disapproval, and that the regulations in this part are applicable to the marine regatta or marine parade.

(Sec. 1, 35 Stat. 69, as amended; 46 U. S. C. 454)

Dated: October 7, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-11028; Filed, Oct. 10, 1952; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 52-49]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

EXAMINATION FOR LICENSE AS DECK OFFICER OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS; INTERNATIONAL AND INLAND RULES OF THE ROAD

The purpose of the following amendment to the regulations is to correct the lists of subjects for deck officers of ocean or coastwise steam or motor vessels to agree with the type of questions presently used in examinations for all grades of ocean and coastwise licenses. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following amendment to the regulations is prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Section 10.05-45 (b) is amended by correcting Table 10.05-45 (b)—Subjects for Deck Officers of Ocean or Coastwise Steam or Motor Vessels, as follows:

a. Subject "28. International and Inland Rules of the Road" shall be applicable to: Master: Ocean, coastwise, coastwise limited 300 miles, sail, yachts; chief mate: Ocean, coastwise, coastwise limited 600 miles; second mate: Ocean, coastwise, coastwise limited 600 miles; and third mate: Ocean, coastwise.

b. Subject "29. International Rules of the Road" is deleted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4427, 4438, 4439, 4440, as amended, 49 Stat. 1544, 1545, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 405, 224, 226, 228, 367, 50 U. S. C. App. 1275)

Dated: October 7, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-11029; Filed, Oct. 10, 1952; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9808]

PART 3—RADIO BROADCAST SERVICES

EFFECTIVE DATE OF AMENDMENTS; CONTINUANCE

In the matter of amendment of §§ 3.191, 3.291, 3.591, 3.655 and 3.790 of the Commission's rules and regulations; Docket No. 9808.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of October 1952;

The Commission having under consideration its Report and Order adopted May 14, 1952, in this proceeding; its Order of August 27, 1952, postponing until October 2, 1952, the effective date of the amendments to its rules and regulations adopted on May 14, 1952; petitions filed by National Broadcasting Company, Inc. and National Association of Radio and Television Broadcasters requesting further postponement of the effective date of the amendments to the rules; and petitions in opposition to postponement of the effective date filed by Honorable Harry R. Sheppard and Gordon P. Brown; and

It appearing, that the Commission also has before it petitions seeking reconsideration of the Report and Order of May 14, 1952, and petitions in opposition thereto, which have not been determined;

It is ordered, That the effective date of the amendments to §§ 3.191, 3.291, 3.591, 3.655 and 3.790 of the Commission's rules and regulations adopted on May 14, 1952, be, and it is hereby, stayed for a further period to, and including, October 31, 1952.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11021; Filed, Oct. 10, 1952; 8:50 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST SERVICE

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. The Commission has before it a Petition for Reconsideration or Rehearing filed by Lamar Life Insurance Company on June 20, 1952, requesting the Commission to reconsider "* * * its 'Sixth Report and Order' in the above entitled and numbered proceedings and upon reconsideration of said 'Sixth Report and Order' to (1) amend or modify Reference Point (e) used in locating or defining the Northern boundary of Zone II as fixed by paragraph 3.610 (A) (1) (iii) of said Sixth Report and Order by modifying said Reference Point (e) so that the location or coordinates of said Reference Point (e) when so modified or amended will be North Latitude 30° 05' 00" and West Longitude 90° 38' 30", thus placing Jackson, Mississippi North and outside of Zone III and including that city in Zone II, and (2) to assign or allocate VHF Television Channel 3 for use in the operation of a commercial television station at Jackson; or if the Commission should decline or refuse to assign VHF Television Channel 3 to and for such use at Jackson on the ground or claim that such assignment would not meet or comply with the minimum separation requirements between Jackson and some other city to which said VHF Television Channel 3 was assigned or allocated, (3) then and in that event petitioner requests and petitions the Commission to set aside its Sixth Report and Order adopted April 11, 1952, and released April 14, 1952, and thereafter to issue a definite and adequate notice of issues to be inquired into and on which evidence will be received; to hold a hearing thereafter in accordance with said notice and permit Petitioner and other interested parties to participate fully therein to the end that they may be permitted to show that (a) said Sixth Report and Order is arbitrary, capricious and legally invalid, (b) that Petitioner and other parties were never given adequate or legal notice with respect to any proposal to establish Zones I, II and III as set out in said Sixth Report and Order, (c) that Petitioner and other parties were never given adequate or legal notice that the Commission would depart substantially from the minimum separation requirements proposed by it for adoption through its Third Notice of Further Proposed Rule Making in these proceedings and (d) permit Petitioner and other parties in and to these proceedings to show that Petitioner was led to believe that the proposals as to minimum separations as proposed in the Commission's Third Notice of Further Proposed Rule-Making could be relied upon and would be followed in the allocation or assignment of television channels to various cities of the country, contrary to what the Commission did in its Sixth Report and Order."

2. In the Third Notice the Commission proposed to assign Channels 3, 10, 15, *21 to Pensacola, Florida, Channels 3, 12, *19 and 25 to Jackson, Mississippi, and Channels 10 and 25 to Albany, Georgia.

3. In its final decision in the Sixth Report and Order the Commission stated:

In the Third Notice the Commission proposed the assignment of Channel 3 to Pensacola and to Jackson at a separation of 218 miles; and the assignment of Channel 10 to Pensacola, and to Albany at a separation of 199 miles. Since these separations are below the minimum for Zone III we are required to delete one assignment of Channel 3 and one assignment of Channel 10 to provide the requisite separations.

With respect to Channel 10 we are presented with the choice of deleting that channel from Pensacola or Albany. The City of Pensacola with a population of 43,000 is somewhat larger than the City of Albany. In the Third Notice two VHF and 2 UHF channels were proposed to be assigned to Pensacola, and only one VHF and one UHF channel were proposed to be assigned to Albany. In view of the fact that Channel 10 is the only channel proposed for Albany we believe that the deletion of that channel from Pensacola and the assignment to Albany is warranted. In replacement for Channel 10 in Pensacola we are assigning UHF Channel 46. With respect to Channel 3 we are presented with the choice of deleting that channel from Pensacola or from Jackson. The City of Jackson has a population of 98,000 and the standard metropolitan area has a population of 142,000. In the Third Notice we proposed the assignment of two VHF and two UHF channels to Jackson. Since our decision herein has deleted Channel 10 from Pensacola, there remains assigned to that city only one VHF channel. It is our view that the deletion of the second channel assigned to Jackson is to be preferred to the deletion of the only remaining VHF channel assigned to Pensacola. In replacement for VHF Channel 10 in Jackson we are assigning UHF Channel 47.

4. Jackson, Mississippi, was determined to be in Zone III where the minimum co-channel VHF mileage separations of 220 miles obtained on the basis of the designation of a certain portion of the Gulf Coast Area as Zone III. This Gulf Coast area was designated as a separate zone for the reasons set out in the Sixth Report and Order as follows:

As we have pointed out in the Third Notice, in certain areas of the country, particularly the Gulf Coast area, high levels of tropospheric propagation may be expected. In such areas greater separations are necessary to compensate for the reduction in service areas that is caused by the interference resulting from the high level of tropospheric propagation. We have carefully re-examined the record and the comments that have been filed pursuant to the Third Notice and we have determined that only the Gulf Coast area should, by rule, be treated differently from other areas which may be affected by a high level of tropospheric propagation. In reaching this conclusion we are aware that wide separations will have to be maintained in other areas as well to protect against the effects of high levels of tropospheric propagation. We believe, however, that these situations can be considered on a case-to-case basis, and we have attempted to take care of this problem on such a basis in establishing the Table of Assignments in this proceeding.

5. With respect to the manner of designating the Gulf Coast area the Commission stated:

We have designated the Gulf Coast area as Zone III. Zone III consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexico border, consisting of arcs drawn with a 150 mile radius from the following specified points:

	North latitude	West longitude
(a)	29°40′	83°24′
(b)	30°07′	84°12′
(c)	30°31′	86°30′
(d)	30°48′	87°58′30″
(e)	30°23′	90°12′
(f)	30°04′30″	93°19′
(g)	29°46′	95°05′
(h)	28°43′	96°39′30″
(i)	27°52′30″	97°32′

When any of the above lines pass through a city, the city shall be considered to be located in Zone II. A map of Zone III is included in the rules adopted herein.

The Commission also pointed out that:

In establishing Zone III we are taking into account the fact that we do not have sufficient data at this time to determine exactly at what point the effects of the high level of propagation in the Gulf need no longer be considered in establishing minimum assignment spacings. We believe, however, that the figure we have chosen provides an adequate margin of safety and yet does not prevent assignments that could appropriately be made at this time.

6. Petitioner alleges here that the Commission erred in its designation of the portion of the United States which shall constitute the Gulf Coast area or Zone III. The engineering statement in support of the petition for reconsideration states:

We have examined the criteria for determining the boundary of Zone III as set forth in paragraph 3.610 (A) (1) (iii) of the Sixth Report. The Northern limits of Zone III are defined by arcs with radii of 150 miles drawn about reference points located near the Gulf Coast. The reference points and their distances from the Coast are as follows:

Reference point	North latitude	West longitude	Approximate north from Gulf Coast	Distances minimum to Gulf Coast
			Miles	*Miles*
(A)	29°40′	83°24′	10	2
(B)	30°07′	84°12′	2	2
(C)	30°31′	86°30′	9	9
(D)	30°48′	87°58′30″	39	39
(E)	30°23′	90°12′	88	48
(F)	30°04′30″	93°19′	22	22
(G)	29°46′	95°05′	43	38
(H)	28°43′	96°39′30″	34	30
(I)	27°52′30″	97°32′	----------	26

It is noted that Reference Point (e) is located well to the east of a point midway between Reference Points (d) and (f). It is further noted that Reference Point (e) should be moved south to follow the contour of the coast line.

In view of the above comments it is believed that Reference Point (e) should be moved to the West and to the South so as better to satisfy the proposed requirement that the Gulf Coast area extend 150 miles inland from the Gulf of Mexico. It is herein proposed that the location of Reference Point (e) be amended so as to show the following coordinate position:

Reference point	North latitude	West longitude	Approximate north from Gulf Coast	Distances minimum to Gulf Coast
			Miles	*Miles*
(E)	30°05′	90°38′30″	65	59

The proposed change, which affects only one Reference Point, will result in Zone III conforming more nearly to the 150 mile distance from the Gulf Coast suggested by the Federal Communications Commission and will permit a more equitable distribution of television services. In particular, it would permit the assignment of Channel 3 to both Jackson, Mississippi, and to Pensacola, Florida, which was not possible using the proposed separations and the proposed Reference Point (e).

7. In establishing the boundaries of Zone II the Commission attempted to keep all points on the boundary line dividing Zones II and III at least 150 miles away from every point on the Gulf Coast itself. In order to establish a line of readily describable accuracy the Commission defined this boundary by means of a series of arcs of 150 miles in radius drawn from specified points selected at appropriate spacings along the Gulf Coast and inland penetrations of Gulf waters. The boundary line which was thus established in nearly all cases achieved the objective of keeping the points on the boundary line at least 150 miles from every point on the Gulf Coast and inland penetrations of Gulf waters. The effect of this objective in the establishment of the boundary line, of course, was to make every point on the boundary line be more than 150 miles away from other points on the Gulf Coast. In general, however, every point on the Gulf Coast was no more than 185 miles away from the boundary.

8. Petitioner here calls our attention to the fact that Reference Point (e) because of the irregularities of the shore line of the Gulf Coast area particularly

the form of the peninsula at the southern end of Louisiana creates a situation where some points on the Gulf Coast are as far away as 240 miles from the boundary of Zone III. The petitioner claims in effect that the Commission should take into consideration the unusual situation whereby, because of the irregularities in the Gulf Coast shore line near Reference Point (e), the boundary of Zone III has been placed farther north from the Gulf Coast relatively than any other part of the boundary line separating Zones II and III. It indicates this by calculating the distance of the Reference Point north from the Gulf Coast at the Louisiana Peninsula and noting that Reference Point (e) so measured is 45 miles farther north from the Gulf Coast than any other Reference Point. Petitioner suggests that this be corrected by placing Reference Point (e) 33 miles to the south and 11 miles to the west. Reference Point (e) would still be 22 miles farther north from the outermost extremity of the coast than any other Reference Point. The adoption by the Commission of Reference Point (e) as proposed by petitioner would make the boundaries of Zone III more closely approximate the outline of the shore of the Gulf Coast.

9. We have reconsidered our determination with respect to the boundaries of Zone III and we have decided it is reasonable to accept the reference point proposed by petitioner. Such action places Jackson, Mississippi, outside of Zone III and includes that city in Zone II. The assignment of Channel 3 to Jackson would meet the required separations for VHF assignments in Zone II.

10. In order to assign Channel 3 to Jackson, Mississippi, it is necessary to designate the carrier frequency offset which may in addition require changes in the carrier frequency offset of existing asignments on Channel 3. An examination of these assignments in the area adjacent to Jackson shows that the most feasible offset designations to adopt are:

City:	*Carrier frequency offset designation*
Jackson, Miss.	3+
Pensacola, Fla. (formerly 3+)	3—

11. We are aware that the assignment of Channel 3 to Jackson, Mississippi, conflicts with certain proposals filed pursuant to the Commission's "Memorandum Opinion and Notice of Further Rule Making" (FCC 52–817) issued in this proceeding on August 4, 1952. The Commission in the above Memorandum Opinion and Notice of Further Rule Making proposed to correct the Sixth Report and Order by assigning Channel 10 to Lafayette, Louisiana. James A. Noe filed a comment suggesting an alternative means of assigning Channel 10 to Lafayette thereby making possible an additional VHF assignment to New Orleans, Louisiana. In accomplishing such proposed assignments, James A. Noe, among other things, would assign Channel 3 to Baton Rouge, Louisiana. This assignment would not meet the required minimum spacing to the assignment of Channel 3 at Jackson, Mississippi. A joint comment was filed pursuant to the above Memorandum Opinion and Notice of Further Rule Making by Baton Rouge Broadcasting Company, Inc., and Air Waves, Inc., proposing an alternative means of assigning a VHF channel to Lafayette making possible the assignment of an additional channel to Baton Rouge, Louisiana. This would be accomplished among other things, by assigning Channel 3 to Mobile, Alabama. The assignment of Channel 3 at Mobile would not meet the minimum required spacing to the co-channel assignment to Jackson, Mississippi. Concurrently with the issuance of the instant memorandum opinion and order, the Commission is issuing its final report and order in the aforesaid rule making proceeding for the assignment of Channel 10 in Lafayette. In that report and order the Commission has rejected the conflicting comments of James A. Noe and Baton Rouge Broadcasting Company, Inc., and Air Waves, Inc. for the reasons there stated.

12. In view of the foregoing, the petition of Lamar Life Insurance Company is hereby granted: *And it is ordered*, That effective 30 days after publication in the FEDERAL REGISTER § 3.610 (a) (1) (iii), including Appendix I, Figure 2 thereof, and § 3.606 of the Commission's rules and regulations are amended as follows:

1. Section 3.610 (a) (1) (iii) is amended to read as follows:

(iii). Zone III[1] consists of that portion of the United States located south of a line, drawn on the United States Albers Equal Area Projection Map (based on standard parallels 29½° and 45½°; North American datum), beginning at a point on the east coast of Georgia and the 31st parallel and ending at the United States-Mexican border, consisting of arcs drawn with a 150 mile radius to the north from the following specified points:

	North latitude	*West longitude*
(a)	29°40′00″	83°24′00″
(b)	30°07′00″	84°12′00″
(c)	30°31′00″	86°30′00″
(d)	30°48′00″	87°58′30″
(e)	30°03′00″	90°38′30″
(f)	30°04′30″	93°19′00″
(g)	29°46′00″	95°05′00″
(h)	28°43′00″	96°39′30″
(i)	27°52′30″	97°32′00″

When any of the above arcs pass through a city, the city shall be considered to be located in Zone II. (See Appendix I, Figure 2.)

2. In § 3.606, *Table of assignments*, make the following changes:

	Channel No.
Florida:	
Pensacola	3—, 15—, *21, 46.
Mississippi:	
Jackson	3+, 12+, *19+, 25—, 47.

In view of the action taken herein, it is unnecessary to consider the alternative relief requested by the petitioner.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: September 25, 1952.

Released: September 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–10986; Filed, Oct. 10, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10326]

NETWORKS AND LICENSEES OF BROADCAST STATIONS

ANNUAL FINANCIAL REPORT FORM

In the matter of amendment of FCC Form 324, Annual Financial Report (Including Associated Data) for Networks and Licensees of Broadcast Stations; Docket No. 10326.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend FCC Form 324 in the manner indicated by the proposed revision attached as an appendix to this notice.[1]

3. The proposed revision of Schedules 10–A and 10–B (Employees and Their Compensation) of Annual Report Form 324 is being handled under separate proposed rule making.

4. A conference was held on June 10, 1952, among staff representatives of the Federal Communications Commission, representatives of the Budget Bureau, and the Committee on Radio Broadcasting of the Advisory Council on Federal Reports. The changes which have been made in the proposed form represent substantially the consensus of the aforementioned conferees.

5. The principal changes proposed to be effected by the attached revision are as follows:

(a) The instructions with respect to the balance sheet and associated schedules have been clarified.

(b) Schedule 1 (the balance sheet) has been revised. However, if the respondent prepares for other purposes, a detailed balance sheet as of December 31 of the calendar year showing substantially the same data required in Schedule 1, provision is made in the instructions for the respondent, if he so elects, to file such a balance sheet in lieu of the one provided in Schedule 1.

(c) Present Schedule 1A, Analysis of Notes and Accounts Payable, Note 1 to present Schedule 7, Analysis of Broadcast Expenses, and present Schedule 9, Analysis of Time Devoted to Networks, have been deleted.

(d) Schedule 1B, Contingent Amounts, has been deleted and provision made for supplying these data, if any, as footnotes to the balance sheet.

(e) Provision has been made in proposed Schedule 6, Analysis of Broadcast Expenses, for the segregation therein of expenditures for film rentals, film purchases, and other film expense.

(f) A new form of verification has been inserted. Various other minor and editorial changes have been made.

6. The proposed amendment is issued under authority of sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the manner set forth herein may file with the Commission, on or before November 3, 1952, a written statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Replies to such comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments that are received before taking final action in the matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: October 1, 1952.

Released: October 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11020; Filed, Oct. 10, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Part 161]

[No. 5540]

DEFINITION OF WHO ARE INSURED MEMBERS FOR PURPOSES OF INSURANCE OF ACCOUNTS

NOTICE OF PROPOSED RULE MAKING

OCTOBER 7, 1952.

Whereas by Resolution No. 5524, dated September 26, 1952, the Home Loan Bank Board provided for a hearing on October 31, 1952, upon certain amendments to the rules and regulations for the Federal Savings and Loan System with respect to the purchase of loans by Federal savings and loan associations beyond their regular lending area and

Whereas it is deemed advisable to consider at the same time an amendment to § 161.2 of the rules and regulations for insurance of accounts (24 CFR 161.2) which, as it would relieve a restriction and is called for by reason of the enactment of Public Law 558 of the 82d Congress, approved July 16, 1952, would not require 30 days' notice as provided in § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12).

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1) an amendment of § 161.2 of the rules and regulations for insurance of accounts (24 CFR 161.2) to read as hereinafter set forth is hereby proposed.

Resolved further, that a hearing will be held on October 31, 1952, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the rules and regulations for insurance of accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before October 27, 1952, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

§ 161.2 *Insured member.* An "insured member" may be an individual, a partnership, an association, or a corporation holding an insured account. Each officer, employee, or agent of the United States, of any State of the United States, of the District of Columbia, of any Territory of the United States, of Puerto Rico, of the Virgin Islands, of any county, of any municipality, or of any political subdivision thereof, herein called "public unit", having official custody of public funds and lawfully investing the same in an insured account is an insured member in such custodial capacity separate and distinct from any other officer, employee, or agent of the same or any public unit having official custody of public funds and lawfully investing the same in the same insured institution in custodial capacity. Each valid trust estate invested by the fiduciary in an insured account is an insured member separate and distinct from any other valid trust estate invested by the same or another fiduciary in the same insured institution. If the owner or the beneficiary of any such trust estate has any other investment in the same insured institution, held in a different capacity and right, he is, as to such investment, an insured member separate and distinct from such trust estate. In the event the funds of more than one trust estate are invested by the fiduciary in one insured account in an insured institution and the interest of each particular trust estate in such insured account is disclosed upon the records of the insured institution or upon the records of the fiduciary maintained in good faith and in the regular course of business, each such trust estate will be considered as a separate insured account as disclosed upon such records. In the event a fiduciary invests in one insured account funds of more than one trust estate which are commingled, each such trust estate in such insured account will be considered as a separate insured account for an amount determined by apportioning the total amount in the insured account to the trust estates having an interest therein upon the same ratio as the interest of such trust estates in the total commingled fund out of which the investment was made by the fiduciary.

Resolved further, that this hearing may be consolidated with the hearing provided for in the aforesaid Resolution No. 5524 of the Board (17 F. R. 8708).

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 401, 48 Stat. 1255, Pub. Law 558, 82d Cong.; 12 U. S. C. 1724)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52–11033; Filed, Oct. 10, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 205]

CLASS I MOTOR CARRIERS OF PROPERTY

REPORT OF MAN-HOURS PAID FOR AND COMPENSATION OF DRIVERS AND HELPERS

SEPTEMBER 30, 1952.

The Commission, Division 1, having under consideration the matter of statistical reports to be filed by Class I Motor Carriers of Property has approved a modification of the Quarterly Report of Revenues, Expenses, and Statistics to include data with respect to hours and compensation of Drivers and Helpers, to be compiled and reported in the manner set forth in the attached form.[1]

It is intended that each carrier shall report actual man-hours paid for during one pay period in each quarter and that the sum of the man-hours reported for the four quarters be used as a basis for estimating total man-hours paid for Drivers and Helpers required by Schedule 9002–A in the annual report.

Any interested party may, on or before November 10, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided, after consideration of representation so received, an order will be entered requiring reports to be filed,

[1] Filed as part of the original document.

commencing with the period January 1, 1953 to March 31, 1953 (both dates inclusive).

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11018; Filed, Oct. 10, 1052; 8:49 a. m.]

[49 CFR Part 205]

CLASS I MOTOR CARRIERS OF PASSENGERS

REPORT OF MAN-HOURS PAID FOR AND COMPENSATION OF DRIVERS

SEPTEMBER 30, 1952.

The Commission, Division 1, having under consideration the matter of statistical reports to be filed by Class I Motor Carriers of Passengers, has approved modification of the Quarterly Report of Revenues, Expenses, and Statistics to include data with respect to hours and compensation of Drivers, to be compiled and reported in the manner set forth in the attached form.[1]

It is intended that each carrier shall report the actual man-hours paid for during one pay period in each quarter and that the sum of the man-hours reported for the four quarters be used as a basis for estimating total man-hours paid for Drivers required by Schedule 9002–B in the annual report.

Any interested party may, on or before November 10, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided, after consideration of representation so received, an order will be entered requiring reports to be filed, commencing with the period January 1, 1953 to March 31, 1953 (both dates inclusive).

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11017; Filed, Oct. 10, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52–45]

APPROVAL OF EQUIPMENT AND CORRECTION OF PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which supersede approvals published in the FEDERAL REGISTER dated July 31, 1947, are prescribed and shall be in effect for a period of 5 years from July 31, 1952, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be effective for a period of 5 years from date of publication in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and,

(c) The correction to an approval published in a prior document shall be made as set forth below.

BUOYANT CUSHIONS, NONSTANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/512/0, 15'' x 15'' x 2'' rectangular buoyant cushion, 20 oz. kapok, unsupported plastic cover and straps, dwg. dated May 1, 1952, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif.

Approval No. 160.008/515/0, 15'' x 15'' x 2'' rectangular buoyant cushion, 20 ounce kapok, unsupported plastic cover and straps, manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, N. Y., for Neptune Specialties, Inc., 52 Clark Street, Brooklyn 2, N. Y.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.008)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/22/1, Type WUG–N1 Universal Gas Mask, Bureau of Mines Approval No. 1443, Willson Catalog No. 49, P. 50, manufactured by Willson Products, Inc., Reading, Pa. (Supersedes Approval No. 160.011/22/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/23/1, Type WUG–N2 Universal Gas Mask, Bureau of Mines Approval No. 1445, Willson Catalog No. 49, P. 50, manufactured by Willson Products, Inc., Reading, Pa. (Supersedes Approval No. 160.011/23/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/24/1, Type WIG–G4 Ammonia Gas Mask, Bureau of Mines Approval No. BM–1425, Willson Catalog No. 49, P. 54, manufactured by Willson Products, Inc., Reading, Pa. (Supersedes Approval No. 160.011/24/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 61.16, 77.18, 95.17, 114.18, 160.011)

WINCHES, LIFEBOAT

Approval No. 160.015/62/0, Type B135M lifeboat winch, approved for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–8 dated January 28, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/1/1, Type 8 PL embarkation-debarkation ladder, chain suspension, wood ears, dwg. dated March 5, 1952, manufactured by H. K. Metal Craft Mfg. Co., 3775–3789 Tenth Avenue at Two Hundred and Third Street, New York 34, N. Y. (Supersedes Approval No. 160.017/1/0 published in the FEDERAL REGISTER July 31, 1947.)

Approval No. 160.017/13/0, Type 8 PL–S embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated March 1, 1952, manufactured by H. K. Metal Craft Mfg. Co., 3775–3789 Tenth Avenue at Two Hundred and Third Street, New York 34, N. Y.

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/11/0, Type JF lifeboat sea anchor, U. S. C. G. dwg. No. MMI–562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Samuel Fassman Co., 164 Liberty Avenue, Brooklyn 12, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 76.14, 160.019)

LIFE FLOATS

Approval No. 160.027/10/1, 7.0' x 3.5' (10'' x 10'' body section), elliptical, solid balsa wood life float, 10-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/10/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.027/11/1, 8.5' x 4.0' (11'' x 11'' body section), elliptical, solid balsa wood life float, 15-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/11/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.027/12/1, 9.0' x 5.5' (12'' x 12'' body section), elliptical, solid balsa wood life float, 20-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/12/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.027/13/1, 10.0' x 5.5' (12'' x 12'' body section), elliptical, solid balsa wood life float, 25-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/13/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.027/14/1, 11.5' x 7.0' (14'' x 14'' body section), elliptical, solid balsa wood life float, 40-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/14/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.027/15/1, 13.0' x 8.5' (16'' x 16'' body section), elliptical, solid balsa wood life float, 60-person capacity, dwg. No. G–331, dated December 13, 1943, revised June 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.027/15/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.027)

DAVITS, LIFEBOATS

Approval No. 160.032/109/1, telescopic gravity davit, type TG–9.5, approved for maximum working load of 1,900 pounds per set (950 pounds per arm), using 1 part falls, identified by arrangement dwg. No. 3237 dated May 26, 1950, and revised April 11, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.032/109/0 published in the FEDERAL REGISTER dated March 21, 1951.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/4/1, Rottmer type size C releasing gear, approved for maximum working load of 18,300 pounds per set (9,150 pounds per hook), identified by general arrangement dwg. No. 1498–5 dated January 8, 1951, and revised June 9, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.033/4/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.033/26/1, Rottmer type size 297 releasing gear, approved for maximum working load of 39,800 pounds per set (19,900 pounds per hook), identified by assembly dwg. No. 1895–10 dated November 22, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/26/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.033/27/1, Rottmer type size 298 releasing gear, approved for maximum working load of 27,700 pounds per set (13,850 pounds per hook), identified by arrangement dwg. Nos. 3367–3 dated November 13, 1951, and 3372–4 dated November 1, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/27/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.033/28/1, Rottmer type size 299 releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by arrangement dwg. No. 3372–6 dated December 11, 1951, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.033/28/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.033/39/1, Rottmer type S–1 releasing gear, approved for maximum working load of 21,300 pounds per set (10,650 pounds per hook), identified by hoist gear assembly dwg. No. M–115–1 dated October 25, 1949, and revised June 6, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.033/39/0 published in the FEDERAL REGISTER dated May 10, 1950.)

Approval No. 160.033/44/0, type T–9.5 releasing gear, approved for maximum working load of 1,900 pounds per set (950 pounds per hook), identified by hoist and release gear dwg. No. 3237–2 dated June 8, 1950, and revised July 14, 1950, for use on all vessels other than ocean and coastwise, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10–15, 33.10–20, 59.68, 76.62, 94.59, 160.033)

LIFEBOATS

Approval No. 160.035/26/1, 26.0' x 8.75' x 3.75' steel oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. G–2650 dated April 2, 1952, and revised June 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/26/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/194/2, 35.0' x 12.33' x 5.25' steel hand-propelled lifeboat, 135-person capacity, identified by construction and arrangement dwg. No. 1871 dated April 9, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/194/1 published in the FEDERAL REGISTER dated October 29, 1948.)

Approval No. 160.035/213/1, 12.0' x 4.4' x 1.9' steel oar-propelled lifeboat, 6-person capacity, identified by general arrangement dwg. No. G–1206–S dated April 25, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/213/0 published in the FEDERAL REGISTER dated April 1, 1948.)

Approval No. 160.035/236/0, 16.0' x 5.8' x 2.42' steel oar-propelled lifeboat, 13-person capacity, identified by general arrangement dwg. No. G–1613 dated April 28, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.035/285/0, 18.0' x 5.75' x 2.42' aluminum oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement dwg. No. 18–4 dated October 24, 1951, and revised June 6, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/288/0, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement and construction dwg. No. 49R–2658 dated January 15, 1952, and revised July 14, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 474, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 33.01–5, 59.13, 76.16, 94.15, 113.10, 160.035)

KITS, FIRST-AID

Approval No. 160.041/4/0, First-aid Kit, Model No. H–24, dwg. No. H–24–K revised July 11, 1952, submitted by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston 18, Mass.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.041)

VALVES, SAFETY

Approval No. 162.001/5/1, Style HRC–MS–1 carbon steel body pop safety valve, 350 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. B–33675 dated Aug. 22, 1941, and G–33675 dated July 16, 1952, approved for sizes 2'', 2½'', 3'', 3½'' and 4'', manufactured by the Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/5/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/6/1, Style HRD–MS–2 carbon steel body pop safety valve, 450 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. B–33676 dated July 18, 1952, and G–33676 dated July 18, 1952, approved for sizes 1½'', 2'', 2½'', 3'', 3½'' and 4'', manufactured by the Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/6/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/7/1, Style HRD–MS–3 carbon steel body pop safety valve, 500 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. B–33677 dated July 18, 1952, and G–33677 dated July 18, 1952, approved for sizes 1½'', and 2'', manufactured by the Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/7/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/8/1, Style HRSA–MS–3 carbon steel body pop safety valve, 500 p. s. i. maximum pres-

[1] Filed as part of the original document.

sure, 750° F. maximum temperature, dwg. No. D–33678, dated July 16, 1952, and G–33678 dated July 16, 1952, approved for sizes 1½" and 2", manufactured by the Crosby Steam Gage & Valve Co., 43 Kendrick Street, Wrentham, Mass. (Supersedes Approval No. 162.001/8/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/53/1, Type 38SV alloy steel pop safety valve, 1,500 p. s. i. maximum pressure, 1050° F. maximum temperature, dwg. Nos. B31432–2, Alt. 2 dated May 9, 1952, and C32258–1 undated, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Foster Engineering Co., 835 Lehigh Avenue, Union, New Jersey. (Supersedes Approval No. 162.001/53/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/56/1, Type 1451 Consolidated bronze body pop safety valve, 300 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. 3VL953 dated July 28, 1952, approved for 2½" size, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/56/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/60/1, Type 1426 Consolidated duplex carbon steel body pop safety valve, 300 p. s. i. maximum pressure for sizes 3" and 4", and 600 p. s. i. maximum pressure for sizes 2" and 2½", 650° F. maximum temperature, dwg. No. 3VK953 dated June 13, 1952, approved for sizes 2", 2½", 3" and 4", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn. (Supersedes Approval No. 162.001/60/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

BOILERS, HEATING

Approval No. 162.003/21/1, Model MSCH, Size 28–260, waste heat boiler, heat recovery silencer type, fitted with spark arrester, steel construction, dwg. Nos. B–476A revised July 24, 1952, and B–743 revised July 24, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by the Maxim Silencer Co., Hartford, Conn. (Supersedes Approval No. 162.003/21/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.003/26/1, Model 400 hot water heating boiler, forced circulation coil type, dwg. No. L–33, dated July 17, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Preferred Utilities Mfg. Corp., 1860 Broadway, New York 23, N. Y. (Supersedes Approval No. 162.003/26/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.003/27/1, Model 800T hot water heating boiler, forced circulation coil type, dwg. No. L–33, dated July 17, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Preferred Utilities Mfg. Corp., 1860 Broadway, New York 23, N. Y. (Supersedes Approval No. 162.003/27/0 published in the FEDERAL REGISTER dated July 31, 1947.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/21/1, General Quick Aid Fire Guard Model 85 HD, 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–185–XJ, Rev. B dated January 21, 1952, name plate dwg. No. AT–185–1D dated March 3, 1952, no revision, manufactured by the General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004/21/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.004/22/1, General Quick Aid Fire Guard Model 95 HD, 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–195–XJ, dated March 28, 1952, no revision, name plate dwg. No. AT–195–1D, dated March 3, 1952, no revision, manufactured by the General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004/22/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.004/23/2, General Quick Aid Fire Guard Model 85 HD, 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–185–XJ, Rev. B dated January 21, 1952, name plate dwg. No. AT–185–1D, dated March 3, 1952, no revision, manufactured by the General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Supersedes Approval No. 162.004/23/1 published in the FEDERAL REGISTER dated October 2, 1948.)

Approval No. 162.004/54/0, General Quick Aid Fire Guard Model 95 HD, 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–195–XJ, dated March 28, 1952, no revision, name plate dwg. No. AT–195–ID, dated March 3, 1952, no revision, manufactured by the General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.004/65/0, Badger's CTC (Symbol PY), 1-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–16174, Rev. 4 dated January 8, 1952, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/66/0, Badger's CTC (Symbol PY), 1½-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–16237, Rev. 4 dated January 8, 1952, manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/67/0, Gorham (Symbol PY), 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–15759, Rev. No. 6 dated January 5, 1952, manufactured for Gorham Fire Equipment Co., 30 India Wharf, Boston, Mass., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/68/0, Gorham (Symbol PY), 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–15760, Rev. No. 6 dated January 5, 1952, manufactured for Gorham Fire Equipment Co., 30 India Wharf, Boston, Mass., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/69/0, Kidde VL No. 6 (Symbol PY), 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–15791 dated June 17, 1949, no revision, name plate dwg. No. A–16158, Rev. No. 3 dated July 17, 1951, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

Approval No. 162.004/70/0, Kidde VL No. 5 (Symbol PY), 1½-quart carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. B–16164 dated November 22, 1950, no revision, name plate dwg. No. A–16159, Rev. No. 3 dated July 16, 1951, manufactured for Walter Kidde & Co., Inc., Belleville 9, N. J., by the Pyrene Manufacturing Co., 560 Belmont Avenue, Newark 8, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

VALVES, SAFETY (FOR STEAM HEATING BOILERS)

Approval No. 162.012/9/0, Cat. No. 2501 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. A–24144, Rev. B, dated April 22, 1948, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
¾	189
1	324
1¼	351
1½	495
2	711
2½	900

manufactured by the Crane Co., 836 S. Michigan Avenue, Chicago 5, Ill.

Approval No. 162.012/10/0, Series 70 pop safety valve, cast iron body enclosed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P–20119, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa.

Approval No. 162.012/11/0, Series 70E pop safety valve, cast iron body exposed spring standard outlet for steam heating boilers and unfired steam generators, dwg. No. P–20120, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa.

Approval No. 162.012/12/0, Series 72 pop safety valve, cast iron body enclosed spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P–20119, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa.

Approval No. 162.012/13/0, Series 72E pop safety valve, cast iron body exposed spring expanded outlet for steam heating boilers and unfired steam generators, dwg. No. P–20120, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
1	400
1¼	659
1½	1,366
2	1,989
2½	2,497
3	3,000
4	5,112

manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa.

Approval No. 162.012/14/0, Series 5 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. D–5L–2½, dated December 14, 1948, approved for a maximum pressure of 30 p. s. i. in the following sizes and capacities:

Size (Inches):	Capacity (pounds/hour) at 30 p. s. i.
¾	219
1	306
1¼	576
1½	1,060
2	1,070

manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/64/0, Figure 100 pressure vacuum relief valve, atmospheric pattern, weight-loaded poppets, all bronze construction, dwg. No. 100–A, dated January 12, 1951, approved for sizes 2½", 3" and 4", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

Approval No. 162.017/66/0, Figure 120 pressure only relief and spill valve, atmospheric pattern, weight-loaded poppet, all bronze construction, dwg. No. 120–A, dated January 12, 1951, approved for size 6", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

Approval No. 162.017/67/0, Figure 130 pressure vacuum relief valve, enclosed pattern, weight-loaded poppets, all bronze construction, dwg. No. 130–A, revised February 7, 1951, approved for sizes 3", 4", 5" and 6", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. App. 1275; 46 CFR 162.017)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/6/1, Figure 4312, secondary boiler water level indicator, remote reading wall-mounted type, 700 p. s. i. maximum pressure, dwg. Nos. EL–912–108, revision A, dated February 23, 1952, EL–13021, revision E, dated June 16, 1952, and EL–14269, dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Supersedes Approval No. 162.025/6/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.025/30/1, Figure 4314, secondary boiler water level indicator, remote reading panel-mounted type, 700 p. s. i. maximum pressure, dwg. Nos. EL–912–108, revision A, dated February 23, 1952, EL–13021, revision E, dated June 16, 1952, and EL–14269, dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Supersedes Approval No. 162.025/30/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.025/31/1, Figure 4316, secondary boiler water level indicator, remote reading wall-mounted type, 1500 p. s. i. maximum pressure, dwg. Nos. EL–912–109, revision B, dated May 12, 1952, EL–13003 dated October 11, 1944, EL–12975 dated February 21, 1949, and EL–14269 dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 16, Pa. (Supersedes Approval No. 162.025/31/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.025/32/1, Figure 4318, secondary boiler water level indicator, remote reading panel-mounted type, 1500 p. s. i. maximum pressure, dwg. Nos. EL–912–109, revisions B, dated May 12, 1952, EL–13003 dated October 11, 1944, EL–12975 dated February 21, 1949 and EL–14269 dated July 22, 1952, manufactured by Yarnall-Waring Co., Chestnut Hill, Philadelphia 18, Pa. (Supersedes Approval No. 162.025/32/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/2, Fiberglas Insulation Type TW–MC, glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG 3610–1493, FP2569, dated Nov. 10, 1947, and National Bureau of Standards Test Report No. TG 10210–1624:FP2806, dated Aug. 9, 1949, modified by Owens-Corning Fiberglas Corporation letter dated July 9, 1952, approved in a 2 to 3½ pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Supersedes Approval No. 164.009/10/1 published in the FEDERAL REGISTER dated Aug. 24, 1951, and Approval No. 164.009/19/0 published in the FEDERAL REGISTER dated Oct. 7, 1949.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 164.009)

CORRECTION TO PRIOR DOCUMENT

In FEDERAL REGISTER Volume 17, Number 139, of the issue for Thursday, July 17, 1952, 17 F. R. 6568, under the heading "Buoys, Life, Ring, Cork or Balsa Wood," Approval No. 160.009/40/0 shall be corrected by changing the name of the manufacturer from "George Broom & Sons" to "George Broom's Sons."

Dated: October 7, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52–11030; Filed, Oct. 10, 1952; 8:52 a. m.]

[CGFR 52–46]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated for the reasons set forth in notes with each item of equipment:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: The following approval is terminated because the manufacturer is no longer in business.

Termination of Approval No. 160.007/74/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Distin Boat Co., Inc., Saranac Lake, N. Y. (Approved FEDERAL REGISTER dated October 2, 1948.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

VALVES, SAFETY

NOTE: The following approvals are terminated because they do not comply with the requirements of power boiler safety valves.

Termination of Approval No. 162.001/85/0, Cat. No. 2501, Crane Co. pop safety valve, bronze body and bonnet, enclosed spring, single lifting lever, screwed inlet and outlet, maximum working pressure 30 p. s. i., dwg. No. A–24144, Rev. B, approved for sizes 1½'' and 2'' diameters, sizes ¾'', 1'', and 1¼'' diameter are approved only for heating boiler service, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER dated July 1, 1948.)

Termination of Approval No. 162.001/87/0, Series 70, cast iron body pop safety valve, enclosed spring, expanded outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on heating boilers and evaporators, not permitted on power boilers, dwg. No. P–20119, approved for sizes 1½'', 2'', 2½'', 3'', and 4'', manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER dated August 28, 1948.)

Termination of Approval No. 162.001/88/0, Series 70E, cast iron body pop safety valve, exposed spring, expanded outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on heating boilers and evaporators, not permitted on power boilers, dwg. No. P–20120, approved for sizes 1½'', 2'', 2½'', 3'', and 4'', manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER dated August 28, 1948.)

Termination of Approval No. 162.001/89/0, Series 72 cast iron body pop safety valve, enclosed spring, standard outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on heating boilers and evaporators, not permitted on power boilers, dwg. No. P–20119, approved for sizes 1½'', 2'', 2½'', 3'', and 4'', manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER dated August 28, 1948.)

Termination of Approval No. 162.001/90/0, Series 72E cast iron body pop safety valve, exposed spring, standard outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on heating boilers and evaporators, not permitted on power boilers, dwg. No. P–20120, approved for sizes 1½'', 2'', 2½'', 3'', and 4'', manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER dated August 28, 1948.)

Termination of Approval No. 162.001/100/0, Series 5, bronze body pop safety valve, enclosed spring, screwed inlet and outlet, 30 pounds per square inch maximum pressure, 366° F. maximum temperature, limited to installation on heating boilers and evaporators, not permitted on power boilers, dwg. No. D–5L–2½, approved for sizes ¾'', 1'', 1¼'', 1½'', 2'', 2½'', and 3'', manufactured by Marine & Industrial Products Co., 3731 Filbert Street, Philadelphia 4, Pa. (Approved FEDERAL REGISTER dated Feb. 19, 1949.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

INCOMBUSTIBLE MATERIALS

NOTE: The following approval is terminated because the incombustible material has been incorporated with Approval No. 164.009/10/2.

Termination of Approval No. 164.009/19/0, Fiberglas Insulation Type TW–MC–611, glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG 10210–1624:FP2806, dated August 9, 1949, approved in a 2 pound per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Approved FEDERAL REGISTER dated October 7, 1949.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 164.009)

CONDITIONS OF TERMINATION OF APPROVAL

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment in service before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: October 7, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 52–11027; Filed, Oct. 10, 1952; 8:51 a. m.]

[CGFR 52–47]

COAST GUARD PORT SECURITY CARDS

The United States Coast Guard is authorized to issue Coast Guard Port Security Cards as one means of identification of persons regularly employed on vessels or on waterfront facilities or of persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities. The practice is to limit the validity of these Coast Guard Port Security Cards to 2 years from date of issuance. It is not deemed appropriate or necessary to require the rescreening of holders of Coast Guard Port Security Cards and the reissuance of such cards at this time. By virtue of the authority vested in me as Commandant, United States Coast Guard, by 33 CFR 6.10–7 in Executive Order 10173, as amended by Executive Orders 10277 and 10352 (15 F. R. 7005, 7007, 7008, 16 F. R. 7537, 7538, 17 F. R. 4607), notice is given to holders of Coast Guard Port Security Cards (Form CG 2514) that the period of validity of such cards issued on or before June 30, 1952, 2 years from date of issue as shown on the reverse side thereof, is hereby extended for two additional years. New Coast Guard Port Security Cards will not be issued, and Coast Guard personnel and others concerned shall honor such outstanding cards issued on or before June 30, 1952, unless sooner surrendered or canceled by proper authority, for a period of 4 years from date of issue.

Dated: October 7, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 52–11026; Filed, Oct. 10, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF FILING OF PLAT OF SURVEY

OCTOBER 2, 1952.

Notice is hereby given that the plat of dependent resurvey and extension survey of T. 39 S., R. 27 E., Willamette Meridian, Oregon, accepted September 13, 1951, will be officially filed in the Land Office, Portland, Oregon, effective at 10:00 a. m., on the 35th day after the date of this notice.

The above plat represents (1) a retracement and reestablishment of the original township boundary and subdivisional lines as shown by plat approved November 15, 1881, designed to restore the corners in their original locations according to the best available evidence, (2) relottings of previously surveyed lands in sections 10, 14, 15, 22, 23, 26, 27, 34, 35, and 36, as shown by plat approved November 15, 1881, and (3) an extension of surveys over the dry bed of Guano Lake in the above-described sections.

In terms of the subsisting plat of survey, the lands in the above-described sections are now described as follows:

WILLAMETTE MERIDIAN

T. 39 S., R. 27 E.,
Sec. 10, Lots 7 to 21 inclusive,
Sec. 14, Lots 5 to 20 inclusive,
Sec. 15, Lots 5 to 20 inclusive,
Sec. 22, Lots 5 to 20 inclusive,
Sec. 23, Lots 5 to 20 inclusive,
Sec. 26, Lots 5 to 20 inclusive,
Sec. 27, Lots 2 to 17 inclusive,
Sec. 34, Lots 3 to 18 inclusive,
Sec. 35, Lots 3 to 18 inclusive,
Sec. 36, Lots 3 and 4.

The area described aggregates 5,796.62 acres.

Public Water Reserve No. 107

By order of April 17, 1926 (Interpretation No. 211 of November 19, 1934—No. 1218080), certain lands in section 34 were included in this withdrawal. The above plat shows relottings of previously surveyed lands in this section as shown by plat approved November 15, 1881. In terms of the subsisting plat of survey, the withdrawn lands are now described as follows:

WILLAMETTE MERIDIAN

T. 39 S., R. 27 E.,
Sec. 34, Lots 11 to 18 inclusive.

The area described aggregates 321.52 acres.

All of the above-described lands are within the exterior boundaries of Grazing District No. 1.

The lands will not be available for filing of applications under the public land laws, including the mining laws, until an order opening them to such application and entry is published in the FEDERAL REGISTER.

Anyone having a valid settlement or other right to any of the lands initiated prior to the survey of the lands should assert the same within 3 months from the date on which the plats are officially filed, by filing an application under the appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land Office, Portland 18, Oregon.

FRANCES A. PATTON,
Manager.

[F. R. Doc. 52–10991; Filed, Oct. 10, 1952; 8:45 a. m.]

Southwestern Power Administration

[SPA General Order 83]

CHIEF, DIVISION OF ADMINISTRATION ET AL.

DELEGATIONS OF AUTHORITY WITH RESPECT TO EXECUTION OF CONTRACTS

AUGUST 27, 1952.

SECTION 1. *Revocation.* SPA General Order No. 66, August 14, 1951 (16 F. R. 9666) is revoked.

SEC. 2. *Contracts and leases.* The following authority, with respect to contracts and leases, is redelegated pursuant to, and subject to the provisions of, Order No. 2509, as amended.

.01 *Contractual authority.* (a) The Chief, Division of Administration, and the Supply Officer may, irrespective of the amount involved, enter into contracts for construction, supplies, or services, including, but not limited to, contracts for land surveys, contracts for architectural, structural, or electrical plans or designs, and contracts for the procurement of transformers and oil circuit breakers.

(b) The Chief, Procurement Section, may, irrespective of the amount involved, enter into contracts for services or supplies except contracts for land surveys, contracts for architectural, structural, or electrical plans or designs, and contracts for the procurement of transformers and oil circuit breakers.

.02 *Change orders.* With respect to contracts entered into by them, any of the officials named in subsection .01 of this section may issue change orders and extra work orders pursuant to such contracts, enter into modifications of such contracts, and terminate such contracts when legally permissible; but a change order to a construction contract (Standard Form No. 23), involving an estimated increase or decrease of more than $500.00, must be approved in writing by the Administrator.

.03 *Leases.* The Chief, Division of Administration, the Supply Officer, and the Chief, Procurement Section, may exercise the authority of the Administrator with respect to leases.

SEC. 3. *Effective date.* This order shall be effective on and from September 30, 1952.

JAMES V. ALFRIEND,
Acting Administrator.

[F. R. Doc. 52–10992; Filed, Oct. 10, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SIDNEY LIVESTOCK COMMISSION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Sidney Livestock Commission Company, Sidney, Nebraska, originally posted on January 10, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 8th day of October 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52–11036; Filed, Oct. 10, 1952; 8:54 a. m.]

Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the counties "Clay," "Gage," "Holt," "Keyapaha," and "Rock"; under South Dakota, in alphabetical order, add the counties "Buffalo," "Clark," and "Gregory."

In Schedule B, under Nebraska, delete the counties "Clay," "Gage," "Holt," "Keyapaha," and "Rock"; under South Dakota, delete the counties "Buffalo," "Clark," and "Gregory."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 10th day of October 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–11187; Filed, Oct. 10, 1952; 11:31 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6264]

NIAGARA MOHAWK POWER CORP. AND NIAGARA FALLS POWER CO.

NOTICE OF OPINION NO. 237, FINDINGS AND ORDER

OCTOBER 7, 1952.

In the matter of Niagara Mohawk Power Corporation as successor licensee to Niagara Falls Power Company; Docket No. E–6264.

Notice is hereby given that on October 3, 1952, the Federal Power Commission issued its opinion, findings and order entered September 30, 1952, denying application to amortize payment in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10995; Filed, Oct. 10, 1952; 8:46 a. m.]

[Docket Nos. G–1476, G–1479, G–1480, G–1481, G–1501, G–1514]

WARWICK GAS CORP. ET AL.

NOTICE OF ORDER MODIFYING AND AFFIRMING AS MODIFIED INITIAL DECISION OF PRESIDING EXAMINER

OCTOBER 7, 1952.

In the matters of Warwick Gas Corporation, Docket No. G–1476; Bangor Gas Company, Docket No. G–1479; Citizens Gas Company, Docket No. G–1480; Pen Argyl Gas Company, Docket No. G–1481; Crystal City Gas Company, Docket No. G–1501; and New River Gas Company, Docket No. G–1514.

Notice is hereby given that on October 3, 1952, the Federal Power Commission issued its order entered October 2, 1952, in the above-entitled matters, modifying and affirming as modified initial decision of Presiding Examiner, effective as of October 3, 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–10996; Filed, Oct. 10, 1952; 8:46 a. m.]

[Docket Nos. G–1930, G–1993, G–2021]

TENNESSEE GAS TRANSMISSION CO. ET AL

NOTICE OF FINDINGS AND ORDERS

OCTOBER 7, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G–1930; Southern Natural Gas Company, Docket No. G–1993; Public Service Electric and Gas Company, Docket No. G–2021.

Notice is hereby given that on October 6, 1952, the Federal Power Commission issued its orders entered October 2, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10997; Filed, Oct. 10, 1952; 8:46 a. m.]

[Project No. 906]

HYDRO-ELECTRIC CORP. OF VIRGINIA AND VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR PART)

OCTOBER 7, 1952.

Notice is hereby given that on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, approving transfer of license (Minor Part) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10998; Filed, Oct. 10, 1952; 8:47 a. m.]

[Project No. 1510]

CITY OF KAUKAUNA, WIS.

NOTICE OF ORDER APPROVING REVISED EXHIBIT AS PART OF LICENSE

OCTOBER 7, 1952.

Notice is hereby given that on October 7, 1952, the Federal Power Commission issued its order entered October 2, 1952, approving revised Exhibit K as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–10999; Filed, Oct. 10, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M–55 (Sub. No. 1)]

BAREBOAT CHARTERS OF GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS AUTHORIZED UNDER PUB. LAW 591, 81ST CONG., IN EFFECT ON JUNE 30, 1952

ANNUAL REVIEW

In accordance with section 3 (e) of Public Law 591, 81st Congress, an annual review has been made of bareboat charters of government-owned, war-built, dry-cargo vessels authorized under said law and in effect on June 30, 1952.

By order of the Board, dated July 2, 1952, the Federal Maritime Board tentatively found that conditions exist justifying the continuance of the following charters under the conditions previously certified by the Federal Maritime Board:

TABLE I

Charterer	Vessel	Docket No.	Date vessel delivered
Luckenbach-Gulf Steamship Co., Inc.	Pine Bluff Victory	M–14	Mar. 28, 1951
	Wayne Victory	M–14	Apr. 23, 1951
	Red Oak Victory	M–50	Feb. 11, 1952
Pacific Atlantic Steamship Co.	Jeremiah S. Black	M–43	May 1, 1951
	Elmer A. Sperry	M–43	Feb. 15, 1951
	Thomas Nuttall	M–43	Oct. 27, 1951
Pope & Talbot, Inc.	Pere Marquette	M–42	Feb. 23, 1951
	Albert S. Burleson	M–42	Apr. 10, 1951
	M. M. Guhin	M–42	Apr. 2, 1951
Alaska Steamship Co.	Coastal Monarch	M–11	Aug. 9, 1948
	Sailors Splice	M–11	Apr. 27, 1949
	Coastal Rambler	M–11	Aug. 18, 1948
	Lucidor	M–11	Dec. 16, 1948
	Palisana	M–11	Do.
	Flemish Knot	M–11	July 26, 1948
	Square Knot	M–11	July 6, 1948
	Square Sinnet	M–11	Aug. 1, 1948
	Ring Splice	M–11	Jan. 14, 1949
	John H. Quick	M–31	June 4, 1951
	George D. Prentice	M–31	July 2, 1951
	Tarleton Brown	M–24	Apr. 3, 1951
Coastwise Line	John W. Burgess	M–24	Apr. 13, 1951
	Charles Crocker	M–30	May 28, 1951
	Lightning	M–27	Apr. 16, 1951
American President Lines	Shooting Star	M–32	May 23, 1951
	Anchorage Victory	M–20	Mar. 7, 1951
	Cuba Victory	M–51	Feb. 20, 1952
Farrell Lines	Vanderbilt Victory	M–52	Apr. 18, 1952
	Brigham Victory	M–52	Apr. 22, 1952
Grace Line, Inc.	Gunners Knot	M–9	Sept. 15, 1946
	Coastal Nomad	M–9	Dec. 23, 1946
	Coastal Adventurer	M–9	Jan. 21, 1947
	Anchor Hitch	M–9	Jan. 3, 1947
	Roswell Victory	M–21	Oct. 31, 1951
Lykes Bros. Steamship Co.	Cedar Rapids Victory	M–21	Dec. 5, 1951
	Denison Victory	M–35	Oct. 8, 1951
	Drake Victory	M–35	Nov. 2, 1951
	Barre Victory	M–37	Nov. 30, 1951
	Cape Horn	M–36	Sept. 14, 1951
Mississippi Shipping Co.	Contest	M–10	Apr. 27, 1947
Pacific Far East Line	Flying Dragon	M–10	May 8, 1947
	Surprise	M–10	Dec. 20, 1948
	Trade Wind	M–10	Jan. 20, 1949
	Fleetwood	M–10	Dec. 27, 1948
	Flying Scud	M–10	Dec. 10, 1948
	Sea Serpent	M–27	Mar. 28, 1951
	Bucyrus Victory	M–26	Aug. 17, 1951
	Lindenwood Victory	M–34	July 27, 1951
Prudential Steamship Corp.	Clarksville Victory	M–45	Jan. 29, 1952
South Atlantic Steamship Line	Anniston Victory	M–33	July 18, 1951
	High Point Victory	M–33	Aug. 30, 1951

Notice of the foregoing order was served on all interested parties and was published in the FEDERAL REGISTER on July 10, 1952.

Since the date of the Board's tentative findings, notices of termination have been received with respect to the following vessels:

TABLE II

Charterer	Vessel	Docket No.	Date vessel delivered
Pope & Talbot, Inc.	Pere Marquette	M–42	Feb. 23, 1951
American President Lines	Cuba Victory	M–51	Feb. 20, 1951
Farrell Lines	Vanderbilt Victory	M–52	Apr. 18, 1952
	Brigham Victory	M–52	Apr. 22, 1952
Lykes Bros. Steamship Co.	Roswell Victory	M–21	Oct. 31, 1951
	Cedar Rapids Victory	M–21	Dec. 5, 1951
	Denison Victory	M–35	Oct. 8, 1951
	Drake Victory	M–35	Nov. 2, 1951
	Barre Victory	M–37	Nov. 30, 1951
Pacific Far East Line	Bucyrus Victory	M–26	Aug. 17, 1951
South Atlantic Steamship Line	Anniston Victory	M–33	July 18, 1951
	High Point Victory	M–33	Aug. 30, 1951

A protest was subsequently filed on behalf of the Committee for the Promotion of Tramp Shipping opposing the continuance of certain charters. On July 29, 1952, the Board ordered a hearing (Docket No. M–55) on the charters placed in issue by the Committee for the Promotion of Tramp Shipping. These charters will be the subject of a report by the Board to be issued at a later date. No objections to the tentative findings of the Board were filed with respect to the following charters:

TABLE III

Charterer	Vessel	Docket No.	Date vessel delivered
Luckenbach-Gulf Steamship Co.	Pine Bluff Victory	M–14	Mar. 28, 1951
	Wayne Victory	M–14	Apr. 23, 1951
Alaska Steamship Co.	Red Oak Victory	M–50	Feb. 11, 1952
	Coastal Monarch	M–11	Aug. 9, 1948
	Sailors Splice	M–11	Apr. 27, 1949
	Coastal Rambler	M–11	Aug. 18, 1948
	Lucidor	M–11	Dec. 16, 1948
	Palisana	M–11	Do.
	Flemish Knot	M–11	July 26, 1948
	Square Knot	M–11	July 6, 1948
	Square Sinnet	M–11	Aug. 1, 1948
	Ring Splice	M–11	Jan. 14, 1949
American President Lines	Lightning	M–27	Apr. 16, 1951
Grace Line, Inc.	Shooting Star	M–32	May 23, 1951
	Gunners Knot	M–9	Sept. 15, 1946
	Coastal Nomad	M–9	Dec. 23, 1946
	Coastal Adventurer	M–9	Jan. 21, 1947
	Anchor Hitch	M–9	Jan. 3, 1947
Mississippi Shipping Co.	Cape Horn	M–36	Sept. 14, 1951
Pacific Far East Line	Contest	M–10	Apr. 27, 1947
	Flying Dragon	M–10	May 8, 1947
	Surprise	M–10	Dec. 20, 1948
	Trade Wind	M–10	Jan. 20, 1949
	Fleetwood	M–10	Dec. 27, 1948
	Flying Scud	M–10	Dec. 10, 1948
	Sea Serpent	M–27	Mar. 28, 1951

Findings, certifications, and recommendations. On the basis of evidence considered by the Board, the Federal Maritime Board finds and hereby certifies to the Secretary of Commerce that conditions exist justifying the continuance of the charters listed in Table III, above, upon the conditions originally certified by the Federal Maritime Board.

Dated: October 3, 1952.

By order of the Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52–11038; Filed, Oct. 10, 1952; 8:54 a. m.]

National Production Authority

[Suspension Order 33; Docket No. 26]

MARDIGIAN CORP.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 5th day of August 1952, before Harrison W. Ewing, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, and an answer thereto, in accordance with National Production Authority General Administrative Order 16–06 (16 F. R. 8628), and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), redesignated as R. P. 1—Rules of Practice Before Hearing Commissioners (16 F. R. 8894), and upon a stipulation of facts with annexed exhibits, and affidavit filed herein on behalf of the respondents; and

The respondents, Mardigian Corporation, a corporation, and Edward Mardigian, as president and treasurer of said Mardigian Corporation and individually, and Rudolph Stonisch, as vice president of said Mardigian Corporation and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the said respondents, Mardigian Corporation, a corporation, and Edward Mardigian and Rudolph Stonisch as officers of said corporation and individually, being represented by Messrs. Kramer and Mellen, attorneys at law, of Detroit, Mich.; and evidence having been offered and received in respect to the charges; and the hearing commissioner being advised in the premises, it is hereby determined:

Findings of fact. 1. The respondent, Mardigian Corporation, is, and during the period covered by the charges herein was, a manufacturing corporation organized and existing under the laws of the State of Michigan, and having its principal office and place of business at Detroit, Mich.

2. The business of said Mardigian Corporation includes, and during said period included, the production of aluminum cooking utensils, otherwise known as cook ware, from aluminum in controlled forms, and also includes and included the manufacture, both on Government defense contracts and for civilian use, of products made from materials other than aluminum. Aluminum is the only controlled material used by said respondent in the manufacture of cooking utensils. No aluminum has been or is presently used by said corporation in manufacturing products required by said Government defense contracts or in manufacturing said other products for civilian use.

3. During the month of January 1951, said Mardigian Corporation committed acts prohibited by section 26.25 (b), of National Production Authority Order M–7, as amended December 1, 1950 (15 F. R. 8576), in that the said Mardigian Corporation used 278,289 pounds of aluminum in manufacture, while lawfully entitled to use only 185,557 pounds thereof, and thereby used during said month 92,732 pounds of aluminum in excess of the quantity permitted by said regulation.

4. During the calendar quarter year beginning April 1, 1951, said Mardigian Corporation committed acts prohibited by section 5 (c) of National Production Authority Order M–7, as amended March 9, 1951 (16 F. R. 2337), March 31, 1951 (16 F. R. 2922), April 16, 1951 (16 F. R. 3118), April 20, 1951 (16 F. R. 3510), and June 1, 1951 (16 F. R. 5259), in that the said Mardigian Corporation used 803,934 pounds of aluminum in manufacture, while lawfully entitled to use only 452,295 pounds thereof, and thereby used during said period 351,639 pounds of aluminum in excess of the quantity permitted by said regulation.

5. During the calendar quarter year beginning July 1, 1951, said Mardigian Corporation committed acts prohibited by section 4 (a), of National Production Authority Order M–47A, dated July 1, 1951 (16 F. R. 6029), as amended August 2, 1951 (16 F. R. 7679), in that the said Mardigian Corporation used 452,584 pounds of aluminum in manufacture or assembly, while lawfully entitled to use only 347,920 pounds thereof, and thereby used during said period 104,664 pounds of aluminum in excess of the quantity permitted by said regulation.

6. Said Mardigian Corporation committed acts prohibited by section 19 (f), of CMP Regulation No. 1, as amended July 12, 1951 (16 F. R. 6800), August 1, 1951 (16 F. R. 7610), August 22, 1951 (16 F. R. 8548), October 1, 1951 (16 F. R. 10082), and November 23, 1951 (16 F. R. 11860), in that the said Mardigian Corporation, having received an authorized production schedule and an allotment of 139,238 pounds of aluminum for use during the fourth quarter of 1951, used said allotment to place orders for a total of 294,570 pounds of aluminum, a controlled material, and thereby placed controlled material orders for said quarter for 155,332 pounds of aluminum in excess of said allotment.

7. During the fourth quarter of 1951 said Mardigian Corporation committed acts prohibited by section 1 of Direction 3, issued June 25, 1951 (16 F. R. 6032), to CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended July 12, 1951 (16 F. R. 6800), August 1, 1951 (16 F. R. 7610, August 14, 1951 (16 F. R. 8109), August 22, 1951 (16 F. R. 8548), September 17, 1951 (16 F. R. 9518), October 1, 1951 (16 F. R. 10082), and November 23, 1951 (16 F. R. 11860), in that the said Mardigian Corporation placed orders during the said fourth quarter of 1951 which requested delivery in the months of October 1951 and November 1951, of controlled materials, to wit: aluminum in excess of the amounts allowable in any 1 month during said quarter, and in greater amounts than was permitted by the aforesaid regulations, and in greater amounts and on earlier dates than was required to fulfill its authorized production schedule for said fourth quarter of 1951.

8. Said Mardigian Corporation committed acts prohibited by section 23 (a) and (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), and as amended July 12, 1951 (16 F. R. 6800), August 1, 1951 (16 F. R. 6800), August 22, 1951 (16 F. R. 8548), October 1, 1951 (16 F. R. 10082), November 23, 1951 (16 F. R. 11860), January 5, 1952 (17 F. R. 201), and March 31, 1952 (17 F. R. 2847), in that during the period from May 3, 1951, to July 10, 1952, said Mardigian Corporation failed to maintain accurate records of all allotments received, of pro-

curement pursuant to all allotments, and of the subdivision of all allotments among its direct secondary consumers, and failed to segregate and keep separately by allotment numbers, and to file in such manner that they could be segregated regularly, and made available for inspection, all documents on which it relied as entitling it to receive or make an allotment or to accept delivery or to deliver controlled materials or Class A products.

9. During the period beginning July 1, 1951, and ending September 30, 1951, said Mardigian Corporation committed acts prohibited by section 1 of CMP Regulation No. 5, dated July 17, 1951 (16 F. R. 6936), as amended August 10, 1951 (16 F. R. 7989), in that the said Mardigian Corporation used the procedure provided in said CMP Regulation No. 5 to obtain MRO (Maintenance, Repair, and Operating) materials in excess of 20 percent of its MRO quota, and obtained materials for MRO purposes costing $84,338.00 when it was not permitted to exceed a cost of $44,250.30 for such materials.

10. There is no evidence tending to show that, as charged respectively in charges numbered 2, 4, 6, 8, 10, 12, and 14 in the statement of charges in the above-entitled proceeding, the individual respondents named in said charges, or any of them, directed and supervised, or participated in, any of the acts or omissions recited in the foregoing findings of fact, numbered from 3 to 9, inclusive, or that said individual respondents or any of them had actual knowledge of any of said acts or omissions.

Conclusions. 1. During the various periods respectively shown by the foregoing findings of fact, the above-named Mardigian Corporation violated the orders and regulations of the National Production Authority, cited respectively in said findings of fact as follows:

(a) By using in manufacture and assembly for civilian use a total of 549,035 pounds of controlled materials, namely aluminum, in excess of the quantities and total permitted by the orders and regulations of the National Production Authority cited in said respective findings of fact and applicable during said respective periods;

(b) By placing controlled materials orders during and for the fourth quarter of 1951 for 155,332 pounds of aluminum in excess of its allotment for said period;

(c) By placing orders during the fourth quarter of 1951 which requested delivery of controlled materials, namely, aluminum, in the months of October 1951 and November 1951 in excess of the amounts permitted by said regulations in any 1 month of said quarter, and by placing orders which requested delivery of controlled materials, namely, aluminum, in the months of October 1951 and November 1951 in greater amounts and on earlier dates than was required to fulfill its authorized production schedule for said fourth quarter of 1951.

(d) By failing during the period from May 3, 1951, to July 10, 1952, to maintain accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among its direct secondary consumers, and by failing to segregate and keep separately by allotment numbers, and to file in such manner that they could be segregated readily and made available for inspection, all documents on which it relied as entitling it to receive or make an allotment or to accept delivery or to deliver controlled materials or Class A products.

(e) By using the procedure provided in CMP Regulation No. 5, as amended August 10, 1951, to obtain during the third quarter of 1951 MRO (Maintenance, Repair, and Operating) materials in excess of 20 percent of its MRO quota, to wit: by obtaining materials during said quarter for MRO purposes costing $84,338.00 when it was not permitted to exceed a cost for such materials of $44,250.83.

2. The evidence does not establish that any of the individuals named as officers of said corporation and individually in charges nos. 2, 4, 6, 8, 10, 12, and 14 supervised and directed, as stated in said charges, or participated in any manner in the acts, omissions, and violations recited in the foregoing conclusions and further covered by findings of fact numbered 3 to 9, inclusive.

In order to correct the unauthorized use of aluminum shown by the violations found herein, and in order to prevent future violations by the respondent, Mardigian Corporation, of regulations, orders, and directives of the National Production Authority,

It is accordingly ordered:

1. That the allocations and allotments of aluminum to Mardigian Corporation, a corporation, for the fourth quarter of 1952, now apparently totaling 532,500 pounds, are hereby recalled and ordered to be modified and reduced by deducting and withholding therefrom 274,518 pounds.

2. That the allocation and allotments of aluminum projected to be made to the Mardigian Corporation, a corporation, for the first quarter of 1953, estimated to total 487,500 pounds are hereby directed to be modified and reduced by deducting and withholding therefrom 274,517 pounds.

3. That except in the event that said Mardigian Corporation received additional allotment or additional allotments or allocations, and excepting such aluminum as said corporation may require to fill orders rated 10–A, B, C, E, and Z–2, B–5 and DX, said Mardigian Corporation shall not use in civilian production more than 257,982 pounds of aluminum during the fourth quarter of 1952, nor more than 213,983 pounds of aluminum during the first quarter of 1953.

4. That said Mardigian Corporation is hereby ordered and required forthwith to report and return to the control of the National Production Authority any aluminum which it may have ordered, or of which it has received actual delivery under authority of its said allotments for the fourth quarter of 1952, in excess of the quantity which it is entitled to receive and use under the preceding paragraph of this order.

As to each and all of the corporate officers of said Mardigian Corporation named officially and individually as respondents in the statement of charges herein, this proceeding is hereby terminated and closed.

Issued at Cleveland, Ohio, this 26th day of September 1952.

NATIONAL PRODUCTION AUTHORITY,
By HARRISON W. EWING,
Hearing Commissioner.

[F. R. Doc. 52–11188; Filed, Oct. 10, 1952; 11:28 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 15]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE BERYL ORE OF DOMESTIC ORIGIN

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69, 96 and 429, 82d Cong.), and other applicable law, I hereby delegate to the Administrator of General Services the authority to purchase, for Government use and resale, beryl ore, of domestic origin, under the terms, conditions and policies set forth in regulations of even date herewith prescribed by the Administrator of General Services for the administration of the functions hereby delegated.

2. The functions delegated hereby shall be carried out in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration, with or without authority for further redelegation.

4. This delegation is effective as of the date hereof.

Dated: October 7, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52–11031; Filed, Oct. 10, 1952; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1460]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of October A. D. 1952.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of National Alfalfa Dehydrating and Milling Company, a security registered and listed on the Midwest Stock Exchange and on the New York Curb Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 28, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52–11001; Filed, Oct. 10, 1952; 8:47 a. m.]

[File No. 54–191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

ORDER APPROVING PLAN

OCTOBER 1, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company, and Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard, having filed an application pursuant to section 11 (e) of the act for approval of a plan, as amended, providing for the liquidation and dissolution of Standard or for its ceasing to have any interest in system companies;

Step I of the said plan providing for the retirement of the Prior Preference Stock of Standard through the allocation to the holders thereof of common stocks of operating utility subsidiaries of Standard, and Step I–A dealing with a joint proposal filed by Standard and Standard Power and Light Corporation ("Power"), a registered holding company of which Standard and Philadelphia are subsidiaries, for the settlement of all claims between Standard and Power except for Power's holdings of stock of Standard;

Public hearings having been duly held after appropriate notice with respect to Steps I and I–A, at which hearings all interested persons were afforded an opportunity to be heard;

Standard and Power having requested that the Commission's order approving Steps I and I–A, at which hearings all cordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof;

Standard and Power having further requested the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the terms and provisions of Steps I and I–A of the plan; and

The Commission having considered the entire record in this matter and having this day filed its Findings and Opinion herein finding that Steps I and I–A are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby;

It is ordered, On the basis of the record herein and said Findings and Opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said Steps I and I–A be and they hereby are approved, subject to the terms and conditions contained in Rule U–24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. That this order shall not be operative to authorize the consummation of the transactions proposed in Steps I and I–A until an appropriate United States District Court shall, upon application thereto, enter an order enforcing Steps I and I–A;

2. That Standard and Power shall pay only such fees and expenses in connection with Steps I and I–A and the proceedings relating thereto as the Commission may approve on appropriate application made to it, and jurisdiction hereby is specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan, the transactions incident thereto, and the proceedings thereon and related thereto;

3. That prior to the distribution by Standard of the shares of common stock of Oklahoma Gas and Electric Company ("Oklahoma") and of Wisconsin Public Service Corporation ("Wisconsin"), pursuant to Step I, Standard shall secure from those companies a commitment, in a form satisfactory to and to be filed with the Commission, that Wisconsin and its subsidiaries, on the one hand, and Oklahoma and its subsidiaries, on the other, shall not at any time have, as an officer or director, a person who is also an officer or director of any company presently or formerly in the Power holding company system;

4. That the 31,000 shares of common stock of Duquesne Light Company ("Duquesne") to be acquired by Power pursuant to Step I–A shall be held by Power subject to the Commission's Order, dated June 19, 1942, requiring Power to liquidate and dissolve.

5. That the exchange agent provided for in Step I shall not make any exchanges until further order of this Commission with respect to securities held by Mrs. Mayme E. O'Hara and any other person to be specified by this Commission.

6. That jurisdiction be, and it hereby is, specifically reserved with respect to the following matters:

a. The selection and composition of the boards of directors of Oklahoma, Wisconsin and Duquesne;

b. The supervision of efforts to locate holders of securities to be exchanged under the provisions of Steps I and I–A;

c. The appropriateness of the accounting entries to be made by Standard and Power in recording the transactions incident to the consummation of Steps I and I–A;

d. The selection of the exchange agent provided for in Step I, Standard not to appoint an exchange agent until it has notified the Commission of the agent proposed to be employed and the manner by which such proposed agent was selected and the Commission has entered a further order herein releasing jurisdiction with respect to the agent proposed to be employed;

e. The terms, conditions, and procedures under which the exchange agent may buy or sell any shares for the purpose of carrying out the provisions of Step I;

f. The participation in the exchange of securities pursuant to Step I by Mrs. Mayme E. O'Hara or any officer or director of Standard or Power and their families or associates; and

g. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be necessary or appropriate in connection with Steps I and I–A, the transactions incident thereto, and the consummation thereof.

It is further ordered and recited, That all steps and transactions involved in the consummation of Steps I and I–A, including particularly the transfers, conveyances, exchanges, issuances, expenditures, investments, distributions and receipts hereinafter described and recited in subparagraphs I through VIII below, are hereby authorized and approved and are necessary or appropriate to the integration or simplification of the holding company system of which Standard and Power are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and other securities and other property to be transferred, conveyed, exchanged, issued, distributed and received upon such transactions, and the expenditures and investments to be made, being specified and itemized as follows:

I. The issuance and sale by Wisconsin to Standard of 218,070 shares of the Common Stock of Wisconsin, and the payment by Standard to Wisconsin, as consideration therefor of the sum of $2,600,000 in cash: *Provided*, That the authorization and approval of such issuance and sale hereby granted shall be subject to the further action of this Commission upon the application-declaration relating, among other things, to such issuance and sale, filed by Wisconsin, Standard and Menominee and Marinette Light and Traction Company ("Menominee") in File No. 70–2932.

II. The execution and delivery by and between Wisconsin and Menominee, on

the one hand, and Standard, on the other, of an agreement relating to Federal income and excess profits taxes for the periods in which Wisconsin and/or Menominee were included in consolidated Federal tax returns filed for Standard and other companies in the Standard system, in the form filed as an amended exhibit in this proceeding, the payment by Wisconsin and Menominee, respectively, to Standard of the sums provided therein by the initial cash payment therein provided and by the execution by Wisconsin and Menominee (or by Wisconsin alone, if Wisconsin shall so determine) and delivery by them or it to Standard of the promissory notes provided for by said agreement, the distribution to Standard by Wisconsin and Menominee of such rights as Standard may acquire under said agreement to receive any refunds of consolidated Federal income and excess profits taxes and the performance by Wisconsin, Menominee and Standard of the acts and obligations on their parts to be performed under said agreement; provided that the authorization and approval hereby granted of the execution and delivery of such agreement and of the payment and distribution aforesaid shall be subject to the further action of this Commission upon the application-declaration relating, among other things, to such action, filed by Wisconsin, Standard and Menominee in File No. 70–2932.

III. The execution and delivery by and between Duquesne, Allegheny County Steam Heating Company ("Allegheny") and Cheswick and Harmar Railroad Company ("Cheswick"), on the one hand, and Philadelphia, on the other, of agreements relating to Federal income and excess profits taxes for the periods (ending on or prior to December 31, 1950) in which Duquesne, Allegheny, and/or Cheswick were included in consolidated Federal tax returns filed for Standard and other companies in the Standard system, in the forms filed as amended exhibits in this proceeding and heretofore approved in this order, the distribution to Philadelphia by Duquesne, Allegheny and Cheswick of such rights as Philadelphia may acquire under said agreements to receive any refunds of consolidated Federal income and excess profits taxes and the performance by Duquesne, Allegheny, Cheswick, and Philadelphia of the acts and obligations on their parts to be performed under said agreements.

IV. The transfer and payment by Standard to the holders of its 368,348 shares of $7 Prior Preference Stock (the term "holders of $7 Prior Preference Stock" wherever used in this order shall include and be applicable to Power to the extent of its holdings of such stock), in exchange for and retirement of each share presently outstanding and all dividends accrued and in arrears thereon to the effective date of the exchange, of 4.7 shares of Common Stock of Wisconsin, 2.9 shares of Common Stock of Oklahoma and 2.1 shares of Common Stock of Duquesne, together with cash in the amount computed as dividend adjustments under section 4 of Step I, scrip certificates to be issued and delivered in lieu of fractional shares as provided in Step I, and the transfer and delivery by the holders of said $7 Prior Preference Stock of Standard of said shares in exchange for said shares of Common Stock of Wisconsin, Oklahoma, and Duquesne, and/or scrip certificates therefor, and said cash.

V. The transfer and payment by Standard to the holders of its 100,000 shares of $6 Prior Preference Stock, in exchange for and retirement of each share presently outstanding and all dividends accrued and in arrears thereon to the effective date of the exchange, of 4.4 shares of Common Stock of Wisconsin, 2.6 shares of Common Stock of Oklahoma and 1.8 shares of Common Stock of Duquesne, together with cash in the amount computed as dividend adjustments under section 4 of Step I, scrip certificates to be issued and delivered in lieu of fractional shares as provided in Step I and the transfer and delivery by the holders of said $6 Prior Preference Stock to Standard of said shares in exchange for said shares of Wisconsin, Oklahoma and Duquesne and/or scrip certificates therefor, and said cash.

VI. The transfer and delivery by Standard to the exchange agent provided for by Step I, of the cash and 2,171,236 shares of Common Stock of Wisconsin (to be represented by Certificates Nos. 1046, 1068, 1069 and 1072 registered in the name of Standard), 1,328,210 shares of Common Stock of Oklahoma (to be represented by Certificates Nos. CNO 1949 and CNO 6303 registered in the name of Standard), and 953,531 shares of Common Stock of Duquesne (to be represented by Certificate No. PU1 registered in the name of Standard) referred to in subparagraphs IV and V above; the transfer of said certificates for said Common Stock of Wisconsin, Oklahoma and Duquesne to, and the registration of said stock in the name of said exchange agent or its nominees; the transfer and delivery by said exchange agent to said holders of $7 Prior Preference Stock and $6 Prior Preference Stock of Standard, upon the exchanges specified above, of said Common Stock of Wisconsin, Oklahoma and Duquesne (by certificates issued against, and upon transfer by said agent of part of the shares represented by, such certificates so to be registered in the name of said exchange agent or its nominees), scrip certificates for fractional interests in said Common Stocks, and cash; the issuance and delivery by said exchange agent to such holders of $7 and $6 Prior Preference Stock of Standard upon such exchanges, in lieu of any fractional shares of Common Stock of Wisconsin, Oklahoma or Duquesne to which they would otherwise be entitled, of scrip certificates for fractional shares of Wisconsin, Oklahoma and Duquesne Common Stock as provided in Step I; the transfer of such scrip certificates upon the sale thereof for the account of the holders of such scrip certificates; the transfer and delivery by said exchange agent to holders of such scrip certificates of shares of Common Stock to which they are entitled upon presentation (within the period provided in the plan, as amended, and said scrip certificates) of scrip certificates aggregating one or more full shares; the sale, transfer and delivery by said exchange agent, after the expiration of twelve months from the effective date of the exchange, of said shares of Common Stock of Wisconsin, Oklahoma and Duquesne held in respect of said scrip certificates, as well as additional shares of said Common Stocks estimated to be required to provide for fractional share interests in respect of certificates for Prior Preference Stock of Standard then remaining unexchanged, and the purchase by, and transfer and delivery to, said exchange agent of additional shares of said Common Stocks as required for adjustments under section 6 of Step I; the transfer and delivery to said exchange agent by the holders thereof of the aforesaid $7 and $6 Prior Preference Stock of Standard in the exchanges above described; the transfer and delivery to said exchange agent of said scrip certificates by the holders thereof in exchange for shares of Common Stock of Wisconsin, Oklahoma or Duquesne and/or cash; the payment by said exchange agent to such holders of $7 and $6 Prior Preference Stock of Standard and/or scrip certificates, at the time of delivery and transfer by it of shares of Common Stock of Wisconsin, Oklahoma or Duquesne as above provided and/or at the time of surrender of said scrip certificates after the expiration of twelve months from the effective date of the exchange, of any amounts received by said exchange agent as dividends upon the shares so delivered or upon the portions of the shares previously held in respect of said scrip certificates, plus their pro rata share, if any, of the proceeds of sale of any shares held for such scrip certificates and so sold, less any taxes which may have been imposed or paid on said dividends; and the transfer and delivery by said exchange agent to Standard of the certificates for the $7 and $6 Prior Preference Stock of Standard received by the exchange agent upon such exchanges.

VII. Upon the expiration of five years from the effective date of the exchange under Step I, (a) the transfer and delivery by said exchange agent to Standard of all certificates for shares of stock of Wisconsin, Oklahoma or Duquesne, as the case may be, and all cash deposited by Standard with the exchange agent as above provided or received by the exchange agent upon the sale of shares of such Common Stocks held in respect of scrip certificates or received by the exchange agent as dividends or otherwise upon any full shares of Common Stocks of Wisconsin, Oklahoma or Duquesne and which is then held by said exchange agent in respect of $7 or $6 Prior Preference Stock of Standard not theretofore surrendered for exchange or in respect of outstanding scrip certificates, or, (b) in the event that Standard shall then have been liquidated and dissolved, the sale, transfer and delivery by said exchange agent of said shares of Common Stock of Wisconsin, Oklahoma and Duquesne so held, and the delivery by the exchange agent of the cash received upon such sale or sales, together with any other cash received and held by it as aforesaid, to the exchange agent or other agent provided for by Step II of the plan, as amended, for distribution to the holders or former holders of Common Stock of Standard who may be entitled to receive the residual assets of Standard under said Step II.

VIII. The transfer and delivery by Standard to Power of 31,000 shares of Common Stock of Duquesne (to be represented by Certificate No. PU2 registered in the name of Standard) in exchange for, and in complete retirement and cancellation of, the unsecured promissory note of Standard, dated April 10, 1946, in the principal amount of $983,930 presently held by Power, and the transfer and delivery by Power to Standard of said promissory note in exchange for said 31,000 shares of Common Stock of Duquesne.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11002; Filed, Oct. 10, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region IV, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. IV, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect on October 20, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

OCTOBER 8, 1952.

[F. R. Doc. 52–11009; Filed, Oct. 8, 1952; 11:05 a. m.]

[Region IV, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. IV, pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect on October 20, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

OCTOBER 8, 1952.

[F. R. Doc. 52–11010; Filed, Oct. 8, 1952; 11:06 a. m.]

[Region V, Redelegation of Authority No. 27, Revision 1, Correction]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority 53, as amended (17 F. R. 1236, 17 F. R. 5971), this correction of Redelegation of Authority No. 27, Revision 1, is hereby issued.

Due to a typographical error, the designation of the appropriate delegation of authority set forth in the authorization paragraph is incorrect. Accordingly, the first paragraph of Redelegation of Authority No. 27, Revision 1, is corrected to read as follows:

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 53, as amended (17 F. R. 1236, 5971), this correction to Redelegation of Authority No. 27, Revision 1, is hereby issued.

This correction is effective as of September 15, 1952.

GEORGE D. PATTERSON, Jr., *Director of Regional Office V.*

OCTOBER 8, 1952.

[F. R. Doc. 52–11006; Filed, Oct. 8, 1952; 11:05 a. m.]

[Region V, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of September 29, 1952.

GEORGE D. PATTERSON, JR., *Director of Regional Office V.*

OCTOBER 8, 1952.

[F. R. Doc. 52–11007; Filed, Oct. 8, 1952; 11:05 a. m.]

[Region V, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of September 29, 1952.

GEORGE D. PATTERSON, Jr., *Director of Regional Office V.*

OCTOBER 8, 1952.

[F. R. Doc. 52–11008; Filed, Oct. 8, 1952; 11:05 a. m.]

[Region VII, Redelegation of Authority No. 27, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 35, Amendment 1 (17 F. R. 8201), this Amendment 1 to Redelegation of Authority No. 27 is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. The authority hereby redelegated is to be exercised concurrently with the National Office and the Regional Director, Region VII.

This redelegation of authority shall take effect on October 9, 1952.

R. EMMET HARTNETT,
Acting Director of Region Office No. VII.

OCTOBER 8, 1952.

[F. R. Doc. 52-11011; Filed, Oct. 8, 1952; 11:06 a. m.]

[Region X, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. X, Dallas, Texas, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 5, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

OCTOBER 8, 1952.

[F. R. Doc. 52-11012; Filed, Oct. 8, 1952; 11:06 a. m.]

[Region X, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. X, Dallas, Texas, pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect on October 5, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

OCTOBER 8, 1952.

[F. R. Doc. 52-11013; Filed, Oct. 8, 1952; 11:06 a. m.]

REGIONS I, IX, AND XI

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on October 2, 1952.

REGION I

New Hampshire Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Manchester and Nashua area, filed 1:43 p. m.

New Hampshire Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Manchester and Nashua area, filed 1:44 p. m.

New Hampshire Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Manchester and Nashua area, filed 1:45 p. m.

New Hampshire Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Manchester and Nashua area, filed 1:47 p. m.

New Hampshire Order G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Manchester and Nashua area, filed 1:47 p. m.

REGION IX

Wichita Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 1:47 p. m.

Wichita Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 1:48 p. m.

Wichita Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 1:48 p. m.

Wichita Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 1:48 p. m.

REGION XI

Wyoming Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 1:51 p. m.

Wyoming Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 1:51 p. m.

Wyoming Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 1:51 p. m.

Wyoming Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 1:52 p. m.

New Mexico Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 1:49 p. m.

New Mexico Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 1:50 p. m.

New Mexico Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 1:50 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-10973; Filed, Oct. 7, 1952; 10:57 a. m.]

REGIONS I, III, VI, VII, AND X

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on October 3, 1952.

REGION I

Rhode Island Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 1:35 p. m.

Rhode Island Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 1:35 p. m.

Rhode Island Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 1:36 p. m.

Rhode Island Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 1:37 p. m.

Rhode Island Order No. 1-G3-1, Amendment 1, changes the price for certain food items for retail sales in the Rhode Island area, filed 1:37 p. m.

Rhode Island Order No. 1-G4-1, Amendment 1, changes the price for certain food items for retail sales in the Rhode Island area, filed 1:37 p. m.

REGION III

Philadelphia Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 1:38 p. m.

Philadelphia Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 1:38 p. m.

Philadelphia Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 1:38 p. m.

Philadelphia Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 1:39 p. m.

Pittsburgh Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Pittsburgh area, filed 1:39 p. m.

Pittsburgh Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Pittsburgh area, filed 1:39 p. m.

Pittsburgh Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Pittsburgh area, filed 1:40 p. m.

Pittsburgh Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Pittsburgh area, filed 1:40 p. m.

REGION VI

Cleveland Order No. 1-G1-1, establishing retail prices for certain dry grocery items sold by retailers in the Northeastern Ohio area, filed 1:42 p. m.

Cleveland Order No. 1-G2-1, establishing retail prices for certain dry grocery items sold by retailers in the Northeastern Ohio area, filed 1:41 p. m.

Cleveland Order No. 1-G3-1, establishing retail prices for certain dry grocery items sold by retailers in the Northeastern Ohio area, filed 1:42 p. m.

Cleveland Order No. 1-G4-1, establishing retail prices for certain dry grocery items sold by retailers in the Northeastern Ohio area, filed 1:42 p. m.

Louisville Order No. 1-G1-1, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 1:44 p. m.

Louisville Order No. 1-G2-1, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 1:44 p. m.

Louisville Order No. 1-G3-1, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 1:45 p. m.

Louisville Order No. 1-G4-1, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 1:45 p. m.

Detroit Order No. 1-G1-1, establishing retail prices for certain dry grocery items sold by retailers in the Detroit area, filed 1:45 p. m.

Detroit Order No. 1-G2-1, establishing retail prices for certain dry grocery items sold by retailers in the Detroit area, filed 1:46 p. m.

Detroit Order No. 1-G3-1, establishing retail prices for certain dry grocery items sold by retailers in the Detroit area, filed 1:46 p. m.

Detroit Order No. 1-G4-1, establishing retail prices for certain dry grocery items sold by retailers in the Detroit area, filed 1:46 p. m.

REGION VII

Indianapolis Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 1:47 p. m.

Indianapolis Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 1:48 p. m.

Indianapolis Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 1:48 p. m.

Indianapolis Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 1:48 p. m.

Indianapolis Order No. 1-G1-1, Amendment 1, changes certain food items for retail sales in the Indianapolis area, filed 1:48 p. m.

Indianapolis Order No. 1-G2-1, Amendment 1, changes certain food items for retail sales in the Indianapolis area, filed 1:49 p. m.

Indianapolis Order No. 1-G3-1, Amendment 1, changes and also deletes certain food items for retail sales in the Indianapolis area, filed 1:50 p. m.

Indianapolis Order No. 1-G4-1, Amendment 1, changes certain food items for retail sales in the Indianapolis area, filed 1:50 p. m.

Milwaukee Order No. 1-G1-1, covers retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 1:50 p. m.

Milwaukee Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 1:51 p. m.

Milwaukee Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 1:51 p. m.

Milwaukee Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 1:51 p. m.

REGION X

Oklahoma City Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 1:53 p. m.

Oklahoma City Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 1:53 p. m.

Oklahoma City Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 1:54 p. m.

Oklahoma City Order No. 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 1:54 p. m.

Little Rock Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 1:52 p. m.

Little Rock Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 1:52 p. m.

Little Rock Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 1:52 p. m.

Little Rock Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 1:53 p. m.

San Antonio Order No. 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 1:54 p. m.

San Antonio Order No. 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 1:55 p. m.

San Antonio Order No. 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 1:55 p. m.

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San Antonio Order No. 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 1:56 p. m.

San Antonio Order No. II-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 1:56 p. m.

San Antonio Order No. II-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 1:56 p. m.

San Antonio Order No. II-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 1:56 p. m.

San Antonio Order No. II-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 1:57 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11048; Filed, Oct. 9, 1952; 10:49 a. m.]

[Delegation of Authority 53, Delegation of Authority Under CPR 98, Amdt. 2]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (B), CPR 98, AS AMENDED

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 2 to Delegation of Authority 53 is hereby issued.

Delegation of Authority 53 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby delegated to the Directors of Regional Offices of the Office of Price Stabilization to accept state-

ments or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

Effective date. This amendment is effective October 11, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11179; Filed, Oct. 10, 1952; 11:21 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27447]

CAUSTIC SODA FROM ANNISTON AND LENSANTO, ALA., TO POINTS IN MID-SOUTH, SOUTH, AND SOUTHEAST

APPLICATION FOR RELIEF

OCTOBER 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1172 and 1295.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Anniston and Lensanto, Ala.

To: Ashland, Catlettsburg, and Louisville, Ky., Cincinnati, Ohio, and specified points in Virginia, Florida, Mississippi, and Tennessee.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 125; C. A Spaninger, Agent, I C. C. No. 1295, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11016; Filed, Oct. 10, 1952; 8:48 a. m.]

[4th Sec. Application 27448]

CRUDE OIL FROM WATFORD CITY, N. DAK., TO POINTS IN MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company.

Commodities involved: Crude petroleum oil, in tank-car loads.

From: Watford City, N. Dak.

To: St. Paul, Minneapolis, Minnesota Transfer, Refinery Spur, St. Paul Park, and Duluth, Minn., and Superior, Wis.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: GN Ry. tariff I. C. C. No. A-8168, Supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11015; Filed, Oct. 10, 1952; 8:48 a. m.]

[4th Sec. Application 27449]

RUBBER TIRES FROM CAMDEN, N. J., TO THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Tires, rubber, pneumatic, and parts, carloads.

From: Camden, N. J.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11014; Filed, Oct. 10, 1952; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 6-A]

RAILROADS SERVING KANSAS AND MISSOURI

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 6, and good cause appearing therefor: *It is ordered*, That:

(a) Taylor's I. C. C. Order No. 6 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective 11:59 p. m., October 6, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 6, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-11019; Filed, Oct. 10, 1952; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 9]

UTILIZATION OF THE HANDICAPPED IN THE MOBILIZATION PROGRAM

Preface. This statement has been recommended by the interagency Manpower Policy Committee and the national Labor-Management Manpower Policy Committee of the Office of Defense Mobilization. It is issued for information and guidance to labor and management concerned with defense production and assigns to Government agencies the responsibility for providing assistance and leadership in the fields of action required of them.

I. *Introduction.* Achieving the goals of national mobilization and maintenance of a strong civilian economy require full and effective utilization of our manpower resources. Among these resources are approximately two million handicapped individuals, now unemployed and in many cases supported at public expense, who, with proper rehabilitation, training and placement can make valuable contributions as members of the labor force and as self-supporting citizens. Providing the opportunity for handicapped individuals to contribute to mobilization programs and to become economically independent is an important aspect of our national defense, both for present and future needs. On the one hand, it makes available additional needed manpower resources and on the other it extends to handicapped workers the opportunity to work at jobs for which they are qualified.

Great progress has been made during the past decade and more recently under the leadership of the President's Committee on Employment of the Physically Handicapped toward a better understanding of the contribution which handicapped persons can make when properly prepared and selectively placed. The excellent support given by labor, management and the public to the President's Committee's program indicates a wider interest and an improving understanding of the employment capabilities of handicapped workers. The performance record of handicapped workers when properly placed during World War II was highly satisfactory. Moreover, as a result of that experience, new insights and techniques have been developed through which a progressively better job in the rehabilitation, training and placement of handicapped workers can be done.

Many handicapped persons are available for employment without the need for extensive physical and mental rehabilitation services. However, a large percentage of the two million handicapped persons previously mentioned have disabilities which, because of their nature or severity, will involve rehabilitation services before they can enter the labor force. Thanks to the great strides made in recent years in scientific knowledge relating to various disabilities, it is now possible to rehabilitate a great many of these people and bring them into productive work. Communities throughout the country, if they make maximum use of the many and varied resources available within their communities and to their communities, can make very appreciable progress in dealing with this problem.

Because of the vital importance of making full use of handicapped persons in our defense mobilization program, the Office of Defense Mobilization appointed a special Task Force in May 1951, to make recommendations for improved and accelerated rehabilitation and placement of handicapped persons. The completed report of the Task Force constitutes a valuable source document for all those engaged in serving or employing handicapped persons.

Most of the actions recommended by the Task Force must be taken in the communities where handicapped persons live and in the establishments where they can be employed. They constitute a program of voluntary action to which labor, management and Government can all make significant contributions. Consequently, an intensified program for getting more handicapped workers into productive employment should be developed in each local community using the

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knowledge, facilities and resources, both public and private, which are available locally.

II. *Purpose.* It is the purpose of this Manpower Policy to direct attention to the importance of increasing the opportunities for employment and effective utilization of handicapped workers in the mobilization program and to stimulate voluntary action by management, labor and Government to modify unnecessary restrictions which limit the employment and utilization of handicapped workers in both private and public employment.

III. *Statement of policy.* It is the Policy of the Federal Government:

1. To promote the employment and effective utilization of the handicapped in public employment;

2. To encourage labor and management to adopt policies and practices which will promote the employment and effective utilization of the handicapped in private employment;

3. In cooperation with appropriate agencies of the States provide advice, assistance and encouragement to local communities in their programs for getting more handicapped workers into productive employment.

4. To encourage voluntary action to provide the rehabilitation services necessary to prepare handicapped persons for suitable employment.

To aid in providing increased employment opportunities and more effective utilization of the handicapped in the national mobilization program it is recommended:

1. That all employers re-examine their personnel hiring policies with particular attention to the physical standards required for employment and take any steps which may be necessary to insure that qualified handicapped applicants are considered and employed along with other workers on the basis of their ability to perform the job.

2. That all employers and others engaged in the selection of trainees give full consideration to the potential capacity of handicapped persons to perform the job for which training is being conducted and accord them equal opportunity in selection.

3. That employers give full consideration to the skills and abilities of handicapped workers in the community before bringing in workers from other areas. Special efforts should be made to locate and utilize handicapped workers having critical skills.

4. That each community organize local community-wide programs for locating, rehabilitating and employing its disabled citizens. This includes a survey of the local handicapped population and the community's resources for dealing with disabilities; selection and training of special rehabilitation and placement teams; insuring that information on available workers is made available to employers; strengthening of community committees on employment of the handicapped which are representative of labor, management and other interested groups, in cooperation with state Governor's committees on employment of the handicapped; and coordination of community efforts with the manpower activities of Area Defense Mobilization Committees and Area Labor-Management Manpower Committees in localities where these Committees exist.

5. That critical appraisal be made of Workmen's Compensation Laws by each each State Government:

a. With a view to taking constructive corrective action if such laws are impeding employment of the handicapped.

b. With a view to reducing the time-lag between injury of a worker and his referral for rehabilitation and placement.

6. That each community carry out an aggressive program of public information directed toward removal of barriers to employment of the handicapped and to encourage their employment on jobs for which they are qualified. This program should be carried out through local citizens' committees representative of labor, management and other interested groups cooperating with Labor-Management Manpower Committees wherever they exist and in cooperation with the State Governors' Committees on employment of the handicapped.

IV. *Assignment of responsibility.* It is recognized that labor and management share the primary responsibility for action designed to achieve the objectives of this policy. However, the Federal Government, through its appropriate agencies and in cooperation with labor, management, state and local agencies and private groups can effectively achieve the objectives of this policy by providing assistance and leadership in the following fields of action:

A. The Department of Labor shall:

1. Furnish advice and assistance to the Federal-State system of public employment offices and other appropriate agencies in facilitating the training and placement of handicapped persons in suitable jobs.

2. In cooperation with the Federal Security Agency, upon request from appropriate State and local officials, assist in planning and conducting a demonstration of how a community can organize for identifying, rehabilitating and employing the handicapped. Through such demonstrations, a pattern of action should be developed which other communities may consider and profitably use.

3. Emphasize programs of occupational and industrial research as a basis for further improvement of existing selective placement techniques.

4. Intensify its assistance to State employment security agencies in training selective placement personnel to strengthen the effectiveness of placement work for the disabled.

B. The Federal Security Agency shall:

1. Furnish advice and assistance to the Federal-State program of vocational rehabilitation and other appropriate agencies in providing rehabilitation services for disabled persons who can be made employable.

2. In cooperation with the Department of Labor, upon request from appropriate state and local officials, assist in planning and conducting a demonstration of how a community can organize for identifying, rehabilitating and employing the handicapped. Through such demonstrations, a pattern of action should be developed which other communities may consider and profitably use.

3. Cooperate with State Vocational Rehabilitation Agencies in arranging for specialized training for community-selected rehabilitation and placement teams.

4. Provide leadership in further investigation of the need for a program of graduate training for medical and vocational rehabilitation personnel required to strengthen the effectiveness of rehabilitation work for the disabled.

5. In cooperation with other Federal and State agencies, conduct a national inventory of existing physical facilities for rehabilitation as a basis for orderly planning by communities, States and the Federal Government.

C. The Civil Service Commission shall:

1. Exercise leadership in assuring that the Government, as an employer, makes full utilization of handicapped persons.

D. The Veterans' Administration shall:

1. In connection with the rehabilitation of veterans who have a war incurred disability, make their resources available in aiding communities to develop programs, to the extent consistent with the Veterans' Administration responsibility to such veterans.

E. The Health Resources Advisory Committee of the Office of Defense Mobilization shall:

1. Develop a national plan for the recruitment of additional students in the

medical and allied fields most urgently needed in rehabilitation.

F. The Department of Labor, the Federal Security Administration, the Civil Service Commission, the Veterans' Administration, and all other Federal Agencies shall:

1. Continue and intensify their efforts to assist the President's Committee on Employment of the Physically Handicapped in its nationwide, year-round educational and promotional program for promoting the acceptance of the physically handicapped in employment.

V. This policy shall take effect on October 14, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-11201; Filed, Oct. 10, 1952; 4:07 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 6, Revision 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

POSTPONEMENT OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 1 to Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

After the issuance of Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 on August 13, 1952, some question arose as to whether paints, varnish and lacquer manufacturers were required to submit new filings even though they had reported under the original Supplementary Regulation 6 or Ceiling Price Regulation 22 and did not intend to invoke any of the new optional methods contained in the revision. Also, a few manufacturers who intend to retain certain calculations under their original filings and submit certain other calculations newly provided for in the revision similarly were uncertain as to the precise extent of the filings they would be required to submit.

The Office of Price Stabilization considered it practicable to issue an interpretation prior to the mandatory effective date of the revision (October 13, 1952) clarifying the filing requirements. Unfortunately, the issuance of such an interpretation has been unavoidably delayed. Therefore, this amendment postpones the mandatory effective date of the revision 30 days to November 13, 1952.

Essentially, according to that interpretation, manufacturers will be required to submit new filings only where (1) they are for the first time establishing ceiling prices pursuant to Ceiling Price Regulation 22, or revised Supplementary Regulation 6; (2) they are availing themselves of one or more of the optional methods provided in the revision which they previously had not used, and for which filings are specified; or (3) they are recalculating ceiling prices under either Ceiling Price Regulation 22 or the revision pursuant to a method for which a report or filing is specified.

However, manufacturers who have previously filed under Ceiling Price Regulation 22 or the original Supplementary Regulation 6 and who are not recalculating any of their ceiling prices need not make any new filings under the revision.

AMENDATORY PROVISIONS

The last paragraph (effective date) of Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 is amended to read as follows:

Effective date. The effective date of this supplementary regulation is November 13, 1952, or such earlier date between August 13, 1952, and November 13, 1952, as you may select. If you select such earlier date, this supplementary regulation becomes effective as to you upon that date for all your commodities covered by this supplementary regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This Amendment 1 to Supplementary Regulation 6 is effective October 10, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 10, 1952.

[F. R. Doc. 52-11023; Filed, Oct. 10, 1952; 4:02 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 6]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 1.7 (a) of Ceiling Price Regulation 69, Revision 1, requires every seller, except at retail, of commodities listed in the regulation to supply the purchaser with a statement of the ceiling prices of the commodities at the time of delivery. At the time CPR 69, Revision 1, was originally issued, Section 1.7 (b) of this regulation also required retailers to post their ceiling and selling prices. Having recently determined that it was no longer necessary or desirable that retailers post their ceiling prices in addition to selling prices, the Office of Price Stabilization amended Section 1.7 (b) to eliminate this requirement. This amendment amends Section 1.7 by eliminating the requirement that wholesalers furnish a written statement of ceiling prices to retailers.

Section 2.5 of CPR 69, Revision 1, is in effect a duplication of section 1.7 (a). Section 2.5, however, has another more important purpose, which is to prevent a double markup being taken where commodities are sold by one wholesaler to another wholesaler. The section requires that the primary wholesaler furnish any wholesaler purchasing from him a written statement of the direct cost and his wholesale ceiling price. Most secondary wholesalers in the territory, however, purchase for their own chains of retail stores rather than for resale at the wholesale level. However, the primary wholesaler has no way of knowing which of the purchases are for resale at wholesale and has, therefore, been compelled to indicate the ceiling prices of as many as 40 or 50 items on each invoice. The OPS feels that in view of the limited amount of double wholesaling which takes place, the burden should be upon the secondary wholesaler to obtain from the primary wholesalers a statement of the primary wholesalers ceiling price, which under the section becomes the ceiling price of the secondary wholesaler. Section 2.5, therefore, is changed by this amendment to require that a primary wholesaler furnish the necessary information to a secondary wholesaler only when requested to furnish the information by the secondary wholesaler. This will substantially ease the burden on the primary wholesaler and will in no way impair the effectiveness of the price control program in the Territory of Hawaii.

Article V of CPR 69, Revision 1, establishes ceiling prices for the sale of certain dry grocery items at retail. The markups provided for in this article are based on surveys made by the OPS among retail groceries. Article V as it is now written, however, does not clearly apply only to retail groceries. Since the Industry Advisory Committee had no representatives of the drug industry and since the ceiling prices established by this regulation are based on a survey of the retail grocery industry and did not take into account the markups in drug stores, section 5.1 is amended to make clear that that article of the regulation does not apply to sales by drug stores of commodities listed in the regulation. Combination establishments selling both groceries and drugs, however, will continue to be covered by this article of the regulation.

The nature of this amendment to CPR 69, Revision 1, has rendered consultation with the industry, including trade association representatives, unnecessary and impracticable. In the opinion of the Director, this amendment is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 1.7 (a) of Ceiling Price Regulation 69, Revision 1, is deleted and Section 1.7 (b) is renumbered to read "Section 1.7."

2. Section 2.5 is amended to read as follows:

SEC. 2.5. *Sales to other wholesalers.* If you are not a primary wholesaler, your ceiling price for the sale of a listed commodity at wholesale is the ceiling price of the primary wholesaler in the Territory of Hawaii. A primary wholesaler shall, upon request by the buyer, furnish any wholesaler purchasing from him a written statement of the wholesale ceiling price determined in accordance with this regulation and every subsequent purchaser making sales to other wholesalers shall, upon request, furnish to the buyer a statement of the primary wholesaler's ceiling price.

3. Section 5.1 is amended to read as follows:

SEC. 5.1. *What this article does.* This article of the regulation fixes ceiling prices for the items listed in Table 5A (Grocery Products) and Table 5B (Perishables) in Section 5.5 of this article, when sold at retail by any person other than the manufacturer, the processor, or a drug store, in the Territory of Hawaii. Sales of listed commodities by combination drug and grocery stores, however, are covered by this article.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 6 to Ceiling Price Regulation 69, Revision 1, is effective October 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11232; Filed, Oct. 13, 1952; 12:03 p. m.]

[Ceiling Price Regulation 91, Amdt. 2]

CPR 91—WRITING PAPER AND OTHER FINE PAPERS

CHANGE IN METHOD OF DETERMINING CEILING PRICES FOR NEW GRADES UNDER APPENDIX C AND OTHER REVISIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 91 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes two revisions in Ceiling Price Regulation 91. It clarifies the differential for packing jumbo rolls of chemical wood pulp onionskin and manifold papers and related grades by making the differential read "For jumbo rolls: Minus $0.45 from above prices per 1000 sheets".

This amendment also changes Appendix C, paragraph (e) to direct a manufacturer of a new grade of fine paper related to another grade produced by the same manufacturer to determine his maximum base price for the new grade by applying to its current unit direct cost, the same percentage markup he obtains on the current unit direct cost of the most comparable grade of fine paper. This is a more precise technique for setting an in-line ceiling price for new products under Appendix C. Paragraph (e) (1), as presently constituted, provides that the dollar-and-cent unit net profit margin of the most comparable grade is added to the total unit cost of the new grade. This amendment substitutes a percentage markup for the dollar-and-cent markup and substitutes current unit direct costs for total costs, the latter often being incapable of precise calculation. Ceiling prices approved under paragraph (e) prior to the effective date of this amendment are not affected by its issuance.

In view of the corrective nature of these changes in Ceiling Price Regulation 91 and the consultation had with individual members of the industry, it was not practical nor necessary to consult with the Industry Advisory Committee.

AMENDATORY PROVISIONS

Ceiling Price Regulation 91 is hereby amended in the following respects:

1. In Appendix B—Chemical Wood Pulp Writing Papers, paragraph (c) *Chemical wood pulp onionskin and manifold papers and related grades*, subparagraph (2) (ii) *Packing*, change the wording re jumbo rolls to read:

For jumbo rolls: Minus $0.45 from above prices per 1,000 sheets.

2. In Appendix C, Other Fine Papers, change paragraph (e) and subparagraph (1) thereto to read:

(e) The maximum base price for a new related grade of other fine paper which cannot be priced under Appendices A or B, or for a grade of other fine paper which was not delivered or offered for delivery by the manufacturer during the periods in (c) or (d) above, shall be a price in line with the maximum base price established by this regulation for the most comparable grade of fine paper. The most comparable grade of fine paper shall be one of the grades listed in Appendices A or B or a grade for which you have determined a maximum base price under paragraph (d) of this Appendix C. The most comparable grade of fine paper shall be one which is manufactured by you for the same general use or uses as the grade being priced, and which you are currently producing at a current unit direct cost which is closer to the current unit direct cost of the grade being priced than is the current unit direct cost of any other comparable grade listed under Appendices A or B, or, as the case may be, of any grade for which a maximum base price has been determined under paragraph (d) of this Appendix C.

(1) A maximum base price shall be in line only if the percentage markup over current unit direct cost used in computing that price is no greater than the percentage markup on the current unit direct cost of the most comparable grade of writing or other fine paper. Current unit direct cost in such case shall be computed on the basis of cost prevailing at the time when such in-line price is being determined and in accordance with the manufacturer's method of determining current unit direct costs. The identical method must be used in computing the two current unit direct costs being compared.

(2) A ceiling price proposed by a seller resulting from his maximum base price under paragraph (e) must be reported to and confirmed by the Director of Price Stabilization, Washington, D. C. If this confirmation is not obtained prior to the time of making the sale, you must agree to refund to the purchaser any amount paid in excess of the confirmed ceiling price. Your report must set forth the relevant facts including the following:

(i) Trade and grade name, if any, and description of the grade being priced.
(ii) Sample of the paper.
(iii) Proposed end use.
(iv) Detailed direct labor and raw material costs and ceiling price data on that grade and on the most comparable grade (including trade and grade name, if any) with which the price comparison was made.

(3) For the purpose of this subparagraph (e) current unit direct cost is defined as follows:

Current unit direct cost is the sum of the direct labor cost and the direct materials cost applicable to a single unit of the commodity. The direct materials cost shall be computed upon the basis of current replacement prices. The direct labor cost shall be computed upon the basis of current wage rates. The method used for computing the current unit direct cost for the new commodity and for the comparison commodity shall be the same in every respect.

(4) Ceiling prices for related grades previously established by this paragraph (e) are not affected by the issuance of this amendment.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11237; Filed, Oct. 13, 1952; 4:00 p. m.]

[Ceiling Price Regulation 156, Amdt. 1]

CPR 156—FABRICATED STRUCTURAL STEEL, MISCELLANEOUS AND ORNAMENTAL IRON, AND VESSEL SHOP PRODUCTS FOR FIELD ASSEMBLY OR ERECTION

CLARIFYING AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 156 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 156 covers a wide range of fabricated products. When it was issued, the Office of Price Stabilization was aware that some clarification would be necessary after some experience with its operation. Requests for interpretation have shown the need for specific clarifying amendments.

A number of fabricators during the base period obtained their material direct from the mills and paid mill prices but computed their selling price on the basis of higher warehouse material costs. They treated the difference as part of their customary markup. Some of these fabricators have asked the Office of Price Stabilization for an interpretation as to how to treat this additional sum. This amendment indicates that the total markup includes the difference between mill and warehouse price, and that this total figure must be reduced under section 4, as amended by this amendment.

The definition contained in the regulation for "field assembly or erection" has caused difficulty in interpretation. The definition has been reworded and a number of typical field operations have been listed which illustrate the coverage of the regulation. This clarification will contribute to a better understanding of the regulation by industry.

The general paragraph in appendix A which defines "fabricated structural steel, miscellaneous and ornamental iron and vessel shop products", has been expanded to indicate more clearly the exclusions under this regulation.

The amendment also redefines several of the product definitions under appendix A where the intent has not been clear to industry. Three product listings have been added which, while covered by the general definitions, were omitted in the listings.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 156 is amended in the following respects:

1. Section 4 (c) is amended by adding a new subparagraph, numbered (3), to read as follows:

(3) Where it was your base period practice to obtain your material direct from the mills but your selling price was figured on the basis of warehouse material costs, this difference must be added to your base period profit markup before making the 10 per cent reduction to determine your revised markup.

EXAMPLE: Assume a base period markup of 15 percent, or $5,000, and a material cost of $20,000 at warehouse prices against an actual mill cost to you of $16,500. The difference of $3,500 is added to the markup of $5,000 making a total actual markup of $8,500. This is then reduced by 10 percent in determining your revised markup.

2. Section 15 (b) is amended to read as follows:

(b) "For field assembly or erection" refers to products which are shipped from a fabricator's plant in a condition which requires assembling or erecting operations in the field, or at locations other than at the fabricator's plant, to complete the product. It also refers to products which are completely or partially assembled at the fabricator's plant but for which the fabricator must assume responsibility for field modifications, field installation or field installation changes to accomplish the purpose for which the product was designed. The term does not include products which are completely assembled at a fabricator's plant and for which additional field operations by the fabricator will not be required after installation or erection.

The following are examples of "field assembly or erection" operations as defined in this paragraph:

(i) Assembling structural and plate members to form a bridge, building, tower, furnace or gate structure.

(ii) Assembling a vessel, tank, boiler, autoclave or heat exchanger; assembling components of such products, and, where necessary to complete the product, assembling with the product internals, fittings and fixtures, protective coverings and linings, etc.

(iii) Assembling and joining penstock, syphon or industrial piping components.

(iv) Assembly or additional fabrication on weldments and components or on miscellaneous fabrication.

(v) Field modification of products by the fabricator to meet installation or performance guarantees.

3. Appendix A is amended in the following respects:

a. The first paragraph of Appendix A is amended to read as follows:

The term "fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products" includes any product in the following classifications which are (1) fabricated principally from ferrous or nonferrous structural shapes, plates, bars, sheets, pipe-mill products or tubing, and (ii) custom-engineered and custom-fabricated. It includes any such product even though other materials are added (i. e., brick to a coke oven, stirring mechanism to autoclave, etc.). It does not include sheet metal shop products such as sheet metal duct work, flues and breechings, gutters, downspouts, etc. Also not included are any standardized product lines, or any products made to the fabricator's specifications, sold from established price lists, or made on a production line basis.

b. The item beginning "Boiler drums * * *" is amended to read as follows:

Boilers, power, industrial and marine, 100 p. s. i. and higher working pressure; including boiler drums, shells and headers, commonly made by fabricators; but excluding packaged units and low pressure heating units under 100 p. s. i. working pressure.

c. The item beginning "Heat exchangers, industrial * * *", is amended to read as follows:

Heat exchangers, industrial and marine, including superheaters, air preheaters, and economizers, commonly made by fabricators, such as heat exchangers for refineries, power plants, paper mills, chemical, sugar and plastic plants.

d. The item beginning "Penstocks * * *" is amended to read as follows:

Penstocks, turbine casings, turbine casing extensions and syphons.

e. The item beginning "Weldments * * *" is amended to read as follows:

Weldments and component parts commonly made by fabricators, except when made as components of machinery by the machinery manufacturers.

4. Appendix A is further amended by adding the following new items:

Conveyor and handling system steel work, industrial; excluding standard conveyor units or combinations of such units.

Fabrication—Miscellaneous, consisting of one or more forming, cutting or joining operations on structural shapes, plates, bars and other related products when performed by fabricators, who are regularly engaged in fabricating any of the other products listed in this Appendix A.

Spray booths.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 156 is effective October 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11238; Filed, Oct. 13, 1952; 4:01 p. m.]

[Ceiling Price Regulation 162, Amdt. 1]

CPR 162—BEET PULP PRODUCTS

IMPORTED BEET PULP PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 162 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes importers of beet pulp products from the scope of Ceiling Price Regulation 162 and restores the applicability of Ceiling Price Regulation 31 to sales of imported beet pulp products by importers.

CPR 162 gave importers the same ceiling prices as those applicable to processors located in the ports of entry. Importers who had made overseas purchases while CPR 31 governed their ceiling prices were, when CPR 162 was issued, subjected to the new ceiling prices at ports of entry, which in some instances were substantially lower than the CPR 31 ceilings. The resultant hardship is eliminated by this amendment which again makes CPR 31 applicable.

Note has been taken also of the fact that, owing to the structure of the basing point system of pricing for processors of domestic beet pulp products, there is a considerable disparity among ceiling prices for imported beet pulp products depending on the port of entry used. In the East coast area, for example, which includes the basing point, Boston, and ports as far south as Miami, the ceiling prices vary by the amounts of the freight out of Boston to the particular port of entry—which range as high as $22.00.

This disparity, as well as the hardship already mentioned, is eliminated by this amendment.

Owing to the need for prompt action and the special nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and comply with all the applicable provisions of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 162 is amended as follows:

1. Section 1 (a) is amended to read as follows:

SECTION 1. *What this regulation does*—(a) *Coverage.* This regulation establishes ceiling prices for domestic beet pulp products. For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation and Supplementary Regulation 60 to the General Ceiling Price Regulation.

2. Section 1 (c) is amended to read as follows:

(c) *Sales not covered.* This regulation does not apply to:

(1) Export sales and sales for export. These sales are covered by Ceiling Price Regulation 61.

(2) Sales of imported beet pulp products. These sales are covered by Ceiling Price Regulation 31.

3. Section 5 is rescinded in its entirety.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11233; Filed, Oct. 13, 1952; 12:03 p. m.]

[General Overriding Regulation 2, Revision 1, Amdt. 3]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

CERTIFICATION BY SUBCONTRACTORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 3 to General Overriding Regulation 2, Revision 1 (GOR 2, Rev. 1) amends section 31 by revoking the present requirement that defense contractors and subcontractors state their ceiling prices and by substituting in its place a requirement that subcontractors certify that their price does not exceed the ceiling price.

GOR 2, Rev. 1 covers all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers and was issued by the Office of Price Stabilization (OPS) on July 21, 1952 after months of consultation with affected Government agencies in Washington and in the various procurement offices of the Department of Defense throughout the country.

As originally issued, section 31 of GOR 2, Rev. 1 required certain defense contractors and subcontractors for commodities to be delivered to defense agencies, and persons performing services on such commodities, to state their ceiling prices, both in the offer or bid and in the contract or subcontract, if the commodities or services were not exempted from price control. It has been the practice of the Department of Defense and other Federal agencies to require prime contractors to certify that their contract prices were not in excess of ceiling prices. This is still in effect today. However, there was and is no similar requirement with respect to subcontracts. Nor was there any requirement, at either the prime contract or subcontract level, that the supplier state his actual ceiling price.

As stated in the Statement of Considerations accompanying the regulation, it was felt that contracting negotiators and officers of Defense Agencies, as well as prime contractors and subcontractors could often use to good advantage information as to the ceiling price of the seller. It was also felt that knowledge of the ceiling price of suppliers would help them, as purchasers, to avoid violations and to assist in carrying out the stabilization effort. And finally, it was felt that the requirement would call the attention of the seller to the existence of price ceilings and would tend to counteract the impression that persons dealing with the Government directly, or as subcontractors, are for this reason exempt from price control.

After the issuance of GOR 2, Rev. 1, certain problems encountered by defense contractors and subcontractors in complying with section 31 were called to the attention of the Office of Price Stabilization. As a result, Amendment 1 was issued on September 2, 1952, suspending section 31 and postponing its effective date until October 16, 1952. This action was taken to enable OPS to study these problems and to relieve affected persons from the necessity of complying with the section's requirements during the suspension period.

Since then a number of suppliers have represented to OPS that compliance with section 31 would be costly, difficult, and, in some cases, impossible. The majority stated they were presently including in their offers and contracts a certification that the quoted price does not exceed the ceiling price, and that they had no objection to a certification requirement of this type.

Careful consideration has been given to the views expressed by affected parties and procurement agencies. The fact that some time and some expense would be required in order to comply with section 31 was of course anticipated when the regulation was issued. However, it was necessary to review these problems in the light of the additional facts and information presented. It is only fair to say that those problems now appear to be larger and more complex than was originally contemplated.

This is not to say that section 31 is so burdensome as to preclude compliance or that the difficulties are widespread. This is indicated by the fact that practically all objections were received from one industry.

Nevertheless, in accordance with its policy of reducing and keeping to the minimum all reports, records, and notices required by OPS regulations and orders, it has been decided to revoke section 31 as presently constituted and to replace it with a new section designed to complement and extend a similar provision now required by the Department of Defense and other Federal agencies in prime contracts. This new section simply requires subcontractors for commodities to be delivered to Defense Agencies, including persons performing services on such commodities, to certify in the offer, bid, and contract that the price quoted or specified does not exceed the ceiling price. In this connection, the terms "offer" or "bid" are deemed to include the term "proposal" as that term is used by the Department of Defense to describe an offer obtained in negotiated procurement. For technical reasons, this certification cannot be given in the circumstances covered by section 52 of GOR 2, Rev. 1, and an exception has been made with respect to any offer, bid, or contract submitted or entered into in accordance with that section. An exception has also been made with respect to oral offers, bids, and contracts.

In the formulation of this amendment there has been consultation with other Government agencies and industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 31 of General Overriding Regulation 2, Revision 1, is amended to read as follows:

SEC. 31. *Defense subcontracts.* (a) Where there is knowledge or reason to believe that a commodity, subject to an OPS ceiling price regulation, will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or subassembly of another commodity, every offer or bid submitted to a subcontractor, and every subcontract, covering such commodity, must contain a statement by the offeror or contractor that the price quoted in the offer or bid, or specified in the contract, does not exceed the applicable ceiling price established by the Office of Price Stabilization. Where there is knowledge or reason to believe that a service will be supplied in connection with the production, manufacture, processing, distribution, or packaging of a commodity which will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or subassembly of another commodity, every offer or bid submitted to a subcontractor, and every subcontract, covering such service, must contain a statement by the offeror or contractor that the price quoted in the offer or bid, or specified in the contract, does not exceed the applicable ceiling price established by the Office of Price Stabilization.

(b) This section 31 does not apply to the following:

(1) Any offer, bid, or contract submitted or entered into in accordance with section 52 of this general overriding regulation;

(2) Any oral offer or bid; and

(3) Any oral contract.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to General Overriding Regulation 2, Revision 1 is effective October 16, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11239; Filed, Oct. 13, 1952; 4:01 p. m.]

[General Overriding Regulation 32, Special Order 3]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 3—SELLERS OF CIGARETTES IN MINNESOTA

CEILING PRICES RAISED TO CONFORM WITH MINNESOTA UNFAIR TRADE PRACTICES ACT

Statement of considerations. This special order raises the ceiling prices of Minnesota cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the Minnesota Unfair Trade Practices Act. This special order does not presently affect the ceiling prices of Minnesota cigarette sellers which are at or above the minimum prices required by that Act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Minnesota Unfair Trade Practices Act in the event of a change in the minimum prices computed pursuant to that Act and for the establishment of ceiling prices for new brands of cigarettes sold in Minnesota.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Commissioner of the Department of Business Research and Development for the State of Minnesota that the Minnesota Unfair Trade Practices Act was in effect and enforced on June 30, 1952, and on July 31, 1952 (the date of the application); that the Act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Minnesota are lower than the minimum sales prices required to be charged by that Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Minnesota Unfair Trade Practices Act which are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Minnesota on July 31, 1952 (the date of the application by the Commissioner of the Department of Business Research and Development for the State of Minnesota, hereinafter referred to as the Commissioner, under GOR 32) are increased after that date pursuant to the Minnesota Unfair Trade Practices Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for the various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other cigarette seller subject to the Minnesota Unfair Trade Practices Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Minnesota on July 31, 1952, are decreased after that date pursuant to the Minnesota Unfair Trade Practices Act, the ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Minnesota after July 31, 1952, those cigarette sellers subject to the Minnesota Unfair Trade Practices Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Minnesota Unfair Trade Practices Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Minnesota Unfair Trade Practices Act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Minnesota Unfair Trade Practices Act whose ceiling prices would be affected by the Commissioner's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Minnesota Unfair Trade Practices Act upon his mailing of such report unless and until such seller is notified by the Office of Price Stabilization that the reported prices are disapproved or that further information is required. In the event of a request for further information, reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Minnesota Unfair Trade Practices Act" means that Act as amended up to June 30, 1952 (Chapter 116 of the Laws of 1937, as amended by Chapter 403 of the Laws of 1939 and Chapter 326 of the Laws of 1941, all of which are now codified in the 1945 Minnesota Statutes as part of Section 325.01, Sections 325.02 through 325.07, part of Section 325.48, and Sections 325.49 and 325.52) insofar as such Act applies to the sale of cigarettes.

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 14, 1952.

NOTE: The reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11234; Filed, Oct. 13, 1952; 12:03 p. m.]

[General Overriding Regulation 32, Special Order 4]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 4—RETAIL AND WHOLESALE GROCERS IN MONTANA

CEILING PRICES RAISED TO CONFORM WITH MONTANA UNFAIR TRADE PRACTICES ACT

Statement of Considerations. This special order raises the ceiling prices of Montana retail and wholesale grocers where necessary to conform with the minimum prices established by the Montana Unfair Trade Practices Act.

This special order is issued pursuant to General Overriding Regulation 32 which implemented section 402 (1) of the Defense Production Act of 1950, as amended. Section 402 (1) provides that no rule, regulation, order or amendment thereto issued under Title IV of the Act shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called "fair trade law") now in effect, or by regulation issued pursuant to such law. GOR 32 provides that the Director of Price Stabilization may issue an order permitting a particular seller or group of sellers to raise their ceiling prices to the minimum level of prices established for them by the State law or regulation in effect on June 30, 1952, and as of the date of the application, if it is proved to his satisfaction that the ceiling prices of such seller or group of sellers for the specific material or materials in a State are below that minimum level.

The Montana Trade Commission has petitioned for adjustment under GOR 32 of ceiling prices established by regulations of the Office of Price Stabilization for various classes of retail and wholesale grocers and for wholesale tobacco distributors. The Commission requests that OPS ceiling prices be adjusted to permit wholesale tobacco distributors in Montana their present list price less eight percent for sales of case lots or multiples thereof and their present list price less five percent for sales of less than case lots. The Commission further requests that OPS ceiling prices be adjusted to permit wholesale grocers in Montana a markup of five percent on the lower of invoice or replacement cost for sales of certain commodities. Finally, the Commission requests that OPS ceiling prices be adjusted to permit retail grocers doing business in certain counties a markup of ten percent on the lower of invoice or replacement cost for sales of certain commodities and, in the case of chain stores classified under Group 4 in CPR 15 which perform a "wholesale function", a markup of 15½ percent on the lower of invoice or replacement cost for sales of certain commodities. It appears from the petition and the supporting documents that the Montana Unfair Trade Practices Act was enforced and in effect on June 30, 1952, and on September 8, 1952 (the date of the petition); that certain cost survey reports and orders made pursuant to the Act were enforced and in effect on June 30, 1952, and on September 8, 1952; that neither the Act nor the cost survey reports and orders have been held invalid by any court of competent jurisdiction; and that certain ceiling prices fixed by OPS are lower than the minimum selling prices fixed under the Montana Act for certain retail and wholesale grocers. However, it cannot clearly be determined from the petition or from the supplementary documents filed therewith what minimum selling prices have been fixed by the Montana Act for wholesale tobacco distributors.

In view of the foregoing, the Director is required under section 402 (1) of the Defense Production Act to raise the ceiling prices for retail and wholesale grocers for the materials covered by the petition but further information is necessary before ceiling prices for wholesale tobacco distributors can be raised. Therefore, pursuant to section 5 of GOR 32, it is ordered that:

1. Despite the provisions of Ceiling Price Regulation 14 ceiling prices for wholesale grocers in the State of Montana may be computed as follows:

A. Ceiling prices for wholesalers who are classified as "retailer-owned cooperative wholesalers" (Class 1) under CPR 14 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.05 for the following food commodities: breakfast cereals, lard, canned milk, oleomargarine, shortening (hydrogenated), shortening (other), and canned soups.

B. Ceiling prices for wholesalers who are classified as "cash-and-carry wholesalers" (Class 2) under CPR 14 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.05 for the following food commodities: lard, canned milk, shortening (hydrogenated), and shortening (other).

C. Ceiling prices for wholesalers who are classified as "service wholesalers" (Class 3) under CPR 14 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.05 for the following food commodity: canned milk.

2. Despite the provisions of Ceiling Price Regulations 15 and 16 ceiling prices for retail grocers in the counties of Ravalli, Missoula, Mineral, Sanders, Lake, Flathead, Lincoln, Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow, Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Meagher, Judith Basin, Fergus, Petroleum, Wheatland, Golden Valley, Musselshell, Rosebud, Sweet Grass, Stillwater, Yellowstone, Treasure, Carbon, Big Horn, Phillips, Valley, Daniels, Sheridan and Roosevelt in the State of Montana may be computed as follows:

A. Ceiling prices for retailers who are classified as Group 1 retailers under CPR 16 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.10 for the following food commodity: shortening (hydrogenated).

B. Ceiling prices for retailers who are classified as Group 2 retailers under CPR 16 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.10 for the following food commodity: shortening (hydrogenated).

C. Ceiling prices for retailers who are classified as Group 3 retailers under CPR 15 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.10 for the following food commodities: canned milk and shortening (hydrogenated).

D. Ceiling prices for retailers who are classified as Group 4 retailers under CPR 15 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.10 for sales for which they do not perform the "wholesale function" or by 1.155 for sales for which they perform the "wholesale function" in addition to the retail function, for the following food commodities: lard, canned milk, shortening (hydrogenated), and shortening (other).

3. Wholesale tobacco distributors in Montana must continue to determine ceiling prices under the General Ceiling Price Regulation and other applicable ceiling price regulations of the Office of Price Stabilization.

4. This Special Order may be modified, amended, or revoked by the Director of Price Stabilization at any time.

A copy of this Order has been filed with the Recording Secretary of the Office of Price Stabilization at Washington, D. C., where it may be examined by the public.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This order shall become effective October 14, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11240; Filed, Oct. 13, 1952; 4:01 p. m.]

[General Overriding Regulation 32, Special Order 5]

GOR 32—ADJUSTMENTS OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 5—SELLERS OF CIGARETTES IN NEW JERSEY

CEILING PRICES RAISED TO CONFORM WITH NEW JERSEY UNFAIR CIGARETTE SALES ACT OF 1952

Statement of considerations. This special order raises the ceiling prices of New Jersey cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the New Jersey Unfair Cigarette Sales Act of 1952. This action does not presently affect ceiling prices of New Jersey cigarette sellers which are at or above the minimum prices required by that Act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the New Jersey Unfair Cigarette Sales Act in the event of a change in the minimum prices computed pursuant to that Act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in New Jersey.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the State Supervisor of the Cigarette Tax Bureau of the State of New Jersey that the New Jersey Unfair Cigarette Sales Act was in effect and enforced on June 30, 1952, and on August 7, 1952 (the date of the certificate included in the application); that the Act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of New Jersey are lower than the minimum sales prices required to be charged by that Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the New Jersey Unfair Cigarette Sales Act of 1952, hereinafter referred to as the New Jersey Act, which

are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in New Jersey on August 7, 1952 (the date of the certificate submitted by the State Supervisor of the Cigarette Tax Bureau of the State of New Jersey, hereinafter referred to as State Supervisor, under GOR 32), have increased after that date pursuant to the New Jersey Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the State Supervisor by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the New Jersey Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in New Jersey on August 7, 1952, are decreased after that date pursuant to the New Jersey Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in New Jersey after August 7, 1952, the cigarette sellers subject to the New Jersey Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the New Jersey Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the State Supervisor by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the New Jersey Act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the New Jersey Act whose ceiling prices would be affected by the State Supervisor's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the New Jersey Act upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "New Jersey Unfair Cigarette Sales Act of 1952" means that Act as amended up to June 30, 1952 (Chapter 247, P. L. 1952).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 14, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11235; Filed, Oct. 13, 1952; 12:04 p. m.]

[General Overriding Regulation 32, Special Order 6]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAW

SO 6—SELLERS OF CIGARETTES IN WISCONSIN

CEILING PRICES RAISED TO CONFORM WITH THE WISCONSIN UNFAIR SALES ACT

Statement of considerations. This special order raises the ceiling prices of Wisconsin cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the Wisconsin Unfair Sales Act. This action does not presently affect ceiling prices of Wisconsin cigarette sellers which are at or above the minimum prices required by that Act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Wisconsin Unfair Sales Act in the event of a change in the minimum prices computed pursuant to that Act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Wisconsin.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Counsel for the Wisconsin State Department of Agriculture that the Wisconsin Unfair Sales Act was in effect and enforced on June 30, 1952, and in effect on July 25, 1952 (the date of the certificate included in the application); that the Act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Wisconsin are lower than the minimum sales prices required to be charged by that Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Wisconsin Unfair Sales Act, hereinafter referred to as the Wisconsin Act, which are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Wisconsin on July 25, 1952 (the date of the certificate submitted by the Counsel for the Wisconsin State Department of Agriculture, hereinafter referred to as the Department of Agriculture, under GOR 32) have increased after that date pursuant to the Wisconsin Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Department of Agriculture by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for the various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Wisconsin Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Wisconsin on July 25, 1952, are decreased after that date pursuant to the Wisconsin Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Wisconsin after July 25, 1952, the cigarette sellers subject to the Wisconsin Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Wisconsin Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Department of Agriculture by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Wisconsin Act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Wisconsin Act whose ceiling prices would be affected by the filing of the report set forth in paragraph 2 or 3 hereof by the Department of Agriculture, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Wisconsin Act upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Wisconsin Unfair Sales Act" means that Act as amended up to June 30, 1952 (Section 100.30 of Chapter 100 of the Wisconsin Statutes 1951).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 14, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11236; Filed, Oct. 13, 1952; 12:04 p. m.]

Chapter XIX—Maritime Administrator, Department of Commerce

[APR-1]

APR-1—APPEALS PROCEDURE FOR SHIPYARD CONSTRUCTION PROJECTS UNDER REVISED CMP REGULATION 6

This regulation is hereby adopted for the purpose of prescribing procedures by which contractors for shipyard construction projects may appeal from decisions of the Maritime Administration, on their applications for adjustments or exceptions under the provisions of Revised CMP Regulation 6.

Sec.
1. Purpose.
2. Grounds for appeal.
3. Filing appeals.
4. Decisions.
5. Hearings.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799 as amended; 50 U. S. C. App. Sup. 2071.

SECTION 1. *Purpose.* This regulation prescribes the procedure to be followed by contractors for shipyard construction projects in appealing from decisions of the Division of Ports and Facilities, Office of Property and Supply, Maritime Administration, with respect to applications for adjustment or exception to provisions of Revised CMP Regulation 6, in accordance with NPA Delegation 14.

SEC. 2. *Grounds for appeal.* (a) Any person who has filed with the Division of Ports and Facilities, Office of Property and Supply, Maritime Administration, an application for adjustment or exception requesting relief from provisions of Revised CMP Regulation 6 may appeal to the Chief, Program Planning Office, Maritime Administration from the decision on the application upon the ground that such decision works an unreasonable or exceptional hardship upon him not suffered generally by others, or that its enforcement would not be in the public interest or in the interest of national defense.

(b) If a person has new and substantial facts to submit which were not included in his application for adjustment or exception, he should apply to the Chief, Division of Ports and Facilities, Office of Property and Supply, Maritime Administration for reconsideration of his application for adjustment or exception on the basis of these new facts. Then, if the reconsideration does not result in a decision satisfactory to him, he may file an appeal on the grounds stated in paragraph (a) of this section.

SEC. 3. *Filing appeals.* (a) An appeal is instituted by filing a written notice signed by the appellant or his authorized representative, setting forth:

(1) The name, address, and business of the appellant.

(2) The nature of the action appealed from.

(3) The grounds of appeal.

(4) A request for a hearing, if the appellant desires a hearing.

(b) The notice of appeal must be filed with the Chief, Program Planning Office, Maritime Administration, Washington 25, D. C., within 45 days after the date of the decision.

SEC. 4. *Decisions.* (a) In any case in which the Chief, Program Planning Office determines that relief is justified, he will grant appropriate relief to the extent permitted by the availability of materials.

(b) The decision of the Chief, Program Planning Office shall be final.

(c) Every party of record to an appeal will be notified in writing of the decision.

(d) The Chief, Program Planning Office will not be required to furnish written opinions.

SEC. 5. *Hearings.* (a) In his discretion, the Chief, Program Planning Office may hold a hearing on any appeal, either upon his own initiative, or upon request of the appellant. If a hearing is to be held, the Chief, Program Planning Office will fix the date, time and place, and will notify the appellant thereof.

(b) Hearings before the Chief, Program Planning Office will be informal and public unless otherwise ordered by him. The appellant need not be represented by counsel, but he may be if he desires. If he is represented by counsel but is not present at the hearing, the appellant will notify the Chief, Program Planning Office in writing that he has authorized counsel to represent him at the hearing and has furnished counsel with the information necessary for presenting the appellant's case.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 9, 1952.

[SEAL] EARL W. CLARK,
Acting Maritime Administrator.

[F. R. Doc. 52-11153; Filed, Oct. 13, 1952; 8:59 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.19 *Special delivery (Exprés) service* insert in alphabetical order "Morocco, Tangier (International Zone, British Post Office only)" in the list of countries appearing in paragraph (a).

b. In § 127.305 *Morocco, Tangier (International Zone)* amend paragraph (a) (4) to read as follows:

(4) *Special delivery.* Accepted through the British Post Office only. Fee 20 cents. (See § 127.19.)

c. In § 127.318 *Nigeria* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 54 cents for the first 2 ounces and 34 cents for each additional 2 ounces. (See §§ 127.20 and 127.20a.)

2. In paragraph (b) (1), insert between the table of surface parcel rates and the tabulated information thereunder in subdivision (i), a new subdivision (ii) to read as follows:

(ii) Air parcels. Rates: $1.25 first 4 ounces; $0.65 each additional 4 ounces, or fraction thereof.

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-11041; Filed, Oct. 13, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

SUBPART C—DEADLINE FOR APPLICATIONS FOR PAYMENTS AND ORDER OF CERTIFICATIONS FROM FUNDS AVAILABLE FOR FISCAL YEAR 1953

Part 104 is amended by adding Subpart C, §§ 104.27 to 104.35, inclusive.

Whereas, §§ 104.20 and 104.21 of Subpart B fixed a date on or before which all complete applications for payments out of funds then available for the fiscal year 1952 should be filed, and

Whereas, it is desired to provide for the allocation of funds made available subsequent to June 30, 1952, or which may remain unallocated under the terms of §§ 104.18 through 104.26, inclusive, now, therefore, Part 104 is amended by the addition of Subpart C, §§ 104.27 to 104.35, inclusive, as follows:

ALLOCATION OF FUNDS MADE AVAILABLE SUBSEQUENT TO JUNE 30, 1952, AND PRIOR TO JUNE 30, 1953, FOR THE FISCAL YEAR 1953, OR WHICH, ALTHOUGH APPROPRIATED AND AVAILABLE PRIOR TO JULY 1, 1952, REMAIN UNALLOCATED ON JULY 1, 1952

Sec.

104.27 Definitions.
104.28 Procedure if funds are inadequate to make all payments.
104.29 Determination made for fiscal year 1953 of insufficiency of available funds.
104.30 Deadline for applications for fiscal year 1953.
104.31 Applications previously filed.
104.32 Order of making certifications from available funds.
104.33 Priority certifications restricted to cost of minimum school facilities.
104.34 Priority and certification conditioned on readiness to proceed with construction.
104.35 Preceding provisions not exhaustive of jurisdiction of Commissioner of Education.

AUTHORITY: §§ 104.27 to 104.35 issued under sec. 208, 64 Stat. 975; 20 U. S. C. Sup. 278. Interpret or apply sec. 206, 64 Stat. 973; 20 U. S. C. Sup. 276.

§ 104.27 *Definitions.* All terms used in this subpart which are defined in Public Law 815, 81st Congress, and not defined in this section shall have the meaning given to them in such act. As used in this subpart, the following terms shall have the meaning indicated hereinbelow:

(a) *Complete application.* Where applicant submits only one project, the complete application consists of both Part I (Entitlement) and Part II (Project) of the application form RSF–2 prescribed by the Commissioner for use under this act, properly completed and executed, together with all documents, amendments, and communications in support thereof. Where applicant submits more than one project, the Part I form and all Part II forms, together with all documents, amendments, and communications in support thereof, submitted by a local educational agency shall be considered as the complete application. Where more than one Part II application is submitted by an applicant, applicant shall indicate the order in which its project applications are to be considered by the Commissioner.

(b) *Project application.* Form RSF–2, Part II, properly completed and executed, making application for Federal assistance in the construction of new school buildings, or the addition to or modification of existing school buildings, upon a single site.

§ 104.28 *Procedure if funds are inadequate to make all payments.* Section 206 (d), Public Law 815, 81st Congress reads as follows:

If the Commissioner of Education determines for any fiscal year that the funds which will be available therefor may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive under applications approved under this title before the end of such year, he shall by regulations prescribe (1) a date or dates before which all applications for payments out of such funds shall be filed, and (2) the order in which the certifications required by subsections (a) and (b) of this section will be made. The order so prescribed shall be based on relative urgency of need and shall give applications under section 205 (b) priority over applications under section 205 (c).

§ 104.29 *Determination made for fiscal year 1953 of insufficiency of available funds.* The Commissioner of Education has determined that for the fiscal year 1953 available funds may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive under sections 202 and 205, as provided in section 206 (d), Public Law 815, 81st Congress.

§ 104.30 *Deadline for applications for fiscal year 1953.* Section 205 (a) of Public Law 815, 81st Congress, fixes July 1, 1952, as the date before which all complete applications for payments to which an applicant may be entitled under section 202 shall be filed.

§ 104.31 *Applications previously filed.* All complete applications duly filed prior to July 1, 1952, within the terms of the sections of Subpart B of this part in effect on the date of filing will be considered for participation in funds made available subsequent to June 30, 1952, or remaining unallocated as aforesaid on July 1, 1952.

§ 104.32 *Order of making certifications from available funds.* Subject to the condition of readiness hereinafter stated, the order in which certifications required by subsections (a) and (b) of section 206, Public Law 815, 81st Congress, from funds made available for the fiscal year 1953 or which, though appropriated and available prior to July 1, 1952, remain unallocated on July 1, 1952, will be made as follows:

(a) *Preference to project applications for school facilities where none are presently available.* Project applications designed to provide school facilities for children for whom no facilities are presently available, as indicated in subparagraph (1) of this paragraph, will be preferred.

(1) *When children deemed to be without school facilities.* For the purposes of this section, children will be deemed to be without school facilities who (i) are in excess of 110 percent of the normal one-session per-day capacity of the useable school facilities presently available or (ii) are presently housed in basement rooms, hallways or other space the use of which for school purposes in view of its character, inaccessibility, or other equally cogent reason, prejudices or would prejudice the educational objective or has impaired or will impair the health of the school children. All facilities which were constructed as permanent school buildings and parts of which have been used continuously for classroom purposes shall be considered as available or usable, unless such buildings have been made unsafe or otherwise unusable to the extent that such buildings have been abandoned or must be abandoned during the current year.

(2) *Determination of order of priority for payments.* A priority index will be determined for the first or number one project application for each applicant by adding (i) the percentage of the average daily attendance with respect to which the local agency is eligible for payment under the act and the application is made, to (ii) the percentage of the school membership within the same jurisdictional area which is without school facilities under the definition in subparagraph (1) of this paragraph, those project applications with the highest combined percentages being first certified for payment: *Provided,* That in no case shall the total of the two percentages used in determining the priority index exceed twice the percentage described in subdivision (i) of this subparagraph:

(3) *Provided, however,* (i) That where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within an area served by one or more attendance centers, and the other attendance centers within the applicant district are substantially unavailable to meet the needs of such attendance centers affected by Federal activities, then, in such case, the percentages described in subdivisions (i) and (ii) of subparagraph (2) of this paragraph will be determined with respect to the Federally affected attendance areas, and not with respect to the entire school district or jurisdiction: *And provided,* (ii) That where an applicant has filed more than one project application, the priority index for the second project application considered for certification will be determined by: (*a*) Dividing 110 percent of the normal capacity of the first project by the total membership; (b) reducing the applicant's priority index for the second project application considered by twice the percentage obtained in (*a*). Where more than two project applications have been filed, the applicant's priority index for each succeeding project application considered for certification shall be reduced by the cumulative total capacity, computed as provided in the last preceding sentence, of all the certified projects of the applicant agency: *And provided,* (iii) That all school facilities for the construction of

which contracts were let before July 1, 1952, shall be considered as available facilities in determining the priority index and, in addition, all projects on which a payment has been certified under the provisions of Public Law 815 shall be considered to be available as of the date of certification of the first payment.

(4) *Responsibility of applicant and Field Representative in priority determinations.* The applicant must submit as a part of its complete application all facts and circumstances in each case which are pertinent to an accurate determination of priority status as above, and the Field Representative will assume primary responsibility for designating and determining differentiated attendance centers under subparagraph (3) (i) of this paragraph.

(b) *Certification of remaining funds and priority of construction applications over reimbursement applications.* Federal funds not certified under paragraph (a) of this section may be drawn upon to replace or improve obsolescent, substandard, or temporary facilities, or for projects requiring amounts of Federal funds in excess of those necessary to provide minimum facilities as described in § 104.33. All applications under section 205 (b), Public Law 815, 81st Congress, will have priority over applications under section 205 (c), Public Law 815, 81st Congress.

§ 104.33 *Priority certifications restricted to cost of minimum school facilities.* Certification of funds for priority projects will be restricted in amount to the cost of providing minimum school facilities, as measured by the square footage per pupil, necessary to operate a school program on a one-session-per-day basis above the kindergarten level, including an all-purpose room and auxiliary school facilities, exclusive of single-purpose auditoria or gymnasia, for 91 percent of those children deemed to be without school facilities as defined in this subpart. All school facilities for which contracts have been let or for which a payment has been certified under this act prior to the date of the first certification of funds for each project application under section 206 (a) shall be considered to be available in determining the amount of funds which may be certified on such application: *Provided,* That facilities shall not be deemed available for which contracts were let subsequent to July 1, 1951, and which are financed wholly from State or local sources and which are required either to replace unsafe or unsatisfactory school buildings which have not been and which will not be abandoned during the current school year or to provide for enrollment increases anticipated during the school year 1952–53. In no instance will the funds certified exceed the Federal funds requested in the application. However, nothing contained in the regulations of this subpart shall be deemed to bar the State, or the applicant with the approval of the State educational agency, from using for an approved project, in addition to the Federal grant, moneys otherwise obtained to provide a higher type or larger or better implemented facility, as the State or local authorities may deem reasonable under the existing circumstances. The applicant will be required to show in such cases that the added cost is being thus independently met.

§ 104.34 *Priority and certification conditioned on readiness to proceed with construction.* Certification and transfer of funds with respect to any project application described in this subpart will be subject to postponement in the event the applicant is not ready to proceed with construction within 90 days from the date of approval, unless such period is extended by the Commissioner for good cause shown, and may be subordinated by reason thereof to other project applications of lower rank or forfeit its priority in the discretion of the Commissioner.

§ 104.35 *Preceding provisions not exhaustive of jurisdiction of Commissioner of Education.* The provisions of §§ 104.27 to 104.34, inclusive, shall not be deemed exhaustive of the jurisdiction of the Commissioner of Education under section 206 (d), Public Law 815, 81st Congress. Such provisions may be modified or further regulations may be issued hereafter as circumstances may require.

Dated: October 7, 1952.

[SEAL] EARL J. MCGRATH,
U. S. Commissioner of Education.

Approved:

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52–11052; Filed, Oct. 13, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATE OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1952

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

The proposed budget of $83,700 and rate of assessment of 0.12 cent per pound of walnuts handled or certified for handling were unanimously recommended by the Walnut Control Board, the administrative agency under said agreement and order, at a duly called meeting in San Francisco on August 26, 1952, and appear to be reasonable.

The proposed budget makes provision for increases in administrative, office and field salaries. It will, of course, be necessary that all such increases be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive or regulation pursuant thereto.

The rate of assessment of 0.10 cent per pound of merchantable walnuts handled or certified for handling provided for in the agreement and order would not assure collection of sufficient funds from handlers to cover the proposed budget. The recommended rate of assessment of 0.12 cent per pound applied to the quantity of merchantable walnuts which it is expected will be handled or certified for handling under said program during the marketing year beginning August 1, 1952, will provide sufficient funds to cover the proposed budget of expenses. Any assessment funds collected in excess of expenditures, under provisions of the program, will be refunded or made available on a pro rata basis to handlers from whom assessments are collected.

Therefore, the proposed administrative rule is as follows:

§ 984.304 *Budget of expenses of the Walnut Control Board and rate of assessment for the marketing year beginning August 1, 1952*—(a) *Budget of expenses.* Expenses in the amount of $83,700 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate for the marketing year beginning August 1, 1952.

(b) *Rate of assessment.* Each handler shall pay to the Control Board on demand by the Control Board, from time to time, 0.12 cent for each pound of merchantable walnuts handled or certified for handling by him during the marketing year beginning August 1, 1952.

Done at Washington, D. C., this 9th day of October 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-11066; Filed, Oct. 13, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Allen Garment Co., North College Street, Franklin, Ky., effective 10-9-52 to 10-8-53; 10 percent of the productive factory force (men's and boys' sport shirts).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (children's dresses).

Art Pleating & Stitching, 126 North Tenth Street, Reading, Pa., effective 10-3-52 to 10-2-53; five learners (specialty pleating and stitching on parts of blouses and dresses).

Carlton Shirt Co., Inc., 701 Whaley Street, Columbia, S. C., effective 10-1-52 to 9-30-53; 10 percent of the productive factory force (sport shirts).

J. A. Lamy Manufacturing Co., Pacific and Osage Streets, Sedalia, Mo., effective 10-1-52 to 3-31-53; 20 learners for expansion purposes (overalls and dungarees).

New Castle Manufacturing Co., Inc., New Castle, Va., effective 10-3-52 to 4-2-53; 10 learners for expansion purposes (ladies' pajamas and robe sets).

New Castle Manufacturing Co., Inc., New Castle, Va., effective 10-16-52 to 10-15-53; 10 learners (ladies' pajamas and robe sets).

K. W. Pollock's Tompkinsville Garment Co., Tompkinsville, Ky., effective 10-6-52 to 4-5-53; 18 learners for expansion purposes (dungarees).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (ladies' woven underwear).

Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 10-1-52 to 9-30-53; 10 percent of the productive factory force (sport shirts, army jackets).

Rice Stix Factory No. 25, Farmington, Mo., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (dress and sport shirts).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville 7, Ind., effective 10-11-52 to 10-10-53; 10 percent of the productive factory force (washable service apparel).

Weaver Pants Corp., Corinth, Miss., effective 10-11-52 to 10-10-53; 10 percent of the productive factory force (men's single pants).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Stott & Son Corp., Winona, Minn., effective 10-6-52 to 10-5-53; 10 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Chancellor Hosiery Mills, Inc., 1110 Moss Street, Reading, Pa., effective 10-6-52 to 10-5-53; 5 percent of the productive factory force.

Cherokee Hosiery Mills, Inc., Centre, Ala., effective 10-1-52 to 5-31-53; 15 learners for expansion purposes.

Dolly Hosiery Mills, Inc., Box D, Valdese, N. C., effective 10-3-52 to 10-2-53; five learners.

Holston Manufacturing Co., Ninth Avenue & Mitchell Street, Knoxville, Tenn., effective 9-30-52 to 9-29-53; 5 percent of the productive factory force.

Mayo Knitting Mill, Inc., Tarboro, N. C., effective 10-3-52 to 6-2-53; four learners for expansion purposes.

Van Raalte Co., Inc., Franklin, N. C., effective 9-30-52 to 9-29-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Marion Mills, Division of Munsingwear, Inc., Hamilton, Ala., effective 10-1-52 to 3-31-53; 100 learners for expansion purposes (women's nylon gowns, pajamas and panties).

Stone Manufacturing Co., 3424 Main Street, Eau Claire, Columbia, S. C., effective 10-3-52 to 10-2-53; 5 percent of the productive factory force (men's and boys' woven undershorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa., effective 10-16-52 to 10-15-53; 10 percent of the productive factory force.

Martinsburg Shoe Co., Inc., 107 Highland Street, Martinsburg, Pa., effective 10-1-52 to 3-31-53; 100 learners for expansion purposes.

The following special learner certificate was issued to the school-operated industry listed below:

Enterprise Academy, Enterprise, Kans., effective 9-1-52 to 8-31-53; print shop—compositor, pressman and related skilled and semiskilled occupations; 4 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of October 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-11040; Filed, Oct. 13, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2190]

UNITED AIR LINES, INC.; RESTRICTION CASE

NOTICE OF HEARING

In the matter of the application of United Air Lines, Inc., for amendment to its certificate of public convenience and necessity for route No. 1 to remove the restrictions respecting regularly scheduled nonstop service between certain points east and west of Salt Lake City, Utah.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on December 3, 1952, at 10:00 a. m., P. s. t., in the Hearing Room, United States Court House, Fifth Avenue and Madison Street, Seattle, Washington, before Examiner Ferdinand D. Moran, and is to be adjourned for further hearing at Washington, D. C., at a time and place to be announced later.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters:

(1) Does the public convenience and necessity require the alteration, amendment or modification of the following certificate of public convenience and necessity in the manner indicated:

(a) United's certificate for route No. 1 to provide for unrestricted nonstop service between Twin Falls, Idaho; Boise, Idaho; Pendleton, Oregon; The Dalles, Oregon; Portland, Oregon; Tacoma, Washington; Seattle, Washington; Walla Walla, Washington; or Spokane, Washington, as one of the two points between which such service is rendered, and points east of Salt Lake City, Utah?

(2) Should the public convenience and necessity require the alteration, amendment, or modification of United's certificate of public convenience and necessity for route No. 1, is United fit, willing, and able to perform the service contemplated in (a) above?

(3) In the event the public convenience and necessity require the proposed service, what terms and conditions, if any, should be imposed with respect to such service?

(4) What adverse effect, if any, will the operation have upon any other carrier?

For further details of the issues involved interested persons are referred to the application, the prehearing conference report, pleadings, orders, and correspondence on file with the Board under the above docket number.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before December 3, 1952, a statement setting forth such relevant propositions of fact or law on which he desires to be heard.

Dated at Washington, D. C., October 9, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11063; Filed, Oct. 13, 1952; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS INTO ACTIVE FEDERAL SERVICE

Pursuant to the authority vested in me by Executive Order 10271, dated July 7, 1951 (16 F. R. 6659) and by section 202 (f) of the National Security Act of 1947, 61 Stat. 495, as amended, paragraph 1 of the delegation of authority dated July 13, 1951 (16 F. R. 6968), as amended by delegation of authority dated August 24, 1951, is hereby amended to read as follows:

1. The Secretary of the Army is authorized to order into active military service units of the National Guard of the United States, including the members thereof, and other members and units of the Army of the United States, including those of the Organized Reserve Corps, as may be necessary. The Secretary of the Army is authorized to redelegate to the Continental Army Commanders and to the Commanding General, United States Army Forces Antilles, Commanding General, United States Army Alaska, and Commanding General, United States Army Pacific, the authority to order into active military service of the United States such units of the National Guard of the United States and of the Organized Reserve Corps as may be designated special security forces for critical installations.

ROBERT A. LOVETT,
Secretary of Defense.

OCTOBER 7, 1952.

[F. R. Doc. 52-11039; Filed, Oct. 13, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND EXPORT PRICE LISTS FOR OCTOBER 1952

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

OCTOBER 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1952 production, 21,000,000 pounds.	Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State. ("In store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.)
Cottonseed oil, bleachable prime, summer yellow, 120,000,000 pounds.[1]	Market price or 1¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage location.
Linseed oil, raw, 195,000,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged 299,000 hundredweight.	No. 1 Grade 1949[1] crop: $8.14 per 100 pounds, basis f. o. b. Denver rate area.
Great Northern, bagged 479,000 hundredweight.	No. 1 Grade 1948[1], 1949, 1950, and 1951 crops: $8.61 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area. $8.99 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged 488,000 hundredweight.	No. 1 Grade 1949[1] crop: $6.93 per 100 pounds, basis f. o. b. California area.
Small white, bagged 151,000 hundredweight.	No. 1 Grade 1951 crop: $8.88 per 100 pounds, basis f. o. b. California area.
Pink, bagged 117,000 hundredweight.	No. 1 Grade 1951 crop: $8.99 per 100 pounds, basis f. o. b. Idaho and California areas. Available Portland and San Francisco PMA Commodity offices.
Pea, bagged 846,000 hundredweight.	No. 1 Grade 1951 crop: $9.25 per 100 pounds, f. o. b. Michigan area.
Austrian winter pea seed, bagged, 2,151,000 hundredweight.	$4.00 per 100 pounds, basis f. o. b. point of production plus paid-in freight, as applicable.
Austrian winter peas, bagged. Not certified for purity or germination. 1,677,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,100,000 hundredweight.	$4.00 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable.
Common and Willamette vetch seed, bagged, 129,400 hundredweight.	$7.00 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Red Clover seed (uncertified), bagged, 55,770 hundredweight.	$37.59 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red clover seed, certified, bagged Cumberland, 1,000 hundredweight; Midland, 620 hundredweight.	$42.89 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco PMA Commodity offices.
Ladino clover seed, bagged, certified, 66,480 hundredweight.	$106.61 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco PMA Commodity offices.
Crimson clover seed, bagged 130 hundredweight.	$18.00 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Biennial sweet clover seed, bagged, 26,320 hundredweight.	$10.01 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago, Portland, Kansas City and Minneapolis PMA Commodity offices.
Smooth brome grass (uncertified), bagged, 15 hundredweight.	$16.46 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago PMA Commodity office.
Mountain brome grass (Bromar certified), bagged, 580 hundredweight.	$21.81 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Timothy seed, (uncertified), bagged, 7 hundredweight.	$8.37 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available Chicago PMA Commodity office.
Hairy Vetch seed, bagged, 70,000 hundredweight.	$1.00 plus support price at point of production, plus paid-in freight, as applicable. Available Portland, Dallas and New Orleans PMA Commodity offices.
Birdsfoot Trefoil seed, bagged, 980 hundredweight.	$80.09 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available San Francisco and Portland PMA Commodity offices.
Rough pea seed, bagged, 6 hundredweight.	$7.00 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available Portland PMA Commodity Office.
Primer slender wheat-grass seed (certified) bagged, 30 hundredweight.	$32.04 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity Office.
Wheat, bulk, 25,000,000 bushels[1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 25 cents per bushel if received by truck or (2) 20 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.69; Minneapolis, No. 1 HDNS, ex rail or barge, $2.72; Chicago, No. 1 RW, ex rail or barge, $2.73.
Oats, bulk, 4,500,000 bushels[1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 12 cents per bushel if received by truck, or (2) 10 cents per bushel if received by rail, or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, $1.01; Minneapolis, No. 3 or better, ex rail or barge, $0.96.

See footnotes at end of table.

OCTOBER 1952 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Barley, bulk, 4,500,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 17 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.55; San Francisco, No. 1 Western Barley, ex rail or barge, $1.59.
Corn, bulk, 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate for No. 3 yellow plus: (1) 11 cents per bushel if received by truck, or (2) 11 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.89; St. Louis, No. 3 yellow, $1.91; Minneapolis, No. 3 yellow, $1.80; Omaha, No. 3 yellow, $1.82; Kansas City, No. 3 yellow, $1.87; for other classes, grades, and quality, market differentials will apply.
Grain sorghums, bulk, 208,000 hundredweight.	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 30 cents per hundredweight if received by truck, or (2) 25 cents per hundredweight if received by rail or barge. Examples of minimum prices per hundredweight: Kansas City, No. 2 grain sorghums, ex rail or barge, $3.09; ex truck $3.14.
Flaxseed, bulk, 144,000 bushels	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon, but not less than the following: $4.33 per bushel, No. 1 Grade, basis in-store, Minneapolis; for other markets and grades, adjust by market differentials.

[1] These same lots also are available at export sales prices announced today.

Ceiling Price Certification. Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

OCTOBER 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow 120 million pounds.[1]	Market price f. o. b. tank cars at points of storage locations.
Dry edible beans	
Great Northern, bagged, 1948 crop, 50,000 hundredweight.[1 2]	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below.
Baby Lima, bagged 1949 crop 458,000 hundredweight.[1]	$6.60 per 100 pounds, U. S. Gulf ports (see note below).
Pinto, bagged, 1949 crop, 299,000 hundredweight.[1 3]	To be sold on a written "Offer and Bid" basis. Interested buyers should contact the San Francisco PMA Commodity Office for information and further details. $6.90 per 100 pounds, Gulf ports, $7.00 per 100 pounds, Mexico border points. NOTE: Available at PMA Commodity offices at: (1) Dallas, Tex. or Mexico Border-Nogales to El Paso, inclusive; (2) Kansas City, Mo., or Texas-Mexico border points and Gulf ports. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; appropriate discounts will also be given for "off-color" beans. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination, 1,677,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25 million bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,500,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk, 4,500,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Corn, bulk, 50,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots are available at domestic sales prices announced today.
[2] Ceiling Price Certification: Any purchaser from CCC of Pinto or Great Northern beans for export, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued: October 9, 1952.

HAROLD K. HILL,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 52–11064; Filed, Oct. 13, 1952; 8:49 a. m.]

Rural Electrification Administration

[Administrative Order 3770]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1952.

Inasmuch as Colquitt County Electric Membership Corporation has transferred certain of its properties and assets to Slash Pine Electric Membership Corporation, and Slash Pine Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Colquitt County Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1108, dated July 24, 1946, by changing the project designation appearing therein as "Georgia 22N Colquitt" in the amount of $814,000 to read "Georgia 22N Colquitt" in the amount of $805,930.03 and "Georgia 95TPl Clinch (Georgia 22N Colquitt)" in the amount of $8,069.97.

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11067; Filed, Oct. 13, 1952; 8:50 a. m.]

[Administrative Order 3771]

ALLOCATION OF FUNDS FOR LOANS

JULY 26, 1952.

I hereby amend:

(a) Administrative Order No. 1512, dated May 12, 1948, by reducing the allocation of $680,000 therein made for "Minnesota 84L Traverse" by $200,000 so that the reduced allocation shall be $480,000.

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11068; Filed, Oct. 13, 1952; 8:50 a. m.]

[Administrative Order 3772]

WISCONSIN

LOAN ANNOUNCEMENT

JULY 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 60N Waushara	$293,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11069; Filed, Oct. 13, 1952; 8:50 a. m.]

[Administrative Order 3773]

ILLINOIS

LOAN ANNOUNCEMENT

JULY 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 26U Iroquois	$432,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11070; Filed, Oct. 13, 1952; 8:50 a. m.]

[Administrative Order 3774]

FLORIDA

LOAN ANNOUNCEMENT

JULY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 15U Lafayette	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11071; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3775]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JULY 31, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 40B Burleigh	$450,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11072; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3776]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 7P Whitley	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11073; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3777]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 62P Bailey	$1,050,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11074; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3778]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 103T Polk	$775,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11075; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3779]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 5, 1952.

I hereby amend:

(a) Administrative Order No. 2844, dated June 28, 1950, by reducing the loan of $130,000 therein made for "Washington 30N Stevens" by $4,004.25 so that the reduced loan shall be $125,995.75; and

(b) Administrative Order No. 3425, dated August 3, 1951, by rescinding the loan of $700,000 therein made for "Washington 30P Stevens".

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11076; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3780]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 52G Thomas	$660,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11077; Filed, Oct. 13, 1952; 8:51 a. m.]

[Administrative Order 3781]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26T Fulton	$50,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11078; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3782]

COLORADO

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 15N Morgan	$1,295,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11079; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3783]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 48P Hidalgo	$250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11080; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3784]

OHIO

LOAN ANNOUNCEMENT

AUGUST 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 32U Belmont	$135,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11081; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3785]

NEW MEXICO

LOAN ANNOUNCEMENT

AUGUST 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 14L Mora	$75,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11082; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3786]

MISSOURI

LOAN ANNOUNCEMENT

AUGUST 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 51R Nodaway	$75,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11083; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3787]

MISSOURI

LOAN ANNOUNCEMENT

AUGUST 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 33AB Butler	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11084; Filed, Oct. 13, 1952; 8:52 a. m.]

[Administrative Order 3788]

NEW MEXICO

LOAN ANNOUNCEMENT

AUGUST 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 8U Roosevelt	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11085; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3789]

VIRGINIA

LOAN ANNOUNCEMENT

AUGUST 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 39S Northampton	$630,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11086; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3790]

GEORGIA

LOAN ANNOUNCEMENT

AUGUST 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 65R Irwin	$260,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11087; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3791]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 104P Mitchell	$110,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11088; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3792]

WISCONSIN

LOAN ANNOUNCEMENT

AUGUST 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 41M Vernon	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11089; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3793]

NEW MEXICO

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 20P Socorro	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11090; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3794]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 34C Carter	$170,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11091; Filed, Oct. 13, 1952; 8:53 a. m.]

[Administrative Order 3795]

ALASKA

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 5E Kenai	$15,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11092; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3796]

ARKANSAS

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through through the Administrator of the Rural trification Administration:

Loan designation:	Amount
Arkansas 18XY Carroll	$1,415,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11093; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3797]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 145F Dallam	$325,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11094; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3798]

FLORIDA

LOAN ANNOUNCEMENT

AUGUST 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 24H Monroe	$835,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11095; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3799]

PENNSYLVANIA

LOAN ANNOUNCEMENT

AUGUST 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 17T Armstrong	$295,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11096; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3800]

PENNSYLVANIA

LOAN ANNOUNCEMENT

AUGUST 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 13Y Tioga	$196,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11097; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3801]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electricfication Administration:

Loan designation:	Amount
Colorado 40E Rio Blanco	$600,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11098; Filed, Oct. 13, 1952; 8:54 a. m.]

[Administrative Order 3802]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 3, 1952.

I hereby amend:

(a) Administrative Order No. 358, dated June 19, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by reducing the allocation of $5,000 therein made for "Texas 9-0093W1 DeWitt" by $2,774 so that the reduced allocation shall be $2,226.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11099; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3803]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936 as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 66K Webster	$115,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11100; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3804]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 12, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 84P Hall	$112,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11101; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3805]

NEW MEXICO

LOAN ANNOUNCEMENT

SEPTEMBER 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 19K Colfax	$95,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11102; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3806]

ARKANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 24V Washington	$1,250,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11103; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3807]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 22S Fairfield	$195,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11104; Filed, Oct. 13, 1952; 8:55 a. m.]

[Administrative Order 3808]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 12U Pemiscot	$195,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11105; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3809]

NEW MEXICO

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 22G McKinley	$25,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11106; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3810]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 28V Williamsburg	$165,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11107; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3811]

ALLOCATION OF FUNDS FOR LOAN

SEPTEMBER 16, 1952.

Inasmuch as (1) Niobrara Electric Membership Association has transferred all of its properties and assets to Northwest Rural Public Power District, and Northwest Rural Public Power District has assumed all of the indebtedness of Niobrara Electric Membership Association to United States of America, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Niobrara Electric Membership Association, with the consent of United States of America, has assigned to Northwest Rural Public Power District, and Northwest Rural Public Power District has accepted the assignment of certain rights and obligations of Niobrara Electric Membership Association arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1081, dated May 31, 1946, by changing the project designation appearing therein as "Nebraska 92A Sheridan" in the amount of $489,000 to read "Nebraska 99TP1 Sheridan District Public (Nebraska 92A Sheridan)";

(b) Administrative Order No. 1423, dated January 20, 1948, by changing the project designation appearing therein as "Nebraska 92B Sheridan" in the amount of $300,000 to read "Nebraska 99TP1 Sheridan District Public (Nebraska 92B Sheridan)";

(c) Administrative Order No. 1951, dated March 28, 1949, by changing the loan designation appearing therein as "Nebraska 92C Sheridan" in the amount of $558,000 to read "Nebraska 99TP1 Sheridan District Public (Nebraska 92C Sheridan)";

(d) Administrative Order No. 2079, dated May 5, 1949, by changing the loan designation appearing therein as "Nebraska 92E Sheridan" in the amount of $16,000 to read "Nebraska 99TP1 Sheridan District Public (Nebraska 92E Sheridan)"; and

(e) Administrative Order No. 2807, dated June 13, 1950, by changing the loan designation appearing therein as "Nebraska 92D Sheridan" in the amount of $414,000 to read "Nebraska 99TP1 Sheridan District Public (Nebraska 92D Sheridan)" in the amount of $254,656.61 and "Nebraska 99TA1 Sheridan District Public (Nebraska 92D Sheridan)" in the amount of $159,343.39.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11108; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3812]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 65S Rusk	$245,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-11109; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3813]

NEBRASKA

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 49F Howard District Public	$600,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-11110; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3814]

MISSOURI

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 54N Crawford	$785,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-11111; Filed, Oct. 13, 1952; 8:56 a. m.]

[Administrative Order 3815]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 63W Scott	450,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-11112; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order 3816]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 22, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 144M Kinney	$280,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11113; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order 3817]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 19S Chippewa	$50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11114; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order 3818]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 4L Lake	$415,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11115; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order 3819]

TENNESSEE

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 24N Montgomery	$1,575,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11116; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order 3820]

IDAHO

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Idaho 23C Custer	$435,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11117; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order T-174]

TENNESSEE

LOAN ANNOUNCEMENT

JULY 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Adamsville Telephone Co., Inc., Tennessee 514-A	$151,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11118; Filed, Oct. 13, 1952; 8:57 a. m.]

[Administrative Order T-175]

ILLINOIS

LOAN ANNOUNCEMENT

JULY 31, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
McDonough Telephone Cooperative, Illinois 513-A	[1] $405,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11119; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T-176]

WISCONSIN

LOAN ANNOUNCEMENT

AUGUST 4, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Marquette-Adams Telephone Cooperative, Inc., Wisconsin 507-A	$239,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11120; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T-177]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Hancock Rural Telephone Corp., Indiana 506-B	$188,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11121; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T-178]

NORTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Reservation Mutual Aid Telephone Corp., North Dakota 525–A	[1] $417,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11122; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T–179]

WISCONSIN

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Badger Telephone Co., Wisconsin 503–B	$64,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11123; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T–180]

LOUISIANA

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ringgold Telephone Co., Inc., Louisiana 502–B	$67,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11124; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T–181]

TEXAS

LOAN ANNOUNCEMENT

AUGUST 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
SCVAK Telephone Co., Inc., Texas 524–A	[1] $467,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11125; Filed, Oct. 13, 1952; 8:58 a. m.]

[Administrative Order T–182]

MONTANA

LOAN ANNOUNCEMENT

AUGUST 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mid-Rivers Telephone Cooperative, Montana 512–A	$1,675,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11126; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–183]

KANSAS

LOAN ANNOUNCEMENT

AUGUST 22, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Rural Telephone Service Co., Inc., Kansas 537–A	[1] $602,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11127; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–184]

MISSOURI

LOAN ANNOUNCEMENT

AUGUST 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Steelville Telephone Exchange, Inc., Missouri 536–A	[1] $503,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11128; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–185]

INDIANA

LOAN ANNOUNCEMENT

AUGUST 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Bartholomew Telephone Corp., Indiana 520–A	[1] $650,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11129; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–186]

ILLINOIS

LOAN ANNOUNCEMENT

AUGUST 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Adams Telephone Cooperative, Illinois 518–A	[1] $509,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11130; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–187]

MAINE

LOAN ANNOUNCEMENT

AUGUST 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Hill Telephone Corp., Maine 502–A	$83,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11131; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–188]

NORTH CAROLINA

LOAN ANNOUNCEMENT

AUGUST 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Eastern Rowan Telephone Co., Inc., North Carolina 507–B	$80,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11132; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–189]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Farmers Mutual Telephone Co., Minnesota 501–B	$94,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11133; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–190]

MINNESOTA

LOAN ANNOUNCEMENT

AUGUST 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Benton Cooperative Telephone Co., Minnesota 559–A	[1] $321,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11134; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–191]

NORTH DAKOTA

LOAN ANNOUNCEMENT

AUGUST 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation	*Amount*
Northwest Mutual Aid Telephone Corp., North Dakota 526–A	[1] $1,562,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11135; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–192]

KENTUCKY

LOAN ANNOUNCEMENT

SEPTEMBER 5, 1952

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Elmore Telephone Co., Inc., Kentucky 504–A	$449,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11136; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–193]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Home Telephone Co., South Carolina 514–B	$95,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11137; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–194]

MICHIGAN

LOAN ANNOUNCEMENT

SEPTEMBER 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Chatham Telephone Co., Michigan 512–A	[1] $337,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52–11138; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–195]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

SEPTEMBER 12, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Dakota Cooperative Telephone Co., South Dakota 515–A	[1] $1,027,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11139; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–196]

ALABAMA

LOAN ANNOUNCEMENT

SEPTEMBER 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mon-Cre Telephone Cooperative, Inc., Alabama 519–A	$125,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11140; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T–197]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 17, 1952.

I hereby amend:

(a) Administrative Order No. T–16, dated February 12, 1951, by reducing the loan of $1,028,000 therein made for "Runestone Telephone Association—Minnesota 540–A" by $666,000 so that the reduced loan shall be $362,000.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52–11141; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-198]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Palmetto Rural Telephone Cooperative, Inc., South Carolina 512-A	[1] $393,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11142; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-199]

NEW JERSEY

LOAN ANNOUNCEMENT

SEPTEMBER 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Jersey Telephone Co., New Jersey 501-A	[1] $943,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11143; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-200]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Lafourche Telephone Co., Inc., Louisiana 506-C	$170,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-11144; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-201]

KENTUCKY

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Peoples Rural Telepohne Cooperative Corp., Inc., Kentucky 514-B	$180,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11145; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-202]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Flat Rock Mutual Telephone Co., Illinois 510-A	[1] $122,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11146; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-203]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1952.

Pursuant to the provision of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mid-Plains Rural Telephone Cooperative, Inc., Texas 522-B	$522,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11147; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-204]

FLORIDA

LOAN ANNOUNCEMENT

SEPTEMBER 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Santa Fe Telephone Co., Inc., Florida 505-B	$270,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11148; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-205]

INDIANA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Lisbon Telephone Co., Inc., Indiana 501-B	$64,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11149; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-206]

MINNESOTA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Park Region Mutual Telephone Co., Minnesota 508-B	$163,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-11150; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-207]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Caprock Rural Telephone Cooperative, Inc., Texas 564-B	$135,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11151; Filed, Oct. 13, 1952; 8:59 a. m.]

[Administrative Order T-208]

NEW YORK

LOAN ANNOUNCEMENT

OCTOBER 2, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Killawog Telephone Co., Inc., New York 505-A	[1] $359,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11152; Filed, Oct. 13, 1952; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1461]

NEW YORK, CHICAGO & ST. LOUIS RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $20 Par Value, of New York, Chicago & St. Louis Railroad Company, a security registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 29, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11045; Filed, Oct. 13, 1952; 8:46 a. m.]

[File No. 31-587]

GILMAN PAPER CO.

ORDER GRANTING EXEMPTION

OCTOBER 8, 1952.

Gilman Paper Company ("Gilman"), having filed an application and an amendment thereto with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption from the provisions of the act on behalf of itself, its public-utility subsidiary, Gilman Electric Light & Power Company, and its non-utility subsidiaries, St. Marys Kraft Corp., Kraft Bag Corp., and the Cellucord Corporation, all of which are engaged in the manufacture of paper and paper products, and

Due notice of the filing of said application having been given and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the amendment thereto and the statements contained therein and having found that Gilman is only incidentally a holding company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that the granting of an exemption to Gilman as a holding company and to its subsidiaries as such will not be detrimental to the public interest or the interests of investors or consumers:

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Gilman as a holding company and its subsidiaries as such be, and the same hereby are, exempted from all provisions of the act, said companies remaining subject, however, to any obligation imposed upon them in any capacity other than as a holding company or as a subsidiary of a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11046; Filed, Oct. 13, 1952; 8:46 a. m.]

[File No. 54-207]

AMERICAN POWER & LIGHT CO.

NOTICE OF FILING OF PLAN FOR DISSOLUTION OF REGISTERED HOLDING COMPANY AND NOTICE AND ORDER FOR HEARING

OCTOBER 7, 1952.

I. Notice is hereby given that American Power & Light Company ("American"), a registered holding company, has filed an application for approval of a plan (hereinafter referred to as the "Dissolution Plan"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935" ("act"), proposing the dissolution of American and the distribution of all of its net assets to its stockholders. The Dissolution Plan is stated to be in compliance with the Commission's order dated August 22, 1942, directing that the existence of American be terminated and that it be dissolved.

On February 15, 1950, American consummated a plan filed pursuant to section 11 (e) of the act under which it distributed most of its assets and reclassified its preferred and common stocks into a single class of capital stock. Such plan will be referred to hereinafter as American's "Stock Reclassification Plan". In June 1950, and November 1951, American distributed cash to its stockholders and in August 1952, American distributed the common stock of the Washington Water Power Company to its stockholders, all pursuant to plans under section 11 (e) of the Act.

American's assets presently consist of 10 percent of the outstanding shares of the common stock (54,763 shares without par value) of Portland Gas & Coke Company ("Portland"), a gas utility company, certain cash or cash items aggregating approximately $5,500,000 as of June 30, 1952, and other minor assets. American's capitalization consists of 2,342,411 shares of capital stock, without par value, issued or issuable pursuant to the provisions of the Stock Reclassification Plan.

II. All interested persons are referred to said Dissolution Plan, which is on file in the offices of the Commission, for a full statement of the transactions therein proposed which may be summarized as follows:

1. American proposes to dissolve on a date to be fixed by its board of directors as soon as practicable after entry of an order by this Commission approving the Dissolution Plan and a subsequent order approving and enforcing such plan by an appropriate United States District Court upon application for enforcement filed by this Commission. Such dissolution date will be the effective date of the Dissolution Plan.

2. On the effective date, the holders of, and any other persons having any interest in, shares of American's capital stock shall cease to have any rights or interest in respect of such stock other than the rights which are specified in American's Dissolution Plan. Certificates for shares of American's capital stock shall not be transferable on the books of American on and after the effective date. Holders of certificates for shares of the former preferred and common stocks of American (or scrip therefor) who shall surrender such certificates or scrip under the Stock Reclassification Plan will not, on and after the effective date of this Dissolution Plan, receive certificates for capital stock of American. However, such holders, for the purpose of further distributions in liquidation, will be treated as record holders of the number of shares of capital stock of American (including fractions) to which they would have been entitled had they surrendered such certificates or scrip under the Stock Reclassification Plan before the effective date of the Dissolution Plan.

3. On and after the effective date, the liquidation and winding up of American's affairs will be under the control of three Trustees who, in turn, will be

under the supervision of the United States District Court enforcing the Dissolution Plan. Such Trustees shall have all the powers possessed by American immediately prior to the effective date for the purpose of discharging or providing for the discharge of all of American's liabilities, liquidating the assets of American, and distributing the net proceeds thereof to American's stockholders. The Dissolution Plan proposes that D. W. Jack, C. W. Scholz, and Miller A. Huhn, who are presently officers of American, shall become and act as the Trustees. Trustees who shall have been officers or full-time employees of American immediately prior to the effective date, shall be compensated at the average salary rate pertaining to them, respectively, during the twelve months' period next prior to the effective date unless modified by the Commission.

4. On the date which shall be thirty days (excluding Saturdays, Sundays and holidays) after the effective date (such date to be known as the "Distribution Date") the Trustees will cause to be distributed, in partial liquidation of American, (a) for each of the 2,342,411 shares of American's capital stock, cash of 95 cents, and (b) for each 43 shares of American's capital stock, one share of common stock of Portland.

5. American or the Trustees will select a Distribution Agent who will make the distribution of cash and of common stock of Portland on the Distribution Date to those persons who, at the close of business on the day before the effective date, are holders of record of American's capital stock. No certificates for fractional shares of Portland's common stock will be issued and any fractions involved will, to the extent feasible, be combined with other fractions and sold, at prevailing market prices, by the Distribution Agent for the account of the holders entitled thereto without cost to them. Any holder of American's capital stock of record at the close of business on the day before the effective date who is entitled to receive less than five shares of Portland's common stock under the provisions of the Dissolution Plan may request the Distribution Agent to sell, at prevailing market prices and at the expense of such stockholder, such shares as he would otherwise be entitled to receive and remit the net proceeds of any such sale to such holder.

6. On the Distribution Date the Trustees shall deliver to the Distribution Agent under the Stock Reclassification Plan funds in the aggregate amount of the cash payments and certificates for such number of shares of Portland's common stock as would be distributed in respect of shares of American's capital stock which shall not have been issued pursuant to the Stock Reclassification Plan prior to the effective date. Neither the Trustees nor the Stock Reclassification Plan Distribution Agent shall vote the shares of Portland's stock so held by the Stock Reclassification Plan Distribution Agent. A holder receiving shares of Portland's common stock shall also be entitled to receive the amount of any dividends collected on such shares by the Stock Reclassification Plan Distribution Agent. As soon as practicable after February 15, 1955, the Stock Reclassification Plan Distribution Agent shall sell all the shares of Portland's common stock then held by it.

7. American reserves the right to effect the distribution of the cash and Portland common stock at any time after the entry by the Commission of an order approving the Dissolution Plan and without awaiting the entry of an order by an appropriate United States District Court enforcing such plan. In such event, American shall fix a new distribution date for the making of the distribution of cash and common stock of Portland, and shall also fix a record date for the determination of stockholders to whom such distributions shall be made. The Commission shall be given ten days' notice of the record date and the distribution date so fixed, and the distribution may be made without further approval of the Commission unless the Commission shall disapprove of such distribution within five days after the receipt by it of such notice.

8. Subsequent to the distribution of cash and Portland common stock, the Trustees shall make interim distributions from the funds of American's estate, and, at such time as the Trustees may be able to reduce all of American's remaining assets to cash and to discharge or make provisions for the discharge of all of American's liabilities, the Trustees shall make a distribution in final liquidation of American. Such distributions will be made on a pro-rata basis to the holders of American's present and formerly outstanding capital stock entitled thereto. The Commission shall be given twenty days' notice of any such distributions after which such distributions may be made without further approval of the Commission unless the Commission shall indicate its disapproval within ten days after the receipt by it of such notice.

9. The holders of certificates of shares of former preferred or common stock of American (or scrip therefor) who do not surrender such certificates or scrip on or prior to February 15, 1955, to the Stock Reclassification Plan Distribution Agent, and any other persons having any interest whatsoever in shares of American's former preferred or common stocks, shall cease at the close of business on February 15, 1955, to have any right to, or interest in, the cash payment and shares of common stock of Portland, or the proceeds of the sale of such common stock or rights received in respect thereto, or dividends received thereon, and shall have no rights in substitution therefor.

10. The record holders of American's presently outstanding capital stock who, at the close of business on February 15, 1955, have not received or claimed the shares of Portland common stock distributable to such holders as provided in this Dissolution Plan, or the shares of common stock of the Washington Water Power Company to which they are entitled under the prior plan for distribution of that stock, shall cease thereafter to have any right to receive such certificates. However, as soon as practicable after that date, all unclaimed shares represented by any certificates for said shares of common stock of Portland and the Washington Water Power Company shall be sold by the Dissolution Plan Distribution Agent for the account of the persons entitled thereto, and thereafter said agent shall hold the net proceeds of such sales, after deducting the cost of such sales, for the account of such persons.

11. The Trustees, at least 60 days prior to the final distribution of American's assets, will notify all payees of unclaimed or unpaid checks of American both by mail and newspaper publication to the effect that all such checks issued more than two years prior to the date of such notice which are not claimed or presented for payment before the close of business on a date to be set forth in such notice, which shall be at least 30 days prior to the final distribution, shall become null and void and all liability in connection therewith terminated. The amounts represented thereby will thereafter be included in the assets of American to be finally distributed.

12. The Trustees, at least 60 days prior to the final distribution of American's assets, shall notify by mail and newspaper publication all holders of American's 6 percent Debenture Bonds and the 6 percent Debenture Bonds (assumed by American) of Southwestern Power & Light Company who have not surrendered such Debenture Bonds. All such Debenture Bonds which are not presented to the appropriate Debenture Trustee for payment before the close of business on the date to be set forth in such notice, which shall be at least 30 days prior to the final distribution, shall become null and void and all rights to receive payment thereon terminated. Thereafter any amounts remaining unclaimed in the hands of the Debenture Trustees shall be turned over to the Dissolution Plan Trustees and included as assets of American in the final distribution. The Dissolution Plan provides that the amended plan and the amended supplemental plan (File No. 54–100), under which the aforesaid Debenture Bonds were retired, are amended accordingly.

13. The Trustees shall pay out of the assets of American's estate the ordinary expenses of the liquidation of American and shall file annually with the Commission statements of estimated and actual expenses together with a statement of the assets and liabilities of American's estate at the end of the twelve month period covered by such statement of actual expenses. In the case of special or extraordinary expenses, such as special fees for legal or other professional services which the Commission disapproves in whole or in part, any excess thereof over the amount subsequently approved by the Commission, if already paid, shall be returned by the recipients to the Trustees.

14. The effectuation of the Dissolution Plan is conditioned, among other things, upon the Commission making the necessary recitations in its order approving the Plan in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof and American or the Trustees obtaining from the United States Treasury Department such rulings or closing agreements, satisfactory to American or the Trustees, as to the tax consequences of the Dissolution Plan. The Dissolution Plan is also subject to approval by a District Court of the United States having jurisdiction with respect thereto, subject to the provisions of paragraph 7 above.

III. The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder to find, after notice and opportunity for hearing, that such plan as submitted or as modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held concerning the Dissolution Plan to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That a hearing on the Dissolution Plan be held on October 28, 1952, at 10:00 o'clock a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk in Room 193 will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 23, 1952, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Dissolution Plan and upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Dissolution Plan as submitted or as it may be modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. What further steps, if any, should be taken by American in order to comply with the Commission's order dated August 22, 1942, directing that the existence of American be terminated and that it be dissolved.

3. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder, whether any modification should be required to be made therein, and whether any terms and conditions should be imposed to satisfy applicable statutory standards.

It is further ordered, That notice of this hearing be given by registered mail to American, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list for releases under the act, and that further notice shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That American shall give notice of this hearing by mailing a copy of this notice and order for hearing at least fifteen days prior to the date set for said hearing to the Comptroller of the State of New York; the Treasurer of the State of Maine; each of the security holders of American, including (insofar as the identity of such security holders is known or is available to American) holders of its former preferred and common stocks who have not surrendered such shares under the Stock Reclassification Plan; payees of all unclaimed or unpaid checks shown on the books of American as at June 30, 1952; and all holders who have not yet surrendered Debenture Bonds, Coupons or Receipts in connection with the retirement of American's 6 percent Debenture Bonds and the 6 percent Debenture Bonds of Southwestern Power & Light Company, assumed by American.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52–11044; Filed, Oct. 13, 1952; 8:46 a. m.]

[File No. 70–2927]

UNITED GAS CORP.

SUPPLEMENTAL ORDER REGARDING ISSUANCE AND SALE OF DEBENTURES AND CONCERNING FEES

OCTOBER 8, 1952.

The Commission by order dated September 25, 1952, having granted the application and permitted the declaration to become effective of United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, concerning the issuance and sale by United of $60,000,000 principal amount of -- percent Sinking Fund Debentures due 1972, pursuant to the competitive bidding requirements of Rule U-50, and with respect to certain related transactions, subject to a reservation of jurisdiction with respect to the results of competitive bidding under Rule U-50 and with respect to the fees and expenses incurred in connection with the proposed transactions;

A further amendment to said application-declaration having been filed on October 8, 1952, setting forth the action taken to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids on the Debentures, the following bids have been received:

Underwriting group	Coupon rate (percent)	Price to company (percent)	Annual cost of money (percent)
The First Boston Corp..... Harriman Ripley & Co., Inc. Goldman, Sachs & Co..... Halsey, Stuart & Co., Inc.. Morgan Stanley & Co..... White, Weld & Co..... Equitable Securities Corp..	4¾ 4¾ 4½	101.1499 100.88 100.819	4.2888 4.3089 4.4378

Said amendment setting forth that United has accepted the proposal of the underwriting group headed by the First Boston Corporation, Harriman Ripley & Co., Incorporated and Goldman, Sachs & Co., as shown above, and further stating that said Debentures will be reoffered to the public at a price of 102.35 percent of the principal amount thereof, resulting in an underwriting spread of 1.2001 percent and an aggregate spread of $720,060; and

The record also having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, which expenses are estimated in the aggregate amount of $238,000 including $15,000 to Baker, Botts, Andrews & Parish and $10,000 to Reid & Priest, both firms being counsel to the company, and the record also showing the fee of counsel for the purchaser in the amount of $12,500 to be paid to Milbank, Tweed, Hope & Hadley, which fee is to be paid by the purchaser; and

The Commission observing no basis for adverse findings with respect to the results of competitive bidding or the fees and expenses to be paid in connection with the proposed transactions, and deeming it appropriate that said application-declaration, as amended, should be granted and permitted to become effective and that jurisdiction heretofore reserved should be released;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith; and

It is further ordered, That jurisdiction heretofore reserved with respect to the results of competitive bidding and the payment of fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11047; Filed, Oct. 13, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to*

Central Office officials, is amended as follows:

Subparagraph 14 to paragraph j is amended as follows:

14. The Director of the Insurance Branch, Management and Disposition Division, is hereby authorized to execute endorsements on behalf of the PHA on insurance company checks on which the PHA is a joint payee.

Date approved: October 6, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52–11042; Filed, Oct. 13, 1952; 8:45 a. m.]

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph (y) is added to paragraph b 7 as follows:

(y) To approve formal change orders which modify the requirements of contracts for main construction, demolition, landscaping, or the furnishing of movable equipment.

Date approved: October 6, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52–11043; Filed, Oct. 13, 1952; 8:46 a. m.]

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph 16 is added to paragraph b as follows:

16. Pursuant to the Federal Tort Claims Act (28 U. S. C. sections 2671–2680), to consider, ascertain, adjust, determine, and settle claims against the United States not in excess of $1,000 arising out of the acts or omissions of employees under his jurisdiction.

Date approved: October 6, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52–11154; Filed, Oct. 13, 1952; 8:46 a. m.]

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Paragraph j is amended as follows:

j. Delegations of authority to Assistant Directors for Development.

1. With respect to locally owned low-rent projects to approve formal change orders which modify the requirements of contracts for main construction, demolition, landscaping, or the furnishing of movable equipment.

Date approved: October 6, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52–11155; Filed, Oct. 13, 1952; 8:46 a. m.]

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph (k) is added to paragraph b 13 as follows:

(k) To execute and terminate leases for commercial facilities and to execute and terminate leases, agreements, and use permits for noncommercial facilities.

Date approved: October 7, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52–11156; Filed, Oct. 13, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

BOARD OF SUSPENSION AND FOURTH SECTION BOARD

CONVERSION INTO BOARDS OF EMPLOYEES TO ACT INITIALLY IN SUSPENSION AND FOURTH SECTION MATTERS

OCTOBER 9, 1952.

The Interstate Commerce Commission announces the following changes in its organization:

Effective December 1, 1952, the Board of Suspension and the Fourth Section Board are to be converted into boards of employees under section 17 (2) of the Interstate Commerce Act, with power to act initially in Suspension and Fourth Section matters, subject to certain specified exceptions.

The purpose of this action is in harmony with suggestions emanating from practitioners, from legislators, and from others, in order to relieve members of the Commission of as much detail as possible. In addition to the reservations specifically set out in the Commission's order delegating this power, each of these boards is given authority, when it deems it advisable, to certify any matter to Division 2 for decision. Division 2, in respect of all initial actions by these boards, will serve as an appellate division of the Commission.

Certain administrative changes have been necessary which are effectuated through regular minute entries and are not a part of the order of delegation. In substance, these administrative changes require that:

The Fourth Section Board and the Board of Suspension shall hereafter consist, respectively, of not less than three nor more than five members, including the chairman, and that the chairman of each is authorized to assign the work to the members of his Board in order to obtain a working quorum in accordance with the provisions of section 17 (3) of the Interstate Commerce Act.

Unless their classifications are such that they fall within the classes of eligible employees otherwise specifically designated in section 17 (2) of the Interstate Commerce Act, all regular members of the Board of Suspension and the Fourth Section Board, except the chairman, shall hereafter be designated as "Special Transportation Examiners, Board Members." Minimum qualifications are prescribed for these classifications which are designed to assure ample experience and training for the work involved.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11055; Filed, Oct. 13, 1952; 8:47 a. m.]

ORGANIZATION OF DIVISIONS AND ASSIGNMENT OF WORK, BUSINESS, AND FUNCTIONS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 7th day of October A. D. 1952.

Section 17 of the Interstate Commerce Act, as amended (49 U. S. C. 17), particularly paragraph (2) thereof, and other provisions of the law being under consideration, and with a view to providing for the elimination from the assignment of work of Division Two of initial jurisdiction over applications for relief from section 4 of the act and the suspension provisions of sections 15 (7) of Part I, 216 (g) and 218 (c) of Part II, 307 (g) and (i) of Part III, and 406 (e) of Part IV, subject to certain qualifications; to provide for the delegation of authority to boards of employees; and to provide further for the designation of Division Two as an appellate division to consider applications for hearing, argument, or reconsideration of an order or requirement of boards under the above enumerated provisions of the act, the decisions of said appellate division to be administratively final and not subject to review by the Commission, the following order, amending and supplementing the order of June 8, 1942, as amended, Organization of Divisions and Assignment of Work, Business, and Functions, was duly adopted:

It is ordered, That the order of June 8, 1942, as amended, be further amended by:

(1) Changing the assignment of work of Division Two so as to amend the paragraph referring to section Four by deleting the period after the word "therefrom" and adding the following: "when such proceedings have been formally heard, when applications are certified to the Division by the Fourth Section Board, when fourth-section relief arises as a result of an order or requirement of the Commission, or a division thereof, or when applications are to be considered in connection with general rate-increase proceedings."

(2) Changing the assignment of work of Division Two so as to amend the paragraph commencing with "section 15 (7)" by deleting the period at the end thereof, and adding: "when such matter is certified to the Division by the Suspension Board, when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or when there are involved petitions for suspension of schedules filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof."

(3) Adding new provisions immediately following the close of the section *Assignment of work, business and functions to individual members of the Commission under section 17* (2) as follows:

ASSIGNMENTS TO BOARDS

Fourth Section Board. Section Four, relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, except proceedings made the subject of formal hearing, matters prompted by an order or requirement of the Commission or a division thereof, or matters arising from general increase proceedings. The Board may certify to Division Two any matter which, in its judgment, should be passed on by that division or the Commission.

Suspension Board. Section 15 (7) of Part I, sections 216 (g) and 218 (c) of Part II, sections 307 (g) and (i) of Part III and 406 (e) of Part IV, relating to the initial disposition of petitions or requests for suspension of schedules and tariffs, or parts thereof, including authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and freight forwarders under Part IV, as ancillary to the suspension of any tariff or schedule, including also the power to enter orders discontinuing investigation and suspension proceedings when, prior to hearing, the suspended schedules have been withdrawn and canceled pursuant to special permission authority. This delegation of authority shall not include (1) petitions or requests relating to tariffs or schedules filed in purported compliance with any decision or order of the Commission or a division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify any question or matter which, in its judgment, should be acted upon by Division 2 or, upon the recommendation of Division 2, by the Commission.

(4) In the section *Rehearings and further proceedings*, delete the words "or an individual Commissioner" and substitute: "individual Commissioner, Board of Suspension, or Fourth Section Board."

(5) In the section *Rehearings and further proceedings* after the words "succeeding paragraphs" insert the following: "further excepting matters relating to long-and-short-haul and aggregate-of-intermediate rates, and relief therefrom, when such matters have not been subject to formal hearing; and further excepting matters relating to the disposition of applications for suspension of schedules and tariffs or parts thereof, as more especially provided in the third succeeding paragraph,"

(6) To the section *Rehearings and further proceedings*, adding a fifth paragraph to read as follows:

Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for disposition and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

And it is further ordered, That the foregoing amendments shall become effective December 1, 1952.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11054; Filed, Oct. 13, 1952; 8:47 a. m.]

[4th Sec. Application 27450]

ACRYLONITRILE FROM POINTS IN W. VA., TO DECATUR, ALA., AND BATON ROUGE, LA.

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariffs I. C. C. Nos. 4367 and 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Acrylonitrile, in tank-car loads.

From: Charleston and other points in West Virginia, grouped therewith.

To: Decatur, Ala., and Baton Rouge, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11056; Filed, Oct. 13, 1952; 8:48 a. m.]

[4th Sec. Application 27451]

STOVES AND RANGES FROM GLENCLIFF AND NASHVILLE, TENN., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1171, pursuant to fourth-section order No. 16101.

Commodities involved: Stoves and ranges, electric cooking, carloads.

From: Glencliff and Nashville, Tenn.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11057; Filed, Oct. 13, 1952; 8:48 a. m.]

[4th Sec. Application 27452]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX., TO HALE AND SAND SPRINGS, OKLA.

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Hale and Sand Springs, Okla.

Grounds for relief: Competition with rail carriers, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11058; Filed, Oct. 13, 1952; 8:48 a. m.]

[4th Sec. Application 27453]

GRAIN FROM POINTS IN ILLINOIS TO POINTS IN ARKANSAS, MISSOURI AND TENNESSEE

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, also seeds, carloads.

From: Chicago, Joliet, and Lockport, Ill.

To: Points in Arkansas and Missouri and Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3939, Supp. 22. StLSF Ry. tariff I. C. C. No. A–313, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11059; Filed, Oct. 13, 1952; 8:48 a. m.]

[4th Sec. Application 27454]

SUPERPHOSPHATE FROM POINTS IN SOUTHERN TERRITORY TO SCHUYLER, NEBR.

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1286.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in southern territory.

To: Schuyler, Nebr.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11060; Filed, Oct. 13, 1952; 8:49 a. m.]

[4th Sec. Application 27455]

SUGAR FROM PORT WENTWORTH AND SAVANNAH, GA., TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

OCTOBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380.

Commodities involved: Sugar, beet or cane, also liquid or invert sugar, carloads.

From: Port Wentworth and Savannah, Ga.

To: Bristol, Va.-Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and port competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11061; Filed, Oct. 13, 1952; 8:49 a. m.]

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THE NATIONAL ARCHIVES

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OF THE UNITED STATES

VOLUME 17 1934 NUMBER 202

Washington, Wednesday, October 15, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10401

PRESCRIBING PROCEDURES FOR PERIODIC REVIEW OF ESCAPE-CLAUSE MODIFICATION OF TRADE-AGREEMENT CONCESSIONS

By virtue of the authority vested in me by the Constitution and the statutes, including section 332 of the Tariff Act of 1930 (46 Stat. 698), the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 943; 57 Stat. 125; 59 Stat. 410; 63 Stat. 697; Public Law 50, 82d Congress), and the Trade Agreements Extension Act of 1951 (Public Law 50, 82d Congress); and in the interest of the foreign-affairs functions of the United States, in order to carry out international obligations of the United States, and in order that the interests of the various branches of American economy may be effectively promoted and safeguarded in the administration of the trade-agreements program, it is hereby ordered as follows:

1. So long as a trade-agreement concession remains withdrawn, suspended, or modified, in whole or in part, pursuant to action taken under section 7 of the Trade Agreements Extension Act of 1951 or comparable provisions of any statute or Executive order, the Tariff Commission shall keep under review developments with regard to the product to which such concession relates, and shall make periodic reports to the President concerning such developments. The first such report shall in each case be made at such time, not more than two years after the original withdrawal, suspension, or modification of the trade-agreement concession, as will best enable it to be based upon a full marketing year for the product involved, and any subsequent reports with respect to such product shall be made at intervals of one year. The Tariff Commission shall also make such a report in any case at such other time as it may consider appropriate or as may be requested by the President, and a report so made shall constitute compliance with any requirement of this paragraph for a periodic report within six months before or after the date of its submission.

2. Whenever in the judgment of the Tariff Commission conditions of competition with respect to the trade in the imported article and the like or directly competitive domestic product concerned have so changed as to warrant it, or upon request of the President, the Commission shall institute a formal investigation to determine whether, and, if so, to what extent, the withdrawal, suspension, or modification of a trade-agreement concession remains necessary in order to prevent or remedy serious injury or the threat thereof to the domestic industry concerned. As a part of any such investigation, the Commission shall hold a hearing at which interested parties shall be given reasonable opportunity to be present, to produce evidence, and to be heard. Upon completion of such an investigation the Commission shall report to the President its findings as to what extent, if any, the withdrawal, suspension, or modification involved remains necessary in order to prevent or remedy serious injury or the threat thereof to the domestic industry concerned. The Commission may prescribe such rules and regulations for the conduct of investigations under this paragraph as it shall deem appropriate.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 14, 1952.

[F. R. Doc. 52–11270; Filed, Oct. 14, 1952; 11:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—RAISIN EXPORT PAYMENT PROGRAM TMX95a

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AUTHORITY: §§ 518.400 to 518.411 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 518.400 *General statement.* (a) In order to encourage the exportation of raisins produced in the continental United States to eligible countries, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters of such raisins subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from the following:

Werner Allmendinger, Anthony J. Tarlock, and W. B. Blackburn
Fruit and Vegetable Branch
Production and Marketing Administration
United States Department of Agriculture
333 Fell Street, P. O. Box 3638
San Francisco, Calif.

W. J. Broadhead and Robert E. Eaton
Fruit and Vegetable Branch
Production and Marketing Administration
United States Department of Agriculture
515 Southwest Tenth Avenue
Portland 5, Oreg.

Chester A. Halnan, Director
New York Office for Marketing
Production and Marketing Administration
United States Department of Agriculture
139 Centre Street, Room 801
New York 13, N. Y.

E. M. Graham and James Poole
Fruit and Vegetable Branch
Production and Marketing Administration
United States Department of Agriculture
14th and Independence Avenue SW.
Washington 25, D. C.

§ 518.401 *Eligible countries.* Eligible countries include all foreign countries and their territories or dependent areas except those located in North, Central and South America, the Islands of the Caribbean Sea, the Bahamas, Australia, New Zealand, Cyprus, Greece (including Crete), Iran, Turkey, Spain, the Union of South Africa, and except those countries and areas listed in Subgroup A of Group R of the Comprehensive Export Schedule issued by the Office of International Trade, United States Department of Commerce.

§ 518.402 *Rate of payment and determination of net weight.* (a) The rate of payment applicable to raisins exported in conformity with the terms and conditions contained in this subpart shall be:

Processed packed raisins	*Rate per pound net processed packed weight (cents)*
Natural Thompson Seedless	2.50
Sultanas	2.50
Muscats, except soda-dipped (Valencia) and layer Muscats	2.50
Zante currants	2.50
Golden Bleached Thompson Seedless	3.00

(b) The net weight marked on containers or invoiced or billed shall be considered the net weight of raisins exported under this subpart. If, however, the United States Department of Agriculture determines and shows on the inspection certificate an actual net weight that is less than the marked, invoiced or billed net weight, the net weight as determined by the United States Department of Agriculture and shown on the inspection certificate shall, for purposes of this subpart, be considered to be the net weight.

§ 518.403 *Eligibility for payment*—(a) *Sales contract and application for program participation.* No payment will be made under this subpart unless the exporter has entered into a sales contract (as defined in § 518.411 (g)) on or after, but not prior to, the effective date of this subpart and files, on prescribed form, an application to participate in this program with, and secures the approval thereof by either W. B. Blackburn, Anthony J. Tarlock, or Werner Allmendinger, representatives of the Secretary, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 3638, Rincon Annex, San Francisco 19, California, or E. M. Graham or James Poole, representatives of the Secretary, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., whichever is nearer the billing office of the exporter. Applications must be filed separately, in quadruplicate, for each sale and as promptly as possible after the date of sale but in no event later than the second day (exclusive of Saturdays, Sundays, and holidays) prior to the date of export (see § 518.411 (e)) unless the Secretary, upon a written request by the exporter stating substantial reasons therefor, grants an extension of time for such filing. The Secretary will, in the order in which they are received or on such other basis as he may determine to be equitable, approve applications covering sales for exports which meet the requirements of this subpart so long as funds which have been allocated to this subpart are available, and will furnish to the exporter prompt written notice of approval or disapproval, or, in the event the application fails to conform with the applicable terms and conditions of this subpart, will so notify the exporter. If a sales contract with respect to which the Secretary has approved an application is modified in any respect, the exporter shall notify the Secretary promptly of such modification. The Secretary will give notice to the exporter of the approval or nonapproval of such modification.

(b) *Restriction and use of Mutual Security funds.* Under Chapter XI, entitled "Mutual Security," of the Supplemental Appropriations Act, 1953, Public Law 547, 82d Congress, funds appropriated under that chapter may not be used to finance foreign purchases on which export payments are made pursuant to section 32 of the act of August 24, 1935 (Pub. Law 320, 74th Cong.), as amended. The exporter at the time of negotiating the sale, in order to protect himself against the use of such funds in making payment for raisins sold under this subpart, shall in every instance receive assurance from the foreign buyer that such funds are not being used, or will not be used, in consummating the transaction, and shall support his claim for payment with a warranty, as set forth in § 518.404 (d), that no such funds have been, or will be, used in payment for raisins sold under this subpart. The exporter and the foreign buyer may, of course, outside of this subpart and without benefit of payments under this subpart, agree upon the sale of raisins at the prevailing market price with the total amount of such sales price to be paid by the foreign buyer in whole or in part out of such funds.

(c) *Minimum grade.* Raisins exported under this subpart shall meet or exceed the requirements of "U. S. Grade C," or "U. S. Standard," as defined in "United States Standards for Grades of Processed Raisins" effective May 26, 1952. Golden Bleached Thompson Seedless raisins shall meet or exceed the requirements for "fairly well bleached color (or Extra Choice color)" as described in such United States Standards. Zante currants shall meet or exceed the requirements of "U. S. Grade B," or "U. S. Choice," as defined in "United States Standards for Grades of Dried Currants" as revised and published in the FEDERAL REGISTER on September 19, 1952.

(d) *Inspection.* Exporter shall furnish, at no expense to the Secretary, certificate of inspection for each lot of raisins exported pursuant to this offer. Such certificates shall be issued by the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, United States Department of Agriculture. The period from date of inspection to date of exportation, both dates inclusive, shall not exceed 21 calendar days: *Provided*, That, upon written request of the exporter stating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period.

(e) *Packaging.* Raisins exported under this subpart shall be suitably packed for export in a manner which shall reasonably assure arrival in good condition in the country of destination. Export containers shall bear a lot number, code or other markings by which the applica-

ble requirements of § 518.404 (b) may be fulfilled.

(f) *Minimum quantity.* An application will not be approved nor will payment under this subpart be made if the total quantity covered by such application is less than two thousand (2,000) pounds net weight of raisins.

(g) *Re-entry, diversion, re-exportation, or loss.* If any quantity of raisins exported under this subpart re-enters the continental United States, or is diverted or re-exported to U. S. territories or possessions or is diverted or re-exported to other than eligible countries as described in § 518.401, payment will be withheld by the Secretary or, if payment has already been made by the United States Government, the exporter shall refund the amount received on such quantity: *Provided*, That, if the raisins with respect to which payment may be withheld or refund required under this section are damaged after exportation, the payment withheld or refund required shall be an amount determined by the Secretary, which, however, shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which he sold to the foreign buyer in the sales contract covered by the approved application. In case of complete loss or destruction of the raisins or any part thereof after exportation, without fault or negligence of the exporter, no refund of the payment shall be required for the quantity so lost or destroyed. The exporter shall notify the Secretary immediately upon becoming cognizant of any such re-entry, diversion or re-exportation of, or damage to, the raisins which have been exported under this program and shall furnish information as to any claim he may have in connection with such event.

(h) *Final dates.* The final date for entering into a sales contract shall be 12 o'clock midnight, August 10, 1953; the final date for filing an application shall be 12 o'clock midnight, August 29, 1953: *Provided*, That such date is not later than the second day (exclusive of Saturdays, Sundays and holidays) prior to date of export (§ 518.403 (a)); the final date of export shall be 12 o'clock midnight, August 31, 1953; the final date for filing claims under this subpart shall be 12 o'clock midnight, September 30, 1953: *Provided*, That, upon written request of the exporter stating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for final dates.

§ 518.404. *Claims for payment supported by evidence of compliance.* (a) If the exporter's billing office is located in California, Nevada, Utah, Arizona, Idaho, Oregon, or Washington, he shall file claim for payment under this subpart with the Director, San Francisco PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 3638, 333 Fell Street, San Francisco 2, California. If the exporter's billing office is located in any other state, he shall file claim for payment under this subpart with the Director, New York PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, 139 Centre Street, New York 13, New York. Such claim shall be filed so that it will be received by the Director of the PMA Commodity Office concerned not later than the final date specified in § 518.403 (h). Each claim for payment shall be filed in an original and three copies on voucher form FDA–564, "Public Voucher—Diversion Programs," shall show the number assigned by the United States Department of Agriculture to the related approved application, and shall be supported by:

(1) Two signed or certified copies of the sales contract;

(2) Two certified copies of the sales invoice to the buyer showing:

(i) The total sales price (see § 518.411 (i)),

(ii) The payment to be made by the Secretary,

(iii) The price f. a. s. (see § 518.411 (j)) to be paid by the buyer (other charges, if any, such as ocean freight or insurance, shall be shown separately on the invoice);

(3) Two copies of the on-board export bill of lading, signed by an agent of the exporting carrier, except that, where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading;

(4) The original or signed copy and one copy of the inspection certificate(s) required in § 518.403 (d);

(5) Such other documents as may be required by the Secretary, evidencing purchase, sale or exportation of the commodity on which payment is claimed under this subpart.

(b) The export bill of lading must show the quantity and description of the commodity, including the lot, code or brand markings appearing on containers, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the destination of the commodity, and the name and address of both the exporter and the consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this subpart for the commodity covered by such bill of lading. If the bill of lading shows the name of a consignee different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification in duplicate that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the commodity was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

(d) The exporter shall file with each claim for payment submitted under this subpart the original or a true copy of a warranty obtained from the foreign buyer stating that no part of the purchase price for the raisins covered by the sales contract attached to the claim for export payment has been, or will be, paid from funds appropriated under Chapter XI, entitled "Mutual Security," of the Supplemental Appropriation Act, 1953. If the sales contract contains such a warranty, this additional document is not required.

§ 518.405 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales and deliveries of raisins exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved until September 30, 1955.

§ 518.406 *Amendment and termination.* The Secretary may amend or terminate this subpart at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to any sales contract for which an application has been approved under the subpart prior to the effective time of such amendment or termination.

§ 518.407 *Persons not eligible for payments.* (a) Payments under this subpart will not be made to any Department, agency or establishment of the United States Government administering any law providing for the furnishing of assistance or relief to foreign countries.

(b) No member of, or delegate to, Congress or resident commissioner shall be admitted to any share or part of any payment made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit or to any such person in his capacity as a producer of the raisins exported.

§ 518.408 *Set-off.* The Secretary may set off, against any amount owed to any exporter under this subpart, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 518.409 *Joint payment or assignment.* An exporter may name a joint payee on claim for payment or may assign the proceeds of any claim for payment as provided in this subpart. The exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended by Public Law 30, 82d Congress, the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the designated Representative of the Secretary, together with a signed copy of the instrument of assignment, in accordance with the instructions on Form PMA–66, "Notice of Assignment," which form must be used in giving notice of assignment to the designated Representative of the Secretary. The "Instrument of Assignment" may be executed on Form PMA–347 or the assignee may use his own form of assignment.

§ 518.410 *Good faith.* If the Secretary determines that any exporter has not acted in good faith in connection with any transaction under this subpart or has failed to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this subpart or the right to receive payment under this subpart in connection with any sales previously made under this subpart, or both.

§ 518.411 *Definitions.* As used in §§ 518.400 to 518.410 the following terms have the following meanings:

(a) "Raisins" means natural Thompson Seedless raisins, Golden Bleached Thompson Seedless raisins, Sultana raisins, Zante currants and Muscat raisins, except soda dipped (Valencia) or layer Muscat raisins, processed and packed in the United States from grapes produced in the United States and which meet the requirements of § 518.403 (c).

(b) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(c) "Exporter" means any individual, corporation, partnership, association, the Raisin Administrative Committee, which administers Marketing Agreement No. 109 and Order No. 89 (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, or other business entity, located in the continental United States and engaged in the business of selling and exporting raisins produced, processed and packed in the continental United States.

(d) "Exported" means that raisins, pursuant to a sale made under this subpart, were loaded on board the final ocean carrier for shipment from the continental United States to a country described as an eligible country in § 518.401.

(e) "Date of export" means the date of loading on board the final ocean carrier for exportation from the continental United States as shown on the on-board bill of lading.

(f) "Application" means Form FV–361, "Application for Program Participation."

(g) "Sales contract" means a contract under which the seller is clearly obligated to sell and the buyer is clearly obligated to buy a definite quantity of raisins at a definite price, and shall consist of a written instrument signed by the buyer and the seller or shall consist of a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters, but may, however, be subject to the condition that the Secretary makes an export payment in connection therewith pursuant to this subpart. The terms include a contract between an exporter and his foreign branch or any affiliate or associate located in an eligible country.

(h) "Date of sale" means the date on which both buyer and seller signed a firm sales contract, or the date of written acceptance of either a written offer or counter offer to buy or sell by which a firm sales contract is effected.

(i) "Total sales price" means the price to the buyer free-alongside-ship United States port plus the payment to be made by the Secretary.

(j) "Price f. a. s." means the price to the buyer free-alongside-ship United States port and does not include the payment to be made by the Secretary.

(k) "On-board export bill of lading" includes any bill of lading covering the final exportation of raisins from the United States.

(l) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(m) "Filed." Applications, claims and related documents are deemed to be filed when received by the designated Representative of the Secretary.

(n) "Certified" means a written, signed declaration, contained in or attached to any document, stating that the document is a true and correct copy of the original of such document.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on October 15, 1952.

Dated this 10th day of October 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–11186; Filed, Oct. 14, 1952; 8:49 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Amdt. 1, Winter Cover Crop Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WINTER COVER CROP SEED LOAN AND PURCHASE AGREEMENT PROGRAM

SCHEDULE OF BASIC SPECIFICATIONS AND RATES; SETTLEMENT

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration, published in 17 F. R. 4553 and containing the specific requirements for the 1952-crop winter cover crop seed price support program are hereby corrected and amended as follows:

1. Section 601.1960 *Schedule of basic specifications and rates*, is corrected to provide a discount for willamette vetch seed (item 4 of the table) of $0.018 per hundredweight for each percent or fraction thereof by which the purity is below the basis price requirements. The amount of $0.18 was erroneously printed.

2. Section 601.1963 *Settlement*, is amended by changing the requirements with respect to the determination of quality at the time of settlement so that the amended section reads as follows:

§ 601.1963 *Settlement.* Where seed is delivered to CCC in accordance with §601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, the following additional provisions shall be applicable.

(a) *Drawing representative sample.* Except where the seed is stored in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, a representative sample of each lot of seed shall be drawn when the seed is delivered to CCC.

(b) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that in the following cases settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample of the lot of seed which shall be drawn when the seed is delivered to the point designated in the delivery instructions issued by the county committee:

(1) When damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure;

(2) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the original test;

(3) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(4) When the entire lot of seed delivered is not the identical seed placed under loan. (If the purity of the seed delivered varies from the purity indicated on the purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the Federal Seed Act, it shall be presumed that the identical seed was not delivered and settlement shall be made on the basis of the quality determined at the time of the delivery, unless the producer establishes to the satisfaction of the county committee that the identical seed was delivered.)

(c) *Warehouse-storage loans*—(1) *Quality not guaranteed.* If the quality of the seed is not guaranteed by an approved warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt, and on the basis of the quality of the seed when placed under loan, except that in the following cases settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample of the lot of seed which shall be drawn at the time of settlement:

(i) When damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure;

(ii) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the original test;

(iii) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(iv) When the entire lot of seed at the time of settlement is not the identical seed placed under loan. (If the purity determined at the time of settlement varies from the purity indicated on the purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the Federal Seed Act, it shall be presumed that the seed is not the identical seed placed under loan and settlement shall be made on the basis of the quality determined at the time of delivery unless the producer establishes to the satisfaction of the county committee that the identical seed was delivered.)

(2) *Quality guaranteed.* If the seed is stored in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed settlement shall be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, eligible seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the quality of the seed is not guaranteed by an approved warehouseman, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except that in the following cases settlement shall be made on the basis of purity and germination tests of the seed as determined from a representative sample which shall be drawn from the lot of seed at time of delivery:

(i) When the purity of the seed determined at time of delivery varies from the purity indicated on the original purity analysis report furnished by the producer to a greater extent than the tolerances permitted under the rules and regulations of the Federal Seed Act;

(ii) When the quantity of seed in the lot delivered is in excess of the quantity in the lot represented by the tests;

(iii) When the lot number or other lot identification on the analysis report and/or germination test certificate does not agree with the lot number or other identification shown on the lot of seed delivered; or

(iv) When the county committee determines that the physical condition of the seed indicates the original reports and certificates are no longer representative.

(2) *Quality guaranteed.* If the seed is stored in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed settlement will be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(e) *Disposition of seed which at time of delivery does not meet the purity requirements of eligibility for loan.* In the case of farm-storage and unguaranteed warehouse-storage loans (see paragraphs (b) and (c) (1) of this section), if on the basis of the purity analysis made from the sample taken at time of delivery, the seed does not meet the minimum purity requirements of eligibility for loan, the producer shall be furnished the results of the purity analysis and notified that if he does not (1) have the seed recleaned at his own expense to meet the minimum purity requirements of eligibility for loan; or (2) repay his loan and pay any expenses incurred in removing the seed from a warehouse or a CCC bin, the producer shall be liable for any deficiency on the loan after disposing of the seed as follows:

(1) In the case of salable seed, the seed shall be sold at public or private sale in accordance with section 7 (b) of the chattel mortgage or section 9 (b) of the note and loan agreement.

(2) In the case of seed which is not salable, the seed shall be disposed of at the expense of the producer.

(f) *Ineligible seed under purchase agreements.* Seed which does not meet the eligibility requirements of §§ 601.1953 and 601.1960 will not be accepted under purchase agreements.

(g) *Cost of quality determinations, appeals.* Expenses incident to taking one sample of eligible seed tendered for delivery and the cost of making one official germination test and purity analysis of such lot of seed shall be borne by CCC. If the producer is not satisfied with the result of the tests made at time of delivery, the producer may request that another representative sample of the lot of seed be drawn and submitted to a seed testing laboratory approved by the Director, Grain Branch, PMA, to conduct such appeal tests. The cost of resampling and retesting for the appeal germination and purity determinations shall be assumed by the producer requesting the appeal and funds to cover such cost shall accompany the request when transmitted to the county committee. The results of such laboratory germination test and purity analysis, without taking into consideration tolerances, shall be final.

(h) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line," as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement will be refunded to the producer: *Provided,* That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman is turned over to CCC; and (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt; and (5) whenever the support rate for the point of delivery is higher than the support rate for the point of origin shown on the freight certificate, the amount refunded shall be the freight paid on the inbound rail movement less the difference between the support rate for the point of delivery and the support rate for the point of origin. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 10th day of October 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F R. Doc. 52-11208; Filed, Oct. 14, 1952; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOODS PRODUCTS

U. S. STANDARDS FOR GRADES OF DRIED CURRANTS

Correction

In F. R. Doc. 52-10249, appearing on page 8415 of the issue for Friday, September 19, 1952, the following addition has been made:

In § 52.288, immediately preceding Table I, insert a new subparagraph (3) in paragraph (b) *Grades of dried currants* to read as follows:

(3) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

Done at Washington, D. C., this 10th day of October 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-11209; Filed, Oct. 14, 1952; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—HANDLING OF ALMONDS GROWN IN CALIFORNIA

REVISION OF GRADE REQUIREMENT FOR SURPLUS

Notice of proposed rule making with respect to a revision of the grade requirement for surplus almonds was published in the FEDERAL REGISTER of September 24, 1952 (17 F. R. 8518), pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR 1951 Supp., Part 909). In said notice it was proposed to revise the grade requirement for surplus almonds set forth in § 909.65 (b) of the marketing agreement and order. Opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule in respect to the revised grade requirement. No such documents were received during the period specified.

Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 909.401 *Revised grade requirement for surplus almonds.* In lieu of the grade requirement for surplus almonds set forth in § 909.65 (b) of the marketing agreement and order regulating the handling of almonds grown in California, the following grade requirement shall apply. Lots of almonds to be eligible for certification as surplus must meet the following requirements, and only edible kernel weight, inclusive of the weight of loose edible kernels included in in-shell lots or the weight of edible kernels in-shell included in shelled lots, shall be credited as surplus: (a) Each lot shall consist of almonds which do not vary widely in grade factors and such almonds must be well mixed or commingled so as to permit representative sampling; (b) each lot shall be dry and properly cured; (c) unshelled almonds shall not be affected by adhering hulls (where more than 10 percent of the surface is affected) on more than 10 percent by count; shall contain no more than 5 percent by weight of loose shells, hulls, and other foreign material; and not more than 10 percent by count of the kernels shall be inedible; (d) shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of loose hulls, shells, unshelled almonds, other foreign material, inedible kernels, and material of any kind which will pass through a round opening one-eighth inch in diameter.

It is hereby found and determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER instead of waiting 30 days after publication for the reasons that (1) it is desirable that the revised grade requirement become effective as soon as practicable after growers begin to deliver 1952 crop almonds to handlers; (2) such deliveries of 1952 crop almonds have begun; and (3) compliance with this administrative rule will not require handlers to make advance preparation of a special nature.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of October 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11185; Filed Oct. 14, 1952; 8:48 a. m.]

[Grapefruit Reg. 86]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.347 *Grapefruit Regulation 86*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on October 2, 1952, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of the grapefruit at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., October 19, 1952, and ending at 12:01 a. m., P. s. t., December 14, 1952, no handler shall ship:

(i) Any grapefriut of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any points outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{6}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), § 51.241 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{15}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11184; Filed, Oct. 14, 1952; 8:48 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

RECODIFICATION

EDITORIAL NOTE: Federal Register Document 52-3886, appearing at page 2912 of the issue for Friday, April 4, 1952, has been corrected as follows:

In § 992.120 (a), the reference "§§ 992.54 and 992.57" should read "§ 992.50", and the reference "§§ 992.50 to 992.57, inclusive" should read "§ 992.48".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5971]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KENTUCKY CHEMICAL INDUSTRIES, INC.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under* 2 (a): § 3.725 *Cumulative quantity discounts and schedules;* § 3.770 *Quantity rebates or discounts.* In the sale of animal feed products, including both concentrated and complete feeds, whether sold under the name of "Provico" or any other name or designation, in commerce, directly or indirectly discriminating in price between different competing purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended, 15 U. S. C. 13) [Cease and desist order, Kentucky Chemical Industries, Inc., Cincinnati, Ohio, Docket 5971, August 6, 1952]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended.

It was disposed of, as announced by the Commission's "Notice of Acceptance of consent settlement and order to file report of compliance," dated August 13, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on August 6, 1952 accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist; and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 6th day of August 1952, subject only to the condition that the respondent shall, within sixty (60) days after services upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, Kentucky Chemical Industries, Inc., a corporation, directly or indirectly, through any corporate or other device, through its officers, agents, representatives or employees, or by any other means or methods in the sale of animal feed products, including both concentrate and complete feeds, whether sold under the name of "Provico" or any other name or designation, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Directly or indirectly discriminating in price between different competing purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased.

It is accordingly ordered, That the respondent, Kentucky Chemical Industries, Inc., a corporation, shall within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Issued: August 13, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52-11202; Filed, Oct. 14, 1952; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

COCKPIT CHECK LIST TO BE USED PRIOR TO LANDING

This amendment removes the "challenge and response" method of check in the case of several of the items to be double-checked prior to landing. A momentary visual check has been substituted so that one pilot may be observing the traffic at all times when approaching for a landing at busy air terminals.

In § 42.25–2 (published on November 22, 1949, in 14 F. R. 7031 and amended on May 24, 1950, in 15 F. R. 3151) the check list entitled "Prior to Landing" is revised to read:

§ 42.25–2 *Minimum standard cockpit check list (CAA policies which apply to § 42.25).* • • •

PRIOR TO LANDING

Fuel system: [2a]
Proper tank selection—checked.
Mixtures—landing position.
Fuel booster pumps—as required.
Cross feeds—as required.
Weight and balance:
Maximum landing gross weight—checked.
Hydraulic system: [2a]
Hydraulic pressure—checked.
Brakes—checked and off.
Hydraulic selector valves—checked.
Anti-icing and de-icing equipment [2a]—checked.
Power plants and propellers:
Propellers—as required.
Super chargers—as required.
Manual reverse pitch actuator or indicator [2a]—checked.
Heaters [2a]—checked.
Instruments:
Static and vacuum selectors—checked.
Altimeter—set.
Directional gyro—set.
Pressurization [2a]—checked.
Controls:
Auto pilot—off.
Trim tabs—as desired.
Landing gear: [2]
Down and locked—checked.
Flaps: [2a]
Wing flaps—as desired.
Cowl flaps—as desired.

[2] Items thus marked will be double-checked such as by challenge and response, or positively checked such as by a mechanical method.

[2a] Items thus marked will be checked by one pilot calling out the item to be checked and then performing the operation with the other pilot observing the action or making a momentary visual check after the operation is completed.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 604, 605, 608, 52 Stat. 1010, 1011, as amended; 49 U. S. C. 554, 555, 558)

These policies shall become effective October 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11157; Filed, Oct. 14, 1952; 8:45 a. m.]

[Supp. 23]

PART 61—SCHEDULED AIR CARRIER RULES

COCKPIT CHECK LIST TO BE USED PRIOR TO LANDING

This amendment removes the "challenge and response" method of check in the case of several of the items to be double-checked prior to landing. A momentary visual check has been substituted so that one pilot may be observing the traffic at all times when approaching for a landing at busy air terminals.

In § 61.63–1 (published on February 4, 1950, in 15 F. R. 622) paragraph caption "(a) *General*" is deleted, and the check list entitled "Prior to Landing" is revised to read:

§ 61.63–1 *Air carrier cockpit check list (CAA policies which apply to § 61.63).* • • •

PRIOR TO LANDING

Fuel system: [2]
Proper tank selection—checked.
Mixtures—landing position.
Fuel booster pumps—as required.
Cross feeds—as required.
Weight and balance:
Maximum landing gross weight—checked.
Hydraulic system: [2]
Hydraulic pressure—checked.
Brakes—checked and off.
Hydraulic selector valves—checked.
Anti-icing and de-icing equipment [2]—checked.
Power plants and propellers:
Propellers—as required.
Super chargers—as required.
Manual reverse pitch actuator or indicator [2]—checked.
Heaters [2]—checked.
Instruments:
Static and vacuum selectors—checked.
Altimeter—set.
Directional gyro—set.
Pressurization [2]—checked.
Controls:
Auto pilot—off.
Trim tabs—as desired.
Landing gear: [1]
Down and locked—checked.
Flaps: [2]
Wing flaps—as desired.
Cowl flaps—as desired.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

[1] Items thus marked will be double-checked such as by challenge and response, or positively checked such as by a mechanical method.

[2] Items thus marked will be checked by one pilot calling out the item to be checked and then performing the operation with the other pilot observing the action or making a momentary visual check after the operation is completed.

These policies shall become effective October 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11158; Filed, Oct. 14, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. of May 10, 1949, Amdt. 18]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

Section 550.4 (a) is hereby amended by adding a new subparagraph (9) as follows:

§ 550.4 *Project costs*—(a) *Eligibility.* • • •

(9) Any costs incurred in connection with bond elections, the sale of bonds, the premium on bonds, or any interest on monies borrowed or other interest on monies used prior to or subsequent to the completion of a project.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11159; Filed, Oct. 14, 1952; 8:45 a. m.]

[Amdt. 36]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.14, the Muroc Lake, California, area, published on July 16, 1949, in 14 F. R. 4288, is amended by changing the "Using Agency" column to read: "Edwards AFB, Edwards, Calif." and the "Time of Designation" column to read: "Continuous".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 15, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11162, Filed, Oct. 14, 1952; 8:46 a. m.]

[Amdt. 37]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.29, a Cape Cod, Massachusetts, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAPE COD (Boston Chart).	An area extending 15 miles on either side of a direct line between lat. 41°33'00" N, long. 70°03'00" W, and lat. 42°04'00" N, long. 70°17'00" W.	20,000 feet to unlimited.	From 2000 Oct. 15, 1952, to 0100 Oct. 16; from 2000 Oct. 16 to 0100 Oct. 17; from 2000 Oct. 17 to 0100 Oct. 18, all times e. s. t.	Eastern Air Defense Command.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 15, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11163; Filed, Oct. 14, 1952; 8:46 a. m.]

[Amdt. 20]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

USE OF RADIO RANGES REQUIRING FLIGHT CHECK

The purpose of this amendment is to remove from § 609.3 (d), as published on August 14, 1952, in 17 F. R. 7384, the detailed specification of language to be used for notification that radio ranges are "ground checked only, awaiting flight check," in order that changes in

the language may be made when necessary without affecting the intent.

This amendment is adopted to become effective when indicated in order to provide for the protection of fair traffic. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and therefore is not required.

Section 609.3 (d) is revised to read:

§ 609.3 *Introduction.* • • •

(d) *Use of radio ranges requiring flight check.* When a flight check of a radio range is required, a notice to airmen will be issued advising that the range is ground checked only, awaiting flight check, and the following will apply with regard to operation and use of the range:

(1) If the radio range is a very high frequency type (108.3 through 117.9 mcs) range, the entire radio range (consisting of the navigational, voice, and identification features) will be shut down.

(2) If the radio range is a low frequency type (200 through 400 kcs) nonsimultaneous range, the navigational feature will be shut down, and no utilization for navigational purposes will be authorized.

(3) If the radio range is a low frequency type (200 through 400 kcs) simultaneous range, it may be used as a homing facility only.

(i) In addition, this type of radio range may be used as an ADF approach aid by scheduled air carriers, provided that their operations specifications authorize an ADF instrument approach to the airport concerned.

(ii) Irregular air carriers and other operators may use this type of radio range as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator, or if an approach is conducted using the same course for an ADF track as that specified in the approved range procedure and with identical altitudes as used in the range approach.

This paragraph shall not apply in the Territory of Alaska, including the Aleutian Islands, or in the central and western Pacific islands under United States jurisdiction, including the Territory of Hawaii and the islands of Canton, Wake, and Guam until further notice.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective October 15, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11164; Filed, Oct. 14, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1701—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

PART 1705—CONTRIBUTIONS FOR TRAINING AND EDUCATION

Part 1701 of the FCDA Regulations, as amended, is hereby revised and Part 1705 is hereby revoked. Such revision and revocation, however, does not relieve any State, political subdivision or person of any obligation or liability incurred under the former Part 1701 or Part 1705 nor does it deprive any State, political subdivision or person of any rights received or accrued under said regulations.

Sec.
1701.1 Purpose.
1701.2 Definitions.
1701.3 Request for contributions.
1701.4 Conditions of contributions.
1701.5 Amount of Federal contributions.
1701.6 Project application approval.
1701.7 Billing and payment.
1701.8 Advances of Federal funds for State procurement.
1701.9 Retroactive contributions.

AUTHORITY: §§ 1701.1 to 1701.9 issued under sec. 401, 64 Stat. 1254; 50 U. S. C., App. Sup. 2253.

§ 1701.1 *Purpose.* The purpose of the regulations in this part is to prescribe the requirements for Federal contributions for the purchase of civil defense equipment, and the conditions under which such contributions will be made.

§ 1701.2 *Definitions.* (a) Except as otherwise stated the following terms shall have the following meanings when used in the regulations in this part:

(1) *Civil defense equipment.* Such materials, facilities and organizational equipment for which the Administrator approves financial contributions under section 201 (i) of the Federal Civil Defense Act of 1950.

(2) *Organizational equipment.* Equipment (other than materials and facilities) determined by the Administrator to be (i) necessary to a civil defense organization, as distinguished from personal equipment, and (ii) of such a type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of the civil defense plans.

(3) *Materials.* Raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for civil defense.

(4) *Facilities.* Buildings, shelters, utilities, and land.

(5) *Program.* That course of action adopted by a State or political subdivision in a specific civil defense area of activity (e. g., fire program, rescue program, attack warning program, communications program).

(6) *Project.* A definable part of a program which is complete in itself.

§ 1701.3 *Request for contributions.* A request for a Federal contribution by the State must be made on Project Application (FCDA FORM 233) in accordance with the procedures and criteria outlined in the FCDA Contributions Manual M25-1. The request for contribution shall be signed by the Governor or by such other State official as shall be duly authorized. In the latter case, such officer's authorization shall be on file with FCDA.

§ 1701.4 *Conditions of contributions.* The FCDA shall make contributions for civil defense equipment, including approved costs, subject to the following conditions:

(a) *Matching State funds.* The amounts authorized to be contributed to each State for civil defense equipment shall be equally matched by such State from any source it determines consistent with its laws. The making of a request for a contribution shall constitute a certification by the State (and the political subdivision, if applicable) that funds to match the requested Federal contribution are available, that the equipment to be acquired is required for civil defense purposes, and that the State (and political subdivision, if applicable) will comply with FCDA regulations covering Contributions for Civil Defense Equipment, United States Civil Defense Corps, and Official Civil Defense Insigne.

(b) *Administrative expenses and personal equipment.* No contribution shall be made for State or local personnel or administrative expenses or for items of personal equipment for State or local workers.

(c) *Specifications.* Specifications for civil defense equipment shall be approved by the Administrator.

(d) *Cancellation or breach.* If for any reason the State (or the political subdivision, if applicable) should revoke or cancel its request for financial contribution after approval by the FCDA, or breaches any condition of this section or the project application by which the contribution was approved, it shall promptly reimburse the Federal Government for any loss, as determined by FCDA, occasioned by the Federal Government.

(e) *Inspection and accounting.* Civil defense equipment shall be controlled in accordance with accepted or prescribed methods of accounting, identification, and administrative responsibility. FCDA representatives shall have access to the equipment at all reasonable times for purposes of inspection. The FCDA shall also be granted ready access to the books and records of the State and political subdivision relating to such equipment.

(f) *Use and disposal.* Civil defense equipment shall be distributed, maintained, and used solely for civil defense purposes unless the FCDA prescribes or authorizes otherwise and such equipment shall not be disposed of without prior approval of the FCDA; *Provided, however,* That equipment subject to deterioration shall be rotated or replaced in advance of expiration dates in such a manner as to minimize loss by deterioration.

(g) *Distribution and maintenance.* Civil defense equipment shall be protected and maintained in such a way as to assure its ready availability for the civil defense purpose for which it was acquired. Such equipment shall, to the extent possible, be distributed and stored in such a manner as to minimize its loss in the event of an attack and at the same time assure its availability for use at the places required immediately after an attack.

(h) *Information and reports.* The State (and the political subdivision, if applicable) shall transmit to the FCDA, as required, a statement of its plans for meeting the conditions of this section and such reports as the FCDA may from time to time request.

(i) *Insigne.* Civil defense equipment shall, whenever practical, be marked with the official civil defense insigne.

(j) *Damage or loss.* If civil defense equipment procured by the FCDA should be lost or damaged prior to its delivery to the State (or political subdivision, if applicable) FCDA shall promptly make replacement or any necessary repair. If civil defense equipment procured either by FCDA or the State is consumed, lost, damaged, or destroyed after delivery, the State (or political subdivision, if applicable) shall promptly make replacement: *Provided, however,* That the State (or political subdivision, if applicable) shall not be required to replace such equipment which is consumed, lost, damaged, or destroyed in the course of civil defense operations during a civil defense emergency.

(k) *Title.* Title to civil defense equipment procured by FCDA shall pass to the State upon delivery of such equipment to the State. When procurement contracts are let by FCDA on an f. o. b. origin basis and FCDA executes inspection and receiving reports which have the effect of accepting the equipment at the shipping point, it shall be considered that title has passed at that time and at that place. The State shall furnish to FCDA the name or names of such person or persons who has or have been authorized, in the name of the State, to execute the necessary receiving reports, fiscal transactions, and other necessary documents in connection with such equipment.

(l) *Loyalty oath.* No request for civil defense equipment shall be approved by FCDA unless (1) the State law requires that each person who is appointed to serve in a State or local organization for civil defense shall, before entering upon his duties take an oath of the character and in the manner provided for in subsection 403 (b) of the Federal Civil Defense Act of 1950, as amended, or (2) the State certifies that it has directed the State or local civil defense agency to require that such person shall, before entering upon his duties, take such oath, unless it is determined that an oath of equivalent character has been taken by such person or a combination of an oath plus requirements of State or Federal law imposes on such person an obligation equivalent to that imposed by the oath contained in subsection 403 (b) of the Federal Civil Defense Act of 1950, as amended.

(m) *Failure to expend funds.* Where a State acts as its own purchasing agent, and the Administrator, after reasonable notice and opportunity for hearing in accordance with Part 1703 of this chapter, finds that the State has failed or is failing to expend funds in accordance with the terms and conditions of the act, or this part, the FCDA may withhold payments of any financial contributions to such State, due or to become due.

§ 1701.5 *Amount of Federal contribution.* Federal contributions for civil defense equipment may not exceed fifty percent of the total cost for such equipment: *Provided, however,* That such percentage may be varied for the Territory of Alaska: *Provided further,* That in the event of State procurement of an item designated for Federal procurement in the FCDA Contribution Manual the contribution shall not exceed fifty percent of the acquisition cost which FCDA would have incurred had it purchased the item. A Project Application involving State procurement may include the costs of transportation, installation, and taxes (other than those imposed by the State or the political subdivision submitting the application) but may not include procurement or maintenance charges.

§ 1701.6 *Project application approval.* (a) If a project application is found acceptable and approved without change by FCDA, a signed copy thereof evidencing such approval shall be returned to the State.

(b) If FCDA's approval of a project application is made subject to revisions or additional conditions, the project application shall be returned to secure the consent of the State (and the political subdivision, if applicable) to such revisions or additional conditions. If the State (and the political subdivision, if applicable) agrees to such revisions or additional conditions, it shall so signify by signing and returning the project application.

(c) If the project application is disapproved, it shall be returned to the State with a brief statement of the reasons for such disapproval.

§ 1701.7 *Billing and payment.* (a) When civil defense equipment procured by the FCDA has been delivered to the State, the FCDA shall invoice the State for the State's share, and the State will make payment, through FCDA, to the Treasurer of the United States.

(b) When civil defense equipment procured by a State has been delivered to the State, the FCDA, upon receipt of proper invoice, shall make payment, by check drawn against the Treasury of the United States, to the properly authorized State official.

§ 1701.8 *Advances of Federal funds for State procurement.* Upon approval by the FCDA of a project application for civil defense equipment which the State is to procure, the FCDA may make advance contribution of Federal funds to the States for this purpose, subject to the following conditions:

(a) The State shall have satisfactorily demonstrated that it cannot accomplish the procurement without the advance of funds.

(b) The Treasurer (or comparable fiscal officer of the State) shall be the sole custodian of the funds advanced.

(c) The funds shall be held in a separate fund or account.

(d) The funds shall not be withdrawn from such account except upon the certification of the Governor or other authorized State official and then only for payment of items covered by the project applications against which the advance was made.

(e) The State shall keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, showing the receipt and expenditure of the Federal funds advanced to it. FCDA and General Accounting Office representatives shall be granted ready access to such records and accounts and may require such additional records, and the preparation of such reports as are reasonable and necessary.

(f) Final settlement of balances due the United States or the State, as the case may be, shall be made on the basis of the invoices submitted by the State in connection with each project application consistent with the reports, records, and accounts called for in paragraph (e) of this section.

§ 1701.9 *Retroactive contributions.* The FCDA, upon the enactment by the Congress of appropriations for contributions, shall after FCDA requirements are met, make retroactive contributions for civil defense equipment contracted for by the State (or political subdivision, if applicable) after the date of such appropriation enactment.

These regulations shall take effect October 15, 1952.

J. J. WADSWORTH,
Acting Administrator Federal Civil Defense Administration.

[F. R. Doc. 52-11225; Filed, Oct. 14, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 174]

CPR 174—PREPARED CONCRETE REINFORCING BARS AND REINFORCEMENT MATERIALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 174 as hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for independent sellers of prepared concrete reinforcing bars and reinforcement materials. This regulation also establishes ceiling prices for mill affiliates who sell prepared concrete reinforcing bars in direct competition with independent sellers.

Description of the industry. There are about 150 firms engaged in the selling of prepared reinforcing bars. In the year 1951, they shipped approximately 1,382,500 tons of prepared concrete reinforcing bars. About 130 firms are independent preparers as defined in this regulation. A few are resellers (as defined in this regulation) and the balance are mill affiliates. This regulation sets forth provisions for the calculation of ceiling prices for each of these groups of sellers.

Concrete reinforcing bars are generally rolled in only ten standard sizes ranging from ¼ inch to 1¼ inch diameter. These bars are deformed in rolling at the producing mill in such a manner that they can be used only as reinforcement for concrete.

These bars are shipped from the mill to the persons covered by this regulation,

who warehouse these bars and resell them. The cost of the concrete reinforcing bars from the mill accounts for over 70 percent of the resale price. Extras, transportation costs, and the preparer's markup have historically accounted for the balance of the resale price. Only simple bending and cutting operations are performed by these preparers on these bars for which extras are charged. These operations are quite similar to those of the warehousers of iron and steel products.

Pricing techniques of the regulation. In view of the similarity of the operations of sellers of prepared reinforcing bars and materials to those of warehousers of iron and steel products, and the established trade practice of computing prices by the addition of a markup to acquisition costs, the pricing techniques used in this regulation generally follow those embodied in Ceiling Price Regulation (CPR) 98 (Resellers of Iron and Steel Products), and reflect customary practices of the industry. Two methods are set forth in this regulation for computing the ceiling prices of prepared concrete reinforcing bars. One method is to be used by preparers, classified in this regulation as "independent preparers", who purchase their reinforcing bars, and by preparing divisions of those producing mills which customarily published, as of January 25, 1951, a base price for sales of concrete reinforcing bars to preparers. They are required to compute new ceiling prices monthly (the ceiling prices being effective from the 15th day of one month through the 14th day of the following month), to reflect the current cost of their bars. Such a preparer's ceiling price is the sum of the cost to him of the hot rolled reinforcing bars which he receives, his inbound and outgoing transportation costs, extras, and his markup. His cost of bars and the inbound transportation cost of these bars must be computed each month, and is based on the invoices of such bars received during the preceding calendar month. The cost of his bars includes only the cost of hot rolled concrete reinforcing bars, since less than 2 percent of bars sold are cold rolled bars and these are used only in the preparation of spirals. Historically, the cost of these cold rolled bars is $1.00 per 100 pounds more than hot rolled bars. However, since the recognition of this difference in the monthly base period would unduly complicate the computation of that figure, it has been reflected by making the extra for spirals made from cold rolled bars $1.00 per 100 pounds more than those made from hot rolled bars.

Investigation of the prices of these sellers during the pre-Korea period indicates that they had no customary markup and that, therefore, the provisions of section 402 (k) (the Herlong Amendment) of the Defense Production Act of 1950, as amended, are not applicable. A survey of the prices of about 60 percent of this industry, however, reveals an average markup on the cost of their bars of 33 percent in May–June 1950 which is considered a representative period. This markup is generally fair and equitable and this regulation permits independent preparers a markup of 33 percent of their cost of the bars.

The second method of computing ceiling prices is to be employed by "integrated preparers." These are preparers of concrete reinforcing bars who produce their own concrete reinforcing bars and who did not customarily publish, as of January 25, 1951, a base price for sales of concrete reinforcing bars to other preparers. Such a preparer's ceiling price is computed by adding outgoing transportation costs and extras to his base price in effect on January 25, 1951, adjusted to reflect the dollars-and-cents amount of any increase in the ceiling price of concrete reinforcing bars authorized by the OPS, such as the increase granted by SR 100, Revision 1 to the GCPR. Since their base prices on January 25, 1951, included their inbound transportation costs and markup, it has not been necessary to provide specifically for these factors with respect to these sellers.

Ceiling prices for reinforcement materials are computed on the basis of the preparer's formula in effect on January 25, 1951, thus continuing normal industry practice for establishing prices for these materials.

There are a few resellers or brokers who do not stock or prepare reinforcing bars, but who sell these materials in competition with preparers. These resellers customarily perform engineering and designing services and have the concrete reinforcing bars and materials prepared by the independent or integrated preparer. They normally sell these materials at the same price for which the preparers sell these materials, receiving their margin of profit by purchasing these materials from the preparers at a discount. This regulation continues this practice by establishing as their ceiling prices the ceiling prices that their supplier could charge to the reseller's purchaser.

The persons covered by this regulation must not adjust their prices in accordance with General Overriding Regulation 35, since this regulation accomplishes the intent of that regulation in setting forth methods for determining ceiling prices based on current costs of concrete reinforcing bars, and because persons under this regulation are treated as resellers and not manufacturers. Therefore, the provisions of GOR 35 do not apply to them.

The ceiling prices established by this regulation are not expected to change appreciably the level of prices for these products.

Findings. In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this regulation the Director consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

In particular the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices as affected by the pricing techniques and with respect to the coverage of this regulation and has in general adopted the recommendations of the committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the Act.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. General pricing provisions.
3. Ceiling prices for prepared concrete reinforcing bars sold by independent preparers.
4. Ceiling prices for prepared concrete reinforcing bars sold by integrated preparers.
5. Ceiling prices for preparers of reinforcement materials.
6. Special provisions for average price and lump sum bids and contracts.
7. Ceiling prices for resellers.
8. Customary price differentials.
9. Application for establishment of ceiling prices.
10. Petitions for amendment.
11. Adjustable pricing.
12. How to treat taxes.
13. Transfers of business.
14. Record keeping requirements.
15. Interpretations.
16. Prohibitions.
17. Prices lower than ceilings.
18. Evasions.
19. Supplementary Regulations.
20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Persons covered.* This regulation applies to preparers of prepared concrete reinforcing bars or concrete reinforcement materials, and to resellers of such products (as defined in section 20). It also applies, insofar as his purchases are concerned, to any person who, in the regular course of trade or business, buys any of the products covered by this regulation from a preparer or reseller.

(b) *Products and transactions covered.* This regulation applies to all your sales of prepared concrete reinforcing bars and reinforcement materials, other than those listed in paragraph (c) of this section, including export sales and sales for export.

(c) *Products and transactions not covered.* This regulation does not apply to the following transactions:

(1) Sales of concrete reinforcing bars and reinforcement materials for delivery from a warehouse operated separately from a preparing plant. The ceiling prices for such sales are determined in accordance with Ceiling Price Regulation 98.

(2) If you so elect, sales and deliveries of prepared concrete reinforcing bars and reinforcement materials made pursuant to written contracts entered into prior to the issuance of this regulation. Any such transactions which you elect not to price under this regulation are covered by the General Ceiling Price Regulation. If you elect to determine your ceiling prices for any such transaction under the General Ceiling Price Regulation, you must determine your ceiling prices for all such transactions under that regulation.

(d) *Geographical applicability.* This regulation applies in the 48 states of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

SEC. 2. *General pricing provisions*—(a) *General description.* Section 3 sets forth the method for computing the ceiling prices for prepared concrete reinforcing bars sold by independent preparers. Section 4 sets forth the method for computing ceiling prices for prepared concrete reinforcing bars sold by integrated preparers. Section 5 sets forth methods for establishing ceiling prices for reinforcement materials. Special provisions for average price and lump sum contracts are set forth in section 6. If you are a reseller covered by this regulation, you must determine your ceiling prices in accordance with section 7. (For the definitions of these various types of sellers, see section 20).

You may not include in any cost computation under this regulation the amount by which the price you pay for any product or service exceeds the ceiling prices established under the applicable OPS ceiling price regulation.

(b) *Separate plants.* If you sell prepared concrete reinforcing bars or reinforcement materials in more than one plant, you must determine ceiling prices for each plant separately.

SEC. 3. *Ceiling prices for prepared concrete reinforcing bars sold by independent preparers*—(a) *General provisions.* (1) If you are an independent preparer you compute your ceiling price monthly. This ceiling price will be effective from the 15th day of the month through the 14th day of the following month. Your ceiling price for prepared concrete reinforcing bars is the sum of your monthly base cost, markup, average inbound transportation cost, applicable extras, and outgoing transportation cost, if any. You determine each of these factors in accordance with the provisions of this section.

(2) In computing your cost of hot rolled concrete bars invoiced to you, you follow the directions set forth in this subparagraph:

(i) If you buy concrete reinforcing bars from a domestic supplier (other than your own mill), you use the base price shown on the invoice.

(ii) If you obtain concrete reinforcing bars from your own mill, you use your published base price for sales of concrete reinforcing bars to other preparers of prepared concrete reinforcing bars on the date you receive the invoice.

(iii) If you buy concrete reinforcing bars from an importer, you use the cost for these bars shown on the invoice but excluding transportation charges, and taxes (other than import duties).

(iv) In the case of concrete reinforcing bars with respect to which you are an importer, you use the ceiling price which would be applicable to such bars under Ceiling Price Regulation 31 on the date you receive the invoice for them, if you had sold these bars on that date, less any transportation charges and taxes (other than import duties) paid or incurred by you.

(v) In the case of conversion steel concrete reinforcing bars made from domestic steel, you use your acquisition cost, excluding extras, transportation charges, and taxes, as shown on any invoices applying to these bars. You may not, however, use an amount in excess of 200 percent of the base price for concrete reinforcing bars obtained from your normal source of supply. "Normal source of supply" means the domestic producing mill from which you received the greatest tonnage of concrete reinforcing bars during the first 6 months in 1952.

(vi) In the case of conversion steel concrete reinforcing bars made from imported steel, you must apply by registered mail, return receipt requested, to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a cost. Your application, signed by an authorized person, must contain the following information: your trade name and address; the nature of your business such as indicated in section 1 (a); an itemized statement of the conversion costs; a description of the material to be converted (billets, axles, etc); the country of origin; the port of entry; and such other information as you may deem pertinent.

(3) You may round the sum of your applicable monthly base cost, markup, and average inbound transportation charges, so that it will be expressed in the nearest cent or fraction of a cent you normally employ. Such rounding must be made in accordance with your customary practice, and if you elect to round for any month you must round for all subsequent months.

(b) *Monthly base cost*—(1) *First month.* Your base cost for sales of prepared concrete reinforcing bars from the 15th day of the month in which this regulation becomes effective through the 14th day of the following month, is the average cost, per 100 pounds, as your inventory of hot rolled concrete reinforcing bars (as shown by inventory records or physical count) on the first day of the month in which this regulation becomes effective. You determine this average cost as follows:

(i) Take as many of the invoices last received prior to the first day of the month in which this regulation becomes effective as are necessary to cover the weight of the hot rolled bars in your inventory. To cover the exact weight of these bars, you may split the earliest invoice, if necessary.

(ii) Find the total cost (determined in accordance with the provisions of Section 3 (a) (2)) of this inventory as shown on these invoices.

(iii) Divide the figure obtained in (ii) above by the weight of your inventory of hot rolled bars, in pounds, on hand on the first day of the month in which this regulation becomes effective.

(iv) Multiply the figure obtained in (iii) above by 100. This is your monthly base cost per one hundred pounds, from the 15th day of the month in which this regulation becomes effective through the 14th day of the following month.

EXAMPLE: Assume that this regulation becomes effective on October 1. On October 1, you had 1,000 tons of hot rolled concrete reinforcing bars in your inventory. The four invoices last received prior to October 1 covered this quantity. You determine your monthly base cost for this first monthly period as follows:

INVOICES RECEIVED		
Sept. 30: 400 tons	400 tons at $4.00/cwt.	$32,000
" 25: 400 tons	400 tons at $4.20/cwt.	33,600
" 19: 150 tons	150 tons at $4.10/cwt.	12,300
" 14: 50 tons	50 tons at $4.00/cwt.	4,000
Total: 1,000 tons		$81,900

1,000 tons = 2,000,000 pounds.

Monthly base cost is $\frac{\$81,900}{2,000,000} \times 100 = \$4.10/\text{cwt.}$

(2) *Succeeding months.* In general, the monthly base cost for each monthly period (the 15th day of the month to the 14th day of the following month) following the first monthly period is the monthly base cost of the inventory of hot rolled concrete reinforcing bars on hand on the first day of the preceding calendar month, adjusted to reflect receipts and shipments of hot rolled concrete reinforcing bars during that calendar month. You determine the monthly base cost for each monthly period following the first monthly period in the following manner:

(i) Multiply the weight of the inventory of hot rolled concrete reinforcing bars you had on hand on the first day of the preceding calendar month by the preceding monthly base cost.

(ii) Add to the figure obtained in (i) above the total cost (determined in accordance with the provisions of section 3 (a) (2)) of hot rolled concrete reinforcing bars invoiced to you during the preceding calendar month regardless of when the bars were actually shipped or received.

(iii) Multiply the weight of the prepared hot rolled concrete reinforcing bars which you shipped during the preceding calendar month by the preceding monthly base cost.

(iv) Subtract the figure obtained in (iii) from that obtained in (ii).

(v) Take the weight of the hot rolled bars in your inventory on hand on the first day of the preceding calendar month and add the weight of such bars as shown on the invoices received by you during the preceding month.

(vi) Subtract from the figure obtained in (v) above, the weight of these prepared hot rolled concrete reinforcing bars which you shipped during the preceding calendar month. You express this figure in pounds.

(vii) You divide the figure obtained in (iv) above by the figure obtained in (vi) above and multiply this result by 100. This is your monthly base cost per 100 pounds.

EXAMPLE: Your inventory of hot rolled bars on October 1, was 1,000 tons. Your monthly base cost for October 15 through November 14, 1952, was $4.10 per hundredweight. You received 500 tons of hot rolled bars at $4.20 per hundredweight and shipped 700 tons of such bars during the month of October. Your monthly base cost, per 100 pounds from November 15 through December 14, 1952, is computed as follows:

Inventory Oct. 1	1,000 tons at $4.10/cwt.	$82,000
Invoices received in October	500 tons at $4.20/cwt.	42,000
Subtotal	1,500 tons	124,000
Shipped in October	700 tons at $4.10/cwt.	57,400
Inventory Nov. 1	800 tons	66,600

800 tons=1,600,000 pounds.
Your monthly base cost from November 15, through December 14, 1952 is $\frac{\$66,600}{1,600,000 \text{ pounds}} \times 100 = \$4.16/\text{cwt.}$

(c) *Average inbound transportation cost*—(1) *First month.* Your inbound transportation cost from the 15th day of the month in which this regulation becomes effective through the 14th day of the following month is the average inbound transportation cost per 100 pounds of your inventory of hot rolled concrete reinforcing bars on hand on the first day of the month in which this regulation becomes effective. You determine this average transportation cost in the following manner:

(i) Determine the total inbound transportation cost (including any taxes thereon) applicable to the weight of the hot rolled concrete reinforcing bars as shown on the invoices used in determining the initial monthly base cost.

(ii) Divide the figure obtained in (i) by the weight, expressed in pounds, of such inventory of hot rolled bars as determined in subparagraph (b) (1) of this section.

(iii) Multiply the result obtained in (ii) above by 100. This is your average inbound transportation cost per 100 pounds, from the 15th day of the month in which this regulation becomes effective through the 14th day of the following month.

EXAMPLE: Assume this regulation becomes effective on October 1. On October 1, you had 1,000 tons of hot rolled reinforcing bars in your inventory. The four invoices last received prior to October 1 covered this quantity. You determine your average inbound transportation cost as follows:

INVOICES RECEIVED

Sept. 30: 400 tons	400 tons at $0.50/cwt.	$4,000
" 25: 400 tons	400 tons at $0.45/cwt.	3,600
" 19: 150 tons	150 tons at $0.50/cwt.	1,500
" 14: 50 tons	50 tons at $0.60/cwt.	600
1,000 tons		9,700

1,000 tons=2,000,000 pounds.
Average inbound transportation cost is $\frac{\$9,700}{2,000,000 \text{ pounds}} \times 100 = \$0.49/\text{cwt.}$

(2) *Succeeding months.* In general, your average inbound transportation for sales of concrete reinforcing bars for each monthly period (the 15th day of one month through the 14th day of the following month) following the first monthly period is determined by taking the average inbound transportation cost of your inventory on hand on the first day of the preceding month and adjusting this figure to reflect the inbound transportation cost of such bars shipped and received by you during that calendar month. You determine this cost in accordance with the provisions of this paragraph.

(i) You multiply the weight of the hot rolled concrete reinforcing bars on hand on the first day of the preceding month by the preceding monthly average inbound transportation cost.

(ii) Add the figure obtained in (i) above to the total inbound transportation cost of hot rolled concrete reinforcing bars invoiced to you during the preceding calendar month, regardless of when such bars are shipped or received. If the bills for transportation charges for any invoice are not available as of the time you compute you costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the product involved from the shipping point shown on the invoice to your plant or plants. In making this calculation you must use the rate for the kind of transportation by which the material is transported to your warehouse (e. g., railroad, truck or barge) in effect at the time you are computing your ceiling price.

(iii) Multiply the weight of such bars which you shipped during the preceding calendar month by the average inbound transportation cost you used for the preceding monthly period.

(iv) Subtract the figure obtained in (iii) from that obtained in (ii).

(v) Take the weight of such bars on hand at the end of the preceding calendar month as determined under subparagraph (b) (2) (vi) above.

(vi) Divide the figure obtained in (iv) by that obtained in (v) and multiply the result by 100. This is your average inbound transportation cost per 100 pounds.

EXAMPLE: Assume that this regulation becomes effective on October 1, 1952, and that your average inbound transportation cost from October 15 to November 14, 1952 is $0.49 per hundredweight. Your inventory of hot rolled bars on October 1 is 1,000 tons. You received 500 tons during October on which the transportation cost was $0.60 per hundredweight. You shipped 700 tons of bars during October. Your average inbound transportation cost from November 15 to December 14, 1952 is computed as follows:

Invoice Oct. 1	1,000 tons at $0.49/cwt.	$9,800
Received October	500 tons at $0.60/cwt.	6,000
	1,500 tons	15,800
Shipped Nov. 1	700 tons at $0.49/cwt.	6,860
	800 tons	8,940

800 tons=1,600,000 pounds.
Average transportation cost is $\frac{\$8,940}{1,600,000 \text{ pounds}} \times 100 = \$0.56/\text{cwt.}$

(d) *Markup.* You may include in your ceiling price a markup of 33 percent of your monthly base cost as determined in accordance with paragraph (b) of this section.

(e) *Extras.* You may include in your ceiling price the extras set forth in this paragraph.

(1) *Size extra.* You determine the size extra by multiplying the applicable amount in Table A by the weight of each size furnished by you.

TABLE A

Deformed bars	Plain bars, nominal size	Per hundredweight
No. 2	¼" rd	$1.90
No. 3	⅜" rd	.80
No. 4	½" rd	.50
No. 5	⅝" rd	.25
No. 6	¾" rd	.15
No. 7	⅞" rd	.15
No. 8	1" rd	.10
No. 9		.10
No. 10		.10
No. 11		.00
1½" square		.15
2" square		

(2) *Quantity extra.* You determine the quantity extra by multiplying the applicable amount set forth in Table B by the total weight of the prepared concrete reinforcing bars furnished by you pursuant to each sale or contract except:

(i) If spirals or reinforcement materials are furnished by you in connection with a sale or contract, a quantity extra may be determined separately for the spirals and for the reinforcement materials so furnished.

(ii) If a purchaser increases the quantity of prepared concrete reinforcing bars to be delivered pursuant to a particular contract, you may determine the extra for such additional quantity as if it were furnished pursuant to a new contract.

TABLE B

Quantity bracket	Per cwt.	But not to exceed a total of—
For less than 1,000 pounds	$0.90	$6.50
For 1,000 but less than 2,000 pounds	.65	10.00
For 2,000 but less than 10,000 pounds	.50	40.00
For 10,000 but less than 40,000 pounds	.40	160.00

(3) *Bending extras.* You determine the bending extra by multiplying the applicable amount in Table C by the weight of prepared concrete reinforcing bars, except spirals, on which you perform the bending service.

TABLE C

	Per cwt.
Light bending	$2.00

This includes bending all No. 2 and No. 3 bars; No. 4 bars or larger bent as stirrups and column ties; bars of any size bent at more than 6 points; bars bent in more than one place; bars bent to more than one radius or a combination of radius and pin bending.

Heavy bending	.50

This includes No. 4 bars and larger bent at not more than 6 points; single radius bending; all other bending not included in light bending.

(4) *Engineering extra.* You determine the engineering extra by multiplying the applicable amount set forth in Table D by the total weight of the prepared concrete reinforcing bars furnished by you pursuant to each sale or contract except:

(i) An extra for listing may not be charged where an extra for detailing is applicable;

(ii) A minimum extra of $20 for designing and detailing may be included in determining your ceiling price for any one sale or contract;

(iii) If a purchaser increases the quantity of prepared concrete reinforcing bars to be delivered pursuant to a particular contract, you may determine the extra for detailing for such additional quantity just as if it were furnished pursuant to a new contract.

TABLE D

	Per cwt.	But not to exceed a total of—
Designing (not including detailing and listing)	$0.60	
Detailing (preparation of placing plans and bills of material from designs furnished by others):		
For less than 10,000 pounds	.85	$70
For 10,000 pounds, but less than 40,000 pounds	.70	240
For 40,000 pounds, but less than 400,000 pounds	.60	2,000
For 400,000 pounds, but less than 1,000,000 pounds	.50	4,500
1,000,000 pounds or more	.45	
Listing only (preparation of shop material lists from detailed placing plans furnished by others)	.15	

(5) *Spiral Extras.* You determine the extra for spirals by multiplying the applicable amount set forth in Table E by the weight of all concrete reinforcing bars which are prepared into spirals.

TABLE E

	Per cwt.
For unassembled spirals prepared from hot rolled wire or rods	$1.75
For shop assembled spirals prepared from hot rolled wire or rods	2.25
For unassembled spirals prepared from cold drawn wire or rods	2.75
For shop assembled spirals prepared from cold drawn wire or rods	3.25

(6) *Square cut end extra.* You determine the extra for square cut ends by multiplying the applicable amount set forth in Table F by the number of ends of prepared concrete reinforcing bars resulting from this cutting service.

TABLE F

	Per end
When cut is made by means other than sawing or milling	$0.05
When cut is made by sawing or milling	.15

(7) *Restrictive specification extras.* You determine the extras for restrictive specifications by multiplying the applicable amount set forth in Table G, by the weight of prepared concrete reinforcing bars to which such restrictive specifications are applicable.

TABLE G

	Per cwt.
When a tensile range more restrictive than the applicable A. S. T. M. specification range for the specified grade is required and the reduction in such range does not exceed 5,000 pounds per square inch	$0.05
When a weight tolerance more restrictive than the applicable A. S. T. M. specification is required, but in no case more restrictive than 2½ percent over or under the specification	.10

(8) *Galvanizing extras.* The extra for galvanizing may not exceed the sum of:

(i) The price paid by you for the service of galvanizing;

(ii) A markup of 20 percent of such price; and

(iii) Any transportation costs incurred by you in procuring such galvanizing.

(9) *Less than carload extras.* If the quantity of prepared concrete reinforcing bars specified in a sale or contract made by you is less than a rail carload, you may include, in determining your ceiling price for such sale of contract, an amount equal to the difference between the lowest established less than carload and lowest established carload rail rate of freight in effect on the date you made shipment, for transporting concrete reinforcing bars from your nearest regular source of supply to your plant. "Regular source of supply", means the producing mill from which you received at your plant, during the calendar quarter preceding the date on which you make shipment, invoices covering the largest quantity of hot rolled concrete reinforcing bars invoiced to the plant during the quarter.

(10) *Special packing extra.* If you are required to furnish special packing for prepared concrete reinforcing bars to be transported in ocean going vessels, you may include, in determining your ceiling prices, an extra of 25 cents per 100 pounds for all such bars so packed.

(f) *Outgoing transportation costs.* If you pay or incur costs (including delivery in your own trucks) for transportation from your plant to the purchaser's receiving point, you may include in your ceiling price a charge for transportation. This charge must be determined in accordance with the following provisions but need not be less than $5.00 for each sale, contract or delivery.

(1) Where a delivery is made entirely by truck from your plant to a puchaser's receiving point within the metropolitan area in which your plant is located, and there is no established line haul railroad charge for transporting concrete reinforcing bars between your plant and the rail siding nearest such receiving point, you may include 30 cents per 100 pounds for deliveries to points located in metropolitan New York, 20 cents per 100 pounds for deliveries to points located in metropolitan Chicago, or 15 cents per 100 pounds for deliveries to points located elsewhere.

(2) Where delivery is made by truck and there is an established line haul railroad charge between your plant and the rail siding nearest the purchaser's receiving point, you may include a charge equal to the lowest applicable established line haul rail charge (including taxes) for transporting the prepared concrete reinforcing material from your plant to the rail siding nearest the purchaser's receiving point plus the applicable amount set forth in subparagraph (1) of this paragraph.

(3) Where a delivery is made by rail, you may include a charge equal to the lowest applicable established line haul rail charge (including taxes) for transporting the prepared concrete reinforcing material from your plant to the rail siding nearest the purchaser's receiving point. In addition to this charge, you may include the amount set forth in subparagraph (1) above where a delivery is made by truck from this nearest rail siding to the purchaser's receiving point.

(4) Where a delivery is made in whole or in part by water, you may include a charge based on the lowest established water, or rail and water rate or rates (including taxes, dock handling, and insurance) applicable to the transportation of the quantity of prepared concrete reinforcing bars from your plant to the landing point or rail siding nearest the purchaser's receiving point. Where delivery is made by truck from such landing point or rail siding to the purchaser's receiving point, you may also add the amount set forth in subparagraph (1) above.

SEC. 4. *Ceiling prices for prepared concrete reinforcing bars sold by integrated preparers*—(a) *General provisions.* If you are an integrated preparer of prepared concrete reinforcing bars, your ceiling price is the sum of your base cost, outgoing transportation costs, and applicable extras.

(b) *Base cost.* If you are an integrated preparer, you must determine your base cost in accordance with the following provisions.

(1) Your base cost is the price determined by the first of the following you are able to use, adjusted in accordance with subparagraph (2) below.

(i) The base price, per one hundred pounds, specified in any authorization issued by OPS prior to the issuance of this regulation, permitting you to change your pricing method;

(ii) The base price, per one hundred pounds, for prepared concrete reinforcing bars set forth in a price list in effect on January 25, 1951, and distributed by you to your customers;

(iii) The base price, per 100 pounds, for prepared concrete reinforcing bars set forth in any document distributed by you to your employees for use in making bids or quotations and in effect on January 25, 1951;

(iv) The highest base price, per 100 pounds, at which you contracted in writing during the period December 19, 1950, January 25, 1951, inclusive, to sell prepared concrete reinforcing bars;

(v) The highest base price, per 100 pounds at which you made an offer in writing during the period December 19, 1950, to January 25, 1951, inclusive, to sell prepared concrete reinforcing bars.

(2) You may add to the amount determined under subparagraph (1) above, the dollars and cents amount of the increase authorized by any regulatory order issued by OPS after January 25, 1951, in the ceiling price of concrete reinforcing bars sold by producers of these bars. This increase may be made effective on the first day of the calendar month following that in which the increase is authorized.

(c) *Extras.* You may include all applicable extras set forth in section 3 (e) of this regulation, except the less than carload extra.

(d) *Outgoing transportation costs.* If you pay or incur costs (including delivery in your own trucks) for transportation from your plant to the purchaser's receiving point, you may include in your ceiling prices a charge determined in accordance with section 3 (f) of this regulation.

SEC. 5. *Ceiling prices for preparers of reinforcement materials.* (a) If you are a seller of reinforcement materials, your ceiling price for any such material is the price determined in accordance with the formula you had in effect on January 25, 1951, for pricing the same kind of material. You must apply such formula in accordance with the following provisions:

(1) You must apply your formula in exactly the same manner as you would have on January 25, 1951, and you must not include any pricing factors which you would not have included on that date.

(2) You must use your base cost; markup, if any; average inbound transportation cost, if any; applicable extras; and applicable outgoing transportation charges, if any, all as established in Section 3 or 4, whichever is applicable, for the concrete reinforcing bars used in the material you are pricing.

(3) You must use the same dollar and cents amount for any other pricing factors which you had in effect on January 25, 1951. If any such factor was set forth in percent, you must use the same percent for such factor.

SEC. 6. *Special provisions for average price and lump sum bids and contracts—*(a) *Bids.* In submitting bids with respect to average price and lump sum contracts, you may quote on the basis of the ceiling price in effect at the time you submit your bid and estimates of the quantity of prepared concrete reinforcing bars, and reinforcement materials required. Such estimates must be made in accordance with your customary practice and in carrying out any such contracts entered into by you, you may invoice and collect periodically in accordance with your customary practice on the basis of the amount specified in the contract. The total amount collected by you in connection with such contracts, however, must not exceed the amount provided for in paragraph (b) of this section and you must make the adjustments required therein.

(b) *Total charges.* (1) If the total amount specified in an average price or lump sum contract entered into by you does not exceed 102½ percent of the aggregate of the ceiling prices in effect at the time of shipment of the prepared concrete reinforcing bars and reinforcement materials delivered by you pursuant to such contract, you may charge the contract price. If the total amount specified in an average price or lump sum contract entered into by you is not less than 97½ percent of the aggregate of the ceiling prices in effect at the time of shipment for the prepared concrete reinforcing bars and reinforcement material delivered by you pursuant to such contract, you must not charge more than the contract price.

EXAMPLE: Assume that you contract to deliver prepared concrete reinforcing bars and reinforcing materials for a specified project for $102,500. Delivery is made over a 3-month period, and the aggregate of your ceiling prices for all material delivered amounts to $100,000. You may charge $102,500.

EXAMPLE: Assume that you contract to deliver prepared concrete reinforcing bars and reinforcement material for a specified project at a price of $98,000. Delivery is made over a period of 3 months and the aggregate of your ceiling prices for all material delivered is $100,000. You may not charge more than $98,000.

(2) If the total amount specified in an average price or lump sum contract entered into by you exceeds 102½ percent of the aggregate of the ceiling prices in effect at the time of shipment for the prepared concrete reinforcing bars and reinforcement material delivered by you pursuant to such contract, you may not charge more than such aggregate plus 2½ percent thereof. Within 60 days after the completion of any such contract, you must submit to the purchaser a statement setting forth the ceiling prices applicable to the prepared concrete reinforcing bars and reinforcement material delivered by you pursuant to such contract and the quantity shipped during the period in which each such price was in effect. You must refund the amount, if any, by which the total amount received by you pursuant to the contract exceeds the aggregate of such ceiling prices plus 2½ percent thereof. If the total amount specified in an average price or lump sum contract entered into by you is less than 97½ percent of the aggregate of the ceiling prices in effect at the time of shipment for the prepared concrete reinforcing bars and reinforcement material delivered by you pursuant to such contract, you may charge 97½ percent of the aggregate of the ceiling prices.

EXAMPLE: Assume that you contract to deliver prepared concrete reinforcing bars and reinforcement materials for a specified project for $105,000. Delivery is made over a period of 3 months and the aggregate of your ceiling prices for all material delivered amounts to $100,000. You may not charge more than $102,500 and must submit the required statement and make any necessary refund within the period specified.

EXAMPLE: Assume that you contract to deliver prepared concrete reinforcing bars and reinforcement materials for a specified project for $100,000. Delivery is made over a period of 3 months and the aggregate of your ceiling prices for all materials delivered is $105,000. You may charge 97½ percent of $105,000 which is $102,375.

SEC. 7. *Ceiling prices for resellers.* If you are a reseller of prepared concrete reinforcing bars or reinforcement materials, your ceiling price is the ceiling price which your supplier might charge under this regulation for the sale of the same material to your purchaser.

SEC. 8. *Customary price differentials.* You must adjust the ceiling prices determined under this regulation to reflect the class of purchaser differentials, special customer discounts, cash discounts, and other terms and conditions of sale that you had in effect on January 25, 1951.

SEC. 9. *Application for establishment of ceiling prices.* (a) If for any reason you cannot determine a ceiling price under the provisions of this regulation, you must apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price or pricing formula.

(1) Any application made pursuant to this section must be signed by an authorized person, must be made by registered mail, return receipt requested, and must contain the following information: Your trade name and address; the location of your plant or plants, from which delivery is to be made; the specifications of the product you propose to sell; a statement of the reason why you cannot determine a ceiling price under this regulation; a proposed ceiling price and why you believe it is in line with the ceiling prices otherwise established by this regulation, or a proposed pricing formula; and a statement setting forth the extras you used in determining such pricing formula.

(2) Any ceiling price established by the Office of Price Stabilization pursuant to this section will be in line with the ceiling prices otherwise established in this regulation.

(3) After receipt of an application pursuant to this section, the Office of Price Stabilization may approve or disapprove your proposed ceiling price or pricing formula, establish a different ceiling price or pricing formula, or request additional information. Pending any such action, you may sell the product covered by your application at your proposed ceiling price provided that you agree in writing with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by the Office of Price Stabilization. If the Office of Price Stabilization has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

(b) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, the Office of Price Stabilization may issue an order establishing a ceiling price or pricing formula for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation, and will apply to all deliveries for which a ceiling price was not otherwise properly established in this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 10. *Petitions for amendment.* Any person who wishes to have this regulation amended may file a petition for amendment in accordance with Price Procedural Regulation 1, Revised.

SEC. 11. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this

regulation at (a) the ceiling price in effect at time of delivery or (b) the lower of a fixed price or the ceiling price in effect at time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 12. *How to treat taxes.* The ceiling prices determined under the provisions of this regulation are your ceiling prices exclusive of taxes. If a tax on a particular sale or delivery, such as a sales tax or a compensating use tax is imposed and the tax law permits the tax to be stated separately and passed on to your customers, you may charge or collect the tax on the sale or delivery of the product in addition to the ceiling price, provided you state the tax separately. However, if the tax was in effect on January 25, 1951, and you did not charge your customers for the tax on that date, you may not do so now.

SEC. 13. *Transfers of business.* If the business or assets of a preparer are sold after the issuance date of this regulation, and the transferee carries on the sale of proposed concrete reinforcing bars in the plant or plants, included in such transfer, the ceiling price of the transferee for prepared concrete reinforcing bars produced in such plant or plants, shall be the same as those to which his transferor would have been subject if no transfer had taken place an his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of the transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 14. *Record keeping requirements.* (a) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have computed your ceiling prices correctly, including, but not limited to records showing:

(1) Your formula in effect on January 25, 1951, for pricing reinforcement materials;

(2) Your class of purchaser differentials and terms of sale in effect on January 25, 1951; and

(3) Your calculations of your monthly base cost, including the invoices and freight bills on which such calculations are based.

(b) Every person making a sale of prepared concrete reinforcing bars or reinforcement materials covered by this regulation must keep for inspection by the Office of Price Stabilization, for a period of 2 years after each sale, accurate records or invoices of each such sale showing: the date thereof; the name and address of the seller and buyer; a description of the prepared concrete reinforcing bars or reinforcement material sold including, but not limited to, size and quantity of the product sold, and extras, if any; the point of shipment; the monthly base cost or the base cost charged; the average inbound transportation cost; the extras, if any, charged; the terms of sale; and the outgoing transportation charges, if any, by whom they were paid, the name of the carrier and the method of transportation (e. g. rail, water or truck).

SEC. 15. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the Regional Counsel of the proper OPS Regional Office or to the Division Counsel, Industrial Materials and Manufactured Goods Division, Washington 25, D. C., for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretation is contained in Price Procedural Regulation 1, Revised.

SEC. 16. *Prohibitions.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or deliver, and no person in the regular course of trade or business shall buy or receive from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 17. *Prices lower than ceilings.* Prices lower than the ceiling prices established in this regulation may be demanded, charged, paid, or offered.

SEC. 18. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 19. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 20. *Definitions.* When used in this regulation, the term: (a) "Class of purchaser" refers to your practice of charging different prices for sales to different purchasers or kinds of purchasers. Such practice may be based on the characteristics or distributive level of the buyer (for instance, government agency, public institution, broker or individual consumer), or on the location of the purchaser, or on whether the purchase was on a cash or credit basis. If you have followed the practice of charging an individual customer a price different from that charged others, that customer constitutes a separate class of purchaser.

(b) "Concrete reinforcing bars" means any plain or deformed steel bars customarily used in concrete construction, including but not limited to the following plain bars, and deformed bars made to the following specifications approved by the United States Department of Commerce, Division of Simplified Practice, Recommendation R26-50:

Deformed bars	Plain bars	Area in square inches	Perimeter (in inches)	Weight (per foot)
No. 2	¼" rd	0.05	0.785	0.167
No. 3	⅜" rd	.11	1.178	.376
No. 4	½" rd	.20	1.571	.668
No. 5	⅝" rd	.31	1.963	1.043
No. 6	¾" rd	.44	2.356	1.502
No. 7	⅞" rd	.60	2.749	2.044
No. 8	1" rd	.79	3.142	2.670
No. 9		1.00	3.544	3.400
No. 10		1.27	3.990	4.303
No. 11		1.56	4.430	5.313

and also means any plain round steel bars, rods or wire customarily used in concrete construction for the fabrication of spirals including, but not limited to, the following specifications:

Sizes	Area in square inches	Perimeter (in inches)	Weight (per foot)
¼" rd	0.05	0.785	0.178
⅜" rd	.11	1.178	.376
½" rd	.20	1.571	.668
⅝" rd	.31	1.963	1.043
¾" rd	.44	2.356	1.502
⅞" rd	.60	2.749	2.044
1" rd	.79	3.142	2.670

(c) "Independent Preparer" means a preparer who does not produce concrete reinforcing bars. It also includes preparing divisions of producing mills if such mills published as of January 25, 1951, a base price for sales of concrete reinforcing bars to other preparers.

(d) "Integrated Preparer" means a preparer who produces concrete reinforcing bars and who did not, as of January 25, 1951, publish a base price for sales of concrete reinforcing bars to other preparers. The fact that such preparer may supplement his production of concrete reinforcing bars with sizes which he does not roll does not remove him from this classification.

(e) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or other government or any of its political subdivisions, or any agency of the foregoing.

(f) "Preceding monthly base cost" is the monthly base cost for the monthly period preceding the monthly period for which you are computing a new monthly base cost.

(g) "Preparer" means any person who processes concrete reinforcing bars into prepared concrete reinforcing bars or reinforcement materials, and who: (1) maintains a stock of concrete reinforcing bars, (2) operates a plant or plants equipped with adequate machinery for cutting and bending of concrete rein-

forcing bars, and (3) is equipped to supply engineering service.

(h) "Prepared concrete reinforcing bars", means any concrete reinforcing bars used for concrete reinforcement which are cut to specified lengths, or are cut and bent to specified shapes or form in a manner customarily performed by preparers. The term also includes spirals. It also includes any concrete reinforcing bars in random lengths when sold by a preparer and delivered from his preparing plant.

(i) "Reinforcement material" means any material (other than prepared concrete reinforcing bars) made from concrete reinforcing bars and other materials for use as concrete reinforcement, and customarily priced by reference to a base price for concrete reinforcing bars. It includes, but is not limited to, square spirals, welded rings for concrete pipe, assemblies of concrete reinforcing bars, expansion joint (load transferring devices), and welded stirrups.

(j) "Reseller" means any person who buys prepared concrete reinforcing bars or reinforcement materials from a seller, and resells such products, whether or not he has the facilities for furnishing engineering or designing services in connection with a particular purchase and resale, and customarily does so.

(k) "Shop assembled spirals" means rods or wire coiled to specified diameter and to which spacers are attached in the preparer's plant.

(l) "Spirals" includes both unassembled and shop assembled spirals.

(m) "Unassembled spiral" means rods or wire coiled to a specific diameter without spacers attached. The term also includes unattached spacers.

(n) "You" means any preparer, reseller or buyer of prepared concrete reinforcing bars or reinforcement materials.

(o) "Metropolitan Chicago" means the area within the corporate limits of Chicago, Evanston, Oak Park, Cicero, Berwyn, River Forest, Spring Forest, Worth, Homewood, and Lansing, Illinois; the area within the township limits of Miles, Maine, Leyden, Norwood Park, Proviso, Lyons, Riverside, Stickney, Worth, Calumet, Bremen, and Thornton Townships, Cook County, Illinois; and the area within the corporate limits of Hammond, Whiting, East Chicago and Gary, Indiana.

(p) "Metropolitan New York" means the area within the five Boroughs in New York City, which are Brooklyn, Manhattan, Queens, Bronx and Richmond; and the following Counties in New Jersey: Union, Hudson, Passaic, Bergen, Essex, Morris, Middlesex and Somerset; also included are Westchester and Nassau Counties in New York State, and the towns of Huntington and Amityville in Suffolk County.

Effective date. The effective date of this regulation shall be November 1, 1952.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 13, 1952.

[F. R. Doc. 52-11246; Filed, Oct. 13, 1952; 4:16 p. m.]

[Ceiling Price Regulation 12, Amdt. 3]

CPR 12—MILLED RICE

REVISION OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 12 sets new ceiling prices for the various varieties of milled head rice. This revision in ceiling prices for milled rice is made in order to reflect changes in the legal minimum price for rough rice, as determined by the Secretary of Agriculture, since the issuance of CPR 12 in March of 1951. Ceiling prices for short grain varieties of milled head rice are increased $0.25 per hundredweight. No change is made in the ceiling prices of long grain varieties of head rice, nor in the ceiling prices of broken rice.

The ceiling prices set by this amendment are issued on an interim basis. The allowances for milling costs and margin included in ceiling prices originally established under CPR 12 have been used in the revised ceiling prices. Data available to the Director indicate that these allowances may require revision. Consequently, the Director proposes to initiate a survey of milling costs and margins on an industry-wide basis in the very near future. Ceiling prices for milled rice may then be revised as indicated by the results of the survey.

In the formulation of this amendment there has been extensive consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this Amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 4 (a) (1) of Ceiling Price Regulation 12 is amended to read as follows:

(1) For varieties of milled rice containing not less than 93 percent of whole kernels and grading U. S. No. 2, your ceiling prices are as follows:

Varieties	*Price per 100 pounds*
Group 1: Rexora, Rexark, Patna Blue Bonnet, and Nira	$12.00
Group 2: Fortuna, Edith, and Rex Nira sometimes known as RN	11.25
Group 3: Blue Rose, Arkrose, Kamrose, and Magnolia	11.00
Group 4: Prelude, Zenith, Calady, and Lady Wright	10.75
Group 5: Calrose, Pearl, Early Prolific, and all other varieties not specifically named	9.75

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 14, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 14, 1952.

[F. R. Doc. 52-11261; Filed, Oct. 14, 1952; 11:08 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 35, Amdt. 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 35—WILMINGTON, DELAWARE MILK MARKETING AREA

PRODUCER PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679), and Redelegation of Authority 21 (17 F. R. 171), this area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment is to correct a typographical error appearing in section 7 (a) of the regulation wherein Class I, Grade A pasteurized milk is described as having 3.5 percent butterfat content whereas that figure should read 4.0 percent.

AMENDATORY PROVISIONS

1. Paragraph (a) of section 7 of Area Milk Price Regulation 35 issued under Supplementary Regulation 63 to the General Ceiling Price Regulation is amended by deleting the figure 3.5 and inserting in lieu thereof the figure 4.0 so that the paragraph as amended reads as follows:

SEC. 7. *Producer prices.* (a) The producer price for Class I, Grade A pasteurized milk of 4.0 per cent butterfat content, upon which the ceiling prices established under this regulation are based, is $6.12 per hundredweight.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 1 to Area Milk Price Regulation 35 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective October 14, 1952.

WILLARD D. BOYCE,
District Director.

OCTOBER 14, 1952.

[F. R. Doc. 52-11262; Filed, Oct. 14, 1952; 11:08 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

EXCHANGE OF POLICY BEARING SAME EFFECTIVE DATE AND HAVING LOWER RESERVE VALUE

Section 8.36 is revised to read as follows:

§ 8.36 *Exchange to a policy bearing the same effective date and having a lower reserve value.* National Service life insurance may be exchanged for insurance of the same amount, bearing the same date, and based on the same age, on any plan of insurance on the same reserve basis, issued by the Veterans' Administration having a lower reserve value except to the 5-year level premium term plan: *Provided*, The applicant is in good health at the time of application and furnishes evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old policy must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance, and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Public Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective September 22, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11207; Filed, Oct. 14, 1952, 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10068]

PART 1—PRACTICE AND PROCEDURE

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

NOTICE OF ERRATA

In the matter of amendments of Parts 1, 10, 11, and 16 of the Commission's rules to eliminate obsolete forms and require the use of proposed new application Form 400 and Amendment Request Form 400-A and to make editorial changes as are necessary.

The order in the above-entitled proceeding dated September 10, 1952 should be corrected by making the following changes in the sections set forth below:

1. In § 1.319 revise paragraph (b) (Instruction 6, 17 F. R. 8511) to insert FCC Form 400-A in subparagraph (6), renumber present subparagraphs (6) through (12) as (7) through (13) respectively and correct an omission in the newly designated subparagraph (11).

§ 1.319 *Application for modification of license; broadcast and nonbroadcast.*

• • •

(b) The following application forms should be used:

• • • • • •

(6) FCC Form 400-A, "Request for Amendment of Radio Station Authorization."

• • • • • •

(11) FCC Form 503, "Application for Modification of Ship Radio Station License" Form 503 should be accompanied by FCC Form 500, submitted in triplicate, if there is to be any change in the equipment specification.

• • • • • •

2. In § 11.56 revise last sentence of paragraph (e) (2) (Instruction 28, 17 F. R. 8514) to correct a typographical error so that the sentence reads as follows: "The information necessary for Commission action on requests for Special Temporary Authority is set forth in § 11.53."

3. In § 16.56 revise first sentence of paragraph (b) (Instruction 42, 17 F. R. 8516) to delete the word "station" in the eighth line and insert in its place the word "stating" so that the sentence reads as follows:

§ 16.56 *Standard forms to be used.*

• • •

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration date of his authorization and the call sign and location of station. • • •

4. In § 16.56 revise last sentence of paragraph (g) (1) (Instruction 42, 17 F. R. 8516) to delete reference to § 11.53 in the last line and insert in its place reference to § 16.53 and to correct a typographical error so that the sentence reads as follows: "The information necessary for Commission action on requests for Special Temporary Authority is set forth in § 16.53."

Released: October 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 52-11200; Filed, Oct. 14, 1952; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 57—RECORDATION OF DOCUMENTS

FORM AND CONTENTS OF LETTER OF TRANSMITTAL; ADMINISTRATIVE PROCEDURE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 8th day of October A. D. 1952.

There being under further consideration the provisions of section 20c of the Interstate Commerce Act, as amended (49 U. S. C. 20c), providing for the recordation of any mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of railroad rolling stock, as described in said section, and the rules and regulations prescribed in order of July 28, 1952, as amended August 25, 1952 (17 F. R. 7093, 7903):

It is ordered, That the order of July 28, 1952, as amended, is hereby further amended as follows:

1. The word "parties" is substituted for the word "carriers" in the second line of the first ordering paragraph.

2. The word "railroad" is deleted from paragraph (c) of § 57.4 *Form and contents of letter of transmittal*, and the word "mortgagee" is inserted following the word "lessee." As amended, this paragraph will read:

(c) A general description of the equipment covered by the document, whether locomotives, car or other rolling stock, the type of such equipment, with A. A. R. mechanical designation, if any, the number of each type, and identifying marks such as the name or initials of the lessee, mortgagee, or vendee, the road or serial number, or if more than one number of each type, the first and last inclusive numbers.

3. The words "the transmitting carriers" are deleted from § 57.4 (e), and the words "one of the parties" are substituted therefor. As amended, this paragraph will read:

(e) The letter of transmittal shall be signed by an executive officer of one of the parties having knowledge of the matters set forth therein and shall show the name and address of the person to whom the original document should be returned.

4. The word "railroad" is deleted from paragraph (c) of § 57.5 *Administrative procedure* and the word "party" is substituted therefor. As amended, this paragraph will read:

(c) There will also be established and maintained and kept open to public inspection under appropriate rules, an index showing for each party the recordation number of all documents to which it is a party which have been filed under section 20c of the act.

Notice of these regulations shall be given to the general public by depositing copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

(65 Stat. 290, 66 Stat. 724; 5 U. S. C. 140, 49 U. S. C. 20c)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11169; Filed, Oct. 14, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING OF ANIMALS, BIRDS, AND GAME FISHES

BISON

Basis and purpose. Pursuant to sound management practice and because of the inability of hunters to remove certain bison from the herds as permitted by the Alaska Game Law Regulations, it has been determined to extend by 10 days the season in Alaska for hunting these animals in a portion of the Big Delta Area and in the Mt. Hayes-Blair Lake areas and thus give each of those persons in the group of 25 holding special permits in addition to a current hunting license an opportunity to take one such animal. Adverse weather conditions have precluded most of these hunters from reaching the shooting area to obtain and remove bison designated by an enforcement agent.

Since the following amendatory regulation is a relaxation of existing restrictions applicable to the hunting of bison, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 46.109 of the regulations under the Alaska Game Law (57 Stat. 301, 48 U. S. C. 192–211) is amended to read as follows:

§ 46.109 *Bison.* (Selected bulls only.)

In the Big Delta Area, (south of the Tanana River) including the Mt. Hayes-Blair Lake areas, October 1 to October 20: *Provided*, That hunting for bison shall be by permit only and in accordance with regulations of the Commission as stated in § 165.2. Limit, 1 a year.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Dated: October 10, 1952.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52–11165; Filed, Oct. 14, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 967]

[Docket No. AO–170–A6]

MILK IN SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

A public hearing on proposed amendments to the aforesaid order was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the Pure Milk Association, and was held June 2–3, 1952. Proposed amendments to the order were submitted by the Pure Milk Association, the Reliable Dairy Company, Inc., et al., the Constantine Cooperative Creamery Company, and the Dairy Branch, Production and Marketing Administration.

The major issues presented on the record of the hearing and covered by this decision were whether the order should be amended to provide for:

(1) Revision of the price differentials (over the basic formula price) for Class I milk and of the provision under which such differentials are revised automatically;

(2) Modification of the price formula for Class II milk;

(3) Revision of the provision dealing with milk priced under other Federal orders;

(4) Expansion of the marketing area;

(5) Modification of the provision dealing with partial payments to producers;

(6) The adoption of a provision to establish requirements by which "pool plant" status might be acquired for plants from which no route is operated wholly or partially within the marketing area; and

(7) The substitution of price quotations on cheese at Wisconsin primary markets for Wisconsin Cheese exchange quotations at Plymouth.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) Class I milk price differentials (over the basic formula price) should be revised.

It was proposed by a producer organization that the Class I milk price differentials over the basic formula price be revised so that the level of producer milk prices under the South Bend-La Porte order would be at approximately the same level as prices under the Cleveland, Ohio, order or under the Chicago order, whichever is the higher. It was testified that the Chicago market continues to compete strongly for milk produced for the South Bend-La Porte market and that other markets, including Fort Wayne, Indianapolis, Warsaw, Nappanee, and the Calumet cities, located within the State of Indiana and Cleveland, Ohio, are attractive outlets for South Bend-La Porte producers.

Approximately 20 producers have left the South Bend market for the Fort Wayne and Cleveland markets since November 1951. However, about 38 producers shifted from the Chicago market to plants of South Bend handlers during the first three months of 1952. Certain Chicago handlers distribute milk in the South Bend market and such distribution currently constitutes between 5 and 10 percent of the total market sales. Such handlers represent not only major competition for milk supply but are also an important factor in milk distribution in South Bend and La Porte.

Total Class I sales in the South Bend market for the months of September 1951–March 1952, inclusive, averaged approximately 110 percent of producer milk receipts, necessitating the importation of sizable quantities of milk and milk products from other than producer sources. Statistics introduced into the record, together with testimony from producers, show substantial increases during the past year in the feed, labor, farm machinery and other materials used by farmers in the production of milk.

At the present time the monthly Class I differential under the South Bend-La Porte order is nominally 10 cents per hundredweight higher than the Class I price differential (55 to 70 mile zone) provided for the same month in the Chicago order. This difference of 10 cents is offset, however, by the more favorable return per hundredweight of milk which results, at a given Class I price, from the accounting system used to compute the volume of Class I milk under the Chicago order and by a marketing area price differential of 4 cents per hundredweight required to be paid by Chicago handlers. Thus, returns per hundredweight to producers for milk disposed of in fluid form as milk and cream may be considered as being comparable in the two markets after giving effect to the stated 10 cent difference in prices for milk so utilized.

Data for the year 1951 and the first seven months of 1952 indicate that the Class I price level for the South Bend-La Porte market, as established by the order, has averaged approximately 7

cents per hundredweight above the minimum Class I price applicable at Goshen, Indiana, under the terms of the Cleveland order (official notice is taken of South Bend-La Porte and Cleveland price data for June and July 1952). However, for the winter months of December 1951-February 1952, the Class I price at South Bend-La Porte was, on the average, 59 cents less than the minimum Class I price for milk delivered to the Goshen plant. In addition, a premium above order prices in the average amount of 28 cents per hundredweight was paid at the Goshen plant for such three months. The shortage of producer milk for South Bend-La Porte during such winter months and the prices offered at the Goshen plant appear to be the principal reasons underlying the payment by South Bend handlers of premiums amounting to 63 cents per hundredweight in December 1951, 43 cents per hundredweight in January 1952 and 34 cents per hundredweight in February 1952. It should be noted in this connection that under Cleveland order provisions which have been in effect, the Class I price differential in such market has not been reduced from its seasonal high until the month of March of each year while the South Bend-La Porte Class I price differential has been reduced seasonally beginning with the month of December. This has been the primary cause of the marked price disparity between the two markets in the winter months.

Official notice is taken of the fact that on July 1, 1952, Class I and Class II price differentials under the Chicago order were increased and a revised provision for the automatic adjustment of such differentials was adopted. In order to provide a price level which will encourage an adequate supply of milk for the South Bend-La Porte market and to restore equity in pricing among handlers, an increase in the present Class I price differentials under the South Bend-La Porte order is appropriate and necessary. It is provided, therefore, that the Class I price differentials be established at $1.30 for the months of July through January, inclusive, 70 cents for May and June, and 90 cents for February through April, inclusive. In view of the conditions outlined and because the South Bend-La Porte market continues to be extremely short of producer milk supplies in the months of December and January, it is concluded that the Class I price differential should not be reduced from its highest seasonal level prior to February.

As a general proposition, however, it appears that the close relationship of the South Bend-La Porte market to the Chicago market, both supplywise and in the distribution of milk at wholesale and retail, warrants price direction closely related to that of Chicago. Producers proposed that an automatic price adjustment be based on a combination of producer supply-Class I sales experience for a 12-month period and a 2-month period. This same proposal was submitted at the Chicago hearing held March 11–14, 1952, and was dealt with fully in a decision for Chicago issued on June 13, 1952. Official notice is taken of such decision. In a decision issued for the South Bend-La Porte order on May 24, 1951, the close relationship between the Chicago and South Bend markets was explained fully and the present record does not indicate that such relationship has changed to any important degree. It is concluded, therefore, that the automatic price adjustment provision should continue to be related to the Chicago market and to accomplish an appropriate price adjustment the revised provision as adopted on July 1, 1952 under the Chicago order should be applied in connection with the determination of Class I price changes in the South Bend-La Porte market. For the month of September 1952 such adjustment had the effect of adding 15 cents to the Class I and Class II price differentials under the Chicago order.

Official notice is also taken of the parity price of all milk sold at wholesale in the United States, which is the applicable parity under present legislation, of $4.82 per hundredweight as of August 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, nor would it insure a sufficient supply of pure and wholesome milk for the marketing area or be in the public interest.

A proposal submitted by handlers proposed that the price differentials (over the basic formula price) for Class I milk be established as specified percentages of the basic formula price. At the hearing the original proposal was revised to provide for the following monthly percentages: 20 percent of the basic formula price for January, February, March, April, July and August; 15 percent for May and June; 30 percent for September and December; and 35 percent for October and November.

In support thereof it was testified by proponents that a "percentage differential" automatically adjusts the differential to be added to the basic formula price as the level of prices under the basic formula increases or decreases.

There was no evidence presented on the record to show that costs for producing inspected milk increase or decrease in the same ratio as the manufacturing price level changes. It is pointed out that a major factor affecting the level of prices is the relationship of milk production to milk sales and the competition with other nearby markets both in milk supply and distribution. In this connection no evidence was presented by proponents that "percentage differentials" would establish a supply-sales relationship or maintain a proper price relationship to other markets. In view of the foregoing it is concluded that the proposal should not be adopted.

(2) The price formula for Class II milk should be revised. The Class II milk price for each month is computed by the market administrator by averaging the prices paid dairy farmers for such month by three milk manufacturing plants located within the South Bend-La Porte milkshed. It was proposed that one plant be deleted from the list of plants specified in the order and that two additional plants be added, increasing the list from three to four plants. Testimony indicated that at times the price reports necessary for the monthly Class II price computations have not been forthcoming from the plant proposed for deletion by the date the Class II price must be computed and announced. It was stated further that this circumstance has limited the usefulness of the reports of such plant to the extent that the substitution of reports available from other plants is appropriate. The two plants proposed for addition to the list are plants which accept milk in excess of the needs of the marketing area during the months of seasonally high milk production and are representative outlets for any seasonal excesses which must be disposed of through manufacturing channels. They are not affiliated with any handler. No counter testimony or objections to the proposals were offered at the hearing.

It is concluded from the evidence that the changes suggested should be adopted.

(3) The proposal to require payments to the producer-settlement fund with respect to milk subject to pricing under another Federal order at a rate per hundredweight equal to the amount by which the Class I price exceeds the price applicable to the comparable classification under the other order should not be adopted.

Milk is distributed regularly in the South Bend-La Porte marketing area from plants subject to Order No. 41 for the Chicago, Illinois, marketing area. The amounts distributed have been at times as much as 15 percent of the total quantity of milk distributed in fluid form in the South Bend-La Porte market. It was proposed that whenever the Class I price under the South Bend-La Porte order exceeds the price of the comparable class under the other, an amount equal to the difference between such class prices be paid to producers under the South Bend-La Porte order with respect to the total hundredweight of such outside milk distributed in the marketing area. Proponents stated, however, a reservation that such payment should not be required if the other order provides for payment to the producers thereunder of the South Bend-La Porte Class I price for such milk.

In the circumstances prevailing between the two markets it is concluded that a reasonably close alignment of class prices under the orders concerned, taking into account the approximate cost of moving milk between markets, will maintain equity among the various handlers affected. The price provisions adopted will result in an annual average return for Class I milk of 10 cents per hundredweight higher than that of the Chicago market, after giving effect to the price and accounting factors previously mentioned which are applicable in the latter market. A provision in Order No. 67 that requires payment of the money difference into the producer-settlement fund when the local Class I price is higher than that of the Federal order in another market where the milk originates is not necessary to such end and should not be adopted.

(4) The marketing area should not be enlarged.

Handlers proposed that the marketing area should be increased to include that portion of St. Joseph County, Indiana, which lies outside the city limits of South Bend and Mishawaka. A similar proposal was offered at a hearing held in South Bend, Indiana, on February 15–16, 1951. Official notice is taken of the decision issued on June 21, 1951 by the Secretary of Agriculture as the result of such hearing as well as of the record of such hearing and the recommended decision thereon. Review of the evidence presented at the February 15–16, 1951 hearing does not warrant a change in the conclusions reached and no new evidence was offered at the present hearing in support of the proposal. It is concluded therefore that the marketing area should remain as now defined.

(5) The provision dealing with partial payments to producers should be revised.

Handlers proposed that the producer payment provisions be revised to provide for a part payment to each producer equal to one-half the full payment made to the producer by the handler for the preceding month. At present the order provides for partial payment (covering deliveries of the first 15 days of the month) at the rate of the uniform price for the preceding month. It was testified that the present provision has increased the amount of clerical work required of handlers and has resulted in numerous questions by producers as to the basis of payment employed. In addition it was testified that at times above payments order minimums have resulted inadvertently under such method.

The record indicates that the proposed partial payment provision described above would not necessarily correct the conditions to which complaint is directed. Another proposal offered at the hearing suggested the adoption of a "sliding scale" method of determining the amount of the partial payment, based on the level of the uniform price for the preceding month. No specific scale was presented by proponents but the following payment scale should assist in making the present provision more workable:

Uniform price for preceding delivery period:	*Amount of partial payment*
Under $1.00	$0.00
$1.00–$1.99	1.00
$2.00–$2.99	2.00
$3.00–$3.99	3.00
$4.00–$4.99	4.00
$5.00–$5.99	5.00
$6.00–$6.99	6.00
$7.00 and over	7.00

It does not appear probable that any overpayment would be made under the above schedule since the amount of the partial payment is substantially less than the full value of the milk delivered during the month. The partial payment is provided in the schedule in terms of even dollars to expedite the necessary computations by handlers. It is concluded that the schedule as outlined above is reasonable for all handlers and should be adopted.

(6) A provision enabling the qualification as a "pool" plant of a plant from which no route is operated wholly or partially within the marketing area should not be adopted.

An association of dairy farmers operating a milk plant located approximately 45 miles from South Bend and not subject to the South Bend-La Porte order proposed the adoption of a provision under which a plant from which no route is operated wholly or partially within the marketing area might qualify and maintain status as a "pool" plant. Under the proposal made such a plant, if approved by an appropriate health authority, would qualify to participate in the market wide pooling of milk under the order on the basis of the delivery of not less than 50 percent of its farm supply of milk or butterfat in the months of seasonally low milk production to plants from which routes are operated within the marketing area. To qualify for pool status at the present time a plant must be approved by an appropriate health authority in the marketing area, be engaged in the processing and distribution of milk for consumption in fluid form, and have a route which is operated wholly or partially within the marketing area.

It was testified that there have been occasions since January 1952 when milk has been sold from proponents' plant to a plant located in the South Bend-La Porte marketing area from which a route is operated within the marketing area, but the quantities so sold were not stated. No such sales had been made prior to this year. Such plant currently is subject to the pricing and pooling provisions of Order 41 in effect in the Chicago, Illinois, marketing area and has not been approved by any health authority having jurisdiction within the South Bend-La Porte marketing area. For the foreseeable future, deliveries of milk from such plant would continue to be made to a fluid milk processing and distributing plant under the Chicago order and according to the testimony the provisions proposed for the South Bend-La Porte order would be used for the disposition of milk from such plant into the South Bend-La Porte marketing area only if the latter market should prove to be more profitable to the plant than the present Chicago outlet. The distributing plant under the Chicago order now being supplied by proponents' plant was stated to have first call on such supplies to the exclusion of any other requests for such milk.

No proposals for pool status have been made on behalf of other plants not having routes in the marketing area. The supplies of "other source milk" needed by South Bend-La Porte handlers appear to have been readily available from plants which have not been covered by the order as "approved", or "pool", plants. In view of the extent of milk production in counties close to the marketing area, it does not appear necessary to include distant plant sources to insure adequate supplies for the market if prices are established at an appropriate level. It may not be concluded from the record that the adoption of the proposed provisions would result in an improved supply situation or that producers who have been serving the market regularly would benefit therefrom. On the basis of present information, it is concluded that special provisions for the inclusion in the pool of milk from a plant from which no route is operated in the marketing area would not tend to effectuate the declared policy of the act.

(7) Price quotations for cheese from Wisconsin primary markets should be used in connection with the "butter-cheese" price formula in lieu of Wisconsin Cheese Exchange prices quoted at Plymouth, Wisconsin.

Price quotations are reported four days a week (excluding Friday) for "Wisconsin primary markets" which are based on actual sales of cheese. There have been only a few instances in the past several years when sufficient sales have not been made on the Wisconsin primary markets on which to base a report. The Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the other hand meets each Friday so that a quotation is available for only one day of each week.

The volume of cheese sold on the Wisconsin Cheese Exchange is small in relation to the total volume of cheese sold on Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made through the Exchange and at times such condition has existed for a considerable period. It has been necessary therefore to use prices for weeks when no sales were reported which were derived from either bids or offers rather than from actual sales. For the purposes of the order the price for cheese at Wisconsin primary markets is the more representative report to use in reflecting prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese quotations discussed above are based are similar—both are for the same type of cheese and are for cheese loaded for shipping at assembly points. The quotations differ, however, in that the price at primary markets includes a charge for certain services, such as paraffining and assembly, which is not included in the Exchange price but is made as a separate charge to the purchaser. Over the past two years the primary markets' price has averaged higher than the Exchange price by approximately 1.3 cents per pound and deduction of this amount should be made in adopting the price of the primary markets.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. A brief was filed on behalf of the Reliable Dairy Company, Inc., et al. The brief contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

1. Delete § 967.50 (b) (2) and substitute therefor the following:

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4;

2. Delete § 967.51 in its entirety and substitute therefor the following:

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June, $0.70; July through January, inclusive, $1.30; and February through April, inclusive, $0.90: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through January, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

3. Delete § 967.52 (c) and substitute therefor the following:

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed in this paragraph: *Provided*, That in the case of any such plant for which prices are reported on a biweekly basis, the simple average of the two most recent price quotations applicable to milk received during the delivery period at such plant shall be used in computing the average price for the four plants.

Present Operator and Location
Goshen Milk Condensing Co., Goshen, Ind.
New Paris Creamery Co., New Paris, Ind.
Schlosser Bros. Creamery, Plymouth, Ind.
Elgin Milk Products Co., Galien, Mich.

4. Delete § 967.80 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price for the preceding delivery period is—	*The amount of the partial payment*
Under $1.00	$0.00
$1.00–$1.99	1.00
$2.00–$2.99	2.00
$3.00–$3.99	3.00
$4.00–$4.99	4.00
$5.00–$5.99	5.00
$6.00–$6.99	6.00
$7.00 and over	7.00

Filed at Washington, D. C., this 10th day of October 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52–11210; Filed, Oct. 14, 1952; 8:55 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 12]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish a change in address of an Airport District Office.

Section 43 (g) (3) (ii), Region 6, is amended by substituting "San Francisco 2, Calif., 26th Floor, 100 McAllister Street—Northern California" for "San Francisco, Calif., 630 Sansome Street—Northern California."

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11160; Filed, Oct. 14, 1952; 8:45 a. m.]

[Amdt. 13]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish a change in address of an Airport District Office.

Section 43 (g) (3) (ii), Region 4, is amended by substituting "Baton Rouge, La., Administration Building, East Baton Rouge Parish Airport—Louisiana" for "Baton Rouge, La., 444 Florida Street—Louisiana."

This amendment shall become effective on October 16, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11161; Filed, Oct. 14, 1952; 8:46 a. m.]

National Production Authority

[Suspension Order 28; Docket No. 40]

TEXAS LAWN SPRINKLER CO. OF DALLAS ET AL.

SUSPENSION ORDER; MODIFICATION ON APPEAL

The original hearing in this matter was held in Dallas, Tex., on August 27, 1952, before Hearing Commissioner Farley, and was held following a misunderstanding of his order designating the time and place for the hearing. It was incomplete and therefore unsatisfactory, largely because of the zeal of counsel for both sides in their attempts to protect their clients' best interests. Faced with a very difficult situation, Dean Farley acted in accordance with the National Production Authority's rules and regulations and exercised his best judgment. He signed a suspension order the same day at the conclusion of the hearing. On September 3, 1952, a stay order was granted by the Chief Hearing Commissioner, Walter H. Foster, after hearing oral argument in Washington, D. C.

Hearings on the appeal and petition for modification in the above-entitled matter were held by me, J. Forrester Davison, as designated appeal commissioner of the National Production Authority. These hearings were held in Washington, D. C., on September 15, 25, and 26, 1952; both parties were represented by counsel; and all issues raised by either party were subjected to full examination as in a hearing de novo. Testimony was received from the respondents and from the National Production Authority, and counsel argued at length on the points of law in issue. A written record was made of the testimony and argument on each day of hearing.

It is hereby determined:

Findings of fact. (1) The respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, during the period starting April 5, 1951, and running through June 30, 1951, used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 7 (e) of NPA Order M-12 dated April 1, 1951 (16 F. R. 2957), and as amended April 9, 1951 (16 F. R. 3175); and

(2) Respondent, Texas Lawn Sprinkler Company of Dallas, Inc., during the period beginning July 9, 1951, and running through July 31, 1951, used copper controlled material, to wit: copper tubing for the installation of lawn sprinkler systems in construction, in violation of section 4 (c) of NPA Order M-4 as amended July 1, 1951 (16 F. R. 6513); and

(3) Respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, on or about August 9, 1951, used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction, in violation of section 6 of NPA Order M-4A of August 3, 1951 (16 F. R. 7703); and

(4) Respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, during the period beginning April 16, 1951, and running through August 31, 1951, obtained and used 8,000 feet of copper tubing for the installation of lawn sprinkler systems in construction, in violation of section 7 (e) and sections 11 (a) and 11 (b) of NPA Order M-12 as amended April 9, 1951 (16 F. R. 3175), and section 6 of NPA Order M-4A of August 3, 1951 (16 F. R. 7703), as amended August 20, 1951 (16 F. R. 8361); and

(5) Respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, during the period starting August 1, 1951, and running through October 31, 1951, used copper controlled materials, to wit: copper tubing for the installation of lawn sprinkler systems in construction in violation of section 6 of NPA Order M-4A dated August 3, 1951 (16 F. R. 7703), and section 7 of NPA Order M-4A as amended August 20, 1951 (16 F. R. 8361); and

(6) The respondent, G. W. Kehres, was not shown to have committed the violations of the orders as charged in Charge No. 8.

Conclusions. (1) As shown above, the first three of the respondents, i. e., Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, during the period beginning April 5, 1951, and ending October 31, 1951, used copper controlled materials in violation of the National Production Authority orders, regulations, and directives as hereinbefore cited by the unlawful use of copper tubing for purposes prohibited by the National Production Authority, i. e., installing such copper in lawn sprinkler systems in construction. This series of unlawful installations used at least 92,000 feet of copper tubing.

(2) As shown above, the first three of the respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, also violated the National Production Authority orders, regulations, and directives by unlawfully obtaining copper tubing for the installation in lawn sprinkler systems as prohibited by the National Production Authority regulations.

(3) The actions cited above were not charged as having been done wilfully, nor do I conclude they were wilful. They were carried out because of the respondents' erroneous interpretation of the relevant orders of the National Production Authority even after the May 3, 1951, advice from the National Production Authority that the installation of lawn sprinkler systems in construction was prohibited under National Production Authority orders. On the advice of their counsel the respondents disagreed with this interpretation from the National Production Authority.

(4) Legal interpretations of the applications in this case of NPA Order M-12, as amended April 1 and April 9, 1951, and NPA Orders M-4 and M-4A as amended August 3 and August 20, 1951, and as found in the Federal Register citations given above, depend primarily on the question of the meaning of the amendment of a phrase which first appeared in the List A of Prohibited Uses under section 7 (d) of NPA Order M-12 as amended December 30, 1950 (16 F. R. 125), and reading as follows:

> Tube, tubing and fittings for interior piping systems or for lawn sprinkler systems • • •

This clause was amended February 19, 1951 (16 F. R. 1730), and continued in the amended form of NPA Order M-12 during the periods charged, and was also later included in NPA Orders M-4 and M-4A as amended during the periods charged, and reads as follows:

> Tube, tubing, and fittings for piping systems in construction (except for Type K for underground water connections • • •

The meaning of this phrase was conceded by the respondents' counsel as critical in supporting or not supporting the legal interpretation insisted on by the respondents. The new and more general words "in construction" obviously include "for interior piping systems or for lawn sprinkler systems" as well as any other form of construction using copper tubing and fittings. Therefore, I have decided on the law against the interpretation urged by the respondents.

On other points covering alleged exemptions in sections 7 (a) (2), 7 (h), and 11 (c) of NPA Order M-12 as amended April 1 and April 9, 1951, it is clear that only operations of producers and manufacturers unlike those of the operations of the various respondents would come within the exemptions even if it could be conceded that they met the requirement of delivery of the irrigation piping to the Texas Lawn Sprinkler Company of Dallas, Inc., before April 1, 1951. The claim that delivery had occurred was based on an unusual general order and so-called technical control of inventory of irrigation piping by the Texas Lawn Sprinkler Company of Dallas, Inc. The control of the irrigation piping inventory was in fact the Texas Lawn Sprinkler Company, Inc., and that piping was transferred and sold after April 1, 1951, in units delivered to the site of installations during the remaining 9 months of 1951. Accordingly, I cannot find that the delivery contemplated under sections 7 (a) (2), 7 (h), and 11 (c) took place within the meaning of those sections.

The unlawful obtaining and use of copper tubing by the three respondents, Texas Lawn Sprinkler Company of Dallas, Inc., Texas Lawn Sprinkler Company, Inc., and M. E. Snoddy, occurred under orders setting forth absolute prohibitions as to the actions charged. At present no such prohibitions are in effect; instead there are limitations on the amount that may be self-authorized and used in CMP Regulation No. 6 as amended and NPA Order M-100 as amended. The question of how best to compensate for the harm done to the allocations and priority systems of copper by the actions of the three respondents named above is a very difficult one. As pointed out, they acted on an erroneous interpretation of law after being so advised by the National Production Authority as well as before but did so on the advice of counsel.

It is accordingly ordered:

Subject to future revision as indicated below, in order to bring about an equitable adjustment of the dislocation to the priorities and allocations system in copper, the three respondents named in the next preceding paragraph shall be limited to self-authorization of copper for use, manufacture, assembly, installation, or sale to 50 percent of the amounts permitted during the next two calendar quarters under CMP Regulations Nos. 1 and 6, and directives thereto, as amended from time to time, and NPA Order M-100, as amended from time to time, the period to start October 1, 1952, and end March 31, 1953. These restrictions may be terminated sooner if the above respondents show, before March 31, 1953, that they have refrained from self-certification of actual operations or installations within the terms of the above limitations so as to restore an amount of copper to the allocations and priorities system equivalent to the 92,000 feet of copper piping unlawfully used by them in the violations charged and as established in the findings of fact above. In the event of hardship in any customary operation of manufacture or assembly or installation, the respondents may apply for individual relief to the administrators of the provisions of the relevant orders and regulations; and if the concurrence of the Chief Hearing Commissioner is given, this order shall be modified to the extent advised by those administrators as deemed necessary to avoid hardships which may be considered as excessive.

Dated this 4th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By J. FORRESTER DAVISON,
Appellate Commissioner.

[F. R. Doc. 52-11248; Filed, Oct. 13, 1952; 4:27 p. m.]

[Suspension Order 29; Docket No. 38]

DAYTON IRRIGATION SYSTEMS, DALLAS

SUSPENSION ORDER; MODIFICATION ON APPEAL

The original hearing in this matter was in Dallas, Tex., on August 22, 1951, before Hearing Commissioner Thomas. The respondent charged that subpoenas were too general, as in the Texas Lawn Sprinkler case, and sought to have them quashed. There was also the motion to quash a subpoena against the National Production Authority which called for the production of orders and regulations which were matters of record published in the Federal Register. The commissioner granted the motion of the National Production Authority to quash the subpoena and refused to quash the subpoena directed toward the respondents. The respondent then moved for a continuance because of delay in receiving the charging letter as it was addressed to Mr. Harry S. Jack and he is Mr. Herbert S. Jack. The commissioner pointed out the respondent had received the charges and also the attorney had received the charges a month ago and that under the National Production Authority regulations the National Production Authority would make proof in any event. He refused to grant a motion for continuance and proceeded to hear the case on the merits.

Following a three-hour recess, the Government witness testified and the respondent testified very briefly. The commissioner received orally proposed findings of fact from the National Production Authority Counsel and signed a compliance order on the 3d of September 1952, withdrawing from the respondent all National Production Authority allocations and priority assistance. On September 10, 1952, after oral argument in Washington, the Chief Hearing Commissioner issued a stay order. A brief was submitted by the respondent on the appeal and application for the stay order. The Chief Hearing Commissioner designated me, J. Forrester Davison, as appellate commissioner in this case. One week after sending a letter to the respondent informing him of my appointment and asking for his response, on September 24, 1952, I informed him by telegram that the formal hearing of the appeal was set for October 2 or 3, 1952, at his election, and that the appeal would be decided in any event on the latter of those dates if he did not care to appear and to submit further arguments in support of his appeal. He did ask a delay of over a month in response to my letter, which was unreasonable delay, and there has been no reply to my telegram. Counsel for the National Production Authority presented no argument on the appeal and has elected to stand on the record made before the hearing commissioner and his order thereon.

The legal questions in this appeal are similar to those raised in the case involving the Texas Lawn Sprinkler Company of Dallas, Inc., et al., recently decided by me on appeal. I find that the same principles of law govern this case as were followed by me in that earlier case. I therefore find that the determination of the violations by the respondent herein made by the hearing commissioner below must be upheld as a matter of law.

The respondent's violations resulted from his using at least 16,000 feet of copper tubing in the installation of lawn sprinkler systems in construction in violation of National Production Authority Order M-4A (16 F. R. 7703), and as amended August 20, 1951 (16 F. R. 8361), and in the installation of lawn sprinkler systems using copper pipe and copper tubing in excess of the poundage permissible under Schedule I of the National Production Authority Order M-100 of March 6, 1952 (17 F. R. 2012), said poundage totalling 2,529 pounds.

I find that the suspension order in this matter withdrawing all allocations, allotments, and priorities assistance and the rights of self-certification under the National Production Authority orders for the duration of the Defense Production Act of 1950, as amended, or to be amended hereafter, is not appropriate in consideration of the legal interpretation of those orders given the respondent by his attorney and in the absence of charges and proof of wilful violations by the respondent. These violations in large part took place under orders containing absolute prohibitions as well as under the order containing limitations only, the type of order now applicable to these matters. It is very difficult to arrange a compensation now for the harm done to the allocations and priorities system in copper. To attempt however to compensate for the dislocation of the controls on the use of copper,

It is hereby ordered:

Paragraphs 1, 2, and 4 in the conclusion and order portion of Suspension Order 29 are revoked, and paragraph 3 thereof is modified to the terms which follow, viz: subject to further revision as indicated below, in order to bring about an equitable adjustment of the dislocation of the priorities and allocations system in copper, the respondent herein shall be limited to self-authorization of copper for use, manufacture, assembly, installation, or sale to 50 percent of the amounts permitted during the next 2 quarters under CMP Regulations Nos. 1 and 6 and directives thereto, as amended from time to time, and NPA Order M-100, as amended from time to time, the period to start now and run until March 31, 1953. These restrictions may be terminated sooner if the respondent shows before March 31, 1953, that he has refrained from self-certification of actual operations or installations within the terms of this limitation so as to restore an amount of copper equal to the

amounts unlawfully used by him as set forth above. In the event of hardship in any customary operation or use, the respondent may apply for individual relief to the administrators of the provisions of the relevant orders and regulations; and if the concurrence of the Chief Hearing Commissioner is given, this order shall be modified to the extent advised by those administrators as deemed necessary to avoid hardships which may be considered as excessive.

Issued this 6th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By J. FORRESTER DAVISON,
Appellate Commissioner.

[F. R. Doc. 52-11249; Filed, Oct. 13, 1952; 4:27 p. m.]

[Suspension Order 34; Docket No. 48]

ROLSCREEN CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 25th day of September 1952, before Palmer D. Edmunds, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951, and Delegation of Authority under NPA-GAO 16-06 (17 F. R. 2098); and

The respondent, Rolscreen Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, having been duly apprised of the Specific violations charged and the administrative action which may be taken, and having been duly informed of the rules and procedures which govern these proceedings; and

The National Production Authority being represented by John M. Cleary, Jr., Regional Attorney, Ninth Region, and the respondent being represented by Messrs. Arnold F. Schaetzle and Rolland E. Grefe of the law firm of Schaetzle, Swift, Austin, and Stewart of Des Moines, Iowa; and

The respondent having heretofore filed an answer to the charges herein, and the respondent having stipulated on the 8th day of September 1952, to a statement of facts to be filed in these proceedings and admitted in evidence without the necessity of presenting other evidence either in support of the statement of charges or in opposition thereto, it is hereby determined:

Findings of fact. 1. The respondent herein was entitled to use 34,499 pounds of aluminum during the period beginning January 1, 1951, and ending March 31, 1951, but nevertheless did use 35,604 pounds of aluminum during said period.

2. That the said Rolscreen Company having received an authorized production schedule and related allotments providing for the use of 5,941 pounds of aluminum in the production of residential window sashes (Symbol K-7) during the calendar quarter beginning October 1, 1951, and ending December 31, 1951, placed authorized controlled material orders for 10,000 pounds of aluminum and accepted delivery of 9,818 pounds of aluminum; that said Rolscreen Company received 3,877 pounds of aluminum in excess of that permitted by sections 19 (f) and 17 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860); that the Rolscreen Company received allotments of 3,621 pounds of aluminum for production of venetian blinds (v 3 X) and 700 pounds of aluminum for the production of doors (Allotment Symbol P 9) and placed no orders against such allotments and accepted no deliveries; that the total allotments of aluminum for the fourth quarter amounted to 10,262 pounds.

Conclusions. Respondent violated the provisions of National Production Authority regulations, orders, and directions as follows:

(a) The respondent used 1,105 pounds of aluminum during the period beginning January 1, 1951, and ending March 31, 1951, more than was permitted by section 26.25 (b) of NPA Order M-7 as amended December 1, 1950, and section 6 (b) of NPA Order M-7 as amended February 1, 1951, and March 31, 1951.

(b) The respondent placed certified controlled material orders and accepted delivery of 3,877 pounds of aluminum during the calendar quarter beginning October 31, 1951, and ending December 31, 1951, more than was permitted by sections 19 (f) and 17 (b) of CMP Regulation No. 1 dated May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860).

(c) Said violations by the respondent were not done wilfully, but as a result of the failure of the respondent to maintain proper controlled materials records and to understand adequately the requirements of National Production Authority orders and regulations.

In order to correct the unauthorized use of aluminum occasioned by the violations found herein, and in order to prevent future violations of National Production Authority regulations, orders, and directives by the respondent,

It is accordingly ordered:

1. That all allocations and allotments of aluminum which respondent might be entitled to receive either by application using Form CMP-4B or by self-certification for use during the fourth calendar quarter of 1952, be reduced by 4,982 pounds of aluminum.

Issued this 30th day of September 1952 at Des Moines, Iowa.

NATIONAL PRODUCTION AUTHORITY,
By PALMER D. EDMUNDS,
Hearing Commissioner.

[F. R. Doc. 52-11250; Filed, Oct. 13, 1952; 4:28 p. m.]

[Suspension Order 35; Docket No. 43]

PILGRIM PLUMBING SUPPLY CORP.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 30th day of September 1952 before Philip E. Hoffman, Esq., a hearing commissioner of the National Production Authority on a statement of charges made in accordance with the National Production Authority General Administrative Order 16-06 as amended (16 F. R. 8628) and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Pilgrim Plumbing Supply Corp., a New York corporation, of 1632 Washington Avenue, Bronx, N. Y., and Albert Bacrac of 1632 Washington Avenue, Bronx, N. Y., having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and the National Production Authority being represented by J. Read Smith, Regional Attorney, and the respondents being represented by Robert Goldstein, Esq.; and

The respondents, by their attorney Robert Goldstein, having entered into a stipulation dated September 30, 1952, wherein it was admitted that the respondent, Pilgrim Plumbing Supply Corp., a New York corporation, did commit the acts charged in Charges 1 through 6 of the statement of charges filed herein and dated August 4, 1952, and wherein it was further admitted that the respondent, Albert Bacrac, did commit the acts charged in Charge 7 of the statement of charges filed herein and dated August 4, 1952, and the respondent having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support of, and in opposition to, the statement of charges; the following findings of fact as stipulated by the parties hereto are found:

Findings of fact. 1. That on or about July 3, 1952, the respondent, Pilgrim Plumbing Supply Corp., a New York corporation, refused to make available for inspection and audit, by duly authorized representatives of the National Production Authority, its records of receipts, deliveries, inventories, production, and use of materials.

2. That on or about July 3, 1952, the respondent, Pilgrim Plumbing Supply Corp., a New York corporation, refused to make available for inspection, by representatives of the National Production Authority, its records of allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among its direct secondary consumers.

3. That on or about July 3, 1952, the respondent, Pilgrim Plumbing Supply Corp., a New York corporation, refused to make available for inspection, by representatives of the National Production Authority, all documents on which it relied as entitling the said respondent to make or receive an allotment and to deliver or accept delivery of controlled materials or Class "A" products.

4. That the respondent, Albert Bacrac, owning, dominating, managing, and controlling Pilgrim Plumbing Supply Corp., on or about July 3, 1952, directed, supervised, and participated in the commission of the acts of said respondent corporation as set forth in the findings of fact numbered 1 to 3 herein.

Conclusions. 1. The respondent, Pilgrim Plumbing Supply Corp., a New York corporation, of 1632 Washington Avenue, Bronx, N. Y., has, on or about July 3, 1952, committed acts prohibited by National Production Authority Regulation 1, section 17 (a) and 17 (b) as amended April 2, 1952 (17 F. R. 2926); National Production Authority Regulation 2, sections 23 and 24 as amended September 13, 1951 (16 F. R. 9413); National Production Authority Order M-82, section 10 (a) and 10 (b) as amended May 28, 1952 (17 F. R. 4889); National Production Authority Order M-6A, section 10 (a) and 10 (c) as amended February 27, 1952 (17 F. R. 1760); in that said Pilgrim Plumbing Supply Corp. refused to make available for inspection and audit, by duly authorized representatives of the National Production Authority, its records of receipts, deliveries, inventories, production, and use of materials as requested by the aforesaid regulations.

2. The respondent, Pilgrim Plumbing Supply Corp., a New York corporation, of 1632 Washington Avenue, Bronx, N. Y., on or about July 3, 1952, has committed an act prohibited by National Production Authority CMP Regulation No. 1, section 23 (a) as amended November 23, 1951 (16 F. R. 11860), in that said respondent refused to make available for inspection, by representatives of the National Production Authority, its records of allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among its direct secondary consumers, as required by said regulation.

3. The respondent, Pilgrim Plumbing Supply Corp., a New York corporation, of 1632 Washington Avenue, Bronx, N. Y., on or about July 3, 1952, committed an act prohibited by National Production Authority CMP Regulation No. 1, section 23 (b) as amended November 23, 1951 (16 F. R. 11860), in that said respondent refused to make available for inspection by representatives of the National Production Authority, all documents on which it relied as entitling the said respondent to make or receive an allotment and to deliver or accept delivery of controlled materials or Class "A" products, as required by said regulation.

4. The respondent, Albert Bacrac, on or about July 3, 1952, committed acts prohibited by National Production Authority Reg. 1, section 17 (b) as amended April 2, 1952 (17 F. R. 2926); National Production Authority Reg. 2, section 24, as amended September 13, 1951 (16 F. R. 9413); National Production Authority Order M-82, section 10 (b) as amended May 28, 1952 (17 F. R. 4889); National Production Authority Order M-6A, section 10 (c) as amended February 27, 1952 (17 F. R. 1760); National Production Authority CMP Regulation No. 1, section 23 (a) and 23 (b) as amended November 23, 1951 (16 F. R. 11860), in that said respondent, owning, dominating, managing, and controlling Pilgrim Plumbing Supply Corp., during the time the aforementioned violations were committed, directed, supervised, and participated in the commission of the violations committed by the respondent, Pilgrim Plumbing Supply Corp.

It is accordingly ordered:

1. That the acquisition, use, and disposition of controlled materials and materials under control, be prohibited to Pilgrim Plumbing Supply Corp. of 1632 Washington Avenue, Bronx, N. Y., its successors and assigns, and Albert Bacrac, of 1632 Washington Avenue, Bronx, N. Y., for the duration of the Defense Production Act of 1950, its amendments or extension, unless within ten (10) days from the date of issuance of this order Pilgrim Plumbing Supply Corp. of 1632 Washington Avenue, Bronx, N. Y., and Albert Bacrac of 1632 Washington Avenue, Bronx, N. Y., make available and continue to make available for inspection and audit, by duly authorized representatives of the National Production Authority:

(a) its records of receipts, deliveries, inventories, and use of materials;

(b) its records of allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments, among its direct secondary consumers;

(c) all documents relied upon as entitling the said Pilgrim Plumbing Supply Corp. to make or receive an allotment and to deliver or accept delivery of controlled materials or Class "A" products; and

(d) any and all records necessary to complete a proper audit of the operations of said Pilgrim Plumbing Supply Corp. under National Production Authority regulations and orders.

Issued this 3d day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-11247; Filed, Oct. 13, 1952; 4:27 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6448]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 9, 1952.

Notice is hereby given that on October 7, 1952, the Federal Power Commission issued its order entered October 7, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11189; Filed, Oct. 14, 1952; 8:49 a. m.]

[Docket No. E-6455]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 9, 1952.

Notice is hereby given that on October 7, 1952, the Federal Power Commission issued its order entered October 7, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11190; Filed, Oct. 14, 1952; 8:50 a. m.]

[Docket No. G-1958]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 9, 1952.

Notice is hereby given that on October 8, 1952, the Federal Power Commission issued its order entered October 7, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11191; Filed, Oct. 14, 1952; 8:50 a. m.]

[Docket No. IT-5518]

BONNEVILLE PROJECT, COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF ORDER CONFIRMING AND APPROVING AMENDMENT OF GENERAL RATE SCHEDULE PROVISION

OCTOBER 9, 1952.

Notice is hereby given that on October 8, 1952, the Federal Power Commission issued its order entered October 7, 1952, confirming and approving amendment of general rate schedule provision in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11192; Filed, Oct. 14, 1952; 8:50 a. m.]

[Project No. 1984]

WISCONSIN RIVER POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

OCTOBER 9, 1952.

Notice is hereby given that on August 14, 1952, the Federal Power Commission issued its order entered August 12, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11193; Filed, Oct. 14, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59–99]

NORTHERN STATES POWER CO. (MINNESOTA) ET AL.

ORDER EXTENDING TIME FOR FILING ANSWERS AND FOR HEARING

OCTOBER 9, 1952.

In the matter of Northern States Power Company (Minnesota), and its subsidiary companies, respondents; File No. 59–99.

The respondents Northern States Power Company (Minnesota) and subsidiaries having requested that the time for filing their answers herein be extended from October 20, 1952, to January 20, 1953, and that the date of hearing be extended from October 28, 1952, to January 28, 1953; and

The Commission being of the opinion that the requested extensions of time are excessive, and that the extensions herein granted should provide adequate additional time for respondents to prepare their answers and supporting factual data:

It is ordered, That the time for the filing of the answers of respondents be and is hereby extended to December 1, 1952, at 5:30 p. m., e. s. t., and that the date of the hearing be and is hereby extended to December 9, 1952, at 10:00 o'clock a. m., e. s. t. In all other respects the notice of and order for hearing issued herein on September 22, 1952, (Holding Company Act Release No. 11498) will stand as written.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11194; Filed, Oct. 14, 1952; 8:51 a. m.]

[File No. 70–2791]

STANDARD POWER AND LIGHT CORP.

NOTICE OF PROPOSED ACQUISITION BY PARENT OF PORTFOLIO SECURITIES OF SUBHOLDING COMPANY AS PART OF LATTER'S LIQUIDATION

OCTOBER 9, 1952.

Notice is hereby given that an application has been filed with this Commission by Standard Power and Light Corporation ("Power"), a registered holding company and the parent of Standard Gas and Electric Company ("Standard"), also a registered holding company. Applicant has designated sections 6, 7, 9, 10, and 12 of the act and Rule U-46 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

On October 1, 1952, this Commission issued its findings, opinion and order (Holding Company Act Release No. 11510), approving Steps I and I–A of a plan for the liquidation of Standard filed pursuant to section 11 (e) of the act. An application by the Commission for court enforcement of such Steps is now pending in the United States District Court for the District of Delaware. Under Step I the Prior Preference Stock of Standard is to be retired by the distribution of common stocks of subsidiaries held by Standard. Power, as the holder of 40,843 shares of Standard's $7 Prior Preference Stock, is entitled under Step I to receive in exchange therefor 118,444.7 shares of common stock of Oklahoma Gas and Electric Company ("Oklahoma"), 191,962.1 shares of common stock of Wisconsin Public Service Corporation ("Wisconsin") and 85,770.3 shares of common stock of Duquesne Light Company ("Duquesne"), all of which companies are public utility subsidiaries of Standard. Under the instant application Power proposes to acquire such securities. Such acquisition would result in Power's holding 4.91 percent of the common stock of Oklahoma, 8.65 percent of the common stock of Wisconsin, and, together with 31,000 shares of common stock of Duquesne to be received by Power pursuant to Step I–A of the aforesaid plan, 1.97 percent of the common stock of Duquesne presently outstanding.

In the Commission's aforesaid findings, opinion and order approving Step I of the Standard plan, reference was made to the instant application and the Commission stated that the application would be processed separately pursuant to Rule U-23 and that the Commission's order to be entered on such application would contain a specific condition that the securities to be acquired by Power are to be held subject to the Commission's order dated June 19, 1942, requiring Power to liquidate and dissolve. It was further stated that under the circumstances surrounding the proposed acquisition by Power the requirements of section 10 would be satisfied.

Applicant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than October 22, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11197; Filed, Oct. 14, 1952; 8:51 a. m.]

[File No. 70–2932]

STANDARD GAS AND ELECTRIC CO. ET AL.

NOTICE REGARDING PROPOSED PURCHASE BY PARENT HOLDING COMPANY OF COMMON STOCK OF SUBSIDIARY, OF PROPOSED AMENDMENTS OF CHARTER AND BY-LAWS OF SUBSIDIARY, AND OF PROPOSED TAX AGREEMENT AMONG PARENT AND TWO SUBSIDIARIES

OCTOBER 9, 1952.

In the matter of Standard Gas and Electric Company, Wisconsin Public Service Corporation, Menominee & Marinette Light & Traction Company; File No. 70–2932.

Notice is hereby given that a joint application-declaration has been filed with this Commission by Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, by Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard, and by Menominee & Marinette Light & Traction Company ("Menominee"), a public utility subsidiary of Wisconsin. Applicants-declarants have designated sections 6 (a), 9 (a) and 12 (f) of the act and Rules U-43 and U-45 (b) (6) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

On October 1, 1952, the Commission approved Steps I and I–A of a plan of liquidation of Standard, filed pursuant to section 11 (e) of the act. (Holding Company Act Release No. 11510.) Step I involves the retirement of the Prior Preference Stock of Standard through the distribution of portfolio stocks of Standard, including common stock of Wisconsin. An application by the Commission for court enforcement of Step I and I–A is now pending in the United States District Court for the District of Delaware. Standard presently holds 2,000,000 shares, representing all of the outstanding $10 par value common stock of Wisconsin. Under Step I of the Standard plan it is proposed that Standard will purchase 218,070 additional shares of such common stock for $2,600,000 in cash and will distribute to the Prior Preference stockholders all but 46,834.8 shares of its total holdings of Wisconsin common stock. The instant application-declaration proposes, among other things, the issuance and sale of the said 218,070 additional shares of common stock by Wisconsin to Standard.

It is also proposed under Step I of the aforementioned plan that Standard, Wisconsin and Menominee will enter into an agreement whereby (a) the latter two companies will pay to Standard four separate installments aggregating $2,100,000, which, according to Standard's tax counsel, is the approximate net maximum liability of the two companies for Federal income and excess profits taxes for the period 1944 through 1950 for which period they joined in consolidated Federal tax returns as part of the Standard holding company system; (b) Standard will indemnify Wisconsin and Menominee for any unpaid liability or future assessment for such taxes for all periods ending on or prior to December 31, 1950; and (c) Standard will be entitled to receive any refunds of such taxes otherwise applicable to Wisconsin and Menominee and to retain any portion of the $2,100,000 not required to be paid on behalf of Wisconsin and Menominee. The proposed tax agreement will enable Wisconsin to credit its consolidated earned surplus by the amount of $828,477, representing the excess of the accruals per books for Federal income and excess profits taxes for periods prior to 1951 over the $2,100,000 payable therefor to Standard. In its findings and opinion approving Step I of the aforesaid Standard plan, this Commission found that the proposed agreement would be fair and equitable to Standard's security holders and to Wisconsin and Menominee. In the present application-declaration specific approval is sought as to the execution of the proposed agreement by the three companies (Wisconsin and Menominee were not parties to the proceeding involving Step I of the Standard plan) and the carrying out of that portion of the agreement relating to the payment of $2,100,000 by Wisconsin to Standard. Wisconsin proposes, in this regard, (a) to pay $525,000 in cash to Standard when this application-declaration is permitted to become effective or on December 1, 1952 (whichever date is later), and (b) to issue three unsecured non-interest bearing promissory notes, payable to Standard or order, each in the amount of $525,000 and maturing on the first days of March, June and September, 1953, respectively: *Provided*, That if the distribution of the Wisconsin common stock by Standard under Step I of the aforementioned plan is postponed beyond October 31, 1952, the dates for the payment of each note shall be postponed an equal length of time. Menominee will reimburse Wisconsin in the amount of $61,000 in cash or on open account as the financial position of Menominee shall warrant.

It is also proposed in the instant filing to amend the articles of incorporation and by-laws of Wisconsin, in order to bring them into conformity with the standards of this Commission, prior to the distribution of the Wisconsin common stock to the Prior Preference stockholders of Standard pursuant to Step I of the said plan. The proposed amendments will:

(a) Provide preemptive rights to the holders of the common stock of Wisconsin to purchase pro rata any additional common stock offered for sale for cash, other than by a public offering of such shares, prior to any sale of such stock to others;

(b) Provide that Wisconsin shall not merge or sell all or substantially all of its assets without the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote;

(c) Provide that a quorum at a meeting of stockholders shall be the holders of a majority of the outstanding shares entitled to vote;

(d) Place limitations on the authority of the Board of Directors of Wisconsin to adopt or alter the by-laws of the company without the affirmative vote of the holders of a majority of shares entitled to vote; and

(e) Provide that the holders of one-tenth of the outstanding common stock may request that a special meeting of stockholders be called.

The filing states that the Public Service Commission of Wisconsin has jurisdiction over the proposed issuance of common stock, the proposed tax agreement and the proposed issuance of promissory notes and further states that no State or Federal Commission other than this Commission and the Wisconsin Commission has jurisdiction over the proposed transactions.

Applicants-declarants request that the Commision's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than October 22, 1952, at 5:30 p. m. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U–100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11196; Filed, Oct. 14, 1952; 8:51 a. m.]

[File No. 70–2938]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING ISSUANCE AND SALE BY SUBSIDIARY OF SHARES OF CAPITAL STOCK AND ACQUISITION THEREOF BY PARENT COMPANY

OCTOBER 9, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company and its public-utility subsidiary company, Granite State Electric Company ("Granite"). NEES and Granite have designated sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Granite proposes to issue and sell, for cash, 5,500 shares of additional capital stock, $100 par value, at a price of $100 per share. NEES, the sole stockholder of Granite, proposes to acquire such additional shares and will use available cash for such purchase.

Pursuant to a bank loan agreement with the First National Bank of Boston, Granite presently has outstanding $450,000 principal amount of note indebtedness, and pursuant to this Commission's order dated October 1, 1952 (File No. 70–2928), Granite has authority to increase such note indebtedness by the issuance of $100,000 of additional promissory notes. The application-declaration states that the proceeds from the proposed issuance and sale of capital stock will be applied by Granite to the payment of its then outstanding note indebtedness, and the balance, if any, to the payment of construction expenditures or reimbursement of the treasury therefor. At the time of the sale of the capital stock, the amount of authorized but unissued promissory notes will be reduced by the amount, if any, by which the proceeds of $550,000 from the sale of the capital stock exceeds the amount of Granite's then outstanding note indebtedness.

The application-declaration further states that the total expenses to Granite and to NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,405 and $300, respectively.

The application-declaration further states that Granite has applied to the New Hampshire Public Utilities Commission for approval of the proposed issuance and sale of capital stock and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than October 24, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effectives as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11195; Filed, Oct. 14, 1952; 8:51 a. m.]

[File No. 70-2943]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING PROPOSED ISSUANCE AND SALE OF NOTES TO CERTAIN BANKS

OCTOBER 9, 1952.

Notice is hereby given that a declaration has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 and 7 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to borrow an aggregate of $25,000,000 ($12,500,000 on or before November 15, 1952 and $12,500,000 on or before January 15, 1953) from certain banking institutions and to issue notes in evidence thereof. The proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank	Maximum participation
Guaranty Trust Co	$8,530,000
Bankers Trust Co	2,500,000
Chemical Bank & Trust Co	2,500,000
Irving Trust Co	2,500,000
Mellon National Bank & Trust Co. (Pittsburgh, Pa.)	2,500,000
The Hanover Bank	1,000,000
Brown Bros., Harriman & Co	1,000,000
The First National Bank of the City of New York	1,000,000
J. P. Morgan & Co., Inc	1,000,000
National City Bank of New York	1,000,000
Manufacturers Trust Co	1,000,000
The Ohio National Bank (Columbus, Ohio)	250,000
The Kanawha Valley Bank (Charleston, W. Va.)	100,000
The Charleston National Bank	100,000
First National Bank of Binghamton	20,000
Total	25,000,000

The bank notes to be issued by Columbia in evidence of such borrowings will be dated as of the date the money is borrowed and will mature on October 31, 1953. The rate of interest will be 3 percent per annum and the notes may be prepaid at any time prior to the date of maturity.

Columbia states that the proposed borrowings are necessary in order to provide the Columbia system with funds to continue its construction program. Columbia further represents that it is the intention of the Company to sell common stock in the Spring of 1953, unless at that time there should be any unusual adverse market conditions. In addition, Columbia also proposes to sell additional debentures during 1953 and the proceeds to be derived from the sale of additional common stock and debentures will be used to repay the bank loans which are the subject of this declaration and to provide additional funds to finance its 1953 construction program.

The declaration further states that no State Commission or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 24, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 24, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11198; Filed, Oct. 14, 1952; 8:52 a. m.]

[File No. 70-2942]

GAS SERVICE CO.

NOTICE OF FILING REGARDING PROPOSED BANK BORROWINGS

OCTOBER 9, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by the Gas Service Company ("Gas Company"), a gas utility company and a subsidiary of Cities Service Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Gas Company proposes to enter into a Credit Agreement with the Chase National Bank of the City of New York ("Chase Bank") and Commerce Trust Company ("Commerce Trust") whereby Gas Company may borrow from time to time on or prior to November 1, 1954, aggregate principal amounts of $5,500,000 from Chase Bank and $2,000,000 from Commerce Trust. Each loan will be evidenced by a promissory note payable on June 1, 1956, and bearing interest at the rate of 3 percent per annum up to January 1, 1954, and at the rate of 3¼ percent per annum thereafter. The Credit Agreement provides, among other things, that Gas Company will pay a commitment fee of ¼ of 1 percent per annum on the daily average unused amount of the commitments from October 1, 1952, which commitments may be terminated or reduced by the Company upon five days' written notice and that the notes may be prepaid without premium, unless such prepayment is made before June 1, 1955, and is made from proceeds of bank loans.

The filing states that the net proceeds from the loans will be used by Gas Company for construction purposes and to reimburse the Company's treasury in part for construction work heretofore completed. This construction program is estimated to require the expenditure of approximately $13,619,000 during the years 1952 to 1954, inclusive. Gas Company expects that of this amount, approximately $7,500,000 will be available under the proposed Credit Agreement (to be borrowed in approximate amounts of $2,000,000, $4,000,000, and $1,500,000 respectively in the years 1952, 1953, and 1954) and that the balance of approximately $6,119,000 can be provided out of the Company's general funds.

The filing further states that the State Corporation Commission of Kansas, the Public Service Commission of Missouri and the Nebraska State Railway Commission have jurisdiction over the proposed transactions and that the orders of these Commissions will be filed by amendment to the instant declaration.

Gas Company states that no finder's fees, commissions or remuneration will be paid in connection with the proposed transactions, and estimates its expenses at $10,500, which include legal fees of $7,500, fees and expenses in connection with applications to State Commissions of $1,500, expenses of Gas Advisers, Inc., a mutual service company, of $500, and printing and miscellaneous expenses of $1,000.

Notice is further given that any interested person may, not later than October 23, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 23, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

Declarant requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11199; Filed, Oct. 14, 1952; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on October 6, 1952.

REGION I

Montpelier Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Montpelier area, filed 3:54 p. m.

Montpelier Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Montpelier area, filed 3:55 p. m.

Montpelier Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Montpelier area, filed 3:55 p. m.

Montpelier Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Montpelier area, filed 3:56 p. m.

REGION II

Newark Order 1-G4-1, establishing retail prices for certain dry grocery items sold by retailers in several counties in the State of New Jersey, filed 3:56 p. m.

New York Order 1-G1-1, establishing retail prices for certain dry grocery items sold by retailers in several counties in the State of New York, filed 3:56 p. m.

New York Order 1-G2-1, establishing retail prices for certain dry grocery items sold by retailers in several counties in the State of New York, filed 3:57 p. m.

New York Order 1-G3-1, establishing retail prices for certain dry grocery items sold by retailers in several counties in the State of New York, filed 3:57 p. m.

New York Order 1-G4-1, establishing retail prices for certain dry grocery items sold by retailers in several counties in the State of New York, filed 3:58 p. m.

REGION III

Delaware Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 3:58 p. m.

Delaware Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 3:58 p. m.

Delaware Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 3:58 p. m.

Delaware Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 3:59 p. m.

REGION IV

Maryland Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 3:59 p. m.

Maryland Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 3:59 p. m.

Maryland Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 3:59 p. m.

Maryland Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 4:00 p. m.

Maryland Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 4:00 p. m.

REGION V

Nashville Order 1-G1-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 4:00 p. m.

Nashville Order 1-G2-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 4:00 p. m.

Nashville Order 1-G3-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 4:01 p. m.

Nashville Order 1-G4-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 4:01 p. m.

REGION VI

Cleveland Order 1-G1-1, Amendment 1, changes and also deletes certain food items for retail sales in several counties in the Northeastern Ohio area, filed 4:02 p. m.

Cleveland Order 1-G2-1, Amendment 1, changes and also deletes certain food items for retail sales in several counties in the Northeastern Ohio area, filed 4:02 p. m.

Cleveland Order 1-G3-1, Amendment 1, changes and also deletes certain food items for retail sales in several counties in the Northeastern Ohio area, filed 4:03 p. m.

Cleveland Order 1-G4-1, Amendment 1, changes and also deletes certain food items for retail sales in several counties in the Northeastern Ohio area, filed 4:03 p. m.

Louisville Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Louisville area, filed 4:01 p. m.

Louisville Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Louisville area, filed 4:01 p. m.

REGION IX

Omaha Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Omaha area, filed 4:03 p. m.

Omaha Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Omaha area, filed 4:03 p. m.

Omaha Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Omaha area, filed 4:04 p. m.

Omaha Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Omaha area, filed 4:04 p. m.

Kansas City Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 4:04 p. m.

Kansas City Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 4:05 p. m.

Kansas City Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 4:05 p. m.

Kansas City Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 4:05 p. m.

REGION X

Oklahoma City Order 1-G1-1, Amendment 1, changes and also deletes certain food items for retail sales in the State of Oklahoma, filed 4:05 p. m.

Oklahoma City Order 1-G2-1, Amendment 1, changes and also deletes certain food items for retail sales in the State of Oklahoma, filed 4:05 p. m.

Oklahoma City Order 1-G4-1, Amendment 1, changes and also deletes certain food items for retail sales in the State of Oklahoma, filed 4:06 p. m.

Oklahoma City Order 1-G4A-1, Amendment 1, changes, adds and also deletes certain food items for retail sales in the State of Oklahoma, filed 4:07 p. m.

Little Rock Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 4:10 p. m.

Little Rock Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 4:10 p. m.

Little Rock Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 4:10 p. m.

Little Rock Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 4:10 p. m.

Little Rock Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 4:11 p. m.

Little Rock Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 4:11 p. m.

New Orleans Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 4:07 p. m.

New Orleans Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 4:07 p. m.

New Orleans Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 4:07 p. m.

New Orleans Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 4:08 p. m.

REGION XI

Colorado Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:09 p. m.

Colorado Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:09 p. m.

Colorado Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:09 p. m.

Colorado Order 1-G1-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:08 p. m.

Colorado Order 1-G2-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:08 p. m.

Colorado Order 1-G4-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 4:08 p. m.

REGION XIII

Seattle Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Western Washington area, filed 4:13 p. m.

Seattle Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Western Washington area, filed 4:13 p. m.

Seattle Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Western Washington area, filed 4:14 p. m.

Seattle Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Western Washington area, filed 4:14 p. m.

Seattle Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Western Washington area, filed 4:11 p. m.

Seattle Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Western Washington area, filed 4:11 p. m.

Seattle Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Western Washington area, filed 4:11 p. m.

Seattle Order 1-G4A-1, Amendment 1, changes certain food items for retail sales in the Western Washington area, filed 4:11 p. m.

Portland Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 4:11 p. m.

Portland Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 4:12 p. m.

Portland Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 4:12 p. m.

Portland Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 4:13 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11182; Filed, Oct. 10, 1952, 11:23 a. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 8, 1952.

REGION I

Boston Order 1-G1-1, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts area, filed 2:57 p. m.

Boston Order 1-G2-1, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts area, filed 2:57 p. m.

Boston Order 1-G3-1, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts area, filed 2:57 p. m.

Boston Order 1-G4-1, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts area, filed 2:57 p. m.

New Hampshire Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Manchester and Nashua area, filed 2:55 p. m.

New Hampshire Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Manchester and Nashua area, filed 2:55 p. m.

New Hampshire Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Manchester and Nashua area, filed 2:55 p. m.

New Hampshire Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Manchester and Nashua area, filed 2:56 p. m.

New Hampshire Order 1-G4A-1, Amendment 1, changes certain food items for retail sales in the Manchester and Nashua area, filed 2:56 p. m.

REGION II

New York Order 1-G1-1, Amendment 11 corrects certain printing errors in the ceiling prices of certain food items for retail sales in several counties in the State of New York, filed 2:57 p. m.

New York Order 1-G2-1, Amendment 1, corrects certain printing errors in the ceiling prices of certain food items for retail sales in several counties in the State of New York, filed 2:58 p. m.

New York Order 1-G3-1, Amendment 1, corrects certain printing and clerical errors in the ceiling prices of certain food items for retail sales in several counties in the State of New York, filed 2:58 p. m.

New York Order 1-G4-1, Amendment 1, corrects certain printing and clerical errors in the ceiling prices of certain food items for retail sales in several counties in the State of New York, filed 2:58 p. m.

REGION V

Atlanta Order 1-G1-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:58 p. m.

Atlanta Order 1-G1-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:00 p. m.

Atlanta Order 1-G2-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:58 p. m.

Atlanta Order 1-G2-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:00 p. m.

Atlanta Order 1-G3-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:59 p. m.

Atlanta Order 1-G3-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:00 p. m.

Atlanta Order 1-G3A-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:59 p. m.

Atlanta Order 1-G3A-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:00 p. m.

Atlanta Order 1-G4-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:59 p. m.

Atlanta Order 1-G4-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:00 p. m.

Atlanta Order 1-G4A-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:59 p. m.

Atlanta Order 1-G4A-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 3:01 p. m.

Columbia Order 1-G1-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 3:01 p. m.

Columbia Order 1-G2-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 3:01 p. m.

Columbia Order 1-G3-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 3:01 p. m.

Columbia Order 1-G4-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 3:02 p. m.

Jackson Order 1-G1-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 3:02 p. m.

Jackson Order 1-G2-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 3:02 p. m.

Jackson Order 1-G3-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 3:02 p. m.

Jackson Order 1-G4-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 3:02 p. m.

Montgomery Order 1-G1-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:03 p. m.

Montgomery Order 1-G2-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:03 p. m.

Montgomery Order 1-G3-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:03 p. m.

Montgomery Order 1-G3A-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:03 p. m.

Montgomery Order 1-G4-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:04 p. m.

Montgomery Order 1-G4A-1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 3:04 p. m.

REGION VI

Detroit Order 1-G1-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Detroit area, filed 3:04 p. m.

Detroit Order 1-G2-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Detroit area, filed 3:04 p. m.

Detroit Order 1-G3-1, Amendment 1, changes and deletes certain food items for retail sales in the Detroit area, filed 3:05 p. m.

Detroit Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Detroit area, filed 3:05 p. m.

REGION VII

Chicago Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Chicago area, filed 3:05 p. m.

Chicago Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Chicago area, filed 3:05 p. m.

Chicago Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Chicago area, filed 3:05 p. m.

Chicago Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Chicago area, filed 3:06 p. m.

Milwaukee Order 1-G1-1, Amendment 1, changes and adds certain food items for retail sales in the Milwaukee area, filed 3:06 p. m.

Milwaukee Order 1-G2-1, Amendment 1, changes and adds certain food items for retail sales in the Milwaukee area, filed 3:06 p. m.

Milwaukee Order 1-G3-1, Amendment 1, changes and adds certain food items for retail sales in the Milwaukee area, filed 3:06 p. m.

Milwaukee Order 1-G4-1, Amendment 1, changes and adds and deletes certain food items for retail sales in the Milwaukee area, filed 3:07 p. m.

REGION VIII

Minneapolis Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 3:07 p. m.

Minneapolis Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 3:07 p. m.

Minneapolis Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 3:08 p. m.

Minneapolis Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis area, filed 3:08 p. m.

REGION IX

Wichita Order 1-G1-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County, filed 3:08 p. m.

Wichita Order 1-G2-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County, filed 3:08 p. m.

Wichita Order 1-G3-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County, filed 3:09 p. m.

Wichita Order 1-G4-1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County, filed 3:09 p. m.

REGION X

Oklahoma City Order 1-G1-1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Entire State of Oklahoma, filed 3:09 p. m.

Oklahoma City Order 1-G2-1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Entire State of Oklahoma, filed 3:10 p. m.

Oklahoma City Order 1-G4-1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Entire State of Oklahoma, filed 3:10 p. m.

REGION XIII

Seattle Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Western Washington area, filed 3:10 p. m.

Seattle Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Western Washington area, filed 3:10 p. m.

Seattle Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the Western Washington area, filed 3:10 p. m.

Seattle Order 1-G4A-1, Amendment 2, changes certain food items for retail sales in the Western Washington area, filed 3:11 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11183; Filed, Oct. 10, 1952; 11:24 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27456]

SPENT SULPHURIC ACID FROM ANNISTON, ALA., TO LAVERGNE, TENN.

APPLICATION FOR RELIEF

OCTOBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and The Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Sulphuric acid, spent, in tank-car loads.

From: Anniston, Ala.

To: Lavergne, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 62.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11168; Filed, Oct. 14, 1952; 8:47 a. m.]

[4th Sec. Application 27457]

LUMBER FROM PACIFIC COAST TERRITORY TO WASHINGTON, D. C., AND VIRGINIA

APPLICATION FOR RELIEF

OCTOBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent L. E. Kipp's tariffs I. C. C. Nos. 1504 and 1511.

Commodities involved: Lumber and forest products, carloads.

From: Pacific Coast territory.

To: Washington, D. C., and points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11167; Filed, Oct. 14, 1952; 8:47 a. m.]

[4th Sec. Application 27458]

COKE FROM TERRE HAUTE, IND., TO SIGLO, TENN.

APPLICATION FOR RELIEF

OCTOBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 741.

Commodities involved: Coke, coke breeze, dust, and screenings, carloads.

From Terre Haute, Ind.

To: Siglo, Tenn.

Grounds for relief: Rail competition, circuitous routes, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11166; Filed, Oct. 14, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19028]

JASPER EILERTS

In re: Estate of Jasper Eilerts, deceased. 017-27664.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Klaas Ackermann, a k/a Claas Peter Bernhard Ackermann whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Jasper Eilerts, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid na-

tional of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that Klaas Ackermann, a/k/a Claas Peter Bernhard Ackermann, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11204; Filed, Oct. 14, 1952; 8:53 a. m.]

[Vesting Order 19029]

CHRISTINA AND AMANDUS TAUBERT

In re: Claims of Christina Taubert and the personal representatives, heirs, next of kin, legatees and distributees of Amandus Taubert, deceased. F-28-31796, F-28-31797.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp), and pursuant to law, after investigation, it is hereby found:

1. That Christina Taubert, whose last known address is Kallenlengsfeld, Thuringen, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Amandus Taubert, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the property described as follows: Any and all rights and claims to Social Security benefits under the Social Security Act approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620) to January 1, 1947, of Christina Taubert, identified by Social Security Account Number 115-16-6766,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christina Taubert, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Any and all rights and claims to survivor benefits to January 1, 1947, under the Social Security Act approved August 14, 1935, as amended (Pub. Law 271, 74th Cong. 1st Sess. 49 Stat. 620) to January 1, 1947, arising out of the demise of Amandus Taubert, and identified by Social Security Account Number 115-16-6766,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Amandus Taubert, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons referred to in subparagraph 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11205; Filed, Oct. 14, 1952; 8:53 a. m.]

HERBERT SCHWARZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Herbert Schwarz, Vienna, Austria; Claim No. 33928; all right, title, interest and claim of any kind or character whatsoever of Herbert Schwarz in and to the trusts established under the will of Franz August Johann Schulze, also known as Gustav Schulze, deceased.

Executed at Washington, D. C., on October 7, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11206; Filed, Oct. 14, 1952; 8:53 a. m.]

ce Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 203

Washington, Thursday, October 16, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2992

KOREA—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer • • •";

AND WHEREAS satisfactory proof was received by me from the Government of Korea on October 1, 1952, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Korea upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Korea and the produce, manufactures, or merchandise imported in said vessels into the United States from Korea or from any other foreign country; the suspension to take effect from October 1, 1952, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of October, in the year of our Lord nineteen hundred and fifty-two and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL] HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-11237; Filed, Oct. 15, 1952; 10:54 a. m.]

PROCLAMATION 2993

COPYRIGHT—PRINCIPALITY OF MONACO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by said title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party

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UNIVERSITY OF MICHIGAN

FEDERAL REGISTER

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to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.";

and

WHEREAS section 1 of the said title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.";

and

WHEREAS section 9 of the said title 17 further provides that "The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time as the purposes of this title may require * * *"; and

WHEREAS a Sovereign Ordinance has been issued this day by His Serene Highness the Prince of Monaco whereby citizens of the United States as of this day are entitled to obtain copyright protection in the Principality of Monaco for all their artistic and literary works on substantially the same basis as nationals of Monaco, including rights similar to those provided by section 1 (e) of the said title 17:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do declare and proclaim:

That as of this day the conditions specified in sections 9 (b) and 1 (e) of title 17 of the United States Code exist and are fulfilled with respect to nationals of the Principality of Monaco, and that nationals of the Principality of Monaco as of this day are entitled to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published on or after this day, and registered for copyright in the United States which have not been reproduced within the United States prior to this day on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of October in the [SEAL] year of our Lord nineteen hundred and fifty-two and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52–11315; Filed, Oct. 15, 1952; 12:46 p. m.]

RULES AND REGULATIONS

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 22]

DMO 22—PROGRAM TO MINIMIZE PROSPECTIVE FULL MOBILIZATION DEFICIENCIES OF STRATEGIC AND CRITICAL BAND I MATERIALS

Purpose. The purpose of this order is to reaffirm the policy, assign responsibility and specify the further actions necessary to minimize the prospective full mobilization shortages of certain strategic materials specified as Band I.

Definition. Band I materials are those for which the presently prospective supply without remedial steps is currently calculated to be inadequate by substantial margins to meet minimum requirements for full scale mobilization. Periodically, DPA, with the advice of other responsible agencies, will review the Strategic and Critical Materials Stockpile List and, with the approval of ODM, make appropriate changes in the materials included in Band I.

Policy. All responsible agencies will intensify their current activities to (a) expand supply and (b) eliminate unessential requirements for these Band I materials so that, in case of full mobilization, shortages of these strategic materials will not be a limiting factor in meeting the major end-item programs of the Department of Defense.

Program. The following program is designed to reinforce current actions being undertaken to carry out this policy:

1. DPA shall prepare quarterly analyses of the demand-supply position of Band I materials under specific assumptions with respect to 5-year full mobilization requirements, conservation practices and supply expansions. These analyses shall be used by all responsible agencies in developing these programs. They will provide a continuing record of programs realized and projected to permit the Government to know as accurately as possible the magnitude of the risk entailed by prospective shortages. They will also provide a basis and justification for extraordinary measures to be taken to eliminate unessential requirements and expand supply. The responsible agencies shall provide DPA with information in the detail it prescribes to fulfill this responsibility.

The analyses shall be submitted to ODM once a quarter, starting November 1, 1952. DPA shall include with these analyses a statement of the policy issues involved and recommendations with respect to future action for the consideration of the Director of ODM.

2. The Munitions Board and the responsible civilian agencies shall intensify action required to improve techniques for estimating military, war-supporting and essential civilian full mobilization requirements for Band I materials. Estimates of requirements for military "A" products are the responsibility of the Munitions Board. It is essential that to the greatest extent possible full mobilization requirements be based on feasible schedules of end-item production and on realistic end-item bills-of-materials, reflecting feasible prospective conservation practices. To the extent factoring is necessary, it should reflect not projections of historical data, but realistic bills-of-materials. In reviewing requirements for military "A" products, representatives of the DPA Military and Atomic Energy Division of the Office of Program and Requirements shall have access to the bases underlying the Munitions Board's estimated requirements in order to facilitate the preparation of reliable estimates. They shall also assist the Munitions Board in the development of these bases, where appropriate. Estimates of military "B" product requirements are the responsibility of NPA. Estimates of requirements for war-supporting and essential civilian programs are the responsibility of DPA working with the other responsible civilian agencies.

3. All agencies shall intensify conservation efforts. DPA, working with the Munitions Board and the responsible civilian agencies, shall (a) prepare a quarterly list of feasible conservation recommendations, (b) wherever practicable, set quantitative goals for each recommendation, and (c) measure progress being achieved. These conservation practices should be reflected in requirements estimates submitted to DPA.

Both civilian and military agencies shall strengthen their administrative procedure for putting conservation recommendations into effect as rapidly as possible. Re-design and substitution will be necessary in some military end-items to insure the absolute minimum use of scarce materials consistent with desired performance characteristics. Through control measures, maximum practicable conservation of these scarce materials should be achieved in industrial and civilian production. Research must be emphasized leading to development of alternate materials and alloys, which will make materials available with similar performance characteristics for specific uses.

4. DMPA shall intensify expansion activities necessary to increase the supply of Band I materials beyond presently achieved levels. Based on programs authorized by DPA, DMPA should initiate such extraordinary measures as may be required to expand supply. To achieve this objective any of the following measures may be used by DMPA: loans and advances, grants of funds for exploration and technological development, long-term contracts with market guarantees and prices substantially higher than current market prices, bonus payments for accelerated delivery, the underwriting of additional cost on an arbitration basis for early delivery, negotiations with foreign governments and other Government assistance available under existing legislation. In those cases where the Administrator of the Defense Materials Procurement Agency finds it is necessary to make future Government contracts or letters of intent binding in order to accelerate the accomplishment of these programs, such contracts or letters of intent may be made binding even though later information may lead to a reduction of calculated deficiencies.

DMPA shall prepare for DPA quarterly reports, indicating both reasonably assured and potential sources of supply—with data specifying the financial obligation assumed by the Government in each case. These reports should also include specific recommendations for further action, indicating whether existing measures are adequate or whether new measures and authority are required.

DMPA shall also prepare a study, directed in the case of each Band I material, to that price level and market guarantee above and beyond which it is to the Government's interest to build facilities rather than to purchase materials. Review of tax legislation and changes in defense legislation pertaining to the question of construction of facilities versus purchase of materials is also requested of DMPA.

5. The Munitions Board shall give priority to the review of stockpile objectives for Band I materials and, jointly with the Secretary of the Interior, revise them where necessary. Stockpile objectives shall provide a firm basis for commitments to expand supply.

6. The DPA will rely on the Director for Mutual Security to arrange for appropriate steps to: (a) Formulate estimates of friendly countries' supply-demand position for Band I materials under conditions of full mobilization; (b) encourage expansion of production in friendly countries, and (c) stimulate conservation programs in friendly consuming countries.

The Director for Mutual Security also should recommend to the Director of Defense Mobilization such other steps concerning U. S. policies affecting programming, procurement, conservation, and development of materials which would make foreign sources of supply more reliable and contribute to the maximum collective strength of the free world.

7. The coordination and direction of this program shall be the responsibility of DPA. The primary objective of DPA shall be to establish a firm basis for action by all agencies in order to obtain, as soon as possible, the indispensable minimum amount of materials necessary for full mobilization.

This order is to take effect on October 17, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

OCTOBER 15, 1952.

[F. R. Doc. 52-11299; Filed, Oct. 15, 1952; 11:22 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 122, Amdt. 1]

CPR 122—CEILING PRICES FOR WESTERN SOFTWOOD PLYWOOD AND VENEER

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 1 to Ceiling Price Regulation 122 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 122 adds to the regulation ceiling prices and established weights for direct mill sales of most grades and sizes of Plyron, a Douglas Fir plywood faced with hardboard. It also clarifies Section 3 (b) of the regulation which deals with less-than-carload sales.

Plyron is grade marked and inspected by the Douglas Fir Plywood Association and is nationally advertised under that trade name. It has many industrial uses, in addition to being used as siding and concrete forms and in connection with cabinet and built-in fixtures. The production of Plyron on a large scale began at a relatively recent date. Thus, about 10 companies are presently producing it, whereas there were only 3 producers 2 years ago. Most manufacturers who are presently manufacturing only a few items are planning the manufacture of a fuller and more diversified line. Other mills which are not producing this product at the present time are planning to start its manufacture in the near future. The purpose of this amendment is to give all manufacturers a uniform ceiling price on most grades and sizes of Plyron.

The level of prices established by this amendment for Plyron is approximately at the level prevailing in the base period of the GCPR. The average GCPR level was generally used in establishing ceiling prices for other commodities covered by CPR 122.

The changes in section 3 (b) of CPR 122 make it clear that the addition for less than carload direct mill sales of any product covered by this regulation is permitted only when a less-than-carload freight rate applies from the manufacturer's point of origin of shipment. Such was the original intent of the provision, which was placed in the regulation to provide an additional reimbursement to the producing mill to cover increased expenses involved in handling less-than-carload shipments. An interpretation to this effect was previously issued by the Office of Price Stabilization.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives from industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 122 is hereby amended in the following respects:

1. A new paragraph (g) is added to section 16 immediately following paragraph (f) to read as follows:

(g) *Plyron.* The ceiling prices f. o. b. mill for carload direct mill sales per 1,000 square feet of Plyron, a plywood with inner plies of Douglas Fir veneer manufactured in accordance with the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS 45-48 (Douglas Fir Plywood, domestic grades) Eighth Edition, effective November 1, 1948, and faced with 1/10" or 1/8" hardboard (tempered or treated) shall be as follows:

TABLE 10—PLYRON

[Widths 24" to 48" in 6" breaks; lengths 48", 60", 72", 84", 96"]

Thickness	Number of plies	Interior	Exterior
5/16 inch	3		$190
3/8 inch	3		210
1/2 inch	5	$235	277
5/8 inch	5	267	275
3/4 inch	7	286	295
7/8 inch	7	321	357
1 inch	7	364	374
1 1/8 inches	7	377	405
1 1/4 inches	9	419	444

2. Section 18 is amended to read as follows:

SEC. 18. *Established weights of plywood.* Established weights no higher than the following may be used in figuring delivery charges of plywood:

[Pounds per 1,000 square feet]

Thickness	Douglas fir, hemlock, noble fir, white fir, spruce	Western pine	Redwood cedar	Plyron
1/4-inch	490	450		
5/32-inch	640	525		
9/32-inch	790	700	600	
11/32-inch	950	875		
5/16-inch	1,125	1,050	850	
3/8-inch	1,300	1,225		
7/16-inch	1,525	1,400	1,175	2,125
15/32-inch	1,675	1,575		
9/16-inch	1,825	1,750	1,425	2,425
5/8-inch	2,000	1,925		
11/16-inch	2,225	2,100	1,950	2,825
3/4-inch	2,375	2,275		
13/16-inch	2,600	2,450		3,200
7/8-inch	2,800	2,625		
15/16-inch	3,000	2,800		3,600
1 inch	3,175	2,975		
1 1/8-inches	3,350	3,150		3,950
1 1/4-inches	3,640	3,325		
1 5/16-inches	3,790	3,500		4,440

For thicknesses greater than 1 1/4" use 1" weight plus weight of other thicknesses necessary.

NOTE: The seller must apply to the Lumber & Wood Products Branch, Office of Price Stabilization, Washington 25, D. C., for established weights for other softwood species and other products covered by this regulation not shown in above tables.

3. Section 3 (b) of CPR 122 is amended to read as follows:

(b) *Ceiling prices f. o. b. mill for less-than-carload direct mill sales.* When a less-than-carload freight rate applies at the manufacturer's point of origin of shipment, the ceiling price f. o. b. mill for less-than-carload direct mill sales of any product covered by this regulation shall be 10 percent over the prices set forth in the ceiling price tables of this regulation. You may not make a charge under this paragraph if you charge under section 17 (l) for carload shipments mixed with lumber.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11309; Filed, Oct. 15, 1952; 4:00 p. m.]

[Ceiling Price Regulation 161, Amdt. 1]

CPR 161—CONSUMER DURABLE GOODS REGULATION

CLARIFYING AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 161 adds to, clarifies and corrects the list of commodities contained in Appendix A, and makes technical changes in the text of the regulation.

Certain commodities were inadvertently included within the coverage of this regulation although they were not within the classification of consumer goods subject to Ceiling Price Regulations 22 and 161 and are covered by other regulations. These items—lighting fixture glassware (blown and pressed only), butcher saws, auto radio antennas, electronic signaling systems and parts, and motor scooters—are by this amendment removed from Appendix A and the coverage of CPR 161.

Thermostats for use on gas and electric cooking ranges are subject to CPR 22, but special considerations have dictated their exclusion from CPR 161, and they are, consequently, removed from Appendix A by this amendment.

Jewelled watches, wholly manufactured in the United States, are added to Appendix A because they are consumer durable goods presently subject to Ceiling Price Regulation 22 or the General Ceiling Price Regulation, and, consequently, are in the same classification as other commodities listed in Appendix A to CPR 161 and should be covered by that regulation for the same reasons. Clock type watches are presently listed in Appendix A. Watches and clocks made in the United States with imported movements remain subject to Ceiling Price Regulation 145.

Hot plates, portable ovens, and domestic space heaters are also consumer durable goods presently subject to CPR 22 or the General Ceiling Price Regulation and were intended to be covered by Ceiling Price Regulation 161. For this reason, this amendment adds them to Appendix A. In addition, the present listings of freezers and refrigerators are amended to make clear that the larger commercial and industrial types are not covered by Ceiling Price Regulation 161.

The listing of motion picture cameras, etc., is altered to exclude cameras and other photographic apparatus taking film of 35 mm. or larger. This is necessary to avoid conflict with CPR 30, which provides for cameras using the larger film and for studio, theatre, commercial and industrial cameras and other photographic apparatus.

A typographical error appeared in subparagraph 3 of Appendix A. Since signs are now exempted from price controls, this subparagraph is being deleted instead of corrected. Another typographical error in paragraph 9 relating to asphalt tile is being corrected.

Section 6 (d) of CPR 161 relates to ceiling prices for sales to a new class of purchaser. This provision was intended to apply to all commodities listed in Appendix A and not only to "new" commodities. The first unnumbered paragraph of section 1 and the heading of section 6 are amended to make this intention clear.

Subsequent to the issuance of CPR 161 certain small manufacturers have been exempted from CPR 22 and the GCPR. This amendment extends that exemption to CPR 161 for the same reasons as are set forth in the Statement of Considerations for Amendment 33 to the GCPR.

In view of the technical nature of the changes and clarifications made by this amendment, and the desirability of immediate correction, the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 161 is hereby amended in the following respects:

1. Section 1 is amended by inserting the following sentence at the end of the third sentence of the first unnumbered paragraph after the words "General Ceiling Price Regulation":

Similarly, this regulation applies to, and replaces CPR 22 and the GCPR as to the determination of ceiling prices for, sales of all commodities listed in Appendix A to a new class of purchaser.

2. Section 1 is amended by adding the following paragraph at the end of the section:

This regulation does not cover manufacturers who are exempt from price control by virtue of section 14 (n) of the General Ceiling Price Regulation or Appendix A (a) (4) of Ceiling Price Regulation 22.

3. Section 6 is amended by deleting the period and adding the following words at the end of its heading, "and for sales to a new class of purchaser" so that it reads as follows:

SEC. 6. *Ceiling prices for new commodities not covered by the preceding sections and for sales to a new class of purchaser.*

4. Paragraph 1 of Appendix A is amended in the following respects:

(i) Add the words "farm and home" after the word "Freezers" so that the subparagraph reads as follows:

Freezers, farm and home.

(ii) After the subparagraph "Freezers, farm and home" add a new subparagraph to read as follows:

Hot plates.

(iii) After the subparagraph "Laundry washers and driers" add a new subparagraph to read as follows:

Portable ovens.

(iv) Add the word "domestic" after the word "Refrigerators" so that the subparagraph reads as follows:

Refrigerators, domestic.

(v) After the subparagraph "Sewing machines and attachments" add a new subparagraph to read as follows:

Space heaters, domestic.

5. Paragraph 3 of Appendix A is amended by deleting the subparagraph:

Signs (except car, lithographed and printed).

6. Paragraph 5 of Appendix A is amended in the following respects:

(i) Insert the words "and watches and clocks made with imported movements" in the heading so that it reads as follows:

Clocks and watches (except time clocks and industrial timing devices and watches and clocks made with imported movements)

(ii) Insert the following subparagraph after "Timers, clock":

Watches, jewelled, wholly manufactured in the United States.

7. Paragraph 9 of Appendix A is amended by correcting the first subparagraph to read as follows:

Asphalt tile.

8. Paragraph 12 of Appendix A is amended by deleting the subparagraph:

Lighting fixture glassware (blown and pressed only).

9. Paragraph 14 of Appendix A is amended by deleting the following subparagraphs:

Butcher saws.
Thermostats for use on gas and electric cooking ranges.

10. Paragraph 27 of Appendix A is amended by adding to the last subparagraph the phrase "less than 35 mm." immediately following the word "apparatus," and the word "not" immediately preceding the phrase "for studio" so that it reads as follows:

Motion picture cameras, projectors and apparatus, less than 35 mm., including sound equipment and parts for recording, reproducing and projecting (not for studio, theatre, commercial, and industrial use).

11. Paragraph 33 of Appendix A is amended in the following respects:

(i) Delete from the first subparagraph the words "automobile radio" so that it reads as follows:

Antennas, household radio and television.

(ii) Delete the following subparagraph:

Signaling systems and parts, electronic (not covered by CPR 30).

12. Paragraph 40 of Appendix A is amended by deleting the words "motor scooter" from the sixth subparagraph so that it reads as follows:

Motor bicycles and power cycles.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11306; Filed, Oct. 15, 1952; 11:45 a. m.]

UNIVERSITY OF MICHIGAN

[Distribution Regulation 1, Revision 1, Amdt. 4]

DR 1—Fair Distribution of Livestock and Meat

REGISTRATION OF SLAUGHTERERS; SUSPENSION OF REPORTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 4 to Distribution Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Distribution Regulation 1, Revision 1 (DR 1, Rev. 1):

(1) This amendment permits the registration of slaughterers who slaughtered during the base period (January 1, 1950, to February 9, 1951) but who failed to register by the cut-off date of December 15, 1951. It has been found that a few slaughterers who slaughtered during the base period failed to register in time. The cut-off date has been eliminated in order to prevent hardship to such persons and because it has been determined that this action will not contravene the policies of this regulation.

(2) In accordance with the general policy of OPS of relieving industry of the burden of reporting requirements whenever practicable, this amendment also suspends the reporting requirements of DR 1, Rev. 1, concerning the volume of slaughter. These reports were useful in enforcing slaughter quotas when quotas were in effect and in enforcing restrictions on the species of livestock which could be slaughtered when such restrictions were in existence. In addition, they are necessary in connection with any allocations of meat. Congress, however, has eliminated slaughter quotas and the authority of OPS to place restrictions on the species of livestock which may be slaughtered by registered slaughterers. Moreover, there are no allocations of meat in effect at the present time. Accordingly, these reporting requirements are not now essential to the effective administration of this regulation.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, are appropriate to promote the national defense, and conform with all applicable standards of that Act.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 15 is amended by redesignating section 15 (c) as section 15 (d) and inserting before it a new section 15 (c) to read as follows:

(c) If you slaughtered livestock during the period January 1, 1950, to February 9, 1951, and you are not now registered as a slaughterer, you may apply to the OPS for a Class 1 or Class 2 registration. The Director of Price Stabilization may grant you a registration, on such conditions as he may deem necessary to further the policy of this regulation, if you submit a signed application showing the following information:

(1) Your name and address. (If you are a corporation, state the name and address of each person owning stock amounting to 10 percent or more of the total issued. If you are a partnership, state the name and address of each person with an interest of 10 percent or more in the partnership.) Submit the same information regarding the name and address of the slaughtering establishment in which you operated in the period January 1, 1950, to February 9, 1951;

(2) Documentary evidence establishing that you slaughtered during the period January 1, 1950, to February 9, 1951, and indicating whether you slaughtered for your own account or for others during that period;

(3) A description of the sanitary facilities with which your plant is equipped. To be registered, your establishment must meet the sanitary requirements of section 15 (a).

2. Section 17 (b) is amended by adding a new subparagraph (5) to read as follows:

(5) This paragraph 17 (b) is suspended until further notice, commencing with slaughterers' accounting periods beginning after September 27, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. The provisions of this amendment shall be effective on October 20, 1952.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11308; Filed, Oct. 15, 1952; 4:00 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 9]

GOR 4—Exemptions and Suspensions of Certain Consumer Soft Goods

SUSPENSION OF IMPORTED RAW COTTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds imported raw cotton to the list of commodities suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. Imported raw cotton, insofar as it is subject to price control, is presently covered by CPR 31, as amended. Such regulation provides that ceiling prices for the sale of any commodity by an importer other than an importing-retailer shall be the landed cost of the commodity plus a dollars and cents markup based on sales of such commodity during the base period (July 1, 1949 to June 30, 1950, inclusive). Consequently, under this margin type of regulation, as the landed cost of imported raw cotton decreases the importer's ceiling price likewise decreases.

Current selling prices of imported raw cotton are substantially below the ceiling levels reached under CPR 31 during 1951. Further, it is unlikely that present selling or ceiling prices of imported raw cotton will in the foreseeable future reach the levels of ceiling prices for this cotton which obtained during 1951 or that importers of raw cotton will be able to increase their margins upon suspension of CPR 31. Prices of raw cotton in countries which export to the United States, such as Egypt, India, Peru and Mexico, have followed the decline in selling prices of raw American upland cotton which has taken place in this country during the past year. Further, the cotton covered by this regulation amounts only to an insignificant part of total United States consumption of cotton.

During the past crop year (August–July) consumption of cotton in the United States declined from the large total of the previous year, coincident with the production of a fairly large crop in this country. As a result, domestic prices of American upland cotton receded from the ceiling level of 45.76 cents per pound for odd lots of white middling 15/16 inch in the Group B mill area of the Carolinas. In line with this decline in domestic prices and the larger domestic cotton crop, importers have bought foreign cottons sparingly, and imports of foreign growths during the first eight months of the current crop year were only 66,814 bales compared with imports of 137,195 bales for the same period of the previous crop year. In addition, consumption of cotton in foreign countries is declining and world carryover of cotton on August 1, 1952 is expected to be more than 2,000,000 bales larger than the 11,000,000 bale carryover for the same date in 1951. With these considerations it is unlikely that, for the foreseeable future, the selling or ceiling prices of imported cotton in this country will reach the 1951 peak. With this prospect there seems little reason to expect any widening of importers' margins unless United States demand for foreign cottons strongly increase and prices of foreign growths rise abruptly.

Ceiling prices for raw American upland cotton were established by CPR 8, effective March 3, 1951. While selling prices for such cotton remained at ceilings from March through June 1951, they subsequently declined and have remained below ceilings. Accordingly, on May 20, 1952, price controls on sales of raw American upland cotton were suspended.

The suspension of ceiling prices on imported raw cotton will have little, if any, effect on imports of cotton of foreign growths for the following reasons: Extra long staple cotton is exempt from price regulation by section 14 (s) (5) of the GCPR and imports of other foreign growths of cotton, such as short staple harsh Indian, long staple Peruvian, medium staple Mexican and all other growths of Egyptian except extra long staple, are limited to established quotas which have been in effect for many years. Although it is foreseeable that raw cotton imports may increase over current amounts in successive years because import quotas are larger than actual imports this year, nevertheless, these minor increases would not be the result of suspension of price ceilings, nor is it now foreseeable that such increases would raise prices above the level of ceiling prices reached in 1951.

Should domestic and foreign growths advance in price, then the control of importers' markups will again be necessary. Accordingly, the suspension of this regulation, as it relates to ceiling prices of imported cotton, will be terminated whenever the suspension of ceiling prices for domestic cotton is discontinued or, at the discretion of the Director of Price Stabilization, whenever there may be abnormal increases in prices of any or all varieties of imported cottons.

In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(m) Imported raw cotton, until such time as the suspension of ceiling price regulations applicable to American upland cotton is discontinued.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to General Overriding Regulation 4, Revision 1, is effective October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11307; Filed, Oct. 15, 1952; 11:45 a. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 7]

GOR 5—Exemptions and Suspensions of Certain Consumer Durable Goods and Related Commodities

REVOCATION OF SUSPENSION OF RADIO, TELEVISION AND PHONOGRAPH PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 7 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

By Amendment 1 to General Overriding Regulation 5, Revision 1, price controls were suspended over radios, television sets and phonographs at all levels of distribution. This action was taken because selling prices for these commodities were materially below ceiling prices. At the same time, parts for these commodities were also suspended. The justification for this action was that prices for these parts can normally be expected to parallel prices for the finished commodities.

However, it has developed, since the issuance of Amendment 1 to GOR 5, Rev. 1, that the suspension of controls over radio, television and phonograph parts is threatening to impair the effectiveness of price controls in other areas where selling prices are at, or close to, ceiling prices. Consequently, it has been decided in the interest of the stabilization program to end the suspension of controls over parts at all levels of distribution.

Of the areas affected by the suspension of control over parts, the one of greatest importance to the consuming public is the repair of radio and television sets. It is common knowledge that there is a serious shortage throughout the country of service men for radios and television sets. Of major importance to every owner of a television set is the cost of servicing it. Prices charged for repairing radio and television sets generally are at ceiling. Since the repair of these sets usually involves the replacement of one or more parts, it is clear that there can be no effective control over the charges made for repairing a set as long as there is no control over the part which is included in the repair. In order to protect consumers utilizing the services of radio and television repair men it is essential that parts be kept under control.

In the short time that controls have been suspended it has become apparent that there is much uncertainty in the industry as to exactly what commodities are included in the suspension. With a few exceptions, such as tubes, the major portion of radio and television parts are not manufactured by radio and television manufacturers, but are produced by "parts" manufacturers for use in a variety of other commodities as well as in radios, television sets, and phonographs. Numerous parts having such interchangeable uses, though they might properly be said to be radio, television or phonograph parts, were, nevertheless, not intended to be suspended from controls. Furthermore, radio, television and phonograph part manufacturers manufacture items which cannot properly be designated as parts, but are merely materials for use in a part or in the finished product. There are indications that the uncertainties as to the exact coverage of the suspension, together with the burdens placed on both sellers and this Agency in drawing the line and maintaining the distinction between items under control and items suspended, may interfere with a workable and enforceable stabilization program in areas where prices are at, or near, ceilings.

With regard to many of the parts which may be used interchangeably in other finished products, it is not possible to ascertain whether and to what extent prices for such parts follow those of the completed radio, phonograph or television set. In addition to these interchangeable parts there are many parts manufactured by the same manufacturers as those who make radio, phonograph and television parts which are similar to the latter but which are used in finished products which are not suspended from price control. In view of the possible pressure which suspension of controls on television, radio and phonograph parts may exert on the ceiling prices of the wide number of commodities using the same or similar parts as go into radio and television sets, it is deemed desirable to bring back under control all parts, except cabinets. The suspension of cabinets is continued.

The effect of this amendment is to reimpose the same ceiling prices and regulations which would have been applicable if no suspension had taken place. However, sellers who have introduced new parts since the suspension are permitted to sell such parts for 30 days at the prices they had in effect during the suspension period. This will allow time for the calculation of ceiling prices and the filing of any reports required under the applicable regulation. In view of the short period of time which has elapsed since the suspension of controls, it is not expected that recontrol upon this basis will present any difficulties for the industry.

In view of the emergency nature of this amendment and the necessity of acting speedily to reimpose controls with as little disturbance to the industry as possible, formal consultation with industry representatives, including trade association representatives, has been rendered impracticable. There has, however, been informal consultation with individual members of the industry.

In the judgment of the Director, based upon data presently available, this action is necessary in the interests of the stabilization program and the ceiling prices reimposed meet the requirements and will effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended in the following respects:

1. Section 1 is amended by adding the following sentence at the end thereof:

"The sections in Article IV contain special provisions covering the revocation of certain exemptions and suspensions."

2. Section 102 is amended by deleting from the third line the words "Parts of the foregoing, including" and by deleting from the fourth line the words "and parts thereof" so that the section will read as follows:

SEC. 102. *Radios.*

Radio receivers.
Radio-phonograph combinations.
Radio cabinets.

3. Section 103 is amended by deleting the words "and television accessories" from the section heading, by deleting the words "Television antennae, boosters, accessories" from the fourth line and by deleting from the fifth and sixth lines the words "Parts of the foregoing, including" and the words "and parts thereof" so that the section will read as follows:

SEC. 103. *Television sets.*

Television receivers.
Television combinations, including combinations with radio or phonograph or both.
Television cabinets.

4. Section 104 is amended by deleting from the sixth line the words "Parts of the foregoing" and by substituting the words "Phonograph cabinets." As amended, the section will read as follows:

SEC. 104. *Phonographs, recorders, and related commodities.*

Record player attachments.
Phonographs.
Magnetic recorders, tape or wire (not including office equipment).
Tape and wire for magnetic recording.
Phonograph cabinets.

5. There is added a new Article IV to read as follows:

ARTICLE IV—REVOCATION

SEC. 200. *Radio, television and phonograph parts.* On and after October 15, 1952, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any radio, television or phonograph part, except a cabinet, at a price exceeding its ceiling price under the regulation applicable to such part. Notwithstanding the foregoing provision, however, if the part is one which you first sold or offered for sale after August 28, 1952, you may sell it until November 15, 1952, at a price not to exceed the highest price at which you delivered it between August 29, 1952 and October 15, 1952 or, if the part was not delivered during this period, the highest price at which you offered it for delivery during this period to a purchaser of the same class. All terms used in this section have the same meaning as in the regulation which establishes your ceiling prices for radio, television and phonograph parts.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective on October 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11305; Filed, Oct. 15, 1952; 11:44 a. m.]

[General Overriding Regulation 32, Special Order 7]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 7—SELLERS OF CIGARETTES IN NEW HAMPSHIRE

CEILING PRICES RAISED TO CONFORM WITH THE NEW HAMPSHIRE UNFAIR SALES ACT

Statement of considerations. This special order raises the ceiling prices of New Hampshire cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the New Hampshire Unfair Sales Act. This action does not presently affect ceiling prices of New Hampshire cigarette sellers which are at or above the minimum prices required by that act on the effective date of the special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the New Hampshire Unfair Sales Act in the event of a change in the minimum prices computed pursuant to that act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in New Hampshire.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Director of the Tobacco Products Division of the New Hampshire State Tax Commission that the New Hampshire Unfair Sales Act was in effect and enforced on June 30, 1952, and on August 18, 1952 (the date of the application); that the act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of New Hampshire are lower than the minimum sales prices required to be charged by that act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the New Hampshire Unfair Sales Act of 1952, hereinafter referred to as the New Hampshire Act, which are below the minimum sales prices computed pursuant to that act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in New Hampshire on August 18, 1952 (the date of the application submitted by the Director of the Tobacco Products Division of the New Hampshire State Tax Commission, hereinafter referred to as the State Director, under GOR 32), have increased after that date pursuant to the New Hampshire Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the State Director by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the New Hampshire Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in New Hampshire on August 18, 1952, are decreased after that date pursuant to the New Hampshire Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in New Hampshire after August 18, 1952, the cigarette sellers subject to the New Hampshire Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the New Hampshire Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the State Director by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the New Hampshire Act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the New Hampshire Act whose ceiling prices would be affected by the State Director's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the New Hampshire Act upon his mailing of such report

unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "New Hampshire Unfair Sales Act" means that Act as amended up to June 30, 1952 (Chapter 204, Revised Laws of New Hampshire 1942).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 16, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11310; Filed, Oct. 15, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-20, Direction 1, as amended Oct. 15, 1952]

M-20—IRON AND STEEL SCRAP

DIR. 1—ALLOY SCRAP SEGREGATION

This amended direction to NPA Order M-20 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amended direction has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

EXPLANATORY

Direction 1 of August 14, 1952, to NPA Order M-20 is amended by changing the definition of "person" appearing in section 1 (a), and by deleting two specification numbers from List A of the order.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Segregation required.
3. Sale and delivery.
4. Mingling prohibited.
5. Use limitation.
6. Exceptions.
7. Reports.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government. A person who keeps separate inventory records for any separate operating or producing unit shall treat each such separate operating or producing unit as a separate person for the purpose of this direction, unless NPA otherwise directs or permits upon application of such person.

(b) "Melter" means a person who produces an alloy product (which may be either ferrous or nonferrous) by melting.

(c) "Alloy scrap" means ferrous or nonferrous scrap containing 0.5 percent or more of nickel. (Reference is made to the exceptions contained in section 6 of this direction.)

SEC. 2. *Segregation required.* Any person, except a melter, who, as a result of a production or manufacturing operation, generates during any calendar month a total of 20 gross tons or more of alloy scrap, shall segregate such scrap into the appropriate type or types indicated in List A of this direction.

SEC. 3. *Sale and delivery.* (a) No person shall accept delivery of any of the types of alloy scrap described in List A of this direction which have been segregated into lots of 20 gross tons or more, except where such scrap is to be used for melting pursuant to section 5 of this direction, or except where such scrap is purchased for resale as permitted in paragraphs (b) and (c) of this section.

(b) Any person, except a melter, who, as a result of a production or manufacturing operation, generates alloy scrap shall, as soon as he has accumulated or otherwise holds 20 gross tons or more of any type of alloy scrap, offer it for sale and immediate shipment to a melter or scrap dealer or to a broker for further immediate shipment by him to a melter. If his terms of sale are met, he shall make delivery of all such scrap to the purchaser, but if his terms of sale are not met, he shall report the tonnage of each type of scrap offered, the proposed terms of sale, the names of the persons to whom offered, and any other pertinent information in writing to NPA, Washington 25, D. C., Ref: M-20, Dir. 1, within 10 days from the date on which he accumulated the minimum tonnage of scrap specified in this paragraph.

(c) Any scrap dealer, or any other person (except a melter or generator) who accumulates alloy scrap shall, as soon as he has accumulated 20 gross tons or more of any type of alloy scrap, offer it for sale and immediate shipment to a melter or to a broker for further immediate shipment by him to a melter. If his terms of sale are met, he shall make delivery of all such scrap to the purchaser, but if his terms of sale are not met, he shall report the tonnage of each type of scrap offered, the proposed terms of sale, the names of the persons to whom offered, and any other pertinent information in writing to NPA, Washington 25, D. C., Ref: M-20, Dir. 1, within 10 days from the date on which he accumulated the minimum tonnage of scrap specified in this paragraph.

SEC. 4. *Mingling prohibited.* No person shall (except in melting pursuant to section 5 of this direction) mingle alloy scrap segregated pursuant to section 2 of this direction with scrap which is unclassified or of a different type, or ship or deliver such scrap without clearly identifying the type to which it belongs.

SEC. 5. *Use limitation.* No person shall melt any alloy scrap except in the production of ferrous or nonferrous alloys in which nickel is required.

SEC. 6. *Exceptions.* The provisions of this direction shall not be applicable to copper scrap or copper-base alloy scrap (as defined in NPA Order M-16) nor to aluminum scrap (as defined in NPA Order M-22).

SEC. 7. *Reports.* Each person who purchases any alloy scrap for melting shall report to NPA by the seventh day of each month on Form NPAF-113 his inventory at beginning and end of the month and his receipts during the month, beginning with the report for September 1952, for each type of scrap indicated on List A of this direction.

This direction, as amended, shall take effect October 15, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A OF NPA ORDER M-20—NICKEL ALLOYS

Type	*Name*	*AISI Specification No.*
1.	Nickel types and nickel chromium types (nickel 1.0% to 5.25%).	2300, 2500, 3100, and 3300 series.
2.	Nickel molybdenum types and high nickel chromium molybdenum (nickel 1.0% to 5.25%).	4300, 4600, 4800, 9300, and 9800 series.
3.	Low nickel chromium molybdenum types (nickel under 1.0%, molybdenum 0.08% to 0.65%).	8600, 8700, and 9700 series.
4.	Stainless steel 6.0% to 12.0% nickel	301, 302, 303, 304, 305, 308, and 321.
5.	Stainless steel 12.0% to 22.0% nickel	309, 310, 311, and 314.
6.	Stainless steel 10.0% to 14.0% Ni, 1.75% to 4.0% Mo	316, 317, and 318.
7.	Stainless steel 9.0% to 12.0% Ni plus Cb or CbTa	347.

[Rent Regulation 1, Amdt. 82 to Schedule A]

[Rent Regulation 2, Amdt. 80 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MAINE

Effective October 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Maine				
(137) Portland	B	In Androscoggin County, the city of Lewiston; and in Androscoggin and Cumberland Counties, any other locality in which rent control is continued beyond Sept. 30, 1952, under the provisions of sec. 204 (f) (1) of the act.	Mar. 1, 1942	Aug. 1, 1942
	B	In York County, the cities of Biddleford and Saco, and the town of Sanford.	....do.....	Dec. 1, 1942

[F. R. Doc. 52-11241; Filed, Oct. 15, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 86 to Schedule A]

[~~Rent Regulation 4, Amdt. 30 to Schedule A~~]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW HAMPSHIRE AND MAINE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction controls under section 204 (m) of said act.

Effective October 6, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 81 to Schedule A]

[Rent Regulation 2, Amdt. 79 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW HAMPSHIRE AND MAINE

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction controls under section 204 (m) of said act.

Effective October 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of October 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Hampshire				
(187) Portsmouth, N. H.-Kittery, Maine.	B	In Maine—in York County, the town of Kittery.....	Mar. 1, 1942	Dec. 1, 1942
	C	do.....	Mar. 1, 1952	Oct. 6, 1952
	A	in Maine—in York County, the towns of Berwick, Eliot, North Berwick, South Berwick, and York. In New Hampshire—in Rockingham County, the city of Portsmouth, and the towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham; Strafford County, except the towns of Middleton and New Durham.	....do.....	Do.

[F. R. Doc. 52-11243; Filed, Oct. 15, 1952; 8:52 a. m.]

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(187) Portsmouth, N. H.-Kittery, Maine.	New Hampshire.	In Rockingham County, the city of Portsmouth, and the towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham; Strafford County, except the towns of Middleton and New Durham.	Mar. 1, 1952	Oct. 6, 1952
	Maine.....	In York County, the towns of Berwick, Eliot, Kittery, North Berwick, South Berwick, and York.	....do.....	Do.

[F. R. Doc. 52-11242; Filed, Oct. 15, 1952; 8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

LOAD AND TRIM; CHOCKS AND BITTS

Pursuant to the authority vested in the Governor by Rule 9, Executive Order No. 4314 of September 25, 1925 (35 CFR 4.11), §§ 4.3 and 4.42 are hereby amended to read as follows:

§ 4.3 *Load and trim.* All vessels shall be properly trimmed before transiting the Canal. No vessel shall be permitted to transit while having a list of more than 10° or while she is so loaded or is so trimmed as to dangerously affect her maneuverability. Any vessel having a list between 3° and 10°, or which is so loaded or so trimmed as to affect her maneuverability, will be denied transit unless the master, in the presence of the pilot, signs an undertaking releasing the Panama Canal Company from, and indemnifying it against, any loss, damage, or liability which may result from injury to the vessel or its cargo, to other vessels or their cargo, or to Canal structures or equipment, or from injury to or death of any person, where any such injury or death is caused in whole or in part by such failure of the vessel to meet, substantially, the requirements of this section.

§ 4.42 *Chocks and bitts.* For each towing wire used the ship shall be fitted with a heavy closed chock and a heavy pair of bitts, capable of withstanding a strain of 50,000 pounds on the towing wire from any angle, and a straight clear lead shall be provided from each chock to the securing bitts. The most suitable installations for the bow and stern towing chocks are large chocks set thwartships right in the stem and in the stern, respectively. Such chocks and bitts shall be double the size and strength given above. Both bow wires and both stern wires shall be run through such chocks. For 6-locomotive ships there shall be, in addition, a chock on each side forward of amidships, and for 8-locomotive ships, two additional chocks on each side, one set of two about one-third the ship's length abaft the bow, and the other set of two the same distance forward of the stern. If a vessel fails to meet, substantially, the requirements of this section, it will be denied transit unless the master thereof, in the presence of the pilot, signs an undertaking releasing the Panama Canal Company from, and indemnifying it against, any loss, damage, or liability which may result from injury to the vessel or its cargo, to other vessels or their cargo, or to Canal structures or equipment, or from injury to or death of any person, where any such injury or death is caused in whole or in part by such failure of the vessel to meet, substantially, the requirements of this section.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318, E. O. 4314, Sept. 25, 1925)

Issued at Balboa Heights, Canal Zone, October 2, 1952.

J. S. SEYBOLD,
Governor of the Canal Zone.

[F. R. Doc. 52-11220; Filed, Oct. 15, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

MOOSE HUNTING PERMITTED

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, it has been determined that certain lands in addition to those opened to moose hunting by regulations published in the FEDERAL REGISTER of August 29, 1952 (17 F. R. 7905), also can be opened to the hunting of moose.

Since the following regulation is a relaxation of existing restrictions applicable to the Red Rock Lakes Migratory Waterfowl Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, § 31.291 is revised to read as follows:

§ 31.291 *Moose hunting permitted.* Moose may be taken with firearms during the 1952 State season for the hunting of moose on the refuge lands lying south and east of Elk Springs Creek, Shambow Creek and Shambow Pond in the following subdivisions:

Sections 5, 6, 7, 8, 17, 18, and 19, T. 14 S., R. 1 E., section 31, T. 13 S., R. 1 E., and sections 1, 2, 3, 10, 11, 12, 13, 14, 15, and 20 to 30, inclusive, T. 14 S., R. 1 W., M. P. M.,

subject to the provisions, conditions, and requirements of §§ 31.292 and 31.293.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: October 9, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-11212; Filed, Oct. 15, 1952; 8:45 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and the Division of Fish and Game of the State of New York Conservation Department, it has been determined that a surplus of deer exists on and in the vicinity of the Montezuma National Wildlife Refuge, New York, the removal of which can best be accomplished by public hunting on a portion of the refuge.

Since the following regulations are relaxations of existing restrictions applicable to the Montezuma National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, the following subpart is added:

SUBPART—MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

DEER HUNTING

Sec.
35.21 Deer hunting permitted.
35.22 Entry.
35.23 State hunting laws.
35.24 State cooperation.

AUTHORITY: §§ 35.21 to 35.24 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 35.21 *Deer hunting permitted.* Deer may be taken with firearms during the 1952 State season for the hunting of deer on the following designated areas of the Montezuma National Wildlife Refuge, which shall be designated by suitable posting by the refuge officer in charge:

(a) All refuge lands east of May's Point and north of the Clyde River (including the relocated channel of the Clyde River).

(b) All refuge lands south of the New York State Throughway right-of-way, and west of Highway 414.

(c) All refuge lands south of Highway 5 and 20, bounded on the north by the cleared power line right-of-way bordering said highway; on the east by a refuge patrol road; on the southeast by a power line crossing the southeast corner of the refuge; on the south by the cleared right-of-way of a telephone cable line; and on the west by the refuge boundary,

subject to the provisions, conditions, and requirements of §§ 35.22 through 35.24, inclusive.

§ 35.22 *Entry.* Entry on and use of the refuge are governed by the regulations in Parts 18 and 21 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting by the officer in charge. When entering or leaving the public hunting area, hunters must report at such checking stations as may be established for the purpose of regulating the hunt.

§ 35.23 *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the refuge.

§ 35.24 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event that such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting.

Dated: October 9, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52–11211; Filed, Oct. 15, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

AIR-NAVIGATION SITE WITHDRAWAL, ARIZONA NO. 1

OCTOBER 9, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (49 U. S. C. 214), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal, Arizona No. 1:

GILA AND SALT RIVER MERIDIAN

T. 16 N., R. 21 W., sec. 14. N½S½SE¼SW¼, S½N½SE¼SW¼, S½NW¼SW¼SE¼ and N½SW¼SW¼SE¼.

containing approximately 30 acres.

This order shall take precedence over, but not otherwise affect, the order of the Secretary of the Interior of March 6, 1936, establishing Arizona Grazing District No. 2, so far as it affects the above-described lands.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–11215; Filed, Oct. 15, 1952; 8:46 a. m.]

ARIZONA

ORDER OF RESTORATION FROM POWER PROJECT NO. 30

OCTOBER 9, 1952.

Pursuant to an order of the Federal Power Commission, dated April 8, 1947, vacating withdrawal of June 17, 1922 for Power Project No. 30, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved for power purposes, are hereby restored to disposition under any applicable public-land law:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 18 W.,
Secs. 5, 6, and 7.
T. 11 N., R. 18 W.,
Secs. 3, 4, 5, 8, 9, 10, 11, 14, 15, 21, 22, 23, 26, 27, 28, 31, 33, 34, and 35.
T. 12 N., R. 18 W.,
Secs. 19, 29, 30, 31, 32, and 33.
T. 10 N., R. 19 W.,
Secs. 1, 11, 12, 13, 14, 15, 22, 23, 26, and Lot 5 and NW¼NE¼ of 27.
T. 12 N., R. 19 W.,
Secs. 4, 5, 6, 7, 8, 9, 10, 14, 15, 22, 23, 24, and 25.
T. 13 N., R. 19 W.,
Secs. 30 and 31.
T. 13 N., R. 20 W.,
Secs. 4, 8, SW¼ of 14, 20, 22, W½ of 24, and 26.
T. 14 N., R. 20 W.,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 21, 28, 29, and 33.
T. 14 N., R. 20½ W.,
Secs. 1, 2, and 12.
T. 15 N., R. 20½ W.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 24, 25, 26, and 35.
T. 15 N., R. 21 W.,
Secs. 11, 12, 13, 24, and 25.
T. 16 N., R. 21 W.,
Secs. 6, 8, 18, 20, 22, 26, 28, and 34.
T. 17 N., R. 21 W.,
Secs. 18, 20, and 28.
T. 17 N., R. 22 W.,
Secs. 4, 10, 14, 22, and 24.

The areas described, including both public and non-public lands, aggregate 46,579.62 acres.

All of the lands above described are embraced in first form reclamation withdrawal. Some of these lands are withdrawn for the Havasu Lake National Wildlife Refuge.

The public lands in the above described areas shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–11216; Filed, Oct. 15, 1952; 8:46 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 125; REDUCED

OCTOBER 9, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Order of April 27, 1939, modified June 10, 1939, withdrawing certain lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 3 E., sec. 26, NW¼SE¼, E½SW¼ and SW¼SW¼.

containing 160 acres.

The lands are situated on the west slope of Bishop's Cap Mountain approximately 15 miles southeast of Las Cruces, New Mexico. The slope varies from about 7 percent to 70 percent and the soil is mostly sandstone. These lands will not be subject to occupancy or disposition under any nonmineral public land law until they have been classified. It is unlikely that the lands will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date hereof. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–11214; Filed, Oct. 15, 1952; 8:46 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY

OCTOBER 7, 1952.

Notice of filing of plats of survey in Tps. 7 and 8 S., R. 21 E., S. L. M., Utah, accepted April 18, 1952.

Notice is given that the plats of (1) dependent resurvey of sections 1 to 6, inclusive, T. 8 S., R. 21 E., and sections 19, 20, 21, 28 to 33, inclusive, T. 7 S., R. 21 E., S. L. M., Utah, and (2) survey of previously omitted lands hereinafter described, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, at 10:00 a. m. on December 9, 1952.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 7 S., R. 21 E.,
Sec. 19, lot 13;
Sec. 20, lot 9;
Sec. 29, lots 16 and 18;
Sec. 30, lots 12, 13, and 14;
Sec. 31, lots 10 to 16, inclusive;
Sec. 32, lots 11 to 16, inclusive.
T. 8 S., R. 21 E.,
Sec. 6, lots 12 to 15, inclusive.

The area described aggregates 669.21 acres.

All of the above lands were temporarily withdrawn by Executive Order No. 5327 of April 15, 1930, as oil shale lands.

All the above lands were temporarily withdrawn by the Secretary of the Interior on September 26, 1933, for the Uncompahgre Indians and modified by him August 24, 1945, to permit oil and gas leasing.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawals should assert the same within three months from the date on which the plats are officially filed by filing an application under the appropriate public-land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

ERNEST E. HOUSE,
Manager.

[F. R. Doc. 52–11213; Filed, Oct. 15, 1952; 8:45 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

MAY 21, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1903, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 1 W.,
Sec. 5, SW¼NW¼;
Sec. 7, SE¼NE¼.

The above areas aggregate 80 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

OCTOBER 10, 1952.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 52–11217; Filed, Oct. 15, 1952; 8:47 a. m.]

Office of the Secretary

[Order 2018, Amdt. 2]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO COLUMBIA BASIN PROJECT

OCTOBER 8, 1952.

New subsections (r), (s), (t), and (u), reading as follows are added to section 1 of Order No. 2018:

(r) To approve the form of affidavit required in connection with leases be-

tween landowners and lessees of farm units or portions thereof on the Columbia Basin Project which are covered by recordable contracts.

(s) To suspend, where the total area of irrigable lands under the control of a lessee does not exceed 160 acres for which the United States is prepared to deliver water, with the consent of the irrigation districts involved, the enforcement of the provisions of Article 12 of said recordable contracts which require all landowners to obtain and submit from their lessees, in connection with leases of farm units or portions thereof on the project covered by said contracts, executed affidavits on an approved form stating and describing the total area of project lands under the control of their lessees as owner and lessee, until such time as the need for enforcing those provisions becomes apparent or their enforcement is requested by said irrigation districts.

(t) To accept such affidavits under said recordable contracts, in cases where the enforcement of the provisions relating thereto is not suspended under the preceding subsection, when submitted by either the landowner or his lessee.

(u) To review the terms and conditions of leases of farm units or portions thereof on the Columbia Basin Project covered by recordable contracts where the leaseholds or the combined leaseholds and ownership of the lessee exceed 160 irrigable acres of project lands for which the United States is prepared to deliver water; to require the furnishing of such material as may be necessary in connection with the review of such leases or of the operations thereunder; to determine that the terms and conditions of those leases are satisfactory and in keeping with the purposes of the Columbia Basin Project Act (57 Stat. 14), as amended, and that operations thereunder would be beneficial to the lands involved; and, after making those affirmative determinations, to approve such leases.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-11218; Filed, Oct. 15, 1952; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 72]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 19, 1952.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Radiation	Time designation	Class	Probable date to commence operation
			1060 kilocycles			
New	Quebec	5	DA-1	U	II	Oct. 1, 1953.
			1140 kilocycles			
CBI	Sydney, Nova Scotia	5	DA-1	U	II	Do.
			1230 kilocycles			
CJEM	Edmundston, New Brunswick	.25	ND	U	IV	Delete assignment.
			1240 kilocycles			
CKLS	LaSarre, Quebec	.25	ND	U	IV	Change in call letters from CKIS.
			1370 kilocycles			
CBH	Halifax, Nova Scotia	5	DA-1	U	II	Oct. 1, 1953.
New	Montreal, Quebec	5	DA-1	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11230; Filed, Oct. 15, 1952; 8:51 a. m.]

[Change List No. 8]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 11, 1952.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement, Washington, D. C.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
			1070 kilocycles			
CMKS	Guantanamo, Oriente	0.25	ND	U	II	Mar. 11, 1953.
			1110 kilocycles			
CMKS	Guantanamo, Oriente (PO: 900 kc; vide 1070 kc).	.25	ND	U	II	Delete.
CMKI	Guantanamo, Oriente (PO: 1400 kc)	.25	ND	U	II	Mar. 11, 1953.
			1400 kilocycles			
CMKI	Guantanamo, Oriente (vide: 1110 kc)	.25	ND	U	IV	Delete.
CMKQ	San Luis, Oriente	.25	ND	U	IV	Mar. 11, 1953.
			1460 kilocycles			
CMKQ	San Luis, Oriente (vide: 1400 kc)	.5	ND	U	III	Delete.
CMKT	Holguin, Oriente (PO: 1520 kc, vide 1550 Annex 3).	.5	ND	U	III	Mar. 11, 1953.
			1520 kilocycles			
CMKT	Holguin, Oriente (vide: 1460 kc)	.25	ND	U	II	Delete Mar. 11, 1953.
			1550 kilocycles			
CMKT	Holguin, Oriente	.25	ND	U	II	Delete from Annex 3.
New	Banes, Oriente (PO: 1560 kc)	.25	ND	U	II	Upon entry into force of the Agreement.
			1560 kilocycles			
New [1]	Banes, Oriente (vide: 1550 kc)	.25	ND	U	II	Delete upon entry into force of Agreement.

[1] This station will be assigned to 1550 kilocycles upon entry into force of the Agreement, meantime it will be maintained on this frequency.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11231; Filed, Oct. 15, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6457]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 10, 1952.

Notice is hereby given that on October 10, 1952, the Federal Power Commission issued its order entered October 10, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11227; Filed, Oct. 15, 1952; 8:50 a. m.]

[Docket No. G-1677]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 10, 1952.

On March 20, 1952, Colorado Interstate Gas Company and Public Service Company of Colorado each filed an application for rehearing of the order of the Commission entered on February 20, 1952, issuing a certificate of public convenience and necessity in the above-docketed proceeding.

By order of April 17, 1952, the Commission granted rehearing of said order at a date and place to be fixed by further order of the Commission.

The Commission orders:

(A) A public hearing be held commencing on October 27, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., on the matters raised by the application for a certificate of public convenience and necessity filed herein on April 24, 1951, the findings and order of the Commission entered on February 20, 1952, and the applications for rehearing filed on March 20, 1952.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.27 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 10, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11226; Filed, Oct. 15, 1952; 8:50 a. m.]

[Docket Nos. G-1694 G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

ORDER FIXING DATE OF HEARING

OCTOBER 9, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; the Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Company, Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

On July 3, 1952, the Commission issued its order reinstating the applications filed in each of the above-entitled proceedings, consolidating said proceedings for purpose of hearing, and ordering that said hearing be held at a time and place to be fixed by further order of the Commission.

The application in Docket No. G-1694 was filed on May 25, 1951, by City Gas Company of Phillipsburg, New Jersey (City Gas) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, adjudging and ordering that 1,700 Mcf per day of natural gas to be made available to it pursuant to the Commission's Opinion No. 206 and accompanying order, can be economically delivered to it as proposed in said application. Said application proposes that said gas be delivered by Texas Eastern Transmission Corporation (Texas Eastern) to the Manufacturers Light and Heat Company (Manufacturers) for transportation through its Coatesville-Port Jervis pipeline to a point of connection with the facilities of Penn-Jersey Pipe Line Company (Penn-Jersey) where delivery would be made for further transportation by Penn-Jersey to the facilities of City Gas.

The application in Docket No. G-1695 was filed on May 28, 1952, by Manufacturers for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the installation and operation of a connection together with a meter and regulator station at a point on its Coatesville-Port Jervis pipeline in Northampton County, Pennsylvania, for the sale and delivery of natural gas to City Gas.

The application in Docket No. G-1699 was filed on May 31, 1951, by Texas Eastern for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery to Manufacturers of a maximum daily volume of 1,700 Mcf of natural gas for delivery to City Gas pursuant to a condition contained in said Opinion No. 206 and accompanying order.

The application in Docket No. G-1749 was filed on July 17, 1951, by Penn-Jersey, styling itself a de facto corporation, and supplemented on June 6, 1952, by Penn-Jersey, as a corporation de jure, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 6 miles of 6-inch (or in part 8-inch) natural gas transmission pipe line between the facilities of Manufacturers and the facilities of City Gas.

The application in Docket No. G-1777 was filed on August 24, 1952, by Allentown-Bethlehem for an order pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of certain natural-gas facilities extending from its distribution system in Pennsylvania to the middle of a bridge crossing the Delaware River, and the discontinuance of the delivery and sale of natural gas by means of said facilities to City Gas.

Each of the above-named applicants has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings, and this consolidated proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest, or petition raising an issue of substance in opposition to the granting of said applications having been received subsequent to the giving of due notice of the filing thereof, including publication in the FEDERAL REGISTER. Notice of the application filed in Docket No. G-1694 was published on June 9, 1951 (16 F. R. 5504). Notice of the application filed in Docket No. G-1695 was published on June 14, 1951 (16 F. R. 5660). Notice of the application in Docket No. G-1699 was published on June 16, 1951 (16 F. R. 5821). Notice of the application in Docket No. G-1749 was published on July 11, 1952 (17 F. R. 6233). Notice of the application in Docket No. G-1777 was published on September 18, 1951 (16 F. R. 9492).

On June 26, 1951, Allentown-Bethlehem filed petitions seeking leave to intervene in Docket Nos. G-1695 and G-1699. On August 24, 1951, Allentown-Bethlehem filed a petition seeking leave to intervene in Docket No. G-1749. On July 17, 1951, City Gas filed petitions seeking leave to intervene in Docket Nos. G-1695, G-1699, and G-1749, and on September 19, 1951, City Gas filed a petition seeking leave to intervene in Docket No. G-1777. On June 19, 1951, Manufacturers filed a petition seeking leave to intervene in Docket No. G-1694. Each of the foregoing petitions seeking leave to intervene is in support of the application in the proceeding in which said petition was filed. All of said petitions were dismissed without prejudice in the orders of the Commission issued on March 13, 1952, and said petitions were reinstated by order of the Commission issued on July 3, 1952. Concurrently with the adoption of this order, the Commission has adopted an order granting the aforesaid petitions seeking leave to intervene.

The Pennsylvania Public Utility Commission filed notices of intervention in Docket No. G-1694 on June 29, 1951, in Docket Nos. G-1695 and G-1699 on July 2, 1951, and in Docket No. G-1749 on October 31, 1951. Said Commission has advised this Commission that it has no objection to disposition of these proceedings under the shortened procedure provided by the Commission's rules.

The order reinstating the proceedings herein and consolidating said proceedings for purpose of hearing fixed July 23, 1952, as the final date for filing protests or petitions to intervene. Due notice of said order has been given, including publication in the FEDERAL REGISTER on July 10, 1952 (17 F. R. 6206). No protests or petitions have been received since said order was published.

Penn-Jersey has represented to the Commission that in the construction of the proposed pipeline a submarine crossing of the Delaware River is involved. Applicant states that at the present time the water in the river is comparatively

low, but that it will increase during the coming fall and winter. Applicant further states that each day's delay in disposition of this proceeding defers the time for commencement of construction and adds to the possibility that the cost of the crossing may be increased by high water to the point that a delay in construction for another year may become necessary. Applicant has furnished high and low elevations of the Delaware River at the proposed crossing for the years 1950, 1951, and 1952, which indicate that the month of October is the only remaining month in the year 1952 in which the water level is low enough to construct the proposed crossing without expenditure of very large sums of additional cash on account of the higher water to be expected in later months.

The Commission finds: It is reasonable and in the public interest, and good cause exists for fixing the date of hearing in the above-entitled consolidated proceedings less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1952, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications filed in these proceedings: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 10, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–11219; Filed, Oct. 15, 1952; 8:48 a. m.]

[Project No. 943]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.

NOTICE OF ORDER AMENDING LICENSE

OCTOBER 10, 1952.

Notice is hereby given that on August 7, 1952, the Federal Power Commission issued its order entered July 31, 1952, amending license in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–11228; Filed, Oct. 15, 1952; 8:50 a. m.]

[Project No. 2007]

ELMER E. JOHNSTON

NOTICE OF ORDER ISSUING LICENSE (MINOR)

OCTOBER 10, 1952.

Notice is hereby given that on August 29, 1952, the Federal Power Commission issued its order entered August 26, 1952, issuing license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52–11229; Filed, Oct. 15, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LAURA CONZI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Laura Conzi, Anna Conzi, Giuitta Maria Conzi, Genoa, Italy; Claim No. 39766; $22.99 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 4 shares, third preferred capital stock, par value $25 per share, Certificate No. 258, and 2 shares, common capital stock, par value $50 per share, Certificate No. 212, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Laura, Anna, and Giuitta Maria Conzi.

Executed at Washington, D. C., on October 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11244; Filed, Oct. 15, 1952; 8:52 a. m.]

KAREN ARSTEIN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karen Arstein, Askvoll 1 Sunnfjord, Norway; Oline Arstein, Askvoll 1 Sunnfjord, Norway; Paul P. Froynes, Kalvag, Norway; Sigvald Stokkevaag, Stavanger, Norway; Claim No. 1622; $88.89 in the Treasury of the United States to each claimant.

Executed at Washington, D. C., on October 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11245; Filed, Oct. 15, 1952; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2262]

SECURITIES INVESTMENT CO. OF ST. LOUIS

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 9, 1952.

Securities Investment Company of St. Louis, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw its Cumulative Convertible Preferred Stock, $100 Par Value, and its Common Stock, $10 Par Value, from registration and listing on the Midwest Stock Exchange.

The reason stated in the application for withdrawing these securities from registration and listing is that General Contract Corporation on September 8, 1952, became the owner of 95 percent of the preferred stock of applicant and 97 percent of its common stock.

Upon receipt of a request, prior to November 7, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of these securities, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–11221; Filed, Oct. 15, 1952; 8:48 a. m.]

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND AND SHARE CO. ET AL

NOTICE OF FILING AND ORDER FOR HEARING CONCERNING APPLICATIONS FOR ALLOWANCES

OCTOBER 10, 1952.

The Commission having, on July 28, 1950, issued its Supplemental Findings and Opinion (Holding Company Act Release No. 9980), concerning a Plan of Electric Bond and Share Company ("Bond and Share") filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which Plan was designated by Bond and Share as "Plan II–B", which was a portion of certain related plans initially filed by Bond and Share on July 25, 1945, and subsequently amended and supplemented, and which Plan related to the payments to be made to the holders of former $6 Preferred Stock and $5 Preferred Stock of Bond and Share which had previously been retired pursuant to Plans I and II–A of Bond and Share; and

Said Findings and Opinion of the Commission dated July 28, 1950, having held that the $6 Preferred Stock of Bond and Share should receive an additional amount of $10 per share, together with compensation for delay in payment at the rate of 5.45 percent per annum, and that the $5 Preferred Stock should receive no further payment; an amendment having been filed by Bond and Share to Plan II–B on August 4, 1950, conforming said Plan to the determinations of the Commission as set forth in the Commission's Findings and Opinion dated July 28, 1950, and the Commission by order dated August 4, 1950 (Holding Company Act Release No. 10019), having approved Plan II–B as so amended, which order contained, among others, the following provisions:

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the reasonableness, appropriate allocation, and payment of all fees, expenses, and other remuneration in connection with Plan II–B, as amended.

The Commission having directed that applications for compensation for services or reimbursement for expenses in connection with said Plan be filed with the Commission, and certain applications for that purpose having been filed as hereinafter set forth;

Notice is hereby given that applications for the payment of compensation for services and reimbursement of expenses have been filed by the various parties and participants in said proceeding in the following respective amounts:

Name and capacity	Fees	Expenses	Total
Electric Bond & Share Co.:			
Simpson Thacher & Bartlett, counsel for company	$161,500.00	$13,806.94	$175,306.94
Drexel & Co., financial services, including expert testimony of Edward Hopkinson	45,000.00		45,000.00
Ebasco Services, Inc., financial studies, financial advice, and preparation of documents	84,019.16		84,019.16
Reis & Chandler, financial expert	27,500.00	314.30	27,814.30
The First Boston Corp., financial study	5,000.00		5,000.00
Stubenfield committee for preferred stock certificate holders:			
Percival E. Jackson, counsel for committee	300,000.00	5,942.21	305,942.21
Benjamin Graham, financial expert	13,500.00		13,500.00
William Stubenfield, chairman of committee	3,000.00		3,000.00
Frank Honigman and Eugene E. Ormsten, members of committee, jointly	2,500.00		2,500.00
Cornell preferred stockholders protective committee:			
Hawkins, Delafield & Wood, counsel for committee	150,000.00	[1] 6,037.90	156,037.90
Others:			
Debevoise, Plimpton & McLean, counsel for John Hancock Mutual Life Insurance Co., preferred certificate holder	12,000.00	506.69	12,506.69
Paul J. Kern, counsel for certain $5 preferred certificate holders	6,000.00		6,000.00

[1] Includes payment of $2,500 to Allen W. Kimber, expert witness.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications pursuant to sections 11 (e) and 18 of the act and the rules and regulations thereunder be held on November 18, 1952, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk will advise as to the room in which such hearing will be held. Any person who is not already a party, or who has not been granted leave to participate herein, who desires to be heard or otherwise wishes to participate, shall file with the Secretary of this Commission, on or before November 12, 1952, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination.

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan and whether the requested amounts are reasonable.

(2) Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person who may wish to assert or claim any fees for services rendered, or reimbursement of expenses incurred, in connection with the foregoing proceedings, who has not already filed an application therefor, shall do so herein on or before November 1, 1952.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail, on the parties herein and those who have been given leave to participate in these proceedings and on the applicants herein, that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–11222; Filed, Oct. 15, 1952; 8:49 a. m.]

[File No. 70–2937]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING SALE BY PARENT OF SHARES OF SUBSIDIARY'S COMMON STOCK AND SALE BY SUBSIDIARY OF SHARES OF ITS COMMON STOCK, ALL AT COMPETITIVE BIDDING, AND ORDER FOR HEARING

OCTOBER 10, 1952.

Notice is hereby given that a joint application-declaration, with an amendment thereto, has been filed with this Commission by Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard") and Standard Power and Light Corporation, both registered holding companies, and by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia. Applicants-declarants have designated sections 6, 7, 12 (d) and 12 (f) of the act and Rules U-44 and U-50, promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Philadelphia proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 170,000 shares of common stock of Duquesne which Philadelphia acquired from Duquesne in March of 1952, for a cash consideration of $30 per share. (See Holding Company Act Release No. 11129). The net proceeds of the sale will be used by Philadelphia to repay its existing open account loan from Standard amounting to $2,300,000 and then to the reduction of Philadelphia's outstanding bank loans, presently aggregating $16,000,000.

Simultaneously with the above described sale by Philadelphia, Duquesne proposes, as part of the same offering, to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 80,000 shares of its common stock. The net proceeds of the sale will be used by Duquesne for construction purposes.

The applicants-declarants request that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the sale of the common stock be shortened to six days.

The filing indicates that the issuance and sale by Duquesne of the 80,000 shares

of common stock are subject to the authorization of the Public Utility Commission of Pennsylvania.

The applicants-declarants request that this Commission make the necessary findings and recitals in accordance with Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and that the Commission's order herein become effective upon issuance.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said joint application-declaration should not be granted and permitted to become effective except pursuant to the further order of this Commission:

It is ordered, That a hearing on said application-declaration, as amended, be held on November 12, 1952, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings, is directed to file with the Secretary of the Commission on or before November 10, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the joint application-declaration, as amended, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed sale of Duquesne's common stock by Philadelphia meets the standards of section 12 (d) of the act;

(2) Whether the proposed payment by Philadelphia of the open account loan from Standard meets the standards of section 12 (f) of the act;

(3) Whether the issuance and sale of common stock by Duquesne meet the standards of sections 6 and 7 of the act;

(4) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers;

(5) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules and regulations and orders promulgated or issued thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Philadelphia, Duquesne, Standard, and the Public Utility Commission of Pennsylvania; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11224; Filed, Oct. 15, 1952; 8:49 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. AND GEORGE T. ANDERSON

NOTICE OF TIME FOR FILING WRITTEN REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of October 1952.

In the matter of the application of National Association of Securities Dealers, Inc., on behalf of a member firm for approval of the firm's continuance in membership in the Association with George T. Anderson, as a controlled person.

The National Association of Securities Dealers, Inc., a registered securities association (hereinafter referred to as the Association), has filed with this Commission, on behalf of a member, an application for approval of the firm's continuance in membership in the Association with George T. Anderson as an employee and controlled person thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application and exhibits attached thereto set forth, in substance, the following information:

1. George T. Anderson is presently or is to be employed by said member, a registered broker and dealer and a member of the Association in District No. 13, having its principal office in New York, New York.

2. The Commission, by order of July 27, 1950, revoked the broker-dealer registration of Junger, Anderson and Co., of which George T. Anderson was a partner, pursuant to section 15 (b) of the Securities Exchange Act of 1934. George T. Anderson has not engaged in the securities business since that time.

3. George T. Anderson, individually and as a partner of Junger, Anderson and Co., is permanently enjoined from engaging in and continuing certain practices in connection with the purchase and sale of securities.

4. The District Committee for District No. 13 and the Board of Governors of the Association have considered this application and have reviewed the prior proceedings relating to George T. Anderson. Upon consideration of all the facts, including the representations as to the type of activity to be engaged in by George T. Anderson as an employee and controlled person of said member and the extent of the supervision which said member will exercise over his activities, they have concluded that George T. Anderson should be permitted to engage in the securities business as an employee and controlled person of said member and that said member should be continued in membership in the Association. They are of the belief that the continuance of said member in membership in the Association with George T. Anderson as an employee and controlled person thereof would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934 and have recommended approval of this application.

Under the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, as amended, and section 2 of Article I of the Association's By-Laws, said member may not be continued in membership in the Association so long as George T. Anderson is employed by said member, except with the approval of the Securities and Exchange Commission based upon a finding that such approval is appropriate in the public interest.

Notice is hereby given that any interested person may informally present his views or any information relating to this matter by communicating with the Secretary of the Commission or with Peter T. Byrne, Administrator of the Commission's New York Regional Office, 42 Broadway, New York 4, New York, on or before November 7, 1952, and that within the same time any person desiring that a formal hearing be held may file with the Secretary of the Commission a written request to that effect, together with a brief statement of the nature of his interest in the proceeding and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceedings, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate so to do, will determine the application on the basis of the record and without formal hearing.

This notice shall be served on said member and the association not less than fifteen (15) days prior to November 7, 1952, and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to November 7, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11223; Filed, Oct. 15, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 204

Washington, Friday, October 17, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Pennsylvania.

PENNSYLVANIA

County	Average value	Investment limit
Cameron	$12,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a) 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 14th day of October 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-11260; Filed, Oct. 16, 1952; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA, OHIO, AND PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

GEORGIA

County	Average value	Investment limit
Appling	$18,000	$12,000
Atkinson	18,000	12,000
Bacon	18,000	12,000
Baker	15,000	12,000
Baldwin	17,000	12,000
Banks	16,000	12,000
Barrow	18,000	12,000
Bartow	18,000	12,000
Ben Hill	18,000	12,000
Berrien	20,000	12,000
Bibb	18,000	12,000
Bleckley	18,000	12,000
Brantley	17,000	12,000
Brooks	18,000	12,000
Bryan	18,000	12,000
Bulloch	18,000	12,000
Burke	17,500	12,000
Butts	18,000	12,000
Calhoun	15,000	12,000
Camden	16,000	12,000
Candler	18,000	12,000
Carroll	17,000	12,000
Catoosa	16,000	12,000
Charlton	18,000	12,000
Chatham	18,000	12,000
Chattahoochee	18,000	12,000
Chattooga	16,000	12,000
Cherokee	15,000	12,000
Clarke	18,000	12,000
Clay	15,000	12,000
Clayton	18,000	12,000
Clinch	18,000	12,000
Cobb	15,000	12,000
Coffee	20,000	12,000
Colquitt	17,000	12,000
Columbia	18,000	12,000
Cook	20,000	12,000
Coweta	18,000	12,000
Crawford	18,000	12,000
Crisp	17,000	12,000
Dawson	14,000	12,000
Decatur	18,000	12,000
De Kalb	16,000	12,000
Dodge	17,000	12,000
Dooly	17,000	12,000
Dougherty	18,000	12,000
Douglas	15,000	12,000
Early	17,000	12,000
Echols	18,000	12,000
Effingham	15,000	12,000
Elbert	18,000	12,000
Emanuel	18,000	12,000
Evans	18,000	12,000
Fannin	15,000	12,000
Fayette	16,000	12,000
Floyd	18,000	12,000
Forsyth	15,000	12,000
Franklin	18,000	12,000
Fulton	18,000	12,000
Gilmer	14,500	12,000
Glascock	14,000	12,000
Glynn	18,000	12,000
Gordon	18,000	12,000
Grady	18,000	12,000
Greene	17,500	12,000
Gwinnett	16,000	12,000
Habersham	18,000	12,000
Hall	18,000	12,000

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FEDERAL REGISTER

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County	Average value	Investment limit
Hancock	$16,500	$12,000
Haralson	15,000	12,000
Harris	16,000	12,000
Hart	18,000	12,000
Heard	17,500	12,000
Henry	18,000	12,000
Houston	16,500	12,000
Irwin	18,000	12,000
Jackson	17,000	12,000
Jasper	17,000	12,000
Jeff Davis	20,000	12,000
Jefferson	17,000	12,000
Jenkins	18,000	12,000
Johnson	17,000	12,000
Jones	18,000	12,000
Lamar	18,000	12,000
Lanier	20,000	12,000
Laurens	17,000	12,000
Lee	18,000	12,000
Liberty	18,000	12,000
Lincoln	15,000	12,000
Long	18,000	12,000
Lowndes	20,000	12,000
Lumpkin	15,000	12,000
McDuffie	16,000	12,000
McIntosh	18,000	12,000
Macon	18,000	12,000
Madison	18,000	12,000
Marion	18,000	12,000
Meriwether	16,000	12,000
Miller	15,000	12,000
Mitchell	18,000	12,000
Monroe	18,000	12,000
Montgomery	18,000	12,000
Morgan	18,000	12,000
Murray	15,000	12,000
Muscogee	16,000	12,000
Newton	16,000	12,000
Oconee	18,000	12,000
Oglethorpe	17,000	12,000
Paulding	15,000	12,000
Peach	$16,500	$12,000
Pickens	14,500	12,000
Pierce	20,000	12,000
Pike	17,000	12,000
Polk	17,500	12,000
Pulaski	16,000	12,000
Putnam	17,000	12,000
Quitman	18,000	12,000
Rabun	17,000	12,000
Randolph	18,000	12,000
Richmond	18,000	12,000
Rockdale	16,000	12,000
Schley	15,000	12,000
Screven	18,000	12,000
Seminole	16,000	12,000
Spalding	17,000	12,000
Stephens	18,000	12,000
Stewart	18,000	12,000
Sumter	18,000	12,000
Talbot	18,000	12,000
Taliaferro	17,000	12,000
Tattnall	18,000	12,000
Taylor	18,000	12,000
Telfair	16,500	12,000
Terrell	16,000	12,000
Thomas	17,000	12,000
Tift	18,000	12,000
Toombs	17,000	12,000
Towns	15,000	12,000
Treutlen	18,000	12,000
Troup	17,500	12,000
Turner	17,000	12,000
Twiggs	17,500	12,000
Union	15,000	12,000
Upson	18,000	12,000
Walker	17,500	12,000
Walton	18,000	12,000
Ware	20,000	12,000
Warren	17,500	12,000
Washington	18,000	12,000
Wayne	18,000	12,000
Webster	16,000	12,000
Wheeler	17,000	12,000
White	18,000	12,000
Whitfield	15,000	12,000
Wilcox	18,000	12,000
Wilkes	17,000	12,000
Wilkinson	17,000	12,000
Worth	17,000	12,000

OHIO

Logan	$23,000	$12,000
Morgan	15,000	12,000

PENNSYLVANIA

Adams	$15,000	$12,000
Bradford	12,000	12,000
Cambria	15,000	12,000
Carbon	12,000	12,000
Chester	15,000	12,000
Clearfield	12,000	12,000
Columbia	14,000	12,000
Crawford	12,000	12,000
Elk	12,000	12,000
Franklin	15,000	12,000
Fulton	12,000	12,000
Greene	12,000	12,000
Huntingdon	12,000	12,000
Indiana	15,000	12,000
Jefferson	12,000	12,000
Juniata	15,000	12,000
Lackawanna	12,000	12,000
Lancaster	15,000	12,000
Lebanon	15,000	12,000
Luzerne	12,000	12,000
Montour	14,000	12,000
Northumberland	12,000	12,000
Perry	15,000	12,000
Potter	12,000	12,000
Snyder	12,000	12,000
Sullivan	12,000	12,000
Susquehanna	12,000	12,000
Tioga	12,000	12,000
Union	14,500	12,000
Washington	15,000	12,000
Wayne	12,000	12,000
Wyoming	12,000	12,000
York	15,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 14th day of October 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52–11259; Filed, Oct. 16, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5972]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UBIKO MILLING CO.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.725 *Cumulative quantity discounts and schedules;* § 3.770 *Quantity rebates or discounts.* In the sale of animal feed products, including both concentrate and complete feeds, whether sold under the name of "Life Guard" or any other name or designation, in commerce, directly or indirectly discriminating in price between different competing purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Ubiko Milling Company, Cincinnati, Ohio, Docket 5972, August 6, 1952]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended.

It was disposed of, as announced by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance", dated August 6, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on August 6, 1952, accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist; and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,' conclusion,' and order in disposition of this proceeding.

It is accordingly ordered, That the respondent, Ubiko Milling Company, a corporation, shall within sixty (60) days after service upon it of this notice and order, file with the Commission a report

[1] Filed as part of the original document.

in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, Ubiko Milling Company, a corporation, directly or indirectly, through any corporate or other device, through its officers, agents, representatives or employees, or by any other means or methods in the sale of animal feed products, including both concentrate and complete feeds, whether sold under the name of "Life Guard" or any other name or designation, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Directly or indirectly discriminating in price between different competing purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 6th day of August 1952, subject only to the condition that the respondent shall, within sixty (60) days after service upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

Issued: August 13, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52-11278; Filed, Oct. 16, 1952; 8:51 a. m.]

[Docket 5973]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EARLY & DANIEL CO.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.725 *Cumulative quantity discounts and schedules;* § 3.770 *Quantity rebates or discounts.* In the sale of animal feed products, whether sold under the name of "Tuxedo" or any other name or designation, in commerce, directly or indirectly discriminating in price between different competing purchasers of animal feed products of like grade and quality where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Early & Daniel Co., Cincinnati, Ohio, August 6, 1952]

This proceeding was instituted by complaint which charged respondent with violation of subsection (a) of section 2 of the Clayton Act, as amended.

It was disposed of, as announced by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance", dated August 6, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which in served herewith, was on August 6, 1952, accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist; and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of the proceeding.

It is accordingly ordered, That the respondent, Early & Daniel Co., a corporation, shall within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, Early & Daniel Co., a corporation, directly or indirectly, through any corporate or other device, through its officers, agents, representatives or employees, or by any other means or methods in the sale of animal feed products, whether sold under the name of "Tuxedo" or any other name or designation, in commerce, as "Commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Directly or indirectly discriminating in price between different competing purchasers of animal feed products of like grade and quality where the aforesaid products are sold for use, consumption or resale within the United States, by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to competing dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 6th day of August 1952, subject only to the condition that the respondent shall, within sixty (60) days after service upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

Issued: August 13, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 51-11279; Filed, Oct. 16, 1952; 8:52 a. m.]

[Docket 5946]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IRVING DREW CORP.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name—Goods:* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale, or distribution in commerce, of respondent's shoes designated "The Drew Arch Rest Shoe" and "Drew Kushion-Flex Shoe" or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, (1) using the words "orthopedic" or "health" or any other word or term of similar meaning, alone or in combination with any other word or words, to designate, describe, or refer to respondent's shoes, or representing in any other manner that the wearing of respondent's shoes will cure, correct, or improve the diseases, disorders, or abnormalities of the feet of the individuals purchasing such shoes; (2) representing, directly or by implication, that the wearing of said shoes will assure balanced foot function or will establish or maintain the health of the feet or the general health; or, (3) representing, directly or by implication, that the wearing of respondent's "Kushion-Flex" shoes relieves tired, tender or aching feet, or the pain incident to bunions or callouses, or causes foot trouble to disappear; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Irving Drew Corporation, Lancaster, Ohio, Docket 5946, July 15, 1952]

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondent's answer, and a hearing, at which respondent failed to appear, and at which testimony and other evidence, duly recorded in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel in support of the complaint, respondent having been advised of its right to file such proposed findings and conclusions and having failed to do so, and oral argument not having been requested; and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 15, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, the Irving Drew Corporation, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's shoes designated "The Drew Arch Rest Shoe" and "Drew Kushion-Flex Shoe" or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Using the words "orthopedic" or "health" or any other word or term of similar meaning, alone or in combination with any other word or words, to designate, describe, or refer to respondent's shoes, or representing in any other manner that the wearing of respondent's shoes will cure, correct, or improve the diseases, disorders, or abnormalities of the feet of the individuals purchasing such shoes.

2. Representing, directly or by implication, that the wearing of said shoes will assure balanced foot function or will establish or maintain the health of the feet or the general health.

3. Representing, directly or by implication, that the wearing of respondent's "Kushion-Flex" shoes relieves tired, tender, or aching feet, or the pain incident to bunions or callouses, or causes foot troubles to disappear.

By "Decision of the Commission and order to file report of compliance", Docket 5946, July 15, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-11280; Filed, Oct. 16, 1952; 8:54 a. m.]

[Docket 5947]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DR. HISS SHOES, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misbranding or mislabeling:* § 3.1290 *Qualities or properties;* § 3.1320 *Scientific or other relevant facts.* Subpart—*Using misleading name—Goods:* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution in commerce, of respondent's shoes designated "Dr. Hiss Balanced Shoes" or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, representing, directly or by implication, (1) that a purchaser of respondent's shoes will receive benefits comparable to those derived from personal treatment or prescription of shoes at a competent foot clinic; (2) that the wearing of respondent's shoes will beneficially affect the distribution of body weight or result in better foot function, body balance, or posture; (3) that respondent's shoes will assure continued health in healthy feet or will improve foot health or the general health or will alleviate foot troubles or the discomforts thereof; (4) that the wearing of said shoes will eliminate pressure or tension or exercise the muscles of the feet; (5) that support for the feet is necessary unless such representation be limited to the categories of foot disorders in which support for the feet is required, or representing, directly or by implication, that the wearing of respondent's shoes will furnish the support needed in the individual case; or, (6) through the use of the term "cuboid balancer" to describe a shank in respondent's shoes, or by any other means, that the said shank will influence the position or action of the cuboid bones of the wearer of said shoes, or that the wearing of said device in its shoes will beneficially affect the functioning of the feet or give effective support thereto; or (7), using the word "orthopedic," alone or in combination with any other word or words, to describe or designate said shoes, or using any other word or words in any manner to represent, directly or by implication, that respondent's shoes will cure, correct, or improve deformities, diseases, or disorders of the feet; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dr. Hiss Shoes, Inc., Lancaster, Ohio, Docket 5947, July 15, 1952]

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondent's answer, and a hearing, at which respondent failed to appear, and at which testimony and other evidence, duly recorded in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel in support of the complaint, respondent having been advised of its right to file such proposed findings and conclusions and having failed to do so, and oral argument not having been requested; and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 15, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Dr. Hiss Shoes, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's shoes designated "Dr. Hiss Balanced Shoes" or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Representing, directly or by implication, that a purchaser of respondent's shoes will receive benefits comparable to those derived from personal treatment or prescription of shoes at a competent foot clinic.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

2. Representing, directly or by implication that the wearing of respondent's shoes will beneficially affect the distribution of body weight or result in better foot function, body balance, or posture.

3. Representing, directly or by implication, that respondent's shoes will assure continued health in healthy feet or will improve foot health or the general health or will alleviate foot troubles or the discomforts thereof.

4. Representing, directly or by implication, that the wearing of said shoes will eliminate pressure or tension or exercise the muscles of the feet.

5. Representing, directly or by implication, that support for the feet is necessary unless such representation be limited to the categories of foot disorders in which support for the feet is required, or representing, directly or by implication, that the wearing of respondent's shoes will furnish the support needed in the individual case.

6. Representing, directly or by implication, through the use of the term "cuboid balancer" to describe a shank in respondent's shoes, or by any other means, that the said shank will influence the position or action of the cuboid bones of the wearer of said shoes, or that the wearing of said device in its shoes will beneficially affect the functioning of the feet or give effective support thereto.

7. Using the word "orthopedic," alone or in combination with any other word or words, to describe or designate said shoes, or using any other word or words in any manner to represent, directly or by implication, that respondent's shoes will cure, correct, or improve deformities, diseases, or disorders of the feet.

By "Decision of the Commission and order to file report of compliance", Docket 5947, July 15, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-11282; Filed, Oct. 16, 1952; 8:55 a. m.]

[Docket 5944]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FISHER & DE RITIS

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition;* § 3.1890 *Safety.* In connection with the offering for sale, sale and distribution in commerce, of sweaters or of any other garments made of the material known as brushed rayon with a raised fiber surface or of any similar material, (1) representing directly or by implication that said garments are made of camel's hair or any other type of wool; (2) offering for sale or selling any garments composed in whole or in part of rayon without affirmatively and clearly disclosing thereon such rayon content; or, (3) offering for sale or selling garments made of a highly inflammable material without affirmatively and clearly disclosing thereon that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Albert H. Fisher et al. d. b. a. Fisher & DeRitis, Philadelphia, Pa., Docket 5944, July 17, 1952.]

In the Matter of Albert H. Fisher and Vincent DeRitis Trading and Doing Business Under the Name of Fisher & DeRitis

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission, respondents' answer, and a hearing at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission, the introduction of testimony and other evidence by the respondents having been waived.

Subsequently, following the filing by said examiner of his initial decision, and the service thereof upon the parties, counsel in support of the allegations of the complaint moved the Commission to order the proceeding reopened and remanded to the examiner for the taking of additional evidence, and the Commission placed the case on its own docket for review, amended the complaint, vacated and set aside said initial decision and remanded the case to the examiner for further proceedings in conformity with its rules of practice.

Thereafter, a stipulation as to the facts was entered into, subject to the approval of said examiner, whereby it was agreed that the evidence taken under the original complaint should be considered as evidence under the complaint as amended; that a statement of facts made a part thereof should be made a part of the record and be taken as facts in lieu of additional evidence in the proceedings; and that the examiner might proceed upon said statement and the other evidence in the record to make his initial decision, stating his findings as to the facts and including inferences which he might draw from said stipulation and the other evidence, and his conclusion based thereon, and enter his order disposing of the proceeding without the filing of proposed findings and conclusions or the presentation of oral argument.

Thereafter said proceeding regularly came on for final consideration by said examiner upon said amended complaint and stipulation, which also provided that if the proceeding came before the Commission upon appeal from said initial decision or by review upon its own motion, it might set aside the stipulation and remand the case to the examiner for further proceedings under the amended complaint; and said examiner, having duly considered the record, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the fact,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 17, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Albert H. Fisher and Vincent DeRitis, individually and trading and doing business under the firm name of Fisher & DeRitis, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sweaters or of any other garments made of the material known as brushed rayon with a raised fiber surface or of any similar material, do forthwith cease and desist from:

(1) Representing directly or by implication that said garments are made of camel's hair or any other type of wool;

(2) Offering for sale or selling any garments composed in whole or in part of rayon without affirmatively and clearly disclosing thereon such rayon content;

(3) Offering for sale or selling garments made of a highly inflammable material without affirmatively and clearly disclosing thereon that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing.

By "Decision of the Commission and order to file report of compliance", Docket 5944, July 17, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-11281; Filed, Oct. 16, 1952; 8:54 a. m.]

[1] Filed as part of the original document.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR MAIL SERVICE

PRIORITY FOR MAIL

In Part 96, Air Mail Service, amend § 96.47 *Priority for mail* to read as follows:

§ 96.47 *Priority for mail.* (a) (1) The Post Office Department requires that air carriers whose certificate of public convenience and necessity authorizes the transportation of mail will transport the normal mail for a particular day of the week from each station served. No other traffic will have priority over the normal mail load. If conditions are such that it may be necessary on occasion to carry additional fuel on a particular flight the carrier will take this into consideration when booking other traffic for that flight. No part of the normal mail load will be displaced by such additional fuel. "Normal mail load" means the average weight of the mail available for a particular dispatch on the same day of the week for the five previous weeks. Mail diverted to a flight because of unusual conditions will not be considered in arriving at the average.

(2) Mail in excess of normal will be transported to the exclusion of all other traffic, except revenue passengers with space confirmed prior to knowledge that additional mail would be available. If a carrier accepts mail in excess of the normal mail load he thereby obligates himself to see that the mail is expedited and under no circumstances delayed in arrival at destination over the service available by a subsequent flight. Under no circumstances will mail aboard a plane be reduced below normal to accommodate local boarding passengers.

(b) Refusals and removals of mail by an air carrier, except as provided in paragraph (a) (2) of this section, may result in diversion of mail to another carrier, imposition of fines and penalties as provided for by section 901 (a) of the Civil Aeronautics Act of 1938, as amended, or both.

(c) Air carriers are required to provide necessary and adequate facilities and service for the expeditious and safe handling of mails between planes and between plane and points of delivery and receipt of mails at airports.

(d) In unloading, loading, transfer of mail to connecting planes, and delivery of mail to the designated postal representative, mail shall be given preference over all other cargo, including baggage.

(e) Delays in unloading, loading, delivery, and receipt of mail, failures to make scheduled transfers of mail between planes of the same carrier or to flights of other carriers, or failures to make every reasonable effort to transport the mail on the flight for which tendered will subject the carrier to fines and penalties as provided for under section 901 (a) of the Civil Aeronautics Act of 1938, as amended.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 405 (d), 52 Stat. 995, as amended; 5 U. S. C. 22, 369; 49 U. S. C. 485)

[SEAL] V. C. BURKE, *Acting Postmaster General.*

[F. R. Doc. 52-11256; Filed, Oct. 16, 1952; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter K—Military and Naval Service

[Circular 1833]

PART 181—SOLDIERS' AND SAILORS' HOMESTEAD RIGHTS

PUBLIC LAND RIGHTS OF VETERANS OF WORLD WAR II AND OTHER PERSONS ENTITLED TO CREDIT FOR SERVICE OF SUCH VETERANS

1. The footnote to § 181.36 is amended to read:

[a] World War II ended with the Treaty of Peace with Japan which became effective April 28, 1952 (Proclamation No. 2974 of April 28, 1952, 17 F. R. 3813). By a series of extensions embodied in Public Laws 313, 368, 393 and 428, 82d Congress, the terminal date for computing credits for service during the war was extended to and including July 3, 1952.

(Sec. 6, 45 Stat. 1061, sec. 5, 58 Stat. 748; 43 U. S. C. 617e, 283)

2. A footnote to § 181.20 is added, as follows:

§ 181.20 *Statutory authority; duration of act.*[a] * * *

[a] By section 14 of the act of June 24, 1948 (62 Stat. 623), as amended (50 U. S. C. App. Sup. 464) all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 were continued in effect until "repealed or otherwise terminated by subsequent act of the Congress."

(Sec. 507, 54 Stat. 1188; 50 U. S. C. App. 567)

JOEL D. WOLFSOHN, *Assistant Secretary of the Interior.*

OCTOBER 13, 1952.

[F. R. Doc. 52-11254; Filed, Oct. 16, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 52-50]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—GENERAL REGULATIONS

ASSIGNMENT AND CERTIFICATION BY NATIONAL CARGO BUREAU, INC.

The purpose of the following new regulation is to recognize and utilize the services of the National Cargo Bureau, Inc., a non-profit organization incorporated under the laws of the State of New York, with principal offices in New York, New York, and with authorized surveyors or representatives in the principal ports of the United States, as one of the organizations deemed helpful in administering the provisions of the Dangerous Cargo Act (R. S. 4472, as amended; 46 U. S. C. 170) and the regulations promulgated thereunder, as provided by law. The President by a proclamation dated September 10, 1952, proclaimed that the International Convention for the Safety of Life at Sea, 1948, was duly ratified and shall come into force and effect on and after November 19, 1952, and that this Convention, with each and every article and clause thereof, shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. As a contracting Government the United States assumes obligations with respect to the carriage of dangerous cargoes under Chapter VI of this Convention. The President in Executive Order 10173, as amended by Executive Orders 10277 and 10352 (15 F. R. 7005, 7007, 7008; 16 F. R. 7537, 7538; 17 F. R. 4007), declared that the security of the United States was endangered necessitating additional measures to be taken under the Magnuson Act (64 Stat. 427, 428, 50 U. S. C. 191), regarding supervision and control of explosives or other dangerous cargo on vessels and waterfront facilities. On December 16, 1950, the President issued Proclamation No. 2914, proclaiming the existence of a national emergency. Since this new regulation provides alternate means for obtaining prima facie evidence of compliance with the requirements of law and regulation, thereby facilitating the administration and enforcement of the requirements above mentioned under emergency conditions presently existing, it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act and R. S. 4472, as amended, is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following new § 146.02-6a is prescribed and added to Part 146 which shall become effective on and after November 1, 1952:

§ 146.02-6a *Assignment and certification.* (a) The National Cargo Bureau, Inc., is authorized to assist the United States Coast Guard in administering the provisions of the Dangerous Cargo Act (R. S. 4472, as amended, 46 U. S. C. 170) and the regulations in this subchapter with respect to:

(1) Inspection of vessels for suitability for loading dangerous cargo;

(2) Examination of stowage of dangerous cargo;

(3) Making recommendations as to stowage requirements of dangerous cargo; and

(4) Issuance of certificates of loading setting forth that the stowage of danger-

ous cargo is in accordance with the regulations in this subchapter.

(b) Certificates of loading of the National Cargo Bureau, Inc., may be accepted as prima facie evidence of compliance with the Dangerous Cargo Act (R. S. 4472, as amended, 46 U. S. C. 170) and the regulations in this subchapter.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interprets or applies sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275)

Dated: October 9, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-11283; Filed, Oct. 16, 1952; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 175]

CPR 175—DOUGLAS FIR AND WESTERN HEMLOCK DOORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 175 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices at the manufacturing level for standard sizes and grades of stock doors, door bars, and bead stock produced west of the Cascade Mountains in the States of Washington and Oregon. Design net prices are provided to cover standard patterns of doors, while appropriate additions are included to cover other than standard items and services.

The doors covered by this regulation are produced from the softwood or evergreen trees of the Pacific Northwest, the most important species used being Douglas fir, the Western hemlocks, Sitka spruce, Noble fir, and White fir. The industry, most commonly referred to as the Douglas Fir Door Industry, gets its name from the species of lumber most commonly used in the production of doors.

The annual output of the industry is valued at approximately $50,000,000 produced chiefly by 16 firms. About 50 percent of the firms are considered large in that they employ over 200 employees each; 30 percent are of medium size with 100 to 200 employees each; and 20 percent are relatively small with less than 100 employees each. The majority of the plants are nonintegrated, although there are a few plants which are considered integrated to the extent that they produce materials such as plywood, used in the manufacture of doors.

This regulation establishes ceiling prices for (1) House Doors, Side Lights, and Garage Doors which are graded in accordance with Commercial Standard CS 73–51 of the National Bureau of Standards, (2) Factory-Fitted Entrance Doors which are graded in accordance with Commercial Standard CS 91–41 of the National Bureau of Standards, and (3) Hollow Core or Airflow Flush Doors which are of specifications equivalent to the minimum specifications set forth in the "Official Fir Door Industry Grading Rules for Flush Doors" adopted by the Fir Door Institute.

Ceiling prices are set at the mill level on an f. o. b. mill basis. Base discounts are used for different species and grades of stock house doors and provide a method for computing prices on Transit and Non-Transit shipments. Prices are net for other types of doors. The regulation also provides tables of additions to f. o. b. ceiling prices for sales made on a delivered basis. Historically the standard base price lists and freight rate tables were established in the early days of the industry. Subsequent revisions followed.

Stated ceiling prices for stock house doors and sidelights cover sales to purchasers of a class which, in accordance with historic trade practices, receives the largest discount. However, the seller may continue to sell to a purchaser of a different class to whom sales have customarily been made at a smaller discount, but any such sale must maintain the same discount differential which was in effect for different classes of purchasers during the period December 1, 1950, through February 24, 1951. A three-month period was selected for the purpose in order to obtain a base period long enough to provide adequate data with respect to sales to the different classes of purchaser.

The ceiling prices include appropriate charges which are provided primarily to offset additional costs resulting from extras ordered by the purchaser or specified variations from stated standards, such as doors longer or wider than listed, variations from standard sizes of parts, stock quantities less than a specified number, divided lights, astragals, resin or toxic dipping, and other extras. Similarly, service charges are provided for special cars and bracing.

Ceiling prices for items not specifically covered in the regulation will be determined by the Director of Price Stabilization upon application filed by the seller.

This regulation will supplant individual ceiling prices determined under the General Ceiling Price Regulation. The ceiling prices are approximately at the level prevailing during the period of January 25, 1951 through February 24, 1951. This level is not inflationary and yet should be high enough to insure production adequate for the needs of the defense mobilization program.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This included three meetings with the Fir Door Industry Advisory Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of the doors covered by this regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Which regulation is superseded.
3. Geographical applicability.
4. F. o. b. mill ceiling prices for Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir stock house doors.
5. Delivered ceiling prices for Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir stock house doors.
6. Ceiling prices for Douglas fir bar and bead stock.
7. F. o. b. mill ceiling prices for Douglas fir garage doors.
8. Delivered ceiling prices for Douglas fir garage doors.
9. F. o. b. mill ceiling prices for "Factory-Fitted Douglas Fir Entrance Doors."
10. Delivered ceiling prices for "Factory-Fitted Douglas Fir Entrance Doors."
11. F. o. b. mill ceiling prices for Rotary Cut Douglas fir hollow core flush doors.
12. Delivered ceiling prices for Rotary Cut Douglas fir hollow core flush doors.
13. Delivered sales; charges for special cars and bracing.
14. Discounts for cash.
15. Ceiling prices for items not specifically priced.
16. Modification of proposed ceiling prices by Director of Price Stabilization.
17. Invoices.
18. Petitions for amendment.
19. Adjustable pricing.
20. Records.
21. Interpretations.
22. Prohibitions and violations.
23. Evasions.
24. Definitions.

AUTHORITY: Sections 1 to 24 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes manufacturers' dollars-and-cents ceiling prices for standard grades of stock doors, including veneered flush type hollow core doors, produced from Douglas fir (pseudotsuga taxifolia), the Western hemlocks (Tsuga heterophylla and Tsuga mertensiana), Sitka spruce (Pices stichensis), Noble fir (Abies procera), and White fir (Abies concoler) lumber and plywood. This regulation also establishes ceiling prices for door bars and bead stock produced from these species.

SEC. 2. *Which regulation is superseded.* The General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 3. *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. or on a delivered basis) in the 48 States of the United States or in the District of Columbia is subject to this regulation.

SEC. 4. *F. O. B. mill ceiling prices for Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir stock house doors—(a) General explanation.* (1) Your ceiling prices, f. o. b. mill, to purchasers of the class receiving your largest discount during the period December 1, 1950, through February 24, 1951, hereafter called the base period, for stock house doors manufactured in accordance with the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS 73–51 (Old Growth Douglas fir, Sitka spruce, and Western hemlock standard stock doors), Fifth Edition, effective for new production from August 1, 1951, shall be computed by applying the transit or nontransit base discounts set forth in paragraph (b) to the base list prices set forth in paragraph (d), and by adding the appropriate net extras set forth in paragraph (f). Paragraph (c) provides for a modification of the transit or nontransit base discounts when the stock doors subject to this section are sold to purchasers of a class, or classes, who received a smaller discount during the base period. Paragraph (e) provides for a number of adjustments to the base list prices.

(2) In applying the base discounts set forth in paragraph (b) of this section if you are entitled to a transit privilege under existing railroad tariff regulations, which permit you to credit a portion of the inbound freight charges of the raw material to the outbound freight charges on the finished product, you use transit base discounts. If, however, you are not entitled to apply the transit privilege to the particular sale or shipment under existing railroad tariff regulations, you use the nontransit base discounts.

(b) *Base discounts.* (1) The following are the base discounts for use in computing f. o. b. mill ceiling prices to purchasers of the class receiving the longest discount during the base period:

(i) *Douglas fir stock house doors:*

Door grades	Transit	Nontransit
	Percent	*Percent*
A grade	20	18
B grade	23	21
C grade	26	24
BF grade	26	24
Millrun 1⅜" only	23	21
Storm doors	23	21

(ii) *Western hemlock, Sitka spruce, White fir, and Noble fir stock house doors:*

Door grades	Transit	Nontransit
	Percent	*Percent*
A grade	22	20
B grade	25	23
C grade	28	26
BF grade	28	26
Millrun 1⅜" only	25	23
Storm doors	25	23

(2) The following additions are applicable to subparagraph (1) of this paragraph:

No. 1 sidelights "A" grade: Same as base discount.
French and rim doors: 5 points longer than base discount.
For 1¾" stock doors: Shorten base discount 6 points.

(c) *Class of purchaser variation, modification of base discounts.* In determining the ceiling prices of stock house doors subject to this section on sales to a purchaser of a class or classes which received a shorter discount during the base period than that given to the class that received your longest discount, you must maintain the same discount differential which you had in effect for different classes of purchasers during the base period. To do so, you shall adjust the base discounts set forth in paragraph (b) of this section by adding or subtracting the exact point differential between classes of purchasers that you maintained during the base period.

Example. (1) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period transit discount, a 20 percent transit base discount; and you gave a Class B purchaser a smaller base period transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 18 percent for the Class A purchaser, viz, two points shorter than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points shorter than he received during the base period (18 minus 2), or 16 percent.

(2) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period discount, a 20 percent transit base discount, and a Class B purchaser a smaller base transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 22 percent for the Class A purchaser, viz,, two points larger than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points larger than he received during the base period (18 plus 2), or 20 percent.

(d) *Base list prices for stock doors—(1) Standard stock house door base list:*

Size	Thickness		
	1⅜ inches	1¾ inches	1⅜ inches
2-0 x 6-0	$6.95	$8.40	$5.90
2-4 x 6-0	7.15	8.90	6.25
2-6 x 6-0	7.25	9.30	6.45
2-8 x 6-0	7.35	9.55	6.65
3-0 x 6-0	7.95	10.75	7.20
2-4 x 6-4	7.35	9.15	6.45
2-0 x 6-6	7.25	8.75	6.15
2-4 x 6-6	7.50	9.35	6.55
2-6 x 6-6	7.60	9.75	6.75
3-0 x 6-6	8.35	11.25	7.50
2-8 x 6-6	7.70	10.00	6.95
2-0 x 6-8	7.35	8.95	6.25
2-4 x 6-8	7.60	9.50	6.65
2-6 x 6-8	7.70	9.90	6.85
2-8 x 6-8	7.80	10.15	7.05
2-10 x 6-8	8.15	11.00	7.35
3-0 x 6-8	8.50	11.50	7.65
2-0 x 6-10	7.90	9.60	6.75
2-4 x 6-10	8.10	10.10	7.10
2-6 x 6-10	8.25	10.60	7.35
2-8 x 6-10	8.35	10.85	7.50
2-10 x 6-10	8.70	11.75	7.85
3-0 x 6-10	9.05	12.20	8.15
2-0 x 7-0	7.95	9.75	6.85
2-4 x 7-0	8.20	10.25	7.20
2-6 x 7-0	8.35	10.75	7.45
2-8 x 7-0	8.45	11.00	7.65
2-10 x 7-0	8.80	11.90	7.90
3-0 x 7-0	9.20	12.40	8.30
2-0 x 7-6	8.85	11.50	----
2-8 x 7-6	9.25	12.00	----
2-10 x 7-6	9.65	13.00	----
3-0 x 7-6	10.00	13.50	----
2-6 x 8-0	9.20	12.00	----
2-8 x 8-0	9.65	12.55	----
3-0 x 8-0	10.45	14.10	----
4-0 x 8-0	13.60	18.35	----

NOTE: For 1⅛" sash doors, use 1⅜" list. All storm doors are priced from 1⅜" list.

(2) *Standard sidelight base list, (A) grade only:*

Size	Open list	
	1⅜ inches	1¾ inches
1-0 x 6-8	$4.20	$5.20
1-0 x 6-10	4.45	5.55
1-0 x 7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
1-2 x 6-10	4.60	5.75
1-2 x 7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
1-4 x 6-10	4.75	6.05
1-4 x 7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
1-6 x 6-10	4.95	6.25
1-6 x 7-0	5.00	6.30

(e) *Adjustments to base list price.* You may adjust the base list prices set forth in paragraph (d) of this section in accordance with the following additions for the specified services and conditions:

(1) Sizes not listed and intermediate sizes: Use same base list price as the next larger base list price, as reproduced in paragraph (d) of this section.

(2) List extras added to base list prices: Round out to nearest 5¢.

(3) Doors wider than listed: Use widest list price of same height and add for each additional 4 inches or part thereof; 10 percent of the standard house door base list price.

(4) Doors longer than listed: Use longest list of same width and add for each additional 6 inches or part thereof: 10 percent of the house door base list price.

(f) *Net extras.* The following are net extras which may be added in computing f. o. b. mill ceiling prices under this section:

(1) *Design extras:*

HOUSE DOORS

Design No.	Net extra per door	
	Flat panel	Raised panel
F 3	None	(1)
F 3 M	None	(1)
F 3 W	None	(1)
F 13	None	(1)
F 13 M	None	(1)
F 13 W	None	(1)
F 33	None	(1)
F 133	None	(1)

(2) *Species extras:*

Species	Net extra per door	
	Flat panel	Raised panel
Douglas fir	None	(1)
Western hemlock	None	(1)
Sitka spruce	None	(1)
White fir	None	(1)
Noble fir	None	(1)

(3) *Door bar extras:*

Door bars	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(4) *Bead stock extras:*

Bead stock	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(5) *Garage door extras:*

Garage doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(6) *Factory-Fitted Entrance Door extras:*

Factory-Fitted Entrance Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(7) *Rotary Cut Hollow Core Flush Door extras:*

Rotary Cut Hollow Core Flush Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(8) *Airflow Flush Door extras:*

Airflow Flush Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(g) *Net extras for other than standard items and services.* Net extras for other than standard items and services shall be determined by the Director of Price Stabilization upon application filed by the seller.

SEC. 5. *Delivered ceiling prices for Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir stock house doors.* (a) Your ceiling prices for delivered sales of stock house doors shall be computed by adding to your f. o. b. mill ceiling prices the charges for transportation, handling, and packing, as follows:

(1) Your actual charges for transportation, handling, and packing, if you are entitled to a transit privilege under existing railroad tariff regulations, which permit you to credit a portion of the inbound freight charges of the raw material to the outbound freight charges on the finished product.

(2) Your actual charges for transportation, handling, and packing, if you are not entitled to apply the transit privilege to the particular sale or shipment under existing railroad tariff regulations.

(3) Your charges for transportation, handling, and packing, if you do not actually pay freight charges, shall be computed by applying to your f. o. b. mill ceiling prices the applicable percentage set forth in the following table:

Destination	Percentage
Alaska	15
Arizona	10
California	5
Colorado	10
Hawaii	15
Idaho	5
Montana	10
Nevada	10
New Mexico	10
Oregon	5
Utah	10
Washington	5
Wyoming	10

(b) Your ceiling prices for delivered sales of stock house doors to destinations not listed in the table in paragraph (a) (3) of this section shall be computed by applying to your f. o. b. mill ceiling prices the percentage set forth in the table for the nearest destination.

SEC. 6. *F. o. b. mill ceiling prices for Douglas fir bar and bead stock.* (a) Your ceiling prices, f. o. b. mill, for Douglas fir door bars and bead stock shall be computed by applying the transit or nontransit base discounts set forth in paragraph (b) to the base list prices set forth in paragraph (d), and by adding the appropriate net extras set forth in paragraph (f). Paragraph (c) provides for a modification of the transit or nontransit base discounts when the stock doors subject to this section are sold to purchasers of a class, or classes, who received a smaller discount during the base period. Paragraph (e) provides for a number of adjustments to the base list prices.

(b) *Base discounts.* (1) The following are the base discounts for use in computing f. o. b. mill ceiling prices to purchasers of the class receiving the longest discount during the base period:

Door grades	Transit	Nontransit
	Percent	*Percent*
A grade	20	18
B grade	23	21
C grade	26	24
BF grade	26	24
Millrun 1⅜" only	23	21
Storm doors	23	21

(2) The following additions are applicable to subparagraph (1) of this paragraph:

No. 1 sidelights "A" grade: Same as base discount.
French and rim doors: 5 points longer than base discount.
For 1¾" stock doors: Shorten base discount 6 points.

(c) *Class of purchaser variation, modification of base discounts.* In determining the ceiling prices of stock house doors subject to this section on sales to a purchaser of a class or classes which received a shorter discount during the base period than that given to the class that received your longest discount, you must maintain the same discount differential which you had in effect for different classes of purchasers during the base period. To do so, you shall adjust the base discounts set forth in paragraph (b) of this section by adding or subtracting the exact point differential between classes of purchasers that you maintained during the base period.

Example. (1) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period transit discount, a 20 percent transit base discount; and you gave a Class B purchaser a smaller base period transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 18 percent for the Class A purchaser, viz, two points shorter than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points shorter than he received during the base period (18 minus 2), or 16 percent.

(2) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period discount, a 20 percent transit base discount, and a Class B purchaser a smaller base transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 22 percent for the Class A purchaser, viz,, two points larger than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points larger than he received during the base period (18 plus 2), or 20 percent.

(d) *Base list prices for stock doors—(1) Standard stock house door base list:*

Size	Thickness		
	1⅜ inches	1¾ inches	1⅜ inches
2-0 x 6-0	$6.95	$8.40	$5.90
2-4 x 6-0	7.15	8.90	6.25
2-6 x 6-0	7.25	9.30	6.45
2-8 x 6-0	7.35	9.55	6.65
3-0 x 6-0	7.95	10.75	7.20
2-4 x 6-4	7.35	9.15	6.45
2-0 x 6-6	7.25	8.75	6.15
2-4 x 6-6	7.50	9.35	6.55
2-6 x 6-6	7.60	9.75	6.75
3-0 x 6-6	8.35	11.25	7.50
2-8 x 6-6	7.70	10.00	6.95
2-0 x 6-8	7.35	8.95	6.25
2-4 x 6-8	7.60	9.50	6.65
2-6 x 6-8	7.70	9.90	6.85
2-8 x 6-8	7.80	10.15	7.05
2-10 x 6-8	8.15	11.00	7.35
3-0 x 6-8	8.50	11.50	7.65
2-0 x 6-10	7.90	9.60	6.75
2-4 x 6-10	8.10	10.10	7.10
2-6 x 6-10	8.25	10.60	7.35
2-8 x 6-10	8.35	10.85	7.50
2-10 x 6-10	8.70	11.75	7.85
3-0 x 6-10	9.05	12.20	8.15
2-0 x 7-0	7.95	9.75	6.85
2-4 x 7-0	8.20	10.25	7.20
2-6 x 7-0	8.35	10.75	7.45
2-8 x 7-0	8.45	11.00	7.65
2-10 x 7-0	8.80	11.90	7.90
3-0 x 7-0	9.20	12.40	8.30
2-0 x 7-6	8.85	11.50	----
2-8 x 7-6	9.25	12.00	----
2-10 x 7-6	9.65	13.00	----
3-0 x 7-6	10.00	13.50	----
2-6 x 8-0	9.20	12.00	----
2-8 x 8-0	9.65	12.55	----
3-0 x 8-0	10.45	14.10	----
4-0 x 8-0	13.60	18.35	----

NOTE: For 1⅛" sash doors, use 1⅜" list. All storm doors are priced from 1⅜" list.

(2) *Standard sidelight base list, (A) grade only:*

Size	Open list	
	1⅜ inches	1¾ inches
1-0 x 6-8	$4.20	$5.20
1-0 x 6-10	4.45	5.55
1-0 x 7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
1-2 x 6-10	4.60	5.75
1-2 x 7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
1-4 x 6-10	4.75	6.05
1-4 x 7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
1-6 x 6-10	4.95	6.25
1-6 x 7-0	5.00	6.30

(e) *Adjustments to base list price.* You may adjust the base list prices set forth in paragraph (d) of this section in accordance with the following additions for the specified services and conditions:

(1) Sizes not listed and intermediate sizes: Use same base list price as the next larger base list price, as reproduced in paragraph (d) of this section.

(2) List extras added to base list prices: Round out to nearest 5¢.

(3) Doors wider than listed: Use widest list price of same height and add for each additional 4 inches or part thereof; 10 percent of the standard house door base list price.

(4) Doors longer than listed: Use longest list of same width and add for each additional 6 inches or part thereof: 10 percent of the house door base list price.

(f) *Net extras.* The following are net extras which may be added in computing f. o. b. mill ceiling prices under this section:

(1) *Design extras:*

HOUSE DOORS

Design No.	Net extra per door	
	Flat panel	Raised panel
F 3	None	(1)
F 3 M	None	(1)
F 3 W	None	(1)
F 13	None	(1)
F 13 M	None	(1)
F 13 W	None	(1)
F 33	None	(1)
F 133	None	(1)

(2) *Species extras:*

Species	Net extra per door	
	Flat panel	Raised panel
Douglas fir	None	(1)
Western hemlock	None	(1)
Sitka spruce	None	(1)
White fir	None	(1)
Noble fir	None	(1)

(3) *Door bar extras:*

Door bars	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(4) *Bead stock extras:*

Bead stock	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(5) *Garage door extras:*

Garage doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(6) *Factory-Fitted Entrance Door extras:*

Factory-Fitted Entrance Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(7) *Rotary Cut Hollow Core Flush Door extras:*

Rotary Cut Hollow Core Flush Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(8) *Airflow Flush Door extras:*

Airflow Flush Doors	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(g) *Net extras for other than standard items and services.* Net extras for other than standard items and services shall be determined by the Director of Price Stabilization upon application filed by the seller.

SEC. 7. *F. o. b. mill ceiling prices for Douglas fir garage doors.* (a) Your ceiling prices, f. o. b. mill, for Douglas fir garage doors shall be computed by applying the transit or nontransit base discounts set forth in paragraph (b) to the base list prices set forth in paragraph (d), and by adding the appropriate net extras set forth in paragraph (f). Paragraph (c) provides for a modification of the transit or nontransit base discounts when the stock doors subject to this section are sold to purchasers of a class, or classes, who received a smaller discount during the base period. Paragraph (e) provides for a number of adjustments to the base list prices.

(b) *Base discounts.* (1) The following are the base discounts for use in computing f. o. b. mill ceiling prices to purchasers of the class receiving the longest discount during the base period:

Door grades	Transit	Nontransit
	Percent	*Percent*
A grade	20	18
B grade	23	21
C grade	26	24
BF grade	26	24
Millrun 1⅜" only	23	21
Storm doors	23	21

(2) The following additions are applicable to subparagraph (1) of this paragraph:

No. 1 sidelights "A" grade: Same as base discount.
French and rim doors: 5 points longer than base discount.
For 1¾" stock doors: Shorten base discount 6 points.

(c) *Class of purchaser variation, modification of base discounts.* In determining the ceiling prices of stock house doors subject to this section on sales to a purchaser of a class or classes which received a shorter discount during the base period than that given to the class that received your longest discount, you must maintain the same discount differential which you had in effect for different classes of purchasers during the base period. To do so, you shall adjust the base discounts set forth in paragraph (b) of this section by adding or subtracting the exact point differential between classes of purchasers that you maintained during the base period.

Example. (1) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period transit discount, a 20 percent transit base discount; and you gave a Class B purchaser a smaller base period transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 18 percent for the Class A purchaser, viz, two points shorter than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points shorter than he received during the base period (18 minus 2), or 16 percent.

(2) Assume that during the base period you gave a purchaser in Class A, the class which received your largest base period discount, a 20 percent transit base discount, and a Class B purchaser a smaller base transit discount of 18 percent. Further, assume that paragraph (b) establishes a transit base discount of 22 percent for the Class A purchaser, viz,, two points larger than he received during the base period. Therefore, the transit base discount to the Class B purchaser will be two points larger than he received during the base period (18 plus 2), or 20 percent.

(d) *Base list prices for stock doors—(1) Standard stock house door base list:*

Size	Thickness		
	1⅜ inches	1¾ inches	1⅜ inches
2-0 x 6-0	$6.95	$8.40	$5.90
2-4 x 6-0	7.15	8.90	6.25
2-6 x 6-0	7.25	9.30	6.45
2-8 x 6-0	7.35	9.55	6.65
3-0 x 6-0	7.95	10.75	7.20
2-4 x 6-4	7.35	9.15	6.45
2-0 x 6-6	7.25	8.75	6.15
2-4 x 6-6	7.50	9.35	6.55
2-6 x 6-6	7.60	9.75	6.75
3-0 x 6-6	8.35	11.25	7.50
2-8 x 6-6	7.70	10.00	6.95
2-0 x 6-8	7.35	8.95	6.25
2-4 x 6-8	7.60	9.50	6.65
2-6 x 6-8	7.70	9.90	6.85
2-8 x 6-8	7.80	10.15	7.05
2-10 x 6-8	8.15	11.00	7.35
3-0 x 6-8	8.50	11.50	7.65
2-0 x 6-10	7.90	9.60	6.75
2-4 x 6-10	8.10	10.10	7.10
2-6 x 6-10	8.25	10.60	7.35
2-8 x 6-10	8.35	10.85	7.50
2-10 x 6-10	8.70	11.75	7.85
3-0 x 6-10	9.05	12.20	8.15
2-0 x 7-0	7.95	9.75	6.85
2-4 x 7-0	8.20	10.25	7.20
2-6 x 7-0	8.35	10.75	7.45
2-8 x 7-0	8.45	11.00	7.65
2-10 x 7-0	8.80	11.90	7.90
3-0 x 7-0	9.20	12.40	8.30
2-0 x 7-6	8.85	11.50	----
2-8 x 7-6	9.25	12.00	----
2-10 x 7-6	9.65	13.00	----
3-0 x 7-6	10.00	13.50	----
2-6 x 8-0	9.20	12.00	----
2-8 x 8-0	9.65	12.55	----
3-0 x 8-0	10.45	14.10	----
4-0 x 8-0	13.60	18.35	----

NOTE: For 1⅛" sash doors, use 1⅜" list. All storm doors are priced from 1⅜" list.

(2) *Standard sidelight base list, (A) grade only:*

Size	Open list	
	1⅜ inches	1¾ inches
1-0 x 6-8	$4.20	$5.20
1-0 x 6-10	4.45	5.55
1-0 x 7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
1-2 x 6-10	4.60	5.75
1-2 x 7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
1-4 x 6-10	4.75	6.05
1-4 x 7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
1-6 x 6-10	4.95	6.25
1-6 x 7-0	5.00	6.30

(e) *Adjustments to base list price.* You may adjust the base list prices set forth in paragraph (d) of this section in accordance with the following additions for the specified services and conditions:

(1) Sizes not listed and intermediate sizes: Use same base list price as the next larger base list price, as reproduced in paragraph (d) of this section.

(2) List extras added to base list prices: Round out to nearest 5¢.

(3) Doors wider than listed: Use widest list price of same height and add for each additional 4 inches or part thereof; 10 percent of the standard house door base list price.

(4) Doors longer than listed: Use longest list of same width and add for each additional 6 inches or part thereof: 10 percent of the house door base list price.

(f) *Net extras.* The following are net extras which may be added in computing f. o. b. mill ceiling prices under this section:

(1) *Design extras:*

HOUSE DOORS

Design No.	Net extra per door	
	Flat panel	Raised panel
F 3	None	(1)
F 3 M	None	(1)
F 3 W	None	(1)
F 13	None	(1)
F 13 M	None	(1)
F 13 W	None	(1)
F 33	None	(1)
F 133	None	(1)

(2) *Species extras:*

Species	Net extra per door	
	Flat panel	Raised panel
Douglas fir	None	(1)
Western hemlock	None	(1)
Sitka spruce	None	(1)
White fir	None	(1)
Noble fir	None	(1)

(3) *Door bar extras:*

Door bars	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(4) *Bead stock extras:*

Bead stock	Net extra per door
Douglas fir	None
Western hemlock	None
Sitka spruce	None
White fir	None
Noble fir	None

(5) *Garage door extras:*

Garage doors	Net extra per door
Douglas fir	None
Western heml

HOUSE DOORS—Continued

Design No.	Net extra per door: Flat panel	Raised panel
F 5	$0.25	$1.50
F 20	None	(1)
F 21	.15	(1)
F 22	.40	(1)
F 28	.20	(1)
F 29	.75	(1)
F 44	.75	2.00
F 308	.40	(1)
F 308 H	.40	(1)
F 408	.40	(1)
F 109	.30	(1)
F 110	.35	(1)
F 310	.65	(1)
F 610	.85	(1)
F 810	1.05	(1)
F 111	.55	(1)
F 311	.80	(1)
F 611	1.00	(1)
F 811	1.30	(1)
F 114	.10	.60
F 314 H	.35	.80
F 614	.70	1.60
F 914	.85	1.75
F 117	.50	1.10
F 118	.15	.60
F 318	.50	.95
F 418	.65	1.10
F 618	.85	1.30
F 918	1.00	1.45
F 119	.25	.85
F 214	.25	1.00
F 214 H	.45	1.20
F 415	.50	1.00
F 415 H	.50	1.00
F 416	.50	.95
F 128	.10	(2)
F 144	.30	.80
F 344	.60	1.10
F 444	.70	1.20
F 644	.90	1.40
F 944	1.15	1.65
F 45	.75	1.80
F 62	.40	1.90
F 162	.40	1.40
F 662	.90	1.90
F 862	1.10	2.10
F 63	.65	2.60
F 163	.60	1.55
F 363	.50	1.40
F 663	1.15	2.05
F 863	1.35	2.25
F 66	1.00	2.10
F 66–2–2 top panels open	1.20	2.30
F 66–2–2 top panels removable	1.40	2.50
F 66–3–2 top panels and Munt out cut 3 lights	1.30	2.40
F 66–4–2 top panels and Munt out cut 4 lights	1.40	2.50
F 82	None	(2)
F 182	None	2.00
F 382	.20	2.20
F 382 H	.20	2.20
F 682	.50	2.50
F 982	.80	2.80
F 88	1.50	2.45
F 108	.10	(1)
F 208	.30	(1)
F 208 H	.30	(1)
F 129	.65	(1)
F 147	.55	.85
F 622	.90	1.90
F 945	1.40	2.10

[1] Not manufactured in raised panel.

FRENCH AND RIM DOORS

Design No.	Net extra per door
F 35	None
F 36	$0.50
F 37	1.80
F 435	.40
F 436	.90
F 437	2.20
F 535	.50
F 536	1.00
F 537	2.30
F 835	.80
F 836	1.30
F 837	2.60
F 935 M	1.40
F 936 M	1.90
F 937 M	3.20
F 1035	1.00
F 1036	1.50
F 1037	2.60
F 1235	1.20
F 1236	1.70
F 1237	3.00
F 1535	1.50
F 1536	2.00
F 1537	3.30

SIDE LIGHTS

Design No.	Net extra per side light
F 035	None
F 0435	$0.40
F 0535	.50
F 0635 M	.60

(2) *Stock quantities.* Less than 25 doors 1⅜" thick or 15 doors 1¾" thick of a size and kind: Add $0.50 per door for 1⅜" and $1.00 per door for 1¾" to the ceiling price as established in paragraph (a) of this section.

(3) *Wider than standard stiles and rails:*

Stiles and top rail over 4⅜₁₆" to 5⅜": Add $0.40 net per door.

Stiles and top rail over 5⅜" to 6⅜": Add $1.00 net per door.

Bottom rail over 9⅜" to 11⅜": Add $0.10 net per door.

Lock rails or intermediate rails: for each 1" or part thereof wider than standard: Add $0.10 net per member.

(4) *Divided lights in any one light stock door when not listed in paragraph (f) (1) of this section.* With standard beads and bars: Add $0.10 net per light.

(5) *Sticking other than standard.* Square sticking add $0.10 net per door.

(6) *Thicker than standard laminated (flat) panels:*

Over ¼" to ⅜"—3 ply panels: Add $0.70 net per door.

Over ⅜" to ½"—5 ply panels: Add $1.00 net per door.

(7) *For exterior panels.* Add $0.25 net per door.

(8) *Water tables and trim:*

Plain (one) member water table: Add $0.50 net per door.

Water table with blocks or dentil: Add $0.75 net per door.

Planting on water tables (one member): Add $0.20 net per door.

Planting on water tables (with blocks or dentil): Add $0.30 net per door.

(9) *Astragals:*

For 1⅜" to 7–0': Add $0.85 net per astragal.

For 1¾" to 7–0': Add $0.95 net per astragal.

(For longer than 7–0' pro-rate accordingly.)

(10) *Rabbeting house doors.* Plain rabbeting: Add $0.25 net per door.

(11) *Preparing doors for full length sunken mirror:*

One panel: Add $0.40 net per door.

Two or three panels: Add $1.50 net per door.

(12) *Dutch doors:*

Cut through lock rail: Add $1.00 net per door.

Cut through lock rail and rabbeted: Add $2.00 net per door.

(13) *Removable panels.* Add $0.20 net per panel.

(14) *Pre-fit doors:*

Prefitting to book size: Add $0.25 net per door.

Prefitting to height only: Add $0.20 net per door.

(15) *Resin sealing or toxic dipping entire panel door.* Add $0.30 net per door.

(16) *Machining for door locks and latches:*

Mortising for standard type tubular lock and recessing for face plates: Add $0.30 net per door.

Mortising for standard type recess lock and recessing for face plate: Add $0.40 net per door.

Mortising for strike plate (for pair of doors only): Add $0.30 net per door. Boring for knob: Add $0.10 net per door.

(17) *Boring for keyhole.* Add $0.10 net per door.

Boring for standard type night latch: Add $0.20 net per door.

Boring any additional holes: Add $0.10 net each.

(18) *Dapping for hinge butts:*

Round corner: Add $0.10 net per hinge.

Square corner: Add $0.15 net per hinge.

SEC. 5. *Delivered ceiling prices for Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir stock house doors.* (a) When house doors produced from Douglas fir, Sitka spruce, Western hemlock, White fir and Noble fir lumber are sold on a delivered basis, regardless of how delivery is made, the delivered ceiling prices shall be computed in the same manner as is provided in Section 4 for computing f. o. b. mill ceiling prices, except that the appropriate base discount shall be shortened for the applicable freight rates in effect at time of shipment as follows:

Rate per hundred pounds	Shorten base discount
Up to $0.093	½ point.
$0.094 to $0.187	1 point.
$0.188 to $0.280	1½ points.
$0.281 to $0.374	2 points.
$0.375 to $0.467	2½ points.
$0.468 to $0.561	3 points.
$0.562 to $0.654	3½ points.
$0.655 to $0.748	4 points.
$0.749 to $0.841	4½ points.
$0.842 to $0.935	5 points.
$0.936 to $1.028	5½ points.
$1.029 to $1.121	6 points.
$1.122 to $1.225	6½ points.
$1.226 to $1.308	7 points.
$1.309 to $1.402	7½ points.
$1.403 to $1.495	8 points.
$1.496 to $1.589	8½ points.
$1.59 to $1.682	9 points.
$1.683 to $1.776	9½ points.
$1.777 to $1.869	10 points.
$1.870 to $1.963	10½ points.
$1.964 to $2.056	11 points.
$2.057 to $2.150	11½ points.

SEC. 6. *Ceiling prices for Douglas fir bar and bead stock.* (a) The ceiling prices for sales of one thousand lineal feet or more of No. 1 Douglas fir bar and bead stock, string tied, whether f. o. b. mill or on a delivered basis, shall be the following net prices:

	Price per C lineal feet
1⅜" bars, ½" between glass	$5.65
1¾" bars, ½" between glass	6.40
Standard glass beads	1.50

(b) The ceiling prices per hundred lineal feet set forth in paragraph (a) of this section shall be adjusted in accordance with the following additions for the specified services and conditions:

(1) Orders for 500 or more to 999 lineal feet of a size and kind. Add 10 percent to the net prices per hundred lineal feet shown in paragraph (a).

(2) Orders for less than 500 lineal feet of a size and kind. Add 20 percent to the net prices per hundred lineal feet shown in paragraph (a).

SEC. 7. *F. o. b. mill ceiling prices for Douglas fir garage doors.* The ceiling prices, f. o. b. mill, for Douglas fir garage doors manufactured in accordance with the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS 73–51 (Old Growth Douglas fir, Sitka spruce, and Western hemlock standard stock doors), Fifth Edition, effective for new production from August 1, 1951, shall be the following net prices:

Flat panel, 1¾"	8'–0"×7'–0"	8'–0"×7'–6"	8'–0"×8'–0"
#193 per set of 3	$25.00	$26.00	$27.00
#93 per pair	24.00	25.00	26.00

NOTES

1. For raised panels: Add $2.50 per pair or set.

2. Pairs or sets wider than 8'–0": Add $4.50 net per pair or set for each foot or fraction thereof over 8'–0".

3. Less than 25 pairs or sets of garage doors of a size and kind: Add $2.50.

SEC. 8. *Delivered ceiling prices for Douglas fir garage doors.* If the sale of Douglas fir garage doors is made on a delivered basis, regardless of how delivery is made, your delivered ceiling prices shall be the f. o. b. mill ceiling prices set forth in section 7 plus the applicable addition set forth below determined according to the freight rates in effect at time of shipment:

Rail freight rate to the point of delivery	Addition per pair or set of 1¾-inch doors
Up to $0.093	$0.25
$0.094 to $0.187	.50
$0.188 to $0.28	.60
$0.281 to $0.374	.75
$0.375 to $0.467	.75
$0.468 to $0.561	1.00
$0.562 to $0.654	1.25
$0.655 to $0.748	1.35
$0.749 to $0.841	1.50
$0.842 to $0.935	1.75
$0.936 to $1.028	1.75
$1.029 to $1.121	2.00
$1.122 to $1.225	2.25
$1.226 to $1.308	2.50
$1.309 to $1.402	2.60
$1.403 to $1.495	2.75
$1.496 to $1.589	3.00
$1.59 to $1.682	3.15
$1.683 to $1.776	3.40
$1.777 to $1.869	3.65
$1.870 to $1.963	3.75
$1.964 to $2.056	3.50
$2.057 to $2.150	4.05

SEC. 9. *F. o. b. mill ceiling prices for "Factory-Fitted Douglas Fir Entrance Doors".* (a) The ceiling prices, f. o. b. mill for "Factory-Fitted Douglas Fir Entrance Doors" manufactured in accordance with the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS 91–41 (Factory-Fitted Douglas Fir Entrance Doors), effective for new production from February 10, 1941, shall be following net prices:

Design No.	1¾" thick: Solid wide sticking 2 sides: 3-0×6-8	3-0×7-0	Raised moulding 1 side, solid wide sticking 1 side: 3-0×6-8	3-0×7-0
2000	$15.75	$16.50	$18.04	$18.34
2005	19.00	19.75	21.50	21.80
2010	17.00	17.75	18.60	18.89
2015	18.50	19.25	19.48	19.77
2020	23.25	24.00	20.49	20.78
2035 (Ovolo sticking only)	18.60	19.00		
2040	26.25	27.00	27.64	27.93
2045	21.50	22.25	23.28	23.57
2050	19.05	19.80	20.46	20.75
2055	21.35	22.10	22.82	23.11
2060	19.25	20.00	19.09	19.38
2065	22.88	23.17	25.52	25.81
2070	16.25	17.00	16.52	16.81
2075	20.78	21.07	23.94	24.23
2080	16.61	16.90	17.96	18.25
2085	27.60	28.10	31.19	31.38
2090	19.50	20.00	23.02	23.02
2095	21.75	22.50	20.00	20.29
2100	16.55	17.10	17.74	18.03
2105 (Ovolo sticking only)	22.50	23.25		
2110	18.50	20.25	19.02	19.32
2115	16.50	17.25	18.63	18.92
2120	19.00	19.75	20.58	20.88
2125	19.85	20.14	22.11	22.41
2130	15.75	16.50	18.04	18.34

(b) The ceiling prices set forth in paragraph (a) of this section shall be subject to the following mandatory deduction: Grille omitted from design number 2045: Deduct $1.75 net per door.

(c) The ceiling prices set forth in paragraph (a) of this section shall be adjusted in accordance with the following additions for the specified services and conditions:

(1) Doors narrower than 3'–0" wide: Same price as for 3'–0" wide.

(2) Grille furnished for design numbers 2050, 2055, 2075, 2085, 2095, and 2110: Add $2.25 net per door.

(3) Less than five of a size and kind: Add 25% of the ceiling price set forth in paragraph (a).

SEC. 10. *Delivered ceiling prices for "Factory-Fitted Douglas Fir Entrance Doors".* If the sale of "Factory-Fitted Douglas Fir Entrance Doors" is made on a delivered basis, regardless of how delivery is made, your delivered ceiling prices shall be the f. o. b. mill ceiling prices set forth in section 9 plus the applicable addition set forth below determined according to the freight rates in effect at the time of shipment:

Rail freight rate to the point of delivery	Addition per 1¾" door: 3-0×6-8	3-0×7-0
Primary market	$0.25	$0.25
Other than primary market:		
Up to $0.561	.45	.48
$0.562 to $0.654	.52	.55
$0.655 to $0.748	.59	.63
$0.749 to $0.841	.67	.71
$0.842 to $0.935	.74	.79
$0.936 to $1.028	.82	.87
$1.029 to $1.121	.90	.95
$1.122 to $1.225	.98	1.03
$1.226 to $1.308	1.05	1.11
$1.309 to $1.402	1.12	1.19
$1.403 to $1.495	1.20	1.27
$1.496 to $1.589	1.27	1.35
$1.590 to $1.682	1.35	1.43
$1.683 to $1.776	1.42	1.51
$1.777 to $1.869	1.50	1.59
$1.870 to $1.963	1.60	1.69
$1.964 to $2.056	1.68	1.79
$2.057 to $2.150	1.78	1.89

SEC. 11. *F. o. b. mill ceiling prices for Rotary Cut Douglas fir hollow core flush doors.* The ceiling prices f. o. b. mill for rotary cut Douglas fir hollow core flush doors of specifications equivalent to the minimum specifications set forth in the Official Fir Door Industry Grading Rules for Flush Doors, adopted July 17, 1951 by the Fir Door Institute, shall be the following net prices:

Size	1⅜" thick
2-0 x 6-8	$6.25
2-4 x 6-8	7.35
2-6 x 6-8	7.45
2-8 x 6-8	7.55
2-10 x 6-8	8.25
3-0 x 6-8	8.35

NOTES

1. Doors less than 2'0" in width: Same price as 2'0".

2. Doors less than 6'8" in height: Same price as 6'8".

3. Doors 1¾" thick: Add $1.35 per door.

4. For doors 7'0" high: Add $.50 per door for same width.

5. For exterior panels: Add $.75 per door.

6. Stock quantities: For less than 20, 1¾" of a size and kind: Add 20% of the ceiling price; for less than 10, 1⅜" of a size and kind: Add 20% of the ceiling price, as established in this section.

SEC. 12. *Delivered ceiling prices for Rotary Cut Douglas fir hollow core flush doors.* (a) If the sale of hollow core flush doors is made on a delivered basis, regardless of how delivery is made, your delivered ceiling prices shall be the f. o. b. mill prices set forth in Section 11 plus the applicable addition set forth below determined according to the freight rate, in effect at the time of shipment:

Rate	Per 1⅜" door	Per 1¾" door
Up to $0.30	$0.10	$0.10
$0.301 to $0.40	.15	.25
$0.401 to $0.65	.25	.35
$0.651 to $0.75	.30	.40
$0.751 to $0.84	.33	.43
$0.841 to $0.94	.36	.46
$0.941 to $1.03	.39	.49
$1.031 to $1.12	.43	.53
$1.121 to $1.22	.46	.56
$1.221 to $1.31	.50	.60
$1.311 to $1.40	.53	.63
$1.401 to $1.49	.56	.66
$1.491 to $1.62	.59	.69
$1.621 to $1.75	.65	.75
$1.751 to $1.90	.70	.80
$1.901 to $2.05	.75	.85
$2.051 to $2.15	.80	.90

SEC. 13. *Delivered sales-charges for special cars and bracing.* On delivered sales you may make the following additions to the otherwise applicable ceiling prices:

(a) On railroad cars containing orders for more than one lot, you may add $10.00 per lot to cover cost of segregating.

(b) Where bracing is required to permit partial unloading of a railroad car you may add a service charge which may not exceed the actual cost of bracing, including extra freight cost.

SEC. 14. *Discount for cash.* (a) If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period

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from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time.

(b) If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of shipment for f. o. b. mill sales, and within 5 days from date of arrival at the point of destination for delivered sales.

SEC. 15. *Ceiling prices for items not specifically priced*—(a) *Application.* If you cannot ascertain a ceiling price for items subject to this regulation under any other provisions of this regulation, as, for example, should you wish to sell items with special workings, grades, specifications, thicknesses, services, or other extras not specifically mentioned in this regulation, you must file an application, signed by an authoritative person, with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested for approval of a ceiling price. Your application must contain the following:

(1) Your trade name and address.

(2) As complete a description as possible of the item for which the application is filed. This should include the species, grade, thickness, measurements of the item, together with a detailed description of the workings, specifications, services, or other extras involved.

(3) Your proposed ceiling price, f. o. b. mill or delivered price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(4) Your f. o. b. mill or delivered ceiling prices immediately prior to the effective date of this regulation for your class of purchaser receiving your longest discount and for your class of purchaser receiving your shortest discount, both for the item in your application and for the most comparable item for which a specific ceiling price is established in this regulation. Explain the difference between the ceiling price requested and the ceiling price of the most comparable item either in terms of established price differentials, list and applicable transit or non-transit base discounts, or by furnishing a detailed analysis of the costs or cost comparisons of manufacturing the respective item.

(b) *Quotation or proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your item at a ceiling price no higher than the ceiling price proposed in your application: *Provided*, That you agree to and later, refund to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve, modify or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later time.

SEC. 16. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 17. *Invoices.* (a) On all sales of items covered by this regulation, you must submit an invoice to the buyer which shows the following information:

(1) Names and addresses of seller and buyer;

(2) Date of sale or purchase;

(3) The price charged for each item, together with the quantity involved; and

(4) A description of the item, including the species, grade, thickness, and measurements. Any working, specification, extra, or service which bears upon the price charged for your commodity must be separately set forth on the invoice, but the invoice need not show separately the charges for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a) of this section, your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The point of origin and destination of shipment; and

(3) The applicable rail or truck rate; otherwise the amount added for transportation, or points applied to base discount for transportation.

SEC. 18. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, revised.

SEC. 19. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery of (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 20. *Records*—(a) *Current records.* Every person who sells and every person who in the regular course of trade or business, buys items covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years after each sale, accurate records or invoices of each sale or purchase. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The prices charged or paid, including all additions, extras and discounts;

(4) A description of the item sold, including the species, grade, thickness, measurements, specifications, extras and services, with the quantity thereof;

(5) Origin and destination of shipment;

(6) Means of transportation used.

The retention by a buyer of an invoice furnished by a seller which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation with respect to sales and purchases of the items covered by this regulation.

SEC. 21. *Interpretations.* If you wish an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 22. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of this ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 23. *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 24. *Definitions.* As used in this regulation, the terms in this section have the following meanings:

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

Person. This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

Purchaser of the same class. The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not be, based on the characteristic or distributive level of the buyer, for example, railroads, wholesalers, contractors, utilities, municipalities, government agencies. It may, but need not, be based on the location of the purchaser or the quantity of the item purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

Records. This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed in corollary terms.

You. The pronoun "you" indicates any manufacturer who sells items subject to this regulation.

Effective date. This regulation is effective October 21, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 16, 1952.

[F. R. Doc. 52-11389; Filed, Oct. 16, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Collation 4]

GENERAL CEILING PRICE REGULATION

COLL. 4—INCLUDING AMENDMENTS 1–36

The General Ceiling Price Regulation is republished to incorporate the text of Amendments 1 through 36. The General Ceiling Price Regulation was issued January 26, 1951 (16 F. R. 808). Statements of Consideration for the General Ceiling Price Regulation, and for Amendments 1–36, inclusive, as previously published, are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

Sec.

1. What this regulation does.
2. Applicability, effective date and prohibitions.
3. Ceiling prices for all sellers for commodities or services sold in base period.
4. Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.
5. Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.
6. Ceiling prices for commodities in new categories; for new services; and for new sellers.
7. Sellers who cannot price under other sections.
8. Modification of proposed ceiling prices by Director of Price Stabilization.
9. Customary price differentials.
10. Exporters and importers.
11. "Parity" adjustments in ceiling prices.
12. Group of retail sellers under common control.
13. Highest price line limitation for manufacturers of wearing apparel and consumer durable goods.
14. Exemptions and exceptions.
15. Amendments, protests and interpretations.
16. Records.
17. Sales slips and receipts.
18. Evasion.
19. Transfers of business or stock in trade.
20. Excise, sales or similar taxes.
21. Penalties.
22. Definitions and explanations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–22 contained in the General Ceiling Price Regulation, January 26, 1951 (16 F. R. 308), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, February 11, 1951, 16 F. R. 1503.

Amendment 2, February 28, 1951, 16 F. R. 1789.
Amendment 3, February 23, 1951, 16 F. R. 1791.
Amendment 4, February 27, 1951, 16 F. R. 1949.
Amendment 5, February 28, 1951, 16 F. R. 1994.
Amendment 6, March 19, 1951, 16 F. R. 2546.
Amendment 7, March 20, 1951, 16 F. R. 2546.
Amendment 8, March 27, 1951, 16 F. R. 2681.
Amendment 9, April 9, 1951, 16 F. R. 2907.
Amendment 10, May 16, 1951, 16 F. R. 4454.
Amendment 11, May 22, 1951, 16 F. R. 4697.
Amendment 12, June 5, 1951, 16 F. R. 5118.
Amendment 13, May 26, 1951, 16 F. R. 5051.
Amendment 14, May 31, 1951, 16 F. R. 5119.
Amendment 15, June 20, 1951, 16 F. R. 5767.
Amendment 16, July 13, 1951, 16 F. R. 6663.
Amendment 17, July 17, 1951, 16 F. R. 6774.
Amendment 18, September 5, 1951, 16 F. R. 8888.
Amendment 19, October 18, 1951, 16 F. R. 10310.
Amendment 20, October 18, 1951, 16 F. R. 10384.
Amendment 21, October 27, 1951, 16 F. R. 10760.
Amendment 22, October 19, 1951, 16 F. R. 10781, 11770.
Amendment 23, November 1, 1951, 16 F. R. 11178.
Amendment 24, November 16, 1951, 16 F. R. 11812.
Amendment 25, December 19, 1951, 16 F. R. 12787.
Amendment 26, December 26, 1951, 16 F. R. 12819.
Amendment 27, December 31, 1951, 16 F. R. 13088.
Amendment 28, January 12, 1952, 17 F. R. 200.
Amendment 29, March 8, 1952, 17 F. R. 1936.
Amendment 30, March 22, 1952, 17 F. R. 2307.
Amendment 31, July 8, 1952, 17 F. R. 6151.
Amendment 32, July 21, 1952, 17 F. R. 6738.
Amendment 33, August 20, 1952, 17 F. R. 7487.
Amendment 34, September 15, 1952, 17 F. R. 8188.
Amendment 35, September 15, 1952, 17 F. R. 8188.
Amendment 36, October 11, 1952, 17 F. R. 8953.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities and services (except those specifically exempt) upon the basis of prices in effect during the period from December 19, 1950 to January 25, 1951, inclusive. This period is referred to as the "base period." With respect to those food, agricultural and related commodities exempt under the provisions of section 14 (s), however, the applicable "base period" used after removal of the exemption to establish the ceiling price under section 3 of this regulation shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list of agricultural commodities in section 11 (a).

[Section 1 amended by Amdts. 7 and 13]

SEC. 2. *Applicability, effective date and prohibitions*—(a) *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and possessions and the District of Columbia.

(b) *Effective date.* This regulation is effective immediately.

(c) *Prohibitions.* After the date of this order, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any commodity or service at a price exceeding the ceiling price established by this regulation.

SEC. 3. *General ceiling prices*—(a) *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price

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at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers, but in the case of a retailer may have been made by display. If you are a manufacturer or a wholesaler, you cannot, unless permitted by paragraph (b) of this section, use a price as your ceiling price to a class of purchaser unless you made at least 10 percent by dollar volume of your total deliveries of the commodity during the base period to that class of purchaser at that price or at a higher price.

[Paragraph (a) amended by Amdt. 25]

(b) *General increase by manufacturers and wholesalers.* If you are a manufacturer or wholesaler of a commodity, you may apply the following provisions in determining your ceiling prices.

(1) *General increases to all of a class of purchasers.* If, before or during the base period, you announced in writing and put into effect a price increase for a class of purchasers by making some deliveries to that class at the higher price and no deliveries at a lower price (except pursuant to written firm commitments made before the price increase), the increased price becomes your ceiling price for that class of purchaser, even though less than 10 percent of your base period deliveries to that class were made at the higher price.

(2) *General increases to several classes of purchasers.* If, before or during the base period, you announced in writing, and communicated to the trade or a substantial number of customers in your customary way, a general increase of prices for base period delivery to more than one class of purchasers and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all purchasers of one or more classes and if you made no deliveries to the other classes (except pursuant to written firm commitments made before the price increase), then the announced increased prices are your ceiling prices for all classes of purchasers for whom increases were announced.

(3) *General increases or general increases and decreases on several items.* If, before or during the base period, you announced in writing price increases or price increases and decreases on a list of commodities, and if,

(i) You made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all classes of purchasers of one or more of the commodities covered by the price list, or

(ii) After the effective date of the announcement and before January 26, 1951, you made deliveries of one or more of the commodities on the list at the decreased price or prices and none of the commodities on which price decreases were announced were delivered at higher prices (except pursuant to written firm commitments made before the price decreases were announced),

and if the commodities, if any, which you delivered as provided in (i) above, together with the commodities, if any, which you delivered as provided in (ii) above, accounted during the year 1950 for at least 30 percent of your dollar sales of the commodities covered by the price list, then the price list prices are your ceiling prices for all the items on the list.

[Subparagraph (3) amended by Amdt. 25]

[Section 3 amended by Amdts. 2 and 5.]

NOTE: Ceiling prices revised by Amdts. 2 or 5 became effective March 7, 1951.

SEC. 4. *Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.* (a) If you are a manufacturer of a commodity which you did not deliver or offer for delivery during the base period but which falls within a "category" in which you dealt during the base period, determine your ceiling price by applying to your current unit direct cost the percentage markup you are currently receiving on a "comparison commodity."

Your current unit direct cost for the commodity being priced and for the comparison commodity shall consist of the total unit direct labor and direct material cost for each. The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be of the commodities in that category with lower current unit direct costs, the one most nearly like the commodity being priced. If there is no commodity in the category having a lower current unit direct cost, your comparison commodity is the one with the same or higher current unit direct cost which is most nearly like the commodity being priced. If you are no longer manufacturing any commodities which meet the above standards for a comparison commodity, the commodity which you dealt in during the base period, in the same category, which is most nearly like the commodity being priced, is your comparison commodity, but the current unit direct cost of the base period commodity must be computed by using current material prices and wage rates.

(b) To determine your ceiling price you ascertain the percentage markup for the comparison commodity by comparing its current unit direct cost with its ceiling price. You determine your ceiling price on the new commodity by applying this markup to your current unit direct cost for the new commodity. The ceiling price so determined remains your ceiling price on all subsequent sales, except as provided in section 11 of this regulation.

[Paragraph (b) amended by Amdt. 20]

(c) Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting, or sales. You are required by section 16 of this regulation to prepare a list of your categories and in applying the pricing provisions of this section, you should refer to this list. You might, for example, have a category such as one of the following: glass containers; fractional horsepower motors; brass mill products; millwork; print cloth yarn fabrics; screw machine products; ball bearings; textile machinery; women's and misses' blouses; house and barn paints; motor oils.

SEC. 5. *Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.* (a) If you are a wholesaler or retailer and wish to determine a ceiling price for a commodity which you did not deliver or offer for delivery during the base period, but which falls within a "category" in which you dealt during the base period, you determine your ceiling price by applying to your net invoice cost the percentage markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be, of the commodities in that category with lower costs, the one most nearly like the commodity being priced. If you have no commodity in the category with a cost below that of the commodity being priced, your comparison commodity is the one with the same or higher cost which is most nearly like the commodity being priced.) The percentage markup of the comparison commodity must be determined with reference to your most recent net invoice cost for that commodity. The ceiling price so determined remains your ceiling price for all subsequent sales of that commodity, except as provided in section 11 of this regulation.

[Paragraph (a) amended by Amdt. 20]

(b) Category means a line of merchandise, a merchandise department, or a group of commodities which are normally classed together in your trade for selling, buying, merchandising or accounting. You are required by section 16 of this regulation to prepare a list of your categories and in applying the pricing provisions of this section you should refer to this list. You might, for example, have a category such as one of the following: men's clothing; men's furnishings; infants' wear; canned fruits; cosmetics and toiletries; frozen foods; notions; musical instruments; women's coats and suits; cotton piece goods; major household appliances; women's house dresses; office furniture; hand tools.

SEC. 6. *Ceiling prices for commodities in new categories; for new services; and for new sellers.* (a) If you are a manufacturer and are pricing a commodity which is in a different category from any dealt in by you during the base period, your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser.

If you are a wholesaler or retailer and are pricing a commodity which is in a different category from any dealt in by you during the base period, or if you are selling a service which cannot be priced under section 3 of this regulation, your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity or service to the same class of purchaser.

Once you have determined your ceiling prices under this section you may not redetermine them, except as provided in sections 11 and 20 of this regulation. Before selling any commodity or service for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) and, in addition, you must observe the following requirements:

[Introductory Paragraphs of Section 6 (a) amended by Amdts. 20, 23, 24 and 36]

(1) *If you are a manufacturer,* you may not sell the commodity until ten days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(2) *If you are a wholesaler,* you may not sell the commodity until thirty days after mailing the report; thereafter you may sell the commodity at your proposed ceiling prices unless and until you are notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(3) *If you are a retailer or are selling a service,* you must prepare and maintain for the commodities or services being priced under this section the records required of you under section 16. You may begin sales of the new commodities and services as soon as you have prepared these records and mailed the required report and may continue to sell them unless and until notified by the Director of Price Stabilization that your ceiling prices have been disapproved or that more information is required. If, as a retailer, you fell that because of the large number of new commodities which you propose to sell, an item by item price comparison would be too burdensome, you may apply to the Director of Price Stabilization for an alternative method of establishing ceiling prices. Your application should contain the information required in paragraph (b) together with a complete statement of the formula proposed and your reasons demonstrating that it will result, on the average, in ceiling prices no higher than those of your most closely competitive sellers. In such a case you may not begin sales of any commodity with reference to which the application has been made until the Director of Price Stabilization has fixed a method for establishing your ceiling prices.

[Subparagraph (3) amended by Amdt. 36]

(b) *Required report if you are pricing under this section.* You should file your report with the OPS District Office for the district in which your place of business is located except as follows: (1) If you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $250,000 or more, or if you are a new manufacturer who has not completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $250,000 during your first fiscal year, you should file your report with the Director of Price Stabilization, Washington 25, D. C., and (2) Reports for a group of retail sellers determining uniform ceiling prices under section 12 should be filed in the OPS District Office for the district in which the central office of the group is located, or, if all sellers in the group are not located in the same OPS region, with the Director of Price Stabilization, Washington 25, D. C.

Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a description of the commodity he sells and the differences, if any, in specifications of his commodity from the one you are pricing; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are starting a new business, a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment. Your report should also include the following:

[Paragraph (b) amended by Amdts. 4 and 36]

(1) *If you are a manufacturer:* Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing processes involved; your unit direct costs; and the types of customers to whom you will be selling.

(2) *If you are a wholesaler:* Your proposed ceiling price and your net invoice cost of the commodity being priced; the names and addresses of your sources of supply, the function performed by them (e. g., manufacturing, distributing, etc.), and the types of purchasers to whom they customarily sell; the types of customers to whom you plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(3) *If you are selling a service:* Your proposed ceiling price and a description of the most comparable service delivered by you during the base period showing your present direct labor and materials costs and ceiling price for it.

SEC. 7. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity or service under any of the foregoing provisions of this regulation (which, in the opinion of the Director of Price Stabilization, provides adequate pricing instructions for virtually all transactions), you may apply in writing for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the commodity or service; and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the commodity or service until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

You should file your application with the OPS District Office for the district in which your place of business is located except as follows: (1) If you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $250,000 or more, or if you are a new manufacturer who has not completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $250,000 during your first fiscal year, you should file your application with the Director of Price Stabilization, Washington 25, D. C., and (2) Applications for a group of retail sellers determining uniform ceiling prices under section 12 should be filed in the OPS District Office for the district in which the central office of the group is located, or, if all sellers in the group are not located in the same OPS region, with the Director of Price Stabilization, Washington 25, D. C.

[Section 7 amended by Amdt. 36]

SEC. 8. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 9. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 10. *Exporters and importers*—(a) *Exporters.* Sales by persons exporting commodities from the United States (or its territories and possessions) are subject to the provisions of this regulation. If the ceiling price is determined by the seller for domestic purchasers, it may be adjusted pursuant to section 9 to take account of the seller's customary differentials for export sales.

(b) *Importers.* Sales made within the territorial jurisdiction of the United States, its territories and possessions, of commodities imported by the sellers from other countries are subject to the provisions of this regulation.

(c) *Special provision for importers with existing purchase commitments.* (1) If you resell a commodity which you import in substantially the same form (except for services normally performed by importers such as sorting or packaging), or sell that commodity after simple processing operations by you, such as wool scouring or coffee roasting, you may adjust a ceiling price determined under section 3 for any such commodity which is delivered to you pursuant to a contract dated on or before January 26, 1951, to offset an increase in landed cost since the base period. The

amount of the permitted increase is the dollar and cents amount by which your current landed cost per unit exceeds your highest base period landed cost for the commodity.

(2) If you are adjusting your ceiling prices under this section for any of the commodities listed below, you must within ten days after your first sale at the new price, file with the Director of Price Stabilization, Washington 25, D. C., a report showing your base period price, current foreign invoice price and total landed costs of commodities repriced. This paragraph applies to importers of the following kinds of commodities: Non-ferrous metals; ferro-alloys; minerals; raw agricultural products; textile fibres and fabrics; chemicals; metal scrap, crude and semi-finished steel; lumber and pulp.

(3) The landed cost means the foreign invoice price plus the following expenses actually incurred: (i) transportation costs; (ii) customs duties or import taxes; (iii) other commodity taxes; (iv) dock charges; (v) clearance; (vi) insurance; (vii) letter of credit expenses; and (viii) any customary buying commission to a purchasing agent outside the continental United States.

SEC. 11. *"Parity" adjustments in ceiling prices*—(a) *Commodities covered by this section.* This section applies to the following listed agricultural commodities, to the following listed commodities produced in the territories and possessions of the United States, and to products processed from any one or more of them.

[Paragraph (a) amended by Amdt. 20]

Listed Commodities

Field crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Rye
- Sorghums for grain
- Wheat

Livestock and livestock products:
- Butterfat
- Chickens
- Eggs
- Milk, wholesale
- Turkeys
- Beeswax

Sugar crops:
- Maple sirup
- Maple sugar
- Sorghum sirup
- Sugar beets
- Sugarcane sirup
- Sugarcane

Fruits:
- Apples
  - For fresh consumption
  - For canning
  - For drying
- Apricots
  - For fresh consumption
  - For canning
  - Dried
- Avocados
- Blackberries
- Boysenberries
- Cherries

Fruits—Continued
- Cherries—Continued
  - Sweet
  - Sour
- Cranberries
- Dates
- Figs
  - For fresh consumption
  - For canning
- Grapefruit
- Grapes, excluding raisins dried
- Lemons
- Limes
- Loganberries
- Olives
  - For canning
  - Crushed for oil
- Oranges and tangerines
- Peaches
  - For fresh consumption
  - For canning
    - Clingstone
    - Freestone
  - Dried
- Pears
  - For fresh consumption
  - For canning
  - Dried
- Pineapples, Florida
- Plums
  - For fresh consumption
  - For canning
- Raspberries, black
- Raspberries, red
- Strawberries
  - For fresh consumption
- Youngsberries

Tree-nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Tobacco:
- Burley, type 31
- Cigar filler and binder, types 42–44, 46, 51–55.
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35–36
- Fire cured, types 21–24
- Flue-cured, types 11, 14
- Maryland, type 32
- Pa. seedleaf, type 41
- Sun cured, type 37

Vegetables:
- Artichokes
- Asparagus
  - For fresh consumption
- Beans, Lima
- Beans, Snap
- Beets
- Cabbage
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Corn, sweet
- Cucumbers
  - For fresh consumption
- Eggplant
- Garlic
- Kale
- Lettuce
- Onions
- Peas, green
- Peppers, green
- Pimientos
- Shallots
- Spinach
- Sweet Potatoes
- Tomatoes
- Watermelon

Miscellaneous:
- Popcorn
- Honey
- Hops
- Peppermint oil
- Spearmint oil
- Tung nuts

[Potatoes deleted from above list by Amdt. 31]

(b) *Processors and Manufacturers.* This section applies to you only if:

(1) You sell a product which you process from one or more of the listed commodities (or from a product processed from them), and you are not, as to that processing operation, a manufacturer covered by the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), and

(2) The cost to you of a current customary purchase of the listed commodity (or the product processed therefrom) exceeds the highest price you incurred or paid during the base period. In such case you may increase the ceiling price as determined under section 3 of this regulation, for your product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase. (If the ceiling price was determined under either section 4, 6, or 7 of this regulation, you figure your increase under paragraph (d) (2) below).

If you have previously increased the ceiling price for your product, you may increase your present ceiling price for the product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

Example: You are a processor of evaporated milk, a product processed from a listed commodity.

The highest price paid by you for a customary purchase of manufacturing milk in the base period was $3.80 per cwt. The cost to you of the most recent purchase is $4.00 per cwt.—a difference of 20 cents or 2/10 cent per lb.

If you use 94 lbs. of milk to produce a case of evaporated milk, you are entitled to increase your maximum price per case by 18.8 cents per case (94 x 2/10 cent).

If, subsequent to this adjustment, the price you pay for a customary purchase of manufacturing milk should increase to $4.10—a further increase of $0.10 per cwt. or 1/10 cent per lb.—you may add an additional 9.4 cents to your maximum price per case (94 x 1/10 cent).

(3) (i) If (1) you are a producer-processor, and (2) you cannot otherwise determine your ceiling price under subsection (b) (2) above because you do not customarily purchase any amount of a listed commodity from independent producers wholly unaffiliated with you, you may, for purposes of subsection (b) (2), use as your costs the prices (with adjustment for difference in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing.

(ii) If (1) you are a processor who purchases the listed commodity under "open" price or deferred payment contracts, which relate the price you pay the producer to facts unknown both at the time the raw commodity is delivered to you, and at the time of sale of the processed product, and (2) you cannot otherwise determine your ceiling price under subsection (b) (2) above because you do not customarily purchase any amount of a listed commodity at prices finally determined at the time of sale, you may, for purposes of subsection (b) (2), use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (bushels, tons, carloads, etc.), at firm prices for processing.

(iii) If (*a*) you are a producer-owned cooperative processor, and (*b*) you cannot otherwise determine your ceiling price under paragraph (b) (2) of this section because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producer-members within 120 days after the close of the pool or the end of each normal accounting period. A "pool" is an arrangement whereby producers contribute quantities of a commodity which are disposed of and the proceeds are distributed to the producers in proportion to their contributions. The "close of the pool" is the date on which the disposal of all of the commodities in the pool has been completed. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation.

[Subdivision (iii) amended by Amdt. 28]

(c) *Distributors.* This section applies to you only if:

(1) You buy and resell in substantially the same form one or more of the listed commodities or a product processed from them, and

(2) The cost to you of a current customary purchase of that commodity or product exceeds the highest price you incurred or paid for it during the base period.

In such case you may increase your ceiling price, as determined under section 3 of this regulation, for the commodity or product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase. (If your ceiling price was determined under either section 5, 6 or 7 of this regulation, you figure your increase under paragraph (d) (2) below.)

If you have previously increased your ceiling price for the commodity or product, you may increase your present ceiling price for that commodity or product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(d) *Method for computing "parity" adjustments where no customary purchase was made during the base period or where a ceiling price was determined under sections 4, 5, 6 or 7.* (1) If you cannot figure your increase under paragraphs (b) and (c) above because you made no customary purchase during the base period, then the highest price you paid or incurred during the most recent five-week period prior to the base period in which you made a customary purchase shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

(2) If your ceiling price was determined under either section 4, 5, 6 or 7, then the highest price you paid or incurred during the most recent five-week period prior to the "date of calculation" (as defined below) of your ceiling price in which you made a customary purchase shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

If your ceiling price was determined under section 6 or section 7, and you made no customary purchase prior to the "date of calculation", the price you paid or incurred for your first customary purchase made between the "date of calculation" and the date you first offered your product for immediate delivery shall be your highest price within the meaning of section 11 (b) (2) and 11 (c) (2).

If your ceiling price is determined under either section 4 or 5, the "date of calculation" of your ceiling price is the date upon which you first offer the commodity or product for delivery. If your ceiling price is determined under either section 6 or 7, the "date of calculation" of your ceiling price is the date upon which you mail the report or application provided for in those sections.

(e) *Method for computing "parity" adjustments where prices have been based customarily on commodity exchange quotations.* In case any of the above listed commodities or products processed from them are traded regularly upon a recognized commodity exchange that maintains daily records of transactions or quotations, and if it has been both your own practice and the general practice of your industry to figure selling prices on the basis of commodity exchange quotations, the increase per unit you are entitled to add under subsections (b) and (c) shall be the difference in dollars and cents between (1) the quotation upon which your ceiling price under this regulation was based, and (2) the comparable current quotation.

(f) *Notice of "Parity" Adjustment Increases.* (1) If you are a processor or a manufacturer to whom the provisions of section 11 (b) (2) are applicable, you may not increase your ceiling price for such commodity until you first notify, as specified in this paragraph, the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

(i) Name and address of the processing plant which incurs the increased cost for the listed commodity or product processed therefrom;

(ii) A description of the commodity you are selling;

(iii) Name and address of each selling unit which sells the commodity and your existing ceiling price at each such selling unit;

(iv) The highest price you paid or incurred, during the base period or during the periods provided for in paragraph (d) of this section, for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity or product referred to under subdivision (i) of this subparagraph and processed at that plant; or, if you have previously increased your ceiling price, then the price upon which you based your existing ceiling price;

(v) The new cost or new commodity exchange quotation, whichever is applicable;

(vi) The increased ceiling price at each selling unit listed in subdivision (iii) of this subparagraph.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price of the commodity.

[Subparagraph (1) amended by Amdts. 30 and 35]

(2) If you are either a producer-processor pricing under section 11 (b) (3) (i), or a processor operating under "open" price or deferred payment contracts and pricing under section 11 (b) (3) (ii), you may not increase your ceiling price for such commodity until you first notify the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

[Above paragraph amended by Amdts. 30 and 35]

(i) The name and address of your nearest competitor selected pursuant to Section 11 (b) (3) (i) or Section 11 (b) (3) (ii);

(ii) The highest price paid for the listed commodity in the base period by your nearest competitor, or his ceiling price (determined before application of this Section 11), or your dollar-and-cent per unit margin in the base period (determined by taking your ceiling price, as determined under this regulation before application of Section 11, and subtracting from it the highest per unit price paid by your nearest competitor for a customary purchase in the base period).

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(iii) The current price paid for a customary purchase of the listed commodity by your nearest competitor.

(iv) Your ceiling price, as determined under this regulation, before application of this Section 11.

(v) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price.

(3) If you are a cooperative-processor pricing under section 11 (b) (3) (iii), you may increase your ceiling price without first giving any notice, but must, within 120 days after the close of the "pool" or the end of each normal accounting period during which you increased your ceiling price, notify the District Director of the Office of Price Stabilization in whose district you have your processing plant. However, if the records required in section 16, pertaining to the commodities produced in that processing plant, are not maintained in the district where the processing plant is located, you may notify the District Director in whose district those records are maintained. Your notice shall be sent by registered mail and contain the following information:

[Above paragraph amended by Amdts. 28, 30 and 35]

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

(4) Notwithstanding the other provisions of paragraph (f), the Director of the Office of Price Stabilization may, in writing, require you to file your notices of "parity" adjustment increases with the National Office of the Office of Price Stabilization, Washington, D. C.

[Subparagraph (4) added by Amdt. 35]

(g) *Effect of Notification of "Parity" Adjustment.* Upon mailing the notification required in paragraph (f) above, you may charge the new ceiling price. If, in the judgment of the Director of Price Stabilization, the increase is deemed unreasonable, excessive or otherwise improper, he may disapprove the price and restore the old ceiling price or establish a new ceiling price and may apply it retroactively.

(h) *Effect of removal from list of commodities.* This section shall cease to apply to a listed agricultural commodity if, after consultation with the Secretary of Agriculture, the Director of Price Stabilization determines that the requirements of the Defense Production Act of 1950, as amended, are satisfied as to such commodity, and, at such time, this section shall also cease to apply to the same listed commodity produced in the territories and possessions of the United States. The ceiling price for the seller of any product processed from any such commodity shall thereafter be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

Notwithstanding anything contained in this subparagraph (h) to the contrary, the ceiling price for fluid milk, which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or any marketing agreement, license or order, or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that Act, and, for purposes of such sales and purchases only, fluid milk shall be deemed to remain on the list of commodities.

(i) *Goat's milk.* Processors and distributors of goat's milk or of products processed from goat's milk may adjust their ceiling prices for these commodities in accordance with section 11 (a) through (g) as if goat's milk were a adjust ceiling prices may be withdrawn listed commodity. This permission to by the Director of Price Stabilization at any time.

[Section 11 amended by Amdts. 1, 7, 10, 13, 14, 15, 17, 20, 27, 28, 30 and 35]

SEC. 12. *Group of retail sellers under common control.* A group of retail sellers under common ownership or control which had an established practice of centrally determining uniform prices during the base period for some or all of their categories of commodities or services may treat the entire group of retail sellers as one seller for the purpose of (a) computing ceiling prices for the commodities or services for which this practice existed and (b) complying with the record-keeping, reporting and filing provisions of this regulation.

The ceiling prices shall be the uniform centrally determined prices. Records shall be centrally kept, listing the names and addresses of all retail sellers of this group. If a group of retail sellers determines ceiling prices under this section, each retail outlet which is a member of the group must continue to abide by the ceiling prices under this section. The permission granted by this section may be withdrawn by the Director of Price Stabilization from any group of retail sellers upon consideration of the price records maintained by such group and such reports as he may require.

SEC. 13. *Highest price line limitation for manufacturers of wearing apparel and consumer durable goods*—(a) *Manufacturers with base period sales.* If you manufacture certain wearing apparel or consumer durable goods falling within a list of categories which will be issued shortly you may not, after the effective date prescribed in the supplementary order, sell a commodity in any such category at a price higher than your ceiling price determined under section 3 for a commodity in that category.

Example: Your base period ceiling prices for women's rayon dresses were $5.75, $6.75 and $8.75. You will not be permitted to sell any women's dresses at a price in excess of $8.75.

(b) *Manufacturers without base period sales.* If you did not deliver during the base period, or offer in writing for delivery during the base period, any commodity in a particular category listed, you must apply to the Director of Price Stabilization, Washington 25, D. C., for a highest price line limitation for the category which you wish to sell.

SEC. 14. *Exemptions and exceptions.* This regulation does not apply to the following:

(a) Prices or rentals for real property;

(b) Rates or fees charged for professional services;

(c) Prices or rentals for:

(1) Materials furnished for publication by any press association or feature service;

(2) Books, magazines, motion pictures, periodicals, or newspapers, other than as waste or scrap;

(d) Rates charged by any person in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting or television station, a motion picture or other theatre enterprise, or outdoor advertising facilities;

(e) Rates charged by any person in the business of selling or underwriting insurance;

(f) Rates charged by any common carrier or other public utility;

(g) Margin requirements on any commodity exchange;

(h) Sales of bonds, stocks, and other evidences of indebtedness representing monetary obligation is only;

[Paragraph (h) amended by Amdt. 4]

(i) Sales of stamps and coins, precious stones, paintings, other objects of art, and commodities made prior to 1850;

(j) Sales of used personal or household effects by a private owner;

(k) Sales and deliveries at a bona fide auction of used household or personal effects, except that this exception shall not apply to any sale at auction conducted in, by, or for a retail or wholesale establishment regularly engaged in the business of selling such commodities other than by auction.

(l) Indian and Eskimo handicraft objects which are produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(m) Sales and deliveries of damaged commodities by insurance companies, transportation companies, or agents of the United States Government or by any other person engaged in reconditioning and selling damaged commodities received, in direct connection with the adjustment of losses, from insurance companies, transportation companies, or agents of the United States Government; *Provided*, That such person is engaged principally and primarily in such business and is not engaged in selling new or second-hand commodities for his own account.

(n) (1) Sales or deliveries of commodities made or produced by a seller whose gross sales of such commodities did not exceed $25,000, in his last complete fiscal year prior to July 1, 1952, for all units under his ownership and control.

(2) Sales or deliveries of commodities made or produced by a seller who did not complete a fiscal year prior to July 1, 1952 whose gross sales of such commodities are not expected to exceed $25,000 in his first complete fiscal year for all units under his ownership and control.

(3) In the event that the gross sales for all units under the ownership and control of a seller exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the seller's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases immediately.

(4) The preceding subparagraphs of this general exemption do not apply to sales or deliveries by producers of saw logs, pulpwood, wooden mine materials, ties, poles and piling, and related forest products.

[Paragraph (n) amended by Amdts. 19 and 33]

(o) Services the rates of which are regulated by the Department of Agriculture under the Stockyards and Packers Act.

(p) Sales of abandoned or confiscated property by Government agencies or pursuant to a court decree.

(q) Sales of commodities or services the ceiling prices of which are now or subsequently established by other regulations or orders of the Director of Price Stabilization or by voluntary agreements approved in accordance with the provisions of Section 708 of the Defense Production Act of 1950.

(r) Sales of military and strategic commodities but only to the extent specified by supplementary regulations or orders which will be issued defining the scope of this exemption.

(s) The following food, agricultural and related commodities (including any that may be imported):

(1) (i) The following commodities only when sold by the producers thereof: eggs, dry edible beans and peas, and popcorn.

(ii) In addition, any other agricultural commodity in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

(iii) The exemption established in (i) and (ii) above shall apply to the same commodities produced in the territories and possessions of the United States.

(iv) The exemption established by this subparagraph (1) in (i), (ii) and (iii) shall not apply to sales, other than by producers, of any agricultural commodity (or the same commodity produced in the territories and possessions of the United States), not now listed in section 11 (a) or hereafter deleted from the section 11 (a) list. The ceiling price for sales, other than by producers, of any commodity hereafter deleted from the section 11 (a) list shall, after such deletion, be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deleted the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

[Subparagraph (1) amended by Amdts. 1, 7, 13, 14 and 20]

(2) Any commodity grown and processed on the farm when sold by the farmer if the total of such sales and deliveries does not exceed $200 in any one calendar month.

(3) Raw wool when sold by the producer and mohair when sold by the producer.

[Subparagraph (3) amended by Amdt. 13]

(4) Cotton when sold by the producer of that commodity.

(5) American-Egyptian cotton and extra long staple cotton grown outside the United States.

NOTE: Contracts for the sale of extra long staple cotton grown outside the United States executed on or after February 11, 1951, shall not be deemed in violation of the General Ceiling Price Regulation.

[Subparagraph (5) amended by Amdt. 9]

(6) All live animals.

(7) All fresh fruits, including berries and tree nuts, and all fresh vegetables.

[Subparagraph (7) amended by Amdt. 13]

(8) Fresh fish, seafood and game, and frozen fish and shellfish.

[Subparagraph (8) amended by Amdt. 11]

(9) Seeds including hay, pasture, legume and covercrop seeds and other seeds.

(10) Crude pine gum when sold by the producer.

[Subparagraph (10) amended by Amdt. 1]

(11) The following oil seeds or nuts, their oils and fatty acids or combinations of these oils so long as the oils remain in a form customarily designated by the trade as "oil":

Babassu kernels.	Ouricury kernels.
Babassu oil.	Ouricury oil.
Cacao butter.	Palm oil.
Cashew nut shell liquid.	Palm kernels.
Castor beans.	Palm kernel oil.
Castor oil.	Perilla seeds.
Cod oil.	Perilla seed oil.
Cohune kernels.	Poppyseed.
Cohune oil.	Poppyseed oil.
Coquito kernels.	Rapeseed, rapeseed oil.
Coquito oil.	Rubberseed.
Copra.	Rubberseed oil.
Cocoanut oil.	Sesame seed.
Hemp seed.	Sesame oil.
Hemp seed oil.	Shark oil.
Kapok seed.	Sperm oil.
Kapok seed oil.	Sunflower seed.
Muru-muru kernels.	Sunflower seed oil.
Muru-muru oil.	Tucum kernels.
Olticica oil.	Tucum oil.
Olive oil, edible, sulphur and other inedible.	Tung oil.
	Whale oil.

[Subparagraph (11) amended by Amdt. 1]

(12) Flue cured tobacco, types 11 to 14, when sold by the producer.

(13) Cotton seed when sold by the producer.

(14) Dried figs, raisins and prunes when sold by the producer.

(15) Broom corn when sold by the producer.

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subparagraphs (12), (13), (14), (15), (16) added by Amdt. 1]

(17) Cut greens when used for decorative purposes, such as ferns and the boughs and leaves of trees and shrubs; nursery stock; Christmas trees; vegetable plants; and natural flowers and floral products, such as cut flowers, flowering plants, foliage plants, and bulbs for planting purposes.

[Subparagraph (17) added by Amdt. 8; amended by Amdts. 16 and 21]

(18) All domestically produced and imported geese, guineas, squabs, pigeons, quail, partridges, pheasants, rabbits and hares, whether in processed or unprocessed form, and at all levels of purchase and sale.

[Subparagraph (18) added by Amdt. 12; amended by Amdt. 22]

(19) Holiday fruit cake, that is, fruit cake which: (1) Contains not less than 50 percent by weight of fruits and nuts in relation to the total weight of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that such fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both.

[Subparagraph (19) added by Amdt. 18]

(20) All raw and unprocessed chicken and turkey feathers and fibre, and all raw and unprocessed new, or unprocessed second-hand, goose or duck feathers and down.

[Subparagraph (20) added by Amdt. 22]

(21) Goat's milk when sold by the producer.

[Subparagraph (21) added by Amdt. 27]

(t) (1) Sales by any person other than an agency or instrumentality of the United States Government, of his used supplies or equipment not acquired or produced by him for the purpose of sale, provided that a used item may not be sold at a price higher than the ceiling price of that item when new for sales to the same class of purchaser. If the seller cannot determine the ceiling price for the item when new, he may not charge for the used item any amount in excess of his cost of acquisition for that item.

(2) This exemption does not apply to used rails or trackwork, demolition projects, scrap or waste materials, or to any commodity which is now or hereafter specifically covered by any supplementary regulation to the General Ceiling Price Regulation or any numbered ceiling price regulation.

[Paragraph (t) added by Amdt. 26; Subparagraph (2) amended by Amdts. 29 and 34]

SEC. 15. *Amendments, protests and interpretations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate. Price Procedural Regulation No. 1 sets forth the circumstances and the manner in which you may obtain an official interpretation of this regulation; file a protest; or petition for an amendment. If the Director of Price Stabilization determines that adjustments are necessary to prevent or correct hardships or inequities and can be put into effect consistently with the objectives of the Defense Production Act of 1950, he will issue appropriate amendments or supplementary regulations providing for such adjustments.

SEC. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer).

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services you must prepare and preserve a statement listing the services which you delivered or offered to deliver during the base period.

[Subparagraph (2) amended by Amdts. 3 and 5]

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. If you are a retailer you may satisfy the requirement of this paragraph (3) by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

[Subparagraph (3) amended by Amdts. 3 and 5]

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(5) If you operate a restaurant, you are required to preserve all menus used by you during the last ten days of the base period and all menus hereafter used by you.

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price.

(c) In certain situations, other sections of this regulation require additional records to be prepared or submitted.

SEC. 17. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 18. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 19. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 20. *Excise, sales or similar taxes—*

(a) *Tax paid as such by manufacturer, wholesaler or retailer, where the tax is separately stated and collected.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar tax paid by you as such if, during the base period you stated and collected such tax separately from your selling price. In the case of an increase in any excise, sales or similar tax or any new such tax, which is not effective until after January 26, 1951, you may, in addition to your ceiling price, state separately and collect the amount of such increase or new tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

(b) *Tax paid as such by wholesaler or retailer, where the tax is not separately stated.* If you are a wholesaler or a retailer, and after January 26, 1951, the amount of any excise, sales or similar tax paid as such by you and included in your ceiling price is reduced or eliminated, you must reduce your ceiling price to reflect the appropriate amount of such reduction or elimination. If after January 26, 1951, any such tax is increased or any such tax is newly imposed, you may increase your ceiling price to reflect the appropriate amount of such increase or new tax, and you may include the amount in your selling price, if not prohibited by the tax law.

(c) *If you are a manufacturer and the tax is included in your selling price.* If you are a manufacturer (except a manufacturer of tobacco products), and after January 26, 1951, the amount of any excise, sales or similar tax which is included in your ceiling price is reduced or eliminated, you must reduce your ceiling price to reflect the appropriate amount of such reduction or elimination. If you are a manufacturer (including a manufacturer of tobacco products), and after January 26, 1951, any such tax is increased, you may increase your ceiling price to reflect the appropriate amount of the increase paid as such by you, if the former amount of such tax was included in your ceiling price. In the case of any new excise, sales or similar tax which is not effective until after January 26, 1951, you may increase your ceiling price to reflect the appropriate amount of such new tax paid as such by you. Ceiling prices redetermined under this paragraph replace your former ceiling prices for all purposes of this regulation including use under section 4 of this regulation to determine the ceiling price of a new commodity. If you have otherwise complied with the reporting requirements of this regulation, no new report need be filed of a ceiling price redetermined under this paragraph.

(d) *Where net cost includes changed or new excise tax.* If you are a wholesaler or retailer and the net invoice cost of a commodity purchased by you for resale is changed by reason of the imposition or elimination of or increase or decrease in a manufacturer's excise tax, you recalculate your ceiling price under Supplementary Regulation 29, except for those commodities covered by paragraph (e) of this section.

(e) *Commodities for which only exact change in excise tax may be reflected in ceiling price.* If you are a wholesaler or retailer of the following commodities:

(1) Malt beverages,

(2) Tobacco products,

(3) Photographic apparatus, film and equipment (except private brands),

you may increase your ceiling price by the exact amount of any increase in or new manufacturer's excise tax reflected on the invoice to you; and except for tobacco products you must decrease your ceiling price by the exact amount of the decrease in or elimination of any such tax reflected on the invoice to you. Except for malt beverages and tobacco products, you must in all such cases on sales to sellers for resale state separately the amount of the tax.

(f) *Rounding taxes.* If a change occurs in an excise, sales or similar tax paid by you, or if the net invoice cost paid by you for a commodity purchased by you for resale changes by reason of the imposition of or increase in a manufacturer's excise tax, and your resulting cost per unit of the commodity you sell is not a round amount, you shall reflect any fraction of a cent as follows:

(1) On sales of one unit of that commodity, at one time to one purchaser, you shall drop the fraction of a cent if less than a half cent and increase the fraction to the nearest higher cent if a half cent or more.

(2) On sales of more than one unit of that commodity at one time to one purchaser, you shall multiply the exact amount of the tax change (including any fraction) per unit you sell by the number of the units you sell at that time to that purchaser, and shall drop any resulting fraction of a cent if less than a half cent and increase any resulting fraction of a cent to the nearest higher cent if a half cent or more.

Example: Your increased tax on a case of beer containing 24 bottles is 7.2 cents, so your increased cost per bottle is 7.2 cents divided by 24 bottles, or $\frac{3}{10}$ cent. If you sell one bottle of beer, your tax increase is less than $\frac{1}{2}$ cent and therefore you may not increase your ceiling price. If you sell three bottles of beer, your tax increase is 3 times $\frac{3}{10}$ cent and therefore you may increase your ceiling price for all three bottles of beer sold at one time to one purchaser by 1 cent.

(g) *Special rule for mail order establishments.* If you operate a mail order establishment you are not required to observe the pricing rules of this section as to any mail order sales of commodities covered by any of your catalogs, booklets, circulars, flyers or other forms of printed price lists which were printed before November 1, 1951. Your ceiling prices for such sales continue to be those established pursuant to the other sections of this regulation for so long as the printed price lists remain in effect except that:

(1) You may recalculate your ceiling prices for any commodity on which there is a new manufacturer's excise tax as soon as that tax is reflected in the net invoice cost of the commodity to you, and

(2) You may recalculate your ceiling prices for any commodity in the following groups of commodities when an increase in a manufacturer's excise tax is reflected in the net invoice cost of the commodity to you if you also recalculate your ceiling prices for the commodities in the group on which a decrease in or elimination of the manufacturer's excise tax is reflected in the net invoice cost of the commodity to you:

(i) Photographic apparatus, film and equipment.

(ii) Sporting goods.

[Section 20 amended by Amdt. 23]

SEC. 21. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 22. *Definitions and explanations.* This General Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Business establishment. This term refers to the physical location of the store, shop or other place of business in which commodities are manufactured or sold or at or from which commodities or services are supplied.

Class of purchaser or purchaser of same class. This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

Commodity. This term includes commodities, materials, articles, products, supplies, components, and processes.

Delivered. A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser. A service shall be deemed to have been delivered or supplied during the specified period if during the period it was completed or in process.

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

Exporter. This term means any person selling a commodity priced under this regulation either directly or through an agent and delivering or shipping to a place outside the United States, its territories and possessions.

Importer. This term means the person by whom a commodity is imported and who first sells it after importation.

Imported. A commodity is imported which is transported from a place outside to a place inside the United States, its territories or possessions, for sale within such area.

Manufacturer. This term refers to any person who is engaged in business other than as a wholesaler or retailer.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity or service (e. g., if you are a wholesaler of a commodity, your most closely competitive seller may be a manufacturer; or, if you are a retail supplier of a service, your most closely competitive seller may be a wholesaler). You are in direct competition with another seller who sells the same types of commodities or services to the same classes of purchaser in similar quantities, on similar terms and, if you are selling a commodity, you supply approximately the same amount of service.

Net invoice cost. This term refers to your invoice cost less any discount or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc., except that manufacturers' excise taxes other than those on commodities listed in section 20 (e) may be included.

[Above paragraph amended by Amdt. 23]

Offering price. The price at which a commodity or service was offered means the price quoted in the seller's price list, or if he had no price list, the price which he regularly quoted in any other manner. This regulation requires that an offer for sale other than at retail must have been in writing. For sales of commodities at retail the offer must have been made at the immediate point of sale (e. g., the shelves or counters). The term offering price does not include a price intended to withhold a commodity or service from the market or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Records. This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Restaurant. This term refers to any establishment in which meals, food items, or beverages are sold and served primarily for consumption on or about the premises (hotels, soda fountains, boarding houses, lunch wagons, etc., are included).

Sale at retail and retailer. Sale at retail means a sale to an ultimate consumer other than an industrial or commercial user. In addition, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of business makes sales at retail is a retailer.

[Above definition amended by Amdt. 32]

Sale at wholesale and wholesaler. Sale at wholesale means a sale by a person who buys a commodity and resells it, without substantially changing its form, or who supplies a service, to an industrial or commercial user, or to any person other than the ultimate consumer. However, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of

business makes sales at wholesale is a wholesaler.

[Above definition amended by Amdt. 32]

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly. Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

Seller. This term includes the seller of any commodity or service. Where a seller makes sales or supplies services through more than one selling unit (other than salesmen making sales at uniform price) each such separate place of business shall be deemed to be a separate seller.

Service. This term includes any service rendered or supplied, otherwise than as an employee.

Unit direct cost. This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general or selling expenses.

You. The pronoun you as used in this regulation indicates the person subject to the regulation.

Calculations of ceiling prices involving fractions. Fractions of a cent remaining after the total price for a quantity sold has been calculated shall be dropped if less than a half cent and increased to the nearest higher cent if a half cent or more.

[Sec. 22 amended by Amdts. 2, 6 and 7]

NOTE. The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.
By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11319; Filed, Oct. 15, 1952; 3:44 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 8]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

EXTENSION OF EFFECTIVE DATE OF RECONTROL OF CERTAIN PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this amendment to General Overriding Regulation 5, Revision 1, is hereby issued:

STATEMENT OF CONSIDERATIONS

Amendment 7 to General Overriding Regulation 5, Revision 1, was issued October 15, 1952, revoking the earlier suspension from price controls of radio, television and phonograph parts. The action was based on information available to the agency that the suspension of parts impaired effective price controls on other products still subject to price ceilings and on radio and television repair services, selling at ceiling and not intended to be suspended from price controls. The revocation was made effective on the date of issuance. It now appears that for a variety of reasons the industry needs more time to adjust itself to the reimposition of controls. Consequently, to make sure that sellers of radio, television and phonograph parts will have ample time to make any adjustments in their operations that might be necessary to comply with the regulations now applicable, this amendment is being issued postponing the date on which controls will be reimposed to October 27, 1952.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended in the following respects:

Section 200 is amended by changing the date in the first sentence from "October 15, 1952" to "October 27, 1952" and by inserting after the section heading and before the first sentence the following: "The application of any ceiling price regulation heretofore issued to sales of radio, television and phonograph parts and television antennae, boosters and accessories shall be suspended until October 27, 1952."

As amended, the section reads as follows:

SEC. 200. *Radio, television and phonograph parts.* The application of any ceiling price regulation heretofore issued to sales of radio, television and phonograph parts and television antennae, boosters and accessories shall be suspended until October 27, 1952. On and after October 27, 1952, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any radio, television or phonograph part, except a cabinet, at a price exceeding its ceiling price under the regulation applicable to such part. Notwithstanding the foregoing provision, however, if the part is one which you first sold or offered for sale after August 28, 1952, you may sell it until November 15, 1952, at a price not to exceed the highest price at which you delivered it between August 29, 1952 and October 15, 1952 or, if the part was not delivered during this period, the highest price at which you offered it for delivery during this period to a purchaser of the same class. All terms used in this section have the same meaning as in the regulation which establishes your ceiling prices for radio, television and phonograph parts.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective as of October 15, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 16, 1952.

[F. R. Doc. 52-11364; Filed, Oct. 16, 1952; 11:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING-OUT PAYMENTS; PAYMENT UNDER BOTH LAWS

Paragraph (c) of § 536.75 is rescinded and the following substituted therefor:

§ 536.75 *Mustering-out payments.*

* * *

(c) *Entitlement under both provisions of law.* Members who entered upon active duty prior to July 1, 1947 and served continuously without a break in service and who were discharged on or after June 27, 1950 and prior to July 16, 1952 who were eligible and received mustering-out payment upon discharge between those dates under the provisions of the Mustering-Out Payment Act of 1944, are entitled to receive mustering-out payment under the provisions of the Veterans' Readjustment Act of 1952 at a subsequent date of discharge in connection with a subsequent period of service beginning on or after June 27, 1950.

* * * * *

[C2, AR 35-1340, Sept. 26, 1952] (Sec. 5, 58 Stat. 10, as amended; 38 U. S. C. 691e)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-11272; Filed, Oct. 16, 1952; 8:49 a. m.]

Chapter XVI—Selective Service System

[Amdt. 42]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORDS DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Subparagraphs (1), (3), and (4) of paragraph (b) of § 1670.31 are amended to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(1) *Veterans' Administration.* The Veterans' Administration may obtain such information upon the request of (i) the Administrator, (ii) the Deputy Administrator, (iii) the Assistant Administrator for Contact and Administrative Services, (iv) the Director of Administrative Operations Service (Washington), (v) the Director of Administrative Service, (vi) a Manager of a District Office, (vii) a Director, Claims Service, District Office, or (viii) a Manager or an Adjudication Officer of a Regional Office or Center having Regional Office activities.

* * * * *

(3) *Department of the Army.* The Department of the Army may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Army, (ii) the Executive Officer or the Secretary-Recorder of the Army Discharge Review Board, Washington, D. C., (iii) the Assistant Secretary-Recorder of the Army Discharge Review Board, St. Louis, Missouri, (iv) the Chairman of the Army Board on Correction of Military Records, (v) the Chief, Security Group, Intelligence Division, General Staff, United States Army, (vi) Personnel of the Counter Intelligence Corps, United States Army, (vii) the Adjutant General, (viii) the Commanding Officer, Demobilized Personnel Records Branch, (ix) the Chief, Repatriation Records Branch, Office of the Quartermaster General, (x) the Chief, Personnel Branch, National Guard Bureau, (xi) the Adjutant General, Headquarters, First Army, (xii) the Executive Officer, Military Personnel Procurement Division, Headquarters, Second Army, (xiii) the Records Administrator, Headquarters, Third Army, (xiv) the Adjutant General, Headquarters, Fourth Army, (xv) the Selective Service Liaison Officer, Headquarters, Fifth Army, (xvi) the Adjutant General, Headquarters, Sixth Army, (xvii) the Adjutant General, Headquarters, Military District of Washington, (xviii) the Executive Officer, Army Finance Center, (xix) an Agent of the Criminal Investigation Division, Office of the Provost Marshal General, (xx) a Provost Marshal or an Agent of the Criminal Investigation Division of the Military District of Washington or of the First, Second, Third, Fourth, Fifth or Sixth Army, or (xxi) the Adjutant General, U. S. Army Pacific.

(4) *Department of Labor.* The Department of Labor may obtain such information upon the request of (i) the Secretary of Labor, (ii) the Director, the Liaison Officer, a Field Representative, or an Assistant Field Representative, Bureau of Veterans' Reemployment Rights, or (iii) the Director, the Medical Director, a Deputy Director, the Chief Investigator, an Investigator, or a Deputy Commissioner in Charge of a Compensation District in the Field, Bureau of Employees' Compensation.

2. Subparagraphs (14), (20), (27), (29), (33), and (38) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(14) *State of Illinois.* The officials of the State of Illinois and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Commissioner of Placement and Unemployment Compensation, (iii) the Director, the Deputy Directors, and the Secretary, Illinois Service Recognition Board, (iv) the Administrator and the Assistant Administrators, Illinois Veterans' Commission, (v) the Director, the Assistant Director, and the Superintendent and the Assistant Superintendent of the Division of Veterans' Service, Department of Public Welfare, (vi) the Director and the Assistant Director, Department of Public Safety, (vii) the Executive Secretary and the County Superintendents, Public Aid Commission, (viii) the Chief Probation Officer, Adult Probation Department, Cook County, (ix) the Director, the Supervisor of the Central Administrative Office, and the District Office Supervisors, Cook County Bureau of Public Welfare, (x) the Commissioners, Chicago Welfare Commission, and (xi) the Chief and the Assistant Chief, Bureau of Missing Persons, Chicago Police Department.

* * * * *

(20) *State of Maine.* The officials of the State of Maine authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman, Unemployment Compensation Commission, (iii) the State Director and the Administrator, Veterans' Assistance Program, (iv) the Attorney General and the Assistant Attorneys General, and (v) the Director of the Division of General Relief, Department of Health and Welfare.

* * * * *

(27) *State of Montana.* The officials of the State of Montana authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman and the Deputy Chairman, Unemployment Compensation Commission, (iii) the State Service Officer and Service Officers, Veterans' Welfare Commission, (iv) the Director, the Supervisor of Guidance Training, and Placement and Rehabilitation Agents, Bureau of Vocational Rehabilitation, (v) the Director of the Department of Public Welfare, and (vi) the Director, the Attorney, the Chief of Claims, the Chief of Next-of-Kin Section, the Chief of the Regular Claims Section, and the Chief Auditor, Adjusted Compensation Division.

* * * * *

(29) *State of Nevada.* The officials of the State of Nevada authorized to obtain such information are (i) the Adjutant General, (ii) the Executive Director, Employment Security Department, and (iii) the State Director for Welfare, State Welfare Department.

* * * * *

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Deputy Commissioner in Charge of the Division of the Treasury and the Bonus Claims Administrative Supervisor, Division of the Treasury, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commissioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Senior Civil Service Investigator, State Civil Service Commission, (xiv) the County Commissioners of Welfare and the Deputy County Commissioners of Welfare, Department of Public Welfare, (xv) the Commissioners and the Investigators, New York State Crime Commission, (xvi) the Commissioner, the Deputy Commissioner, the Assistant Commissioners, and the District Health Officers, Department of Health, (xvii) the District Attorney, New York County, (xviii) the Chief Investigator and the Investigators, Office of the District Attorney, New York County, (xix) the District Attorney and the Chief Assistant to the District Attorney, Queens County, (xx) the Investigator, Abandonment Bureau, Office of the District Attorney, Queens County, (xxi) the District Attorney, the Assistant District Attorney in Charge of the Homicide Division, and the Assistant District Attorney in Charge of Abandonments, Kings County, (xxii) the Acting Chief Clerk, Office of the District Attorney, Kings County, (xxiii) the District Attorney, Bronx County, (xxiv) the District Attorney, Richmond County, (xxv) the Deputy Directors, the Assistant Deputy Directors, the Director of the Bureau of Child Welfare, the Assistant Director of the Division of Children's Placement Service, the Director of the Division of Foster Home Care, the Director of the Division of Day Care, and the Director of the Department of Welfare Youth Board Project, New York City Department of Welfare, (xxvi) the Commissioner, New York City Department of Hospitals, (xxvii) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xxviii) the Special Assistant Corporation Counsel In Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xxix) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xxx) the Chief Inspector, the Chief of Detectives, and the Commanding Officer of the Police Academy, New York City Police Department, (xxxi) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, and (xxxii) the Chief of Personnel, New York City Housing Authority.

* * * * *

(38) *State of Oregon.* The officials of the State of Oregon authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer, the Personnel Adjutant, and the Assistant

Personnel Adjutant of the Military Department, (iv) the Administrator, Unemployment Compensation Commission, (v) the Director, State Department of Veterans' Affairs, and (vi) the Supervisor, the Attorney, the Chief of Claims, the Chief of the Next-of-Kin Section, the Chief of the Irregular Claims Section, and the Chief Auditor, Bonus Division, State Department of Veterans' Affairs.

(Secs. 6, 7, 61 Stat. 32; sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

OCTOBER 10, 1952.

[F. R. Doc. 52-11269; Filed, Oct. 16, 1952; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

OPENING DATE; EXCEPTIONS

Basis and purpose. On the basis of information developed by field representatives of the Fish and Wildlife Service and to test the availability of herring for a winter fishery in the extreme southern portion of Southeastern Alaska, it has been determined that a limited season in that area will not endanger the stocks.

As the following regulation is a relaxation of existing regulations applicable to herring fishing in Alaska (regulations for the protection of the commercial fisheries of Alaska), notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Therefore, effective immediately, Part 116—Southeastern Alaska Area Fisheries Other Than Salmon, is amended in text in § 116.3 *Opening date; exceptions*, by adding the following proviso to the first sentence: "*Provided*, That no quota herring shall be taken from the waters of Tongass Narrows.", and by adding the following sentence at the end of the text: "These restrictions shall not apply south of 55 degrees north latitude in the period from October 15 to February 28, inclusive."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

J. L. KASK,
Acting Director.

OCTOBER 13, 1952.

[F. R. Doc. 52-11253; Filed, Oct. 16, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 29]

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the Official Standard Grades for Burley Tobacco, pursuant to the authority contained in The Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 732; 7 U. S. C. 511 et seq.). This revision, if made effective, will supersede the present standard grades for Burley tobacco promulgated on November 25, 1936 (1 F. R. 2040) and amended January 18, 1938 (3 F. R. 189).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Standards and Technical Research Division, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U. S. TYPE 31)

LEAF GRADES (B-GROUP)

§ 29.401 *General specifications.* All grades of the B group must be clean, sound, medium to heavy body, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
B1F	Choice Quality Leaf in Tan Color. Very smooth, very good texture, oily, ripe, firm, medium to fairly fleshly body, strong, fairly spready, open weave, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
B1R	Choice Quality Leaf in Red Color. Very oily, fairly fleshly to heavy body, otherwise same as B1F.
B2F	Fine Quality Leaf in Tan Color. Smooth, good texture, oily, ripe, firm, medium to fairly fleshy body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 20" long. Tolerance 10 percent injury.
B2R	Fine Quality Leaf in Red Color. Very oily, fairly fleshy to heavy body, otherwise same as B2F.
B3F	Good Quality Leaf in Tan Color. Fairly smooth, fair texture, oily, ripe, firm, medium to fairly fleshy body, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 18" long. Tolerance, 15 percent injury.
B3R	Good Quality Leaf in Red Color. Very oily, fairly fleshy to heavy body, otherwise same as B3F.
B3M	Good Quality Mixed Leaf. Average quality of B3 or better.
B3G	Good Quality Green Leaf. Quality of B3, except oil, maturity, and porosity.
B4F	Fair Quality Leaf in Tan Color. Unrough, fairly oily, fairly ripe, fairly firm, medium to fairly fleshy body, normal strength, not stringy, fairly true color shade, dull finish, unmixed, over 15" long. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
B4R	Fair Quality Leaf in Red Color. Oily, fairly fleshy to heavy body, otherwise same as B4F.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—continued

U. S. Grade	
B4D	Fair Quality Leaf in Dun or Dull Red Color. Medium to heavy body, dusky color shade, otherwise quality of B4F.
B4M	Fair Quality Mixed Leaf. Average Quality of B4.
B4G	Fair Quality Green Leaf. Quality of B4, except oil and maturity.
B5F	Low Quality Leaf in Tan Color. Fairly ripe, medium to fairly fleshy body, not tender, dusky color shade, cloudy to dingy finish, unmixed, over 16" long. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
B5R	Low Quality Leaf in Red Color. Fairly fleshy to heavy body, otherwise same as B5F.
B5D	Low Quality Leaf in Dun or Dull Red Color. Medium to heavy body, otherwise quality of B5F.
B5M	Low Quality Mixed Leaf. Average quality of B5.
B5G	Low Quality Green Leaf. Quality of B5, except maturity.

LUGS OR CUTTERS (C-GROUP)

§ 29.402 *General specifications.* All grades of the C group must be clean, sound, thin to medium body, lean to low in oil, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
C1L	Choice Quality Cutters in Straw Color. Silky, fine texture, lean, very ripe, firm, thin body, strong, broad, very open weave, very light color shade, very bright finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
C1F	Choice Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C1L.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—continued

U. S. Grade	
C2L	Fine Quality Cutters in Straw Color. Very smooth, very good texture, lean, very ripe, firm, thin body, fairly strong, spready, open weave, light color shade, very clear finish, blending fibers, harmonizing, over 20" long. Tolerance, 10 percent injury.
C2F	Fine Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C2L.
C3L	Good Quality Cutters in Straw Color. Smooth, good texture, lean, very ripe, fairly firm, thin body, normal strength, fairly spready, open weave, fairly light color shade, clear finish, emerging fibers, similar, over 18" long. Tolerance, 15 percent injury.
C3F	Good Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C3L.
C3R	Good Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C3L.
C4L	Fair Quality Cutters in Straw Color. Fairly smooth, fair texture, lean, ripe, not flimsy, thin body, normal strength, normal width, fairly open weave, true color shade, fairly clear finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
C4F	Fair Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C4L.
C4R	Fair Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C4L.
C4M	Fair Quality Mixed Cutters. Average quality of C4 or better.
C4G	Fair Quality Green Cutters. Quality of C4, except maturity and porosity.
C5L	Low Quality Cutters in Straw Color. Unrough, lean, fairly ripe, not flimsy, thin body, not weak or narrow, fairly open weave, fairly true color shade, dull to cloudy finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
C5F	Low Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C5L.
C5R	Low Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C5L.
C5M	Low Quality Mixed Cutters. Average quality of C5 or better.
C5G	Low Quality Green Cutters. Quality of C5, except maturity and porosity.

GRANULATORS OR FLYINGS (X-GROUP)

§ 29.403 *General specifications.* All grades of the X group must be clean, sound, tissuey to fairly thin body, porous, very lean and low in oil, and must not exceed the tolerances specified with respect to waste.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
X1L	Choice Quality Flyings in Straw Color. Smooth, very lean, mellow, fairly firm, tissuey body, not weak, normal width, very open weave, pale color shade, clear finish, blending fibers, harmonizing. Tolerance, 5 percent waste.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—continued

U. S. Grade	
X1F	Choice Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X1L.
X2L	Fine Quality Flyings in Straw Color. Smooth, very lean, mellow, not flimsy, tissuey body, not weak or narrow, open weave, light color shade, fairly clear finish, emerging fibers, similar. Tolerance, 10 percent waste.
X2F	Fine Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X2L.
X3L	Good Quality Flyings in Straw Color. Fairly smooth, very lean, ripe to mellow, not flimsy, tissuey body, not tender or stringy, porous, true color shade, dull finish, unmingled. Tolerance, 20 percent waste.
X3F	Good Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X3L.
X3R	Good Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X3L.
X4L	Fair Quality Flyings in Straw Color. Unrough, very lean, fairly ripe to mellow, tissuey body, very porous, fairly dusky color shade, cloudy finish, unmixed. Tolerance, 30 percent waste.
X4F	Fair Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X4L.
X4R	Fair Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X4L.
X4M	Fair Quality Mixed Flyings. Average quality of X4 or better.
X4G	Fair Quality Green Flyings. Quality of X4, except maturity and porosity.
X5L	Low Quality Flyings in Straw Color. Very lean, fairly ripe to overripe, tissuey body, very porous, dusky color shade, dingy finish, unmixed. Tolerance, 40 percent waste.
X5F	Low Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X5L.
X5R	Low Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X5L.
X5M	Low Quality Mixed Flyings. Average quality of X5.
X5G	Low Quality Green Flyings. Quality of X5, except maturity and porosity.

MIXED GROUP GRADES (M-GROUP)

§ 29.404 *General specifications.* All grades of the M group must be clean and sound. The specifications for the M group grades shall apply in relation to the type as a whole and in the sense that "general color" and "general quality" are defined. Thus, "tobacco having the general quality of C3 or better," may include, in case of a relatively thin crop, tobacco which would grade B2F if separated from the general mixture. Based on the general quality and color of the type, the F colored grades shall consist chiefly of tobacco which is relatively very thin to medium in body and relatively light or tannish in color, and the R colored grades shall consist chiefly of tobacco which is relatively medium to heavy in body and relatively dark or reddish in color. General tolerance, 20 percent of light thin green in the F colored grades and 20 percent of green in the R colored grades.

GRADE DESCRIPTION AND SPECIFICATIONS

U. S. Grade	
M3F	Good Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C3, X3, or better, and the minor portion shall consist of tobacco having the general quality of B3, T3, or better.
M3R	Good Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B3, T3, or better, and the minor portion shall consist of tobacco having the general quality of C3, X3, or better.
M4F	Fair Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C4, X4, or better, and the minor portion shall consist of tobacco having the general quality of B4, T4, or better.
M4R	Fair Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B4, T4, or better, and the minor portion shall consist of tobacco having the general quality of C4, X4, or better.
M5F	Low Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C5, X5, or better, and the minor portion shall consist of tobacco having the general quality of B5, T5, or better.
M5R	Low Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B5, T5, or better, and the minor portion shall consist of tobacco having the general quality of C5, X5, or better.

SPECIAL GROUPS (N, W, AND S GROUPS); SPECIFICATIONS

§ 29.405 *U. S. Grade N.* Nondescript, as defined in this part.

§ 29.406 *U. S. Grade W.* Web or Strip Blend, as defined in this part.

§ 29.407 *U. S. Grade S.* Scrap, as defined in this part.

DEFINITIONS

§ 29.408 *Terms defined.* For the purposes of §§ 29.401 to 29.495, the terms appearing in §§ 29.409 to 29.481 shall be construed as explained therein.

§ 29.409 *Aircured.* Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather. Subjecting tobacco to excessive artificial heat in the curing process influences its physical characteristics and chemical composition to such an extent that it cannot be designated as a true aircured tobacco. Burley tobacco which has been subjected to excessive heat in the curing process is classified as an "offtype" of Burley.

§ 29.410 *Airdried.* The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.411 *Body.* The thickness and density of leaf or weight per unit of surface.

§ 29.412 *Botched.* The grade of any tobacco, not defined as nested or offtype,

which does not reasonably conform to the common and accepted practices of preparing tobacco for market in the type district, including: (a) Extreme mixtures which cannot be classified in the grades of the M group, such as very poor quality or nondescript tobacco intermingled with good quality tobacco, badly injured tobacco intermingled with tobacco which is not materially injured, mixed group tobacco which contains green in excess of the tolerances specified, et cetera; (b) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, rubber bands, sand, muddy or extremely dirty leaves; (c) tobacco prepared in a disorderly or tangled manner, such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (d) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

§ 29.413 *Chief.* The Chief of the Standards and Technical Research Division, Tobacco Branch, Production and Marketing Administration.

§ 29.414 *Class.* A major division of tobacco based on characteristics caused by varieties, soils, and climatic conditions, and the method of cultivation, harvesting, and curing.

§ 29.415 *Clean.* Normally free of dirt and other foreign matter.

§ 29.416 *Color.* A subdivision of a group based on the relative hues, saturations, and brilliances common to the group and on certain elements of quality, such as body and maturity, which are closely related to color.

§ 29.417 *Condition.* The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner or preparation or its degree of fermentation, such as Undried, Airdried, Steamdried (Redried), Sweating, Sweated, and Resweated.

§ 29.418 *Crude.* (a) Any very immature leaf of which one-fifth or more of its surface has a positive green color; or (b) any lot of tobacco containing 30 percent or more crude leaves.

§ 29.419 *Cured.* Tobacco thoroughly dried of its sap by either natural or artificial processes.

§ 29.420 *Cutters or Lugs (C).* A group of tobacco which, compared with the general characteristics of the type, is relatively lean to low in oil, thin to medium body, and spready; which has an open weave and a very light to fairly true color shade; which has sufficient tensile strength and solidity to be stemable into whole strips; and which is not injured sufficiently to materially reduce the strip yield.

§ 29.421 *Damaged.* The effect of mold, must, rot, black-rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

§ 29.422 *Decayed.* Any tobacco which is damaged to the extent of 20 percent or more.

§ 29.423 *Dun or Dull Red (D).* Tobacco which is chiefly composed of leaves having a very dull or dingy finish and a very dusky or dark shade of brown color and which is not crude, green, or mixed.

§ 29.424 *Flyings or Granulators (X).* A group of tobacco which, compared with the general characteristics of the type, is relatively nonelastic, very lean or low in oil, tissuey to fairly thin in body and which has a very open to porous weave, a pale to dusky color shade, and low tensile strength and solidity. Flyings normally do not have sufficient strength, body, or solidity, or contain too much injury and waste to be stemable into whole strips.

§ 29.425 *Foreign matter.* Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

§ 29.426 *Form.* The stage of preparation of tobacco, such as Unstemmed and Stemmed.

§ 29.427 *General color.* The color of any tobacco considered in relation to a type as a whole as distinguished from the restricted use of the term "color" as a subdivision of a group. General colors are basically related to body and other over-all characteristics of the type.

§ 29.428 *General quality.* The quality of any tobacco considered in relation to a type as a whole as distinguished from the restricted use of the term "quality" as a subdivision of a group. The group divisions of a type are based upon certain quality characteristics of the type as a whole, while the restricted use of quality as a subdivision of a group is limited to the relative qualities appearing in a particular group.

§ 29.429 *Grade.* A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

§ 29.430 *Green (G).* (a) Any leaf of which one-fifth or more of its surface is predominantly green in color; or (b) any lot of tobacco containing 20 percent or more green leaves; or (c) any lot of tobacco which is not crude but which contains 20 percent of green and crude combined.

§ 29.431 *Greenish (V).* (a) Any leaf of which one-fifth or more of its surface has a decided greenish tinge or cast; or (b) any lot of tobacco containing 30 percent or more greenish leaves; or (c) any lot of tobacco which is not green but which contains 30 percent of green and greenish leaves combined.

§ 29.432 *Group.* A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

§ 29.433 *Injury.* Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing deformed leaves; or tobacco hurt by insects; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frenching, sand-drown, or other similar diseases.

§ 29.434 *Leaf (B).* A group of tobacco which, compared with the general characteristics of the type, is relatively medium to very heavy in body. Leaf is basically characterized by a medium to very heavy body as compared with Cutters (Lugs) and Flyings. Three kinds of leaf are generally recognized, namely: Smoking-leaf, Heavy-leaf, and Tips.

§ 29.435 *Leaf-scrap.* Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

§ 29.436 *Lot.* A pile, basket, bulk, bale, case, hogshead, tierce, or other definite unit.

§ 29.437 *Major.* The principal or leading kind of tobacco of which a lot consists; or the kind of tobacco which constitutes the largest percentage of a lot.

§ 29.438 *Mixed (M-color).* A moderate mixture of fairly closely related grades, including: (a) Any tobacco of the same group of which 30 percent or more is distinctly different in quality or color, or (b) any tobacco of which the major or principal kind is of one group but which contains 30 percent or more tobacco of a closely related group which is not distinctly different in general quality or color.

§ 29.439 *Mixed group (M-group).* Any extreme mixture, not defined as nondescript, containing tobacco of two or more distinctly different groups, including: (a) Any lot of tobacco which has not been sorted (graded) in the customary and commonly accepted manner and which consists of tobacco of two or more distinctly different groups, or (b) any lot containing tobacco which is extremely different in body, general quality, or general color.

§ 29.440 *Nested.* The grade of any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobacco of inferior grade, quality, or condition. Specifically, the grade "Nested" shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands, or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the inside of the hands, or which contains wet tobacco or tobacco of relatively lower quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

§ 29.441 *Nondescript (N).* Except as may be designated by a special factor, nondescript shall include: (a) Any tobacco which does not meet the minimum specifications of the lowest grade of any other group; (b) any wet, semicured, or unsound tobacco; (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more; or (d) any tobacco defined as botched, crude, decayed, offtype, or nested.

§ 29.442 *Offtype.* The grade of any tobacco which cannot be properly classified in any other grade of the type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established type. Specifically, the grade "Offtype" shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco containing or showing the residue from insecticides, tobacco having the odor of insecticides or any odor foreign to the type, or tobacco showing the effects of excessive heat (coking), smoke, or fumes from open fires.

§ 29.443 *Order (case).* The state of tobacco with respect to its moisture content.

§ 29.444 *Package.* A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.445 *Packing.* A lot of tobacco consisting of a certain number of packages submitted for sampling or inspection as one definite unit and represented to contain the same grade and kind of tobacco and having a common identification number or mark on each package.

§ 29.446 *Quality.* A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco, construed in relation to a specific group as a whole.

§ 29.447 *Raw.* Freshly harvested tobacco, or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.448 *Resweated.* The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or refermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.449 *Scrap.* A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of loose, untied, and unstemmed leaves or the web portions of leaves, which accumulate in warehouses, packing and conditioning plants, and stemmeries; or tobacco which has been reduced to scrap by any process.

§ 29.450 *Semicured.* Tobacco in the process of being cured, or tobacco which is partially, but not thoroughly cured, including tobacco which contains fat-stems, wet-butts, swell-stems, or stems which have not been thoroughly dried in the curing process.

§ 29.451 *Side.* Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

§ 29.452 *Smoking-leaf (H).* A subgroup of Leaf: Composed of relatively thin, non-elastic, very ripe, grainy, and porous leaves; being relatively low in oil; and characterized by a somewhat duller finish than the corresponding colors of the leaf group.

§ 29.453 *Sound.* Free of damage.

§ 29.454 *Special Factor.* A symbol or term authorized to be used with specified grades to designate a certain side or characteristic of importance, varying from or not covered by the specifications of the grades.

§ 29.455 *Steamdried.* The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.456 *Stem.* A midrib of a tobacco leaf.

§ 29.457 *Stemmed.* A form of tobacco from which the stems or midribs have been removed, which may consist of either strips or web-scrap.

§ 29.458 *Stems.* A tobacco byproduct composed of the midribs of tobacco leaves.

§ 29.459 *Strips.* (a) The two whole sides of a tobacco leaf from which the stem has been removed; or (b) a lot of tobacco composed of strips.

§ 29.460 *Subgrade.* Any grade modified by a special factor or subgroup symbol.

§ 29.461 *Subgroup.* A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

§ 29.462 *Sweated.* The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

§ 29.463 *Sweating.* The condition of tobacco in the process of fermentation.

§ 29.464 *Tips (T).* A subgroup of Leaf tobacco of which 20 percent or more of its leaves are under 16" in length. Tips normally consist of relatively narrow, sharp pointed, and heavy bodied leaves, under 16" long, which grow on the top or upper part of the plant but may consist of any short leaf tobacco having the characteristics of tips.

§ 29.465 *Tobacco.* Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in this part, does not include any raw tobacco or manufactured products.

§ 29.466 *Tobacco products.* Products manufactured from tobacco which are subject to internal revenue taxes, including: Cigarettes, cigars, and smoking, chewing, and snuff tobaccos.

§ 29.467 *Type.* A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.468 *Type 31.* That type of Light Aircured Tobacco, U. S. Class 3a, commonly known as Burley or Burley Aircured, and produced principally in Kentucky, southern Ohio and Indiana, western West Virginia, central and eastern Tennessee, and sections of Virginia, North Carolina, and Missouri, including any Burley which is not a true aircured tobacco, such as the "Offtype" grade of Burley tobacco.

§ 29.469 *Under-size.* Tobacco which is shorter than the minimum size established for a particular group or grade of a type.

§ 29.470 *Undried.* The condition of unfermented tobacco which has not been airdried or steamdried.

§ 29.471 *Uniformity.* One of the elements of quality in tobacco having reference to the consistency of a lot of tobacco, as ordinarily sorted and prepared for market, with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may contain a minor portion of a closely related group, or tobacco of the same group which is distinctly different in quality or color from the major or principal kind of which a lot consists: (a) Alike or very uniform, less than 5 percent; (b) Uniform, less than 10 percent; (c) Harmonizing or fairly uniform, less than 15 percent; (d) Similar, less than 20 percent; (e) Unmingled, less than 25 percent; (f) Unmixed, less than 30 percent; and (g) Mixed, 30 percent or more. Mixed group tobacco shall be construed as not having any degree of uniformity.

§ 29.472 *Unsound (U).* Damaged under 20 percent.

§ 29.473 *Unstemmed.* A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

§ 29.474 *Variegated (K).* Having a diversity of contrasting colors or tints, other than green, within a leaf; or leaves which are in part distinctly mottled, bleached, or stained; or leaves which in part have been badly discolored in the curing process; or leaves which do not blend with the normal colors of straw, tan, red, or dull red established for the type. Any lot of tobacco containing 30 percent or more of such leaves is classified as variegated.

§ 29.475 *Waste.* That portion or portions of the web of tobacco leaves which has been lost or rendered unserviceable for use in tobacco products, including:

(a) Portions which have decomposed or largely decomposed by field diseases, field firing, pole-burning, or bulk-burning; and (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process or due to excessive injury of any kind.

§ 29.476 *Web.* (a) That portion of a tobacco leaf expanded from the midrib, as distinguished from the stem or midrib, or that portion of a tobacco leaf from which the midrib has been removed; or (b) a lot of tobacco consisting of the web of tobacco leaves, or any unmanufactured tobacco, except scrap, which does not contain stems.

§ 29.477 *Web or Strip Blend (W).* A group of tobacco consisting of the web or strips of closely related grades which have been systematically and uniformly blended together in the stemming process.

§ 29.478 *Web-scrap.* Stemmed scrap or stemless scrap which is a byproduct from stemming tobacco or handling strips, consisting chiefly of portions of strips; or a lot of tobacco from which the stems have been removed by thrashing or other means which breaks the web or sides of the leaves into small pieces.

§ 29.479 *Web-yield.* The weight of clean web which is normally serviceable and useable in reputable tobacco products expressed as the percent of the original unstemmed weight.

§ 29.480 *Wet (W).* Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful keeping state for the condition or purpose the tobacco is to be used, handled, or stored. Wet shall apply to any semicured or other tobacco which is not damaged, but which is likely to damage on account of excessive moisture if treated in the customary manner or unless unusual precaution is taken.

§ 29.481 *Yield.* The potential quantity or percentage of a given product which can be produced, per unit, from a lot or packing of tobacco.

RULES

§ 29.482 *Rules.* The application of §§ 29.401 to 29.481 shall be in accordance with the rules appearing in §§ 29.483 to 29.495.

§ 29.483 *Rule 1.* Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

§ 29.484 *Rule 2.* The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

§ 29.485 *Rule 3.* In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.486 *Rule 4.* In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one, not more than 12 inches from the bottom of the package and all breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three of the breaks so made and, from these draws, a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.487 *Rule 5.* Tobacco damaged under 20 percent shall be classed as unsound and treated as a subgrade by placing the special factor letter "U" after the grade mark. For example: A lot of unsound tobacco which otherwise meets the specifications of B4F shall be graded B4F–U.

§ 29.488 *Rule 6.* When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

§ 29.489 *Rule 7.* Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

§ 29.490 *Rule 8.* Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

§ 29.491 *Rule 9.* The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

§ 29.492 *Rule 10.* If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

§ 29.493 *Rule 11.* Any special factor symbol, approved for the purpose by the Chief of the Standards and Technical Research Division, Tobacco Branch, P. M. A., may be used after a grade mark to show a peculiar side or characteristic of the tobacco. The Chief is authorized to establish, from time to time, grade subdivisions of the special groups of N, W, and S. Interpretations on the application of these standards, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief. The use of any grade may be restricted by the Chief, during any marketing season, when he finds that the grade is not needed or appears in insufficient volume to justify making the grade.

§ 29.494 *Rule 12.* Any Leaf in F or R colors of the B3, B4, or B5 qualities, and any Leaf in D or G colors of B4 or B5 qualities, which is under 16" long shall be made a subgroup by substituting the letter "T" for the group letter "B" in the grade symbol.

§ 29.495 *Rule 13.* All qualities of Leaf in F and R colors which have the characteristics of Smoking-leaf may be made a subgroup by substituting the letter "H" for the group letter "B" in the grade symbol.

(49 Stat. 732; 7 U. S. C. 511 et seq.)

Issued at Washington, D. C., this 15th day of October, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–11316; Filed, Oct. 16, 1952; 8:50 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED MUSHROOMS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Mushrooms, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.452 *Canned mushrooms.* "Canned mushrooms" means canned mushrooms as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990, as amended 17 F. R. 3176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Color of canned mushrooms.* (1) White or cream.

(2) Brown.

(b) *Styles of canned mushrooms.* (1) "Whole" or "whole mushrooms" means canned mushrooms consisting of the caps with the veils closed and with stems attached.

(2) "Button" or "button mushrooms" means canned mushrooms consisting of the caps with veils closed and with stems removed immediately below the veil.

(3) "Sliced whole" or "sliced whole mushrooms" means canned mushrooms consisting of slices of whole mushrooms which have been sliced parallel to the longitudinal axis.

(4) "Sliced button" or "sliced buttons" means canned mushrooms consisting of slices of buttons which have been sliced at right angles to the diameter of the cap.

(5) "Stems and pieces" means cut or broken portions of caps and stems.

(6) "Unit" means an individual mushroom or portion of a mushroom in canned mushrooms.

(c) *Grades of canned mushrooms.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a good character; that are uniform in size and shape; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 85 points: *Provided*, That the canned mushrooms may be fairly uniform in size and shape if the total score is not less than 85 points.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned mushrooms that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Sizes of mushrooms in whole and button mushrooms.* (1) No. 0 (Midget) mushrooms will pass through a round opening ½ inch in diameter.

(2) No. 1 (Tiny) mushrooms will pass through a round opening 5/8 inch in diameter but will not pass through a round opening ½ inch in diameter.

(3) No. 2 (Small) mushrooms will pass through a round opening 7/8 inch in diameter but will not pass through a round opening 5/8 inch in diameter.

(4) No. 3 (Medium) mushrooms will pass through a round opening 1⅛ inches in diameter but will not pass through a round opening 7/8 inch in diameter.

(5) No. 4 (Large) mushrooms will pass through a round opening 1⅜ inches in diameter but will not pass through a round opening 1⅛ inches in diameter.

(6) No. 5 (Extra Large) mushrooms are those too large to pass through a round opening 1⅜ inches in diameter.

(e) *Fill of container for canned mushrooms.* The standard for fill of container for canned mushrooms is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard of fill of containers is not less than 56 percent of the water capacity of the container if such capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container if such capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container if such capacity is 25 ounces avoirdupois or more. Canned mushrooms which do not meet this requirement are "below standard in fill."

(f) *Minimum drained weight.* The minimum drained weights in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned mushrooms is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and mushrooms less the weight of the dry sieve. A sieve 8 inches in diameter is used for No. 2½ size cans (401" x 411") and smaller and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. 1—MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CANNED MUSHROOMS

Container designation	Over-all dimensions		Weight of drained mushrooms, ounces (avoirdupois)
	Diameter (inches)	Height (inches)	
2 Z mushroom (202 x 204)	2 1/4	2 1/4	2
6 Z (202 x 308)	2 1/4	3 1/2	3 1/4
4 Z mushroom (211 x 212)	2 1 1/16	2 3/4	4
8 Z tall (211 x 304)	2 1 3/16	3 3/4	4 3/4
8-ounce glass			4 3/4
No. 1 picnic (211 x 400)	2 1 3/16	4	6
8 Z mushroom (300 x 400)	3	4	8
No. 300 (300 x 407)	3	4 7/16	9
No. 1 tall (301 x 411)	3 1/16	4 13/16	9 3/4
No. 303 (303 x 406)	3 1/16	4 1/16	10
No. 303 glass			10
No. 2 (307 x 409)	3 1/16	4 9/16	12
Jumbo (307 x 510)	3 1/16	5 9/16	16
No. 10 (603 x 700)	6 1/16	7	68

(g) *Ascertaining the grade.* (1) The grade of canned mushrooms is ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, uniformity of size and symmetry, absence of defects, and tenderness.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	30
(ii) Uniformity of size and shape	20
(iii) Absence of defects	30
(iv) Character	20
Total score	100

(3) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned mushrooms that possess a good color may be given a score of 26 to 30 points. "Good color" means that the canned mushrooms possess a color that is practically uniform, bright, and typical of canned mushrooms produced from mushrooms of similar varietal characteristics and meet the following additional requirements for the respective color:

(*a*) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties is not lighter in color than Plate 10, F–2, and is not darker in color than Plate 11, I–5, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(*b*) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties is not lighter in color than Plate 11, J–6, and is not darker than Plate 13, K–7, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(ii) Canned mushrooms that possess a fairly good color may be given a score of 22 to 25 points. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned mushrooms possess a color that is typical of canned mushrooms produced from mushrooms of similar varietal characteristics and that the product may be dull but not to the extent that the appearance is seriously affected and meet the following additional requirements for the respective colors:

(*a*) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties may be lighter in color than Plate 10, F–2, but not excessively white, and may be slightly darker in color than Plate 11, I–5: *Provided*, That the gills of none of the units are darker than Plate 14, K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(*b*) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties may be lighter in color than Plate 11, J–6, but not excessively light, and may be darker in color than Plate 13, K–7: *Provided*, That the gills of none of the units are darker than Plate 14, K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iii) Canned mushrooms that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Canned mushrooms that are practically uniform in size and shape may be given

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] First Edition.

a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(a) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ⅛ inch. The units shall be practically uniform in shape.

(b) *Button mushrooms.* The stems are cut transversely so that the distance from the top of the cap to the end of the stem does not exceed the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ⅛ inch. The units shall be practically uniform in shape.

(c) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅜ inch and the presence of irregular shaped units does not materially affect the appearance of the product.

(d) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅜ inch and the presence of irregular shaped units does not materially affect the appearance of the product.

(e) *Stems and pieces.* Stems and pieces may be irregular in size and shape: *Provided,* That the presence of very small pieces does not materially affect the appearance of the product.

(ii) If the canned mushrooms are fairly uniform in size and shape a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(a) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ¼ inch. The units shall be fairly uniform in shape.

(b) *Button mushrooms.* The stems are cut transversely so that not more than 10 percent, by count, of the mushrooms have stems of such length that the distance from the tip of the cap to the end of the stem exceeds the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ¼ inch. The units shall be fairly uniform in shape.

(c) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅝ inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(d) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅝ inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(e) *Stems and pieces.* Stems and pieces may be irregular in size and shape.

(iii) Canned mushrooms that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from units which are damaged or seriously damaged.

(a) "Damaged" means damaged by discoloration, pathological injury, insect injury, mechanical injury, or damaged by other means to such an extent that the appearance or eating quality of the unit is materially affected. (Knife marks resulting from the preparation of sliced whole or sliced button mushrooms are not considered mechanical injury.)

(b) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned mushrooms that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that there may be present not more than 5 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 1 percent, by weight, of all the units, or 1 unit, whichever is greater, may be seriously damaged units.

(iii) If the canned mushrooms are fairly free from defects, a score of 22 to 24 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 20 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 2 percent, by weight, of all the units, or 2 units, whichever is greater, may be seriously damaged units.

(iv) Canned mushrooms that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and texture of the canned mushrooms and the development of the cap.

(a) "Closed veil" means that the membrane which extends from the inner edge of the cap to the stem practically covers the gills.

(ii) Canned mushrooms that possess a good character may be given a score of 17 to 20 points. "Good character" means that the units are intact, practically all are tender and free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 95 percent, by weight, of all the units possess closed veils.

(iii) If the canned mushrooms have a fairly good character a score of 13 to 16 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units are reasonably intact, may be fairly tender and reasonably free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 90 percent, by weight, of all the units possess closed veils.

(iv) Canned mushrooms that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned mushrooms, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned mushrooms.*

Size and kind of container			----
Container mark or identification			----
Label			----
Net weight (ounces)			----
Vacuum (inches)			----
Drained weight (ounces)			----
Style			----
Size			----
Color			----
Factors		**Score points**	
I. Color	30	(A)	26–30
		(C)	[1] 22–25
		(SStd.)	[1] 0–21
II. Uniformity of size and symmetry.	20	(A)	17–20
		(C)	13–16
		(SStd.)	[1] 0–12
III. Absence of defects	30	(A)	25–30
		(C)	[1] 22–24
		(SStd.)	[1] 0–21
IV. Character	20	(A)	17–20
		(C)	[1] 13–16
		(SStd.)	[1] 0–12
Total score	100		
Grade			----
Normal flavor and odor			----

[1] Indicates limiting rule.

Issued at Washington, D. C., this 13th day of October 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-11285; Filed, Oct. 16, 1952; 8:57 a. m.]

[7 CFR Part 963]

[Docket Nos. AO-233 and AO-233 RO-1]

HANDLING OF MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Canton, Ohio, on September 17–21, 1951 and on February 11–12, 1952, pursuant to notices thereof which were issued on August 29, 1951 (16 F. R. 8909) and on January 14, 1952 (17 F. R. 880).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on July 24, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto, which was published in the FEDERAL REGISTER on July 29, 1952 (17 F. R. 6907).

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level of class prices and the method of determining such prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record.

Nature of commerce. The handling of milk produced for sale within the Stark County, Ohio, marketing area and the products thereof is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or milk products.

The production area for the Stark County marketing area overlaps the production areas for the Pittsburgh, Pennsylvania, the Wheeling, West Virginia, and the Cleveland, Ohio, markets to the extent that in the overlapping areas the farms on which milk is produced for the Stark County market are interspersed with farms supplying Pittsburgh, Wheeling and Cleveland. Some shifting of dairy farmers between the Stark County market and these other markets occurs from time to time. The handling of milk in the Cleveland, Ohio, marketing area is regulated by an order issued by the Secretary of Agriculture. Milk for the Stark County marketing area is therefore purchased in direct competition with milk for other markets in which the handling of milk is in the current of interstate commerce.

Milk manufacturing plants at which cheese and condensed milk products and other milk products are manufactured are scattered throughout the production area for the Stark County marketing area. Farms on which milk is produced for the Stark County market are interspersed quite generally with farms supplying milk to these manufacturing plants. At times dairy farmers supplying milk to these manufacturing plants become producers of milk for fluid consumption in the Stark County marketing area. Thus milk for the Stark County marketing area is purchased in direct competition with milk for these manufacturing plants. Some of the products manufactured at these plants actually move in interstate commerce. All of these manufactured products, whether or not they actually move in interstate commerce, are sold in direct competition with similar products that are in interstate commerce, and thus directly burden, obstruct, or affect interstate commerce in such products. Large quantities of the reserve supply of milk for the Stark County market move to these manufacturing plants where such milk is intermingled with other milk at these plants and is manufactured into milk products which move in interstate commerce or directly burden, obstruct, or affect interstate commerce in such products.

Large quantities of milk products which either move in interstate commerce or directly burden, obstruct, or affect interstate commerce in such products are consumed in the Stark County marketing area.

It is concluded that the handling of milk produced for sale within the Stark County, Ohio, marketing area and the products thereof is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or milk products.

Market conditions. The issuance of an order to regulate the handling of milk in the Stark County, Ohio, marketing area, with terms and conditions hereinafter concluded to be appropriate, will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

A large proportion of the milk produced for the Stark County, Ohio, marketing area is marketed by a cooperative association which serves as marketing agent for its members. Milk sold by this cooperative association to milk distributors is priced according to its use so that all milk distributors who obtain their supplies through the cooperative association pay the same price for milk similarly used. Returns for all milk sold in this manner are pooled and a uniform price which is paid to all members of the cooperative association is determined.

A smaller but significant proportion of the milk produced for the Stark County, Ohio, marketing area is sold by the producers directly to the milk distributor. Since the individual producer who serves as his own selling agent usually has little bargaining power, the terms of these sales are often established to a considerable extent by the milk distributor purchasing the milk. Prices paid for milk sold by these individual producers are usually based on the uniform price received by members of the cooperative association without regard to the use of such milk. If a milk distributor who buys his milk in this manner uses a larger proportion of his milk in higher classes than the milk distributors who purchase their milk through the cooperative association, he is buying his milk at some competitive advantage, and unless this advantage is dissipated at some other stage in his operation, he is in a position to increase his sales of Class I milk at the expense of sales by distributors who purchase from the cooperative. The more he captures sales from other distributors the greater his ability to continue this price reduction. This phenomenon is a potential source of market disorder and instability. This potentiality has materialized to some extent in certain portions of the marketing area. To counteract the competitive disadvantage which milk distributors obtaining supplies through the cooperative association have experienced from the so-called "flat price" buyers, the cooperative has sold milk to its own distributors at reduced prices for sale in areas where the effects of "flat price" buying were especially prevalent.

There is some indication that the proportion of the total market requirements which is purchased through the cooperative association is declining. As this proportion declines the incentive for handlers purchasing milk through the cooperative association to seek supplies directly from producers is likely to increase.

The present arrangements for verification of the utilization of milk are inadequate for the most successful operation of a use classification plan of selling milk. Milk sold to milk distributors through the cooperative association is subject to verification only if it is used in certain products. No utilization can be completely verified except through the balancing of total receipts and total utilization as revealed by audit. A marketing order will provide for thorough verification of all receipts and utilization of milk.

Producers and coperative associations can do much toward balancing market supply with market requirements if current, complete, and accurate market-wide information is available. Such information has not been available, but would be publicly available pursuant to the marketing order proposed herein.

A check weighing and testing service for all producers to assure them that they are paid the full value for the amount and quality of milk which they sell is provided for in the proposed order. This service is currently being rendered by the cooperative association for its

members but no such service is generally available for producers who are not members of the cooperative association.

Undoubtedly the prices prevailing in the Cleveland market where the handling of milk is regulated by a marketing order have some influence on prices in the Stark County market; however, this influence has not been great enough to prevent a decline in the last few years in prices received by producers supplying the Stark County market in relation to prices received by producers supplying the Cleveland market. This decline in prices has affected the regular market supply to the extent that this supply which has usually been adequate had to be supplemented in the past fall and winter with milk from outside sources.

These existing conditions contribute or tend to contribute to disorder and instability in the marketing of milk produced for sale in the Stark County, Ohio, marketing area, and the issuance of an order regulating the handling of milk in this area, with terms and conditions hereinafter concluded to be appropriate, will tend to correct such conditions and will thus tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Scope of regulation. The regulations contained in an order regulating the handling of milk in the Stark County, Ohio, marketing area should be applicable to all "handlers" who operate "routes" in the "marketing area." The regulations should be somewhat different depending upon whether a handler operates a "pool plant" or a "nonpool plant," and whether a handler's supplies of milk are "producer milk" or "other source milk." "Producer-handlers" should be exempt from certain of the regulations. The returns for all milk subject to the order should be distributed among all "producers."

Handlers. All persons who sell or distribute any Class I milk (as hereinafter defined) in the marketing area should be handlers. Since the regulations contained in an order are applicable only to handlers, the regulations cannot be applied completely and uniformly unless they apply to all persons engaged in selling or distributing milk. Failure to apply the regulations completely and uniformly could place some persons engaged in milk handling at a competitive advantage or disadvantage in relation to others. The regulations should be applicable to those persons who sell or distribute Class I milk because Class I milk comprises those products which to a large extent must be made from locally approved milk and for which the prices herein concluded to be appropriate are intended to maintain an adequate supply of milk. A person who is a handler under a Stark County marketing order should be a handler only with respect to the milk received at a milk handling plant (hereinafter referred to as a "plant") from which milk is sold or distributed in the marketing area and with respect to milk which is usually received at such a plant from producers (as hereinafter defined) but which such handler causes to be diverted temporarily from producers' farms to a nonpool plant as hereinafter defined. Such diversions may be made from time to time when supplies at a plant are seasonally heavy or when short term surpluses develop at the plant.

A cooperative association should be a handler with respect to milk which is usually delivered to a pool plant (as hereinafter defined) but which the cooperative association causes to be diverted from the farms of producers to a nonpool plant for short periods of time. The cooperative association in the market is permitted by its contract with its members to make such diversions of milk. Since such diversions would be made at the instance of the cooperative association, such association should be a handler with respect to such milk and should perform the functions required in the order to be performed by a handler with respect to such milk.

Route. Any sale or delivery of Class I milk by a handler to any person other than a handler should be considered as a route. This would include sales from a plant or a store operated by a handler or deliveries to homes or to stores or other establishments operated by a person other than a handler. It would also include sales to persons (sometimes referred to as "brokers" or "jobbers" or "peddlers") who do not operate a plant but purchase packaged milk or other products from a handler and deliver such milk or other products to other persons.

Marketing Area. The Stark County, Ohio, marketing area should include all of the territory within (a) Stark County with the exceptions of Paris and Sugar Creek Townships and Sections 6 and 7 of Lake Township;

(b) Sections 25, 26, 27, 34, 35, and 36 of Green Township in Summit County;

(c) Lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 of Suffield Township in Portage County;

(d) Lots 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40 of Randolph Township in Portage County;

(e) Smith Township in Mahoning County with the exception of Great Lot 35;

(f) Knox Township in Columbiana County; and

(g) Sections 1, 2, 3, 10, 11, and 12 in Sugar Creek Township of Wayne County.

Located within Stark County are three major cities—Alliance, Canton, and Massillon. Milk for these three cities is obtained from the same general supply area. Milk distributors who distribute a large portion of the milk in these cities purchase their milk supplies through the present pooling arrangement. Milk distributors located in Canton sell some milk in Massillon and milk distributors located in Massillon sell some milk in Canton. Canton milk distributors sometimes transfer milk in bulk to Alliance milk distributors. The health regulations of the three cities are similar to the extent that producers qualified to produce milk under the regulations of one city can usually qualify under the regulation of either of the other two cities without any change in production methods or equipment. From time to time producers delivering milk to a milk distributor in one of the cities shift to a milk distributor in another of the cities.

Canton, which is much larger than either Alliance or Massillon, has a population of about 117,000. Thickly populated suburban areas surround Canton. The population of metropolitan Canton is about 140,000 to 145,000. Alliance and Massillon are also surrounded by thickly populated suburban areas.

Not all plants from which milk is distributed in the cities are located within the city limits. Milk distributors distributing milk in the cities also distribute milk extensively in the suburban areas where they compete with a number of dairy stores from which no milk is distributed in the cities; however, some of these dairy stores are located near enough to the boundaries of the cities so that consumers residing within the boundaries of the cities can easily purchase milk from the stores. Milk producers who from time to time are disqualified by the appropriate health authority to deliver milk to a milk distributor in one of the cities often become a part of the milk supply for one of these dairy stores. On the basis of these market conditions it is concluded that all three of the cities should be included in the marketing area and that the marketing area should extend beyond the boundaries of the cities.

Proposals were made to include in the marketing area all of Stark County, the southern portions of Franklin and Green Townships in Summit County, the southern portions of Suffield and Randolph Townships in Portage County, all of Smith Township in Mahoning County, Knox and West Townships in Columbiana County, the part of the village of Minerva which is in Carroll County, and all of Sugar Creek Township in Wayne County. This area includes substantially all of the territory in which milk is distributed by milk dealers who purchase their milk supplies through the present pooling arrangement.

The southern portions of Franklin and Green Townships in Summit County and Suffield and Randolph Townships in Portage County are mostly rural territory. A few villages are located therein. Except for small areas in the southeast corner of Green Township and in the southeast corner of Suffield Township and the southwest corner of Randolph Township comprising the Sections and Lots enumerated above, it appears that a substantial portion of the milk sold in this territory is distributed by milk dealers primarily associated with the Akron market. These Akron dealers also sell a substantial portion of the milk sold in the village of Uniontown, which is located in Sections 6 and 7 of Lake Township in Stark County. It is therefore concluded that the Sections of Green Township and the Lots of Suffield and Randolph Townships enumerated above, which are primarily served by Stark County milk dealers, should be a part of the marketing area, and that Sections 6 and 7 in Lake Township in Stark County should not be a part of the marketing area.

The recommended decision proposed that Section 3 of Jackson Township in Stark County be excluded from the marketing area in order to exempt from regulation a milk distributor whose plant is located therein and whose milk distribution comprises only deliveries to schools in Green Township of Summit County and sales from a plant store. A large portion of this milk distributor's deliveries to schools in Green Township are within the portion of Green Township to be included in the marketing area. Thus the reasons for excluding Section 3 of Jackson Township from the marketing area are largely dissipated by including a portion of Green Township in the marketing area. It is therefore concluded that Section 3 of Jackson Township in Stark County should be included in the marketing area.

The eastern boundary of Alliance coincides with a portion of the western boundary of Smith Township in Mahoning County. Part of the suburban area surrounding Alliance is located in Smith Township. One milk distributor whose plant is located at Beloit, which is in Smith Township, has about two-thirds of his sales in Alliance. Two milk distributors whose plants are located in Alliance have distribution routes extending into Smith Township and into Knox Township in Columbiana County. The routes of these three milk distributors are intermingled.

Located in Great Lot 35 of Smith Township is one milk handling plant. This plant is primarily engaged in supplying milk to the Pittsburgh, Pennsylvania, market. A small portion of the milk received at this plant is packaged and is distributed through a plant store. Exclusion of Great Lot 35 from the marketing area will exempt the operator of this plant from regulation under the order as long as he makes no sales or deliveries of milk within the marketing area. Inclusion of the operator of this plant under the regulation of an order for the Stark County marketing area would present administrative problems of regulating under an order a plant whose milk supply is primarily associated with another market. Exemption of the operator of this plant from regulation under an order should not have any perceptibly adverse effect upon the competitive relationship of milk distributors who are subject to the order. If the operator of this plant should extend his sales or deliveries of milk into any part of the marketing area, he would then become subject to the order.

It is concluded that Smith Township of Mahoning County, with the exception of Great Lot 35, and Knox Township of Columbiana County should be included in the marketing area.

Paris and Sugar Creek Townships of Stark County should not be included in the marketing area. Located in each of these townships is a plant at which most of the milk received is manufactured into milk products. Milk is not distributed from either of these plants into any part of the marketing area herein concluded to be appropriate. Some milk is distributed in Sugar Creek Township by milk distributors who are located outside of any of the territory proposed for inclusion in the marketing area and whose primary business is outside of any of that territory.

West Township of Columbiana County and the portion of the village of Minerva which is in Carroll County should not be a part of the marketing area. A milk distributor whose plant is located within this territory makes no sales or deliveries of milk in the marketing area herein proposed.

The marketing area should include Sections 1, 2, 3, 10, 11 and 12 in Sugar Creek Township of Wayne County. This includes the village of Dalton and the territory lying between Dalton and the Stark County boundary. Dalton is served by Massillon milk distributors and by at least two other milk distributors located outside the proposed marketing area. The Massillon distributors deliver somewhat over half of the milk sold in Dalton. They also distribute milk in the territory between Massillon and Dalton. One of the distributors who is located outside the proposed marketing area and who sells milk in Dalton also sells substantial quantities of milk in other parts of Sugar Creek Township. He is the only milk distributor who sells milk in certain parts of the township. It is concluded that all of Sugar Creek Township of Wayne County with the exceptions of Sections 1, 2, 3, 10, 11, and 12 should be excluded from the marketing area.

Pool plant, nonpool plant, producer milk, and other source milk. All milk distribution plants located within the marketing area, except those which may have a very small volume of distribution, are engaged to a considerable extent in distributing milk within the marketing area. All such plants should be pool plants. Any plant which is located outside of the marketing area and from which 10 percent or more of its total disposition of Class I milk is in the marketing area should also be a pool plant, except any plant which may have a very small volume of distribution in the marketing area. A plant with this proportion of its Class I disposition in the marketing area is engaged to a considerable extent in distributing milk within the marketing area and the handler operating such plant should be subject to the regulations imposed by the order on operators of pool plants.

Any plant located either within or outside the marketing area should not be a pool plant if the total disposition of Class I milk on a route in the marketing area from such plant is less than 18,000 pounds per month. This limitation is necessary and desirable to prevent any plant which is primarily engaged in manufacturing milk products from being subject to the order.

In computing the total disposition of Class I milk which is in the marketing area, any Class I milk disposed of on a route which is partially within the marketing area should all be considered as having been disposed of within the marketing area. The administrative problems involved in attempting to divide a route into disposition within and outside the marketing area and to verify such division are such as to make such division not feasible.

Any plant which is not a pool plant should be a nonpool plant.

Since the period to be used for classification and pricing is a calendar month, the status of a plant as either a pool plant or a nonpool plant should be determined on a monthly basis.

Producer milk should include all milk received by a handler at a pool plant from dairy farmers. Other source milk should comprise all milk and milk products received by a handler from any source other than producers or pool plants. Pursuant to these two definitions milk received by a handler from a pool plant would be neither producer milk nor other source milk.

Since it is the primary purpose of the order herein proposed to regulate the handling of milk only within the marketing area, it is desirable to limit its applicability to such handling of milk to the extent that it is administratively feasible to do so and at the same time have complete and uniform regulation of all milk handling within the marketing area. To carry out this purpose it is appropriate to impose one type of regulation on handlers operating pool plants and another type on handlers operating nonpool plants.

Handlers operating pool plants should be required to report to the market administrator the receipts of all milk and milk products at his plant and all disposition of milk and milk products from such plant. All milk and milk products received at a pool plant should be classified in the classes hereinafter established and all producer milk received at a pool plant should be paid for by the handler operating the pool plant at class prices hereinafter established. Handlers operating pool plants should also submit to the market administrator a producer pay-roll showing receipts of milk for each producer and the amount paid each producer.

Complete and uniform regulation of all milk handling in the marketing area can be assured by applying the regulations here proposed for pool plants to nonpool plants also; however, since a nonpool plant may have a large proportion of its total distribution of milk outside the marketing area in areas where no regulations such as those imposed by this order are applicable, an operator of a nonpool plant might be placed at a considerable competitive disadvantage if he were subject to the pricing and payment provisions of an order while his major competitors were not subject to such regulation. On the other hand failure to prescribe any regulations for a nonpool plant could result in unregulated milk being sold in the marketing area at lower prices than regulated handlers could sell milk. It is this same type of disorderly marketing conditions which is sought to be corrected by this order.

Regulations to be imposed against handlers operating nonpool plants should comprise only such regulations as are necessary to remove any competitive advantage with respect to Class I milk in the marketing area which such handlers might enjoy in relation to handlers operating pool plants. Handlers operating nonpool plants should make a payment on all Class I milk disposed of on routes extending into the marketing area in an amount sufficient to insure that the net cost of their milk supplies including these payments is no less than the Class I price. In order for the market administrator to be able to verify adequately the volume of Class I milk which a handler operating a nonpool plant distributes on routes extending into the marketing area, the handler should be required to report total receipts and disposition of milk and milk products at his nonpool plant and to permit verification by the market administrator of such receipts and disposition.

Provision should be made so that a handler operating a nonpool plant can avoid the payments described above by obtaining supplies of milk from a pool plant to meet his sales in the marketing area.

Payments similar to those described above to be made on Class I milk disposed of from nonpool plants on routes extending into the marketing area should also be made on any other source milk at a pool plant which is classified as Class I milk. Failure to require such payments would mean incomplete regulation and could have a similar result to failure to regulate nonpool plants operating routes in the marketing area. It is not administratively feasible to regulate other source milk received at a pool plant to the same extent that producer milk is regulated. Both handlers and producers proposed that such payments be required only if the receipts of other source milk in relation to receipt of producer milk exceed prescribed limits. Such limitation on these payments could result in handlers regularly relying on supplies of other source milk up to the prescribed limit, and thereby to the extent allowed producer milk would be displaced in Class I by other source milk, which may be available (as described hereinafter) at a less than the Class I price. This would be deleterious to the ends sought by this regulation. The prices established by this order should be high enough to assure an adequate supply of producer milk for the market. However, with other source milk available at less than the Class I price, handlers would tend to substitute such milk in place of producer milk. In order to assure complete regulation, discourage replacement of producer milk with other source milk, and eliminate any competitive advantage which might otherwise accrue to handlers using other source milk, payments sufficient to insure that the minimum price of other source milk will be uniform with the Class I price should be made on all other source milk received at a pool plant and classified as Class I milk.

Other source milk may be obtained from plants subject to another order or from plants not subject to any order, and these plants not subject to any order may primarily be either fluid milk plants or manufacturing plants. Nonpool plants may obtain other source milk directly from dairy farmers. The health regulations applicable to plants in the marketing area which do not hold permits from health authorities of Alliance, Canton, or Massillon are such that a handler could probably use a small portion of high quality manufacturing milk in his fluid operation. Alliance, Canton, and Massillon health authorities have in times of extreme milk shortages permitted handlers to obtain supplemental supplies from primarily manufacturing plants. The possibility that a handler may obtain supplies of manufacturing milk without the approval of the proper health authorities is always present.

There are several milk manufacturing plants in or near Stark County which are possible sources of other source milk. Some are near enough that little if any transportation cost would be involved in obtaining milk from them. A cooperative association in the market operates one such plant. In view of these conditions handlers at times may obtain other source milk which is similar in quality to manufacturing milk.

The prices paid to dairy farmers for milk by operators of manufacturing plants in Ohio and by other fluid milk dealers for surplus milk have been approximately equal to the price which would have resulted in recent years from the Class II pricing provisions herein proposed. Hence other source milk may be available to handlers in the marketing area as Class I milk for which only a price comparable to the Class II price was paid. It is concluded that a payment on all Class I other source milk at a pool plant and on all Class I other source milk distributed on routes extending into the marketing area from a nonpool plant is necessary to insure that no unregulated other source milk is available for sale as Class I milk in the marketing area for which the minimum prices to dairy farmers producing such milk was less than the price applicable to Class I producer milk regulated by this order. The amount of such payment on other source milk obtained from a plant subject to another milk marketing order should be any amount by which the value of such milk at the price at which such milk was required to be paid pursuant to the other order is less than the value of such milk at the Class I price prescribed in this order. The amount of such payment on all other source milk other than that subject to another order should be the difference between the value of such milk at the Class I price and the value of such milk at the Class II price. Payments in these amounts are necessary to assure that handlers distributing Class I other source milk in the marketing area have minimum prices for their milk supplies uniform with handlers using producer milk.

It is recognized that all handlers who handle other source milk which would be subject to the payments herein described may not obtain supplies of other source milk at or near the Class II price at all times. However, in view of the conclusion that other source milk may be available at about that price, its use computing the payment is appropriate. Even if using the actual cost of other source milk could be justified economically, it is not administratively feasible to attempt to determine the actual costs to each handler of each different lot of other source milk which he purchases as a basis for computing the amount of payment.

It is appropriate to impose these payments against the person who is engaged in distributing milk in the marketing area. To require the payments to be made by the operator of a nonpool plant from which the handler distributing milk in the marketing area obtains other source milk would require the extension of regulation to include additional handlers. Furthermore, the operator of a nonpool plant whose only connection with the Stark County market is to sell other source milk to a handler will have no direct control over the handling of the milk after the handler takes title to it, and the manner in which milk is handled in the handlers plant can affect the amount of payment on other source milk.

Payments made by handlers on other source milk should become a part of the producer-settlement fund (hereinafter described) and be distributed among all producers supplying the market. The term "producer" as hereinafter defined includes those dairy farmers who regularly supply milk for the marketing area. Any other source milk used for this purpose would likely displace producer milk.

Producer-handler. Persons who are engaged in producing milk and distributing only milk of their own production should be subject to the order only to the extent that they be required to submit reports to the market administrator as he may require them and to maintain and make available to the market administrator accounts, records, and facilities so that the market administrator may verify that such persons are producer-handlers. The classification provisions of the proposed order provide that any milk, skim milk, or cream transferred from a pool plant to a producer-handler will be Class I. Since producer-handlers dispose of most of their milk in the higher value outlets and will not be required to share (pool) these high value outlets with producers, any supplemental supplies of milk which they obtain from pool plants will likely be used in these high value outlets and should be classified as Class I milk. Pursuant to the proposed order any milk which a pool plant receives from a producer-handler would be other source milk and would therefore be allocated to the lowest class of utilization at the pool plant after the allocation of shrinkage, products received and disposed of in like form, and frozen cream. If any milk received at a pool plant from a producer-handler is allocated to Class I milk, then such milk would be subject to the payments described above on Class I other source milk by the handler operating the pool plant.

As indicated above, a producer-handler may receive milk from a pool plant and still maintain his status as a producer-handler. However, if such a milk distributor receives other source milk, he should lose his status as a producer-handler and become a handler. This is necessary, for the reasons discussed above in connection with other source milk, to assure complete regulation and to remove any competitive advantage which might accrue from using other source milk. Thus a producer-handler in order to maintain his status as such may obtain milk from only two sources—his own production or pool plants.

Producer. All dairy farmers who deliver milk directly to a pool plant should be producers; any dairy farmers who have been regularly delivering milk to a pool plant, but whose milk is diverted from the farm to a nonpool plant by either a cooperative association or the handler operating the pool plant to which they regularly delivered should also be producers. Such diversions, which are sometimes made when seasonal or short term surpluses develop and need to be moved to a nonpool plant, eliminate the receiving of milk at the pool plant and the transporting of it from the pool plant to the nonpool plant by routing the milk directly from farms to nonpool plants.

Classification. All milk and milk products received by a handler should be classified on the basis of the form in which or the purpose for which it is used as either Class I milk or Class II milk. Since skim milk and butterfat are not used in the same proportions in most products as they appear in milk or milk products received by a handler, skim milk and butterfat should be classified separately according to their separate uses. For milk products received or disposed of by a handler which cannot be accurately tested for skim milk and butterfat content and for condensed products from which water has been removed, the amount of skim milk and butterfat which was actually used to produce such products or, if such information is not available, standard factors of skim milk and butterfat used to produce such products shall be employed to determine the receipts or disposition of skim milk and butterfat in such products.

Class I milk should comprise all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (including sour cream), any mixture of cream and milk or skim milk, or concentrated milk disposed of for fluid consumption, except milk, skim milk, or cream disposed of in bulk to another milk plant and classified as Class II in accordance with the conditions of transfer described below, milk, skim milk, or cream disposed of in bulk during any of the months of March through August to a manufacturer of candy, soup, or bakery products who does not dispose of any milk in fluid form, frozen cream placed in storage, or skim milk dumped or fed to livestock; and (2) all shrinkage of skim milk or butterfat in producer milk which is in excess of the amount of such shrinkage permitted to be classified as Class II milk.

All milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (including sour cream), and any mixtures of cream and milk or skim milk which is distributed within the cities of Alliance, Canton, and Massillon must be made from milk of the same quality and from milk which is produced pursuant to the health regulations of the respective cities. Since a very substantial majority of these products which are distributed within the marketing area are subject to the health regulations of these three cities, classification of milk on the basis of the health regulations of these cities is appropriate.

Concentrated milk has not yet been distributed in the marketing area, but it has been distributed in certain Ohio cities. Proper classification of this product at this time will prevent any problems concerning its classification if at some future date a handler decides to start distributing it. Concentrated milk must be made from milk of similar quality to milk used in other products for fluid consumption which would be classified in Class I. Products commonly known as evaporated milk or condensed milk and which are either packed in hermetically sealed cans or are used in the manufacture of other milk products should not be considered as concentrated milk and should not be classified in Class I unless they are used in the manufacture of milk products which are in Class I.

All milk, skim milk, and cream which is received and for which the handler cannot establish utilization should be classified as Class I milk except for allowable shrinkage in Class II. Any other classification of such milk, skim milk, or cream could result in (1) some advantage to handlers who fail to keep adequate records of utilization, (2) lack of equality among handlers in the prices they pay for milk for the same use, and (3) failure of producers to receive full value of their milk on the basis of its use.

A handler can avoid classification on this basis by maintaining complete records of utilization.

All skim milk and butterfat disposed of by a handler in the form of products other than products which would indicate a Class I classification should be Class II milk. These Class II products should include, but should not be limited to, ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; condensed milk or skim milk (plain or sweetened); evaporated milk; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; yogurt; or aerated products.

Cream which is placed in storage and frozen should be classified in Class II. Cream is stored to a considerable extent in the months of heavy milk production for use primarily in ice cream in the months of short production.

Any skim milk which is dumped or fed to livestock or disposed of for livestock feeding should be classified as Class II milk if the market administrator can verify such dumpage or feeding or disposition for feeding.

Shrinkage at a plant should be determined by subtracting from the total receipts of skim milk and butterfat at such plant the total disposition of skim milk and butterfat, respectively, from such plant. If the receipts at the plant included both producer milk and other source milk the total shrinkage should be prorated between producer milk and other source milk. None of the shrinkage should be assigned to milk received from another pool plant because the shrinkage on such milk should be allowed to the handler operating such other pool plant. Shrinkage on milk diverted from farms to a pool plant other than the plant to which such milk is usually delivered should be allowed at the plant at which it is actually first received. No shrinkage should be allowed on milk diverted from a pool plant to a nonpool plant.

A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have a total shrinkage of well under two percent of its total receipts. It is concluded that any shrinkage assigned to producer milk which is not more than two percent of total receipts of producer milk should be classified as Class II milk, and any shrinkage which is in excess of two percent of such receipts should be classified as Class I milk. All shrinkage assigned to other source milk should be classified as Class II milk.

Milk, skim milk, or cream transferred from a pool plant to another plant, except a producer-handler's plant, should be classified either as Class I milk or on the basis of utilization at the receiving plant and an agreement between the buyer and seller. Transfers of milk, skim milk or cream to another pool plant or to a nonpool plant operating a route in the marketing area should be classified as Class II if both handlers indicate to the market administrator in their monthly reports their desire for such classification and if sufficient Class II utilization is available after the prior allocation of shrinkage, products received and disposed of in like form, frozen cream, and other source milk as described below. Otherwise such transfers should be Class I milk. Transfers to any other nonpool plant shall be classified on a similar basis except that in addition to the conditions described above which are necessary for Class II classification, Class II classification of milk transferred to a nonpool plant should be permitted only if the milk received at the nonpool plant from dairy farmers constituting the regular source of milk for such nonpool plant is equal to or greater than the total Class I disposition from such plant. If such receipts from dairy farmers are less than total Class I disposition, transferred milk should be classified as Class I milk to the extent of the difference and any remaining transferred milk should be Class II milk.

Transfers to producer-handlers are discussed elsewhere in this decision. Milk which is usually received at a pool plant but which is diverted directly from farmers to a nonpool plant should be classified as though it had been transferred from the pool plant to the nonpool plant.

When the total classification of all milk received at a plant has been determined, it is necessary to determine which of the milk so classified was producer milk and which was other source milk if both types of milk were received. A sequence of allocating skim milk and butterfat received in various forms and from various sources to the utilizations of skim milk and butterfat, respectively, is prescribed.

Skim milk and butterfat in shrinkage which is prorated to producer milk as previously described should be first allocated to the appropriate class. Since skim milk and butterfat received in the form of products other than milk, skim milk, or cream may to a considerable extent be disposed of in the same form without further processing, skim milk and butterfat received in such forms should be allocated to skim milk and butterfat disposed of in like forms. This procedure, which makes it unnecessary for the handler to show or the market administrator to verify that products received were actually disposed of without further processing, is adequate for purposes of allocation. If the volume of such products received is greater or less than the volume of like products disposed of, the difference will be allocated in subsequent steps of allocation.

Handlers proposed that certain products received by handlers in packaged form and disposed of in the same form without further processing be exempt from the provisions of the order. Pursuant to the allocation here proposed any such products which are Class II products and are other source milk will be subject to the order only to the extent that the handler shall report and classify such receipts and disposition and permit verification of the classification of such receipts and utilization by the market administrator. However, any such products which are Class I and are other source milk will be subject to the order not only to the extent described above for such Class II products, but will also be subject to the payments described earlier in this decision on Class I other source milk.

Next skim milk and butterfat contained in frozen cream removed from storage or received from another handler should be allocated to skim milk and butterfat disposed of in the form of ice cream (or similar frozen desserts or mixes for such products). The primary use of frozen cream is for ice cream; therefore, this allocation is appropriate. Since frozen cream is not usually used as the exclusive source of butterfat for ice cream but is usually blended with fresh cream, ice cream disposed of should always contain more butterfat than was contained in frozen cream removed from storage or received. This method of allocation should seldom if ever result in frozen cream being allocated to Class I milk.

Next butterfat and skim milk contained in other source milk should be allocated to skim milk and butterfat in series beginning with Class II. Since the payments discussed earlier in this decision on Class I other source milk will be different on other source milk obtained from plants subject to another milk marketing order than on other source milk from other sources, it is necessary for the allocation procedure to provide for a situation in which both of these types of other source milk are received at a plant at which classification is being determined. Other source milk other than that received from plants subject to another order should first be allocated to skim milk and butterfat in series beginning with Class II. Then remaining other source milk (that received from plants subject to another order) should be allocated to skim milk and butterfat in series beginning with any remaining Class II milk. This sequence of allocation of the two types of other source milk should tend to minimize payments on other source milk since the payments on other source milk obtained from a plant subject to another order will generally be less than the payments on other source milk from other sources.

Handlers proposed that if in any of the months of October through January receipts of milk from producers are less than 120 percent of the total volume of Class I milk during such month, then other source milk should be allocated to Class I milk to the extent of the difference between receipts from producers and 120 percent of Class I milk. Such allocation procedure should not be adopted. The possibility was pointed out earlier in this decision that handlers may be able to obtain other source milk for use in Class I at a price below the Class I price. In view of this possibility the allocation procedure proposed by handlers, which allocates other source milk to Class I while some producer milk is being allocated to Class II, would offer an incentive to handlers to maintain supplies of producer milk at a level barely adequate in September and February and to rely on supplemental supplies of other source milk in October through January.

Next skim milk and butterfat classified pursuant to the transfer conditions described above should be allocated to the classes in which it is classified. The remaining amounts of Class I milk and Class II milk should be the amounts of producer milk, exclusive of shrinkage, in each class. Add to these remaining amounts such amounts of shrinkage in producer milk and the results should be the classification of producer milk including shrinkage. If the total of all Class I and Class II milk in producer milk so computed exceeds the amount of producer milk reported to have been received at the plant for which the computation is being made, such excess (hereinafter referred to as overrun), should be allocated to the lowest class remaining, and the remaining amounts show the classification of producer milk. Any overrun at a pool plant should be paid for by the handler operating the plant at the price for the class to which such overrun was allocated. Payment for such overrun is appropriate because such overrun could be a result of underweighing or undertesting producers' milk or of failing to maintain complete and accurate records of the receipts and utilization of producer milk.

Since uniform prices to be paid producers are to be calculated monthly, the procedures described above for classifying milk should be carried out with respect to all milk received during each month.

Class prices. Class I prices should be established at a level which in conjunction with the Class II price hereinafter concluded to be appropriate will result in returns to producers high enough to maintain an adequate but not excessive supply of milk to meet the requirements of the market.

Pricing formulas which cause prices to change automatically with changes in market conditions are in general use in pricing milk sold in fluid milk markets. Such a pricing formula is desirable for pricing Class I milk in the Stark County market and should cause prices to change in response to (1) changes in the basic value of milk, and (2) changes in local market conditions which affect market supply or market demand.

Milk produced for a fluid milk market has a basic value equivalent to its value for use in the manufacture of dairy products. Reserve supplies of milk which are a necessary part of an adequate supply for a fluid market are disposed of in the manufacture of dairy products. Changes in this basic value generally reflect changes in costs of producing milk, alternative opportunities for resources used in milk production and the cost of shifting to alternative enterprises, the general level of prices, and many other factors which affect milk production.

Evaporated milk represents an important outlet for milk manufactured into dairy products. Prices paid to farmers for milk delivered to several different groups of plants engaged primarily in the manufacture of evaporated milk are available. One such group of plants for which prices are available at an early date in the following month is the one which comprises 18 different locations in Wisconsin and Michigan and which is used in other marketing orders in Ohio and throughout the mid-west. Movements in prices paid at these 18 locations are generally representative of movements in prices paid by other plants manufacturing evaporated milk and in the basic manufacturing value of milk. The average of the prices paid at these 18 locations should be used in determining the basic value of milk.

Handlers contended that prices paid for milk at these 18 locations should not be used to measure the basic manufacturing value of milk because milk from these locations has in time of extreme milk shortages been used as supplemental supplies for fluid milk markets. The fact that milk purchased at these locations is used primarily for maufacture into evaporated milk and is purchased in direct competition with other manufactures of evaporated milk and other milk products indicates that prices paid at these locations are a good measure of the manufacturing value of milk.

Other dairy products which represent important outlets for milk are cheese, butter, and nonfat dry milk solids. The prices of these products (and the prices paid for milk by manufacturers of these products) and the prices paid at the 18 locations mentioned above for milk used primarily in the manufacture of evaporated milk usually change in close relationship to each other; however, from time to time these prices depart from their usual relationship. Milk distributors purchasing milk for fluid distribution usually must compete with the most favorable manufacturing uses, particularly in a market such as Stark County where milk for use in several different manufactured products is obtained from the market supply area. It is therefore concluded that the basic value of milk would best be measured by using as alternatives the average price paid at the 18 locations mentioned above and values based on certain combinations of cheese, butter, and nonfat dry milk solids prices. No good series of prices paid for milk by manufacturers of cheese, butter, or nonfat dry milk solids is available soon enough to be used for this purpose.

A formula which was used a few years ago somewhat as a guide by manufacturers of evaporated milk for determining the price they paid for milk was based on the prices of butter and cheese. To determine the value of a quantity of cheese containing approximately the same quantity of butterfat as a pound of butter, the cheese price was multiplied by 2.4. The value of a pound of butter and the value of an equivalent amount of butterfat in cheese were then weighted on the basis of the volume of production of those products in a past period, and an average value determined. This value was then multiplied by 1.3 to approximate a value for a pound of butterfat and the skim milk in whole milk associated with a pound of butterfat. Multiplying this value by 3.5 would give a value for milk containing 3.5 percent of butterfat. This formula should be used as an alternative for determining the basic value of milk.

Another alternative formula based on the prices of butter and nonfat dry milk solids is used quite generally in marketing orders in Ohio. In such a formula the price of butter is used to reflect the value of butterfat in milk and the price of nonfat dry milk solids is used to reflect the value of skim milk. In order to keep the level of the value of milk computed pursuant to this formula in line with the levels computed pursuant to the other alternative formulas, 3 and 5.5 cents should be deducted from the prices of butter and nonfat dry milk solids, respectively. The amount remaining after deducting 3 cents from the butter price should be multiplied by 1.2 to convert to the approximate equivalent of the value of a pound of butterfat and by 3.5 to arrive at the value of butterfat contained in a hundred weight of milk containing 3.5 percent of butterfat. The amount remaining after deducting 5.5 cents from the price of nonfat dry milk solids should be multiplied by 8.2 to convert to the approximate equivalent of the value of skim milk contained in a hundredweight of milk containing 3.5 percent of butterfat.

The relationship between prices for the Stark County market and for other markets in Ohio with marketing orders, particularly Cleveland, should remain constant unless local market conditions indicate need for a change. In order to assure this relationship the basic formula price for Stark County should be the same as for Cleveland. (The Cleveland basic formula price is identical or similar to the basic formula price in other Ohio marketing orders.) Accordingly, the basic formula price should be the highest value resulting from the three alternative formulas described above, and the prices for butter, cheese, and nonfat dry milk solids to be used in the above formulas should be obtained from the same sources as those which are used in the Cleveland marketing order. These are, for butter, the average of the daily wholesale selling prices of Grade A or 92-score bulk creamery butter at Chicago; for cheese, the average of the prices for "Cheddars" on the Wisconsin Cheese Exchange; and for nonfat dry milk solids, the average of the prices for spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area for the period of the 26th day of the month preceding the month for which prices are being computed through the 25th day of the month for which prices are being computed. The butter and cheese prices would be simple averages of the prices for each trading day in the month for which prices are being computed.

To the basic formula price computed as explained above must be added amounts which will result in a level of prices herein concluded to be necessary and a desirable seasonal pattern of prices. Important considerations in establishing prices for Stark County are prices paid for milk in markets which compete with Stark County for supplies. The production areas for Akron, Cleveland, and Youngstown, Ohio, Pittsburgh, Pennsylvania, and Wheeling, West Virginia, all overlap the Stark County production area. Receiving stations for Cleveland and for Pittsburgh are located within the Stark County production area and these two markets compete to a larger extent than the other markets named above for supplies with Stark County. Since the Cleveland market is a strong competitor for supplies with the Stark County market and since a marketing order issued by the Secretary of Agriculture regulates milk handling in Cleveland, prices established for the Stark County market should be in close relationship with prices paid in the Cleveland market.

Analysis of the prices which have been received by Cleveland producers in the areas where the Stark County and Cleveland supply areas overlap indicates that addition of the following amounts to the basic formula price should under usual conditions result in prices to producers supplying the Stark County market comparable with prices received by producers supplying the Cleveland market.

September, October, November, December, January, and February	$1.70
March, April, July, and August	1.30
May and June	.90

This schedule will result in a considerably wider seasonal variation in prices received by producers supplying the Stark County market than has existed in recent years. This should be an incentive for producers to produce more milk in the fall and winter months and less milk in the spring and summer months. Such a shift in production would be highly desirable.

Plants which distribute milk within the boundaries of the cities of Alliance, Canton, and Massillon must comply with the regulations issued by the health authorities of the respective cities and must obtain their milk supplies from sources approved by such health authorities. Milk distributed from plants which distribute milk only in the portions of the marketing area outside of these three cities must comply with less stringent quality standards imposed by State laws and regulations. In the administration of these State laws and regulations monthly inspection of the milk from each producer as it arrives at the plant is required. Farms of producers are inspected by a State inspector upon complaints that milk being produced on such farms is not meeting the quality standards. A large portion of these producers could qualify to produce milk in compliance with the regulations of the health authorities of Alliance, Canton or Massillon by making minor changes in their production facilities and by exercising greater care. It is concluded that the difference in quality between milk produced pursuant to the Alliance, Canton, and Massillon health regulations and milk produced for distribution in the portions of the marketing area outside of the boundaries of these three cities is sufficient to necessitate a price differential to reflect this difference in quality, and that Class I prices for milk which is not produced pursuant to the health regulations of any of these three cities should be 25 cents lower than the Class I prices described above.

At times local conditions may warrant a relationship between Stark County prices and prices in markets which compete with Stark County for supplies different from the relationship which would result from Class I prices computed by adding to the basic formula price the amounts described above. If with Class I prices so computed the market supply is either insufficient or excessive in relation to market demand (including the necessary margin of reserve), then the Class I price should be adjusted—upward if supplies are insufficient and downward if supplies are excessive.

Producers and handlers agreed that market supplies were adequate but not excessive in any month in which receipts of milk from producers are equal to 120 percent of market requirements for in-

spected milk, or inversely, in any month in which market requirements for inspected milk are about 83 percent of receipts from producers. The record indicates that the market was adequately supplied in November 1950 when milk disposed of in the form of milk and cream (which is roughly comparable with Class I milk as defined herein) by pooling milk distributors was about 85 percent of receipts from producers. It is concluded that the market will be adequately supplied in any month in which the total volume of Class I milk is equal to 85 percent of receipts from producers.

November is usually the month in which receipts from producers are lowest in relation to market requirements. If the market is to be adequately supplied in November, receipts from producers must be greater in relation to market requirements in other months of the year. On the basis of the seasonal variation which occurred in receipts from producers and in the volume of milk disposed of in the form of milk and cream by pooling milk dealers during the three years 1949–1951, it is concluded that if the relationship between market supplies and market requirements in November is to be such that the total volume of Class I milk is equal to 85 percent of receipts from producers, then a similar relationship during the other months of the year should be about as follows:

January	78	July	66
February	77	August	68
March	73	September	73
April	69	October	78
May	60	November	85
June	62	December	83

If the seasonal variation in this relationship were the same each year and followed the seasonal pattern above, then any departure in the relationship from the standard relationship shown above would indicate a trend in the relationship and should be justification for a change in prices; however, the seasonal variation is not the same from year to year, and a review of market statistics indicates that in the past many of the departures in the relationship between market supply and demand from the standard relationship shown above were due to these differences in seasonal variation and were not indications of a trend in the relationship. Therefore, if this relationship is to be used to measure trends in the relationship between market supply and demand as a basis for adjusting prices, then some method must be found of distinguishing between changes in the relationship which reflect trends and those which do not. A twofold method which has been used in other marketing orders for this purpose and which appears to be suitable and appropriate for use in this marketing order involves (1) using a two month period to compute relationships between market supply and demand, and (2) making price adjustments only after the relationship during such a two month period has changed by a prescribed amount.

It is concluded herein that the Class I price for each month should be announced on the 5th day of the next month. At that time the most recent two months for which information on receipts and classification of milk are available are the two months immediately preceding the month for which a price is being computed. It is concluded that these two months should be used to measure the current relationship between market supply and market demand. Total receipts from producers indicate market supply, and the total volume of milk classified as Class I indicates market demand since Class I includes generally those products required by health regulations to be made from locally approved milk. The standard relationship between receipts from producers and the volume of Class I milk—that is, the relationship which in view of a normal seasonal pattern is considered to represent an adequate but not excessive supply of milk in relation to market demand—for each two month period of a year and the month during which such relationship would be used for computing prices are as follows:

Two-month period	Standard relationship	Month for which prices are computed
January–February	78	March.
February–March	75	April.
March–April	71	May.
April–May	64	June.
May–June	61	July.
June–July	64	August.
July–August	67	September.
August–September	70	October.
September–October	76	November.
October–November	82	December.
November–December	84	January.
December–January	80	February.

Statistical analysis to determine the amount of price change which should be associated with a given departure in current relationship between market supply and demand from the standard relationship indicates that an average price change of 3 cents for each one point of departure in the percentage relationship would have resulted in keeping prices in good alignment with changes in market supply and demand in recent years. It should continue to do so. However, price changes occasioned in this manner should not be permitted to narrow or reduce the seasonal variation in Class I prices concluded herein to be desirable unless a marked change in the relationship between market supply and market demand occurs. To accomplish this purpose it is concluded that (1) in the months of shortest supply, October, November and December, Class I prices should be increased 4 cents for each point that the current relationship between market supply and demand exceeds the standard relationship and decreased 2 cents for each point that the current relationship is below the standard relationship; (2) in the months of greatest supplies, April, May, June, and July, Class I prices should be increased 2 cents for each point that the current relationship exceeds the standard relationship and decreased 4 cents for each point that the current relationship is below the standard relationship, and (3) in the other months of the year Class I prices should be changed 3 cents in the same direction for each point that the current relationship departs from the standard relationship.

It was concluded above that the Class I price should be changed in response to a change in the relationship between market supply and market demand only after the change had reached a prescribed amount. This can be accomplished by establishing brackets of deviations from the standard relationship. These brackets and the amount of price adjustment applicable to each bracket, using the rates described above, should be as follows:

Deviation from standard relationship	Price adjustment		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

(Deviations from the standard utilization percentage are computed by algebraically subtracting the current relationship from the standard relationship.) In case a deviation falls between brackets, the adjustment is determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. Any market conditions which develop that might warrant price adjustments greater than the maximum adjustments provided for in the above table should be considered at a hearing.

Concern was expressed in some of the exceptions that the supply-demand adjustment as described above might not be appropriate because both supplies and sales which would be subject to the order are somewhat greater than the supplies and sales used as a basis for computing the supply-demand adjustment. Such concern may be well founded, and the propriety of the proposed supply-demand adjustment can best be judged by observing what its results would be. Since it has been concluded above that the Class I prices established in any order regulating milk handling in Stark County should be closely related to the Cleveland Class I price, and in order to permit observation for a few months of how the proposed supply-demand adjustment would operate, it is concluded that for each month from the effective date of any Stark County order through July 1953 the Class I price in such Stark County order should be the Cleveland Class I price less 15 cents. Deduction of the 15 cents is necessary to reflect the Cleveland location adjustment or the higher hauling rates to Cleveland in the areas where the Stark County and Cleveland supply areas overlap. If during the first few months it becomes apparent that the supply-demand adjustment is not well adopted to market conditions, then a hearing can be held and the defects corrected before the supply-demand adjustment becomes operative.

Class I milk disposed of outside the marketing area should be priced at the same price as Class I milk disposed of in the marketing area. Handlers proposed that the price for packaged milk sold by handlers f. o. b. their plant to purchasers who disposed of the milk more than 8 miles outside of the boundaries of the marketing area be 25 cents less than the regular Class I price. They contended that these outlets could not be retained at the full Class I price and that unless these outlets were available milk presently disposed to such outlets would have to be used in Class II and would become a burden to the market. This should not be the case. If these outlets are lost the market requirements for milk are reduced accordingly and the Class I price should be reduced enough to restore the proper balance between market supply and demand. The pricing formula proposed above should have this result. The pricing of Class I milk sold outside of the marketing area at a price lower than the regular Class I price would mean that the sales outside of the market are not making their share of the contribution toward the maintenance of a market supply sufficient to satisfy all the needs of the market plus the outside sales. No conditions were shown to exist which would justify this sort of pricing. The maintenance of a supply sufficient to meet the requirements for Class I sales within the marketing area and for Class I sales in certain areas outside of the marketing area, as long as such outside sales are priced at least as high as milk sold within the marketing area, may be in the direction of more efficient distribution of milk and thus be in the public interest.

Handlers insisted that if cream is classified in Class I, the price for cream should be 45 cents less than the regular Class I price. Their main reasons for this position related to the costs of processing and distributing cream and their desire to retain a certain relationship between prices of milk and cream. The prices which handlers who have been purchasing milk through the present pooling arrangement paid for milk used in cream in 1951 ranged from 30 to 45 cents below the price paid for milk distributed as fluid milk and averaged 39 cents for the year. Pursuant to the present pooling plan the price paid for milk used as cream applies to a volume of milk containing 3.5 percent of butterfat which contains an amount of butterfat equivalent to the amount of butterfat contained in the cream—that is, the price applies to the butterfat and skim milk contained in the milk used to produce cream, not just to the butterfat and skim milk contained in the cream as would be the case pursuant to the proposed order. Although the exact effect of this difference cannot be calculated from data in the record, it is estimated on the basis of what data are in the record that this difference amounts to from 5 to 10 cents per hundredweight in the cost of milk for cream. On the basis of these figures it appears that handlers have been paying not 45 cents per hundredweight less as they propose, for milk used for cream than for milk disposed of as fluid milk, but perhaps 30 to 35 cents less when the basis of pricing is made comparable to that in the proposed order.

The fact that processing and distributing costs on cream are higher than on milk does not constitute justification for establishing prices for milk disposed of in the form of cream at a lower level than prices for milk disposed of as fluid milk.

The Class II price should be the same as the basis formula price.

The Class II price should be high enough to discourage handlers from developing supplies of producer milk primarily for use in Class II products and should be low enough that handlers will continue to accept from producers on a year-round basis enough milk to meet the market requirements (including necessary reserves).

Ice cream has been one of the more important outlets for the reserve supplies of milk in the Stark County market. In the portions of the marketing area which have local health regulations relating to milk products (Alliance, Canton and Massillon) the quality of milk used to produce ice cream and cottage cheese must be somewhat higher than the quality of milk usually used in the production of other manufactured products such as evaporated milk, cheese, butter, and nonfat dry milk solids. At the basic formula price ice cream and cottage cheese should continue to provide large outlets for reserve supplies of milk. In recent years the proposed basic formula price would not have been substantially different from the price which handlers actually paid for milk used in the products proposed to be included in Class II.

Located within the production area are a large number of plants engaged in manufacturing evaporated milk, cheese, or butter. Some of the reserve supplies of milk may have to be disposed of to these plants from time to time. As the basic formula price changes in relation to the prices of butter or cheese or the prices paid for milk by plants engaged in the manufacture of evaporated milk, the relationship between the prices paid for milk by these manufacturing plants may change as between plants making different products. Handlers can dispose of reserve supplies of milk to the plants which are currently paying the highest prices. Some of these plants have been paying prices equivalent to the proposed basic formula price.

Since it is concluded in this decision that butterfat and skim milk should be accounted for separately for classification purposes, Class I and Class II prices should be broken down into prices for skim milk and prices for butterfat. The only elements used in the pricing formula which indicate values primarily for butterfat and for skim milk are the prices of butter and the prices of nonfat dry milk solids, respectively. Changes in the prices of these products are considered to accurately represent changes in the value of butterfat and skim milk. It is concluded that Class I and Class II prices should be broken down into prices for butterfat and skim milk in the same relationship that the value based on the price of butter and the value based on the price of nonfat dry milk solids contribute to the total value resulting from the formula based on butter and nonfat dry milk solids prices which is one of the alternatives used in computing the basic formula price.

Distributing proceeds to producers. The amounts paid by all handlers for producer milk and for Class I other source milk should be combined into one total and distributed among all producers on the basis of the volume of milk delivered. This is commonly known as a market-wide pooling arrangement. Producers supplying milk to a pool plant for which the handler operating such plant does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon should share proportionately with other producers in Class I and Class II utilization, but since Class I producer milk at such plants is priced at 25 cents below other Class I producer milk, this lower Class I price should be reflected in the returns to such producers. For example, when 60 percent of all producer milk in the market is Class I milk, producers supplying milk to such plants would receive 15 cents less than other producers; and when 100 percent of all producer milk in the market is Class I milk, producers supplying such plants would receive 25 cents less. This difference is necessary to reflect differences in the quality of milk. Thus two uniform prices will be announced for each month—one to be paid to producers delivering to pool plants for which the health authorities of Alliance, Canton, or Massillon have issued permits, and one to be paid to producers delivering to other pool plants.

A large portion of the Stark County market has been operating under a market-wide pooling arrangement for many years. Prices paid to producers not included in the pooling arrangement have been based generally on the uniform price resulting from the operation of the pooling arrangement. Thus there has been little variation in the prices received by individual producers. Use of an individual handler pooling arrangement and the inherent variation in prices received by producers delivering to different handlers could cause uneconomic shifts of producers among handlers.

Certain handlers have been carrying larger proportions of the market reserve supplies than others and through concentration of these supplies have afforded economies in manufacturing them into dairy products. Under a market-wide pooling arrangement these reserves may remain unequally distributed among handlers while the lower returns realized from them are distributed equally among all producers.

The cooperative association proposed a certain type of base plan to be used in distributing proceeds to producers. This plan was also intended to offer some incentive for producers to reduce the seasonal variation in their production. The proposed plan would admittedly cause only a small proportion of the producers—those with the widest seasonal variation in production—to receive a lower price than other producers, and the amount which prices to such producers would be reduced would be

small. The benefits which might accrue from the proposed plan do not appear to be commensurate with the problems involved in effectuating it. These problems include the administrative job of computing and announcing bases or quotas and provision for fixing bases for a farmer who did not deliver milk during the base-making period. The seasonal variation proposed in the Class I prices should provide the necessary incentive for producers to reduce their seasonal variation in production.

Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payments and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. In making such payments for producer milk to a cooperative association the handler making such payments should also at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects among the producers for whom it collects. Handlers opposed paying a cooperative association for milk delivered by producers, primarily on the basis that it would abrogate one of their most important means of contact with producers. Producers choose by becoming members of a cooperative association to conduct their business with handlers through the cooperative association. It would appear that the contact which a handler enjoys with producers through paying them directly for milk could be maintained, even if the payments for milk are made to a cooperative association, if the handler would send each producer a statement showing the amount of milk received from such producer and the amount of payment being made to the cooperative association. Handlers generally will honor requests from producers to pay amounts due to a producer for milk, or any part thereof, to any person whom the producer directs. This requirement that handlers pay cooperative associations which producers have authorized to collect for them is, in effect, a request by producers that money due them be paid to a cooperative association.

The contract in effect between the cooperative association and its members authorizes the cooperative association to collect for milk sold by its members, and this proposed arrangement will permit that to be done pursuant to the order.

Since all producers are to receive the same price for milk (except for the quality and butterfat differentials), and since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of equalizing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund, and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding off uniform prices. In order to permit this rounding off of prices and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

Payments made by handlers on Class I other source milk should be distributed among all producers by including them in the producer-settlement fund. Any payments made by handlers to adjust for errors in prior classification and payments should also be included in the producer-settlement fund.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. Such handlers in making payments to producers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should be eliminated in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

The uniform prices should be computed for milk containing 3.5 percent of butterfat. This follows past market practice. In distributing proceeds to producers a differential should be established for milk containing more or less than 3.5 percent of butterfat.

Producers and handlers both proposed that the butterfat differential be computed by dividing the price of butter by 10 and rounding to the next highest half cent. This butterfat differential has been used in the market for several years in paying producers whose milk is sold through the present pooling arrangement. It is somewhat less than the producer butterfat differential computed pursuant to the Cleveland order; however in the last 10 years the average butterfat content of milk received from producers has remained relatively constant—annual average butterfat content ranged from 3.77 to 3.81 percent. Since the average butterfat content of milk is near the basic test (3.5) and has remained relatively constant in recent years while the proposed butterfat differential has been in use, its use in the order is appropriate.

Administrative provisions. Certain terms are necessary in the order to provide for the proper administration of the regulations imposed by the order or to clarify or effectuate other provisions of the order.

Definitions. In addition to the definitions, discussed earlier in this decision, which define the scope of regulation of this order, certain other definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning.

"Act" should be defined as the Agricultural Marketing Agreement Act of 1937 which contains the statutory authority pursuant to which this order is being proposed.

"Secretary" should be defined as the Secretary of Agriculture of the United States or any other officer or employee of the United States who may be authorized to perform duties which he presently performs.

"Person" should be defined as any individual, partnership, corporation, association, or any other business unit. This definition is similar to the definition for "person" contained in the act.

"Department of Agriculture" should be defined as the United States Department or Agriculture or such other federal agency authorized to report the prices used in computing class prices in this order. This term is used in the order only in connection with these price reporting functions.

"Cooperative association" should be defined as any association of producers which the Secretary determines is qualified under the "Capper-Volstead Act", has full authority in the sale of milk of its members, is engaged in marketing milk or milk products for its members, and has all of its activities under the control of its members.

Market administrator. This order should establish an agency to administer its provisions. This agency should be headed by a market administrator who should be a person selected by the Secretary of Agriculture. The order should specify the powers of the market administrator and they should comprise all the powers authorized in the act for such agency. The market administrator should perform the following duties and such other duties as are necessary to administer the terms and provisions of the order: (1) Obtain a bond for himself and his employees who handle funds conditioned upon the faithful performance of duties; (2) employ an adequate staff to carry out his duties; (3) disburse the funds collected pursuant to the order for that purpose to pay all expenses incurred in administering the order; (4) maintain records of the operations of the agency and submit such records to the Secretary of Agriculture as requested; (5) publicly announce (unless otherwise directed) the names of any handler who has not made reports or payments as required; (6) audit handlers reports and payments by inspecting records which the order requires them to maintain and make available; and (7) publicly announce prices computed pursuant to the order.

The market administrator should also announce monthly the name of each handler who receives milk from producers and the percentages of such milk which was classified as Class I milk and as Class II milk. This information will be useful to producers and cooperative associations in allocating milk among handlers and should be useful to handlers whose supplies are either insufficient or excessive for their own needs in obtaining supplemental supplies or disposing of excess supplies.

Records and facilities, retention of records, and termination of obligations. Handlers and producer handlers should maintain and make available to the market administrator accounts and records of their operations which will verify or correct all information reported to the market administrator and all payments made pursuant to the order. These records should be retained for a three year period, and if within that period no need has arisen for further retention of such records they need not be retained longer. However if within such three year period transactions recorded by such records become connected with a court action or a proceeding under section 8c (15) (A) of the act, such records should upon written notification by the market administrator be retained until further notification by the market administrator irrespective of the three year period.

Any obligations imposed by this order should terminate after the expiration of a period of two years.

In the absence of a termination of obligations within some prescribed time, any time the application of a certain provision of the order is changed by administrative interpretation or by litigation or for any other reason in such a manner that obligations imposed by the order are changed, the market administrator may feel compelled to reaudit and recompute obligations on the basis of the changed application with respect to all milk to which the former application of the provision was made. This could extend back over several years. It is extremely difficult for handlers or the market administrator to adequately protect themselves against this sort of contingency. The termination of obligations as herein proposed will mean the handlers and the market administrator will be free from this contingency after the expiration of two years. Except in cases of court actions or proceedings under section 8c (15) (A) of the act, all verification or corrections of classification and all charges or credits resulting therefrom should be completed by the end of the two year period. Verification of classification cannot be made by the market administrator unless handlers make their accounts and records and facilities available to the market administrator as required by the order. If a handler refuses to make such accounts or records or facilities available to the market administrator the two year period after which obligations will be terminated should not begin to run until such accounts or records or facilities are made available. Obligations with respect to any transaction involving fraud or willful concealment of facts material to the obligation on the part of the person against whom the obligation is imposed by the order should not be terminated as herein proposed.

Expenses of administration. As his share of the expenses of administering this order each handler should pay not in excess of 3 cents per hundredweight with respect to (1) all producer milk received, (2) all other source milk received at a pool plant which was classified as Class I milk and (3) all other source milk at a nonpool plant operating a route in the marketing area which was classified as Class I milk and was subject to the payments described earlier in this decision. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 3 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 3 cents per hundredweight yields more money than is needed, provision is made that the Secretary can prescribe a lesser rate of payment from time to time.

Marketing services. It was pointed out earlier in this decision that market-wide information concerning market supply and requirements would be useful to producers and cooperative associations in helping them maintain their production in line with market requirements. Costs involved in distributing information to producers and cooperative associations should be borne by the producers or their associations.

The cooperative association in the market has been providing marketing services to its members which include the verification of weights and tests of milk delivered by each member. The provision for such services to be rendered for producers, for whom a cooperative association does not perform such services will assure each producer that he is receiving his just proportion of the total proceeds of the market. Costs of these services should also be borne by producers.

On the basis of the costs of providing these services in other markets, and in view of the fact that handlers plants in the Stark County marketing area may be somewhat more scattered than in some markets and some may have only a few producers, it is concluded that a deduction of 6 cents per hundredweight of milk delivered by each producer should be adequate to cover these costs. Provision is made that the Secretary may reduce this deduction if experience indicates a lesser deduction will provide adequate funds. If a cooperative association is actually performing these services for producers, then in lieu of the 6 cent deduction such deduction as is authorized by such producers should be made from the amounts due producers for whom the cooperative association is performing such services and should be paid to the cooperative association.

Time schedule. Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedules should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month	Function
5th	Announcement of class prices by market administrator.
8th	Submission of monthly report of receipts and utilization by handlers.
13th	Announcement of uniform price and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.
14th	Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.
16th	Payments by handlers to cooperative associations and by market administrator out of producer-settlement fund.
18th	Payments by handlers to producers.

Effective time, suspension, termination, agents and separability of provisions. An order should contain provisions which (1) indicate that such order shall be effective on the date set by the Secretary and shall remain in effect until suspended or terminated; (2) require the Secretary to suspend or terminate the order or any portion thereof when such order or portion thereof no longer effectuates the policy of the act; (3) continue obligations existing at the time of suspension or termination of the order or provisions thereof until such obligations are met; (4) require liquidation of the agency administering the order upon suspension of the order; (5) authorize the Secretary to designate an agent in connection with any provision of the order; and (6) specify that the invalidation of any provision of the order with respect to any person or circumstances shall not affect the application of such provision or any other provisions of the order to other persons or circumstances.

General findings. (a) The proposed marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed

marketing agreement and order upon which a hearing has been held.

Rulings. All of the rulings contained in the recommended decision are ratified and affirmed.

Exceptions to the recommended decision were filed by Stark County Milk Producers Association, Inc.; Stark County Milk Dealers Committee; North Canton Dairies, Inc.; Chestnut Ridge Dairy; Akron Pure Milk Company; Ashland Sanitary Dairy; and Smith Dairy Products Company. Certain of the exceptions relating to the definition of the marketing area, the definition of a producer-handler, classification, class prices, and the time schedule have been considered in the findings and conclusions and the marketing agreement and order of this decision.

Exception was taken to the conclusion that any plant from which less than 18,000 pounds of Class I milk per month is distributed in the marketing area should not be a pool plant. The reason given in support of this exception was that a large number of plants selling less than 18,000 pounds of Class I milk per month in the marketing area might be established and offer unfair competition to operators of pool plants. This danger does not exist because although such plants would be nonpool plants their operators would be handlers and would be subject to the regulations to be imposed on handlers operating nonpool plants. These regulations will prevent this type of nonpool plant or any other nonpool plant from having any competitive advantage over pool plants.

Exception was taken to the pricing of milk used in the manufacture of ice cream. It was suggested that such milk be classified but left unpriced. The classification and pricing of milk for ice cream was designed so that the price fixed in the order for milk used for ice cream would be competitive with prices paid for milk and milk products by manufacturers of ice cream who are not subject to the order. The exception is denied.

In support of an exception to the price fixed for milk disposed of in the form of cream it was contended that cream brokers and jobbers not subject to the order could sell cream at lower prices than handlers. Exceptor apparently has failed to realize that any person who distributes cream in the marketing area is a handler and therefore becomes subject to the order.

Exception was taken to the standard relationship between volume of producer milk and Class I milk which is to be used in computing the supply-demand adjustment to the Class I price. This exception was based to some extent on the contention that statistics in the record showing milk and cream sales were used to approximate the volume of Class I milk when according to the classification set forth in the proposed order flavored milk and milk drinks and buttermilk would also be classified as Class I milk. The cream sales figures as shown in the record were the volumes of milk containing 3.5 percent of butterfat which would have been required to yield the volume of butterfat contained in cream sales. The cream sales volumes which will be classified as Class I pursuant to the proposed order will be the actual volumes of cream sold and the skim milk resulting from the separation of such cream will be classified on the basis of its utilization. Evidence in the record indicates that the volume of flavored milk and milk drinks and buttermilk may approximately equal the volume of skim milk remaining after the separation and standardization of cream sales. Therefore, in using the statistics in the record showing milk and cream sales to approximate Class I sales consideration was given to the fact that pursuant to the proposed order flavored milk and milk drinks and buttermilk would be in Class I.

Exceptions were taken to certain other findings and conclusions and provisions of the proposed order. All of the exceptions not specifically ruled on are hereby denied for the reasons set forth in support of the findings and conclusions or order provisions to which the exception referred.

Order that a referendum be conducted among producers. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended [7 U. S. C. 608c (19)], it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Stark County, Ohio, marketing area) who during July 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order.

The month of July 1952 is hereby determined to be the representative period for the conduct of such referendum.

Mr. A. T. Radigan is hereby designated as agent to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the Federal Register on August 10, 1950 (15 F. R. 5177).

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," and "Order Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER and that the findings and conclusions and general findings and the order regulating the handling of milk in the Stark County, Ohio, marketing area to be so published as a part of this decision shall include the full text of such findings and conclusions and general findings and order, respectively. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of October, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Stark County, Ohio, Marketing Area

Sec.

963.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of sec. 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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963.90 Agent.
963.91 Separability of provisions.

AUTHORITY: §§ 963.0 through 963.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 963.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Stark County, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expenses 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (i) all receipts of producer milk (including such handler's own production), (ii) all other source milk received at a pool plant and classified as Class I, and (iii) all other source milk on which payment is made pursuant to § 963.72 (b).

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 963.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 963.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employees of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 963.3 *Marketing area.* "Stark County, Ohio, marketing area," hereinafter referred to as "marketing area," means all territory geographically located within (a) Stark County, Ohio, except (1) Paris Township, (2) Sugar Creek Township, and (3) Sections 6 and 7 of Lake Township; (b) Smith Township of Mahoning County, Ohio, except Great Lot 35 thereof; (c) Knox Township of Columbiana County, Ohio; (d) Sections 1, 2, 3, 10, 11, and 12 in Sugar Creek Township of Wayne County, Ohio; (e) Sections 25, 26, 27, 34, 35, and 36 in Green Township of Summit County; (f) Lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 in Suffield Township of Portage County; and (g) Lots 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40 in Randolph Township of Portage County

§ 963.4 *Handler.* Any person, other than a producer-handler, who operates a milk handling plant (hereinafter referred to as a "plant") shall be a "handler" with respect to all skim milk and butterfat received at such plant or caused to be diverted from producers' farms to a nonpool plant by such person in any month in which a route(s) is operated wholly or partially within the marketing area from such plant. Any cooperative association shall be a "handler" with respect to the milk of any producer which it causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

§ 963.5 *Pool plant.* A plant, except a plant of a producer-handler, shall be a "pool plant" in any month in which a route(s) is operated wholly or partially within the marketing area from such plant if such plant is (a) located in the marketing area; or (b) located outside the marketing area and 10 percent or more of the total combined amount of skim milk and butterfat in Class I milk at such plant is disposed of on a route(s) operated wholly or partially within the marketing area: *Provided,* That a plant located either in or outside the marketing area shall not be a pool plant in any month in which the total combined amount of skim milk and butterfat in Class I milk at such plant which is disposed of on a route(s) operated wholly or partially within the marketing area is less than 18,000 pounds.

§ 963.6 *Nonpool plant.* A plant other than a plant operated by a producer-handler shall be a "nonpool plant" in any month in which it is not a pool plant.

§ 963.7 *Producer.* "Producer" means any person, other than a producer-handler, with respect to milk produced by him which milk is moved directly from his farm to a pool plant or is diverted by the operator of the pool plant or by a cooperative association to a nonpool plant.

§ 963.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 963.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, or used to produce all other milk products received from all sources other than producers and pool plants.

§ 963.10 *Producer - handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no producer milk or other source milk; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 963.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 963.50.

§ 963.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay out of the funds provided by § 963.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 963.76, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 963.30 or 963.31 or payments pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76, or 963.77;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 5th day of each month the minimum class prices for skim milk and butterfat for the preceding month as computed pursuant to §§ 963.51 and 963.52;

(2) On or before the 13th day of each month the uniform prices for the preceding month computed pursuant to § 963.61, the butterfat differential for the preceding month computed pursuant to § 963.74, and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk.

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator; (a) the quantities of butterfat and the quantities of skim milk contained in all milk, skim milk, or cream and used to produce all milk products received from all sources during the preceding month; (b) the quantities of butterfat and the quantities of skim milk contained in all frozen cream which were formerly classified pursuant to § 963.41 (b) (2) and which were removed from storage or received during the preceding month; (c) the quantities of all milk or milk products and the quantities of skim milk and butterfat contained in or used to produce such milk or milk products moved from such handlers plant during the preceding month or on hand at such plant at the end of the preceding month; and (d) such other information with respect to such receipts and utilization as the market administrator may request.

§ 963.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 25th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 963.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 963.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations including those of nonpool plants to which any producer milk is diverted and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts of skim milk and butterfat contained in or used to produce all producer milk and other source milk received by such handler or producer-handler; (b) the removal from storage or the receipts of all frozen cream and the quantities of butterfat and skim milk contained in such frozen cream; (c) the disposition and inventories of milk and milk products and the quantities of skim milk and butterfat contained in or used to produce such milk and milk products; (d) the weights, samples, and tests for butterfat and other contents of (1) all producer milk and other source milk received by such handler or producer-handler, and (2) all milk and milk products disposed of or in inventories held by such handler or producer-handler; and (e) all payments required to be made by such handler pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76 and 963.77.

§ 963.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream or used to produce milk products received during each month from all sources by each handler shall be classified pursuant to §§ 963.41 through 963.46.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in § 963.43 and § 963.44 skim milk and butterfat shall be classified separately as follows:

(a) Class I milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Moved from a plant during the month or on hand at a plant at the end of the month in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream including sour cream, or any mixture of cream and milk or skim milk, except skim milk and butterfat which is classified as Class II milk pursuant to paragraph (b) (1), (2), or (3) of this section;

(2) Used to produce concentrated milk for fluid consumption which was moved from a plant during the month or was on hand at a plant at the end of the month; or

(3) In shrinkage of producer milk as computed pursuant to § 963.42 (b) which is in excess of such shrinkage classified as Class II milk pursuant to paragraph (b) (4) of this section.

(b) Class II milk shall be all skim milk including reconstituted skim milk and all butterfat;

(1) Contained in skim milk which is dumped or fed to livestock by the handler or is moved from a plant and disposed of to farmers or livestock feeders for livestock feeding;

(2) Contained in cream which was moved from a plant during the month to a cold storage warehouse in the form of frozen cream or in the form of cream to be frozen, or which was on hand at a plant at the end of the month in the form of frozen cream;

(3) In shrinkage of skim milk and butterfat contained in producer milk in amounts equal to either the amounts of skim milk and butterfat, respectively, computed pursuant to § 963.42 (b) or amounts equal to 2 percent of the skim milk and butterfat, respectively, contained in producer milk, whichever amounts are smaller;

(4) In shrinkage of skim milk and butterfat contained in other source milk as computed pursuant to § 963.42 (b); or

(5) Used to produce or contained in ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; yogurt; aerated products; or any other products other than those specified in paragraph (a) of this section which products are moved from a plant during the month or are on hand at a plant at the end of the month.

§ 963.42 *Shrinkage.* Shrinkage of skim milk and butterfat contained in producer milk and in other source milk shall be computed each month as follows:

(a) Combine into separate totals for skim milk and butterfat all skim milk and butterfat contained in all milk, skim milk, and cream or used to produce all milk products received during the month from all sources, and deduct therefrom all skim milk and butterfat, respectively, contained in or used to produce all milk, skim milk, cream, and all milk products moved from a plant during the month or on hand at a plant at the end of the month: *Provided,* That producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handlers pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

(b) Prorate the total shrinkage of skim milk and butterfat computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, contained in or used to produce all producer milk and all other source milk.

§ 963.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in one class shall be reclassified to the other class if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 963.44 *Transfers.* Skim milk or butterfat transferred (including skim milk and butterfat in milk which was diverted) from a pool plant in the form of milk, skim milk or cream to:

(a) Another pool plant or a nonpool plant from which a route is operated wholly or partially within the marketing area shall be classified as Class I milk unless utilization in Class II is indicated by the operators of both plants in their reports filed pursuant to § 963.30 for the month during which such transfer was made. If the two operators indicate a Class II utilization of all or part of the transferred skim milk and butterfat and the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are greater than the pounds of skim milk and butterfat, respectively, so mutually indicated to be classified as Class II milk, then all such skim milk or butterfat transferred shall be classified as Class II milk. If the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are less than the pounds of skim milk or butterfat, respectively, so mutually indicated to be classified as Class II milk, then an amount of such transferred skim milk or butterfat, respectively, equal to the pounds remaining in Class II in the plant to which such transfer was made shall be classified as Class II milk and the remainder of such skim milk or butterfat so transferred shall be classified as Class I milk.

(b) To a producer-handler shall be classified as Class I milk.

(c) To a nonpool plant from which no route is operated within the marketing area shall be classified as Class I milk unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day of the month following that within which such transfer was made and the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at his plant and makes such books and records available to the market administrator, upon his request, for the verification of such utilization. If the above conditions are met the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers who the market administrator determines constitute the regular source of milk for Class I uses at such plant in series beginning with Class I milk.

§ 963.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 963.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 963.46 *Allocation of skim milk and butterfat.* Skim milk and butterfat to be classified pursuant to § 963.40 shall be separately allocated to skim milk and butterfat classified pursuant to §§ 963.41 through 963.44 in sequence as follows:

(a) Plant shrinkage of skim milk and butterfat contained in producer milk as computed pursuant to § 963.42 (b) shall be allocated to skim milk and butterfat, respectively, classified pursuant to § 963.41 (a) (3) and (b) (4).

(b) Skim milk and butterfat contained in or used to produce products other than milk, skim milk, or cream received in such form shall be allocated to skim milk and butterfat contained in or used to produce products moved from a plant during the month or on hand at a plant at the end of the month in like form.

(c) Skim milk and butterfat contained in any frozen cream which was classified in a previous month as Class II milk pursuant to § 963.41 (b) (2) and which was removed from storage or received from another handler during the month for which classification is being determined shall be allocated to skim milk and butterfat used to produce ice cream or other frozen desserts or mixes for such ice cream or other frozen desserts moved from a plant during such month or on hand at a plant at the end of such month.

(d) Remaining skim milk and butterfat contained in or used to produce other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated to skim milk or butterfat, respectively, in Class I milk.

(e) Remaining skim milk and butterfat contained in or used to produce other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated the skim milk and butterfat in Class I milk.

(f) Skim milk and butterfat transferred and classified pursuant to § 963.44 shall be allocated to skim milk and butterfat, respectively, pursuant to such classification.

(g) Add to the remaining skim milk and butterfat in each class the skim milk and butterfat, respectively, allocated pursuant to paragraph (a) of this section.

(h) If the then remaining skim milk or butterfat in all classes exceeds the skim milk or butterfat contained in producer milk received by such handler, subtract such excess of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class II milk, and if the remaining skim milk or butterfat

in Class II milk is less than such excess of skim milk or butterfat, respectively, subtract the difference of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class I milk. The resulting volumes of skim milk and butterfat in each class are the volumes of skim milk and butterfat in producer milk in each class.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II milk price pursuant to § 963.51 and § 963.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month; and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

Provided, That in each month from the effective date of this section through July 1953 the price per hundredweight for producer milk received by a handler at a pool plant for which the handler holds a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be the Class I price for such month as computed pursuant to § 975.61 (a), exclusive of the proviso contained therein, of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, Part 975) less 15 cents, and the price for producer milk received by a handler at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be such Cleveland Class I less 40 cents.

(a) Add to the basic formula price the following amount for the month indicated:

Month	*Amount*
May and June	$0.90
March, April, July, and August	1.30
All others	1.70

Provided, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated above.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total volume of producer milk and other source milk received by all handlers in the first and second months preceding the month for which a price is being computed which was classified as Class I milk pursuant to §§ 963.41 (a), 963.43, and 963.44 by the total volume of producer milk received by all handlers during the same months, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

Month for which a price is being computed:	*Standard utilization percentage*
January	84
February	80
March	78
April	75
May	71
June	64
July	61
August	64
September	67
October	70
November	76
December	82

(3) The amount of the supply-demand adjustment shall be as follows:

[Cents per hundredweight]

If the net utilization percentage is—	Supply-demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 to −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within one of the above tabulated brackets the supply-demand adjustment shall be determined by the adjacent bracket which would result in the higher supply-demand adjustment.

(c) Divide the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

(d) Multiply the price computed pursuant to paragraphs (a) and (b) of this section by the result obtained pursuant to paragraph (c) of this section.

(e) Divide the result obtained pursuant to paragraph (d) of this section by 0.035. This result shall be the price per hundredweight of butterfat classified as Class I milk.

(f) From the price computed pursuant to paragraph (a) and (b) of this section, subtract the amount computed pursuant to paragraph (d) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I milk.

§ 963.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class II milk shall be computed by the market administrator as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by the result obtained pursuant to § 963.51 (c).

(b) Divide the result obtained pursuant to paragraph (a) of this section by 0.035. The result shall be the price per hundredweight of butterfat classified as Class II milk.

(c) From the basic formula price computed pursuant to § 963.50 subtract the amount computed pursuant to paragraph (a) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class II milk.

DETERMINATION OF UNIFORM PRICE

§ 963.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class as computed pursuant to § 963.46 by the applicable class prices and adding together the resulting amounts: *Provided,* That if after the allocation of skim milk and butterfat pursuant to paragraphs (a) through (g) of § 963.46 the remaining amount of skim milk or butterfat exceeds the amount of skim milk or butterfat, respectively, in producer milk received by such handler, there shall be added to the value of the producer milk received by such handler a further amount computed by multiplying the hundredweight of skim milk or butterfat as subtracted pursuant to § 963.46 (h) by the applicable class price.

§ 963.61 *Computation of uniform prices.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio and a uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers delivering to any pool plant for which the handler operating such plants does not hold a permit for such plant from any of such health authorities as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 963.60 for all handlers who reported pursuant to § 963.30 for such month, except those in default in payments required pursuant to § 963.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 963.72 (b), (c), and (d);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 963.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.74 multiplied by 10;

(f) Subtract an amount computed by multiplying by 25 cents the hundredweight of producer milk which was (1) received during the month for which uniform prices are being computed at all pool plants for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and (2) classified as Class I milk;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to pool plant for which the handler operating such plant does not hold a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(i) Divide the amount subtracted pursuant to paragraph (f) of this section by the hundredweight of producer milk received during the month for which uniform prices are being computed at all pool plants for which the handler operating such pool plants hold permits for such plants from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(j) Add the amount computed pursuant to paragraph (i) of this section to the amount computed pursuant to paragraph (g) of this section; and

(k) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio.

§ 963.62 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 963.30 of:

(a) The classification pursuant to § 963.46 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 963.60;

(b) The uniform prices for the preceding month computed pursuant to § 963.61; and

(c) The amount due such handler pursuant to § 963.73 and the amount to be paid by such handler pursuant to §§ 963.72, 963.75, and 963.76.

PAYMENTS FOR MILK

§ 963.70 *Payments to producers or cooperative associations.* Subject to §§ 963.74 and 963.76, each handler who is not a cooperative association shall make payments to producers or cooperative associations pursuant to either paragraph (a) or (b) of this section:

(a) On or before the 16th day of each month such handler shall pay to a cooperative association which requests such payment for producer milk received in the preceding month from producers who have given such cooperative association written authorization to collect payment for their milk a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section. In making such payments to a cooperative association, the payments shall be accompanied with a statement showing the name of each producer for whose milk payment is being made to the cooperative association, the volume and average butterfat content of milk received from each such producer, and the amount of and reason for any deductions which the handler has withheld from the amount due such producer.

(b) On or before the 18th day of each month such handler shall pay each producer (other than those for who a cooperative association collects pursuant to paragraph (a) of this section) for milk received from him during the preceding month at not less than the appropriate uniform price computed pursuant to § 963.61 (h) or (k) for such month, adjusted by the butterfat differential computed pursuant to § 963.74 for such month, and less any deductions authorized by such producer: *Provided,* That if the payments made to a handler pursuant to § 963.73 have been reduced pursuant to the proviso contained therein, such handler may reduce payments to producers or cooperative associations by the same amount per hundredweight of milk and such handler shall complete payments to producers or cooperative associations as required by this section or before the next date for making payments pursuant to this section following the date upon which such handler receives payment in full for amounts due him pursuant to § 963.73.

§ 963.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 963.72 and 963.77 and out of which he shall make all payments pursuant to §§ 963.73 and 963.77.

§ 963.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 963.60 exceeds the amount which such handler is required to pay to all producers pursuant to § 963.70, such handler shall pay the difference between the two amounts.

(b) Any handler who during the preceding month operated a nonpool plant from which a route extending into the marketing area was operated shall pay an amount computed by determining the value at the Class I price which would be applicable at such plant if it were a pool plant of all Class I milk disposed of on routes operated wholly or partially within the marketing area during the preceding month and by deducting from such value the value of such milk at the Class II price: *Provided*, That if such handler received at his nonpool plant during the preceding month skim milk and butterfat from a pool plant which was classified as Class I milk pursuant to § 963.44 (c) a payment shall be made pursuant to this section only if the volume of Class I milk so disposed of on routes operated wholly or partially within the marketing area is in excess of the volume of Class I milk received from a pool plant and shall be computed only on such excess.

(c) Any handler who during the preceding month operated a pool plant shall pay an amount computed by determining the value of other source milk which was received during the preceding month and allocated to Class I milk pursuant to § 963.46 (d) at the Class I price applicable to such plant and by deducting from such value the value of such milk at the Class II price.

(d) Any handler who received other source milk in the preceding month which was allocated to Class I milk pursuant to § 963.46 (e) shall pay any amount by which the value of such milk at the Class I price applicable to the plant at which such other source milk was received exceeded the value of such milk computed pursuant to the other marketing agreement or order.

§ 963.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 963.70 is greater than the total value of the milk of such handler computed pursuant to § 963.60 for such preceding month, less any unpaid obligations of the handler to the market administrator pursuant to § 963.72: *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 963.74 *Producer butterfat differential.* In making payments pursuant to § 963.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the average price of butter as computed pursuant to § 963.50 (b) (1) by 10 and, if the result is not an even whole or half cent, round to the next higher whole or half cent.

§ 963.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c), each handler shall pay the market administrator on or before the 14th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), (b) all other source milk received at a pool plant in the preceding month and classified as Class I, and (c) all other source milk on which payment is made pursuant to § 963.72 (b).

§ 963.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 963.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 963.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, a handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.70 (b) for producer milk received in the preceding month as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month in which such producer milk was received to the cooperative association rendering such services.

§ 963.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 963.43 resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 963.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section Class prices, the appropriate uniform price, the butterfat differential, the rate of administration assessment pursuant to § 963.75, and the rate of marketing service deduction pursuant to § 963.76 which were applicable in the month for which the original calculations of amounts due were made shall be used.

§ 963.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 963.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 963.81 *Suspension or termination.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 963.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.83 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.90 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 52-11251; Filed, Oct. 15, 1952; 8:53 a. m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ESTABLISHING FREE, RESERVE AND SURPLUS PERCENTAGES FOR 1952–53 CROP YEAR

Notice is hereby given that there is being considered a proposed rule to establish free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages, as hereinafter set forth, in connection with raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1952–53 crop year. These percentages are proposed after consideration of the recommendation submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (17 F. R. 1255, 1555), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed rule is as follows:

§ 989.206 *Free, reserve, and surplus tonnage regulation for the 1952–53 crop year.* (a) The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1952, and ending August 14, 1953, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are as follows: (1) Natural (sun-dried) Thompson Seedless raisins: Free tonnage percentage, 54 percent; reserve tonnage percentage, 19 percent; and surplus tonnage percentage, 27 percent; (2) natural (sun-dried) Muscat raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 40 percent; and surplus tonnage percentage, zero percent; (3) natural (sun-dried) Sultana raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (4) natural (sun-dried) Zante Currant raisins: Free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (5) artificially dehydrated Sultana raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (6) artificially dehydrated Zante Currant raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (7) Layer Muscat raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 40 percent; and surplus tonnage percentage, zero percent; (8) Golden Bleached raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (9) Sulfur Bleached raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (10) Soda Dipped raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; and (11) Valencia raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent.

(b) The percentages cited in paragraph (a) of this section are predicated on the following preliminary estimates of production: Natural (sun-dried) Thompson Seedless raisins, 250,000 tons; natural (sun-dried) and Layer Muscat raisins, 17,000 tons; natural (sun-dried) Sultana raisins, 2,500 tons; natural (sun-dried) Zante Currant raisins, 3,500 tons; Golden Bleached raisins, 20,000 tons; Valencia raisins, 1,000 tons; all other varietal types of raisins, 1,000 tons; and total, all varietal types, 295,000 tons. Percentages for each varietal type of raisins would be designated in the final rule on the basis of presently available information and any additional information, including any later estimates of production, which may be available at the time of such designation. It does not appear from data currently available that average returns to California producers of 1952 crop raisins will exceed the price level specified in section 2 (1) of the act.

Issued at Washington, D. C., this 13th day of October 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-11285; Filed, Oct. 16, 1952; 8:56 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

DEFINITIONS; ELECTRONUCLEAR MACHINES

Pursuant to the Atomic Energy Act of 1946 as amended (Pub. Law 585, 79th Cong.; 60 Stat. 755ff) and to section 4 (a) of the Administrative Procedure Act of 1946 as amended (Pub. Law 404, 79th Cong.), notice is hereby given that an amendment to Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" will be issued by the Atomic Energy Commission, to be effective December 1, 1952.

It is proposed that this amendment will read substantially as follows:

Part 50 is hereby amended in the following respect only:

The following § 50.2 (f) is added reading as follows:

§ 50.2 *Definitions.* • • •

(f) The term "electronuclear machines" does not include X-ray generators.

Interested parties are to be given an opportunity to submit their views and other relevant information with respect to the proposed amendment in writing to the United States Atomic Energy Commission, Division of Construction and Supply, at Sixteenth Street and Constitution Avenue NW., Washington 25, D. C., within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 8th day of October 1952.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 52-11252; Filed, Oct. 16, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

GENERAL RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934; SOLICITATION OF PROXIES

INFORMATION TO BE FURNISHED SECURITY HOLDERS

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposal for the amendment of its proxy rules under the Securities Exchange Act of 1934.

Rule X-14A-3 requires that security holders be furnished an annual report prior to or concurrently with the solicitation of proxies for any annual meeting involving the election of directors. It is proposed to amend this rule so as to provide that where one or more fiscal quarters have elapsed before the meeting is held, security holders shall also be furnished a report covering such quarter or quarters. The purpose of this proposed amendment is, of course, to provide security holders with reasonably up-to-date information in those cases where a considerable period of time elapsed between the end of the fiscal year covered by the annual report and the date of the annual meeting. The text of the rule as so amended would read as follows:

§ 240.14a-3 *Information to be furnished security holders.* (a) No solicitation subject to this section shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A.

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the financial position and operations of the issuer. If the meeting is to be held more than 60 days after the close of any one or more quarters of the succeeding fiscal year, a report for such quarter or quarters shall also be transmitted to security holders not later than the date the quarterly report on Form 9-K is required to be filed for such quarter or the latest of such quarters and shall include such financial statements as will reflect operations and changes in surplus during the period. Such annual or other reports, including financial statements, may be in any form deemed suitable by the management.

(c) Paragraph (b) of this section shall not apply to solicitations made on behalf of the management before the financial statements to be contained in the annual report to security holders are available if solicitations are being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold-face type to furnish such annual report to all persons solicited, at least twenty days before the date of the meeting.

(d) Three copies of each annual or other report sent to security holders pursuant to this section shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to § 240.14a-6 (a) (Rule X-14A-6 (a)), whichever date is later. Such reports are not deemed to be "soliciting material" or to be "filed" with the Commission or otherwise subject to this section or to the liabilities of section 18 of the act, except to the extent that the issuer specifically requests that they be treated as a part of the proxy soliciting material or incorporates them in the proxy statement by reference.

All interested persons are invited to submit data, views and comments on the above mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before November 10, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 10, 1952.

[F. R. Doc. 52-11276; Filed, Oct. 16, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[482.2]

CORK PARTS OF ARTIFICIAL BAIT

TARIFF CLASSIFICATION

OCTOBER 10, 1952.

The Bureau by its letter to the collector of customs at Philadelphia, Pennsylvania, dated October 10, 1952, ruled that cork parts of artificial bait were properly classifiable as parts of artificial bait under paragraph 1535, Tariff Act of 1930, with duty at the rate of 45 percent ad valorem.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 90 days after the date of publication of an abstract thereof in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-11284; Filed, Oct. 16, 1952; 8:56 a. m.]

Bureau of Internal Revenue

[Operations Reorganization Order No. 7]

DIRECTOR OF INTERNAL REVENUE, WISCONSIN

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that, effective as of 12:01 a. m., October 21, 1952, Operations Reorganization Order No. 3, dated September 4, 1952, shall be, and it is hereby made applicable to the office of the Director of Internal Revenue, Wisconsin.

Dated: October 9, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-11331; Filed, Oct. 16, 1952; 8:49 a. m.]

Office of the Secretary

[Treasury Department Order No. 150-9]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952, it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Iowa, Minnesota, Nebraska, North Dakota and South Dakota Collection Districts shall become effective as of 12 o'clock midnight, October 19, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., October 20, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the St. Paul District, and which shall be comprised of the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

3. *Location of headquarters.* The headquarters office shall be located in the City of St. Paul, Minnesota.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., October 20, 1952, there are hereby created the following offices within the St. Paul District:

(a) Director of Internal Revenue for the Collection District of Iowa (as presently constituted). The headquarters of such office shall be located in Des Moines, Iowa, and the office shall have the operating title of Director of Internal Revenue, Des Moines.

(b) Director of Internal Revenue for the Collection District of Minnesota (as presently constituted). The headquarters of such office shall be located in St. Paul, Minnesota, and the office shall have the operating title of Director of Internal Revenue, St. Paul.

(c) Director of Internal Revenue for the Collection District of Nebraska (as presently constituted). The headquarters of such office shall be located in Omaha, Nebraska, and the office shall have the operating title of Director of Internal Revenue, Omaha.

(d) Director of Internal Revenue for the Collection District of North Dakota (as presently constituted). The headquarters of such office shall be located in Fargo, North Dakota, and the office shall have the operating title of Director of Internal Revenue, Fargo.

(e) Director of Internal Revenue for the Collection District of South Dakota (as presently constituted). The headquarters of such office shall be located in Aberdeen, South Dakota, and the office shall have the operating title of Director of Internal Revenue, Aberdeen.

Dated: October 8, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-11322; Filed, Oct. 16, 1952; 8:50 a. m.]

[Treasury Department Order No. 150-10]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION, ESTABLISHMENT, AND EXTENSION OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collector and Deputy Collector of Wisconsin Collection District; establishment of office of Director of Internal Revenue, Wisconsin; Extension of area of Chicago District Commissioner's District.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the office of Collector of Internal Revenue and Deputy Collector for the Wisconsin Collection District shall become effective as of 12 o'clock midnight, October 20, 1952.

2. *Establishment of Office of Director of Internal Revenue.* Effective as of 12:01 a. m., October 21, 1952, there is hereby created, within the Chicago District, the office of Director of Internal Revenue for the Collection District of Wisconsin (as presently constituted). The headquarters of such office shall be located in Milwaukee, Wisconsin and the office shall have the operating title of Director of Internal Revenue.

3. *Extension of area of Chicago District.* Effective as of 12:01 a. m., October 21, 1952, the State of Wisconsin, shall be, and it is hereby, attached to and made a part of the Chicago District, established by Treasury Department Order No. 150-3, dated May 15, 1952, for all purposes authorized by the internal revenue laws of the United States.

Dated: October 9, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-11320; Filed, Oct. 16, 1952; 8:49 a .m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Dist. No. 1, Amdt. 1]

CALIFORNIA

MODIFICATION OF GRAZING DISTRICT

OCTOBER 13, 1952.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, section 2.22, 15 F. R. 5643, the following-described lands are excluded from California Grazing District No. 1, as heretofore established and modified (Misc. 1597966):

MOUNT DIABLO MERIDIAN

T. 28 S., R. 31 E.,
Sec. 33, SE¼NE¼, SE¼.
T. 29 S., R. 31 E.,
Sec. 2, lots 3 and 4 NE¼, S½NE¼, E½SE¼, lots 1 and 2 NW¼, S½NW¼, NW¼SW¼;
Sec. 6, SE¼NE¼, E½SE¼.
T. 31 S., R. 31 E.
T. 32 S., R. 31 E.
T. 29 S., R. 32 E.,
Sec. 4, W½ lots 1 and 2 NE¼, W½SE¼, SW¼;
Sec. 8;
Sec. 16, NW¼SW¼;
Sec. 18;
Sec. 24, S½S½.
T. 30 S., R. 32 E.,
Sec. 2, SE¼NE¼, NE¼SE¼;
Sec. 4, lot 3 NE¼, E½SE¼;
Sec. 12, SE¼;
Sec. 14, N½NE¼;
Sec. 24, N½N½.
T. 31 S., R. 32 E.,
Sec. 6, lot 1 NE¼, S½NE¼, lot 3 NW¼, NE¼SW¼.
T. 32 S., R. 32 E.
T. 29 S., R. 33 E.,
Secs. 8, 9, 10;
Sec. 26, E½NE¼, NW¼NW¼, S½NW¼, SW¼;
Sec. 28;
Sec. 34, N½NW¼, NE¼, SE¼SE¼;
Sec. 36, W½NW¼.
T. 29 S., R. 33½ E.,
Sec. 13;
Sec. 25, N½.
T. 29 S., R. 34 E.,
Sec. 32.
T. 30 S., R. 33 E.,
Sec. 2, lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 5, S½S½SE¼;
Sec. 6, lots 1, 2, 3, 6, S½NE¼, lots 15 and 16 of SW¼;
Sec. 10, NE¼NE¼;
Sec. 14, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 15, S½SW¼, NW¼SE¼;
Sec. 16, SW¼NE¼;
Sec. 28, NE¼W½;
Sec. 31, lots 10, 11, 12.
T. 30 S., R. 34 E.,
Sec. 20, SE¼;
Sec. 26, E½;
Sec. 32, E½;
Secs. 34 and 36.
T. 31 S., R. 33 E.,
Sec. 4, W½;
Sec. 16;
Sec. 26, N½NE¼, SE¼NE¼, NE¼NW¼.
T. 31 S., R. 34 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lot 4;
Sec. 3, lots 1, 2, 3, 4;
Sec. 4, lots 1 and 2.
T. 32 S., R. 33 E.,

The areas described, including both public and non-public lands, aggregate 250,585.62 acres.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-11267; Filed, Oct. 16, 1952; 8:48 a. m.]

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

JUNE 19, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of February 25, 1952, reserving lands for community center purposes, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other land by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 N., R. 29 E., Sec. 18, NE¼SE¼SE¼.

The above area aggregates 10 acres.

ALFRED R. GOLZE,
Acting Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land described herein remains withdrawn for reclamation purposes.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

OCTOBER 13, 1952.

[F. R. Doc. 52-11268; Filed, Oct. 16, 1952; 8:48 a. m.]

Office of the Secretary

[Order 2706]

COLUMBIA BASIN PROJECT, WASHINGTON

ESTABLISHMENT OF DATE ON OR BEFORE WHICH LANDOWNERS IN CERTAIN IRRIGATION BLOCKS SHALL HAVE THE PRIVILEGE OF EXECUTING RECORDABLE CONTRACTS

OCTOBER 10, 1952.

SECTION 1. *Purpose.* The purpose of this order is to establish a date on or before which the owners of land in certain irrigation blocks on the Columbia Basin Project may execute recordable contracts with the United States pursuant to the Columbia Basin Project Act (57 Stat. 14; 16 U. S. C. 835 et seq.), as amended by the Act of September 26, 1950 (64 Stat. 1037; 16 U. S. C. 835a), and Chapter 275, Laws of Washington, 1943, as amended by Chapter 200, Laws of Washington, 1951.

SEC. 2. *Date.* The date on or before which the owners of land in Irrigation Blocks 12, 15, 43, 74, and 75 on the Columbia Basin Project shall have the privilege of executing recordable contracts is hereby fixed as March 31, 1953. Such recordable contracts will be executed on behalf of the United States only after compliance has been had with the provisions set forth in 43 CFR Part 405.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-11255; Filed, Oct. 16, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 138]

NORMAN C. F. YUEN

ORDER DENYING LICENSE PRIVILEGES

In the matter of Norman C. F. Yuen, 1470 Thomas Avenue, San Francisco, Calif., respondent; Case No. 138.

This proceeding was begun by the issuance of a charging letter, dated June 16, 1952, wherein the Director, Investigation Staff, Office of International Trade, charged one Norman C. F. Yuen of 1470 Thomas Avenue, San Francisco, California, with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder.

It was commenced after detection of the facts following a routine check by Customs officials of packages intended for export which are mailed in local post offices.

Yuen was duly informed of his right to answer the charges, to be represented by counsel, and to have an oral hearing. Having been so informed, he elected to have this proceeding submitted to the Compliance Commissioner pursuant to regulations, § 382.10, 17 F. R. 6342, upon the evidence in the files and his various statements to and correspondence with members of the Customs Bureau and the Investigation Staff, and at the same time consented that an order, containing the terms hereinafter set forth, be made. Yuen's letter of consent, the correspondence, and all evidence in the case were duly submitted to the Compliance Commissioner, who has reported the facts of the case with his recommendation to the Assistant Director for Export Supply.

After reviewing the whole record and carefully considering the evidence and the report of the Compliance Commissioner, I hereby make the following findings of fact:

(1) Norman Yuen is engaged in the export business at 1470 Thomas Avenue, San Francisco, California, and has been engaged in said business since about 1945.

(2) Under date of March 9, 1951, he submitted to the Office of International Trade an application for export license to ship ten dozen ladies' metal compacts to a consignee in Hong Kong, which application was rejected.

(3) Thereafter, in the month of May 1951, for the purpose of circumventing the rejection of said application and accomplishing the export of the articles for which export license had been denied, he deposited four packages of said compacts in the mails, in a local post office in San Francisco, California, which packages were addressed to individual consignees, who were related in some manner to the consignee mentioned in the application for export license, and attempted to ship them under General License, valuing each package at $25.00 or less and marking two of them, "Gift, No Export License Required." All packages involved in this proceeding were described as containing ladies' compacts.

(4) The value of the contents of each of said packages was more than $25.00; one of the packages contained a dozen ladies' combs in addition to compacts; none of them was in fact a gift, the intention having been that, if delivered, they were to be turned over to the consignee named in the license application which had been rejected; and none of the packages was properly exportable under general license.

It is therefore concluded that Yuen knowingly made false representations and concealed material facts in order to effectuate the export of the commodities mentioned and that he thereby violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, § 381.1 (b) (1) and (2), 15 F. R. 2730 (now 17 F. R. 6339).

In his report, the Compliance Commissioner has weighed the deliberate nature of Yuen's attempted circumvention of the rejection of his application for export license and his attempt to pervert the purpose of the general license procedure for small parcels and gifts against various mitigating factors, and has recommended that the proposed consent suspension be adopted as the order of this Agency.

I find, after reviewing the entire record, the proposal for a consent order, and the report and the recommendation of the Compliance Commissioner, that the provisions hereinafter set forth are fair and reasonable, and that they are necessary and proper to achieve effective enforcement of the law. *It is now, therefore, ordered:*

A. Respondent, Norman C. F. Yuen, is hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating in the exportation of any commodity from the United States to any foreign destination, including Canada, for a period of six (6) months from the date of this order. This denial of export privileges includes and prohibits participation, directly or indirectly, in any manner or capacity, (1) as a party, or as a representative of a party, to any exportation under validated or general export licenses; and (2) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export licenses.

B. This denial of export privileges extends not only to respondent Norman C. F. Yuen but also to any person, firm, corporation, or business organization with which he may be now or during the period of suspension related by ownership, position of responsibility, or control in the conduct of trade involving exports from the United States, or services connected therewith.

C. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, to or for Norman C. F. Yuen, or any person, firm, corporation, or other business organization within the scope of Part B hereof, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: October 14, 1952.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-11271; Filed, Oct. 16, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5503]

SCHULMAN, INC.; APPLICATION FOR LETTER OF REGISTRATION

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on October 15, 1952, at 10:00 a. m., is hereby postponed to October 20, 1952, at 10:00 a. m., e. s. t., in room E-210, Temporary Building No. 5, 16th Street and Constitution Ave. NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., October 14, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11277; Filed, Oct. 16, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Salary Stabilization

[Administrative Order No. 4]

REGIONAL DIRECTORS

DESIGNATION AS COMPETENT AUTHORITY TO DEFINE SCOPE AND PURPOSE AND TO ISSUE INSPECTION AUTHORIZATIONS

By virtue of the authority vested in me as Chairman of the Salary Stabilization Board and the Head of the Office of Salary Stabilization by General Order No. 8, Revised, of the Economic Stabilization Administrator (16 F. R. 9828), as amended (16 F. R. 13015; 17 F. R. 7195), this administrative order is issued:

Those officers and employees of the Office of Salary Stabilization occupying or acting in the position of Regional Director are each hereby designated and constituted as competent authority under section 2 of Salary Procedural Regulation 2, Revised, to define the scope and purpose of investigations, inspections and inquiries within their respective areas, and to issue inspection authorizations in connection with any investigation or proceeding within their respective areas relating to enforcement of the Defense Production Act of 1950, as amended, and the regulations, orders and determinations issued thereunder, subject to the limitations set forth in section 2 of Salary Procedural Regulation 2, Revised, and to such rules, supervision, direction and control as the Chairman of the Salary Stabilization Board and their respective supervisors in the Office of Salary Stabilization may deem necessary or expedient.

Nothing in this order shall be interpreted as limiting the designation of competent authority previously made in Office of Salary Stabilization Administrative Order No. 2, and nothing in this order shall be construed as granting to Regional Directors the authority to issue subpoenas.

JUSTIN MILLER,
Chairman, Salary Stabilization
Board Head, Office of Salary
Stabilization.

OCTOBER 15, 1952.

[F. R. Doc. 52-11361; Filed, Oct. 16, 1952; 11:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2067]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF ORDER AMENDING LICENSE (MAJOR)

OCTOBER 13, 1952.

Notice is hereby given that on August 4, 1952, the Federal Power Commission issued its order entered July 29, 1952, amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11257; Filed, Oct. 16, 1952; 8:46 a. m.]

[Project No. 2081]

WILLIAM R. LABARGE

NOTICE OF ORDER ISSUING LICENSE (MINOR)

OCTOBER 13, 1952.

Notice is hereby given that on September 5, 1952, the Federal Power Commission issued its order entered September 3, 1952, issuing license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11258; Filed, Oct. 16, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2878]

AMERICAN GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

OCTOBER 13, 1952.

American Gas and Electric Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, wherein it proposed to issue and sell $20,000,000 principal amount of sinking fund debentures due 1977 and 170,000 shares of $10 par value common stock; and

The Commission having, by order dated June 19, 1952, permitted said declaration, as amended, to become effective subject to the reservation of jurisdiction with respect to the fees and expenses to be paid all counsel; and

It appearing that Simpson, Thacher & Bartlett, counsel for declarant, has requested a fee of $20,000 and reimbursement of expenses not in excess of $350, and that Winthrop, Stimson, Putnam & Roberts, independent counsel for prospective purchasers of the debentures and common stock has requested a fee of $10,000; and

It appearing that the aforesaid fees and expenses are not unreasonable and that jurisdiction thereover should be released:

It is hereby ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses to be paid counsel for the declarant and independent counsel for prospective underwriters be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11275; Filed, Oct. 16, 1952; 8:50 a. m.]

[File No. 70-2922]

CENTRAL INDIANA GAS CO.

ORDER GRANTING APPLICATION REGARDING PROPOSED PRIVATE SALE OF BONDS

OCTOBER 13, 1952.

Central Indiana Gas Company ("Central Indiana"), an operating gas utility subsidiary of Central Public Utility Corporation ("Central Public"), a registered holding company, having filed an application, and two amendments thereto, pursuant to the act with respect to the following proposed transactions:

Central Indiana proposes to issue $1,000,000 principal amount of First Mortgage Bonds, 3½ percent Series due 1977, to be dated October 1, 1952, and to mature October 1, 1977. These bonds are to be issued under and secured by the Indenture of Mortgage and Deed of Trust dated September 1, 1942, as last supplemented and modified by a Supplemental Indenture, dated May 1, 1946, and to be further supplemented by the Third Supplemental Indenture, to be dated October 1, 1952, between Central Indiana and City National Bank and Trust Company of Chicago, Illinois, Trustee. Central Indiana proposes to sell said bonds to Reliance Life Insurance Company of Pittsburgh, Pennsylvania at 100 percent of the par value thereof plus accrued interest from October 1, 1952, to the date of sale.

It is represented in the filing that the proceeds from the sale of these bonds will be used to discharge $345,000 principal amount of outstanding notes of Central Indiana held by the Chase National Bank of the City of New York, New York and that the balance of the proceeds is to be used to reimburse the treasury of Central Indiana for construction expenditures heretofore made by that company.

The filing contains a copy of an order adopted and published by the Public Service Commission of the State of Indiana, the state in which Central Indiana is organized and conducts its business, authorizing the issuance and sale of the new bonds.

The filing also contains revised estimates of fees and expenses totaling $13,500, including $2,500 each for company counsel, purchaser's counsel, and a financial adviser, who also acted as a finder of the purchaser.

Notice of the filing of this application having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the

Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that all the applicable statutory standards have been satisfied and further finding that the fees and expenses are not unreasonable provided they do not exceed the amounts estimated and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11273; Filed, Oct. 16, 1952; 8:49 a. m.]

[File No. 70-2935]

CONSOLIDATED NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO NON-INTEREST BEARING LOANS TO SUBSIDIARIES

OCTOBER 13, 1952.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, with respect to the following proposed transactions:

Consolidated proposes to make short-term open account extensions of credit, without interest, to four of its subsidiaries, in the following amounts:

Hope Natural Gas Co.	$3,000,000
The East Ohio Gas Co.	1,000,000
The Peoples Natural Gas Co.	2,000,000
New York State Natural Gas Corp.	1,500,000
	7,500,000

Such extensions of credit will be made from time to time as required by the subsidiaries during the balance of 1952 to replenish their cash used in the building up of inventories of gas in underground storage to meet wintertime demands of customers. It is expected that the subsidiaries will repay to Consolidated the amounts of money so advanced during the early part of 1953 as the requisite cash is produced from sales during the winter months.

Due notice having been given of the filing of the declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule R-23 and the applicable provisions of said act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11274; Filed, Oct. 16, 1952; 8:50 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 2]

ADDITIONS TO AND WITHDRAWALS FROM MEMEBERSHIP IN PEORIA CONSOLIDATED MANUFACTURERS, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the following companies are herewith published as additional members of Peoria Consolidated Manufacturers, Inc. The original list of participating companies was published on August 31, 1951, in 16 F. R. 8851:

American Sanitary Manufacturing Co., Abington, Ill.

Carnahan Machine Shop, 410 North Center Street, Bloomington, Ill.

Champion Furnace Pipe Co., 211 Eaton Street, Peoria, Ill.

Illinois Industrial Rubber Co., Ladd, Ill.

Monarch Engineering & Manufacturing Co., 2728 North Adams Street, Peoria, Ill.

Monelle Corp., Rochelle, Ill.

Northern Steel & Stoker Corp., 3100-3142 Prospect Road, Peoria, Ill.

Vermont Manufacturing Co., Inc., Box 371, Vermont, Ill.

Viola Sales & Engineering Corp., Viola, Ill.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have withdrawn from participation in the operations of Peoria Consolidated Manufacturers, Inc., are herewith published. These names appeared in the original publication on August 31, 1951, in 16 F. R. 8851:

Roy C. Miller, Inc., Monmouth, Ill.

Rochelle Manufacturing Corp., Monmouth, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: October 14, 1952.

JOHN E. HORNE, *Administrator.*

[F. R. Doc. 52-11287; Filed, Oct. 16, 1952; 8:57 a. m.]

[S. D. P. A. Pool Request 3]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF CONSOLIDATED INDUSTRIES DEFENSE PRODUCTION POOL, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company which has accepted the request to participate in the operations of the Consolidated Industries Defense Production Pool, Inc. is herewith published. The original list of companies accepting such request was published on May 2, 1952, in 17 F. R. 3893:

Allied Allegri Machine Co., Inc., 141 River Road, Nutley 10, N. J.

(Sec. 708, 64 Stat. 818, Pub. Law 96 82d Cong; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: October 14, 1952.

JOHN E. HORNE, *Administrator.*

[F. R. Doc. 52-11288; Filed, Oct. 16, 1952; 8:57 a. m.]

[S. D. P. A. Pool Request No. 4]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF ILLINOIS MANUFACTURERS DEFENSE POOL, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Illinois Manufacturers Defense Pool, Inc. are herewith published. The original list of companies accepting such request was published on February 19, 1952, in 17 F. R. 1527:

A. B. C. Metal Finishers, 1828 West Thirty-fifth Street, Chicago 9, Ill.

General Forwarding Co., Inc., 1213 West Carroll Avenue, Chicago 7, Ill.

Maybrun Manufacturing Co., 2250 Clybourn Avenue, Chicago 14, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: October 14, 1952.

JOHN E. HORNE, *Administrator.*

[F. R. Doc. 52-11289; Filed, Oct. 16, 1952; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27459]

FEEDING GRAINS BETWEEN POINTS IN THE WEST AND MIDWEST

APPLICATION FOR RELIEF

OCTOBER 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Corn (not pop corn) and the products thereof, dry, uncooked, viz.; chaff, clippings, etc., and sorghum grains, carloads.

From: Points in Colorado, Iowa, Kansas, Missouri, and Nebraska.

To: Points in Colorado, Idaho, Utah, and Wyoming.

Grounds for relief: Rail and motor competition, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D & RGW RR. tariff I. C. C. No. 918, Supp. 12, UP RR. tariff I. C. C. No. 5219, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11263; Filed, Oct. 16, 1952; 8:47 a. m.]

[4th Sec. Application 27460]

ANHYDROUS AMMONIA FROM POINTS IN OHIO, WEST VIRGINIA AND MICHIGAN TO WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4370.

Commodities involved: Anhydrous ammonia, carloads.

From: South Point, Ohio, Belle, W. Va., Midland and Wyandotte, Mich.

To: Madison and Merrimac, Wis.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4370, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11264; Filed, Oct. 16, 1952; 8:47 a. m.]

[4th Sec. Application 27461]

GRAIN BETWEEN POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

OCTOBER 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and the Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads.

Between: Points in Oklahoma.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3826, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11265; Filed, Oct. 16, 1952; 8:47 a. m.]

[4th Sec. Application 27462]

BITUMINOUS FINE COAL FROM ILLINOIS, INDIANA, AND KENTUCKY TO WAUKEGAN, ILL.

APPLICATION FOR RELIEF

OCTOBER 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Points in Illinois, Indiana, and western Kentucky.

To: Waukegan, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping, and to meet intrastate rates.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C&EI RR.	2	145
CI&L Ry.	4798	17
CMStP&P RR.	B-7717	12
IC RR.	E-1860	14
NYC RR.	1306	8
C. A. Spaninger, Agent.	1224	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11266; Filed, Oct. 16, 1952; 8:47 a. m.]

Reading Room

PART I

FEDERAL REGISTER

VOLUME 17 NUMBER 205

Washington, Saturday, October 18, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 223]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.591 *Orange Regulation 223*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 20, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 20, 1952; the recommendation and supporting information for continued regulation subsequent to October 19 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 20, 1952, and ending at 12:01 a. m., e. s. t., November 3, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2 $^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879): *Provided,* That in determin-

(Continued on p. 9235)

This issue is divided into two parts, Part II of which contains a revision of the vessel inspection regulations of the United States Coast Guard, Department of the Treasury.

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FEDERAL REGISTER

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ing the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of October 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52–11318; Filed, Oct. 17, 1952; 8:50 a. m.]

[Grapefruit Reg. 168]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.592 *Grapefruit Regulation 168*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than October 20, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until October 20, 1952; the recommendation and supporting information for continued regulation subsequent to October 19, 1952, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 14; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting, the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 20, 1952, and ending at 12:01 a. m., e. s. t., November 3, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of October 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52–11339; Filed, Oct. 17, 1952; 8:54 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

[Lemon Reg. 457]

LIMITATION OF SHIPMENTS

§ 953.564 *Lemon Regulation 457*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said

amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 15, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 19, 1952, and ending at 12:01 a. m., P. s. t., October 26, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D. C., this 16th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Oct. 12, 1952]

DISTRICT NO. 2

[12:01 a. m. Oct. 19, 1952, to 12:01 a. m. Nov. 2, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.008
American Fruit Growers, Inc., Fullerton	.207
American Fruit Growers, Inc., Upland	.088
Eadington Fruit Co	.527
Ventura Coastal Lemon Co	4.696
Ventura Pacific Co	3.917
Glendora Lemon Growers Association	1.808
La Verne Lemon Association	.313
La Habra Citrus Association	.560
Yorba Linda Citrus Association, The	.541
Escondido Lemon Association	1.046
Alta Loma Heights, Citrus Association	.115
Etiwanda Citrus Fruit Association	.025
Mountain View Fruit Association	.043
Old Baldy Citrus Association	.120
San Dimas Lemon Association	.552
Upland Lemon Growers Association	2.919
Central Lemon Association	.330
Irvine Citrus Association	.150
Placentia Mutual Orange Association	.133
Corona Citrus Association	.016
Corona Foothill Lemon Co	.849
Jameson Company	.409
Arlington Heights Citrus Co	.196
College Heights Orange & Lemon Association	1.968
Chula Vista Citrus Association, The	.584
Escondido Co-operative Citrus Association	.107
Fallbrook Citrus Association	1.454
Lemon Grove Citrus Association	.191
Carpinteria Lemon Association	4.069
Carpinteria Mutual Citrus Association	4.608
Goleta Lemon Association	7.225
Johnston Fruit Co	7.198
Hazeltine Packing Co	.060
North Whittier Heights Citrus Association	.186
San Fernando Heights Lemon Association	.599
Sierra Madre-Lamanda Citrus Association	.374
Briggs Lemon Association	2.557
Culbertson Lemon Association	1.457
Fillmore Lemon Association	.584
Oxnard Citrus Association	7.527
Rancho Sespe	.588
Santa Clara Lemon Association	5.173
Santa Paula Citrus Fruit Association	3.166
Saticoy Lemon Association	5.879
Seaboard Lemon Association	7.303
Somis Lemon Association	4.943
Ventura Citrus Association	1.553
Ventura County Citrus Association	1.055
Limoneira Co	2.701
Teague-McKevett Association	.604
East Whittier Citrus Association	.208
Leffingwell Rancho Lemon Association	.448
Murphy Ranch Co	1.081
Chula Vista Mutual Lemon Association	.505

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Index Mutual Association	0.153
La Verne Cooperative Citrus Association	.717
Orange Belt Fruit Distributors	.151
Ventura County Orange & Lemon Association	3.411
Whittier Mutual Orange & Lemon Association	.015
Latimer, Harold	.030
Paramount Citrus Association, Inc.	.000

[F. R. Doc. 52-11395; Filed, Oct. 17, 1952; 9:28 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[T. D. 5940; Regs. 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

TREATMENT OF U. S. BONDS HELD BY CERTAIN NONRESIDENT ALIENS

In order to conform Regulations 105 (26 CFR Part 81) to section 604 (a) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 81.49 the following:

SEC. 604. ESTATE AND GIFT TAX TREATMENT OF UNITED STATES BONDS HELD BY CERTAIN NONRESIDENT ALIENS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

(a) *Estate tax.* Effective with respect to estates of decedents dying after February 10, 1939, section 861 (relating to the computation of the net estate of a decedent nonresident not a citizen of the United States) is hereby amended by adding at the end thereof the following new subsection:

(c) *United States bonds.* For the purposes of subsection (a), the value of the gross estate (determined as provided in section 811) of a decedent who was not engaged in business in the United States at the time of his death—

(1) Shall not include obligations issued by the United States prior to March 1, 1941; and

(2) Shall include obligations issued by the United States on or after March 1, 1941, but only if the decedent died after the date of the enactment of the Revenue Act of 1951.

PAR. 2. Section 81.13 is amended as follows:

(A) By inserting immediately after "taxation, are" in the first sentence of paragraph (e) the word "generally", and

(B) By deleting the second sentence of said paragraph (e) and inserting in lieu thereof the following: "However, section 861 (c), as added by 604 (a) of the Revenue Act of 1951, provides that, in case of a decedent who was a nonresident not a citizen of the United States and not engaged in business in the United States at the time of his death, the value of the gross estate shall not include obligations issued by the United States prior to March 1, 1941. Section 861 (c) further provides that the gross estate of such a decedent shall include obligations issued by the United States on or after March 1, 1941, but only if the decedent died after October 20, 1951, the date of the Revenue Act of 1951."

PAR. 3. Section 81.49 is amended by inserting immediately following the second sentence thereof the following: "For inclusion in the gross estate of obligations of the United States in the case of nonresidents who are not citizens of and not engaged in business in the United States, see § 81.13."

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 14, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11335, Filed, Oct. 17, 1952; 8:53 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5939; Regs. 59]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMING DEVICES, BOWLING ALLEYS, BILLIARD TABLES, AND POOL TABLES

EXEMPTION FROM THE TAX ON BOWLING ALLEYS, BILLIARD TABLES, OR POOL TABLES, USED EXCLUSIVELY BY MEMBERS OF THE ARMED FORCES

In order to conform Regulations 59 (26 CFR Part 323), relating to special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables and pool tables, to Public Law 576, approved July 17, 1952 (82d Cong., 2d Sess.), such regulations are hereby amended as follows:

PARAGRAPH 1. Immediately preceding § 323.30, there is inserted the following:

PUBLIC LAW 576 (82D CONG., 2D SESS.), APPROVED JULY 17, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3268 (a) of the Internal Revenue Code (relating to tax on bowling alleys and billiard and pool tables) is hereby amended by adding at the end thereof the following new sentence: "The tax imposed under this section shall not apply for any period beginning after June 30, 1952, with respect to any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use."

* * * * *

PAR. 2. Section 323.31, as amended by Treasury Decision 5827, approved January 16, 1951, is further amended by adding at the end thereof the following: "On and after July 1, 1952, no liability to such special tax is incurred with respect to any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use. The term "Armed Forces" includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The term also includes the Coast Guard."

Because the purpose of this Treasury decision is merely to conform the regulations to the exemption granted in the case of bowling alleys, billiard or pool tables maintained exclusively for members of the Armed Forces on property owned, reserved, used, or otherwise acquired by the United States, it is unnecessary to issue the decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 14, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11334; Filed, Oct. 17, 1952; 8:53 a. m.]

Subchapter D—Employment Taxes

[T. D. 5938; Regs. 116]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

MISCELLANEOUS AMENDMENTS

On July 25, 1952, notice of proposed rule making amending Regulations 116 (26 CFR Part 405) to require corrected Forms W-2 in certain cases, and for other purposes, was published in the FEDERAL REGISTER (17 F. R. 6824). After consideration of all relevant matter presented by interested persons regarding the proposed amendments, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Section 405.501 (b), as amended by Treasury Decision 5828, approved January 22, 1951, is further amended to read as follows:

(b) *Wages paid after December 31, 1950.* (1) With respect to wages paid on or after January 1, 1951, every person required to deduct and withhold from an employee a tax under section 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such person to such employee during the calendar year, the original and duplicate of a statement on Form W-2 showing the following: (i) The name and address of such person, (ii) the name and address of the employee, and, if wages as defined in section 1426 (a) have been paid, his social security account number, (iii) the total amount of wages as defined in section 1621 (a), (iv) the total amount deducted and withheld as tax under section 1622, (v) the total amount of wages as defined in section 1426 (a), and (vi) the total amount of employee tax under section 1400 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

(2) For example, if the table method of withholding is used, a withholding statement must be furnished each employee whose wages during any payroll period are equal to or in excess of the smallest wage for which tax must be withheld from employees claiming one exemption. If the percentage computation method is used, a withholding statement must be furnished each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 1622 (b) (1).

(3) If (i) the amount of employee tax under section 1400 deducted and withheld in the calendar year from the wages as defined in section 1426 (a) paid during such year was less or greater than the tax imposed by section 1400 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 1426 (a) or tax under section 1400 entered on a statement furnished to the employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee.

(4) Likewise, a corrected statement on Form W-2 shall be furnished the employee with respect to a prior calendar year (i) if the amount of wages as defined in section 1621 (a) entered on a statement furnished to the employee for such prior year is incorrect, or (ii) if the amount deducted and withheld as tax under section 1622 is less or greater than the amount entered on the statement furnished the employee for such prior year.

(5) The statement on Form W-2 for the calendar year and the corrected statement for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made.

(6) See the applicable regulations under the Federal Insurance Contributions Act for the requirement as to the furnishing of a statement in cases where such statement is required solely by reason of the tax under section 1400 of such act. Also see such regulations with respect to adjustments of that tax.

PAR. 2. Section 405.601, as amended by Treasury Decision 5828, is further amended as follows:

(A) By changing the third sentence of paragraph (a) to read as follows: "For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the en-

dorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 450."

(B) By striking "or if the employer has no principal place of business in the United States" from the next to last sentence of paragraph (a) and inserting in lieu thereof the following: "or, if the employer has no principal place of business in a collection district of the United States,".

(Secs. 1429, 3791, 53 Stat. 178, 467; 26 U. S. C. 1429, 3791. Interprets or applies sec. 1627, 57 Stat. 138; 26 U. S. C. 1627)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 14, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11333; Filed, Oct. 17, 1952; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 16[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.29 *Special provisions for certain totally allocated commodities*, paragraph (a) *Commodities included* is amended in the following particulars:

a. The following entries are deleted therefrom:

Commodity[1]	Relevant NPA Order	Required NPAF Form
Tungsten, pure	M-81	114
Molybdenum, pure	M-81	114

[1] Commodities covered are described in detail in the applicable NPA order.

b. The following entry is added thereto:

Commodity[1]	Relevant NPA Order	Required NPAF Form
Thiokol	M-45	45

[1] Commodities covered are described in detail in the applicable NPA order.

2. Section 373.51 *Supplement 1; time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

For the Fourth Quarter, 1952, the entries and related submission dates set forth below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter 1952
664529 915590	Cast cobalt-chromium dental alloys Dental alloys and amalgams containing cobalt	Oct. 1-Oct. 31, 1952.

3. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Andre, Mary Gonzalez, 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 8398, 9-18-52.
Andre Trading Co., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Andre, M. G., Inc., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Boston Trading Co., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Brelan Material Corp., 38 Rock St., Jersey City, N. J.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
British Mercantile Co., Ltd., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Chem Export, Ltd., 47 Lindegaardsvej, Charlottenlund, Denmark.	3-31-52	3-31-53	General and validated licenses, all commodities, any destination; also exports to Canada. (Company related to Albert Nyegaard, which see.)	17 F. R. 2937, 4-4-52.
Chemexport Ltd., 47 Lindegaardsvej, Charlottenlund, Denmark.	3-31-52	3-31-53	do	17 F. R. 2937, 4-4-52.
Considine, Julia, Room 608, 90 Broad St., New York, N. Y.	9-10-52	11-13-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 8551, 9-25-52.
Davern Sales Corp., 1472 Broadway, New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Gonzalez, M., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Gonzalez, Mary, 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Kaplan, Simon, Room 608, 90 Broad St., New York, N. Y.	9-10-52	11-13-52	do	17 F. R. 8551, 9-25-52.
Lubar, Andre, 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Lubar, Mary, 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Lubar, M. G., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Lubar, Mary Gonzalez, 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Lubar, Melvin C., Mrs., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Lubar, Melvin C., 640 Riverside Dr., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Materials Inspection Co., 880 West 180th St., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.
Moto-Hall, 12 rue du Caporal Grebert, Casablanca, French Morocco, and 10 rue Francesco de Vitoria, Tangier.	6-4-51	6-15-53	General and validated licenses, all commodities, any destination. (Company related to Adolph Fromer, which see.)	16 F. R. 6001, 6-23-51.
Schmerer, Leonard, Room 608, 90 Broad St., New York, N. Y.	9-10-52	12-13-54	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 8551, 9-25-52.
Schmerer, Leonard, & Co., Room 608, 90 Broad St., New York, N. Y.	9-10-52	12-13-54	do	17 F. R. 8551, 9-25-52.
Sherman International, Ltd., Room 608, 90 Broad St., New York, N. Y.	9-10-52	12-13-54	do	17 F. R. 8551, 9-25-52.
Silverberg, David M., 880 West 180th St., New York, N. Y.	9-12-52	12-15-53	do	17 F. R. 8398, 9-18-52.

6. The following corrected entry is substituted for the entry presently shown:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Edelman, M. H.[1], 405 Lexington Ave., New York, N. Y.	8-15-51	8-14-53	General and validated licenses, all commodities, any destination.	16 F. R. 8297, 8-21-51.

[1] Shown on table as: Edelman, M. H., Manning, Maxwell, & Moore, Inc., 405 Lexington Ave., New York, N. Y.

This amendment shall become effective as of October 9, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52-11295; Filed, Oct. 17, 1952; 8:47 a. m.]

[1] This amendment was published in Current Export Bulletin No. 680, dated October 9, 1952.

[6th Gen. Rev. of Export Regs., Amdt. P. L. 12[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions. These revisions include changes in general license GLV dollar-value limit and processing code where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601150	Tin-plated scrap (not detinned) except tin cans, old, crushed (report detinned or rusted scrap in 601040 and 601090).[2] Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971): Filled shipping containers, of the following types only: 1. Pressure type containers (all sizes) capable of withstanding internal pressures over 300 pounds per square inch.[3] 2. Containers, including pressure type, with a capacity of 5 or more gallons, fabricated of, or lined with any corrosion-resistant materials.[4] (Report only quantity and value of such containers under 619011 and 619012; include weight of containers with gross weight of their contents, but specify net weight of containers separately.) (Filled metal shipping containers which are not of the types listed above should not be separately reported, but their weight and value should be included with the gross weight and value of their contents):	S. ton	STEE	100	RO
619011	Gas cylinders [5]	No.	STEE	†100	RO
619012	Milk cans [6]	No.	CONT	†500	RO
619012	Other [7]	No.	STEE	†100	RO
619021	Unfilled (see §§ 371.18, 373.2): Gas Cylinders of the following types only: (a) capable of withstanding internal pressures over 300 pounds per square inch; or (b) with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." [8] [9] [10]	Lb.	STEE	100	RO
619022	Other unfilled shipping containers: Milk cans with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials, as defined in the "General Notes To Appendix A." [8] [9]	Lb.	CONT	500	RO
619022	Other unfilled steel shipping containers of the following types only: (a) capable of withstanding internal pressures over 300 pounds per square inch; or (b) with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." [8] [9] [10]	Lb.	STEE	100	RO
619022	Other unfilled shipping containers of metal other than steel.[7]	Lb.	NONF	100	RO

† Applicable to containers only and not to contents.

[2] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 601150. The effect of this revision is to change the processing code from TNPL to STEE; and to reduce the GLV dollar-value limit from $1,000 to $100. The commodities covered by this Positive List entry are subject to the IC/DV procedure (see § 373.34) and are subject to the dollar-limit (DL) restrictions (see § 374.2).

[3] The pressure rating stamped on a metal drum or container is the pressure for which the drum or container is designed. Most pressure containers have a 5-to-1 safety factor and are capable of withstanding up to five times the stamped pressure rating. (Any shipping container which does not have a pressure rating stamped thereon is not a pressure container.)

[4] Corrosion-resistant materials are defined in the "General Notes to Appendix A." § 399.1.

[5] These seven entries are substituted for the seven entries presently on the Positive List under Schedule B Nos. 619011, 619012, 619021 and 619022. The effect of this amendment is to revise the heading to conform with changes announced by the Bureau of the Census in F. B. B-1, issued July 22, 1952; to revise the footnote referring to pressure containers; and to revise the commodity descriptions in order to reflect the following changes pertaining to milk cans: (a) processing code from STEE to CONT, (b) GLV dollar-limit value from $100 to $500, and (c) to omit the letters "A" and "D," thereby indicating that exportations of milk cans are not subject to IC/DV procedure or evidence of availability requirements.

[6] The commodities included in this Positive List entry are subject to (1) IC/DV procedure (see § 373.34), (2) dollar-limit (DL) restrictions (see § 374.2), and (3) evidence of availability requirements (see § 373.16).

[7] The commodities included in this Positive List entry are subject to dollar-limit (DL) restrictions (see § 374.2).

[8] The commodities included in this Positive List entry are subject to (1) IC/DV procedure (see § 373.34), and (2) evidence of availability requirements (see § 373.16).

This part of the amendment shall become effective as of 12:01 a. m., October 16, 1952.

2. The letter "A" is inserted in the column headed "Commodity Lists" opposite the commodities listed below to indicate that they are subject to the IC/DV procedure (see § 373.34 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
796186	Railway signals and specially fabricated attachments and parts, n. e. c. (specify by name).

This part of the amendment shall become effective as of November 24, 1952.

3. The letter "B" is inserted in the column headed "Commodity Lists" opposite the commodities listed below to indicate that they are subject to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
839000	Other industrial chemicals: Copper sulfate (including basic and tribasic copper sulfate).

This part of the amendment shall become effective as of November 8, 1952.

4. The unit of quantity "Lb." set forth in the column headed "Unit" opposite the commodities listed below is amended to read "Bag".

Dept. of Commerce Schedule B No.	Commodity
105500	Paddy or rough rice, for seed (bag of 100 pounds).
105500	Paddy or rough rice, except for seed (bag of 100 pounds).
105710	Milled rice, containing more than 25 percent whole kernels (bag of 100 pounds) (specify approximate percentage whole kernels).
105730	Milled rice, containing not more than 25 percent whole kernels (bag of 100 pounds) (specify approximate percentage whole kernels).

Shipments of any commodities whose GLV dollar-value limits are reduced as a result of changes set forth in this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 16, 1952, may be exported under the previous general license provisions up to and including November 8, 1952. Any such shipment not laden aboard the exporting carrier on or before November 8, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-11296; Filed, Oct. 17, 1952; 8:47 a. m.]

[9] Parts 1, 2 and 3 of this amendment were published in Current Export Bulletin No. 680, dated October 9, 1952; Part 4 was published in Current Export Bulletin No. 679, dated September 18, 1952.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter F—Islands Under Navy Jurisdiction

PART 760—AMERICAN SAMOA NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE RESERVATIONS

REVOCATION

1. The following part of Subchapter F, Chapter VI, Department of the Navy, Title 32, National Defense, Code of Federal Regulations, is hereby revoked:

Part 760, *American Samoa Naval Defensive Sea Areas and Naval Airspace Reservations* (comprising §§ 760.1 to 760.7, inclusive).

(44 Stat. 570; 49 U. S. C. 174, E. O. 10341, April 8, 1952, 17 F. R. 3143)

Dated: October 10, 1952.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

[F. R. Doc. 52-11312; Filed, Oct. 17, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Amdt. 11]

CPR 5—IRON AND STEEL SCRAP

SPECIFICATION TOLERANCES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since its issuance, Ceiling Price Regulation 5 has contained specifications for each grade of iron or steel scrap, in addition to certain general limitations applying to all grades, prohibiting the inclusion of nonferrous metals or foreign material. In establishing the specifications for each grade after industry consultation, every attempt was made to conform as nearly as possible to customary industry practice. Insofar as such uniform specifications may differ somewhat from individual grading practices of some consumers and dealers, such uniformity is necessary to prevent circumvention or evasion of the regulation and insure an efficient and proper application of the schedule.

However, in spite of the precision and definity with which each grade is described in CPR 5, OPS recognizes that because of the very nature of iron and steel scrap, exact and literal adherence to these specifications is sometimes very difficult. Since the efficient handling and preparation of scrap has become almost entirely a mechanical operation, the degree of manual sorting necessary to remove every single oversized piece or all foreign material would be difficult to accomplish and would have a tendency to impede unnecessarily the flow of scrap to the furnaces. Thus while one 10-foot piece of pipe could easily be detected and removed before loading No. 1 heavy melting steel, several pieces which were a few inches too big might go unnoticed in the customary scrap handling process.

In view of the difficulty of literal compliance with the specifications in every scrap shipment even where there has been careful inspection, the industry, dealers and consumers alike, have petitioned the OPS for an amendment to permit some form of commercial tolerance.

From what has already been stated, it can be seen that specific tolerances similar to those which are published by the American Iron and Steel Institute for new prime iron and steel products would be inappropriate for a commodity such as scrap. Furthermore, any such specific tolerance in dimensions would soon become the minimum specification to be observed rather than the maximum limitation.

Some segments of the industry have suggested the adoption of a simple clause permitting the shipper and purchaser to apply "customary commercial tolerance" to the current specifications. This recommendation necessarily had to be rejected in view of the fact that there never has existed in the industry any such standard as a "customary commercial tolerance." In the absence of such a regulation as CPR 5, each consumer determined according to his own individual requirements what scrap he wishes to accept. It is customary for all purchase contracts of iron and steel scrap to contain the proviso that such scrap must be "suitable and acceptable to the consumer". The superintendent of the furnaces, either in his own discretion or on orders from his superiors, will determine what is suitable and acceptable, taking into consideration their melting practices, the steel to be produced from the melt, the reliability of the shipper and source of the scrap and the availability of scrap and pig iron in the market. To permit such a variable self-determined standard to be applied to the specifications in CPR 5, would result in permitting consuming mills and foundries with the laxest grading practices and the most generous tolerance policies to garner a disproportionately large share of the available scrap supply. Such a result would obviously be irreconcilable with the purposes of price stabilization and the aims of the Defense Production Act and make allocations of scrap by the National Production Authority virtually impossible.

The tolerance provision, which is added to the specifications by this amendment, simply recognizes that some minor deviation from the precise specifications may be permitted under certain circumstances. However, where any shipment of iron or steel scrap fails to meet the exact specifications set forth in CPR 5, the burden will be on the parties charged with the deviation to prove that the off-grade material was of a negligible amount and failed only to a minor extent to meet the specifications and that its inclusion was accidental and unavoidable in the customary preparation and handling of the particular grade. What constitutes customary preparation and handling of the grade will be determined from general industry practice and not necessarily from the shipper's own method of preparation. Thus, it may neither serve as a defense for the intentional violator nor as a refuge for the careless scrap preparer. The Office of Enforcement of the OPS has necessarily applied this type of practical approach in enforcing the regulation and therefore this amendment does not represent a departure from past practice.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable under the circumstances, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 5 is amended in the following respects:

1. Paragraphs (a), (b) and (c) of Section 23 are hereby redesignated as paragraphs (b), (c) and (d) respectively.

2. Section 23 is amended by deleting the introductory paragraph and adding the following new paragraph (a):

SEC. 23. *Steel grades of dealer and industrial origin.* (a) The specifications set forth in this section and sections 24 and 25 are subject to the following general provisions:

(1) All grades must be free of dirt, nonferrous metals or foreign material of any kind and free of excessive rust and corrosion. The term "free of dirt, nonferrous metals or foreign material of any kind" shall not preclude the accidental inclusion of negligible amounts where it can be shown that this negligible amount is unavoidable in the customary preparation and handling of the particular grade involved.

(2) The inclusion, in a shipment of a particular grade of iron or steel scrap, of a negligible amount of metallic material which exceeds to a minor extent the applicable size limitations or which fails to meet to a minor extent the applicable requirements as to quality or kind of material shall not change the classification of the shipment: *Provided*, That it can be shown that the inclusion of such off-grade material is unavoidable in the customary preparation and handling of the grade involved.

(3) Wherever the term "free of alloys" is used in the following specifications it shall mean that any alloys contained in the steel are residual and have not been added for the purpose of making an alloy steel. Steel scrap will be considered free of alloys where the residual alloying elements do not exceed the following amounts:

	Percent
Nickel	0.45
Chromium	.20
Molybdenum	.10
Manganese	1.65

and where the combined residuals other than the manganese do not exceed a total of 0.60 percent.

Effective date. This amendment shall become effective October 22, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11422; Filed, Oct. 17, 1952; 11:31 a. m.]

[Ceiling Price Regulation 30, Amdt. 38]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXEMPTION FOR MANUFACTURERS WHOSE GROSS SALES DO NOT EXCEED $25,000

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts small manufacturers from the coverage of Ceiling Price Regulation 30. Any manufacturer whose gross sales of commodities manufactured by him did not exceed $25,000 in his last complete fiscal year ending prior to July 1, 1952, for all manufacturing units under his ownership and control is exempted. The exemption is also extended to any new manufacturer who has not completed a fiscal year, but who expects his gross sales during his first complete fiscal year not to exceed $25,000 for all manufacturing units under his ownership and control. In any event, the exemption ceases if sales reach $25,000 during the seller's first complete fiscal year ending after July 1, 1952. The reasons for this exemption are essentially the same as those contained in the Statement of Considerations to Amendment 33 to the General Ceiling Price Regulation and Amendment 54 to Ceiling Price Regulation 22. The reason for amending Ceiling Price Regulation 30 in a comparable manner is that a small manufacturer of commodities covered by Ceiling Price Regulation 30 who used the regulation to determine his ceiling prices may not subsequently elect to revert to the General Ceiling Price Regulation, and it would be inequitable to thus deny him the exemption. This amendment, of itself, would only exempt affected manufacturers from the coverage of CPR 30. However, Amendment 33 to the GCPR similarly exempts manufacturers covered by the GCPR. Therefore, this amendment in conjunction with Amendment 33 to the GCPR exempts these manufacturers from all price control at this time.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended by adding Appendix E to read as follows:

APPENDIX E

GENERAL EXEMPTIONS

(a) Manufacturers whose gross sales do not exceed $25,000.

(1) This regulation does not apply to sales or deliveries of commodities manufactured or produced by a manufacturer whose gross sales of such commodities did not exceed $25,000 in his last complete fiscal year ending prior to July 1, 1952, for all manufacturing units under his ownership and control.

(2) This regulation does not apply to sales or deliveries of commodities manufactured or produced by a manufacturer who did not complete a fiscal year prior to July 1, 1952, and whose gross sales of such commodities are not expected to exceed $25,000 in his first complete fiscal year for all manufacturing units under his ownership and control.

(3) In the event that the gross sales for all manufacturing units under the ownership and control of a manufacturer exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the manufacturer's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases immediately.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11423; Filed, Oct. 17, 1952; 11:32 a. m.]

[Ceiling Price Regulation 150, Amdt. 1]

CPR 150—MANUFACTURERS OF SMALL PNEUMATIC COMPRESSORS

EXEMPTION FOR MANUFACTURERS WHOSE GROSS SALES DO NOT EXCEED $25,000

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 150 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts small manufacturers of small pneumatic compressors from the coverage of Ceiling Price Regulation 150. Any manufacturer whose gross sales of commodities manufactured by him did not exceed $25,000 in his last complete fiscal year prior to July 1, 1952, for all manufacturing units under his ownership and control is exempted. The exemption is also extended to any new manufacturer who has not completed a fiscal year but who expects his gross sales during his first complete fiscal year not to exceed $25,000 for all manufacturing units under his ownership and control. In any event, the exemption ceases if sales reach $25,000 during the seller's first complete fiscal year ending after July 1, 1952. The reasons for this action are essentially the same as those contained in the statement of considerations to Amendment 33 to the General Ceiling Price Regulation.

This amendment of itself would only exempt affected manufacturers from the coverage of CPR 150. However, Amendment 33 to the GCPR similarly exempts manufacturers covered by the GCPR. Therefore, this amendment in conjunction with Amendment 33 to the GCPR exempts these manufacturers from all price control at this time.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 150 is amended in the following respects:

1. Section 1 (b) is amended to read as follows:

(b) *Persons covered.* This regulation applies to you only if you are the manufacturer of a small pneumatic compressor as described in paragraph (a) of this section, and you are located in the United States, its territories or possessions, or the District of Columbia, and you do not come within the exemptions set forth in subparagraph (1) or (2) of this paragraph. This regulation supersedes all ceiling price regulations, as well as regulations supplementary thereto, previously issued by the Office of Price Stabilization insofar as transactions covered by this regulation are concerned.

(1) This regulation does not apply to sales or deliveries of commodities manufactured or produced by a seller whose gross sales of such commodities did not exceed $25,000 in his last complete fiscal year prior to July 1, 1952, for all manufacturing units under his ownership and control.

(2) This regulation does not apply to sales or deliveries of commodities manufactured or produced by a seller who did not complete a fiscal year prior to July 1, 1952, whose gross sales of such commodities are not expected to exceed $25,000 in his first complete fiscal year for all manufacturing units under his ownership and control.

(3) In the event that the gross sales for all manufacturing units under the ownership and control of a seller exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the seller's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases immediately.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11424; Filed, Oct. 17, 1952; 11:32 a. m.]

[General Overriding Regulation 2, Revision 1, Interpretation 1]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

INT. 1—LIABILITY OF GOVERNMENT OFFICIALS AND EMPLOYEES

Some questions have arisen in connection with section 73 of General Overriding Regulation 2, Revision 1, relating to the legal liability of Government officials and employees under the Defense Production Act of 1950, as amended. Since this section must be read in conjunction with the applicable provisions of the act, the following interpretation

is issued combining those provisions of the act and section 73.

Section 73 of GOR 2, Revision 1, reads as follows:

SEC. 73. *Prohibitions.* On and after the effective date of this General Overriding Regulation 2, Revision 1, no Government agency or official or employee thereof and no person subject to this regulation shall do any act prohibited or omit to do any act required by this regulation and shall not offer, solicit, attempt, or agree to do or not to do any such facts. Specifically (but not in limitation of the above) no such agency, official, employee or person shall sell, and no person in the regular course of trade or business (including any such agency or official or employee thereof) shall buy at a price higher than the ceiling price, and all such persons shall make the reports required by this regulation. Violations of any provisions of this general overriding regulation are subject to applicable criminal penalties, enforcement action, and action for damages.

Section 405 (a) of the Defense Production Act of 1950, as amended, makes it unlawful, regardless of any obligation, for any person to sell or deliver, or in the regular course of business or trade to buy or receive, any material or service, or otherwise to do or omit to do any act, in violation of any regulation, order, or requirement issued under those sections of the act relating to price and wage stabilization. Thus, any violation of any price regulation, order, or requirement issued by the Office of Price Stabilization is unlawful, and, as provided in section 409 (a) and (c), may result in an order enjoining such violation or enforcing compliance with the regulation, and in certain cases may subject the seller to an action for damages. In such cases, it need not be shown that the violation was "willful", although the fact that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation is taken into consideration in determining the amount of damages.

However, section 409 (b) of the act provides for criminal penalties only where the violation is willful. Accordingly, Government officials and employees are subject to criminal penalties under section 73 of GOR 2, Revision 1, only if they are guilty of a willful violation of that regulation. Similarly, they are subject to criminal penalties under other OPS regulations only if the violations are willful.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

OCTOBER 16, 1952.

[F. R. Doc. 52-11390; Filed, Oct. 16, 1952; 4:06 p. m.]

[General Overriding Regulation 34, Amdt. 2]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

EXEMPTION OF AROMATIC RED CEDAR LUMBER, CERTAIN CIGAR BOXES, PERSIMMON SHUTTLE BLOCKS, PERSIMMON GOLF BLOCKS, AND PERSIMMON ROUGH TURNED GOLF HEADS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization General Order No. 2, this Amendment 2 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to General Overriding Regulation 34 exempts from price control the following items: Primary producers' sales of aromatic red cedar lumber; wood and combined wood and paper cigar boxes; and persimmon shuttle blocks, golf blocks, and rough turned golf heads.

The items hereby exempted are relatively unimportant factors in business and living costs. The decision to exempt these items was made principally because the burden of maintaining price controls over them outweighs their importance to the stabilization program.

Aromatic red cedar lumber is exempted from price control only at the primary producer level because existing regulatory provisions applicable to resellers are adequate to stabilize margins at the subsequent levels. Cigar boxes covered by this amendment, which include those made of wood or of wood and paper combined, but not those made entirely of paper, are exempted at all selling levels because of the difficult problem of developing and administering fair and equitable ceilings for this industry with existing Office of Price Stabilization staff and resources.

Persimmon shuttle blocks, golf blocks, and rough turned golf heads are exempted at all levels because of the very small volume of business involved. Persimmon shuttle blocks (for textile machine shuttles), persimmon golf blocks, and persimmon rough turned golf heads are produced by a few firms whose aggregate annual output is small. Exemption of persimmon golf blocks and rough turned golf heads affects but a minor segment of the economy because of the luxury nature of the end-product.

The aromatic red cedar industry consists of a very limited number of small producers whose output is a specialty item used mostly in the manufacture of red cedar linings for closets, chests and wardrobes. Production of aromatic red cedar lumber is small in amount and volume, and the exemption of this item will have no discernible effect on other lumber prices.

Exemption of wooden or part-wooden cigar boxes is unimportant to the economy because of the small quantity currently produced and because, due largely to widespread use of other types of containers, boxes are but a small element of cost in the retail price of packaged cigars.

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his opinion the exemptions provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

1. Section 2 is amended by adding five new paragraphs to read as follows:

(h) Primary producers' sales of aromatic red cedar (Juniperus virginiana) lumber.

(i) Cigar boxes made from wood or from wood and paper combined, except cigar boxes the sales of which are subject to Ceiling Price Regulation 84.

(j) Persimmon (Diospyros sp.) shuttle blocks.

(k) Persimmon (Diospyros sp.) golf blocks.

(l) Persimmon (Diospyros sp.) rough turned golf heads.

2. Section 3 is amended by adding three new paragraphs to read as follows:

(h) As used in paragraph (j) of section 2, a "shuttle block" is the wooden material approximating the size and rough shape of a shuttle, from which a shuttle may be made. A "shuttle" is a device used in textile looms, which aids in the weaving of cloth by carrying the weft thread or filling to and fro between the warp threads or chain.

(i) As used in paragraph (k) of section 2, a "golf block" is the wooden material approximating the size and rough shape of a golf head, from which a rough turned golf head may be made.

(j) As used in paragraph (l) of section 2, a "rough turned golf head" is the wooden part of a head for a golf club, which has been turned and shaped on a lathe, but which has not been finally machined and assembled into a finished golf head.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11425; Filed, Oct. 17, 1952; 11:32 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 22]

GWR 22—PAYMENTS AND RECEIPT OF WAGES OF $1.00 PER HOUR OR LESS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), and General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), the Wage Stabilization Board has formulated and recommended to the Economic Stabilization Administrator, for promulgation, this general regulation with respect to the payment and receipt of wages at a rate of $1.00 per hour or less.

STATEMENT OF CONSIDERATIONS

Section 402 (d) (2) of the Defense Production Act of 1950, as amended in 1952, provides that "No regulation or order shall be issued or remain in effect under this title which prohibits the payment or receipt of hourly wages at a rate of $1.00 per hour or less." It is the purpose of this regulation to effectuate and implement the purposes of this amendment. The Wage Stabilization Board has studied the effects of the amendment upon existing pay practices, and also upon existing wage stabilization regulations and policies.

The major problem considered is the treatment of adjustments made to persons paid on other than an hourly basis (e. g. salaried employees, employees paid on a piece, per unit, incentive, mileage or other such rate basis, and employees paid on a commission basis). Fairness and equity entitle such employees to the benefits of the new statutory provision. Accordingly, the regulation provides that adjustments may be made to such employees, within specified limits, without prior Board approval. These provisions are designed to permit the continuation of normal pay practices insofar as basic stabilization principles permit.

This regulation also explains the relationship of adjustments of rates up to $1.00 to current wage stabilization regulations. It provides that increases in rates up to $1.00 per hour after June 30, 1952, do not have to be charged against the allowable fund for future increases under General Wage Regulation 6. The Board believes that this provision is consistent with the intent of Congress. Similarly, a method has been provided whereby merit or length of service increases may be made to employees earning below $1.00 per hour without regard to the fund available for such increases.

In view of the foregoing considerations, it is the unanimous judgment of the Wage Stabilization Board that this regulation, based on Resolution 107 of the Board, will effectuate and implement the purposes of the Defense Production Act of 1950, as amended. The Board has accordingly recommended that the Administrator promulgate this Resolution No. 107 by appropriate regulation.

The Administrator concurs in the judgment of the Wage Stabilization Board and hereby promulgates this regulation. Due consideration has been given to the standards and procedures of Titles IV and VII of the Defense Production Act, as amended.

REGULATORY PROVISIONS

Sec.
1. General policy.
2. Application to employees paid on other than an hourly basis.
3. Increases in rates above $1.00 per hour.
4. Relationship to wage stabilization regulations.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, 15 F. R. 6105; 3 CFR 1950 Supp.; E. O. 10377, 17 F. R. 6891, E. O. 10390, 17 F. R. 7995.

SECTION 1. *General policy.* Any employee whose average straight-time hourly earnings are less than $1.00 may receive adjustments up to $1.00 without prior Board approval in the manner hereinafter provided.

SEC. 2. *Application to employees paid on other than an hourly basis.* The policy expressed in section 1 above may be applied to employees paid in whole or in part on other than an hourly basis without prior Board approval in accordance with the following:

(a) A salaried employee who works a regularly scheduled workweek may receive an increase to a salary which does not exceed $1.00 per hour for such regularly scheduled workweek.

(b) A salaried worker who does not work a regularly scheduled workweek may receive adjustments by either of the following methods:

(1) Supplementary side payments which will bring his average straight-time hourly earnings for each particular pay period up to $1.00; or

(2) A fixed permanent adjustment in his salary so that under the new salary expected straight-time earnings will not exceed $1.00 per hour. "Expected straight-time hourly earnings" shall be calculated by dividing the new salary by the average number of hours worked per pay period during a representative period of not less than thirteen weeks.

(c) Employees paid on a piece, per unit, incentive, mileage, trip or other such rate (other than a commission rate) basis may receive adjustments by either of the following methods:

(1) Supplementary side payments which will bring individual average straight-time hourly earnings up to $1.00 for each particular pay period, or for such period as is currently used in determining make-up or guarantee payments; or

(2) Any such rate may be so adjusted that the normal expected straight-time earnings thereof are not more than $1.00 per hour, in which event no supplementary side payments may be made to employees to whom such adjusted rate is applicable.

(d) An hourly rate up to $1.00 may be paid when employees normally paid on a piece, per unit, incentive, mileage, trip or other such rate basis are paid on an hourly basis. (E. g., down-time, off standard rate for abnormal conditions, lost time, etc.)

(e) An employee paid on a commission basis may receive additional compensation in the form of supplementary side payments to increase his average straight-time hourly earnings up to $1.00. His average straight-time hourly earnings shall be determined on a weekly basis, or in accordance with past practice.

SEC. 3. *Increases in rates above $1.00 per hour.* All petitions for adjustments of rates above $1.00 per hour to maintain pre-existing differentials affected by increases granted under this Resolution, shall be filed with the Regional Office of the Wage Stabilization Board and will be forwarded to the National Office for processing.

SEC. 4. *Relationship to wage stabilization regulations.*—(a) *General Wage Regulation 5, Revised.* In administering the fund for merit or length of service increases under section 2, General Wage Regulation 5, Revised, the employer—or employer and union—at their option may, as an alternative to the method set forth in General Wage Regulation 5, Revised, grant merit or length of service increases which do not raise the rates of employees receiving such increases above $1.00 per hour without charging them against the allowable fund. In that event all employees earning less than $1.00 per hour must be excluded from the "group" for the purpose of calculating the total fund available for such increases.

(b) *General Wage Regulation 6.* Increases up to $1.00 per hour made after June 30, 1952, do not have to be charged against the allowable amount available for future increases under General Wage Regulation 6.

(c) *General Wage Regulation 8, Revised.* Cost of living adjustments permitted under General Wage Regulation 8, Revised, must be calculated on the basis of the average straight-time earnings of the unit, including the rates below $1.00 per hour; it being understood, however, that rates less than $1.00 per hour may be increased up to $1.00 per hour before computing the amount allowable under General Wage Regulation 8, Revised.

Dated: October 15, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11356; Filed, Oct. 17, 1952; 8:59 a. m.]

[General Wage Regulation 22, Interpretations]

INTERPRETATIONS OF GENERAL WAGE REGULATION 22

QUESTIONS AND ANSWERS ON GENERAL WAGE REGULATION 22

1. Q. An employee earns 90 cents per hour. It is proposed to increase his rate to 95 cents, and also to increase the number of paid holidays from four to six, at an estimated cost of 1 cent. Is this increase in paid holidays permissible under General Wage Regulation 22, without prior Board approval?

A. No; only the 5 cents per hour increase is permissible without Board approval. Adjustments in fringe benefits—and bonuses, health and welfare, and pensions and profit-sharing plans are not covered by General Wage Regulation 22. Increases in such items may only be made in accordance with the appropriate regulations dealing with such payments.

2. Q. An employee is paid 90 cents per hour. In addition the total cost of fringe benefits, health and welfare, and pension programs is 10 cents per hour.

May the hourly rate of the employee be raised to $1.00 under General Wage Regulation 22?

A. Yes. The cost of such other types of compensation is not part of the average straight-time hourly earnings under General Wage Regulation 22.

3. Q. A salaried employee works a regularly scheduled workweek of 40 hours for a salary of $35.00. May his salary be increased to $40.00 without prior Board approval?

A. Yes.

4. Q. An employee works a regularly scheduled workweek of 44 hours for a salary of $41.40, including 40 hours of straight-time pay at 90 cents per hour and 4 hours of overtime at $1.35 per hour. May the salary be increased so as to reflect a rate of $1.00 per hour for the straight-time component of the salary based upon a 40-hour week?

A. Yes. In the situation described, the salary may be increased to $40.00 for a 40-hour week. The total compensation for a regularly scheduled 44-hour week, therefore, would be $46.00.

5. Q. A salaried employee who does not work a regularly scheduled workweek has worked an average of 45 hours per week during the preceding 13-week period. May his salary be increased to $45.00 per week without Board approval under General Wage Regulation 22?

A. Yes. However, if the salary is so increased, the employee may not subsequently receive supplementary payments under section 2 (b) (i) for weeks in which he works in excess of 45 hours.

6. Q. Job A is on a piece rate system. Average earnings for the employees on this job under normal conditions have been 91 cents per hour; individual employees earning between 80 cents and $1.10. Is it permissible to raise the piece rates for the job by 10 percent under section 2 (c) (ii) of General Wage Regulation 22?

A. Yes. The piece rates applicable to this job may be increased by 10 percent since under normal conditions expected earnings would be $1.00 per hour. However, individual employees whose average straight-time earnings are less than $1.00 after the increase may not receive supplementary side payments up to $1.00 under the terms of section 2 (c) (i).

7. Q. Under current pay practice a pieceworker is entitled to make-up pay for any day in which his average straight-time hourly earnings fall below 90 cents. May this guarantee of 90 cents per hour be increased to $1.00 per hour under General Wage Regulation 22?

A. Yes. If make-up pay is currently computed on a daily basis, the supplementary payments permitted by section 2 (c) (i) may be calculated on such basis.

8. Q. Must an employer deduct merit or length of service increases granted to employees paid at a rate below $1.00 per hour from the fund available for such increases under the past practice and six per cent options of section 2, General Wage Regulation 5, Revised?

A. In administering the fund for merit or length of service increases under section 2, General Wage Regulation 5, Revised, the employer—or employer and union—has two options:

1. It is permissible to grant merit or length of service increases which do not raise the rate of an employee above $1.00 per hour without charging them against the allowable fund. In that event employees earning below $1.00 per hour must be excluded from the "group" for the purpose of calculating the total fund available; or,

2. It is permissible to continue to calculate the total fund for merit or length of service increases on the basis of the payroll of all of the employees in the "group" including those earning below $1.00 per hour. But in that event, all merit or length of service increases, including those which do not bring an employee's rate above $1.00 per hour, must be charged against the fund for the group.

9. Q. Between January 15, 1950, and June 30, 1952, general increases were granted under General Wage Regulation 6 to employees being paid at rates below $1.00. In calculating the amount of future increases permissible under General Wage Regulation 6, must these increases be deducted as general increases?

A. Yes. Only adjustments which increase rates up to $1.00 made after June 30, 1952, do not have to be offset under General Wage Regulation 6.

10. Q. An appropriate employee unit contains employees paid above and below $1.00 per hour. It is now proposed to grant an across-the-board increase under section 4, General Wage Regulation 8, Revised, to all employees in the unit. Are the employees earning below $1.00 per hour included in the unit for the purpose of determining the allowable amount of increase?

A. Yes. All employees in the unit, including those earning less than $1.00 per hour, must be included in the unit for the purpose of determining current average straight-time hourly earnings under section 4, General Wage Regulation 8, Revised. (Also see Q–A 11.)

11. Q. It is proposed to grant increases to employees up to $1.00 per hour in accordance with the terms of General Wage Regulation 22, and at the same time to grant all employees in the unit a cost-of-living increase in a uniform amount under section 4, General Wage Regulation 8, Revised. How are current average straight-time earnings calculated for the purpose of determining the allowable adjustment under section 4, General Wage Regulation 8, Revised?

A. The appropriate percentage is applied to the current average straight-time hourly earnings of all employees in the unit, including the increases simultaneously being granted to those paid below $1.00 under General Wage Regulation 22.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ARCHIBALD COX,
Chairman,
Wage Stabilization Board.

[F. R. Doc. 52–11357; Filed, Oct. 17, 1952; 8:59 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–11, as amended October 17, 1952]

M–11—COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order, as originally issued, and in the formulation of certain of its amendments, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as now amended, however, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

EXPLANATORY

NPA Order M–11 as last amended January 23, 1952, is further amended by:

1. Revising the list of materials excluded from the definition of "brass mill products."

2. Revising paragraphs (b), (c), and (d) of section 4 and adding a paragraph to section 4 which is designated (e).

3. Inserting a new section 9 which sets forth the procedure by which a copper controlled material producer acquires production materials (other than copper raw materials), and by renumbering the subsequent sections accordingly.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Opening of books.
4. Acceptance of orders.
5. Rejection of authorized controlled material orders.
6. Prohibition on shipment.
7. Limitations on acceptance of orders.
8. Authorization and directives.
9. How a copper controlled material producer obtains production materials.
10. Relation to other NPA orders and regulations.
11. Records and reports.
12. Request for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, Pub Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers, sellers, and owners of unalloyed copper and copper-base alloy ingot, and to producers of brass mill products, copper wire mill products, powder mill products, foundry copper products, and foundry copper-base alloy products. It provides rules for placing, accepting, and scheduling orders for copper controlled materials, and places limitations on the acceptance of orders for copper raw materials and the required acceptance of orders by a copper controlled material producer from another such producer. The purpose is to make possible the maximum production of copper and copper-base alloy controlled materials by reducing to a minimum the disruption of normal distribution. It supplements CMP Regulations Nos. 1, 3, and 4, but only those provisions of such regulations which are inconsistent with this order are superseded and all the other provisions of those regulations continue to apply to the copper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "NPA" means the National Production Authority.

(c) "Copper controlled material" means brass mill products, copper wire mill products, powder mill products, or foundry copper products or copper-base alloy products, as defined in this order.

(d) "Copper controlled material producer" means any person who produces a copper controlled material.

(e) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such an order by any regulation or order of NPA.

(f) "Unalloyed copper" means electrolytic copper, fire-refined copper, and all unalloyed copper in any form, including scrap.

(g) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired or demilitarized cartridge cases and artillery cases and all copper-base alloy in any form, including scrap. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS67–38.

(h) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width or length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(i) "Copper wire mill products" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(j) "Powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(k) "Foundry copper products and copper-base alloy products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal casting the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker.)

SEC. 3. *Opening of books.* Each copper controlled material producer shall open his order books for the purpose of accepting purchase orders for the second calendar quarter of 1952 and each calendar quarter thereafter not later than 90 days prior to the first day of the quarter. A copper controlled material producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but when his order books are open, he shall accept orders as provided in section 4 of this order.

SEC. 4. *Acceptance of orders.* (a) A copper controlled material producer shall accept only authorized controlled material orders and orders which he is required to accept pursuant to NPA directives. A copper controlled material producer shall schedule the order for shipment within the requested month or as close to the required shipment date as is practicable considering the need for maximum production. If he does not accept and schedule the order for shipment within the requested month or a subsequent month in the same calendar quarter, he shall reject and return the order as provided in section 5 (b) of this order.

(b) A copper controlled material producer shall accept authorized controlled material orders until his order books are filled for a particular month, and pursuant to and in accordance with appropriate NPA orders, regulations, or production directives. However, each copper controlled material producer shall have the option of determining which authorized controlled material orders, or portions thereof, he will accept and schedule for delivery without regard to dates of receipt of such orders: *Provided, however,* That no copper controlled material producer shall reject any authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, unless his order books are filled for a particular month.

(c) Within the 15-day period immediately preceding the beginning of lead time, a copper controlled material producer shall accept and schedule for production all authorized controlled material orders offered to him until his order books for a particular product are filled for that product. During such 15-day period such orders shall be scheduled for production with precedence given to the orders received first.

(d) A copper controlled material producer's books shall be deemed filled for a particular product for a particular month when he has accepted orders up to the total quantity of his scheduled production of the product involved for that month.

(e) In any case where a copper controlled material producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications or otherwise, he shall notify the Copper Division of NPA setting forth the pertinent facts. NPA may direct the person who has tendered the order that the order be placed with another supplier or take such other action as may be appropriate.

SEC. 5. *Rejection of authorized controlled material orders.* (a) Producers of copper controlled materials need not accept an authorized controlled material order which is received less than the number of days prior to the first day of the month in which shipment is requested, as set forth in Schedule III of CMP Regulation No. 1, or for less than the minimum mill quantities set forth in Schedule IV of CMP Regulation No. 1, unless specifically directed to accept the order by NPA.

(b) A copper controlled material producer shall accept or reject and return all purchase orders tendered to him promptly after receipt of such orders. Upon such acceptance or rejection he shall immediately notify the person who tendered the same of such acceptance or rejection in writing or by telegram. For the purpose of the first sentence of this section the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt. For the purpose of the first sentence of this paragraph receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually acknowledges and schedules such orders. This provision is intended to give those persons whose orders have been rejected an oppor-

transferred to the Commandant, United States Coast Guard by Reorganization Plan No. 26 of 1950, effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specific exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 50.01–10 *Purpose of regulations.* The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for marine engineering in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting inspected vessels and such regulations have the force of law.

§ 50.01–15 *Application of regulations.* (a) The regulations in this subchapter contain specifications and requirements for materials, design, construction, installation, and inspection of machinery, boilers, unfired pressure vessels, safety valves and appurtenances, including piping systems, upon the strength and efficiency of which safety of life is dependent.

(b) The regulations in this subchapter apply to installations contracted for or built on or after July 1, 1935. The regulations in Subchapter G (Marine Engineering Installations Contracted for Prior to July 1, 1935) of this chapter apply only to installations contracted for or built prior to July 1, 1935.

(c) The regulations in this subchapter are not retroactive in effect, except as provided in paragraph (d) of this section or if specifically provided for in the regulation at the time it is amended or added. The regulations amended or added subsequent to July 1, 1935, are applicable to installations contracted for or built on or after the effective date of such regulations. For the purpose of recalculating the maximum allowable pressure of boilers, unfired pressure vessels and piping under the provisions of § 61.20–15 (f), the formulas found in this subchapter may be used for boilers, unfired pressure vessels and piping: *Provided*, That such recalculation shall not permit a higher pressure than that originally allowed by the regulations in effect at the time such work was contracted for or built.

(d) Where existing vessels are reboilered, the mountings and attachments, including feed and blow-off valves and fittings, shall be renewed in accordance with regulations in this subchapter, in effect at the time such work is contracted for or built. The steam piping shall be gaged and examined by the Officer in Charge, Marine Inspection, and if found to be of the thickness required at the time the piping was installed it may be continued in use so long as the Officer in Charge, Marine Inspection, is of the opinion that the piping may be safely continued in use. Changes in specifications of articles of equipment shall not apply to such articles which have been passed as satisfactory until replacement shall become necessary.

§ 50.10–1 *Commandant.* The term "Commandant" means the Commandant of the Coast Guard.

§ 50.10–5 *Coast Guard District Commander.* The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–10 *Officer in Charge, Marine Inspection.* The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–15 *Marine inspector or inspector.* The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R. S., and acts amendatory thereof or suplemental thereto, and rules and regulations thereunder.

§ 50.10–20 *Requirements.* The term "requirements" refers to process of manufacture, characteristic, physical and chemical properties, tests, workmanship, and finish of materials.

§ 50.10–25 *Headquarters.* The term "headquarters" means the Office of the Commandant, United States Coast Guard, Washington 25, D. C.

PART 52—CONSTRUCTION

SUBPART 52.01—PROCEDURE AND GENERAL REQUIREMENTS

1. Sections 52.01–20 and 52.01–25 are amended to read as follows:

§ 52.01–20 *Appeals.* In case the design is disapproved by the Officer in Charge, Marine Inspection, the manufacturer may appeal within 30 days, to the Coast Guard District Commander of the district, and should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may, within 30 days, further appeal to the Commandant. The decision of the Commandant shall be final.

52.01–25 *Certifications and affidavits of manufacturers.* (a) In requesting inspection of a new boiler or pressure vessel subject to inspection by the Coast Guard, the manufacturer shall file with the Officer in Charge, Marine Inspection, a certification of a data report in triplicate on Form CG 2935 for boilers or Form CG 2936 for unfired pressure vessels. (See § 61.45–5 or § 61.45–10 of this subchapter.)

(b) Manufacturers of class B materials, such as pipe, valves, flanges, fittings, traps, separators, castings, forgings, etc., or appliances, proposed for use on vessels subject to inspection by the Coast Guard, shall file at Headquarters affidavits duly executed on Form CG 935A certifying that such materials or appliances will be manufactured in accordance with the regulations in this subchapter. (See § 61.45–15 of this subchapter.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

2. Section 52.01–45 *Inspection of boilers under construction* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

3. Section 52.01–55 is amended to read as follows:

§ 52.01–55 *Request for increase of pressure.* (a) When a maximum allowable pressure has been established for a boiler, an increase in pressure shall not be authorized unless the boiler design, piping system and machinery meet the requirements of this subchapter for the pressure requested. An increase in maximum allowable pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the requested increase in pressure is justified.

(b) When existing boilers are replaced by new boilers designed to operate at pressures in excess of the pressure allowed by the certificate of inspection, an increase in pressure shall not be authorized unless the boiler design, piping systems and machinery meet the requirements of this subchapter for the maximum pressure requested. An increase in maximum allowable pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the boiler, piping system and machinery will operate safely at the desired maximum pressure of the system.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

4. Section 52.01–65 *Repairs, replacements, or alterations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

self-authorization privilege is given to all operators of telephone systems comprising less than 15,000 instruments, and larger operators are permitted to self-authorize for small operating construction projects. These changes appear in section 3.

3. Changes are made in sections 3, 4, 6, and 7 for purposes of clarity and of consistency with other NPA orders and regulations.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Self-authorization.
4. Applications for allotments.
5. Emergency excess of allotment.
6. Form of certification.
7. Effect on other orders.
8. Request for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order provides rules for the procurement and use of materials for MRO and operating construction by the operators of the communications systems covered by it.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution.

(b) "Operator" means any person to the extent engaged in rendering communications service on a revenue basis within the United States, its territories and possessions.

(c) "Communications service" means the transmission of messages by wire or radio, excluding radio broadcasting, television broadcasting, and amateur radio.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition.

(f) "Repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means any material which is essential to and consumed in the operation of communications service by an operator and used for purposes other than maintenance, repair, operating construction, or other capital additions.

(h) "MRO" means maintenance, repair, and operating supplies.

(i) "Operating construction" means the erection of any building, structure, or project used or useful in rendering communications service, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, whether such building, structure, or project is owned by an operator or is leased or to be leased to him and where the leased building is or is to be exclusively used or useful in rendering communications service.

(j) "Inventory" shall include all items of new and/or salvaged material and supplies on hand, whether held for current or future use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, construction, or otherwise, and without regard to whether or not such items of material are carried in operator's accounting records under "Materials and Supplies Account," exclusive nevertheless of:

(1) Any material of a superseded type reserved by an operator in segregated stocks for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(2) Any material ordered for use in construction, made to particular specifications, and reasonably usable only in the specific project for which it is made;

(3) Segregated stocks maintained by an operator as reasonably necessary for repair of major breakdowns due to explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe.

(k) "Material of a superseded type" means equipment no longer manufactured or carried by a manufacturer as a regular item for sale to operators except for repair and maintenance of, or for additions to, existing installations. It does not mean equipment drawn from superseded stock to replenish current working inventories.

(l) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(m) "Single project" means all items entering into construction as part of a single plan, whether or not installed or completed at the same time. No project shall be divided for the purpose of bringing it or any part of it within this definition.

(n) "Authorized controlled material order" means an order so defined in CMP Regulation No. 1, as from time to time amended.

(o) "NPA" means the National Production Authority.

(p) The definitions of this order shall be applicable notwithstanding any conflict with any prescribed system of accounting.

SEC. 3. *Self-authorization*—(a) (1) *Small operators (less than 5,000 stations).* Any operator, as herein defined, of a telephone system comprising less than 5,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or before March 31, 1953, (i) for MRO and (ii) for operating construction projects in which the cost to him of materials for any single project does not exceed $25,000: *Provided*, That the operating construction does not require in excess of the following quantities of controlled materials in any one project in any calendar quarter:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

(2) *Small operators (less than 15,000 stations).* Any operator, as herein defined, of a telephone system comprising less than 15,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery in the month of April 1953, (i) for MRO and (ii) for operating construction projects in which the cost to him of materials for any one project does not exceed $25,000: *Provided*, That the operating construction does not require in excess of the following quantities of controlled materials in any one project in any calendar quarter:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

(b) *Self-authorization—MRO.* Every operator of a telephone system comprising less than 15,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or after May 1, 1953, for MRO.

(c) *Self-authorization — operating construction.* Every operator, regardless of size, is hereby assigned the right to place authorized controlled material orders for delivery on or after May 1, 1953, for all controlled materials required by him for operating construction projects provided that he does not require in excess of the following quantities of controlled materials for any one project in any one quarter:

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
5,000 pounds of copper and copper-base alloys.
4,000 pounds of aluminum.

(d) *Form of orders.* Each operator who places authorized controlled material orders in accordance with this section shall do so without making application to NPA and without receiving an allotment for that portion of his controlled material orders placed in accordance with this paragraph. In placing authorized controlled material orders in accordance with this paragraph,

he shall use the allotment number "U–1" and shall show the quarter during which delivery is required: As for example, "U–1 2Q53".

(e) *Assignment of rating.* Each operator to whom the provisions of this section apply may also order materials other than controlled materials which he may require for the MRO and operating construction covered by this section, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO–U–1". The date or dates on which delivery is required must also be specified on each delivery order.

(f) *Limitations on use of ratings.* After April 30, 1953, a DO rating authorized pursuant to this section shall not be used for any entire single operating construction project in dollar amounts in excess of $100,000 for building equipment and building materials (other than controlled materials), and $200,000 for equipment and machinery. On or before April 30, 1953, the limitations of paragraph (a) of this section apply. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery, office equipment, furniture, or appliances: *Provided, however,* That this prohibition shall not apply to machinery and equipment specially designed for communications-system use such as automatic message accounting machines.

SEC. 4. *Applications for allotments.* (a) Any operator, except to the extent that he is governed by the provisions of section 3 of this order, may hereafter file with NPA on Form NPAF–117 an application for an authorized program and for a quarterly allotment of such controlled materials as he may require for MRO and operating construction. The initial application for each quarter shall be filed with NPA not later than 120 days prior to the beginning of the quarter for which application is made, unless NPA shall designate a later date.

(b) In approving an application wholly or in part, NPA will specify the controlled materials allotted to the applicant for delivery in the calendar quarter during which the allotment is valid, and will authorize a program for MRO and operating construction. This authorized program shall be deemed to be an authorized construction schedule for the purposes of Revised CMP Regulation No. 6, and the use of the schedule and the related allotment, the use of ratings in connection with operating construction, and the placing and form of delivery orders, shall be governed by all provisions of that regulation not inconsistent with this order.

(c) Every operator who applies for an allotment pursuant to this order shall, to the extent that his application is granted, use the allotment number "U–2" to obtain controlled materials and shall show, on each authorized controlled material order, the quarter for which his allotment is valid, such as "U–2 2Q53." He may also order materials other than controlled materials which are necessary to fulfill his authorized program, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO–U–2." The date or dates on which delivery is required must also be specified on each delivery order. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery or office equipment: *Provided, however,* That this prohibition shall not apply to machinery or equipment specially designed for communications-system use such as automatic message accounting machines.

(d) An operator who manufactures a Class A, Class B, or any other product not for sale but solely for his own use as MRO, or as a minor capital addition, may obtain the products and materials required for such production by using, within the limitations of this order, the allotment symbol or rating provided for in this order.

(e) No operator shall use any allotment number or rating for the purposes of this order except as provided in this order.

SEC. 5. *Emergency excess of allotment.* (a) In the event of any major service breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, an operator may use the "U-2" allotment number to obtain materials in excess of his allotment to the extent necessary to reestablish service by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "(emergency)" after the allotment number on his order, and within 10 calendar days after the placing of such order, he shall report the placing of such order to NPA on Form NPAF–117 which shall be accompanied by a statement of the reasons therefor, justifying the use of the emergency rating.

SEC. 6. *Form of certification.* A delivery order placed in accordance with this order must contain, in addition to a DO rating as authorized or an allotment number as authorized, a certification in the following form:

Certified under Revised CMP Regulation No. 6 and NPA Order M–77

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of Revised CMP Regulation No. 6 and under this order to obtain the products or materials covered by the delivery order.

SEC. 7. *Effect on other orders.* This order supersedes as to operators, the provisions of other NPA orders governing the civilian use of controlled materials. The provisions of this order supersede as to operators those of CMP Regulation No. 5, except that nothing in this order shall be deemed to permit the use of a rating or allotment number to obtain any of the items listed in Schedule I or II of CMP Regulation No. 5 as from time to time amended. The provisions of this order supersede as to operators those of Revised CMP Regulation No. 6 except as otherwise provided in this order. They do not supersede any NPA order or regulation insofar as it provides that ratings shall not be effective to obtain particular products or materials. The inventory limitations of any NPA orders and regulations as from time to time amended shall apply to operators, but in applying such limitations the definition of "inventory" contained in this order shall be used.

SEC. 8. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–77.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11416; Filed, Oct. 17, 1952; 11:13 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

EVIDENCE OF ELIGIBILITY FOR CARE AS AN AMERICAN SEAMAN

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendment of § 32.14 of this part. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendment is to revise and make less burdensome procedures relating to proof of eligibility.

1. Section 32.14 (a) is amended to read as follows:

§ 32.14 *Evidence of eligibility.* (a) As evidence of his eligibility an applicant must present a properly executed master's certificate or a continuous discharge book or a certificate of discharge showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the station where application is granted. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 322, 58 Stat. 696, as amended; 42 U. S. C. 249)

2. The foregoing amendment shall be effective on publication in the FEDERAL REGISTER.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved: October 15, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52–11317; Filed, Oct. 17, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS ENDING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to section 215 of the Revenue Act of 1950, approved September 23, 1950, section 304 (e) of the Excess Profits Tax Act of 1950, approved January 3, 1951, and sections 330 and 344 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.122–1 the following:

SEC. 215. NET OPERATING LOSS DEDUCTIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

(a) *Allowance of five-year carry-over.* Section 122 (b) (relating to the amount of carry-backs and carry-overs) is hereby amended to read as follows:

(b) *Amount of carry-back and carry-over*—(1) *Net operating loss carry-back*—(A) *Loss for taxable year beginning before 1950.* If for any taxable year beginning after December 31, 1941, and before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-back for each of the two preceding taxable years except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the second preceding taxable year computed—

(I) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(II) By determining the net operating loss deduction for such second preceding taxable year without regard to such net operating loss and without regard to any reduction specified in subsection (c).

"(B) *Loss for taxable year beginning after 1949.* If for any taxable year beginning after December 31, 1949, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-back for the preceding taxable year.

(2) *Net operating loss carry-over*—(A) *Loss for taxable year beginning before 1950.* If for any taxable year beginning before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the intervening taxable year computed—

(I) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(II) By determining the net operating loss deduction for such intervening taxable year without regard to such net operating loss, without regard to any net operating loss carry-back, and without regard to any reduction specified in subsection (c).

For the purposes of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1941, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(III) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(IV) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

(B) *Loss for taxable year beginning after 1949.* If for any taxable year beginning after December 31, 1949, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the five succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(I) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(II) By determining the net operating loss deduction for each intervening taxable year, without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1949, shall be reduced by the amount, if any, of the net income for the preceding taxable year computed—

(I) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for such preceding taxable year without regard to such net operating loss and without regard to any reduction specified in subsection (c).

(b) *Effective date of subsection (a).* The amendment made by subsection (a) shall be applicable in computing the net operating loss deduction for taxable years beginning after December 31, 1947.

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(e) Section 122 (d) (6) of such (Internal Revenue) code (relating to the computation of the net operating loss deduction) shall not apply with respect to any taxable year ending after June 30, 1950.

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

SEC. 330. NET OPERATING LOSS CARRY-OVER (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Loss for taxable year beginning before 1948.* So much of subparagraph (A) of section 122 (b) (2) (relating to the amount of carry-overs) as precedes "the taxpayer" is hereby amended to read as follows:

(A) *Loss for taxable year beginning before 1948.* Except as provided in subparagraph (D), if for any taxable year beginning before January 1, 1948.

(b) *Allowance of three-year loss carry-over from taxable years 1948–1949.* Section 122 (b) (2) (relating to the amount of carry-over) is hereby amended by adding after subparagraph (B) the following new subparagraphs:

(C) *Loss for taxable year beginning after December 31, 1947, and before January 1, 1950.* If for any taxable year beginning after December 31, 1947, and before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the three succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for each intervening taxable year without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1946, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(iii) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(iv) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

(D) *Loss for taxable year beginning after December 31, 1946, and before January 1, 1948, in the case of a corporation which commenced business after December 31, 1945.* If for any taxable year beginning after December 31, 1946, and before January 1, 1948, a corporation which commenced business after December 31, 1945, has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the three succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for each intervening taxable year without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1946, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(iii) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(iv) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

SEC. 344. NONBUSINESS CASUALTY LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Removal of limitation.* Section 122 (d) (5) (relating to net operating loss deduction) is hereby amended by inserting at the end thereof the following new sentence: "This paragraph shall not apply with respect to deductions allowable for losses sustained after December 31, 1950, in respect of property, if the losses arise from fire, storm, shipwreck, or other casualty, or from theft."

(b) *Effective date.* The amendment made by this section shall be applicable in computing the net operating loss deduction for taxable years ending after December 31, 1948.

PAR. 2. Section 29.122–1 (a) is amended as follows:

(A) By striking the second and third sentences of subparagraph (2), and inserting in lieu thereof the following new sentence: "See § 29.122–4 for the taxable years from which a net operating loss may be carried over or carried back to the current taxable year."

(B) By striking the last two sentences of subparagraph (2) thereof, which read as follows: "Therefore, the net operating loss carry-overs to a taxable year beginning on or after January 1, 1942, are the net operating loss for the first preceding taxable year and so much of the net operating loss for the second preceding taxable year as has not been absorbed by the net income (computed under section 122), if any, for the first preceding taxable year, and the net operating loss carry-backs to such a taxable year are the net operating loss for the second succeeding taxable year and so much of the net operating loss for the first succeeding taxable year as has not been absorbed by the net income (computed under section 122), if any, for the first preceding taxable year. If either of the taxable years preceding the taxable year for which the deduction is allowed began on or after January 1, 1942, the net operating loss for such preceding taxable year is first reduced to the extent it has been absorbed by the net income (computed under section 122), if any, for the taxable years to which such loss has been carried back."

(C) By striking subparagraph (3) and inserting in lieu thereof the following new subparagraph (3).

(3) A fractional part of a year which is a taxable year under section 48 (a) is a preceding or a succeeding taxable year for the purpose of determining under section 122 the first, second, etc., preceding or succeeding taxable year.

PAR. 3. Section 29.122–1 (b) is amended by striking the second sentence and inserting in lieu thereof the following new sentence: "The first step is the computation of the net operating loss, if any, for any preceding or succeeding taxable year from which a net operating loss may be carried forward or carried back to the current taxable year."

PAR. 4. Section 29.122–2 is amended by inserting at the end of paragraph (e) thereof, which paragraph begins "(e) For taxable years beginning after December 31, 1941", the following new sentence: "This deduction is not allowed for any taxable year ending after June 30, 1950; for example, the deduction is not allowed for any taxable year ending after June 30, 1950, in the case of a taxpayer which makes its return on the basis of cash receipts and disbursements and which pays such excess profits tax during such taxable year."

PAR. 5. Section 29.122–3 (a) is amended by adding at the end of subparagraph (7) thereof the following new sentence: "For the purpose of computing the net operating loss deduction for any taxable year ending after December 31, 1948, any deduction allowable for a loss sustained after December 31, 1950, in respect of property, if the loss arises from fire, storm, shipwreck, or other casualty, or from theft, shall not be considered to be an ordinary nonbusiness deduction but shall be treated as a deduction attributable to the operation of a trade or business regularly carried on by the taxpayer."

PAR. 6. Section 29.122–4 (a) is amended to read as follows:

(a) *In general.* (1) The aggregate of any net operating loss carry-overs and any net operating loss carry-backs to a taxable year shall be the basis of the net operating loss deduction. In order to compute such deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carry-overs or carry-backs to the current taxable year.

(2) The number of taxable years to which a net operating loss may be carried back and carried over are as follows (subject to the two exceptions set forth below):

Net operating loss for a taxable year beginning: After and before		May be carried back to the following preceding taxable years	May be carried over to the following succeeding taxable years
Dec. 31, 1938	Jan. 1, 1942	None	2
Dec. 31, 1941	Jan. 1, 1948	2	2
Dec. 31, 1947	Jan. 1, 1950	2	3
Dec. 31, 1949		1	5

The first exception referred to above is that a net operating loss may not be carried back to any taxable year beginning prior to January 1, 1941. The second exception referred to above is that in the case of a corporation which commenced business after December 31, 1945, the net operating loss for any taxable year beginning after December 31, 1946, and before January 1, 1948, may be carried over to the three succeeding taxable years in lieu of the two succeeding taxable years shown above. The date the corporation commenced business shall be determined for the purpose of this exception under the rules provided in the regulations promulgated under section 445, relating to the computation of the average base period net income in the case of new corporations. See § 40.445–1 of this subchapter (Regulations 130).

(3) The amount which is carried back or carried over to any taxable year is the net operating loss to the extent it was not absorbed in the computation of the net income for other taxable years, preceding such taxable year, to which it was carried back or carried over. For the purpose of determining the net income for a taxable year which so absorbs the net operating loss that is carried back or carried over, the various net operating loss carry-overs and carry-backs to such taxable year are considered to be applied in reduction of the net income for such taxable year in the order of the taxable years from which such losses are carried over or carried back, beginning with the loss for the earliest taxable year.

PAR. 7. Section 29.122–4 (b) is amended to read as follows:

(b) *Portion of net operating loss which is a carry-over or a carry-back to the current taxable year.* A net operating loss must first be carried to the earliest of the several taxable years to which such loss is allowable as a carry-back or a carry-over, and is then to be carried to the next earliest of such several taxable years, etc. See paragraph (a) of this section for the taxable years to which a net operating loss incurred in any particular taxable year may be carried back or carried over. The entire net operating loss may be carried to such earliest year. The portion of the loss which may be carried to any taxable year subsequent to such earliest year is the excess of such net operating loss over the aggregate of the net income, if any (computed as provided in paragraph (c) of this section), for those of such several taxable years which precede the taxable year to which such net operating loss is allowable as a carry-back or a carry-over.

Example. A taxpayer on the calendar year basis has net operating losses for 1940 and 1948. The entire net operating loss for 1940 may be carried over to 1941, and the amount of the carry-over to 1942 is the excess of that loss over the net income (computed as provided in paragraph (c) of this section) for 1941. Similarly, the entire net operating loss for 1948 may be carried back to 1946, the amount of the carry-back to 1947 is the excess of that loss over the net income (computed as provided in paragraph (c) of this section) for 1946, and the amount of the carry-over to 1949, 1950, and 1951, is the excess of that loss over the aggregate of the net income (computed as provided in paragraph (c) of this section) for 1946 and 1947, for 1946, 1947, and 1949, and for 1946, 1947, 1949, and 1950, respectively.

PAR. 8. Section 29.122–4 (c), as amended by Treasury Decision 5600, approved February 2, 1948, is further amended by striking subparagraph (1) and the example thereunder and inserting in lieu thereof the following:

(1) The net operating loss deduction for such taxable year is computed (i) by taking into account only such net operating losses otherwise allowable as carry-overs or carry-backs to such taxable year as were sustained in taxable years preceding the taxable year in which the taxpayer sustained the net operating loss from which the net income is to be deducted, and (ii) if the taxable year to which the net operating loss is to be carried begins after December 31, 1947, by disregarding the adjustment provided in section 122 (c) and § 29.122–5 (relating to the conversion of the aggregate of the net operating loss carry-overs and carry-backs to the taxable year into the net operating loss deduction).

Example. The taxpayer files its income tax returns on the basis of the calendar year. In computing the net operating loss deduction for 1945, the taxpayer has a carry-over from 1943 of $9,000, a carry-over from 1944 of $6,000, a carry-back from 1946 of $18,000, and a carry-back from 1947 of $14,000, or an aggregate of $47,000 in carry-overs and carry-backs which is the basis for the deduction. The adjustment under section 122 (c) for the purpose of computing the net operating loss deduction for 1945 is $2,500. In computing the net income for 1945 which is deducted from the net operating loss for 1946 or 1947, as the case may be, for the purpose of determining the amount of such loss which may be carried back or carried over, the net operating loss deduction for 1945 is computed as follows:

For the purpose of determining the carry-over or carry-back— From	To	The net income for 1945 is computed with the following net operating loss deduction—
1946	1947	$12,500, that is, the aggregate of the $9,000 carry-over from 1943 and the $6,000 carry-over from 1944, less the $2,500 adjustment required by sec. 122 (c).
1946	1948	$15,000, that is, the aggregate of the $9,000 carry-over from 1943 and the $6,000 carry-over from 1944. The adjustment required by sec. 122 (c) is disregarded since the taxable year, 1948, to which the net operating loss is to be carried begins after Dec. 31, 1947.
1947	1948 or 1949	$30,500, that is, the $9,000 carry-over from 1943, the $6,000 carry-over from 1944, and the $18,000 carry-back from 1946, less the $2,500 adjustment required by sec. 122 (c).
1947	1948 or 1949	$33,000, that is, the aggregate of the $9,000 carry-over from 1943, the $6,000 carry-over from 1944, and the $18,000 carry-back from 1946. The adjustment required by sec. 122 (d) is disregarded.

[F. R. Doc. 52–11336; Filed, Oct. 17, 1952; 8:53 a. m.]

[26 CFR Parts 29, 40]

[Regs. 111, 130]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941; EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 131 of the Revenue Act of 1950, approved September 23, 1950, section 203 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and section 131 (a) and (c) of the Revenue Act of 1951, approved October 20, 1951, and in order to conform Regulations 130 (26 CFR Part 40) to section 131 (b) of the Revenue Act of 1951, such regulations are amended as follows:

PARAGRAPH 1. Section 29.47–1, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by adding at the end of the section the following undesignated paragraph:

Any reference in the regulations in this part to a taxable year which is the calendar year (see, for example, the regulations under sections 11–15, inclusive, and 108) means a taxable year of 12 months beginning on January 1 and ending on December 31. The term does not include a taxable year of less than 12 months, even though the taxpayer may have customarily made his returns on the basis of a calendar year.

PAR. 2. There is inserted immediately preceding § 29.108–1 the following:

SEC. 131. FISCAL YEAR TAXPAYERS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 108.* Section 108 is hereby amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

(e) *Certain taxable years of individuals beginning before October 1, 1950, and ending after September 30, 1950.* In the case of a taxable year (other than one beginning on January 1, 1950, and ending on December 31, 1950) of a taxpayer other than a corporation beginning before October 1, 1950, and ending after September 30, 1950, the tax imposed by sections 11, 12, and 400 shall be an amount equal to the sum of—

(1) That portion of a tentative tax, computed under the provisions of sections 11 (b), 12 (b) (2), 12 (c) (2), and 12 (d), or Table III of section 400, applicable to such taxable year, which the number of calendar months in such taxable year prior to October 1, 1950, bears to the total number of calendar months in such taxable year, plus

(2) That portion of a tentative tax, computed under the provisions of sections 11 (a), 12 (b) (1), 12 (d), and 12 (f), or Table I of section 400, as if such provisions were applicable to such taxable year, which the number of calendar months in such taxable year after September 30, 1950, bears to the total number of calendar months in such taxable year.

For the purposes of this subsection, a calendar month only part of which falls within the taxable year (A) shall be disregarded if less than 15 days of such month are included in such taxable year, and (B) shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

(f) *Certain taxable years of corporations beginning before July 1, 1950, and ending after June 30, 1950.* In the case of a taxable year (other than one beginning on January 1, 1950, and ending on December 31, 1950) of a corporation beginning before July 1, 1950, and ending after June 30, 1950, the tax imposed by sections 13, 14, and 15 shall be an amount equal to the sum of—

(1) that portion of a tentative tax, computed under the provisions of sections 13 (b) (3), 14, and 15 (b) (3), applicable to such taxable year, which the number of days in such taxable year prior to July 1, 1950, bears to the total number of days in such taxable year, plus

(2) that portion of a tentative tax, computed under the provisions of sections 13 (b) (1) and 15 (b) (1), as if such provisions (and the provisions of sections 26 (b) (2) (A), 26 (h) (1) (B), and 26 (i) (1)) were applicable to such taxable year, which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year.

(g) *Special classes of taxpayers.* This section shall not apply to an insurance company subject to Supplement G or an investment company subject to Supplement Q.

(b) *Effective date.* The amendment made by subsection (a) in striking out subsection (e) of section 108 of the Internal Revenue Code shall not apply in the case of any taxable year described in subsections (a), (b), or (c) of such section.

SEC. 203. FISCAL YEAR TAXPAYERS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Section 108 (f) (2) of the Internal Revenue Code (relating to computation of tax of a fiscal year beginning before July 1, 1950, and ending after June 30, 1950) is hereby amended by adding at the end thereof the following new sentence: "For the purposes of this paragraph, the provisions of sections 15 (b) (1), 26 (b) (1), and 26 (i) (1) shall be applied without regard to the amendments made to such provisions by Title II [secs. 201, 202, and 203] of the Excess Profits Tax Act of 1950."

SEC. 131. FISCAL YEAR TAXPAYERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 108.* Section 108 is hereby amended by striking out paragraph (2) of subsection (f) and inserting in lieu thereof the following:

(2) That portion of a tentative tax consisting of—

(A) A tentative normal tax of 25 per centum of the normal-tax net income, plus

(B) A tentative surtax of 20 per centum of the surtax net income in excess of $25,000, which the number of days in such taxable year after June 30, 1950, and before April 1, 1951, bears to the total number of days in such taxable year, plus (if the taxable year ends after March 31, 1951)

(3) That portion of a tentative tax consisting of—

(A) A tentative normal tax of 30 per centum of the normal-tax net income, plus

(B) A tentative surtax of 20 per centum of the surtax net income in excess of $25,000, which the number of days in such taxable year after March 31, 1951, bears to the total number of days in such taxable year.

In computing for the purposes of paragraph (2) the normal-tax net income and the corporation surtax net income, the credits provided in section 26 applicable to taxable years beginning on July 1, 1950, shall be allowed in the manner and to the extent provided in sections 13 and 15 applicable to years beginning on such date, except that such credits shall be applied without regard to the amendments made to section 26 by title II (inc. sec. 202) of the Excess Profits Tax Act of 1950. In computing for the purposes of paragraph (3) the normal-tax net income and the corporation surtax net income, the credits provided in section 26 applicable to taxable years beginning on April 1, 1951, shall be allowed in the manner and to the extent provided in sections 13 and 15 applicable to years beginning on such date.

(g) *Certain taxable years of corporations beginning after June 30, 1950, and before April 1, 1951.* In the case of a taxable year (other than one beginning on January 1, 1951, and ending on December 31, 1951) of a corporation beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951, the tax imposed by sections 13 and 15 shall be an amount equal to the sum of—

(1) That portion of a tentative tax, computed under the provisions of sections 13 and 15 applicable to such taxable year, which the number of days in such taxable year prior to April 1, 1951, bears to the total number of days in such taxable year, plus

(2) That portion of a tentative tax, computed under the provisions of sections 13 and 15 applicable to years beginning on April 1, 1951, as if such provisions were applicable to such taxable year, which the number of days in such taxable year after March 31, 1951, bears to the total number of days in such taxable year.

(h) *Certain taxable years of individuals beginning before November 1, 1951, and ending after October 31, 1951.* In the case of a taxable year (other than one beginning on January 1, 1951, and ending on December 31, 1951) of a taxpayer, other than a corporation, beginning before November 1, 1951, and ending after October 31, 1951, the tax imposed by sections 11 and 12, section 400, or section 421 (a) (2), shall be an amount equal to the sum of—

(1) That portion of tentative tax, computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to such year, which the number of calendar months in such taxable year prior to November 1, 1951, bears to the total number of calendar months in such taxable year, plus

(2) That portion of a tentative tax, computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to years beginning on November 1, 1951, as if such provisions (other than the provisions relating to head of household) were applicable to such taxable year, which the number of calendar months in such taxable year after October 31, 1951, bears to the total number of calendar months in such taxable year.

This subsection shall not apply in the case of a trust described in section 421 (b) (2) if the taxable year of such trust began before January 1, 1951.

(i) *Definition of calendar month.* For the purposes of this section, a calendar month only part of which falls within a taxable year (1) shall be disregarded if less than 15 days of such month are included in such taxable year, and (2) shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

(j) *Taxable years of individuals beginning in 1953 and ending in 1954.* In the case of a taxable year of a taxpayer, other than a corporation, beginning before January 1, 1954, and ending after December 31, 1953, the tax imposed by sections 11 and 12, section 400, or section 421 (a) (2), shall be an amount equal to the sum of—

(1) That portion of a tentative tax, computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to years beginning on January 1, 1953, which the number of calendar months in such taxable year prior to January 1, 1954, bears to the total number of calendar months in such taxable year, plus

(2) That portion of a tentative tax, computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to years beginning on January 1, 1954, as if such provisions were applicable to such taxable year, which the number of calendar months in such taxable year after December 31, 1953, bears to the total number of calendar months in such taxable year.

(k) *Taxable years of corporations beginning before April 1, 1954, and ending after March 31, 1954.* In the case of a taxable year of a corporation beginning before April 1, 1954, and ending after March 31, 1954, the tax imposed by sections 13 and 15, or section 421 (a) (1), shall be an amount equal to the sum of—

(1) That portion of a tentative tax, computed under the provisions of sections 13 and 15, or section 421 (a) (1), applicable to years beginning on January 1, 1953, which the number of days in such taxable year prior to April 1, 1954, bears to the total number of days in such taxable year, plus

(2) That portion of a tentative tax, computed under the provisions of sections 13 and 15, or section 421 (a) (1), applicable to years beginning on April 1, 1954, as if such provisions were applicable to such taxable year, which the number of days in such taxable year after March 31, 1954, bears to the total number of days in such taxable year.

* * * * * *

(c) *Technical amendments.* (1) Section 108 (e) (2) is hereby amended by inserting after "section 400," the following: "applicable to years beginning on October 1, 1950,".

(2) Section 108 (g) is hereby amended by striking out "(g)" and inserting in lieu thereof "(1)".

PAR. 3. There are inserted immediately after § 29.108–3, as added by Treasury Decision 5687, approved February 16, 1949, the following new sections:

§ 29.108–4 *Computation of tax of individuals for taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950)*—(a) *General rule.* For a taxable year beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), the normal tax, surtax, and optional tax imposed by sections 11, 12, and 400 upon taxpayers other than corporations shall be computed under section 108 (e), as amended by the Revenue Acts of 1950 and 1951. The tax shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (e) (1), computed under the provisions of sections 11 (b), 12 (b) (2), 12 (c) (2), and 12 (d), or Table III of section 400, applicable to

taxable years beginning on September 1, 1950, which the number of calendar months prior to October 1, 1950, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year, and

(2) That portion of a tentative tax under section 108 (e) (2), computed under the provisions of sections 11 (a), 12 (b) (1), 12 (d), and 12 (f), or Table I of section 400, applicable to taxable years beginning on October 1, 1950, which the number of calendar months after September 30, 1950, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year.

For the purpose of section 108 (e) and this section, a calendar month only part of which falls within the taxable year (i) shall be disregarded if less than 15 days of such month are included in such taxable year, and (ii) shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

(b) *Estates, trusts, and nonresident alien individuals.* The provisions of section 108 (e) apply to estates, trusts, and nonresident alien individuals subject to tax under sections 11 and 12.

(c) *Short taxable years.* The provisions of section 108 (e) apply to a taxable year beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), whether or not such taxable year is one of less than 12 months. In the case of a taxpayer who is subject to the provisions of section 108 (e) and who because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (e), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (e). However, in the case of a taxpayer who is subject to the provisions of section 108 (e) and who because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(d) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (e) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (e), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c),

(e) *Certain joint returns.* If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return is a period which began before October 1, 1950, and ended after September 30, 1950 (other than the calendar year 1950), the number of calendar months to be taken into account for the purpose of computing the portions of the tentative tax under section 108 (e) (1) and (2) shall be the number of calendar months prior to October 1, 1950, in the taxable year of the surviving spouse, the number of calendar months after September 30, 1950, in the taxable year of the surviving spouse, and the total number of calendar months in the taxable year of the surviving spouse.

(f) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (e), any credit against the tax otherwise imposed by sections 11, 12, and 400, such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (e). However, in those instances in which an individual taxpayer computes a tentative tax under section 108 (e) by taking into account the optional standard deduction under section 23 (aa), the following credits shall not be allowed: All credits under section 131 with respect to taxes of foreign countries and possessions, and all credits with respect to taxes withheld at the source under section 143 (a), relating to interest on tax-free covenant bonds.

§ 29.108–5 *Computation of tax of corporations for taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950)*—(a) *In general.* For a taxable year beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), the normal tax and surtax imposed by sections 13, 14, and 15 upon corporations shall be computed under section 108 (f), as added by the Revenue Act of 1950 and as amended by the Excess Profits Tax Act of 1950 and the Revenue Act of 1951.

(b) *Taxable years beginning before July 1, 1950, and ending after June 30, 1950, and before April 1, 1951.* For a taxable year beginning before July 1, 1950, and ending after June 30, 1950, and before April 1, 1951 (other than the calendar year 1950), the normal tax and surtax of a corporation shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (f) (1), computed under the provisions of sections 13 (b) (3), 14, and 15 (b) (3), applicable to such taxable year, which the number of days in such taxable year prior to July 1, 1950, bears to the total number of days in such taxable year, plus

(2) That portion of a tentative tax under section 108 (f) (2) consisting of:

(i) A tentative normal tax of 25 percent of the normal-tax net income, plus

(ii) A tentative surtax of 20 percent of the surtax net income in excess of $25,000,

which the number of days after June 30, 1950, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

(c) *Taxable years beginning before July 1, 1950, and ending after March 31, 1951.* For a taxable year beginning before July 1, 1950, and ending after March 31, 1951, the normal tax and surtax of a corporation shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (f) (1), computed under the provisions of sections 13 (b) (3), 14, and 15 (b) (3), applicable to taxable years beginning on June 1, 1950 (for applicable rates, see (d) of this section), which the number of days prior to July 1, 1950, in the taxable year of the taxpayer bears to the total number of days in such taxable year, and

(2) That portion of a tentative tax under section 108 (f) (2) consisting of:

(i) A tentative normal tax of 25 percent of the normal-tax net income, plus

(ii) A tentative surtax of 20 percent of the surtax net income in excess of $25,000,

which the number of days after June 30, 1950, and before April 1, 1951, in the taxable year of the taxpayer bears to the total number of days in such taxable year, and

(3) That portion of a tentative tax under section 108 (f) (3) consisting of:

(i) A tentative normal tax of 30 percent of the normal-tax net income, plus

(ii) A tentative surtax of 20 percent of the surtax net income in excess of $25,000,

which the number of days after March 31, 1951, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

(d) *Rates applicable under section 108 (f) (1)*—(1) *Normal tax.* The tentative normal tax under section 108 (f) (1) of a corporation, other than a foreign corporation, is computed upon its normal-tax net income at the rates prescribed by section 13 or 14, which are as follows:

(i) If the normal-tax net income is not in excess of $5,000, 15 percent of the amount thereof;

(ii) If the normal-tax net income is in excess of $5,000 but not in excess of $20,000, $750 plus 17 percent of the amount of such income in excess of $5,000;

(iii) If the normal-tax net income is in excess of $20,000 but not in excess of $25,000, $3,300 plus 19 percent of such income in excess of $20,000;

(iv) If the normal-tax net income is in excess of $25,000 but not in excess of $50,000, $4,250 plus 31 percent of such income in excess of $25,000; or

(v) If the normal-tax net income is in excess of $50,000, 24 percent of the entire amount thereof.

The tentative normal tax under section 108 (f) (1) of a foreign corporation en-

gaged in trade or business within the United States is computed upon its normal-tax net income at the rate of 24 percent as prescribed by section 14.

(2) *Surtax.* The tentative surtax under section 108 (f) (1) of a corporation, other than a foreign corporation not engaged in trade or business within the United States, is computed upon its corporation surtax net income at the rates prescribed by section 15, which are as follows:

(i) If the corporation surtax net income is not in excess of $25,000, 6 percent of the amount thereof;

(ii) If the corporation surtax net income is in excess of $25,000 but not in excess of $50,000, $1,500 plus 22 percent of the amount of such income in excess of $25,000; or

(iii) If the corporation surtax net income is in excess of $50,000, 14 percent of the entire amount thereof.

(e) *Computation of normal-tax net income and corporation surtax net income in special cases*—(1) *In general.* In computing the tentative taxes under section 108 (f) (1), (2), and (3), the amount of the net income and the amount of the adjusted net income of the corporation are not recomputed and remain unchanged. However, the credits provided in section 26 (b), (h), and (i) may differ in computing the several tentative taxes. Thus, in the case of a Western Hemisphere trade corporation, or a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, or any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, the amount of the normal-tax net income and the amount of the corporation surtax net income for one tentative tax computation differ from such amounts for any other tentative tax computation. Moreover, in the case of any corporation which has a taxable year ending after March 31, 1951, and which has received dividends on the stock of a foreign corporation with respect to which the credit provided in section 26 (b) (3) is allowable, the amount of the normal-tax net income and the amount of the corporation surtax net income for the third tentative tax computation differ from such amounts for the first and second tentative tax computations. See subparagraphs (2), (3), (4), and (5) of this paragraph.

(2) *Western Hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation, its tentative tax under section 108 (f) (1) is computed only on its normal-tax net income, since a Western Hemisphere trade corporation is not subject to surtax under the law applicable (without regard to section 108) to a taxable year beginning on June 1, 1950, and the credit provided in section 26 (i) is not applicable in determining its normal-tax net income for the purpose of the computation of the first tentative tax. The normal-tax net income and corporation surtax net income of a Western Hemisphere trade corporation are determined, for the purpose of the tentative tax computation under section 108 (f) (2), with the allowance of the 31-percent credit provided in section 26 (i) applicable to a taxable year beginning on July 1, 1950, without regard to the amendment of section 26 (i) made by the Excess Profits Tax Act of 1950, and, for the purpose of the tentative tax computation under section 108 (f) (3), with the allowance of the 27-percent credit provided in section 26 (i) applicable to a taxable year beginning on April 1, 1951.

(3) *Public utilities paying dividends on preferred stock.* In the case of a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, its normal-tax net income is determined, for the purpose of the tentative tax computation under section 108 (f) (1), without regard to the credit provided in section 26 (h), and its corporation surtax net income is determined, for such purpose, with the allowance of the credit provided in section 26 (h) applicable to a taxable year beginning on June 1, 1950. The normal-tax net income and corporation surtax net income of such a public utility corporation are determined, for the purpose of the tentative tax computation under section 108 (f) (2), with the allowance of the 31-percent credit provided in section 26 (h) applicable to a taxable year beginning on July 1, 1950, without regard to the amendment of section 26 (h) made by the Excess Profits Tax Act of 1950, and, for the purpose of the tentative tax computation under section 108 (f) (3), with the allowance of the 27-percent credit provided in section 26 (h) applicable to a taxable year beginning on April 1, 1951.

(4) *Corporations receiving dividends on preferred stock of public utility.* In the case of any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, its normal-tax net income is determined, for the purpose of the tentative tax computation under section 108 (f) (1), with the allowance of the 85-percent credit provided in section 26 (b) with respect to such dividends received, and its corporation surtax net income is determined, for such purpose, without regard to any credit provided in section 26 (b) with respect to such dividends received. The normal-tax net income and corporation surtax net income of such a corporation are determined for the purpose of the tentative tax computation under section 108 (f) (2), with the allowance of the the 59-percent credit provided in section 26 (b) (2) with respect to such dividends received, and, for the purpose of the tentative tax computation under section 108 (f) (3), with the allowance of the 62-percent credit provided in section 26 (b) (2) with respect to such dividends received.

(5) *Corporations receiving dividends from foreign corporation.* In the case of any corporation which has a taxable year ending after March 31, 1951, and which has received dividends on the stock of a foreign corporation with respect to which the credit provided in section 26 (b) (3) is allowable, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computations under section 108 (f) (1) and (2), without regard to the credit provided in section 26 (b) (3), and, for the purpose of the tentative tax computation under section 108 (f) (3), with the allowance of the credit provided in section 26 (b) (3).

(f) *Classes of corporations excluded from operation of section 108 (f).* The provisions of section 108 (f) do not apply to an insurance company subject to Supplement G, a regulated investment company subject to Supplement Q, or a foreign corporation not engaged in trade or business within the United States.

(g) *Short taxable years.* The provisions of section 108 (f) apply to a taxable year beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), whether or not such taxable year is one of less than 12 months. In the case of a taxpayer which is subject to the provisions of section 108 (f) and which because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (f), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (f). However, in the case of a taxpayer which is subject to the provisions of section 108 (f) and which because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income for the purpose of section 108 (f) shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(h) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (f) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (f), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

(i) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (f), any credit against the tax otherwise imposed by sections 13, 14, and 15, such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (f).

(j) *Examples.* This section may be illustrated by the following examples:

Example (1). The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), makes its income tax returns on the basis of a fiscal year ending May 31. For the fiscal year which began June 1, 1950, and ended May 31, 1951, the A Corporation had net income of $100,000, which did not include any interest on United States obligations or dividends on stock of foreign corporations. The net income includes cash dividends received from a domestic corporation other than a public utility (allowable as a credit under section 26 (b) (1)) in the amount of $10,000, and cash dividends received from a domestic public utility corporation on its preferred stock (with respect to which a credit is allowable to the public utility under section 26 (h)) in the amount of $5,000. The normal tax and surtax of the A Corporation for its fiscal year ended May 31, 1951, are $22,771.50 and $12,713.21, respectively, computed as follows:

(i) *Computation of tentative taxes provided in section 108 (f) (1).*

NORMAL TAX

1. Net income		$100,000.00
2. Less credit under sec. 26 (b) (1) for dividends received from domestic corporations (85 percent of $15,000)		12,750.00
3. Normal-tax net income		87,250.00
4. Normal tax (24 percent of item 3)		20,940.00

SURTAX

5. Net income		100,000.00
6. Less credit under sec. 26 (b) (1) for dividends received from domestic corporation other than dividends with respect to which credit is allowable under sec. 26 (h) (85 percent of $10,000)		8,500.00
7. Corporation surtax net income		91,500.00
8. Surtax (14 percent of item 7)		12,810.00

(ii) *Computation of tentative taxes provided in section 108 (f) (2).*

NORMAL TAX AND SURTAX

9. Net income		$100,000.00
10. Less credit under sec. 26 (b) (1) for dividends received from domestic corporation other than dividends with respect to which credit is allowable under sec. 26 (h) (85 percent of $10,000)	$8,500.00	
11. Less credit under sec. 26 (b) (2) for dividends received with respect to which credit is allowable under sec. 26 (h) (59 percent of $5,000)	2,950.00	
		11,450.00
12. Normal-tax net income and corporation surtax net income		88,550.00
13. Normal tax (25 percent of item 12)		22,137.50
14. Surtax (20 percent of $63,550, the excess of $88,550 over $25,000)		12,710.00

(iii) *Computation of tentative taxes provided in section 108 (f) (3).*

NORMAL TAX AND SURTAX

15. Net income		$100,000.00
16. Less credit under sec. 26 (b) (1) (85 percent of $10,000)	$8,500.00	
17. Less credit under sec. 26 (b) (2) (62 percent of $5,000)	3,100.00	
		11,600.00
18. Normal-tax net income and corporation surtax net income		88,400.00
19. Normal tax (30 percent of item 18)		26,520.00
20. Surtax (20 percent of $63,400, the excess of $88,400 over $25,000)		12,680.00

(iv) *Computation of normal tax and surtax for fiscal year ended May 31, 1951.*

21. Number of days in taxable year prior to July 1, 1950	30
22. Number of days in taxable year after June 30, 1950, and before Apr. 1, 1951	274
23. Number of days in taxable year after Mar. 31, 1951	61
24. Total number of days in taxable year	365

NORMAL TAX

25. Tentative normal tax computed in (i)	$20,940.00	
26. 30/365ths of $20,940		$1,721.10
27. Tentative normal tax computed in (ii)	$22,137.50	
28. 274/365ths of $22,137.50		16,618.29
29. Tentative normal tax computed in (iii)	$26,520.00	
30. 61/365ths of $26,520		4,432.11
31. Total normal tax		22,771.50

SURTAX

32. Tentative surtax computed in (i)	$12,810.00	
33. 30/365ths of $12,810		$1,052.88
34. Tentative surtax computed in (ii)	$12,710.00	
35. 274/365ths of $12,710		9,541.21
36. Tentative surtax computed in (iii)	$12,680.00	
37. 61/365ths of $12,680		2,119.12
38. Total surtax		12,713.21

Example (2). The facts are the same as in example (1), above, except that the taxable year is the fiscal year which began April 1, 1950, and ended March 31, 1951. The normal tax and surtax of the A Corporation for such fiscal year are computed only under paragraphs (1) and (2) of section 108 (f), since paragraph (3) of such section is not applicable to a taxable year which ended before April 1, 1951. Its normal tax and surtax for the fiscal year ended March 31, 1951, are $21,838.95 and $12,734.94, respectively. The tentative normal tax and tentative surtax under section 108 (f) (1) and (2) are computed as set forth in (i) and (ii) of example (1). The normal tax and surtax of the A Corporation are further computed as follows:

1. Number of days in taxable year prior to July 1, 1950	91
2. Number of days in taxable year after June 30, 1950	274
3. Total number of days in taxable year	365

NORMAL TAX

4. Tentative normal tax as computed in (i) of example (1)	$20,940.00	
5. 91/365ths of $20,940		$5,220.66
6. Tentative normal tax as computed in (ii) of example (1)	$22,137.50	
7. 274/365ths of $22,137.50		16,618.29
8. Total normal tax		21,838.95

SURTAX

9. Tentative surtax as computed in (i) of example (1)	$12,810.00	
10. 91/365ths of $12,810		$3,193.73
11. Tentative surtax as computed in (ii) of example (1)	$12,710.00	
12. 274/365ths of $12,710		9,541.21
13. Total surtax		12,734.94

§ 29.108–6 *Computation of tax of corporations for taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951)*—(a) *General rule.* For a taxable year beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), the normal tax and surtax imposed by sections 13 and 15 upon corporations shall be computed under section 108 (g), as added by the Revenue Act of 1950 and as amended by the Revenue Act of 1951. The tax shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (g) (1), computed under the provisions of sections 13 (b) (1) and 15 (b) (1), applicable to taxable years beginning on July 1, 1950, which the number of days prior to April 1, 1951, in the taxable year of the taxpayer bears to the total number of days in such taxable year, and

(2) That portion of a tentative tax under section 108 (g) (2), computed under the provisions of section 13 (b) (2) and 15 (b), applicable to taxable years beginning on April 1, 1951, which the number of days after March 31, 1951, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

The tentative normal taxes under section 108 (g) (1) and (2) of a corporation are computed upon its normal-tax net income at the rates of 25 percent and 30 percent, respectively. The tentative surtaxes under section 108 (g) (1) and (2) of a corporation are computed upon its corporation surtax net income in excess of $25,000 at the rate of 22 percent.

(b) *Computation of normal-tax net income and corporation surtax net income in special cases*—(1) *In general.* In computing the tentative taxes under section 108 (g) (1) and (2), the amount of the net income and the amount of the adjusted net income of the corporation are not recomputed and remain unchanged. However, the credits provided in section 26 (b), (h), and (i) may differ in computing the several tentative taxes. Thus, in the case of a Western Hemisphere trade corporation, or a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, or any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, or any corporation which has received dividends on the stock of a foreign corporation with respect to which the credit provided in section 26 (b) (3) is allowable, the amount of the normal-tax net income and the amount of the corporation surtax net income for the first tentative tax computation differ from such amounts for the second tentative tax computation. See subparagraphs (2), (3), (4), and (5) of this paragraph.

(2) *Western Hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (g) (1), with the allowance of the 30-percent credit provided in section 26 (i) applicable to a taxable year beginning on July 1, 1950, and, for the purpose of the tentative tax computation under section 108 (g) (2), with the allowance of the 27-percent credit provided in section 26 (i) applicable to a taxable year beginning on April 1, 1951.

(3) *Public utilities paying dividends on preferred stock.* In the case of a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (g) (1), with the allowance of the 85-percent credit provided in section 26 (b) with respect to such dividends received, and its corporation surtax net income is determined, for such purpose, without regard to any credit provided in section 26 (b) with respect to such dividends received. The normal-tax net income and corporation surtax net income of such a corporation are determined for the purpose of the tentative tax computation under section 108 (g) (2), with the allowance of the 59-percent credit provided in section 26 (b) (2) with respect to such dividends received, and, for the purpose of the tentative tax computation under section 108 (g) (3), with the allowance of the 62-percent credit provided in section 26 (b) (2) with respect to such dividends received.

(g) (2), with the allowance of the 27-percent credit provided in section 26 (h) applicable to a taxable year beginning on April 1, 1951.

(4) *Corporations receiving dividends on preferred stock of public utility.* In the case of any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (g) (1), with the allowance of the 59-percent credit provided in section 26 (b) (2) with respect to such dividends received, and, for the purpose of the tentative tax computation under section 108 (g) (2), with the allowance of the 62-percent credit provided in section 26 (b) (2) with respect to such dividends received.

(5) *Corporations receiving dividends from foreign corporation.* In the case of any corporation which has received dividends on the stock of a foreign corporation with respect to which the credit provided in section 26 (b) (3) is allowable, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under secton 108 (g) (1), without regard to the credit provided in section 26 (b) (3), and, for the purpose of the tentative tax computation under section 108 (g) (2), with the allowance of the credit provided in section 26 (b) (3).

(c) *Classes of corporations excluded from operation of section 108 (g).* The provisions of section 108 (g) do not apply to an insurance company subject to Supplement G, a regulated investment company subject to Supplement Q, or a foreign corporation not engaged in trade or business within the United States.

(d) *Short taxable years.* The provisions of section 108 (g) apply to a taxable year beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), whether or not such taxable year is one of less than 12 months. In the case of a taxpayer which is subject to the provisions of section 108 (g) and which because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (g), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (g). However, in the case of a taxpayer which is subject to the provisions of section 108 (g) and which because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income for the purpose of section 108 (g) shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(e) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (g) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (g), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

(f) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (g), any credit against the tax otherwise imposed by sections 13 and 15, such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (g).

(g) *Example.* This section may be illustrated by the following example:

Example. The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), makes its income tax returns on the basis of a fiscal year ending June 30. For the fiscal year which began July 1, 1950, and ended June 30, 1951, the A Corporation had net income of $100,000, which did not include any interest on United States obligations or dividends on stock of foreign corporations. The net income includes cash dividends received from a domestic corporation other than a public utility (allowable as a credit under section 26 (b) (1)) in the amount of $10,000, and cash dividends received from a domestic public utility corporation on its preferred stock (with respect to which a credit is alowable to the public utility under section 26 (h)) in the amount of $5,000. The normal tax and surtax of the A Corporation for its fiscal year ended June 30, 1951, are $23,230.13 and $13,972.78, respectively, computed as follows:

(i) *Computation of tentative taxes provided in section 108 (g) (1).*

NORMAL TAX AND SURTAX

1. Net income		$100,000.00
2. Less credit under sec. 26 (b) (1) for dividends received from domestic corporation other than dividends with respect to which credit is allowable under sec. 26 (h) (85 percent of $10,000)	$8,500.00	
3. Less credit under section 26 (b) (2) for dividends received with respect to which credit is allowable under sec. 26 (h) (59 percent of $5,000)	2,950.00	11,450.00
4. Normal-tax net income and corporation surtax net income		88,550.00
5. Normal tax (25 percent of item 4)		22,137.50
6. Surtax (22 percent of $63,550, the excess of $88,550 over $25,000)		13,981.00

(ii) *Computation of tentative taxes provided in section 108 (g) (2).*

NORMAL TAX AND SURTAX

7. Net income		$100,000.00
8. Less credit under sec. 26 (b) (1) (85 percent of $10,000)	$8,500.00	
9. Less credit under sec. 26 (b) (2) (62 percent of $5,000)	3,100.00	11,600.00

NORMAL TAX AND SURTAX—Continued

10. Normal-tax net income and and corporation surtax net income		$88,400.00
11. Normal tax (30 percent of item 10)		26,520.00
12. Surtax (22 percent of $63,400, the excess of $88,400 over $25,000)		13,948.00

(iii) *Computation of normal tax and surtax for fiscal year ended June 30, 1951.*

13. Number of days in taxable year prior to Apr. 1, 1951		274
14. Number of days in taxable year after Mar. 31, 1951		91
15. Total number of days in taxable year		365

NORMAL TAX

16. Tentative normal tax computed in (i)	$22,137.50	
17. 274/365ths of $22,137.50		$16,618.29
18. Tentative normal tax computed in (ii)	$26,520.00	
19. 91/365ths of $26,520		6,611.84
20. Total normal tax		23,230.13

SURTAX

21. Tentative surtax computed in (i)	$13,981.00	
22. 274/365ths of $13,981		$10,495.33
23. Tentative surtax computed in (ii)	$13,948.00	
24. 91/365ths of $13,948		3,477.45
25. Total surtax		13,972.78

§ 29.108–7 *Computation of tax of individuals for taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951).*—(a) *General rule.* For a taxable year beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), the normal tax, surtax, optional tax, and Supplement U normal tax and surtax imposed by sections 11, 12, 400, and 421 (a) (2) upon taxpayers other than corporations shall be computed under section 108 (h), as added by the Revenue Act of 1951. The tax shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (h) (1), computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to taxable years beginning on October 1, 1951, which the number of calendar months prior to November 1, 1951, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year, and

(2) That portion of a tentative tax under section 108 (h) (2), computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), other than the provisions of such sections relating to a head of a household, applicable to taxable years beginning on November 1, 1951, which the number of calendar months after October 31, 1951, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year.

For the purpose of section 108 (h) and this section, a calendar month only part of which falls within the taxable year (i) shall be disregarded if less than 15 days of such month are included in such taxable year, and (ii) shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

(b) *Estates, trusts, and nonresident alien individuals.* The provisions of section 108 (h) apply to estates, trusts, and nonresident alien individuals subject to tax under sections 11 and 12 and to trusts described in section 421 (b) (2) which are subject to tax under section 421 (a) (2). However, the provisions of section 108 (h) do not apply to a trust described in section 421 (b) (2) in the case of a taxable year of such trust which began before January 1, 1951.

(c) *Short taxable years.* The provisions of section 108 (h) apply to a taxable year beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), whether or not such taxable year is one of less than 12 months. In the case of a taxpayer who is subject to the provisions of section 108 (h) and who because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (h), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (h). However, in the case of a taxpayer who is subject to the provisions of section 108 (h) and who because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(d) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (h) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (h), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

(e) *Certain joint returns.* If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return is a period which began before November 1, 1951, and ended after October 31, 1951 (other than the calendar year 1951), the number of calendar months to be taken into account for the purpose of computing the portions of the tentative tax under section 108 (h) (1) and (2) shall be the number of calendar months prior to November 1, 1951, in the taxable year of the surviving spouse, the number of calendar months after October 31, 1951, in the taxable year of the surviving spouse, and the total number of calendar months in the taxable year of the surviving spouse.

(f) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (h), any credit against the tax otherwise imposed by sections 11, 12, 400, and 421 (a) (2), such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (h). However, in those instances in which an individual taxpayer computes a tentative tax under section 108 (h) by taking into account the optional standard deduction under section 23 (aa), the following credits shall not be allowed: All credits under section 131 with respect to taxes of foreign countries and possessions, and all credits with respect to taxes withheld at the source under section 143 (a), relating to interest on tax-free covenant bonds.

§ 29.108–8 *Computation of tax of individuals for taxable years beginning in 1953 and ending in 1954.*—(a) *General rule.* For a taxable year beginning in 1953 and ending in 1954, the normal tax, surtax, optional tax, and Supplement U normal tax and surtax, imposed by sections 11, 12, 400, and 421 (a) (2) upon taxpayers other than corporations, shall be computed under section 108 (j), as added by the Revenue Act of 1951. The tax shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (j) (1), computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to taxable years beginning on January 1, 1953, which the number of calendar months prior to January 1, 1954, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year, and

(2) That portion of a tentative tax under section 108 (j) (2), computed under the provisions of sections 11 and 12, section 400, or section 421 (a) (2), applicable to taxable years beginning on January 1, 1954, which the number of calendar months after December 31, 1953, in the taxable year of the taxpayer bears to the total number of calendar months in such taxable year.

For the purpose of section 108 (j) and this section, a calendar month only part of which falls within the taxable year (i) shall be disregarded if less than 15 days of such month are included in such taxable year, and (ii) shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

(b) *Estates, trusts, and nonresident alien individuals.* The provisions of section 108 (j) apply to estates, trusts, and nonresident alien individuals subject to tax under sections 11 and 12 and to trusts described in section 421 (b) (2) which are subject to tax under section 421 (a) (2).

(c) *Short taxable years.* The provisions of section 108 (j) apply to a taxable year beginning in 1953 and ending in 1954, whether or not such taxable year is one of less than 12 months. In the case of a taxpayer who is subject to the provisions of section 108 (j) and who because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (j), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (j). However, in the case of a taxpayer who is subject to the provisions of section 108 (j) and who because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(d) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (j) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (j), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

(e) *Certain joint returns.* If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return is a period which begins in 1953 and ends in 1954, the number of calendar months to be taken into account for the purpose of computing the portions of the tentative tax under section 108 (j) (1) and (2) shall be the number of calendar months prior to January 1, 1954, in the taxable year of the surviving spouse, the number of calendar months after December 31, 1953, in the taxable year of the surviving spouse, and the total number of calendar months in the taxable year of the surviving spouse.

(f) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (j), any credit against the tax otherwise imposed by sections 11, 12, 400, and 421 (a) (2), such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (j). However, in those instances in which an individual taxpayer computes a tentative tax under

section 108 (j) by taking into account the optional standard deduction under section 23 (aa), the following credits shall not be allowed: All credits under section 131 with respect to taxes of foreign countries and possessions, and all credits with respect to taxes withheld at the source under section 143 (a), relating to interest on tax-free covenant bonds.

§ 29.108–9 *Computation of tax of corporations for taxable years beginning before April 1, 1954, and ending after March 31, 1954*—(a) *General rule.* For a taxable year beginning before April 1, 1954, and ending after March 31, 1954 (including the calendar year 1954), the normal tax, surtax, and Supplement U normal tax and surtax imposed by sections 13, 15, and 421 (a) (1) upon corporations shall be computed under section 108 (k), as added by the Revenue Act of 1951. The tax shall be an amount equal to the sum of:

(1) That portion of a tentative tax under section 108 (k) (1), computed under the provisions of sections 13 (b) (2) and 15 (b), or section 421 (a) (1), applicable to taxable years beginning on January 1, 1953, which the number of days prior to April 1, 1954, in the taxable year of the taxpayer bears to the total number of days in such taxable year, and

(2) That portion of a tentative tax under section 108 (k) (2), computed under the provisions of sections 13 (b) (3) and 15 (b), or section 421 (a) (1), applicable to taxable years beginning on April 1, 1954, which the number of days after March 31, 1954, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

The tentative normal taxes under section 108 (k) (1) and (2) of a corporation are computed at the rates of 30 percent and 25 percent, respectively, upon its normal-tax net income or upon its Supplement U net income, in the case of a corporation subject to tax under Supplement U. The tentative surtaxes under section 108 (k) (1) and (2) of a corporation are computed upon its corporation surtax net income or Supplement U net income, as the case may be, in excess of $25,000 at the rate of 22 percent.

(b) *Computation of normal-tax net income and corporation surtax net income in special cases*—(1) *In general.* In computing the tentative taxes under section 108 (k) (1) and (2), the amount of the net income and the amount of the adjusted net income of the corporation are not recomputed and remain unchanged. However, the credits provided in section 26 (b), (h), and (i) may differ in computing the several tentative taxes. Thus, in the case of a Western Hemisphere trade corporation, or a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, or any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, the amount of the normal-tax net income and the amount of the corporation surtax net income for the first tentative tax computation differ from such amounts for the second tentative tax computation. See subparagraphs (2), (3), and (4) of this paragraph.

(2) *Western Hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (k) (1), with the allowance of the 27-percent credit provided in section 26 (i) applicable to a taxable year beginning on January 1, 1953, and, for the purpose of the tentative tax computation under section 108 (k) (2), with the allowance of the 30-percent credit provided in section 26 (i) applicable to a taxable year beginning on April 1, 1954.

(3) *Public utilities paying dividends on preferred stock.* In the case of a public utility corporation which has paid dividends on its preferred stock with respect to which the credit for dividends paid provided in section 26 (h) is allowable, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (k) (1), with the allowance of the 27-percent credit provided in section 26 (h) applicable to a taxable year beginning on January 1, 1953, and, for the purpose of the tentative tax computation under section 108 (k) (2), with the allowance of the 30-percent credit provided in section 26 (h) applicable to a taxable year beginning on April 1, 1954.

(4) *Corporations receiving dividends on preferred stock of public utility.* In the case of any corporation which has received dividends on the preferred stock of a domestic public utility corporation with respect to which the credit provided in section 26 (h) is allowable to the distributing corporation, its normal-tax net income and corporation surtax net income are determined, for the purpose of the tentative tax computation under section 108 (k) (1), with the allowance of the 62-percent credit provided in section 26 (b) (2) with respect to such dividends received, and, for the purpose of the tentative tax computation under section 108 (k) (2), with the allowance of the 59-percent credit provided in section 26 (b) (2) with respect to such dividends received.

(c) *Classes of corporations excluded from operation of section 108 (k).* The provisions of section 108 (k) do not apply to an insurance company subject to Supplement G, a regulated investment company subject to Supplement Q, or a foreign corporation not engaged in trade or business within the United States other than such a corporation subject to Supplement U.

(d) *Short taxable years.* The provisions of section 108 (k) apply to a taxable year beginning before April 1, 1954, and ending after March 31, 1954, whether or not such taxable year is one of less than 12 months. In the case of a taxpayer which is subject to the provisions of section 108 (k) and which because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computations under section 108 (k), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (k). However, in the case of a taxpayer which is subject to the provisions of section 108 (k) and which because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income for the purpose of section 108 (k) shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

(e) *Alternative tax under section 117 (c).* In any case in which a taxpayer subject to the provisions of section 108 (k) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (k), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

(f) *Credits against tax.* In the case of a taxpayer subject to the provisions of section 108 (k), any credit against the tax otherwise imposed by sections 13, 15, and 421 (a) (1), such as the credit for taxes paid to a foreign country or possession of the United States under section 131, shall be deducted from, and any limitation in such credit shall be based upon, the tax computed under section 108 (k).

(g) *Example.* This section may be illustrated by the following example:

Example. The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i), and which is not subject to tax under Supplement U), makes its income tax returns on the basis of the calendar year. For the calendar year 1954, the A Corporation has net income of $100,000, which does not include any interest on United States obligations or dividends on stock of foreign corporations. The net income includes cash dividends received from a domestic corporation other than a public utility (allowable as a credit under section 26 (b) (1)) in the amount of $10,000, and cash dividends received from a domestic public utility corporation on its preferred stock (with respect to which a credit is allowable to the public utility under section 26 (h)) in the amount of $5,000. The normal tax and surtax of the A Corporation for the calendar year 1954 are $23,218.12 and $13,972.86, respectively, computed as follows:

(i) *Computation of tentative taxes provided in section 108 (k) (1).*

NORMAL TAX AND SURTAX

1. Net income		$100,000.00
2. Less credit under sec. 26 (b) (1) for dividends received from domestic corporation other than dividends with respect to which credit is allowable under sec. 26 (h) (85 percent of $10,000)	$8,500.00	
3. Less credit under sec. 26 (b) (2) for dividends received with respect to which credit is allowable under sec. 26 (h) (62 percent of $5,000)	3,100.00	
		11,600.00
4. Normal-tax net income and corporation surtax net income		88,400.00
5. Normal tax (30 percent of item 4)		26,520.00
6. Surtax (22 percent of $63,400, the excess of $88,400 over $25,000)		13,948.00

(ii) *Computation of tentative taxes provided in section 108 (k) (2).*

NORMAL TAX AND SURTAX

7. Net income		$100,000.00
8. Less credit under sec. 26 (b) (1) (85 percent of $10,000)	$8,500.00	
9. Less credit under sec. 26 (b) (2) (59 percent of $5,000)	2,950.00	
		11,450.00
10. Normal-tax net income and corporation surtax net income		88,550.00
11. Normal tax (25 percent of item 10)		22,137.50
12. Surtax (22 percent of $63,550, the excess of $88,550 over $25,000)		13,981.00

(iii) *Computation of normal tax and surtax for calendar year 1954.*

13. Number of days in taxable year prior to Apr. 1, 1954		90
14. Number of days in taxable year after Mar. 31, 1954		275
15. Total number of days in taxable year		365

NORMAL TAX

16. Tentative normal tax computed in (i)	$26,520.00	
17. 90/365ths of $26,520		6,539.18
18. Tentative normal tax computed in (ii)	$22,137.50	
19. 275/365ths of $22,137.50		16,678.94
20. Total normal tax		23,218.12

SURTAX

21. Tentative surtax computed in (i)	$13,948.00	
22. 90/365ths of $13,948		3,439.23
23. Tentative surtax computed in (ii)	$13,981.00	
24. 275/365ths of $13,981		10,533.63
25. Total surtax		13,972.86

PAR. 4. There is inserted immediately preceding § 40.430–1 the following:

SEC. 131. FISCAL YEAR TAXPAYERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Computation of excess profits tax.* Subsection (b) of section 430 (relating to computation of excess profits tax in the case of certain taxable years) is hereby amended to read as follows:

(b) *Certain taxable years beginning before 1951*—(1) *Taxable years ending before April 1, 1951.* In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, and before April 1, 1951, the tax imposed by subsection (a) shall be an amount equal to that portion of a tentative tax computed under the provisions of subsection (a) applicable to taxable years ending on December 31, 1950, which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year.

(2) *Taxable years ending after March 31, 1951.* In the case of a taxable year (other than a taxable year beginning on January 1, 1951, and ending on December 31, 1951) beginning before April 1, 1951, and ending after March 31, 1951, the tax imposed by subsection (a) shall be an amount equal to the sum of—

(A) That portion of a tentative tax, computed under the provisions of subsection (a) applicable to taxable years ending on December 31, 1950, which the number of days in such taxable year after June 30, 1950, and before April 1, 1951, bears to the total number of days in such taxable year, plus

(B) That portion of a tentative tax, computed under the provisions of subsection (a) applicable to taxable years beginning on April 1, 1951, which the number of days in such taxable year after March 31, 1951, bears to the total number of days in such taxable year.

* * * * * * *

PAR. 5. Section 40.430–2 (b) is amended to read as follows:

(b) *Taxable years beginning before April 1, 1951 (other than the calendar year 1951)*—(1) *Taxable years beginning before July 1, 1950, and ending after June 30, 1950, and before April 1, 1951.* In the case of any taxable year which begins before July 1, 1950, and ends after June 30, 1950, and before April 1, 1951 (including the calendar year 1950), the excess profits tax will be an amount which is proportionate to the part of the year falling after June 30, 1950. The tax will be an amount equal to that portion of a tentative tax, computed under the provisions of section 430 (a) and paragraph (a) of this section applicable to the taxable year, which the number of days in the taxable year after June 30, 1950, bears to the total number of days in such year. Thus, in the case of the calendar year 1950, the tax will be 184/365ths of the tentative tax computed under paragraphs (a) (1) (i) and (ii) and (a) (2) of this section. In computing the tentative tax under section 430 (b) (1) and this paragraph for a taxable year other than the calendar year 1950, the tax which would be imposed under sections 13, 14, and 15 shall, for the purposes of section 430 (a) (2) (A) and of (a) (1) (ii) of this section, be determined subject to the provisions of section 108 (f) (1) and (2), relating to fiscal year taxpayers, and subject to the provisions of section 141 (c), relating to consolidated returns, if applicable.

(2) *Taxable years beginning before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951).* In the case of any taxable year which begins before April 1, 1951, and ends after March 31, 1951 (other than the calendar year 1951), the excess profits tax will be an amount equal to the sum of:

(i) That portion of a tentative tax, computed under the provisions of section 430 (a) and paragraph (a) of this section applicable to taxable years ending before April 1, 1951, which the number of days in the taxable year after June 30, 1950, and before April 1, 1951, bears to the total number of days in such year, and

(ii) That portion of a tentative tax, computed under the provisions of section 430 (a) and paragraph (a) of this section applicable to taxable years beginning on April 1, 1951, which the number of days in the taxable year after March 31, 1951, bears to the total number of days in such taxable year.

In computing the tentative tax under section 430 (b) (2) (A) and subdivision (i) of this subparagraph, the tax which would be imposed under sections 13, 14, and 15 shall, for purposes of section 430 (a) (2) (A) and of paragraph (a) (1) (ii) of this section, be determined subject to the provisions of section 108 (f) or (g), whichever is applicable to the taxable year, and subject to the provisions of section 141 (c), relating to consolidated returns, if applicable.

[F. R. Doc. 52–11338; Filed, Oct. 17, 1952; 8:54 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Part I of Regulations 130 (26 CFR Part 40) to sections 325, 502 through 512, 520, 522, and 602 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.433 (a)–1 the following:

SEC. 502. PAYMENTS FROM FOREIGN SOURCES FOR TECHNICAL ASSISTANCE, ETC. (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 433 (a) (1).* Section 433 (a) (1) (relating to excess profits net income for taxable years ending after June 30, 1950) is hereby amended by adding at the end thereof the following new subparagraph:

(R) *Payments from foreign sources for technical assistance, etc.* In the case of a domestic corporation which renders to a related foreign corporation technical assistance, engineering services, scientific assistance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the renumeration for such services or assistance if such remuneration constitutes income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For the purpose of this subparagraph, a foreign corporation shall be considered to be a "related foreign corporation" if the domestic corporation at the time it renders such serv-

ices or assistance owns 10 per centum or more of the outstanding stock of such foreign corporation.

• • • • •

SEC. 503. ELECTION WITH RESPECT TO CERTAIN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Amendment of section 433 (a) (1).* Section 433 (a) (relating to adjustments in excess profits net income for the taxable year) is hereby amended by adding the following new subparagraph at the end thereof:

(S) *Interest on certain government obligations.* For adjustment in the case of a taxpayer making an election provided in section 440 (c), relating to dealers in certain Government obligations, see section 440 (c).

• • • • •

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • the amendements made by this title (including sections 502 and 508) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.433 (a)–2. as amended by Treasury Decision 5885, approved February 21, 1952, is further amended by adding at the end thereof the following new paragraphs (r) and (s):

(r) (1) Section 433 (a) (1) (R) provides that there shall be excluded, in computing excess profits net income, any income accrued or received by a domestic corporation which constitutes remuneration to such domestic corporation for the rendering of technical assistance, engineering services, scientific assistance, or similar services to a related foreign corporation. The services or assistance rendered by the domestic corporation must be related to the production or improvement of products of the type manufactured by the domestic corporation. The remuneration, in addition, must constitute income from sources without the United States. Any deductions which are connected with or properly allocable to the rendering of such services or assistance shall not be allowed in computing excess profits net income.

(2) Any remuneration accrued or received by a domestic corporation shall not be excluded, however, in the case of a domestic corporation whose principal business consists of the furnishing of technical assistance or services. The term "related foreign corporation", for the purpose of section 433 (a) (1) (R) and of subparagraph (1) of this paragraph means a foreign corporation 10 percent or more in value of the outstanding stock of which is owned by the domestic corporation at the time the domestic corporation renders such services or assistance. The determination whether any remuneration constitutes income derived from sources without the United States shall be made in accordance with the provisions and principles of section 119 and the regulations thereunder.

(3) There shall not be excluded under section 433 (a) (1) (R) and subparagraph (1) of this subparagraph any income which in substance represents payments for the use of assets, royalties for the use of patents, fees for the use of copyrights or other licenses, or other similar payments. The income to be excluded shall be the income derived from imparting technical or management knowledge or skill for the production or improvement of certain products, but shall not include any income derived from the license or sale of the right to produce a product or to use a certain method of production. Thus, there may be excluded remuneration received by the domestic corporation for the services of an engineer to instruct the personnel of the related foreign corporation or to establish or improve production techniques, and for the equipment used by such engineer in connection with the rendering of such services, but there shall not be excluded any income received for the use of equipment to produce the products of the related foreign corporation. If the remuneration of the domestic corporation consists of elements of more than one type of income, only that part of the remuneration which is clearly identified as being attributable to the activities described in section 433 (a) (1) (R) shall be excluded in computing excess profits net income.

(s) For adjustment in the case of a taxpayer making the election provided in section 440 (c), relating to dealers in certain Government obligations, see section 440 (c) and § 40.440–1 (g) (2).

PAR. 3. There is inserted immediately preceding § 40.433 (b)–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(e) *Conforming amendments.* (1) Section 433 (relating to computation of excess profits net income) is hereby amended by inserting at the end thereof the following new subsection:

(d) *Gain or loss upon certain disposals of coal in base period.* For the purpose of subsection (b), the excess profits net income shall be computed as if the provisions of section 117 (j) and (k) (2) which relate to disposals of coal were a part of the law applicable to the taxable year for which excess profits net income is computed.

• • • • •

(3) The amendments made by this subsection shall be applicable in computing the tax under subchapter D of chapter 1 for taxable years ending after December 31, 1950.

• • • • •

SEC. 502. PAYMENTS FROM FOREIGN SOURCES FOR TECHNICAL ASSISTANCE, ETC. (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Amendment of section 433 (b).* Section 433 (b) (relating to taxable years in base period) is hereby amended by adding at the end thereof the following new paragraph:

(16) *Payments from foreign sources for technical assistance, etc.* In the case of a domestic corporation which rendered to a related foreign corporation technical assistance, engineering services, scientific assistance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the remuneration for such services or assistance if such remuneration constituted income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For the purpose of this paragraph, a foreign corporation shall be considered to be a "related foreign corporation" if the domestic corporation at the time it rendered such services or assistance owned 10 per centum or more of the outstanding stock of such foreign corporation.

SEC. 508. ELECTION WITH RESPECT TO CERTAIN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(c) *Amendment of section 433 (b).* Section 433 (b) (relating to adjustments in excess profits net income for taxable years in base period) is hereby amended by adding at the end thereof the following new paragraph:

(17) *Interest on certain government obligations.* For adjustment in the case of a taxpayer making an election provided in section 440 (c), relating to dealers in certain Government obligations, see section 440 (c).

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • the amendments made by this title (including sections 502 and 508) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 4. Section 40.433 (b)–2 is amended by striking from the second sentence of paragraph (a) of such section "and (8) the adjustment to income in the case of life insurance companies." and by inserting in lieu thereof the following: "(8) the adjustment to income in the case of life insurance companies, (9) the adjustment for payments from foreign sources for technical assistance, etc., and (10) the adjustment for interest on certain Government obligations (see § 40.440–1 (g) (2)). For the purpose of computing the tax for taxable years ending after December 31, 1950, excess profits net income shall be computed as if the provisions of section 117 (j) and (k) (2) which relate to disposals of coal were a part of the law applicable to the taxable year for which the excess profits net income is being computed."

PAR. 5. There is inserted immediately preceding § 40.435–1 the following:

SEC. 503. AVERAGE BASE PERIOD NET INCOME IN CASE OF CERTAIN FISCAL YEAR TAXPAYERS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 435 (d) (relating to the general average method for the computation of average base period net income) is hereby amended by adding at the end thereof the following: "For the purpose of the computations under this subsection in the case of a taxpayer whose first taxable year under this subchapter is a taxable year which either began before January 1, 1950, or was preceded by a taxable year beginning before January 1, 1950, and ending after March 31, 1950, there shall be substituted for the base period of the taxpayer the period of 48 consecutive months ending March 31, 1950, if such substitution produces a lesser tax under this subchapter for the taxable year for which the tax is being computed. In computing the average base period net income for such substituted period, the excess profits net income for January, February, and March of 1950 shall be computed by use of the 'weighted excess profits net income', as defined in section 435 (e) (2) (E), for the taxable year in which such months fall."

SEC. 504. AVERAGE BASE PERIOD NET INCOME—ALTERNATIVE BASED ON GROWTH IN CASE OF NEW CORPORATIONS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *General rule.* Section 435 (e) (1) (relating to the alternative based on growth) is hereby amended by striking out the phrase "the beginning of its base period" and inserting in lieu thereof the following: "the end of its base period."

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SEC. 505. AVERAGE BASE PERIOD NET INCOME—ALTERNATIVE BASED ON GROWTH (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 435 (e) (2) (G) (relating to the alternative based on growth) is hereby amended by striking out the word "only".

SEC. 506. ADJUSTMENTS FOR CHANGES IN INADMISSIBLE ASSETS IN CASE OF BANKS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 435 (g).* Section 435 (g) (relating to net capital addition or reduction) is hereby amended by redesignating paragraph (8) as paragraph (11) and by adding after paragraph (7) the following new paragraph:

(8) *Adjustments for changes in inadmissible assets in case of banks. In the case of a bank (as defined in section 104).* (A) If the increase in total assets for the taxable year exceeds the net capital addition computed without regard to the adjustment under paragraph (1) for an increase in inadmissible assets, then the net capital addition for the taxable year shall not be less than the excess of—

(i) The amount determined under the first sentence of paragraph (1) over

(ii) An amount which bears the same ratio to the increase in inadmissible assets for the taxable year, determined under paragraph (5), as the amount computed under such first sentence bears to the increase in total assets for the taxable year.

(B) If the decrease in total assets for the taxable year exceeds the net capital reduction computed without regard to the adjustment under paragraph (2) for a decrease in inadmissible assets, then the net capital reduction for the taxable year shall not be less than the excess of—

(i) The amount determined under the first sentence of paragraph (2) over

(ii) An amount which bears the same ratio to the decrease in inadmissible assets for the taxable year, determined under paragraph (5), as the amount computed under such first sentence bears to the decrease in total assets for the taxable year.

For the purpose of this paragraph, the increase or decrease in total assets for the taxable year shall be computed in the same manner as the increase or decrease in inadmissible assets for the taxable year is computed under paragraph (5), except that such computations shall be made with respect to all assets, whether admissible or inadmissible assets as defined in section 440."

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(c) *Amendment of section 435 (f).* Section 435 (f) (relating to capital additions in base period) is hereby amended as follows:

(1) By inserting immediately after the word "reduced" in paragraph (1) thereof the following: "(but not below zero)".

(2) By adding at the end of paragraph (1) thereof the following: "For special rule in the case of banks, see paragraph (6)."

(3) By renumberinng paragraph (6) as paragraph (7), and by adding immediately after paragraph (5) the following new paragraph:

(6) *Yearly base period capital of banks.* In the case of a bank (as defined in section 104), the yearly base period capital for any taxable year shall be determined as follows:

(A) A tentative yearly base period capital shall be computed under paragraph (1) without regard to paragraph (1) (A).

(B) The tentative yearly base period capital so determined shall be reduced by the amount determined under section 440 (b) (relating to inadmissible assets). For the purpose of this subparagraph, the computation under section 440 (b) shall include only the daily amounts (described in such section) for the first day of such taxable year.

(d) *Effective date of subsection (c) (3).* The amendment made by subsection (c) (3) (adding a new paragraph (6) to section 435 (f)) shall be applicable with respect to taxable years beginning on or after the date of the enactment of this act, and, at the election of the taxpayer made in accordance with regulations prescribed by the Secretary, shall be applicable to all taxable years ending after June 30, 1950.

SEC. 507. DECREASE IN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 435 (g) (relating to net capital addition or reduction) is hereby amended as follows:

(a) By adding at the end of paragraph (1) thereof the following: "For further adjustment with respect to the amount determined under the preceding provisions of this paragraph, see paragraph (9)."

(b) By adding immediately after paragraph (8), as added by section 506 of this act, the following new paragraphs:

(9) *Decrease in inadmissible assets.* (A) Except as otherwise provided in subparagraph (B) (relating to banks), the excess of the amount computed under paragraph (2) (A) or (B), whichever is applicable to the taxpayer (whether or not any amount is determined under the first sentence of paragraph (2)), over the amount, if any, computed under the first sentence of paragraph (2) shall be considered the net capital addition for the taxable year or shall be added to the net capital addition otherwise determined under paragraph (1), as the case may be. The amount of the excess so determined shall be subject to the exceptions and limitations provided in paragraph (10).

(B) In the case of a bank (as defined in section 104), the computation under subparagraph (A) shall be made by substituting for the amount computed under paragraph (2) (A) or (B) whichever of the following amounts is the lesser:

(i) An amount which bears the same ratio to the decrease in inadmissible assets as the sum of the equity capital (as defined in section 437 (c)) and the daily borrowed capital (as defined in section 439 (b)), each determined as of the first day of the first taxable year ending after June 30, 1950, bears to the total assets as of the beginning of such day;

(ii) If paragraph (8) (B) is applicable, the amount computed under paragraph (8) (B) (ii).

(10) *Exceptions and limitations for the purpose of paragraph (9).* For the purpose of paragraph (9)—

(A) The adjustment to the decrease in inadmissible assets required under subparagraph (B) of paragraph (2) shall not be greater than 25 per centum of the excess of the net capital reduction computed under the first sentence of paragraph (2) (and computed without regard to the percentage limitations in paragraph (4) (C) and (E)) over the net capital reduction computed under such sentence without regard to paragraph (4) (C) and (E).

(B) The amount determined under paragraph (9) shall not be greater than the excess of the increase in operating assets for the taxable year over the net capital addition (determined without regard to paragraph (9) and determined without regard to the limitation to 75 per centum provided in paragraph (3) (C) and paragraph (4) (C) and (E)). For the purpose of the preceding sentence, the increase in operating assets for the taxable year shall be determined in the same manner as the increase in inadmissible assets for the taxable year is determined under paragraph (5). For the purpose of such determination, the term "operating assets" means—

(i) Property used in the taxpayer's trade or business within the meaning of section 117 (j) (1) except that such property need not be held more than six months, and

(ii) Stock in trade or other property of a kind which would properly be includible in the inventory of the taxpayer if owned at the close of the taxable year, and property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business,

except any such assets which constitute inadmissible assets, stock, securities, or intangible property (such intangible property not being limited to the property described in section 441 (i)).

(C) The amount determined under paragraph (9) shall be subject to reduction to the extent that the Secretary determines that the increase in operating assets is a result, directly or indirectly, of an increase in indebtedness of the taxpayer (other than indebtedness which constitutes borrowed capital).

SEC. 509. ALTERNATIVE AVERAGE BASE PERIOD NET INCOME (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

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(b) *Technical amendments.* (1) Section 435 (f) (3) (relating to capital addition in the base period) is hereby amended by inserting immediately after the words "under section 442 (c) (1)", wherever appearing therein, the following: "or under section 442 (h)".

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SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [sections 501 through 523] shall be applicable only with respect to taxable years ending after June 30, 1950.

SEC. 602. EXCESS PROFITS CREDIT BASED ON INCOME (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Percentage of average base period net income taken into account*—(1) *In general.* Paragraph (1) (A), and paragraph (2), of section 435 (a) (relating to excess profits credit based on income) are each amended by striking out "85 per centum" and inserting in lieu thereof "83 per centum".

(2) *Taxable years beginning before July 1, 1951, and ending after June 30, 1951.* Section 435 (a) is hereby amended by adding at the end thereof the following new paragraphs:

(4) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, there shall be used, for the purposes of paragraph (1) (A) and paragraph (2), in lieu of 85 per centum of the average base period net income, an amount equal to 84 per centum of the average base period net income.

(5) *Taxable years (other than calendar year 1951) beginning before July 1, 1951, and ending after June 30, 1951.* In the case of any taxable year (other than a taxable year described in paragraph (4)) beginning before July 1, 1951, and ending after June 30, 1951, there shall be used, for the purposes of paragraph (1) (A) and paragraph (2), in lieu of 85 per centum of the average base period net income, an amount equal to the sum of—

(A) That portion of an amount equal to 85 per centum of the average base period net income which the number of days in such taxable year prior to July 1, 1951, bears to the total number of days in such taxable year, plus

(B) That portion of an amount equal to 83 per centum of the average base period net income which the number of days in such taxable year after June 30, 1951, bears to the total number of days in such taxable year.

(b) *Effective date.* The amendments made by subsection (a) shall be applicable only

with respect to taxable years ending after June 30, 1951.

PAR. 6. Section 40.435–1 is amended as follows:

(A) By changing paragraph (a) of such section to read as follows:

(a) *Introductory.* (1) In order for a corporation to determine for any particular taxable year the amount of its excess profits credit based on income, it is necessary first to compute the amount of the average base period net income. The first item in determining the excess profits credit based on income is an amount equal to a percentage of such average base period net income. See subparagraph (2) of this paragraph and section 435 (a) for the percentage applicable to the taxable year for which the credit is being computed. Two methods are provided in section 435 for determining the average base period net income: (i) The general average method set forth in section 435 (d) and in paragraph (d) of this section, and (ii) the alternative method set forth in section 435 (e) applicable to certain taxpayers whose growth entitles them to the benefits of a method provided in such section, if such method results in a lesser excess profits tax.

(2) With respect to the particular taxable years indicated, the following percentages of average base period net income shall be taken into account as the first item in determining the amount of the excess profits credit based on income:

(i) 85 percent in the case of a taxable year ending after June 30, 1950, and not ending after June 30, 1951.

(ii) 84 percent in the case of a taxable year which is the calendar year 1951.

(iii) 83 percent in the case of a taxable year beginning after June 30, 1951.

(iv) In the case of any taxable year (other than a taxable year which is the calendar year 1951) beginning before July 1, 1951, and ending after June 30, 1951, there shall be used an amount equal to the sum of:

(*a*) That portion of an amount equal to 85 percent of the average base period net income which the number of days in such taxable year prior to July 1, 1951, bears to the total number of days in such taxable year, plus

(*b*) That portion of an amount equal to 83 percent of the average base period net income which the number of days in such taxable year after June 30, 1951, bears to the total number of days in such taxable year.

(B) By changing paragraph (d) of such section to read as follows:

(d) *Computation under general average method.* (1) The following steps are required for the computation of the average base period net income under the general average method:

(i) The excess profits net income is determined for each month during which the taxpayer was in existence during the base period. This amount is determined for any month during any part of which the taxpayer was in existence by dividing the excess profits net income (computed in accordance with the provisions of section 433 (b)) for the taxable year in which such month falls by the number of full calendar months in such taxable year. In no case shall the excess profits net income for any month be less than zero. The excess profits net income for any month during no part of which the taxpayer was in existence shall be zero.

(ii) The 36 months which produce the highest aggregate excess profits net income are selected under either of two methods: (*a*) The 12 consecutive months having the lowest aggregate excess profits net income may be eliminated; or (*b*) the 36 consecutive months having the highest aggregate excess profits net income may be retained.

(iii) The excess profits net income for each of the 36 months selected under subdivision (ii) of this subparagraph is aggregated.

(iv) The aggregate amount computed under subdivision (iii) of this subparagraph is divided by 3.

(2) A taxpayer which had a taxable year beginning in 1949 and ending after March 31, 1950, may compute an average base period net income under the general average method described in subparagraph (1) of this paragraph either for its base period as defined in section 435 (b) and in (b) of this section or for a substituted period consisting of 48 consecutive months ending March 31, 1950, whichever period produces the lesser excess profits tax for the taxable year. In computing the average base period net income for such substituted period, the excess profits net income for January, February, and March of 1950 shall be a "weighted excess profits net income", as defined in section 435 (e) (2) (E) and in § 40.435–5 (b), for the taxable year in which such months fall.

(3) A taxpayer having a taxable year beginning in 1949 and ending after March 31, 1950, shall indicate on Schedule EP–2 (Form 1120) which period is used in the computation of its average base period net income. A taxpayer may use the substituted 48-month period for the purpose of determining its unused excess profits credit adjustment as defined in section 432 (b) but shall use the base period as defined in section 435 (b) and in paragraph (b) of this section for the purpose of any other computation under Subchapter D of this chapter. For example, the base period and not the substituted 48-month period shall be used for the purpose of any reference in section 442 to 435 (d).

PAR. 7. Section 40.435–4 is amended as follows:

(A) By striking out the phrase "the beginning of its base period" wherever appearing therein (such phrase appearing in the first sentence of paragraphs (a), (b) and (c) of such section) and inserting in lieu thereof the following: "the end of its base period".

(B) By inserting at the end of such section the following paragraph (d):

(d) *Corporations commencing business during base period.* In the case of a corporation which commenced business during its base period, total payroll, gross receipts, net sales, and excess profits net income, for any portion of its base period during which it was not in existence, will be taken into account under section 435 (e) at zero. A corporation not in existence on the first day of its base period would, unless it is a member of an affiliated group for its first taxable year ending after June 30, 1950, automatically satisfy the total assets requirement of section 435 (e) (1) (A) (i) and of paragraph (b) of this section since its total assets as of the first day of its base period would be zero.

PAR. 8. Section 40.435–5 is amended by striking from paragraph (a) (7) thereof the phrase "and does not qualify under the general requirements for the alternative based on growth (see § 40.435–4 (b))".

PAR. 9. Section 40.435–6 is amended as follows:

(A) By adding at the end of paragraph (a) of such section the following subparagraph (5):

(5) For special rules applicable in the case of a bank, see paragraph (e) of this section and section 435 (f) (6).

(B) By inserting in the third sentence of paragraph (b) (1) of such section immediately after the words "Such sum shall be reduced" the following: "(but not below zero)".

(C) By inserting at the end of paragraph (d) of such section the following paragraph (d) (3) and paragraph (e):

(3) If the taxpayer computes an average base period net income by reference to section 442 (h), the rules stated in subdivisions (i) through (iii) of subparagraph (2) of this paragraph without regard to the 110 percent qualification therein, shall be applicable in determining the base period capital addition.

(e) *Yearly base period capital of banks.* (1) For the purpose of computing the tax for taxable years beginning on or after October 20, 1951, the adjustment to the yearly base period capital for inadmissible assets in the case of a bank, as defined in section 104, must be made under section 435 (f) (6) which provides a proportionate adjustment with respect to such assets. The yearly base period capital shall be determined under such section as follows:

(i) A tentative yearly base period capital shall be computed under section 435 (f) (1), without any reduction under section 435 (f) (1) (A) for inadmissible assets.

(ii) The amount determined under subdivision (i) of this subparagraph shall be reduced by an amount which bears the same ratio to the amount determined under subdivision (i) of this subparagraph as the ratio which the total of the inadmissible assets bears to the total of admissible and inadmissible assets, each such total being determined only by reference to the daily amounts of admissible and inadmissible assets for the first day of the taxable year for which yearly base period capital is determined. See section 440 (b) and § 40.440–1.

(2) A taxpayer using the adjustment for inadmissible assets provided in section 435 (f) (6) shall so indicate on Schedule EP–2 (A) (Form 1120) and shall file with, and as a part of, its return a schedule showing the computation of its base period capital addition pursuant to such section. In the case of a taxpayer making the election described in subparagraph (3) of this paragraph such schedule shall be filed for all taxable years beginning before October 20, 1951, and shall be filed with the election.

(3) If the taxpayer elects by a statement attached to its return for a taxable year beginning before October 20, 1951, the adjustment for inadmissible assets under section 435 (f) (6) shall be applicable in the computation of its excess profits tax for all taxable years beginning before October 20, 1951. In the case of a taxpayer electing to use such adjustment for a taxable year beginning before October 20, 1951, for which a return has been filed, such election shall be made in writing and shall be filed with and as a part of an amended return, or, if made in connection with a claim for credit or refund, with and as a part of such claim. An election once made shall be irrevocable and shall apply to the computation of the tax for all taxable years beginning before October 20, 1951. In such case, section 435 (f) (6) is applicable in computing the yearly base period capital of each taxable year involved in determining the base period capital addition.

PAR. 10. Section 40.435–7 is amended as follows:

(A) By redesignating subparagraph (5) in paragraph (a) of such section as subparagraph (6) and by adding after subparagraph (4) thereof the following subparagraph (5):

(5) For special rules for changes in inadmissible assets in the case of banks, see section 435 (g) (8) and paragraph (f) of this section.

(B) By inserting at the end of paragraph (b) of such section the following subparagraph (4):

(4) For further adjustment with respect to the amount of the net capital addition, as determined above, by reason of a decrease in inadmissible assets, see section 435 (g) (9) and paragraph (g) of this section.

(C) By adding at the end of such section the following paragraphs (f) and (g):

(f) *Adjustment for changes in inadmissible assets in the case of banks.* (1) In the case of a bank, as defined in section 104, a limitation on the adjustment to the net capital addition for an increase in inadmissible assets is required under section 435 (g) (8) (A). This limitation shall be applicable where the increase in total assets for the taxable year (as determined under subparagraph (3) of this paragraph) exceeds the net capital addition computed without regard to any adjustments for an increase in inadmissible assets. In such a case, the amount of the adjustment for inadmissible assets shall not be greater than an amount which bears the same ratio to the increase in inadmissible assets for the taxable year as the amount of the net capital addition, computed without adjustment for such increase, bears to the increase in total assets for the taxable year.

(2) In the case of a bank, a limitation on the net capital reduction for a decrease in inadmissible assets is required under section 435 (g) (8) (B). This limitation shall be applicable where the decrease in total assets for the taxable year (as determined under subparagraph (3) of this paragraph) exceeds the net capital reduction for such year computed without regard to any adjustments for a decrease in inadmissible assets. In such a case, the amount of the adjustment for inadmissible assets shall not be greater than an amount which bears the same ratio to the decrease in inadmissible assets for the taxable year as the amount of the net capital reduction, computed without adjustment for such decrease, bears to the decrease in total assets for the taxable year.

(3) For the purpose of subparagraphs (1) and (2) of this paragraph, total assets shall include all assets, whether admissible or inadmissible assets as defined in section 440, and total assets as of any time shall be determined in accordance with the rules for determining assets set forth in § 40.437–5 (b). An increase or decrease in inadmissible assets for the taxable year shall be determined under section 435 (g) (5). See paragraphs (d) and (e) of this section. An increase or decrease in total assets shall also be determined under section 435 (g) (5) as if that section had reference to all assets held by the taxpayer, whether admissible or inadmissible assets as defined in section 440.

(4) A taxpayer required to apply the limitation on the adjustment for changes in inadmissible assets provided in section 435 (g) (8) shall so indicate on Schedule EP–2 (B) (Form 1120) and shall attach thereto a separate schedule showing the computations under such section.

(g) *Decrease in inadmissible assets*—(1) *In general.* A net capital addition for the taxable year may be allowed, or the amount otherwise determined under section 435 (g) (1) and under paragraph (d) of this section may be increased, in certain cases described in section 435 (g) (9) where a decrease in inadmissible assets (in excess of the net capital reduction, if any) is accompanied by a corresponding increase in operating assets. For this purpose, an increase in operating assets is taken into account only to the extent that it exceeds the net capital addition as adjusted under section 435 (g) (10) (B). The term "operating assets" means (i) property used in the taxpayer's trade or business within the meaning of section 117 (j) (1) determined without regard to any holding period specified in such section, and (ii) stock in trade or other property of a kind which would properly be includible in the inventory of the taxpayer if owned at the close of the taxable year, and property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business. Such term does not include cash, inadmissible assets, stock, securities, or intangible property, whether or not such intangible property is described in section 441 (i). Section 435 (g) (9) sets forth two rules for the computation of the addition to the income credit under such section, one of which is applicable in the case of a taxpayer other than a bank, as defined in section 104, and the other of which is applicable in the case of such a bank.

(2) *Taxpayers other than banks.* In the case of a taxpayer other than a bank (as defined in section 104), the following steps are required under section 435 (g) (9) and (10) in order to determine the amount of the net capital addition for the taxable year, or the amount to be added to the net capital addition determined under section 435 (g) (1), as the case may be:

(i) There is determined the excess of the total of the inadmissible assets, as defined in section 440 (b), for the first day of the taxpayer's first taxable year ending after June 30, 1950, over the total of the daily amounts attributable to the inadmissible assets for the taxable year, divided by the number of days in such year.

(ii) There is determined the excess, if any, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year. See paragraphs (b) and (c) of this section.

(iii) The excess of the amount computed under subdivision (i) of this subparagraph over the amount, if any, computed under subdivision (ii) of this subparagraph is determined. Where the amount computed under subdivision (i) of this subparagraph exceeds the amount, if any, computed under subdivision (ii) of this subparagraph without regard to section 435 (g) (4) (C) and (E), relating to a decrease in borrowed capital and to an increase in loans to members of a controlled group of corporations of which the taxpayer is a member, the amount computed under subdivision (i) of this subparagraph may be reduced. In such a case the amount computed under subdivision (i) of this subparagraph shall be reduced by 25 percent of the excess, if any, of—

(*a*) An amount computed under subdivision (ii) of this subparagraph by using 100 percent, in lieu of 75 percent, of the amounts determined under section 435 (g) (4) (C) and (E), over

(*b*) An amount computed under subdivision (ii) of this subparagraph without regard to section 435 (g) (4) (C) or (E).

(iv) There is determined the excess of the total of the daily amounts attributable to operating assets for the taxable year, divided by the number of days in such year, over the total amount of such assets for the first day of the taxpayer's first taxable year ending after June 30, 1950. For this purpose the adjusted basis of such assets for determining gain upon sale or exchange shall be used.

(v) The net capital addition, if any, under section 435 (g) (1) is recomputed without regard to the percentage limitations under section 435 (g) (3) (C), relating to an increase in borrowed capital, and under section 435 (g) (4) (C) and (E), relating to a decrease in borrowed capital and to an increase in loans to members of a controlled group of corpo-

rations of which the taxpayer is a member.

(vi) The amount to be added to the net capital addition, or the amount which shall be considered the net capital addition, as the case may be, is whichever of the following amounts is the lesser—

(*a*) The amount determined under subdivision (iii) of this subparagraph, or

(*b*) The excess of the amount determined under subdivision (iv) of this subparagraph over the amount determined under subdivision (v) of this subparagraph.

(3) *Special rule in the case of a bank.* In the case of a bank (as defined in section 104), the adjustment for a decrease in inadmissible assets shall be determined as provided in subparagraph (2) of this paragraph except that in lieu of the amount computed under subparagraph (2) (i) of this paragraph there shall be substituted whichever of the following amounts is the lesser (and such amounts shall not be adjusted under the second and third sentences of subparagraph (2) (iii) of this paragraph):

(i) An amount which bears the same ratio to the amount determined under subparagraph (2) (i) of this paragraph as the sum of the equity capital, as defined in section 437 (c), and the daily borrowed capital, as defined in section 439 (b), each determined as of the first day of the first taxable year ending after June 30, 1950, bears to the total assets (determined as provided in section 435 (g) (8)) as of the beginning of such day, or

(ii) If the decrease in total assets for the taxable year exceeds the net capital reduction, computed without regard to adjustments for a decrease in inadmissible assets, the amount computed under section 435 (g) (8) (B) (ii). See paragraph (f) (2) of this section.

(4) *Special rules applicable to the section 435 (g) (9) adjustment.* The adjustment to the net capital addition for a decrease in inadmissible assets provided in section 435 (g) (9) shall be subject to reduction in any case in which the Commissioner determines that the increase in operating assets is the direct or indirect result of an increase in indebtedness of the taxpayer, other than indebtedness which constitutes borrowed capital as defined in section 439 (b). This limitation may be applied, for example, in a case where the addition to operating assets is accompanied by increased open account indebtedness to a member of a controlled group, as defined in section 435 (g) (6). A taxpayer computing a net capital addition by reference to section 435 (g) (9) shall attach to Schedule EP–2 (B) (Form 1120) a schedule showing the computation under such section and shall include a statement of its operating assets.

PAR. 11. There is inserted immediately preceding § 40.438–1 the following:

SEC. 506. ADJUSTMENTS FOR CHANGES IN INADMISSIBLE ASSETS IN CASE OF BANKS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of section 438.* Section 438 (relating to new capital credit changes) is hereby amended by adding after subsection (f) the following new subsection:

(g) *Adjustments for inadmissible assets in case of banks.* In the case of a bank (as defined in section 104), if the increase in total assets for the taxable year (determined in the manner provided in the last sentence of section 435 (g) (8)) exceeds the net new capital addition computed without regard to the adjustment under subsection (b) for an increase in inadmissible assets, then the net new capital addition for the taxable year shall not be less than the excess of the amount determined under the first sentence of subsection (b) over an amount which bears the same ratio to the increase in inadmissible assets for the taxable year, determined under section 435 (g) (5), as the amount computed under such first sentence bears to such increase in total assets for the taxable year.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 506 (b)) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 12. Section 40.438–4 is amended as follows:

(A) By adding at the end of paragraph (a) of such section the following sentence: "For special rules for changes in inadmissible assets in the case of banks, see section 438 (g) and paragraph (c) of this section."

(B) By adding at the end of such section the following paragraph(s):

(c) *Adjustments for inadmissible assets in the case of banks.* (1) In the case of a bank, as defined in section 104, a limitation on the adjustment to the net new capital addition for an increase in inadmissible assets is required under section 438 (g). This limitation shall be applicable where the increase in total assets (as determined under subparagraph (2) of this paragraph) for the taxable year exceeds the net new capital addition for such year computed without regard to adjustments for an increase in inadmissible assets. In such a case, the amount of the adjustment for inadmissible assets shall not be greater than an amount which bears the same ratio to the increase in inadmissible assets for the taxable year as the amount of the net new capital addition, computed without regard to any adjustment for inadmissible assets, bears to the increase in total assets for the taxable year.

(2) For the purpose of subparagraph (1) of this paragraph, total assets shall include all assets, whether admissible or inadmissible assets as defined in section 440, and total assets as of any time shall be determined in accordance with the rules for determining assets set forth in § 40.437–5 (b). An increase or decrease in inadmissible assets for the taxable year shall be determined under section 435 (g) (5). See paragraphs (d) and (e) of § 40.435–7. An increase or decrease in total assets shall also be determined under section 435 (g) (5) as if that section had reference to all assets held by the taxpayer, whether admissible or inadmissible assets as defined in section 440.

(3) A taxpayer required to apply the limitation on the adjustment for changes in inadmissible assets provided in section 438 (g) shall so indicate on Schedule EP–4 (Form 1120) and shall attach thereto a separate schedule showing the computations under such section.

PAR. 13. There is inserted immediately preceding § 40.440–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(e) *Conforming amendments.*

* * * * *

(2) Section 440 (a) (1) (relating to definition of "inadmissible assets") is hereby amended by striking out "and" at the end of subparagraph (A); by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and by adding at the end thereof the following new subparagraph:

(C) The economic interest referred to in the provisions of section 117 (k) (2) relating to coal if the taxpayer is subject to such provisions with respect to the income from such coal.

(3) The amendments made by this subsection shall be applicable in computing the tax under subchapter D of chapter 1 for taxable years ending after December 31, 1950.

* * *

SEC. 506. ELECTION WITH RESPECT TO CERTAIN INADMISSIBLE ASSETS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 440.* Section 440 (relating to admissible and inadmissible assets) is hereby amended by adding at the end thereof the following new subsection:

(c) *Treatment of Government obligations as admissible assets.* If the taxpayer elects for any taxable year, in accordance with regulations prescribed by the Secretary, to increase its excess profits net income by an amount equal to the amount by which the interest received or accrued during the taxable year on Government obligations exceeds the sum of—

(1) The amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b), and

(2) The amount of the adjustments required for the taxable year under section 22 (o) (relating to adjustment for certain bond premiums), but not in excess of the amount of interest received or accrued during the taxable year on Government obligations to which such section is applicable,

then for the taxable year for which the election is made the term "admissible assets" shall include Government obligations, and the term "inadmissible assets" shall not include Government obligations. For the purpose of applying section 435 to the taxable year for which the election is made, Government obligations shall not be considered "inadmissible assets" in determining original inadmissible assets or yearly base period capital. As used in this subsection the term "Government obligations" means obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income; but such term shall include only such obligations as in the hands of the taxpayer are property described in section 117 (a) (1) (A). For the purpose of determining the excess profits credit for a taxable year for which the election is made, the excess profits net income under section 433 (b) for any taxable year shall include the amount by which the interest received or accrued during such taxable year on Government obligations exceeds the amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b) and, if the taxable year ends after June 30, 1950, the amount with respect to such year described in paragraph (2).

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 508) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 14. Section 40.440–1 is amended as follows:

(A) By inserting at the end of paragraph (a) of such section the following sentence: "For the election in certain cases to treat Government obligations as admissible assets, see section 440 (c) and paragraph (g) of this section."

(B) By striking the first sentence from paragraph (b) of such section and by inserting in lieu thereof the following sentence: "The term 'inadmissible assets' means (1) stock in all corporations, domestic or foreign, except stock in a foreign personal holding company, and except stock which is not a capital asset (such as stock held primarily for sale to customers by a dealer in securities), (2) all obligations described in section 22 (b) (4), any part of the interest from which is excludible from gross income or allowable as a credit against net income, and (3) for the purpose of computing the tax for taxable years ending after December 31, 1950, the economic interest referred to in section 117 (k) (2), relating to coal, if the taxpayer is subject to the provisions of such section with respect to the income from such coal."

(C) By striking from paragraph (c) of such section "section 436 (a) (1) and section 448 (b) (3)" and by inserting in lieu thereof the following: "section 435 (f) (6), section 436 (a) (1), and section 448 (b) (3)".

(D) By striking the last sentence of paragraph (f) of such section and inserting in lieu thereof the following sentence: "The amount so determined is the amount of the reduction referred to in section 436 (a) (1) or section 448 (b) (3), as the case may be. Section 440 (b) similarly applies in determining the amount of the reduction referred to in section 435 (f) (6), except that for such purpose only the daily amounts of admissible and inadmissible assets for the first day of the taxable year are used."

(E) By adding at the end of such section the following paragraph (g):

(g) (1) Section 440 (c) provides that, if the taxpayer makes the election described in that section, its Government obligations described in section 22 (b) (4) to which the election is applicable, any part of the interest from which is excludible from gross income or allowable as a credit against net income, shall be treated as admissible assets. The election under section 440 (c) is applicable to such Government obligations as are not capital assets in the taxpayer's hands and as are stock in trade or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business. In the case of such election, the term "admissible assets" shall include such Government obligations and the term "inadmissible assets" shall not include such obligations. For this purpose, the term "obligations described in section 22 (b) (4)" includes obligations, the discount on which, if issued at a discount, would be treated as interest described in section 22 (b) (4). An election under section 440 (c) shall be made in the manner described in subparagraph (4) of this paragraph.

(2) In the case of a taxpayer making the election under section 440 (c) for any taxable year, the excess profits net income shall be increased by an amount equal to the amount by which the interest received or accrued during the taxable year on the Government obligations to which the election is applicable (see subparagraph (1) of this paragraph) exceeds the sum of:

(i) The amount of interest paid or accrued during such year which is not allowed as a deduction under section 23 (b) and which is properly allocable to the Government obligations to which the election is applicable, and

(ii) The amount of the adjustments required for the taxable year under section 22 (o) (relating to adjustment for certain bond premiums) with respect to the Government obligations to which the election is applicable, but not in excess of the amount of interest received or accrued during the taxable year on such Government obligations.

(3) For the purpose of applying section 435 to the taxable year for which the election is made, the Government obligations to which such election is applicable shall not be considered inadmissible assets in determining yearly base period capital under section 435 (f) (1) or in determining original inadmissible assets under section 435 (g) (5). See §§ 40.435–6 and 40.435–7. For the purpose of determining the excess profits credit for a taxable year for which the election under section 440 (c) is made, the excess profits net income computed under section 433 (b) for any taxable year shall be increased by the excess of the amount of interest received or accrued on such obligations during such taxable year reduced (but not below zero) by the amount of interest paid or accrued during such taxable year which is not allowed as a deduction under section 23 (b) and which is properly allocable to such obligations. In the case of a taxable year ending after June 30, 1950, such interest shall further be reduced by the amount of the adjustment required under section 22 (o) (relating to the adjustment for certain bond premiums with respect to such obligations), but not by an amount greater than the amount of interest received or accrued during the taxable year on such obligations. For the purpose of determining the amount of interest received or accrued with respect to any taxable year, the term "interest" includes, in the case of obligations issued at a discount, so much of such discount as (for the purpose of determining gain upon sale or disposition) is treated as interest in the hands of the taxpayer for the taxable year.

(4) The election pursuant to section 440 (c) shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return for such year or by the use of figures on such schedule which clearly reflect the election. Such election must be made for each taxable year for which the benefits of section 440 (c) are claimed. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington 25, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its excess profits tax for such year. If the recomputation results in an overpayment for such year, the taxpayer should file a claim for credit or refund on Form 843 in accordance with the provisions of section 322.

PAR. 15. There is inserted immediately preceding § 40.442–1 the following:

SEC. 509. ALTERNATIVE AVERAGE BASE PERIOD NET INCOME (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 442.* Section 442 (relating to abnormalities during the base period) is hereby amended as follows:

(1) By inserting at the end of subsection (a) thereof the following: "If such taxpayer is also entitled to the benefits of subsection (h), the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (c) or (d), whichever is applicable to the taxpayer, or the amount computed under subsection (h), whichever results in the lesser tax under this subchapter for the taxable year. In the case of any other taxpayer entitled to the benefits of subsection (h), the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (h)."

(2) By striking out "determined under this section" in subsections (c) and (d) thereof each place it occurs and inserting in lieu thereof the following: "computed under this subsection".

(3) By inserting after "subsection (c) (2)" in subsection (e) (1) thereof the following: "and subsection (h)".

(4) By redesignating subsections (h) and (i) thereof as (i) and (j), respectively, and by inserting after subsection (g) thereof the following new subsection:

(h) *Alternative average base period net income*—(1) *Eligibility requirements.* A taxpayer which commenced business on or before the first day of its base period shall be entitled to the benefits of this subsection if—

(A) The aggregate excess profits net income (if any) for the 12 months selected under paragraph (2) (B) is less than 35 per centum of one-half of the aggregate excess profits net income for the 24 months remaining under such paragraph; and

(B) Normal production, output, or operation was interrupted or diminished because of the occurrence, within 12 months preceding (i) the first day of the 12-month period selected under paragraph (2) (B) (i), or (ii) the first day of any period of 6 or more consecutive months selected under paragraph (2) (B) (ii), of events unusual or peculiar in the experience of such taxpayer.

This subsection shall have no application unless the taxpayer has an aggregate excess profits net income for the 24 months remaining under paragraph (2) (B).

(2) *Computation.* If the taxpayer is entitled to the benefits of this subsection, its average base period net income computed under this subsection shall be computed as follows:

(A) By determining under subsection (b) the period subject to adjustment under this section. For the purposes of subparagraph (B) but not for the purposes of paragraph (1) (B) such period shall be considered a period of 36 consecutive months.

(B) By selecting from such period whichever of the following 12 months results in the higher remaining aggregate excess profits net income—

(i) The 12 consecutive months the elimination of which produces the highest remaining aggregate excess profits net income, or

(ii) The 12 months which remain after retaining the 24 consecutive months which produce the highest remaining aggregate excess profits net income.

(C) By computing for each of the 12 months selected under subparagraph (B) a substitute excess profits net income computed under subsection (e).

(D) By computing the sum of—

(i) The aggregate of the substitute excess profits net income, as determined under subparagraph (C), for the 12 months selected under subparagraph (B), but the amount computed under this clause shall not exceed one-half of the aggregate excess profits net income for the 24 months remaining under subparagraph (B), and

(ii) The aggregate of the excess profits net income for each of the 24 months remaining under subparagraph (B), computed in the manner provided by the second sentence of section 435 (d) (1).

(E) By dividing by three the amount ascertained under subparagraph (D).

(3) *Aggregate excess profits net income.* The "aggregate excess profits net income" for any period shall be computed for the purposes of this subsection in the same manner as under subsection (b).

* * * * *

SEC. 510. DEFINITION OF TOTAL ASSETS FOR PURPOSES OF SECTIONS 442–446 (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The first sentence of section 442 (f) (relating to definition of total assets) is hereby amended to read as follows: "For the purposes of this section, the taxpayer's total assets for any day shall be determined as of the end of such day and shall be an amount equal to the excess of—

"(1) The sum of the cash and the property (other than cash, inadmissible assets, and loans to members of a controlled group as defined in section 435 (f) (4)) held by the taxpayer in good faith for the purposes of the business, over

"(2) The amount of any indebtedness (other than borrowed capital as defined in section 439 (b) (1)) to a member of a controlled group (as defined in section 435 (g) (6)) which includes the taxpayer."

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including sections 509 and 510) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 16. Section 40.442–1 is amended to read as follows:

§ 40.442–1 *General rule.* If a taxpayer which commenced business on or before the first day of its base period establishes that it experienced certain abnormalities (described in § 40.442–2), then such taxpayer may be entitled to use the average base period net income computed under section 442 (c) or section 442 (d), whichever is applicable. If the taxpayer is also entitled to the benefits of section 442 (h), the taxpayer's average base period net income determined under section 442 shall be the amount computed under subsection (c) or (d) of such section, whichever is applicable to the taxpayer, or the amount computed under subsection (h) of such section, whichever results in the lowest excess profits tax for the taxable year. In the case of any other taxpayer entitled to the benefits of section 442 (h), the taxpayer's average base period net income determined under section 442 shall be the amount computed under subsection (h) of such section. See §§ 40.442–3 and 40.442–4 for methods of computation. Section 442 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing the application of section 442 in the case of an acquiring corporation, see section 462 (d), and in the case of a component corporation, see section 461 (c).

PAR. 17. Section 40.442–3 is amended by changing the paragraph (d) (1) thereof to read in part as follows:

(d) *Definitions.* * * *

(1) The term "total assets" for any day means the excess, determined as of the end of such day, of:

(i) The sum of the cash and other property (other than inadmissible assets, as defined in section 440 (a) (1), and other than loans to members of a controlled group, as defined in section 435 (f) (4)) held by the taxpayer in good faith for purposes of the business, over

(ii) The amount of any indebtedness (other than borrowed capital, as defined in section 439 (b) (1)) to a member of a controlled group, as defined in section 435 (g) (6), which includes the taxpayer.

PAR. 18. There is inserted immediately after § 40.442–3 the following new § 40.442–4:

§ 40.442–4 *Alternative average base period net income*—(a) *In general.* Section 442 (h) provides that a taxpayer which commenced business on or before the first day of its base period may use a substitute excess profits net income for 12 months (as selected under subparagraph (1) of this paragraph) of the period subject to adjustment determined under § 40.442–3, that is, the 36 months in the base period selected as having the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income. In order to determine its eligibility for the benefits of section 442 (h), a taxpayer must first select a period of 12 months, as shown in subparagraph (1) of this paragraph and then ascertain whether the requirements set forth in subparagraphs (2), (3), and (4) of this paragraph are met.

(1) After determining under section 442 (b) and § 40.442–3 (a) the 36-month period subject to adjustment, the 12-month period is selected by determining either (i) the 12 consecutive months the elimination of which produces the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income for the remaining 24 months, or (ii) the 12 months which remain after eliminating the 24 consecutive months which produce the highest aggregate excess profits net income or the lowest aggregate deficit in excess profits net income. For the purpose of making this selection, the 36 months previously determined under section 442 (b) and § 40.442–3 (a) shall be considered a period of 36 consecutive months.

(2) The aggregate excess profits net income, if any, computed as provided in § 40.442–3 (a) (1) for the 12 months selected under subparagraph (1) of this paragraph must be less than 35 percent of one-half of the aggregate excess profits net income so computed for the 24 months remaining after such selection.

(3) There must not be an aggregate deficit in excess profits net income for the 24 months remaining in subparagraph (1) of this paragraph.

(4) The taxpayer must show that normal production, output, or operation was interrupted or diminished because of the occurrence of events unusual or peculiar in the experience of the taxpayer (see § 40.442–2 (a)), within 12 months preceding either—

(i) The first day of the 12-month period selected under subparagraph (1) of this paragraph if 12 consecutive months are selected under subparagraph (1) of this paragraph, or

(ii) If the 12 months selected under subparagraph (1) of this paragraph are not consecutive, the first day of any period of 6 or more consecutive months in such 12 months.

(b) *Computation.* If the taxpayer is entitled to the benefits of section 442 (h) under the rules of paragraph (a) of this section, its average base period net income under section 442 (h) shall be computed as follows:

(1) A substitute excess profits net income is determined for each of the 12 months selected under paragraph (a) (1) of this section. Such substitute excess profits net income is computed under section 442 (e) for each such month by determining the taxpayer's total assets (determined under section 442 (f) and under § 40.442–3 (d)) for the last day of the taxable year in which such month falls, or for the last day of the taxpayer's last taxable year ending before July 1, 1950, whichever day is earlier, and by multiplying such total assets by the appropriate industry base period yearly rate of return determined under section 447 for the base period year in which such month falls. See section 442 (e) (2) for special rules in case of fiscal years. Under section 442 (g), the appropriate industry classification under section 447 is the classification to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year within which falls the last month for which a substitute excess profits net income is determined.

(2) The amount determined under subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months beginning with the first day of the taxable year within which such month falls.

(3) The amount determined under subparagraph (1) of this paragraph and reduced under subparagraph (2) of this paragraph is divided by 12. The amount so computed is the substitute excess profits net income for the month.

(4) The sum of the following amounts is computed:

(i) The aggregate of the amounts determined under subparagraph (3) of this paragraph but such aggregate shall not exceed one-half of the aggregate excess profits net income computed in the manner provided in §40.442–3 (a) (1) for the 24 months remaining in paragraph (a) (1) of this section, and

(ii) The aggregate of the excess profits net income for each of the 24 months remaining in paragraph (a) (1) of this section, but computed by dividing the excess profits net income for the taxable year in which each such month falls by the number of full calendar months in such taxable year, and raising any deficits in excess profits net income to zero.

(5) The amount determined under subparagraph (4) of this paragraph is divided by 3.

(c) For special rules applicable to section 442 (h) and to this section, see § 40.442–3 (d) and (e).

PAR. 19. There is inserted immediately preceding § 40.443–1 the following:

SEC. 511. AVERAGE BASE PERIOD NET INCOME—CHANGE IN PRODUCTS OR SERVICES (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 443 (f) (relating to change in products or services) is hereby amended to read as follows:

(f) *Rules for application of section.* (1) The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(2) If after the end of the base period of the taxpayer there was a substantial change in the products produced by the taxpayer, such change shall, for the purpose of subsection (a) (1), be considered to have occurred on the last day of its base period if the taxpayer prior to July 1, 1950, commenced the construction of the facilities for the production of such new product, and if such construction and the production of such new product is in furtherance of a course of action to which the taxpayer (or a corporation with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter) was committed prior to the close of the base period by contract with another person, which contract granted a license, franchise, or similar right essential for the production of such new product.

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 511) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 20. Section 40.443–2 is amended by adding at the end thereof the following paragraph (d):

(d) *Commitment rule.* (1) If after the base period of the taxpayer there was a substantial change in the products produced by the taxpayer, such change shall, for the purpose of section 443 (a) (1) and § 40.443–1 (a) (1), be considered to have occurred on the last day of its base period if—

(i) The taxpayer prior to July 1, 1950, commenced construction of the facilities for the production of such new product, and

(ii) Such construction and the production of such new product is in furtherance of a course of action to which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year ending after June 30, 1950) was committed prior to the close of the base period by contract with another person, which contract granted a license, franchise, or similar right essential for the production of such new product.

(2) The contract referred to in subparagraph (1) (ii) of this paragraph must be in writing. It must have been executed prior to the end of the base period of the corporation to which the license, franchise, or similar right essential for the production of the new product were by its terms granted. The corporation granted such license, franchise, or similar right to produce the new product may have been either the taxpayer or any corporation with which the taxpayer has the privilege of filing a consolidated return for the taxpayer's first taxable year ending after June 30, 1950.

PAR. 21. There is inserted immediately preceding § 40.444–1 the following:

SEC. 520. INCREASE IN CAPACITY FOR PRODUCTION OR OPERATION (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 444 (f) (relating to increase in capacity for production or operation) is hereby amended to read as follows:

(f) *Rules for application of section.* (1) The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(2) If, during its first taxable year ending after June 30, 1950, the taxpayer completed construction of (including the installation of the machinery or equipment for use in) a factory building or other manufacturing establishment, such factory building or other manufacturing establishment and such machinery or equipment shall, for the purpose of determining whether there is an increase in capacity under the provisions of subsection (b), be considered to have been added to its total facilities on the last day of its base period if—

(A) The taxpayer, prior to the end of its base period, had completed construction work representing more than 40 per centum of the total cost of construction of such factory building or other manufacturing establishment, and

(B) The completion of such factory building or other manufacturing establishment was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

This paragraph shall not apply in determining the amount of the taxpayer's total assets for the purpose of subsection (c).

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20 1951).

* * * the amendments made by this title (including section 520) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 22. Section 40.444–2 is amended by adding at the end thereof the following paragraph (c):

(c) *Commitment rule.* (1) If during its first taxable year ending after June 30, 1950, the taxpayer completed construction of (including installation of the machinery or equipment for use in) a factory building or other manufacturing establishment, then section 444 (b) (2) provides that such factory building or other manufacturing establishment and such machinery or equipment shall, for the purpose of determining whether there is an increase in capacity under the provisions of section 444 (b) and this section, be considered to have been added to its total facilities on the last day of its base period if:

(i) The taxpayer, prior to the end of its base period, had completed construction work representing more than 40 percent of the total cost of construction of such factory building or other manufacturing establishment, and

(ii) The completion of such factory building or other manufacturing establishment was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

(2) Section 444 (f) (2) does not apply in determining the amount of the taxpayer's total assets for the purpose of § 444 (c) and § 40.444–3.

(3) Section 444 (f) (2) is applicable only in the case of a separate manufacturing plant, the construction of which (including installation of machinery and equipment for use therein) is completed by the taxpayer during its first taxable year ending after June 30, 1950. The section is not applicable, for example, to: additions made to plants in existence at the end of the taxpayer's base period; a factory or other manufacturing establishment acquired other than through construction, such as through purchase; machinery and equipment installed in a factory building or manufacturing establishment existing at the end of the taxpayer's base period.

(4) A legally binding form of commitment is not required; any substantial change in position prior to the end of the taxpayer's base period unequivocally establishing the intent of the taxpayer to complete the construction of such factory building or other manufacturing establishment after the end of its base period, will be taken as sufficient proof that the actual completion of the construction of such factory or other manufacturing establishment during the taxpayer's first taxable year ending after June 30, 1950, was in pursuance of a plan to which the taxpayer was committed prior to the end of its base period.

(5) For the purpose of section 444 (f) (2), the term "other manufacturing establishment" means a production structure, other than a factory building, such as an oil refinery.

PAR. 23. There is inserted immediately preceding § 40.445–1 the following:

SEC. 512. AVERAGE BASE PERIOD NET INCOME—NEW CORPORATION (TITLE V REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 445 (c) (relating to total assets for first three years of new corporation) is

hereby amended by adding at the end thereof the following new sentence: "For the purpose of this subsection, the net capital addition or reduction shall be computed without regard to the limitation to 75 per centum provided in section 435 (g) (3) (C) and section 435 (g) (4) (C) and (E)."

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, NEW CORPORATION (TITLE V, REVENUE ACT OF 1951).

* * * the amendments made by this title (including section 512) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 24. Section 40.445–2 is amended by inserting at the end of paragraph (d) (1) thereof the following sentence: "For the purpose of this paragraph, the net capital addition or reduction shall be computed without regard to the limitation to 75 percent provided in section 435 (g) (3) (C), relating to an increase in borrowed capital, and section 435 (g) (4) (C) and (E), relating to a decrease in borrowed capital and an increase in loans to members of a controlled group of corporations of which the taxpayer is a member."

PAR. 25. There is inserted immediately preceding § 40.450–1 the following:

SEC. 522. STATEGIC MINERALS (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 450 (b) (1) (relating to corporations engaged in mining of strategic minerals) is hereby amended by inserting after "chromite," the following: "bauxite,".

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 522) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 26. Section 40.453–2 is amended as follows:

(A) By striking the second sentence from paragraph (c) (5) of such section and by inserting in lieu thereof the following: "The mineral units or timber units of a lessor for the taxable year shall be computed in the same manner as in the case of a producer, except that:

(i) In the case of a lessor of a timber block, and

(ii) In computing nontaxable income from exempt excess output for taxable years ending after December 31, 1950, in the case of a lessor of a coal property,

there shall not be included in the timber or coal units for such year any timber or coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2)."

(B) By adding at the end of paragraph (k) (1) of such section the following:

In computing nontaxable income from exempt excess output for taxable years ending after December 31, 1950, in the case of a lessor of a coal property the estimated recoverable units shall be determined without regard to coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2).

(C) By adding at the end of (m) (14) of such section the following: "In the case of a lessor of a timber block, and for taxable years ending after December 31, 1950, in the case of a lessor of a coal mining property, there shall not be included in the timber units or coal units to be used in the computation of unit net income any timber or coal which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2)."

[F. R. Doc. 52–11337; Filed, Oct. 17, 1952; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on November 8, 1951 (10 A. D. 1410), authorizing respondents to assess the rates and charges currently in effect. That order is due to expire on November 14, 1952, unless modified or extended before that date.

On September 15, 1952, respondents filed a petition requesting that the order of November 8, 1951, be continued in effect for a period of one year. On September 30, 1952, respondents amended their petition by requesting authority to cancel Item D–1, section D, Buying Service Charges, of their current schedule of rates and charges and to eliminate the word "slaughter" from Item D–2. If authorized, the modified section of respondents' schedule of rates and charges would read as follows:

SECTION D

BUYING SERVICE CHARGES

When live stock bought by the purchaser himself is paid for, billed out, or any assistance rendered by a member of The Chicago Live Stock Exchange, or his employee or employees, the transaction shall be deemed a service rendered and the regular buying charge assessed.

The modification, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition, as amended, and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 13th day of October 1952.

[SEAL] AGNES B. CLARKE, *Hearing Clerk.*

[F. R. Doc. 52–11303; Filed, Oct. 17, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

GENERAL RULES AND REGULATIONS AND FORMS UNDER SECURITIES EXCHANGE ACT OF 1934

QUARTERLY REPORTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise Form 9–K (§ 249.309), the form for quarterly reports, and §§ 240.13a–13 and 240.15d–13 (Rules X–13A–13 and X–15D–13), the rules relating to the filing of such reports, under the Securities Exchange Act of 1934.

The proposal would substitute for the present obligation of filing quarterly reports of gross sales and operating revenues a requirement for the filing after the close of each fiscal quarter of a report containing a profit and loss statement and a related statement of earned surplus for the quarter and for the current fiscal year through the close of such quarter. Such statements would be prepared in accordance with Regulation S–X (Part 210) but would not have to be certified, and it would not be necessary to file the schedules prescribed by that regulation. Provision would also be made to permit incorporation by reference to the extent practicable of notes to financial statements in annual reports filed pursuant to sections 13 and 15 (d) of the act and to incorporate by reference financial statements contained in any proxy statement or quarterly report to stockholders.

The rules relating to the filing of quarterly reports would be amended to provide that such reports need not be filed for the fourth or final quarter of any fiscal year. Those commercial and industrial companies in the promotional or development stage and those mining companies not in the production stage to which paragraph (b) or (c) of § 210.5a–01 (Rule 5A–01 of Regulation S–X) are applicable would not be required to file quarterly reports. To accomplish this, paragraphs (a) and (c) of § 240.13a–13 (Rule X–13A–13) and paragraphs (a) and (c) of § 240.15d–13 (Rule X–15D–13) would be amended in the following manner:

§ 240.13a–13 *Quarterly reports of other companies.* (a) Every issuer which has securities listed and registered on a national securities exchange and which is required to file annual reports on Form 10–K (§ 249.310 of this chapter) or U5S (§ 259.5s of this chapter) or to file a report on one of such forms as Part II of Form 16–K (§ 249.316 of this chapter), shall file quarterly reports on Form 9–K (§ 249.309 of this chapter). A quarterly report on that form shall be filed for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in the issuer's application for registration, except that no such report need be filed for the fourth or final quarter of any fiscal year.

* * * * *

(c) This section shall not apply to any bank, bank holding company, insurance company (other than title insurance companies), investment company, common carrier, public utility company, any company primarily engaged in the production and sale of a seasonal single-crop agricultural commodity, any commercial or industrial company in the promotional or development stage to which paragraph (b) of § 240.5a–01 (Rule 5A–01 of Article 5A of Regulation S–X) is applicable, or any mining company to which paragraph (c) of said § 240.5a–01 (Rule 5A–01) is applicable.

§ 240.15d–13 *Quarterly reports of other companies.* (a) Every issuer which is required to file annual reports on Form 10–K (§ 249.310 of this chapter) or U5S (§ 259.5s of this chapter) shall file quarterly reports on Form 9–K (§ 249.309 of this chapter). A quarterly report on that form shall be filed for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were included in the issuer's registration statement, except that no such report need be filed for the fourth or final quarter of any fiscal year.

* * * * *

(c) This section does not apply to foreign governments or political subdivisions thereof; foreign private issuers other than Canadian, Cuban, Mexican or Philippine issuers; issuers of American certificates against foreign issues; or to any bank, bank holding company, insurance company (other than title insurance companies), investment company, common carrier, public utility company, any company primarily engaged in the production and sale of a seasonal single-crop agricultural commodity, any commercial or industrial company in the promotional or development stage to which paragraph (b) of § 240.5a–01 (Rule 5A–01 of Article 5A of Regulation S–X) is applicable, or any mining company to which paragraph (c) of said § 240.5a–01 (Rule 5A–01) is applicable.

A copy of the proposed Form 9–K is attached hereto.[1]

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before November 10, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 10, 1952.

[F. R. Doc. 52–11314; Filed, Oct. 17, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CARLSBAD PROJECT, NEW MEXICO

ORDER OF REVOCATION

JULY 3, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of May 25, 1928, insofar as said order affects the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

EDDY COUNTY, NEW MEXICO

T. 21 S., R. 27 E., N. M. P. M.
Sec. 19, N½NW¼, SE¼NW¼, N½NE¼, SW¼NE¼.

The above aggregates approximately 240 acres.

G. W. LINEWEAVER, *Acting Commissioner.*

I concur. The records of the Bureau of Land Management will be noted accordingly.

The W½NW¼NW¼, N½NE¼, SW¼NE¼ sec. 19 are chiefly valuable for grazing. The remaining lands are covered by rubbish and contain two abandoned gravel pits. While any application that is filed will be considered on its merits, it is unlikely that any substantial part of the restored (or opened) lands will be classified for any use other than as shown.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.35 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Land and Survey Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

WILLIAM PINCUS, *Assistant Director, Bureau of Land Management.*

OCTOBER 14, 1952.

[F. R. Doc. 52–11291; Filed, Oct. 17, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

Petroleum Administration for Defense

CONNECTICUT

NOTICE OF CERTIFICATION REGARDING RESTRICTION OF USE OF NATURAL GAS

Take notice that the Public Utilities Commission of the State of Connecticut has certified to the President that it has authority to restrict the use of natural gas and is exercising that authority to the extent necessary to accomplish the objectives of the Defense Production Act of 1950. As the result of the above-described certification, and pursuant to section 704 Defense Production Act of 1950, as amended, the restrictions imposed by section 3, PAD Order No. 2, August 14, 1951, 16 F. R. 8111, revised August 22, 1952, 17 F. R. 7786, are hereafter inapplicable in the State of Connecticut.

J. ED. WARREN,
Deputy Administrator, Petroleum Administration for Defense.

[F. R. Doc. 52-11292; Filed, Oct. 17, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 11]

ORGANIZATION AND FUNCTIONS

CHANGES IN FUNCTIONS AND ADDRESSES FOR AIR ROUTE TRAFFIC CONTROL CENTERS, AIRPORT TRAFFIC CONTROL TOWERS, INTERSTATE AIRWAY COMMUNICATIONS STATIONS AND OVERSEAS FOREIGN AERONAUTICAL COMMUNICATIONS STATIONS

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish changes as described in the caption.

Section 43 (e) (3) (i), third paragraph, is revised to read:

These centers are manned by Airways Operations Specialists (Air Route). These Specialists are responsible for the safe and orderly flow of air traffic being navigated under instrument flight conditions on the air routes within the control areas assigned to the center. Their principal functions are:

Section 43 (e) (3) (ii), *Region 1*, is amended by substituting "Boston Air Route Traffic Control Center, 287 Marginal Street, East Boston, Mass." for "Boston Air Route Traffic Control Center, Logan Airport, Boston, Mass."

Section 43 (e) (3) (ii), *Region 2*, is amended by (1) substituting "Jacksonville Air Route Traffic Control Center, Imeson Airport, Jacksonville, Fla." for "Jacksonville Air Route Traffic Control Center, Municipal Airport, Jacksonville, Fla."; (2) substituting "Memphis Air Route Traffic Control Center, 1503 Union Ave., Room 207, Memphis, Tenn.," for "Memphis Air Route Traffic Control Center, 1503 Union Ave., Room 203, Memphis, Tenn."; (3) substituting "San Juan Air Route Traffic Control Center, Isla Grande Airport, Santurce, P. R." for "San Juan Air Route Traffic Control Center, Isla Grande Airport, Santurce, P. R."

Section 43 (e) (3) (ii), *Region 4*, is amended by (1) substituting "Fort Worth Air Route Traffic Control Center, Building No. 3, CAA Reservation, Haslet Road, Fort Worth, Texas" for "Fort Worth Air Route Traffic Control Center, Majestic Building, 1101–1107 Commerce Street, Fort Worth, Texas"; (2) substituting "New Orleans Air Route Traffic Control Center, Administration Building, Municipal Airport, New Orleans, La." for "New Orleans Air Route Traffic Control Center, Federal Land Bank Building, 860 St. Charles Avenue, New Orleans 7, La."

Section 43 (e) (3) (ii), *Region 9*, is amended by deleting "Midway Island Air Route Traffic Control Center, Sand Island Airport, Midway Island."

Section 43 (e) (4) (i) is revised to read:

(i) *Functions.* Airport traffic control towers are operated by the Civil Aeronautics Administration at certain designated airports listed below. They are responsible for safe, orderly, and expeditious flow of air traffic in the vicinity of an airport, and movement of aircraft and vehicles on the airport.

The functions of a majority of these towers have been expanded to include the responsibility for controlling and providing separation between aircraft in the terminal area which are holding or arriving and departing under instrument flight rules. This is termed "Approach Control Service". At such locations, the responsibility for controlling instrument flight rule traffic has been delegated to the tower by an Air Route Traffic Control Center. The purpose of this delegation is to expedite arrivals and departures by means of direct voice communications between the pilot and the approach controller, and by use of special holding approach, and departure procedures.

These towers are manned by Airways Operations Specialists (Airport), who are responsible for the safe and orderly flow of air traffic in the vicinity of the airport. Their principal functions are:

To issue instructions to pilots for taxiing, take-off, approach for landing, and landing of aircraft.

To inform pilots regarding field and weather conditions, air navigational facilities, emergency landing areas, restrictions to flight, regulations, and other matters which may be of assistance to the pilot.

To relay messages between pilots, airline operations offices, Air Route Traffic Control Centers, Weather Bureau offices, Communications Stations and other appropriate agencies concerning the operation, dispatch, and control of aircraft.

To invoke emergency procedures when any emergency occurs or appears likely to occur to aircraft under tower control.

When equipped with airport surveillance and precision approach radar, to monitor aircraft arriving and departing from an airport on instruments, and, in an emergency or upon request, issuing ground controlled approach instructions (GCA) for a let-down.

At a number of locations, the operation of an Interstate Airway Communications Station as a separate unit is discontinued. Several of its functions are transferred to the control tower and the facility is established as a combined Tower/Station. These facilities provide the same service as described above and, in addition, the following functions are performed:

Maintains continuous multiple listening watches on designated aeronautical radio frequencies for the purpose of conducting communications with en route aircraft. Furnishes flight advisory and emergency services generally within a radius of 100 to 150 miles of the facility. Furnishes emergency navigation assistance to pilots unable to establish their position. Accepts and transmits flight plans and associated progress and arrival reports and alerts appropriate Search and Rescue organizations when flights are not successfully concluded. Broadcasts pertinent information relative to condition of landing areas, air navigation facilities, and aeronautical weather on scheduled and unscheduled basis as required. Monitors federally operated electronic and visual air navigation aids, receives reports of irregularities of non-federal aids, and publicizes operating irregularities when safety is impaired.

Section 43 (e) (4) (ii) is amended by deleting the "Note" and substituting the following:

NOTE: All towers and combined tower stations are authorized to exercise approach control except those locations marked by an asterisk (*). The symbol (≠) indicates a combined tower/station.

Section 43 (e) (4) (ii), *Region 1*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding asterisk (*) to Baltimore, Md., Harbor Airport, (3) substituting Bedford, Mass., Hanscom Airport, for Bedford, Mass., Boston Bedford Airport, (4) adding ≠Binghamton, N. Y. Broome County Airport, (5) adding asterisk (*) to Bridgeport, Conn., Municipal Airport, (6) adding symbol (≠) to Harrisburg, Pa., State Airport, (7) adding symbol (≠) to Lynchburg, Va., Preston Glenn Airport, (8) adding asterisk (*) to Niagara Falls, N. Y., Municipal Airport, (9) adding symbol (≠) to Norfolk, Va., Municipal Airport, (10) adding Pittsburgh, Pa., Greater Pittsburgh Airport, (11) adding symbol (≠) to Portland, Maine, Municipal Airport, (12) deleting Presque Isle, Maine, Presque Isle Municipal Airport, (13) adding symbol (≠) to Roanoke, Va., Woodrum Field, (14) adding asterisk (*) to Teterboro, N. J., Teterboro Airport, (15) adding asterisk (*) to Westfield, Mass., Barnes Airport.

Section 43 (e) (4) (ii), *Region 2*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding asterisk (*) to Asheville, N. C., Asheville-Hendersonville, Airport, (3) adding symbol (≠) to Augusta, Ga., Bush Field, (4) adding symbol (≠) to Chattanooga, Tenn., Lovell Field, (5) substituting ≠Columbia, S. C., Columbia Airport, for Columbia, S. C., Capital Airport, (6) adding symbol (≠) to Jackson, Miss., Hawkins Field, (7) substituting Orlando, Fla., Municipal Airport, for Orlando, Fla., Municipal No. 1 Airport, (8) substituting ≠Spartanburg, S. C., Memorial Airport, for Spartanburg, S. C., Municipal Airport, (9) substituting Tallahassee, Fla., Dale Mabry Field, for Tallahassee, Fla., Dale Mabry Airport, (10), adding symbol (≠) to Wilmington, N. C., New Hanover County Airport.

Section 43 (e) (4) (ii), *Region 3*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding asterisk (*) to Akron, Ohio, Municipal Airport, (3) substituting Cincinnati, Ohio, Greater Cincinnati Airport, for Cincinnati, Ky., Greater Cincinnati Airport, (4) adding asterisk (*) to Detroit, Mich., Wayne County Airport, (5) adding ≠Duluth, Minn., Municipal Airport, (6) substituting Evansville, Ind., Dress Memorial Airport, for Evansville, Ind., Municipal Airport, (7) adding asterisk (*) to Louisville, Ky., Bowman Field, (8) adding symbol (≠) and asterisk (*) to Peoria, Ill., Greater Peoria Airport.

Section 43 (e) (4) (ii), *Region 4*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding symbol (≠) to Abilene, Tex., Abilene Municipal No. 2 Airport, (3) deleting Big Spring, Tex., Municipal Airport, (4) adding symbol (≠) to Brownsville, Tex., Rio Grande International Airport, (5) adding symbol (≠) to Little Rock, Ark., Adams Field, (6) adding asterisk (*) to San Antonio, Tex., Stinson Field, (7) adding symbol (≠) to Shreveport, La., Municipal Airport, (8) adding symbol (≠) to Tulsa, Okla., Municipal Airport, (9) adding ≠Waco, Tex., Municipal Airport.

Section 43 (e) (4) (ii), *Region 5*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding symbol (≠) to Colorado Springs, Colo., Peterson Field, (3) adding asterisk (*) to Kansas City, Kans., Fairfax Airport, (4) adding symbol (≠) to Lincoln, Nebr., Municipal Airport, (5) adding symbol (≠) to Topeka, Kans., Phillip Billard Field

Section 43 (e) (4) (ii), *Region 6*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding asterisk (*) to Bakersfield, Calif., Kern County Airport, (3) adding asterisk (*) to Fresno, Calif., Fresno Air Terminal, (4) adding symbol (≠) to Las Vegas, Nev., McCarran Field, (5) deleting Ogden, Utah, Municipal Airport, (6) adding *Palmdale, Calif., Los Angeles County, Palmdale Airport, (7) adding symbol (≠) to Reno, Nev., United Airlines Airport, (8) adding asterisk (*) to Santa Monica, Calif., Santa Monica Municipal Airport, (9) substituting Van Nuys, Calif., San Fernando Valley Airport, for Los Angeles, Calif., San Fernando Valley Airport.

Section 43 (e) (4) (ii), *Region 7*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding symbol (≠) and asterisk (*) to Helena, Mont., Municipal Airport, (3) adding symbol (≠) and asterisk (*) to Pocatello, Idaho, Phillips Field, (4) adding asterisk (*) to Salem, Ore., McNary Field, (5) adding asterisk (*) to Seattle, Wash., Boeing Field, (6) adding asterisk (*) to Yakima, Wash., Municipal Airport.

Section 43 (e) (4) (ii), *Region 8*, is amended by (1) deleting the asterisk (*) at all locations, (2) adding *Anchorage, Alaska, International Airport, (3) adding asterisk (*) to Fairbanks, Alaska, Weeks Field.

Section 43 (e) (4) (ii), *Region 9*, is amended by (1) deleting the asterisk (*) at all locations, (2) deleting Midway Island, San Island Field.

Section 43 (e) (5) (i), first paragraph, last sentence, is revised to read: "These stations are staffed by Airways Operations Specialists (Communications) whose principal functions are as follows:"

Section 43 (e) (5) (ii), *Region 1*, is amended by (1) substituting "Allentown, Pa., Allentown-Bethlehem-Eastern Airport" for "Allentown, Pa., Bethlehem-Easton Airport"; (2) substituting "Boston, Mass., 287 Marginal Street, East Boston, Mass." for "Boston, Mass., Immigration and Naturalization Building"; (3) deleting Harrisburg, Pa., State Airport; (4) deleting Lynchburg, Va., Preston Glenn Airport; (5) substituting "Martinsburg, W. Va., Municipal Airport" for "Martinsburg, W. Va., Blair County Airport", (6) substituting "Montpelier, Vt., Barre-Montpelier Airport" for "Montpelier, Vt., Barre Airport"; (7) deleting Norfolk, Va., Municipal Airport; (8) deleting Portland, Maine, Municipal Airport; (9) deleting Roanoke, Va., Woodrum Field; (10) deleting Westfield, Mass., Barnes Airport; (11) substituting "Wilkes-Barre, Pa., Wilkes-Barre-Scranton Airport" for "Wilkes-Barre, Pa., Scranton Airport."

Section 43 (e) (5) (ii), *Region 2*, is amended by (1) substituting "Asheville, N. C., Asheville-Hendersonville Airport" for "Asheville, N. C., Hendersonville Airport"; (2) deleting Augusta, Ga., Bush Airport; (3) substituting "Brunswick, Ga., McKinnon Airport" for "Brunswick, Ga., Malcom-McKinnon Airport"; (4) deleting Chattanooga, Tenn., Lovell Airport; (5) deleting Columbia, S. C., Municipal Airport; (6) adding Columbus, Ga., Muscogee County Airport; (7) substituting "Crestview, Fla., Sikes Field" for "Crestview, Fla., Municipal Airport"; (8) substituting "Fort Myers, Fla., Page Field" for "Fort Myers, Fla., Page Airport"; (9) deleting Jackson, Miss., Hawkins Airport; (10) substituting "LaGrange, Ga., Callaway Airport" for "LaGrange, Ga., Colloway Airport"; (11) substituting "Macon, Ga., Cochran Field" for "Macon, Ga., Municipal Airport"; (12) substituting "McComb, Miss., McComb-Pike County Airport" for "McComb, Miss., Pike County Airport"; (13) substituting "Melbourne, Fla., Melbourne-Eau Gallie Airport" for "Melbourne, Fla., Municipal Airport"; (14) substituting "Mobile, Ala., Bates Field" for "Mobile, Ala., Bates Airport"; (15) substituting "Nashville, Tenn., Berry Field" for "Nashville, Tenn., Berry Airport"; (16) substituting "New Bern, N. C., Simmons-Nott Airport" for "New Bern, N. C., Simons Airport"; (17) substituting "Orlando, Fla., Municipal Airport" for "Orlando, Fla., Municipal No. 1 Airport"; (18) substituting "Smithville, Tenn., Municipal Airport" for "Smithville, Tenn., CAA Intermediate Field"; (19) deleting Spartanburg, S. C., Municipal Airport; (20) substituting "Tallahassee, Fla., Dale Mabry Field" for "Tallahassee, Fla., Dale Mabry Airport"; (21) substituting "Tuscaloosa, Ala., Van de Graaf Airport" for "Tuscaloosa, Ala., Van de Gross Airport"; (22) deleting Wilmington, N. C., New Hanover Airport.

Section 43 (e) (5) (ii), *Region 3*, is amended by (1) substituting "Bradford, Ill., Bradford Airport" for "Bradford, Ill., CAA Intermediate Field"; (2) substituting "Corbin, Ky." for "Corbin, Ky., London-Corbin Airport"; (3) deleting Duluth, Minn., Municipal Airport; (4) deleting Effingham, Ill., CAA Intermediate Field; (5) substituting "Evansville, Ind., Dress Memorial Airport" for "Evansville, Ill., Municipal Airport"; (6) substituting "LaCrosse, Wis." for "LaCrosse, Wis., Municipal Airport"; (7) deleting Peoria, Ill., Municipal Airport; (8) substituting "Rockford, Ill., Greater Rockford Airport" for "Rockford, Ill., Machesney Airport"; (9) adding Vandalia, Ill., Vandalia Municipal Airport.

Section 43 (e) (5) (ii), *Region 4*, is amended by (1) deleting Abilene, Texas, Municipal No. 2 Airport; (2) deleting Big Spring, Texas, Municipal Airport; (3) deleting Brownsville, Texas, International Airport; (4) deleting Bryan, Texas, Bryan Air Force Base; (5) adding College Station, Texas, Easterwood Field; (6) deleting Hot Springs, New Mex., Municipal Airport; (7) deleting Little Rock, Ark., Adams Airport; (8) substituting "Otto, New Mex., CAA Intermediate Field" for "Otto, New Mex., International Field"; (9) deleting Shreveport, La., Municipal Airport; (10) adding Truth or Consequences, New Mex., Municipal Airport; (11) deleting Tulsa, Okla., Municipal Airport; (12) deleting Waco, Texas, Municipal Airport.

Section 43 (e) (5) (ii), *Region 5*, is amended by (1) deleting Anthony, Kansas, Municipal Airport; (2) deleting Atlantic, Iowa, Municipal Airport; (3) deleting Chillicothe, Mo., Municipal Airport; (4) deleting Colorado Springs, Colo., Peterson Field; (5) deleting Lincoln, Neb., Municipal Airport; (6) deleting Moorcroft, Wyo.; (7) substituting "Rapid City, S. Dak., Municipal Airport" for "Rapid City, S. Dak., U. S. Air Force Base"; (8) adding Rawlins, Wyo., Municipal Airport; (9) substituting "Salina, Kans., Municipal Airport" for "Salina, Kans., Smoky Hill Air Force Base"; (10) deleting Sinclair, Wyo., CAA Intermediate Field; (11) deleting Tarkio, Mo., Peterson Airport; (12) deleting Topeka, Kans., Phillip Billard Airport.

Section 43 (e) (5) (ii), *Region 6*, is amended by (1) substituting "Arcata, Calif., Arcata Airport" for "Arcata, Calif., Humboldt County Airport"; (2) substituting "Battle Mountain, Nev., Battle Mountain Airport" for "Battle Mountain, Nev., Municipal Airport"; (3) deleting Donner Summit, Calif., Donner Summit Mountain; (4) deleting Milford, Utah, Municipal Airport; (5) deleting Oceanside, Calif., Oceanside Airport; (6) substituting "Palmdale, Calif., Los Angeles County Palmdale Airport" for "Palmdale, Calif., Los Angeles County Airport"; (7) substituting "Paso Robles, Calif., Paso Robles-San Luis Obispo County Airport" for "Paso Robles, Calif., Sherwood Airport"; (8) substituting "Red Bluff, Calif., Municipal Airport" for "Red Bluff, Calif., Bidwell Air-

port"; (9) adding Tonopah, Nev., Municipal Airport; (10) substituting "Williams, Calif." for "Williams, Calif., CAA Intermediate Field."

Section 43 (e) (5) (ii) *Region 7*, is amended by (1) substituting "Cut Bank, Mont., Municipal Airport" for "Cutbank, Mont., Municipal Airport"; (2) deleting Everett, Wash., Paine Airport; (3) deleting Helena, Mont., Municipal Airport; (4) substituting "Lewistown, Mont., Municipal Airport" for "Lewiston, Mont., Municipal Airport"; (5) deleting Pocatello, Idaho, Phillips Airport; (6) deleting Strevell, Idaho, CAA Intermediate Field.

Section 43 (e) (5) (ii), *Region 8*, is amended by (1) deleting North Dutch Island, Alaska; (2) deleting Port Heiden, Alaska, CAA Intermediate Field.

Section 43 (e) (5) (ii), *Region 9*, is amended by (1) adding Lihue, Kauai, T. H., Lihue Airport; (2) deleting Port Allen, T. H., Port Allen Airport.

Section 43 (e) (6) (ii), *Region 8*, is amended by adding Kodiak, Alaska.

Section 43 (e) (6) (ii), *Region 9*, is amended by deleting Midway Island, Sand Island Field.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11290; Filed, Oct. 17, 1952; 8:45 a. m.]

National Production Authority

[Suspension Order 36; Docket No. 36]

BUCKEYE ALUMINUM CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 12th day of September 1952 at Cleveland, Ohio, before Harrison W. Ewing, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), and Implementation 1 to that order (16 F. R. 8799); and

The respondent, The Buckeye Aluminum Company, a corporation, having been duly apprised of the specific violation charged and the administrative action which may be taken thereon, and having been fully informed of the rules and procedures which govern the proceedings, and respondent having appeared by its attorneys, Robert Critchfield and John C. Johnston, Jr., of the firm of Critchfield, Critchfield,, Critchfield and Johnston, of Wooster, Ohio, and no answer having been filed on behalf of respondent to the statement of charges herein, and

A stipulation having been entered into between respondent and the National Production Authority on the 12th day of September 1952, which stipulation was offered and received in evidence at the hearing and together with other evidence in support of and in opposition to the statement of charges having been considered by the hearing commissioner, it is hereby determined:

Findings of fact. During the third quarter of 1951, the respondent, The Buckeye Aluminum Company, used in the manufacture of aluminum cooking and kitchen utensils, 384,331 pounds of aluminum, while lawfully entitled by the provisions of National Production Authority Order M–47A dated July 1, 1951 (16 F. R. 6029), Direction 2 to National Production Authority Order M–47A (16 F. R. 7456), and National Production Authority Order M–47A as amended August 2, 1951 (16 F. R. 7679), to use during said period not exceeding 313,323 pounds of aluminum, and thereby used 71,008 pounds of aluminum during said period in excess of its permitted use.

Conclusion. The respondent, The Buckeye Aluminum Company, violated section 4 (a) of National Production Authority Order M–47A dated July 1, 1951, and said order as amended August 2, 1951, by using, in the manufacture of cooking and kitchen utensils during the third calendar quarter of 1951, 71,008 pounds of aluminum in excess of the amount permitted by said order and amended order.

It is accordingly ordered, That all allocations and allotments of aluminum which respondent may have received or be entitled to receive, either by application using Form CMP–4B or by self-certification, for use during the fourth quarter, 1952, be reduced by 71,008 pounds during the period beginning October 1, 1952, and ending December 31, 1952.

Issued this 7th day of October 1952 at Cleveland, Ohio.

NATIONAL PRODUCTION AUTHORITY,
By HARRISON W. EWING,
Hearing Commissioner.

[F. R. Doc. 52–11417; Filed, Oct. 17, 1952; 11:13 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6458]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

OCTOBER 14, 1952.

Take notice that on October 13, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $10,000,000 Principal Amount of First Mortgage Bonds, -- percent Series due 1982. Said bonds are to be sold at competitive bidding, to be dated December 1, 1952, to be issued on or about December 2, 1952, and to be due December 1, 1982; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 4th day of November 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary

[F. R. Doc. 52–11293; Filed, Oct. 17, 1952; 8:46 a. m.]

[Docket No. G–2073]

PANHANDLE EASTERN PIPE LINE CO.

ORDER PROVIDING FOR HEARING

OCTOBER 9, 1952.

By order issued March 5, 1952,[1] the Commission, in accordance with the provisions of section 4 (e) of the Natural Gas Act, permitted Panhandle Eastern Pipe Line Company's[2] FPC Gas Tariff Original Volume No. 1 to become effective as of February 20, 1952, pending final determination of the rate proceeding In the Matter of Panhandle Eastern Pipe Line Company et al., Docket Nos. G–1116, et al.

Subsequent to February 20, 1952, information submitted to the Commission by Panhandle indicated that Panhandle was delivering to the East Ohio Gas Company and the Ohio Fuel Gas Company natural gas in excess of the applicable contract demands specified in Service Agreements between Panhandle and the two Ohio companies executed pursuant to Rate Schedule LS–1 as contained in Panhandle's FPC Gas Tariff Original Volume No. 1. Following correspondence between the Commission and Panhandle, the Commission by letter of July 17, 1952, requested Panhandle to advise the Commission concerning "the specific arrangements which were made (verbal or written) with respect to the deliveries in excess of contract demands to Ohio Fuel Gas Company and East Ohio Gas Company submitting copies of all letters, memoranda, etc., and stating why you considered such deliveries as qualifying for billing under section 6.1 (b)[3] of Rate Schedule LS–1, rather than under section 6.1 (c),"[4] and rather than under interruptible Rate Schedule I–1 of Panhandle's FPC Gas Tariff Original Volume No. 1.

[1] Order Making Tariff and Service Agreements Effective, Requiring the furnishing of Bond, Prescribing Service Obligations and Interim Billing Demands.

[2] Hereinafter referred to as "Panhandle."

[3] Section 6.1 (b) provides as follows: When seller maintains and operates flow control valves at the point or points of delivery to Buyer. In such case, Seller shall bill Buyer for the excess gas at 9.0 cents per Mcf of excess gas delivered in addition to the commodity charge computed under section 3 of this rate schedule.

[4] Section 6.1 (c) provides as follows:

When Buyer takes more than the Contract Demand during a daily period with respect to which the Seller's Load Dispatcher shall have first given its express telephonic consent, In each such case the Seller shall forthwith by letter or telegram to Buyer confirm the telephonic consent given, but failure of Seller to confirm such consent shall not void the consent given. The telephonic consent of Seller under this paragraph is limited to a daily period and a separate telephonic consent shall be required and shall first be given, with respect to each and every such daily period during any month in which gas is so taken. The Purpose of this provision is to permit the delivery and the taking of such excess quantities under force majeure conditions arising during any daily period calling for immediate action and when, in the sole discretion and judgment of Seller, it has the gas available which it may supply to Buyer during such daily period.

In response to the Commission's letter of July 17, 1952, Panhandle, on August 6, 1952, advised the Commission that, with respect to excess deliveries to the East Ohio Gas Company and the Ohio Fuel Gas Company, "there have been no written agreements, correspondence, or memoranda, etc. providing for such deliveries," and that verbal arrangements for deliveries by Panhandle to the two Ohio companies had been made between an executive of Panhandle and an executive of each of the two Ohio companies. In its response of August 6, 1952, Panhandle also maintained that if excess deliveries could properly be made and billed under section 6.1 (c) of Rate Schedule LS–1 then they could properly be made and billed under section 6.1 (b) of such Rate Schedule, and, further, that such excess deliveries could not be made under the Interruptible Rate Schedule I–1 and afford the flexibility necessary to Panhandle's pipeline operations.

By letter dated September 3, 1952, the Commission advised Panhandle, among other things as follows:

> By failing to execute such service agreements with, and to make the sales to, the foregoing customers under the applicable Rate Schedule I–1, you have acted in violation of the tariff on file with the Commission and the Natural Gas Act.
>
> You are directed therefore to correct these violations forthwith by filing appropriate service agreements under the applicable interruptible rate schedule with the foregoing customers by not later than September 20, 1952. The term of the service agreements shall commence on February 20, 1952, and end as agreed upon between the customers and Panhandle.
>
> In addition, all sales in the future of excess gas over any resale customer's applicable contract demand, except those definitely caused by temporary emergencies, shall be made in accordance with the applicable interruptible service rate schedules.

In response to the Commission's letter of September 3, 1952, Panhandle on September 10, 1952, responded and requested, among other things as follows:

> We again urge upon the Commission the point which we endeavored to make in our letter dated August 6, 1952, that section 6.1 (b) of the LS–1 Rate Schedule supplies the answer to the proposition that somewhere in our tariff must be found the flexibility necessary in the operation of a pipe line which will permit us to make sales of gas which may be available because of unpredictable variations in market demands (by reason of weather or other abnormal factors) without a commitment to make such gas available at all times on either firm or interruptible basis.
>
> We, therefore, ask that the Commission:
>
> (a) Reconsider its directive contained in its letter of September 3, 1952, and upon such reconsideration, find that the sales of gas to the East Ohio Gas Company and the Ohio Fuel Gas Company in question were properly made under section 6.1 (b) of Rate Schedule LS–1 contained in the tariff of Panhandle Eastern Pipe Line Company, or
>
> (b) Grant to Panhandle Eastern Pipe Line Company a full hearing on this subject, staying the effect of its directive contained in its letter of September 3, 1952, pending final determination of the matter after hearing, or
>
> (c) If such letter of September 3, 1952, be regarded as a final order subject to review under section 19 of the Natural Gas Act, grant to Panhandle Eastern Pipe Line Company a rehearing with respect to such order as provided by section 19 of the Natural Gas Act and a stay of its directive contained in its letter of September 3, 1952, pending final determination of the matter after hearing.

The provisions of section 6.1 of the Limited Service Rate Schedule LS–1 are similar to the provisions contained in section 6.1 of Rate Schedules G–1, G–2, G–3, and section 5.1 of Rate Schedules SG–1, SG–2 and SG–3 of Panhandle's FPC Gas Tariff Original Volume No. 1.

In view of the foregoing recitations the Commission finds:

(1) It is appropriate in the public interest to grant to Panhandle a public hearing, upon a date to be fixed by further order of the Commission, concerning the following matters to determine:

(a) Whether or not deliveries of natural gas in excess applicable contract demands may properly be made and billed by Panhandle to resale customers having service agreements under Rate Schedules LS–1, G–1, G–2, G–3, SG–1, SG–2 and SG–3 in accordance with section 6.1 (b) or section 5.1 (b) of such Rate Schedules as applicable when such deliveries are made under conditions similar to those existing at the time of deliveries of volumes in excess of contract demand to the East Ohio Gas Company and the Ohio Fuel Gas Company.

(b) Whether or not deliveries of volumes of in excess of contract demand under section 6.1 (b) or section 5.1 (b) of Rate Schedules LS–1, G–1, G–2, G–3, SG–1, SG–2 and SG–3 under conditions similar to those existing at the time of deliveries to the East Ohio Gas Company and the Ohio Fuel Gas Company constitute unjust, unreasonable, unduly discriminatory, or preferential service between localities, and constitute the making or granting of any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage.

(c) Whether or not section 6.1 of Rate Schedules LS–1, G–1, G–2, G–3, and section 5.1 of Rate Schedules SG–1, SG–2 and SG–3, and whether or not Rate Schedules I–1, I–2, and I–3 should be modified, revised or changed so that the Commission may prescribe just and reasonable service, classifications or practices hereafter to be observed and in force.

The Commission orders:

(A) Upon its own motion pursuant to the provisions of the Natural Gas Act, particularly section 5 thereof, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters involved and the issues presented in connection with the matters set forth in Finding 1 hereof.

(B) Interested State commissions may participate in the hearing as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11298; Filed, Oct. 17, 1952; 8:47 a .m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II d, *Central Office organization and final delegation of authority to Central Office officials*, is amended as follows:

d. The Operations Division is headed by an Assistant Commissioner for Operations who is responsible to the Commissioner for the activities of the Operations Division and of the Field Offices, the headquarters and jurisdictions of which are as follows:

Atlanta: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee. Public Housing Administration, Peachtree, Seventh Street Building, 50 Seventh Street NE.,.Room 358, Atlanta 5, Ga.

Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Public Housing Administration, Oliver Building, 141 Milk Street, Boston 9, Massachusetts.

Chicago: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, 201 North Wells Street, Chicago 6, Ill.

Fort Worth: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas. Public Housing Administration, 911 Texas and Pacific Passenger Building, Fort Worth 2, Tex.

New York: Delaware, Maryland, New Jersey, New York, Pennsylvania, District of Columbia. Public Housing Administration, 346 Broadway, New York 13, N. Y.

Puerto Rico: Puerto Rico and the Virgin Islands. Public Housing Administration, Box 9197, Santurce, P. R.

Richmond: Kentucky, North Carolina, Virginia, West Virginia. Public Housing Administration 900 North Lombardy Street, Richmond 20, Virginia.

San Francisco: Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territory of Alaska, the Territory of Hawaii. Public Housing Administration, 1360 Mission Street, San Francisco 3, Calif.

Date approved: October 8, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52–11294; Filed, Oct. 17, 1952; 8:46 a. m.]

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

1. Subparagraphs (z) and (aa) are added to paragraph III b 7 as follows:

(z) To execute Certificate and Approval Regarding New Housing Authority Bonds.

(aa) To execute Certificate and Approval Regarding Housing Authority Notes—Series A.

2. Subparagraphs (w) and (x) are added to paragraph III b 8 as follows:

(w) To execute Certificate and Approval Regarding New Housing Authority Bonds.

(x) To execute Certificate and Approval Regarding Housing Authority Notes—Series A.

Date approved: October 8, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-11343; Filed, Oct. 17, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 83]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 17, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Bedford, Massachusetts, Area. (The area consists of the cities of Waltham and Woburn, and the towns of Bedford, Billerica, Burlington, Carlisle, Concord, Lexington, Lincoln and Wilmington, all in Middlesex County, Massachusetts.)

This supersedes certification under Docket No. 330, dated March 6, 1952.

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-11404; Filed, Oct. 17, 1952; 10:51 a. m.]

[CDHA 84]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 17, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Sault Ste. Marie, Michigan, Area. (The area consists of the city of Sault Ste. Marie and Soo Township in Chippewa County, Michigan.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-11405; Filed, Oct. 17, 1952; 10:51 a. m.]

[CDHA 85]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 17, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Arkadelphia, Arkansas, Area. (The area consists of all of Clark County, Arkansas.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-11406; Filed, Oct. 17, 1952; 10:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-178]

UNITED LIGHT AND RAILWAYS CO. AND CONTINENTAL GAS AND ELECTRIC CORP.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

OCTOBER 13, 1952.

The Commission having, by order dated January 10, 1950, approved a plan filed by the United Light and Railways Company ("Railways"), a registered holding company, and its subsidiary registered holding company, Continental Gas & Electric Corporation ("Continental"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which plan provided for the liquidation and dissolution of Railways and Continental, and said order having reserved jurisdiction in respect of the fees and expenses incurred and to be incurred in connection with the plan and its consummation; and

The Commission having, by order dated December 3, 1951, released jurisdiction over all requested fees and expenses, except the fees and expenses of applicants' counsel, in respect of which the reservation of jurisdiction was continued because the record as to such fees and expenses was incomplete; and

Counsel for applicants, Sidley, Austin, Burgess & Smith having filed an amended request asking for an allowance of $34,000 fees and $1,751.28 expenses for services rendered to March 1951, and the record in respect of such fees and expenses having been completed; and

It appearing that the fees and expenses requested are not unreasonable and are for necessary services in connection with said plan and the consummation of certain steps thereof; and the Commission deeming it appropriate to release the jurisdiction heretofore reserved in respect of such fees and expenses, but to continue the reservation of jurisdiction in respect of any further fees and expenses to be paid such counsel:

It is ordered, That the request of Sidley, Austin, Burgess & Smith, counsel for applicants, for an allowance of $34,000 fees and $1,751.28 expenses to cover services to March 1951, be granted, that the jurisdiction heretofore reserved in respect of such fees and expenses be, and it hereby is, released, and that the reservation of jurisdiction be continued in respect of any further fees and expenses to be requested.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11313; Filed, Oct. 17, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19030]

WILLIAM STUEDEMANN

In re: Estate of William Stuedemann, deceased. File No. D-28-11222; E. T. sec. 15595.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Becker, Ludwig Murr, and William Murr, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of William Stuedemann, deceased, presently being administered by Otto G. Rentner, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois, File 155376, Docket 294, Page 160, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11323; Filed, Oct. 17, 1952; 8:50 a. m.]

[Vesting Order 19031]

JOHN OTTO EWERS

In re: Bank account owned by John Otto Ewers. F-28-13126-E-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That John Otto Ewers, whose last known address is Husum, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Bowery Savings Bank, 130 Broadway, New York 18, New York, arising out of a savings account No. 1,170,537, entitled "John O. Ewers," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, John Otto Ewers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11324; Filed, Oct. 17, 1952; 8:51 a. m.]

[Vesting Order 19032]

EMIL RUPPERT

In re: Bank account owned by Emil Ruppert. F-28-26184-E-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emil Ruppert, whose last known address is Schweinfurt, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Second National Bank of Hamilton, High Street and Journal Square, Hamilton, Ohio, arising out of a bank account entitled Emil Ruppert, maintained with the aforesaid Bank, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Ruppert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11325; Filed, Oct. 17, 1952; 8:51 a. m.]

[Vesting Order 19033]

LENA SCHRANNER

In re: Bank account owned by Lena Schranner. F-28-31987 and E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Lena Schranner, whose last known address is Freising, Plantagenweg 5, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national

of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Huguenot Trust Company, New Rochelle, New York, arising out of a savings account entitled "Mrs. Lena Schranner," maintained with the aforesaid Company and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lena Schranner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11326; Filed, Oct. 17, 1952; 8:51 a. m.]

[Vesting Order 19034]

PFARRER HANS SEIBOLD

In re: United States postage stamps owned by Pfarrer Hans Seibold. F-28-32004.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Pfarrer Hans Seibold, whose last known address is Berge, Bei Hamm, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Four hundred eighty-two (482) uncanceled United States postage stamps in unbroken sheets, of the following amounts, issues and values:

Issues and values	*Amounts*
Tennessee-Volunteer State, 150th Anversary of Statehood; 3 cents each	32
Air mail; 5 cents each	50
1846-1946 Smithsonian Institution; 3 cents each	150
1846-1946 Iowa Statehood Centennial; 3 cents each	250

together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Pfarrer Hans Seibold, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11327; Filed, Oct. 17, 1952; 8:51 a. m.]

[Vesting Order 19035]

PAUL AND MARTHA BRAUNES

In re: Interest in real property of Paul Braunes and Martha Braunes. D 28-4009.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; CFR 1945 Supp.) Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Paul Braunes and Martha Braunes, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-sixteenth (1/16th) interest in real property situated in the City and County of Los Angeles, State of California, particularly described as Lots 42 and 43, except the southerly 105 feet, of Pioneer Investment and Trust Company Vista de la Sierra Tract, in the City and County of Los Angeles, State of California, as per map recorded in Book 8, page 189, of Maps, records of Los Angeles County, California, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments, arising from the ownership of such property,

is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by Paul Braunes and Martha Braunes, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph one (1) hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certificate, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph two (2) hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11328; Filed, Oct. 17, 1952; 8:52 a. m.]

[Vesting Order 19036]

PETER BLICKER

In re: Estate of Peter Blicker, deceased. File No. 017-26400.

(Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by

Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Emmerich, Elisabeth Emmerich Witt (Mrs. Peter Witt), and Gertrud Botsch Vallendar (Mrs. Albert Vallendar), whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them in and to the estate of Peter Blicker, deceased, presently being administered by Frank S. Bergin, Administrator c. t. a., acting under the judicial supervision of the Probate Court for the District of Branford, Connecticut, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11329; Filed, Oct. 17, 1952; 8:52 a. m.]

[Vesting Order 19037]

KARL FRUECHTE ET AL.

In re: Rights of Karl Fruechte and others under Insurance Contracts. Files Nos. F-28-22110-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Fruechte and Erna Paula Fruechte, who on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Karl Fruechte, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 9314015 and 10606121 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Karl Fruechte, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance, except those of the aforesaid Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11330; Filed, Oct. 17, 1952; 8:52 a .m.]

[Vesting Order 18388, Amdt.]

TSUNEYOSHI MIYAMOTO

In re: Bank account, safe deposit lease and contents owned by Tsuneyoshi Miyamoto also known as T. Miyamoto. D-39-8086-E-1; F-1.

Vesting Order 18388, dated August 30, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (c) of the aforesaid Vesting Order 18388 and substituting therefor the following subparagraph 2 (c);

c. All property of any nature whatsoever owned by Tsuneyoshi Miyamoto, also known as T. Miyamoto in the safe deposit box referred to in subparagraph 2 (b) hereof and any and all rights of said person evidenced or represented thereby, including particularly but not limited to the following:

1. One (1) City of Tokio External Loan of 1927, Sinking Fund 5½ percent Gold Bond, numbered 10065, of $1,000 face value, together with any and all rights thereunder and thereto,

2. Two (2) Imperial Japanese Government External Loan of 1924 Thirty Year Sinking Fund 6½ percent Gold Bonds, said bonds numbered D6201 and C2127 of $500.00 and $100.00 face value respectively, together with any and all rights thereunder and thereto,

3. Two (2) Oriental Development Company, Limited (Toyo Takushoku Kabushiki Kaisha) External Loan Thirty Year 6 percent Gold Debenture bonds said bonds numbered M7060 and M18877 and of $1,000.00 face value each, together with any and all rights thereunder and thereto,

4. One (1) Shinyetsu Denryoku Kabushiki Kaisha (Shinyetsu Electric Power Company, Limited) First Mortgage 6½ percent Sinking Fund Bond, numbered M679 and of $1,000.00 face value, together with any and all rights thereunder and thereto,

5. Two (2) Tokyo Dento Kabushiki Kaisha (Tokyo Electric Light Company, Limited) First Mortgage 6 percent Gold Bonds, said bonds numbered 17193 and 21452 and of $1,000 face value each, together with any and all rights thereunder and thereto,

6. Six (6) City of Tokyo 5 percent Loan of 1912 bonds numbered 20690, 23018, 24588, 24589, 26286, and 27540 and of $100.00 face value each, together with any and all rights thereunder and thereto,

7. That certain note dated October 27, 1941, executed by T. Myemura, Tom Oga, B. Tabuchi and George Oyama at Los Angeles, California, in favor of T. Myamoto and Tom Oga for $630.00, together with any and all rights thereunder and thereto,

8. That certain note dated November 1941, executed by Toyatara Sakamato, Mitsusabue Hayashi, Naokusu Kishiyama and Tatsami Iwasaki at Los Angeles, California, in favor of T. Miyamoto for $630.00, together with any and all rights thereunder and thereto, and

9. Those certain pieces of jewelry listed below:

One (1) Open face, 14 Karat Gold, 19 Jewel, Waltham Pocket Watch, Case No. 6108769 and monogrammed "T. M.",

One (1) White Metal penknife, monogrammed "T. M.", and

One (1) White Metal Chain,

together with any and all rights thereunder and thereto,

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All other provisions of said Vesting Order 18388, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11331; Filed, Oct. 17, 1952; 8:52 a. m.]

[Vesting Order 18832, Amdt.]

CERTAIN UNKNOWN JAPANESE NATIONALS

In re: Checks owned by Japanese nationals whose names are unknown.

Vesting Order 18832, dated April 10, 1952, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of the aforesaid Vesting Order 18832 the amount of "1,440.28" set forth with respect to check No. 226289, dated June 23, 1941, payable to Keheiji Horio and Tauneyo Horio, and substituting therefor the amount "1,440.88".

All other provisions of said Vesting Order 18832 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11332; Filed, Oct. 17, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27463]

BITUMINOUS FINE COAL FROM POINTS IN ILLINOIS AND INDIANA TO FAIRMONT, MINN.

APPLICATION FOR RELIEF

OCTOBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Soft coal or bituminous fine coal, carloads.

From: Points in Illinois and Indiana.

To: Fairmont, Minn.

Grounds for relief: Competition with rail carriers, market competition, and additional routes.

Schedules filed containing proposed rates: C&IM RR. tariff I. C. C. No. B-336, Supp. 25. CB&Q RR. tariff I. C. C. No. 20331, Supp. 27. CI&L Ry. tariff I. C. C. No. 4798, Supp. 17. NYC RR. tariff I. C. C. No. 1306, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11300; Filed, Oct. 17, 1952; 8:48 a. m.]

[4th Sec. Application 27464]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO WICHITA, KANS.

APPLICATION FOR RELIEF

OCTOBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1286.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in southern territory.

To: Wichita, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11301; Filed, Oct. 17, 1952; 8:48 a. m.]

[4th Sec. Application 27465]

POTASH FROM CARLSBAD AND LOVING, N. MEX. TO POINTS IN TEXAS

APPLICATION FOR RELIEF

OCTOBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company, for itself and on behalf of carriers parties to its tariff I. C. C. No. 14478.

Commodities involved: Potash, in carloads.

From: Carlsbad and Loving, N. Mex.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: AT&SF Ry. tariff I. C. C. No. 14478, Supp. 60.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11302; Filed, Oct. 17, 1952; 8:48 a. m.]

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PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 17 NUMBER 205

Washington, Saturday, October 18, 1952

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 52-43]

VESSEL INSPECTION

REVISION OF CHAPTER

Part II of this issue contains a revision of the vessel inspection regulations of the United States Coast Guard, Department of the Treasury.

The President by proclamation dated September 10, 1952, proclaimed that the International Convention for the Safety of Life at Sea, 1948, shall come into force and effect on and after November 19, 1952, and that this Convention, with each and every article and clause thereof, shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof. The requirements which apply to the operation of vessels engaged on international voyages will be in effect on and after November 19, 1952. It is recognized that the inspection and issuance of required certificates for all vessels on November 19, 1952, cannot be accomplished. Therefore, in order to have an orderly administration of the requirements of this Convention which deals with new equipment required or new certificates issued will have to be done during the year from November 19, 1952, to November 19, 1953. When the various vessels come up for their regular annual or initial inspection, the new requirements of the Convention will be applied insofar as they concern equipment or construction so that all vessels will be in compliance with the new requirements by November 19, 1953.

The requirements in Chapter I of 46 CFR implement and complement the 1948 Convention insofar as they apply to vessels engaged on international voyages. In connection with new equipment required by the regulations, it is not intended that penalties will be assessed for failure to have such equipment during the interim between November 19, 1952, and the date of the vessel's next annual inspection. In the revision of the regulations and their application to existing vessels, it is not intended that "major conversions" will be required to be made. The requirements while written primarily for new vessels, will be applied to existing vessels only insofar as it is practicable and reasonable. Where certain new items of equipment are required by the 1948 Convention which will not be available on November 19, 1952, it is not intended that a vessel shall be delayed in sailing because of the lack of this equipment, and in such cases an additional reasonable time will be given to comply with the requirements if such action will not materially affect the safety of the vessel. For existing vessels not engaged in international voyages the revision of the regulations by this document should not materially affect their operation.

On November 19, 1951, the fifteenth country deposited its ratification of the 1948 Convention for Safety of Life at Sea with the British Government. Therefore, the requirements contained in this Convention will come into force on November 19, 1952, insofar as the United States is concerned. The United States Coast Guard is one of the primary Governmental agencies concerned with the administration of this Convention and the Commandant is charged with promulgating necessary vessel inspection regulations to give force and effect to the Convention. In order to have the regulations published in such a manner that persons and organizations affected thereby will be able to understand the requirements applicable to them, as required by the Administrative Procedure Act, the style and format of the regulations in Chapter I, Title 46, CFR, are revised or rearranged so that regulations are grouped by types of vessels or by subjects. Because of the scope and extent of this revision, it was necessary to postpone the publishing of certain revised marine engineering regulations considered by the Merchant Marine Council at a public hearing held September 18, 1951.

The notices of proposed rule making and announcements of public hearings to be held by the Merchant Marine Council were published in the Federal Registers dated August 16, 1951 (16 F. R. 8136–8139), February 27, 1952 (17 F. R. 1727–1731), and June 24, 1952 (17 F. R. 5665–5673). The Merchant Marine Council held public hearings in Washington, D. C., on September 18, 1951, March 25, 1952, and July 22, 1952. All the comments, views, and data submitted either in writing or orally at the public hearings were considered and, where practicable, were incorporated into the regulations.

The purpose of the amendments to the regulations contained in this document is: (a) to provide new or revised requirements to implement or complement the 1948 Convention for Safety of Life at Sea; (b) to review and bring up to date the requirements for vessel inspection; (c) to revise the style and format of regulations to have a better presentation of requirements; and (d) to describe present practices and procedures more fully in order to provide a better arrangement and understanding of the requirements.

In revising and rearranging the regulations the requirements are set forth by general subjects or by types of vessels. In each subchapter there is set forth the application of the regulations. It was not necessary to amend or revise or renumber all the regulations in Chapter I. Therefore, those regulations which are not affected by this document have not been included. In order to understand the effect of the reorganization of material, Table I lists the revised subchapter and part titles for Chapter I. The comments describe the action taken.

TABLE I—SUBCHAPTER AND PART HEADINGS FOR CHAPTER I WITH COMMENTS—Continued

Part No.	Subchapter designation	Title	Action taken
55	F	Piping Systems, Pumps, Refrigeration Machinery, and Fuel Tanks.	Item VI of public hearing held Sept. 18, 1951 (16 F. R. 8137). Item XIII of public hearing held Mar. 25, 1952 (17 F. R. 1729). Vol. IV, Item XVI of public hearing held July 22, 1952 (17 F. R. 5671). Revision of part.
56	F	Arc Welding, Gas Welding, and Brazing.	Item VII of public hearing held Sept. 18, 1951 (16 F. R. 8138). Volume V, Item XXVII of public hearing held July 22, 1952 (17 F. R. 5671). Revision of various sections.
57	F	Main and Auxiliary Machinery.	Item VII of public hearing held Sept. 18, 1951 (16 F. R. 8138). Vol. V, Item XXVIII of public hearing held July 22, 1952 (17 F. R. 5671). Revision of part.
58	F	Repairs to Boilers, Unfired Pressure Vessels, and Appurtenances.	Do.
59	F	Independent Internal Combustion Engine Fuel Tanks.	Vol. V, Item XXVIII of public hearing held July 22, 1952 (17 F. R. 5671, 5672). Revision of part.
61	F	Installations, Tests, Inspections, Markings, and Official Forms.	Item VIII of public hearing held Sept. 18, 1951 (16 F. R. 8138). Volume V, Item XXVIII of public hearing held July 22, 1952 (17 F. R. 5671, 5672). Revision of various sections.
------	G	Marine Engineering, Installations Contracted for Prior to July 1, 1935.	Item XIV of public hearing held Mar. 25, 1952 (17 F. R. 1730). New part added.
66	G	General	Item XV of public hearing held Mar. 25, 1952 (17 F. R. 1730). New part added.
67	G	Construction	Item XVI of public hearing held Mar. 25, 1952 (17 F. R. 1730). New part added.
68	G	Piping Systems	Item XVII of public hearing held Mar. 25, 1952 (17 F. R. 1730). New part added.
69	G	Installations, Tests, Inspections, and Repairs.	Vol. IV, Item XIX of public hearing held July 22, 1952 (17 F. R. 5669-5668). Revision and rearrangement of applicable requirements (old Parts 76-83 canceled).
70	H	General Provisions	Vol. I, Item I of public hearing held July 22, 1952 (17 F. R. 5669). New part added.
71	H	Inspection and Certification	Vol. I, Item II of public hearing held July 22, 1952 (17 F. R. 5666). New part added.
72	H	Construction and Arrangement	Vol. I, Item III of public hearing held July 22, 1952 (17 F. R. 5666-5668). New part added.
73	H	Watertight Subdivision	Vol. I, Item IV of public hearing held July 22, 1952 (17 F. R. 5669). New part added.
74	H	Stability	Vol. I, Item V of public hearing held July 22, 1952 (17 F. R. 5667). New part added.
75	H	Lifesaving Equipment	Vol. I, Item VI of public hearing held July 22, 1952 (17 F. R. 5667). Revision of part.
76	H	Fire Protection Equipment	Vol. I, Item VII of public hearing held July 22, 1952 (17 F. R. 5667). New part added (text of old Part 76 canceled).
77	H	Vessel Control and Miscellaneous Systems and Equipment.	Vol. I, Item VIII of public hearing held July 22, 1952 (17 F. R. 5669). New part added (text of old Part 77 canceled).
78	H	Operations	Vol. I, Item IX of public hearing held July 22, 1952 (17 F. R. 5667). New part added (text of old Part 78 canceled).
------	I	Cargo and Miscellaneous Vessels	Vol. II, Items I-XVII of public hearing held July 22, 1952 (17 F. R. 5668, 5669). Revision of applicable requirements and rearrangement of material. (Old Parts 94-102 canceled).
90	I	General Provisions	Vol. II, Item X of public hearing held July 22, 1952 (17 F. R. 5668). New part added.
91	I	Inspection and certification	Vol. II, Item XI of public hearing held July 22, 1952 (17 F. R. 5668). New part added.
92	I	Construction and arrangement	Vol. II, Item XII of public hearing held July 22, 1952 (17 F. R. 5668). New part added.
93	I	Stability	Vol. II, Item XIII of public hearing held July 22, 1952 (17 F. R. 5668). New part added.
94	I	Lifesaving Equipment	Vol. II, Item XIV of public hearing held July 22, 1952 (17 F. R. 5668). New part added (text of old Part 94 canceled).
95	I	Fire Protection Equipment	Vol. II, Item XV of public hearing held July 22, 1952 (17 F. R. 5669). New part added (text of old Part 95 canceled).
96	I	Vessel Control and Miscellaneous Systems and Equipment.	Vol. II, Item XVI of public hearing held July 22, 1952 (17 F. R. 5669). New part added (text of old Part 96 canceled).

TABLE I—SUBCHAPTER AND PART HEADINGS FOR CHAPTER I WITH COMMENTS

Part No.	Subchapter designation	Title	Action taken
------	A	Procedures Applicable to the Public	Editorial revisions made to agree with revised regulations.
1	A	General Course and Methods	No change made.
2	A	Vessel Inspection	Part rewritten to agree with revised regulations.
3	A	Merchant Marine Personnel	Part editorially revised to agree with changes made in regulations.
4	A	Investigations and Hearings	No change made.
------	B	Merchant Marine Officers and Seamen	No change made in existing requirements.
------	B	Licensing of Officers and Motorboat Operators and Registration of Staff Officers.	No change made.
10	B	Certification of Seamen	Do.
12	B	Shipment and Discharge of Seamen	Do.
14	B	Allotments of Seamen	Do.
15	B	United States Shipping Commissioners	Part 134 editorially revised and renumbered.
16	B	Uninspected Vessels	Vol. III, Items XVIII-XX of public hearing held July 22, 1952 (17 F. R. 5670). These requirements apply to certain motor and uninspected vessels formerly published in Parts 24 to 28.
------	C	General Provisions	Item XVIII of public hearing held July 22, 1952. Part completely revised.
24	C	Requirements	Item XIX of public hearing held July 22, 1952. Part completely revised.
25	C	Operations	Item XX of public hearing held July 22, 1952. Part completely revised.
26	C	Tank Vessels	Requirements revised to implement the 1948 Convention for Safety of Life at Sea, as well as other changes necessary for revision of requirements. Items V-XI of public hearing held Mar. 25, 1952 (17 F. R. 1728, 1729).
------	D	General Provisions	Item VI of public hearing held Mar. 25, 1952. Minor revisions regarding application of requirements. Revision of part.
31	D	Inspection and Certification	Item VII of public hearing held Mar. 25, 1952. Item completely revised.
32	D	Special Equipment, Machinery, and Hull Requirements.	Item VIII of public hearing held Mar. 25, 1952. Item XXV of public hearing held July 22, 1952 (17 F. R. 5672). Revision of various sections.
33	D	Lifesaving Appliances	Item VIII of public hearing held Mar. 25, 1952. Revision of various sections.
34	D	Fire Fighting Equipment	Item IX of public hearing held Mar. 25, 1952. Revision of part.
35	D	Operations	Item X of public hearing held Mar. 25, 1952. Revision of various sections.
38	D	Liquefied Petroleum Gases	Item XI of public hearing held Mar. 25, 1952. Item XXV of public hearing held July 22, 1952 (17 F. R. 5671). Revision of various sections.
39	D	Inflammable or Combustible Liquids Having Lethal Characteristics.	No change made.
------	E	Load Lines	Editorial renumbering of requirements.
------	E	Foreign or Coastwise Voyage	Item XV of public hearing held Mar. 25, 1952 (17 F. R. 1730). Revision of various sections and editorial renumbering of part.
43	E	Variance for Steam Colliers, Tugs, Barges, and Self-Propelled Barges.	Editorial changes regarding applicability and authority for granting variances.
44	E	Merchant Vessels When Engaged in a Voyage on the Great Lakes.	Editorial renumbering of part.
45	E	Subdivision Load Lines for Passenger Vessels.	Vol. VII, Item XXXI of public hearing held July 22, 1952 (17 F. R. 5672). Revision of part.
46	E	Marine Engineering	Miscellaneous changes published Mar. 25, 1952, and Items XXII-XXIII of public hearing held Mar. 25, 1952. Miscellaneous changes and revisions of certain parts.
50	F	General Provisions	Item I of public hearing held Sept. 18, 1951 (16 F. R. 8139). Revision of part, republished in FEDERAL REGISTER of Dec. 21, 1951 (16 F. R. 7628-7633).
51	F	Materials	Item III of public hearing held Sept. 18, 1951 (16 F. R. 8137). Item XVIII of public hearing held July 22, 1952 (17 F. R. 5671). Miscellaneous changes.
52	F	Construction	Item IV of public hearing held Sept. 18, 1951 (16 F. R. 8137). Vol. V, Item XXVI of public hearing held July 22, 1952 (17 F. R. 5671). Revision of various sections.
53	F	Low Pressure Heating Boilers	Item V of public hearing held Sept. 18, 1951 (16 F. R. 8137). Vol. V, Item XXVI of public hearing held July 22, 1952 (17 F. R. 5671). Revision of various sections.
54	F	Unfired Pressure Vessels	Item VI of public hearing held Sept. 18, 1951 (16 F. R. 8137). Revision of various sections.

TABLE I—SUBCHAPTER AND PART HEADINGS FOR CHAPTER I WITH COMMENTS—Continued

Part No.	Subchapter designation	Title	Action taken
97	I	Operations	Vol. II, Item XVII of public hearing held July 22, 1952 (17 F. R. 5669). New part added (text of old Part 97 canceled).
------	J	Electrical Engineering	Vol. IV, Items XXI-XXIV of public hearing held July 22, 1952 (17 F. R. 5670, 5671). New regulations added (old Parts 112-120 canceled).
110	J	General Provisions	Vol. IV, Item XXI of public hearing held July 22, 1952 (17 F. R. 5670). New part added.
111	J	Electrical System, General Requirements	Vol. IV, Item XXII of public hearing held July 22, 1952 (17 F. R. 5670). New part added.
112	J	Emergency Lighting and Power System	Vol. IV, Item XXIII of public hearing held July 22, 1952 (17 F. R. 5670). New part added.
113	J	Communication and Alarm Systems and Equipment.	Vol. IV, Item XXIV of public hearing held July 22, 1952 (17 F. R. 5670). New part added (text of old Part 113 canceled).
------	K	Marine Investigations and Suspension and Revocation Proceedings.	Change in subchapter title. (Old Parts 131, 133, 134, 135, 140, 141 canceled.)
136	K	Marine Investigation Regulations	Editorial changes in various sections to agree with changes made in other parts of chapter.
137	K	Suspension and Revocation Proceedings	No change made.
------	L	Overtime Services	Do.
143	L	Extra Compensation for Overtime Services	Do.
------	M	Bulk Grain Cargo	New requirements added to implement the 1948 Convention for Safety of Life at Sea.
144	M	Loading and Stowage of Grain Cargoes	Vol. VI, Item XXX of agenda of public hearing held July 22, 1952 (17 F. R. 5672). New part added (text of old Part 144 canceled).
------	N	Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels.	No change made. (The text of various revisions published in separate FEDERAL REGISTER documents.)
146	N	Transportation or Storage of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.	No change made.
147	N	Regulations Governing the Use of Dangerous Articles as Ships' Stores and Supplies on Board Vessels.	Do.
------	O	Regulations Applicable to Certain Vessels During Emergency.	Do.
154	O	Waivers of Navigation and Vessel Inspection Laws.	Do.
------	P	Manning of Vessels	Vol. VIII, Item XXXII of public hearing held July 22, 1952 (17 F. R. 5672). New subchapter containing manning requirements previously published in various sections and parts throughout chapter.
157	P	Manning Requirements	New part added. This part contains requirements previously published as Parts 131, 135, 140, 141 (the text of old Part 157 canceled).
------	Q	Specifications	Vol. V, Item XXIX of public hearing held July 22, 1952 (17 F. R. 5672). New specifications added.
160	Q	Lifesaving Equipment	No change made.
161	Q	Electrical Equipment	No change made.
162	Q	Engineering Equipment	New subparts (specifications) added.
163	Q	Construction	No change made.
164	Q	Materials	Do.
------	R	Nautical Schools	Editorial rearrangement of requirements and editorial changes to agree with other changes made in chapter.
166	R	Designation and Approval of Nautical School Ships.	Editorial rearrangement and renumbering of requirements. Minor changes made in regulations. New part added. (The text of old §§ 133.0 to 133.4 transferred to this part.)
167	R	Public Nautical School Ships	Editorial changes made to agree with other changes made in chapter.
168	R	Civilian Nautical School Ships	Editorial rearrangement and renumbering of requirements. (The text of old §§ 138.5 to 133.18 transferred to this part.)
------	S	Numbering Undocumented Vessels	Item XX of public hearing held Mar. 25, 1952 (17 F. R. 1731).
172	S	Numbering Requirements	New part added (text of old Part 29 revised, renumbered and transferred to this part).

In order to understand the transfer and rearrangement of requirements as applied to regulations previously published in Chapter I, the following changes were made:

Subchapter A—Procedures Applicable to the Public

No change made in the arrangement of material. Revisions were made in the text of Parts 2 and 3 to agree with changes made in other parts of this chapter.

Subchapter B—Merchant Marine Officers and Seamen

No change made in the arrangement of material. A new Part 16, regarding United States Shipping Commissioners, is added. The text of this part was previously published as Part 133 in Subchapter K.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

This subchapter, consisting of Parts 24 to 29, is canceled. The text of Parts 24 to 28 was revised so that it would apply only to uninspected vessels (primarily motorboats) and republished as Parts 24, 25, and 26. The text of Parts 24 to 28, applicable to passenger vessels, is transferred to a new Subchapter H. The text of Parts 24 to 28, applicable to cargo and miscellaneous vessels, is transferred to a new Subchapter I. The text of Parts 24 to 28, relating to marine engineering, is transferred to Subchapter F. The text of Part 29, regarding numbering of undocumented vessels, is revised and transferred to a new Part 172 in a new Subchapter S.

Subchapter D—Tank Vessels

No change made in the arrangement of material. Part 34, regarding fire-fighting equipment, is revised. Various sections in other parts are revised to implement the 1948 Convention for the Safety of Life at Sea, or to transfer requirements regarding marine engineering, or specifications to Subchapter F, or Subchapter Q, respectively.

Subchapter E—Load Lines

This subchapter, consisting of Parts 43 to 46, is completely renumbered and the text of Part 46, regarding subdivision of passenger vessels, revised. Certain requirements in Parts 43 to 46, dealing with marine engineering, were transferred to Subchapter F. Certain requirements, regarding stability and subdivision of passenger vessels, were transferred to Subchapter H. The changes made in Parts 43 to 45 are primarily editorial and agree with changes made in other parts of this chapter.

Subchapter F—Marine Engineering

This subchapter, consisting of Parts 50 to 58, is revised so that it will contain only the requirements applicable to marine engineering installations and equipment contracted for on or after July 1, 1935. Part 50 is completely revised and renumbered. Various sections in Parts 52 to 56 are revised. Part 57 is completely revised and requirements renumbered as Parts 57, 58, 59, and 61, in order to have a better presentation of requirements. The text of Part 58, as well as applicable requirements from Parts 50 to 57, which apply to marine engineering installations contracted for prior to July 1, 1935, are transferred to new Parts 66 to 69 in a new Subchapter G.

Subchapter G—Ocean and Coastwise; General Rules and Regulations

This subchapter, consisting of Parts 59 to 65, is canceled. The requirements applicable to passenger vessels are revised and transferred to a new Subchapter H. The requirements applicable to cargo and miscellaneous vessels are revised and transferred to a new Subchapter I. The requirements regarding marine engineering are revised and transferred to Subchapter F. The requirements regarding manning of vessels are revised and transferred to a new Subchapter P.

Subchapter H—Great Lakes; General Rules and Regulations

This subchapter, consisting of Parts 76 to 83, is canceled. The requirements applicable to passenger vessels are transferred to a new Subchapter H. The requirements applicable to cargo and miscellaneous vessels are transferred to a new Subchapter I. The requirements regarding marine engineering are transferred to Subchapter F. The requirements regarding manning of vessels are transferred to a new Subchapter P.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations

This subchapter, consisting of Parts 94 to 102, is canceled. The requirements

applicable to passenger vessels are transferred to a new Subchapter H. The requirements applicable to cargo and miscellaneous vessels are transferred to a new Subchapter I. The requirements regarding marine engineering are transferred to Subchapter F. The requirements regarding manning of vessels are transferred to a new Subchapter P.

Subchapter J—Rivers; General Rules and Regulations

This subchapter, consisting of Parts 113 to 120, is canceled. The requirements applicable to passenger vessels are transferred to a new Subchapter H. The requirements applicable to cargo and miscellaneous vessels are transferred to a new Subchapter I. The requirements regarding marine engineering are transferred to Subchapter F. The requirements regarding manning of vessels are transferred to a new Subchapter P.

Subchapter K—Seamen

The title for this subchapter is changed to "Marine Investigations and Suspension and Revocation Proceedings" since only Parts 136 and 137 are retained in this subchapter. The text of Part 131, regarding hours of labor on shipboard, Part 135, regarding language test for seamen, Part 140, regarding able seamen, and Part 141, regarding manning of inspected vessels, is revised and transferred to a new Subchapter P. The text of Part 133, regarding designation and approval of nautical school ships; rules for conduct of school ships, is revised, rearranged, renumbered and transferred to Parts 166 and 168 in Subchapter R. The text of Part 134, regarding United States Shipping Commissioners, is rearranged, renumbered and transferred to Part 16 in Subchapter B.

Subchapter L—Overtime Services

No change is made in this subchapter which contains only Part 143.

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery

This subchapter, consisting of Part 144, is canceled. The requirements are revised, rearranged and transferred to Parts 72, 73, and 74 in a new Subchapter H, regarding passenger vessels.

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

No change is made in this subchapter, consisting of Parts 146 and 147. The changes considered at the public hearing held March 25, 1952, will be published in a separate document.

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

No change is made in this subchapter, consisting of Part 154.

Subchapter P—General Provisions

This subchapter, consisting of Part 137, is canceled. The text of Part 157, regarding enforcement, is revised and transferred to Part 2 in Subchapter A.

Subchapter Q—Specifications

No change is made in the arrangement of the material in this subchapter, consisting of Parts 160 to 164. New subparts regarding marine engineering equipment are added to Part 162.

Subchapter R—Nautical Schools

This subchapter, consisting of Part 167, is editorially revised to agree with changes made in other parts in this chapter. No change was made in the arrangement of material. The text of §§ 133.0 to 133.4, regarding designation and approval of nautical school ships, is revised, rearranged, renumbered and transferred to this subchapter as a new Part 166. The text of §§ 133.5 to 133.18, regarding civilian nautical school ships, is rearranged, renumbered, and transferred to this subchapter as a new Part 168.

Since the Government of the United States of America, together with the Governments of the other countries which have become parties to the 1948 Convention for the Safety of Life at Sea, undertakes to give effect to the provisions of the Convention, it is hereby found necessary that the regulations in this document shall become effective on and after November 19, 1952.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after November 19, 1952:

Subchapter A—Procedures Applicable to the Public

PART 2—VESSEL INSPECTIONS

Part 2 is amended to read as follows:

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

Sec.
2.01–1 Applications for inspections.
2.01–5 Certificates of inspection.
2.01–10 Inspection requirements.
2.01–15 Vessel repairs.
2.01–20 Revocation of certificates of inspection.
2.01–25 International Convention for the Safety of Life at Sea, 1948.
2.01–50 Special permits.
2.01–60 Overtime compensation.
2.01–70 Appeals.

SUBPART 2.20—REPORTS AND FORMS

2.20–1 Forms.
2.20–40 Chief engineer's reports.
2.20–50 Repairs or alterations in lifesaving or fire prevention equipment.
2.20–60 Reports of casualties and accidents.

SUBPART 2.30—NUMBERING OF UNDOCUMENTED VESSELS

2.30–1 Numbering.
2.30–10 Application.
2.30–20 Certificate issued.

SUBPART 2.50—NAVIGATION AND VESSEL INSPECTION LAWS

Sec.
2.50–1 Waivers.
2.50–20 Reports and assessments of penalties for violation of laws or regulations.
2.50–25 Payment of penalty for violation of law or regulation.
2.50–30 Motorboat Act violations.

SUBPART 2.75—APPROVALS OF SAFETY EQUIPMENT, MATERIALS AND INSTALLATIONS, AND QUALIFICATIONS FOR CONSTRUCTION PERSONNEL

Sec.
2.75–1 Approvals.
2.75–10 Requirements and tests.
2.75–50 Withdrawals or terminations of approvals.
2.75–60 Certification of ship's stores and supplies.
2.75–70 Welders.

SUBPART 2.85—LOAD LINES

2.85–1 Assignment of load lines.

SUBPART 2.90—PLANS, DRAWINGS OR BLUEPRINTS

2.90–1 General requirements.

AUTHORITY: §§ 2.01–1 to 2.90–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416.

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

§ 2.01–1 *Applications for inspections*—(a) *Application forms.* (1) Applications for the annual inspections of vessels required to be inspected by 46 U. S. C. 362, 363, 367, 391, 391a, 395, 404, 405, 1333, shall be made by the master, owner or agent on the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local Marine Inspection Office, U. S. Coast Guard:

833—Application for Inspection of Vessel.
986—Application for Inspection of Foreign Passenger Vessel.

(2) These applications require information on name and type of vessel, nature of employment and route in which to be operated, and place where and date when she may be inspected.

(b) *To whom submitted.* The completed forms shall be submitted to the Marine Inspection Office located in, or nearest, the port at which the inspection is to be made. The applicant will be advised in writing of the time when the inspection will be made.

(c) *New vessels.* Applications for inspection of new vessels shall be preceded by the submission of applicable drawings or prints in accordance with specific requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels) and/or J (Electrical Engineering) of this chapter applicable to that particular type of vessel and/or type of service in which it is proposed to be operated.

§ 2.01–5 *Certificates of inspection*—(a) *Issuance of certificates.* Certificates issued upon completion of the inspection of a vessel and on condition that the vessel and her equipment are approved by the inspectors a certificate on one of the following Coast Guard forms will be issued by the Officer in Charge, Marine Inspection, as required by 46 U. S. C. 399:

(1) CG 841—Certificate of Inspection for Steam or Motor Vessels.
(2) CG 842—Certificate of Inspection for Tank Barges.
(3) CG 852—Certificate of Inspection for Sail Vessels and Barges Carrying Passengers for Hire.
(4) CG 854—Temporary Certificate of Inspection.

(5) CG 856—Certificate of Inspection for Seagoing Barges of 100 Gross Tons or Over.
(6) CG 987—Certificate of Inspection for Foreign Passenger Vessels.
(7) CG 989—Certificate of Examination of Foreign Passenger Vessel of Country Having Inspection Laws Approximating Those of the United States.
(8) A—Approval of Boilers and Machinery on Steam Propelled Motorboats.
(9) B—Inspection of Boilers on Steam Propelled Motorboats.

(b) *Description of certificate.* These certificates describe the vessel; the route over which she may travel; the minimum manning requirements; the safety equipment and appliances required to be carried on board; the total number of persons which may be carried; the condition of the vessel and her machinery; the names of the master and the owner. The duration of the certificates is for a period of 1 year after which they must be renewed by making application for inspection as provided for in § 2.01–1.

(c) *Amending certificates.* Where by reason of a change in the character of a vessel or in her route, equipment, etc., the vessel will not comply with the requirements of the certificate of inspection previously issued a certificate amending such certificate may be issued at the discretion of the Officer in Charge, Marine Inspection, to whom request is made, on Coast Guard Form 853, Certificate Amending Certificate of Inspection by Changing Character of Vessel, Route, Equipment, etc.

(d) *Compliance with new requirements.* Where it is found that a vessel cannot comply with any of the new requirements in this chapter effective on or after November 19, 1952, because the equipment is not available, or the installation cannot be made without undue delay to the vessel, or for similar reasons, the Commandant may permit a reasonable time to be granted to such vessel to comply with the requirements. Where such permission is given, it shall be noted on the certificate of inspection together with the time limit granted.

§ 2.01–10 *Inspection requirements.* (a) If during the inspection of a vessel made at the request of the master, owner, or agent, the vessel or her equipment is found not to conform to the requirements of law or regulations in this chapter, the requirements which must be met will be listed on Form CG 835, Notice of Merchant Marine Inspection Requirements, and given to the master of the vessel.

(b) The Coast Guard on its own initiative may examine or inspect or reinspect at anytime any vessel subject to Title 52 of the Revised Statutes (R. S. 4399–4500; 46 U. S. C. 170, 214–240, 361–498), and acts amendatory thereof or supplemental thereto. If during such examination, inspection, or reinspection, any failure to comply with any applicable requirement of law and/or applicable regulations in this chapter, or any defects or imperfections become apparent tending to render the navigation of the vessel unsafe, or that repairs have become necessary, the Coast Guard will so notify the master and state what is required.

§ 2.01–15 *Vessel repairs.* (a) The procedures to be followed in notifying the Coast Guard about vessel repairs varies according to the type of vessel and service in which engaged. The requirements by type of vessels are set forth in Subchapters D (Tank Vessels), E (Load Lines), H (Passenger Vessels), and I (Cargo and Miscellaneous Vessels) of this chapter. The additional requirements for repairs of certain equipment and installations are in Subchapters F (Marine Engineering) and J (Electrical Engineering) of this chapter.

(b) If repairs to a vessel are necessary, such vessel may be permitted to proceed to another port for repairs, if in the opinion of the inspector it can be done with safety. The permit is granted by the Officer in Charge, Marine Inspection, upon request in writing by the master or owner of the vessel and is issued on Coast Guard Form 948, Permit To Proceed to Another Port for Repairs. No repairs or alterations affecting safety of a vessel or her machinery shall be made unless applicable requirements in Subchapters D (Tank Vessels), E (Load Lines), F (Marine Engineering), H (Passenger Vessels), I (Cargo and Miscellaneous Vessels) and/or J (Electrical Engineering) of this chapter are met.

§ 2.01–20 *Revocation of certificates of inspection.* Under authority of 46 U. S. C. 435 the certificates of inspection referred to in § 2.01–5 may be revoked if the vessel is found at reinspections not to comply with the terms of the vessel's certificate of inspection.

§ 2.01–25 *International Convention for the Safety of Life at Sea, 1948.*—(a) *Certificates required.* (1) The International Convention for the Safety of Life at Sea, 1948, requires one or more of the following certificates to be carried on certain vessels engaged in international voyages:

(i) Safety certificate for passenger vessels.
(ii) Safety equipment certificate for cargo ships (including tank ships).
(iii) Safety radiotelephony certificate.
(iv) Safety radiotelegraphy certificate.
(v) Exemption certificate.

(2) The United States Coast Guard will issue the certificates listed in paragraph (a) of this section.

(b) *Applications.* (1) The application for the inspection of a passenger vessel is made on the appropriate form listed in § 2.01–1, or by letter, to the Officer in Charge, Marine Inspection, in or nearest the port at which the inspection is to be made and shall be signed by the master or agent of the vessel. Further details are set forth in Subchapter H (Passenger Vessels) of this chapter.

(2) The application for the inspection of a cargo vessel including a tank vessel is made on the appropriate form listed in § 2.01–1, or by letter to the Officer in Charge, Marine Inspection, in or nearest the port at which the inspection is to be made and shall be signed by the master or agent of the vessel. Further details are set forth in Subchapters D (Tank Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(3) The application for the inspection of a vessel other than passenger vessel concerning the issuance of a safety radiotelephony certificate or safety radiotelegraphy certificate is made by letter to the local office of the Federal Communications Commission, which agency is responsible for the inspection. The local inspector of the agency reports the results of the inspection to the Officer in Charge, Marine Inspection, who issues the certificate.

(c) *Certificates issued.* If a vessel meets the applicable requirements of the convention, it shall be issued one or more of the certificates listed in paragraph (a) of this section. These certificates describe the vessel or state the vessel is in compliance with the requirements of the convention.

(d) *Letter in lieu of a required certificate.* Where completion of the certification of any vessel cannot be effected prior to the sailing of the vessel on a foreign voyage, a letter in lieu of a certificate is issued by the Officer in Charge, Marine Inspection, on Coast Guard Form 969, explaining the failure of the ship to have on board the certificate required.

(e) *Exempted vessel.* A vessel may be exempted by the Commandant, U. S. Coast Guard, from complying with certain requirements of the convention upon request made in writing to him. In such case the exemptions are stated in the exemption certificate, which is issued by the Commandant through the appropriate Officer in Charge, Marine Inspection.

(f) *Foreign flag vessels.* At the request of the government of a country in which is registered a vessel engaged in international voyages, such a vessel may be issued the applicable certificate or certificates listed in paragraph (a) of this section by the Coast Guard. The certificate will be issued only after inspection has been made of the vessel and the vessel is found to comply with the requirements of the convention.

§ 2.01–50 *Special permits*—(a) *Passengers or persons in addition to crew.* Special permits may be issued to certain vessels subject to inspection to carry persons in addition to those allowed by the certificates of inspection. Under authority of 46 U. S. C. 453 a passenger vessel may be permitted to engage in excursions and carry additional numbers of passengers. Application for the permit is made by the master, owner, or agent of the vessel to the Officer in Charge, Marine Inspection, on Coast Guard Form 950, Application for Excursion Permit. If, after inspection, permission is granted, it is given on Coast Guard Form 949, Permission to Carry Excursion Party. The permit describes the vessel, the route over which and the period during which the excursions may be made, and the safety equipment required for the additional persons indicated.

(b) *Persons other than crew on towing, oyster, or fishing steamers.* Steam towing, oyster dredging, and fishing vessels may be permitted to carry persons in addition to their crews under authority of 46 U. S. C. 458 by the District Commander. Application for such a permit is made by the master or agent of the

vessel to the Coast Guard District Commander on Form CG 955, Application for Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew, which form is obtainable from the Coast Guard District Commander. If the application is approved the permit is issued by the Coast Guard District Commander on Form CG 957, Permit to Towing, Oyster and Fishing Steamers to Carry Persons Other Than the Crew. The master, owner, or agent of any of the above vessels carrying persons in addition to the crew is required to report to the District Commander that he has on board the vessel life preservers in addition to those required for the crew to accommodate the additional persons carried. This report is made on Form CG 956, Affidavit of Master or Owner of Towing, Oyster or Fishing Steamer That Life Preservers Are on Board, which may be obtained from any Coast Guard District Commander. The permit describes the vessel, the number of persons which may be carried in addition to her crew, and the number of life preservers provided.

§ 2.01–60 *Overtime compensation*—(a) *General.* Extra compensation for overtime services performed by inspectors of vessels and their assistants, shipping commissioners and their deputies and assistants who may be required to remain on duty between the hours of 5:00 p. m. and 8:00 a. m. or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels is authorized by 46 U. S. C. 382b and regulations in Part 143 of this chapter, together with the method of computing such extra compensation.

(b) *Application and certification of time.* Application for the performance of such overtime services and certification of services performed is made by the master, owner, or agent of a vessel to the Officer in Charge, Marine Inspection, on Form CG 830, Application for and Certificate of Overtime Service.

(c) *Collection.* The bill for the collection of the overtime compensation is submitted by the Officer in Charge, Marine Inspection, to the master, owner, or agent on whose vessel overtime services are performed on Form CG 832, Bill for Collection Overtime Services. Payment is made to the Collector of Customs of the port designated.

§ 2.01–70 *Appeals*—(a) *General.* Any person aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander.

(b) *Time limits.* (1) Appeals from decisions of the inspectors or the Officer in Charge, Marine Inspection, to the Coast Guard District Commander, shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) *Decision on appeals.* Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect. The decision of the Commandant is final.

SUBPART 2.20—REPORTS AND FORMS

§ 2.20–1 *Forms.* (a) Statutes and regulations require that certain forms be posted on vessels referred to in the statutes and regulations. The titles of the forms indicate the contents of the forms. They may be obtained from any Marine Inspection Office. The Coast Guard Forms and the statutes or regulations which require that they be posted are listed in this section.

(b) *CG 803.* Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico, required by 33 U. S. C. 157, and 33 CFR 80.13 (b).

(c) *CG 804a.* Rules for Lights for Certain Classes of Vessels Navigating the Harbors, Rivers, and Other Inland Waters except the Great Lakes and their Connecting Tributary Waters as far East as Montreal and the Red River of the North and Rivers Emptying into the Gulf of Mexico, required by 33 U. S. C. 157.

(d) *CG 805.* Pilot Rules for Western Rivers, required by 46 U. S. C. 381, and 33 CFR 95.23.

(e) *CG 807.* Pilot Rules for the Great Lakes and their Connecting and Tributary Waters. 33 U. S. C. 243, 33 CFR 90.15 (b).

(f) *CG 811.* Instructions for the use of the Gun and Rocket Apparatus for Saving Life from Shipwreck as Practiced by the United States Coast Guard, required by §§ 35.10–10, 78.53, or 97.43 of this chapter.

(g) *CG 802.* Persons Allowed in Pilothouse and on Navigation Bridge, required by §§ 78.10, and 97.10 of this chapter.

(h) *CG 809A.* Station Bills, Drills and Reports of Masters, required by § 78.17–50 (f) of this chapter.

(i) *CG 809B.* Station Bills, Drills and Reports of Masters, required by §§ 35.10–1, or 97.15–35 (d) of this chapter.

(j) *CG 810.* Duties of Mates of Inland Steamers Carrying Passengers, required by § 157.35–5 of this chapter.

§ 2.20–40 *Chief engineer's reports.* (a) Repairs to boilers and pressure vessels. The chief engineer is required to report any repairs to boilers or unfired pressure vessels in accordance with §§ 33.25–5, 78.33–1, and 97.30–1 of this chapter.

(b) The chief engineer of any vessel is required to report any accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made by §§ 35.25–5, 78.33–5, and 97.30–5 of this chapter.

(c) The chief [illegible] the installation of [illegible] the Officer in Charge, Marine Inspection, on Form CG–[illegible] § 61.45–20 of this chapter.

§ 2.20–50 *Repairs or alterations in lifesaving or fire prevention equipment.* No repairs or alterations shall be made to any lifesaving or fire detecting or fire extinguishing equipment except in an emergency without advance notice to the Officer in Charge, Marine Inspection. See §§ 33.01–20, 34.01–5, 78.33–10, and 97.30–10 of this chapter.

§ 2.20–60 *Reports of casualties and accidents*—(a) *General.* Reports of casualties or accidents occurring on or to vessels is required by 33 U. S. C. 361 or 46 U. S. C. 239 and the regulations supplementary thereto in §§ 35.50, 78.07, 97.07, and 136.05 of this chapter. A written notice is required from the master, owner, or agent of a vessel of the United States to the Officer in Charge, Marine Inspection, at or nearest the port where the casualty or accident occurred as soon as possible after the casualty or accident. A report is required whenever any vessel is involved in a casualty or accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness or efficiency of a vessel, stranding or grounding, or an aid to navigation under the jurisdiction of the Coast Guard.

(b) *Accidents.* The officer in charge of a vessel reports accidents on Form CG–924E, Report of Personal Accident Not Involving Death, whenever an accident occurs to passengers, members of the crew, and other persons who may be injured on board a vessel and incapacitated for a period in excess of 72 hours. This Form CG–924E if filed promptly will be accepted as the written notice required by the other regulations in this chapter.

(c) *Casualties.* The officer in charge of a vessel reports on Form CG–2692, Report of Marine Casualty (or Accident), when accidents or casualties involve death, damage affecting seaworthiness of a vessel, stranding or grounding, or material property damage in excess of $1,500. This Form CG–2692 will be accepted as the written notice required if submitted promptly.

(d) *Information required.* The written notice, as well as the reports, require a description of the vessel or vessels involved, names of owner and master, location, nature and probable cause of casualty or accident, the nature and extent of injury to persons, and the damage to property. The Forms CG–924E and CG–2692 may be obtained from any local marine inspection office.

(e) *Casualty involving aids to navigation.* The officer in charge of a vessel which collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision is required to report the casualty or accident to the nearest Officer in Charge, Marine Inspection. See §§ 35.15–1, 78.07–20, 97.07–20, and 136.05–20 of this chapter.

CROSS REFERENCE: For investigations or hearings on marine casualties see Parts 4, 136, and 137 of this chapter.

SUBPART 2.30—NUMBERING OF UNDOCUMENTED VESSELS

§ 2.30–1 *Numbering.* The owner(s) of every undocumented vessel described in 46 U. S. C. 288 must obtain a certificate of award of number which number must be painted or attached to each bow of the vessel. The procedures to be followed in applying for such certificate; on transfer, loss, or destruction of the vessel; and on change of residence of owner from one Coast Guard or customs district to another are set forth in Part 172 of this chapter.

§ 2.30–10 *Application.* Application for a certificate for a vessel not previously numbered is made on Form CG 1512, Application for Number for Undocumented Motor Vessel, by the owner to the District Commander of the district in which the vessel is owned or to the Officer in Charge, Marine Inspection. The form is obtained at the office of the Coast Guard District Commander or Officer in Charge, Marine Inspection. The application lists the name and address of owner and description of the vessel and the engine and must be submitted together with evidence of ownership of the vessel. The purchaser(s) of a vessel already numbered shall execute the application on the back of Form CG 1513, Certificate of Award of Number to an Undocumented Vessel.

§ 2.30–20 *Certificate issued.* Upon complying with the necessary requirements as to prima facie evidence of ownership, Form CG 1513, Certificate of Award of Number to an Undocumented Vessel, is issued by the Coast Guard District Commander or Officer in Charge, Marine Inspection.

SUBPART 2.50—NAVIGATION AND VESSEL INSPECTION LAWS

§ 2.50–1 *Waivers*—(a) *Authority for and limitations on issuance.* Compliance with certain of the navigation and vessel inspection laws may be waived by the Commandant under authority of the act of December 27, 1950 (Public Law 891), and the delegation of waiver authority contained in Department of the Treasury Order CGFR 51–1, dated January 23, 1951 (16 F. R. 731), in any case where such waiver is deemed necessary in the interest of national defense.

(b) *Policy.* It is the policy of the Coast Guard, in the current administration of the laws and regulations relating to navigation and vessel inspection, to further the interests of national defense by simplifying the procedure involved therein, eliminating all causes of delay in the sailing of vessels, and by bringing about a proper balance between the factors of safety at sea and the national defense. While it is not the policy of the Coast Guard to countenance willful violations of the laws and regulations or negligence in meeting the requirements thereof, neither is it contemplated that masters who exercise all reasonable efforts to comply with the requirements in effect be cited for violations on technical grounds.

(c) *Waivers issued.* The waivers having general applicability are published in Part 154 of this chapter, as well as in 33 CFR Part 19.

(d) *Specific individual waivers.* (1) Applications for waivers affecting only one vessel in any one order under the provisions of § 154.01 of this chapter are made on Form CG–2633, Application for Waiver Order. The application shall state the name of the vessel, her employment, the requirements of law or regulations, waiver of which is requested, the reasons why waiver is necessary, and shall be signed by the master, owner, or agent of the vessel, or by the representative of any interested Government agency. The application shall be made to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In any port or place of the Canal Zone or in any foreign port or place the application shall be made to the designated representative of the Commandant at such port or place or if the Coast Guard has not established facilities in such port or place to the nearest designated representative of the Commandant at a port or place where such facilities have been established.

(2) If the request is granted the waiver order will describe the vessel, the requirements of law or regulations waived, the conditions to which the waiver is subject, and the period of time for which the waiver is effective.

(e) *General waivers.* Applications for waivers having general applicability should be addressed to the Commandant (M), U. S. Coast Guard, Washington, D. C. Only the Commandant is authorized to issue general waivers which affect more than one vessel in one order.

§ 2.50–20 *Reports and assessments of penalties for violation of laws or regulations.* (a) Reports of violation of navigation and vessel inspection laws and regulations in this chapter as well as in 33 CFR Parts 80 to 100, inclusive, administered and enforced by the Coast Guard are reported by Coast Guard personnel detecting them to the Coast Guard District Commander of the district in which the violations occurred. The alleged offender will be informed of the nature of the violations. Form CG 2767, Notice of Report of Violation, normally will be used.

(b) If a violation of law or regulation involves a civil penalty, the alleged offender will be informed of his right to apply for relief from the imposition of penalties. He may, if he so desires, appear in person before the Coast Guard District Commander or his designated representative. The written application is made to the Coast Guard District Commander and may be made on Form CG 2767A, Application for Relief from Penalties for Violation of Navigation and Vessel Inspection Laws and Regulations. If the application for relief is granted, the case is closed; if denied, the full or mitigated penalty is assessed and notice given to the offender on Form CG 2767B, Assessment of Penalties for Violation of the Navigation and Vessel Insection Laws and Regulations, and Conditional Mitigation of Penalties. This notice may provide for a reduction in the penalty on condition that the lesser penalty be paid within 30 days of the date of the notice.

(c) The offender will be given instructions for making an appeal to the Commandant from the actions of the Coast Guard District Commander if the amount of such penalty assessed exceeds $50. The decision of the Coast Guard District Commander in a case where the penalty is $50 or less is final.

(d) If payment of the assessed penalty or mitigated penalty is not made within 30 days of the date of the notice, or if appeal is not made, action to collect the full penalty is taken. If no application for relief is submitted, assessment of penalty is made on Form CG 2767C, Assessment of Penalties for Violation of Navigation and Vessel Inspection Laws and Regulations, and the offender is advised that court action by the United States Attorney will be recommended if payment of the penalty or penalties is not made within 30 days.

§ 2.50–25 *Payment of penalty for violation of law or regulation.* (a) The payment of any penalty is acknowledged on Coast Guard Form CG 2767E, Disbursing Officers' Receipt (Navigation Fine).

(b) If the penalty paid is determined by the Commandant to have been illegally, improperly, or excessively imposed, and the money has already been covered into the United States Treasury, the application for a refund may be made on Form CG 1086, Claim for Navigation Fine Exacted in Excess or in Error, which should be mailed to the appropriate Coast Guard District Commander for transmission to the Commandant. Such application must be made by the payor within one year of the date of payment of the penalty. If the penalty paid is determined by the Commandant to have been illegally, improperly, or excessively imposed and the money has not been covered into the United States Treasury, the Coast Guard upon application will refund the penalty or that portion considered to be in excess of the proper amount.

§ 2.50–30 *Motorboat Act violations.* The procedures described in §§ 2.50–20 and 2.50–25 are followed in the assessment of penalties for violations of the Act of June 7, 1918, regarding numbering of undocumented vessels and the Motorboat Act of April 25, 1940 (46 U. S. C. 288, 526–526t), and the applicable regulations in Parts 24–26, 70–78, 90–97, and 172 of this chapter.

SUBPART 2.75—APPROVALS OF SAFETY EQUIPMENT, MATERIALS AND INSTALLATIONS, AND QUALIFICATIONS FOR CONSTRUCTION PERSONNEL

§ 2.75–1 *Approvals.* (a) The Commandant is required by law or regulations in this chapter to approve certain installations and items of safety equipment before they may be installed or used on merchant vessels subject to inspection or on certain other vessels and motorboats.

(b) The items required to be approved by the Commandant are published in the FEDERAL REGISTER and in a pamphlet CG 190, Equipment Lists for Merchant Vessels.

(c) The approval of equipment granted a manufacturer cannot be transferred to another person, company, or

corporation, without specific approval from the Commandant.

§ 2.75–10 *Requirements and tests.* (a) The requirements and tests which the items are required to meet are in Parts 160–164 of this chapter, or are contained in specifications, copies of which may be obtained from the Commandant. If the requirements are met a certificate of approval for a term of 5 years is issued on Coast Guard Form 10030, Certificate of Approval, or are approved by letter by the Commandant. Notice of such approval is published in the FEDERAL REGISTER.

(b) These items which do not meet the requirements are returned to the applicants who are informed in what respects they failed to meet the requirements.

(c) Applications for approval shall be made to the Commandant and there shall be submitted with the application the items for which approval is desired or the appropriate plans and specifications.

(d) After approval is granted, manufacturers of certain items are required to submit an affidavit that the manufactured item will comply with the applicable rules and specifications. The affidavit is made on one of the following appropriate Coast Guard forms:

(1) CG 935—Affidavit of Manufacturer of Marine Boilers. (Submitted to the Officer in Charge, Marine Inspection.)

(2) CG 935A—Affidavit of Manufacturer of Materials or Appliances on Vessels Subject to the Rules and Regulations of the U. S. Coast Guard (required only for manufacturers of engineering material or appliances). (Submitted to the Commandant.)

(3) CG Form (no number)—Affidavit of Manufacturer of Standard Type Life Saving Equipment (buoyant cushions and cork and balsa life preservers only). (Submitted to the Commandant.)

§ 2.75–50 *Withdrawals or terminations of approvals.* (a) Approvals may be withdrawn if items are found not to be in compliance with the conditions of approval or if necessary by reason of changes in regulations. Notice will be given to the manufacturer who is given an opportunity to present his case at a public hearing of the Merchant Marine Council. (See 33 CFR 1.05–1, 1.05–10).

(b) Approvals of equipment are terminated when the manufacturer is no longer in business, or when the item is no longer being manufactured, or when the approval expires.

§ 2.75–60 *Certification of ship's stores and supplies.* Ship's stores and supplies of a dangerous nature as defined in §§ 147.02–1 and 147.02–2 of this chapter shall not be used on board vessels, domestic or foreign, on the navigable waters of the United States, including its territories and possessions, unless they have been certified for such use by the Coast Guard. The procedure for obtaining certification and the stores of a dangerous nature which do not require such certification are contained in or referred to in §§ 147.03–1 to 147.03–11, inclusive, of this chapter.

§ 2.75–70 *Welders.* Welders are required to pass tests before being permitted to make welds subject to inspection by the Coast Guard. Description of the tests is contained in Part 56 of this chapter. Upon satisfactory performance of the tests, Form CG 965, Record Card Welder's Qualification Tests, is issued by the Officer in Charge, Marine Inspection to the applicant who shall carry such card while engaged in welding subject to inspection by the Coast Guard or by similar cards issued by the Department of the Navy or the American Bureau of Shipping.

SUBPART 2.85—LOAD LINES

§ 2.85–1 *Assignment of load lines.* Vessels listed in 46 U. S. C. 85 and 46 U. S. C. 88 are required by those acts to have load lines assigned. The procedures for the assignment of load lines, the issuance of Load Line Certificates, the annual inspections required, the causes for cancellation of certificates, and the forms of those certificates are contained in the regulations appearing in Parts 43–45 of this chapter.

SUBPART 2.90—PLANS, DRAWINGS OR BLUEPRINTS

§ 2.90–1 *General requirements.* (a) Drawings, blueprints or plans showing the details of construction of vessels subject to inspection or installations thereon are required to be submitted for approval in accordance with applicable regulations in this chapter, information as to which may be obtained at any local Marine Inspection Office.

(b) The requirements for passenger vessel construction are in Parts 43–46, 70–78, of this chapter.

(c) The requirements for tank vessel construction are in Parts 30–39, 43–45, of this chapter.

(d) The requirements for cargo and miscellaneous vessel construction are in Parts 43–45, 90–97, of this chapter.

(e) The requirements for marine engineering installations or equipment are in Parts 50–69 of this chapter.

(f) The requirements for electrical engineering installations or equipment are in Parts 110–113 of this chapter.

(g) The requirements for items to be manufactured under specific approval by the Commandant are in Parts 160–164 of this chapter.

PART 3—MERCHANT MARINE PERSONNEL

Part 3 is amended to read as follows:

SUBPART 3.01—LICENSES AND DOCUMENTS

Sec.
3.01–1 Applications for licenses or documents.
3.01–75 Appeals.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

3.13–1 Signing-on and discharging seamen.
3.13–10 Shipping articles.
3.13–15 Forecastle card.
3.13–20 Crew list.
3.13–30 Allotments.
3.13–35 Log books.
3.13–40 Discharges.
3.13–45 Seamen not shipped or discharged before shipping commissioners.
3.13–50 Service record.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

Sec.
3.15–1 Arbitration.
3.15–5 Mutual releases.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

3.19–1 Accounts of wages and effects.
3.19–5 Kinsman's petition.

CROSS REFERENCE: For Coast Guard jurisdiction, see 33 CFR Part 1.

AUTHORITY: §§ 3.01–1 to 3.19–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 669.

SUBPART 3.01—LICENSES AND DOCUMENTS

§ 3.01–1 *Applications for licenses or documents.* Applications for licenses, extension of routes, or documents required for officers or seamen by 46 U. S. C. 214, 224, 226, 228, 229, 229b, 230, 237, 243, 367, 391a, 404, 405, 526f, 1333, 672, 643, 481, or 50 U. S. C., App., 1275 and Public Law 525, 80th Congress, 2d Session and the regulations in Parts 10 and 12 of this chapter as a prerequisite for employment shall be made on one of the following Coast Guard forms which are obtainable from the Officer in Charge, Marine Inspection, at any local marine inspection office: CG 866, License application; CG 719, Seaman's certificate application. The procedures for obtaining the licenses or documents, renewals, if necessary, or duplicates, if lost; the qualifications; and examinations necessary, are all set forth in Parts 10 and 12 of this chapter, together with Coast Guard numbers and titles of forms used, obtainable from any marine inspection office.

§ 3.01–75 *Appeals*—(a) *General.* Any person aggrieved by any decision or action of the Officer in Charge, Marine Inspection, may appeal therefrom to the Coast Guard District Commander of the district in which the action or decision was made. A further appeal may be made to the Commandant, U. S. Coast Guard, from the decision of the District Commander.

(b) *Time limits.* (1) Appeals from decisions of the inspectors or the Officer in Charge, Marine Inspection, to the Coast Guard District Commander, shall be made in writing within 30 days after the decisions or actions appealed from shall have been rendered or taken. Such appeals shall set forth the requirements appealed from and the reasons why the decision or action should be set aside or revised.

(2) Appeals from the decisions of the Coast Guard District Commander to the Commandant shall be made in writing within 30 days after the decisions appealed from shall have been rendered.

(c) *Decision on appeals.* Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect. The decision of the Commandant is final.

SUBPART 3.13—SHIPMENT AND DISCHARGE OF SEAMEN

§ 3.13–1 *Signing-on and discharging seamen.* The master of any merchant vessel of 75 tons or upward, engaged in the intercoastal trade or of any vessel bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions or the West Indies, or the Republic of Mexico, is required to enter into an agreement with each member of the crew who shall be discharged under the agreement and receive wages in the presence of a shipping commissioner in accordance with 46 U. S. C. 564. Where the complete crew has been signed on in the presence of a shipping commissioner and the later shipment of other seamen becomes necessary because of desertion or casualty, the master may sign on such replacements without the presence of a shipping commissioner but he is required to report the transaction immediately upon arrival at first port of call to the United States consul at or nearest such port, or in the Panama Canal Zone to the shipping commissioners or deputy shipping commissioners there. Shipping commissioners may, at the request of the master or owner of a vessel, ship and discharge all or part of the crew of a vessel engaged in the coastwise trade, or trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, in accordance with 46 U. S. C. 646.

§ 3.13–10 *Shipping articles.* For the signing-on and discharging of seamen in accordance with 46 U. S. C. 564, 565, 566, and 713, and the regulations in Part 14 of this chapter, the shipping commissioners furnish Forms CG 705, 705A, and 705B, Shipping articles, same except for size, to record the agreement entered into between the master and crew of a vessel. Copies of these forms are obtainable upon request from shipping commissioners or Officers in Charge, Marine Inspection, at marine inspection offices, U. S. Coast Guard. It is the duty of shipping commissioners to see that each officer signing on is in possession of a continuous discharge book, certificate of identification, or United States merchant mariner's document, and a license; and that each signing on in an unlicensed capacity is in possession of a continuous discharge book or a certificate of identification and a certificate of service or certificate of efficiency or a United States merchant mariner's document representing such certificates. The shipping articles are prepared in quadruplicate, original and duplicate retained by the master pending completion of voyage, the triplicate retained by shipping commissioner, and quadruplicate forwarded to Commandant, U. S. Coast Guard. After the members of the crew are signed on the shipping commissioner prepares Form CG 708, Shipping of Seamen, certifying that the crew members knew and willingly signed the shipping articles, which is attached to the shipping articles. When the voyage or period of time covered by the shipping articles is completed, the members of the crew are discharged and the wages paid in the presence of the shipping commissioner, if required by law, and proper entries made in the shipping articles.

§ 3.13–15 *Forecastle card.* At the commencement of every voyage or engagement the master is required to post certain excerpts from the shipping articles in such part of the vessel as to be accessible to the crew in accordance with 46 U. S. C. 577. The Forecastle Card, Form CG 704, is obtainable from shipping commissioners or Officer in Charge, Marine Inspection, U. S. Coast Guard.

§ 3.13–20 *Crew list.* The master of a merchant vessel in certain cases is required to file with the collectors of customs a list of crew members. Form CG 710A is furnished for this purpose and may be obtained from shipping commissioners or Officer in Charge, Marine Inspection.

§ 3.13–30 *Allotments.* A merchant mariner desiring to make an allotment of his wages, in accordance with the regulations in Part 15 of this chapter, fills out Form CG 722, Seaman's Allotment Note, furnished by the shipping commissioner at the time he signs the shipping articles, or copies may be obtained upon request from shipping commissioners in the United States ports, or from United States consular officers in foreign ports. If the allotment complies with the law, it is approved. No appeals are permitted.

§ 3.13–35 *Log books.* Every vessel of 75 tons or upward, engaged in the intercoastal trade, or any vessel bound from a port in the United States to any foreign port, other than in the British North American possessions, shall have an official log book and every master of such vessel shall make or have entries made therein regarding matters required by 46 U. S. C. 201, 202, 203, 701, 702, and 85. One or more copies of the official log book, Coast Guard Form 706–B or 706–C, depending upon the number of persons employed as crew, is furnished the master of a vessel at the time the crew is signed on before a shipping commissioner; or copies of the official log book are obtainable upon request from the Officer in Charge, Marine Inspection. After the official log books have served their purpose they are filed with the shipping commissioner or Officer in Charge, Marine Inspection.

§ 3.13–40 *Discharges.* When a master of a vessel in accordance with Part 14 of this chapter discharges a merchant seaman and makes entries in the seaman's continuous discharge book, he will fill out Form CG 718E, Record of Entry in Continuous Discharge Book, which is forwarded to the Commandant, United States Coast Guard. The Form CG 718E is obtainable from shipping commissioners, collectors of customs and deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection. When a seaman holds a certificate of identification, a certificate of discharge, Form CG 718A, is issued and approved by a shipping commissioner or master as evidence of service performed. This form may be obtained upon request from shipping commissioners, collectors of customs or deputy collectors of customs acting as shipping commissioners or Officers in Charge, Marine Inspection.

§ 3.13–45 *Seamen not shipped or discharged before shipping commissioners.* Masters of certain vessels are required to report on ship personnel not shipped or discharged before a shipping commissioner. The Form CG 735 (T) has been prepared and must be used by the masters in accordance with Part 14 of this chapter. The form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. When voyage is completed, it must be delivered to nearest marine inspection office for transmission to Headquarters.

§ 3.13–50 *Service record.* A merchant mariner upon discharge in accordance with the requirements of Part 14 of this chapter has recorded in his continuous discharge book entries regarding his service. When the merchant mariner requests in person or writing for a record of sea service shown in a surrendered continuous discharge book, the Officer in Charge, Marine Inspection, or other issuing officer will prepare in duplicate Form CG 723, Certificate of Seamen's Service, and will deliver the original to the seaman and send the duplicate to Commandant, U. S. Coast Guard.

SUBPART 3.15—ARBITRATION BY SHIPPING COMMISSIONERS

§ 3.15–1 *Arbitration.* The Form CG 717, Agreement as to Arbitration, is used by seamen, master, consignees, agents or owners of vessels in submitting matters to shipping commissioners. This form is obtainable from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy of the form is made and this copy is retained by the shipping commissioner who acts on the matters submitted and his decision is final. No appeals are allowed.

§ 3.15–5 *Mutual releases.* The Form CG 713A, Mutual Release, is used by masters and seamen to effect settlement of claims for wages in cases of seamen signed off prior to completion of a voyage. This form may be obtained from shipping commissioners or collectors of customs or deputy collectors of customs acting as shipping commissioners. One copy is prepared and retained by the shipping commissioner who acts on the matters involved and his decision is final. A certificate of mutual release, Form CG 739, is prepared by the shipping commissioner or person acting as shipping commissioner, signed by the seaman when given to him by the shipping commissioner, and is used by the seaman not present at sign-off of vessel's crew as evidence that he has signed a mutual release. This form is prepared in duplicate from information in shipping articles and official log book.

SUBPART 3.19—EFFECTS OF DECEASED OR DESERTING SEAMEN

§ 3.19–1 *Accounts of wages and effects.* The masters of certain United States vessels in the cases of deceased or deserting seamen have to prepare Form CG 1517, Account of Wages and Effects of Deceased or Deserting Seamen, for use in disposition of the wages and effects of such seamen. The forms may

be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. Four copies are prepared and submitted to the shipping commissioner for transmission to the District Court. The shipping commissioner upon examination of information on the form, may approve or disapprove the account after reviewing the vessel's official log book. No appeal is permitted. The seamen's next of kin is informed of the action taken.

§ 3.19–5 *Kinsman's petition.* The next of kin of a deceased seaman has to petition the District Court of the United States for the wages and effects of the deceased seaman on Form CG 726, Kinsman's petition for wages and effects of deceased seaman. This form may be obtained upon request from shipping commissioners, collectors or deputy collectors of customs acting as shipping commissioners, or Officers in Charge, Marine Inspection. One copy of the form is presented by the next of kin to the United States District Court who acts upon the petition and either approves or disapproves the petition.

Subchapter B—Merchant Marine Officers and Seamen

PART 16—UNITED STATES SHIPPING COMMISSIONERS

Chapter I is amended by adding a new Part 16 to Subchapter B reading as follows:

Sec.
16.01 Shipping commissioners designated as enforcement officers.
16.05 Acceptance of unclaimed wages.
16.10 Payment of deceased or deserting seamen's wages.

AUTHORITY: §§ 16.01 to 16.10 issued under sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 689.

§ 16.01 *Shipping commissioners designated as enforcement officers.* (a) Section 7 of the act of June 25, 1936 (49 Stat. 1936), makes it the duty of the Commandant, U. S. Coast Guard to enforce the provisions of the above act through collectors of customs and other Government officers acting under the direction of the Coast Guard, and to make such rules and regulations as he may deem necessary to carry out the provisions of the said act.

(b) In order to enforce more effectually compliance with the provisions of this act, persons or officials performing United States shipping commissioners duties are hereby designated as enforcement officers for carrying out the provisions of the act.

§ 16.05 *Acceptance of unclaimed wages.* (a) Shipping commissioners or employees shall not accept unclaimed wages of seamen except in the form of checks or duly recognized money orders. In cases where the advisability of accepting the personal check of a master is doubtful, a money order must be provided.

(b) Every effort should be made to discourage the leaving of unclaimed wages with shipping commissioners. The acceptance of these wages is outside of the duties of shipping commissioners and they are personally responsible therefor.

CROSS REFERENCE: For Department of State regulations relating to seamen's wages, see 22 CFR 110.5.

§ 16.10 *Payment of deceased or deserting seamen's wages.* In the case of deceased or deserting seamen's wages, such wages must be paid in the form of a check or duly recognized money order, unless such payment is made direct to the shipping commissioner. In cases where the advisability of accepting the personal check of a master is doubtful, the payment must be made by money order or direct to the shipping commissioner in cash.

CROSS REFERENCE: For Department of State regulations relating to seamen's wages, see 22 CFR 110.5.

Subchapter C—Uninspected Vessels

1. The Title for Subchapter C is changed from "Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length" to "Uninspected Vessels," and Part 24 is amended to read as follows:

PART 24—GENERAL PROVISIONS

SUBPART 24.01—AUTHORITY AND PURPOSE

Sec.
24.01–1 Purpose of regulations.
24.01–5 Assignment of functions.
24.01–10 Authority for regulations.

SUBPART 24.05—APPLICATION

24.05–1 Vessels subject to the requirements of this subchapter.
24.05–5 Specific application noted in text.

SUBPART 24.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

24.10–1 Approved.
24.10–3 Carrying passengers for hire.
24.10–5 Carrying freight for hire.
24.10–7 Commandant.
24.10–9 Coast Guard District Commander.
24.10–11 Headquarters.
24.10–13 International voyage.
24.10–15 Marine inspector or inspector.
24.10–17 Motorboat.
24.10–19 Motor vessel.
24.10–21 Officer in Charge, Marine Inspection.
24.10–23 Passenger.
24.10–25 Pilot rules.
24.10–27 Vessel.

SUBPART 24.15—EQUIVALENTS

24.15–1 Conditions under which equivalents may be used.

SUBPART 24.20—GENERAL MARINE ENGINEERING REQUIREMENTS

24.20–1 Marine engineering details.

AUTHORITY: §§ 24.01–1 to 24.20–1 issued under R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p.

SUBPART 24.01—AUTHORITY AND PURPOSE

§ 24.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for motorboats, certain motor vessels, and barges carrying passengers when towed by motorboats or motor vessels in accordance with the intent of the Motorboat Act of April 25, 1940, as amended (54 Stat. 163–167; 46 U. S. C. 526–526t). The regulations are necessary to carry out the provisions of the Motorboat Act of April 25, 1940, and such regulations have the force of law.

§ 24.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950 (15 F. R. 4935, 5 U. S. C. Note under 241), the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 24.01–10 *Authority for regulations—*(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended, and in section 17 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 375, 416, 526p).

(b) *Lifesaving appliances.* (1) The regulations regarding lifesaving appliances interpret or apply section 6 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526e).

(c) *Fire protection equipment.* (1) The regulations regarding fire protection equipment interpret or apply section 8 of the Motorboat Act of April 25, 1940, as amended, and section 2 of the Act of October 9, 1940, as amended (46 U. S. C. 526g, 463a).

(d) *Flame arresters.* (1) The regulations regarding flame arresters interpret or apply section 10 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526i).

(e) *Ventilation of bilges.* (1) The regulations regarding ventilation of bilges interpret or apply section 11 of the Motorboat Act of April 25, 1940, as amended (46 U. S. C. 526j).

SUBPART 24.05—APPLICATION

§ 24.05–1 *Vessels subject to the requirements of this subchapter.* (a) This subchapter shall be applicable to all vessels indicated in Column 6 of Table 24.05–1 (a), and shall apply to all such United States flag vessels, and to all such foreign vessels, except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(2) Any vessel while laid up and dismantled and out of commission.

(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 24.05–1 (a)

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [1]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [1]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [1] [2]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels 40 feet in length and under.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.[4]
	Vessels over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the bona fide business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	None	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels carrying more than 12 passengers on an international voyage, except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[4]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by Subchapters D and H, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by Subchapters D, H, and I.
Sail		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels over 700 gross tons carrying passengers for hire.	None	None.
	Seagoing barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers except those covered by Subchapter H.
Non self-propelled.	Inland barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None	All barges carrying passengers except those covered by Subchapter H.

[1] Subchapters E (Load Lines), F (Marine Engineering), and J (Electrical Engineering) of this chapter are also applicable under certain conditions.
[2] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and part 168 of Subchapter R (Nautical Schools) of this chapter.
[3] Any vessel on an international voyage is subject to the applicable requirements of the International Convention for the Safety of Life at Sea, 1948.
[4] Length measured from end to end over deck, excluding sheer.
[5] Boilers and machinery are subject to examination.
[6] Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

§ 24.05–5 *Specific application noted in text.* (a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

SUBPART 24.10—DEFINITION OF TERMS USED IN THIS SUBCAPTER

§ 24.10–1 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 24.10–3 *Carrying passengers for hire.* The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 24.10–5 *Carrying freight for hire.* The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 24.10–7 *Commandant.* This term means the Commandant of the Coast Guard.

§ 24.10–9 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–11 *Headquarters.* This term means the Office of the Commandant, Washington, D. C.

§ 24.10–13 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports

outside the United States as well as between United States Continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under a protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary waters as far east as the exit of the Lachine Canal at Montreal, in the province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

§ 24.10–15 *Marine inspector or inspector.* These terms mean any person from civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–17 *Motorboat.* This term means any vessel indicated in Column 6 of Table 24.05–1 (a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Motorboat Act of April 25, 1940, and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 24.10–19 *Motor vessel.* This term means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

§ 24.10–21 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52 Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 24.10–23 *Passenger.* A passenger is every person, other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

§ 24.10–25 *Pilot rules.* (a) The term "pilot rules" means the statutory rules of the road and the implementing regulations of the Commandant. The regulatory pilot rules are contained in 33 CFR Parts 80, 82, 84, 90, 92, 95, and 100.

(b) In accordance with law, the Coast Guard publishes the statutory rules of the road and regulatory pilot rules in pamphlet form as follows:

(1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico. (CG 169)

(2) Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River. (CG 172)

(3) Pilot Rules for the Western Rivers and the Red River of the North. (CG 184)

§ 24.10–27 *Vessel.* Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 6 of Table 24.05–1 (a), except as otherwise noted in this subpart.

SUBPART 24.15—EQUIVALENTS

§ 24.15–1 *Conditions under which equivalents may be used.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement, provided that he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangment is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

SUBPART 24.20—GENERAL MARINE ENGINEERING REQUIREMENTS

§ 24.20–1 *Marine engineering details.* (a) All marine engineering details relative to the design, construction, and testing of boilers and machinery on steam-propelled motorboats of over 40 feet in length will be found in Subchapter F (Marine Engineering) of this chapter.

PART 25—REQUIREMENTS

2. Part 25 is amended to read as follows:

SUBPART 25.01—APPLICATION

Sec.
25.01–1 Applicable to all vessels.

SUBPART 25.05—NAVIGATION LIGHTS AND SHAPES

Sec.
25.05–1 Vessels other than motorboats.
25.05–5 Motorboats operating on the high seas.
25.05–10 Motorboats operating on the navigable waters of the United States.

SUBPART 25.10—WHISTLES

25.10–1 Vessels other than sailing vessels, barges, and motorboats.
25.10–5 Motorboats operating on the high seas.
25.10–10 Motorboats operating on the navigable waters of the United States.

SUBPART 25.15—FOG HORNS

25.15–1 Vessels other than motorboats.
25.15–5 Motorboats.

SUBPART 25.20—FOG BELLS

25.20–1 Vessels other than motorboats.
25.20–5 Motorboats operating on the high seas.
25.20–10 Motorboats operating on the navigable waters of the United States.

SUBPART 25.25—LIFE PRESERVERS AND OTHER LIFESAVING EQUIPMENT

25.25–1 Application.
25.25–5 General provisions.
25.25–10 Life preservers and other lifesaving equipment required.
25.25–15 Storage.
25.25–90 Vessels contracted for prior to November 19, 1952.

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

25.30–1 Application.
25.30–5 General provisions.
25.30–10 Hand portable fire extinguishers and semiportable fire extinguishing systems.
25.30–15 Fixed fire extinguishing systems.
25.30–20 Fire extinguishing equipment required.
25.30–90 Vessels contracted for prior to November 19, 1952.

SUBPART 25.35—CARBURETOR BACKFIRE FLAME ARRESTERS

25.35–1 Must be approved.

SUBPART 25.40—VENTILATION

25.40–1 Tanks and engine spaces.

SUBPART 25.45—LIQUEFIED PETROLEUM GAS

25.45–1 Prohibited on vessels carrying passengers for hire.

AUTHORITY: §§ 25.01–1 to 25.45–1 issued under R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166; 46 U. S. C. 375, 416, 526p. Interpret or apply sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 463a.

SUBPART 25.01—APPLICATION

§ 25.01–1 *Applicable to all vessels.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 25.05—NAVIGATION LIGHTS AND SHAPES

§ 25.05–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by the Pilot Rules applicable to the waters on which the vessel is navigated.

§ 25.05–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for navigation lights and shapes prescribed by § 25.05–1 for vessels other than motorboats.

§ 25.05–10 *Motorboats operating on the navigable waters of the United States.* (a) Every motorboat operating on the navigable waters of the United States shall, in all weathers from sunset to sunrise, carry and exhibit lights when under way as prescribed by this section, and during such time no other lights which may be mistaken for those prescribed shall be exhibited. No penalty is incurred by motorboats for a failure to carry lights between the hours of sunrise and sunset.

(b) Every motorboat of Classes A and 1 shall carry the following lights:

(1) A bright white light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead as to to 2 points abaft the beam on their respective sides.

(c) Every motorboat of Classes 2 and 3 shall carry the following lights:

(1) A bright white light in the fore part of the vessel as near the stem as practicable so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said lights shall be fitted with inboard screens of sufficient length and height or shall be mounted on cabin sides and so set as to prevent these lights from being seen across the bow.

(d) All motorboats propelled by sail and machinery or by sail alone shall carry and exhibit the following lights:

(1) Motorboats of Classes A and 1 when propelled by sail and machinery or by sail alone shall carry the white light prescribed by § 25.05–10 (b) (1), but not the lantern prescribed by § 25.05–10 (b) (2).

(2) Motorboats of Classes 2 and 3 when propelled by sail and machinery or by sail alone shall carry the colored lights prescribed by § 25.05–10 (c) (3), but not the white lights prescribed by § 25.05–10 (c) (1) and (2).

(3) In addition, motorboats of all classes when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(e) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

(f) The lights described in paragraphs (a) through (d) of this section are required by the Motorboat Act, as amended, 46 U. S. C. 526b. Other navigation lights and shapes required by the Pilot Rules applicable to the waters on which the motorboat is operated, such as anchor lights, amber whistle light, etc., which are not in conflict with the lights required by the Motorboat Act, shall also be carried.[1]

SUBPART 25.10—WHISTLES

§ 25.10–1 *Vessels other than sailing vessels, barges, and motorboats.* (a) All vessels other than sailing vessels, barges, and motorboats shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the Pilot Rules applicable to the waters on which the vessel is navigated.

§ 25.10–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for whistles or similar appliances prescribed by § 25.10–1 for vessels other than motorboats.

§ 25.10–10 *Motorboats operating on the navigable waters of the United States.* (a) Motorboats operating on the navigable waters of the United States shall be provided with an efficient whistle or other sound producing mechanical device as set forth in Table 25.10–10 (a), except:

(1) Commercial fishing motorboats may carry any device specified in Table 25.10–10 (a).

[1] Running lights. The lights provided for in section 3 of the Act of April 25, 1940 (54 Stat. 164, U. S. C. 526b), are running lights for motorboats subject to the provisions of that act in lieu of the lights prescribed respectively, by Article 2 of the Act approved June 7, 1897 (30 Stat. 96, 33 U. S. C. 172) covering certain harbors, rivers, and inland waters of the United States); Rule 3 of the act approved February 8, 1895, as amended (28 Stat. 645, as amended, 33 U. S. C. 252) (covering the Great Lakes and their connecting and tributary waters); and Rules 3, 5, 6, and 7 of R. S. 4233, as amended (28 Stat. 672, 33 U. S. C. 312, 314–316) (covering western rivers and the Red River of the North). These running lights are required to be carried on all motorboats when under way on navigable waters of the United States, in all weathers, from sunset to sunrise, but not on the high seas. Motorboats, when on the high seas, shall exhibit the lights prescribed by the International Rules of 1890, as amended (26 Stat. 312–325, as amended, 33 U. S. C. 71–82). The provisions of section 3 of the Act of April 25, 1940 (54 Stat. 164, 46 U. S. C. 526b), requiring running lights on motorboats are not in conflict with the provisions of the acts previously cited requiring anchor lights and other lights in addition to the running lights on pilot, towing, and fishing vessels. It will be observed that the penalties for violations of existing laws not in conflict with the act of April 25, 1940 (54 Stat. 163–167, 46 U. S. C. 526–526t), remain unchanged.

(2) Motorboats engaged in a race which has been previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race, need not carry the devices required by Table 25.10–10 (a).

TABLE 25.10–10 (a)

Class of motorboat	Type of device
A	None.
1	Mouth, hand, or power operated, capable of producing a blast of 2 seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.
3	Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.

SUBPART 25.15—FOG HORNS

§ 25.15–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with an efficient fog horn as prescribed by the Pilot Rules applicable to the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the fog horn shall be sounded by mechanical means.

§ 25.15–5 *Motorboats.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog horns prescribed by § 25.15–1 for vessels other than motorboats.

SUBPART 25.20—FOG BELLS

§ 25.20–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be provided with fog bells as prescribed by the Pilot Rules applicable to the waters on which the vessel is operated.

§ 25.20–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog bells prescribed by § 25.20–1 for vessels other than motorboats.

§ 25.20–10 *Motorboats operating on the navigable waters of the United States.* (a) When operating on the navigable waters of the United States, motorboats of Classes A and 1 are not required to carry fog bells. However, motorboats of Classes 2 and 3 operating on the navigable waters of the United States shall be provided with an efficient fog bell, except:

(1) Motorboats engaged in a race which has been previously arranged or announced, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race, need not carry the fog bell required by this section.

SUBPART 25.25—LIFE PRESERVERS AND OTHER LIFESAVING EQUIPMENT

§ 25.25–1 *Application.* (a) The provisions of this subpart, with the exception of § 25.25–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of § 25.25–90.

§ 25.25–5 *General provisions.* (a) Where equipment in this subpart is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists for Merchant Vessels."

(b) Specifications for items of equipment required in this subpart have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of the specific item of equipment.

(c) All life preservers shall be of an approved type, constructed in accordance with the applicable provisions of Subparts 160.002, 160.003, 160.004, or 160.005 of Subchapter Q (Specifications) of this chapter.

(d) All wood floats shall be of a type constructed in accordance with Subpart 160.039 of Subchapter Q (Specifications) of this chapter.

(e) All buoyant cushions shall be of an approved type, constructed in accordance with the applicable provisions of Subpart 160.007 or 160.008 of Subchapter Q (Specifications) of this chapter.

(f) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 of Subchapter Q (Specifications) of this chapter.

§ 25.25–10 *Life preservers and other lifesaving equipment required.* (a) All motor vessels shall carry an approved life preserver for each person on board. Motor vessels carrying passengers for hire shall also be provided with an additional number of approved life preservers suitable for children, equal to at least 10 percent of the total number of persons carried.

(b) All motorboats shall carry lifesaving equipment as follows:

(1) Motorboats which carry passengers for hire shall be provided with an approved life preserver for each person carried, and with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried when such barges are regularly operated with motorboats or motor vessels or steam vessels.

§ 25.25–15 *Storage.* (a) The lifesaving equipment on all vessels shall be so placed as to be readily accessible.

§ 25.25–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of §§ 25.25–5 through 25.25–15 insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications may be continued in service so long as they are maintained in good condition. All new installations and replacements shall meet the applicable specifications.

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

§ 25.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 25.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of § 25.30–90.

§ 25.30–5 *General provisions.* (a) Where equipment in this subpart is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the Federal Register, and in addition, are contained in Coast Guard publication CG–190, "Equipment List for Merchant Vessels." (b) All hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of an approved type.

§ 25.30–10 *Hand portable fire extinguishers and semiportable fire extinguishing systems.* (a) Hand portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) For the purpose of this subchapter, all required hand portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; i.e., suitable for extinguishing fires involving flammable liquids, greases, etc.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this subchapter, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 25.30–10 (c).

TABLE 25.30–10 (c)

Classification type—size	Foam, gallons	Carbon dioxide, pounds	Carbon tetrachloride, quarts	Dry chemical, pounds
B–I	1¼	4	1	4
B–II	2½	15	----	12
B–III	12	35	----	(1)

[1] Minimum values not established at this time.

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

§ 25.30–15 *Fixed fire extinguishing systems.* (a) When a fixed fire extinguishing system is installed, it shall be of an approved carbon dioxide type, designed and installed in agreement with the applicable provisions of Subpart 76.15 of Subchapter H (Passenger Vessels) of this chapter.

§ 25.30–20 *Fire extinguishing equipment required.* (a) *Motorboats.* (1) All motorboats shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30–20 (a) (1), except that motorboats propelled by outboard motors and not carrying passengers for hire need not carry such hand portable fire extinguishers.

TABLE 25.30–20 (a) (1)

Class of motorboat	Length, feet	Minimum number of B–1 or B–II hand portable fire extinguishers required	
		No fixed fire extinguishing system in machinery space	Fixed fire extinguishing system in machinery space
A	Under 16	1	0
1	16 and over, but under 26	1	0
2	26 and over, but under 40	2	1
3	40 and over, but not over 65	3	2

(b) *Motor vessels.* (1) All motor vessels shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 25.30–20 (b) (1).

TABLE 25.30–20 (b) (1)

Gross tonnage		Minimum number of B–II hand portable fire extinguishers
Over	Not over	
----	50	1
50	100	2
100	500	3
500	1,000	6
1,000	----	8

(2) In addition to the hand portable fire-extinguishers required by Subparagraph (1) of this paragraph, the following fire-extinguishing equipment shall be fitted in the machinery space:

(i) One Type B–II hand portable fire extinguisher shall be carried for each 1,000 B. H. P. of the main engines or fraction thereof. However, not more than 6 such extinguishers need be carried.

(ii) On motor vessels of over 300 gross tons, either one Type B–III semiportable fire-extinguishing system shall be fitted, or alternatively, a fixed fire-extinguishing system shall be fitted in the machinery space.

(c) *Barges carrying passengers.* (1) All barges of 65 feet in length or less carrying passengers, which are regularly operated with a motorboat or motor vessel, shall be fitted with hand portable fire extinguishers as required by Table 25.30–20 (a) (1), depending upon the length of the barge.

(2) All barges of over 65 feet in length carrying passengers, which are regularly operated with a motorboat or motor vessel, shall be fitted with hand portable fire extinguishers as required by Table 25.30–20 (b) (1), depending upon the gross tonnage of the barges.

§ 25.30–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of §§ 25.30–5 through 25.30–20 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of §§ 25.30–5 through 25.30–20.

SUBPART 25.35—CARBURETOR BACKFIRE FLAME ARRESTERS

§ 25.35–1 *Must be approved.* (a) Carburetors on all engines on motorboats, other than outboard engines, and on all motor vessels, shall be fitted with an approved device for arresting backfire, constructed in accordance with Subpart 162.015 of Subchapter Q (Specifications) of this chapter. Installations made before November 19, 1952, need not meet the detailed requirements of the specification and may be continued in use so long as they are in good condition.

SUBPART 25.40—VENTILATION

§ 25.40–1 *Tanks and engine spaces.* (a) All motorboats or motor vessels using fuel having a flash point of 110 degrees F. or less shall have at least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases. Such motorboats or motor vessels so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

SUBPART 25.45—LIQUEFIED PETROLEUM GAS

§ 25.45–1 *Prohibited on vessels carrying passengers for hire.* (a) On vessels carrying passengers for hire, the use of liquefied petroleum gases and certain inflammable liquids for cooking, heating, or lighting is prohibited by Parts 146 and 147 of Subchapter N (Explosives or other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

PART 26—OPERATIONS

3. Part 26 is amended to read as follows:

SUBPART 26.01—APPLICATION

Sec.
26.01–1 Applicable to all vessels.

SUBPART 26.05—PENALTIES

26.05–1 General.
26.05–5 Reckless operation.

SUBPART 26.10—MITIGATION OR REMISSION OF FINES OR PENALTIES

26.10–1 Procedure.

SUBPART 26.15—BOARDING OFFICERS

26.15–1 May board at any time.

SUBPART 26.20—EXHIBITION OF MOTORBOAT OPERATOR'S LICENSE

26.20–1 Must be available.

SUBPART 26.25—LICENSED PERSONNEL IN CHARGE

26.25–1 Licensed personnel required.

AUTHORITY: §§ 26.01–1 to 26.25–1 issued under R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p.

SUBPART 26.01—APPLICATION

§ 26.01–1 *Applicable to all vessels.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 26.05—PENALTIES

§ 26.05–1 *General.* (a) If any motorboat or motor vessels subject to any of the provisions of the Motorboat Act of April 25, 1940, as amended (54 Stat. 163–167; 46 U. S. C. 526–526t), is operated or navigated in violation of said Act or any of the applicable regulations in this chapter, the owner or operator, either one or both of them are subject to the following penalty:

SEC. 16. If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of this Act, be liable to a penalty of $100: *Provided*, That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of $200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this Act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found. (Apr. 25, 1940, sec. 16; 54 Stat. 166; 46 U. S. C. 526o.)

§ 26.05–5 *Reckless operation.* (a) Any person who shall operate a motorboat or any vessel in a reckless or negligent manner is subject to the following penalty:

SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding $2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court. (Apr. 25, 1940, sec. 14; 54 Stat. 166; 46 U. S. C. 526m.)

SUBPART 26.10—MITIGATION OR REMISSION OF FINES OR PENALTIES

§ 26.10–1 *Procedure.* (a) The Commandant or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under the Motorboat Act of April 25, 1940, or any of these regulations except the penalties provided for in section 14 of said act.[1] The application should be in such form and filed in such manner as prescribed by the Commandant. For details see §§ 2.50–20 to 2.50–30, inclusive, in Subchapter A (Procedures Applicable to the Public) of this chapter.

SUBPART 26.15—BOARDING OFFICERS

§ 26.15–1 *May board at any time.* (a) Officers duly authorized to enforce the navigation laws of the United States are authorized to board all motorboats and motor vessels for the purpose of determining and reporting violations of the Motorboat Act of April 25, 1940, and the regulations in this subchapter.

SUBPART 26.20—EXHIBITION OF MOTORBOAT OPERATOR'S LICENSE

§ 26.20–1 *Must be available.* (a) Any person to whom a license as a motorboat operator has been issued shall have such license in his possession and available for immediate production to any Coast Guard boarding officer at all times during which any vessel which he is operating is carrying passengers for hire.

SUBPART 26.25—LICENSED PERSONNEL IN CHARGE

§ 26.25–1 *Licensed personnel required.* (a) All vessels shall be under the charge of licensed personnel as required by Subchapter P (Manning of Vessels) of this chapter.

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

4. Part 27 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

5. Part 28 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 29—NUMBERING OF UNDOCUMENTED VESSELS

6. Part 29 is canceled. (The text of this part is revised and transferred to Part 172.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

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[1] Section 6, 7, and 8 require, respectively, life preservers, licensed operators for motorboats carrying passengers for hire, and fire extinguishers.

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

Section 30.01–5 is amended to read as follows:

§ 30.01–5 *Application of regulations—TB/ALL.* (a) The regulations in this subchapter contain requirements for materials, design, construction, inspection, manning, and operation of tank vessels, including handling and stowage of cargo and duties of officers and crew. However, vessels certificated as cargo or passenger vessels, where the principal purpose or use of vessel is not for the carriage of inflammable or combustible liquid cargo in bulk, may be granted a permit to carry Grade E liquid cargo in bulk in the case of passenger vessels and Grade D or E liquid cargo in bulk in the case of cargo vessels.

(b) The requirements of this subchapter are divided into parts as follows:

(1) Inspection and certification.
(2) Special equipment, machinery, and hull requirements.
(3) Lifesaving appliances.
(4) Fire-fighting equipment.
(5) Operations.
(6) Liquefied petroleum gases.
(7) Combustible or inflammable liquids with lethal qualities.

(c) The vessels and services to which each regulation applies are indicated by letters in the heading of the section or paragraph. The first letter or two letters indicate the type of vessel and the letter or letters following the oblique line indicate the waters in which such vessels may operate. These letters are described as follows:

(1) "T" signifies a tank ship.
(2) "B" signifies a tank barge when it precedes an oblique line; or it signifies service on bays, sounds, and lakes other than the Great Lakes when it follows an oblique line.
(3) "ALL" signifies service on all waters.
(4) "O" signifies service on ocean waters.
(5) "C" signifies services on coastwise waters.
(6) "L" signifies service on Great Lakes' waters.
(7) "R" signifies service on river waters.

(d) This subchapter shall be applicable to all United States flag vessels indicated in Column 3 of Table 30.01–5(d), except as follows:

(1) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.
(2) Any vessel while laid up and dismantled and out of commission.
(3) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 30.01–5 (d)

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [1 2]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [1 2]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [1 2 3]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels 40 feet in length and under.[6]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tugboats and towboats	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tugboats and towboats	All vessels except those covered by Subchapters D and I.[3]
	Vessels over 65 feet in length.[5]	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	None	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage, except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by Subchapters D and H, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by Subchapters D, H, and I.
Sail		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels over 700 gross tons carrying passengers for hire.	None	None.
Non-self propelled	Seagoing barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers except those covered by Subchapter H.
	Inland barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None	All barges carrying passengers except those covered by Subchapter H.

[1] Subchapters E (Load Lines), F (Marine Engineering), and J (Electrical Engineering) of this chapter are also applicable under certain conditions.
[2] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.
[3] Any vessel on an international voyage is subject to the applicable requirements of the International Convention for the Safety of Life at Sea, 1948.
[4] Length measured from end to end over deck, excluding sheer.
[5] Boilers and machinery are subject to examination.
[6] Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(e) This subchapter shall be applicable to all foreign flag vessels indicated in Column 3 of Table 30.01–5(d) while in the navigable waters of the United States insofar as meeting the general intent of the safety and cargo handling requirements set forth in Subparts 35.30 and 35.35 of this subchapter. Further, such vessels that carry 12 or less passengers from any port of the United States shall be subject to the provisions of this subchapter to the extent prescribed by law except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention on Safety of Life at Sea, 1948, and which has on board a current, valid Safety Equipment Certificate.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

PART 31—INSPECTION AND CERTIFICATION

SUBPART 31.10—INSPECTIONS

1. Section 31.10–1 is amended to read as follows:

§ 31.10–1 *Recognized classification society—TB/ALL.* (a) In the inspection of hulls, boilers, and machinery, the current standards established by the American Bureau of Shipping and designated "Rules for Building and Classing Steel Vessels" respecting material and construction of hulls, boilers, and machinery, except as otherwise provided for by law and regulations in this chapter, shall be accepted as standard by the Coast Guard.

(b) The current standards established by the American Bureau of Shipping in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The book "Rules for Building and Classing Steel Vessels" is usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York 4, New York. These standards may be also examined at the office of the Commandant (M), U. S. Coast Guard, Washington, D. C., or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(c) The approved plans and certificate of the American Bureau of Shipping, or other recognized classification society for classed vessels, may be accepted by the Coast Guard as evidence of the structural efficiency of the hull and reliability of machinery of vessels subject to the regulations in this subchapter, except as otherwise provided for by laws and regulations in this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

2. Section 31.10–20 (a) is amended to read as follows:

§ 31.10–20 *Drydocking or hauling out—TB/ALL.* (a) Each steel hull tank vessel shall be placed in drydock or on a slipway or hauled out for examination depending upon its service, as follows:

(1) Each tank vessel whose operations in salt-water service aggregate more than 6 months in a calendar year shall be drydocked or hauled out at least once each calendar year.

(2) Each tank vessel whose operations in salt-water service aggregate 6 months or less in a calendar year shall be drydocked or hauled out at least once in every 2 calendar years.

(3) Each tank ship used in fresh water service exclusively shall be drydocked or hauled out at least once in every 5 calendar years.

(4) Tank barges used in fresh water service exclusively need not be drydocked or hauled out during the first 5 calendar years after date of build, but shall be drydocked or hauled out between that time and the end of the tenth calendar year after date of build, and once in every 5 calendar years thereafter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

3. Section 31.10–30 is amended to read as follows:

§ 31.10–30 *Stability test—TB/ALL.* When the Officer in Charge, Marine Inspection, has reason to question the stability of any tank vessel under his jurisdiction, he shall require the owners of the tank vessel to make a stability test of such vessel.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

4. Part 31 is amended by adding a new § 31.10–31 reading as follows:

§ 31.10–31 *Stability tests—T/OC.* Each mechanically propelled tank ship of 500 gross tons and over, construction or conversion of which was started on or after November 19, 1952, shall be subjected to a stability test. A stability letter prepared by the Coast Guard and embodying the necessary instructions to insure maintenance of sufficient intact stability at all times shall be posted under glass in the pilothouse. The Commandant may allow the stability test of a ship to be dispensed with provided basic stability data are available from the stability test of a sister ship and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted ship can be obtained from such basic data.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.10—COOKING OR HEATING EQUIPMENT

Subpart 32.10, consisting of §§ 32.10–1 to 32.10–45 is cancelled.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 32.15—NAVIGATION EQUIPMENT

Part 32 is amended by adding §§ 32.15–20 and 32.15–25 reading as follows:

§ 32.15–20 *Radiotelegraph—T/ALL.* Radiotelegraph installations are required on certain tank ships. Details of the application of this requirement, as well as the details of the installation, shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

§ 32.15–25 *Radio direction finder—T/OC.* All tank ships of 1,600 gross tons and over on an international voyage or in ocean service shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission. Such tank ships of over 1,600 gross tons, but not over 5,000 gross tons, construction or conversion of which was started prior to November 19, 1952, need not meet the requirements of this section until November 19, 1954.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

Sections 32.25–1 to 32.35–25, inclusive, are cancelled; and new regulations designated §§ 32.35–1 to 32.35–15, inclusive, are added reading as follows:

Sec.
32.35–1 Boilers and machinery—TB/ALL.
32.35–5 Installation of internal combustion engines—TB/ALL.
32.35–10 Steering apparatus on tank vessels—TB/ALL.
32.35–15 Communication—T/ALL.

AUTHORITY: §§ 32.35–1 to 32.35–15 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App., 1275.

§ 32.35–1 *Boilers and machinery—TB/ALL.* Boilers, main and auxiliary machinery, and piping systems shall conform to the requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this subchapter.

§ 32.35–5 *Installation of internal combustion engines—TB/ALL.* Each internal combustion engine located on the weather deck shall be provided with a ventilated metal hood or, where space permits, with a well-ventilated metal housing of sufficient size to allow for proper operation and maintenance.

§ 32.35–10 *Steering apparatus on tank vessels—TB/ALL.* Tank vessels shall be provided with steering apparatus as required by Subpart 57.25 of Subchapter F (Marine Engineering) of this chapter.

§ 32.35–15 *Communication—T/ALL.* Efficient means of communication shall be provided between the pilothouse, the emergency steering station, and the steering engine room.

SUBPART 32.45—ELECTRICAL INSTALLATIONS

Section 32.45–5 is amended to read as follows:

§ 32.45–5 *General installation requirements—TB/ALL.* (a) Where practicable, electrical cable is to be located

well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Except where Grade E liquids only are involved, feeders shall be run as far as practicable to avoid cargo pump rooms and enclosed spaces immediately adjoining cargo tanks.

(b) The armor on all cables shall be electrically and mechanically continuous.

(c) Except where Grade E liquids only are involved, switchboards, distributing panels, switches, fuses, and other current-interrupting devices shall not be fitted in cargo pump rooms or enclosed spaces immediately adjoining cargo tanks.

(d) Portable extension cables and fittings are to be of an approved type.

(e) Main distribution circuits shall be protected against overload by circuit breaking devices, the capacity of which shall be marked at each such device.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 32.50—PUMPS, PIPING, AND HOSE FOR CARGO HANDLING

Sections 32.50–5 to 32.50–20, inclusive, are amended to read as follows:

Sec.

32.50–5 Cargo pump fittings and controls on tank vessels constructed on or after November 10, 1936—TB/ALL.

32.50–10 Cargo pumps on tank vessels with independent cargo tanks which were constructed prior to November 10, 1936—TB/ALL.

32.50–15 Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.

32.50–20 Cargo piping for tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.

AUTHORITY: §§ 32.50–5 to 32.50–20 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C., App., 1275.

§ 32.50–5 *Cargo pump fittings and controls on tank vessels constructed on or after November 10, 1936—TB/ALL.* (a) On all tank vessels, the construction or conversion of which is started on or after November 10, 1936, where a cargo pump is capable of developing a pressure exceeding 125 pounds at the pump under shut-off head conditions (based on water), a suitable relief valve shall be installed between the pump and shut-off valve in the cargo pump discharge and piped back into the suction. The relief valve setting shall not exceed the pressure for which the piping system is designed.

(b) A pressure gage shall be installed for each pump discharge, and it shall be located at a point visible with respect to the pump controls.

§ 32.50–10 *Cargo pumps on tank vessels with independent cargo tanks which were constructed prior to November 10, 1936—TB/ALL.* (a) Cargo pumps on tank vessels, the construction or conversion of which was started prior to November 10, 1936, may be located in a hold space containing independent cargo tanks or on deck. If the pump driving unit is of the type permitted in cargo pump rooms, it also may be located in the hold space. If other types of driving units are used, they shall be located on deck or in an engine compartment. If the pump drive shaft passes through decks or bulkheads into a hold space or pump room, it shall be provided with suitable stuffing boxes at such points.

§ 32.50–15 *Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.* (a) On all tank vessels, the construction or conversion of which is started on or after July 1, 1951, the cargo piping shall be:

(1) A fixed cargo piping system shall be installed on a tank vessel carrying Grade A, B or C cargo. The piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(2) Cargo piping, where installed in tank vessels carrying Grade D or E cargo only, shall conform with the requirements contained in subparagraph (1) of this paragraph.

(3) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That, in special cases the Commandant may permit the piping to pass through such spaces if Grade E liquids only are involved.

(b) Valve operating rods in cargo tanks shall be solid, except that tank barges having plug cocks inside the cargo tanks may have operating rods of extra heavy pipe with the annular space between the lubricant tube and the pipe wall sealed with a nonsoluble material to prevent penetration of the cargo. Valve operating rods shall be of ample size, well guided and supported, and attached to the valve stems in a manner so as to to prevent the operating rods from working loose. Where the operating rods pass through a deck, gastight stuffing boxes shall be fitted. The leads of operating rods shall be as direct as possible. Valves shall be of suitable design for the intended service.

(c) All cargo loading and discharge hose connections shall be fitted with valves or blind flanges.

§ 32.50–20 *Cargo piping for tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.* (a) On tank vessels, the construction or conversion of which is started on or after November 10, 1936, and prior to July 1, 1951, the piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(b) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That in special cases the Commandant may permit the piping to pass through such spaces if Grade E liquids only are involved.

(c) Valve operating rods in cargo tanks shall be solid and of ample size, well guided and supported, and attached to the valve stems in a manner to guard against their working loose. Where such valve rods pass through the deck, gastight stuffing boxes shall be fitted. The leads of valve rods shall be as direct as possible. All valves and fittings shall be of material, design, and manufacture for the intended service on the cargo system; either rising or nonrising stem valves may be used.

SUBPART 32.52—BILGE SYSTEMS

Part 32 is amended by adding a new Subpart 32.52, consisting of §§ 32.52–1 to 32.52–10, inclusive, reading as follows:

Sec.

32.52–1 Bilge pumps on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.

32.52–5 Bilge piping for pump rooms and adjacent cofferdams on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.

32.52–10 Bilge pumps and piping on tank vessels constructed or converted prior to November 19, 1952—TB/ALL.

AUTHORITY: §§ 32.52–1 to 32–52–10 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275.

§ 32.52–1 *Bilge pumps on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.* The number and arrangement of bilge pumps on each tank vessel shall conform to the requirements of Subchapter F (Marine Engineering) of this chapter, except as hereinafter provided in this subpart.

§ 32.52–5 *Bilge piping for pump rooms and adjacent cofferdams on tank vessels constructed or converted on or after November 19, 1952—TB/ALL.* (a) Provisions shall be made for removing drainage from the pump room bilges and adjacent cofferdams. A separate bilge pump, ejector, or bilge suction from a cargo pump or cargo stripping pump may be provided for this purpose. The bilge pump shall not be located in nor shall the piping pass through spaces containing machinery where sources of vapor ignition are normally present.

(b) Where a bilge suction is provided from a cargo or stripping pump, a stop-check valve shall be fitted in the suction branch, and an additional stop valve shall be fitted also if the bilge suction branch can be subjected to a head of oil from the filling line.

(c) Means shall be provided for controlling the cargo or pump room bilge pumps and their suctions or discharges in order that a flooded pump room may be pumped out. Suitable portable or manually operated pumps may be accepted as complying with this provision, or alternatively, the pump controls shall be arranged so that they are operable from inside the pump room and either from an accessible position outside the pump room, or from the pump room casing above the freeboard deck.

§ 32.52–10 *Bilge pumps and piping on tank vessels constructed or converted prior to November 19, 1952—TB/ALL.* (a) On tank vessels, the construction or conversion of which was started prior to November 19, 1952, bilge pumps and piping which do not fully comply with the regulations of this subchapter shall be made as nearly equal to the requirements for tank vessels constructed on or after November 19, 1952, as is necessary in the interest of safety.

(b) Bilge suctions from hold spaces containing independent cargo tanks may be connected to cargo pumps or stripping pumps, provided the installation complies with the requirements of § 32.52–5 (b).

SUBPART 32.55—VENTILATION AND VENTING

1. Sections 32.55–20 to 32.55–30, inclusive, are amended to read as follows:

Sec.

32.55–20 Venting of cargo tanks of tank ships constructed on or after July 1, 1951—T/ALL.

32.55–25 Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL.

32.55–30 Venting of cargo tank of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.

AUTHORITY: §§ 32.55–20 to 32.55–30 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C., App., 1275.

§ 32.55–20 *Venting of cargo tanks of tank ships constructed on or after July 1, 1951—T/ALL.*—(a) *Venting required.* (1) On all tank ships, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(2) In any case where a venting system is required for a particular grade of liquid, the venting system permitted for a higher grade of liquid may be used instead.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of a branch vent line from each cargo tank connected to a vent header which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of ignition. When special conditions will prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, then an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(2) A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(3) The branch vent lines shall consist of either:

(i) Pipe with no valves or other hindrances to a free flow of gas; or,

(ii) Piping fitted with a pressure vacuum relief valve, provided means are supplied for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the branch vent line or by the installation of a by-pass fitted with a manually operated stop valve.

(4) The vent header shall be fitted with a flame arrester or pressure vacuum relief valve. If a pressure vacuum relief valve is used in the header, means shall be provided for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the header or by the installation of a by-pass fitted with a manually operated stop valve. A suitable means of relieving pressure shall be fitted in the header in order to prevent excess pressure being built up in the tanks, in the event of overfilling of the latter. The vent header system shall be provided with suitable connections for flushing and draining. The vent header system shall be of sufficient capacity as to be able to carry off all displaced air and vapors during loading of the cargo tanks without opening of ullage plates, cargo hatches, etc. See § 32.20–20 for liquid level gaging requirements.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve at the outlet to the atmosphere. The vent header system, if fitted shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines provided that each such stop valve is bypassed by a pressure-vacuum relief valve.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens.

§ 32.55–25 *Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL.*—(a) *Venting required.* (1) On all tank barges, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(2) In any case where a venting system is required for a particular grade of liquid, the venting system permitted for a higher grade of liquid may be used instead.

(b) *Grade A, B, or C liquids.* Cargo tanks in which Grade A, B, or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves which shall extend to a reasonable height above the weather deck or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a pressure-vacuum relief valve at the outlet to the atmosphere. The vent header system, if fitted, shall be provided with suitable connections for flushing and draining, and if desired, stop valves may be placed in the individual branch vent lines: *Provided*, That each such stop valve is bypassed by a pressure-vacuum relief valve.

(c) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens.

§ 32.55–30 *Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.*—(a) *Venting required.* On all tank vessels, the construction or alteration of which is started on or after November 10, 1936, and prior to July 1, 1951, each cargo tank shall be equipped with a vent. The details of the venting system shall meet the requirements of this section, or alternatively, the requirements of either § 32.55–20 or § 32.55–25, as applicable, shall be met.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is bypassed with a pressure-vacuum relief valve or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve. The vent header system shall be provided with suitable connections for flushing and draining.

(2) In barges with independent tanks carrying Grade A liquids, separate discharge pipes may be fitted to each pressure-vacuum relief valve, or the pressure-vacuum relief valve may be elevated, so that in either case the discharge from such valve will not be less than 7 feet above the deck where practicable.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve at the outlet to the atmosphere.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are

to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

2. Section 32.55–45 is amended to read as follows:

§ 32.55–45 *Venting of cofferdams of tank vessels constructed on or after November 10, 1936—TB/ALL.* On all tank vessels, the construction or conversion of which was started on or after November 10, 1936, cofferdams shall be provided with gooseneck vents fitted with a flame screen or pressure-vacuum relief valves. The diameter of a vent shall be not less than 2½ inches.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

1. Section 32.60–10 is amended by adding a new paragraph (e) reading as follows:

§ 32.60–10 *Segregation of cargo; Grade A, B, C, or D—TB/ALL.* * * *

(e) *Openings.* Except as provided in paragraph (c) of this section, there shall be no manholes or other openings from cargo tanks to any other enclosed spaces. Any vents, sounding tubes, and similar piping passing through such tanks shall be run in a suitable trunk.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

2. Section 32.60–30 (a) is amended to read as follows:

§ 32.60–30 *Tank vessels with independent tanks—TB/ALL.* (a) Independent cargo tanks may be located in hold spaces or in other cargo tanks; however, a working space of at least 15 inches shall be maintained around each independent tank, or else provisions shall be made for moving such tanks to furnish such working space, except that less than 15 inches around such tanks may be permitted if in the judgment of the Officer in Charge, Marine Inspection, having jurisdiction, a satisfactory inspection of the cargo tanks and hull structure can be made.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

3. Section 32.60–40 is amended to read as follows:

§ 32.60–40 *Construction and testing of cargo tanks and bulkheads—TB/ALL.* (a) All cargo tanks vented at gage pressure of 4 pounds per square inch or less shall be constructed and tested as required by standards established by the American Bureau of Shipping or other recognized classification society. The design of cargo tanks integral with the hull and vented at a gage pressure exceeding 4 pounds per square inch but not exceeding 10 pounds per square inch gage pressure will be given special consideration by the Commandant.

(b) Cargo tanks vented at a gage pressure exceeding 10 pounds per square inch are considered unfired pressure vessels and shall be of cylindrical or similar design and meet the requirements of Parts 52 through 61 of Subchapter F (Marine Engineering) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

PART 33—LIFESAVING APPLIANCES

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

Sections 33.05–1 to 33.05–10, inclusive, are amended to read as follows:

Sec.

33.05–1 Lifeboats for tank ships; ocean; construction or conversion of which was started prior to November 19, 1952—T/O.

33.05–2 Lifeboats for tank ships; ocean; construction or conversion of which was started on or after November 19, 1952—T/O.

33.05–5 Lifeboats for barges; ocean—B/O.

33.05–10 Lifeboats for tank ships; coastwise; construction or conversion of which was started prior to November 19, 1952—T/C.

33.05–11 Lifeboats for tank ships; coastwise; construction or conversion of which was started on or after November 19, 1952—T/C.

AUTHORITY: §§ 33.05–1 to 33.05–11 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended, sec 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 416, 50 U. S. C. App. 1275.

§ 33.05–1 *Lifeboats for tank ships; ocean; construction or conversion of which was started prior to November 19, 1952—T/O.* (a) All tank ships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That such tank ships of 350 feet in length or over, having superstructure amidships and propelling machinery aft shall be provided with at least four lifeboats, one on each side in way of the after accommodations, and one on each side in way of amidship accommodations.

(b) No lifeboat shall be of less than 180 cubic feet measurement.

§ 33.05–2 *Lifeboats for tank ships; ocean; construction or conversion of which was started on or after November 19, 1952—T/O.* (a) All tank ships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That such tank ships of 3,000 gross tons and over, having superstructure amidships and propelling machinery aft shall be provided with at least four lifeboats, one on each side in way of the after accommodations, and one on each side in way of amidship accommodations.

(b) No lifeboat shall be less than 24 feet in length, except where owing to the size of the tank ship, or for other reasons, the Commandant may permit smaller lifeboats, but in no case shall they be less than 16 feet in length.

(c) All tank ships of 1,600 gross tons and over shall carry at least one motor-propelled or hand-propelled lifeboat.

§ 33.05–5 *Lifeboats for barges; ocean—B/O.* (a) All tank barges which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat shall be of less than 125 cubic feet measurement.

§ 33.05–10 *Lifeboats for tank ships; coastwise; construction or conversion of which was started prior to November 19, 1952—T/C.* (a) All tank ships which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board.

(b) No lifeboat shall be of less than 180 cubic feet measurement, except by approval of the Commandant.

§ 33.05–11 *Lifeboats for tank ships; coastwise; construction or conversion of which was started on or after November 19, 1952—T/C.* (a) All tank ships which normally operate 20 miles or less offshore shall meet the requirements of § 33.05–2 of this subpart.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

SUBPART 33.10—LIFEBOAT HANDLING EQUIPMENT REQUIREMENTS

Sections 33.10–5 and § 33.10–10 are amended to read as follows:

§ 33.10–5 *Lifeboat winches—TB/ALL.* (a) When lifeboat winches are installed on tank vessels, wire falls shall be provided for each set of davits.

(b) On tank ships of 500 gross tons and over in ocean or coastwise service, construction or conversion of which is started on or after November 19, 1952, lifeboat winches shall be provided for all lifeboats, where the deck on which the lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(c) Lifeboat winches proposed for use in new installations shall be of an approved type and constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(d) Suitable fabric covers shall be provided, so fitted over exposed mechanisms that ice formations may be readily broken adrift when necessary to operate the lifeboat winch.

(e) Installation: Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. The lead of the falls to the lifeboat winch shall be in accordance with § 33.10–10 (g).

(f) Tests: Upon completion of the installation of all lifeboat winches, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:

(1) Swing lifeboat out from chocks and lower to level for loading, at which point the lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load. The lifeboat should then be lowered to the water, stopping at approximately 6-foot intervals by action of the counterweight alone. During the test the following observations should be made:

(i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

(ii) Counterweight shall be capable of stopping and holding the lifeboat when released.

(iii) The lifeboat winch shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute.

(iv) No part of lowering gear shall show any distress under load.

(v) Deck under lifeboat winch and davits must be of sufficient strength to prevent any undue stress of the deck under load.

(vi) Mechanical davits shall swing to extreme outboard position without slacking the lifeboat winch brake.

(vii) Action of governor brake and lowering speed permitted by same should be noted.

(viii) Determine that falls are of sufficient length to lower to light load line with vessel listed 15 degrees either way.

(2) A report of the results of the installation test covering all the above points shall be recorded.

§ 33.10–10 *Blocks and falls—TB/ALL.* Blocks and falls installed after May 1, 1942, shall conform to the following requirements:

(a) All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Where lifeboat winches are installed, not more than two-part wire falls shall be used, except in specific cases where three-part wire falls may be accepted. Where lifeboat winches are not used, the falls shall be of manila rope or equivalent but wire rope may not be used.

(c) Wire rope falls of 6 x 19 regular lay filler wire construction prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

(d) Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

(e) All ocean and coastwise vessels and all other vessels of over 1,000 gross tons, not fitted with lifeboat winches, shall be provided with covered tubs, boxes, or reels for stowage of falls and with suitable lowering bitts in easily accessible positions; except that all ocean and coastwise, self-propelled vessels of over 1,000 gross tons, not fitted with lifeboat winches for which contracts for construction are let on or after September 2, 1945, shall be fitted with cruciform bitts in such position as will render lowering practicable.

(f) Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

(g) Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

(h) There shall be ample clearance between the cheeks of blocks in which manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

(i) Means for lubrication shall be provided for all moving parts of blocks.

(j) Where lifeboat winches are provided on tank vessels, construction or conversion of which was started prior to November 19, 1952, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave.

(k) Where lifeboat winches are provided on tank vessels, construction or conversion of which is started on or after November 19, 1952, the lead sheaves to the drums shall be so located as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when lead from the lead sheave to either extremity of the drum.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interprets or applies sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

1. Section 33.15–1 is amended to read as follows:

§ 33.15–1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC*—(a) *General.* All lifeboats on tank ships operating on ocean or coastwise routes shall be equipped as set forth in this section. All items other than boathooks shall be stowed in lockers or be suitably lashed to the lifeboat. The stowage shall be such as not to interfere with the releasing gear or impede entry into the lifeboat.

(b) *Bailer.* One bailer of sufficient size and suitable for bailing, with lanyard attached.

(c) *Boathooks.* Two boathooks of clear-grained white ash of suitable length, but not less than 8 feet by 1½ inches in diameter.

(d) *Buckets.* Two galvanized iron buckets of about 2 gallons each, with lanyards attached.

(e) *Compass and mounting.* One efficient liquid compass with not less than a 2-inch card. On and after January 1, 1946, all compasses and mountings for new installations or replacements shall be of an approved type. The Coast Guard specification for such approved type, which requires a card of not less than 3¾ inches in diameter, will be made available upon request.

(f) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 2 approved floating orange smoke distress signals. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021, 160.022, and 160.023 of Subchapter Q (Specifications) of this chapter.

(g) *Ditty bag.* One canvas bag containing sailmaker's palm, needles, sail twine, marline, and marlinspike.

(h) *Drinking cups.* One enameled drinking cup.

(i) *Flashlight.* One approved type I, size No. 3 flashlight together with 3 spare batteries and 2 spare bulbs. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant. For specifications for flashlights, see Subpart 161.008 of Subchapter Q (Specifications) of this chapter. No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. Approved flashlights not conforming to the requirements in Subpart 161.008 of Subchapter Q (Specifications) of this chapter may be continued in service so long as they are in good and serviceable condition.

(j) *Hatchets.* Two hatchets attached to the lifeboat by individual lanyards and readily available for use, one at each end of the lifeboat. All hatchets provided for use on tank ships shall be of an approved type. For specifications for hatchets, see Subpart 160.013 in Subchapter Q (Specifications) of this chapter. Hatchets provided prior to December 1, 1944, may be continued in service so long as they are in good and serviceable condition.

(k) *Illuminating oil.* One quart illuminating oil in metal container.

(l) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(m) *Life line.* A life line or grab line, properly secured the entire length of each side festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the lifeboat is light.

(n) *Life preservers.* Two life preservers of an approved type. These life preservers are in addition to the vessel's equipment of life preservers.

(o) *Locker.* A suitable locker or box for the storage and preservation of the small items of equipment.

(p) *Mast and sails.* A mast or masts with at least one good sail, colored India Orange (Cable No. 70072, Standard Color Card of America) and proper gear for each, the sail and gear to be protected by a suitable canvas cover. Galvanized wire rope or equivalent corrosion resistant metal stays shall be used. A mast and sail is not required on hand-propelled or motor-propelled lifeboats.

(q) *Matches.* Two boxes of safety matches in a watertight container, and carried in a box secured to the underside of the stern thwart, or stowed in locker.

(r) *Oars.* (1) A single banked complement of oars, two spare oars, and a steering oar with a rowlock or becket, conforming to the requirements in Table 33.15–1 (r).

TABLE 33.15–1 (r)—MINIMUM NUMBER AND LENGTH OF OARS

Length of boat	Number of oars	Spare oars	Total, including steering oar	Rowing oars (feet)	Steering oars (feet)
16 feet and under 18 feet	4	2	7	10	12
18 feet and under 20 feet	4	2	7	11	13
20 feet and under 24 feet	4	2	7	13	14
24 feet and under 28 feet	6	2	9	14	15
28 feet and over	6	2	9	15	16

(2) Motor lifeboats and lifeboats fitted with propellers operated by hand shall be equipped with 4 oars and 1 steering oar.

(s) *Painter.* Two painters of manila rope not less than 2¾ inches in circumference and a length not less than 3 times the distance between the boat deck and the light draft. One shall have a long eye splice and be attached to the thwart with a toggle so that it can be released and the other shall be firmly secured to the stem of the lifeboat and be ready for use.

(t) *Parachute flare distress signals.* Twelve approved parachute red flare distress signals and an approved means of projecting them, all contained in a portable watertight case. Service use of the signals shall be limited to a period of 3 years from date of manufacture. For specifications for the above equipment, see Subparts 160.024, 160.028, and 160.036 in Subchapter Q (Specifications) of this chapter.

(u) *Plugs and pumps.* Each drain hole, fitted with an automatic plug, shall be provided with one cap attached by chain to the lifeboat. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains. Decked lifeboats shall have no plug hole but shall be provided with at least two bilge pumps.

(v) *Propellers (hand-operated).* Lifeboats may be fitted with a hand-operated propeller of an approved type, but all lifeboats, except motor lifeboats, having a capacity of 60 or more persons shall be fitted with a hand-operated propeller of an approved type. For construction of hand-propelling gear see Subpart 160.034 of Subchapter Q (Specifications of this chapter. The hand-propelling gear shall be required in all such lifeboats fitted on new tank ships or as replacements of such lifeboats.

(w) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound. It shall be packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed. In addition, there shall be one pound of condensed milk for each person stowed in provision lockers or other compartments providing suitable protection.

(x) *Rowlocks.* One set and a half of rowlocks or thole pins attached to the lifeboats by separate chains.

(y) *Rudder.* One rudder and tiller. For construction of rudder and tiller see § 160.035–3 (t) of Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(z) *Sea anchor.* One sea anchor of an approved type.

(aa) *Signaling mirrors.* Two signaling mirrors of an approved type.

(bb) *Storm oil.* One container holding 1 gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(cc) *Drinking water.* For each person at least 3 quarts of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

(dd) *First-aid kit.* One first-aid kit of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(ee) *Jackknife.* One approved jackknife, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(ff) *Heaving line.* Two heaving lines of adequate strength, 10 fathoms in length, and one inch in circumference. They shall be of such quality as to be buoyant after 24 hours submergence.

(gg) *Bilge pump.* One approved bilge pump constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of a size noted in Table 33.15–1 (gg) depending upon the cubic capacity of the lifeboat as determined by the six-tenths rule:

TABLE 33.15–1 (gg)

Capacity of lifeboat, cubic feet		Bilge pump size
Over	Not over	
---	330	1
330	700	2
700	---	3

(hh) *Ladders.* All lifeboats approved to carry more than 60 persons shall be fitted with suitable means to enable persons in the water to climb into the lifeboat.

(ii) *Grab lines.* Unless other approved means are provided to achieve the same purpose, three ½ inch manila grab lines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to and climb upon an upturned lifeboat. The ends of each grab line shall be securely attached to the side benches or other permanent part of the lifeboat and each grab line shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grab lines.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interprets or applies sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275)

2. Part 33 is amended by adding a new § 33.15–3 to read as follows:

§ 33.15–3 *Portable radiotelegraph apparatus—T/OC.* All tank ships of 500 gross tons and over shall be provided with a portable radiotelegraph apparatus complying with the requirements of the Federal Communications Commission. The apparatus shall be kept in the radio room, or the chart room, or other suitable location and shall be immediately available for placement in one of the lifeboats.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

3. Section 33.15–5 (p) is amended to read as follows:

§ 33.15–5 *Tank ship lifeboat equipment; Great Lakes—T/L.* • • •

(p) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with one cap attached by chain to the lifeboat. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

4. Section 33.15–10 (j) is amended to read as follows:

§ 33.15–10 *Tank ship lifeboat equipment; bays, sounds, and lakes other than Great Lakes, and Rivers—T/BR.* • • •

(j) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with one cap attached by chain to the lifeboat. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

5. Section 33.15–15 (i) is amended to read as follows:

§ 33.15–15 *Tank barge lifeboat equipment; all waters—B/ALL.* • • •

(i) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with one cap attached by chain to the lifeboat. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.20–1 is amended to read as follows:

§ 33.20–1 *Davits and launching devices—TB/ALL.* (a) Tank ships of 100 gross tons or more shall be equipped with davits for each lifeboat carried. Only approved mechanical or gravity davits may be installed on such ships constructed on or after November 19, 1952.

(b) Tank ships of less than 100 gross tons and tank barges where lifeboats are carried shall provide means for the launching of such lifeboats by davits or crane or, where the freeboard is less than 6 feet when the vessel has no cargo aboard, by slide.

(c) On all tank ships of 500 gross tons and over in ocean and coastwise service, the following conditions shall be met:

(1) An approved ladder, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter shall be provided at each set of davits to afford access to the lifeboats when waterborne.

(2) Two lifelines shall be fitted to the davit spans of such length as to reach the water with the vessel at its lightest seagoing draft and listed 15 degrees either way.

(3) Suitable means shall be provided for illuminating the launching gear and the lifeboats during the process of launching the lifeboats from the stowed position until they are waterborne.

(4) Where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods or other means to close the discharge openings.

(5) Lifeboats, when stowed on a deck more than 15 feet above the deepest seagoing draft, shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without skates.

(d) Lifeboats shall not be placed in the bows of tank ships. They shall be stowed in such positions as to insure safe launching.

(e) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

SUBPART 33.40—LIFE BUOYS

1. Section 33.40–1, and Table 33.40–1, are amended to read as follows:

§ 33.40–1 *Number required on tank ships—T/LBR.* The minimum number of approved 30-inch life buoys and the minimum number to which approved automatic electric water lights shall be attached are fixed by Table 33.40–1.

(R. S. 4405, as amended, 417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

TABLE 33.40–1—RING LIFE BUOYS REQUIRED

Length of tank ship (feet)	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached
Column 1	Column 2	Column 3
Under 100	2	1
100 and under 200	4	2
200 and under 300	6	2
300 and under 400	12	4
400 and under 600	16	8
600 and under 800	24	12
800 and over	30	15

2. Part 33 is amended by adding a new § 33.40–2 reading as follows:

§ 33.40–2 *Number required on tank ships—T/OC.* (a) On all tank ships of less than 500 gross tons, the minimum number of approved 30-inch life buoys and the minimum number to which approved automatic electric water lights shall be attached are fixed by Table 33.40–1.

(b) On all tank ships of 500 gross tons and over, the minimum number of approved 30-inch life buoys and the minimum number to which automatic water lights shall be attached are fixed by Table 33.40–2 (b).

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

TABLE 33.40–2 (b)—RING LIFE BUOYS REQUIRED

Length of tank ship (feet)	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached
Column 1	Column 2	Column 3
Under 300	8	6
300 and under 400	12	6
400 and under 600	16	8
600 and under 800	24	12
800 and over	30	15

SUBPART 33.45—DISTRESS LIGHTS

Section 33.45–5 is amended to read as follows:

§ 33.45–5 *Parachute distress signals—T/OC.* In addition to the equipment required by § 33.45–1, all tank ships of 500 gross tons and over shall be provided with 12 approved hand-held rocket-propelled parachute red flares distress signals, contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of 3 years from date of manufacture.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

SUBPART 33.50—SIGNALING LAMP

Section 33.50–1 is amended to read as follows:

§ 33.50–1 *Signaling lamp—T/OC.* Ocean and coastwise tank ships over 150 gross tons shall be equipped with an approved daylight signaling lamp.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

PART 34—FIRE-FIGHTING EQUIPMENT

Part 34 is amended to read as follows:

SUBPART 34.01—GENERAL FIRE-FIGHTING REQUIREMENTS

Sec.
34.01–1 Fire equipment for tank vessels—TB/ALL.
34.01–5 Repairs and alterations to fire-fighting equipment—TB/ALL.
34.01–10 Special types of fire apparatus may be used—TB/ALL.
34.01–15 Shutting down of boilers and machinery—T/ALL

SUBPART 34.05—INSPECTIONS

34.05–1 Inspection of fire-fighting equipment; general—TB/ALL.
34.05–5 All fire-fighting equipment may be tested—TB/ALL.
34.05–10 Testing of fire hose and pumps—TB/ALL.
34.05–15 Inspection of bilges—TB/ALL.

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

34.10–1 Fire pumps required—T/ALL.
34.10–5 Capacity of fire pumps; tank ships of 500 gross tons and over—T/ALL.
34.10–10 Type of fire pumps—T/ALL.
34.10–15 Location of fire pumps—T/ALL.
34.10–20 Fire pump relief valves and piping—T/ALL.
34.10–25 Fire hydrants—T/ALL.
34.10–30 Fire hose—T/ALL.
34.10–35 Fire hose nozzles on tank ships constructed on or after July 1, 1951—T/ALL.
34.10–40 Fire hose nozzles on tank ships constructed prior to July 1, 1951—T/ALL.

SUBPART 34.15—CARGO SPACES ON TANK SHIPS

34.15–1 General requirements for cargo spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL.
34.15–5 General requirements for cargo spaces on tank ships constructed or converted prior to November 19, 1952—T/ALL.
34.15–10 General requirements for fire extinguishing systems—T/ALL.
34.15–15 Steam systems for cargo spaces—T/ALL.
34.15–20 Carbon dioxide or other inert gas system for cargo spaces—T/ALL.
34.15–25 Foam systems for cargo spaces—T/ALL.
34.15–30 Carbon tetrachloride systems for cargo spaces—T/ALL.
34.15–35 Flue gas fire extinguishing systems for cargo spaces—T/ALL.

SUBPART 34.20—BOILER ROOM AND MACHINERY SPACES ON TANK SHIPS

34.20–1 Fixed fire extinguishing systems for boiler rooms and machinery spaces—T/ALL.
34.20–5 General requirements for fixed fire extinguishing systems—T/ALL.

Sec.
34.20-10 Fixed carbon dioxide fire extinguishing systems installed on tank ships on or after November 19, 1952—T/ALL.
34.20-15 Fixed carbon dioxide fire extinguishing systems installed on tank ships prior to November 19, 1952—T/ALL.
34.20-20 Fixed foam fire extinguishing systems—T/ALL.
34.20-25 Fire extinguishing equipment, other than fixed, for boiler and machinery spaces on tank ships—T/ALL.

SUBPART 34.21—PUMP ROOMS ON TANK SHIPS

34.21-1 Fixed fire extinguishing systems for tank ships constructed or converted on or after November 19, 1952—T/ALL.
34.21-5 Fire extinguishing systems for tank ships constructed or converted prior to November 19, 1952—T/ALL.

SUBPART 34.22—LAMP AND PAINT ROOMS AND SIMILAR COMPARTMENTS ON TANK SHIPS

34.22-1 Fireproofing of lamp, oil, and paint rooms—T/ALL.
34.22-5 Fixed fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL.
34.22-10 Fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted prior to November 19, 1952—T/ALL.

SUBPART 34.25—HAND FIRE EXTINGUISHERS

34.25-1 Hand fire extinguishers; test and approval—TB/ALL.
34.25-5 Hand fire extinguishers; marking—TB/ALL.
34.25-10 Hand fire extinguishers; location—TB/ALL.
34.25-15 Hand fire extinguishers; inspection—TB/ALL.
34.25-20 Hand fire extinguishers; spare charges and parts—TB/ALL.
34.25-25 Hand fire extinguishers; number required on tank ships—T/ALL.
34.25-30 Hand fire extinguishers required on tank vessels of over 15 gross tons using oil as fuel—TB/ALL.

SUBPART 34.30—FIRE AXES

34.30-1 Fire axes required—T/ALL.
34.30-5 Location and use of fire axes—T/ALL.

SUBPART 34.35—SAND BOXES

34.35-1 Sand boxes required on tank vessels using oil as fuel under boilers—TB/ALL.

SUBPART 34.40—FIRE-FIGHTING EQUIPMENT FOR TANK BARGES

34.40-1 Portable extinguishing equipment for cargo spaces—B/ALL.
34.40-5 Hand fire extinguishers for quarters, pump room, and machinery spaces—B/ALL.

AUTHORITY: §§ 34.01-1 to 34.40-5 issued under R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275.

SUBPART 34.01—GENERAL FIRE-FIGHTING REQUIREMENTS

§ 34.01-1 *Fire equipment for tank vessels—TB/ALL.* All tank vessels subject to the regulations in this subchapter shall have fire extinguishers and fire-fighting apparatus in accordance with the regulations in this subchapter, and where required, the equipment shall be constructed in accordance with the regulations contained in the applicable subparts of Subchapter Q (Specifications) of this chapter: *Provided, however,* That all fire extinguishers and fire-fighting apparatus which is of the character that complied with the rules and regulations of the Commandant on vessels in existence at the time the regulations in this subchapter are promulgated, and have been in use on such vessels, may be continued in use so long as such fire extinguishers and such fire-fighting apparatus are found to be in good and workable condition. Where fire extinguishers and fire-fighting apparatus are not found to be in good and workable condition, they shall be repaired or else replaced by fire extinguishers or fire-fighting apparatus of the latest approved type, as required by the regulations in this subchapter and Subchapter Q (Specifications) of this chapter. Where fire extinguishers or fire-fighting apparatus are found to be in good and workable condition, but deficient as to quantity or numbers, the additional quantity or numbers required by the regulations in this subchapter shall be of the latest approved type. Fixed systems which are included in the fire-fighting equipment for tank vessels and which have been in the past approved by the Commandant shall be deemed to comply with the regulations in this subchapter both as to character and quantity, provided such systems are in good and workable condition.

§ 34.01-5 *Repairs and alterations to fire-fighting equipment—TB/ALL.* (a) No extensive repairs or alterations, except in emergency, shall be made to any fire-extinguishing apparatus, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs or alterations shall so far as is practicable be made with materials and tested in the manner specified within the regulations in this subchapter and Subchapter Q (Specifications) of this chapter for new construction.

(b) Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made.

§ 34.01-10 *Special types of fire apparatus may be used—TB/ALL.* Where in this part any special type of appliance, fire extinguishing medium, or arrangement is specified, the Commandant may approve the substitution of any other appliance, fire extinguishing medium, or arrangement, such as, for example, a fixed dry chemical system for a fixed fog system, provided it is first demonstrated to his satisfaction that the substitution is at least as effective as that specified in this part.

§ 34.01-15 *Shutting down of boilers and machinery—T/ALL.* The fire-extinguishing systems provided for in this part which depend for their operation on the ship's boilers or machinery, shall not be required to be immediately available at docks or at anchorages.

SUBPART 34.05—INSPECTIONS

§ 34.05-1 *Inspection of fire-fighting equipment; general—TB/ALL.* (a) At each annual inspection, and at any other time as required in the judgment of the Officer in Charge, Marine Inspection, all fire-fighting equipment on tank vessels shall be inspected.

(b) The examination of the fire-fighting equipment shall be made by inspectors. This applies to fire pumps, hose, chemical fire extinguishers, axes, and steam or gas smothering lines to cargo holds and compartments.

(c) The inspectors shall examine the fire-fighting equipment provided for the fireroom and engine room to ascertain if it conforms to the regulations in this subchapter and that it is in good condition for immediate use.

(d) At the annual inspection or at any other time as required, the inspectors shall examine the water-sprinkling system, when fitted, to ascertain if it is in good condition and ready for immediate use.

§ 34.05-5 *All fire-fighting equipment may be tested—TB/ALL.* During the inspection of fire-fighting equipment, the Officer in Charge, Marine Inspection, may require fire apparatus to be tested; and used, except as provided under §§ 34.15-25 and 34.25-15.

§ 34.05-10 *Testing of fire hose and pumps—TB/ALL.* The inspectors shall examine all pumps, hose, and other fire apparatus and shall see that the hose is subjected to a pressure of 100 pounds to the square inch, and that the hose couplings are securely fastened in accordance with the regulations in this subchapter.

§ 34.05-15 *Inspection of bilges—TB/ALL.* When inspecting oil-burning vessels, either internal-combustion type or steam-driven type, the inspector shall examine the tank tops and bilges in the fireroom and engine room to see that there is no accumulation of oil which might create a fire hazard.

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

§ 34.10-1 *Fire pumps required—T/ALL.* All tank ships shall be provided with pumps available for use as fire pumps, as follows:

(a) Tank ships of less than 500 gross tons shall be equipped with an efficient hand pump capable of delivering 50 gallons per minute or a power driven pump of equivalent capacity: *Provided,* That on tank ships of 20 gross tons or under where it is impracticable to install a hand or power operated fire pump, or on tank ships with only one man in the crew, at least one additional 15-pound carbon dioxide or the equivalent fire extinguisher may be accepted in lieu of a fire pump.

(b) Tank ships of 500 gross tons and over, but not over 1,000 gross tons shall be provided with one independently driven power pump.

(c) Tank ships of over 1,000 gross tons shall be provided with two independently driven power pumps.

§ 34.10-5 *Capacity of fire pumps; tank ships of 500 gross tons and over—T/ALL.* (a) The capacity of the combined fire pump installation shall be one-fifth gallon per minute per gross ton of the ship. The maximum total fire pump capacity required for any tank ship shall be 800 gallons per minute.

(b) Fire pumps on tank ships of 500 gross tons and over shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞ inch diameter, where the internal diameter of the hose exceeds 1½ inches, and not less than ⅝ inch diameter, where the internal diameter of the hose does not exceed 1½ inches.

(c) While arranged with permanent connections to the fire main the pumps may be utilized also for other purposes, provided that one of the required pumps is kept available for immediate use on the fire system. In no case, however, shall a pump having connection to oil lines be used as a fire pump.

§ 34.10-10 *Type of fire pumps—T/ALL.* Tank ships are not restricted to any particular type or proportions for fire pumps.

§ 34.10-15 *Location of fire pumps—T/ALL.* (a) On oil-burning tank ships, provided with two fire pumps, where the engine and firerooms are not entirely separated by iron or steel bulkheads, or if fuel can drain from fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space separate from the machinery compartment.

(b) On all tank ships the construction or conversion of which is started on or after November 19, 1952, where 2 fire pumps are required, they shall be located in separate spaces, and the arrangements of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to provide two sources of power due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing the fire affecting the powering and operation of at least one of the required fire pumps in lieu of having separate sources of power.

§ 34.10-20 *Fire pump relief valves and piping—T/ALL.* (a) Fire pumps shall be fitted on the discharge side with a relief valve and a pressure gage to indicate the pressure on the fire main. Except when the fire pumps are being used in tank cleaning operations, the relief valves shall be set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of § 34.10-5 (b) of this part. If the fire pumps operating under shut-off conditions are not capable of producing a pressure exceeding 125 pounds per square inch, the relief valves may be omitted.

(b) Suction pipes for all fire pumps shall be so arranged as to have an area of opening sufficiently large to supply water when the pumps are working at full capacity.

(c) The size of the discharge pipe leading from fire pumps shall in no case be less than that of the discharge opening of the pump, and in no case shall it be less than 1½ inches in internal diameter.

(d) The pipe, valves, fittings, and construction of fire lines shall conform to the requirements contained in Part 55 of Subchapter F (Marine Engineering) of this chapter.

§ 34.10-25 *Fire hydrants—T/ALL.* (a) Fire hydrants shall be of sufficient number and so arranged that any part of the living quarters, weather decks, machinery spaces, stores and working spaces, and any part of cargo decks accessible to the crew while at sea may be reached with 2 streams of water, one of which shall be from a single 50-foot length of hose.

(b) Hose connections shall be brass or composition material.

(c) Outlet openings shall have a diameter of not less than 1½ inches.

(d) All fire hydrants shall be equipped with hose spanners.

(e) The arrangement of the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead downward or horizontally, in order to minimize the possibility of kinking. In no case will a hydrant arranged in a vertical position with the outlet pointing upward be accepted.

(f) The pipes and hydrants shall be so placed that the fire hose may be easily coupled to them. In ships where deck cargo may be carried, the position of the hydrants shall be such that they are always readily accessible and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo.

(g) Each fire hydrant shall be equipped with a valve so that the hose may be removed while there is pressure on the fire main.

§ 34.10-30 *Fire hose—T/ALL.* (a) Fire hose shall be connected to the outlet at all times except on open decks, where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather.

(b) The fire hose may be temporarily removed when it will interfere with the landing of cargo.

(c) Each fire hose shall be provided with a suitable nozzle.

(d) Fire hose, when part of the fire equipment, shall not be used for any other purpose than fire extinguishing, fire drills, and testing.

(e) Fire hose shall be drained and stowed in its proper place immediately after being used.

§ 34.10-35 *Fire hose nozzles on tank ships constructed on or after July 1, 1951—T/ALL.* (a) Where smooth bore type hose nozzles are used, the nozzle orifice size shall be as indicated in § 34.10-5 (b).

(b) On all tank ships of 1,000 gross tons and over, the nozzles used on at least 2 hose lines in the boiler and machinery spaces shall be of approved combination solid stream and water fog nozzles which are capable of producing a solid stream or a high velocity fog, and being shut off. In addition, an approved applicator equipped with a low velocity water fog tip, which is capable of being attached directly to the nozzle or the hose, shall be provided for each nozzle. Unless a self-cleaning strainer is contained within the nozzle itself and within the applicator where the applicator is attached directly to the hose, there shall be a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose.

(c) At least 25 percent of the hydrants, exclusive of those in the boiler and machinery spaces, shall be fitted with approved combination nozzles, applicators with low velocity fog spray heads, and self-cleaning strainers as described in § 34.10-35 (b). Such nozzles shall be strategically located throughout the tank ship.

(d) Where approved combination nozzles are used with fire lines other than required in § 34.10-35 (b) and (c), the applicators with low velocity fog spray heads, and self-cleaning strainers may be fitted but will not be required.

§ 34.10-40 *Fire hose nozzles on tank ships constructed prior to July 1, 1951—T/ALL.* (a) Where smooth bore type hose nozzles are used, the nozzle orifice size shall be as indicated in § 34.10-5 (b).

(b) Fire hose lines in boiler and machinery spaces of vessels of 1,000 gross tons or over shall be provided with at least 2 suitable nozzles of an approved type which are capable of effectively extinguishing oil fires. Approved combination nozzles as described in § 34.10-35 (b), together with the applicator and low velocity fog spray head, will be acceptable for this purpose. The self-cleaning strainer may be fitted, but will not be required.

SUBPART 34.15—CARGO SPACES ON TANK SHIPS

§ 34.15-1 *General requirements for cargo spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL.* (a) Every tank ship shall be provided with an approved fixed fire extinguishing system for all cargo spaces.

(b) The types of fire extinguishing systems which may be used are as follows:

(1) Steam.
(2) Carbon dioxide or other inert gas.
(3) Foam. (May not be used for dry cargo spaces.)
(4) Carbon tetrachloride. (May be used on the approval of the Commandant only. May not be used for tanks in excess of 6,300 cubic feet, not for any dry cargo spaces.)

§ 34.15-5 *General requirements for cargo spaces on tank ships constructed or converted prior to November 19, 1952—T/ALL.* (a) Every tank ship shall be provided with an approved fire extinguishing system for all cargo spaces. Such system may be portable, semiportable or fixed.

(b) The types of fire extinguishing systems which may be used are as follows:

(1) Steam.
(2) Carbon dioxide or other inert gas.
(3) Foam.

(4) Carbon tetrachloride. (May be used on the approval of the Commandant only. May not be used for tanks in excess of 6,300 cubic feet.)

§ 34.15–10 *General requirements for fire extinguishing systems—T/ALL.* (a) For the purposes of this subpart, the term "largest cargo compartment" shall be considered as the cargo space, either liquid or dry, having the greatest volumetric measurement. In the case of liquid cargo tanks, the gross volume of the individual tanks shall be used. In the case of dry cargo compartments, the gross volume shall be taken between adjacent watertight or fire screen bulkheads, and from tank top or lowest deck to the deckhead of the uppermost deck on which cargo may be carried, and if a trunk extends beyond such deckhead, the volume of the trunk shall be included.

(b) The valves of all fixed fire extinguishing systems shall be so located as to be easily accessible and not readily cut off from use by an outbreak of fire, and shall be marked as required by § 35.40–10.

(c) Provisions shall be made for draining the manifolds and individual lines of fire extinguishing systems to protect them against freezing.

(d) In general, all piping shall comply with the requirements of Subchapter F (Marine Engineering) of this chapter. The piping systems for carbon dioxide shall have a minimum bursting pressure of 6,000 p. s. i.

(e) Piping for dry cargo spaces shall be run independent of the extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and other compartments served, such valves to be marked: "This valve to be kept closed except in case of fire."

(f) For dry cargo spaces, means shall be provided for stopping any ventilator fans and closing all openings from outside the spaces protected.

§ 34.15–15 *Steam systems for cargo spaces—T/ALL.* (a) When a steam fire extinguishing system is installed, the requirements of this section shall be met.

(b) Steam for fire extinguishing systems shall be available from the main boilers, donkey or auxiliary boilers, or from a shore source. The capacity of the steam supply shall be at least equal to one pound of steam per hour for each 12 cubic feet of the largest cargo compartment in the case of tank ships constructed or converted on or after November 19, 1952, and one pound of steam per hour for each 50 cubic feet of the largest cargo compartment in the case of tank ships constructed or converted prior to November 19, 1952.

(c) A steam pressure of at least 100 pounds per square inch shall be maintained for fire extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, or where steam from a shore plant is being used, the maximum steam pressure available from either source shall be used, but not to exceed the normal operating pressure of the ship's steam system.

(d) The master valve control shall be located above the uppermost complete deck having permanent means of closing all openings in the weather portions of the deck. The main lines shall have sufficient area to supply all individual lines to the largest tank and the tanks adjacent thereto, and in the case of dry cargo compartments, the entire compartment. The valves to the tanks shall be left open at all times so that, in case of fire, it will be necessary only to open the master valve to insure a flow of steam into each tank, after which, the valves to the tanks which are not on fire may be closed: *Provided*, That where the opening of such branch lines may cause contamination of cargo or cause the passage of gases or vapors between tanks or compartments, they may be kept closed.

(e) Steam smothering lines shall be tested with at least 50 pounds per square inch of air pressure or by blowing steam through the lines at the working pressure and a survey made for detecting corrosion and defects using hammer test or such other means as may be necessary.

(f) The minimum nominal diameter of any steam fire extinguishing pipe shall be 1½ inches.

§ 34.15–20 *Carbon dioxide or other inert gas system for cargo spaces—T/ALL.* (a) When a carbon dioxide system is installed it shall be of an approved type and shall meet the requirements of this section. Specific approval by the Commandant is required for the installation of other inert gas system, and it shall be demonstrated that such system offers protection at least equivalent to the required carbon dioxide system.

(b) At least one pound of carbon dioxide shall be available for each 30 cubic feet of the largest cargo compartment.

(c) For liquid cargo spaces, the rate of discharge shall be such as to supply the required amount within 5 minutes.

(d) For dry cargo spaces, no specific rate of discharge need be provided. However, the pipes to the individual spaces shall be at least ¾ inch.

(e) At annual inspections, all carbon dioxide cylinders for fixed, semiportable, and portable systems shall be examined externally and replaced if any corrosion is found. They shall also be checked by weighing to determine their contents, and if found to be more than 10 percent under the required contents of carbon dioxide, they shall be recharged.

§ 34.15–25 *Foam systems for cargo spaces—T/ALL.*—(a) *Approved type.* When a foam system is installed, it shall be of an approved type and shall meet the requirements of this section.

(b) *Area protected.* The system shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of any tank within the range of usual trim. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(c) *Rate of application.* (1) The rate of discharge to foam outlets to the various tanks shall be at least as set forth in this paragraph.

(2) For chemical foam systems with stored "A" and "B" solutions, a total of at least one gallon per minute of the 2 solutions shall be discharged for each 10 square feet of the area protected.

(3) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least one gallon per minute for each 10 square feet of the area protected.

(d) *Supply of foam producing material.* There shall be provided a quantity of foam producing materials sufficient to operate the equipment at the discharge rate specified in § 34.15–25 (c) in the tank having the largest superficial liquid area for a period of at least 5 minutes.

(e) *Fixed type.* If the foam system is of the fixed type, the apparatus and chemicals shall be contained in a fire-resistant compartment protected from the weather and where the operator will be shielded from fire and smoke.

(f) *Portable or semiportable type.* If the foam system is of the portable or semiportable type, the apparatus and chemicals shall be stowed in a readily accessible place protected from the weather.

§ 34.15–30 *Carbon tetrachloride systems for cargo spaces—T/ALL.* (a) When a carbon tetrachloride system is installed, at least one quart shall be available for each 225 cubic feet of the largest cargo compartment.

§ 34.15–35 *Flue gas fire extinguishing systems for cargo spaces—T/ALL.* Inert-gas system for extinguishing fires in cargo spaces, where the source of the inert gas is the stack or a furnace for producing such inert gas shall be considered as complying with the regulations in this subchapter, provided such system shall have the approval of the Commandant as required in § 34.15–20 (a).

SUBPART 34.20—BOILER ROOM AND MACHINERY SPACES ON TANK SHIPS

§ 34.20–1 *Fixed fire extinguishing systems for boiler rooms and machinery spaces—T/ALL.* (a) Any fixed fire extinguishing system installed in boiler rooms or machinery spaces, whether required or not, shall be of an approved type.

(b) All tank ships propelled by internal combustion engines using a fuel having a flash point of less than 110 degrees F. shall be fitted with a fixed carbon dioxide fire extinguishing system in the engine room space.

(c) All steam propelled tank ships using oil for fuel, construction or conversion of which is started on or after November 19, 1952, shall be fitted with a fixed carbon dioxide or foam fire extinguishing system in all spaces containing oil fired boilers, whether main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(d) All tank ships propelled by internal combustion machinery and having auxiliary boilers using oil for fuel, construction or conversion of which is started on or after November 19, 1952, shall be fitted with a fixed carbon dioxide or foam fire extinguishing system in all spaces containing such boilers or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(e) If a fixed fire extinguishing system is installed to protect an internal combustion propelling machinery installation, the system shall be of the carbon dioxide type.

§ 34.20–5 *General requirements for fixed fire extinguishing systems—T/ALL.* (a) The valves of all fire extinguishing systems shall be plainly marked to indicate the compartments into which they discharge, and they shall be so located as to be easily accessible and not readily cut off from use by an outbreak of fire.

(b) Provisions shall be made for draining the manifolds and individual lines.

(c) Where the same type medium is used for both the machinery space and cargo extinguishing systems, the same supply may be used.

(d) If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of extinguishing agent to be provided. The extinguishing agent shall be arranged to discharge into both such compartments simultaneously.

§ 34.20–10 *Fixed carbon dioxide fire extinguishing systems installed on tank ships on or after November 19, 1952—T/ALL.* (a) The quantity of carbon dioxide in pounds to be supplied shall be at least equal to the gross volume of the space in cubic feet, taken between watertight or oiltight bulkheads and from tank top or flat forming the lower boundary of the space to the deck head of the space, divided by a factor as set forth in Table 34.20–10 (a) depending upon the volume of the space. For machinery spaces, the upper boundary of the space shall be taken as the underside of the deck forming the hatch opening unless the machinery or boilers extend into such hatch, in which case, the volume shall be taken to the top of the hatch trunk or the next material reduction in area of the trunk, whichever is lower.

TABLE 34.20–10 (a)

Gross volume of space, cubic feet		Factor
Over	Not over	
------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	------	22

(b) The whole charge of carbon dioxide shall be capable of being released simultaneously by operating one valve and one control; such valve and control shall be adequately protected to avoid the accidental discharge of the system. The valves shall be marked as required by § 35.40–10.

(c) The system shall be so designed that the cylinders are completely discharged in not more than 2 minutes.

(d) The arrangement of piping shall be such as to give a general and fairly uniform distribution over the entire space protected. All pipes, valves, and fittings shall have a minimum bursting pressure of 6,000 p. s. i.

(e) A suitable alarm shall be provided to operate automatically when the control valve is operated. The alarm shall be conspicuously and centrally located in the space protected and shall be marked as required by § 35.40–7.

(f) Means shall be provided for stopping all mechanical ventilation to the space protected from outside such space.

(g) Means shall be provided for closing all openings to the space protected from outside such space. In this respect, dampers or other means shall be available for blanking-off natural ventilators, and relatively tight doors and shutters shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed-off either by permanently installed means or by the use of canvas or other materials which is normally carried by the tank ship.

§ 34.20–15 *Fixed carbon dioxide fire extinguishing systems installed on tank ships prior to November 19, 1952—T/ALL.* (a) (1) A total flooding system is one in which the entire space is protected. The quantity of carbon dioxide in pounds to be supplied shall be at least equal to the gross volume of the space in cubic feet, taken between oiltight or watertight bulkheads and from tank top or flat forming the lower boundary of the space to the deck head of the space, divided by 22. For machinery spaces, the upper boundary of the space shall be taken as the underside of the deck forming the hatch opening unless the machinery or boilers extend into such hatch, in which case, the volume shall be taken to the top of the machinery or boilers.

(2) A bilge system is one in which the bilge or space below the floor plates is protected. The quantity of carbon dioxide in pounds to be supplied shall be at least equal to the gross volume of the space in cubic feet, taken between watertight or oiltight bulkheads and from the tank top or flat forming the lower boundary of the space to the top of the shell of a fire tube boiler or top of the casing or drums of a water tube boiler, divided by 36.

(b) When a fixed carbon dioxide extinguishing system is installed to protect a space containing oil fired boilers, either a bilge system or a total flooding system may be used.

(c) When a fixed carbon dioxide fire extinguishing system is installed to protect a space containing internal combustion propelling machinery, a total flooding system shall be used.

(d) The provisions of § 34.20–10 (b) through (e) shall be complied with and § 34.20–10 (f) and (g) shall be complied with insofar as is reasonable and practicable.

§ 34.20–20 *Fixed foam fire extinguishing systems—T/ALL.* (a) (1) The system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) Where such installations are made on or after November 19, 1952, to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than the deck drains to properly restrain the foam at that level. Other installations of a similar nature shall be considered in a like manner.

(b) (1) The rate of discharge to foam outlets protecting the hazard or area shall be at least as set forth in this paragraph.

(2) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(3) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of surface to be protected.

(c) There shall be provided a quantity of foam producing materials sufficient to operate the equipment at the discharge rate specified in § 34.20–20 (b) for a period of at least 3 minutes.

(d) All containers and valves by which the foam system is operated shall be easily accessible and so placed that they will not readily be cut off from use by an outbreak of fire. The valves shall be marked as required by § 35.40–10.

(e) Where installations are made on or after November 19, 1952, in order that any residual fires above the floor plates may be extinguished when a foam system is used, at least 2 fire hydrants, in addition to those required for the machinery space by § 34.10–35 (b), shall be installed outside of the machinery space entrances. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 34.10–35 (b).

(f) On installations installed prior to November 19, 1952, a semiportable foam generator using a dry chemical mixture or mechanical foam in conjunction with the fire lines may be substituted for the fixed system subject to the following conditions:

(1) There shall be at least one fire pump of suitable capacity available which can be operated and controlled from outside the space protected.

(2) Stop valves shall be installed in the line so that if any portion of the fire main is ruptured, the foam generator may still be operated. Connections for at least 2 fire hoses shall be provided between the pump and the stop valve.

(g) All piping shall comply with the requirements of Subchapter F (Marine Engineering) of this chapter.

§ 34.20–25 *Fire extinguishing equipment, other than fixed, for boiler and machinery spaces on tank ships—T/ALL.* (a) The minimum requirements for fire

fighting equipment on all tank ships which are not fitted with fixed fire extinguishing systems in boiler room and machinery spaces shall be of the type and character specified as follows:

(1) Steam tank ships of more than 750 gross tons: One semiportable fire extinguisher of either the 40-gallon capacity foam type, 100-pound capacity carbon dioxide type, or dry chemical type having approved equivalent capacity, for each boiler room.

(2) Steam tank ships of 750 gross tons and under: One semiportable fire extinguisher of either the 20-gallon capacity foam type, 50-pound capacity carbon dioxide type, or dry chemical type having approved equivalent capacity, for each boiler room.

(3) Internal combustion engine driven tank ships of 50 gross tons and upward: One semiportable fire extinguisher of either the 12-gallon capacity foam type, 35-pound capacity carbon dioxide type, or dry chemical type having an approved equivalent capacity, for each 1,000 b. hp. or fraction thereof. Alternately, approved units having a larger capacity may be used, provided the total capacity is not less than that required for the individual units.

(4) When donkey boilers using oil as fuel are located in the machinery spaces on tank ships propelled by internal combustion engines, a 40-gallon capacity semiportable fire extinguisher of the foam type, or its equivalent as set forth in subparagraph (1) of this paragraph, shall be substituted for one of the 12-gallon capacity semiportable fire extinguishers, or equivalent, required by subparagraph (3) of this paragraph.

(5) All of the foregoing semiportable fire extinguishers shall be fitted with suitable hose attachments or other approved methods of distributing the foam, carbon dioxide, or dry chemical in any part of the space to be protected.

(b) On tank ships of 1,000 gross tons and over in ocean or coastwise service, the construction or conversion of which was started on or after November 19, 1952, there shall be installed in any space containing an oil fired boiler, either main or auxiliary, one 2½-gallon foam type fire extinguisher, or the equivalent as described in § 34.25–25, for each burner. However, the total number need not exceed 5 in any one space. These fire extinguishers are in addition to those required by §§ 34.25–25 and 34.25–30.

(c) On tank ships of 1,000 gross tons and over in ocean or coastwise service, propelled by internal combustion engines, the construction or conversion of which was started on or after November 19, 1952, there shall be installed one 2½-gallon foam type fire extinguisher, or the equivalent as described in § 34.25–25, for each 1,000 b. hp. of the main engines or fraction thereof; provided there shall be at least 2 such fire extinguishers, but need not be more than 6. These fire extinguishers are in addition to those required by § 34.25–25.

(d) On tank ships of 1,000 gross tons and over in ocean or coastwise service, propelled by internal combustion engines, the construction or conversion of which was started on or after November 19, 1952, if a fixed fire extinguishing system is fitted in the machinery space, there shall be in addition to each space containing such engines a 12-gallon capacity semiportable fire extinguisher of the foam type, or its equivalent as set forth in paragraph (a) (3) of this section, fitted in accordance with the provisions of paragraph (a) (5) of this section.

SUBPART 34.21—PUMP ROOMS ON TANK SHIPS

§ 34.21–1 *Fixed fire extinguishing systems for tank ships constructed or converted on or after November 19, 1952—T/ALL.* (a) On tank ships the construction or conversion of which was started on or after November 19, 1952, a fixed steam, foam, or carbon dioxide fire extinguishing system shall be provided for the pump rooms.

(b) Piping for the pump room system shall be run independent of the fire extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing systems and the pump room, such valves to be marked: "This valve to be kept closed except in case of fire."

(c) Control valves for pump room extinguishing systems shall be located adjacent to the pump room exit. The valves shall be marked as required by § 35.40–10.

(d) Means shall be provided for stopping ventilation fans from outside the space, and for closing all doorways, hatches, and other openings, when steam or inert gas is used.

(e) When a steam smothering system is installed, the outlets shall terminate in the lower pump room, just above the floor plates. The steam smothering system shall meet the general requirements of § 34.15–15.

(f) When a carbon dioxide system is installed, it shall meet the general requirements contained in § 34.20–10.

(g) When a foam system is installed, it shall meet the general requirements of § 34.20–20.

§ 34.21–5 *Fire extinguishing systems for tank ships constructed or converted prior to November 19, 1952—T/ALL.* (a) On tank ships the construction or conversion of which was started prior to November 19, 1952, but on or after July 1, 1951, a steam, inert gas, or foam system shall be provided for extinguishing fires in pump rooms. For vessels the construction or conversion of which was started prior to July 1, 1951, such systems are not required, but if installed, should meet the general requirements of this section.

(b) Piping for fixed pump room systems, shall be run independent of the fire extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and the pump room, such valves to be marked: "This valve to be kept closed except in case of fire."

(c) Control valves for pump room extinguishing systems shall be located adjacent to the pump room exit. The valves shall be marked as required by § 35.40–10.

(d) Means shall be provided for stopping ventilation fans from outside the space, and for closing all doorways, hatches, and other openings, when steam or inert gas is used.

(e) When a steam smothering system is installed, the outlets shall terminate in the lower pump room, just above the floor plates.

SUBPART 34.22—LAMP AND PAINT ROOMS AND SIMILAR COMPARTMENTS ON TANK SHIPS

§ 34.22–1 *Fireproofing of lamp, oil, and paint rooms—T/ALL.* Lamp, oil and paint rooms shall be wholly and tightly lined with metal.

§ 34.22–5 *Fixed fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL.* (a) On tank ships the construction or conversion of which was started on or after November 19, 1952, a fixed carbon dioxide or steam fire extinguishing system shall be installed in all paint rooms and similar compartments.

(b) Piping for the lamp and paint lockers and similar compartments shall be run independent of the extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and other compartments, such valves to be marked: "This valve to be kept closed except in case of fire."

(c) Control valves shall be marked as required by § 35.40–10.

(d) When a steam system is installed, it shall meet the general requirements of § 34.15–15.

(e) When a carbon dioxide system is installed, it shall meet the general requirements contained in § 34.20–10.

(f) Means shall be provided for stopping ventilation fans from outside the space, and for closing all doors and other openings.

§ 34.22–10 *Fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted prior to November 19, 1952—T/ALL.* (a) On tank ships the construction or conversion of which was started prior to November 19, 1952, a steam, inert gas, or foam system shall be provided for extinguishing fires in all lamp and paint rooms and similar compartments.

(b) Piping for the lamp and paint lockers and similar compartments shall be run independent of the extinguishing system for the bulk cargo tanks. If this should be impracticable, valves shall be installed between the main bulk tank extinguishing system and other compartments, such valves to be marked: "This valve to be kept closed except in case of fire."

(c) Control valves for fixed systems shall be marked as required by § 35.40–10.

(d) Means shall be provided for stopping ventilation fans from outside the space, and for closing all doors and other openings when steam or inert gas is used.

SUBPART 34.25—HAND FIRE EXTINGUISHERS

§ 34.25–1 *Hand fire extinguishers; test and approval—TB/ALL.* Every type of fire extinguisher provided for and required by this part shall be tested by the National Bureau of Standards, Department of Commerce, and a report made by that bureau to the Commandant, who shall then determine whether the said extinguisher shall be approved for use on vessels subject to inspection.

§ 34.25–5 *Hand fire extinguishers; marking—TB/ALL.* Every fire extinguisher approved after May 31, 1921, for use on vessels under the jurisdiction of the Coast Guard shall have affixed thereto a metallic name plate having plainly stamped thereon the name of the fire extinguisher, the rated capacity in gallons, quarts, or pounds, and the name and address of the person or firm for whom approved.

§ 34.25–10 *Hand fire extinguishers; location TB/ALL.* (a) Hand fire extinguishers shall be located in such parts of the tank vessel as in the opinion of the Officer in Charge, Marine Inspection, will be most convenient and serviceable in case of emergency and so arranged that they may be easily removed from their fastenings.

(b) One of the hand fire extinguishers intended for use in any space shall be stowed near the entrance to that space.

(c) Hand fire extinguishers in which the medium is stored under pressure shall not be kept in passenger or crew accommodations.

§ 34.25–15 *Hand fire extinguishers; inspection—TB/ALL.* Every fire extinguisher shall be discharged and examined at each annual inspection: *Provided,* That carbon tetrachloride fire extinguishers shall be tested for their pumping efficiency and the liquid discharged with proper care so that it may be replaced in the extinguishers. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents, and, if found to be more than 10 percent under required contents of carbon dioxide, they shall be recharged.

§ 34.25–20 *Hand fire extinguishers; spare charges and parts—TB/ALL.* (a) Extra charges shall be carried on board for 50 percent of each class of fire extinguishers required. If 50 percent of each class of fire extinguishers carried gives a fractional result, extra charges and extra safety valve units shall be provided for the next largest whole number: *Provided,* That extra charges for carbon dioxide type fire extinguishers shall be considered either an additional carbon dioxide extinguisher or a 2½-gallon foam extinguisher, and for this 2½-gallon foam extinguisher no extra charge will be required.

(b) Recharges, particularly the acid used in charging soda-and-acid type of fire extinguisher, shall be packed in such manner that the filling operation (i. e., in recharging the extinguisher) can be performed without subjecting the person doing the recharging to undue risk of acid burns and shall be contained in Crown stopper type of bottle.

(c) Extra safety valve units shall be carried on board for 50 percent of all hand fire extinguishers of the foam type.

§ 34.25–25 *Hand fire extinguishers; number required on tank ships—T/ALL.* (a) Tank ships shall be provided with chemical fire extinguishers as follows:

Size of tank ship, gross tons:	*Minimum number of fire extinguishers*
Not over 100	2
Over 100 and not over 500	3
Over 500 and not over 1,000	6
Over 1,000	8

(b) The number of fire extinguishers required by paragraph (a) of this section is based on the ordinary 2½-gallon foam type fire extinguisher and other types of fire extinguishers may be substituted according to the following schedule: One 2½-gallon foam type fire extinguisher is equivalent to one 15-pound carbon dioxide type, or two 1-quart carbon tetrachloride type, or one 12-pound dry chemical type. A 2½-gallon soda-acid type fire extinguisher, or its equivalent in other approved water types, may be substituted for the required foam type fire extinguisher within the accommodation spaces and similar spaces where neither oil nor electrical fires are the primary anticipated hazard.

(c) No fire extinguisher of a capacity greater than 2½ gallons (or equivalent sizes of other types) shall be allowed a greater rating than the ordinary 2½-gallon size, but fire extinguishers of less capacity are allowable under paragraphs (a) and (b) of this section when their total contents equal the required quantity on tank ships.

§ 34.25–30 *Hand fire extinguishers required on tank vessels of over 15 gross tons using oil as fuel—TB/ALL.* (a) In boiler rooms, and machinery spaces which contain internal-combustion engines, there shall be provided at least two 2½-gallon foam type fire extinguishers or their equivalents as provided in § 34.25–25. On tank ships these fire extinguishers shall be in addition to those provided in § 34.25–25.

(b) Where gasoline is carried in a separate storage tank for use in an auxiliary lighting or wireless unit or work boats, at least two 2½-gallon foam type extinguishers or their equivalents, as required in § 34.25–25, shall be provided, and such fire extinguishers shall be located within a reasonable distance of the gasoline storage tank.

SUBPART 34.30—FIRE AXES

§ 34.30–1 *Fire axes required—T/ALL.* All tank ships shall be provided with fire axes as follows:

Size of tank ship, gross tons:	*Minimum number of fire axes*
Not over 50	1
Over 50 and not over 200	2
Over 200 and not over 500	3
Over 500 and not over 1,000	4
Over 1,000	5

§ 34.30–5 *Location and use of fire axes—T/ALL.* All fire axes shall be located so as to be readily found in time of need, shall not be used for general purposes, and shall be kept in good condition.

SUBPART 34.35—SAND BOXES

§ 34.35–1 *Sand boxes required on tank vessels using oil as fuel under boilers—TB/ALL.* (a) Tank vessels of 500 gross tons and under, using oil as fuel under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 5 cubic feet of sand and a scoop or shaker for distributing the same, and such tank, sand, and scoop, when so provided may be considered as replacing one of the fire extinguishers required under § 34.25–30 (a).

(b) Tank vessels of over 500 gross tons, using oil as fuel, under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 10 cubic feet of sand and a scoop or shaker.

SUBPART 34.40—FIRE-FIGHTING EQUIPMENT FOR TANK BARGES

§ 34.40–1 *Portable extinguishing equipment for cargo spaces—B/ALL.* (a) All tank barges of 100 gross tons and over, whose certificate requires that they be manned, and which are not equipped with a steam fire-extinguishing system as required on a tank ship, shall be equipped with approved chemical, inert gas, or foam in the following quantities:

33 gallons of foam; or,
200 pounds of carbon dioxide; or,
7 gallons of carbon tetrachloride.

This is in addition to the hand extinguishers required in § 34.40–5.

(b) The above equipment may be either portable or equipped with sufficient lengths of hose or piping to deliver the extinguishing agent to any point on deck or in the crew's accommodation. If portable extinguishers are used, each unit must weigh less than 55 pounds. Extinguishers shall be located in protected and accessible places but not immediately adjacent to cargo tank hatches and openings.

§ 34.40–5 *Hand fire extinguishers for quarters, pump room, and machinery spaces—B/ALL.* (a) Each tank barge whose certificate requires that it be manned and each unmanned tank barge with pump room shall be provided with approved hand extinguishers located in or adjacent to the entrance of spaces, as follows:

(1) Living accommodations.
(2) Galley.
(3) Pump room.
(4) Pump engine room.
(5) Fireroom.

(b) The fire extinguishers at each location shall be not less than one of the equivalent amounts as follows:

(1) 2½ gallons of foam; or,
(2) 15 pounds of carbon dioxide; or,
(3) 2 quarts of carbon tetrachloride; or,
(4) 12 pounds dry chemical.

(c) In no event shall a manned tank barge or an unmanned tank barge with a pump room be provided with less than one of the equivalent quantities, as follows:

(1) 5 gallons of foam; or,
(2) 30 pounds of carbon dioxide; or,
(3) 4 quarts of carbon tetrachloride.

(d) Each unmanned tank barge not provided with a cargo pump room shall

be equipped with at least one 2½-gallon foam-type fire extinguisher or the equivalent, which may be carried aboard the barge or the towing vessel while under way. When the barge is moored to the dock, such equipment shall be accessible, or equivalent equipment may be supplied by the terminal.

PART 35—OPERATIONS

SUBPART 35.15—CASUALTY OR ACCIDENT REPORTS

Section 35.15–1 (a) (5) is amended to read as follows:

§ 35.15–1 *Notice of casualty and voyage records—TB/ALL.* (a) * * *

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(R. S. 4405, as amended, 4462, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 416; 50 U. S. C., App. 1275. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544; 46 U. S. C. 239, 367)

SUBPART 35.30—GENERAL

Section 35.30–20 is amended to read as follows:

§ 35.30–20 *Fresh air breathing apparatus—TB/ALL.* (a) All manned tank vessels having tanks which exceed 15 feet in depth, measured from the deck to the lowest point at which cargo is carried, and all tank ships of 1,000 gross tons and over shall be provided with an outfit as follows:

(1) One approved fresh air breathing apparatus, including belt and life line. The length of the air hose shall be sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds, tanks, or machinery spaces.

(2) One approved 3-cell, explosion-proof flashlight, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(3) One fire axe.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 35.35—CARGO HANDLING

Section 35.35–1 is amended to read as follows:

§ 35.35–1 *Men on duty—TB/ALL.* A sufficient number of the crew shall be on duty to perform transfer operations. In the case of unmanned barges, a person holding a valid license as master, mate, pilot, or engineer, or a certificated tankerman may be supplied by a terminal.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 35.40—MARKING OF FIRE AND EMERGENCY EQUIPMENT

Part 35 is amended by adding a new § 35.40–7 reading as follows:

§ 35.40–7 Carbon dioxide alarm—*T/ALL.* Adjacent to all carbon dioxide fire extinguishing alarms installed after November 19, 1952, there shall be conspicuously marked: "WHEN ALARM SOUNDS VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

PART 38—LIQUEFIED PETROLEUM GASES

SUBPART 38.10—PIPING, VALVES, FITTINGS, AND ACCESSORY EQUIPMENT

Section 38.10–15 is amended to read as follows:

§ 38.10–15 *Safety relief valves—TB/ALL.* (a) Each tank shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum design pressure when all the safety relief valves are blowing. The minimum required rates of discharge of safety relief valves shall not be less than that shown in Table 38.10–15 (c).

TABLE 38.10–15 (c)—MINIMUM REQUIRED RELIEVING CAPACITIES FOR SAFETY RELIEF VALVES

[Discharge measured in cubic feet per minute of liquefied petroleum gas at 60° F. and atmospheric pressure (14.7 p. s. i. absolute)]

Tank size D x U [1]	Minumum tank design pressure, p. s. i.[2]			
	100	150	200	250 [3]
40	2,725	2,840	3,050	3,250
41	2,795	2,910	3,120	3,330
42	2,860	2,980	3,200	3,410
43	2,930	3,050	3,270	3,490
44	3,000	3,120	3,350	3,570
45	3,070	3,190	3,420	3,650
46	3,140	3,260	3,500	3,730
47	3,205	3,340	3,570	3,810
48	3,275	3,400	3,650	3,890
49	3,340	3,470	3,720	3,970
50	3,410	3,550	3,800	4,050
51	3,475	3,620	3,880	4,120
52	3,545	3,680	3,960	4,200
53	3,615	3,760	4,030	4,270
54	3,680	3,830	4,100	4,360
55	3,750	3,900	4,170	4,430
56	3,820	3,970	4,250	4,510
57	3,890	4,040	4,320	4,590
58	3,955	4,110	4,400	4,670
59	4,020	4,180	4,470	4,750
60	4,090	4,250	4,540	4,780
65	4,430	4,610	4,920	5,220
70	4,770	4,960	5,290	5,610
75	5,110	5,300	5,650	6,000
80	5,450	5,650	6,020	6,390
85	5,790	6,000	6,490	6,780
90	6,130	6,350	6,700	7,180
95	6,470	6,700	7,120	7,570
100	6,800	7,050	7,490	7,960
105	7,150	7,400	7,760	8,360
110	7,500	7,750	8,240	8,740
115	7,850	8,120	8,610	9,120
120	8,200	8,470	8,980	9,500
140	9,550	9,860	10,450	11,020
160	10,900	11,260	11,920	12,500
180	12,270	12,660	13,400	13,900
200	12,810	14,200	13,980	14,480
220	13,440	13,740	14,520	15,080
240	13,880	14,290	15,100	15,650
260	14,420	14,860	15,660	16,230
280	14,960	14,400	16,220	16,820

[1] D=outside diameter of tank in feet and fractions thereof. U=over-all length of tank in feet and fractions thereof.

[2] For tank design pressures exceeding the minimum values shown in respective columns, use next higher figure.

[3] On tanks with design pressures exceeding 250 p. s. i. the safety relief value minimum requirements for 250 p. s. i. design pressure may be used.

TABLE 38.10–15 (c)—MINIMUM REQUIRED RELIEVING CAPACITIES FOR SAFETY RELIEF VALVES—Continued

Tank size D x U [1]	Minumum tank design pressure, p. s. i.[2]			
	100	150	200	250 [3]
300	15,490	15,930	16,500	17,490
320	16,020	16,470	17,060	17,990
340	16,540	17,000	17,920	18,920
360	17,080	17,550	18,490	19,150
380	17,610	18,100	19,040	19,730
400	18,140	18,640	19,600	20,300
420	18,690	19,200	20,180	20,900
440	19,210	19,740	20,740	21,470
460	19,740	20,300	21,300	22,040
480	20,290	20,840	21,870	22,620
500	20,820	21,390	22,460	23,210
520	21,350	21,930	22,960	23,790
540	21,880	22,480	23,550	24,380
560	22,400	23,030	24,130	24,960
580	22,940	23,580	24,690	25,540
600	23,470	24,120	25,250	26,120
620 [4]	24,000	24,650	25,800	26,700
	Air conversion factors [5]			
	1.180	1.142	1.078	1.010

[4] For D x U over 620, discharge capacity shall be calculated in direct proportion to preceding values.

[5] To obtain equivalent rates of discharge for air, multiply the discharge rates for liquefied gas petroleum by the factors indicated under each column.

(d) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

SUBPART 38.20—VENTING AND VENTILATION

1. Section 38.20–1 (a) is amended to read as follows:

§ 38.20–1 *Venting—T/ALL.* (a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or the top of any tank or house located above the weather deck.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

2. Section 38.20–5 is amended to read as follows:

§ 38.20–5 *Venting—B/ALL.* (a) Safety relief valves on cargo tanks in barges may be connected to individual or common risers which shall extend to a reasonable height above the deck. An alternate arrangement consisting of a branch vent header system as required by § 38.20–1 may be installed. In any case, the provisions of § 38.20–1 (d) through (h) shall apply.

(b) Arrangement specially provided for venting cargo tanks forming a part of the hull on unmanned barges will be considered by the Commandant upon presentation of plans.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416)

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE [1]

Part 43 is amended to read as follows:

SUBPART 43.01—ADMINISTRATION

Sec.
43.01–1 Establishment of regulations.
43.01–5 Responsibility for administration.
43.01–10 Application of regulations.
43.01–15 Timber cargoes.
43.01–20 Tankers.
43.01–25 New and existing vessels.
43.01–30 Vessels of special type.
43.01–35 Marks to indicate load lines.
43.01–40 Assignment and certification; assigning authority.
43.01–45 Certification of existing load lines.
43.01–50 Surveys.
43.01–55 Annual inspection.
43.01–60 Application for assignment, renewal, and certification.
43.01–65 Application for annual inspection.
43.01–70 Equivalents.
43.01–75 Validity and renewal of certificates.
43.01–80 Forms of certificates.
43.01–85 Cancellation of certificate.
43.01–90 Zones and seasonal areas.
43.01–95 Log book entries.
43.01–97 Control.
43.01–100 Approval of Commandant, U. S. Coast Guard.

SUBPART 43.05—GENERAL RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT VESSELS

43.05–1 Definitions.
43.05–5 Deck line.
43.05–10 Load line disk.
43.05–15 Lines used with disk.
43.05–20 Mark of assigning authority.
43.05–25 Details of marking.
43.05–30 Verification of marks.

SUBPART 43.10—CONDITIONS OF ASSIGNMENT OF LOAD LINES

43.10–1 Construction of vessel.
43.10–5 Cargo and other hatchways not protected by superstructures.
43.10–10 Hatchway coamings.
43.10–15 Hatchway covers.
43.10–20 Hatchway beams and fore-and-afters.
43.10–25 Carriers or sockets.
43.10–30 Cleats.
43.10–35 Battens and wedges.
43.10–40 Tarpaulins.
43.10–45 Security of hatchway covers.
43.10–50 Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.
43.10–55 Hatchway coamings and closing arrangements.
43.10–60 Machinery space openings in exposed positions on freeboard and raised quarter-decks.
43.10–65 Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.
43.10–67 Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.
43.10–70 Flush bunker scuttles.
43.10–75 Companionways.
43.10–77 Ventilators in exposed positions on freeboard and superstructure decks.
43.10–80 Air pipes.
43.10–85 Gangway, cargo, and coaling ports.
43.10–87 Scuppers and sanitary discharge pipes.
43.10–90 Air ports.
43.10–95 Guard rails.
43.10–97 Freeing ports.
43.10–100 Protection of crew.

SUBPART 43.15—LOAD LINES FOR STEAMERS

43.15–1 Length (L).
43.15–5 Breadth (B).
43.15–7 Molded depth.
43.15–10 Depth for freeboard (D).
43.15–15 Coefficient of fineness (c).
43.15–17 Strength.
43.15–20 Height of superstructure.
43.15–25 Standard height of superstructure.
43.15–27 Length of superstructure (S).
43.15–30 Enclosed superstructure.
43.15–35 Superstructure bulkheads.
43.15–37 Class 1 closing appliances.
43.15–40 Class 2 closing appliances.
43.15–43 Temporary closing appliances.
43.15–45 General, relative superstructures.
43.15–47 Poop.
43.15–50 Raised quarter-deck.
43.15–53 Bridge.
43.15–55 Forecastle.
43.15–57 Trunk.
43.15–60 Enclosed superstructure with middle line openings in the deck not provided with permanent means of closing.
43.15–63 Deductions for superstructures.
43.15–65 Sheer, general.
43.15–67 Standard sheer profile.
43.15–70 Measurement of variations from standard sheer profile.
43.15–73 Correction for variations from standard sheer profile.
43.15–75 Addition for deficiency in sheer.
43.15–77 Deduction for excess sheer.
43.15–80 Standard round of beam.
43.15–83 Round of beam correction.
43.15–85 Summer freeboard.
43.15–87 Tropical freeboard.
43.15–90 Winter freeboard.
43.15–93 Winter North Atlantic freeboard.
43.15–95 Fresh-water freeboard.
43.15–97 Freeboard table for steamers.

SUBPART 43.20—LOAD LINES FOR SAILING VESSELS

43.20–1 Lines to be used on sailing vessels in connection with the disk.
43.20–5 Conditions of assignment of sailing vessel load lines.
43.20–10 Computation of freeboard, sailing vessels.
43.20–15 Depth for freeboard, sailing vessels (D).
43.20–20 Coefficient of fineness, sailing vessels (c).
43.20–25 Superstructures in wood sailing vessels.
43.20–30 Deductions for sailing vessel superstructures.
43.20–35 Minimum freeboards for sailing vessels.
43.20–40 Freeboard table for sailing vessels.
43.20–45 Freeboard for wood sailing vessels.

SUBPART 43.25—LOAD LINES FOR STEAMERS CARRYING TIMBER DECK CARGOES

43.25–1 Definitions.
43.25–5 Marks on the vessel's sides; timber cargo; timber load lines.
43.25–10 Construction of vessel; timber cargo.
43.25–15 Superstructures; timber cargo.
43.25–20 Machinery casings; timber cargo.
43.25–25 Double bottom tanks; timber cargo.
43.25–30 Bulwarks; timber cargo.
43.25–35 Deck openings covered by timber deck cargo.
43.25–40 Stowage; timber cargo.
43.25–45 Protection of crew, access to machinery space; timber cargo.
43.25–50 Steering arrangements; timber cargo.
43.25–55 Uprights; timber cargo.
43.25–60 Lashings; timber cargo.
43.25–65 Plans; timber cargo.
43.25–70 Computation of freeboard; timber cargo.

SUBPART 43.30—LOAD LINES FOR TANKERS

43.30–1 Marks on the vessel's sides; tanker.
43.30–5 Construction of tanker.
43.30–10 Forecastle; tanker.
43.30–15 Machinery casings; tanker.
43.30–20 Gangway; tanker.
43.30–25 Protection of crew; access to machinery space; tanker.
43.30–30 Hatchways; tanker.
43.30–35 Ventilators; tanker.
43.30–40 Freeing arrangements; tanker.
43.30–45 Plans; tanker.
43.30–50 Computation of freeboard; tanker.
43.30–55 Deductions for detached superstructures; tankers.
43.30–60 Deduction for excess sheer; tanker.
43.30–65 Winter North Atlantic freeboard; tanker.
43.30–70 Freeboard table for tankers.

SUBPART 43.35—LUMBER SCHOONERS

43.35–1 Load line marks for vessels specially constructed for the carriage of complete cargoes of timber (lumber schooner type).

SUBPART 43.40—ZONES AND SEASONAL AREAS AND MISCELLANEOUS REQUIREMENTS

43.40–1 Boundaries of the zones and seasonal areas.
43.40–5 Fees, travel expense.
43.40–10 Forms of load line certificates.
43.40–15 Titles of load line laws and rules regarded as equivalent to the British Board of Trade Rules, 1906.

AUTHORITY: §§ 43.01–1 to 43.40–15 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a.

SUBPART 43.01—ADMINISTRATION

§ 43.01–1 *Establishment of regulations.* [1] (a) Load lines are established by the regulations in this part for:

(1) Merchant vessels of 150 gross tons or over when engaged in a foreign voyage by sea (the Great Lakes excepted) in conformity with the act to establish load lines for American vessels, and for other purposes, approved March 2, 1929 (45 Stat. 1492; 46 U. S. C. 85–85g), and effective September 2, 1930, and in conformity with the International Load Line Convention, 1930, ratified by the United States February 27, 1931, effective January 1, 1933; and,

(2) Merchant vessels of 150 gross tons or over when engaged in a coastwise voyage by sea from one port or place in the United States or its possessions to another port or place in the United States or its possessions, or conversely, and passes outside the line dividing inland waters from the high seas as established in accordance with section 2 of the act of February 19, 1895, as amended (28 Stat. 672; 33 U. S. C. 151), in conformity with the Coastwise Load Line Act of 1935, amended June 20, 1936 (49 Stat. 888, 1543; 46 U. S. C., 88–88i), effective for vessels of 4,000 gross tons and over November 27, 1935, and for other vessels August 27, 1936.

[1] See Parts 44 and 45 of this subchapter for regulations relating to steam colliers, tugs, barges, self-propelled barges, and Great Lakes vessels.

[1] See Part 44 for load line regulations applicable to coastwise load lines for steam colliers, tugs, barges, and self-propelled barges in special services and for Great Lakes vessels making foreign and coastwise voyages.

(b) This part shall not apply to merchant vessels on foreign voyages that are being towed and which are carrying neither cargo nor passengers.

§ 43.01–5 *Responsibility for administration.* (a) The Commandant of the U. S. Coast Guard is vested with the responsibility and authority, under direction and supervision of the Secretary of the Treasury, for the administration of the act of March 2, 1929, the International Load Line Convention, 1930, and Coastwise Load Line Act 1935, as amended June 20, 1936.

§ 43.01–10 *Application of regulations.* (a) No merchant vessel of the United States of 150 gross tons, or over shall proceed to sea (Great Lakes excepted) and no foreign merchant vessel of 150 gross tons or over when within the jurisdiction of the United States shall proceed to sea (Great Lakes excepted), unless the vessel being:

(1) A foreign vessel and is exempted insofar as marking and certification of marks is concerned by section 5 of the Load Line Acts and § 43.01–97.

(2) A new vessel that:

(i) Has been surveyed in accordance with the provisions of § 43.01–50;

(ii) Complies with the provisions of this part as applicable to the type of vessel dealt with;

(iii) Has been marked in accordance with the provisions of this part; and,

(iv) Has had the marks certified as correct as provided by § 43.05–30.

(3) An existing vessel that:

(i) Has been surveyed, marked, and the marks certified either under the provisions of this part, as applicable to the type of vessel, or under one of the sets of rules particularized in § 43.40–15;

(ii) Complies, as defined for the type of vessel, with the provisions of this part in principle and also in detail, as far as is reasonable and practicable, having regard to the efficiency of (*a*) the protection of openings, (*b*) guard rails, (*c*) freeing ports, and (*d*) means of access to crews' quarters provided by the existing arrangements, fittings, and appliances on the vessel.

(iii) Where it is neither reasonable nor practicable to comply with the provisions in this part in their entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient, together with such recommendations as may seem desirable. Upon receipt of this report the Commandant, U. S. Coast Guard shall determine such addition to the freeboard as will, in the judgment of the Commandant, U. S. Coast Guard, make the vessel as safe as if it had fully complied with this part.

CROSS REFERENCE: For definition of "a new vessel," and "an existing vessel," see § 43.01–25 (a).

§ 43.01–15 *Timber cargoes.* (a) A steamer (other than a tanker or a vessel assigned load lines on a tanker basis) which has been surveyed and marked as provided by §§ 43.01–10, 43.05–1—43.15–97, may on application by the owner be surveyed and marked with timber load lines applicable only when carrying timber deck cargoes, and the steamer when carrying a deck cargo complying with the provisions of §§ 43.25–5—43.25–70, may be loaded to the timber load line as determined by this part applicable to the voyage if being:

(1) A new steamer, it complies with the conditions and provisions prescribed in §§ 43.25–5—43.25–70.

(2) An existing steamer (other than one defined in § 43.01–15) if it complies with the conditions and provisions of §§ 43.25–5—43.25–70, (other than § 43.25–15), but the vessel shall comply in principle, so far as is reasonable and practical, with the conditions and provisions prescribed by § 43.25–15: *Provided*, That in assigning a timber load line to an existing steamer there shall be made such additions to the freeboard as shall be reasonable, having regard to the extent to which such steamer falls short of full compliance with the conditions and provisions prescribed in § 43.25–15.

(b) Existing vessels propelled by either sail or steam which have been specially constructed to carry complete cargoes of timber (that is, of the lumber schooner type) when carrying a complete cargo of timber will be marked with a load line. This load line will be applicable to all seasons and zones, and the assignment of and the certification of the load line will be made after consideration of the vessel's experience in similar voyages and of the condition of the vessel and her appliances. The conditions of assignment as required by §§ 43.25–5—43.25–70, are to be complied with so far as is reasonable and practicable. The Commandant, U. S. Coast Guard, shall approve the assignment of a load line for vessels of this type when such line is determined by experience.

(c) Existing steamers which have been specially constructed to carry complete cargoes of timber (that is, steam lumber schooner type) will be surveyed and marked and the marks certified in accordance with the conditions and provisions of §§ 43.01–10, 43.05–1—43.15–97, and these marks will be applicable when the steamers are engaged on voyages laden with a cargo other than a complete timber cargo.

(d) Existing sailing vessels of the lumber schooner type will be surveyed and marked and the marks certified in accordance with the conditions and provisions of §§ 43.01–10, 43.05–1—43.20–45, and these marks will be applicable when engaged on a voyage laden with cargo other than a complete timber cargo.

CROSS REFERENCE: For approval of Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–20 *Tankers.* (a) A steamer specially constructed for the carriage of liquid cargoes in bulk, which has been surveyed as provided by § 43.01–10, shall be marked with tanker load lines and the marks certified as correct if being:

(1) A new vessel, it complies with the conditions and provisions prescribed in §§ 43.30–1—43.30–70.

(2) An existing vessel, it complies with the conditions and provisions in §§ 43.30–5, 43.30–20—43.30–35, and, also in principle so far as is reasonable and practicable with §§ 43.30–10, 43.30–15, 43.30–40, providing that in assigning a tanker load line to an existing vessel such additions to the freeboard shall be made as is reasonable, having regard to the extent to which the vessel falls short of full compliance with the conditions and provisions prescribed in §§ 43.30–10, 43.30–15, 43.30–40.

§ 43.01–25 *New and existing vessels.* (a) For the purpose of marking and certification of load lines on the international form, a "new vessel" is one whose keel was laid on or after July 1, 1932, all other vessels being regarded as existing vessels.

(b) For the purpose of marking and certification of load lines on the coastwise form, a "new vessel" is one whose keel was laid:

(1) If of 4,000 gross tons and over, on or after November 27, 1935.

(2) If less than 4,000 gross tons, on or after August 27, 1936.

(3) All other vessels being regarded as existing vessels.

§ 43.01–30 *Vessels of special type.* (a) For steamers over 300 feet in length possessing constructional features similar to those of a tanker which afford extra invulnerability against the sea, a reduction in freeboard from that determined under §§ 43.15–1—43.15–97, may be granted.

(b) The amount of such reduction shall be determined by the assigning authority in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the condition of assignment laid down for these vessels and the degree of subdivision provided. The freeboard assigned to such a vessel shall in no case be less than would be assigned to the vessel as a tanker.

(c) Before assignment or certification of the load lines for vessels of special type, the approval of the Commandant, U. S. Coast Guard, shall be obtained.

CROSS REFERENCE: For approval of the Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–35 *Marks to indicate load lines.* (a) Marks to indicate the maximum mean drafts to which a vessel can be lawfully submerged, in the various circumstances and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location provided by this part.

§ 43.01–40 *Assignment and certification; assigning authority.* (a) As provided in the Load Line Acts approved March 2, 1929, and August 27, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks, under its own hand and seal. The American Bureau of Shipping is authorized to renew from time to time by indorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one

copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) The American Bureau of Shipping is referred to in this part as the assigning authority.

(c) The scale of maximum fees payable to the assigning authority for this service is contained in § 43.40–5.

§ 43.01–45 *Certification of existing load lines.* (a) Vessels required by the act of March 2, 1929, to have a load line and which have previous to September 2, 1930, been surveyed and marked in accordance with the British Board of Trade Rules of 1906, will be considered as having complied with the act of March 2, 1929 (45 Stat. 1492; 46 U. S. C. 85–85g), until such time (not later than September 2, 1931) as certification of the existing marks has been made, and the inspection requirements laid down in § 43.01–50 have been carried out for the purpose of insuring that:

(1) Alterations have not been made in the hull or superstructures that would affect the freeboard on which the original load line certificate was based.

(2) The conditions of assignment provided by this part are complied with so far as is considered reasonable and practicable by the assigning authority, and that the structural strength of the vessel has been maintained.

(b) If the provisions of this section have been complied with, the present load line certificate shall be indorsed by the American Bureau of Shipping to that effect and this indorsement shall limit the time of its validity, having regard to the condition of the vessel and her appliances. The Commandant, U. S. Coast Guard, shall be notified of every such indorsement and the date of its expiration.

CROSS REFERENCE: For titles of load line laws and rules regarded as equivalent to the British Board of Trade Rules, 1906, see § 43.40–15.

§ 43.01–50 *Surveys*—(a) *Steel vessels.* (1) The vessel is to be placed in dry dock to determine the condition of the hull plating, etc.

(2) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined to determine the condition of the framing, etc.

(3) Deep tanks and other tanks which form part of the vessel are to be examined internally.

(4) Where a double bottom is fitted, the tanks are to be examined internally. Where double bottom and other tanks are used for fuel-oil bunkers, such tanks need not be cleaned out, provided the surveyors are able to determine by an external examination that their general condition is satisfactory.

(5) The decks are to be examined.

(6) The hatch covers, hatch beams, and fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures and bulkheads are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or other similar openings in vessel's sides are to be examined.

(9) Guard rails, gangways, and shutters in freeing ports are to be examined.

(10) All eye plates or similar fittings for timber deck cargo lashings and sockets for uprights are to be examined.

(11) Where, owing to the age and condition of the vessel, the surveyors deem it necessary, the shell and deck plating may be required to be drilled in order to ascertain the then thickness of such plating.

(b) *Wood vessels.* (1) The vessel is to be placed on a dry dock or a slip way and the keel, stem, stern frame or stern post and outside planking are to be examined. Caulking is to be tried at such places about the planking as deemed necessary by the surveyors.

(2) Careful examination must be made for faulty fastenings and such bolts or treenails must be backed out, or otherwise dealt with, as may be deemed necessary by the surveyors.

(3) Careful examination is to be made of the entire structure and if considered necessary borings are to be made to ascertain the conditions of the materials; should these disclose cause for further examination, listings are to be made where required to satisfy the surveyors as to the true condition of the vessel.

(4) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined.

(5) The decks are to be examined and bored where necessary.

(6) The hatch covers, hatch beams, fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures and bulkheads are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or other similar fittings in the vessel's sides are to be examined.

(9) Guard rails, gangways, and shutters in freeing ports are to be examined.

(10) All eye plates or similar fittings for timber deck cargo lashings and sockets for uprights are to be examined.

(c) *Correction of deficiencies.* (1) Any such parts or fittings of the vessel as are found to be in an unsatisfactory condition are to be repaired or renewed in order to place the vessel in a seaworthy condition so as to be eligible for a load line certificate.

§ 43.01–55 *Annual inspection.* (a) A vessel having been marked as provided by this part, and the mark certified as correct, will be inspected at intervals of approximately 12 months in order to insure the maintenance in an effective condition of the fittings and appliances for the:

(1) Protection of openings,

(2) guard rails,

(3) freeing ports,

(4) means of access to crews' quarters, and

(5) that there have not been alterations made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(b) The American Bureau of Shipping is appointed to make this inspection and to report thereon to the owners of the vessel, a copy of this report being forwarded to the Commandant, U. S. Coast Guard, Washington, D. C.

(c) The scale of fees payable to the American Bureau of Shipping for this service is contained in § 43.40–5.

§ 43.01–60 *Application for assignment, renewal, and certification.* (a) Application for assignment and certification of load line marks or for renewal of load line certificates shall be made in writing to the American Bureau of Shipping by the owners of the vessel.

(b) Application for the assignment of load lines to a foreign vessel belonging either to a country ratifying the International Load Line Convention, 1930, or to a country with which the United States has reciprocal load line agreement in effect shall be made by the Government to which the vessel belongs, otherwise load lines shall not be assigned such a vessel under this part.

§ 43.01–65 *Application for annual inspection.* (a) Application for annual load line inspection required by § 43.01–55 shall be made in writing to the American Bureau of Shipping by the owners of a vessel.

§ 43.01–70 *Equivalents.* (a) Where in this part it is provided that a particular fitting or appliance, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof, or any other arrangement: *Provided*, That such fittings, appliance, or arrangement shall be considered a suitable equivalent by the assigning authority and the approval of the Commandant, U. S. Coast Guard, for such substitution shall have been issued.

CROSS REFERENCE: For approval of Commandant, U. S. Coast Guard, see § 43.01–100.

§ 43.01–75 *Validity and renewal of certificates.* (a) As the assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew, every vessel required to be marked by the acts of March 2, 1929, and August 27, 1935, as amended June 20, 1936 (45 Stat. 1492, 49 Stat. 888, 1543; 46 U. S. C. 85–85g, 88–88i), with load lines shall be surveyed by the assigning authority at least once in each 5 years to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in,

the certificate shall be renewed for such time as the condition of the vessel then warrants, but in no case for a longer period than 5 years and the facts shall be attested by indorsement upon the back of the certificate in the form shown in § 43.40–10.

(b) Foreign vessels belonging to countries which have not ratified the Load Line Convention and which have not been exempted pursuant to section 5 of the Load Line Act (45 Stat. 1493; 46 U. S. C. 85d) shall have their load line certificate limited to a period of 1 year. The certificate may be validated for additional 1-year periods: *Provided*, That the condition of the vessel then warrants, and the facts are attested by indorsement upon the back of the load line certificate by a surveyor of the American Bureau of Shipping or of the classification society issuing the certificate. The certificate will become void 5 years from date of issue, or at the expiration of the fourth yearly validation, whichever occurs first.

(c) The Commandant, U. S. Coast Guard, shall be notified of every renewal indorsement and the date of its expiration.

§ 43.01–80 *Forms of certificates.* (a) The form of certificate certifying to the correctness of the load line mark assigned under the regulations in this part shall be as shown in § 43.40–10, as follows:

(1) International load line certificate issued to United States vessels engaged in foreign voyages, applicable as stated:

(i) A, For General use.

(ii) A_2 For sailing vessels.

(iii) A_1 General use combined with timber deck cargo.

(2) For foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930:

(i) B for general use.

(3) Coastwise load line certificate issued to United States vessels engaged solely in coastwise voyages (other than special services provided for by Part 44 of this subchapter).

(i) C, For general use.

(ii) C_2 For sailing ships.

(iii) C_1 General use combined with timber deck cargo.

(b) The assigning authority may provide forms similar to the above, these forms to be approved by the Commandant, U. S. Coast Guard, before being issued.

CROSS REFERENCE: For forms of load line certificates, see §§ 43.40–10, 44.05–35 of this subchapter.

§ 43.01–85 *Cancellation of certificate.* (a) Notwithstanding the marking of a load line and the issuance of a load line certificate, the certificate will be canceled if:

(1) The annual load line inspection required by § 43.01–55 has not been carried out or that the items described under § 43.01–55 (a) (1), (2), (3), and (4) are not maintained in an effective condition.

(2) The survey required by § 43.01–50 has not been carried out or that any defects disclosed by the survey have not been corrected.

(3) Due to any cause the conditions of assignment have not been maintained as provided by this part, or alterations have been made to hull or superstructures which affect the calculations made to determine the location of the load line.

§ 43.01–90 *Zones and seasonal areas.* (a) A vessel coming under the provisions of the acts of March 2, 1929, as amended (45 Stat. 1492; 46 U. S. C. 85–85g), and August 27, 1935, as amended (49 Stat. 888; 46 U. S. C. 88–88l), shall conform to the conditions applicable to the zones and seasonal areas described in § 43.40–1.

(b) A port located on the boundary line between two zones shall be regarded as within the zone from which the vessel arrived or into which the vessel departs.

(c) No vessel to which these acts apply shall be loaded so as to submerge the load line then applicable to her voyage. When loading a vessel in a favorable zone for a voyage on which the vessel will enter a less favorable zone, such allowance must be made that the vessel, when crossing into the less favorable zone, will conform to the regulations and freeboard for the less favorable zone.

§ 43.01–95 *Log book entries.* (a) The master of a vessel subject to the regulations in this part shall note in the vessel's official log the data required by section 6 of the Load Line Act of March 2, 1929, as amended (45 Stat. 1494; 46 U. S. C. 85e), and for coastwise voyages he shall note in the vessel's log the data required by section 6 of the Coastwise Load Line Act, 1935, as amended (49 Stat. 889; 46 U. S. C. 88e); that is, before departing from her loading port or place, the position of the load line mark, port and starboard, as applicable to the voyage and the actual drafts of the vessel forward and aft at the time of departing from port as nearly as the same can be ascertained.

§ 43.01–97 *Control.* (a) The Collector of Customs may detain a vessel for survey if he has reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. Immediately upon ordering a vessel detained, the Collector of Customs shall inform the Coast Guard District Commander thereof, who shall thereupon advise the collector whether or not he deems that the vessel may proceed to sea with safety. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea, without advice thereof from the Collector of Customs. However, in such case, immediate notice of such detention shall be furnished the Collector of Customs so that clearance may be withheld.

(b) In the case of retention of a vessel, which shall be by written order, the detaining officer will immediately arrange for a survey in the manner prescribed by section 7 of the Load Line Act of March 2, 1929 (45 Stat. 1494; 46 U. S. C. 85f), and of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88f). In the case of such a survey, the detaining officer shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Where such surveyors are appointed by the Collector of Customs, such appointments shall be with the approval of the Coast Guard District Commander. Whenever a vessel is detained the master may, within five days, appeal to the Commandant, U. S. Coast Guard, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the detaining officer.

(c) Where a foreign vessel is detained or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(d) Pursuant to the provisions of sections 5 of the Load Line Act of March 2, 1929, as amended (45 Stat. 1493; 46 U. S. C. 85d), and the Coastwise Load Line Act, 1935 as amended (49 Stat. 889; 46 U. S. C. 88d), it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in sections 5 of the cited acts, and such a vessel shall be exempt from the provisions of the regulations in this part insofar as the marketing of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guard rails, freeing ports, and means of access to crew's quarters, have made the vessel manifestly unfit to proceed to sea without danger to human life.

CROSS REFERENCE: For regulation concerning surveys on both steel and wooden vessels, see § 43.01–50.

§ 43.01–100 *Approval of Commandant, U. S. Coast Guard.* (a) Where the active approval of the Commandant, U. S. Coast Guard is required in connection with this part, such information as will enable the Commandant, U. S. Coast Guard to obtain a comprehensive understanding of the question at issue shall be furnished and will remain with the Commandant, U. S. Coast Guard as a record.

SUBPART 43.05—GENERAL RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT VESSELS

NOTE: The rules necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

§ 43.05–1 *Definitions*—(a) *Steamer.* (1) The term "steamer" or "steamship" includes all vessels having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone.

(2) A vessel fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under §§ 43.15–1—43.15–97.

(3) A lighter, barge, or other vessel without independent means of propulsion, when towed, is to be assigned a load line under §§ 43.15–1—43.15–97.

(b) *Sailing vessel.* The term "sailing vessel" includes all vessels provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion.

(c) *Flush-deck vessel.* A flush-deck vessel is one which has no superstructure on the freeboard deck.

(d) *Superstructure.* A superstructure is a deck structure on the freeboard deck extending from side to side of the vessel. A raised quarter-deck is considered a superstructure.

(e) *Load line.* The load line is the line defining the maximum mean draft to which a vessel may be lawfully submerged. It is the lower limit of the freeboard as determined by the regulations in this part having regard to the various conditions and seasons.

(f) *Freeboard.* The freeboard assigned is the distance measured vertically downward at the side of the vessel amidships from the upper edge of the deck line to the upper edge of the load line.

(g) *Freeboard deck.* The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with §§ 43.10–1—43.10–45. It is the upper deck in flush-deck vessels and vessels with detached superstructures. In vessels having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with class 1 closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

(h) *Amidships.* Amidships is the middle of the length of the summer load water line, as defined in § 43.15–1.

§ 43.05–5 *Deck line.* (a) The deck line is a horizontal line 12 inches in length and 1 inch in breadth. It is to be marked amidships on each side of the vessel, and its upper edge is to pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See fig. 43.05–5 (a).) Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

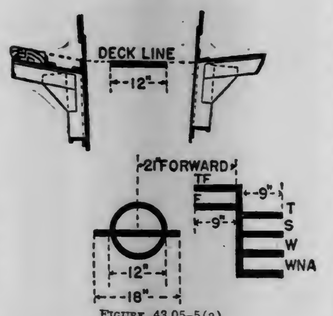


FIGURE 43.05–5(a)

§ 43.05–10 *Load line disk.* (a) The load line disk is 12 inches in diameter and is intersected by a horizontal line 18 inches in length and 1 inch in breadth, the upper edge of which passes through the center of the disk. The disk is to be marked amidships below the deck line.

§ 43.05–15 *Lines used with disk.* (a) The lines which indicate the maximum load line in different circumstances and in different seasons (see § 43.40–1) are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from, and are at right angles to, a vertical line marked 21 inches forward of the center of the disk. (See figure 43.05–5 (a).)

(b) The following are the lines to be used:

(1) *Summer load line.* The summer load line is indicated by the upper edge of the line which passes through the center of the disk and also by a line marked "S."

(2) *Winter load line.* The winter load line is indicated by the upper edge of a line marked "W."

(3) *Winter North Atlantic load line.* The winter North Atlantic load line is indicated by the upper edge of a line marked "WNA."

(4) *Tropical load line.* The tropical load line is indicated by the upper edge of a line marked "T."

(5) *Fresh-water load lines.* The fresh-water load line in summer is indicated by the upper edge of a line marked "F." The difference between the fresh-water load line in summer and the summer load line is the allowance to be made for loading in fresh water at the other load lines. The tropical fresh-water load line is indicated by the upper edge of a line marked "TF."[1] (This provision for deeper loading in fresh water is not applicable to the Great Lakes.)

(c) Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by this part the center of the disk shall be located on the line of this restricted draft and it shall be applicable to all zones and seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added. A fresh-water load line may be marked forward of the disk as provided in this section.

[1] Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

§ 43.05–20 *Mark of assigning authority.* (a) The authority by whom the load lines are assigned may be indicated by letters measuring about 4½ by 3 inches marked alongside the disk and above the center line.

§ 43.05–25 *Details of marking.* (a) The disk, lines, and letters are to be painted in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or center punched on the sides of iron and steel vessels, and on wood vessels they are to be cut into the planking for at least one-eighth of an inch. The marks are to be plainly visible, and, if necessary, special arrangements are to be made for this purpose.

§ 43.05–30 *Verification of marks.* (a) The load lines certificate is not to be delivered to the vessel until a surveyor of the assigning authority has certified that the marks are correctly and permanently indicated on the vessel's side.

SUBPART 43.10—CONDITIONS OF ASSIGNMENT OF LOAD LINES

§ 43.10–1 *Construction of vessel.* (a) The assignment of load lines is conditional upon the vessel being structurally efficient and upon the provision of effective protection to vessel and crew.

(b) Sections 43.10–1—43.10–100 apply to vessels to which minimum freeboards are assigned. In vessels to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

(c) Passenger vessels; subdivision and stability load lines: Where in passenger vessels the position of the maximum load lines are determined by the application of subdivision and stability regulations as provided in Part 46 of this subchapter the provisions of this part shall also be effective insofar as they are applicable.

§ 43.10–5 *Cargo and other hatchways not protected by superstructures.* (a) The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in §§ 43.10–10—43.10–45.

§ 43.10–10 *Hatchway coamings.* (a) The height of hatchway coamings on freeboard decks is to be at least 24 inches above the deck. The height of coamings on superstructure decks is to be at least 24 inches above the deck if situated within a quarter of the ship's length from the stem, and at least 18 inches if situated elsewhere.

(b) Coamings are to be of steel, are to be substantially constructed and, where required to be 24 inches high, are to be fitted with an efficient horizontal stiffener placed not lower than 10 inches below the upper edge, and fitted with efficient brackets or stays from the stiffener to the deck, at intervals of not more than 10 feet. Where end coamings are pro-

tected, the requirements of this section may be modified.

§ 43.10–15 *Hatchway covers.* (a) Covers to exposed hatchways are to be efficient, and where they are made of wood, the finished thickness is to be at least 2⅜ inches in association with a span of not more than 5 feet. The width of each bearing surface for these hatchway covers is to be at least 2½ inches.

§ 43.10–20 *Hatchway beams and fore-and-afters.* (a) Where wood hatchway covers are fitted the hatchway beams and fore-and-afters are to be of the scantlings and spacing given in Table 43.10–20 (a1) where coamings 24 inches high are required, and as given in Table 43.10–20 (a2) where coamings 18 inches high are required. Angle bar mountings on the upper edge are to extend continuously for the full length of each beam. Wood fore-and-afters are to be steel shod at all bearing surfaces.

TABLE 43.10–20 (a1).—HATCHWAY BEAMS AND FORE-AND-AFTERS FOR VESSELS 200 FEET OR MORE IN LENGTH [1]

HATCHWAY BEAMS

[Coamings 24 inches in height]

Breadth of hatchway	Mounting	Beams with fore-and-afters, spacing center to center			Beams without fore-and-afters, spacing center to center	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
10′ 0″	3 by 3 by 0.40A	11 by 0.30P	12 by 0.32P	14 by 0.34P	9 by 0.46BP	10 by 0.50BP.
12′ 0″	3 by 3 by 0.40A	12 by 0.32P	14 by 0.34P	17 by 0.36P	11 by 0.50BP	12 by 0.50BP.
14′ 0″	3 by 3 by 0.42A	14 by 0.34P	17 by 0.36P	20 by 0.38P	12 by 0.32BP	12 by 0.32P.
16′ 0″	3½ by 3 by 0.42A	16 by 0.36P	19 by 0.38P	22 by 0.38P	12 by 0.32P	14 by 0.34P.
18′ 0″	4 by 3 by 0.44A	18 by 0.36P	21 by 0.38P	25 by 0.40P	14 by 0.34P	16 by 0.36P.
20′ 0″	4 by 3 by 0.44A	20 by 0.38P	24 by 0.40P	28 by 0.42P	15 by 0.34P	18 by 0.36P.
22′ 0″	4½ by 3 by 0.46A	22 by 0.38P	26 by 0.42P	30 by 0.44P	16 by 0.36P	19 by 0.36P.
24′ 0″	5 by 3½ by 0.46A	23 by 0.40P	28 by 0.42P	32 by 0.44P	17 by 0.36P	20 by 0.38P.
26′ 0″	5½ by 3½ by 0.48A	24 by 0.40P	29 by 0.42P	34 by 0.46P	18 by 0.36P	21 by 0.38P.
28′ 0″	6 by 3½ by 0.50A	25 by 0.40P	31 by 0.44P	36 by 0.48P	19 by 0.38P	22 by 0.38P.
30′ 0″	6 by 3½ by 0.52A	26 by 0.42P	32 by 0.44P	38 by 0.48P	20 by 0.38P	23 by 0.40P.

FORE-AND-AFTERS

Length of fore-and-afters	Mounting	Bulb plate center fore-and-afters, spacing center to center			Bulb angle side fore-and-afters, spacing center to center		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	2½ by 2½ by 0.36	6 by 0.36	6½ by 0.38	7 by 0.38	6 by 3 by 0.36	6½ by 3½ by 0.38	7 by 3½ by 0.38.
8′ 0″	2½ by 2½ by 0.38	7 by 0.42	8 by 0.44	9 by 0.44	7 by 3½ by 0.42	8 by 3 by 0.44	9 by 3½ by 0.44.
10′ 0″	2½ by 2½ by 0.40	8 by 0.50	9½ by 0.50	11 by 0.50	8 by 3½ by 0.50	9½ by 3½ by 0.50.	11 by 3½ by 0.50.

Length of fore-and-afters	Wood center fore-and-afters, spacing center to center						Wood side fore-and-afters, spacing center to center					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	5½	7	6	7	6½	7	5½	5½	6	6	6½	6
8′ 0″	6½	7	7½	7	8	9	6½	7	7½	7	8	7
10′ 0″	8	7	8½	8	9	9	8	7	8½	8	9	9

A=Plain angle. BP=Bulb plate. P=Plate. D=Depth. B=Breadth.

[1] In vessels not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 percent of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 percent of the depths given above; the thickness of plates, bulb angles, and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of 0.30 inch; the depths and breadths of wood fore-and-afters may be 80 percent of those given in the tables for side fore-and-afters, but the center fore-and-afters must be not less than 6½ inches wide. In vessels between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

[2] Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the underside of the hatch covers to the lower edge. Sizes for intermediate lengths and spacing are obtained by interpolation. Where plates are specified, two angles of the size given for mountings, are to be fitted at the upper and at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

TABLE 43.10–20 (a2).—HATCHWAY BEAMS AND FORE-AND-AFTERS FOR VESSELS 200 FEET OR MORE IN LENGTH [1]

HATCHWAY BEAMS

[Coamings 18 inches in height]

Breadth of hatchway	Mounting	Beams with fore-and-afters, spacing center to center			Beams without fore-and-afters, spacing center to center	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
10′0″	3 by 3 by 0.40A	9½ by 0.46BP	10½ by 0.50BP	11½ by 0.52BP	8 by 0.40 BP	9 by 0.44BP.
12′0″	3 by 3 by 0.40A	11 by 0.50BP	11 by 0.30P	13 by 0.34P	9 by 0.44BP	10 by 0.50BP.
14′0″	3 by 3 by 0.42A	11 by 0.30P	13 by 0.32P	15 by 0.34P	10 by 0.50BP	11½ by 0.50BP.
16′0″	3½ by 3 by 0.42A	12 by 0.32P	15 by 0.34P	17 by 0.36P	11 by 0.30P	11 by 0.30P.
18′0″	4 by 3 by 0.44A	14 by 0.34P	17 by 0.36P	19 by 0.38P	11 by 0.30P	12 by 0.32P.
20′0″	4 by 3 by 0.44A	16 by 0.36P	19 by 0.38P	21 by 0.38P	12 by 0.32P	13 by 0.34P.
22′0″	4½ by 3 by 0.46A	17 by 0.36P	20 by 0.38P	23 by 0.40P	12½ by 0.32P	14 by 0.34P.
24′0″	5 by 3½ by 0.46A	18 by 0.36P	21 by 0.38P	25 by 0.40P	13 by 0.34P	14½ by 0.34P.
26′0″	5½ by 3½ by 0.48A	19 by 0.38P	22 by 0.38P	26 by 0.42P	13½ by 0.34P	15 by 0.34P.
28′0″	6 by 3½ by 0.50A	20 by 0.38P	23 by 0.40P	27 by 0.42P	14 by 0.34P	16 by 0.36P.
30′0″	6 by 3½ by 0.52A	21 by 0.38P	24 by 0.40P	28 by 0.42P	15 by 0.34P	17 by 0.36P.

See footnote at end of table.

FORE-AND-AFTERS

Length of fore-and-afters	Mounting	Bulb plate center fore-and-afters, spacing center to center			Bulb angle side fore-and-afters, spacing center to center		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	2½ by 2½ by 0.36	5 by 0.34	5½ by 0.34	6 by 0.36	5 by 3 by 0.36	5½ by 3 by 0.34	6 by 3 by 0.36.
8′ 0″	2½ by 2½ by 0.38	6 by 0.38	7 by 0.40	7½ by 0.42	6 by 3 by 0.38	7 by 3 by 0.40	7½ by 3½ by 0.42.
10′ 0″	2½ by 2½ by 0.40	7 by 0.44	8 by 0.46	9 by 0.50	7 by 3 by 0.44	8 by 3½ by 0.46	9 by 3½ by 0.50.

Length of fore-and-afters	Wood center fore-and-afters, spacing center to center						Wood side fore-and-afters, spacing center to center					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
6′ 0″	5	7	6	7	6½	7	5	5	5	5	6	5
8′ 0″	6	7	6½	7	7	7	6	5	6½	6	7	6
10′ 0″	7	7	7½	7	8	7	7	6	7½	7	8	7

A=Plain angle. BP=Bulb plate. P=Plate. D=Depth. B=Breadth.

[1] In vessels not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 percent of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 percent of the depths given above; the thickness of plates, bulb angles, and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of 0.30 inch; the depths and breadths of wood fore-and-afters may be 80 percent of those given in the tables for side fore-and-afters, but the center fore-and-afters must be not less than 6½ inches wide. In vessels between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

[2] Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the under side of the hatch covers to the lower edge. Sizes for intermediate length and spacing are obtained by interpolation. Where plates are specified, two angles, of the sizes given for mountings, are to be fitted at the upper and at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

§ 43.10–25 *Carriers or sockets.* (a) Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least one-half inch thick, and are to have a width of bearing surface of at least 3 inches.

§ 43.10–30 *Cleats.* (a) Strong cleats at least 2½ inches wide are to be fitted at intervals of not more than 2 feet from center to center; the end cleats are to be placed not more than 6 inches from each corner of the hatchway.

§ 43.10–35 *Battens and wedges.* (a) Battens and wedges are to be efficient and in good condition.

§ 43.10–40 *Tarpaulins.* (a) At least two tarpaulins in good condition, thoroughly waterproofed and of ample strength, are to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or No. 6 hemp canvas before waterproofing.

§ 43.10–45 *Security of hatchway covers.* (a) At all hatchways in exposed positions on freeboard and superstructure decks ring bolts or other fittings for lashings are to be provided.

(b) Where the breath of the hatchway exceeds 60 percent of the breadth of the deck in way of the hatchway, and the coamings are required to be 24 inches high, fittings for special lashings are to be provided for securing the hatchway covers after the tarpaulins are battened down.

§ 43.10–50 *Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.* (a) The construction and fittings of such hatchways are to be at least equivalent to the standards laid down in § 43.10–55.

§ 43.10–55 *Hatchway coamings and closing arrangements.* (a) Cargo, coaling, and other hatchways in the freeboard deck within superstructures which are fitted with class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways whose coamings are 18 inches high.

(b) Where the closing appliances are less efficient than class 2, the hatchways are to have coamings at least 18 inches in height, and are to have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–60 *Machinery space openings in exposed positions on freeboard and raised quarter-decks.* (a) Such openings are to be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered. Doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 24 inches above the freeboard deck and at least 18 inches above the raised quarter-deck.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

§ 43.10–65 *Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.* (a) Such openings are to be properly framed and efficiently inclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills of the openings are to be at least 15 inches above superstructure decks.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

§ 43.10–67 *Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.* (a) Such openings are to be properly framed and efficiently inclosed by steel casings. Doors in such casings are to be strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 9 inches above the deck where the superstructures are closed by class 2 closing appliances, and at least 15 inches above the deck where the closing appliances are less efficient than class 2.

CROSS REFERENCES: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–70 *Flush bunker scuttles.* (a) Flush bunker scuttles may be fitted in superstructure decks, and where so fitted are to be of iron or steel, of substantial construction, with screw or bayonet joints. Where a scuttle is not secured by hinges, a permanent chain attachment is to be provided. The position of flush bunker scuttles in small vessels in special trades is to be dealt with by each assigning authority.

§ 43.10–75 *Companionways.* (a) Companionways in exposed positions on freeboard decks and on decks of inclosed superstructures are to be of substantial construction. The sills of the doorways are to be of the heights specified for hatchway coamings (see §§ 43.10–10, 43.10–55). The doors are to be strongly

constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the vessel's length from the stem, it is to be of steel and riveted to the deck plating.

§ 43.10–77 *Ventilators in exposed positions on freeboard and superstructure decks.* (a) Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with class 1 closing appliances are to have coamings of steel, substantially constructed, and efficiently connected to the deck by rivets spaced four diameters apart center to center, or by equally effective means. The deck plating at the base of the coamings is to be efficiently stiffened between the deck beams. The ventilator openings are to be provided with efficient closing arrangements.

(b) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the vessel's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 36 inches in height; in other exposed positions on the superstructure deck they are to be at least 30 inches in height. Where the coaming of any ventilator exceeds 36 inches in height, it is to be specially supported and secured.

§ 43.10–80 *Air pipes.* (a) Where the air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter decks, and 18 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes.

§ 43.10–85 *Gangway, cargo, and coaling ports.* (a) Openings in the sides of vessels below the freeboard deck are to be fitted with watertight doors or covers, which, with their securing appliances, are to be of sufficient strength.

§ 43.10–87 *Scuppers and sanitary discharge pipes.* (a) Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be provided with means for showing whether the valve is opened or closed.

(b) Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within inclosed superstructures.

(c) Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

§ 43.10–90 *Air ports.* (a) Air ports to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures closed by class 1 or class 2 closing appliances are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

(b) Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the air ports may have portable deadlights stowed adjacent to the air ports, provided they are readily accessible at all times on service.

(c) The air ports and deadlights are to be of substantial and approved construction.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.10–95 *Guard rails.* (a) Efficient guard rails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

§ 43.10–97 *Freeing ports.* (a) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells" ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the vessel for each well on the freeboard deck and on the raised quarter-deck is to be that given by the following scale: The minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds 0.7 *L*, the scale may be modified.

SCALE OF FREEING PORT AREA

Length of bulwarks in "well" in feet:	*Freeing port area on each side in square feet*
15	8.0
20	8.5
25	9.0
30	9.5
35	10.0
40	10.5
45	11.0
50	11.5
55	12.0
60	12.5
65	13.0
Above 65	(1)

[1] One square foot for each additional 5 feet length of bulwark.

(b) The lower edges of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two-thirds of the freeing port area required is to be provided in the midship half of the well. In vessels with less than the standard sheer the freeing port area is to be suitably increased.

(c) All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

§ 43.10–100 *Protection of crew.* (a) Gangways, life lines, or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters. The strength of houses for the accommodation of crew on flush deck steamers is to be equivalent to that required for superstructure bulkheads.

SUBPART 43.15—LOAD LINES FOR STEAMERS [1]

§ 43.15–1 *Length (L).* (a) The length used with the rules and freeboard tables is the length in feet on the summer load water line from the foreside of the stem to the afterside of the rudder post. Where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock. For vessels with cruiser sterns, the length is to be taken as 96 percent of the total length on the designed summer load water line or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

§ 43.15–5 *Breadth (B).* (a) The breadth is the maximum breadth in feet amidships to the molded line of the frame in iron or steel vessels and to the outside of the planking in wood or composite vessels.

§ 43.15–7 *Molded depth.* (a) The molded depth is the vertical distance in feet measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

§ 43.15–10 *Depth for freeboard (D).* (a) The depth used with the freeboard table is the molded depth plus the thickness of stringer plate, or plus

$$\frac{T\,(L-S)}{L} \qquad (1)$$

if that be greater, where

(1) T is the mean thickness of the exposed deck clear of deck openings, and

(2) S is the total length of superstructures as defined in § 43.15–27.

(b) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam, and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (that is, as in the turret-deck vessel) 70 percent of the area above the step or break is included in the area used to determine the equivalent section.

(c) In a vessel without an inclosed superstructure covering at least 0.6L amidships, without a complete trunk or

[1] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.10–100, inclusive, apply to all vessels and for steamers, are further supplemented by §§ 43.15–1—43.15–97, inclusive. Steamers taking advantage of special classifications, such as tankers, steamers carrying timber deck cargo, lumber schooners, etc., are also subject to these requirements except as specifically modified in their separate classifications as set forth in the regulations.

without a combination of intact partial superstructures and trunk extending all fore-and-aft, where D is less than $\frac{L}{15}$, the depth used with the table is not to be taken as less than $\frac{L}{15}$.

§ 43.15–15 *Coefficient of fineness (c).* (a) The coefficient of fineness used with the freeboard table is given by

$$c=\frac{35\Delta}{L.B.d_1} \qquad (1)$$

where Δ is the vessel's molded displacement in tons (excluding bossing) at a mean molded draft d_1 which is 85 percent of the molded depth.

(b) The coefficient c is not to be taken as less than 0.68.

§ 43.15–17 *Strength.* (a) The assigning authority is to be satisfied with the structural strength of vessels to which freeboards are assigned.

(b) Vessels which comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be regarded as having sufficient strength for the minimum freeboards allowed under the regulations in this part.

(c) Vessels which do not comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be assigned such increased freeboards as shall be determined by the assigning authority, and for guidance the following strength moduli are formulated:

(1) *Material.* The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open-hearth process (acid or basic), and having a tensile strength of 26 to 32 tons per square inch, and an elongation of at least 16 percent, on a length of 8 inches.

(2) *Strength deck.* The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

(3) *Depth to strength deck (Ds).* The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

(4) *Draft (d).* The draft is the vertical distance in feet amidships from the top of the keel to the center of the disk.

(5) *Longitudinal modulus.* The longitudinal modulus $\frac{I}{y}$ is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

(i) Below the strength deck, all continuous longitudinal members other than such parts of underdeck girders as are required entirely for supporting purposes are included. Above the strength deck, the gunwale angle bar and the extension of the sheerstrake are the only members included.

(ii) The required longitudinal modulus for effective material is expressed by $f.d.B.$, where f is the factor obtained from Table 43.15–17(c) (5) (ii).

TABLE 43.15–17 (c) (5) (ii)

L	f	L	f	L	f
100	1.80	280	6.20	460	14.15
120	2.00	300	6.95	480	15.15
140	2.35	320	7.70	500	16.25
160	2.70	340	8.55	520	17.35
180	3.15	360	9.40	540	18.45
200	3.60	380	10.30	560	19.60
220	4.20	400	11.20	580	20.80
240	4.80	420	12.15	600	22.00
260	5.45	440	13.10		

(iii) For intermediate lengths, the value of f is determined by interpolation. This formula applies where L does not exceed 600 feet; B is between

$$\frac{L}{10}+5 \text{ and } \frac{L}{10}+20 \qquad (1)$$

both inclusive, and $\frac{L}{D_s}$ is between 10 and 13.5, both inclusive.

(6) *Frame.* For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

(7) *Frame modulus.* The modulus $\frac{I}{y}$ of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

TABLE 43.15–17 (c) (7) (i)

H in feet	0	7	9	11	13	15	17	19	21	23	25
f_1	9	11	12.5	15	19	24	29.5	36	43	51	59
K in feet	0	5	10	15	20	25	30	35	40	------	------
f_2	0	0.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0	------	------

Intermediate values are obtained by interpolation.

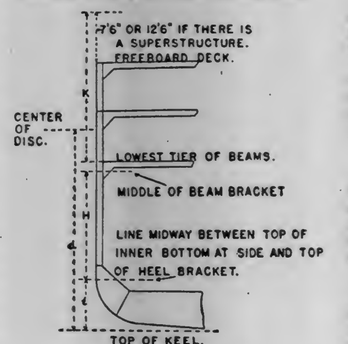


FIGURE 43.15–17 (c) (7) (i)

(ii) This formula applies where D is between 15 feet and 60 feet, both inclusive, B is between

$$\frac{L}{10}+5 \text{ and } \frac{L}{10}+20, \text{ both inclusive, } \frac{L}{D_s}$$

is between 10 and 13.5, both inclusive, and the horizontal distance from the outside of the frame to the center of the first row of pillars does not exceed 20 feet.

(iii) In single-deck vessels of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_3 where

$$f_3=0.50+0.05\,(H-8) \qquad (3)$$

(iv) Where the horizontal distance from the outside of the frame to the center of the first row of pillars exceeds 20 feet, the assigning authority is to be satisfied that sufficient additional strength is provided.

(i) The required frame modulus is expressed by

$$\frac{s(d-t)\,(f_1+f_2)}{1{,}000} \qquad (2)$$

where:

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 43.15–17 (c) (7) (i)); where there is no double bottom, t is measured to a point midway between the top of the floor at center and the top of the floor at side.

f_1 is a coefficient depending on H, which, in vessels fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 43.15–17 (c) (7) (i)); where there is no double bottom, H is measured to a point midway between the top of the floor at center and the top of the floor at side. Where the frame obtains additional strength from the form of the vessel, due allowance is made in the value of f_1.

f_2 is a coefficient depending on K, which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side. (See fig. 43.15–17 (c) (7) (i).) The values of f_1 and f_2 are obtained from Table 43.15–17 (c) (7) (i).

§ 43.15–20 *Height of superstructure.* (a) The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between D and the molded depth. (See §§ 43.15–7, 43.15–10.)

§ 43.15–25 *Standard height of superstructure.* (a) The standard height of a raised quarter-deck is 3 feet for vessels up to and including 100 feet in length, 4 feet for vessels 250 feet in length, and 6 feet for vessels 400 feet in length and above. The standard height of any

other superstructure is 6 feet for vessels up to and including 250 feet in length and 7 feet 6 inches for vessels 400 feet in length and above. The standard height at intermediate lengths is obtained by interpolation.

§ 43.15–27 *Length of superstructure (S).* (a) The length of a superstructure is the mean covered length of the parts of the superstructure which extends to the sides of the vessel and lie within lines drawn perpendicular to the extremities of the summer load water line, as defined in § 43.15–1.

§ 43.15–30 *Inclosed superstructure.* (a) A detached superstructure is regarded as inclosed only where:

(1) The inclosing bulkheads are of efficient construction. (See § 43.15–35.)

(2) The access openings in these bulkheads are fitted with class 1 or class 2 closing appliances. (See §§ 43.15–37, 43.15–40.)

(3) All other openings in sides or ends of the superstructure are fitted with efficient weather-tight means of closing.

(4) Independent means of access to crew, machinery, bunker, and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

§ 43.15–35 *Superstructure bulkheads.* (a) Bulkheads at exposed ends of poops, bridges, and forecastles are deemed to be of efficient construction where the assigning authority is satisfied that, in the circumstances, they are equivalent to the following standard for vessels with minimum freeboards under which standard the stiffeners and plating are of the scantlings given in Table 43.15–35 (a), the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

TABLE 43.15–35 (a).—EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT

Bridge front bulkheads, unprotected bulkheads of poops 0.4*L* or more in length		Bulkheads of poops partially protected or less in length than 0.4*L*		After bulkheads of bridges and forecastles	
Length of vessel	Bulb angle stiffeners	Length of vessel	Plain angle stiffeners	Length of vessel	Plain angle stiffeners
Feet	*Inches*	*Feet*	*Inches*	*Feet*	*Inches*
Under 160	5¼ by 3 by 0.30.	Under 150	3 by 2½ by 0.30.	Under 150	2½ by 2½ by 0.26.
160	6 by 3 by 0.32.	150	3½ by 2½ by 0.32.	150	3 by 2½ by 0.28.
200	6½ by 3 by 0.34.	200	4 by 3 by 0.34.	250	3½ by 3 by 0.30.
240	7 by 3 by 0.36.	250	4½ by 3 by 0.36.	350	4 by 3 by 0.32.
280	7½ by 3 by 0.38.	300	5 by 3 by 0.38.		
320	8 by 3 by 0.40.	350	5½ by 3 by 0.42.		
360	8½ by 3 by 0.42.	400	6 by 3 by 0.44.		
400	9 by 3 by 0.44.	450	6½ by 3½ by 0.46.		
440	9½ by 3½ by 0.46.	500	7 by 3½ by 0.48.		
480	10 by 3½ by 0.48.	550	7 by 3½ by 0.50.		
520	10½ by 3½ by 0.50.				
560	11 by 3½ by 0.52.				

Length of vessel	Bulkhead plating [1]	Length of vessel	Bulkhead plating [1]	Length of vessel	Bulkhead plating [1]
Feet	*Inch*	*Feet*	*Inch*	*Feet*	*Inch*
200 and under	0.3	160 and under	0.24	160 and under	0.20
380 and above	.44	400 and above	.38	400 and above	.30

[1] For vessels intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

§ 43.15–37 *Class 1 closing appliances.* (a) These appliances are of iron or steel, are in all cases to be permanently and strongly attached to the bulkhead, are framed, stiffened, and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead, and are weathertight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances, and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 15 inches above the deck.

§ 43.15–40 *Class 2 closing appliances.* (a) These appliances are (1) strongly framed hardwood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick, or (2) shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width, or (3) portable plates of equal efficiency.

§ 43.15–43 *Temporary closing appliances.* (a) Temporary closing appliances for middle line openings in the deck of an inclosed superstructure consist of

(1) A steel coaming not less than 9 inches in height efficiently riveted to the deck;

(2) Hatchway covers as required by § 43.10–15, secured by hemp lashings; and

(3) Hatchway supports as required by §§ 43.10–20, 43.10–25 and by Table 43.05–20 (a1) or 43.05–20 (a2).

§ 43.15–45 *General, relative superstructures.* (a) Where exposed bulkheads of the ends of poops, bridges, and forecastles are not of efficient construction (see § 43.10–25), they are considered as nonexistent.

(b) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

(c) Where the height of a superstructure is less than the standard, its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

§ 43.15–47 *Poop.* (a) Where there is an efficient bulkhead and the access openings are fitted with class 1 closing appliances (§ 43.15–37), the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with class 2 closing appliances (§ 43.15–40) and the length to the bulkhead is 0.5*L* or less, 100 percent of that length is effective; where the length is 0.7*L* or more, 90 percent of that length is effective; where the length is between 0.5*L and* 0.7*L*, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (see § 43.15–57), 90 percent of the length to the bulkhead is to be taken as effective; 50 percent of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

§ 43.15–50 *Raised quarter-deck.* (a) Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

§ 43.15–53 *Bridge.* (a) Where there is an efficient bulkhead at each end, and the access openings in the bulkhead are fitted with class 1 closing appliances, the length between the bulkheads is effective.

(b) Where the access openings in the forward bulkhead are fitted with class 1 closing appliances and the access openings in the after bulkhead with class 2 closing appliances, the length between the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (see § 43.15–57), 90 percent of the length is effective. Where the access openings in both bulkheads are fitted with class 2 closing appliances, 90 percent of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with class 1 or class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 percent of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 percent of the length is effective; 75 percent of the length of an open extension beyond the after bulkhead and 50 percent of that beyond the forward bulkhead are effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.15–55 *Forecastle.* (a) Where there is an efficient bulkhead and the access openings are fitted with class 1 or class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 percent of the length of the forecastle forward of 0.1*L* from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 percent of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective; 50 percent of the length of an open extension beyond the bulkhead or beyond 0.1*L* from the forward perpendicular is effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 43.15–37, 43.15–40.

§ 43.15–57 *Trunk.* (a) A trunk or similar structure which does not extend to the sides of the vessel is regarded as efficient: *Provided*, That,

(1) The trunk is at least as strong as a superstructure.

(2) The hatchways are in the trunk deck, and comply with the requirements of §§ 43.10–1—43.10–45 and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness.

(3) A permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways.

(4) Ventilators are protected by the trunk, by watertight covers or by equivalent means.

(5) Open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length.

(6) The machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

(b) Where access openings in poop and bridge bulkheads are fitted with class 1 closing appliances, 100 percent of the length of an efficient trunk reduced in the ratio of its mean breadth to *B* is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with class 1 closing appliances 90 percent is added.

(c) The standard height of a trunk is the standard height of a bridge.

(d) Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (see § 43.10–10), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

§ 43.15–60 *Inclosed superstructure with middle line openings in the deck not provided with permanent means of closing.* (a) Where there is an inclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (see §§ 43.10–1—43.10–45), the effective length of the superstructure is determined as follows:

(1) Where efficient temporary closing appliances are not provided for the middle line deck openings (see § 43.15–43), or the breadth of openings is 80 percent or more of the breadth B_1 of the superstructure deck at the middle of the opening, the vessel is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed by §§ 43.15–47, 43.15–53, 43.15–55.

(2) Where efficient temporary closing appliances are provided for middle line deck openings, and the breadth of openings is less than 0.8B_1 the effective length is governed by §§ 43.15–47, 43.15–53, 43.15–55, except that where access openings in between deck bulkheads are closed by class 2 closing appliances, they are regarded as being closed by class 1 closing appliances in determining the effective length. The total effective length is obtained by adding to the length determined by subparagraph (1) of this paragraph the difference between this length and the length of the vessel modified in the ratio of

$\frac{B_1-b}{B_1}$ where b=breadth of deck opening

where

$\frac{B_1-b}{B_1}$ is greater than 0.5, it is taken as 0.5

§ 43.15–63 *Deductions for superstructures.* (a) Where the effective length of superstructures is 1.0*L*, the deduction from the freeboard is 14 inches at 80 feet length, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0*L* the deduction is a percentage obtained from Table 43.15–63:

TABLE 43.15–63 (a).—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURE (E)

Superstructures	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*	Line
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	
All types with forecastle and without detached bridge	0	5	10	15	23.5	32	46	63	75.3	87.7	100	A
All types with forecastle and detached bridge [1]	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100	B

[1] Where the effective length of a detached bridge is less than 0.2*L* the percentages are obtained by interpolation between lines B and A. Where no forecastle is fitted the above percentages are reduced by 5. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 43.15–65 *Sheer, general.* (a) The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(b) In vessels designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at 0.25 *L* forward of amidships to indicate the assigned load line. This mark is to be similar to the load line disk amidships.

(c) In flush deck vessels and in vessels with detached superstructures the sheer is measured at the freeboard deck.

(d) In vessels with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships. (See § 43.15–15.)

(e) In vessels with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(f) Where a superstructure is intact or access openings in its inclosing bulkheads are fitted with class 1 closing appliances (§ 43.15–37), and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the inclosed portion of the freeboard deck is not taken into account.

§ 43.15–67 *Standard sheer profile.* (a) The ordinates (in inches) of the standard sheer profile are given in Table 43.15–67, where *L* is the number of feet in the length of the vessel.

TABLE 43.15–67 (a)

Station	Ordinate	Factor
A. P.[1]	0.1 *L*+10	1
1/6 L from A. P.	.0445*L*+4.45	4
1/3 L from A. P.	.011 *L*+1.1	2
Amidships	0	4
1/3 L from F. P.[2]	.022 *L*+2.2	2
1/6 L from F. P.	.089 *L*+8.9	4
F. P.	.2 *L*+20	1

[1] A. P.=After end of summer load water line.
[2] F. P.=Fore end of summer load water line.

§ 43.15–70 *Measurement of variations from standard sheer profile.* (a) Where the sheer profile differs from the standard, the 7 ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

(b) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit is allowed for the part in excess; where the after part is less than 50 percent of the standard no credit is given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

§ 43.15–73 *Correction for variations from standard sheer profile.* (a) The

correction for sheer is the deficiency or excess of sheer (see § 43.15–70 (a)) multiplied by $0.75-\frac{S}{2L}$ where S is the total length of superstructure, as defined in § 43.15–27.

§ 43.15–75 *Addition for deficiency in sheer.* Where the sheer is less than the standard, the correction for deficiency in sheer (see § 43.15–73) is added to the freeboard.

§ 43.15–77 *Deduction for excess sheer.* (a) In flush deck vessels and in vessels where an inclosed superstructure covers 0.1 *L* before and 0.1 *L* abaft amidships, the correction for excess of sheer (see § 43.15–73) is deducted from the freeboard; in vessels with detached superstructures where no inclosed superstructure covers amidships, no deduction is made from the freeboard; where an inclosed superstructure covers less than 0.1 *L* before and 0.1 *L* abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 43.15–80 *Standard round of beam.* (a) The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the vessel.

§ 43.15–83 *Round of beam correction.* (a) Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by inclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

§ 43.15–85 *Summer freeboard.* (a) The minimum freeboard in summer is the freeboard derived from the freeboard table after corrections for departures from the standards and after deduction for superstructures. The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 43.15–87 *Tropical freeboard.* (a) The minimum freeboard in the tropical zone is the freeboard obtained by a deduction from the summer freeboard of one-fourth inch per foot of summer draft measured from the top of the keel to the center of the disk. The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 43.15–90 *Winter freeboard.* (a) The minimum freeboard in winter is the freeboard obtained by an addition to the summer freeboard of one-fourth inch per foot of summer draft, measured from the top of the keel to the center of the disk.

§ 43.15–93 *Winter North Atlantic freeboard.* (a) The minimum freeboard for vessels not exceeding 330 feet in length on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus 2 inches. For vessels over 330 feet in length it is the winter freeboard.

§ 43.15–95 *Fresh-water freeboard.* (a) The minimum freeboard in fresh water of unit density is the freeboard obtained by deducting from the minimum freeboard in salt water $\frac{\Delta}{40T}$ inches, where

Δ=displacement in salt water in tons at the summer load water line, and T=tons per inch immersion in salt water at the summer load water line.

(b) Where the displacement at the summer load water line cannot be certified, the deduction is to be one-fourth inch per foot of summer draft, measured from the top of the keel to the center of the disk.

§ 43.15–97 *Freeboard table for steamers.* (a) Table 43.15–97 (a) gives the basic minimum summer freeboard for steamers which comply with the standards in this part.

TABLE 43.15–97 (a).—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L	Freeboard	*L*	Freeboard	*L*	Freeboard
Feet	*Inches*	*Feet*	*Inches*	*Feet*	*Inches*
80	8.0	310	45.9	540	113.7
90	9.0	320	48.4	550	116.4
100	10.0	330	51.0	560	119.1
110	11.0	340	53.7	570	121.8
120	12.0	350	56.5	580	124.4
130	13.0	360	59.4	590	127.0
140	14.2	370	62.4	600	129.5
150	15.5	380	65.4	610	132.0
160	16.9	390	68.4	620	134.4
170	18.3	400	71.5	630	136.8
180	19.8	410	74.6	640	139.1
190	21.4	420	77.8	650	141.4
200	23.1	430	80.9	660	143.7
210	24.8	440	84.0	670	145.9
220	26.6	450	87.1	680	148.1
230	28.5	460	90.2	690	150.2
240	30.3	470	93.3	700	152.3
250	32.3	480	96.3	710	154.4
260	34.4	490	99.3	720	156.4
270	36.5	500	102.3	730	158.5
280	38.7	510	105.2	740	160.5
290	41.0	520	108.1	750	162.5
300	43.4	530	110.9		

(b) The minimum freeboards for flush deck steamers are obtained by an addition to Table 43.15–97 (a) at the rate of 1½ inches for every 100 feet of length.

(c) The freeboards at intermediate lengths are obtained by interpolation.

(d) Where c exceeds 0.68, the freeboard is multiplied by the factor

$$\frac{c+0.68}{1.36} \quad (1)$$

(e) Where *D* exceeds $\frac{L}{15}$ the freeboard is increased by $\left(D-\frac{L}{15}\right)R$ inches, where R is $\frac{L}{130}$ at lengths less than 390 feet, and 3 at 390 feet length and above.

(f) In a vessel with an inclosed superstructure covering at least 0.6*L* amidships with a complete trunk or with a combination of intact partial superstructures and trunk which extends all fore and aft, where *D* is less than $\frac{L}{15}$ the freeboard is reduced at the above rate.

(2) Where the height of superstructures or trunk is less than the standard height, the reduction is in the ratio of the actual to the standard height.

(f) Where the actual depth to the surface of the freeboard deck amidships is greater or less than *D*, the difference between the depths (in inches) is added to or deducted from the freeboard.

SUBPART 43.20—LOAD LINES FOR SAILING VESSELS [4]

§ 43.20–1 *Lines to be used on sailing vessels in connection with the disk.* (a) Winter and tropical load lines are not marked on sailing vessels. The maximum load lines to which sailing vessels may be laden in salt water in winter and in the tropical zone is the center of the disk. (See fig. 43.20–1 (a).)

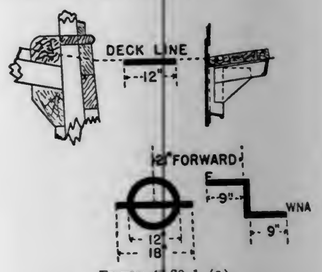


FIGURE 43.20–1 (a)

§ 43.20–5 *Conditions of assignment of sailing vessel load lines.* (a) The conditions of assignment for sailing vessels are those contained in §§ 43.10–1—43.10–100.

§ 43.20–10 *Computation of freeboard, sailing vessels.* (a) Freeboards are computed from the freeboard table for sailing vessels in the same manner as the freeboards for steamers are computed from the freeboard table for steamers, except as provided by §§ 43.20–15—43.20–45.

§ 43.20–15 *Depth for freeboard, sailing vessels (D).* (a) In sailing vessels having a greater rate of rise of floor than 1½ inches per foot, the vertical distance from the top of keel (§ 43.15–7) is reduced by half the difference between the total rise of floor at the half breadth of the vessel and the total rise of 1½ inches per foot; 2½ inches per foot of half breadth is the maximum rate of rise for which a deduction is made.

(b) Where the form at the lower part of the midship section is of a hollow character, or thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

[4] The provisions of §§ 43.01–1—43.01–100 and 43.05–1—43.15–97, inclusive, apply to sailing vessels, except as modified by §§ 43.20–1—43.20–45, inclusive.

(c) The depth used with the freeboard table is to be taken as not less than $\frac{L}{12}$.

§ 43.20–20 *Coefficient of fineness, sailing vessels (c).* (a) The coefficient used with the freeboard table for sailing vessels is to be taken as not less than 0.62 and not greater than 0.72.

§ 43.20–25 *Superstructures in wood sailing vessels.* (a) In wood sailing vessels the construction and closing arrangements of superstructures for which deductions are made from the freeboard are to be to the satisfaction of the assigning authority.

§ 43.20–30 *Deductions for sailing vessel superstructures.* (a) Where the effective length of superstructures on sailing vessels is 1.0*L*, the deduction from the freeboard is 3 inches at 80 feet length of vessel, and 28 inches at 330 feet length and above; deductions in intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0*L*, the deduction is a percentage obtained from Table 43.20–30 (a).

TABLE 43.20–30 (a).—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES (E)

Type of superstructures	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types without bridge	0	7	13	17	23.5	30	47½	70	80	90	100	A
All types with bridge [1]	0	7	14.7	22	32	42	56	70	80	90	100	B

[1] Where the effective length of bridge is less than 0.2*L*, the percentages are obtained by interpolation between lines B and A. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 43.20–35 *Minimum freeboards for sailing vessels.* (a) No addition to the freeboard is required for winter freeboard, nor is a deduction permitted for tropical freeboard.

(b) An increase in freeboard of 3 inches is made for voyages across the North Atlantic north of latitude 36° N. during the winter months.

(c) In computing the fresh water freeboard for a wood vessel, the draft is measured from the lower edge of the rabbet of keel to the center of the disk.

§ 43.20–40 *Freeboard table for sailing vessels.* (a) Table 43.20–40 (a) gives the basic minimum summer, winter, and tropical freeboards for iron and steel flush deck sailing vessels, which comply with the standards in this part.

TABLE 43.20–40 (a).—MINIMUM SUMMER, WINTER, AND TROPICAL FREEBOARDS FOR IRON AND STEEL FLUSH DECK SAILING VESSELS

L (feet)	Freeboard	*L* (feet)	Freeboard	*L* (feet)	Freeboard
	Inches		*Inches*		*Inches*
80	9.2	170	28.2	260	50.8
90	11.0	180	30.6	270	53.5
100	12.9	190	33.0	280	56.3
110	14.9	200	35.4	290	59.1
120	17.0	210	37.9	300	61.9
130	19.1	220	40.4	310	64.7
140	21.3	230	42.9	320	67.6
150	23.5	240	45.5	330	70.5
160	25.8	250	48.1		

(b) The freeboards at intermediate lengths are obtained by interpolation.

(c) Where c exceeds 0.62 the freeboard is multiplied by the factor

$$\frac{c+.62}{1.24} \quad (1)$$

(d) Where *D* exceeds $\frac{L}{12}$ the freeboard is increased by

$$\left(D-\frac{L}{12}\right)\times\left(1+\frac{L}{250}\right) \text{ inches.} \quad (2)$$

(e) Where the actual depth to the surface of the freeboard deck amidships is greater or less than *D*, the difference between the depths (in inches) is added to or deducted from the freeboard.

§ 43.20–45 *Freeboard for wood sailing vessels.* (a) The freeboard for a wood sailing vessel is the final freeboard the vessel would obtain if she were of iron or steel, with the addition of such penalties as the assigning authority may determine, having regard to the classification, construction, age, and condition of the vessel.

SUBPART 43.25—LOAD LINES FOR STEAMERS CARRYING TIMBER DECK CARGOES [5]

§ 43.25–1 *Definitions*—(a) *Timber deck cargo.* The term "timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

(b) *Timber load line.* A timber load line is a special load line to be used only when the vessel is carrying a timber deck cargo in compliance with the requirements in this subpart.

§ 43.25–5 *Marks on the vessel's sides; timber cargo; timber load lines.* (a) The lines which indicate the maximum timber load lines in different circumstances and at different seasons are to be horizontal lines, 9 inches in length and 1 inch in breath, which extend from, and are at right angles to, a vertical line marked 21 inches abaft the center of the disk. (See fig. 43.25–5 (a).) They are to be marked and verified similarly to the ordinary load lines. (See §§ 43.05–20—43.05–30.)

(b) The summer timber load line is indicated by the upper edge of a line marked *"LS."*

(c) The winter timber load line is indicated by the upper edge of a line marked *"LW."*

(d) The winter North Atlantic timber load line is indicated by the upper edge of a line marked *"LWNA."*

(e) The tropical timber load line is indicated by the upper edge of a line marked *"LT."*

(f) The fresh water timber load line in summer is indicated by the upper edge of a line marked *"LF."* The difference between the fresh water timber load line in summer and the summer timber load line is the allowance to be made for loading in fresh water at the other timber load lines. The fresh water timber load line in the tropical zone is indicated by the upper edge of a line marked "LTF." [6]

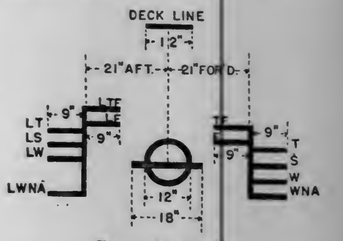


FIGURE 43.25–5 (a)

§ 43.25–10 *Construction of vessel; timber cargo.* (a) The structure of the vessel is to be of sufficient strength for the deeper draft allowed and for the weight of the deck cargo.

§ 43.25–15 *Superstructures; timber cargo.* (a) The vessel is to have a forecastle of at least standard height and at least 7 percent of the length of the vessel, and, in addition, a poop, or a raised quarter deck with a strong steel hood or deck house fitted aft.

§ 43.25–20 *Machinery casings; timber cargo.* (a) Machinery casings on the freeboard deck are to be protected by a superstructure of at least standard height, unless the machinery casings are of sufficient strength and height to permit of the carriage of timber alongside.

§ 43.25–25 *Double bottom tanks; timber cargo.* (a) Double bottom tanks where fitted within the midship half length of the vessel are to have adequate longitudinal subdivision.

§ 43.25–30 *Bulwarks; timber cargo.* (a) The vessel must be fitted either with permanent bulwarks at least 3 feet 3 inches high, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck in the way of the beams and provided with necessary freeing ports or with efficient rails of the same height as the above and of specially strong construction.

§ 43.25–35 *Deck openings covered by timber deck cargo.* (a) Openings to spaces below the freeboard deck are to be securely closed and battened down. All fittings, such as hatchway beams fore-and-afters, and covers are to be in place. Where hold ventilation is needed, the ventilators are to be efficiently protected.

§ 43.25–40 *Stowage; timber cargo.* (a) The wells on the freeboard deck are to be filled with timber stowed as solidly as possible, to at least the standard height of a bridge.

[5] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.15–97, inclusive, also apply to steamers marked to carry timber deck cargoes except as they are modified by §§ 43.25–1—43.30–5, inclusive.

[6] Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

(b) On a vessel within a seasonal winter zone in winter, the height of the deck cargo above the freeboard deck is not to exceed one-third of the extreme breadth of the vessel.

(c) All timber deck cargo is to be compactly stowed, lashed, and secured. It must not interfere in any way with the navigation and necessary work of the vessel, or with the provision of a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and to losses of weight such as those due to consumption of fuel and stores.

§ 43.25–45 *Protection of crew, access to machinery space; timber cargo.* (a) Safe and satisfactory access to the quarters of the crew, to the machinery space, and to all other parts used in the necessary work of the vessel is to be available at all times. Deck cargo in way of openings which give access to such parts is to be so stowed that the openings can be properly closed and secured against the admission of water. Efficient protection for the crew in the form of guard rails, or life lines, spaced not more than 12 inches apart vertically, is to be provided on each side of the deck cargo to a height of at least 4 feet above the cargo. The cargo is to be made sufficiently level for gangway purposes.

§ 43.25–50 *Steering arrangements; timber cargo.* (a) Steering arrangements are to be effectively protected from damage by cargo and, as far as practicable, are to be accessible. Efficient provision is to be made for steering in the event of a breakdown in the main steering arrangements.

§ 43.25–55 *Uprights; timber cargo.* (a) Uprights, when required by the nature of the timber, are to be of adequate strength and may be of wood or metal, the spacing is to be suitable for the length and character of timber carried, but is not to exceed 10 feet. Strong angles or metal sockets efficiently secured to the stringer plate or equally efficient means are to be provided for securing the uprights.

§ 43.25–60 *Lashings; timber cargo.* (a) Timber deck cargo is to be efficiently secured throughout its length by independent overall lashings spaced not more than 10 feet apart.

(b) Eye plates for these lashings are to be riveted to the sheer strake at intervals of not more than 10 feet, the distance from an end bulkhead of a superstructure to the first eye plate being not more than 6 feet 6 inches. Additional eye plates may be fitted on the stringer plate.

(c) Overall lashings are to be in good condition and are to be not less than three-fourths inch close link chain or flexibile wire rope of equivalent strength, fitted with sliphooks and stretching screws, which are to be accessible at all times. Wire rope lashings are to have a short length of long link chain to permit the length of lashings to be regulated.

(d) When timber is in lengths less than 12 feet, the spacing of the lashings is to be reduced to suit the length of timber or other suitable provision made.

(e) When the spacing of the lashings is 5 feet or less, the size of the lashing may be reduced, but not less than one-half inch chain or equivalent wire rope is to be used.

(f) All fittings required for securing the lashings are to be of strength corresponding to the strength of the lashings.

(g) On superstructure decks, uprights, where fitted, are to be about 10 feet apart and are to be secured by athwartship lashings of ample strength.

§ 43.25–65 *Plans; timber cargo.* (a) Plans showing the fittings and arrangements for stowing and securing timber deck cargoes in compliance with the foregoing conditions and §§ 43.77a–43.89 are to be submitted to the assigning authority.

§ 43.25–70 *Computation of freeboard; timber cargo.* (a) Where the assigning authority is satisfied that the vessel is suitable and that the conditions and arrangements are at least equal to the foregoing requirements for the carriage of timber deck cargo, the summer freeboards computed in accordance with the rules and tables in §§ 43.15–1—43.15–97, may be modified to give special timber freeboards by substituting the following percentages for those in § 43.15–63:

TABLE 43.25–70 (a).—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
All types	20	30.75	41.5	52.25	63	69.25	75.5	81.5	87.5	93.75	100

(b) The winter timber freeboard is to be obtained by adding to the summer timber freeboard one-third of an inch per foot of the molded summer timber draft.

(c) The winter North Atlantic timber freeboards are the winter North Atlantic freeboards prescribed in § 43.15–93.

(d) The tropical timber freeboard is to be obtained by deducting from the summer timber freeboard one-quarter of an inch per foot of the molded summer timber draft.

CROSS REFERENCE: For requirements for the carriage of timber deck cargo, see §§ 43.25–1—43.25–65.

SUBPART 43.30—LOAD LINES FOR TANKERS[1]

NOTE: The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

§ 43.30–1 *Marks on the vessel's sides; tanker.* (a) The marks on the vessel's sides are to be as provided in the figure in § 43.05–15.

§ 43.30–5 *Construction of tanker.* (a) The structure of the vessel is to be of sufficient strength for the increased draft corresponding to the freeboard assigned.

§ 43.30–10 *Forecastle; tanker.* (a) The vessel is to have a forecastle of which the length is not less than 7 percent of the length of the vessel and the height is not less than the standard height.

§ 43.30–15 *Machinery casings; tanker.* (a) The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an inclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck are to be fitted with effective closing appliances and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions.

§ 43.30–20 *Gangway; tanker.* (a) An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward, from the bridge to the forecastle, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passages below deck.

§ 43.30–25 *Protection of crew access to machinery space; tanker.* (a) Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space, and all other parts used in the necessary work of the vessel is to be available at all times. This section does not apply to pump rooms entered from the freeboard deck, when fitted with class 1 closing appliances.

CROSS REFERENCE: For class 1 closing appliances, see § 43.15–37.

§ 43.30–30 *Hatchways; tanker.* (a) All exposed hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers. Hatchways on the freeboard deck within a forecastle which is closed at the after end with a bulkhead and closing appliances no less effective than Class 2 may be fitted with wood covers, coamings, and closing appliances in accordance with § 43.05–55, provided hatchways on the forecastle deck are closed watertight by efficient steel covers.

[1] The provisions of §§ 43.01–1—43.01–100, inclusive, and §§ 43.05–1—43.15–97, inclusive, also apply to tankers except as they are modified by §§ 43.30–1—43.30–70, inclusive.

§ 43.30–35 *Ventilators; tanker.* (a) Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

§ 43.30–40 *Freeing arrangements; tanker.* (a) Vessels with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake is to be kept as low as practicable and preferably not higher than the upper edge of the gunwale bar.

(b) Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

§ 43.30–45 *Plans; tanker.* (a) Plans showing proposed fittings and arrangements are to be submitted to the assigning authority for approval.

§ 43.30–50 *Computation of freeboard; tanker.* (a) When the assigning authority is satisfied that the foregoing requirements are fulfilled, the summer freeboard may be computed from the table for tankers; all corrections except those for flush-deck steamers, detached superstructures, excess sheer, and winter voyages across the North Atlantic are to be made in accordance with §§ 43.15–1—43.15–97.

§ 43.30–55 *Deductions for detached superstructures; tankers.* (a) When the total effective length of superstructure is less than 1.0*L*, the deduction is a percentage of that for a superstructure of length 1.0*L*, and is obtained from Table 43.30–55 (a).

TABLE 43.30–55 (a).—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
All types	0	7	14	21	31	41	52	63	75.3	87.7	100

§ 43.30–60 *Deduction for excess sheer; tanker.* (a) Where the sheer is greater than the standard, the correction for excess sheer (see § 43.15–73) is deducted from the freeboard for all tankers. Section 43.15–77 does not apply except that the maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 43.30–65 *Winter North Atlantic freeboard; tanker.* (a) The minimum freeboard for tankers on voyages across the North Atlantic from a port or place of departure north of latitude 36° N. to a port or place of arrival north of latitude 36° N., regardless of the route of the vessel while it is in either of the northern seasonal winter zones during the winter season, shall be the winter freeboard plus an addition at a rate of one inch per 100 feet in length.

§ 43.30–70 *Freeboard table for tankers.* (a) Table 43.30–70 (a) gives the basic minimum summer freeboard for tankers which comply with the standards in this part.

TABLE 43.30–70 (a).—BASIC MINIMUM SUMMER FREEBOARD FOR TANKERS

L (feet)	Freeboard	*L* (feet)	Freeboard	*L* (feet)	Freeboard
	Inches		*Inches*		*Inches*
190	21.5	390	60.2	590	106.5
200	23.1	400	62.5	600	108.4
210	24.7	410	64.9	610	110.3
220	26.3	420	67.4	620	112.2
230	28.0	430	69.9	630	114.0
240	29.7	440	72.5	640	115.8
250	31.5	450	75.1	650	117.6
260	33.3	460	77.7	660	119.3
270	35.2	470	80.2	670	121.0
280	37.1	480	82.7	680	122.6
290	39.1	490	85.1	690	124.2
300	41.1	500	87.5	700	125.8
310	43.1	510	89.8	710	127.3
320	45.1	520	92.1	720	128.8
330	47.1	530	94.3	730	130.3
340	49.2	540	96.5	740	131.8
350	51.3	550	98.6	750	133.2
360	53.5	560	100.7	(1)	------
370	55.7	570	102.7		
380	57.9	580	104.6		

[1] Vessels above 750 feet are to be dealt with by the administration.

SUBPART 43.35—LUMBER SCHOONERS

§ 43.35–1 *Load line marks for vessels specially constructed for the carriage of complete cargoes of timber (lumber schooner type).* (a) Load lines for existing vessels propelled by either sail or steam which have been specially constructed to carry complete cargoes of timber (that is, of the lumber schooner type) when carrying a complete cargo of timber will be marked with a load line as provided in § 43.01–15. The mark is illustrated by figure 43.35–1 (a).

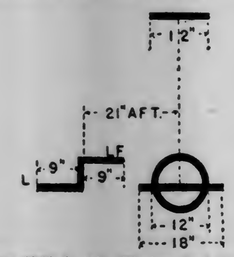


FIGURE 43.35–1 (a).—Timber load line for vessels constructed for the carriage of complete cargoes of timber.

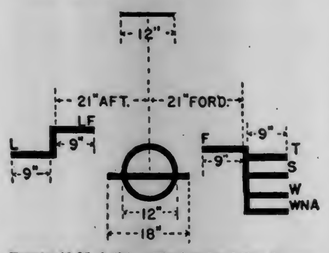


FIGURE 43.35–1 (b).—Timber load line in conjunction with steamer load line for vessels constructed for the carriage of complete cargoes of timber.

(b) Existing vessels which have been specially constructed to carry complete cargoes of timber (the lumber schooner type) and which carry cargoes other than complete timber cargoes, will be marked as provided in § 43.01–15, the marking is illustrated by figure 43.35–1 (b).

(c) The forward mark will be determined as provided in §§ 43.15–1—43.15–97 or §§ 43.20–1—43.20–45, as applicable to the type of vessel dealt with.

SUBPART 43.40—ZONE AND SEASONAL AREAS AND MISCELLANEOUS REQUIREMENTS

§ 43.40–1 *Boundaries of the zones and seasonal areas.* (a) The southern boundary of the northern "winter seasonal" zone is a line drawn from the east coast of North America along the parallel of lat. 36° N. to Tarifa, in Spain; from the east coast of Korea along the parallel of lat. 35° N. to the west coast of Honshu, Japan; from the east coast of Honshu along the parallel of lat. 35° N. to long. 150° W., and thence along a rhumb line to the west coast of Vancouver Island at lat. 50° N., Fusan (Korea) and Yokohama to be considered as being on the boundary line of the northern "winter seasonal" zone and the "summer" zone.

(b) The northern boundary of the "tropical" zone is a line drawn from the east coast of South America at lat. 10° N. along the parallel of lat. 10° N. to long. 20° W., thence north to lat. 20° N. and thence along the parallel of lat. 20° N. to the West Coast of Africa; a line from the east coast of Africa along the parallel of lat. 8° N. to the west coast of the Malay Peninsula, following thence the coast of Malay and Siam to the east coast of Cochin China at lat. 10° N., thence along the parallel of lat. 10° N. to long. 145° E., thence north to lat. 13° N. and thence along the parallel of lat. 13° N. to the west coast of Central America, Saigon to be considered as being on the boundary line of the "tropical" zone and the "seasonal tropical" area (4).

(c) The southern boundary of the "tropical" zone is a line drawn from the east coast of South America along the Tropic of Capricorn to the West Coast of Africa; from the east coast of Africa along the parallel of lat. 20° S. to the west coast of Madagascar, thence along the west and north coast of Madagascar to long. 50° E., thence north to lat. 10° S., thence along the parallel of lat. 10° S. to long. 110° E., thence along a rhumb line to Port Darwin, Australia, thence eastward along the coast of Australia and Wessel Island to Cape Wessel, thence along the parallel of lat. 11° S. to the west side of Cape York from the east side of Cape York at lat. 11° S. along the parallel of lat. 11° S. to long. 150° W., thence along a rhumb line to the point lat. 26° S., long. 75° W., and thence along a rhumb line to the west coast of South America at lat. 30° S., Coquimbo, Rio de Janeiro, and Port Darwin to be considered as being on the boundary line of the "tropical" and "summer" zones.

(d) The following regions are to be included in the "tropical" zone:

(1) The Suez Canal, the Red Sea, and the Gulf of Aden, from Port Said to the meridian of 45° E., Aden and Berbera to be considered as being on the boundary

line of the "tropical" zone and the "seasonal tropical" area 2 (ii)

(2) The Persian Gulf to the meridian of 59° E.

(e) The northern boundary of the southern "winter seasonal" zone is a line drawn from the east coast of South America along the parallel of lat. 40° S. to long. 56° W., thence along a rhumb line to the point lat. 34° S., long. 50° W., thence along the parallel of lat. 34° S. to the west coast of South Africa; from the east coast of South Africa at lat. 30° S. along a rhumb line to the west coast of Australia at lat. 35° S., thence along the south coast of Australia to Cape Arid, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point, thence along a rhumb line to the west coast of South Island, New Zealand, at long. 170° E., thence along the west, south, and east coasts of South Island to Cape Saunders, thence along a rhumb line to the point lat. 33° S., long. 170° W.; and thence along the parallel of lat. 33° S. to the west coast of South America, Valparaiso, Cape Town, and Durban to be considered as being on the boundary line of the Southern "seasonal winter" and "summer" zones.

(f) The remaining areas constitute the "summer" zones. The following areas are seasonal tropical areas:

(1) In the North Atlantic Ocean: An area bounded on the north by a line from Capa Catoche in Yucatan to Cape San Antonio in Cuba, by the South Cuban Coast to lat. 20° N. and by the parallel of lat. 20° N. to the point lat. 20° N., long. 20° W., on the west by the coast of Central America; on the south by the north coast of South America and by parallel of lat. 10° N., and on the east by the meridian of 20° W.

Tropical: 1st November to 15th July.
Summer: 16th July to 31st October.

(2) Arabian Sea: (i) North of lat. 24° N. Karachi is to be considered as being on the boundary line of this area and the seasonal tropical area below.

Tropical: 1st August to 20th May.
Summer: 21st May to 31st July.

(ii) South of lat. 24° N.

Tropical: 1st December to 20th May, and 16th September to 15th October.
Summer: 21st May to 15th September and 16th October to 30th November.

(3) Bay of Bengal:

Tropical: 16th December to 15th April.
Summer: 16th April to 15th December.

(4) In the China Sea: An area bounded on the west and north by the coast of Indo-China and China to Hong Kong, on the east by a rhumb line to the port of Sual (Luzon Island), and by the west coast of the Islands of Luzon, Samar, and Leyte to the parallel of 10° N., and on the south by the parallel of lat. 10° N., Hong Kong and Sual to be considered as being on the boundary of the "seasonal tropical" and "summer" zones.

Tropical: 21st January to 30th April.
Summer: 1st May to 20th January.

(5) In the north Pacific Ocean: (i) An area bounded on the north by the parallel of lat. 25° N., on the west by the meridian of 160° E., on the south by the parallel of lat. 13° N., and on the east by the meridian of 130° W.

Tropical: 1st April to 31st October.
Summer: 1st November to 31st March.

(ii) An area bounded on the north and east by the coast of California, Mexico, and Central America, on the west by the meridian of 120° W., and by a rhumb line from the point lat. 30° N., long. 120° W., to the point lat. 13° N., long. 105° W., and on the south by the parallel of lat. 13° N.

Tropical: 1st March to 30th June and 1st to 30th November.
Summer: 1st July to 31st October and 1st December to 28th/29th February.

(6) In the south Pacific Ocean: (i) An area bounded on the north by the parallel of lat. 11° S., on the west by the east coast of Australia, on the south by the parallel of lat. 20° S., and on the east by the meridian of 175° E., together with the Gulf of Carpentaria south of lat. 11° S. Mackay is to be considered as being on the boundary of the "seasonal tropical" and the "summer" zones.

Tropical: 1st April to 30th November.
Summer: 1st December to 31st March.

(ii) An area bounded on the west by the meridian of 150° W., on the south by the parallel of lat. 20° S., and on the north and east by the rhumb line forming the southern boundary of the tropical zone.

Tropical: 1st March to 30th November.
Summer: 1st December to 28/29th February.

(g) The following are seasonal winter areas: (1) Northern seasonal winter zone (between North America and Europe). (i) In the area within and to the northwards of the following line: A line drawn south from the coast of Greenland at long. 50° W. to lat. 45° N., thence along the parallel of lat. 45° N. to the meridian of 15° W., thence north to lat. 60° N., thence along the parallel of lat. 60° N. to the west coast of Norway, Bergen to be considered as being on the boundary line of this area and area subdivision (ii) of this subparagraph.

Winter: 16th October to 15th April.
Summer: 16th April to 15th October.

(ii) An area outside area subdivision (i) of this subparagraph and north of the parallel of lat. 36° N.

Winter: 1st November to 31st March.
Summer: 1st April to 31st October.

(2) Baltic (bounded by the parallel of latitude of the Skaw).

Winter: 1st November to 31st March.
Summer: 1st April to 31st October.

(3) Mediterranean and Black Sea.

Winter: 16th December to 15th March.
Summer: 16th March to 15th December.

(4) Northern "seasonal winter" zone (between Asia and North America, except Sea of Japan), south of 50° N.

Winter: 16th October to 15th April.
Summer: 16th April to 15th October.

(5) Sea of Japan between the parallels of lat. 35° N. and 50° N.

Winter: 1st December to 28th/29th February.
Summer: 1st March to 30th November.

(6) Southern "seasonal winter" zone.

Winter: 16th April to 15th October.
Summer: 16th October to 15th April.

§ 43.40–5 *Fees, travel expense—Scale of fees.* (a) Table 43.40–5 (a) gives the maximum fees payable by owners for assignment of load line (including load line and condition survey, verification of markings, and issuance of load line certificate).

TABLE 43.40–5 (a)—MAXIMUM FEES

	Classed vessels	Unclassed vessels
Under 500 gross tons	$30.00	$80.00
500 and under 1,000 gross tons	35.00	105.00
1,000 and under 2,000 gross tons	40.00	125.00
2,000 and under 3,000 gross tons	50.00	150.00
3,000 and under 4,000 gross tons	60.00	175.00
4,000 and under 5,000 gross tons	70.00	200.00
5,000 and under 6,000 gross tons	80.00	220.00
6,000 and under 7,000 gross tons	90.00	240.00
7,000 and under 8,000 gross tons	100.00	260.00
8,000 and under 10,000 gross tons	110.00	280.00
10,000 and under 12,000 gross tons	120.00	300.00
12,000 gross tons and above	130.00	320.00

(b) *Fees for renewal of load line certificates.* The fees for condition survey and renewal of load line certificates shall be 50 percent of the above scale. In the case of an American Bureau classed vessel no charge will be made for this survey if carried out in conjunction with a special periodical survey required for maintenance of class and for which a fee is chargeable.

(c) *Fee for annual load line inspection.* The fee for annual load line inspection shall be $25. In the case of a vessel classed by the American Bureau of Shipping, no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required by the rules of the American Bureau of Shipping for maintenance of class and for which a fee is chargeable.

(d) *Traveling expenses.* All traveling expenses incurred in connection with the above surveys will be an additional charge.

§ 43.40–10 *Forms of load line certificates.*

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A1]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the International Load Line Convention, 1930.

[SEAL]

Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE

LOAD LINE

Tropical	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk
Winter	(W)	Below (S)
Winter (North Atlantic)	(WNA)	Below (S)

*Allowance for fresh water for all freeboards _____

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

**This certificate remains in force until _____ on the _____ day of _____, 19__.

Issued at _____

(Here follows the signature or seal and description of the assigning authority.)

NOTE: In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(On the reverse side of the load line certificate or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate)

ANNUAL INSPECTIONS

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ (Date)
(Signature of Surveyor)
_____ (Place)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ (Date)
(Signature of Surveyor)
_____ (Place)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ (Date)
(Signature of Surveyor)
_____ (Place)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

_____ (Date)
(Signature of Surveyor)
_____ (Place)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Convention being fully complied with by this ship, this certificate is renewed until _____, 19__.

Place _____
Date _____

ASSIGNING AUTHORITY

By _____
(Surveyor)

NOTES

1. The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N. during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard, if—

(a) The periodic inspections have not been carried out.

(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(c) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle _____
Bridge, fore end _____
Bridge, after end _____
Poop _____

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

_____
_____

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A 2]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard under the provisions of the International Load Line Convention, 1930.

[SEAL]

Issued by _____
Certificate No. _____ Official No. _____
Name of ship _____ Gross tonnage _____
Port of registry _____

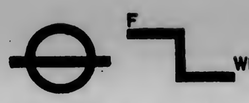
*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical Summer Winter		Upper edge of line below center of disk.
Winter—North Atlantic	(WNA)	Upper edge of line below center of disk.
Allowance for fresh water for all freeboards		

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

*This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTE: In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately 12 months.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form A 1.)

INTERNATIONAL LOAD LINE CERTIFICATE

[Form A 3]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the International Load Line Convention, 1930.

[SEAL]
Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)
Winter (North Atlantic)	(WNA)	Below (S)

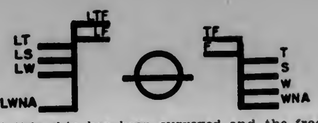
*Allowance for fresh water for all freeboards _____

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical (Timber)	(LT)	Above (S)
Summer (Timber)	(LS)	Above (S)
Winter (Timber)	(LW)	Above (S)
Winter North Atlantic (Timber)	(LWNA)	Below (S)

(All measurements are to upper edges of the respective horizontal lines)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

LOAD LINE REGULATIONS

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTE—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately 12 months.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form A 1.)

LOAD LINE CERTIFICATE

[Form B]

(To be issued to foreign vessels belonging to countries that have not ratified or acceded to the International Load Line Convention, 1930.)

Issued under the authority of the Commandant, U. S. Coast Guard, United States of America, under the provisions of the Load Line Act of March 2, 1929, as amended.

[SEAL]
Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

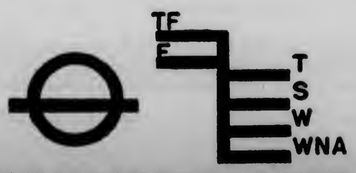
**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

*At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so endorsed on the reverse side.

FREEBOARD FROM DECK LINE		LOAD LINE
Summer in tropical seas	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)
Winter in North Atlantic	(WNA)	Below (S)

*Allowance for fresh water for all freeboards _____

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U. S. Coast Guard.

**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__

(Here follows the signatures or seal and the description of the authority issuing the certificate.)

NOTE.—In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center lines. This certificate is limited to 1 year and must be renewed annually.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for renewal indorsements.)

(Reverse side of certificate)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the regulations of the Commandant, U. S. Coast Guard, determining load lines being fully complied with by this ship, this certificate is renewed till _____ _____ Place_____ Date_____

Signature or seal and description of authority.

The provisions of the regulations of the Commandant, U. S. Coast Guard, determining load lines being fully complied with by this ship, this certificate is renewed till _____ _____ Place_____ Date_____

Signature or seal and description of authority.

NOTES

1. The Winter North Atlantic Load Line applies for voyages across the North Atlantic Ocean north of latitude 36° N., during the winter months as defined by the Load Line Regulations. The periods during which the other seasonal load lines apply in different parts of the world are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard if—

(a) Material alterations have been made to the hull or superstructure which would affect the calculations determining the position of the load lines.

(b) The fittings and appliances for the protection of the openings, guardrails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this Certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle _____
Bridge, fore end _____
Bridge, after end _____
Poop _____

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

_____
_____

COASTWISE LOAD LINE CERTIFICATE

[Form C1]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

[SEAL]
Issued by _____
Certificate No. _____
Name of ship _____ Official No. _____
Port of registry _____ Gross tonnage _____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)

*Allowance for fresh water for all freeboards _____

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

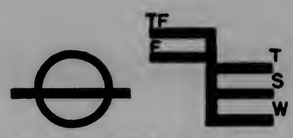
**This certificate remains in force until _____
Issued at _____ on the _____ day of _____, 19__.

(Here follows the signature or seal and description of the assigning authority.)

NOTE: In accordance with the Load Line Regulations the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately 12 months.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of the certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.



(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Reverse side of certificate)

ANNUAL INSPECTION

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

---------- ---------- ----------
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

---------- ---------- ----------
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

---------- ---------- ----------
(Signature of Surveyor) (Place) (Date)

I have surveyed this ship for the purpose of seeing whether this certificate should remain in force and the survey has been completed to my satisfaction.

---------- ---------- ----------
(Signature of Surveyor) (Place) (Date)

RENEWAL OF LOAD LINE CERTIFICATE

The provisions of the Coastwise Load Line Regulations of the Commandant, U. S. Coast Guard, being fully complied with by this ship, this certificate is renewed until ----------, 19---.

Place ----------
Date ----------

Assigning Authority
By ----------
(Surveyor)

NOTES

1. The periods and areas during which the seasonal load lines apply are as stated in the Load Line Regulations.

2. This Load Line Certificate will be canceled by the Commandant, U. S. Coast Guard, if—

(a) The periodic inspections have not been carried out.

(b) Material alterations have been made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(c) The fittings and appliances for the protection of the openings, guard rails, freeing ports, or the means of access to the crew's quarters have not been maintained in as effective a condition as they were when the Certificate was issued.

3. When this certificate has expired or been canceled, it must be delivered to the Assigning Authority.

APPLIANCES FOR CLOSING ACCESS OPENINGS IN BULKHEADS AT ENDS OF DETACHED SUPERSTRUCTURES

Forecastle ----------
Bridge, fore end ----------
Bridge, after end ----------
Poop ----------

TEMPORARY APPLIANCES FOR CLOSING OPENINGS IN SUPERSTRUCTURE DECKS

COASTWISE LOAD LINE CERTIFICATE

[Form C2]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

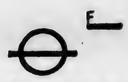
[SEAL]
Issued by ----------
Certificate No. ----------
Name of ship ---------- Official No. ----------
Port of registry ---------- Gross tonnage ----------

FREEBOARD FROM DECK LINE	LOAD LINE
Tropical Summer Winter	Upper edge of line through center of disk.

Allowance for fresh water for all freeboards ----------

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is ---------- inches above the top of the ---------- deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

*This certificate remains in force until ----------
Issued at ---------- on the ---------- day of ----------, 19---.

(Here follows the signature or seal and description of the assigning authority.)

NOTE: In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form C1.)

*At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

COASTWISE LOAD LINE CERTIFICATE

[Form C3]

Issued under the authority of the United States of America, Commandant, U. S. Coast Guard, under the provisions of the Coastwise Load Line Act, 1935, as amended.

[SEAL]
Issued by ----------
Certificate No. ----------
Name of ship ---------- Official No. ----------
Port of registry ---------- Gross tonnage ----------

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical	(T)	Above (S)
Summer	(S)	Upper edge of line through center of disk.
Winter	(W)	Below (S)

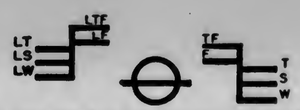
*Allowance for fresh water for all freeboards ----------

The timber freeboards given in this certificate are applicable only when this ship carries a timber deck cargo and complies with the special requirements of the Load Line Regulations regarding timber deck cargoes.

FREEBOARDS FROM DECK LINE		LOAD LINE
Tropical (Timber)	(LT)	Above (S)
Summer (Timber)	(LS)	Above (S)
Winter (Timber)	(LW)	Above (S) Below (S)

(All measurements are to upper edges of the respective horizontal lines.)

The upper edge of the deck line from which these freeboards are measured is ---------- inches above the top of the ---------- deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Commandant, U. S. Coast Guard, Coastwise Load Line Regulations.

**This certificate remains in force until ----------
Issued at ---------- on the ---------- day of ----------, 19---.

(Here follows the signature or seal and description of the assigning authority.)

NOTE: In accordance with the Load Line Regulations, the disk and lines must be permanently marked by center punch marks or cutting. (The diagram showing the timber load line marks is to be inserted above by the assigning authority.) Letters indicating the assigning authority are to be marked alongside the disk and above the center line. Periodic inspections are to be made at intervals of approximately twelve months.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

(Reverse side of certificate to be prepared with notes and for endorsements as set forth for Form C1.)

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**At the expiration of this certificate, renewal should be obtained in accordance with the Load Line Regulations and if upon examination the ship is found to be in a satisfactory condition, this certificate will be extended and so indorsed on the reverse side.

§ 43.40–15 *Titles of load line laws and rules regarded as equivalent to the British Board of Trade Rules, 1906*—(a) *Australia.* Part IV of the Navigation Act, 1912–1920, and Navigation (Load Line) Regulations of the 17th December 1924.

(b) *Belgium.* Loi sur la sécurité des navires (7 décembre 1920).

(c) *Chile.* Reglamento para el trazato del disco marcas y linea oficial de carguio de las naves mercantes (Decree No. 1892 of the 12th November 1919).

(d) *Denmark.* Merchant Shipping (inspection of ships) Act of the 29th March 1920, with later amendments.

Rule and Tables of Freeboard for Ships, dated the 30th September 1909, as amended by notification of the 25th July 1918.

(e) *France.* Loi du 17 avril 1907, arrête du 5 septembre 1908. Décret du 21 septembre 1908. Autre décret du 21 septembre 1908 modifie par le décret du 1 septembre 1925. Décret du 12 mai 1927. Décret du 17 janvier 1928.

(f) *Germany.* Vorschriften der See-Berufsgenossenschaft uber den Feibord für Dampfer und Segelschiffe, Ausgabe 1908.

(g) *Hong Kong.* Merchant shipping consolidation ordinance (No. 10 of 1899), as amended by ordinances Nos. 31 of 1901, 2 of 1903, 5 of 1905, 16 of 1906, 9 of 1909, and 6 of 1910.

(h) *Iceland.* Law No. 58 of the 14th June, 1929, sections 25–26.

(i) *India.* Indian Merchant Shipping Act, 1923.

(j) *Italy.* Regole e tavole per assignazione del "Bordo Libero" approved by decree dated the 1st February 1929—VII of the Italian Minister for Communications.

Prior to 1929—British Board of Trade Rules, 1906.

(k) *Japan.* Ship load line law [Law No. 2 of the 10th year of Taisho (1921)] and the rules and regulations relating thereto.

(l) *Netherlands.* Decree of the 22d September 1909 (Official Journal No. 315).

(m) *Netherland Indies.* Netherlands decree of the 22d September 1909 (Official Journal No. 315).

(n) *New Zealand.* British Board of Trade Rules, 1906.

(o) *Norway.* Norwegian Freeboard Rules and Tables of 1909.

(p) *Portugal.* Decree No. 11,210 of the 18th July 1925, and regulations and instructions relating thereto.

(q) *Spain.* Reglamento para el Trazado del Disco y Marcas de Maxima Carga de los buques marchantes, 1914.

(r) *Straits Settlements.* British Board of Trade Rules, 1906.

(s) *Sweden.* Rules and Tables of Freeboard approved by decree of the 21st May 1910.

(t) *United Kingdom.* Board of Trade Rules, 1906.

(u) *Union of Soviet Socialist Republics.* Rules and Regulations relating to the Load Lines of Seagoing Merchant Vessels, published by Register of the Union of Soviet Socialist Republics, 1928.

PART 44—VARIANCE FOR STEAM COLLIERS, TUGS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES OR COASTWISE AND INTER-ISLAND VOYAGES)

Part 44 is amended to read as follows:

SUBPART 44.01—ADMINISTRATION

Sec.
44.01–1 Establishment of regulations for special service.
44.01–5 Administration; special service.
44.01–10 Approval by Commandant of special service.
44.01–15 Special service certificate.
44.01–20 New and existing vessels; special service.

SUBPART 44.05—RULES OF ASSIGNMENT; SPECIAL SERVICE

44.05–1 General.
44.05–5 Definitions.
44.05–10 Load Line markings.
44.05–15 Existing vessels.
44.05–20 Conditions of assignment.
44.05–25 Freeboards.
44.05–30 Load line certificates.
44.05–35 Form of load line certificates.

AUTHORITY: §§ 44.01–1 to 44.05–35 issued under sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a.

SUBPART 44.01—ADMINISTRATION

§ 44.01–1 *Establishment of regulations for special service.* (a) Pursuant to the Coastwise Load Line Act, 1935, as amended June 20, 1936 (49 Stat. 888, 1543; 46 U. S. C. 88–88g), the Commandant, U. S. Coast Guard, under the direction and supervision of the Secretary of Treasury, is vested with discretion to vary the load line marks from those established by the International Load Line Treaty, 1930, on steam colliers, tugs,

barges, and self-propelled barges engaged in special services on inter-island voyages, and on coastwise voyages from port to port in the continental United States, the following regulations in this part are hereby established.

§ 44.01–5 *Administration; special service.* (a) The administrative provisions of §§ 43.01–1—43.01–100 of this subchapter, relating to vessels engaged in foreign and coastwise voyages, where applicable, shall apply to vessels subject to this part except as modified in paragraph (b) of this section.

(b) Application for the assignment of load lines under this part for the above classes of vessels shall be made to the Commandant, U. S. Coast Guard, stating:

(1) Name of vessel and official number.

(2) Type of vessel (steam collier, tug, barge, or self-propelled barge).

(3) Date keel was laid.

(4) Normal sea speed of vessel.

(5) Limits of voyage for which approval is requested.

(6) Normal maximum distance off shore in course of voyage.

(7) Length of voyage in days and nautical miles.

(8) Statement of weather conditions to be expected.

(9) Cargo to be carried.

§ 44.01–10 *Approval by Commandant, U. S. Coast Guard, of special service.* (a) Whenever the Commandant, U. S. Coast Guard, shall find that the position of the load line for the classes of vessels above stated may be varied safely from the position fixed by the International Load Line Treaty, 1930, and that any such change will not locate the load line above the actual line of safety, he may approve load lines, as determined by this part for steam colliers, tugs, barges, and self-propelled barges (separately by class) to be applicable between two specific ports of the continental United States and the intermediate continental United States ports between these limits or between the islands of a group over which the United States has jurisdiction. The marking of such load lines and the certifications thereof shall be in accordance with this part and the load line certificate shall define the limits of the voyage for which the load lines are valid.

§ 44.01–15 *Special service certificate.* (a) The use of the special service load line certificate issued under this part is limited to voyages only as described in the certificate. If the vessel engages on any voyage not contemplated by the certificate where a load line is required, the load line prescribed by Part 43 of this subchapter shall govern.

(b) Vessels engaged on special services in the coastwise trade and the inter-island trade will be certificated on the form shown in § 44.05–35.

§ 44.01–20 *New and existing vessels; special service.* (a) A new vessel marked with load lines for special service on a coastwise or inter-island voyage is a vessel whose keel was laid on or after September 28, 1937. An existing vessel is one whose keel was laid before that date.

SUBPART 44.05—RULES OF ASSIGNMENT; SPECIAL SERVICE

§ 44.05–1 *General.* (a) The load line regulations in this part are complementary to those in Part 43 or Part 45 (Great Lakes load line regulations) of this subchapter, as reference is made thereto.

§ 44.05–5 *Definitions.* (a) A steam collier is a vessel mechanically propelled, and specially designed for the carriage of coal in bulk.

(b) A tug is a vessel specially designed for towing vessels or floating equipment.

(c) A towed barge is a vessel without sufficient means for self-propulsion and which requires to be towed.

(d) A self-propelled barge is a vessel mechanically propelled of the type specially designed for use in limited coastwise and Great Lakes service and capable of transiting inter-connecting canals.

§ 44.05–10 *Load line markings.* (a) The load line marks on the vessel's sides are to be in accordance with § 43.05–15 of this subchapter, Figure 43.05–5. Seasonal markings such as "Winter North Atlantic" which are not applicable to the voyage will be omitted.

(b) In the case of vessels which engage in special services on coastwise voyages and voyages on the Great Lakes, the marks on the vessel's sides are to be in accordance with figure 44.05–10 (b) shown below.

(c) The load lines aft of the combined disk and diamond will be applicable for voyages on the Great Lakes and those on the forward side will be applicable to limited coastwise voyages. The summer line on the ocean will correspond to the summer line on the Lakes and the winter line on the ocean will correspond to the intermediate line on the Lakes.

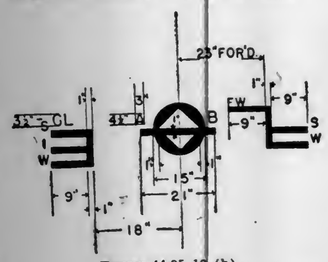


FIGURE 44.05–10 (b).

(d) In the case of vessels which operate both on special service coastwise voyages and on unlimited coastwise voyages, the marks on the ship's sides are to be in accordance with figure 44.05–10 (d). The load lines aft of the disk will be applicable to voyages in special service coastwise or inter-island voyages and those on the forward side will be applicable to unlimited coastwise voyages. (A vessel marked for both special service and unlimited coastwise voyages and furnished with a load line certificate on the international form shall, when entering the foreign trade, arrange that the load line markings are in accord with the vessel's international load line certificate by the elimination of the marks aft of the disk.)

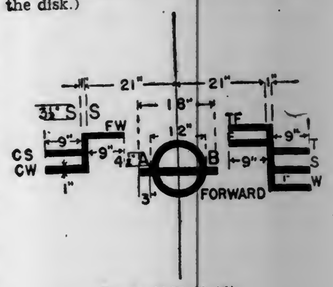


FIGURE 44.05–10 (d).

§ 44.05–15 *Existing vessels.* (a) In assigning load lines to an existing vessel the provisions of the regulations in this part shall be complied with in principle and detail insofar as is reasonable and practicable, having regard to the proven efficacy of existing arrangements for a special service voyage, and having particular regard to the provision of sufficient means for the protection and safety of the crew.

(b) Where it is neither reasonable nor practicable to comply with this part in its entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient with such recommendations as may seem desirable. Upon the receipt of this report the Commandant, U. S. Coast Guard, shall determine such addition to the freeboard as will, in the judgment of the Commandant, U. S. Coast Guard, make the vessel as safe as if it had fully complied with this part.

§ 44.05–20 *Conditions of assignment*—(a) *Steam colliers.* The conditions of assignment for steam colliers shall be in accordance with the requirements of Part 43 of this subchapter and also with the supplementary requirements of §§ 43.30–1—43.30–70 of this subchapter in cases where a tanker freeboard is assigned, except that in the case of steam colliers constructed with bulwarks, the freeing port may be of a practically continuous slot type, located as low as possible, the clear area of the slot to be not less than 20 percent of the superficial area of the unpierced bulwarks. If, due to sheer, or other conditions, the assigning authority considers that extra local provision should be made for freeing decks of water, the slots are to be located so as to have maximum efficacy.

(b) *Tugs.* The conditions of assignment for tugs shall be in accordance with the provisions of §§ 45.10–5—45.10–100 of this subchapter and in addition port lights in exposed casings leading to spaces below the freeboard deck shall be fitted with deadlights.

(c) *Towed barges.* The conditions of asignment for towed cargo barges where the cargo is carried under deck shall be in accordance with §§ 45.10–5—45.10–100 of this subchapter. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1—45.20–70 of this subchapter. In the case of towed cargo barges of the open type, the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

(d) *Self-propelled barges.* The conditions of assignment for self-propelled cargo barges carrying cargo under decks shall be in accordance with the provisions of §§ 45.10–5—45.10–100 of this subchapter. In the case of self-propelled tank barges and self-propelled cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1—45.20–70 of this subchapter.

§ 44.05–25 *Freeboards.* (a) *General.* When the assigning authority is satisfied that the requirements of this part as applicable to the type of vessel under consideration are complied with the freeboards will be computed as described in this section.

(b) *Steam colliers.* Steam colliers that have constructional features similar to those of a tanker which afford extra invulnerability against the sea may be assigned a reduction of freeboard from that determined under §§ 43.15–1—43.15–97 of this subchapter. The amount of such reduction shall be determined by the assigning authority, with the approval of the Commandant, U. S. Coast Guard, in relaton to the freeboard assigned to tankers, having regard to the degree of compliance with the supplementary conditions of assignment laid down for these ships, but without regard to the degree of subdivision provided. The freeboard assigned to such vessel shall in no case be less than would be assigned the vessel as a tanker, as determined by §§ 43.30–1—43.30–70 of this subchapter.

(c) *Tugs.* The freeboard is to be computed in accordance with §§ 45.15–1—45.15–97 of this subchapter. The fresh water and seasonal markings where applicable are to be the same as determined from §§ 43.15–1—43.15–97 of this subchapter.

(d) *Towed cargo barges with cargo under deck.* The freeboard is to be computed under §§ 45.15–1—45.15–97 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1—43.15–97 of this subchapter.

(e) *Towed cargo barges with cargo only on deck.* The freeboard for barges of this type is to be computed in accordance with the requirements of §§ 45.20–1—45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be the same as determined from §§ 43.15–1—43.15–97 of this subchapter.

(f) *Towed cargo barges of the open type.* The load line will be placed where, in the judgment of the assigning authority, with the approval of the Commandant, U. S. Coast Guard, the draft will be such that no unusual hazard will be experienced.

(g) *Towed tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1—45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1—43.15–97 of this subchapter.

(h) *Self-propelled cargo barges.* The freeboard is to be computed under §§ 45.15–1—45.20–15 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1—43.15–97 of this subchapter.

(i) *Self-propelled tank barges.* The freeboard is to be computed in accordance with §§ 45.20–1—45.20–70 of this subchapter. The fresh water and seasonal markings where applicable are to be determined from §§ 43.15–1—43.15–97 of this subchapter.

§ 44.05–30 *Load line certificates.* (a) The load line certificates for a special service coastwise or special service inter-island voyage are to be on the forms shown in § 44.05–35.

§ 44.05–35 *Form of load line certificate.*

LOAD LINE CERTIFICATE FOR A SPECIAL SERVICE COASTWISE OR INTER-ISLAND VOYAGE

Issued under the authority of the Commandant, U. S. Coast Guard, United States of America, under the provisions of the Coastwise Load Line Act of August 27, 1935, as amended.

[SEAL]

Issued by _____

Certificate No._____

This certificate is valid only for coastwise or inter-island voyages that are between the limits of_____ and_____ provided the vessel is engaged solely in the trade stated herein.

Ship_____ Official No_____

Port of registry_____ Trade of vessel_____

Gross tonnage_____

FREEBOARD FROM DECK LINE		LOAD LINE
Tropical_____	(T)	_____Above (S)
Summer_____	(S)	__Upper edge of line through center of disk.
Winter_____	(W)	_____Below (S)

*Allowance for fresh water for all freeboards (except on the Great Lakes) _____

The upper edge of the deck line from which these freeboards are measured is____ inches above the top of the____deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the Load Line Regulations of the Commandant, U. S. Coast Guard, applicable to vessels engaged on this special service voyage.

**This certificate remains in force until _____ Issued at_____ on the_____ day of_____, 19____.

(Here follows the signature or seal and description of the assigning authority)

NOTE: In accordance with the Load Line Regulations the disc or diamond and the lines must be permanently marked by center punch marks or cutting.

(On the reverse side of the load line certificate, the provision for annual inspection endorsement and for renewal of the certificate is to be the same as for vessels engaged in the foreign trade.)

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.

**Upon the expiration of the certificate renewal must be obtained as provided by the Load Line Regulations and the certificate so endorsed. Endorsement should also be made in the spaces provided on the occasion of each annual inspection required by the Load Line Regulations.

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Part 45 is amended to read as follows:

SUBPART 45.01—ADMINISTRATION

45.01–1	Establishment of regulations.
45.01–5	Responsibility for administration.
45.01–10	Application of regulations.
45.01–15	Tankers.
45.01–20	Vessels of special design.
45.01–25	Marks to indicate maximum load lines.
45.01–30	Assignment and certification of load lines; assigning authority.
45.01–35	Survey for the assignment of new load line and renewal of load line certificate.
45.01–40	Annual load line inspection.
45.01–45	Application for assignment, renewal, and certification of load line marks.
45.01–50	Application for annual load line inspections.
45.01–55	Equivalents.
45.01–60	Validity of certificates; renewal of certificates.
45.01–65	Form of certificate.
45.01–70	Cancelation of load line certificates.
45.01–75	Seasonal load lines.
45.01–80	Log book entries.
45.01–85	Control.
45.01–90	Approval of the Commandant.

SUBPART 45.05—GENERAL RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT VESSELS ON THE GREAT LAKES

Sec.
45.05–1 Definitions.
45.05–5 Deck line.
45.05–10 Load line diamond.
45.05–15 Lines to be used in connection with the diamond.
45.05–20 Mark of assigning authority.
45.05–25 Details in marking.
45.05–30 Verification of marks.

SUBPART 45.10—CONDITIONS OF ASSIGNMENT OF LOAD LINES

45.10–1 Construction of vessel.
45.10–5 Cargo and other hatchways not protected by superstructures.
45.10–10 Hatchway coamings.
45.10–15 Hatchway covers.
45.10–20 Hatchway beams.
45.10–25 Carries or sockets.
45.10–30 Cleats and fasteners.
45.10–35 Battens and wedges.
45.10–40 Tarpaulins.
45.10–45 Security of hatchway covers.
45.10–50 Cargo and other hatchways in the freeboard deck within superstructure which are fitted with closing appliances less efficient than class 1.
45.10–55 Hatchway coamings and closing arrangements.
45.10–57 Machinery space openings in exposed positions on freeboard and raised quarter-decks.
45.10–60 Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.
45.10–65 Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.
45.10–67 Flush scuttles.
45.10–70 Companionways.
45.10–75 Ventilators in exposed positions on freeboard and superstructure decks.
45.10–77 Air pipes.
45.10–80 Gangway, cargo and coaling ports.
45.10–85 Scuppers and sanitary discharge pipes.
45.10–87 Airports.
45.10–90 Guard rails.
45.10–95 Freeing ports.
45.10–100 Protection of crew.

SUBPART 45.15—LOAD LINES FOR STEAMERS

45.15–1 Length (L).
45.15–5 Breadth (B).
45.15–7 Molded depth.
45.15–10 Depth for freeboard (D).
45.15–15 Coefficient of fineness (C).
45.15–17 Strength.
45.15–20 Height of superstructure.
45.15–25 Standard height of superstructure.
45.15–27 Length of superstructure (S).
45.15–30 Enclosed superstructure.
45.15–35 Superstructure bulkheads.
45.15–37 Class 1 closing appliances.
45.15–40 Class 2 closing appliances.
45.15–45 Temporary closing appliances.
45.15–47 Superstructures, general.
45.15–50 Poop.
45.15–55 Raised quarter-deck.
45.15–57 Bridge.
45.15–60 Forecastle.
45.15–65 Trunk.
45.15–67 Inclosed superstructure with middle line openings in the deck not provided with permanent means of closing.
45.15–70 Deductions for superstructures.
45.15–73 Sheer, general.
45.15–75 Standard sheer profile.
45.15–77 Measurement of variations from standard sheer profile.
45.15–80 Correction for variations from standard sheer profile.
45.15–83 Addition for deficiency in sheer.
45.15–85 Deduction for excess sheer.
45.15–87 Standard round of beam.
45.15–90 Round of beam correction.
45.15–93 Summer freeboard.
45.15–95 Intermediate and winter freeboard.
45.15–97 Freeboard table for steamers.

SUBPART 45.20—LOAD LINES FOR TANKERS

45.20–1 Definition.
45.20–5 Marks on sides.
45.20–10 Construction.
45.20–15 Forecastle.
45.20–20 Machinery casings.
45.20–25 Gangway.
45.20–30 Protection of crew, access to machinery space, etc.
45.20–35 Hatchways.
45.20–40 Ventilators.
45.20–45 Freeing arrangements.
45.20–50 Plans.
45.20–55 Computation of freeboard.
45.20–60 Deductions for detached superstructures.
45.20–65 Deduction for excess sheer.
45.20–70 Freeboard table for tankers.
45.20–75 Fees, travel expense.
45.20–80 Form of load line certificate.

AUTHORITY: §§ 45.01–1 to 45.20–80 issued under sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a.

SUBPART 45.01—ADMINISTRATION

§ 45.01–1 *Establishment of regulations.* (a) Load lines are established by this part for merchant vessels of 150 gross tons or over when engaged in a voyage on the Great Lakes in conformity with the Coastwise Load Line Act, 1935, amended June 20, 1936 (49 Stat. 888, 1543; 46 U. S. C. 88–88i), and effective as to vessels of 4,000 gross tons and upwards November 27, 1935, and as to all other vessels subject thereto August 27, 1936.

§ 45.01–5 *Responsibility for administration.* (a) The Commandant, U. S. Coast Guard, is vested with the responsibility and authority, under direction and supervision of the Secretary of the Treasury, for the administration of the Coastwise Load Line Act, 1935, as amended by the act of June 20, 1936.

§ 45.01–10 *Application of regulations.* (a) After November 27, 1935, no merchant vessel of 4,000 gross tons or over shall proceed from any port or place in the United States on the Great Lakes for a voyage on the Great Lakes and after August 27, 1936, no merchant vessel of 150 gross tons and upwards to 4,000 gross tons shall proceed from any port or place in the United States on the Great Lakes for a voyage on the Great Lakes unless such vessel is:

(1) Marked with load lines under the load lines regulations in Part 43 of this subchapter and has on board a valid load line certificate, or

(2) A foreign vessel exempted under section 5 of the Coastwise Load Line Act, 1935, or is marked and certificated as to load lines under the provisions of and in accordance with the International Load Line Convention 1930 and has on board a valid load line certificate, or

(3) A new vessel:

(i) Has been surveyed in accordance with the provisions of this part.

(ii) Complies with the provisions of this part as applicable to the type of vessel dealt with.

(iii) Has been marked in accordance with the provisions of this part.

(iv) Has had the marks certified as correct as provided by this part.

(A new vessel is one whose keel was laid on or after August 27, 1935.)

(4) An existing vessel:

(i) Has been surveyed, marked, and the marks certified either under the provisions of the regulations in this part as applicable to the type of vessel, or

(ii) Complies as defined for the type of vessel with the provisions of this part in principle and detail so far as is reasonable and practicable, having regard to the efficacy of the protection of openings, guard rails, freeing ports, and means of access to crews quarters, provided by the existing arrangements, fittings, and appliances of the vessel.

(b) Where it is neither reasonable nor practicable to comply with this part in its entirety, the assigning authority will, in each case, report to the Commandant, U. S. Coast Guard, the specific matters in which the vessel is deficient with such recommendations as seem desirable. Upon the receipt of this report the Commandant, U. S. Coast Guard, shall determine such addition to the freeboard as will, in the judgment of the Commandant, U. S. Coast Guard, make the vessel as safe as if it had fully complied with this part.

§ 45.01–15 *Tankers.* (a) A steamer specially constructed for the carriage of liquid cargoes in bulk which has been surveyed as provided by § 45.01–10 shall be marked with tanker load lines and the marks certified as correct, if being:

(1) A new vessel, it complies with the conditions and provisions prescribed in §§ 45.20–10—45.10–70.

(2) An existing vessel, it complies with the conditions and provisions in §§ 45.20–10, 45.20–25—45.20–40 and, also, in principle so far as is reasonable and practicable, with §§ 45.20–15, 45.20–20, 45.20–45: *Provided*, That in assigning a tanker load line to an existing vessel such additions to the freeboard shall be made as is reasonable having regard to the extent to which the vessel falls short of full compliance with the conditions and provisions prescribed in §§ 45.20–15, 45.20–20, 45.20–45.

§ 45.01–20 *Vessels of special design.* (a) Sand suckers, open hopper barges, and other vessels of special design that cannot be assigned load lines by direct application of the rules set forth herein, will be assigned load lines based on the individual consideration of each vessel, and before such vessels are marked and certified, the assigning authority shall obtain the approval of the Commandant, U. S. Coast Guard, as to the position of the load line marks.

§ 45.01–25 *Marks to indicate maximum load lines.* (a) Marks to indicate maximum mean drafts to which a vessel can be lawfully submerged, in the various circumstances and seasons, shall be permanently marked on each side of the vessel in the form, manner, and location provided by this part.

§ 45.01–30 *Assignment and certification of load lines; assigning authority.* (a) As provided in the Coastwise Load Line Act, 1935, the American Bureau of Shipping is appointed to assign load lines and to determine whether the position of and the manner of marking each vessel to which the act applies has been performed in accordance with this part, and is authorized to issue a load line certificate, certifying to the correctness of the marks under its own hand and seal. The assigning authority is authorized to renew from time to time by indorsement a load line certificate. Load line certificates will not be issued until the load line marks have been verified. This certificate will be issued in duplicate, one copy being delivered to the owner or master of the vessel and one copy, together with a summary of the data used to determine the load line, will be forwarded to the Commandant, U. S. Coast Guard, Washington, D. C. In addition, effective January 1, 1948, each new vessel, when receiving its first load line certificate, shall be furnished a copy of the load line survey report which shall be retained on board to be available for the information of inspectors and surveyors when carrying out subsequent load line surveys.

(b) The agency appointed by the Commandant, U. S. Coast Guard, to assign load lines as provided by section 3 of the Coastwise Land Line Act, 1935 (49 Stat. 888; 46 U. S. C. 88b), is referred to in this part as the assigning authority.

(c) The fees to be charged by the assigning authority for services in connection with this part shall not exceed the scale of maximum fees as set forth in § 45.20–75.

§ 45.01–35 *Survey for the assignment of new load line and renewal of load line certificate*—(a) *Steel vessels.* (1) Unless specifically waived by the Commandant, U. S. Coast Guard, the vessel is to be placed in dry dock to determine the condition of the hull plating and underwater connections.

(2) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined to determine the condition of the structure.

(3) Deep tanks and other tanks which form part of the vessel are to be examined internally.

(4) Where a double bottom is fitted, the tanks are to be examined internally. Where double bottom and other tanks are used for fuel-oil bunkers, such tanks need not be cleaned out, provided the surveyors are able to determine by an external examination that their general condition is satisfactory.

(5) The decks are to be examined.

(6) The hatch covers, hatch beams, and fore-and-afters, tarpaulins, battens and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) All gangways, cargo, and coaling ports or similar openings in the vessel's sides are to be examined.

(9) Guard rails, gangways, and freeing ports are to be examined.

(10) Where, owing to the age and condition of the vessel, the surveyors deem it necessary, the shell and deck plating may be required to be drilled in order to ascertain the thickness of such plating.

(b) *Wood and composite vessels.* (1) Unless specifically waived by the Commandant, U. S. Coast Guard, the vessel is to be placed on a drydock or a slipway and the keel, stem, sternframe or sternpost, and outside planking are to be examined. Caulking is to be tried at such places about the planking as is deemed necessary by the surveyors.

(2) Careful examination must be made for faulty fastenings and such bolts or treenails must be backed out, or otherwise dealt with, as may be deemed necessary by the surveyors.

(3) Careful examination is to be made of the entire structure and, if considered necessary, borings are to be made to ascertain the conditions of the material; should these disclose cause for further examination, listings are to be made where required to satisfy the surveyors as to the true condition of the vessel.

(4) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be examined.

(5) The decks are to be examined and bored where necessary.

(6) The hatch covers, hatch beams, fore-and-afters, tarpaulins, battens, and wedges, the hatchway and ventilator coamings, companionways, the engine and boiler casings, the superstructures on the freeboard deck, and all means of protecting the openings in the freeboard deck and superstructures are to be examined.

(7) All air pipe outlets, scuppers, sanitary discharges in the vessel's sides, and air ports are to be examined.

(8) Guard rails, gangways, and freeing ports are to be examined.

(c) *Correction of deficiencies.* Any such structure or parts or fittings of the vessel as are found to be in an unsatisfactory condition are to be rebuilt or repaired or renewed in order to place the vessel in a seaworthy condition so as to be eligible for a load line certificate.

§ 45.01–40 *Annual load line inspection.* (a) A vessel having been marked as provided by this part, and the mark certified as correct, will be inspected at intervals of approximately 12 months in order to insure the maintenance in an effective condition of the fittings and appliances for the:

(1) Protection of openings,

(2) guard rails,

(3) freeing ports,

(4) means of access to crew's quarters, and that there have not been alterations made to the hull or superstructures which would affect the calculations determining the position of the load lines.

(b) If upon examination the fittings and appliances are found to be in a satisfactory condition, the load line certificate will be endorsed to this effect. If it shall be found that alterations have been made to the hull or superstructures that affect the calculations determining the position of the load line, the matter shall be reported to the Commandant, U. S. Coast Guard for appropriate action.

(c) The assigning authority shall make this inspection and report thereon to the owners of the vessel, and a copy of such report shall be forwarded to the Commandant, U. S. Coast Guard, Washington 25, D. C.

§ 45.01–45 *Application for assignment, renewal, and certification of load line marks.* (a) Application for assignment and certification of load line marks or for renewal of load line certificates shall be made in writing to the assigning authority by the owners of the vessel.

§ 45.01–50 *Application for annual load line inspections.* (a) Application for annual load line inspection required by § 45.01–40 shall be made in writing to the assigning authority by the owners of a vessel.

§ 45.01–55 *Equivalents.* (a) Where in the regulations in this part it is provided that a particular fitting or appliance, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof, or any other arrangement: *Provided*, That such fitting, appliance, or arrangement shall be considered a suitable equivalent by the assigning authority and the approval of the Commandant, U. S. Coast Guard for such substitution shall have been issued.

§ 45.01–60 *Validity of certificates; renewal of certificates.* (a) As the assignment of load lines is conditioned upon the structural efficiency of the vessel and upon the provision of effective protection to vessel and crew, every vessel required to be marked by the Coastwise Load Line Act, 1935, with load lines shall be surveyed by the assigning authority at least once in each 6 years to determine that the load lines are then correctly placed as required by this part. If the load line mark be found correct for the vessel in the condition she is then in, the certificate shall be renewed for such time as the condition of the vessel then warrants, but in no case for a longer period than 6 years and the facts shall be attested by indorsement upon the back of the certificate in the form shown in § 45.20–80.

(b) The Commandant, U. S. Coast Guard, shall be notified of every renewal indorsement and the date of its expiration.

(c) Foreign vessels which have not been exempted pursuant to section 5 of the Load Line Act shall have their load line certificate limited to a period of 1 year. The certificate may be validated for additional 1-year periods (provided, after survey, the condition of the vessel is found to warrant such validation, and the facts are attested by endorsement upon the back of the load line certificate by a surveyor of the American Bureau of Shipping or of the classification society issuing the certificate.) The certificate will become void 5 years from date of issue, or at the expiration of the fourth yearly validation, whichever occurs first.

§ 45.01–65 *Form of certificate.* (a) The forms for certificates certifying to the correctness of the load line mark as required by the Coastwise Load Line Act, 1935, as shown in § 45.20–80.

§ 45.01–70 *Cancellation of load line certificate.* (a) Notwithstanding the marking of a load line and the issuance of a load line certificate, the certificate will be cancelled if:

(1) The annual load line inspection required by § 45.01–40 has not been carried out or that the items described under § 45.01–40 are not maintained in an effective condition; or

(2) The survey required by § 45.01–35 has not been carried out, or that any defects disclosed by the survey have not been corrected; or

(3) Due to any cause the conditions of assignment have not been maintained as provided by the regulations in this part, or alterations have been made to hull or superstructures which affect the calculations made to determine the location of the load line.

§ 45.01–75 *Seasonal load lines.* (a) For load line purposes there is hereby established for the Great Lakes a winter, intermediate, and summer season, and load lines applicable to each season are established by the regulations in this part. The winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through May 15 and from September 16 through October 31, and the summer season from May 16 through September 15 (all dates inclusive).

(b) For those vessels that are marked and certificated with load lines under the International Load Line Convention, 1930, the load line marks shall be applicable to voyages on the Great Lakes in accordance with Table 45.01–75 (b).

TABLE 45.01-75 (b).

Load line mark, salt water	Season applicable
Tropical (T)--- Summer (S)---	May 16–Sept. 15 (Summer). Apr. 16–May 15, Sept. 16–Oct. 31 (Intermediate).
Winter (W)----	Nov. 1–Apr. 15 (Winter).

(c) No vessel shall be loaded so as to submerge at any time the load line applicable to the season.

§ 45.01–80 *Log book entries.* (a) The master of a vessel subject to this part shall note in the vessel's log the data required by section 6 of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88e); that is, before departing from her loading port or place, the position of the load line mark, port and starboard, as applicable to the voyage and the actual drafts of the vessel forward and aft at the time of departing from port as nearly as the same can be ascertained.

§ 45.01–85 *Control.* (a) The Collector of Customs may detain a vessel for survey if he has reason to believe that the vessel is proceeding on her journey in excess of the draft allowed by the regulations in this part as indicated by the vessel's load line certificate, or otherwise. Immediately upon ordering a vessel detained, the Collector of Customs shall inform the Coast Guard District Commander thereof, who shall thereupon advise the collector whether or not he deems that the vessel may proceed to sea with safety. The Coast Guard District Commander may detain a vessel if it is so loaded as to be manifestly unsafe to proceed to sea, without advice thereof from the Collector of Customs. However, in such case, immediate notice of such detention shall be furnished the Collector of Customs so that clearance may be withheld.

(b) In the case of detention of a vessel, which shall be by written order, the detaining officer will immediately arrange for a survey in the manner prescribed by section 7 of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88f). In the case of such a survey, the detaining officer shall appoint three disinterested surveyors and, where practicable, one of them shall be from the Surveying Staff of the American Bureau of Shipping. Where such surveyors are appointed by the Collector of Customs, such appointments shall be with the approval of the Coast Guard District Commander. Whenever a vessel is detained the master may, within five days, appeal to the Commandant, U. S. Coast Guard, who may, if he desires, order a further survey and may affirm, set aside, or modify the order of the detaining officer.

(c) Where a foreign vessel is detained or any action is taken which would appear likely to result in legal proceedings being taken against such a vessel, the consul of the country to which the vessel belongs shall be informed as soon as possible of the circumstances of the case.

(d) Pursuant to the provisions of section 5 of the Coastwise Load Line Act, 1935 (49 Stat. 889; 46 U. S. C. 88d), as amended, it is hereby certified that a vessel of a foreign country which has ratified the International Load Line Convention, 1930, shall be deemed a vessel of a foreign country as described in section 5 of the cited act, and such a vessel shall be exempt from the provisions of this part insofar as the marking of the load lines and the certificating thereof are concerned, only so long as such country similarly recognizes the load lines established by the regulations in this part, for the purpose of a voyage by sea: *Provided*, That the vessel is marked with load lines and has on board a valid load line certificate certifying to the correctness of the mark, the vessel shall not be loaded beyond the limits allowed by the certificate, the position of the load line of the vessel shall correspond with the certificate, the hull and superstructure shall not have been so materially altered as to affect the calculations on which the load line was based, and alterations have not been made so that the protection of openings, guard rails, freeing ports, and means of access to crew's quarters, have made the vessel manifestly unfit to proceed to sea without danger to human life.

§ 45.01–90 *Approval of the Commandant.* (a) Where the active approval of the Commandant, U. S. Coast Guard is required in connection with this part, such information as will enable the Commandant, U. S. Coast Guard to obtain a comprehensive understanding of the question at issue shall be furnished and will remain with the Commandant, U. S. Coast Guard, as a record.

SUBPART 45.05—GENERAL RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT VESSELS ON THE GREAT LAKES

NOTE: The rules necessarily assume that the nature and stowage of the cargo, ballast, etc., are such as to secure sufficient stability for the vessel.

§ 45.05–1 *Definitions*—(a) *Steamer.* (1) The term "steamer" or "steamship" includes all vessels having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone.

(2) A vessel fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under §§ 45.15–1—45.20–1.

(3) A lighter, barge, or other vessel without independent means of propulsion, when towed, is to be assigned a load line under §§ 45.15–1—45.20–1, except steel tank barges specially constructed for the carriage of liquids in bulk and cargo barges having only small access hatches in the freeboard deck, the load lines for which may be calculated under §§ 45.20–10—45.20–70.

(b) *Flush-deck vessel.* A flush-deck vessel is one which has no superstructure on the freeboard deck.

(c) *Superstructure.* A superstructure is a decked structure on the freeboard deck extending from side to side of the vessel. A raised quarter-deck is considered a superstructure.

(d) *Load line.* The load line is the line defining the maximum mean draft to which a vessel may be lawfully submerged. It is the lower limit of the freeboard as determined by the regulations in this part having regard to the various conditions and seasons.

(e) *Freeboard.* The freeboard assigned in the distance measured vertically downward at the side of the vessel amidships from the upper edge of the deck line to the upper edge of the load line.

(f) *Freeboard deck.* The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with §§ 45.10–1—45.10–45. It is the upper deck in flush-deck vessels and vessels with detached superstructures. In vessels having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with class 1 closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

(g) *Amidships.* Amidships is the middle of the length of the summer load water line, as defined in § 45.15–1.

CROSS REFERENCE: For class 1 closing appliances, see § 45.15–37.

§ 45.05–5 *Deck line.* (a) The deck line is a horizontal line 15 inches in length and 1 inch in breadth. It is to be marked amidships on each side of the vessel, and its upper edge is to pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See fig. 45.05–5 (a).) Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

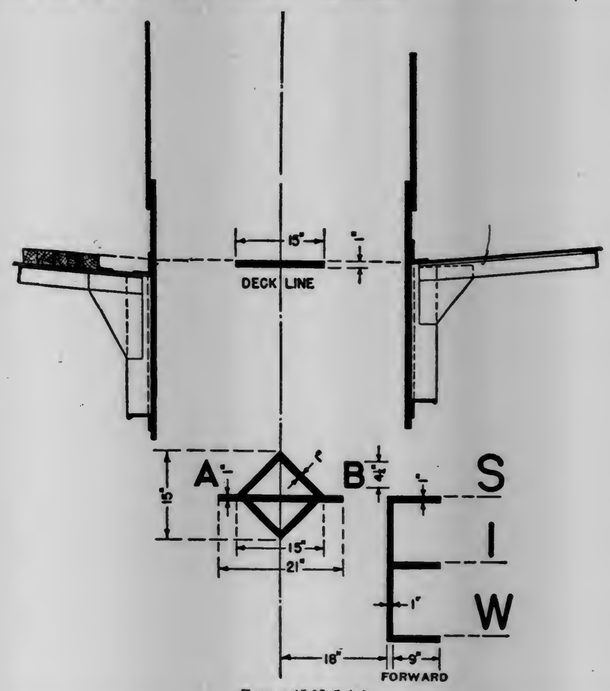


FIGURE 45.05–5 (a)

§ 45.05–10 *Load line diamond.* (a) The load line diamond is a square 15 inches on each diagonal with one diagonal vertical, the other horizontal, and is intersected by a horizontal line of 21 inches in length and 1 inch in breadth, the upper edge of which coincides with the horizontal diagonal of the diamond. The diamond is to be marked amidships below the deck line, port and starboard.

§ 45.05–15 *Lines to be used in connection with the diamond.* (a) The lines which indicate the maximum load line in different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from and are at right angles to, a vertical line marked 18 inches forward of the center of the diamond. (See fig. 45.01–5.)

(b) The following are the lines to be used:

(1) *Summer load line.* The summer load line is indicated by the upper edge of the line which passes through the center of the diamond and also by a line marked "S."

(2) *Intermediate load line.* The intermediate load line is indicated by the upper edge of a line marked "I."

(3) *Winter load line.* The winter load line is indicated by the upper edge of a line marked "W."

(c) Where the draft is restricted on a basis of subdivision or stability and this draft is less than any of the various seasonal drafts permitted by the regulations in this part, the center of the diamond shall be located on the line of this restricted draft and it shall be applicable to all seasons. If such a permissible maximum draft comes between the seasonal markings, the seasonal markings below shall also be added.

§ 45.05–20 *Mark of assigning authority.* (a) The authority by whom the load lines are assigned may be indicated by letters measuring about 4½ by 3 inches marked alongside the diamond and above the center line.

§ 45.05–25 *Details of marking.* (a) The diamond, lines, and letters are to be painted, in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or center punched on the sides of iron and steel vessels, and on wood vessels they are to be cut into the planking for at least one eighth of an inch. The marks are to be plainly visible, and if necessary special arrangements are to be made for this purpose.

§ 45.05–30 *Verification of marks.* (a) The load line certificate is not to be delivered to the vessel until a surveyor of the assigning authority has certified that the marks are correctly and permanently indicated on the vessel's side.

SUBPART 45.10—CONDITIONS OF ASSIGNMENT OF LOAD LINES

§ 45.10–1 *Construction of vessel.* (a) The assignment of load lines is conditional upon the vessel being structurally efficient and upon the provision of effective protection to vessel and crew.

(b) Sections 45.10–1—45.10–100 apply to vessels to which minimum freeboards are assigned. In vessels to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

(c) Passenger vessels—Subdivision and stability load lines: Where in passenger vessels the positions of the maximum load lines are determined by the application of subdivision and stability regulations as provided in Part 46 of this subchapter pertaining to passenger vessels on the Great Lakes, the provisions of the regulations in this part shall also be effective insofar as they are applicable.

§ 45.10–5 *Cargo and other hatchways not protected by superstructures.* (a) The construction and fittings of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in §§ 45.10–10—45.10–45.

§ 45.10–10 *Hatchway coamings.* (a) The minimum height of hatchway coamings on freeboard decks is to be at least 18 inches above the deck. The minimum height of coamings on superstructure decks is to be at least 18 inches above the deck if situated within a quarter of the vessel's length from the stem, and at least 12 inches if situated elsewhere.

§ 45.10–15 *Hatchway covers.* (a) On bulk freighters over 350 feet in length steel hatch covers are to be fitted to all exposed hatchways on the freeboard deck and they are to be of such thickness and provided with such stiffening as will enable them to be handled without deformation.

(b) Solid covers are to have stiffeners spaced not over 42 inches apart. The plating is to be not less than 0.24" at 24-inch spacing and 0.36" at 42-inch spacing with intermediate thicknesses at intermediate spacings. The stiffeners are not to be less effective than provided by angles, bulb angles or channels riveted or welded to the plate and having a section modulus in inches cubed not less than given by the formula:

$$I/y = S \times L^2 \times 0.025 \qquad (1)$$

where:

S = spacing of stiffeners in feet.
L = length in feet of the unsupported spans.
I = moment of inertia of the section.
y = distance from center of gravity of the section to the outermost strain fiber.

(c) Covers of the sliding plate type with flanges on one edge or with stiffeners riveted or welded to one edge shall have a sufficient number of sections so that when closed the spacing of the stiffeners does not exceed 42 inches. Plates are not to be less in thickness than required for solid steel covers in association with the spacing of the stiffeners when closed. The stiffening at the edge of the covers is not to be less effective than required above for solid covers. If hatch covers of the sliding plate type are used for spans exceeding 12'—1", additional support must be provided, the details of which will be specially considered.

(d) Where wood hatch covers are used they are to be made of long leaf yellow pine or fir and the finished thickness is not to be less than 2¼ inches in association with a span of 6 feet. The width of each bearing surface is to be at least 2½ inches.

§ 45.10–20 *Hatchway beams.* (a) Hatchways having wood covers are to be fitted with a system of main beams all extending in one direction or a system of main beams in association with auxiliary beams across the top of the main beams so arranged that the unsupported spans of the covers do not exceed 6 feet except where specially approved. The main beams may be of solid, rolled, or built shapes and the auxiliary beams may be either rolled shapes or timber of rectangular section. They are to have a section modulus in inches cubed of not less than given by the formula.

$$I/y = S \times L^2 \times C \qquad (1)$$

where:

S = the breadth of the area supported in feet.
L = the length of the unsupported spans in feet.
C = 0.03 for steel main beams where 18" coamings are required.
C = 0.025 for steel auxiliary beams where 18" coamings are required.
C = 0.025 for steel main beams where 12" coamings are required.
C = 0.02 for steel auxiliary beams where 12" coamings are required.
C = 0.15 for wood auxiliary beams where 18" coamings are required.
C = 0.12 for wood auxiliary beams where 12" coamings are required.
I = moment of inertia of the section.
y = distance from center of gravity of the section to the outermost strain fiber.

(b) Where rolled section beams are used the top flanges and the top angles in the case of built beams are to extend for the full length of the beams. Where wood auxiliary beams are used they are to be steel shod at all points where they bear on the main beams and at the ends.

§ 45.10–25 *Carriers or sockets.* (a) Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least one-half inch thick, and are to have a width of bearing surface of at least 3 inches.

§ 45.10–30 *Cleats and fasteners.* (a) Strong cleats at least 2½ inches wide or efficient clamping devices are to be fitted at intervals of approximately 2 feet from center to center; the end cleats are to be placed not more than 6 inches from each corner of the hatchway. Where steel sliding covers are fitted, patent fasteners of the "Mulholland type" or equal, spaced to suit the width of covers, may be used in place of cleats and wedges.

§ 45.10–35 *Battens and wedges.* (a) Battens, wedges, or tarpaulin securing devices are to be efficient and in good condition.

§ 45.10–40 *Tarpaulins.* (a) At least one tarpaulin in good condition, thoroughly waterproofed and of ample strength, is to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or equal before waterproofing.

§ 45.10–45 *Security of hatchway covers.* (a) At all hatchways in exposed positions on freeboard or superstructure decks suitable provision is to be made for securing the covers after the tarpaulins are battened down.

§ 45.10–50 *Cargo and other hatchways in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.* (a) The construction and fitting of such hatchways are to be at least equivalent to the standards laid down in § 45.10–55 (a).

§ 45.10–55 *Hatchway coamings and closing arrangements.* (a) Cargo, coaling, and other hatchways in the freeboard deck within superstructures which are fitted with class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways.

(b) Where the closing appliances are less efficient than class 2, the hatchways are to have coamings at least 12 inches in height and are to have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

(c) In the case of car ferries fitted with efficient "sea gates" extending above the freeboard deck at least to the height of a standard superstructure, coamings of less height may be fitted provided the hatches within superstructures are fitted with close fitting steel covers with efficient securing devices. When the openings in freeboard decks are not provided with closing devices the coamings are to extend above the freeboard deck at least to the height of a standard superstructure.

CROSS REFERENCE: For class 2 closing appliances, see § 45.15–40.

§ 45.10–57 *Machinery space openings in exposed positions on freeboard and raised quarter-decks.* (a) Such openings are to be properly framed and efficiently inclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered; doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 18 inches above the freeboard deck and 12 inches on a raised quarter-deck.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions. Engine room skylights are to be of strong construction, preferably of steel.

§ 45.10–60 *Machinery space openings in exposed positions on superstructure decks other than raised quarter-decks.* (a) Such openings are to be properly framed and efficiently inclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills of the openings are to be at least 9 inches above superstructure decks.

(b) Fiddley, funnel, and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions. Where the fiddley openings are more than 15 feet in height above the freeboard deck, covers need not be provided.

(c) Engine room skylights are to be of strong construction, preferably of steel.

§ 45.10–65 *Machinery space openings in the freeboard deck within superstructures which are fitted with closing appliances less efficient than class 1.* (a) Such openings are to be properly framed and efficiently inclosed by steel casings. Doors in such casings are to be strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 6 inches above the deck where the superstructures are closed by class 2 closing appliances, and at least 12 inches above the deck where the closing appliances are less efficient than class 2.

CROSS REFERENCE: For class 2 closing appliances, see § 45.15–40.

§ 45.10–67 *Flush scuttles.* (a) Flush scuttles, where fitted, are to be of iron or steel, of substantial construction, with screw or bayonet joints.

§ 45.10–70 *Companionways.* (a) Companionways in exposed positions on freeboard decks and on decks of inclosed superstructures are to be of substantial construction. The sills of the doorways are to be 18 inches on freeboard decks and on superstructure decks within a quarter of the vessel's length from the stem and 12 inches on superstructure decks elsewhere. The doors are to be strongly constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the vessel's length from the stem, it is to be of steel and riveted to the deck plating.

§ 45.10–75 *Ventilators in exposed positions on freeboard and superstructure decks.* (a) Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with class 1 closing appliances are to have coamings of steel, substantially constructed, and efficiently connected to the deck. The deck plating at the base of the coamings is to be efficiently stiffened between the deck beams. The openings of ventilator coamings are to be provided with efficient closing arrangements.

(b) Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the vessel's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 30 inches in height; in other exposed positions on the superstructure deck they are to be at least 24 inches in height. Where the coaming of any ventilator exceeds 36 inches in height, it is to be specially supported and secured.

§ 45.10–77 *Air pipes.* (a) Where the air pipes to ballast and other tanks extend above the freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be, when practical, at least 30 inches in wells on freeboard decks, 24 inches on raised quarter-decks, and 12 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes. Where these heights may interfere with the working of the vessel a lower height may be approved provided the air pipe cap is properly protected and the air pipe is fitted with adequate means of closing.

§ 45.10–80 *Gangway, cargo, and coaling ports, etc.* (a) Openings in the sides of vessels below the freeboard deck are to be fitted with watertight doors or covers, which, with their securing appliances, are to be of sufficient strength.

§ 45.10–85 *Scuppers and sanitary discharge pipes.* (a) Discharges from scuppers and sanitary pipes led through the vessel's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a readily accessible position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be accessible and is to be provided with means for showing whether the valve is opened or closed.

(b) Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within inclosed superstructures.

(c) Where scuppers are fitted in superstructures not fitted with class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

§ 45.10–87 *Air ports.* (a) Air ports to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures, closed by class 1 or class 2 closing appliances, are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight. Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the air ports may have portable deadlights stowed adjacent to the air ports, provided they are readily accessible at all times on service.

(b) The air ports and deadlights are to be of substantial and approved construction.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.10–90 *Guard rails.* (a) Efficient guard rails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

§ 45.10–95 *Freeing ports.* (a) Where bulwarks on the weather portions of freeboard or superstructure decks form "wells" ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the vessel for each well on the freeboard deck and on the raised quarter-deck is to be that given by the following scale: The minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds .7L, the scale may be modified.

TABLE 45.10–95 (a)—SCALE OF FREEING PORT AREA

Length of bulwarks in "well" in feet	Freeing port area on each side in square feet	Length of bulwarks in "well" in feet	Freeing port area on each side in square feet
15	8.0	45	11.0
20	8.5	50	11.5
25	9.0	55	12.0
30	9.5	60	12.5
35	10.0	65	13.0
40	10.5	Above 65	(1)

[1] 1 square foot for each additional 5 feet length of bulwark.

(b) The lower edges of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two thirds of the freeing port area required is to be provided in the midship half of the well. In vessels with less than the standard sheer the freeing port area is to be suitably increased.

(c) All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

§ 45.10–100 *Protection of crew.* Gangways, life lines, or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters.

SUBPART 45.15—LOAD LINES FOR STEAMERS [1]

§ 45.15–1 *Length* (L). (a) The length used with the rules and the freeboard tables is the length in feet on the summer load water line from the foreside of the stem to the afterside of the rudder post. Where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock. For vessels with cruiser sterns, the length is to be taken as 96 percent of the total length on the designed summer load water line or as the length from the foreside of the stem to the axis of the rudder stock if that be the greater.

§ 45.15–5 *Breadth* (B). (a) The breadth is the maximum breadth in feet amidships to the molded line of the frame in iron or steel vessels and to the outside of the planking in wood or composite vessels.

§ 45.15–7 *Molded depth.* (a) The molded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite vessels the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

§ 45.15–10 *Depth for freeboard* (D). (a) The depth used with the freeboard table is the molded depth plus the thickness of stringer plate, or plus

$$\frac{T(L-S)}{L} \qquad (1)$$

if that be greater, where

T is the mean thickness of the exposed deck clear of deck openings, and

S is the total length of superstructures as defined in § 45.15–60.

(b) Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (that is, as in the turret-deck vessel) 70 percent of the area above the step or break is included in the area used to determine the equivalent section.

(c) In a vessel without an enclosed superstructure covering at least 0.6L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, the depth to be used with the freeboard table is not to be less than L/15 in vessels below 350 feet in length, nor less than those tabulated below for lengths above 350 feet (minimum depths at intermediate lengths are obtained by interpolation).

TABLE 45.15–10 (a)—FREEBOARD TABLE

L	Minimum depth	L	Minimum depth	L	Minimum depth
350	23.35	450	27.65	550	30.20
375	24.70	475	28.40	575	30.70
400	25.80	500	29.05	600	31.15
425	26.80	525	29.65	625	31.60

[1] The provisions of §§ 45.01–1–45.01–90, inclusive, and §§ 45.05–1–45.10–100, inclusive, apply to all vessels having Great Lakes load lines and, for steamers, are supplemented by §§ 45.15–1–45.15–97, inclusive. Tankers having Great Lakes load lines are also subject to these requirements except as specifically modified in §§ 45.20–1–45.20–70, inclusive.

§ 45.15–15 *Coefficient of fineness (c).* (a) The coefficient of fineness used with the freeboard table is given by

$$c=\frac{\Delta}{L.B.d_1} \quad (1)$$

Where Δ is the volume in cubic feet of the vessel's molded displacement excluding bossing at a mean molded draft d_1 which is 85 percent of the molded depth. The coefficient c is not to be taken as less than 0.68, nor more than 0.86.

§ 45.15–17 *Strength.* (a) The assigning authority is to be satisfied with the structural strength of vessels to which freeboards are assigned.

(b) Vessels which comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be regarded as having sufficient strength for the minimum freeboards allowed under Commandant, U. S. Coast Guard, in this part.

(c) Vessels which do not comply with the highest standard of the rules of a classification society recognized by the Commandant, U. S. Coast Guard, shall be assigned such increased freeboards as shall be determined by the assigning authority, and for guidance the following strength moduli are formulated:

(1) *Material.* The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open-hearth process (acid or basic), and having a tensile strength of 60,000 to 72,000 pounds per square inch, and a minimum elongation on a length of 8 inches of at least

$$\frac{1{,}500{,}000}{\text{Tensile strength}}.$$

(2) *Strength deck.* The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

(3) *Depth to strength deck (Ds).* The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

(4) *Draft (d).* The draft is the vertical distance in feet amidships from the top of the keel to the center of the diamond.

(5) *Longitudinal modulus.* The longitudinal modulus $\frac{I}{y}$ is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

(i) Below the strength deck, all continuous longitudinal members other than such parts of underdeck girders as are required entirely for supporting purposes are included. Above the strength deck, the gunwale-angle bar and the extension of the sheerstrake are the only members included.

(ii) The required longitudinal modulus for effective material is expressed by f. d. B., where f is the factor obtained from the Table 45.15–17 (c) (5) (ii).

TABLE 45.15–17 (c) (5) (ii)

L	f	L	f	L	
100	1.70	280	5.70	460	11.10
120	1.95	300	6.30	480	11.70
140	2.20	320	6.90	500	12.30
160	2.50	340	7.50	520	12.90
180	2.90	360	8.10	540	13.50
200	3.40	380	8.70	560	14.10
220	3.90	400	9.30	580	14.70
240	4.50	420	9.90	600	15.30
260	5.10	440	10.50	620	15.90

(iii) For intermediate lengths, the value of f is determined by interpolation.

(iv) This formula applies where the ratio $\frac{L}{D_s}$ does not exceed 13.5 in vessels of 325 feet length and under and 19 in vessels of 600 feet length and above. Intermediate values between lengths of 325 feet and 600 feet length are to be obtained by interpolation.

(6) *Frame.* For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

(7) *Frame modulus.* The modulus $\frac{I}{y}$ of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

The required frame modulus is expressed by

$$\frac{s\,(d-t)\,(f_1+f_2)}{1{,}000} \quad (2)$$

where:

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 45.15–17 (c) (7) (i)); where there is no double bottom, t is measured to a point midway between the top of the floor at center and the top of the floor at the side.

f_1 is a coefficient depending on H, which, in vessels fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (see fig. 45.15–17 (c) (7) (i)); where there is no double bottom, H is measured to a point midway between the top of the floor at center and the top of the floor at side. Where the frame obtains additional strength from the form of the vessel, due allowance is made in the value of f_1.

f_2 is a coefficient depending on K which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet, 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side. (See fig. 45.15–17 (c) (7) (i).) The values of f_1 and f_2 are obtained from Table 45.15–17 (c) (7) (i).

TABLE 45.15–17 (c) (7) (i)

H in feet	0	7.0	9.0	11.0	13.0	15.0	17.0	19.0	21.0	23.0	25.0
f_1	9	11.0	12.5	15.0	19.0	24.0	29.5	36.0	43.0	51.0	59.0
K in feet	0	5.0	10.0	15.0	20.0	25.0	30.0	35.0	40.0	.....	.....
f_2	0	.5	1.0	2.0	3.0	4.5	6.5	9.0	12.0	.....	.....

NOTE: Intermediate values are obtained by interpolation.

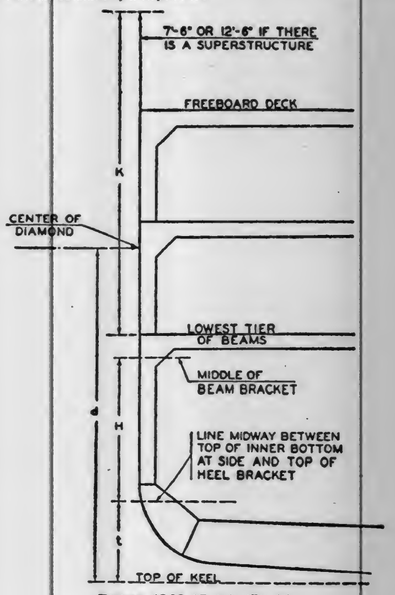


FIGURE 45.15–17 (c) (7) (i)

(ii) This formula applies where D is between 15 feet and 60 feet, both inclusive;

B is between $\frac{L}{10}+5$ and $\frac{L}{10}+20$, both inclusive;

$\frac{L}{D_s}$ is between 10 and 13.5, both inclusive; and the horizontal distance from the outside of the frame to the center of the first row of pillars does not exceed 20 feet.

(iii) In single-deck vessels of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_3 where

$$f_3=0.50+0.05\ (H-8)$$

(iv) Where the horizontal distance from the outside of the frame to the center of the first row of pillars exceeds 20 feet, the assigning authority is to be satisfied that sufficient additional strength is provided.

§ 45.15–20 *Height of superstructure.* (a) The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between D and the molded depth. (See §§ 45.15–7, 45.15–10.)

§ 45.15–25 *Standard height of superstructure.* (a) The standard height of a raised quarter-deck is 3 feet for vessels up to and including 100 feet in length, 4 feet for vessels 250 feet in length, and 6 feet for vessels 400 feet in length and above. The standard height of any other superstructure is 6 feet for vessels up to and including 250 feet in length and 7 feet 6 inches for vessels 400 feet in length and above. The standard height at intermediate lengths is obtained by interpolation.

§ 45.15–27 *Length of superstructure (S).* (a) The length of a superstructure is the mean covered length of the parts of the superstructure which extend to the sides of the vessel and lie within lines drawn perpendicular to the extremities of the summer load water line, as defined in § 45.15–1.

§ 45.15–30 *Inclosed superstructure.* (a) A detached superstructure is regarded as inclosed only where:

(1) The inclosing bulkheads are of efficient construction. (See § 45.15–35.)

(2) The access openings in these bulkheads are fitted with class 1 or class 2 closing appliances. (See §§ 45.15–37, 45.15–40.)

(3) All other openings in sides or ends of the superstructure are fitted with efficient weather-tight means of closing.

(4) Independent means of access to crew, machinery, bunker, and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

§ 45.15–35 *Superstructure bulkheads.* (a) Bulkheads at exposed ends of poops, bridges, and forecastles are deemed to be of efficient construction where the assigning authority is satisfied that, in the circumstances, they are equivalent to the following standard for vessels with minimum freeboards under which standard the stiffeners and plating are of the scantlings given in Table 45.15–35 (a), the stiffeners are spaced 30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

TABLE 45.15–35 (a).—EXPOSED BULKHEADS OF SUPERSTRUCTURES OF STANDARD HEIGHT [1]

Bridge front bulkheads, unprotected bulkheads of poops 0.4 L or more in length		Bulkheads of poops partially protected or less in length than 0.4 L		After bulkheads of bridges and forecastles	
Length of vessel (feet)	Bulb angle stiffeners (inches)	Length of vessel (feet)	Plain angle stiffeners (inches)	Length of vessel (feet)	Plain angle stiffeners (inches)
Under 160	5½ x 3 x 0.32.	Under 150	3 x 2½ x 5/16.	Under 150	2½ x 2½ x 1/4.
160	6 x 3 x 0.34.	150	3½ x 2½ x 5/16.	150	3½ x 2½ x 1/4.
200	7 x 3 x 0.32.	200	4 x 3 x 5/16.	250	3½ x 3 x 5/16.
240	7 x 3 x 0.38.	250	5 x 3 x 5/16.	350 and above	4 x 3 x 5/16.
280	7 x 3 x 0.44.	300	5 x 3 x 3/8.		
320	8 x 3 x 0.40.	350	6 x 3½ x 3/8.		
360	8 x 3 x 0.46.	400	6 x 3½ x 7/16.		
400	9 x 3½ x 0.38.	450	7 x 3½ x 7/16.		
440	9 x 3½ x 0.50.	500 and above	7 x 3½ x ½.		
480	10 x 3½ x 0.40.				
520	10 x 3½ x 0.52.				
560 and above	10 x 3½ x 0.64.				

Length of vessel (feet)	Bulkhead plating (inch)	Length of vessel (feet)	Bulkhead plating (inch)	Length of vessel (feet)	Bulkhead plating (inch)
200 and under	0.3	160 and under	0.24	160 and under	0.29
380 and above	0.44	400 and above	0.38	400 and above	0.30

[1] For vessels intermediate in length the thickness of bulkhead plating is obtained by interpolation.

§ 45.15–37 *Class 1 closing appliances.* (a) These appliances are of iron or steel, are in all cases to be permanently and strongly attached to the bulkhead, are framed, stiffened, and fitted so that the whole structure is of equivalent strength to the unpierced bulkhead, and are weather tight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 12 inches above the deck.

§ 45.15–40 *Class 2 closing appliances.* (a) These appliances are (1) strongly framed hardwood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick, or (2) shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width, or (3) portable plates of equal efficiency.

§ 45.15–45 *Temporary closing appliances.* (a) Temporary closing appliances for middle line openings in the deck of an inclosed superstructure consists of: (1) a steel coaming not less than 9 inches in height efficiently rivited to the deck; (2) hatchway covers as required by § 45.10–15, secured by hemp lashings; and (3) hatchway supports as required by §§ 45.10–20, 45.10–25.

§ 45.15–47 *Superstructures, general.* (a) Where exposed bulkheads at the ends of poops, bridges, and forecastles are not of efficient construction (see § 45.15–35), they are considered as nonexistent.

(b) Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

(c) Where the height of a superstructure is less than the standard its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

§ 45.15–50 *Poop.* (a) Where there is an efficient bulkhead and the access openings are fitted with class 1 closing appliances, the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with class 2 closing appliances and the length to the bulkhead is 0.5 L or less, 100 percent of that length is effective; where the length is 0.7 L or more, 90 percent of that length is effective; where the length is between 0.5 L and 0.7 L, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (see § 45.15–65), 90 percent of the length to the bulkhead is to be taken as effective; 50 percent of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

CROSS REFERENCE: For class 2 closing appliances, see § 45.15–40.

§ 45.15–55 *Raised quarter deck.* (a) Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

§ 45.15–57 *Bridge.* (a) Where there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with class 1 closing appliances, the length between the bulkheads is effective.

(b) Where the access openings in the forward bulkhead are fitted with class 1 closing appliances and the access openings in the after bulkhead with class 2 closing appliances, the length between

the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (see § 45.15–65), 90 percent of the length is effective. Where the access openings in both bulkheads are fitted with class 2 closing appliances, 90 percent of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with class 1 or class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 percent of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 percent of the length is effective; 75 percent of the length of an open extension beyond the after bulkhead and 50 percent of that beyond the forward bulkhead are effective.

CROSS REFERENCE: For class 1 and class 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.15–60 *Forecastle.* (a) Where there is an efficient bulkhead and the access openings are fitted with class 1 or class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 percent of the length of the forecastle forward of 0.1 *L* from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 percent of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective; 50 percent of the length of an open extension beyond the bulkhead or beyond 0.1 *L* from the forward perpendicular is effective.

CROSS REFERENCE: For class 1 and 2 closing appliances, see §§ 45.15–37, 45.15–40.

§ 45.15–65 *Trunk.* (a) A trunk or similar structure which does not extend to the sides of the vessel is regarded as efficient, *Provided*, That:

(1) The trunk is at least as strong as a superstructure;

(2) The hatchways are in the trunk deck, and comply with the requirements of §§ 45.10–1—45.10–45, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;

(3) A permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways. On tank barges an efficient life line may be accepted in lieu of guard rails;

(4) Ventilators are protected by the trunk, by watertight covers, or by equivalent means;

(5) Open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length;

(6) The machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

(b) Where access openings in poop and bridge bulkheads are fitted with class 1 closing appliances, 100 percent of the length of an efficient trunk reduced in the ratio of its mean breadth to *B* is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with class 1 closing appliances 90 percent is added.

(c) The standard height of a trunk is the standard height of a bridge.

(d) Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (see § 45.15–10), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

§ 45.15–67 *Inclosed superstructure with middle line openings in the deck not provided with permanent means of closing.* (a) Where there is an inclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (see §§ 45.10–1—45.10–45), the effective length of the superstructure is determined as follows:

(1) Where efficient temporary closing appliances are not provided for the middle line deck openings (see §§ 45.15–45), or the breadth of opening is 80 percent or more of the breadth B_1 of the superstructure deck at the middle of the opening, the vessel is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed by §§ 45.15–50, 45.15–57, 45.15–60.

(2) Where efficient temporary closing appliances are provided for middle line deck openings and the breadth of opening is less than 0.8 B_1, the effective length is governed by §§ 45.15–50, 45.15–57, 45.15–60, except that where access openings in 'tween deck bulkheads are closed by class 2 closing appliances, they are regarded as being closed by class 1 closing appliances in determining the effective length. The total effective length is obtained by adding to the length determined by subparagraph (a) (1) of this section the difference between this length and the length of the vessel modified in the ratio of

$$\frac{B_1-b}{B_1}$$ where b=breadth of deck opening

where

$$\frac{B_1-b}{B_1}$$ is greater than 0.5 it is taken as 0.5.

§ 45.15–70 *Deductions for superstructures.* (a) Where the effective length of superstructures is 1.0 *L*, the deduction from the freeboard is 14 inches at 80 feet length of vessel, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1.0 *L*, the deduction is a percentage obtained from Table 45.15–70 (a).

TABLE 45.15–70 (a)—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURE (E)

Superstructure	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types with forecastle and without detached bridge	0	5	10	15	23.5	32	A
All types with forecastle and detached bridge [1]	0	6.3	12.7	19	27.5	36	B

Superstructures	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*	Line
	Per-cent	*Per-cent*	*Per-cent*	*Per-cent*	*Per-cent*	
All types with forecastle and without detached bridge	46	63	75.3	87.7	100	A
All types with forecastle and detached bridge [1]	46	63	75.3	87.7	100	B

[1] Where the effective length of a detached bridge is less than 0.2*L* the percentages are obtained by interpolation between lines B and A. Where no forecastle is fitted the above percentages are reduced by 5. Percentages for intermediate lengths of superstructures are obtained by interpolation.

§ 45.15–73 *Sheer, general.* (a) The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(b) In vessels designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at 0.25*L* forward of amidships to indicate the assigned load line. This mark is to be similar to the load line diamond amidships.

(c) In flush deck vessels and in vessels with detached superstructures the sheer is meaured at the freeboard deck.

(d) In vessels with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships (see § 45.15–10).

(e) In vessels with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

(f) Where a superstructure is intact or access openings in its inclosing bulkheads are fitted with class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck is not taken into account.

CROSS REFERENCE: For class 1 closing appliances, see § 45.15–37.

§ 45.15–75 *Standard sheer profile.* (a) The ordinates (in inches) of the standard sheer profile are given in Table 45.15–75

(a) where *L* is the number of feet in the length of the vessel.

TABLE 45.15–75 (a)

Station [1]	Ordinate	Factor
A. P.	0.1 *L*+10	1
1/6L from A. P.	0.0445 *L*+4.45	4
1/3L from A. P.	0.011 *L*+1.1	2
Amidships	+0	4
1/3L from F. P.	0.022 *L*+2.2	2
1/6L from F. P.	0.089 *L*+8.9	4
F. P.	0.2 *L*+20	1

[1] A. P.=After end of summer load water line. F. P.=Fore end of summer load water line.

§ 45.15–77 *Measurement of variations from standard sheer profile.* (a) Where the sheer profile differs from the standard, the 7 ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

(b) Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 percent of the standard, credit is allowed for the part in excess; where the after part is less than 50 percent of the standard no credit is given for the excess sheer forward. Where the after sheer is between 50 percent and 75 percent of the standard, intermediate allowances may be granted for excess sheer forward.

§ 45.15–80 *Correction for variations from standard sheer profile.* (a) The correction for sheer is the deficiency or excess of sheer (see § 45.15–77) multiplied by $0.75-\frac{S}{2L}$ where *S* is the total length of the superstructure, as defined in § 45.15–27.

§ 45.15–83 *Addition for deficiency in sheer.* (a) Where the sheer is less than the standard, the correction for deficiency in sheer (see § 45.15–80) is added to the freeboard.

§ 45.15–85 *Deduction for excess sheer.* (a) Where an enclosed superstructure covers 0.1*L* before and 0.1*L* abaft amidships, the correction for excess of sheer (see § 45.15–80) is deducted from the freeboard; in vessels with detached superstructures where no enclosed superstructure covers amidships, no deduction is made from the freeboard, where an enclosed superstructure covers less than 0.1*L* before and 0.1*L* abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 45.15–87 *Standard round of beam.* (a) The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the vessel.

§ 45.15–90 *Round of beam correction.* (a) Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

§ 45.15–93 *Summer freeboard.* (a) The minimum freeboard in summer is the freeboard derived from the freeboard table after corrections for departures from the standards and after deduction for superstructures. The freeboard measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

§ 45.15–95 *Intermediate and winter freeboard.* (a) The minimum freeboards for the intermediate and winter seasons is obtained by an addition to the summer freeboard of a distance in inches obtained by multiplying the factors given in Table 45.15–95 (a) by the summer draft in feet measured from the top of the keel to the center of the diamond.

TABLE 45.15–95 (a)

Length between perpendiculars [1]	Factor for intermediate season	Factor for winter season
Under 400 feet	0.25	0.50
450 feet	.25	.65
500 feet	.35	.80
550 feet and above	.45	1.00

[1] Factors for intermediate lengths to be obtained by interpolation.

§ 45.15–97 *Freeboard table for steamers.* (a) Table 45.15–97 (a) gives the basic minimum summer freeboard for steamers which comply with the standards in this part.

TABLE 45.15–97 (a).—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard	*L* (feet)	Freeboard	*L* (feet)	Freeboard
	Inches		*Inches*		*Inches*
80	7.2	270	33.8	460	84.5
90	8.0	280	35.8	470	87.5
100	8.9	290	37.8	480	90.5
110	9.9	300	40.0	490	93.4
120	11.0	310	42.2	500	96.3
130	12.1	320	44.6	510	99.1
140	13.3	330	47.0	520	101.9
150	14.5	340	49.5	530	104.7
160	15.7	350	52.1	540	107.4
170	17.1	360	54.8	550	110.0
180	18.5	370	57.6	560	112.6
190	19.9	380	60.5	570	115.1
200	21.4	390	63.4	580	117.6
210	23.0	400	66.4	590	120.0
220	24.6	410	69.4	600	122.3
230	26.3	420	72.4	610	124.5
240	28.1	430	75.4	620	126.7
250	29.9	440	78.5		
260	31.8	450	81.5		

(b) The freeboards at intermediate lengths are obtained by interpolation.

(c) Where *c* exceeds 0.68, the freeboard is multiplied by the factor

$$\frac{c+0.68}{1.36}$$

(d) Where *D exceeds or is less than* $\frac{L}{15}$ the freeboard is increased or decreased accordingly, by $\left(D-\frac{L}{15}\right)R$ inches, where *R* is $\frac{L}{130}$ at lengths less than 390 feet, and 3 at 390 feet length and above, except that the depth to be used in the above correction is not to be taken at less than $L/15$ in vessels below 350 feet in length, nor less than those given in Table 45.15–97 (d), for lengths 350 feet and above. Minimum depths at intermediate lengths are obtained by interpolation.

TABLE 45.15–97 (d)

L	Minimum depth	*L*	Minimum depth	*L*	Minimum depth
350	23.35	450	27.65	550	30.20
375	24.70	475	28.40	575	30.70
400	25.80	500	29.05	600	31.15
425	26.80	525	29.65	625	31.60

(1) *Provided, however*, a vessel with an enclosed superstructure covering at least 0.6 *L* amidships with a complete trunk or with a combination of intact partial superstructures and trunk which extends all fore and aft, where *D* is less than $L/15$, the freeboard is reduced at the above rate. Where the height of superstructures or trunk is less than the standard height, the reduction is in the ratio of the actual to the standard height.

(e) Where the actual depth to the surface of the freeboard deck amidships is greater or less than *D*, the difference between the depths (in inches) is added to or deducted from the freeboard.

SUBPART 45.20—LOAD LINES FOR TANKERS [1]

§ 45.20–1 *Definition.* (a) The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

§ 45.20–5 *Marks on sides.* (a) The marks on the tanker's sides are to be as shown by the figure in § 45.05–15.

§ 45.20–10 *Construction.* (a) The structure of the vessel is to be of sufficient strength for the increased draft corresponding to the freeboard assigned.

§ 45.20–15 *Forecastle.* (a) The vessel is to have a forecastle of which the length is not less than 7 percent of the length of the vessel and the height is not less than the standard height.

(b) A forecastle is not required in the case of self-propelled barges, tank barges, and cargo barges carrying cargo only on deck.

§ 45.20–20 *Machinery casings.* (a) The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an enclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength. These conditions may be modified in the case of self-propelled barges. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck are to be fitted with effective closing appliances, and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the

[1] The provisions of §§ 45.01–1—45.01–90, inclusive, and §§ 45.05–1—45.15–97, inclusive, shall apply to Great Lakes tankers except as they are modified by §§ 45.20–1—45.20–70, inclusive.

superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions. Engine room skylights are to be of substantial construction, fitted with strong glass lights, which may be required to be fitted with steel covers depending on their height above the freeboard deck.

§ 45.20–25 *Gangway.* (a) An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward from the bridge to the forecastle, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passage below deck.

(b) On towed tank barges a wire cable arranged and equipped to facilitate safe communication between both ends of the vessel at all times may be accepted in lieu of a permanent gangway.

§ 45.20–30 *Protection of crew, access to machinery space, etc.* (a) Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space, and all other parts used in the necessary work of the vessel is to be available at all times. This section does not apply to pump rooms entered from the freeboard deck, when fitted with class 1 closing appliances. Deck houses for the accommodation of the crew, pilothouses, etc., on the freeboard deck are to be of steel efficiently constructed and provided with port lights fitted with steel dead lights.

§ 45.20–35 *Hatchways.* (a) All hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers.

§ 45.20–40 *Ventilators.* (a) Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

§ 45.20–45 *Freeing arrangements.* (a) Vessels with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer strake is to be kept as low as practicable and preferably not higher than the upper edge of the gunwale bar.

(b) Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

§ 45.20–50 *Plans.* (a) Plans showing proposed fittings and arrangements are to be submitted to the assigning authority for approval.

§ 45.20–55 *Computation of freeboard.* (a) When the assigning authority is satisfied that the foregoing requirements are fulfilled, the summer freeboard may be computed from the table for tankers; all corrections, except those for flush-deck steamers, detached superstructures, and excess sheer, are to be made in accordance with §§ 44.15–1—45.20–1.

§ 45.20–60 *Deductions for detached superstructures.* (a) When the total effective length of superstructure is less than 1.0 *L*, the deduction is a percentage of that for a superstructure of length 1.0 *L*, and is obtained from Table 45.20–60 (a).

TABLE 45.20–60 (a).—TOTAL EFFECTIVE LENGTH OF SUPERSTRUCTURES

	0	0.1*L*	0.2*L*	0.3*L*	0.4*L*	0.5*L*	0.6*L*	0.7*L*	0.8*L*	0.9*L*	1.0*L*
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
All types	0	7	14	21	31	41	52	63	75.3	87.7	100

§ 45.20–65 *Deduction for excess sheer.* (a) Where the sheer is greater than the standard, the correction for excess sheer (see § 45.15–80) is deducted from the freeboard for all tankers. Section 45.15–85 does not apply except that the maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the vessel.

§ 45.20–70 *Freeboard table for tankers.* (a) Table 45.20–70 (a) gives the basic minimum summer freeboard for tankers which comply with the standards in this part.

TABLE 45.20–70 (a)—BASIC MINIMUM SUMMER FREEBOARD FOR TANKERS

L (feet)	Freeboard	*L* (feet)	Freeboard	*L* (feet)	Freeboard
	Inches		*Inches*		*Inches*
80	6.4	220	22.8	360	48.5
90	7.2	230	24.0	370	50.6
100	8.1	240	25.9	380	52.7
110	9.1	250	27.8	390	54.9
120	10.1	260	29.2	400	57.1
130	11.1	270	30.9	410	59.4
140	12.2	280	32.7	420	61.7
150	13.3	290	34.5	430	64.1
160	14.5	300	36.4	440	66.5
170	15.8	310	38.3	450	69.0
180	17.1	320	40.2	460	71.5
190	18.5	330	42.2	(1)	
200	19.9	340	44.3		
210	21.3	350	46.4		

[1] Tankers above 460 feet in length to be specially considered, and the assigned freeboards are to be approved by the Commandant, U. S. Coast Guard, before issuance of certificate.

§ 45.20–75 *Fees; travel expense*—(a) *Scale of fees.* Table 45.20–75 (a) gives the scale of maximum fees payable by owner for assignment of load line (including load line and condition survey, verification of markings, and issuance of load line certificate).

TABLE 45.20–75 (a).—SCALE OF MAXIMUM FEES

	Classed vessels	Unclassed vessels
Under 500 gross tons	$30.00	$90.00
500 and under 1,000 gross tons	35.00	105.00
1,000 and under 2,000 gross tons	40.00	125.00
2,000 and under 3,000 gross tons	50.00	150.00
3,000 and under 4,000 gross tons	60.00	175.00
4,000 and under 5,000 gross tons	70.00	200.00
5,000 and under 6,000 gross tons	80.00	220.00
6,000 and under 7,000 gross tons	90.00	240.00
7,000 and under 8,000 gross tons	100.00	260.00
8,000 and under 10,000 gross tons	110.00	280.00
10,000 and under 12,000 gross tons	120.00	300.00
12,000 gross tons and above	130.00	320.00

(b) *Fees for renewal of load line certificate.* The maximum fees for condition survey and renewal of load line certificate shall be 50 percent of the above scale. In the case of an American Bureau classed vessel no charge will be made for this survey if carried out in conjunction with a special periodical survey required for maintenance of class and for which a fee is chargeable.

(c) *Fee for annual load line inspection.* The fee for annual load line inspection shall be $25. In the case of a vessel classed by the American Bureau of Shipping, no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required by the rules of the American Bureau of Shipping for maintenance of class and for which a fee is chargeable.

(d) *Traveling expenses.* All traveling expenses incurred in connection with the above surveys will be an additional charge.

§ 45.20–80 *Form of load line certificate.*

LOAD LINE CERTIFICATE FOR THE GREAT LAKES

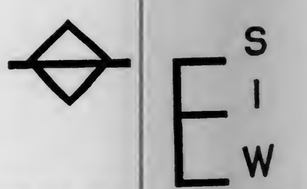
[SEAL]

Issued under the authority of the Commandant, U. S. Coast Guard, United States of America, under the provisions of the act of August 27, 1935, as amended, to establish load lines for American merchant vessels of 150 gross tons or over engaged in trade on the Great Lakes of North America.

Ship ---------- Official No.----------
Port of registry----------
Gross tonnage----------

FREEBOARD FROM DECK LINE	LOAD LINE
Summer ----------	S ----------
Intermediate ----------	I ----------
Winter ----------	W ----------

The upper edge of the deck line from which these freeboards are measured is ---------- inches above the top of the ---------- deck at side.



This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U. S. Coast Guard, applicable to the Great Lakes.

This certificate[1] remains in force until ---------- Issued at ----------
on the ------ day of ---------- 19---.

(Here follows the signature, seal, if any, and the name of the authority issuing the certificate.)

NOTES: In accordance with the Great Lakes Load Line Regulations the diamond and lines must be permanently marked by center punch marks or cutting.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal indorsements.)

(Reverse side of certificate)

ANNUAL INSPECTIONS

I have surveyed this ship for the purpose of seeing whether this Certificate should remain in force and the Survey has been completed to my satisfaction.

Sgd.---------- at ----------
(Signature of Surveyor) (Place)
on ----------
(Date)

I have surveyed this ship for the purpose of seeing whether this Certificate should remain in force and the Survey has been completed to my satisfaction.

Sgd.---------- at ----------
(Signature of Surveyor) (Place)
on ----------
(Date)

I have surveyed this ship for the purpose of seeing whether this Certificate should remain in force and the Survey has been completed to my satisfaction.

Sgd.---------- at ----------
(Signature of Surveyor) (Place)
on ----------
(Date).

I have surveyed this ship for the purpose of seeing whether this Certificate should remain in force and the Survey has been completed to my satisfaction.

Sgd.---------- at ----------
(Signature of Surveyor) (Place)
on ----------
(Date)

Renewal of Load Line Certificate.

The provisions of the Great Lakes Load Line Regulations having been fully complied with by this vessel or when not fully complied with proper penalties to freeboard having been enforced, this certificate is renewed till—

Place ---------- Date ----------

(Signature and name of authority)

[1] Upon the expiration of the certificate, renewal must be obtained as provided by the Great Lakes Load Line Regulations and the certificate so endorsed.

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

Part 46 is amended to read as follows:

SUBPART 46.01—AUTHORITY AND PURPOSE

Sec.
46.01–1 Purpose.
46.01–5 Authority.
46.01–10 Responsibility for administration.
46.01–15 Application of regulations.

SUBPART 46.05—DEFINITIONS USED IN THIS PART

46.05–1 Passenger vessel.
46.05–10 Foreign vessel.
46.05–15 Coastwise voyage.
46.05–20 Great Lakes voyage.
46.05–25 New passenger vessel.
46.05–30 Existing passenger vessel.

SUBPART 46.10—ADMINISTRATION

Sec.
46.10–1 Relaxation from regulations.
46.10–5 Load line requirements of Parts 43, 44, and 45, for subdivision.
46.10–10 Marks to indicate subdivision load lines.
46.10–15 Survey for the establishment and renewal of subdivision load line marks.
46.10–20 Application for the assignment and renewal of subdivision load lines.
46.10–25 Equivalents.
46.10–30 Subdivision load line certificates.
46.10–35 Validity of subdivision load line certificate.
46.10–40 Nonsubmergence subdivision load line (Great Lakes).
46.10–45 Nonsubmergence subdivision load lines in salt water.
46.10–50 Drills and inspections.
46.10–55 Log book entries.
46.10–60 Control.
46.10–65 Construction.
46.10–70 Plans and inspections of new and converted vessels.

SUBPART 46.15—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED IN FOREIGN AND COASTWISE VOYAGES, INCLUDING VOYAGES ON THE GREAT LAKES

46.15–1 Procedure for determination of subdivision load line.
46.15–5 Engineering requirements.
46.15–10 Subdivision load lines.

AUTHORITY: §§ 46.01–1 to 46.15–10 issued under sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a. Interpret or apply R. S. 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 482, 483, 363, 369, 867, 1333, 50 U. S. C., app., 1275.

SUBPART 46.01—AUTHORITY AND PURPOSE

§ 46.01–1 *Purpose.* (a) The purpose of the regulations in this part is to set forth uniform minimum requirements applicable to passenger vessels required to have subdivision load lines. These requirements deal with the following:

(1) Load line requirements applicable before a passenger vessel will be marked with and certificated as to subdivision load lines.

(2) Assigning, marking, and recording of subdivision load lines.

(3) Administration of subdivision load lines.

(4) Application of requirements to passenger vessels.

§ 46.01–5 *Authority* (a) The regulations regarding subdivision and subdivision load lines interpret or apply R. S. 4490, as amended; sec. 3, 24 Stat. 129, as amended; 41 Stat. 305, as amended; sec. 2, 45 Stat. 1493, as amended; sec. 2, 49 Stat. 888, as amended; sec. 5, 49 Stat. 1384, as amended; secs. 1 and 2, 49 Stat. 1544, as amended; sec. 3, 54 Stat. 346; and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 482, 483, 363, 85a, 88a, 369, 367, 1333, and 50 U. S. C. App. 1275). The International Load Line Convention, 1930, and the International Convention for Safety of Life at Sea, 1948, also establish minimum requirements for load lines and subdivision.

§ 46.01–10 *Responsibility for administration.* (a) Under the direction and supervision of the Secretary of the Treasury, and in accordance with the delegation of authority in an order dated July 31, 1950 (15 F. R. 6521), the Commandant, United States Coast Guard, is vested with the responsibility and authority to determine the position and to assure the correct marking of subdivision load lines on all passenger vessels subject to the International Convention for Safety of Life at Sea, 1948, or the Load Line Act of March 2, 1929, as amended, or the Coastwise Load Line Act, 1935, as amended (45 Stat. 1492–1494, 49 Stat. 888–890; 46 U. S. C. 85–85g, 88–88i).

§ 46.01–15 *Application of regulations.* (a) No passenger vessel of the United States required to be marked with subdivision load lines shall depart from any port or place for a foreign voyage by sea, a coastwise voyage by sea, or a voyage on the Great Lakes; no foreign passenger vessel belonging to a country that has ratified or acceded to the International Convention for Safety of Life at Sea, 1948, shall depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel of 150 gross tons or over subject to the Load Line Act of March 2, 1929, as amended, or the Coastwise Load Line Act, 1935, as amended, shall depart from any port or place under the jurisdiction of the United States including ports on the Great Lakes, unless such passenger vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

(b) Subdivision load lines shall be marked on both sides of passenger vessels where determined and in the manner described in Subpart 46.15 as applicable to the vessel's service.

SUBPART 46.05—DEFINITIONS USED IN THIS PART

§ 46.05–1 *Passenger vessel.* (a) For the purpose of the regulations in this part, a vessel is a passenger vessel if:

(1) Engaged on an international voyage by sea, it carries or is authorized to carry more than 12 passengers; or,

(2) Engaged on a coastwise voyage by sea or a voyage on the Great Lakes, it carries or is authorized to carry more than 16 persons in addition to the crew.

§ 46.05–10 *Foreign voyage.* (a) A foreign voyage for the purpose of marking passenger vessels with subdivision load lines is a voyage by sea between a port under the jurisdiction of the United States and a port of a foreign country, its colonies, territories, or protectorates, or conversely (a voyage exclusively on the Great Lakes excepted).

§ 46.05–15 *Coastwise voyage.* A coastwise voyage by sea, for the purpose of marking passenger vessels with subdivision load lines, is a voyage in which a vessel in the usual course of her employment proceeds from one port or place in the United States to another port or place in the United States or from a port or place in a territory or possession of the United States to another port or place in that territory or possession, and passes outside the line dividing inland

waters from the high seas, as established in accordance with section 2 of the Act of February 19, 1895, as amended (28 Stat. 672; 33 U. S. C. 151).

§ 46.05–20 *Great Lakes voyage.* A Great Lakes voyage is any voyage from a United States port or place on the Great Lakes to another United States port or place on the Great Lakes or to a Canadian port or place on the Great Lakes, or conversely.

§ 46.05–25 *New passenger vessel.* A new passenger vessel is a vessel whose keel was laid or was a vessel converted into a passenger vessel on or after November 19, 1952.

§ 46.05–30 *Existing passenger vessel.* An existing passenger vessel in respect to its voyage is any passenger vessel that is not a new passenger vessel as defined in § 46.05–25.

SUBPART 46.10—ADMINISTRATION

§ 46.10–1 *Relaxation from regulations.* (a) New passenger vessels making foreign voyages by sea shall comply with the requirements in this part. An existing passenger vessel engaged in foreign voyages by sea may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U. S. Coast Guard, such requirements are unreasonable or impracticable.

(b) A new passenger vessel making coastwise voyages by sea or making Great Lakes voyages shall comply with the requirements in this part. An existing passenger vessel making coastwise voyages by sea or Great Lakes voyages may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U. S., Coast Guard, such requirements are unreasonable or impracticable.

§ 46.10–5 *Load line requirements for subdivision.* (a) The load line requirements of Parts 43, 44, 45 of this subchapter as applicable to the passenger vessel and her service, shall be complied with before a passenger vessel will be marked with and certificated as to subdivision load lines.

§ 46.10–10 *Marks to indicate subdivision load lines.* (a) Marks to indicate the maximum mean draft to which a passenger vessel may be lawfully submerged shall be permanently marked on each side of the passenger vessel in the form, manner, and location provided in this part.

(b) The Commandant, U. S. Coast Guard, shall determine the position of the subdivision load lines by the application of the requirements contained in this part and Part 73 of Subchapter H (Passenger Vessels) of this chapter: *Provided*, That in determining the position of the load lines for passenger vessels engaged on coastwise voyages by sea and for passenger vessels engaged on Great Lakes voyages, due consideration shall be given to the age and condition of the passenger vessel, its subdivision, and the efficacy thereof and the probable stability of the vessel if damaged and such increases made to the freeboards as existing conditions indicate to be necessary. The correct marking of subdivision load lines on passenger vessels shall be certified to by the American Bureau of Shipping or a classification society approved by the Commandant for such purpose.

(c) Certificates certifying to the correctness of subdivision load line marks shall not be furnished until it is determined that the marks have been correctly placed upon the passenger vessel.

(d) In the case of passenger vessels that are required by the International Convention for Safety of Life at Sea to have on board a safety certificate, the certification of subdivision load line marks shall be made by letter to the Commandant, U. S. Coast Guard, Washington 25, D. C.

§ 46.10–15 *Survey for the establishment and renewal of subdivision load line marks.* (a) Every passenger vessel to be marked with and certificated for subdivision load lines must comply with the requirements as set forth in Subchapter H (Passenger Vessels) of this chapter for ocean, coastwise, and Great Lakes service as applicable to the particular vessel and the service in which she is to be employed.

(b) Every passenger vessel marked with a subdivision load line shall be subjected to the surveys specified in this paragraph. The details of the surveys or inspections indicated in § 46.40–15 (b) (1) through (3) shall be as set forth in the applicable sections of Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(1) A survey before the vessel is put in service.

(2) A periodical survey once every 12 months.

(3) Additional surveys as occasion arises.

(4) Surveys required by Parts 43, 44, or 45 of this subchapter.

§ 46.10–20 *Application for the assignment and renewal of subdivision load lines.* (a) Application for assignment and renewal of subdivision load lines and certification thereof shall be made in writing to the Commandant, U. S. Coast Guard, Washington 25, D. C.

§ 46.10–25 *Equivalents.* (a) Where in the regulations in this part it is provided that a particular fitting, appliance, apparatus, or type thereof, shall be fitted or carried in a vessel engaged on foreign voyages by sea or that any particular arrangement shall be adopted, there may be substituted any other fitting or appliance or type thereof or any other arrangement provided that the Commandant, U. S. Coast Guard, shall have been satisfied by suitable trials that the fitting, appliance, or apparatus, or type thereof, or that the arrangement substituted is at least as effective as that specified in this part.

(b) Where, in the application of the regulations in this part to passenger vessels engaged in coastwise voyages by sea and on Great Lakes voyages, it is desired to substitute other construction, arrangement, fitting, or appliance, or type thereof, such substitution may be made if approved by the Commandant, U. S. Coast Guard, provided the degree of safety provided by this part is obtained.

§ 46.10–30 *Subdivision load line certificates.* (a) Passenger vessels engaged in foreign voyages by sea shall have their subdivision load lines certificated on the safety certificate required by the International Convention for Safety of Life at Sea, 1948. Safety certificates shall be issued by the Commandant, U. S. Coast Guard, Washington 25, D. C., for a period not to exceed one year. These vessels will also be provided with the load line certificate required by Part 43 of this subchapter, the minimum freeboard shown thereon to be not less than the minimum freeboard corresponding to the principal passenger condition. The fact that they are subdivision load lines is to be noted on the load line certificate.

(b) Passenger vessels engaged on coastwise voyages by sea or Great Lakes voyages shall have the position of their subdivision load lines recorded on a load line certificate in the form required by Parts 43 or 45 of this subchapter. The fact that they are subdivision load lines is to be noted on the load line certificate.

(c) A note shall be added to the load line certificate below the signature of the assigning authority in the following form:

> The bulkhead deck used for determining the position of the subdivision load lines certified above is ---------- (here described bulkhead deck).

(d) Annual inspections of passenger vessels shall be as required by §§ 43.01–55 and 46.10–15 of this subchapter and renewal of passenger vessels' load line certificates shall be as required by § 43.01–75.

(e) Each new passenger vessel which receives its first load line certificate shall also be provided with a copy of the load line survey report as required by §§ 43.01–40 or 45.01–30 of this subchapter.

§ 46.10–35 *Validity of subdivision load line certificates.* (a) Subdivision load line certificates issued to passenger vessels shall only be valid during the time for which the certificates are issued.

(b) If, due to any cause, the conditions as required by this part are not carried out, the load line certificate may be cancelled and the load lines considered nonexistent: *Provided*, That if the conditions causing the cancellation of the certificate are satisfactorily corrected, the load line certificate shall be reinstated for the remainder of its term.

(c) A valid subdivision load line certificate for foreign voyages by sea shall be valid for coastwise voyages by sea and Great Lakes voyages. A valid subdivision load line certificate for coastwise voyages by sea shall be valid for Great Lakes voyages but not for foreign voyages by sea. A valid subdivision load line certificate for Great Lakes voyages shall not be valid for foreign or coastwise voyages by sea.

§ 46.10–40 *Nonsubmergence subdivision load line (Great Lakes).* (a) Passenger vessels on the Great Lakes of 150 gross tons or over shall not submerge the subdivision load line applicable to the voyage.

§ 46.10–45 *Nonsubmergence subdivision load lines in salt water.* (a) Passenger vessels required to be marked with subdivision load lines, engaged on foreign and coastwise voyages other than the Great Lakes voyages, shall not submerge in salt water the subdivision load line applicable to the voyage. Passenger vessels engaged on ocean foreign or coastwise voyages may be marked with fresh water load lines. A passenger vessel on foreign or coastwise voyages (except Great Lakes voyages) may have an allowance made for the degree of brackishness of the water in which the vessel is floating but not for the weight of fuel, water, etc., required for consumption between the point of departure and the open sea, and no allowance is to be made for bilge or ballast water that may be in the passenger vessel at the time of departure.

§ 46.10–50 *Drills and inspections.* (a) For the required drills and inspections to be conducted on passenger vessels, see Subpart 78.17 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.10–55 *Log book entries.* (a) For required log book entries to be made on passenger vessels, see Subpart 78.17 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.10–60 *Control.* (a) The duties and responsibilities of the Collector of Customs or the Coast Guard District Commander in respect to the load lines certified on the safety certificates of, and marked on passenger vessels engaged on foreign voyages by sea shall be the same as stated in § 43.01–97 of this subchapter.

(b) The duties and responsibilities of the Collector of Customs or the Coast Guard District Commander in respect to passenger vessels engaged in coastwise voyages by sea or Great Lakes voyages are as defined by § 43.01–97 or § 45.01–85 of this subchapter, as applicable.

§ 46.10–65 *Construction.* (a) The watertight subdivision of every passenger vessel shall be as efficient as possible, having regard to its intended service. This principle is given effect by the requirements of Part 73 of Subchapter H (Passenger Vessels) of this chapter which provide for variations in the standard of subdivision according to the length of the vessel and the degree to which the vessel approaches the exclusive passenger type, the highest standard being required in vessels of the greatest length engaged primarily in the carriage of passengers.

(b) Passenger vessels engaged in foreign voyages by sea or coastwise voyages by sea or voyages on the Great Lakes, to be marked with subdivision load lines shall comply with the requirements in this part.

§ 46.10–70 *Plans and inspections of new and converted vessels.* (a) Plans for a new passenger vessel or a vessel to be converted to a passenger vessel shall be submitted to the Commandant as required by Subpart 71.65 of Subchapter H (Passenger Vessels) of this chapter.

(b) Inspections shall be made during the construction or conversion of the vessel as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

(c) Upon completion of the construction or conversion of a passenger vessel, a stability test shall be performed and stability information shall be supplied to the operator as required by Part 74 of Subchapter H (Passenger Vessels) of this chapter.

SUBPART 46.15—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED IN FOREIGN, COASTWISE, AND GREAT LAKES VOYAGES

§ 46.15–1 *Procedure for determination of subdivision load line.* (a) The procedure for the determination of the subdivision load line as well as special construction features of the vessel shall be as set forth in Subpart 72.01 and Parts 73 and 74 of Subchapter H (Passenger Vessels) of this chapter.

§ 46.15–5 *Engineering requirements.* (a) Bilge and ballast systems, piping, inlets and discharges, ash chutes, astern power, and auxiliary steering shall be in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

§46.15–10 *Subdivision load lines.* (a) Subdivision load lines shall be located by measuring vertically down from the deck line required by Part 43 of this subchapter.

(b) The length, width, and manner of marking the lines shall be as provided in Subpart 43.05 of this subchapter.

(c) No subdivision load line is to be placed so that the freeboard is reduced from that determined by the highest seasonal mark permitted by Part 43.

(d) When the highest subdivision load line is located on a vessel used as a passenger vessel in a position between the highest and lowest seasonal load line marks, the seasonal load line marks above the subdivision load line will be omitted and those below will be marked.

(e) When the freeboard from the highest subdivision load line on a vessel used as a passenger vessel is greater than the freeboard from the lowest load line permitted by Part 43 of this subchapter, the load lines required by Part 43 of this subchapter shall be omitted and the disk with its horizontal line located in line with the highest subdivision load line.

(f) One fresh water line shall be marked. When a subdivision and a normal load line are combined, the normal fresh water line only shall be used unless the position of the subdivision load line is such that confusion will result, in which case a subdivision fresh water line may be used, marked FC, and the normal fresh water line omitted.

(g) Subdivision load lines shall be aft of the vertical line. The vertical line shall be extended as necessary to connect the lowest and highest load lines marked on the vessel.

(h) When a vessel has spaces used for cargo and passengers alternatively so that the position of the subdivision load line varies with the service, subdivision load lines for the principal passenger condition shall be marked and denoted by C, and the alternative conditions marked and denoted by C_1, C_2, etc. The position of each load line and the conditions under which a particular load line is applicable shall be noted in the certificate.

(i) The principal passenger condition for a vessel having spaces used for passengers and cargo alternatively is the condition where only those spaces appropriated exclusively to passengers are taken into consideration for determination of the subdivision load line.

(j) For Great Lakes vessels, references to Part 43 shall read Part 45 and a "diamond" shall be substituted for the "disc". No "fresh water" line will be marked.

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

Part 50 is amended to read as follows:

SUBPART 50.01—BASIS AND PURPOSE

Sec.
50.01–1 Authority.
50.01–5 Assignment of functions.
50.01–10 Purpose of regulations.
50.01–15 Application of regulations.

SUBPART 50.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

50.10–1 Commandant.
50.10–5 Coast Guard District Commander.
50.10–10 Officer in Charge, Marine Inspection.
50.10–15 Marine inspector or inspector.
50.10–20 Requirements.
50.10–25 Headquarters.

AUTHORITY: §§ 50.01–1 to 50.10–25 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 50.01—BASIS AND PURPOSE

§ 50.01–1 *Authority.* (a) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) The regulations regarding marine engineering interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, and 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, and 50 U. S. C. App. 1275).

§ 50.01–5 *Assignment of functions.* By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were

transferred to the Commandant, United States Coast Guard by Reorganization Plan No. 26 of 1950, effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specific exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 50.01–10 *Purpose of regulations.* The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for marine engineering in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting inspected vessels and such regulations have the force of law.

§ 50.01–15 *Application of regulations.* (a) The regulations in this subchapter contain specifications and requirements for materials, design, construction, installation, and inspection of machinery, boilers, unfired pressure vessels, safety valves and appurtenances, including piping systems, upon the strength and efficiency of which safety of life is dependent.

(b) The regulations in this subchapter apply to installations contracted for or built on or after July 1, 1935. The regulations in Subchapter G (Marine Engineering Installations Contracted for Prior to July 1, 1935) of this chapter apply only to installations contracted for or built prior to July 1, 1935.

(c) The regulations in this subchapter are not retroactive in effect, except as provided in paragraph (d) of this section or if specifically provided for in the regulation at the time it is amended or added. The regulations amended or added subsequent to July 1, 1935, are applicable to installations contracted for or built on or after the effective date of such regulations. For the purpose of recalculating the maximum allowable pressure of boilers, unfired pressure vessels and piping under the provisions of § 61.20–15 (f), the formulas found in this subchapter may be used for boilers, unfired pressure vessels and piping: *Provided*, That such recalculation shall not permit a higher pressure than that originally allowed by the regulations in effect at the time such work was contracted for or built.

(d) Where existing vessels are reboilered, the mountings and attachments, including feed and blow-off valves and fittings, shall be renewed in accordance with regulations in this subchapter, in effect at the time such work is contracted for or built. The steam piping shall be gaged and examined by the Officer in Charge, Marine Inspection, and if found to be of the thickness required at the time the piping was installed it may be continued in use so long as the Officer in Charge, Marine Inspection, is of the opinion that the piping may be safely continued in use. Changes in specifications of articles of equipment shall not apply to such articles which have been passed as satisfactory until replacement shall become necessary.

§ 50.10–1 *Commandant.* The term "Commandant" means the Commandant of the Coast Guard.

§ 50.10–5 *Coast Guard District Commander.* The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–10 *Officer in Charge, Marine Inspection.* The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 50.10–15 *Marine inspector or inspector.* The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R. S., and acts amendatory thereof or suplemental thereto, and rules and regulations thereunder.

§ 50.10–20 *Requirements.* The term "requirements" refers to process of manufacture, characteristic, physical and chemical properties, tests, workmanship, and finish of materials.

§ 50.10–25 *Headquarters.* The term "headquarters" means the Office of the Commandant, United States Coast Guard, Washington 25, D. C.

PART 52—CONSTRUCTION

SUBPART 52.01—PROCEDURE AND GENERAL REQUIREMENTS

1. Sections 52.01–20 and 52.01–25 are amended to read as follows:

§ 52.01–20 *Appeals.* In case the design is disapproved by the Officer in Charge, Marine Inspection, the manufacturer may appeal within 30 days, to the Coast Guard District Commander of the district, and should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may, within 30 days, further appeal to the Commandant. The decision of the Commandant shall be final.

52.01–25 *Certifications and affidavits of manufacturers.* (a) In requesting inspection of a new boiler or pressure vessel subject to inspection by the Coast Guard, the manufacturer shall file with the Officer in Charge, Marine Inspection, a certification of a data report in triplicate on Form CG 2935 for boilers or Form CG 2936 for unfired pressure vessels. (See § 61.45–5 or § 61.45–10 of this subchapter.)

(b) Manufacturers of class B materials, such as pipe, valves, flanges, fittings, traps, separators, castings, forgings, etc., or appliances, proposed for use on vessels subject to inspection by the Coast Guard, shall file at Headquarters affidavits duly executed on Form CG 935A certifying that such materials or appliances will be manufactured in accordance with the regulations in this subchapter. (See § 61.45–15 of this subchapter.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

2. Section 52.01–45 *Inspection of boilers under construction* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

3. Section 52.01–55 is amended to read as follows:

§ 52.01–55 *Request for increase of pressure.* (a) When a maximum allowable pressure has been established for a boiler, an increase in pressure shall not be authorized unless the boiler design, piping system and machinery meet the requirements of this subchapter for the pressure requested. An increase in maximum allowable pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the requested increase in pressure is justified.

(b) When existing boilers are replaced by new boilers designed to operate at pressures in excess of the pressure allowed by the certificate of inspection, an increase in pressure shall not be authorized unless the boiler design, piping systems and machinery meet the requirements of this subchapter for the maximum pressure requested. An increase in maximum allowable pressure shall be granted only by the Commandant upon presentation of data or drawings proving that the boiler, piping system and machinery will operate safely at the desired maximum pressure of the system.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

4. Section 52.01–65 *Repairs, replacements, or alterations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 52.65—SAFETY VALVES

Subpart 52.65, consisting of §§ 52.65–1 to 52.65–15, is amended to read as follows:

Sec.
52.65–1 Definitions.
52.65–5 General requirements.
52.65–15 Installation.

AUTHORITY: §§ 52.65–1 to 52.65–15, issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply S. 4399, 4400, 4417, 4417a, 4418, 4424–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

§ 52.65–1 *Definitions* — (a) *Safety valve.* Safety valve is a valve designed to open or close automatically to relieve excess pressure in the pressure vessel to which it is attached.

(b) *Spring-loaded safety valve.* Spring-loaded safety valve is a safety valve fitted with a spring which normally holds the valve disk in a closed position against the seat and allows it to open or close at predetermined pressures. Spring-loaded safety valves are characterized by pop action.

(c) *Pressure loaded safety valve.* Pressure loaded pilot actuated safety valve is one which is held in the closed position by steam pressure and controlled in operation by a pilot actuator valve.

(d) *Spring loaded pilot actuated safety valve.* Spring loaded, pilot actuated safety valve is one in which a spring is used in the conventional way to hold the disk against the seat, but which has a piston attached to the spindle and inclosed within a cylinder, which when subjected to a limiting or set pressure, unbalances the spring load thereby opening the valve.

(e) *Spring loaded pilot valve.* Spring loaded pilot valve is a conventional safety valve designed to actuate another spring loaded safety valve through a pressure transmitting line led from the body of the pilot valve.

(f) *Lever safety valve.* Lever safety valve is a safety valve having the disk held on its seat by the action of a weight hung on a lever which is pivoted on a fulcrum.

(g) *Relief valve.* Relief valve is a valve constructed on the general design of safety valves to relieve excess pressure. It may be used for service where an approved safety valve is not required by the regulations of this subchapter. (See § 54.07–5 of this subchapter.)

§ 52.65–5 *General requirements.* (a) Each boiler and its superheater shall be provided with one or more approved safety valves designed, constructed and flow-tested in conformance with Subpart 162.001 in Subchapter Q (Specifications) of this chapter. Boilers of more than 500 square feet of water heating surface but without superheaters shall be fitted with at least two safety valves, and boilers with integral superheaters shall have at least two safety valves attached to the drum and one safety valve fitted to the superheater outlet. On river steam vessels whose boilers are connected in batteries without means of shutting off one boiler from another, each battery of boilers shall be treated as a single boiler and equipped with not less than two safety valves of equal size.

(b) Drum safety valves shall be set to relieve at a pressure not in excess of that allowed by the certificate of inspection. Where for any reason this is lower than the pressure for which the boiler was originally designed, an accumulation test, as provided for in paragraph (g) of this section, shall be conducted to insure that the relieving capacity of the safety valve is sufficient for the lower pressure.

(c) The setting of the superheater safety valve shall not exceed the design pressure of the machinery plus the pressure drop in the piping from the superheater outlet to the machinery. To prevent damage to the superheater, the drum safety valves shall be set at a pressure not less than that of the superheater safety valve setting plus 5 pounds minimum plus approximately the normal load pressure drop through the superheater. If there are no intervening valves between the superheater safety valve and boiler, the relieving capacity of the superheater safety valve rated in accordance with the requirements of Subpart 162.001, Subchapter Q (Specifications), may be included in determining the total required relieving capacity of the boiler, provided the drum safety valves have at least 75 percent of the aggregate relieving capacity required. The foregoing requirements do not apply when drum pilot actuated superheater safety valves are used. Installations employing pilot actuated safety valves will be given special consideration by the Commandant.

(d) In the event the maximum steam generating capacity of the boiler is increased by any means, the relieving capacity of the safety valves shall be checked by an inspector and if determined to be necessary, valves of increased relieving capacity shall be installed.

(e) The total rated relieving capacity of drum and superheater safety valves as certified by the valve manufacturer shall not be less than the maximum generating capacity of the boiler as certified by the boiler manufacturer. The safety valves shall be capable of discharging all the steam that can be generated without allowing the pressure to rise more than 6 percent above the set pressure of the valve.

(f) (1) The boiler manufacturer may certify the normal as well as the maximum generating capacity of the boiler. In the absence of such certification the minimum safety valve relieving capacity shall be determined upon the basis of the pounds of steam generated per hour per square foot of boiler heating surface and the water-wall heating surface, as given in the Table 52.65–5 (f) (1).

TABLE 52.65–5 (f) (1)—MINIMUM RELIEVING CAPACITY

Type of boiler	Minimum pounds of steam per hour per square foot of surface					
	Boiler heating surface			Water wall surface		
	Hand-fired	Stoker-fired	Oil, or pulverized fuel-fired	Hand-fired	Stoker-fired	Oil, or pulverized fuel-fired
Fire-tube	5	7	8	8	10	14
Water-tube	6	8	10	8	12	16

(2) In many cases a greater relieving capacity of safety valves must be provided than required by this paragraph, and in every case the requirements of paragraph (e) of this section shall be met.

(3) The heating surface shall be computed for that side of the boiler surface exposed to the products of combustion exclusive of the superheating surface. In computing the heating surface only the tubes, fireboxes, shells, tube sheets, and the projected area of the headers need be considered. For vertical fire-tube boilers, only that portion of the tube surface up to the middle gauge cock is to be computed. The minimum number and size of safety valves required shall be determined on the basis of the aggregate steaming capacity and the aggregate rated relieving capacity of the valves shall be in accordance with Subpart 162.001 in Subchapter Q (Specifications) of this chapter.

(g) An accumulation test shall be conducted in the presence of an inspector to determine the adequacy of protection provided by the aggregate relieving capacity of the boiler safety valves except in instances where possible damage to superheaters makes this impractical. During this test all steam outlet connections except the safety valves and such others as may be necessary to operate the boiler shall be closed and the fires forced to their maximum capacity for a period of 15 minutes for fire-tube boilers and 7 minutes for water-tube boilers.

(h) On new installations, the safety valve diameter for power boilers, superheaters, or unfired steam generators shall be not less than 1½ inches nor more than 4 inches. Safety valves of 4½ inches diameter may be used for replacements on existing boilers or unfired steam generators. The foregoing diameters apply to the valve inlet.

(i) Lever or weighted safety valves now installed may be continued in use and may be repaired, but when renewals are necessary, lever or weighted safety valves shall not be used. All such replacements shall conform to the requirements of Subpart 162.001 in Subchapter Q (Specifications) of this chapter.

(j) Gags or clamps for holding the safety valve disk on its seat shall be carried on board the vessel at all times.

§ 52.65–15 *Installation.* (a) The final setting of boiler safety valves shall be checked and adjusted under steam

pressure by an inspector who upon acceptance shall seal the valves. This requirement applies to drum and also superheater safety valves when the latter provide part of the required relieving capacity for the boiler.

(b) Except in the case of superheater valves, safety valves are not to be connected to any fitting with outlets for any purpose other than the escape of steam through the safety valve. They shall be connected directly to the boiler or as close thereto as possible and installed in an upright position with spindles vertical except in the case of especially designed and approved valves.

(c) No shut-off valves shall be placed between the required safety valves and the boiler or unfired steam generator, nor in the escape pipe between the safety valve and atmosphere, nor in the drain pipe from the safety valve.

(d) Twin valves, made by placing individual valves on Y bases, or duplex valves having two valves in the same body, shall be of equal size.

(e) (1) To insure safety valves being free, each safety valve shall have a substantial lifting device by which the valve disk may be positively lifted from its seat when there is at least 75 percent of the maximum allowable pressure on the boiler. Such mechanism shall be connected by suitable relieving gear so arranged that controls may be operated from the fireroom or engine-room floor.

(2) When, due to high pressure, it is impracticable to fit a relieving gear to raise the safety valve from its seat in order to relieve the boiler of pressure, suitable piping and a valve having a relieving capacity of not less than the safety valve(s), may be connected from the boiler to the escape pipe or condenser. The valve shall be arranged to permit operation from the fire-room or engine-room floor.

SUBPART 52.70—BOILER MOUNTINGS AND ATTACHMENTS

Section 52.70–25 *Feed connections* is amended by canceling paragraph (b).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 53—LOW PRESSURE HEATING BOILERS

SUBPART 53.03—STEEL PLATE HEATING BOILERS

1. Section 53.03–60 is amended to read as follows:

§ 53.03–60 *Safety valves.* (a) Each steam heating boiler shall have one or more approved safety valves set to discharge at a pressure of not to exceed 30 p. s. i., and designed, constructed and flow-tested for actual capacity in conformance with Subpart 162.012 of Subchapter Q (Specifications) of this chapter.

(b) The minimum safety valve capacity in pounds per hour shall be determined by dividing the maximum B. t. u. output at the boiler nozzle obtained by the firing of any fuel, for which the unit is designed, by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than the minimum specified by these regulations. In all cases the requirements of paragraph (c) of this section shall be met.

(c) The steam safety valve capacity for each boiler shall be such that with the fuel-burning equipment installed, the pressure cannot rise more than 6 percent above the maximum allowable pressure of the boiler. For set pressures not exceeding 15 p. s. i., the safety valve capacity may be such that with the fuel-burning equipment installed, the pressure cannot rise more than 5 pounds above the maximum allowable pressure.

(d) When operating conditions are changed, or additional boiler heating surface is installed, the safety valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with paragraph (c) of this section. The additional safety valves may be installed on the outlet piping provided there is no intervening valve.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret of apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

2. Part 53 is amended by adding a new § 53.03–62 reading as follows:

§ 53.03–62 *Relief valves.* (a) Each hot-water heating or hot-water supply boiler shall have one or more approved relief valves set to relieve at a pressure not to exceed 30 p. s. i., and designed, constructed and flow-tested for actual capacity in conformance with Subpart 162.013 of Subchapter Q (Specifications) of this chapter.

(b) The steam relieving capacity in pounds per hour shall be determined by dividing the maximum B. t. u. output at the boiler nozzle obtained by the firing of any fuel, for which the unit is designed, by 1,000 or by multiplying the square feet of heating surface by 5. In many cases a greater relieving capacity of valves will have to be provided than that minimum specified by the regulations in this subpart. In every case, the requirements of paragraph (c) of this section shall be met.

(c) The relief valve capacity for each boiler shall be such that with any fuel burning equipment installed the pressure cannot rise more than 3 pounds per square inch above the maximum allowable pressure of the boiler.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

3. Section 53.03–65 *Discharge capacities of safety and relief valves* is cancelled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416).

SUBPART 53.05—CAST-IRON HEATING BOILERS

1. Section 53.05–40 is amended to read as follows:

§ 53.05–40 *Safety and relief valves.* (a) The provisions of §§ 53.03–60, 53.03–62 and 53.03–63 shall apply to cast-iron heating boilers except as specified in this section.

(b) Safety and relief valves shall be set to discharge at a pressure not to exceed 15 pounds per square inch.

(c) Safety and relief valves for cast-iron heating boilers shall be such that with any fuel burning equipment installed, the pressure cannot rise above the maximum allowable pressure more than 5 pounds per square inch for a steam boiler and 3 pounds per square inch for a hot-water boiler.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

2. Section 53.05–45 *Discharge capacities of safety and relief valves,* is cancelled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 54—UNFIRED PRESSURE VESSELS

SUBPART 54.07—PRESSURE-RELIEF DEVICES

Part 54 is amended by adding a new § 54.07–25 reading as follows:

§ 54.07–25 *Safety relief valves.* (a) Unified pressure vessels containing liquefied compressed gases and where required by the regulations of this subchapter, shall be fitted with one or more approved safety relief valves designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 of Subchapter Q (Specifications) of this chapter.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the vessel and the combined relieving capacities of the safety relief valves shall be sufficient to prevent a rise of pressure in the vessel of more than 20 percent above the maximum design pressure when all the safety relief valves are blowing.

(c) The minimum rates of discharge of the safety relief valves for liquefied compressed gas service shall be not less than that required by the applicable regulations governing the transportation in bulk of the particular commodity.

NOTE: The requirements covering the transportation of liquefied petroleum gases in bulk may be found in Part 38 of Subchapter D (Tank Vessels) of this chapter. The requirements covering the transportation in bulk of certain liquefied compressed gases of a hazardous nature, but not considered flammable, may be found in Part 146 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(d) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the design pressure of the tank

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

PART 55—PIPING SYSTEMS, PUMPS, REFRIGERATION MACHINERY, AND FUEL TANKS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07–25 (m) is amended to read as follows:

§ 55.07–25 *Installation.* • • •

(m) (1) Pipes piercing the collision bulkhead shall be fitted with screwdown valves operable from above the bulkhead deck and the valve shall be secured to the bulkhead fitting inside the forepeak tank.

(2) Passenger vessels shall not have the collision bulkhead pierced below the margin line by more than one pipe conveying liquids in the forepeak tank except as provided for in subparagraph (3) of this paragraph.

(3) If the forepeak tank is divided to hold two different kinds of liquids, the collision bulkhead may be pierced below the margin by two pipes, provided there is no practical alternative to the fitting of the second pipe and further provided the safety of the vessel is maintained.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

2. Section 55.07–30 *Tests* is cancelled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

Sections 55.10–45 and 55.10–50 are amended to read as follows:

§ 55.10–45 *Gasoline fuel systems—*(a) *Material.* (1) Fuel supply piping to the engines shall be of seamless drawn annealed copper tubing or iron pipe size copper pipe.

(2) Tubing wall thicknesses shall not be less than that shown in Table 55.10–45 (a).

TABLE 55.10–45 (a)—TUBING WALL THICKNESS

Outside diameter of tubing in inches	Thickness	
	B. W. G.	Inch
⅛, 3/16, ¼	#21	0.032
5/16, ⅜	#20	.035
7/16, ½	#19	.042

(3) Tubing fittings shall be of nonferrous drawn or forged metal and of the flared type. Tubing shall be cut square and flared by suitable tools. Tube ends shall be annealed before flaring. Pipe fittings shall be of nonferrous material. Pipe thread joints shall be made tight with a suitable compound.

(4) Valves for fuel lines shall be of nonferrous material of the union-bonnet type with ground seats. Cocks are prohibited for use in gasoline fuel lines.

(b) *Installation.* (1) The piping shall be run in sight wherever practicable, protected from mechanical injury, and effectively secured against vibration by use of soft nonferrous metal clips. Where passing through steel decks or bulkheads, fuel lines shall be protected by close fitting ferrules or stuffing boxes. A short length of suitable flexible tubing or a loop of copper tubing shall be installed in the fuel line at or near the carburetor to prevent damage by vibration.

(2) Valves in fuel lines shall be installed to close against the flow.

(c) *Shut-off valves.* Shut-off valves of a suitable type shall be installed in the fuel supply lines, one as close to each tank as practicable, and one as close to each carburetor as practicable. Where fuel tanks are installed below the weather deck, arrangements shall be provided for operating all shut-off valves at the tanks from outside the compartments in which they are located, preferably from an accessible position on the weather deck. The operating gear for the shut-off valves at the tanks shall be accessible at all times.

(d) *Strainers.* A suitable twin strainer shall be fitted in the fuel supply line in the engine compartment. Strainers shall be of the type opening on top for cleaning screens. A drip pan shall be fitted under the strainer.

(e) *Outlets and drains.* Outlets in fuel lines for drawing gasoline for any purpose are prohibited. Drains or any openings in the bottom of fuel tanks are prohibited.

(f) *Fuel suction connections.* All fuel suction and return lines shall enter the top of the fuel tanks and connections shall be fitted into spuds. Such lines shall extend nearly to the bottom of the tank.

(g) *Filling and sounding pipes.* Filling and sounding pipes shall be so arranged that vapors or possible overflow when filling cannot escape to the inside of the vessel but will discharge overboard. Such pipes shall terminate on the weather deck clear of any coamings and shall be fitted with suitable shut-off valves or deck plugs. Filling and sounding pipes shall extend to within one-half of their diameter from the bottom of the tank or from the surface of the striking plate in case of a sounding pipe. A flame screen of noncorrodible wire mesh shall be fitted in the throat of the filling pipe. Sounding pipes shall be kept closed at all times except during sounding.

(h) *Vent pipes.* Each tank shall be fitted with a vent the net cross-sectional area of which shall be not less than that of the filling pipe. The vent pipes shall terminate at least two feet above the weather deck and not less than three feet from any opening into living quarters or other below deck space. The ends of vent pipes shall terminate with U-bends and shall be fitted with flame screens or flame arrestors. The flame screens shall consist of a single screen of corrosion resistant wire of at least 30 x 30 mesh.

(i) *Gasoline tanks.* For requirements pertaining to gasoline tanks, see Subpart 59.05 of this subchapter.

§ 55.10–50 *Diesel fuel systems.*—(a) *Scope.* The piping shall comply with the requirements of §§ 55.10–35, 55.10–60 and 55.10–65, except as otherwise provided in this section.

(b) *Material and workmanship.* Fuel supply piping shall be of seamless steel or annealed seamless copper or brass pipe or tubing.

(c) *Installation.* The piping shall run in sight whenever practicable, protected from mechanical injury and effectively secured against vibration.

(d) *Shut-off valves.* Shut-off valves shall be installed in the fuel supply lines, one as close to each tank as practicable, and one as close to each fuel pump as practicable. Valves shall be accessible at all times.

(e) *Outlets and drains.* Outlets for drawing fuel or draining water from the fuel oil system are not permitted in engine compartment.

(f) *Filling pipe.* Tank filling pipes on motorboats and motorvessels of less than 100 gross tons and tank barges shall terminate on an open deck and shall be fitted with suitable shut-off valves, deck plugs, or caps.

(g) *Vent pipes.* Each tank shall be fitted with a vent pipe complying with § 55.10–45 (h).

(h) *Diesel fuel tanks.* For requirements pertaining to diesel fuel tanks see Subpart 59.10 of this subchapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

SUBPART 55.16—LIQUEFIED PETROLEUM GASES FOR COOKING AND HEATING

Subpart 55.16, consisting of §§ 55.16–1 to 55.16–20, inclusive, is amended to read as follows:

Sec.
55.16–1 Scope.
55.16–5 Definition.
55.16–10 Approvals.
55.16–15 Installation.
55.16–20 Ventilation of compartments containing gas-consuming appliances.
55.16–25 Odorization.
55.16–30 Operating instructions.
55.16–35 Markings.

AUTHORITY: §§ 55.16–1 to 55.16–35 issued under R. S. 4405, as amended, 4462, as amended 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4461, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

§ 55.16–1 *Scope.* (a) Liquefied petroleum gas may be used for cooking and heating on all vessels subject to inspection by the Coast Guard, except passenger vessels, provided the installation complies with the requirements of this subpart.

§ 55.16–5 *Definition.* (a) For the purpose of this subpart the term "liquefied petroleum gas" means any liquefied inflammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butane, butylene, or butadiene, and which has a Reid [1] vapor pressure exceeding 40 pounds per square inch absolute at 100° F.

§ 55.16–10 *Approvals*—(a) *Gas appliances.* All gas-consuming appliances used for cooking and heating shall be of a type approved by the Commandant, and shall be tested and approved for liquefied petroleum gas service by the American Gas Association and shall bear the Approval Seal of the American Gas Association Testing Laboratories.

(b) *Cylinders.* (1) Cylinders in which liquefied petroleum gas is stored and handled shall be constructed, tested, and marked in accordance with Interstate Commerce Commission Specifications effective at the date of manufacture.

(2) All liquefied petroleum gas cylinders in service shall be periodically tested and marked with the retest date in accordance with the Interstate Commerce Commission regulations.

(3) Each cylinder shall be fitted with one or more safety relief devices approved as to type, size, pressure, setting and location, by the Bureau of Explosives in conformance with the Interstate Commerce Commission regulations.

(c) *Valves, regulators and vaporizers.* Each regulator, manifold valve assembly, cylinder valve, gauging device, relief valve, excess flow valve and shut-off valve, and vaporizer, when used, shall be tested and approved by, and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(d) *Plan approval.* In triplicate, showing the location and installation of gas-burning appliances, cylinders, regulators, manifolds and all piping shall be submitted for approval by the Commandant.

§ 55.16–15 *Installation*—(a) *Cylinders.* (1) Cylinders shall be installed in a substantially constructed and firmly fixed metal inclosure located on or above the weather deck. The cylinder inclosure shall have access from the weather deck only. The inclosure shall be provided with top and bottom ventilation consisting of a fresh air inlet pipe and an exhaust pipe both entering through top of the inclosure. The inclosure shall be so constructed that when the access opening is closed, no gas can escape except through the ventilating system.

(2) Cylinders shall be securely fastened and supported within the metal inclosure. The cylinders shall be so mounted as to be readily accessible and capable of easy removal for refilling and inspection. Where possible, cylinders shall be mounted in an upright position.

(3) Storage of spare and empty cylinders shall be within the metal inclosure or they shall be properly checked on the weather deck.

(b) *Valves, regulators and vaporizers.* (1) A spring-loaded relief valve shall be installed in the system to protect the cylinders from excessive pressure. The relief valve shall comply with the requirements of § 55.16–10 (b) (3), and shall be located and vented within the metal inclosure.

(2) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which may be integral with or independent of the pressure regulator.

(3) All relief valve and regulator vents shall discharge into the metal inclosure.

(4) All valves, manifolds and regulators shall be securely mounted in locations readily accessible for inspection, maintenance and testing, and shall be adequately protected.

(5) Valves in the assembly of multiple cylinder systems shall be so arranged that the replacement of empty cylinders can be made without shutting down the flow of gas in the system.

(6) A shut-off valve shall be installed in each branch connection, located as close as possible to the gas-consuming appliances.

(7) The installation of vaporizers shall be subject to approval by the Commandant.

(c) *Piping and fittings.* (1) The piping between the cylinders and appliances shall be seamless annealed copper tubing or such other seamless tubing as may be approved by the Commandant.

(2) All piping shall be installed so as to provide minimum interior runs with adequate flexibility. The tubing connections shall be flared and the number held to a minimum. The piping at the cylinder outlets shall be fitted with flexible connections to minimize the effect of cylinder movement on the outlet piping.

(3) All piping or tubing shall be leak tested after installation as required by § 55.16–30 (j) and at each regular annual inspection at a pressure of not less than the normal operating pressure of the system. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of the report of test shall be posted and the other forwarded to the Officer in Charge, Marine Inspection, where the test was made.

(d) *Electrical.* No electrical connections shall be made within the cylinder inclosure.

§ 55.16–20 *Ventilation of compartments containing gas-consuming appliances.* (a) Compartments containing gas-consuming appliances which are located above the weather deck shall be fitted with at least two natural ventilator ducts led from atmosphere and extending to the floor level and to the overhead of the compartment. Mechanical ventilation may also be provided.

(b) Where compartments in which gas-consuming appliances are located entirely below the weather deck, mechanical or power ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

§ 55.16–25 *Odorization.* (a) All liquefied petroleum gases shall be effectively odorized by an agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

§ 55.16–30 *Operating instructions.* (a) Before opening a cylinder valve, the outlet of the cylinder shall be connected tightly to system; and in the case where only a single cylinder is used in the system, all appliance valves and pilots shall be shut off before the cylinder valve is opened.

(b) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(c) When cylinders are not in use their outlet valves shall be kept closed.

(d) Cylinders when exhausted shall have their outlet valves closed.

(e) Nothing shall be stored in the metal enclosure except liquefied petroleum gas cylinders and permanently fastened parts of the system.

(f) Valve protecting caps, if provided, shall be firmly fixed in place on all cylinders not attached to the system. Caps for cylinders in use may remain in the cylinder enclosure if rigidly fastened thereto.

(g) The opening to the cylinder enclosure shall be closed at all times except when access is required to change cylinders or maintain equipment.

(h) Gas pressure to consuming appliances should be approximately eleven inches water column (6.4 ounces per square inch).

(i) No smoking is permitted in the vicinity of the cylinder enclosure when access to inclosure is open.

(j) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(k) Report any presence of gas odor to ----------

§ 55.16–35 *Markings.* (a) The outside of the cylinder inclosure housing liquefied petroleum gas cylinders, valves and regulators shall be marked as follows:

Liquefied Petroleum Gas
Keep Open Fires Away.
Operating Instructions
Inside and In——

(b) Operating Instructions as listed in § 55.16–30 shall be framed under glass and shall be posted prominently, both in the interior of the metal enclosure and near the most frequently used gas consuming device, so they may be easily read.

[1] As determined by the American Society for Testing Materials Standard D–323 (most recent revision)—Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

1. Sections 56.01–25 and 56.01–30 are amended to read as follows:

§ 56.01–25 *Classes of arc-welded pressure vessels.* For the purpose of the uniform application of the regulations in this subchapter, arc-welded pressure vessels shall be divided into three classes as given in Table 56.01–25.

TABLE 56.01–25.—PRESSURE VESSEL CLASSIFICATION

Class of pressure vessel	Service	Limitations: Pressure, p. s. i.	Limitations: Temperature, ° F.	Maximum metal thickness, in inches
I	Power boilers: All pressure parts	Over 30	All	None
	Unfired pressure vessels containing:			
	(a) Vapors or gases	Over 600	Over 700	None
	(b) Liquids	Over [1] 600	Over 400	None
	(c) Dangerous substances	(2)	(2)	
II	Unfired pressure vessels containing:			
	(a) Vapors or gases	31 to 600, inclusive	276 to 700, inclusive	[3] 1¼
	(b) Liquids	201 to [1] 600, inclusive	251 to 400, inclusive	[3] 1¼
	(c) Dangerous substances	(2)	(2)	
III	Heating boilers:			
	(a) Steam	30 and under	275 and under	
	(b) Hot water	30 and under	250 and under	
	Unfired pressure vessels containing:			
	(a) Vapors or gases [4]	30 and under	275 and under [5]	[3] ⅝
	(b) Liquids [4]	200 and under	250 and under [5]	[3] ⅝

[1] This pressure limitation does not apply to vessels containing liquids under hydrostatic pressure at atmospheric temperatures.

[2] Stored or stowed dangerous substances may be carried in either Class I or Class II pressure vessels within the pressure and temperature limits prescribed in Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

[3] The limit of plate thickness does not apply to heads formed from a single plate.

[4] Class III pressure vessels shall not be used for the storage or stowage of lethal gases or liquids or such dangerous substances which are regulated by the requirements of Subchapter N (Explosives or other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

[5] Class III pressure vessels shall not be used for the storage or stowage of gases or liquids at temperatures exceeding their boiling point at atmospheric pressure.

§ 56.01–30 *Welded joint efficiencies.* (a) The maximum joint efficiencies to be used in the design of pressure vessels or parts of pressure vessels fabricated by arc or gas welding shall be as given in Table 56.01–30 (a). The joint efficiencies shall depend on the type of joint welded and on whether or not the pressure vessel is stress-relieved or radiographed.

(b) A maximum joint efficiency of 0.95 may be used for Class I pressure vessels provided the weld reinforcement is removed so that the longitudinal weld(s) on both sides of the joint is substantially flush with the surface of the plates, and on all intersecting butt-welded circumferential joints the reinforcement is similarly removed five times the plate thickness (or 6 inches whichever is less) on each side adjacent to any longitudinal joint.

TABLE 56.01–30 (a).—MAXIMUM ALLOWABLE EFFICIENCIES FOR WELDED JOINTS [1]

Type of joint	Limitations	Basic joint efficiency (percent) [2]	Radiographed	Thermally stress relieved	Maximum joint efficiency (percent)
Double-welded butt joint	None	90	R	R	[3] 95
	Class I welded pressure vessel		R	R	90
Single-welded butt joint with backing strip. [4]	Long. joint maximum thickness 1¼ inches. No thickness limitation on circumferential joints. If welds not radiographed and stress-relieved this type joint limited to Class II and III welded pressure vessel.	80	R	NR	85
			NR	R	85
			NR	NR	80
Single-welded butt joint without backing strip. [5]	Circumferential joints only. Maximum thickness ⅝ inch. Limited to Class II and III welded pressure vessel.	70	NR	R	75
			NR	NR	70
Double-welded full-fillet lap joints.	Long. joints maximum thickness ⅝ inch. Circumferential joints maximum thickness ⅝ inch. Limited to Class III welded pressure vessel.	65	NR	R	70
			NR	NR	65

R—Indicates "Required."
NR—Indicates "Not Required."

[1] See § 56.01–25 for classes of welded pressure vessels and Subpart 56.10 for unfired brazed pressure vessel requirements.

[2] Spot examination required by § 56.05–6 unless specifically exempted.

[3] Weld reinforcement required to be removed (see § 56.01–30 (b)).

[4] Where not possible to employ double-welded butt joint the above type may be considered equivalent to a double-welded joint if the requirements of § 56.01–55 are met.

[5] In welding single-welded butt joints, complete penetration at the root is required, which must be demonstrated by the qualification of the procedure to be used. If complete penetration cannot otherwise be secured, the procedure shall include a backing ring or equivalent.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.)

2. Section 56.01–35 *Class III Welding* is cancelled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 56.05—TESTS AND INSPECTION

1. Section 56.05–5 (a) and (b) are amended to read as follows:

§ 56.05–5 *Nondestructive tests.* (a) All longitudinal and circumferential arc- or gas-welded butt joints of Class I welded pressure vessels shall be radiographically examined throughout their length except as specifically exempted in other sections of this subchapter. Butt-welded pipe joints may be tested either by radiography or by the magnetic powder method.

(b) All welded joints to be radiographed shall be prepared as follows: The weld ripples or weld surface irregularities, on both the inside and outside, shall be removed by any suitable mechanical process, to a degree such that the resulting radiographic contrast due to any remaining irregularities cannot mark or be confused with that of any objectionable defect. Also the weld surface shall merge smoothly into the plate surface. The finished surface of the reinforcement may have a crown of approximately uniform amount not to exceed the following:

Plate thickness, inches:	*Thickness of reinforcement, inches*
Up to ½, inclusive	1/16, maximum.
Over ½ to 1, inclusive	1/16 to 3/32.
Over 1	3/32 to 1/8.

Single-welded butt joints made the equivalent of double-welded butt joints in accordance with § 56.01–55, may be radiographed without removal of backing strip provided the backing strip image will not interfere with the interpretation of resultant radiographs.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 53, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275)

2. Section 56.05–10 *Hydrostatic and hammer tests* is cancelled.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416)

3. Section 56.05–15 *Inspection* is cancelled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 57—MAIN AND AUXILIARY MACHINERY

Part 57 is amended by changing the title from "Installations, Tests, Inspections, Repairs, and Miscellaneous Requirements" to "Main and Auxiliary Machinery"; §§ 57.01–1 to 57.20–20, inclusive, are cancelled; and §§ 57.01–1 to 57.20–5 are added reading as follows:

SUBPART 57.01—GENERAL REQUIREMENTS

Sec.
57.01–1 Scope.
57.01–5 Applicable standards.
57.01–10 Fuel for internal combustion engines on passenger vessels.

SUBPART 57.05—MAIN PROPULSION MACHINERY

57.05–1 Material, design and construction.
57.05–5 Astern power.

SUBPART 57.10—INTERNAL COMBUSTION ENGINE INSTALLATIONS

57.10–1 Scope.
57.10–5 Gasoline engine installations.
57.10–10 Diesel engine installations.

SUBPART 57.20—REFRIGERATING MACHINERY

Sec.
57.20–1 Installation of refrigerating machinery.
57.20–5 Small portable, self-contained units.

AUTHORITY: §§ 57.01–1 to 57.20–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended; sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 395, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 57.01—GENERAL REQUIREMENTS

§ 57.01–1 *Scope.* (a) The regulations in this part contain requirements for the design and construction of main and auxiliary machinery installed on vessels subject to inspection by the Coast Guard, except as otherwise prescribed in this subchapter.

§ 57.01–5 *Applicable standards.* In general the applicable standards established by the American Bureau of Shipping may be considered as standard for the design, construction, and testing of main and auxiliary machinery, except as modified in this subchapter.

§ 57.01–10 *Fuel for internal combustion engines on passenger vessels.* All internal combustion engines installed on passenger vessels exceeding 100 gross tons whether for propulsion or auxiliaries shall be driven by fuel having a flash point exceeding 110° F.

SUBPART 57.05—MAIN PROPULSION MACHINERY

§ 57.05–1 *Material, design and construction.* The material, design, construction and workmanship of main and auxiliary machinery shall be at least equivalent to the standards established by the American Bureau of Shipping or other recognized classification society.

§ 57.05–5 *Astern power.* All passenger vessels shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances.

SUBPART 57.10—INTERNAL COMBUSTION ENGINE INSTALLATIONS

§ 57.10 *Scope.* The requirements in this subpart apply to all vessels subject to inspection. The requirements governing the installation of internal combustion engines on motorboats and motor vessels of more than 15 gross tons carrying passengers for hire shall be effective on new vessels or vessels converted to passenger service for the first time, the construction of which is commenced on or after December 1, 1945, and to all existing vessels as far as it is practicable.

§ 57.10–5 *Gasoline engine installations*—(a) *Engine design.* All installations shall be of marine type engines suitable for the intended service, designed and constructed in conformance with the requirements of this subchapter.

(b) *Carburetors.* (1) Drip collectors shall be fitted under all carburetors, except the down-draft type, to prevent fuel leakage from reaching the bilges and so arranged as to permit ready removal of such fuel leakage. Drip collectors shall be covered with flame screens.

(2) Carburetors of all engines shall be fitted with effective backfire flame arrestors. Backfire flame arrestors used on new installations or replacements shall be of approved type, design, construction and tested in conformance with Subpart 162.015 of Subchapter Q (Specifications) of this chapter. Air intakes shall be so directed that backfire cannot blow down into the bilge.

(c) *Exhaust manifold.* The exhaust manifold shall either be water-jacketed and cooled by discharge from a pump which operates whenever the engine is running, or woodwork within 9 inches shall be protected by ¼-inch asbestos board covered with not less than No. 22 USSG galvanized sheet iron or nonferrous metal. A dead air space of ¼ inch shall be left between the protecting asbestos and the wood, and a clearance of not less than 2 inches maintained between the manifold and the surface of such protection.

(d) *Exhaust pipe.* (1) The exhaust pipe shall be gas tight and the installation shall comply with one of the following requirements:

(i) All of the engine cooling water shall be discharged through the exhaust pipe when water cooled and shall enter the exhaust pipe at a point as near to the manifold as practicable.

(ii) A length of not less than 12 diameters of the exhaust pipe adjacent to the manifold shall be water-jacketed and cooled in the same manner as the manifold. The remainder of the pipe shall be kept clear of internal woodwork at least 1½ inches.

(iii) Woodwork within 6 inches of any part of the exhaust pipe shall be protected by ¼-inch asbestos board covered with not less than No. 22 USSG galvanized sheet iron or nonferrous metal. A dead air space of ¼ inch shall be left between the protecting asbestos and the wood, and a clearance of not less than ½ of its diameter shall be maintained between the pipe and the surface of such protection.

(2) In all of the above cases described in subparagraph (1) of this paragraph, the exhaust pipe shall be properly supported by noncombustible hangers or blocks and protective gratings shall be provided at such locations where persons or gear might come in contact therewith. Arrangements shall be made to provide access to the exhaust pipe throughout its length. A spark arrester shall be installed in each exhaust line.

(3) Where exhaust lines pass through watertight bulkheads, noncombustible packings shall be installed. Exhaust piping shall be led to the point of escape without traps and with a minimum number of bends and elbows. 90 degree elbows or bends of less than 5 diameters radius are not permitted.

(4) Where flexibility is necessary a section of flexible metallic hose, or suitable nonmetallic hose may be used if the exhaust is water cooled.

§ 57.10–10 *Diesel engine installations.* (a) The requirements of § 57.10–5 (a), (c) and (d) shall apply to diesel engine installations.

(b) On installations of engines of the semi-diesel or hot-bulb type, woodwork within 3 feet of starting torches shall be protected by at least ¼-inch asbestos board covered with sheet metal and a dead air space of ¼ inch between the asbestos board and the wood.

SUBPART 57.20—REFRIGERATING MACHINERY

§ 57.20–1 *Installation of refrigerating machinery.* (a) Where refrigerating machines are installed in which anhydrous ammonia is used as a refrigerant, such machines shall be located in a well-ventilated, isolated compartment, preferably on the deck, but in no case shall it be permissible to install such machines in the engine-room space unless it is vented and isolated so as to eliminate any hazard from gas escaping to the engine room. Absorption machines using a solution of aqua ammonia and machines using carbon anhydride (CO_2 gas) are exempt from this requirement, provided the maximum charges that might be released in the event of breakage do not exceed 300 pounds.

(b) Machinery compartments containing equipment for ammonia shall be fitted with a sprinkler system providing an effective water spray and having a remote control device located outside the compartment.

(c) All refrigeration compressor spaces shall be effectively ventilated and drained and shall be separated from the insulated spaces by watertight bulkhead, unless otherwise approved.

§ 57.20–5 *Small portable, self-contained units.* The requirements of this subpart shall not apply to small, portable, self-contained units.

PART 58—REPAIRS TO BOILERS, UNFIRED PRESSURE VESSELS AND APPURTENANCES

Part 58 is amended to read as follows:

SUBPART 58.01—GENERAL REQUIREMENTS

58.01–1 Scope.
58.01–5 Repairs, replacements, or alterations.

SUBPART 58.05—WELDING REPAIRS TO NEW PRESSURE VESSELS

58.05–1 Welding repairs when plate defects develop or are discovered during fabrication.

SUBPART 58.10—WELDING REPAIRS TO BOILERS AND UNFIRED PRESSURE VESSELS IN SERVICE

58.10–1 Scope.
58.10–5 Cracks.
58.10–10 Corroded surfaces.
58.10–15 Rivets and staybolts.
58.10–20 Patches in shells and tube sheets.
58.10–25 Stayed areas.
58.10–30 Seal welding.
58.10–35 Wrapper plates and back heads.

SUBPART 58.15—MISCELLANEOUS BOILER REPAIRS

58.15–1 Furnace repairs.
58.15–5 Stayed furnaces and combustion chambers.
58.15–10 Bagged or blistered shell plates.

SUBPART 58.20—WELDING REPAIRS TO CASTINGS

58.20–1 Welding repairs to defective carbon-steel castings.
58.20–5 Welding repairs to defective alloy-steel castings.

AUTHORITY: §§ 58.01–1 to 58.20–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 395, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 58.01—GENERAL REQUIREMENTS

§ 58.01–1 *Scope.* The regulations in this part apply to the repairs of all boilers, unfired pressure vessels and appurtenances subject to inspection by the Coast Guard.

§ 58.01–5 *Repairs, replacements, or alterations.* (a) No repairs, replacements or alterations, except emergency repairs, etc., shall be made to machinery boilers, unfired pressure vessels, their mountings or internal fittings, safety valves, piping systems, or pressure appliances without prior approval by the Officer in Charge, Marine Inspection.

(b) Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, at or nearest the first port where the vessel may call after such repairs are made.

(c) Repairs, replacements, or alterations to installations in service shall so far as practicable be made with materials and in the manner specified for new construction.

SUBPART 58.05—WELDING REPAIRS TO NEW PRESSURE VESSELS

§ 58.05–1 *Welding repairs when plate defects develop or are discovered during fabrication*—(a) *Cracked plates.* Plates which crack during cold forming operations as a result of localized stress raisers such as sharp plate edges, minor localized surface imperfections, and fractures which subsequent microstructure shows to be caused by coarse grain size may be repaired if authorized by the Commandant. Prior to such repairs being authorized, information shall be furnished as follows:

(1) Heat treatment to be employed prior to undertaking repairs.

(2) Method of excavating defective material and type of groove to be employed.

(3) Method of examining excavation to insure that all defective material has been removed.

(4) Welding procedure to be employed in effecting the repair.

(5) Heat treatment to be employed during and after welding.

(6) Type of nondestructive test to be made to insure that repair is satisfactory.

(b) *Laminations.* Laminations or inclusions in the plate which initially appear in the heat affected zone during welding operations or appear during the drilling of tube holes may be repaired if authorized by the Commandant. Prior to such repairs being authorized information shall be furnished as follows:

(1) Method of excavating defective material and type of welding groove to be used if any.

(2) Method of examining excavation to insure that all defective material has been removed.

(3) Welding procedure to be employed in effecting repair.

(4) Heat treatment to be employed during and after welding.

(5) Type of nondestructive test to be made to insure that repair is satisfactory.

SUBPART 58.10—WELDING REPAIRS TO BOILERS AND UNFIRED PRESSURE VESSELS IN SERVICE

§ 58.10–1 *Scope.* (a) Repairs to boilers or unfired pressure vessels in service may be performed by welding provided the welding meets the applicable requirements of Part 56 of this subchapter. No repairs by welding shall be made, except temporary emergency repairs, without the prior approval of the Officer in Charge, Marine Inspection. Emergency repairs shall be replaced with permanent repairs meeting the requirements of this subchapter when the vessel returns to a port in which an Officer in Charge, Marine Inspection, is located, except in the case of minor repairs which in the opinion of the Officer in Charge, Marine Inspection, do not materially affect the safety of the boiler or pressure vessel.

(b) Repair welding of power boilers not meeting requirements for class I welded pressure vessels is prohibited unless the stress is carried by such other type(s) of construction complying with the requirements of this subchapter, and where the adequacy of the boiler design is not solely dependent upon the strength of the welds.

(c) Only welded repairs as specified in this subchapter are permitted on boilers and unfired pressure vessels. The welding repairs allowed by this subpart apply only to boilers and unfired pressure vessels fabricated of carbon steel. Welding repairs to boilers and unfired pressure vessels fabricated of alloy steel will be given special consideration by the Commandant. Such other method of repairs by means of welding not covered in this subchapter shall be referred to the Commandant and may be authorized by him if, in his opinion, it meets the intent of this subchapter.

§ 58.10–5 *Cracks.* (a) Cracks extending from the calking edge of plates to the rivet holes of circumferential joints may be welded provided the cracks are veed out so that complete penetration of the weld metal is secured.

(b) Circumferential cracks from rivet hole to rivet hole in girth joints may be welded provided there are not more than three consecutive cracked ligaments nor more than a total of six cracked ligaments in any one girth joint.

(c) Cracks in staybolted plates may be welded provided they are located entirely within staybolted areas and the total length of any crack or series of consecutive cracks does not exceed two staybolt pitches.

(d) Cracks in plain, circular or Adamson ring or similar type furnaces may be welded provided any one crack does not exceed 12 inches in length and after completion the weld is stress-relieved as required by § 56.01–70 of this subchapter. Cracks in corrugated furnaces may be repaired by welding provided any one crack does not exceed 20 inches in length.

(e) Fire cracks may be welded at riveted door openings extending from the edge of the plate, but not more than 2 inches beyond the centerline of the rivet holes.

(f) Cracks may be welded between tube holes in the shell of water-tube boiler drums, provided there are not more than two cracks in any one row in any direction, nor more than a total of four cracks in a drum, and further provided the welding meets the requirements of this subchapter for class I welded pressure vessels and is approved by the Commandant.

(g) All cracks permitted to be repaired under this subpart shall be excavated to sound metal by grinding, flame gouging or chipping out the defective metal to form a clean welding groove. The first two methods of excavation are preferable, either a V groove or U groove wherein complete penetration of the weld metal is secured may be used. After excavation is completed and prior to welding, the excavated area shall be examined by magnetic particle testing to insure that the entire crack was excavated. When the reverse side of the weld is accessible the root of the weld shall be chipped or ground out to insure a clean surface of the originally deposited metal and the resultant groove welded to obtain a sound weld having complete penetration. During welding a preheat of 200 degrees plus or minus 50 degrees F. shall be maintained by controlled temperature. For thicknesses exceeding ¾ inch, suitable U grooves should be employed. A welding sequence shall be used so as to equalize welding stresses. Each complete bead of welding except the last shall be peened before depositing the succeeding bead.

(h) After cracks originating in tube or rivet holes are repaired by welding, the holes shall be properly reamed and the weld reinforcing ground flush with the plate in way of rivet heads.

(i) Flat tube sheets in fire-tube boilers which have corroded or where cracks exist in the ligaments may be repaired by welding.

(j) The welding repairs to drums of power boilers, except as otherwise permitted in this subpart, is prohibited.

§ 58.10–10 *Corroded surfaces.* (a) Corroded surfaces in the calking edges of circumferential seams may be built up by welding to the original thickness under the following conditions:

(1) The thickness of the original metal to be built up between rivet holes and calking edge shall not be less than one-fourth of the diameter of the rivet hole, and the portion of the calking edge to be thus reinforced shall not exceed 30 inches in length in a circumferential direction.

(2) In all repairs to circumferential seams by welding, the rivets shall be removed over the portions to be welded for a distance of at least 6 inches beyond the repaired portion.

(3) After repairs are made the rivet holes shall be reamed before the rivets are re-driven.

(b) It is not permissible to build up or reinforce a grooved or corroded area of unstayed internal surfaces by means of welding, except that widely scattered pit holes may be built up by welding.

(c) Where external corrosion has reduced the thickness of flat plates around hand holes to an extent of not more than 40 percent of the original thickness and for a distance not exceeding 2 inches from the edge of the hole, the plate may be built up by welding.

(d) Where stayed sheets have corroded to a depth not exceeding 40 percent of their original thickness, they may be reinforced or built up by welding. Where the staybolts are fitted with riveted heads, the staybolts in the reinforced area shall be renewed in accordance with the provisions of Subparts 52.30 and 52.35 of this subchapter, but where the staybolts are fitted with nuts, the nuts may be removed and after reinforcing has been applied, collars may be welded around the staybolts in lieu of the nuts. Such reinforced areas shall not exceed 400 square inches nor more than 30 inches in one direction. Two such areas in any one plate may be reinforced: *Provided*, That the distance between the reinforced surfaces is not less than 30 inches.

(e) When the corroded portion of a staybolted surface exceeds 400 square inches, it is permissible to repair the same by cutting out the defective portion and replacing it with a new plate, the edges of the new plate to be welded in position. In such cases, new staybolts shall be fitted in accordance with the requirements of Subparts 52.30 and 52.35 of this subchapter and where welding is performed through a line of staybolts, welded collars as required by Figure 52.35–1 of this subchapter shall be used to attach the staybolts.

§ 58.10–15 *Rivets and staybolts.* (a) It is not permitted to reinforce or build up by welding the heads of rivets or staybolts that have deteriorated. Such rivets or staybolts shall be replaced. The seal welding of rivet heads to secure tightness is prohibited.

(b) Where leaks develop around staybolts which are otherwise in good condition, the nuts may be replaced with a beveled collar formed around the end of the stay by means of welding. In such cases, the depth of collar measured on the stay and the width measured on the plate, shall be equal to one-half the diameter of the staybolt. (See Figure 52.35–1 of this subchapter.)

§ 58.10–20 *Patches in shells and tube sheets.* (a) Unreinforced openings in the shells or drums of boilers or pressure vessels, the diameter of which does not exceed the maximum diameter of an unreinforced opening, in accordance with Figures 52.25–15 (b1) and 52.25–15 (b2) of this subchapter, may be closed by the use of a patch or plate inside the drum or shell and sealed against leakage by welding. Such plates shall have a diameter of at least 2 inches larger than the diameter of the hole and shall have a thickness equal to the thickness of the plate to which it is attached. It is not permissible to insert such patches in the shell or head flush with the surrounding plate unless the requirements of this subchapter for Class I welded pressure vessels are met.

(b) Portions of tube sheets which have deteriorated may be renewed by replacing the wasted portion with a new section. The ligaments between the tube holes may be joined by means of welding and staytubes, or other acceptable means of lowering the stress on the repaired section may be installed if in the judgment of the Officer in Charge, Marine Inspection, it is necessary.

(c) The edge preparation and preheat of butt-welded joints employed in the renewal of defective or corroded boiler plates shall comply with the requirements of § 58.10–5 (g).

§ 58.10–25 *Stayed areas.* Welding repairs are permitted in staybolted areas or areas adequately stayed by other means so that should failure of the welds occur the stress will be carried by stays. The welds shall be located entirely within staybolted areas which prohibit welds passing through the outer row of stays.

§ 58.10–30 *Seal welding.* Where leaks occur in riveted joints or connections, they shall be carefully investigated to determine the cause. Such leaks may be made tight by seal welding the edge, if, in the opinion of the Officer in Charge, Marine Inspection, this will make a satisfactory repair.

§ 58.10–35 *Wrapper plates and back heads.* Wrapper plates and back heads may be renewed in whole or repaired as follows:

(a) Wrapper plates or back heads shall be cut between two rows of staybolts or on a line of staybolts where the thickness is approximately the same as the original construction. If welding is employed on a line of staybolts, the staybolts shall be fitted with a welded collar as required in Figure 52.35–1 of this subchapter.

(b) The edges of wrapper plates riveted to tube sheets and back heads shall be removed by cutting out the rivets.

(c) The edges of existing plates and new plates shall be beveled by chipping, flame cutting, or grinding so as to form a suitable groove whereby complete penetration of the weld metal will be obtained. The edge preparation and preheat shall comply with the requirements of § 58.10–5 (g).

(d) The edges of the new plate shall be butt-welded and the plate shall be riveted to the flanges of the tube sheet and back heads and the staybolts renewed.

(e) Sections of wrapper plates of combustion chambers outside of stayed areas may be repaired by welding provided the welded joints are stress-relieved by means of controlled heat and the joints are nondestructively tested.

SUBPART 58.15—MISCELLANEOUS BOILER REPAIRS

§ 58.15–1 *Furnace repairs.* (a) Where corrugated or plain furnaces or flues are distorted to a difference of 1½ inches in diameter (that is 1½-inch deviation from a true circle), they shall be forced back to a true circular shape, and the Officer in Charge, Marine Inspection, may require strong-backs or other acceptable means of support to hold the furnace from future collapse if in his opinion such action is necessary.

(b) Where the distortion is in excess of 1½ inches, the furnace shall be forced back to practically a true circle or adequately stayed as found necessary in the judgment of the inspector.

(c) Where the distortion does not exceed 1½ inches it will not be necessary to force the furnace back to a true circle if the allowable pressure is reduced in the ratio of 1½ percent for each 1/10 of an inch that the furnace is out of round. However, if the maximum distortion does not exceed 1 inch and the length of the distorted area is not more than three corrugations, or if the maximum distortion does not exceed ¾ inch for a length greater than three corrugations of distorted area, the repairs or reduction in pressure will not be required unless considered necessary by the inspector.

(d) When it becomes necessary to rivet a patch to a furnace or other part of the heating surface, the riveted patch shall be placed on the water side of the plate in order not to form a pocket in which sediment may collect.

(e) Furnace crowns which have become distorted, not in excess of the limitations provided in paragraph (c) of this section, may be repaired by pumping back the distorted section to as nearly a true circle as possible and reinforcing the same by means of a ring, arc or gas welded to the distorted corrugation as shown in Figure 58.15–1 (e), the welding to be done by qualified welders using acceptable welding electrodes in accordance with § 56.01–20 of this subchapter.

§ 58.15–5 *Stayed furnaces and combustion chambers.* (a) Where the plate forming the walls of stayed furnaces or combustion chambers becomes bulged between staybolts, repairs may be made by inserting an additional staybolt in the center of such space supported by the four staybolts.

(b) Where it is desired to rivet a patch to the wall of a stayed furnace or combustion chamber, the defective portion of the plate shall be cut away until solid material is reached, the patch shall be riveted on the water side, and the staybolts renewed, and extended through the new plate.

§ 58.15–10 *Bagged or blistered shell plates.* (a) When the shell plates of cylindrical boilers which are exposed to the radiant heat of the fire become bagged or blistered, it shall be the duty of the chief engineer in charge of the vessel to notify the Officer in Charge, Marine Inspection, for examination before raising steam on the boiler.

(b) Where the shell plate is bagged due to overheating, the Officer in Charge, Marine Inspection, may, if in his judgment it is practicable, permit the same to be driven back to its original position.

(c) Where the shell plate has blistered, bagged, or bulged to such an extent that there is an appreciable thinning of the plate, the Officer in Charge, Marine Inspection, shall require the defective portion to be cut away and the shell repaired by fitting a patch of steel plate conforming to the requirements of Subpart 51.04 of this subchapter in place of the defective portion, care being taken that the riveting schedule of the patch is so arranged as to give the plate sufficient strength to withstand the stress placed on it in service.

meet the chemical and physical properties of the base metal.

(g) The defective material removed shall be replaced using pipe welders qualified in accordance with Qualification Test No. 4 for the position in which the welding is to be done as given in § 56.01–10 of this subchapter. The use of welders qualified to weld plate shall be permitted provided the welding is done in the flat position.

(h) Completed welds shall be inspected for cracks and other defects by magnetic particle testing, and in the case of major repairs, the welded area shall be examined by radiography if the casting is to be used in steam lines subject to boiler pressure, boiler feed, or blow-off lines. Prior to the use of magnetic particle inspection, the welds shall be made smooth and free of grooves or depressions.

(i) After repair of defective castings has been completed a hydrostatic test as outlined in Table 55.07–15 (e12) or 55.07–15 (e13) of this subchapter based upon the primary service pressure rating shall be applied.

§ 58.20–5 *Welding repairs to defective alloy-steel castings.* Defects in alloy-steel castings may be repaired by arc or gas welding in accordance with the requirements of § 58.20–1, provided the preheat and postheat employed are satisfactory for the material to be welded and process approval tests are conducted. The heat treatment and process approval tests shall be acceptable to the Commandant.

PART 59—INDEPENDENT INTERNAL COMBUSTION ENGINE FUEL TANKS

Part 59 is amended to read as follows:

SUBPART 59.01—GENERAL REQUIREMENTS

Sec.

59.01–1 Scope.

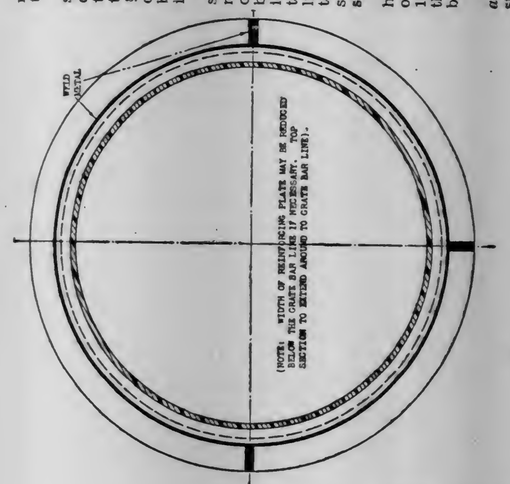
SUBPART 59.05—GASOLINE FUEL TANKS

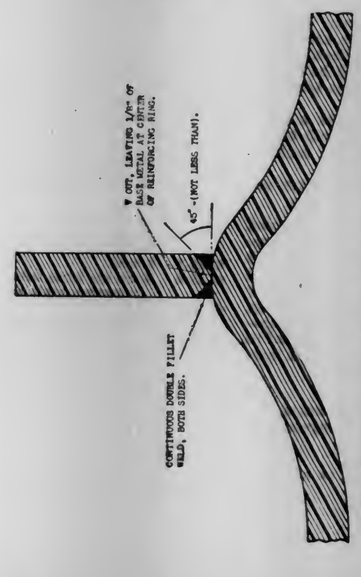
59.05–1 Construction.
59.05–5 Installation.
59.05–10 Tests.

SUBPART 59.10—DIESEL FUEL TANKS

59.10–1 Construction.
59.10–5 Installation.
59.10–10 Tests.

AUTHORITY: §§ 59.01–1 to 59.10–10 issued under R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4426–4433, 4434,





(Note: Reinforcing ring to be put on in not more than three sections, and where the sections butt they are to be double V welded. Width of ring to be not less than 3" and thickness not to exceed that of the furnace shell. Welding to end flush with the surface of the ring and to be done by a welding operator duly qualified.)

FIGURE 58.15–1 (e)—Approved method of reinforcing furnace crowns by means of arc or gas welding.

SUBPART 58.20—WELDING REPAIRS TO CASTINGS

§ 58.20–1 *Welding repairs to defective carbon-steel castings.* (a) Defects in carbon-steel castings, such as valve bodies, pipe fittings, channels, covers, manifolds, and other pressure-containing appliances, may be repaired by arc or gas welding.

(b) Defects in carbon-steel castings shall be classed as follows:

(1) *Minor defects.* Minor defects are undersized defective areas resulting from oxyacetylene cutting, grinding, or chipping during cleaning operation, surface sand or slag defects or other slight surface defects except cracks or cold shuts. The excavated depth of a minor defect shall not exceed 20 percent of the wall thickness or 1 inch, whichever is the lesser. No lineal dimension shall exceed four times the wall thickness or be greater than 6 inches, whichever is the lesser.

(2) *Major defects.* All defects exceeding the depth or size given in subparagraph (1) of this paragraph shall be considered a major defect, which shall be repaired in the same manner as a minor defect. Repairs of major defects shall be nondestructively tested as required by paragraph (h) of this section.

(c) Prior to any welding being done, all defective material shall be removed until the base metal is shown to be sound. Defective areas of castings may be removed by chipping, grinding, drilling, or oxyacetylene grooving to a sufficient depth to insure that the remaining base metal is shown to be sound by acid etching, radiography, or magnetic particle testing. The latter methods of testing are preferred. Any slag remaining after oxyacetylene grooving shall be completely removed by chipping or grinding. When defects are removed by drilling, the resulting hole shall be countersunk to a depth of at least 25 percent of the metal thickness with a bevel of the included angle being not less than 45 degrees.

(d) Prior to any welding being done, the cavity and the adjoining area shall be preheated to a temperature suitable for the chemical elements and thickness of metal involved which experience indicates is satisfactory. Castings shall be preheated to a temperature which experience indicates is suitable for the chemical elements and thickness of the casting when lugs, supports, ribs, or bosses are to be welded thereto.

(e) Castings other than those which have been repaired for minor surface defects, the excavated dimensions of which do not exceed the limitations specified by subparagraph (b) (1) of this section, shall be stress-relieved in a furnace to a temperature of from 1,100° F. to 1,200° F. for 1 hour per inch of maximum thickness and allowed to cool in the furnace to 500° F. before removal.

(f) Filler metal used in the repair of defective steel castings shall be acceptable electrodes in accordance with § 56.01–20 of this subchapter and shall

4453, 4491, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 395, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 59.01—GENERAL REQUIREMENTS

§ 59.01–1 *Scope.* (a) The regulations in this part contain requirements for independent internal combustion engine fuel tanks, on all vessels subject to inspection by the Coast Guard and on all motorboats and motor vessels of more than 15 gross tons carrying passengers for hire.

(b) Passenger vessels exceeding 100 gross tons constructed prior to July 1, 1935, may carry gasoline as fuel not exceeding 40 gallons to supply the emergency electrical system. Passenger vessels exceeding 100 gross tons constructed on or after July 1, 1935, and all emergency systems converted on or after July 1, 1935, shall use diesel fuel for internal combustion engine units. Such vessels may carry a sufficient quantity of diesel fuel to supply the emergency electrical system.

(c) An outage of 2 percent shall be provided on all fuel tanks containing petroleum products.

SUBPART 59.05—GASOLINE FUEL TANKS

§ 59.05–1 *Construction.* (a) Tanks may be of either cylindrical or rectangular form, except that tanks for emergency electrical systems shall be of cylindrical form.

(b) Tanks shall be designed to withstand the maximum head to which they may be subjected in service, except that in no case shall the thickness of the shell or head be less than ⅛ inch.

(c) Tanks shall be constructed of wrought iron, steel or nonferrous material, or corrosion-resistant alloys suitable for the purpose. Tanks constructed of noncorrosion resistant materials less than 3/16 inch in thickness shall be galvanized by the hot-dipped process both inside and outside.

(d) Joints shall be riveted, brazed or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity, provided the solder used has a melting point of not less than 800° F.

(e) All nozzle connections shall be made to the top of the tank and shall be securely riveted, welded, brazed or soldered to the tank.

(f) No tubular gauge glasses or try-cocks shall be fitted to the tanks.

(g) Tanks shall be provided with swash plates and braces, where necessary. The material used shall be the same as the tank.

§ 59.05–5 *Installation.* (a) Gasoline fuel tanks used for propulsion shall be located in watertight compartments separate from, but adjacent to the engine room or machinery space. Fuel tanks for auxiliaries shall be located on or above the weather deck outside of the engine housing or compartment and as close to the engine as practicable. All tanks shall be so installed as to provide a free circulation of air around the tanks.

(b) Cylindrical tanks with longitudinal seams shall be arranged horizontally where practicable so that such seams are located as near the top as possible.

(c) All tanks shall be securely fastened and shall be arranged as to be readily inspected or movable for inspection. Portable fuel tanks are not permitted.

§ 59.05–10 *Tests.* (a) Tanks vented to atmosphere shall be hydrostatically tested to a pressure of at least 10 pounds per square inch gage after installation.

(b) All tanks not vented to atmosphere shall be constructed and tested in accordance with Part 54 of this subchapter.

SUBPART 59.10—DIESEL FUEL TANKS

§ 59.10–1 *Construction.* (a) Tanks may be of either cylindrical or rectangular form.

(b) Tanks shall be designed to withstand the maximum head to which they may be subjected in service, except that in no case shall the thickness of tanks having capacities of 40 gallons or less be less than 1/16 inch, and tanks having capacities over 40 gallons be less than ⅛ inch.

(c) Joints shall be riveted, brazed, or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity provided that the solder used has a melting point of not less than 800° F.

(d) Tanks shall be provided with swash plates and braces where necessary. The material used shall be the same as the tank.

(e) All nozzles for pipe connections shall be securely riveted, welded, and brazed, or soldered to the tank. No tubular gage glasses or try-cocks shall be fitted to the tanks.

§ 59.10–5 *Installation.* (a) Tanks containing fuel for emergency lighting units shall be located on an open deck or in an adequately ventilated metal compartment. No tank shall be located in a compartment where the temperature may exceed 150° F.

(b) When cylindrical tanks are installed, longitudinal seams shall be located as near the top of the tank as possible.

(c) The tanks shall be properly secured and accessible for inspection.

§ 59.10–10 *Tests.* (a) Tanks vented to atmosphere shall be tested to a hydrostatic pressure of 5 pounds per square inch gage after installation, and at least to the maximum height the liquid may rise in the vent, whichever is greater.

(b) All tanks not vented to atmosphere shall be constructed and tested in accordance with Part 54 of this subchapter.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Part 60 is canceled.

(R. S. 4405 as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Part 61 is amended to read as follows:

SUBPART 61.01—GENERAL REQUIREMENTS

Sec.
61.01–1 Scope.

SUBPART 61.05—INSTALLATIONS

61.05–1 Scope.
61.05–5 Foundations.
61.05–10 Protection of adjacent structure.
61.05–15 Dampers.
61.05–20 Machinery guards.

SUBPART 61.10—INITIAL AND PERIODIC VESSEL INSPECTION

61.10–1 Scope.
61.10–5 Requirements for steam-propelled motorboats.

SUBPART 61.15—TESTS AND INSPECTION OF MACHINERY AND EQUIPMENT

61.15–1 Special surveys for unclassed passenger vessels.
61.15–5 Tests and inspection of steering gear.
61.15–10 Trial-trip observance.
61.15–15 Tail shaft survey.

SUBPART 61.20—TESTS AND INSPECTION OF BOILERS

61.20–1 Boilers under construction.
61.20–5 Preparation of boilers for inspection and test.
61.20–10 New boilers.
61.20–15 Boilers in service.
61.20–20 Boiler mountings and attachments.
61.20–25 Boilers of foreign-built vessels admitted to American registry.

SUBPART 61.25—TESTS AND INSPECTIONS OF PRESSURE VESSELS

61.25–1 Scope.
61.25–3 Welded pressure vessels under construction.
61.25–5 New pressure vessels.
61.25–10 Hydrostatic test of riveted pressure vessels.
61.25–15 Hydrostatic test of welded and brazed pressure vessels.
61.25–20 Pressure vessels in service.

SUBPART 61.30—TESTS AND INSPECTION OF PIPING, VALVES AND FITTINGS

61.30–1 Scope.
61.30–5 Shop test.
61.30–10 Installation test.
61.30–15 Piping in service.
61.30–20 Sea chests, sea valves and strainers.

SUBPART 61.35—PROOF HYDROSTATIC TESTS

61.35–1 Hydrostatic tests of boilers and appurtenances to determine pressure rating.
61.35–5 Proportional limit method.

SUBPART 61.40—MARKINGS

61.40–1 Boilers.
61.40–5 Unfired pressure vessels.

SUBPART 61.45—OFFICIAL FORMS

61.45–1 Scope.
61.45–5 Form CG 2935; boiler data report; manufacturer's certification.
61.45–10 Form CG 2936; unfired pressure vessel data report; manufacturer's certification.
61.45–15 Form CG 835A; Affidavit of manufacturer of class B material or appliances.
61.45–20 Form CG 1945; report of chief engineer on fusible plugs inserted in boiler.

AUTHORITY: §§ 61.01–1 to 61.45–20 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–

4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 395, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 61.01—GENERAL REQUIREMENTS

§ 61.01–1 *Scope.* The regulations in this part apply to the installations, tests and inspections of all boilers, pressure vessels and machinery subject to inspection by the Coast Guard.

SUBPART 61.05—INSTALLATIONS

§ 61.05–1 *Scope.* The regulations in this subpart apply to the installations of machinery and pressure vessels installed on vessels subject to inspection by the Coast Guard.

§ 61.05–5 *Foundations.* (a) Drawings showing details of proposed foundations, or saddles, for boilers and the proposed means of bracing boilers in the vessel shall be submitted for approval to the Officer in Charge, Marine Inspection, in the district where the installation is being made.

(b) Provision shall be made in foundations for expansion of the boilers when heated.

(c) Boilers shall be provided with chocks to prevent movement in the event of collision unless a bolted or riveted construction satisfactorily provides for this contingency.

§ 61.05–10 *Protection of adjacent structure.* (a) Boilers shall be so placed that all parts may be readily accessible for inspection and repair.

(b) In vessels having a double bottom or other extensive surfaces directly below the boiler, as in the case of keels and girders in wooden vessels, the distance between such surface and a boiler shall in no case be less than 8 inches at the lowest part of a cylindrical boiler and not less than 18 inches under the pans of water-tube boilers.

(c) In certain types of vessels where the boiler foundation forms the ash pit, such foundations shall be efficiently ventilated, except in cases where the ash pit is partially filled with water at all times.

(d) The pans of oil-burning, water-tube boilers shall be arranged to prevent oil from leaking into the bilges and shall be lined with fire brick or other heat resisting material.

(e) In vessels constructed of wood or having wood structure adjacent to boilers or uptakes such structure shall be protected by noncombustible, nonconducting material covered with sheet metal, and the distance between the wooden structure and the uptakes and funnels shall in no case be less than 12 inches.

(f) The distance between a boiler and a compartment containing fuel oil shall not be less than 24 inches at the back end of a boiler and 18 inches elsewhere, except that for a cylindrical part of a boiler or a knuckle in the casing of a water-tube boiler, these distances may be reduced to 18 and 12 inches, respectively, provided the requirements of paragraph (a) are complied with.

(g) All oil-burning boilers shall be provided with oil-tight drip pans under the burners and elsewhere where necessary to prevent oil draining into the bilges.

§ 61.05–15 *Dampers.* Where dampers are installed in the uptakes or funnels, the arrangement shall be such that it will not be possible to shut off the gas passages from the operating boilers.

§ 61.05–20 *Machinery guards.* Gears, couplings, flywheels, and all machinery capable of injuring personnel shall be provided with adequate covers or guards.

SUBPART 61.10—INITIAL AND PERIODIC VESSEL INSPECTION

§ 61.10–1 *Scope.* (a) Initial and periodic inspection and tests shall be made of the main and auxiliary machinery, boilers and equipment as prescribed in this part. The inspections and tests shall be such as to insure that the main and auxiliary machinery, boilers and their appurtenances, and equipment are in satisfactory operating condition and fit for the service for which they are intended.

§ 61.10–5 *Requirements for steam-propelled motorboats.* (a) The requirements covering design of the propelling engine, boiler, and the auxiliary machinery, and the inspection thereof on all motorboats which are more than 40 feet in length and which are propelled by machinery driven by steam shall be in accordance with the applicable provisions of this subchapter.

(b) If the engines, boilers, and auxiliary machinery are found to be in safe operating condition at the initial or annual inspection, the Officer in Charge, Marine Inspection, shall issue a letter to that effect, and such letter shall be posted on the vessel under glass.

SUBPART 61.15—TESTS AND INSPECTION OF MACHINERY AND EQUIPMENT

§ 61.15–1 *Special surveys for unclassed passenger vessels.* (a) Special periodical surveys for all unclassed passenger vessels shall be conducted in addition to or in conjunction with the annual inspection. Such special surveys shall be made at intervals of 4 years from date of build, except that for vessels operating exclusively in fresh water, the initial and subsequent surveys may be made at 5-year intervals.

(b) At each special survey an inspection shall be made as follows:

(1) Main and auxiliary steam engines shall be examined, including turbine blading and rotors, cylinders, pistons, valves, condensers, and such other parts as deemed necessary by the inspector shall be opened up for examination.

(2) Internal combustion engines shall be opened up and cylinders, cylinder heads, valves and valve gear, fuel pumps, scavenging pumps, superchargers, pistons, cross-heads, connecting rods, crank-shafts, clutch, reversing gear, air compressors and such other parts examined as may be deemed necessary by the inspector.

(3) Bilge and fire pumps, valves, strainers and the piping system shall be examined and tested under working conditions.

(4) Sea chests, cocks, valves and strainers shall be opened up for examination, also overboard discharges, ash chutes and all openings in the shell shall be examined, and renewals made as found necessary.

(5) Shafting (except the tail shaft), main and line shaft bearings, and thrust bearings shall be examined. (For tail shafts, see § 61.15–15.)

(6) Reduction gears shall be opened up and an examination made of shafts, bearings, and gear teeth.

(7) Where the propelling machinery is located amidships, the after bearing shall be rebushed when it has worn down to ¼ inch clearance for shafts of 9 inches or less in diameter, 5/16 inch clearance for shafts exceeding 9 inches, but not over 12 inches in diameter, and ⅜ inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade (1/16 inch) less than the above.

(c) The special surveys shall in no way effect the thoroughness of the required annual inspection. However, parts of the machinery which have previously been examined within a twelve months period need not be reexamined if the machinery has been opened up.

(d) If the machinery or auxiliaries are found to be defective, repairs or replacements shall be effected as deemed necessary by the Officer in Charge, Marine Inspection.

§ 61.15–5 *Tests and inspection of steering gear.* (a) Steering gear shall be tested annually at the regular inspection period.

(b) All devices employed in the change-over from automatic to manual operation shall be examined and tested.

§ 61.15–10 *Trial-trip observance.* The operation of main and auxiliary engines, boilers, steering gear and auxiliaries shall be observed on the trial trip of each new vessel and all deficiencies which affect the safety of the vessel shall be corrected to the satisfaction of the Officer in Charge, Marine Inspection.

§ 61.15–15 *Tail shaft survey.* (a) Vessels operating in salt water having the tail shaft fitted with a continuous liner or where pressure lubrication is used shall have the tail shaft drawn at least once in every three years; in all other cases they shall be drawn every two years or whenever deemed necessary by the Officer in Charge, Marine Inspection. However, if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period but not to exceed 4 months: *Provided,* That when it is shown that a vessel has had a long period of lay-up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

(b) Vessels operating in salt water service where the propelling machinery is located amidships shall have the after bearing rebushed when it is worn down to ¼ inch clearance for shafts of 9 inches or less in diameter, 5/16 inch clearance for shafts exceeding 9 inches but not

exceeding 12 inches in diameter, and 3/8 inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade (1/16 inch) less than the above clearances.

(c) Vessels operating in fresh water exclusively shall have the tail shaft drawn aft as far as possible and examined at least once in every 5 years. The after bearing shall be rebushed when it is worn down to 5/16 inch clearance for shafts of 9 inches or less in diameter, 3/8 inch clearance for shafts exceeding 9 inches, but not more than 12 inches, and 1/2 inch clearance where the shaft exceeds 12 inches in diameter.

(d) When the vessel is dry docked, examination shall be made of the propeller, stern bushing, sea connections, and fastenings if deemed necessary by the inspector.

SUBPART 61.20—TESTS AND INSPECTION OF BOILERS

§ 61.20–1 *Boilers under construction.* (a) When one or more boilers are under construction, manufacturers shall allow inspectors access to such boilers at such times as the inspectors shall deem necessary in order to determine by actual measurements that the boilers are being constructed in all respects in accordance with the approved design, and that the workmanship is good.

(b) Where boilers or pressure vessels are constructed in one inspection zone for installation on a vessel in another district, the Officer in Charge, Marine Inspection, in the former inspection zone shall, upon request of the Officer in Charge, Marine Inspection, in the latter inspection zone examine and report on such boilers or pressure vessels and ascertain that the proper materials are being used, and that the workmanship is good.

(c) For inspection of welded pressure vessels under construction, see § 61.25–3.

§ 61.20–5 *Preparation of boilers for inspection and test.* (a) It shall be the responsibility of the chief engineer to prepare the boilers for inspection. For internal inspection, manhole, and handhole plates, and washout plugs shall be removed as required by the inspector and the furnace and combustion chambers thoroughly cooled and cleaned. Portable obstructions shall be removed as necessary for proper access. In preparing the boilers for the hydrostatic test, they shall be filled with water at not less than 70° F. and not more than 160° F. for water tube boilers and not more than 100° F. for fire tube boilers. The safety valves shall be secured by means of gags or clamps.

§ 61.20–10 *New boilers.* (a) Each new boiler shall be hydrostatically tested after installation to 1½ times the maximum allowable pressure before the boilers are covered. All accessible parts of the boiler shall be examined while under test. After the test, the boiler shall be emptied, opened up and all interior surfaces shall be examined to ascertain that no defects have occurred due to the hydrostatic test.

(b) In addition to the hydrostatic tests prescribed in this section, automatically controlled packaged auxiliary boilers shall be subjected to the performance test specified in Subpart 162.026, Subchapter Q (Specifications) of this chapter.

(c) Upon completion of the hydrostatic test and the boiler examination prescribed in paragraph (a) of this section, and after the installation of the brick work and lagging, those boilers that are to be operated at a pressure equal to or in excess of 400 pounds per square inch gage, or at a steam temperature equal to or in excess of 700° F., may, at the request of the owner or builder, be given an additional test under steam in accordance with the following:

(1) The steam pressure applied to the boilers and to the main and auxiliary steam piping shall not exceed 1¼ times the maximum allowable pressure. Sufficient steam is to be bled from the superheater outlet, either by operating auxiliary machinery, or discharging to the atmosphere, so that service temperatures will not be exceeded. For this test the regular safety valve springs should be replaced by springs designed to operate at the test pressure. After the conclusion of this test the test springs are to be replaced with springs designed to operate at the maximum allowable pressure.

(2) An examination shall be made of all parts of the system during the test to determine there is no evidence of weakness.

§ 61.20–15 *Boilers in service.* (a) Power boilers, superheaters, economizers and low-pressure heating boilers shall be examined at least once every 12 months to determine that the complete unit is in a safe and satisfactory condition. Where hydrostatic tests are required, an inspection shall be made of all accessible parts while under pressure.

(b) Hydrostatic tests shall be applied to all boilers as provided in Table 61.20–15 (b) at the regular inspection period.

TABLE 61.20–15 (b)—HYDROSTATIC TESTS

Boiler	Passenger vessels	Cargo tank and miscellaneous vessels
Fire tube	Annual	Annual.
Water tube	do	Quadrennial.

(c) Fire tube boilers which cannot be entered or which cannot be satisfactorily examined internally, all boilers of lap seam construction and all boilers to which extensive repairs have been made or the strength of which the inspector has any reason to question, shall be subjected to a hydrostatic test of 1½ times the maximum allowable pressure. All other boilers shall be subjected to a hydrostatic test of 1¼ times the maximum allowable pressure.

(d) In applying hydrostatic pressure to boilers, arrangements shall be made to prevent main and auxiliary stop valves from being subjected at the same time to the hydrostatic pressure on one side and steam pressure on the other side.

(e) If the inspector has reason to believe that the boiler has deteriorated any appreciable extent under the bottom where it rests on saddles or foundations, he shall cause the boiler to be lifted to such position that it can be thoroughly examined, provided the examination cannot be made otherwise.

(f) The inspector may require any boiler to be drilled to determine the actual thickness at any time if doubt exists as to its safety. At the first annual inspection after a Scotch, Western River, or other fire tube or flue boiler has been installed for 10 years, and at such other times as the inspector shall deem necessary, such boilers shall be drilled at or near the waterline and bottom, and at such other places as the inspector considers necessary, for the purpose of gaging the shell to determine the extent of deterioration. If the thickness found by actual measurement is less than the original thickness, the maximum allowable pressure shall be recalculated using the thinnest portion of the shell plate as the thickness of the shell and shall not exceed the maximum pressure permitted by the application of boiler design formulas. For the purpose of such recalculations, the design formulas specified in this subchapter shall be used for boilers made or contracted for on or after July 1, 1935. The design formulas specified in Subchapter G (Marine Engineering Installations contracted for prior to July 1, 1935), of this chapter may be used for boilers made or contracted for prior to July 1, 1935, or alternatively, the design formulas set forth in this subchapter may be used.

§ 61.20–20 *Boiler mountings and attachments.* (a) All valves and other boiler mountings and attachments shall be opened up and examined by the inspector after each 4 years of service, and such valves, boiler mountings, and attachments shall be removed from the boilers after each 8 years of service for examination of the studs or bolts connecting them to the boiler. The Officer in Charge, Marine Inspection, may require the examinations prescribed by this section to be made at more frequent intervals, if in his opinion such action is necessary to be assured of the safety of the boiler.

(b) Water columns, gage glasses, and gage cocks shall be examined to determine that they are in satisfactory working order.

(c) Steam gages on boilers or main steam lines shall be examined and checked for accuracy.

(d) The inspector shall examine the fusible plugs.

§ 61.20–25 *Boilers of foreign-built vessels admitted to American registry.* (a) Where foreign-built vessels are admitted to American registry the Officer in Charge, Marine Inspection, shall endeavor to secure drawings from which the boilers were constructed and a record of the chemical and physical properties of the material entering into the construction of the boilers. Before a certificate of inspection of a vessel is issued by any Officer in Charge, Marine Inspection, the requirements of this section shall be met.

(b) The drawings if available shall be examined to determine the maximum allowable pressure in accordance with the regulations in this subchapter, and

the test reports of the material shall be carefully checked to determine whether the material used in the construction of the boilers is safe.

(c) The boiler or boilers shall be measured in order to obtain accurate data, which data shall be embodied in the report of the inspector making the examination. All plates shall be drilled and gaged by the inspector to determine the actual thickness, and upon the thickness thus obtained the maximum allowable pressure shall be based. The furnaces shall be trammed to ascertain if there is any distortion. The safety valves and mountings shall be thoroughly examined to determine if they are in good working condition and if their capacity is ample.

(d) Each section of the steam pipe shall be drilled and gaged, and, where bends occur in the piping, they shall be drilled in the outer wall of the bends to determine the thickness thereof.

(e) When the inspection is completed and steam is raised on the boilers, an accumulation test shall be conducted, where required, in accordance with the provisions of § 52.65–5 of this subchapter to establish the fact that the safety valves have ample relieving capacity.

(f) Where drawings of the boilers and test reports of the material entering into their construction cannot be obtained, the maximum allowable pressure shall be based on the actual thickness of material found and an assumed tensile strength not to exceed 60,000 p. s. i., together with the general condition of the boilers: *Provided*, That the maximum allowable pressure thus obtained shall not exceed in any case the maximum pressure allowed by the certificate issued by the government under whose flag the vessel formerly operated.

SUBPART 61.25—TESTS AND INSPECTIONS OF PRESSURE VESSELS

§ 61.25–1 *Scope.* For exemption of certain pressure vessels from shop inspection, see § 54.01–1 of this subchapter.

§ 61.25–3 *Welded pressure vessels under construction.* (a) The manufacturer shall submit class I welded pressure vessels for shop inspection at such stages of partial completion as may be requested by the inspector.

(b) The first inspection of class II welded pressure vessels shall be performed during the welding of the longitudinal joint. At this time the inspector shall check the material and fit-up of the work, and ascertain that only welders who have passed the required tests are employed.

(b) The first inspection of class II welded pressure vessels shall be made during the welding of the circumferential joints. At this time the inspector shall check any now material being used which may not have been examined at the time of the first inspection, also the fit-up of the vessel at this stage of fabrication, and in addition, observe the welding to ascertain that only welders who have passed the required tests are employed.

(d) For class III welded pressure vessels, one inspection shall be made during the welding of the longitudinal joint. If there is no longitudinal joint, the inspection shall be made during the welding of a circumferential joint. At this time the inspector shall check the material and fit-up of the work and see that only welders who have passed the required tests are employed.

§ 61.25–5 *New pressure vessels.* (a) Upon the completion of a new pressure vessel one of the following applicable hydrostatic tests shall be made in the presence of an inspector.

(1) Riveted construction: 1½ times the maximum allowable pressure. (See § 61.25–10.)

(2) Welded and brazed construction: 1½ times the maximum allowable pressure. (See § 61.25–15.)

(3) Cast construction: 2 times the maximum allowable pressure.

(b) Pressure vessels containing refrigerants shall be leak-tested with gas after installation to the design pressures specified in § 55.13–5 of this subchapter.

§ 61.25–10 *Hydrostatic test of riveted pressure vessels.* (a) Riveted pressure vessels shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient time to permit an inspection of all joints and connections.

(b) The tightness of the rivets and the riveted joints shall be tested by tapping the heads with a rivet-testing hammer.

(c) Loose, cracked, and burned rivets shall be replaced.

(d) The inspector shall examine the butt straps and ends of shell plates forming the longitudinal joints to ascertain that they are formed to the proper curvature and that the butt straps are properly fitted at the girth joint intersections.

§ 61.25–15 *Hydrostatic test of welded and brazed pressure vessels.* (a) Arc- or gas-welded vessels which have been both stress-relieved and radiographed need not be subjected to the hammer test but shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient time to permit an inspection of all joints and connections. Welded pressure vessels, 12 feet or less in diameter and/or 20 feet or less in vertical height, the welded joints of which are not stress-relieved and radiographed, and all brazed pressure vessels shall be subjected to a hydrostatic test pressure of at least 1¼ times but not more than 1½ times the maximum allowable pressure, and while subject to this pressure all welded and brazed joints shall be given a thorough hammer or impact test. This impact test shall consist of striking the plate at 6-inch intervals on both sides of the welded joint and for the full length of all joints. The weight of the hammer in pounds shall approximately equal the thickness of the shell in tenths of an inch, but not to exceed 10 pounds, and the plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate. This hammer test shall be applied to vessels over 12 feet in diameter and/or 20 feet or more in vertical height while they are empty prior to the hydrostatic test.

(b) Following the hammer test, the vessels shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient length of time to permit an inspection of all joints and connections.

(c) The maximum allowable pressure used in determining the hydrostatic tests shall be that for which a pressure vessel is suitable at normal atmospheric temperature based on the actual dimensions and material thicknesses of the vessel.

(d) Pinholes, cracks, or other defects shall be repaired only by chipping, machining, or burning out the defect and rewelding. For gas welding, the metal around the defects shall be preheated to a dull red for a distance of at least 4 inches all around. Any preheating means may be used, such as a flange fire, gas or oil burner, or a welding torch. The preheating shall be done slowly, so the heat will soak into the plate and expand it thoroughly. After welding, the vessel shall be reheated in the vicinity of each weld until the heat has equalized in the dull-red spot, and then slowly cooled. For arc welding, preheating or reheating is not required.

(e) Vessels requiring stress relieving shall be stress-relieved after any welding repairs have been made.

(f) After repairs have been made the vessel shall again be tested in the regular way, and if it passes the test, the inspector shall accept it. If it does not pass the test, the inspector can order supplementary repairs, or, if in his judgment the vessel is not suitable for service, he may permanently reject it.

§ 61.25–20 *Pressure vessels in service.* (a) Pressure vessels which are fitted with manholes or other inspection openings, so they can be satisfactorily examined internally, shall be opened biennially at the regular annual inspection and thoroughly examined internally and externally. Such pressure vessels are not required to be hydrostatically tested unless defects are found which in the inspector's opinion may impair the safety of the pressure vessel, in which case a hydrostatic test shall be applied at a pressure equal to 1¼ times the maximum allowable pressure.

(b) Pressure vessels, other than tubular heat exchangers and those used in refrigeration service, which cannot be examined internally, shall be tested hydrostatically to 1¼ times the maximum allowable pressure biennially at the regular annual inspection.

(c) Tubular heat exchangers and those used in refrigeration service shall be examined under operating conditions at the annual inspection.

(d) Unfired pressure vessels containing liquefied compressed gases or hazardous liquids shall be inspected and tested as required by the applicable regulations published in Subchapter D (Tank Vessels) and Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

SUBPART 61.30—TESTS AND INSPECTION OF PIPING, VALVES AND FITTINGS

§ 61.30–1 *Scope.* In conducting hydrostatic tests on piping, the required test pressure shall be maintained for a sufficient length of time to permit an inspection to be made of all joints and connections, and the setting of the relief

valve or safety valve will be considered as establishing the maximum allowable pressure of the system.

§ 61.30–5 *Shop test.* (a) The manufacturer shall test all valves and fittings to a hydrostatic shell pressure as follows:

(1) For steam ratings; bronze, malleable iron, and cast iron: 2 times the primary pressure rating marked on the valve or fitting.

(2) For steam ratings; steel: The respective test pressures as prescribed in Tables 55.07–15 (e12) and 55.07–15 (e13) of this subchapter.

(3) For liquid or gas service not exceeding 150° F.; bronze or malleable iron: 1½ times the secondary pressure rating marked on the valve or fitting.

(b) Special valves, such as manifolds, scuppers, seacocks and appurtenances shall be tested to twice the design pressure stamped thereon.

§ 61.30–10 *Installation test.* (a) The following piping systems shall be hydrostatically tested in the presence of an inspector at a pressure of 1½ times the maximum allowable pressure:

(1) Class I steam, feed-water, and blow-off piping, except that where piping is attached to boilers by welding without practical means of blanking off for testing, the piping shall be subjected to the same hydrostatic pressure to which the boilers are tested.

(2) Fuel oil discharge piping between the pumps and the burners, but not less than 500 p. s. i.

(3) High-pressure piping for tank-cleaning operations.

(4) Inflammable or corrosive liquids and compressed gas cargo piping, but not less than 150 p. s. i.

(5) Hydraulic oil piping.

(6) Any class I piping not specifically listed in this paragraph.

(7) Cargo oil piping.

(8) Firemains, but not less than 150 p. s. i.

(9) Fuel oil transfer and filling piping.

(10) Compressed air piping.

(b) Refrigeration piping shall be leak-tested to the design pressures as specified in § 55.13–5 of this subchapter.

(c) Piping systems not specifically listed in this paragraph shall be tested under working conditions.

(d) Arc- or gas-welded pipe joints of class I piping which are not examined by radiography shall be given a hammer test as required by § 61.25–15.

§ 61.30–15 *Piping in service.* (a) Main steam piping shall be subjected to a hydrostatic test equal to 1¼ times the maximum allowable pressure at the same periods prescribed for boilers in § 61.20–15. The hydrostatic test shall be applied from the boiler drum to the throttle valve. If the covering of the piping is not removed, the test pressure shall be maintained on the piping for a period of ten minutes, and, if any evidence of moisture or leakage is detected, the covering shall be removed and the piping thoroughly examined.

(b) Steam piping subject to main boiler pressure and exceeding 3 inches in diameter, except as otherwise provided for in paragraph (a) of this section, shall be subjected to a hydrostatic test pressure of 1¼ times the maximum allowable pressure after each 4 years of service. If the covering of the piping is not removed, the test pressure shall be maintained on the piping for a period of ten minutes, and, if any evidence of moisture or leakage is detected, the covering shall be removed and the piping thoroughly examined.

(c) The setting of safety valves or relief valves on reduced pressure lines, evaporators, feedwater heaters, and other pressure vessels shall be checked by the inspector at each annual inspection.

§ 61.30–20 *Sea chests, sea valves and strainers.* (a) Sea chests, sea valves, sea strainers and bilge injection valves shall be opened up for examination at the time of drydocking if deemed necessary by an inspector.

SUBPART 61.35—PROOF HYDROSTATIC TESTS

§ 61.35–1 *Hydrostatic tests of boilers and appurtenances to determine pressure rating*—(a) *Scope.* (1) Where it is necessary to test a pressure vessel, or appurtenance, or any pressure part thereof, to determine a pressure rating in accordance with the provisions of § 52.01–70 of this subchapter the procedure specified in this subpart shall be adhered to as closely as practicable.

(2) This method of test is applicable only to materials having a definite proportional or elastic limit such as carbon and alloy steels. It is not applicable to materials with indefinite or indeterminate proportional limits such as cast iron and most nonferrous materials. The principle upon which the test is based assumes that the most highly stressed point in the pressure part will be subjected to a permanent set when the stress at this location reaches the proportional or elastic limit. Since the stress will be directly proportional to the hydrostatic pressure, the determination of the pressure which stresses the weakest point to the proportional limit will permit a calculation of the maximum allowable pressure that will result in a safe stress for the material from which the part is made at the maximum operating temperature.

(b) *Materials.* The structure shall be made from material conforming to the requirements of the appropriate subpart of Part 51 of this subchapter.

(c) *Workmanship.* The dimensions, thickness, and physical properties of the structure to be tested shall not vary materially from those actually used. If possible, the structure to be tested may be selected at random from a quantity of such intended for use.

(d) *Preparation for test.* (1) It is necessary to test only the weakest point of the structure but several points may be checked to make certain that the weakest one is included. The less definite the location of the weakest point, the more points shall be checked.

(2) The movement of the reference points may be measured with reference to a fixed surface, or two reference points may be located on opposite sides of a symmetrical structure and the total deformation between those two points measured.

(3) Indicating micrometer gages accurate to 0.001 inch are most suitable for measuring deformation of the structure at the reference points although any form of accurate micrometer may be used.

(4) A hand-test pump is satisfactory as a source of hydrostatic pressure. Either a test gage or a reliable gage which has been calibrated with a test gage shall be attached to the structure.

(5) The maximum hydrostatic pressure that shall be provided will vary from two or three times the expected maximum allowable pressure for carbon-steel structures.

(6) The location of the weakest point of the structure may be determined by applying a thin coating of plaster of paris or similar material, and noting where the surface coating starts to break off under hydrostatic test. The coating shall be allowed to dry before the test is started.

(e) *Hydrostatic tests.* (1) The first application of hydrostatic pressure shall be approximately the expected maximum allowable pressure, or the tests may be arranged with a view to making not less than 10 applications of pressure in approximately equal increments between the initial test pressure and the final test pressure.

(2) When each increment of pressure has been applied, the valve between the pump and the structure under test shall be closed and the pressure gage watched to see that the pressure is maintained and no leakage occurs. The total deformation at the reference points shall be measured and recorded and the hydrostatic pressure also recorded. The pressure shall then be released and each point checked for any permanent deformation which may be recorded. Only one application of each increment of pressure is necessary. The pressure shall be increased by substantially uniform increments, and readings taken until the elastic limit of the structure has obviously been exceeded.

(3) The pressure part shall not have been subjected to a pressure greater than twice the maximum allowable pressure prior to making the proof hydrostatic test.

§ 61.35–5 *Proportional limit method*—(a) *Physical characteristics of metal.* (1) The proportional limit of the material should be determined in accordance with A. S. T. M. Specification E8, Standard Method of Tension Testing of Metallic Materials. This test shall be made from a number of specimens cut from the part tested, in order to assure that the average proportional limit of the material in the part tested is used to calculate the allowable pressure.

(2) The specimens shall be cut from a location where the stress during the test has not exceeded the proportional limit, so that the specimens will be representative of the material as tested. The specimens shall not be cut with a flame torch.

(b) *Plotting curves.* In plotting curves, a single cross-section sheet may be used for each reference point of the structure. A scale of 1 inch=0.01 inch deformation, and a scale of at least 1 inch equals the approximate test pressure shall be used. Plot two curves for each reference point, one showing total deformation under pressure and one showing permanent deformation when the pressure is removed.

(c) *Determining proportional limit of pressure part.* In determining the proportional limit of pressure parts, the following procedure shall be employed:

(1) Locate the proportional limit on each curve of total deformation as the point at which the total deformation ceases to be proportional directly to the hydrostatic pressure. Draw a straight line that will pass through the average of the points that lie approximately in a straight line. The proportional limit will occur at the value of hydrostatic pressure where the average curve through the points deviates from the straight line.

(2) In pressure parts such as headers, where a series of similar weak points occur, the average hydrostatic pressure corresponding to the proportional limits of the similar points may be used.

(3) The proportional limit obtained from the curve of total deformation may be checked from the curve of permanent deformation by locating the point where the permanent deformation begins to increase regularly with further increases in pressure. Permanent deformations of a low order that occur prior to the point actually corresponding to the proportional limit of the structure, resulting from the equalization of stresses and irregularities in the material, may be disregarded.

(4) It should be made certain that the curves show the deformation of the structure and not slip or displacement of reference surfaces, gauges, or the structure.

(d) *Determining maximum allowable pressure.* (1) Having determined the hydrostatic pressure when the proportional limit of the weakest point of the vessel was reached, the corresponding maximum allowable pressure may be determined by formula (1):

$$P=\frac{HS}{E} \qquad (1)$$

where:

P = maximum allowable pressure, in p. s. i.
H = hydrostatic pressure at the proportional limit of the pressure part, in p. s. i.
S = maximum allowable stress, 80 percent of the values, as given in tables 52.05–10 (a) and 100 percent of the values given in Table 55.07–5 (a) of this subchapter.
E = average proportional limit of the material, in p. s. i.

(2) For carbon steel material, complying with the material specifications in Part 51 of this subchapter and with a minimum tensile strength not over 62,000 p. s. i., the proportional limit may be assumed to be two-fifths of the average tensile strength of the specified range. Where no range is specified, the average tensile strength may be assumed as 5,000 p. s. i. greater than the minimum. This alternate procedure will eliminate the necessity for cutting tensile specimens and determining the actual proportional limit above the normal value. The pressure part shall be normalized after forging or forming.

(e) *Retests.* A retest will be allowed on an additional similar vessel if errors or irregularties are obvious in the results.

SUBPART 61.40—MARKINGS

§ 61.40–1 *Boilers.* (a) Upon satisfactory completion of the tests and inspection of a new boiler the following data shall be stamped on the front head of fire-tube boilers and on the drum head of water-tube boilers:

Name of fabricator and serial number

---

p. s. i.

Design pressure

---

p. s. i.

Hydro test pressure

---

p. s. i.

Steam test pressure

U. S. C. G. No.

C. G. Symbol

Inspector's initials

Month and year fabricated

(b) The inscription on the boiler and the boiler name plate, as required in paragraph (a) of this section, shall contain the following entry for steam tests: "Steam test _____ p. s. i.," which shall follow the notation for hydrostatic test.

(c) The data shall be legibly stamped and shall not be obliterated during the life of the boiler. In the event that the portion of the boiler upon which the data is stamped is to be insulated or otherwise covered, the data shall be transferred to a metal name plate which shall be attached to the boiler casing or the uptake. The name plate shall be maintained in a legible condition so that the data can be easily read.

§ 61.40–5 *Unfired pressure vessels.* (a) After an inspector has examined a new pressure vessel subject to inspection and has determined that the vessel has been constructed in accordance with the applicable parts of this subchapter, and the vessel has satisfactorily withstood the required tests, the following data shall be stamped thereon:

(Name and Address of Fabricator)

---

p. s. i.

(Design Pressure)

---

p. s. i.

(Shop Test Pressure)

(O. C. M. I. No., Inspector's Initials, and C. G. Symbol)

(Mfr. Serial No.)

(Month and Year)

(Riveted, Brz., Welded (Class))

SUBPART 61.45—OFFICIAL FORMS

§ 61.45–1 *Scope.* This subpart includes descriptions of the official forms required to be submitted to the Coast Guard by the regulations in this subchapter. Copies of the forms may be obtained upon request from the nearest Officer in Charge, Marine Inspection, or the Commandant (MMT), United States Coast Guard, Washington 25, D. C.

§ 61.45–5 *Form CG 2935; boiler data report; manufacturer's certification.* The manufacturer of each boiler to be used on vessels subject to inspection by the Coast Guard shall submit to the Officer in Charge, Marine Inspection, at or nearest the place where the manufacturer's plant is located, a data report in triplicate on form CG 2935 together with a certification that the data is correct and that the material and fabrication of this boiler comply with all the regulations applicable thereto.

§ 61.45–10 *Form CG 2936; unfired pressure vessel data report; manufacturer's certification.* The manufacturer of unfired pressure vessels to be used on vessels subject to inspection by the Coast Guard shall submit to the Officer in Charge, Marine Inspection, at or nearest the place where the manufacturer's plant is located, a data report in triplicate on form CG 2936 together with a certification that the data is correct and that the material and fabrication comply with all the regulations applicable thereto.

§ 61.45–15 *Form CG 935A; affidavit of manufacturer of class B material or appliances.* The manufacturer of either class B materials or appliances for use on vessels subject to inspection by the Coast Guard and to the regulations in this subchapter shall submit to the Commandant (MMT), United States Coast Guard, Washington 25, D. C., an affidavit on form CG 935A certifying that certain product(s) of his manufacture furnished directly or through agents or dealers for use on vessels subject to inspection by the Coast Guard will comply with all regulations applicable thereto.

§ 61.45–20 *Form CG 945; report of chief engineer on fusible plugs inserted in boiler.* The form CG 945 shall be used by the chief engineer to report the renewal of fusible plugs. The completed form CG 945 shall be sent to the Officer in Charge, Marine Inspection, who conducted district in which the last annual inspection. This report shall be rendered immediately after each annual inspection to cover fusible plugs renewed at the annual inspection and also whenever fusible plugs are renewed at other times. Under the heading "Remarks" shall be given the reason why such renewal was necessary.

PART 62—SPECIAL OPERATING REQUIREMENTS

Part 62 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 63—INSPECTION OF VESSELS

Part 63 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 64—DUTIES OF INSPECTORS

Part 64 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 65—STEAM YACHTS

Part 65 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter G—Marine Engineering Installations Contracted for Prior to July 1, 1935

The title for Subchapter G is changed from "General Rules and Regulations; Ocean and Coastwise" to "Marine Engineering Installations Contracted for Prior to July 1, 1935"; and Chapter I is amended by adding a new Part 66 to Subchapter G reading as follows:

PART 66—GENERAL

SUBPART 66.01—GENERAL PROVISIONS

Sec.
66.01–1 Authority.
66.01–5 Assignment of functions.
66.01–10 Purpose of regulations.
66.01–15 Application of regulations.

SUBPART 66.03—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

66.03–1 Commandant.
66.03–5 Coast Guard District Commander.
66.03–10 Officer in Charge, Marine Inspection.
66.03–15 Marine inspector or inspector.
66.03–20 Requirements.
66.03–25 Headquarters.

SUBPART 66.05—GENERAL MATERIAL REQUIREMENTS

66.05–1 Repairs or replacement parts.
66.05–5 General classification of materials.
66.05–10 Basic information requirements.
66.05–15 Inspection and testing of Class A material.
66.05–20 Chemical analyses.
66.05–25 Certification of Class B material.
66.05–30 Tension tests.
66.05–35 Test reports.
66.05–40 Retests.
66.05–45 Rejections.
66.05–50 Appeals.
66.05–55 Process of steel manufacture.
66.05–60 Stamping plates and specimens.
66.05–65 Stock plates.
66.05–70 Workmanship and finish.
66.05–75 Heat treatment.
66.05–80 Reclassification of materials.
66.05–85 Alternative materials.

SUBPART 66.10—BOILER PLATE

66.10–1 Inspection and marking.
66.10–5 Chemical properties, steel plates.
66.10–10 Physical properties, steel plates.
66.10–15 Physical properties, iron plates.
66.10–20 Tension and bend tests.

SUBPART 66.15—STEEL BARS FOR STAYS AND BRACES

66.15–1 Tests and inspection.
66.15–5 Physical properties.
66.15–10 Tension and bend tests.
66.15–15 Manufacturer's affidavit covering tested stays.

SUBPART 66.20—LAPWELDED BOILER TUBES

66.20–1 Process.
66.20–5 Tests.

SUBPART 66.25—SEAMLESS STEEL BOILER TUBES

66.25–1 Process.
66.25–5 Finish.
66.25–10 Heat treatment.
66.25–15 Tests.
66.25–20 Statement or certificate of manufacturer of boiler tubes.

SUBPART 66.30—WELDED STEEL AND IRON PIPE

66.30–1 Process.
66.30–5 Physical properties.
66.30–10 Tension tests.
66.30–15 Flattening tests.
66.30–20 Hydrostatic tests.
66.30–25 Finish.

SUBPART 66.35—SEAMLESS STEEL PIPES

66.35–1 Process.
66.35–5 Physical properties.
66.35–10 Flattening tests.
66.35–15 Tension tests.
66.35–20 Marking.
66.35–25 Finish.

AUTHORITY: §§ 66.01–1 to 66.35–25 issued under R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4430, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–408, 411, 412, 435, 489, 366, 363, 367, 463a, 1333, 50 U. S. C. 1275.

SUBPART 66.01—GENERAL PROVISIONS

§ 66.01–1 *Authority.* (a) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) The regulations regarding marine engineering interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4430, 4433, 4434, 4453, and 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–408, 411, 412, 435, 489, 366, 363, 367, 463a, 1333, and 50 U. S. C. 1275).

§ 66.01–5 *Assignment of functions.* By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard, by Reorganization Plan No. 26 of 1950, effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specific exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 66.01–10 *Purpose of regulations.* The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for marine engineering in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting inspected vessels and such regulations have the force of law.

§ 66.01–15 *Application of regulations.* (a) The regulations in this subchapter apply only to installations contracted for or built prior to July 1, 1935, and contain specifications and requirements for materials, design, construction, installation and inspection of boilers, unfired pressure vessels, safety valves and appurtenances, including piping systems, upon the strength and efficiency of which safety of life is dependent.

(b) The regulations in Subchapter F (Marine Engineering) of this chapter, apply to installations contracted for or built on or after July 1, 1935.

(c) Where existing vessels are reboilered, the mountings and attachments, including feed and blow-off valves and fittings, shall be renewed in accordance with the regulations in Subchapter F (Marine Engineering) of this chapter in effect at the time such work is contracted for or built. The steam piping shall be gaged and examined by the Officer in Charge, Marine Inspection, and if found to be of the thickness required at the time the piping was installed it may be continued in use so long as the Officer in Charge, Marine Inspection, is of the opinion that the piping may be safely continued in use. Changes in specifications of articles of equipment shall not apply to such articles which have been passed as satisfactory until replacement shall become necessary.

SUBPART 66.03—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

§ 66.03–1 *Commandant.* The term "Commandant" means the Commandant of the Coast Guard.

§ 66.03–5 *Coast Guard District Commander.* The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 66.03–10 *Officer in Charge, Marine Inspection.* The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection district for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 66.03–15 *Marine inspector or inspector.* The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcements, and the administration of Title 52, Revised Statutes, and acts amendatory thereto, and rules and regulations thereunder.

§ 66.03–20 *Requirements.* The term "requirements" refers to process of manufacture, characteristic, physical and chemical properties, tests, workmanship, and finish of materials.

§ 66.03–25 *Headquarters.* The term "headquarters" means the Office of the Commandant, United States Coast Guard, Washington 25, D. C.

SUBPART 66.05—GENERAL MATERIAL REQUIREMENTS

§ 66.05–1 *Repair or replacement parts.* (a) Plates and steel bars subject to tensile stress used in the repair or replacement of pressure parts of boilers shall be tested, inspected, and stamped by an inspector in accordance with the requirements of Title 52 of the Revised Statutes of the United States, for Class A material, and shall conform to the applicable requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter.

(b) Material used for pressure parts in the repair of pressure vessels other than boilers and in the repair or replacement of boiler tubes, piping, valves and fittings may be of Class B certified material conforming to the applicable requirements of Part 51 of Subchapter F (Marine Engineering) of this chapter.

§ 66.05–5 *General classification of materials*—(a) *General.* The materials to be used in the construction and for the repair of boilers and unfired pressure vessels, piping, valves, fittings, and appurtenances shall be of three general classes of which Classes A and B shall be used for pressure parts and Class C may be used for other parts as specified.

(b) *Class A.* Tested materials manufactured under the supervision of the Coast Guard, test of which shall be witnessed by an inspector.

(c) *Class B.* Certified materials tested by the manufacturers, and certified by them as conforming to the requirements.

(d) *Class C.* Materials for nonpressure parts of boilers or unfired pressure vessels such as casing for water-tube boilers, uptakes, furnace fronts, and operating equipment shall be of good commercial quality. No detail requirements are herein specified for material in this class. Class C materials shall be accepted by inspectors without requiring tests or certification by manufacturers.

§ 66.05–10 *Basic information requirements.* (a) When ordering Class A material for the repair of boilers or unfired pressure vessels installed on vessels subject to the inspection of the Coast Guard, the manufacturer of the material shall, as far as practicable, furnish the following information to the Officer in Charge, Marine Inspection, at or nearest the place where the boiler or unfired pressure vessel is to be repaired.

(1) Name and location of manufacturer's works.

(2) Type of boiler or unfired pressure vessel.

(3) Manufacturer's slab or plate number.

(4) Design pressure and temperature.

(5) Vessel's name.

§ 66.05–15 *Inspection and testing of Class A material.* Inspectors shall have free entry at all times to those parts of the works where material subject to the regulations in this part is being manufactured. The manufacturer shall afford inspectors all reasonable facilities to satisfy them that the material is being manufactured in accordance with the requirements of the Commandant. Unless otherwise authorized, tests and inspection shall be made at the place of manufacture prior to shipment and shall be so conducted as not to interfere unnecessarily with the operation of the works. Inspectors shall assure themselves that test specimens are marked for positive identification with the materials which they represent. Unless otherwise specified, tests shall be made at ordinary temperature.

§ 66.05–20 *Chemical analyses.* (a) A ladle analysis of each melt of Class A or B materials as specified by Part 51 of Subchapter F (Marine Engineering) of this chapter, shall be made by the manufacturer and a certified report thereof shall be furnished by him to the inspector upon request. This analysis shall be made from a test ingot taken during the pouring of the melt. The chemical composition thus determined shall conform to the specified requirements.

(b) A check analysis may be made at the discretion of the Commandant from test specimens representing material for which chemical composition is specified in any section of this part, in either Class A or B. The chemical composition thus determined shall conform to the requirements.

§ 66.05–25 *Certification of class B material.* (a) Certification of chemical analyses and physical tests of materials of Class B shall be an affidavit by the manufacturer certifying that all materials of this class supplied by him for marine service do, or will conform to all the requirments in Subchapter F (Marine Engineering) of this chapter applicable thereto.

(b) Materials in this class are not required to be tested in the presence of an inspector, but whenever deemed necessary by the Commandant he may detail an inspector to witness such tests and satisfy himself that the requirements of the specification for Class B materials are met.

§ 66.05–30 *Tension tests.* All tension tests shall be made on standard calibrated machines. The yield point in tension tests shall be determined by the drop of the beam or the halt in the gage of the testing machine. Except where otherwise specified in Part 51 of Subchapter F (Marine Engineering) of this chapter, the speed of the crosshead of the machine shall not exceed 1/16 inch per minute per inch of gage length up to the yield point, nor shall it exceed 1/2 inch per minute per inch of gage length beyond the yield point. Any convenient speed of the crosshead may be used from the start of loading the test specimen until a value estimated as one-half of the yield point is reached. In determining the yield strength by use of an extensometer, the crosshead speed shall not exceed 0.025 inch per minute per inch of gage length. In the event the machine is stopped in taking readings, the speed may be exceeded in the take up only. The ends of all test specimens shall be of form to fit the holders of the testing machine in such a way that the load will be axial.

§ 66.05–35 *Test reports.* Inspectors shall report the results of official tests on form CG 934. Duplicate copies thereof shall be forwarded through the Coast Guard District Commander in the district where the material was manufactured to the Coast Guard District Commander in the district where the material is to be fabricated.

§ 66.05–40 *Retests.* When the result of any of the physical tests specified for any of the materials does not conform to the requirements, two additional specimens may, at the request of the manufacturer be taken from the same lot and tested in the manner specified, but in such case, both of the specimens shall conform to the requirements. In the case of tension tests, this retest shall be allowed if the percentage of elongation obtained is less than required, or if any part of the fracture is outside of the middle third of the gauge length. If any test specimen develops flaws, it shall be discarded and another specimen from the same lot substituted.

§ 66.05–45 *Rejections.* Failure of the tests (or retests) specified in the regulations in this subchapter for each particular material shall be cause for rejection. Unless otherwise required, any rejection shall be reported by the inspector within 5 working days from the receipt of the test specimen. Acceptance of material on results of tests at the place of manufacture shall not prejudice the right to reject any of such material in which injurious defects are subsequently discovered. The manufacturer shall be promptly notified of such subsequent rejections, and the records shall be corrected.

§ 66.05–50 *Appeals.* In case of dissatisfaction with the results of any test, the manufacturer may appeal to the Coast Guard District Commander from the decision of the Officer in Charge, Marine Inspection, within 30 days. Should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may appeal to the Commandant within 30 days. Tested specimens which represent rejected material shall be retained for at least 30 days. The decision of the Commandant shall be final.

§ 66.05–55 *Process of steel manufacture.* Unless otherwise officially authorized by the Commandant, all wrought steel to be used in the repair of boilers or unfired pressure vessels shall be manufactured by the open-hearth, electric furnace, or crucible process.

§ 66.05–60 *Stamping plates and specimens.* (a) Class A plates used for repairs to boilers shall be stamped by the manufacturer, before they are tested, with his name or trademark, the word "Marine", the letter indicating the grade of the steel, and the minimum tensile strength of the plate per square inch of

cross-sectional area expressed in thousands. Inspectors shall permit cutting a plate into two or more parts before testing, but each part shall be stamped or match-marked for identification before cutting. All plates accepted by the inspector as conforming to the requirements shall be stamped by him near the manufacturer's stamp with the official stamp of the Coast Guard, the initials of his name, and the serial number. All test specimens shall be ring-stamped or match-marked for identification before being detached. Plates shall be stamped lengthwise in two places on one long side about 18 inches from the edges at the corners. Each butt strap shall be stamped lengthwise of the plate about the middle of the strap.

(b) The impression of the official stamp of the Coast Guard for stamping plates and specimens shall be as shown in Figure 66.05–60.



FIGURE 66.05–60—Official stamp.

§ 66.05–65 *Stock plates.* Plates may be ordered to be carried in stock ashore or on shipboard for repairs to boilers and unfired pressure vessels. Such plates shall be inspected and tested at the place of manufacture and stamped for identification as stock plates. A test report for such plates shall be furnished to the Coast Guard District Commander of the district where the purchaser is located, with a copy to the purchaser. The Coast Guard District Commander shall furnish a copy thereof to the Officer in Charge, Marine Inspection, where the material is kept in stock, and if the material is to be used by persons other than the original purchaser, they shall also be furnished with a copy of such report, for submittal by them to the Officer in Charge, Marine Inspection, where the repairs are actually to be made before the material may be used. Vessels carrying such stock plates shall obtain and carry identification and test records of each plate. Where such plates are cut into pieces for repairs, the Officer in Charge, Marine Inspection, shall, upon request, stamp each piece so detached for identification with the original plate and a record of such stamping shall be made.

§ 66.05–70 *Workmanship and finish.* All materials within the scope of the regulations in this subchapter shall be free from injurious defects and shall have a workmanlike finish.

§ 66.05–75 *Heat treatment.* Some of the materials specified in this part require heat treatment. This may consist of annealing, or of normalizing, or of normalizing followed by annealing, or of normalizing followed by a draw back to a temperature below the critical range. Annealing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in the furnace. Normalizing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in still air.

§ 66.05–80 *Reclassification of materials.* When more than one grade is specified for any material or purpose and tests of a material of a superior grade fail to meet the requirements, such material may be reclassified and accepted as a specified lower grade if it fulfills the specified requirements for the latter. In such cases, the material shall be restamped or re-marked as required for proper identification, and revised records shall be made to cover it.

§ 66.05–85 *Alternative materials.* If, in the development of industrial arts, other suitable or improved materials differing from those specified in this part are developed, their use will be given consideration, upon formal application to the Commandant with full information as to the characteristics of the material, and such scientific data and facts as may be necessary to establish the suitability and safety of the material for the use proposed. The material requirements in this subchapter are minimum requirements and are not intended to bar better materials.

SUBPART 66.10—BOILER PLATE

§ 66.10–1 *Inspection and marking.* (a) Every iron or steel plate intended for the construction of boilers to be used on steam vessels shall be stamped by the manufacturer in the following manner, at two diagonal corners, at a distance of about 18 inches from the edges.

(b) Plates to be used in the construction of externally fired boilers, the thickness of which shall not exceed one-half inch for steamers navigated under the provisions of Title 52, Revised Statutes, sections 4399–4500, which will be subject to tensile strain in said boilers, shall be Class A material tested and inspected by an inspector, and such plates shall not be stamped until they have been tested by the inspector, and each of such plates shall then be stamped by the manufacturer in the presence of the inspector with the name of the manufacturer, the place where manufactured, and the minimum number of thousand pounds tensile stress it will bear to the sectional square inch as has been determined by the test.

(c) Plates to be used in the construction of boilers other than the externally fired boilers as described in paragraphs (a) and (b) of this section, for steamers navigated under provisions of Title 52, Revised Statutes, sections 4399–4500, as amended (46 U. S. C. 361–498), which shall be subject to tensile strain in said boilers shall be a material tested and inspected by an inspector and such plates shall be stamped by the manufacturer before same are tested with the name of the manufacturer, the place where manufactured, and the minimum number of pounds the plate will bear to the sectional square inch, expressed in thousands.

(d) Inspectors testing iron or steel plate at the mills where same is manufactured shall allow the mills to shear any plate into butt straps or heads before the coupon from the plate is tested, and they shall accept the statement of the manufacturer that the coupon presented to the inspector for testing was taken from the plate from which the butt straps or heads were cut, and if the coupon meets all the requirements of this subpart the inspector shall stamp, in one place where it is most likely to be left legible after working into the boiler, all heads and butt straps cut from the plate.

(e) All plates which conform to the physical, chemical, and other requirements prescribed in this subchapter shall be stamped by the inspector near the manufacturer's stamp with the official stamp of the Coast Guard, and with the initials of his name and a serial number.

§ 66.10–5 *Chemical properties, steel plates.* (a) Steel plates shall be made by open-hearth process, except that steel for plates to be used in the manufacture of boiler tubes may be made by the Bessemer process.

(b) Open-hearth steel shall contain not more than 0.04 percent of phosphorus nor more than 0.05 percent of sulphur.

(c) The manufacturer shall furnish the inspector with each order tested, a certificate stating the process by which the steel was manufactured and a copy of the analysis of each melt. The analysis may, if deemed expedient by the Commandant, be verified at the expense of the manufacturer.

§ 66.10–10 *Physical properties, steel plates.* (a) All steel plates tested shall show an elongation of at least 20 percent measured in a gage length of 8 inches.

§ 66.10–15 *Physical properties, iron plates.* (a) The tensile strength shall be not less than 45,000 pounds per square inch. The elongation shall be not less than 15 percent. The reduction of area shall be not less than 15 percent for 45,000 p. s. i. tensile strength, and for each increase of 1,000 p. s. i. tensile strength up to 55,000 p. s. i., an addition of 1 shall be made to the required percentage of reduction of area. The bend test specimen shall bend cold through 90 degrees around a curve the radius of which is not greater than one and one-half times the thickness of the specimen.

§ 66.10–20 *Tension and bend tests.* (a) All tension test specimens shall be milled to the form as shown in Figure 66.10–20 (a), with the following dimensions: Length at least 16 inches, ends from 1½ to 3½ inches wide by about 3 inches in length, and parallel section at center 1 to 1½ inches wide by 9 inches in length. The percentage of elongation shall be measured in a gage length of 8 inches.

(b) Where specimens are to be tested on the testing machines of the Coast Guard, they shall be 1 inch wide at parallel section in center, and shall not exceed 2 inches in width on the ends.

(c) All bend test specimens shall be at least 12 inches in length and from 1 to 3½ inches in width, and the full thickness as rolled. The edges may be planed. The corners shall not be rounded, but the sharpness may be removed with a fine file. After bending, the specimens shall show no cracks or flaws on the outside of the bent portion.

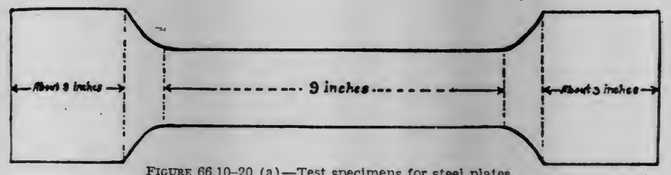


FIGURE 66.10–20 (a)—Test specimens for steel plates.

(d) Two tension tests and one cold-bend test shall be made from each plate as first rolled from a billet, slab, or ingot, the tensile test specimens to be taken from two diagonal corners of the plate, and a cold-bend specimen to be taken transversely from the middle of the top of the plate.

(e) The bend test specimen shall bend cold 180 degrees around a pin without showing any sign of cracking or other injurious defects on the outside of the bent portion, as follows: For plates under 1 inch in thickness the diameter of the pin shall be equal to one and one-half times the thickness of the plate; for plates 1 inch and over, up to and including 1½ inches in thickness, the diameter of the pin shall be equal to three times the thickness of the plate, and for all plates over 1½ inches in thickness the diameter of the pin shall be equal to four times the thickness of the plate.

(f) The finished material shall be free from all injurious defects, and shall have a good and workmanlike finish.

(g) All measurements of test specimens and material shall be made by any standard American gage, and record of tests shall be submitted on Form CG 934.

SUBPART 66.15—STEEL BARS FOR STAYS AND BRACES

§ 66.15–1 *Tests and inspection.* All steel bars to be used as stays or braces in marine boilers shall be of Class A tested material.

§ 66.15–5 *Physical properties.* The minimum tensile strength shall be not less than 58,000 pounds per square inch. The elongation shall be not less than 28 percent in 2 inches or 25 percent in 8 inches.

§ 66.15–10 *Tension- and bend-tests.* (a) Two tension-test pieces and two bend-test pieces shall be taken from each heat. The full-size bars within the capacity of the testing machine may be used for tensile tests. Where the full size of the bar is too large for the capacity of the testing machine, the bar may be reduced in size to meet such capacity. To facilitate and insure accurate tests, all bars for tensile and bending tests may be reduced in size.

(b) The minimum tensile strength of each piece shall be not less than 58,000 pounds per square inch of section and each test piece that has been reduced in size shall show an elongation of at least 28 percent in 2 inches. Where the full size of the bar has been used for testing, the test pieces shall show an elongation of at least 25 percent in 8 inches. When the tensile strength of the test piece is more than 63,000 pounds, per square inch of section, each test piece that has been reduced in size shall show an elongation of at least 22 percent in 8 inches.

(c) The pieces for the bend test shall be bent cold to a curve, the inner radius of which is equal to one and one-half times the diameter of the bar without flaws or cracks.

(d) Should any such test bar fail in either the tensile or bending test, no bars from such heat shall be allowed to be used in the construction of any marine boiler. Where a heat of steel bars has been passed by an inspector, separate lots of bars from such heat may be furnished to different boiler manufacturers upon a certificate from the mill that the bars were made from such accepted heat.

§ 66.15–15 *Manufacturer's affidavit covering tested stays.* Boiler manufacturers desiring to use tested stays or braces shall be required to furnish the inspectors with the following form of affidavit, duly filled in:

(Form CG 937)

STATE OF _____
County of _____
I hereby certify that I am the _____ of the _____
(State "owner" or name position)
steam boiler works named _____, situated at _____, in the State of _____, and that the lot or lots of steel bars from which the test bars were taken and tested by the inspector on the _____ day of _____, 19____, and allowed for use in the steam boiler to be constructed for the steamer _____ and to be allowed a strain not to exceed _____ pounds per square inch of section as a working steam pressure, will be used in the construction of the boiler ____ for the steamer _____, and no material for any braces, stays, or stay bolts required to be made of tested material and to carry a strain equal to _____ pounds per square inch of section will be used as braces, stays, or stay bolts in the construction of the boiler ____ for the said steamer tested by the inspector and approved by him in accordance with the requirements of law.

(Signature) _____
Subscribed and _____ to before
(Sworn or affirmed)
me this _____ day of _____, 19____.
[SEAL] (Signature) _____
Notary Public.

SUBPART 66.20—LAPWELDED BOILER TUBES

§ 66.20–1 *Process.* (a) All lapwelded boiler tubes up to and including 4 inches in diameter shall be made of charcoal iron, or mild steel made by any process.

(b) All lapwelded boiler tubes over 4 inches in diameter, up to and including 30 inches in diameter, shall be made of wrought iron or mild steel, made by any process.

(c) Tubes shall be free from defective welds, cracks, blisters, scale, pits, and sand marks.

§ 66.20–5 *Tests.* (a) The following tests shall be made on lapwelded boiler tubes up to and including 4 inches in diameter:

(1) A test piece 2 inches in length cut from a tube shall stand being flattened by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws, the weld being 45 degrees from the bend.

(2) A second tube shall have a flange turned over at right angles to the body of the tube and shall have a width equal to 3/8 inch. Tubes less than 3 inches in diameter shall only be required to have a flange turned equal to one-eighth of the diameter of the tube. This test shall not be applied to threaded stay tubes.

(3) All the work shall be done cold.

(4) Each tube shall stand an internal hydrostatic pressure of 1,000 pounds per square inch and be struck near both ends while under pressure with a 2-pound hammer or its equivalent without showing signs of weakness or defects.

(5) All steel tubes, except those made of open-hearth steel, shall have the ends properly annealed by the manufacturer before shipment.

(6) All tubes shall stand expanding, flanging over on the tube plate, and beading without flaws, cracks, or opening at the weld, except threaded stay tubes.

(b) The following tests shall be made on lapwelded boiler tubes over 4 inches in diameter, up to and including 30 inches in diameter:

(1) A test piece, 2 inches in length, cut from a tube, shall stand being flattened by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws, with the weld being 45 degrees from the bend.

(2) Each tube shall stand an internal hydrostatic pressure of 500 pounds per square inch and shall be struck near both ends while under pressure with a 2-pound hammer or its equivalent without showing signs of weakness or defects.

(3) All steel tubes except those made of open-hearth steel shall have ends properly annealed by the manufacturer before shipment.

(4) All tubes shall stand drilling, riveting, and calking, and work necessary to install them into the tube head without showing any weakness or defects.

SUBPART 66.25—SEAMLESS STEEL BOILER TUBES

§ 66.25–1 *Process.* The steel shall be made by the open-hearth process.

§ 66.25–5 *Finish.* Tubes shall be free from all surface defects. The defects to be particularly avoided in seamless tubes are tears, snakes, checks, slivers, scratches, laps, pits, rings, and sinks.

§ 66.25–10 *Heat treatment.* All seamless steel cold-drawn tubes shall be annealed as a final process. One or more tubes shall be selected at random from

each charge of annealing furnace, and coupons cut from same for testing.

§ 66.25–15 *Tests.* (a) A piece 3 inches long cut from the first tube shall stand being flattened cold by hammering until the sides are brought parallel and separated by a distance not greater than one-third the outside diameter of the tube, without showing cracks or flaws.

(b) A flange shall be turned cold all around the end of the tube to a width equal to ⅜ inch beyond the outside body of the tube. Tubes less than 3 inches in diameter shall only be required to have a flange turned equal to one-eighth of the diameter of the tube. This test shall not be applied to threaded stay tubes.

(c) Where hot-finished tubes are furnished, the tubes shall pass the same manipulating tests as cold-drawn tubes and shall be subject to the same conditions as to gage, but do not have to be annealed.

(d) Each tube shall be subject to an internal hydrostatic pressure of 1,000 pounds per square inch without showing signs of weakness or defects.

(e) All tubes, except threaded stay tubes, shall stand expanding, flanging over on the tube plate, and beading without flaw or crack.

(f) All tubes shall be carefully gaged and shall not be less than the specified thickness.

§ 66.25–20 *Statement or certificate of manufacturer of boiler tubes.* When the manufacturers of boiler tubes file with the Commandant a certificate duly sworn to that all tubes manufactured by them will stand the tests and meet all the requirements of this part, they shall be accepted by inspectors of the Coast Guard and no other affidavit will be required.

SUBPART 66.30—WELDED STEEL AND IRON PIPE

§ 66.30–1 *Process.* The pipe material shall be made by the open-hearth or the bessemer process. Welded pipe shall be made by the hammer-weld process.

§ 66.30–5 *Physical properties*—(a) *Bessemer steel pipe.* Tensile strength, minimum, 50,000 p. s. i. Elongation in 8 inches, minimum, 20 percent.

(b) *Open-hearth steel pipe.* Tensile strength, minimum, 45,000 p. s. i. Yield point, minimum, 25,000 p. s. i. Elongation in 8 inches, minimum, 20 percent.

(c) *Wrought-iron pipe.* Tensile strength, minimum, 40,000 p. s. i. Yield point, minimum, 24,000 p. s. i. Elongation in 8 inches, minimum, 12 percent.

§ 66.30–10 *Tension tests.* (a) Tension tests are not required for pipes up to and including 3½ inches in diameter.

(b) For all diameters exceeding 3½ inches, tension tests shall be made from every 50 pieces furnished, or fraction thereof, and shall show the following results:

(1) *For bessemer steel.* Tensile strength, not less than 50,000 pounds per square inch. Elongation in 8-inch specimen, not less than 20 percent.

(2) *For open-hearth steel.* Tensile strength, not less than 45,000 pounds per square inch. Elongation in 8-inch specimen, not less than 20 percent.

(3) *For iron.* Tensile strength, 40,000 to 48,000 pounds per square inch. Elastic limit, 22,000 to 30,000 pounds per square inch. Elongation in 8-inch specimen, not less than 12 percent.

§ 66.30–15 *Flattening tests.* (a) Flattening tests are not required for pipe up to and including 3½ inches in diameter.

(b) For all diameters greater than 3½ inches inside, flattening tests shall be made as follows:

(1) *Steel.* A test piece 2 inches in length cut from a pipe shall stand being flattened by hammering until the sides are brought parallel with the curve on the inside at the ends not greater than one-third the outside diameter of the pipe without showing cracks or flaws, the weld being 45 degrees from the curve.

(2) *Iron pipe.* A test ring three times the thickness in length cut circumferentially from lapwelded wrought-iron pipe shall be crushed down to an inner diameter of one-third the outside diameter of the pipe. Wrought-iron pipe will not stand this test without fracture, but no lapwelded wrought-iron pipe shall be accepted where the break is short or crystalline or shows evidence of defective material or bad welding, and in every case the fiber of the iron shall be shown.

§ 66.30–20 *Hydrostatic tests.* (a) Pipes ⅛ inch inside diameter up to and including 3½ inches inside diameter shall be tested before shipment to 600 pounds per square inch hydrostatic pressure.

(b) All pipe above 3½-inch diameter shall be tested before shipment to not less than 500 pounds per square inch hydrostatic pressure.

§ 66.30–25 *Finish.* (a) The pipe shall be smooth, straight, and free from defects.

SUBPART 66.35—SEAMLESS STEEL PIPES

§ 66.35–1 *Process.* (a) The steel shall be made by the open hearth process.

§ 66.35–5 *Physical properties.* (a) Tensile strength, minimum, 48,000 pounds per square inch. Yield point, minimum, 26,500 pounds per square inch. Elongation in 2 inches, minimum, 40 percent.

§ 66.35–10 *Flattening test.* (a) A test piece 2 inches in length cut from a pipe, shall stand being flattened by hammering until the sides are brought parallel with the curve on the inside at the ends not greater than one-third the outside diameter of the pipe without showing cracks or flaws.

§ 66.35–15 *Tension tests.* (a) Tension tests shall be made from every 50 pieces furnished, or fraction thereof, and shall show the following results:

(1) Tensile strength, not less than 48,000 pounds per square inch.

(2) Elongation in 8-inch specimen, not less than 12 percent.

§ 66.35–20 *Marking.* (a) The name or brand of the manufacturer shall be legibly rolled in raised characters or stamped on the outer surface of each pipe.

§ 66.35–25 *Finish.* (a) Pipe shall be free, inside and outside, from all surface defects that would materially weaken it or form starting points of corrision. The defects to be especially avoided are snakes, checks, slivers, laps, pits, etc. Pipe shall be smooth and straight.

PART 67—CONSTRUCTION

Chapter I is amended by adding a new Part 67 to Subchapter G, reading as follows:

SUBPART 67.01—PROCEDURE AND GENERAL REQUIREMENTS

Sec.
67.01–1 Definitions.
67.01–5 Drawings.
67.01–10 Computations.
67.01–15 Appeals.
67.01–20 Materials and workmanship.
67.01–25 Alternative materials or methods of repair.
67.01–30 Repairs, replacements, or alterations.
67.01–35 Boilers built since February 28, 1872.
67.01–40 Inspectors' decisions.

SUBPART 67.05—CYLINDRICAL SHELLS

67.05–1 Definitions.
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AUTHORITY: §§ 67.01–1 to 67.55–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4430, 4433, 4434, 4453, and 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–408, 411, 412, 435, 489, 366, 363, 367, 463a, 1333, 50 U. S. C. 1275.

SUBPART 67.01—PROCEDURE AND GENERAL REQUIREMENTS

§ 67.01–1 *Definitions*—(a) *Main boiler.* A main boiler is a steam boiler used for generating steam for propulsion purposes on shipboard.

(b) *Auxiliary boiler.* An auxiliary boiler is a steam boiler used for all purposes on shipboard for which steam may be required other than propulsion.

(c) *Donkey boiler.* A donkey boiler is a steam boiler installed on a vessel for occasional use for any purpose for which steam is required other than propulsion.

(d) *Pressure vessel.* A pressure vessel is an unfired vessel containing gases, vapors, or liquids under pressure. (See Part 54 of Subchapter F (Marine Engineering) of this chapter.)

(e) *Water-tube boiler.* A water-tube boiler is a steam boiler in which the boiler tubes contain water and steam, the heat being applied to the outside surface of the tubes and is composed generally of drums, headers, and tubes.

(f) *Internally-fired fire-tube boiler.* (Scotch) An internally-fired fire-tube boiler is a steam boiler containing furnaces, one or more combustion chambers and tubes or flues which are surrounded by water and through which the products of combustion pass from the furnace to the uptake. In such boilers no part of the shell is in contact with the fire or products of combustion.

(g) *Externally-fired fire-tube or flue boilers.* (Horizontal return tubular) An externally fired and fire-tube or flue boiler is a steam boiler, part of the outer shell of which is exposed to fire or to the products of combustion, and containing flues through which such products pass from the furnace to the uptake.

(h) *Porcupine boiler.* A porcupine boiler is a steam boiler consisting of a vertical shell from which project a number of dead end tubes.

(i) *Factor of safety.* Factor of safety is the ratio of the ultimate strength of the material to the stress maximum allowable.

(j) *Pressure of p. s. i.* Pressure of p. s. i. is the gage pressure or the pressure above the atmospheric pressure in pounds per square inch.

(k) *Design pressure.* Design pressure is the theoretical bursting pressure of the weakest part of a boiler, pressure

vessel, or piping divided by its factor of safety.

(l) *Maximum allowable pressure.* The maximum allowable pressure of a boiler and superheater shall be considered as the highest setting of the safety valves.

(m) *Repair.* Repair is the restoration of any damaged or impaired part to an effective and safe condition.

(n) *Alteration.* Alteration is a structural modification of or departure from an approved design or existing construction.

§ 67.01–5 *Drawings.* (a) The manufacturer of any boiler to be used for marine purposes shall furnish the Officer in Charge, Marine Inspection, where such boiler or boilers are to be inspected duplicate blueprints or tracings fully descriptive of same in detail for his approval, one of which shall be kept on file in the inspection office and the other returned to the manufacturer. Where more than one boiler is made from a similar design, a drawing of which is on file in the inspection office, if made at a different date, a reference to such drawing on file is all that shall be required. The manufacturer shall also furnish the Officer in Charge, Marine Inspection, an affidavit on either Form CG 935 or CG 936.

(b) Duplicate blueprints or drawings of water-tube and coil boilers, with their specifications, shall be submitted for approval of the Commandant (under R. S. 4429, 46 U. S. C. 407), and the design approved by the Commandant, before the boilers will be allowed to be used on any vessel coming under the jurisdiction of the Coast Guard. After the approval of the design by the Commandant, 60 certified sets of the blueprints or drawings shall be furnished the Commandant for the use of the inspectors. The blueprints or drawings necessary to comply with the foregoing provisions shall be supplied by the manufacturers. Manufacturers shall furnish Officers in Charge, Marine Inspection, where boilers are to be installed an affidavit certifying that the boilers are constructed in accordance with the specifications approved by the Commandant.

(c) Contractors intending to repair boilers, unfired pressure vessels or appliances installed on vessels subject to inspection by the Coast Guard, shall submit detail drawings in triplicate which shall be fully descriptive of the repair parts of such boilers, unfired pressure vessels, or appliances, to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel. When due to location of the shipyard or design office, such a procedure would result in unnecessary delay in transmission, the drawings may be forwarded directly to the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C.

§ 67.01–10 *Computations.* It shall be the duty of every Officer in Charge, Marine Inspection, to make, for every new boiler inspected in his district, all computations required by the rules and regulations, and any other necessary computations, from data obtained from blueprints or tracings, boiler manufacturers' affidavits, tensile test reports, and from other reliable sources. A record of such computations in full shall be made on letter sheets and filed with blueprints or tracings of boiler, the first sheet of such computations to be headed with a general description of boiler and with the vessel file number.

§ 67.01–15 *Appeals.* In case the repair is disapproved by the Officer in Charge, Marine Inspection, the manufacturer may appeal within 30 days to the Coast Guard District Commander of the district, and should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may further appeal within 30 days to the Commandant. The decision of the Commandant shall be final.

§ 67.01–20 *Materials and workmanship.* All materials to be used for repairs, replacements and for alterations shall be free from injurious defects and shall have a workmanlike finish. The work shall be executed in a workmanlike manner with proper tools or equipment and shall be free from defects which would impair strength or durability.

§ 67.01–25 *Alternative materials or methods of repair.* If, in the development of industrial arts, improved materials or methods of repair are developed, their use in lieu of those specified will be given consideration upon formal application to the Commandant, with full information as to their characteristics, together with such scientific data and evidence as may be necessary to establish the suitability of such materials or methods of repair for the purpose intended.

§ 67.01–30 *Repairs, replacements, or alterations.* (a) No repairs, replacements, or alterations, except emergency repairs, etc., shall be made to boilers, pressure vessels, their mountings or internal fittings, safety valves, piping systems, or pressure appliances without prior approval by the Officer in Charge, Marine Inspection.

(b) Boilers built and installed prior to the adoption of the regulations in this subchapter may be repaired with materials and in the manner specified in this subchapter, except that the use of cast iron valves, mountings or attachments for repairs, replacements, or alterations on existing boilers and steam lines operating at pressures exceeding 30 pounds per square inch is prohibited. Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, at or nearest the first port where the vessel may call after such repairs are made.

§ 67.01–35 *Boilers built since February 28, 1872.* Boilers built since February 28, 1872, of material stamped and tested according to the requirements of R. S. 4430 (46 U. S. C. 408), and having a record thereof in the office of the Officer in Charge, Marine Inspection, in the district where the boiler was built or intended to be used, may be used for marine purposes, notwithstanding that such boilers may have been used for other purposes, if in the judgment of the Officer in Charge, Marine Inspection, they are deemed safe.

§ 67.01–40 *Inspectors' decisions.* When it becomes necessary for inspectors to make decisions on certain matters covered by the regulations in this subchapter, they shall in making their reports quote the section and paragraph number on which their decisions are based. Whenever it is necessary to make decisions in matters not specifically covered by the regulations in this subchapter, they shall in making their reports state clearly the reasons which caused them to arrive at such decisions.

SUBPART 67.05—CYLINDRICAL SHELLS

§ 67.05–1 *Definitions*—(a) *Cylindrical shell.* The term "cylindrical shell," as used in this subchapter means the cylinder forming the outer envelope of a boiler or other pressure vessel, or of a drum which is a part of a boiler consisting of one or more plates properly riveted, welded, or otherwise joined or of seamless construction as hereinafter specified.

(b) *Course.* A course is a section of a cylindrical shell which comes between circumferential joints.

§ 67.05–5 *Materials.* (a) Plates shall be of boiler steel complying with Subpart 66.10 of this subchapter.

(b) Seamless steel pipe or tubing made by the open-hearth process may be used for shells in the construction of steam and water drums for boilers when the inside diameter of such drums does not exceed 24 inches, provided that the material conforms to the requirements of Subpart 66.35 of this subchapter.

(c) Welded steel pipe of material made by the open-hearth process may be used in the construction of drum shells, provided that the joints are made by the hammer-weld process and the material conforms to the requirements of Subpart 66.30 of this subchapter.

(d) Welded wrought-iron pipe may be used in the construction of drum shells, provided the joints are made by the hammer-weld process and the material conforms to the requirements of Subpart 66.30 of this subchapter.

(e) Copper or brass may be used in the construction of steam drums not exceeding 14 inches in diameter, of a thickness of material not less than five-eighths of an inch, and on the construction of steam drums 12 inches in diameter and under having a thickness of material of not less than ½ inch. All tubes and drums referred to in this paragraph shall be made from ingots or blanks drawn down to size without a seam. Water-tube boilers or generators so constructed may be used for marine purposes with none other than liquid fuel.

(f) Manufacturers furnishing steel piping or tubing for the construction of steam or water drums shall submit a certification that the material furnished conforms to the physical requirements specified in Subpart 66.35 of this subchapter.

§ 67.05–10 *Computations*—(a) *Riveted cylindrical shells.* (1) The maximum allowable pressure on cylindrical shells of boilers constructed of plates inspected as required by this subchapter when single riveted, shall not produce a stress to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double riveted, and the rivet holes for such boilers have been fairly drilled instead of punched, an addition of 20 percent to the maximum allowable pressure provided for single riveting shall be allowed.

(2) The maximum allowable pressure for any dimension of boilers shall be ascertained by the following rule, viz: Multiply one-sixth of the lowest tensile strength found stamped on the plates in the cylindrical shell by the thickness, expressed in inches or parts of an inch, and divide by the radius or half diameter, also expressed in inches; and the result will be the pressure allowable per square inch of surface for single riveting, to which add 20 percent where the longitudinal laps of the cylindrical parts of such boiler are double riveted, when all the rivet holes of such boiler, including steam and mud drums, have been fairly drilled and no part of such holes has been punched. The pressure allowed shall be based on the plate whose tensile strength multiplied by its thickness gives the lowest product.

(b) *Seamless or welded drums.* (1) The maximum allowable working pressure and minimum thickness of seamless or welded drums shall be computed from the following formulas:

$$P=\frac{S\times T\times E}{R\times F} \quad (1)$$

$$T=\frac{P\times R\times F}{S\times E} \quad (2)$$

where:
- P = maximum allowable working pressure, in pounds per square inch.
- T = thickness of shell in inches.
- S = minimum tensile strength of material in pounds per square inch.
- R = inside radius of shell in inches.
- F = factor of safety, which is 6.
- E = efficiency of join or ligament between tube holes, whichever is the least.

(2) Where seamless piping or tubing is used, the value of E shall equal 1, except in cases where the shell is pierced for tube holes, in which case the value of E shall equal the percentage of strength of the ligament between the tube holes as compared with the solid plate.

(3) Where reinforcing plates are used to strengthen the shell at the point where the tube enters, they shall be riveted to the shell and the value of E shall be determined in the following manner:

(i) The efficiency of the plate section or ligament between tube holes, or

(ii) The shearing strength of the rivets securing the plate to the shell, whichever value is the least.

(4) Where welded piping is used for drum shells as specified in preceding paragraphs, the value of E shall be taken at 0.7, except where the shell is pierced for tube holes and the strength of the ligament falls below 70 percent, in which case the value of E shall be the percentage of strength of the ligament between the tube holes as compared with the solid plate.

(5) Where reinforcing plates are used to strengthen the shell of such welded drums at the point where the tube enters, and the efficiency of the ligament between tube holes or the shearing strength of the rivets securing the reinforcing plate to the shell falls below 70 percent of the strength of the solid plate, the value of E shall be determined in the following manner:

(i) The efficiency of the plate section or ligament between tube holes, or

(ii) The shearing strength of the rivets securing the plate to the shell, whichever value is the least.

(c) *Water-tube or coil boilers.* (1) The maximum allowable pressure on cylindrical shells of water-tube or coil boilers, when such shells have a row or rows of pipes or tubes inserted therein, shall be determined by the following formula: *Provided,* That the pressure allowable on such shells shall also be determined by the rule for cylindrical shells of boilers constructed of inspected plates conforming to Subpart 66.10 of this subchapter, and the lower pressure allowable by the two rules shall be taken:

$$P=\frac{(D-d)\times T\times S}{D\times R} \quad (3)$$

where:
- P = maximum allowable pressure, in pounds per square inch.
- D = distance between the tube or pipe centers in a line from head to head, in inches.
- d = diameter of hole, in inches.
- T = thickness of plate, in inches.
- S = one-fourth of the tensile strength of the plate, in pounds per square inch.
- R = radius of shell, in inches.
- n = number of tube holes in a pitch.

(2) When tubes on any one row are pitched unequally, nd must be substituted in the formula (3) for d.

(3) Where rows of tubes are pitched diagonally, each diagonal ligament shall not be less than three-fifths of each longitudinal ligament.

(d) *Porcupine-type Boilers.* (1) The formula for determining the maximum allowable pressure on boilers of the so-called porcupine and similar types shall be in accordance with this paragraph.

(2) Multiply the vertical distance between the centers of the horizontal rows of tubes in inches by one-half the diameter of shell of boiler in inches, which gives the area upon which the pressure is exerted to break a diagonal ligament, then find the sectional area of the ligament at its smallest part and multiply by one-sixth the tensile strength of the material. This result divided by the area upon which the strain is exerted gives the maximum allowable pressure as follows:

$$P=\frac{STE}{CD} \quad (4)$$

where:
- P = maximum allowable pressure, in pounds per square inch.
- E = width of the ligament, in inches.
- T = thickness of the material, in inches.
- S = one-sixth of the tensile strength, in pounds per square inch.
- C = distance between vertical centers, in inches.
- D = one-half the inside diameter of the shell of central column, in inches.

SUBPART 67.10—SHELL JOINTS

§ 67.10–1 *Approved types of joints.* (a) Joints of shells of boilers or other pressure vessels are classified as follows:

(1) Riveted joints, which may be either lapped or butt-strapped.

(2) Welded joints, which shall be made by the hammer-weld or other approved process.

§ 67.10–5 *Workmanship.* (a) Centers or guide holes not to exceed 75 percent of the diameter of the full-size finished hole for tubes and stays may be punched. The remainder shall be cleanly cut, drilled, or reamed to full size. Holes not to exceed 4 inches in diameter in plates five-eighths of an inch thick and under may be punched to within ½ inch of the full diameter of the finished hole; the remainder shall be cleanly cut, drilled, or reamed to full size.

§ 67.10–10 *Riveted joints.* (a) The diameter of rivets, rivet holes, distance between centers of rivets, and distance from centers of rivets to edge of lap for different thicknesses of plates for single and double riveting shall be determined by the rules in this section.

(b) The formulas in this section, equivalent to those of the British Board of Trade, are given for the determination of the pitch, distance between rows of rivets, diagonal pitch, maximum pitch, and distance from centers of rivets to edge of lap of single and double riveted lap joints, for both iron and steel boilers.

(c) To determine the pitch for iron plates and iron rivets:

$$p=\frac{d^2\times 0.7854\times n}{T}+d \quad (1)$$

(d) To determine the distance from center of rivet to edge of lap:

$$E=\frac{3\times d}{2} \quad (2)$$

(e) To determine the distance between rows of rivets:

(1) The distance between lines of centers of rows of rivets for double, chain-riveted joints (V) shall not be less than twice the diameter of rivet, but it is more desirable that V should not be less than:

$$\frac{4d+1}{2} \quad (3)$$

(2) For ordinary, double zigzag riveted joints:

$$V=\frac{\sqrt{(11p+4d)\ (p+4d)}}{10} \quad (4)$$

(f) To determine the diagonal pitch for double, zigzag riveted lap joint; iron and steel:

$$p_d=\frac{6p+4d}{10} \quad (5)$$

(g) To determine the maximum pitches for riveted lap joints:

(1) For single-riveted lap joints:

$$\text{Maximum pitch}=(1.31\times T)+1\tfrac{5}{8} \quad (6)$$

(2) For double-riveted lap joints:

$$\text{Maximum pitch}=(2.62\times T)+1\tfrac{5}{8} \quad (7)$$

where:
- p = greatest pitch of rivets, in inches.
- n = number of rivets in one pitch.
- p_d = diagonal pitch, in inches.
- d = diameter of rivets, in inches.
- T = thickness of plate, in inches.
- V = distance between rows of rivets, in inches.
- E = distance from edge of plate to center of rivet, in inches.

(h) To determine the pitch of rivets from the formulas in this section, use the diameter and area of the rivet holes. The diameter of the rivets is the diameter of the driven rivet.

(i) Any riveted joint shall be allowed when it is constructed so as to give an equal percentage of strength to that obtained by the use of the formula given.

§ 67.10–15 *Butt straps.* (a) Where butt straps are used in the construction of marine boilers, the straps for single butt strapping shall in no case be less than the thickness of the shell plates; and where double butt straps are used, the thickness of each shall in no case be less than five-eighths the thickness of the shell plates.

§ 67.10–20 *Welded joints.* (a) Where welded drums are used, the joint shall be so located as not to be in contact with the products of combustion, and shall not be pierced for tube holes.

SUBPART 67.15—HEADS

§ 67.15–1 *Definitions*—(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel shell. They may be either flat or dished. Heads may be integral with, riveted, welded, or brazed to the shell.

(b) *Unstayed flat heads.* Unstayed flat heads may be used to close shells as permitted by the regulations in this subchapter.

(c) *Dished heads.* Dished heads may be of circular or elliptical section and may be attached to the shell so that the pressure will be either on the concave or on the convex surface.

(d) *Stayed heads.* Stayed heads are heads supported in whole or in part by stays, furnaces, flues, tubes, etc.

§ 67.15–5 *Materials and workmanship.* (a) Material used in the construction of all bumped heads shall possess the physical and chemical qualities prescribed by the Commandant for all plates subject to tensile strain, as required by R. S. 4430 (46 U. S. C. 408).

(b) To avoid grooving the flanging shall be well rounded at the bend.

(c) Bumped heads may contain a manhole opening flanged inwardly, when such flange is turned to a depth of three times the thickness of material in the head.

(d) All drums attached to coil, pipe, sectional, or water-tube boilers not already in use or actually contracted for, to be built for use on a steam vessel, and their building commenced at or before the date of this rule, shall be required to have the heads of wrought iron or steel or cast steel flanged and substantially riveted to the drums or secured by bolts and nuts of equal strength with rivets, in all cases where the diameters of such drums exceed 6 inches.

(e) Drums and water cylinders constructed with a bumped head at each or either end, any opening in the shell or heads to be reinforced as required by the rules of the Commandant, the circumferential and horizontal seams to be welded and properly annealed after such welding is completed, and when tested with a hydrostatic pressure of at least double the amount of the steam pressure allowed may be used for marine purposes.

§ 67.15–10 *Computations*—(a) *Convex heads.* All plates used as heads, when new and made to practically true circles, and as described below, shall be allowed a maximum pressure in accordance with the following formula:

$$P=\frac{T\times S}{R} \quad (1)$$

where:
- P = Maximum allowable pressure, in pounds per square inch.
- T = thickness of plate, in inches.
- S = one-fifth of the tensile strength, in pounds per square inch.
- R = one-half of the radius to which the head is bumped, in inches.

(b) *Concave heads.* For concave heads the pressure allowable shall be eight-tenths times the pressure allowable for convex heads.

NOTE: To find the radius of a sphere of which the bumped head forms a part, square the radius of head, divide this by the height of bump required; to the result add height of bump, which will equal diameter of sphere, one-half of which will be the required radius.

(c) *Flat heads of wrought-iron or steel plate.* (1) Where flat heads do not exceed 20 inches in diameter they may be used without being stayed, and the maximum pressure allowable shall be determined by the following formula: *Provided,* That flanges are made to an inside radius of at least 1½ inches:

$$P=\frac{C\times T^2}{A} \quad (2)$$

where:
- P = maximum allowable pressure, in pounds per square inch.
- T = thickness of material in sixteenths of an inch.
- A = one-half the area of head, in square inches.
- C = 112 for plates seven-sixteenths of an inch and under.
- C = 120 for plates over seven-sixteenths of an inch.

(d) *Requirements for heads (applicable only to rivers).* (1) All heads employed in the construction of cylindrical externally fired boilers for steamers navigating the Red River of the North and rivers whose waters flow into the Gulf of Mexico shall have a thickness of material as follows:

(i) Over 32 inches and not over 36 inches, not less than ½ inch.

(ii) Over 36 inches and not over 40 inches, not less than $\frac{9}{16}$ inch.

(iii) Over 40 inches and not over 48 inches, not less than $\frac{5}{8}$ inch.

(iv) Over 48 inches, not less than ¾ inch.

(2) The heads of steam and mud drums of such boilers shall have a thickness of material of not less than half an inch.

SUBPART 67.20—OPENINGS AND REINFORCEMENTS

§ 67.20–1 *Material.* (a) The cover plates for manholes and handholes should be of steel conforming to the specifications and requirements for steel plates.

(b) Cast steel may also be used in the construction of manhole and handhole plates.

§ 67.20–5 *Manhole openings.* (a) Manhole openings in front head of ex-

ternally fired boilers under the flues, as required by R. S. 4434, (46 U. S. C. 412), shall be of dimensions of not less than 8 by 12 inches in the clear. Applicable to steamers navigating rivers only.

(b) All boilers built on and after August 1, 1914, shall have a manhole opening above the flues or tubes of not less than 10 by 16 inches, 11 by 15 inches, or of an equal area, in the clear, and shall have such other manhole openings in other parts of the boiler as may be required by the Officer in Charge, Marine Inspection, when considering blueprints or tracings submitted to him for approval of sufficient dimensions to allow easy access to the interior of the boiler for the purpose of inspection and examination.

§ 67.20–10 *Reinforced openings.* (a) When holes exceeding 6 inches in diameter are cut in boilers for pipe connections, manhole and handhole plates, such holes shall be reinforced, either on the inside or outside of boiler, with reinforcing wrought-iron steel rings, which shall be securely riveted or properly fastened to the boiler, such reinforcing material to be rings of sufficient width and thickness of material to fully compensate for the amount of material cut from such boilers, in flat surfaces; and where such opening is made in the circumferential plates of such boilers, the reinforcing ring shall have a sectional area equal to at least one-half of the sectional area of the opening parallel with the longitudinal seams of such portion of the boiler. On boilers carrying 75 pounds or less steam pressure a cast-iron stop valve, properly flanged, may be used as reinforcement to such opening. When holes are cut in any flat surface of such boilers and such holes are flanged inwardly to a depth of not less than 1½ inches, measuring from the outer surface, the reinforcement rings may be dispensed with.

(b) When reinforcing rings as described above are made of wrought-iron or steel, the material shall not be required to be tested.

(c) Seamless forged steel nozzles may be used for reinforcing holes cut in boilers when the amount of material in the flange of the saddle that is secured to the boiler is equal to the amount of material removed from the boiler.

(d) No connection between shell of boiler and mud drum shall exceed 9 inches in diameter and the flange of the mud-drum leg shall consist of an equal amount of material to that cut out of the shell of boiler.

SUBPART 67.25—STAYS AND STAYED SURFACES

§ 67.25–1 *Definitions*—(a) *Through stay.* Through stay is a solid bar extended through both heads of a boiler and threaded at the ends for attachment by means of nuts. With this type of stay the ends are usually upset to compensate for the threading. (See Figure 67.25–1 (a).)

(b) *Solid staybolt.* Solid staybolt is a threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See Figure 67.25–1 (b).)

(c) *Hollow staybolt.* Hollow staybolt is a hollow threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See Figure 67.25–1 (c).)

(d) *Flexible staybolt.* Flexible staybolt is a bar made with ball-and-socket joint on one end, the cup of the socket being screwed into the outside sheet and covered with a removable cap, the plain end of the staybolt being threaded, screwed through the inside sheet and riveted over. (See Figure 67.25–1 (d).)

(e) *Sling stay.* Sling stay is a flexible stay consisting of a solid bar having one or both ends forged for a pin connection to a crowfoot or other structural fitting secured to the stayed plate. (See Figure 67.25–1 (e).)

(f) *Crowfoot.* Crowfoot is a forged fitting with palms or lugs secured to the head to form a proper connection with a sling stay. (See Figure 67.25–1 (f).)

(g) *Crowfoot stay.* Crowfoot stay is a solid bar stay terminating in a forged fork with palms or lugs for attachment to the plate. (See Figure 67.25–1 (g).)

(h) *Diagonal stay.* Diagonal stay is a bar or formed plate forged with palms or lugs for staying the head of the boiler to the shell diagonally. (See Figure 67.25–1 (h).)

(i) *Gusset stay.* Gusset stay is a triangular plate used for the same purpose as a diagonal stay and attached to the head and the shell by angles, flanges, or other suitable means of attachment. (See Figure 67.25–1 (i).)

(j) *Dog stay.* Dog stay is a staybolt, one end of which extends through a girder, dog, or bridge, and is secured by a nut, the other end being screwed through the plate which it is supporting and riveted over or fitted with a nut or welded collar. (See Figure 67.25–1 (j).)

(k) *Girder.* Girder is a bridge, built up of plates or structural shapes separated by distance pieces, a forging, of a formed plate, which spans an area requiring support abutting thereon and supporting the girder stays or staybolts. (See Figure 67.25–1 (k).)

(l) *Welded collar.* Welded collar is a beveled ring formed around the end of a screw stay by means of arc or gas welding. It is used in lieu of a nut. (See Figure 67.25–1 (l).)

(m) *Reinforcement.* Reinforcement is a doubling plate, washer, structural

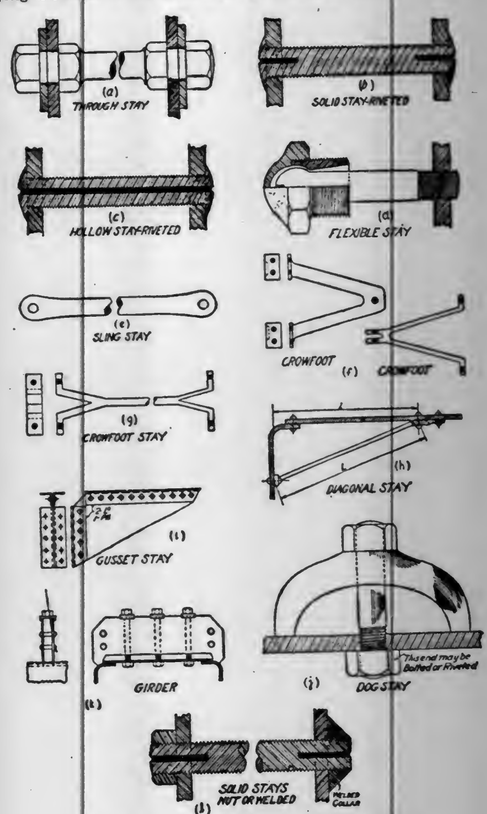


FIGURE 67.25–1—Acceptable types of boiler stays

shape, or other form for stiffening or strengthening a plate.

(n) *Stay tube.* Stay tube is a thick-walled tube used in fire-tube boilers to stay the tube sheets.

(o) *Telltale hole.* Telltale hole is a small hole having a diameter not less than $^3/_{16}$ inch drilled in the center of a solid stay and extending to at least ½ inch beyond the inside surface of the sheet.

(p) *Stayed surfaces.* Surfaces to be stayed or reinforced include the following:

(1) Flat plates, heads, or areas thereof, such as segments of heads, wrapper sheets, furnace plates, side sheets, combustion chamber tops, etc., which are not self-supporting.

(2) Curved plates constituting the whole or parts of a cylinder subject to external pressure which are not entirely self-supporting.

§ 67.25–5 *Materials and workmanship.* (a) All steel bars to be used as stays or braces in marine boilers and allowed a stress of 7,000, 8,000, or 9,000 pounds per square inch shall be tested by inspectors at the mills where the material is manufactured in compliance with Subpart 66.15 of this subchapter.

(b) Stay bolts and stays made of the best quality of refined wrought iron may be welded. The lengthening of steel stays by welding shall not be allowed.

(c) All screw stay bolts shall be drilled at the ends with a three-sixteenths-inch hole to at least a depth of one-half inch beyond the inside surface of the sheet. Stays through laps or butt straps may be drilled with larger hole to a depth so that the inner end of said larger hole shall not be nearer than the thickness of the boiler plates from the inner surface of the boiler. Hollow-rolled screw stay bolts may be used.

(d) Flexible stay bolts that are made with a ball in socket on one end, the socket screwed into the outside sheet and covered with a removable cap and bolt screwed into the inside sheet and riveted over, may be used for staying flat surfaces without being drilled with a telltale hole.

(e) Holes for screw stays shall be tapped fair and true, and full thread.

(f) The ends of stays which are upset to include the depth of thread shall be thoroughly annealed after being upset.

§ 67.25–10 *Stays.* (a) The maximum allowable pressure for stays used in the construction of marine boilers where same are accurately fitted normal to supported surfaces and properly secured shall be ascertained by the following formula:

$$P=\frac{A\times C}{a} \qquad (1)$$

where:
- P=maximum allowable pressure, in pounds per square inches.
- A=least cross-sectional area of stay, in square inches.
- a=area of surface supported by one stay, in square inches.
- C=a constant.
  - C=9,000 for tested steel stays 1 inch and upward in diameter when such stays are not forged or welded. The ends may be upset to a sufficient diameter to allow for the depth of the thread. The diameter shall be taken at the bottom of the thread, provided it is the least diameter of the stay. All such stays after being upset shall be thoroughly annealed.
  - C=8,000 for a tested Huston or similar type of brace, the cross-sectional area of which exceeds 5 square inches.
  - C=7,000 for such tested braces when the cross-sectional area is not less than 1.227 and not more than 5 square inches, provided such braces are prepared at one heat from a solid piece of plate without welds.
  - C=7,500 for wrought-iron stays 1 inch and upward in diameter when made of the best quality of refined iron. The ends may be upset to allow for the depth of the thread. The diameter shall be taken at the bottom of the thread, provided it is the least diameter of the stay. Such stays may be welded.
  - C=6,000 for welded crowfoot stays when made of best quality of refined wrought-iron, and for all stays not otherwise provided for when made of the best quality of refined iron or of steel without welds.

(b) The required cross-sectional area of a diagonal or gusset stay shall be determined by the following formula:

$$A=\frac{a\times L}{l} \qquad (2)$$

where:
- A=sectional area of diagonal stay, in square inches.
- a=sectional area of direct stay, in square inches.
- L=length of diagonal stay, in inches.
- l=length of line drawn at right angles to boiler head or surface supported to center of palm of diagonal stay, in inches.

(c) When sling stays are connected by pins to angles secured to shell (see Figures 67.30–10 (d) (1) and (2)), said angles shall be of sufficient depth to resist shear. Section to resist shear shall be determined by the following formulas:

$$A=D\times 2T \qquad (3)$$

$$D=\frac{A}{2T} \qquad (4)$$

where:
- A=sectional area of pin, in square inches.
- D=depth from edge of pinhole to end of leg in inches.
- $2T$=thickness of two angles, in inches.

(d) Minimum diameter of rivets shall be found as follows:

Minimum diameter=

$$\sqrt{\frac{\text{load}}{0.7854\times 12{,}000\times N}} \qquad (5)$$

where:
- N=number of rivets. Rivets shall be staggered in each leaf.

(e) The sectional area of gusset stays, when constructed of triangular right-handed web plates secured to single or double angle bars along the two sides at right angles, shall be determined by formula for diagonal stays, and shall be not less than 10 percent greater than would be necessary for a diagonal bolt stay.

(f) The diameter of a screw stay shall be taken at the bottom of the thread, provided it is the least diameter of the stay.

(g) For all stays the least sectional area shall be taken in calculating the stress allowable.

(h) The sectional area of pins to resist double shear and bending, accurately fitted and secured in crowfeet, sling, and similar stays, shall be at least equal to eight-tenths of the required sectional area of the brace. Breadth across each side and depth to crown of eye shall be not less than 0.35 of diameter of pin. In order to compensate for inaccurate distribution the forks shall be proportioned to support two-thirds of the load, thickness of forks to be not less than 0.66 of the diameter of pin.

(i) The combined sectional area of rivets used in securing tee irons and crowfeet to shell, said rivets being in tension, shall be not less than the required sectional area of brace. To insure a well-proportioned rivet point, rivets shall be of sufficient length to completely fill the rivet holes and form a head equal in strength to the body of the rivet. All rivet holes shall be drilled. Distance from center of rivet hole to edge of tee irons, crowfeet, and similar fastenings shall be so proportioned that the net sectional areas through sides at rivet holes shall equal the required rivet section. Rivet holes shall be slightly countersunk in order to form a fillet at point and head.

§ 67.25–15 *Stayed surfaces.* (a) All stayed surfaces formed to a curve the radius of which is over 21 inches, excepting surfaces otherwise provided for, shall be deemed flat surfaces.

(b) (1) The maximum allowable pressure on flat plates supported by stays shall be determined by the following formula:

$$P=\frac{C\times T^2}{P^2} \qquad (1)$$

(2) When pitches of stays are unequal, $\frac{A^2+B^2}{2}$ is to be taken instead of p^2.

where:
- P=maximum allowable pressure, in pounds per square inch.
- p=pitch of stays when equal space in both directions, in inches.
- B=distance between two rows of stays, in inches.
- T=thickness of plates in sixteenths of an inch.
- C=112 for screw stays with riveted heads, plates $^7/_{16}$ inch thick and under.
- C=120 for screw stays with riveted heads, plates above $^7/_{16}$ inch thick.
- C=120 for screw stays with nuts, plates $^9/_{16}$ of an inch thick and under.
- C=125 for screw stays with nuts, plates $^5/_{16}$ of an inch thick and under $^9/_{16}$ inch.
- C=135 for screw stays with nuts, plates, $^9/_{16}$ inch thick and above.

C=160 for stays with washers or doubling strips which have a thickness of at least 0.5 of the thickness of the plate and a diameter of at least 0.5 of the greatest pitch of the stay, riveted to the outside of the plates, and stays having one nut inside of the plate and one nut outside of the washer or doubling strip. For T take 72 percent of the combined thickness of the plate and washer or plate and doubling strip.

C=175 for stays with double nuts, having one nut on the inside and one nut on the outside of the plate, without washers or doubling plates.

C=200 for stays fitted with doubling plates which have a thickness equal to at least 0.5 of the thickness of the plate reinforced, and covering the full area braced (up to the curvature of the flange, if any), riveted to either the inside or outside of the plate, and stays having one nut outside and one inside of the plates. Washers or doubling plates to be substantially riveted. For T take 72 percent of the combined thickness of the two plates.

C=200 for stays with plates stiffened with tees or angle bars having a thickness of at least two-thirds the thickness of plate and depth of webs at least one-fourth of the greatest pitch of the stays, and substantially riveted on the inside of the plates, and stays having one nut inside bearing on washers fitted to the edges of the webs that are at right angles to the plate. For T take 72 percent of the combined thickness of web and plate.

SUBPART 67.30—COMBUSTION CHAMBERS AND TUBE SHEETS OF FIRE-TUBE BOILERS

§ 67.30–1 *Definitions*—(a) *Combustion chamber.* Combustion chamber, within the meaning of this section, is that part of an internally-fired boiler in which combustible gases may be burned after leaving the furnace.

(b) *Separate combustion chamber.* Separate combustion chamber is a combustion chamber which is connected to one furnace only.

(c) *Common combustion chamber.* Common combustion chamber is a combustion chamber connected to two or more furnaces in a boiler.

(d) *Crown or top plate.* Crown or top plate is the top of a combustion chamber and is usually supported by girder stays or by sling stays or braces.

(e) *Wrapper sheet.* Wrapper sheet is the side plate of any type of combustion chamber and also the bottom plate of a common combustion chamber.

(f) *Curved bottom plate.* Curved bottom plate is the bottom of a separate combustion chamber formed to an arc of a circle and usually designed to be self-supporting.

(g) *Combustion chamber tube sheet.* Combustion chamber tube sheet is the plate, forming the end of a combustion chamber in which the tubes are secured.

(h) *Combustion chamber back sheet.* Combustion chamber back sheet is the plate opposite the tube sheet forming the back of the combustion chamber. It is usually stayed to the back head of the boiler by means of screw stays, or, in the case of double-ended boilers, to the back of the combustion chamber of the other end of the boiler.

(i) *Structural stiffeners.* Structural stiffeners are rolled shapes or flanged plates which are used to stiffen a surface which is not entirely self-supporting.

§ 67.30–5 *Materials.* All plates forming parts of combustion chambers of fireboxes shall conform to the general specifications for the shell plates.

§ 67.30–10 *Computations*—(a) *Curved bottom plate with reinforcement.* (1) Where rounded bottoms of combustion chambers are stiffened with single angle-iron stiffeners, such angles shall have a thickness of leaf eight-tenths that of the plate and a depth of at least one-half pitch. Where stiffened with double angle irons or tee bars, such angles or tee bars shall have a thickness of leaf at least two-thirds that of plate and a depth of at least one-fourth of pitch. Said angles or tee bars shall be substantially riveted to the plate supported. Where the bottom of combustion chambers are strengthened by angles or tee irons, the same shall be on the water side of the combustion chambers, as shown in the sketches in this section.

(2) Where rounded tops of combustion chambers are stiffened with single or double angle-iron stiffeners or tee bars, such angles or tee bars shall be of thickness and depth of leaf not less than specified for rounded bottoms of combustion chambers. Said angles or tee bars shall be supported on thimbles and riveted through with rivets not less than 1 inch in diameter and spaced not to exceed 6 inches between centers.

(3) Maximum allowable pressure on rounded surfaces supported by angle-irons or tee bars shall be determined by the following formula:

$$P=\frac{900\times T^2}{p\times D} \quad (1)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of plate in sixteenths of an inch.
p=pitch of angle or tee stiffeners, in inches.
D=diameter of curve to which plate is bent, in inches.

(b) *Curved bottom plate without reinforcement.* The maximum allowable pressure and the minimum thickness of round bottom of combustion chambers, angles being omitted, shall be computed by the following formulas:

$$P=\frac{50(300T-2L)}{D} \quad (2)$$

$$T=\frac{P\times D+100L}{15{,}000} \quad (3)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of bottom plate of combustion chamber, in inches.
L=extreme length of plate forming bottom of combustion chamber, in inches.
D=twice outside radius of bottom of combustion chamber, in inches.

(c) *Tube sheets.* (1) Maximum allowable pressure on tube sheets where combustion chambers are not suspended from the shell of the boiler shall be determined by the following formula:

$$P=\frac{(D-d)\,T\times 27{,}000}{W\times D} \quad (4)$$

where:

P=maximum allowable pressure, in pounds per square inches.
D=least horizontal distance between tube centers, in inches.
d=inside diameter of tubes, in inches.
T=thickness of tube plate, in inches.
W=extreme width of combustion chamber, in inches.

(2) The compressive stress on tube plates, as determined by the following formula, shall not exceed 13,500 pounds per square inch, when pressure on top of combustion chamber is supported by vertical plates of such chamber.

$$S=\frac{P\times D\times W}{2(D-d)\,T} \quad (5)$$

where:

S=compressive stress on tube sheet, in pounds per square inch.
P=maximum allowable pressure, in pounds per square inch.
D=least horizontal distance between tube centers, in inches.
d=inside diameter of tube, in inches.
W=extreme width of combustion chamber, in inches.
T=thickness of tube sheet, in inches.

(d) *Girders or crown bars.* (1) The maximum allowable pressure for girders or crown bars supporting the tops of combustion chambers shall be determined by the following formula:

$$P=\frac{C\times d^2\times T}{(W-p)\times D\times L} \quad (6)$$

where:

P=maximum allowable pressure, in pounds per square inch.
W=extreme width of combustion box, in inches.

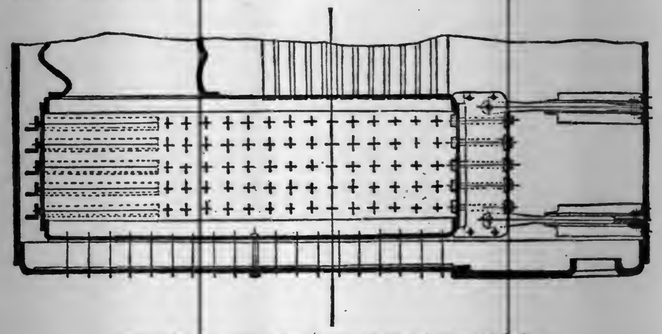


FIGURE 67.30–10 (d1)—Full load on tube sheet and backplate.

Diameter of hangers should be sufficient to carry the weight of combustion chamber and one-half the tubes and furnaces when no water is in boiler. No effect of buoyancy is considered.

These remarks are for separate combustion chambers when they are not secured to the shell at the bottom and therefore liable to bend the small screw stays.

In this case the tube sheet and backplate get the full compressive load in a similar manner to a boiler without hanging stays.

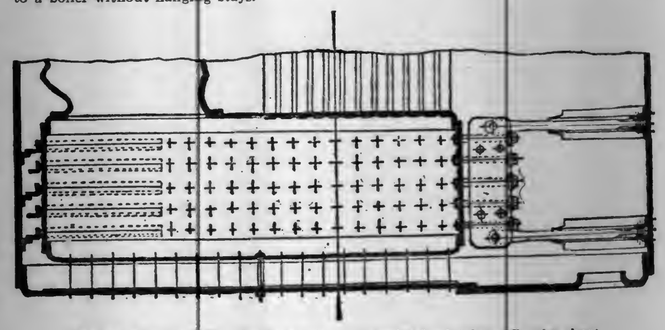


FIGURE 67.30–10 (d2)—Nearly whole compressive load taken off tube sheet.

Top hanging stays take full compressive load off tube sheet and backplate, except that half the load on unsupported portions marked B beyond stays will be taken by the tube sheet and backplate, respectively, and the other half by the last stays.

The thickness of tube sheet and backplate may be materially reduced from what would be required when tube sheet and backplate take full compressive load, providing that combustion chamber is well stayed to take full load at the bottom by screw stays or girders of plates and angles.

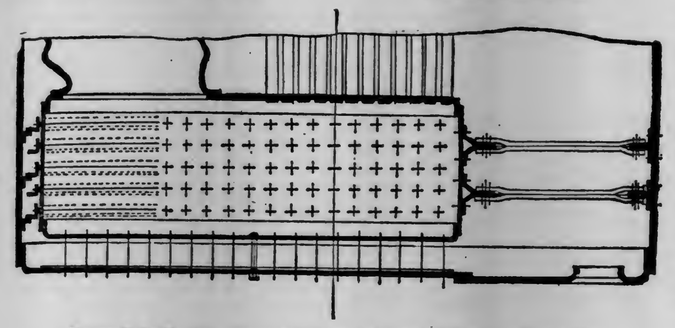


FIGURE 67.30–10 (d3)—Nearly whole compressive load taken off tube sheet.

Top hanging stays take full compressive load off tube sheet and backplate, except that half the load on unsupported portions marked B beyond stays will be taken by the tube sheet and backplate, respectively, and the other half by the last stays.

The bottom stays, whether of screw stays or girders of plates and angles, must be of the same sectional area as the top braces, and no boiler should be built having top stays as shown without having the bottom stays of equal strength.

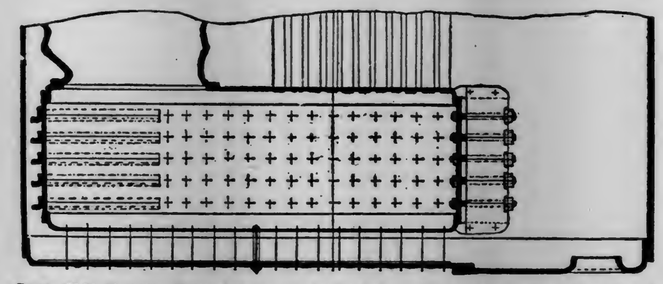


FIGURE 67.30–10 (d4)—Tube sheet and backplate get full load, and therefore should be heavy enough to withstand such.

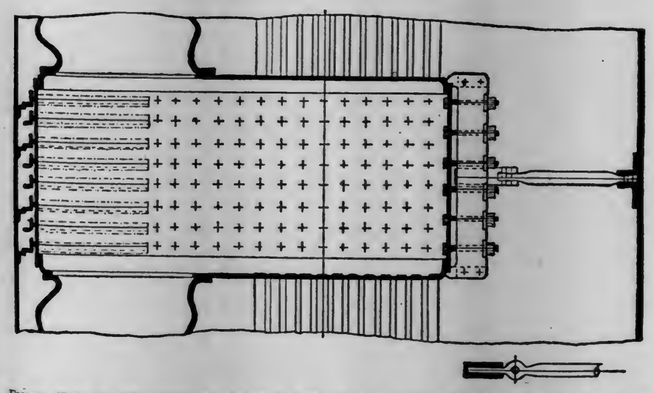


FIGURE 67.30–10 (d5)—Tube sheets each take part of compressive load, the hanging stays taking care of the other part.

The bottom stays, whether of screw stays or girders of plates and angles, must be of the same sectional area as the top braces.

In this case the thickness of the tube sheets may be materially reduced from what would be required when tube sheets together take full compressive load.

p=pitch of supporting bolts, in inches.
D=distance between girders from center to center, in inches.
L=length of girder in feet between supports.
d=depth of girder, in inches.
T=thickness of girder, in inches.
C=550 when the girder is fitted with 1 supporting bolt.
C=825 when the girder is fitted with 2 or 3 supporting bolts.
C=917 when the girder is fitted with 4 or 5 supporting bolts.
C=963 when the girder is fitted with 6 or 7 supporting bolts.
C=990 when the girder is fitted with 8 or more supporting bolts.

(2) Sling stays may be used in lieu of girders in all cases: *Provided, however,* That when such sling stays are used, girders or screw stays of the same sectional area shall be used for securing the bottom of combustion chamber to the boiler shell.

(3) When girders are dispensed with and the top and bottom of combustion chambers are secured by sling stays or braces, the sectional area of such stays shall conform with the requirements of § 67.25–10.

(4) The following drawings show an excellent practice of constructing combustion chambers with and without sling stays.

SUBPART 67.35—FURNACES AND FLUES

§ 67.35–1 *Definitions*—(a) *Furnace.* Furnace, within the meaning of this subpart, is a firebox or a large flue in which the fuel is burned.

(b) *Corrugated furnace.* Corrugated furnace is a cylindrical shell wherein corrugations are formed circumferentially for additional strength and to provide for expansion. (See Figures 67.35–1 (b1), 67.35–1 (b2), 67.35–1 (b3), 67.35–1 (b4), 67.35–1 (b5).)

(c) *Purves ribbed furnace.* Purves ribbed furnace is a cylindrical shell in which ribs or projections are formed circumferentially to provide additional strength. (See Figure 67.35–1 (c).)

(d) *Adamson ring furnace.* Adamson ring furnace is a cylindrical shell made in short sections, the ends of the sections being flanged and riveted together through a reinforcing ring. (See Figure 67.35–1 (d).)

(e) *Plain furnace.* Plain furnace is a cylindrical shell usually made in sections united by means of riveted joints. (See Figure 67.35–1 (e).)

(f) *Flues.* Flues are cylindrical shells made of seamless or welded tubing, or with a riveted longitudinal joint, the ends being attached by rivets. Their purpose is to provide additional heating surface and to form a path for the products of combustion. (See Figure 67.35–1 (e).)



FIGURE 67.35–1 (b1)—Leeds suspension bulb furnace.

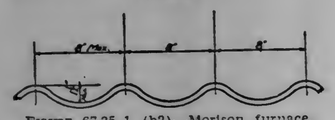


FIGURE 67.35–1 (b2)—Morison furnace.



FIGURE 67.35–1 (b3)—Deighton furnace.



FIGURE 67.35–1 (b4)—Fox furnace.



FIGURE 67.35–1 (b5)—Brown furnace.

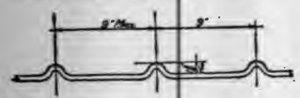


FIGURE 67.35–1 (c)—Purves ribbed furnace.



FIGURE 67.35–1 (d)—Adamson ring furnace.



FIGURE 67.35–1 (e)—Circular riveted flue.

§ 67.35–5 *Materials.* (a) All furnaces and flues shall be constructed of steel plates conforming to the requirements of Subpart 66.10 of this subchapter.

(b) The tensile strength of steel used in the construction of corrugated or ribbed furnaces shall not exceed 67,000 p. s. i. and be not less than 54,000 p. s. i.; and in all other furnaces the minimum tensile strength shall not be less than 58,000 p. s. i. and the maximum not more than 67,000 p. s. i. The minimum elongation in 8 inches shall be 20 percent.

§ 67.35–10 *Computations*— (a) *Corrugated or ribbed furnaces.* All corrugated furnaces having plain parts at the ends not exceeding 9 inches in length (except flues especially provided for), when new, and made to practically true circles, shall be allowed a maximum pressure in accordance with the following formula:

$$P=\frac{C\times T}{D} \quad (1)$$

where:
P=maximum allowable pressure in pounds per square inch.
T=thickness in inches, not less than five-sixteenths of an inch.
D=mean diameter, in inches.
C=Constant, as follows:
C=17,300, determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 8 inches from center to center and not less than 2¼ inches deep, for Leeds Suspension bulb furnace.
C=determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 8 inches from center to center and the radius of the outer corrugations is not more than one half of the suspension curve, for Morison furnace. [In calculating the mean diameter of the Morison furnace, the least inside diameter plus 2 inches may be taken as the mean diameter.]
C=15,600 when corrugations are not more than 8 inches from center to center and not less than 1½ inches deep, for Deighton furnace.
C=14,000, when corrugations are not more than 8 inches from center to center and not less than 1½ inches deep, for Fox furnace.
C=14,000, when rib projections are not more than 9 inches from center to center and not less than 1⅜ inches deep, for Purves furnace. [In calculating the allowable pressure for a Purves furnace, the thickness shall be not less than seven-sixteenths, and D shall be taken as the least outside diameter.]
C=14,000, determined from an actual destructive test under the supervision of the Commandant, when corrugations are not more than 9 inches from center to center and not less than 1⅜ inches deep, from Brown furnace. [In calculating the allowable pressure for Brown furnace D shall be taken as the least outside diameter.]

(b) *Corrugated furnaces having sections 18 inches long.* When furnaces are corrugated by sections not more than 18 inches from center to center, the maximum allowable pressure shall be in accordance with the following formula:

$$P=\frac{C\times T}{D} \quad (2)$$

where:
P=maximum allowable pressure, in pounds per square inch.
T=thickness in inches, not less than seven-sixteenths.
D=mean diameter, in inches.
C=10,000, a constant, when corrugated by sections not more than 18 inches from center to center and not less than 2½ inches deep, measuring from the least inside to the greatest outside diameter of the corrugations and having the ends fitted one into the other and substantially riveted together: *Provided,* That the plain parts at the ends do not exceed 12 inches in length.

(c) *Adamson furnace.* The maximum allowable pressure for Adamson furnaces made in sections of not less than 18 inches in length shall be determined by the following formula:

$$P=\frac{57.6}{D}[(18.75\times T)-1.03\times L)] \quad (3)$$

where:
P=maximum allowable pressure, in pounds per square inch.
D=outside diameter of furnace, in inches.
L=length of section, in inches.
T=thickness of plate, in sixteenths of an inch.

(d) *Spherical-top furnaces.* The minimum thickness and maximum allowable pressure of furnaces of 20 inches in diameter and over, when tops are portions of spheres and made in one plate, shall be determined by the following formula:

$$T=\frac{P\times R}{10,000}+0.12 \quad (4)$$

$$P=\frac{(T-0.12)\times 10,000}{R} \quad (5)$$

where:
P=maximum allowable pressure, in pounds per square inch.
T=thickness of plate when constructed of one plate, in inches.
R=radius of curvature, in inches.
E=efficiency riveted joint when end of furnace is constructed of more than one plate, the thickness will be T/E.

(e) *Plain circular riveted flues, furnaces, and cone tops.* (1) The maximum allowable pressure of cylindrical riveted flues and furnaces made in sections of not less than 18 inches in length fitted one into the other and substantially riveted, combustion chambers for vertical submerged tubular boilers in the shape of a frustum of a cone, constructed to a practically true circle, shall be the following formula:

$$P=\frac{51.5}{D}[(18.75\times T)-(1.03\times L)] \quad (6)$$

where:
P=maximum allowable pressure, in pounds per square inch.
D=outside diameter of furnaces, or outside mean diameter of cone top, in inches.
L=length of section or flue, in inches.
T=thickness of furnace or cone top, in sixteenths of an inch, not to be less than five-sixteenths of an inch.

(2) When diameter of plain furnaces and flues used in vertical type of boilers or mean diameter of cone tops exceed 42 inches, they shall be deemed a flat surface and must be stayed in accordance with rules governing flat surfaces. If a greater working pressure than given by formula is desired for mean diameters under 42 inches, the flues or cone tops shall be substantially stayed for such additional pressure.

(f) *Plain, lapwelded steel flues, 7 to 18 inches in diameter.* (1) Maximum allowable pressures and corresponding minimum thickness of wall for long, plain, lapwelded and seamless steel flues 7 to 18 inches diameter, subjected to external pressure only, shall be determined by the Table 65.35–10 (f) and formula (7).

TABLE 67.35–10 (f)

Outside diameter of flue	Maximum allowable pressure, in pounds per square inch						
	100	120	140	160	180	200	220
	Thickness of flue in inches. Safety factor, 5						
Inches:							
7	0.152	0.160	0.168	0.177	0.185	0.193	0.201
8	.174	.183	.193	.202	.212	.220	.229
9	.196	.206	.217	.227	.237	.248	.258
10	.218	.229	.241	.252	.264	.275	.287
11	.239	.252	.265	.277	.290	.303	.316
12	.261	.275	.289	.303	.317	.330	.344
13	.283	.298	.313	.328	.343	.358	.373
14	.301	.320	.337	.353	.369	.385	.402
15	.323	.343	.361	.378	.396	.413	.430
16	.344	.366	.385	.404	.422	.440	.459
17	.366	.389	.409	.429	.448	.468	.488
18	.387	.412	.433	.454	.475	.496	.516

(2) Thickness in Table 67.35–10 (f) were calculated by formula:

$$T=\frac{[(F\times P)+1,386]\ D}{86,670} \quad (7)$$

where:
D=outside diameter of flue, in inches.
T=thickness of wall, in inches.
P=maximum allowable pressure, in pounds per square inch.
F=factor of safety.

(3) This formula (7) is applicable to lengths greater than six diameters of flue, to pressures greater than 100 pounds, to outside diameters of from 7 to 18 inches, and to temperatures less than 650° F.

(4) The maximum allowable pressure shall be determined by the following formula:

$$P=\frac{(T\times 86,670)-(1,386\times D)}{D\times F} \quad (8)$$

where:
P=maximum allowable pressure, in pounds per square inch.
D=outside diameter of flue, in inches.
T=thickness of wall, in inches.
F=factor of safety.

(g) *Riveted flues over 6 and not over 18 inches in diameter, made in sections, and subjected to external pressure only.* The maximum allowable pressure on riveted flues constructed of plates made in sections, not less than 24 inches in length, over 6 and not exceeding 18 inches in diameter, shall be determined by the following formula:

$$P=\frac{8,100\times T}{D} \quad (9)$$

where:
P=maximum allowable pressure, in in pounds per square inch.
T=thickness in inches, minimum thickness not less than 0.25 inch.
D=outside diameter, in inches.

(h) *Riveted, seamless, or lapwelded flues over 18 and not over 28 inches in diameter, made in sections, and subjected to external pressure only.* The maximum allowable pressure on riveted, seamless, or lapwelded flues over 18 inches in diameter up to and including 28 inches in diameter, made in sections not less than 24 inches in length, efficiently riveted together, sections not to exceed 3½ times the diameter of the flue, when subjected to external pressure only, shall be determined by the following formula:

$$P=\frac{51.5}{D}[(18.75\times T)-(L\times 1.03)] \quad (9)$$

where:
P=maximum allowable pressure, in pounds per square inch.
D=outside diameter of flue, in inches.
L=length of flue in inches, not to exceed 3½ diameters of flue.
T=thickness of wall, in sixteenths of an inch.

(i) *Steam chimneys.* (1) When steam chimneys constructed of flues subject to external pressure have a thickness of not less than seven-sixteenths of an inch, and the flue is heated only with the waste gases, and the temperature does not exceed 600 degrees F., the maximum allowable pressure shall be determined by the rules for plain furnaces or flues, corrugated furnaces, and Adamson type.

(2) When flues are strengthened with tee irons, angle irons, or bowling rings the pressure shall be determined by formula for plain furnace flues. When angle or tee bars are used they shall have a thickness of leaf of at least two-thirds that of plate and a depth of at least one-fourth of pitch. Said tee bars shall be substantially riveted to flue. All rivet holes in tees shall be drilled, holes shall be staggered, distance from center of rivet holes to edge of tees shall be not less than 1.5 times diameter of rivet holes, and percentage of plate section shall be not less than rivet section. Bowling rings may be used, as they increase the strength and provide for expansion of flue. For all boilers carrying a steam pressure of over 60 pounds and not over 100 pounds per square inch the flue may be braced with socket bolts in lieu of tee rings. Such bolts shall have heads and the ends shall be threaded for nuts, with plate washers or equivalent on the inside of flue. Pitch of stays and bolts and the maximum stress in pounds allowable per square inch of cross-sectional area for stays and bolts shall be determined by Subpart 67.25.

(3) If a greater allowable stress is desired on flues than that permitted by the formula for flues strengthened with bowling rings or tee irons, the flue may be braced to shell and may be deemed a flat surface, and shall be stayed in strict accordance with the rules for stays.

§ 67.35–15 *Detail requirements.* (a) The thickness of corrugated and ribbed furnaces shall be ascertained by actual measurement. The manufacturer shall have said furnaces drilled for a three-eighths inch pipe tap and fitted with a screw plug that can be removed by the inspector when taking this measurement. For the Brown and Purves furnaces the holes shall be in the center of the second flat; for the Morison, Fox, and other similar types, in the center of the top corrugation, at least as far in as the fourth corrugation from the end of the furnace.

(b) (1) When plain horizontal flues are made in sections not less than 18 inches in length, and not less than five-sixteenths of an inch thick, and flanged to a depth of not less than three times the diameter of rivet holes plus the radius at furnace wall (inside diameter of furnace), the thickness of the flanges shall be as near the thickness of the body of the plate as practicable.

(2) The radii of the flanges on the fire side shall be not less than three times the thickness of plate. The distance from the edge of the rivet hole to the

edge of the flange shall be not less than the diameter of the rivet hole, and the diameter of the rivets before driven shall be at least one-fourth inch larger than the thickness of the plate.

(3) The depth of the ring between the flanges shall be not less than three times the diameter of the rivet holes, and the ring shall be substantially riveted to the flanges. The fire edge of the ring shall terminate at or about the point of tangency to the curve of the flange, and the thickness of the ring shall be not less than one-half inch.

(c) When lapwelded or seamless flues over 5 inches in diameter are used in externally fired boilers over 20 feet in length, they may be allowed to be made in two pieces joined together by (1) a standard screwpipe coupling or sleeve, or by (2) swelling the end of one section of the flue sufficiently to permit it to lap over the other section not less than 4 inches and be double riveted, or by (3) butting the two sections of the flue together and fitting a band or butt strap not less than 8 inches in length equally divided over the joint of the two sections, and of a thickness of the flue, and double riveted to each section. When any of the above methods are used on more than one flue in a boiler, the couplings or sleeves shall not be allowed to come opposite, and the distance measured between any such flues and between any such flues and the shell shall be made by measuring between the plates in the flues and the plates in the shell. It shall be the duty of the inspectors to see that the flues are well screwed into the couplings or sleeves, so as to have the ends of flues as near together as is practicable.

(d) Drainpipes shall be fitted to steam chimneys in which water is liable to collect. Steam chimneys that are arranged to be disconnected from main boiler shall be provided with a safety valve not less than 3 inches in diameter and with a steam gage, and shall be provided with manholes to enable inspectors to examine every portion of the interior.

SUBPART 67.40—BOILER AND SUPERHEATER TUBES

§ 67.40–1 *Definitions*—(a) *Tubes.* Tubes, within the meaning of this subpart, are cylindrical shells of comparatively small diameter constituting the main part of the heating surface of a boiler or superheater.

(b) *Safe end.* Safe end is a short piece of boiler tube which is usually thicker than the ordinary tube and is welded to a tube of lighter gauge for the purpose of lengthening it.

(c) *Seamless tube.* Seamless tube is a tube without any longitudinal joint.

(d) *Lap-welded tube.* Lap-welded tube made with a longitudinal rolled or hammered lap-welded joint.

(e) *Stay tube.* Stay tube is a thick-walled tube, the end of which is usually thickened by upsetting to compensate for threading. Such tubes are used for staying tube sheets into which they are screwed and expanded.

(f) *Expanding.* Expanding is the process of enlarging the end of a tube to make it fit tightly in the tube sheet.

(g) *Beading.* Beading is the process of turning over the protruding end of a tube after expanding to form a supporting collar for the tube sheet.

(h) *Bell-mouthing.* Bell-mouthing is the process of flaring the end of a tube beyond where it is expanded in the tube sheet.

§ 67.40–5 *Materials and workmanship.* (a) Seamless steel boiler tubes shall comply with the requirements of Subpart 66.25 of this subchapter.

(b) Lap-welded steel and wrought-iron boiler tubes shall comply with the requirements of Subpart 66.20 of this subchapter for such tubes.

(c) Seamless copper or brass tubes not exceeding three-fourths of an inch in diameter may be used in the construction of water-tube boilers or generators when liquid fuel is used.

§ 67.40–10 *Computations*—(a) *Lap-welded and seamless tubes.* Lap-welded and seamless tubes used in boilers whose construction was commenced after June 30, 1910, and having a thickness of material according to their respective diameters, shall be allowed a maximum pressure as prescribed in Table 67.40–10 (a), provided they are deemed safe by the inspectors.

TABLE 67.40–10 (a)

Outside diameter (inches)	Thickness of material, inches	Maximum pressure allowed, p. s. i.	Outside diameter (inches)	Thickness of material, inches	Maximum pressure allowed, p. s. i.
2	0.095	427	3½	0.120	308
2¼	.095	380	3¾	.120	282
2½	.109	392	4	.134	303
2¾	.109	356	4½	.134	238
3	.109	327	5	.148	235
3¼	.120	332	6	.165	199

(b) Where heavier material is used a maximum pressure may be allowed as prescribed in § 67.35–10 (f), for determining the pressure of plain, lap-welded steel flues, 7 to 18 inches in diameter.

(c) Any length of tube is allowable.

§ 67.40–15 *Safe-ending.* No tube increased in thickness by welding one tube inside of another shall be allowed for use, but the ends of boiler tubes may be welded on for the purpose of making repairs or new tubes may be welded for the purpose of making them longer: *Provided,* That such welding is not made by any process of autogenous welding.

SUBPART 67.45—SAFETY VALVES

§ 67.45–1 *Definitions*—(a) *Safety valve.* Safety valve is a valve designed to open automatically to relieve excess pressure in the boiler or pressure vessel to which it is attached.

(b) *Spring loaded safety valve.* Spring loaded safety valve is a safety valve fitted with a spring to hold the valve against its seat and allows it to open at a given pressure. This term applies to pop safety valves of various forms.

(c) *Lever safety valve.* Lever safety valve is a safety valve having the disk held on its seat by the action of a weight hung on a lever which is pivoted on a fulcrum.

(d) *Relief valve.* Relief valve is a valve constructed on the general design of safety valves to relieve excess pressure. It may be used for service where an approved safety valve is not required by the regulations of this subchapter.

§ 67.45–5 *General requirements.* (a) After June 30, 1928, no type of safety valve shall be used on any vessel coming under the jurisdiction of this service that has not been approved by the Commandant.

(b) The manufacturers of safety valves shall file an affidavit with the Commandant that the safety valves manufactured by them will be in all respects in accordance with the blueprints and specifications on file in the office of the Commandant, and shall permanently attach a name plate to the valves that shall show the name of the manufacturer, the pressure the casing is guaranteed to stand, diameter, seat area, serial number, and capacity.

(c) The valves shall be so arranged that each boiler shall have at least one separate safety valve, unless the arrangement is such as to preclude the possibility of shutting off the communication of any boiler with the safety valve or valves employed. This arrangement shall also apply to lockup safety valves when they are employed.

(d) The use of two safety valves may be allowed on any boiler, provided the combined area of such valves is equal to that required by rule for one such valve. Whenever the area of a safety valve, as found by the regulations in this subpart, is greater than that corresponding to 4½ inches in diameter, two or more safety valves, the combined area of which shall be equal at least to the area required, shall be used.

(e) Before any safety valve is put into service it shall be subjected to a pressure of one and one-half times the pressure it is to be subjected to when in actual service.

(f) Safety valves when fitted either to the shell of boiler or steam drum may be fitted with internal dry pipes when made of standard steam pipe or of riveted material equal in thickness, and when the combined openings in the dry pipe equal in area at least one and one-half times the opening of the valve.

(g) Where escape pipes for safety valves are installed after July 1, 1926, the area of the escape pipes shall be at least equal to the area of the outlet furnished with the safety valve, and in no case shall the area be less than the area of inlet. The fitting shall be as short and straight as possible, and so arranged as to avoid undue stress upon the valve. Where the escape pipe is used for two or more safety valves, the area of the escape pipe shall equal the combined areas of all the safety valves.

(h) Hereafter no safety valves having a set-screw arrangement on top of the valve casing, designed to hold the valve down while the hydrostatic pressure is being applied, shall be allowed. On such valves now in use, inspectors shall require the set screws to be taken out and the hole permanently closed. This does not apply to any safety valve whose form of construction is such that the hole for the set screw or bolt is securely closed when the valve is locked.

§ 67.45–10 *Detail requirements.* (a) (1) The areas of all safety valves on boilers contracted for or the construction of which commenced on or after June 1, 1904, shall be determined in accordance with the following formula and table:

$$a = 0.2074 \times \frac{W}{P} \qquad (1)$$

where:

a = area of safety valve, per square foot of grate surface, in square inches.

W = pounds of water evaporated per square foot of grate surface per hour.

P = absolute pressure, in pounds per square inch = maximum allowable gage pressure 15.

(2) The areas required per square foot of grate surface in the Table 67.45–10 (a) have been computed from the formula by assuming the different valves of W and P.

TABLE 67.45–10 (a)—AREA OF SAFETY VALVES REQUIRED PER SQUARE FOOT OF GRATE SURFACE FOR DIFFERENT PRESSURES AND RATES OF EVAPORATION

P, absolute pressure, pounds per square inch	Gage pressure, pounds per square inch	These figures represent evaporation in pounds per square foot of grate surface per hour (W) = pounds water evaporated per pound coal × pounds coal burned per square foot of grate surface per hour														
		100	120	140	160	180	200	220	240	260	280	300	320	340	360	380
		The figures below give (a), the area in square inches required per square foot of grate surface at above rate of evaporation														
65	50	0.319	0.383	0.447	0.510	0.574	0.638	0.702	0.765	0.829	0.893	0.956				
70	55	.296	.355	.414	.474	.533	.592	.652	.711	.769	.828	.888				
75	60	.276	.332	.387	.442	.497	.552	.608	.663	.718	.773	.829				
80	65	.259	.311	.363	.415	.466	.518	.570	.622	.674	.726	.778				
85	70	.244	.292	.341	.390	.438	.487	.536	.585	.634	.682	.731				
90	75	.230	.276	.322	.368	.414	.460	.506	.552	.598	.644	.690				
95	80	.218	.262	.305	.349	.392	.436	.479	.523	.567	.610	.654				
100	85	.207	.249	.290	.332	.373	.414	.456	.497	.538	.580	.622				
105	90	.197	.236	.276	.316	.355	.394	.434	.473	.513	.552	.592				
110	95	.188	.226	.264	.301	.339	.377	.414	.452	.489	.527	.565				
115	100	.180	.216	.252	.288	.324	.360	.396	.432	.468	.504	.540				
120	105	.172	.207	.241	.276	.311	.345	.379	.414	.448	.483	.517				
125	110	.166	.199	.232	.265	.298	.331	.364	.397	.431	.463	.497				
130	115	.160	.192	.223	.255	.287	.319	.351	.383	.415	.447	.479				
135	120	.153	.184	.215	.246	.276	.307	.337	.368	.398	.429	.460				
140	125	.148	.177	.207	.237	.266	.296	.325	.355	.385	.414	.444				
145	130	.143	.172	.201	.229	.258	.287	.315	.344	.372	.401	.430				
150	135	.138	.166	.194	.222	.249	.277	.304	.332	.360	.387	.415				
155	140	.134	.160	.187	.214	.241	.268	.294	.321	.348	.375	.401				
160	145	.130	.156	.181	.207	.233	.259	.285	.311	.337	.363	.389				
165	150	.126	.151	.176	.201	.226	.251	.276	.301	.326	.352	.378				
170	155	.122	.146	.171	.195	.219	.244	.268	.292	.317	.341	.366				
175	160	.118	.142	.166	.189	.213	.236	.260	.284	.308	.331	.355				
180	165	.115	.138	.161	.184	.207	.230	.254	.277	.300	.323	.346				
185	170	.112	.135	.157	.179	.202	.224	.247	.269	.291	.314	.336				
190	175	.109	.131	.153	.175	.196	.218	.240	.262	.284	.306	.328				
195	180	.106	.128	.149	.170	.191	.213	.234	.255	.277	.298	.319				
200	185	.104	.124	.145	.166	.187	.207	.228	.249	.270	.290	.310				
205	190	.101	.121	.142	.162	.182	.202	.223	.243	.263	.283	.303				
210	195	.099	.119	.138	.158	.178	.198	.217	.237	.257	.277	.297				
215	200	.096	.116	.135	.154	.173	.193	.212	.231	.250	.269	.289	.308	.327	.347	.366
220	205	.094	.113	.132	.151	.170	.189	.208	.226	.245	.264	.283	.302	.321	.340	.358
225	210	.092	.110	.129	.147	.166	.184	.203	.221	.240	.258	.276	.295	.314	.332	.350
230	215	.090	.108	.126	.144	.162	.180	.198	.216	.235	.253	.270	.289	.307	.325	.343
235	220	.088	.106	.124	.141	.159	.176	.194	.212	.229	.247	.264	.282	.300	.318	.336
240	225	.086	.104	.121	.138	.155	.173	.190	.207	.225	.242	.259	.276	.294	.311	.329
245	230	.085	.102	.119	.135	.152	.170	.186	.203	.220	.237	.254	.271	.288	.305	.322
250	235	.083	.100	.117	.133	.149	.167	.183	.199	.216	.233	.249	.266	.282	.299	.315
255	240	.081	.098	.114	.130	.146	.163	.179	.195	.211	.228	.244	.261	.277	.293	.309
260	245	.080	.096	.112	.128	.144	.160	.176	.192	.208	.224	.240	.255	.271	.287	.303
265	250	.078	.094	.110	.125	.141	.157	.172	.188	.203	.219	.235	.250	.266	.282	.298
270	255	.077	.092	.107	.123	.138	.153	.169	.184	.199	.215	.230	.245	.261	.276	.291
275	260	.075	.090	.105	.121	.136	.151	.166	.181	.196	.211	.226	.241	.256	.271	.286
280	265	.074	.089	.104	.118	.133	.148	.163	.178	.192	.207	.222	.237	.251	.266	.281
285	270	.073	.087	.102	.116	.131	.146	.160	.175	.189	.204	.218	.233	.247	.262	.276
290	275	.072	.086	.100	.114	.129	.143	.157	.172	.186	.200	.214	.228	.242	.257	.271
295	280	.070	.084	.098	.112	.127	.141	.154	.169	.182	.196	.210	.224	.238	.253	.267
300	285	.069	.083	.096	.110	.124	.138	.151	.166	.179	.193	.207	.221	.235	.249	.263
305	290	.068	.082	.095	.109	.122	.136	.149	.163	.177	.190	.204	.217	.231	.245	.258
310	295	.067	.080	.093	.107	.120	.134	.147	.160	.174	.187	.201	.214	.227	.241	.254
315	300	.066	.079	.092	.105	.118	.132	.145	.158	.171	.184	.197	.210	.223	.237	.250

(3) The areas (a) shown in Table 67.45–10 (a) multiplied by square feet of grate surface give the area of safety valve or valves required. When this calculation results in an off size of safety valve, use next larger standard size.

(b) The area of a safety valve for boilers using oil as fuel or for boilers designed for any evaporation per hour shall be computed by dividing the total number of pounds of water evaporated per hour by any number of pounds of water evaporated per square foot of grate surface per hour (W) taken from, and within the limits of Table 67.45–10 (a). This will give the equivalent number of square feet of grate surface for boiler for estimating the area of valve. Then apply the table for determining the area of the safety valve.

(c) Where safety valves are used with beveled seats, the seats shall have an angle of inclination of 45° to the center of their axes. Flat-seat safety valves may be used under the formula and table prescribed in this subpart. The discharge capacity of a flat-seat valve shall be 1.4 times that allowed for a bevel-seat valve.

§ 67.45–13 *Lever safety valves.* (a) All common lever safety valves to be hereafter applied to the boilers of steam vessels shall be constructed in material, workmanship, and principle according to the requirements for a safety valve referred to in this section. When this construction of a safety valve is applied to the boilers of steamers navigating rough waters, the link may be connected direct with the spindle valve: *Provided, always,* That the fulcrum or points upon which the lever rests are made of steel, knife, or sharp-edged, and hardened; in this case the short end of the lever shall be attached directly to the valve casing. In all cases the link requires but a slight movement not exceeding ⅛ inch.

(b) All the points of bearing on lever shall be in the same place.

(c) The distance of the fulcrum shall in no case be less than the diameter of the valve opening.

(d) The length of the lever shall not exceed the distance of the fulcrum multiplied by ten.

(e) The width of the bearings of the fulcrum shall be not less than ¾ inch.

(f) The length of the fulcrum link shall be not less than 4 inches.

(g) The lever and fulcrum link shall be made of wrought-iron or steel and the knife-edged fulcrum points and bearings for the points shall be made of steel and hardened. But the chambers and saddle flanges of this and all other types of safety valves attached to boilers may be made of cast iron or other suitable material.

(h) The valve, valve seat, and bushing for the stem or spindle shall be made of composition (gun metal) when the valve is intended to be attached to a boiler using salt water; but when the valve is to be attached to a boiler using

fresh water and generating steam of a high pressure the parts named, with the exception of the bushings for the spindle, may be made of cast iron.

(i) The valve shall be guided by its spindle, both above and below the ground seat and above the lever, through supports either made of composition (gun metal) or bushed with it. The spindle shall fit loosely in the bearings or supports.

(j) When the valve is intended to be applied to the boilers of steamers navigating rough waters, the fulcrum link may be connected directly with the spindle of the valve; providing always that the knife-edged fulcrum points are made of steel and hardened, and that the vertical movement of the valve is unobstructed by any lateral movement.

(k) In all cases the weight shall be adjusted on the lever to the pressure of steam allowed in each case by a correct steam gage attached to the boiler. The weight shall then be securely fastened in its position and the lever marked for the purpose of facilitating the replacing of the weight should it be necessary to remove the same, and in no case shall a line or any other device be attached to the lever or weight except in such a manner as will enable the engineer to raise the valve from its seat.

§ 67.45–15 *Spring-loaded safety valves.* Any spring-loaded safety valve constructed so as to give an increase lift by the operation of steam after being raised from its seat, or any spring-loaded safety valve constructed in any other manner, so as to give an effective area equal to that of the afore-mentioned spring-loaded safety valve, may be used in lieu of the common lever-weighted valve on all boilers on steam vessels, and each spring-loaded valve shall be supplied with a lever that will raise the valve from its seat a distance of not less than that equal to one-eighth of the diameter of the valve opening; but in no case shall any spring-loaded safety valve be used in lieu of the lever-weighted safety valve without first having been approved by the Commandant.

SUBPART 67.50—BOILER MOUNTINGS AND ATTACHMENTS

§ 67.50–1 *Definitions*—(a) *Mountings.* Mountings, within the meaning of this subchapter, are nozzle connections, distance pieces, valves, or fittings attached directly to the boiler.

(b) *Main stop valve.* Main stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the main steam line.

(c) *Auxiliary stop valve.*—Auxiliary stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the auxiliary lines (including the whistle lines).

(d) *Manifold.* Manifold is a fitting with two or more branches having valves either attached by bolting or integral with the fitting.

(e) *Feed valve.* Feed valve is a valve in the feed-water line which controls the boiler feed.

(f) *Blow-off valve.* Blow-off valve is a valve connected directly to the boiler for the purpose of blowing out water, scum, or sediment.

(g) *Dry pipe.* Dry pipe is a perforated or slotted pipe placed in the highest part of the steam space of a boiler to prevent priming.

(h) *Water column.* Water column is a fitting or tube equipped with a water glass attached to a boiler for the purpose of indicating the water level.

(i) *Test cocks.* Test cocks are small cocks on a boiler for indicating the water level.

(j) *Salinometer cocks.* Salinometer cocks are cocks attached to a boiler for the purpose of drawing off a sample of water for salinity tests.

(k) *Fusible plugs.* Fusible plugs are plugs made with a bronze casing and a tin filling which melts at a temperature of 450 degrees to 500 degrees F. They are intended to melt in the event of low water and thus warn the engineer on watch.

§ 67.50–5 *Detailed requirements.* (a) Where the thickness of the material in the boiler or drum, or the heads thereof, is not less than ½ inch, or where such boiler, drum, or head thereof has been reinforced by having a pad or flange riveted on the same, to make the thickness not less than ½ inch, pipes or fittings of 2 inches in diameter or under may be screwed directly into the same. Where steam or feed pipes of 2 inches in diameter or under are screwed into the boiler, the stop valve shall be connected to the boiler by as short a nipple as it is possible to use, nipples to be of extra-heavy thickness.

(b) All boiler connections of over 2 inches in diameter, except the connections for safety valves, shall be permanently flanged and attached directly to the boiler by bolts, studs, or rivets.

(c) Where the connecting point on the boiler is of circular form, distance pieces shall be allowed in order to square the point of the flanged fittings.

(d) Flanged distance pieces of not more that 8 inches between flanges may be allowed between stopcocks or valves and the boiler when necessary to care for and conveniently handle the valves, when such distance pieces are constructed of wrought material of sufficient thickness and strength to withstand any pressure to which they may be subjected and securely riveted to the boiler.

(e) Cast-steel flanged fittings, when conforming strictly with the requirements for steel castings, may be used for the purpose of connecting main and auxiliary stop valves and other steam outlets, including safety valves, distance from axis of outlets of such fittings to point of connection with boiler to be as short as practicable.

(f) All valves and fittings over 2 inches diameter shall be flanged and properly secured at point of connection with boiler by bolts, studs, or rivets, and no fitting shall be of greater length than specified by the "Manufacturers' Standard."

(g) Cast nozzles shall not be used when exposed to the direct action of the fire.

(h) On all boilers built after July 1, 1896, a stopcock or value shall be placed between all check valves and boiler, and between all steam and water pipes and boiler. Valves of 2 inches diameter or less connected directly to the boiler shall be of cast steel, hard brass, or bronze.

(i) The use of malleable-iron or cast-steel manifolds, tees, return bends, or elbows in the construction of pipe generators shall be allowed, and the pressure of steam shall not be restricted to less than one-half the hydrostatic pressure applied to pipe generators unless a weakness should develop under such test as would render it unsafe in the judgement of the inspector making such inspection.

§ 67.50–10 *Superheaters.* (a) The headers of superheaters may be made of semisteel (so-called) in which the constituent part of high-grade uniform steel thereof shall be not less than 25 percent and that the material shall have a tensile strength of not less than 28,000 pounds per square inch. The material shall be soft and close-grained and the castings shall be tight under a hydrostatic pressure of 850 pounds per square inch.

(b) When interdeck superheaters are used in connection with water-tube boilers of approved design, and the fittings and pipes between the drum of the boilers and the header of the superheaters are made of seamless steel and of a thickness in accordance with the rules to withstand any pressure sustained by any part of the boiler, such fittings connecting with pipes of steam drum or superheater shall be either steel forgings or steel castings. The stop valve may be attached to the discharge end of the superheater: *Provided*, That this section shall not apply to safety valves that have been approved by the Commandant.

§ 67.50–15 *Feed connections.* Feed water shall not be admitted into any marine boiler at a temperature less than 100 degrees F., and every such boiler, excepting donkey boilers, shall after October 31, 1909, have an independent auxiliary feed appliance for supplying said boiler with water in addition to the usual mode employed, which auxiliary feed shall enter the boiler through an opening and a fitting which are entirely independent of the fitting and opening for the main feed.

§ 67.50–20 *Fusible plugs.* (a) Fusible plugs for use in boilers of steam vessels under the jurisdiction of the Coast Guard shall be made of a bronze casing with the bore tapering continuously and evenly from end to end, and filled from end to end with tin not less than 99.3 percent pure and to contain not more than 0.1 percent zinc, 0.1 percent lead, or 0.5 percent copper, and in no case shall it contain more than 0.7 percent total impurities. The small end of the bore may be countersunk not more than ¼ inch in depth and width, but no recess thread, or cavity other than this countersink shall be allowed.

(b) Fusible plugs, except those which are hereafter provided for, shall have an external diameter of not less than ¾ inch pipe tap, and the filling shall be at least ½ inch in diameter at the smaller end, and shall have a larger diameter at the opposite end of the plug: *Provided*, That all fusible plugs fitted in boilers carrying a steam pressure exceeding 150 pounds to the square inch may be reduced at the smaller end of the filling to 5/16 of an inch in diameter.

(c) Every boiler other than boilers of the water-tube type shall be fitted with at least two fusible plugs as described above, and located as follows:

(1) Upright boilers shall be fitted with two fusible plugs of an external diameter of not less than ⅜ inch pipe tap, the filling to be at least ¼ inch in diameter at the smaller end and shall have a greater diameter at the opposite end. The fusible plugs shall be located in separate tubes not more than 2 inches below the lowest gage cock.

(2) Externally heated cylindrical boilers, with flues, shall have one plug in the top of the upper flue, not more than 4 feet from the back end of the flue, and shall also have a plug fitted to the shell of the boiler immediately below the fire line, and not less than 4 feet from the front end: *Provided*, That when the flues are not more than 6 inches in diameter fusible plugs of not less diameter than ⅜ inch pipe tap may be used in such flues.

(3) Fire-box, scotch, and other types of shell boilers not specially provided for, having a combustion chamber common to all furnaces, shall have two plugs fitted to the crown sheet of the combustion chamber at or near the center of the crown sheet and not more than 12 inches apart.

(4) Double-end boilers with separate combustion chambers, each of which combustion chamber is common to all furnaces in its own end of the boiler, shall have two plugs fitted to the crown sheet of each combustion chamber at or near the center of the crown sheet, and not more than 12 inches apart.

(5) Boilers fitted with a separate combustion chamber for each individual furnace shall be fitted with a fusible plug in the center of the crown sheet of each combustion chamber.

(6) Boilers of types not herein provided for shall be fitted with at least two fusible plugs of such dimensions and located in such parts of the boiler as will, in the judgment of the Officer in Charge, Marine Inspection, best meet the purposes for which they are intended.

(d) Fusible plugs shall be renewed at each annual inspection, but in cases where the plugs were installed or renewed not more than 6 months prior to the annual inspection, they may be allowed until the next following annual inspection or for a period not to exceed 18 months. In such cases, however, the inspector shall satisfy himself at the annual inspection that the plugs are in such condition as to warrant their continued use until the next annual inspection, after which the plugs shall be renewed at each and every annual inspection.

(e) Fusible plugs shall be so fitted that the smaller end of the filling is exposed to the fire, and shall be at least 1 inch higher on the water side than the plate or flue in which they are fitted.

(f) Notwithstanding anything which may be contained in this section, fusible plugs shall be so fitted that the end of the filling on the water end of the plug is not less than 1 inch above the dangerous low-water level.

(g) Each manufacturer of fusible plugs shall number all plugs in accordance with the number of the heat from which the plugs were filled. For instance, the first pouring shall be number 1, and all plugs filled from this head shall be numbered 1; the next pouring shall be number 2, and all the plugs filled from this heat shall be numbered 2, etc.

(h) The heat number shall be plainly stamped on each end of filling with numbers not less than 1/12 inch in height.

(i) Manufacturers of fusible plugs shall furnish the Commandant a sample plug from each heat for examination and test, but where more than 250 plugs are poured from the same heat, a sample plug shall be furnished for each 250 plugs or fraction thereof. The samples furnished shall bear the same number for any one heat and shall represent the heat from which the sample is poured.

(j) (1) In transmitting samples of fusible plugs to the Commandant, the fusible plugs and the letters of transmittal shall be addressed as follows: "The Commandant (MMT), U. S. Coast Guard, Washington, D. C."

(2) One letter of transmittal shall be required for each heat. In letter of transmittal the following information shall be stated:

(i) Number of heat.

(ii) Number of fusible plugs manufactured from the heat.

(iii) Number of samples of fusible plugs from the heat transmitted.

(iv) Name of manufacturer or initials stamped on casing of plug.

(k) (1) Manufacturers of fusible plugs shall stamp on the larger end or face of the casing their name or initials for identification and shall file with the Commandant a certificate duly sworn to that such plugs are filled with tin of the character required by this subpart and made in accordance therewith.

(2) Following is a general form of affidavit to be followed by manufacturers of fusible plugs:

STATE OF _____,
County of _____.

I hereby certify, on this _____ day of _____, 195__, that I am _____, of the
(State owner or name position)
manufactory of _____, at _____ in the State of _____; that all fusible plugs furnished for use in boilers of steam vessels under the jurisdiction of the Coast Guard by the said manufactory will be filled with tin of the character required, and will be made in accordance with the rules and regulations of the Commandant governing the manufacture of fusible plugs and that I am authorized to make this certificate.

_____
(Signature of manufacturer)

Subscribed and _____ to before me this _____ day of _____, 195__.

[SEAL] (Signature) _____
(Notary Public)

(l) The certificate shall be executed by some person having authority to make the statements contained therein.

(m) On receipt of a properly executed affidavit by the Commandant, the inspectors of the Coast Guard and the merchant marine generally shall be notified.

(n) All replacement or renewal of fusible plugs shall be manufactured from acceptable heats in conformance with Subpart 162.014 of Subchapter Q (Specifications) of this chapter.

§ 67.50–25 *Gage cocks and water glass.* (a) All boilers, except flash boilers, shall be supplied with at least one reliable water gage, and at least three gage cocks attached directly to each boiler. When the gage glass and gage cocks are connected to the boilers by a water column there shall be three additional gage cocks inserted in the head or shell of boiler. The lower gage cock in boilers more than 48 inches in diameter shall be not less than 4 inches above the top of the flues, tubes, or combustion chambers. In boilers less than 48 inches in diameter the lower gage cock shall be not less than 2½ inches above the top of the flues, tubes, or combustion chambers. A gage glass shall be considered a reliable water gage, and a float such as used on western river steamers shall be considered on such boilers as a reliable water gage: *Provided*, That when water-tube boilers have an efficient water column connected to the steam drum of said boiler at the top and the water manifold at the bottom, and such water column has a gage glass and three gage cocks fitted to same, and also is fitted with a valve or stopcock, both at top and bottom where the column is connected to the boiler, no gage cocks shall be required in the head or shell of the drums of such water-tube boilers.

(b) Double-end boilers shall have at least three gage cocks and one water glass at each end.

(c) In vertical boilers of the water-tube type the location of the lowest gage cock shall be determined by the Officer in Charge, Marine Inspection.

§ 67.50–30 *Steam gages.* All boilers or sets of boilers shall have attached to them at least one gage that will correctly indicate a pressure of steam equal to 80 percent of the hydrostatic pressure applied by the inspectors.

SUBPART 67.55—EVAPORATORS, FEED-WATER HEATERS, SEPARATORS, AND STEAM TRAPS MADE OF CAST IRON AND SUBJECT TO BOILER PRESSURE

§ 67.55–1 *Computations.* (a) When evaporators, feed heaters, separators, and steam traps are constructed of cast iron possessing a tensile strength of not less than 20,000 pounds per square inch, the shells being cylindrical and ends flat or convex, the castings sound and of uniform thickness, the maximum allowed pressure shall be determined by the following formulas:

(1) For flat surface:

$$P=\frac{20{,}000\times T^2}{D^2} \quad (1)$$

$$T=\frac{P\times D^2}{20{,}000} \quad (2)$$

(2) For cylindrical shell:

$$P=\frac{3{,}500\times T}{D} \quad (3)$$

$$T=\frac{P\times D}{3{,}500} \quad (4)$$

where:
P = maximum allowable pressure in pounds per square inch.
T = thickness, in inches.
D = diameter inside, in inches. When the pressure is to be determined for a part of a flat surface which is a square, or rectangle in the flat-surface formula, the value of D used shall be the diagonal of the square or rectangle, and when the ends are bolted to the shell the value of D used shall equal the diameter of the bolt circle.

(b) The thickness of ends of evaporators, feed heaters, and separators shall be not less than 3/8 inch. To the resultant thickness obtained by the formula given above there shall be added, for cylinders having an inside diameter of 1 inch to 6 inches, inclusive, 1/4 inch; for cylinders having an inside diameter of over 6 inches to 15 inches, inclusive, 1/8 inch.

(c) All flanges shall be substantial, and there shall be a good fillet all around the root, and when the ends and shell are cast solid there shall be a good and substantial fillet inside all around.

(d) The bolts or studs for the ends or doors shall not have a greater stress than 6,000 pounds per square inch, and the size of bolts or studs shall be not less than 3/4 inch in diameter.

§ 67.55–5 *Evaporators.* Evaporators shall be provided with an efficient safety valve of approved type, set to blow at the maximum pressure to which the evaporator will be subjected in service, and it shall be the duty of the engineer in charge of the vessel to see that such valve blows off at least once in 30 days.

PART 68—PIPING SYSTEMS

Chapter I is amended by adding a new Part 68 to Subchapter G reading as follows:

SUBPART 68.01—GENERAL

Sec.
68.01–1 Scope.
68.01–5 Definitions.
68.01–10 Affidavit.

SUBPART 68.05—DETAIL REQUIREMENTS

68.05–1 Material.
68.05–5 Computations.
68.05–10 Valves and fittings.
68.05–13 Joints and flanged connections.
68.05–15 Installation.
68.05–20 Fuel oil filling and transfer system.
68.05–25 Fuel-oil service systems.
68.05–30 Vent piping.
68.05–35 Sounding pipes.
68.05–40 Welded piping.

AUTHORITY: §§ 68.01–1 to 68.05–40 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4430, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–408, 411, 412, 435, 489, 366, 363, 367, 463a, 1333, 80 U. S. C. 1275.

SUBPART 68.01—GENERAL

§ 68.01–1 *Scope.* (a) This part contains requirements for the various ships' piping and appurtenances.

(b) The respective piping systems installed on vessels shall have the necessary pumps, valves, regulating valves, safety valves, relief valves, flanges, fittings, pressure gages, liquid level indicators, thermometers, etc., for safe and efficient operation of the vessel.

§ 68.01–5 *Definitions.*—(a) *Piping.* The word "piping" within the meaning of this subchapter, refers to fabricated pipes or tubes with flanges and fittings attached, for use in the conveyance of vapors, gases or liquids, regardless of whether the diameter is measured on the inside or the outside.

(b) *Nominal diameter.* The term "nominal diameter" as used in this part, means the commercial diameter of the piping.

(c) *Fitting.* The term "pipe fittings" refers to all hollow cylindrical fittings, and does not apply to flanges or valves.

§ 68.01–10 *Affidavit.* (a) When the manufacturers of steam and water pipes file with the Commandant a certificate duly sworn to that all such pipes manufactured by them will stand all the tests and meet all the applicable requirements of this chapter, they shall be accepted by inspectors of the Coast Guard.

(b) The manufacturer of valves and fittings shall file with the Commandant a certificate duly sworn to that all valves and fittings furnished by him for use on steam vessels comply with the requirements of this subchapter.

(c) After July 1, 1911, the Officer in Charge, Marine Inspection, shall refuse to allow the use of any valves or fittings on steam vessels until notified by the Commandant that such certificate is on file in his office. This shall not apply to valves and fittings installed previous to July 1, 1911.

SUBPART 68.05—DETAIL REQUIREMENTS

§ 68.05–1 *Material.* (a) Welded steam and water pipes may be permitted for pipe diameters from 1/8 inch inside diameter up to and including 30 inches inside diameter. The pipe shall be made of wrought iron or mild steel, smooth, straight, and free from defects. Threaded pipe of standard thickness shall be avoided as far as possible. In steam pipes it is a very serious matter and shall not be allowed in any case on standard pipe over 5 inches in diameter. All pipe over 2 inches in diameter shall be lap-welded.

(b) Cast-steel fittings of any size or character and for any pressure and for any temperature may be used for any and all steam and feed-pipe connections, and for valves, cocks, and all appliances subject to steam or water pressure, when made by regular processes and by manufacturers who stamp such fittings and appliances with their trade-mark or identifying stamp and who guarantee the castings to possess the following physical characteristics: Tensile strength, minimum, 60,000; maximum, 78,000 pounds per square inch; elastic limit, minimum, not less than 45 percent of tensile strength; elongation in 2 inches, minimum, 25 percent. There shall be taken from each heat an annealed coupon or coupons, for the purpose of determining the physical tests, and the manufacturers shall furnish coupons to the Officer in Charge, Marine Inspection, for tests when so required. All steel castings shall be thoroughly annealed.

(c) Cast iron, semisteel, or ferrosteel, possessing a tensile strength of not less than 22,000 pounds to the sectional square inch, may be used in the construction of valves and fittings for pressures not exceeding 300 pounds when such valves and fittings of 3 inches diameter or over are stamped with the trade-mark or identifying stamp of the manufacturer.

(d) Malleable iron possessing a tensile strength of not less than 30,000 pounds to the sectional square inch may be used in the construction of valves and fittings up to and including 6 inches in diameter, and for pressures not exceeding 300 pounds. Such valves and fittings of 3 inches diameter or over shall be extra heavy, the fitting beaded or banded, and the valves and fittings stamped with the trade-mark or identifying stamp of the manufacturer.

(e) Hard brass, bronze, and other compositions, of which 95 percent is copper, tin, and zinc, possessing a tensile strength of not less than 30,000 pounds to the square inch, may be used in the construction of all valves and fittings up to and including 12 inches in diameter. All such fittings of 3 inches in diameter or over shall be stamped with the trade-mark or identifying stamp of the manufacturer.

(f) The following material shall be permitted at the allowable temperatures indicated:

(1) Cast iron, malleable iron, semisteel, and ferrosteel may be used in connection with temperatures up to and including 450 degrees F.

(2) Hard brass, bronze, and other compositions, of which 95 percent is copper, tin, and zinc, may be used in connection with temperatures up to and including 470 degrees F., but this temperature may be increased to 550 degrees F. when the manufacturer of the valves or fittings stamps them with the temperature they are guaranteed to stand without disintegration. This paragraph will also apply to any composition meeting the above physical requirements and stamped in accordance therewith.

(3) For temperatures exceeding 550 degrees F. no valves or fittings other than steel or of a composition whose tensile strength has been demonstrated to exceed 50,000 pounds per sectional square inch with an elongation of 10 percent in a length of 2 inches shall be allowed. Such valves and fittings shall be stamped as above required.

§ 68.05–5 *Computations.*—(a) *Steel and iron pipe.* (1) Thickness of and pressure allowed on main steam pipe constructed of riveted iron or steel plates that have been stamped and tested as required by R. S. 4430 (46 U. S. C. 408), shall be determined in the same manner as required by R. S. 4433 (46 U. S. C. 411), to determine the pressure allowable on boilers.

(2) The thickness of and maximum allowable pressure on all lapwelded or solid-drawn steam pipe of wrought iron or steel shall be determined by the following formulas:

$$T=\frac{P\times D}{10{,}000}+0.125 \quad (1)$$

$$P=\frac{(T-0.125)\times 10{,}000}{D} \quad (2)$$

where:
P = maximum allowable pressure, in pounds per square inch.
T = thickness of pipe, in inches.
D = diameter of pipe, in inches.

(b) *Copper pipe.* (1) The thickness of copper pipe, according to the maximum allowable pressure, shall be determined by the following formulas:

$$T=\frac{P\times D}{8{,}000}+0.0625 \quad (3)$$

where:
T = thickness, in inches.
P = maximum allowable pressure, in pounds per square inch.
D = inside diameter of pipe, in inches.

(2) All copper pipe subject to pressure and installed for use on steam vessels after July 1, 1911, shall have a thickness of material according to the maximum allowable pressure, to be determined by the following formula:

$$T=\frac{P\times D}{6{,}000}+0.0625 \quad (4)$$

where:
T = thickness, in inches.
P = maximum allowable pressure, in pounds per square inch.
D = inside diameter of pipe, in inches.

(c) *Steel fittings.* The minimum thickness of steel fittings shall be determined by the following formula:

$$T=\frac{P\times D}{7{,}000}+0.188 \quad (5)$$

where:
P = maximum allowable pressure, in pounds per square inch.
D = diameter, in inches.
T = thickness, in inches.

(d) *Cast iron fitting.* The minimum thickness of cast iron, semisteel, or ferrosteel fittings shall be determined by the following formula:

$$T=\frac{P\times D}{3{,}000}+0.25 \quad (6)$$

where:
T = thickness of casting, in inches.
P = maximum allowable pressure, in pounds per square inch.
D = internal diameter of the largest opening contained in the cylindrical part of the casting in inches.

(e) *Nonferrous slip joints.* (1) The wearing surface of the male pipe in all slip joints made after June 30, 1908, for use in steam pipes shall be made of copper or composition, and shall be of sufficient length and so adjusted as to prevent accidental withdrawal from the packing box. When made of composition, same shall be of not less than 95 percent copper, tin, and zinc, possessing a tensile strength of not less than 30,000 pounds to the square inch. It may be used for sizes up to and including 12 inches in diameter, and for all pressures not exceeding 300 pounds per square inch.

(2) The minimum thickness of such fittings shall be determined by the following formula:

$$T=\frac{P\times D}{4{,}000}+0.22 \quad (7)$$

where:
P = maximum allowable pressure, in pounds per square inch.
D = diameter, in inches.
T = thickness, in inches.

§ 68.05–10 *Valves and fittings.* (a) Valves and fittings of 3 inches and under may be connected by screw threads at their intermediate joints in pipe lines.

(b) Each and every valve for marine service shall have the trade-mark of the manufacturer cast or stamped on the chamber. All such valves of 2 inches diameter and over shall be subjected by the manufacturer before shipment to a hydrostatic pressure of three times the working pressure which the manufacturer guarantees them to stand without distorting, and shall also be stamped with such working pressure and also the letters "M. S." which shall plainly indicate that the valve has met the test requirements for marine service.

(c) All valves of over 2 inches diameter, without regard for the service for which they are intended, installed after April 30, 1917, shall have bolted bonnets.

(d) Screwed bonnets on cast-iron valves of any size and for any character of service are positively prohibited.

(e) All pipe fittings of more than 3 inches internal diameter shall be subjected by the manufacturer to a test of three times the pressure to which they will be subjected in service.

§ 68.05–13 *Joints and flanged connections.*—(a) *Flanges and connections for wrought-iron and homogeneous-steel feed and steam pipe.* (1) The terminal and intermediate flanges of all wrought-iron and homogeneous-steel feed and steam pipe over 2 inches in diameter, other than on pipe or coil boilers of steam generators, shall be made of wrought iron, homogeneous steel, malleable iron having a tensile strength of not less than 30,000 pounds per square inch of section, or equivalent material.

(2) All such flanges shall have a depth through the bore of not less than one-half of the diameter of the pipe to which the flange is attached.

(3) The bore shall increase slightly toward the face of the flange, and the end of the pipe shall be enlarged to fit the bore of the flange and shall be substantially beaded over or outward into a recess in the face of the flange.

(4) Flanges on extra heavy lap-welded steam pipe up to and including 5 inches diameter may be attached with screw threads and the joints in bends may be made with extra heavy malleable-iron elbows or equivalent material.

(5) Feed and steam pipe up to and including 3 inches diameter may be connected at intermediate joints by being screwed into flanges or extra heavy fittings.

(6) Flanges of cast iron, semisteel, or ferrosteel, having a tensile strength of not less than 20,000 pounds per square inch of section, may be employed in connecting extra heavy lap-welded pipe by screw threads. Such flanges shall be extra heavy and have a depth through the bore of not less than the United States standard length of thread for the pipe to which the flange is attached plus depth of counterbore. The thickness of the flange, excluding hub, shall be not less than three-tenths of the diameter of the pipe plus 0.25 of an inch. The pipe shall fit snugly in the counterbore, which shall be not less than one-fourth the diameter of the pipe in depth.

(7) Flanges of wrought iron or steel grooved in the bore to a depth equal to the thickness of the material in the pipe shall be allowed for use on all steam and feed pipe when the end of the pipe has been thoroughly annealed and expanded into the flange by approved machinery.

(8) Flanges with hubs projecting not less than 1 3/4 inches from the back of the flange may be shrunk on lapwelded or riveted-iron or steel or seamless-drawn steel steam pipes over 5 1/2 inches diameter where the pipe is brought to a true and parallel circle at the end and beaded over into a recess at the face of the flange, or flared to an angle of approximately 20 degrees or the bore of the flange may be tapered and the pipe expanded into the bore.

(9) Flanges of cast steel, wrought iron, or homogeneous steel, equal in strength to the pipe to which it is attached, may be riveted to the pipe. When pipe is used for steam lines where flanges are riveted on and calked, the ends of the pipe shall be properly annealed before drilling or riveting the flanges on.

(10) Flanges may be secured to pipe by expanding the pipe by proper and approved machinery and flaring the end of the pipe to an angle not exceeding 20 degrees, taken in the direction of the length of the pipe, and having a depth of flare equal to at least one and one-half times the thickness of the pipe.

(11) Flanges of cast steel, forged steel, or wrought iron may be used in any process of expanding the pipe into grooves in the bore of the flange and flaring the end of the pipe to an angle of 20 degrees.

(12) Flanges welded to lapwelded steam pipes of iron or steel may be used when the manufacturer furnishes an affidavit that the pipe has been properly annealed after all work requiring fire has been finished.

(13) All flange connections made by the process of expanding, welding, or shrinking shall be subjected to a hydrostatic test of twice the working pressure without showing signs of weakness.

(b) *Flanges on copper pipe.* (1) The flanges of all copper steam and feed pipe over 3 inches diameter shall be made of brass or bronze composition, forged-iron, or steel or open-hearth steel castings. The end of the pipe shall be flanged over or outward to a width of not less than twice the thickness of the pipe and to a radius of not more than the thickness of the pipe, and the flange securely brazed or riveted to the pipe. If the pipe is properly formed with a full reinforced taper through the flange, the riveting or brazing may be dispensed with. The thickness of flanges shall be not less than four times the required thickness of the pipe plus 0.25 of an inch.

(2) Any form of expanded, grooved, and flared joint will be allowed for copper pipe under the same regulations, restrictions, and tests applying to iron or steel pipe.

(3) All flange joints shall be fitted with such number of bolts or rivets as will make the joint equal in strength to all other parts of the pipe.

(4) Any form of joint which, in the judgment of the Officer in Charge, Marine Inspection, is equal in strength and efficiency to the flange connections required by this section shall be allowed on any and all classes of pipe.

§ 68.05–15 *Installation.* (a) Where vent and sounding pipes pass through cargo spaces they shall be protected against damage.

(b) No copper pipe constructed after June 30, 1905, shall have any bend whose radius is less than one and one-half times the diameter of the pipe and such pipe shall be so led and flanges so placed that they may be readily taken down if required. Such pipes shall be protected by iron casings when run through coal bunkers, and shall be clear of the coal chutes.

(c) All sea valves or cocks secured to the skin of the vessel by bolts and connected to the engines or boilers by pipes shall be arranged so as to be accessible at all times, so that if a leak or defect occurs it can be reached. All parts of said valves except the chamber shall be made of brass or bronze when used on wooden-hull vessels navigating salt water; but in the case of vessels of iron or steel the brass or bronze bolts may be dispensed with.

§ 63.05–20 *Fuel oil filling and transfer system*—(a) *Ocean and coastwise.* (1) The construction of fuel-oil tanks separate from the hull shall conform to the following requirements: Plating for such tanks shall be not less than 5/16 inch in thickness; seams where the plates are joined shall be double-riveted; all rivet holes shall be fairly drilled, or punched three-fourths diameter and reamed to size; rivet holes shall be spaced not to exceed four diameters; and, where practicable, the tanks shall be caulked inside and out.

(2) Where double bottoms are used for the storage of fuel oil, such double bottoms shall be subdivided with one or more longitudinal watertight bulkheads, except the narrow tanks at the forward and after ends of the vessel. This requirement shall also apply to fuel-oil deep tanks which shall also be fitted with the necessary swash plates. The hatch covers on deep tanks which are used for fuel oil shall be made of steel or iron plating and be fitted oiltight. Fuel-oil tanks in 'tween-deck spaces overhanging the boiler space or adjoining the ship's sides abreast of the boilers shall be avoided as far as practicable, but where found to be necessary, they shall be subdivided into compartments not exceeding 20 feet in length.

(3) The test for fuel-oil tanks that do not form a part of the structure of the hull shall be a hydrostatic test of 15 pounds to the square inch, and all other tanks shall be tested with a pressure that will not be exceeded in practice.

(4) Deep tanks, peak tanks, settling tanks, and tanks separate from the hull used for the storage of fuel oil shall be fitted with internal gate valves where the suction pipe or pipes penetrate the tank, the valves to be fitted with mechanical appliances so arranged that they may be operated from an accessible place on deck outside of the machinery space. Double-bottom fuel-oil tanks shall be fitted with a gate valve on the tank top where the suction pipe penetrates it, or, where the suction pipe leads under the tank tops, the valve shall be placed where the pipe enters the machinery space.

(b) *Great Lakes; lakes, bays, sounds, and rivers.* (1) The fuel-oil tanks on all inland steamers subject to the requirements in this subchapter shall be constructed of material of such thickness and workmanship as, in the judgment of the inspector where the installation is made, is safe.

(2) All pipe connections on fuel-oil tanks and cargo-oil tanks, except the connection or connections on the top of such tank, shall be protected by an internal gate valve operated by an extension rod leading to an accessible point in an open space on a deck outside the engine and fireroom casing, so that the flow of oil may be immediately shut off in the case of failure or rupture of any of the pipes or connections.

(c) No openings are to be cut in the bottoms, ends, or sides of fuel-oil tanks except for suction and heater connections.

(d) All pipes over 2 inches in diameter shall be attached to fuel-oil tanks by flanges, or flanged fittings, riveted to the tanks. Filling pipes for such tanks shall extend through the top of the tank to deck, and such pipes shall be led to the bottoms of the tanks and fitted with U-bends extending upward at least 12 inches above the bottoms; or in lieu of the U-bends the pipes may be led to within one-half of the diameter of the pipes from the bottom of the tanks.

§ 68.05–25 *Fuel-oil service systems.* (a) The piping between the service pumps and the stop valve at the burners, when the pressure exceeds 15 pounds per square inch, shall be extra-heavy seamless piping and shall be in sight above the floor or platform. The connections on such piping shall be made with extra-heavy flanges or extra-heavy fittings of forged or cast steel, bronze, or malleable iron. Valves on pipe lines conveying hot oil shall be extra heavy and shall be of the locked-bonnet, bolted-bonnet, or union-nut-bonnet type.

(b) The piping, including connections, shall be tested in place to a hydrostatic test pressure equal to three times the designed maximum working pressure, but in no case less than 150 pounds. All other piping for use in conveying fuel oil, together with valves, and fittings, shall be suitable for a pressure of 125 pounds and all such pipe and fittings between the gate valve within the tank and the pumps shall be tested to a hydrostatic pressure of 250 pounds.

(c) When it is desired to change a low-pressure system to a high-pressure system, it will be necessary to apply a hydrostatic test pressure to the piping and connections from pumps to burners equal to three times the working pressure.

(d) All oil heaters shall be tested to double the working pressure. Continuous pipe or pipes shall be carried through the heads or ends of the heaters, and all joints shall be made on the outside to eliminate the danger of oil being pumped into the boilers in the event of failure of the joints: *Provided,* That this requirement does not apply when the water of condensation from the heaters is led to an observation tank or is not used for boiler-feed water. Heaters may be installed in double-bottoms, if so desired, when vessels are operating in cold waters and may be placed in the most convenient location for heating the oil.

(e) Fuel-oil pumps supplying oil to the burners, also oil strainers, shall be in duplicate, and the discharge of each pump shall be fitted with an efficient relief valve that will return surplus oil to the suction side of the pumps.

(f) Throttle valves on fuel-oil pumps shall be arranged so that they may be operated from some accessible point outside of the pump-room or fireroom inclosure.

§ 68.05–30 *Vent piping.* (a) The vent pipes from all fuel-oil tanks shall have a net cross-sectional area equal to that of the filling pipes and shall be led from the top of the tank to the open air in a space where no danger will result from the discharge of oil vapor; the discharge ends to be fitted with U-bends and a gauze diaphragm, which can be easily removed for cleaning.

(b) Where it is necessary to use bends in the piping, such bends shall not exceed 45 degrees from the vertical.

§ 68.05–35 *Sounding pipes.* (a) Sounding pipes or other reliable apparatus shall be fitted to fuel tanks for use in determining the oil level in each tank. Sounding pipes shall be led up through the deck and down to within one diameter of the bottom of the tank, and shall not be perforated.

(b) Sounding pipes in the machinery spaces that do not extend up through a deck shall be fitted with a valve or stop-cock that will close automatically to prevent oil overflow.

§ 68.05–40 *Welded piping.* (a) Fusion butt welding may be used to join bilge, ballast, fuel-oil overflow, fuel-oil transfer and vent pipes, fire and flushing mains, fresh water distribution, brine piping, and drain suctions from fuel-oil tanks.

(b) Heating coils in fuel-oil tanks may also be joined by fusion welding, provided butt welds are used and the welds protected by a sleeve, fillet welded at the ends of the wall of the pipe.

(c) In all cases, such welding shall comply with the requirements of Subchapter F (Marine Engineering) of this chapter.

PART 69—INSTALLATIONS, TESTS, INSPECTIONS, AND REPAIRS

Chapter I is amended by adding a new Part 69 to Subchapter G reading as follows:

SUBPART 69.01—INSTALLATIONS

Sec.
69.01–1 Protection of adjacent structure.
69.01–5 Dampers.

SUBPART 69.05—TESTS AND INSPECTIONS

69.05–1 Test and inspection of new boilers.
69.05–5 Name plates.
69.05–10 Tests and inspection of boilers and main steam piping in service.
69.05–15 Donkey boilers.
69.05–20 Inspection of foreign-built boilers admitted to American Registry.
69.05–25 Inspection of boilers on existing barges.

SUBPART 69.10—REPAIRS

69.10–1 Welding repairs.

AUTHORITY: §§ 69.01–1 to 69.10–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. R. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4430. 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 600, 41 Stat. 305, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–408, 411, 412, 435, 489. 366, 363, 367, 463a, 1333, 50 U. S. C. 1275. 1275.

SUBPART 69.01—INSTALLATIONS

§ 69.01–1 *Protection of adjacent structure.* (a) Externally heated boilers shall have a clear space between the boiler and the woodwork of not less than 6 inches at the sides and 4 inches at the top.

(b) Internally heated boilers shall have a clear space between the boiler and the woodwork of not less than 4 inches at the sides and 4 inches at the top.

(c) All woodwork or other ignitible substance approaching within 12 inches of the boiler or smokestack (unless such boiler or smokestack is covered with good nonconducting material) shall be suitably sheathed with metal over noncombustible material and all woodwork or other ignitible substance in or around the fireroom shall be properly protected by metal or asbestos sheathing.

(d) All boilers hereafter placed in wooden steamers shall have a clear space of at least 8 inches between the underside of the cylindrical shell and the floor or keelson; and on all other steamers the boilers shall be so placed as to permit of proper inspection of the underside thereof.

(e) All water-tube or coil boilers shall have a clear space of not less than 4 inches between the back end of boiler and bulkhead. All other boilers shall have a clear space of not less than 2 feet between the back end of boiler and bulkhead.

(f) Where fuel-oil tanks are fitted in wooden vessels, lead pans or lining shall be placed under the tanks, the lead to be of a gage weighing not less than 8 pounds per square foot, this precaution being made to prevent oil from getting into the bilges of the vessel.

(g) Suitable drip pans shall be installed to catch the drip from burners, fuel-oil pumps, strainers, or any other place where necessary to prevent oil from reaching the bilges of the vessel.

(h) The boiler room and funnel casings shall be insulated so as to prevent the spread of fire to woodwork or other combustible material adjacent to the casings in the event of an oil fire taking place in the fireroom.

§ 69.01–5 *Dampers.* (a) Dampers in funnels or uptakes on oil-burning steamers shall be fitted with a locking device in open position.

SUBPART 69.05—TESTS AND INSPECTIONS

§ 69.05–1 *Test and inspection of new boilers.* (a) All coil and pipe hereafter made, when such boiler is completed and ready for inspection, shall be subjected at the first inspection to a hydrostatic pressure at a ratio of 150 pounds to a steam pressure of 100 pounds.

§ 69.05–5 *Name plates.* (a) There shall be fastened to each boiler a plate containing the name of the manufacturer of the material, the place where manufactured, the tensile strength, the name of the builder of the boiler, when and where built.

(b) The date of the building of the boiler or boilers shall be determined by the month and year of issue of the first certificate of inspection which covers the boiler or boilers in question: *Provided,* That the boiler or boilers have not been used for any purpose previous to the inspection.

§ 69.05–10 *Tests and inspection of boilers and main steam piping in service.* (a) The hydrostatic pressure applied to boilers which can be satisfactorily examined internally shall be in the proportion of 125 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed; types of boilers which due to design cannot be examined internally shall be subjected to a hydrostatic pressure in the proportion of 150 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed. The inspector, after applying the hydrostatic test, shall thoroughly examine every part of the boiler. The hydrostatic pressure shall also be applied to the main steam pipe up to the throttle.

(b) In the application of the hydrostatic pressure to boilers, inspectors shall require such arrangements as will guard against main and auxiliary stop valves being subjected to hydrostatic pressure on one side at the same time that steam pressure is exerted on the opposite side.

(c) Steamers on going out of service or laying up in winter quarters and beginning the annual inspection may have the hydrostatic pressure applied to boilers at any time preceding the date of the final completion of the inspection, so that, however, in no instance shall the vessel be navigated to exceed 12 months without the hydrostatic pressure.

(d) Inspectors are required at each annual inspection to carefully inspect the flues of every boiler and subject them to the hammer test where possible or practicable in order that deterioration of material may be detected. If such test indicates thin material, the doubtful place shall be drilled and the material carefully gaged in order that the safe pressure may be determined; or if the flue is found to deviate from the form of a practically true circle, the pressure shall be reduced accordingly. The efficiency and workmanship of the riveted seams shall also be carefully observed at all inspections.

(e) The Officer in Charge, Marine Inspection, in determining the distance between the flues and the shells of externally fired boilers, under provisions of R. S. 4434 (46 U. S. C. 412), shall take the measurements from the plate in the flue to the plate in the shell on vessels in river service only.

(f) The shell of any boiler which has reached the age of 10 years shall, at the first annual inspection thereafter, and at such subsequent periods as the Officer in Charge, Marine Inspection, or Coast Guard District Commander may deem necessary, be drilled near the water line and at such other points in the shell as may be necessary to determine as nearly as possible the thickness of material, which ascertained thickness, together with the general condition of the boiler, shall govern the maximum allowable pressure. If the thickness found by actual measurement is less than the original thickness, the maximum allowable pressure shall be recalculated using the thinnest portion of the shell plate as the thickness of the shell, and shall not exceed the maximum pressure permitted by the applicable boiler design formulas. For the purpose of such recalculation, the design formulas specified in this subchapter may be used for boilers made or contracted for prior to July 1, 1935, or alternatively the design formulas set forth in Subchapter F (Marine Engineering) may be used.

§ 69.05–15 *Donkey boilers.* Donkey boilers shall be inspected in the same manner as the main boilers.

§ 69.05–20 *Inspection of foreign-built boilers admitted to American Registry.* (a) Boilers of foreign-built vessels admitted to American registry shall be inspected in the same manner as boilers on American vessels.

(b) The working steam pressure shall be determined by the application of the hydrostatic pressure in the ratio as required by the laws of the United States and by a close observation of the general condition of the boiler.

(c) The working steam pressure under which the boilers are being operated shall be accepted as the basis for determining the allowable working pressure where it is not practicable or possible to secure a record of the tests of the plates entering into the construction of the boiler.

§ 69.05–25 *Inspection of boilers on existing barges.* Boilers on existing barges required to be inspected and not constructed according to the specifications prescribed by the Commandant may be considered the same as foreign-built boilers as specified in § 69.05–20, and so treated.

SUBPART 69.10—REPAIRS

§ 69.10–1 *Welding repairs.* (a) No repair work by any welding process other than fusion welding shall be allowed on main boilers or unfired pressure vessels until coupons showing the character of the work proposed to be done by the applicant shall have been tested and submitted, with an explanation and report

of the test, to the Officer in Charge, Marine Inspection, at or nearest the place where the work is to be done. The Officer in Charge, Marine Inspection, shall then satisfy himself whether or not such process can be used with safety on the boilers or unfired pressure vessels of steam vessels.

(b) In every case where repairs are to be made by these processes on boilers or unfired pressure vessels of steam vessels subject to the inspection of the Coast Guard, the engineer in charge and the parties making the repairs are required to notify the Officer in Charge, Marine Inspection, giving full detailed description of the repairs to be made, the location of the vessel, and the time the repairs are to be begun, so that inspection may be had, if practicable, prior to and during the time the work is being done, which reports must be confirmed in writing to the Officer in Charge, Marine Inspection.

(c) The application for permission to use these processes on boiler or unfired pressure vessel repairs of any particular vessel implies a guaranty on the part of the applicant that the work shall, in material, flux, and workmanship, be equal to that of the samples furnished.

(d) Repairs to marine boilers and unfired pressure vessels by means of fusion welding may be permitted provided such welding conforms to the requirements of Subchapter F (Marine Engineering) of this chapter.

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hapter H—Passenger Vessels

The title for Subchapter H is changed from "General Rules and Regulations; Great Lakes" to "Passenger Vessels," and Chapter I is amended by adding a new Part 70 to Subchapter H reading as follows:

PART 70—GENERAL PROVISIONS

SUBPART 70.01—AUTHORITY AND PURPOSE

Sec.
70.01–1 Purpose of regulations.
70.01–5 Assignment of functions.
70.01–10 Authority for regulations.

SUBPART 70.05—APPLICATION

70.05–1 Vessels subject to the requirements of this subchapter.
70.05–5 Specific application noted in text.

SUBPART 70.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

70.10–1 Approved.
70.10–3 Carrying passengers for hire.
70.10–5 Carrying freight for hire.
70.10–7 Classed vessel.
70.10–9 Commandant.
70.10–11 Coast Guard District Commander.
70.10–13 Coastwise.
70.10–15 Ferry.
70.10–17 Great Lakes.
70.10–19 Headquarters.
70.10–21 International voyage.
70.10–23 Lakes, bays, and sounds.
70.10–25 Marine inspector or inspector.
70.10–27 Motorboat.
70.10–29 Motor vessel.
70.10–31 Ocean.
70.10–33 Officer in charge, Marine Inspection.
70.10–35 Passenger.
70.10–37 Pilot rules.
70.10–39 Rivers.
70.10–41 Recognized classification society.
70.10–43 Short international voyage.
70.10–45 Vessel.
70.10–47 Western rivers.

SUBPART 70.15—EQUIVALENTS

Sec.
70.15–1 Conditions under which equivalents may be used.

SUBPART 70.20—GENERAL MARINE ENGINEERING REQUIREMENTS

70.20–1 Marine engineering details.

SUBPART 70.25—GENERAL ELECTRICAL ENGINEERING REQUIREMENTS

70.25–1 Electrical engineering details.

SUBPART 70.30—SPECIAL PROVISIONS

70.30–1 Vessels acquired or documented under the act of June 6, 1941.
70.30–5 Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.

SUBPART 70.35—AMERICAN BUREAU OF SHIPPING'S STANDARDS

70.35–1 Standards to be used.
70.35–5 Where obtainable.

AUTHORITY: §§ 70.01–1 to 70.35–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 404, 369, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 70.01—AUTHORITY AND PURPOSE

§ 70.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for passenger vessels in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting passenger vessels and such regulations have the force of law.

§ 70.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (15 F. R. 4935, 5 U. S. C. Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 70.01–10 *Authority for regulations.* (a) *General.* The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4405, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection and certification of passenger vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4430, 4433, 4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10 and 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, and 50 U. S. C. App. 1275).

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a and 50 U. S. C. App. 1275).

(d) *Subdivision.* (1) The regulations regarding subdivision of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, and 50 U. S. C. App. 1275).

(e) *Stability.* (1) The regulations regarding stability of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, and 50 U. S. C. App. 1275).

(f) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of passenger vessels interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, and 50 U. S. C. App. 1275).

(g) *Fire protection equipment.* (1) The regulations regarding fire protection equipment of passenger vessels interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, and 50 U. S. C. App. 1275).

(h) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of passenger vessels interpret or apply R. S. 4417, 4418, and 4426, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526p, 1333, and 50 U. S. C. App. 1275).

(i) *Operations.* (1) The regulations regarding operations of passenger vessels interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, 526p, 1333, and 50 U. S. C. App. 1275).

SUBPART 70.05—APPLICATION

§ 70.05–1 *Vessels subject to the requirements of this subchapter.* (a) This subchapter shall be applicable to all vessels indicated in column 4 of Table 70.05–1 (a) and shall apply to all such United States flag vessels, and to all such foreign vessels which carry more than 12 passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(4) Any vessel while laid up and dismantled and out of commission.

(5) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

TABLE 70.05–1 (a)

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [1] [2]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [1] [2]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [1] [2]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels 40 feet in length and under.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.[3]
	Vessels over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	None	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by Subchapters D and H, and those engaged in the fishing, oystering, clamming, crabbing or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by Subchapters D, H, and I.
Sail		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels over 700 gross tons carrying passengers for hire.	None	None.
Non-self-propelled	Inland barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None	All barges carrying passengers except those covered by Subchapter H.
	Seagoing barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers except those covered by Subchapter H.

[1] Subchapters E (Load Lines), F (Marine Engineering), and J (Electrical Engineering) of this chapter are also applicable under certain conditions.

[2] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.

[3] Any vessel on an international voyage is subject to the applicable requirements of the International Convention for the Safety of Life at Sea, 1948.

[4] Length measured from end to end over deck, excluding sheer.

[5] Boilers and machinery are subject to examination.

[6] Vessels covered by Subchapter H (Passenger Vessels, or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

§ 70.05–5 *Specific application noted in text.* (a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

SUBPART 70.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

§ 70.10–1 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 70.10–3 *Carrying passengers for hire.* The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 70.10–5 *Carrying freight for hire.* The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 70.10–7 *Classed vessel.* This term means any vessel classed by the American Bureau of Shipping or other recognized classification society.

§ 70.10–9 *Commandant.* This term means the Commandant of the Coast Guard.

§ 70.10–11 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10–13 *Coastwise.* Under the designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 70.10–15 *Ferry.* Under this designation shall be included those vessels, in other than ocean or coastwise service, having provisions only for deck passengers and vehicles, operating on a short run on a frequent schedule between 2 points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 70.10–17 *Great Lakes.* Under this designation shall be included all vessels navigating the Great Lakes.

§ 70.10–19 *Headquarters.* This term means the Office of the Commandant, United States Coast Guard; Washington, D. C.

§ 70.10–21 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports outside the United States as well as between United States Continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under a protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary waters as far east as the exit of the Lachine Canal at Montreal, in the province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

§ 70.10–23 *Lakes, bays, and sounds.* Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 70.10–25 *Marine inspector or inspector.* These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10–27 *Motorboat.* This term means any vessel indicated in column 4 of Table 70.05–1 (a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U. S. C. 526–526t), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 70.10–29 *Motor vessel.* This term means any vessel more than 65 feet in length, which is propelled by machinery other than steam.

§ 70.10–31 *Ocean.* Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 70.10–33 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 70.10–35 *Passenger.* A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

§ 70.10–37 *Pilot rules.* (a) The term "pilot rules" means the statutory rules of the road and the implementing regulations of the Commandant. The regulatory pilot rules are contained in 33 CFR Parts 80, 82, 84, 90, 92, 95, and 100.

(b) In accordance with law, the Coast Guard publishes the statutory rules of the road and regulatory pilot rules in pamphlet form as follows:

(1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (CG 169).

(2) Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River (CG 172).

(3) Pilot Rules for the Western Rivers and the Red River of the North (CG 184).

§ 70.10–39 *Rivers.* Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commanders.

§ 70.10–41 *Recognized classification society.* The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 70.10–43 *Short international voyage.* For the purpose of this subchapter, the expression "short international voyage" means an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

§ 70.10–45 *Vessel.* Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in column 4 of Table 70.05–1 (a), except as otherwise noted in this subpart.

§ 70.10–47 *Western rivers.* For the purpose of this subchapter, the term "western rivers" is as defined in CG 184, Pilot Rules for Western Rivers and the Red River of the North.

SUBPART 70.15—EQUIVALENTS

§ 70.15–1 *Conditions under which equivalents may be used.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

SUBPART 70.20—GENERAL MARINE ENGINEERING REQUIREMENTS

§ 70.20–1 *Marine engineering details.* All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

SUBPART 70.25—GENERAL ELECTRICAL ENGINEERING REQUIREMENTS

§ 70.25–1 *Electrical engineering details.* All electrical engineering details and installations shall be designed and installed in accordance with Subchapter J (Electrical Engineering) of this chapter.

SUBPART 70.30—SPECIAL PROVISIONS

§ 70.30–1 *Vessels acquired or documented under the Act of June 6, 1941.* (a) Vessels acquired or documented under the act of June 6, 1941, as amended (sec. 5, 55 Stat. 244, 245, 50 U. S. C. App. 1275), shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, fire fighting, and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

§ 70.30–5 *Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.* (a) Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, fire fighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the determination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 App. Sup., 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

SUBPART 70.35—AMERICAN BUREAU OF SHIPPING'S STANDARDS

§ 70.35–1 *Standards to be used.* (a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 70.35–5 *Where obtainable.* (a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York 4, New York. These standards may be also examined at the office of the Commandant (M), U. S. Coast Guard, Washington, D. C., or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 71—INSPECTION AND CERTIFICATION

Chapter I is amended by adding a new Part 71 to Subchapter H reading as follows:

SUBPART 71.01—CERTIFICATE OF INSPECTION

Sec.
71.01–1 When required.
71.01–5 Posting.
71.01–10 Period of validity.
71.01–15 Temporary certificate.
71.01–20 Expired certificate.

SUBPART 71.05—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIR

71.05–1 When issued.
71.05–5 To whom issued.
71.05–10 Conditions of permit.
71.05–15 Posting.

SUBPART 71.10—PERMIT TO ENGAGE IN EXCURSIONS

71.10–1 When issued.
71.10–5 To whom issued.
71.10–10 Conditions of permit.
71.10–15 Posting.

SUBPART 71.15—INSPECTION OF VESSELS

71.15–1 Standards in inspection of hulls, boilers, and machinery.

SUBPART 71.20—INITIAL INSPECTION

71.20–1 Prerequisite of certificate of inspection.
71.20–5 When made.
71.20–10 Plans.
71.20–15 Scope of inspections.
71.20–20 Specific tests and inspections.

SUBPART 71.25—ANNUAL INSPECTION

71.25–1 Prerequisite of certificate of inspection.
71.25–5 When made.
71.25–10 Scope of inspection.
71.25–15 Lifesaving equipment.
71.25–20 Fire detecting and extinguishing equipment.
71.25–25 Hull equipment.
71.25–30 Electrical engineering equipment.
71.25–35 Moving engineering equipment.
71.25–40 Sanitary inspection.
71.25–45 Fire hazards.
71.25–50 Inspector not limited.

SUBPART 71.30—REINSPECTION

71.30–1 When made.
71.30–5 Scope.
71.30–10 Inspector not limited.

SUBPART 71.35—SPECIAL SURVEYS OF UNCLASSED VESSELS

71.35–1 Special surveys required.
71.35–5 When due.
71.35–10 Marine engineering and electrical engineering requirements.
71.35–15 Inspector not limited.
71.35–20 Scope of Special Survey No. 1.
71.35–25 Scope of Special Survey No. 2.
71.35–30 Scope of Special Survey No. 3.
71.35–35 Scope of second and subsequent Special Surveys No. 1.
71.35–40 Scope of second and subsequent Special Surveys No. 2.
71.35–45 Scope of second and subsequent Special Surveys No. 3.

SUBPART 71.40—INSPECTION AFTER ACCIDENT

71.40–1 General or partial survey.

SUBPART 71.45—SANITARY INSPECTIONS

71.45–1 When made.

SUBPART 71.50—DRYDOCKING

71.50–1 When drydocked.
71.50–5 Notice by owner.

SUBPART 71.55—REPAIRS AND ALTERATIONS

71.55–1 Permission required.
71.55–5 Inspection required.

SUBPART 71.60—GAS FREEING

71.60–1 Inspection necessary.

SUBPART 71.65—PLAN APPROVAL

71.65–1 General.
71.65–5 Plans and specifications required for new construction.
71.65–10 Plans required for alterations of existing vessels.
71.65–15 Procedure for submittal of plans.
71.65–20 Number of plans required.

SUBPART 71.75—SAFETY CERTIFICATE

71.75–1 Required on international voyage.

AUTHORITY: §§ 71.01–1 to 71.75–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4430, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 50 U. S. C. App. 1275.

SUBPART 71.01—CERTIFICATE OF INSPECTION

§ 71.01–1 *When required.* (a) Except as noted in this subpart or Subpart 71.05, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 71.01–5 *Posting.* (a) On vessels of over 25 gross tons, the original certificate of inspection shall, in general, be framed under glass and posted in a conspicuous place where it will be most likely to be observed by the passengers. On vessels not over 25 gross tons, and on other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 71.01–10 *Period of validity.* (a) Certificates of inspection will be issued for a period of one year. However, application may be made by the owner for inspection and issuance of a new certificate of inspection at any time within that year. The certificate of inspection may be revoked or suspended at any time.

§ 71.01–15 *Temporary certificate* (a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG 854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certifi-

cate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

§ 71.01–20 *Expired certificate.* (a) Nothing in this subpart shall prevent a vessel upon a regularly established line from a port in the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii from lawfully completing her voyage without the valid certificate of inspection or temporary certificate required by this subpart: *Provided*, That the voyage shall be completed within 30 days after the expiration of the certificate of inspection. No such vessel shall depart if its certificate of inspection will expire within 15 days of the date of sailing.

SUBPART 71.05—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIR

§ 71.05–1 *When issued.* (a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG 948, to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 71.05–5 *To whom issued.* (a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 71.05–10 *Conditions of permit.* (a) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers. Passengers may not be carried if the certificate of inspection has expired, except as provided under § 71.01–20.

§ 71.05–15 *Posting.* (a) The permit shall be carried in a manner similar to that described in § 71.01–5 for a certificate of inspection.

SUBPART 71.10—PERMIT TO ENGAGE IN EXCURSIONS

§ 71.10–1 *When issued.* (a) The Officer in Charge, Marine Inspection, may issue a permit to carry additional passengers on an excursion, Form CG–949, if after personally inspecting the vessel, it can, in his judgment, be done with safety.

§ 71.10–5 *To whom issued.* (a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 71.10–10 *Conditions of permit.* (a) The permit will state upon its face the conditions under which it is issued, the number of extra passengers the vessel may carry, any additional lifesaving or safety equipment which will be required, the route for which the permit is granted, and the dates on which the permit will be valid.

§ 71.10–15 *Posting.* (a) The permit when used, shall be carried in addition to the certificate of inspection and shall be carried in a manner similar to that described in § 71.01–5 for a certificate of inspection.

SUBPART 71.15—INSPECTION OF VESSELS

§ 71.15–1 *Standards in inspection of hulls, boilers, and machinery.* (a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter respecting material and inspection of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter, shall be accepted as standard by the inspectors.

SUBPART 71.20—INITIAL INSPECTION

§ 71.20–1 *Prerequisite of certificate of inspection.* (a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 71.20–5 *When made.* (a) The original inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG 833, at or nearest the port where the vessel is located.

§ 71.20–10 *Plans.* (a) Before application for inspection is made and before construction is started, the owner or builder shall have plans indicating the proposed arrangement and construction of the vessel approved by the Commandant. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 71.65.

§ 71.20–15 *Scope of inspections.* (a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom and the outside and where possible the inside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installation is in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory.

§ 71.20–20 *Specific tests and inspections.* (a) The applicable tests and inspections relating to annual inspection as set forth in Subpart 71.25 shall be made at this time. In addition, the following specific tests and inspections shall be made by the inspector:

(1) Installation of lifeboats, davits, and winches, see Subpart 75.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping, see § 76.15–15 of this subchapter.

(3) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(4) For inspection procedures of electrical engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(5) For inspection and testing standards of structural subdivision integrity, see § 72.01–25 of this subchapter.

(6) For inspection and testing of watertight doors, see § 73.35–30 of this subchapter.

SUBPART 71.25—ANNUAL INSPECTION

§ 71.25–1 *Prerequisite of reissuance of certificate of inspection.* (a) The annual inspection is a prerequisite of the reissuance of a certificate of inspection.

§ 71.25–5 *When made.* (a) The annual inspection will only be made upon the written application of the master, owner, or agent of the vessel on Form CG 833 to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is to be inspected.

§ 71.25–10 *Scope of inspection.* (a) The annual inspection shall include an inspection of the structure, boilers, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installation is in compliance with the requirements of the Federal Communications Commission.

§ 71.25–15 *Lifesaving equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of lifesaving equipment:

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) Each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat and be released from the falls. In making this test, persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each.

(3) Each life preserver or wood float shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver or wood float shall be removed from the vessel. If the life preserver is beyond repair, it shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that each lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 71.25–20 *Fire detecting and extinguishing equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of fire detecting and extinguishing equipment:

(1) All hand portable fire extinguishers and semiportable fire extinguishing systems shall be checked as noted in Table 71.25–20 (a) (1). In addition, the hand portable fire extinguishers and semiportable fire extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 71.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean inside and hose thoroughly. Recharge.
Foam	Discharge. Clean inside and hose thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean inside and hose thoroughly. Recharge with clean water or new antifreeze.
Cartridge operated (water antifreeze or loaded stream).	If pressure cartridge is punctured, or if it weighs ½ ounce less than amount stamped on cartridge, it shall be replaced. Remove liquid. Clean inside and hose thoroughly. Recharge with clean water or new solution or antifreeze. Insert charged cartridge.
Carbon tetrachloride.	Discharge a few strokes into a clean container. Recharge with new or discharged liquid. Keep water out of extinguisher. Ascertain that it is completely full of liquid.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.
Dry chemical	If pressure cartridge is punctured, or if it weighs ½ ounce less than amount stamped on cartridge, it shall be replaced. Inspect hose and nozzle to be sure they are clear. Insert charged cartridge. Ascertain that chamber contains full charge and that powder is not caked.

(2) Fixed fire extinguishing systems shall be checked as noted in Table 71.25–20 (a) (2). In addition all parts of the fixed fire extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 71.25–20 (a) (2)

Type system	Test
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.

(3) On all fire detecting and extinguishing systems, all piping controls, valves, and alarms shall be checked to ascertain that the system is in operating condition. In this respect, automatic sprinkling systems shall be checked by means of test stations or opening heads, smoke detecting systems shall be checked by introducing smoke into the accumulators, fire detecting and manual alarm systems shall be checked by test stations or actuating detectors or pull boxes, and steam smothering lines shall be checked with at least a 50 p. s. i. air pressure with the ends capped or by blowing steam through the lines at the designed pressure.

(4) The fire main system shall be operated and the pressure checked at the most remote and highest outlets. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p. s. i.

§ 71.25–25 *Hull equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of hull equipment:

(1) All subdivision bulkheads shall be examined to determine that their watertight integrity has not been impaired.

(2) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(3) All magnetically controlled fire doors shall be operated locally and by the remote control, and all automatic fire dampers shall be checked to determine that they are in an operable condition.

(4) The remote controls of all valves shall be operated.

§ 71.25–30 *Electrical engineering equipment* (a) For inspection procedures of electrical engineering equipment and systems, see subchapter J (Electrical Engineering) of this chapter.

§ 71.25–35 *Moving engineering equipment* (a) For inspection procedures of marine engineering equipment and systems, see Subchapter F. (Marine Engineering) of this chapter.

§ 71.25–40 *Sanitary inspection.* (a) At each annual inspection the passenger and crew quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to be assured that they are in a sanitary condition.

§ 71.25–45 *Fire hazards.* (a) At each annual inspection, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 71.25–50 *Inspector not limited.* (a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

SUBPART 71.30—REINSPECTION

§ 71.30–1 *When made.* (a) At least three reinspections shall be made on each vessel within each year. These reinspections will be made at approximately equal intervals between annual inspections. In the case of vessels with a seasonal schedule, these reinspections will be made during the operating season if practicable.

§ 71.30–5 *Scope.* (a) The inspector shall examine all accessible parts of the vessel's hull, machinery, and equipment to be assured that it is in a satisfactory condition.

(b) In general, the scope of the reinspection shall be the same as for the annual inspection, but will be in less detail unless it is determined that major change has occurred since the last annual inspection.

§ 71.30–10 *Inspector not limited.* (a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

SUBPART 71.35—SPECIAL SURVEYS OF UNCLASSED VESSELS

§ 71.35–1 *Special surveys required.* (a) Special surveys, applicable to the age of the vessel and corresponding to class surveys, shall be conducted by inspectors on all unclassed vessels. These surveys shall in no way affect the thoroughness of the annual inspections.

§ 71.35–5 *When due.* (a) Special surveys shall be conducted at intervals of 4 years from date of build in the case of vessels operating in salt or brackish waters and intervals of 5 years for vessels operating exclusively in fresh water. In any case, the survey must be completed within one year from the date it is due. The designations of the special surveys and the dates due are as set forth in Table 71.35–5 (a).

TABLE 71.35–5 (a)

Designation of special survey	Date due, years from date of build	
	Salt water	Fresh water
Special Survey No. 1	4	5
Special Survey No. 2	8	10
Special Survey No. 3	12	15
Second Special Survey No. 1	16	20
Second Special Survey No. 2	20	25
Second Special Survey No. 3	24	30
Third Special Survey No. 1	28	35
Third Special Survey No. 2	33	40
Third Special Survey No. 3	36	45
Fourth Special Survey No. 1	40	50
(Etc.)	(etc.)	(etc.)

§ 71.35–10 *Marine engineering and electrical engineering requirements.* (a) For the scope of marine engineering requirements at special surveys, see Subchapter F (Marine Engineering) of this chapter.

(b) For the scope of electrical engineering requirements at special surveys, see Subchapter J (Electrical Engineering) of this chapter.

§ 71.35–15 *Inspector not limited.* (a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

§ 71.35–20 *Scope of Special Survey No. 1.* (a) The vessel is to be placed in dry dock or upon a slipway, and the following examinations made:

(1) The keel, stem, stern frame or stern post, and outside planking or plating are to be cleaned and afterward examined, recalked, and recoated where necessary; the rudder is to be examined and lifted when required and the

gudgeons rebushed or the braces and pintles refitted as may be necessary.

(2) In the case of wooden vessels careful examination is to be made of the entire structure, faulty fastenings, bolts, or treenails backed out or otherwise dealt with to the satisfaction of the inspector. When, in the opinion of the inspector, it is necessary, borings are to be made and should they disclose cause for further examination, listings shall be made where and as required to satisfy the inspector.

(b) The holds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be cleaned out and the surfaces of the framing and plating are to be cleaned and examined and recoated where necessary. All the watertight bulkheads are to be examined, and tested if considered necessary, with a head of water.

(c) The platform plates in the engine and boiler spaces are to be removed when required, and in the holds and bunkers one strake of ceiling at the bilges and one strake of ceiling on each side fore and aft and all portable ceiling hatches are to be lifted. All limbers are to be cleaned free from dirt.

(d) The cement or other composition on the inner surface of the bottom plating to be carefully examined and tested, to ascertain if it is adhering satisfactorily to the plating.

(e) Where a double bottom is fitted, the tanks are to be thoroughly cleaned out and examined internally; sufficient ceiling is to be lifted or all the ceiling is to be lifted, if necessary, for cleaning and coating the top plating; and the tanks are to be tested with water pressure equal to the height of the load draft of the vessel.

(f) Where a double bottom and other tanks are used for fuel oil bunkers, the cleaning out of such tanks need not be insisted upon, provided the inspector is able to determine by an external examination that the general condition of the tanks is satisfactory. Tanks in such cases may be tested with oil to the height of the overflow.

(g) Deep water ballast tanks, peak ballast tanks, and fresh water tanks which form a part of the structure of the vessel are to be cleaned out and examined internally, and are to be tested with a head of water to a height of 8 feet above the crown of the tank, or to the height of the load draft of the vessel, or to the highest point to which liquid may arise under service conditions, whichever is highest.

(h) The decks are to be examined, and wood decks are to be bored where worn and renewed if reduced excessively, or if found otherwise defective.

(i) The masts, spars, rigging, hawse pipes and outfit are to be examined, and found or placed in good and efficient condition, and the anchors are to be examined and found or placed in good condition and their weight, type, and number noted.

(j) The hatch covers and fore-and-afters, the tarpaulins, the hatchway and ventilator coamings, deckhouses, the engine and boiler casings and all other means of protecting openings in the weather decks are to be examined, and found or placed in good condition.

(k) All parts of the steering arrangements together with the blocks, rods, chains, or other transmission gear are to be examined, and found or placed in good condition.

(l) The windlass, hand pumps, sluice valves, watertight doors, and air and sounding pipes are to be examined, and found or placed in good and efficient condition.

(m) When spaces are insulated in connection with refrigerating plant, the limbers and hatches are to be lifted and an examination is to be made in way of same.

§ 71.35–25 *Scope of Special Survey No. 2.* (a) All of the requirements for the Special Survey No. 1 shall be complied with in addition to the remaining requirements of this section.

(b) A second strake of ceiling on each side fore and aft and all portable ceiling hatches are to be lifted in the holds and bunkers.

(c) In the case of wooden vessels no planking is to be removed except, in the opinion of the inspector absolutely necessary to disclose the true condition of the vessel, or as may be found necessary, to effectively remedy the defects otherwise disclosed.

(d) Double bottom and other tanks used as fuel oil bunkers are to be thoroughly cleaned out, cleared of gas, and examined internally, and the tanks are to be tested with water pressure to the height of the overflow.

(e) The chain cables are to be ranged, the shackle pins driven out, and the cables examined, and if found reduced in sectional area at their most worn part to the extent represented by Table 71.35–25 (e) they must be renewed.

TABLE 71.35–25 (e)

Diameter of cable	Maximum reduction to be allowed (inch)
9/16 inch and under 12 1/16 inch	3/16
12 1/16 inch and under 14 1/16 inches	4/16
14 1/16 inches and under 1 13/16 inches	5/16
1 13/16 inches and under 2 inches	6/16
2 inches and under 2 9/16	7/16
2 9/16 inches and under 3 inches	8/16
3 inches and under 3 9/16 inches	9/16

§ 71.35–30 *Scope of Special Survey No. 3.* (a) All of the requirements for the Special Survey No. 2 shall be complied with in addition to the remaining requirements of this section.

(b) All the close ceilings, wood linings, and casings in the holds and bunkers, ceiling spars and platform plates in the engine and boiler spaces are to be lifted, and all rust throughout the vessel, both inside and outside, is to be removed.

(c) In respect to wooden vessels, treenails in the bilges must in all cases be backed out, the center line members must be carefully searched and refastened to the satisfaction of the inspector, and where faulty the refastening bolts must be driven through and clinched over rings.

(d) When the vessel is thus prepared, the outer and inner surfaces of the shell plating and the whole of the framing, floors, brackets, reverse bars, keelsons, girders, tank top plating, engine and boiler seatings, shaft tunnels, thrust and shaft stools, beams, watertight bulkheads, rivets, stringers, and decks are to be examined, and found or placed in good condition.

(e) If it is considered necessary by the inspector, the shell plating, deck plating, and such other parts of the vessel as are liable to excessive corrosion are to be drilled, and where a material reduction of over 25 percent in the original scantlings is found to have taken place, the defective parts are to be removed and replaced with new materials of the original scantlings and quality.

(f) In the case of wooden ships, the beam ends, knees, beam end connections and all principal parts to be carefully examined and bored as may be required by the inspector, and where necessary to ascertain the condition of the beam ends the deck plank adjacent to the lockstrakes should be removed.

(g) In cases where the deterioration of the scantlings is widespread, a detailed preliminary report with a sketch if possible is to be made by the inspector and forwarded immediately to Headquarters for its consideration.

(h) In the case of wooden vessels, listings are to be cut inside along seam lines, without disturbing fastenings, above and below the bilge strakes, so as to expose the timbers for one-third the length of the vessel, from each end on both sides, and at such additional and intermediate openings as the inspector may require.

(i) When all the rust has been removed, the surfaces of the iron and steel work throughout the vessel are to be recoated, but this should not be done until after examination by the inspector.

(j) In the case of wooden vessels, if considered necessary by the inspector, planking may, at his discretion, be removed on both sides of the vessel a length equal to one complete strake on one side; on both sides of the vessel under the counter, and from stem aft toward the foremast such length as the inspector may determine, but not less than eight frames. The inspector will, in his discretion, be careful not to have planking removed that has been removed on previous surveys or when the vessel's condition can be disclosed as, or made satisfactory without, disturbance to the planking.

(k) Where side lights are fitted, the condition of the plating in way of same is to be ascertained, and in way of cabin accommodation the lining may, in the first instance, be removed so that the inspector may judge of the condition of the hull at those parts, and if, upon such examination, he consider it necessary, additional lining must be removed.

(l) In the case of wooden ships all mast and bowsprit wedging is to be removed, and the condition of the plating of iron or steel masts, bowsprits, and spars tested by hammering or drilling, as may be found necessary.

(m) When spaces are insulated in connection with refrigerating plant, the limbers and hatches are to be lifted, and enough lining is to be removed from all the spaces to enable the inspector to satisfy himself as to the general condition of the plating and framing in way of the insulation.

§ 71.35–35 *Scope of second and subsequent Special Surveys No. 1.* (a) All of the requirements for Special Survey No. 2 shall be complied with.

§ 71.35–40 *Scope of second and subsequent Special Surveys No. 2.* (a) All of the requirements for Special Survey No. 2 shall be complied with.

§ 71.35–45 *Scope of second and subsequent Special Surveys No. 3.* (a) All of the requirements for Special Survey No. 3 shall be complied with in addition to the remaining requirements of this section.

(b) The actual scantlings of the vessel throughout are to be ascertained by the inspector and reported by him in detail to the Headquarters. The bottom plating need not be drilled if the cement on same is adhering satisfactorily. Generally, when a material reduction of 25 percent or more is found the material is to be removed.

SUBPART 71.40—INSPECTION AFTER ACCIDENT

§ 71.40–1 *General or partial survey.* (a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, fire-fighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

SUBPART 71.45—SANITARY INSPECTIONS

§ 71.45–1 *When made.* (a) An inspection of passenger and crew quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

SUBPART 71.50—DRYDOCKING

§ 71.50–1 *When drydocked.* (a) All vessels shall be placed in drydock or hauled out for examination within the periods set forth in this paragraph, depending upon the service.

(1) Vessels whose operations in salt water service aggregate more than 6 months in a calendar year—once in each year.

(2) Vessels whose operations in salt water service aggregate 6 months or less in a calendar year—once in each 2 years.

(3) Vessels whose operations are confined exclusively to fresh water—once in each 5 years.

§ 71.50–5 *Notice by owner.* (a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a drydock in order that an examination of the underwater portion of the vessel may be made if deemed necesasry.

SUBPART 71.55—REPAIRS AND ALTERATIONS

§ 71.55–1 *Permission required.* (a) No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started, unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

§ 71.55–5 *Inspection required.* (a) An inspection, either general or partial depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

SUBPART 71.60—GAS FREEING

§ 71.60–1 *Inspection necessary.* (a) No alterations, repairs, or operations involving riveting, welding, burning, etc., shall be made in or on the boundaries of oil tanks, oil lines, or oil heating coils until an inspection has been made to determine that such operation can be undertaken with safety. Such inspection shall be made and evidenced as follows:

(1) In a port of the United States, the inspection shall be made by a gas chemist certified by the American Bureau of Shipping. If the services of such certified chemist are not available, the Officer in Charge, Marine Inspection, may, upon the recommendation of the vessel's owner, or contractor, select a competent person to make the inspection. If the inspection reveals that the work may be undertaken with safety, the chemist or authorized person shall issue a certificate setting forth such facts, with any qualifications, before the work is started.

(2) When not in a port of the United States, and a gas chemist is not available, the inspection shall be made by the senior officer present and a proper entry shall be made in the log.

SUBPART 71.65—PLAN APPROVAL

§ 71.65–1 *General.* (a) The list of required plans is general in character, but includes all plans in § 71.65–5 which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(b) In the list of required plans in § 71.65–5 the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 71.65–5 *Plans and specification required for new construction*—(a) *General.* (1) Specifications.

(2) General Arrangement Plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner Bottom Plating and Framing.

(2) *Midship Section.

(3) *Shell Plating and Framing.

(4) *Stem, Stern Frame, and Rudder.

(5) *Structural Deck Plans for Strength Decks.

(6) *Pillars and Girders.

(7) *Watertight and Oiltight Bulkheads.

(8) *Foundations for Main Machinery and Boilers.

(9) *Arrangement of Ports, Doors, and Airports in Shell Plating.

(10) *Hatch Coamings and Covers in Weather and Watertight Decks.

(11) *Details of Subdivision Watertight Doors and Operating Gear.

(12) *Scuppers and Drains Penetrating Shell Plating.

(c) *Hull calculations, etc.* (1) Lines (for information).

(2) Curves of Form.

(3) Floodable length Curves. Including calculations and construction drawings. (These drawings shall show all watertight subdivision, including inner bottom, bulkheads, flats, shaft tunnels, pipe tunnels, escape tunnels, etc., and the location and type of all subdivision watertight doors.)

(4) Calculations of Stability in Intact and Final Flooding Conditions.

(5) Capacity Plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(6) Tank Sounding Tables (for information).

(7) Draft Mark Locations (for information).

(d) *Fire control.* (1) Fire control diagram showing location and type of all required fire-screen insulation, including main fire zone and subdivisions, stairway and elevator enclosures, control space enclosures, etc., and type of all doors in such subdivisions and enclosures.

(2) Comprehensive typical details of fire-screen insulation of both vertical and horizontal surfaces, including deck coverings where used, keyed by reference numbers to the "fire control diagram".

(3) Ventilation diagram including dampers and other fire control features.

(4) Alarm systems.

(5) Detecting systems.

(6) Extinguishing systems, including fire mains, carbon dioxide, steam, and sprinkling systems.

(7) Supervised Patrol Route.

(e) *Marine engineering.* (1) For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* (1) For plans required for electrical engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

(g) *Lifesaving equipment.* (1) These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(i) Arrangement of lifeboats.

(ii) Arrangement of davits.

(iii) Location and stowage of life rafts and buoyant apparatus.

(h) *Crew's accommodations.* (1) Arrangement plans showing accommodations, ventilation, escapes, hospital, and sanitary facilities for all crew members.

§ 71.65–10 *Plans required for alterations of existing vessels.* (a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work, except as modified by § 71.55–1 (b). The general scope of the plans shall be as noted in § 71.65–5.

§ 71.65–15 *Procedure for submittal of plans.* (a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption:

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the District in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 "E" Street, NW., Washington 25, D. C. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 71.65–20 *Number of plans required.* (a) Three copies of each plan are normally required so that one can be returned to the submitter and one copy each can be retained by Coast Guard Headquarters and the Officer in Charge, Marine Inspection. If the submitter desires additional approved plans, a suitable number should be submitted to permit the desired distribution.

SUBPART 71.75—SAFETY CERTIFICATE

§ 71.75–1 Required on international voyages. (a) All vessels on an international voyage, and meeting the requirements of this subchapter, shall be issued and keep posted a safety certificate, and where applicable an exemption certificate, in accordance with the requirements of the International Convention for Safety of Life at Sea, 1948, Chapter I, Regulations 11 through 19.

PART 72—CONSTRUCTION AND ARRANGEMENT

Chapter I is amended by adding a new Part 72 in Subchapter H, reading as follows:

SUBPART 72.01—HULL STRUCTURE

Sec.
72.01–1 Application.
72.01–5 Vessels subject to load line.
72.01–10 Vessels using fuel having a flash point of 110 degrees F. or lower.
72.01–15 Structural standards.
72.01–20 Special consideration.
72.01–25 Structural subdivision requirements.
72.01–90 Vessels contracted for prior to November 19, 1952.

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

72.05–1 Application.
72.05–5 Definitions.
72.05–10 Type, location, and construction of fire control bulkheads and decks.
72.05–15 Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.
72.05–20 Stairways and elevator enclosures.
72.05–25 Doors, other than watertight.
72.05–30 Windows and airports.
72.05–35 Hatch covers and shifting boards.
72.05–40 Heat and refrigeration insulation.
72.05–45 Paint.
72.05–50 Ventilation.
72.05–55 Furniture and furnishings.
72.05–60 Motion picture projection and equipment.
72.05–90 Vessels contracted for prior to November 19, 1952.

SUBPART 72.10—MEANS OF ESCAPE

72.10–1 Application.
72.10–5 Two means required.
72.10–10 Location.
72.10–15 Vertical ladders not acceptable.
72.10–20 No means for locking door.
72.10–25 Stairway size.
72.10–30 Dead end corridors.
72.10–35 Public spaces.
72.10–40 Access to lifeboats.
72.10–45 Weather deck communications.
72.10–90 Vessels contracted for prior to November 19, 1952.

SUBPART 72.15—VENTILATION

72.15–1 Application.
72.15–5 Structural fire protection.
72.15–10 Vessels using fuel having a flash point of 110 degrees F. or lower.
72.15–15 Ventilation for closed spaces.
72.15–20 Ventilation for crew quarters and passenger spaces.
72.15–90 Vessels contracted for prior to November 19, 1952.

SUBPART 72.20—ACCOMMODATIONS FOR OFFICERS AND CREW

72.20–1 Application.
72.20–5 Intent.
72.20–10 Location of crew spaces.
72.20–15 Construction.
72.20–20 Sleeping accommodations.
72.20–25 Washrooms and toilet rooms.
72.20–30 Messrooms.
72.20–35 Hospital space.
72.20–40 Other spaces.
72.20–45 Lighting.
72.20–50 Heating.
72.20–55 Insect screens.
72.20–90 Vessels contracted for prior to November 19, 1952.

SUBPART 72.25—PASSENGER ACCOMMODATIONS

72.25–1 Application.
72.25–5 Steerage passengers.
72.25–10 Location of passenger quarters.
72.25–15 Passenger accommodations for excursion boats, ferryboats, and passenger barges.

SUBPART 72.40—RAILS AND GUARDS

72.40–1 Application.
72.40–5 Where rails required.
72.40–10 Storm rails.
72.40–15 Vehicular ferries.
72.40–20 Guards in dangerous places.
72.40–90 Vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 71.01–1 to 71.40–90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 72.01—HULL STRUCTURE

§ 72.01–1 *Application.* (a) The provisions of this subpart, with the exception of § 72.01–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.01–90.

§ 72.01–5 *Vessels subject to load line.* (a) For vessels asigned a load line, see Subchapter E (Load Lines) of this chapter, for special requirements as to strength, closure of openings, etc.

§ 72.01–10 *Vessels using fuel having a flash point of 110 degrees F. or lower.* (a) Where liquid fuel having a flash point of 110 degrees F. or lower is carried for main or auxiliary machinery or for starting purposes, such machinery and fuel tanks shall be in separate vapor tight compartments separating each from the other and from the remainder of the vessel.

§ 72.01–15 *Structural standards.* (a) In general, compliance with the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter, will be considered satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 72.01–20 *Special consideration.* (a) Special consideration will be given to the structural requirements for vessels, such as small vessels or vessels of unusual design not contemplated by the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter.

§ 72.01–25 *Structural subdivision requirements.* (a) Vessels required by Part 73 of this subchapter to have subdivision bulkheads, double bottoms, etc., shall comply with the following structural subdivision requirements:

(1) Watertight subdivision bulkheads, whether transverse or longitudinal, shall be constructed to withstand with a proper margin of resistance the pressure due to a head of water up to the margin line in way of each bulkhead. The construction of the bulkheads shall be to the satisfaction of the Commandant.

(2) Steps and recesses in subdivision bulkheads shall be watertight and as strong as the bulkhead at the place where each occurs. Decks, trunks, tunnels, duct keels, ventilators, etc., that are made watertight to maintain the subdivision requirements for a vessel shall be of the same strength as the bulkhead at the corresponding levels. The means used for making them watertight and the arrangements adopted for closing openings in them shall be to the satisfaction of the Commandant. Watertight ventilators and trunks shall be carried at least up to the bulkhead deck.

(3) Where frames or beams pass through a watertight bulkhead or deck, such bulkhead or deck shall be made structurally watertight without the use of wood, cement, or similar materials.

(4) Subdivision bulkheads, including steps, recesses, trunks, tunnels, ventilators, etc., which might form part of such bulkheads, shall be thoroughly examined and hose tested upon completion of construction. The water pressure for such tests shall be at least 30 p. s. i. Testing of main compartments by filling them with water is not compulsory.

(5) The forepeak, double bottoms (including duct keels), and inner skins shall be tested with water to-a-head up to the margin line upon completion of construction.

(6) The watertight space enclosing the stern tube shall be tested by filling with water to-a-head up to the deepest subdivision load line.

(7) Tanks which are intended to hold liquids, and which form part of the subdivision of the vessel, shall be tested for tightness upon completion of construction with water to-a-head up to the deepest subdivision load line or to-a-head corresponding to $\frac{2}{3}$ of the depth from the top of the keel to the margin line in way of the tanks, whichever is greater; but in no case shall the test-head be less than 3 feet above the top of the tank.

(8) The tests referred to in the preceding subparagraphs (5), (6), and (7) of this paragraph, are for the purpose of insuring that the subdivision structural arrangements are watertight and are not regarded as a test of the fitness of any compartment for the storage of oil, fuel or for other specific purposes for which a test of a superior character may be required depending upon the height to which the liquid has access in the tank or its connections.

§ 72.01–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

§ 72.05–1 *Application.* (a) The provisions of this subpart shall apply to all vessels of 100 gross tons and over, or to any vessel on an international voyage, and with the exception of § 72.05–90, shall apply to all such vessels contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.05–90.

§ 72.05–5 *Definitions.*

NOTE: The parenthetical number after each space refers to the applicable column and row number in Tables 72.05–10 (d) through (g).

(a) "Safety areas" will be considered as including the following spaces:

(1) Control stations, i. e., those spaces in which a continuous watch is maintained and in which navigating, radio, or fire-control equipment is located. (1)

(2) Passenger and crew stairway and elevator enclosures. (2)

(3) Passenger and crew communicating corridors. (3)

(4) Open decks and enclosed promenades in way of lifeboat embarkation or lowering positions. (4)

(b) "Accommodation spaces" will be considered as including the following spaces:

(1) Public spaces, such as halls, dining rooms, mess rooms, lounges, cafes, and other similar spaces normally accessible during the voyage. (5) through (7) (Depending upon size and furnishings.)

(2) Public sales rooms and similar spaces. (6) or (7) (Depending on size.)

(3) Staterooms, including passenger and crew rooms, barber shops, beauty parlors, offices, dispensaries, etc. (5) or (6) (Depending on furnishings.)

(4) Washrooms and toilet spaces, both public and private. (8)

(5) Isolated lockers and small storerooms in accommodation areas. (6)

(6) Isolated serving pantries, etc., in accommodation areas, with incombustible furnishings. (8)

(7) Operating rooms. (8)

(8) Small laundries containing only tubs and washing machines, with no facilities for drying. (8)

(9) Small cleaning gear lockers containing only slop sinks, and having no room for stowing materials other than a broom, mop, cleaning powder, soap, etc. (8)

(10) Large cleaning gear lockers having considerable stowage space. (6) or (9)

(c) "Service spaces" will be considered as including the following spaces:

(1) Motion picture projection rooms and film stowage rooms where nitrocellulose film is used. (10) (Where acetate or slow-burning film is used, such spaces may be taken as (6), (9), or (10).)

(2) Galleys, main pantries, and storerooms, including alleyways and stairs, part of and for the exclusive use of such spaces. (9)

(3) Diet kitchens. (6) or (9) (Depending on furnishings.)

(4) Work shops (not part of machinery spaces, galleys, etc.), large laundries, drying rooms, mail and baggage rooms, etc. (9)

(5) Garbage disposal and stowage rooms, and trash stowage rooms. (9)

(6) Paint and lamp rooms, and similar spaces containing highly combustible materials. (9)

(d) "Machinery spaces" will be considered as including the following spaces:

(1) Main machinery spaces, including trunks and casings, alleyways, gratings, and stairways, part of and for the exclusive use of these spaces, auxiliary machinery spaces containing internal combustion machinery or other oil burning, heating, or pumping units, and fuel oil filling stations. (11)

(2) Auxiliary machinery spaces containing only pumps, tanks, electrical machinery, ventilation or air conditioning equipment, resistors, steering machinery, etc. (13) (Where such spaces contain considerable stowage space for combustibles (11).)

(e) "Cargo spaces" will be considered as including the following spaces:

(1) Cargo holds, lockers, and trunks, both accessible and inaccessible and including refrigerated cargo spaces and cargo oil tanks intended for the alternate carriage of dry cargo. (12)

(2) Cargo oil tanks if not intended for the alternate carriage of dry cargo. (13)

(f) "Miscellaneous spaces" will be considered as including the following spaces:

(1) Fuel and water tanks and voids. (13)

(2) Open decks and enclosed promenades except in way of lifeboat embarkation and lowering positions. (14)

(3) Shaft alleys when separated from machinery spaces, and containing no space assigned for the stowage of combustibles. (13)

(g) A "standard fire test" is one which develops in the test furnace a series of time-temperature relationships as follows:

5 minutes	1,000° F.
10 minutes	1,300° F.
30 minutes	1,550° F.
60 minutes	1,700° F.

(h) "Main vertical zones" are those sections, the mean length of which does not, in general, exceed 131 feet, into which the hull, superstructure and deck houses are required to be divided by fire-resisting bulkheads.

(i) "Horizontal zones" are those sections which are bounded by the main vertical zone bulkheads, the shell, and by any two decks or by a tank top and an adjacent deck, where such decks are intact to shell and bulkheads.

(j) Where the term "steel or other equivalent metal" is used in this part, it is intended to require a material which, by itself or due to insulation provided, has structural and integrity qualities equivalent to steel at the end of the applicable fire exposure.

(k) Working spaces will be considered as only those service and machinery spaces where personnel are normally employed as contrasted to those where personnel may occasionally visit or be employed for short periods of time.

(l) Passenger or crew corridors over 8 feet in width will be considered as public spaces for the purpose of this subpart.

§ 72.05–10 *Type, location, and construction of fire control bulkheads and decks.* (a) The hull, structural bulkheads, decks, and deck houses shall be constructed of steel or other equivalent metal construction of appropriate scantlings.

(b) The hull, superstructure, and deck houses shall be subdivided by suitable structural steel or other equivalent metal bulkheads into main vertical zones, the mean length of which shall not, in general, exceed 131 feet. However, on vessels designed for special purposes, such as automobile or railroad car ferries, where the installation of such bulkheads would defeat the purpose for which the vessel is intended, equivalent means for controlling and limiting a fire may be substituted if specifically approved by the Commandant.

(c) All bulkheads and decks shall be classed as A–60, A–30, A–15, A–O, B–15, B–O, or C, depending upon the type of space on each side of the bulkhead or above and below the deck.

(1) Bulkheads or decks of the "A" Class shall be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel, such as shell, structural bulkheads, and decks. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame or smoke for one hour. In addition, they shall be so insulated with approved structural insulation, bulkhead panels, or deck covering that the average temperatures on the unexposed side would not rise more than 250 degrees F. above the original temperature, nor would the temperature at any one point rise more than 325 degrees F. above the original temperature, within the time listed below:

Class A–60----- 60 minutes.
Class A–30----- 30 minutes.
Class A–15----- 15 minutes.
Class A–0------ 0 minutes (i. e., no insulation requirements).

(2) Bulkheads of the "B" Class shall be constructed with approved incombustible materials and made intact from deck to deck (or to ceiling as provided in § 72.05–10 (h)) and to shell or other boundaries. They shall be so constructed that, if subjected to the standard fire test, they would be capable of preventing the passage of flame for ½ hour. In addition, their insulation value shall be such that the temperature of the unexposed side would not rise more than 250 degrees F. above the original temperature within the time listed below:

Class 5–15------ 15 minutes.
Class B–0------- 0 minutes (i. e., no insulation requirements).

(3) Class C bulkheads or decks shall be constructed of approved incombustible materials, but need meet no requirements relative to the passage of flame nor the limiting of temperature rise.

(d) The minimum requirements for the bulkheads between the various spaces, where such bulkheads form the boundaries of main vertical zones, shall be as noted in Table 72.05–10 (d).

(e) The minimum requirements for the bulkheads between the various spaces, where such bulkheads do not form the boundaries of main vertical zones, shall be as noted in Table 72.05–10 (e).

(f) The minimum requirements for the decks between the various spaces, where such decks form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10 (f).

(g) The minimum requirements for the decks between the various spaces, where such decks do not form the boundaries of stepped main vertical zones, shall be as noted in Table 72.05–10 (g).

(h) Where ceilings or linings are fitted, "B" Class bulkheads, with the exception of those forming passageways, may stop at the ceiling or lining and need not continue to the deck or shell, provided the ceiling and/or lining is erected as indicated in paragraph (j) of this section. However, draft stops meeting at least Class B–O requirements shall be fitted between the ceiling or lining and the deck or shell so that the maximum fore and aft length of the enclosed space shall not exceed 45 feet.

(i) Where Class B–15 bulkhead panels are required to go beyond the ceiling to the deck above, or beyond the lining to the shell, the portion of the bulkhead panel within the void space need only meet B–O requirements.

(j) Where Class B–15 panels are used, they should be efficiently secured by steel or equivalent metal flanges on both sides of the panel offering at least ¾ inch coverage of the panel. Other equivalent methods of construction may be specifically approved by the Commandant.

(k) Any sheathing, furring, or holding pieces incidental to the securing of structural insulation shall be of approved incombustible materials.

(l) Where linings or bulkhead panels are framed away from the shell or structural bulkheads, the deck within the void space so formed need only meet Class A–O requirements.

(m) Accommodation spaces, other than washrooms and toilet spaces, separated from corridors or other spaces covered by the supervised patrol by bulkheads of the "B" Class shall have a louver in the door. In lieu of the louver in the door, a screened opening approximately one inch in diameter will be accepted. Such opening, to permit smoke to be detected by the patrol, shall be located as high as practicable in the bulkhead. In the event of a double bulkhead or similar construction, a suitable hollow sleeve or tube shall connect the inner and outer surfaces of the bulkhead.

(n) Decks within accommodation spaces and safety areas may have an overlay for leveling or finishing purposes which need not meet the requirements for an approved deck covering. Such an overlay will not be considered as giving any insulating value and may not in general exceed ¾ of an inch in thickness. Greater thicknesses may be specifically approved by the Commandant for specific locations.

(o) Rugs and carpets may be used in addition to any deck covering or overlay installed. Rugs and carpets used in stairways or corridors shall be of wool, or other materials having equivalent fire-resistive qualities.

(p) Decking within surgical operating rooms shall be of a type which is acceptably conductive to prevent accumulation of dangerous electrostatic charges, and shall be in general agreement with "Recommended Safe Practice for Hospital Operating Rooms", of issue in effect at the time the vessel is contracted for, published by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

(q) Decks in washrooms and toilet spaces, service, cargo, and machinery spaces, open decks and enclosed promenades may have an overlay in any thickness. This overlay need not meet the requirements for an approved deck covering.

§ 72.05–15 *Ceilings, linings, trim, and decorations in accommodation spaces and safety areas.* (a) Ceilings and linings and any furring incidental to their erection shall be of approved incombustible materials. Where such ceilings or

TABLE 72.05–10 (d)

This space → / Adjacent to this space ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fireresistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Motion picture projection and film stowage rooms	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Control stations	1	A–60	A–15	A–15	A–0	A–30	A–60	A–60	A–0	A–60	A–60	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2		A–0	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–60	A–60	A–60	A–0	A–0
Corridors	3				C	A–0	A–0	A–0	A–0	A–0	A–30	A–0	A–0	A–0	C
Lifeboat embarkation or lowering stations	4					A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5						A–15	A–15	A–0	A–30	A–30	A–30	A–30	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6							A–60	A–0	A–60	A–60	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7								A–0	A–0	A–0	A–0	A–0	A–0	A–0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8									A–0	A–60	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9										A–60	A–60	A–0	A–0	A–0
Motion picture projection and film stowage rooms	10											A–0	A–0	A–0	A–0
Machinery spaces	11												A–0	A–0	A–0
Dry cargo spaces	12													A–0	A–0
Fuel and water tanks and voids	13														C
Open decks and enclosed promenades (not safety areas)	14														

TABLE 72.05–10 (e)

This space → / Adjacent to this space ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fireresistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Motion picture projection and film stowage rooms	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Control stations	1	B–0	A–0	A–0	A–0	A–15	A–60	A–60	A–0	A–60	A–30	A–60	A–60	A–0	A–0
Stairway and elevator enclosures	2		C	A–0	A–0	A–0	A–60	A–60	A–0	A–60	A–15	A–60	A–60	A–0	A–0
Corridors	3			C	A–0	B–0	B–15	A–0	B–0	A–0	A–15	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4				C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C
Staterooms and all public spaces with incombustible veneers and trim and fire-resistant furnishings	5					B–0	B–15	A–15	B–0	A–15	A–15	A–15	A–15	A–0	A–0
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6						B–15	A–30	B–0	A–60	A–15	A–60	A–60	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7							A–60	B–0	A–60	A–15	A–60	A–60	A–0	A–0
Washrooms, toilet spaces and isolated pantries with incombustible fittings	8								C	A–0	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9									C	A–15	A–0	A–0	A–0	A–0
Motion-picture projection and film-stowage rooms	10										A–15	A–15	C	A–0	A–0
Machinery spaces	11											A–15	A–0	A–0	A–0
Dry cargo spaces	12												A–0	A–0	A–0
Fuel and water tanks and voids	13													A–0	A–0
Open decks and enclosed promenades (not safety areas)	14														C

TABLE 72.05–10 (f)

This space above → / This space below ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fireresistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces, and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms, and workshops	Motion picture projection and film stowage rooms	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Control stations	1	A–60	A–60	A–30	A–0	A–15	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Stairway and elevator enclosures	2	A–15	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Corridors	3	A–30	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Lifeboat embarkation or lowering stations	4	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A–30	A–30	A–15	A–0	A–15	A–15	A–30	A–0	A–0	A–30	A–0	A–0	A–0	C
Staterooms and public spaces of 500 square feet or less with combustible furnishings, and isolated storerooms	6	A–60	A–60	A–30	A–15	A–15	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Public spaces over 500 square feet with combustible furnishings	7	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Galleys, main pantries, storerooms, and workshops	9	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Motion picture projection and film stowage rooms	10	A–60	A–60	A–60	A–15	A–30	A–60	A–60	A–0	A–60	A–60	A–60	A–60	A–0	A–0
Machinery spaces	11	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Dry cargo spaces	12	A–60	A–60	A–60	A–30	A–30	A–60	A–60	A–0	A–0	A–60	A–0	A–0	A–0	A–0
Fuel and water tanks and voids	13	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0
Open decks and enclosed promenades (not safety areas)	14	A–0	A–0	A–0	C	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	A–0	C

TABLE 72.05-10 (g)

This space above → / This space below ↓		Control stations	Stairway and elevator enclosures	Corridors	Lifeboat embarkation or lowering stations	Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	Public spaces over 500 square feet with combustible furnishings	Washrooms, toilet spaces and isolated pantries with incombustible fittings	Galleys, main pantries, storerooms and workshops	Motion picture projection and film stowage rooms	Machinery spaces	Dry cargo spaces	Fuel and water tanks and voids	Open decks and enclosed promenades (not safety areas)
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Control stations	1	A-30	A-30	A-15	A-0	A-0	A-15	A-30	A-0	A-0	A-15	A-0	A-0	A-0	A-0
Stairway and elevator enclosures	2	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Corridors	3	A-15	A-0	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Lifeboat embarkation or lowering stations	4	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Staterooms and all public spaces with incombustible veneers and trim and fire resistant furnishings	5	A-15	A-15	A-0	A-0	A-0	A-0	A-15	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Staterooms and public spaces of 500 square feet or less with combustible furnishings and isolated storerooms	6	A-60	A-60	A-30	A-15	A-0	A-30	A-60	A-0	A-0	A-15	A-0	A-0	A-0	A-0
Public spaces over 500 square feet with combustible furnishings	7	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-30	A-0	A-0	A-0	A-0
Washrooms, toilet spaces, and isolated pantries with incombustible fittings	8	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Galleys, main pantries, storerooms, and workshops	9	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-60	A-0	A-0	A-0	A-0
Motion picture projection and film stowage rooms	10	A-60	A-30	A-30	A-15	A-15	A-15	A-15	A-0	A-15	A-15	A-15	A-15	A-0	A-0
Machinery spaces	11	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-60	C	A-0	A-0	A-0
Dry cargo spaces	12	A-60	A-60	A-60	A-30	A-15	A-60	A-60	A-0	A-0	A-0	A-0	A-0	A-0	A-0
Fuel and water tanks and voids	13	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C
Open decks and enclosed promenades (not safety areas)	14	A-0	A-0	A-0	C	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	A-0	C

linings are given credit for their insulating value in obtaining a bulkhead or deck classification, they shall be of Class B–15 bulkhead panel material, and the construction shall be as required by § 72.05–10 (j).

(b) Bulkheads, linings, and ceilings, may have a combustible veneer on each side not exceeding 2/28 of an inch in thickness. However, combustible veneers shall not be used in passageways or stairway enclosures, or in spaces specifically restricted by Tables 72.05–10 (d) through (g).

(c) The total board feet of combustible face trim, moldings, and decorations, including veneers, in any compartment shall not exceed 10 percent of a figure representing the total square feet of the combined walls of the compartment. Such trim, molding, or decorations shall not perform any structural function, and shall not be used in corridors or stairway enclosures.

(d) Combustible veneers shall not be used in hidden spaces, such as behind linings or ceiling or in the interior of double bulkhead construction.

(e) Partial bulkheads or decks used to subdivide a space for artistic treatment, privacy, etc., shall meet the requirements of Class C bulkheads.

§ 72.05–20 *Stairways and elevator enclosures.* (a) A suitable number of enclosed stair towers shall be provided so that, independent of adjoining Main Vertical Zones, escape may be effected from any safety area, accommodation space, or working space to all other decks having similar type spaces within the same Main Vertical Zone without coming out of the stair tower enclosures. Each stair tower shall give access to at least 1 weather deck. The vertical escape from the machinery space need not be enclosed within the space.

(b) Stairways and elevators shall be enclosed in "A" Class bulkheads and decks except as noted below:

(1) A stairway or elevator serving only 2 decks need not be enclosed provided the integrity of the deck is maintained by proper bulkheads and doors at 1 level.

(2) Stairways may be fitted in the open in a public space provided they lie wholly within such space. However, such stairways may not serve as one of the required means of escape from such space.

(c) The stringers and treads of all interior stairways shall be of steel construction. Balustrade risers and trim shall be of approved incombustible materials.

(d) Insofar as is reasonable and practicable, stairway enclosures should not contain direct access to accommodation or other enclosed spaces in which a fire may originate.

(e) Elevators shall not be considered as one of the required means of escape.

§ 72.05–25 *Doors, other than watertight.* (a) The general requirements for doors, other than watertight doors, are as follows:

(1) All doors shall be capable of operation from either side by 1 person.

(2) In public spaces, stairway enclosures, corridors, etc., all doors shall open in the direction of escape where practicable.

(3) If it is desired to use decorative doors in addition to those required, they shall be constructed of approved incombustible materials and shall not interfere with the normal operation of the required doors, and shall open in the same direction if the required doors are in a main avenue of escape.

(4) For the purpose of this subpart, all glass permitted in doors shall be at least ¼ inch thick. However, greater thickness may be required for strength purposes in certain locations. Except for hardwood doors permitted by paragraph (b) (8) of this section, all glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(5) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(6) Where hose ports are fitted, they shall be cut in the lower corner of the door on the side opposite the hinge so that if the hose is passed through the doorway when the door is open, it may be closed over the hose. The cut for the hose port should be approximately 6 inches square. A hinged or pivoted steel or equivalent metal cover shall be fitted in the cut, equipped with a bullet catch or similar method of fastening which will permit easy and automatic operation of the hinged cover.

(7) Combustible veneers may be used in doors where permitted for, and subject to the same conditions as, the bulkheads in which the doors are hung.

(8) The locking of doors may be permitted, except as noted in § 72.10–20.

(b) Doors in "A" Class bulkheads shall meet the following requirements:

(1) Doors in bulkheads required to be Class A–60, A–30, or A–15 shall be of hollow steel or equivalent metal construction solidly filled with approved structural insulation capable of meeting the requirements for a Class A–15 bulkhead.

(2) Doors in bulkheads required to be Class A–0 shall be of solid or hollow steel or equivalent metal construction capable of meeting the requirements of a Class A–0 bulkhead.

(3) Doors shall have a latch with a minimum throw of ¾ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(4) Doors may be fitted with not more than 100 square inches of glass, which shall be of the wire inserted type.

(5) Vent grilles or louvers shall not be used in doors of this type.

(6) The bottoms of doors may be undercut not to exceed ½ inch above the door sill or top of approved deck covering. Rugs, and carpets, shall not pass through doorways, but linoleum and similar coverings may do so.

(7) Door frames shall be of rigid construction, and shall provide at least a ½ inch door stop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed ⅛ inch. However, if one door must always be closed first, a door stop of at least ½ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of ⅛ inch at the tops and sides.

(8) Doors opening out onto open decks shall either meet the applicable requirements of this paragraph, or they may be of hardwood having a minimum thickness of 1¾ inches. In any case, no restriction as to the area of glass will be made for such doors insofar as this subpart is concerned. Only glass of the wire-inserted type may be fitted in such doors opening onto safety areas from accommodation spaces containing combustible type furniture and service, cargo, and machinery spaces.

(9) Doors in stairway enclosures and Main Vertical Zone bulkheads shall, in addition to meeting the requirements of this paragraph, also meet the following requirements:

(i) Doors, other than those which are normally locked, such as from staterooms, fan rooms, lockers, etc., shall be of the self-closing type capable of closing against a 3½ degree list, and such doors shall be numbered in accordance with § 78.47–35.

(ii) All doors, except those that are kept normally closed, shall be of a type which are capable of release from the control station and from a position at the door. The release mechanism shall be so designed that the door will automatically close in the event of disruption to the control system; however, approved power operated watertight doors will be considered acceptable for this purpose. Holdback hooks, or other means of permanently holding the door open, not subject to control station release, will not be permitted. When double swing doors are permitted, they shall have a latch arrangement which is automatically engaged by the operation of the door release system.

(9) (iii) Double doors shall be so arranged that either door may be closed and latched independently.

(10) For doors to projection rooms, see § 72.05–60.

(c) Doors in "B" Class bulkheads shall meet the following requirements:

(1) Doors may be of solid or hollow steel or equivalent metal construction or may be of steel or equivalent metal frame with glass panes or may be of approved incombustible materials of such construction as specifically approved by the Commandant.

(2) No restriction as to the area of glass will be made for such doors, but all glass shall be of the wire-inserted type.

(3) The lower half of such doors may contain vent grilles or louvers with a net area not to exceed 2 square feet.

(4) Doors shall have a latch with a minimum throw of ⅜ inch which can be operated from either side of the door. Double swing doors, where permitted for the proper utility of the space, may have the latch normally inoperative.

(5) The bottoms of doors may be undercut not to exceed 1 inch above the door sill or top of approved deck covering. Rugs and carpets shall not pass through doorways but linoleum and similar coverings may do so.

(6) Doors frames shall be of rigid construction, and shall provide at least a ½ inch doorstop at the sides and top, except:

(i) Double doors capable of independent operation and latching may have a clearance between the doors not to exceed ⅛ inch. However, if one door must always be closed first, a door stop of at least ½ inch shall be provided for the second door.

(ii) Double swing doors, where permitted, may have a maximum clearance of ⅛ inch at the tops and sides.

(d) Doors in bulkheads required to be Class C shall be of approved incombustible materials.

§ 72.05–30 *Windows and air ports.* (a) For the purpose of this subpart, all glass in windows or air ports shall be at least ¼ inch thick. However, greater thickness may be required for strength purposes in certain locations. All glass shall be fitted in steel or equivalent metal frames and shall be retained by steel or equivalent metal glazing beads or angles.

(b) Where wire-inserted glass is required, and the single wire type is employed, the strands shall run horizontally and shall be not more than 2 inches apart.

(c) Windows or air ports opening onto safety areas from service, cargo, or machinery spaces, or from accommodation spaces other than those containing incombustible veneers and trim and fire resistant furnishings, and windows within accommodation spaces, shall be fitted with wire-inserted glass.

§ 72.05–35 *Hatch covers and shifting boards.* (a) Wood hatch covers may be used between cargo spaces. Hatch covers in other locations shall meet the requirements for deck construction noted in Tables 72.05–10 (f) and (g).

(b) Shifting boards in tonnage openings shall be of approved incombustible materials.

§ 72.05–40 *Heat and refrigeration insulation.* (a) Heat insulation on bulkheads, decks and ventilation ducts for other than cold or alternating hot or cold service and any materials incidental to its installation shall be of approved incombustible materials.

(b) Refrigeration insulation on bulkheads, decks, and ventilation ducts for cold or alternately hot or cold service and the material incidental to its installation need not be incombustible. However, any material of greater combustibility than cork board shall not be permitted.

§ 72.05–45 *Paint.* (a) An excessive number of coats of paint will be discouraged unless noncombustible paint is used.

(b) Nitrocellulose or other highly flammable or noxious fume-producing paints or lacquers shall not be used.

§ 72.05–50 *Ventilation.* (a) Where the term "duct" is used in this section, it shall include trunks, plenums, and any other type of ventilation piping, chambers, or duct work.

(b) Where automatic fire dampers are required, they shall be designed to operate at approximately 165 degrees F. for normal locations, and approximately 212 degrees F. for locations such as galleys. The dampers shall be so designed as to close against the anticipated draft in the duct. The damper shall be made accessible for periodic inspection by means of a hinged or bolted plate in the duct. The damper and the portion of duct containing the damper shall be constructed of at least ⅛ inch steel plate suitably stiffened. No insulation need be applied to the damper blade.

(c) Where ventilation ducts are required to meet bulkhead requirements, the space within the duct shall be considered to be the same as the space served by the ventilator, and the duct shall be insulated to meet the applicable requirements of Tables 72.05–10 (d) and (e).

(d) All ventilation systems shall be designed, where practicable, so that all ducts leading to the various enclosures are kept within the main vertical zones. No duct may serve spaces in more than one main vertical zone.

(e) Where of necessity ducts pass through main vertical zone bulkheads, automatic fire dampers shall be fitted adjacent to the bulkhead. The duct between the bulkhead and the damper shall meet the applicable bulkhead requirements. The damper shall be fitted with a visible indicator showing whether the damper is opened or closed. The dampers shall be capable of being manually closed from positions on both sides of the bulkhead. Such operating positions shall be marked as required by § 78.47–53.

(f) Vent ducts serving stairway enclosures shall serve no other spaces.

(g) Ventilation ducts serving cargo or machinery spaces which pass through accommodation spaces or safety areas shall be fitted with an automatic fire damper adjacent to the point of entry. Between the bulkhead or deck and the damper, and in addition, on vertical ducts for a distance of 6 feet above the damper, the duct shall meet the applicable bulkhead requirements.

(h) Exhausts from galleys shall meet the applicable bulkhead requirements. In addition, an automatic damper shall be installed in exhaust ducts over frying vats, etc.

(i) Where nitrocellulose film is used, motion picture projection rooms shall be equipped with mechanical ventilation to the open air to produce a complete change of air every 3 minutes. The air inlets shall be at the bottom of the space

and the mechanical exhaust shall be as near the top as practicable with the exception that a 6-inch duct shall be led directly over the lamp housing of each projector. The ventilation ducts outside the projection rooms shall meet the applicable bulkhead requirements.

(j) Where nitrocellulose film is used, film storage lockers shall have an outlet to the open air with a total area of at least 1 square inch for each 5 pounds of film for which there is storage space. The duct shall meet the bulkhead requirements.

(k) In all ventilation systems, manually operated dampers or other suitable means shall be provided in accessible locations for shutting off the passage of air in the event of fire; however, no dampers shall be placed in exhaust ducts from film lockers or projection rooms.

(l) For information regarding controls of electrically powered ventilation systems, see Subchapter J (Electrical Engineering) of this chapter.

§ 72.05–55 *Furniture and furnishings.* (a) For the purpose of this subpart, rooms containing "fire resistant furnishings" will be considered to be those in which:

(1) All case furniture such as desks, wardrobes, dressing tables, bureaus, dressers, etc., shall be constructed entirely of approved incombustible materials; except that a combustible veneer not exceeding ⅛ inch may be used on the top surface of such articles.

(2) All free standing furniture such as chairs, sofas, tables, etc., shall be constructed with frames of approved incombustible materials.

(3) All draperies and upholstery shall be of approved fire resistant fabrics.

(4) All rugs and carpets shall be of wool or other material having equivalent fire resistive qualities.

(b) Waste paper baskets shall be constructed of approved incombustible materials with solid sides and bottoms.

(c) Passageways and stairway inclosures shall contain only fire resistant furnishings.

§ 72.05–60 *Motion picture projection and equipment.* (a) When nitrocellulose film is used, the requirements of this paragraph shall be met.

§ 72.05–60 (a) (1) All projection equipment shall be operated from a projection room which shall be constructed in accordance with Tables 72.05–10 (d) through (g) and shall be ventilated in accordance with § 72.05–50 (i). Doors to projection rooms shall be of the self-closing type. All openings in the room for projection and operation shall be fitted with steel shutters so arranged as to be operable both manually and by means of fusible links.

(2) Film shall be normally stowed in a film stowage room constructed in accordance with Tables 72.05–10 (d) through (g) and shall be ventilated in accordance with § 72.05–50 (j). Sufficient film for one showing may be temporarily kept in the projection room, but should be returned to the film stowage room at the end of the performance.

(3) Projectors shall be of an approved type.

(b) When acetate or slow-burning film is used, the requirements of this paragraph shall be met.

(1) Projection rooms and special film stowage rooms are not required.

(2) Projectors shall be of an approved type.

§ 72.05–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels of less than 100 gross tons on an international voyage, whose construction, material alteration, or conversion to passenger vessel was contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Internal combustion engine exhausts, boilers, galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

(b) Vessels of 100 gross tons and over, whose construction, material alteration, or conversion to passenger vessel was contracted for on or before May 27, 1936, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction.

(2) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

(3) Lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

(4) All vessels in ocean or coastwise service shall be fitted above the bulkhead deck with fire resisting bulkheads and doors spaced not more than 131 feet apart which are capable of resisting the passage of flame for a period of at least 1 hour.

(5) All vessels with berth or stateroom accommodations for 50 or more passengers shall be fitted with an approved automatic sprinkling system unless deemed unnecessary by the Commandant. This system shall be so installed as to protect all enclosed parts of the vessel accessible to passengers or crew while the vessel is being navigated, except cargo holds, machinery spaces, and when of fire-resisting construction, toilets, bathrooms, and spaces of similar construction. Where, in the case of particular vessel, the Commandant does not consider the installation of an automatic water-sprinkling system necessary, such vessel shall be protected in such enclosed parts of the vessel as the Commandant shall deem necessary, with an automatic electric or pneumatic fire-detecting and alarm system, used singly or in combination, of a type approved by the Commandant.

(c) Vessels of 100 gross tons and over, whose construction, material alteration, or conversion to passenger vessel was contracted for after May 27, 1936, but before November 19, 1952, shall meet the following requirements:

(1) Existing structure, arrangements, and materials previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. As these vessels were constructed in general agreement with the requirements of §§ 72.05–5 through 72.05–60, minor repairs and alterations shall meet the requirements of §§ 72.05–5 through 72.05–60 where practicable.

SUBPART 72.10—MEANS OF ESCAPE

§ 72.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 72.10–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.10–90.

§ 72.10–5 *Two means required.* (a) There shall be at least two means of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors.

§ 72.10–10 *Location.* (a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 72.10–15 *Vertical ladders not acceptable.* (a) Vertical ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 72.10–20 *No means for locking door.* (a) No means shall be provided for locking doors giving access to either of the 2 required means of escape, except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deckhouses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 72.10–25 *Stairway size.* (a) Stairways shall be of sufficient width having in mind the number of persons having access to such stairs for escape purposes. For stairway continuity and general requirements for stairways on vessels of 100 gross tons and over or any vessel on an international voyage, see § 72.05–20.

§ 72.10–30 *Dead end corridors.* (a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 72.10–35 *Public spaces.* (a) In all cases, public spaces having a deck area

of over 300 square feet shall have at least two exists. Where practicable, these exists shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exists.

§ 72.10–40 *Access to lifeboats.* (a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat embarkation areas.

§ 72.10–45 *Weather deck communications.* (a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders.

§ 72.10–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 72.10–5 through 72.10–45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having 2 suitable means of escape from all main compartments which are accessible to the passengers or where the crew are normally quartered or employed.

SUBPART 72.15—VENTILATION

§ 72.15–1 *Application.* (a) The provisions of this subpart with the exception of § 72.15–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.15–90.

§ 72.15–5 *Structural fire protection.* (a) See § 72.05–50 for ventilation requirements on vessels of 100 gross tons and over or vessels of any tonnage on an international voyage, pertaining to structural fire protection.

§ 72.15–10 *Vessels using fuel having a flash point of 110 degrees F. or lower.* (a) Where liquid fuel having a flash point of 110 degrees F. or lower is used for main or auxiliary machinery or for starting purposes, the spaces containing such machinery or fuel tanks shall have natural supply and mechanical ventilation as required by this section.

(b) The requirements for the mechanical exhaust system shall be such as to assure the air changes as noted in Table 72.15–10 (b), depending upon the size of the space.

TABLE 72.15-10 (b)

Size of space, cubic feet		Minutes per air change
Over	Not over	
---	500	2
500	1,000	3
1,000	1,500	4
1,500	---	5

(c) Exhaust blower motors shall be outside of the ducts, and if mounted in any compartment required to be ventilated by this section, shall be of the explosion proof type. Blower blades shall be non-sparking with reference to their housings.

(d) Exhaust blower switches shall be located outside of any space required to be ventilated by this section, and shall be of the type interlocked with the ignition switch so that the blowers are started before the engine ignition is switched on. A red warning sign at the switch shall state that the blowers shall be operated prior to starting the engines for a sufficient time to insure at least one complete change of air in the compartments.

(e) The area of the ducts shall be such as to limit the air velocity to a maximum of 2,000 feet per minute. Ducts may be of any shape, provided that in no case shall 1 dimension exceed twice the other.

(f) At least 2 inlet ducts shall be located at 1 end of the compartment and they shall extend to the lowest part of the compartment or bilge on each side. Similar exhaust ducts shall be led to the mechanical exhaust system from the lowest part of the compartment or bilge on each side of the compartment at the end opposite from that at which the inlet ducts are fitted.

(g) All ducts shall be constructed of non-ferrous metal or galvanized ferrous metal not less than No. 22 USSG, intact and gas tight from end to end and shall be of substantial construction. The ducts shall lead as direct as possible and be properly fastened and supported.

(h) All supply ducts shall be provided with cowls or scoops having a free area not less than twice the required duct area. When the cowls or scoops are screened, the mouth area shall be increased to compensate for the area of the screen wire. Dampers shall not be fitted in the supply ducts. Cowls or scoops shall be kept open at all times except when the stress of weather is such as to endanger the vessel if the openings are not temporarily closed. Supply and exhaust openings shall not be located where the natural flow of air is unduly obstructed, or adjacent to possible sources of vapor ignition, nor shall they be so located that exhaust air may be taken into the supply vents.

§ 72.15–15 *Ventilation for closed spaces.* (a) All enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

§ 72.15–20 *Ventilation for crew quarters and passenger spaces.* (a) All crew and passenger spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) On vessels of 100 gross tons and over, except for such spaces as are so located that under all ordinary conditions of weather, windows, ports, skylights, etc., and doors to passageways can be kept open, all crew spaces shall be ventilated by a mechanical system, unless it can be shown that a natural system will provide adequate ventilation. However, vessels which trade regularly in the tropics shall, in general, be fitted with a mechanical ventilation system.

§ 72.15–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 72.15–5 through 72.15–20 be permitted than presently exists.

SUBPART 72.20—ACCOMMODATIONS FOR OFFICERS AND CREW

§ 72.20–1 *Application.* (a) The provisions of this subpart, with the exception of § 72.20–90, shall apply to all vessels of 100 gross tons and over contracted for on or after November 19, 1952. Vessels of 100 gross tons and over contracted for prior to November 19, 1952, shall meet the requirements of § 72.20–90.

(b) Vessels of less than 100 gross tons shall meet the applicable requirements of this subpart insofar as is reasonable and practicable.

§ 72.20–5 *Intent.* (a) It is the intent of this subpart that the accommodations provided for officers and crew on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and where practicable, shall be insulated from undue noise and effluvia.

(b) The crew referred to in this subpart includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodations of licensed officers are not otherwise specified, they shall be at least equivalent to that indicated for the crew.

(c) For the purpose of this subpart, the term "crew spaces" shall include sleeping rooms, mess rooms, recreational rooms, toilet and shower spaces, etc., which are intended for the exclusive use of the crew.

§ 72.20–10 *Location of crew spaces.* (a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew spaces shall not be located forward of the collision bulkhead, nor shall any section of the deck of such crew spaces be below the deepest load line, except that in special cases, such as large passenger vessels, the Commandant may approve such an arrangement: *Provided*, That in no case shall the deck head of the crew space be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, cargo or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel or cargo oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and

independent of spaces allotted to passengers or licensed officers.

§ 72.20–15 *Construction.* (a) See subpart 72.05 for requirements on vessels of 100 gross tons and over or vessels of any tonnage on an international voyage pertaining to structural fire protection.

(b) All crew spaces are to be constructed in a manner suitable for the purpose for which they are intended. The bulkheads separating the crew space from cargo and machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odorproof where deemed necessary by the Commandant.

(c) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(d) Where shell or unsheathed weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(e) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boiler rooms, etc., they shall be suitably protected from the heat by approved insulation.

(f) The interior sides and deck heads of crew spaces shall be covered with enamel, paint, or other material light in color.

(g) Crew spaces shall be properly drained where considered necessary.

(h) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the spaces, due consideration being given to the average trim of the vessel.

§ 72.20–20 *Sleeping accommodations*—(a) *Arrangements.* (1) Separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Each watch of seamen, firemen, or similar ratings on duty in watches is to be provided with separate sleeping room or rooms unless the total space for accommodations makes this impracticable.

(3) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than 4 persons, except that on passenger ships requiring a large personnel in the steward's department, rooms may be arranged to accommodate not more than 10 such persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated, except where more than four persons are berthed in one room, in which case the minimum may be 24 square feet of deck area and a volume of 168 cubic feet for each person. The clear head room shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than 1 berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The over-all size of a berth shall not be less than 30 inches wide by 76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where 2 tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 72.20–25 *Washrooms and toilet rooms.* (a) There shall be provided at least 1 toilet, 1 washbasin, and 1 shower or bathtub for each 8 members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crew members; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers, and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least 1 washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in sleeping rooms.

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type that automatically lift up when not in use. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

(2) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes.

§ 72.20–30 *Messrooms.* (a) Messrooms shall be located as near to the galley or suitably equipped serving pantries as is practicable except where messroom is equipped with a steam table. The messrooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Messrooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit easy access to each seat.

§ 72.20–35 *Hospital space.* (a) Each vessel, which in the ordinary course of its trade makes voyages of more than 3 days duration between ports and which carries a crew of 12 or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of 1 berth to every 12 members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed 6.

(e) The hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 72.20–40 *Other spaces.* (a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least 1 tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) A space or spaces of adequate size shall be available on an open deck to which the crew has access when off duty.

(d) Recreation accommodations shall be provided. Where messrooms are used for this purpose, they shall be suitably planned.

§ 72.20–45 *Lighting.* (a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 72.20–50 *Heating.* (a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70 degrees F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire or danger or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where the pipes create a hazard to persons occupying the space.

§ 72.20–55 *Insect screens.* (a) Except in such areas as are considered to be insect free, provisions shall be made to protect the crew quarters against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, air ports, ventilators, and doors to unscreened spaces and the open deck, or by other methods.

§ 72.20–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels of less than 100 gross tons, contracted for prior to November 19, 1952, shall meet the general intent of § 72.20–5 and in addition shall meet the following requirements:

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made of the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to March 4, 1915, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Where reasonable and practicable, a minimum of 1 toilet, shower, and washbasin shall be provided for each 10 members of the crew or fraction thereof.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crew member shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than 3 days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of 1 berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed 6.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable shall be insulated from undue noise and effluvia.

(c) Vessels of 100 gross tons and over, contracted for on or after March 4, 1915, but prior to January 1, 1941, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Washrooms and toilet rooms:

(i) There shall be a minimum of one toilet, shower, and washbasin for each eight members of the crew or fraction thereof who are not accommodated in rooms having attached private or semiprivate facilities.

(ii) Separate facilities shall be provided for the engine room, deck, or stewards' department when the number of crew in that department, exclusive of officers, exceeds eight.

(iii) Toilet rooms shall be separate from the washrooms. At least one washbasin shall be installed in each toilet room.

(iv) Toilets shall be provided with seats of the open front type that automatically lift up when not in use. Urinals may be fitted in toilet rooms if desired, but no reduction will be made in the required number of toilets.

(v) Washbasins, showers, and bathtubs if substituted for showers, shall be equipped with proper plumbing, including hot and cold running water.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crew member shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than 3 days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of 1 berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed 6.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable shall be insulated from undue noise and effluvia.

SUBPART 72.25—PASSENGER ACCOMMODATIONS

§ 72.25–1 *Application.* (a) The provisions of this subpart shall apply to all vessels.

§ 72.25–5 *Steerage passengers.* (a) Where the total area provided for the exclusive use of a class of passengers is less than 36 square feet per passenger, the provisions of the Steerage Passenger Act of August 2, 1882, as amended, 46 U. S. C. 151, which is administered and enforced by the Bureau of Customs, shall be complied with. For the purpose of computing the number of passengers, children under 1 year of age shall not be counted, and two children between the ages of one and eight shall be counted as one passenger.

§ 72.25–10 *Location of passenger quarters.* (a) The deck forming the deckhead of passenger quarters between adjacent watertight bulkheads shall not be below the deepest load line at any point within the watertight compartment in question.

§ 72.25–15 *Passenger accomodations for excursion boats, ferryboats, and passenger barges.* (a) Except as specifically excluded by this section, separate public toilet spaces shall be provided for male and female passengers with at least the minimum equipment in each based upon the number of passengers permitted to be carried as set forth in Table 72.25–15 (a).

TABLE 72.25–15 (a)

Number of passengers		Toilets	Washbasins
Over	Not over		
---- --	100	1	1
100	300	2	1
300	500	3	2
500	1,000	4	2
1,000	1,500	5	3
1,500	2,000	6	3
2,000	2,500	7	4
2,500	3,000	8	4
3,000	3,500	9	5
3,500	4,000	10	5
4,000	---------	(1)	(1)

[1] Additional facilities by extrapolation.

(b) In the men's spaces, urinals may be substituted for toilets provided at least one-half the required toilets are fitted.

(c) On ferry boats and barges having a short run, passenger toilet facilities need not be fitted.

SUBPART 72.40—RAILS AND GUARDS

§ 72.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 72.40–90, shall apply to all vessels.

§ 72.40–5 *Where rails required.* (a) Rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers or crew. The height and construction of such rails shall be as required by this section.

(b) Such rails on decks accessible to passengers shall be in at least three courses approximately evenly spaced, and shall be at least 42 inches high, except:

(1) On vessels of 65 feet in length or less, other than ferry boats, excursion vessels, and vessels of a similar type where large numbers of passengers are carried, such rails may be 36 inches high.

(2) Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, special permission may be granted by the Commandant to install rails not less than 36 inches high.

(3) On the passenger decks of ferry boats and excursion vessels, the space below the top of the rail shall be fitted with suitable wire mesh or the equivalent. Depending upon the type of construction, the lower rail courses may not be required.

(c) All other such rails shall be at least 36 inches high and shall be in at least two courses.

§ 72.40–10 *Storm rails.* (a) Suitable storm rails shall be installed in all passageways and at the deck-house sides where passengers or crew might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 72.40–15 *Vehicular ferries.* (a) On vehicular ferries, suitable chains, cables, or other barriers shall be installed at the ends of the vehicle runways. In addition, suitable gates, rails, or other devices shall be installed as a continuation of the regularly required rails.

§ 72.40–20 *Guards in dangerous places.* (a) Suitable covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 72.40–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction provided that in no case will greater departure from the standards of §§ 72.40–5 through 72.40–20 be permitted than presently exists.

PART 73—WATERTIGHT SUBDIVISION

Chapter I is amended by adding a new Part 73 to Subchapter H reading as follows:

SUBPART 73.01—APPLICATION

Sec.
73.01–1 General.

SUBPART 73.05—DEFINITIONS

73.05–1 Subdivision load line.
73.05–2 Deepest subdivision load line.
73.05–3 Length of the vessel.
73.05–4 Breadth of the vessel.
73.05–5 Bulkhead deck.
73.05–6 Margin line.
73.05–7 Draft.
73.05–8 Permeability.
73.05–9 Volume.
73.05–10 Machinery space.
73.05–11 Passenger spaces.
73.05–12 Floodable length.

SUBPART 73.10—RULES FOR SUBDIVISION—VESSELS ON INTERNATIONAL VOYAGES AND VESSELS OF 150 GROSS TONS AND OVER IN OCEAN OR COASTWISE SERVICE

73.10–1 General.
73.10–5 Permeability.
73.10–10 Factor of subdivision.
73.10–15 Criterion of service.
73.10–20 Formulas for factor of subdivision.
73.10–25 Stepped bulkhead decks.
73.10–30 Compartment exceeding permissible length.
73.10–35 Additional subdivision at forward end.
73.10–40 Stepped bulkheads.
73.10–45 Recessed bulkheads.
73.10–50 Equivalent plane bulkheads.
73.10–55 Minimum spacing of bulkheads.
73.10–60 Allowances for local subdivision.

SUBPART 73.15—RULES FOR SUBDIVISION—VESSELS IN SERVICES OTHER THAN OCEAN OR COASTWISE AND VESSELS UNDER 150 GROSS TONS IN OCEAN OR COASTWISE SERVICE AND NOT ON AN INTERNATIONAL VOYAGE

73.15–1 Permeability.
73.15–5 Compartmentation of all vessels other than ferry vessels.
73.15–10 Compartmentation of ferry vessels.
73.15–15 Minimum spacing of bulkheads.
73.15–20 Stepped bulkheads.
73.15–25 Recessed bulkheads.
73.15–30 Equivalent plane bulkheads.

SUBPART 73.20—PEAK AND MACHINERY SPACE BULKHEADS, SHAFT TUNNELS

73.20–1 Collision bulkhead.
73.20–5 Machinery space bulkheads.
73.20–10 After peak bulkhead.
73.20–15 Shaft tunnels.

SUBPART 73.25—DOUBLE BOTTOMS

73.25–1 Application.
73.25–5 Extent of double bottoms.
73.25–10 Wells in double bottoms.
73.25–15 Manholes in double bottoms.
73.25–20 Watertight floors in double bottoms.

SUBPART 73.30—PENETRATIONS AND OPENINGS IN WATERTIGHT BULKHEADS

73.30–1 General.
73.30–5 Pipes, cables, etc.
73.30–10 Valves and cocks.
73.30–15 Prohibited locations for access openings.
73.30–20 Pipes through collision bulkhead.
73.30–25 Watertight door limitations.
73.30–30 Trunkways or tunnels.
73.30–35 Portable plates.
73.30–40 Openings above margin line.

SUBPART 73.35—WATERTIGHT BULKHEAD DOORS

73.35–1 Types and classes.
73.35–5 Class 1 doors, permissible locations.
73.35–10 Class 2 doors, permissible locations.
73.35–15 Class 3 doors, permissible locations.
73.35–20 Door operating requirements.
73.35–25 Door indicators and warning signals.
73.35–30 Doors, design, installation, and tests.

SUBPART 73.40—OPENINGS IN VESSEL'S SIDES BELOW THE BULKHEAD DECK

73.40–1 General.
73.40–5 Port lights.
73.40–10 Automatic ventilators.
73.40–15 Side ports.
73.40–20 Piping openings in vessel's sides.

SUBPART 73.45—OPENINGS ABOVE THE BULKHEAD DECK

Sec.
73.45–1 General.

SUBPART 73.90—VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

73.90–1 Requirements.

AUTHORITY: §§ 73.01–1 to 73.90–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 869, 367, 1333, 50 U. S. C. App. 1275.

SUBPART 73.01—APPLICATION

§ 73.01–1 *General.* (a) The provisions of this part, with the exception of Subpart 73.90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of Subpart 73.90.

SUBPART 73.05—DEFINITIONS

§ 73.05–1 *Subdivision load line.* The subdivision load line is the waterline used to determine the subdivision of the ship.

§ 73.05–2 *Deepest subdivision load line.* The deepest subdivision load line is the waterline which corresponds to the greatest draft.

§ 73.05–3 *Length of the vessel.* The length of the vessel is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

§ 73.05–4 *Breadth of the vessel.* The breadth of the vessel is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line. On wood vessels, measurements should be taken to outside of planking.

§ 73.05–5 *Bulkhead deck.* The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 73.05–6 *Margin line.* (a) The margin line is a line drawn at least 3 inches below the upper surface of the bulkhead deck at side where the bulkhead deck is continuous; where the bulkhead deck is not continuous, an assumed continuous margin line shall be used which at no point is less than 3 inches below the top of the deck at side to which the bulkheads concerned and the shell are carried watertight.

(b) In the case of vessels with continuous bulkhead decks, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the deck at the ends but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous, the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

§ 73.05–7 *Draft.* The draft is the vertical distance from the molded base line amidships to the subdivision load line in question.

§ 73.05–8 *Permeability.* The permeability of a space is the percentage of that space which can be occupied by water.

§ 73.05–9 *Volume.* The volume of a space which extends above the margin line shall be measured only to the height of that line. In all cases, volumes shall be calculated to molded lines; linear dimensions are to be taken in feet and volumes in cubic feet.

§ 73.05–10 *Machinery space.* The machinery space is to be taken as extending from the molded base line to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces devoted to the main and auxiliary propelling machinery, boilers when installed, and all permanent coal bunkers. In the case of unusual arrangements, the Commandant may define the limits of the machinery spaces.

§ 73.05–11 *Passenger spaces.* Passenger spaces are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms. For the purpose of §§ 73.10–5 and 73.10–15, spaces provided below the margin line for the accommodation and use of the crew shall be regarded as passenger spaces.

§ 73.05–12 *Floodable length.* The floodable length at a given point in the length of the vessel is the maximum portion of the length of the vessel, having its center at the point in question, which can be flooded without the vessel being submerged beyond the margin line. The floodable length at any point in the length of the vessel shall be determined by a method of calculation which takes into consideration the form, draft and other characteristics of the vessel, and based on the definite assumptions of permeability as set forth in §§ 73.10–5 or 73.15–1.

SUBPART 73.10—RULES FOR SUBDIVISION—VESSELS ON INTERNATIONAL VOYAGES AND VESSELS OF 150 GROSS TONS AND OVER IN OCEAN OR COASTWISE SERVICE

§ 73.10–1 *General.* (a) Vessels shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The degree of subdivision shall vary with the length of the vessel and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length, primarily engaged in the carriage of passengers.

§ 73.10–5 *Permeability*—(a) *General.* In determining the floodable length, a uniform average permeability shall be used throughout the whole length of each of the following portions of the vessel below the margin line:

(1) The machinery space.

(2) The portion forward of the machinery space.

(3) The portion aft of the machinery space.

(b) *Machinery space.* (1) For steam vessels, the uniform average permeability throughout the machinery space shall be determined from the formula:

$$80 \text{ plus } 12.5\,\frac{(a-c)}{v} \qquad (1)$$

where:

a = volume of the passenger spaces, as defined in § 73.05–11, which are situated below the margin line within the limits of the machinery space.

c = volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal, or stores.

v = whole volume of the machinery space below the margin line.

(2) For vessels propelled by internal combustion engines, the uniform average permeability shall be taken as five greater than that given by the above formula.

(3) Where it is shown to the satisfaction of the Commandant, U. S. Coast Guard, that the average permeability, as determined by detailed calculation, is less than that given by the formula, the calculated value may be substituted. For the purposes of such calculation, the permeabilities of passenger spaces, as defined in § 73.05–11 shall be taken as 95, that of all cargo, coal, and store spaces as 60, and that of double-bottom, oil-fuel, and other tanks at such values as may be approved in each case by the Commandant.

(c) *Portion forward and aft of machinery space.* (1) The uniform average permeability throughout the portion of the vessel before or abaft the machinery space shall be determined from the formula:

$$63 \text{ plus } 35\,\frac{a}{v} \qquad (2)$$

where:

a = volume of the passenger spaces, as defined in § 73.05–11, which are situated below the margin line before or abaft the machinery space.

v = whole volume of the portion of the vessel below the margin line before or abaft the machinery space.

(d) *Other arrangements.* (1) In the case of unusual arrangements, the Commandant may allow, or require, a detailed calculation of average permeability for the portions before or abaft the machinery spaces. For the purpose of such calculations, the permeability of passenger spaces as defined in § 73.05–11, shall be taken as 95, that of spaces containing machinery as 80, that of all cargo, coal, and store spaces as 60, and that of double bottoms, oil fuel, and other tanks at such values as may be approved in each case by the Commandant.

(e) *'Tween deck compartment.* (1) If a 'tween deck compartment between two watertight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. If, however, the passenger or crew space in question is completely enclosed with permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

§ 73.10–10 *Factor of subdivision.* (a) The maximum permissible length of a compartment having its center at any point in the vessel's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision.

(b) The factor of subdivision shall depend on the length of the vessel, and for a given length shall vary according to the nature of the service for which the vessel is intended. It shall decrease in a regular and continuous manner as the length of the vessel increases, and from a factor A, applicable to vessels primarily engaged in the carriage of cargo, to a factor B applicable to vessels primarily engaged in the carriage of passengers.

(1) The variations of the factors A and B shall be expressed by the following formulas where L is the length of the vessel in feet as defined in § 73.05–3:

$$A=\frac{190}{L-160} \text{ plus } 0.18 \quad (L=392 \text{ and upward}) \qquad (1)$$

$$B=\frac{94}{L-85} \text{ plus } 0.18 \quad (L=200 \text{ and upward}) \qquad (2)$$

§ 73.10–15 *Criterion of service.* (a) For a vessel of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the "Criterion Numeral") as given by the following formula:

$$C_s=60\frac{M+2P}{V}+30{,}000\frac{N}{L^2} \qquad (1)$$

where:

C_s = the Criterion Numeral.

L = length of the vessel in feet, as defined in § 73.05–3.

M = the volume of the machinery space, as defined in § 73.05–10, with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space.

P = the whole volume of the passenger spaces below the margin line, as defined in § 73.05–11.

V = the whole volume of the vessel below the margin line.

N = number of passengers for which the vessel is to be certificated.

§ 73.10–20 *Formulas for factor of subdivision.* (a) The subdivision abaft the fore peak of vessels 392 feet or more in length having a Criterion Numeral of 23 or less shall be governed by the factor A given by § 73.10–10 (b) (1), of those having a Criterion Numeral of 123 or more by the factor B given by § 73.10–10 (b) (1); and of those having a Criterion Numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and B, using the formula:

$$F=A-\frac{(A-B)\times(C_s-23)}{100} \qquad (1)$$

(b) The subdivision abaft the fore peak of vessels less than 392 feet, but not less than 200 feet in length, and having a Criterion Numeral equal to S, where

$$S=\frac{20904-25L}{48} \qquad (2)$$

shall be governed by the factor unity; of those having a Criterion Numeral of

123 or more by the factor B given by § 73.10–10 (b) (1); and of those having a Criterion Numeral between S and 123 by the factor obtained by linear interpolation between unity and the factor B, using the formula:

$$F=1-\frac{(1-B)\ (C_s-S)}{123-S} \qquad (3)$$

(c) The subdivision abaft the fore peak of vessels less than 392 feet, but not less than 200 feet, in length and having a Criterion Numeral less than S, and of all ships less than 200 feet in length shall be governed by the factor unity, unless it is shown to the satisfaction of the Commandant to be impracticable to comply with this factor in any part of the vessel, in which case the Commandant may allow such relaxation as may appear to be justified having regard to all the circumstances.

§ 73.10–25 *Stepped bulkhead decks.* (a) Where in a portion or portions of a vessel the watertight bulkheads are carried to a higher deck than in the remainder of the vessel, and it is desired to take advantage of this higher extension of the bulkheads in calculating the floodable length, separate margin lines may be used for each such portion of the ship provided:

(1) The sides of the vessel extend throughout the vessel's length to the deck corresponding to the upper margin line and all openings in the shell plating below this deck throughout the length of the vessel meet the conditions for side openings below the margin line.

(2) The two compartments adjacent to the "step" in the bulkhead deck shall each be within the permissible length corresponding to their respective margin lines and, in addition, their combined length, shall not exceed twice the permissible length based on the lower margin line.

§ 73.10–30 *Compartment exceeding permissible length.* (a) A compartment may exceed the permissible length determined by this subpart provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.

(b) If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the vessel in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the vessel in which the compartments are situated.

§ 73.10–35 *Additional subdivision at forward end.* (a) In vessels 392 feet in length and upward, one of the main transverse bulkheads abaft the fore peak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.

§ 73.10–40 *Stepped bulkheads.* (a) A main transverse bulkhead may be stepped provided that it meets one of the following conditions:

(1) The combined length of the two compartments, separated by the bulkhead in question, does not exceed either 90 percent of the floodable length or twice the permissible length, except that in ships having a factor of subdivision greater than .9, the combined length of the two compartments in question shall not exceed the permissible length.

(2) Additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead.

(3) The compartment over which the step extends does not exceed the permissible length corresponding to a margin line taken 3 inches below the step.

§ 73.10–45 *Recessed bulkheads.* (a) A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the vessel, situated at a distance from the shell plating equal to one-fifth the breadth of the vessel, as defined in § 73.05–4, and at right angles to the center line at the level of the deepest subdivision load line. Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with § 73.10–40.

§ 73.10–50 *Equivalent plane bulkheads.* (a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

§ 73.10–55 *Minimum spacing of bulkheads.* (a) If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 10 feet plus 3 percent of the length of the vessel, or 35 feet whichever is less, only one of these bulkheads shall be regarded as forming a part of the subdivision of the vessel in accordance with the provisions of this subpart and for the application of damaged stability requirements contained in § 74.10–15.

§ 73.10–60 *Allowances for local subdivision.* (a) Where a main transverse watertight compartment contains local subdivision, and it can be shown to the satisfaction of the Commandant that, after any assumed side damage extending over a length equal to the minimum spacing of bulkheads set forth in § 73.10–55, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

SUBPART 73.15—RULES FOR SUBDIVISION—VESSELS IN SERVICES OTHER THAN OCEAN OR COASTWISE AND VESSELS UNDER 150 GROSS TONS IN OCEAN OR COASTWISE SERVICE AND NOT ON AN INTERNATIONAL VOYAGE

§ 73.15–1 *Permeability.* (a) In making subdivision calculations, volumes shall be calculated to the margin line, and the permeability of spaces shall be taken as follows:

(1) Machinery spaces at 85 percent.

(2) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition at 60 percent.

(3) All other spaces at 95 percent.

§ 73.15–5 *Compartmentation of all vessels other than ferry vessels.* (a) Every mechanically propelled vessel whether or not specifically required by this section to meet at least a one-compartment standard of subdivision shall be fitted as follows:

(1) With not less than three transverse watertight bulkheads, or

(2) If in Great Lakes or limited coastwise service not more than 15 miles from the mouth of bays or harbors, with a collision bulkhead and with sufficient air tankage or other internal buoyancy to float the vessel when completely flooded, or

(3) If in lakes, bays and sounds or river service, with sufficient air tankage or other internal buoyancy to float the vessel when completely flooded.

(4) The use of internal buoyancy shall not permit omission of bulkheads required by other parts of the regulations in this chapter dealing with machinery installations, etc.

(b) Every mechanically propelled vessel of more than 75 gross tons, or carrying more than 49 passengers shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

(c) Every vessel carrying more than 400 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with the fore peak and the adjacent main compartment both flooded.

(d) Every vessel carrying more than 600 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with any two adjacent main compartments flooded within at least the forward 40 percent of the vessel's length from the forward perpendicular.

(e) Every vessel carrying more than 800 passengers shall, in addition to the requirements of paragraph (b) of this section, be subdivided so as not to submerge the margin line with any two adjacent main compartments flooded within at least 60 percent of the vessel's length from the forward perpendicular.

(f) Every vessel carrying more than 1,000 persons shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any two adjacent main compartments flooded.

§ 73.15–10 *Compartmentation of ferry vessels.* (a) Every ferry vessel 150 feet or less in waterline length shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any one main compartment flooded. However, if sufficient air tankage or other internal buoyancy is provided to float the vessel when completely flooded, the bulkheads may be dispensed with unless the vessel is in

Great Lakes service, in which case the peak collision bulkhead must be retained.

(b) Every ferry vessel over 150 feet in waterline length shall, in addition to one-compartment subdivision, be subdivided so as not to submerge the margin line with either of the peak compartments and its adjacent main compartment both flooded.

(c) Every ferry vessel over 200 feet in waterline length shall be subdivided by main transverse watertight bulkheads so as not to submerge the margin line with any two adjacent main compartments flooded.

§ 73.15–15 *Minimum spacing of bulkheads.* (a) To be considered effective, watertight bulkheads abaft the collision bulkheads shall be spaced not less than 10 feet plus 3 percent of the load waterline length. For ferry vessels, this minimum spacing shall be applicable between peak bulkheads.

§ 73.15–20 *Stepped bulkheads.* (a) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. Where a vessel can withstand flooding of the two adjacent compartments separated by a stepped bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by § 73.15–15, the step will be acceptable.

§ 73.15–25 *Recessed bulkheads.* (a) If watertight bulkheads are recessed, the recess shall be inboard from the vessel's side by at least one-fifth the beam amidship measured at right angles to the centerline at the level of the load waterline, otherwise, the bulkhead shall meet the requirements for a stepped bulkhead.

(b) For vessels in other than ocean or coastwise service, where the maximum molded beam at the deck and at the load waterline differ appreciably, the inboard damage penetration may be assumed at a mean position between that corresponding to one-fifth the maximum molded beam at the deck measured inboard at the deck and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline.

§ 73.15–30 *Equivalent plane bulkheads.* (a) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

SUBPART 73.20—PEAK AND MACHINERY SPACE BULKHEADS, SHAFT TUNNELS

§ 73.20–1 *Collision bulkhead.* (a) Every vessel except as noted herein shall have a fore peak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 percent of the length of the vessel (5 feet minimum for steam vessels), and not more than 10 feet plus 5 percent of the length of the vessel from the forward perpendicular. For ferry vessels, this is applicable to both peak bulkheads. However, for ferry vessels and vessels in lakes, bays, and sounds or river service, where internal buoyancy is permitted in lieu of bulkheads, collision bulkheads are not required.

(b) If a vessel in ocean or coastwise service has a long forward superstructure, the fore peak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below, provided it is at least 5 percent of the length of the vessel from the forward perpendicular and the part of the bulkhead deck which forms the step is made effectively weathertight.

(c) Notwithstanding any other provisions regarding permissible location of openings in bulkheads, watertight doors, portable plates, and similar openings will not be permitted in the collision bulkhead. This will not apply to doors fitted in weathertight bulkheads above the bulkhead deck.

§ 73.20–5 *Machinery space bulkheads.* (a) In vessels other than vessels where internal buoyancy is provided to replace subdivision bulkheads, the machinery space as defined in § 73.05–10 shall be divided from the cargo and passenger spaces forward and aft by bulkheads that are fitted watertight up to the bulkhead deck.

§ 73.20–10 *After peak bulkhead.* (a) On vessels over 150 gross tons, and all vessels on an international voyage regardless of tonnage, an after peak bulkhead shall be fitted and made watertight up to the bulkhead deck. However, this bulkhead may be stopped below the bulkhead deck provided the degree of safety of the vessel as regards subdivision is not thereby diminished.

§ 73.20–15 *Shaft tunnels.* (a) On all vessels over 150 gross tons in ocean, coastwise, or Great Lakes service, and all vessels on an international voyage regardless of tonnage, stern tubes shall be enclosed in watertight spaces of moderate volume. The stern gland shall be situated in a watertight shaft tunnel or other watertight space separate from the stern tube compartment and of such volume that, if flooded by leakage through the stern gland, the margin line will not be submerged.

SUBPART 73.25—DOUBLE BOTTOMS

§ 73.25–1 *Application.* (a) The provisions of this subpart shall be applicable to all vessels on international voyages, and in ocean, coastwise, or Great Lakes service.

§ 73.25–5 *Extent of double bottoms.* (a) A double bottom should be fitted extending from the fore peak bulkhead to the after peak bulkhead as far as is practicable and compatible with the design and proper working of the vessel.

(b) In vessels 200 feet and under 249 feet in length a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.

(c) In vessels 249 feet and under 330 feet in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and afterpeak bulkheads, or as near thereto as practicable.

(d) In vessels 330 feet in length and upwards a double bottom shall be fitted amidships and shall extend to the fore and afterpeak bulkheads or as near thereto as practicable.

(e) Where a double bottom is required to be fitted, the inner bottom shall be continued out to the vessel's sides in such a manner as to protect the bottom to the turn of bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any point than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the vessel's molded breadth from the middle line.

(f) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carraige of liquids, provided the safety of the ship, in the event of bottom or side damage, is not, in the opinion of the Commandant, thereby impaired.

§ 73.25–10 *Wells in double bottoms.* (a) Small wells constructed in the double bottom in connection with drainage arrangements of holds, etc., shall not extend downward more than necessary, nor shall they be less than 18 inches from the outer bottom or from the inner edge of the margin plate. A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw vessels. Other wells, such as for lubricating oil under main engines, may be permitted by the Commandant, if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this section.

§ 73.25–15 *Manholes in double bottoms.* (a) The number of manholes in the inner bottom shall be reduced to the minimum compatible with the design and necessity for access to the double bottom. Efficient covers, capable of being made thoroughly watertight and effectively protected from damage by cargo, or coal, shall be fitted to the manholes.

§ 73.25–20 *Watertight floors in double bottoms.* (a) Watertight transverse divisions should be fitted in the double bottom under each main watertight subdivision bulkhead or as near thereto as practicable. Where duct keels are fitted, the transverse divisions need not extend across the duct keel.

SUBPART 73.30—PENETRATIONS AND OPENINGS IN WATERTIGHT BULKHEADS

§ 73.30–1 *General.* (a) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the vessel; satisfactory means shall be provided for closing these openings.

§ 73.30–5 *Pipes, cables, etc.* (a) Where pipes, scuppers, electric-light cables, etc., are carried through watertight subdivision bulkheads, arrangements shall be made to insure the integrity of the watertightness of the bulkheads.

§ 73.30–10 *Valves and cocks.* (a) Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.

§ 73.30–15 *Prohibited locations for access openings.* (a) No doors, manholes, or access openings are permitted in the following locations:

(1) Collision bulkhead below the margin line.

(2) Watertight transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or reserve bunker, except as provided in § 73.35–5 (c).

§ 73.30–20 *Pipes through collision bulkhead.* (a) For details of piping through collision bulkheads, see Subchapter F (Marine Engineering) of this chapter.

§ 73.30–25 *Watertight door limitations*—(a) *General.* (1) Watertight door openings shall be located as high in the bulkhead and as far inboard as practicable. The number of watertight doors shall be reduced to the minimum consistent with the design and proper working of the vessel.

(b) *Machinery space doors.* (1) Within the machinery space and apart from bunker and shaft tunnel doors, not more than one door may be fitted in each main transverse bulkhead for intercommunication. These doors shall be of the sliding type except as provided on certain vessels in § 73.35–5 (b) and the hand gear for operating the doors from above the bulkhead deck shall be situated outside the machinery space if this is consistent with a satisfactory arrangement of the necessary gearing.

(c) *Bunker doors.* (1) Watertight doors fitted in bulkheads between permanent and reserve bunkers shall be always accessible except as provided in § 73.35–15 (b) for between deck bunker doors. Satisfactory arrangements shall be made by means of screens or otherwise, to prevent the coal from interfering with the closing of watertight bunker doors.

§ 73.30–30 *Trunkways or tunnels.* (a) Where trunkways or tunnels for access from crew's accommodations to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with structural requirements for watertight bulkheads. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

(b) A short tunnel extending through not more than one main subdivision compartment and which is closed at one end need not be fitted with a door at the other end, provided its sides are not nearer to the shell than is permitted for the sides of a recess in a bulkhead as stated in § 73.15–25 and the volume of the tunnel, if included with the volume of the compartment to which it opens, does not result in the equivalent length of such compartment being in excess of the permissible length.

(c) Where it is proposed to fit tunnels or trunkways for forced draft, piercing main transverse watertight bulkheads, these shall receive the special consideration of the Commandant.

§ 73.30–35 *Portable plates.* (a) Openings closed only by portable bolted plates are not permitted in watertight subdivision bulkheads except in machinery spaces. Such plates shall always be in place and made watertight before the vessel leaves port and shall not be removed at sea except in case of urgent necessity.

§ 73.30–40 *Openings above margin line.* (a) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, and it can be shown that the maintenance of complete watertightness will result in undue hardship in the arrangement of the vessel, a limited amount of nontight bulkhead penetrations may be permitted as high as possible immediately under the bulkhead deck. Such penetrations shall be subject to specific approval in each instance and will generally be limited as follows:

(1) Not more than 2 feet below the molded line of the bulkhead deck.

(2) Not less than 9 inches above the margin line.

(3) Not outboard of vertical lines located off the center line at a distance of ¼ the full breadth of the ship measured on the bulkhead deck at the point in question.

(b) Approved nontight bulkhead penetrations shall be indicated on a suitable plan carried aboard the vessel.

SUBPART 73.35—WATERTIGHT BULKHEAD DOORS

§ 73.35–1 *Types and classes.* (a) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight. Sliding doors may have horizontal or vertical motion. The permissible classes of doors are:

Class 1—Hinged doors.

Class 2—Sliding doors, operated by hand gear only.

Class 3—Sliding doors, operated by power and by hand gear.

(b) Where a door of a particular class is specified, a door of a class bearing a lower number may not be fitted, but a door of a class bearing a higher number may be fitted unless otherwise noted.

§ 73.35–5 *Class 1 doors, permissible locations.* (a) Class 1 doors within passenger, crew, and working spaces are only permitted above a deck, the molded line of which, at its lowest point at side, is at least 7 feet above the deepest subdivision load line, and they are not permitted in such spaces below such a deck except as permitted in paragraph (b) of this section.

(b) On vessels under 150 gross tons in coastwise or Great Lakes service not proceeding more than 20 miles from shore and on all vessels on other inland waters, Class 1 doors may be permitted within any accommodation and working spaces provided it is practical to keep such doors closed at all times except when actually being used for transit.

(c) Class 1 doors may be fitted in bulkheads dividing cargo deck spaces at the highest level consistent with practicability. On vessels on an international voyage, or in ocean and coastwise service, such doors shall be restricted to the 'tween deck spaces. The outboard vertical edges of such doors shall be situated at a distance from the shell plating which is not less than one-fifth the breadth of the vessel, as defined in § 73.05–4, such distance being measured at right angles to the centerline of the vessel at the level of the deepest subdivision load line. These doors shall be closed before the voyage commences and shall be kept closed during navigation. Where any such doors may be accessible at any time during the voyage, they shall be fitted with locks to prevent their being opened. Where it is proposed to fit such doors, the number and arrangements shall receive the special consideration of the Commandant, and a statement shall be required from the owners certifying as to the absolute necessity of such doors. Class 2 or Class 3 watertight doors cannot be substituted for Class 1 doors in these locations.

§ 73.35–10 *Class 2 doors, permissible locations.* (a) All watertight doors in main transverse subdivision bulkheads that are not specifically required to be of Class 1 or Class 3, may be of Class 2.

§ 73.35–15 *Class 3 doors, permissible locations.* (a) When the number of sliding watertight doors whose sills are below the level of the deepest subdivision load line, excluding doors at the entrances of tunnels, exceeds 5, all the sliding watertight doors shall be of Class 3; if the number is 5 or less but the criterion numeral exceeds 30, all the sliding watertight doors shall be of Class 3 except that the Commandant may allow watertight doors of Class 2 if there is only one watertight door other than the tunnel door and it is located in the machinery space.

(b) If watertight doors are fitted between bunkers in the 'tween decks below the bulkhead deck and have to be opened at sea for the purpose of trimming coal, these doors shall be of Class 3.

(c) When trunkways, in connection with refrigerated cargo, are carried through more than one main transverse watertight bulkhead and the sills of the trunkway doors are less than 7 feet above the deepest subdivision load line, these doors shall be of Class 3.

§ 73.35–20 *Door operating requirements.* (a) Hinged watertight doors (Class 1) shall be fitted with catches workable from either side of the bulkhead so spaced that the door can be made effectively watertight. In the case of a door which is required to be closed before the voyage commences and kept closed all during the voyage, the catches may be fitted to operate from one side only, provided it be shown that under all operating conditions the door shall be always closed from the one side.

(b) For Class 2 sliding watertight doors, hand-operating gear shall be provided and shall be capable of being operated from positions on each side of the door itself and also from a position above the bulkhead deck. These control stations shall be accessible in all cases.

(c) Class 3 sliding watertight doors shall be power-operated from a central control on the bridge and also by power controls at the door location. The arrangement shall be such that the door will close automatically if opened by the local control after being closed from the central control and also such that any door can be kept closed by local arrangements which will prevent that door from being opened from the central control. Such power operated doors shall also be provided with hand gear, operable from both sides of the door itself and also from an accessible position above the bulkhead deck.

§ 73.35–25 *Door indicators and warning signals.* (a) For sliding watertight doors, Class 2 and Class 3, indicators shall be fitted at all operating stations other than at the door itself, showing whether the doors are open or closed and at all operating stations directions for closing the doors shall be clearly marked, as required by § 78.47–37 of this subchapter.

(b) Provision shall be made to give warning signal by electric horn or howler when the door is about to be closed; the signal shall precede the movement of the door by a safe interval.

§ 73.35–30 *Doors, design, installation, and tests.* (a) The design of all watertight doors shall be subject to approval by the Commandant.

(b) Each Class 1 door installed on a vessel in ocean or coastwise service shall be tested by water pressure to a head up to the margin line, but in no case less than 10 feet. Such doors on vessels in other services shall be tested in the same manner as the bulkhead in which they are fitted.

(c) Each Class 2 and Class 3 door shall be designed, tested, and installed in accordance with Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

SUBPART 73.40—OPENINGS IN VESSEL'S SIDES BELOW THE BULKHEAD DECK

§ 73.40–1 *General.* (a) The requirements of this section apply to all openings in the sides of vessels below the bulkhead deck whether or not such openings give direct access to spaces above or below the bulkhead deck, except as otherwise specified in this subchapter.

(b) In the case of a vessel not having a continuous bulkhead deck it is necessary that special consideration should be given to the application of this section, particularly with regard to openings through the sides of the vessel in way of or leading from spaces below the highest of the trim lines used in the development of the floodable length curves.

(c) The number of openings in vessel's sides below the bulkhead deck shall be reduced to the minimum compatible with the proper design and working of the vessel.

(d) The arrangement and efficiency of the means for closing each opening shall be consistent with its intended purpose and the position in which it is fitted, and shall be to the satisfaction of the Commandant.

§ 73.40–5 *Port lights.* (a) Port lights on vessels under 150 gross tons in ocean or coastwise service, and on all vessels in Great Lakes, lakes, bays, and sounds, or river service as follows:

(1) No port lights are permitted in the vessel's side below the bulkhead deck.

(b) Port lights on vessels of 150 gross tons and over in ocean or coastwise service as follows:

(1) If, in a 'tween deck, the sills of any port lights are below a line drawn parallel to the molded line of the bulkhead deck at side and having its lowest point 2½ percent of the breadth of the vessel above the deepest subdivision load line, all port lights in that 'tween deck shall be of a nonopening type.

(2) All port lights, the sills of which are below the bulkhead deck, other than those required to be of a nonopening type shall be of such construction as will effectively prevent any person opening them without the consent of the master of the vessel.

(3) No port lights shall be fitted in spaces which are appropriated exclusively to the carriage of cargo, stores, or coal.

(4) Port lights may be fitted in spaces appropriated alternately to the carriage of cargo or passengers and they shall be of the type required by their location in the vessel, provided dead covers are always fitted when cargo is carried.

(5) Design of port lights below the bulkhead deck as follows:

(i) All port lights are to be of substantial construction subject to approval of the Commandant.

(ii) Nonopening port lights are to be thoroughly watertight and port lights which are capable of being opened shall be so constructed that they can be easily and effectively closed and secured watertight. Port lights capable of being opened shall have a special round slotted or recessed nut requiring a special wrench fitted on one or more of the bolts. The special nuts are to be protected by sleeves or guards so as to render them incapable of being released by the use of ordinary tools, such as pipe wrenches, etc.

(c) *Dead covers.* (1) Hinged inside dead covers shall be fitted to all port lights below the margin line except that dead covers may be portable in passenger accommodations other than for steerage passengers provided they are stowed adjacent to their respective port lights and that all the following conditions are complied with.

(i) Such port lights are above the deck to which the minimum freeboard for the vessel can be obtained.

(ii) Such port lights are abaft one-eighth of the vessel's length from the forward perpendicular.

(iii) Such port lights are above a line drawn parallel to the bulkhead deck at side and having its lowest points at a height of 12 feet plus 2½ percent of the breadth of the vessel above the deepest subdivision load line.

(2) Dead covers shall be of efficient design and arranged so that they can be easily and effectively secured watertight. Where fitted to opening-type port lights, they shall be of such design that it will be necessary to release the special or locked nut in order to secure the dead cover.

§ 73.40–10 *Automatic ventilators.* (a) Automatic ventilators shall not be fitted in vessel's sides below the bulkhead deck without the special sanction of the Commandant.

§ 73.40–15 *Side ports.* (a) Gangway, cargo, and coaling ports, and similar openings in the vessel's sides shall be designed and constructed to the approval of the Commandant. Such ports or openings shall be in no case fitted so as to have their lowest point below the deepest subdivision load line.

§ 73.40–20 *Piping openings in vessel's sides.* (a) Requirements for inlets and discharges of scuppers, sanitary piping, main and auxiliary machinery piping, and ash and rubbish-chutes, etc., are in Subchapter F (Marine Engineering) of this chapter.

SUBPART 73.45—OPENINGS ABOVE THE BULKHEAD DECK

§ 73.45–1 *General.* (a) All side openings in the vessel's shell above the bulkhead deck and all deck openings in or above the bulkhead deck shall comply with the applicable requirements of Subchapters E (Load Lines) and F (Marine Engineering) of this chapter for type closures and fittings. For vessels not subject to the requirements of Subchapter E (Load Lines) of this chapter, the bulkhead deck, or superstructure enclosing any portion thereof, shall be effectively weathertight and adequate freeing arrangements shall be provided.

SUBPART 73.90—VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

§ 73.90–1 *Requirements.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this section, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details and arrangements shall be in general agreement with the applicable provisions of Subparts 73.05 through 73.45 insofar as is reasonable and practicable.

PART 74—STABILITY

Chapter I is amended by adding a new Part 74 to Subchapter H reading as follows:

SUBPART 74.01—APPLICATION

Sec.

74.01–1 General.

SUBPART 74.05—STABILITY TEST

74.05–1 When required.

74.05–5 Procedure.

SUBPART 74.10—STABILITY STANDARDS

74.10–1 General.

74.10–5 Weather criteria.

Sec.
74.10–10 Passenger criteria.
74.10–15 Damaged stability standards.
74.10–20 Special operating conditions.

SUBPART 74.15—BALLAST

74.15–1 When required.
74.15–5 How installed.
74.15–10 Liquid ballast.

SUBPART 74.20—STABILITY INSTRUCTIONS FOR OPERATING PERSONNEL

74.20–1 Data supplied master.
74.20–5 Conditions under which calculations made.
74.20–10 Cross-flooding.
74.20–15 Type of instructions.

SUBPART 74.25—STABILITY LETTER

74.25–1 Posting.

AUTHORITY: § 74.01–1 to 74.25–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 50 U. S. C. App. 1275.

SUBPART 74.01—APPLICATION

§ 74.01–1 *General.* (a) The provisions of this part shall apply to the following vessels:

(1) All vessels on an international voyage.

(2) All vessels carrying more than 49 passengers or of more than 75 gross tons.

(3) All ferry vessels.

(4) Any other vessel whose stability is questioned by the Officer in Charge, Marine Inspection.

SUBPART 74.05—STABILITY TEST

§ 74.05–1 *When required.* (a) Except as otherwise provided in this section, each vessel to which this part applies, shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

(c) Except for vessels on an international voyage, the Commandant may allow the stability test of a vessel to be dispensed with in exceptional cases where it can be shown to his satisfaction that due to the form, construction, and arrangement of the vessel stability calculations can be safely made without a stability test being performed.

§ 74.05–5 *Procedure.* (a) Stability tests conducted on or after November 19, 1952, shall meet the requirements of this section.

(b) Plans required: (1) The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.
Curves of form or hydrostatic curves.
General arrangement plans of decks, holds, inner bottoms, etc.
Outboard profile.
Inboard profile.
Midship section.
Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.
Tank sounding tables.
Draft mark locations.

(c) Stability test preparations: (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

SUBPART 74.10—STABILITY STANDARDS

§ 74.10–1 *General.* (a) With the vessel in the intact condition, the net metacentric height at any operating draft, including allowance for normally slack tanks, shall not be less than the standards outlined in this subpart, taken singly, and the most severe requirement shall govern at any particular draft.

§ 74.10–5 *Weather criteria.* (a) The required minimum metacentric height (GM) in feet at any particular draft is obtained from the following formula:

$$GM = \frac{PAh}{\Delta \tan \theta} \qquad (1)$$

where:

$P = .005 + \left(\frac{L}{14{,}200}\right)^2$ tons/ft² for ocean and coastwise service.

$= .0033 + \left(\frac{L}{14{,}200}\right)^2$ tons/ft² for partially protected waters such as lakes, bays, and sounds, and Great Lakes (summer service).

$= .0025 + \left(\frac{L}{14{,}200}\right)^2$ tons/ft² for protected waters such as rivers, harbors, etc.

L = Length between perpendiculars in feet.
A = Projected lateral area in square feet of portion of vessel above waterline.
h = Vertical distance in feet from center of A to center of underwater lateral area or approximately one-half draft point.
Δ = Displacement in long tons.
θ = Angle of heel to one-half the freeboard to the deck edge or 14 degrees whichever is less. (For vessels having a discontinuous weather deck or abnormal sheer, the angle to one-half the freeboard may be suitably modified.)

§ 74.10–10 *Passenger criteria.* (a) The required minimum meta-centric height (GM) in feet is obtained from the following formula:

$$GM = \frac{N \times b}{24\Delta \tan \theta} \qquad (1)$$

where:

N = Number of passengers.
b = Distance in feet from the vessel's centerline to the geometrical center of the passenger deck area on one side of centerline.
Δ = Displacement in long tons.
θ = Angle of heel to deck edge or 14 degrees, whichever is less.

§ 74.10–15 *Damaged stability standards.*—(a) *Application.* (1) The provisions of this section shall apply to all vessels that are required by Subparts 73.10 and 73.15 of this subchapter to have at least a one-compartment standard of subdivision, and with the exception of paragraph (k) of this section, shall apply to all such vessels contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of paragraph (k) of this section.

(b) *General requirements.* (1) Sufficient intact stability shall be provided in all service conditions so as to enable the vessel to withstand flooding at any place throughout its length due to the assumed side damage as outlined in paragraph (c) (4) of this section.

(2) Where two adjacent main subdivision compartments are separated by a bulkhead which is stepped under the conditions of § 73.10–40 or 73.15–20, the intact stability shall be adequate to withstand the flooding assumed under § 73.10–40 or 73.15–20 of this subchapter, as applicable.

(c) *Damaged stability calculations.* (1) The requirements of Paragraph (b) of this section shall be determined by calculations which take into consideration the proportions and design characteristics of the vessel and the arrangement and configuration of the damaged compartments. Where decks, inner skins, or longitudinal bulkheads are to be fitted of sufficient tightness to seriously restrict the flow of water, the Commandant shall be satisfied that proper consideration is given to such restrictions in the calculations.

(2) In making these calculations the vessel is to be assumed in the worst anticipated service condition as regards stability.

(3) For damaged stability calculations the volume and surface permeabilities shall be as indicated in Table 74.10–15 (c) (3).

TABLE 74.10–15 (c) (3)

Spaces	Permeability
Occupied by cargo, coal or stores	60
Occupied by accommodations	95
Occupied by machinery	85
Intended for liquids (use value resulting in more severe requirement)	0 or 95

(4) The minimum assumed extent of side damage shall be taken in accordance with Table 74.10–15 (c) (4). Where any damage of a lesser extent than provided in the table would result in a more severe condition regarding heel or loss of metacentric height, such damage shall also be considered in the calculations.

TABLE 74.10–15 (c) (4)

Vessel category	Longitudinal extent [1]	Transverse extent [2] [3]	Vertical extent [4]
All vessels	10 feet+0.03L or 35 feet (whichever is less) no main bulkhead involved.	⅓ B	Top of double bottom to margin line.
Vessels without factor of subdivision, where two compartment subdivision is required.	10 feet+0.03L or 35 feet (whichever is less) involving one main bulkhead.	⅓ B	Top of double bottom to margin line.
Vessels with factor of subdivision of 0.50 or less.	20 feet+0.04L involving not more than one main bulkhead.	⅓ B	Top of double bottom to margin line.
Vessels with factor of subdivision of 0.33 or less.	30 feet+0.06L	⅓₀ B	Top of double bottom to margin line.

[1] L equals the length of the vessel as defined in § 73.05–3.
[2] B equals the breadth of the vessel as defined in § 73.05–4.
[3] The transverse extent of damage is measured inboard from the vessel's side and at right angles to the centerline at the level of the deepest subdivision load line. For vessels on inland waters and for ferry vessels, where the maximum molded beam at the deck and at the load water line differ appreciably, the transverse extent of damage may be taken as the mean between the inboard penetration at the deck using the maximum beam at the deck and the inboard penetration at the deepest subdivision load line using the maximum beam at that load line.
[4] Where no double bottom is fitted, the vertical extent of damage shall be taken from the molded baseline.

(5) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where special cross-flooding fittings are provided, such fittings and the maximum heel before equalization shall be to the satisfaction of the Commandant. On vessels under 150 gross tons in ocean or coastwise service and on all vessels in lake, bay, and sound or river service, the equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves or similar appliances.

(6) For symmetrical flooding, the final residual metacentric height after damage shall be positive.

(7) For unsymmetrical flooding with assumed side damage less than 30 feet plus .06L, the final heel due to the unsymmetrical moment shall not exceed 7 degrees, except that in special cases the Commandant may allow additional heel, but in no case shall the final heel exceed 15 degrees.

(8) For unsymmetrical flooding with assumed side damage of 30 feet plus .06L, the final heel due to the unsymmetrical flooding shall in no case exceed 20 degrees.

(9) In no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Commandant may require such investigations and arrangements as shall be considered necessary for the safety of the vessel.

(d) *Relaxation of requirements.* (1) No relaxation from the requirements for damaged stability may be considered by the Commandant unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

(2) Relaxations from the requirements for damaged stability shall be permitted only in exceptional cases and subject to the conditions that the Commandant is to be satisfied that the proportions, arrangements and other characteristics of the vessel are the most favorable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

(k) *Vessels contracted for prior to November 19, 1952.* (1) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(i) Existing arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they meet the minimum requirements of this subparagraph and they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(ii) The details and arrangements shall be in general agreement with the provisions of paragraphs (b) through (d) of this section, except that on vessels where it has not been found reasonable nor practicable to apply at least a one-compartment standard of subdivision, such vessels will not be required to comply with this subparagraph.

§ 74.10–20 *Special operating conditions.* (a) Where a vessel may be operated under conditions where its stability will be affected by factors not covered by §§ 74.10–5 through 74.10–15 such factors shall be investigated to determine if the vessel has sufficient stability to meet such conditions.

SUBPART 74.15—BALLAST

§ 74.15–1 *When required.* (a) Where it is determined that a vessel does not have sufficient stability to meet the requirements of the stability standard and the characteristics of the vessel cannot be altered to provide the required stability, ballast may be required. This ballast may be solid fixed ballast, liquid ballast, or both.

§ 74.15–5 *How installed.* (a) Solid ballast, when required, shall be installed in the vessel under the supervision of the Officer in Charge, Marine Inspection. The amount of installed ballast shall be weighed or otherwise accurately determined and located in a vertical and longitudinal position to meet the stability requirements. This ballast shall be stowed in a satisfactory manner to prevent shifting of position in a seaway. Such ballast required for stability shall not be removed from the vessel or relocated unless approved by the Commandant, except that such ballast may be temporarily moved for examination or repair of the vessel, when done under the supervision of an inspector.

§ 74.15–10 *Liquid ballast.* (a) Liquid ballast may be used to the extent that is reasonably practicable in the operation of the vessel.

SUBPART 74.20—STABILITY INSTRUCTIONS FOR OPERATING PERSONNEL

§ 74.20–1 *Data supplied master.* (a) The master of the vessel shall be supplied with the data necessary to maintain sufficient intact stability under service conditions to provide satisfactory operating stability and also to enable the vessel to meet the damaged stability requirements.

§ 74.20–5 *Conditions under which calculations made.* (a) The master of the vessel shall be informed of the conditions under which the damaged stability calculations have been made and advised to what extent the vessels can safely withstand damage under these assumed conditions.

§ 74.20–10 *Cross-flooding.* (a) In the case of a vessel requiring cross-flooding, the master shall be provided with the conditions of stability on which the calculations of heel are based and be warned that excessive heel might result should the vessel sustain damage when in a less favorable condition. Suitable information shall be supplied concerning the use of any special cross-flooding fittings.

§ 74.20–15 *Type of instructions.* (a) These instructions shall be as clear and concise as practicable and shall be prepared by the owner, approved by the Commandant, and furnished to the master of the vessel. If in the case of some vessels, where the instructions can be quite simple, they may be incorporated directly in the stability letter.

SUBPART 74.25—STABILITY LETTER

§ 74.25–1 *Posting.* (a) Each vessel subject to the requirements of this part shall have posted under glass in the pilothouse a stability letter issued by U. S. Coast Guard before the vessel is placed in service operation. This letter shall indicate, either by specific instructions embodied in the letter or by reference to separate instructions available to the master, the conditions of operation under which the vessel will have satisfactory stability.

PART 75—LIFESAVING EQUIPMENT

Chapter I is amended by adding a new Part 75 to Subchapter H reading as follows:

SUBPART 75.01—APPLICATION

Sec.
75.01–1 Applicable to all vessels.
75.01–5 Equipment installed but not required.

SUBPART 75.05—GENERAL PROVISIONS PERTAINING TO LIFESAVING EQUIPMENT

75.05–1 Equipment of an approved type.

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SUBPART 75.90—SHIP'S DISTRESS SIGNALS

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75.90–5 Vessels in ocean or coastwise service.
75.90–10 Vessels in Great Lakes service.

AUTHORITY: §§ 75.01–1 to 75.90–10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 50 U. S. C. App. 1275.

SUBPART 75.01—APPLICATION

§ 75.01–1 *Applicable to all vessels.* The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 75.01–5 *Equipment installed but not required.* Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

SUBPART 75.05—GENERAL PROVISIONS PERTAINING TO LIFESAVING EQUIPMENT

§ 75.05–1 *Equipment of an approved type.* (a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER, and in addition, are contained in Coast Guard publication CG–190, "Equipment Lists for Merchant Vessels."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

SUBPART 75.10—LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

§ 75.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.10–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.10–90.

§ 75.10–5 *Type of lifeboats, life rafts, life floats, and buoyant apparatus required*—(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(2) All lifeboats certified to carry 60 or more persons shall be either motor-propelled of Class A or Class B, or shall be fitted with an approved type of hand-propelling gear.

(3) Class A motor-propelled lifeboats shall be fitted with a compression-ignition engine, a radio cabin and a radio installation complying with the requirements of the Federal Communications Commission, and a searchlight constructed in accordance with Subpart 161.006 of Subchapter Q (Specifications) of this chapter.

(4) Class B motor-propelled lifeboats need not have an engine of the compression-ignition type or a radio or searchlight as required by subparagraph (3) of this paragraph.

(5) All lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus if fitted, shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean or coastwise vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are underway or stopped, and for both ends of the lifeboat to be released simultaneously, under tension or not, by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of releasing gear.

(b) *Life rafts.* (1) All life rafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Type A life rafts shall be stowed on the standard life raft skids required by § 75.15–10 (c) (1) unless specifically noted otherwise.

(c) *Life floats.* (1) All life floats shall be of an approved type, constructed in accordance with Subpart 160.027 of Subchapter Q (Specifications) of this chapter.

(d) *Buoyant apparatus.* (1) All buoyant apparatus shall be of an approved type, constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

§ 75.10–10 *Requirements for vessels in ocean service*—(a) *Lifeboats.* (1) All vessels shall be provided with sufficient lifeboats to accommodate all persons aboard.

(2) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats be less than 16 feet in length.

(3) Emergency lifeboats: One of the lifeboats on each side of the vessel shall be of suitable size and design for performing emergency work at sea. Such lifeboats shall be normally not more than 26 feet in length and the ratio of length to beam shall be not less than 3.3.

(4) The minimum number of motor-propelled and hand-propelled lifeboats to be carried shall be as given in Table 75.10–10 (a) (4).

TABLE 75.10–10 (a) (4)

Number of lifeboats carried on vessel		Minimum number of lifeboats to be motor-propelled, Class A [1]	Minimum number of lifeboats to be motor-propelled, Class A or B, or hand-propelled
Over	Not over		
------	18	----------	1
18	19	1	1
19	------	2	----------

[1] At least 1 Class A motor-propelled lifeboat shall be installed on any vessel of more than 2,500 gross tons, plying routes on which they are at any point 200 miles offshore.

(b) *Life rafts, life floats, and buoyant apparatus.* (1) All vessels shall be provided with buoyant apparatus sufficient to accommodate 25 percent of all persons on board. Life floats not weighing more than 400 pounds or type A life rafts may be substituted for the buoyant apparatus required.

§ 75.10–15 *Requirements for vessels in coastwise service.* (a) Except as further modified by paragraph (b) of this section, all other vessels to which this section pertains shall be provided with sufficient lifeboats and type A life rafts to accommodate all persons on board. Not less than 75 percent of the total capacity shall be in lifeboats and the remainder may be in life rafts. Such lifeboats shall have a length of at least 16 feet unless otherwise specifically permitted by the Officer in Charge, Marine Inspection, in cases where the crew is insufficient to properly handle lifeboats of such size or where there is insufficient space to properly stow such lifeboats.

(b) In the case of motor vessels of less than 300 gross tons and not on an international voyage, if in the opinion of the Commandant it is unreasonable or impracticable to meet the requirements of paragraph (a) of this section, due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats or other boats of suitable design and construction, life rafts, life floats, and/or buoyant apparatus to be carried as in his opinion is reasonable and practicable. In any case, there shall be sufficient total capacity for all persons on board.

§ 75.10–20 *Requirements for vessels in Great Lakes; lakes, bays and sounds; or river service.* (a) All vessels other than ferryboats and passenger barges shall be provided with lifeboats, life rafts, and life floats as required by Table 75.10–20 (a), except as specifically noted in this paragraph.

TABLE 75.10–20 (a)

	Vessels operating on the Great Lakes				Vessels operating on lakes, bays, and sounds										Vessels operating on rivers	
	Vessels navigating more than 3 miles offshore and where the depth of water on any part of the route is sufficient to submerge the upper deck of the vessel		1. Vessels navigating not more than 3 miles offshore; or 2. Vessels navigating routes where the water is not of a depth on any part of the route to submerge the upper deck of the vessel		Vessels navigating waters other than those tributary to the Pacific Coast of the continental United States, the Atlantic Coast south of the thirty-third parallel of north latitude, and the Gulf of Mexico				Vessels navigating routes lying at all points within a distance of 3 miles from land		Vessels navigating waters tributary to the Pacific Coast of the continental United States, the Atlantic Coast south of the thirty-third parallel of north latitude, and the Gulf of Mexico			Vessels navigating where the average depth of the channel exceeds 3 feet	Vessels navigating where the average depth of the channel does not exceed 3 feet
					Vessels navigating routes, any point of which is more than 3 miles from land, and—						Vessels navigating routes, any point of which is more than 3 miles from land, and—		Vessels navigating routes lying at all points within a distance of 3 miles from land			
					1. Depth of water is sufficient to entirely submerge the vessel in case of disaster		2. Depth of water is not sufficient to entirely submerge the vessel in case of disaster				1. Depth of water is sufficient to entirely submerge the vessel in case of disaster	2. Depth of water is not sufficient to entirely submerge the vessel in case of disaster			
Dates (inclusive)	Winter Sept. 16 to May 14	Summer May 15 to Sept. 15	Winter Sept. 16 to May 14	Summer May 15 to Sept. 15	Winter Oct. 16 to May 14	Summer May 15 to Oct. 15	Winter Nov. 16 to Apr. 14	Summer Apr. 15 to Nov. 15	Winter Nov. 16 to Apr. 14	Summer Apr. 15 to Nov. 15	All year	All year	All year	All year	All year
Percentage of persons (passengers and crew) to be accommodated	*Percent* 100	*Percent* 50	*Percent* 100	*Percent* 10	*Percent* [1] 100	*Percent* [2] 30	*Percent* 100	*Percent* 10	*Percent* 100	*Percent* 10	*Percent* [3] 30	*Percent* 10	*Percent* 10	*Percent* 10	*Percent* None.
Percentage of required equipment in lifeboats (minimum)	[4] 75	[4] 40	[5] 25	[5] 25	[6] 35	[6] 35	[6] 25	[6] 25	[5] 25	[5] 25	[5] 25	[5] 25	[5] 25	[5] 25	[5] None.
Percentage of required equipment which may be in type A or type B life rafts	[6] 25	[6] [7] 60	[6] 75	[6] [7] 75	[6] 75	[6] 75	[6] 75	[6] 75	[6] 75	[6] 75	[6] 75	[6] 75	[6] [7] 75	[7] 75	None.

[1] Vessels equipped with wireless telegraphy operating in daylight only and whose routes are at all times within a distance of 10 miles from land may, during the interval between the 16th day of October to the 31st day of October, both dates inclusive, carry lifeboats of sufficient capacity to accommodate at 1 time not less than 30 percent of all persons on board.

[2] Vessels equipped with wireless telegraphy operating in daylight only and whose routes are at all times within a distance of 10 miles from land may, during the interval between the 15th day of May to the 15th day of October, both dates inclusive, carry lifeboats of sufficient capacity to accommodate at 1 time not less than 15 percent of all persons on board.

[3] Vessels of 200 gross tons and upward shall have 1 working boat with life line attached, properly supplied with oars and painter, and kept in good condition at all times and ready for immediate use, in addition to the lifeboats required.

[4] Vessels of 50 gross tons and upward in river service shall have 1 working boat with life line attached, properly supplied with oars and painter, and kept in good condition at all times and ready for immediate use, in addition to any lifeboats required.

[5] At least 50 percent of the life rafts shall have a capacity of more than 15 persons each.

[6] Vessels shall have, in addition to all other lifeboats and life rafts required, 1 additional fully equipped type A or type B life raft which shall be stowed (not necessarily on skids) in such a manner that it will float clear in the event of sinking of the vessel. On all vessels of 300 gross tons and over the life raft shall be not less than 15-person capacity.

[7] Approved life floats may be substituted for life rafts on vessels during the interval between May 15 and September 15 in any 1 year, both dates inclusive.

[8] Approved life floats may be substituted for life rafts on vessels operated south of the thirty-third parallel of north latitude, and on vessels operated north of the thirty-third parallel of north latitude during the interval between the 15th day of May to the 15th day of October, in any 1 year, both dates inclusive.

[9] Approved life floats may be substituted for life rafts.

(1) Motor vessels of less than 50 gross tons, navigating in daylight only, need not be fitted with lifeboats, life rafts, or life floats, provided:

(i) Such vessels are fitted with sufficient air tanks under the deck that the vessel, in its loaded condition, will remain afloat when full of water; or

(ii) Such vessels are fitted with sufficient bulkheads that the vessel, in its loaded condition, will remain afloat with any two compartments damaged.

(2) In the case of a motor vessel in Great Lakes service of less than 300 gross tons, if in the opinion of the Commandant it is unreasonable or impracticable to install the lifeboats, life rafts, or other equipment required by Table 75.10–20 (a) due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats or other boats of suitable design and construction, life rafts, and/or life floats to be carried as in his opinion is reasonable and practicable. In any case, there shall be at least one lifeboat or other suitable boat, and there shall be sufficient total capacity for the percentage of all persons on board required to be accommodated by Table 75.10–20 (a).

(3) In the case of vessels of less than 300 gross tons in lake, bays, sounds; or river service, if in the opinion of the Commandant it is unreasonable or impracticable to install the lifeboats, life rafts, or other equipment required by Table 75.10–20 (a) due to the size and arrangement of the vessel and its intended service, the Commandant may prescribe the size, capacity, and number of lifeboats or other boats of suitable design and construction, life rafts, and/or life floats to be carried as in his opinion is reasonable and practicable. In any case there shall be at least one lifeboat or other suitable boat, and there shall be sufficient total capacity for the percentage of all persons on board required to be accommodated by Table 75.10–20 (a).

(b) *Ferryboats.* (1) All ferryboats of 50 gross tons and over shall be equipped with lifeboats and life rafts in accordance with Table 75.10–20 (b) (1).

TABLE 75.10–20 (b) (1)

Size of ferryboat in gross tons		Cubic feet of lifeboatage required
Over	Not over	
-------	150	60
150	300	120
300	600	[1] 240
600	---------	[1] 360

[1] One-half of the required lifeboatage may be supplied by life rafts of type A or B.

(2) Ferryboats of less than 50 gross tons shall be equipped with lifeboats or Type A or B life rafts as in the opinion of the Officer in Charge, Marine Inspection, having jurisdiction may be necessary in case of disaster to secure the safety of all persons on board.

(d) *Passenger barges.* (1) Passenger barges shall be provided with lifeboats or other boats of suitable design and construction of a capacity in the same proportion to the number of persons carried as is required by Table 75.10–20 (a).

(2) Passenger barges engaged in excursions shall be provided with 2 lifeboats or other boats of suitable design and construction of not less than 60 cubic feet capacity each.

§ 75.10–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this Paragraph, the requirements of §§ 75.10–5 through 75.10–20 shall be complied with insofar as the number and general type of lifesaving equipment is concerned. Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.10–5 through 75.10–20 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. In this respect, spark ignition engines may be retained where Class A motor-propelled lifeboats containing compression ignition engines are required by Table 75.10–10 (a) (4). Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements in this part.

(2) On vessels of over 3,000 gross tons in ocean or coastwise service, all replacements of disengaging apparatus shall meet the requirements of § 75.10–5 (a) (5) (i). On all other vessels in any service, all of the lifeboats on a particular vessel shall be fitted with the same type of disengaging apparatus.

(3) Vessels in coastwise service the keels of which were laid prior to July 2, 1915, during the interval between May 15 and September 15 in any one year, both dates inclusive, shall have sufficient lifeboats, life rafts, or buoyant apparatus to accommodate all persons on board, not more than 30 percent of which may be in buoyant apparatus and not more than a total of 65 percent may be in life rafts and buoyant apparatus.

SUBPART 75.15—STOWAGE AND MARKING OF LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

§ 75.15–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.15–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.15–90.

§ 75.15–5 *General.* (a) The lifeboats, life rafts, life floats, and buoyant apparatus shall be readily available in case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats, life rafts, life floats, and buoyant apparatus are carried shall be kept clear of freight or any other obstructions which would interfere with the immediate launching of the lifesaving appliance.

§ 75.15–10 *Stowage.* (a) Lifeboats, life rafts, life floats, and buoyant apparatus shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) Lifeboat stowage shall be as follows:

(1) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(2) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(3) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern.

(4) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits. This requirement shall apply to both lifeboats where nesting is permitted.

(5) On vessels in ocean or coastwise service lifeboats, when stowed on a deck more than 15 feet above the deepest seagoing draft, shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(6) Ocean and coastwise vessels fitted with radial davits shall, when the weather permits, have one of the lifeboats on each side swung out while at sea, griped in to a boom or rail, and ready for immediate use.

(c) Life raft stowage shall be as follows:

(1) Type A life rafts shall be stowed on standard skids constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(2) Type B life rafts shall be stowed in such a manner that they may be readily launched.

(3) The additional life raft required on Great Lakes vessels by Table 75.10–20 (a) shall be stowed in such a manner that it will float clear in the event of sinking of the vessel. The requirements of the other subparagraphs in this paragraph need not be complied with for such life raft.

(d) Life float and buoyant apparatus stowage shall be as follows:

(1) Life floats and buoyant apparatus shall be stowed in such a manner as to be readily launched. Life floats exceeding 400 pounds in weight shall be stowed in such a manner as not to require lifting before launching.

(2) Life floats and buoyant apparatus shall not be secured to the vessel except by lashings which can be easily slipped. They may be stowed in tiers one above the other, but not more than four high. When stowed in tiers, the separate units shall be kept apart by suitable distance pieces.

(3) Means shall be provided to prevent shifting.

§ 75.15–15 *Marking.* (a) Lifeboats, life rafts, life floats, and buoyant apparatus shall be marked as required by §§ 78.47–60 and 78.47–63.

§ 75.15–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 75.15–5 through 75.15–15 shall be met with the exception that the requirements of § 75.15–10 (b) (5) need only apply if, in the opinion of the Officer in Charge, Marine Inspection, the arrangement or construction of the vessel is such that overhanging decks, openings, or other similar obstructions, make the use of skates or similar appliances necessary.

SUBPART 75.20—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

§ 75.20–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.20–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.20–90.

§ 75.20–5 *General.* (a) Equipment for lifeboats, life rafts, life floats, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats, life rafts, life floats, and buoyant apparatus shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage. In any case, such lifesaving appliances shall be fully equipped at all times when passengers are on board.

(c) It shall be unlawful to stow in any lifeboat, life raft, life float or buoyant apparatus, any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boat hooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

TABLE 75.20–10 (a)

Letter identification	Item	Ocean and Coastwise	Great Lakes	Lakes, bays, and sounds, and rivers
a	Bailer	1	1	None.
b	Bilge pump	1 [1]	None	None.
c	Boathooks	2	1	1.
d	Bucket	2	1	1.
e	Compass and mounting	1	None	None.
f	Ditty bag	1	None	None.
g	Drinking cups	1	None	None.
h	Fire extinguishers (motor-propelled lifeboats only)	2	2	2.
i	First aid kit	1	None	None.
j	Flashlight	1	1 [2]	None.
k	Hatchets	2	2	1.
l	Heaving line	2	None	None.
m	Jackknife	1	None	None.
n	Ladder, lifeboat gunwale	1 [3]	None	None.
o	Lantern	1	1	1.
p	Life line	1	1	1.
q	Life preservers	2	2	2.
r	Locker	1	1	None.
s	Mast and sail (oar-propelled lifeboats only)	1	None	None.
t	Matches	2	1	1.
u	Milk, condensed (pounds per person)	1	None	None.
v	Mirrors, signaling	2	None	None.
w	Oars	1 unit [4]	1 unit [4]	1 unit. [4]
x	Oil, illuminating (quarts)	1	1	None.
y	Oil, storm (gallons)	1	1	None.
z	Painter	2	1	1.
aa	Plugs	1	1	1.
bb	Provisions (pounds per person)	2	None	None.
cc	Radio installation	1 [5]	None	None.
dd	Rowlocks	1 unit [4]	1 unit [4]	1 unit. [4]
ee	Rudder and tiller	1	1	None.
ff	Sea anchor	1	1	None.
gg	Searchlight	1 [6]	None	None.
hh	Signals, distress, floating orange smoke	1 unit [3]	None	None.
ii	Signals, distress, red hand flare	1 unit [4]	1 unit [4 6]	None.
jj	Signals, distress, red parachute flare	1 unit [4 7]	1 unit [3 6]	None.
kk	Water (quarts per person)	3	None	None.

[1] Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.
[2] Optional—See footnote 6.
[3] Not required on lifeboats of less than 60 persons capacity.
[4] For description of units, see § 75.20–15.
[5] Required only on motor-propelled lifeboats fitted with radio cabin, see § 75.10–5 (a) (3).
[6] An approved flashlight, item (j), or 12 approved parachute red flare distress signals, item (ii), may be substituted for 6 of the required 12 hand red flare distress signals.
[7] Vessels in coastwise service need only carry 1 unit for each 5 lifeboats or fraction thereof.

§ 75.20–10 *Required equipment for lifeboats.* (a) The lifeboats for all vessels shall be equipped in accordance with Table 75.20–10 (a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 75.20–15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 75.20–15.

§ 75.20–15 *Description of equipment for lifeboats.*—(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this Chapter. They shall be of the size given in Table 75.20–15 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035–8 (b) of Subchapter Q (Specifications) of this chapter.

TABLE 74.20–15 (b)

Capacity of lifeboat cubic feet		Bilge pump size
Over	Not over	
-------	330	1
330	700	2
700	---------	3

(c) *Boathooks.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 75.20–15 (c)

TABLE 75.20–15 (c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
------	23	1¼	8
23	29	1¾	10
29	------	2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion resistant metal, of not less than 2 gallons capacity, and shall have a 6-foot lanyard of 12 thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type constructed in accordance with United States Coast Guard specification dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Drinking cups shall be enameled, and be provided with ⅛ inch diameter cotton lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of approved Type B–C, Size I (see § 76.50–5). One shall be attached to each end of the lifeboat.

(i) *First aid kit.* The first aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare batteries and two spare bulbs shall be provided with each flashlight. Batteries shall not

remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving line.* The heaving line shall be of adequate strength, 10 fathoms in length, and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for hand holds. The steps shall be spaced 12 inches apart and fastened with ⅝ inch-diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Life line.* The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers.* Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 75.20–15 (s). The sails shall be of good quality canvas, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging shall consist of galvanized wire rope not less than 3/16 inch in diameter. The sail and gear shall be protected by a suitable canvas cover.

TABLE 75.20–15 (s)

Length of lifeboat, feet		Standing lug sail							Mast [1]		Yard [1]	
Over	Not over	Area square feet	Luff and head length	Leach length	Foot length	Clew to throat	Ounces per square yard	Commercial designation number	Length	Diameter	Length	Diameter
		ft. in.	ft. in.	ft. in.	ft. in.	ft. in.			ft. in.	in.	ft. in.	in.
----	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2
19	21	93	7 5	15 1	11 2	13 8	14.35	10	13 10	3½	8 5	2½
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3½	9 3	2½
23	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	3¾	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4½	11 5	3¼
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4½	12 0	3¼
31	----	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(w) *Oars.* A unit, consisting of a complement of rowing oars and a steering oar, shall be provided for each lifeboat in accordance with Table 75.20–15 (w), except that motor-propelled and hand-propelled lifeboats need only be equipped with 4 rowing oars and 1 steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table.

TABLE 75.20–15 (w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
----	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	----	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats on vessels in ocean or coastwise service, one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain plug required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Radio installation.* The radio installation shall comply with the requirements of the Federal Communications Commission.

(dd) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 75.20–15 (w) plus two additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the two additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(ee) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3 (t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ff) *Sea anchor.* The sea anchor shall be of an approved type.

(gg) *Searchlight.* The searchlight shall be of an approved type, constructed in accordance with Subpart 161.006 of Subchapter Q (Specifications) of this chapter. It shall be securely mounted to the top of the radio cabin and its source of power shall be capable of operating the light intermittently for a period of at least 6 hours and continuously for at least 3 hours. Where the power for the radio equipment and the searchlight are derived from the same source, it shall be sufficient to provide for the adequate operation of both appliances. Two spare bulbs shall be provided.

(hh) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(ii) *Signals, distress, red hand flare.* A unit, consisting of 12 approved hand red flare distress signals in a watertight container, constructed in accordance with Subparts 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(jj) *Signals, distress, red parachute flare.* A unit, consisting of 12 approved parachute red flare distress signals, with an approved means of projecting them, all contained in a portable watertight container; or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 or 160.036 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(kk) *Water.* The water shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in drinking water tanks, lockers or other compartments providing suitable protection.

§ 75.20–20 *Required equipment for life rafts.* (a) The life rafts for all vessels shall be equipped in accordance with Table 75.20–20 (a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 75.20–25. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 75.20–25.

TABLE 75.20–20 (a)

Letter identification	Item	Ocean and coastwise	Great Lakes	Lakes, bays, and sounds; or rivers
a	Boathook	1	1	1.
b	Drinking cups	1	None	None.
c	Jackknife	1	None	None.
d	Life line	1 [1]	1 [1]	1.[1]
e	Matches	1	1	None.
f	Mirrors, signaling	2	None	None.
g	Oars	1 unit [2]	1 unit [2]	1 unit.[2]
h	Oil, storm (gallons)	1	1	None.
i	Painter	1	1	1.
j	Provisions (pounds per person)	2	None	None.
k	Rowlocks	1 unit [2]	1 unit [2]	1 unit.[2]
l	Sea anchor	1	1	None.
m	Signals, distress	1 unit [3]	1 unit [3]	None.
n	Water (quarts per person)	1	None	None.
o	Water light	1	1	None.

[1] Not required on type A life rafts.
[2] For description of units see § 75.20–25.
[3] Smoke signals not required. Only 6 hand red flare distress signals need be provided.

§ 75.20–25 *Description of equipment for life rafts.*—(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and shall be provided with ⅛ inch cotton lanyard, 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Life line.* The life line shall be properly secured around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12 thread manila.

(e) *Matches.* A box of friction matches in a watertight container.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(g) *Oars.* A unit, consisting of 4 rowing oars and one steering oar not less than 8 feet in length shall be provided for life rafts for 7 persons or more. For life rafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the life rafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the life raft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of 5 rowlocks attached to the life raft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and one steering position with the life raft floating either side up. Rowlocks and rowlock sockets are not required on life rafts for 6 persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(m) *Signals, distress.* A unit consisting of equipment as specified in one of the subparagraphs hereunder. Service use of this equipment shall be limited to 3 years from the date of manufacture.

(1) Twelve approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(3) Twelve approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* One quart of water shall be provided for each person the life raft is certified to carry. The water shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the life raft by a 12-thread manila lanyard 3 fathoms in length.

§ 75.20–30 *Required equipment for life floats and buoyant apparatus.* (a) The life floats and buoyant apparatus for all vessels shall be equipped in accordance with Table 75.20–30 (a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 75.20–35. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 75.20–35.

TABLE 75.20–30 (a)

Letter identification	Item	Number required for each life float and buoyant apparatus		
		Ocean and coastwise	Great Lakes	Lakes, bays, and sounds; and rivers
a	Boathook	1 [1]	1	1
b	Life line	1	1	1
c	Paddles	4 [2]	4	4
d	Painter	1	1	1
e	Water light	1 [2]	1	None

[1] Buoyant apparatus need not be equipped with boathook or paddles.
[2] Equipment for 24 persons or less not required to have a water light.

§ 75.20–35 *Description of equipment for life floats and buoyant apparatus.*—(a) *Boathook.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Life line.* The life line shall be properly secured around the sides and ends of the life float or buoyant apparatus, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila.

(c) *Paddles.* Paddles shall be not less than 5 feet long.

(d) *Painter.* (1) The painter for buoyant apparatus shall be of manila rope not less than 2 inches in circumference and of a length not less than 6 feet plus the distance between the deck on which the buoyant apparatus is stowed and the light draft of the vessel.

(2) The painter for life floats shall be of manila rope not less than 2¾ inches in circumference and of a length not less

than 3 times the distance between the deck on which the life floats are stowed and the light draft of the vessel.

(e) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the life float or buoyant apparatus by a 12-thread manila lanyard 3 fathoms in length.

§ 75.20–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(a) (1) Except as specifically modified by this paragraph, the requirements of §§ 75.20–5 through 75.20–35 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.20–5 through 75.20–35 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part.

(2) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(3) Decked lifeboats shall have no drain holes or plugs, but shall be equipped with two bilge pumps.

(4) On vessels in ocean or coastwise service, unless other approved means are provided to achieve the same purpose, three ½-inch-diameter manila grab lines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to and climb upon the upturned lifeboat. The ends of each grab line shall be securely attached to the side benches or other permanent part of the lifeboat and each grab line shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand gripes. Means shall be provided for taking up any slack in the grab lines.

(5) Vessels required to have as lifeboat equipment 2 approved floating orange smoke signals may retain in substitution therefor either 12 approved hand orange smoke distress signals constructed in accordance with Subpart 160.037, or 12 approved combination flare and smoke distress signals constructed in accordance with Subpart 160.023 of Subchapter Q (Specification) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, whereupon it shall be replaced with the required floating orange smoke signals.

SUBPART 75.25—DAVITS

§ 75.25–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.25–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.25–90.

§ 75.25–5 *General.* (a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons), shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out.

(d) All davits and necessary gear shall be such as to meet the requirements for the installation test set forth in Subpart 75.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting the lifeboats into the water. Where nested lifeboats are fitted, a period of 10 minutes will be allowed for launching all lifeboats on either side of the vessel.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with passengers and crew.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

§ 75.25–10 *Requirements for vessels in ocean or coastwise service.* (a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried. In exceptional cases, where in the opinion of the Commandant it is neither reasonable nor practicable to fit a set of davits for each lifeboat, authorization may be granted to nest the lifeboats one above the other: *Provided,* That there shall be fitted at least the minimum number of sets of davits required for the vessel by the International Convention for Safety of Life at Sea, 1948. In all cases, the number of nested lifeboats shall be kept to a minimum and it shall be ascertained by a test in the presence of an inspector that all lifeboats can be launched in the time prescribed by § 75.25–5 (d).

(b) All davit installations shall have 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest sea going draft with the vessel listed 15 degrees either way.

§ 75.25–15 *Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service.* (a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels, radial type davits may be used if specifically approved by the Commandant.

§ 75.25–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.25–5 through 75.25–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.23–5 through 75.25–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements in this subpart.

(2) On vessels the keels of which were laid after September 1, 1941, all davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(3) In no case shall the number of sets of davits on vessels in ocean or coastwise service be less than that prescribed by the International Convention for the Safety of Life at Sea, 1929.

SUBPART 75.30—LIFEBOAT WINCHES

§ 75.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.30–90.

§ 75.30–5 *General.* (a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(b) Where ice conditions are likely to be encountered, suitable fabric covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formations may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 75.30–10 *Number and type required.* (a) Lifeboat winches shall be fitted for each set of davits on all vessels where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

§ 75.30–15 *Installation.* (a) Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of § 111.65–40 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 75.33.

(c) Lifeboat winches for use with nested lifeboats shall be provided with suitable means for rapidly retrieving the falls by hand power unless separate falls are provided for each lifeboat.

§ 75.30–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.30–5 through 75.30–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.30–5 through 75.30–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements in this part.

(2) Vessels in river service need not comply with the requirements of § 75.30–10 (a).

(3) Existing arrangements previously approved, but not meeting the requirements of § 75.30–15 (a), need not be changed. However, new installations or major alterations should conform with such requirements where reasonable and practicable.

(4) Where lifeboat winches are used with gravity davits, the insulation shall comply with the requirements contained in § 160.015–3 (k), of Subpart 160.015 (Lifeboat Winches) of Subchapter Q (Specifications) of this chapter.

SUBPART 75.33—BLOCKS AND FALLS

§ 75.33–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.33–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of §75.33–90.

§ 75.33–5 *General.* (a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft and listed 15 degrees.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions to the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 75.33–10 *Installations where lifeboat winches are used.* (a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used.

(c) Not more than 2-part falls may be used, except in special cases where 3-part falls may be permitted by the Commandant.

(d) Where nested lifeboats are used, the lower block shall be of the non-toppling type unless separate falls are provided for each lifeboat.

(e) The lead sheaves to the drum shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between the wire rope from the lead sheave to the drum (or drum extended) when it is perpendicular to the axis of the drum, and the wire rope from the lead sheave to either extremity of the drum.

(f) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 75.33–15 *Installations where lifeboat winches are not used.* (a) All falls shall be of manila rope or equivalent. Wire rope may not be used.

(b) All vessels of over 1,000 gross tons shall be provided with covered tubes, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats. Vessels of 1,000 gross tons and less shall have the falls protected from ice and ready for immediate use, and shall be provided with suitable lowering bitts or cleats.

(c) Where nested lifeboats are used, separate blocks and falls shall be provided for each lifeboat.

(d) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be ½ inch greater than the diameter of new rope when rope of 3¾-inch circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 75.33–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.33–5 through 75.33–15, as applicable, shall be complied with insofar as the general type of equipment is concerned. Existing equipment previously approved, but not meeting the detailed requirements of §§ 75.33–5 through 75.33–15, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements in this subpart.

SUBPART 75.35—INSTALLATION OF LIFEBOATS, DAVITS, AND WINCHES

§ 75.35–1 *Application.* (a) The provisions of this subpart shall apply to all installations contracted for on or after November 19, 1952, except as set forth in § 78.17–60 (c) of this subchapter.

§ 75.35–5 *Tests and examinations.* (a) Upon completion of the installation of lifeboats, davits, or winches, tests and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load including the weight of the lifeboat. No persons shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls. If nested lifeboats are installed, both lifeboats shall be launched in the manner noted above. The following determinations shall be made:

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat.

(3) The falls shall be of sufficient length to lower the lifeboat to the light load line with the vessel heeled 15 degrees inboard.

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stoped at intervals of approximately 6 feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute. However, emergency lifeboats shall have a minimum lowering speed of 60 feet per minute in the fully equipped condition without persons aboard and a maximum lowering speed of 160 feet per minute in the fully equipped condition with the full complement of persons aboard.

(iv) If nested lifeboats are used, the hand operated quick return mechanism shall be tested. The action shall be easy enough for one man to recover the falls.

SUBPART 75.40—LIFE PRESERVERS, AND WOOD FLOATS

§ 75.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.40–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.40–90.

§ 75.40–5 *General.* (a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002 through 160.005 of Subchapter Q (Specifications) of this chapter.

(b) All wood floats shall be a type constructed in accordance with Subpart 160.039 of Subchapter Q (Specifications) of this chapter.

§ 75.40–10 *Number and type required.* (a) Except as noted below, all vessels shall be provided with an approved type life preserver for each person carried and in addition shall be provided with a number of life preservers suitable for children equal to at least 10 percent of the persons carried.

(1) Steam vessels in river service, and barges carrying passengers while in tow of a steamer in other than ocean or coastwise service, may substitute approved wood floats for the approved type life preservers required above for each deck or steerage passenger.

(2) All river ferryboats shall be provided with an approved type life preserver (or wood float where same is permitted by Subparagraph (1) of this paragraph) for every 5 square feet of passenger deck surface on single deck ferryboats and for every 8.5 square feet of passenger deck surface on ferryboats having more than one passenger deck, such measurements to include all deck space in the team gangways at each end of the cabins. However, where the number of persons carried is less than the number of life preservers (or wood floats) required by these measurements, it shall only be required to provide one life preserver (or wood float when permitted) for each person carried.

§ 75.40–15 *Distribution, stowage, and notices*—(a) *Distribution.* (1) Life preservers, including those especially provided for children, shall be properly distributed throughout the staterooms, berthings, and other places convenient for passengers and crew. Wood floats, where permitted, shall be distributed in the most accessible places.

(b) *Stowage.* (1) Lockers, boxes, and closets in which life preservers are stowed shall not be capable of being locked, shall be plainly marked, and the life preservers contained therein shall be readily available.

(2) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed among the passengers. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

(c) *Notices.* (1) A printed notice, as described in §§ 78.47–47 and 78.47–50, shall be posted in every passenger cabin and stateroom and in conspicuous places about the decks, informing passengers of the location of life preservers and describing and illustrating the method of donning and adjusting them.

§ 75.40–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.40–5 through 75.40–15 shall be complied with insofar as the number of items of equipment and the method of stowage and notice is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.40–5 through 75.40–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements.

SUBPART 75.43—RING LIFE BUOYS AND WATER LIGHTS

§ 75.43–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.43–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.43–90.

§ 75.43–5 *General.* (a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

§ 75.43–10 *Number required.* (a) The minimum number of approved 30-inch ring life buoys, and the minimum number of which shall have water lights attached, shall be in accordance with Table 75.43–10 (a).

(b) One of the ring life buoys on each side of the vessel shall have secured to it a line at least 15 fathoms in length.

TABLE 75.43–10 (a)

Length of vessel in feet	Ocean		All services other than ocean [1]	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Column 1	Column 2	Column 3	Column 4	Column 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

[1] Any mechanically propelled vessel on an international voyage shall meet the requirements for ocean service.

§ 75.43–15 *Distribution and securing.* (a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 75.43–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.43–5 through 75.43–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 75.43–5 through 75.43–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

SUBPART 75.45—LINE-THROWING APPLIANCES

§ 75.45–1 *Application.* (a) The provisions of this subpart, with the exception of § 75.45–90, shall apply to all vessels on an international voyage and all other vessels of 150 gross tons and over certificated for ocean or coastwise service, contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.45–90.

§ 75.45–5 *General.* (a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to 4 years from date of manufacture.

(b) Line-throwing appliances of the shoulder gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 75.45–10 *Type required.* (a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons and not on an international voyage may substitute a line-throwing appliance of the shoulder gun type.

§ 75.45–15 *Equipment for line-throwing appliances.* (a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each 1,000 feet in length, of 7/32 inch to 9/32 inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder gun type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each 400 feet in length, of 3/8 inch circumference flax or cotton and having a breaking strength of at least 250 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3-inch circumference manila.

§ 75.45–20 *Accessibility.* (a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 75.45–25 *Service recommendations.* (a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 75.45–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels of 150 gross tons and over in ocean or coastwise service, and vessels of any tonnage on an international voyage, contracted for prior to November 19, 1952, shall meet the requirements set forth in §§ 75.45–5 through 75.45–25. However, if a Lyle gun type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 (Portable Magazine Chest) of Subchapter Q (Specifications) of this chapter, the powder shall be separately stowed in a chest meeting such requirements.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in a nonferrous metal screw top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of 7/32-inch to 9/32-inch diameter flax or manila, and having a breaking strength of at least 500 pounds. To be kept in faking boxes or on reels.

(vi) One ramrod, 1 wire brush, 1 can of light petrolatum, and 12 wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun.

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility requirements are the same as § 75.45–20.

SUBPART 75.50—EMBARKATION AIDS

§ 75.50–1 *Application.* (a) The provisions of this subpart with the exception of § 75.50–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 75.50–90.

§ 75.50–5 *Ladders.* (a) Vessels certificated for ocean or coastwise service.

(1) All ladders required by this paragraph shall be of an approved type, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) All vessels shall have an approved type ladder for each set of lifeboat davits. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(3) All vessels which normally employ a pilot shall have an approved type ladder for the use of the pilot in addition to the ladders required by subparagraph (2) of this paragraph.

(b) Vessels certificated for Great Lakes, lakes, bays, and sounds; or river service as follows:

(1) Vessels certificated for Great Lakes or lakes, bays, and sounds service shall be provided with a suitable ladder for each set of lifeboat davits. Such ladders shall be reversible and free from garment-entangling projections. They shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(2) Vessels certificated for river service shall be provided with suitable ladders to enable passengers to descend conveniently to the lifeboats.

§ 75.50–10 *Illumination for lifeboat launching operations.* (a) Provisions shall be made on all vessels on international voyages, and all other vessels where the lifeboat deck is more than 30 feet above the light water line, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 75.50–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 75.50–5 through 75.50–10 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 75.50–5 through 75.50–10 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

SUBPART 75.55—PORTABLE RADIO APPARATUS

§ 75.55–1 *Required on international voyage.* (a) Any vessel on an international voyage carrying less than 20 lifeboats shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. The apparatus shall be so designed that it may be used by an unskilled person. Such apparatus shall be kept in the radio room, chart room, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

SUBPART 75.90—SHIP'S DISTRESS SIGNALS

§ 75.90–1 *Application.* (a) The provisions of this subpart shall apply to all vessels, except as specifically noted.

§ 75.90–5 *Vessels in ocean or coastwise service.* (a) All vessels in ocean and coastwise service shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of 3 years from date of manufacture.

§ 75.90–10 *Vessels in Great Lakes service.* (a) All vessels of 150 gross tons and over in Great Lakes service shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held red flare distress signals contained in a portable watertight container constructed in accordance with Subpart 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of 3 years from date of manufacture.

PART 76—FIRE PROTECTION EQUIPMENT

Part 76 is amended to read as follows:

SUBPART 76.01—APPLICATION

Sec.
76.01–1 General.
76.01–5 Equipment installed but not required.

SUBPART 76.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

76.05–1 Fire detecting systems.
76.05–5 Manual alarm system.
76.05–10 Supervised patrol system.
76.05–15 Fire main system.
76.05–20 Fixed fire extinguishing systems.
76.05–25 Hand portable fire extinguishers and semiportable fire extinguisher systems.
76.05–30 Sand.

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

76.10–1 Application.
76.10–5 Fire pumps.
76.10–10 Fire hydrants and hose.
76.10–15 Piping.
76.10–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.13—STEAM SMOTHERING SYSTEM, DETAILS

76.13–1 Application.
76.13–5 Quantity of steam required.
76.13–10 Piping.
76.13–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.15—CARBON DIOXIDE EXTINGUISHING SYSTEMS, DETAILS

76.15–1 Application.
76.15–5 Quantity, pipe sizes, and discharge rate.
76.15–10 Controls.
76.15–15 Piping.
76.15–20 Carbon dioxide storage.
76.15–25 Discharge outlets.
76.15–30 Alarms.
76.15–35 Inclosure openings.
76.15–40 Pressure relief.
76.15–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.17—FOAM EXTINGUISHING SYSTEMS, DETAILS

Sec.
76.17–1 Application.
76.17–5 Quantity of foam required.
76.17–10 Controls.
76.17–15 Piping.
76.17–20 Discharge outlets.
76.17–25 Additional protection required.
76.17–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.20—WATER SPRAY EXTINGUISHING SYSTEM, DETAILS

76.20–1 Application.
76.20–5 Capacity.
76.20–10 Controls.
76.20–15 Piping.
76.20–20 Discharge outlets.
76.20–25 Additional protection required.
76.20–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.23—MANUAL SPRINKLING SYSTEM, DETAILS

76.23–1 Application.
76.23–5 Zoning.
76.23–10 Quantity, pipe sizes, and discharge rates.
76.23–15 Controls.
76.23–20 Piping.
76.23–25 Sprinkler heads.
76.23–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.25—AUTOMATIC SPRINKLING SYSTEM, DETAILS

76.25–1 Application.
76.25–5 Zoning.
76.25–10 Size and arrangement of sprinkler heads and pipe sizes.
76.25–15 Pumps and water supply.
76.25–20 Pressure tank.
76.25–25 Controls.
76.25–30 Piping.
76.25–35 Operation and installation.
76.25–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.27—ELECTRIC FIRE DETECTING SYSTEM, DETAILS

76.27–1 Application.
76.27–5 Zoning.
76.27–10 Location and spacing of detectors.
76.27–15 Operation and installation.
76.27–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.30—PNEUMATIC FIRE DETECTING SYSTEM, DETAILS

76.30–1 Application.
76.30–5 Zoning.
76.30–10 Location and spacing of tubing.
76.30–15 Operation and installation.
76.30–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.33—SMOKE DETECTING SYSTEM DETAILS

76.33–1 Application.
76.33–5 Zoning.
76.33–10 Location and spacing of accumulators.
76.33–15 Piping.
76.33–20 Operation and installation.
76.33–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.35—MANUAL ALARM SYSTEM, DETAILS

Sec.
76.35–1 Application.
76.35–5 Zoning.
76.35–10 Location and spacing of manual alarm boxes.
76.35–15 Operation and installation.
76.35–90 Installations contracted for prior to November 19, 1952.

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMI-PORTABLE FIRE EXTINGUISHING SYSTEMS, DETAILS AND ARRANGEMENTS

76.50–1 Application.
76.50–5 Classification.
76.50–10 Location.
76.50–15 Spare charges.
76.50–90 Vessels contracted for prior to November 19, 1952.

SUBPART 76.60—AXES

76.60–1 Application.
76.60–5 Number required.
76.60–10 Location.

AUTHORITY: §§ 76.01–1 to 76.60–10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 76.01—APPLICATION

§ 76.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 76.01–5 *Equipment installed but not required.* (a) Where fire detecting or extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

SUBPART 76.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

§ 76.05–1 *Fire detecting systems.* (a) Approved fire detecting systems shall be installed in locations as required by Table 76.05–1 (a) on the following vessels:

(1) Any vessel on an international voyage.

(2) Any vessel of more than 150 feet in length having sleeping accommodations for passengers.

(3) Any vessel of 150 feet or less in length, not on an international voyage, having sleeping accommodations for 50 or more passengers. Vessels in this category are not required to have a detecting system in the cargo spaces.

(b) The arrangement and details of the fire detecting systems shall be as set forth in Subparts 76.25 through 76.33.

§ 76.05–5 *Manual alarm system.* (a) An approved manual alarm system shall be installed in all areas, other than the main machinery spaces, which are normally accessible to the passengers or crew on any vessel having sleeping accommodations for passengers or any vessel on an international voyage.

(b) The arrangement and details of the manual alarm system shall be as set forth in Subpart 76.35.

TABLE 76.05–1 (a)

Space	Detecting systems	Fixed extinguishing systems
Safety areas		
Wheelhouse or fire-control room	None required [1]	None required.[1]
Stairway and elevator enclosures	do.[1]	Do.[1]
Communication corridors	do.[1]	Do.[1]
Lifeboat embarkation and lowering stations	do	Do.
Radio room	do.[1]	Do.[1]
Accommodations		
Staterooms, toilet spaces, isolated pantries, etc.	do.[1]	Do.[1]
Offices, lockers, and isolated storerooms	Electric, pneumatic, or automatic sprinkling.[1]	Do.[1]
Public spaces	None required with 20-minute patrol. Electric, pneumatic, or automatic sprinkling with 1 hour patrol.[1]	Do.[1]
Open decks or enclosed promenades	None required	Do.
Service spaces		
Galleys	do.[1]	Do.[1]
Main pantries	do.[1]	Do.[1]
Motion picture booths and film lockers	Automatic sprinkling [1 2]	Automatic sprinkling.[1 2]
Paint and lamp rooms	Smoke detecting [3]	Carbon dioxide or steam.
Inaccessible baggage, mail, and specie rooms and storerooms.	do	Do.
Accessible baggage, mail, and specie rooms and storerooms.	Electric, pneumatic, or automatic sprinkling.	None required.[1]
Refrigerated storerooms	None required	Do.
Carpenter, valet, photographic, and printing shops, sales rooms, etc.	Electric, pneumatic, or automatic sprinkling.	Do.[1]
Machinery spaces		
Coal fired boilers: Bunker and boiler space	None required	Do.
Oil fired boilers: Spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers, and adjacent spaces to which oil can drain.	do	Carbon dioxide, foam, or water spray.[4]
Internal combustion and gas turbine propelling machinery spaces.	do	Carbon dioxide.[5]
Electric propulsive motors or generators of open type	do	None required.
Enclosed ventilating systems for motors and generators of electric propelling machinery.	do	Carbon dioxide (in ventilating system).[6]
Auxiliary spaces, internal combustion or gas turbine	do	Carbon dioxide. [7]
Auxiliary spaces, electric motors or generators	do	None required.
Auxiliary spaces, steam	do	Do.
Trunks to machinery spaces	do	Do.
Fuel tanks	do	Do. [8]
Cargo spaces		
Inaccessible during voyage, including trunks (excluding tanks).	Smoke detecting	Carbon dioxide or steam.
Accessible during voyage	Smoke detecting, electric, pneumatic or automatic sprinkling.	Automatic or manual sprinkling.
Vehicular deck (except where no overhead deck is installed).	None required	Manual sprinkling.
Cargo oil tanks	do	Carbon dioxide, foam, or steam.

[1] Vessels of 100 gross tons and over contracted for on or before May 27, 1936, and having combustible joiner work shall be fitted with an automatic sprinkling system, except in relatively incombustible spaces.
[2] Sprinkler heads may be attached to sanitary system provided electrical or pneumatic detecting is installed. Required only if nitro-cellulose film is used; if slow-burning film is used, an electrical or pneumatic detecting system may be substituted.
[3] On vessels contracted for prior to November 19, 1952, electric or pneumatic detecting may be substituted.
[4] Protection of auxiliary boilers, fuel oil units, valves, and manifolds not required on vessels contracted for prior to November 19, 1952.
[5] Not required on motorboats or vessels under 300 gross tons (except on an international voyage) using fuel with a flash point higher than 110 degrees F.
[6] Not required on vessels contracted for prior to November 19, 1952.
[7] Not required on vessels under 300 gross tons nor on vessels contracted for prior to November 19, 1952, except where fuel, including starting fuel, has a flash point of 110 degrees F. or less.
[8] Where fuel having a flash point of 110 degrees F. or lower is used, the space containing the fuel tanks shall be protected by a carbon dioxide system.

§ 76.05–10 *Supervised patrol system.* (a) An approved supervised patrol system shall be maintained in all spaces other than main machinery spaces and sleeping rooms, which are normally accessible to the passengers and crew on any vessel having sleeping accommodations for passengers or any vessel on an international voyage.

(b) The arrangement and details of the supervised patrol system shall be as set forth in § 78.30–10.

§ 76.05–15 *Fire main system.* (a) Fire pumps, hydrants, hose, and nozzles shall be installed on all vessels other than barges.

(b) The arrangement and details of the fire main system shall be as set forth in Subpart 76.10.

§ 76.05–20 *Fixed fire extinguishing systems.* (a) Approved fixed fire extinguishing systems shall be installed on all vessels other than barges as required by Table 76.05–1 (a).

(b) The arrangements and details of the fixed fire extinguishing systems shall be as set forth in Subparts 76.13 through 76.25.

§ 76.05–25 *Hand portable fire extinguishers and semiportable fire extinguisher systems.* (a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all vessels as set forth in Subpart 76.50.

§ 76.05–30 *Sand.* (a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

SUBPART 76.10—FIRE MAIN SYSTEM, DETAILS

§ 76.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 76.10–90, shall apply to all fire main installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.10–90.

§ 76.10–5 *Fire pumps.* (a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 76.10–5 (a).

TABLE 76.10–5 (a)

Gross tons		Minimum number of pumps		Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over	International voyage	Other			
----	100	2	1	[1] 1½	[1] ½	[1] 50
100	500	2	1	1½	⅝	50
500	1,500	2	2	1½	⅝	50
1,500	4,000	2	2	[2] 2½	[2] ⅞	[2] 50
4,000	----	3	3	[2] 2½	[2] ⅞	[2] 50

[1] On vessels of 65 feet in length or less, not on international voyage, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.
[2] 75 feet of 1½-inch hose and ⅞-inch nozzles may be used where specified by §76.10–10(b).

(b) Vessels on an international voyage shall have a minimum total fire pump capacity at least equal to ⅔ of the required total bilge pump capacity, but in no case less than that required by this section.

(c) Each pump shall be capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of approximately 50 p. s. i. Where one or both of these outlets is a 1½-inch siamese fitting, both branches of the siamese fitting at each such outlet shall be utilized for the purpose of this requirement. Where ¾-inch hose is permitted by Table 76.10–5 (a), the Pitot tube pressure need be only 35 p. s. i.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p. s. i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p. s. i., whichever is greater. Relief valves may be omitted if the pumps, operating under shutoff conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gauge on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge

lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, in vessels of less than 300 feet in length, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 76.10–10 *Fire hydrants and hose.* (a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 76.10–5 (a).

(b) In lieu of the 2½-inch hose and hydrants specified in Table 76.10–5 (a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1½-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided, and adapters shall, if practicable, be available where necessary to provide the shore connections with coupling threads corresponding to the shore fire lines.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, accessible to the passengers or crew while the vessel is being navigated and all cargo holds may be reached with at least two streams of water from separate outlets, at least one of which shall be from a single length of hose. For the purpose of this requirement, all watertight doors and all doors in main vertical zone bulkheads and stairway enclosures shall be closed, although hose ports may be installed in doors other than watertight doors and doors in main vertical zone bulkheads for the passage of the hose. In main machinery spaces, all portions at such spaces shall be capable of being reached by at least two streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 78.47–20.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cut-out valves and drain valves so that the entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosure shall be marked in accordance with § 78.47–20.

(h) Fire hose shall be connected to the outlets at all times. However, on open decks where no protection is afforded to the hose in heavy weather, or where the hose may be liable to damage from the handling of cargo the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Fire hose shall not be used for any other purpose than fire extinguishing and fire drills.

(j) Hose nozzle requirements:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 76.10–5 (a).

(3) Where combination nozzles are used, they shall be approved, and shall be capable of producing a solid stream, a high velocity fog spray, or being shut off. In addition, an approved applicator with a low velocity water fog tip, which is capable of being attached directly to the nozzle or the hose, shall be provided for each nozzle. The detachable applicator shall be stowed adjacent to the fire hydrant, except where such combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master. Unless a self-cleaning strainer is contained within the nozzle itself, and within the applicator where the applicator is attached directly to the hose, there shall be a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose.

(4) Except as noted in subparagraphs (5), and (6) of this paragraph, all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels on an international voyage, and all other vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil-fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where ¾-inch hose is permitted by Table 76.10–5 (a), a good commercial grade garden hose nozzle or equivalent will be accepted.

(7) Where approved combination nozzles are used, but are not required, the applicator with low velocity fog spray head and the self-cleaning strainer may be fitted, but will not be required.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in Paragraph (1) of this section.

(l) Fire hose and couplings requirements:

(1) Couplings shall be of brass, bronze, or other equivalent metal. National Standard Hose Threads shall be used for the 1½-inch and 2½-inch sizes, i. e., 11½ threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) Where ¾-inch hose is permitted by Table 76.10–5 (a), the hose and couplings shall be of good commercial grade.

§ 76.10–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 78.47–15.

§ 76.10–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 76.10–5 through 76.10–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing equipment previously approved, but not meeting the applicable requirements of §§ 76.10–5 through 76.10–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements in this part.

(2) All vessels shall be fitted with fire pumps, hoses, and nozzles in accordance with Table 76.10–90 (a) (2).

(3) When reasonable and practicable, where two or more fire pumps are required, they shall not all be located in the same space.

(4) The general requirements of §§ 76.10–5 (c) through (h), 76.10–10 (d) through (i), and 76.10–15 shall be complied with insofar as is reasonable and practicable.

TABLE 76.10–90 (a) (2)

Gross tons		Minimum number of pumps	Minimum hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
------	100	1	[1] 1½	[1] 3/16	50
100	4,000	2	[2] 1½	[2] 5/8	50
4,000	------	3	[2] 1½	[2] 7/8	50

[1] On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

[2] May use 50 feet of 2½-inch hose with 7/8-inch nozzles for exterior stations. May use 75 feet of 1½-inch hose with 5/8-inch nozzles for interior station in which case such interior stations shall have siamese connections.

SUBPART 76.13—STEAM SMOTHERING SYSTEM, DETAILS

§ 76.13–1 *Application.* (a) Where a steam smothering system is installed, the provisions of this subpart, with the exception of § 76.13–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.13–90.

§ 76.13–5 *Quantity of steam required.* (a) Steam shall be available from main or auxiliary boilers to provide at least one pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(b) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight or firescreen bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(c) A steam pressure of at least 100 p. s. i. shall be available unless specifically approved otherwise.

§ 76.13–10 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo 'tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(c) The distribution line to each compartment shall be fitted with a shut-off valve. The valve shall be marked as required by § 78.47–15 of this subchapter.

(d) The manifold steam supply line shall be fitted with a master valve at the manifold.

(e) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(f) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 78.47–17 of this chapter.

(g) Piping shall not be led into or through spaces accessible to the passengers or crew while the vessel is being navigated, with the exception of machinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire detecting system, and where suitable provisions are made, it may be used for steaming out tanks.

(i) The minimum size and number of branches to the various spaces shall be as given in Table 76.13–10 (i). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 76.13–10 (i)

Volume of spaces in cubic feet		Number of branches to spaces	Pipe size of each branch, inches
Over	Not over		
------	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1½
60,000	100,000	3	1½
100,000	190,000	4	1½

(j) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

§ 76.13–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 78.47–17 of this chapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 78.47–15.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 78.47–15 of this chapter.

(b) Installations contracted for on or after July 1, 1935, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of § 76.13–10 (a) through (h) insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 76.13–90 (b) (4) or by the following formula:

$$D=\sqrt{\frac{C}{30,000}} \qquad (1)$$

where:

D=Required diameter of pipe in inches.

C=Volume of compartment in cubic feet.

TABLE 76.13–90 (b) (4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
------	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	203,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D=\sqrt{\frac{C}{60,000}} \qquad (2)$$

where:

D=Diameter of pipe in inches.

C=Volume of all compartments in cubic feet.

SUBPART 76.15—CARBON DIOXIDE EXTINGUISHING SYSTEMS, DETAILS

§ 76.15–1 *Application.* (a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 76.15–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.15–90.

(b) The requirements of this subpart are based on a "high pressure system", i. e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems", i. e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 76.15–5 *Quantity, pipe sizes, and discharge rate.* (a) The amount of carbon dioxide required for each space shall be as determined by the following paragraphs in this section.

(b) A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) Cargo space requirements:

(1) The number of pounds of carbon dioxide required for each space in cubic feet shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a

cargo compartment will be considered as the space between adjacent watertight or firescreen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than ¾ inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) Enclosed ventilation systems for rotating electrical propulsion equipment requirements:

(1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 76.15–5 (e) (3), and the discharge of the required amount shall be completed within two minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than ½ inch standard pipe size, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) Machinery spaces, paint lockers, tanks, and similar spaces, requirements:

(1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 76.15–5 (e) (1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 76.15–5 (e) (1)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
----------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	----------	22

(2) For the purpose of the requirement of this paragraph, the volume of a machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower.

(3) Branch lines to the various spaces shall be as noted in Table 76.15–5 (e) (3).

TABLE 76.15–5 (e) (3)

Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum nominal pipe size, inches
100	1¼	2,300	2½
200	¾	4,400	3
300	1	7,000	3½
600	1¼	10,250	4
1,000	1½	15,000	4½
2,450	2		

(4) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(5) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(6) The total area of all discharge outlets shall not exceed 85 percent nor be less than 40 percent of the sum of the minimum areas of all the cylinder discharges or the area of the supply pipe, whichever is the smaller.

(7) The discharge of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 76.15–10 *Controls.* (a) The carbon dioxide supply and all controls and valves for the operation of the system shall be outside the spaces protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. However, independent systems may be permitted in isolated small spaces such as emergency generator rooms, paint lockers, etc., in which case the cylinders may be inside the space, but the controls shall be outside the space, and a stop valve will not be required.

(b) Distribution piping to the various cargo spaces shall be controlled from not more than two stations. The station controlling the main machinery spaces shall be located as convenient as practicable to one of the main escapes from such spaces.

(c) Each branch line shall be fitted with an approved shut-off valve operable from the station which shall be marked as required by § 78.47–15. Such shut-off valves shall be kept closed at all times except to operate the particular system.

(d) The arrangements shall be such that the entire charge to any space, other than cargo spaces and delayed discharges to ventilating systems for electrical equipment, can be introduced into the space by the operation of one valve selecting the space, and one control for releasing at least the required amount of carbon dioxide. The controls shall be of an approved type and shall be located adjacent to the shut-off valve controls.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide, provisions shall also be made for manual release in the event of failure of the remote or automatic device.

(f) The distribution controls shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 78.47–17 of this subchapter.

(g) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(h) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break glass type box conspicuously located adjacent to the opening.

§ 76.15–15 *Piping.* (a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 p. s. i.

(b) All piping, in nominal sizes not over ¾ inch, shall be at least Schedule 40 (standard weight), and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 p. s. i. shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shut-off valves are closed.

(e) All dead end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 p. s. i. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 p. s. i. per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall be 600 p. s. i. in lieu of 1,000 p. s. i. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in the preceding subparagraphs in this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with air at a pressure of at least 100 p. s. i.

§ 76.15–20 *Carbon dioxide storage.* (a) The room for the carbon dioxide storage supply shall be properly ventilated and shall be so located and designed that the anticipated ambient temperature will not exceed 130 degrees F.

(b) Cylinders shall be securely fastened and supported, and, where necessary, protected against injury.

(c) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(d) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(e) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent syphon tubes may be inclined not more than 80 degrees from the vertical.

(f) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(g) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the Interstate Commerce Commission as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

§ 76.15–25 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 76.15–30 *Alarms.* (a) Spaces which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 78.47–9.

§ 76.15–35 *Inclosure openings.* (a) Where mechanical ventilation is provided for spaces other than cargo and similar spaces which are protected by a carbon dioxide extinguishing system, provisions shall be made so that the ventilation system is automatically shutdown with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 76.15–40 *Pressure relief.* (a) Where necessary, relatively tight compartment such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 76.15–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.15–5 through 76.15–40 insofar as is reasonable and practicable, with the exception of § 76.15–5 (e) (1) through (3) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boiler rooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boiler room taken to the top of the boilers divided by 36. In the event of an elevated boiler room which drains to the machinery space, the system shall be installed in the engine room bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the underside of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces, other than cargo and similar spaces, shall be as noted in Table 76.15–90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of ⅜-inch diameter.

TABLE 76.15–90 (a) (6)

Number of cylinders		Nominal pipe size	
Over	Not over	Inches	Type
----	2	1½	Standard.
2	4	¾	Do.
4	6	1	Extra heavy.
6	12	1¼	Do.
12	16	1½	Do.
16	27	2	Do.
27	39	2½	Do.
39	60	3	Do.
60	80	3½	Do.
80	104	4	Do.
104	165	5	Do.

SUBPART 76.17—FOAM EXTINGUISHING SYSTEMS, DETAILS

§ 76.17–1 *Application.* (a) Where a foam extinguishing system is installed, the provisions of this subpart, with the exception of § 76.17–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.17–90.

§ 76.17–5 *Quantity of foam required—*(a) *Area protected.* (1) For machinery and similar spaces, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(b) *Rate of application.* (1) For spaces other than tanks, the rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this subparagraph.

(i) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(ii) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(2) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in subparagraph (1) of this paragraph, except that the value of 1 gallon per minute shall be substituted

in both cases for the value of 1.6 gallons per minute.

(c) *Supply of foam producing material.* (1) There shall be provided a quantity of foam producing material sufficient to operate the equipment at the discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes for spaces other than tanks, and for at least 5 minutes for tanks.

(2) A separate supply of foam agent need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(3) Where pumps are required, the water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected.

§ 76.17–10 *Controls.* (a) The foam agent, its container, and all controls and valves for the operation of the system shall be of an approved type.

(b) The foam agent container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from spaces protected, and shall be marked as required by § 78.47–17 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 78.45–15 of this chapter.

§ 76.17–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

76.17–20 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 76.17–25 *Additional protection required.* (a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of spaces other than tanks, at least 2 fire hydrants, in additional to those required for the machinery space by Subpart 76.10, shall be installed outside of the machinery space entrances. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 76.10–10 (j) (3).

§ 76.17–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.17–5 through 76.17–20, with the exception of § 76.17–5 (a) (2), insofar as is reasonable and practicable. A 6-inch blanket of foam in 5 minutes for tanks and 3 minutes for other spaces will be considered as meeting the requirements of § 76.17–5.

SUBPART 76.20—WATER SPRAY EXTINGUISHING SYSTEM, DETAILS

§ 76.20–1 *Application.* (a) Where a water spray extinguishing system is installed, the provisions of this subpart, with the exception of § 76.20–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.20–90.

§ 76.20–5 *Capacity.* (a) The capacity and arrangement shall be such as to effectively blanket the entire area of the tank top. The rate of discharge and the arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected.

(b) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings to all openings other than deck drains to properly restrain the oil and water at that level. Other installations of a similar nature will be considered in a like manner.

(c) The water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected. The pump supplying water for the system shall either be reserved exclusively for the system or it may be one of the fire pumps, provided the capacity of the fire pump as set forth in Table 76.10–5 (a) is increased by the required capacity of the system.

§ 76.20–10 *Controls.* (a) The controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be located as convenient as practicable to one of the main escapes from the spaces protected, and it shall be marked as required by § 78.47–17 of this subchapter. It shall not be necessary to start the pumps from the control space.

(b) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(c) The valves to the various spaces shall be marked as required by § 78.47–15 of this subchapter.

§ 76.20–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains, strainers, and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 76.20–20 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 76.20–25 *Additional protection required.* (a) In order that any residual fires above the floor plates may be extinguished when a water spray system is installed, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 76.10, shall be installed outside the machinery space entrances. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 76.10–10 (j) (3).

§ 76.20–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.20–5 through 76.20–20, with the exception of § 76.20–5 (b), insofar as is reasonable and practicable.

SUBPART 76.23—MANUAL SPRINKLING SYSTEM, DETAILS

§ 76.23–1 *Application.* (a) Where a manual sprinkling system is installed, the provisions of this subpart, with the exception of § 76.23–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.23–90.

§ 76.23–5 *Zoning.* (a) Separate zones may be used for each deck, and on any particular deck, spaces separated by "A" or "B" Class bulkheads may be separately zoned.

(b) On any particular deck, large common areas may be zoned in accordance with Table 76.23–5 (b). All such zones within one common area shall be of approximately the same size. Zones of this type shall overlap in such a manner that the end sprinkler heads of both adjoining zones will cover the identical area.

TABLE 76.23–5 (b)

Square feet of common deck area		Maximum number of zones
Over	Not over	
-------	800	1
800	1,800	2
1,800	3,000	3
3,000	5,000	4
5,000	9,000	5
9,000	16,000	6
16,000	30,000	7
30,000	----------	8

§ 76.23–10 *Quantity, pipe sizes, and discharge rates.*—(a) *General.* (1) The system shall be so designed and arranged that the overhead is effectively sprayed and all portions of the deck are covered. The capacity shall be such that at least 12 gallons of water per minute are applied to each 100 square feet of deck area.

(2) Piping, fittings, sprinkler heads, and pumps installed in accordance with the remainder of this section will be considered as meeting the above requirements. If alternate sizes or arrangements are used, it shall be demonstrated that these minimum requirements have been met.

(b) *Sprinkler heads.* (1) Three-eight inch open type sprinkler heads shall be used. Sprinkler heads shall be so arranged that no portion of the overhead is more than 7 feet from a sprinkler head.

(c) *Pipe sizes.* (1) The various pipe sizes shall be in proportion to the number of heads served. Minimum pipe sizes shall be as given in Table 76.23–10 (c).

TABLE 76.23–10 (c)

Number of ⅜ inch heads served		Minimum nominal pipe sizes, inches
Over	Not over	
----	1	⅜
1	2	1
2	4	1¼
4	6	1½
6	12	2
12	18	2½
18	30	3
30	46	3½
46	66	4
66	120	5

(d) *Fire pumps.* (1) The fire pumps may be used for the sprinkling system provided there is sufficient total capacity to operate the largest zone of the sprinkling system with a Pitot tube pressure of at least 15 p. s. i. at all heads and at the same time to deliver water from the two highest fire hose outlets in a manner similar to that described in § 76.10–5 (c). In addition, on vessels over 750 gross tons, there shall be sufficient pumping capacity to also operate the second largest zone.

§ 76.23–15 *Controls.* (a) The controls for the system shall be outside the spaces protected, and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be marked as required by § 78.47–15 of this subchapter. It shall not be necessary to start the pumps from the control space.

(b) Distribution piping to the various zones shall be controlled from one station. Each branch line to the various zones shall be fitted with a stop valve which shall be marked as required by § 78.47–15 of this subchapter.

§ 76.23–20 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved by the Commandant.

(c) All piping, valves, fittings, and sprinkler heads shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 76.23–25 *Sprinkler heads.* (a) Sprinkler heads shall be of an approved type.

§ 76.23–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(2) The details of the system shall be in general agreement with §§ 76.23–5 through 76.23–25 insofar as is reasonable and practicable. Existing piping, pumping facilities, and sprinkler heads or perforated pipes may be retained provided all portions of the overhead are effectively sprayed and all portions of the deck are covered.

SUBPART 76.25—AUTOMATIC SPRINKLING SYSTEM, DETAILS

§ 76.25–1 *Application.* (a) Where an automatic sprinkling system is installed, the provisions of this subpart, with the exception of § 76.25–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.25–90.

§ 76.25–5 *Zoning.* (a) The automatic sprinkling system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) No sprinkling zone shall contain more than 250 sprinkler heads.

(c) The sprinkling zone may cover more than one deck, in which case, the boundaries shall be maintained in a vertical line insofar as is reasonable and practicable. The boundaries of the zone shall be coincident with bulkheads of Class "A" construction such as main vertical zone or watertight bulkheads.

(d) Spaces in different main vertical zones shall not be included in the same sprinkling zone.

§ 76.25–10 *Size and arrangement of sprinkler heads and pipe sizes.*—(a) *General.* (1) The system shall be so designed and arranged that the overhead is effectively sprayed and that all portions of the deck are covered.

(2) One-half inch sprinkler heads shall be used. Sprinkler heads shall be so arranged that no portion of the overhead or vertical projection of the deck is more than 7 feet from a sprinkler head.

(b) *Pipe sizes.* (1) The sizes of branch lines, single cross mains, feed mains, and risers shall be in proportion to the number of sprinkler heads served. The minimum pipe sizes shall be as given in Table 76.25–10 (b) (1).

TABLE 76.25–10 (b) (1)

Minimum nominal pipe size, inches	Maximum number of heads served	
	Vessels whose construction is more combustible than that set forth in §§ 72.05–5 through 72.05–60	Vessels constructed in general agreement with §§ 72.05–5 through 72.05–60
1	2	2
1¼	3	3
1½	5	5
2	10	10
2½	20	40
3	40	250
3½	65	----------
4	100	----------
5	160	----------
6	250	----------

(2) If a complete loop cross main is employed, the size of such cross main shall be in proportion to the number of sprinkler heads served. The minimum pipe sizes shall be as given in Table 76.25–10 (b) (2). The entire loop shall be of the same size pipe.

TABLE 76.25–10 (b) (2)

Minimum nominal pipe size inches	Maximum number of heads served	
	Vessels whose construction is more combustible than that set forth in §§ 72.05–5 through 72.05–60	Vessels constructed in general agreement with §§ 72.05–5 through 72.05–60
1	5	5
1¼	9	9
1½	13	13
2	22	30
2½	40	80
3	80	200
3½	130	----------
4	250	----------

§ 76.25–15 *Pumps and water supply.* (a) An automatically controlled pump shall be provided to supply the sprinkling system and shall be used for no other purpose. The size and capacity of the pump shall be governed by the zone having the greatest capacity need for any one deck, and shall be suitable to operate at least the number of heads noted in Table 76.25–15 (a) with a Pitot tube pressure of at least 15 p. s. i. at all heads (approximately 20 GPM per head). There shall also be sufficient pumping capacity available, either from the automatic pump, the fire pumps, or other source, so that in conjunction with the automatic pump the total number of heads noted in Table 76.25–15 (a) may be operated with the same efficiency as noted above, and at the same time to deliver water from the two highest fire hose outlets in a manner similar to that described in § 76.10–5 (c). Intermediate values may be obtained by interpolation.

TABLE 76.25–15 (a)

Maximum number of heads on one deck in one zone	Number of heads automatic pump to supply	Number of heads additional pumps to supply
5	5	----------
10	10	----------
20	10	10
30	12	16
40	15	18
50	15	25
60	20	25
80	20	30
100	20	40
120	20	50
150	20	60
200	20	75
250	20	100

§ 76.25–20 *Pressure tank.* (a) A pressure tank or other suitable means shall be installed to permit early action of the system pending the starting of the pump. Sufficient fresh water shall be carried in the tank to fill the piping of the largest zone, and in addition, force out at least 200 gallons at the least effective head in the zone at a Pitot tube pressure of at least 15 p. s. i. Suitable check valves shall be installed to prevent salt water from entering the pressure tank, and low water and low pressure alarms shall be fitted.

§ 76.25–25 *Controls*—(a) The controls for the system shall be outside the spaces protected, and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be marked as required by § 78.47–17 of this subchapter.

(b) Each supply line to the various zones shall be fitted with a stop valve which shall be marked as required by § 78.47–15 of this subchapter. These valves shall be normally open and shall indicate by an alarm if they are closed.

§ 76.25–30 *Piping.* (a) All pumps, valves and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved by the Commandant.

(b) All pumps, valves, fittings, and parted and clean necessary protection

(c) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(d) Piping shall be used for no other purpose.

§ 76.25–35 *Operation and installation.* (a) The system shall be so arranged and installed that a fire in any of the protected spaces will open the affected sprinkler heads. Water from the pressure tank shall be immediately available to the affected sprinkler head and before the supply from the pressure tank is exhausted, the sprinkler pump shall be automatically started and shall supply the system until manually shut off. Suitable test stations shall be installed in each zone to test the operation of the system.

(b) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(c) There shall be at least two sources of power for the sprinkler pumps, air compressors, and alarms. When electric sprinkler pumps are used, they shall be capable of being operated from the emergency switchboard by a feeder reserved solely for that purpose. There shall be no switches in the circuit other than at the switchboard. This switch shall be clearly labeled and shall be normally kept closed.

(d) Where subject to freezing, sprinkler systems shall be of the dry pipe type.

(e) The sprinkler heads, the cabinet, alarms, dry valves and actuating mechanisms shall be of an approved type.

(f) In general, the sprinkler heads shall be rated not lower than 135 degrees F. nor higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, sprinkler heads rated at 212 degrees F. shall be used.

(g) The automatic sprinkling system and all its components shall be used for no other purpose.

(h) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(i) All piping, valves, fittings, pressure tanks, etc., shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(j) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance and testing of the system. This chart or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(k) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.25–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(2) The details of the system shall be in general agreement with §§ 76.25–5 through 76.25–35 insofar as is reasonable and practicable. Existing piping, pumping facilities, sprinkler heads, and operating devices may be retained provided a reasonable coverage of the spaces protected is assured.

SUBPART 76.27—ELECTRIC FIRE DETECTING SYSTEM, DETAILS

§ 76.27–1 *Application.* (a) Where an electric fire detecting system is installed, the provisions of this subpart, with the exception of § 76.27–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.27–90.

§ 76.27–5 *Zoning.* (a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel having a combined ceiling area of not more than 3,000 square feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(3) Systems with indicators for individual spaces.

(d) The fire detecting zone shall not contain more than 50 protected rooms or spaces.

§ 76.27–10 *Location and spacing of detectors.* (a) The detectors shall be located close to the overhead in the space protected. Where liable to physical damage, the detector shall be suitably protected.

(b) Unless specifically approved otherwise, no spot on the overhead of a protected space shall be more than 50 feet from a detector. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the detectors shall be so located as to be most effective.

§ 76.27–15 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The detectors, the detecting cabinet and alarms shall be of an approved type.

(c) In general, the detectors, shall be rated not lower than 135 degrees F. and not higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, detectors shall be rated not lower than 175 degrees F. and not higher than 225 degrees F.

(d) The fire detecting system shall be used for no other purpose, except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.27–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.27–5 through 76.27–15 insofar as is reasonable and practicable.

SUBPART 76.30—PNEUMATIC FIRE DETECTING SYSTEM, DETAILS

§ 76.30–1 *Application.* (a) Where a pneumatic fire detecting system is installed, the provisions of this subpart, with the exception of § 76.30–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.30–90.

§ 76.30–5 *Zoning.* (a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel, having a combined deck area of not more than 3,000 feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(d) The fire detecting zone shall not include more than 50 protected rooms or spaces.

(e) Individual tubing circuits shall not contain more than 1,000 feet of pneumatic tubing or its equivalent. However, more than one tubing circuit may be included in the same fire detecting zone.

§ 76.30–10 *Location and spacing of tubing.* (a) The tubing shall be located on the overhead or within 12 inches of the overhead on the bulkheads. Where liable to physical damage, the tubing shall be suitably protected.

(b) In each enclosed space or separate room there shall be exposed at least 5 percent of the total length of tubing in that circuit, but in no case shall the amount be less than 25 feet.

(c) No spot on the overhead of a protected space shall be more than 12 feet from the nearest point of tubing. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the tubing shall be so located as to be most effective.

§ 76.30–15 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The tubing or detecting devices, pneumatic-electric converting units, detecting cabinets, and alarms shall be of an approved type.

(c) In general, the system shall be adjusted to operate at a temperature rise of approximately 40 degrees F. per minute at the center of the circuit.

(d) The fire detecting system shall be used for no other purpose except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.30–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.30–5 through 76.30–15 insofar as is reasonable and practicable.

SUBPART 76.33—SMOKE DETECTING SYSTEM, DETAILS

§ 76.33–1 *Application.* (a) Where a smoke detecting system is installed, the provisions of this subpart, with the exception of § 76.33–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.33–90.

§ 76.33–5 *Zoning.* (a) The smoke detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) The smoke detecting zone shall not include spaces on more than one deck, except the small adjacent spaces mentioned in paragraph (c) of this section.

(c) Each separate space shall be considered as a zone, except that two or three small adjacent spaces having a combined volume not exceeding 5,000 cubic feet may be connected on the same zone.

(d) Where a space is of such size that one accumulator is not sufficient, not more than two accumulators may be combined in one zone.

§ 76.33–10 *Location and spacing of accumulators.* (a) Smoke accumulators shall be located overhead in each compartment. Where liable to physical damage, the accumulators and piping shall be suitably protected.

(b) No spot on the overhead of a protected space shall be more than 40 feet from an accumulator.

(c) Accumulators shall not be located closer to the opening of a ventilator than three times the diameter or equivalent diameter of the opening.

§ 76.33–15 *Piping.* (a) Individual pipes shall be not less than ¼-inch standard pipe size.

(b) All pumps, valves and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) Where a smoke detecting system and dry pipe a valve

§ 76.25–15 *Pumps and water supply.* (a) An automatically controlled pump shall be provided to supply the sprinkling system and shall be used for no other purpose. The size and capacity of the pump shall be governed by the zone having the greatest capacity need for any one deck, and shall be suitable to operate at least the number of heads noted in Table 76.25–15 (a) with a Pitot tube pressure of at least 15 p. s. i. at all heads (approximately 20 GPM per head). There shall also be sufficient pumping capacity available, either from the automatic pump, the fire pumps, or other source, so that in conjunction with the automatic pump the total number of heads noted in Table 76.25–15 (a) may be operated with the same efficiency as noted above, and at the same time to deliver water from the two highest fire hose outlets in a manner similar to that described in § 76.10–5 (c). Intermediate values may be obtained by interpolation.

TABLE 76.25–15 (a)

Maximum number of heads on one deck in one zone	Number of heads automatic pump to supply	Number of heads additional pumps to supply
5	5	----------
10	10	----------
20	10	10
30	12	16
40	15	18
50	15	25
60	20	25
80	20	30
100	20	40
120	20	50
150	20	60
200	20	75
250	20	100

§ 76.25–20 *Pressure tank.* (a) A pressure tank or other suitable means shall be installed to permit early action of the system pending the starting of the pump. Sufficient fresh water shall be carried in the tank to fill the piping of the largest zone, and in addition, force out at least 200 gallons at the least effective head in the zone at a Pitot tube pressure of at least 15 p. s. i. Suitable check valves shall be installed to prevent salt water from entering the pressure tank, and low water and low pressure alarms shall be fitted.

§ 76.25–25 *Controls.*—(a) The controls for the system shall be outside the spaces protected, and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be marked as required by § 78.47–17 of this subchapter.

(b) Each supply line to the various zones shall be fitted with a stop valve which shall be marked as required by § 78.47–15 of this subchapter. These valves shall be normally open, and shall indicate by an alarm if they are closed.

§ 76.25–30 *Piping.* (a) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved by the Commandant.

(b) All piping, valves, fittings, and sprinkler heads shall be securely supported, and, where necessary, protected against injury.

(c) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(d) Piping shall be used for no other purpose.

§ 76.25–35 *Operation and installation.* (a) The system shall be so arranged and installed that a fire in any of the protected spaces will open the affected sprinkler heads. Water from the pressure tank shall be immediately available to the affected sprinkler head and before the supply from the pressure tank is exhausted, the sprinkler pump shall be automatically started and shall supply the system until manually shut off. Suitable test stations shall be installed in each zone to test the operation of the system.

(b) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(c) There shall be at least two sources of power for the sprinkler pumps, air compressors, and alarms. When electric sprinkler pumps are used, they shall be capable of being operated from the emergency switchboard by a feeder reserved solely for that purpose. There shall be no switches in the circuit other than at the switchboard. This switch shall be clearly labeled and shall be normally kept closed.

(d) Where subject to freezing, sprinkler systems shall be of the dry pipe type.

(e) The sprinkler heads, the cabinet, alarms, dry valves and actuating mechanisms shall be of an approved type.

(f) In general, the sprinkler heads shall be rated not lower than 135 degrees F. nor higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, sprinkler heads rated at 212 degrees F. shall be used.

(g) The automatic sprinkling system and all its components shall be used for no other purpose.

(h) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(i) All piping, valves, fittings, pressure tanks, etc., shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(j) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(k) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.25–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and replacements may be made to the same standards as the original installation.

(2) The details of the system shall be in general agreement with §§ 76.25–5 through 76.25–35 insofar as is reasonable and practicable. Existing piping, pumping facilities, sprinkler heads, and operating devices may be retained provided a reasonable coverage of the spaces protected is assured.

SUBPART 76.27—ELECTRIC FIRE DETECTING SYSTEM, DETAILS

§ 76.27–1 *Application.* (a) Where an electric fire detecting system is installed, the provisions of this subpart, with the exception of § 76.27–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.27–90.

§ 76.27–5 *Zoning.* (a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel having a combined ceiling area of not more than 3,000 square feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(3) Systems with indicators for individual spaces.

(d) The fire detecting zone shall not contain more than 50 protected rooms or spaces.

§ 76.27–10 *Location and spacing of detectors.* (a) The detectors shall be located close to the overhead in the space protected. Where liable to physical damage, the detector shall be suitably protected.

(b) Unless specifically approved otherwise, no spot on the overhead of a protected space shall be more than 10 feet from a detector. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the detectors shall be so located as to be most effective.

§ 76.27–15 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The detectors, the detecting cabinet and alarms shall be of an approved type.

(c) In general, the detectors, shall be rated not lower than 135 degrees F. and not higher than 165 degrees F. However, in spaces where a high ambient temperature may be expected, detectors shall be rated not lower than 175 degrees F. and not higher than 225 degrees F.

(d) The fire detecting system shall be used for no other purpose, except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.27–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.27–5 through 76.27–15 insofar as is reasonable and practicable.

SUBPART 76.30—PNEUMATIC FIRE DETECTING SYSTEM, DETAILS

§ 76.30–1 *Application.* (a) Where a pneumatic fire detecting system is installed, the provisions of this subpart, with the exception of § 76.30–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.30–90.

§ 76.30–5 *Zoning.* (a) The fire detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) All spaces in a fire detecting zone shall be accessible from one to another without leaving the deck involved. All doors in watertight subdivision bulkheads and main vertical zone bulkheads shall be assumed closed for the purpose of this requirement.

(c) The fire detecting zone shall not include spaces on more than one deck, except:

(1) Adjacent and communicating spaces on different decks in the ends of the vessel, having a combined deck area of not more than 3,000 feet.

(2) Isolated rooms or lockers in such spaces as mast houses, wheelhouse top, etc., which are easily communicable with the area of the fire-detecting circuit to which they are connected.

(d) The fire detecting zone shall not include more than 50 protected rooms or spaces.

(e) Individual tubing circuits shall not contain more than 1,000 feet of pneumatic tubing or its equivalent. However, more than one tubing circuit may be included in the same fire detecting zone.

§ 76.30–10 *Location and spacing of tubing.* (a) The tubing shall be located on the overhead or within 12 inches of the overhead on the bulkheads. Where liable to physical damage, the tubing shall be suitably protected.

(b) In each enclosed space or separate room there shall be exposed at least 5 percent of the total length of tubing in that circuit, but in no case shall the amount be less than 25 feet.

(c) No spot on the overhead of a protected space shall be more than 12 feet from the nearest point of tubing. Where beams or girders extend below the ceiling, or where the ceiling is installed at more than one level, the tubing shall be so located as to be most effective.

§ 76.30–15 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of a fire in any of the protected spaces will automatically be registered visibly and audibly in the pilothouse or fire control station. The visible notice shall automatically indicate the zone in which the alarm originated. On vessels over 150 feet in length, there shall also be an audible alarm in the engine room.

(b) The tubing or detecting devices, pneumatic-electric converting units, detecting cabinets, and alarms shall be of an approved type.

(c) In general, the system shall be adjusted to operate at a temperature rise of approximately 40 degrees F. per minute at the center of the circuit.

(d) The fire detecting system shall be used for no other purpose except that it may be incorporated with the manual alarm system.

(e) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(f) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(g) The audible alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.30–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.30–5 through 76.30–15 insofar as is reasonable and practicable.

SUBPART 76.33—SMOKE DETECTING SYSTEM, DETAILS

§ 76.33–1 *Application.* (a) Where a smoke detecting system is installed, the provisions of this subpart, with the exception of § 76.33–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 76.33–90.

§ 76.33–5 *Zoning.* (a) The smoke detecting system shall be divided into separate zones to restrict the area covered by any particular alarm signal.

(b) The smoke detecting zone shall not include spaces on more than one deck, except the small adjacent spaces mentioned in paragraph (c) of this section.

(c) Each separate space shall be considered as a zone, except that two or three small adjacent spaces having a combined volume not exceeding 5,000 cubic feet may be connected on the same zone.

(d) Where a space is of such size that one accumulator is not sufficient, not more than two accumulators may be combined in one zone.

§ 76.33–10 *Location and spacing of accumulators.* (a) Smoke accumulators shall be located overhead in each compartment. Where liable to physical damage, the accumulators and piping shall be suitably protected.

(b) No spot on the overhead of a protected space shall be more than 40 feet from an accumulator.

(c) Accumulators shall not be located closer to the opening of a ventilator than three times the diameter or equivalent diameter of the opening.

§ 76.33–15 *Piping.* (a) Individual pipes shall be not less than ¾-inch standard pipe size.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) Where a smoke detecting system serves a space used alternately for liquid and dry cargo, a valve shall be installed

between the tank and the detecting cabinet so that the line may be shut off when liquids are carried. When the smoke detecting system is combined with a fire extinguishing system, the operation of the valve shall not affect the operation of the fire extinguishing system.

(d) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury. The piping shall be installed with as easy bends as practicable, and shall be installed to grade to low points for drainage.

(e) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

§ 76.33–20 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of smoke in any of the protected spaces will automatically be indicated visually to an observer directly in front of the detecting cabinet. The visible notice shall automatically indicate the zone in which the alarm originated. The detecting cabinet shall normally be located in the pilothouse or fire control station. On vessels of over 5,000 gross tons there shall also be an automatic audible alarm in the wheelhouse together with an auxiliary audible alarm in the engine room.

(b) If the detecting cabinet is not located in the pilothouse or fire control station, it shall be located in convenient proximity to the valves of the extinguishing system. In this case, there shall be an automatic visual indication in the pilothouse or fire control station indicating the zone in which the alarm originated as well as an automatic audible alarm. There shall also be an auxiliary audible alarm in the engine room.

(c) A sufficient quantity of exhaust from the detecting cabinet shall discharge into the pilothouse or control station to permit the detection of fire by odor. A valve shall be installed in such space to direct the exhaust, if obnoxious, to the outside. If the detecting cabinet is not located in the pilothouse or control station, the residual exhaust shall be discharged in the vicinity of the cabinet.

(d) The smoke detecting system shall be used for no other purpose except that it may be incorporated with the fire extinguishing system to the spaces covered by the smoke detecting system.

(e) The accumulators, detecting cabinet, interconnecting valves with the fire extinguishing system, alarms, and indicating devices shall be of an approved type.

(f) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(g) A framed chart or diagram shall be installed in the pilothouse or control station adjacent to the detecting cabinet or auxiliary panel indicating the location of the various zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate card or booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(h) The audible smoke detecting alarms shall be identified as required by § 78.47–13 of this subchapter.

§ 76.33–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, material, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.33–5 through 76.33–15 insofar as is reasonable and practicable.

SUBPART 76.35—MANUAL ALARM SYSTEM, DETAILS

§ 76.35–1 *Application.* (a) Where a manual alarm system is installed, the provisions of this subpart, with the exception of § 76.35–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contrated for prior to November 19, 1952, shall meet the requirements of § 76.35–90.

§ 76.35–5 *Zoning.* (a) The zoning of the manual alarm system shall meet the same requirements as for the electric fire detecting system, § 76.27–5.

§ 76.35–10 *Location and spacing of manual alarm boxes.* (a) There shall be at least one manual alarm box in each zone.

(b) Manual alarms shall be located in main passageways, stairway enclosures, public spaces, or similar locations where they will be readily available and easily seen in case of need.

(c) In general, a sufficient number of manual alarm boxes shall be employed that a person escaping from any space would find a manual alarm box convenient on his normal route of escape.

§ 76.35–15 *Operation and installation.* (a) The system shall be so arranged and installed that the presence of a fire may be reported from any of the protected spaces and be automatically registered visibly and audibly in the pilothouse or fire control station. The visible notice shall indicate the zone in which the alarm originated. There shall also be an audible alarm in the engine room.

(b) The manual alarm boxes, cabinet, and alarms shall be of an approved type.

(c) The manual alarm system shall be used for no other purpose, except that it may be incorporated with the fire detecting system.

(d) All wiring and electrical circuits and equipment shall meet the applicable requirements of Subchapter J (Electrical Engineering) of this chapter.

(e) A framed chart or diagram shall be installed in the wheelhouse or control station adjacent to the detecting cabinet indicating the location of the various detecting zones and giving instructions for the operation, maintenance, and testing of the system. This chart, or a separate booklet to be kept near the chart, shall have tabulated spaces for the date and signature of the licensed officer of the vessel who shall witness or conduct the periodic tests.

(f) The manual alarm boxes and bells shall be identified as required by § 78.47–10 of this subchapter.

§ 76.35–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph, and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 76.35–5 through 76.35–15 insofar as is reasonable and practicable.

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

§ 76.50–1 *Application.* (a) The provisions of this subpart, with the exception of § 76.50–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 76.50–90.

§ 76.50–5 *Classification.* (a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol, the letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV and V are considered semi-portable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 76.50–5 (c).

TABLE 76.50–5 (c)

Classification		Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Carbon tetrachloride, quarts	Dry chemical, pounds
Type	Size					
A	I	1¼	1¼	-------	-------	-------
A	II	2½	2½	-------	-------	-------
B	I	-------	1¼	4	1	4
B	II	-------	2½	15	-------	12
B	III	-------	12	35	-------	(1)
B	IV	-------	20	50	-------	(1)
B	V	-------	40	100	-------	(1)
C	I	-------	-------	4	1	4
C	II	-------	-------	15	-------	12

[1] Minimum values not established at this time.

(d) All hand portable fire extinguishers and semi-portable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

§ 76.50–10 *Location.* (a) Approved hand portable fire extinguishers and semi-portable fire extinguishing systems shall be installed in accordance with Table 76.50–10 (a). The location of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

TABLE 76.50–10 (a)

Space	Hand portable fire extinguisher and semi-portable fire extinguishing systems	
	Classification (see 76.50–5)	Quantity and location
Safety area [1]		
Wheelhouse or fire control room	A–II, B–II, C–II.	1 of each classification on vessels over 1,000 gross tons. (Not required in both spaces.) (Multiple classification may be recognized.)
Stairway and elevator inclosures	-------	None required.
Communicating corridors	A–II	1 in each main corridor in each main vertical zone. (May be located in stairway inclosures.)
Lifeboat embarkation and lowering stations	-------	None required.
Radio room	C–I [2]	2 in vicinity of exit.[3]
Accommodations [1]		
Staterooms, toilet spaces, isolated pantries, etc.	-------	None required.
Officers' lockers, and isolated storerooms	-------	Do.
Public spaces	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, except that none required for spaces under 500 square feet.
Open decks or enclosed promenades	-------	None required.
Service spaces		
Galleys	B–II or C–II.	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Main pantries	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits.
Motion picture booths and film lockers	C–I [2]	1 outside in vicinity of exit.
Paint and lamp rooms	B–II	1 outside space in vicinity of exit.
Inaccessible baggage, mail, and specie rooms, and storerooms.	-------	None required.
Accessible baggage, mail, and specie rooms, and storerooms.	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Refrigerated storerooms	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, outside the spaces.
Carpenter, valet, photographic, printing shops, sales rooms, etc.	A–II	1 outside the space in vicinity of exit.
Machinery spaces		
Coal Fired Boilers: Bunker and boiler space	-------	None required.
Oil Fired Boilers: Spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units.	B–II / B–V	2 required.[4] / 1 required.[4]
Internal combustion on gas turbine propelling machinery spaces.	B–II / B–III	1 for each 1,000 B. H. P., but not less than 2 nor more than 6. / 1 required.[5]
Electric propulsive motors or generators of open type.	C–II	1 for each propulsion motor or generator unit.
Enclosed ventilating systems for motors and generators of electric propelling machinery.	-------	None required.
Auxiliary spaces, internal combustion or gas turbine.	B–II	1 outside the space in vicinity of exit.[6]
Auxiliary spaces, electric emergency motors or generators.	C–II	Do.
Auxiliary spaces, steam	-------	None required.
Trunks to machinery spaces	-------	Do.
Fuel tanks	B–II	2 required in spaces containing tanks for fuels having a flash point of 110 degrees F. or less.
Cargo spaces		
Inaccessible during voyage, including trunks (excluding tanks).	-------	None required.
Accessible during voyage	A–II	1 for each 1,200 square feet or fraction thereof.
Vehicular spaces (covered by sprinkler system)	B–II	1, plus 1 for each 6,000 square feet or fraction thereof.[7]
Vehicular spaces (not covered by sprinkler system).	B–II	1, plus 1 for each 1,500 square feet or fraction thereof.[7]
Cargo oil tanks	-------	None required.

[1] In any case, on vessels of 150 feet in length and over, there shall be at least 2 A–II units on each passenger deck.
[2] For vessels on an International Voyage, substitute 1 C–II in vicinity of exit.
[3] Vessels of less than 1,000 gross tons and not on an International Voyage, require 1.
[4] Vessels of 1,000 gross tons and under and not on an International Voyage, may substitute 1 B–IV.
[5] If oil burning donkey boiler fitted in space, the B–V previously required for the protection of the boiler room may be substituted.
[6] 2 B–I units may be substituted for 1 B–II unit.
[7] Not required on vessels under 300 gross tons if fuel has flash point higher than 110 degrees F.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 78.47–20 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 78.47–30 of this subchapter.

(e) Hand portable fire extinguishers in which the medium is stored under pressure shall not be kept in passenger or crew accommodations. However, where specifically required, they may be located in passageways adjacent to entrances of rooms containing hazards.

§ 76.50–15 *Spare charges.* (a) Spare charges shall be carried for at least 50 percent of each type of hand portable fire extinguisher required by § 76.50–10 (a). However, if the unit is of such type that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same type.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

(c) Extra safety valve units shall be carried on board for at least 50 percent of all foam type hand portable fire extinguishers and semi-portable fire extinguishing systems.

§ 76.50–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 76.50–5 through 76.50–15 shall be met with the exception that existing installations in safety areas, accommodations, service spaces, and cargo spaces may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the standard of safety prescribed by Table 76.50–10 (a). In such cases, minor modifications may be made to the same standards as the original installation, provided that in no case will a greater departure from the standards of Table 76.50–10 (a) be permitted than presently exists.

SUBPART 76.60—FIRE AXES

§ 76.60–1 *Application.* (a) The provisions of this subpart shall apply to all vessels.

§ 76.60–5 *Number required.* (a) All vessels except barges shall carry at least the minimum number of fire axes as set forth in Table 76.60–5 (a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 76.60-5 (a)

Gross tons		Number of axes
Over	Not over	
---	50	1
50	200	2
200	500	4
500	1,000	6
1,000	---	8

(b) Covered barges shall carry at least three fire axes and uncovered barges shall carry at least two fire axes.

§ 76.60-10 *Location.* (a) Fire axes shall be distributed throughout the spaces available to passengers and crew so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 78.47-20 of this subchapter.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Part 77 is amended to read as follows:

SUBPART 77.01—APPLICATION

Sec.
77.01-1 General.

SUBPART 77.03—MARINE ENGINEERING SYSTEMS

77.03-1 Installation and details.

SUBPART 77.05—ELECTRICAL ENGINEERING AND INTERIOR COMMUNICATION SYSTEMS

77.05-1 Installation and details.

SUBPART 77.07—ANCHORS, CHAINS, AND HAWSERS

77.07-1 Application.
77.07-5 Ocean, Coastwise, or Great Lakes Service.
77.07-10 Lakes, bays, and sounds, or river service.
77.07-90 Vessels contracted for prior to November 19, 1952.

SUBPART 77.13—RADIOTELEGRAPH

77.13-1 Required by Federal Communications Commission.

SUBPART 77.15—RADIO DIRECTION FINDER

77.15-1 Application.
77.15-5 Required by Federal Communications Commission.
77.15-90 Vessels contracted for prior to November 19, 1952.

SUBPART 77.17—NAVIGATION LIGHTS AND SHAPES

77.17-1 Vessels other than motorboats.
77.17-5 Motorboats operating on the high seas.
77.17-10 Motorboats operating on the navigable waters of the United States.

SUBPART 77.20—WHISTLES

77.20-1 Vessels other than sailing vessels, barges, and motorboats.
77.20-5 Motorboats operating on the high seas.
77.20-10 Motorboats operating on the navigable waters of the United States.

SUBPART 77.23—FOG HORNS

77.23-1 Vessels other than motorboats.
77.23-5 Motorboats.

SUBPART 77.25—FOG BELLS

77.25-1 Vessels other than motorboats.
77.25-5 Motorboats operating on the high seas.
Sec.
77.25-10 Motorboats operating on the navigable waters of the United States.

SUBPART 77.27—SOUNDING EQUIPMENT

77.27-1 When required.

SUBPART 77.30—EMERGENCY EQUIPMENT

77.30-1 Application.
77.30-5 General.
77.30-10 Stowage.
77.30-15 Spare charges.
77.30-90 Vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 77.01-1 to 77.30-90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, secs. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391, 392, 404, 367, 526p, 1333, 50 U. S. C. App. 1275.

SUBPART 77.01—APPLICATION

§ 77.01-1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 77.03—MARINE ENGINEERING SYSTEMS

§ 77.03-1 *Installation and details.* (a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering systems.
Power for going astern.
Bilge and ballast systems.
Tank vent and sounding systems.
Overboard discharges and shell connections.
Pipe and pressure systems.

SUBPART 77.05—ELECTRICAL ENGINEERING AND INTERIOR COMMUNICATION SYSTEMS

§ 77.05-1 *Installation and details.* (a) The installation of all systems of an electrical engineering or interior communications nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's service lighting and power systems.
Emergency lighting and power systems.
General alarm systems.
Sound powered telephone and voice tube communication systems.
Engine order telegraph systems.
Rudder angle indicator systems.
Emergency loudspeaker systems.
Refrigerated spaces alarm systems.
Miscellaneous machine alarms and controls.
Daylight signaling lamps.

SUBPART 77.07—ANCHORS, CHAINS, AND HAWSERS

§ 77.07-1 *Application.* (a) The provisions of this subpart, with the exception of § 77.07-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.07-90.

§ 77.07-5 *Ocean, coastwise, or Great Lakes service.* (a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers in general agreement with the standards established by the American Bureau of Shipping, see Subpart 70.35 of this subchapter.

§ 77.07-10 *Lakes, bays, and sounds, or river service.* (a) Vessels in lakes, bays, and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspecion, depending upon the size of the vessel and the waters on which it operates.

§ 77.07-90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Installations previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

SUBPART 77.13—RADIOTELEGRAPH

§ 77.13-1 *Required by Federal Communications Commission.* (a) Radiotelegraph installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

SUBPART 77.15—RADIO DIRECTION FINDER

§ 77.15-1 *Application.* (a) The provisions of this subpart, with the exception of § 77.15-90, shall apply to all mechanically propelled vessels of 1,600 gross tons and over in ocean service or on an international voyage contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.15-90.

§ 77.15-5 *Required by Federal Communications Commission.* (a) All vessels shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

§ 77.15-90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Vessels of over 5,000 gross tons shall meet the requirements of § 77.15-5.

(2) Vessels of from 1,600 gross tons through 5,000 gross tons shall meet the requirements of § 77.15-5 on or before November 19, 1954.

SUBPART 77.17—NAVIGATION LIGHTS AND SHAPES

§ 77.17-1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by the pilot rules applicable to the waters on which the vessel is navigated.

§ 77.17-5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements of navigation lights and shapes prescribed by § 77.17-1 for vessels other than motorboats.

§ 77.17-10 *Motorboats operating on the navigable waters of the United States.* (a) Every motorboat operating on the navigable waters of the United States shall, in all weathers from sunset to sunrise, carry and exhibit lights when under way as prescribed by this section, and during such time no other lights which may be mistaken for those prescribed shall be exhibited. No penalty is incurred by motorboats for a failure to carry lights between the hours of sunrise and sunset.

(b) Every motorboat of Classes A and 1 shall carry the following lights:

(1) A bright light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(c) Every motorboat of Classes 2 and 3 shall carry the following lights:

(1) A bright white light in the fore part of the vessel as near the stem as practicable so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said lights shall be fitted with inboard screens of sufficient length and height or shall be mounted on cabin sides and so set as to prevent these lights from being seen across the bow.

(d) All motorboats propelled by sail and machinery or by sail alone shall carry and exhibit the following lights:

(1) Motorboats of Classes A and 1 when propelled by sail and machinery or by sail alone shall carry the white light prescribed by paragraph (b) (1) of this section, but not the lantern prescribed by paragraph (b) (2) of this section.

(2) Motorboats of Classes 2 and 3 when propelled by sail and machinery or by sail alone shall carry the colored lights prescribed by paragraph (c) (3) of this section, but not the white lights prescribed by paragraphs (c) (1) and (2) of this section.

(3) In addition, motorboats of all classes when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(e) Every white light prescribed by this section shall be of a character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

(f) The lights described in paragraphs (b) through (e) of this section are required by the Motorboat Act, 46 U. S. C. 526b. Other navigation lights and shapes required by the Pilot Rules applicable to the waters on which the motorboat is operated, such as anchor lights, amber whistle light, etc., which are not in conflict with the lights required by the Motorboat Act, shall also be carried.[1]

SUBPART 77.20—WHISTLES

§ 77.20-1 *Vessels other than sailing vessels, barges, and motorboats.* (a) All vessels other than sailing vessels, barges, and motorboats, shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the pilot rules applicable to the waters on which the vessel is navigated. The location of the whistle and operating devices shall be as follows:

(1) Means shall be provided to operate the whistle or other appliance by mechanical means from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(2) In general, the whistle shall be located on the forward side of or above the structure of the vessel so as to be as free of obstructions as possible. Where practicable, it shall be installed at least 6 feet above the wheelhouse, except that on vessels navigating the Western Rivers, and any vessel of less than 100 gross tons, it shall be at least 2 feet above the wheelhouse.

(3) On double ended ferry vessels and similar vessels, where steam whistles are employed, they shall be installed both forward and aft of the stacks or one such whistle on either the port or starboard side of the stack.

§ 77.20-5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for whistles or similar appliances prescribed by § 77.20-1 for vessels other than motorboats.

§ 77.20-10 *Motorboats operating on the navigable waters of the United States.* (a) Motorboats operating on the navigable waters of the United States shall be provided with an efficient whistle, or other sound producing mechanical device as set forth in Table 77.20-10 (a).

TABLE 77.20-10 (a)

Class of motorboat	Type of device
A	None.
1	Mouth, hand, or power operated, capable of producing a blast of 2 seconds or more duration, and audible for at least ½ mile.
2	Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.
3	Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.

SUBPART 77.23—FOG HORNS

§ 77.23-1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with an efficient fog horn as prescribed by the pilot rules applicable to the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the fog horn shall be sounded by mechanical means.

§ 77.23-5 *Motorboats.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog horns prescribed by § 77.23-1 for vessels other than motorboats.

SUBPART 77.25—FOG BELLS

§ 77.25-1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be provided with an efficient fog bell at least 8 inches in diameter. The fog bell shall be located where the sound will be least obstructed.

§ 77.25-5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog bells prescribed by § 77.25-1 for vessels other than motorboats.

§ 77.25-10 *Motorboats operating on the navigable waters of the United States.* (a) When operating on the navigable waters of the United States, motorboats of Classes A and 1 are not required to carry fog bells. However, motorboats of Classes 2 and 3 operating on the navigable waters of the United

[1] Running lights. The lights provided for in section 3 of the act of April 25, 1940 (54 Stat. 164, U. S. C. 526b), are running lights for motorboats subject to the provisions of that act in lieu of the lights prescribed, respectively, by Article 2 of the act approved June 7, 1897 (30 Stat. 96, 33 U. S. C. 172) (covering certain harbors, rivers, and inland waters of the United States); Rule 3 of the act approved February 8, 1895, as amended (28 Stat. 645, as amended, 33 U. S. C. 252) (covering the Great Lakes and their connecting and tributary waters); and Rules 3, 5, 6, and 7 of R. S. 4233, as amended (28 Stat. 672, 33 U. S. C. 312, 314–316) (covering western rivers and the Red River of the North). These running lights are required to be carried on all motorboats when under way on navigable waters of the United States, in all weathers, from sunset to sunrise, but not on the high seas. Motorboats, when on the high seas, shall exhibit the lights prescribed by the International Rules of 1890, as amended (26 Stat. 321–325, as amended, 33 U. S. C. 71–82). The provisions of section 3 of the act of April 25, 1940 (54 Stat. 164, 46 U. S. C. 526b), requiring running lights on motorboats are not in conflict with the provisions of the acts previously cited requiring anchor lights and other lights in addition to the running lights on pilot, towing, and fishing vessels. It will be observed that the penalties for violations of existing laws not in conflict with the act of April 25, 1940 (54 Stat. 163–167, 46 U. S. C. 526–526t), remain unchanged.

States shall be provided with an efficient fog bell.

SUBPART 77.27—SOUNDING EQUIPMENT

§ 77.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over except paddle wheel vessels, shall be fitted with an efficient mechanical deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

SUBPART 77.30—EMERGENCY EQUIPMENT

§ 77.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 77.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 77.30–90.

§ 77.30–5 *General.* (a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All gas masks, except the special refrigeration gas masks, shall be of the type approved by the Bureau of Mines as "Type N, Universal Gas Mask".

(c) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(d) All emergency equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 77.30–10 *Stowage.* (a) The equipment set forth in Table 77.30–10 (a), together with such other items as the master may deem necessary, shall be stowed in convenient, accessible locations for use in case of emergency.

(b) The refrigeration gas masks shall be stowed convenient to, but outside of the spaces containing the refrigeration equipment.

(c) Half of the remaining equipment set forth in Table 77.30–10 (a) shall be stowed in or near the pilothouse together with a fire axe and the hand portable fire extinguishers required by Table 76.50–10 (a) for that location. The other half of the equipment shall be stowed in a convenient accessible location, remote from the pilothouse, and preferably adjacent to the main entrance to the machinery space. Where only one of an item is required, it shall be stowed in the pilothouse.

TABLE 77.30–10 (a)

Service	Number of passenger staterooms	Self-contained breathing apparatus	Additional gas masks or self-contained breathing apparatus	Special refrigeration gas masks [1]	Flame safety lamps	Portable electric drill
International voyage	0 to 49	2		1	2	1
	50 to 100	2	2	1	2	1
	over 100	2	4	1	2	1
Ocean and coastwise, not on an international voyage.	0 to 49			1		
	50 to 100	1	3	1		
	over 100	1	5	1	1	
Great Lakes, and lakes, bays, and sounds.	0 to 49			1		
	50 to 100	1	1	1		
	over 100	1	3	1	1	
Rivers	0 to 49			1		
	50 to 100	1	1	1	1	
	over 100	1		1		

[1] Required only on vessels equipped with refrigeration, small unit type refrigerators of not more than 20 cubic feet capacity excluded. A gas mask suitable for protection against each refrigerant used shall be provided.

§ 77.30–15 *Spare charges.* (a) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 77.30–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The requirements of §§ 77.30–5 through 77.30–15 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 77.30–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements.

PART 78—OPERATIONS

Part 78 is amended to read as follows:

SUBPART 78.01—APPLICATION

Sec.
78.01–1 General.

SUBPART 78.03—PENALTIES

78.03–1 General.

SUBPART 78.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

78.05–1 Duty of officers.
78.05–5 Charts.

SUBPART 78.07—NOTICE OF CASUALTY AND VOYAGE RECORDS

78.07–1 Notice of casualty.
78.07–5 Information required.
78.07–10 Written report.
78.07–15 Retention of records.
78.07–20 Aids to navigation.
78.07–25 Reports when state of war exists.

SUBPART 78.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

78.10–1 Persons excluded.
78.10–5 Posting.

SUBPART 78.13—STATION BILLS

Sec.
78.13–1 Master's responsibility.
78.13–5 Duties of crew.
78.13–10 Emergency signals.
78.13–15 Emergency squad.
78.13–20 Manning of lifeboats and life rafts.
78.13–25 Master to instruct crew.

SUBPART 78.15—DOORS CLOSED AT SEA

78.15–1 Subdivision bulkheads.

SUBPART 78.17—TESTS, DRILLS, AND INSPECTIONS

78.17–1 Watertight doors.
78.17–5 Valves and closing appliances.
78.17–10 Loudspeaker system.
78.17–15 Steering gear, whistle, and means of communication.
78.17–20 Drafts and load line markings.
78.17–25 Sanitation.
78.17–30 Examination of boilers and machinery.
78.17–35 Hatches and other openings.
78.17–40 Line-throwing appliances.
78.17–45 Emergency lighting and power systems.
78.17–50 Fire and boat drills.
78.17–55 Electric power operated lifeboat winches.
78.17–60 Lifeboats, life rafts, life floats, and buoyant apparatus.
78.17–65 Smoke detecting system.

SUBPART 78.20—STEERING ORDERS

78.20–1 Method of communicating.

SUBPART 78.23—WHISTLING

78.23–1 Unnecessary whistling prohibited.

SUBPART 78.25—UNAUTHORIZED LIGHTS

78.25–1 Unauthorized lights prohibited.

SUBPART 78.27—SEARCHLIGHTS, PROPER USE OF

78.27–1 Improper use prohibited.

SUBPART 78.30—LOOKOUTS, PILOTHOUSE WATCH, PATROLMEN, AND WATCHMEN

78.30–1 Lookouts required.
78.30–5 Pilothouse watch.
78.30–10 Supervised patrol.
78.30–15 Watchmen.
78.30–20 Master's and officer's responsibility.

SUBPART 78.33—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

78.33–1 Repairs of boiler and pressure vessels.
78.33–5 Accidents to machinery.
78.33–10 Notice required before repairs.
78.33–15 Fusible plugs.

SUBPART 78.35—CABLE TRAVELER

78.35–1 When required.

SUBPART 78.37—LOG BOOK ENTRIES

78.37–1 Log books and records.
78.37–5 Actions required to be logged.
78.37–10 Official log entries.

SUBPART 78.40—VEHICULAR FERRIES

78.40–1 Stowage of vehicles.
78.40–5 Securing of vehicles.
78.40–10 No smoking permitted.

SUBPART 78.43—RAILROAD PASSENGER CAR FERRIES

78.43–1 Precautions for railway passenger cars.

SUBPART 78.45—DISPLAY OF PLANS

78.45–1 When required.

SUBPART 78.47—MARKINGS FOR FIRE AND EMERGENCY EQUIPMENT, ETC.

78.47–1 Application.
78.47–3 General.
78.47–5 General alarm bell switch.

Sec.
78.47–7 General alarm bells.
78.47–9 Carbon dioxide alarm.
78.47–10 Manual alarm boxes.
78.47–13 Fire detecting and manual alarm, automatic sprinkler, and smoke detecting alarm bells.
78.47–15 Fire extinguishing system branch lines.
78.47–17 Fire extinguishing system controls.
78.47–20 Fire hose stations.
78.47–23 Supervised patrol stations.
78.47–25 Emergency squad equipment.
78.47–27 Self-contained breathing apparatus and gas masks.
78.47–30 Hand portable fire extinguishers.
78.47–33 Emergency lights.
78.47–35 Fire doors.
78.47–37 Watertight doors.
78.47–40 Exit signs.
78.47–43 Embarkation direction signs to lifeboats.
78.47–45 Lifeboat stations.
78.47–47 Stateroom notices.
78.47–50 Children's life preservers.
78.47–53 Automatic ventilation dampers.
78.47–55 Instructions for changing steering gear.
78.47–57 Rudder orders.
78.47–60 Lifeboats.
78.47–63 Life rafts, life floats, and buoyant apparatus.
78.47–65 Life preservers, wood floats, and ring life buoys.
78.47–67 Fire hose and axes.
78.47–70 Portable magazine chests.
78.47–90 Vessels contracted for prior to November 19, 1952.

SUBPART 78.50—MARKINGS ON VESSELS

78.50–1 Application.
78.50–5 Markings required by customs regulations.
78.50–10 Draft marks.
78.50–15 Load line marks.

SUBPART 78.53—PLACARD OF BREECHES BUOY INSTRUCTIONS

78.53–1 Application.
78.53–5 Where posted.

SUBPART 78.55—CARRYING OF EXCESS STEAM

78.55–1 Master and chief engineer responsible.

SUBPART 78.57—ROUTING INSTRUCTIONS

78.57–1 All personnel must comply.

SUBPART 78.60—COMPLIANCE WITH PROVISIONS OF CERTIFICATE OF INSPECTION

78.60–1 Master or person in charge responsible.

SUBPART 78.65—EXHIBITION OF LICENSE

78.65–1 Licensed officers.
78.65–5 Motorboat operators.

AUTHORITY: §§ 78.01–1 to 78.65–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 435, 367, 526p, 1333, 50 U. S. C. App. 1275.

SUBPART 78.01—APPLICATION

§ 78.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted.

SUBPART 78.03—PENALTIES

§ 78.03–1 *General.* (a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collections of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U. S. C. 239 and regulations thereunder (46 CFR Part 137) with respect to suspension or revocation of license or certificate.

SUBPART 78.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

§ 78.05–1 *Duty of officers.* (a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that vessels shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(1) Notice to Mariners, published weekly by the Coast Guard, contains announcements and information regarding aids to navigation and charts of waters of the United States and is available for free distribution at field offices of the Coast Guard, United States Coast and Geodetic Survey field stations, and the Marine Division, Customhouse.

(2) Notice to Mariners, published weekly by the United States Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic offices, or any of the agencies of seaboard ports, and is also on file in the United States consulates where they may be inspected.

§ 78.05–5 *Charts.* (a) All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

SUBPART 78.07—NOTICE OF CASUALTY AND VOYAGE RECORDS

§ 78.07–1 *Notice of casualty.* (a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U. S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any persons to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

§ 78.07–5 *Information required.* (a) The notice required by § 78.07–1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable cause of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 78.07–10 *Written report.* (a) In addition to the notice required by § 78.07–1, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required herein for personal accident not involving death shall be made on Form CG–924E and for all other marine casualties or accidents the written report shall be made on Form CG–2692. If filed without delay these forms may also provide the notice required by § 78.07–1.

§ 78.07–15 *Retention of records.* (a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 78.07–20 *Aids to navigation.* (a) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless any of the results listed in § 78.07–1 (a) through (e) occur.

§ 78.07–25 *Reports when state of war exists.* (a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

SUBPART 78.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

§ 78.10–1 *Persons excluded.* (a) Masters and pilots shall exclude from the pilothouse and navigator's bridge while under way, all persons not connected with the navigation of the vessel. However, inspectors of the Coast Guard, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the Coast Guard, United States Navy, United States Coast

and Geodetic Survey, and the Engineer Department of the United States Army or Maritime Administration personnel, may be allowed in the pilothouse or upon the navigator's bridge upon the responsibility of the officer in charge.

§ 78.10–5 *Posting.* (a) The master of every vessel shall keep three printed copies of § 78.10–1, Form CG 802, posted in conspicuous places on such vessel, one of which shall be kept posted in the pilothouse.

(b) Such printed copies may be obtained from the Officer in Charge, Marine Inspection.

SUBPART 78.13—STATION BILLS

§ 78.13–1 *Master's responsibility.* (a) A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the crew quarters, before the vessel sails.

§ 78.13–5 *Duties of crew.* (a) The station bill shall set forth the special duties and duty station of each member of the crew for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following and, in addition, such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, fire doors, scuppers, sanitary and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats, life rafts, and buoyant apparatus.

(3) The extinction of fire.

(4) The muster of passengers which shall in general be assigned to the stewards department, and shall include the following:

(i) Warning the passengers.

(ii) Seeing that they are dressed and have put on their life jackets in a proper manner.

(iii) Assembling the passengers and directing them to the appointed stations.

(iv) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(v) Seeing that a supply of blankets is taken to the lifeboats.

(5) The custody of the portable radio apparatus required by Subpart 75.55 of this subchapter.

§ 78.13–10 *Emergency signals*—(a) *Station bill.* (1) The station bill shall set forth the various signals to be used for the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be as set forth in this section.

(b) *Fire alarm stations.* (1) The fire alarm signal shall be a continuous rapid ringing of the ship's bell for a period not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) *Boat stations.* (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for handling the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.

(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) *River vessels.* (1) In the case of river vessels, the ship's bell may be used in lieu of the whistle signals stipulated in this section.

(e) *Other emergency signals.* (1) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide that all officers, crew, and passengers will have positive and certain notice of the existing emergency.

§ 78.13–15 *Emergency squad.* (a) Where the size of the crew permits, the station bill shall include an emergency squad which shall be organized by the master to form the nucleus of the damage control party. This squad should be specially trained in the use of all emergency and rescue equipment and should be made generally familiar with the vessel and fundamentals of damage control.

(b) The nature of the signals or other means for assembling the emergency squad shall be left to the discretion of the master, but such signals shall not conflict with navigational or general alarm signals.

§ 78.13–20 *Manning of lifeboats and life rafts.* (a) There shall be for each lifeboat a number of certificated lifeboatmen equal to that specified in Table 78.13–20 (a).

TABLE 78.13–20 (a)

Prescribed complement of lifeboat		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean [1]
----	25	2	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110	----	6	6

[1] Certificated lifeboatmen not required in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat shall be at the discretion of the master according to the circumstances.

(c) The master shall appoint a first and second in command for each lifeboat and life raft. On all services other than rivers, these persons shall be either licensed deck officers or certificated lifeboatmen, except for life rafts approved for 15 persons or less on vessels in Great Lakes, or lakes, bays, and sounds service. The person in charge of the lifeboat or life raft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

(d) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

(e) The master shall assign to each lifeboat carrying a wireless and searchlight a man capable of operating such equipment.

§ 78.13–25 *Master to instruct crew.* (a) The master shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

SUBPART 78.15—DOORS CLOSED AT SEA

§ 78.15–1 *Subdivision bulkheads.* (a) All watertight doors in subdivision bulkheads shall be kept closed during navigation except when necessarily opened for working of the vessel, and in such cases they shall always be ready to be immediately closed.

SUBPART 78.17—TESTS, DRILLS, AND INSPECTIONS

§ 78.17–1 *Watertight doors.* (a) It shall be the duty of the master to see that all watertight doors in subdivision bulkheads that may be opened at sea, and all mechanisms, remote controls, and indicators connected therewith, shall be periodically inspected at least once in each week that the vessel is navigated to be assured that they are in proper operating condition. On vessels in which the voyage exceeds one week in duration, these doors shall be operated before the vessel leaves port. All such doors shall be operated daily.

(b) The date of the test and the condition of the equipment shall be noted in the official log book.

§ 78.17–5 *Valves and closing appliances.* (a) It shall be the duty of the master to see that all valves, including cross connecting valves where fitted, and other appliances such as port lights, closing mechanism of scuppers, ash chutes, and rubbish chutes, the closing of which is necessary to make a compartment watertight, are operated at least once in every week that the vessel is navigated to be assured that they are in proper operating condition. Any remote controls or indicating mechanisms shall be inspected at this time to test their efficiency. Where such valves are accessible, they shall be inspected at this time, otherwise, they shall be inspected at the first opportunity when they are accessible. On vessels in which the voyage exceeds one week in duration, these appliances shall be operated before the vessel leaves port.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 78.17–10 *Loudspeaker system.* (a) Where fitted, the complete loudspeaker system shall be tested at least once every week. This test shall be made by an officer of the vessel.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 78.17–15 *Steering gear, whistle, and means of communication.* (a) On all vessels making a voyage of more than 48 hours' duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and the engine room shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once every week.

(b) The date of the test and the condition of the equipment shall be noted in the official logbook.

§ 78.17–20 *Drafts and load line markings.* (a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official logbook when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter, at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official logbook a statement of the position of the subdivision load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When the draft of the vessel is limited by a seasonal load line located below the subdivision load line, the position of the applicable seasonal load line shall be entered in relation to the surface of the water in which the vessel is floating.

(2) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official logbook.

§ 78.17–25 *Sanitation.* (a) It shall be the duty of the master and chief engineer to see that the vessel, and, in particular, the passenger and crew quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 78.17–30 *Examination of boilers and machinery.* (a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, or if the safety valve seals are broken, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 78.17–35 *Hatches and other openings.* (a) It shall be the responsibility of the master to assure himself before leaving protected waters that all exposed cargo hatches of his vessel are closed and made properly tight.

(b) The following doors, portable plates, ports, and other openings shall be kept closed while the vessel is being navigated, and shall be closed before the vessel commences a voyage:

(1) Class 1 doors between cargo spaces provided in § 73.35–5 (c) of this subchapter.

(2) Portable plates in watertight bulkheads as provided in § 73.30–35 (a) of this subchapter.

(3) Gangway, cargo, and coaling ports fitted below the margin line.

(4) On ocean, coastwise, or Great Lakes vessels of 150 gross tons and over, all opening type port lights in a 'tween deck, if the sill of any port light in that 'tween deck, is below a line drawn parallel to the bulkhead deck at side and having its lowest point 4½ feet plus 2½ percent of the breadth of the vessel above the water when the vessel departs from port. The Commandant may indicate the limiting mean draft which would allow such port lights to be opened at sea.

(5) Port lights that are not accessible during navigation. Dead covers on such port lights shall also be secured.

(6) Port lights in spaces appropriated alternately to the carriage of cargo and passengers, when cargo is carried. Dead covers on such port lights shall also be secured.

(c) The time of opening and closing of hatches and other openings noted in this section shall be entered in the official log book. In the event that the master at his discretion does not secure the hatches, a notation of this fact shall be made in the official log book. If it becomes essential for the safety of the vessel to open any of the fittings noted in this section while at sea, the circumstances and the time of opening and closing shall be entered in the official log book.

(d) The time of opening, closing, and securing, at sea, of watertight doors fitted between bunkers for the purpose of trimming coal, shall be entered in the official log book.

§ 78.17–40 *Line-throwing appliances.* (a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official log book. The service line shall not be used for drill purposes. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 78.17–45 *Emergency lighting and power systems.* (a) It shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official log book.

§ 78.17–50 *Fire and boat drills.* (a) The master shall be responsible for conducting a fire and boat drill at least once in every week. In the case of a vessel where the duration of the voyage exceeds 1 week, a fire and boat drill shall be held before the vessel leaves port and at least once a week thereafter.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is under way and all fire doors shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) The passengers shall be encouraged to fully participate in these drills and shall be instructed in the use of the life preservers.

(6) In port, the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(7) When the vessel is under way, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(8) The person in charge of each lifeboat shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(c) It shall be the duty of the master to ascertain that in connection with the fire and boat drills, or at other times, each member of the crew except female members has been drilled and exercised in pulling oars in lifeboats at least once in each 3 months. In addition, the crew of each motor-propelled lifeboat shall demonstrate their ability in the working of the engine and handling of the lifeboat under power, and the crew of each hand-propelled lifeboat shall demon-

strate their ability in the operation of the hand-propelling gear and the operation of the lifeboat under hand power within the same time.

(d) An entry shall be made in the vessel's official log book relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out, the length of time that motor and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc.

(e) The master of every vessel shall report monthly, on Form CG 941, the date of such drills, the number of lifeboats aboard and the numbers on the lifeboats that were swung out at each drill, the condition of the vessel and her equipment, and the number of passengers carried. This report shall be made to the office of the Coast Guard District Commander of the district where the vessel was last inspected.

(f) Three copies of this part, Form CG 809a, shall be framed under glass and posted in conspicuous places about the vessel. These forms may be obtained from the Officer in Charge, Marine Inspection.

§ 78.17–55 *Electric power operated lifeboat winches.* (a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examinations required by this section and the condition of the equipment shall be noted in the official log book.

§ 78.17–60 *Lifeboats, life rafts, life floats, and buoyant apparatus.* (a) The master shall assign to one or more officers the duty of seeing that the lifeboats, life rafts, life floats, and buoyant apparatus are at all times ready for immediate use. The decks on which such equipment are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats, and life rafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 75.35 need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) All life floats and buoyant apparatus shall be cleaned and thoroughly overhauled at least once in every year.

§ 78.17–65 *Smoke detecting system.* (a) It shall be the duty of the master to see that the smoke inlets in cargo holds are examined at least once in each 3 months by the ship's personnel to determine if the inlets are obstructed by corrosion, paint, dust, or other extraneous matter. Smoke tests shall be made in all holds and the system found or made operable. The date of the test and condition of the system shall be entered in the log.

SUBPART 78.20—STEERING ORDERS

§ 78.20–1 *Method of communicating.* (a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

SUBPART 78.23—WHISTLING

§ 78.23–1 *Unnecessary whistling prohibited.* (a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

SUBPART 78.25—UNAUTHORIZED LIGHTS

§ 78.25–1 *Unauthorized lights prohibited.* (a) The master shall not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the signal lights.

SUBPART 78.27—SEARCHLIGHTS

§ 78.27–1 *Improper use prohibited.* (a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way.

SUBPART 78.30—LOOKOUTS, PILOTHOUSE WATCH, PATROLMEN, AND WATCHMEN

§ 78.30–1 *Lookouts required.* (a) All ocean and coastwise vessels shall have a lookout at all times at or near the bow during the nighttime.

§ 78.30–5 *Pilothouse watch.* (a) In addition to the licensed officer or pilot, there shall be at least one member of the crew also on watch in or near the pilothouse at all times when the vessel is being navigated.

§ 78.30–10 *Supervised patrol.* (a) The provisions of this section shall apply to all vessels on an international voyage, and to all other vessels having berthed or stateroom accommodations for passengers. This section shall be applicable at all times when passengers are on board.

(b) Between the hours of 10 p. m. and 6 a. m., a supervised patrol shall be maintained so as to completely cover all parts of the vessel accessible to passengers or crew, excepting occupied sleeping accommodations and machinery spaces and similar spaces where a regular watch is maintained.

(c) Clocks, keys, and recording apparatus shall be of an approved type. The station boxes shall have seals placed over the securing screws in order to leave evidence of removal or tampering.

(d) Clocks or key stations shall be so arranged throughout the vessel so as to assure complete coverage of all accessible spaces required by paragraph (b) of this section. The number and location of recording stations, the order in which they are visited, and the number undertaken by one patrolman shall be specifically approved. The stations shall be numbered as required by § 78.47–23. Sufficient watchmen shall be available so that each space will be covered at least once in every hour except as follows:

(1) On existing vessels not constructed in general agreement with §§ 72.05–5 through 72.05–60, of this subchapter, the supervised patrol shall cover all spaces required by paragraph (b) of this section at least once in every 20 minutes.

(2) Public spaces, not constructed with incombustible veneers and trim and fitted with fire resistant furnishings, shall have either an approved fire detecting system installed in such spaces or the supervised patrol shall cover these spaces at least once in every 20 minutes.

(e) The patrolman shall report to the bridge at least once an hour on vessels where the supervised patrol system is not equipped with a recording apparatus in the control station. In vessels requiring more than one patrol route, one patrolman may contact others and make a joint report to the bridge. Failure of a patrolman to follow a prescribed route, or to record each station within the specified time, shall be entered on the record along with the reason for the irregularity.

(f) The patrolman while on duty shall wear a distinctive uniform or badge, and shall have in his possession at all times an efficient flashlight.

(g) A patrolman on duty shall have no other tasks assigned to him.

§ 78.30–15 *Watchmen.* (a) The provisions of this section shall apply to all vessels not required to have a supervised patrol under the provisions of § 78.30–10. This section shall be applicable at all times when passengers are on board.

(b) During the nighttime, a suitable number of watchmen shall be stationed in the passenger accommodation areas on each deck.

(c) Watchmen shall be under the direct charge of the master or officer in command of the vessel, and shall report to such officer at the pilothouse at fixed intervals not exceeding one hour. Watchmen shall not be required to perform any other duties while on watch.

(d) The uniform of the night watchman shall be conspicuously different from other persons so as to be readily distinguished. A rating badge marked "Watchman" shall be worn on the left sleeve and the front of the cap shall also be marked "Watchman".

(e) The watchman shall have in his possession at all times while on duty an efficient flashlight.

§ 78.30–20 *Master's and officer's responsibility.* (a) Nothing in this subpart shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch or from any neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When

circumstances require it, additional watches shall be maintained to guard against fire or other danger and to give an alarm in case of accident or disaster.

SUBPART 78.33—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

§ 78.33–1 *Repairs of boiler and pressure vessels.* (a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest the port where the repairs are to be made.

§ 78.33–5 *Accidents to machinery.* (a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 78.33–10 *Notice required before repairs.* (a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge, Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 78.33–15 *Fusible plugs.* (a) It shall be the duty of the chief engineer to report the installation of new fusible plugs to the Officer in Charge, Marine Inspection, on Form CG 945, in accordance with § 61.45–20 of Subchapter F (Marine Engineering) of this chapter.

SUBPART 78.35—CABLE TRAVELER

§ 78.35–1 *When required.* (a) On vessels where the distance between deck houses is more than 150 feet, a wire cable shall be stretched between the deck houses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

SUBPART 78.37—LOG BOOK ENTRIES

§ 78.37–1 *Log books and records.* (a) Under the various statutes, vessels engaged in all trades with the exception of vessels engaged exclusively in trade on rivers of the United States, are required to maintain an official log book. The official log book, which is furnished gratuitously to masters of all vessels by the Coast Guard, shall be used in making entries required by this subchapter in the case of vessels making foreign or intercoastal voyages. On other vessels, this log book, or any other form which represents the official log book, may be used for this purpose. With respect to vessels in this latter category, the official log book shall be available for review by the inspector for a period of at least one year after the date to which the records refer.

§ 78.37–5 *Actions required to be logged.* (a) The actions and observations noted in this section shall be entered in the official log book. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and Boat Drills: Weekly. See § 78.17–50.

(2) Watertight door operation: Daily and Weekly. See § 78.17–1.

(3) Valve and closing appliance operation: Weekly. See § 78.17–5.

(4) Loudspeaker system: Weekly. See § 78.17–10.

(5) Steering gear, whistle, and means of communication: Prior to departure. See § 78.17–15.

(6) Drafts and load line markings: Prior to leaving port, ocean, coastwise, and Great Lakes services only. See § 78.17–20.

(7) Hatches and other openings: All openings and closings, or leaving port without closing, except vessels on protected waters. See § 78.17–35.

(8) Line throwing appliances: Once every 3 months. See § 78.17–40.

(9) Emergency lighting and power systems: Weekly and semiannually. See § 78.17–45.

(10) Electric power operated lifeboat winches: Once every 3 months. See § 78.17–55.

(11) Smoke Detecting System: Once every 3 months. See § 78.17–65.

§ 78.37–10 *Official log entries.* (a) In addition to other items required to be entered into the official log book, on vessels where an official log book is required, all items relative to the crew and passengers and to casualties shall be entered as required by R. S. 4290, as amended (46 U. S. C. 201).

SUBPART 78.40—VEHICULAR FERRIES

§ 78.40–1 *Stowage of vehicles.* (a) Automobiles or other vehicles shall be stowed in such a manner as to permit both passengers and operators to get out and away from them freely in the event of fire or other disaster. Where there is insufficient clearance to provide for easy egress at all times, both passengers and operators shall be directed to leave their vehicles and to occupy other spaces reserved for them during the crossing. The decks, where necessary, shall be definitely marked with painted lines to indicate the vehicle runways and the aisle spaces.

§ 78.40–5 *Securing of vehicles.* (a) The master shall take all necessary precautions to see that automobiles or other vehicles have their motors turned off when the ferry is under way, and the motors shall not be started until the ferry is secured to the landing. In addition, the vehicles at each end shall have their wheels securely blocked, while the vessel is being navigated.

§ 78.40–10 *No smoking permitted.* (a) The master shall have appropriate "No Smoking" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in the deck area assigned to automobiles or other vehicles.

SUBPART 78.43—RAILROAD PASSENGER CAR FERRIES

§ 78.43–1 *Precautions for railway passenger cars.* (a) It shall be the duty of the master of any railroad passenger car ferry to see that all of the doors of the cars are unlocked and that the vestibules of the cars are open while the cars are on the ferry, to allow the persons so carried free access at all times.

SUBPART 78.45—DISPLAY OF PLANS

§ 78.45–1 *When required.* (a) Vessels of 1,000 gross tons and over, and vessels of any tonnage on an international voyage shall have permanently exhibited for the guidance of the officer in charge of the vessel, general arrangement plans showing for each deck the various fire sections enclosed by fire retardant bulkheads together with particulars of the fire detecting, manual alarm, and fire extinguishing systems, fire doors, means of ingress to the different compartments, and the ventilating systems including the positions of the dampers and the identification of the fans serving each section.

SUBPART 78.47—MARKINGS FOR FIRE AND EMERGENCY EQUIPMENT, ETC.

78.47–1 *Application.* (a) The provisions of this subpart with the exception of § 78.47–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 78.47–90.

§ 78.47–3 *General.* (a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board in case of emergency. In any specific case, and particularly on small vessels, where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, all stateroom notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel or other action be taken to achieve the same purpose.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 78.47–5 *General alarm bell switch.* (a) The general alarm bell switch in the pilothouse, and in the fire control station, if also located there, shall be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

§ 78.47–7 *General alarm bells.* (a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

§ 78.47–9 *Carbon dioxide alarm.* (a) All carbon dioxide alarms shall be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 78.47–10 *Manual alarm boxes.* (a) In all new installations, manual alarm

boxes shall be clearly and permanently marked "IN CASE OF FIRE BREAK GLASS." Existing boxes not so marked with the same or equivalent wording, shall be identified either on the box or adjacent bulkhead in at least ½ inch letters "IN CASE OF FIRE BREAK GLASS." All manual alarm boxes shall be numbered in red on the adjacent bulkhead with at least ½ inch figures. The number shall agree with the number of the zone.

§ 78.47-13 *Fire detecting and manual alarm, automatic sprinkler, and smoke detecting alarm bells.* (a) The fire detecting and manual alarm automatic sprinkler, and smoke detecting alarm bells in the engine room shall be identified by at least 1 inch red lettering "FIRE ALARM", "SPRINKLER ALARM" or "SMOKE DETECTING ALARM" as appropriate. Where such alarms on the bridge or in the fire control station do not form a part of an easily identifiable alarm cabinet, the bells shall be suitably identified as above.

§ 78.47-15 *Fire extinguishing system branch lines.* (a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 78.47-17 *Fire extinguishing system controls.* (a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high—"STEAM FIRE APPARATUS", "CARBON DIOXIDE FIRE APPARATUS", FOAM FIRE APPARATUS", "WATER SPRAY FIRE APPARATUS", "MANUAL SPRINKLING SYSTEM", or "AUTOMATIC SPRINKLING SYSTEM", as the case may be.

§ 78.47-20 *Fire hose stations.* (a) Each fire hydrant shall be identified in red letters and figures at least 2 inches high "FIRE STATION NO. 1," "2," "3," etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 78.47-23 *Supervised patrol stations.* (a) Each supervised patrol clock or key station shall be numbered.

§ 78.47-25 *Emergency squad equipment.* (a) Lockers or spaces containing equipment for the use of the emergency squad shall be marked "EMERGENCY SQUAD EQUIPMENT."

§ 78.47-27 *Self-contained breathing apparatus and gas masks.* (a) Lockers or spaces containing self-contained breathing apparatus or gas masks shall be marked "SELF-CONTAINED BREATHING APPARATUS" or "GAS MASK."

§ 78.47-30 *Hand portable fire extinguishers.* (a) Each hand portable fire extinguisher shall be marked with a number and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 78.47-33 *Emergency lights.* (a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 78.47-35 *Fire doors.* (a) All doors in main vertical zone bulkheads or stairway enclosures, except from individual rooms such as staterooms, fan rooms, lockers, etc., shall be numbered conspicuously on an etched plate or equivalent in not less than ⅜ inch letters and figures "F. S. D. 1," "2," "3," etc. If stenciled or similar notice is used, the letters and figures shall be at least 1 inch high. The number shall be conspicuous with the door in the open position.

§ 78.47-37 *Watertight doors.* (a) All watertight doors in subdivision bulkheads shall be numbered conspicuously on both sides on an etched plate or equivalent in not less than ⅜ inch letters and figures "W. T. D. 1," "2," "3," etc. If a stencilled or similar notice is used, the letters and figures shall be at least 1 inch high. If the construction is such that the number cannot be seen with the door in the open position, a similar number shall be placed on the frame or other location immediately adjacent to the door. All watertight door remote control stations shall be marked in the same manner, and in addition, the direction of operation of the lever or wheel to open and close the door shall be conspicuously marked.

§ 78.47-40 *Exit signs.* (a) Illuminated signs bearing the word "EXIT" in red letters shall be installed in such locations throughout the vessel that from any portion of the vessel normally accessible to the passengers or crew, except machinery spaces, and stores and similar spaces where the crew are not normally employed, so that, with all fire doors in stairway inclosures and main vertical zone bulkheads and all watertight doors closed, the direction of escape to the open deck will be apparent. For the purpose of this paragraph, individual staterooms and other similar small rooms will not be required to have such signs, but upon emerging from such rooms the direction of escape should be apparent. The power for the illuminated exit signs shall be from the emergency switchboard.

(b) Small rooms or spaces having a secondary means of escape which is not obviously apparent shall have a suitable sign in red letters "EMERGENCY EXIT" directing attention to such escape.

§ 78.47-43 *Embarkation direction signs to lifeboats.* (a) Sufficient embarkation direction signs shall be installed in passageways, stairways, etc., throughout the vessel that from any portion of the vessel normally accessible to the passengers or crew, and with all fire doors in stairway enclosures and main vertical zone bulkheads and all closed watertight doors in subdivision bulkheads, the direction of the shortest route to follow to reach the lifeboats will be apparent. The signs shall be in at least 1 inch letters with arrows of appropriate dimensions:

TO BOATS →

(b) The signs near the exits to the embarkation deck shall be similar to the above, and shall indicate the boat stations nearest to the exit:

TO BOAT STATIONS
NOS. 1, 3, 5
(or 2, 4, 6, etc.)
→

(c) Any combination of arrows and one inch lettering which will clearly indicate the direction to be followed will be acceptable.

§ 78.47-45 *Lifeboat stations.* (a) There shall be placed on the deck beams or suspended athwartship from overhead at each lifeboat station on the embarkation deck a sign in three-inch letters "LIFEBOAT STATION NO. 1," "2," "3," etc. If there is insufficient head room or no overhead structure at a boat station, a similar sign shall be permanently installed where it will be readily seen.

§ 78.47-47 *Stateroom notices.* (a) Framed notices shall be conspicuously posted in the passenger staterooms indicating the following which may be posted separately or together.

(1) Emergency signal:

EMERGENCY SIGNALS

FIRE AND EMERGENCY—CONTINUOUS RAPID RINGING OF THE SHIP'S BELL AND OF THE GENERAL ALARM BELLS FOR A PERIOD OF NOT LESS THAN 10 SECONDS.

ABANDON SHIP (OR BOAT STATIONS)—MORE THAN 6 SHORT BLASTS AND ONE LONG BLAST OF THE WHISTLE SUPPLEMENTED BY THE SAME SIGNAL ON THE GENERAL ALARM BELLS.

THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO LIFEBOAT NO. ------. ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS AND GO TO THEIR LIFEBOAT STATIONS WHENEVER GENERAL ALARM BELLS RING.

THE ROOM STEWARD WILL PROVIDE LIFE PRESERVERS FOR CHILDREN AT THE START OF THE VOYAGE.

(2) Life preservers: The location of life preservers together with instructions and pictures showing how they are worn shall be indicated in a framed notice.

§ 78.47-50 *Children's life preservers.* (a) The lockers or boxes in which children's life preservers are stowed and also the number contained therein shall be marked in at least two inch letters and figures:

20
CHILDREN'S LIFE PRESERVERS

§ 78.47-53 *Automatic ventilation dampers.* (a) The manual operating positions for automatic fire dampers in ventilation ducts passing through main vertical zone bulkheads shall be identified by red letters at least ½ inch high "VENTILATION FIRE DAMPER." In addition, the open and closed positions shall be similarly marked.

§ 78.47-55 *Instructions for changing steering gear.* (a) Instructions in at least ½ inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the change-over shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 78.47-57 *Rudder orders.* (a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

§ 78.47-60 *Lifeboats.* (a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side. Where nested lifeboats are permitted, the upper lifeboat shall be numbered in the normal manner and the lower lifeboat shall have the same number followed by the letter "A".

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at least 2 thwarts in letters and numbers not less than 3 inches high.

(d) All oars shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters the words "DANGER—LEVER RELEASES HOOKS".

§ 78.47-63 *Life rafts, life floats, and buoyant apparatus.* (a) Life rafts, life floats, and buoyant apparatus, together with their oars and paddles, shall be conspicuously marked with the vessel's name.

(b) The number of persons allowed on each life raft, life float, and buoyant apparatus shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

§ 78.47-65 *Life preservers, wood floats, and ring life buoys.* (a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name.

§ 78.47-67 *Fire hose and axes.* (a) All fire hose and axes shall be marked with the vessel's name.

§ 78.47-70 *Portable magazine chests.* (a) Portable magazine chest shall be marked in letters of at least 3 inches high "PORTABLE MAGAZINE CHEST—INFLAMMABLE—KEEP LIGHTS AND FIRE AWAY".

§ 78.47-90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) The requirements of §§ 78.47-5 through 78.47-70 shall be met with the exception that existing signs and markings containing the same general intent, but not necessarily identical wording or exact letter type, size, or color, may be retained so long as they are in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

SUBPART 78.50—MARKINGS ON VESSELS

§ 78.50-1 *Application.* (a) The provisions of this subpart shall apply to all vessels except as specifically noted in this subpart.

§ 78.50-5 *Markings required by customs regulations.* (a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations:

(1) Name of Vessel—On both bows and the stern. On steam vessels the name is also required on both sides of the pilothouse, and on steam paddle wheel vessels on the outer side of each paddle box.

(2) Hailing Port—On the stern.

(3) Draft Marks—On the stem and stern. Also see § 78.50-10.

(4) Official Number—On the vessel's main beam.

(5) Net Tonnage—On the vessel's main beam.

§ 78.50-10 *Draft marks.* (a) All vessels 50 gross tons and over, under the jurisdiction of the U. S. Coast Guard, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cut-away skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 78.50-15 *Load line marks.* (a) Vessels assigned a load line shall have the deck line and the load line marks permanently scribed or embossed as required by Subchapter E (Load Lines) of this chapter.

SUBCHAPTER 78.53—PLACARD OF BREECHES BUOY INSTRUCTIONS

§ 78.53-1 *Application.* (a) The provisions of this subpart shall apply to all vessels on an international voyage and all other vessels of 150 gross tons and over in ocean, coastwise, or Great Lakes service.

§ 78.53-5 *Where posted.* (a) A placard containing instructions for the use of breeches buoys, Form CG 811, shall be posted in the pilothouse, the engine room, and the crew quarters of all vessels.

SUBPART 78.55—CARRYING OF EXCESS STEAM

§ 78.55-1 *Master and Chief engineer responsible.* (a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to see that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 57.10-20 (b) (3) of Subchapter F (Marine Engineering) of this chapter.

SUBPART 78.57—ROUTING INSTRUCTIONS

§ 78.57-1 *All personnel must comply.* (a) Due to existing mine field dangers, all licensed masters, officers, and certificated seamen on United States vessels shall comply strictly with the routing instructions issued by competent naval authority. Failure to comply with such routing instructions shall be deemed misconduct within the meaning of R. S. 4450, as amended (46 U. S. C. 239). Nothing herein shall be construed as relieving the master of the responsibility for the safety of his vessel.

SUBPART 78.60—COMPLIANCE WITH PROVISIONS OF CERTIFICATE OF INSPECTION

§ 78.60-1 *Master or person in charge responsible.* (a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

SUBPART 78.65—EXHIBITION OF LICENSE

§ 78.65-1 *Licensed officers.* (a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R. S. 4446, as amended (46 U. S. C. 232).

§ 78.65-5 *Motorboat operators.* (a) The operator of any motorboat shall have his license as a motorboat operator in his possession and available for immediate production to any Coast Guard boarding officer at all times when the motorboat is being operated.

PART 79—INSPECTION OF VESSELS

Part 79 is canceled.

(R. S. 4405, as amended, 4462; as amended; 46 U. S. C. 375, 416)

PART 80—FERRYBOATS

Part 80 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 81—EXCURSION STEAMERS

Part 81 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 82—BARGES

Part 82 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 83—DUTIES OF INSPECTORS

Part 83 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter I—Cargo and Miscellaneous Vessels

The title for Subchapter I is changed from "General Rules and Regulations; Bays, Sounds, and Lakes Other Than the Great Lakes" to "Cargo and Miscellaneous Vessels," and Chapter I is amended by adding a new Part 90 to Subchapter I reading as follows:

PART 90—GENERAL PROVISIONS

SUBPART 90.01—AUTHORITY AND PURPOSE

Sec.
90.01–1 Purpose of regulations.
90.01–5 Assignment of functions.
90.01–10 Authority for regulations.

SUBPART 90.05—APPLICATION

90.05–1 Vessels subject to requirements of this subchapter.
90.05–5 Specific application noted in text.

SUBPART 90.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

90.10–1 Approved.
90.10–3 Carrying passengers for hire.
90.10–5 Carrying freight for hire.
90.10–7 Commandant.
90.10–9 Coast Guard District Commander.
90.10–11 Coastwise.
90.10–13 Great Lakes.
90.10–15 Headquarters.
90.10–17 International voyage.
90.10–19 Lakes, bays, and sounds.
90.10–21 Marine inspector or inspector.
90.10–23 Motorboat.
90.10–25 Ocean.
90.10–27 Officer in Charge, Marine Inspection.
90.10–29 Passenger.
90.10–31 Pilot rules.
90.10–33 Rivers.
90.10–35 Recognized classification society.
90.10–37 Vessel.
90.10–39 Western rivers.

SUBPART 90.15—EQUIVALENTS

90.15–1 Conditions under which equivalents may be used.

SUBPART 90.20—GENERAL MARINE ENGINEERING REQUIREMENTS

90.20–1 Marine engineering details.

SUBPART 90.25—GENERAL ELECTRICAL ENGINEERING REQUIREMENTS

Sec.
90.25–1 Electrical engineering details.

SUBPART 90.30—SPECIAL PROVISIONS

90.30–1 Vessels acquired or documented under the act of June 6, 1941.
90.30–5 Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.

SUBPART 90.35—AMERICAN BUREAU OF SHIPPING'S STANDARDS

90.35–1 Standards to be used.
90.35–5 Where obtainable.

AUTHORITY: §§ 90.01–1 to 90.35–5 issued under R. S. 4405, as amended, 4462, as as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 404, 367, 526p, 463a, 50 U. S. C. App. 1275.

SUBPART 90.01—AUTHORITY AND PURPOSE

§ 90.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for cargo and miscellaneous vessels, as listed in Column 5 of Table 90.05–1, in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various International Conventions for Safety of Life at Sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting cargo and miscellaneous vessels and such regulations have the force of law.

§ 90.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (15 F. R. 4935, 5 U. S. C. note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury, with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 90–01–10 *Authority for regulations*—(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Inspection and certification.* (1) The regulations regarding inspection of cargo and miscellaneous vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10 and 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, and 50 U. S. C. App. 1275).

(c) *Construction and arrangement.* (1) The regulations regarding the construction and arrangement of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 463a, and 50 U. S. C. App. 1275).

(d) *Stability.* (1) The regulations regarding stability of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, sec. 2, 45 Stat. 1943, sec. 2, 49 Stat. 888, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 367, and 50 U. S. C. App. 1275).

(e) *Lifesaving equipment.* (1) The regulations regarding lifesaving equipment of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, and 50 U. S. C. App. 1275).

(f) *Fire protection equipment.* (1) The regulations regarding fire protection equipment of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, and 50 U. S. C. App. 1275).

(g) *Vessel control and miscellaneous systems and equipment.* (1) The regulations regarding vessel control and miscellaneous systems and equipment of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, and 4426, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526p, and 50 U. S. C. App. 1275).

(h) *Operations.* (1) The regulations regarding operations of cargo and miscellaneous vessels interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, 526p, and 50 U. S. C. App. 1275).

SUBPART 90.05—APPLICATION

§ 90.05–1 *Vessels subject to requirements of this subchapter.* (a) This subchapter shall be applicable to all United States flag vessels indicated in Column 5 of Table 90.05 (a) and to all such foreign vessels which carry 12 or less passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for the Safety of Life at Sea, 1948, and which has on board a current, valid safety equipment certificate.

TABLE 90.05–1 (a)

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D—Tank Vessels [1]	Vessels inspected and certificated under Subchapter H—Passenger Vessels [1] [2]	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels [1] [2]	Vessels subject to provisions of Subchapter C—Uninspected Vessels [1] [2]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels 40 feet in length and under.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tugboats and towboats.	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tugboats and towboats.	All vessels except those covered by Subchapters D and I.[5]
	Vessels over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: [3] 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None.
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	None	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage, except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by subchapter D and H, and those engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by subchapter D, H, and I.
Sail		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels 700 gross tons and over, carrying passengers for hire.	None	None.
Non self-propelled	Seagoing barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers except those covered by subchapter H.
	Inland barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None	All barges carrying passengers except those covered by subchapter H.

[1] Subchapter E (Load Lines), F (Marine Engineering), and J (Electrical Engineering) of this chapter are also applicable under certain conditions.

[2] Public nautical school ships other than vessels of the Navy and Coast Guard, shall meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

[3] Any vessel on an international voyage is subject to the applicable requirements of the International Convention for the Safety of Life at Sea, 1948.

[4] Length measured from end to end over deck, excluding sheer.

[5] Boilers and machinery are subject to examination.

[6] Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the combustible liquid cargo shall meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U. S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

§ 90.05–5 *Specific application noted in text.* (a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessels contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a cargo or miscellaneous vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

SUBPART 90.10—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

§ 90.10–1 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 90.10–3 *Carrying passengers for hire.* The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

§ 90.10–5 *Carrying freight for hire.* The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 90.10–7 *Commandant.* This term means the Commandant of the Coast Guard.

§ 90.10–9 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspection, enforcement, and administration of Title 52,

Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–11 *Coastwise.* Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 90.10–13 *Great Lakes.* Under this designation shall be included all vessels navigating the Great Lakes.

§ 90.10–15 *Headquarters.* This term means the Office of the Commandant, United States Coast Guard, Washington, D. C.

§ 90.10–17 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports outside the United States as well as between United States Continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under a protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary waters as far east as the exit of the Lachine Canal at Montreal, in the province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

§ 90.10–19 *Lakes, bays, and sounds.* Under this designation shall be included all vesels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 90.10–21 *Marine inspector or inspector.* These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–23 *Motorboat.* This term means any vessel indicated in Column 5 of Table 90.05–1 (a) 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U. S. C. 526–526t), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 90.10–25 *Ocean.* Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 90.10–27 *Officer in charge, marine inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 90.10–29 *Passenger.* A passenger is every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under 1 year of age is not counted as a passenger.

§ 90.10–31 *Pilot rules.* (a) The term "pilot rules" means the statutory rules of the road and the implementing regulations of the Commandant. The regulatory pilot rules are contained in 33 CFR Parts 80, 82, 84, 90, 92, 95, and 100.

(b) In accordance with law, the Coast Guard publishes the statutory rules of the road and regulatory pilot rules in pamphlet form as follows:

(1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (CG 169).

(2) Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River (CG 172).

(3) Pilot Rules for the Western Rivers and the Red River of the North (CG 184).

§ 90.10–33 *Rivers.* Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals, exclusively and to such other waters as may be so designated by the Coast Guard District Commander.

§ 90.10–35 *Recognized classification society.* The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 90.10–37 *Vessel.* Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in Column 5 of Table 90.05–1 (a), except as otherwise noted in this subpart.

§ 90.10–39 *Western rivers.* For the purpose of this subchapter, the term "western rivers" is as defined in CG 184, Pilot Rules for the Western Rivers and the Red River of the North.

SUBPART 90.15—EQUIVALENTS

§ 90.15–1 *Conditions under which equivalents may be used.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided,* That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement is at least as effective as that specified in this subchapter.

(b) In any case where is is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

SUBPART 90.20—GENERAL MARINE ENGINEERING REQUIREMENTS

§ 90.20–1 *Marine engineering details.* (a) All marine engineering details such as piping, valves, fittings, boilers, pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of Subchapter F (Marine Engineering) of this chapter.

SUBPART 90.25—GENERAL ELECTRICAL ENGINEERING REQUIREMENTS

§ 90.25–1 *Electrical engineering details.* (a) All electrical engineering details and installations shall be designed and installed in accordance with Subchapter J (Electrical Engineering) of this chapter.

SUBPART 90.30—SPECIAL PROVISIONS

§ 90.30–1 *Vessels acquired or documented under the act of June 6, 1941.* (a) Vessels acquired or documented under the Act of June 6, 1941, as amended (sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275), shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereof or supplemental thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, fire fighting, and other equipment may be continued in service as long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements.

§ 90.30–5 *Installations of equipment made during the unlimited national emergency declared by the President on May 27, 1941.* (a) Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, fire fighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 App. Sup. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

SUBPART 90.35—AMERICAN BUREAU OF SHIPPING'S STANDARDS

§ 90.35–1 *Standards to be used.* (a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 90.35–5 *Where obtainable.* (a) The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, 45 Broad Street, New York 4, New York. These standards may be also examined at the Office of the Commandant (M), U. S. Coast Guard, Washington, D. C., or at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

PART 91—INSPECTION AND CERTIFICATION

Chapter I is amended by adding a new Part 91 to Subchapter I reading as follows:

SUBPART 91.01—CERTIFICATE OF INSPECTION

Sec.
91.01–1 When required.
91.01–5 Posting.
91.01–10 Period of validity.
91.01–15 Temporary certificate.
91.01–20 Expired certificate.

SUBPART 91.05—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIR

91.05–1 When issued.
91.05–5 To whom issued.
91.05–10 Conditions of permit.
91.05–15 Posting.

SUBPART 91.15—INSPECTION OF VESSELS

91.15–1 Standard in inspection of hulls, boilers, and machinery.

SUBPART 91.20—INITIAL INSPECTION

91.20–1 Prerequisite of certificate of inspection.
91.20–5 When made.
91.20–10 Plans.
91.20–15 Scope of inspection.
91.20–20 Specific tests and inspections.

SUBPART 91.25—ANNUAL INSPECTION

91.25–1 Prerequisite of reissuance of certificate of inspection.
91.25–5 When made.
91.25–10 Scope of inspection.
91.25–15 Lifesaving equipment.
91.25–20 Fire extinguishing equipment.
91.25–25 Hull equipment.
91.25–30 Electrical engineering equipment.
91.25–35 Marine engineering equipment.
91.25–40 Sanitary inspection.
91.25–50 Fire hazards.
91.25–55 Inspector not limited.

SUBPART 91.30—INSPECTION AFTER ACCIDENT

Sec.
91.30–1 General or partial survey.

SUBPART 91.35—SANITARY INSPECTIONS

91.35–1 When made.

SUBPART 91.40—DRY DOCKING

91.40–1 When dry docked.
91.40–5 Notice by owner.

SUBPART 91.45—REPAIRS AND ALTERATIONS

91.45–1 Notice required.
91.45–5 Inspection required.

SUBPART 91.50—GAS FREEING

91.50–1 Inspection necessary.

SUBPART 91.55—PLAN APPROVAL

91.55–1 General.
91.55–5 Plans and specifications required for new construction.
91.55–10 Plans required for alterations of existing vessels.
91.55–15 Procedure for submittal of plans.
91.55–20 Number of plans required.

SUBPART 91.60—SAFETY EQUIPMENT CERTIFICATE

91.60–1 Required on an international voyage.

AUTHORITY: §§ 91.01–1 to 91.60–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. App. 1275.

SUBPART 91.01—CERTIFICATE OF INSPECTION

§ 91.01–1 *When required.* (a) Except as noted in this subpart of Subpart 91.05, no vessel subject to inspection and certification shall be operated without a valid certificate of inspection.

§ 91.01–5 *Posting.* (a) On vessels of over 25 gross tons, the original certificate of inspection shall, in general, be framed under glass and posted in a conspicuous place where it will be most likely to be observed. On vessels not over 25 gross tons, and on other vessels such as barges, where the framing of the certificate under glass would be impracticable, the original certificate of inspection shall be kept on board to be shown on demand.

§ 91.01–10 *Period of validity.* (a) Certificates of inspection will be issued for a period of one year. However, application may be made by the owner for inspection and issuance of a new certificate of inspection at any time within that year. The certificate of inspection may be revoked or suspended at any time.

§ 91.01–15 *Temporary certificate.* (a) If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG 854, shall be issued pending the issuance and delivery of the regular certificate of inspection. Such temporary certificate shall be carried in the same manner as the regular certificate and shall in all ways be considered the same as the regular certificate of inspection which it represents.

§ 91.01–20 *Expired certificate.* (a) Nothing in this subpart shall prevent a vessel upon a regularly established line from a port in the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii from lawfully completing her voyage without the valid certificate of inspection or temporary certificate required by this subpart: *Provided,* That the certificate of inspection did not expire within 15 days after the vessel left the last port of the United States, and that the voyage shall be completed within 30 days after the expiration of the certificate of inspection.

SUBPART 91.05—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIR

§ 91.05–1 *When issued.* (a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repair, Form CG 948 to a vessel, if in his judgment it can be done with safety, even if the certificate of inspection of the vessel has expired or is about to expire.

§ 91.05–5 *To whom issued.* (a) Such permit will only be issued upon the written application of the master, owner, or agent of the vessel.

§ 91.05–10 *Conditions of permit.* (a) The permit will state upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry freight or passengers. Passengers may not be carried if the certificate of inspection has expired, except as provided under § 91.01–20.

§ 91.05–15 *Posting.* (a) The permit shall be carried in a manner similar to that described in § 91.01–5 for a certificate of inspection.

SUBPART 91.15—INSPECTION OF VESSELS

§ 91.15–1 *Standard in inspection of hulls, boilers, and machinery.* (a) In the inspection of hulls, boilers, and machinery of vessels, the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter, respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), Subchapter F (Marine Engineering), or Subchapter J (Electrical Engineering) of this chapter shall be accepted as standard by the inspectors.

SUBPART 91.20—INITIAL INSPECTION

§ 91.20–1 *Prerequisite of certificate of inspection.* (a) The initial inspection is a prerequisite of the issuance of the original certificate of inspection.

§ 91.20–5 *When made.* (a) The original inspection will only be made upon the written application of the owner or builder of the vessel to the Officer in Charge, Marine Inspection, on Form CG

833, at or nearest the port where the vessel is located.

§ 91.20–10 *Plans.* (a) Before application for inspection is made, and before construction is started, the owner or builder shall have plans approved by the Commandant indicating the proposed arrangement and construction of the vessel. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 91.55.

§ 91.20–15 *Scope of inspection.* (a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom and the outside and where possible the inside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, life saving appliances, fire detecting and extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installation is in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory. If equipment is installed which is not required, such as fire detecting systems, etc., such equipment shall be inspected and tested as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

§ 91.20–20 *Specific tests and inspections.* (a) The applicable tests and inspections relating to annual inspection as set forth in Subpart 91.25 shall be made at this time. In addition, the following specific tests and inspections shall be made by the inspector.

(1) Installation of lifeboats, davits, and winches—see Subpart 94.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping—see §95.15–35.

(3) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(4) For inspection procedures of Electrical Engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

SUBPART 91.25—ANNUAL INSPECTION

§ 91.25–1 *Prerequisite of reissuance of certificate of inspection.* (a) The annual inspection is a prerequisite of the reissuance of a certificate of inspection.

§ 91.25–5 *When made.* (a) The annual inspection will only be made upon the written application of the master, owner, or agent of the vessel on Form CG 833 to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is located.

§ 91.25–10 *Scope of inspection.* (a) The annual inspection shall include an inspection of the structure, boilers, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and their appurtenances, piping main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installation is in compliance with the requirements of the Federal Communications Commission. If equipment is installed that is not required, such as fire detecting system in lifeboats, etc., such equipment shall be inspected and tested as required by Subpart 71.25 of Subchapter H (Passenger Vessels) of this chapter.

§ 91.25–15 *Lifesaving equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of lifesaving equipment.

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) If practicable, each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test, persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each.

(3) Each life preserver shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver shall be removed from the vessel's equipment, and if beyond repair, shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that the lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 91.25–20 *Fire extinguishing equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of fire extinguishing equipment:

(1) All hand portable fire extinguishers and semi-portable fire extinguishing systems shall be checked as noted in Table 91.25–20 (a) (1). In addition, the hand portable fire extinguishers and semi-portable fire extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 91.25–20 (a) (1)

Type unit	Test
Soda acid	Discharge. Clean inside and hose thoroughly. Recharge.
Foam	Discharge. Clean inside and hose thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean inside and hose thoroughly. Recharge with clean water or new antifreeze.
Cartridge operated (water antifreeze or loaded stream).	If pressure cartridge is punctured, or if it weighs ½ ounce less than amount stamped on cartridge, it shall be replaced. Remove liquid. Clean inside and hose thoroughly. Recharge with clean water or new solution or antifreeze. Insert charged cartridge.
Carbon tetrachloride.	Discharge a few strokes into a clean container. Recharge with new or discharged liquid. Keep water out of extinguisher. Ascertain that it is completely full of liquid.
Carbon dioxide.	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.
Dry chemical	If pressure cartridge is punctured, or if it weighs ½ ounce less than amount stamped on cartridge, it shall be replaced. Inspect hose and nozzle to be sure they are clear. Insert charged cartridge. Ascertain that chamber contains full charge and that powder is not caked.

(2) Fixed fire extinguishing systems shall be checked as noted in Table 91.25–20 (a) (2). In addition, all parts of the fixed fire extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 91.25–20 (a) (2)

Type system	Test
Foam	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide.	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.

(3) On all fire extinguishing systems, all piping controls, valves, and alarms shall be checked to ascertain that the system is in operating condition. In this respect, steam smothering lines shall be checked with at least a 50 p. s. i. air pressure with the ends capped or by blowing steam through the lines at the designed pressure.

(4) The fire main system shall be operated and the pressure checked at the most remote and highest outlets. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p. s. i.

§ 91.25–25 *Hull equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of hull equipment:

(1) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(2) The remote controls of all valves shall be operated.

§ 91.25–30 *Electrical engineering equipment.* (a) For inspection procedures of electrical engineering equipment and systems see Subchapter J (Electrical Engineering) of this chapter.

§ 91.25–35 *Marine engineering equipment.* (a) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

§ 91.25–40 *Sanitary inspection.* (a) At each annual inspection the quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to be assured that they are in a sanitary condition.

§ 91.25–45 *Fire hazards.* (a) At each annual inspection, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 91.25–50 *Inspector not limited.* (a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

SUBPART 91.30—INSPECTION AFTER ACCIDENT

§ 91.30–1 *General or partial survey.* (a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, fire-fighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

SUBPART 91.35—SANITARY INSPECTIONS

§ 91.35–1 *When made.* (a) An inspection of quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

SUBPART 91.40—DRY DOCKING

§ 91.40–1 *When dry docked.* (a) All vessels shall be placed in dry dock or hauled out for examination within the periods set forth in this paragraph depending upon the service.

(1) Vessels whose operations in salt water service aggregate more than 6 months in a calendar year—once in each year.

(2) Vessels whose operations in salt water service aggregate 6 months or less in a calendar year—once in each 2 years.

(3) Vessels whose operations are confined exclusively to fresh water—once in each 5 years.

§ 91.40–5 *Notice by owner.* (a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a dry dock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

SUBPART 91.45—REPAIRS AND ALTERATIONS

§ 91.45–1 *Notice required.* (a) No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

§ 91.45–5 *Inspection required.* (a) An inspection either general or partial depending upon the circumstances shall be made whenever any important repairs or alterations are undertaken.

SUBPART 91.50—GAS FREEING

§ 91.50–1 *Inspection necessary.* (a) No alterations, repairs, or operations involving riveting, welding, burning, etc., shall be made in or on the boundaries of oil tanks, oil lines, or oil heating coils until an inspection has been made to determine that such operation can be undertaken with safety. Such inspection shall be made and evidenced as follows:

(1) In a port of the United States, the inspection shall be made by a gas chemist certified by the American Bureau of Shipping. If the services of such certified chemist are not available, the Officer in Charge, Marine Inspection, may, upon the recommendation of the vessel's owner, or contractor, select a competent person to make the inspection. If the inspection reveals that the work may be undertaken with safety, the chemist or authorized person shall issue a certificate setting forth such facts, with any qualifications, before the work is started.

(2) When not in a port of the United States, and a gas chemist is not available, the inspection shall be made by the senior officer present and a proper entry shall be made in the log.

SUBPART 91.55—PLAN APPROVAL

§ 91.55–1 *General.* (a) The following list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(b) In the following list of required plans, the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 91.55–5 *Plans and specifications required for new construction*—(a) *General.* (1) Specifications.

(2) General Arrangement Plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner Bottom Plating and Framing.

(2) *Midship Section.

(3) *Shell Plating and Framing.

(4) *Stem, Stern Frame, and Rudder.

(5) *Structural Deck Plans for Strength Decks.

(6) *Pillars and Girders.

(7) *Watertight and Oiltight Bulkheads.

(8) *Foundations for Main Machinery and Boilers.

(9) *Arrangement of Ports, Doors, and Airports in Shell Plating.

(10) *Hatch Coamings and Covers in Weather and Watertight Decks.

(11) *Details of Watertight Doors and Operating Gear.

(12) *Scuppers and Drains Penetrating Shell Plating.

(c) *Hull calculations, etc.* Required only when a stability test is to be performed.

(1) Lines (for information).

(2) Curves of Form.

(3) Capacity Plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(4) Tank Sounding tables (for information).

(5) Draft Mark Locations (for information).

(d) *Fire control.* (1) Alarm systems.

(2) Extinguishing systems, including fire mains, carbon dioxide, steam, and sprinkling systems.

(e) *Marine engineering.* For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* For plans required for electrical engineering, equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* (1) These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(i) Arrangement of lifeboats.

(ii) Arrangement of davits.

(iii) Location and stowage of life rafts and buoyant apparatus.

(h) *Crew's accommodations.* (1) Arrangement plans showing accommodations, ventilation, escapes, hospital, and sanitary facilities for all crew members.

§ 91.55–10 *Plans required for alterations of existing vessels.* (a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work except as modified by

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

833, at or nearest the port where the vessel is located.

§ 91.20–10 *Plans.* (a) Before application for inspection is made, and before construction is started, the owner or builder shall have plans approved by the Commandant indicating the proposed arrangement and construction of the vessel. The procedure for submitting plans and the list of plans to be supplied is set forth in Subpart 91.55.

§ 91.20–15 *Scope of inspection.* (a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom and the outside and where possible the inside of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, life saving appliances, fire detecting and extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installation is in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory. If equipment is installed which is not required, such as fire detecting systems, etc., such equipment shall be inspected and tested as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

§ 91.20–20 *Specific tests and inspections.* (a) The applicable tests and inspections relating to annual inspection as set forth in Subpart 91.25 shall be made at this time. In addition, the following specific tests and inspections shall be made by the inspector.

(1) Installation of lifeboats, davits, and winches—see Subpart 94.35 of this subchapter.

(2) Installation of carbon dioxide extinguishing piping—see §95.15–35.

(3) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(4) For inspection procedures of Electrical Engineering equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

SUBPART 91.25—ANNUAL INSPECTION

§ 91.25–1 *Prerequisite of reissuance of certificate of inspection.* (a) The annual inspection is a prerequisite of the reissuance of a certificate of inspection.

§ 91.25–5 *When made.* (a) The annual inspection will only be made upon the written application of the master, owner, or agent of the vessel on Form CG 833 to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel is located.

§ 91.25–10 *Scope of inspection.* (a) The annual inspection shall include an inspection of the structure, boilers, machinery and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and their appurtenances, piping main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installation is in compliance with the requirements of the Federal Communications Commission. If equipment is installed that is not required, such as fire detecting system in lifeboats, etc., such equipment shall be inspected and tested as required by Subpart 71.25 of Subchapter H (Passenger Vessels) of this chapter.

§ 91.25–15 *Lifesaving equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of lifesaving equipment.

(1) It shall be demonstrated that the air tanks of all lifesaving appliances are airtight.

(2) If practicable, each lifeboat shall be lowered to near the water and then be loaded with its allowed capacity, evenly distributed throughout the length, and then be lowered into the water until it is afloat, and be released from the falls. In making this test, persons or deadweight may be used. The total weight used shall be at least equal to the allowed capacity of the lifeboat considering persons to weigh 165 pounds each.

(3) Each life preserver shall be examined to determine its serviceability. If found to be satisfactory, it will be stamped "Passed," together with the date, the port, and the inspector's initials. If not in a serviceable condition, the life preserver shall be removed from the vessel's equipment, and if beyond repair, shall be destroyed in the presence of the inspector.

(4) All lifeboat winch electrical control apparatus shall be opened up and inspected.

(5) Where gravity davits are installed, it shall be demonstrated that the lifeboat can be swung out and lowered from any stopped position by merely releasing the brake on the lifeboat winch. The use of force to start the davits or the lifeboat winch will not be permitted.

(6) All other items of lifesaving equipment shall be examined to determine that they are in suitable condition.

§ 91.25–20 *Fire extinguishing equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of fire extinguishing equipment:

(1) All hand portable fire extinguishers and semi-portable fire extinguishing systems shall be checked as noted in Table 91.25–20 (a) (1). In addition, the hand portable fire extinguishers and semi-portable fire extinguishing systems shall be examined for excessive corrosion and general condition.

TABLE 91.25–20 (a) (1)

Type unit	Test
Soda acid.....	Discharge. Clean inside and hose thoroughly. Recharge.
Pump tank (water or antifreeze)	Discharge. Clean inside and hose thoroughly. Recharge with clean water or new antifreeze.
Cartridge operated (water antifreeze or loaded streams)	If pressure cartridge is punctured or if it weighs less than [illegible] stamped on cartridge, it shall be replaced. Inspect hose and nozzle and hose thoroughly. Remove cartridge. Clean nozzle and hose thoroughly. Recharge with water or antifreeze. Insert charged cartridge.
Carbon tetrachloride.	Discharge a few strokes into a clean container. Recharge, with [illegible] charged pump. Keep [illegible] of extinguisher. Ascertain that it is completely full of liquid.
Carbon dioxide.	Weigh cylinders. Recharge if weight has changed by 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.
Dry chemical..	If pressure cartridge is punctured or if it weighs less than [illegible] stamped on cartridge, it shall be replaced. Inspect hose and nozzle to be sure they are clear. Insert charged cartridge. Ascertain that chamber contains full charge and that powder is not caked.

(2) Fixed fire extinguishing systems shall be checked as noted in Table 91.25–20 (a) (2). In addition, all parts of the fixed fire extinguishing systems shall be examined for excessive corrosion and general conditions.

TABLE 91.25–20 (a) (2)

Type system	Test
Foam.....	Systems utilizing a soda solution shall have such solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide.	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge.

(3) On all fire extinguishing systems, all piping controls, valves, and alarms shall be checked to ascertain that the system is in operating condition. In this respect, steam smothering lines shall be checked with at least a 50 p. s. i. air pressure with the ends capped or by blowing steam through the lines at the designed pressure.

(4) The fire main system shall be operated and the pressure checked at the most remote and highest outlets. All fire hose shall be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 p. s. i.

§ 91.25–25 *Hull equipment.* (a) At each annual inspection, the inspector shall conduct the following tests and inspections of hull equipment:

(1) All watertight doors shall be operated locally by manual power and also by hydraulic or electric power if so fitted. Where remote control is fitted, the doors shall also be operated by the remote control apparatus.

(2) The remote controls of all valves shall be operated.

§ 91.25–30 *Electrical engineering equipment.* (a) For inspection procedures of electrical engineering equipment and systems see Subchapter J (Electrical Engineering) of this chapter.

§ 91.25–35 *Marine engineering equipment.* (a) For inspection procedures of marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

§ 91.25–40 *Sanitary inspection.* (a) At each annual inspection the quarters, toilet and washing spaces, galleys, serving pantries, lockers, etc., shall be examined by the inspector to be assured that they are in a sanitary condition.

§ 91.25–45 *Fire hazards.* (a) At each annual inspection, the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

§ 91.25–50 *Inspector not limited.* (a) Nothing in this subpart shall be construed as limiting the inspector from making such tests or inspections as he deems necessary to be assured of the safety and seaworthiness of the vessel.

SUBPART 91.30—INSPECTION AFTER ACCIDENT

§ 91.30–1 *General or partial survey.* (a) A survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, fire-fighting or other equipment, or whenever any important repairs or renewals are made. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this subchapter.

SUBPART 91.35—SANITARY INSPECTIONS

§ 91.35–1 *When made.* (a) An inspection of quarters, toilet and washing spaces, serving pantries, galleys, etc., shall be made at least once in every month. If the route of the vessel is such that it is away from a United States port for more than one month, an inspection shall be conducted at least once every trip.

SUBPART 91.40—DRY DOCKING

§ 91.40–1 *When dry docked.* (a) All vessels shall be placed in dry dock or hauled out for examination within the periods set forth in this paragraph depending upon the service.

(1) Vessels whose operations in salt water service aggregate more than 6 months in a calendar year—once in each year.

(2) Vessels whose operations in salt water service aggregate 6 months or less in a calendar year—once in each 2 years.

(3) Vessels whose operations are confined exclusively to fresh water—once in each 5 years.

§ 91.40–5 *Notice by owner.* (a) The master, owner, or agent shall notify the Officer in Charge, Marine Inspection, when any vessel is to be placed on a dry dock in order that an examination of the underwater portion of the vessel may be made if deemed necessary.

SUBPART 91.45—REPAIRS AND ALTERATIONS

§ 91.45–1 *Notice required.* (a) No repairs or alterations affecting the safety of the vessel with regard to the hull, machinery, or equipment, shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(b) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection.

(c) Drawings will not be required for repairs in kind.

§ 91.45–5 *Inspection required.* (a) An inspection either general or partial depending upon the circumstances shall be made whenever any important repairs or alterations are undertaken.

SUBPART 91.50—GAS FREEING

§ 91.50–1 *Inspection necessary.* (a) No alterations, repairs, or operations involving riveting, welding, burning, etc., shall be made in or on the boundaries of oil tanks, oil lines, or oil heating coils until an inspection has been made to determine that such operation can be undertaken with safety. Such inspection shall be made and evidenced as follows:

(1) In a port of the United States, the inspection shall be made by a gas chemist certified by the American Bureau of Shipping. If the services of such certified chemist are not available, the Officer in Charge, Marine Inspection, may, upon the recommendation of the vessel's owner, or contractor, select a competent person to make the inspection. If the inspection reveals that the work may be undertaken with safety, the chemist or authorized person shall issue a certificate setting forth such facts, with any qualifications, before the work is started.

(2) When not in a port of the United States, and a gas chemist is not available, the inspection shall be made by the senior officer present and a proper entry shall be made in the log.

SUBPART 91.55—PLAN APPROVAL

§ 91.55–1 *General.* (a) The following list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(b) In the following list of required plans, the items which must be approved by the American Bureau of Shipping for vessels classed by that organization are indicated by an asterisk. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard they will in general be accepted as satisfactory except insofar as the law or the Coast Guard regulations contain requirements which are not covered by the American Bureau of Shipping.

§ 91.55–5 *Plans and specifications required for new construction*—(a) *General.* (1) Specifications.

(2) General Arrangement Plan of decks, holds, inner bottoms, etc., and including inboard and outboard profile.

(b) *Hull structure.*[1] (1) *Inner Bottom Plating and Framing.

(2) *Midship Section.

(3) *Shell Plating and Framing.

(4) *Stem, Stern Frame, and Rudder.

(5) *Structural Deck Plans for Strength Decks.

(6) *Pillars and Girders.

(7) *Watertight and Oiltight Bulkheads.

(8) *Foundations for Main Machinery and Boilers.

(9) *Arrangement of Ports, Doors, and Airports in Shell Plating.

(10) *Hatch Coamings and Covers in Weather and Watertight Decks.

(11) *Details of Watertight Doors and Operating Gear.

(12) *Scuppers and Drains Penetrating Shell Plating.

(c) *Hull calculations, etc.* Required only when a stability test is to be performed.

(1) Lines (for information).

(2) Curves of Form.

(3) Capacity Plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc. (for information).

(4) Tank Sounding tables (for information).

(5) Draft Mark Locations (for information).

(d) *Fire control.* (1) Alarm systems.

(2) Extinguishing systems, including fire mains, carbon dioxide, steam, and sprinkling systems.

(e) *Marine engineering.* For plans required for marine engineering equipment and systems, see Subchapter F (Marine Engineering) of this chapter.

(f) *Electrical engineering.* For plans required for electrical engineering, equipment and systems, see Subchapter J (Electrical Engineering) of this chapter.

(g) *Lifesaving equipment.* (1) These plans are to show the location and arrangement of embarkation decks, all overboard discharges and projections in way of launching lifeboats, weights of lifeboats fully equipped and loaded, working loads of davits and winches, types and sizes of falls, the manufacturer's name and identification for all equipment, and all other relevant and necessary information.

(i) Arrangement of lifeboats.

(ii) Arrangement of davits.

(iii) Location and stowage of life rafts and buoyant apparatus.

(h) *Crew's accommodations.* (1) Arrangement plans showing accommodations, ventilation, escapes, hospital, and sanitary facilities for all crew members.

§ 91.55–10 *Plans required for alterations of existing vessels.* (a) In the event of alterations involving the safety of the vessel, the applicable plans shall be submitted for approval covering the proposed work except as modified by

[1] The asterisk (*) indicates items which may require approval by the American Bureau of Shipping for vessels classed by that society.

§ 91.45–1. The general scope of the plans shall be as noted in § 91.55–5.

§ 91.55–15 *Procedure for submittal of plans.* (a) As the relative location of shipyards, design offices, and Coast Guard offices vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the following procedures would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(1) The plans may be submitted to the Officer in Charge, Marine Inspection, in the district in which the vessel is to be built. This procedure will be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(2) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 "E" Street NW., Washington 25, D. C. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating its action thereon. In this case, the plans will be returned as noted in subparagraph (2) of this paragraph.

§ 91.55–20 *Number of plans required.* (a) Three copies of each plan are normally required so that one can be returned to the submitter and one copy each can be retained by Coast Guard Headquarters and the Officer in Charge, Marine Inspection. If the submitter desires additional approved plans, a suitable number should be submitted to permit the desired distribution.

SUBPART 91.60—SAFETY EQUIPMENT CERTIFICATE

§ 91.60–1 *Required on an international voyage.* (a) All vessels on an international voyage, and meeting the requirements of this subchapter, shall be issued and keep posted a safety equipment certificate, and where applicable, a safety radio-telegraphy certificate, a safety radio-telephony certificate, and/or an exemption certificate, in accordance with the requirements of the International Convention for the Safety of Life at Sea, 1948, Chapter I, Regulations 11 through 19.

Chapter I is amended by adding a new Part 92 to Subchapter I reading as follows:

PART 92—CONSTRUCTION AND ARRANGEMENT

SUBPART 92.01—HULL STRUCTURE

Sec.
92.01–1 Application.
92.01–5 Vessels subject to load line.
92.01–10 Structural standards.
92.01–15 Special consideration.
92.01–90 Vessels contracted for prior to November 19, 1952.

SUBPART 92.05—STRUCTURAL FIRE PROTECTION

Sec.
92.05–1 Fire hazards to be minimized.
92.05–5 Woodwork insulated for heated surfaces.
92.05–10 Lamp room construction.

SUBPART 92.10—MEANS OF ESCAPE

92.10–1 Application.
92.10–5 Two means required.
92.10–10 Location.
92.10–15 Vertical ladders not accepted.
92.10–20 No means for locking doors.
92.10–25 Stairway size.
92.10–30 Dead end corridors.
92.10–35 Public spaces.
92.10–40 Access to lifeboats.
92.10–45 Weather deck communications.
92.10–90 Vessels contracted for prior to November 19, 1952.

SUBPART 92.15—VENTILATION

92.15–1 Application.
92.15–5 Vessels using fuel having a flash point of 110 degrees or lower.
92.15–10 Ventilation for closed spaces.
92.15–15 Ventilation for crew quarters and where provided, passenger spaces.
92.15–90 Vessels contracted for prior to November, 1952.

SUBPART 92.20—ACCOMMODATIONS FOR OFFICERS AND CREW

92.20–1 Application.
92.20–5 Intent.
92.20–10 Location of crew spaces.
92.20–15 Construction.
92.20–20 Sleeping accommodations.
92.20–25 Washrooms and toilet rooms.
92.20–30 Mess rooms.
92.20–35 Hospital space.
92.20–40 Other spaces.
92.20–45 Lighting.
92.20–50 Heating.
92.20–55 Insect screens.
92.20–90 Vessels contracted for prior to November 19, 1952.

SUBPART 92.25—RAILS AND GUARDS

92.25–1 Application.
92.25–5 Where rails required.
92.25–10 Storm rails.
92.25–15 Guards in dangerous places.
92.25–90 Vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 92.01–1 to 92.25–90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4420, 4490, as amended, 41 Stat. 305, secs. 1, 2, 4; 48 Stat. 1544, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 463a, 50 U. S. C. App. 1275.

SUBPART 92.01—HULL STRUCTURE

§ 92.01–1 *Application.* (a) The provisions of this subpart, with the exception of § 92.01–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.01–90.

§ 92.01–5 *Vessels subject to loadline.* (a) For vessels assigned a load line, see Subchapter E (Load Lines) of this chapter, or special requirements as to strength, closure of openings, etc.

§ 92.01–10 *Structural standards.* (a) In general, compliance with the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter, will be considered as satisfactory evidence of the structural efficiency of the vessel. However, in special cases, a detailed analysis of the entire structure or some integral part may be made by the Coast Guard to determine the structural requirements.

§ 92.01–15 *Special consideration.* (a) Special consideration will be given to the structural requirements for small vessels or vessels of an unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 92.01–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing structure previously approved will be considered satisfactory so long as it is maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

SUBPART 92.05—STRUCTURAL FIRE PROTECTION

§ 92.05–1 *Fire hazards to be minimized.* (a) The general construction of the vessel shall be such as to minimize fire hazards insofar as is reasonable and practicable.

§ 92.05–5 *Woodwork insulated for heated surfaces.* (a) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition shall be kept clear of and suitably insulated from any woodwork or other combustible matter.

§ 92.05–10 *Lamp room construction.* (a) Lamp, paint, and oil lockers and similar compartments shall be constructed of steel or shall be wholly lined with metal.

SUBPART 92.10—MEANS OF ESCAPE

§ 92.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 92.10–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.10–90.

§ 92.10–5 *Two means required.* (a) There shall be at least two means of escape from all general areas accessible to the passengers, if carried, or where the crew may be quartered or normally employed. At least one of these two means of escape shall be independent of watertight doors.

§ 92.10–10 *Location.* (a) The two means of escape shall be as remote as practicable so as to minimize the possibility of one incident blocking both escapes.

§ 92.10–15 *Vertical ladders not accepted.* (a) Vertical ladders and deck scuttles shall not in general be considered satisfactory as one of the required means of escape. However, where it is demonstrated that the installation of a stairway would be impracticable, a vertical ladder may be used as the second means of escape.

§ 92.10–20 *No means for locking doors.* (a) No means shall be provided for locking doors giving access to either of the two required means of escape, except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph shall not apply to outside doors to deck houses where such doors are locked by key only and such key is under the control of one of the vessel's officers.

§ 92.10–25 *Stairway size.* (a) Stairways shall be of sufficient width having in mind the number of persons having access to such stairs for escape purposes.

§ 92.10–30 *Dead end corridors.* (a) Dead end corridors, or the equivalent, more than 40 feet in length shall not be permitted.

§ 92.10–35 *Public spaces.* (a) In all cases, public spaces having a deck area of over 300 square feet shall have at least two exits. Where practicable, these exits shall give egress to different corridors, rooms, or spaces to minimize the possibility of one incident blocking both exits.

§ 92.10–40 *Access to lifeboats.* (a) The stairways, corridors, and doors shall be so arranged as to permit a ready and direct access to the various lifeboat embarkation areas.

§ 92.10–45 *Weather deck communications.* (a) Vertical communication shall be provided between the various weather decks by means of permanent inclined ladders.

§ 92.10–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 92.10–5 through 92.10–45 be permitted than presently exists. Nothing in this paragraph shall be construed as exempting any vessel from having 2 means of escape from all main compartments which are accessible to the passengers, if carried, or where the crew are normally quartered or employed.

SUBPART 92.15—VENTILATION

§ 92.15–1 *Application.* The provisions of this subpart, with the exception of § 92.15–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.15–90.

§ 92.15–5 *Vessels using fuel having a flash point of 110 degrees or lower.* (a) Where liquid fuel having a flash point of 110 degrees F. or lower is used for main or auxiliary machinery or for starting purposes, the spaces containing such machinery or fuel tanks shall have ventilation as required by this section.

(1) At least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and effectively ventilating the bilges of every engine and fuel-tank compartment in order to remove any inflammable or explosive gases.

(2) Vessels constructed so that the greater portions of the bilges under the engine and fuel tanks are open or exposed to the natural atmosphere at all times are not required to be fitted with ventilators.

§ 92.15–10 *Ventilation for closed spaces.* (a) All enclosed spaces within the vessel shall be properly vented or ventilated. Means shall be provided to close off all vents and ventilators.

§ 92.15–15 *Ventilation for crew quarters and, where provided, passenger spaces.* (a) All living spaces shall be adequately ventilated in a manner suitable to the purpose of the space.

(b) On vessels of 100 gross tons and over, except for such spaces as are so located that under all ordinary conditions of weather, windows, ports, skylights, etc., and doors to passageways can be kept open, all crew spaces shall be ventilated by a mechanical system, unless it can be shown that a natural system will provide adequate ventilation. However, vessels which trade regularly in the tropics shall, in general, be fitted with a mechanical ventilation system.

§ 92.15–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing arrangements previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original design provided that in no case will a greater departure from the standards of §§ 92.15–5 through 92.15–15 be permitted than presently exists.

SUBPART 92.20—ACCOMMODATIONS FOR OFFICERS AND CREW

§ 92.20–1 *Application.* (a) The provisions of this subpart, with the exception of § 92.20–90, shall apply to all vessels of 100 gross tons and over contracted for on or after November 19, 1952. Vessels of 100 gross tons and over contracted for prior to November 19, 1952, shall meet the requirements of § 92.20–90.

(b) Vessels of less than 100 gross tons shall meet the applicable requirements of this subpart insofar as is reasonable and practicable.

§ 92.20–5 *Intent.* (a) It is the intent of this subpart that the accommodations provided for officers and crew on all vessels shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, arranged, and, where practicable, shall be insulated from undue noise and effluvia.

(b) The crew referred to herein includes all persons, except the licensed officers, regularly employed on board any vessel. Where the requirements for the accommodation of licensed officers are not otherwise specified, they shall be of at least equivalent to that indicated herein for the crew.

(c) For the purpose of this subpart, the term "crew spaces" shall include sleeping rooms, mess rooms, recreational rooms, toilet and shower spaces, etc., which are intended for the exclusive use of the crew.

§ 92.20–10 *Location of crew spaces.* (a) Crew spaces shall be located, where practicable, so that the maximum amount of fresh air and light are obtainable, having due regard to the service of the vessel and the requirements of other space users.

(b) Crew spaces shall not be located forward of the collision bulkhead, nor shall any section of the deck of such crew spaces be below the deepest load line, except that in special cases the Commandant may approve such an arrangement provided that in no case shall the deck head of the crew space be below the deepest load line.

(c) Hawse pipes or chain pipes shall not pass through crew spaces.

(d) There shall be no direct communication, except through solid, close fitted doors or hatches between crew spaces and chain lockers, cargo, or machinery spaces.

(e) There shall be no access, vents, or sounding tubes from fuel or cargo oil tanks opening into crew spaces, except that sounding tubes and access openings may be located in corridors.

(f) Where practicable, crew spaces shall be located entirely separate and independent of spaces allotted to passengers or licensed officers.

§ 92.20–15 *Construction.* (a) All crew spaces are to be constructed in a manner suitable to the purpose for which they are intended. The bulkheads separating the crew space from cargo and machinery spaces, lamp and paint rooms, storerooms, drying rooms, washrooms, and toilet spaces shall be made odorproof where deemed necessary by the Commandant.

(b) Toilet spaces, except when provided as private or semiprivate facilities, shall be so built, fitted, and situated, that no odor from them will readily enter other crew spaces.

(c) Where shell or unsheathed weather decks form boundaries of crew spaces, suitable protective coverings shall be applied to prevent formation or accumulation of moisture.

(d) Where crew spaces adjoin or are immediately above spaces such as galleys, machinery spaces or casings, donkey boiler rooms, etc., they shall be suitably protected from the heat.

(e) The interior sides and deck heads of crew spaces shall be covered with enamel, paint, or other material light in color.

(f) Crew spaces shall be properly drained where considered necessary.

(g) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition. The scuppers shall be located in the lowest part of the space, due consideration being given to the average trim of the vessel.

§ 92.20–20 *Sleeping accommodations.* (a) *Arrangements.* (1) Separate sleeping accommodations are to be provided for the deck, engine, and steward groups of the crew.

(2) Each watch of seamen, firemen or similar ratings on duty in watches is to be provided with separate sleeping room or rooms, unless the total space for accommodations makes this impracticable.

(3) Where practicable, each licensed officer shall be provided with a separate stateroom.

(b) *Size.* (1) Sleeping accommodations for the crew shall be divided into rooms, no one of which shall berth more than four persons.

(2) Each room shall be of such size that there are at least 30 square feet of deck area and a volume of at least 210 cubic feet for each person accommodated. The clear headroom shall be not less than 6 feet 3 inches. In measuring sleeping quarters allocated to crews of vessels, any equipment contained therein for the use of the occupants is not to be deducted from the total volume or from the deck area.

(c) *Equipment.* (1) Each person shall have a separate berth and not more than one berth shall be placed above another. The berths shall have a framework of metal or other hard, smooth material not likely to corrode or harbor vermin, and shall be so arranged that they provide ample room for easy occupancy. The overall size of a berth shall not be less than 30 inches wide by 76 inches long, except by special permission of the Commandant. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where two tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(2) A locker of metal or other hard, smooth material shall be provided for each person accommodated in a room. Each locker shall be not less than 300 square inches in cross section area and 60 inches high. It shall be so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 92.20–25 *Washrooms and toilet rooms.* (a) There shall be provided at least one toilet, one washbasin, and one shower or bathtub for each eight members or portion thereof in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private or semiprivate facilities are attached.

(b) Under the following conditions, the toilet and washing facilities for the specific groups of the crew indicated shall be located in spaces separate from the facilities for other crew members; and shall be provided for that group in the ratios required by paragraph (a) of this section.

(1) The members of the engine department, where their number, exclusive of licensed officers, and others separately provided for, exceeds eight.

(2) The members of the steward's department, exclusive of those separately provided for, where their number exceeds eight.

(3) All female members of the crew.

(c) The toilet rooms and washrooms shall be located convenient to the sleeping quarters of the crew to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(d) All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters.

(e) The toilet rooms shall be separate from the washrooms and at least one washbasin shall be fitted in each toilet room, except where private or semiprivate facilities are provided and washbasins are installed in the sleeping rooms.

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type that automatically lift up when not in use. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

(2) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes.

§ 92.20–30 *Mess rooms.* (a) Mess rooms shall be located as near to the galley or suitably equipped serving pantry as is practicable except where mess room is equipped with a steam table. The mess rooms shall be of such size as to seat the number of persons normally scheduled to be eating at one time.

(b) Mess rooms shall be properly equipped with tables, seats, and other necessary equipment and shall be so arranged as to permit access to each seat.

§ 92.20–35 *Hospital space.* (a) Each vessel, which in the ordinary course of its trade makes voyages of more than three days duration between ports and which carries a crew of twelve or more, shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance shall be of such width and in such a position as to admit a stretcher case readily. Berths shall be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth shall be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of one berth to every twelve members of the crew or portion thereof who are not berthed in single occupancy rooms, but the number of berths need not exceed six.

(e) The hospital shall have a toilet, washbasin, and bath tub or shower conveniently situated. Other necessary suitable equipment of such character as clothes locker, table, seat, etc., shall be provided.

§ 92.20–40 *Other spaces.* (a) Sufficient facilities, depending upon the number of the crew, shall be provided where the crew may wash their own clothes. There shall be at least one tub or sink, fitted with the necessary plumbing, including hot and cold running water.

(b) Clothes drying facilities or space shall be provided for the needs of the crew.

(c) Recreation accommodations shall be provided. Where mess rooms are used for this purpose, they shall be suitably planned.

§ 92.20–45 *Lighting.* (a) All crew spaces shall be adequately lighted in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter.

(b) Berth lights shall be provided for each member of the crew.

§ 92.20–50 *Heating.* (a) All crew spaces shall be adequately heated in a manner suitable to the purpose of the space.

(b) The heating system will be considered satisfactory if it is capable of maintaining a minimum temperature of 70° F. under normal operating conditions without undue curtailment of the ventilation.

(c) Radiators and other heating apparatus shall be so placed, and where necessary shielded, as to avoid risk of fire, danger or discomfort to the occupants. Pipes leading to radiators or heating apparatus shall be lagged where those pipes create a hazard to persons occupying the space.

§ 92.20–55 *Insect screens.* (a) Except in such areas as are considered to be insect free, provision shall be made to protect the crew quarters against the admission of insects. This may be accomplished by the fitting of suitable screens to ventilating skylights, airports, ventilators, and doors to unscreened spaces and the open deck or by other methods.

§ 92.20–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels of less than 100 gross tons, contracted for prior to November 19, 1952, shall meet the general intent of § 92.20–5 and in addition shall meet the following requirements:

(1) Existing structure, arrangements, materials, and facilities, previously accepted or approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(b) Vessels of 100 gross tons and over, contracted for prior to March 4, 1915, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction: *Provided*, That in no case will a greater departure from the standards of

§§ 92.20–5 through 92.20–55 be permitted than presently exists.

(c) Vessels of 100 gross tons and over, contracted for on or after March 4, 1915, but prior to January 1, 1941, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Where reasonable and practicable, a minimum of one toilet, shower, and washbasin shall be provided for each 10 members of the crew or fraction thereof.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crew member shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than three days' duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of one berth for each twelve members of the crew or fraction thereof, but the number of berths need not exceed six.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable, shall be insulated from undue noise and effluvia.

(d) Vessels of 100 gross tons and over, contracted for on or after January 1, 1941, but prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) Existing structure, arrangements, materials, and facilities, previously approved will be considered satisfactory so long as they are maintained in a suitable condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original construction.

(2) Washrooms and toilet rooms:

(i) There shall be a minimum of one toilet, shower, and washbasin for each 8 members of the crew or fraction thereof who are not accommodated in rooms having attached private or semiprivate facilities.

(ii) Separate facilities shall be provided for the engine room, deck, or stewards department when the number of crew in that department, exclusive of officers, exceeds 8.

(iii) Toilet rooms shall be separate from the wash rooms. At least one washbasin shall be installed in each toilet room.

(iv) Toilets shall be provided with seats of the open front type that automatically lift up when not in use. Urinals may be fitted in toilet rooms if desired, but no reduction will be made in the required number of toilets.

(v) Washbasins, showers, and bath tubs if substituted for showers, shall be equipped with proper plumbing including hot and cold running water.

(3) Crew spaces shall have a volume of at least 120 cubic feet and a deck area of at least 16 square feet for each person accommodated.

(4) Each crew member shall have a separate berth, and berths may not be placed more than two high.

(5) Each vessel, which in the ordinary course of its trade makes a voyage of more than three days duration between ports and which carries a crew of 12 or more persons, shall be provided with a suitable hospital space for the exclusive use of the sick or injured. Berths shall be provided in the ratio of one berth for each 12 members of the crew or fraction thereof, but the number of berths need not exceed six.

(6) The crew spaces shall be securely constructed, properly lighted, heated, drained, ventilated, equipped, located, and arranged, and where practicable, shall be insulated from undue noise and effluvia.

SUBPART 92.25—RAILS AND GUARDS

§ 92.25–1 *Application.* (a) The provisions of this subpart, with the exception of § 92.25–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 92.25–90.

§ 92.25–5 *Where rails required.* (a) Rails or equivalent protection shall be installed near the periphery of all weather decks accessible to persons on board. Such rails shall be in at least 2 courses, and shall be at least 36 inches high unless it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the installation of rails of such height would be unreasonable and impracticable, having regard to the business of the vessel.

§ 92.25–10 *Storm rails.* (a) On vessels in ocean and coastwise service, suitable storm rails shall be installed in all passageways and at the deck house sides where persons on board might have normal access. Storm rails shall be installed on both sides of passageways which are 6 feet or more in width.

§ 92.25–15 *Guards in dangerous places.* (a) Suitable hand covers, guards, or rails shall be installed in way of all exposed and dangerous places such as gears, machinery, etc.

§ 92.25–90 *Vessels contracted for prior to November 19, 1952.* (a) Existing structure, arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original construction: *Provided*, That in no case will greater departure from the standards of §§ 92.25–5 through 92.25–15 be permitted than presently exists.

PART 93—STABILITY

Chapter I is amended by adding a new Part 93 to Subchapter I, reading as follows:

SUBPART 93.01—APPLICATION

Sec.

93.01–1 General.

SUBPART 93.05—STABILITY TEST

93.05–1 When required.
93.05–5 Procedure.

SUBPART 93.10—STABILITY INFORMATION FOR OPERATING PERSONNEL

93.10–1 Information supplied to master.

SUBPART 93.15—STABILITY LETTER

93.15–1 Posting.
93.15–5 Instructions contained in stability letter.

AUTHORITY: §§ 93.01–1 to 93.15–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 367, 50 U. S. C. App. 1275.

SUBPART 93.01—APPLICATION

§ 93.01–1 *General.* (a) The provisions of this part shall apply to the following vessels:

(1) All mechanically propelled vessels of 500 gross tons and over, contracted for on or after November 19, 1952, when engaged upon an international voyage, except yachts and fishing vessels.

(2) Any other vessel whose stability is questioned by the Commandant or the Officer in Charge, Marine Inspection.

SUBPART 93.05—STABILITY TEST

§ 93.05–1 *When required.* (a) Except as otherwise provided in this section, each vessel to which this part pertains shall be subjected to a stability test conducted under the supervision of the Coast Guard and the results of the test shall be approved before the vessel is placed in service.

(b) The Commandant may allow the stability test of a vessel to be dispensed with provided basic stability data are available from the stability test of a sister vessel and it is shown to the satisfaction of the Commandant that reliable stability information for the exempted vessel can be obtained from such basic data.

§ 93.05–5 *Procedure.*—(a) *Stability tests.* Stability tests conducted on or after November 19, 1952, shall meet the requirements of this section.

(b) *Plans required.* (1) The following plans are essential for use in conducting the stability test and determining the results, and if these plans have not been previously submitted, they shall be made available at the time of the test:

Lines plan.
Curves of form, or hydrostatic curves.
General arrangement plan of decks, holds, inner bottoms, etc.
Inboard and outboard profile.
Midship section.
Capacity plan showing capacities and vertical and longitudinal centers of gravity of cargo spaces, tanks, etc.
Tank sounding tables.
Draft mark locations.

(c) *Stability test preparations.* (1) Preparations as noted in this paragraph shall be made to place a vessel in suitable condition for a stability test. The Coast Guard representative supervising the stability test may relax from these

standards in a particular instance if, in his opinion, such relaxation is warranted and will not materially affect the reliability of the results of the test.

(2) To obtain dependable stability results, all tanks on the vessel, as far as practicable, shall be either completely empty and dry or fully pressed up and without air pockets. Where this is impracticable, slack tanks may be accepted provided their free surface can be readily and accurately determined for the angles of heel to be obtained during the stability test.

(3) The vessel shall be as nearly complete as practicable when the test is conducted. If additional material or equipment is to be installed after the test, a complete list of such items by weight and location shall be prepared.

(4) All dunnage, tools, and other items extraneous to the completed vessel shall be removed before the test.

(5) The vessel shall be moored in a location reasonably protected from broadside wind, waves, and tide. The depth of water shall be sufficient to provide ample clearance under the vessel against grounding. Mooring lines shall be arranged so that they will not interfere with the free rolling or listing of the vessel.

SUBPART 93.10—STABILITY INFORMATION FOR OPERATING PERSONNEL

§ 93.10–1 *Information supplied to master.* (a) Based on the results of the stability test, information shall be prepared by the owners, approved by the Commandant, and furnished to the master which sets forth the stability data necessary to permit efficient handling of the vessel. In general, this information shall be such that the master can readily determine the metacentric height and determine the freeboard for any condition of loading.

(b) In the case of a vessel which due to its design or type of service, etc. requires special consideration of its stability characteristics, the information shall also include an indication of any operating conditions which must be maintained to assure the safety of the vessel.

SUBPART 93.15—STABILITY LETTER

§ 93.15–1 *Posting.* (a) Each vessel subject to the requirements of this part shall have posted under glass in the pilothouse a stability letter issued by the Coast Guard before the vessel is placed in service.

§ 93.15–5 *Instructions contained in stability letter.* (a) The stability letter shall set forth the master's responsibility for maintaining satisfactory stability conditions at all times, and will contain a reference to the latest approved stability information.

Part 94 is amended to read as follows:

PART 94—LIFESAVING EQUIPMENT

SUBPART 94.01—APPLICATION

Sec.
94.01–1 Applicable to all vessels.
94.01–5 Equipment installed but not required.

SUBPART 94.05—GENERAL PROVISIONS PERTAINING TO LIFESAVING EQUIPMENT

Sec.
94.05–1 Equipment of an approved type.

SUBPART 94.10—LIFEBOATS AND LIFE RAFTS

94.10–1 Application.
94.10–5 Type of lifeboats and life rafts required.
94.10–10 Requirements for vessels in ocean or coastwise service other than barges; towing, fishing, wrecking, and whale factory vessels; pilot boats; and yachts.
94.10–15 Requirements for seagoing barges in ocean or coastwise service.
94.10–20 Requirements for towing, fishing, and wrecking vessels, and pilot boats in ocean or coastwise service.
94.10–25 Requirements for yachts in ocean or coastwise service.
94.10–30 Requirements for whale factory vessels in ocean or coastwise service.
94.10–40 Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service other than fireboats, wrecking and fishing vessels, pilot boats, and yachts.
94.10–45 Requirements for fireboats, wrecking and fishing vessels, and pilot boats in Great Lakes; lakes, bays, and sounds; or river service.
94.10–50 Requirements for yachts in Great Lakes; lakes, bays, and sounds; or river service.
94.10–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.15—STOWAGE AND MARKING OF LIFEBOATS AND LIFE RAFTS

Sec.
94.15–1 Application.
94.15–5 General.
94.15–10 Stowage.
94.15–15 Marking.
94.15–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

94.20–1 Application.
94.20–5 General.
94.20–10 Required equipment for lifeboats.
94.20–15 Description of equipment for lifeboats.
94.20–20 Required equipment for life rafts.
94.20–25 Description of equipment for life rafts.
94.20–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.25—DAVITS

94.25–1 Application.
94.25–5 General.
94.25–10 Requirements for vessels in ocean or coastwise service.
94.25–15 Requirements for vessels in Great Lakes, lakes, bays, and sounds, or river service.
94.25–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.30—LIFEBOAT WINCHES

94.30–1 Application.
94.30–5 General.
94.30–10 Number and type required.
94.30–15 Installation.
94.30–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.33—BLOCKS AND FALLS

Sec.
94.33–1 Application.
94.33–5 General.
94.33–10 Installations where lifeboat winches are used.
94.33–15 Installations where lifeboat winches are not used.
94.33–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.35—INSTALLATION OF LIFEBOATS, DAVITS AND WINCHES

94.35–1 Application.
94.35–5 Tests and examinations.

SUBPART 94.40—LIFE PRESERVERS

94.40–1 Application.
94.40–5 General.
94.40–10 Number required.
94.40–15 Distribution and stowage.
94.40–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.43—RING LIFE BUOYS AND WATER LIGHTS

Sec.
94.43–1 Application.
94.43–5 General.
94.43–10 Number required.
94.43–15 Distribution and securing.
94.43–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.45—LINE-THROWING APPLIANCES

94.45–1 Application.
94.45–5 General.
94.45–10 Type required.
94.45–15 Equipment for line-throwing appliances.
94.45–20 Accessibility.
94.45–25 Service recommendations.
94.45–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.50—EMBARKATION AIDS

94.50–1 Application.
94.50–5 Ladders.
94.50–10 Illumination for lifeboat launching operations.
94.50–90 Vessels contracted for prior to November 19, 1952.

SUBPART 94.55—PORTABLE RADIO APPARATUS

94.55–1 Required on international voyage.

SUBPART 94.90—SHIP'S DISTRESS SIGNALS

94.90–1 Application.
94.90–5 Vessels in ocean or coastwise service.
94.90–10 Vessels in Great Lakes service.

AUTHORITY: §§ 94.01–1 to 94.90–10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 484, 475, 481, 489, 367, 526p, 50 U. S. C. App. 1275.

SUBPART 94.01—APPLICATION

§ 94.01–1 *Applicable to all vessels.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 94.01–5 *Equipment installed but not required.* (a) Where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of this part.

SUBPART 94.05—GENERAL PROVISIONS PERTAINING TO LIFESAVING EQUIPMENT

§ 94.05–1 *Equipment of an approved type.* (a) Where equipment in this part is required to be of an approved type, such equipment requires the specific approval of the Commandant. Such approvals are published in the FEDERAL REGISTER and in addition, are contained in Coast Guard publication CG 190, "Equipment Lists for Merchant Vessels."

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

SUBPART 94.10—LIFEBOATS AND LIFE RAFTS

§ 94.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.10–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.10–90.

§ 94.10–5 *Type of lifeboats and life rafts required.*—(a) *Lifeboats.* (1) All lifeboats shall be of an approved type, constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter, except as specifically noted in this part.

(2) All lifeboats certified to carry 60 or more persons shall be either motor-propelled of Class A or Class B, or shall be fitted with an approved type of hand-propelling gear.

(3) Class A motor-propelled lifeboats shall be fitted with a compression-ignition engine, a radio cabin and a radio installation complying with the requirements of the Federal Communications Commission, and a searchlight constructed in accordance with Subpart 161.006 of Subchapter Q. Class B motor-propelled lifeboats need not have an engine of the compression-ignition type or a radio or searchlight.

(4) Except as further modified in this subparagraph, all lifeboats, except those installed on vessels in river service, shall be fitted with suitable disengaging apparatus consisting of fixed hooks in the lifeboat or mechanical disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of an approved type, constructed in accordance with Subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(i) All lifeboats installed on ocean or coastwise vessels of over 3,000 gross tons shall be fitted with mechanical disengaging apparatus so arranged as to make it possible for the lifeboats to be launched with their full complement of persons and equipment while such vessels are under way or stopped, and for both ends of the lifeboat to be released simultaneously, under tension or not, by one person. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from points of contact with the hooks.

(ii) All lifeboats installed on any particular vessel shall be fitted with the same type of disengaging apparatus.

(iii) On small vessels, the Commandant may approve means other than those previously mentioned to agree with the needs of a particular vessel.

(b) *Life rafts.* (1) All life rafts shall be of an approved type, constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter. Type A life rafts shall be stowed on the standard life raft skids required by § 94.15–10 (c) (1) unless specifically noted otherwise.

§ 94.10–10 *Requirements for vessels in ocean or coastwise service other than barges; towing, fishing, wrecking, and whale factory vessels; pilot boats; and yachts.* (a) All vessels shall be provided with sufficient lifeboats on each side of the vessel to accommodate all persons on board.

(b) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impracticable. However, in no case shall lifeboats of less than 16 feet in length be used.

(c) All vessels of 1,600 gross tons and over on an international voyage shall carry at least one motor-propelled lifeboat of Class B, or one hand-propelled lifeboat.

§ 94.10–15 *Requirements for seagoing barges in ocean or coatwise service.* (a) All manned seagoing barges of 100 gross tons and over shall be provided with a lifeboat of sufficient capacity for all persons on board. All lifeboats shall have a capacity of at least 80 cubic feet.

§ 94.10–20 *Requirements for towing, fishing, and wrecking vessels, and pilot boats in ocean or coastwise service.* (a) All vessels of 500 gross tons and over on an international voyage, other than fishing vessels, shall meet the applicable requirements of § 94.10–10 in lieu of the requirements of this section.

(b) All vessels shall carry sufficient lifeboats for all persons on board. In lieu of the standard lifeboats required by § 94.10–5 (a), the following types of boats may be used:

(1) Vessels engaged exclusively in the business of purse seining may use their seine boats.

(2) Vessels engaged exclusively in the business of hook and line fishing from dories may use their dories provided they are fitted with air tanks of sufficient capacity to meet the requirements of Subpart 160.035 of Subchapter Q (Specifications) of this chapter for lifeboats.

(3) Vessels engaged exclusively in the business of wrecking may use their surf boats.

(4) Vessels engaged exclusively in the business of furnishing pilots to vessels may use their launches and/or yawls.

(c) All lifeboats shall have a capacity of at least 180 cubic feet. However, the Coast Guard District Commander may, in exceptional cases, permit smaller lifeboats where the crew is insufficient to handle the larger lifeboat or where there is lack of space to carry such larger lifeboat. In no case may lifeboats be used having a capacity of less than 125 cubic feet.

§ 94.10–25 *Requirements for yachts in ocean or coastwise service.* (a) All yachts in ocean service shall have an aggregate lifeboat and life raft capacity for all persons on board. Not less than 75 percent of the required capacity shall be in lifeboats and the remainder may be in Type A or Type B life rafts.

(b) All yachts in coastwise service shall have an aggregate lifeboat and life raft capacity as required in paragraph (a) of this section, except that during the interval between May 15 and October 15 in any one year, both dates inclusive, they shall only be required to be equipped with lifeboat and life raft capacity to accommodate 70 percent of all persons on board, not less than 50 percent of the required capacity shall be in lifeboats and the remainder may be in Type A or Type B life rafts.

(c) All lifeboats shall have a capacity of at least 125 cubic feet. However, The Coast Guard District Commander may, if he deems it proper, modify the requirements as to the size of lifeboats.

(d) Yachts may use their launches in lieu of the standard lifeboats required by § 94.10–5 (a), provided the launches are equipped with air tanks of sufficient capacity to meet the requirements of Subpart 160.035 of Subchapter Q (Specifications) of this chapter for lifeboats. Such launches shall be fitted with suitable name boards or the name of the vessel shall be painted on the bow or stern.

§ 94.10–30 *Requirements for whale factory vessels in ocean or coastwise service.* (a) Every vessel employed as a whale factory vessel shall carry lifeboats on each side of the vessel of such aggregate capacity as will accommodate every member of the crew engaged to work the vessel. In addition, such vessels shall carry lifeboats of aggregate capacity sufficient to accommodate the total number of additional persons which the vessel carries.

(b) Lifeboats shall be not less than 24 feet in length, except where owing to the size of the vessel, or for other reasons, the Commandant considers the carriage of such lifeboats to be unreasonable or impractical. However, in no case shall lifeboats of less than 16 feet in length be used.

(c) All vessels of 1,600 gross tons and over on an international voyage shall carry at least one motor-propelled lifeboat of Class B or one hand-propelled lifeboat.

§ 94.10–40 *Requirements for vessels in Great Lakes; lakes, bays, and sounds; or river service other than fireboats, wrecking and fishing vessels, pilot boats, and yachts.* (a) All vessels shall be provided with lifeboats and life rafts as required by Table 94.10–40 (a).

TABLE 94.10-40 (a)—LIFEBOATS AND LIFE RAFTS REQUIRED ON VESSELS IN GREAT LAKES; LAKES, BAYS, AND SOUNDS AND RIVER SERVICE OTHER THAN FIREBOATS, WRECKING AND FISHING VESSELS, PILOT BOATS, AND YACHTS

	Great Lakes			Lakes, bays, and sounds		Rivers	
		Other vessels					
	Vessels carrying cargo	50 gross tons and over	Under 50 gross tons	50 gross tons and over	Under 50 gross tons	50 gross tons and over	Under 50 gross tons
Percentage of persons to be accommodated.	100	100	100	100	100	Only 1 lifeboat required.[3]	Only lifeboats or life rafts as in the judgment of Officer in Charge, Marine Inspection, are necessary.
Percentage of required equipment in lifeboats.	[1] 100	[1] [2] 50	Either lifeboats or life rafts.	[2] 50	Either lifeboats or life rafts.	do	Do.
Percentage of required equipment which may be in Type A or Type B life rafts.	None	50	do	50	do	do	Do.

[1] When of 300 gross tons and over vessels carrying cargo and towing vessels shall have in addition to all other lifeboats and life rafts required, one fully equipped Type A or Type B life raft of not less than 15 persons capacity. This life raft shall be stowed (not necessarily on skids) so that it will float clear in the event of sinking of the vessel.
[2] Harbor towing vessels of less than 150 gross tons may substitute one or more life rafts of Type A or Type B for the lifeboats required if the lifeboats interfere with the practical operation of the vessel and the substitution may be made with safety in the opinion of the Officer in Charge, Marine Inspection.
[3] Vessels navigating waters where the average depth of the channel does not exceed 3 feet shall not be required to be equipped with lifeboats or life rafts.

§ 94.10-45 *Requirements for fireboats, wrecking and fishing vessels, and pilot boats in Great Lakes; lakes, bays, and sounds; or river service.* (a) All vessels of 50 gross tons and over shall have an aggregate lifeboat and life raft capacity to accommodate all persons on board. Not less than 50 percent of such capacity shall be in lifeboats and the remainder may be in Type A or Type B life rafts.

(b) All vessels of less than 50 gross tons shall have an aggregate lifeboat and life raft capacity to accommodate all persons on board. The life rafts may be either Type A or Type B.

(c) In lieu of the standard lifeboats required by § 94.10-5 (a) the following types of boats may be used:

(1) Vessels used exclusively as fireboats and connected to or belonging to a regularly organized fire department shall be required to carry only such boats or rafts as in the judgment of the Officer in Charge, Marine Inspection, may be required to carry the crew.

(2) Vessels engaged exclusively in the business of furnishing pilots to vessels may use their launches and/or yawls.

(3) Vessels engaged exclusively in the business of wrecking may use their surf boats.

(4) Vessels engaged exclusively in the business of seine fishing may use their seine boats.

§ 94.10-50 *Requirements for yachts in Great Lakes; lakes, bays, and sounds; or river service.* (a) All yachts shall be fitted with lifeboats and life rafts as required by Table 94.10-40 (a), depending upon the service. Alternatively, such equipment may be provided as required by Table 75.10-20 (a) of Subchapter H (Passenger Vessels) of this chapter.

§ 94.10-90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.10-5 through 94.10-50 shall be complied with insofar as the number and general type of lifesaving equipment is concerned. Existing items of lifesaving equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.10-5 through 94.10-50 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) On vessels of over 3,000 gross tons in ocean and coastwise service, all replacements of disengaging apparatus shall meet the requirements of § 94.10-5 (a) (4) (i). On all other vessels in any service, all of the lifeboats on a particular vessel shall be fitted with the same type of disengaging apparatus.

(3) The requirements of § 94.10-10 (c) shall not apply except for replacements, and then only if it can be done without change to existing davits and arrangements.

SUBPART 94.15—STOWAGE AND MARKING OF LIFEBOATS AND LIFE RAFTS

§ 94.15-1 *Application.* (a) The provisions of this subpart, with the exception of § 94.15-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.15-90.

§ 94.15-5 *General.* (a) The lifeboats and life rafts shall be readily available in case of emergency, and shall be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as reasonable and practicable, while the vessel is not being navigated.

(b) The decks on which lifeboats and life rafts are carried shall be kept clear of freight or any other obstructions which would interfere with the immediate launching of the lifesaving appliance.

§ 94.15-10 *Stowage.*—(a) *General.* Lifeboats and life rafts shall be stowed in such a manner that:

(1) They are capable of being launched in the shortest possible time.

(2) They shall not impede the launching or handling of other lifesaving appliances.

(3) They shall not impede the marshalling of persons at the embarkation stations, or their embarkation.

(4) They shall be capable of being put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) *Lifeboat stowage.* (1) Suitable access to the lifeboats shall be provided to enable the crew to prepare the lifeboats for launching.

(2) Lifeboats shall be so stowed that embarkation into them may be made rapidly and in good order.

(3) Lifeboats shall not be stowed in the bows of the vessel nor as far aft as to be endangered by the propellers or overhang of the stern.

(4) Lifeboats shall be so stowed that it shall not be necessary to lift them in order to swing out the davits, except on small vessels where such requirement is unreasonable and impracticable in the opinion of the Officer in Charge, Marine Inspection.

(5) On vessels in ocean or coastwise service, lifeboats, when stowed on a deck more than 15 feet above the deepest seagoing draft, shall be fitted with skates or other suitable means to facilitate launching against an adverse list of up to 15 degrees. However, skates may be dispensed with if, in the opinion of the Commandant, the arrangements are such as to insure that the lifeboats can be satisfactorily launched without such skates.

(c) *Life raft stowage.* (1) Type A life rafts shall be stowed on standard skids constructed in accordance with Subpart 160.042 of Subchapter Q (Specifications) of this chapter.

(2) Type B life rafts shall be stowed in such a manner that they may be readily launched.

(3) The additional life raft required on Great Lakes vessels by Table 94.10-40 (a) shall be stowed in such a manner that it will float clear in the event of sinking of the vessel. The requirements of subparagraphs (1) and (2) of this paragraph need not be complied with for such life raft.

§ 94.15-15 *Marking.* (a) Lifeboats and life rafts shall be marked as required by §§ 97.37-37 and 97.37-40 of this subchapter.

§ 94.15-90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 94.15-5 through 94.15-15 shall be met with the exception that the requirements of § 94.15-5 (b) (5) need only apply if, in the opinion of the Officer in Charge, Marine Inspection, the arrangement or construction of the vessel is such that overhanging decks, openings, or other similar obstructions, make the use of skates or similar appliances necessary.

(c) It shall be unlawful to stow in any lifeboat or life raft any article not required by this subpart unless such article can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of such appliances or, in the case of lifeboats, overload the davits or winches.

(d) Loose equipment, except boathooks in lifeboats, shall be securely attached to the lifesaving appliance to which it belongs.

§ 94.20-10 *Required equipment for lifeboats.* (a) The lifeboats for all vessels shall be equipped in accordance with Table 94.20-10 (a). For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 94.20-15. The letter identification prefixing the item in the table corresponds to the paragraph designations in § 94.20-15.

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

§ 94.20-1 *Application.* (a) The provisions of this subpart with the exception of § 94.20-90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.20-90.

§ 94.20-5 *General.* (a) Equipment for lifeboats and life rafts shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Lifeboats and life rafts shall be fully equipped before the vessel is navigated and the equipment shall remain in such lifesaving appliances throughout the voyage, except as provided in § 97.15-45 (e) of this subchapter.

TABLE 94.20-10 (a)

Letter identification	Item	Ocean and coastwise: Other than seagoing barges	Ocean and coastwise: Seagoing barges	Great Lakes: Vessels carrying cargo	Great Lakes: Other	Lakes, bays, and sounds; and rivers
(a)	Bailer	1	None	1	None	None
(b)	Bilge pump	[1]	None	None	None	None
(c)	Boathooks	2	2	1	1	1
(d)	Bucket	2	1	1	1	1
(e)	Compass and mounting	1	None	None	None	None
(f)	Ditty bag	1	None	None	None	None
(g)	Drinking cups	1	1	None	None	None
(h)	Fire extinguishers (motor-propelled lifeboats only)	2	2	2	2	2
(i)	First-aid kit	1	None	None	None	None
(j)	Flashlight	1	None	[4] 1	None	None
(k)	Hatchets	2	None	2	1	1
(l)	Heaving line	2	None	None	None	None
(m)	Jackknife	1	1	None	None	None
(n)	Ladder, lifeboat gunwale	[4] 1	None	None	None	None
(o)	Lantern	1	1	1	1	1
(p)	Life line	1	1	1	1	1
(q)	Life preservers	2	2	2	2	2
(r)	Locker	1	None	1	None	None
(s)	Mast and sail (oar-propelled lifeboats only)	1	None	None	None	None
(t)	Matches	2	2	1	1	1
(u)	Milk, condensed (pounds per person)	1	None	None	None	None
(v)	Mirrors, signaling	2	None	None	None	None
(w)	Oars	[4] 1 unit	[4] 1 unit	[4] 1 unit	[4] 1 unit	[4] 1 unit
(x)	Oil, illuminating (quarts)	1	None	1	None	None
(y)	Oil, storm (gallons)	1	None	1	None	None
(z)	Painter	2	1	1	1	1
(aa)	Plugs	1	1	1	1	1
(bb)	Provisions (pounds per person)	2	None	None	None	None
(cc)	Rowlocks	[4] 1 unit	[4] 1 unit	[4] 1 unit	[4] 1 unit	[4] 1 unit
(dd)	Rudder and tiller	1	1	1	1	None
(ee)	Sea anchor	1	None	1	None	None
(ff)	Signals, distress, floating orange smoke	2	None	None	None	None
(gg)	Signals, distress, red hand flare	[4] 1 unit	None	[4] [5] 1 unit	None	None
(hh)	Signals, distress, red parachute flare	[4] [5] 1 unit	None	[5] 1 unit	None	None
(ii)	Water (quarts per person)	3	1	None	None	None

[1] Motor-propelled lifeboats, certified for 100 or more persons, shall be fitted with an additional hand bilge pump of an approved type or a power bilge pump.
[2] Optional—see footnote 5.
[3] Not required on lifeboats of less than 60 persons capacity.
[4] For description of units, see § 94.20-15.
[5] An approved flashlight, item (j), or 12 approved parachute red flare distress signals, item (hh), may be substituted for 6 of the required 12 hand red flare distress signals.
[6] Vessels in coastwise service need only carry one unit for each 5 lifeboats or fraction thereof.

§ 94.20-15 *Description of equipment for lifeboats.*—(a) *Bailer.* The bailer shall have a lanyard attached and shall be of sufficient size and suitable for bailing.

(b) *Bilge pump.* Bilge pumps shall be of an approved type, constructed in accordance with Subpart 160.044 of Subchapter Q (Specifications) of this chapter. They shall be of the size given in Table 94.20-15 (b) depending upon the capacity of the lifeboat as determined by the six-tenths rule as described in § 160.035-8 (b) of Subchapter Q (Specifications) of this chapter.

TABLE 94.20-15 (b)

Capacity of lifeboat, cubic feet		Bilge pump size
Over	Not over	
------	330	1
330	700	2
700	------	3

(c) *Boathooks.* Boathooks shall be of the single hook ball-point type. Boathook handles shall be of clear grained white ash, or equivalent, and of a length and diameter as given in Table 94.20-15 (c).

TABLE 94.20-15 (c)

Length of lifeboat, feet		Boathook handles	
Over	Not over	Diameter, inches	Length, feet
------	23	1¼	8
23	29	1¾	10
29	------	2	12

(d) *Bucket.* The bucket shall be of heavy gage galvanized iron, or other suitable corrosion-resistant metal, of not less than 2-gallon capacity, and shall have a 6-foot lanyard of 12-thread manila attached.

(e) *Compass and mounting.* The compass and mounting shall be of an approved type constructed in accordance with U. S. Coast Guard specification dated December 14, 1944.

(f) *Ditty bag.* The ditty bag shall consist of a canvas bag and shall contain a sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Drinking cups shall be enameled, and shall be provided with ⅛-inch diameter cotton lanyards 3 feet in length.

(h) *Fire extinguisher.* Fire extinguishers shall be of approved Type B–C, Size I (see § 95.50-5 of this subchapter). One shall be attached to each end of the lifeboat.

(i) *First-aid kit.* The first-aid kit shall be of an approved type, constructed and fitted in accordance with Subpart 160.041 of Subchapter Q (Specifications) of this chapter.

(j) *Flashlight.* The flashlight shall be of an approved Type I, Size No. 3, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare batteries and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(k) *Hatchet.* Hatchets shall be of an approved type, constructed in accordance with Subpart 160.013 of Subchapter Q (Specifications) of this chapter. They shall be attached to the lifeboat by individual lanyards and be readily available for use, one at each end of the lifeboat.

(l) *Heaving line.* The heaving line shall be of adequate strength, 10 fathoms in length, and 1 inch in circumference. It shall be of such quality as to be buoyant after 24 hours' submergence.

(m) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(n) *Ladder, lifeboat gunwale.* The lifeboat gunwale ladder shall consist of 3 flat wood steps cut out for hand holds. The steps shall be spaced 12 inches apart and fastened with ⅝ inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(o) *Lantern.* The lantern shall contain sufficient oil to burn for at least 9 hours, and shall be ready for immediate use.

(p) *Life line.* The life line shall be properly secured to both sides of the lifeboat along its entire length, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12 thread manila. The bights shall hang to within 12 inches of the water when the lifeboat is light.

(q) *Life preservers.* Life preservers shall be of an approved type, constructed in accordance with the applicable subparts of Subchapter Q (Specifications) of this chapter.

(r) *Locker.* The locker shall be suitable for the storage and preservation of the small items of equipment.

(s) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, shall be provided in general agreement with Table 94.20–15 (s). The sails shall be of good quality canvas, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging shall consist of galvanized wire rope not less than 3/16 inch in diameter. The mast and sail shall be protected by a suitable canvas cover.

TABLE 94.20–15 (s)

Length of lifeboat, feet		Standing lug sail							Mast [1]		Yard [1]	
Over	Not over	Area, square feet	Luff and head lengths	Leech length	Foot length	Clew to throat	Ounces per square yard	Commercial designation No.	Length	Diameter, inches	Length	Diameter, inches
			Ft. In.	Ft. In.	Ft. In.	Ft. In.			Ft. In.		Ft. In.	
----	17	58	5 11	12 1	8 10	10 10	14.35	10	11 2	3	6 11	2
17	19	74	6 8	13 8	10 0	12 2	14.35	10	12 6	3	7 8	2
19	21	93	7 5	15 1	11 2	13 8	14.35	10	13 10	3½	8 5	2½
21	23	113	8 3	16 11	12 4	15 1	14.35	10	15 2	3½	9 3	2½
23	25	135	9 0	18 6	13 6	16 6	14.35	10	16 6	4	10 0	3
25	27	158	9 9	20 0	14 7	17 10	17.50	8	17 10	4	10 9	3
27	29	181	10 5	21 5	15 7	19 1	17.50	8	19 2	4½	11 5	3¼
29	31	203	11 0	22 8	16 6	20 3	20.74	6	20 6	4½	12 0	3¼
31	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)

[1] Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.
[2] Subject to special consideration.

(t) *Matches.* A box of friction matches in a watertight container stowed in an equipment locker or secured to the underside of the stern thwart if no locker is fitted.

(u) *Milk, condensed.* One pound of condensed milk shall be provided for each person the lifeboat is certified to carry, to be stowed in lockers or other compartments providing suitable protection.

(v) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(w) *Oars.* A unit, consisting of a complement of rowing oars and steering oar, shall be provided for each lifeboat in accordance with Table 94.20–15 (w), except that motor-propelled and hand-propelled lifeboats need only be equipped with 4 rowing oars and 1 steering oar. In any case, the emergency lifeboats shall be provided with the full complement of oars prescribed by the table.

TABLE 94.20–15 (w)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
----	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	----	8	1	15	16

(x) *Oil, illuminating.* One quart of illuminating oil shall be provided in a metal container.

(y) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(z) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the lifeboat is stowed and the light draft of the vessel. For lifeboats in vessels on ocean or coastwise service, one of the painters shall have a long eye splice and be attached to the thwart with a toggle. The other painter shall be attached to the stem.

(aa) *Plug.* The automatic drain plug required in the lifeboat shall be provided with a cap or plug attached to the lifeboat by a suitable chain.

(bb) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the lifeboat is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in lockers or other compartments providing suitable protection.

(cc) *Rowlocks.* A unit, consisting of sufficient rowlocks and rowlock sockets for each oar required by Table 94.20–15 (w) plus 2 additional rowlocks. The rowlocks shall be attached to the lifeboat by separate chains so as to be available for immediate use, except that the 2 additional spare rowlocks shall be carried in the equipment locker or stowed near the stern if no locker is fitted. The rowlocks and rowlock sockets shall be distributed so as to provide the maximum amount of single banked oars practicable.

(dd) *Rudder and tiller.* The rudder and tiller shall be constructed in accordance with § 160.035–3 (t) in Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(ee) *Sea anchor.* The sea anchor shall be of an approved type.

(ff) *Signals, distress, floating orange smoke.* Two approved floating orange smoke distress signals, constructed in accordance with Subpart 160.022 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(gg) *Signals, distress, red hand flare.* A unit, consisting of 12 approved hand red flare distress signals in a watertight container, constructed in accordance with Subparts 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(hh) *Signals, distress, red parachute flare.* A unit, consisting of 12 approved parachute red flare distress signals with an approved means of projecting them, all contained in a portable watertight container; or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container. Construction shall be in accordance with Subparts 160.024 or 160.036 of Subchapter Q (specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture.

(ii) *Water.* The water shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

§ 94.20–20 *Required equipment for life rafts.* (a) The life rafts for all vessels shall be equipped in accordance with Table 94.20–20 (a). For a description of the items contained in this table and the units comprising the items, see the applicable paragraphs of § 94.20–25. The letter identification prefixing the item in the table corresponds to the paragraph designation in § 94.20–25.

§ 94.20–25 *Description of equipment for life rafts*—(a) *Boathooks.* Boathooks shall be of the single hook ball point type. Boathook handles shall be of clear grained white ash, or equivalent, not less than 8 feet long and 1½ inches in diameter.

(b) *Drinking cups.* Drinking cups shall be enameled and provided with ⅛-inch cotton lanyards 3 feet in length.

(c) *Jackknife.* The jackknife (with can opener) shall be of an approved type, constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter.

(d) *Life line.* The life line shall be properly secured around the sides and ends of the life raft, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12 thread manila.

(e) *Matches.* A box of friction matches in a watertight container.

TABLE 94.20–20 (a)

Letter identification	Item identification	Ocean and coastwise	Great Lakes: Vessels carrying cargo	Great Lakes: Other vessels	Lakes, bays, and sounds; and rivers
(a)	Boathook	1	1	1	1
(b)	Drinking cups	1	None	None	None
(c)	Jackknife	1	None	None	None
(d)	Life line	[1] 1	[1] 1	[1] 1	[1] 1
(e)	Matches	1	1	None	None
(f)	Mirrors, signaling	2	None	None	None
(g)	Oars	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit
(h)	Oil, storm (gallons)	1	1	None	None
(i)	Painter	1	1	1	1
(j)	Provisions (pounds per person)	2	None	None	None
(k)	Rowlocks	[2] 1 unit	[2] 1 unit	[2] 1 unit	[2] 1 unit
(l)	Sea anchor	1	1	None	None
(m)	Signals, distress	[2] 1 unit	[2] 1 unit	None	None
(n)	Water (quarts per person)	1	None	None	None
(o)	Water light	1	1	[4] 1	None

[1] Not required on type A life rafts.
[2] For description of units see §94.20–25.
[3] Smoke signals not required. Only 6 hand red flare distress signals need be provided.
[4] Required only on towing vessels of 300 gross tons and over.

(f) *Mirrors, signaling.* Signaling mirrors shall be of an approved type.

(g) *Oars.* A unit, consisting of 4 rowing oars and one steering oar not less than 8 feet in length shall be provided for life rafts for 7 persons or more. For life rafts for 6 persons or less, a unit shall consist of 2 paddles not less than 5 feet in length.

(h) *Oil, storm.* One gallon of vegetable, fish, or animal oil shall be provided in a suitable metal container so constructed as to permit a controlled distribution of oil on the water, and so arranged that it can be attached to the sea anchor.

(i) *Painter.* Painters shall be of manila rope not less than 2¾ inches in circumference and of a length not less than 3 times the distance between the deck on which the life rafts are stowed and the light draft of the vessel.

(j) *Provisions.* Two pounds of hard bread or its approved equivalent shall be provided for each person the life raft is certified to carry. The provisions shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(k) *Rowlocks.* A unit consisting of 5 rowlocks attached to the life raft by separate chains and ready for immediate use, together with proper rowlock sockets so arranged as to provide 4 rowing positions and one steering position with the life raft floating either side up. Rowlocks and rowlock sockets are not required on life rafts for 6 persons or less.

(l) *Sea anchor.* The sea anchor shall be constructed of good quality canvas or other satisfactory material, and shall be not less than 2 feet in diameter.

(m) *Signals, distress.* A unit consisting of equipment as specified in one of the subparagraphs of this paragraph. Service use of this equipment shall be limited to 3 years from date of manufacture.

(1) Twelve approved hand red flare distress signals in a watertight container and two approved floating orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.022 of Subchapter Q (Specifications) of this chapter, or

(2) Twelve approved hand red flare distress signals in a watertight container and 12 approved hand orange smoke distress signals, constructed in accordance with Subparts 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter, or

(3) Twelve approved hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(n) *Water.* One quart of water shall be provided for each person the life raft is certified to carry. The water shall be packaged in hermetically sealed cans of an approved type. The cans shall be stowed in compartments providing suitable protection.

(o) *Water light.* The water light shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter. The water light shall be attached to the life raft by a 12-thread manila lanyard 3 fathoms in length.

§ 94.20–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§90.20–5 through 94.20–25 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§94.20–5 through 94.20–25 may be continued in service so long as they are maintained in a good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this part.

(2) Lifeboats previously approved without automatic drain plugs shall have two plugs or caps attached to the lifeboat by separate chains.

(3) Decked lifeboats shall have no drain holes or plugs, but shall be equipped with two bilge pumps.

(4) On vessels in ocean or coastwise service, unless other approved means are provided to achieve the same purpose, 3½-inch-diameter manila grab lines shall be fitted extending from gunwale to gunwale under the keel to enable persons to cling to and climb upon the upturned lifeboat. The ends of each grab line shall be securely attached to the side benches or other permanent part of the lifeboat and each grab line shall be made up with figure eight knots spaced approximately 18 inches apart in order to provide hand grips. Means shall be provided for taking up any slack in the grab lines.

(5) Vessels required to have as lifeboat equipment 2 approved floating orange smoke signals may retain in substitution therefore either 12 approved hand orange smoke distress signals constructed in accordance with Subpart 160.037 (Specifications) of this chapter, or 12 approved combination flare and smoke distress signals constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter. The service use of this equipment shall be limited to 3 years from date of manufacture, whereupon it shall be replaced with the required floating orange smoke signals.

SUBPART 94.25—DAVITS

§ 94.25–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.25–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.25–90.

§ 94.25–5 *General.* (a) All gravity and mechanical type davits shall be of an approved type, constructed in accordance with Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) Davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

(c) All davits shall be so arranged that the lifeboats do not require lifting prior to being swung out, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(d) All davits and necesary gear shall be such as to meet the requirements for the installation test set forth in Subpart 94.35. The design, arrangements, and installation shall be such as to preclude undue delay in getting the lifeboats into the water.

(e) Radial davits, where permitted, shall comply with the following requirements:

(1) They shall be fitted with means to prevent them from being jerked from their sockets.

(2) They shall maintain a factor of safety of six based on the weight of the fully equipped and loaded lifeboat, except that the weight of the fully equipped lifeboat alone may be used where the lifeboat is launched before being loaded with people.

(3) They shall be fitted with hand gear of sufficient power to insure that the boat can be turned out against a maximum list of 15 degrees.

(4) They shall be shop tested and show no permanent set or undue stress when subjected to a load equal to 2.2 times the working load. In addition, they shall be shop tested with a load equal to 1.1 times

the weight of the fully equipped lifeboat with the davit set up to simulate a 15-degree list inboard, and it shall be determined that the hand gear can adequately handle the load in this condition.

(f) Davits shall be so disposed on one or more decks as to permit the lifeboats placed under them to be safely lowered without interference from the operation of any other davits.

§ 94.25–10 *Requirements for vessels in ocean or coastwise service.* (a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried except that on small vessels radial type davits or other means may be used if specifically approved by the Commandant.

(b) All davit installations shall have 2 lifelines fitted to a davit span. The lifelines shall be of such length as to reach the water at the lightest sea going draft with the vessel listed 15 degrees either way.

§ 94.25–15 *Requirements for vessels in Great Lakes, lakes, bays, and sounds, or river service.* (a) All vessels shall be fitted with a set of approved gravity or mechanical davits for each lifeboat carried, except that on small vessels, radial type davits or other means may be used if specifically approved by the Commandant.

§ 94.25–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.25–5 through 94.25–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.25–5 through 94.25–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) On vessels the keels of which were laid after September 1, 1941, all davits for lifeboats weighing in excess of 5,000 pounds when fully equipped (but without persons) shall be of the gravity type.

SUBPART 94.30—LIFEBOAT WINCHES

§ 94.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.30–90.

§ 94.30–5 *General.* (a) All lifeboat winches shall be of an approved type, constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications), of this chapter.

(b) Where ice conditions are likely to be encountered, suitable fabric covers shall be provided for all lifeboat winches, so fitted over exposed mechanism, that ice formations may be readily broken adrift when necessary to operate the winch.

(c) Where lifeboat winches are used, wire falls shall be employed.

§ 94.30–10 *Number and type required.* (a) Lifeboat winches shall be fitted for each set of davits on all vessels in ocean or coastwise service where the height of the deck on which lifeboats are carried exceeds 20 feet from the lightest seagoing draft.

(b) Lifeboat winches shall be used in all cases where gravity type davits are employed.

(c) Lifeboat winches for use with gravity davits shall have grooved drums of such size that there will be only one layer of wire on the drums. Lifeboat winches for use with mechanical davits need not have grooved drums, and may be designed to take more than one layer of wire.

§ 94.30–15 *Installation.* (a) Lifeboat winches shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. In addition, any electrical controls provided shall meet the requirements of Subpart 111.65 of Subchapter J (Electrical Engineering) of this chapter.

(b) The lead of the falls to the lifeboat winches and length and size of wire shall be in accordance with Subpart 94.33.

§ 94.30–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.30–5 through 94.30–15 with the exception of § 94.30–10 (a), shall be complied with insofar as the number and general type of equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.30–5 through 94.30–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. However, all new installations or major replacements shall meet the applicable specifications or requirements.

(2) Existing arrangements previously approved, but not meeting the requirements of § 94.30–15 (a), need not be changed. However, new installations or major alterations should conform with such requirements where reasonable and practicable.

(3) Where lifeboat winches are used with gravity davits, the installation shall comply with the requirements contained in § 160.015–3 (k) of Subpart 160.015 of Subchapter Q (Specifications) of this chapter for lifeboat winches.

SUBPART 94.33—BLOCKS AND FALLS

§ 94.33–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.33–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.33–90.

§ 94.33–5 *General.* (a) All blocks, falls, fairleads, padeyes, shackles, links, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Falls shall be of such length that the lifeboat may be lowered to the water with the vessel at its lightest draft and listed 15 degrees.

(c) Falls, where exposed and subject to damage or fouling, shall be suitably protected.

(d) Such blocks or other fittings shall be fitted as are necessary to permit the falls to lead fair in all positions of the davits.

(e) Means for lubrication shall be provided for all moving parts of blocks, sheaves, fairleads, etc.

§ 94.33–10 *Installations where lifeboat winches are used.* (a) All falls shall be of wire rope.

(b) Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant, shall be accepted as standard. Any other wire rope, superior or equal to this minimum standard may be used if specifically approved.

(c) Not more than two-part falls may be used, except in special cases where three-part falls may be permitted by the Commandant.

(d) The lead sheaves to the drums shall be located so as to provide fleet angles of not more than 8 degrees for grooved drums and not more than 4 degrees for nongrooved drums. By fleet angle is meant the angle included between an imaginary line from the lead sheave perpendicular to the axis of the drum and the line formed by the wire rope when led from the lead sheave to either extremity of the drum.

(e) Sheaves shall have a diameter at the base of the groove at least equal to 12 times the diameter of the wire rope.

§ 94.33–15 *Installations where lifeboat winches are not used.* (a) All falls shall be of manila rope or equivalent. Wire rope may not be used.

(b) All vessels of over 1,000 gross tons shall be provided with covered tubs, boxes, or reels for the stowage and protection of the falls, and cruciform bitts shall be provided for properly lowering the lifeboats. Vessels of 1,000 gross tons and less shall have the falls protected from ice and ready for immediate use, and shall be provided with suitable lowering bitts or cleats.

(c) There shall be ample clearance between the cheeks of all blocks. The width between the cheeks shall be ½ inch greater than the diameter of new rope when rope of 3¾ inches circumference or greater is used. Blocks for smaller rope shall be designed with proportional clearances.

§ 94.33–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.33–5 through 94.33–15, as applicable, shall be complied with insofar as the general type of equipment is concerned. Existing equipment previously approved, but not meeting the detailed requirements of §§ 94.33–5 through 94.33–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be made to the same standards as the original installation. However, all new installations or major replacements shall meet the applicable requirements.

SUBPART 94.35—INSTALLATION OF LIFEBOATS, DAVITS, AND WINCHES

§ 94.35–1 *Application.* (a) The provisions of this subpart shall apply to all installations contracted for on or after November 19, 1952, except as set forth in § 97.15–45 (c) of this subchapter.

§ 94.35–5 *Tests and examinations.* (a) Upon completion of installation of lifeboats, davits, or winches, tests and examinations as required by this section shall be made to the satisfaction of the inspector before the vessel may be navigated.

(b) The lifeboat shall be swung out from the chocks and lowered to the embarkation deck. At this point the lifeboat shall be loaded with deadweight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load including the weight of the lifeboat. No persons shall be permitted in the lifeboat while it is being loaded or lowered. The lifeboat shall then be lowered to the water and disengaged from the falls.

(1) None of the equipment or parts thereof nor deck connections shall show signs of permanent set or excessive deflection.

(2) Mechanical and radial type davits shall be capable of being swung out without lifting the lifeboat, except on small vessels where such requirement is unreasonable or impracticable in the opinion of the Officer in Charge, Marine Inspection.

(3) The falls shall be of sufficient length to lower the lifeboat to the light load line with the vessel heeled 15 degrees inboard.

(4) Where lifeboat winches are used, the following additional determinations shall be made:

(i) During lowering, the lifeboat shall be stopped at intervals of approximately six feet by the action of the counterweight alone. The counterweight shall be capable of stopping and holding the lifeboat. The brake action shall be smooth, but positive.

(ii) Brakes exposed to the weather shall be tested under the load conditions with the braking surfaces both wet and dry.

(iii) The governor brake shall be capable of controlling the speed of lowering of the fully equipped lifeboat with its complement of persons on board to not more than 120 feet per minute. In addition, the speed of lowering of the fully equipped lifeboat without its complement of persons shall be not less than 40 feet per minute.

SUBPART 94.40—LIFE PRESERVERS

§ 94.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.40–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.40–90.

§ 94.40–5 *General.* (a) All life preservers shall be of an approved type, constructed in accordance with Subparts 160.002 through 160.005 of Subchapter Q (Specifications) of this chapter.

§ 94.40–10 *Number required.* (a) All vessels shall be provided with a life preserver for each person on board.

§ 94.40–15 *Distribution and stowage.*—(a) *Distribution.* (1) Life preservers shall be properly distributed throughout the crew quarters and other readily accessible places. If passengers are carried in addition to the crew, the additional life preservers shall be placed in the staterooms, berthings, and other places convenient for the passengers.

(b) *Stowage.* (1) Lockers, boxes, and closets in which life preservers are stowed shall not be capable of being locked, shall be plainly marked, and the life preservers contained therein shall be readily available.

(2) Life preservers stowed overhead shall be so supported that they can be quickly released and distributed. Where life preservers are stowed at a height greater than 7 feet from the deck below, efficient means shall be provided for their immediate release and distribution to be operated by persons standing on the deck.

§ 94.40–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.40–5 through 94.40–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.40–5 through 94.40–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

SUBPART 94.43—RING LIFE BUOYS AND WATER LIGHTS

§ 94.43–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.43–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.43–90.

§ 94.43–5 *General.* (a) All ring life buoys shall be of an approved type, constructed in accordance with Subpart 160.009 of Subchapter Q (Specifications) of this chapter.

(b) All water lights shall be of an approved type, constructed in accordance with Subparts 160.012 or 161.001 of Subchapter Q (Specifications) of this chapter.

§ 94.43–10 *Number required.* (a) The minimum number of approved 30-inch ring life buoys, and the minimum number of which shall have water lights attached, shall be in accordance with Table 94.43–10 (a).

TABLE 94.43–10 (a)

Length of vessel in feet	Ocean		All services other than ocean [1]	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Under 100	8	6	2	0
100 and under 200	8	6	4	2
200 and under 300	8	6	6	2
300 and under 400	12	6	12	4
400 and under 600	18	9	18	9
600 and under 800	24	12	24	12
800 and over	30	15	30	15

[1] Any mechanically propelled vessel on an international voyage shall meet the requirements for ocean service.

(b) One of the ring life buoys with water light attached on each side of the vessel shall have secured to it a line at least 15 fathoms in length.

§ 94.43–15 *Distribution and securing.* (a) All ring life buoys shall be placed so as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(b) The ring life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 94.43–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.43–5 through 94.43–15 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements set forth in §§ 94.43–5 through 94.43–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements in this subpart.

SUBPART 94.45—LINE-THROWING APPLIANCES

§ 94.45–1 *Application.* (a) The provisions of this subpart with the exception of § 94.45–90, shall apply to all vessels of 150 gross tons and over in ocean or coastwise service. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.45–90.

§ 94.45–5 *General.* (a) Line-throwing appliances of the impulse-projected rocket type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.040 of Subchapter Q (Specifications) of this chapter. The service use of rockets shall be limited to 4 years from date of manufacture.

(b) Line-throwing appliances of the shoulder-gun type, and the equipment auxiliary thereto, shall be of an approved type, constructed in accordance with Subpart 160.031 of Subchapter Q (Specifications) of this chapter.

§ 94.45–10 *Type required.* (a) All vessels shall be fitted with an approved line-throwing appliance of the impulse-projected rocket type. However, vessels of less than 500 gross tons and not on an international voyage may substitute a line-throwing appliance of the shoulder-gun type.

§ 94.45–15 *Equipment for line-throwing appliances.* (a) The equipment enumerated in this paragraph shall be carried for impulse-projected rocket type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box:

(1) Four rockets, two of which shall be of the buoyant type.

(2) Four primer-ejector cartridges.

(3) Four service lines, each 1,000 feet in length, of 7/32 inch to 9/32 inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds. To be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(4) One cleaning brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 1,500 feet of 3-inch circumference manila. This line may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(b) The equipment enumerated in this paragraph shall be carried for shoulder-gun-type line-throwing appliances. Except as noted, the equipment and the appliance shall be stowed together in a suitable case or box.

(1) Ten service projectiles.

(2) Twenty-five cartridges.

(3) Four service lines, each 400 feet in length, of 3/8 inch circumference flax or cotton and having a breaking strength of at least 250 pounds. To be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment or be stowed in an accessible location nearby.

(4) One cleaning rod with brush, one can of oil, and twelve wiping patches.

(5) One set of instructions furnished by the manufacturer.

(6) One auxiliary line, 500 feet of 3 inch circumference manila.

§ 94.45–20 *Accessibility.* (a) The line-throwing appliance and its equipment shall be kept easily and readily accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 94.45–25 *Service recommendations.* (a) In firing the line-throwing appliances, the operating instructions and safety precautions furnished by the manufacturer should be followed.

§ 94.45–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels of 150 gross tons and over in ocean or coastwise service contracted for prior to November 19, 1952, shall meet the requirements set forth in §§ 94.45–5 through 94.45–25. However, if a Lyle gun-type line-throwing appliance is already in service on such vessel, it may be continued in use so long as it is in good and serviceable condition, but may not be replaced by a similar installation. Where Lyle guns are used, the following requirements shall be met:

(1) The equipment enumerated in this subparagraph shall be carried for Lyle gun type line-throwing appliances. The equipment and the gun shall be stowed together in a suitable case or box. If the case or box does not meet the requirements of Subpart 160.038 of Subchapter Q (Specifications) of this chapter for portable magazine chest, the powder and primers shall be separately stowed in a chest meeting such requirement.

(i) Six service projectiles.

(ii) Eighteen bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in a nonferrous metal screw-top container.

(iii) One approved firing attachment with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in a watertight metal box.

(iv) Twenty-five paper wads.

(v) Four service lines, each 1,700 feet in length, of 7/32-inch to 9/32-inch diameter flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels.

(vi) One ram rod, 1 wire brush, 1 can of light petrolatum, and 12 wiping patches.

(vii) One tapered wooden plug for muzzle of gun when not in use.

(viii) One set of instructions furnished by the manufacturer of the gun, together with a copy of the service recommendations set forth in Section 94.45–90 (c).

(ix) One auxiliary line, 1,500 feet of 3-inch circumference manila.

(2) Accessibility. Same as § 94.45–20.

SUBPART 94.50—EMBARKATION AIDS

§ 94.50–1 *Application.* (a) The provisions of this subpart, with the exception of § 94.50–90, shall apply to all vessels other than yachts and fishing vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 94.50–90.

§ 94.50–5 *Ladders—(a) Vessels in ocean or coastwise service.* (1) All ladders required by this paragraph shall be of an approved type, constructed in accordance with Subpart 160.017 of Subchapter Q (Specifications) of this chapter.

(2) All vessels shall have an approved type ladder for each set of lifeboat davits. Such ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the vessel's light water line, no heel assumed.

(3) All vessels which normally employ a pilot shall have an approved type ladder for the use of the pilot in addition to the ladders required by subparagraph (2) of this paragraph.

§ 94.50–10 *Illumination for lifeboat launching operations.* (a) Provisions shall be made on all vessels on an international voyage of 500 gross tons and over, and all other vessels where the lifeboat deck is more than 30 feet above the light water line, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of or immediately after being launched. Details of the illuminating system shall be in accordance with Subchapter J (Electrical Engineering) of this chapter.

§ 94.50–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 94.50–5 through 94.50–10 shall be complied with insofar as the number of items of equipment and the method of stowage is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications or requirements of §§ 94.40–5 through 94.50–10 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. All new installations or replacements shall meet the applicable specifications or requirements.

(2) The illumination for lifeboat launching operations need not meet the detailed requirements of Subchapter J (Electrical Engineering) of this chapter.

SUBPART 94.55—PORTABLE RADIO APPARATUS

§ 94.55–1 *Required on international voyage.* (a) All vessels on international voyage of 500 gross tons and over, other than yachts and fishing vessels, carrying less than 20 lifeboats shall be provided with a portable radio apparatus complying with the requirements of the Federal Communications Commission unless at least one lifeboat on each side of the vessel is fitted with a fixed radio installation. The apparatus shall be so designed that it may be used by an unskilled person. Such apparatus shall be kept in the radio room, chart room, or other suitable location ready to be moved to one or other of the lifeboats in the event of an emergency.

SUBPART 94.90—SHIP'S DISTRESS SIGNALS

§ 94.90–1 *Application.* (a) The provisions of this subpart shall apply to all vessels of 150 gross tons and over as specifically noted.

§ 94.90–5 *Vessels in ocean or coastwise service.* (a) All vessels shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container, constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of 3 years from date of manufacture.

§ 94.90–10 *Vessels in Great Lakes service.* (a) All vessels shall carry within the pilothouse or on the navigator's bridge, 12 approved hand-held red flare distress signals contained in a portable watertight container, constructed in accordance with Subparts 160.021 or 160.023 of Subchapter Q (Specifications) of this chapter. Service use of the distress signals shall be limited to a period of 3 years from date of manufacture.

PART 95—FIRE PROTECTION EQUIPMENT

Part 95 is amended to read as follows:

SUBPART 95.01—APPLICATION

Sec.
95.01–1 General.
95.01–5 Equipment installed but not required.

SUBPART 95.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

95.05–1 Fire detecting, manual alarm, and supervised patrol systems.
95.05–5 Fire main system.
95.05–10 Fixed fire extinguishing systems.
95.05–15 Hand portable fire extinguishers and semiportable fire extinguishing systems.
95.05–20 Sand.

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

95.10–1 Application.
95.10–5 Fire pumps.
95.10–10 Fire hydrants and hose.
95.10–15 Piping.
95.10–90 Installations contracted for prior to November 19, 1952.

SUBPART 95.13—STEAM SMOTHERING SYSTEM, DETAILS

95.13–1 Application.
95.13–5 Quantity of steam required.
95.13–10 Piping.
95.13–90 Installations contracted for prior to November 19, 1952.

SUBPART 95.15—CARBON DIOXIDE EXTINGUISHING SYSTEMS, DETAILS

95.15–1 Application.
95.15–5 Quantity, pipe sizes, and discharge rates.
95.15–10 Controls.
95.15–15 Piping.
95.15–20 Carbon dioxide storage.
95.15–25 Discharge outlets.
95.15–30 Alarms.
95.15–35 Enclosure openings.
95.15–40 Pressure relief.
95.15–90 Installations contracted for prior to November 19, 1952.

SUBPART 95.17—FOAM EXTINGUISHING SYSTEMS, DETAILS

95.17–1 Application.
95.17–5 Quantity of foam required.
95.17–10 Controls.
95.17–15 Piping.
95.17–20 Discharge outlets.
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SUBPART 95.20—WATER SPRAY EXTINGUISHING SYSTEM, DETAILS

95.20–1 Application.
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SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

95.50–1 Application.
95.50–5 Classification.
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SUBPART 95.60—FIRE AXES

95.60–1 Application.
95.60–5 Number required.
95.60–10 Location.

AUTHORITY: §§ 95.01–1 to 95.60–10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. App. 1275.

SUBPART 95.01—APPLICATION

§ 95.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

§ 95.01–5 *Equipment installed but not required.* (a) Where fire detecting or extinguishing systems or equipment are not required, but are installed, the system or equipment and its installation shall meet the requirements of this part.

SUBPART 95.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

§ 95.05–1 *Fire detecting, manual alarm, and supervised patrol systems.* (a) Fire detecting, manual alarm, and supervised patrol systems are not required, but if installed, the systems shall meet the applicable requirements of Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 95.05–5 *Fire main system.* (a) Fire pumps, hydrants, hose, and nozzles shall be installed on all vessels other than barges.

(b) The arrangements and details of the fire main system shall be as set forth in Subpart 95.10.

§ 95.05–10 *Fixed fire extinguishing systems.* (a) Approved fixed fire extinguishing systems shall be installed on all vessels other than yachts, fishing vessels, and barges in the following locations:

(1) A fixed carbon dioxide or steam smothering system shall be installed in all cargo compartments and tanks for combustible cargo, except that vessels engaged exclusively in the carriage of coal or grain in bulk need not be fitted with such system. In lieu of the carbon dioxide or steam smothering systems, the following systems may be used or required in special cases:

(i) A fixed foam system may be used in cargo tanks.

(ii) In cases where a cargo compartment is normally accessible and is considered to be a part of the working or living quarters, a water sprinkling system may be required, and the details of such system will be subject to special approval.

(2) A fixed carbon dioxide or steam smothering system shall be installed in all lamp and paint lockers, oil rooms, and similar spaces.

(3) On vessels of 1,000 gross tons and over, contracted for on or after November 19, 1952, or where conversion from coal to oil is contracted for on or after November 19, 1952, a fixed carbon dioxide, foam, or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, or their fuel oil units, valves, or manifolds in the line between the settling tanks and the boilers.

(4) If a fixed fire extinguishing system is installed to protect an internal combustion propelling machinery installation, the system shall be of the carbon dioxide type.

(5) On vessels contracted for on or after November 19, 1952, where an inclosed ventilating system is installed for electric propulsion motors or generators, a fixed carbon dioxide extinguishing system shall be installed in such system.

(b) The arrangements and details of the fixed fire extinguishing systems shall be as set forth in Subparts 95.13 through 95.20.

§ 95.05–15 *Hand portable fire extinguishers and semiportable fire extinguishing systems.* (a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed on all vessels, other than fishing vessels, as set forth in Subpart 95.50.

§ 95.05–20 *Sand.* (a) On vessels of over 1,000 gross tons there shall be in each space containing oil fired boilers a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials together with a scoop or shaker for distributing the same. On vessels of 1,000 gross tons or less, at least 5 cubic feet of such materials shall be similarly carried.

SUBPART 95.10—FIRE MAIN SYSTEM, DETAILS

§ 95.10–1 *Application.* (a) The provisions of this subpart, with the exception of § 95.10–90, shall apply to all fire main installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.10–90.

§ 95.10–5 *Fire pumps.* (a) Vessels shall be equipped with independently driven fire pumps in accordance with Table 95.10–5 (a).

TABLE 95.10–5 (a)

Gross tons		Minimum number of pumps	Hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
-----	100	[1] 1	[1] 1½	[1] ½	[1] 50
100	1,000	1	1½	⅝	50
1,000	1,500	2	1½	⅝	50
1,500	-----	2	[2] 2½	[2] ⅞	[2] 50

[1] On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

[2] 75 feet of 1½-inch hose and ⅝-inch nozzle may be used where specified by § 95.10–10 (b) for interior locations and 50 feet of 1½-inch hose may be used in exterior locations on vessels in other than ocean or coastwise service.

(b) Vessels on an international voyage shall have a minimum total fire pump capacity at least equal to ⅔ of the required total bilge pump capacity, but in no case less than that required by this section.

(c) Each pump shall be capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of approximately 50 p. s. i. Where 1½-inch hose is permitted in lieu of 2½-inch hose by footnote 2 of Table 95.10–5 (a), the pump capacity shall be determined on the same basis as if 2½-inch hose had been permitted. Where ¾-inch hose is permitted by Table 95.10–5 (a), the Pitot tube pressure need be only 35 p. s. i.

(d) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 p. s. i. in excess of the pressure necessary to maintain the requirements of paragraph (c) of this section or 125 p. s. i., whichever is greater. Relief valves may be omitted if the pumps, operating under shut-off conditions, are not capable of developing a pressure exceeding this amount.

(e) Fire pumps shall be fitted with a pressure gage on the discharge side of the pumps.

(f) Fire pumps may be used for other purposes provided at least one of the required pumps is kept available for use on the fire system at all times. Unless specifically approved by the Commandant, no branch lines shall be connected to the fire mains for other than fire and deck wash purposes. Other discharge lines shall lead from a discharge manifold near the fire pump. In no case shall a pump having connection to an oil line be used as a fire pump.

(g) The total area of the pipes leading from a pump shall not be less than the discharge area of the pump.

(h) On vessels with oil fired boilers, either main or auxiliary, or with internal combustion propulsion machinery, where 2 fire pumps are required, they shall be located in separate spaces, and the arrangement of pumps, sea connections, and sources of power shall be such as to insure that a fire in any one space will not put all of the fire pumps out of operation. However, where it is shown to the satisfaction of the Commandant that it is unreasonable or impracticable to meet this requirement due to the size or arrangement of the vessel, or for other reasons, the installation of a total flooding carbon dioxide system may be accepted as an alternate method of extinguishing any fire which would affect the powering and operation of at least one of the required fire pumps.

§ 95.10–10 *Fire hydrants and hose.* (a) The size of fire hydrants, hose, and nozzles and the length of hose required shall be as noted in Table 95.10–5 (a).

(b) In lieu of the 2½-inch hose and hydrants specified in Table 95.10–5 (a), on vessels over 1,500 gross tons, the hydrants in interior locations may have siamese connections for 1½-inch hose. In these cases the hose shall be 75 feet in length, and only one hose will be required at each fire station; however, if all such stations can be satisfactorily served with 50-foot lengths, 50-foot hose may be used.

(c) On vessels over 1,000 gross tons there shall be at least one shore connection to the fire main available to each side of the vessel in an accessible location. Suitable cut-out valves and check valves shall be provided, and adapters shall, if practicable, be available where necessary to provide the shore connections with coupling threads corresponding to the shore fire lines.

(d) Fire hydrants shall be of sufficient number and so located that any part of the vessel, other than main machinery spaces, accessible to persons on board while the vessel is being navigated and all cargo holds may be reached with at least 2 streams of water from separate outlets, at least one of which shall be from a single length of hose. In main machinery spaces, all portions of such spaces shall be capable of being reached by at least 2 streams of water, each of which shall be from a single length of hose from separate outlets; however, this requirement need not apply to shaft alleys containing no assigned space for the stowage of combustibles. Fire hydrants shall be numbered as required by § 97.37–15 of this subchapter.

(e) All parts of the fire main located on exposed decks shall either be protected against freezing or be fitted with cut-out valves and drain valves so that the entire exposed parts of such piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, such valves shall be sealed open.

(f) The outlet at the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead horizontally or downward to minimize the possibility of kinking.

(g) Each fire hydrant shall be provided with a single length of hose with nozzle attached and a spanner. A suitable hose rack or other device shall be provided for the proper stowage of the hose. If the hose is not stowed in the open or behind glass so as to be readily seen, the enclosure shall be marked in accordance with § 97.37–15 of this subchapter.

(h) Fire hose shall be connected to the outlets at all times. However, on open decks where no protection is afforded to the hose in heavy weather, or where the hose may be liable to damage from the handling of cargo, the hose may be temporarily removed from the hydrant and stowed in an accessible nearby location.

(i) Hose nozzles shall be as follows:

(1) All nozzles shall be of good grade bronze or equivalent metal.

(2) Where smooth bore type nozzles are used, they shall have an orifice of the size indicated in Table 95.10–5 (a).

(3) Where combination nozzles are used, they shall be approved, and shall be capable of producing a solid stream, a high velocity fog spray, or being shut off. In addition, an approved applicator equipped with a low velocity water fog tip, which is capable of being attached directly to the nozzle or the hose, shall be provided for each nozzle. The detachable applicator shall be stowed adjacent to the fire hydrant, except where such combination nozzles are not required, in which case the applicator may be stowed at the discretion of the master. Unless a self-cleaning strainer is contained with the nozzle itself, and within the applicator where the applicator is attached directly to the hose, there shall be a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose.

(4) Except as noted in subparagraphs (5) and (6) of this paragraph, all hose nozzles shall be of either the smooth bore type or the approved type combination nozzle.

(5) On all vessels of 1,000 gross tons and over, the hose attached to the hydrants in propulsion machinery spaces containing oil fired boilers, internal combustion machinery, or oil fuel units shall be fitted with an approved combination nozzle. The applicator shall be not more than 6 feet in length.

(6) Where ¾-inch hose is permitted by Table 95.10–5 (a), a good commercial grade garden hose nozzle or equivalent will be accepted.

(7) Where approved combination nozzles are used, but are not required, the applicators with low velocity fog spray heads and the self-cleaning strainers may be fitted, but will not be required.

(k) Fire hydrants, nozzles, and other fittings shall have threads to accommodate the hose connections noted in paragraph (i) of this section.

(l) Fire hose and couplings shall be as follows:

(1) Couplings shall be of brass, bronze, or other equivalent metal. National Standard Hose Threads shall be used for the 1½ and 2½ inch sizes, i. e., 11½ threads per inch for 1½-inch hose and 7½ threads per inch for 2½-inch hose.

(2) Unlined hose shall not be used in the machinery spaces.

(3) Where ¾-inch hose is permitted by Table 95.10–5 (a), the hose and couplings shall be of good commercial grade.

§ 95.10–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All distribution cut-off valves shall be marked as required by § 97.37–10 of this subchapter.

§ 95.10–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Except as specifically modified by this paragraph, the requirements of §§ 95.10–5 through 95.10–15 shall be complied with insofar as the number and general type of equipment is concerned. Existing equipment previously approved, but not meeting the applicable requirements of §§ 95.10–5 through 95.10–15 may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs, alterations, and replacements may be permitted to the same standards as the original installations. However, all new installations or major replacements shall meet the applicable requirements in this subpart.

(2) All vessels shall be fitted with fire pumps, hoses, and nozzles in accordance with Table 95.10–90 (a) (2).

TABLE 95.10–90 (a) (2)

Gross tons		Minimum number of pumps	Minimum hose and hydrant size, inches	Nozzle orifice size, inches	Length of hose, feet
Over	Not over				
-----	100	1	[1] 1½	[1] 13/16	[1] 50
100	1,000	1	[2] 1½	1⅝	[2] 50
1,000	-----	2	[2] 1½	1⅜	[2] 50

[1] On vessels of 65 feet in length or less, ¾-inch hose of good commercial grade together with a commercial garden hose nozzle may be used. The pump may be hand operated and the length of hose shall be sufficient to assure coverage of all parts of the vessel.

[2] May use 50 feet of 2½-inch hose with ⅞-inch nozzles for exterior stations. 75 feet of 1½-inch hose with ⅝-inch nozzles may be used for interior station in which case such interior stations shall have siamese connections.

(3) Vessels contracted for prior to July 1, 1935, need not meet the requirements of § 95.10–5 (h), and vessels contracted for on or after July 1, 1935, but prior to November 19, 1952, may have a carbon dioxide "bilge" in lieu of "total flooding" system. However, in vessels of both categories where a conversion from coal to oil is contracted for on or after November 19, 1952, the provisions of § 95.10–5 (h) shall apply.

(4) The general requirements of §§ 95.10–5 (c) through (g), 95.10–10 (d) through (i), and 95.10–15 shall be complied with insofar as is reasonable and practicable.

SUBPART 95.13—STEAM SMOTHERING SYSTEM, DETAILS

§ 95.13–1 *Application.* (a) Where a steam smothering system is installed, the provisions of this subpart, with the exception of § 95.13–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.13–90.

§ 95.13–5 *Quantity of steam required.* (a) Steam shall be available from main or auxiliary boilers to provide at least 1 pound of steam per hour for each 12 cubic feet of the gross volume of the largest compartment to be protected.

(b) Although separate piping shall be led to each cargo hold and tween deck, for the purpose of determining the amount of steam required, a cargo compartment will be considered as the space between adjacent watertight bulkheads and from tank top or lowest deck to the deck head of the uppermost deck on which cargo may be carried. If a trunk extends beyond such deck, the trunk space shall be included. Tonnage openings shall be considered as sealed for this purpose.

(c) A steam pressure of at least 100 p. s. i. shall be available unless specifically approved otherwise.

§ 95.13–10 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) The distribution piping shall emanate from not more than three stations in easily accessible locations on the weather deck, and shall lead to the lower portion of each cargo hold, cargo tween deck, and other compartments protected. However, lines to paint lockers and similar small spaces may be taken from the nearest steam supply line.

(c) The distribution line to each compartment shall be fitted with a shut-off valve. The valve shall be marked as required by § 97.37–10 of this subchapter.

(d) The manifold steam supply line shall be fitted with a master valve at the manifold.

(e) Provisions shall be made for draining the manifold and distribution lines to prevent them from freezing.

(f) If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing. In any case, it shall be marked as required by § 97.37–13 of this subchapter.

(g) Piping shall not be led into or through spaces accessible to the persons on board while the vessel is being navigated, with the exception of machinery spaces and corridors. However, in special cases, arrangements to run piping through such spaces may be specifically approved by the Commandant, provided all joints are welded, suitable expansion bends are provided, and all piping is extra heavy.

(h) Piping shall be used for no other purposes except that it may be incorporated with the fire-detecting system, if installed, and where suitable provisions are made, it may be used for steaming out tanks.

(i) The minimum size and number of branches to the various spaces shall be as given in Table 95.13–10 (i). The distribution piping from the manifold to the branch lines shall have an area approximately equal to the combined areas of the branch lines served.

TABLE 95.13–10 (i)

Volume of space in cubic feet		Number of branches to space	Pipe size of each branch, inches
Over	Not over		
-----	500	1	¾
500	5,000	1	1
5,000	15,000	1	1¼
15,000	30,000	1	1½
30,000	60,000	2	1½
60,000	100,000	3	1½
100,000	190,000	4	1½

(j) The steam supply line from the boiler to any distribution manifold shall be of sufficient size to supply all the branch lines to the largest compartment and to all adjacent compartments.

§ 95.13–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to July 1, 1935, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) The main pipes and their branches to the cargo compartments and similar spaces shall be not less than 1½-inch pipe size and shall emanate from not more than two stations in easily accessible locations. If located on the open deck, the distribution manifolds shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 97.37–13 of this subchapter. Each branch line shall have a valve at the manifold which shall be marked as required by § 97.37–10 of this subchapter.

(3) Branches to paint lockers and similar small spaces may be taken from the nearest steam supply line and shall be not less than ¾-inch pipe size. The valve shall be marked as required by § 97.37–10 of this subchapter.

(b) Installations contracted for on or after July 1, 1935, but prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials and facilities previously approved will be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standard as the original installation.

(2) Steam shall be available from the main or auxiliary boilers to provide at least one pound of steam per hour for each 50 cubic feet of gross volume of the largest compartment protected. Where reasonable and practicable, the steam pressure shall be at least 100 p. s. i.

(3) The piping system shall meet the general requirements of § 95.13–10 (a) through (h) insofar as is reasonable and practicable.

(4) The minimum size of distribution piping and the number of branches to the various spaces shall be as given in Table 95.13–90 (b) (4) or by the following formula:

$$D=\sqrt{\frac{C}{30,000}} \qquad (1)$$

where:

D = Required diameter of pipe in inches.

C = Volume of compartment in cubic feet.

TABLE 95.13–90 (b) (4)

Volume of compartment in cubic feet		Number of branches to compartment	Pipe size in each branch, inches
Over	Not over		
-----	30,000	1	1
30,000	46,000	1	1¼
46,000	67,000	1	1½
67,000	94,000	2	1¼
94,000	135,000	2	1½
135,000	205,000	3	1½

(5) The minimum size of the steam supply line from the boiler to the distribution manifold shall be as given by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}} \qquad (2)$$

where:
D = Diameter of pipe in inches.
C = Volume of all compartments in cubic feet.

SUBPART 95.15—CARBON DIOXIDE EXTINGUISHING SYSTEMS, DETAILS

§ 95.15–1 *Application.* (a) Where a carbon dioxide extinguishing system is installed, the provisions of this subpart, with the exception of § 95.15–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.15–90.

(b) The requirements of this subpart are based on a "high pressure system," i. e., one in which the carbon dioxide is stored in liquid form at atmospheric temperature. Details for "low pressure systems," i. e., those in which the carbon dioxide is stored in liquid form at a continuously controlled low temperature, may be specifically approved by the Commandant where it is demonstrated that a comparable degree of safety and fire extinguishing ability is achieved.

§ 95.15–5 *Quantity, pipe sizes, and discharge rates.* (a) *General.* The amount of carbon dioxide required for each space shall be as determined by paragraphs (b) through (e) of this section.

(b) *Total available supply.* A separate supply of carbon dioxide need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(c) *Cargo spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space in cubic feet divided by 30.

(2) Although separate piping shall be led to each cargo hold and 'tween deck, for the purpose of determining the amount of carbon dioxide required, a cargo compartment will be considered as the space between watertight or fire-screen bulkheads and from the tank top or lowest deck to the deck head of the uppermost space on which cargo may be carried. If a trunk extends beyond such deck, the trunk volume shall be included. Tonnage openings shall be considered as sealed for this purpose.

(3) Branch lines to the various cargo holds and 'tween decks shall not be less than ¾-inch standard pipe size.

(4) No specific discharge rate need be applied to such systems.

(d) *Enclosed ventilation systems for rotating electrical propulsion equipment.* (1) The number of pounds of carbon dioxide required for the initial charge shall be equal to the gross volume of the system divided by 10 for systems having a volume of less than 2,000 cubic feet, and divided by 12 for systems having a volume of 2,000 cubic feet or more.

(2) The piping for the initial charge shall be in accordance with Table 95.15–5 (e) (3), and the discharge of the required amount shall be completed within 2 minutes.

(3) In addition to the above there shall be sufficient carbon dioxide available to permit delayed discharges of such quantity as to maintain at least a 25 percent concentration until the equipment can be stopped. If the initial discharge is such as to achieve this concentration until the equipment is stopped, no delayed discharge need be provided.

(4) The piping for the delayed discharge shall not be less than ½-inch standard pipe, and no specific discharge rate need be applied to such systems. On small systems, this pipe may be incorporated with the initial discharge piping.

(e) *Machinery spaces, paint lockers, tanks, and similar spaces.* (1) The number of pounds of carbon dioxide required for each space shall be equal to the gross volume of the space divided by the appropriate factor noted in Table 95.15–5 (e) (1). If fuel can drain from the compartment being protected to an adjacent compartment, or if the compartments are not entirely separate, the requirements for both compartments shall be used to determine the amount of carbon dioxide to be provided. The carbon dioxide shall be arranged to discharge into both such compartments simultaneously.

TABLE 95.15–5 (e) (1)

Gross volume of compartment, cubic feet		Factor
Over	Not over	
------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	------	22

(2) For the purpose of the requirements of this paragraph, the volume of the machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower.

(3) Branch lines to the various spaces shall be as noted in Table 95.15–5 (e) (3).

TABLE 95.15–5 (e) (3)

Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches	Maximum quantity of carbon dioxide required, pounds	Minimum pipe size, inches
100	1½	2,500	2½
200	¾	4,450	3
300	1	7,100	3½
600	1¼	10,450	4
1,000	1½	15,000	4½
2,450	2		

(4) Distribution piping within the space shall be proportioned from the supply line to give proper distribution to the outlets without throttling.

(5) The number, type, and location of discharge outlets shall be such as to give a uniform distribution throughout the space.

(6) The total area of all discharge outlets shall not exceed 85 percent nor be less than 40 percent of the sum of the minimum areas of all the cylinder discharges, or the area of the supply pipe, whichever is the smaller.

(7) The discharge of the required amount of carbon dioxide shall be complete within 2 minutes.

§ 95.15–10 *Controls.* (a) The carbon dioxide supply and all controls and valves for the operation of the system shall be outside the spaces protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. However, independent systems may be permitted in isolated small spaces such as emergency generator rooms, paint lockers, etc., in which case the cylinders may be inside the space, but the controls shall be outside the space, and a stop valve will not be required.

(b) Distribution piping to the various cargo spaces shall be controlled from not more than two stations. The station controlling the main machinery spaces shall be located as convenient as practicable to one of the main escapes from such spaces.

(c) Each branch line shall be fitted with an approved shut-off valve operable from the station which shall be marked as required by § 97.37–10 of this subchapter. Such shut-off valve shall be kept closed at all times except to operate the particular system.

(d) The arrangements shall be such that the entire charge to any space, other than cargo spaces and delayed discharges to ventilating systems for electrical equipment, can be introduced into the space by the operation of one valve selecting the space, and one control for releasing at least the required amount of carbon dioxide. The controls shall be of an approved type and shall be located adjacent to the shut-off valve controls.

(e) Where provisions are made for the simultaneous release of a given amount of carbon dioxide, provisions shall also be made for manual release in the event of failure of the remote or automatic device.

(f) The distribution controls shall be suitably protected by an enclosing cabinet or casing which shall be marked as required by § 97.37–13 of this subchapter.

(g) Complete but simple instructions for the operation of the system shall be located in a conspicuous place at or near the releasing control device.

(h) If the space or enclosure containing the carbon dioxide supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening.

§ 95.15–15 *Piping.* (a) The piping, valves, and fittings shall have a bursting pressure of not less than 6,000 pounds per square inch.

(b) All piping, in nominal sizes not over ¾ inch shall be at least Schedule 40 (standard weight) and in nominal sizes over ¾ inch, shall be at least Schedule 80 (extra heavy).

(c) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(d) A pressure relief valve or equivalent set to relieve between 2,400 and 2,800 pounds per square inch shall be installed in the distributing manifold or such other location as to protect the piping in the event that all branch line shut-off valves are closed.

(e) All dead-end lines shall extend at least 2 inches beyond the last orifice and shall be closed with cap or plug.

(f) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(g) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture. Drains and dirt traps shall be located in accessible locations where possible.

(h) Piping shall be used for no other purpose except that it may be incorporated with the fire-detecting system.

(i) Piping passing through living quarters shall not be fitted with drains or other openings within such spaces.

(j) Installation test requirements are:

(1) Upon completion of the piping installation, and before the cylinders are connected, a pressure test shall be applied as set forth in this paragraph. Only carbon dioxide or other inert gas shall be used for this test.

(2) The piping from the cylinders to the stop valves in the manifold shall be subjected to a pressure of 1,000 pounds per square inch. With no additional gas being introduced to the system, it shall be demonstrated that the leakage of the system is such as not to permit a pressure drop of more than 150 pounds per square inch per minute for a 2-minute period.

(3) The individual branch lines to the various spaces protected shall be subjected to a test similar to that described in the preceding subparagraph with the exception that the pressure used shall be 600 pounds per square inch in lieu of 1,000 pounds per square inch. For the purpose of this test, the distribution piping shall be capped within the space protected at the first joint ahead of the nozzles.

(4) In lieu of the tests prescribed in subparagraphs (1) through (3) of this paragraph, small independent systems protecting spaces such as emergency generator rooms, lamp lockers, etc., may be tested by blowing out the piping with air at a pressure of at least 100 pounds per square inch.

§ 95.15–20 *Carbon dioxide storage.* (a) The room for the carbon dioxide storage supply shall be properly ventilated and shall be so located and designed that the anticipated ambient temperature will not exceed 130 degrees F.

(b) Cylinders shall be securely fastened and supported, and where necessary, protected against injury.

(c) Cylinders shall be so mounted as to be readily accessible and capable of easy removal for recharging and inspection. Provisions shall be available for weighing the cylinders.

(d) Where subject to moisture, cylinders shall be so installed as to provide a space of at least 2 inches between the flooring and the bottom of the cylinders.

(e) Cylinders shall be mounted in an upright position or inclined not more than 30 degrees from the vertical. However, cylinders which are fitted with flexible or bent siphon tubes may be inclined not more than 80 degrees from the vertical.

(f) Where check valves are not fitted on each independent cylinder discharge, plugs or caps shall be provided for closing outlets when cylinders are removed for inspection or refilling.

(g) All cylinders used for storing carbon dioxide shall be fabricated, tested, and marked in accordance with the regulations of the I. C. C., except as noted in § 147.04–1 of Subchapter N (Explosives or other Dangerous Articles on Board Vessels) of this chapter.

§ 95.15–25 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 95.15–30 *Alarms.* (a) Spaces which are protected by a carbon dioxide extinguishing system and are normally accessible to persons on board while the vessel is being navigated, other than paint and lamp lockers and similar small spaces, shall be fitted with an approved audible alarm in such spaces which will be automatically sounded when the carbon dioxide is admitted to the space. The alarm shall be conspicuously and centrally located and shall be marked as required by § 97.37–9 of this subchapter.

§ 95.15–35 *Enclosure openings.* (a) Where mechanical ventilation is provided for spaces other than cargo and similar spaces which are protected by a carbon dioxide extinguishing system, provisions shall be made so that the ventilation system is automatically shut down with the operation of the system to that space.

(b) Where natural ventilation is provided for spaces protected by a carbon dioxide extinguishing system, provisions shall be made for easily and effectively closing off the ventilation.

(c) Means shall be provided for closing all other openings to the space protected from outside such space. In this respect, relatively tight doors, shutters, or dampers shall be provided for openings in the lower portion of the space. The construction shall be such that openings in the upper portion of the space can be closed off either by permanently installed means or by the use of canvas or other material which is normally carried by the vessel.

§ 95.15–40 *Pressure relief.* (a) Where necessary, relatively tight compartments such as refrigeration spaces, paint lockers, etc., shall be provided with suitable means for relieving excessive pressure accumulating within the compartment when the carbon dioxide is injected.

§ 95.15–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 95.15–5 through 95.15–40 insofar as is reasonable and practicable, with the exception of § 95.15–5 (e) (1) through (3) covering spaces other than cargo spaces, which systems may be installed in accordance with subparagraphs (3) through (6) of this paragraph.

(3) In boiler rooms, the bilges shall be protected by a system discharging principally below the floor plates. Perforated pipe may be used in lieu of discharge nozzles for such systems. The number of pounds of carbon dioxide shall be equal to the gross volume of the boiler room taken to the top of the boilers divided by 36. In the event of an elevated boiler room which drains to the machinery space, the system shall be installed in the engine room bilge and the gross volume shall be taken to the flat on which the boilers are installed.

(4) In machinery spaces where main propulsion internal combustion machinery is installed, the number of pounds of carbon dioxide required shall be equal to the gross volume of the space taken to the under side of the deck forming the hatch opening divided by 22.

(5) In miscellaneous spaces other than cargo or main machinery spaces the number of pounds of carbon dioxide required shall be equal to the gross volume of the space divided by 22.

(6) Branch lines to the various spaces other than cargo and similar spaces shall be as noted in Table 95.15–90 (a) (6). This table is based on cylinders having discharge outlets and siphon tubes of ⅞ inch diameter.

TABLE 95.15–90 (a) (6)

Number of cylinders		Nominal pipe size, inches
Over	Not over	
------	2	½—standard.
2	4	¾—standard.
4	6	1—extra heavy.
6	12	1¼—extra heavy.
12	16	1½—extra heavy.
16	27	2—extra heavy.
27	39	2½—extra heavy.
39	60	3—extra heavy.
60	80	3½—extra heavy.
80	104	4—extra heavy.
104	165	5—extra heavy.

SUBPART 95.17—FOAM EXTINGUISHING SYSTEMS, DETAILS

§ 95.17–1 *Application.* (a) Where a foam extinguishing system is installed, the provisions of this subpart, with the exception of section 95.17–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.17–90.

§ 95.17–5 *Quantity of foam required.* (a) *Area protected.* (1) For machinery and similar spaces, the system shall be so designed and arranged as to spread a blanket of foam over the entire tank top or bilge of the space protected. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and foam at that level. Other installations of a similar nature will be considered in a like manner.

(3) Where a system is installed to protect a tank, it shall be so designed and arranged as to spread a blanket of foam over the entire liquid surface of the tank within the range of usual trim. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(b) *Rate of application.* (1) For spaces other than tanks, the rate of discharge to foam outlets protecting the hazard shall be at least as set forth in this subparagraph.

(i) For chemical foam systems with stored "A" and "B" solutions, a total of at least 1.6 gallons per minute of the two solutions shall be discharged for each 10 square feet of area protected.

(ii) For other types of foam systems, the water rate to the dry powder generators or air foam production equipment shall be at least 1.6 gallons per minute for each 10 square feet of area protected.

(2) For tanks, the rate of discharge to foam outlets protecting the hazard shall be as set forth in subparagraph (1) of this paragraph, except that the value of 1 gallon per minute shall be substituted in both cases for the value of 1.6 gallons per minute.

(c) *Supply of foam producing material.* (1) There shall be provided a quantity of foam producing material sufficient to operate the equipment at the discharge rate specified in paragraph (b) of this section for a period of at least 3 minutes for spaces other than tanks, and for at least 5 minutes for tanks.

(d) *Separate supply of foam agent.* A separate supply of foam agent need not be provided for each space protected. The total available supply shall be at least sufficient for the space requiring the greatest amount.

(e) *Water supply for required pumps.* Where pumps are required, the water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected.

§ 95.17–10 *Controls.* (a) The foam agent, its container, and all controls and valves for the operation of the system shall be of an approved type.

(b) The foam agent container and all controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be as convenient as practicable to one of the main escapes from the spaces protected, and shall be marked as required by § 97.37–13 of this subchapter. Where pumps are required, it shall not be necessary that they be started from the control space.

(c) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(d) The valves to the various spaces served shall be marked as required by § 97.37–10 of this subchapter.

§ 95.17–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 95.17–20 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 95.17–25 *Additional protection required.* (a) In order that any residual fires above the floor plates may be extinguished when a foam system is installed for the protection of spaces other than tanks, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 95.10, shall be installed outside of the machinery space entrance. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 95.10–10 (j) (3).

§ 95.17–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 95.17–5 through 95.17–20, with the exception of § 95.17–5 (a) (2), insofar as is reasonable and practicable. A 6-inch blanket of foam in 5 minutes for tanks and 3 minutes for other spaces will be considered as meeting the requirements of § 95.17–5.

SUBPART 95.20—WATER SPRAY EXTINGUISHING SYSTEM, DETAILS

§ 95.20–1 *Application.* (a) Where a water spray extinguishing system is installed, the provisions of this subpart, with the exception of § 95.20–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 95.20–90.

§ 95.20–5 *Capacity.* (a) The capacity and arrangement shall be such as to effectively blanket the entire area of the tank top. The rate of discharge and the arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected.

(b) Where an installation is made to protect an oil fired boiler installation on a flat which is open to or can drain to the lower engine room or other space, both the flat and the lower space shall be protected simultaneously. The flat shall be fitted with suitable coamings on all openings other than deck drains to properly restrain the oil and water at that level. Other installations of a similar nature will be considered in a like manner.

(c) The water supply shall be from outside the space protected and shall in no way be dependent upon power from the space protected. The pump supplying water for the system shall either be reserved exclusively for the system or it may be one of the fire pumps, provided the capacity of the fire pump as set forth in Table 95.10–5 (a) is increased by the required capacity of the system.

§ 95.20–10 *Controls.* (a) The controls and valves for the operation of the system shall be outside the space protected and shall not be located in such space as might be cut off or made inaccessible in the event of fire in any of the spaces protected. The control space shall be located as convenient as practicable to one of the main escapes from the spaces protected, and shall be marked as required by § 97.37–13 of this subchapter. It shall not be necessary to start the pumps from the control space.

(b) Complete, but simple instructions for the operation of the system shall be located in a conspicuous place at or near the controls.

(c) The valves to the various spaces shall be marked as required by § 97.37–10 of this subchapter.

§ 95.20–15 *Piping.* (a) All piping, valves, and fittings shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(b) All piping, valves, and fittings of ferrous materials shall be protected inside and outside against corrosion unless specifically approved otherwise by the Commandant.

(c) All piping, valves, and fittings shall be securely supported, and where necessary, protected against injury.

(d) Drains, strainers, and dirt traps shall be fitted where necessary to prevent the accumulation of dirt or moisture.

(e) Piping shall be used for no other purpose.

§ 95.20–20 *Discharge outlets.* (a) Discharge outlets shall be of an approved type.

§ 95.20–25 *Additional protection required.* (a) In order that any residual fires above the floor plates may be extinguished when a water spray system is installed, at least 2 fire hydrants, in addition to those required for the machinery space by Subpart 95.10, shall be installed outside the machinery space entrances. Such hydrants shall be fitted with sufficient hose so that any part of the machinery space may be reached with at least 2 streams of water, and each hose shall be equipped with an approved combination nozzle, applicator, and self-cleaning strainer as described in § 95.10–10 (j) (3).

§ 95.20–90 *Installations contracted for prior to November 19, 1952.* (a) Installations contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Existing arrangements, materials, and facilities previously approved shall be considered satisfactory so long as they meet the minimum requirements of this paragraph and they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and alterations may be made to the same standards as the original installation.

(2) The details of the systems shall be in general agreement with §§ 95.20–5 through 95.20–20, with the exception of § 95.20–5 (b), insofar as is reasonable and practicable.

SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS AND DETAILS

§ 95.50–1 *Application.* (a) The provisions of this subpart, with the exception of § 95.50–90, shall apply to all vessels, other than fishing vessels, contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 95.50–90.

§ 95.50–5 *Classification.* (a) Hand portable fire extinguishers and semiportable fire extinguishing systems shall be classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.

(b) The types of fire will be designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size will start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 95.50–5 (c).

TABLE 95.50–5 (c)

Classification, type, size	Soda-acid and water, gallons	Foam, gallons	Carbon dioxide, pounds	Carbon tetrachloride, quarts	Dry chemical, pounds
A–I	1¼	1¼			
A–II	2½	2½			
B–I		1¼	4	1	4
B–II		2½	15		12
B–III		12	35		(1)
B–IV		20	50		(1)
B–V		40	100		(1)
C–I			4	1	4
C–II			15		12

[1] Minimum values not established at this time.

(d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

§ 95.50–10 *Location.* (a) Approved hand portable fire extinguishers and semiportable fire extinguishing systems shall be installed in accordance with Table 95.50–10 (a). The location of the equipment shall be to the satisfaction of the Officer in Charge, Marine Inspection. Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional equipment as he deems necessary for the proper protection of the vessel.

(b) Semiportable fire extinguishing systems shall be located in the open so as to be readily seen.

(c) If hand portable fire extinguishers are not located in the open or behind glass so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 97.37–15 of this subchapter.

(d) Hand portable fire extinguishers and their stations shall be numbered in accordance with § 97.37–23 of this subchapter.

(e) Hand portable fire extinguishers in which the medium is stored under pressure shall not be kept in passenger or crew accommodations. However, where specifically required, they may be located in passageways adjacent to entrances of rooms containing hazards.

§ 95.50–15 *Spare charges.* (a) Spare charges shall be carried for at least 50 percent of each type of hand portable fire extinguisher required by § 95.50–10 (a). However, if the unit is of such type

TABLE 95.50–10 (a)—HAND PORTABLE FIRE EXTINGUISHER AND SEMIPORTABLE FIRE-EXTINGUISHING SYSTEMS

Space	Classification (see § 95.50–5)	Quantity and location
Safety areas		
Wheelhouse or fire control room		None required.
Stairway and elevator enclosures		Do.
Communicating corridors	A–II	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Lifeboat embarkation and lowering stations		None required.
Radio room	C–I [1]	2 in vicinity of exit.[1]
Accommodations		
Staterooms, toilet spaces, public spaces, offices, lockers, isolated storerooms, and pantries, open decks, etc.		None required.
Service spaces		
Galleys	B–II or C–II	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Paint and lamp rooms	B–II	1 outside space in vicinity of exit.
Accessible baggage, mail, and specie rooms, and storerooms.	A–II	1 for each 2,500 square feet or fraction thereof located in vicinity of exits, either inside or outside the spaces.
Carpenter shop and similar spaces	A–II	1 outside the space in vicinity of exit.
Machinery spaces		
Coal-fired boilers: Bunker and boiler space		None required.
Oil-fired boilers: Spaces containing oil-fired boilers, either main or auxiliary, or their fuel-oil units.	B–II	2 required.[2]
	B–V	1 required.[3]
Internal combustion or gas turbine propelling machinery spaces.	B–II	1 for each 1,000 brake horsepower, but not less than 2 nor more than 6.
	B–III	1 required.[4] [5]
Electric propulsive motors or generators of open type.	C–II	1 for each propulsion motor or generator unit.
Enclosed ventilating systems for motors and generators of electric propelling machinery.		None required.
Auxiliary spaces:		
Internal combustion or gas turbine	B–II	1 outside the space in vicinity of exit.[3]
Electric emergency motors or generators	C–II	1 outside the space in vicinity of exit.
Steam		None required.
Trunks to machinery spaces		Do.
Fuel tanks		Do.
Cargo spaces		
Inaccessible during voyage, including trunks and cargo tanks.		Do.
Accessible during voyage		Do.

[1] For vessels on an international voyage, substitute 1 C–II in vicinity of exit.
[2] Vessels of less than 1,000 gross tons and not on an international voyage, require 1.
[3] Vessels of 1,000 gross tons and under and not on an international voyage, may substitute 1 B–IV.
[4] If oil burning donkey boiler fitted in space, the B–V previously required for the protection of the boiler room may be substituted.
[5] Not required on vessels under 300 gross tons if fuel has flash point higher than 110° F.

that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same type.

(b) Spare charges shall be so packaged as to minimize the hazards to personnel while recharging the units. Acid shall be contained in a Crown stopper type of bottle.

(c) Extra safety valve units shall be carried on board for at least 50 percent of all foam type hand portable fire extinguishers and semiportable fire extinguishing systems.

§ 95.50–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The provisions of §§ 95.50–5 through 95.50–15 shall be met with the exception that existing installations in safety areas and service spaces may be maintained if in the opinion of the Officer in Charge, Marine Inspection, they are in general agreement with the degree of safety prescribed by Table 95.50–10 (a). In such cases, minor modifications may be made to the same standard as the original installation: *Provided,* That in no case will a greater departure from the standards of Table 95.50–10 (a) be permitted than presently exists.

SUBPART 95.60—FIRE AXES

§ 95.60–1 *Application.* (a) The provisions of this subpart shall apply to all vessels.

§ 95.60–5 *Number required.* (a) All vessels except barges shall carry at least the minimum number of fire axes as set forth in Table 95.60–5 (a). Nothing in this paragraph shall be construed as limiting the Officer in Charge, Marine Inspection, from requiring such additional fire axes as he deems necessary for the proper protection of the vessel.

TABLE 95.60–5 (a)

Gross tons		Number of axes
Over	Not over	
-----	50	1
50	200	2
200	500	4
500	1,000	6
1,000	------	8

(b) Manned barges shall carry at least two fire axes.

§ 95.60–10 *Location.* (a) Fire axes shall be distributed throughout the spaces available to persons on board so as to be most readily available in the event of emergency.

(b) If fire axes are not located in the open, or behind glass, so that they may be readily seen, they may be placed in enclosures together with the fire hose, provided such enclosures are marked as required by § 97.37–15 of this subchapter.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Part 96 is amended to read as follows:

SUBPART 96.01—APPLICATION

Sec.
96.01–1 General.

SUBPART 96.03—MARINE ENGINEERING SYSTEMS

96.03–1 Installation and details.

SUBPART 96.05—ELECTRICAL ENGINEERING AND INTERIOR COMMUNICATIONS SYSTEMS

96.05–1 Installation and details.

SUBPART 96.07—ANCHORS, CHAINS, AND HAWSERS

96.07–1 Application.
96.07–5 Ocean, coastwise, or Great Lakes service.
96.07–10 Lakes, bays, and sounds, or river service.
96.07–90 Vessels contracted for prior to November 19, 1952.

SUBPART 96.13—RADIOTELEGRAPH

96.13–1 Required by Federal Communications Commission.

SUBPART 96.15—RADIO DIRECTION FINDER

96.15–1 Application.
96.15–5 Required by Federal Communications Commission.
96.15–90 Vessels contracted for prior to November 19, 1952.

SUBPART 96.17—NAVIGATION LIGHTS AND SHAPES

96.17–1 Vessels other than motorboats.
96.17–5 Motorboats operating on the high seas.
96.17–10 Motorboats operating on the navigable waters of the United States.

SUBPART 96.20—WHISTLES

96.20–1 Vessels other than sailing vessels, barges, and motorboats.
96.20–5 Motorboats operating on the high seas.
96.20–10 Motorboats operating on the navigable waters of the United States.

SUBPART 96.23—FOGHORNS

96.23–1 Vessels other than motorboats.
96.23–5 Motorboats.

SUBPART 96.25—FOG BELLS

96.25–1 Vessels other than motorboats.
96.25–5 Motorboats operating on the high seas.
96.25–10 Motorboats operating on the navigable waters of the United States.

SUBPART 96.27—SOUNDING EQUIPMENT

96.27–1 When required.

SUBPART 96.30—EMERGENCY EQUIPMENT

96.30–1 Application.
96.30–5 General.
96.30–10 Stowage.
96.30–15 Refrigeration masks.
96.30–20 Spare charges.
96.30–90 Vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 96.01–1 to 96.30–90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391, 392, 404, 367, 526p, 50 U. S. C. App. 1275.

SUBPART 96.01—APPLICATION

§ 96.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

SUBPART 96.03—MARINE ENGINEERING SYSTEMS

§ 96.03–1 *Installation and details.* (a) The installation of all systems of a marine engineering nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter F (Marine Engineering) of this chapter. Systems of this type include the following:

Steering Systems.
Bilge and Ballast Systems.
Tank Vent and Sounding Systems.
Overboard Discharges and Shell Connections.
Pipe and Pressure Systems.
Liquefied Petroleum Gas For Cooking and Heating.

SUBPART 96.05—ELECTRICAL ENGINEERING AND INTERIOR COMMUNICATIONS SYSTEMS

§ 96.05–1 *Installation and details.* (a) The installation of all systems of an electrical engineering or interior communication nature, together with the details of design, construction, and installation, shall be in accordance with the requirements of Subchapter J (Electrical Engineering) of this chapter. Systems of this type include the following:

Ship's Service Lighting and Power Systems.
Emergency Lighting and Power Systems.
General Alarm Systems.
Sound Powered Telephone and Voice Tube Communication Systems.
Engine Order Telegraph Systems.
Rudder Angle Indicator Systems.
Refrigerated Spaces Alarm Systems.
Miscellaneous Machinery Alarms and Controls.
Daylight Signaling Lamps.

SUBPART 96.07—ANCHORS, CHAINS, AND HAWSERS

§ 96.07–1 *Application.* (a) The provisions of this subpart, with the exception of § 96.07–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.07–90.

§ 96.07–5 *Ocean, coastwise, or Great Lakes service.* (a) Vessels in ocean, coastwise, or Great Lakes service shall be fitted with anchors, chains, and hawsers in general agreement with the standards established by the American Bureau of Shipping, see Subpart 90.35 of this subchapter.

§ 96.07–10 *Lakes, bays, and sounds, or river service.* (a) Vessels in lakes, bays and sounds, or river service shall be fitted with such ground tackle and hawsers as deemed necessary by the Officer in Charge, Marine Inspection, depending upon the size of the vessel and the waters on which it operates.

§ 96.07–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Installations previously accepted or approved shall be considered satisfactory for the same service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. If the service of the vessel is changed, the suitability of the equipment will be established by the Officer in Charge, Marine Inspection.

SUBPART 96.13—RADIOTELEGRAPH

§ 96.13–1 *Required by Federal Communications Commission.* (a) Radiotelegraph installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

SUBPART 96.15—RADIO DIRECTION FINDER

§ 96.15–1 *Application.* (a) The provisions of this subpart, with the exception of § 96.15–90, shall apply to all mechanically propelled vessels of 1,600 gross tons and over in ocean service or on an international voyage contracted for on or after November 19, 1952. Such vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.15–90.

§ 96.15–5 *Required by Federal Communications Commission.* (a) All vessels shall be fitted with a radio direction finder. Details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

§ 96.15–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) Vessels of over 5,000 gross tons shall meet the requirements of § 96.15–5.

(2) Vessels of from 1,600 gross tons through 5,000 gross tons shall meet the requirements of § 96.15–5 on or before November 19, 1954.

SUBPART 96.17—NAVIGATION LIGHTS AND SHAPES

§ 96.17–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by the Pilot Rules applicable to the waters on which the vessel is navigated.

§ 96.17–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for navigation lights and shapes prescribed by § 96.17–1 for vessels other than motorboats.

§ 96.17–10 *Motorboats operating on the navigable waters of the United States.* (a) Every motorboat operating on the navigable waters of the United States shall, in all weathers from sunset to sunrise, carry and exhibit lights when under way as prescribed by this section, and during such time no other lights which may be mistaken for those prescribed shall be exhibited. No penalty is incurred by motorboats for a failure to carry lights between the hours of sunrise and sunset.

(b) Every motorboat of Classes A and 1 shall carry the following lights:

(1) A bright light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(c) Every motorboat of Classes 2 and 3 shall carry the following lights:

(1) A bright white light in the fore part of the vessel as near the stem as practicable so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said lights shall be fitted with inboard screens of sufficient length and height or shall be mounted on cabin sides and so set as to prevent these lights from being seen across the bow.

(d) All motorboats propelled by sail and machinery or by sail alone shall carry and exhibit the following lights.

(1) Motorboats of Classes A and 1 when propelled by sail and machinery or by sail alone shall carry the white light prescribed by paragraph (b) (1) of this section, but not the lantern prescribed by paragraph (b) (2) of this section.

(2) Motorboats of Classes 2 and 3 when propelled by sail and machinery or by sail alone shall carry the colored lights prescribed by paragraph (c) (3) of this section, but not the white lights prescribed by paragraphs (c) (1) and (2) of this section.

(3) In addition, motorboats of all classes when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(e) Every white light prescribed by this section shall be of a character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

(f) The lights described in § 96.17–10 (b) through (e) are required by the Motorboat Act, as amended (sec. 3, 54 Stat. 164, 46 U. S. C. 526b). Other navigation lights and shapes required by the Pilot Rules applicable to the waters on which the motorboat is operated, such as anchor lights, amber whistle light, etc., which are not in conflict with the lights required by the Motorboat Act, shall also be carried.[1]

[1] Running lights. The lights provided for in sec. 3 of the act of April 25, 1940 (54 Stat. 164, U. S. C. 526b), are running lights for motorboats subject to the provisions of that act in lieu of the lights prescribed, respectively, by art. 2 of the act approved June 7, 1897 (30 Stat. 96, 33 U. S. C. 172) (covering certain harbors, rivers, and inland waters of the United States); rule 3 of the act approved February 8, 1895, as amended (28 Stat. 645, as amended, 33 U. S. C. 252) (covering the Great Lakes and their connecting and tributary waters); and rules 3, 5, 6, and 7 of R. S. 4233, as amended (28 Stat. 672, 33 U. S. C. 312, 314–318) (covering western rivers and the Red River of the North). These running lights are required to be carried on all motorboats when under way on navigable waters of the United States, in all weathers, from sunset to sunrise, but not on the high seas. Motorboats, when on the high seas, shall exhibit the lights prescribed by the international rules of 1890, as amended (26 Stat. 321–325, as amended, 33 U. S. C. 71–82). The provisions of sec. 3 or the act of April 25, 1940 (54 Stat. 164, 46 U. S. C. 526b), requiring running lights on motorboats are not in conflict with the provisions of the acts previously cited requiring anchor lights and other lights in addition to the running lights on pilot, towing, and fishing vessels. It will be observed that the penalties for violations of existing laws not in conflict with the act of April 25, 1940 (54 Stat. 163–167, 46 U. S. C. 526–526t), remain unchanged.

SUBPART 96.20—WHISTLES

§ 96.20–1 *Vessels other than sailing vessels, barges, and motorboats.* (a) All vessels other than sailing vessels, barges, and motorboats, shall be equipped with an efficient whistle or similar appliance to give the necessary whistle signals required by the Pilot Rules applicable to the waters on which the vessel is navigated. The location of the whistle and operating devices shall be as follows:

(1) Means shall be provided to operate the whistle or other appliance by mechanical means from a position adjacent to the main steering station and from the steering station on top of the wheelhouse where such steering station is fitted. Details of the whistle operating device shall be as described in Subchapter J (Electrical Engineering) of this chapter.

(2) In general, the whistle shall be located on the forward side of or above the structure of the vessel so as to be as free of obstructions as possible. Where practicable, it shall be installed at least 6 feet above the wheelhouse, except that on vessels navigating the Western Rivers, and any vessel of less than 100 gross tons, it shall be at least 2 feet above the wheelhouse.

(3) On double ended ferry vessels and similar vessels, where steam whistles are employed, they shall be installed both forward and aft of the stacks or one such whistle on either the port or starboard side of the stack.

§ 96.20–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for whistles or similar appliances prescribed by § 96.20–1 for vessels other than motorboats.

§ 96.20–10 *Motorboats operating on the navigable waters of the United States.* (a) Motorboats operating on the navigable waters of the United States shall be provided with an efficient whistle

or other sound-producing mechanical device as set forth in Table 96.20–10 (a).

TABLE 96.20–10 (a)

Class of motorboat	Type of device
A	None.
1	Mouth, hand or power operated, capable of producing a blast of 2 seconds or more duration and audible for at least ½ mile.
2	Hand or power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.
3	Power operated, capable of producing a blast of 2 seconds or more duration, and audible for a distance of at least 1 mile.

SUBPART 96.23—FOG HORNS

§ 96.23–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be equipped with an efficient fog horn as prescribed by the Pilot Rules applicable to the waters on which the vessel is navigated. On vessels in ocean or coastwise service, the foghorn shall be sounded by mechanical means.

§ 96.23–5 *Motorboats.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for foghorns prescribed by § 96.23–1 for vessels other than motorboats.

SUBPART 96.25—FOG BELLS

§ 96.25–1 *Vessels other than motorboats.* (a) All vessels other than motorboats shall be provided with an efficient fog bell at least 8 inches in diameter. The fog bell shall be located where the sound will be least obstructed.

§ 96.25–5 *Motorboats operating on the high seas.* (a) All motorboats operating on the high seas outside the navigable waters of the United States shall meet the requirements for fog bells prescribed by § 96.25–1 for vessels other than motorboats.

§ 96.25–10 *Motorboats operating on the navigable waters of the United States.* (a) When operating on the navigable waters of the United States, motorboats of Classes A and 1 are not required to carry fog bells. However, motorboats of Classes 2 and 3 operating on the navigable waters of the United States shall be provided with an efficient fog bell.

SUBPART 96.27—SOUNDING EQUIPMENT

§ 96.27–1 *When required.* (a) All mechanically propelled vessels in ocean or coastwise service of 500 gross tons and over, and all mechanically propelled vessels in Great Lakes service of 1,500 gross tons and over, except paddle wheel vessels, shall be fitted with an efficient mechanical deep-sea sounding apparatus in addition to the deep-sea hand leads. On Great Lakes vessels, a shallow water alarm may be substituted.

SUBPART 96.30—EMERGENCY EQUIPMENT

§ 96.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 96.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 96.30–90.

§ 96.30–5 *General.* (a) All self-contained breathing apparatus and gas masks shall be of an approved type, constructed in accordance with Subpart 160.011 of Subchapter Q (Specifications) of this chapter.

(b) All flame safety lamps shall be of an approved type, constructed in accordance with Subpart 160.016 of Subchapter Q (Specifications) of this chapter.

(c) All emergency equipment shall be maintained in an operative condition, and it shall be the responsibility of the master and chief engineer to ascertain that a sufficient number of the crew are familiar with the operation of the equipment.

§ 96.30–10 *Stowage.* (a) On all vessels of 1,000 gross tons and over on an international voyage, emergency equipment, consisting of one self-contained breathing apparatus, one flame safety lamp, one axe, and one portable electric drill, together with such other items as the master may deem necessary, shall be stowed in convenient, accessible locations for use in case of emergency.

§ 96.30–15 *Refrigeration masks.* (a) On all vessels equipped with refrigeration, other than small unit type refrigerations of not more than 20 cubic feet capacity, a gas mask suitable for protection against each refrigerant used shall be provided. The refrigeration gas masks shall be stowed convenient to, but outside of, the spaces containing the refrigeration equipment.

§ 96.30–20 *Spare charges.* (a) A complete recharge shall be carried for each gas mask and self-contained breathing apparatus. The spare charge shall be stowed in the same location as the equipment it is to reactivate.

§ 96.30–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the following requirements:

(1) The requirements of §§ 96.30–5 through 96.30–20 shall be complied with insofar as the number of items of equipment and the method of stowage of the equipment is concerned. Existing items of equipment previously approved, but not meeting the applicable specifications set forth in § 96.30–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, but all new installations or replacements shall meet the applicable specifications or requirements in this subpart.

PART 97—OPERATIONS

Part 97 is amended to read as follows:

SUBPART 97.01—APPLICATION

Sec.
97.01–1 General.

SUBPART 97.03—STATUTORY PENALTIES

97.03–1 General.

SUBPART 97.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

97.05–1 Duty officers.
97.05–5 Charts.

SUBPART 97.07—NOTICE OF CASUALTY AND VOYAGE RECORDS

Sec.
97.07–1 Notice of casualty.
97.07–5 Information required.
97.07–10 Written report.
97.07–15 Retention of records.
97.07–20 Aids to navigation.
97.07–25 Reports when state of war exists.

SUBPART 97.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

97.10–1 Application.
97.10–5 Persons excluded.
97.10–10 Posting.

SUBPART 97.13—STATION BILLS

97.13–1 Application.
97.13–5 Master's responsibility.
97.13–10 Duties of crew.
97.13–15 Emergency signals.
97.13–25 Manning of lifeboats and life rafts.
97.13–30 Master to instruct crew.

SUBPART 97.15—TESTS, DRILLS, AND INSPECTIONS

97.15–1 Steering gear, whistle, and means of communication.
97.15–5 Drafts and load line markings.
97.15–10 Sanitation.
97.15–15 Examination of boilers and machinery.
97.15–20 Hatches and other openings.
97.15–25 Line-throwing appliances.
97.15–30 Emergency lighting and power systems.
97.15–35 Fire and boat drills.
97.15–40 Electric power operated lifeboat winches.
97.15–45 Lifeboats and life rafts.

SUBPART 97.17—STEERING ORDERS

97.17–1 Method of communicating.

SUBPART 97.20—WHISTLING

97.20–1 Unnecessary whistling prohibited.

SUBPART 97.23—UNAUTHORIZED LIGHTS

97.23–1 Unauthorized lights prohibited.

SUBPART 97.25—SEARCHLIGHTS

97.25–1 Improper use prohibited.

SUBPART 97.27—LOOKOUTS

97.27–1 Lookouts required.
97.27–5 Master's and officer's responsibility.

SUBPART 97.30—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

97.30–1 Repairs to boilers and pressure vessels.
97.30–5 Accidents to machinery.
97.30–10 Notice required before repair.
97.30–15 Fusible plugs.

SUBPART 97.33—CABLE TRAVELER

97.33–1 When required.

SUBPART 97.35—LOG BOOK ENTRIES

97.35–1 Log books and records.
97.35–5 Actions required to be logged.
97.35–10 Official log entries.

SUBPART 97.37—MARKING FOR FIRE AND EMERGENCY EQUIPMENT, ETC.

97.37–1 Application.
97.37–3 General.
97.37–5 General alarm bell switch.
97.37–7 General alarm bells.
97.37–10 Fire extinguishing system branch lines.
97.37–13 Fire extinguishing system controls.
97.37–15 Fire hose stations.
97.37–20 Self-contained breathing apparatus and gas masks.
97.37–23 Hand portable fire extinguishers.
97.37–25 Emergency lights.
97.37–33 Instructions for changing steering gear.
97.37–35 Rudder orders.
97.37–37 Lifeboats.

Sec.
97.37–40 Life rafts.
97.37–43 Life preservers and ring life buoys.
97.37–45 Fire hose and axes.
97.37–47 Portable magazine chests.
97.37–90 Vessels contracted for prior to November 19, 1952.

SUBPART 97.40—MARKINGS ON VESSELS

97.40–1 Application.
97.40–5 Markings required by Customs Regulations.
97.40–10 Draft marks.
97.40–15 Load line marks.

SUBPART 97.43—PLACARD OF BREECHES BUOY INSTRUCTIONS

97.43–1 Application.
97.43–5 Where posted.

SUBPART 97.45—CARRYING OF EXCESS STEAM

97.45–1 Master and chief engineer responsible.

SUBPART 97.47—ROUTING INSTRUCTIONS

97.47–1 All persons must comply.

SUBPART 97.50—COMPLIANCE WITH PROVISIONS OF CERTIFICATE OF INSPECTION

97.50–1 Master or person in charge responsible.

SUBPART 97.53—EXHIBITION OF LICENSE

97.53–1 Licensed officers.

AUTHORITY: §§ 97.01–1 to 97.53–1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 435, 367, 526p, 50 U. S. C. App. 1275.

SUBPART 97.01—APPLICATION

§ 97.01–1 *General.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

SUBPART 97.03—STATUTORY PENALTIES

§ 97.03–1 *General.* (a) The marine safety and criminal statutes provide penalties for the violation of the applicable provisions of this subchapter, which penalties, depending upon the gravity of the violation, are as follows:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency shall be subject to proceedings under the provisions of 46 U. S. C. 239 and regulations thereunder (Part 137) with respect to suspension or revocation of license or certificate.

SUBPART 97.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

§ 97.05–1 *Duty of officers.* (a) Licensed deck officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation. Neglect to do so is evidence of neglect of duty. It is desirable that vessels shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(1) Notice to Mariners, published weekly by the Coast Guard, contains announcements and information regarding aids to navigation and charts of waters of the United States and is available for free distribution at field offices of the Coast Guard, United States Coast and Geodetic Survey field stations, and the Marine Division, Customhouse.

(2) Notice to Mariners, published weekly by the United States Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the United States consulates where they may be inspected.

§ 97.05–5 *Charts.* (a) All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

SUBPART 97.07—NOTICE OF CASUALTY AND VOYAGE RECORDS

§ 97.07–1 *Notice of casualty.* (a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U. S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any persons to remain incapacitated for a period in excess of 72 hours; except injuries to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

§ 97.07–5 *Information required.* (a) The notice required by § 97.07–1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable cause of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

§ 97.07–10 *Written report.* (a) In addition to the notice required above, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required herein for personal accident not involving death shall be made on Form CG–924E and for all other marine casualties or accidents the written report shall be made on Form CG–2692. If filed without delay these forms may also provide the notice required by § 97.07–1.

§ 97.07–15 *Retention of records.* (a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, storage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 97.07–20 *Aids to navigation.* (a) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless any of the results listed in § 97.07–1 (a) occur.

§ 97.07–25 *Reports when state of war exists.* (a) During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

SUBPART 97.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

§ 97.10–1 *Application.* (a) The provisions of this subpart shall apply to all vessels carrying passengers.

§ 97.10–5 *Persons excluded.* (a) Masters and pilots shall exclude from the pilothouse and navigator's bridge while under way, all persons not connected with the navigation of the vessel. However, inspectors of the Coast Guard, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, or Maritime Administration personnel, may be allowed in the pilothouse or upon the navigator's bridge upon the responsibility of the officer in charge.

§ 97.10–10 *Posting.* (a) The master of every vessel shall keep three printed copies of § 97.10–5, Form CG–802, posted in conspicuous places on such vessel, one of which shall be kept posted in the pilothouse.

(b) Such printed copies may be obtained from the Officer in Charge, Marine Inspection.

SUBPART 97.13—STATION BILLS

§ 97.13–1 *Application.* (a) The provisions of this subpart shall apply to all vessels of over 500 gross tons.

§ 97.13–5 *Master's responsibility.* A station bill (muster list) shall be prepared by the master of the vessel who shall be responsible to sign such station

bill and to ascertain that it is duly posted in conspicuous locations in the vessel, particularly in the crew quarters, before the vessel sails.

§ 97.13–10 *Duties of crew.* (a) The station bill shall set forth the special duties and duty station of each member of the crew for the various emergencies. The duties shall, as far as possible, be comparable with the regular work of the individual. The duties shall in general include the following and in addition, such other duties shall be assigned as are necessary in the case of the particular vessel for the proper handling of the particular emergency:

(1) The closing of airports, watertight doors, scuppers, sanitary and other discharges which lead through the vessel's hull below the margin line, etc., the stopping of fans and ventilating systems, and the operation of all safety equipment.

(2) The preparation and launching of lifeboats and life rafts.

(3) The extinction of fire.

(4) The muster of passengers, if carried, which shall in general be assigned to the stewards department, and shall include the following:

(i) Warning the passengers.

(ii) Seeing that they are dressed and have put on their life preservers in a proper manner.

(iii) Assembling the passengers and directing them to the appointed stations.

(iv) Keeping order in the passageways and stairways and generally controlling the movement of the passengers.

(v) Seeing that a supply of blankets is taken to the lifeboats.

(5) The custody of the portable radio apparatus required by Subpart 94.55 of this subchapter.

§ 97.13–15 *Emergency signals.* (a) The station bill shall set forth the various signals to be used for the calling of the crew to their stations and for giving instructions while at their stations. These signals shall be as set forth in this section.

(b) (1) The fire alarm signal shall be a continuous rapid ringing of the ship's bell for a period not less than ten seconds supplemented by the continuous ringing of the general alarm bells for not less than ten seconds.

(2) For dismissal from fire alarm stations, the general alarm shall be sounded three times supplemented by three short blasts of the whistle.

(c) (1) The signal for boat stations or boat drill shall be a succession of more than six short blasts followed by one long blast of the whistle supplemented by a comparable signal on the general alarm bells.

(2) Where whistle signals are used for handling the lifeboats, they shall be as follows:

(i) To lower lifeboats, one short blast.

(ii) To stop lowering the lifeboats, two short blasts.

(3) For dismissal from boat stations, there shall be three short blasts of the whistle.

(d) In the case of river vessels, the ship's bell may be used in lieu of the whistle signals stipulated in the section.

(e) The master of any vessel may establish such other emergency signals, in addition to the above, as will provide that all officers, crew, and passengers will have positive and certain notice of the existing emergency.

§ 97.13–25 *Manning of lifeboats and life rafts.* (a) There shall be for each lifeboat a number of certificated lifeboatmen equal to that specified in Table 97.13–25 (a).

TABLE 97.13–25 (a)

Prescribed complement of lifeboat		Minimum number of lifeboatmen	
Over	Not over	Ocean service	All services other than ocean [1]
-------	25	2	1
25	40	2	2
40	60	3	3
60	85	4	4
85	110	5	5
110	-------	6	6

[1] Certificated lifeboatmen not required in river service.

(b) The allocation of the certificated lifeboatmen to each lifeboat shall be at the discretion of the master according to the circumstances.

(c) The master shall appoint a first and second in command for each lifeboat and life raft. On all services other than rivers, these persons shall be either licensed deck officers or certificated lifeboatmen, except for life rafts approved for 15 persons or less on vessels in Great Lakes or lakes, bays, and sounds service. The person in charge of the lifeboat or life raft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

(d) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

(e) The master shall assign to each lifeboat carrying a wireless and searchlight a man capable of operating such equipment.

§ 97.13–30 *Master to instruct crew.* (a) The master shall conduct such drills and give such instructions as are necessary to insure that all hands are familiar with their duties as specified in the station bill.

SUBPART 97.15—TESTS, DRILLS, AND INSPECTIONS

§ 97.15–1 *Steering gear, whistle, and means of communication.* (a) On all vessels making a voyage of more than 48 hours' duration, the entire steering gear, the whistle, and the means of communication between the bridge or pilothouse and the engine room shall be examined and tested by an officer of the vessel within a period of not more than 12 hours prior to departure. On all other vessels similar examinations and tests shall be made at least once in every week.

(b) The date of the test and the condition of the equipment shall be noted in the official log book.

§ 97.15–5 *Drafts and load line markings.* (a) The master of every vessel on an ocean, coastwise, or Great Lakes voyage shall enter the drafts of the vessel, forward and aft, in the official log book when leaving port.

(b) On vessels subject to the requirements of Subchapter E (Load Lines) of this chapter at the time of departure from port on an ocean, coastwise, or Great Lakes voyage, the master shall insert in the official log book a statement of the position of the load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating.

(1) When an allowance for draft is made for density of the water in which the vessel is floating, this density is to be noted in the official log book.

§ 97.15–10 *Sanitation.* (a) It shall be the duty of the master and chief engineer to see that the vessel, and, in particular, the quarters are in a clean and sanitary condition. The chief engineer shall be responsible only for the sanitary condition of the engineering department.

§ 97.15–15 *Examination of boilers and machinery.* (a) It shall be the duty of the chief engineer when he assumes charge of the boilers and machinery of a vessel to examine them thoroughly. If any parts thereof are in bad condition, or if the safety-valve seals are broken, the fact shall immediately be reported to the master, owner or agent, and the Officer in Charge, Marine Inspection.

§ 97.15–20 *Hatches and other openings.* (a) It shall be the responsibility of the master to assure himself before leaving protected waters that all exposed cargo hatches of his vessel are closed and made properly tight. However, vessels in Great Lakes service engaged in the sand, gravel, stone, coal, or similar trade, need not be provided with hatch covers or closing devices if the capacity of the hoppers or boxes does not exceed the safe carrying capacity of the vessel.

(b) The following doors, ports, and other openings shall be kept closed while the vessel is being navigated, and shall be closed before the vessel commences a voyage:

(1) Gangway, cargo, and coaling ports fitted below the freeboard deck.

(2) Port lights that are not accessible during navigation. Dead covers on such port lights shall also be secured.

(c) The time of opening and closing of hatches and other openings noted in this section shall be entered in the official log book. In the event that the master at his discretion does not secure the hatches, a notation of this fact shall be made in the official log book. If it becomes essential for the safety of the vessel to open any of the fittings noted in this section while at sea, the circumstances and the time of opening and closing shall be entered in the official log book.

§ 97.15–25 *Line-throwing appliances.* (a) On vessels fitted with a line-throwing appliance, it shall be the duty of the master to drill his crew in the use of such appliance, and require it to be fired at least once in every 3 months. Each drill shall be recorded in the vessel's official log book. The service line shall not be used for drill purpose. The drill shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any flexible line of proper size and length, suitably faked or laid out.

(2) For shoulder gun type, by actually firing, using the regular cartridge and projectile with any flexible line of proper size and length, suitably faked or laid out.

(3) For Lyle gun type, by actually firing, using 2½ ounces of powder, the regular service projectile with any flexible line of proper size and length suitably faked or laid out.

§ 97.15–30 *Emergency lighting and power systems.* (a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are operated and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be operated under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the specified period of time.

(d) The date of the tests and the condition and performance of the apparatus shall be noted in the official log book.

§ 97.15–35 *Fire and boat drills.* (a) The master shall be responsible for conducting a fire and boat drill at least once in every week.

(b) The fire and boat drill shall be conducted as if an actual emergency existed. All hands should report to their respective stations and be prepared to perform the duties specified in the station bill.

(1) Fire pumps shall be started and a sufficient number of outlets used to ascertain that the system is in proper working order.

(2) All rescue and safety equipment shall be brought from the emergency equipment lockers and the persons designated shall demonstrate their ability to use the equipment.

(3) All watertight doors which are in use while the vessel is under way shall be operated.

(4) Weather permitting, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated for at least 5 minutes.

(5) The passengers, if carried, shall be encouraged to fully participate in these drills and shall be instructed in the use of the life preservers.

(6) In port, the unobstructed lifeboats shall be lowered to the water and the crew exercised in the use of the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats may not be used in a particular drill, care shall be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master shall be responsible that each lifeboat is lowered to the water at least once in each 3 months.

(7) When the vessel is under way, and weather permitting, all lifeboats shall be swung out to ascertain that the gear is in proper order.

(8) The person in charge of each lifeboat shall have a list of its crew and shall see that the men under his command are acquainted with their duties.

(c) An entry shall be made in the vessel's official log book relative to each fire and boat drill setting forth the date and hour, length of time of the drill, numbers on the lifeboats swung out, the length of time that motor- and hand-propelled lifeboats are operated, the number of lengths of hose used, together with a statement as to the condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc.

(d) A copy of these requirements, Form CG 809B, shall be framed under glass and posted in a conspicuous place about the vessel. This form may be obtained from the Officer in Charge, Marine Inspection.

§ 97.15–40 *Electric power operated lifeboat winches.* (a) It shall be the duty of the master to see that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in each 3 months. The examination shall include the removal of drain plugs and/or the opening of drain valves in such appliances to assure that the enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment shall be noted in the official log book.

§ 97.15–45 *Lifeboats and life rafts.* (a) The master shall assign to one or more officers the duty of seeing that the lifeboats and life rafts are at all times ready for immediate use. The decks on which such equipment are stowed shall be kept clear of cargo or any other obstructions which would interfere with the immediate launching of such equipment.

(b) Where motor-propelled lifeboats are carried, the motor of each lifeboat shall be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(c) All lifeboats and life rafts shall be stripped, cleaned, and thoroughly overhauled at least once in every year. When lifeboats are removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 94.35 of this subchapter need not be made.

(d) The fuel tanks of all motor-propelled lifeboats shall be emptied and the fuel changed at least once in every year.

(e) Vessels in ocean or coastwise service having a sufficient number of lifeboats on each side to accommodate all persons on board may care for their lifeboats at sea: *Provided,* That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times.

SUBPART 97.17—STEERING ORDERS

§ 97.17–1 *Method of communicating.* (a) All steering orders shall be given and communicated in terms of "right rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the right, and "left rudder" where it is intended that the top of the wheel, the rudder blade, and the head of the ship should go to the left.

SUBPART 97.20—WHISTLING

§ 97.20–1 *Unnecessary whistling prohibited.* (a) The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

SUBPART 97.23—UNAUTHORIZED LIGHTS

§ 97.23–1 *Unauthorized lights prohibited.* (a) The master shall not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the signal lights.

SUBPART 97.25—SEARCHLIGHTS

§ 97.25–1 *Improper use prohibited.* (a) No person shall flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way.

SUBPART 97.27—LOOKOUTS

§ 97.27–1 *Lookouts required.* (a) All ocean and coastwise vessels shall have a lookout at all times at or near the bow during the nighttime.

§ 97.27–5 *Master's and officer's responsibility.* (a) Nothing in this subpart shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch or from any neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When circumstances require it, additional watches shall be maintained to guard against fire or other danger and to give an alarm in case of accident or disaster.

SUBPART 97.30—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

§ 97.30–1 *Repairs to boilers and pressure vessels.* (a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the port where the repairs are to be made.

§ 97.30–5 *Accidents to machinery.* (a) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made, by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

§ 97.30–10 *Notice required before repair.* (a) No repairs or alterations, except in an emergency, shall be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the Officer in Charge,

Marine Inspection. When emergency repairs or alterations have been made, notice shall be given to the Officer in Charge, Marine Inspection, as soon as practicable.

§ 97.30–15 *Fusible plugs.* (a) It shall be the duty of the chief engineer to report the installation of new fusible plugs to the Officer in Charge, Marine Inspection, on Form CG 945, in accordance with § 61.45–20 of Subchapter F (Marine Engineering) of this chapter.

SUBPART 97.33—CABLE TRAVELER

§ 97.33–1 *When required.* (a) On vessels where the distance between deck houses is more than 150 feet, a wire cable shall be stretched between the deck houses at all times when the vessel is navigating in other than protected waters. As many loose rings with lanyards shall be attached as deemed necessary by the master. In any case, a properly constructed raised catwalk or raised bridge or a below deck passage may be substituted for the required cable.

SUBPART 97.35—LOG BOOK ENTRIES

§ 97.35–1 *Log book and records.* (a) Under the various statutes, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States, are required to maintain an official log book. The official log book, which is furnished gratuitously to masters of all vessels by the Coast Guard, shall be used in making the entries required by this subchapter in the case of vessels making foreign or intercoastal voyages. On other vessels, this log book, or any other form which represents the official log book, may be used for this purpose. With respect to vessels in this latter category, the official log book shall be available for review by the inspector for a period of at least one year after the date to which such records refer.

§ 97.35–5 *Actions required to be logged.* (a) The actions and observations noted in this section shall be entered in the official log book. This section contains no requirements which are not made in other portions of this subchapter, the items being merely grouped together for convenience.

(1) Fire and Boat Drills. Weekly. See § 97.15–35.

(2) Steering Gear, Whistle, and Means of Communication. Prior to departure. See § 97.15–1.

(3) Drafts and Load Line Markings. Prior to leaving port, ocean, coastwise, and Great Lakes services only. See § 97.15–5.

(4) Hatches and other openings. All openings and closings, or leaving port without closing. Except vessels on protected waters. See § 97.15–20.

(5) Line Throwing Appliances. Once every 3 months. See § 97.15–25.

(6) Emergency Lighting and Power Systems. Weekly and semi-annually. See § 97.15–30.

(7) Electric Power Operated Lifeboat Winches. Once every 3 months. See § 97.17–40.

§ 97.35–10 *Official log entries.* (a) In addition to other items required to be entered into the official log book, on vessels where an official log book is required, all items relative to the crew and passengers and to casualties shall be entered as required by R. S. 4290, as amended, 46 U. S. C. 201.

SUBPART 97.37—MARKINGS FOR FIRE AND EMERGENCY EQUIPMENT, ETC.

§ 97.37–1 *Application.* (a) The provisions of this subpart, with the exception of § 97.37–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 97.37–90.

§ 97.37–3 *General.* (a) It is the intent of this subpart to provide such markings as are necessary for the guidance of the persons on board in case of an emergency. In any specific case, and particularly on small vessels, where it can be shown to the satisfaction of the Officer in Charge, Marine Inspection, that the prescribed markings are unnecessary for the guidance of the persons on board in case of emergency, such markings may be modified or omitted.

(b) In addition to English, all stateroom notices, directional signs, etc., shall be printed in languages appropriate to the service of the vessel or other action be taken to achieve the same purpose.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background will be accepted.

§ 97.37–5 *General alarm bell switch.* (a) The general alarm bell switch in the pilothouse shall be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

§ 97.37–7 *General alarm bells.* (a) All general alarm bells shall be identified by red lettering at least ½ inch high: "GENERAL ALARM — WHEN BELL RINGS GO TO YOUR STATION."

§ 97.37–9 *Carbon dioxide alarm.* (a) All carbon dioxide alarms shall be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 97.37–10 *Fire extinguishing system branch lines.* (a) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces served.

§ 97.37–13 *Fire extinguishing system controls.* (a) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high: "STEAM FIRE APPARATUS," "CARBON DIOXIDE FIRE APPARATUS," "FOAM FIRE APPARATUS," or "WATER SPRAY FIRE APPARATUS" as the case may be.

§ 97.37–15 *Fire hose stations.* (a) Each fire hydrant shall be identified in red letters and figures at least two inches high "FIRE STATION NO. 1," "2," "3," etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification shall be so placed as to be readily seen from a distance.

§ 97.37–20 *Self-contained breathing apparatus and gas masks.* (a) Lockers or spaces containing self-contained breathing apparatus shall be marked "SELF-CONTAINED BREATHING APPARATUS."

§ 97.37–23 *Hand portable fire extinguishers.* (a) Each hand portable fire extinguisher shall be marked with a number and the location where stowed shall be marked with a corresponding number at least ½ inch high. Where only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 97.37–25 *Emergency lights.* (a) All emergency lights shall be marked with a letter "E" at least ½ inch high.

§ 97.37–33 *Instructions for changing steering gear.* (a) Instructions in at least ½-inch letters and figures shall be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve, or switch which is used during the changeover shall be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 97.37–35 *Rudder orders.* (a) At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

§ 97.37–37 *Lifeboats.* (a) The name of the vessel shall be plainly marked or painted on each side of the bow of each lifeboat in letters not less than 3 inches high.

(b) The number of each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel shall be numbered from forward aft, with the odd numbers on the starboard side.

(c) The cubical contents and number of persons allowed to be carried in each lifeboat shall be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on top of at least 2 thwarts in letters and numbers not less than 3 inches high.

(d) All oars and removable air tanks shall be conspicuously marked with the vessel's name.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters the words "DANGER—LEVER RELEASES HOOKS."

§ 97.37–40 *Life rafts.* (a) Life rafts, together with their oars and paddles, shall be conspicuously marked with the vessel's name.

(b) The number of persons allowed on each life raft shall be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

§ 97.37–43 *Life preservers and ring life buoys.* (a) All life preservers, wood floats, and ring life buoys shall be marked with the vessel's name.

§ 97.37–45 *Fire hose and axes.* (a) All fire hose and axes shall be marked with the vessel's name.

§ 97.37–47 *Portable magazine chests.* (a) Portable magazine chests shall be marked in letters at least 3 inches high: "PORTABLE MAGAZINE CHEST—INFLAMMABLE—KEEP LIGHTS AND FIRE AWAY."

§ 97.37–90 *Vessels contracted for prior to November 19, 1952.* (a) Vessels contracted for prior to November 19, 1952, shall meet the requirements of this paragraph.

(1) The requirements of §§ 97.37–5 through 97.37–47 shall be met with the exception that existing signs and markings containing the same general intent, but not necessarily identical wording or exact letter type, size, or color, may be retained so long as they are in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

SUBPART 97.40—MARKINGS ON VESSELS

§ 97.40–1 *Application.* (a) The provisions of this subpart shall apply to all vessels except as specifically noted.

§ 97.40–5 *Markings required by Customs Regulations.* (a) The following markings are required by the Customs Regulations. Details of the application of the requirements as well as details of the required markings will be found in those regulations.

(1) *Name of vessel.* On both bows and the stern (yachts excepted), and on steam vessels the name is also required on both sides of the pilothouse, and on steam paddle wheel vessels on the outer side of each paddle box. Yachts shall have the name on the hull.

(2) *Hailing port.* On the stern.

(3) *Draft marks.* On the stem and stern. Also see § 97.40–10.

(4) *Official number.* On the vessel's main beam.

(5) *Net tonnage.* On the vessel's main beam.

§ 97.40–10 *Draft marks.* (a) All vessels 50 gross tons and over, under the jurisdiction of the U. S. Coast Guard, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the keel at the marks to the surface of the water, the bottom of the mark to indicate the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cut-away skeg, the datum line from which the draft shall be taken shall be obtained by projecting the line of the bottom of keel forward or aft, as the case may be, to the location of the draft marks.

(c) In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft at the end of the vessel adjacent to such appendage shall be measured to a line tangent to the lowest part of such appendage and parallel to the line of the bottom of the keel.

§ 97.40–15 *Load line marks.* (a) Vessels assigned a load line shall have the deck line and the load line marks permanently scribed or embossed as required by Subchapter E (Load Lines) of this chapter.

SUBPART 97.43—PLACARD OF BREECHES BUOY INSTRUCTIONS

§ 97.43–1 *Application.* (a) The provisions of this subpart shall apply to all vessels on an international voyage and all other vessels of 150 gross tons and over in ocean, coastwise, or Great Lakes service.

§ 97.43–5 *Where posted.* (a) A placard containing instructions for the use of breeches buoys, Form CG 811, shall be posted in the pilothouse, the engine room, and the crew quarters of all vessels.

SUBPART 97.45—CARRYING OF EXCESS STEAM

§ 97.45–1 *Master and chief engineer responsible.* (a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to see that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to see that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 57.10–20 (b) (3) of Subchapter F (Marine Engineering) of this chapter.

SUBPART 97.47—ROUTING INSTRUCTIONS

§ 97.47–1 *All persons must comply.* (a) Due to existing mine field dangers, all licensed masters, officers, and certificated seamen on United States vessels shall comply strictly with the routing instructions issued by competent naval authority. Failure to comply with such routing instructions shall be deemed misconduct within the meaning of R. S. 4450, as amended (46 U. S. C. 239). Nothing herein shall be construed as relieving the master of the responsibility for the safety of his vessel.

SUBPART 97.50—COMPLIANCE WITH PROVISIONS OF CERTIFICATE OF INSPECTION

§ 97.50–1 *Master or person in charge responsible.* (a) It shall be the duty of the master or other person in charge of the vessel to see that all of the provisions of the certificate of inspection are strictly adhered to. Nothing in this subpart shall be construed as limiting the master or other person in charge of the vessel, at his own responsibility, from diverting from the route prescribed in the certificate of inspection or taking such other steps as he deems necessary and prudent to assist vessels in distress or for other similar emergencies.

SUBPART 97.53—EXHIBITION OF LICENSE

§ 97.53–1 *Licensed officers.* (a) All licensed officers on a vessel shall have their licenses conspicuously displayed as required by R. S. 4446, 46 U. S. C. 232.

PART 98—FERRYBOATS

Part 98 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 99—EXCURSION STEAMERS

Part 99 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 100—BARGES

Part 100 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 101—DUTIES OF INSPECTORS

Part 101 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 102—BAY, SOUND AND LAKE STEAM YACHTS

Part 102 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter J—Electrical Engineering

Chapter I is amended by changing the title of Subchapter J from "Rivers; General Rules and Regulations" to "Electrical Engineering" and by adding a new Part 110 reading as follows:

PART 110—GENERAL PROVISIONS

SUBPART 110.01—BASIS AND PURPOSE OF REGULATIONS

Sec.
110.01–1 Purpose of regulations.
110.01–5 Assignment of functions.
110.01–10 Authority for regulations.

SUBPART 110.05—APPLICATION

110.05–1 Vessels subject to the requirements of this subchapter.
110.05–5 Specific application noted in text.

SUBPART 110.10—REFERENCE SPECIFICATIONS, STANDARDS, AND CODES

110.10–1 General.
110.10–5 Copies of specifications, standards, and codes.

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

110.15–1 Approved.
110.15–5 Boat deck.
110.15–10 Bulkhead deck.
110.15–15 Cable terms.
110.15–20 Coast Guard District Commander.
110.15–25 Coastwise.
110.15–30 Commandant.
110.15–35 Control equipment terms.
110.15–40 Corrosion-resistant finishes.
110.15–45 Corrosion-resistant materials.
110.15–50 Electrochemistry.
110.15–55 Embarkation deck.
110.15–60 Emergency squad.
110.15–65 Equipment enclosure terms.
110.15–70 Equivalent.
110.15–75 Ferry.
110.15–80 Flash point.

Sec.
110.15–85 Generation and distribution terms.
110.15–90 Great Lakes.
110.15–95 Headquarters.
110.15–100 Instrument and meter terms.
110.15–105 International voyage.
110.15–110 Lakes, bays, and sounds.
110.15–115 Location.
110.15–120 Marine inspector or inspector.
110.15–125 Motorboat.
110.15–130 Ocean.
110.15–135 Officer in Charge, Marine Inspection.
110.15–140 Passenger.
110.15–145 Passenger vessel.
110.15–150 Pilot rules.
110.15–155 Propulsion engine.
110.15–160 Qualified person.
110.15–165 Rivers.
110.15–170 Recognized classification society.
110.15–175 Rotating machinery; enclosure, ventilation and protection terms.
110.15–180 Short international voyage.
110.15–185 Switching equipment.
110.15–190 Vessel.
110.15–195 Western rivers.

SUBPART 110.20—EQUIVALENTS

110.20–1 Conditions under which equivalents may be used.

SUBPART 110.25—SPECIAL PROVISIONS

110.25–1 Vessels acquired or documented under the Act of June 6, 1941.
110.25–5 Installations of equipment made during the Unlimited National Emergency declared by the President on May 27, 1941.

AUTHORITY: §§ 110.01–1 to 110.25–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 110.01—BASIS AND PURPOSE OF REGULATIONS

§ 110.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for electrical apparatus and equipment when installed on various types of vessels in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various international conventions for safety of life at sea and other treaties which contain requirements regarding electrical apparatus or equipment. The regulations are necessary to implement the various provisions of law promulgated for the purpose of improving or promoting safety of life at sea.

§ 110.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950 (15 F. R. 4935, 5 U. S. C. note under 241), the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 110.01–10 *Authority for regulations*—(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Passenger vessels.* (1) The regulations regarding electrical apparatus and equipment which may be used on passenger vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4433, and 4453, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, section 3, 54 Stat. 346, section 2, 54 Stat. 1028, and section 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 404, 411, 435, 366, 395, 363, 369, 367, 463a, 1333, and 50 U. S. C. App. 1275).

(c) *Cargo and miscellaneous vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on cargo and miscellaneous vessels interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, section 14, 29 Stat. 690, section 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, section 2, 54 Stat. 1028, and section 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 367, 463a and 50 U. S. C. App. 1275).

(d) *Uninspected vessels.* (1) The regulations regarding electrical apparatus and equipment which may be installed on uninspected vessels interpret or apply section 17, 54 Stat. 166, as amended (46 U. S. C. 526p).

(e) *Exemptions.* (1) Public vessels owned by the United States, other than those engaged in commercial service, are to be exempt from the regulations in this subchapter. Certain other vessels may be exempt from the requirements of the regulations in this subchapter when so provided by law.

SUBPART 110.05—APPLICATION

§ 110.05–1 *Vessels subject to the requirements of this subchapter.* (a) This subchapter shall be applicable to all vessels as indicated in columns 4 and 5 of Table 110.05–1, and shall apply to all such United States flag vessels, and to all foreign vessels which carry passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1948, and which has on board a current, valid safety certificate.

(2) Any vessel of a foreign nation having inspection laws approximating those of the United States together with reciprocal inspection arrangements with the United States, and which has on board a current, valid certificate of inspection issued by its government under such arrangements.

(3) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(4) Any vessel laid up and dismantled and out of commission.

(5) With the exception of vessels of the U. S. Maritime Administration, any vessel with the title vested in the United States and which is used for public purposes.

§ 110.05–5 *Specific application noted in text.* At the beginning of the various parts, subparts, and sections, a more specific application is generally given for particular portions of the text involved. This application sets forth the types, sizes or services of vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term "vessel contracted for" includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a passenger vessel, and the changing of service or route of a vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subject.

SUBPART 110.10—REFERENCE SPECIFICATIONS, STANDARDS, AND CODES

§ 110.10–1 *General.* The following specifications, standards, and codes, to the extent specified in the text, form a part of this subchapter:

(a) Rules for the Classification and Construction of Steel Vessels, of issue in effect on the date the vessel is contracted for, issued by American Bureau of Shipping, 45 Broad Street, New York 4, N. Y.

(b) Publications of issue in effect on the date the vessel is contracted for, issued by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass., as listed in this paragraph.

(1) The National Electrical Code.

(2) Recommended Safe Practice for Hospital Operating Rooms.

(c) Standards of issue in effect on the date the vessel is contracted for, issued by National Electrical Manufacturers Association, 155 East Forty-fourth Street, New York 17, N. Y., as listed in this paragraph.

(1) NEMA Large Air Circuit Breaker Standards.

(d) Standards of issue in effect on the date the vessel is contracted for, issued by the American Institute of Electrical Engineers, 33 West Thirty-ninth Street, New York 18, N. Y., as listed in this paragraph.

(1) AIEE Standard No. 45—Recommended Practice for Electrical Installations on Shipboard.

(2) American Standard Definitions of Electrical Terms, ASA C42.

(e) Standards issued by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Illinois, as listed in this paragraph, each of issue in effect on the date the vessel is contracted for:

(1) Standard for Snap Switches.
(2) Standard for Knife Switches.
(3) Standard for Fuses.
(4) Standard for Industrial Control Equipment.
(5) Standard for Branch-Circuit and Service Circuit Breakers.
(6) Standard for Panelboards.
(7) Standard for Edison-Base Lampholders.
(8) Standard for Electric Lighting Fixtures and Portable Lamps.
(9) Standard for Attachment Plugs and Receptacles.
(10) Standard for Flexible Cord and Fixture Wire.
(11) Standard for Electric-Discharge-Lamp Accessory Equipment.
(12) Standard for Elevator Electric Contacts and Elevator Hoistway Door Interlocks.

(f) Specifications issued by the United States Coast Guard.

(1) United States Coast Guard Specification for Electrical Installations on Merchant Vessels, dated August 31, 1944, revised March 6, 1945.

(g) Standards of issue in effect on the date the vessel is contracted for, issued by American Standards Association, 70 East Forty-fifth Street, New York 17, New York.

(1) Safety Code for Elevators, Dumbwaiters, and Escalators.

§ 110.10–5 *Copies of specifications, standards and codes.* (a) Copies of the specifications, standards, and codes referred to in this subpart may be obtained from the issuing authority.

(b) Copies of the specifications, standards, and codes referred to in this subpart are available for reading purposes at Coast Guard Headquarters upon request.

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

§ 110.15–1 *Approved.* This term means approved by the Commandant, United States Coast Guard, unless otherwise stated.

§ 110.15–5 *Boat deck.* This term means the deck or decks on which lifeboats are stowed.

§ 110.15–10 *Bulkhead deck.* This term means the uppermost deck up to which the transverse watertight bulkheads are carried.

§ 110.15–15 *Cable terms*—(a) *Cable.* (1) A cable is either a stranded conductor (single-conductor cable) or a combination of conductors insulated from

TABLE 110.05–1

Method of propulsion	Size or other limitations	Classes of vessels (including motorboats) examined or inspected under various Coast Guard regulations			
		Vessels inspected and certificated under Subchapter D, Regulations for Tank Vessels [1]	Vessels inspected and certificated under Subchapter H, Regulations for Passenger Vessels [1] [2]	Vessels inspected and certificated under Subchapter I, Regulations for Cargo and Miscellaneous Vessels [1] [3]	Vessels subject to provisions of Subchapter C, Regulations for Uninspected Vessels [1] [2]
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Steam	Vessels 40 feet in length and under.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.
	Vessels over 40 but not over 65 feet in length.[4]	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	All tug boats and tow boats.	All vessels except those covered by Subchapters D and I.[5]
	Vessels over 65 feet in length.[5]	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew. 3. Towing and fishing vessels, in other than ocean and coastwise service, issued a permit to carry persons on the legitimate business of the vessel, in addition to the crew, but not to exceed one for each net ton of the vessel.	All vessels except those covered by Subchapters D and H.	None
Motor	Vessels of not over 15 gross tons.	All vessels carrying combustible or inflammable liquid cargo in bulk.	None	None	All vessels except those covered by Subchapter D.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage, except yachts, and all other vessels carrying passengers for hire except documented cargo vessels over 65 feet in length issued a permit to carry not more than 16 persons in addition to the crew.	All vessels carrying freight for hire except those covered by Subchapters D and H.	All vessels except those covered by Subchapters D, H, and I.
	Seagoing motor vessels of 300 gross tons and over.	All vessels carrying combustible or inflammable liquid cargo in bulk.[6]	All vessels carrying more than 12 passengers on an international voyage except yachts, and all other vessels carrying passengers except: 1. Yachts. 2. Documented cargo vessels issued a permit to carry not more than 16 persons in addition to the crew.	All vessels except those covered by Subchapters D and H, and these engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery, kelp, or sponge industry.	All vessels except those covered by Subchapters D, H, and I.
Sail		All vessels carrying combustible or inflammable liquid cargo in bulk.	All vessels over 700 gross tons carrying passengers for hire.	None	None.
Nonself-propelled.	Seagoing barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges 100 gross tons and over carrying passengers.	All barges 100 gross tons and over except those covered by Subchapters D and H.	All barges carrying passengers except those covered by Subchapter H.
	Inland barges	All barges carrying combustible or inflammable liquid cargo in bulk.	All barges over 100 gross tons carrying passengers for hire.	None	All barges carrying passengers except those covered by Subchapter H.

[1] Subchapters E (Load Lines) F (Marine Engineering), and J (Electrical Engineering) of this chapter are also applicable under certain conditions.
[2] Public nautical school ships, other than vessels of the Navy and Coast Guard, shall meet the requirements of Part 167 of Subchapter R (Nautical Schools) of this chapter. Civilian nautical school ships, as defined by 46 U. S. C. 1331, shall meet the requirements of Subchapter H (Passenger Vessels) and Part 168 of Subchapter R (Nautical Schools) of this chapter.
[3] Any vessel on an international voyage is subject to the applicable requirements of the International Convention for Safety of Life at Sea, 1948.
[4] Length measured from end to end over deck, excluding sheer.
[5] Boilers and machinery are subject to examination.
[6] Vessels covered by Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the combustible liquid cargo shall meet the requirements of Subchapter D (Tank Vessels) in addition to the requirements of Subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

one another (multiple-conductor cable). (ASA C42 35.80.005.)

(b) *Cable designations.* (1) Abbreviations given in Columns 1 to 5, inclusive, of Table 110.10–15 (b) (1) may be employed in connection with lighting and power, interior communication, and telephone cable. Thus, in the abbreviation DRL–4, D=double conductor, light and power (column 1), R=rubber insulated (column 2), L=leaded and steel armored (columns 3 and 4), and—4=No. 14 American wire gage, 4110 circular mils (column 5). In the abbreviation ICTIA–12, IC=interior communication (column 1), T=thermoplastic-asbestos or thermoplastic-glass-asbestos insulated (column 2), I=impervious sheathed (column 3), A=Aluminum armored (column 4), and —12=12 conductor (column 5).

TABLE 110.15–15 (b) (1)—LIGHTING AND POWER, INTERIOR COMMUNICATION, AND TELEPHONE CABLE SYMBOLS

Column 1	Column 2	Column 3	Column 4	Column 5
Symbol designating cable type	Symbol designating type of insulation	Symbol designating type of outer covering	Symbol designating type of armor	Symbol designating wire size for light and power cables or number of conductors for interior communication or telephone cable
S=single conductor, light and power. D=double conductor, light and power. T=triple conductor, light and power. F=four conductor, light and power. IC=interior communication. TT=twisted pair, telephone. TTC=twisted pair, inter-cabin telephone.	R=rubber. V=varnished-cambric. AV=asbestos-varnished-cambric. T=thermoplastic-asbestos or thermoplastic-glass-asbestos.	A=armored only. L=leaded and armored. I=impervious sheathed and armored. S=reinforced sheathed and armored.	None=steel. A=aluminum. B=bronze.	Wire size in nearest 1,000 circular mils or number of conductors.

(2) The trade designations given in Table 110.15–15 (b) (2) may be used to designate the type of flexible cord and fixture wire.

TABLE 110.15–15(b)(2)—FLEXIBLE CORD AND FIXTURE WIRE SYMBOLS

Trade name of wire or cord	Designation
Asbestos-covered heat-resistant fixture wire	AF
Cotton-covered heat-resistant fixture wire	CF
Rubber-covered fixture wire	RF-2
Flexible rubber-covered fixture wire	FF-2
Rubber-covered heat-resistant fixture wire	RFH-2
Rubber-covered heat-resistant flexible stranding fixture wire	FFH-2
Thermoplastic-covered fixture wire	TF
Thermoplastic-covered flexible stranding fixture wire	TFF
Braided moisture-proof reinforced cord	PW-2
Braided lamp cord	C
Braided twisted portable cord	PD
Braided reinforced cord	P-2
Braided heavy duty cord	K
Junior hard service cord	SJ
Junior hard service oil resistant cord	SJO
Junior hard service thermoplastic insulated cord	SJT
Asbestos and varnished cloth covered heat-resistant cord	AVPD
Hard service cord	S
Hard service cord, thermoplastic covered	ST
Hard service cord, oil resistant	SO
Hard service cord	SU
Hard service cord, oil resistant	SUO

§ 110.15–20 *Coast Guard District Commander.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which includes the inspection, enforcement, and administration of Title 52, Revised Statutes, and Acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15–25 *Coastwise.* Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 110.15–30 *Commandant.* This term means the Commandant of the Coast Guard.

§ 110.15–35 *Control equipment terms*—(a) *Electric controllers.* An electric controller is a device, or group of devices, which serve to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected. (ASA C42 25.05.005)

(b) *Basic functions.* The basic functions of a controller are acceleration, retardation, line closing, reversing, etc. (ASA C42 25.05.010)

(c) *Manual controller.* A manual controller is an electric controller having all of its basic functions performed by hand. (ASA C42 25.05.025)

(d) *Full magnetic controller.* A full magnetic controller is an electric controller having all its basic functions performed by electromagnets. (ASA C42 25.05.030)

(e) *Contactor.* A contactor is a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit. (ASA C42 25.05.050)

(f) *Starter.* A starter is an electric controller for accelerating a motor from rest to normal speed. (ASA C42 25.05.075)

(g) *Automatic starter.* An automatic starter is a starter which controls automatically the acceleration of a motor. (ASA C42 25.05.080)

(h) *Autotransformer starter.* An autotransformer starter is a starter having an autotransformer to furnish a reduced voltage for starting. It includes the necessary switching mechanism and is frequently called a compensator or autostarter. (ASA C42 25.05.085)

(i) *Overload protection (overcurrent protection).* Overload protection is the effect of a device operative on excessive current, but not necessarily on short-circuit, to cause and maintain the interruption of current flow to the device governed. (ASA C42 25.10.005)

(j) *Overload relay.* An overload relay is an overcurrent relay in the circuit to a motor and which functions at a predetermined value of overcurrent to cause the disconnection of the motor from the line.

NOTE: An overload relay is intended to protect the motor or controller and does not necessarily protect itself. (ASA C42 25.15.005)

(k) *Normally open and normally closed.* The terms "normally open" and "normally closed" when applied to a magnetically operated switching device, such as a contactor or relay, or to the contacts thereof, signify the position taken when the operating magnet is deenergized. These terms apply only to nonlatching types of devices. (ASA C42 25.20.020)

§ 110.15–40 *Corrosion-resistant finishes.* The following treatments listed in this section when properly done and of sufficiently heavy coating, are considered satisfactory corrosion-resistant finishes:

(a) Electroplating of cadmium, chromium, nickel, silver, or zinc.

(b) Sheradizing.

(c) Galvanizing.

(d) Painting. Thorough cleaning and degreasing followed by bonderizing or the equivalent, followed by the application of zinc chromate primer or the equivalent, followed by one or more applications of enamel.

§ 110.15–45 *Corrosion-resistant materials.* Silver, corrosion-resisting steel, copper, brass, bronze, copper-nickel, certain copper-nickel alloys, and certain aluminum alloys are considered satisfactory corrosion-resistant materials.

§ 110.15–50 *Electrochemistry*—(a) *Storage battery.* A storage battery is a connected group of two or more electrolytic cells for the generation of electric energy in which the cells after being discharged may be restored to a charged condition by an electric current flowing in a direction opposite to the flow of current when the cell discharges.

(b) *Dry cell.* A dry cell is a cell in which the electrolyte exists in the form of a jelly or is absorbed in a porous medium, or is otherwise restrained from flowing from its intended position, such a cell being completely portable and the electrolyte non-spillable. (ASA C42 60.11.020)

(c) *Primary cell.* A primary cell is a cell designed to produce electric current through an electrochemical reaction which is not efficiently reversible and hence the cell, when discharged, cannot be efficiently recharged by an electric current. (ASA C42 60.11.005)

§ 110.15–55 *Embarkation deck.* This term means the deck or decks from which passengers embark into lifeboats or the deck or decks on which passengers are assembled preparatory to embarking into lifeboats.

§ 110.15–60 *Emergency squad.* This term means that part of the crew designated by the station bill to form the nucleus of a damage control party.

§ 110.15–65 *Equipment enclosure terms*—(a) *Enclosed (inclosed).* Enclosed means surrounded by a case which will prevent accidental contact of a person with live parts. (ASA C42 95.90.210).

(b) *Nonwatertight equipment.* Nonwatertight equipment means enclosed equipment, the enclosure of which is not sufficiently effective to be classed as either drip-proof or watertight.

(c) *Drip-proof equipment.* Drip-proof equipment means enclosed equipment so constructed or protected that its sucessful operation is not interfered with when subjected to falling moisture or dirt.

(d) *Watertight equipment.* Watertight equipment means enclosed equipment so constructed that a stream of water from a hose (not less than 1 inch in diameter) under a head of about 35 feet from a distance of about 10 feet, and for a period of 5 minutes, can be played on the apparatus without leakage. The hose nozzle should be adjusted to give a solid stream at the enclosure.

(e) *Explosion-proof equipment.* Explosion-proof equipment means equipment enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(f) *Weathertight equipment.* Weathertight equipment means equipment so constructed or protected that exposure to a beating rain will not result in the entrance of water.

§ 110.15–70 *Equivalent.* This term, when used in connection with a unit, material, process, finish, etc., means the equivalent as determined by the Coast Guard.

§ 110.15–75 *Ferry.* Under this designation shall be included those vessels in other than ocean or coastwise service having provisions only for deck passengers and vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.

§ 110.15–80 *Flash point.* This term indicates the temperature in degrees Fahrenheit at which a liquid gives off an inflammable vapor when heated in an open-cup tester.

§ 110.15–85 *Generation and distribution terms*—(a) *Connected load.* The connected load on a system, is the sum of the continuous ratings of the load consuming apparatus connected to the system, or part of the system, under consideration. (ASA C42 35.10.120)

(b) *Load factor.* Load factor is the ratio of the average load over a designated period of time to the connected load.

(c) *Peak load.* Peak load is the maximum load consumed or produced by a unit or group of units in a stated period of time. It may be the maximum instantaneous load or the maximum average load over a designated interval of time.

NOTE: Maximum average load is ordinarily used. In commercial transactions involving peak load (peak power) it is taken as the average load (power) during a time interval of specified duration occurring within a given period of time, that time interval being selected during which the average power is greatest. (ASA C42 35.10.135)

(d) *Ground (earth).* A ground is a conducting connection, whether intentional or accidental, between an electric circuit or equipment and earth, or to some conducting body which serves in place of the earth. (ASA C42 35.15.005)

NOTE: On shipboard the "ground" or "earth" is the hull and all parts connected thereto.

(e) *Grounded (earthed).* Grounded means connected to earth or to some conducting body which serves in place of the earth. (ASA C42 35.15.010)

(f) *Ground-return circuit (earth-return circuit).* A ground-return circuit is a circuit in which the earth is utilized to complete the circuit. (ASA C42 35.15.015)

(g) *Ground current.* A ground current is any current flowing in the earth.

NOTE: Specifically, currents flowing to earth through ground conductors or currents flowing in conductors embedded in the earth are commonly referred to as ground currents. (ASA C42 35.15.020)

(h) *Voltage to ground.* The voltage to ground is the voltage between any live conductor of a circuit and earth.

NOTE: Where safety considerations are involved, the voltage to ground for ungrounded circuits shall be taken as the highest voltage between the conductors of the circuit. (ASA C42 35.15.025)

(i) *Ground indication.* A ground indication is an indication of the presence of a ground on one or more of the normally ungrounded conductors of a system. (ASA C42 35.15.040)

(j) *Circuit.* A circuit is a conducting part or a system of conducting parts through which an electric current is intended to flow. (ASA C42 35.40.010)

(k) *Feeder (in interior wiring).* A feeder is a set of conductors originating at a main distribution center, and supplying one or more secondary distribution centers, one or more branch-circuit distribution centers, or any combination of these two types of equipment. (ASA C42 95.10.025)

(l) *Lighting feeder.* A lighting feeder is a feeder supplying principally a lighting load. (ASA C42 95.10.030)

(m) *Power feeder.* A power feeder is a feeder supplying principally a power or heating load. (ASA C42 95.10.035)

(n) *Branch circuit.* A branch circuit is that portion of a wiring system extending beyond the final automatic overload protective device of the circuit. (ASA C42 95.10.045)

(o) *Motor branch circuit.* A motor branch circuit is a branch circuit supplying energy only to motors. (ASA C42 95.10.065)

(p) *Lighting branch circuits.* Lighting branch circuits are circuits supplying energy to lighting outlets only (ASA C42 95.10.050). (Lighting branch circuits also may supply portable desk or bracket fans, small heating appliances, motors of ¼ hp and less, and other portable apparatus of not over 660 watts each.)

(q) *Appliance branch circuits.* Appliance branch circuits are circuits supplying energy either to permanently wired appliances or to attachment-plug receptacles, that is, appliance or convenience outlets, or to a combination of permanently wired appliances and additional attachment-plug outlets on the same circuit, such circuits to have no permanently connected lighting fixtures. (ASA C42 95.10.055)

(r) *Outlet.* An outlet is a point on the wiring system at which current is taken to supply fixtures, lamps, heaters, motors, or current-consuming equipment generally.

NOTE: The use of the term outlet for a point in the wiring system where a switch is located is deprecated, unless qualified to make the meaning clear. (ASA C42 95.10.090)

(s) *Lighting outlet.* A lighting outlet is an outlet intended for the direct connection of a lampholder, a lighting fixture or a pendant cord terminating in a lampholder. (ASA C42 95.10.095)

(t) *Receptacle outlet.* A receptacle outlet is an outlet intended to be equipped with one or more receptacles, not of the screw-shell type; or to be provided with one or more points of attachment within one foot intended to receive attachment-plug caps. (ASA C42 95.-10.100)

(u) *Plug (plug adaptor).* A plug is a device, which, by insertion in a receptacle, establishes connection between the conductors of the attached cord and the conductors connected permanently to the receptacle. (ASA C42 95.15.005)

(v) *Appliance.* An appliance is a current-consuming equipment, fixed or portable, such as heating or motor-operated equipment. (ASA C42 95.35.-005)

(w) *Portable appliance.* A portable appliance is an appliance, fixed or portable, served by means of a flexible extension cord and/or attachment plug.

(x) *Accessible (as applied to wiring methods).* Accessible means not permanently closed in by the structure or finish of the ship; capable of being removed without disturbing the ship structure or finish.

(y) *Accessible (as applied to equipment).* Accessible means admitting close approach because not guarded by locked doors, elevation or other effective means. (ASA C42 95.90.310)

§ 110.15–90 *Great Lakes.* Under this designation shall be included all vessels navigating the Great Lakes.

§ 110.15–95 *Headquarters.* This term means the office of the Commandant, U. S. Coast Guard, Washington, D. C.

§ 110.15–100 *Instrument and meter terms*—(a) *Instrument.* An instrument is a device for measuring the present value of the quantity under observation. An instrument may be an indicating instrument or a recording instrument. The term "instrument" is used in two different senses; (1) instrument proper, and (2) to include not only the instrument proper but, in addition, any necessary auxiliary devices, such as shunts, shunt leads, resistors, reactors, capacitors, or instrument transformers. The term "meter" is also used in a general sense to designate any type of measuring

device including all types of electric measuring instruments. Such use as a suffix or as part of a compound word (e. g., voltmeter, frequency meter) is universally accepted. "Meter" may be used alone with this wider meaning when the context is such as to prevent confusion with the narrower meaning of "electricity meter." (ASA C42 30.20.005)

(b) *Indicating instruments.* An indicating instrument is an instrument in which the present value of the quantity measured is indicated by the position of a pointer relative to a scale. (ASA C42 30.20.010)

(c) *Ammeter.* An ammeter is an instrument for measuring electric current. Ammeters are provided with a scale, usually graduated in amperes, milliamperes or microamperes. (ASA C42 30.40.005)

(d) *Frequency meter.* A frequency meter is an instrument for measuring the frequency of an alternating current. (ASA C42 30.40.045)

(e) *Power factor meter.* A power factor meter is an instrument for measuring power factor. Power factor meters are provided with a scale, usually graduated in power factor. (ASA C42 30.40.085)

(f) *Voltmeter.* A voltmeter is an instrument for measuring voltage. Voltmeters are provided with a scale, usually graduated in volts, millivolts or kilovolts. (ASA C42 30.40.205)

(g) *Wattmeter.* A wattmeter is an instrument for measuring electric power. Wattmeters are provided with a scale, usually graduated in watts or kilowatts. (ASA C42 30.40.215)

(h) *Instrument shunt.* An instrument shunt is a particular type of resistor designed to be connected in parallel with the measuring device to extend the current range beyond some particular value for which the instrument is already complete. (ASA C42 30.70.010)

§ 110.15–105 *International voyage.* An international voyage as applied to United States vessels includes voyages between United States ports and ports outside the United States as well as between United States continental ports and ports in the Territory of Alaska, Commonwealth of Puerto Rico, Territory of Hawaii, the Panama Canal Zone, or any other separate portion of the United States constituting a possession or held under protectorate or mandate. However, vessels solely navigating the Great Lakes and their connecting and tributary waters as far east as the exit of the Lachine Canal at Montreal, in the province of Quebec, Canada, shall not be considered as on an international voyage for the purpose of the regulations contained in this subchapter.

§ 110.15–110 *Lakes, bays, and sounds.* Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 110.15–115 *Locations*—(a) *Corrosive location.* Corrosive locations shall be deemed to be locations exposed to the weather on vessels operating in salt water.

(b) *Damp or wet location.* Damp or wet locations shall be deemed to be locations exposed to the weather, machinery spaces, cargo spaces, refrigerated spaces, galley, laundry, public washrooms or toilets equipped with baths or showers, and similar locations. Areas directly inside of access doors to a weather deck will also be classed as wet locations where the access door is not suitably protected against entrance of rain or spray by an overhanging deck or by other means.

(c) *Dry location.* Dry locations shall be deemed to be passengers' and crew's quarters, pantries, passageways adjacent to quarters, public washrooms and toilets which are not equipped with baths or showers, radio room, gyro room, and chart room.

§ 110.15–120 *Marine inspector or inspector.* These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspection, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15–125 *Motorboat.* This term means any vessel indicated in Columns 4 or 5 of Table 110.05–1, 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the Motorboat Act of April 25, 1940, 46 U. S. C. 526–526t, and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.
Class 1—Any motorboat 16 feet or over and less than 26 feet in length.
Class 2—Any motorboat 26 feet or over and less than 40 feet in length.
Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

§ 110.15–130 *Ocean.* Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 110.15–135 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 110.15–140 *Passenger.* A passenger is every person other than the master and members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one year of age is not counted as a passenger.

§ 110.15–145 *Passenger vessel.* A passenger vessel is any vessel indicated in column 4 of Table 110.05–1.

§ 110.15–150 *Pilot rules.* (a) The term "pilot rules" means the statutory rules of the road and the implementing regulations of the Commandant. The regulatory pilot rules are contained in 33 CFR Parts 80, 82, 84, 90, 92, 95, and 100.

(b) In accordance with law, the Coast Guard publishes the statutory rules of the road and regulatory pilot rules in pamphlet form as follows:

(1) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (CG 169).

(2) Pilot Rules of the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River (CG 172).

(3) Pilot Rules for the Western Rivers and the Red River of the North (CG 184).

§ 110.15–155 *Propulsion engine.* This term means one or more machines driving a single propeller or paddlewheel shaft for propulsion of the vessel.

§ 110.15–160 *Qualified person.* One familiar with the construction and operation of the apparatus and the hazards involved. (ASA C42 95.95.025).

§ 110.15–165 *Rivers.* Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals, exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 110.15–170 *Recognized classification society.* The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 110.15–175 *Rotating machinery; enclosure, ventilation and protection terms*—(a) *Self-ventilated machine.* A self-ventilating machine is one which has its ventilating air circulated by means integral with the machine. (ASA C42 10.25.010)

(b) *Separately ventilated machine.* A separately ventilated machine is one which has its ventilating air supplied by an independent fan or blower external to the machine. (ASA C42 10.25.020)

(c) *Enclosed self-ventilated machine.* An enclosed self-ventilated machine is a machine having openings for the admission and discharge of the ventilating air, which is circulated by means integral with the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet ducts or pipes may be connected to them. (ASA C42 10.25.030)

NOTE: Such ducts or pipes, if used, must have ample section and be so arranged as to furnish the specified volume of air to the machine, otherwise the ventilation will not be sufficient.

(d) *Enclosed separately ventilated machine.* An enclosed separately ventilated machine is a machine having openings for the admission and discharge of the ventilating air, which is circulated by means external to and not a part of the machine, the machine being otherwise totally enclosed. These openings are so arranged that inlet and outlet duct pipes may be connected to them. (ASA C42 10.25.040)

(e) *Open machine.* An open machine is a self-ventilated machine having no restriction to ventilation other than that necessitated by mechanical construction. (ASA C42 10.25.050)

NOTE: In the sense of this definition an open machine, when the term is used without qualification, is understood not to be splash-proof or drip-proof.

(f) *Totally enclosed machine.* A totally enclosed machine is one so enclosed as to prevent exchange of air between the inside and the outside of the case, but not sufficiently enclosed to be called airtight. (ASA C42 10.25.060)

(g) *Totally enclosed fan-cooled machine.* A totally enclosed fan-cooled machine is a totally enclosed machine equipped for exterior cooling by means of a fan or fans, integral with the machine but external to the enclosing parts. (ASA C42 10.25.070)

(h) *Protected machine.* A protected machine is one in which all ventilating openings in the frame are protected with wire screen, expanded metal or perforated covers. (ASA C42 10.30.010)

NOTE: A common form of specification for "protected machinery" is: "The openings shall not exceed one-half square inch (323 sq mm) in area and shall be of such shape as not to permit the passage of a rod larger than one-half inch (12.7 mm) in diameter, except where the distance of exposed live parts from the guard is more than 4 inches (101.7 mm) the openings may be three-fourths square inch (484 sq mm) in area and must be of such shape as not to permit passage of a rod larger than three-fourths inch (19 mm) in diameter."

(i) *Drip-proof machine.* A drip-proof machine is one in which the ventilating openings are so constructed that drops of liquid or solid particles falling on the machine at any angle not greater than 15 degrees from the vertical, cannot enter the machine either directly or by striking and running along a horizontal or inwardly inclined surface. (ASA C42 10.30.030)

(j) *Explosion-proof machine.* An explosion-proof machine is one enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(k) *Watertight machine.* A watertight machine is a totally enclosed machine so constructed that a stream of water from a hose (not less than 1 inch in diameter) under a head of 35 feet and from a distance of about 10 feet can be played on the machine from any direction for a period of 15 minutes without leakage, except that leakage which may occur around the shaft may be considered permissible, provided it is prevented from entering the oil reservoir and provision is made for automatically draining the machine. The hose nozzle should be adjusted to give a solid stream at the enclosure. The machine should be provided with a check valve for drainage or a tapped hole at the lowest part of the frame which will serve for application of drain pipe or drain plug.

§ 110.15–180 *Short international voyage.* For the purpose of this subchapter, the expression "short international voyage" means an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

§ 110.15–185 *Switching equipment*—(a) *Switches*—(1) *Switch.* A switch is a device for making, breaking or changing the connections in an electric circuit. (ASA C42 25.05.090)

(2) *Knife switch.* A knife switch is a form of air switch in which the moving element, usually a hinged blade, enters or embraces the contact clips. In some cases, however, the blade is not hinged and is removable. (ASA C42 20.10.050)

(3) *Rated continuous current (of a switch or circuit breaker).* The rated continuous current of a switch or circuit breaker is the designated limit in rms amperes or direct current amperes which it will carry continuously without exceeding the limit of observable temperature rise. (ASA C42 20.10.100)

(4) *Rated voltage (of a switch or circuit breaker).* The rated voltage of a switch or circuit breaker is the highest rms voltage or the highest direct-current voltage at which it is designed to operate. (ASA C42 20.10.105)

(5) *General use switch.* A general use switch is a switch intended for use in general distribution and branch circuits. It is rated in amperes and is capable of interrupting the rated current at the rated voltage. (ASA C42 25.05.105)

(6) *Isolating switch.* An isolating switch is a switch intended for isolating an electric circuit from the source of power. It has no interrupting rating and is intended to be operated only after the circuit has been opened by some other means. (ASA C42 25.05.110)

(7) *Motor-circuit switch.* A motor-circuit switch is a switch intended for use in a motor branch circuit. It is rated in horsepower and is capable of interrupting the maximum operating overload current of a motor of the same rating at the rated voltage. (ASA C42 25.05.120)

(8) *"T" rated switch.* A "T" rated switch is a switch intended to control tungsten-filament lamp loads.

(9) *Master switch.* A master switch is a switch which dominates the operation of contactors, relays or other magnetically operated devices. (ASA C42 25.05.115)

(b) *Interrupting devices*—(1) *Circuit breaker.* A circuit breaker is a device for interrupting a circuit between separable contacts under normal or abnormal conditions. Ordinarily circuit breakers are required to operate only infrequently, although some classes of breakers are suitable for frequent operation. (ASA C42 20.15.005)

NOTE: Normal indicates the interruption of currents not in excess of the rated continuous current of the circuit breaker. Abnormal indicates the interruption of currents in excess of such rated continuous current such as short circuits. In application, circuit breakers are selected whose rated interrupting current is as great or greater than the current which they may be called upon to interrupt.

(2) *Rated interrupting current (rated interrupting capacity).* The rated interrupting current of a circuit breaker is the highest rms current at a specified operating voltage which the breaker is required to interrupt under the operating duty specified and with a normal frequency recovery voltage equal to the specified operating voltage. (ASA C42 20.15.060)

NOTE: The current is the rms value, including the direct-current component, at the instant of contact separation as determined from the envelope of the current wave. Where limited by testing equipment, the maximum tolerance for normal frequency recovery voltage is 15 percent of the specified operating voltage.

(3) *Reverse-power tripping.* Reverse-power tripping signifies the tripping of a circuit breaker upon reversal of power in the main circuit.

NOTE: In d. c. practice the terms "reverse power" and "reverse current" are synonymous.

(4) *Undervoltage tripping.* Undervoltage tripping signifies the tripping of a circuit breaker from a trip coil connected in shunt to the main circuit and responsive to a decrease in the main-circuit voltage. (ASA C42 20.15.120)

(5) *Nonautomatic tripping.* Nonautomatic tripping is the opening of a circuit breaker only in response to an act of an operator (ASA C42 20.15.140)

(c) *Fuses*—(1) *Fuse.* A fuse is an overcurrent protective device with a circuit opening fusible member directly heated and destroyed by the passage of overcurrent through it. (ASA C42 20.20.005)

(2) *Voltage rating.* The voltage rating of a fuse is the rms alternating-current voltage or the direct-current voltage, at which it is designed to operate. (ASA C42 20.20.025)

(3) *Current rating.* The current rating of a fuse is the designated rms alternating current or the direct current which the fuse will carry under the conditions specified. (ASA C42 20.20.030)

(d) *Relays*—(1) *Relay.* A relay is a device that is operative by a variation in the conditions of one electric circuit to effect the operation of other devices in the same or another electric circuit. (ASA C42 20.25.005)

NOTE: Where relays operate in response to changes in more than one condition, all functions should be mentioned.

(2) *Current relay.* A current relay is a relay which functions at a predetermined value of current. It may be an overcurrent relay, an undercurrent relay, or a combination of both. (ASA C42 20.25.095)

(3) *Overload relay.* An overload relay is an overcurrent relay. (ASA C42 20.25.-210)

(4) *Voltage relay.* A voltage relay is a relay which functions at a predetermined value of voltage. It may be an overvoltage relay, an undervoltage relay, or a combination of both. (ASA C42 20.25.360)

(5) *Instantaneous.* Instantaneous is a qualifying term indicating that no delay is purposely introduced in the action of the device. (ASA C42 20.25.400)

(6) *Inverse time.* Inverse time is a qualifying term indicating that there is purposely introduced a delayed action, which delay decreases as the operating force increases. (ASA C42 20.25.405)

(7) *Overcurrent protection (overload protection).* Overcurrent protection is the effect of a device operative on excessive current to cause and maintain the interruption or reduction of current flow to the equipment governed. (ASA C42 20.25.465)

(8) *Undervoltage protection (lowvoltage protection).* Undervoltage or lowvoltage protection is the effect of a device operative on the reduction or failure of voltage to cause and maintain the interruption of power in the main circuit. (ASA C42 20.25.505)

(9) *Undervoltage release (lowvoltage release).* Undervoltage or lowvoltage release is the effect of a device operative on the reduction or failure of voltage to cause the interruption of power in the main circuit, but not to prevent the reestablishment of the main circuit on return of voltage. (ASA C42 20.25.510)

(10) *Overspeed protection.* Overspeed protection is the effect of a device operative on speed of rotating equipment in excess of a predetermined rate to cause and maintain the interruption of power to the protected equipment. (ASA C42 20.25.530)

(e) *Regulators*—(1) *Regulator.* A regulator is a device which functions to maintain a designated characteristic at a predetermined value, or to vary it according to a predetermined plan. (ASA C42 20.40.005)

(2) *Generator voltage regulator.* A generator voltage regulator is a regulator which functions to maintain the voltage of a synchronous generator, condenser, motor, or of a direct-current generator, at a predetermined value, or vary it according to a predetermined plan. (ASA C42 20.40.010)

(f) *Switchgear assemblies*—(1) *Power switchboard.* A power switchboard is that part of switchgear which consists of one or more panels upon which are mounted the switching control, meters, protective and regulatory equipment. The panel or panel supports may also carry the main switching and interrupting devices together with their connections. (ASA C42 20.50.005)

(2) *Live-front switchboards.* A livefront switchboard is a switchboard having live parts on the front of the panels. (ASA C42 20.50.010)

(3) *Dead-front switchboard.* A deadfront switchboard is a switchboard having no live parts on the front of the panels. (ASA C42 20.50.015)

(4) *Distribution switchboard.* A distribution switchboard is a power switchboard used for the distribution of electric energy at the voltages common for such distribution within a ship.

NOTE: Knife switches, air circuit breakers, and fuses are generally used for circuit interruption on distribution switchboards, and voltages seldom exceed 600. However, such switchboards often include switchboard equipment for a high tension incoming supply circuit and a step-down transformer.

(5) *Automatic transfer equipment.* An automatic transfer equipment is an equipment which automatically transfers a load so that a source of power may be selected from one of several incoming lines. (ASA C42 20.50.445)

§ 110.15-190 *Vessel.* Where the word "vessel" is used in this subchapter, it shall be considered to include all vessels indicated in columns 4 and 5 of Table 110.05-1, except as otherwise noted.

§ 110.15-195 *Western rivers.* For the purpose of this subchapter, the term "Western Rivers" is as defined in CG-184, "Pilot Rules for the Western Rivers and the Red River of the North."

SUBPART 110.20—EQUIVALENTS

§ 110.20-1 *Conditions under which equivalents may be used.* (a) Where in this subchapter it is provided that a particular fitting, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, appliance, apparatus, or equipment, or type thereof, or the arrangement shall be at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such condition as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

SUBPART 110.25—SPECIAL PROVISIONS

§ 110.25-1 *Vessels acquired or documented under the act of June 6, 1941.* (a) Vessels acquired or documented under the act of June 6, 1941, shall be subject to the applicable provisions of Title 52 of the Revised Statutes, acts amendatory thereto and the rules and regulations thereunder.

(b) Unapproved lifesaving, fire fighting, and other equipment may be continued in service so long as, in the opinion of the Officer in Charge, Marine Inspection, such equipment is in good and serviceable condition. All replacements shall be in accordance with Coast Guard requirements for new vessels.

§ 110.25-5 *Installations of equipment made during the Unlimited National Emergency declared by the President on May 27, 1941.* Boilers, pressure vessels, machinery, piping, electrical, and other installations, including lifesaving, fire fighting, and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U. S. C., App. Sup. 635), which do not fully meet the detail requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended.

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Chapter I is amended by adding a new Part 111 in Subchapter J, reading as follows:

SUBPART 111.01—APPLICATION

Sec.
111.01-1 General.
111.01-5 Should, meaning of.

SUBPART 111.05—GENERAL REQUIREMENTS

111.05-1 Construction and installation.
111.05-5 Plan approval.
111.05-10 Testing and inspection.
111.05-15 General considerations.
111.05-20 Temperature ratings.
111.05-25 Nature of electrical supply.
111.05-30 Insulation materials.

SUBPART 111.10—GENERATORS

111.10-1 Power requirements.
111.10-5 Prime movers.
111.10-10 Excitation.
111.10-15 Generator construction.
111.10-20 Voltage regulation.
111.10-25 Parallel operation.
111.10-30 Temperature limitations.
111.10-35 Dielectric strength of insulation.
111.10-40 Tests.

SUBPART 111.15—STORAGE BATTERIES

111.15-1 General requirements.
111.15-5 Battery installation and arrangement.
111.15-10 Ventilation.
111.15-15 Protection from corrosion.
111.15-20 Conductors.
111.15-25 Overload and reverse current protection.

SUBPART 111.20—TRANSFORMERS

111.20-1 General requirements.
111.20-5 Temperature rise.

SUBPART 111.25—MOTORS

111.25-1 General requirements.
111.25-5 Nameplates.
111.25-10 Temperature limitations.
111.25-15 Duty cycle.
111.25-20 Dielectric strength of insulation.
111.25-25 Terminal arrangement.
111.25-30 Enclosure and protection.
111.25-35 Current ratings.

SUBPART 111.30—ELECTRIC COUPLINGS FOR PROPULSION

111.30-1 General requirements.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

111.35-1 General requirements.
111.35-5 Switchboard bus bars and wiring.
111.35-10 Switchboard mounted equipment.
111.35-15 Ship's service generator and distribution switchboards.
111.35-20 Emergency and interior communication switchboard.
111.35-25 Electric propulsion control.
111.35-30 Tests for switchboard and propulsion controls.

SUBPART 111.40—DISTRIBUTION PANELBOARDS (SWITCHBOARD AND PANELBOARD TYPES)

111.40-1 General requirements.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

Sec.
111.45-1 Motor controllers, general requirements.
111.45-5 Motor overcurrent protection.
111.45-10 Remote-control, electrical interlock, and indicator circuits.
111.45-15 Heater circuits.
111.45-20 Motor-branch-circuit overcurrent protection.
111.45-25 Motor feeder overcurrent protection.
111.45-30 Disconnecting means.
111.45-35 Special requirements for over 600 volts.
111.45-40 Group control panels.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

111.50-1 Distribution, general requirements.
111.50-5 Ship's service power circuits.
111.50-10 Lighting feeders.
111.50-15 Lighting branch circuits and lighting requirements.
111.50-20 Circuit loads and demand factors.

SUBPART 111.55—OVERCURRENT PROTECTION

111.55-1 Installation of overcurrent protective devices.
111.55-5 Location of overcurrent protective devices.
111.55-10 Enclosures of overcurrent protective devices.
111.55-15 Construction and use of overcurrent devices.
111.55-20 Interrupting rating of fuses and circuit breakers.
111.55-25 System protection.

SUBPART 111.60—WIRING METHODS AND MATERIALS

111.60-1 Electric cable.
111.60-5 Portable electric cord and fixture wire.
111.60-10 Wire and cable installation.
111.60-15 General requirements for wiring methods.
111.60-20 Outlet boxes.
111.60-25 Switches and circuit breakers.
111.60-30 Receptacle outlet and attachment plugs.
111.60-35 Lighting fixtures.
111.60-40 Wiring methods and material for hazardous location.

SUBPART 111.65—SPECIAL REQUIREMENTS FOR CERTAIN LOCATIONS AND SYSTEMS

111.65-1 Application.
111.65-5 Special requirements for hospital operating rooms.
111.65-10 Special requirements for locations where gasoline or other highly volatile motor fuel is carried in vehicles.
111.65-15 Special requirements for motion picture projection rooms and projection equipment.
111.65-20 Special requirements for electric elevators and dumbwaiters.
111.65-25 Special requirements for submersible motor-driven bilge pumps.
111.65-30 Special requirements for electric power-operated watertight door system.
111.65-35 Special requirements for fire screen door holding and release systems.
111.65-40 Special requirements of electric power-operated lifeboat winches.
111.65-45 Special requirements for electric air heaters.

SUBPART 111.90—ELECTRICAL EQUIPMENT AND INSTALLATIONS ON VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

111.90-1 General.
111.90-5 Major alterations.
111.90-10 Vessels contracted for prior to July 1, 1937.
111.90-15 Vessels contracted for between July 2, 1937, and January 1, 1939.
111.90-20 Vessels contracted for between January 2, 1939, and June 1, 1941.
111.90-25 Vessels contracted for between June 2, 1941, and November 18, 1952.

AUTHORITY: §§ 111.01-1 to 111.90-25 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 111.01—APPLICATION

§ 111.01-1 *General.* (a) The provisions of this part, with the exception of Subpart 111.90, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of Subpart 111.90 shall apply to all vessels contracted for prior to November 19, 1952.

§ 111.01-5 *Should; meaning of.* (a) In order to have, wherever possible in this part, the identical wording contained in Section 35 of the American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels, the word "should" has been used instead of "shall". Therefore, in each such instance where this word "should" is used in this part (except §§ 111.05-10 (c), 111.05-10 (d) and 111.05-10 (f)) to describe, or as applicable to, the equipment or installation, this word is to be considered the same as the word "shall" in describing Coast Guard requirements.

SUBPART 111.05—GENERAL REQUIREMENTS

§ 111.05-1 *Construction and installation.* (a) Electrical apparatus and wiring systems shall be in accordance with the requirements of this part. The requirements of this part are applicable to all vessels but may be modified by the Commandant for vessels certificated for limited service or for vessels less than 300 gross tons. The requirements of this part are minimum requirements and it is recommended that details not covered by the regulations be in general conformity with Standard No. 45 of the American Institute of Electrical Engineers.

§ 111.05-5 *Plan approval*—(a) *General.* (1) The required plans listed in this subpart are general in character, but include all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans enumerated may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction and required equipment.

(2) In the list of required plans given in this section, those indicated by an asterisk cover the electrical items necessary for the approval of the installation by the American Bureau of Shipping for vessels classed by that organization. When prints bearing record of such approval by the American Bureau of Shipping are forwarded to the Coast Guard, they will, in general, be accepted as satisfactory except insofar as the law or the regulations in this chapter contain requirements which are not covered by the American Bureau of Shipping.

(b) *Procedure for submittal of plans.* (1) As the relative location of shipyards, design offices, and Coast Guard officers vary throughout the country, no specific routing will be required in the submittal of plans. In general, one of the procedures outlined in this paragraph would apply, but in a particular case, if a more expeditious procedure can be used, there will be no objection to its adoption.

(2) The plans may be submitted to the Officer in Charge, Marine Inspection, at or nearest the place where the vessel is to be built. This procedure wil be most expeditious in the case of those offices where personnel and facilities are available for examination and approval of the plans locally.

(3) The plans may be submitted directly to the Commandant (MMT), U. S. Coast Guard, 1300 E Street, NW., Washington 25, D. C. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(4) In the case of classed vessels, upon specific request by the submitter, the American Bureau of Shipping will arrange to forward the necessary plans to the Coast Guard indicating their action thereon. In this case, the plans will be returned as noted in subparagraph (3) of this paragraph.

(c) *Number of plans required.* (1) Three copies of each plan are normally required so that one can be returned to the submitter and one copy each can be retained by Coast Guard Headquarters and the Officer in Charge, Marine Inspection. If the submitter desires additional approved plans, a suitable number should be submitted to permit the desired distribution.

(d) *Electrical plans required for new construction.*[1] (1) Specifications.

(2)* General Arrangements.

(3)* Switchboard front, rear, end, and section views.

(4)* Switchboard wiring diagram.

(5)* Switchboard material and nameplate list.

(6) Elementary wiring diagram of metering and automatic switchgear.

(7)* Description of operation of propulsion control and bus transfer switchgear.

(8)* Elementary wiring diagram of power system (supplemented by cable lists, panelboard summaries, etc., if desired) giving:

(i)* Type and size of generator;

(ii)* Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;

(iii) Power, lighting, and interior communication panelboards showing

[1] The items marked with an asterisk (*) indicate such items may require the approval of the American Bureau of Shipping.

number of circuits and rating of energy consuming devices;

(iv) Type and capacity of storage batteries;

(v)* Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating or setting of overcurrent devices.

(9)* Electric plant summary showing connected loads and calculated operating loads for various conditions of operation.

(10)* Isometric or deck wiring plans of power system, including symbol list.

(11) Elementary wiring diagrams of steering gear alarm circuits and ventilation shut-down control.

(12) Elementary wiring diagram and isometric or deck wiring diagrams of electric watertight door system, fire screen door holding system, and power operated lifeboat winches.

(13)* Auxiliary and propulsion motors and generators. Manufacturer's outline drawing of each giving nameplate data, degree of enclosure, type of insulation, temperature rise above stated ambient temperature, duty cycle, and application or name of auxiliary driven.

(14)* Motor starters. Manufacturer's enclosure outline drawing, control elementary wiring diagram, and application of each. For lifeboat winch motor starters, see § 111.65–40.

(15) Distribution panelboards, branch boxes, enclosed switches, pushbutton stations, control switches, etc. Manufacturer's outline drawing or suitable identification on deck wiring plan symbol list. For lifeboat winch control switches, see § 111.65–40.

(16) Isometric or deck wiring plan of lighting feeders.

(17)* Deck plans of lighting system showing location of cables, fixtures, and wiring devices, cable sizes and types, and manufacturer's name and identification of fixtures and wiring devices. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(18) Elementary and isometric or deck wiring diagrams of engine order telegraph system, sound powered telephone system, general alarm system, emergency loudspeaker system, rudder angle indicator system, shaft speed indicator system, gyro compass system, gyro pilot system, radio system, radar plan position indicator system, loran system, refrigerated spaces alarm system, etc., with material identified by name of manufacturer and drawing and/or catalog number. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(19) Elementary and deck wiring plans of fire detecting and alarm system, manual alarm system, smoke detecting system, carbon dioxide extinguishing system alarms, and supervised patrol system, with material identified by name of manufacturer and drawing and/or catalog number. If manufacturer's name and identification are contained in a symbol list, the corresponding symbol marking should be employed on the deck plans.

(e) *Electrical plans required for repairs and alterations of existing vessels.* (1) No repairs or alterations affecting the safety of the vessel shall be made without the knowledge of the Officer in Charge, Marine Inspection.

(2) Drawings of alterations shall be approved before work is started unless deemed unnecessary by the Officer in Charge, Marine Inspection. The general scope of the plans shall be as noted in paragraph (d) of this section. Drawings will not be required for repairs in kind.

§ 111.05–10 *Testing and inspection*—(a) *Application.* This section shall be applicable to all vessels, both those existing as of November 18, 1952, and those contracted for on and after November 19, 1952.

(b) *General.* (1) The general requirements for inspection of vessels are contained in Part 71 of Subchapter H (Passenger Vessels) and Part 91 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter. The contents of this section supplement the general requirements contained in other parts of this chapter.

(2) In the inspection of electrical equipment and installations, the rules promulgated by the American Bureau of Shipping respecting materials and construction, and the certificate of classification referring thereto, except when otherwise provided for by the rules and regulations of this subchapter, shall be accepted as standard.

(i) The requirements of this paragraph shall not be construed to imply that ship tests or factory inspections of electrical apparatus or equipment of the types regularly conducted by the American Bureau of Shipping will be conducted by the Coast Guard. Shop tests of electrical apparatus or equipment will be conducted by the Coast Guard only when specifically required by the regulations in this chapter, or when specifically requested, either by the manufacturer, shipbuilder, owner, or the Coast Guard, and agreed to by all concerned.

(c) *Initial inspection*—(1) *Scope.* The initial inspection, which may consist of a series of inspections during the construction of the vessel, shall include a complete inspection of the electrical installation and electrical equipment or apparatus. The inspection shall be such as to insure that the arrangement, materials, and installations thereof, fully comply with the applicable regulations in this chapter and are in accordance with approved plans. The inspection shall also be such as to insure that the workmanship of all equipment and apparatus and the installation thereof is, in all respects, satisfactory.

(2) *Inspections required.* The specific inspections described in this paragraph are intended as suggestions to the marine inspector. It is not the intention of this paragraph to require, in the case of any particular vessel, any tests which, in the opinion of the Officer in Charge, Marine Inspection, are unnecessary.

(3) *Electric cable.* Electric cable should be checked during installation for size and type as shown on the approved plans. The adequacy of cable supports should be checked, and it should be ascertained that no cable is installed in the proximity of steam pipes or other hot objects and that no damage has been incurred to the cables during the installation due to excessive pulling force having been applied, or due to sharp bends or sharp or rough edges of cable supports or bulkhead penetrations, etc. Cable penetrations required to be watertight should be checked for proper packing of the terminal or stuffing tubes, including provisions for future take-up of gland nuts.

(4) *Generators.* Generators should be checked for general condition, both electrical and mechanical, voltage regulation, parallel operation, operation of safety devices such as reverse current or reverse power trips, overcurrent trips, overspeed trips, low oil pressure trips, etc.

(5) *Rotating electrical machinery.* Rotating electrical machinery should be checked to assure that rotating and/or uninsulated electrical parts are adequately shielded from accidental contact by personnel.

(6) *Switchboards.* Switchboards should be checked for hand rails, guard rails, working spaces, insulating floor covering, drip covers, and enclosures for backs and ends. Switchboard mounted apparatus should be checked for identifying nameplates. Circuit nameplates should be compared with the rating or setting of the overcurrent devices and with the approved plans. The accessibility of items requiring maintenance or adjustment should be checked. Meters should be checked for proper calibration. The operation of automatic switchgear and mechanical interlocks should be observed.

(7) *Motor starters.* Motor starters should be checked to assure proper starting of the motor under service conditions. A wiring diagram of each motor starter should be secured to the inside of its enclosure door. Each motor starter not completely disconnected from all sources of potential when the disconnect switch is opened (due to electrical interlocked circuits necessary for proper operation of the apparatus or for other valid reasons) should be checked to assure that attention is directed to such conditions by a suitable sign.

(8) *Disconnect switches.* The presence and location of disconnect switches required for motor starters, fuses, etc., should be checked. When a switch or circuit breaker on a switchboard or distribution panel is intended to serve as a motor and controller disconnect switch, it shall be determined that the applicable requirements of the regulations in this subchapter have been met.

(9) *Accessibility.* The accessibility of electrical apparatus for normal inspection and maintenance should be observed. The accessibility of junction boxes and the like in way of paneling should be noted during construction of a vessel. Hinged doors of motor starters and similar apparatus should be checked for interference with adjacent structural parts or apparatus.

(10) *Panelboards.* The rating or setting of the overcurrent devices should be compared with the values given on the circuit directory and with the approved plans. The accuracy of the directory description of loads served by each circuit should be checked.

(11) *Grounding.* It should be determined that metal enclosures for electrical equipment are grounded, either by the method of mounting or ground leads. Portable equipment should be checked for grounding through the grounding conductor of the supply cable.

(12) *Emergency lighting and exit lights.* The adequacy of emergency lights and exit lights should be checked at night with all general lighting turned off.

(13) *General alarm system.* The general alarm system should be checked with a sound level meter, the sound level of the bells being measured in each stateroom for passengers or crew with doors closed. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway.

(14) *Emergency loudspeaker system.* The emergency loudspeaker system should be checked with a sound level meter, the sound level being measured at several locations in the vicinity of each lifeboat handling station, each lifeboat embarkation station, each passenger assembly station, and throughout crew quarters. Where the background noise level is questionable, the background noise level should be measured while the vessel is underway. It should be demonstrated that voice reproduction is of good quality and intelligibility is of a high order. It should be demonstrated that grounding either conductor or "shorting" both conductors to any lifeboat station loudspeaker or to an embarkation deck loudspeaker will not reduce the output of any one of the remaining loudspeakers by more than 3 decibles.

(15) *Fire detecting systems.* Fire detecting systems should be checked for compliance with the applicable regulations in this chapter and for conformance with the approved plans. Power supply circuits and thermostat circuits should be checked for supervision.

(16) *Communication systems.* All communication systems should be checked for performance and for compliance with the regulations in this chapter.

(17) *Insulation resistance.* All electric power and lighting cable and equipment should be checked for proper insulation resistance to ground and between conductors.

(d) *Annual inspection.* (1) *General.* The annual inspection of electrical installations shall include an inspection of all items enumerated under paragraph (c) of this section to the extent necessary to determine mechanical and electrical condition and performance. Particular note should be made of circuits added or modified after the initial inspection.

(2) *Fire detecting system.* Fire detecting thermostats should be tested at regular intervals (at least 25 percent of those installed tested annually) to detect any change in operating characteristics. A portable hand light with an open end sheet metal shield (such as a No. 3 fruit can) replacing the usual guard and globe would usually serve as a source of heat to operate the thermostat without damage to paint work or to the thermostat itself. Any thermostat requiring a time to operate materially different from the average when covered with the heating device should be suspected of being defective and forwarded to Coast Guard Headquarters for further testing.

(3) *Vital machinery.* Motors, motor starters and control switches used with machinery vital to the safety or propulsion of the vessel should be examined visually and opened for closer inspection when there is evidence of deterioration.

(4) *Storage batteries.* Storage batteries used for emergency lighting, diesel-engine-driven emergency generator starting, general alarm, etc., should be checked for capacity. Storage batteries supplying emergency lighting should be required to carry the connected loads for the prescribed length of time.

(e) *Special survey of unclassed passenger vessels.* (1) Special surveys, applicable to the age of the vessel and corresponding to class surveys, shall be conducted by marine inspectors on all unclassed passenger vessels. These surveys shall in no way affect the thoroughness of annual inspections.

(2) The frequency of special surveys shall be as required by Part 71 of Subchapter H (Passenger Vessels) of this chapter.

(3) Fittings and connections on switchboards and distribution panels shall be examined. It shall be assured that all circuits are protected properly against overcurrent.

(4) Cables shall be examined as far as practicable without undue disturbance of cable and apparatus.

(5) All generators shall be run under load, either separately or in parallel; switches and circuit breakers shall be tested.

(6) All equipment and circuits shall be inspected for possible development of physical changes or deterioration. The insulation resistance of the circuits shall be measured between conductors and between conductor and ground and these values compared with those previously measured. Any large and abrupt decrease in insulation resistance shall be further investigated and either restored to normal or renewed as indicated by the condition found.

(7) (i) Where electrical auxiliaries are used for vital purposes, the generators and motors shall be examined and their prime movers opened for inspection. The insulation resistance of each generator and motor shall be measured with all circuits of different voltages above ground being tested separately. This test shall be made at a direct-current potential of 500 volts, if practicable, and the insulation resistance in megohms shall be at least equal to:

$$\frac{\text{Rated voltage of the machine}}{\frac{\text{Rating in KVA}}{100}+1{,}000} \quad (1)$$

(ii) The minimum insulation resistance of the fields of machines separately excited with voltage less than the rated voltage of the machine be of the order of one-half to one megohm.

(8) The windings of propulsion generators and motors shall be thoroughly examined and found or made dry and clean. Particular attention shall be paid to the ends of all windings of stators and rotors. After the windings have been cleaned and dried, they shall be varnished, if necessary, with insulating varnish applied preferably by spraying.

(9) All air ducts in stator coils and the ventilating holes in rotors and retaining rings of propulsion alternators shall be carefully examined and found or made clear and clean.

(10) All propulsion cable runs shall be examined and found or placed in good condition as to supports, etc., and the ground connections of protective coverings or sheaths found or made substantial and effective. Particular attention shall also be paid to high potential bus insulators which shall be free from dust or oil in order to prevent creepage to ground.

(11) The insulation resistance of each propulsion unit shall be measured and found or made equal to the requirements given in subparagraph (7) of this paragraph for auxiliary generators and motors. In order to further evaluate these insulation resistance readings, it is recommended that a separate log be kept of insulation resistance measurements taken frequently at regularly scheduled intervals. Humidity, ambient temperature, and condition of the machine shall also be noted. Any large or abrupt decrease in insulation resistance when compared with those recorded in the log shall be further investigated and either restored to normal or renewed as indicated by the conditions found.

(i) Where a log is not available for the comparison of measured insulation resistance values with those previously taken at regularly scheduled intervals, the cables and windings, except direct-current fields of propulsion generators and motors, shall be subjected to a dielectric strain test for one minute by the application of a potential of 125 percent of the maximum operating voltage of the circuits to which they are applied. The direct-current fields of generators and motors shall be subjected for one minute to a test potential equal to 50 percent of the value specified by §§ 111.10–35 and 111.25–20.

(f) *Repairs or alterations.* An inspection, either general or partial, depending upon the circumstances, shall be made whenever any important repairs or alterations are undertaken.

§ 111.05–15 *General considerations*—(a) *General.* (1) Electrical installations on vessels shall be such that (i) services essential for safety will be maintained under various emergency conditions; and (ii) the safety of passengers, crew, and vessel from electrical hazards will be assured.

(2) Electrical equipment should be so placed or protected as to minimize the possibility of mechanical injury or damage from the accumulation of dust, oil vapors, steam, or dripping liquids. Apparatus liable to arc should be ventilated or placed in ventilated compartments in which flammable gases, acid fumes, and oil vapors cannot accumulate. Skylights

and ventilators are to be so arranged as to avoid the possibility of flooding the apparatus.

(b) *Protection from bilge water.* All generators, motors, and electric couplings are to be so arranged that they cannot be damaged by bilge water, and if necessary a watertight coaming should be provided to form a well around the base of such equipment with provisions for pumping out the well.

(c) *Accessibility.* The design and arrangement of electrical apparatus should provide accessibility to parts requiring inspection or adjustment. Armature and field coils, rotors and revolving fields should be removable, and where air ducts are used there should be means of access.

(d) *Watertight equipment.* All electrical equipment exposed to the weather or located in spaces where they would be exposed to seas, splashing, or other severe moisture condition, shall be of the watertight type or be protected by means of watertight enclosures.

(e) *Corrosion-resistant parts.* Enclosures, working and other parts of electrical equipment which would be damaged or rendered ineffective by corrosion shall be made of corrosion-resistant materials or of material rendered adequately corrosion resistant.

(f) *Grounding permanent equipment.* In general the frames or cases of all permanently installed generators, motors, controllers, power and lighting transformers, instruments, and similar equipment, for which the arrangement and method of installation does not assure positive grounding, shall be permanently grounded through separate conductors and protected against damage.

§ 111.05–20 *Temperature ratings.* (a) In the requirements contained in this subchapter an ambient temperature of 40 degrees C. has been assumed for all locations except boiler and engine rooms while for these spaces 50 degrees C. has been assumed as the ambient temperature. Where the ambient temperature is in excess of these values, the total temperature specified shall not be exceeded. Where equipment has been rated on ambient temperatures less than those contemplated, consideration will be given to the use of such equipment provided the total temperature for which the equipment is rated will not be exceeded.

§ 111.05–25 *Nature of electrical supply*—(a) *Standard systems.* The following systems of distribution are recognized as standard:

(1) Two-wire with direct current or single phase alternating current;

(2) Three-wire with direct current or single phase alternating current; and,

(3) Three-wire, three-phase alternating current.

(b) *Standard voltages.* The voltages given in Table 111.05–25 (b) are recognized as standard.

TABLE 111.05-25 (b)—STANDARD VOLTAGES

Equipment	Direct current (volts)	Alternating current (volts)
Lighting	115	115.
Power	115 and 230	115, 230, and 440.
Generators	120 and 240	120, 230, and 450.
Propulsion	1,000 maximum	7,500 maximum.

(c) *Standard frequency.* A frequency of 60 cycles per second is recognized as standard for alternating-current lighting and power systems.

(d) *Others.* Special consideration will be given to systems, voltages, or frequencies differing from the recognized standard.

§ 111.05–30 *Insulation materials.* (a) Insulation material referred to in this subchapter is designated by class as covered in this section.

(b) Class "A" Insulation refers to enameled wire, molded and laminated materials with cellulose filler, phenolic resins and other resins of similar properties, films and sheets of cellulose acetate and other cellulose derivatives of similar properties or to cotton, silk, paper and similar materials when so treated or impregnated as to increase the thermal limit or when permanently immersed in liquid dielectric.

(c) Class "B" Insulation refers to mica, asbestos, fiberglass and other materials capable of resisting high temperatures. Class "A" material or binder may be used in Class "B" insulation provided it be used for structural purposes only and may be destroyed without impairing the insulating or mechanical qualities of the insulation.

(d) Class "C" Insulation refers to materials capable of resisting higher temperatures than those of Class "B", such as pure mica, porcelain, quartz, or similar material.

(e) Class "O" Insulation refers to cotton, silk, paper and similar organic materials when neither impregnated nor immersed in liquid dielectric.

(f) Class "H" Insulation refers to materials of:

(1) Mica, asbestos, fiberglass and similar organic materials in built-up form with binding substances composed of silicone compounds, or materials with equivalent properties; or,

(2) Silicone compounds in rubbery or resinous forms, or materials with equivalent properties.

(3) A minute proportion of Class A materials may be had only where essential for structural purposes during manufacture.

NOTE: The electrical and mechanical properties of the insulated winding must not be impaired by the application of temperatures permitted for Class H material. The word "impaired" is here used in the sense of causing any change which would disqualify the insulating material for continuous service.

SUBPART 111.10—GENERATORS

§ 111.10–1 *Power requirements*—(a) *Propulsion.* The power from the main propulsion equipment may be derived from a single generator.

(b) *Ship's service.* All ocean vessels using electricity for ship's service power or light shall be provided with at least two ship's service generators. The aggregate capacity of the generators shall be sufficient to carry the necessary sea load under normal operation with any one generator in reserve.

(c) *Emergency power and lighting.* See Part 112 of this subchapter for requirements.

§ 111.10–5 *Prime movers.* (a) In general, compliance of prime movers with the rules promulgated by the American Bureau of Shipping will be considered as satisfactory evidence of structural and operational efficiency of prime movers.

(b) Special consideration will be given to the structural and operational features of prime movers for small vessels or of unusual design not contemplated by the rules of the American Bureau of Shipping.

§ 111.10–10 *Excitation*—(a) *General.* Exciters should conform to all the applicable requirements for d. c. generators.

(b) *Propulsion.* Separately excited propulsion generators should be provided with more than one means of excitation. Exciters may be either direct connected or independent generating sets. Current may be derived from the ship's service power or lighting sets.

§ 111.10–15 *Generator construction*—(a) *General.* (1) In general, compliance of generators with the rules promulgated by the American Bureau of Shipping will be considered as satisfactory evidence of the structural efficiency of generators.

(2) Special consideration will be given to the construction of generators for small vessels or of unusual design not contemplated by the rules of the American Bureau of Shipping.

(b) *Circulating currents.* Means shall be provided to prevent circulating currents from passing between the journal and the bearing, where the design and arrangement of the machine is such that damaging current may be expected.

(c) *Moisture condensation prevention.* When the weight of the generator excluding the shaft is over 1,000 pounds, it should be provided with means to prevent moisture condensation in the machine when idle. Where steam heating coils are installed for this purpose, there are to be no pipe joints inside the casings.

(d) *Terminal arrangement.* All generator terminals shall be protected against accidental contact and mechanical damage, and shall be provided with drip-proof enclosures, except that for bottom location of terminals, drip-proof enclosures need not be provided. Where cables enter the enclosures from the side or the top, they shall be provided with stuffing or terminal tubes.

(e) *Nameplates.* (1) All generators shall be fitted with nameplates of corrosion-resistant material marked with the following information:

(i) Manufacturer's type and frame designations;

(ii) Output;

(iii) Kind of rating;

(iv) Temperature rise at rated load;

(v) Design ambient temperature;

(vi) Revolutions per minute at rated load;

(vii) Voltage;

(viii) Amperes at rated load; and,

(ix) Type of windings for d. c. machines.

(2) For a. c. generators, in addition to the applicable parts listed in subparagraph (1) of this paragraph, the following information shall be set forth:

(i) Number of phases;

(ii) Frequency;

(iii) Power factor;

(iv) Exciter voltage; and,

(v) Exciting current in amperes at rating.

(f) *Temperature detectors.* Alternating-current generators of 500 kva and above, when access to coils is difficult, and all alternating-current propulsion generators, should be provided with means for obtaining the temperatures of the stationary windings. The temperature should be indicated at a convenient location, preferably the control panel.

(g) *Ventilation and protection.* (1) Propulsion and ship's service generators not enclosed ventilated shall have all openings protected with substantial wire or mesh screen to prevent personnel injury, and shall be provided with protection against dripping liquids equivalent to that of a drip-proof machine.

(2) Where the protection of the generator is not the equivalent of a protected machine as defined in § 110.15–175 (h) of this subchapter, the arrangement will require specific approval for each installation.

(3) Dampers shall be provided in ventilation air ducts except where recirculating systems are used.

(h) *Fire extinguishing.* Fire extinguishing systems suitable for fires in electrical equipment are to be fitted to propulsion generators which are enclosed or in which the air gap is not directly exposed. See Part 76 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter for details of the systems.

(i) *Insulation of windings.* Armature and field coils should be treated to resist oil and water.

(j) *Lubrication.* (1) In general, all generators should be located with their shafts in a fore and aft direction on the vessel and they must lubricate and operate satisfactorily when permanently inclined to an angle of 15 degrees athwartship and 5 degrees fore and aft; the bearings are to be so arranged that they will not spill oil under a momentary roll of 30 degrees. Where it is not practicable to mount the generators with armature shafts in the fore and aft direction, their lubrication will require special consideration. Generators depending on forced lubrication are to be so arranged to shut down automatically on loss of oil pressure. Provision is to be made to prevent oil or oil vapor from passing into the machine windings.

(2) For lubrication of emergency diesel-driven generator sets also see Subpart 112.50 of this subchapter.

§ 111.10–20 *Voltage regulation*—(a) *Ship's service generator.* (1) Ships service generator's inherent voltage regulation characteristics shall comply in general with all the applicable requirements contained in Table 111.10–20 (a) (1):

TABLE 111.10-20 (a) (1)

Type of generator	Load variation	Voltage variation (maximum)
D. c. shunt or stabilized shunt wound generator	100 percent to 20 percent (decreasing).	8 percent voltage rise.
	20 percent to 100 percent (increasing).	12 percent voltage drop.
D. c. compound wound generator and d. c. shunt wound generator with voltage regulator.	20 percent to 100 percent (increasing).	2½ percent.
	20 percent to 100 percent (increasing).	3 percent from average of ascending and descending curves.
	100 percent to 20 percent (decreasing).	
D. c. 3-wire generator (in addition to the above).	Rated current on either positive or negative and 25 percent rated current on neutral and rated voltage positive to negative.	Negative to neutral and positive to neutral 2 percent of rated positive to negative voltage.
A. c. generator and regulator (no reactive droop compensation).	0 percent to 100 percent (increasing).	1 percent of rated voltage from a median value halfway between highest and lowest values attained.[1]
	100 percent to 0 percent (decreasing). (At rated power factor.)	
Two or more a.-c. generators and regulators with reactive droop compensation adjusted for a voltage droop of not more than 4 percent of rated voltage for a reactive load change from 0 percent to 60 percent of continuous kilovolt-ampere rating.	0 percent to 100 percent (increasing).	Not more than 4 percent droop and no point more than 1 percent of rated voltage from the average curve drawn through a plot of settled voltage versus load for any increasing or decreasing load between zero and full load.
	100 percent to 0 percent (decreasing). (At rated power factor.)	

[1] May be 2½ percent for emergency generator.

(2) Generators shall, where practicable, be tested with their own driving units. When tested with temporary driving units, allowance shall be made for the expected speed regulation of the driving units to assure satisfactory voltage regulation, as given in Table 111.10–20 (a) (1) after assembly with the permanent driving units.

(b) *D. C. generators.* Where automatic voltage regulators are not supplied the d. c. ship's service generators should be approximately flat compounded except that, if the load fluctuation does not interfere with the operation of vital auxiliaries, shunt wound generators without voltage regulators or stabilized shunt wound machines may be used.

(c) *A. C. generators.* In general a separate regulator should be supplied for each a. c. generator. When it is intended that 2 or more generators will be operated in parallel, reactive droop compensating means should be provided to divide the reactive power properly between the generators. The regulator in conjunction with the exciter and the generator characteristics should be capable of performing in accordance with conditions set forth in (a) of this section.

§ 111.10–25 *Parallel operation.* (a) In general, when the installation is such that 2 or more generators are to be operated in parallel, the load on any generator should not differ more than plus or minus 15 percent of its rated kilowatt load from its proportionate share, based on the generator ratings, of the combined load for any steady state condition in the combined load between 20 percent and 100 percent of the sum of the rated loads of all generators. The starting point for the determination of the foregoing load distribution requirements should be at 75 percent load with each generator carrying its proportionate share.

§ 111.10–30 *Temperature limitations.* (a) Generators shall be designed for an ambient temperature of 50 degrees C. When tested in accordance with American Standard C50, the temperature rises shall not exceed the values given in Tables 111.10–30 (a1) and 111.10–30 (a2). Where provisions are made for insuring an ambient temperature of 40 degrees C. or less, the temperature rises may be 10 degrees C. higher than the values given in the tables.

TABLE 111.10-30 (a1)—LIMITS OF TEMPERATURE RISES FOR D. C. GENERATORS

Part of generator	Limits of temperature rises—degrees centigrade (measured by thermometer)			
	Class A insulation		Class B insulation	
	50° C. ambient		50° C. ambient	
	Continuous	At end of 2-hour overload	Continuous	At end of 2-hour overload
All insulated windings other than items next following	40	55	60	75
Single-layer field windings with exposed uninsulated surfaces and bare copper windings	50	65	70	85
Cores and mechanical parts in contact with or adjacent to insulation	40	55	60	75
Commutator and collector rings	55	65	75	85
German silver or grid shunts on series field windings	175		175	
Bearings	35		40	

TABLE 111.10-30 (a2)—LIMITS OF TEMPERATURE FOR A. C. GENERATORS BASED ON 50° C. AMBIENT TEMPERATURE

Item	Determined by—	Limits of temperature rises, degrees centigrade			
		Salient pole generators		Turbine type generators	
		Class A insulation	Class B insulation	Class A insulation	Class B insulation
Armature windings of machines of 1,500 kva. and less.	Thermometer	40	60		
Armature windings of machines of 750 kva. and less.	do			40	60
Armature windings with 2 coil sides per slot in stators of machines above 1,500 kva.	Imbedded detector	50	70		
Armature windings with 2 coil sides per slot in stators of machines above 750 kva.	do			50	70
Insulated field windings	Resistance	50	70		80
Collector rings	Thermometer	55	75	55	75
Cores and mechanical parts in contact with or adjacent to insulation.	do	40	60	40	60
Bearings	do	35	40	35	40

§ 111.10–35 *Dielectric strength of insulation.* Generators shall be capable of withstanding without damage a dielectric test in accordance with American Standard C50.

§ 111.10–40 *Tests.* (a) Sufficient tests should be made by the manufacturer to insure that the machine is in accordance with these regulations.

SUBPART 111.15—STORAGE BATTERIES

§ 111.15–1 *General requirements*—(a) *Power and light batteries.* Power and light batteries may be of the acid or alkaline type and the cells should be so constructed as to prevent spilling of the electrolyte through the motion of the ship. Batteries should be so arranged that the trays are accessible and with not less than 10 inches head room.

(b) *Emergency storage batteries.* When batteries are used for emergency lighting and power loads, the requirements of Part 112 of this subchapter are also applicable.

§ 111.15–5 *Battery installation and arrangement*—(a) *Large storage batteries.* Large storage batteries such as those for emergency lighting should be installed in a room assigned to the battery only but may be installed in a deck box if such a room is not available. No appliances subject to sparking should be installed in a battery room unless of the explosion proof type. The overload protective device required by § 111.15–25 should be placed in each conductor adjacent to but outside the room.

(b) *Batteries of moderate size.* Batteries of moderate size (20 to 36 volts) such as those for engine cranking or communications supply may be installed in the battery room or may be installed in battery lockers in the emergency generator room, machinery space or other suitable location. Cranking batteries should be located as closely as possible to the engine or engines served.

(c) *Battery trays.* Battery trays should be chocked with wood strips or equivalent to prevent movement and each tray should be fitted with nonabsorbent insulating supports on the bottom and with similar spacer blocks at the sides or with equivalent provisions to secure air circulation space all around each tray.

§ 111.15–10 *Ventilation*—(a) *Battery rooms.* Battery rooms should be ventilated to avoid accumulation of flammable gas. Natural ventilation may be employed if ducts can be run directly from the top of the battery room to the open air above. If natural ventilation is impracticable, mechanical exhaust ventilation should be provided with fan intake at the top of the room. Fans should be capable of completely changing the air in the battery room in not more than 2 minutes. Openings for air inlet should be provided near the floor.

(b) *Battery lockers.* Battery lockers should be ventilated, if practicable, similarly to battery rooms by a duct led from the top of the locker to the open air or to an exhaust ventilation duct, but the duct may terminate not less than 3 feet above the top of the locker in machinery spaces and similar well ventilated compartments. Louvres or equivalent should be provided near the bottom for entrance of air.

(c) *Deck boxes.* Deck boxes should be provided with a duct from the top of the box terminating at least 4 feet above in a goose neck, mushroom head or equivalent to prevent entrance of water. Holes for air inlet should be provided on at least 2 opposite sides of the box. The entire deck box, including openings for ventilation, should be weathertight to prevent entrance of spray or rain.

(d) *Boxes for small batteries.* Boxes for small batteries require no ventilation other than openings near the top to permit escape of gas.

§ 111.15–15 *Protection from corrosion.* The interiors of all battery rooms, including the structural parts and shelves therein as well as ventilation inlets and outlets, should be painted with corrosion-resistant paint. Shelves in battery rooms or lockers for acid batteries should have a watertight lining of sheet lead of $\frac{1}{16}$-inch thick carried up not less than 3 inches on all sides. For alkaline batteries the shelves should be similarly lined with steel not less than $\frac{1}{32}$-inch thick. Alternatively, a battery room may be fitted with a watertight lead pan, steel for alkaline batteries, over the entire deck, carried up not less than 6 inches on all sides. Deck boxes should be lined in accordance with the above alternative method. Boxes for small batteries should be lined to a depth of 3 inches consistent with the methods described above.

§ 111.15–20 *Conductors.* When conductors enter battery rooms the holes shall be made watertight. All connections within battery rooms shall be resistant to the electrolyte. Cables shall be sealed to resist the entrance of electrolyte by spray or creepage. The size of the connecting cable is to be based on current carrying capacities given in Table 111.60–1 (e) (1) (i) and the starting rate of charge or maximum discharge rate, whichever is the greater, shall be taken into consideration in determining the cable size.

§ 111.15–25 *Overload and reverse current protection.* An overload protective device is to be placed in each battery conductor. (For location with regard to battery rooms see § 111.15–5 (a).) The charging equipment for all batteries with a voltage more than 20 percent of the line voltage should provide automatic protection against reversal of current.

SUBPART 111.20—TRANSFORMERS

§ 111.20–1 *General requirements.* (a) All transformer windings should be treated to resist moisture, sea atmosphere, and oil vapors.

§ 111.20–5 *Temperature rise.* (a) The temperature rises, based on an ambient temperature of 40 degrees C., should not exceed the following:

Class A insulation	Class B insulation
55° C.	80° C.

(b) If the ambient temperature exceeds 40 degrees C. the transformer should be derated so that the total temperature given in this section is not exceeded. Temperatures are to be taken by the resistance or thermometer method of temperature determination.

SUBPART 111.25—MOTORS

§ 111.25–1 *General requirements.* (a) The requirements for generators contained in § 111.10–15 (a), (b), (c), (f), (g), (h), (i) and (j) are also applicable to motors, except that § 111.10–15 (c), (f) and (h) are applicable to propulsion motors only.

§ 111.25–5 *Nameplates.* (a) All motors shall be fitted with nameplates of corrosion-resistant material. The nameplates shall be marked with the following information:

(1) Manufacturer's type and frame designation;
(2) Output (hp.);
(3) Kind of rating;
(4) Design ambient temperature;
(5) Temperature rise at rated load;
(6) Revolutions per minute at rated load;
(7) Voltage;
(8) Amperes at rated load; and,
(9) Type of winding (for d. c. machines).

(b) For a. c. motors, in addition to the applicable parts listed in paragraph (a) of this section, the nameplates shall be marked with the following:

(1) Number of phase;
(2) Frequency;
(3) Power factor;
(4) Exciter voltage;
(5) Exciting current in amperes at rating; and,

(6) For motors rated at ½ horsepower or larger, except a polyphase wound-rotor motor, a code letter to show its input in kilovolt-amperes with locked rotor selected from the table given in section 94304, Chapter 9, National Electrical Code.

§ 111.25–10 *Temperature limitations.* (a) Motors for use in the engine room or boiler room shall be designed for an ambient temperature of 50 degrees C. Motors for use in locations where the ambient temperature will not exceed 40 degrees C may be designed for an ambient temperature of 40 degrees C. Motors, when tested in accordance with American Standard C50, shall not exceed the limits of temperature rises given in Tables 111.25–10 (a1) and (a2).

TABLE 111.25–10 (a1)—LIMITS OF TEMPERATURE RISES FOR D. C. MOTORS

Part of motor and type of enclosure	Limits of temperature rises; degrees centigrade			
	Class A insulation		Class B insulation	
	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature
All insulated windings other than item next following:				
Open and semienclosed	50	40	70	60
Totally enclosed	55	45	75	65
Single-layer field windings with exposed uninsulated surfaces and bare copper windings:				
Open and semienclosed	60	50	80	70
Totally enclosed	65	55	85	75
Cores and mechanical parts in contact with or adjacent to insulation:				
Open and semienclosed	50	40	70	60
Totally enclosed	55	45	75	65
Commutators and collector rings: All types	65	55	85	75
Bearings:				
Open and semienclosed	40	35	45	40
Totally enclosed	45	40	50	45

TABLE 111.25–10 (a2)—LIMITS OF TEMPERATURE RISES FOR A. C. MOTORS[1]

Part of motor and type of enclosure	Limits of temperature rises; degrees centigrade			
	Class A insulation		Class B insulation	
	40° C. ambient temperature	50° C. ambient temperature	40° C. ambient temperature	50° C. ambient temperature
Coil windings, cores and mechanical parts in contact with, or adjacent to insulation:				
All except totally enclosed	50	40	70	60
Totally enclosed	55	45	75	65
Collector rings, commutators (the class of insulation refers to insulation affected by the heat from the commutator or collector rings, which insulation is employed in the construction of the commutator or collector rings or is adjacent thereto): All types	65	55	85	75
Bearings:				
Open and semienclosed	40	35	45	40
Totally enclosed	45	40	50	45

[1] Squirrel-cage windings and mechanical parts not in contact with or adjacent to insulation may reach such temperatures as will not be injurious in any respect.

§ 111.25–15 *Duty cycle.* (a) Motors shall be rated for continuous duty, except that motors for the applications listed in Table 111.25–15 (a) may be short-time rated motors as indicated. Any other motors of similar duty may have consistent short-time ratings.

TABLE 111.25–15 (a)

Application of motor	Minimum short time rating of motor in hours
Deck winch and direct acting capstan.	½.
Direct acting windlass	½.
Windlass with hydraulic transmission.	½ hour idle pump operation followed by ¼ hour full load operation.
Steering gear, direct acting	1.
Steering gear, indirect drive.	Continuous operation at 15 percent load followed by 1 hour at full load.
Watertight door operators	½.
Lifeboat winches	½.

§ 111.25–20 *Dielectric strength of insulation.* (a) Motors shall be capable of withstanding without damage a dielectric test in accordance with American Standard C50.

§ 111.25–25 *Terminal arrangement.* (a) All motors, except those of the watertight type, shall be provided with terminal leads in terminal boxes secured to the frames. Terminal boxes shall be drip-proof or watertight, consistent with the motor enclosure. The ends of motor terminal leads shall be fitted with connectors. As an alternate to this arrangement, the frames of motors may be fitted with terminal tubes through which the cable shall pass to suitable terminals inside the frame.

§ 111.25–30 *Enclosure and protection*—(a) *General.* Motors for use in the engine room or spaces where subject to mechanical injury, or dripping of oil or water, shall be either of the watertight or drip-proof protected type, or they may be of the open type if protected in accordance with § 111.10–15 (g). Care shall be exercised in locating the latter types high enough to avoid bilge water. Motors below the level of the floor plates shall have all openings for ventilation located above the floor plate level.

SUBPART 111.30—ELECTRIC COUPLINGS FOR PROPULSION

§ 111.30-1 *General requirements*—(a) *Enclosure and ventilation.* Electrical couplings shall be enclosed and ventilated as required for generators. All windings shall be specially treated to resist moisture, oil and salt air.

(b) *Accessibility for repairs.* The couplings should be designed to permit removal as a unit without moving the engine.

(c) *Excitation.* Excitation should be provided as for propulsion generators and motors.

(d) *Nameplates.* All electric propulsion couplings shall be fitted with nameplates of corrosion-resistant material. The nameplates shall be marked with the following information:

(1) Manufacturer's type and frame designation;
(2) Output (hp.);
(3) Kind of rating;
(4) Design ambient temperature;
(5) Temperature rise at rated load;
(6) Revolutions per minute at rated load;
(7) Voltage;
(8) Exciter voltage; and,
(9) Exciting current in amperes at rated load.

(e) *Temperature limitations.* The limits of temperature rise should be the same as for alternating-current generators, except that when a squirrel cage element is used the temperature of this element may reach such values as are not injurious. Depending upon the cooling arrangements the maximum temperature rise may occur at other than full load rating so that heat runs will require special consideration; for this purpose, when an integral fan is fitted the coupling temperatures should not exceed these limits when operated continuously at 70 percent of full load rpm., full excitation and rated torque.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

§ 111.35-1 *General requirements*—(a) *General.* Controlling appliances for propulsion and ship's service equipment should include the apparatus necessary for starting, stopping, reversing and controlling the speed of motors, together with essential safety devices. All wearing parts are to be readily renewable.

(b) *Switchboard installation and location.* Switchboards shall be installed in as dry a place as possible and shall be accessible from the front and rear. Switchboards shall be secured to a solid foundation, shall clear deck beams by at least 4 inches, and shall be either self-supported or braced to the bulkhead or deck above. In case the latter method is used, means of bracing shall be flexible to allow deflection of the ship's structure without buckling the control cell or assembly structure. Unless otherwise specifically approved, a clear working space of not less than 36 inches shall be provided in front of switchboards and a working space of not less than the values shown in Table 111.35-1 (b) shall be provided in the rear of switchboards.

TABLE 111.35-1 (b)—WORKING SPACE IN REAR OF SWITCHBOARDS

Potential between phases or conductors of opposite polarity	Switchboard width	Clear working space in rear of switchboard in inches	
		Accessible from one end only	Accessible from both ends
250 volts or less	Single panel not exceeding 42 inches in width	24	18
	More than one panel or single panel exceeding 42 inches in width	30	24
Over 250 volts but less than 600 volts.	Single panel not exceeding 42 inches in width	30	24
	More than one panel or single panel exceeding 42 inches in width	36	30
600 volts or over	Any width	38	36

[1] May be reduced not more than 6 inches in way of stiffeners and frame or by equipment on a single panel in the switchboard.

(b) *Pump motors.* Motors for operating plunger and close coupled pumps should have the driving end entirely enclosed or designed to prevent leakage from entering the motor.

(c) *Motors for use on weather decks.* Motors for use on weather decks shall be of the watertight type or shall be enclosed in watertight housings.

(d) *Motors installed below decks.* Motors installed below decks should be located in as dry a place as practicable and proximity to steam, water and oil piping should be avoided.

(e) *Motors for hazardous locations.* Motors for use in hazardous locations shall comply with the requirements of § 111.60-40.

§ 111.25-35 *Current ratings.* (a) For continuous duty motors, the current values given in Table 111.25-35 (a) shall be used for the purpose of determining the current-carrying capacity of conductors, switches, branch-circuit overcurrent devices, etc., in lieu of the actual current ratings marked on the motor nameplate. For motors of unusual speeds and for other than continuous duty motors, the nameplate current values shall be used. The motor-running overcurrent protection shall be based on the motor nameplate current rating.

TABLE 111.25-35 (a)—APPROXIMATE FULL-LOAD CURRENTS OF CONTINUOUS DUTY MOTORS [1]

Motor horsepower	Full-load current—amperes							
	D. c. motors		3-phase, a. c. induction motors					
			Squirrel-cage		Wound-rotor			
	115 volts	230 volts	220 volts	440 volts	220 volts	440 volts		
½	4.4	2.2	2.0	1.0				
¾	6.2	3.1	2.6	1.3				
1	8.0	4.0	3.2	1.6				
1½	11.0	5.5	4.5	2.3				
2	13.6	6.8	6.3	3.3				
3	19.2	9.6	8.5	4.3				
5	28	14	12.5	6.3				
7½	40	20	16.3	8.3				
10	50	25	20.5	10.3				
15	76	38	29	15				
20	100	50	38	19.8				
25	120	61	47	23.4				
30	148	73	56	28.7				
40	190	98	73	38.3				
50	230	119	92	47				
60	282	142	110	56				
75	354	177	136	70				
100	463	231	180	92				
125	567	284	221	113				
150	680	340	265	133				
200	890	445	350	177				
250		550	430	220				
300		655	515	263				
350		760	600	305				
400		870	680	350				
450		980	770	393				
500		1,085	855	435				
600		1,300	1,025	520				
700		1,520	1,200	610				
800		1,730	1,365	694				
900		1,950	1,535	780				
1,000		2,170	1,710	868				
1,250		2,710	2,130	1,080				
1,500		3,250	2,560	1,295				
1,750		3,780	2,970	1,510				
2,000		4,320	3,410	1,720				
2,250		4,860	3,830	1,940				
2,500		5,400	4,250	2,160				
2,750		5,940	4,670	2,380				
3,000		6,480	5,090	2,590				
3,500		7,550	5,940	3,020				
4,000		8,620	6,780	3,450				
4,500		9,700	7,630	3,880				
5,000		10,770	8,470	4,310				

[1] Table 111.25-35 (a) gives values that are approximate, and typical only of motors for usual speeds and frequencies. For low speed and special motors, the full-load currents are sometimes more than the values shown. For this reason, the values shown should be used only for estimating purposes and the selection of cable. They should not be used as the selection of overload relay heaters and coils.

(c) *Switchboard mechanical protection.* The sides of switchboards shall be enclosed and the space in the rear of switchboards made inaccessible to other than qualified persons. Non-conducting mats or gratings shall be provided on deck in the front and rear of switchboards. Non-conducting hand rails at the front and non-conducting guard rails at the rear shall be provided. Each switchboard shall have a drip-cover over the top. Hinged panels of dead front switchboards shall be provided with positioners and stops.

(d) *Switchboard construction.* Panels should be made of impregnated ebony asbestos, laminated phenolic material, or the equivalent. They may be made of metal if the mountings are properly insulated. The supporting framework for all panels is to be of rigid construction. No wood should be used in the construction of switchboards except that a hardwood or non-conducting hand rail should be provided for the protection of personnel from live parts.

(e) *Dead front type switchboard.* Dead front type switchboards should be used where voltage to ground is in excess of 250 volts direct current or 150 volts alternating current.

(f) *Corrosion-resistant parts.* Parts of switchboards and control assemblies liable to damage by corrosion should be made of noncorrodible-material or of material made corrosion resistant.

(g) *Mechanical strength of working parts.* All levers, handles, hand wheels, interlocks and their connecting links, shafts and bearings for the operation of switches and contactors should be of such proportions that they will not be broken or distorted by manual operation.

(h) *Nameplates.* Nameplates shall be provided for each piece of apparatus to indicate clearly its service. Nameplates for feeders and branch circuits shall include the circuit designation, description of the load served, the circuit current-carrying capacity, and the rating or setting of the appropriate overcurrent protective device.

(i) *Protection of instrument circuits.* Except as otherwise provided in this paragraph, instruments, pilot lights, ground detector lights, potential transformers, and other switchboard devices shall be supplied by circuits protected by overcurrent devices. Ship's service generator pilot lights shall be supplied by circuits used for no other purpose.

(j) Circuits, the opening of which would create a hazard in the operation of the vessel, shall not be protected against overcurrent. Such circuits will usually include electric propulsion control circuits, voltage regulator supply circuits, and ship's service generator circuit breaker tripping control circuits.

(j) *Grounding of instruments, relays, meters, and instrument transformers.* Metal cases of instruments, relays, meters, and instrument transformers located on switchboards shall be grounded.

§ 111.35-5 *Switchboard bus bars and wiring*—(a) *General.* Buses shall be designed on the basis of generator capacity and feeder loads. For a single generator, the generator bus shall have a capacity equal to the continuous rating of the generator plus any overload rating in excess of 30 minutes duration. For more than one generator with all generating capacity feeding through one section of the bus, the capacity of the bus for the first generator shall be the same as for a single generator. For each subsequent generator the bus capacity shall be increased by 80 percent of the continuous rating of each added generator. The capacity of connection buses for each generator unit shall be equal to the continuous rating of the generator plus any overload rating in excess of 30 minutes duration. All other bus bars and bus bar connections should be designed for at least 75 percent of the combined full-load rated currents of all apparatus they supply, except that when feeders supply 1 unit or any group of units in continuous operation they should be designed for full load.

(b) *Bus bar rating.* Bus bar sizes shall be not less than that indicated for the ampere ratings in Table 32 (Appendix) of AIEE Standard No. 45.

(c) *Arrangement of bus bars and wiring.* The arrangement of bus bars and wiring on the back of switchboards shall be such that all lugs are readily accessible. Soldering lugs should have a solder contact length at least 1½ times the diameter of the conductor and all nuts and connections should be fitted with efficient locking devices to prevent loosening due to vibration.

(d) *Spacing.* Except at switching mechanisms, contactors, pilot lights, and similar switchboard mounted equipment, the spacings in a switchboard shall be not less than those indicated in Table 111.35-5 (d). Spacings at switchboard mechanisms, contactors, pilot lights, and similar switchboard mounted equipment shall conform to the requirements for the respective equipment as required by this subchapter.

TABLE 111.35-5 (d)—SWITCHBOARD SPACINGS

Voltage involved	Minimum spacing in inches between live parts of opposite polarity		Minimum spacing in inches through air or over surfaces between uninsulated live-metal parts and grounded dead metal
	Over surface	Through air	
125 or less	¾	½	½
126 through 250	1¼	¾	¾
251 through 600	2	1	1

(e) *Switchboard wiring.* Instrument and control wiring should be of the stranded type not smaller than 4000 CM and should have flame-retarding insulation.

§ 111.35-10 *Switchboard mounted equipment*—(a) *General.* Air circuit breaker contacts should be kept at least 12 inches from the ship's structure unless insulation barriers are installed. For live front switchboards the clearance between current carrying parts and base channel should not be less than 4 inches. Voltage regulator element should be totally enclosed. Where rheostats or other devices that may operate at high temperatures are mounted on the switchboard, they should be naturally ventilated and so isolated by barriers as to prevent excessive temperature of copper or adjacent devices. When this cannot be accomplished the rheostat or other device should be mounted separate from the switchboard. In general, all fuses, except for instrument and control circuits, should be mounted on or be accessible from the front of the switchboard. All wiring on the back of boards for voltmeter, pilot and ground lamps should be protected by fuses.

(b) *Equipment.* Contactors, relays, switches, circuit breakers, etc., shall conform to the applicable requirements of such devices given in this subchapter.

(c) *Connections.* The connections between a direct-current generator and the bus bars shall be in accordance with Figures 1 to 10, inclusive, appendix, AIEE Standard No. 45. Other connections not less effective will be considered.

§ 111.35-15 *Ship's service generator and distribution switchboards*—(a) *General.* Ship's service generator and distribution switchboard must provide adequate control of the generation and distribution of electric power.

(b) *Equipment for direct-current switchboards.* For direct-current switchboards, in addition to equipment required by paragraph (a) of this section, there shall be provided at least the equipment listed in this paragraph.

(1) A generator disconnect switch or disconnect links which will completely disconnect the generator and its generator circuit breaker from the bus.

(2) For two-wire machines, an ammeter for each generator and, for three-wire machines, an ammeter for each positive and negative lead and a center zero ammeter in the ground connection at the generator switchboard. Ammeters shall be so located in the circuit as to indicate total generator current.

(3) For each two-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage and bus voltage. Where a shore connection is installed, one of these voltmeter switches shall also provide for reading shore connection voltage.

(4) For each three-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage, positive to negative, and bus voltage positive to negative, positive to neutral, and neutral to negative. Where a shore connection is installed, one of these voltmeter switches shall provide also for reading shore connection voltage, positive to negative, positive to neutral, and neutral to negative.

(5) A field rheostat for each generator.

(6) A pilot lamp for each generator connected between generator and circuit breaker.

(7) Adequate means for ground detection. For three-wire generators see subparagraph (2) of this paragraph. Where the distribution system is isolated electrically into several parts by motor-generator sets or transformers, ground detection shall be provided for each part of the distribution system at the ship's service switchboard. Where ground lamps are supplied for ground detection,

a normally closed spring-return-to-normal switch shall be provided in the ground connection. Ground detector lamps shall be clear (not inside frosted) medium base unobstructed lamps of a rating not less than 25 watts operating at approximately ½ voltage in the absence of grounds.

(c) *Equipment for alternating-current switchboards.* For alternating-current switchboards, in addition to the equipment required by paragraph (a) of this section, there shall be provided at least the equipment listed in this paragraph.

(1) An unfused generator switch or links which will completely disconnect the generator and its circuit breaker from the bus.

(2) An ammeter for each generator with a selector switch to read the current of each phase.

(3) A voltmeter for each generator with voltmeter switch for connecting the voltmeter to read generator voltage of each phase and bus voltage of 1 phase; where a shore connection is installed, one of these voltmeter switches shall provide also for reading voltage of each phase of the shore connection.

(4) A synchroscope and synchronizing lamps with selector switch to provide for paralleling in any combination.

(5) Control for prime mover speed for paralleling.

(6) An indicating wattmeter for each generator.

(7) A frequency meter with selector switch to connect to any generator.

(8) A field rheostat for each generator and each exciter.

(9) A double-pole field switch with discharge clips and resistor for each generator.

NOTE. For generators with variable voltage exciters or rotary amplifier exciters, each controlled by a voltage regulator unit acting on the exciter field, the field switch, the discharge resistor and the generator field rheostat may be omitted.

(10) A pilot lamp for each generator connected between generator and circuit breaker.

(11) A voltage regulator complete with all accessories, including a voltage regulator functional cut-out switch.

(12) Adequate means for ground detection. For details see paragraph (b) (7) of this section.

§ 111.35–20 *Emergency and interior communication switchboards.* Emergency and interior communication switchboards, when fitted, shall comply with the applicable provisions of subpart 111.35 and of Part 112 of this subchapter.

§ 111.35–25 *Electric propulsion control*—(a) *General.* The arrangement of bus bars and wiring on the back of propulsion control assemblies should be such that all parts including the connections are readily accessible. Adequate clearance should be provided between parts of opposite polarity and between live parts and ground to prevent arcing. All nuts and connections should be fitted with locking devices to prevent loosening due to vibration.

(b) *Prime mover control.* Where required by the system of control, means should be provided at the control assembly for controlling the prime mover speed and for mechanically tripping the throttle valve.

(c) *Protection.* The control assembly should be protected at the sides and back by a wire mesh, expanded metal grill, or other means if a bulkhead does not perform this function. The access doors to high voltage compartments should be interlocked to prevent opening unless the main generator field circuit is deenergized. A warning plate giving the maximum voltage inside the enclosure should be provided on all doors entering the enclosure. Where steam and oil gages are mounted on the main control assembly, provision should be made so that the steam or oil will not come in contact with the energized parts in case of leakage.

(d) *Switches.* All switches are to be arranged for manual operation and so designed that they will not open under ordinary shock or vibration; contactors, however, may be operated pneumatically, by solenoids, or by other means in addition to the manual method which should be provided unless otherwise approved. Generator and motor switches should preferably be of the air-break type but for alternating-current systems, where they should be designed to open full load current at full voltage, oil break switches using non-flammable liquid may be used if provided with leakproof non-spilling tanks. Where necessary, field switches should be arranged for discharge resistors, unless discharge resistors are permanently connected across the field. For alternating-current systems, means should be provided for deenergizing the excitation circuits by the unbalance relay and ground relay.

(e) *Interlocks.* All levers for operating contactors, line switches, field switches and similar devices should be interlocked to prevent their improper operation. Interlocks should be provided with the field lever to prevent the opening of any main circuits without first reducing the field excitation to zero, except that when the generators simultaneously supply power to an auxiliary load apart from the propulsion, the field excitation need only be reduced to a low value.

(f) *Instruments and markings.* The necessary instruments to indicate existing conditions at all times are to be provided and mounted on the control panel convenient to the operating levers and switches. Instruments and other devices mounted on the switchboard are to be plainly labeled and the instruments provided with a distinguishing mark to indicate full load conditions. Metallic cases of all permanently installed instruments should be permanently grounded.

(g) *Locations.* Either wheelhouse or engine room control may be used; however, when wheelhouse control is used an arrangement shall be provided whereby the propulsion equipment can also be controlled from the engine room except when otherwise approved for small vessels for limited service. When the equipment is arranged for control from two or more stations, a selector switch shall be provided for connecting the control means to the delegated station. This selector switch shall be interlocked to prevent transfer of the control without removing power and to prevent restarting from the incoming control station until the control is first returned to the "Off" position.

(h) *Indicators.* (1) When two or more control stations are provided, indicating lights should be located at each control to show the station which is in control.

(2) When two or more control stations are provided, additional indicating lights should be located at each control station, except at the engine room control, to show whether the field circuits are energized or deenergized.

(3) A propeller shaft speed indicator should also be provided at each control station.

(i) *Mutiple units.* Systems having two or more propulsion generators or two or more motors on one propeller shaft should be so arranged that any unit may be cut out of service without preventing the operation of the remaining units.

(j) *Ground detection and protection from electrical faults.* Ground detection together with means of protecting the propulsion generators and motors from electrical faults should be provided. For alternating-current systems, the grounding of the generator neutral should be through a resistor which will limit the current at full load rated voltage to not more than 20 amperes upon a fault to ground in the propulsion system. Phase unbalance and ground relays should be provided which will open the generator and motor field circuits upon the occurrence of a fault. For direct-current systems, the ground detector may consist of a voltmeter or lights. Provision should be made for protection against severe overloads, excessive currents, and electrical faults, likely to result in damage to the plant. Protective equipment should be capable of being so set as not to operate on the overloads or overcurrents experienced in a heavy seaway or when maneuvering.

(k) *Features for other services.* If the propulsion generator is used for other purposes than for propulsion, such as dredging, cargo oil pumps, and other special services, overload protection in the auxiliary circuit and means for making voltage adjustments should be provided at the control board. For alternating-current generators means should be provided for making frequency adjustments.

(l) *Electric coupling control equipment.* Electric coupling control equipment should be combined with the prime mover speed and reversing control and should include a disconnect switch, short circuit protection only, ammeter for reading coupling current, discharge resistor and interlocking to prevent energizing the coupling when the prime mover control levers are in an inappropriate position.

§ 111.35–30 *Tests for switchboard and propulsion controls.* (a) Switchboards and propulsion control apparatus shall be capable of meeting the test requirements of paragraph (46), section 35, American Bureau of Shipping Rules for the Classification and Construction of Steel Vessels.

SUBPART 111.40—DISTRIBUTION PANELBOARDS (SWITCHBOARD AND PANELBOARD TYPES)

§ 111.40–1 *General requirements*—(a) *Location.* Panelboards should be located in accessible positions and not in such spaces as bunkers, storerooms, cargo holds, compartments allotted alternately to passengers or cargo or locations exposed to the weather.

(b) *Enclosure.* The enclosure of distribution panelboards shall be as follows:

(1) *Switchboard type.* Distribution panels of the switchboard type, unless installed in machinery spaces or in compartments assigned exclusively to electric equipment and accessible only to qualified personnel, shall be completely enclosed or otherwise protected against accidental contact and unauthorized operation.

(2) *Panelboard type.* Panelboards not exposed to moisture, and particularly flush mounted panelboards in way of joiner work in passenger and crew accommodations and public spaces, may be of nonwatertight construction. Elsewhere panelboards generally shall be of drip-proof construction.

(3) *Watertight panelboards.* Where panelboards must be located where a watertight enclosure is necessary, the switches shall be externally operative.

(c) *Locking.* The cabinet or enclosing case of panelboards shall be locked closed where accessible to passengers.

(d) *Safety type.* Panelboards for the control of general lighting circuits and panelboards containing voltages to ground in excess of 150 volts shall be of the safety type.

(e) *Construction.* Switchboard type panelboards shall conform to the applicable requirements of Subpart 111.35. Unspecified panelboard construction details shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Panelboards.

(f) *Switching devices.* Panelboards for distribution to motors, appliances, lighting or other branch circuits, except general alarm circuits, shall be fitted with multipole switches or circuit breakers having a pole for each conductor. Overcurrent protection shall be provided for each ungrounded conductor of feeders and each conductor of branch circuits. For setting of overload devices see Subpart 111.55. The rating of the disconnecting device shall be coordinated with the voltage and current requirements of the load, and in no case less than 30 amperes.

(g) *Number of overcurrent devices on one panelboard.* Not more than 42 overcurrent devices of a lighting or appliance branch circuit panelboard shall be installed in any one cabinet.

(h) *Relative arrangement of switches and fuses.* Panelboards having switches on the load side of any type of fuses shall not be installed.

(i) *Directory.* Panelboard switching units shall be numbered and the panelboard provided with a circuit directory card and card holder. After installation, the directory card shall be marked for each circuit with the circuit designation, description of load served, the circuit current-carrying capacity, and the rating or setting of the appropriate overcurrent protective device.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

§ 111.45–1 *Motor controllers, general requirements*—(a) *Suitability.* Each controller shall be capable of starting and stopping the motor which it controls, and for an alternating-current motor shall be capable of interrupting the stalled-rotor current of the motor.

(b) *Rating.* The controller shall have a horsepower rating, which shall not be lower than the horsepower rating of the motor, except as otherwise permitted in this paragraph.

(1) For a stationary motor rated at ⅓ horsepower or less that is normally left running and is so constructed that it cannot be damaged by overload or failure to start, such as clock motors and the like, the branch circuit overcurrent device may serve as the controller.

(2) For stationary motors rated at 2 horsepower or less, and 300 volts or less, the controller may be a general use switch having an ampere rating at least twice the full load current rating of the motor.

(3) For portable motors rated at ⅓ horsepower or less, the controller may be an attachment plug and receptacle.

(4) A branch circuit circuit breaker, rated in amperes only, may be used as a controller. When this circuit breaker is also used for overcurrent protection, it shall conform to the appropriate provisions of this part governing overcurrent protection.

(c) *Need not open all conductors.* Except when the motor controller serves also as a disconnecting means (see § 111.45–30 (l)) the controller need not open all conductors to the motor.

(d) *In grounded conductors.* One pole of the controller may be placed in a permanently grounded conductor provided the controller is so designed that the pole in the grounded conductor cannot be opened without simultaneously opening all conductors of the circuit.

(e) *Adjacent to motor and driven machinery.* Generally a controller shall be located adjacent to the motor and its driven machinery. Where it is desired to group motor controllers at a central location or where, for other reasons, it is not feasible to locate a controller adjacent to the motor and its driven machine, the following conditions shall be complied with:

(1) The motor and controller disconnecting means required by § 111.45–30 shall be capable of being locked in the open position.

(2) Means shall be provided at the motor to start and stop the motor.

(3) Means shall be provided at the motor to prevent starting the motor from a remote location. This means may be a switch in the control circuit.

(4) An alternative arrangement is specifically approved.

(f) *Number of motors served by each controller.* Each motor shall be provided with an individual controller, except that for motors of 600 volts or less, a single controller may serve a group of motors under any one of the conditions covered in this paragraph.

(1) If a number of motors drive several parts of a single machine or piece of apparatus.

(2) If a group of motors is under the protection of one over-current device as permitted in § 111.45–20 (c) (1).

(g) *Adjustable-speed motors.* Adjustable-speed motors, if controlled by means of field regulation, shall be so equipped and connected that they cannot be started under weakened field, unless the motor is designed for such starting.

(h) *Speed limitation.* Machines of the types listed in this paragraph shall be provided with speed limiting devices, unless the inherent characteristics of the machine, the system, or the load and the mechanical connection thereto are such as safely to limit the speed, or unless the machine is always under the manual control of a qualified operator.

(1) Separately excited direct-current motors.

(2) Series motors.

(3) Motor-generators and converters which can be driven at excessive speed from the direct-current end, as by reversal of current or decrease in load.

(i) *Enclosure*—(1) *General.* All controlling apparatus except as otherwise permitted below shall be protected by enclosing cases, either drip-proof or watertight, depending on their location. Cable entrance plates shall be provided on enclosing cases having a volume exceeding 200 cubic inches. When such plates are located at the top, they shall be fitted with gaskets. Watertight enclosures shall be provided with external feet or lugs for mounting.

(2) *Open type.* Control apparatus may be of the open type provided it is located in a compartment or enclosure assigned solely to electrical control equipment and accessible only to qualified persons. Where the compartment is used for other apparatus and the location of an open controller is such that it is subject to accidental contact, adequate guard rails or the equivalent shall be provided.

(j) *Hinged doors.* All controller hinged doors having either a height exceeding 45 inches or a width exceeding 24 inches shall be provided with door positioners and stops. All live parts mounted on a hinged door shall be shielded against accidental contact.

(k) *Grounding.* Controller cases, except insulating covers of snap switches, shall be grounded.

(l) *Construction.* The construction of controlling apparatus and their enclosures shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Industrial Control Equipment, except that sheet metal enclosures for installation in corrosive locations shall not be installed unless 1 of the conditions covered in this paragraph is complied with.

(1) The enclosure is fabricated of corrosion-resistant material.

(2) The enclosure is fabricated of sheet steel not less than ⅛-inch in thickness and hot dip galvanized after fabrication.

(3) The enclosure is fabricated of sheet steel not less than 3/64-inch in thickness and given a corrosion resistant finish in accordance with § 110.15–40 of this subchapter.

(m) *Wearing parts.* All wearing parts of controllers should be readily accessible for inspection and renewal.

(n) *Protection against low voltage.* Motor controllers for motors of 2 horsepower or larger shall be provided with protection against low voltage. Low-voltage release should be provided only on controllers for auxiliaries which are vital to the operation of the propelling equipment where automatic restart after a voltage failure will not be hazardous. Otherwise, low-voltage protection should be used. To permit prompt restoration of service after interruption, the starting current and short time sustained current of all low-voltage release loads shall be within the capacity of one generator.

(o) *Manually-operated controllers.* Manually-operated controllers shall be arranged for operation without opening the enclosing case. In the panel type the starting arm shall be arranged so that the motor will stop if the arm be left on a starting point. In regulating drum controllers the resistor shall be proportioned for the duty cycle.

(p) *Alternating-current auto-starters.* Alternating-current auto-starters with self contained auto-transformers should be provided with switches of the quick-make-and-break type and the starter should be arranged so that it will be impossible to throw to the running position without having first thrown to the starting position. Switches should be preferably of the contactor or air-break type. In case oil is necessary, the starter should not leak when tilted to an angle of 15 degrees and should be constructed to prevent the liquid from splashing out due to the rolling of the vessel.

(q) *Identification of controllers.* A controller shall be marked with the maker's name or identification symbol, the voltage, the current or horsepower rating, and such other data as may be needed properly to indicate the motor which it controls. Identification nameplate shall be mounted on the external surface of the enclosures. A wiring diagram of the controller shall be permanently attached to the inside of the controller door.

§ 111.45–5 *Motor overcurrent protection*—(a) *General.* The following provisions in this section specify overcurrent devices intended to protect the motors, the motor control apparatus, and the branch-circuit conductors against excessive heating due to motor overloads.

(b) *Continuous duty motors more than one horsepower.* Each continuous duty motor rated more than 1 horsepower shall be protected against overcurrent by one of the means covered in this paragraph.

(1) A separate overcurrent device which is responsive to motor current. This device shall be rated or set at not more than 125 percent of the motor full load current rating. This value may be modified as permitted by paragraph (g) of this section.

(2) A protective device integral with the motor which is responsive to motor current or to both motor current and temperature. This device must be approved for use with the motor which it protects on the basis that it will interrupt current to the motor when the motor is operated in its rated ambient temperature and with overcurrent of not more than 125 percent of the motor full load current. This value may be modified as permitted by paragraph (g) of this section. If the motor current interrupting device is separate from the motor and its control circuit is operated by a protective device integral with the motor, it must be so arranged that the opening of the control circuit will result in interruption of current to the motor.

(c) *Continous duty motors, one horsepower or less, manually started.* Each manually started continuous duty motor rated at one horsepower or less which is within sight from the starter location, shall be considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit. This branch circuit overcurrent device shall not be larger than that specified by Tables 111.45–20 (b1), and 111.45–20 (b2), except that any such motor may be used at 125 volts or less on a branch circuit protected at 20 amperes. Any such motor, which is out of sight from the starter location, shall be protected as specified in paragraph (d) of this section for automatically started motors.

(d) *Continuous duty motors, one horsepower or less, automatically started.* Each continuous duty motor rated at 1 horsepower or less which is automatically started shall be protected against overcurrent by the use of one of the means covered in this paragraph.

(1) In the same manner as provided for motors rated at more than 1 horsepower by paragraph (b) (1) or paragraph (b) (2) of this section.

(2) If part of an approved assembly which does not normally subject the motor to overloads and which is also equipped with other safety controls which protect the motor against damage due to stalled rotor current, the motor will be considered to be protected. Where such protective equipment is used, it shall be indicated on the name plate of the assembly where it will be visible after installation.

(3) If the impedance of the motor windings is sufficient to prevent overheating due to failure to start, the motor may be protected as specified in paragraph (c) of this section for manually started motors.

(e) *Wound-rotor secondaries.* The secondary circuits of wound-rotor alternating-current motors, including conductors, controllers, resistors, etc., shall be considered as protected against overcurrent by the motor-running overcurrent device.

(f) *Intermittent and similar duty.* A motor used for a condition of service which is inherently short time is considered as protected against overcurrent by the branch circuit overcurrent device, provided the overcurrent protection does not exceed that specified in Tables 111.45–20 (b1) and 111.45–20 (b2). Any motor is considered to be for continuous duty unless the nature of the apparatus which it drives is such that the motor cannot operate continuously with load under any condition or unless permitted by § 111.25–15.

(g) *Selection or setting of protective devices.* Where the values specified for motor-running overcurrent protection do not correspond to the standard sizes or rating of fuses, nonadjustable circuit breakers, thermal cutouts, thermal relays, the heating elements of thermal-trip motor switches, or possible settings of adjustable circuit breakers adequate to carry the load, the next higher size, rating, or setting may be used, but not higher than 140 percent of the full-load current rating of the motor. If not shunted during the starting period of the motor (see paragraph (h) of this section), the protective device shall have sufficient time delay to permit the motor to start and accelerate its load.

(h) *Shunting during starting period.* If the motor is manually started (including starting with a magnetic starter having push-button control) the running overcurrent protection may be shunted or cut out of the circuit during the starting period of the motor, provided the device by which the overcurrent protection is shunted or cut out cannot be left in the starting position, and the motor shall be considered as protected against overcurrent during the starting period if fuses or time-delay circuit breakers, rated or set at not over 400 percent of the full-load current of the motor, are so located in the circuit as to be operative during the starting period of the motor. The motor-running overcurrent protection shall not be shunted or cut out during the starting period if the motor is automatically started.

(i) *Fuses; in which conductor.* If fuses are used for motor-running protection, a fuse shall be inserted in each ungrounded conductor, except that a fuse shall also be inserted in a grounded conductor under the circumstances set forth in footnote 1 of Table 111.45–5 (j) for circuits supplied by wye-delta or delta-wye connected transformers.

(j) *Devices other than fuses; in which conductors.* If devices other than fuses are used for motor-running protection, Table 111.45–5 (j) shall govern the minimum allowable number and location of overcurrent units, such as trip coils, relays, or thermal cutouts.

(k) *Number of conductors disconnected by overcurrent device.* Motor-running protective devices, other than fuses or thermal cutouts, shall simultaneously disconnect a sufficient number of ungrounded conductors to interrupt current flow to the motor. It is recommended that all ungrounded conductors

TABLE 111.45–5 (j)

Kind of motor	Supply system	Number and location of overcurrent units, such as trip coils, relays, or thermal cut-outs
1-phase a. c. or d. c.	2-wire, 1-phase a. c. or d. c., ungrounded	1 in either conductor.
1-phase a. c. or d. c.	2-wire, 1-phase a. c. or d. c., one conductor grounded	1 in ungrounded conductor.
1-phase a. c. or d. c.	3-wire, 1-phase a. c. or d. c., grounded-neutral	1 in either ungrounded conductor.
2-phase a. c.	3-wire, 2-phase a. c. ungrounded	2 in any 2 conductors.[1]
2-phase a. c.	3-wire, 2-phase, one conductor grounded	2 in ungrounded conductors.[1]
2-phase a. c.	3-wire, 2-phase a. c., grounded-neutral	2 in any 2 conductors.[1]
3-phase a. c.	4-wire, 3-phase a. c. grounded neutral or ungrounded	2 in any 2 conductors, except the neutral.[1]

[1] In the case of distribution systems supplying wye-delta or delta-wye connected transformers (having the wye neutral point in the primary ungrounded or not connected to the circuit) three running overcurrent units shall be provided for the protection of 3-phase 3-wire motors.

be opened if devices capable of accomplishing this are available.

(l) *Motor controller as running protection.* A motor controller may also serve as the running overcurrent device if the number of overcurrent units complies with Table 111.45–5 (j), and if these overcurrent units are operative in both the starting and running position in the case of a direct-current motor, and in the running position in the case of an alternating-current motor.

(m) *Thermal cutouts and relays.* Thermal cutouts, thermal relays and other devices for motor-running protection which are not capable of opening short circuits, shall be protected by fuses or circuit breakers with ratings or settings of not over 4 times the rating of the motor for which they are designed, unless approved for group installation, and marked to indicate the maximum rating or setting of the overcurrent device by which they must be protected.

(n) *Rating of protective devices.* Motor-running overcurrent devices other than fuses shall have a rating of at least 115 percent of the full load current rating of the motor.

(o) *Automatic restarting.* A motor-running protective device which can restart a motor automatically after overcurrent tripping shall not be installed.

(p) *Steering gear motors; running protection and running indicator lights.* (1) Steering gear motors shall not be provided with a motor-running protective device, nor shall a steering gear motor control circuit be provided with overcurrent protection. In lieu of motor-running overcurrent protection, the motor starter shall be fitted with a compensated overcurrent relay responsive to motor current (and which will follow as closely as practicable the time/temperature curve of the motor) which will operate an indicating light on the propulsion control station in case of overload which would be injurious to the motor.

(2) A pilot light for each steering gear motor shall be provided at the propulsion control station, and other locations if desired, to indicate motor running. The pilot light circuit shall be protected against overcurrent at the steering gear motor controller, and shall be connected across the motor armature circuit in the case of electrohydraulic steering gears and across the motor-field in the case of direct-drive steering gears.

§ 111.45–10 *Remote-control, electrical interlock and indicator circuits*—(a) *General.* The following deviation from the general requirements in this subchapter as covered by this section are intended to provide for peculiar conditions governing remote-control, electrical interlock, and indicator circuits.

(b) *Overcurrent protection.* Conductors of control circuits, indicator light circuits, and electrical interlock circuits of remote-controlled equipment shall be protected against overcurrent in accordance with § 111.55–1 (b) (6), except that such conductors shall be considered as being properly protected by the branch circuit overcurrent devices under any one of the conditions listed in this paragraph.

(1) If the rating or setting of the branch-circuit overcurrent device is not more than 500 percent of the current carrying capacity of the control, interlock, or indicator circuit conductors.

(2) If the controlled device and the point of control (start and stop buttons, pressure switch, thermostatic switch, etc.) are both located on the same machine and the control circuit does not extend beyond the machine.

(3) If the opening of the control circuit would create a hazard.

(c) *Accidental grounds.* It is recommended that remote control circuits be so arranged that an accidental ground will not start the motor.

(d) *Source of potential.* The potential for a control, interlock, or indicator circuit shall be derived from the load side of the motor and controller disconnect means specified by § 111.45–30, except that where the control functions are such that such circuits must be common to two or more controllers, the switching arrangements specified by paragraph (e) of this section, shall be complied with.

(e) *Switching.* In the design of control, interlock, and indicator circuits, all possible steps shall be taken to eliminate more than one source or potential in an enclosure. Where the control functions are such as to make it impracticable to energize a control, interlock, or indicator circuit from the load side of the motor and controller disconnect means specified by § 111.45–30, one of the following alternative methods of switching shall be employed:

(1) The potential of the control, interlock, or indicator circuits shall be limited to not more than 24 volts, in which case no disconnecting means need be provided.

(2) The conductors of control, interlock, or indicator circuits shall be disconnected from all sources of potential by a disconnect device independent of the motor and controller disconnect device specified by § 111.45–30. The two independent devices shall be located immediately adjacent one to the other, and a sign, warning the operator to open both devices to disconnect completely the motor and controller, shall be permanently attached to the exterior of the door of the main disconnect device.

(3) The conductors of control, interlock, or indicator circuits shall be disconnected from all sources of potential by a disconnect device actuated by the opening of the controller door, this device and its connections (including terminal blocks, where employed, for terminating the ships wiring) being such that there are no electrically uninsulated or unshielded surfaces.

§ 111.45–15 *Heater circuits.* Where motors or controllers or both are fitted with electric heaters located inside the enclosures, the heater circuits shall be disconnected in the same manner as required for control interlock, and indicator circuits in § 111.45–10 (e).

§ 111.45–20 *Motor-branch-circuit overcurrent protection* — (a) *General.* The provisions covered by this section specify overcurrent devices intended to protect the motor-branch-circuit conductors, the motor control apparatus, and the motors against overcurrent due to short-circuits or grounds. They are in addition to or amendatory of the provisions of Subpart 111.55.

(b) *Rating or setting for individual motors.* The motor-branch-circuit overcurrent device shall be capable of carrying the starting current to the motor. Overcurrent protection shall be considered as being obtained when this overcurrent device has a rating or setting not exceeding the values given in Tables 111.45–20 (b1) and 111.45–20 (b2).

(1) If the values for motor-branch-circuit protective devices given in Tables 111.45–20 (b1) and 111.45–20 (b2) do not correspond to the standard sizes of fuses or ratings of nonadjustable circuit breakers or possible settings of adjustable circuit breakers adequate to carry the load, the next higher size, rating or setting may be used.

(2) Where the overcurrent protection specified in Tables 111.45–20 (b1) and 111.45–20 (b2) is not sufficient for the starting current of the motor, it may be increased but shall, in no case exceed 400 percent of the motor full-load current.

(3) Table 111.45–20 (b3) tabulates usual values of motor-branch-circuit protection, motor-running protection, and minimum cable size for various motor full-load currents for ease of reference.

TABLE 111.45-20 (b1)—MAXIMUM RATING OR SETTING OF MOTOR-BRANCH-CIRCUIT PROTECTIVE DEVICE FOR MOTORS MARKED WITH A CODE LETTER INDICATING LOCKED ROTOR KVA

Type of motor [1]	Percent of full-load current [1]	
	Fuse rating (see also table 111.45-20 (b3)	Circuit breaker setting: time, limit, type
All a. c. single-phase and polyphase squirrel cage and synchronous motors with full-voltage, resistor or reactor starting:		
Code Letter A	150	150
Code Letter B to E	250	200
Code Letter F to R	300	250
All a. c. squirrel cage and synchronous motors with autotransformer starting:		
Code Letter A	150	150
Code Letter B to E	200	200
Code Letter F to R	250	200

[1] For certain exceptions to the values specified, see pars. 111.45-5 (c), 111.45-20 (b), and 111.45-20 (g).
[2] For motors not marked with a code letter, see Table 111.45-20 (b2).

TABLE 111.45-20 (b2).—MAXIMUM RATING OR SETTING OF MOTOR-BRANCH-CIRCUIT PROTECTIVE DEVICES FOR MOTORS NOT MARKED WITH A CODE LETTER INDICATING LOCKED ROTOR KVA

Type of motor [4]	Percent of full-load current [1]		
	Fuse rating	Circuit breaker setting	
		Instantaneous type	Time limit type
Single-phase, all types	300	-------	250
Squirrel-cage and synchronous (full-voltage, resistor and reactor starting)	300	-------	250
Squirrel-cage and synchronous (autotransformer starting):			
Not more than 30 amperes	250	-------	200
More than 30 amperes	200	-------	200
High-reactance squirrel-cage:			
Not more than 30 amperes	250	-------	250
More than 30 amperes	200	-------	200
Wound rotor	150	-------	150
Direct current:			
Not more than 50 horsepower	150	250	150
More than 50 horsepower	150	175	150

[1] For certain exceptions to the values specified, see pars. 111.45-5 (c), 111.45-20 (b), and 111.45-20 (g).
[3] Synchronous motors of the low-torque low-speed type (usually 450 r. p. m. or lower) such as are used to drive reciprocating compressors, pumps, etc., which start up unloaded, do not require a fuse rating or circuit breaker setting in excess of 200 percent of full-load current.
[4] For motors marked with a code letter, see Table 111.45-20 (b1).

(c) *Several motors on one branch circuit.* Two or more motors may be connected to the same branch circuit under the conditions covered in this paragraph.

(1) Two or more motors each not exceeding 1 horsepower in rating and each having a full-load rated current not exceeding 6 amperes, may be used on a branch circuit protected at not more than 20 amperes at 125 volts or less, or 15 amperes at 600 volts or less. Individual running overcurrent protection is unnecessary for such motors unless required by the provisions of § 111.45-5 (c) or (d).

(2) Two or more motors of any ratings, each having individual running overcurrent protection, may be connected to one branch circuit provided all of the conditions contained in this subparagraph are complied with.

(i) Each motor-running overcurrent device must be approved for group installation.

(ii) Each motor controller must be approved for group installation.

(iii) The branch circuit must be protected by an overcurrent device having a rating or setting equal to that specified in paragraph (b) of this section for the largest motor connected to the branch circuit plus an amount equal to the sum of the full-load current ratings of all other motors connected to the circuit.

(iv) The branch circuit overcurrent protection must not be greater than that allowed by § 111.45-5 (m) for the thermal cutout or relay protecting the smallest motor of the group.

(v) The conductors of any tap supplying a single motor need not have individual branch circuit protection, provided they comply with either of the following: (1) No conductor to the motor shall have a current-carrying capacity less than that of the branch circuit conductors; or (2) no conductor to the motor shall have a current-carrying capacity less than one third that of the branch circuit conductors, with a minimum in accordance with paragraph (b) of this section, the conductors to the motor running protective device being not more than 25 feet long and being protected from mechanical injury.

(d) *Combined overcurrent protection.* Motor-branch-circuit overcurrent protection and motor-running overcurrent protection may be combined in a single overcurrent device if the rating or setting of the device provides the running overcurrent protection specified in § 111.45-5 (b), (c), and (d).

(e) *Overcurrent devices; in which conductor.* Overcurrent devices shall comply with the provisions of Subpart 111.55.

(f) *Rating of circuit breakers.* Circuit breakers for motor-branch-circuit protection shall have a continuous current rating of not less than 115 percent of the full-load current rating of the motors.

(g) *Selection or setting of protective devices.* If the values for branch circuit protective devices required by this section do not correspond to the standard sizes or ratings of fuses, nonadjustable circuit breakers, or thermal devices, or possible settings of adjustable circuit breakers, adequate to carry the load, the next higher size, rating, or setting may be used.

(h) *Steering gear motor branch circuits*—(1) *General.* In lieu of overcurrent protection in accordance with the requirements in paragraphs (a) to (g), inclusive, of this section, each steering gear motor branch circuit shall be protected only by a circuit breaker on the distribution switchboard from which it emanates. No other overcurrent protection shall be provided for a steering gear main motor or for an auxiliary motor vital to the operation of the steering gear.

(2) *Direct-current motors.* For direct-current steering gear motors, each circuit breaker shall be of the instantaneous trip type only, set to trip at a current of not less than 300 percent and not greater than 375 percent of the rated full-load current of one steering gear main motor.

(3) *Alternating-current motors.* For alternating-current steering gear motors, each circuit breaker shall be of the instantaneous trip type only, set to trip at a current of approximately 125 percent of the maximum starting current (short time transient) of one steering gear main motor.

(4) *Use of fuses.* On vessels of a size that may be steered by hand, fused switches may be substituted for the instantaneous trip circuit breakers required by this paragraph: *Provided*, That the arrangement of the steering gear is such that it is possible to shift to hand steering without delay: *And provided further*, That the opening of a steering gear branch circuit fuse is indicated in the wheelhouse.

(5) *Circuit alarm.* The opening of a steering gear motor-branch-circuit circuit breaker shall automatically be indicated at the propulsion control station by the sounding of an audible alarm.

(6) *General considerations.* The requirements of this paragraph contemplate the following conditions:

(i) When two steering gear main motors are provided, one is a standby which normally runs only when started preparatory to change-over, and then without load.

(ii) Auxiliary motors (servo, replenishing and filling pumps, etc.), if and as required, have an aggregate rating of not more than 10 percent of the main steering gear motor rating.

(iii) The steering gear main and auxiliary motors are so arranged as to be supplied from either of two branch circuits.

(iv) For any different arrangement of the steering gear system, including a supply circuit from an emergency switchboard, special consideration and approval will be required.

§ 111.45-25 *Motor feeder overcurrent protection*—(a) *General.* The following provisions contained in this section specify overcurrent devices intended to protect feeder conductors supplying motors against overcurrents due to short-circuits or grounds.

(b) *Rating or setting, motor loads.* (1) A feeder which supplies motors shall be provided with overcurrent protection which shall not be greater than the largest rating or setting of the branch circuit protective device, for any motor of the group (based on Tables 111.45-20 (b1), 111.45-20 (b2) and 111.45-20 (b3)) plus the sum of the full load currents of the other motors of the group.

(2) If two or more motors of equal horsepower rating are the largest in the group, one of these motors should be considered as the largest for the above calculation.

(3) If two or more motors of a group must be started simultaneously, it may be necessary to install larger feeder conductors and correspondingly larger ratings or settings of feeder overcurrent protective devices.

§ 111.45-30 *Disconnecting means*—(a) *General.* The provisions contained in this section are intended to require disconnecting means for motors and con-

TABLE 111.45-20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amp.) [1]		Maximum allowable rating or setting of branch circuit protective devices (amp.) [1]			
	1-conductor			2-conductor			3-conductor								
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	With code letters F to V, inclusive, or without code letters. Single-phase and squirrel cage and synchronous. Full voltage, resistor and reactor starting	With code letters B to E, inclusive. Single-phase and squirrel cage and synchronous. Full voltage, resistor or reactor starting. With code letters F to V, inclusive. Autotransformer starting. Without code letters. Squirrel cage and synchronous, autotransformer starting; high reactance squirrel cage.[4] (Both not more than 30 amps.)	With code letters B to E, inclusive. Squirrel cage and synchronous. Autotransformer starting. Without code letters. Squirrel cage and synchronous, autotransformer starting; high reactance squirrel cage.[4] (Both more than 30 amperes)	With code letter A. All motors. Without code letters. D-C and wound rotor motors
[2] 1	14	12	14	14	12	14	14	12	14	[2] 1	[2] 1.25	15	15	15	15
[2] 3	14	12	14	14	12	14	14	12	14	[2] 3	[2] 2.50	15	15	15	15
[2] 4	14	12	14	14	12	14	14	12	14	[2] 4	[2] 3.75	15	15	15	15
[2] 5	14	12	14	14	12	14	14	12	14	[2] 6	[2] 5.00	15	15	15	15
[2] 6	14	12	14	14	12	14	14	12	14	[2] 8	[2] 6.25	15	15	15	15
7	14	12	14	14	12	14	14	12	14	[2] 8	[2] 7.50	20	15	15	15
8	14	12	14	14	12	14	14	12	14	[2] 10	[2] 8.75	25	20	15	15
9	14	12	14	14	12	14	14	12	14	[2] 10	[2] 10.00	25	20	20	15
10	14	12	14	14	12	14	14	12	14	[2] 12	[2] 11.25	30	25	20	15
11	14	12	14	14	12	14	14	12	14	[2] 13	[2] 12.50	30	25	20	15
12	14	12	14	14	12	14	14	12	14	[2] 15	[2] 13.75	35	30	25	20
13	12	12	14	14	12	14	14	12	14	15	15.00	40	30	25	20
14	12	12	14	12	12	14	12	12	14	20	16.25	40	35	30	20
15	12	12	14	12	12	14	12	12	12	20	17.50	45	35	30	25
16	12	12	14	12	12	12	12	12	12	20	18.75	45	40	30	25
17	12	12	12	12	12	12	10	12	12	20	20.00	50	40	35	25
18	12	12	12	10	12	12	10	12	12	25	21.25	60	45	35	30
19	12	12	12	10	12	12	10	10	12	25	22.50	60	45	40	30
20	10	12	12	10	12	12	10	10	12	25	23.75	60	50	40	30
22	10	12	12	10	10	12	10	10	10	25	25.00	60	50	40	30
24	10	12	12	10	10	12	8	10	10	30	27.50	70	60	45	35
26	10	10	12	8	10	10	8	10	10	30	30.00	80	60	50	40
28	8	10	12	8	10	10	8	8	10	35	32.50	80	70	60	40
30	8	10	10	8	10	10	8	8	10	35	35.00	90	70	60	45
32	8	10	10	8	10	10	7	8	8	40	37.50	90	70	60	45
34	8	10	10	7	8	10	7	8	8	40	40.00	100	80	60	50
36	8	10	10	7	8	10	6	8	8	45	42.50	110	90	70	60
38	7	10	10	7	8	8	6	7	8	45	45.00	110	90	80	60
40	7	8	10	6	8	8	6	7	8	50	47.50	125	100	80	60
42	7	8	10	6	8	8	5	7	8	50	50.00	125	100	80	60
44	6	8	8	6	8	8	5	6	7	50	52.50	125	110	90	70
46	6	8	8	5	7	8	4	6	7	60	55.00	125	110	90	70
48	6	8	8	5	7	8	4	6	6	60	57.50	150	125	100	70
50	6	8	8	5	7	7	4	5	6	60	60.00	150	125	100	80
52	5	8	8	4	6	7	4	5	6	60	62.50	150	125	100	80
54	5	7	8	4	6	7	3	5	6	70	65.00	175	150	110	80
56	5	7	8	4	6	7	3	5	5	70	67.50	175	150	110	90
58	4	7	8	4	6	6	3	4	5	70	70.00	175	150	120	90
60	4	6	7	3	5	6	3	4	5	70	72.50	175	150	120	90
62	4	6	7	3	5	6	2	4	5	80	75.00	200	150	120	90
64	4	6	7	3	5	6	2	4	4	80	77.50	200	175	125	100
66	4	6	6	3	5	6	2	4	4	80	80.00	200	175	150	100
68	4	6	6	3	5	5	2	3	4	80	82.50	200	175	150	100
70	3	5	6	2	4	5	1	3	4	90	85.00	225	175	150	110
72	3	5	6	2	4	5	1	3	3	90	87.50	225	175	150	110
74	3	5	6	2	4	5	1	2	3	100	90.00	225	200	150	110
76	3	5	6	2	4	5	1	2	3	100	92.50	250	200	150	125
78	3	5	5	1	3	4	1	2	3	100	95.00	250	200	175	125
80	2	4	5	1	3	4	0	2	3	100	97.50	250	200	175	125
82	2	4	5	1	3	4	0	2	2	110	100.00	250	200	175	125
84	2	4	5	1	3	4	0	2	2	110	102.5	250	225	175	125
86	2	4	5	1	3	4	0	1	2	110	105.0	250	225	175	150
88	2	4	5	1	3	3	0	1	2	110	107.5	300	225	175	150
90	2	4	4	0	2	3	0	1	2	110	110.0	300	225	200	150
92	2	3	4	0	2	3	00	1	2	110	112.5	300	225	200	150
94	1	3	4	0	2	3	00	1	2	125	115.0	300	250	200	150
96	1	3	4	0	2	3	00	1	1	125	117.5	300	250	200	150
98	1	3	4	0	2	3	00	1	1	125	120.0	300	250	200	150
100	1	3	4	0	2	2	00	0	1	125	122.5	300	250	200	150
105	1	3	3	00	1	2	000	0	1	125	125.0	300	250	200	150
110	0	2	3	00	1	2	000	0	1	150	131.5	350	300	225	175
115	0	2	3	00	1	1	000	00	0	150	137.5	350	300	225	175
120	0	2	2	000	0	1	4/0	00	0	150	144.0	350	300	250	175
125	00	1	2	000	0	1	4/0	00	0	150	150.0	400	300	250	200
130	00	1	2	000	0	1	4/0	00	00	175	156.5	400	350	250	200
135	00	1	2	4/0	0	0	4/0	000	00	175	162.5	400	350	300	200
140	00	1	1	4/0	00	0	250	000	00	175	169.0	450	350	300	225
145	000	0	1	4/0	00	0	250	000	00	200	175.0	450	350	300	225
150	000	0	1	4/0	00	0	300	000	000	200	181.5	450	400	300	225
155	000	0	1	4/0	00	00	300	4/0	000	200	187.5	450	400	300	225
160	000	0	0	250	000	00	300	4/0	000	200	194.0	500	400	350	250
165	000	0	0	250	000	00	300	4/0	000	200	200.0	500	400	350	250
170	4/0	00	0	250	000	00	350	4/0	4/0	225	206	500	450	350	250
175	4/0	00	0	300	000	000	350	250	4/0	225	213	500	450	350	300
180	4/0	00	0	300	4/0	000	350	250	4/0	225	219	600	450	350	300
185	4/0	00	00	300	4/0	000	350	250	4/0	225	225	600	450	400	300
190	4/0	00	00	300	4/0	000	350	250	4/0	250	231	600	500	400	300
195	250	000	00	350	4/0	000	400	300	250	250	238	600	500	400	300
200	250	000	00	350	4/0	4/0	450	300	250	250	244	600	500	400	300
210	250	000	00	350	250	4/0	450	300	250	250	250	600	500	400	300
220	300	4/0	000	400	250	4/0	500	350	300	300	263	-------	600	450	350
230	300	4/0	000	450	300	250	550	350	300	300	275	-------	600	450	350
240	300	4/0	000	450	300	250	550	400	350	300	288	-------	600	500	350
250	350	250	4/0	500	300	250	600	400	350	300	300	-------	600	500	400
260	350	250	4/0	500	350	300	650	450	350	350	313	-------	-------	600	400
270	350	250	4/0	550	350	300	650	450	400	350	338	-------	-------	600	450

See footnotes at end of table.

TABLE 111.45-20 (b3)—CONDUCTOR SIZE AND OVERCURRENT PROTECTION FOR MOTORS—Continued

Full load current rating of motor in amperes	Minimum size conductor AWG and MCM									For running protection of motors (amp.) [1]		Maximum allowable rating or setting of branch circuit protective devices (amp.) [2]			
	1-conductor			2-conductor			3-conductor								
	R	VC	AVC	R	VC	AVC	R	VC	AVC	Maximum rating of nonadjustable protective devices	Maximum setting of adjustable protective devices	With code letters F to V, inclusive, or without code letters. Single-phase and squirrel cage and synchronous. Full voltage, resistor and reactor starting	With code letters B to E, inclusive. Single-phase and squirrel cage and synchronous. Full voltage, resistor or reactor starting. With code letters F to V, inclusive. Autotransformer starting. Without code letters. Squirrel cage and synchronous, auto-transformer starting; high reactance squirrel cage.[3] (Both not more than 30 amps.)	With code letters B to E, inclusive. Squirrel cage and synchronous. Autotransformer starting. Without code letters. Squirrel cage and synchronous, autotransformer starting; high reactance squirrel cage.[3] (Both more than 30 amperes)	With code letter A. All motors. Without code letters. D-C and wound rotor motors
280	400	250	250	600	350	300	.....	500	400	350	350	.....	.....	600	450
290	400	300	250	600	400	350	.....	500	450	400	350	.....	.....	600	450
300	450	300	250	650	400	350	.....	550	450	400	375	.....	.....	600	450
320	500	350	300	.....	450	400	.....	600	500	400	400	.....	.....	.....	500
340	550	350	300	.....	500	450	.....	650	550	450	425	.....	.....	.....	600
360	600	400	350	.....	550	450	.....	.....	600	450	450	.....	.....	.....	600
380	650	450	350	.....	600	500	.....	.....	650	500	475	.....	.....	.....	600
400	700	450	400	.....	650	550	.....	.....	.....	500	500	.....	.....	.....	600
420	750	500	450	.....	.....	600	.....	.....	.....	600	525	.....	.....	.....	.....
440	800	550	450	.....	.....	650	.....	.....	.....	600	550	.....	.....	.....	.....
460	850	600	500	.....	.....	.....	.....	.....	.....	600	575	.....	.....	.....	.....
480	950	650	550	.....	.....	.....	.....	.....	.....	600	600	.....	.....	.....	.....
500	1,000	650	550	.....	.....	.....	.....	.....	.....	.....	625	.....	.....	.....	.....

[1] Values may be modified as permitted by § 111.45–5.
[2] Values may be modified as permitted by § 111.45–20.
[3] High-reactance squirrel-cage motors are those designed to limit the starting current by means of deepslot secondaries or double-wound secondaries and are generally started on full voltage.
[4] For the grouping of small motors under the protection of a single set of fuses, see § 111.45–20 (c).
[5] For running protection of motors of 1 horsepower or less, see § 111.45–5 (c).

trollers capable of disconnecting them from the circuit.

(b) *Type.* The disconnecting means shall be an enclosed, externally operable, motor-circuit switch, rated in horsepower, or a circuit breaker, except as permitted in the paragraphs (c), (d), (e), (f), and (g) of this section. Every switch in the motor branch circuit within sight from the controller location shall comply with these requirements.

(c) *One-eighth horsepower or less.* For stationary motors of ⅛ horsepower or less, the branch-circuit overcurrent device may serve as the disconnecting means.

(d) *Two horsepower or less.* For stationary motors rated at 2 horsepower or less and 300 volts or less, the disconnecting means may be a general-use switch having an ampere rating at least twice the full-load current rating of the motor.

(e) *Over two horsepower to and including 50 horsepower.* The separate disconnecting means required for a motor with a compensator type of controller may be a general-use switch if all of the provisions contained in this paragraph are complied with.

(1) The motor drives a generator which is provided with overcurrent protection.

(2) The compensator is:

(i) Capable of interrupting the stalled rotor current of the motor,

(ii) Provided with a no-voltage release, and

(iii) Provided with running over-current protection not exceeding 125 percent of the motor full load current rating.

(3) Separate fuses or a circuit breaker, rated or set at not more than 150 percent of the motor full load current, are provided in the motor branch circuit.

(f) *Exceeding 50 horsepower.* For stationary motors rated at more than 50 horsepower, the disconnecting means may be a motor-circuit switch also rated in amperes, a general-use switch, or an isolating switch. Isolating and general-use switches for motors exceeding 50 horsepower, not capable of interrupting stalled-rotor currents, shall be plainly marked "Do not open under load."

(g) *Portable motors.* For portable motors an attachment plug and receptacle may serve as the disconnecting means.

(h) *Current-carrying capacity.* The disconnecting means shall have a current-carrying capacity of at least 115 percent of the current rating of the motor.

(i) *Poles; in which conductors.* The disconnecting means shall simultaneously open all conductors.

(j) *To be indicating.* The disconnecting means shall plainly indicate whether it is in the open or closed position.

(k) *To disconnect both motor and controller.* The disconnecting means shall disconnect both the motor and the controller from all supply conductors. The disconnecting means may be in the same enclosure with the controller.

(l) *Switch or circuit breaker as both controller and disconnecting means.* A switch or circuit breaker complying with the provisions of § 111.45–1 (b) may serve as both controller and disconnecting means if it opens all conductors to the motor, is protected by an overcurrent device (which may be the branch circuit fuses) which opens all ungrounded conductors to the switch or circuit breaker, and is one of the types listed in this paragraph.

(1) An air-break switch, operable directly by applying the hand to a lever or handle.

(2) A circuit breaker switch operable directly by applying the hand to a lever or handle.

(3) An oil switch used on a circuit whose rating does not exceed 600 volts or 100 amperes, or on a circuit exceeding this capacity if under expert supervision and by special approval.

(4) The oil switch or circuit breaker specified above may be both power and manually operable. If power operable, provisions shall be made to lock it in the open position. The overcurrent device protecting the controller may be part of the controller assembly or may be separate. A compensator type controller is not included above and will require a separate disconnecting means.

(m) *Panelboard switch as disconnecting means.* A branch-circuit switch or circuit breaker may serve as the disconnecting means, provided it conforms to all the requirements of this section, and is within sight from the controller location.

(n) *In sight from controller location.* The disconecting means shall be located within sight of controller location or be arranged to be locked in the open position. A distance of more than 50 feet is considered equivalent to being out of sight. The disconnecting means shall be located in the same ship's compartment with the controller.

(o) *Motors served by a single disconnecting means.* Each motor shall be provided with individual disconnecting means, except that for motors of 600 volts or less a single disconnecting means may serve a group of motors under any one of the conditions covered in this paragraph. The disconnecting means serving a group of motors shall have a rating not less than is required by paragraph (b) of this section for a single motor whose rating equals the sum of the horsepowers or currents of all motors of the group.

(1) If a number of motors drive several parts of a single machine or piece of apparatus such as metal and woodworking machines, cranes, and hoists.

(2) If a group of motors is under the protection of one set of overcurrent devices as permitted by § 111.45–20 (c).

(p) *Readily accessible.* The disconnecting means shall be readily accessible.

§ 111.45–35 *Special requirements for over 600 volts*—(a) *General.* The following provisions contained in this section recognize the additional hazard due to the use of high voltage. They are in addition to or amendatory of the other provisions of this subpart.

(b) *Motor overcurrent protection.* Running overcurrent protection for a motor of over 600 volts shall consist of a circuit breaker, or of overcurrent units integral with the controller which shall simultaneously open all ungrounded conductors to the motor. The overcurrent device shall have a setting as specified in § 111.45–5.

(c) *Circuit overcurrent protection.* Each motor branch circuit and feeder of more than 600 volts shall be protected against overcurrent by means of a circuit breaker of suitable rating so arranged that it can be serviced without hazard.

§ 111.45–40 *Group control panels*—(a) *General.* The provisions contained in this section are in addition to and amendatory of the other provisions of this subpart and are applicable to 2 or more motor controllers grouped into a motor control center and supplied by a common feeder.

(b) *Arrangement.* Each controller and its associated motor overcurrent protective device, motor-branch-circuit overcurrent protective device and disconnecting means shall be mounted in a common metal enclosure provided with a hinged door.

(c) *Door interlock.* The hinged door required above shall be interlocked with the disconnect device to prevent the door being opened with the circuit energized.

(d) *Working space.* Working space, generally not less than 30 inches and at no point less than 24 inches, shall be provided in front of group control boards. Where access to the rear is required for making connections and for subsequent inspections, or for other purposes, space adequate for the work to be done, and in no case less than 18 inches, shall be provided.

(e) *Nameplates.* Circuit nameplates in accordance with § 111.35–1 (h) shall be provided.

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

§ 111.50–1 *Distribution, general requirements*—(a) *General.* All circuits are to be completely metallic and hull return shall not be used for power, heat and light distribution, except when approved for special purposes. Current carrying parts are to be substantially protected against accidental contact. For current carrying capacities of conductors see Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii).

(b) *Circuits derived from auto-transformers.* Branch circuits shall not be supplied through auto-transformers (transformers in which a part of the winding is common to both primary and secondary circuits).

(c) *Polarity identification of conductors.* On systems having a grounded conductor the grounded conductor shall be identified throughout the vessel by means of a white or natural gray conductor outer covering, and any conductor so identified shall not be used as an ungrounded conductor of a circuit unless the conductor is rendered permanently unidentified by painting or other effective means at each outlet. On ungrounded systems, it is recommended that conductor identification be consistent throughout the vessel.

(d) *Connections to screw-shell lampholders.* On branch circuits with a grounded conductor, the screw shell of lampholders shall be connected to the grounded neutral.

(e) *Through feed arrangements.* Where a feeder supplies more than one distribution panel or panelboard, it may be continuous from the switchboard to the farthest panel or it may be severed at any intermediate panel. If the bus bars of any distribution panel or panelboard carry "through" load, the size of the buses should be designed for the total current. The size of feeder conductors should normally be uniform for the total length but may be reduced at any intermediate distribution panel or panelboard provided that the smallest section of the feeder is protected by the overcurrent device at the distribution switchboard.

(f) *Circuits in vicinity of magnetic compass.* Precautions should be taken in connection with apparatus and wiring in the vicinity of the magnetic compass to prevent disturbance of the needle from external magnetic fields.

§ 111.50–5 *Ship's service power circuits*—(a) *Segregation of vital circuits.* Power feeders supplying apparatus required for handling the vessel are not to be used for supplying apparatus which is to be disconnected when the vessel is underway unless the branch circuits for the latter are so arranged that they may be disconnected at panelboards without interfering with the operation or protection of those circuits necessary for the safe operation of the vessel. In general, separate feeders should be run for such groups as engine room and fire room auxiliaries, motors for cargo handling gear, radio transmitters, arc searchlights and ventilation sets.

(b) *Passenger vessels.* On passenger vessels constructed with fire screen bulkheads forming fire zones, distribution systems shall be so arranged that fire in any main fire zone will not interfere with essential services in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.

(c) *Ventilation systems.* Cargo ventilation fans, machinery spaces ventilating fans, and accommodation ventilating fans shall, if practicable, be supplied by separate feeders. All electrical ventilation systems shall be provided with remote control means for stopping the motors in case of fire or other emergency. For the machinery space ventilation there shall be provided a control located in the passageway leading to, but outside of, the space. For all other ventilation systems, a control station shall be located in the fire control room or wheelhouse, if continuously manned both when underway and when at dock, or in an accessible position in the passageway leading to, but outside of, the space ventilated. These emergency control push button stations shall be protected by installing glass doors on which there will be marked: "In case of fire break glass and push button to stop ventilation." Each push button shall be provided with a nameplate identifying the system with which it is associated. This remote control system shall be of the under-voltage protection type and so arranged that damage to the master switch or cable will automatically stop the fans. For automatic shut-down of mechanical ventilation in spaces protected by a carbon dioxide fire extinguishing system, see § 76.15–35 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(1) The requirements of this paragraph shall not be construed to include a closed ventilation system for a motor or generator, diffuser fans for refrigerated spaces, or room circulating fans.

(d) *Steering gear branch circuits.* Branch circuits shall be provided in duplicate from the ship's service switchboard to the steering gear room except in special cases where the length of circuits is very short. Where two branch circuits are fitted, a steering gear transfer panel shall be provided in the steering gear room to permit manual transfer of the steering gear and associated steering gear equipment to either circuit. The transfer panel shall also permit operation of both steering gear motors simultaneously from one steering gear branch circuit when a dual electro-hydraulic system is installed. When an emergency generator is fitted, one of the steering gear circuits may be taken from the emergency switchboard if the rating of the emergency generator permits supply to the steering gear over and above the emergency loads. The branch circuits shall be run so as to minimize the probability of simultaneous damage to both circuits. Each branch circuit shall have a continuous current carrying capacity of not less than (1) 125 percent of the full load rating of one steering gear motor where only one motor can be operated at a time, or (2) 125 percent of the full load rating of one steering gear motor plus 15 percent of the second steering gear motor when one electro-hydraulic unit may be operated idle with the second electro-hydraulic unit operating the steering gear, or (3) 125 percent of the full load rating of one steering gear motor plus 100 percent of the second steering gear motor where both electro-hydraulic units may be operated simultaneously. When steering control systems are supplied from the steering gear transfer panel, the steering control

loads shall be added to the branch circuit loads described in this paragraph.

(e) *Fuel oil service pump branch circuits.* For remote shut-down requirements for fuel oil service systems, see Part 55 of Subchapter F (Marine Engineering) of this chapter.

§ 111.50–10 *Lighting feeders*—(a) *Passenger quarters, crew quarters, and public spaces.* On passenger vessels constructed with fire screen bulkheads forming fire zones, the lighting distribution system shall be so arranged that fire in any main fire zone will not interfere with the lighting in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable, one of which may be an emergency feeder.

(b) *Machinery spaces.* Lighting for engine rooms, for the boiler rooms, and for the auxiliary machinery spaces shall, where practicable, be supplied from two or more feeders.

(c) *Cargo spaces.* Separate feeders shall be provided for cargo space lighting. The distribution panels shall be located outside of the cargo spaces.

(d) *Emergency lighting feeders.* (1) For vessels provided with fire screen bulkheads forming fire zones, at least one emergency lighting feeder shall be provided to supply only the emergency lights between two adjacent main vertical fire zone bulkheads. The emergency lighting feeder shall be separated as widely as possible from the general lighting feeder(s) supplying the same space.

(2) On vessels fitted with an automatic emergency lighting and power system a separate emergency lighting feeder shall be provided for emergency lights located in, or controlled from, the wheelhouse. A distribution panel for these lights with a fused switch or circuit breaker for each branch circuit shall be provided. Circuits to navigation lights not controlled by the navigation light panel, signal lights, and emergency lights on open decks, wheelhouse, chart room and fire control room shall be supplied from this wheelhouse distribution panel. The supply to the navigation light indicator panel shall be a through feed, without switch or overcurrent protection, from the feeder supplying the wheelhouse emergency lighting panel. For overcurrent protection of the feeder supplying a navigation light panel see § 111.55–(1) (b) (9).

(3) On vessels provided with both a temporary and a final emergency lighting source of supply, a separate feeder to the wheelhouse shall be provided for the lifeboat floodlights. This feeder shall supply a distribution panelboard having a fused switch or circuit breaker for each branch circuit. This feeder may be connected to the final emergency lighting source of supply. On vessels without a temporary source of supply, these lights, when provided, may be supplied by the same feeder as other lights controlled from the wheelhouse.

§ 111.50–15 *Lighting branch circuits and lighting requirements*—(a) *General requirements, branch circuits*—(1) *Passageways, public spaces, etc.* The supply to lights in passageways, public spaces, and berthing compartments accommodating more than 25 persons shall be divided between 2 or more branch circuits, one of which may be an emergency.

(2) *Machinery spaces.* Where practicable alternate groups of lights in an engine room, a boiler room, and an auxiliary machinery space shall be arranged so that the failure of one branch circuit will not leave large areas in darkness.

(3) *Lifeboat floodlights.* The arrangement of branch circuits to lifeboat floodlights required by paragraph (e) of this section shall be such that the floodlights at adjacent lifeboats are supplied by different branch circuits.

(4) *Signaling lamp circuit.* A separate branch circuit shall be provided to supply the signaling lamp(s) required by Subpart 113.60 of this subchapter. The branch circuit shall be supplied from the emergency lighting panel required by § 111.50–10 (d) (2) or from a source as approved in the case of vessels not fitted with an emergency lighting and power system.

(b) *General lighting requirements*—(1) *Crew spaces and work spaces.* All spaces where members of the crew are regularly employed or quartered shall be adequately lighted. The minimum standard for natural lighting is that it will be possible on a clear day to read print such as that of an ordinary newspaper in any part of the clear working space. When it is not possible to provide adequate natural lighting, artificial lighting may be accepted on the same basis.

(2) *Washrooms, toiletrooms, etc.* Washrooms, toiletrooms, and hospital spaces are in particular to be well lighted.

(3) *Artificial lighting.* In every space apportioned to the crew, provision shall be made for efficient illumination at night and in dull weather by artificial lighting.

(4) *Berth lights.* Special provisions shall be made for berth lights for each member of the crew.

(c) *Berth lights.* Berth lights shall be permanently mounted and wired without the use of portable cords. The dimensions of the berth light shall inherently prevent the use of a lamp rated at more than 60 watts. The berth light shall have a minimum horizontal projection so that it will be difficult to cover completely the light with bedding.

(d) *Exit lights.* (1) Exit lights are required by § 78.47–40 of Subchapter H (Passenger Vessels) and Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(2) The word "Exit" shall be in red block letters not less than 2 inches high and of such type that it can be seen from a distance.

(e) *Lifeboat floodlights.* (1) Illumination for lifeboat launching operations is required by § 75.50–10 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(2) Lifeboat floodlights shall be arranged so that the floodlights may be quickly directed either to the launching gear or to the lifeboat alongside. Means of training the floodlights shall be positive and shall not require the use of tools. The floodlights shall be connected to the supply circuit by means of a short length of heavy duty portable cord, Type S or the equivalent, and no receptacle outlet shall be employed.

(f) *Receptacle outlets.* A sufficient number of receptacle outlets shall be located throughout crews' accommodations to permit the use of electric razors, radios, and the like without using portable cords of excessive length.

(g) *Pilot ladders.* Means shall be provided and used on all vessels engaged on voyages in which pilots are likely to be embarked at night for illuminating the pilot ladders.

§ 111.50–20 *Circuit loads and demand factors*—(a) *General.* Generator, feeder and bus-tie cables shall be selected on the basis of a computed load of not less than the demand load given in Table 111.50–20 (a).

TABLE 111.50–20 (a)—DEMAND LOADS

Type of circuit	Demand load
Generator cables	125 percent of continuous generator rating.
Switchboard bus-tie, except ship's service to emergency switchboard bus-tie.	75 percent of generating capacity of the larger switchboard.
Emergency switchboard bus-tie	125 percent of continuous rating of emergency generator.
Feeder supplying 2 or more motors	125 percent of the rating of the largest motor plus 100 percent of the sum of ratings of all other motors supplied and including 50 percent of the rating of the spare switches on the distribution panel.[1]
Feeder supplying 2 or more cargo winch motors arranged for the "Burtoning" method of cargo handling.	125 percent of the rating of the largest motor plus 50 percent of the sum of the ratings of all other motors supplied.
Feeder supplying 2 or more cargo winch motors or cargo elevator motors.	125 percent of the rating of the largest motor plus 75 percent of the sum of the ratings of all other motors supplied.
Galley equipment feeder	100 percent of either the first 50 kw. or 1/3 the connected load, whichever is the larger, plus 65 percent of the remaining connected load.
Lighting feeder	100 percent of the connected load plus the average active circuit load for the spare switches on the distribution panels.
Grounded neutral of a dual voltage feeder	100 percent of the capacity of the ungrounded conductors when grounded neutral is not protected by a circuit breaker overcurrent trip, or not less than 50 percent of the capacity of the ungrounded conductors when the grounded neutral is protected by a circuit breaker overcurrent trip.

[1] Where a large number of motors are supplied from one feeder and the character of the load is such that not all motors will be operated simultaneously, a smaller demand load may be approved.

(b) *Motor branch circuits*—(1) *General.* The branch circuit cables for motor loads shall be not smaller than No. 14 AWG.

(2) *Individual motors.* Branch-circuit conductors supplying a single motor shall have a current carrying capacity not less than 125 percent of the motor full-load current rating. Minimum cable sizes are given in Table 111.45–20 (b3).

(3) *Wound-rotor secondary.* The conductors connecting the secondary of a wound-rotor alternating-current motor to its controller shall have a current carrying capacity not less than 125 percent of the full-load secondary current of the motor. Where the secondary resistor is separate from the controller, the current carrying capacity of the conductors between the controller and resistor shall be not less than 110 percent of the full-load secondary current.

(4) *Several motors.* Conductors supplying 2 or more motors shall have a current carrying capacity of not less than 125 percent of the full-load current rating of the highest rated motor in the group plus the sum of the full-load current ratings of the remainder of the motors in the group. Also see Table 111.50–20 (a).

(c) *Lighting branch circuits*—(1) *General.* Lighting branch circuit conductors shall be not smaller than No. 14 AWG, except that taps to lampholders within a lighting fixture may be not smaller than No. 18 AWG where the branch circuit is protected by an overcurrent device rated or set at not more than 15 amperes.

(2) *Maximum load.* The connecting load on a lighting branch circuit shall not exceed 880 watts, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus such as room fans, desk lamps, table lamps, etc., will be connected need not be counted as a connected load.

(3) *20-ampere lighting branch circuits.* Lighting branch circuits supplying only fixed nonswitched lighting fixtures for cargo hold or deck lighting may be supplied by 20-ampere branch circuits wired with not less than No. 12 AWG conductors provided all the following conditions are complied with:

(i) Fixture wire or portable cord, if employed in the lighting fixtures, shall not be smaller than No. 14 AWG.

(ii) The connected load shall not exceed 1,800 watts.

(4) *30-ampere lighting branch circuits.* Lighting branch circuits supplying only fixed nonswitched lighting fixtures having only lampholders of the mogul type, or other lampholding devices required for lamps exceeding the maximum rating of medium-base lamps (300 watts), may be supplied by 30-ampere branch circuits wired with not less than No. 10 AWG conductors, provided all of the following conditions are complied with:

(i) Fixture wire, if employed, in wiring the lighting fixtures, shall be not less than No. 12 AWG.

(ii) The connected load shall not exceed 2,700 watts.

(5) *Multi-lamp fixtures.* Multi-lamp fixtures employing a large number of low-wattage lamps, where the total load of the fixture exceeds 880 watts, may be supplied by a polyphase branch circuit provided all the conditions covered in this subparagraph are complied with.

(i) The circuit is controlled from the distribution panelboard only, and branch-circuit switch or circuit breaker has a pole for each circuit conductor.

(ii) The potential between any 2 conductors of the polyphase circuit does not exceed 120 volts.

(iii) The current in any conductor of the polyphase branch circuit does not exceed 7.7 amperes.

(d) *Appliance branch circuits.* Branch circuits which supply appliance loads, electric heater loads, and isolated small motor loads may be connected to distribution panelboards supplying lighting provided the required branch circuit capacity does not exceed 30 amperes.

(e) *Low voltage system, 0 to 50 volts*—(1) *Lighting.* Where a low voltage system is used for lighting, standard lamp sockets and receptacles shall be used, and no branch circuit is to be fitted with more than eight lamp sockets or receptacles. Each lighting branch circuit shall be wired with not less than No. 12 AWG conductors, and shall be protected by fuses of no greater capacity than 20 amperes, except that special circuits supplying appliances shall have receptacles of 20 ampere rating and shall be wired with not less than No. 10 AWG. Where a low voltage, low amperage system is used, such as for interior communication, no electrical connection is to be made to a standard voltage system unless specifically approved.

(2) *Engine starting.* Battery systems for engine starting purpose may be of the one-wire system. The ground lead shall be carried to the engine frame. Means shall be provided for removing the ground from the battery while the battery is being charged.

SUBPART 111.55—OVERCURRENT PROTECTION

§ 111.55–1 *Installation of overcurrent protective devices*—(a) *General requirements.* Overcurrent protection for conductors is provided for the purpose of opening the electric circuit if the current reaches a value which will cause an excessive or dangerous temperature in the conductor or conductor insulation. A grounded conductor is considered to be protected from overcurrent if a protective device of a suitable rating or setting is provided in each ungrounded conductor of the same circuit, except as otherwise required by paragraph (d) of this section. For the minimum size of the grounded neutral conductor of a multi-wire feeder see Table 111.50–20 (a).

(b) *Overcurrent protection of conductors.* Conductors shall be protected in accordance with their current carrying capacities, as given in Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii), except as follows:

(1) *Fuses.* If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse, the next larger size or rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor. Plug fuses and fuseholders (see § 111.55–15 (b)) shall not be used in circuits exceeding 125 volts between conductors, except circuits of a system having a grounded neutral and no conductor at more than 150 volts to ground. The screw shell of plug type fuseholders shall be connected to the load of the circuit.

(2) *Circuit breakers.* If the allowable current carrying capacity of the conductor does not correspond to a standard rating of circuit breakers, the next larger rating may be used but not exceeding 150 percent of the allowable current carrying capacity of the conductor. The effect of the temperature on the operation of thermally-controlled circuit breakers should be taken into consideration in the application of such circuit breakers when they are subjected to extremely low or extremely high temperatures.

(3) *Fixture wires or flexible cords.* Fixture wire or flexible cord, size No. 16 or No. 18, AWG, shall be considered as protected by 15-ampere overcurrent devices.

(4) *Motor branch circuits.* The conductors of motor branch circuits shall be considered as protected by the overcurrent protective devices specified by § 111.45–5 (b) through (g), and § 111.45–20.

(5) *Motor feeder circuits.* The conductor of motor feeder circuits shall be considered as protected by the overcurrent devices specified by § 111.45–25 (b).

(6) *Remote control, electrical interlock, and indicator circuits.* The conductors of remote control, electrical interlock, and indicator circuits shall be considered as protected by overcurrent devices that are not of the so-called time-lag type and are rated or set at not more than 500 percent of the current-carrying capacity of the circuit conductors.

(7) *Appliance branch circuits.* The rating or setting of branch circuit overcurrent devices shall not be in excess of the current-carrying capacity of the circuit conductors, except as provided in subparagraphs (1) and (2) of this paragraph. If the circuit supplies only a single appliance or device of 10-ampere or more rating, the rating or setting of the branch circuit overcurrent device shall not exceed 150 percent of the rating of the appliance or device.

(8) *Lighting branch circuits.* Lighting branch circuits shall be protected against overcurrent either by fuses rated at not more than 10 amperes or by circuit breakers rated or set at not more than 15 amperes, except that 20-ampere lighting branch circuits complying with the provisions of § 111.50–20 (c) (3) may be protected by overcurrent devices rated or set at not more than 20 amperes, and 30-ampere lighting branch circuits complying with the provisions of § 111.50–20 (c) (4) may be protected by overcurrent devices rated or set at not more than 30 amperes.

(9) *Navigation light circuits.* The feeder supplying a navigation light panel shall be protected by overcurrent devices rated or set at not less than 30 amperes. The navigation light panel shall be fitted with 10-ampere main fuses and with 3-ampere branch circuit fuses as indicated on Figure 113.55–25 (b) of this subchapter.

(10) *Steering gear.* For overcurrent protection of steering gear branch circuits, see § 111.45–20 (h).

(c) *Thermal devices.* Thermal cutouts, thermal relays and other devices not designed to open short-circuits, shall not be used for protection of conductors against overcurrent due to short-circuits or grounds, but may be used to protect

motor branch circuit conductors from overload if said devices are protected in accordance with § 111.45–5 (m).

(d) *Undergrounded conductors.* An overcurrent device (fuse or overcurrent trip unit of a circuit breaker) shall be placed in each undergrounded conductor, except that, on systems having a grounded neutral, a 2-wire branch circuit consisting of one ungrounded conductor and the grounded neutral conductor shall have overcurrent protection in each conductor. In such cases, the grounded neutral overcurrent device shall comply with paragraph (f) of this section. A branch or feeder switch or circuit breaker shall open all conductors of the circuit. Individual single-pole circuit breakers with operating handles yoked together may be used for the protection of each conductor of ungrounded 2-wire circuits.

(e) *Motors.* For motor-running protection the number of overcurrent units shall be as specified in § 111.45–5 (i), (j), and (k).

(f) *Grounded conductor.* No overcurrent device shall be placed in any permanently grounded conductor, except as permitted in this paragraph.

(1) *Simultaneous opening.* When the overcurrent device simultaneously opens all conductors of the circuit.

(2) *Motor-running protection.* For motor-running protection as provided in § 111.45–5 (i) and (j).

(g) *Protection of ship's service generators*—(1) *General.* Generators of less than 25 kw not arranged for parallel operation may be protected by fuses. Generators of 25 kw and over shall be protected by a trip-free air circuit breaker having inverse time overcurrent and instantaneous trips. The time overcurrent device should be set at a value not exceeding 15 percent either above the full-load rating for continuous rated machines or above the overload rating for special rated machines. The instantaneous trip should be set at the lowest value of current which will coordinate with the trip settings of feeder or back-up circuit breakers supplied by the generator.

(2) *Generator circuits for parallel operation.* Direct-current generators arranged for parallel operation should be provided with reverse current circuit breaker trips. Generator ammeter shunts should be so located that the ammeters indicate total generator current. Alternating-current generators arranged for parallel operation should be provided with a reverse power relay.

(h) *Three-wire direct-current generators*—(1) *Circuit breaker poles.* Separate circuit breaker poles should be provided for the positive, negative, neutral and also for the equalizer leads unless protection is provided by the main poles. When equalizer poles are provided for the three-wire generators, the overload trips should be of the "Algebraic" type. No overload trip should be provided for the neutral pole, but the neutral pole should operate simultaneously with the main poles. A neutral overcurrent relay and alarm system should be provided and set to function at a current value equal to the neutral rating.

(2) *Equalizer buses.* For 3-wire generators the circuit breaker shall protect against a short-circuit on the equalizer buses.

(3) *Neutral grounding, main switchboard.* The neutral of 3-wire dual-voltage direct-current systems should be solidly grounded at the generator switchboard with a zero center ammeter in the ground connection. The zero center ammeter shall have a full scale reading of 150 percent of the neutral current rating of the largest generator and be marked to indicate the polarity of grounds. The ground connection should be made in such a manner that it will not prevent checking the insulation resistance of the generator to ground before the generator is connected to the bus. The neutral of 3-wire d-c emergency power systems should be grounded at all times when they are supplied from the emergency generator or storage battery.

(4) *Neutral grounding, emergency switchboard.* No direct ground connection should be provided at the emergency switchboard, the neutral bus or buses being solidly and permanently connected to the neutral bus of the main switchboard. No interrupting device should be provided in the neutral conductor of the bus-tie feeder connecting the two switchboards.

(i) *Propulsion circuits.* Overcurrent protection of propulsion motors, generators, and circuits will require special consideration in each case. For general requirements see § 111.35–25 (j).

§ 111.55–5 *Location of overcurrent protective devices*—(a) *Location in circuit.* Overcurrent devices shall be located at the point where the conductor to be protected receives its supply, except as covered in this paragraph.

(1) The overcurrent protective device for generator conductors shall be located on the generator switchboard.

(2) If the overcurrent device protecting the larger conductors also protects the smaller conductors in accordance with Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii).

(3) If (i) the smaller conductors have a current-carrying capacity of not less than the sum of the allowable current-carrying capacities for the conductors of the one or more circuits or loads supplied, and (ii) the tap is not over 5 feet long and does not extend beyond the switchboard, panelboard, or control device which it supplies.

(4) If the smaller conductors have a current-carrying capacity at least one-third that of the conductor from which they are supplied, and provided the tap is suitably protected from mechanical injury, is not over 25 feet long, and terminates in a single circuit breaker or set of fuses which will limit the load on the tap to that allowed by Tables 111.60–1 (e) (1) (i) and 111.60–1 (e), (1) (ii). Beyond this point the conductors may supply any number of circuit breakers or sets of fuses.

(b) *Location on vessel.* Overcurrent devices shall be located where they will be readily accessible; not exposed to mechanical injury; not in the vicinity of easily ignitable material nor where explosive gas or vapor may accumulate; and, preferably in combination with distribution panelboards, switchboards, motor controllers, etc.

§ 111.55–10 *Enclosures of overcurrent protective devices*—(a) *General.* Overcurrent devices shall be enclosed in metal boxes or cabinets, unless a part of a specially approved assembly which affords equivalent protection, or unless mounted on switchboards, panelboards, or controllers located in compartments or enclosures free from easily ignitible material and accessible only to qualified persons. The operating handle of a circuit breaker may be accessible without opening a door or cover.

(b) *Exposed to weather.* Enclosures for overcurrent devices shall not be installed in locations exposed to the weather, unless unavoidable, in which case the enclosure shall be watertight.

(c) *Disconnection of fuses and thermal cutouts.* Disconnecting means shall be provided on the supply side of all cartridge fuses or thermal cutouts so that each individual circuit containing fuses or thermal cutouts can be independently disconnected from the source of electrical energy except as indicated in this paragraph.

(1) Instrument fuses located on switchboards operating at potentials not exceeding 600 volts need not have a disconnecting device provided a fuse puller is available.

(2) A single disconnecting means may be used to disconnect a group of circuits each protected by fuses or thermal cutouts under the conditions describe in § 111.45–30 (o).

(d) *Arcing or suddenly moving parts.* Arcing or suddenly moving parts shall comply with the requirements of this paragraph.

(1) Fuses and circuit breakers shall be so located or shielded that persons will not be burned or otherwise injured by their operation.

(2) Handles or levers of circuit breakers, and similar parts which may move suddenly in such a way that persons in the vicinity are liable to be injured by being struck by them, shall be guarded or isolated.

§ 111.55–15 *Construction and use of overcurrent devices*—(a) *Plug fuses of the Edison-base type.* Plug fuses of the Edison-base type shall not be employed.

(b) *Plug fuses and fuseholders of type S.* Plug fuses and fuseholders of type S may be employed for applications at not over 125 volts; 0 to 15 amperes, and 16 to 30 amperes.

(c) *Cartridge fuses and fuseholders.* Cartridge fuses may be used for applications not exceeding 600 volts, 0 to 600 amperes.

(d) *Marking of fuses.* Fuses shall be constructed in accordance with Underwriters' Laboratories, Inc., Standard for Fuses and shall be marked with the approval label of Underwriters' Laboratories, Inc.

(e) *Circuit breakers.* Circuit breakers shall conform to the requirements contained in this paragraph.

(1) *Method of operation.* In general, circuit breakers shall be capable of being closed or opened by hand without employing any other source of power, although normal operation may be by other power, such as electrical, pneumatic, and the like. Large circuit breakers which are to be closed and opened by electrical, pneumatic, or other power shall be capable of being closed by hand for maintenance purposes and shall also be capable of being tripped by hand under load without the use of power.

(2) *Injury to operator.* Circuit breakers shall be arranged and mounted so that their operation is not likely to injure the operator.

(3) *Indication.* Circuit breakers shall indicate whether they are in the open or closed position.

(4) *Non-tamperable.* An air circuit breaker, used for branch circuits, shall be of such design that any alteration of its trip point (calibration), or in the time required for its operation, will be difficult.

(5) *Marking.* Circuit breakers shall be marked with their rating in such a manner that the marking will be visible after installation.

(6) *Construction and interrupting rating.* The construction and rating of feeder and branch-circuit, circuit breakers rated not more than 600 amperes and not more than 600 volts shall conform with the requirements of Underwriters' Laboratories, Inc., Standard for Branch Circuit and Service Circuit Breakers except that thermal trip circuit breakers shall be calibrated for an ambient temperature of 50 degrees C and circuit breakers with interrupting ratings of over 10,000 amperes may be rated in accordance with the National Electrical Manufacturer's Association Large Circuit-Breaker Standard.

(7) *Removable from front.* Circuit breakers of the molded case type when installed on generator or distribution switchboards shall be mounted or arranged in such a manner that the circuit breaker may be removed from the front without first disconnecting copper or cable connections or deenergizing the supply.

§ 111.55–20 *Interrupting rating of fuses and circuit breakers*—(a) *General.* Any circuit breaker or fuse installed at a point in the circuit where the maximum possible short-circuit current exceeds its interrupting rating should be backed up by a circuit breaker with an instantaneous trip setting not more than 90 percent of the interrupting rating of the device protected. The back-up breaker nearest the source of power should have an interrupting rating not less than the maximum short-circuit current available at the point where it is installed.

(b) *Generator circuit breaker as back-up circuit breaker.* Generator circuit breaker(s) shall not serve as the back-up circuit breaker(s) for distribution or feeder circuit breakers.

(c) *Calculation of short-circuit currents.* Unless precise calculations are submitted for review, the maximum short-circuit current of a direct-current system will be assumed to be equal to 10 times the combined normal rated current of all generators (excluding spares) plus 6 times the combined normal rated current of all motors which may be in operation simultaneously. On alternating current systems, the maximum short-circuit current will be assumed to be equal to 10 times the combined normal rated current of all generators (excluding spare(s)) plus 3 times the combined normal rated current of all motors which may be in operation simultaneously.

§ 111.55–25 *System protection*—(a) *General.* Insofar as is possible, the selection, arrangements and performance of the various overcurrent protective devices should be made with the following objectives in mind as described in this paragraph:

(1) *Continuity of service.* Continuity of service under short-circuit conditions through the selective operation of the various protective devices.

(2) *High speed clearance.* High speed clearance of low impedance short-circuits in order that short-circuit currents of large magnitude will cause minimum damage to the system and equipment and minimize the hazard of fire.

SUBPART 111.60—WIRING METHODS AND MATERIALS

§ 111.60–1 *Electric cable*—(a) *General.* The intent and purpose of this section is to provide that conductors shall have mechanical strength, insulation, and current-carrying capacity adequate for the particular conditions under which they are used.

(b) *Construction.* Electric cables shall be constructed and tested by the manufacturer in accordance with the requirements of section 18, AIEE Standard No. 45.

(1) *Classes of cables.* The classes of cables covered by this standard are:

(i) Lighting and power cable;
(ii) Interior communication cable;
(iii) Inter-cabin telephone cable;
(iv) Bell wire; and,
(v) Switchboard wire.

(2) *Cable classes by type of insulation.* The above cables are classed in accordance with the type of conductor insulation as:

(i) Rubber insulated;
(ii) Varnished-cambric insulated;
(iii) Asbestors-varnished-cambric insulated; and,
(iv) Thermoplastic-asbestos insulated.

(3) *Cable classes by type of mechanical covering.* The above cables are classed in accordance with the type of mechanical covering as:

(i) Armored;
(ii) Leaded and armored;
(iii) Impervious sheathed and armored;
(iv) Reinforced rubber sheathed and armored; and
(v) Braided (applicable only to bell wire and switchboard wire).

(c) *Cable marking.* Cable complying with the requirements of this section shall be identified by providing a marker tape under the cable sheath. The marker tape shall give at regular and frequent intervals:

(1) Manufacturer;
(2) Applicable specification; and,
(3) Year of manufacture.

(d) *Cable applications*—(1) *Damp or wet locations.* Electric cable for installation in damp or wet locations shall be leaded and armored, reinforced rubber sheathed and armored, or impervious sheathed and armored. The cable insulation may be either rubber, varnished-cambric, asbestos-varnished-cambric, or thermoplastic-asbestos except that rubber insulated power and lighting cables shall not be used in locations where the ambient temperature exceeds 50° C.

(2) *Corrosive locations.* The armor of cables in corrosive locations shall be either bronze or aluminum.

(3) *Dry locations.* Cables for installation in dry locations shall be either rubber insulated and armored or any of the cables specified in subparagraph (1) of this paragraph for damp or wet locations.

(4) *Power and lighting cable.* Cable for power and lighting applications shall be power and lighting cable of the types described in this subpart.

(5) *Interior communication cable.* Cable for interior communication apparatus operating on potentials not exceeding 300 volts may be either interior communication cable or power and lighting cable of the types described in this subpart.

(6) *Inter-cabin telephone cable.* Inter-cabin telephone cable may be used for telephone systems installed for the convenience of passengers and not essential for the operation of the vessel.

(7) *Bell wire.* Bell wire may be used for call bell circuits of 25 volts or less installed for the convenience of passengers if properly installed in protected raceways.

(8) *Switchboard wire.* Switchboard wire may be used only on switchboards, motor controllers and the like.

(e) *Current-carrying capacity*—(1) *General.* The maximum current-carrying capacities of electric cables for continuous service are given in Tables 111.60–1 (e) (1) (i) and 111.60–1 (e) (1) (ii), and no cable shall be permitted to carry a current continuously in excess of those values.

(2) *Conductors in multiple.* Conductors may be run in multiple provided they are of the same length and have the same circular mil area and type of insulation. Where conductors are run in multiple, they shall be arranged and terminated at both ends in such a manner as to insure equal division of the total current between all conductors that are involved.

(f) *Temperature limitation.* No cable shall be used under such condition that its temperature, even when carrying current, will exceed the temperatures specified in Table 111.60–1 (e) (1) (i) for the type of insulation involved.

(g) *Conductor size for varnished-cambric insulated cables.* Varnished-cambric insulated power and lighting cables in sizes smaller than No. 12 AWG shall not be used. Rubber or asbestos-varnished-cambric insulated power and lighting cables may be used in size No. 14 AWG and larger.

TABLE 111.60-1 (c) (1) (f)—WIRES AND CABLES [1]—MAXIMUM CURRENT CARRYING CAPACITIES, D-C., FOR CONTINUOUS SERVICE, 50° C. AMBIENT [2] [3] (CONCENTRIC STRANDING, 600 VOLTS [4] OR LESS, D. C.) (ALTERNATING-CURRENT RATINGS FOR CABLES ARE THE SAME AS GIVEN FOR DIRECT CURRENT UP TO 700,000 CIRCULAR MILS; FOR 700,000 CIRCULAR MILS AND ABOVE, SEE TABLE 111.60-1 (c) (1) (iii))

Conductor size		Current in amperes								
		1-conductor			2-conductor			3-conductor		
Area (CM)	Nearest AWG	R	VC	AVC	R	VC	AVC	R	VC	AVC
2,000,000	------	1,048	1,380	1,538	-----	-----	-----	-----	-----	-----
1,750,000	------	934	1,231	1,373	-----	-----	-----	-----	-----	-----
1,500,000	------	846	1,095	1,228	-----	-----	-----	-----	-----	-----
1,250,000	------	743	970	1,020	-----	-----	-----	-----	-----	-----
1,000,000	------	640	831	925	-----	-----	-----	-----	-----	-----
950,000	------	617	812	904	-----	-----	-----	-----	-----	-----
900,000	------	592	779	866	-----	-----	-----	-----	-----	-----
850,000	------	578	752	838	-----	-----	-----	-----	-----	-----
800,000	------	557	725	807	-----	-----	-----	-----	-----	-----
750,000	------	538	696	776	-----	-----	-----	-----	-----	-----
700,000	------	516	666	741	-----	-----	-----	-----	-----	-----
650,000	------	486	623	694	382	503	560	331	428	476
600,000	------	466	597	665	363	481	535	317	407	452
550,000	------	441	563	627	344	462	514	302	386	428
500,000	------	418	534	594	323	431	480	285	367	408
450,000	------	392	498	554	306	406	452	265	341	379
400,000	------	369	464	516	284	377	418	248	319	354
350,000	------	340	429	477	261	351	390	230	294	327
300,000	------	301	389	432	238	315	351	209	267	297
250,000	------	270	348	387	212	281	312	186	238	264
212,000	4/0	241	310	345	193	254	283	169	215	239
168,000	3/0	208	273	304	167	223	248	148	187	208
133,000	2/0	180	237	264	145	194	214	130	163	181
106,000	1/0	155	206	229	128	170	189	112	142	158
83,700	1	133	177	197	111	148	165	98	122	135
66,400	2	115	152	169	96	128	142	86	106	118
52,600	3	99	132	147	85	111	124	75	92	102
41,700	4	85	114	127	74	97	108	66	80	89
33,100	5	71	99	110	64	85	95	57	70	78
26,300	6	63	86	96	56	74	82	49	61	67
20,800	7	54	74	82	49	64	71	44	52	58
16,500	8	46	66	73	42	55	61	39	46	51
10,400	10	34	49	54	32	42	47	29	35	39
6,530	12	24	32	35	22	27	30	21	23	26
4,110	14	15	-----	20	14	-----	19	13	-----	17

[1] The values given in this table may be used provided the cable installation is limited to double banking. Where this limitation is exceeded, the values given in this table shall be decreased 5 percent for each additional bank.

[2] The values given in this table are based upon an ambient temperature of 50° C and maximum conductor temperature of:
75° C for rubber (R) insulated cables;
85° C for varnished-cambric (VC) insulated cables; and
95° C for asbestos-varnished-cambric (AVC) insulated cables.

[3] If ambient temperatures differ from 50° C the values shown above shall be multiplied by the following factors:

Type of cables	Ambient temperature		
	40° C	60° C	70° C
Rubber-insulated cables	1.18	-------	-------
Varnished cambric-insulated cables	1.13	0.84	-------
Asbestos-varnished-cambric insulated cables	1.11	0.88	0.75

[4] For voltages greater than 600 volts, current rating shall be decreased 2 percent for each thousand volts increased over 600 volts.

TABLE 111.60-1 (c) (1) (ii) [1]—WIRES AND CABLES—MAXIMUM CURRENT-CARRYING CAPACITIES, A. C., FOR CONTINUOUS SERVICE (VALUES ARE IN AMPERES—600 VOLTS OR LESS) (ALTERNATING-CURRENT RATINGS FOR CABLES OF LESS THAN 700,000 CIRCULAR MILS ARE THE SAME AS THOSE FOR CABLES GIVEN IN TABLE 111.60-1 (c) (1) (i))

[60-cycle alternating current]

Conductor size	Concentrically stranded conductor			Annular conductor	
Area in circular mils	Rubber insulated	Varnished-cambric insulated	Asbestos-varnished-cambric insulated	Varnished-cambric insulated	Asbestos-varnished-cambric insulated
2,000,000	932	1,229	1,440	1,417	1,590
1,750,000	864	1,125	1,305	1,294	1,450
1,500,000	791	1,023	1,199	1,160	1,305
1,250,000	719	920	1,070	1,021	1,150
1,000,000	631	808	925	877	990
950,000	609	790	899	840	945
900,000	587	760	867	803	900
850,000	568	735	838	777	845
800,000	548	711	803	747	845
750,000	529	683	775	708	810
700,000	509	656	740	675	775

[1] Footnotes 1, 2, 3, and 4 of Table 111.60-1 (c) (1) (i) are applicable to this table.

§ 111.60-5 *Portable electric cord and fixture wire*—(a) *General.* The construction of portable electric cords and fixture wire shall be in accordance with Underwriters' Laboratories, Inc. Standard for Flexible Cord and Fixture Wire.

(b) *Application, portable cords.* Portable cords may be used only for the connection of portable lamps or appliances and for the connection of stationary lamps or small stationary equipment not suitable for fixed wiring. When used they shall be of the type indicated in this paragraph or better.

(1) *Damp or wet locations.* Portable cords for use in damp or wet locations shall be type S, ST, or SU, and portable cords for use where exposed to oil or oil vapor shall be type SO, or SUO.

(2) *Dry locations.* Portable cords for use in dry locations and not for hard services shall be type K, SJ, SJO, SJT, C, PD, P–2, PW–2, AVPD, or one of the types listed for damp or wet locations in subparagraph (1) of this paragraph.

(3) *Hard service.* Any portable cord subject to hard service shall be one of the types specified in subparagraph (1) of this paragraph for damp or wet locations.

(c) *Allowable current-carrying capacity.* The allowable current-carrying capacity of flexible cord and fixture wire is given in Table 111.60–5 (c).

(d) *Conductor size.* Portable cord or fixture wire shall not be smaller than No. 18 AWG.

(e) *Splices.* Portable cords shall be used only in continuous lengths without splices or taps.

(f) *Pull at joints and terminals.* Portable cords shall be so connected to devices and to fittings that tension will not be transmitted to joints or terminal screws. This shall be accomplished by a knot in the cord, winding with tape, by a special fitting designed for that purpose, or by other equivalent means.

(g) *Fixture wire, application.* Fixture wire may be used in the interior of lighting fixtures, instruments, and the like. When used, fixture wire shall be one of the types covered in this paragraph.

(1) Type AF fixture wire shall be used for applications where the temperature will exceed 90 degrees C and for the wiring of all mogul base screw-shell lampholders.

(2) Type AF fixture wire shall be used for wiring lighting fixtures provided with other than mogul base screw-shell lampholders, except that type CF fixture wire may be used where the temperature does not exceed 90 degrees C., types RFH–2 and FFH–2 fixture wire may be used where the temperature does not exceed 75 degrees C., and types TF, TFF, RF–2, and FF–2 fixture wire may be used where the temperature does not exceed 60 degrees C.

(h) *Fixture wire, voltage limitation.* Fixture wire shall not be used for applications exceeding 300 volts.

(i) *Fixture wire, stranded.* Fixture wire shall be of the stranded type.

TABLE 111.60-5 (c)—MAXIMUM CURRENT-CARRYING CAPACITIES IN AMPERES

Flexible cord				Fixture wire	
Size AWG	Rubber types PW–2, P–2, C, PD	Rubber types S, SO, SJ, SJO, SU, SUO	Type AVPD	Rubber types RF–2, FF–2, RFH–2 FFH–2	Thermoplastic types TF, TFF
					Cotton type CF
		Thermoplastic types ST, SJT			Asbestos type AF
18	5	7	17	5	6
16	7	10	22	7	8
14	15	15	28	------	17
12	20	20	36	------	------
10	25	25	47	------	------
8	35	------	------	------	------
6	45	------	------	------	------
4	60	------	------	------	------
2	80	------	------	------	------

§ 111.60–10 *Wire and cable installation*—(a) *Propulsion cables*—(1) *Splices and terminals.* Propulsion cables are to have no splices or joints except terminal joints and all cable terminals are to be effectively sealed against the admission of moisture or air; similar precautions should be taken during installation by sealing all cable ends until the terminals are permanently attached. Cable supports are to be strong enough to withstand short-circuited conditions; they are not to be spaced more than 36 inches apart and are to be arranged to prevent chafing of the cable.

(2) *Single-conductor alternating-current cables.* Single-conductor alternating-current cables are to be supported on non-fragile insulators and the protective metal covering of each run of cable should be grounded at the middle only. Closed magnetic circuits around individual cables are not permitted and magnetic materials between cables of a group should be avoided. In order to minimize harmful inductive effect, cables in groups of considerable length should be transposed.

(3) *Multi-conductor alternating-current cables.* Multi-conductor alternating current cables are to be mounted on approved supports and the lead sheath grounded at several points.

(4) *Deck and bulkhead penetrations.* Deck and bulkhead penetration shall comply with the requirements of paragraph (b) (4) of this section.

(b) *Ship's service cables*—(1) *Cable joints and sealing.* The cable ends of all feeders and power branch circuits to vital auxiliaries are to be effectively sealed against the admission of moisture by methods such as taping in combination with insulating compound.

(2) *Cable supports and radii of bends.* Where cables are run in groups they should preferably be supported in metal hangers arranged as far as practicable to permit painting of the surrounding structure without undue disturbance to the installation. Single cable runs may be supported by metal clips screwed directly to deck or bulkhead. Cables grouped in a single hanger should be limited preferably to two banks. Supports are to be spaced no more than 18 inches apart where vertical and 14 inches where horizontal. Cables running transversely to and supported by clips or straps on the under side of beams should be run on backing plates or the equivalent. Metal supports should be designed to secure cables without damage to insulation or armor and are to be so arranged that the cables will bear over a length of at least ½ inch. Leaded and armored cable shall not be bent to a smaller radius than 8-cable diameters; other cables may be bent to a 6-cable diameter radius.

(3) *Alternating-current cable installations.* In order to avoid overheating by induction all phase wires should be contained within the same armor by use of multiple conductor cables. Single-conductor cables may be used, however, where carrying negligible currents or where there are no closed magnetic circuits around the individual cables. In order to minimize harmful inductive effects, single-conductor cables in groups of considerable length should be transposed.

(4) *Deck and bulkhead penetrations.* Where cables pass through watertight decks or bulkheads, a watertight stuffing tube shall be employed. Where cables pass through nonwatertight bulkheads, beams, or similar structural parts where the bearing surface is less than ¼-inch, the holes shall be fitted with bushings having rounded edges and a bearing surface for the cable of at least ¼-inch in length. Where cables pass through nonwatertight bulkheads, deck beams, or similar structural parts where the bearing surface is ¼-inch or greater in length, all burrs shall be removed in way of the hole and sharp edges shall be eliminated. Where cables pierce main vertical zone bulkheads, arrangements shall be made to ensure that the fire-resistance of the bulkheads is not impaired.

(5) *Grounding of cable metallic covering.* Each lead covered cable and each armored cable is to have the metallic covering electrically and mechanically continuous and grounded to the metal hull at each end of the run except that final sub-circuits may be grounded at the supply end only.

(6) *Mechanical protection.* All cables in bunkers and where particularly liable to damage such as locations in way of cargo ports, hatches, tank tops, and where passing through decks shall be specially protected by removable metal coverings, angle irons, pipe or other equivalent means. All such metallic coverings are to be electrically continuous and effectively grounded to the metal hull. Horizontal pipes or the equivalent used for cable protection should be provided with adequate drainage holes and where they are carried through decks or bulkheads, arrangements should be made to insure the integrity of the water or gas tightness of the structure.

(7) *Generator cables.* Generator cables are not to be installed in the bilges.

(8) *Feeder cables.* Feeders of every description should be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered, also spaces where they may be exposed to damage such as cargo spaces and exposed sides of deck houses. Electrical conductors should not enter oil tanks nor should they pass through cofferdams immediately adjacent to and extending below the top of the oil tanks except that branch circuits may be installed in accordance with § 111.60–40.

(9) *Cables behind paneling.* Cables may be installed behind paneling provided all connections are readily accessible and the location of concealed connection boxes is indicated.

(10) *Cables behind sheathing.* Cables may be installed behind sheathing but they must not be installed behind nor imbedded in structural insulation; they should pass through such insulation at right angles and should be protected by continuous pipe with a watertight stuffing tube at each end.

(11) *Bell wire.* Bell wire may be run in tubing or moulding or the equivalent. All splices are to be made at outlets or connection boxes.

(12) *Standing rigging.* All standing rigging should be permanently grounded.

§ 111.60–15 *General requirements for wiring methods*—(a) *Feeder and branch continuity.* Feeders and branch circuit cable supplying a single energy consuming appliance shall be continuous throughout its length, except that a cable of large size or exceptional length may be spliced in suitable junction box to effect greater ease of installation.

(b) *Boxes at outlets.* An outlet box shall be installed at each outlet, switch, receptacle, or junction point. In the complete installation, each outlet or junction box shall be provided with a cover unless a fixture canopy, switch cover, receptacle cover, etc., is used.

(c) *Cables entering boxes.* Cables entering boxes or fittings shall be protected from abrasion, and shall conform to the requirements of this paragraph.

(1) Opening through which conductors enter shall be adequately closed.

(2) The cable armor shall be secured to the box or fitting.

(3) When used in damp or wet locations, the cable entrance shall be made watertight by means of a terminal or stuffing tube.

(d) *Splices and taps.* (1) Conductors shall be so spliced or joined as to be mechanically and electrically secure without solder and, unless an approved splicing device is used, shall then be either soldered with a fusible metal or alloy, or brazed or welded. All splices and joints shall be covered with an insulation equivalent to that on the original conductor.

(2) If not subjected to a temperature higher than 75 degrees C, a splice or

joint shall be covered with rubber or thermoplastic tape secured in place by an outer winding of friction tape, or with a standard combination tape or as specified in subparagraph (3) or (4) of this paragraph.

(3) If subjected to a temperature higher than 75 degrees C but not higher than 90 degrees C, a splice or joint shall be covered with asbestos cord or tape secured in place by an outer winding of friction tape or bonded with water-glass (sodium silicate) or as specified in subparagraph (4) of this paragraph.

(4) If subjected to a temperature higher than 90 degrees C, a splice or joint shall be covered with asbestos cord or tape bonded with water-glass.

(5) Other methods of insulating splices and taps, such as wrapping with layers of varnished-cambric tape followed by painting with insulating varnish, when properly done, are also acceptable.

(6) Rubber and thermoplastic insulating tapes shall be of a type listed as approved by Underwriters' Laboratories, Inc.

(e) *Connections to terminals.* (1) Connection of conductors to terminal parts shall insure a thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors, solder lugs, or splices to flexible leads either soldered, brazed, or welded, except that No. 10 or smaller conductors may be connected by means of clamps or screws with terminal plates having upturned lugs. Terminals for more than one conductor shall be of a type approved for that purpose.

(2) Connectors, wire nuts, or lugs of the set-screw type shall not be used with stranded conductors smaller than No. 14 AWG unless provided with a non-rotating follower traveling with the set screw and making pressure contact with the conductor.

(3) Pressure-type wire connectors, fixture splicing connectors, and soldering lugs shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Wire Connectors and Soldering Lugs, and shall be so listed by Underwriters' Laboratories, Inc.

(4) Terminal blocks shall employ terminal screws not smaller than 6–32, and spacings not less than that shown in Table 111.60–15 (e) (4).

TABLE 111.60–15 (e) (4)

Voltage involved	Minimum spacings in inches between parts of opposite polarity and between live parts and ground	
	Through air	Over surface
0–250	¼	¼
251–600	⅜	⅜

§ 111.60–20 *Outlet boxes*—(a) *General.* The requirements covered by this section are applicable to outlet boxes for use with lighting fixtures, wiring devices, and the like having a volume not more than 100 cubic inches. Boxes of large size will require special consideration for each installation.

(b) *Size.* Outlet boxes shall have an internal depth of at least 1½ inches. The free space within an outlet box for each conductor, not counting fixture wires, shall be not less than that given in Table 111.60–20 (b). Table 111.60–20 (b) applies where no fitting or devices, such as cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more such devices are contained in the box, each such device shall count as one conductor. Each conductor terminated in the box is counted as one conductor.

TABLE 111.60–20 (b)

AWG size of conductor, No.	Free space in cubic inches for each conductor within box
14	2.0
12	2.25
10	2.5
8	3.0

(c) *Degree of enclosure.* Outlet boxes for use in damp or wet locations shall be of watertight construction.

(d) *Mounting and grounding.* Outlet boxes shall be securely fastened in place and grounded to the hull of the vessel. Outlet boxes of watertight construction shall have external mounting feet or lugs.

(e) *Penetration of walls.* Holes in the walls of watertight outlet boxes for the purpose of providing means for the attachment of parts on the exterior thereof, or for securing the cover and the like, shall not penetrate the total thickness of the box wall.

(f) *Construction.* The construction of outlet boxes shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Outlet Boxes and Fittings, except that sheet steel outlet boxes shall not be installed in corrosive locations.

§ 111.60–25 *Switches and circuit breakers*—(a) *General requirements*—(1) *Grounded conductor.* No switch or circuit breaker shall disconnect the grounded conductor of a circuit unless the switch or circuit breaker simultaneously disconnects the ungrounded conductor or conductors.

(2) *Three-way and four-way switches.* Three-way and four-way switches shall be so wired that all switching is done only in the ungrounded circuit conductor.

(3) *Enclosures.* Switches and circuit breakers, except pendent and surface type snap switches and knife switches mounted on an open face switchboard or panelboard, shall be of the externally operative type enclosed in metal boxes or cabinets.

(4) *Position of knife switches.* Single-throw knife switches shall be so placed that gravity will not tend to close them. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal as preferred, but if the throw be vertical a locking device shall be provided which will insure the blade remaining in the open position when so set.

(5) *Circuit connections.* Knife switches, unless of the double-throw type, shall be so connected that the blades are dead when the switch is in the open position. Circuits shall be connected to the fuse end of switches and to the coil end of circuit breakers, except that generators or incoming feeders may be connected to either end of circuit breakers.

(6) *Accessibility and grouping.* Switches and circuit breakers, so far as practicable, shall be readily accessible and shall be grouped.

(7) *Circuit breakers as switches.* A circuit breaker operable directly by applying the hand to a lever or handle may serve as a switch provided it has the number of poles required for such switch.

(8) *Grounding of enclosures.* Enclosures for switches or circuit breakers shall be grounded.

(9) *Knife switches.* Knife switches rated for more than 1,200 amperes at 250 volts or less, and for more than 600 amperes at 251 to 600 volts shall be used only as isolating switches and shall not be opened under load. To interrupt currents greater than 1,200 amperes at 250 volts or less, or 600 amperes at 251 to 600 volts, a circuit breaker or a switch of special design approved for such purpose shall be used. Knife switches of lower rating may be used as general-use switches and may be opened under load. Motor-circuit switches may be of the knife-switch type. (See § 111.45–30 (d), (e), and (f).)

(10) *Rating of snap switches.* Snap switches shall be rated as described in this paragraph depending upon the load controlled.

(i) *Non-inductive loads.* For non-inductive loads other than tungsten-filament lamps, switches shall have an ampere rating not less than the ampere rating of the load.

(ii) *Tungsten filament lamp loads.* For tungsten-filament lamp loads, and for combined tungsten-filament and non-inductive loads, switches shall have a "T" rating not less than the ampere rating of the load.

(iii) *Inductive loads.* Switches controlling inductive loads shall have an ampere rating twice the ampere rating of the load unless they are of a type approved as part of an assembly or for the purpose employed.

(iv) *Motor-circuit switches.* For switches controlling motors see §§ 111.45–30 and 111.60–25 (b) (4).

(b) *Detail requirements*—(1) *Circuit breakers.* Circuit breakers shall comply with § 111.55–15 (e).

(2) *Knife switches.* The construction of knife switches shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Knife Switches.

(3) *Snap switches.* The construction of snap switches shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Snap Switches and the switches shall be so labeled. The switches when installed in an outlet box and wired shall have a minimum spacing between live parts and ground of ¼-inch through air or over surfaces for potentials of 250 volts or less.

(4) *Enclosed switches.* Enclosed switches shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Enclosed Switches, except that sheet metal enclosures shall not be employed for use in corrosive locations unless one of the conditions covered in this subparagraph is complied with.

(i) The enclosure is fabricated of corrosion-resistant material.

(ii) The enclosure is fabricated of sheet steel not less than ⅛ inch in thickness and hot dip galvanized after fabrication.

(iii) The enclosure is fabricated of sheet steel not less than 3/16 inch in thickness and given a corrosion-resistant finish in accordance with § 110.15–40 of this subchapter.

§ 111.60–30 *Receptacle outlet and attachment plugs.* (a) Receptacle outlets and attachment plugs for the attachment of portable lamps, tools, and similar apparatus supplied as ship's equipment and operating at 100 volts or more shall provide a grounding pole and a grounding conductor in the portable cord to ground the dead metal parts of the portable apparatus. Portable apparatus shall be deemed to be any apparatus served by means of a flexible extension cord, whether the apparatus is permanently mounted or not.

(b) Receptacle outlets provided for the convenience of, and located in quarters for, passengers or crew for connecting portable razors, radios, and other such appliances need not be of the type providing a grounding pole if operating at a potential of 125 volts or less.

(c) Receptacle outlets of the type providing a grounding pole shall be of a distinctive design that will not accommodate nongrounding plugs, except that receptacle outlets installed in accordance with paragraph (b) of this section may be of a type that will accommodate both grounding and nongrounding plugs.

(d) Receptacle outlets for use in damp or wet locations shall be so designed that, when the plug is in place, the plug will be held in positive contact and will establish and maintain a watertight integrity of the enclosure.

(e) Receptacle outlets for use in damp or wet locations shall be so designed that, when the plug is not in place, the plug opening may be closed to establish and maintain a watertight integrity of the enclosure. Where threaded caps are used for this purpose, the cap shall be mechanically fastened to the cover or enclosure by a strong link or hinged strap.

(f) Receptacle outlets for use in locations exposed to the weather shall be so designed that with the plug opening uncovered, water will not collect in the interior of the box.

(g) Receptacle outlets for use in locations where accessible to other than qualified persons shall, with the plug opening uncovered, present no live parts. Any screw, rivet, contact, or the like which is accessible and in electrical connection with any live-metal part shall be located in a hole not more than 9/32 inch in diameter and recessed not less than 3/16 inch in the clear.

(h) When it is necessary to transmit current in one direction between 2 receptacle outlets by means of a portable cable with a plug on each end (such as a battery charging lead between a receptacle outlet on a ship and a receptacle outlet in a lifeboat), the plug which may be energized when not inserted in the receptacle outlet, shall be of the female type and shall comply with the requirements of paragraph (g) of this section.

(i) A receptacle outlet installed on a lifeboat for the purpose of connecting it to the ship's electrical system shall be of a type that will permit the plug to pull free should the lifeboat be lowered.

(j) Where receptacle outlets on a ship are connected to different potentials, or to different types of potentials, receptacle outlet types shall be selected so that a portable device cannot be plugged into a receptacle outlet of an unsuitable potential.

(k) Receptacle outlets and plugs for use in damp or wet locations shall be constructed of corrosion-resistant material(s), or of a material(s) with a corrosion-resistant finish(es), except that receptacle outlets and plugs for use in corrosive locations shall be constructed of corrosion-resistant material(s).

(l) Receptacle outlets and plugs when installed and wired shall have a minimum spacing between live parts and ground of ¼ inch through air or over surface for potentials of 250 volts or less.

(m) Interior units of receptacle outlets and plugs shall conform to the requirements of Underwriters' Laboratories, Inc. Standard for Attachment Plugs and Receptacles.

§ 111.60–35 *Lighting fixtures*—(a) *General requirements.* (1) Fixtures shall have no live parts normally exposed to contact.

(2) Pull chain type switched lampholders shall not be used.

(3) Incandescent lamps shall be of the medium base type, except that special base lamps may be used for special applications when approved.

(4) Arc lamps shall not be used for applications other than for searchlights and for motion picture projectors.

(5) Unspecified construction details shall be in accordance with Underwriters' Laboratories, Inc. Standard for Electric Lighting Fixtures and Portable Lamps.

(b) *Lighting fixture applications.* (1) Fixtures installed in damp or wet locations shall be of watertight construction.

(2) Fixtures shall be constructed of corrosion-resistant material(s) or of a material(s) with a corrosion-resistant finish(es), except that fixtures in corrosive locations shall be constructed of corrosion-resistant material(s).

(3) Fixtures shall be so constructed, or installed, or equipped with shades and/or guards that combustible material will not be subjected to temperatures in excess of 90 degrees C.

(4) Fixture globes shall be protected by guards except in living quarters, wheelhouse, gyro room, radio room, galley, and similar spaces where not subject to mechanical damage.

(c) *Provisions at fixture outlet boxes, canopies and pans.* (1) Canopies and outlet boxes taken together shall provide adequate space so that fixture conductors and their connecting devices may be properly installed.

(2) Fixtures shall be of such construction or so installed that the conductors in outlet boxes will not be subjected to temperatures greater than that for which the conductors are approved (75 degrees C. for rubber insulated conductors, 85 degrees C. for varnished-cambric insulated conductors, and 95 degrees C. for asbestos-varnished-cambric insulated conductors).

(3) In a completed installation, each outlet box shall be provided with a cover unless it is covered by means of a fixture canopy, lampholder, or similar device.

(4) Any combustible bulkhead or ceiling finish exposed between the edge of a fixture canopy or pan and the outlet box shall be covered with noncombustible material.

(d) *Fixture supports.* (1) Fixtures, lampholders and receptacle outlets shall be securely supported. Fixtures shall not be supported by the screw shell of a lampholder.

(2) Pendent fixtures shall be suspended by, and supplied through threaded rigid conduit stems.

(3) Table lamps, desk lamps, floor lamps, and similar equipment shall be secured in place to prevent displacement by the roll or pitch of the vessel.

(e) *Wiring of fixtures.* (1) Wiring on or within fixtures shall be neatly arranged and not exposed to mechanical injury. Excess wiring shall be avoided. Conductors shall be so arranged that they will not be subjected to temperatures above those for which they are approved.

(2) Fixture conductors shall not be smaller than No. 18 AWG.

(3) Fixtures shall be wired with conductors having insulation suitable for the current, voltage, and temperature to which the conductors will be subjected.

(4) Fixtures provided with mogul base screw-shell lampholders shall be wired with Type AF fixture wire. Fixtures provided with other than mogul base screw-shell lampholders shall be wired with Type AF fixture wire, except that Type CF fixture wire may be used where temperatures do not exceed 90 degrees C. type RFH–2 or FFH–2 fixture wire may be used where temperatures do not exceed 75 degrees C., Type TF, TFF, RF–2, or FF–2 fixture wire may be used where the temperatures do not exceed 60 degrees C.

(5) Conductors shall be secured in a manner that will not tend to cut or abrade the insulation. Conductors shall be protected from abrasion where they pass through metal.

(6) Fixtures shall be so installed that the connections between the fixture conductors and the circuit conductors may be inspected without requiring the disconnection of any part of the wiring. Splices and taps shall not be located within fixture arms or stems. No unnecessary splices or taps shall be made within or on a fixture.

(7) Fixtures shall not be used as connection boxes for circuits other than the branch circuit supplying the fixture except that two or more circuits may supply the fixture when (i) one or more lamps of a multi-lamp fixture are supplied from an emergency lighting circuit; or (ii) when the number of lamps of a fixture exceeds the capacity of a single circuit. When more than one cir-

cuit is employed in a fixture, the circuits shall be as widely separated as possible and the different circuits clearly identified at terminal points. Also see § 111.50–20 (c) (5).

(8) Fixtures shall be so wired that the screw-shells of lampholders will be connected to the same fixture or circuit conductor or terminal. Fixtures supplied by a dual-voltage system having a grounded neutral shall have the screw-shells of lampholders connected to the identified grounded neutral conductor.

(9) For wiring of explosion-proof equipment see § 111.60–40.

(f) *Lampholders.* (1) Porcelain shall not be used for lampholders where the material is rigidly fastened by machine screws or the equivalent.

(2) There shall be a spacing through air or over surfaces of not less than ¼ inch between uninsulated live metal parts and a dead metal part which is liable to be grounded or exposed to contact by persons when the device is installed or maintained in the intended manner.

(3) When lampholders are attached to a cap, hickey, or strap, two machine screws shall be employed to secure the lampholder body.

(4) Edison-base (medium base) lampholders shall be constructed in accordance with Underwriters' Laboratories, Inc. Standard for Edison-Base Lampholders and shall be labeled, except as otherwise specified in this subpart.

(g) *Special provisions for electric-discharge-lamp fixtures.* (1) The lamps of electric-discharge-lamp fixtures shall be protected from damage and drop-out, such as by means of louvers, hinged doors, inverted ceiling troughs, or the equivalent.

(2) Electric discharge lamps designed for an open-circuit voltage in excess of 700 volts shall not be used.

(3) Electric-discharge-lamp fixtures having an open-circuit voltage in excess of 120 volts shall have a clearly legible marking in letters not less than ¼ inch high reading "CAUTION — VOLTS." The voltage indicated shall be rated open-circuit voltage.

(4) Fixtures shall be installed on alternating-current circuits only, unless the fixtures are equipped with auxiliary equipment and resistors especially designed for direct-current operation and the fixtures are so marked.

(5) An auto-transformer which is used as part of a ballast for supplying lighting units and which raises the voltage to more than 300 volts shall be supplied only by a grounded system.

(6) Fluorescent lamps shall be provided with supplementary supporting clamps or other means to prevent loose contact or drop-out due to vibration.

(7) Auxiliary equipment for use with electric discharge type lamps shall be of a type conforming to Underwriters' Laboratories, Inc. Standard for Electric-Discharge-Lamp Accessory Equipment, and shall be so labeled.

(h) *Grounding of lighting equipment.* (1) Lighting equipment (including fixtures) shall be grounded.

(2) Equipment shall be considered as grounded when mechanically connected in a permanent and effective manner to the metal structure of the ship, the armor of armored cable, or a grounding conductor.

§ 111.60–40 *Wiring methods and material for hazardous location*—(a) *General.* (1) The provisions of this section apply to locations in which equipment and wiring are subjected to the conditions indicated by the classifications covered by subparagraphs (6) through (8) of this paragraph. It is necessary that each compartment or area containing electrical equipment be considered individually in order to determine its hazard classifications. Except as modified by this section, all other applicable rules contained in this subchapter shall apply to electrical equipment and wiring installed in hazardous locations.

(2) The term "explosion-proof" as used in this section shall mean enclosed in a case which is capable of withstanding an explosion of a specified gas or vapor which may occur within it, and of preventing the ignition of the specified gas or vapor surrounding the enclosure by sparks, flashes or explosions of the gas or vapor within.

(3) Through the exercise of ingenuity in the layout of electrical installations for hazardous locations, it is frequently possible to locate much of the equipment in less hazardous or nonhazardous areas and thus reduce the amount of special equipment required. The amount of electrical equipment or wiring in hazardous locations shall be minimized.

(4) The intent of this section is to require a form of construction of equipment, and of installation that will insure safe performance under conditions of proper use and maintenance. It is necessary, therefore, that more than ordinary care be exercised with regard to the installation and maintenance of equipment and wiring in hazardous areas.

(5) The explosive characteristics of various atmospheric mixtures of hazardous gases, vapors and dusts depend on the specific hazardous material involved. It is necessary, therefore, that equipment be designed not only for the class of location but also for the specific gas, vapor or dust that will be present. For the purpose of approval, the following atmospheric mixtures have been grouped on the basis of their explosive characteristics:

Group A: Atmospheres containing acetylene;
Group B: Atmospheres containing hydrogen, or gases or vapors of equivalent hazard, such as manufactured gas;
Group C: Atmospheres containing ethyl ether vapor;
Group D: Atmospheres containing gasoline, petroleum, naphtha, alcohols, acetone, lacquer solvent vapors, and natural gas;
Group E: Atmospheres containing metal dust;
Group F: Atmospheres containing carbon black, coal or coke dust; and
Group G: Atmospheres containing grain dust.

(6) Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitible mixtures.

(i) This classification would usually include locations such as cargo pump rooms, cofferdam areas, and in some cases open deck areas, storage and mixing rooms for paint and allied products, storage rooms for oil, oil lamps and the like, battery rooms, and hospital operating rooms in which combustible anesthetics may be administered.

(7) Class II locations are those in which combustible dust is or may be in the air continuously, intermittently, or periodically under normal conditions, in quantities sufficient to produce explosive or ignitible mixtures.

(i) This classification would usually include the working areas handling bulk grain and similar products, coal pulverizing plants (except where the pulverizing equipment is essentially dust-tight), and the like.

(8) Class III locations are those in which easily ignitible fibers or materials producing combustible flyings are handled or used.

(i) Easily ignitible fibers and combustible flyings will include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste, kapok, Spanish moss, excelsior, sawdust, and other materials of similar nature.

(ii) Class III locations will usually include areas where the above products are handled in bulk, carpenter shop and similar locations.

(b) *Electrical installations in Class I, Groups A, B, C, and D, hazardous locations*—(1) *Meters, instruments and relays.* Meters, instruments, and relays, including kilowatt-hour meters, instrument transformers and resistors, rectifiers and thermionic tubes, shall be provided with explosion-proof enclosures approved for Class I locations.

(2) *Switches, circuit breakers, motor controllers and fuses.* Switches, circuit breakers, motor controllers and fuses, including pushbuttons, relays and similar devices, shall be provided with enclosures, and the enclosures in each case together with the enclosed equipment shall be approved as a complete assembly for use in Class I locations.

(3) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, together with any switching mechanism associated with them, shall be provided with explosion-proof enclosures approved for Class I locations.

(4) *Motors and generators.* Motors, generators and other rotating electrical machinery shall be of enclosed explosion-proof type approved for Class I locations.

(5) *Lighting fixtures.* Each lighting fixture shall be approved as a complete assembly for class I locations, and shall be clearly marked to indicate the maximum wattage of lamps for which it is approved. Fixtures intended for portable use shall be specifically approved as a complete assembly for that use.

(i) *Mechanical injury.* Each fixture shall be protected against mechanical injury by a suitable guard. Pendent fixtures having rigid conduit stems

longer than 12 inches shall have permanent and effective bracing against lateral displacement.

(ii) *Support.* Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class I location.

(6) *Appliances, fixed and portable.* Appliances, including electrically heated and motor-driven appliances, shall be approved for Class I locations.

(7) *Flexible cords.* A flexible cord may be used only for connections between a portable lamp or a portable appliance and the fixed portion of its supply circuit and where used shall be of a type approved for extra hard usage; contain, in addition to the conductors of the circuit, a grounding conductor; be connected to terminals or to supply conductors in an approved manner; be supported by clamps or by other suitable means in such a manner that there will be no tension on the terminal connections; and be provided with suitable seals where the flexible cord enters boxes, fittings, or enclosures of explosion-proof type.

(i) Where flexible cords may be exposed to liquids having a deleterious effect on rubber, they shall be of a type approved for use under such conditions.

(8) *Receptacle outlets and attachment plugs.* Receptacle outlets and attachment plugs shall be of the polarized type providing for connection to the grounding conductor of the flexible cord and shall be approved for Class I locations.

(9) *Signal, alarm, remote-control and communication systems.* Signal, alarm, remote-control and communication systems, irrespective of voltage, shall be approved for Class I locations.

(10) *Wiring methods.* (i) Electric cables shall be leaded and armored or impervious sheathed and armored.

(ii) The cable entrance to each explosion-proof device shall be sealed to prevent the passage of gases, vapors, or flames from within the explosion-proof enclosure.

(iii) The seal fitting shall be located as close as practicable to, but in no case more than 18 inches from, the enclosure, and shall be connected thereto by means of a short length of rigid metal conduit with threaded explosion-proof joints each having at least 5 full threads engaged.

(iv) All cable covering except the individual conductor insulation shall be removed in way of the seal fitting, and the seal fitting filled with a sealing compound.

(v) The sealing compound shall be approved for the purpose, shall not be affected by the surrounding atmosphere or liquids, and shall not have a melting point of less than 93 degrees C.

(vi) In the completed seal, the minimum thickness of the sealing compound shall be not less than the trade size of the conduit, and in no case less than ⅝ of an inch.

(vii) Splices and taps shall not be located in the seal-fitting, nor shall other fittings in which splices or taps are made be filled with compound.

(c) *Electrical installations in Class II hazardous locations*—(1) *Switches, circuit breakers, motor controllers, and fuses.* Switches, circuit breakers, motor controllers and fuses, including push-buttons, relays and similar devices, which are intended to interrupt current in the normal performance of the function for which they are installed, or which are installed where dusts of an electrically conducting nature may be present, shall be provided with dust-tight enclosures approved for Class II locations.

(i) Disconnecting and isolating switches containing no fuses and not intended to interrupt current, and which are not installed where dust may be of an electrically conducting nature, shall be provided with tight metal enclosures which shall be equipped with close fitting covers, or with other effective means to prevent the escape of sparks or burning material; and have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape, or through which exterior accumulations of dust or adjacent combustible material might be ignited.

(2) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, and any overcurrent devices or switching mechanisms associated with them, shall have dust-tight enclosures approved for Class II locations.

(3) *Motors and generators.* Motors, generators and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe ventilated, or totally enclosed fan-cooled, and shall be approved for Class II locations.

(4) *Appliances, fixed and portable.* Appliances, fixed and portable, including electrically heated and motor-driven appliances, shall be approved for Class II locations.

(5) *Lighting fixtures.* Each lighting fixture, fixed or portable, shall be approved for Class II locations, and shall be clearly marked to indicate the maximum wattage of the lamp for which it is approved. Each fixture shall be protected against mechanical injury by a suitable guard. Pendent fixtures having rigid conduit stems longer than 12 inches shall have permanent and effective bracing against lateral displacement. Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class II locations.

(6) *Receptacles and attachment plugs.* Receptacles and attachment plugs shall be polarized type providing for connection to the grounding conductor of the flexible cord, and shall be approved for Class II locations.

(7) *Signal, alarm, remote-control, and communication systems.* (i) Switches, circuit breakers, relays, contactors and fuses which may interrupt other than voice currents, and current-breaking contacts for bells, horns, howlers, sirens and other devices in which sparks or arcs may be produced, shall be provided with dust-tight enclosures approved for Class II locations.

(ii) Resistors, transformers, and choke coils which may carry other than voice currents, and rectifiers, thermionic tubes, and other heat generating equipment or apparatus shall be provided with dust-tight enclosures approved for Class II locations.

(8) *Wiring methods*—(i) *Fittings and boxes.* Fittings and boxes shall be provided with threaded bosses for terminal tubes, shall have close fitting covers, and shall have no openings (such as holes for attaching screws) through which sparks or burning material might escape. Fittings or boxes in which taps, joints or terminal connections are made, or which are used in locations where dusts are of an electrically conducting nature, shall be approved for Class II locations.

(ii) *Electric cables.* Electric cables shall be leaded and armored or impervious sheathed and armored and cable entrances made dust-tight by terminal tubes.

(iii) *Flexible connections.* Where necessary to employ flexible connections, dust-tight flexible connectors, flexible metal conduit, or flexible cord approved for extra hard usage and provided with bushed fittings shall be used, except that where dusts are of an electrically-conducting nature, flexible metal conduit shall not be used, and flexible cords shall be provided with dust seals at both ends. Where flexible cords are subject to oil or other corrosive conditions, the conductors shall be of a type approved for the condition. An additional conductor for grounding shall be provided in the flexible cord.

(d) *Electrical installations in Class III hazardous locations*—(1) *Switches circuit breakers, motor controllers and fuses.* Switches, circuit breakers, motor controllers, and fuses, including push buttons, relays, and similar devices, shall be provided with tight metal enclosures which shall be equipped with close fitting covers, or with other effective means to prevent escape of sparks or burning material; and have no openings (such as holes for attaching screws) through which after installation, sparks or burning material might escape, or through which exterior accumulations of fibers or flyings or adjacent combustible material might be ignited.

(2) *Control transformers and resistors.* Transformers, impedance coils and resistors used as, or in conjunction with, control equipment for motors, generators and appliances, shall conform to paragraph (c) (2) of this section.

(3) *Motors and generators.* Motors, generators, and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe-ventilated, or totally-enclosed fan-cooled.

(4) *Applicances, fixed and portable.* Appliances, fixed and portable, shall conform to the requirements of this subparagraph.

(i) *Heaters.* Electrically heated appliances shall be provided with dust-tight enclosures and shall be approved for Class III locations.

(ii) *Motors.* Motors of motor-driven appliances shall conform to subparagraph (3) of this paragraph. Appliances which may be readily moved from one location to another shall conform to requirements for the most hazardous location.

(iii) *Switches, circuit breakers, motor controllers and fuses.* Switches, circuit

breakers, motor controllers and fuses shall conform to paragraph (c) (1) of this section.

(5) *Lighting fixtures.* Lighting fixtures shall conform to the requirements of this subparagraph.

(i) *Construction.* Each fixture shall be of dust-tight type so designed that in the event of burnout of lamp or lampholder, no spark or hot metal can escape from the fixture. Unless each fixture is so constructed that it will not accept a lamp of larger wattage than that for which it is designed, it shall be clearly marked to indicate the maximum wattage of lamp that should be used.

(ii) *Mechanical injury.* A fixture which may be exposed to mechanical injury shall be protected by a suitable guard.

(iii) *Supports.* Boxes, box assemblies or fittings used for the support of lighting fixtures shall be of a type approved for the purpose.

(iv) *Portable lamps.* Portable lamps shall be dust-tight and shall be protected with substantial guards. Lampholders shall be of unswitched type with no exposed metal parts. Unless the portable lamp is so constructed that it will not accept a lamp of larger wattage than that for which it is designed, it shall be clearly marked to indicate the maximum wattage of lamp that should be used.

(6) *Receptacles and attachment plugs.* Receptacles and attachment plugs shall conform to paragraph (c) (6) of this section.

(7) *Signals, alarm, remote control and communication systems.* Signal, alarm, remote-control and communication systems shall conform to paragraph (c) (7) of this section.

(8) *Wiring methods.* (i) Fittings and boxes in which taps, joints, or terminal connections are made shall be provided with close fitting covers, or other effective means, to prevent the escape of sparks or burning material; and, have no openings (such as holes for attaching screws) through which, after installation, sparks or burning material might escape, or through which exterior accumulations of fibers or flyings or adjacent combustible materials might be ignited.

(ii) Electric cables shall conform to paragraph (c) (8) (ii) of this section.

(iii) Flexible connections shall conform to paragraph (c) (8) (iii) of this section.

SUBPART 111.65—SPECIAL REQUIREMENTS FOR CERTAIN LOCATIONS AND SYSTEMS

§ 111.65–1 *Application.* The requirements of this subpart contain special requirements relative to electrical installations in specific areas and to specific electrical systems. Except as modified by this subpart, all other applicable rules contained in this subchapter shall also apply to such installations and systems.

§ 111.65–5 *Special requirements for hospital operating rooms*—(a) *Application.* The requirements of this section are applicable to any area of a hospital in which it is intended to administer to a patient any combustible anesthetic agent in the course of examination or treatment, and to any room used for storage of combustible anesthetic or disinfecting agents.

(b) *General requirements.* The electrical installations and electrical equipment in anesthetizing locations and in storage locations for combustible anesthetic or disinfecting agents shall comply with Recommended Safe Practice for Hospital Operating Rooms, published by National Fire Protection Association. The requirements of "Class I, Group C, Division 1 locations of Article 500 of the National Electrical Code" as referred to in Recommended Safe Practice for Hospital Operating Rooms shall be construed to mean the requirements for "Class I, Group C locations covered in § 111.60–40 (b)."

§ 111.65–10 *Special requirements for locations where gasoline or other highly volatile motor fuel is carried in vehicles*—(a) *Application.* The provisions of this section are applicable to any area in which gasoline or other highly volatile motor fuel is stored in self-propelled vehicles being transported.

(b) *General requirements.* Electrical equipment which tends to produce arcs or sparks, such as cutouts, switches, receptacles, lampholders, generators, motors, or other equipment having make or break or sliding contacts, when installed within 4 feet of the deck, shall be of a type approved for Class I, Group D locations in accordance with § 111.60–40 (b).

(1) The reference to a level of 4 feet above the deck shall be construed to mean each deck at or above the weather deck on which vehicles are transported.

(2) Areas below the weather deck on which vehicles are transported shall be deemed to be a hazardous area to a height 4 feet above the weather deck.

§ 111.65–15 *Special requirements for motion picture projection rooms and projection equipment*—(a) *General*—(1) *Professional type projectors.* The professional type of projectors shall be located in a projector room. Such rooms shall not be considered as a hazardous location as defined in § 111.60–40. (The professional projector employs a 35-millimeter film which is 1⅜ inches wide and has on each edge 5.4 perforations per inch.)

(2) *Non-professional type projectors.* Projectors of the non-professional or miniature type, if employing only approved slow-burning (cellulose acetate or equivalent) film, may be operated without a projection room.

(b) *Equipment and projectors of the professional type*—(1) *Motor-driven projectors.* Motor-driven projectors shall be approved for the purpose as an assembly or shall comply with all the conditions contained in this subparagraph.

(i) An approved projector shall be used.

(ii) An approved projector lamp shall be used.

(iii) Motors shall be so designed or guarded as to prevent ignition of film by sparks or arcs.

(iv) Projectors shall be under the charge of a qualified person.

(2) *Conductor size.* Conductors supplying outlets for projectors of the professional type shall not be smaller than No. 8 AWG, and shall be of sufficient size for the projector employed.

(3) *Conductor insulation.* Conductors having a maximum operating temperature of 200 degrees C. shall be used on all lamps or other equipment when the ambient temperature at the conductors as installed will exceed 50 degrees C.

(4) *Flexible cords.* Cords approved for hard service shall be used on portable equipment.

(5) *Lamp guards.* Incandescent lamps in projector rooms shall be provided with guards unless otherwise protected by noncombustible shades or other enclosures.

(6) *Location of equipment.* Motor-generator sets, transformers, rectifiers, rheostats, and similar equipment for the supply or control of current to arc lamps on projectors shall, if practicable, be located in separate rooms. If placed in the projector room, they shall be so located or guarded that arcs or sparks cannot come in contact with film. Motor-generator sets shall have the commutator end or ends totally enclosed.

(7) *Equipment prohibited.* No switches, overcurrent devices, or other equipment, not normally required or used for projectors, sound reproduction, flood, or other special effect lamps or other equipment, shall be installed in projector rooms, except remote-control switches for control of auditorium lights.

(c) *Construction of equipment and projectors of the professional type.* (1) Projectors and enclosures for arc or incandescent lamps and associated equipment shall be of a type, listed as approved by Underwriters' Laboratories, Inc.

§ 111.65–20 *Special requirements for electric elevators and dumbwaiters*—(a) *Application.* The requirements of this section are applicable to electric elevators and dumbwaiters and are in addition to the general requirements contained in this subchapter.

(b) *General requirements.* The electrical control and interlock circuits of elevators and dumbwaiters shall be in accordance with American Standards Association Safety Code for Elevators, Dumbwaiters, and Escalators. The construction of control switches shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Elevator Electric Contacts and Elevator Hoistway Door Interlocks.

§ 111.65–25 *Special requirements for submersible motor-driven bilge pumps*—(a) *Application.* The requirements of this section are applicable to submersible motor-driven bilge pumps required on certain vessels by Subpart 55.10 of Subchapter F (Marine Engineering) of this chapter.

(b) *General requirements.* (1) The electric motor driving the submersible bilge pump shall be installed in an open end air bell of rugged construction and of such proportions that flooding of the compartment, in which it is located, to the bulkhead deck will not cause water to enter the motor.

(2) The motor may be of the open type provided it is protected against splashing water from the bottom.

(3) Cables to the motor shall enter through the open bottom of the air bell.

(4) The motor shall be capable of continuous operation at rated load under any condition, dry or with water in air bell at any level up to maximum.

(5) The motor controller shall be located above the bulkhead deck with a master switch at the controller and a master switch at the motor. The master switch at the motor shall be connected in such a manner that it will be completely disconnected from the circuit when the motor is started or stopped from the remote master switch.

(6) The motor shall be energized from the final source of emergency lighting and power.

§ 111.65–30 *Special requirements for electric power-operated watertight door system*—(a) *Application.* The provisions of this section are applicable to electric power-operated watertight door systems required by Subpart 73.35 of Subchapter H (Passenger Vessels) of this chapter, except that only paragraph (g) of this section shall be applicable to installations contracted for prior to November 19, 1952.

(b) *General requirements.* The watertight door operating system shall comply with the specification requirements of Subpart 163.001 of Subchapter Q (Specifications) of this chapter.

(c) *Power supply.* The power supply to power operated watertight door systems shall comply with the requirements contained in this paragraph.

(1) The source of power for electric motor-driven door operators shall be the source of the emergency lighting and power system as required by Subpart 112.15 of this chapter.

(2) If the peak current resulting from the simultaneous starting of all doors is too great for the temporary or final source of supply, the control shall be so arranged that when the central master switch is put to "close" the doors will start to close serially at intervals of not more than 3 seconds, preference being given to the doors in the lowest part of the vessel.

(3) The power supply for hydraulically operated watertight door systems employing a hydraulic system common to more than one watertight door shall be an accumulator tank of sufficient capacity to open all doors twice and to close all doors three times and one or more motor-driven hydraulic pumps capable of being operated from the final source of the emergency lighting and power system.

(i) The motor-driven hydraulic pumps automatically shall maintain the accumulator tank pressure within the design limits, and shall be located and controlled from above the bulkhead deck.

(ii) The accumulator tank capacity required by subdivision (i) of this subparagraph shall be available when the accumulator tank pressure is at the automatic pump "cut-in" pressure.

(4) The source of power for hydraulically operated watertight door systems employing an independent hydraulic system for each door operator shall be as required by subparagraphs (1) and (2) of this paragraph.

(5) The power supply for other types of watertight door operators shall be as approved by the Commandant.

(d) *Distribution.* Distribution of electric power to the watertight door operators shall comply with the requirements covered in this paragraph.

(1) Distribution panelboards used in connection with watertight door systems shall be located above the bulkhead deck and shall be provided with means for locking to prevent unauthorized access to the switching devices or fuses.

(2) Feeders supplying several watertight door operators shall be located above the bulkhead deck.

(3) A separate branch circuit shall be provided for each watertight door operator.

(e) *Overcurrent protection.* Overcurrent devices employed in watertight door system feeders and branch circuits shall be arranged to isolate a fault with as little disruption of the system as possible. The relationship between loads and rating or setting of overcurrent devices shall conform to the requirements covered in this paragraph.

(1) The rating or setting of each feeder overcurrent device shall be not less than 200 percent of its maximum load.

(2) The rating or setting of a branch circuit overcurrent device shall be not more than 25 percent of that of the feeder overcurrent device.

(f) *Cable.* All cable used in connection with watertight door system feeder circuits or branch circuits shall be leaded and armored or impervious sheathed and armored.

(g) *Existing vessels.* (1) Existing arrangements, materials, and facilities previously approved but not meeting the applicable specifications or requirements set forth in paragraphs (b) through (f) of this section may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation provided that in no case will a greater departure from the standards of paragraphs (b) through (f) of this section be permitted than presently exist.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–35 *Special requirements for fire screen door holding and release systems*—(a) *Application.* When an electric fire screen door holding and release system is installed in compliance with the requirements of Part 72 of Subchapter H (Passenger Vessels) of this chapter, the provisions of this section, with the exception of paragraph (e) of this section shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of paragraph (e) of this section.

(b) *Definitions.* The term "fire screen door" will be used in this section to designate any self-closing door required to comply with § 72.05–25 (b) of Subchapter H (Passenger Vessels) of this chapter.

(2) The term "fire screen holding device" will be used in this section to designate any device designed and installed for the purpose of holding open a fire screen door.

(3) The term "local control station" will be used in this section to designate any manually operated device installed adjacent to a fire screen door for the purpose of releasing the door so that the fire screen door self-closing mechanism may close the door.

(4) The term "central control station" will be used in this subpart to designate any manually operated device installed to release the fire screen doors from the wheelhouse or fire control room.

(c) *General.* (1) The fire screen door holding and release system requirements contained in this section presuppose that the fire screen doors will be held open by electromagnets, door release being effected by deenergizing the electromagnets.

(2) The Commandant may accept any other means for fire screen door holding and releasing not less effective than the electromagnetic type covered by this subpart.

(d) *General requirements.* (1) The fire screen door holding and release system shall consist of an electromagnet for each fire screen door, a self-aligning armature plate on each door to be seized and held by the electromagnet when the fire screen door is fully open, a control switch located adjacent to the door to interrupt the supply potential to the electromagnet, and a central control located in the wheelhouse or fire control room to interrupt remotely potential to all holding magnets.

(2) The fire screen door holding circuit shall be arranged so that loss of potential from any cause will release the doors, except that momentary interruptions of the circuit that may result from the operation of automatic bus-transfer devices in connection with the emergency lighting and power system, will not release the doors.

(3) The central control station shall consist of an enclosed switch, circuit breaker, or magnetic contactor of ample rating to interrupt the connected load. The switching unit shall be externally operative and maintaining in both the "hold doors" and "release doors" positions.

(4) The local control station shall consist of an enclosed externally operative fused switch having a rating of not less than 10–T amperes, 125 volts, and may be either the momentary contact type or the maintaining contact type. A single door holding magnet shall be connected to the fuse end of this local control station. Where several doors are in close proximity to each other, a single local control station switch of ample rating may be used to release these several doors simultaneously.

(5) A door holding electromagnet shall be designed for a nominal pull of approximately 200 pounds. When the

arrangement of the electrical supply involves transfer relays to transfer the supply from a final to a temporary source, a door holding electromagnet shall be designed so that, with a pull on the armature of 110 pounds, the armature will be held in the sealed position for approximately ¼ second after the circuit to the electromagnet is opened. The electromagnet shall be designed for continuous duty in an ambient temperature of 50 degrees C. with a temperature rise by thermometer measurement of not more than 55 degrees C. for Class A insulation nor more than 75 degrees C. for Class B insulation. The electromagnet coil shall be vacuum impregnated and the magnet enclosure shall be either drip-proof or watertight.

(6) The source of power for the fire screen door holding and release system shall be the emergency lighting and power system as required by Subpart 112.15 of this subchapter.

(7) On large vessels where the closing of all fire screen doors simultaneously would seriously interfere with fire-fighting operations or with the evacuation of passengers, it is recommended that the fire screen door release system be subdivided into several circuits. The circuits shall be arranged so that it will be possible to isolate any compartment in which a fire is reported by a sufficient number of closed fire screen doors effectively to stop all draft to the fire area. An effective draft stop will entail closing:

(i) All fire screen doors in the area between the main vertical zone bulkheads immediately forward and aft of the fire area;

(ii) All fire screen doors in the main vertical zone bulkheads immediately forward and aft of the fire area; and,

(iii) All fire screen doors in the next adjacent main vertical zones, forward and aft of the fire area. The fire screen door tripping arrangement shall be specifically approved for each vessel.

(e) *Existing vessels.* Fire screen door holding and release systems on vessels contracted for prior to November 19, 1952, shall meet the requirements covered in this paragraph.

(1) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65–40 *Special requirements of electric power-operated lifeboat winches*—(a) *Application.* The provisions of this section, with the exception of paragraph (i) of this section, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of paragraph (i) of this section, shall apply to all vessels contracted for prior to November 19, 1952.

(b) *General.* The provisions of this section supplement the requirements of subpart 160.015 of Subchapter Q (Specifications) and Subpart 75.30 of Subchapter H (Passenger Vessels) and Part 94 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(c) *General construction requirements.* (1) Control and power circuit switches and motor controllers installed in conjunction with lifeboat winches shall be of types specifically approved for use with lifeboat winches.

(2) Switches and motor controllers shall be of a design not likely to be adversely affected by corrosion of the working parts. Particular attention shall be given to hinged parts of contactors and relays. Structural parts, such as the enclosing cases, if not constructed of corrosion-resistant materials, shall be given a durable corrosion-resistant finish.

(3) Insulating materials shall be limited to those which exhibit the lowest relative water absorption and/or the least effect of such water absorption upon the dielectric properties consistent with the other necessary characteristics.

(4) Where gaskets are used to provide a water seal between parts of an assembly, the gasket shall be secured in place in such a manner as to prevent its falling out or becoming loose when the unit is disassembled.

(5) Holes in the walls of equipment housings for the purpose of providing means for the attachment of parts on the interior thereof, or for securing covers and the like, shall not penetrate the total thickness of the housing wall.

(6) Totally enclosed units shall be provided with a needle valve or with at least one hole closed by a ¼ inch pipe plug for draining condensed moisture. The valve or hole shall be located at the bottom, or as near the bottom as practicable, of the enclosure in order that it may drain the enclosure satisfactorily.

(7) Main line emergency disconnect switches, when installed in a location accessible to passengers, shall be provided with means whereby the switch can be locked in the open-circuit position by means of a padlock or the equivalent. The switch shall have no provisions for locking in the closed-circuit position.

(d) *Detail construction requirements*—(1) *Enclosures.* Each enclosure for motor controller and switching devices, when installed in locations exposed to the weather, shall be capable of meeting the test requirements of paragraph (e) of this section.

(2) *Electrical clearances.* The minimum creepage and air clearance distance between live parts of different polarity of motor controllers, master switches, and control circuit limit switches shall be not less than the values shown in Table 111.65–40 (d) (2). It is desirable to exceed these values where possible. The electrical clearances for power circuit limit switches and main line emergency disconnect switches shall be not less than the general requirements for such devices given in this part.

(3) *Motors.* Motors shall be of watertight construction in accordance with the general requirements of this part.

TABLE 111.65–40 (d) (2)—MINIMUM SPACINGS IN INCHES

Potential involved in volts	0–150	151–300	301–600
Between any uninsulated live part and an uninsulated live part of opposite polarity, an uninsulated grounded part other than the enclosure, or an exposed metal part.	Through air ¼	⅝	¾
	Over surface ½	⅝	¾
Between any uninsulated live part and the walls of a metal enclosure, including fittings for cable entrance.	Through air ¼	½	¾
	Over surface ¾	¾	¾

(e) *Spraytight test.* (1) Before conducting this test, all joints that have gaskets or sealing compounds, or that have been painted, shall be broken and reassembled three times; this procedure also applies to doors and to cover plates. There shall be no leakage of water into the enclosure after it has been subjected to one of the following methods of submergence for a period of five continuous minutes:

(i) The enclosure shall be submerged in water to such a depth that the highest point of the enclosure in its normally mounted position is under a three-foot head; or

(ii) The enclosure shall be submerged in water at least 3 inches at the highest point in an open tank. Sufficient vacuum shall then be applied to the inside of the enclosure to produce an external pressure equivalent to a 3-foot head of water.

(2) The following additional test shall be conducted immediately after either of the above tests, and while the enclosure is still submerged. An internal air pressure shall be applied for a period of 5 minutes equal to 1½ pounds per square inch, plus a pressure equivalent to the depth of submergence.

(3) Under these tests the enclosure will be considered spraytight if no water is found inside the enclosure, and if no air bubbles are seen to emerge. Where a shaft enters the enclosure, the shaft shall be operated twice while submerged.

(4) The following formula may be used to determine the necessary vacuum:

$$M = 0.074\ (12H - W) \qquad (1)$$

where:

M = vacuum in inches of mercury.
H = equivalent head of water in feet, and
W = depth of water in inches covering the highest point of the enclosure.

(f) *Wiring of lifeboat winch components.* (1) When the motor controller of a lifeboat winch power unit is located adjacent to the winch, the main line emergency switch shall disconnect all parts of the lifeboat winch power unit, including the motor controller and limit switches, from all sources of potential. Any other power circuit switches employed shall be connected in series with the main line emergency switch and ahead of the motor controller. The main line emergency switch shall serve as the motor and controller disconnect required by the general requirements of this part, and shall have a horsepower rating not less than that of the winch motor.

(2) When the motor controller of a lifeboat winch power unit is remotely located with relation to the winch, a switch shall be provided at the controller arranged to disconnect the entire winch electrical installation from all sources of potential. In such cases, the main line emergency switch shall be connected in series with this circuit disconnect switch and ahead of the power circuit limit switches, when employed, and ahead of the motor controller.

(3) Davit arm limit switches, whether connected in the power circuit or in the control circuit, shall disconnect all ungrounded conductors of the circuit controlled.

(4) Where one motor is used with two winches, a main line emergency switch, a clutch interlock switch, and a master switch shall be provided for each winch, except that a single main line emergency switch located in accordance with subparagraph (5) of this paragraph with respect to both winches will be accepted. The main line emergency switches shall be connected in series ahead of the motor controller. The master switches shall be connected in parallel and each in series with the corresponding clutch interlock switch for that winch. The clutch interlock switches shall open the circuit to its master switch except when the power unit is clutched to the associated winch. Means shall be provided to prevent the power unit from being clutched to both winches simultaneously.

(5) Typical lifeboat winch wiring diagrams and arrangement drawings are shown on Figures 111.65–40 (f) (5) (i) through 111.65–40 (f) (5) (iv), the arrangement of the equipment shown being diagrammatical. The fact that some show direct current motors and some show alternating current motors has no particular significance. In actual installations the main line emergency disconnect switch shall be so located as to be adjacent to the master switch; within reach of the winch operator; in a position accessible to the person in charge of the boat stowage; and in a position, for gravity davit installations, from which the movement of both davit arms can be observed as they approach the final stowed position. Special consideration will be given to other arrangements where complete compliance with these location requirements cannot be met.

(g) *Procedure for approval of lifeboat winch electrical installations and equipment*—(1) *Switches.* Manufacturers of master switches, limit switches, and main line emergency disconnect switches desiring to qualify their products for use in connection with lifeboat winch installations shall submit for review detail assembly drawings of the unit, identifying each part used in the assembly and the material specification, including finish, if any, of each part. After the detail assembly drawings have been reviewed sample units may be requested for testing. Units found to comply with the requirements of this section will be listed by the Coast Guard as being satisfactory for use as lifeboat winch auxiliary equipment.

(2) *Motor controllers.* Manufacturers of motor controllers desiring to qualify their products for use in conjunction with lifeboat winch installations shall submit for review detail assembly drawings and material lists of the enclosing cases to be furnished, and detail assembly drawings and material lists and/or samples of contactors, relays, resistors and other motor controller components to be employed. For each installation of lifeboat winch motor controllers there shall be submitted for approval a drawing showing the enclosure outline, front view assembly, wiring diagram, and material list, together with the name or other identification of the vessel on which the motor controllers will be installed. No general approval of motor controllers will be given.

(3) *Motors.* For each installation of lifeboat winch motors, plans as required by § 111.05–5 shall be submitted, together with the name or other identification of the vessel on which the motor will be installed. No general approval of motors will be given.

(4) *Shipboard installation drawing.* For each shipboard installation of electric power-operated lifeboat winches, an elementary wiring diagram and isometric or deck wiring diagram as required by § 111.05–5 shall be submitted.

(h) *Testing of lifeboat winch electrical equipment.* The electrical equipment shall be given periodic inspections and tests as required by Part 78 of Subchapter H (Passenger Vessels) and Part 97 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(i) *Electric power-operated lifeboat winches for existing vessels.* (1) The electrical equipment installed in connection with electric power-operated life-

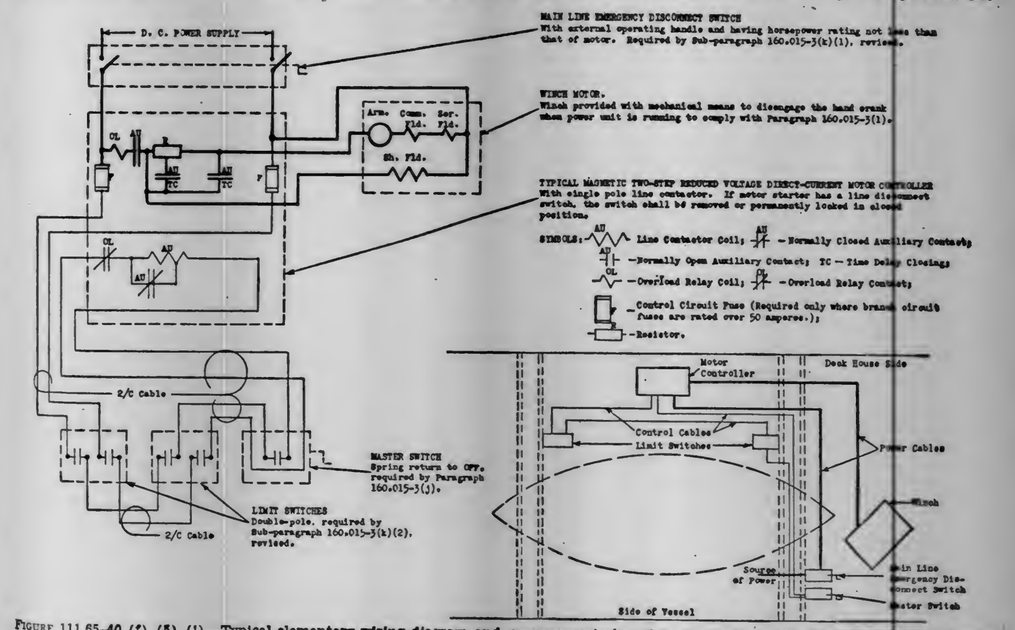


FIGURE 111.65–40 (f) (5) (i)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing double-pole limit switches and main line emergency switch in accordance with Subpart 160.015, Subchapter Q.

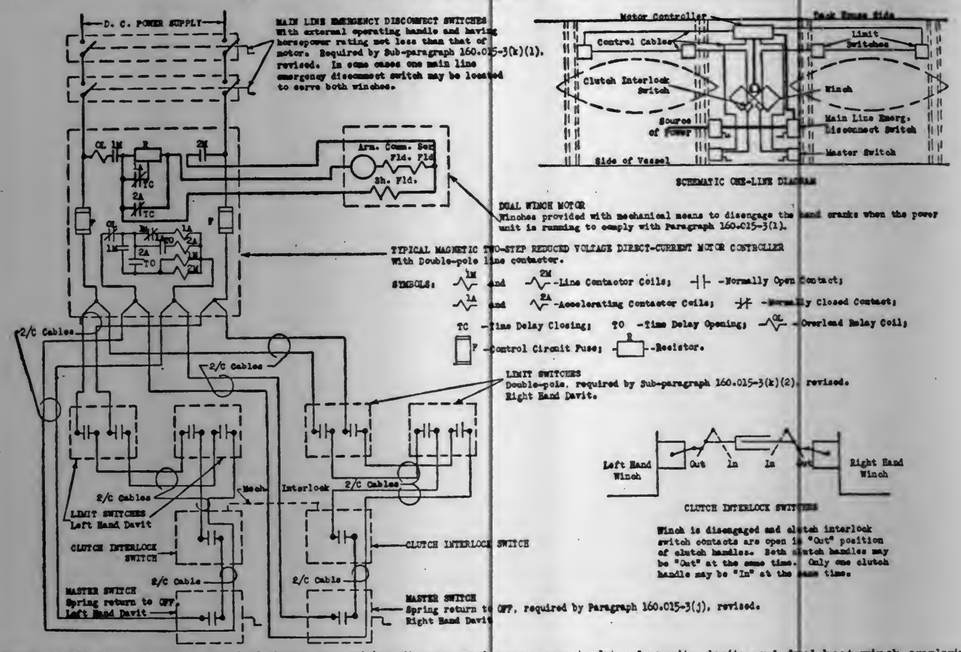


FIGURE 111.65-40 (f) (5) (ii)—Typical elementary wiring diagram and arrangement plan of gravity davits and dual boat winch employing double-pole limit switches, clutch interlock switches, and main line emergency switches in accordance with Subpart 160.015, Subchapter Q.

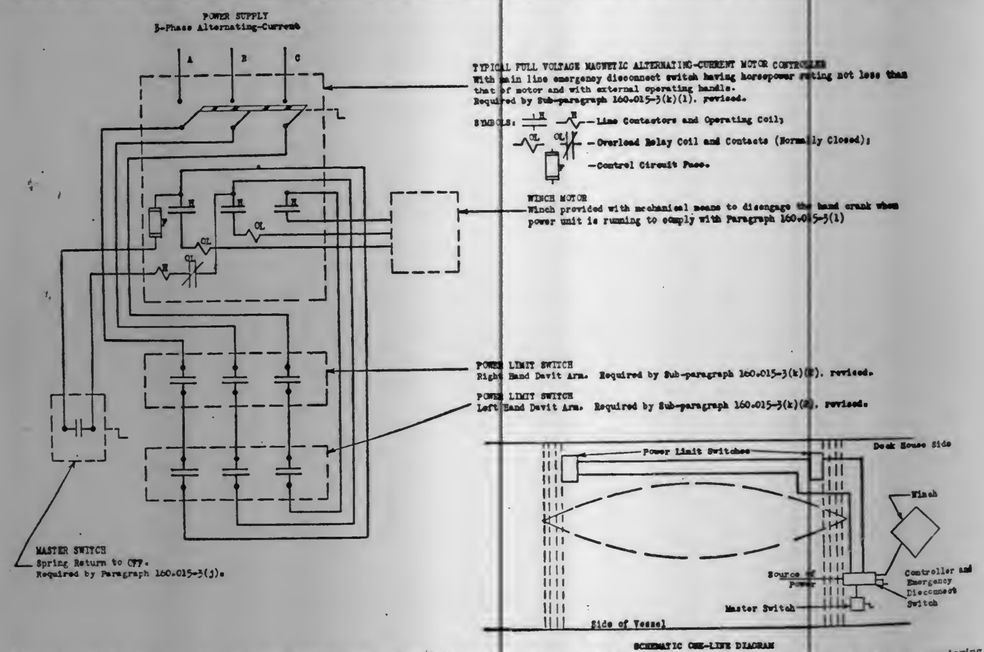


FIGURE 111.65-40 (f) (5) (iii)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing power limit switches and combined starter and main line emergency disconnect switch in accordance with Subpart 160.015, Subchapter Q.

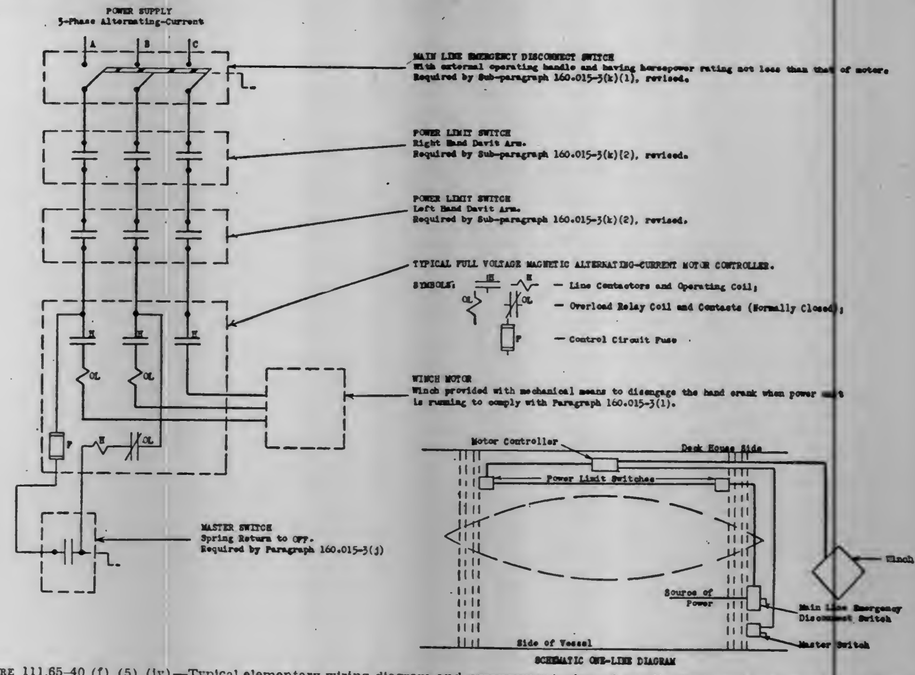


FIGURE 111.65-40 (f) (5) (iv)—Typical elementary wiring diagram and arrangement plan of gravity davit and boat winch employing main line emergency switch and power limit switches in accordance with Subpart 160.015, Subchapter Q.

boat winches used with gravity davits on vessels contracted for prior to November 19, 1952 shall comply with the requirements of § 160.015-3 (k) of Subpart 160.015 of Subchapter Q (Specifications) of this chapter and with the wiring arrangements of paragraph (f) of this section.

(2) New materials installed to effect compliance with this paragraph shall comply with the applicable requirements of this section. Existing materials continued in service shall comply with the requirements of this section insofar as it is reasonable and practicable.

(3) Modification of existing lifeboat winch electrical installations to effect compliance with this paragraph shall be completed not later than October 1, 1952.

(4) The electrical equipment installed in connection with electric power-operated lifeboat winches used with other than gravity davits on vessels contracted for prior to November 19, 1952, previously approved, but not meeting the applicable specifications or requirements set forth in paragraphs (b) through (f) of this section may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of paragraphs (b) through (f) of this section be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 111.65-45 *Special requirements for electric air heaters*—(a) *Application.* The provisions of this section, with the exception of paragraph (c) of this section, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of paragraph (c) of this section shall apply to all vessels contracted for prior to November 19, 1952.

(b) *General requirements.* (1) Electric heaters shall be designed for operation at a voltage not exceeding 230 volts and heaters exceeding a rating of 1,500 watts shall be designed for at least two heats.

(2) Heaters shall be designed to heat the surrounding air principally by convection. Heater elements shall be of the enclosed type. The heater element case or jacket should be of a corrosion-resistant material.

(3) Heaters shall be provided with a thermal cutout of the manually reset type that will prevent overheating and with a suitable regulating switch.

(4) Heaters for bulkhead mounting shall have their top slanted or otherwise designed to prevent hanging towels, etc., on the heater. When heaters are of the portable type, an acceptable clip or bracket shall be fitted to hold the heater in a fixed position.

(5) The external temperature of the heater enclosing case shall not exceed a temperature of 125 degrees C., except that the external temperature of the enclosing case of flush mounted heaters shall not exceed a temperature of 100 degrees C. When heaters are mounted upon, or adjacent to, the deck or bulkhead, the construction of the heater shall be such that the nearest deck or bulkhead surface will not exceed a temperature of 55 degrees C. For test purposes an ambient temperature of 25 degrees C. will be used.

(c) *Electric air heaters on vessels contracted for prior to November 19, 1952.* (1) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction. Minor repairs and minor alterations may be made to the same standard as the original installation.

(2) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 111.90—ELECTRICAL EQUIPMENT AND INSTALLATIONS ON VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

§ 111.90-1 *General.* The electrical installations on existing vessels shall be maintained in good electrical and me-

chanical condition to the satisfaction of the Officer in Charge, Marine Inspection, having jurisdiction.

§ 111.90–5 *Major alterations.* Major alterations and major extensions to electrical installations on existing vessels shall be made to the same standard as required for new vessels. Minor repairs and minor alterations may be made to the same standard as the original installation, in §§ 111.90–10, 111.90–15, 111.90–20, and 111.90–25: *Provided*, That in no case, will a greater departure from the standards of this subchapter be permitted than presently exist.

§ 111.90–10 *Vessels contracted for prior to July 1, 1937.* (a) On vessels contracted for between June 30, 1928 and July 1, 1937, inclusive, using electricity for any purpose, the installation shall be in keeping with the best modern practice.

(1) Wires shall be armored or run in approved metal conduits. Metal conduit or armored casing shall be required in bunkers, cargo spaces, storerooms, etc., and in all places where the leads are liable to mechanical injury. Joints in wiring shall be avoided as far as possible in the above named spaces, and where joints are necessary they shall be made in metal boxes, readily accessible and protected in the same manner as the leads.

(2) When wires are led through beams, frames, or nonwatertight bulkheads, they shall be carried either in metal conduits, armored casing, or protected by hard rubber, or other equivalent bushings.

(3) When wires are carried through watertight decks or bulkheads, they shall be provided with a suitable stuffing box at deck or bulkhead. Where such points are liable to mechanical injury, they shall be protected by suitable boxes or cages.

(4) In locating the wiring system as a whole, care shall be taken to provide accessibility for examination and repair. Special care shall be taken to avoid any arrangement which might permit the lodgment of standing water, and, when necessary, openings in conduits or drains shall be installed to accomplish this purpose.

(5) All fixtures, taps, joints, and splices shall be fitted with metal boxes. Boxes in cargo and machinery spaces, galley, and those exposed to weather shall be watertight.

(6) Splices shall be so joined as to be both mechanically and electrically secure without solder. They shall then be soldered and properly insulated and further protected by waterproof tape.

(b) On vessels contracted for prior to June 30, 1928, the changes or alterations in the electrical installations shall be in accordance with the requirements of this section.

§ 111.90–15 *Vessels contracted for between July 2, 1937, and January 1, 1939.* On vessels contracted for between July 2, 1937, and January 1, 1939, inclusive, the electrical installation shall be in accordance with the "Recommended Practise for Electrical Installations on Shipboard," AIEE Standard No. 45, October 1930, as published by the American Institute of Electrical Engineers.

§ 111.90–20 *Vessels contracted for between January 2, 1939, and June 1, 1941.* On vessels contracted for between January 2, 1939, and June 1, 1941, inclusive, the electrical installation shall be in accordance with the "Recommended Practise for Electrical Installations on Shipboard," AIEE Standard No. 45, December 1938, as published by the American Institute of Electrical Engineers.

§ 111.90–25 *Vessels contracted for between June 2, 1941, and November 18, 1952.* (a) On vessels contracted for between June 2, 1941, and November 18, 1952, inclusive, the electrical installation shall be in accordance with the "Recommended Practise for Electrical Installations on Shipboard," AIEE Standard No. 45, July 1940, as published by the American Institute of Electrical Engineers.

(b) For vessels the contract for the construction of which was signed prior to September 2, 1945, the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section.

(c) For vessels the contract for the construction of which is signed on and after September 2, 1945, those parts of the specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945, specified in paragraphs 1, 4, and 5 thereof, relating to electric cable are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this section.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

Chapter I is amended by adding a new Part 112 in Subchapter J, reading as follows:

SUBPART 112.01—APPLICATION

Sec.
112.01–1 General.

SUBPART 112.05—GENERAL REQUIREMENTS

112.05–1 Source of power.
112.05–5 Emergency source of supply.
112.05–10 Emergency lights.
112.05–15 Emergency lighting system for small passenger vessels.

SUBPART 112.10—CLASSIFICATION OF EMERGENCY LIGHTING AND POWER SYSTEMS

112.10–1 General.
112.10–5 Manual emergency lighting and power system.
112.10–10 Automatic emergency lighting and power system.
112.10–15 Temporary source of emergency lighting and power.
112.10–20 Final source of emergency lighting and power.

SUBPART 112.15—EMERGENCY LOADS

112.15–1 Temporary emergency source loads.
112.15–5 Final emergency source loads.
112.15–10 Single automatically started source loads.
112.15–15 Manually started source loads.

SUBPART 112.20—OPERATION OF EMERGENCY SYSTEMS HAVING BOTH A TEMPORARY AND A FINAL SOURCE OF EMERGENCY LIGHTING AND POWER

112.20–1 Emergency Loads.
112.20–5 Reduction of potential.
112.20–10 Diesel driven emergency source of power.
112.20–15 Potential of final source.

SUBPART 112.25—OPERATION OF EMERGENCY SYSTEMS HAVING AN AUTOMATIC STARTING DIESEL-ENGINE-DRIVEN EMERGENCY GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

112.25–1 Emergency Loads.
112.25–5 Reduction of potential.
112.25–10 Operation requirements.

SUBPART 112.30—OPERATION OF EMERGENCY SYSTEMS HAVING AN AUTOMATICALLY CONNECTED STORAGE BATTERY AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

112.30–1 Emergency loads.
112.30–5 Reduction of potential.
112.30–10 Operation requirements.

SUBPART 112.35—OPERATION OF A MANUALLY CONTROLLED EMERGENCY SYSTEM HAVING A STORAGE BATTERY OR A DIESEL-ENGINE-DRIVEN GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

112.35–1 Manual operation requirements.
112.35–5 Means for starting.

SUBPART 112.40—INSTALLATIONS REQUIRING AN ALTERNATING-CURRENT TEMPORARY SOURCE OF SUPPLY

112.40–1 General requirements.

SUBPART 112.45—VISIBLE INDICATORS AND TEST SWITCH

112.45–1 Visible indicators.
112.45–5 Test switch.

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

112.50–1 General requirements.

SUBPART 112.55—STORAGE BATTERY INSTALLATION

112.55–1 General requirements.
112.55–5 Emergency lighting loads.
112.55–10 Storage battery requirements.
112.55–15 Capacity of storage battery.

SUBPART 112.90—EMERGENCY LIGHTING AND POWER SYSTEMS FOR VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

112.90–1 General.
112.90–5 Emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952.
112.90–10 Emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 112.01–1 to 112.90–10 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 463a, 1333, 50 U. S. C. App. 1275.

SUBPART 112.01—APPLICATION

§ 112.01–1 *General.* The provisions of this part, with the exception of Subpart 112.90, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of Subpart 112.90, shall apply to all vessels contracted for prior to November 19, 1952.

SUBPART 112.05—GENERAL REQUIREMENTS

§ 112.05–1 *Source of power.* (a) Vessels shall be provided with a source of power to supply emergency lighting and power sufficient for all requirements of safety in the different parts of the vessel and of a type and capacity in accordance with Table 112.05–1 (a), except as otherwise provided by § 112.05–15.

TABLE 112.05–1(a)

Size of vessel and service	Type or types of emergency source of power	Period of operation and minimum capacity of emergency source of power
Passenger vessels		
Ocean and Coastwise, 1,600 g. t. or over, and any passenger vessel, regardless of tonnage or service where electric power-operated watertight doors are required.	Storage battery with automatic transfer gear for temporary source.	½ hour.
	Supplemented by diesel generator with automatic starting and transfer gear for final source.	36 hours.
Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	36 hours or twice the time of run, whichever is the smaller.
Other than Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t.	Storage battery with automatic transfer gear or diesel generator with automatic starting and transfer gear.	8 hours or twice the time of run, whichever is the smaller.
Cargo vessels		
All waters, 1,600 g. t. and over.	Storage battery or diesel generator, automatic or manual operation.	12 hours.
All waters, 300 g. t. and over, but less than 1,600 g. t.	Storage battery, diesel generator, or approved safety lanterns, automatic or manual operation.	12 hours or twice the time of run, whichever is the smaller.

§ 112.05–5 *Emergency source of supply.* (a) The emergency source of supply shall be independent of the vessel's ship's service lighting and power plant and propulsion plant.

(b) The emergency source supply shall be located above the bulkhead deck or above the freeboard deck, whichever is the higher, and outside the machinery casing.

§ 112.05–10 *Emergency lights.* (a) Emergency lights supplied by an automatic emergency lighting system shall form a part of the regular lighting system and shall be continuously lighted at all times passengers or crew are aboard, except as provided by § 112.05–10.

(b) Emergency lights for the illumination of boats and embarkation decks, lifeboat launching gear, wheelhouse, chart room, and navigating instruments shall be controlled by switches located in the wheelhouse and need not be continuously lighted.

(c) Emergency lights on passenger vessels shall be marked with a red letter "E" of at least ½-inch in height as required by § 78.47–33 of Subchapter H (Passenger vessels) of this chapter.

§ 112.05–15 *Emergency lighting system for small passenger vessels.* (a) Small passenger vessels certificated to operate only between sunrise and sunset may not be required to install an emergency lighting system when specifically approved by the Commandant.

(b) Small passenger vessels certificated to operate not more than 15 miles offshore, may not be required to install an emergency lighting system when specifically approved by the Commandant: *Provided*, That a general lighting system whose source of supply is located above the bulkhead deck and independent of the propulsion plant, is installed.

SUBPART 112.10—CLASSIFICATIONS OF EMERGENCY LIGHTING AND POWER SYSTEMS

§ 112.10–1 *General.* (a) Emergency lighting and power systems are classified in accordance with the method provided to cause the system to apply potential to the emergency loads and in accordance with the basic function of the system.

§ 112.10–5 *Manual emergency lighting and power system.* (a) A manual emergency lighting and power system is one in which a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, is required to cause the emergency lighting and power system to supply power to the emergency loads.

§ 112.10–10 *Automatic emergency lighting and power system.* (a) An automatic emergency lighting and power system is one in which a specified reduction in potential from the ship's service power and lighting plant will cause the emergency lighting and power system to supply power to the emergency loads.

§ 112.10–15 *Temporary source of emergency lighting and power.* (a) A temporary source of emergency lighting and power is one of limited capacity designed to carry, for a short time, selected emergency loads while an emergency source of larger capacity is being started.

§ 112.10–20 *Final source of emergency lighting and power.* (a) A final source of emergency lighting and power is one designed to function subsequent to the termination of the temporary source.

SUBPART 112.15—EMERGENCY LOADS

§ 112.15–1 *Temporary emergency source loads.* (a) The emergency lighting and power loads listed in this section shall be arranged so that they can be energized from the temporary emergency source.

(b) Navigation lights, if electric.

(c) A sufficient number of lights throughout machinery spaces to permit the performance of essential operations and observations under emergency conditions and to facilitate restoration of service.

(d) Lighting for passageways, stairways, and escape trunks in passenger quarters, crew quarters, public spaces, machinery spaces and work spaces, adequate to permit passengers and crew readily to find their way to open decks and to lifeboat embarkation and assembly points with all watertight doors and fire screen doors closed.

(e) Illuminated signs bearing the word "Exit" in red letters shall be installed in such locations throughout a passenger vessel so that from any portion of the vessel normally accessible to the passengers or crew, except machinery spaces, stores and similar spaces where the crew are not normally employed, and with all fire doors in stairway inclosures and main vertical zone bulkheads and all watertight doors closed, the direction of escape to the open deck will be apparent. For the purpose of this paragraph, individual staterooms and other similar small rooms will not be required to have such signs, but upon emerging from such rooms the direction of escape shall be apparent. (Also see § 111.50–15 (d) of this subchapter.)

(f) General illumination for safe operation of watertight doors, if installed and power operated.

(g) One or more lights in galleys, pantries, steering gear room, emergency power rooms, chart room, wheelhouse, and crews' mess and recreation rooms.

(h) Lighting for boat and embarkation decks and passenger assembly points for safe embarkation into the lifeboats.

(i) Electric communication systems essential under temporary emergency conditions and which do not have an independent storage battery source of power.

(j) Watertight door system, if installed and power operated.

(k) Emergency loudspeaker system, if installed.

(l) Fire screen door holding and release system, if installed.

(m) Smoke detector system, if installed.

(n) Supply to motor-generator or other conversion equipment where a temporary emergency source of alternating current is necessary for essential communication systems, emergency, or safety requirements.

§ 112.15–5 *Final emergency source loads.* (a) The emergency lighting and power loads listed in this section shall be arranged so that they can be energized from the final emergency source for the following:

(b) All loads listed in § 112.15–1, as indicated.

(c) Illumination for the safe operation of the lifeboat launching gear and the lifeboats in the process of, and immediately after, being launched.

(d) Charging panels of temporary emergency battery and of starting battery for diesel engine driving emergency generator.

(e) Morse and daylight signaling lights, if installed.

(f) Electric whistle and siren control, if installed.

(g) Submersible bilge pump, when installed as required by Subpart 55.10 of Subchapter F (Marine Engineering) of this chapter.

(h) Emergency fire pump, when installed as required by §§ 76.10–5, 76.17–5 and 76.20–5 of Subchapter H (Passenger Vessels) or Part 95 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(i) Emergency sprinkler system pump, when installed as required by § 76.25–35 (c) of Subchapter H (Passenger Vessels) of this chapter.

(j) Radio installation, if installed.

(k) Radio direction finder, if installed.

(l) Loran, if installed.

(m) Radar plan position indicator, if installed.

(n) Gyro-compass, if installed.

(o) Depth sounder, if installed.

§ 112.15–10 *Single automatically-started source loads.* When only a single automatically started source of emergency lighting and power is installed, the circuits listed in § 112.15–5, as indicated, shall be arranged so that they can be energized from the single emergency source of supply.

§ 112.15–15 *Manually started source loads.* (a) When a manually started emergency lighting and power system is installed, the circuits listed in § 112.15–5, as indicated, shall be arranged so that they may be energized from the emergency source of supply.

SUBPART 112.20—OPERATION OF EMERGENCY SYSTEMS HAVING BOTH A TEMPORARY AND A FINAL SOURCE OF EMERGENCY LIGHTING AND POWER

§ 112.20–1 *Emergency loads.* (a) The emergency loads listed in Subpart 112.15, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.20–5 *Reduction of potential.* (a) Upon reduction of potential from the normal source by 15 to 25 percent of normal value, the loads listed in Subpart 112.15 shall automatically be disconnected from the normal source, and the loads listed in § 112.15–1, as indicated, shall automatically be connected to the temporary source of emergency lighting and power.

§ 112.20–10 *Diesel driven emergency source of power.* (a) Simultaneous with the operation described in § 112.20–5, the diesel engine driving the final source (emergency generator) shall automatically be started with no load connected to the emergency generator.

§ 112.20–15 *Potential of final source.* (a) When the potential of the final source (emergency generator) reaches 85 to 95 percent of normal value, the emergency loads listed in Subpart 112.15, as indicated, shall automatically be transferred to this final source.

(b) When potential from the ship's service generating plant has been restored to normal, the emergency loads may be manually transferred to the normal source and the emergency generator manually stopped.

(c) Should the potential of the final source (emergency generator), while supplying the emergency loads, fall below 75 to 85 percent of normal value, the temporary emergency loads shall again be transferred to the temporary source as described in § 112.20–5.

SUBPART 112.25—OPERATION OF EMERGENCY SYSTEM HAVING AN AUTOMATIC STARTING DIESEL-ENGINE-DRIVEN EMERGENCY GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

§ 112.25–1 *Emergency loads.* (a) The emergency loads listed in § 112.15–5, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.25–5 *Reduction of potential.* (a) Upon reduction of potential from the normal source by 15 to 25 percent of normal value, the emergency loads shall automatically be disconnected from the normal source and the diesel engine driving the emergency generator shall automatically be started with no load connected to the emergency generator.

§ 112.25–10 *Operation requirements.* (a) When the potential of the emergency generator reaches 85 to 95 percent of normal value, the emergency loads shall automatically be connected to the emergency generator.

(b) When potential from the ship's service generating plant has been restored to normal, the emergency loads may be manually transferred to the normal source and the emergency generator manually stopped.

SUBPART 112.30—OPERATION OF EMERGENCY SYSTEMS HAVING AN AUTOMATICALLY CONNECTED STORAGE BATTERY AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

§ 112.30–1 *Emergency loads.* (a) The emergency loads listed in § 112.15–5, as indicated, shall normally be energized from the ship's service generating plant through automatic transfer switches.

§ 112.30–5 *Reduction of potential.* (a) Upon reduction of potential from the normal source by 15 to 25 percent of normal value, the emergency loads shall automatically be disconnected from the normal source and connected to the emergency storage battery.

§ 112.30–10 *Operation requirements.* (a) Upon restoration of potential from the normal source of 85 to 95 percent of normal values, the emergency loads shall automatically be transferred back to the normal source.

SUBPART 112.35—OPERATION OF A MANUALLY CONTROLLED EMERGENCY SYSTEM HAVING A STORAGE BATTERY OR A DIESEL-ENGINE-DRIVEN GENERATOR AS THE SOLE SOURCE OF EMERGENCY LIGHTING AND POWER

§ 112.35–1 *Manual operation requirements.* (a) Manually started emergency lighting and power systems shall require only a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, to cause the emergency system to supply its connected loads.

§ 112.35–5 *Means for starting.* (a) For passenger vessels the means for starting the emergency system shall be located in the wheelhouse. For other vessels the starting means may be located in the wheelhouse or so as to be under the control of the chief engineer.

SUBPART 112.40—INSTALLATIONS REQUIRING AN ALTERNATING-CURRENT TEMPORARY SOURCE OF SUPPLY

§ 112.40–1 *General requirements.* (a) Installations requiring alternating current for the operation of communication equipment, or other apparatus essential under temporary emergency conditions, shall be provided with the necessary conversion equipment. Where such conversion equipment will be operating both under normal conditions and under temporary emergency conditions, the conversion equipment shall be provided in duplicate, together with automatic transfer gear to start the stand-by equipment and to transfer the loads upon reduction of potential as described in § 112.20–5.

SUBPART 112.45—VISIBLE INDICATORS AND TEST SWITCH

§ 112.45–1 *Visible indicators.* (a) Visible indicators shall be provided in the machinery space to indicate when the emergency loads are being supplied by an automatically controlled emergency source of supply (storage battery or emergency diesel generator).

§ 112.45–5 *Test switch.* (a) A test switch shall be provided at the emergency switchboard or other location as may be approved to simulate a failure of potential from the normal source, the operation of which switch will cause the emergency loads to be transferred.

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

§ 112.50–1 *General requirements.* (a) The diesel engine of the generator set shall be complete with all accessories necessary for operation and protection of the engine, shall have a self-contained cooling system of size to assure continuous engine operation using 100 degrees F air, and the fuel used shall have a flashpoint of not less than 110 degrees F. The room in which the set is located shall be provided with suitable intake and exhaust ducts to supply adequate cooling air. The diesel engine shall be capable of carrying its full rated load within 20 seconds with cooling water and the air supply at a temperature of 32 degrees F. The diesel engine shall be electric starting unless otherwise approved, and the starting battery shall be of sufficient capacity to provide six consecutive cycles of cranking, each cycle to consist of approximately ½-minute of cranking followed by approximately 1 minute of battery rest, with a final voltage of not less than 50 percent of normal voltage. The diesel-engine-driven generator set shall lubricate and operate satisfactorily when permanently inclined to an angle of 22½ degrees athwartship and 10 degrees fore and aft, and shall be arranged so that it will not spill oil under a vessel roll of 30 degrees each side of the vertical.

SUBPART 112.55—STORAGE BATTERY INSTALLATION

§ 112.55–1 *General requirements.* (a) Storage batteries shall be of a design and construction proven successful in merchant marine service and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25 degrees C, except that thin positive plate construction (0.125 inch thick) and a specific gravity of the electrolyte when fully charged of 1.270 to 1.285, both inclusive, at 25 degrees C, may be used for engine cranking batteries.

§ 112.55–5 *Emergency lighting loads.* (a) When supplying emergency lighting loads, the storage battery initial voltage shall not exceed the nominal voltage by more than 5 percent.

§ 112.55–10 *Storage battery requirements.* (a) Storage battery installations for emergency lighting and power shall include the necessary apparatus automatically to maintain the battery in a fully charged condition. At all times when the ship's service source of supply is available, the battery shall be furnished a continuous trickle charge, except that, after a battery discharge, the battery shall be automatically charged at a higher rate until the battery voltage increases to a predetermined point. Charging operations shall not create an absence of battery power at any time. Instruments to show the rate of charge or discharge shall be provided.

§ 112.55–15 *Capacity of storage battery.* (a) The capacity of a storage battery shall be ample to close each watertight door three times and to open each watertight door two times, and to carry the remaining emergency loads continuously for the duration of time required by Table 112.05, at the end of which time the potential of the storage battery shall be not less than 87.5 percent of normal. The normal potential of a lead-acid storage battery will be taken as 2.0 volts per cell; the normal potential of a nickel-alkaline (Edison) storage battery will be taken as 1.2 volts per cell.

SUBPART 112.90—EMERGENCY LIGHTING AND POWER SYSTEMS FOR VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

§ 112.90–1 *General.* (a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in Subparts 112.05 through 112.55, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of Subparts 112.05 through 112.55 be permitted than presently exist.

(b) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

§ 112.90–5 *Emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952.* (a) The emergency lighting system for ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall be in accordance with this section.

(b) Provision shall be made on all passenger vessels for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of the ship. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the margin line.

(c) The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the independent installations referred to in paragraph (b) of this section in the event of failure of the main generating plant.

(d) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a diesel or semi-diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted.

(e) Provision shall be made on all passenger vessels, where the boat deck is more than 30 feet above the water line at the lightest seagoing draft, for readily and continuously available illumination from the vessel of lifeboats when along side and in process of, or immediately after, being launched. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system and placed in the upper part of the vessel above the bulkhead deck.

(l) The emergency generating set will ordinarily provide a satisfactory source of illumination, and, where used for this purpose, it shall be of sufficient power to provide for such illumination in addition to other demands made upon the set.

§ 112.90–10 *Emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952.* (a) The emergency lighting system for passenger vessels other than ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall be in accordance with this section.

(b) All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units, located below the deep-load line of the vessel, shall have on board an emergency electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in the event of failure of the main lighting system. The emergency lighting system shall at all times be ready for immediate use, and shall be installed and arranged so that all emergency lights may be switched on from the pilothouse, navigation bridge, or a central station.

(c) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal-combustion engines are replaced, the emergency generator shall be driven by a diesel or semi-diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted.

(d) Provision shall be made on all passenger vessels, where the boat deck is more than 30 feet above the water line at the lightest seagoing draft, for readily and continuously available illumination from the vessel of lifeboats when alongside and in process of, or immediately after, being launched. There shall be a self-contained source capable of supplying, when necessary, this safety lighting system and placed in the upper part of the vessel above the bulkhead deck.

(l) The emergency generating set will ordinarily provide a satisfactory source of illumination, and, where used for this purpose, it shall be of sufficient power to provide for such illumination in addition to other demands made upon the set.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Part 113 is amended by changing the title from "Boats, Rafts, Bulkheads, and Lifesaving Appliances" to "Communication and Alarm Systems and Equipment," and the text of Part 113 is canceled and the following new regulations are added:

SUBPART 113.01—APPLICATION

Sec.
113.01–1 Vessels subject to requirements.

SUBPART 113.05—GENERAL PROVISIONS

113.05–1 Supplementary requirements.
113.05–5 Equipment of an approved type.

SUBPART 113.10—AUTOMATIC FIRE DETECTING AND ALARM SYSTEMS

113.10–1 Application.
113.10–5 General Requirements.
113.10–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

SUBPART 113.15—MANUAL FIRE ALARM SYSTEMS

Sec.
113.15–1 Application.
113.15–5 General requirements.
113.15–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

SUBPART 113.20—AUTOMATIC SPRINKLER SYSTEMS

113.20–1 Application.
113.20–5 General requirements.
113.20–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

SUBPART 113.25—GENERAL ALARM SYSTEMS

113.25–1 Application.
113.25–5 Operation.
113.25–10 General requirements.
113.25–15 Detail requirements.
113.25–20 Marking of equipment.
113.25–25 General alarm system for manned ocean and coastwise barges.
113.25–90 General alarm system for existing vessels.

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

113.30–1 Application.
113.30–5 General requirements.
113.30–10 Voice tubes, general requirements.
113.30–15 Voice tubes, detail requirements.
113.30–20 Sound powered telephone system, general requirements.
113.30–25 Sound powered telephone system, detail requirements.
113.30–90 Sound powered telephone and voice tube systems for existing vessels.

SUBPART 113.35—ENGINE ORDER TELEGRAPH SYSTEMS

113.35–1 Application.
113.35–5 General requirements.
113.35–10 Engine gong systems, general requirements.
113.35–15 Engine gong systems, application.
113.35–20 Mechanical engine order telegraph systems, general requirements.
113.35–25 Mechanical engine order telegraph systems, detail requirements.
113.35–30 Mechanical engine order telegraph systems, operation.
113.35–35 Mechanical engine order telegraph systems, application.
113.35–40 Electric engine order telegraph systems, general requirements.
113.35–45 Electric engine order telegraph systems, detail requirements.
113.35–50 Electric engine order telegraph system, operation.
113.35–55 Electric engine order telegraph systems, application.
113.35–90 Engine order telegraph systems for existing vessels.

SUBPART 113.40—RUDDER ANGLE INDICATOR SYSTEMS

113.40–1 Application.
113.40–5 General requirements.
113.40–10 Detail requirements.
113.40–90 Rudder angle indicator systems for existing vessels.

SUBPART 113.45—REFRIGERATED SPACES ALARM SYSTEMS

113.45–1 Application.
113.45–5 General requirements.
113.45–90 Refrigerated spaces alarm systems on existing vessels.

SUBPART 113.50—EMERGENCY LOUDSPEAKER SYSTEMS

113.50–1 Application.
113.50–5 General requirements.
113.50–10 Power supply.
113.50–15 Location of loudspeakers.
113.50–20 Distribution of cable runs.
113.50–25 Type of cable and equipment enclosures.
113.50–30 Shipboard tests.
113.50–35 Operation of emergency loudspeaker systems.
113.50–90 Emergency loudspeaker systems for existing vessels.

SUBPART 113.55—NAVIGATION LIGHTS

113.55–1 Application.
113.55–5 General requirements.
113.55–10 Construction of navigation lights.
113.55–15 Installation of navigation lights.
113.55–20 Light screens.
113.55–25 Navigation light indicator panel.
113.55–90 Navigation lights for existing vessels.

SUBPART 113.60—SIGNALING LIGHTS

113.60–1 Application.
113.60–5 General requirements.
113.60–10 Detail requirements.
113.60–90 Signaling light for existing vessels.

SUBPART 113.65—WHISTLE OPERATORS

113.65–1 Application.
113.65–5 General requirements.
113.65–90 Whistle operators for existing vessels.

SUBPART 113.70—SMOKE DETECTOR SYSTEMS

113.70–1 Application.
113.70–5 General requirements.
113.70–10 Power supply.
113.70–90 Equipment and installations on vessels contracted for prior to November 19, 1952.

AUTHORITY: §§ 113.10–1 to 113.70–90 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 113.01—APPLICATION

§ 113.01–1 *Vessels subject to requirements.* (a) The provisions of this part shall apply to all vessels except as specifically noted in this part.

SUBPART 113.05—GENERAL PROVISIONS

§ 113.05–1 *Supplementary requirements.* (a) The provisions of this part are supplementary to the general requirements for electrical systems and apparatus contained in this subchapter.

§ 113.05–5 *Equipment of an approved type.* (a) Where equipment in this part is required to be of an approved type, such equipment shall be of a type approved by the Commandant.

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q (Specifications) of this chapter. In general, such specifications are of interest only to the manufacturer of specific items of equipment.

SUBPART 113.10—AUTOMATIC FIRE DETECTING AND ALARM SYSTEMS

§ 113.10–1 *Application.* (a) Where an electric fire detecting and alarm system is installed, the provisions of this subpart, with the exception of § 113.10–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.10–90.

(b) For the vessels on which an automatic fire detecting and alarm system is required see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.10–5 *General requirements.* (a) Fire alarm annunciators, power supply, fire detectors, test stations, and vibrating bells shall be of a type approved by the Commandant.

(b) All electric cables installed in conjunction with fire detecting and alarm systems shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(c) Cable runs between the fire alarm annunciator and fire detecting zones shall be as direct as possible, and shall avoid, where possible, staterooms, lockers, and other enclosed spaces where this cable could be damaged by a localized fire or by other causes.

(d) Conductors for several fire detecting zones may be run in a multi-conductor cable, but a conductor shall not be used as a common return from two or more zones.

(e) Connection boxes containing conductors to more than one fire detecting zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(f) Connection boxes for fire detector stations, manual alarm stations, test stations, or other boxes containing the conductors of a single fire detecting zone, may be of nonwatertight construction, if installed in a dry location.

§ 113.10–90 *Equipment and installations on vessels contracted for prior to November 19, 1952.* (a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.10–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of § 113.10–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multiconductor cable may be used to connect the several individual zones to the annunciator panel.

SUBPART 113.15—MANUAL FIRE ALARM SYSTEMS

§ 113.15–1 *Application.* (a) Where an electric manual fire alarm system is installed, the provisions of this subpart, with the exception of § 113.15–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.15–90.

(b) For the vessels on which a manual fire alarm system is required, see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.15–5 *General requirements.* (a) Manual fire alarm annunciator, power supply, manual stations, and vibrating bells shall be of a type approved by the Commandant.

(b) All electric cables installed in conjunction with manual fire alarm systems shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(c) Cable runs between the annunciator and fire alarm zones shall be as direct as possible, and shall avoid, where possible, staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

(d) Conductors for several fire alarm zones may be run in a multiconductor cable, but a conductor shall not be used as a common return from two or more zones.

(e) Connection boxes containing conductors to more than one fire alarm zone shall be of watertight construction and the cable entrances shall be made tight by means of terminal or stuffing tubes.

(f) Connection boxes for manual stations, or other boxes containing the conductors of a single fire alarm zone, may be of nonwatertight construction if installed in a dry location.

§ 113.15–90 *Equipment and installations on vessels contracted for prior to November 19, 1952.* (a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.15–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of § 113.15–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multiconductor cable may be used to connect the several individual zones to the annunciator panel.

SUBPART 113.20—AUTOMATIC SPRINKLER SYSTEMS

113.20–1 *Application.* (a) When an automatic sprinkler system is installed, the provisions of this subpart, with the exception of § 113.20–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.20–90.

§ 113.20–5 *General requirements.* (a) The general requirements for automatic sprinkler systems are contained in Subpart 76.25 of Subchapter H (Passenger Vessels) of this chapter.

(b) The sprinkler alarm system, including annunciator, power supply, alarm switches, and bells shall be of an approved type.

(c) All electric cable employed in a sprinkler alarm system shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(d) All connection boxes, alarm switches, pressure switches, or level switches, etc., employed in the system shall be of watertight construction.

§ 113.20–90 *Equipment and installations on vessels contracted for prior to November 19, 1952.* (a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in § 113.20–5, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of § 113.20–5 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements.

(b) All conductors shall conform to specifications for interior communication cable contained in the marine rules as adopted by the American Institute of Electrical Engineers as regards construction, size, leading, armoring, protection, support, and details of installation, with the following exceptions:

(1) All conductors shall be lead-sheathed to protect against moisture and conductors exposed to mechanical injury shall be leaded and armored.

(2) Lead-sheathed conductors may be used for voltages of 60 volts or less.

(3) In single-wire, closed-circuit systems (series) approved metallic sheathed wire shall be used in connecting thermostats in each thermostat zone, but approved multi-conductor cable may be used to connect the several individual zones to the annunciator panel.

(c) Where a motor-driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power.

SUBPART 113.25—GENERAL ALARM SYSTEM

§ 113.25–1 *Application.* (a) The provisions of this subpart, with the exception of §§ 113.25–25 and 113.25–90, shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for on or after November 19, 1952.

(b) The provisions of § 113.25–25 shall apply to all manned ocean and coastwise barges of over 100 gross tons, where the crew is divided into watches for the purpose of steering, contracted for on or after November 19, 1952.

(c) The provisions of § 113.25–90 shall apply to all manned vessels of over 100 gross tons, except barges, scows, and similar vessels, contracted for prior to November 19, 1952.

§ 113.25–5 *Operation.* (a) The general alarm system shall consist of electric vibrating bells located throughout passengers' and crew's quarters, machinery spaces, and work spaces, and so located as to warn all occupants in an emergency.

(b) The general alarm system shall be operated by means of a manually operated contact maker located in the wheelhouse.

(c) On vessels on which an emergency squad is organized and on vessels having a manual fire alarm system, a second manually operated contact maker shall be located in the wheelhouse and so connected as to operate only the general alarm bells located in crew's quarters and machinery spaces.

§ 113.25–10 *General requirements*—(a) *Power supply.* (1) The power supply for the general alarm system shall be a storage battery of sufficient capacity to supply the general alarm system for a period of at least 8 hours continuously without being recharged. Where duplicate storage batteries are provided in accordance with subparagraph (5) of this paragraph, the required ampere-hour battery capacity may be divided between the two batteries.

(2) The nominal potential of the general alarm system storage battery shall be not less than 6 volts and not more than 115 volts.

(3) Other communication or alarm equipment or system may be supplied from the general alarm system storage battery provided:

(i) The capacity of the storage battery is sufficient, without recharging, to supply all such equipment at maximum expected demand for a period of at least 8 hours, in addition to the capacity required for the general alarm system by subparagraph (1) of this paragraph and,

(ii) The system is so protected that a fault in any other communication or alarm equipment or system supplied by the general alarm system storage battery will not interfere with the operation of the general alarm system.

(4) The general alarm system storage battery shall be located above the bulkhead deck, or above the freeboard deck, whichever is the higher, and in a protected area.

(5) The general alarm system supply shall be either:

(i) Duplicate storage batteries so connected, in combination with a manual two-position transfer switch (having no OFF position), that one battery will be charged automatically while the other battery is available for furnishing power to the system; or

(ii) One storage battery in combination with an automatic charging panel that will maintain the battery in a fully charged condition at all times except immediately following a discharge.

(6) When the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries shall be protected against overcurrent by enclosed fused switches or circuit breakers having provisions for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized tampering with the fuses. The fused switch or circuit breaker shall be located outside of, but adjacent to, the battery room or battery locker and the capacity of the fuses or circuit breaker shall be not less than 200 percent of the connected load.

(7) When the general alarm system is supplied from storage batteries supplying loads in addition to the general alarm system, an interior communication distribution switchboard shall be provided in addition to the fused switch or circuit breaker required by subparagraph (6) of this paragraph. The interior communication switchboard shall provide a fused switch or circuit breaker for each system supplied, and the general alarm system fused switch or circuit breaker shall have provision for locking to prevent either unauthorized operation of the switch or circuit breaker or unauthorized access thereto. The capacity of any system overcurrent device shall be not greater than 25 percent of the capacity of the battery overcurrent device, and the capacity of the battery overcurrent device shall be approximately 200 percent of the total connected load.

(b) *Distribution of general alarm system feeder and branch circuits.* (1) A distribution panel shall be provided to divide the system into the required number of zone feeders. The distribution panel shall afford overcurrent protection for each zone feeder, but no disconnect switches shall be provided.

(2) At least one feeder shall be provided for each vertical fire zone in which general alarm bells are located.

(3) One or more branch-circuit distribution panels shall be provided for each zone feeder with at least one fused branch circuit for each deck level. The distribution panels shall be located above the bulkhead deck, or above the freeboard deck, whichever is the higher, in the zone served, and no disconnect switches shall be provided for the branch circuits.

(4) No more than five general alarm bells shall be connected to one branch circuit and a branch circuit shall not supply bells on more than one deck level.

(5) On vessels not divided into fire zones by main vertical fire bulkheads, the vessel shall be divided into vertical zones not exceeding 150 feet in length and a general alarm feeder provided for each such zone in which general alarm bells are required.

(6) Distribution panels shall be provided with means for locking to prevent unauthorized access to the overcurrent protective devices.

(7) On vessels where accommodation spaces are located only at the extremities of the vessels, other arrangements of feeders and branch circuits will be considered.

(c) *Location of general alarm bells.* (1) General alarm bells shall be so distributed throughout passenger and crew quarters in such number and in such a manner as to obtain in each room with the door closed either:

(i) A sound level of not less than 75 decibels; or,

(ii) A sound level of 20 decibels above the ground noise level existing when the vessel is underway in moderate weather, whichever is the higher.

(2) General alarm bells shall be so distributed throughout public spaces, work spaces, and machinery spaces in such number and in such a manner as to warn all occupants in an emergency.

§ 113.25–15 *Detail requirements*—(a) *Storage batteries.* (1) Storage batteries shall comply with the requirements of Subpart 112.55 of this subchapter.

(2) At the end of the discharge period specified by § 113.25–10 (a), the battery potential shall be not less than 80 percent of nominal potential.

(b) *Contact maker.* (1) The contact maker shall be a normally open circuit spring-return-to-normal type of enclosed watertight switch.

(2) The contact maker shall be designed to close its contacts when a substantial operating handle is rotated in a clockwise direction through an arc of approximately 60 degrees.

(3) The switch handle shall have means provided for locking in the ON position by means of a spring loaded locking pin.

(4) The OFF and ON positions of the operating handle shall be indicated by means of prominently raised letters.

(5) The contact maker shall be provided with mechanical stops to limit the rotation of the operating handle.

(6) The contact maker shall have an inductive load rating not less than the connected load. On large vessels, consideration will be given to the use of auxiliary devices to interrupt the load current.

(c) *Vibrating bells.* (1) Vibrating bells installed in conjunction with a general alarm system shall be of a type approved by the Commandant.

(2) General alarm system vibrating bells shall produce a signal of a tone distinct from that of any other bell signals on the vessel.

(d) *Electric cable and distribution fittings.* (1) All cable installed in conjunction with general alarm systems shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(2) Cable entrances to all bells and distribution fittings shall be made tight by means of terminal or stuffing tubes.

(3) Distribution panels shall be of watertight construction and shall be of a type requiring the use of a tool to gain entrance to the box.

(4) All fuses employed in a general alarm system shall be 250-volt National Electrical Code cartridge fuses bearing the approval label of a recognized testing organization.

(5) General alarm system fuse capacities shall be selected to obtain as wide a differential as possible between branch circuit fuses and feeder fuses. The capacity of a feeder fuse shall be at least 200 percent of load supplied, and the capacity of a branch circuit fuse shall not exceed 25 percent of the capacity of the feeder fuse.

§ 113.25–20 *Marking of equipment.* (a) Each general alarm system fused switch and distribution panel shall be provided with a permanent nameplate on the outside of the door describing its function. The rating of fuses shall also be indicated for fused switches.

(b) The general alarm contact maker shall be marked with lettering on a corrosion-resistant plate or with a sign in red letters on a suitable background "GENERAL ALARM."

(c) A contact maker to operate only the general alarm bells in crew quarters, machinery and work spaces shall be marked as described in paragraph (b) of this section, except with the words "CREW ALARM."

(d) General alarm bells shall be marked in not less than ½-inch red letters "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

(e) Each general alarm system distribution panel shall be provided with a directory attached to the inside of the cover giving the designation of each circuit, the area supplied by each circuit, and the rating of all circuit fuses.

§ 113.25–25 *General alarm system for manned ocean and coastwise barges.* (a) Each manned ocean and coastwise barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

§ 113.25–90 *General alarm system for existing vessels.* (a) All vessels of over 100 gross tons the construction of which was begun on or after September 1, 1943, but prior to November 19, 1952, shall have all sleeping accommodations, public spaces, and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants. The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary or emergency generating plants. Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually operated contact maker located in the pilothouse, or, if specific approval is given by the Commandant, in the fire control station. The characteristics of the contact maker shall be such that it possesses:

(1) Positive contact;

(2) Watertightness (when located in open spaces subject to weather);

(3) Means whereby its electrically open or closed position can be determined by sense of touch;

(4) Means to effect a make-and-break circuit for signalling; and

(5) Self-maintaining contacts.

(b) All vessels of over 100 gross tons the construction of which was begun prior to September 1, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction as to provide an alarm throughout the spaces for which they are provided.

(c) Existing arrangements, materials, and equipment previously approved shall be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

§ 113.30–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.30–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.30–90.

§ 113.30–5 *General requirements.* (a) Vessels shall be provided with an efficient means of communication between each of the following:

(1) Wheelhouse;

(2) Engine room;

(3) Steering gear room, if located outside of engine room; and

(4) Emergency steering station, if required.

(b) Vessels equipped with a gyro compass system shall be provided with an efficient means of communication between the master gyro compass and the wheelhouse repeater compass.

(c) Vessels equipped with a radar plan position indicator installation remotely located from the wheelhouse shall be provided with an efficient means of communication between the wheelhouse and the radar plan position indicator.

(d) Where emergency squad equipment is stowed in lockers or spaces remote from the wheelhouse, an efficient means of communication shall be provided between the wheelhouse and the emergency squad equipment stowage space or spaces.

(e) Communication to radio and radio direction-finder requirements are as follows:

(1) Vessels equipped with a radio installation shall be provided with an efficient means of communication between the radio room and the wheelhouse and one other place, if any, from which the vessel may be steered under normal conditions of navigation, as opposed to other places established for strictly emergency functions.

(i) Where the operating position of the emergency radio installation is not located in the compartment normally used for operating the main radio installation, an efficient means of communication shall be provided between the emergency radio room and the wheelhouse and one other place, if any, from which the vessel may be steered under normal conditions of navigation, as opposed to other places established for strictly emergency functions.

(2) Vessels equipped with radio direction-finding apparatus shall be provided with an efficient means of communication between the navigating bridge and the direction-finding apparatus.

(i) Whenever the direction-finder receiver is located on the navigating bridge of a ship or within any compartment adjoining or opening onto the navigating bridge structure of a ship, the direction-finding apparatus shall be considered as being located on the bridge, and no communication is required.

(3) The communication systems required by this paragraph shall be independent of any other system on the ship, and the location of the termination of these systems shall be subject to approval by the Federal Communications Commission.

§ 113.30–10 *Voice tubes, general requirements.* (a) Voice tubes may be employed to comply with the requirements of this subpart where the required length of voice tube as installed will not exceed 125 feet.

(b) Where the length of voice tube as installed is not over 75 feet, the tube used shall be at least 2 inches outside diameter.

(c) Where the length of voice tube as installed is over 75 feet and not over 125 feet, the tube shall be at least 2½ inches outside diameter.

(d) Sound powered telephone equipment may be installed in all cases where voice tube communication is permitted.

§ 113.30–15 *Voice tubes, detail requirements.* (a) Voice tubes and voice tube fittings shall be constructed of brass or other corrosion-resistant material having a wall thickness of approximately 0.042 inch.

(b) Voice tubing shall be run as direct as possible, and the cross-section of the tube shall be constant throughout the run. Any constriction in the tube such as a dent; reducer coupling, sharp elbow, T connection, or any flat surface shall be avoided. Flexible tubes or bends shall be used in place of fittings wherever possible. Joints in tubing shall be protected by a close fitting sleeve and the joint soldered or filled with white lead.

(c) Voice tubes shall be supported at least every 8 feet on straight runs and at bends as required.

(d) Voice tubes shall be protected where liable to injury and shall not be run in bunkers, cargo spaces, or through machinery spaces unless unavoidable.

(e) Voice tubes shall be provided with drain plugs at the bottom of each vertical run and at all other places where water can collect.

(f) Each voice tube shall be terminated at each end by a suitable mouthpiece with hinged covers and with whistle indicator in the side of the mouthpiece.

(g) All voice tubes shall be provided with designating nameplates.

§ 113.30–20 *Sound powered telephone system, general requirements.* (a) Where a voice tube installation would require a length of tube exceeding 125 feet or where for other reasons efficient communication cannot be obtained by a voice tube installation, approved sound powered telephone equipment shall be installed as the means of communication required by this subpart.

(b) A sound powered telephone system may be extended to cover other locations which are necessary or desirable provided the communication required by this subpart is not interfered with.

(c) Sound powered telephone systems may, in all cases, be installed in lieu of voice tube systems.

§ 113.30–25 *Sound powered telephone system, detail requirements.* (a) Sound powered telephone equipment shall be of a type approved by the Commandant.

(b) Sound powered telephone stations installed in locations exposed to the weather shall be of watertight construction, and the audible signal shall be mounted external to the station enclosure.

(c) Sound powered telephone stations installed in wheelhouse or machinery spaces shall be of at least drip-proof construction.

(d) In noisy locations, a telephone booth or other suitable auxiliary equipment shall be provided if necessary in order that a telephone conversation can be carried on while the vessel is being navigated.

(e) In noisy locations where the magneto-operated telephone station sound signal cannot be heard throughout the space, the sound signal shall be supplemented by an additional sound signal energized from the vessel's electrical system and magneto actuated. This supplementary sound signal shall not be combined with any other signal or alarm system, such as an engineers' signal and alarm panel.

(f) When two or more telephone stations are located in close proximity to each other, a suitable means shall be provided to indicate the station called.

(g) The sound powered telephone talking circuit shall be electrically independent of the calling circuits. A short circuit, open circuit, or ground on either side of the calling circuit shall not affect the talking circuit in any way. All circuits shall be insulated from ground.

(h) Sound powered telephone circuits shall be run in leaded and armored or impervious sheathed and armored cable. All connection boxes employed shall be watertight.

(i) Telephone cables shall be run as close to the fore and aft centerline of the vessel as is practicable.

§ 113.30–90 *Sound powered telephone and voice tube systems for existing vessels.* (a) Vessels contracted for prior to November 19, 1952, shall meet the requirements contained in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.35—ENGINE ORDER TELEGRAPH SYSTEMS

§ 113.35–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.35–90, shall apply to all vessels contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.35–90.

§ 113.35–5 *General requirements.* (a) All vessels, except as otherwise provided for in this section, shall have installed an efficient means of transmitting engine orders from the wheelhouse to the engine room and of transmitting acknowledgment of engine orders from the engine room to the wheelhouse.

(1) On vessels with more than one propulsion engine, this efficient means of transmitting engine orders shall be provided for each engine.

(2) On double-ended vessels with two wheelhouses, this efficient means of transmitting engine orders shall be provided between the engine room and each wheelhouse.

(3) On vessels provided with a means of steering from the top of the wheelhouse as well as from the wheelhouse, this efficient means of transmitting engine orders shall also be provided between the engine room and the top of the wheelhouse.

(b) The efficient means of transmitting engine orders may be of the engine gong and sound tube type, the mechanical engine order telegraph type, the electric engine order telegraph type, or other types as may be approved.

(c) Small vessels on which the propulsion plant is controlled entirely from the wheelhouse with no means of normal engine control from the engine room, need not be provided with an engine order telegraph system between the wheelhouse and the engine room.

§ 113.35–10 *Engine gong systems, general requirements.* (a) An engine gong system shall consist of pull handles located in the wheelhouse mechanically connected by wires and chains to gongs located in the engine room.

(1) A sound tube of proper size shall be run between the wheelhouse and the engine room and so arranged as to return the sound of the gong signals to the wheelhouse.

(2) A speaking tube or other device for the purpose of conversation between the wheelhouse and the engine room shall also be provided.

(b) The sound tube and the speaking tube shall comply with the requirements of § 113.30–15 except that the sound tube shall be terminated by a flared sounder in lieu of whistle mouthpieces and the sound tube size shall be not less than 2½ inches outside diameter.

(c) The engine room gong and the termination of the sound tube and the speaking tube in the engine room shall be at the engine control station.

(d) The gong pull installation shall comply with the applicable requirements of § 113.35–25.

§ 113.35–15 *Engine gong systems, application.* (a) Engine gong systems shall not be employed on vessels where the length of sound tube as installed will exceed 40 feet.

§ 113.35–20 *Mechanical engine order telegraph systems, general requirements.* (a) Mechanical engine order telegraph systems shall consist of transmitters and indicators mechanically connected to each other by means of chains and wires.

(b) Transmitters and indicators shall be provided with dials divided into sectors or divisions with the various engine orders engraved thereon.

(c) Rotation of the transmitter handle and its associated pointer shall drive the indicator pointer in synchronism. The indicator pointer, always having the same angular position as the transmitter handle and its associated pointer, shall point to the order corresponding to the order on the transmitter.

(d) The engine room indicator shall be equipped with a reply handle and associated pointer driving a reply pointer in the wheelhouse transmitter for acknowledgement of orders.

(e) Each transmitter and each indicator shall be provided with an audible signal device to indicate, in the case of an indicator, the receipt of an order and, in the case of a transmitter, the acknowledgement of an order. The audible signal device shall not be dependent upon any source of power for operation other than that of the movement of the transmitter or indicator handle.

(f) The dials of transmitter instruments shall be illuminated in such a manner as not to interfere with navigating the vessel at night.

(g) Transmitter and indicator operating handles shall be of substantial size so that engine orders may be determined from a distance.

§ 113.35–25 *Mechanical engine order telegraph systems, detail requirements.* (a) Telegraph wire shall be No. 10 Stubs Gage (0.134 inch diameter) soft brass wire and shall be stretched approximately 20 percent before installation.

(b) Pulleys shall be provided wherever a bend in the run of the telegraph wire is made, and at each pulley sheave a length of brass telegraph chain shall be employed.

(c) Pulleys shall be in line with the wire and chain.

(d) Turnbuckles shall be provided in each lead at each instrument to adjust the handles and pointers to the central position of the order, and shall be provided at other locations throughout the system as necessary to take up slack in the lead wires and to center the chains at the pulleys.

(e) Where telegraph leads pass through watertight decks or bulkheads, stuffing tubes shall be employed.

(f) On long horizontal runs, the telegraph wire shall be supported on roller bearers at approximately every 5 feet of run. When telegraph leads are run behind sheathing or when subject to mechanical damage, the leads shall be run "in pipe."

(g) All fittings used in telegraph installations shall be constructed of brass, bronze, or other corrosion-resistant materials.

(h) Positive locking devices, such as keys, shall be used in securing handles and similar parts to their associated shafts to ensure continuous operation of the shaft in response to movement of the handle.

(i) Transmitter dials shall be arranged with the "STOP" order at the top vertical position of the operating handle. On ahead orders the operating handle shall be moved toward the bow of the vessel and on astern orders the operating handle shall be moved toward the stern of the vessel.

(j) Indicator dials shall be arranged as specified for transmitter dials except that the "STOP" order shall be at the bottom vertical position of the reply handle.

(l) Indicator dials on double-ended vessels shall not be marked with the designations "AHEAD" and "ASTERN," but the reply handle and indicator arrow shall point in the direction in which it is desired that the engine operate.

§ 113.35–30 *Mechanical engine order telegraph systems, operation.* (a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, all the transmitters shall be mechanically interlocked and operate in synchronism. The method of mechanical interlocking shall be such that a failure of the transmission wire or chain at any transmitter located topside will not interrupt or disable other topside transmitters.

§ 113.35–35 *Mechanical engine order telegraph systems, application.* (a) Mechanical engine order telegraph systems may be installed on all vessels to provide the communication required by this subpart where the length of cables or other mechanical limitations will not prevent the efficient operation of the system.

§ 113.35–40 *Electric engine order telegraph systems, general requirements.* (a) Electric engine order telegraph systems shall consist of transmitters and indicators electrically connected to each other.

(b) Transmitters and indicators shall be provided with dials divided into sectors or divisions with the various engine orders engraved thereon.

(c) Rotation of the transmitter handle and its associated pointer shall drive the indicator pointer in synchronism. The indicator pointer, always having the same angular position as the transmitter handle, shall point to the order corresponding to the order on the transmitter.

(d) For acknowledgement of orders, the engine room indicator shall be equipped with a handle and generator actuating a motor and pointer on the transmitter, similar to the facilities provided for transmitting orders.

(e) Audible signals associated with the system shall consist of a vibrating bell at each instrument. The vibrating bell at both transmitter and indicator shall ring continuously at all times when the transmitter arrow and the reply arrow do not point to the same order.

(f) The dials of transmitter instruments shall be illuminated in such a manner as not to interfere with navigating the vessel at night.

(g) Transmitter and indicator operating handles shall be of substantial size so that the engine order may be determined from a distance.

§ 113.35–45 *Electric engine order telegraph systems, detail requirements.* (a) Telegraph instruments shall form watertight enclosures for the electrical components.

(b) Materials used in the construction of telegraph instruments shall be corrosion-resistant.

(c) Transmitter dials shall be in accordance with § 113.35–25 (i). Indicator dials shall be in accordance with § 113.35–25 (j) except that the "STOP" order may be at the bottom or top vertical position of the reply handle to suit bulkhead or pedestal mounted instruments, respectively.

(d) Electric cable used in conjunction with electric telegraphs shall be leaded and armored or impervious sheathed and armored and all connection boxes shall be of watertight construction.

(e) Each system shall be provided with an alarm device which automatically sounds audibly and indicates visually in the event of loss of potential to the system.

(1) This alarm device shall be located in the wheelhouse.

(2) Means shall be provided to silence the audible signal.

(i) Where the supervisory power supply is a dry cell battery or some other low capacity source, there shall be no electric drain on the supervisory power supply after the audible signal has been silenced; the visible indication may be extinguished to effect this. Upon reestablishment of potential to the telegraph system, the audible signal shall sound again until the alarm circuit is returned to normal unless restoration of this alarm circuit is effected automatically.

§ 113.35–50 *Electric engine order telegraph system, operation.* (a) Where more than one transmitter, located in the wheelhouse, the wings of the navigating bridge, and/or the top of the wheelhouse, operate a common indicator in the engine room, all the transmitters shall operate in synchronism. This requirement shall be applicable both to the transmitters handles and pointers and to the reply pointers. The method of interlocking if employed, shall comply with § 113.35–30 (a).

(b) Where compliance with paragraph (a) of this section is not reasonable nor practicable, a transmitter transfer control system may be employed. The transmitter transfer control system shall be arranged so that operation of a transmitter handle of one of the transmitters automatically connects that instrument electrically to the engine room indicator and simultaneously disconnects electrically the other transmitters. The reply pointers of all transmitters shall operate in synchronism at all itmes.

§ 113.35–55 *Electric engine order telegraph systems, application.* (a) Electric engine order telegraph systems may be installed on all vessels to provide the communication required by this subpart, except that passenger vessels of 20,000 gross tons or over equipped with an electric engine order telegraph system shall be provided with a stand-by system, either electrical or mechanical.

§ 113.35–90 *Engine order telegraph systems for existing vessels.* (a) The engine order telegraph installations on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.40—RUDDER ANGLE INDICATOR SYSTEMS

§ 113.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.40–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.40–90.

§ 113.40–5 *General requirements.* (a) Vessels of 5,000 gross tons or over, or vessels of any tonnage certificated to carry 250 passengers or more, shall be provided with a system, either electrical or mechanical, for indicating at each power steering station the position of the rudder.

§ 113.40–10 *Detail requirements.* (a) The rudder angle indicator system shall consist of a transmitter located at the rudder head and actuated by movement of the rudder, the angular movements of the rudder being transmitted to a remote indicator(s).

(b) The indicator instrument shall consist of a fixed dial with angular positions of the rudder right and left of an amidship position indicated thereon. Indications of rudder angle shall be by means of a moving pointer.

(1) The movement of the indicator pointer shall be consistent with the movement of the steering wheel or control.

(c) The indicator(s) shall be located in direct line of vision of the helmsman and shall be provided with dial illumination in such a manner as not to interfere with navigating the vessel at night.

(d) The method of transmitting rudder movement between the transmitter and the indicator(s) may be either by self-synchronous generator and motor(s), by mechanical telegraphs, or by other equivalent means.

(e) The electric rudder angle indicator system shall comply with the applicable requirements of §§ 113.35–40 and 113.35–45.

(f) Mechanical methods of transmitting rudder angles shall be in accordance with approved installation drawings submitted for each installation.

§ 113.40–90 *Rudder angle indicator systems for existing vessels.* (a) Rudder angle indicator systems on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.45—REFRIGERATED SPACES ALARM SYSTEMS

§ 113.45–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.45–90, shall apply to all vessels contracted for on or after November 19, 1952. The provisions of § 113.45–90 shall apply to all vessels contracted for prior to November 19, 1952.

§ 113.45–5 *General requirements.* (a) Each refrigerated space accessible to ship's personnel during a voyage and which can be so locked from the outside that it cannot be opened from the inside, shall be fitted with an alarm system operated from within each refrigerated space.

(b) The alarm system may be either a mechanical pull operating a jingle bell or an electrical push button operating a vibrating bell or other audible device.

(c) The mechanical pull or electrical push button shall be located at the exit from the refrigerated compartment.

(d) The audible signal shall be located where a person is regularly employed.

(e) Where a common audible signal is provided for more than one lockable refrigerated compartment, an annunciator shall be provided to locate the compartment from which the signal was initiated.

§ 113.45–90 *Refrigerated spaces alarm systems on existing vessels.* (a) Refrigerated spaces alarm systems on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.50—EMERGENCY LOUDSPEAKER SYSTEM

§ 113.50–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.50–90, shall apply to all ocean and coastwise passenger vessels contracted for on or after November 19, 1952. Ocean and coastwise vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.50–90.

§113.50–5 *General requirements.* (a) All ocean and coastwise passenger vessels certificated to carry 500 or more persons, including officers and crew, and/or all passenger vessels whose lifeboats are stowed more than 100 feet from the navigating bridge, shall be equipped with an approved loudspeaker system which will enable an officer on the bridge to broadcast separately or collectively to the stations listed in this paragraph.

(1) Lifeboat stations, port.

(2) Lifeboat stations, starboard.

(3) Lifeboat embarkation stations, port.

(4) Lifeboat embarkation stations, starboard.

(5) Public spaces used for passenger assembly stations.

(6) Crew quarters.

(b) The system shall be controlled from a single location on the navigating bridge.

(c) Loudspeakers, as designated by the Commandant, at lifeboat and embarkation stations shall be arranged for two-way conversation with the navigating bridge.

(d) The emergency loudspeaker system shall be of a type approved by the Commandant.

§ 113.50–10 *Power supply.* (a) The loudspeaker system shall be energized from the source of emergency lighting and power as required by Subpart 112.15 of this subchapter.

(b) Where the loudspeaker system requires a power supply of a character different from that available from the temporary source of emergency lighting and power, conversion equipment as required by Subpart 112.40 of this subchapter shall be provided.

§ 113.50–15 *Location of loudspeakers*—(a) *General.* (1) Loudspeakers shall be located with due regard to the intended service and to minimize as much as possible the effect of feedback and other interference.

(2) In general, loudspeakers on open decks shall be directed toward the after end of the vessel and outboard by an angle of approximately 15 degrees.

(b) *Boat deck loudspeakers.* (1) A loudspeaker shall be located at each lifeboat handling station. The axis of the loudspeaker shall be directed aft and outboard in such a manner that the sound level at the lifeboat handling station will be not less than the levels given in Table 113.50–15.

(c) *Lifeboat embarkation and passenger assembly station loudspeakers.* (1) Loudspeakers shall be distributed throughout the lifeboat embarkation deck and locations designated by the vessel's station bill for the assembly of passengers in an emergency, in such number as to provide an even distribution of sound at a level not less than that specified in Table 113.50–15. An even distribution of sound level is considered satisfied if the variation does not exceed plus or minus 3 decibels.

(d) *Crew quarters' loudspeakers.* (1) Loudspeakers shall be distributed in passageways throughout crew quarters in such number as to provide a sound level not less than that specified in Table 113.50–15 in each room with the doors closed.

TABLE 113.50–15—MINIMUM SOUND LEVEL REQUIREMENTS FOR LOUDSPEAKER SYSTEMS

[All data given in decibels]

Location	Ground noise level, minimum	Signal level		Voice level	
		Above ground noise	Total	Above ground noise	Total
Lifeboat stations.	80	20	[1] 100	15	[1] 95
Embarkation deck and exterior passenger assembly points	80	20	[1] 100	15	[1] 95
Interior passenger assembly points	75	20	[1] 95	15	[1] 90
Crew quarters	60	18	[2] 78	12	[2] 72

[1] Measured at a distance of 10 feet from the loudspeaker and on the axis thereof.

[2] Measured in rooms with the doors to the passageways closed.

§ 113.50–20 *Distribution of cable runs.* (a) Cable runs to the different loudspeaker groups shall be as widely separated from each other as possible to limit the extent of damage to the system from a single casualty. In addition, the distribution shall be such that a casualty to the port or starboard supplies to loudspeakers on boat and embarkation decks will render not more than half of the loudspeakers in the group inoperative. This may be accomplished by feeding the loudspeakers of a particular group alternately from a port and starboard multiconductor cable.

(b) Cable runs shall, where possible, be located in passageways and shall avoid staterooms, lockers, and other enclosed spaces.

§ 113.50–25 *Type of cable and equipment enclosures.* (a) All cable used in connection with the system shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(b) All junction or connection boxes employed in the distribution system shall be of watertight construction.

§ 113.50–30 *Shipboard tests.* (a) The operation of the system shall be observed to determine that voice reproduction is of good quality and intelligibility of a high order.

(b) Sound levels shall be measured with a sound level meter to demonstrate that the levels listed in Table 113.50–15 are met.

(1) Where the ground noise level with the vessel under way in moderate weather is in excess of the values listed in Table 113.50–15, the signal and voice levels shall be increased correspondingly so that the differential between ground noise level and the signal and voice levels shall be not less than the differential given in this table.

(c) It shall be demonstrated that grounding either conductor or "shorting" both conductors to any one lifeboat station loudspeaker, or to an embarkation deck loudspeaker, will not reduce the output of any one of the remaining loudspeakers by more than 3 decibels.

§ 113.50–35 *Operation of emergency loudspeaker systems.* (a) The emergency loudspeaker system shall be used at the discretion of the master and shall function entirely independently of any public address or music distribution system.

(b) The emergency loudspeaker system shall not be used for entertainment purposes.

(c) The complete emergency loudspeaker system shall be given an operating test at least once every week. These tests shall be made by a licensed officer and the condition of the equipment entered in the vessel's log.

(d) When a vessel is equipped with a public address or music distribution system, means shall be provided adjacent to the emergency loudspeaker system control panel to silence the public address or music distribution systems.

§ 113.50–90 *Emergency loudspeaker systems for existing vessels*—(a) *Existing vessels.* Emergency loudspeaker systems on ocean and coastwise passenger vessels contracted for prior to November 19, 1952, shall meet the requirements of this section.

(b) *General requirements.* (1) All passenger vessels the construction of which was begun prior to January 1, 1937, on which lifeboats are stowed more than 100 feet from the navigating bridge, and all passenger vessels the construction of which was begun prior to November 19, 1952, but on and after January 1, 1937, certificated to carry 1,000 persons or more, including officers and crew, shall be equipped with a loudspeaker system which shall enable an officer on the bridge to broadcast separately or collectively to the stations listed in this subparagraph.

(i) Lifeboat stations, port and starboard. (The deck or decks on which lifeboats are stowed and from which they are launched.)

(ii) Embarkation deck, port and starboard. (The deck or decks, designated by construction design or by the vessel's station bill, used for the embarkation of passengers and crew into lifeboats. If lifeboat stations are used for embarkation purposes, this requirement will be omitted.)

(iii) Main quarters for crew. (The quarters of the emergency squad, deck crew, and stewards assigned to passenger quarters.)

(iv) Public spaces. (The spaces designated by the vessel's station bill where passengers and crew are to assemble in an emergency.)

(2) The Commandant may, in special cases, exempt passenger vessels the construction of which was begun prior to January 1, 1937, having a small number of especially accessible lifeboats stowed more than 100 feet from the bridge: *Provided, however,* That no such vessel certificated to carry more than 200 persons, including officers and crew, shall be so exempted.

(3) Details of the system shall be in general agreement with §§ 113.50–5 through 113.50–35 insofar as is reasonable and practicable.

(4) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in §§ 113.50–5 through 113.50–35, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation provided that, in no case, will a greater departure from the standards of §§113.50–5 through 113.50–35 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements, for new vessels.

SUBPART 113.55—NAVIGATION LIGHTS

§ 113.55–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.55–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.55–90.

§ 113.55–5 *General requirements.* (a) The general requirements for navigation lights are contained in Part 25 of Subchapter C (Uninspected Vessels), Part 77 of Subchapter H (Passenger Vessels), and Part 96 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

§ 113.55–10 *Construction of navigation lights.* (a) Navigation lights shall be of an approved type.

§ 113.55–15 *Installation of navigation lights.* (a) Navigation lights shall be installed in such a manner that the angles of visibility and the minimum heights above the deck required by the applicable Pilot Rules will be assured.

(b) The light from a navigation light shall not be obscured by any part of the vessel's structure or rigging.

(c) Navigation lights shall be wired, by means of a short length of heavy duty portable cable to a watertight receptacle outlet located adjacent thereto. Where the double lens, two-lamp type electric navigation light is installed, each lamp shall be connected to its branch circuit conductors by means of a separate receptacle outlet as indicated in Figure 113.55–25 (b).

§ 113.55–20 *Light screens.* (a) Light screens required by the Pilot Rules for port and starboard side lights shall be painted with a glossy black paint and shall project not less than three feet forward of the center of the light source.

§ 113.55–25 *Navigation light indicator panel.* (a) Vessels of 1,600 gross tons and over shall be provided with a navigation light indicator panel located in the wheelhouse to control electric side, masthead, range, and stern lights. The panel shall provide visible and audible indications of the failure of any of the above named navigation lights.

(b) Recommended circuit diagrams for navigation light indicator panels are shown in Figure 113.55–25 (b). Other circuit diagrams may be submitted for approval.

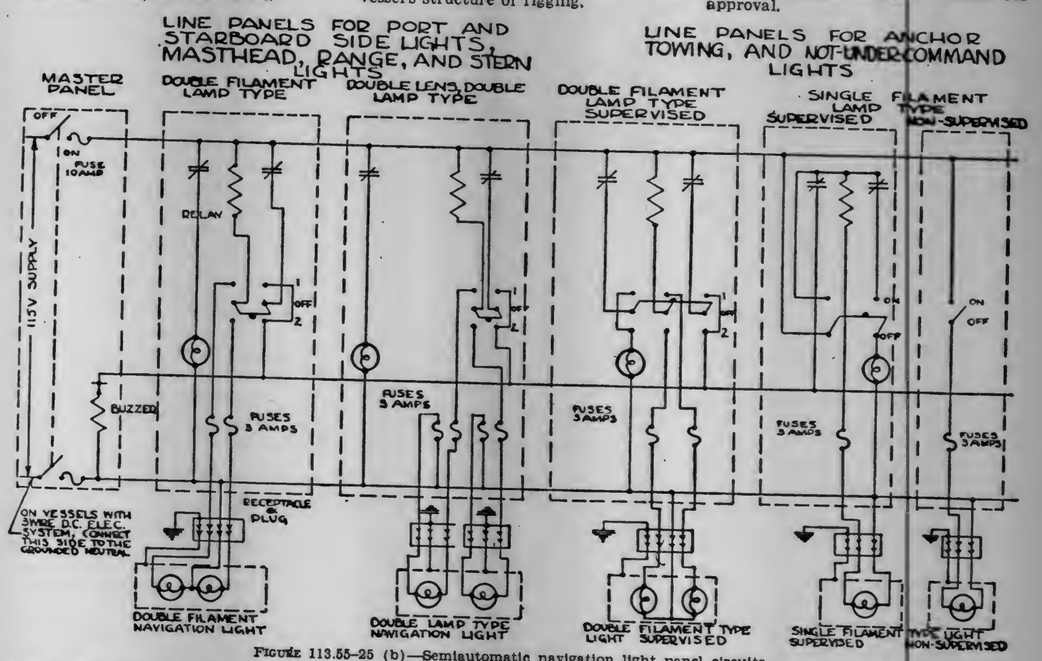


FIGURE 113.55–25 (b)—Semiautomatic navigation light panel circuits.

§ 113.55–90 *Navigation lights for existing vessels.* (a) Navigation lights on vessels contracted for prior to November 19, 1952, shall meet the requirements covered in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Office in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements.

SUBPART 113.60—SIGNALING LIGHTS

§ 113.60–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.60–90, shall apply to vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.60–90.

§ 113.60–5 *General requirements.* (a) All vessels of over 150 gross tons, when engaged in international voyages, shall be equipped with an efficient daylight signaling light of the type covered by this subpart.

§ 113.60–10 *Detail requirements.* (a) The signaling light shall consist of a device which produces a narrow high-intensity beam of light suitable for daylight blinker communication at speeds up to 9 words (180 dots and/or dashes) per minute.

(b) The axial candlepower of the beam shall be not less than 60,000 candlepower. The beam shall have a total horizontal and vertical divergence of approximately 6 degrees. This divergence is defined as the angular limits of the beam where the candlepower has fallen to one-tenth of the axial candlepower.

(c) In addition to the requirements of paragraph (b) of this section, the candlepower of the beam in every direction within an angle of 0.7 degree from the axial shall be not less than 50 percent of the axial candlepower.

(d) The signaling light shall be fitted with a suitable sighting arrangement capable of directing the beam on to the receiving station.

(e) Signaling may be effected by keying the current through the lamp, by movement of shutters, or by other approved means.

(f) The signaling light may be either a fixed unit mounted on the top of the wheelhouse, a semi-fixed unit with arrangements for quick mounting at either wing of the navigating bridge, or a portable unit.

(g) Fixed or semifixed signaling lights shall be energized from the emergency lighting and power system as required by § 112.15–5 (e) of this subchapter. Portable signaling units shall be energized from a self-contained storage battery capable of operating the unit 2 hours continuously without recharging.

§ 113.60–90 *Signaling light for existing vessels.* (a) Signaling lights on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Ocean and coastwise ships over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high-speed bulb, operated by a weatherproof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided.

(c) Existing arrangements, materials, and facilities previously approved will be considered satisfactory as long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.65—WHISTLE OPERATORS

§ 113.65–1 *Application.* (a) The provisions of this subpart, with the exception of § 113.65–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.65–90.

§ 113.65–5 *General requirements.* (a) The general requirements for whistles, sirens, and fog horns are contained in Part 26 of Subchapter C (Uninspected Vessels), Part 77 of Subchapter H (Passenger Vessels), and Part 96 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(b) The mechanical whistle or siren pull leads shall be as direct as possible and amply protected. When the leads are suspended for more than 15 feet, they should be supported from a corrosion-resistant cable with suitable bearers. The system shall be provided with ample corrosion-resistant springs to relieve all weight on the lever and for the proper functioning of the system.

(c) Materials and mechanical details shall be in general accordance with the requirements for mechanical telegraphs given in § 113.35–25.

(d) When electrically operated whistles and sirens are installed, all parts shall be independent of the mechanical system.

(e) When electrically operated valves for whistles or sirens are located more than 5 feet from the whistle, an automatic drain feature for the steam whistle pipe shall be installed.

(f) The supply for an electrically operated whistle or siren shall be from the emergency lighting and power system as required by Part 112 of this chapter.

§ 113.65–90 *Whistle operators for existing vessels.* (a) Whistle operators on vessels contracted for prior to November 19, 1952, shall meet the requirements in this section.

(b) Existing arrangements, materials, and facilities previously approved will be considered satisfactory so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standard as the original installation.

(c) All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

SUBPART 113.70—SMOKE DETECTOR SYSTEMS

§ 113.70–1 *Application.* (a) Where a smoke detector system is installed, the provisions of this subpart, with the exception of § 113.70–90, shall apply to all installations contracted for on or after November 19, 1952. Installations contracted for prior to November 19, 1952, shall meet the requirements of § 113.70–90.

(b) For the vessels on which a smoke detector system is required, see Part 76 of Subchapter H (Passenger Vessels) of this chapter.

§ 113.70–5 *General requirements.* (a) The smoke detector control unit shall be of a type approved by the Commandant.

(b) All electric cable installed in conjunction with the smoke detector system shall be lighting and power or interior communication cable, either leaded and armored or impervious sheathed and armored.

(c) Cable runs between the smoke detector control unit and the supply switchboard shall be as direct as possible and shall avoid staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

§ 113.70–10 *Power supply.* (a) On vessels fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied by duplicate branch circuits from the emergency switchboard. On vessels fitted with a temporary source of emergency lighting and power, the duplicate branch circuits shall be connected to the temporary emergency source of supply.

(b) On vessels not fitted with an automatically started emergency lighting and power system, the smoke detector system shall be supplied from sources as directed by the Commandant.

§ 113.70–90 *Equipment and installations on vessels contracted for prior to November 19, 1952.* (a) Existing arrangements, materials, and facilities previously approved, but not meeting the applicable specifications or requirements set forth in §§ 113.70–5 and 113.70–10, may be continued in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection. Minor repairs and minor alterations may be made to the same standards as the original installation: *Provided*, That, in no case, will a greater departure from the standards of §§ 113.70–5 and 113.70–10 be permitted than presently exist. All new installations or major replacements shall meet the applicable specifications or requirements for new vessels.

PART 114—FIRE APPARATUS, FIRE PREVENTION

Part 114 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 115—SPECIAL OPERATING REQUIREMENTS

Part 115 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 116—INSPECTION OF VESSELS

Part 116 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 117—FERRYBOATS

Part 117 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 118—EXCURSION STEAMERS

Part 118 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 119—BARGES

Part 119 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 120—DUTIES OF INSPECTORS

Part 120 is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

The title for Subchapter K is changed from "Seamen" to "Marine Investigations and Suspension and Revocation Proceedings."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 131—HOURS OF LABOR ON SHIPBOARD

Part 131 is canceled. (The text of these regulations has been transferred to Part 157 of this chapter.)

(Sec. 7, 49 Stat. 1936, 46 U. S. C. 689)

PART 133—DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS; RULES FOR CONDUCT OF SCHOOL SHIPS

Part 133 is canceled. (The text of §§ 133.0 to 133.4, inclusive, has been transferred to Part 166 of this chapter, and the text of §§ 133.5 to 133.18, inclusive, has been transferred to Part 168 of this chapter.)

(Sec. 13, 38 Stat. 1169, as amended, sec. 3, 54 Stat. 346, as amended; 46 U. S. C. 672, 1333)

PART 134—UNITED STATES SHIPPING COMMISSIONERS

Part 134 is canceled. (The text of these regulations has been transferred to Part 16 of this chapter.)

(Sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 689)

PART 135—LANGUAGE TEST FOR SEAMEN

Part 135 is canceled. (The text of these regulations has been transferred to Part 157 of this chapter.)

(Sec. 13, 38 Stat. 1169, as amended; 46 U. S. C. 672)

PART 136—MARINE INVESTIGATION REGULATIONS

SUBPART 136.05—NOTICE OF MARINE CASUALTY AND VOYAGE RECORDS

1. Section 136.05–1 (e) is amended to read as follows:

§ 136.05–1 *Notice of marine casualty.* • • •

(e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275)

2. Part 136 is amended by adding a new § 136.05–25 reading as follows:

§ 136.05–25 *Reports when state of war exists.* During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275)

PART 140—ABLE SEAMEN

Part 140 is canceled. (The text of these regulations has been transferred to Part 157 of this chapter.)

(Sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 689)

PART 141—MANNING OF INSPECTED VESSELS

Part 141 is canceled. (The text of these regulations has been transferred to Part 157 of this chapter.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter M—Bulk Grain Cargoes

The title for Subchapter M is changed from "Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery" to "Bulk Grain Cargoes"; the title for Part 144 is changed from "Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery" to "Loading and Stowage of Grain Cargoes"; and Part 144 is amended to read as follows:

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

SUBPART 144.01—PREFACE

Sec.
144.01–1 Purpose.

SUBPART 144.10—GENERAL REQUIREMENTS

144.10–1 Scope.
144.10–10 Application to vessels.
144.10–20 Definitions.
144.10–25 Certification by National Cargo Bureau, Inc.
144.10–30 Shifting boards.
144.10–40 Uprights.
144.10–50 Shores.
144.10–60 Stays.
144.10–70 Feeders, bins, and bulkheads.
144.10–80 Security of hatches.
144.10–90 Equivalents.

SUBPART 144.20—DETAILED LOADING AND STOWAGE REQUIREMENTS

144.20–1 Bagged grain.
144.20–10 Holds or compartments partly filled with loose grain in bulk.
144.20–20 Holds or compartments entirely filled with loose grain in bulk.
144.20–30 Location of stowage for light grain in bulk.
144.20–40 Location of stowage for heavy grain in bulk.

SUBPART 144.30—VESSELS SHIFTING PORTS

144.30–1 Shifting vessels with part cargoes of loose grain in bulk.

AUTHORITY: §§ 144.01–1 to 144.30–1, issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391, 367, 50 U. S. C. App. 1275.

SUBPART 144.01—PREFACE

§ 144.01–1 *Purpose.* (a) The purpose of the regulations in this subchapter is to promote safety in the handling, stowage and transportation of grain on board vessels within the limits of the jurisdiction of the United States, including its territories and possessions excepting only the Panama Canal Zone, and to make more effective the provisions of the International Convention for the Safety of Life at Sea, 1948, relative to the carriage of grain.

SUBPART 144.10—GENERAL REQUIREMENTS

§ 144.10–1 *Scope.* (a) The regulations in this part contain the minimum requirements for the handling, stowage, and transportation of loose grain in bulk on board vessels.

§ 144.10–10 *Application to vessels.* (a) The regulations in this part apply to every passenger vessel and every cargo vessel of 500 gross tons or over when carrying loose grain in bulk as cargo on an international voyage (excepting the Great Lakes).

§ 144.10–20 *Definitions.* (a) For the purpose of the regulations in this part the definitions in this section shall apply.

(b) "Grain" shall include wheat, maize (corn), oats, rye, barley, rice, pulses, and seeds.

(c) "Light grain" means oats, light barley or cottonseed.

(d) "Light barley" means barley which weighs:

(1) 50 pounds or under per full bushel of 1.2445 cubic feet (U. S. A.); or,

(2) 51.575 pounds or under per full bushel of 1.2837 cubic feet (U. K.).

(e) "Heavy grain" means all grain other than oats, light barley, or cottonseed.

(f) "Bin" means a section of the cargo space in the 'tween decks or superstructure completely enclosed on all sides.

§ 144.10–25 *Certification by National Cargo Bureau, Inc.* (a) Certificates of loading of the National Cargo Bureau, Inc., may be accepted as prima facie evidence of compliance with the requirements in this subchapter.

§ 144.10–30 *Shifting boards.* (a) Shifting boards shall be of good sound timber of minimum thickness of 2 inches, and fitted grain-tight.

(b) The maximum unsupported span to be allowed for shifting boards of various thicknesses shall be as set forth in Table 144.10–30 (b).

TABLE 144.10–30 (b)

Thickness	Span	Housing of bulkhead
		Inches
2-inch planks	Unsupported span not to exceed 8 feet.	3
2½-inch planks	Unsupported span not to exceed 11 feet.	3
3-inch planks	Unsupported span not to exceed 14 feet.	3

(c) Shifting boards shall be securely housed at bulkheads, and where permanent angle bars are not available for this purpose, wood cants shall be fitted not less than 6 inches in width and 3 inches in thickness and suitably shored.

(d) Where 2½ inch or 3 inch shifting boards are used the boards may be butt-jointed in way of the uprights and at least 4 inches of plank shall be supported. Where 2 inch shifting boards are used the joints shall overlap by at least 9 inches in way of the uprights.

(e) Where no special arrangements are made for grain-tight filling between the beams, wood filling pieces of the same thickness as the shifting boards shall be fitted grain tight between the beams, and shall be secured in place by cleats or scabs at both ends and fitted both sides. The cleats or scabs shall be at least 2 inches by 4 inches and shall extend the full depth of the filling piece and to an equal distance thereunder, and shall be securely spiked or bolted to the shifting boards and filling pieces.

§ 144.10–40 *Uprights.* (a) Uprights shall be of wood or steel.

(b) Wood uprights shall not be less than 10 inches in width and 2 inches in thickness.

(c) Uprights shall be cleated to the tanktop or ceiling where fitted, and when an upright is not securely housed at the top the uppermost supporting shores or stay shall be not more than 18 inches below the deck or top of the upright.

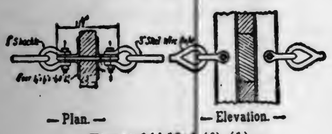
(d) (1) Where a tier of closely spaced pillars in a hold or compartment is utilized for supporting the shifting boards at the middle line, the sizes of the pillars shall be in accordance with the rules of approved classification societies for deck beam pillars.

(2) Where the pillars are not reeled or staggered, additional support shall be provided by means of hook-bolts and vertical tieplates or uprights secured to the pillars. Such tieplates shall consist of plates not less than 3 inches in width and ½ inch in thickness and shall be through-bolted at intervals of not more than 3 feet.

(e) The horizontal distances between the centers of uprights shall be specified in § 170.10–30 (b). Wood uprights used in association with wire stays, spaced as in § 170.10–60, shall be not less than 11 inches in width and 3 inches in thickness.

(f) The construction and dimensions of angle bar uprights used in association with wire stays shall conform to, or be equivalent to, the following:

(1) *Type I.* Each upright shall consist of 4 angle bars 4 by 4 by 0.40 inches and steel plate 11½ inches wide by .50 inch thick riveted to form one complete structure allowing 4-inch housings on both forward and after sides. Equivalent brackets riveted to head and heel shall be fitted, each to take five ⅞-inch bolts with corresponding lugs and/or angles on tank top, tunnel top, and hatch webs. See Figure 144.10–40 (f) (1) for illustration.



— Plan. — — Elevation. —

FIGURE 144.10–40 (f) (1)

(2) *Type II.* Metal uprights in accordance with Table 144.10–40 (f) (2). Vertical angle bars shall be connected at head and heel to the tank top, tunnel top, deck beams, and hatch webs by angle lugs having two ⅞-inch bolts in each angle bar upright and equivalent fastenings to tanktop, tunnel top, deck beams, and hatch webs. The vertical angle bars shall be bolted together through the shifting boards by ⅞-inch bolts not more than 4 feet apart. See figure 144.10–40 (f) (2) for illustration with overlap of shifting boards.

TABLE 144.10–40 (f) (2)

Horizontal distance between centers of uprights	Vertical spans supported by each stay	Sizes of angle bars
	Feet	*Inches*
8′ (2″ shifting boards)	8	3 x 3 x 0.38
8′ (2″ shifting boards)	11	3½ x 3½ x 0.38
8′ (2″ shifting boards)	14	4½ x 3½ x 0.44
11′ (2½″ shifting boards)	8	3 x 3 x 0.38
11′ (2½″ shifting boards)	11	4 x 3½ x 0.40
11′ (2½″ shifting boards)	14	6 x 3½ x 0.40
13′ (3″ shifting boards)	8	3 x 3 x 0.38
13′ (3″ shifting boards)	11	4 x 3½ x 0.42
13′ (3″ shifting boards)	14	6 x 3½ x 0.40

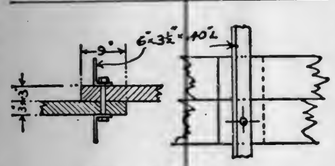


FIGURE 144.10–40 (f) (2).

(g) Wood uprights shall be supported by steel wire rope stays set up at the ship's side, or by wood shores securely heeled against the permanent structure of the ship, or by other approved means.

§ 144.10–50 *Shores.* (a) All wood shores shall be of good sound timber in a single piece. Spliced shores shall not be used.

(b) The vertical spacing of wood shores shall be as follows:

(1) Except as provided in § 144.10–40 (c), the uppermost shore shall be not more than 7 feet below the top of the upright and succeeding shores shall be spaced 7 feet apart measured vertically from the uppermost shore downwards, except that a distance of 8 feet may be allowed between the lowest shore and the heel support.

(2) Shores may be heeled on the tanktop or ceiling provided the heels are secured by cleats or cants and efficiently braced against the permanent structure.

(3) Shores shall not be heeled directly against the ship's side plating.

(c) The sizes of wood shores shall be set forth in Table 144.10–50 (c).

TABLE 144.10–50 (c)

Length of shore	Minimum sizes	
	Rectangular section	Circular section diameter
	Inches	*Inches*
Not exceeding 16 feet	4 x 6	5½
Over 16 feet and not exceeding 20 feet	6 x 6	7
Over 20 feet and not exceeding 24 feet	6 x 8	7½
Over 24 feet and not exceeding 28 feet	[1] 6 x 8	8
Over 28 feet	[1] 6 x 8	8½

[1] Securely bridged at about midlength.

(d) Where the spacings of the shores or uprights are less than those prescribed by §§ 144.10–30 (b) and 144.10–50 (b), the sizes of the shores may be reduced in proportion, and where, in special circumstances, the spacings of the shores or uprights are increased, additional strength shall be provided as may be prescribed by the District Commander of the United States Coast Guard or his authorized representative.

(e) Shores should normally be fitted at an angle not exceeding 10 degrees from the horizontal; where this angle is exceeded the next larger size of shore to that required by its length shall be used. The angle between any shore and the surface to be supported shall not exceed 45 degrees from the horizontal.

§ 144.10–60 *Stays.* (a) Where uprights are secured as approved at both head and heel, one stay on each side of each upright will be accepted in holds 20 feet and under in depth, to be placed at approximately ⅓ of the distance below the deck. Where the hold is more than 20 feet deep, 2 stays on each side of each upright shall be required, the upper stays to be placed at approximately ¼ of the distance below the deck and the lower stays at half the depth of the hold. Depths shall be measured to top of floor, inner bottom or tunnel top.

(b) Where wire stays are used the following provisions shall apply:

(1) The stays shall be of at least 3-inch circumference flexible steel wire rope and shall be fitted horizontally;

(2) The rigging screws shall be at least 1¼-inch diameter and shall be fitted in accessible positions;

(3) The shackles shall be at least 1 inch;

(4) The eye bolts through the wood or angle bar uprights shall be at least 1¼ inches;

(5) At least ⅞-inch screw bolts and nuts shall be provided as may be necessary for securing the wood uprights or steel angle bars;

(6) Eye plates of at least 1 inch thickness shall be securely riveted to the side stringers or frames, or at least 1 inch shackles passed through the frames.

(c) Where in accordance with § 144.20–20 shifting boards do not extend the full depth of the hold, the shifting boards and their uprights shall be supported or stayed as provided for in the regulations in this part or to the satisfaction of the District Commander of the United States Coast Guard or his authorized representative.

§ 144.10–70 *Feeders, bins, and bulkheads.* (a) Feeders, bins, and bulkheads shall be of sufficient strength to withstand the pressure of the head of grain contained therein and shall be made grain tight. When the height of the 'tween decks is greater than normal, special attention should be given to the stiffening and support of feeders and bins.

(b) Ships having one or more decks with one continuous hold forward or one continuous hold aft with two hatches to each hold shall have a well-constructed bulkhead extending from side to side of the ship between the 2 hatches to divide the space.

(c) Wood feeders and bin bulkheads may be constructed:

(1) Of planks worked vertically not less than 2½-inch thickness, but where the vertical unsupported span exceeds 8 feet the thickness of the planks shall be increased, or additional stiffening fitted; or,

(2) Of studding and lined with grain-tight boards 2 inches in thickness or two 1 inch layers of shiplap, laid horizontally with broken joints. Studding where possible shall be placed inside the hatch coamings and shall be not less than 4 inches by 6 inches on edge spaced not more than 2 feet centers.

(d) Wing feeders may be constructed in a similar manner around trimming hatches. In all cases the planks at the corners shall be well secured to substantial vertical cants.

(e) Where the depth of the hatch end beams or coamings exceeds 15 inches below the surface of the deck, feeding holes shall be provided to allow the grain to flow through the coamings into the hold or 'tween decks; where the depth of the coamings below the surface of the deck exceeds 15 inches and is not more than 18 inches feeding holes 2 inches in diameter shall be provided. Where the depth exceeds 18 inches feeding holes of 3½-inch diameter shall be provided. Feeding holes shall be spaced approximately 2 feet apart.

(f) Engine room, boiler room, stokehold bulkheads and donkey boiler recesses where subjected to heat shall be sheathed with wood and made grain tight. An air space of at least 6 inches shall be left between the bulkhead and the sheathing and a box trunk ventilator 6 inches by 8 inches shall be provided from the top of the air space to a ventilator or hatchway, or other equal and approved means of ventilation adopted. Sheathing shall be supported on vertical runners spaced not more than 2 feet centers and shall consist of 2 inch planks or two thicknesses of 1 inch boards laid to break joint. Other approved means of insulation may be accepted.

§ 144.10–80 *Security of hatches.* (a) Vessels carrying loose grain in bulk shall have suitable means of securing hatchways and other weather deck openings. Hatch covers and their supports shall be in good condition and properly battened down using good and sufficient tarpaulins, cleats and wedges where necessary.

§ 144.10–90 *Equivalents.* (a) Where the regulations in this part require a particular fitting, appliance or apparatus or type thereof, shall be fitted or carried in a ship, or that any particular provisions shall be made, the District Commander of the United States Coast Guard or his authorized representative may allow any other fitting, appliances or apparatus, or type thereof, to be fitted or carried, or any other provision to be made, if it is satisfactorily shown that such other fitting, appliance or apparatus, or type thereof, or provision is at least as effective as that required by the regulations in this part.

SUBPART 144.20—DETAILED LOADING AND STOWAGE REQUIREMENTS

§ 144.20–1 *Bagged grain.* Bagged grain stowed in a hold, compartment or bin with loose grain in bulk shall be in sound bags, well filled and securely closed.

§ 144.20–10 *Holds or compartments partly filled with loose grain in bulk.* (a) In any hold or compartment which is partly filled with loose grain in bulk the grain shall be levelled and topped off with bagged grain or other suitable cargo extending to a height not less than 4 feet above the top of the loose grain in bulk and supported on suitable platforms in accordance with paragraph (b) of this section, laid over the whole surface of the loose grain in bulk. Also, the hold or compartment shall be divided by a properly constructed longitudinal bulkhead or shifting boards, in line with the keel, which shall extend from the bottom of the hold or deck as the case may be to a height of not less than 2 feet above the surface of the bulk grain to prevent shifting.

(b) The platform required by the regulations in this part shall consist of bearers spaced not more than 4 feet apart and 1 inch boards laid thereon spaced not more than 4 inches apart, or tarpaulins or strong separation cloths with adequate overlapping.

(c) The fitting of a longitudinal bulkhead or shifting boards in a lower hold shall not be required if the grain in bulk does not exceed ⅓ of the capacity of the hold, or in the case of a hold containing a shaft or other similar tunnel, ½ the capacity of that hold.

§ 144.20–20 *Holds or compartments entirely filled with loose grain in bulk.* (a) Every hold or compartment which is entirely filled with loose grain in bulk shall be divided by a longitudinal bulkhead or shifting boards, in line with the keel, which shall be properly constructed, secured and fitted grain tight with proper fillings between the beams. In holds such shifting boards shall extend downwards from the underside of the deck to a distance of at least ⅓ of the depth of the hold or 8 feet, whichever is the greater. In compartments in 'tween decks and superstructures they shall extend from deck to deck. In all cases the shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

(b) All bulk grain shall be well trimmed up between the beams and in the wings, and the spaces between them shall be completely filled.

(c) Every hold, compartment or bin which is entirely filled with loose grain in bulk shall be fed by suitably placed and properly constructed feeders, which shall contain not less than 2½ percent or more than 8 percent of the quantity of grain carried in the compartment that they feed. When loose grain in bulk is loaded in a deep tank, specially built feeders shall not be required provided that the deep tank is divided by a steel center longitudinal division and the bulk grain is well stowed, the tank and tank hatchways completely filled and the hatch covers secured.

(d) Feeders to a hold or compartment shall be so arranged as to secure a free flow of grain to all parts of that hold or compartment; where the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 feet, then grain in the end spaces beyond 25 feet from the nearest feeder shall be levelled off at a depth of at least 6 feet below the deck, and the end spaces filled with bagged grain built up on a proper platform.

§ 144.20–30 *Location of stowage for light grain in bulk.* (a) Light grain in bulk may be carried in the holds and 'tween decks of all ships and in the superstructures of single decked ships, subject to the provisions of the regulations in this part relating to shifting boards and feeders. In vessels where 'tween decks and/or shelter decks are not subdivided, bulkheads are to be constructed to divide such shelter or 'tween decks into compartments of a maximum length not exceeding 70 feet.

§ 144.20–40 *Location of stowage for heavy grain in bulk.* (a) Heavy grain in bulk shall not be carried above deck in a single deck ship, or in the 'tween deck of a two-decked ship, or in the uppermost 'tween deck of a ship having more than two decks except in feeders properly constructed as required by the regulations in this part or in bins properly constructed as required by the regulations in this part. Where heavy grain in bulk is carried in bins the following requirements shall be complied with:

(1) The compartment or compartments immediately below the bins shall be completely filled with bulk grain;

(2) The hold or compartment below the bin or bins shall be properly battened down clear of the feeder to such hold or compartment;

(3) The aggregate quantity of grain carried in bins and all feeders shall not exceed 23 percent by weight of the total grain cargo below the deck on which the bins are situated;

(4) The capacity of any bin shall not exceed 8,000 cubic feet;

(5) Where the distance from the feeder to the transverse bulkhead exceeds 20 feet, the space beyond shall be filled with bagged grain or other suitable cargo;

(6) Where a bin is not completely filled with grain, the provisions of

§ 144.20–10 as to levelling and topping off shall apply.

SUBPART 144.30—VESSELS SHIFTING PORTS

§ 144.30–1 *Shifting vessels with part cargoes of loose grain in bulk.* (a) The regulations in this subpart shall apply to vessels loaded with part cargoes of loose grain in bulk shifting between ports for the purpose of loading additional cargo and modify certain requirements under Subpart 144.20. Masters of all vessels shifting ports under these modified requirements shall check with the Weather Bureau to ascertain the forecast of the weather to be encountered on the voyage and shall not proceed under these conditions when unusually adverse weather conditions are indicated.

(b) Vessels subject to the regulations in this part, mooring between ports totally within the inland waters of the United States, may load any amount of loose grain in bulk without securing the grain provided shifting boards extend above the grain in each hold at least 2 feet. Vessels that have no longitudinal bulkheads or shifting boards in the lower holds shall comply with § 144.20–10 (c).

(c) Vessels shifting between United States ports along the east coast as far south as Cape Henry, between Gulf ports, between Puget Sound ports and West Coast Canadian ports, or between Puget Sound ports and Columbia River ports may load the following amounts without securing the grain provided the grain is covered with dunnage boards placed fore and aft and athwartship.

(1) Any hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(2) One hold with more than 50 percent of its bulk grain capacity and one other hold with less than 50 percent of its bulk grain capacity provided shifting boards extend above the grain in each hold at least 2 feet.

(3) Where no longitudinal bulkheads or shifting boards are required to be erected, only two slack holds not exceeding the capacities specified in § 144.20–10 (c).

Subchapter P—Manning of Vessels

The title for Subchapter P is changed from "General Provisions" to "Manning of Vessels"; the title for Part 157 is changed from "Enforcement" to "Manning Requirements", and Part 157 is amended to read as follows:

PART 157—MANNING REQUIREMENTS

SUBPART 157.01—AUTHORITY AND PURPOSE

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AUTHORITY: §§ 157.01–1 to 157.35–5 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART 157.01—AUTHORITY AND PURPOSE

§ 157.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for the manning of vessels in accordance with the intent of Titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto, as well as to implement various international conventions for safety of life at sea and other treaties which affect the merchant marine. The regulations are necessary to carry out the provisions of law affecting United States vessels and have force of law.

§ 157.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 157.01–10 *Authority for regulations*—(a) *General.* (1) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375, and 416), as well as in other provisions of Titles 52 and 53 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the vessel inspection laws and is required to produce a correct and uniform administration of the inspection laws, rules, and regulations.

(b) *Manning of inspected vessels.* (1) The requirements regarding the manning of inspected vessels, including inspected motorboats carrying passengers for hire, are set forth in various statutes with many qualifications as to their applications. The regulations interpret or apply subject to various limitations contained in the laws, R. S. 4401, 4417a, 4421, 4426, 4427, 4438, 4438a, 4453, 4463, 4477, 4498, and 4551 (j), as amended, sec. 2, 37 Stat. 733, secs. 2 and 13, 38 Stat. 1164, 1169, 49 Stat. 1544, 1545, 1936, sec. 7, 53 Stat. 1147, secs. 7 and 17, 54 Stat. 165, 166, sec. 3, 54 Stat. 347, and sec. 5, 55 Stat. 244, 245, secs. 1 to 8, 62 Stat. 232–234, as amended (46 U. S. C. 364, 391a, 399, 404, 405, 224, 224a, 435, 222, 470, 481, 643 (j), 223, 673, 672, 367, 689, 247, 526f, 526p, 1333, 229a-229h; and 50 U. S. C. App. 1275).

(c) *Manning of uninspected vessels.* (1) The authority for regulations regarding manning of all vessels of 200 gross tons and over, however propelled, including yachts, navigating the high seas, which are subject to the provisions of the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53), is in R. S. 4438a, as amended (46 U. S. C. 224a).

(2) The authority for regulations regarding the licensed operator for an uninspected motorboat while carrying passengers for hire is in secs. 7 and 17, 54 Stat. 165, 166, as amended (46 U. S. C. 526f, 526p).

SUBPART 157.05—APPLICATION

§ 157.05–1 *General.* (a) The regulations in this part shall be applicable to all vessels which are subject to the manning requirements contained in the navigation and vessel inspection laws of the United States. Since the manning requirements for a particular vessel can only be determined after a thorough consideration of the many factors involved, such as size, type, proposed routes of operation, cargo carried, type of business in which employed, etc., the Officer in Charge, Marine Inspection, shall determine if such vessel is subject to any or all of the manning provisions of the navigation and vessel inspection laws and shall establish, when required by law or regulation in this chapter, the minimum manning requirements considered necessary for the safe navigation of the vessel.

(b) Some of the navigation and vessel inspection laws do not authorize the establishment of a minimum number of officers and members of the crew to be carried on board a vessel but state that the vessel shall not be operated or navigated unless certain manning requirements are met. In these cases, it is the responsibility of the owner, master, or person in charge or command of the vessel, to determine if the officers and crew carried meet the requirements of the applicable navigation and vessel inspection laws.

(c) At the beginning of the various subparts or sections, a more specific application is generally given for the particular portion of the text involved. This application may be according to size and type of vessel or waters navigated or services of vessel to which the text pertains.

SUBPART 157.10—DEFINITIONS OF TERMS

§ 157.10–1 *General.* (a) The terms defined in this subpart apply only to manning of vessels subject to the manning provisions in the navigation and vessel inspection laws of the United States.

§ 157.10–5 *Able seaman.* (a) The term "able seaman" means any person holding a certificate of efficiency issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restrictions placed on the certificate.

(Sec. 13, 38 Stat. 1169, as amended; 46 U. S. C. 672)

§ 157.10–10 *Assistant engineer.* (a) The term "assistant engineer" means a person holding a valid license issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restrictions placed on the license.

(R. S. 4438, 4438a, 4441, as amended; 46 U. S. C. 224, 224a, 229)

§ 157.10–15 *Chief engineer.* (a) The term "chief engineer" means any person responsible for the mechanical propulsion of a vessel and who is a holder of a valid license issued by the Coast Guard attesting to his competency, and who may serve in such capacity within the restrictions placed on the license.

(R. S. 4438, 4438a, 4441, as amended; 46 U. S. C. 224, 224a, 229)

§ 157.10–20 *Deck crew.* (a) The term "deck crew, exclusive of licensed officers and apprentices" as used in section 13 of the Seamen's Act of 1915, as amended (46 U. S. C. 672) is construed as including only the following members of the deck department below the grade of licensed officer and above the grade of apprentice; viz, quartermasters, able seamen, and ordinary seamen.

(Sec. 13, 38 Stat. 1169, as amended; 46 U. S. C. 672)

§ 157.10–25 *Licensed officer.* (a) The term "licensed officer" means any person holding a license issued by the Coast Guard which attests to the holder's competency to serve in the capacity described in the license on board vessels, such as master, mate, pilot, chief engineer, assistant engineer, or radio officer.

§ 157.10–30 *Lifeboatman.* (a) The term "lifeboatman" means any person holding a certificate of efficiency issued by the Coast Guard attesting to his competency to serve as a lifeboatman.

(R. S. 4488, as amended; 46 U. S. C. 481)

§ 157.10–35 *Master.* (a) A "master" means any person who is holder of a valid license issued by the Coast Guard attesting to his competency, and who may serve in such capacity within the restrictions placed on the license.

(R. S. 4438, 4438a, 4439, as amended; 46 U. S. C. 224, 224a, 226)

§ 157.10–40 *Mate.* (a) The term "mate" means a person holding a valid license issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restrictions placed on the license.

(R. S. 4438, 4438a, 4440, as amended; 46 U. S. C. 224, 224a, 228)

§ 157.10–45 *Ordinary seaman.* (a) The term "ordinary seaman" means any person holding a certificate of service issued by the Coast Guard and who may serve in such capacity on board vessels.

(Sec. 13, 38 Stat. 1169, as amended; 46 U. S. C. 672)

§ 157.10–50 *Pilot.* (a) The term "pilot" means a person holding a valid license issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restrictions placed on the license.

(R. S. 4438, 4442, as amended; 46 U. S. C. 224, 214)

§ 157.10–55 *Qualified member of the engine department.* (a) The term "qualified member of the engine department" means any person holding a certificate of service issued by the Coast Guard attesting to his competency and who may serve in such capacity within the restrictions placed on the certificate.

(Sec. 13, 38 Stat. 1169, as amended; 46 U. S. C. 672)

§ 157.10–60 *Radio officer.* (a) The term "radio officer" means a person holding a valid license issued by the Coast Guard and who may serve in such capacity within the restrictions placed on the license.

(Sec. 3, 62 Stat. 233, as amended; 46 U. S. C. 229c)

§ 157.10–65 *Sailors.* (a) The term "sailors" means those members of the deck department below the grade of licensed officer whose ordinary duties are incident to the mechanics of conducting the ship on her voyage, such as able seaman, ordinary seaman, quartermaster, lookout man, etc.

(Sec. 2, 38 Stat. 1164, as amended; 46 U. S. C. 673)

§ 157.10–70 *Seaman.* (a) The term "seaman" is defined in R. S. 4612, as amended (46 U. S. C. 713), as follows:

Every person (apprentice excepted) who shall be employed or engaged to serve in any capacity on board the same (vessel) shall be deemed and taken to be a "seaman".

§ 157.10–75 *Staff officers.* (a) The term "staff officers" means persons in the Staff Department who hold certificates of registry as a (1) Chief Purser; (2) Purser; (3) Senior Assistant Purser; (4) Junior Assistant Purser, or (5) Surgeon, which are issued by the Coast Guard.

(Sec. 1, 53 Stat. 1145, as amended; 46 U. S. C. 242)

§ 157.10–80 *Tankerman.* (a) The term "tankerman" means any person holding a certificate issued by the Coast Guard attesting to his competency in the handling of inflammable or combustible liquid cargo in bulk or any person holding a currently valid license as master, mate, pilot, or engineer.

(R. S. 4417a, as amended; 46 U. S. C. 391a)

SUBPART 157.15—MANNING REQUIREMENTS

§ 157.15–1 *Complement required by certificate of inspection.* (a) The Officer in Charge, Marine Inspection, who inspects a vessel shall make entries on the certificate of inspection showing the complement of licensed officers and crew, including certificated lifeboatmen, separately stated, as may be necessary for the safe navigation of the vessel.

(R. S. 4438, 4463, as amended; 46 U. S. C. 224, 222)

§ 157.15–5 *Changes in certificate of inspection.* (a) All applications for changes in certificates of inspection relative to crew requirements shall be made to the Officer in Charge, Marine Inspection, at or nearest the port where the vessel actually is at the time the request is made.

(b) Where changes in an outstanding certificate of inspection are necessary the Officer in Charge, Marine Inspection, will issue an amendment to the certificate of inspection.

(R. S. 4421, as amended; U. S. C. 399)

§ 157.15–10 *Right of appeal.* (a) Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to manning requirements, he may appeal therefrom to the Coast Guard District Commander having jurisdiction, and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose action shall be final; *Provided, however,* That such appeals shall be made in writing within 30 days after the decision or action appealed from shall have been rendered or taken: *And provided further,* That pending the determination of the

appeal the crew, originally specified must be carried.

(R. S. 4463, as amended; 46 U. S. C. 222)

§ 157.15–15 *Enforcement officers.* (a) In addition to collectors of customs, who are specifically designated by law as enforcement officers, all field officers and inspectors of the Coast Guard are designated as enforcement officers for the purpose of seeing that the provisions of section 2 of the Seamen's Act of 1915, as amended (38 Stat. 1164, as amended; 46 U. S. C. 673), are complied with.

SUBPART 157.20—COMPUTATIONS

§ 157.20–1 *Vessels affected.* (a) All of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply to all merchant vessels of the United States of more than 100 tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, and also insofar, as hours of labor on shipboard are concerned, to all tugs documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes and connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York. The aforesaid section 2 does not apply to fishing or whaling vessels, yachts or to vessels engaged in salvage operations.

(Sec. 2, 38 Stat. 1164, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 673, 689)

§ 157.20–5 *Division into three watches.* (a) On vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply, the licensed officers, sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least 3 watches, the number in each watch to be as nearly equal as the division of the total number in each class will permit. The watches shall be kept on duty successively. The requirement for division into watches applies only to those classes of the crew specifically named in the aforesaid section 2: *Provided*, That in the case of radiotelegraph operators this requirement shall be applicable only when 3 or more radio officers are employed.

(b) Officers in Charge, Marine Inspection, will note that the 3-watch system extends to all licensed officers and to the sailors, coal passers, firemen, oilers, and water tenders of all vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply and will be governed accordingly in fixing the complement of licensed officers and crew, as authorized by R. S. 4463, as amended (46 U. S. C. 222): *Provided*, That in the case of radio telegraph operators this requirement shall be applicable only when 3 or more radio officers are employed. The aforesaid section 2 does not, however, apply to the licensed officers and crew of tugs and barges when engaged in voyages of less than 600 miles except with regard to coal passers, firemen, oilers, and water tenders. A voyage of less than 600 miles is construed as meaning the entire distance traversed in proceeding from the initial port of departure to the final port of destination, stops at intermediate ports while enroute not being considered as breaking the continuity of the voyage.

(R. S. 4421, 4463, as amended, sec. 2, 38 Stat. 1164, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 399, 222, 673, 689)

§ 157.20–10 *Eight-hour day.* (a) No licensed officer or seamen in the deck or engine department of vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply shall be required to be on duty more than 8 hours in any one day except under the extraordinary conditions mentioned in the aforesaid section 2, nor shall any licensed officer or seamen in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes,[1] harbors of the Great Lakes, and their connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York, be required or permitted to be on duty more than 8 hours in any one day, except in case of extraordinary emergency affecting the safety of the vessel and/or life or property.

(b) When the vessel is in a safe harbor, no seamen shall be required to do any unnecessary work on Sundays, New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage.

(Sec. 2, 38 Stat. 1164, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 673, 689)

§ 157.20–15 *Able seamen*—(a) *What vessels affected.* (1) The provisions of section 13 of the Seamen's Act of 1915, as amended (46 U. S. C. 672), relating to able seamen apply to all merchant vessels of the United States of 100 gross tons and upward except those navigating rivers exclusively and the smaller inland lakes; except as provided in R. S. 4516, as amended (46 U. S. C. 569); and except unrigged vessels (other than seagoing barges), and sail vessels of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, established in accordance with section 2 of the act of February 19, 1895, as amended (33 U. S. C. 151).

(b) *Computation of number.* (1) On vessels to which the provisions of section 13 of the Seamen's Act of 1915, as amended (46 U. S. C. 672), apply, at least 65 per centum of the deck crew, exclusive of licensed officers and apprentices, shall be of a rating not less than able seamen. In the event that the number of persons in the deck crew, as defined in § 157.10–20 (a), is in excess of the number of persons required therein by the certificate of inspection, at least 65 per centum of the whole deck crew on the vessel, exclusive of licensed officers and apprentices, shall be of a rating of not less than able seamen.

(Sec. 13, 38 Stat. 1169, sec. 2, 38 Stat. 1164, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 672, 673, 689)

§ 157.20–20 *Lifeboatmen.* (a) There shall be for each lifeboat or life raft a number of certificated lifeboatmen in accordance with the various regulations in Subchapter D (Tank Vessels), Subchapter H (Passenger Vessels), and Subchapter I (Cargo and Miscellaneous Vessels) of this chapter which specify the number required under various circumstances and conditions.

(R. S. 4417a, 4488, as amended, 49 Stat. 1944, 1945, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391a, 481, 367, 50 U. S. C. App. 1275)

§ 157.20–25 *Mates.* (a) The minimum number of mates on every ocean and coastwise merchant vessel of the United States propelled by machinery and every ocean-going vessel carrying passengers shall be in accordance with sec. 2 of the Act of March 3, 1913, as amended (37 Stat. 733, 46 U. S. C. 223).

(37 Stat. 733; 46 U. S. C. 223)

§ 157.20–30 *Master.* (a) Section 2 of the Act of March 3, 1913, as amended (37 Stat. 733, 46 U. S. C. 223) requires a master for every ocean and coastwise merchant vessel of the United States propelled by machinery and every ocean-going vessel subject to inspection and carrying passengers.

(b) The provisions of R. S. 4438, as amended (46 U. S. C. 224), requires a master for every sail vessel of over 700 gross tons.

(c) There shall be a duly licensed master on board every steam vessel of more than 150 gross tons when the vessel is underway on the Great Lakes, or bays, sounds, or lakes other than the Great Lakes, or rivers.

(d) There shall be a licensed master on board every seagoing motor vessel of 300 gross tons or over, subject to section 1 of the Act of June 20, 1936 (49 Stat. 1544, 1545; 46 U. S. C. 367), when the vessel is under way.

(e) For a steam vessel not exceeding 150 gross tons navigating the Great Lakes, or bays, sounds or lakes other than the Great Lakes, or rivers, a first class pilot or a second class pilot who has reached the age of 21 years may act as master.

(R. S. 4463, as amended; 46 U. S. C. 222)

§ 157.20–35 *Engineers.* (a) On any vessel subject to inspection, the Officer in Charge, Marine Inspection, shall determine the minimum number of engineers necessary for the safe navigation of a vessel.

(R. S. 4438, 4463, as amended; 46 U. S. C. 224, 222)

(b) The provisions of R. S. 4426, as amended (46 U. S. C. 404), requires a licensed engineer for a vessel above 15 gross tons propelled by gas, fluid, naphtha, or electric motors, carrying freight or passengers for hire, except for a motorboat subject to the act of April 25, 1940, as amended (54 Stat. 164–167; 46 U. S. C. 526–526t).

[1] The reissuance of this regulation shall not affect the waiver order in § 154.19 of this chapter.

(c) The provisions of R. S. 4426, as amended (46 U. S. C. 404), requires a licensed engineer on every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, except for a motorboat subject to the act of April 25, 1940, as amended (54 Stat. 164–167; 46 U. S. C. 526–526t).

§ 157.20–40 *Pilot.* (a) The provisions of R. S. 4401, as amended (46 U. S. C. 364), require that every coastwise seagoing steam vessel subject to the navigation laws of the United States, not sailing under register, shall, when underway, except on the high seas, be under the control and direction of pilots licensed by the Coast Guard.

(b) The provisions of R. S. 4426, as amended (46 U. S. C. 404), requires a licensed pilot on every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, except for a motorboat subject to the act of April 20, 1940, as amended (54 Stat. 164–167; 46 U. S. C. 526–526t).

(c) The provisions of R. S. 4426, as amended (46 U. S. C. 404), requires a licensed pilot for a vessel of above 15 gross tons propelled by gas, fluid, naphtha, or electric motors, carrying passengers for hire, except for a motorboat subject to the act of April 25, 1940, as amended (54 Stat. 164–167; 46 U. S. C. 526–526t).

(d) The provisions of R. S. 4426, as amended (46 U. S. C. 404) requires a pilot on every vessel of above 15 gross tons propelled by gas, fluid, naptha, or electric motors carrying freight for hire, except for a motorboat subject to the act of April 25, 1940, as amended (54 Stat. 164–167; 46 U. S. C. 526–526t).

(e) (1) For every inspected steam vessel of above 150 gross tons the navigation shall be under the control of a first class pilot when the vessel is underway on the Great Lakes, or bays, sounds, and lakes other than the Great Lakes, or rivers.

(2) For every inspected steam vessel not exceeding 150 gross tons the navigation shall be under the control of a first class or a second class pilot when the vessel is underway on the Great Lakes, or bays, sounds, and lakes other than the Great Lakes, or rivers; and a first class pilot or a second class pilot, who has reached the age of 21 years, may act as master or pilot in charge of navigation.

(3) A second class pilot is authorized to act as pilot in charge of a watch on any steam vessel within the qualifications specified in his license.

(R. S. 4438, 4463, as amended; 46 U. S. C. 224, 222)

§ 157.20–45 *Lookouts.* (a) The requirements regarding lookouts for passenger vessels are in § 78.30–1 of Subchapter H (Passenger Vessels) of this chapter.

(b) The requirements regarding lookouts for cargo and miscellaneous vessels are in § 97.27–1 of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

§ 157.20–50 *Cabin watchmen and fire patrolmen.* (a) The requirements for cabin watchmen and fire patrolmen for passenger vessels are in § § 78.30–10 to 78.30–20, inclusive, of Subchapter H (Passenger Vessels) of this chapter.

§ 157.20–55 *Radio officers and radiotelegraph operators and watches.* (a) Radio officers and radiotelegraph operators and watches are required on certain merchant vessels of the United States. The details of the application of this requirement, as well as details regarding the licensing of such personnel, shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission and the statutes and regulations under the jurisdiction of the United States Coast Guard, regarding radio officers and radiotelegraph operators. (See Subchapter B (Merchant Marine Officers and Seamen) of this chapter.)

(R. S. 4463, as amended, sec. 1, 62 Stat. 232; 46 U. S. C. 222, 229a)

§ 157.20–60 *Staff officers.* (a) When a staff department is carried on a passenger vessel subject to the act of August 1, 1939, as amended (53 Stat. 1145–1147, as amended; 46 U. S. C. 243–247), the qualifications of staff officers engaged shall be in accordance with that act.

SUBPART 157.25—LANGUAGE REQUIREMENTS

§ 157.25–1 *Vessels affected.* (a) Section 13 of the act of March 4, 1915, as amended (38 Stat. 1169, as amended; 46 U. S. C. 672), in part, provides as follows:

No vessel of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, * * *.

The collector of customs, may upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.[12]

§ 157.25–5 *Orders by officers.* (a) The Commandant construes the words "able to understand any order given by the officers of such vessel" to mean any orders that may be given to members of the crew in each department when directing the performance of their duties.

(b) The Commandant also construes this section 13 of the act of March 4, 1915, (38 Stat. 1169, as amended; 46 U. S. C. 672) as meaning only such orders as may be given to members of the crew in each department of the vessel in the course of the performance of their several duties. Among these duties, however, should be included lifeboat or emergency work. The Commandant would not consider it a proper construction of the section to require, for example, that a waiter should understand orders normal to the engine-room force or that a stoker should understand orders which related solely to the work of a deck hand or seaman. In the cases, however, of a waiter, a stoker, a seaman, or other employee on the vessel who was assigned to do emergency or lifeboat work it would be a proper construction of the section to require him to understand orders for such emergency or lifeboat service.

(Sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 689)

§ 157.25–10 *Muster of crew for language test.* (a) When the collector of customs musters the crew on any vessel, either upon his own motion or upon the sworn information of any reputable citizen, for the purpose of determining that 75 percent of the crew in each department is able to understand any order given by the officer of such vessel, the Commandant is of the opinion that a demonstration of such understanding shall be made in the presence of the collector of customs or his authorized representative.

(b) To determine the fact of understanding, the Commandant is of the opinion that the law requires that orders be given to the individual members of the crew by the officers of the ship, and in the language ordinarily and customarily used by such officers in navigating and operating the ship. The orders should be given directly by the officers to each member of the crew, and not through an interpreter or interpreters; signs, gestures or signals should not be used in making the test. The collector of customs or his representative should suggest to the officers of the vessel the orders to be given, which should touch upon matters ordinarily arising in the daily routine work of the crew in each department, as well as orders involving fire drills, boat drills, the handling of boats, and orders involving any emergencies that may be expected to arise in handling, operating, or navigating the ship.

(c) The muster of the crew for which the law provides shall take place at such reasonable times and occasions as will determine the facts sufficiently in advance of the time fixed for the sailing of the vessel to permit the engaging of such new members of the crew as may be necessary in time for the vessel to sail without delay. As the law requires the application for muster to be made at least 6 hours before the vessel departs or is scheduled to depart, thus indicating an intent not unduly to delay the sailing of vessels, the muster must be conducted with such promptness and expedition as to constitute full compliance with this manifest purpose of the law. Whenever the language test applied at the muster results in the rejection of any member of the crew and the substitution of another seaman in his place at such time as to render it impracticable for a second muster to be requested in the manner specified in this section, then and in that case it shall be the duty of the customs

[12] Amended by section 1 (d), 49 Stat. 1931, 46 U. S. C. 672 (d) reading as follows: The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact, at which muster said reputable citizen must be present; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

collector to see that any seaman signed on the articles of the ship to take the place of the rejected man is capable of passing such test. The Commandant understands the law to require the safeguarding of the vessel through the language test by such means at such times and in such a manner as shall be helpful and not hurtful to our maritime commerce and that it is in no sense intended to be used to create embarrassment or to cause unnecessary expense or delay.

(Sec. 13, 38 Stat. 1169, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 672, 689)

SUBPART 157.30—SPECIAL PROVISIONS

§ 157.30–1 *Manning of seagoing barges.* (a) The determination as to whether a seagoing barge shall be manned or not shall be made by the Officer in Charge, Marine Inspection. Permission may be granted for such barges to operate unmanned when in the opinion of the Officer in Charge, Marine Inspection, manning is not necessary for the safe operation of the vessel and where it appears that the requirements of the rules as to lights, etc., will be met. In any case the certificate of inspection will specify whether or not the barge is to be manned, the number and grade of the crew, when carried, and the conditions of operation when no crew is required. These conditions may include limitations as to loading, route, cargo, season of operation, etc.

(R. S. 4463, as amended, sec. 10, 35 Stat. 428, as amended; 46 U. S. C. 222, 395)

§ 157.30–5 *Tank vessels.* (a) The requirements for manning tank vessels is in Parts 31 and 35 of Subchapter D (Tank Vessels) of this chapter.

(R. S. 4417a, as amended; 46 U. S. C. 391a)

§ 157.30–10 *Officers for uninspected vessels.* (a) Every vessel, however propelled, 200 gross tons or over navigating the high seas and subject to the provisions of R. S. 4438a, as amended (46 U. S. C. 224a), shall have officers licensed by the Coast Guard. No person shall be engaged to perform or shall perform on board any such vessel, the duties of master, chief engineer, or watch officer deck or engineer unless he holds a valid license issued by the Coast Guard attesting to his qualifications to perform such duties.

(R. S. 4438a, as amended; 46 U. S. C. 224a)

§ 157.30–15 *Deck officers for steam or motor vessels operating under special conditions.* (a) The master, mates, and pilots of a steam vessel, or a sail vessel, or a vessel propelled by internal-combustion engines of 200 gross tons and over navigating exclusively in and around the Hawaiian Islands may be holders of special valid licenses issued by the Coast Guard for such service.

(b) The master, mates, and pilots of a steam or a sail vessel or a seagoing motor vessel of 200 gross tons or over navigating exclusively between ports of the Island of Puerto Rico may be holders of special valid licenses issued by the Coast Guard for such service.

(c) The master, mate, and pilot of a steam pilot vessel, or seagoing motor pilot vessel of 200 gross tons or over, or of a steam vessel navigating the waters of the whaling grounds in the Alaskan seas, or of a steam vessel engaged exclusively in the business of whale fishing, or of a steam vessel engaged in the Atlantic, Pacific, or Gulf Coast fisheries, may be holders of special valid licenses issued by the Coast Guard for such service.

(d) For a vessel navigating exclusively in Alaska and subject to the provisions of the Act of March 4, 1907, as amended (34 Stat. 1411, 46 U. S. C. 237), the master and pilots may be Indians holding special valid licenses issued by the Coast Guard.

(R. S. 4438, 4438a, as amended, 34 Stat. 1411, 49 Stat. 1544, as amended; 46 U. S. C. 224, 224a, 237, 367)

§ 157.30–20 *Engineers for steam or motor vessels operating under special conditions.* (a) For seagoing vessels propelled by internal combustion engines navigating exclusively between ports in the Hawaiian Islands, or navigating exclusively between ports of the Island of Puerto Rico and/or the Virgin Islands, the engineers may be holders of special valid licenses issued by the Coast Guard for such service.

(b) For a vessel navigating exclusively in Alaska and subject to the provisions of the act of March 4, 1907, as amended (34 Stat. 1411, 46 U. S. C. 237), the engineers may be Indians holding special valid licenses issued by the Coast Guard.

(R. S. 4438, 4438a, as amended, 34 Stat. 1411, 49 Stat. 1544, 1545, as amended; 46 U. S. C. 224, 224a, 237, 367)

§ 157.30–25 *Vessels carrying persons in addition to crew.* (a) A steam vessel engaged in towing, or a steam vessel engaged in fishing or oyster planting or dredging, on the Great Lakes, and all inland waters (including rivers), may be authorized by the Coast Guard District Commander to carry on board such number of persons in addition to its crew as shall be deemed necessary to carry on the legitimate business of such vessel. The number of extra persons so carried shall not be in excess of the proportion of one such person to each net ton of measurement of the vessel and shall not be carried for hire.

(Sec. 1, 24 Stat. 129, as amended; 46 U. S. C. 458)

§ 157.30–30 *Licensed operator for motorboats.* (a) Every vessel subject to R. S. 4426, as amended (46 U. S. C. 404), or the Motorboat Act of April 25, 1940, as amended (54 Stat. 165, 166; 46 U. S. C. 526f, 526p), 15 gross tons or less, while carrying passengers for hire, shall be operated or navigated by a person duly licensed for such service by the Coast Guard.

(R. S. 4426, as amended, 54 Stat. 165, 166, as amended; 46 U. S. C. 404, 165, 166)

SUBPART 157.35—SPECIAL DUTIES OF PILOTS AND INLAND MATES

§ 157.35–1 *Pilots governed by rules.* (a) Pilots of steam vessels, while in the discharge of their duties, shall be governed by the rules of the Commandant made for their guidance, and not by any instructions, emanating from any inspector or other person.

§ 157.35–5 *Duties of mates of inland steam vessels.* (a) It shall be the duty of the mate of every inland steamer carrying passengers to assign to deck or steerage passengers the space they may occupy on board during the voyage, and to supervise the stowage of freight or cargo, and see that the space set apart for passengers is not encroached upon. He shall also carefully examine all marks on packages of freight delivered on board for shipment, with a view to detect and prevent any combustible or other dangerous articles prohibited by law being delivered on board.

(b) One copy of this section shall be furnished every steam vessel to which this section applies, to be framed under glass and posted on the main deck.

Subchapter Q—Specifications

PART 162—MATERIALS

Part 162 is amended by adding the following new subparts reading as follows:

SUBPART 162.001—SAFETY VALVES (POWER BOILERS)

Sec.
162.001–1 Applicable specifications.
162.001–2 Scope.
162.001–3 Definitions.
162.001–4 Materials.
162.001–5 Construction and workmanship.
162.001–6 Blow-down adjustment and popping tolerance.
162.001–7 Marking.
162.001–8 Flow rating tests.
162.001–9 Procedure for approval.

SUBPART 162.012—SAFETY VALVES (STEAM HEATING BOILERS)

162.012–1 Applicable specifications.
162.012–2 Scope.
162.012–3 Materials.
162.012–4 Construction and workmanship.
162.012–5 Marking.
162.012–6 Flow rating tests.
162.012–7 Procedure for approval.

SUBPART 162.013—RELIEF VALVES (HOT WATER HEATING BOILERS)

162.013–1 Applicable specifications.
162.013–2 Scope.
162.013–3 Materials.
162.013–4 Construction and workmanship.
162.013–5 Marking.
162.013–6 Flow rating tests.
162.013–7 Procedure for approval.

SUBPART 162.018—SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

162.018–1 Applicable specifications.
162.018–2 Scope.
162.018–3 Materials.
162.018–4 Construction and workmanship.
162.018–5 Blow-down adjustment and popping tolerance.
162.018–6 Marking.
162.018–7 Flow rating tests.
162.018–8 Procedure for approval.

AUTHORITY: §§ 162.001–1 to 162.001–9, 162.012–1 to 162.012–7, 162.013–1 to 162.013–7, 162.018–1 to 162.018–8, issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4418, 4426–4431, 4433, 4434, 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 392, 404–409, 411, 412, 435, 367, 1333, 463a, 50 U. S. C. App. 1275.

SUBPART 162.001—SAFETY VALVES (POWER BOILERS)

§ 162.001–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart, except as noted in this subpart.

§ 162.001–2 *Scope.* (a) This specification covers requirements for the design, construction and testing of safety valves intended for use on power boilers, unfired steam generators and reduced-pressure steam lines designed for pressures in excess of 30 p. s. i. and installed on merchant vessels subject to inspection by the Coast Guard.

§ 162.001–3 *Definitions*—(a) *Safety valve.* Safety valve is a safety device designed to open automatically to relieve excess pressure in the pressure vessel to which it is attached and to reclose automatically after relieving excess pressure.

(b) *Spring-loaded safety valve.* Spring-loaded safety valve is a safety valve fitted with a spring which normally holds the valve disk in a closed position against its seat and allows it to open or close at predetermined pressures. Spring-loaded safety valves are characterized by pop action.

(c) *Pressure-loaded, pilot-actuated safety valve.* Pressure-loaded, pilot-actuated safety valve is one which is held in the closed position by steam pressure and controlled in operation by a pilot actuator valve.

(d) *Spring-loaded, pilot-actuated safety valve.* Spring-loaded, pilot-actuated safety valve is one in which a spring is used in the conventional way to hold the disk against the seat, but which has a piston attached to the spindle directly or through a system of levers or cams and enclosed within a cylinder, which when subjected to a limiting or set pressure, unbalances the spring load thereby opening the valve. When the pilot closes, the pilot actuated valve also closes.

(e) *Spring-loaded pilot valve.* Spring-loaded pilot valve is a conventional safety valve designed to control the opening and closing of another spring-loaded safety valve through a pressure transmitting line led from the body of the pilot valve.

(f) *Power boiler.* A power boiler is a main boiler or auxiliary boiler designed for pressures in excess of 30 p. s. i. and used for all purposes for which steam may be required.

§ 162.001–4 *Materials.* (a) The materials used in the manufacture of safety valves shall conform to the applicable requirements of Subchapter F (Marine Engineering) of this chapter except as otherwise specified in this subpart.

(b) Bodies of safety valves may be made of carbon or alloy forged or cast steel, or cast bronze or of such other equivalent material as may be approved by the Commandant.

(c) Disks, seats, guides, adjusting rings, spindles, etc., shall be made of materials possessing corrosion and heat resistant qualities suitable for the service conditions to which they are subjected.

(d) Springs used in safety valves shall be of the best quality spring steel consistent with the design of the valve and the service requirement. Heat-resistant alloy-steel springs shall be used on valves intended for superheated steam service above 650 degrees F.

(e) Bonnet or yoke material of spring-loaded safety valves when subject to temperatures exceeding 900 degrees F. shall be made of material having low thermal expansion properties, or a cooling spool shall be provided to reduce the temperature between the valve body and the bonnet assembly.

(f) Cast iron is prohibited in the construction of any part of the safety valve except caps or lifting levers. When used for these parts the elongation shall be at least 5 percent in a two inch gauge length.

(g) Non-metallic material, except for gaskets and packing, is prohibited in the construction of safety valves as pressure parts.

§ 162.001–5 *Construction and workmanship.* (a) Safety valves shall be of the direct spring-loaded pop type, with seat inclined at any angle between 45 degrees and 90 degrees, inclusive, to the center of the spindle, or of such other type as may be approved by the Commandant. Lever or weighted safety valves are prohibited.

(b) Pressure parts of the safety valve and internals shall be designed for a pressure of not less than the set pressure of the valve. The inlet and outlet flanges shall conform to the requirements of Part 55 of Subchapter F (Marine Engineering) of this chapter.

(c) The nominal size of a safety valve shall be the inside diameter of the inlet opening to the individual valve disk. The nominal size of safety valves shall be not less than 1½ inches nor more than 4 inches. Safety valves shall have flanged inlets or welding ends, and have either flanged or screwed side outlets, except outlets exceeding 4 inches in diameter shall be flanged.

(d) Safety valves shall be so constructed that the failure of any part cannot obstruct the free and full discharge of steam from the valve.

(e) (1) Springs used in safety valves shall not show a permanent set exceeding 1 percent of their free length 10 minutes after being released from a cold compression test closing the spring solid.

(2) The spring shall be so constructed that the disk can lift from its seat to a height not less than 25 percent greater than the rated capacity lift of the valve before the coils are closed or before there is other interference. Whenever lift stops are used by the manufacturer for the purpose of preventing overlift they shall permit the full-rated capacity lift plus a minimum tolerance of $\frac{1}{64}$ inch.

(3) Springs of boiler safety valves shall be of the exposed spring type when the temperature of the steam exceeds 450 degrees F. Exposed springs shall be enclosed in a ventilated metal housing preferably of the louver type or perforated with holes not exceeding $\frac{3}{16}$ inch in diameter and sealed to prevent tampering.

(4) The spring in a safety valve may be re-set for the maximum or minimum pressures given on the data plate attached to the valve. This variation in set pressures shall not exceed plus or minus 10 percent.

(5) If the operating conditions of a valve are changed so as to require a new spring under subparagraph (e) (4) of this section for a different pressure, the valve shall be adjusted by the manufacturer or his authorized representative who shall furnish and install a new name plate as required under § 162.001–7.

(f) Each safety valve shall have a substantial lifting device by which the valve disk positively may be lifted from its seat at a pressure of not more than 75 percent of the set pressure of the valve.

(g) Safety valves of 1¼ inch size shall be tapped for not less than ¼ inch pipe size drain located below the level of the seat. Safety valves, 2 inch size and larger shall be tapped for not less than ⅜ inch pipe size drain located below the seat and at the lowest level where liquid can collect.

(h) (1) All safety valves for use on boilers and superheaters shall be supplied with gags or clamps for holding the disk on its seat when blow-down adjustments are made and when the hydrostatic tests are being applied. Gagging a safety valve by means of a set screw through the top of the cap or by screwing down the compression or adjusting screw to hold the valve on its seat is prohibited.

(2) Safety valves for use on unfired steam generators are not required to be fitted with gags or clamps.

(i) The design of the bonnet, huddling device, valve disk and discharge outlet shall be such as to prevent any appreciable back pressure in the valve body from interfering with the normal operation of the valve.

(j) Safety valves shall be constructed so that shocks detrimental to the valve or boiler are not produced when lifting or closing.

(k) The safety valve seat shall be secured to the body of the valve in such a way that there is no possibility of the seat lifting. Where possible, seats and seat bushing shall be made up all in one piece.

§ 162.001–6 *Blow-down adjustment and popping tolerance.* (a) Safety valves shall be designed to pop open instantly and reach full lift and capacity at the maximum accumulation permitted by § 162.001–8. Valve closure after popping shall be clean and sharp. Safety valves shall operate satisfactorily without chattering.

(b) The blow-down on all boiler safety valves shall be set and adjusted as follows:

(1) For pressures of 100 pounds per square inch and below, to close after blowing down between limits of from 2 pounds per square inch to 4 percent of the set pressure.

(2) For pressures exceeding 100 pounds per square inch, to close after blowing down between limits of from 2 percent to 4 percent of the set pressure.

(3) Safety valves on forced-circulation boilers of the once-through type may be set and adjusted to close after blowing down not more than 10 percent of the set pressure. The valve for this special use shall be so adjusted and marked by the manufacturer.

(c) The popping point tolerance, plus or minus, of all safety valves shall not exceed the following:

(1) For pressures not exceeding 70 pounds per square inch, 2 pounds per square inch.

(2) For pressures of from 71 to 300 pounds per square inch, 3 percent.

(3) For pressures exceeding 300 pounds per square inch, 10 pounds per square inch.

(d) After the valve is set and adjusted, the tolerance, in popping and reseating pressures shall not vary more than plus or minus 1 percent for saturated steam and 1½ percent for superheated steam service.

(e) The design of the huddling device shall be such that its adjustment will remain symmetrical with the axis of the valve and shall include a suitable stop for fixing such device after adjustment is made.

(f) The blow-down adjustment shall be made and sealed by the manufacturer. To insure the guaranteed capacity and satisfactory operation, the blow-down as stamped on the valve shall not be reduced.

§ 162.001–7 *Marking.* (a) Each safety valve shall be plainly marked by the manufacturer in such a way that the markings will not be obliterated in service. The markings may be stamped on the body, or stamped or cast on a plate securely fastened to the body, and shall contain the following information:

(1) The name or identifying trademark of the manufacturer.

(2) In the upper right-hand corner shall be placed the official Coast Guard stamp as shown in Figure 162.001–7 (a) (2).



FIGURE 162.001–7 (a) (2)

(3) Manufacturer's design or type number.

(4) Size ------ in. Seat Diameter ------ in. (nominal diameter of valve inlet).

(5) Set pressure ------ p. s. i. Pressure rating ------ p. s. i. (the pressure at which the valve is set to blow) (body primary service pressure rating).

(6) B. D. ------ p. s. i. (blow-down—difference between opening and closing pressure).

(7) Rated capacity ------ pounds per hour (in accordance with § 162.001–8 and with the valve adjusted for blow-down given in § 162.001–6).

(8) Capacity lift ------ in. (vertical distance the valve disk rises under the action of the steam when the valve is discharging at the rated capacity).

(b) The valve manufacturer shall securely attach to the valve or on the spring a data plate on which shall be stamped the spring number and the minimum and maximum pressure to which the spring may be adjusted.

§ 162.001–8 *Flow rating tests.* (a) The maximum rated capacity of a safety valve shall be determined by actual steam flow at a pressure of 3 percent in excess of that at which the valve is set to blow and adjusted to have a blow-down in accordance with the requirements of § 162.001–6. The rated capacity with which the valve will be credited shall be 90 percent of that determined by the flow tests.

(b) (1) Tests shall be made to determine the lift, popping pressure, blow-down, and capacity at 3 different pressures for each of 3 representative sizes of each design or type of safety valve.

(2) A coefficient of discharge shall be determined for each test as follows:

$$K_D = \frac{\text{Actual steam flow}}{\text{Theoretical steam flow}} \quad (1)$$

(3) The average coefficient, K, of the nine tests shall be taken as the coefficient of the design. The individual coefficient K_D as determined by 9 tests shall fall within a range of plus or minus 10 percent of the average coefficient K.

(4) The average coefficient, K, shall be used for determining the relieving capacity for all sizes and pressures of the design of seat as used in the following formulas:

(i) For 45° seat:

$$W = (51.45 \times \pi \times DLP \times 0.707 \times K)\ 0.90\ ^{1} \quad (2)$$

(ii) For flat seat:

$$W = (51.45 \times \pi \times DLP \times K)\ 0.90 \quad (3)$$

(iii) For nozzle:

$$W = (51.45 \times AP \times K)\ 0.90 \quad (4)$$

where:

W = weight of steam, pounds per hour.[2]
D = seat diameter, in inches.
L = lift, in inches.
P = flow pressure, in pounds per square inch, absolute (1.03 x set pressure) +14.7.
K = average coefficient of discharge.
A = nozzle throat area, in square inches.

(c) A certified test report shall be submitted by the valve manufacturer, which shall include the lift of the valve at the rated capacity, popping pressure, closing or reseat pressure, blow-down and a table of relieving capacities for each size of valve for which approval is requested.

§ 162.001–9 *Procedure for approval—*(a) *General.* Safety valves intended for use on power boilers and on unfired steam generators installed on vessels subject to Coast Guard inspection shall be approved by the Commandant, U. S. Coast Guard, Washington 25, D. C.

(b) *Plan submittal.* Manufacturers desiring to secure approval of a new design or type of safety valve shall submit drawings in quadruplicate clearly showing the design of same together with the material specifications of the component parts. In the event the design is changed, amended drawings shall be submitted to the Commandant for reapproval.

(c) *Pre-approval tests.* (1) Before approval is granted, manufacturers shall have flow tests conducted in accordance with § 162.001–8 or submit evidence that such tests have been conducted and approved by the National Board of Boiler and Pressure Vessel Inspectors, or by a properly supervised and inspected test laboratory acceptable to the Commandant.

[1] The valve will be credited with only 90 percent of the capacity determined using the average coefficient in the above formulae.

[2] The theoretical steam flow is calculated in accordance with Napier's formula.

(2) Reports of conducted tests on designs of safety valves different from those previously approved shall be submitted by the manufacturer when requesting approval for different designs.

SUBPART 162.012—SAFETY VALVES (STEAM HEATING BOILERS)

§ 162.012–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart except as noted in this subpart.

§ 162.012–2 *Scope.* This specification covers requirements for the design, construction and testing of safety valves intended for use on steam heating boilers, unfired steam generators and reduced-pressure steam lines, designed for pressures not exceeding 30 p. s. i. and installed on merchant vessels subject to inspection by the Coast Guard.

§ 162.012–3 *Materials.* (a) The materials used in the manufacture of safety valves shall conform to the applicable requirements of Subchapter F (Marine Engineering), except as otherwise specified in this subpart.

(b) Bodies of safety valves may be made of forged steel, cast steel, malleable iron, cast iron, cast bronze, or of such other equivalent material as may be approved by the Commandant.

(c) The seats and disks shall be of suitable corrosion resistant material. Seats or disks of cast iron or malleable iron are prohibited. Springs shall be of best quality spring steel consistent with the design of the valve and the service requirements.

(d) Non-metallic material except for gaskets and packing is not permitted in the construction of the safety valves, as pressure parts.

§ 162.012–4 *Construction and workmanship.* (a) Safety valves shall be of the direct spring-loaded pop type, or of such other type as may be approved by the Commandant. Lever or weight-loaded safety valves are prohibited.

(b) The nominal size of a safety valve shall be the inside diameter of the inlet opening to the individual valve disk. No safety valve shall be smaller than ¾ inch nor larger than 4 inches nominal pipe size. Safety valves shall have flanged, welding end or screwed inlet and outlet connections. The inlet opening shall have an inside diameter equal to or greater than the seat diameter.

(c) All safety valves shall be so constructed that the failure of any part cannot obstruct the free and full discharge of steam from the valve.

(d) Safety valves shall be of the angle type fitted with side outlet discharge connections.

(e) Safety valves shall be constructed so that no shocks detrimental to the valve or boiler are produced when lifting or closing. Safety valves shall be designed to pop open instantly and reach full lift and capacity at the maximum accumulation. Valve closure after popping shall be clean and sharp. Safety valves shall operate satisfactorily without wiredrawing and chattering at any stage of operation.

(f) (1) Springs shall be so designed that they will not be compressed solid when the valve is discharging at the maximum rated relieving capacity.

(2) Springs used in safety valves shall not show a permanent set exceeding 1 percent of their free length 10 minutes after being released from a cold compression test closing the spring solid.

(3) Springs of safety valves except those for use on boilers set at 15 pounds per square inch may be reset for any pressures not more than 10 percent above or 10 percent below that for which the valve is marked. The springs of safety valves of boilers set at 15 pounds per square inch shall not be reset at a higher pressure after they are adjusted by the manufacturer.

(g) Each safety valve shall have a suitable lifting device which will positively lift the disk from its seat at least 1/16 inch when there is no pressure on the boiler.

(h) Safety valves of 1½ inches size and below shall be tapped for not less than ⅛-inch pipe and safety valves above 1½ inches size shall be tapped for not less than ¼-inch pipe size drain at the lowest point where liquid can collect.

§ 162.012–5 *Marking.* (a) Each safety valve shall be plainly marked by the manufacturer in such a way that the markings will not be obliterated in service. The markings may be stamped or cast on the valve body or stamped or cast on a plate securely fastened to the body, and shall contain the following information:

(1) The name or identifying trademark of the manufacturer.

(2) Manufacturer's design or type number.

(3) Size ------ inches. (The pipe size of the valve inlet)

(4) Set pressure ------ p. s. i.

(5) Rated capacity------ pounds per hour.

§ 162.012–6 *Flow rating tests.* (a) (1) The maximum rated capacity of safety valves shall be determined by actual steam flow at the following flow pressures:

(i) For set pressures not exceeding 15 p. s. i.—at 5 p. s. i. over the set pressure.

(ii) For set pressures exceeding 15 p. s. i.—at 3 percent over the set pressure.

(2) The tests shall be made with steam and in a manner closely approximating actual operating conditions of steam boilers. The rated capacity with which the valve will be credited shall not exceed 90 percent of the flow capacity determined by the flow tests.

(b) (1) Tests shall be made to determine the lift, popping and blow-down pressures, and the capacity of at least 3 valves each of 3 representative sizes of each design or type.

(2) A coefficient of discharge shall be established for each test as follows:

$$K_D = \frac{\text{Actual steam flow}}{\text{Theoretical steam flow}} \quad (1)$$

(3) The average coefficient, K, of the tests required shall be taken as the coefficient of the design. The individual coefficient K_D as determined by the nine tests shall fall within a range of plus or minus 10 percent of the average coefficient K.

(4) The average coefficient K shall be used for determining the relieving capacity of all sizes and pressures of the design in the following formulas:

(i) For 45° seat:

$$W = (51.45 \times \pi DLP \times 0.707 \times K)\ 0.90\ ^{1} \quad (2)$$

(ii) For flat seat:

$$W = (51.45 \times \pi DLP \times K)\ 0.90 \quad (3)$$

(iii) For nozzle:

$$W = (51.45 \times AP \times K)\ 0.90 \quad (4)$$

where:

W = weight of steam, in pounds per hour.[2]
D = seat diameter, in inches.
L = lift, in inches.
P = absolute flow pressure, in pounds per square inch absolute (flow pressure +14.7).
K = average coefficient of discharge.
A = nozzle throat area, in square inches.

(c) When manufacturers desire to submit for approval safety valves of one or more sizes of a design set at one pressure, three valves of each size of each design set at one pressure may be submitted for flow testing and the maximum rated capacity shall be 90 percent of the minimum capacity of the three valves tested.

(d) Manufacturers may submit four valves of each combination of pipe size and orifice size for test. These four valves shall be set at pressures which will cover the approximate range of pressure for which the valves will be used with at least one valve set at 30 pounds per square inch. The capacities as determined by these four tests shall be plotted against the absolute accumulation test pressure and a curve drawn through these four points. If the four points do not establish a reasonable curve, the authorized observers shall require additional valves tested. From this curve the relieving capacities shall be obtained and the maximum rated capacity shall be 90 percent of the capacity taken from the curve.

(e) Where an average coefficient of discharge cannot be determined, the flow test prescribed in paragraph (c) or (d) of this section shall be used.

(f) A certified test report shall be submitted by the valve manufacturer, which shall include the lift of the valve at the rated capacity, popping pressure, closing or reseat pressure, and a table of relieving capacities for each size of valve for which approval is desired.

§ 162.012–7 *Procedure for approval—*(a) *General.* Safety valves intended for use on heating boilers and unfired steam generators installed on vessels subject to Coast Guard inspection shall be approved by the Commandant, U. S. Coast Guard, Washington 25, D. C.

(b) *Plan submittal.* Manufacturers desiring to secure approval of a new design or type of safety valve shall submit drawings in quadruplicate clearly showing the design of same together with material specifications of the component parts. In the event the design is changed, amended drawings shall be submitted to the Commandant for reapproval.

(c) *Pre-approval tests.* (1) Before approval is granted manufacturers shall have flow tests conducted in accordance with § 162.012–6 or submit evidence that such tests have been conducted and approved by the National Board of Boiler and Pressure Vessel Inspectors, or by a properly supervised and inspected test laboratory acceptable to the Commandant.

(2) Reports of conducted tests on designs of safety valves different from those previously approved shall be submitted by the manufacturer when requesting approval for different designs.

SUBPART 162.013—RELIEF VALVES (HOT WATER HEATING BOILERS)

§ 162.013–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart except as noted in this subpart.

§ 162.013–2 *Scope.* (a) This specification covers requirements for the design, construction and testing of relief valves on hot water heating boilers designed for pressure not exceeding 30 p. s. i. and installed on merchant vessels subject to inspection by the Coast Guard.

§ 162.013–3 *Materials.* (a) The materials used in the manufacture of relief valves shall conform to the applicable requirements of Subchapter F (Marine Engineering), except as otherwise specified in this subpart.

(b) Bodies of relief valves may be made of forged steel, cast steel, malleable iron, cast iron, or cast bronze, or of such other equivalent material as may be approved by the Commandant.

(c) The seats and disks shall be of material suitable to resist corrosion. Seats and disks of cast iron or malleable iron shall not be used. Non-metallic materials may be used in the construction of relief valves where approved by the Commandant, provided such materials are not susceptible to failure due to deterioration or vulcanization when subjected to temperatures not exceeding 275 degrees F.

(d) Springs shall be of best quality steel consistent with the design of the valve and the service requirement.

§ 162.013–4 *Construction and workmanship.* (a) Relief valves shall be of the spring-loaded type without guide disks on the pressure side of the valve, or of such other type as may be approved by the Commandant. Lever or weight-loaded relief valves are prohibited.

(b) The nominal size of a relief valve shall be the inside diameter of the inlet opening to the individual valve disk. No relief valve shall be smaller than ¾ inch nor larger than 4 inches nominal pipe size. The inlet opening shall have an inside diameter equal to or greater than the seat diameter. In no case shall the minimum opening through any part of the valve be less than ¼ inch diameter or its equivalent area.

(c) All relief valves shall be so constructed that the failure of any part

cannot obstruct the free and full discharge of liquid from the valve.

(d) Relief valves shall be of the angle type fitted with side outlet connections.

(e) (1) Springs shall be so designed that they will not be compressed solid when the valve is discharging at the maximum rated relieving capacity.

(2) Springs used in relief valves shall not show a permanent set exceeding 1 percent of their free length 10 minutes after being released from a cold compression test closing the spring solid.

(3) Springs shall not be reset for any pressures more than 10 percent above or 10 percent below that for which the valve is marked.

(f) Each relief valve shall have a suitable lifting device which will positively lift the disk from its seat at least $\frac{1}{8}$ inch when there is no pressure on the boiler.

(g) Relief valves shall be so constructed that no shocks detrimental to the valve or boiler are produced when lifting or closing. The relief valves shall operate without pounding or pulsation and shall not chatter at any stage of operation.

§ 162.013–5 *Marking.* (a) Each relief valve shall be plainly marked in such a way that the markings will not be obliterated in service. The markings may be stamped or cast on the valve body or stamped or cast on a plate securely fastened to the body, and shall contain the following information:

(1) The name or identifying trademark of the manufacturer.

(2) Manufacturer's design or type number.

(3) Size . . . . . inches.
(The nominal pipe size of the valve inlet)

(4) Set pressure . . . . . p. s. i.

(5) Rated capacity . . . B. t. u. per hr.

§ 162.013–6 *Flow rating tests.* (a) The maximum rated capacity of relief valves shall be determined by actual steam flow at a flow pressure of 10 percent over the set pressure but not less than 3 pounds per square inch. The tests shall be made with steam, and in a manner closely approximating actual operating conditions of steam boilers. For determining the B. t. u. discharge of relief valves for hot-water boilers, the weight of steam in pounds per hour shall be multiplied by 1,000.

(b) (1) For relief valves with metallic disks, tests shall be made to determine the popping and blow-down pressures, and capacity of at least 3 valves each of 3 representative sizes of each design or type.

(2) A coefficient of discharge shall be established for each test as follows:

$$K_D = \frac{\text{Actual steam flow}}{\text{Theoretical steam flow}} \quad (1)$$

(3) The average coefficient, K, of the tests required shall be taken as the coefficient of the design. The individual coefficients K_D as determined by the 9 tests shall fall within a range of plus or minus 10 percent of the average coefficient K.

(4) The average coefficient K shall be used for determining the relieving capacity of all sizes and pressures of the design in the following formulas:

(i) For 45° seat:

$$W = (51.45 \times \pi DLP \times 0.707 \times K)\ 0.90^1 \quad (2)$$

(ii) For flat seat:

$$W = (51.45 \times \pi DLP \times K)\ 0.90 \quad (3)$$

(iii) For nozzle:

$$W = (51.45 \times AP \times K)\ 0.90 \quad (4)$$

where:
W = Weight of steam, in pounds per hour.[2]
D = Seat diameter, in inches.
L = Lift, in inches.
P = Absolute flow pressure, in pounds per square inch, absolute (flow pressure +14.7).
K = Average coefficient of discharge.
A = Nozzle throat area, in square inches.

(5) The maximum rated capacity that may be stamped on the valve shall not exceed 90 percent of the value determined by the flow tests.

(c) When manufacturers desire to submit for approval relief valves of one or more sizes of a design set at one pressure, three valves of each size of each design set at one pressure may be submitted for flow testing and the maximum rated capacity shall be 90 percent of the minimum capacity of the three valves tested.

(d) Manufacturers may submit four valves of each combination of pipe size and orifice size for test. These four valves shall be set at pressures which will cover the approximate range of pressure for which the valves will be used with at least one valve set at 30 pounds per square inch. The capacities as determined by these four tests shall be plotted against the absolute accumulation test pressure and a curve drawn through these four points. If the four points do not establish a reasonable curve, the authorized observers shall require additional valves tested. From this curve the relieving capacities shall be obtained and the stamped capacity shall be 90 percent of the capacity taken from the curve.

(e) For relief valves with non-metallic disks or where an average coefficient of discharge cannot be determined, the flow test prescribed in paragraph (c) or (d) of this section shall be used.

(f) A certified test report shall be submitted by the valve manufacturer, which shall include the lift of the valve at the rated capacity, popping pressure, closing or reseat pressure, and a table of relieving capacities for each size of valve for which approval is desired.

§ 162.013–7 *Procedure for approval—(a) General.* Relief valves for use on hot water heating boilers installed on vessels subject to Coast Guard inspection shall be approved by the Commandant, U. S. Coast Guard, Washington 25, D. C.

(b) *Plan submittal.* Manufacturers desiring to secure approval of a new design or type of relief valve shall submit drawings in quadruplicate clearly showing the design of same together with material specifications of the component parts. In the event the design is changed, amended drawings shall be submitted to the Commandant for reapproval.

(c) *Pre-approval tests.* (1) Before approval is granted, manufacturers of relief valves shall have flow tests conducted in accordance with § 162.013–6 or submit evidence that such tests have already been conducted and approved by the National Board of Boiler and Pressure Vessel Inspectors, or by a properly supervised and inspected test laboratory acceptable to the Commandant.

(2) Reports of conducted tests on designs of relief valves different from those previously approved shall be submitted by the manufacturer when requesting approval for different designs.

SUBPART 162.018—SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

§ 162.018–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart except as noted in this subpart.

§ 162.018–2 *Scope.* (a) This specification covers requirements for the design, construction and testing of safety relief valves intended for use on unfired pressure vessels containing liquefied compressed gases installed on merchant vessels subject to inspection by the Coast Guard.

§ 162.018–3 *Materials.* (a) The materials used in the manufacture of safety relief valves shall conform to the applicable requirements of Subchapter F (Marine Engineering) of this chapter, except as otherwise specified in this subpart, and shall be resistant to the corrosive or other action of the liquefied compressed gas in the liquid or gas phase.

(b) Non-metallic materials shall not be used for any pressure containing parts of valves, except as may be approved for bonnet gaskets and valve seat seals. Nonferrous materials melting below 1,500 degrees F. shall not be used for liquefied inflammable gas service. Flange gaskets shall be metal or spiral wound asbestos.

(c) Nonferrous materials shall not be used in the construction of valves for anhydrous ammonia or other service where susceptible to attack by the lading.

(d) The seats and disks shall be of suitable corrosion resistant material. Seats and disks of cast iron or malleable iron shall not be used. Springs shall be of best quality spring steel consistent with the design of the valve and the service requirement.

§ 162.018–4 *Construction and workmanship.* (a) Safety relief valves shall be of either the internal or external spring-loaded type, suitable for the intended service.

(b) Safety relief valve body, base, bonnet and internals shall be designed for a pressure of not less than the set-pressure of the valve.

(c) All safety relief valves shall be so constructed that the failure of any part cannot obstruct the free and full discharge of vapors from the valve.

[1] The valve will be credited with only 90 percent of the capacity determined using the average coefficient in the above formula.

[2] The theoretical steam flow is calculated in accordance with Napier's formula.

(d) The nominal size of a safety relief valve shall be the inside diameter of the inlet opening to the individual valve disk. No safety relief valve shall be smaller than ¾ inch nor larger than 6 inches. Safety relief valves shall have flanged or welded end inlet connections and either flanged or screwed outlet connections, except outlets exceeding 4 inches in diameter shall be flanged.

(e) Safety relief valves shall be of the angle or straight-through type, fitted with side or top outlet discharge connections.

(f) (1) Springs shall not show a permanent set exceeding 1 percent of their free length 10 minutes after being released from a cold compression test closing the spring solid.

(2) Springs may not be re-set for any pressure more than 10 percent above or 10 percent below that for which the valve is marked.

(3) If the operating conditions of a valve are changed so as to require a new spring under subparagraph (2) of this paragraph for a different pressure, the valve shall be adjusted by the manufacturer or his authorized representative.

(g) The design and construction of safety relief valves shall permit easy access for inspection and repair.

(h) Safety relief valves shall be tapped for not less than ¼ inch pipe size drain at the lowest practicable point where liquid can collect.

§ 162.018–5 *Blow-down adjustment and popping tolerance.* (a) Safety relief valves shall be so constructed that no shocks detrimental to the valve or pressure vessel are produced when lifting or closing. Safety relief valves shall be designed to open sharply and reach full lift and capacity at the maximum accumulation. Valve closure after popping shall be clean and sharp. Safety relief valves shall operate satisfactorily without wiredrawing and chattering at any stage of operation.

(b) Safety relief valves having adjustible blow-down construction shall be adjusted to close after blowing down not more than 5 percent of the set pressure. Valves shall be adjusted to pop within a tolerance of plus or minus 3 percent of the set pressure, except that for pressures of 70 p. s. i. and below, the tolerance in popping pressure shall not vary more than plus or minus 2 p. s. i.

§ 162.018–6 *Marking.* (a) Each safety relief valve shall be plainly marked by the manufacturer with the required data in such a way that the marking will not be obliterated in service. The marking may be stamped on the valve or stamped or cast on a plate securely fastened to the valve. The marking shall include the following data:

(1) The name or identifying trademark of the manufacturer.

(2) Manufacturer's design or type number.

(3) Size . . . . . inches.
(The pipe size of the valve inlet)

(4) Set pressure . . . . . p. s. i.

(5) Rated capacity . . . . . cubic feet per minute of the gas or vapor (at 60° F. and 14.7 p. s. i. a.)

§ 162.018–7 *Flow rating tests.* (a) The maximum rated capacity of safety relief valves shall be determined at a flow pressure not to exceed 110 percent of the set pressure. The flow tests may be conducted on steam, air, or natural gas.

(b) Tests shall be made on valves to determine the start-to-discharge pressure, popping pressure, reseat pressure, lift, and relieving capacity for each size, design, and pressure setting of a set of three (3) safety relief valves selected at random from production. The test runs on the sample valves shall be conducted for each pressure setting designed, and the maximum rated capacity for each combination of design, size and test pressure shall be the smallest capacity rating of the 3 valves tested. The capacity ratings of a set of 3 valves shall fall within a range of 10 percent of the highest capacity.

(c) (1) In lieu of the individual capacity certification tests as provided in paragraph (b) of this section, an average coefficient of discharge may be established for a specific valve design. The manufacturer shall submit for such tests at least 3 valves for each of 3 different sizes for each design (a total of 9). Each valve of a given size shall be set at a different pressure. Tests shall be made on each safety relief valve to determine its popping pressure, blow-down pressures and actual capacity in terms of the vapor or gas in the test.

(2) A coefficient of discharge (K_D) shall be established for each test run as follows:

$$K_D = \frac{\text{Actual flow}}{\text{Theoretical flow}} \quad (1)$$

where "actual flow" is determined quantitatively by test, and "theoretical flow" is calculated by the appropriate formula which follows:

(i) For test with dry saturated steam:

(*a*) For 45° seat:

$$W = 51.45 \times \pi DLP \times 0.707 \quad (2)$$

(*b*) For flat seat:

$$W = 51.45 \times \pi DLP \quad (3)$$

(c) For nozzle:

$$W = 51.45 \times AP \quad (4)$$

(ii) For test with air:

$$Q = 418 \frac{AP}{\sqrt{T}} \quad (5)$$

(iii) For test with any gas or vapor:

$$Q = CAP \frac{V}{60} \sqrt{\frac{M}{T}} \quad (6)$$

where:
W = theoretical steam flow, in pounds per hour.[1]
Q = theoretical flow of the gas, in cubic feet per minute.
D = seat diameter, in inches.
A = actual discharge area through the valve, at developed lift, in square inches.
L = lift, in inches.
P = maximum accumulation pressure, pounds per square inch absolute (set pressure × 1.10 + 14.7).
M = molecular weight of the fluid (see Table 162.018–6 (c) (1)).
V = specific volume of the gas, at 60° F. and 14.7 p. s. i. (see Table 162.018–6 (c) (1)).
T = absolute temperature at inlet (degrees F. plus 460).
C = constant for gas or vapor based on ratio of specific heats (k) at standard conditions.

$$C = 520\sqrt{k\left(\frac{2}{k+1}\right)^{\frac{k+1}{k-1}}}$$ (For values of C, see Table 162.018–6 (c) (2)).

k = ratio of specific heats $\frac{C_P}{C_V}$ (See Table 162.018–6 (c) (1)).

C_P = specific heat at constant pressure.
C_V = specific heat at constant volume. (See Table 162.018–6 (c) (1)).

(3) The lowest of the coefficients K_D of the nine tests required shall be taken as the coefficient K of that design.

(4) The relieving capacity of all sizes and pressures of a given design for which K has been established under the provisions of this paragraph, that are manufactured subsequently shall then be calculated by the appropriate formula in paragraph (c) (2) of this section multiplied by the coefficient K.

TABLE 162.018–6 (c) (1) PHYSICAL PROPERTIES OF GASES AND VAPORS

Gas or vapor	Molecular weight (M)	Ratio of specific heats (k) at 14.7 p. s. i. a. & 60° F.	Specific volume (V) at 60° F. and 14.7 p. s. i. a. cu. ft. per pound
Air	28.97	1.41	13.10
Anhydrous ammonia	17.03	1.31	21.95
Butane	58.12	1.11	6.30
Carbon dioxide	44.01	1.30	8.55
Chlorine	70.91	1.35	5.27
Ethane	30.07	1.22	12.48
Ethylene	28.05	1.18	13.43
Hydrogen sulfide	34.08	1.32	11.00
Nitrous oxide	44.02	1.30	8.54
Propane	44.09	1.13	8.45
Propylene	42.08	1.15	8.88
Sulfur dioxide	64.06	1.29	5.77

TABLE 162.018–6 (c) (2) CONSTANT (C) FOR GAS OR VAPOR RELATED TO RATIO OF SPECIFIC HEATS $k = \frac{C_P}{C_V}$

k	Constant C	k	Constant C
1.00	315	1.38	354
1.02	318	1.40	356
1.04	320	1.42	358
1.06	322	1.44	359
1.08	324	1.46	361
1.10	327	1.48	363
1.12	329	1.50	364
1.14	331	1.52	366
1.16	333	1.54	368
1.18	335	1.56	369
1.20	337	1.58	371
1.22	339	1.60	372
1.24	341	1.62	374
1.26	343	1.64	376
1.28	345	1.66	377
1.30	347	1.68	379
1.32	349	1.70	380
1.34	351	2.00	400
1.36	352	2.20	412

(d) After completion of the required relieving capacity tests, manufacturers shall submit a certified test report which shall include the lift of the valve at the rated capacity, popping pressure, reseat pressure, and a table of relieving capaci-

[1] The theoretical steam flow is calculated in accordance with Napier's formula.

ties for each size of valve for which approval is desired. The relieving capacities shall be calculated in terms of free air or gas measured at or corrected to the standard conditions of 60 degrees F., and atmospheric pressure (14.7 p. s. i. a.).

(e) Safety valves previously tested and approved under the provisions of Subpart 162.001 of this subchapter with capacity ratings at 103 percent of the set pressure may be accepted as complying with the requirements of this subpart without further test. The maximum capacity ratings of such valves may be increased by the multiplier, m, as determined by formula (7), to allow for a flow test pressure of 110 percent of the set pressure.

$$m=\frac{1.10P+14.7}{1.03P+14.7} \qquad (7)$$

where:

m=multiplier.

P=set pressure, pounds per square inch gage.

§ 162.018–8 *Procedure for approval—*(a) *General.* Safety relief valves for use on unfired pressure vessels containing liquefied compressed gases shall be approved by the Commandant, U. S. Coast Guard, Washington 25, D. C.

(b) *Plan submittal.* Manufacturers desiring to secure approval of a new design or type of safety relief valve shall submit in quadruplicate detail drawings showing the valve construction, and material specifications of the component parts. In the event the design is changed, amended drawings shall be submitted to the Commandant for re-approval.

(c) *Pre-approval tests.* (1) Prior to approval of safety relief valves by the Commandant, manufacturers shall have capacity certification tests conducted, in accordance with § 162.018–7 or submit satisfactory evidence that such tests have been conducted and approved by The National Board of Boiler and Pressure Vessel Inspectors, or by a properly supervised and inspected test laboratory acceptable to the Commandant.

(2) Reports of conducted tests on designs of safety relief valves different from those previously approved shall be submitted by the manufacturer when requesting approval for different designs.

Subchapter R—Nautical Schools

Chapter I, Subchapter R, is amended by adding a new part 166 reading as follows:

PART 166—DESIGNATION AND APPROVAL OF NAUTICAL SCHOOL SHIPS

Sec.

166.01 Approval of nautical school ships.
166.05 Course of study for deck students.
166.10 Course of study for engineering students.
166.15 Training for maintenance of discipline; ship sanitation; fire and lifeboat drills.
166.20 Applicants for certificates; when eligible for examination.

AUTHORITY: §§ 166.01 to 166.20 issued under sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 672, 689.

§ 166.01 *Approval of nautical school ships.* (a) Under the provisions of section 13 of the act of March 4, 1915 (38 Stat. 1169; 46 U. S. C. 672), as amended by section 1 of the act of June 25, 1936 (49 Stat. 1930; 46 U. S. C. 672), and the act of May 22, 1937 (50 Stat. 199; 46 U. S. C. 672), graduates of school ships approved by and conducted under rules prescribed by the Commandant may be rated able seamen or qualified members of the engine department.

(b) It has been made to appear to the satisfaction of the Commandant that the school ships operated by the States in which they are located, namely, by the California Maritime Academy, Maine Maritime Academy, Massachusetts Maritime Academy, and New York State Maritime College; the United States Merchant Marine Academy; the United States Naval Academy, and the United States Coast Guard Academy; have adopted a course of study for their students complying with the rules prescribed by the Commandant, and a system of regulations adequate to equip the deck and engineering students theoretically and physically in the rudiments of seamanship and navigation necessary to qualify the graduates for the rating of able seamen and in all the branches of marine engineering necessary to qualify the graduates for the rating of qualified members of the engine department, respectively.

(c) The school ships operated by the State organizations and the Federal academies named in paragraph (b) of this section are hereby approved and their graduates, if meeting the other qualifications required by law and regulations promulgated thereunder, are entitled to the rating of able seamen or qualified members of the engine department and to be certified as such.

(d) A graduate of any of those school ships, if meeting the other qualifications required by law and regulations promulgated thereunder, is also entitled to the rating of lifeboatman and to be certified as such.

§ 166.05 *Course of study for deck students.* The course of study for deck students shall include (a) all the instructions in the rudiments of seamanship and navigation necessary to equip the student fully with the theoretical knowledge required for the proper discharge of the duties developing upon able seaman; (b) a thorough practical training in the mechanics of all operations incident to the sailing and management of a vessel insofar as such operations form a part of the duties of able seamen.

§ 166.10 *Course of study for engineering students.* The course of study for engineering students shall include (a) all the instruction necessary to fully equip the student with the theoretical knowledge required for the proper discharge of the duties developing upon qualified members of the engine department; (b) a thorough practical training in the mechanics of all operations incident to the sailing and management of a vessel insofar as such operations form a part of the duties of qualified members of the engine department.

§ 166.15 *Training for maintenance of discipline; ship sanitation; fire and lifeboat drills.* All students shall be trained to obey all lawful orders emanating from their superior officers and schooled in the rules of conduct to be observed in order that proper discipline may be maintained on shipboard. They shall also be instructed in the fundamentals of ship sanitation as prescribed by law and regulations, and shall be given intensive instruction and practical training in all the operations incident to fire and lifeboat drills, both in port and at sea.

§ 166.20 *Applicants for certificates; when eligible for examination.* Applicants for certificates as able seamen will be eligible for examination after they have completed a course of study as outlined in §§ 166.05, 166.15, and applicants for certificates as qualified members of the engine department after they have completed a course of study as outlined in §§ 166.10, 166.15.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

SUBPART 167.20—HULL REQUIREMENTS, CONSTRUCTION AND ARRANGEMENT OF NAUTICAL SCHOOL SHIPS

1. Section 167.20–17 is amended to read as follows:

§ 167.20–17 *Bilge pumps, bilge piping and sounding arrangements.* The number, capacity, and arrangement of bilge pumps and bilge piping shall be in accordance with the requirements for cargo vessels contained in Parts 50 to 61 of Subchapter F (Marine Engineering) of this chapter. Sounding pipes shall be fitted in each compartment, except those accessible at all times. The main and secondary drain systems installed in accordance with U. S. Navy or U. S. Coast Guard Construction Specifications shall be accepted as meeting the intent of this section.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 167.25—MARINE ENGINEERING

2. Section 167.25–1 (a) (1) is amended to read as follows:

§ 167.25–1 *Boilers, pressure vessels, piping and appurtenances.* (a) • • •

(1) Marine engineering regulations and material specifications in Parts 50 to 61, inclusive, of Subchapter F (Marine Engineering) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

3. Section 167.25–5 is amended to read as follows:

§ 167.25–5 *Inspection of boilers, pressure vessels, piping and appurtenances.* The inspection of boilers, pressure vessels, piping and appurtenances shall be in accordance with the appropriate sections in Parts 50 to 61, inclusive, of Subchapter F (Marine Engineering) of this chapter, insofar as they relate to tests and inspection of cargo vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 167.40—CERTAIN EQUIPMENT REQUIREMENTS

1. Section 167.40–1 (a) (2) is amended to read as follows:

§ 167.40–1 *Electrical installations.* (a) • • •

(2) U. S. Coast Guard electrical engineering requirements in Subchapter J (Electrical Engineering) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

2. Section 167.40–35 (b) is amended to read as follows:

§ 167.40–35 *Motion-picture projectors.* (a) • • •

(b) Motion-picture projectors using the 35 mm. size, unless mounted on weather deck shall be used in booths, in accordance with § 72.05–60 (a) (1) and (2) of Subchapter H (Passenger Vessels) of this chapter or applicable Navy specifications.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Chapter I is amended by adding a new Part 168 to Subchapter R reading as follows:

PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS

SUBPART 168.01—AUTHORITY AND PURPOSE

Sec.

168.01–1 Purpose of regulations.
168.01–5 Assignment of functions.
168.01–10 Authority for regulations.

SUBPART 168.05—GENERAL REQUIREMENTS

168.05–1 Application of passenger vessel inspection laws.
168.05–5 Application of passenger vessel inspection regulations.

SUBPART 168.10—DEFINITIONS OF TERMS USED IN THIS PART

168.10–1 Vessel.
168.10–5 Civilian nautical school.

SUBPART 168.15—ACCOMMODATIONS

168.15–1 Intent.
168.15–5 Location.
168.15–10 Construction.
168.15–15 Size.
168.15–20 Equipment.
168.15–25 Washrooms.
168.15–30 Toilet rooms.
168.15–35 Hospital space.
168.15–40 Lighting.
168.15–45 Heating.
168.15–50 Ventilation.
168.15–55 Screening.
168.15–60 Inspection.

AUTHORITY: §§ 168.01–1 to 168.15–60 issued under sec. 3, 54 Stat. 346, as amended; 46 U. S. C. 1333.

SUBPART 168.01—AUTHORITY AND PURPOSE

§ 168.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this part is to set forth uniform minimum requirements for vessels, whether being navigated or not, which are used by or in connection with any civilian nautical school, except vessels of the Navy or Coast Guard.

§ 168.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 168.01–10 *Authority for regulations.* (a) The authority to prescribe regulations is in section 3 of the act of June 12, 1940, as amended (sec. 3, 54 Stat. 346, 46 U. S. C. 1333).

SUBPART 168.05—GENERAL REQUIREMENTS

§ 168.05–1 *Application of passenger vessel inspection laws.* (a) All laws covering the inspection of passenger vessels are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, except vessels of the Navy or Coast Guard.

§ 168.05–5 *Application of passenger vessel inspection regulations.* (a) Where the requirements are not covered specifically in this part, all the regulations applying to passenger vessels in Subchapter E (Load Lines), F (Marine Engineering), H (Passenger Vessels), J (Electrical Engineering), P (Manning), and Q (Specifications) are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, except vessels of the Navy or Coast Guard.

SUBPART 168.10—DEFINITIONS OF TERMS USED IN THIS PART

§ 168.10–1 *Vessel.* (a) The term "vessel" means any vessel, whether being navigated or not, which is used by or in connection with any civilian nautical school, except vessels of the Navy or Coast Guard.

§ 168.10–5 *Civilian nautical school.* (a) The term "civilian nautical school" means any school or branch thereof operated and conducted in the United States (except State nautical schools and schools operated by the United States or any agency thereof) which offers to persons quartered on board any vessel instruction for the primary purpose of training for service in the merchant marine.

SUBPART 168.15—ACCOMMODATIONS

§ 168.15–1 *Intent.* (a) It is the intent of this subpart to provide minimum standards for the size, ventilation, plumbing, and sanitation of quarters assigned to the members of the crew, passengers, cadets, students, instructors, or any other persons at any time quartered on board any such vessel.

§ 168.15–5 *Location.* (a) Quarters shall be located so that sufficient fresh air and light are obtainable compatible with accepted practice or good arrangement and construction.

(b) Quarters shall not be located forward of the collision bulkhead, nor shall such section or sections of any deck occupied by quarters be below the deepest load line except in special cases which may be approved by the Commandant, U. S. Coast Guard.

§ 168.15–10 *Construction.* (a) All quarters are to be efficiently constructed in a manner suitable to the purpose for which they are intended. Bulkheads separating accommodations from cargo and machinery spaces, lamp, paint, storerooms and drying rooms, washrooms and toilet rooms are to be efficiently constructed and made odorproof when considered necessary by the Commandant, U. S. Coast Guard.

(b) Metal decks in living quarters are to be covered with deck covering composition as approved by the Commandant, U. S. Coast Guard so as to be cleaned readily and kept sanitary. Deck coverings in hospital, wash places, drying rooms, and toilet rooms are to be of suitable solid impervious material such as tile, cement, etc.

(c) All quarters are to be properly drained. Living accommodations are not to drain directly into washrooms or toilet rooms, each of which shall be drained separately.

(d) All washrooms and toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable and sanitary condition. The scupper to the wash place must be of sufficient size and situated in the lowest part of the space.

§ 168.15–15 *Size.* (a) Sleeping accommodations shall be divided into rooms, no one of which shall berth more than 6 persons. The purpose for which each space is to be used and the number of persons it may accommodate, shall be marked.

(b) Each room shall be of such size that there are at least 20 square feet of deck area and a volume of at least 150 cubic feet for each person accommodated. In measuring sleeping quarters, any equipment contained therein is not to be deducted from the total volume or from the deck area.

§ 168.15–20 *Equipment.* (a) Each person shall have a separate berth and not more than 1 berth shall be placed above another. The berths shall be of metal framework and shall be so arranged that they provide ample room for easy occupancy. The over-all size of a berth shall not be less than 30 inches wide by 76 inches long. Where berths adjoin, they shall be divided by a partition not less than 18 inches in height. Where 2 tiers of berths are fitted, the bottom of the lower must not be less than 12 inches above the deck, and the bottom of the upper must not be less than 2 feet 6 inches both from the bottom of the lower and from the deck overhead. The berths shall not be obstructed by pipes, ventilating ducts, or other installations.

(b) A metal locker shall be provided for each person accommodated in a room. Each locker shall be not less than 18

inches by 21 inches by 60 inches high and so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

§ 168.15–25 *Washrooms.* (a) There shall be provided 1 shower for each 10 persons or fraction thereof and 1 wash basin for each 6 persons or fraction thereof to be accommodated. The persons to be accommodated shall include all persons who do not occupy rooms to which private facilities are attached.

(b) All wash basins and showers shall be equipped with proper plumbing including hot and cold running fresh water. Wash basins may be located in the sleeping quarters if properly installed and equipped with proper plumbing.

§ 168.15–30 *Toilet rooms.* (a) There shall be provided 1 toilet for each 10 persons or fraction thereof to be accommodated. The persons to be accommodated shall include all persons who do not occupy rooms to which private facilities are attached.

(b) The toilet rooms shall be separate from the washrooms and shall be located convenient to the sleeping quarters of the persons to which they are allotted but shall not open directly into such quarters except when they are provided as private or semiprivate facilities.

(c) Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions. Such partitions shall be open at the top and bottom for ventilating and cleaning purposes.

(d) Urinals may be fitted if desired, but no reduction in the required number of toilets will be made therefor.

§ 168.15–35 *Hospital space.* (a) Each vessel shall be provided with a hospital space. This space shall be situated with due regard to the comfort of the sick so that they may receive proper attention in all weathers.

(b) The hospital shall be suitably separated from other spaces and shall be used for the care of the sick and for no other purpose.

(c) The entrance is to be of such width and in such a position as to admit a stretcher case readily. Berths are to be of metal and may be in double tier, provided the upper berth is hinged and arranged to be secured clear of the lower berth when not in use. At least one berth is to be so arranged that it can be made accessible from both sides when necessary.

(d) The hospital shall be fitted with berths in the ratio of 1 berth to every 12 persons, but the number of berths need not exceed 6. These berths, in their size and arrangement, shall comply with the provisions of § 168.15–20 (a).

(e) The hospital shall have a toilet, wash basin, and bath tub or shower conveniently located. Other necessary suitable equipment of a sanitary type such as clothes locker, table, seat, etc., shall be provided.

§ 168.15–40 *Lighting.* All quarters shall be adequately lighted. The minimum standard for natural lighting is that it will be possible on a clear day to read print such as that of an ordinary newspaper in any part of the clear working space. When it is not possible to provide adequate natural lighting, artificial lighting may be accepted on the same basis. Washrooms, toilet rooms, and hospital spaces are in particular to be well lighted.

§ 168.15–45 *Heating.* All quarters shall be adequately heated in a manner suitable to the purpose of the space. The method of heating may be by steam, hot water apparatus, a continuous supply of warm air, or other method approved by the Commandant, U. S. Coast Guard.

§ 168.15–50 *Ventilation.* (a) All quarters shall be adequately ventilated in a manner suitable to the purpose of the space and route of the vessel. The inlets shall be arranged to diffuse the inflow as widely as possible in order that the air shall be distributed without discomfort to the occupants.

(b) Except for such spaces as are located in deck houses where, under all ordinary weather conditions, the windows, ports, skylights, etc., and doors to passageways can be kept open, all spaces shall be ventilated by a mechanical system unless it can be shown that a natural system will meet the requirements outlined in paragraph (a) of this section.

(c) When washrooms are ventilated by a natural system, they may receive their supply of fresh air from well-ventilated passageways, but independent outlet ventilators must be fitted with an area of at least 10 square inches, exclusive of insect screening if fitted, for each 150 cubic feet of volume of the space ventilated.

(d) When toilet rooms are ventilated by a natural system, the fresh air must be supplied through independent inlet ventilators having a minimum area of 10 square inches, exclusive of insect screening if fitted, for each 150 cubic feet of volume of space ventilated. The outlet ventilators also must be independent to the open air and must be at least equal in size to the inlet ventilators.

(e) When mechanical ventilation is provided for sleeping rooms and messrooms, these spaces shall be supplied with fresh air equal to at least 10 times the volume of the room each hour and shall be so ventilated both at sea and in port when such spaces are occupied. The system shall be so designed that the impure air will exhaust in a satisfactory manner.

(f) When mechanical ventilation is provided for washrooms, toilet rooms, and hospital spaces, these spaces shall be fitted with exhaust ventilation to remove a volume of air equal to 10 times the volume of the space each hour and with adequate ventilation inlets so that it is possible to have these spaces properly ventilated when all doors and ports are closed.

§ 168.15–55 *Screening.* Provision shall be made to protect the quarters against the admission of insects by the fitting of suitable screens to ventilating skylights, airports, ventilators, and doors to the open deck.

§ 168.15–60 *Inspection.* (a) The Officer in Charge, Marine Inspection, shall inspect the quarters of every such vessel at least once in each month or at such time as the vessel shall enter an American port and shall satisfy himself that such vessel is in compliance with the regulations in this part.

(b) Whenever it shall be found that such vessel is not in compliance with the regulations in this part, the Officer in Charge, Marine Inspection, shall proceed as provided in section 4453 of the Revised Statutes of the United States, as amended (46 U. S. C. 435).

Subchapter S—Numbering Undocumented Vessels

Chapter I is amended by adding a new Subchapter S and Part 172 reading as follows:

PART 172—NUMBERING REQUIREMENTS

SUBPART 172.01—AUTHORITY AND PURPOSE

Sec.
172.01–1 Purpose of regulations.
172.01–5 Assignment of functions.
172.01–10 Authority for regulations.

SUBPART 172.05—APPLICATION

172.05–1 General.
172.05–5 Vessels required to be numbered.
172.05–10 Vessels not required to be numbered.

SUBPART 172.10—IDENTIFICATION REQUIREMENTS

172.10–1 Application for certificate of award of number.
172.10–5 Documentary evidence of ownership.
172.10–10 Issuance of certificate of award of number.
172.10–15 Certificate of award of number kept on board undocumented vessels.
172.10–20 Issuance of certificate of award of number to an alien.

SUBPART 172.15—NOTIFICATION OF CHANGES REQUIRED

172.15–1 Information required when changes occur.
172.15–5 Procedure upon change of permanent residence.

SUBPART 172.20—VESSEL IDENTIFICATION

172.20–1 Number assigned required on bow of undocumented vessel.
172.20–5 Style of numbers.
172.20–10 Color of numbers.

AUTHORITY: §§ 172.01–1 to 172.20–10, issued under sec. 1, 40 Stat. 602, as amended; 46 U. S. C. 288.

SUBPART 172.01—AUTHORITY AND PURPOSE

§ 172.01–1 *Purpose of regulations.* (a) The purpose of the regulations in this part is to set forth uniform requirements for the identification of undocumented vessels operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels and vessels not exceeding 16 feet in length temporarily equipped with detachable motors. The regulations in this part also describe the manner and method for issuing certificates of award of numbers for undocumented vessels and the administration of this part by the Coast Guard.

§ 172.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950, effective July 31, 1950 (15 F. R. 4935, 5 U. S. C. note under 241), the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946.

§ 172.01–10 *Authority for regulations.* (a) The authority to prescribe regulations for the identification of undocumented vessels is in the Act of June 7, 1918, as amended (40 Stat. 602, as amended; 46 U. S. C. 288).

SUBPART 172.05—APPLICATION

§ 172.05–1 *General.* Section 1 of the act of June 7, 1918, as amended, states:

Every undocumented vessel operated in whole or in part by machinery, owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding sixteen feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors, shall be numbered.

§ 172.05–5 *Vessels required to be numbered.* (a) The following undocumented vessels are required to be numbered:

(1) All vessels equipped with permanently installed motors.

(2) All vessels over 16 feet in length equipped with detachable motors.

§ 172.05–10 *Vessels not required to be numbered.* (a) The following undocumented vessels are not required to be numbered:

(1) All vessels not exceeding 16 feet in length temporarily equipped with detachable motors.

(2) Sail vessels not equipped with auxiliary motors or sail vessels not exceeding 16 feet in length when equipped with detachable motors.

(3) Public vessels.

(4) Motor lifeboats carried as lifesaving equipment on inspected vessels.

(b) The words "temporarily equipped with detachable motors" shall be construed to mean outboard motors which are clamped or otherwise temporarily fastened as distinguished from outboard motors bolted or otherwise permanently secured. The controlling principle shall be whether or not the vessel has permanently installed motors rather than the design or construction of the vessel.

(c) Undocumented vessels listed in paragraph (a) of this section will not be numbered except upon instructions of the Commandant.

SUBPART 172.10—IDENTIFICATION REQUIREMENTS

§ 172.10–1 *Application for certificate of award of number.* (a) The owner(s) of any undocumented vessel however acquired, or his (their) duly authorized agent, shall make application for a certificate of award of number to the Coast Guard District Commander or Officer in Charge, Marine Inspection, having jurisdiction over the area in which the vessel is owned. If the boat is to be in the possession of a person other than the person who holds title thereto under a conditional sales or retain title contract or similar arrangement under which title does not pass, the application shall be made by the person(s) who holds legal title.

(b) Upon purchasing or acquiring a vessel which previously has been issued a certificate of award of number, and after completion of the bill of sale on the reverse side of the certificate of award of number (Form CG 1513) by the vendor or the former owner(s), the purchaser(s) will execute the application for number for undocumented motor vessel, which is incorporated on the reverse side of the certificate of award of number, and surrender the certificate, bill of sale, and application for a new number (which are all on Form CG 1513) to the Coast Guard District Commander or Officer in Charge, Marine Inspection, within the statutory period of 10 days.

(c) In the case of new vessels or in the case of vessels which have not been previously numbered or in the case of vessels which have been issued the old form of certificate of award of number (Form 1513), which does not contain the application, the owner(s) of the vessel or his (their) duly authorized agent shall make the application in duplicate for a number on Form CG 1512, application for number for undocumented motor vessel, and shall surrender this form, after completion, together with documentary evidence of ownership or the certificate of award of number with the bill of sale properly executed, to the proper Coast Guard District Commander or Officer in Charge, Marine Inspection.

§ 172.10–5 *Documentary evidence of ownership.* (a) The Coast Guard District Commander or the Officer in Charge, Marine Inspection, who receives the application for an award of number will satisfy himself that the applicant(s) has (have) legal title to the vessel. Any case in which ownership or legal title is in doubt will be referred to the Commandant.

(b) Original ownership may be proved by the purchase(s) as follows:

(1) Bill of sale; or,

(2) Receipted bills for material used in construction; or,

(3) Statement of reputable boat building concern signed by an owner, officer or duly authorized agent thereof that the boat was constructed for the applicant(s) in its factory or yard; or,

(4) Such other evidence of ownership as is acceptable to the Coast Guard District Commander or the Officer in Charge, Marine Inspection.

(c) In the case of any vessel sold as surplus property by the United States Maritime Administration or the former United States Maritime Commission or the former War Shipping Administration, the papers furnished the successful bidder in the form of a sale order or certificate of delivery of vessel, as the case may be, shall be accepted as sufficient evidence of ownership.

§ 172.10–10 *Issuance of certificate of award of number.* (a) Upon receipt of an application for a certificate of award of number, together with proof of ownership, the Officer in Charge, Marine Inspection, may assign a number, and may issue a letter, in lieu of the certificate, authorizing the undocumented vessel to be temporarily operated pending the issuance of the certificate. The Coast Guard District Commander will issue a certificate of award of number in all instances, except where he has designated and authorized officers or employees under his command to issue such certificates in his behalf.

§ 172.10–15 *Certificate of award of number kept on board undocumented vessel.* (a) The certificate of award of number for an undocumented vessel shall be kept on board at all times and shall be accessible to the person in charge except when such certificate is in the custody of the Coast Guard District Commander or the Officer in Charge, Marine Inspection. This requirement, however, does not apply to any vessel not exceeding 17 feet in length, measured from end to end over the deck, excluding sheer, nor to any vessel regardless of length if the design or fittings is such that the carrying of the certificate of number on board would render it imperfect, illegible or would tend to destroy its use as a means of ready identification.

(b) In the case where a letter is issued assigning a number previous to the issuance of a certificate of award of number, the new owner may operate such vessel without penalty for failure to have such certificate of award of number if the letter is carried and produced when necessary for identification.

(R. S. 5294, as amended, sec. 21, 54 Stat. 167; 46 U. S. C. 7, 526t)

§ 172.10–20 *Issuance of certificate of award of number to an alien.* (a) The provisions of section 37 of the Shipping Act, 1916, as amended (46 U. S. C. 835), apply to transactions with aliens during the national emergency and the requirements of the United States Maritime Administration also apply (see §§ 221.5 and 221.6 of this title). Therefore the issuance of a certificate of award of number to a vessel, the sale or transfer of which, in whole or in part, is subject to section 37 of the Shipping Act, 1916, as amended, will be made only if in accordance with the United States Maritime Administration's requirements.

SUBPART 172.15—NOTIFICATION OF CHANGES REQUIRED

§ 172.15–1 *Information required when changes occur.* (a) The owner(s) of a numbered vessel shall, within 10 days, notify the Coast Guard District Commander or Officer in Charge, Marine Inspection, who issued the certificate of award of number if:

(1) The vessel is lost, destroyed or abandoned. (See also paragraph (b) of this section); or,

(2) The vessel is transferred from one person to another. (See also paragraph (b) of this section); or,

(3) He (they) moves his (their) permanent residence. (See also § 172.15–5.)

(b) In the case of change of ownership, loss, destruction, or abandonment of a numbered vessel, the notice shall be

accompanied by a surrender of the certificate of award of number if it is in existence.

(c) When the owner(s) changes the name, service, or engine number of a numbered vessel, he (they) shall notify the Coast Guard District Commander who issued the certificate of award of number so that the records may be corrected, and, if necessary, issue a new certificate bearing the same number.

§ 172.15–5 *Procedure upon change of permanent residence.* (a) If the owner(s) has moved his (their) permanent residence to a place within the same Customs and Coast Guard districts the original number awarded will be retained by the vessel.

(b) If the owner(s) has moved his (their) permanent residence to a place in another Customs district or to a place in another Coast Guard district, the owner shall surrender the certificate of award of number to the Coast Guard District Commander having jurisdiction. The Coast Guard District Commander will issue a new certificate of award of number and will assign a new number in accordance with the Customs district or Coast Guard district in which the vessel is now owned, and will return the surrendered certificate of award of number to the Coast Guard District Commander who issued the certificate for proper disposition.

SUBPART 172.20—VESSEL IDENTIFICATION

§ 172.20–1 *Number assigned required on bow of undocumented vessel.* (a) Every undocumented vessel required to be numbered shall have the number awarded or assigned painted on or attached to each side of the bow so that the number reads from left to right. The number shall be located as high above the water line as practicable, but in no case less than 3 inches from the bottom of the numbers to the water line.

§ 172.20–5 *Style of numbers.* (a) The number shall be in block characters of good proportion, not less than 3 inches in height, and parallel with the water line as near the forward end of the bow as legibility of the entire number for surface and aerial identification permits.

§ 172.20–10 *Color of numbers.* (a) The numbers shall be of a color which will contrast with the color of the hull so as to be distinctly visible and legible; i. e., if the hull is light, the color of the numbers shall be dark, or if the hull is dark, the color of the numbers shall be light.

Dated: October 17, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 52–11403; Filed, Oct. 17, 1952; 10:06 a. m.]

Reading Room

THE NATIONAL ARCHIVES
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.102 (k) as follows:

§ 6.102 *State Department.* • • •

(k) *Technical Cooperation Administration.* • • •

(2) One private secretary to the Deputy Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

2. Section 24.3 is amended to read as follows:

§ 24.3 *Veterinarian, GS–701, 702, 703, 704, GS–7 and higher*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full course of study in an accredited school of veterinary medicine; or

(2) A full course of study in a nonaccredited school of veterinary medicine in the United States, plus 5 years postgraduate professional veterinary experience, which when completed will give the applicant, in connection with his education, a technical knowledge comparable to that which would have been acquired through successful completion of a full course of study in an accredited school of veterinary medicine.

(b) *Duties.* Persons appointed to these positions will perform such duties as: Antemortem and postmortem inspecting of food animals; inspecting livestock at public stockyards or at points of entry into the United States; inspecting licensed establishments producing veterinary biologics; administering tests for diseases; controlling and eradicating diseases; inspecting sanitation of dairy and other food products; making milk sanitation surveys and advising State and local health departments of proper methods of milk sanitation; and performing related activities. A majority of the positions to be filled involve livestock inspection, virus-serum inspection, and meat inspection.

(c) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

(Sec. 11, 53 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52–11341; Filed, Oct. 20, 1952; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, was supplemented by 1952

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FEDERAL REGISTER

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C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, 17 F. R. 6607, containing the specific requirements applicable to price support operations on corn of the 1952 crop. These regulations are further supplemented as follows:

§ 601.1611 *Support rates.* Basic support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this section. Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the corn is stored. County support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below:

ALABAMA	Rate per bushel
All counties	$1.77

ARIZONA	Rate per bushel
All counties	$1.82

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.75	Lawrence	$1.69
Ashley	1.75	Lee	1.76
Baxter	1.68	Lincoln	1.75
Benton	1.67	Little River	1.70
Boone	1.68	Logan	1.69
Bradley	1.75	Loncke	1.73
Calhoun	1.75	Madison	1.69
Carroll	1.67	Marion	1.68
Chicot	1.75	Miller	1.71
Clark	1.71	Mississippi	1.68
Clay	1.67	Monroe	1.75
Cleburne	1.71	Montgomery	1.69
Cleveland	1.75	Nevada	1.73
Columbia	1.74	Newton	1.69
Conway	1.71	Ouachita	1.74
Craighead	1.70	Perry	1.71
Crawford	1.69	Phillips	1.76
Crittenden	1.73	Pike	1.69
Cross	1.73	Poinsett	1.71
Dallas	1.74	Polk	1.69
Desha	1.75	Pope	1.69
Drew	1.75	Prairie	1.73
Faulkner	1.71	Pulaski	1.71
Franklin	1.69	Randolph	1.67
Fulton	1.68	St. Francis	1.75
Garland	1.69	Saline	1.71
Grant	1.73	Scott	1.69
Greene	1.69	Searcy	1.69
Hempstead	1.71	Sebastian	1.69
Hot Spring	1.71	Sevier	1.69
Howard	1.69	Sharp	1.69
Independence	1.71	Stone	1.69
Izard	1.69	Union	1.75
Jackson	1.71	Van Buren	1.71
Jefferson	1.75	Washington	1.69
Johnson	1.69	White	1.71
Lafayette	1.73	Woodruff	1.73
		Yell	1.69

CALIFORNIA	Rate per bushel
All counties	$1.87

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.63	Larimer	$1.63
Alamosa	1.66	Las Animas	1.63
Arapahoe	1.64	Lincoln	1.63
Archuleta	1.69	Logan	1.61
Baca	1.63	Mesa	1.71
Bent	1.63	Moffat	1.71
Boulder	1.64	Montezuma	1.73
Cheyenne	1.62	Montrose	1.71
Conejos	1.67	Morgan	1.62
Costilla	1.64	Otero	1.63
Crowley	1.63	Ouray	1.73
Custer	1.64	Phillips	1.59
Delta	1.71	Pitkin	1.69
Dolores	1.73	Prowers	1.62
Douglas	1.65	Pueblo	1.64
Elbert	1.64	Rio Blanco	1.71
El Paso	1.65	Rio Grande	1.69
Fremont	1.65	Routt	1.69
Garfield	1.71	Saguache	1.67
Grand	1.67	San Miguel	1.73
Huerfano	1.63	Sedgwick	1.59
Jefferson	1.65	Washington	1.61
Kiowa	1.62	Weld	1.62
Kit Carson	1.61	Yuma	1.59
La Plata	1.71		

CONNECTICUT	Rate per bushel
All counties	$1.88

DELAWARE	Rate per bushel
All counties	$1.76

FLORIDA	Rate per bushel
All counties	$1.78

GEORGIA	Rate per bushel
All counties	$1.77

IDAHO	Rate per bushel
All counties	$1.74

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.61	Kankakee	$1.61
Alexander	1.66	Kendall	1.62
Bond	1.62	Knox	1.62
Boone	1.61	Lake	1.63
Brown	1.62	La Salle	1.62
Bureau	1.62	Lawrence	1.64
Calhoun	1.61	Lee	1.61
Carroll	1.60	Livingston	1.62
Cass	1.62	Logan	1.62
Champaign	1.61	McDonough	1.61
Christian	1.62	McHenry	1.61
Clark	1.62	McLean	1.62
Clay	1.63	Macon	1.62
Clinton	1.63	Macoupin	1.62
Coles	1.61	Madison	1.63
Cook	1.63	Marion	1.63
Crawford	1.63	Marshall	1.62
Cumberland	1.62	Mason	1.62
De Kalb	1.61	Massac	1.65
De Witt	1.62	Menard	1.62
Douglas	1.61	Mercer	1.60
Du Page	1.62	Monroe	1.64
Edgar	1.61	Montgomery	1.62
Edwards	1.64	Morgan	1.62
Effingham	1.63	Moultrie	1.61
Fayette	1.62	Ogle	1.60
Ford	1.61	Peoria	1.62
Franklin	1.64	Perry	1.64
Fulton	1.62	Piatt	1.61
Gallatin	1.65	Pike	1.62
Greene	1.62	Pope	1.65
Grundy	1.62	Pulaski	1.66
Hamilton	1.64	Putnam	1.62
Hancock	1.61	Randolph	1.64
Hardin	1.65	Richland	1.64
Henderson	1.60	Rock Island	1.60
Henry	1.61	St. Clair	1.64
Iroquois	1.62	Saline	1.65
Jackson	1.65	Sangamon	1.62
Jasper	1.63	Schuyler	1.62
Jefferson	1.63	Scott	1.62
Jersey	1.62	Shelby	1.62
Jo Daviess	1.59	Stark	1.62
Johnson	1.65	Stephenson	1.60
Kane	1.62	Tazewell	1.62

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Union	$1.65	White	$1.64
Vermilion	1.61	Whiteside	1.60
Wabash	1.64	Will	1.62
Warren	1.61	Williamson	1.65
Washington	1.64	Winnebago	1.60
Wayne	1.63	Woodford	1.62

INDIANA

Adams	$1.63	Lawrence	$1.63
Allen	1.63	Madison	1.62
Bartholomew	1.63	Marion	1.62
Benton	1.62	Marshall	1.61
Blackford	1.63	Martin	1.63
Boone	1.62	Miami	1.62
Brown	1.62	Monroe	1.62
Carroll	1.61	Montgomery	1.61
Cass	1.61	Morgan	1.62
Clark	1.64	Newton	1.62
Clay	1.61	Noble	1.62
Clinton	1.62	Ohio	1.64
Crawford	1.64	Orange	1.63
Daviess	1.63	Owen	1.61
Dearborn	1.64	Parke	1.61
Decatur	1.63	Perry	1.64
De Kalb	1.63	Pike	1.63
Delaware	1.63	Porter	1.62
Dubois	1.63	Posey	1.64
Elkhart	1.62	Pulaski	1.61
Fayette	1.63	Putnam	1.62
Floyd	1.64	Randolph	1.63
Fountain	1.61	Ripley	1.63
Franklin	1.63	Rush	1.63
Fulton	1.61	St. Joseph	1.62
Gibson	1.64	Scott	1.64
Grant	1.62	Shelby	1.62
Greene	1.62	Spencer	1.64
Hamilton	1.62	Starke	1.62
Hancock	1.62	Steuben	1.63
Harrison	1.64	Sullivan	1.63
Hendricks	1.62	Switzerland	1.64
Henry	1.63	Tippecanoe	1.61
Howard	1.62	Tipton	1.62
Huntington	1.62	Union	1.63
Jackson	1.63	Vanderburgh	1.64
Jasper	1.62	Vermilion	1.61
Jay	1.63	Vigo	1.61
Jefferson	1.64	Wabash	1.62
Jennings	1.63	Warren	1.61
Johnson	1.62	Warrick	1.64
Knox	1.63	Washington	1.64
Kosciusko	1.62	Wayne	1.63
Lagrange	1.62	Wells	1.63
Lake	1.62	White	1.61
La Porte	1.62	Whitley	1.62

IOWA

Adair	$1.55	Fayette	$1.56
Adams	1.55	Floyd	1.54
Allamakee	1.56	Franklin	1.55
Appanoose	1.57	Fremont	1.55
Audubon	1.54	Greene	1.54
Benton	1.57	Grundy	1.55
Black Hawk	1.56	Guthrie	1.54
Boone	1.54	Hamilton	1.54
Bremer	1.55	Hancock	1.54
Buchanan	1.56	Hardin	1.55
Buena Vista	1.53	Harrison	1.55
Butler	1.55	Henry	1.59
Calhoun	1.54	Howard	1.55
Carroll	1.54	Humboldt	1.54
Cass	1.55	Ida	1.53
Cedar	1.59	Iowa	1.57
Cerro Gordo	1.54	Jackson	1.59
Cherokee	1.54	Jasper	1.55
Chickasaw	1.55	Jefferson	1.58
Clarke	1.56	Johnson	1.58
Clay	1.54	Jones	1.58
Clayton	1.56	Keokuk	1.57
Clinton	1.60	Kossuth	1.54
Crawford	1.54	Lee	1.60
Dallas	1.55	Linn	1.57
Davis	1.58	Louisa	1.59
Decatur	1.56	Lucas	1.56
Delaware	1.57	Lyon	1.52
Des Moines	1.60	Madison	1.56
Dickinson	1.54	Mahaska	1.56
Dubuque	1.57	Marion	1.56
Emmet	1.54	Marshall	1.55

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Mills	$1.55	Scott	$1.60
Mitchell	1.55	Shelby	1.54
Monona	1.54	Sioux	1.53
Monroe	1.57	Story	1.55
Montgomery	1.55	Tama	1.56
Muscatine	1.59	Taylor	1.55
O'Brien	1.53	Union	1.55
Osceola	1.53	Van Buren	1.58
Page	1.55	Wapello	1.57
Palo Alto	1.54	Warren	1.56
Plymouth	1.54	Washington	1.58
Pocahontas	1.53	Wayne	1.56
Polk	1.55	Webster	1.54
Pottawattamie	1.55	Winnebago	1.55
Poweshiek	1.55	Winneshiek	1.56
Ringgold	1.55	Woodbury	1.54
Sac	1.53	Worth	1.55
		Wright	1.54

KANSAS

Allen	$1.61	Linn	$1.61
Anderson	1.61	Logan	1.62
Atchison	1.59	Lyon	1.59
Barber	1.63	McPherson	1.59
Barton	1.62	Marion	1.59
Bourbon	1.61	Marshall	1.57
Brown	1.58	Meade	1.63
Butler	1.62	Miami	1.61
Chase	1.59	Mitchell	1.58
Chatauqua	1.63	Montgomery	1.63
Cherokee	1.63	Morris	1.59
Cheyenne	1.59	Morton	1.63
Clark	1.63	Nemaha	1.58
Clay	1.57	Neosho	1.62
Cloud	1.57	Ness	1.62
Coffey	1.60	Norton	1.58
Comanche	1.63	Osage	1.59
Cowley	1.63	Osborne	1.58
Crawford	1.62	Ottawa	1.58
Decatur	1.58	Pawnee	1.62
Dickinson	1.58	Phillips	1.57
Doniphan	1.58	Pottawatomie	1.58
Douglas	1.59	Pratt	1.62
Edwards	1.62	Rawlins	1.59
Elk	1.62	Reno	1.62
Ellis	1.59	Republic	1.57
Ellsworth	1.59	Rice	1.62
Finney	1.62	Riley	1.57
Ford	1.62	Rooks	1.58
Franklin	1.60	Rush	1.62
Geary	1.58	Russell	1.59
Gove	1.62	Saline	1.59
Graham	1.59	Scott	1.62
Grant	1.62	Sedgwick	1.62
Gray	1.62	Seward	1.63
Greeley	1.62	Shawnee	1.58
Greenwood	1.62	Sheridan	1.59
Hamilton	1.62	Sherman	1.61
Harper	1.63	Smith	1.57
Harvey	1.62	Stafford	1.62
Haskell	1.62	Stanton	1.63
Hodgeman	1.62	Stevens	1.63
Jackson	1.58	Sumner	1.63
Jefferson	1.59	Thomas	1.61
Jewell	1.57	Trego	1.62
Johnson	1.60	Wabaunsee	1.58
Kearny	1.62	Wallace	1.62
Kingman	1.62	Washington	1.57
Kiowa	1.62	Wichita	1.62
Labette	1.63	Wilson	1.62
Lane	1.62	Woodson	1.62
Leavenworth	1.60	Wyandotte	1.60
Lincoln	1.59		

KENTUCKY

Adair	$1.75	Breckinridge	$1.67
Allen	1.75	Bullitt	1.71
Anderson	1.74	Butler	1.73
Ballard	1.69	Caldwell	1.70
Barren	1.75	Calloway	1.69
Bath	1.75	Campbell	1.68
Bell	1.78	Carlisle	1.69
Boone	1.68	Carroll	1.68
Bourbon	1.76	Carter	1.73
Boyd	1.71	Casey	1.77
Boyle	1.77	Christian	1.71
Bracken	1.70	Clark	1.76
Breathitt	1.78	Clay	1.78

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$1.77	McCreary	$1.77
Crittendon	1.68	McLean	1.70
Cumberland	1.75	Madison	1.77
Daviess	1.67	Magoffin	1.73
Edmonson	1.74	Marion	1.75
Elliott	1.75	Marshall	1.69
Estill	1.78	Martin	1.77
Fayette	1.76	Mason	1.70
Fleming	1.72	Meade	1.63
Floyd	7.78	Menifee	1.77
Franklin	1.72	Mercer	1.75
Fulton	1.69	Metcalfe	1.75
Gallatin	1.68	Monroe	1.75
Garrard	1.77	Montgomery	1.76
Grant	1.72	Morgan	1.77
Graves	1.69	Muhlenberg	1.71
Grayson	1.71	Nelson	1.74
Green	1.75	Nicholas	1.74
Greenup	1.70	Ohio	1.71
Hancock	1.67	Oldham	1.63
Hardin	1.70	Owen	1.71
Harlan	1.78	Owsley	1.78
Harrison	1.74	Pendleton	1.71
Hart	1.75	Perry	1.78
Henderson	1.67	Pike	1.78
Henry	1.71	Powell	1.78
Hickman	1.69	Pulaski	1.77
Hopkins	1.70	Robertson	1.75
Jackson	1.78	Rockcastle	1.72
Jefferson	1.68	Rowan	1.75
Jessamine	1.75	Russell	1.77
Johnson	1.77	Scott	1.74
Kenton	1.68	Shelby	1.71
Knott	1.78	Simpson	1.74
Knox	1.78	Spencer	1.73
Larue	1.74	Taylor	1.75
Laurel	1.78	Todd	1.71
Lawrence	1.73	Trigg	1.71
Lee	1.78	Trimble	1.68
Leslie	1.78	Union	1.67
Letcher	1.78	Warren	1.75
Lewis	1.70	Washington	1.75
Lincoln	1.77	Wayne	1.77
Livingston	1.69	Webster	1.68
Logan	1.72	Whitley	1.78
Lyon	1.70	Wolfe	1.78
McCracken	1.69	Woodford	1.74

LOUISIANA

	Rate per bushel
All counties	$1.76

MAINE

	Rate per bushel
All counties	$1.90

MARYLAND

	Rate per bushel
All counties	$1.76

MASSACHUSETTS

	Rate per bushel
All counties	$1.88

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.66	Gogebic	$1.68
Alger	1.66	Grand Traverse	1.66
Allegan	1.64	Gratiot	1.66
Alpena	1.66	Hillsdale	1.64
Antrim	1.66	Houghton	1.66
Arenac	1.66	Huron	1.66
Baraga	1.66	Ingham	1.66
Barry	1.64	Ionia	1.66
Bay	1.66	Iosco	1.66
Benzie	1.66	Iron	1.66
Berrien	1.63	Isabella	1.66
Branch	1.64	Jackson	1.66
Calhoun	1.64	Kalamazoo	1.64
Cass	1.63	Kalkaska	1.66
Charlevoix	1.66	Kent	1.66
Cheboygan	1.66	Keweenaw	1.66
Chippewa	1.66	Lake	1.66
Clare	1.66	Lapeer	1.66
Clinton	1.66	Leelanau	1.66
Crawford	1.66	Lenawee	1.63
Delta	1.66	Livingston	1.63
Dickinson	1.66	Luce	1.66
Eaton	1.66	Mackinac	1.66
Emmet	1.66	Macomb	1.63
Genesee	1.66	Manistee	1.66
Gladwin	1.66		

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	$1.66	Oscoda	$1.66
Mason	1.66	Otsego	1.66
Mecosta	1.66	Ottawa	1.64
Menominee	1.66	Presque Isle	1.66
Midland	1.66	Roscommon	1.66
Missaukee	1.66	Saginaw	1.66
Monroe	1.66	St. Clair	1.66
Montcalm	1.66	St. Joseph	1.63
Montmorency	1.66	Sanilac	1.66
Muskegon	1.66	Schoolcraft	1.66
Newaygo	1.66	Shiawassee	1.66
Oakland	1.66	Tuscola	1.66
Oceana	1.66	Van Buren	1.63
Ogemaw	1.66	Washtenaw	1.66
Ontonagon	1.66	Wayne	1.66
Osceola	1.66	Wexford	1.66

MINNESOTA

Aitkin	$1.54	Marshall	$1.51
Anoka	1.54	Martin	1.53
Becker	1.52	Meeker	1.52
Beltrami	1.52	Mille Lacs	1.54
Benton	1.54	Morrison	1.54
Big Stone	1.51	Mower	1.53
Blue Earth	1.52	Murray	1.51
Brown	1.52	Nicollet	1.52
Carlton	1.54	Nobles	1.51
Carver	1.54	Norman	1.51
Cass	1.53	Olmsted	1.53
Chippewa	1.52	Otter Tail	1.52
Chisago	1.54	Pennington	1.51
Clay	1.51	Pine	1.54
Clearwater	1.52	Pipestone	1.50
Cook	1.54	Polk	1.51
Cottonwood	1.52	Pope	1.52
Crow Wing	1.54	Ramsey	1.54
Dakota	1.54	Red Lake	1.51
Dodge	1.53	Redwood	1.52
Douglas	1.52	Renville	1.52
Faribault	1.53	Rice	1.53
Fillmore	1.53	Rock	1.51
Freeborn	1.53	Roseau	1.51
Goodhue	1.53	St. Louis	1.54
Grant	1.52	Scott	1.54
Hennepin	1.54	Sherburne	1.54
Houston	1.53	Sibley	1.52
Hubbard	1.53	Stearns	1.53
Isanti	1.54	Steele	1.52
Itasca	1.54	Stevens	1.52
Jackson	1.52	Swift	1.52
Kanabec	1.54	Todd	1.53
Kandiyohi	1.52	Traverse	1.51
Kittson	1.51	Wabasha	1.53
Koochiching	1.54	Wadena	1.53
Lac qui Parle	1.51	Waseca	1.52
Lake	1.54	Washington	1.54
Lake of the Woods	1.52	Watonwan	1.52
Le Sueur	1.53	Wilkin	1.51
Lincoln	1.51	Winona	1.53
Lyon	1.51	Wright	1.53
McLeod	1.53	Yellow Medicine	1.51
Mahnomen	1.51		

MISSISSIPPI

	Rate per bushel
All counties	$1.76

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.61	Carroll	$1.62
Andrew	1.58	Carter	1.66
Atchison	1.57	Cass	1.61
Audrain	1.63	Cedar	1.63
Barry	1.64	Chariton	1.62
Barton	1.63	Christian	1.65
Bates	1.61	Clark	1.61
Benton	1.63	Clay	1.61
Bollinger	1.66	Clinton	1.61
Boone	1.63	Cole	1.64
Buchanan	1.60	Cooper	1.64
Butler	1.66	Crawford	1.66
Caldwell	1.61	Dade	1.63
Callaway	1.64	Dallas	1.65
Camden	1.65	Daviess	1.59
Cape Girardeau	1.66	De Kalb	1.59
		Dent	1.66

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Douglas	$1.66	Oregon	$1.67
Dunklin	1.66	Osage	1.65
Franklin	1.65	Ozark	1.67
Gasconade	1.65	Pemiscot	1.66
Gentry	1.58	Perry	1.66
Greene	1.65	Pettis	1.63
Grundy	1.60	Phelps	1.66
Harrison	1.58	Pike	1.63
Henry	1.62	Platte	1.61
Hickory	1.63	Polk	1.64
Holt	1.58	Pulaski	1.66
Howard	1.63	Putnam	1.59
Howell	1.67	Ralls	1.63
Iron	1.66	Randolph	1.62
Jackson	1.61	Ray	1.61
Jasper	1.64	Reynolds	1.66
Jefferson	1.66	Ripley	1.66
Johnson	1.62	St. Charles	1.64
Knox	1.61	St. Clair	1.63
Laclede	1.66	St. Francois	1.63
Lafayette	1.62	St. Louis	1.65
Lawrence	1.65	Ste. Genevieve	1.66
Lewis	1.62	Saline	1.63
Lincoln	1.64	Schuyler	1.59
Linn	1.61	Scotland	1.60
Livingston	1.61	Scott	1.66
McDonald	1.65	Shannon	1.65
Macon	1.62	Shelby	1.62
Madison	1.66	Stoddard	1.66
Maries	1.65	Stone	1.65
Marion	1.62	Sullivan	1.60
Mercer	1.58	Taney	1.66
Miller	1.65	Texas	1.66
Mississippi	1.66	Vernon	1.62
Moniteau	1.64	Warren	1.65
Monroe	1.63	Washington	1.66
Montgomery	1.64	Wayne	1.66
Morgan	1.64	Webster	1.65
New Madrid	1.66	Worth	1.57
Newton	1.65	Wright	1.66
Nodaway	1.57		

MONTANA

	Rate per bushel
All counties	$1.61

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.55	Hall	$1.55
Antelope	1.53	Hamilton	1.54
Arthur	1.58	Harlan	1.56
Banner	1.60	Hayes	1.58
Blaine	1.56	Hitchcock	1.58
Boone	1.53	Holt	1.54
Box Butte	1.60	Hooker	1.57
Boyd	1.54	Howard	1.55
Brown	1.56	Jefferson	1.56
Buffalo	1.55	Johnson	1.57
Burt	1.55	Kearney	1.55
Butler	1.55	Keith	1.58
Cass	1.56	Keyapaha	1.55
Cedar	1.54	Kimball	1.60
Chase	1.58	Knox	1.53
Cherry	1.57	Lancaster	1.55
Cheyenne	1.60	Lincoln	1.57
Clay	1.55	Logan	1.57
Colfax	1.55	Loup	1.55
Cuming	1.54	McPherson	1.57
Custer	1.56	Madison	1.53
Dakota	1.54	Merrick	1.54
Dawes	1.60	Morrill	1.60
Dawson	1.56	Nance	1.54
Deuel	1.59	Nemaha	1.57
Dixon	1.54	Nuckolls	1.55
Dodge	1.55	Otoe	1.56
Douglas	1.56	Pawnee	1.57
Dundy	1.58	Perkins	1.58
Fillmore	1.55	Phelps	1.56
Franklin	1.55	Pierce	1.53
Frontier	1.57	Platte	1.54
Furnas	1.57	Polk	1.54
Gage	1.57	Red Willow	1.57
Garden	1.59	Richardson	1.57
Garfield	1.54	Rock	1.55
Gosper	1.57	Saline	1.56
Grant	1.58	Sarpy	1.56
Greeley	1.54	Saunders	1.55

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Scotts Bluff	$1.60	Thurston	$1.54
Seward	1.55	Valley	1.55
Sheridan	1.59	Washington	1.56
Sherman	1.55	Wayne	1.54
Sioux	1.60	Webster	1.55
Stanton	1.54	Wheeler	1.54
Thayer	1.55	York	1.54
Thomas	1.57		

NEVADA

	Rate per bushel
All counties	$1.82

NEW HAMPSHIRE

	Rate per bushel
All counties	$1.89

NEW JERSEY

	Rate per bushel
All counties	$1.80

NEW MEXICO

	Rate per bushel
All counties	$1.74

NEW YORK

	Rate per bushel
All counties	$1.79

NORTH CAROLINA

	Rate per bushel
All counties	$1.76

NORTH DAKOTA

	Rate per bushel
All counties	$1.50

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.66	Licking	$1.66
Allen	1.63	Logan	1.64
Ashland	1.67	Lorain	1.68
Ashtabula	1.70	Lucas	1.65
Athens	1.68	Madison	1.65
Auglaize	1.63	Mahoning	1.70
Belmont	1.70	Marion	1.65
Brown	1.66	Medina	1.68
Butler	1.63	Meigs	1.68
Carroll	1.70	Mercer	1.63
Champaign	1.64	Miami	1.63
Clark	1.64	Monroe	1.70
Clermont	1.65	Montgomery	1.63
Clinton	1.64	Morgan	1.68
Columbiana	1.70	Morrow	1.66
Coshocton	1.68	Muskingum	1.68
Crawford	1.65	Noble	1.69
Cuyahoga	1.69	Ottawa	1.66
Darke	1.63	Paulding	1.63
Defiance	1.63	Perry	1.67
Deleware	1.65	Pickaway	1.65
Erie	1.67	Pike	1.66
Fairfield	1.66	Portage	1.70
Fayette	1.65	Preble	1.63
Franklin	1.65	Putnam	1.64
Fulton	1.64	Richland	1.66
Gallia	1.68	Ross	1.66
Geauga	1.70	Sandusky	1.66
Greene	1.64	Scioto	1.66
Guernsey	1.69	Seneca	1.65
Hamilton	1.64	Shelby	1.63
Hancock	1.64	Stark	1.69
Hardin	1.64	Summit	1.69
Harrison	1.70	Trumbull	1.70
Henry	1.64	Tuscarawas	1.69
Highland	1.65	Union	1.64
Hocking	1.67	Van Wert	1.63
Holmes	1.68	Vinton	1.67
Huron	1.67	Warren	1.64
Jackson	1.67	Washington	1.69
Jefferson	1.70	Wayne	1.68
Knox	1.66	Williams	1.63
Lake	1.70	Wood	1.65
Lawrence	1.67	Wyandot	1.65

OKLAHOMA

Adair	$1.67	Choctaw	$1.68
Alfalfa	1.64	Cimarron	1.64
Atoka	1.67	Cleveland	1.66
Beaver	1.64	Coal	1.67
Beckham	1.64	Comanche	1.64
Blaine	1.64	Cotton	1.64
Bryan	1.67	Craig	1.64
Caddo	1.64	Creek	1.66
Canadian	1.64	Custer	1.64
Carter	1.67	Delaware	1.66
Cherokee	1.67	Dewey	1.64

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Ellis	$1.64	Muskogee	$1.67
Garfield	1.64	Noble	1.65
Garvin	1.66	Nowata	1.64
Grady	1.65	Okfuskee	1.66
Grant	1.64	Oklahoma	1.65
Greer	1.64	Okmulgee	1.66
Harmon	1.64	Osage	1.35
Harper	1.64	Ottawa	1.65
Haskell	1.67	Pawnee	1.66
Hughes	1.67	Payne	1.66
Jackson	1.64	Pittsburg	1.67
Jefferson	1.65	Pontotoc	1.66
Johnston	1.67	Pottawatomie	1.65
Kay	1.65	Pushmataha	1.68
Kingfisher	1.64	Roger Mills	1.64
Kiowa	1.64	Rogers	1.65
Latimer	1.68	Seminole	1.66
LeFlore	1.68	Sequoyah	1.67
Lincoln	1.63	Stephens	1.65
Logan	1.65	Texas	1.65
Love	1.66	Tillman	1.64
McClain	1.65	Texas	1.64
McCurtain	1.68	Wagoner	1.66
McIntosh	1.67	Washington	1.65
Major	1.64	Washita	1.64
Marshall	1.67	Woods	1.64
Mayes	1.65	Woodward	1.64
Murray	1.66		

OREGON

	Rate per bushel
All counties	$1.82

PENNSYLVANIA

	Rate per bushel
All counties	$1.77

RHODE ISLAND

	Rate per bushel
All counties	$1.88

SOUTH CAROLINA

	Rate per bushel
All counties	$1.76

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$1.52	Jackson	$1.52
Aurora	1.49	Jerauld	1.49
Beadle	1.49	Jones	1.52
Bennett	1.54	Kingsbury	1.50
Bon Homme	1.50	Lake	1.50
Brookings	1.50	Lawrence	1.54
Brown	1.51	Lincoln	1.50
Brule	1.50	Lyman	1.51
Buffalo	1.50	McCook	1.49
Butte	1.54	McPherson	1.51
Campbell	1.51	Marshall	1.51
Charles Mix	1.50	Meade	1.53
Clark	1.51	Mellette	1.51
Clay	1.50	Miner	1.49
Codington	1.51	Minnehaha	1.49
Corson	1.52	Moody	1.50
Custer	1.55	Pennington	1.53
Davison	1.49	Perkins	1.52
Day	1.51	Potter	1.52
Deuel	1.51	Roberts	1.51
Dewey	1.52	Sanborn	1.49
Douglas	1.49	Shannon	1.55
Edmunds	1.51	Spink	1.50
Fall River	1.52	Stanley	1.52
Faulk	1.51	Sully	1.51
Grant	1.51	Todd	1.52
Gregory	1.50	Tripp	1.51
Haakon	1.52	Turner	1.49
Hamlin	1.51	Union	1.51
Hand	1.49	Walworth	1.52
Hanson	1.49	Washabaugh	1.53
Harding	1.53	Washington	1.54
Hughes	1.51	Yankton	1.50
Hutchinson	1.49	Ziebach	1.53
Hyde	1.50		

TENNESSEE

Anderson	$1.78	Carroll	$1.70
Bedford	1.76	Carter	1.80
Benton	1.72	Cheatham	1.72
Bledsoe	1.77	Chester	1.70
Blount	1.80	Claiborne	1.78
Bradley	1.79	Clay	1.76
Campbell	1.78	Cocke	1.80
Cannon	1.76	Coffee	1.77

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Crockett	$1.70	Madison	$1.70
Cumberland	1.77	Marion	1.79
Davidson	1.74	Marshall	1.75
Decatur	1.72	Maury	1.74
De Kalb	1.76	Meigs	1.78
Dickson	1.72	Monroe	1.80
Dyer	1.69	Montgomery	1.72
Fayette	1.70	Moore	1.77
Fentress	1.77	Morgan	1.78
Franklin	1.78	Obion	1.68
Gibson	1.69	Overton	1.76
Giles	1.76	Perry	1.72
Grainger	1.78	Pickett	1.76
Greene	1.80	Polk	1.80
Grundy	1.77	Putnam	1.76
Hamblen	1.79	Rhea	1.78
Hamilton	1.79	Roane	1.78
Hancock	1.78	Robertson	1.73
Hardeman	1.70	Rutherford	1.75
Hardin	1.73	Scott	1.78
Hawkins	1.78	Sequatchie	1.78
Haywood	1.70	Sevier	1.80
Henderson	1.70	Shelby	1.70
Henry	1.70	Smith	1.76
Hickman	1.72	Stewart	1.72
Houston	1.72	Sullivan	1.80
Humphreys	1.72	Sumner	1.75
Jackson	1.76	Tipton	1.69
Jefferson	1.79	Trousdale	1.75
Johnson	1.80	Unicoi	1.80
Knox	1.79	Union	1.78
Lake	1.68	Van Buren	1.79
Lauderdale	1.69	Warren	1.76
Lawrence	1.74	Washington	1.80
Lewis	1.73	Wayne	1.73
Lincoln	1.77	Weakley	1.69
Loudon	1.79	White	1.76
McMinn	1.79	Williamson	1.74
McNairy	1.72	Wilson	1.75
Macon	1.76		

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.67	Concho	$1.68
Andrews	1.67	Cooke	1.67
Angelina	1.69	Coryell	1.67
Aransas	1.70	Cottle	1.66
Archer	1.67	Crosby	1.67
Armstrong	1.65	Dallam	1.65
Atascosa	1.70	Dallas	1.67
Austin	1.69	Dawson	1.67
Bailey	1.66	Deaf Smith	1.66
Bandora	1.69	Delta	1.67
Bastrop	1.69	Denton	1.67
Baylor	1.67	De Witt	1.70
Bee	1.70	Dickens	1.67
Bell	1.67	Dimmit	1.70
Bexar	1.70	Donley	1.65
Blanco	1.69	Duval	1.70
Borden	1.67	Eastland	1.67
Bosque	1.67	Edwards	1.70
Bowie	1.69	Ellis	1.67
Brazoria	1.70	El Paso	1.71
Brazos	1.68	Erath	1.67
Briscoe	1.66	Falls	1.67
Brooks	1.70	Fannin	1.67
Brown	1.67	Fayette	1.69
Burleson	1.69	Fisher	1.67
Burnet	1.67	Floyd	1.66
Caldwell	1.69	Foard	1.66
Calhoun	1.70	Fort Bend	1.70
Callahan	1.67	Franklin	1.68
Cameron	1.70	Freestone	1.67
Camp	1.69	Frio	1.70
Carson	1.65	Gaines	1.67
Cass	1.69	Galveston	1.70
Castro	1.66	Garza	1.67
Chambers	1.70	Gillespie	1.69
Cherokee	1.67	Goliad	1.70
Childress	1.66	Gonzales	1.70
Clay	1.67	Gray	1.65
Cochran	1.67	Grayson	1.67
Coke	1.67	Gregg	1.69
Coleman	1.67	Grimes	1.69
Collin	1.67	Guadalupe	1.70
Collingsworth	1.65	Hale	1.66
Colorado	1.70	Hall	1.66
Comal	1.69	Hamilton	1.67
Comanche	1.67	Hansford	1.65

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Hardeman	$1.66	Nolan	$1.67
Hardin	1.70	Nueces	1.70
Harris	1.70	Ochiltree	1.65
Harrison	1.70	Oldham	1.65
Hartley	1.65	Orange	1.70
Haskell	1.67	Palo Pinto	1.67
Hays	1.69	Panola	1.70
Hemphill	1.65	Parker	1.67
Henderson	1.67	Parmer	1.66
Hidalgo	1.70	Pecos	1.70
Hill	1.67	Polk	1.69
Hockley	1.67	Potter	1.65
Hood	1.67	Presidio	1.70
Hopkins	1.67	Rains	1.67
Houston	1.63	Randall	1.65
Howard	1.67	Real	1.70
Hudspeth	1.71	Red River	1.68
Hunt	1.67	Reeves	1.70
Hutchinson	1.65	Refugio	1.70
Irion	1.69	Roberts	1.65
Jack	1.67	Robertson	1.68
Jackson	1.70	Rockwall	1.67
Jasper	1.70	Runnels	1.67
Jefferson	1.70	Rusk	1.69
Jim Hogg	1.70	Sabine	1.70
Jim Wells	1.70	San Augustine	1.70
Johnson	1.67	San Jacinto	1.69
Jones	1.67	San Patricio	1.70
Karnes	1.70	San Saba	1.68
Kaufman	1.67	Schleicher	1.70
Kendall	1.69	Scurry	1.67
Kent	1.67	Shackelford	1.67
Kerr	1.69	Shelby	1.70
Kimble	1.69	Sherman	1.65
King	1.67	Smith	1.67
Kinney	1.70	Somervell	1.67
Kleberg	1.70	Starr	1.70
Knox	1.67	Stephens	1.67
Lamar	1.67	Stonewall	1.67
Lamb	1.66	Sutton	1.70
Lampasas	1.67	Swisher	1.66
La Salle	1.70	Tarrant	1.67
Lavaca	1.70	Taylor	1.67
Lee	1.69	Terry	1.67
Leon	1.68	Throckmorton	1.67
Liberty	1.70	Titus	1.69
Limestone	1.67	Tom Green	1.69
Lipscomb	1.65	Travis	1.69
Live Oak	1.70	Trinity	1.68
Llano	1.68	Tyler	1.70
Lubbock	1.67	Upshur	1.69
Lynn	1.67	Uvalde	1.70
McCulloch	1.68	Val Verde	1.70
McLennan	1.67	Van Zandt	1.67
McMullen	1.70	Victoria	1.70
Madison	1.68	Walker	1.68
Marion	1.69	Waller	1.70
Martin	1.67	Washington	1.69
Mason	1.69	Webb	1.70
Matagorda	1.70	Wharton	1.70
Maverick	1.70	Wheeler	1.65
Medina	1.70	Wichita	1.66
Menard	1.69	Wilbarger	1.66
Midland	1.70	Willacy	1.70
Milam	1.67	Williamson	1.67
Mills	1.67	Wilson	1.70
Mitchell	1.67	Wise	1.67
Montague	1.67	Wood	1.67
Montgomery	1.69	Yoakum	1.67
Moore	1.65	Young	1.67
Morris	1.69	Zapata	1.70
Motley	1.66	Zavala	1.70
Nacogdoches	1.69		
Navarro	1.67		
Newton	1.70		

UTAH

	Rate per bushel
All counties	$1.80

VERMONT

	Rate per bushel
All counties	$1.89

VIRGINIA

	Rate per bushel
All counties	$1.76

WASHINGTON

	Rate per bushel
All counties	$1.82

WEST VIRGINIA

	Rate per bushel
All counties	$1.76

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.60	Marathon	$1.61
Ashland	1.60	Marinette	1.64
Barron	1.58	Marquette	1.61
Bayfield	1.59	Milwaukee	1.64
Brown	1.63	Monroe	1.59
Buffalo	1.58	Oconto	1.63
Burnett	1.58	Oneida	1.62
Calumet	1.63	Outagamie	1.62
Chippewa	1.59	Ozaukee	1.64
Clark	1.60	Pepin	1.58
Columbia	1.61	Pierce	1.58
Crawford	1.58	Polk	1.58
Dane	1.61	Portage	1.61
Dodge	1.62	Price	1.60
Door	1.64	Racine	1.64
Douglas	1.58	Richland	1.59
Dunn	1.58	Rock	1.62
Eau Claire	1.59	Rusk	1.59
Florence	1.64	St. Croix	1.58
Fond du Lac	1.62	Sauk	1.60
Forest	1.63	Sawyer	1.59
Grant	1.58	Shawano	1.62
Green	1.61	Sheboygan	1.64
Green Lake	1.61	Taylor	1.60
Iowa	1.60	Trempealeau	1.58
Iron	1.61	Vernon	1.58
Jackson	1.59	Vilas	1.63
Jefferson	1.62	Walworth	1.63
Juneau	1.60	Washburn	1.58
Kenosha	1.64	Washington	1.63
Kewaunee	1.64	Waukesha	1.63
La Crosse	1.58	Waupaca	1.62
Lafayette	1.60	Waushara	1.61
Langlade	1.62	Winnebago	1.62
Lincoln	1.61	Wood	1.60
Manitowoc	1.64		

WYOMING

	Rate per bushel
All counties	$1.62

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 16th day of October 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-11393; Filed, Oct. 20, 1952; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 15]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASE

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Pulaski County in Arkansas;

The State of California;

Honor Farm of the Federal Penitentiary in De Kalb County in Georgia;

St. Clair County, Jarvis Township in Madison County, Aurora Township in Kane County, Columbia Township in Monroe County, in Illinois;

Wabash Township in Tippecanoe County in Indiana;

Oshtemo Township in Kalamazoo County in Michigan;

St. Louis County in Missouri;

Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;

New York County and Clarkstown Township in Rockland County, in New York;

Council Grove, Mustang, Oklahoma, and Greeley Townships in Oklahoma County in Oklahoma;

Tarrant County and that part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51 in Texas.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Honor Farm of the Federal Penitentiary in De Kalb County in Georgia;

Columbia Township in Monroe County in Illinois;

Wabash Township in Tippecanoe County in Indiana;

Oshtemo Township in Kalamazoo County in Michigan;

St. Louis County in Missouri;

Tarrant County and that part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51 in Texas.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 8896) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Talbot and Meriwether Counties in Georgia;

City of Baltimore in Maryland;

Egan, Inver Grove, Mendota, and West St. Paul Townships in Dakota County in Minnesota;

City of Seattle, City of Spokane, and City of Tacoma, and section 24, Delta Township in Whatcom County in Washington;

All of Oklahoma County in Oklahoma, except the following four townships—Council Grove, Mustang, Oklahoma and Greeley, which are still infected. The portion of Oklahoma County, Oklahoma, being excluded, is not infected at this time.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR, Part 76, Subpart B, as amended (17 F. R. 7070, 8896) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125 Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117.)

Done at Washington, D. C., this 16th day of October 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11355; Filed Oct. 20, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS AIR TRANSPORTATION

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

PART 291—CLASSIFICATION AND CONTINUED EXEMPTION OF LARGE IRREGULAR AIR CARRIERS

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

PROCEDURE WITH RESPECT TO "BUSINESS NAME" REGULATIONS

The Civil Aeronautics Board wishes to call the attention of all air carriers to the fact that the provisions of its Economic Regulations governing the use of names

under which air carriers may do business (§§ 202.8, 203.9, 291.28, 292.9, 296.16, 297.14, 298.10, 17 F. R. 7809–7815; Economic Regs. Nos. ER–176 through ER–182) are now in effect. Under these regulations any air carrier must secure authorization from the Board before November 15, 1952 if it wishes to use a business name other than the one in which its economic authority from the Board is now held.

The following classes of carriers are subject to these regulations: Certificated Air Carriers, Large Irregular Air Carriers, Air Taxi Operators, Domestic and International Air Freight Forwarders, and Alaskan Air Carriers.

Sections 202.8, 203.9, 291.28, 292.9, 296.16, 297.14 and 298.10 are amended by adding the following note:

NOTE: In order to assist carriers in complying with this section, applications should generally conform to the pertinent portions of the Rules of Practice Applicable to Exemption Proceedings (§§ 302.400 to 302.409 of this chapter; 17 F. R. 3021). An executed original and 19 true copies of each application, properly subscribed, should be filed with the Docket Section, Civil Aeronautics Board, Washington 25, D. C., which will assign a docket number thereto. In accordance with its regular practice, the Docket Section will summarize the contents of the application in the "Weekly Notice of Applications Filed" which is available to the public on request through the Board's Publication Section.

The applicant should set forth in detail the facts relied upon to establish a due showing that the use of the other name proposed would not be contrary to the public interest. Specifically, the application should contain the following information:

1. The name of the carrier as contained in its current certificate of public convenience and necessity or other economic authorization from the Board.
2. The other name which the carrier proposes to use in connection with its air transportation operations.
3. Evidence in support of the required due showing that the use of the other name will not be adverse to the public interest.

If the applicant alleges that it has developed good will in the other name, it must in addition set forth in detail facts to show the nature and extent thereof. In this connection, the application should set forth evidence showing the following:

1. The existence of the good will.
2. The length of time which the other name has been used by the applicant.
3. The amount of money invested in the development of the good will.
4. That the use of the other name does not constitute an unfair or deceptive practice or method of competition in air transportation.

The application should be accompanied by a statement of supporting economic data and a record of service upon other interested parties. Service of the application should be made upon other interested carriers such as those which use a name similar in whole or in part to that proposed by the applicant.

The Board urges, in the interest of facilitating compliance with the new regulations, that any air carrier seeking permission to use a name different from the one now authorized should file its application with the Board as soon as possible.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

Dated at Washington, D. C., this 8th day of October 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52–11431; Filed, Oct. 20, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

CORRECTION

In Part I of the issue dated Saturday, October 18, 1952, page 9346 was erroneously inserted between pages 9245 and 9247. The missing page 9246 contained part of NPA Order M–11, the revocation of NPA Order M–13, and the beginning of NPA Order M–77. In this issue the full text of these three documents appears below.

[NPA Order M–11, as amended October 17, 1952]

M–11—COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order, as originally issued, and in the formulation of certain of its amendments, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as now amended, however, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

EXPLANATORY

NPA Order M–11 as last amended January 23, 1952, is further amended by:

1. Revising the list of materials excluded from the definition of "brass mill products."
2. Revising paragraphs (b), (c), and (d) of section 4 and adding a paragraph to section 4 which is designated (e).
3. Inserting a new section 9 which sets forth the procedure by which a copper controlled material producer acquires production materials (other than copper raw materials), and by renumbering the subsequent sections accordingly.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Opening of books.
4. Acceptance of orders.
5. Rejection of authorized controlled material orders.
6. Prohibition on shipment.
7. Limitations on acceptance of orders.
8. Authorization and directives.
9. How a copper controlled material producer obtains production materials.
10. Relation to other NPA orders and regulations.
11. Records and reports.
12. Request for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers, sellers, and owners of unalloyed copper and copper-base alloy ingot, and to producers of brass mill products, copper wire mill products, powder mill products, foundry copper products, and foundry copper-base alloy products. It provides rules for placing, accepting, and scheduling orders for copper controlled materials, and places limitations on the acceptance of orders for copper raw materials and the required acceptance of orders by a copper controlled material producer from another such producer. The purpose is to make possible the maximum production of copper and copper-base alloy controlled materials by reducing to a minimum the disruption of normal distribution. It supplements CMP Regulations Nos. 1, 3, and 4, but only those provisions of such regulations which are inconsistent with this order are superseded and all the other provisions of those regulations continue to apply to the copper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "NPA" means the National Production Authority.

(c) "Copper controlled material" means brass mill products, copper wire mill products, powder mill products, or foundry copper products or copper-base alloy products, as defined in this order.

(d) "Copper controlled material producer" means any person who produces a copper controlled material.

(e) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such an order by any regulation or order of NPA.

(f) "Unalloyed copper" means electrolytic copper, fire-refined copper, and all unalloyed copper in any form, including scrap.

(g) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired or demilitarized cartridge cases and artillery cases and all copper-base alloy in any form, including scrap. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS67–38.

(h) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width or length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(i) "Copper wire mill products" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(j) "Powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(k) "Foundry copper products and copper-base alloy products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal casting the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker.)

SEC. 3. *Opening of books.* Each copper controlled material producer shall open his order books for the purpose of accepting purchase orders for the second calendar quarter of 1952 and each calendar quarter thereafter not later than 90 days prior to the first day of the quarter. A copper controlled material producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but when his order books are open, he shall accept orders as provided in section 4 of this order.

SEC. 4. *Acceptance of orders.* (a) A copper controlled material producer shall accept only authorized controlled material orders and orders which he is required to accept pursuant to NPA directives. A copper controlled material producer shall schedule the order for shipment within the requested month or as close to the required shipment date as is practicable considering the need for maximum production. If he does not accept and schedule the order for shipment within the requested month or a subsequent month in the same calendar quarter, he shall reject and return the order as provided in section 5 (b) of this order.

(b) A copper controlled material producer shall accept authorized controlled material orders until his order books are filled for a particular month, and pursuant to and in accordance with appropriate NPA orders, regulations, or production directives. However, each copper controlled material producer shall have the option of determining which authorized controlled material orders, or portions thereof, he will accept and schedule for delivery without regard to dates of receipt of such orders: *Provided, however,* That no copper controlled material producer shall reject any authorized controlled material orders bearing a program identification consisting of the letter A B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, unless his order books are filled for a particular month.

(c) Within the 15-day period immediately preceding the beginning of lead time, a copper controlled material producer shall accept and schedule for production all authorized controlled material orders offered to him until his order books for a particular product are filled for that product. During such 15-day period such orders shall be scheduled for production with precedence given to the orders received first.

(d) A copper controlled material producer's books shall be deemed filled for a particular product for a particular month when he has accepted orders up to the total quantity of his scheduled production of the product involved for that month.

(e) In any case where a copper controlled material producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications or otherwise, he shall notify the Copper Division of NPA setting forth the pertinent facts. NPA may direct the person who has tendered the order that the order be placed with another supplier or take such other action as may be appropriate.

SEC. 5. *Rejection of authorized controlled material orders.* (a) Producers of copper controlled materials need not accept an authorized controlled material order which is received less than the number of days prior to the first day of the month in which shipment is requested, as set forth in Schedule III of CMP Regulation No. 1, or for less than the minimum mill quantities set forth in Schedule IV of CMP Regulation No. 1, unless specifically directed to accept the order by NPA.

(b) A copper controlled material producer shall accept or reject and return all purchase orders tendered to him promptly after receipt of such orders. Upon such acceptance or rejection he shall immediately notify the person who tendered the same of such acceptance or rejection in writing or by telegram. For the purpose of the first sentence of this section the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt. For the purpose of the first sentence of this paragraph receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually acknowledges and schedules such orders. This provision is intended to give those persons whose orders have been rejected an opportunity to place their orders with other producers or with distributors.

SEC. 6. *Prohibition on shipment.* No copper controlled material producer shall ship any copper controlled material except on an authorized controlled material order or a specific written authorization or directive of NPA.

SEC. 7. *Limitations on acceptance of orders.* (a) No producer, seller, or owner of copper raw materials shall accept orders for such material from any person other than a person of the class permitted to receive it without written authorization, unless such person shall have a written authorization from NPA and shall so certify pursuant to the provisions of NPA Order M–16. Copper raw materials, as defined in NPA Order M–16, are not deliverable on authorized controlled material orders.

(b) No copper controlled material producer shall be required to accept authorized controlled material orders from any other copper controlled material producer.

SEC. 8. *Authorization and directives.* NPA may issue authorizations or directives from time to time with respect to the production and delivery of copper and copper-base alloy controlled materials.

SEC. 9. *How a copper controlled material producer obtains production materials.* (a) A copper controlled material producer who requires steel, aluminum, or other copper controlled materials (as listed in Schedule I of CMP Regulation No. 1) as production materials (as defined in section 21 of CMP Regulation No. 1) for use in the fulfillment of his scheduled production of copper controlled materials is hereby authorized to use the allotment symbol PM, without the necessity of filing Form CMP 4–B in accordance with section 21 of CMP Regulation No. 1, to obtain during any calendar quarter the minimum quantity of steel, aluminum, or other copper controlled materials which he is required to incorporate into the copper controlled materials he has scheduled for production in that calendar quarter minus the quantity of such controlled materials which were allotted to him pursuant to an application previously filed in accordance with section 21 of CMP Regulation No. 1.

(b) All orders for which the use of the allotment symbol PM is authorized by this section are hereby designated as authorized controlled material orders, and shall be certified in accordance with the provisions of section 19 (c) of CMP Regulation No. 1. The certification of such

orders shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that subject to the criminal penalties provided for in the United States Code, Title 18 (Crimes) section 1001, such person is authorized by this section to make the certification for the quantity of steel, aluminum, or other copper controlled materials ordered in connection therewith.

(c) The self-authorization procedure by which a copper controlled material producer acquires production materials other than controlled materials is described in Direction 2 to CMP Regulation No. 1.

SEC. 10. *Relations to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–11.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or any other or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect October 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11414; Filed, Oct. 17, 1952; 11:13 a. m.]

[NPA Order M–13—Revocation]

M–13—RAYON—LIMITATION FOR DO RATED ORDERS

NPA Order M–13 (16 F. R. 4714) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–13 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11415; Filed, Oct. 17, 1952; 11:13 a. m.]

[NPA Order M–77 as amended Oct. 17, 1952]

M–77—COMMUNICATIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M–77 as amended May 6, 1952, and as further amended by Amendment 1 of August 4, 1952, in the following respects:

1. The definition of "operating construction" in paragraph (i) of section 2 is amended so as to include construction on leased property.

2. The self-authorization privilege heretofore given to operators of telephone systems comprising less than 5,000 instruments is extended, during April 1953, to operators of telephone systems comprising less than 15,000 instruments. After April 30, 1953, a larger self-authorization privilege is given to all operators of telephone systems comprising less than 15,000 instruments, and larger operators are permitted to self-authorize for small operating construction projects. These changes appear in section 3.

3. Changes are made in sections 3, 4, 6, and 7 for purposes of clarity and of consistency with other NPA orders and regulations.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Self-authorization.
4. Applications for allotments.
5. Emergency excess of allotment.
6. Form of certification.
7. Effect on other orders.
8. Request for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order provides rules for the procurement and use of materials for MRO and operating construction by the operators of the communications systems covered by it.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution.

(b) "Operator" means any person to the extent engaged in rendering communications service on a revenue basis within the United States, its territories and possessions.

(c) "Communications service" means the transmission of messages by wire or radio, excluding radio broadcasting, television broadcasting, and amateur radio.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition.

(f) "Repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means any material which is essential to and consumed in the operation of communications service by an operator and used for purposes other than maintenance, repair, operating construction, or other capital additions.

(h) "MRO" means maintenance, repair, and operating supplies.

(i) "Operating construction" means the erection of any building, structure, or project used or useful in rendering communications service, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, whether such building, structure, or project is owned by an operator or is leased or to be leased to him and where the leased building is or is to be exclusively used or useful in rendering communications service.

(j) "Inventory" shall include all items of new and/or salvaged material and supplies on hand, whether held for current or future use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, construction, or otherwise, and without regard to whether or not such items of material are carried in operator's accounting records under "Materials and Supplies Account," exclusive nevertheless of:

(1) Any material of a superseded type reserved by an operator in segregated stocks for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(2) Any material ordered for use in construction, made to particular specifications, and reasonably usable only in the specific project for which it is made;

(3) Segregated stocks maintained by an operator as reasonably necessary for repair of major breakdowns due to explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe.

(k) "Material of a superseded type" means equipment no longer manufactured or carried by a manufacturer as a regular item for sale to operators except for repair and maintenance of, or for additions to, existing installations. It does not mean equipment drawn from superseded stock to replenish current working inventories.

(l) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(m) "Single project" means all items entering into construction as part of a single plan, whether or not installed or completed at the same time. No project shall be divided for the purpose of bringing it or any part of it within this definition.

(n) "Authorized controlled material order" means an order so defined in CMP Regulation No. 1, as from time to time amended.

(o) "NPA" means the National Production Authority.

(p) The definitions of this order shall be applicable notwithstanding any conflict with any prescribed system of accounting.

SEC. 3. *Self-authorization*—(a) (1) *Small operators (less than 5,000 stations).* Any operator, as herein defined, of a telephone system comprising less than 5,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or before March 31, 1953, (i) for MRO and (ii) for operating construction projects in which the cost to him of materials for any single project does not exceed $25,000: *Provided,* That the operating construction does not require in excess of the following quantities of controlled materials in any one project in any calendar quarter:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

(2) *Small operators (less than 15,000 stations).* Any operator, as herein defined, of a telephone system comprising less than 15,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery in the month of April 1953, (i) for MRO and (ii) for operating construction projects in which the cost to him of materials for any one project does not exceed $25,000: *Provided,* That the operating construction does not require in excess of the following quantities of controlled materials in any one project in any calendar quarter:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

(b) *Self-authorization—MRO.* Every operator of a telephone system comprising less than 15,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or after May 1, 1953, for MRO.

(c) *Self-authorization — operating construction.* Every operator, regardless of size, is hereby assigned the right to place authorized controlled material orders for delivery on or after May 1, 1953, for all controlled materials required by him for operating construction projects provided that he does not require in excess of the following quantities of controlled materials for any one project in any one quarter:

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
5,000 pounds of copper and copper-base alloys.
4,000 pounds of aluminum.

(d) *Form of orders.* Each operator who places authorized controlled material orders in accordance with this section shall do so without making application to NPA and without receiving an allotment for that portion of his controlled material orders placed in accordance with this paragraph. In placing authorized controlled material orders in accordance with this paragraph, he shall use the allotment number "U–1" and shall show the quarter during which delivery is required: As for example, "U–1 2Q53".

(e) *Assignment of rating.* Each operator to whom the provisions of this section apply may also order materials other than controlled materials which he may require for the MRO and operating construction covered by this section, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO–U–1". The date or dates on which delivery is required must also be specified on each delivery order.

(f) *Limitations on use of ratings.* After April 30, 1953, a DO rating authorized pursuant to this section shall not be used for any entire single operating construction project in dollar amounts in excess of $100,000 for building equipment and building materials (other than controlled materials), and $200,000 for equipment and machinery. On or before April 30, 1953, the limitations of paragraph (a) of this section apply. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery, office equipment, furniture, or appliances: *Provided, however,* That this prohibition shall not apply to machinery and equipment specially designed for communications-system use such as automatic message accounting machines.

SEC. 4. *Applications for allotments.* (a) Any operator, except to the extent that he is governed by the provisions of section 3 of this order, may hereafter file with NPA on Form NPAF–117 an application for an authorized program and for a quarterly allotment of such controlled materials as he may require for MRO and operating construction. The initial application for each quarter shall be filed with NPA not later than 120 days prior to the beginning of the quarter for which application is made, unless NPA shall designate a later date.

(b) In approving an application wholly or in part, NPA will specify the controlled materials allotted to the applicant for delivery in the calendar quarter during which the allotment is valid, and will authorize a program for MRO and operating construction. This authorized program shall be deemed to be an authorized construction schedule for the purposes of Revised CMP Regulation No. 6, and the use of the schedule and the related allotment, the use of ratings in connection with operating construction,

and the placing and form of delivery orders, shall be governed by all provisions of that regulation not inconsistent with this order.

(c) Every operator who applies for an allotment pursuant to this order shall, to the extent that his application is granted, use the allotment number "U-2" to obtain controlled materials and shall show, on each authorized controlled material order, the quarter for which his allotment is valid, such as "U-2 2Q53." He may also order materials other than controlled materials which are necessary to fulfill his authorized program, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO–U–2." The date or dates on which delivery is required must also be specified on each delivery order. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery or office equipment: *Provided, however,* That this prohibition shall not apply to machinery or equipment specially designed for communications-system use such as automatic message accounting machines.

(d) An operator who manufactures a Class A, Class B, or any other product not for sale but solely for his own use as MRO, or as a minor capital addition, may obtain the products and materials required for such production by using, within the limitations of this order, the allotment symbol or rating provided for in this order.

(e) No operator shall use any allotment number or rating for the purposes of this order except as provided in this order.

SEC. 5. *Emergency excess of allotment.* (a) In the event of any major service breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, an operator may use the "U-2" allotment number to obtain materials in excess of his allotment to the extent necessary to reestablish service by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "(emergency)" after the allotment number on his order, and within 10 calendar days after the placing of such order, he shall report the placing of such order to NPA on Form NPAF–117 which shall be accompanied by a statement of the reasons therefor, justifying the use of the emergency rating.

SEC. 6. *Form of certification.* A delivery order placed in accordance with this order must contain, in addition to a DO rating as authorized or an allotment number as authorized, a certification in the following form:

Certified under Revised CMP Regulation No. 6 and NPA Order M–77

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of Revised CMP Regulation No. 6 and under this order to obtain the products or materials covered by the delivery order.

SEC. 7. *Effect on other orders.* This order supersedes as to operators, the provisions of other NPA orders governing the civilian use of controlled materials. The provisions of this order supersede as to operators those of CMP Regulation No. 5, except that nothing in this order shall be deemed to permit the use of a rating or allotment number to obtain any of the items listed in Schedule I or II of CMP Regulation No. 5 as from time to time amended. The provisions of this order supersede as to operators those of Revised CMP Regulation No. 6 except as otherwise provided in this order. They do not supersede any NPA order or regulation insofar as it provides that ratings shall not be effective to obtain particular products or materials. The inventory limitations of any NPA orders and regulations as from time to time amended shall apply to operators, but in applying such limitations the definition of "inventory" contained in this order shall be used.

SEC. 8. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–77.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11416; Filed, Oct. 17, 1952; 11:13 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 4]

SFO–4—DISTRIBUTION OF BITUMINOUS COAL

The Wage Stabilization Board has found that, under the stabilization program established pursuant to the Defense Production Act of 1950, as amended, it cannot approve the contract concerning terms and conditions of employment recently negotiated between the United Mine Workers of America and certain bituminous coal producers, which action results in there being no existing contract between the operators of these mines and their employees. Historically, members of the United Mine Workers of America have refused to report for work unless a contract concerning the terms and conditions of employment is in force. Therefore, the stoppage of production in all bituminous coal mines whose employees are members of the United Mine Workers of America appears to be imminent. The cessation of production at these mines, if continued, will create shortages in the supply of bituminous coal for the military programs in support of national security and for essential civilian needs. Accordingly, this order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order it was impracticable to consult with industry representatives because of the need for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on shipments of bituminous coal.
4. Railroads prohibited from accepting bituminous coal.
5. Exceptions.
6. Report to Area Distribution Manager.
7. Shipment of unbilled cars of coal held pursuant to this order.
8. Certification that shipment is made pursuant to the terms of this order.
9. How a consumer obtains coal.
10. Applications for adjustment or exception.
11. Exemptions from damages or penalties.
12. Violations.
13. Communications.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order prohibits the shipment in railroad cars after 12:01 a. m., October 19, 1952, except as specifically directed by DSFA, bituminous coal produced at a mine, the operator of which is a signator to the National Bituminous Coal Wage Agreement of 1950 as amended September 29, 1952, and effective October 1, 1952, with the United Mine Workers of America, concerning terms and conditions of employment.

SEC. 2. *Definitions.* As used in this order:

(a) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(b) "Bituminous coal" includes all forms of bituminous, subbituminous, and lignitic coals.

(c) "Person" means any individual, firm, partnership, corporation, association, or any other organized group of persons.

(d) "Shipper" means any person who ships bituminous coal produced at an affected coal mine, as defined in paragraph (f) of this section, in railroad cars from a coal mine, loading ramp, coal preparation plant, scales, classification or assembly yards between mines and scales, designated mine tracks, mine sidings or hold points.

(e) "Coal mine" means any open pit, underground, or any other type of operation conducted for the primary purpose of producing bituminous coal.

(f) "Affected coal mine" means a bituminous coal mine, the operator of which is a signator to the National Bituminous Coal Wage Agreement of 1950 as amended September 29, 1952, effective October 1, 1952, with the United Mine Workers of America, concerning terms and conditions of employment.

(g) "Loading ramp" means any facility for the loading of bituminous coal from trucks into railroad cars for rail shipment.

(h) "Coal preparation plant" means a facility for the cleaning, sizing, or otherwise preparing bituminous coal for shipment in railroad cars.

(i) "Designated mine track, mine sidings or hold point" means a point where a specific number of cars may be held without billing free of demurrage.

(j) "Area Distribution Manager" means the person appointed by Defense Solid Fuels Administration as its temporary representative in a specified area for the period this order remains in effect. The names and addresses of Area Distribution Managers and the territories over which they have jurisdiction are shown in Appendix A to this order.

(k) "Railroad" means any common carrier by railroad subject to the jurisdiction of the Interstate Commerce Commission.

SEC. 3. *Restrictions on shipments of bituminous coal.* Except as provided in section 5 of this order, no shipper shall, after 12:01 a. m., October 19, 1952, ship or deliver to any railroad for shipment in railroad cars any bituminous coal produced at an affected mine as described in section 2 (f) of this order.

SEC. 4. *Railroads prohibited from accepting bituminous coal for shipment.* Pursuant to an ICC Service Order, each railroad subject to such service order will be prohibited after 12:01 a. m., October 21, 1952, from accepting for shipment over its lines any car of bituminous coal from any shipper, as defined in section 2 (d) of this order, unless the waybill or forwarding instructions covering the shipments contains a certification by the shipper substantially as set forth in section 8 of this order.

SEC. 5. *Exceptions.* The provisions of this order shall not apply to:

(a) Coal required by the operator of the producing coal mine for the operation of his power plant.

(b) Coal which is consigned to lake ports specifically for use as vessel fuel.

(c) Coal which is consigned to an installation of the Department of Defense, provided that the Contracting Officer for that installation shall certify to the shipper that he has less than 10 days' supply on hand.

(d) Double screened coal which is consigned to retail dealers, provided that prior to shipment the retail dealer shall certify to the shipper that he has less than 10 days' supply on hand.

(e) Any shipment which may be specifically authorized by the Defense Solid Fuels Administration.

SEC. 6. *Report to Area Distribution Manager.* Each shipper shall report by letter or telegram before noon of Tuesday, October 21, 1952, to the Area Distribution Manager having jurisdiction over the area in which his mine, loading ramp, coal preparation plant, or designated hold point, is located, the number of unbilled cars of bituminous coal by type of car and size of coal which he has on hand, together with the name of the railroad, or railroads, upon which his facility is located. Shippers who make shipments under the exceptions provided in sections 5 (a), (b), (c), or (d) of this order shall report by letter to the Area Distribution Manager on the day following such shipment the names and addresses of the consignees and the number of cars and size of coal shipped to each.

SEC. 7. *Shipment of unbilled cars of coal held pursuant to this order.* To assure the most efficient and equitable distribution of the available supply of bituminous coal in the interest of national defense and public health and welfare, DSFA will direct shipments of coal held on tracks in accordance with this order by individual directives issued pursuant to DSFA Order SFO–2. Such directives shall be in the form of a letter or telegram and must be fully complied with. Any person receiving such a directive requiring delivery of bituminous coal by him shall immediately acknowledge to DSFA receipt of the directive and shall indicate his ability to comply: *Provided, however,* That no shipper shall be required to deliver bituminous coal to any other person at the direction of the DSFA Administrator unless such other person makes arrangements for payment satisfactory to the shipper to whom the directive is issued. The terms proposed by the shipper shall not be more stringent than those he offers to his customers of like class in the normal course of his business, and the price charged shall not be higher than the applicable ceiling price established by the Office of Price Stabilization.

SEC. 8. *Certification that shipment is made pursuant to the terms of this order.* Each shipper who makes a shipment of bituminous coal by railroad after 12:01 a. m., October 19, 1952, shall place upon the waybill or forwarding instructions a certification substantially as follows:

This shipment is made pursuant to Directive No. ----, issued by DSFA under Order SFO–4.

SEC. 9. *How a consumer may obtain coal.* Any consumer of bituminous coal who is urgently in need of coal and who is unable to obtain coal from his normal source of supply because of a work stoppage at the mine where such coal is produced may apply to the Area Distribution Manager or DSFA for priority assistance. Such application may be in the form of a letter or telegram which gives the applicant's name and address, the name and address of his normal source of supply, size and type of coal required, the number of tons and the number of days' supply he has on hand, the purpose for which the coal is to be used, the nature of his business, and evidence of its essentiality to the national defense program or national health or welfare. The application should be directed to the Area Distribution Manager, at the address shown on Appendix A, or Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C. It shall be the policy of DSFA to allocate and distribute the available supply of coal accumulated in railroad cars pursuant to this order on the basis of need and essentiality. An applicant to whom an allocation is made will be informed by telegram the name and the address of the shipper who has been directed to make shipment to him. It will then be the obligation of the applicant to communicate with the shipper and arrange for suitable terms of payment.

SEC. 10. *Applications for adjustment or exception.* Any shipper subject to any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue hardship upon him, not suffered generally by other shippers, and that its enforcement against him would not be in the interest of the national defense or in the public interest. Requests for adjustment or exception may be either in the form of a letter or telegram and must set forth in detail all facts upon which they are based.

SEC. 11. *Exemptions from damages or penalties.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with this order or any directive issued under it or under DSFA Order SFO–2.

SEC. 12. *Violations.* Any person who wilfully fails to comply with the provisions of this order or with any directive issued under this order or DSFA Order SFO–2, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order or any directive issued pursuant to this order or DSFA Order SFO–2, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of solid fuels or using facilities under priority or allocation control and to deprive him of priorities assistance.

SEC. 13. *Communications.* All communications concerning this order or any directive issued pursuant to this order shall be addressed to "Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C."

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect at 12:01 a. m., October 19, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

APPENDIX A

The Area Distribution Managers and the districts they will cover are as follows:

District 1 (eastern Pennsylvania, Maryland, and Grant, Mineral, and Tucker Counties of West Virginia): F. Wallace Krater, Central Pennsylvania Coal Producers Association, Pennsylvania Electric Building, Altoona, Pa. Telephone: Altoona 3–8175.

District 2 (western Pennsylvania): H. A. Sutter, Western Pennsylvania Coal Operators Association, Oliver Building, Pittsburgh, Pa. Telephone: Court 1–2446.

District 3 (northern West Virginia): Daniel E. Cronin, Fairmont Coal Bureau, Peoples Building, Fairmont, W. Va. Telephone: Fairmont 4230.

District 4 (Ohio) and District 6 (West Virginia panhandle): Ezra Van Horn, Ohio Coal Association, NBC Building, Cleveland, Ohio. Telephone: Prospect 1–8232.

District 7 (low volatile coal producing areas of Virginia and West Virginia): Dan Carroll (Room 605, Appalachian Building), Bluefield, W. Va. Telephone: Bluefield 8149.

District 8 (high volatile coal producing areas of West Virginia, eastern Kentucky, southwest Virginia, North Carolina, and Tennessee): Goodwyn Holmes, Appalachian Coals Inc., Cincinnati, Ohio. Telephone: Main 6677.

District 10 (Illinois): J. R. Henderson, Illinois Coal Producers Advisory Association, 105 West Monroe, Chicago, Ill. Telephone: Franklin 2–7952.

District 11 (Indiana): C. C. Lydick, Coal Trade Association of Indiana, 632 Cherry Street, Terre Haute, Ind. Telephone: Crawford 1353.

Area offices will be established and Area Distribution Managers will be appointed for other Districts if need is demonstrated. Shippers of coal produced in mines which are located in a District for which no Area Distribution Manager has been appointed shall make reports required under section 6 of this order, or applications for adjustment or exception as provided for in section 10 of this order, to the Administrator, Defense Solid Fuels Administration, Washington 25, D. C. Similarly, consumers whose normal source of supply is a mine located in a District for which no Area Distribution Manager has been appointed should address requests for assistance under section 9 of this order to the Administrator, Defense Solid Fuels Administration, Washington 25, D. C.

Reports required under section 6 of this order from shippers of coal produced in a District for which no Area Distribution Manager has been appointed should be mailed not later than October 20, 1952.

[F. R. Doc. 52–11465; Filed, Oct. 20, 1952; 11:21 a. m.]

Chapter XIV—General Services Administration

[Revision 1, Amdt. 1]

MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

BLOCK AND FILM MICA; PRICE SCHEDULE

Pursuant to the authority vested in me by the Defense Materials Procurement Administrator (Delegation No. 8, March 12, 1952), this regulation as revised is amended as follows:

1. Delete subparagraph (4) of section 4 (b) and substitute therefor the following paragraph:

(4) All good stained and better block and film mica must be full-trimmed; stained and heavy stained will be accepted in half-trim or full-trim form.

2. The whole of the price schedule set forth in paragraph (e) of section 4 is deleted, and the following is substituted therefor:

PRICE SCHEDULE

[Per pound]

Grades	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger	$70.00	$18.00	$13.00	$12.00	$8.00
No. 4 and No. 5	40.00	8.00	6.00	5.00	4.00
No. 5½ and No. 6	15.00	5.00	3.00	3.00	2.00

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interprets or applies sec. 303, 64 Stat. 801, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp. E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.)

This amendment shall be effective as of August 18, 1952.

Dated: October 14, 1952.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 52–11354; Filed, Oct. 20, 1952; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

GULF OF MEXICO OFF ALABAMA COAST

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.33 establishing and regulating the use of dumping grounds in the Gulf of Mexico off the Alabama coast is hereby prescribed, to be in full force and effect on and after the date of its publication in the FEDERAL REGISTER due to the urgent need to provide a suitable area for the disposal of wastes, as follows:

§ 205.33 *Gulf of Mexico off Alabama coast*—(a) *The dumping grounds.* (1) The waters of the Gulf of Mexico within a rectangular area bounded on the north by latitude 29°50', on the east by longitude 87°30', on the south by latitude 29°45', and on the west by longitude 87°35'.

(2) This dumping ground shall be used only for dumping of process plant waste composed of absorbent cotton soaked in viscose and regenerated cellulose.

(b) *The regulation.* (1) No dumping shall be done until prior permission therefor has been obtained from the District Engineer, Mobile District, Corps of Engineers. Application for such permission must be made to the District Engineer, 2301 Grant Street, Mobile, Alabama, stating the character and approximate amount of waste material to be deposited, the place from which it is to be taken, and the time when the work will be done, and describing the floating plant to be employed.

(2) The dumping and all operations connected therewith shall be subject to the supervision and approval of the District Engineer who may suspend the work or revoke the permission at any time. If inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

(3) No dumping shall be commenced without prior notice thereof to the District Engineer, to be given in such form and at such advance time as may be directed by the District Engineer.

(Sec. 4, 33 Stat. 1147; 33 U. S. C. 419)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–11340; Filed, Oct. 20, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

1. In § 17.45, paragraph (a) is amended to read as follows:

§ 17.45 *Persons entitled to hospital observation and physical examination.* • • •

(a) Claimants or beneficiaries of the Veterans' Administration, for purposes of disability compensation, pension, emergency officers' retirement pay, medical feasibility for vocational training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, and Government insurance.

• • • • • •

2. In § 17.46, paragraph (a) (5) is amended to read as follows:

§ 17.46 *Persons entitled to hospital treatment or domiciliary care.* • • •

(a) • • •

(5) Members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases and who have no eligibility to hospitalization under laws governing the Veterans Administration or who having eligibility tion under laws governing the Veterans' Administration beneficiaries (Pub. Law 351, 81st Cong., and Executive Order 10122 as amended by Executive Order 10400).

• • • • • •

3. In § 17.48, paragraph (a) is amended to read as follows:

§ 17.48 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* (a) Under § 17.47 (b) (2) and (d) (5), the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness and deafness requiring definitive rehabilitation, major amputees and such other diseases as may be agreed from time to time jointly by the Chief Medical Director of the Veterans' Administration, the Chairman of the Armed Forces Medical Policy Council, Office of the Department of Defense, and the Surgeon General of the U. S. Public Health Service, Office of the Federal Security Administrator. Blindness as used in this paragraph is defined as central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees in the better eye.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective October 15, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–11391; Filed, Oct. 20, 1952; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 9—AERONAUTICAL SERVICES

APPLICATION FOR CIVIL AIR PATROL RADIO STATION CONSTRUCTION PERMIT

In the matter of adoption of FCC Form 480, Application for Civil Air Patrol Radio Station Construction Permit and License, and amendment of Parts 1 and 9 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of October 1952;

The Commission having under consideration the adoption of FCC Form 480,[1] Application for Civil Air Patrol Radio Station Construction Permit and License, and the implementation thereof by adoption of an appropriate amendment to Parts 1 and 9 of the Commission's rules; and

It appearing, that the efficiency of the Commission's licensing procedure in the Aeronautical Service would be improved by the adoption of a simplified application form; and

It further appearing, that the form and rule changes herein ordered are procedural in nature, and do not require general notice of proposed rule making under section 4 (a) of the Administrative Procedures Act, and for the same reason these amendments may be made effective immediately; and

It further appearing, that authority for adoption of the Form 480 and associated rule amendments is contained in sections 4 (i), 303 (r) and 308 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, FCC Form 480, Application for Civil Air Patrol Radio Station Construction Permit and License, be adopted as set forth below; and

It is further ordered, That Parts 1 and 9 of the Commission's rules be amended in accordance with the amendments set forth below.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies secs. 303, 308, 48 Stat. 1082, as amended, 1085; 47 U. S. C. 303, 308)

Released: October 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[1] Filed as part of original document.

1. Recapitulation page. Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulation:

a. Insert in the appropriate place in the table the following new form:

480 ..... 1.312 (f)

b. Add paragraph (f) to § 1.312 to read as follows:

(f) FCC Form 480, "Application for Civil Air Patrol Radio Station Construction Permit and License".

2. In § 9.108 (a) delete present text to this paragraph and substitute the following:

(a) An application for construction permit for each ground station, except applications for Civil Air Patrol Stations, shall be submitted on FCC Form 401. The same form shall be used to obtain authority to modify or replace equipment. All applications for new or modified Civil Air Patrol Stations shall be submitted on FCC Form 480. All applications shall be accompanied by FCC Form 401–A in triplicate, in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

[F. R. Doc. 52–11347; Filed, Oct. 20, 1952; 8:47 a. m.]

[Docket No. 10316]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of October 1952;

The Commission having under consideration its notice of proposed rule making issued September 18, 1952 (FCC 52–1070) and published in the FEDERAL REGISTER on September 30, 1952 (17 F. R. 8668), proposing to assign VHF Channel 5 to Old Hickory, Tennessee;

It appearing, that in accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making,

the time for filing comments therein expired October 3, 1952; and

It further appearing, that no comments opposing the proposed amendment were filed;

It is ordered, That effective 30 days from the publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

Add to Table of Assignments under the State of Tennessee.

	Channel No.
Old Hickory	5

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: October 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11346; Filed, Oct. 20, 1952; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Minnesota Department of Conservation, it has been determined that there is a surplus of deer on and in the vicinity of the Mud Lake National Wildlife Refuge, the removal of which, in keeping with wildlife management objectives, can best be accomplished by public hunting on a part of the refuge.

Since the following regulations are relaxations of existing regulations applicable to the Mud Lake National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, the following subpart is added:

Sec.
33.121 Deer hunting permitted.
33.122 Entry.
33.123 State hunting laws.
33.124 State cooperation.

AUTHORITY: §§ 33.121 to 33.124 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.121 *Deer hunting permitted.* Deer, wolves, and coyotes may be taken during the 1952 State season for the hunting of deer with firearms on such lands of the United States within the Mud Lake National Wildlife Refuge as may be designated by suitable posting by the officer in charge of the refuge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.122 to 33.124.

§ 33.122 *Entry.* Entry on and use of the refuge are governed by the regulations in Parts 18 and 21 of this subchapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting by the officer in charge. Hunters, when entering or leaving the public hunting area, must report at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.123 *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the refuge.

§ 33.124 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting. The officer in charge of the refuge may suspend hunting privileges upon the taking of the maximum number of deer determined to be surplus by mutual agreement with the Minnesota Department of Conservation.

Dated: October 10, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-11342; Filed, Oct. 20, 1952; 8:46 a. m.]

PART 33—CENTRAL REGION

SUBPART—TAMARAC NATIONAL WILDLIFE REFUGE, MINNESOTA

DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Minnesota Department of Conservation, it has been determined that there is a surplus of deer on and in the vicinity of the Tamarac National Wildlife Refuge, the removal of which, in keeping with wildlife management objectives, can best be accomplished by public hunting on a part of the refuge.

Since the following regulations are relaxations of the existing regulations applicable to the Tamarac National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, §§ 33.246 to 33.249 are added:

Sec.
33.246 Deer hunting permitted.
33.247 Entry.
33.248 State hunting laws.
33.249 State cooperation.

AUTHORITY: §§ 33.246 to 33.249 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.246 *Deer hunting permitted.* Deer, wolves, and coyotes may be taken during the 1952 State season for the hunting of deer with firearms on such lands of the United States within the Tamarac National Wildlife Refuge as may be designated by suitable posting by the officer in charge of the refuge, subject to the provisions, conditions, restrictions, and requirements of §§ 33.247 to 33.249.

§ 33.247 *Entry.* Entry on and use of the refuge are governed by the regulations in Parts 18 and 21 of this subchapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting by the officer in charge. Hunters, when entering or leaving the public hunting area, must report at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.248 *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license for the taking of deer, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of deer on the refuge.

§ 33.249 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting. The officer in charge of the refuge may suspend hunting privileges upon the taking of the maximum number of deer determined to be surplus by mutual agreement with the Minnesota Department of Conservation.

O. H. JOHNSON,
Acting Director.

Dated: October 10, 1952.

[F. R. Doc. 52-11311; Filed, Oct. 20, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 729]

PEANUTS

PROPOSED PROCLAMATION WITH RESPECT TO 1953 NATIONAL MARKETING QUOTA; APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT; ESTABLISHMENT OF FARM ALLOTMENTS

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393 and Sups.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the act further provides that the national marketing quota established for any year subsequent to 1951 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1953 crop of peanuts will be apportioned to States on the basis of their shares of the 1952 national acreage allotment, excluding additional acreage allotted to States in 1952 for the production of Virginia and Valencia types of peanuts under the provisions of Section 358 (c) (2) of the act.

In addition to the foregoing determinations to be made with respect to the 1953 crop of peanuts, the Secretary has under consideration the formulation of regulations which will provide the procedures for apportioning the 1953 State peanut acreage allotment to farms, or to counties and farms; for establishing allotments for farms on which peanuts were not produced in 1950, 1951, and 1952, but on which peanuts are to be produced in 1953; and for determining farm normal yields per acre for peanuts. It is expected that the regulations for the 1953 crop of peanuts will be substantially the same as the regulations for the 1952 crop (16 F. R. 11946, 17 F. R. 3143).

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States, formulating regulations governing the apportionment of State acreage allotments to farms or to counties and farms, determining the percentage of the national acreage allotment to be reserved for new farms and formulating regulations governing the apportionment of such acreage among new farms, and determining farm normal yields for peanuts, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oil Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Any data, views, and recommendations relating to the question of whether the State acreage allotment should be apportioned to the counties in the State as provided in section 358 (e) of the act, should be submitted in writing direct to the State Production and Marketing Administration Committee, whose address may be obtained from any County Production and Marketing Administration Office in the State. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of October 1952.

[SEAL] HAROLD K. HILL,
Deputy Administrator.

[F. R. Doc. 52-11394; Filed, Oct. 20, 1952; 8:50 a. m.]

[7 CFR Part 729]

[1026 (Peanuts-51)-5]

PEANUTS

DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF VALENCIA TYPE EXCESS PEANUTS OF 1951 CROP FOR CLEANING AND SHELLING; APPLICATION FOR PAYMENT

Pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376) the Secretary of Agriculture is preparing to amend § 729.289 of the regulations governing the Distribution of Proceeds Received by Commodity Credit Corporation from the Sale of Valencia Type Excess Peanuts of the 1951 Crop for Cleaning and Shelling (17 F. R. 4644), to authorize the State or County PMA Committee to make payment to the Treasurer of the United States in any case where a producer refuses to sign an application for payment because he is indebted to the United States Government. The proposed amendment would correct § 729.289 to read as follows:

§ 729.289 *Application for payment.* In order to receive payment, each producer must sign an application for payment (CCC Peanut Form 836) certifying the correctness of his percentage and poundage shares. The applicable provisions of the "General Procedure for Applications for Payment," PMA Instruction No. 1066.1 (formerly ACP-207), a copy of which shall be available for public inspection in the office of each county committee, shall apply to the signing of applications for payment or other documents under these regulations. The county committee shall make the application for payment with respect to each farm available for signature by the producer(s) either in the office of the county committee or by mailing such application for payment to the farm operator with a request that he obtain each producer's signature on such application. The county committee shall mail to each producer, at his last known address, a notice informing him whether the application for payment is available in the office of the county committee for signature or is being mailed to the farm operator for signature by each producer. Such notice shall specify the time within which all producers must sign such application and, if the application was mailed to the farm operator, the notice shall also specify the time within which the application must be returned to the county committee. No payment shall be made to any producer on the farm until all producers on the farm have signed the application for payment: *Provided, however*, That, if the county committee determines, after expiration of the time for signature specified in the notice to each producer, that any producer cannot be located or that he has failed or refused to sign such application without good cause, the county committee may determine the amount due each producer in accordance with § 729.288 and payment may be made on the basis of such determination to each producer who has signed such application, and such determination of amount due and payments made thereunder shall be final and conclusive with respect to all producers on the farm: *And provided, further*, That if the county committee determines, after expiration of the time for signature specified in the notice to each producer, that any producer, who it determined could not be located or had refused to sign such application without due cause, is

indebted to the United States, the State or county committee shall issue a sight draft on Commodity Credit Corporation, in favor of the Treasurer of the United States, for the smaller of (a) the amount of the producer's indebtedness to the United States or (b) the amount due the producer determined in accordance with § 729.288, and shall mail to the producer, at his last known address, a notice informing him of the action taken; such action by the county committee shall not, however, affect any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

Prior to issuance of the proposed amendment, consideration will be given to any data, views, and recommendations relating thereto, which are submitted in writing to the Director, Fats and Oils Branch, PMA, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of October 1952.

[SEAL] HAROLD K. HILL,
Deputy Administrator.

[F. R. Doc. 52-11392; Filed, Oct. 20, 1952; 8:50 a. m.]

[7 CFR Part 811]

SUGAR REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1953

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948 (7 U. S. C. Sup. 1100), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1953 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1953 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control.

Section 202 of the act provides for fixed quotas for the domestic areas and for the Republic of the Philippines and for the apportionment of the balance of the requirements to foreign countries other than the Republic of the Philippines in accordance with stated percentages.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time determine whether in view of various factors specified in the act, any area will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallocated, in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Auditorium, South Building, United States Department of Agriculture, on November 13, 1952, at 9:30 a. m., e. s. t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1953. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect of various changes in demand conditions, (3) the effect of the prospective 1953 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1953.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1953 and the sugar quotas for 1953 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1953 and the sugar quotas for 1953 for local consumption in such areas, and (2) the amount by which any area will be unable to market the quota for such area in 1953 and the reallotment of such deficit, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration. Written data, views, or arguments must be submitted in quadruplicate and must be received not later than November 26, 1952. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views, or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 16th day of October 1952.

[SEAL] HAROLD K. HILL,
Deputy Administrator.

[F. R. Doc. 52-11396; Filed, Oct. 20, 1952; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 689]

SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

NOTICE OF POSTPONEMENT OF HEARING

On August 30, 1952 there was published in the FEDERAL REGISTER a notice of hearing on the minimum wage recommendations of Special Industry Committee No. 12 for Puerto Rico for a number of specified industries in Puerto Rico. Said notice stated that the hearing on the recommendation of the Committee for the Sugar Manufacturing Industry in Puerto Rico would be held on October 21, 1952. Notice is hereby given that the hearing on the recommendation of the Committee for this industry is postponed until November 6, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C. In all other respects, the hearing shall be governed by the provisions of the original notice of hearing published in the FEDERAL REGISTER on August 30, 1952.

Signed at Washington, D. C. this 17th day of October 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-11426; Filed, Oct. 20 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 8]

[Docket No. 10329]

PRACTICE AND PROCEDURE; STATIONS ON SHIPBOARD IN MARITIME SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of proposed revision of FCC Form 501, Application for Ship Radio Station License, and the deletion of Forms 500, Ship Radio Station Equipment, and 503, Application for Modification of Ship Radio Station License, and the proposed amendment of table showing forms currently in effect and where they are referred to in Part 1 of the rules, and amendment of Part 1, Practice and Procedure, and Part 8, Stations on Shipboard in the Maritime Services; Docket No. 10329.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed revision of FCC Form 501,[1] Application for Ship Radio Station License, has been designed to accommodate the frequency column symbols introduced August 13, 1952, in a further notice of proposed rule making in Docket 10209. This docket implements the provisions of Atlantic City and the Geneva Agreement which stipulate a rotating system of assignment of HF radiotelegraph frequencies in separate bands for calling, cargo ship working and passenger ship working. The Commission's plan proposes the use of "frequency column symbols" to designate families of harmonically related frequencies in the 2, 4, 6, 8, 12, 16, and 22 Mc bands. Rotation of assignments for equalized spectrum occupancy is accomplished by apportioning the frequency column symbols between present licensees, with instructions to apply for successive sets of symbols, from those apportioned, for successive vessels. Frequency symbol R1 was also provided to designate all HF radiotelephone frequencies. In the event that an assignment plan differing from the one now proposed in Docket 10209 is adopted, the proposed FCC Form 501 may require corresponding changes.

3. This revision of FCC Form 501 is made primarily to permit application for ship radiotelegraph frequencies between 2 and 23 Mc and ship radiotelephone frequencies between 4 and 23 Mc by means of frequency symbols. Secondly, however, any other frequency required for use on shipboard, including 140 to 535 kc telegraphy, short range ship radiotelephony, radar, and special emissions, may be included in one application. The form is to be used both for application for new stations and for modifications of existing station licenses. The particulars required by section 360 (a) of the act have been incorporated.

4. The new FCC Form 501 incorporates all significant items formerly shown on Forms 500, 501, and 503, making these forms obsolete.

5. Other ship application forms:

a. FCC Form 405A will continue to be used for renewal of all ship licenses.

b. FCC Form 501–A, Application for Ship Radiotelephone Station License, may be used optionally as a short form for small boats operating solely in either the 2 Mc or the 30–162 Mc bands.

c. FCC Form 501–B, Application for Ship Radar Station License, may be used optionally as a short form for ship radar.

6. The processing of applications will be expedited by combining the application and the authorization forms, both of which will be completed by the applicant. Upon approval by the Commission, the authorization portion will be authenticated and returned to the applicant as his official station license.

[1] Filed as part of original document.

7. The proposed revision of the rule governing the posting of license relieves the requirement that the ship radar license be posted at the principal radar operating position where a single document has been issued combining the ship station license and the ship radar station license.

8. It is proposed that Part 1 of the rules be amended as follows:

a. Delete the following in the Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations:

500	1.318 (b) (5)
503	1.319 (b) (8)

b. Delete § 1.318 (b) (5) and renumber the succeeding subparagraphs accordingly.

c. In § 1.318 (b) (6) change title of form to read "Application for Ship Radio Station License".

d. In § 1.319 (b) (5) renumber the present subparagraph as (6) and insert the following language as the new subparagraph (5) and renumber the succeeding subparagraphs accordingly:

(5) FCC Form 501, "Application for Ship Radio Station License".

e. In § 1.319 (b) (6) delete the following language in the third line: "• • • New, Modified, or Renewal".

9. It is proposed that Part 8 of the rules be amended as follows:

a. Delete the present headnote and text of § 8.36 and substitute the following:

§ 8.36 *Application forms for station authorization.* (a) The forms hereinafter designated in this section shall be used for filing formal applications for station authorizations:

(1) For new or modified license for all radiotransmitting apparatus on board ship: FCC Form 501, except that two optional short forms may be used as follows where no separate FCC Form 501 is filed for other apparatus by the same applicant:

(i) For radiotelephone licenses to use frequencies solely between 2 and 4 Mc, or between 30 and 162 Mc: FCC Form 501–A (Short Form) or FCC Form 501.

(ii) For ship radar licenses only: FCC Form 501–B (Short Form) FCC Form 501.

(2) For renewal (without modification) of any ship station license: FCC Form 405–A.

b. In § 8.102 delete present paragraph (a) and substitute the following language:

(a) Except for certain stations to which paragraph (b) of this section is applicable and except for stations authorized in accordance with § 8.66, the original license for each station on board ship subject to this part shall be posted in a conspicuous place at the principal location on board at which the station is operated: *Provided*, That the ship radar station license shall be posted in a conspicuous place at the principal radar operating position: *And provided further*, That when a ship radio station and a ship radar station are licensed by means of a single document, such license shall be posted in the manner prescribed for a ship radio station license.

c. In § 8.510 (b) delete the last sentence of this paragraph and substitute the following: "Each report shall specify the type of the alarm, the name of the vessel, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel."

d. In Part 8, footnote 15, change number of FCC form to read "501".

10. Additional copies of the proposed forms will be available at the Commission's Office of Information, Room 7230, New Post Office Building, Washington 25, D. C.

11. Authority to issue the proposals herein is vested in the Commission by sections 4 (i), 301, 303 (e), 303 (r), and 308 (b) of the Communications Act of 1934, as amended.

12. Any interested person may file with the Commission, on or before November 7, 1952, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing the described original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

13. In accordance with the Commission's rules, an original and three copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 15, 1952.

Released: October 16, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11389; Filed, Oct. 20, 1952; 8:49 a. m.]

[47 CFR Part 2]

[Docket No. 10333]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ALLOCATION OF FREQUENCIES

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the band 11,000 to 11,100 kc; Docket No. 10333.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) the Commission is instituting proceedings to modify the licenses of certain stations operating between 11,000 kc and 13,360 kc so as to bring authorizations to stations in the Fixed Service within this range into conformity with the Atlantic City (1947) Table of Frequency Allocations. It is therefore proposed to amend the Commission's Table of Frequency

Allocations in § 2.104 (a) of the Commission's rules to provide that as of June 3, 1953, frequencies in the band 11,000 to 11,100 kc will be available for use only in accordance with the Atlantic City Table of Frequency Allocations.

3. The proposed amendment is issued under authority of sections 301, 303 (c), and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before November 14, 1952, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: October 9, 1952.

Released: October 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-11348; Filed, Oct. 20, 1952; 8:47 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10334]

STATIONS ON LAND IN MARITIME SERVICES; STATIONS ON SHIPBOARD IN MARITIME SERVICES

STATIONS IN MARITIME MOBILE SERVICE; DELETION OF FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete frequencies in the band 11,000–11,100 kc from those available to stations in the Maritime Mobile Service; Docket No. 10334.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Atlantic City (1947) Table of Frequency Allocations allocates the frequency band 11,000–11,100 kc to the Fixed Service on a world-wide basis. The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) to which the United States is a signatory contains provisions which permit stations in the Fixed Service to be licensed for operation on frequencies within that band at this time. Further, the Geneva Agreement contains provisions which authorize and encourage the deletion of frequency assignments which are not presently in appropriate Atlantic City frequency bands to the extent that the signatory countries may find it practical and advisable to do so.

3. In order that the Commission may issue authorizations in the band 11,000–11,100 kc to stations in the Fixed Service in accordance with the Atlantic City table of Frequency Allocations and Article 9 of the Atlantic City Radio Regulations, it is believed to be desirable to amend the rules of the Commission so that as of June 3, 1953, the following frequencies (in kilocycles) will not be available to stations in the Maritime Mobile Service:

Coast	*Ship*	
11040	11020	11055
11090	11025	11060
	11030	11070
	11040	11090
	11050	

4. Licenses of Coast Stations now authorized to operate on the above-indicated frequencies will expire on February 1, 1953. Renewals of those licenses would expressly limit the duration of such authorizations to operate on those frequencies to the period remaining until June 3, 1953. A similar procedure would be followed with respect to ship stations involved in this matter and whose licenses may expire during the period until June 3, 1953. In addition, it is proposed to amend Part 7 of the rules effective June 3, 1953, to provide as follows: "A coast station shall not communicate with any mobile station which is transmitting on any radio-channel within the frequency band 11,000 to 11,100 kc except solely to request the mobile station to transmit, for communication with that coast station, on an authorized radio-channel outside that frequency band: *Provided*, That this limitation shall not apply to the transmission or reception of safety communication."

5. The proposed amendments to the Rules are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before November 14, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendments.

7. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: October 9, 1952.

Released: October 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-11349; Filed, Oct. 20, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 14–12 between the Member Lines of the Trans-Pacific Freight Conference modifies the basic agreement of said Conference (No. 14–1) by extending the geographical scope of the agreement to include Long Beach, California among the North American Pacific Coast ports covered by the agreement. Agreement No. 14–1 presently covers the trade from the Orient to Vancouver and Victoria, British Columbia; and to Seattle, Tacoma, Portland, San Francisco, Los Angeles Harbor and Honolulu, Hawaii.

(2) Agreement No. 7868 between A/B Svenska Amerika Linien and Rederiaktiebolaget - Transatlantic and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Norway, Sweden, Finland, Denmark and Poland to Puerto Rico, with transhipment at New York, Baltimore, and Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-11397; Filed, Oct. 20, 1952; 8:51 a. m.]

IVARAN LINES

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7866, between Skibsaktieselskapet Igadi, Aktieselskapet Ivarans Rederi and Aktieselskapet Lise, covers the establishment and maintenance of a joint cargo and limited passenger service under the trade name "Ivaran Lines-Far East Service" in the trade between United States Atlantic and Gulf ports (including the loading and discharging of part or full cargoes at United States Pacific Coast ports, but not including transportation within the purview of the coastwise laws of the United States) and ports in Japan, Korea, Formosa, Siberia, Manchuria, China, Hong Kong, Indo-China, Siam, Philippine Islands, Federation of Malaya, Colony of Singapore, the United States of Indonesia and British North Borneo. Agreement No. 7866 was filed to cancel and supersede Agreement No. 7554, as amended.

(2) Agreement No. 7867, between Skibsaktieselskapet Igadi, Aktieselskapet Ivarans Rederi and Aktieselskapet Lise, covers the establishment and maintenance of a joint cargo and limited passenger service under the trade name "Ivaran Lines" in the trade between United States Atlantic and Gulf ports and Brazil, Uruguay and the Argentine. Agreement No. 7867 was filed to supersede and cancel Agreement No. 7591, as amended.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 15, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-11398; Filed, Oct. 20, 1952; 8:51 a. m.]

National Production Authority

[Suspension Order No. 37; Docket No. 44]

DELMAN CORP. AND LEONARD C. NEUFELD

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 22d day of August 1952, at Des Moines, Iowa, before the undersigned hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), which has been redesignated as RP–1, Rules of Practice Before Hearing Commissioners (16 F. R. 8894); and the National Production Authority having appeared by John M. Cleary, Jr., Esq., regional attorney for the National Production Authority; and

The respondents, the Delman Corporation and Leonard C. Neufeld, both of Des Moines, Iowa; having been duly appraised of the specific violations charged and the administrative action which may be taken thereon, and having been informed of the rules and procedures which govern such proceedings, and they having appeared by Peter W. Janss, attorney at law, 212 Equitable Building, Des Moines, Iowa, and the National Production Authority having submitted evidence sustaining charges numbered 1, 4, 6, and 9, and also some evidence supporting charges 2, 3, 5, 7, and 8 of such statement of charges, and the respondents having submitted evidence in opposition to the charges and in supplementation thereof, and upon oral argument by both Mr. Janss and Mr. Cleary, and upon written arguments of counsel, which arguments have been filed with the hearing commissioner and, the hearing commissioner having considered the record, the oral and written arguments of counsel, and being fully advised in the premises, makes the following:

Findings of fact. 1. The Delman Corporation and Leonard C. Neufeld, during the period from January 1, 1951, to June 30, 1951, used more than 10,000 pounds of aluminum in excess of the amount permitted by section 26.25 (b) of NPA Order M–7 and section 6 (b) of said NPA Order M–7.

2. The Delman Corporation and Leonard C. Neufeld received 25,755 pounds of aluminum in excess of the amount that they would have received under their authorized production schedules, and more than 10,000 pounds of aluminum in excess of what they would have been authorized to receive if the alleged extended ratings of the Ford Motor Company under its symbol V5–X were considered as properly extended allotments during the period beginning October 1, 1951, and ending December 31, 1951, or the fourth quarter of that year.

3. The Delman Corporation and Leonard C. Neufeld accepted delivery of 29,006 pounds of aluminum in excess of what they could have received under their regularly authorized production schedules for the period beginning January 1, 1952, and ending March 31, 1952, that is, the first quarter of 1952, and more than 12,000 pounds in excess of the aluminum which they could have received to manufacture products for the Ford Motor Company if the alleged extended ratings of the Ford Motor Company under its symbol V5–X were considered as properly extended allotments for such first quarter of 1952.

4. The Ford Motor Company was in a position to extend such alleged allotments to the respondents for the production of windshield washers, as "A" products, but the Ford Motor Company did not actually do so.

5. The Delman Corporation and Leonard C. Neufeld placed certified, authorized controlled material orders for aluminum with suppliers far beyond their available allotments during the periods mentioned in charges 4 and 6 thus charges 3, 5, and 7 are sustained.

6. The Delman Corporation and Leonard C. Neufeld used 16,695 pounds of copper in excess of the amount they were allowed during the period January 1, 1951, to June 30, 1951, under NPA Order M–12, which has since been revoked.

7. The respondents during the periods involved, beginning January 1, 1951, to June 30, 1951, and again beginning October 1, 1951, and ending March 31, 1952, carried on their operations as manufacturers of windshield washers, ordered, accepted delivery of, and used aluminum in the manufacturing of such windshield washers without adequate regard to their permitted usage under NPA Order M–7 during the first half of 1951, and without regard to their authorized production schedules during the 6-month period covering the last quarter of 1951 and the first quarter of 1952, during which the use of aluminum was controlled by CMP Regulation No. 1, specifically requiring regularly authorized production schedules.

8. After the respondents were advised definitely in April 1952 that they were in violation, by Mr. Wilson of the Des Moines office of the National Production Authority, they took definite measures to bring themselves into compliance by cancelling many of their excessive orders for aluminum, going to Washington to confer with officials of the National Production Authority, consulting with Ford Motor Car Company, their principal customer, which purportedly was extending their V5–X rating to the respondents, and by making other efforts to get approval for what they had been doing.

9. Leonard C. Neufeld, one of the respondents herein, was at the times herein mentioned, the general manager, the principal figure, and in full control of the other respondent, the Delman Corporation, and therefore all of the activities referred to herein are chargeable both to him and the Delman Corporation.

Conclusion. The respondents, the Delman Corporation and Leonard C. Neufeld, violated NPA Order M–7 in accepting and using more than 10,000 pounds of aluminum more than allowed during the first half of 1951; violated CMP Regulation No. 1 during the fourth quarter of 1951 in obtaining and accepting delivery of more than 10,000 pounds of aluminum beyond its regular authorized production schedules supplemented by an alleged rating from the Ford Motor Company under its symbol V5–X; and the respondents violated the same order during the first quarter of 1952 by obtaining and accepting delivery of more than 12,000 pounds of aluminum in excess of its authorized production schedules as supplemented by alleged Ford extended ratings under its symbol V5–X.

The respondents violated section 29.26 (b) of NPA Order M–12 in that they used 16,695 pounds of copper in excess of what was permitted by said NPA Order M–12. This order has now been revoked.

The respondents have violated section 19 (f) of CMP Regulation No. 1 in that they placed certified authorized controlled material orders with suppliers for 28,864 pounds of aluminum when lawfully entitled under their allotments to order only 10,650 pounds of aluminum

for an excess of 18,214 pounds during the quarter beginning October 1, 1951, and ending December 31, 1951.

Respondents are in violation of the same section of CMP Regulation No. 1 as mentioned above in that they placed certified authorized controlled material orders during the period beginning January 1, 1952, and ending March 31, 1952, for 43,500 pounds of aluminum when lawfully entitled under their allotments to order only 4,332 pounds thereof for an excess of 39,168 pounds. Most of these orders were subsequently cancelled, however.

The respondents are in violation of the same section of CMP Regulation No. 1 in that they placed certified authorized controlled material orders with suppliers for the second quarter of 1952, to the amount of 30,000 pounds of aluminum when lawfully entitled under their allotments to only 4,971 pounds, or an excess of 25,029 pounds. Most of these orders were subsequently cancelled.

Order. In order to correct the unauthorized use of aluminum in the manufacture of windshield washers occasioned by the violations found herein, it is accordingly ordered: 1. That all allocations, allotments, and priorities of materials, including by self-allotment and self-certification, for use in the manufacture of windshield washers be withdrawn and withheld from the Delman Corporation, its successors and assigns, and Leonard C. Neufeld, his successors and assigns, for a period commencing October 1, 1952, and ending March 31, 1953: *Provided, however,* That the Delman Corporation and Leonard C. Neufeld, their successors and assigns, are nevertheless permitted to extend allotments and priorities received by them from Ford Motor Company for the production of windshield washers, which are Class "A" products for the use of the said Ford Motor Company pursuant to contracts now in force or which may later be entered into by the Delman Corporation and Leonard C. Neufeld, their successors and assigns, and the Ford Motor Company: *And provided further,* That the respondents are hereby permitted to use such supplies of aluminum as they have on hand as of October 1, 1952, for the purpose of manufacturing windshield washers which are Class "B" products during the period beginning October 1, 1952, and ending March 31, 1953.

Dated: Lawrence, Kans., October 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By FREDERICK J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-11466; Filed, Oct. 20, 1952; 11:31 a. m.]

[Suspension Order No. 38; Docket No. 39]

TASCOSA DRIVE-IN THEATRE

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 17th day of September 1952 before H. Bascom Thomas, Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel of the National Production Authority in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to NPA General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, W. O. Bearden and L. R. Doyal, doing business as Tascosa Drive-In Theatre, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and

The respondents having entered into a stipulation dated September 17, 1952, wherein respondents admitted that they did commit charges 1 and 2 of the statement of charges filed herein by the General Counsel and dated July 29, 1952, and the respondents having fully stipulated that the said stipulations be filed in lieu of the presentation of other evidence in support and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. On or about February 13, 1952, the respondents without authority at Amarillo, Tex., commenced construction of a project of a type specified in Table I of NPA Order M-4A as amended August 20, 1951 (16 F. R. 8361), to wit: a drive-in theatre, said project requiring for its completion more than 200 pounds of copper in violation of section 4 of NPA Order M-4A as amended August 20, 1951, and did use in such project 230 pounds of copper controlled materials; and

2. The respondents without authority at Amarillo, Tex., after March 5, 1952, continued construction of a project of a type specified in Table I of Revised CMP Regulation No. 6 dated March 6, 1952 (17 F. R. 2002), to wit: a drive-in theatre, the total quantity of controlled materials, to wit: copper, installed and to be installed on the site of such project after September 30, 1951, for the completion of construction of said project, being in excess of the quantity permitted by section 3 (a) (2) of said Revised CMP Regulation No. 6 and in violation thereof by using in said construction 230 pounds of copper; and

3. That said violations were not accompanied by any fraud or fraudulent representation on the part of either of the respondents.

Conclusions. On or about February 13, 1952, and continuing after March 5, 1952, the respondents, W. O. Bearden and L. R. Doyal, violated the provisions of National Authority regulations, orders, and directives as hereinbefore cited as follows:

1. The commencement of construction without authority of a project of a type specified in Table I of NPA Order M-4A as amended August 20, 1951, to wit: A drive-in theatre, said project requiring for its completion more than 200 pounds of copper and did use in such project 230 pounds of copper controlled materials.

2. The continuation of a project of a type specified in Table I of Revised CMP Regulation No. 6 dated March 6, 1952, to wit: a drive-in theatre, requiring for its completion more than 200 pounds of copper being in excess of the quantity permitted by Revised CMP Regulation No. 6 by using in said construction 230 pounds of copper.

In order to correct the unauthorized use of copper controlled materials occasioned by the violations found herein and in order to prevent further violations of National Production Authority orders, regulations, and directives by this respondent,

It is accordingly ordered: 1. That all priorities and allocation assistance and all authority to use controlled materials in the construction of additional drive-in theatres be withdrawn and withheld from the respondents, W. O. Bearden and L. R. Doyal, and their successors and assigns in and to the Tascosa Drive-In Theatre while the Defense Production Act of 1950, or as hereafter amended or extended, remains in effect.

2. That all allocations or allotments and privileges of self-authorization, self-certification, and automatic allotments granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from W. O. Bearden and L. R. Doyal, while the Defense Production Act of 1950, or as hereafter amended or extended, remains in effect.

3. That W. O. Bearden and L. R. Doyal, in respect to the Tascosa Drive-In Theatre, and successors and assigns in respect to the Tascosa Drive-In Theatre be prevented from acquiring, disposing, or consuming materials which are under the control of the National Production Authority and specifically copper wire, while the Defense Production Act of 1950, or as hereafter amended or extended, remains in effect, subject however to the following exception:

That respondents, W. O. Bearden and L. R. Doyal, are granted the right without further order in this cause to use at "Old Tascosa Drive-In Theatre," and acquire if such be necessary, such amounts of copper controlled materials as shall be permissible from time to time for Table I construction (outdoor theatre) in any future or amended orders issued by the National Production Authority provided the amount to be used and the 230 pounds already used, do not exceed the permissible limits set by such order.

Issued this 8th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By H. BASCOM THOMAS,
Hearing Commissioner.

[F. R. Doc. 52-11467; Filed, Oct. 20, 1952; 11:31 a. m.]

Office of International Trade

[Case No. 139]

JESSAM INDUSTRIAL CORP.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Jessam Industrial Corporation, 180 Broadway, New York 38, New York; Jessam Export and Import Company, c/o Jessam Industrial Corporation, 180 Broadway, New York 38, New York; Jesse E. Pinto, c/o Jessam Industrial Corporation, 180 Broadway, New York 38, New York; respondents; Case No. 139.

The above-named respondents, having been charged by the Director, Investigation Staff, with a series of violations of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, duly appeared herein and were represented by counsel.

The charges were regularly brought on for hearing before the Compliance Commissioner and the respondents, by Jesse E. Pinto, individually, as sole proprietor of Jessam Export and Import Company, and as president of Jessam Industrial Corporation, appeared at said hearing and were there represented by counsel. During the course of the hearing, they admitted the charges as set forth in the charging letter and proposed that a consent order be made against them in the form hereinafter set forth, such admissions having been made solely for the purpose of this proceeding.

The Compliance Commissioner has filed his report, together with the record of the proceeding. After careful consideration of the evidence, the record and report, I hereby make the following findings of fact:

1. Jesse E. Pinto is engaged in the export and import business at 180 Broadway, New York City; he commenced said business in the City of New York under the firm name and style of Jessam Export and Import Company, of which he is sole proprietor, and subsequently organized Jessam Industrial Corporation, of which he is the president and principal stockholder, for the purpose of continuing said business.

2. On June 2, 1950, respondents exported to Formosa, under General License GRO, various machinery parts and accessories, among which were automotive replacement parts consisting of engine flywheel assembly kits and parts for a propeller shaft. In the shipper's export declaration and customs authentication annexed thereto, respondents described them as being Schedule B Commodity No. 792700 instead of No. 792305, the number assigned for automotive replacement parts which, at the time, were on the positive list, for the export of which to Formosa a validated export license was required. At the same time, in addition, a case of piston rings and a case of clutch plates, properly described as being Schedule B Commodity No. 792305, were exported by them under General License GLV. Had the other parts mentioned been described properly, their value, together with the value of the piston rings and clutch plates, would have made it apparent that the GLV dollar value limit had been exceeded, and the export of the piston rings and clutch plates would not have been accomplished.

3. On October 27, 1950, respondents exported to Formosa, under General License GRO, various automotive replacement parts and accessories including clutch discs, piston rings, oil seals, connecting rod assemblies, and timing gear camshafts, of an aggregate value of $680.40. In the shipper's export declaration and customs authentication annexed thereto, they described them as auto ignition parts, Schedule B No. 709200 instead of No. 792305, the number assigned for automotive replacement parts. Automotive replacement parts, of a value in excess of $500.00, could be exported to Formosa only under authority of a validated export license at that time.

4. On September 26, 1950, respondents exported to Hong Kong, under General License GLV, three automotive engine blocks worth $576.00 and sixty-nine generator armatures worth $491.97. In the shipper's export declaration and customs authentication annexed thereto, they misdescribed them as five cases of auto parts (blocks) valued at only $471.00. The three engine blocks, being of a value in excess of $500.00, could be exported to Hong Kong only under authority of a validated export license at that time.

5. Again, on September 26, 1950, respondents exported to Hong Kong, under General License GLV, an additional three automotive engine blocks worth $576.00, which, in the shipper's export declaration and customs authentication annexed thereto, were valued by them at $471.00. Having been of a value in excess of $500.00, and not $471.00, they could not be exported to Hong Kong without authority of a validated export license at that time.

From the foregoing, it is concluded that the respondents did knowingly make false representations to and did knowingly conceal material facts from the Office of International Trade, that they thereby effected the exportation of the commodities aforementioned, from the United States to the designations named, under purported authority of general licenses, when, in fact, validated export licenses were required therefor and that, in so doing, they violated Export Control Regulations, §§ 370.2 (b); 371.2 (b); 379.1 (a) (1), (d); 379.2 (a) (6); and 381.1 (b) (1), (b) (2).

The Compliance Commissioner, in his report, has recommended that the proposed consent order, directed against the respondents named herein, be approved. The facts of this case, as indicated by the evidentiary material, and as reported by him, together with the reasons given by him for his recommendation, support the same, and the terms of the proposed order having been found by me to be reasonable, and necessary and proper to achieve effective enforcement of the law, they are accordingly adopted.

It is, now, therefore ordered:

I. Jesse E. Pinto, Jessam Industrial Corporation, and Jessam Export and Import Company are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include any action by the named respondents, or any of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses and any export control documents relating thereto; (b) as a party or a representative of a party to any export license application; (c) in any exportation from the United States to Canada or to any other foreign destination; (d) in the financing, forwarding, transporting or other servicing of exports from the United States; and (e) in the receiving in any foreign country of any exportation from the United States.

II. All outstanding validated export licenses held by or issued in the name of any of the said respondents be and they hereby are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

IV. This order is effective from October 20, 1952, to November 18, 1952, both dates inclusive, and for the additional term of one (1) year thereafter, which additional term shall be held in abeyance for one (1) year commencing November 19, 1952, subject to the condition that if said respondents, or any one of them, shall at any time within the term commencing October 20, 1952, and ending November 18, 1952, or within the additional period of one year ensuing immediately thereafter, knowingly violate any of the provisions of this order, or the Export Control Act of 1949, as now or hereafter amended, or any regulation promulgated thereunder, a supplemental order, summarily vacating this provision for holding in abeyance the suspension for the additional term of one year, will be issued. Upon the issuance of any such supplemental order, the additional term of one year shall commence to run from the date of such supplemental order and the issuance thereof shall not be a bar to nor shall the Office of International Trade be thereby precluded from instituting any other and further action which it may deem appropriate and necessary by reason of the violation giving rise thereto. If, in the meantime, export controls shall fully terminate, then and in that event, this order, and any supplemental order hereunder, shall have no further force or effect.

V. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph III above, without prior disclosure of such facts to, and specific author-

ization from, the Office of International Trade.

Dated: October 16, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-11421; Filed, Oct. 20, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10258, 10262-10264]

KAKE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KAKE Broadcasting Company, Inc., Wichita, Kansas, Docket No. 10263, File No. BPCT-700; WKY Radiophone Company, Wichita, Kansas, Docket No. 10264, File No. BPCT-950; Mid-Continent Television, Inc., Wichita, Kansas, Docket No. 10262, File No. BPCT-964; Sunflower Television Company, Inc., Wichita, Kansas, Docket No. 10258, File No. BPCT-677; for construction permits for new commercial television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of October 1952;

The Commission having under consideration the above-entitled applications of Mid-Continent Television, Inc. and Sunflower Television Company, Inc., each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Wichita, Kansas; and

It appearing, that the said applications are mutually exclusive with the above-entitled applications of KAKE Broadcasting Company, Inc., and WKY Radiophone Company, both of which request construction permits for television stations to operate on Channel 10 in Wichita, Kansas; and

It further appearing, that the applicants, Mid-Continent Television, Inc., and Sunflower Television Company, Inc., were advised by the Commission on September 24, 1952, that their proposals were mutually exclusive with those of the other above-entitled applications and were requested to file any reply within ten days, and that this time has now expired and the said conflict has not been resolved in either case;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of Mid-Continent Television, Inc., and Sunflower Television Company, Inc., be designated for hearing in the same consolidated proceeding with the other above-entitled applications to commence at 10:00 a. m. on October 20, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11345; Filed, Oct. 20, 1952; 8:46 a. m.]

[Docket Nos. 10282, 10283, 10328]

WIBM, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WIBM, Inc., Jackson, Michigan, Docket No. 10282, File No. BPCT-929; Jackson Broadcasting and Television Corporation, Jackson, Michigan, Docket No. 10283, File No. BPCT-969; Sparton Broadcasting Company, Jackson, Michigan, Docket No. 10328, File No. BPCT-1202; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of October 1952;

The Commission having under consideration the above-captioned application of the Sparton Broadcasting Company requesting a construction permit for a new television station to operate on Channel 48 in Jackson, Michigan; and

It appearing, that said application is mutually exclusive with the above-captioned applications of WIBM, Inc., and Jackson Broadcasting and Television Corporation, both of which request construction permits for television stations to operate on Channel 48 in Jackson, Michigan; and

It further appearing, that the applicant, Sparton Broadcasting Company, was advised on September 17, 1952, that its proposal was mutually exclusive with the other above-captioned applications and was requested to file any reply within ten days, and that the said conflict has not been resolved;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of the Sparton Broadcasting Company be designated for hearing in the same consolidated proceeding with the other above-captioned applications to commence at 10:00 a. m. on October 20, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed station.

2. To determine the type and character of the program services proposed to be rendered and whether they meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed station would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the stations proposed by WIBM, Inc., Jackson Broadcasting and Television Corporation, and Sparton Broadcasting Company in the above-captioned applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-captioned applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11344; Filed, Oct. 20, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1759]

MISSISSIPPI VALLEY GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 15, 1952.

Notice is hereby given that on October 14, 1952, the Federal Power Commission issued its order entered October 9, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11350; Filed, Oct. 20, 1952; 8:47 a. m.]

[Docket Nos. G-2019, G-2074]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND CONSOLIDATING PROCEEDINGS

OCTOBER 14, 1952.

On September 16, 1952, United Gas Pipe Line Company (United) filed First Revised Sheet Nos. 14 and 15 to its FPC Gas Tariff, Original Volume No. 1, which, unless suspended, will become effective October 17, 1952, and will result in an increase of approximately $131,258—based on estimated sales for the year ending September, 1953—to United Gas Corporation for resale in 15 communities and towns located in northwest Mississippi. The new rates are proposed to become effective October 15, 1952.

United asserts that increased rates are necessary because of (a) the present cost and proposed increase in the cost of gas purchased from Tennessee Gas Transmission Company (Tennessee); (b) an increase in the Federal Income tax rate from 38 percent, when the present rates were established, to the current 52 percent rate; and (c) the impact of increases in other operating costs.

In support of the level of the proposed rates and charges, United submitted the same total system cost data submitted by it in support of its rate increase application at Docket No. G-2019, which was suspended by the Commission's order issued August 1, 1952, until January 3, 1953, and until such further time as the proposal may be made effective in the manner prescribed by the Natural Gas Act. These cost data are based on the year 1951, as adjusted, and have been assigned directly or allocated to each of United's various rate districts, including the northwest Mississippi area. United's costs of service allocated to the northwest Mississippi area are further adjusted to include the proposed rate increase of Tennessee.

Approximately 60 percent of United's total claimed costs for its sales in the northwest Mississippi area reflect the increased cost of gas purchased as applied for by Tennessee at Docket No. G-2052. The Commission suspended Tennessee's application at Docket No. G-2052 until February 15, 1953, and until such further time as the proposal may be made effective in the manner prescribed by the Natural Gas Act.

In addition, United's claimed costs of service are premised, as the Commission noted in its order issued August 1, 1952, at Docket No. G-2019, on a rate base including the total amounts in its Gas Plant Acquisition Adjustment account which, in whole or in part, may be improper for this purpose; and amounts for working capital which have been computed without regard to the availability of Federal and other tax accruals for this purpose. United also claims here, as at Docket No. G-2019, a rate of return of 6½ percent without submitting financial facts in support thereof, income taxes associated with such rate of return, and the expense of amortizing the total amounts in the aforesaid Gas Plant Acquisition Adjustment account on an accelerated basis. Data are not available from the rate increase application to evaluate United's treatment of gasoline operations and an apparent change in the method of determining depreciation expense from the depreciation rates used in the proceeding. In the Matter of United Gas Pipe Line Company, Docket No. G-148, both of which items are reflected in the allocated costs to the northwest Mississippi area.

It appears, therefore, that for these reasons, among others, the proposed increase in rates and charges as contained in proposed First Revised Sheet Nos. 14 and 15 to United's FPC Gas Tariff, Original Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

No comment has been received from United Gas Corporation, which is the parent of United, with respect to the proposed rate increase. The Cities of Water Valley and Oxford, Mississippi, which are served at retail by United Gas Corporation, protest the proposed rate increase. General questions concerning the proposed rate increase were raised by Willmut Gas & Oil Company, a customer of United and an intervener at Docket No. G-2019.

The issues raised by the filing by United of First Revised Sheet Nos. 14 and 15 to its FPC Gas Tariff, Original Volume No. 1 are closely related to the issues raised by its proposed increase in rates and charges at Docket No. G-2019, inasmuch as the total system cost data in support thereof are the same.

The Commission finds:

(1) It is necessary or appropriate to carry out the provisions of the Natural Gas Act and to aid in the enforcement thereof in the public interest, that the Commission enter upon a hearing pursuant to the authority contained in section 4(e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services contained in First Revised Sheet Nos. 14 and 15 to United Gas Pipe Line Company's FPC Gas Tariff, Original Volume No. 1 and, pending such hearing and decision thereon, that the operation of United Gas Pipe Line Company's First Revised Sheet Nos. 14 and 15 to its FPC Gas Tariff, Original Volume No. 1, be suspended and use thereof deferred as provided by the Natural Gas Act.

(2) Good cause exists to consolidate the proceeding at Docket No. G-2074 with the proceeding at Docket No. G-2019 for purposes of hearing.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications, or services, subject to the jurisdiction of the Commission, as set forth in First Revised Sheet Nos. 14 and 15 of United Gas Pipe Line Company's FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, said First Revised Sheet Nos. 14 and 15 to United Gas Pipe Line Company's FPC Gas Tariff, Original Volume No. 1, filed on September 16, 1952, be and they hereby are suspended and the use thereof is deferred until March 17, 1953, and until such further time thereafter as such First Revised Sheet Nos. 14 and 15 may be made effective in the manner prescribed by the Natural Gas Act.

(C) The proceeding at Docket No. G-2074 be and the same is hereby consolidated for purposes of hearing with the proceeding at Docket No. G-2019.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission at Docket Nos. G-1142, G-1158 and in any proceeding now pending, or hereafter instituted, by or against United Gas Pipe Line Company.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) (18 CFR 1.37(f)) of the Commission's rules of practice and procedure.

Date of issuance: October 15, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11358; Filed, Oct. 20, 1952; 8:48 a. m.]

[Docket No. G-2038]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 14, 1952.

On September 2, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 18, 1952 (17 F. R. 8403).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on November 6, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 15, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11359; Filed, Oct. 20, 1952; 8:49 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

OCTOBER 14, 1952.

On September 17, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental), pursuant to Part 154 of the Commission's general rules and regulations, filed with the Commission Second Revised Sheets Nos. 5, 9, 12, 17, 19, and 24, Third Revised Sheet

No. 16, First Revised Sheets Nos. 39, 40, and 41, and Original Sheet No. 41–A to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective October 18, 1952.

The proposed rate schedules would increase the presently effective rates and charges to Transcontinental's interstate wholesale customers. According to Transcontinental, based on estimated sales for the year ending September 30, 1953, the proposed rate schedules would result in increased rates and charges of $9,819,394, an increase of 20 percent distributed among the companies and communities and in the amounts set out in Appendix A hereto.

Transcontinental avers that the proposed increased rates are necessitated in order to meet the present cost of service, particularly increased costs of plant, increased operating expenses and the impact of Federal income taxes.

Copies of the proposed rate schedules, together with copies of material submitted by Transcontinental to this Commission pursuant to § 154.63 of the Commission's general rules and regulations (18 CFR 154.63), were transmitted by Transcontinental to each of its interstate wholesale customers and to the State commissions concerned. Many of the State commissions and customer companies have requested suspension and hearing.

The rates, charges and classifications set forth in Second Revised Sheets Nos. 5, 9, 12, 17, 19 and 24, Third Revised Sheet No. 16, First Revised Sheets Nos. 39, 40 and 41, and Original Sheet No. 41–A to Transcontinental's FPC Gas Tariff, Original Volume No. 1, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Transcontinental's Second Revised Sheets Nos. 5, 9, 12, 17, 19 and 24, Third Revised Sheet No. 16, First Revised Sheets Nos. 39, 40 and 41, and Original Sheet No. 41–A to its FPC Gas Tariff, Original Volume No. 1; and that said tariff sheets filed in this proceeding be suspended pending hearing and decision thereon.

The Commission orders: (A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in Second Revised Sheets Nos. 5, 9, 12, 17, 19, and 24, Third Revised Sheet No. 16, First Revised Sheets Nos. 39, 40 and 41, and Original Sheet No. 41–A to FPC Gas Tariff, Original Volume No. 1, filed by Transcontinental Gas Pipe Line Corporation.

(B) Pending such hearing and decision thereon, said tariff sheets filed in this proceeding by Transcontinental on September 17, 1952, be and the same hereby are suspended and the use thereof is deferred until March 18, 1953, and until such further time thereafter as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 15, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

DISTRIBUTION OF INCREASE IN RATES YEAR ENDING SEPTEMBER 30, 1953

Purchaser	*Increase*
Rate Schedule CD–2:	
Consolidated Edison Co. of New York, Inc	$2,882,670
Brooklyn Union Gas Co	1,666,995
Brooklyn Borough Gas Co	185,791
Kings County Lighting Co	175,516
Public Service Electric & Gas Co	1,539,385
Philadelphia Electric Co	921,670
South Jersey Gas Co	439,412
Elizabethtown Consolidated Gas Co	297,220
Long Island Lighting Co	715,765
The Philadelphia Gas Works Co	540,190
Piedmont Natural Gas Co., Inc	154,781
Rate Schedule G–1:	
Alexander City, Ala	10,497
Winder, Ga	7,069
Atlanta Gas Light Co	28,721
Butler, Ala	2,118
Linden, Ala	3,177
Newton County Gas Co	1,477
Commerce, Ga	2,583
Georgia Gas Co	13,658
Thomaston, Ala	1,333
Roanoke, Ala	5,192
Monroe, Ga	4,413
Clanton, Ala	7,908
Wadley, Ala	622
Buford, Ga	2,873
Sugar Hill, Ga	921
Jefferson, Ga	958
Lawrenceville, Ga	2,852
Rate Schedule G–2:	
Bowman, Ga	747
Elberton, Ga	9,587
Clinton Newberry Natural Gas Authority	8,183
Public Service of North Carolina, Inc	21,314
Danville, Va	54,553
Carolina Natural Gas Corp	5,766
Frederick Gas Co., Inc	10,116
Hartwell, Ga	4,825
Blackburg, S. C	620
Toccoa, Ga	19,816
Laurens, S. C	24,752
Royston, Ga	7,853
North Carolina Gas Corp	13,044
South Carolina Gas Co	14,874
Southwestern Virginia Gas Co	7,577
Total	9,819,394

[F. R. Doc. 52–11360; Filed, Oct. 20, 1952; 8:49 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

OCTOBER 15, 1952.

Notice is hereby given that on October 14, 1952, the Federal Power Commission issued its order entered October 9, 1952, in the above-entitled matter, extending period of preliminary permit from October 31, 1952, to and including October 31, 1953.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11351; Filed, Oct. 20, 1952; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE INTEREST OF FEDERAL GOVERNMENT IN THE MATTER OF AUGUST PLANTZ, INC., ET AL.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of August Plantz, Inc., v. Atlantic & East Carolina Railway Company, Docket No. 30062, and Green Brothers Truck Sales Company v. Boston & Maine Railroad, et al., Docket No. 30745, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: October 14, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52–11353; Filed, Oct. 20, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

DELEGATION OF AUTHORITY WITH RESPECT TO MOTOR CARRIER ACCIDENT INVESTIGATION REPORTS

OCTOBER 14, 1952.

The Interstate Commerce Commission has voted to issue reports of investigations of motor carrier accidents.

Authority to issue and release motor carrier accident investigation reports (except those in which testimony is taken at a public hearing) has been delegated to Commissioner Arpaia.

The provisions of section 220 (f) of the Interstate Commerce Act read as follows:

No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of any investigation of any such accident, shall be admitted as evidence, or used for any other purpose, in any suit or action for damages growing out of any matter mentioned in such report or investigation.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11363; Filed, Oct. 20, 1952; 8:49 a. m.]

[No. 31112]

INDIANA INTRASTATE BITUMINOUS COAL RATES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of October A. D. 1952.

It appearing, that a petition, dated August 11, 1952, has been filed on behalf of the Baltimore and Ohio Railroad Company and other common carriers by railroad operating to, from and between points in the State of Indiana, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179; 281 I. C. C. 557; and 284 I. C. C. 589, the Commission authorized certain increases in interstate freight rates including rates on bituminous coal, maintained by petitioners and other common carriers by railroad which were later established; and that the Public Service Commission of Indiana by order dated July 31, 1952, in its Docket No. 23503, has refused to authorize or permit said petitioners to apply to the intrastate transportation of bituminous coal between points in the State of Indiana increases in rates and charges corresponding to those approved for interstate application in the proceedings above cited:

It further appearing, that said petitioners allege that the rates and charges which they are required to maintain for the intrastate transportation of coal by railroad between points in the State of Indiana as a result of such refusal by the Public Service Commission of Indiana cause undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable and unjust discrimination against interstate and foreign commerce;

It further appearing, that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Indiana:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the said respondents, or any of them, for the intrastate transportation of bituminous coal by railroad between points in the State of Indiana cause or may cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine, what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Indiana subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Indiana be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of said State and to the Public Service Commission of Indiana;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing December 1, 1952, 9:30 a. m., U. S. standard time, at the rooms of the Public Service Commission of Indiana, 401 State House, Indianapolis, Ind., before Examiner S. R. Diamondson.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11362; Filed, Oct. 20, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2913]

UTAH POWER & LIGHT CO.

SUPPLEMENTAL ORDER AUTHORIZING SALE OF BONDS AND RELEASING JURISDICTION OVER FEES AND EXPENSES

OCTOBER 15, 1952.

Utah Power & Light Company ("Utah"), a registered holding company, having filed a declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rule U-50 thereunder, regarding the issue and sale of 167,500 shares of common stock, without par or face value, on a rights basis to its stockholders, and $10,000,000 principal amount of First Mortgage Bonds, ____ percent Series due 1982;

The Commission having by order dated September 4, 1952, permitted said declaration, as then amended, to become effective subject to the condition that the proposed sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidders; and

Utah, on October 15, 1952, having filed a further amendment to its declaration setting forth that it had invited bids for the bonds and that in accordance with such invitation had received the following bids for said bonds:

Underwriter	Coupon rate (percent)	Price to company (percent)	Annual cost to company (percent)
Halsey, Stuart & Co. Inc., White, Weld & Co. and Stone & Webster Securities Corp.	3½	100.142	3.4023
	3¾	102.285	3.5013
Salomon Bros. & Hutzler	3¾	101.982	3.5175
Lehman Bros. & Bear, Stearns & Co.	3¾	101.912	3.5213
Union Securities Corp. and Smith, Barney & Co.	3¾	101.91	3.5214
Kidder, Peabody & Co.	3¾	101.90	3.5219
The First Boston Corp. and Blyth & Co., Inc.	3¾	101.4099	3.5483

The amendment further stating that Utah has accepted the bid of the underwriting group headed by Halsey, Stuart & Co., Inc., as set out above, and that the bonds will be offered for sale to the public at a price of 100.742 percent of the principal amount thereof resulting in a gross spread of 0.60 percent per unit, or a total underwriters' spread of $60,000; and

The record now having been completed with respect to fees and expenses incurred in connection with the sale of said bonds and common stock, and the Commission finding that the proposed payment of counsel fees in the amount of $8,500 to Reid & Priest, counsel for Utah, and $7,000 to Beekman & Bogue, counsel for the successful bidders for said bonds which latter fee is to be paid by the successful bidders, are not unreasonable, and the Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions, other than those contained in Rule U-24, with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matter to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on October 15, 1952, to the declaration be, and the same hereby is, permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel with respect to the issues and sale of bonds and common stock, including fees payable to counsel for the successful bidders be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11352; Filed, Oct. 20, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this Revision 1 to Redelegation of Authority No. 32 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This Revision 1 to Redelegation of Authority No. 32 shall take effect on October 17, 1952.

JAMES G. LYONS,
Regional Director, Region II.

OCTOBER 16, 1952.

[F. R. Doc. 52-11365; Filed, Oct. 16, 1952; 11:59 a. m.]

[Region II, Redelegation of Authority 34, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 62, Amendment 1 (17 F. R. 8784), this amendment 1 to Redelegation of Authority No. 34 is hereby issued.

Redelegation of Authority No. 34 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This amendment 1 to Redelegation of Authority No. 34 shall take effect on October 17, 1952.

JAMES G. LYONS,
Regional Director, Region II.

OCTOBER 16, 1952.

[F. R. Doc. 52-11366; Filed, Oct. 16, 1952; 11:59 a. m.]

[Region II, Redelegation of Authority 38, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (b) (2)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 68, Amendment 1 (17 F. R. 8597), this Amendment 1 to Redelegation of Authority No. 38 is hereby issued.

Redelegation of Authority No. 38 is amended by adding a new paragraph 2 to read as follows:

2. Authority to act under section 11 (b) (2) of CPR 24, as amended. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act under section 11 (b) (2) of CPR 24, as amended.

This Amendment 1 to Redelegation of Authority No. 38 shall take effect on October 17, 1952.

JAMES G. LYONS,
Regional Director, Region II.

OCTOBER 16, 1952.

[F. R. Doc. 52-11367; Filed, Oct. 16, 1952; 11:59 a. m.]

[Region III, Redelegation of Authority 30, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 11, Revision 1, Amendments 1 and 2 (17 F. R. 2145, 7195, 8312), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To request further information or to take other appropriate action with respect to statements, reports, notices or forms filed by Class 2 or Class 2A slaughterers under section 9 (a), 12 (f) or 17 (b), or with respect to certificates filed under section 12 (e), of Distribution Regulation 1, Revision 1.

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

(d) To grant, deny, request further information or take other appropriate action with respect to applications made under section 12 (c) of Distribution Regulation 1, Revision 1.

(e) To grant relief, pursuant to section 19 of Distribution Regulation 1, Revision 1, in the form of registration as a Class 2 slaughterer, to a person who, prior to December 16, 1951, filed an application under section 4 of the old Distribution Regulation 1, issued February 9, 1951, and who meets the criteria for registration specified in that section.

(f) To take appropriate action with respect to Class 2 or Class 2A slaughterers under sections 8 (b), 9 (b) and 20 (d) of Distribution Regulation 1, Revision 1.

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Redelegation of Authority No. 30, Revision 1, shall take effect as of October 3, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11368; Filed, Oct. 16, 1952; 12:00 m.]

[Region III, Redelegation of Authority 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority 60, Revision 1 (17 F. R. 8784), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of CPR 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of CPR 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of CPR 135, or concerning any application for a ceiling price made pursuant to the provisions of CPR 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under CPR 135.

This Redelegation of Authority No. 32, Revision 1, shall take effect as of October 10, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11369; Filed, Oct. 16, 1952; 12:00 m.]

[Region III, Redelegation of Authority 35, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13 SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 62, Amendment 1 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 35 is hereby issued.

1. Redelegation of Authority No. 35 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of CPR 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of CPR 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 35 shall take effect as of October 10, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11370; Filed, Oct. 16, 1952; 12:00 m.]

[Region III, Redelegation of Authority 44]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of October 3, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11371; Filed, Oct. 16, 1952; 12:00 m.]

[Region III, Redelegation of Authority 45]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 3, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11372; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region III, Redelegation of Authority 46]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. III, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4, and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5, and 6 of CPR 161.

This redelegation of authority shall take effect as of October 3, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

OCTOBER 16, 1952.

[F. R. Doc. 52-11373; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region V, Redelegation of Authority 30, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 62, Amendment 1 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 30 is hereby issued.

1. Redelegation of Authority No. 30 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by these district offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 30 shall take effect as of October 9, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office.

OCTOBER 16, 1952.

[F. R. Doc. 52-11374; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region V, Redelegation of Authority 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority 60, Revision 1 (17 F. R. 8784), this

revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This Revision 1 of Redelegation of Authority No. 32 shall take effect as of October 9, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

OCTOBER 16, 1952.

[F. R. Doc. 52-11375; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region V, Redelegation of Authority 50]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO MODIFY, REVISE OR REQUEST FURTHER INFORMATION CONCERNING APPLICATIONS FILED UNDER PROVISIONS OF SECTION 14 (c) OF CPR 74 AND TO ACT UNDER SECTIONS 12, 43, 44, 45, 46, 47, 49, AND 60 OF CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region V, Atlanta, Georgia, pursuant to Delegation of Authority 31 (16 F. R. 11752), and Delegation of Authority 32, Revision 1 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to modify, revise or request further information concerning applications filed pursuant to section 14 (c) of CPR 74.

2. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49 and 60 of CPR 74.

This redelegation of authority shall take effect as of October 9, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

OCTOBER 16, 1952.

[F. R. Doc. 52-11376; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region VI, Redelegation of Authority 30, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this Redelegation of Authority No. 30, Revision 1 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky.

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall take effect as of October 15, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

OCTOBER 16, 1952.

[F. R. Doc. 52-11377; Filed, Oct. 16, 1952; 12:01 p. m.]

[Region VI, Redelegation of Authority 32, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 62 (17 F. R. 3258), Delegation of Authority No. 62, Amendment 1 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 32 (17 F. R. 4403) is hereby issued.

Redelegation of Authority No. 32 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by the District Offices of Region VI under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 32 shall take effect as of October 15, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

OCTOBER 16, 1952.

[F. R. Doc. 52-11378; Filed, Oct. 16, 1952; 12:02 p. m.]

[Region VI, Redelegation of Authority 36, Amdt. 1]

DIRECTOR OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (b) (2)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 68 (17 F. R. 4961) and pursuant to Delegation of Authority No. 68, Amendment 1 (17 F. R. 8597) this Amendment 1 to Redelegation of Authority No. 36 (17 F. R. 5703) is hereby issued.

Redelegation of Authority No. 36 is amended by inserting a new paragraph 2, immediately after paragraph 1, to read as follows:

2. *Authority to act under section 11 (b) (2) of CPR 24, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to act under section 11 (b) (2) of CPR 24, as amended.

This Amendment 1 to Redelegation of Authority No. 36 shall take effect as of October 8, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

OCTOBER 16, 1952.

[F. R. Doc. 52-11379; Filed, Oct. 16, 1952; 12:02 p. m.]

[Region VII, Redelegation of Authority 30, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 11, Revision 1, Amendment 2 (17 F. R. 8312), this Amendment 1 to Redelegation of Authority No. 30 (17 F. R. 2946) is hereby issued.

Redelegation of Authority No. 30, Region VII, is amended as follows:

1. Section (b) is amended to read as follows:

(b) To deny, request further information, or take such other action as the National Office may direct with respect to applications made under sections 15 (a), 16, 19 (a), or 19 (b) (1), (2), and (4) of Distribution Regulation 1, Revision 1, by persons who are, wish to be, or desire an adjustment as Class 2 or Class 2A slaughterers.

2. Section (c) is amended to read as follows:

(c) To grant, deny, request further information, or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3), or 19 (b) (5) of Distribution Regulation 1, Revision 1.

This Amendment 1 to Redelegation of Authority No. 30 shall be effective October 17, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

OCTOBER 16, 1952.

[F. R. Doc. 52-11380; Filed, Oct. 16, 1952; 12:02 p. m.]

[Region VII, Redelegation of Authority 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this revised Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall be effective October 17, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

OCTOBER 16 1952.

[F. R. Doc. 52-11381; Filed, Oct. 16, 1952; 12:02 p. m.]

[Region VII, Redelegation of Authority 33, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VII, pursuant to Delegation of Authority No. 62, Amendment 1 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 33 (17 F. R. 4191), is hereby issued.

Redelegation of Authority No. 33 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this delegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 33 shall take effect on October 17, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

OCTOBER 16, 1952.

[F. R. Doc. 52-11382; Filed, Oct. 16, 1952; 12:02 p. m.]

[Region VIII, Redelegation of Authority 31, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization Region VIII, pursuant to Delegation of Authority No. 60, Revision 1, dated October 1, 1952 (17 F. R. 8784), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors, Office of Price Stabilization, Region VIII:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This revised redelegation of authority shall take effect as of October 6, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

OCTOBER 16, 1952.

[F. R. Doc. 52-11383; Filed, Oct. 16, 1952; 12:03 p. m.]

[Region VIII, Redelegation of Authority 33, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION (8) (2) AND SECTION 9 (b)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority No. 62, dated October 1, 1952 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 33 (17 F. R. 4132) is hereby issued.

Redelegation of Authority No. 33 is amended by adding a new paragraph 1 (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by district offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 33 shall take effect as of October 6, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

OCTOBER 16, 1952.

[F. R. Doc. 52-11384; Filed, Oct. 16, 1952; 12:03 p. m.]

[Region X, Redelegation of Authority 45]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. X, Dallas, Texas, pursuant to Delegation of Authority 75 (17 F. R. 8131), this Region X Redelegation of Authority No. 45 is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization Region X to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR

161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect on October 17, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

OCTOBER 16, 1952.

[F. R. Doc. 52-11385; Filed, Oct. 16, 1952; 12:03 p. m.]

[Region XI, Redelegation of Authority 52]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of Regional Office of Price Stabilization Region XI, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the Directors of each of the District Offices of the Office of Price Stabilization in Region XI to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 15, 1952.

DELBERT M. DRAPER,
Regional Director.

OCTOBER 16, 1952.

[F. R. Doc. 52-11386; Filed, Oct. 16, 1952; 12:03 p. m.]

[Region XIV, Redelegation of Authority 20]

DIRECTORS OF TERRITORIAL OFFICES, REGION XIV, WASHINGTON, D. C.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR specifically referred for action by the Regional Office.

This redelegation of authority shall take effect on October 17, 1952.

HERBERT M. KLEIN,
Acting Regional Director.

OCTOBER 16, 1952.

[F. R. Doc. 52-11387; Filed, Oct. 16, 1952; 12:04 p. m.]

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VOLUME 17 1934 NUMBER 207

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

[FHA Instruction 442.1]

PART 351—APPROVAL AUTHORITY

AUTHORIZATION TO STATE DIRECTORS TO REDELEGATE LOAN APPROVAL AUTHORITY TO COUNTY SUPERVISORS

Section 351.2 (b), Title 6, Code of Federal Regulations (17 F. R. 7808) is revised to further restrict authority of State Directors to redelegate loan approval authority to County Supervisors and to read as follows:

§ 351.2 *Authorization to State Directors to redelegate loan approval authority.* • • •

(b) State Directors are authorized to redelegate to County Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except that County Supervisors may not be authorized to approve:

(1) Loans for irrigation purposes.

(2) Any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness in excess of $1,500.

(3) Loans to establish a Water Facilities group service.

(4) Loans made for the purpose of, or loans including funds for, acquiring memberships or water stock in, or paying assessments to, a water association.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interprets or applies secs. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 9, 1952.

Approved: October 16, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11419; Filed, Oct. 21, 1952; 8:51 a. m.]

[FHA Instruction 442.4]

PART 354—PROCESSING LOANS TO INDIVIDUALS

APPLICATION FOR, APPROVAL OR REJECTION OF AND CLOSING OF LOANS TO INDIVIDUALS

1. Section 354.1, Title 6, Code of Federal Regulations (14 F. R. 6393) is revised to provide for use of Form FHA-197A, "Report on Application for Loan," instead of Forms FHA-14, "Farm and Home Plan," and FHA-14A, "Long-time Farm and Home Plan," for applicants who own but do not operate their farms.

2. Section 354.2, Title 6, Code of Federal Regulations (14 F. R. 6394) is revised to effect changes in title requirements.

3. Section 354.3, Title 6, Code of Federal Regulations (14 F. R. 6394) is revised to add provisions concerning closing loans involving security other than real estate and for obtaining property insurance.

§ 354.1 *Loan forms and routines—*(a) *Form FHA-197, "Application for FHA Services."* Each individual applying for initial or subsequent water facilities loans, or for technical assistance only, will fill out, execute, and file with the County Office, Form FHA-197.

(b) *Form FHA-121, "Certifications—Water Facilities Loans to Individuals."* Form FHA-121 will be prepared.

(1) Part I of Form FHA-121 will be executed by the applicant at the time his application is made.

(2) Part II of Form FHA-121 will be executed by the County Committee as follows:

(i) When the applicant is determined to be eligible, by signing the "County Committee Certification."

(ii) When the applicant is determined to be ineligible, by deleting the "County Committee Certification," by indicating the reasons for such determination under "Comments," and by signing in the space provided.

(c) *Farm and home plans.* (1) Form FHA-14, "Farm and Home Plan," will be prepared for all applicants except owners who are are non-operators.

(2) Form FHA-14A, "Long-time Farm and Home Plan," will be prepared for owner-operator and tenant-operator applicants where major adjustments are contemplated in the farm and home operations.

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FEDERAL REGISTER

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(d) *Report for non-operating owner-applicants.* The following reports will be prepared in lieu of farm and home plans for every applicant who owns but does not operate the farm unit on which the proposed water facility is to be installed.

(1) Form FHA–197A, "Report on Application for Loan."

(2) Form FHA–440, "Farm Housing Appraisal Report."

(e) *Water facilities plan.* A water facilities plan containing the items enumerated below will be prepared.

(1) Form FHA–556, "Water Facilities Cost Estimate."

(2) A statement on the methods and plans proposed for constructing the water facility; water supply availability, suitability, and demand; estimated useful life of facility; contributions by the applicant and assistance to be rendered by the Government in connection with construction; date planned for starting construction; and plans, including an estimate of costs, for important operation and maintenance features of the facility. When land leveling is involved, information should be included also on such items as depth of top soil; depth to hardpan, rock and gravel; prevalence of alkali; and, in addition, detailed plans should be given for leveling various fields.

(3) Exhibits, such as maps, drawings, and charts necessary to illustrate the proposed construction methods and plans.

(f) *Form FHA–140, "Agreement with Real Estate Creditor."* Form FHA–140, when required by the loan approving official, will be executed.

(g) *Form FHA–214, "Option to Purchase Real Property, Water Rights, Water Stock, and So Forth."* This form may be used when the applicant proposes to acquire real property, water rights, water stock, or property of a similar nature out of the proceeds of the Water Facilities loan.

(h) *Form FHA–203, "Promissory Note."* This form will be executed by the applicant and his spouse, if any. When one loan is made to joint operators, all of the interested parties, including the spouses, if any, will execute the note. When a separate loan is made to each of the individuals owning a farm together and operating it jointly, each individual and his spouse, if any, will execute only his own note.

(i) *Form FHA–258, "Agreement to Extend Repayment Period."* This form will be used only for the loans to be secured by chattel liens which cannot run for the period needed by the borrower for the repayment of the loan and cannot be extended without his consent.

(j) *Form FHA–5, "Loan Voucher."* A Form FHA–5 will be prepared for the total amount of every advance as indicated in the promissory note and executed by the applicant or applicants. When a joint loan is made to the individuals owning a farm together and operating it jointly, each of the applicant owners will sign the original of the voucher.

§ 354.2 *Loan approval or rejection—*(a) *Real estate title requirements.* Before final loan approval title evidence furnished by applicants for Water Facilities loans to be secured by liens on real estate will be a copy of their deeds or purchase contracts and one of the following:

(1) A certificate of title or title report prepared by an attorney, an abstractor, an abstract company, or by the County Recorder, if not prohibited by State law to prepare it. It will set forth the condition of the title of the applicant to the land, water rights and easements, if any. It will show the manner in which the applicant's title was acquired and contain a list of all unreleased mortgages, unpaid taxes, pending suits against the applicant (whether a lis pendens has been filed or not), leases and easements granted and all other outstanding interests or encumbrances. The certificate of title or title report will cover the period of 25 years immediately prior to the date of the title certificate or report and such additional period as may be necessary to reach and include a conveyance which has been of record for at least 25 years, provided, however, the period covered by the title certificate or report may be less than 25 years if it extends back to the date of the recording of a deed conveying property from the United States. When the period covered extends from the date of a patent issued or a deed executed by the United States pursuant to the homestead or reclamation laws, the certificate of title or title report must show any outstanding liens created prior to the issuance of the patent or execution of the deed which have been of record less than 25 years. When the certificate of title or title report is based upon an examination of the public records, no abstract of title need be furnished with the certificate or report. When the certificate or report is based upon the examination of an abstract of title, the abstract shall accompany the certificate or report.

(2) An abstract of title covering the period required in subparagraph (1) of this paragraph prepared by an attorney, an abstractor, an abstract company, or by the County Recorder, if not prohibited by State law to prepare it. The abstract will reveal conveyances, unreleased mortgages, unpaid taxes, other encumbrances, pending suits, leases, easements, rights-of-way, water rights, and all other outstanding interests. In the case of a foreclosure in the chain of title, only the trustee's deed or sheriff's deed or similar instrument will be required in abstracting the transaction. In the case of any foreclosure which has not progressed to the point of issuing a deed, only a notation of the pending litigation will be required in lieu of a detailed abstract of the foreclosure proceedings. In case the applicant acquired title by inheritance, only sufficient evidence of the probate proceedings to show such acquisition of title will be required.

(3) A certificate of title, title opinion, or policy of title insurance obtained from a title insurance company and meeting the same requirements as those set forth in subparagraph (1) of this paragraph.

(4) When a loan of $1,000 or less is to be secured by a real estate mortgage, the applicant may furnish, in lieu of any of the types of title evidence prescribed in subparagraph (1), (2) and (3) of this paragraph, a lien search on Form FHA–87, "Report of Lien Search," prepared by an abstractor, abstract company, practicing attorney, or by the county recorder, if he is not prohibited by State law from preparing it.

(b) *Rejection of loans.* When a loan application is rejected, the loan approving official will indicate the reasons for the rejection on Form FHA–197.

§ 354.3 *Loan closing.* All loan approval conditions must be met.

(a) After approval of a loan, the County Supervisor will notify the applicant of the approval and of any special loan approval conditions which must be met before the loan can be closed. The notification will cover any requirements regarding the furnishing of title documents. If no such conditions were made, the notification may be delayed until the loan check is received.

(b) Before a loan can be closed, the applicant must comply with any special loan approval conditions required to be met by the time the loan is closed.

(c) When real estate, interests in real estate or water rights, are not to be taken as security, the following actions will be taken by the County Supervisor in closing the loan:

(1) Form FHA–87, "Report of Lien Search," will be obtained at the time the loan is being closed to determine that security requirements are being met. When a mortage will be taken on property purchased with loan funds and such property will become affixed to real estate, a search of the real estate records will be made and Form FHA–87 will be prepared showing the present ownership of and the outstanding liens, including taxes and judgments, against the real estate to which the property is to be attached. Applicants will select the source through which such reports are obtained.

(2) Severance agreements will be obtained on Form FHA–259, "Severance Agreement," whenever a chattel mortgage only is to be taken on property purchased with loan funds and such property will become attached to real estate and also in all cases of loans to tenants. It will be executed by the County Supervisor on behalf of the Government, by the owner of the real estate, and by such other parties as are shown on Form FHA–87 to have an interest in the real estate on which the facility will be installed. The severance agreement must be obtained not later than the date on which the property purchased with loan funds is delivered on the farm.

(3) Form FHA–30..., "Crop and Chattel Mortgage," will be executed. All deletions will be initialed by the borrower before the form is executed. The chattel mortgage will be executed by the borrower and by his spouse, if any. At the time the loan is closed or before any funds are withdrawn from the supervised bank account a mortgage will be taken covering livestock, equipment, and crops selected to serve as security for the loan, as well as any property already on hand to be paid for with loan funds. Property which is subsequently pur-

chased with loan funds will be mortgaged at the time such property is purchased. Lien instruments must be delivered to the recording office for recordation or filing, whichever is appropriate, as soon as such instruments are executed.

(4) County Supervisors are authorized to execute, accept and file or record any legal instruments necessary to the obtaining or preserving of security for loans, including mortgages and similar lien instruments (where the holder of a mortgage or other lien is required to execute the instrument) and affidavit, acknowledgments and other certifications (where the mortgages must execute such a certification under state law), and to accept and file or record subordinations and nondisturbance agreements, assignments, and other documents necessary to the obtaining of security.

(d) *Obtaining property insurance.* When property insurance is required, the borrower will apply for the required amount of such insurance and will pay the premium thereon at the time the loan is closed. Insurance may be obtained from any insurance company licensed to do such business in the state where the property is located.

(1) The insurance policy must contain the standard mortgage clause (without contribution) printed in or attached to the policy, or the mortgage clause (without contribution) which has been approved and made mandatory by the laws of the state, or Form FHA–878, "Property Insurance Mortgage Clause." In jurisdictions where, under local laws or conditions, none of these mortgage clauses may be used, the clause mandatory in that locality may be used after approval by the National Office. The "United States of America" will be shown as "Mortgagee" in the mortgage clause or in the loss payable clause.

(2) If the borrower has insurance in force covering losses or damage from the hazards covered customarily by insurance policies in the area, additional insurance need not be required, provided:

(i) The amount of the insurance in force is as much as the amount required;

(ii) An application for endorsement is submitted to the insuring company before the loan is closed to include the property purchased with the loan under the existing policy, if insurance on such property will be required; and

(iii) The borrower obtains a mortgage clause in the existing policy which will show the "United States of America" as "Mortgagee."

(3) If the loan is secured in part by a second lien on real estate, and the borrower has the required amount of insurance in force on the farm buildings, the provisions of subparagraph (2) of this paragraph must be complied with. The mortgage clause in the existing policy must show the "United States of America" as "Mortgagee," as its interest may appear. When less than the required amount of insurance is in force, additional insurance will be obtained through a separate insurance policy covering the water facility installation. This policy will show the United States of America as first mortgagee in the mortgage clause so that the proceeds of the policy will be payable to the Government or the borrower in case of loss.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply sec. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 9, 1952.

Approved: October 16, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–11420; Filed, Oct. 21, 1952; 8:51 a. m.]

Subchapter E—Account Servicing

[Administration Letter 285 (462)]

PART 371—SECURITY SERVICING AND LIQUIDATION: OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

LIEN WAIVERS IN CONNECTION WITH COMMODITY CREDIT CORPORATION LOANS ON WOOL

Section 371.8, Title 6, Code of Federal Regulations (13 F. R. 9451), is amended:

1. To add a new paragraph (a) (5) to authorize execution of lien waivers in connection with Commodity Credit Corporation loans on wool.

2. To add a new paragraph (b) (1) to set forth the complete procedures and routines for handling lien waivers in connection with Commodity Credit Corporation loans on wool.

Paragraphs (a) (5) and (b) (1) of § 371.8 are added to read as follows:

§ 371.8 *Waivers of liens (other than liens on real estate) for borrowers receiving loans under Commodity Credit Corporation Program.* * * *

(a) *Authority.* * * *

(5) In connection with Commodity Credit Corporation loans on wool, only the conditions and requirements of paragraph (b) (1) of this section must be met.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l))

(b) *Routines for handling lien waivers.* * * *

(1) In connection with lien waivers to permit Farmers Home Administration borrowers to share in Commodity Credit Corporation loans on wool, the following conditions and requirements, which apply only to wool loans, must be met:

(i) When a request is received to execute the required waiver, the County Supervisor will prepare Form FHA–911, "Assignment of Proceeds From the Consignment of Wool." The original and one copy will be executed by the producer (borrower). The unexecuted copy will be given to the producer. The original and the executed copy will be transmitted to the handler or pool manager with advice that the waiver will be executed upon the return of the original properly executed by the handler or pool manager as consignee. When a prior lienholder is involved, the assignment will be prepared in an original and three copies and the original and two copies will be executed by the borrower. The extra executed copy will be delivered to the prior lienholder. The assignment will be revised to provide that the prior lienholder, as well as the producer and the Farmers Home Administration, will be listed on checks of the consignee. It is necessary to obtain only one assignment covering all wool to be delivered to a particular handler or pool manager by a particular producer during the period covered by the assignment although quantities of wool may be delivered at different intervals within the period. When the Commodity Credit Corporation loan is being obtained by a wool handler, the waiver form on Exhibit A attached to Production and Marketing Administration (PMA) Instruction 722 (wool)–1 will be used. When the loan is being obtained by a pool manager, the waiver form on Exhibit B attached to said instruction will be used.

(ii) When a producer has paid in full his account with the Farmers Home Administration, and adidtional income is to be received from the wool, the County Supervisor will notify the handler or pool manager, whichever is appropriate, that the rights of the United States under the assignment are released and that the Farmers Home Administration should not be named as a joint payee on future checks representing payments to the producer. The letter will point out that the rights of other lienholders are not to be affected by this action of the Farmers Home Administration.

(iii) All checks received pursuant to the procedure set forth in this subparagraph will be handled in the same manner as other remittances in accordance with the applicable provisions of Part 362 of this chapter and the proceeds shall be subject to the release authorities contained in this subpart.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec 41 (l), 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 2, 1952.

Approved: October 17, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52–11449; Filed, Oct. 21, 1952; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 324—MOLLUSKS

REGULATIONS GOVERNING ENTRY

On July 25, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6826) a notice of proposed rule making concerning the adoption of regulations, to appear as Part 324 of Chapter III, Title 7 of the Code of Federal Regulations. After due consideration of relevant matters presented, and pursuant to the authority vested in the Secretary of Agriculture by Public Law 152, 82d Congress (65 Stat. 335, 7 U. S. C. Sup. 441), approved September 22, 1951, to prevent the entry of certain mollusks into the United States, Chapter III of Title 7 of the Code of Federal Regulations is amended by adding thereto the following:

Sec.
324.1 Definitions.
324.2 Mollusk infestation in Guam.
324.3 Inspection.
324.4 Treatment.
324.5 Entry of mollusks; permits required.
324.6 Restrictions on issuance of permits.
324.7 Permit procedure.
324.8 Mollusks entered for scientific purposes.

AUTHORITY: §§ 324.1 to 324.8 issued under 65 Stat. 335, 7 U. S. C. Sup. 441.

§ 324.1 *Definitions.* Words used in the singular form in the regulations in this part shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this part, the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act (7 U. S. C. 151 et seq.).

(d) *Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other organized group of any of the foregoing.

(e) *Owner.* The owner or the person having responsible custody of a carrier or other regulated article subject to the regulations in this part.

(f) *Mollusk.* All living stages, including eggs, of the giant African snail or other species of terrestrial or fresh-water forms of the phylum Mollusca.

(g) *United States.* The 48 States, the District of Columbia, the Canal Zone, and the United States possessions, including but not limited to the Territory of Hawaii and other Territories of the United States, but excluding Guam.

(h) *Carrier.* Any vessel, vehicle, aircraft, or other kind of conveyance entering any part of the United States.

(i) *Regulated article.* Any produce, baggage, salvaged war material or other goods entering any part of the United States.

(j) *Permit.* An authorization allowing the entry into the United States of certain mollusks in accordance with the regulations in this part.

(k) *Treatment.* Fumigation or any other process designed to eliminate infestation by any mollusk prohibited entry under the regulations in this part.

§ 324.2 *Mollusk infestation in Guam.* The Secretary of Agriculture finds that Guam is infested with the giant African snail. Therefore, the entry of mollusks, carriers, and other regulated articles from Guam into any part of the United States is subject to the same conditions as are applicable to the entry thereof from foreign countries.

§ 324.3 *Inspection.* As a condition of entry into any part of the United States, all carriers and other regulated articles from any foreign country or Guam shall be subject to examination by an inspector for the purpose of determining whether they are infested with any mollusk prohibited entry under the regulations in this part.

§ 324.4 *Treatment.* (a) A carrier or other regulated article found upon examination to be infested with any mollusk prohibited entry under the regulations in this part shall be promptly removed from the United States or shall be promptly treated by the owner or his agent in a manner prescribed by the inspector and under his supervision. Pending such action, the carrier or other regulated article shall be immediately subject to such safeguards against escape of the mollusks as the inspector may prescribe.

(b) All costs or charges incident to the inspection, handling, cleaning, safeguarding, or treatment of an infested carrier or other regulated article, except for the services of the inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner or his agent. Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, wharfage, cartage, labor, chemicals, or the like incidental to such inspection, handling, cleaning, safeguarding, or treatment.

(c) If the treatment or safeguards prescribed by the inspector are not applied promptly by the owner or his agent, the inspector shall apply measures necessary to prevent the escape of the mollusks. The entire cost of such application shall be borne by the owner or his agent and shall constitute a debt payable to the Treasurer of the United States.

§ 324.5 *Entry of mollusks; permits required.* Entry into the United States of any mollusks from any foreign country or Guam is prohibited, except under permit issued by the Chief of Bureau or authorized official of the United States Public Health Service, and in compliance with such safeguards as may be prescribed in connection with the issuance of such permit.

§ 324.6 *Restrictions on issuance of permits.* Except as provided in § 324.8, permits will not be issued for the entry of the giant African snail, Achatina fulica (Bowdich), or any other species of Achatina; Theba pisana (Muller); any species of slug; or any other species of mollusks determined by the Chief of Bureau to be similar to the giant African snail in its destructiveness to plant life. Permits will also be refused for the entry of other species of mollusks unless such mollusks are entered under § 324.8 or it is determined by the Chief of Bureau that the particular shipment will be entered and subsequently handled under such safeguards as he deems necessary to prevent injury to the agriculture of the United States.

§ 324.7 *Permit procedure.* (a) Any person desiring to enter any mollusks into the United States for purposes other than medical research may submit to the Chief of Bureau an application for permit stating the name and address of the importer, the approximate quantity and species (scientific name) it is desired to enter, the country of origin, the port of entry, the purpose of the entry, and the place where and conditions under which the mollusks will be handled. If available, an empty shell of the species to be entered should accompany the application, for purposes of identification. In considering such applications, the Chief of Bureau will confer with other interested agencies, which may include the Division of Mollusks, United States National Museum; United States Public Health Service, Federal Security Agency; and state plant pest officials, in determining the eligibility for entry of the species covered by the applications. Upon determination that a particular shipment to be entered for purposes other than medical research is eligible for entry under § 324.6 or § 324.8, a permit will be issued by the Chief of Bureau specifying the conditions of entry and the port of entry, except that if the species is subject to regulation by the United States Public Health Service, the application for permit will be referred to said agency for such action as it finds is warranted under its regulations.

(b) Permits for entry of mollusks for purposes of medical research will be issued by the United States Public Health Service in accordance with regulations issued by said Service. Applications for such permits should be made directly to the Surgeon General, United States Public Health Service, Washington 25, D. C.

§ 324.8 *Mollusks entered for scientific purposes.* Mollusks not otherwise eligible for entry under § 324.6 may be entered into the United States for purposes of medical research under permit issued by an authorized official of the United States Public Health Service, or for other scientific purposes under permit issued by the Chief of Bureau, under such safeguards and restrictions as may be prescribed in connection with the issuance of such permit.

These regulations shall be effective October 22, 1952.

The purpose of these regulations is to prevent the importation into noninfested parts of the United States of terrestrial and fresh-water mollusks which would be injurious to agriculture. This objective will be accomplished by requiring permits for the entry of all terrestrial and fresh-water mollusks, and providing for the inspection, treatment, and safeguarding of carriers and other regulated articles coming from a foreign country or from Guam to any other part of the United States.

Prompt action is necessary with respect to these regulations in order to prevent the entry into the United States of injurious terrestrial and fresh-water mollusks. Therefore, good cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendments effective less than 30

days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of October 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11416; Filed, Oct. 21, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ADDITIONAL OUTLETS FOR SURPLUS ALMONDS

Notice of proposed rule making with respect to additional outlets for surplus almonds was published in the FEDERAL REGISTER of September 7, 1952 (17 F. R. 8364), pursuant to the provisions of Marketing Agreement No. 19 and Order No. 9 regulating the handling of almonds grown in California (7 CFR 1951 Sup., Part 909). In said notice, it was proposed to designate as approved outlets for surplus almonds, diced almonds, sliced almonds, and slivered almonds, packed in hermetically sealed tin or glass containers of net contents not in excess of 8 ounces. Definitions of diced almonds, sliced almonds, and slivered almonds were included in the proposed rule. Opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of a final rule in respect to additional surplus outlets.

During the specified period for receiving such documents, the Almond Control Board, the administrative agency for the aforesaid agreement and order, which recommended the additional outlets, submitted new definitions of diced, sliced, and slivered almonds with its recommendation that they be substituted for those contained in the proposed rule. The Board believes that the detailed specifications set forth in the proposed administrative rule are unduly and unnecessarily burdensome, and that the only purpose of inspection of the products is to identify them as products for which surplus almonds may be used. This position appears reasonable and the new definitions recommended appear adequate for identifying the diversion products.

During the prescribed period for filing data, views, or arguments, a letter was received from a handler indicating approval of the objective of the proposed rule, but expressing the view that there should be a minimum price for almonds used in these outlets. The control of disposition of surplus in approved outlets is a responsibility of the Almond Control Board and is a matter aside from the designation of authorized outlets. Prior to the issuance of the proposed rule, views of the Peanut and Nut Salters Association were received in opposition to the recommendation of the Almond Control Board in respect to additional outlets for surplus almonds and expressing the opinion that the proposed outlets are competitive. No data were presented to substantiate the Association's position.

Therefore, after consideration of all relevant matters, the administrative rule is as follows:

§ 909.402 *Additional outlets for surplus almonds.* Diced almonds, sliced almonds, and slivered almonds, as defined in this section, packed in hermetically sealed tin or glass containers of net contents not in excess of 8 ounces, are hereby designated as approved outlets for surplus almonds.

(a) "Diced almonds" means pieces of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically all of which will pass through a round opening 3/8 inch in diameter.

(b) "Sliced almonds" means thin, wafery, slices of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically none of which are thicker than 1/8 inch.

(c) "Slivered almonds" means thin, narrow strips of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically all of which will pass through a round opening 3/8 inch in diameter.

It is hereby found and determined that good cause exists for making this administrative rule effective upon the 10th day after publication in the FEDERAL REGISTER, instead of waiting 30 days after publication for the reasons that (1) it is desirable to have the rule become effective as soon as practicable in order to permit maximum use of this outlet during the current crop year; and (2) a period of 10 days after publication of the rule is deemed adequate for necessary arrangements for inspection of the authorized products and necessary actions by the Almond Control Board in connection with supervision of the disposition of surplus almonds in these outlets.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 17th day of October 1952, to become effective on the 10th day after publication of this document in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11451; Filed, Oct. 21, 1952; 8:56 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

ARRANGEMENT FOR CREDIT BY BROKERS OR DEALERS

§ 220.109 *Arrangement for credit by brokers or dealers.* (a) The Securities Exchange Act of 1934 and this part issued thereunder, provide in substance that any broker or dealer who is subject to this part shall not extend or maintain any credit on unregistered securities (i. e., securities not registered on a national securities exchange). The act (section 7 (c)) and § 220.7 (a) also provide in substance that any such broker or dealer shall not arrange for any extension or maintenance of credit on unregistered securities. There are certain exceptions to these prohibitions, but they are not relevant to the present question.

(b) The Board has been asked whether there would be a violation of the above-mentioned prohibition against arranging credit on unregistered securities if a broker or dealer who is subject to Part 220 participated in a certain financing plan which a national bank has under consideration. The proposed plan would finance the purchase of shares which are issued by so-called open-end investment trusts and which are not registered on any national securities exchange.

(c) The shares are on continuous sale and can be acquired by periodic cash purchases without the need for any bank financing. However, the bank proposes to make loans to prospective purchasers for the purpose of financing the purchase of larger amounts of the investment trust shares. The shares would be pledged to secure the loan, and the borrower would undertake to pay the principal and interest on the loan in monthly installments.

(d) The bank would furnish forms of a credit application and note to security dealers and their salesmen, who would then make them available to the customers to whom they are selling or contemplate selling the investment trust shares. When the forms had been completed and executed, the dealers would return them to the bank.

(e) The bank would have complete discretion as to whether or not to approve any such application. The bank would not pay any fees or commissions to the security dealers, although the dealers would, of course, get the benefit of increased security sales that might result from operation of the plan.

(f) Upon consideration of the various aspects of the proposed plan, the Board of Governors is of the opinion that if any broker or dealer who is subject to this part participated in the plan in the manner contemplated, there would be an arranging for the extension or maintenance of credit on unregistered securities in violation of section 7 (c) of the Securities Exchange Act of 1934 and § 220.7 (a).

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 8, 17, 48 Stat. 882, as amended, 886, as amended, 893, as amended, 897, as amended; 15 U. S. C. 78c, 78g, 78h, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 52-11401; Filed, Oct. 21, 1952; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

Subchapter O—National Defense Rental Housing Insurance

PART 296—ELIGIBILITY REQUIREMENTS FOR NATIONAL DEFENSE RENTAL HOUSING INSURANCE

ELIGIBILITY FOR INSURANCE AND ELIGIBLE MORTGAGES IN ALASKA OR IN GUAM

1. Item 2 of F. R. Doc. 52-9850, appearing on page 8147 of the issue for Wednesday, September 10, 1952, is hereby amended by striking out "Section 232.18" and inserting in lieu thereof "Section 232.18 (a)".

2. Item 2 of F. R. Doc. 52-9851, appearing at pages 8147 and 8148 of the issue for Wednesday, September 10, 1952, is hereby amended by striking out "Section 241.17" and inserting in lieu thereof "Section 241.17 (a)".

3. Item 2 of F. R. Doc. 52-9856, appearing on page 8149 of the issue for Wednesday, September 10, 1952, is hereby amended by striking out "Section 296.19" and inserting in lieu thereof "Section 296.19 (a)".

Issued at Washington, D. C., October 16, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-11402; Filed, Oct. 21, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy, Department of Defense

Subchapter C—Personnel

PART 727—INTERIM INTERPRETATIONS, POLICIES, AND PROCEDURES GOVERNING TRANSFER OF CERTAIN NAVAL PERSONNEL TO RESERVE COMPONENTS

Interim interpretations, policies, and procedures governing transfer of certain naval personnel to reserve components pursuant to the provisions of sections 4 (d) (1) and 4 (d) (3) of the Universal Military Training and Service Act, as amended.

Sec.
727.1 Purpose.
727.2 Scope.
727.3 Statutory provisions concerned.
727.4 Interpretations and policies.
727.5 Procedures.

AUTHORITY: §§ 727.1 to 727.5 issued under sec. 4, 62 Stat. 605, as amended; 50 U. S. C. App. Sup. 454.

§ 727.1 *Purpose.* This part prescribes interim interpretations, policies, and procedures governing transfer of certain naval personnel to reserve components pursuant to the provisions of sections 4 (d) (1) and 4 (d) (3) of the Universal Military Training and Service Act, as amended, pending promulgation of permanent regulations under uniform Armed Forces policies to be prescribed by the Secretary of Defense.

§ 727.2 *Scope.* This part is intended only to cover individual cases and classes of cases in which, pending the promulgation of permanent regulations, the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, considers the needs of the Service concerned to require that reserve obligations imposed by the Universal Military Training and Service Act, as amended, be immediately recognized and that action be taken to assure fulfillment.

§ 727.3 *Statutory provisions concerned.* (a) Section 4 (d) (1) of the Universal Military Training and Service Act, as amended, provides:

> Each person who hereafter and prior to the enactment of the 1951 Amendments to the Universal Military Training and Service Act is inducted, enlisted, or appointed (except a person enlisted under subsection (g) of this section) and serves for a period of less than three years in one of the armed forces and meets the qualifications for enlistment or appointment in a reserve component of the armed force in which he serves, shall be transferred to a reserve component of such armed force, and until the expiration of a period of five years after such transfer, or until he is discharged from such reserve component, whichever occurs first, shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law for such reserve component: Provided, That any such person who completes at least twenty-one months of service in the armed forces and who thereafter serves satisfactorily (1) on active duty in the armed forces under a voluntary extension for a period of at least one year, which extension is hereby authorized, or (2) in an organized unit of any reserve component of any of the armed forces for a period of at least thirty-six consecutive months, shall, except in time of war or national emergency declared by the Congress, be relieved from any further liability under this subsection to serve in any reserve component of the armed forces of the United States, but nothing in this subsection shall be construed to prevent any such person, while in a reserve component of such forces, from being ordered or called to active duty in such forces.

(b) Section 4 (d) (3) of the Universal Military Training and Service Act, as amended, provides:

> Each person who, subsequent to the date of enactment of this paragraph, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth shall be required to serve on active training and service in the Armed Forces or in training in the National Security Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard). Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of such reserve component during such period. In case the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force (or the Secretary of the Treasury with respect to the United States Coast Guard), determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by any such person, it shall be the duty of such person to enlist, enroll, or accept appointment in, or accept assignment to, such organized unit or officers' training program, and to serve satisfactorily therein. The Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard), may provide, by regulations which shall be as nearly uniform as practicable, for the release from training and service in the Armed Forces prior to serving the periods required by subsection (b) of this section of individuals who volunteer for and are accepted into organized units of the Army National Guard and Air National Guard and other reserve components. Nothing in this subsection shall be construed to prevent any person, while in a reserve component of the Armed Forces, from being ordered or called to active duty in such Armed Force.

§ 727.4 *Interpretations and policies.* (a) Under section 4 (d) (1) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Persons enlisting or reenlisting in the U. S. Navy or the U. S. Marine Corps at any time between the dates June 24, 1948 and June 19, 1951, both dates inclusive (except those so enlisting for a period of one year pursuant to section 4 (g) of the Universal Military Training and Service Act), and whose service subsequent to such enlistment or reenlistment has been of a total duration of less than 3 years, may, in the discretion of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, be transferred to a reserve component of the Navy or the Marine Corps; and be required to serve therein for a period of 5 years from the date of such transfer, unless sooner discharged from such reserve component for the purpose of complete separation from any military status.

(2) Transfer to a reserve component shall not be made in the case of any person falling within the class defined in subparagraph (1) of this paragraph, who, subsequent to his enlistment or reenlistment between the dates indicated, has been discharged or permitted to resign for the purpose of effecting his complete separation from any military status, unless such discharge or acceptance of a resignation was or is for the purpose of immediate entry or reentry in the same or any other component of the

Armed Forces in the same or any other status or for the purpose of entry into an

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"your GCPR ceiling price" means your ceiling price as established under sec-

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Armed Forces in the same or any other status or for the purpose of entry into an officers' training program in which participants have a military status.

(3) In computing the duration of service subsequent to enlistment or reenlistment between the dates indicated, any service performed in an officers' training program in which the individual concerned had or has a military status shall be considered as service under such enlistment or reenlistment. (This interpretation shall be disregarded in making computations of "service" for any other purpose or purposes.)

(b) Under section 4 (d) (3) of the Universal Military Training and Service Act, as amended, the following interpretations shall be applicable in administering this part:

(1) Except as hereinafter indicated, persons enlisting or reenlisting in any regular or reserve component of the Armed Forces at any time subsequent to June 19, 1951, and prior to attaining the twenty-sixth anniversary of their birth, and who have not acquired a reserve obligation under section 4 (d) (1) or 4 (d) (2), are obligated to serve in the Armed Forces for a total period of eight years following such enlistment or reenlistment, unless sooner discharged for the purpose of complete separation from any military status.

(2) In the discretion of the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, a person falling within the class defined in subparagraph (1) of this paragraph, may be transferred to a reserve component of the Navy or of the Marine Corps, and required to serve therein for such period as may be required to complete the remaining portion of his eight-year obligation.

(3) The eight-year obligation is considered terminated upon a discharge or acceptance of resignation for the purpose of complete separation from any military status, unless such discharge or acceptance of resignation was or is for the purpose of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status, or for the purpose of entry into an Officers' Training Program in which participants have a military status.

(4) In computing service performed toward the fulfillment of the eight-year obligation, any service performed in an Officers' Training Program in which the individual concerned had or has a military status shall be counted in the same manner as services in a regular or reserve component of the Armed Forces. (This interpretation shall be disregarded in making computations of "service" for any other purpose or purposes.)

§ 727.5 *Procedures.* In any case or class of cases in which the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, considers that the person or persons concerned is or are obligated under the interpretations in § 727.4 (a) and (b) of section 4 (d) (1) or section 4 (d) (3) of the Universal Militay Training and Service Act, and in which service by the person or persons concerned in a reserve component is considered in the best interests of the service concerned, the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall effect, direct, or initiate proper administrative action to effect separation of each person concerned from his then current status, accompanied by immediate transfer in an appropriate rate to a reserve component.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

OCTOBER 10, 1952.

[F. R. Doc. 52-11441; Filed, Oct. 21, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 37]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 37—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF CERTAIN ASBESTOS CEMENT PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Supplementary Regulation 37 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 22 (CPR 22) adjusts ceiling prices for sales by their manufacturers, of the following asbestos cement products: Asbestos cement siding and clapboards, asbestos cement roofing shingles, asbestos cement flat sheets, asbestos cement corrugated sheets, and asbestos cement accessories to the above. Ceiling prices for these products are established by CPR 22, and all the manufacturers in the industry have filed under that regulation. However, the CPR 22 ceiling prices for the major producers varied by less than one percent from their GCPR ceiling prices, and so these producers retained their GCPR ceilings as they are permitted to do under section 26 of CPR 22. Other members of the industry have also sold at these prices even though some producers have been able to establish higher ceilings under CPR 22.

This action establishes its adjustment by relation to the GCPR prices, which are the actual selling prices for the reason given above. The adjusted ceiling prices are 105.5 percent of the GCPR prices, but are otherwise appropriately subject to the provisions of CPR 22 except as to the changed price. Further, the relief here provided extends to all companies regardless of size, for which reason this supplementary regulation also supersedes section 1 of CPR 22, which permitted smaller companies to use the GCPR.

An industry earnings survey was made at the request of the Industry Advisory Committee of the Asbestos Cement industry. In accordance with the prescribed procedures, earnings, cost and net sales data were obtained from a sample of the industry, as described below. The data covered the four-year base period 1946 through 1949, and the "current" accounting year from April 1, 1951 through March 30, 1952.

The conclusions reached from the survey were based upon complete returns from seven companies in the industry, representing three single line and four multi line producers. The producers were diversified as to geographical location and account for approximately 72 percent of the industry's total production. The price adjustment provided by this supplementary regulation is based upon the amount of profit restoration to which this industry is entitled under the Earnings Standard. This standard requires a price adjustment for an industry if its current earnings fall below 85 percent of the average earnings of the three best of the four years 1946 through 1949, adjusted to reflect increases in net worth. The comparison between such base period earnings and current earnings revealed a significant decrease in earnings caused mainly by greatly increased costs in imported asbestos fibre, and to a lesser extent by increased costs in labor and freight. Since this industry would also be entitled to a price adjustment on increased costs occurring for the period from April 1, 1952 until the survey was completed in mid-September, 1952, these increased costs were also taken into account to determine the current net profit of the industry. The survey disclosed that an increase of 5.5 percent of ceiling prices was required under the industry earnings standard to restore earnings to 85 percent of the level of the three best base period years. The percentage adjustment here provided may be applied by each firm in this industry to its ceiling prices established by the General Ceiling Price Regulation of January 26, 1951.

The ceiling prices established by this supplementary regulation may not be adjusted pursuant to other regulations which provide adjustments reflecting increased outbound transportation rates, such as Supplementary Regulations 28 and 35 to CPR 22 and Supplementary Regulations 106 and 122 to the GCPR. The ceiling prices established by this supplementary regulation have been calculated to provide relief from increased transportation costs, as well as other increased costs experienced by the industry. Therefore permitting further adjustment under the transportation pass-through regulations would be to allow a double adjustment for the same cost increases. The ceiling prices established herein also reflect increased packaging costs due to recent increases in metals costs. Therefore provision is made that a seller covered may elect to adjust his ceiling prices under this supplementary regulation or under General Overriding Regulation 35, but not under both regulations. This avoids any possibility that a double ceiling price adjustment might be made on the basis of the metals costs increases.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Ceiling prices.
4. Relation to other regulations.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of asbestos cement siding and clapboards, asbestos cement roofing shingles, asbestos cement flat sheets, asbestos cement corrugated sheets, and asbestos cement accessories to the above. These manufacturers are now subject to the provisions of Ceiling Price Regulation 22 (CPR 22). The method employed by this supplementary regulation is to apply a uniform percentage adjustment to the General Ceiling Price Regulation (GCPR) ceiling prices of the commodities covered. The adjusted ceiling prices may be rounded out in accordance with the provisions of CPR 22, section 25.

SEC. 2. *Coverage*—(a) *Persons covered.* This supplementary regulation applies to you if you are a manufacturer of any commodity named in paragraph (b) of this section and establishes your ceiling prices for your sales of such commodities. Except to the extent that they are modified by or are inconsistent with the provisions of this supplementary regulation, all provisions of CPR 22 shall continue to be applicable to you.

(b) *Commodities covered.* This supplementary regulation covers asbestos cement siding and clapboards, asbestos cement roofing shingles, asbestos cement flat sheets, asbestos cement corrugated sheets, and asbestos cement accessories to the above.

SEC. 3. *Ceiling prices.* (a) If you are a manufacturer of asbestos cement siding and clapboards, asbestos cement roofing shingles, asbestos cement flat sheets, asbestos cement corrugated sheets, or asbestos cement accessories to the above, your ceiling price for each such commodity to your largest buying class of purchaser is your GCPR ceiling price for that commodity increased by 5.5 percent (i. e., 105.5 percent of your GCPR ceiling price). As used in this supplementary regulation, the term "your GCPR ceiling price" means your ceiling price as established under sections 3, 4, 6 or 7 of the GCPR before any adjustments which have been or may be established, granted or computed under any adjustment provision of any applicable OPS regulation.

(b) Your ceiling price for sale of each of the above commodities to your largest buying class of purchaser must be consistent in every respect with your CPR 22 ceiling price; that is, it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of each of the above commodities to each of your other classes of purchasers is determined by applying your price differentials established under CPR 22. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, and other terms and conditions of sale.

(d) If you did not have a GCPR ceiling price for any of the above commodities which you began to sell before the effective date of this supplementary regulation, but had established the ceiling price under sections 32, 33, or 34 of CPR 22, your ceiling price for that commodity is determined as follows:

(1) If your ceiling price was determined by reference to the ceiling price of another commodity manufactured by you or by a competitor, you shall redetermine your ceiling price under this supplementary regulation by use of the same method (i. e., by relation to a reference commodity), except that you must use as the ceiling price of the reference commodity its ceiling price under this supplementary regulation. You are not required to report such redeterminations of ceiling prices.

(2) If you are unable to redetermine your ceiling price under subparagraph (1) of this paragraph, you may elect either to maintain your present ceiling price or to apply to the Director of Price Stabilization for the establishment of a new ceiling price in accordance with the provisions of section 34 of CPR 22.

SEC. 4. *Relation to other regulations*—(a) *Relation to CPR 22.* Notwithstanding any provisions of CPR 22 or of any regulation to the contrary, the provisions of this supplementary regulation are mandatory subject only to the limitations found in paragraph (c) of this section. You must apply this supplementary regulation to all commodities covered herein which you manufacture. To this extent the provisions of section 1 of CPR 22 are superseded. The establishment of ceiling prices for commodities covered herein does not affect the applicability of CPR 22 or any other regulation which may be appropriate to any other commodities which you manufacture.

(b) *Relation to regulations providing adjustments reflecting increased outbound transportation rates.* You may not adjust ceiling prices established under this supplementary regulation pursuant to other regulations which provide adjustments reflecting increased outbound transportation rates, such as Supplementary Regulations 28 and 35 to CPR 22 and Supplementary Regulations 106 and 122 to the GCPR. This prohibition is made because increases in costs caused by increased outbound transportation rates were taken into consideration in fixing the amount of the ceiling price adjustment provided by this supplementary regulation.

(c) *Relation to SR's 17, 18, 28 and 35 to CPR 22, SR's 106 and 122 to the GCPR, GOR 10, GOR 20, GOR 21, GOR 29 and GOR 35.* (1) Notwithstanding any provision of this supplementary regulation, you may elect to use Supplementary Regulation 17 (SR 17) to CPR 22, Supplementary Regulation 18 (SR 18) to CPR 22, General Overriding Regulation 10 (GOR 10), General Overriding Regulation 20 (GOR 20), General Overriding Regulation 21 (GOR 21), General Overriding Regulation 29 (GOR 29), or General Overriding Regulation 35 (GOR 35), to establish your ceiling prices for commodities covered by this supplementary regulation. If you so elect, you may not use this supplementary regulation.

(2) If prior to the effective date of this supplementary regulation you established ceiling prices for the commodities covered by this supplementary regulation under SR's 17 or 18 to CPR 22, GOR 10, GOR 20, GOR 21, GOR 29, or GOR 35, you may elect to use ceiling prices so established or ceiling prices established under this supplementary regulation, but you may not use both.

(3) You may, although you use this supplementary regulation, use SR's 17 or 18 to CPR 22, SR's 28 and 35 to CPR 22, SR's 106 and 122 to the GCPR, GOR 10, GOR 20, GOR 21, GOR 29, or GOR 35 to establish your ceiling prices for commodities not covered by this supplementary regulation.

Effective date. This supplementary regulation shall become effective October 21, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 21, 1952.

[F. R. Doc. 52-11492; Filed, Oct. 21, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Amdt. 3, October 21, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

ALLOY IRON

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects NPA Order M-80 as last amended by Amendment 2 of August 25, 1952, by amending the defi-

nition of alloy products appearing in paragraph (d) of section 2, and by adding a new subparagraph (6) to paragraph (d) of section 2 containing a definition of alloy iron.

1. Section 2 (d) is amended to read as follows:

(d) "Alloy product" means and includes those kinds of steel or iron hereafter defined as "alloy steel," "alloy iron," "stainless steel," "low-alloy high-strength steel," or "tool steel," and "nonferrous wrought or cast alloys," including high temperature heat- and corrosion-resisting alloys, and nickel anodes:

2. Section 2 (d) (6) is added as follows:

(6) "Alloy iron" means any iron (cast or pig) containing one or more of the elements defined in List I of this order in any amount specified or known which have been added to obtain a desired alloying effect.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect October 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11491; Filed, Oct. 21, 1952; 10:39 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1952, and ending June 30, 1953:

Director grade	240
Senior grade	450
Full grade	415
Senior assistant grade	335
Assistant grade	60
Junior assistant grade	0

(Sec. 206, 58 Stat. 694, as amended; 42 U. S. C. and Sup. 207)

This amendment shall be effective as of July 1, 1952.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved: October 15, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-11430; Filed, Oct. 21, 1952; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

REPORT OF SOURCE AND APPLICATION OF FUNDS; RAILROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of September A. D. 1952.

The matter of source and application of funds during the year 1951 being under consideration: *It is ordered,* That

§ 120.11d *Report of source and application of funds; railroads.* All steam railroads of class I (except switching and terminal companies) subject to the provisions of section 20, part 1, of the Interstate Commerce Act, are hereby required to file a special report of Statement of Source and Application of Funds. During the year 1951, in the form and in accordance with instructions thereon, which is attached hereto and made a part hereof.[1] Such report shall be filed for the year ended December 31, 1951, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before 60 days after the date of this section.

(Sec. 12, 24 Stat. 383, as amended; sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904)

It is further ordered, That a copy of this order and the form pertaining thereto, shall be served upon every class I railroad (except switching and terminal companies) subject to section 20, part 1, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad; and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Objections may be filed. Any interested party may on or before 30 days after the date of this order, file with the Commission a written statement of reasons why the said order should not become effective as provided above. Unless otherwise ordered after consideration of such objections, the said order shall become effective as herein ordered.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11448; Filed, Oct. 21, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of section 327 (relating to capital gains and ordinary losses of dealers in securities) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.117–1 the following:

SEC. 327. DEALERS IN SECURITIES—CAPITAL GAINS AND ORDINARY LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Effective with respect to sales or exchanges made after the expiration of the thirtieth day after the date of the enactment of this Act, section 117 is hereby amended by adding at the end thereof the following new subsection:

(n) *Dealers in securities*—(1) *Capital gains.* Gain by a dealer in securities from the sale or exchange of any security shall in no event be considered as gain from the sale or exchange of a capital asset unless—

(A) The security was, prior to the expiration of the thirtieth day after the date of its acquisition or after the date of the enactment of the Revenue Act of 1951 (whichever is the later), clearly identified in the dealer's records as a security held for investment; and

(B) The security was not, at any time after the expiration of such thirtieth day, held by such dealer primarily for sale to customers in the ordinary course of his trade or business.

(2) *Ordinary losses.* Loss by a dealer in securities from the sale or exchange of any security shall, except as otherwise provided in subsection (1) (relating to bond, etc., losses of banks), in no event be considered as loss from the sale or exchange of property which is not a capital asset if at any time after the thirtieth day following the date of the enactment of the Revenue Act of 1951 the security was clearly identified in the dealer's records as a security held for investment.

(3) *Definition of security.* For the purposes of this subsection the term "security" means any share of stock in any corporation, certificate of stock or interest in any corporation, note, bond, debenture, or evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing.

[1] Filed as part of original document.

PAR. 2. Section 29.117–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by adding at the end of paragraph (k) which commences with the words "See section 23 (g) and (k)", the following new sentence: "See also section 117 (n) and § 29.117–12 for the determination of whether or not gains from the sale or exchange of securities by a dealer in securities shall be treated as capital gains, or whether losses from such sales or exchanges shall be treated as ordinary losses."

PAR. 3. There is inserted immediately after § 29.117–10, as added by Treasury Decision 5881, approved February 11, 1952, the following new section:

§ 29.117–12 *Dealers in securities*—(a) *Capital gain.* Effective with respect to sales or exchanges made on or after November 20, 1951, gain by a dealer in securities from the sale or exchange of a security shall in no event be considered to be gain from the sale or exchange of a capital asset unless:

(1) The security is, prior to the expiration of the thirtieth day after the date of its acquisition or of the thirtieth day after October 20, 1951, whichever is later, clearly identified in the dealer's records as a security held for investment; and

(2) The security is not, at any time after the expiration of such thirtieth day, held by the dealer primarily for sale to customers in the ordinary course of his trade or business.

This provision is applicable only in the case where gain from the sale or exchange of a security would, but for such provision, be considered capital gain. Thus, if the sale of a security by a dealer would, but for section 117 (n) (1), be considered to constitute the sale of a security held for investment, gain from such sale will in no event be considered to be capital gain unless the security has been properly identified within the 30-day period in the dealer's records as being held for investment and such security is not at any time after the expiration of the 30-day period held by the dealer primarily for sale to customers in the ordinary course of his trade or business. However, the mere fact that a security which is actually held by a dealer for sale to customers in the ordinary course of his trade or business is identified as a security held for investment will not in and of itself cause the gain from the sale of the security to be treated as capital gain whether the security is sold within the 30-day period or after such period.

(b) *Ordinary loss.* (1) Effective with respect to sales or exchanges made on or after November 20, 1951, loss by a dealer in securities from the sale or exchange of a security shall in no event be considered to be loss from the sale or exchange of property which is not a capital asset if at any time after November 19, 1951, the security has been clearly identified in the dealer's records as a security held for investment. Once a security has been identified after November 19, 1951, as being held for investment, a loss on the subsequent disposition of such security shall in no event be considered an ordinary loss but shall be considered as one arising from the sale or exchange of a capital asset.

(2) Nothing in this paragraph shall be taken to restrict or prohibit the application of section 117 (i), without regard to the manner in which the securities described therein have been identified in the records, to the net capital losses of a bank from sales or exchanges of bonds and certain other securities.

(c) *General.* (1) For the purpose of this section the term "security" means any share of stock in any corporation, any certificate of stock or interest in any corporation, any note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

(2) A security is clearly identified in the dealer's records as a security held for investment when there is an accounting separation of such security from other securities. Accounting separation will be satisfied by (i) making appropriate entries in the dealer's books of account to distinguish the security from inventories and to carry it as an investment and (ii) indicating with such entries, to the extent feasible, the individual serial number of, or other characteristic symbol imprinted upon, the individual security.

(3) In computing the 30-day period within which the security must be clearly identified, and after which such security may not be held primarily for sale to customers in the ordinary course of the trade or business, the first day of such period is the day following the date of acquisition. Thus, in the case of a security acquired on March 18, 1952, the 30-day period expires at midnight on April 17, 1952.

(4) For definition of a dealer in securities, see § 29.22 (c)–5.

[F. R. Doc. 52-11442; Filed, Oct. 21, 1952; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 976]

[Docket No. AO-237-A1]

HANDLING OF MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Smith, Arkansas, on October 8, 1952, pursuant to notice thereof which was issued on October 2, 1952 (17 F. R. 8923, 8985).

The material issues of record related to a proposal that the price of Class I milk be increased for a limited period of time in view of drought conditions, and the necessity for action with respect to this issue which would require the omission of a recommended decision.

Findings and conclusions. 1. Drought conditions that have prevailed in the Fort Smith area require an increase in the price of Class I milk for the months of November 1952 through March 1953; for the months of November 1952 through January 1953 the amount of the increase should be 40 cents per hundredweight, and for the months of February and March 1953 it should be 20 cents per hundredweight.

The production area from which the Fort Smith market draws its milk supplies experienced drought conditions and excessive temperatures which affected extensive areas of the southwest during the summer months of 1952. Rainfall at Fort Smith from June 1 through September 25 was less than 50 percent of normal. Temperatures in excess of 90 degrees were shown for 79 of the 92 days in June, July, and August. These conditions have resulted in severe reductions in the pasture and feed crops on which milk producers rely. They have been required to feed their milk cows hay and forage during the normal pasture season when production of such roughage is only a fraction of normal. As a result they must import substantial amounts of hay from more favored areas, thus experiencing direct out-of-pocket costs which are not normal for producers in this area. The area has officially been declared a disaster area and is eligible to participate in the program of the Department for movement of hay from areas not affected by drought. Nevertheless, the increased costs to dairymen are so substantial as to create a critical situation with respect to production of milk in the coming winter months.

The order for the Fort Smith market became partially effective August 1, 1952 and fully effective September 1 of this year. Consequently data comparing milk supplies with those of previous periods are not available. Preliminary data for September indicates that approximately 90 percent of producer supplies were needed for fluid use.

A 40 cent premium being paid by Muskogee handlers aligns prices in that market with those of the Tulsa market, for which an increase of 40 cents for the months of September through December 1952 was effected by a recent amendment to the Tulsa order. This increase was based on drought conditions in the Tulsa area similar to those that have prevailed in the Fort Smith area. An increase of 40 cents in the Class I differential of the Fort Smith order will restore the alignment between prices of

the Tulsa, Muskogee, and Fort Smith markets which was contemplated when the Fort Smith order was issued.

It is concluded that an increase of this amount should be effective for the months of November 1952 through January 1953 and that for the months of February and March 1953 the Class I differential should be increased 20 cents. The feeding season in the Fort Smith area extends until at least mid-March. Increases at the these rates for a five-month period will result in Fort Smith producers receiving increased returns for the out-of-pocket costs experienced over the entire feeding season comparable to those provided by the action taken in the Tulsa market.

While these changes in the Class I differential of the Fort Smith order are appropriate for all milk priced under the order, their application in the computation of obligations of handlers subject to other orders who may dispose of Class I milk in the Fort Smith order would raise some problems for which this record does not provide an adequate basis for a complete solution. Accordingly it is provided that these temporary changes in differentials should not apply in the computation of such obligations.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to all proposals considered was indicated on the record by all interested parties, who waived the opportunity to file briefs on the record of the hearing.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of September 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of October 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 976.51 (a) change the period at the end of the sentence to a colon and add *"And provided further,* That, except for the purpose of computations pursuant to § 976.61 (b), the amount to be added to the basic formula price for the months of November 1952 through January 1953 shall be $2.25 in lieu of $1.85, and for the months of February and March 1953 such amount shall be $2.05 in lieu of $1.85."

Order of Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to Fort Smith, Arkansas, Marketing Area, and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area) who, during the month of September 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of September 1952 is hereby determined to be the representative period for the conduct of such referendum.

Wendell M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this referendum order is issued.

[F. R. Doc. 52-11450; Filed, Oct. 21, 1952; 8:56 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Operations Reorganization Order No. 8]

CHICAGO DISTRICT: DISTRICT COMMISSIONER

TERMINATION OF INTERIM DELEGATION OF AUTHORITY OVER OPERATIONS IN INDIANA AND OTHER STATES

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. Effective as of the date of the establishment of the office of District Commissioner for the Louisville District, the authority vested in the District Commissioner for the Chicago District by Commissioner's Reorganization Order No. Chi–2, dated May 15, 1952, shall be, and the same is hereby terminated with respect to the State of Indiana.

2. Effective as of the date of the establishment of the office of District Commissioner for the District which shall include the States of Minnesota, North Dakota, and South Dakota, the interim authority vested in the District Commissioner for the Chicago District by Commissioner's Reorganization Order No. Chi–2 shall be, and the same is hereby terminated with respect to such States.

Dated: October 9, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R Doc. 52-11411; Filed, Oct. 21, 1952; 8:48 a. m.]

[Operations Reorganization Order No. At–1]

ATLANTA DISTRICT: DISTRICT COMMISSIONER

INTERIM DELEGATION OF AUTHORITY PENDING REORGANIZATION OF ADDITIONAL DISTRICT OFFICES

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. In addition to the authority delegated to the District Commissioner for the District by Operations Reorganization Order No. 3, the District Commissioner for the Atlanta District is hereby vested with general supervision over the operations of the following offices with respect to areas outside of the States of Florida, Georgia, North Carolina, and South Carolina:

(a) The Atlanta District Intelligence Division (comprised of the States of South Carolina, Georgia, Florida, and Alabama);

(b) The Alcohol and Tobacco Tax Supervisory District No. 6, (comprised of the States of Alabama, Florida, Georgia, South Carolina);

(c) The Southern District of the Appellate Division (comprised of the States of Alabama, Florida, Georgia, South Carolina and Tennessee), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division).

2. Pending the issuance of further instructions, officers, agencies and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

3. This order shall be effective as of 12:01 a. m., October 23, 1952: *Provided,* That the interim authority herein delegated to the District Commissioner with respect to any territory located outside of his District shall terminate upon the effective date of the establishment of an office of District Commissioner for the District which shall include such territory.

Dated: October 9, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-11409; Filed, Oct. 21, 1952; 8:47 a. m.]

[Operations Reorganization Order No. Balt–2]

BALTIMORE DISTRICT: DISTRICT COMMISSIONER AND DIRECTOR OF INTERNAL REVENUE

TERMINATION OF INTERIM DELEGATION OF AUTHORITY WITH RESPECT TO OPERATIONS IN NORTH CAROLINA AND DELAWARE

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. Effective as of the date of the establishment of the office of District Commissioner for the Atlanta District, the authority vested in the District Commissioner for the Baltimore District by Operations Reorganization Order No. Balt–1, dated September 4, 1952, shall be, and the same is hereby terminated with respect to the State of North Carolina.

2. Effective as of the date of the establishment of the office of District Commissioner for the District which shall include the State of Delaware, the interim authority vested in the District Commissioner for the Baltimore District and the Director of Internal Revenue, Baltimore by Operations Reorganization Order No. Balt–1, shall be, and the same is hereby terminated with respect to such State.

Dated: October 9, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-11408; Filed, Oct. 21, 1952; 8:47 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 80th Supp.]

NORTH AMERICAN FIRE & MARINE REINSURANCE CORP., NEW YORK, N. Y.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

OCTOBER 17, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as a reinsuring company only on Federal bonds. An underwriting limitation of $207,000.00 has been established for the company.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEW YORK

North American Fire & Marine Reinsurance Corp., New York.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-11412; Filed, Oct. 21, 1952; 8:49 a. m.]

Office of the Secretary

[Treasury Department Order No. 150–11]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF OFFICES OF COLLECTORS AND DEPUTY COLLECTORS OF FLORIDA, GEORGIA, NORTH CAROLINA, AND SOUTH CAROLINA COLLECTION DISTRICTS; ESTABLISHMENT OF OFFICES OF DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952, it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Florida, Georgia, North Carolina, and South Carolina Collection Districts shall become effective as of 12 o'clock midnight, October 22, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., October 23, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Atlanta District, and which shall be comprised of the States of Florida, Georgia, North Carolina, and South Carolina, and the Canal Zone.

3. *Location of headquarters.* The headquarters office shall be located in the City of Atlanta, Georgia.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., October 23, 1952, there are hereby created the following offices within the Atlanta District:

(a) Director of Internal Revenue for the Collection District of Florida (as presently constituted). The headquarters of such office shall be located in Jacksonville, Florida and the office shall have the operating title of Director of Internal Revenue, Jacksonville.

(b) Director of Internal Revenue for the Collection District of Georgia (as presently constituted). The headquarters of such office shall be located in Atlanta, Georgia and the office shall have the operating title of Director of Internal Revenue, Atlanta.

(c) Director of Internal Revenue for the Collection District of North Carolina (as presently constituted). The headquarters of such office shall be located in Greensboro, North Carolina and the office shall have the operating title of Director of Internal Revenue, Greensboro.

(d) Director of Internal Revenue for the Collection District of South Carolina (as presently constituted). The headquarters of such office shall be located in Columbia, South Carolina and the office shall have the operating title of Director of Internal Revenue, Columbia.

Dated: October 8, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-11407; Filed, Oct. 21, 1952; 8:46 a. m.]

[Treasury Department Order No. 150-12]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF OFFICES OF COLLECTORS AND DEPUTY COLLECTORS OF INDIANA, KENTUCKY, AND TENNESSEE COLLECTION DISTRICTS; ESTABLISHMENT OF OFFICES OF DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952, it is ordered as follows:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Indiana, Kentucky, and Tennessee Collection Districts shall become effective as of 12 o'clock midnight, October 23, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., October 24, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Louisville District, and which shall be comprised of the States of Indiana, Kentucky, and Tennessee.

3. *Location of headquarters.* The headquarters office shall be located in the City of Louisville, Kentucky.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., October 24, 1952, there are hereby created the following offices within the Louisville District:

(a) Director of Internal Revenue for the Collection District of Indiana (as presently constituted). The headquarters of such office shall be located in Indianapolis, Indiana, and the office shall have the operating title of Director of Internal Revenue, Indianapolis.

(b) Director of Internal Revenue for the Collection District of Kentucky (as presently constituted). The headquarters of such office shall be located in Louisville, Kentucky, and the office shall have the operating title of Director of Internal Revenue, Louisville.

(c) Director of Internal Revenue for the Collection District of Tennessee (as presently constituted). The headquarters of such office shall be located in Nashville, Tennessee, and the office shall have the operating title of Director of Internal Revenue, Nashville.

Dated: October 8, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-11410; Filed, Oct. 21, 1952; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 14, 1952.

Whereas, the Office of Territories, Department of the Interior, made application Anchorage 019600, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Kodiak Water and Sewer System, Aaa. 50-A-46), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER, September 17, 1952 (17 F. R. 8366), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands located in the East Addition to Kodiak Townsite, Alaska, U. S. Survey No. 2538-(A) is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at Corner Number 3, being the Northwest Corner of United States Land Survey Number 562 (the Erskine Subdivision of Kodiak, Alaska), go East 253.21 feet to a point (being Corner Number 18 of U. S. Survey Number 2538-B); thence go North 34° 43' West, 709.33 feet to the point of beginning; thence go North 34° 34' West, 1,990.56 feet to a point, thence go North 55° 21' East, 4.300 feet to a point, thence go South 34° 39' East, 1,327.35 feet to a point, thence go South 55° 15' West, 1,501.27 feet to a point, thence go South 34° 46' East, 394.83 feet to a point; thence go South 51° 00' West (along the North Boundary of United States Survey No. 2538-B), 946.64 feet to a point; thence go North 39° 00' West, 17.28 feet to a point; thence go South 41° 00' West, 1,918.57 feet to the point of beginning; thereby comprising a tract of land containing 169.9 acres, more or less.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-11399; Filed, Oct. 21, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been

issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Alcorn Manufacturing Co., Corinth, Miss., effective 10-13-52 to 4-12-53; 30 learners for expansion purposes (sport shirts).

Allen Garment Co., 706 Nineteenth Avenue N., Nashville, Tenn., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (sport shirts).

B-J Children's Dress Co., 30 Susquehanna Street, Mauch Chunk, Pa., effective 10-13-52 to 6-4-53; 10 learners (children's dresses) (replacement certificate).

Blue Bell, Inc., Tupelo, Miss., effective 10-13-52 to 10-12-53; 10 percent of the productive factory force (work shirts).

Blue Bell, Inc., Tishomingo County, Belmont, Miss., effective 10-13-52 to 10-12-53; 10 percent of the productive factory force (work pants).

Carthage Corp., Carthage, Miss., effective 10-13-52 to 3-28-53; 50 learners for expansion purposes (men's work pants and ladies' dungarees) (supplemental certificate).

Samuel Dion & Son, Inc., 831 Cherry Street, Philadelphia, Pa., effective 10-7-52 to 10-6-53; four learners (aprons and housedresses).

Elder Manufacturing Co., 7025 Pennsylvania Avenue, St. Louis, Mo., effective 10-8-52 to 10-7-53; 10 percent of the productive factory force (dress and sport shirts).

Holston Manufacturing Corp., Marion, Va., effective 10-18-52 to 10-17-53; 10 percent of the productive factory force (woven cotton and rayon slips).

Industrial Garment Manufacturing Co., 8 North Center Street, Springfield, Ohio, effective 10-13-52 to 10-12-53; 10 percent of the productive factory force (men's cotton work clothes).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 10-17-52 to 10-16-53; 10 percent of the productive factory force (ladies' woven undergarments).

Kennebec Manufacturing Co., Inc., South Gardiner, Maine, effective 10-9-52 to 10-8-53; 10 learners (children's outergarments).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 10-13-52 to 4-12-53; 55 learners for expansion purposes (work pants).

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 10-8-52 to 10-7-53; 10 percent of the productive factory force engaged in the manufacture of men's woven sleepwear (men's woven sleepwear).

Ann Lee Frocks, 87 Wharf Street, Pittston, Pa., effective 10-13-52 to 10-12-53; 10 percent of the productive factory force or 10 learners, whichever is greater (dresses).

Livingston Shirt Corp., Livingston, Tenn., effective 10-15-52 to 10-14-53; 10 percent of the productive factory force (dress and sport shirts).

R. Lowenbaum Manufacturing Co., Sparta, Ill., effective 10-13-52 to 10-12-53; 10 percent of the productive factory force (dresses.)

The Rauh Co., Ninth and Sycamore Streets, Cincinnati, Ohio, effective 10-15-52 to 10-14-53; 10 percent of the productive factory force (dress and sport shirts).

Rice Stix Factory No. 3, Blytheville, Ark., effective 10-13-52 to 4-12-53; 10 learners for expansion purposes (sport shirts, pajamas).

Rice Stix Factory No. 3, Blytheville, Ark., effective 10-26-52 to 10-25-53; 10 percent of the productive factory force (sport shirts, pajamas).

Rice Stix Factory No. 16, Water Valley, Miss., effective 10-15-52 to 10-14-53; 10 percent of the productive factory force (work pants, shirts, navy chambray shirts).

Rosenau Bros. Inc., Fulton Street, Ephrata, Pa., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (infants' and children's wear).

Rosenau Bros, Inc., West Bertach Street, Lansford, Pa., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (children's dresses).

Rosenau Bros, Inc., Main Street, Red Hill, Pa., effective 10-6-52 to 10-5-53; 10 percent of the productive factory force (infants' and children's wear).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 10-16-52 to 10-15-53; 10 percent of the productive factory force (sport shirts).

I. Schneierson & Sons, Inc., 460 Globe Street, Fall River, Mass., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (women's and children's cotton and rayon underwear).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa., effective 10-13-52 to 10-12-53; 10 percent of the productive factory force (dresses).

Stetson Pajama Co., 161 Market Street, Perth Amboy, N. J., effective 10-13-52 to 10-12-53; six learners (men's and ladies' pajamas).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 10-8-52 to 10-7-53; 10 percent of the productive factory force (work shirts).

Vanderbilt Shirt Co., Inc., 29½ Broadway, Asheville, N. C., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (men's sport shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Fort Payne Manufacturing Co., Inc., Fort Payne, Ala., effective 10-9-52 to 10-8-53; 5 percent of the productive factory force.

Newland Hosiery Co., Newland, N. C., effective 10-6-52 to 6-5-53; 50 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

State Long Distance Telephone Co., Elkhorn, Wis., effective 10-8-52 to 10-7-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 10-8-52 to 10-7-53; 5 percent of the productive factory force engaged in the manufacture of men's shorts (men's shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Moran Shoe Co., Ninth and Railroad, Carlyle, Ill., effective 10-10-52 to 10-9-53; 10 percent of the productive factory force.

St. Louis Shoe Manufacturing Corp., New Athens, Ill., effective 10-16-52 to 10-15-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Glen L. Evans, Inc., Evans Street and Paynter Avenue, Caldwell, Idaho, effective 10-10-52 to 4-9-53; 30 learners for expansion purposes; fly tiers; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (fishing tackle).

The following special learner certificate was issued to the school-operated industries listed below:

Sunnydale Academy, P. O. Box 209, Centralia, Mo., effective 9-1-52 to 8-31-53; food manufacturing—food manufacturing, semi-skilled occupations only; 21 learners; 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Garrou, Inc., Cidra, P. R., effective 10-1-52 to 3-30-53; seven learners; knitters, 480 hours, seamers, 480 hours, menders, 320 hours, examiners, 240 hours, each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of October 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-11400; Filed, Oct. 21, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4052 et al.]

UNITED AIR LINES, INC., ET AL.; REOPENED CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

In the matter of the Reopened Mid-West Certificate Renewal Case for further hearing with respect to service to Fargo, N. Dak., et al.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on October 27, 1952, at 10:00 a. m., c. s. t., at the Chamber of Com-

merce, 100 West Tenth Street, Sioux Falls, S. Dak., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Do the public convenience and necessity require, and should the Board order, any or all of the following in whole or part:

(a) Amendment of the certificate of United Air Lines, Inc., for route No. 1, so as to include Scottsbluff, Nebr., as an intermediate point;

(b) Amendment of the certificate of Braniff Airways, Inc. for route No. 26, so as to provide service to Fargo, N. Dak., New Ulm, Mankato, and Worthington, Minn., Norfolk, Nebr., and Mitchell, Brookings, and Yankton, S. Dak.;

(c) Amendment of the certificate of Braniff Airways for route No. 48, so as to provide service to Austin, Minn.;

(d) Amendment of the certificate of Wisconsin Central Airlines, Inc., so as to include a new route segment between Minneapolis-St. Paul, Minn., and Des Moines, Iowa, via Austin, Minn., and Mason City and Fort Dodge, Iowa, and a new route segment between Minneapolis-St. Paul, Minn., and Sioux City, Iowa, via Mankato, Fairmont and Worthington, Minn., Docket No. 5574;

(e) Suspension of the authorizations of Braniff Airways, Inc. to serve Mason City, Iowa, on route No. 48 and of Western Air Lines, Inc. to serve Mankato, Minn., on route No. 35.

2. In the event of authorization under 1 (a), (b), (c), and (d) is the carrier authorized fit, willing and able to perform such service.

Notice is further given that any person other than the parties and interveners of record desiring to be heard in this proceeding may file with the Board on or before October 27, 1952, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with § 302.14 of the procedural regulations under Title IV of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., October 16, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11432; Filed, Oct. 21, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1966]

HOME GAS CO.

ORDER PERMITTING SUBSTITUTION OF PROPOSED TARIFF SHEETS FOR SUSPENDED SHEETS AND SUSPENDING PROPOSED NEW SHEETS

OCTOBER 16, 1952.

The Commission, pursuant to the authority contained in section 4 of the Natural Gas Act, by order issued May 29, 1952, suspended and deferred the use of Home Gas Company's (Home) proposed FPC Gas Tariff, First Revised Volume No. 1, until November 1, 1952, and until such further time as such tariff might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a hearing concerning the lawfulness of Home's FPC Gas Tariff, First Revised Volume No. 1, be held upon a date to be fixed by further order of the Commission.

On September 12, 1952, Home filed with the Commission proposed First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1, and requested permission, pursuant to § 154.66 of the Commission's regulations under the Natural Gas Act (18 CFR 154.66), that such filing of September 12, 1952, replace and supersede Original Sheets Nos. 7, 10, 20, 21, and 22 of its FPC Gas Tariff, First Revised Volume No. 1, which was suspended by said Commission order issued May 29, 1952.

The change on First Revised Sheet No. 7 and Original Sheet No. 8 is to add a section 7, entitled "Takes in Excess of Contract Demand," which specifies the charges to be made for quantities of gas taken in excess of the contract demand. First Revised Sheet No. 10 effects a change in the definition of the term "contract demand." First Revised Sheets Nos. 20, 21 and 22 effect an elimination of subparagraph (c) of section 10 and add an additional section 10.1 so as to provide that the effective contract demand will be specified in the service agreement and for the establishment of the contract demand under certain conditions. Such changes do not directly affect the suspended rate level.

The Commission finds:

(1) Special permission should be granted for the filing of said proposed First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8 to Home's FPC Gas Tariff, First Revised Volume No. 1, as requested.

(2) It is necessary and proper in the public interest and to aid in carrying out the provisions of the Natural Gas Act, that the hearing heretofore ordered by the Commission with respect to the lawfulness of Home's FPC Gas Tariff, First Revised Volume No. 1, shall concern the lawfulness of said tariff as amended by said First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8, and that said sheets shall be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Home be and it hereby is permitted to file First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1, to replace Original Sheets Nos. 7, 10, 20, 21, and 22 contained in Home's FPC Gas Tariff, First Revised Volume No. 1, which tariff was suspended by order of the Commission issued May 29, 1952.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, the public hearing heretofore ordered to be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, contained in the aforesaid Home's FPC Gas Tariff, First Revised Volume No. 1, and suspended by order of the Commission issued May 29, 1952, shall concern the lawfulness of said tariff as amended by said First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8.

(C) Pending such hearing and decision thereon, said First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8, as filed on September 12, 1952, to Home's FPC Gas Tariff, First Revised Volume No. 1, subject to the jurisdiction of the Commission, be and they hereby are suspended and the use thereof deferred until November 1, 1952, and until such further time thereafter as said Home's FPC Gas Tariff, First Revised Volume No. 1, as amended by said First Revised Sheets Nos. 7, 10, 20, 21, and 22 and Original Sheet No. 8, might be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: October 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11427; Filed, Oct. 21, 1952; 8:52 a. m.]

[Docket No. G-1967]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER PERMITTING SUBSTITUTION OF PROPOSED TARIFF SHEETS FOR SUSPENDED SHEETS AND SUSPENDING PROPOSED NEW SHEETS

OCTOBER 16, 1952.

The Commission, pursuant to the authority contained in section 4 of the Natural Gas Act, by order issued May 29, 1952, suspended and deferred the use of the Manufacturers Light and Heat Company's (Manufacturers) proposed FPC Gas Tariff, First Revised Volume No. 1, until November 1, 1952, and until such further time as such tariff might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a hearing concerning the lawfulness of Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, be held upon a date to be fixed by further order of the Commission.

On September 12, 1952, Manufacturers filed with the Commission proposed First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A to its FPC Gas Tariff, First Revised Volume No. 1, and requested permission, pursuant to § 154.66 of the Commission's regulations under the Natural Gas Act (18 CFR 154.66), that such filing of September 12, 1952, replace and supersede Original Sheets Nos. 7, 13, 23, 24, 25, and 26 of its FPC Gas Tariff, First Revised Volume No. 1, which was suspended by said Commission order issued May 29, 1952.

The change on First Revised Sheet No. 7 and Original Sheet No. 7A is to add a section 7, entitled "Takes in Excess of Contract Demand," which specifies the charges to be made for quantites of gas taken in excess of the contract demand. First Revised Sheet No. 13 effects a change in the definition of the term "contract demand." First Revised Sheets Nos. 23, 24, 25, and 26 effect an elimination of sub-paragraph (c) of section 10 and add an additional section 10.1 so as to provide that the effective contract demand will be specified in the service agreement and for the establishment of the contract demand under certain conditions. Such changes do not directly affect the suspended rate level.

The Commission finds:

(1) Special permission should be granted for the filing of said proposed First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A to Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, as requested.

(2) It is necessary and proper in the public interest and to aid in carrying out the provisions of the Natural Gas Act, that the hearing heretofore ordered by the Commission with respect to the lawfulness of Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, shall concern the lawfulness of said tariff as amended by said First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A, and that said sheets shall be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Manufacturers be and it hereby is permitted to file First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A to its FPC Gas Tariff, First Revised Volume No. 1, to replace Original Sheets Nos. 7, 13, 23, 24, 25, and 26 contained in Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, which tariff was suspended by order of the Commission issued May 29, 1952.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, the public hearing heretofore ordered to be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, contained in the aforesaid Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, and suspended by order of the Commission issued May 29, 1952, shall concern the lawfulness of said tariff as amended by said First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A.

(C) Pending such hearing and decision thereon, said First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A, as filed on September 12, 1952, to Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, subject to the jurisdiction of the Commission, be and they hereby are suspended and the use thereof deferred until November 1, 1952, and until such further time thereafter as said Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, as amended by said First Revised Sheets Nos. 7, 13, 23, 24, 25, and 26 and Original Sheet No. 7A, might be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: October 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11428; Filed, Oct. 21, 1952; 8:52 a. m.]

[Docket No. G-2032]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 16, 1952.

On August 18, 1952, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 21 miles of 6⅝-inch pipe line looping certain of Applicant's existing pipe line facilities serving Robinson and Lawrenceville, Illinois, as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 18, 1952 (17 F. R. 8403).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 3, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11429; Filed, Oct. 21, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27466]

LUMBER FROM POINTS IN SOUTHERN TERRITORY TO POINTS IN NEBRASKA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

OCTOBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1101.

Commodities involved: Lumber and related articles, carloads.

From: Points in southern territory.

To: Points in Nebraska and South Dakota.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1101, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11413; Filed, Oct. 21, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAOLO EMILIO BRUZZONE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paolo Emilio Bruzzone, Giorgio Bruzzone, and Graziella Brescianini ved. Bruzzone, Genoa, Italy; Claim No. 39602; $165.63 in the Treasury of the United States; one-third each to Paolo Emilio Bruzzone, Giorgio Bruzzone, and Gerazielia Brescianini ved. Bruzzone. Stock in the De Nobili Cigar Company, a New York corporation, consisting of 30 shares, third preferred capital stock, par value $25, Certificate No. 107, and 30 shares, common capital stock, par value $50 per share, Certificate No. 52, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Paolo Emilio Bruzzone, Giorgio Bruzzone, and Graziella Brescianini ved. Bruzzone, with Paolo Emilio Bruzzone and Giorgio Bruzzone each being entitled to one half of the stock subject to the payment of

income for life from one-third thereof to Graziella Brescianini ved. Bruzzone.

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11433; Filed, Oct. 21, 1952; 8:53 a. m.]

MARGARETE SARA HENZE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margarete Sara Henze, Westfalen, Germany; Claim No. 41138; $1,223.97 in the Treasury of the United States.

Executed at Washington, D. C., on OCTOBER 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11435; Filed, Oct. 21, 1952; 8:54 a. m.]

KNUT ANDREAS KNUTSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Knut Andreas Knutsen, Paris, France; Claim No. 37108; property described in Vesting Order Nos. 666 (8 F. R. 5047, April 17, 1943); 672 (8 F. R. 5020, April 17, 1943); 1601 (8 F. R. 8566, June 21, 1943), relating to nine United States Letters Patent and three disclosures of inventions, as set forth in Schedule A attached hereto and made a part hereof.

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A—PROPERTY VESTED FROM KNUT ANDREAS KNUTSEN

I. PATENTS

Patent No.	Date issued	Inventor	Title	Vesting order
1,916,801	7- 4-33	Knut Andreas Knutsen	Machine for Sorting Perforated Cards	672
1,971,858	8-28-34	do	Printing Device for Tabulating Machines for Perforated Cards.	672
1,971,859	8-28-34	do	do	666
1,971,860	8-28-34	Knut Andreas Knutsen and Anders Elrikson Vethe,[1]	Printing Device	666
2,046,464	7- 7-36	Knut Andreas Knutsen	Printing Device for Statistical Calculating and Tabulating Machines Utilizing Perforated Cards.	666
2,046,465	7- 7-36	do	Card Controlled Device	666
2,272,916	2-10-42	do	Verifying Machine for Perforated Cards	666
2,175,530	10-10-39	do	Printing Device Particularly for Tabulating Machines Controlled by Record Cards or Bands.	666
2,227,143	12-31-40	do	do	666

[1] By Assignment dated Oct. 8, 1935, duly recorded in the United States Patent Office on Nov. 1, 1935, in liber U-164, page 360, Vethe assigned his undivided ½ interest in subject patent to Knutsen.

II. DISCLOSURES OF INVENTIONS VESTED AS TRANSACTION CONTROLS BY VESTING ORDER NO. 1601

No.	Date executed	Inventor	Title
T. C. 1050 (now Pat. App. Ser. No. 53,502)	4-27-42 / 10-8-48	Knut Andreas Knutsen	Record Card Interpreter.
T. C. 1051	4-27-42	do	Punch Die.
T. C. 1052 (now Pat. App. Ser. No. 53,503)	4-27-42 / 10-8-48	do	Card Reproducing Machine.

[1] This refers to the date the patent application was filed in the U. S. Patent Office by the Office of Alien Property.
[2] This disclosure has not been filed in the Patent Office by the Office of Alien Property.

[F R. Doc. 52-11438; Filed, Oct. 21, 1952; 8:54 a. m.]

COMPAGNIE GENERALE POUR L'EQUIPEMENT AERONAUTIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie Generale pour l'Equipement Aeronautique, Paris, France; Claim No. 35-530; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,138,339 and property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to Patent Application Ser. No. 329,155 (now United States Letters Patent No. 2,376,673).

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11434; Filed, Oct. 21, 1952; 8:54 a. m.]

AGATHA HOCH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Lucrezia Faglia Mazzotti, Angelica Mazzotti, Milan, Italy; and Guido Fenaroli, Turin, Italy; Claim No. 39800; $153.47 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 30 shares, third preferred capital stock, par value $25 per share, Certificate No. 280, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; two-fifths thereof each to Lucrezia Faglia Mazzotti and Angelica Mazzotti and one-fifth thereof to Guido Fenaroli.

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11439; Filed, Oct. 21, 1952; 8:55 a. m.]

GERHARD JAHN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerhard Jahn, Rotenberg 32, Marburg/Lahn, Germany; Ilse Jahn, General Hospital, Birmingham, England; and Johanna Jahn, General Hospital, Birmingham, England; Claim No. 43031; $992.48 in the Treasury of the United States and of this amount: $330.82 to Gerhard Jahn; $330.83 to Ilse Jahn; $330.83 to Johanna Jahn. Three fifths of all right, title, interest and claim of the issue of Lily Schluechterer Jahn, deceased, in and to the trust created under the will of Sigfried Schluechterer, deceased, in equal shares to: Gerhard Jahn, Ilse Jahn, and Johanna Jahn.

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11437; Filed, Oct. 21, 1952; 8:54 a. m.]

JOHANNA AND URSULA SCHATTMANN

REVOCATION OF NOTICE OF INTENTION TO RETURN

In the matter of the claim of Johanna Schattmann and Ursula Schattmann, Claim No. 36356, Vesting Orders Nos. 4316 and 6421.

Whereas, a Notice of Intention to Return to the above claimants the property vested by the above vesting orders was duly executed by the Director of this Office on October 9, 1951, and the said notice was published in the FEDERAL REGISTER on October 13, 1951 (16 F. R. 10511), and

Whereas, Determination and Return Order No. 1132 were executed by the said Director on November 19, 1951, allowing the above claim and directing the return of the vested property to the above claimants, and the said Determination and Return Order having been revoked and cancelled by order of the undersigned dated October 13, 1952:

It is ordered, That the Notice of Intention herein executed October 9, 1951, and published in the FEDERAL REGISTER October 13, 1951, be and the same is hereby revoked.

Executed at Washington, D. C., on October 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11440; Filed, Oct. 21, 1952; 8:55 a. m.]

LUCREZIA FAGLIA MAZZOTTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

FEDERAL REGISTER

VOLUME 17 NUMBER 208

Washington, Thursday, October 23, 1952

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 21—AIRLINE TRANSPORT PILOT RATING

COPILOT EXPERIENCE CREDITED TOWARD AIRLINE TRANSPORT PILOT RATING; ENDORSEMENT

This supplement establishes policies under which a copilot may acquire flight time which will qualify him for an airline transport pilot rating, by performing the duties and functions of a pilot in command under the surveillance of the pilot in command. It also establishes policies regarding endorsement of the rating by the Administrator.

Sections 21.16–1 and 21.16–2 are adopted to read:

§ 21.16–1 *Copilot experience (CAA policies which apply to § 21.16 (a)).* In the case of a copilot employed by a certificated air carrier, the time credited toward an airline transport pilot rating "as copilot actually performing the duties and functions of a pilot in command under the surveillance of the pilot in command" should meet the following standards:

(a) *Credited flying time.* A copilot should be credited with the actual flight time in which he performs all the functions of the pilot in command, including landings and take-offs, en route flying, and low approaches. During such flights, however, the pilot in command will be responsible for the course of action to be taken when a critical decision by the copilot involves the operation of the aircraft or the conduct of the flight. The flight time credited in this manner is subject to the provisions of § 43.44 of this subchapter, whereby not more than 50 percent of such copilot time may be credited toward an airline transport pilot rating.

(b) *Ground functions.* The ground functions of the pilot in command should be performed by the copilot and include; but need not be limited to, the preparation of the flight plan, recheck of the gross load and the weight and balance computation, and ascertaining the V_1 and V_2 speeds. However, time consumed by the copilot in the performance of such ground functions will not be credited to the actual flight time.

(c) *Certification of experience.* The actual flight time and the aeronautical experience gained in the performance of the ground and flight functions of the pilot in command should be recorded and explained in the copilot's log book, and certified by the pilot in command under whose supervision the functions were accomplished.

(d) *Copilot qualifications.* A copilot should have had sufficient time and experience as a copilot, and have demonstrated his ability to perform efficiently the duties of a copilot, before he is permitted to perform the functions of a pilot in command for the purpose of logging pilot-in-command time.

§ 21.16–2 *Endorsement (CAA policies which apply to § 21.16 (c)).* When a copilot qualifies for an airline transport pilot rating by using flight time during which he performed the duties of a pilot in command under the surveillance of a pilot in command, his certificate will be appropriately endorsed. The endorsement will be made on the airline transport pilot rating under item XIII. It will consist of the statement "does not meet ICAO pilot-in-command standards".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

These policies shall become effective November 10, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11464; Filed, Oct. 22, 1952; 8:50 a. m.]

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FEDERAL REGISTER

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HANDBOOK OF EMERGENCY DEFENSE ACTIVITIES

OCTOBER 1952–MARCH 1953 EDITION

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120 PAGES—30 CENTS

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TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

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PART 502—RELIEF ASSISTANCE

MISCELLANEOUS AMENDMENTS

A new center heading, "Relief Shipments", is added to Part 502 immediately preceding § 502.10, and §§ 502.1 to 502.4 are rescinded and the following substituted therefor:

DISASTER RELIEF

Sec.
502.1 General.
502.2 Responsibility of armed forces.
502.3 Department of the Army policies.
502.4 Actions required.

AUTHORITY: §§ 502.1 to 502.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 64 Stat. 1109; 42 U. S. C. Sup. 1855–1855g.

SOURCE: AR 500–60, Oct. 1, 1952.

§ 502.1 *General*—(a) *Scope.* Sections 502.1 to 502.4 prescribe responsibilities, policy, and guidance for the Army Establishment for operations involving disaster relief. These sections have particular application to the continental United States but where not in conflict with any public law, have equal application to United States Territories and possessions.

(b) *Definitions*—(1) *Disaster.* The catastrophic result of excessive or uncontrolled action of natural phenomena such as flood, fire, snow, earthquake, or tornado.

(2) *Major disaster.* Any disaster which is determined by the President to be of such severity and magnitude as to warrant assistance by the Federal Government under the provisions of act September 30, 1950 (64 Stat. 1109–1111; 42 U. S. C. Sup. 1855–1855g) as amended by act August 3, 1951 (65 Stat. 173). This law provides that the governor of a State (or the Board of Commissioners, District of Columbia) shall certify to the President the need for Federal assistance and give assurance of the expenditure of a reasonable amount of funds of the government of such State, local governments therein, or other agency in such disaster prior to requesting Federal assistance. When authorized or directed by the President or his designated representative, Federal agencies are authorized to provide assistance to States and local governments in such major disasters. The President or his authorized representative may direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources. The President may also reimburse any Federal agency for any of its expenditures in connection with a major disaster.

§ 502.2 *Responsibility of armed forces.* Over a number of years, the Army among the military services has been employed most often by the President to render aid to the States and local Governments in disasters and similar emergencies which have assumed such proportions as to be beyond the capabilities of local authorities. However, the capabilities of the Navy and the Air Force have similarly been utilized in rendering disaster assistance and, in some instances, they are more appropriately organized and equipped for particular types of operations. The Department of the Army has primary responsibility among the services for provision of disaster relief, with the Navy and the Air Force having unilateral responsibility. The Department of the Army is also charged with the responsibility for coordination of disaster relief activities of the military services.

(a) *Continental Army commanders.* Responsibility for operations in disaster relief under the provisions of §§ 502.1 to 502.4 is delegated to continental Army commanders. In cases of imminent necessity so dangerous as to preclude the receipt of timely instructions from higher authority, any commanding officer of troops will take such action as is necessary, and as the circumstances of the case reasonably justify, to save human life, to prevent immediate human suffering, or mitigate great destruction or damage to the public property of the United States. Such action, without prior authorization, of necessity, may be prompt and vigorous, but should be designed for the protection of life and property until such time as instructions from higher authority have been received, rather than as an assumption of functions normally performed by civilian authorities.

(b) *Corps of Engineers.* The prevention and control of floods is by statute the responsibility of the Corps of Engineers. When a flood of dangerous proportions is foreseen, District engineers will keep the Department of the Army and Army commanders informed of developments. The closest cooperation between District and Division engineers, continental Army commanders, the Red Cross, and other relief agencies is necessary to mitigate the results of disastrous floods. Efforts incident to the repair, restoration, and maintenance of flood control works and rescue of flood victims are performed by the Corps of Engineers. Army assistance in the relief of human suffering is the responsibility of the continental Army commander.

§ 502.3 *Department of the Army policies.* (a) Disaster relief will not be undertaken by the Department of the Army without the authority delegated by the Congress in act September 30, 1950, or by direction of the President, unless:

(1) The overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event continental Army commanders will use personnel, supplies, and equipment under their control within their own discretion, and advise the Department of the Army of action taken, and

(2) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be those deemed necessary by the the continental Army commander, subject to the provisions of §§ 502.1 to 502.4. Local resources as here used comprise all resources available to the respective State and municipal authorities augmented by those available to the Red Cross in the affected areas.

(b) In order to conserve the use of troops, equipment, and supplies to the maximum, their utilization as set forth in §§ 502.1 to 502.4 is authorized only during the actual existence of the emergency. Sections 502.1 to 502.4 are not to be construed as authorizing assistance during the period of rehabilitation which normally follows a disaster. Troops and equipment will be withdrawn and the issue of supplies stopped at the earliest practicable moment.

§ 502.4 *Actions required*—(a) *"Major disasters."* The act of September 30, 1950, as amended, in no way precludes Department of the Army action, where required in emergencies, pending determination by the President that a disaster is a "major disaster" under the terms of the law. Department of the Army action subsequent to such a finding, however, will be governed by the coordination and direction of the Federal agency appointed by the President. The extent, manner, and duration of Army participation will be as directed or requested by the agency acting as the President's designated representative and as is in consonance with §§ 502.1 to 502.4. Normal channels will be between continental Army commanders and the field representative of the agency designated to represent the President.

(b) *Direct military assistance.* In the event that direct relief is provided to distressed areas where the Red Cross and other Federal assistance under the act of September 30, 1950, are absent, the Army Establishment will provide assistance and relief consistent with the provisions of §§ 502.1 to 502.4 and with the minimum practicable diversion of Army resources. Where appropriate, the use of Naval or Air Force resources may be coordinated either separated or in conjunction with Army assistance.

(c) *Authorized sales.* If the disaster is of such a nature that no supplies are available except those in possession of the military authorities, such supplies, at the discretion of the officer in charge of relief activities, may be sold in accordance with current pricing policy, but such sales must be made only where necessary to prevent suffering directly resulting from the disaster. These sales are authorized to meet unforeseen contingencies.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–11452; Filed, Oct. 22, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 4]

CPR 34—SERVICES

MODIFICATION OF POSTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 4 to Ceiling Price Regulation 34, as amended, amends section 18 (f) (2) of that regulation to require all service establishments making sales at retail to post, on an official poster supplied by the Office of Price Stabilization, a list of the ceiling prices of its principal services. This amendment also modifies the existing requirement that service suppliers post all ceiling prices, by requiring such suppliers to keep available for public inspection, either on additional posters or in separate lists, the ceiling prices of additional services which are offered for sale.

Service establishments making sales at retail which were doing business during the base period December 19, 1950 to January 25, 1951, inclusive or which commenced doing business prior to May 16, 1951, were required by CPR 34 to file a list of their ceiling prices with the District Office of the Office of Price Stabilization and to post such ceiling prices on or before June 15, 1951. New service businesses and sellers of new services were also required to post and file their ceiling prices within thirty days of the date that the ceiling price for the service was established by this regulation. Informal surveys of service establishments by representatives of the Office of Price Stabilization has shown a lack of uniformity with respect to the size of posting, the subject matter covered, and the visual accessibility to the purchaser of the posted ceiling prices. In accordance with a basic program of price stabilization, the Director has determined that in order to apprise purchasers of services subject to Ceiling Price Regulation 34, that modification of the posting requirements as contained in section 18 (f) (2) is necessary and thus is providing official posters upon which sellers may list the ceiling prices of their most representative services, these posters be prominently displayed in the service establishment where it can be easily seen and read by the customers.

The numerous and diverse establishments which will be affected by this amendment have made it impracticable to consult formally with Industry Advisory Committees including trade association representatives, however, the Director has given consideration to informal recommendations from various service trades.

In the judgment of the Director the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 34, as amended, is further amended in the following respects:

1. Section 18 (f) (2) is amended to read as follows:

If you operate a service establishment making sales at retail, you must, not later than 7 days after you receive an official OPS poster, post your ceiling prices for your principal services on such official poster in a prominent place in your service establishment where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than November 26, 1952, or 30 days after the date your ceiling price for a service is first established by this regulation, whichever is later, obtain an official poster from your OPS District Office and post your ceiling prices in accordance with this section. Ceiling prices for additional services must be kept readily available for public inspection at your place of business. You may use either additional posters or separate lists identifying each service and ceiling price.

2. Section 18 (f) is further amended by adding new subparagraph (3) which reads as follows:

(3) If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your OPS District Office. Erasures or changes in ceiling prices listed on the poster, excepted to correct clerical or arithmetical errors are prohibited, unless authorized by OPS.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 4 to Ceiling Price Regulation 34 shall be effective October 27, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 22, 1952.

[F. R. Doc. 52-11520; Filed, Oct. 22, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amended, Amdt. 1]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

STATEMENT OF CONSIDERATIONS

Section 402 (d) (2) of the Defense Production Act of 1950, as amended, provides in part as follows:

No regulation or order shall be issued or remain in effect under this title which prohibits the payment or receipt of hourly wages at a rate of one dollar ($1.00) per hour or less.

This amendment to General Salary Stabilization Regulation 1, Amended, has been adopted by the Salary Stabilization Board to set forth clearly the application of this provision of the Defense Production Act of 1950, as amended, to employees under the jurisdiction of the Salary Stabilization Board.

AMENDATORY PROVISION

General Salary Stabilization Regulation 1, Amended, is amended by adding to Article I thereof a new section 11 to read as follows:

SEC. 11. *Payment or receipt of wages, salaries and other compensation at a rate of one dollar ($1.00) per hour or less.* Nothing in this or any other General Salary Stabilization Regulation or Order shall be construed to prohibit the payment or receipt of wages, salaries and other compensation at a rate of one dollar ($1.00) per hour or less or its equivalent.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11525; Filed, Oct. 22, 1952; 12:10 p. m.]

[General Salary Stabilization Regulation 4, Revised, Amdt. 2]

GSSR 4—STOCK OPTION AND STOCK PURCHASE PLANS; REPORTS AND RECORD-KEEPING

STATEMENT OF CONSIDERATIONS

This amendment to General Salary Stabilization Regulation 4, Revised, is issued in order to clarify the filing requirements contained in the regulation.

AMENDATORY PROVISION

1. Section 7 (a) of General Salary Stabilization Regulation 4, Revised, as amended, is amended by adding a new sentence at the end thereof, to read as follows: "Unless heretofore filed, an initial report containing the information pertinent to the grant and exercise of a stock option,[1] accompanied by the warranty required by section 3 (f) of this regulation, shall be filed with the Office of Salary Stabilization not more than thirty (30) days after the date of publication of this amendment in the FEDERAL REGISTER or not more than thirty (30) days after the grant of the stock option, whichever is later."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

[1] On OSS Form 302.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11507; Filed, Oct. 22, 1952; 9:57 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

CERTIFICATION OF ELIGIBILITY TO LOAN GUARANTY BENEFITS; GENERAL LAW

1. In § 4.65, the introduction and paragraphs (a), (c), and (d) are amended to read as follows:

§ 4.65 *Certification of eligibility to loan guaranty benefits.* For the purposes of Title III, Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Cong.), as amended by Public Law 268, 79th Congress, section 301, Title III, Public Law 475, 81st Congress (Housing Act of 1950), and section 301, Title III, Public Law 550, 82d Congress, which provides that loan guaranty benefits provided for veterans shall be extended to unremarried widows, the widow shall have basic eligibility if:

(a) The veteran served in the Armed Forces of the United States (Allied Nations are not included) at any time on or after September 16, 1940, and prior to or on July 25, 1947, or at any time on or after June 27, 1950, and prior to such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress; and

* * * * *

(c) The veteran's death was the result of injury or disease incurred in or aggravated by service in line of duty which was rendered on or after September 16, 1940 (regardless of the date of entrance into such service) (cases where compensation is payable under section 31, Public No. 141, 73d Cong.; section 12, Public No. 866, 76th Cong.; or section 2 (par. 4, Part VII, Veterans Regulation 1 (a)) Public Law 16, 78th Cong., as amended by Public Law 894, 81st Cong., are not included); and

(d) The widow meets the requirements contained in the definition of the term "widow" as outlined in § 4.3 (a), § 4.15 (a), or § 4.15a (a), whichever may be applicable, except as to the requirement of continuous cohabitation (section 1500, Servicemen's Readjustment Act of 1944, Pub. Law 346, 78th Cong., as amended) (the requirement of continuous cohabitation is confined to payments of death compensation and pension—section 3, Pub. Law 483, 78th Cong.); and

* * * * *

2. In § 4.68, paragraph (f) is amended to read as follows:

§ 4.68 *General law.* * * *

(f) *Under section 30, Title III, Public No. 141, 73d Congress, and Public No. 269, 74th Congress.* No award under the General Law for death resulting from service in the war with Spain, Boxer Rebellion, or Philippine Insurrection shall commence prior to March 28, 1934, under section 30, Title III, Public No. 141, 73d Congress (act of March 28, 1934), or prior to August 13, 1935, under Public No. 269, 74th Congress (act of August 13, 1935). For the purposes of the General Law, as reenacted by the act of March 28, 1934 (section 30, Title III, Public No. 141, 73d Congress), and the act of August 13, 1935 (Public No. 269, 74th Congress), when claim was filed prior to August 5, 1939, the date of commencement shall be as prescribed in paragraphs (a) to (e) of this section. When claim is filed on or after August 5, 1939, the date of commencement shall be as prescribed in § 4.72 (b).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective October 23, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11479; Filed, Oct. 22, 1952; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MISCELLANEOUS

MAILS CARRIED BY FOREIGN VESSELS; TRANSPORTATION AND PROTECTION OF MAILS BETWEEN POST OFFICE AND SHIPS

In Part 125, make the following changes:

1. Rescind § 125.2 *Mails carried by foreign vessels.*

2. Insert a new § 125.5a following § 125.5, to read as follows:

§ 125.5a *Transportation and protection of mails between post office and ships.* (a) Steamship companies shall be responsible for the transportation and protection of all incoming and outgoing mails, including parcel post and sacks containing empty equipment, between the post office and transporting vessel.

(b) All such incoming mails shall be delivered to the post office at the port to which waybilled, except that mails waybilled to ports other than the first port of call of a vessel in the United States shall be delivered to the post office at the first port of call if the vessel is scheduled to remain at said first port of call for more than twenty-four hours.

(c) Each vehicle used to transport mails between post offices and vessels, except the completely closed van type, the mail compartment of which must be locked or sealed, shall be provided with a man to ride on the rear and protect the mail. When a rack type truck is used the sacks shall be covered by a tarpaulin.

(d) The registered (red label) sacks shall be specially protected during transfer and on board vessels. The red-label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails, and, insofar as possible, the incoming red-label sacks shall be delivered separately to the post office.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-11494; Filed, Oct. 21, 1952; 12:41 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 807]

UTAH

AMENDMENT OF PUBLIC LAND ORDER NO. 57 RESERVING LANDS FOR USE OF WAR DEPARTMENT AS ORDNANCE STORAGE DEPOT SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Public Land Order No. 57 of November 12, 1942, reserving lands in Utah for the use of the War Department as an ordnance storage depot site, is hereby amended by substituting the words "Department of the Army", for the words "War Department" appearing in the title and second paragraph of said order, and deleting therefrom the following paragraph added thereto by Executive No. 9526 of February 28, 1945.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interest then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

OCTOBER 17, 1952.

[F. R. Doc. 52-11453; Filed, Oct. 22, 1952; 8:45 a. m.]

[Public Land Order 808]

ALASKA

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described area in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for classification and pending determination of the most useful purposes to which said lands may be put:

Beginning at Corner No. 2, U. S. Survey No. 2509, latitude 59°27'50" N., longitude 135°19' 10" W., thence

Northwesterly, approximately 0.6 mile along the south boundary of the area withdrawn by Public Land Order 436 of January 13, 1948, to the east shore line of Nakhu Bay.

Southerly, easterly, and southerly, along the shore line of Nakhu Bay and Taiya Inlet, approximately 3.5 miles to the intersection of Tongass National Forest boundary, approximate latitude 59°26' N., longitude 135°20' W.

Southeasterly, approximately 1.7 miles along forest boundary.

Northeasterly, aproximately 4.3 miles along forest boundary.

Northwesterly, approximately 1.7 miles along forest boundary.

Northeasterly, approximately 1.5 miles along forest boundary, on east side Skagway River to latitude 59°30' N., longitude 135°15' W.

West, approximately 1.9 miles along latitude 59°30' N., to east boundary of Public Land Order 436.

Southerly, approximately 2.4 miles along the divide between

Taiya and Skagway Rivers, being the east boundary of Public Land Order 436, to point of beginning, and including all that part of Dyea Point south of a line from Parsons Peak to Corner No. 2, U. S. Survey 2509, being the south boundary of Public Land Order 436.

The area described contains approximately 7,400 acres.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

OCTOBER 21, 1952.

[F. R. Doc. 52-11508; Filed, Oct. 22, 1952; 12:01 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 892]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October A. D. 1952.

It appearing, that due to a prospective stoppage in the production of bituminous coal, the Defense Solid Fuels Administrator has ordered that no bituminous coal shipper shall bill, consign, release or otherwise dispose of bituminous coal which may be on mine tracks; hold tracks; assigned tracks, in classification or assembly yards between mines and scales; the railroad scales; or at any other facility for shipment via railroads; that the Defense Solid Fuels Administrator has represented that a preference or priority is necessary in the transportation of bituminous coal for essential civilian needs and for the military programs in support of national security; that the Defense Transport Administration has made representations to this Commission regarding an impending emergency with respect to coal transportation and has recommended that this Commission take action; the Commission is of the opinion that an emergency requiring immediate action exists: It is ordered, that:

§ 95.892 *Restrictions on movement of unbilled bituminous coal.* (a) No common carrier by railroad, subject to the Interstate Commerce Act, serving any bituminous coal mine, or mines, which have ceased operation due to work stoppage, shall transport cars loaded with bituminous coal from such mines; from scales; from hold points; from classification or assembly yards between mines and scales; from any designated mine tracks or designated mine sidings; or hold points; which coal was not billed prior to 12:01 a. m., October 21, 1952, unless and until the shipper furnishes to the originating carrier shipping instructions containing a certification that such shipment is made pursuant to the terms of Solid Fuels Order No. 4, issued by the Defense Solid Fuels Administration, Department of Interior, Washington, 25, D. C. The waybill or shipping instructions shall show reference to the number of the directive issued by Defense Solid Fuels Administration.

(b) Application: This section shall apply to intrastate and foreign shipments as well as interstate traffic.

(c) Rules, regulations and practices suspended: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(d) Effective date: This section shall become effective at 12:01 a. m., October 21, 1952.

(e) Expiration date: This section shall expire at 11:59 p. m., November 20, 1952.

It is further ordered that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11477; Filed, Oct. 22, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 955]

GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952-1953 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $18,225.00 will be necessarily incurred during the fiscal period August 1, 1952, to July 31, 1953, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at $0.0125 per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handler," "shipped," "fruit," "fiscal period" and "standard box" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 20th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11481; Filed, Oct. 22, 1952; 8:53 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

CERTIFICATES OF PRIVILEGE

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations,[1] hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given any data, views, or arguments pertaining thereto mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

CERTIFICATES OF PRIVILEGE

Sec.
957.130 Application.
957.131 Issuance.
957.132 Reports.
957.133 Denials and appeals.

AUTHORITY: §§ 957.130 to 957.133 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c.

§ 957.130 *Application.* (a) All handlers desiring to make shipments of potatoes for the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments:

(1) Seed;
(2) Export;
(3) Sale to the Federal Government under programs authorized by the Secretary of Agriculture;
(4) Canning, dehydration, or manufacture or conversion into specified products;
(5) Charity; and
(6) Other purposes which may be specified.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the quantity of potatoes to be shipped, grade and size of potatoes to be shipped, intended use of such potatoes, proof of contract, name and address of consignee, destination of shipment, mode of transportation, and expected date of shipment.

(c) (1) The committee may require each handler making shipments of potatoes for export to include with his application applicable thereto a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment.

(2) The committee may require that each application to ship potatoes pursuant to subparagraphs (4) and (5) of paragraph (a) of this section be accompanied by the applicant handler's and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(d) Such application may contain other appropriate information, and the committee may require additional documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates are granted.

§ 957.131 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and, pursuant to applicable provisions of the order, shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 957.132 *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the committee with a report thereon showing the name and address of the handler, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, consignee, bill of lading and any other information deemed necessary by the committee.

§ 957.133 *Denials and appeals.* The committee may rescind a Certificate, or Certificates of Privilege, issued to a handler pursuant to § 957.131, or deny Certificates of Privilege to a handler upon proof, satisfactory to the committee, that such handler has shipped potatoes contrary to the provisions of §§ 957.130 to 957.132 inclusive. Such committee action denying a Certificate, or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 20th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11482; Filed, Oct. 22, 1952; 8:54 a. m.]

[1] It is proposed that if these rules become effective they will become a part of "Subpart—Rules and Regulations."

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 15, 1952.

Whereas, the Office of Territories, Department of the Interior, made application Anchorage 020098, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Sand Point School), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER, September 17, 1952 (17 F. R. 8366), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at a point on the North property line of General Land Office Amended Survey No. 55 located at Sand Point, Alaska, approximate latitude 55°20'30" North, longitude 160°30' West from whence Corner No. 3 of said survey bears North 74° 0' West 113 feet; thence, North 31° 0' East 800 feet to Corner No. 1, the place of beginning.

Thence, North 59° 0' West 100 feet to Corner No. 2; thence, North 31° 0' East 500 feet to Corner No. 3; thence, South 59° 0' East 100 feet to Corner No. 4; thence, South 31° 0' West 500 feet to Corner No. 1, the place of beginning. Said area to contain 1.15 acres more or less.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to

the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-11454; Filed, Oct. 22, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 490

OCTOBER 15, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order:

FAIRBANKS LAND DISTRICT

A tract of land located on Hot Springs Slough, Alaska, more particularly described as follows:

Commencing at a point on the north bank of Hot Springs Slough, which point is identical with the southeast corner of U. S. Survey No. 916; thence in a northerly direction following the east boundary of U. S. Survey No. 916 approximately 4,200 feet to corner No. 2, identical with the northeast corner of U. S. Survey No. 916; thence in an easterly direction approximately 1,320 feet to corner No. 3; thence in a southerly direction approximately 3,750 feet to corner No. 4, the point of intersection of line 3–4 with the north bank of Hot Springs Slough; thence following the meanders of the north bank of Hot Springs Slough in a westerly direction approximately 1,450 feet to corner No. 1, the point of beginning (Petition for Shorespace Restoration of Gus A. Benson, Fairbanks 09286).

The above described area embraces approximately 130 acres.

At the hour and date specified the lands restored by this order, all of which are unsurveyed, shall, subject to valid existing rights, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (49 Stat. 809; 48 U. S. C. 461), only, and to that form of appropriation only by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Commencing at 10:00 a. m., on the 112th day after the date of this order, any of the lands not settled upon by veterans shall become subject to settlement and other form of appropriation by the public generally in accordance with the appropriate laws and regulations.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11455; Filed, Oct. 22, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 491

OCTOBER 15, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order:

ANCHORAGE LAND DISTRICT

A tract of land located on the north bank of the Naknek River, Alaska, which when surveyed will be identified as U. S. Survey No. 3179, containing approximately three acres (Trade and Manufacturing Site application of James R. Mueller and Clifford M. Johnson, Anchorage 016359).

A tract of land located on Jamestown Bay, Alaska, more particularly described as follows:

Beginning at Corner No. 4 of U. S. Survey No. 2824 on the northeasterly boundary of the Sitka Highway right-of-way, Corner No. 1; thence N. 26 deg. 15 Mins. E. 900 feet to Corner No. 2; thence at right angles southeasterly 1,200 feet to Corner No. 3; thence at right angles southwesterly approximately 900 feet to the northeasterly boundary of the Sitka Highway right-of-way and Corner No. 4; thence along said northeasterly boundary line of said highway right-of-way to the place of beginning, containing approximately 28 acres. (Soldier's Additional Homestead application of Rachel Carlson and Angelina Glenn, Anchorage 017545).

At the hour and date specified the lands restored by this order, all of which are unsurveyed, shall, subject to valid existing rights, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (49 Stat. 809; 48 U. S. C. 461), only, and to that form of appropriation only by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Commencing at 10:00 a. m., on the 112th day after the date of this order, any of the lands not settled upon by veterans shall become subject to settlement and other form of appropriation by the public generally in accordance with the appropriate laws and regulations.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11456; Filed, Oct. 22, 1952; 8:47 a. m.]

Bureau of Reclamation

YUMA PROJECT, CALIFORNIA

ORDER OF REVOCATION

JULY 15, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of October 19, 1920, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 9 E.,
Sec. 4, W½,
Sec. 5,
Sec. 8,
Sec. 9,
Sec. 15,
Sec. 16,
Sec. 17,
Sec. 21,
Sec. 22,
Sec. 23,
Sec. 25,
Sec. 26,
Sec. 27,
Sec. 28,
Sec. 33,
Sec. 34,
Sec. 35,
Sec. 36;
T. 10 S., R. 9 E.,
Secs. 1, 2, 11, and 12;
T. 10 S., R. 10 E.,
Secs. 5, 6, and 7;
T. 9 S., R. 10 E.,
Sec. 31.

The above areas aggregate approximately 16,362.13 acres.

ALFRED R. GOLZE,
Acting Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

All of the lands except secs. 2 and 12 T. 10 S., R. 9 E., and sec. 6 T. 10 S., R. 10 E., are either patented or reserved. The lands are not suitable for agricultural purposes as the soils contain high concentrations of alkali salts, the annual rainfall is very low, and there is no known source of water for irrigation. There are limited opportunities for business sites and other small tract uses. Wells in the area are very deep and furnish poor quality brackish water.

While any application that is filed will be considered on its merits, it is unlikely that any substantial part of the restored (or opened) lands will be classified for any use other than as shown.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

OCTOBER 17, 1952.

[F. R. Doc. 52-11458; Filed, Oct. 22, 1952; 8:48 a. m.]

OWYHEE PROJECT, OREGON

ORDER OF REVOCATION

FEBRUARY 29, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of March 28, 1925, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 22 S., R. 46 E., Sec. 4, Lots 1, 2, S½NE¼.

The above area aggregates 161.45 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are chiefly valuable for grazing. While any application that is filed will be considered on its merits, it is unlikely that any substantial part of the restored (or opened) lands will be classified for any use other than as shown.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Portland, Oregon.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

OCTOBER 17, 1952.

[F. R. Doc. 52-11457; Filed, Oct. 22, 1952; 8:47 a. m.]

Office of the Secretary

[Misc. 22620]

ALASKA

NOTICE FOR FILING OBJECTIONS TO WITHDRAWAL OF PUBLIC LANDS FOR CLASSIFICATION [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

OCTOBER 21, 1952.

[F. R. Doc. 52-11509; Filed, Oct. 22, 1952; 12:03 p. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 1, Supp. 1, as amended Oct. 23, 1952]

SECRETARY OF DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

Supp. 1 (as amended September 11, 1951) to NPA Del. 1 is hereby further amended by inserting new subparagraphs (b) and (c) in paragraph 1, to authorize the Secretary of Defense under certain conditions to reschedule the production and delivery of APRA Class B products and to take other related action; and by redesignating former subparagraph (b) of paragraph 1, as subparagraph (d).

1. This amended supplement to NPA Del. 1 is issued under the authority of the Defense Production Act of 1950, as amended. The Secretary of Defense has been delegated certain authority under NPA Del. 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

(a) To reschedule deliveries of materials which are required in support of the following Department of Defense programs: (1) Aircraft Program (A1), (2) Ships Program (A3), and (3) Tank-Automotive Program (A4): *Provided, however,* That such authority (1) shall be applicable only to the rescheduling of deliveries among rated orders or authorized controlled material orders bearing the same program identification issued by or under the authority of the Secretary of Defense; and (2) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries.

(b) To schedule or reschedule the production and delivery of any Class B product assigned to Aircraft Production Resources Agency (Department of Defense) under Product Class Code No. 9500 in the NPA Official CMP Class B Product List (said B products being hereinafter referred to as "APRA Class B products") and which are required to be delivered pursuant to any rated order heretofore or hereafter accepted by a manufacturer or producer: *Provided, however,* That such authority shall be exercised only upon the following conditions:

(1) The consent of the manufacturer or producer of any APRA Class B product proposed to be scheduled or rescheduled is first obtained; and

(2) In providing for such scheduling or rescheduling, the manufacturer or producer is not required or authorized to displace the production of, or delay the delivery of, any product other than an APRA Class B product; and

(3) In any case where such scheduling or rescheduling is effected pursuant to such authority, the Secretary of Defense shall require the manufacturer or producer whose production or delivery has been so rescheduled to notify immediately in writing all customers whose deliveries have been changed as a result of such rescheduling.

The authority in this subparagraph does not extend to the rescheduling of the production or delivery of materials or products furnished by suppliers to manufacturers of APRA Class B products, and required in the manufacture of APRA Class B products.

(c) To require a copy of an order board or in lieu thereof the necessary scheduling data, covering APRA Class B products only, from a manufacturer of any such products which are in critically short supply and the lack of which products is seriously interfering with the fulfillment of other aircraft component or aircraft end-item schedules.

(d) To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

2. The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives as may be issued by the Munitions Board to implement policies and procedures issued by the National Production Authority.

This supplement, as amended, shall take effect October 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
R. A. MCDONALD,
Administrator.

[F. R. Doc. 52-11523; Filed, Oct. 22, 1952; 11:37 a. m.]

[1] See Title 43, Chapter I, Appendix, PLO 868.

CIVIL AERONAUTICS BOARD

[Docket No. 4656]

NEW YORK-HOUSTON INTERCHANGE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 13, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 21, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11478; Filed, Oct. 22, 1952; 8:53 a. m.]

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding which was assigned to be held on September 30, 1952, and later postponed indefinitely, is hereby reassigned to be held on November 13, 1952, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., this 17th day of October 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11473; Filed, Oct. 22, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1955]

TRANSCONTINENTAL GAS PIPE LINE CORP., AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND EXTENDING RATES SCHEDULES

OCTOBER 20, 1952.

Notice is hereby given that on October 16, 1952, the Federal Power Commission issued its order entered October 15, 1952, issuing certificate of public convenience and necessity, and extending rates schedules in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11472; Filed, Oct. 22, 1952; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO RELEASED RATES ON DRUGS, MEDICINES, ETC.; APPLICATION NOS. 1438 AND MC-525

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Released Rates on Drugs, Medicines, etc., Application Nos. 1438 and MC-525 for authority to publish ratings on a released valuation basis, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: October 16, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-11468; Filed, Oct. 22, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27467]

PETROLEUM PRODUCTS FROM CRUPP AND ROGERSLACY, MISS., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

OCTOBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, on behalf of the Illinois Central Railroad Company and other carriers.

Commodities involved: Petroleum distillate fuel oil and petroleum residual fuel oil, in tank-car loads.

From: Crupp and Rogerslacy, Miss.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11469; Filed, Oct. 22, 1952; 8:50 a. m.]

[4th Sec. Application 27468]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO FRONT ROYAL, VA.

APPLICATION FOR RELIEF

OCTOBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200, pursuant to fourth-section order No. 16101.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Front Royal, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11470; Filed, Oct. 22, 1952; 8:51 a. m.]

[4th Sec. Application 27469]

SAND AND GRAVEL BETWEEN POINTS IN OKLAHOMA AND MISSOURI

APPLICATION FOR RELIEF

OCTOBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Sand, gravel, and related articles, carloads.

Between: Points in Oklahoma and Missouri.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 204.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11471; Filed, Oct. 22, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER ADVANCING DATE OF HEARING

OCTOBER 16, 1952.

The Commission having on October 10, 1952, issued its notice of filing and order for hearing concerning applications for allowances in section 11 (e) proceedings relating to Plan II-B, which directed that a hearing be held therein on November 18, 1952, at 10:00 a. m., e. s. t., at the Washington offices of the Commission, and it appearing that it is necessary to advance such date for hearing by one day:

It is ordered, That said order of October 10, 1952, be, and is hereby, modified to provide that the hearing therein ordered shall commence on November 17, 1952, at the same hour and place.

It is further ordered, That copies of this order shall be served and published

in the same manner as said order dated October 10, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11460; Filed, Oct. 22, 1952; 8:48 a. m.]

[File No. 70-2912]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER ADDITIONAL PRINTING EXPENSE

OCTOBER 17, 1952.

The Commission, by orders dated September 8, 1952, September 16, 1952, and September 23, 1952, having granted an application, as amended, filed pursuant to the act by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, with respect to the issuance and sale of 140,000 shares of 4.15 percent Preferred Stock, $50 par value, and $14,000,000 principal amount of 3¼ Percent First Mortgage Bonds, Series due September 1, 1982, and the Commission having released jurisdiction over the payment of certain estimated fees and expenses, including printing expense in the amount of $20,000, provided the payments did not exceed the amounts estimated; and

Additional information having been received from Duquesne to the effect that the actual printing expense incurred aggregates $28,015.96, or $8,015.96 in excess of the amount estimated; and

Duquesne having requested that the Commission release jurisdiction over this additional amount; and

It appearing to the Commission that the additional printing expense, in the amount of $8,015.96, is not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That jurisdiction be, and the same hereby is, released with respect to the additional printing expense.

It is further ordered, That the jurisdiction reserved in the order of September 23, 1952, over fees and expenses for accounting and legal services in connection with the proposed transactions be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11463; Filed, Oct. 22, 1952; 8:49 a. m.]

[File No. 70-2939]

TEXAS UTILITIES CO.

ORDER PERMITTING ACQUISITION OF SECURITIES OF NEWLY ORGANIZED SUBSIDIARY COMPANY

OCTOBER 17, 1952.

Texas Utilities Company ("Texas Utilities"), an exempt holding company, having filed an application pursuant to sections 9 (a) (2) and 10 of the act with respect to certain proposed transactions, which are summarized as follows:

On April 5, 1950, the Commission issued its findings, opinion and order granting Texas Utilities and each of its subsidiary companies, as such, an exemption pursuant to section 3 (a) (1) of the act from all the provisions of the act except with respect to section 9 (a), (2) and certain other sections.

Texas Utilities proposes to organize a new corporation under the laws of the State of Texas and to acquire for $500 in cash five shares (being all the shares) of the capital stock, par value $100 per share, of such company. The new company would be named Industrial Generating Co.

Texas Power & Light Company ("Texas Power"), a subsidiary company of Texas Utilities, has entered into contracts with the Aluminum Company of America ("Alcoa") under which Texas Power will construct in its service area near Sandow, Texas a new electric generating plant and transmission line for the account of Alcoa, operate such plant and certain lignite mines for Alcoa's account, and exchange emergency and standby power and energy with Alcoa. The Industrial Generating Co., on a nonprofit basis, would contract with Texas Power to perform the obligations of Texas Power to Alcoa imposed by the contract between the latter two named companies to operate Alcoa's generating plant. It is stated that the financial statements of Texas Power would be substantially distorted if there is incorporated therein the operating costs of Alcoa's generating plant with the items making up the costs of its regular normal operations. It is submitted that the newly organized company, which would operate Alcoa's generating plant, would avoid such distortion and simplify operations under the operating agreement between Alcoa and Texas Power.

It is represented that no fees or commissions are to be paid in connection with the organization of Industrial Generating Co. and that the transactions here involved are not subject to the jurisdiction of any state commission.

Notice of filing of said application having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act; the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and the Commission finding that the applicable requirements of the act and the rules and regulations thereunder are satisfied, and deeming it appropriate in the public interest and the interests of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11461; Filed, Oct. 22, 1952; 8:49 a. m.]

[File No. 70-2941]

PHILADELPHIA CO.

ORDER GRANTING APPLICATION REGARDING PROPOSED STABILIZATION

OCTOBER 16, 1952.

Philadelphia Company ("Philadelphia"), a registered holding company, having filed an application, and amendments thereto, pursuant to the act and certain rules promulgated thereunder concerned with the following proposed transactions:

At the present time Philadelphia owns $6,354,000 principal amount of Twenty Year 3⅜ Percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company ("Equitable"), a former public utility subsidiary of Philadelphia. This Commission by order dated June 1, 1948, as supplemented by its order of March 14, 1950, has directed Philadelphia to divest itself of all securities of Equitable owned by Philadelphia. Philadelphia has heretofore notified this Commission, pursuant to Rule U-44 (c), that it intends to sell these debentures to non-affiliated interests under competitive conditions and the Commission determined that no declaration need be filed with respect to such proposed sale.

Bids for the purchase of the debentures will be invited by a newspaper advertisement which will provide that interested persons shall notify Philadelphia of their desire for an opportunity to purchase said debentures. Thereafter, Philadelphia will advise all such persons of the conditions of sale and the time for submitting bids, which time shall not be less than twenty-four hours after such advice has been given.

Philadelphia in the instant application seeks permission to acquire debentures of Equitable by purchases on the over-the-counter market, if, in the judgment of Philadelphia's officers, such purchases are necessary or advisable to facilitate the intended sale by stabilizing the market price thereof. Purchases, if any, by Philadelphia will be made only during the period beginning on the third full business day prior to the opening of bids for the purchase of debentures and ending at the time of such opening. The application states that the aggregate amount of debentures to be purchased through stabilization operations, if any, will not exceed ten percent of $6,354,000, the total amount of such debentures now owned by Philadelphia. Expenses in connection with these transactions are estimated at $1,000 of which the major portion is represented as being fees and expenses of counsel.

The filing further states that any debentures which are acquired through stabilization operations will be promptly disposed of by Philadelphia after appropriate notice to the Commission.

The Commission having issued a notice of filing pursuant to Rule U-23 and not having received a request for a hearing thereon within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

It appearing to the Commission that the proposed transactions meet all applicable standards of the act and the rules and regulations thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions of Rule U-24, that the application, as amended, be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11459; Filed, Oct. 22, 1952; 8:48 a. m.]

[File No. 70-2944]

NORTH AMERICAN CO.

NOTICE OF FILING REGARDING PROPOSED STABILIZATION

OCTOBER 20, 1952.

Notice is hereby given that an application has been filed pursuant to the act and the rules and regulations promulgated thereunder by the North American Company ("North American"), a registered holding company. The application designates sections 9 and 10 of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Pursuant to a plan of liquidation and dissolution of North American Utility Securities Corporation, heretofore approved by this Commission under section 11 (e) of the act and ordered enforced by the United States District Court for the District of Maryland, North American will receive, inter alia, 78,684 shares of the common stock of Pacific Gas & Electric Company ("PG&E"), a former public utility subsidiary of North American. This Commission by order dated April 14, 1942, directed North American to divest itself of all of its direct and indirect interests in PG&E.

North American has notified this Commission, pursuant to Rule U-44 (c), that upon receipt of the same it intends to sell the 78,684 shares of common stock of PG&E to non-affiliated interests pursuant to a public invitation for sealed written competitive bids.

The sale of this common stock is not part of the instant application. North American in the instant application seeks permission to acquire common stock of PG&E by purchases on the New York Stock Exchange, if, in the judgment of North American's officers, such purchases are necessary or advisable to facilitate the intended sale by stabilizing the market price thereof. Purchases by North American will be made only during the period beginning on the day of the opening of bids for the purchase of the common stock and ending at the time of such opening. The filing states that all common stock acquired through these stabilization operations will be promptly disposed of by North American after the sale of the 78,684 shares of common stock of PG&E.

It is represented in the application that customary brokerage fees and commissions will be paid by North American in connection with purchases made by it for stabilization purposes. It is stated that other expenses incurred in connection with such stabilization operations are not separable from the fees and expenses to be incurred in connection with all the transactions enumerated above and that the aggregate fees and expenses in connection with such transactions are estimated at $13,500 of which $3,500 represents fees and expenses of counsel.

North American requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 28, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11483; Filed, Oct. 22, 1952; 8:54 a. m.]

[File No. 70-2945]

AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING PROPOSAL FOR FINANCING OF NEW OPERATING COMPANIES, AND NOTICE AND ORDER FOR HEARING

OCTOBER 17, 1952.

In the matter of American Gas and Electric Company, Ohio Valley Electric Corporation, et al.; File No. 70-2945.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, the Cincinnati Gas & Electric Company ("Cincinnati"), a public utility company, and an exempt holding company, Kentucky Utilities Company ("Kentucky"), a public utility company and an exempt holding company, Louisville Gas and Electric Company ("Louisville"), a public utility company and an exempt holding company, Ohio Edison Company ("Ohio Edison"), a public utility company and a registered holding company, the West Penn Electric Company ("West Penn Electric"), a registered holding company, Ohio Valley Electric Corporation ("Ohio Valley"), Indiana-Kentucky Electric Corporation ("Indiana-Kentucky"), and American Gas and Electric Service Corporation ("Service Corporation"), a service company subsidiary of American Gas, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6, 7, 9, 10, and 13 of the act, and Rules U-90, U-91, and U-100 thereunder, as applicable to the proposed transactions, which are summarized as follows:

Ohio Valley and Indiana-Kentucky have been organized for the purpose of constructing and operating two electric generating stations, having a combined expected capability of 2,200,000 kilowatts, together with related facilities, required for the supply of power to the Atomic Energy Commission in connection with a gaseous diffusion plant of the Atomic Energy Commission to be located in the vicinity of Portsmouth, Ohio, and known as the "Portsmouth Area Project". Ohio Valley has executed a power agreement with the Atomic Energy Commission for the supply of such power. The creation of Ohio Valley and Indiana-Kentucky and the execution of this power contract are in accord with a proposal submitted on May 12, 1952, to the Atomic Energy Commission by fifteen operating utility companies, namely: applicants-declarants Cincinnati, Kentucky, Louisville and Ohio Edison; Appalachian Electric Power Company, Indiana & Michigan Electric Company, and the Ohio Power Company (subsidiaries of American Gas); Monongahela Power Company, the Potomac Edison Company and West Penn Power Company (subsidiaries of West Penn Electric); Pennsylvania Power Company (a subsidiary of Ohio Edison); and Columbus and Southern Ohio Electric Company ("Columbus"), the Dayton Power and Light Company ("Dayton"), Southern Indiana Gas and Electric Company ("Southern Indiana"), and the Toledo Edison Company ("Toledo").

The cost of the facilities proposed to be constructed by Ohio Valley and Indiana-Kentucky is estimated in the filing to range between a minimum of $370,000,000 and a maximum of $440,000,000. The application-declaration states that the funds for this purpose, and for the purpose of supplying necessary working capital, will be secured by the sale of debt securities to institutional investors and banks, and by the issuance of equity securities in an amount presently estimated not to exceed $20,000,000. The definitive terms of the debt securities proposed to be issued have not yet been determined, and it is anticipated that the issuance of such debt securities will be the subject of a subsequent proceeding before the Commission.

The application-declaration seeks approval at this time of the issuance of the proposed equity securities of Ohio Valley and Indiana-Kentucky. Ohio Valley proposes to issue not in excess of 200,000 shares of common stock, par value $100 per share, for a cash consideration of $100 per share. It is proposed that 40,000 shares of such common stock will be issued initially, the proceeds of which will be used to proceed with the acquisition of land and land rights and with excavation and preliminary construction operations. The remaining shares of common

stock will be issued from time to time, prior to January 1, 1957, as required in connection with the construction program.

Ohio Valley proposes to issue its shares of common stock to certain of the applicants-declarants and to certain other participating operating utility companies, and such applicants-declarants (as well as such other companies) propose to acquire such common stock, in the following percentages of each issue of such stock:

Name of participating company:	Percentage
American Gas	37.8
Cincinnati	9.0
Columbus	4.1
Dayton	5.1
Kentucky	2.5
Louisville	7.0
Ohio Edison	16.5
Southern Indiana	1.5
Toledo	4.0
West Penn Electric	12.5

Indiana-Kentucky has been organized to operate as an electric utility company under the laws of the State of Indiana. All of its common stock issued upon incorporation has been acquired by Ohio Valley, which is organized to operate as an electric utility company under the laws of the State of Ohio. Ohio Valley has filed a statement on Form U-3A-2 for exemption as a holding company from the provisions of the act. Indiana-Kentucky proposes to issue not in excess of 100,000 shares of its common stock without par value, to Ohio Valley, for cash as required from time to time prior to January 1, 1957, and Ohio Valley proposes to acquire such shares.

As a result of the proposed transactions, Ohio Valley and Indiana-Kentucky will become subsidiaries of American Gas, of Ohio Edison, and of West Penn Electric. The latter three companies and Cincinnati, Kentucky, and Louisville request authority to acquire the common stock of Ohio Valley.

Service Corporation proposes to render engineering and construction services in connection with the facilities to be constructed. Such services are proposed to be performed at cost, as determined pursuant to Rule U-91, in accordance with the provisions of Rule U-90. Service Corporation has requested that, to the extent the proposed transactions involve a substantial change in the type and character of the companies to be serviced by it, or an increase in the scope of services to be rendered, from those provided in the order of the Commission dated May 11, 1939 (Holding Company Act Release No. 1528), the Commission approve such change and such proposed servicing arrangements pursuant to section 13 of the act and the rules thereunder.

The issuance of common stock by Ohio Valley, and the acquisition of shares of Ohio Valley common stock by Cincinnati, Columbus, Dayton, Ohio Edison and Toledo are proposed to be effected subject to orders of the Public Utilities Commission of Ohio. The issuance of common stock of Indiana-Kentucky is proposed to be effected subject to an order of the Pubic Service Commission of Indiana. The acquisition of common stock of Ohio Valley by West Penn Electric is proposed to be effected subject to an order of the Public Service Commission of Maryland.

In view of the importance and the urgent need for the prompt construction of the Atomic Energy Commission's Portsmouth Area Project, applicants-declarants desire that Ohio Valley and Indiana-Kentucky commence necessary excavation and preliminary construction operations as soon as possible, and request that the Commission issue its order at the earliest practicable date.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to the application-declaration, and that such application-declaration shall not be granted or permitted to become effective, except pursuant to the further order of the Commission;

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules of the Commission, be held on October 27, 1952, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission on or before October 27, 1952, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the application-declaration, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed issuances of stock by Ohio Valley and Indiana-Kentucky are in accordance with the applicable standards of the act, particularly section 6 (b) or section 7 thereof;

2. Whether the proposed acquisitions of stock by the respective applicants-declarants are in accord with the applicable standards of the act, particularly section 10 thereof;

3. Whether the proposed program of services to be rendered by Service Corporation are in accord with the applicable provisions of the act, particularly section 13 thereof and the rules thereunder;

4. Whether the proposed transactions are in all respects in accordance with the standards of the act, and whether, in the event that the application-declaration should be granted and permitted to become effective, it is necessary or appropriate to impose any terms and conditions to insure compliance with the standards of the act or in the public interest or for the protection of investors and consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission serve a copy of this order by registered mail on the applicants-declarants herein, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11462; Filed, Oct. 22, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 1]

FORD MOTOR CO., LINCOLN-MERCURY DIVISION

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED SEPTEMBER 2, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Lincoln-Mercury Suggested Labor Time Schedule 1949-50-51.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Lincoln-Mercury Suggested Labor Time Schedule 1949-50-51, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Lincoln-Mercury Suggested Labor Time Schedule 1949-50-51, as covered in Lincoln-Mercury Application #LMPSB-1 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS October 18, 1952, by Special Order No. 1 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective October 18, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

OCTOBER 17, 1952.

[F. R. Doc. 52-11445; Filed, Oct. 17, 1952; 4:47 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5 Special Order 2]

FORD MOTOR CO.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS DATED SEPTEMBER 2, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Ford Suggested Time Schedule Reprint dated June 15, 1952, Passenger Section.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Ford Suggested Time Schedule, 1952, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Ford Suggested Time Schedule Reprint dated June 15, 1952, as covered in Ford Application #FPSB-1 and #FPSB-2 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS October 18, 1952, by Special Order No. 2 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective October 18, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

OCTOBER 17, 1952.

[F. R. Doc. 52-11446; Filed, Oct. 17, 1952; 4:47 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 4]

GENERAL MOTORS CORP.

CEILING PRICE FOR WHOLESALE LABOR WARRANTY SERVICES ON CERTAIN "SEALED RECIPROCATING COMPRESSORS"

Statement of considerations. This Special Order 4, issued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes ceiling prices for first-year wholesale labor warranty services rendered to General Motors Corporation, or its authorized distributors or dealers, on a new product line of commercial refrigeration compressors known as "sealed reciprocating compressors", by dealers who have not sold the commodity to be serviced.

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new model of an existing commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers, or by central service firms, to it or its distributor organization, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

These "sealed reciprocating compressors" are new models of existing commodities manufactured by General Motors Corporation, which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers to it, or its distributor organization, as an incident of the sale of commodities.

The contracts General Motors Corporation has with its authorized dealers require the dealers to provide labor warranty services to customers to whom they sell commodities, without any charge to anyone other than their markup on the commodity. If the dealer who sells the commodity, however, has no service department, or if one dealer sells in another dealer's service area, or if the customer moves from one service area to another, and in some other circumstances, the dealer who sells the commodity is not required to provide such warranty services, but he is required to pay a uniform price, set by General Motors Corporation, to his distributor who in turn will pay that price to another dealer to provide such labor warranty services. When the commodity to be serviced is located in the service area of a different distributor, the distributor whose dealer sold the commodity pays the price for the labor warranty service to General Motors Corporation which in turn pays it to the distributor in whose service area the commodity is located, who in turn pays it to a dealer to provide labor warranty services.

The ceiling price established by this Special Order is based upon anticipated direct labor costs of rendering the wholesale labor warranty service, and is in line with the ceiling prices for comparable wholesale labor warranty services furnished to General Motors Corporation. This ceiling price does not include the cost of new parts, which will be furnished by General Motors Corporation without charge to anyone.

This Special Order applies only to wholesale labor warranty services furnished to General Motors Corporation, or to its distributors or dealers, by dealers who have not sold the commodities to be serviced.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, this Special Order is hereby issued.

1. The ceiling price which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay for first-year wholesale labor warranty services, exclusive of new parts which will be furnished by General Motors Corporation without charge to anyone, on the models of sealed reciprocating compressors listed below, to dealers who have not sold the commodity, and which such dealers may charge General Motors Corporation or its distributors or dealers for such services is as follows:

Model:	Ceiling price for first-year wholesale labor warranty charge
CAO-33	$14.25
CAO-50	15.50
CAO-75	17.00
CAO-100	17.75
CAO-150	21.00
CAO-200	26.50
CAO-300	35.00
CWO-50	23.25
CWO-75	24.75
CWO-100	26.25
CWO-150	30.00
CWO-200	38.50
CWO-300	48.00
CWO-500	68.25
CWO-750	83.25
CEO-150	30.00
CEO-200	38.50
CEO-300	48.00
CEO-500	68.25
CAWO-50	23.25
CAWO-75	24.75
CAWO-100	26.25
CAWO-150	30.00
CAWO-200	38.50
CAWO-300	48.00

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

3. This Special Order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective October 18, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

OCTOBER 17, 1952.

[F. R. Doc. 52-11447; Filed, Oct. 17, 1952; 4:47 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19038]

HELEN SIGBJORNSEN

In re: Estate of Helen Sigbjornsen, deceased; File No. D-28-13127: E. T. sec. 17236.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Exec-

utive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Fritz Sigbjornsen and Katharine Ritter, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever, of the persons named in subparagraph 1 hereof, in and to the Estate of Helen Sigbjornsen, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Theodora Carlson, as administratrix, acting under the judicial supervision of the Surrogate's Court of Kings County, State of New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11474; Filed, Oct. 22 1952; 8:52 a. m.]

[Vesting Order 19039]

SOPHIA THORNDIKE

In re: T/W Sophia Thorndike, deceased; File No. D-28-13123.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Francis Oelrichs, Isabella H. S. A. Oelrichs, Elizabeth W. B. Oelrichs, Margarethe G. S. Oelrichs, and Theodor Oelrichs, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created by Sophia Thorndike, deceased, presently being administered by Rhode Island Hospital Trust Company, as Successor Trustee, acting under the judicial supervision of the Superior Court, State of Rhode Island, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11475; Filed, Oct. 22, 1952; 8:52 a. m.]

[Vesting Order 19040]

MRS. PAULA KINDERMANN DE BERNDT ET AL.

In re: Debts owing to Mrs. Paula Kindermann de Berndt and others. D-28-13129-A-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Mrs. Paula Kindermann de Berndt, Thrombergstrasse 33, Bautzen 1. s., Germany;

Juana Kindermann de Hocke, also known as Johanna Kindermann de Hocke, Kreis Mosbach, Ober-Baden, Germany;

Alred Kindermann also known as Alfred Kindermann, Dorfstrasse 69, Schlepzig, Kreis Lubben Spreewald, Germany;

Herman Kindermann, Ober-Bessingen, Kreis Giessen, Gross-Hessen, Germany;

Carlos Kindermann, Lauta, N. L., Germany;

Fritz Kindermann, Swickauerstr 137, Dresden A-27, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of the Pan-American Life Insurance Company, 2400 Canal Street, New Orleans, Louisiana, arising out of the interest of the persons named in subparagraph 1 hereof, in 100 shares of stock (now retired) of said Pan-American Life Insurance Company issued in the name of Elsa del Carmen, deceased, and income thereon, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11476; Filed, Oct. 22, 1952; 8:52 a. m.]

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TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

DETERMINATION THAT HANDLING, PACKING, STORING, PREPARING IN THEIR RAW OR NATURAL STATE, FIRST PROCESSING OR CANNING OF PERISHABLE OR SEASONAL FRESH FRUITS OR VEGETABLES ARE INDUSTRIES OF A SEASONAL NATURE

On August 24, 1940 (5 F. R. 3167) the Administrator of the Wage and Hour Division issued a determination that the "first processing" of perishable or seasonal fresh fruits and vegetables is part of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act. When this determination was issued, it was the position of the Division that the term "first processing" did not include by-product operations. This construction was in accordance with the Division's interpretation of the term for purposes of the exemption provided for first processing fresh fruits and vegetables in section 7 (c) of the act.

Certain modifications and clarifications were made in the Department of Labor's interpretation of "first processing" as used in section 7 (c) of the act on August 30, 1952 (17 F. R. 7929). As there stated, an employer who commences first processing operations on a perishable or seasonal fresh fruit or vegetable is, for the purpose of section 7 (c), considered engaged in "first processing" throughout each series of operations, including by-product operations, which commence with the initial processing of fresh fruits or vegetables and are performed in the same place of employment as a continuous series of operations during which the commodities remain perishable.

Although the Department has adopted this modified position with regard to the section 7 (c) exemption it is not the intention to extend the determination of August 24, 1940, referred to above, beyond its original scope. In order to make this intention clear on the face of the determination and to avoid any possible misconstruction, the determination of August 24, 1940, should be amended to indicate more clearly the original meaning of "first processing."

In order to accomplish this purpose notice is hereby given that paragraph 5 of the Administrator's determination published in the FEDERAL REGISTER on August 24, 1940 (5 F. R. 3167) is amended by adding at the end thereof, the following sentence: "As used in this determination, the first processing of perishable or seasonal fresh fruits or vegetables includes the initial operation which changes the form of the whole fresh fruit or vegetable and all operations on its main portions when performed in a single process as a continuous series of operations throughout which the commodity remains perishable, but does not include by-product operations."

In view of the fact that this amendment is intended only to clarify the application of the determination referred to above it has been concluded that the public procedure and notice requirements of section 4 of the Administrative Procedure Act need not be complied with. Accordingly, this amendment will become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060; 29 U. S. C. 201-219)

Signed at Washington, D. C., this 17th day of October 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52—11493; Filed, Oct. 23, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 1]

PART 811—SUGAR REQUIREMENTS, CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1952

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secre-

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FEDERAL REGISTER

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interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1952 (16 F. R. 12929), is hereby revised to read as follows:

§ 811.4 *Sugar requirements, 1952.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1952 is hereby determined to be 7,800,000 short tons, raw value.

Statement of bases and considerations. On December 20, 1951, the supply of sugar required from quota sources in 1952 was determined to be 7,700,000 short tons, raw value. It was indicated at that time that distribution in the 12 months ended October 31, 1951, was about 7,850,000 short tons, raw value, that about 150,000 tons had been used in the 12 months from "invisible" inventories and that further depletion in such inventories probably would occur by December 31, 1951. Final distribution data for 1951 show a total of about 7,737,000 tons and "invisible" inventory statistics indicate the use of an additional quantity of approximately 250,000 tons. Thus, total use in 1951 appears to have been about 8,000,000 short tons. These quantities were utilized at annual average prices of 6.06 cents per pound for raw sugar and 8.38 cents, wholesale, New York basis, for refined sugar. Prices of 5.75 cents for raw sugar and 8.25 cents for refined prevailed at the time that the 7,700,000-ton determination was made. In that determination it was stated that these prices were too low to maintain the domestic sugar industry as required by the Sugar Act of 1948 and the quantity established reflected a reduction of 400,000 tons as a price stimulus.

Beginning in early June, the price of raw sugar, duty paid, New York, fluctuated between 6.37 and 6.62 cents per pound and the generally quoted basis price for refined sugar was 8.80 cents. Average prices for the first nine months of 1952 were 6.23 cents for raw sugar and 8.57 cents for refined sugar. In light of the specific criteria set forth in section 201 of the Sugar Act of 1948 and trends of other prices, refined sugar prices have not attained levels which are "excessive to consumers."

By September 1, refiners, importers and processors of mainland sugarcane and sugar beets had distributed 5,566,601 short tons of sugar, raw value. This was 240,000 more than was distributed in the comparable period of 1951. By October 11, distribution in 1952 was about 291,000 tons greater than by the comparable date in 1951. Total distribution for 1951 was about 7,737,000 tons. Distribution in September–December has increased gradually from about 2,267,000 tons in 1948 to 2,401,000 tons in 1951. If this trend continues in 1952, total distribution should be slightly in excess of 8,000,000 short tons, raw value. The difference between actual distribution and total quotas for a year is accounted for by changes in refiners and importers stocks.

Although an increase in quotas is necessary for continued market activity, in consideration of all stock and price data, the increase is limited to 100,000 tons, continuing a negative allowance for price effect.

Accordingly, the total of the quotas is increased by this action to 7,800,000 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U. S. C., Sup., 1153)

Done at Washington, D. C., this 21st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52–11499; Filed, Oct. 23, 1952; 8:50 a. m.]

[Sugar Reg. 813, Amdt. 4]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1952 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to section 202 of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and the requirements estimate shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus the statute states specifically how quotas are to be revised when there is a change in the estimate of requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813 (16 F. R. 13032; 17 F. R. 5691, 6758, 8449), establishing sugar quotas for 1952 is hereby amended as hereinafter set forth.

1. Section 813.32 is changed to read:

§ 813.32 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1952 the following quotas.

Area:	*Quota in terms of short tons, raw value*
Republic of the Philippines	974,000
Cuba	2,523,211
Other foreign countries	34,789

2. Paragraphs (e) and (f) of § 813.33 are changed to read:

§ 813.33 *Determination and proration of area deficits.* * * *

(e) *Deficit in proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) of the act amount to 34,966,419 pounds of sugar, raw value, and that by September 1, 1952, Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their prorations of such quota in effect on that date.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional prorations in pounds, raw value*
Colombia	484
Costa Rica	37,329
Dominican Republic	12,085,510
Haiti	1,670,272
Netherlands	394,843
Peru	20,142,455
United Kingdom	635,526

3. Paragraph (a) of § 813.34 is changed to read:

§ 813.34 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines—(a) Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in pounds, raw value*
Belgium	411,078
Canada	788,059
China and Hongkong	402,426
Czechoslovakia	367,770
Dominican Republic	9,314,271
Dutch East Indies	295,253
Guatemala	467,778
Haiti	1,267,274
Honduras	4,794,476
Mexico	8,425,089
Netherlands	304,305
Nicaragua	14,276,296
Peru	15,523,738
Salvador	11,465,369
United Kingdom	489,798
Venezuela	405,063
Other countries	59,957
Subtotal	69,078,000
Unallotted reserve	500,000
Total	69,578,000

Statement of bases and considerations—Revised quotas due to increase in requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of requirements exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 percent to Cuba and 1.36 percent to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

Area deficit. Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country other than Cuba and the Republic of the Philippines has not been filled, the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date. Such revision was made by S. R. 813, Amendment 3 (17 F. R. 8449) on the basis of the basic quota for such countries prevailing on that date. Inasmuch as only Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru and the United Kingdom had filled their prorations of the smaller basic quota then prevailing, the unfilled portions of the quota established in § 813.32 herein and prorated in § 813.34 (a) is reallotted in § 813.33 (h) to the seven countries indicated above.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS, 1952

[Short tons, raw value]

Production area	Basic quota	Proration of deficits		Adjusted basic proration Sept. 1, 1952	Adjusted quota
		Philippines	Beets		
Domestic beet sugar [1]	1,800,000		(200,000)		1,600,000
Mainland cane sugar	500,000		24,810		524,810
Hawaii [1]	1,052,000				1,052,000
Puerto Rico [1]	910,000		45,155		955,155
Virgin Islands	6,000		298		6,298
Philippines [1]	974,000	(200,052)			774,000
Cuba [1]	2,523,211	190,000	129,737		2,842,948
Other foreign countries: [2] [3]					
Belgium	205.5				
Canada	591.0				
China and Honkong	201.2			0.3	.3
Czechoslovakia	183.9				
Dominican Republic	4,657.1	2,695.8		10,699.9	13,395.7
Dutch East Indies	147.6				
Guatemala	233.9				
Haiti	643.6	372.6		1,478.8	1,851.4
Honduras	2,397.2				
Mexico	4,212.6	2,438.5		66.2	2,504.7
Netherlands	152.2			349.6	349.6
Nicaragua	7,138.2			3,764.9	3,764.9
Peru	7,761.9	4,493.1		17,883.1	22,326.2
Salvador	5,792.7				
United Kingdom	244.9			562.7	562.7
Venezuela	302.5				
Other countries	30.0			33.5	33.5
Unallotted reserve	250.0				
Subtotal	34,789.0	10,000.0		34,789.0	44,789.0
Total	7,800,000				7,800,000

[1] The following quantities may be entered as direct consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines, 59,929; Cuba, 375,000.

[2] Prorations of basic quota may be filled with direct consumption or raw sugar. Prorations of Philippine deficit may be filled with raw sugar only.

[3] Regardless of deficit proration, by reason of sec. 204 (c) of the act each production area retains its basic quota.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Supp., 1153)

Done at Washington, D. C., this 21st day of October 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52-11500; Filed, Oct. 23, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ADDITIONAL OUTLETS FOR SURPLUS ALMONDS

Correction

In the first sentence of the first paragraph of F. R. Doc. 52-11451, appearing on page 9584 of the issue of Wednesday, October 22, 1952, the date "September 7, 1952" should read "September 17, 1952" and "Marketing Agreement No. 19" should read "Marketing Agreement No. 119".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 4]

CPR 34—SERVICES

MODIFICATION OF POSTING REQUIREMENTS

Correction

In F. R. Doc. 52-11520, appearing on page 9602 of the issue for Thursday, October 23, 1952, the following change should be made:

In the eighth and ninth lines of the paragraph under item 1, "custioners" should read "customers".

[Ceiling Price Regulation 34, Amdt. 9 to Supplementary Regulation 3, Correction]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL FLAT RATE MANUALS; CORRECTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Correction to Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34 is hereby issued.

Through inadvertence Amendment 9 to Supplementary Regulation 3 to Ceiling Price Regulation 34, issued September 8, 1952 (17 F. R. 8118) did not include Appendix RR the "Notice" to be affixed to the Chevrolet 1952 Supplement to 1946–1950 Chassis Flat Rate Schedule.

Accordingly, the following Appendix is added to the amendment.

APPENDIX RR

This is the "Notice" for the 1952 Supplement to Chevrolet Chassis Flat Rate Schedule.

NOTICE

You are permitted by OPS to use this Manual, and you must use the Supplement to arrive at your ceiling price for a given job:

If—

(1) You use the computation table printed in the 1946-50 manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11559; Filed, Oct. 23, 1952; 11:51 a. m.]

[Ceiling Price Regulation 34, Amdt. 11 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 11 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (rr), paragraphs (ss) to (uu) inclusive as follows:

(ss) Chilton's Motor Age Body and Frame Manual, Third Edition, 1952.

(tt) 1952 Buick Flat Rate Manual, Chassis.

(uu) 1953 Ford Suggested Time Schedule, Passenger Cars.

2. Appendices SS to UU are added after Appendix RR as follows:

APPENDIX SS

This is the "Notice" for the Chilton's Motor Age Body and Frame Manual, Third Edition, 1952.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Charge Conversion table printed in the back part of the manual to compute the ceiling price for each job, and reduce the price list here for that job to one based on your own authorized customers' hourly rate which you charged in the base period December 19, 1950, to January 25, 1951, inclusive, if it is below $4.00 for body work or $3.00 for mechanical work; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34 is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Hood Assembly, refinish to match car, all Blank Models, $_____, Windshield Glass, replace, all Blank Models $_____; and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950 to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important. In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX TT

This is the Notice for the 1952 Buick Flat Rate Manual, Chassis.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars. $_____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within 10 days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 11 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on October 28, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11562; Filed, Oct. 23, 1952; 4:00 p. m.]

In the first sentence of the first paragraph of F. R. Doc. 52-11451, appearing October 23, 1952, the following change should be made:

In this notice insert "Manual."

[Ceiling Price Regulation 74, Amdt. 16]

CPR 74—Ceiling Prices of Pork Sold at Wholesale

SEMI-STERILE CANNED MEAT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 16 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes from Ceiling Price Regulation (CPR) 74 semi-sterile canned products listed in section 25 when sold by wholesale sellers who otherwise do not deal in meat items covered by one of the wholesale meat regulations—CPR 24, 74, 92 or 101.

At present both CPR 74 and CPR 14, the dry grocery wholesale regulation, establish ceiling prices for semi-sterile canned pork products sold at wholesale. To avoid confusion this amendment provides that CPR 74 will cover wholesale sales of those products by sellers who sell any other commodity the ceiling price of which is governed by one of the following wholesale meat regulations: CPR's 24, 74, 92 or 101. Other sellers of these products deal generally in dry groceries, which are governed by CPR 14. Since these sellers are generally accustomed to CPR 14 and have no occasion, except for semi-sterile canned pork products, to refer to CPR 74 in ascertaining their ceiling prices, placing their sales of these products under CPR 14 will relieve these sellers of the burden of complying with two separate ceiling price regulations.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended by deleting sec. 6 (f) and substituting therefor sec. 6 (f) and (g), reading as follows:

(f) Canned pork produced outside the continental United States and sold in the original container in which it was processed; or

(g) Semi-sterile canned meat, listed in section 25, sold by a seller who does not sell any other commodity the ceiling price of which is determined by Ceiling Price Regulations 24, 74, 92 or 101.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

Tighe E. Woods,
Director of Price Stabilization.

October 23, 1952.

[F. R. Doc. 52-11563; Filed, Oct. 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 176]

CPR 176—New England Hemlock and Other Species of New England Softwoods

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 176 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for New England hemlock lumber. It is intended in the near future to expand the coverage of this regulation so as to provide dollars-and-cents ceiling prices for the other species of New England Softwoods. This regulation covers manufacturers (sawmills, planing mills and concentration yards) producing merchantable rough or surfaced hemlock lumber sawed from hemlock (Tsuga canadensis) in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. In recognition of their historic function in this industry, provision is made for allowing commission men, through whom a sale may be made, an addition to the mill ceiling price. Resellers, such as wholesalers and distribution yards, are not under the coverage of this regulation. Their ceiling prices are determined under the General Ceiling Price Regulation or by Supplementary Regulation 87 to the General Ceiling Price Regulation.

Nature of the industry. Hemlock lumber is sawed in these States in approximately 3,000 mills that also cut lumber from the other species of trees common to the region. Hemlock constitutes about 19 percent of the lumber output of these mills and has an annual f. o. b. mill value of more than $14,000,000.

The 1947 Census of Manufacturers shows that the mills cutting hemlock lumber are preponderantly small mills, 88 percent producing 1 thousand to 1 million board feet per year, all species, and the other 12 percent are larger mills that cut from 1 million to 10 million board feet per year. The mills in Maine, Massachusetts, New Hampshire, and Vermont produce 98 percent of the hemlock lumber. Hemlock lumber is used mainly for construction purposes.

The ceiling prices established by this regulation are at the level of prices prevailing during the period January 25, 1951, through February 24, 1951. These new dollar-and-cent ceilings will eliminate the distorted price pattern frozen under the General Ceiling Price Regulation and will simplify price control compliance and administration in this industry.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings in Washington, D. C., with the Industry Advisory Committee for Northeastern Softwoods, and several meetings with the subcommittees.

Every effort has been made to conform this regulation to existing business practices, especially those peculiar to the New England region with respect to the production, sale and distribution of New England hemlock and other species of New England Softwoods lumber. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

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1.2 Which regulation is superseded.
1.3 Items, species and area of production covered.
1.4 Sellers and transactions covered.
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ARTICLE II—BASIC CEILING PRICES, ADDITIONS, RETAIL-TYPE SALES AND COMMISSION-TYPE SALES

2.1 General explanation of ceiling prices.
2.2 Delivered sales; general.
2.3 Delivered ceiling prices.
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3.1 Pricing rules.
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ARTICLE IV—SPECIAL CEILING PRICES

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6.1 Modification of proposed ceiling prices by the Director of Price Stabilization.
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ARTICLE VII—BASIC CEILING PRICE TABLES AND ESTABLISHED WEIGHTS

7.1 Ceiling prices and established weights for square edge New England Hemlock.

ARTICLE VIII—DEFINITIONS

8.1 Definitions.

AUTHORITY: Sections 1.1 to 8.1 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes dollars-and-cents ceiling prices for manufacturers' sales of New England Hemlock lumber which are effected directly by manufacturers or through commission men.

SEC. 1.2 *Which regulation is superseded.* This regulation supersedes the General Ceiling Price Regulation in respect to the transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* This regulation covers all New England Hemlock lumber (Tsuga canadensis), rough or dressed, green or dry, produced in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to all sales by manufacturers of the lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer of lumber, whether or not the sale is effected directly or through a commission man.

(b) The term "manufacturer" includes sawmills, planing mills and concentration yards. Sawmills and planing mills are establishments engaged in the production of lumber from logs or rough lumber by sawing or planing or both. Concentration yards are establishments which obtain lumber, chiefly in rough green form, from several producers; these establishments prepare lumber for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and they sell their lumber chiefly to large industrial users for remanufacture, to resellers, or to building contractors.

(c) The term "commission man" refers to a person who customarily initiates the sale of, and sells, lumber in carload or truckload quantities for two or more manufacturers; he does not purchase for his own account or assume any credit risks; he receives his compensation in the form of a commission based on the amount of lumber sold, and is independent of both buyer and seller.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (F. O. B. or on a delivered basis) in the 48 states of the United States or in the District of Columbia is subject to this regulation, whether or not the sale of the lumber is made in the United States.

ARTICLE II—BASIC CEILING PRICES, ADDITIONS, RETAIL-TYPE SALES AND COMMISSION-TYPE SALES

SEC. 2.1 *General explanation of ceiling prices.* (a) The basic ceiling prices established by this regulation are f. o. b. ceiling prices. They are set forth in Article VII. These basic f. o. b. ceiling prices differ depending upon whether the sale is made: f. o. b. cars or trucks at customary loading points; f. o. b. mill pit; or f. o. b. on sticks in yard.

(b) Sections 2.2 through 2.6 explain how the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, or when you sell your lumber through a commission man.

SEC. 2.2 *Delivered sales; general.* This regulation permits you to sell your lumber on a delivered basis as well as on a f. o. b. basis. On sales on a delivered basis, you may add to the basic f. o. b. cars or trucks ceiling prices the transportation additions as described in section 2.3.

SEC. 2.3 *Delivered ceiling prices*—(a) *Rail carrier.* When you sell on a delivered basis and you ship your lumber by rail, the delivered ceiling prices are the basic f. o. b. cars or trucks ceiling prices plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in Article VII by the applicable through rail rate in effect at the time of shipment. When a rail shipment is followed by a truck haul, the actual cost of truck delivery may also be added. No addition may be made for a truck haul preceding the rail haul, as, for example, when a mill located away from a railhead hauls lumber by truck to the railhead. The transportation addition must be rounded out to the nearest quarter-dollar per M'BM. The delivered price need not thereafter be revised or adjusted even if the amount actually charged by the rail carrier is different from the addition for transportation included in your delivered price.

(b) *Common or contract carrier other than rail.* When you sell on a delivered basis and the shipment moves entirely by common or contract carrier other than by rail carrier, the actual cost of transportation may be added to the basic f. o. b. cars or trucks ceiling prices.

(c) *Private truck shipments.* When you sell on a delivered basis, and the shipment moves entirely by truck owned or controlled by you the delivered ceiling prices are the basic f. o. b. cars or trucks ceiling prices plus one of the following additions:

(1) For distances up to and including 30 miles, not more than $5.00 per M'BM.

(2) For distances greater than 30 miles, an amount equal either to the applicable through rail rate in effect at the time of shipment for the equivalent distance multiplied by the appropriate established weight; or an amount equal to the applicable common carrier truck charge.

(d) *Distance defined.* As used in this section, the term distance refers to the actual mileage from your customary loading out point to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your customary loading out point. The term point of destination includes a yard or job site.

SEC. 2.4 *Retail-type sales*—(a) *Increased ceiling prices.* On retail-type sales, as defined in paragraph (b) of this section, the ceiling prices are the basic f. o. b. cars or trucks ceiling prices increased by 15 percent.

(b) *Definition and limitations.* (1) A retail-type sale is a sale of less than 10,000 feet board measure to a buyer who is a contractor or ultimate consumer, and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The lumber must be for use within a radius of 50 miles of the seller's customary loading out point by truck. The total quantity of lumber involved in a single transaction or sale, between you and the buyer, without regard to the quantities involved in single deliveries, shall determine whether or not a sale qualifies as a retail-type sale within the meaning of this section.

(2) If you increase the basic f. o. b. cars or trucks ceiling prices for a retail-type sale: You must give the buyer the privilege of exchanging and returning unused lumber; you must rectify promptly any short deliveries from stock you keep on hand for this purpose; you may either deliver the lumber to the buyer at your mill, or at a place the buyer selects, but you may not make a further addition for delivery as permitted in section 2.3; and you may not increase the basic ceiling prices for a commission paid to a commission man as permitted in section 2.6.

SEC. 2.5 *Miscellaneous price additions.* (a) You may add not more than the amount set forth below to the appropriate basic ceiling (or lower) prices, for the following indicated services:

(1) Antistain treatment by dipping in a vat (not by spraying) containing an effective chemical solution: $1.00 per M'BM.

(2) Staking, wiring, and separating lumber in open top cars: $25.00 per car covering all materials and labor.

(3) Erecting, on open or closed cars, bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead covering all materials and labor.

(4) Packaging in sling-loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical loading and reloading: $3.00 per M'BM covering all materials and labor.

(b) Except for antistain treatment, the additions provided in paragraph (a) of this section may be made only when the indicated services are specifically requested by the buyer.

SEC. 2.6 *Commission-type sales*—(a) *Addition allowed.* Except as provided in section 2.4 (b), when a sale of your lumber is brought about by the efforts of a commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the applicable f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual com-

mission which you pay the commission man. (The term commission man is defined in section 1.4.)

(b) *Pyramiding prohibited.* The price additions permitted for a commission man in this section may not be added more than once regardless of the number of commission men participating in the transaction.

ARTICLE III—PRICING RULES AND GRADES

SEC. 3.1 *Pricing rules.* You must apply the following rules in determining ceiling prices under this regulation:

(a) Lumber sold in a combination of grades, for which no ceiling price is specifically set forth in this regulation, may not be sold above the ceiling price for the lowest priced grade actually included in the combination. However, it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and separately tallied, in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(b) If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which during the period from December 19, 1950, through January 25, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between December 19, 1950, and January 25, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or bill of lading, whichever is later.

SEC. 3.2 *Grades.* The grade terms used in this regulation relative to Hemlock lumber have the meanings set forth in Standard Grading Rules for Hemlock and Tamarack Lumber published by the Northern Hemlock and Hardwood Manufacturers Association, Oshkosh, Wisconsin, effective July 10, 1947.

ARTICLE IV—SPECIAL CEILING PRICES

SEC. 4.1 *Establishment of ceiling prices on application*—(a) *Applications.* If you wish to sell a lumber item of any species, grade, size, seasoning, working, or other specification or extra, or if you wish to make an addition for a special service, for which a specific ceiling price is not listed in, or cannot be determined from, this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested, to establish a ceiling price for the item or special service. Your application, which must be signed by an authorized person, must contain the following:

(1) Your trade name and address.

(2) As complete a description as possible of the lumber item or special service for which the application is filed. For the lumber item, you must include the species, grade, size, seasoning, and working (if any), and any other special specification, or extra, together with the quantity to be sold (if known).

(3) Your proposed ceiling price, which you must base upon the most closely comparable item or service, for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential which you believe will result in a ceiling price for the item, or service, that is in line with the level of other ceiling prices established by or under this regulation. You must state why you believe the differential you propose will result in a ceiling price for the item, or service, which is in line with the level of other ceiling prices established by this regulation.

(4) Your ceiling price of the item, or service, if any, and of the most closely comparable item, or service, as established by you under the General Ceiling Price Regulation.

(b) *Quotation of proposed ceiling prices.* You may quote a ceiling price proposed under the provisions of paragraph (a) of this section and you may sell at that proposed ceiling price: *Provided,* That you file an application for approval of that special ceiling price within five days after quoting the proposed ceiling price or selling at that price: *And provided further,* That you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item, or service, that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you by letter within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or adjustment at a later date.

(3) No application will be approved under this section unless it is found that a proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all transactions involving the same item or service unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE V—RECORDS AND INVOICES

SEC. 5.1 *Records*—(a) *Current records.* On and after the effective date of this regulation, every person who sells, and every person who in the regular course of business buys, lumber covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase of lumber subject to this regulation. The records must show:

(1) The date of the purchase or sale.

(2) The name and address of the buyer and seller.

(3) The quantity, grade, size, and condition of lumber covered by this regulation which is sold or bought.

(4) Prices charged or paid and terms of sale.

(5) All pertinent information which affects the ceiling prices, such as any specification or extra, and whether each purchase or sale is made on an f. o. b. or on a delivered basis: In the case of a sale on delivered basis your records must show all the transportation charges, together with the rates applied, and the origin and destination of shipment. Records must also show all premiums, discounts and allowances.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

(c) *Other records.* If you apply for approval of a proposed ceiling price under the provisions of section 4.1 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtain the data you submit in connection with your application for such ceiling price.

SEC. 5.2 *Invoices.* On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which shows the quantity, and a description, of the lumber sold. Any working, condition (green or dry), specification, extra, or service, which bears upon the price charged for your lumber must be set forth in the invoice, but the invoice need not show separately the charge for such items.

(a) On f. o. b. sales, your invoice must also show the f. o. b. price.

(b) On delivered sales, involving a rail or truck shipment, your invoice must also show:

(1) The delivered price;

(2) The point of origin and destination of shipment;

(3) The applicable rail or truck rate; otherwise the amount added for transportation.

ARTICLE VI—MISCELLANEOUS PROVISIONS

SEC. 6.1 *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6.2 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 6.3 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 6.4 *Transfers of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 6.5 *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 6.6 *Interpretations.* If you wish an official interpretation of this regulation you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 6.7 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt or agree to do or omit to do any such acts. Specifically (but not in limitation of the above) you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may, of course, be charged and paid.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or, if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 6.8 *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, trade understandings, and breaking up an order or apportioning deliveries in order to get the retail-type sale addition, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 6.9 *Exports.* The ceiling prices for export sales, or sales for export, of lumber covered by this regulation are governed by Ceiling Price Regulation 61 issued by the Office of Price Stabilization.

ARTICLE VII—BASIC CEILING PRICE TABLES AND ESTABLISHED WEIGHTS

SEC. 7.1 *Ceiling prices and established weights for square edge New England Hemlock.* The basic ceiling prices f. o. b. cars or trucks at customary loading out points, or f. o. b. on sticks in yard, or f. o. b. mill pit for New England Hemlock lumber processed square edge per 1,000 feet board measure are set forth below in Table I. Established weights for this lumber per 1,000 feet board measure are set forth below in Table 2.

TABLE I

[Basic ceiling prices for New England hemlock lumber f. o. b. cars or trucks at customary loading out points, square edge, green, D4S or D2S & M, and shiplap, R/L, 6- to 14-foot lengths, inclusive.]

3 x 4 and 4 x 4''	$82.00
2 x 3, 4 and 5''	78.00
2 x 6'' and wider	81.00
1 x 4'' and wider	80.00
1 x 5'' and wider	81.00
1 x 6 and 8''	83.00

No. 3 Hemlock (outs) deduct $20.00.

FOOTNOTES

Additions and deductions per M'BM to ceiling prices in Table I.

1. Rough: deduct $10.00.
2. D1S or D2S: deduct $2.00.
3. 1 x 3'': deduct $3.00 from 1 x 4'' and wider price.
4. 1'' Hemlock shorts: deduct $20.00.
5. Rough in pit: deduct $10.00.
6. Dry on sticks, 90 days or more: add $10.00.
7. Dry, 90 days or more, f. o. b. cars or truck: add $15.00.
8. For each 2 feet over 14 feet length in 2'' and thicker: add $2.00.
9. Timbers 4 x 6'' to 8 x 8'': add $4.00 to 2 x 6'' and wider prices.
10. Timbers 4 x 10'' to 12 x 12'': add $8.00 to 2 x 6'' and wider prices.
11. Specified lengths: add $3.00.
12. Bead or V-joint 1 side: add $1.00.
13. Bead or V-Joint 2 sides: add $1.50.
14. Siding to pattern No. 105 or No. 106: add $5.00.
15. Siding to standard patterns other than No. 105 or No. 106, 4'' or wider: add $7.00.
16. D2S and resaw 1 cut: add $2.50.
17. D2S and resaw 2 cuts: add $4.50.
18. D4S and resaw 1 cut: add $4.50.
19. D4S and resaw 2 cuts: add $6.50.
20. Resaw rough dry 1 cut: add $6.50 to rough dry ceiling price as calculated in footnote 1 above; and second cut: add additional $2.00.
21. Ripping: add for each cut $3.00.
22. No addition for double end trimming.

TABLE II

[Established weights for square edge New England hemlock lumber]

	ROUGH	DRESSED
	Pounds per M'BM	*Pounds per M'BM*
Green	4,000	3,000
Dry	3,000	2,000

ARTICLE VIII—DEFINITIONS

SEC. 8.1 *Definitions.* As used in this regulation, the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

Commission man. This term is defined in section 1.4.

Director of Price Stabilization. This term extends to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

Established weights. This term means the weights per 1,000 feet board measure as set forth in Article VII of this regulation.

F. o. b. cars. This term means loaded at the seller's expense on railroad cars at the customary loading out point of the seller.

F. o. b. mill pit. This term means loaded at the seller's expense on buyer's truck or other conveyance at the end of the seller's mill pit.

F. o. b. on sticks in yard. This term refers to lumber piled on sticks in the seller's yard from which point the buyer takes delivery.

F. o. b. trucks. This term means loaded at the seller's expense on the truck of the seller or of a common or contract carrier at the seller's customary loading out point, such as, at the mill site or at the nearest point to the mill site where the carrier sends a truck.

Manufacturer, saw mill, planing mill, concentration yard. These terms are defined in Section 1.4 of this regulation. Note particularly that the term "mill" as used in this regulation includes saw

mills, planing mills, and concentration yards.

M'BM. This abbreviation refers to 1,000 feet board measure of lumber.

Most comparable item or grade. This term means the item or grade of lumber covered by this regulation most nearly like an item or grade for which an application is filed under Article IV of this regulation. That item or grade is the closest one of a group of related items or grades which are normally classed together for pricing purposes, even though they may differ in respect to size or name.

Person. This term includes any individual, corporation, partnership association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other government or political subdivisions or agencies.

Records. This term includes books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, settlement sheets and other papers or documents.

Retail type sale. This term is defined in section 2.4.

Sell. This term includes sell, dispose, supply, barter, trade, lease, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Square edge. This term refers to square edge lumber covered by this regulation which is sawn or processed on four sides.

Surfaced, dressed, or worked. These terms refer to lumber when planed to a smooth finish and generally surfaced to a specified thickness. The process of producing surfaced or dressed lumber is known as "surfacing," "dressing", or "planing." Abbreviations used in this regulation are D1S, D2S, and D4S meaning, respectively, "dressed" on 1, 2, and 4 sides.

You. The pronoun "you" indicates any person who manufactures lumber subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective October 28, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11564; Filed, Oct. 23, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Amdt. 3 to SR 65]

GCPR, SR 65—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF PORK PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Supplementary Regulation 65 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes four substantive changes in Supplementary Regulation (SR) 65 to the General Ceiling Price Regulation (GCPR):

(1) Heretofore, retailers were required to adjust the retail ceiling prices for pork cuts on the basis of the weekly dollar and cent changes in the prices per pound of each wholesale cut of pork from which the retail cuts were derived. Since the issuance of Amendment 11 to Ceiling Price Regulation (CPR) 74, which provided for higher ceiling prices on wholesale pork cuts, retailers may have been unable to realize the overall margins on pork which they had been able to realize prior to the issuance of Amendment 11. This is due in large part to the fact that SR 65 has permitted retailers to pass on their increased costs of pork only on the portion they resell and not on that portion of the meat they purchase which disappears in fabrication and shrinkage. To remedy this situation, this amendment provides that retailers shall calculate the retail ceiling prices of pork cuts upon a percentage basis as is now provided for lamb, mutton, veal, and calf in SR 79. Retailers who sell pork products derived from wholesale purchases of dressed hogs or live hogs will continue to use the dollar and cent pass through currently provided in sections 6 and 7 of SR 65, since those sections make allowance for meat that disappears through shrinkage and fabrication.

(2) At present, both SR 65 to the GCPR and the dry grocery regulations (CPRs 15 and 16) have provisions establishing ceiling prices for semi-sterile canned pork products, which are listed in Section 25 of CPR 74 and are sold in cans to consumers. In order to avoid the confusion that results from these two different methods of fixing prices, this amendment excludes from SR 65 to the GCPR semi-sterile canned pork products listed in section 25 of CPR 74, which are not removed from the can by the retailer before sale to the consumer.

(3) Certified hog processors who are also retailers could, under the existing requirements of SR 65, secure higher prices than other retailers. To prevent this situation, this amendment specifies that the "seven-day cost" per pound for dressed hogs shall not exceed the ceiling price allowed by section 31 of CPR 74.

(4) Retailers are now faced with the requirement of recalculating their ceiling prices for pork cuts each week. Some small retailers have complained to OPS that this is burdensome and have requested permission to recalculate their pork ceiling prices monthly. Accordingly, section 10 (c) of this regulation is added to allow retailers to elect whether to calculate their ceiling prices for pork cuts on a monthly or on a weekly basis.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this amendment may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

1. Section 4 is amended by adding a new subparagraph (f) to read as follows:

(f) Semi-sterile canned pork products, which are listed in section 25 of Ceiling Price Regulation 74, and are sold in cans to consumers.

2. Section 5 is amended to read as follows:

SEC. 5. *How to compute the retail ceiling prices for wholesale pork cuts and for pork items derived from wholesale pork cuts.* If you buy wholesale pork cuts and resell at retail these cuts or pork items derived from them, you shall determine your ceiling prices for these cuts and items as follows:

(a) Compute separately the total number of pounds of each wholesale pork cut delivered to you between January 19, 1951 and January 25, 1951, inclusive. This period is referred to as your "base week".

(b) Compute separately the total cost of the same wholesale pork cut delivered to you during the "base week". (See section 8 of this supplementary regulation.)

(c) Divide the figure computed under paragraph (a) of this section for each wholesale pork cut into the figure computed under paragraph (b) of this section for the corresponding wholesale cut. The resulting quotient is your base week cost per pound for that wholesale pork cut in dollars and cents. If that wholesale pork cut was not delivered to you during the base week, see section 9 of this supplementary regulation.

(d) Compute separately the total number of pounds of the same wholesale pork cut delivered to you during the seven days preceding each Monday after the effective date of this regulation.

(e) Compute separately the total cost of the same wholesale pork cut delivered to you during the seven days preceding each Monday after the effective date of this regulation. (See section 8 of this supplementary regulation.)

(f) Divide the figure computed under paragraph (d) of this section into the figure computed under paragraph (c) of this section. The resulting quotient is your seven-day cost per pound for that wholesale pork cut, in dollars and cents, but in no case shall this seven-day cost exceed the ceiling price allowed by Ceiling Price Regulation 74.

(g) Divide the figure determined under paragraph (c) of this section, ("base week cost") computed for that wholesale pork cut, into the figure determined under paragraph (f) of this section ("seven-day cost") for the same wholesale pork cut, and round each figure to the nearest whole percent.

(h) Each Monday after October 28, 1952, multiply the figure determined for that wholesale pork cut under paragraph (g) of this section by your ceiling price in dollar and cents per pound as determined under the General Ceiling Price Regulation prior to July 29, 1951, for that wholesale pork cut and for each pork item derived from that cut. The results, rounded to the nearest whole cent, are your dollar and cents per pound retail ceiling prices for that wholesale pork cut and for each pork item derived from that wholesale pork cut, respectively. These ceiling prices will be effective for the seven-day period commencing with that Monday.

EXAMPLE: Between January 19, 1951, and January 25, 1951, 1,000 pounds of pork loins were delivered to you. They cost you $500.00. Your "base week cost" is $500.00 for 1,000 pounds or 50 cents per pound. During the seven-day period preceding Monday, August 18, 1952, 500 pounds of pork loins were delivered to you at a total cost of $300.00. Your current "seven-day cost" for pork loins is $300.00 for 500 pounds or 60 cents per pound. Divide your "base week cost" per pound for pork loins ($0.50) into your current "seven-day cost" for pork loins ($0.60). Multiply the resultant quotient, 1.20, by each of the retail prices for cuts from the pork loin established under GCPR prior to July 29, 1951, to arrive at your new retail ceiling prices for each pork loin cut for the seven-day period commencing with Monday, August 18, 1952. Thus, if your GCPR price prior to July 29, 1951, for center cut pork chops is $0.73 per pound, your new ceiling price will be $0.73×1.20 or $0.876, which rounded to the nearest cent is $0.88 per pound.

3. Section 6 (f) is amended to read as follows:

(f) Divide the figure computed under paragraph (d) of this section into the figure computed under paragraph (e) of this section. The resulting quotient is your seven-day cost per pound for dressed hogs in dollars and cents, but in no case shall this seven-day cost exceed the ceiling price allowed by section 31 of Ceiling Price Regulation 74.

4. Section 10 is amended by adding a new section 10 (c) to read as follows:

(c) *Calculating "seven-day costs" monthly instead of weekly.* (1) Any individual store, or any group of stores under one ownership pricing from a central point, may choose to compute monthly instead of weekly its ceiling prices for retail sales of pork under sections 5, 6, and 7 (a) of this supplementary regulation. If a monthly basis for calculation of retail ceiling prices is selected, the "seven-day cost" per pound will be determined either (i) upon the basis of deliveries received during the seven days preceding the first Monday of each month, or (ii) upon the basis of deliveries received during the seven days preceding the Thursday prior to the first Monday of each month, depending upon which you elect. Once you use one of these two bases, you may not thereafter use the other basis. Ceiling prices determined on the basis of costs determined in this manner shall be placed in effect on the first Monday of each month.

(2) Once your seven-day cost per pound is computed pursuant to section 10 (c), no other method of computation may be used thereafter. Moreover, if you use this method of computation under either sections 5, 6 or 7 (a), you must use this method for all computations under all three sections.

(3) If this method of determining your ceiling prices is adopted, it must be used for all stores in any group of stores under one ownership pricing from a central point.

5. The first paragraph of section 11 is amended to read as follows:

If in the seven-day period which you use to determine your "seven-day cost" you obtain a given pork cut or item in more than one way (e. g., by purchasing wholesale pork cuts and by cutting dressed hogs), you shall:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11565; Filed, Oct. 23, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 79]

GCPR, SR 79—ADJUSTMENT OF CEILING PRICES FOR RETAIL SALES OF VEAL, LAMB, AND MUTTON PRODUCTS

ELECTION TO RECALCULATE CEILING PRICES MONTHLY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Supplementary Regulation 79 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Supplementary Regulation (SR) 79 to the General Ceiling Price Regulation (GCPR):

(1) Retailers are now faced with the requirement of recalculating their ceiling prices for veal, lamb and mutton cuts each week. Some small retailers have complained to OPS that this is burdensome and have requested permission to recalculate their veal, lamb and mutton ceiling prices monthly. Accordingly, section 10 (c) of this regulation is added to allow retailers to elect whether to calculate their ceiling prices for veal, lamb or mutton cuts on a monthly or on a weekly basis.

(2) In addition this amendment corrects a typographical error in the title of section 10.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods or means or aids to distribution. Insofar as any provisions of this amendment may operate to compel changes in business practices, cost practices, or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

AMENDATORY PROVISIONS

1. Section 10 is amended by changing the title to read as follows:

SEC. 10. *Alternative provisions for determining your "seven-day cost" per pound under sections 4, 5, and 6 of this regulation.*

2. Section 10 is further amended by adding a new section 10 (c) to read as follows:

(c) *Calculating "seven-day costs" monthly instead of weekly.* (1) Any individual store, or any group of stores under one ownership pricing from a central point, may choose to compute monthly instead of weekly its ceiling prices for retail sales of veal, lamb, and mutton under sections 4, 5, or 6 of this Supplementary Regulation. If a monthly basis for calculation of retail ceiling prices is selected, the "seven-day cost" per pound will be determined either (i) upon the basis of deliveries received during the seven days preceding the first Monday of each month, or (ii) upon the basis of deliveries received during the seven days preceding the Thursday prior to the first Monday of each month, depending on which you elect. Once you use one of these two bases, you may not thereafter use the other basis. Ceiling prices determined on the basis of costs determined in this manner shall be placed in effect on the first Monday of each month.

(2) Once your seven-day cost per pound is computed pursuant to this section 10 (c) no other method of computation may be used thereafter. Moreover, if you use this method of computation under either sections 4, 5, or 6, you must use this method for all computations under all three sections.

(3) If this method of determining your ceiling prices is adopted, it must be used for all stores in any group of stores under one ownership pricing from a central point.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective October 28, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11566; Filed, Oct. 23, 1952; 5:01 p. m.]

[General Overriding Regulation 9, Amdt. 26]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXTENSION OF SUSPENSION OF APPLICATION OF CEILING PRICE REGULATIONS TO SALES OF KITS OR SETS OF BOAT PARTS BY MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 26 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

On August 15, 1952, the suspension from price control of ships over 65 feet in length was extended to cover all marine craft, regardless of motive power. Certain builders of boats also make boat kits or sets of parts from which the purchaser can build a complete boat. Boats sold in this manner are similar to the boats completely assembled by the builder before sale. In the opinion of the Director of Price Stabilization no benefit will accrue to the stabilization program from control of the boat kits in view of the earlier suspension of boats. This amendment therefore extends the suspension from price control to boat kits.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Subparagraph (4) of section 2 (b) is amended to read as follows:

(4) *Ships and boats.* Sales or deliveries, by the builder, of any new ship, boat, barge, canal boat, lighter or tug, or other marine craft whether propelled manually, by sail, by motor power or towed by other craft; and sales or deliveries, by the manufacturer, of any kit or set of boat parts which is capable of being assembled by the buyer into a complete boat without the necessity of purchasing additional parts or hiring additional labor.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 26 to General Overriding Regulation 9 shall become effective October 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11561; Filed, Oct. 23, 1952; 11:51 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order 12, Revised]

GSO 12—NEW PROFIT-SHARING AND OTHER BONUSES

STATEMENT OF CONSIDERATIONS

In adopting General Salary Stabilization Regulation 2 the Salary Stabilization Board recognized that the regulation did not provide for the payment of profit-sharing and other bonuses by employers who did not pay bonuses during the calendar years from 1946 to 1950. The purpose of this order is to establish a basis for the payment of bonuses by such employers.

The revision conforms references to other salary stabilization regulations and orders contained in this order to the appropriate provisions of General Stabilization Regulation 1, Amended, issued since the effective date of this order.

In the formulation of this order due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

REGULATORY PROVISIONS

Sec.
1. New bonuses.
2. Inequities created by payment of new bonuses.
3. Record-keeping requirements for new bonuses.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *New bonuses.* (a) An employer who is not authorized to pay bonuses under General Salary Stabilization Regulation 2 may establish a bonus fund which (1) shall be distributed in or with respect to the current calendar or fiscal year to such employees under the jurisdiction of the Salary Stabilization Board as he may select and (2) shall not exceed in amount the sum of the following:

(i) The total produced by multiplying the number of payroll periods in a year by the amount available to the employer for increases in salary and other compensation under section 22 of General Salary Stabilization Regulation 1, Amended, in the last payroll in the calendar or fiscal year in or with respect to which the new bonuses are distributed; and

(ii) The total produced by multiplying the number of payroll periods in a year by the amount available to the employer for increases in salaries and other compensation under section 41 of General Salary Stabilization Regulation 1, Amended, in the last payroll period of the calendar or fiscal year in or with respect to which the new bonuses are distributed.

(b) To the extent that any amount available for distribution in the form of new bonuses under this section is so used by the employer, it may not be paid to employees as compensation in any other form during any of the payroll periods used in computing such amount.

(c) For the purposes of this section "the payroll periods in a year" means:

(1) With regard to the computation made in paragraph (a) (2) (i), the payroll periods in the calendar or fiscal year in or with respect to which the new bonuses are distributed;

(2) With regard to the computations made in paragraph (a) (2) (ii), the payroll periods in the calendar or fiscal year immediately following the year in or with respect to which the new bonuses are distributed: *Provided, however,* That if the amount available in the last payroll period of the current calendar or fiscal year for the computation under paragraph (a) (2) (ii) of this section actually became available to the employer in an earlier payroll period as a result of computations then made, "the payroll periods in a year" shall begin at the time of such earlier computation.

SEC. 2. *Inequities created by payment of new bonuses.* Any inequities created by the payment of a bonus under this Order shall not constitute a basis for adjustments in salaries or other compensation.

SEC. 3. *Record-keeping requirements for new bonuses.* An employer paying bonuses authorized by this Order shall comply with the applicable record-keeping and summary statement requirements of section 101 of General Salary Stabilization Regulation 1, Amended.

NOTE: The record-keeping requirements of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board, October 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11553; Filed, Oct. 23, 1952; 10:49 a. m.]

[General Salary Stabilization Regulation 2, Amdt. 2]

GSSR 2—PROFIT-SHARING AND OTHER BONUSES

STATEMENT OF CONSIDERATIONS

Section 9 of General Salary Stabilization Regulation 2 is amended in order to conform the section to the provisions of General Salary Stabilization Regulation 1, Amended.

AMENDATORY PROVISIONS

Section 9 of General Salary Stabilization Regulation 2 is amended to read as follows:

SEC. 9. *Relationship to 10 percent increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended.* (a) Bonuses payable in accordance with the terms of this regulation shall not be included in the aggregate base compensation of a group of employees within the meaning of section 22 (a) (1) of General Salary Stabilization Regulation 1, Amended.

(b) To the extent that permissible increases based upon salaries and compensation (other than bonuses) authorized by section 22 of General Salary Stabilization Regulation 1, Amended, have not been exhausted, such increases may be added to the bonus fund authorized by this regulation and paid by way of bonuses.

(c) Any increases in bonuses made prior to January 26, 1951, or authorized by this regulation (other than an increase provided for in paragraph (b) of this section 9) need not be taken into account in determining increases in salary or other compensation permitted under section 22 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11554; Filed, Oct. 23, 1952; 10:49 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Amendment 2 of October 23, 1952]

M-1—IRON AND STEEL

LEAD TIME CHANGE

This amendment to NPA Order M-1 as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

NPA Order M-1 as amended July 3, 1952, and as further amended by Amendment 1 of August 1, 1952, is hereby amended in the following respect:

A footnote numbered 18, applicable to the word "Alloy" appearing in the heading of column B (4) of Table I to NPA Order M-1, is added and reads as follows:

[18] For orders calling for delivery on or after April 1, 1953, for clad products, add 45 days to lead time indicated.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect October 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11557; Filed, Oct. 23, 1952; 11:14 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

COPIES OF RECORDS AND PAPERS

In § 1.526, paragraph (c) is amended to read as follows:

§ 1.526 *Copies of records and papers.* * * *

(c) Where only one or a relatively few copies of papers from a claimant's file are desired by the veteran or a dependent, for use in securing one of the governmental benefits or in connection with a claim for commercial insurance, the workmen's compensation, or similar benefit, the necessary copies will be supplied without charge. In case of evident abuse of this service to veterans or lack of demonstrated need on the part of the applicant, the manager or staff member in central office having jurisdiction in the matter is authorized to refuse the request for free copies.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, Vet. Reg. 11, as amended; 38 U. S. C. 456, ch. 12 note)

This regulation effective October 24, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11480; Filed, Oct. 23, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 995]

[Docket No. AO-197-A1]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Lima, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Lima, Ohio on June 23-24, 1952, pursuant to notice thereof which was issued on June 5, 1952 (17 F. R. 5195).

The material issues of record were concerned with the following:

(1) Increasing the level of the Class I price premiums, providing a separate classification and lower price for cream utilized for fluid consumption, and substituting a cheese price formula for the butter-cheese formula as one of the three alternative methods of determining the basic formula price;

(2) Enlarging the marketing area to include all of Allen County, Ohio;

(3) Altering the definition of Class I milk to designate specifically the products covered instead of depending upon the requirements of local health authorities;

(4) Providing that other source milk be allocated on a pro rata basis with producer milk under certain conditions;

(5) Determining the producer butterfat differential on the basis of a fixed ratio of the market price for butter; and

(6) Increasing the rate of assessment for marketing services performed by the market administrator.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Pricing provisions.* The Class I price differentials should be increased by an annual average of 17.5 cents per hundredweight, cream should continue to be classified as Class I, and a cheese formula should be substituted for the butter-cheese formula as one of the three alternative bases for determining the basic formula price.

Producers proposed that the Class I price in Lima for any given month be set at the higher of two alternatives, one being the Class I price under the Cleveland order less the handler location differential from Lima to Cleveland and

the second being the arithmetical average of the Class I prices provided by the Toledo and Dayton-Springfield orders. This proposal was based upon the close competition for milk supplies between Lima and the other three markets. Cleveland shippers are located throughout the same territory as those supplying Lima, and a Cleveland handler maintains a country station in Lima from which some milk is bottled and distributed locally and the greater portion is shipped bulk to Cleveland. The Lima milkshed overlaps with those of Toledo to the north and Dayton-Springfield to the south. Producers considered it necessary that Class I prices under the Lima order be at least equal to Cleveland order prices at all times, and to the average of the competing markets to the north or south whenever such average was higher than the net Cleveland price.

Handlers opposed this method of pricing and proposed instead that increases in the Class I differential averaging 9½ cents annually would be sufficient to restore order prices to competitive levels. They testified that the producer proposal would fail to result in blend prices equal to those in the competing markets even though Class I prices would be the same. Such differences would result from variations in the classification and utilization of milk in the various markets. They also felt that abnormal conditions in any one of the three competitive markets would affect Lima prices even though the abnormal condition might not extend to the Lima supply and distribution territories.

It is apparent that the need for raising the level of Class I prices in Lima originated in price actions taken in the competing markets in the fall of 1951. Effective October 1, 1951, the Dayton-Springfield order was amended to provide for a supply-demand adjustment and, of more immediate effect, for an emergency increase of 35 cents per hundred pounds through February, 1952 to help offset drought conditions. A supply-demand adjustment became effective in Toledo at the same time. It resulted in a 14-cent increase in October and 50-cent increases each month from November through February. These price increases in Toledo and Dayton-Springfield coincided with an aggressive policy on the part of Cleveland handlers to obtain increased supplies of milk for that market. They paid sufficient premiums in the Lima, Toledo, and Dayton-Springfield areas to meet the local competition. The Lima handlers also found it necessary to pay premiums in order to maintain their regular supplies of milk. Although there is considerable intermarket competition for milk, it was not shown at the hearing that marketing conditions in Lima are so subsidiary to those in one or a combination of the competing markets as to require identical pricing. The emergency period in Dayton-Springfield terminated at the end of February and the amount of the supply-demand adjustment has steadily declined as the supply-demand ratio has returned to more normal levels. The supply-demand ratio in Toledo improved somewhat during the summer months, with a corresponding decrease in the amount of the price adjustment.

In the circumstances it appears that maintaining the Class I differential at 85 cents per hundredweight during April, May, and June and increasing them to $1.15 during February, March, July, and August and to $1.45 during September through January will best serve the needs of this market. The proposed Class I differentials average $1.20 per hundredweight. This is equal to the differential for Grade A milk under the Dayton-Springfield order and somewhat below the differentials, inclusive of the supply-demand adjustments, which have prevailed in Toledo since October 1, 1951.

The proposals by handlers and producers that skim milk and butterfat utilized in the form of fluid cream and specified cream products be classified separately and priced at a definite rate per hundredweight below the Class I price were abandoned by both parties at the hearing.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices.

The cheese price formula presented for consideration at the hearing was developed after a study of the relationship between butter and cheese prices and prices paid for 3.5 percent milk by Wisconsin cheese factories. This study indicated that during the years 1948 through 1951 prices resulting from this formula were within 6 cents per hundred pounds of the monthly average prices actually paid for 3.5 milk at the cheese factories in over 80 percent of the cases, and 16 cents was the maximum difference.

To determine the value per hundred pounds of 3.5 milk the average price per pound of cheddar cheese, as reported in the Wisconsin primary markets, is multiplied by 8.53, the price per pound of 92-score creamery butter at Chicago is multiplied by 0.902, and 24.3 cents is subtracted from the sum of these products.

(2) *Marketing area.* No change should be made in the marketing area.

Handlers proposed that the present marketing area which includes only the city of Lima be extended to include all of Allen County. They testified that the city and county health authorities were to be combined for the purpose of milk inspection and regulation. The same requirements would be extended throughout the county as are presently in effect for Lima. It was their position that once such uniformity was achieved the pricing and other provisions of the order would be equally applicable throughout Allen County.

At the time of the hearing the proposed consolidation had not been effectuated. However, the hearing examiner specified that official notice could be taken of a Grade A ordinance for the county if as and when such ordinance was passed. The matter was not mentioned in any of the briefs submitted, so apparently no action had been taken by July 12. Since milk of less than Grade A standards can be sold in Allen County outside the city of Lima the pricing provisions of the order are not directly applicable and the proposal must be denied.

(3) *Classification.* The uses of milk which constitute Class I utilization should be specifically designated in the order.

At present certain uses are specifically designated, but the order also classifies as Class I any skim milk and butterfat disposed of as "any other milk product defined by the Lima, Ohio Board of Health".

Health Department requirements are an important consideration in the production and marketing, and hence in the classification and pricing, of milk but are not the sole determinant. The classification of milk should be established and altered only upon formal consideration of all aspects of the problem.

(4) *Allocation of milk.* The provisions relating to the allocation of milk from producers and from other sources to the classified utilization of milk by handlers should not be changed.

The order now provides that other source milk be allocated to Class I only after producer milk, exclusive of shrinkage, has been so allocated. One of the handlers proposed that a quantity of other source milk not to exceed 15 percent of the handler's total Class I utilization or the quantity received in bottled form and disposed of as Class I without further processing or packaging be allocated on a pro rata basis with producer milk. This proposal was designed to meet a problem arising from this handler's sales of milk in 2-quart paper containers. The proponent took the position that the proposed amendment was the most satisfactory means of dealing with the problem although certain alternative solutions were advanced.

It was brought out that the proposed allocation would constitute an incentive for all handlers in the market to displace producer milk with milk from other sources up to the specified limit. Since alternatives are available to the proponent without involving the possibility of such far-reaching changes in the market structure, this proposal should be denied.

(5) *Producer butterfat differential.* The producer butterfat differential should be computed by multiplying the price of 92-score butter at Chicago by 0.13.

The order now provides that the butterfat differential to producers be equal to the weighted average of the handler butterfat differentials on Class I and Class II sales of producer milk. This provision gives each individual producer a pro rata share of the butterfat differentials charged to handlers. However, it should be noted that the entire sales proceeds from the milk sold to handlers is pooled for redistribution for producers. Such redistribution should be related to the supply and demand for the butterfat and skim milk components. In this regard the comparatively high butterfat differential to handlers on Class I milk and the large proportion of Class I sales in this market yield especially high producer butterfat differentials. There has been a steady increase in the average butterfat test of milk received from producers and it is clear that the high butterfat differentials must have contributed substantially to this trend. In addition, the average test of milk received from producers has exceeded the average test of the Class I sales of producer milk in every month since August 1950 and by increasing margins.

It is concluded, therefore, that there is no continued need for such high butterfat differentials to producers as have prevailed heretofore. At the price levels prevailing in 1951 the proposed differentials would have ranged from a low of 8.0 cents in the summer months to a high of 9.4 cents in December as compared with order differentials ranging from 9.4 cents in June to 11.4 cents in December.

(6) *Marketing services.* To defray the cost of performing marketing services for producers who are not members of a cooperative association determined to be performing such services, the rate of deduction from payments to producers should be increased to 6 cents per hundredweight.

The deduction for marketing services has remained at 4 cents per hundredweight since the inception of the order. This amount has proved insufficient to cover the costs of the necessary services and should be increased. Testimony based on experience under other Federal orders showed that comparatively low rates were charged for those services performed on a contract basis in Lima.

Reissuance of order, as amended. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following order, as amended, is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.73, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(d) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk for the month as provided in this section shall be the highest of the prices determined pursuant to paragraphs (a), (b), and (c) of this section:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 0.902 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; and

(2) Add 8.53 times the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the U. S. D. A. during the month; and

(3) Subtract 34.3 cents.

(c) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter computed pursuant to paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

§ 995.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, June	$0.85
July, August, February, March	1.15
All others	1.45

(b) Add together the amounts determined in § 995.50 (c) (1) and (2), divide the sum into the amount determined in § 995.50 (c) (1) and multiply by 100.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in § 995.51 (b), and then divide by .035. The resulting amount shall be Class II butterfat price per hundredweight.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

DETERMINATION OF UNIFORM PRICE

§ 995.60 *Value of producer milk.* Except as provided in § 995.80 the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That, if a handler after the substraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 995.45 (d) and § 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of producer milk by:

(a) Combining into one total the values computed pursuant to §§ 995.60 and 995.80 for all handlers who reported pursuant to § 995.30 for such month, except those in default in payments required pursuant to §§ 995.73 and 995.80 for the preceding month;

(b) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(c) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75;

(c) The amount to be paid by such handler to the producer-settlement fund pursuant to § 995.73 or § 995.80, or the amount due such handler from the producer-settlement fund pursuant to § 995.74, as the case may be; and

(d) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for the preceding month for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided,* That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to § 995.70.

§ 995.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 995.73 and 995.80, and out of which he shall make all payments to handlers pursuant to § 995.74.

§ 995.73 *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to §995.70.

§ 995.74 *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to § 995.70 is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided,* That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.70 as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80, or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to special payments.* (a) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this section, except that for any month for which the Class I milk price determined pursuant to § 995.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.51 (c) and (d) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in § 995.51 (b), (c), and (d) to the highest Class I milk price provided by such other order.

(b) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension or the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Filed at Washington, D. C., this 17th day of October 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-11498; Filed, Oct. 23, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 1, 3, 4a, 4b, 5, 6, 13, 14, 40, 41, 42, 61]

1952 ANNUAL REVIEW OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations and the issuance of a Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention, Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by November 24, 1952. Copies of such communications will be available after November 27, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The proposed amendments to the airworthiness regulations as set forth below stem from the studies conducted during the Board's 1952 annual airworthiness review and particularly from the discussions which took place at the annual meetings held in Washington August 4 through 14. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations. These pertain to the following parts of the Civil Air Regulations: 1, 3, 4a, 4b, 5, 6, 13, 14, 41, 42, and 61. The explanatory statements accompanying the proposed amendments explain the basis for the amendments and the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: October 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

Part 1

Discussions were held during the recent annual airworthiness meeting on a few subjects dealing with certification procedures. Most of these discussions indicated the desirability of amending certain of the provisions of Part 1 to make more clear the intent of the regulations. Specific proposals are contained herein.

One of the significant proposals deals with inspection procedures under the terms of a type certificate. It is proposed to add a provision which would require a manufacturer, producing products without a production certificate, to establish after six months from the date of issuance of the type certificate a production inspection system approved by the Administrator.

Another important proposal concerns quality control data to be submitted under the terms of a production certificate. It is proposed to specify in more detail the data required.

It is proposed to amend Part 1, effective January 1, 1953, as follows:

1. By amending § 1.15 (a) by adding after the word "inspections" the following clause " and, in the case of aircraft, flight tests."

2. By amending § 1.15 by changing the headnote to read *Inspections and tests* and by adding a new paragraph (d) to read as follows:

§ 1.15 *Inspections and tests.* • • •

(d) A manufacturer producing a product under the terms of a type certificate without a corresponding production certificate shall provide, for products manufactured after six months from the date of issuance of the type certificate, a production inspection inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in a condition for safe operation.

3. By amending § 1.22 by deleting the phrase "by an authorized representative of the Administrator" and substituting in lieu thereof the phrase "in accordance with a method acceptable to the Administrator."

4. By amending § 1.32 by deleting the reference "§§ 1.33 through 1.37." and substituting in lieu thereof "§§ 1.33 through 1.36."

5. By amending § 1.36 to read as follows:

§ 1.36 *Quality control data requirements; prime manufacturer.* The applicant shall submit for approval by the Administrator, as evidence of his ability to control the quality of any product for which he requests a production certificate, data describing the inspection and test procedures necessary to insure that each article produced is in conformity with the type design and is in a condition for safe operation. The data submitted shall include such of the following as are applicable to the product involved.

(a) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components and indicating the chain of authority and responsibility within the quality control organization.

(b) A description of inspection procedures applying to raw materials, outside purchased items, subcontracted parts and assemblies, and assemblies produced by subsidiary manufacturers. The information shall include the methods used to insure acceptable quality of assemblies which cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant.

(c) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the description of the means used to control such processes, and a description of the final test procedure for the complete assembly or, in the case of aircraft, a copy of the manufacturer's production flight test procedure and check-off list.

(d) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts.

(e) An outline of a system by means of which company inspectors are kept currently informed regarding changes in engineering drawings, specifications, and quality control procedures.

(f) A list or chart showing location and type of inspection stations.

6. By amending § 1.37 to read as follows:

§ 1.37 *Information on subsidiary manufacturers.* The prime manufacturer shall make available information regarding any major inspection accomplished by a subsidiary manufacturer on parts or assemblies for which the prime manufacturer is responsible.

7. By amending § 1.38 to read as follows:

§ 1.38 *Changes in quality control system.* Subsequent to the issuance of a production certificate, any changes to the quality control system shall be subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator in writing of any such changes affecting the data prescribed in § 1.36.

8. By amending § 1.43 by changing the headnote to read *Inspections and tests* and by adding after the word "inspections" the following clause "and, in the case of aircraft, flight tests."

Part 3

There were discussed at the recent annual airworthiness meeting a number of significant items pertaining to the certification of airplanes under the provisions of Part 3. One of these items dealt with the limitation of applicability of Part 3. A proposal was considered to limit Part 3 to airplanes of 12,500 pounds or less. A further suggestion was made that this weight be limiting only in the case of initial certification of a type, and that a further limitation of 15,000 pounds be made to account for the normal growth of the airplane after its original certification. The Bureau considers that a dual limitation to allow for the growth of the airplane's weight has little practical significance, because the higher of the two weights automatically becomes the limiting one. Thus, under the recommendation made at the meeting, the actual limitation would become 15,000 pounds. Cognizance should be taken of the fact that certain operating regulations and certain economic rules promulgated by the Board make a specific delineation between "small airplanes" and "large airplanes." This delineation is in all cases 12,500 pounds. For this reason, the Bureau considers that any value limiting the applicability of Part 3 other than 12,500 pounds would be confusing and, in fact, impractical. Therefore, the proposal contained herein makes 12,500 pounds the limiting weight for certification of airplanes under the provisions of Part 3.

A new requirement is being proposed with respect to induction system deicing and anti-icing which experience indicates more appropriate than the present requirement.

A recommendation was made at the annual airworthiness meeting to eliminate a mandatory Airplane Flight Manual for airplanes of 6,000 pounds weight or less. The changes proposed herein reflect that recommendation and require for such airplanes that the information normally included in the Airplane Flight Manual shall be made available in the form of clearly stated placards, markings, or manuals.

Another subject discussed at the annual airworthiness meeting was that pertaining to stall warning indication. A recommendation was made to eliminate the upper limit on stall warning which is now required in the regulations, because of its impracticability in certain instances. Although this matter was given consideration subsequent to the meeting, the issues associated with the problem have not been resolved and, therefore, the Bureau does not propose a change in the regulation at this time.

In addition to the aforementioned items, there are included herein a number of miscellaneous changes which are either of minor substantive or editorial nature.

It is proposed to amend Part 3, effective January 1, 1953, as follows:

1. By amending § 3.0 by adding before the first sentence a new sentence to read as follows: "The applicability of this part shall be limited to airplanes having maximum weights of not more than 12,500 pounds."

2. By amending § 3.1 (a) (3) by adding the following reference: "(See § 3.18)."

3. By amending § 3.15 (c) to read as follows:

§ 3.15 *Inspections and tests.* • • •

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

4. By amending § 3.72 (b) by deleting the reference "§ 3.755–3.770" and substituting in lieu thereof the reference "§§ 3.766 and 3.777."

5. By amending § 3.242 by deleting the phrases "the ground load requirements of § 4b.241, and shock absorption requirements of § 4b.371 and its related sections, the wheel and tire requirements of §§ 4b.391 and 4b.392, and the fuel jettisoning system requirements of § 4b.536." and substituting in lieu thereof the following: "the ground load requirements of § 4b.230, the landing gear requirements of §§ 4b.331 through 4b.336, and the fuel jettisoning system requirements of § 4b.437."

6. By amending Figure 3–12 (a) by interchanging in the third column the expressions "nWb'/d'" and "nWa'/d'".

7. By amending § 3.301 by deleting the words "ANC–5 and ANC–18" and substituting in lieu thereof the words "ANC–5, ANC–18, and ANC–23, Part II."

8. By amending the note following § 3.301 to read as follows:

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

9. By amending § 3.606 (c) by deleting from the first sentence the phrase "embody features tending to reduce the possibility of ice formation" and inserting in lieu thereof the phrase "have been tested and proven to incorporate features preventing the formation of ice."

10. By amending § 3.606 (d) to read as follows:

§ 3.606 *Induction system de-icing and anti-icing provisions.* • • •

(d) Airplanes equipped with sea level engines employing carburetors which have been tested and proven to incorporate features preventing the formation of ice shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

11. By amending § 3.700 (b) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

12. By amending § 3.700 (c) by deleting the last sentence and substituting in lieu thereof the following: "The light shall be of an approved type."

13. By amending § 3.713 to read as follows:

§ 3.713 *Flare requirements.* When parachute flares are required, they shall be of an approved type.

14. By amending § 3.715 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

15. By amending § 3.716 to read as follows:

§ 3.716 *Rafts and life preservers.* Rafts and life preservers shall be of an approved type.

16. By amending § 3.750 by deleting the reference: "(See Parts 42 and 43 of this chapter.)" and substituting in lieu thereof the following: "(See the appropriate operating parts of the Civil Air Regulations.)"

17. By amending § 3.770 to read as follows:

§ 3.770 *Operating limitations placard.* A placard shall be provided in clear view of the pilot stating: "This airplane must be operated as a _____ or _____ category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals."

18. By amending § 3.777 by adding the following clause at the end of the first sentence: "having a maximum certificated weight of more than 6,000 pounds."

19. By amending § 3.777 by designating the present text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 3.777 *Airplane Flight Manual.* • • •

(b) For airplanes having a maximum certificated weight of 6,000 pounds or less, the information prescribed in this part for inclusion in the Airplane Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals.

Parts 4a, 4b, 41, 42, and 61

Numerous subjects pertaining to transport category airplanes were discussed at the recent annual airworthiness meeting. Some of these subjects are now considered sufficiently resolved to warrant specific proposals for amendment to the regulations. Other subjects are considered to require further study before any proposals can be formulated.

The proposed amendments contained herein to those parts of the Civil Air Regulations which affect certification or operation of transport category airplanes reflect the discussions at the annual airworthiness meeting and include certain changes of considerable importance. They also include other substantive changes of relatively minor importance, as well as a number of editorial clarifications and corrections.

Certain of the subjects discussed at the annual airworthiness meeting which are not being reflected in any proposed changes are considered of sufficient importance to set forth reasons for the lack of action at this time.

Rearward facing seats were the subject of lengthy discussions, but it was apparent that studies now being conducted by various governmental agencies and private enterprises have not progressed far enough to reach definite conclusions as to the safety advantages of this type of seating arrangement. It is anticipated that in a year or two this matter may be re-evaluated to the point where specific amendments to the regulations can be considered. As in the case of rearward facing seats, the matter of improved cockpit vision is being given further study, aiming toward the establishment of some specific standards.

Discussions at the annual airworthiness meeting on the subject of crash-resistant fuel tanks were not aimed at any immediate changes in the regulations. They were mainly of an informatory character on the research now being conducted to develop a design of fuel tank less conducive to fire hazard. Consequently, it is premature at this time to make any proposals on this matter. Another subject on fire protection discussed at the annual meeting and which is not sufficiently resolved to warrant a change in the regulations is that of electrical circuits in fire zones. It became apparent during the discussions that the implications of the recommended change in the regulations were not clear and, therefore, that any specific proposal at this time would be premature.

An attempt was made at the annual airworthiness meeting to resolve the problem of smoke detectors in certain class baggage compartments. At the present time, the provisions of Part 4b require the installation of smoke detectors; however, Special Civil Air Regulation SR–329 has waived these provisions because of the questionable reliability of available smoke detectors. The discussions at the meeting revealed that progress is being made on new type smoke detectors; however, it became evident that insufficient experience has been achieved with the limited number of these detectors used to warrant the rescission of SR–329. For this reason, no proposal is now being included for a change in the presently effective regulations.

Requiring oil quantity indicators on all future transport category airplanes was a highly controversial subject at the annual airworthiness meeting. There was considerable evidence presented to indicate that such an instrument might offer valuable information to the pilot. On the other hand, it was pointed out that present regulations do require an oil quantity indicator when a transfer or oil reserve system is installed. It was also revealed that most operators now include an oil quantity indicator on their airplanes. There was evident support for considering a low-level oil indicator as being an equally useful instrument. In view of the controversial nature of the recommendation and because it would apply only to new type airplanes and therefore would not now affect safety of operations, the Bureau is hesitant in making any specific proposal at this time. Furthermore, the Bureau feels that the multitude of controls and instruments now used in transport category airplanes, in itself, is not conducive to safety and that extreme care should be taken in requiring additional instruments unless such instruments are definitely shown to be necessary for safety.

Discussions were held at the annual airworthiness meeting regarding the relation between the maximum take-off weight and the maximum landing weight which is contingent on the facilities to jettison fuel from the maximum take-

off weight to the maximum landing weight. Some question was raised as to the intent of the pertinent regulation, and it was suggested that the regulations should require jettisoning of fuel from the maximum take-off weight only to 105 percent of the landing weight. The present regulation as interpreted by the Administrator of Civil Aeronautics requires jettisoning of fuel from the maximum take-off weight to the maximum landing weight for all altitudes. It was further pointed out that the proposal would result in substantial weight increases in the certificated weights of certain type airplanes. The Bureau considers that the Administrator's interpretation of the regulation is in accord with the intent and for that reason finds no justification in proposing any amendment to the regulation along the lines recommended at the meeting. Instead, a study will be made of the language of the pertinent requirement with the aim of making the intent more clear if necessary.

There were discussions at the annual airworthiness meeting on subjects related to the presently effective performance and flight requirements. The main objective of these discussions was to ascertain whether any changes in the regulations are desirable at this time. One of the more important subjects on which the Bureau does not propose any action was that of automatic power indication. The issue in this instance was to recognize the increased safety stemming from the use of automatic power indicating devices and to establish in the regulations appropriate performance allowances. The difficulty in resolving this problem was that no specific installations are available for study, and it was generally agreed that until such an installation were available no specific proposal for amendment of the regulations could be made.

A performance problem discussed in detail at the annual airworthiness meeting was that of drift-down. The term drift-down, as commonly used, refers to en route operating conditions wherein the airplane with one engine inoperative does not necessarily have the capability of climbing at a prescribed minimum rate of climb over the highest terrain but has sufficient performance to clear that terrain by a safe margin by reason of a required higher operating altitude. The present regulations require all transport category airplanes to have a specific minimum rate of climb en route with one engine inoperative 1,000 feet above the highest terrain along the flight path. Recommendations have been made to amend the regulations to permit a drift-down procedure in certain instances. The Board very recently has had the opportunity of evaluating the problem of drift-down and considers that there exists some question as to the appropriateness of applying drift-down procedures to airplanes operated in accordance with the presently effective transport category rules. Because of this, no proposal for drift-down is being made by the Bureau at this time.

Another subject dealing with flight characteristics which is not considered sufficiently resolved for the present is that of demonstrated crosswind. It was made evident at the annual airworthiness meeting that there would be certain operational advantages if airplanes were capable of taking off and landing in crosswinds higher than those now required by the regulations. A proposal was made to amend the regulations to require demonstration of take-offs and landings in 30-mile per hour crosswinds instead of the lesser values now prescribed. It was pointed out that the 30-mile per hour crosswind would be measured near the surface of the runway and, therefore, that it would correspond with approximately a 45-mile per hour wind as measured in weather observations. A question was raised as to the reasonableness and practicability of crosswind demonstrations in such a high wind. Since the proposal made at the meeting would be applicable only to new type airplanes, the Bureau considers that further study of this problem is advisable before any changes are made in the regulation.

The following outstanding subjects discussed at the annual airworthiness meeting are considered sufficiently resolved to warrant specific proposals for changes in the regulations, and such proposals are contained herein.

An important amendment is being proposed to the regulations regarding structural reserve fuel. The present rules require that the airplane be designed to withstand structural loads with zero fuel in the wings or, if some fuel is assumed, that such fuel be considered unusable, in which case it would have to be carried in the airplane at all times. It was suggested at the annual airworthiness meeting that this requirement introduces unreasonable conservatism because of the improbability of flight at or near zero fuel conditions. A specific proposal was made which would permit the manufacturer to assume a certain amount of fuel in the wings for the structural analysis of the airplane, provided that this amount did not exceed the reserve fuels required by the operating rules. The Bureau agrees that there are conservative aspects in the presently effective requirements. However, the implications of a requirement such as was recommended at the meeting are not generally predictable, and on some airplanes, particularly with certain fuel distributions along the wing span, the static and fatigue strength of the airplane may be appreciably decreased. The reduced safety would be most obvious on very high-speed airplanes where the ratio of reserve fuel to total fuel is relatively large and on airplanes where the fuel is carried in the outboard portions of the wing. It is proposed herein to permit more reasonable assumptions regarding fuel load provisions in those cases where it is shown that the structural strength of the airplane with zero fuel is not seriously reduced below that prescribed, where the probability of disastrous fatigue failure is not increased, and where the flutter, deformation, and vibration characteristics of the airplane are unaffected (see proposed amendments to §§ 4b.1 (c), 4b.210 (c), 4b.719, and 4b.741 (c)).

Another change is being proposed to the structural requirements. It consists of the addition of a new level landing condition to account for spring-back loads (see proposed amendment to § 4b.231).

Among proposed changes dealing with general design of transport category airplanes are those covering the certification of the airplane for ditching. The presently effective requirements are being clarified and expanded to cover detail provisions for the type of ditching equipment to be carried and the installation provisions for such equipment (see proposed amendments to §§ 4b.261, 4b.361, 4b.645, and 4b.646). There are also proposed changes pertaining to cockpit standardization. These changes reflect the standards agreed upon between the Munitions Board and the Society of Automotive Engineers and cover mainly the basic flight instrument panel arrangement and the location, movement, etc., of cockpit controls (see proposed amendments to §§ 4b.353 (c), (e), and (f), 4b.471 (c), 4b.473 (c), 4b.474 (a) (3), 4b.476a, 4b.611 (b), and Fig. 4b–16, Fig. 4b–17, and Fig. 4b–23). In addition, a provision is being proposed to assure that the ventilating air from passenger compartments is not circulated into the flight crew compartment (see proposed amendments to §§ 4b.371 (a) and (e)).

Certain additional powerplant fire protection rules are being proposed in order to reduce the consequences of powerplant fires which experience indicates can be encountered. These would require on all new type airplanes fire-extinguishing systems in Zone 1 and fireproof nacelle skin in Zone 3. Furthermore, the proposal would require that all airplanes manufactured after October 1, 1953, have either the Zone 1 extinguishing systems or the Zone 3 fireproof nacelle skin (see proposed amendments to §§ 4b.484 (a) (1) and 4b.487). In addition, it is proposed to make applicable to all airplanes manufactured after October 1, 1953, the provision which requires fire-resistant lines in propeller feathering systems (see proposed amendment to § 4b.401 (c)).

The present regulations require take-off cooling tests only if the time for which take-off power is used exceeds two minutes. It is now proposed that on new type airplanes take-off cooling tests be conducted regardless of the time during which take-off power is used. It is considered that such tests will diminish the possibility of dangerous engine temperature conditions with the use of take-off power during take-off (see proposed amendment to § 4b.453).

The proposed amendments include a requirement intended to prevent the overfilling of tanks during fuel transfer operations in flight. The proposal consists of requiring either an automatic fuel shutoff or a warning device (see proposed amendment to § 4b.418).

Changes are proposed to certain required equipment. The present regulations require a power indicating device (torquemeter) on airplanes equipped with automatic feathering systems. It is now proposed that power indicating devices also be required for all engines of 2,000 cubic inch displacement or more (see proposed amendment to § 4b.604 (m)). It is also proposed to require a device to indicate when the propeller is in the reverse position. This latter proposal is being made because of the extremely serious consequences which may result from a propeller reversing in the air. Recent experience indicates that a propeller reverse thrust warning device would be of considerable value to the crew in an emergency. The Bureau as a rule believes that dependability of all equipment on the airplane should be such as not to require additional safety provisions such as warning devices. In this instance, however, compliance with the proposed rule would be relatively easy of accomplishment and would contribute materially to safety (see proposed amendment to § 4b.604 (n)).

Changes are proposed to the provisions for protective breathing equipment. These changes, however, are not of a substantive nature, but are deemed necessary for purposes of clarification (see proposed amendment to § 4b.651 (h)).

As a result of studies and discussions at the annual airworthiness meeting, the Bureau considers it appropriate to propose certain amendments to the regulations with respect to position and anti-collision lights. The proposals contained herein include a change in the specification for the flashing frequency of position lights. At present the regulations prescribe a frequency of between 36 and 60 cycles per minute, but since the promulgation of this rule studies have indicated that the optimum frequency for conspicuity is approximately 75 cycles per minute. For this reason, it is proposed that the regulations be changed to prescribe frequencies between 65 and 85 cycles per minute. It is also proposed to include in the regulations a broad standard for anti-collision lights if such are used. During the past year or so considerable research was conducted toward improvement of conspicuity of aircraft at night, and a number of operators have reached the conclusion that the most practical way of increasing conspicuity is to install anti-collision lights. The research conducted on position and navigation lights was on a limited number of airplanes under the provisions of Special Civil Air Regulation SR–361. The Bureau believes that the use of anti-collision lights should be encouraged and that operators should be allowed to make these installations fleetwise. However, in order that installations which depart radically from those now considered by the operators are not installed indiscriminately fleetwise, a broad standard of design should be established. The proposed standard covers in almost every respect the types of anti-collision lights now considered by the operators. The one exception may be the requirement limiting the anti-collision lights to the use of a red light. It is believed that the red light has been proven to be most effective and distinctive. In order that research can continue toward the further development of navigation light conspicuity, a new Special Civil Air Regulation is being proposed to supersede SR–361 which expires December 31, 1952. The proposed new Special Civil Air Regulation will permit experimentation on a limited number of airplanes and is being worded in such broad terms as not to restrict the scope of such experimentation (see proposed amendments to §§ 4b.632 (f) and 4b.637 and proposed Special Civil Air Regulation).

During the annual airworthiness meeting a recommendation was made to require the calibration of air-speed indicating systems for ground effect in take-off. The Bureau considers such a recommendation appropriate and, therefore, includes herein a specific proposal for amendment of the regulations (see proposed amendment to § 4b.612 (a) (2)).

The discussions at the annual airworthiness meeting included certain performance subjects aimed at revisions to the presently effective requirements. One of these was a matter of clarifying the intent of the two-engine-out en route performance operating limitation. The Bureau, cognizant of the different interpretations placed on this requirement, considers it advisable to rewrite this particular rule. It is proposed that the rewrite make clear that in all cases the point of failure of the second engine is assumed to be 90 minutes after take-off. This is the most liberal of the possible interpretations, and it is one which has most generally received acceptance. The Bureau considers, however, that the proposal should not prejudice any further study of this requirement if it is found that the liberal interpretation does not provide the necessary level of safety (see proposed amendments to § 41.30 (c), §42.75 and § 61.221 (proposed § 40.58)).

The subject of temperature and humidity has been under discussion for a number of years. The presently effective regulations contain certain provisions to account for these two atmospheric factors. Temperature is being applied operationally on all transport category airplanes to the take-off run, i. e., up to the 50-foot point. On the other hand, the regulations take into account humidity only in the certification of new type airplanes and require that the certificated weights be based upon 80 percent relative humidity. As a result, most of the presently operated airplanes are not required to account for humidity. It has been recommended on numerous occasions during the past few years that humidity accountability be applied operationally to the complete take-off regime and that temperature accountability be extended to the obstacle clearance portion of the take-off. It appears that this latter part of the take-off is now most critical from the standpoint of temperature and humidity effects. Records do not indicate any accidents which could be definitely attributed to the lack of a more rational approach to temperature and humidity accountability in the regulations. However, there have been instances of marginal take-off performance of the airplane because of the high existing temperature and/or humidity conditions. This problem has not been heretofore resolved because of the lack of specific proposals for more rational temperature and humidity accountability. However, notwithstanding the lack of any specific accidents, experience of pilots tends predominantly to reveal marginal safety of transport category airplanes in high temperature and humidity conditions. For these reasons, a specific proposal is being included for the purpose of obtaining complete comments on this subject. It is considered that the problem of temperature and humidity accountability can be more readily resolved by the Board if the Board has available fully documented comments of all interested parties.

The proposal for temperature and humidity contained herein is based upon a CAA proposal submitted during the 1951 annual airworthiness review, with the exception that it is proposed to regard humidity as an independent factor unrelated to temperature. Specifically, the proposal would extend the presently effective temperature corrections to the take-off flight path beyond the end of the runway and would require humidity corrections similar to those made for temperature. Simultaneously, it is proposed to eliminate the regulation which requires certification of new type airplanes under conditions of 80 percent relative humidity and thus would permit such certification to be based on dry air. The effects of considering humidity operationally rather than in conjunction with certification of airplanes would be that new type airplanes which previously were certificated on the basis of 80 percent relative humidity might be permitted higher certificated weights, but that the use of these higher weights would be restricted operationally by the requirements for humidity accountability. Furthermore, older type airplanes which were not certificated under conditions of 80 percent relative humidity would now be subject to operational humidity accountability (see proposed amendments to §§ 4b.110 (a), 4b.117, 4a.749a–T, 41.28 (d), 42.70 (c), and 61.214 (d) (proposed § 40.53 (c)).

a. It is proposed to amend Part 4b, effective January 1, 1953, as follows:

1. By amending § 4b.1 (a) (3) by adding the following reference: "(See § 4b.18.)".

2. By amending § 4b.1 (c) by adding a new subparagraph (9) to read as follows:

§ 4b.1 *Definitions.* • • •

(c) *Weights.* • • •

(9) *Structural reserve fuel.* Structural reserve fuel refers to one or more fuel loading conditions, i. e., quantity and location of fuel, selected by the applicant in lieu of a zero fuel condition for the purpose of showing compliance with structural requirements. (See §§ 4b.103, 4b.210 (c), and 4b.741 (c).)

3. By amending § 4b.1 (f) (5) (i) by deleting the word "or" and substituting in lieu thereof the word "and".

4. By amending § 4b.15 (c) to read as follows:

§ 4b.15 *Inspections and tests.* • • •

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

5. By amending § 4b.110 (a) to read as follows:

§ 4b.110 *General.* (a) The performance prescribed in this subpart shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air (see § 4b.1 (b) (1)).

6. By amending § 4b.117 to read as follows:

§ 4b.117 *Temperature and humidity accountability.* Operating correction factors for take-off weight, take-off distance, and take-off flight path shall be determined to account for temperatures above and below standard and for humidities above zero, and when approved by the Administrator they shall be included in the Airplane Flight Manual. These factors shall be obtained as follows:

(a) For any specific airplane type, the average full temperature and humidity accountability shall be computed for the range of weights of the airplane, altitudes above sea level, and ambient temperatures and humidities required by the expected operating conditions. Account shall be taken of the temperature and humidity effects on the engine power and of temperature effect on the aerodynamic characteristics of the airplane. The full accountability for temperature and humidity shall be expressed per degree of temperature and per unit of vapor pressure, respectively, in terms of a weight correction, a take-off distance correction, a take-off climb gradient correction, and a change, if any, in the critical-engine-failure speed V_1.

(b) The operating correction factors for the airplane weight, take-off distance, and take-off climb gradient shall be at least one-half of the full accountability values. The value of V_1 shall be further corrected by the average amount necessary to assure that the airplane can stop within the runway length at the ambient temperature and humidity, except that the corrected value of V_1 shall not be less than a minimum at which the airplane can be controlled with the critical engine inoperative.

7. By amending § 4b.210 by deleting from the first sentence the words "for which certification is desired" and substituting in lieu thereof the words "selected by the applicant."

8. By amending § 4b.210 by adding a new paragraph (c) to read as follows:

§ 4b.210 *General.* • • •

(c) *Fuel loads and distribution.* The disposable load combinations shall include all fuel loads in the range from zero fuel to the maximum fuel load selected by the applicant, except that it shall be permissible for the applicant to select one or more practicable structural reserve fuel conditions in lieu of the zero fuel condition for showing compliance with the structural flight load requirements, if the Administrator finds that the design complies with the following provisions which are intended to account for those exceptional operating conditions when structural reserve fuel is consumed. (See § 4b.741 (c).)

(1) The structural strength with zero fuel is not seriously reduced below that prescribed in the flight load conditions.

(2) The probability of disastrous fatigue failure is not increased (see 4b.306 (d)).

(3) The flutter, deformation, and vibration requirements are met with zero fuel (see § 4b.308).

9. By amending the title of Figure 4b–2 to read as follows: "Maneuvering envelope".

10. By amending the title of Figure 4b–3 to read as follows: "Gust envelope".

11. By amending § 4b.231 (a) by adding a new subparagraph (3) to read as follows:

§ 4b.231 *Level landing conditions*—(a) *General.* • • •

(3) *Condition of maximum spring-back load.* Forward-acting horizontal loads resulting from a rapid reduction of the spin-up drag loads shall be combined with the vertical ground reactions at the instant of the peak forward load. It shall be acceptable to apply this condition only to the landing gear and the directly affected structure.

12. By amending § 4b.231 (b) by deleting the words "paragraphs (a) (1) and (a) (2)" and substituting in lieu thereof the words "paragraph (a)".

13. By amending § 4b.231 (c) (1) by deleting the second sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated."

14. By amending § 4b.231 (c) (2) by deleting the last sentence and substituting in lieu thereof the following: "The conditions specified in paragraph (a) of this section shall be investigated, except that in conditions (a) (1) and (a) (3) it shall be acceptable to investigate the nose and main gear separately neglecting the pitching moments due to wheel spin-up and spring-back loads, while in condition (a) (2) the pitching moment shall be assumed to be resisted by the nose gear."

15. By amending § 4b.261 to read as follows:

§ 4b.261 *Structural ditching provisions.* (For structural strength considerations of ditching provisions see § 4b.361 (c).)

16. By amending § 4b.306 (c) to read as follows:

§ 4b.306 *Material strength properties and design values.* • • •

(c) ANC–5, ANC–18, and ANC–23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

17. By amending § 4b.353 (c) by adding the following phrase at the end of the first sentence: "with the seat belt fastened."

18. By amending § 4b.353 (e) to read as follows:

§ 4b.353 *Controls.* • • •

(e) The wing flap (or auxiliary lift device) and landing gear controls shall be located on the top of the pedestal and shall comply with the following:

(1) The wing flap control shall be located aft of the throttle(s), centrally or to the right of the pedestal centerline and shall be not less than 10 inches aft of the landing gear control.

(2) The landing gear control shall be located to the left of the pedestal centerline.

19. By amending § 4b.353 (f) to read as follows:

(f) The control knobs shall be shaped in accordance with Figure 4b–22, and such knobs shall be of the same color, but of a color in contrast with that of not only the other control knobs but also the surrounding cockpit.

20. By amending Figure 4b–16 by changing the movement and actuation for flaps (or auxiliary lift devices) to read as follows: "Forward for flaps up; rearward for flaps down."

21. By amending Figure 4b–17 by changing the movement and actuation for mixture controls to read as follows: "Forward or upward for rich".

22. By amending figure 4b–17 by changing the movement and actuation for carburetor air heat to read as follows: "Forward or upward for cold."

23. By amending figure 4b–17 by adding to the movement and actuation for supercharger controls the following sentence: "In the case of turbosuperchargers, forward, upward, or clockwise to increase pressure."

24. By amending § 4b.358 (b) (1) (ii) by deleting the phrase "in the fore-n-aft direction."

25. By amending § 4b.361 to read as follows:

§ 4b.361 *Ditching.* Compliance with this section is optional. The requirements of this section are intended to safeguard the occupants in the event of an emergency landing during overwater flight. When compliance is shown with the provisions of paragraphs (a) through (c) of this section and with the provisions of §§ 4b.362 (d), 4b.645, and 4b.646, the type certificate shall include certification to that effect. When an airplane is certificated to include ditching provisions, the recommended ditching procedures established on the basis of these requirements shall be set forth in the Airplane Flight Manual (see § 4b.742 (d)).

(a) All practicable design measures compatible with the general characteristics of the type airplane shall be taken to minimize the chance of any behavior of the airplane in an emergency landing on water which would be likely to cause immediate injury to the occupants or to make it impossible for them to escape from the airplane. The probable behavior of the airplane in a water landing shall be investigated by model tests or by comparison with airplanes of similar configuration for which the ditching characteristics are known. In this investigation account shall be taken of scoops, flaps, projections, and all other factors likely to affect the hydrodynamic characteristics of the actual airplane.

(b) It shall be shown that under reasonably probable water conditions the flotation time and trim of the airplane will permit all occupants to leave the airplane and to occupy the life rafts required by § 4b.645. In showing compliance with this provision, it shall be acceptable to use buoyancy and trim computations in which appropriate allowances are made for probable structural damage and leakage.

(c) External doors and windows shall be designed to withstand the probable maximum local pressures, unless the effects of the collapse of such parts are taken into account in the investigation of the probable behavior of the airplane in a water landing as prescribed in paragraphs (a) and (b) of this section.

26. By amending § 4b.371 (a) by adding the following second sentence: "Air from passenger compartments shall not be recirculated into the crew compartments."

27. By amending § 4b.371 by adding a new paragraph (e) to read as follows:

§ 4b.371 *Ventilation.* • • •

(e) The control of ventilating air and temperature in crew compartments shall be independent of similar controls in passenger compartments.

28. By amending § 4b.383 by adding at the end of paragraphs (a) and (b) (1) the following reference: "(See § 4b.380 (c) for protective breathing requirements.)"

29. By amending that portion of the text of § 4b.383 (c) preceding subparagraph (1) by deleting from the first sentence the word "categories" and substituting in lieu thereof the word "classifications".

30. By amending § 4b.386 (a) by deleting the reference "§§ 4b.480 through 4b.490" and substituting in lieu thereof the reference "§§ 4b.480 through 4b.486 and § 4b.489."

31. By amending § 4b.401 (c) by adding in the last sentence after the words "the feathering lines" the phrase "on all airplanes manufactured after October 1, 1953."

32. By amending § 4b.418 by adding the following:

§ 4b.418 *Flow between interconnected tanks.* • • • If it is possible to pump fuel from one tank to another in flight, the following provisions shall be made to safeguard against structural damage to tanks or overflow of fuel in flight.

(a) There shall be provided either a visual or aural warning device to warn the crew that overfilling is imminent, or an automatic means to shut off fuel transfer before damage or overflow occurs.

(b) If a warning device is used without an automatic shutoff means, such device shall be in addition to the normal fuel tank quantity gauge, and the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling.

33. By amending that portion of the text of § 4b.453 preceding paragraph (a) by deleting the first sentence and inserting in lieu thereof the following: "A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative."

34. By amending § 4b.471 (c) to read as follows:

§ 4b.471 *Throttle and A. D. I. system controls.* • • •

(c) If an antidetonant injection system is provided, the flow of A. D. I. shall be automatically controlled in relation to the amount of power produced by the engine. In addition to the automatic control, a separate control shall be provided for the A. D. I. pumps.

35. By amending § 4b.473 (c) to read as follows:

§ 4b.473 *Mixture controls.* • • •

(c) The mixture controls shall be placed in a location accessible to both pilots, except where a separate flight engineer station with control panel is provided, in which case the mixture controls shall be accessible to the flight engineer.

36. By amending § 4b.474 (a) (3) to read as follows:

§ 4b.474 *Propeller controls.* • • •

(a) *Propeller speed and pitch controls.* • • •

(3) The master propeller speed and pitch control or the separate propeller speed and pitch controls, if a master control is not provided, shall be placed to the right of the pilot's throttle and shall be at least 1 inch lower than the throttle controls. If a separate flight engineer station with a control panel is provided, the separate propeller speed and pitch controls shall be located at such station and shall be accessible to the flight engineer, in which case a master control shall be provided for the pilot.

37. By amending § 4b.476a to read as follows:

§ 4b.476a *Supercharger controls.* Supercharger controls shall be accessible to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

38. By amending § 4b.480 (b) by deleting the reference "§§ 4b.481 through 4b.489" and substituting in lieu thereof the reference "§§ 4b.481 through 4b.490".

39. By amending § 4b.483 (c) by deleting the words "paragraph (a)" and inserting in lieu thereof the words "paragraphs (a) and (b)."

40. By amending § 4b.484 (a) (1) to read as follows:

§ 4b.484 *Fire extinguisher systems*—(a) *General.* (1) Fire extinguisher systems shall be provided to serve all designated fire zones and the engine induction system. This requirement shall be effective with respect to applications for type certificates in accordance with the provisions of § 4b.12. In addition, all other airplanes manufactured after October 1, 1953, shall comply with this requirement unless the engine power section is completely isolated from the engine accessory section by a fireproof diaphragm complying with the provisions of § 4b.488 and unless the cowling and nacelle skin comply with the provisions of § 4b.487, in which case fire extinguisher systems need not be provided in the engine power section.

41. By amending § 4b.484 by deleting paragraph (a) (3) and making the text of this subparagraph (3) the first sentence of paragraph (e), and by redesignating the present paragraph (a) (4) as paragraph (a) (3).

42. By amending § 4b.486 (a) by deleting the word "engine."

43. By amending § 4b.487 by changing the headnote and by adding a new paragraph (e) to read as follows:

§ 4b.487 *Cowling and nacelle skin.* • • •

(e) The airplane shall be so designed and constructed that fire originating in the engine power or accessory sections cannot enter, either through openings or by burning through external skin, into any other zone of the nacelle where such fire would create additional hazards. If the airplane is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all nacelle skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

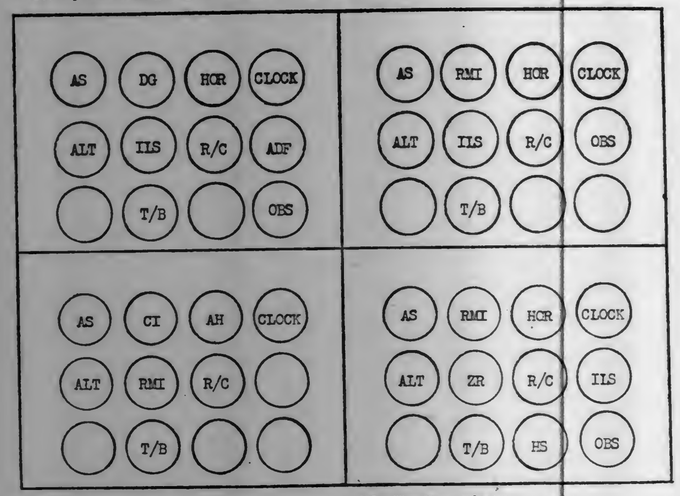
44. By amending § 4b.604 (m) by adding the following clause at the end of the paragraph: "or if the total engine cylinder displacement is 2,000 cubic inches or more."

45. By amending § 4b.604 by adding a new paragraph (n) as follows:

§ 4b.604 *Powerplant instruments.* • • •

(n) A means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

46. By amending Figure 4b–23 to read as follows:



ADF—Automatic direction finder.
AH—Approach horizon.
ALT—Altimeter.
AS—Air speed.
CI—Course indicator.
DG—Direction gyro.
HOR—Artificial horizon (bank and pitch).
HS—Heading selector.
ILS—Instrument landing system.
OBS—Omni-bearing selector.
R C—Rate of climb.
RMI—Radio magnetic indicator.
T/B—Turn and bank.
ZR—Zero reader.

FIGURE 4b–23—BASIC FLIGHT INSTRUMENT PANEL ARRANGEMENT.

47. By amending § 4b.611 (b) to read as follows:

§ 4b.611 *Arrangement and visibility of instrument installations.* • • •

(b) Flight instruments required by § 4b.603 shall be grouped in accordance with one of the flight instrument panels in Figure 4b–23 dependent upon which instruments are installed. The panel shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. The required flight instruments not shown in Figure 4b–23 shall be placed adjacent to the prescribed grouping.

48. By amending § 4b.612 (a) (2) to read as follows:

§ 4b.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* • • •

(2) The air-speed indicating system shall be calibrated to determine the system error, i. e., the relation between IAS and CAS, in flight and during the accelerated take-off ground run. The ground run calibration shall be obtained from 0.8 of the minimum value of V_1 to the maximum value of V_2, taking into account the approved altitude and weight range for the airplane. In the ground run calibration, the flap and power settings shall correspond with the values determined in the establishment of the take-off path under the provisions of § 4b.116, assuming the critical engine to fail at the minimum approved value of V_1.

49. By amending § 4b.632 by deleting from paragraphs (b) and (c) the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

50. By amending § 4b.632 (f) by deleting the numerals "36" and "60" and substituting in lieu thereof the numerals "65" and "85", respectively.

51. By adding a new § 4b.637 to read as follows:

§ 4b.637 *Anti-collision light.* If an anti-collision light is used, it shall be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The color of the anti-collision light shall be aviation red in accordance with the specifications of § 4b.635 (a). The arrangement of the anti-collision light, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute with an on-off ratio between 1:25 and 1:75. If an anti-collision light is used, it shall be permissible to install the position lights in a manner so that the forward position lights and the rear white position light are on steady while the fuselage lights and the rear red position light are not energized.

52. By amending § 4b.643 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

53. By amending § 4b.645 to read as follows:

§ 4b.645 *Ditching equipment.* When the airplane is certificated for ditching in accordance with § 4b.361, the ditching equipment shall be as prescribed in paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the airplane in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the airplane but to release it in case the airplane becomes totally submerged. Each raft shall contain obvious markings of instruction on the operation of the raft.

(b) *Life raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the airplane is operated.

(c) *Long-range signalling device.* An approved long-range signalling device shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

54. By amending § 4b.646 to read as follows:

§ 4b.646 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provision shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply.

(a) *Emergency exit means.* The stowage provisions for the emergency exit means required by § 4b.362 (e) (7) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* The provisions for the stowage of life rafts required by § 4b.645 (a) shall accommodate a sufficient number of rafts for the maximum number of occupants for which the airplane is certificated. Stowage shall be near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the airplane shall be attached to the airplane by means of the static line prescribed in § 4b.645 (a).

(c) *Long-range signalling device.* The stowage provisions for the long-range signalling device required by § 4b.645 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* The provisions for the stowage of life preservers required by § 4b.645 (d) shall accommodate one life preserver for each occupant for which the airplane is certificated. They shall be located so that a life preserver is within easy reach of each occupant while seated.

55. By amending § 4b.651 (h) to read as follows:

§ 4b.651 *Oxygen equipment and supply.* • • •

(h) *Protective breathing system.* When protective breathing equipment is required by the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty and while combating fires in cargo compartments (see § 4b.380 (c)). The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions.

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 15-minute duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand type oxygen system is employed, a supply of 312 liters of free oxygen at 70° F. and atmosphere (760 mm Hg.) pressure is considered to be of 15-minute duration at the prescribed altitude and rate of flow. When a continuous flow protective breathing system is used, including a mask with a standard rebreather bag, a flow rate of 60 liters per minue at 8,000 feet (45 liters per minutes at sea level) and a supply of 623 liters of free oxygen at 70° F. and atmospheric pressure is considered to be of 15-minute duration. (BTPD refers to the international standard for measurement of gases. This standard assumes body temperature conditions, i. e., 37° C., at ambient pressure, dry.)

56. By amending § 4b.719 by changing the headnote and the first sentence to read as follows:

§ 4b.719 *Airplane weight, center of gravity, and weight distribution limitations.* The airplane weight, center of gravity, and weight distribution limitations shall be those prescribed in §§ 4b.101, 4b.102, 4b.103, and, if applicable, § 4b.210 (c). • • •

57. By amending § 4b.471 (c) by adding the following at the end of the paragraph: "If structural reserve fuel conditions have been established (see § 4b.210 (c)), the fuel quantities and locations appropriate to each structural reserve fuel condition shall be included, together with statements to the effect that:

(1) Structural reserve fuel shall be used last, and

(2) The total fuel supply for any flight shall be not less than the fuel required by the applicable operating rules of the Civil Air Regulations to fly to the first point of intended landing, and thereafter to the most distant alternate airport if such alternate is required, plus the greater of the following:

(i) Any additional fuel which is required by the operating rules, or

(ii) The structural reserve fuel appropriate to the particular airplane loading condition.

b. It is proposed to amend Parts 4a, 41, 42, and 61 (proposed revised Part 40) and to issue a Special Civil Air Regulation, effective January 1, 1953, as follows:

1. By rescinding § 4a.749a–T.

2. By amending §§ 41.28 (d), 42.70 (c), and 61.214 (d) (§ 61.214 (d) will appear as § 40.53 (c) upon adoption of the proposed revision of Part 40) to read as follows:

§ 41.28 *General limitations.* • • •

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off limitations of the transport category operating rules, after taking into account the temperature and humidity operating correction factors required by § 4b.117, and set forth in the Airplane Flight Manual for the airplane.

§ 42.70 *Operating limitations for transport category airplanes.* • • •

(c) (To read in substance the same as proposed § 41.28 (d) of this subchapter.)

§ 61.214 *General limitations.* • • •

(d) (To read in substance the same as proposed § 41.28 (d) of this subchapter.)

3. By amending §§ 41.30 (c), 42.75, and 61.221 (§ 61.221 will appear as § 40.58 upon adoption of the proposed revision to Part 40) to read as follows:

§ 41.30 *En route limitations.* • • •

(c) The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) with the airplane's weight equal to that which would exist 90 minutes after departure (assumed to be the moment of falure of the second engine). If fuel jettisoning is provided, the airplane's weight at this point shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area. The prescribed rate of climb shall be realized along all points of the route to the landing area either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher.

§ 42.75 *En route limitations—two engines inoperative.* (To read in substance the same as proposed § 41.30 (c) of this subchapter.)

§ 61.221 *En route limitations—two engines inoperative.* (To read in substance the same as proposed § 41.30 (c) of this subchapter.)

4. To issue a Special Civil Air Regulation superseding presently effective Special Civil Air Regulation SR–361 to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding and subject to the approval of the Administrator, any air carrier may engage, while operating airplanes in scheduled or other service in experimentation projects on a limited number of airplanes, such projects designed to improve position light and anti-collision light systems presently specified in Part 4b of the Civil Air Regulations. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and to avoid confusion in air navigation, and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

Part 5

The presently effective Part 5 of the regulations concerning the certification of gliders consists only of the administrative provisions and utilizes the technical provisions of Part 3 as a basis for certification. No general discussions on Part 5 were held during the recent annual airworthiness meeting. There were noted, however, a couple of minor points of an editorial and clarifying nature. Therefore, the following two amendments are proposed. These amendments are made for the purpose of consistency with other airworthiness parts of the regulations.

It is proposed to amend Part 5, effective January 1, 1953, as follows:

1. By amending § 5.1 (a) (3) by adding the following reference: "(See § 5.18.)"

2. By amending § 5.15 (c) to read as follows:

§ 5.15 *Inspections and tests.* • • •

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

Part 6

Numerous subjects pertaining to rotorcraft were discussed at the recent annual airworthiness meeting. Some of these subjects are now considered sufficiently resolved to warrant specific proposals for amendment of the regulations. Other subjects are considered to require further study before proposals can be formulated.

The proposed amendments contained herein to Part 6 of the Civil Air Regulations reflect the discussions at the annual airworthiness meeting and include certain changes of considerable impor-

tance. They also include other substantive changes of relatively minor importance, as well as a number of editorial clarifications and corrections.

Certain of the subjects discussed at the annual airworthiness meeting which are not reflected in the proposed changes are considered of sufficient importance to set forth reasons for the lack of action at this time.

A proposal was made to establish a rotorcraft transport category. It was brought out at the meeting, however, that the establishment of a transport category, including the necessary detail requirements, would be premature at this time because of lack of experience with rotorcraft used in carrying passengers for hire. For example, considerable question exists as to the appropriateness of requiring all transport category rotorcraft to be multiengine. The proposal presented at the annual meeting included such a requirement following the principles established for airplanes. There appears to be much less justification for applying these principles to rotorcraft. The Bureau believes that additional thought should be given to the basic principles underlying any future rotorcraft transport category before detail requirements for such rotorcraft can be established. Consequently, changes in Part 6 to establish a rotorcraft transport category are not proposed at this time. Instead, the study of this subject will be pursued with the aim of first establishing the broad principles and subsequently developing the detail criteria.

Consideration was given at the meeting to a proposed definition for hovering which would involve certain limitations with respect to forward speed and prevailing wind velocity. A number of different requirements in Part 6, including those pertaining to performance, controllability, and ventilation, make reference to hovering in zero wind. The use of hovering in zero wind is a rational basis for certain of the requirements. However, in other instances (controllability and ventilation) corrections from actually existing conditions to conditions of zero wind are not appropriate. Since this problem has many implications, more study is needed before establishing a definition for hovering. For this reason, a specific proposal for a change in the regulations is not being made at this time.

Some question was raised at the annual airworthiness meeting concerning the intent of the regulation with regard to the establishment of a range of rotor speeds and a variation in the never-exceed speed with the rotor speed. The Bureau considers that the requirement with respect to range of rotor speeds (§ 6.103 (a)) indicates clearly that such range shall provide a margin for variation of the rotor speed and will depend upon the individual design of the synchronizer or governor employed. Similarly, the regulation permits a variation of never-exceed speed with altitude and rotor speed (§ 6.711 (b)), if the ranges of the variables are sufficiently large to be practical and consistent with safety. It is possible that additional experience on rotorcraft in this respect will permit the formulation of more specific rules. In the meantime, however, there appears no alternative but to rely upon findings of the Administrator in each individual type rotorcraft under consideration. For this reason no change in the regulation is being proposed.

A question was raised at the annual airworthiness meeting whether or not § 6.120 (b) should be interpreted to require a specific time delay between one flight maneuver and the next in performing a smooth transition. It was recommended that, if the intent of the regulation is to require a time delay, the wording should be altered accordingly. The Bureau considers that the language in this regulation is sufficiently clear as not requiring a time delay. Whether or not some time delay should be required is a matter for further study. Until such study is completed, the Bureau is not proposing a change to the regulation in this respect. (Note: A change is proposed to § 6.120 (b), but not with respect to the subject of time delay.)

A recommendation was made at the annual airworthiness meeting with respect to § 6.260 (a) that the prescribed crash load factors in the three directions should be considered as being applied separately. The Bureau considers that the intent of this requirement in Part 6, as well as in other aircraft airworthiness parts, always has been to treat all crash load factor components simultaneously, because a crash condition which would assume the load factors to act separately along one of the main axes of the rotorcraft would be unrealistic. For this reason, a change in the present regulation along the lines recommended is not being proposed.

Discussions during the annual airworthiness meeting indicated the desirability of reviewing the validity of certain provisions pertaining to landing loads. It was generally agreed that a study should be made of this subject with the objective of discussing the details during the 1953 annual airworthiness review. Consequently, specific proposals for changes in the regulations are not being made at this time.

It was recommended at the annual airworthiness meeting that § 6.719 include a statement to the effect that the scope and arrangement of the maintenance manual should be left to the discretion of the manufacturer. The Bureau considers that the recommended inclusion would not contribute in substance to the regulation, because the maintenance manual is not subject to the approval of the Administrator as is the case with a rotorcraft flight manual. Therefore, the arrangement of the manual automatically becomes a matter for decision by the manufacturer. On the other hand, the scope of the manual is prescribed by the regulations in general terms. For these reasons, such a change to the regulations is not proposed.

The following outstanding subjects discussed at the annual airworthiness meeting are considered sufficiently resolved to warrant specific proposals for changes in the regulations, and such proposals are contained herein.

A change in the regulations is herein proposed with respect to usable fuel. The presently effective regulations require that the fuel capacity be determined in relation to the maximum continuous horsepower. The proposed change would require the carriage of sufficient usable fuel for one hour's operation at the maximum continuous power (see proposed amendments to §§ 6.101 (b) (2) and 6.420).

The minimum maneuvering limit load factor prescribed in the presently effective regulations is 2.5. Experience indicates that for certain designs this value is overly conservative, and therefore it is proposed to reduce it to 2.0 (see proposed amendment to § 6.212). It has also been found that the presently effective regulation which requires auxiliary rotors to be designed for centrifugal loads equal to twice those resulting when the rotor is driven by the engine at maximum continuous speed is overly conservative. Consequently, it is proposed that the centrifugal loads be those resulting from operation of the engine at maximum design rotor speed (see proposed amendment to § 6.221).

A significant change is being proposed with respect to the application of rotor lift during landing. Two recommendations were made at the annual airworthiness meeting, one to allow rotor lift equal to one-half the design maximum weight, the other to allow two-thirds. Test data substantiating these two viewpoints were submitted subsequent to the meeting. These data indicate that considerable rotor lift is effective during a landing. Certain of these data attempted to show the validity of assuming the rotor lift to be two-thirds of the design maximum weight. However, these were not considered sufficiently conclusive for application to all type rotor craft. For these reasons, the Bureau considers it more appropriate to propose that the rotor lift be assumed only one-half the design maximum weight. It is anticipated that further experimentation will be conducted on this matter and that at some future time a more accurate value for rotor lift can be established (see proposed amendment to § 6.230 (c) and proposed note under § 6.237 (a)).

Additional changes in substance are being proposed for the structural criteria. These include a clarification of equilibrium in the level landing conditions (see proposed amendment to § 6.231 (b) (2)), new specifications for shock absorption tests (see proposed amendment to § 6.237), and a reduction in the prescribed vertical load for the float landing conditions (see proposed amendment to § 6.245 (b)).

A change is being proposed with respect to cargo and baggage compartment fire protection. This change is intended to safeguard controls, wiring, lines, equipment, or accessories which might be located in baggage or cargo compartments (see proposed amendment to § 6.382). In addition, a provision is being proposed for protection from fire of structures, controls, etc., other than those located in baggage or cargo compartments (see proposed amendment to § 6.384).

A number of changes are being proposed which are intended to protect from engine fires rotorcraft equipped with engines of relatively high powers. These proposed rules are based on the assumption that a controlled autorotational landing can be executed within five minutes after the start of an engine fire. The scope of the proposals covers the installation of fire walls, lines and fittings, flammable fluid systems, shutoff means, fire detector and fire extinguisher systems (see proposed amendments to §§ 6.480, 6.482, 6.483 (a), 6.485, 6.486, 6.487, and 6.488).

It is proposed to amend Part 6, effective January 1, 1953, as follows:

1. By amending § 6.1 (a) (3) by adding the reference: "(See § 6.18.)".

2. By amending § 6.1 (g) (5) (i) by deleting the word "or" and inserting in lieu thereof the word "and".

3. By amending § 6.15 (c) to read as follows:

§ 6.15 *Inspections and tests.* • • •

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

4. By amending § 6.101 (b) (2) to read as follows:

§ 6.101 *Weight limitations.* • • •

(b) • • • (2) usable fuel for one hour's operation at the maximum continuous power and rpm.

5. By amending § 6.101 (b) (4) to read as follows:

§ 6.101 *Weight limitations.* • • •

(b) • • • (4) 170 pounds in all seats, except that when the maximum permissible weight to be carried in a seat is less than 170 pounds it shall be acceptable to use this lesser weight. (See § 6.738 (a).)

6. By amending § 6.101 (d) (3) to read as follows:

§ 6.101 *Weight limitations.* • • •

(d) • • • (3) oil in the quantity determined in accordance with the provisions of § 6.440 (b).

7. By amending § 6.120 (b) by adding after the word "possible" the phrase "to maintain a flight condition and."

8. By amending § 6.121 (b) by deleting the words "the maximum permissible forward speed" and inserting in lieu thereof "V_{NE} (see § 6.711)."

9. By amending § 6.200 (a) by deleting from the third sentence the words "paragraph 5 (b) through (e)" and inserting in lieu thereof the words "paragraphs (b) through (e)."

10. By amending § 6.202 (c) by deleting the reference "§ 6.300" and inserting in lieu thereof the reference "§ 6.203."

11. By amending § 6.212 by deleting from the second sentence the numeral "2.5" and substituting in lieu thereof the numeral "2.0."

12. By amending § 6.221 by deleting from the second sentence the clause "centrifugal loads of twice those resulting when the rotor is driven by the engine at its maximum continuous speed." and inserting in lieu thereof the clause "centrifugal loads resulting from the maximum design rotor r. p. m."

13. By amending § 6.230 (c), (d), and (e) to read as follows:

§ 6.230 *General.* • • •

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft. It shall be acceptable to assume a rotor lift, not exceeding ½ the design maximum weight, to exist throughout the landing impact and to act through the center of gravity of the rotorcraft.

(d) *Load factor.* The structure shall be designed for a limit load factor, selected by the applicant, of not less than the value of the limit inertia load factor substantiated in accordance with the provisions of § 6.237, except in conditions in which other values of load factor are prescribed.

(e) *Landing gear position.* The tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position, unless otherwise prescribed.

14. By amending § 6.230 by adding a new paragraph (f) to read as follows:

§ 6.230 *General.* • • •

(f) *Landing gear arrangement.* The provisions of §§ 6.231 through 6.236 shall be applicable to landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity.

15. By amending § 6.231 (b) (2) by adding the following to the present text: "For attitude prescribed in paragraph (a) (1) of this section the resulting pitching moment shall be assumed resisted by the forward gear, while for the attitude prescribed in paragraph (a) (2) of this section the resulting pitching moment shall be assumed resisted by angular inertia forces."

16. By amending § 6.237 to read as follows:

§ 6.237 *Shock absorption tests.* Drop tests shall be conducted in accordance with paragraphs (a) and (b) of this section to substantiate the landing limit inertia load factor (see § 6.230 (d)) and to demonstrate the reserve energy absorption capacity of the landing gear. The drop tests shall be conducted with the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

(a) *Limit drop test.* The drop height in the limit drop test shall be 13 inches measured from the lowest point of the landing gear to the ground. A lesser drop height shall be permissible if it results in a drop test contact velocity found by the Administrator to be equal to the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made in normal operation of the rotorcraft. In no case shall the drop height be less than 8 inches. If rotor lift is considered (see § 6.230 (c)), it shall be introduced in the drop test by the use of appropriate energy absorbing devices or by the use of an effective mass.

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]; \text{ and } n = n_j\frac{W_e}{W}+L;$$

where:

W_e = the effective weight to be used in the drop test (lbs.);

$W = W_M$ for main gear units (lbs.), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude;

$W = W_N$ for nose gear units (lbs.), equal to the vertical component of the static reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0g downward and 0.25g forward;

h = specified free drop height (inches);

L = ratio of assumed rotor lift to the rotorcraft weight, not in excess of 0.5;

d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches);

n = limit inertia load factor;

n_j = the load factor during impact developed on the mass used in the drop test (i. e., the acceleration dv/dt in g's recorded in the drop test plus 1.0).

(b) *Reserve energy absorption drop test.* The reserve energy absorption capacity shall be demonstrated by a drop test in which the drop height is equal to 1.5 times the drop height prescribed in paragraph (a) of this section, and the rotor lift is assumed to be not greater than 0.75 times the rotorcraft maximum weight, except that the resultant load factor need not exceed 1.5 times the limit inertia load factor determined in accordance with paragraph (a) of this section. In this test the landing gear shall not collapse.

NOTE: The effect of rotor lift may be considered in a manner similar to that prescribed in paragraph (a) of this section.

17. By amending § 6.245 (a) (1) by adding the following clause to the last sentence: "or shall be assumed to be the same as the load factor determined for the ground type landing gear."

18. By amending § 6.245 (b) to read as follows:

§ 6.245 *Float landing conditions.* • • •

(b) *Side load condition.* The vertical load in this condition equal to 0.75 the vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component. The total side component shall be equal to 0.25 the total vertical load in this condition and shall be applied to one float only.

19. By amending § 6.251 (c) by deleting from the second sentence the phrase: "by a factor of 1.5." and substituting in lieu thereof the clause: ", as defined by the power conditions in § 6.1 (g) (3), by a factor of 1.33."

20. By amending § 6.306 (c) and (d) to read as follows:

§ 6.306 *Material strength properties and design values.* • • •

(c) ANC–5, ANC–18, and ANC–23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained

from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

21. By adding a new § 6.313 to read as follows:

§ 6.313 *Rotor blade clearance.* Clearance shall be provided between the main rotor blades and all other parts of the structure to prevent the blades from striking any part of the structure during any operating condition of the rotorcraft.

22. By amending §6.338 to read as follows:

§ 6.338 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part.

23. By redesignating §§ 6.340 and 6.341 as §§ 6.341 and 6.342, respectively.

24. By adding a new § 6.340 to read as follows:

§ 6.340 *Floats.* Floats shall be of an approved type and shall comply with the provisions of §§ 6.341 and 6.342.

25. By amending redesignated § 6.342 (a) by deleting from the second sentence the words "maximum expected vertical load" and inserting in lieu thereof "vertical loads prescribed in § 6.245 (a)."

26. By amending redesignated § 6.342 (b) by deleting from the first sentence the words "maximum expected vertical, horizontal, and side loads" and inserting in lieu thereof "vertical, horizontal, and side loads prescribed in § 6.245."

27. By amending § 6.382 to read as follows:

§ 6.382 *Cargo and baggage compartments.* Cargo and baggage compartments shall be completely lined with fire-resistant material, except that flame-resistant materials shall be acceptable in compartments which are readily accessible to a crew member in flight. Compartments shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected to that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard.

28. By amending § 6.384 to read as follows:

§ 6.384 *Fire protection of structure, controls, and other parts.* All structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft which would be affected by powerplant fires shall either be of fireproof construction or shall be otherwise protected, so that they can perform their essential functions for at least 5 minutes under all foreseeable powerplant fire conditions. (See also §§ 6.480 and 6.483 (a).)

29. By amending § 6.414 to read as follows:

§ 6.414 *Shafting critical speed.* The critical speeds of all shafting shall be determined by actual demonstration, except that analytical methods shall be acceptable for determining these speeds if the Administrator finds that reliable methods of analysis are available for the particular design. If the critical speeds lie within or close to the operating ranges for idling, power-on, and autorotative conditions, it shall be demonstrated by tests that the resultant stresses are within safe limits. If analytical methods are used and indicate that no critical speeds lie within the permissible operating ranges, the margins between the calculated critical speeds and the limits of the permissible operating ranges shall be adequate to allow for possible variations of the computed values from actual values.

30. By amending § 6.420 to read as follows:

§ 6.420 *Capacity and feed.* The usable fuel capacity shall not be less than that required for one hour's operation at maximum continuous power and rpm. Gravity feed or mechanical pumping of fuel shall be employed. Air-pressure fuel systems shall not be allowed. The fuel supply system shall be arranged so that, insofar as practicable, the entire fuel supply can be utilized in the maximum inclinations of the fuselage for any sustained conditions of flight, and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank (see § 6.422 (e)) the system shall feed fuel promptly after one tank is turned off and another tank is turned on, and there shall be installed in addition to the fuel quantity indicator (see § 6.604 (a) (1)) a warning device to indicate when the fuel in any tank becomes low. The fuel remaining in such tank at the time of warning indication shall not be considered usable fuel.

31. By amending § 6.462 (c) to read as follows:

§ 6.462 *Induction system de-icing and anti-icing provisions.* * * *

(c) Rotorcraft equipped with sea level engines employing carburetors which have been tested and proven to incorporate features preventing the formation of ice shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

32. By amending § 6.462 (e) by deleting the phrase "embody features tending to reduce the possibility of ice formation" and inserting in lieu thereof the phrase "have been tested and proven to incorporate features preventing the formation of ice."

33. By amending § 6.480 by adding a note to read as follows:

§ 6.480 *General.* * * *

NOTE: The powerplant fire protection provisions are intended to insure that the main and auxiliary rotors and controls remain operable, the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotational landing.

34. By amending § 6.482 by adding the following to the present text: "Shutoff valves and their controls shall be located on the remote side of the fire wall from the engine, unless it is shown that the valve will perform its intended functions under all fire conditions likely to result from an engine fire. In installations using engines of less than 500 cu. in. displacement, shutoff means need not be provided for engine oil systems."

35. By amending § 6.483 (a) to read as follows:

§ 6.483 *Fire wall.* (a) Engines shall be isolated from personnel compartments by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 6.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this paragraph, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. (See also § 6.486.)

36. By adding a new § 6.485 to read as follows:

§ 6.485 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in areas subject to engine fire conditions shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Except those lines and fittings forming an integral part of the engine, lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section.

37. By adding a new § 6.486 to read as follows:

§ 6.486 *Flammable fluids.* (a) Fuel tanks shall be isolated from the engine by a fire wall or shroud. On all rotorcraft having engines of more than 900 cu. in. displacement, all tanks and other flammable fluid tanks shall be similarly isolated unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Not less than one-half inch of clear air space shall be provided between any tank and the isolating fire wall or shroud unless other equivalent means are used to protect against heat transfer from the engine compartment to the flammable fluid.

38. By adding a new § 6.487 to read as follows:

§ 6.487 *Fire detector systems.* On all rotorcraft having engines of more than 900 cu. in. displacement, quick-acting fire detectors of an approved type shall be provided in all engine compartments, and they shall be sufficient in number and location to assure prompt detection of engine fires. Fire detector systems shall comply with the following provisions:

(a) Fire detectors shall be constructed and installed to assure their ability to resist without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(b) Fire detectors shall be unaffected by the exposure to oil, water, or other fluids or fumes which might be present.

(c) Means shall be provided to permit the crew to check in flight the functioning of the electrical circuit associated with the fire detector system.

(d) Wiring and other components of the fire detector systems which are located in engine compartments shall be of fire-resistant construction.

39. By adding a new § 6.488 to read as follows:

§ 6.488 *Fire extinguisher systems*—(a) *General.* (1) On all rotorcraft having engines of more than 1,200 cu. in. displacement, fire extinguisher systems shall be provided to serve all engine compartments and engine induction systems.

(2) On single-engine rotorcraft, the fire extinguisher system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide an adequate discharge for the engine compartment. On multiengine rotorcraft, the system shall provide two adequate discharges and it shall be possible to direct both discharges to any engine compartment.

(b) *Fire-extinguishing agents.* (1) Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been shown to provide equivalent extinguishing action.

(2) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is employed, provision shall be made to prevent the entrance of harmful concentration of fluid or fluid vapors into any personnel compartments either due to leakage during normal operation of the rotorcraft or as a result of discharging the fire extinguisher on the ground or in flight even though a defect may exist in the extinguishing system. Compliance with this requirement shall be demonstrated by appropriate tests.

(3) If a methyl bromide system is provided, the containers shall be charged with a dry agent and shall be sealed by the fire extinguisher manufacturer or by any other party employing appropriate recharging equipment.

(c) *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The following provisions shall apply:

(1) The discharge line from the relief connection shall terminate outside the rotorcraft in a location convenient for inspection on the ground.

(2) An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the rotorcraft is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguishing agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire extinguisher system materials.* Materials in the fire extinguisher system shall not react chemically with the extinguishing agent so as to constitute a hazard. All components of the fire extinguisher systems located in engine compartments shall be constructed of fireproof materials.

40. By amending § 6.620 (c) by deleting the first sentence and inserting in lieu thereof the following: "Electrical sources of power shall have sufficient capacity during all normal flight operating conditions to supply the electrical load requirements without electrical or thermal distress."

41. By amending § 6.626 by deleting the words "used in flight" and inserting in lieu thereof the words "essential to safety in flight."

42. By amending § 6.631 (a) to read as follows:

§ 6.631 *Landing lights.* (a) When landing or hovering lights are required, they shall be of an approved type.

43. By amending § 6.632 (b) by deleting the last sentence and inserting in lieu thereof the following: "The individual lights shall be of an approved type."

44. By amending § 6.632 (c) by deleting the last sentence and inserting in lieu thereof the following: "The light shall be of an approved type."

45. By amending § 6.710 by inserting the words "rotor speed, power," after the word "altitude.".

46. By amending § 6.711 (a) by inserting in the second sentence the words "at sea level" between the words "speed" and "with."

47. By amending § 6.713 by adding after the first sentence the reference: "(See also § 6.710.)."

48. By amending § 6.714 (b) (2) by adding at the end of the subparagraph the reference: "(See §§ 6.103, 6.710, and 6.711.)."

49. By amending § 6.719 by adding at the end of the section the following sentence: "Such components shall be identified by serial number or by other equivalent means."

50. By amending § 6.732 by deleting the reference: "(See § 6.612 (a).)" and inserting in lieu thereof the reference: "(See §§ 6.612 (a), 6.710, 6.711, 6.712, 6.713, and 6.715.)."

Part 13

There were only a few substantive matters regarding the certification of engines discussed at the recent annual airworthiness meeting.

The most important subject was that of engine endurance tests. Two separate proposals were made at the meeting, both intended to increase the severity of these tests. One of the proposals provided for test runs at powers and speeds above the rated. The proponents of this proposal indicated that such over-rating in the tests was necessary in order to remedy for the future the type difficulties which are being experienced on presently operated engines. No meeting of minds was reached between the proponents of the two separate proposals, although it was generally agreed that more severe tests are appropriate.

The Bureau considers that insufficient evidence has been presented to support the necessity of endurance tests under powers and speeds higher than the rated. For this reason, the Bureau considers it appropriate to propose amending the regulations to include those endurance test provisions suggested at the meeting which do not involve over-rating of engines. However, the Bureau considers that the subject of power and speed over-rating in endurance tests deserves further study to ascertain the effectiveness of such tests in improving the reliability of engines in service.

At the annual airworthiness meeting it was generally agreed that the regulations should include a requirement for the installation of power indicating provisions (torquemeter heads) on newly certificated engines of certain minimum power rating. However, there was also agreement that power indication should be provided on all transport category airplanes using engines of over 2,000 cubic inch displacement and on all engines using automatic feathering propellers. In view of this, the Bureau considers it unnecessary that Part 13 include a mandatory requirement for power indicating provisions.

In addition to the more severe endurance test requirements, the proposed amendments contained herein include a few items of an editorial and clarifying nature.

It is proposed to amend Part 13, effective January 1, 1953, as follows:

1. By amending § 13.1 (a) (3) by adding the following reference: "(See § 13.18.)"

2. By amending § 13.15 (c) to read as follows:

§ 13.15 *Inspections and tests.* * * *

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

3. By amending § 13.152 by deleting from the second sentence the words "such tests" and substituting in lieu

thereof the words "the power characteristics calibration tests".

4. By amending § 13.154 to read as follows:

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, shall consist of one of the series of runs specified in paragraphs (a) through (c) of this section, whichever series is applicable. The runs shall be performed in such periods and order as are found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankchaft rotational speed shall be controlled within ±3 percent of the specified values.

(a) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power.

(2) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run shall be conducted consisting of alternate periods of 2½ hours at maximum continuous power and speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(b) *Two-speed engines.* For engines incorporating a two-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power. If a take-off rating is desired in the higher gear ratio, 15 hours of the 30-hour run shall be conducted in the higher gear ratio in alternate periods of 5 minutes at the observed horsepower obtainable with the take-off critical altitude manifold pressure and take-off speed, and 5 minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run shall be conducted in the higher gear ratio at maximum continuous power and speed.

(5) A 5-hour run shall be conducted consisting of alternate periods of 5 minutes in each of the supercharger gear ratios. The first 5 minutes of the test shall be conducted at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate 5 minutes in the lower gear ratio shall be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 2 hours at maximum continuous power and speed, and 2 hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A 5-hour run shall be conducted in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

NOTE: Where simulated altitude test equipment is not available and when operating in the higher gear ratio, the runs may be conducted at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted rich enough to suppress detonation.

(c) *Helicopter engines.* For engines to be eligible for use on helicopters, the following series of runs shall apply:

(1) A 35-hour run shall be conducted consisting of alternate periods of 30 minutes each at take-off power and speed, and at maximum continuous power and speed.

(2) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at either maximum continuous power at 110 percent maximum continuous speed or at take-off power at 103 percent take-off speed, whichever condition results in the greater speed.

(6) A 15-hour run shall be conducted at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, provided that 105 percent of the maximum continuous power is not exceeded.

5. By amending § 13.252 (a) by deleting from the second sentence the words "such tests" and substituting in lieu thereof the words "the power characteristics calibration tests."

Part 14

No general discussions with respect to certification of propellers were held during the recent annual airworthiness meeting. There were noted, however, two minor points of an editorial and clarifying nature. Therefore, the following amendments are proposed. These amendments are made for the purpose of consistency with other airworthiness parts of the regulations.

It is proposed to amend Part 14, effective January 1, 1953, as follows:

1. By amending § 14.1 (a) (3) by adding the following reference: "(See § 14.18.)"

2. By amending § 14.15 (c) to read as follows:

§ 14.15 *Inspections and tests.* • • •

(c) All manufacturing processes, construction, and asembly are as specified in the type design.

[F. R. Doc. 52–11496; Filed, Oct. 23, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 488]

REGIONAL AND ACTING REGIONAL ADMINISTRATORS AND CHIEF AND REGIONAL CHIEFS, DIVISION OF ADMINISTRATION

DELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

OCTOBER 20, 1952.

SECTION 1. *Authority of certain officers to dispose of excess real property.* Pursuant to the authority contained in section 4 (b) of Order No. 2696 of July 17, 1952, of the Secretary of the Interior, the following classes of employees are authorized to transfer, donate or dispose of real property and related personal property excess to the needs of the Bureau of Land Management, as provided in that order and in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. 1946 ed., Supp. V, secs. 471–475) as amended, and the regulations issued thereunder contained in 44 CFR 1951 Supp., Part 101:

Regional Administrators.
Acting Regional Administrators.
Chief, Division of Administration.
Regional Chiefs, Division of Administration.

WILLIAM PINCUS,
Acting Director.

[F. R. Doc. 52–11486; Filed, Oct. 23, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[General Overriding Regulation 10, Special Order 13]

WHITE ROCK BOTTLING CO. OF ARIZONA, INC.

ADJUSTED CEILING PRICES

Statements of considerations. White Rock Bottling Company of Arizona, Inc. (hereinafter called "applicant") has applied to the Office of Price Stabilization pursuant to General Overriding Regulation 10 for an adjustment of its ceiling prices and the ceiling prices of resellers for sales of White Rock Beverage and Dad's Root Beer.

Applicant submitted the information required by section 3 of the regulation which in the judgment of the Director established that it was eligible for an adjustment.

On the basis of the information submitted, it appeared that applicant bottled the commodities in question for sale to retailers in the Phoenix area. It further appeared that applicant had been operating at a loss with respect to its bottling operations, and that the loss was attributable to the level of its ceiling prices. Letter Order No. GOR 10, Sec. 4, L–196 was issued June 2, 1952, adjusting applicant's ceiling prices as follows:

12–26 ounces White Rock Beverage, from $1.45 to $1.60 per case.
12–32 ounces Dad's Root Beer, from $1.25 to $1.45 per case.

Since the issuance of the above-mentioned Letter Order, the retailers who purchased from applicant have had a ceiling price for White Rock Beverage of 19 cents per bottle, under the provisions of section 11 of the General Ceiling Price Regulation. Applicant points out that his resellers compete directly with Canada Dry Beverages, for which they have a ceiling price of 20 cents per bottle or two bottles for 39 cents. Applicant states that, unless its resellers can charge the same price for White Rock Beverage as they do for the competitive products, the economic effect is to nullify to some extent the relief it was supposed to have obtained under the Letter Order issued on June 2, 1952.

In the judgment of the Director, adjustment of the ceiling prices of retailers who resell applicant's White Rock Beverage is necessary, in line with the established ceiling prices of retailers in the Phoenix area for the sale of the competitive White Rock Beverages. This order therefore establishes for retailers who resell applicant's 28 oz. White Rock Beverage ceiling prices of 20 cents per bottle or two bottles for 39 cents.

Paragraph 3 of this order requires applicant to supply a copy of this special order to each retailer to whom applicant sells its White Rock Beverage.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of General Overriding Regulation 10, this special order is issued.

1. The ceiling prices for 28-ounce bottles of White Rock Beverage sold by retailers in the Phoenix, Arizona, area who have purchased this commodity from the White Rock Bottling Company of Arizona, Inc. of Phoenix, Arizona, shall be 20 cents per bottle and two bottles for 39 cents.

2. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

3. White Rock Bottling Company of Arizona, Inc. shall deliver a copy of this special order to each retailer to whom it sells White Rock Beverage, such delivery to be made in each case with or prior to the first delivery of White Rock Beverage to the reseller after the effective date of this order.

Effective date. This special order is effective October 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52–11443; Filed, Oct. 17, 1952; 4:46 p. m.]

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 16]

TRUSTEE OF CENTER TOWNSHIP, LAKE COUNTY, CROWN POINT, INDIANA

CEILING PRICES FOR INDIGENT BURIAL SERVICES AND GRAVE OPENING AND CLOSING RENDERED

State of considerations. The ceiling prices for indigent burial services rendered to the Trustee of Center Township, Lake County, Crown Point, Indiana, are adjusted by this Special Order pursuant to section 20 (c) of CPR 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his seller's existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that the Lake County Funeral Directors Association in Lake County, Indiana, render indigent burial services to the Trustee of Center Township. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of such burial services to the applicant are too numerous to make recourse to paragraph 20 (b) of CPR 34, as amended, practicable. The increased ceiling prices reflect the direct labor and

material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of CPR 34, as amended, this Special Order is hereby issued.

1. The application of the Trustee of Center Township, Lake County, Crown Point, Indiana (hereinafter referred to as Trustee), for an adjustment of the ceiling prices which sellers of indigent burial services may charge applicant is granted as follows:

(a) On and after the effective date of this Special Order, the ceiling price for burial services supplied to Trustee by the following firms shall be for each indigent burial a maximum price of $150 plus $25 for grave opening and closing:

LAKE COUNTY FUNERAL DIRECTORS ASSOCIATION, LAKE COUNTY, INDIANA

GARY

Creswell Funeral Home, 2101 Broadway.
Geisen Funeral Home, 3805 Adams Street.
Guy, R. D., Funeral Home, 2315 Broadway
Hower Funeral Home, 1617 Washington Street.
Lach & Stilinovich Funeral Home, 531 West Eleventh Street.
Linton & McColly Funeral Home, 4286 Broadway.
Morris Mortuary, 1993 Massachusetts Street.
Pawinski & Son Funeral Home, 1728 Connecticut Street.
Powell Funeral Home, 1901 Washington Street.
Prusin Funeral Home, 1111 Roosevelt Street.
Shonske Funeral Home, 21 West Ridge Road.
Smith Funeral Home, 2293 Washington Street.
Williams & Burns Funeral Home, Seventh and Adams Street.

EAST CHICAGO

Dennis Funeral Home, 3719 Butternut Street.
Dziadowicz Brothers Funeral Home, 1020 West One Hundred and Fiftieth Street.
Fife Funeral Home, 706 Chicago Avenue.
Hinton Funeral Home, 4859 Alexander Avenue.
Huber Funeral Home, 905 Chicago Avenue.
Lesniak Funeral Home, 4918 Magoun Avenue.
McGuan Funeral Home, 3438 Fir Street.
Mysliwy Funeral Home, 4902 Reading Avenue.
Nicholson Funeral Home, 3801 Catalpa Street.
Newicki Funeral Home, 3820 Pulaski Street.
Oleska Funeral Home, 3934 Elm Street.
Pruslecki Funeral Home, 3631 Main Street.

WHITING

Baran Funeral Home, 1231 One Hundred and Nineteenth Street.
Kosior Funeral Home, 2031 Indianapolis Boulevard.
Owens Funeral Home, 1225 One Hundred and Nineteenth Street.
Schlater Funeral Home, 1620 Indianapolis Boulevard.
Spanburg Funeral Home, 1806 Indianapolis Boulevard.

HAMMOND

Bocken Funeral Home, 7042 Kennedy Avenue.
Burns Funeral Home, 5840 Hohman Avenue.
Dalton Funeral Home, 727 Carroll Street.
Dziadowicz Brothers Funeral Home, 4404 Cameron Avenue.
Emmerling Funeral Home, 6020 Hohman Avenue.
Huber, Clarance J. Funeral Home, 722 One Hundred and Sixty-fifth Street.
Huber Funeral Home, 7051 Kennedy.
Mysliwy Funeral Home, 1111 Conkey Street.
Neidow Funeral Home, 117 Bimbach Street.
Coxmann Funeral Home, 5713 Hohman Avenue.
Snyder Funeral Home, 5746 Hohman Avenue.

CROWN POINT

Geisen Funeral Home, Crown Point, Ind.
Linton & McColly Funeral Home, Crown Point, Ind.

HOBART

Pflugeheft Funeral Home, Hobart, Ind.
Reese Funeral Home, Hobart, Ind.

LOWELL

Sheets Funeral Home, Lowell, Ind.
Weaver Funeral Home, Lowell, Ind.

DYER

Fagen Funeral Gardens, Dyer, Ind.

GRIFFITH

Johnston & Royce Funeral Home, 242 Griffith Boulevard.

HIGHLAND

Fagen Funeral Gardens, 2828 Highway Avenue.

CALUMET CITY, ILL.

Czechanski, Joseph Funeral Home, 248 One Hundred and Fifty-fifth Place.

LANSING, ILL.

Schroeder Funeral Home, Lansing, Ill.

2. Trustee may pay to the sellers listed therein the prices determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former selling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by Trustee to the firms listed above. A copy of this order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller of burial service with the appropriate District Office of the Office of Price Stabilization with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of CPR 34.

4. All provisions of CPR 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

5. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective October 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 17, 1952.

[F. R. Doc. 52-11444; Filed, Oct. 17, 1952; 4:47 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27470]

CRUDE PETROLEUM OIL FROM WATFORD CITY, N. DAK., TO SHEBOYGAN, WIS.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company for itself and on behalf of carriers parties to its tariff I. C. C. No. A-8051.

Commodities involved: Crude petroleum oil, in tank-car loads.

From: Watford City, N. Dak.

To: Sheboygan, Wis.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: GN Ry. tariff I. C. C. No. A-8051, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11487; Filed, Oct. 23 1952; 8:47 a. m.]

[4th Sec. Application 27471]

LOGS FROM VIRGINIA TO HIGH POINT, AND THOMASVILLE, N. C.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the High Point, Thomasville & Denton Railroad Company and other carriers.

Commodities involved: Logs, native wood, Canadian wood or Mexican Pine, carloads.

Territory: From Disputanta, Va., to Thomasville, N. C., and from New Bohemia, Va., to High Point, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 728, Supp. 253.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11488, Filed, Oct. 23, 1952; 8:47 a. m.]

[4th Sec. Application 27472]

PHOSPHATE ROCK FROM POINTS IN TENNESSEE TO TULSA, OKLA.

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1169.

Commodities involved: Phosphate rock, ground or not ground, not acidulated nor ammoniated, in carloads.

From: Points in Tennessee.

To: Tulsa, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1169, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11489; Filed, Oct. 23, 1952; 8:47 a. m.]

[4th Sec. Application 27473]

ASPHALT FROM CERTAIN POINTS TO ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3825.

Commodities involved: Asphalt, in tank-car loads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3825, Supp. 153.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11490; Filed, Oct. 23, 1952; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 22]

HAND-BLOWN GLASSWARE

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., on March 2, 1953, in the investigation with respect to hand-blown glassware instituted on September 26, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 8792).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 17th day of October 1952.

Issued: October 20, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-11497; Filed, Oct. 23, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6459]

DUKE POWER CO.

NOTICE OF APPLICATION

OCTOBER 20, 1952.

Take notice that on October 16, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of 2,777,615 shares of Common Stock without par value. Applicant proposes to reduce the stated value of its issued and outstanding shares of Common Stock without nominal or par value to $25 per share and to issue two additional shares of Common Stock without nominal or par value to have a stated value of $25 per share for each share issued and outstanding. The additional Common Stock will be issued pro rata to the holders of the outstanding Common Stock of Applicant upon a basis of two shares of additional stock for each one share held; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of November 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11495; Filed, Oct. 23, 1952; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 210

Washington, Saturday, October 25, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 924—MILK IN THE DETROIT, MICHIGAN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, during May 12–16, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than November 1, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Detroit, Michigan, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held May 12–16, 1952, and the decision having been executed by the Secretary on October 2, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Detroit, Michigan, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

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FEDERAL REGISTER

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HANDBOOK OF EMERGENCY DEFENSE ACTIVITIES

OCTOBER 1952–MARCH 1953 EDITION

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120 PAGES—30 CENTS

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(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 924.6 (b) insert "or of Wayne County" following "Port Huron".

2. In § 924.50 delete the phrase "paragraphs (a), (b), (c) and (d)" and substitute therefore the phrase "paragraphs (a), (b) and (c)".

3. Delete § 924.50 (c).

4. Delete § 924.50 (d) and substitute therefor the following:

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualifications of § 924.6, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Perrinton, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Kraft Cheese Co., Clare, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.
Pet Milk Co., Hudson, Mich.

5. In § 924.51 (a) delete the phrase "plus $1.35" and substitute therefor the phrase "plus $1.43".

6. Delete § 924.51 (b) and substitute therefor the following:

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased 15 cents if such percentage is 5.0 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 5.0 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	*Percentages*
January	121.3
February	123.1
March	129.6
April	138.1
May	152.6
June	156.3
July	142.9
August	140.1
September	129.6
October	121.7
November	117.5
December	122.3

7. Delete § 924.52 and substitute therefor the following:

§ 924.52 *Class II milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c): *Provided*, That for the months of May, June, and July, there shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, (1) an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over the price determined pursuant to § 924.50 (b) less 9.3 cents, such excess to be multiplied by 0.18, and, (2) an amount per hundredweight of skim milk equal to such excess multiplied by 0.36.

8. Delete § 924.53 and substitute therefor the following:

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the producer butterfat differential applicable to milk delivered in the current month.

9. In § 924.60 (c) delete from the tabulation appearing at the end of the section the reference to zone 8 and add the following:

Zone No.	Shortest road distance from Detroit city hall	Rate per hundredweight
8	More than 97 miles but not more than 105 miles	$0.21
9	More than 105 miles but not more than 113 miles	.22
10	More than 113 miles but not more than 121 miles	.23
11	More than 121 miles but not more than 129 miles	.24
12	More than 129 miles but not more than 137 miles	.25
13	More than 137 miles	.26

10. In § 924.64 (b) delete "§ 924.70 (b)" and in § 924.80 delete "§ 924.70 (b) and (c)" and insert "§ 924.70 (b), (c), and (d)".

11. In § 924.65 delete "11th day" and substitute therefor "12th day".

12. In § 924.70 (a) substitute "on December 1" for "previous to August 1".

13. In the next to the last sentence of § 924.70 (b) delete the phrase "August through December by 0.8" and substitute therefor the phrase "August and September by 0.8 and October, November and December by 0.9".

14. Delete § 924.70 (c) and substitute therefor § 924.70 (c) and (d) as follows:

(c) From the effective date of this part, as amended, through December 1952, each producer shall have the option, upon request to the market administrator, of being paid at the uniform price for all milk delivered.

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all pro-

ducers and cooperative associations shall be paid the uniform price for all milk delivered.

15. Add a § 924.132, as follows:

§ 924.132 *Special reporting dates.* When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j) (2), 924.31 (b), 924.65, 924.80, 924.84, 924.85, 924.86, and 924.87 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of October 1952, to be effective on and after the 1st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11544; Filed Oct. 24, 1952; 8:57 a. m.]

[Lemon Reg. 458]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.565 *Lemon Regulation 458*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 22, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 26, 1952, and ending at 12:01 a. m., P. s. t., November 2, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 457 (17 F. R. 9235) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-11572; Filed, Oct. 24, 1952; 8:57 a. m.]

PART 982—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

SUBPART—ORDER RELATIVE TO HANDLING

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AUTHORITY: §§ 982.0 to 982.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 982.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the months of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

(b) *Additional findings.* In view of the widely scattered location of the plants of handlers, the brief base forming period for producers; and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined, in view of the aforesaid facts and circumstances, that good cause exists for making §§ 982.1 through 982.16, 982.20 through 982.22 (i), 982.30 through 982.34, 982.40 through 982.46, 982.60 through 982.62 (a), 982.62 (c), 982.80, 982.81, 982.98, 982.99, 982.100 through 982.103, 982.110 and 982.111 effective on November 1, 1952, and that it would be contrary to the public interest to delay such effective date beyond that specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Central West Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (July 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 982.1 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 982.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 982.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 982.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 982.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 982.6 *Central West Texas marketing area.* "Central West Texas Marketing Area" called the marketing area in this subpart means all territory within the corporate limits of the following cities, all in the state of Texas:

Abilene.	Lamesa.
Ballinger.	Midland.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	San Angelo.
Cisco.	Snyder.
Coleman.	Stamford.
Colorado City.	Sweetwater.
Comanche.	Winters.
Eastland.	

§ 982.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by and under the routine inspection of the health authority of any municipality in the marketing area:

(1) From which Class I milk, labeled Grade A in consumer packages is disposed of in the marketing area on routes, or

(2) Which receives milk from producers as defined in § 982.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which milk or skim milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month, or (ii) was moved to plant(s) specified in subparagraph (1) of this paragraph in an amount equal to 60 percent or more of total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such a plant; or

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 982.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on a route in the marketing area; or

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 982.10 *Producer.* "Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the health authority of any municipality in the

marketing area, which milk is received at an approved plant described in § 982.7 (a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority of a municipality in the marketing area, which milk is received at an approved plant described in § 982.7 (b).

(c) "Producer" shall include any such person whose milk is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 982.61.

§ 982.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by producers which is received by a handler, either directly from producers or from other handlers.

§ 982.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 982.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk other than from his own production and from approved plants.

§ 982.14 *Route.* "Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than to a milk processing plant.

§ 982.15 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 982.16 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 982.80.

MARKET ADMINISTRATOR

§ 982.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 982.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 982.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 982.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 982.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 982.30 to § 982.32, inclusive; or

(2) Made payments pursuant to § 982.90 to § 982.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 982.50 and the Class I butterfat differential pursuant to § 982.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 982.51 and the Class II butterfat differential pursuant to § 982.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 982.72 or § 982.73 as applicable and the butterfat differential computed pursuant to § 982.92, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association upon request the data furnished to the market administrator pursuant to § 982.31 (a) with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 982.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it;

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantities of skim milk and butterfat contained in or represented by all milk, skim milk, cream and products specified as Class I milk pursuant to § 982.41 (a) on hand at the beginning and the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The pounds of milk received from producers at each approved plant and the pounds of Class I milk disposed of from each such plant, if the handler operates more than one approved plant;

(g) The disposition of Class I products on routes wholly outside the marketing area; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 982.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from each such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 982.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 982.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 982.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 982.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 982.30 shall be classified by the market administrator pursuant to the provisions of §§ 982.41 to 982.46, inclusive.

§ 982.41 *Classes of utilization.* Subject to the conditions set forth in §§ 982.43 and 982.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May, and June) of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory at the end of the month as skim milk, cream or any product specified in paragraph (a) of this section.

§ 982.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 982.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

§ 982.44 *Transfers.* Skim milk or butterfat disposed of by a handler by either transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distance by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance and from which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The market administrator is permitted to audit the records of such unapproved plant; and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes.

§ 982.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 982.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 982.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 982.41;

(3) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk received as Class I products in consumer packages from an unapproved plant which are not in excess of the pounds of skim milk transferred to such unapproved plant as Class I milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in other source milk;

(5) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk contained in the Class I items in inventory at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 982.44 (a);

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 982.50 *Class I milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 35 cents.

§ 982.51 *Class II milk.* Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values pursuant to paragraphs (a) and (b) of this section:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(b) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

§ 982.52 *Butterfat differential to handlers* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 982.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 982.50 and 982.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price for the preceding month by 1.25; and

(b) Class II milk: Multiply such price for the current month by 1.15.

§ 982.53 *Location adjustment to handlers.* For milk classified as Class I milk the price set forth in § 982.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 20 cents;

(b) For milk received from producers at an approved plant located (1) east of the 103d principal meridian, (2) more than 180 highway miles from the United States Post Office in Midland, Texas, and also (3) at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 105 miles	20
105 miles or more	35

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

APPLICATION OF PROVISIONS

§ 982.60 *Producer-handlers.* Sections 982.40 through 982.46, 982.50 through 982.53, 982.70 through 982.75, 982.80, 982.81 and 982.90 through 982.99 shall not apply to a producer-handler.

§ 982.61 *Handlers subject to other orders.* In the case of any handler who operates a plant which the Secretary determines disposes of a greater quantity of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act than in this marketing area, the provisions of this subpart shall not apply with respect to the operations of such plant, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 982.62 *Handlers operating unapproved plants from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 982.9 (b) who is not subject to the provisions of § 982.61, the reporting, pricing and payment provisions of this subpart shall apply only as follows:

(a) The handler shall report as required pursuant to §§ 982.30 and 982.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports pursuant to § 982.33;

(b) The handler shall pay to the market administrator, on or before the 25th day after the end of the month, with respect to all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area, any plus difference between

(1) The value of such skim milk or butterfat at the Class I price which would be applicable at an approved plant thus located, and

(2) The value of such skim milk and butterfat at the price paid dairy farmers by such handler for milk received at the unapproved plant from them during the month, adjusted by the method used in computing payments to such dairy farmers to the average butterfat test of Class I milk disposed of in the marketing area: *Provided*, That if such handler has paid more than one such price, the lowest price(s) paid for an equivalent volume of milk shall be used in this computation; and

(c) As his pro rata share of the expense of administration of this subpart, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 982.98.

DETERMINATION OF UNIFORM PRICE

§ 982.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 982.46 by the applicable class prices.

§ 982.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 982.70 for all handlers who made the reports prescribed in § 982.30 and who made payments pursuant to §§ 982.90 and 982.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 982.91, and add the aggregate of the values of all such minus adjustments;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 982.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 982.72 *Computation of uniform price.* For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 982.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 982.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices for hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by (1) multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content, and (2) adding to the result the amount, if any by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 982.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 982.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 982.81 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 982.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 982.72 or 982.73, adjusted by the butterfat differential computed pursuant to § 982.92, subject to location adjustments to producers pursuant to § 982.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 982.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 982.31.

§ 982.91 *Location adjustments to producers.* (a) In making payments to producers pursuant to § 982.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 982.72 or to the uniform price for base milk computed pursuant to § 982.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 20 cents;

(2) For milk received from producers at an approved plant located (i) east of the 103d principal meridian, (ii) more than 180 highway miles from the United States post office in Midland, Texas, and, also (iii) at the following distances from the United States post office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 105 miles	20
105 miles or more	35

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total volume of Class I milk allocated to producer milk pursuant to § 982.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk re-

ceived at the same location and round to the nearest cent.

§ 982.92 *Producer butterfat differential.* In making payments pursuant to § 982.90 (a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 982.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 982.62 (b), 982.94 and 982.96, and out of which he shall make all payments to handlers pursuant to §§ 982.95 and 982.96.

§ 982.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 982.70 is greater than the amount required to be paid producers by such handler pursuant to § 982.90.

§ 982.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 982.70 is less than the amount required to be paid producers by such handler pursuant to § 982.90: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 982.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due;

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 982.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 982.90 (a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 982.98 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers, including such handler's own production.

§ 982.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to 8 (c) 15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 982.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 982.101.

§ 982.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 982.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 982.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 982.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 982.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Sections 982.1 through 982.16, 982.20 through 982.22 (i), 982.30 through 982.34, 982.40 through 982.46, 982.60 through 982.62 (a), 982.62 (c), 982.80, 982.81, 982.98, 982.99, 982.100 through 982.103, 982.110 and 982.111, shall be effective on and after the first day of November 1952, and the entire order (§§ 982.1 through 982.111) shall be effective on and after the first day of December 1952.

Issued at Washington, D. C. this 22d day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11543; Filed, Oct. 24, 1952; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5948]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BRADFORD SPORTSWEAR CO.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1255 *Manufacture or preparation.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure;* § 3.1845 *Composition;* § 3.1890 *Safety.* In connection with the offering for sale, sale and distribution in commerce, of sweaters or of any other garments made of the material known as brushed rayon or of any similar material, (1) representing, directly or by implication, that said garments are hand tailored; (2) offering for sale or selling any garments, composed in whole or in part of rayon, without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, such rayon content; or, (3) offering for sale or selling garments made of highly inflammable material without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets as applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Rafaneli t. a. Bradford Sportswear Company, Providence, R. I., Docket 5948, Aug. 19, 1952]

In the Matter of Louis Rafaneli, an Individual Trading and Doing Business as Bradford Sportswear Company

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, and respondent's answer in which he admitted all the material allegations of facts set forth in the complaint and waived all intervening procedure and further hearing as to said facts.

Thereafter the proceeding regularly came on for final consideration by said examiner, therefore duly designated by the Commission, upon said complaint and answer, all intervening procedure having been waived, and said examiner issued his initial decision. Subsequently, upon motion of counsel supporting the complaint, the Commission placed the proceeding on its docket for review, and amended the complaint, vacated and set aside said initial decision, and remanded the case to the examiner for further proceedings upon such amended complaint.

Thereafter, following the filing by respondent of his answer to the amended complaint, in which he admitted all the material allegations of facts set forth therein and waived all intervening proceedings and further hearing as to said facts, said examiner, having duly considered said amended complaint and respondent's answer thereto, and the complete record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 19, 1952.

The said order to cease and desist is as follows:

[1] Filed as part of the original document.

It is ordered, That the respondent Louis Rafanelo, an individual trading and doing business as Bradford Sportswear Company, or under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sweaters or of any other garments made of the material known as brushed rayon or of any similar material, do forthwith cease and desist from:

1. Representing, directly or by implication, that said garments are hand tailored;

2. Offering for sale or selling any garments, composed in whole or in part of rayon, without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, such rayon content;

3. Offering for sale or selling garments made of highly inflammable material without clearly and affirmatively disclosing thereon, or on tags or labels affixed thereto, that said garments are highly inflammable and are dangerous and unsafe to be worn as articles of clothing.

By "Decision of the Commission and order to file report of compliance," Docket 5948, August 19, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

By the Commission.

Issued: August 19, 1952.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52-11538; Filed, Oct. 24, 1952; 8:55 a. m.]

[Docket 5750]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DE LUXE SALES CO. AND DE LUXE MFG. CO.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1400 *Dealer as manufacturer.* Subpart—*Using misleading name—Vendor:* § 3.2420 *Manufacturing nature.* Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* I. Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and, II, in connection with the offering for sale, sale, or distribution of push cards, punchboards or other merchandise in commerce, using the word "manufacturing" or any other word or words of similar

import or meaning in respondent's trade name; or otherwise representating, directly or by implication, that respondent manufactures the merchandise sold by him; prohibited.

(Sec. 6, 38 Stat. 722, 15 U .S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harry C. Hayes d. b. a. De Luxe Sales Co., etc., Blue Earth, Minn., Docket 5750, Aug. 18, 1952]

In the Matter of Harry C. Hayes, an Individual Trading and Doing Business as De Luxe Sales Co. and De Luxe Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondent's answer admitting all of the material allegations of fact therein and waiving all intervening procedure, and the Commission having made its findings as to the facts' and its conclusion' that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Harry C. Hayes, individually, trading under the name De Luxe Sales Co. or De Luxe Manufacturing Company or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That said respondent and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of push cards, punchboards or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: "Using the word "manufacturing" or any other word or words of similar import or meaning in respondent's trade name; or otherwise representing, directly or by implication, that respondent manufactures the merchandise sold by him.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

Issued: August 18, 1952.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52–11537; Filed, Oct. 24; 1952; 8:54 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., Part 146; 17 F. R. 2600, 3632, 5812, 6579) are amended as indicated below:

1. In § 141.32 *Procaine penicillin and buffered crystalline penicillin for aqueous injection* subparagraph (3) (iii) of paragraph (b) *Buffered crystalline penicillin content* is amended by changing the figure "25–ml." in the second sentence to read "50–ml."

2a. In § 146.27 *Penicillin tablets,* paragraph (a) *Standards of identity* * * *, the first sentence is changed to read: "Penicillin tablets are tablets composed of sodium penicillin, calcium penicillin, potassium penicillin, crystalline penicillin O, dibenzylethylenediamine dipenicillin G, or procaine penicillin, with or without acetylsalicylic acid, acetophenetidin, caffeine, or probenecid, with or without one or more suitable sulfonamides and antihistaminics, and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings."

b. Section 146.27 (c) (1) (iii) is amended to read:

(c) *Labeling.* * * *
(1) * * *
(iii) If the batch contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

c. Section 146.27 (c) (3) is amended to read:

(3) On the label and labeling, if it contains, in addition to penicillin, one or more of the other active ingredients specified in paragraph (a) of this section, after the name "penicillin tablets," wherever it appears, the words "with ------ (the blank being filled in with the common or usual name of each such other ingredient)" in juxtaposition with such name.

3. In § 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection* paragraph (c) *Labeling* is amended by deleting that portion thereof following "§ 146.47 (c) (3) (iii)" and substituting therefor the following: "the statement 'Sterile suspension may be kept in refrigerator for ------ week(s) without significant loss of potency,' the blank being filled in with the figure '1,' or if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him does not lose significant potency after having been stored in a refrigerator for 4 weeks, the blank may be filled in with the figure '4,' unless it is packaged to conform with paragraph (b) of this section."

4. In § 146.67 *Procaine penicillin in streptomycin sulfate solution* * * * paragraph (b) *Packaging* is amended by changing the period at the end of the second sentence to a comma and adding the following clause: "unless it is packaged to contain a single dose."

5. In § 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection* subparagraph (2) (ii) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and adding the following clause: "unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled."

6. In § 146.409 *Bacitracin-polymyxin ointment,* paragraph (a) is amended as follows:

a. In subparagraph (1) change the figure "400" to read "200".

b. In subparagraph (2), change the figure "8,000" to read "4,000".

c. Renumber subparagraphs (4) and (5) as (5) and (7), respectively, and insert the following new subparagraph (4) between subparagraph (3) and renumbered subparagraph (5) and the following new subparagraph (6) between renumbered subparagraphs (5) and (7):

(4) If it is in liquid form, it shall be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P.

* * * * *

(6) In addition to complying with the requirements of § 146.402 (c), if it is in liquid form, each package shall bear on the outside wrapper or container and the immediate container, the statements "Shake well" and "Not for injection."

This order, which provides for the addition of acetylsalicylic acid, acetophenetidin, caffeine, and one or more suitable antihistaminics to tablets containing penicillin; for a change in the size of the volumetric flask used in the assay of procaine penicillin and buffered crystalline penicillin for aqueous injection from a 25-milliliter size to a 50-milliliter size; for the use of suspensions of procaine penicillin and buffered crystalline penicillin for aqueous injection for up to four weeks if the person who requests certification has proved his drug to be stable for such period of time; for deletion of the requirement that immediate containers packaged to contain a single dose of procaine penicillin in streptomycin sulfate solution be packaged in glass; for deletion of the requirement that dibenzylethylenediamine dipenicillin G for aqueous injection packaged for dispensing and intended solely for veterinary use and conspicuously so labeled bear the prescription legend; for a change in the minimum potency of bacitracin-polymyxin ointment from 400 units to 200 units per gram of bacitracin and from 8,000 units to 4,000 units of polymyxin per gram of ointment; for bacitracin-polymyxin ointment that is in liquid form to be packaged in immediate containers of transparent glass; and for the statements "Shake well" and "Not for injection" to appear on the labels of the glass containers of bacitracin-polymyxin ointment, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: October 21, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52–11529; Filed, Oct. 24, 1952; 8:51 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 2600, 7885, 8036) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.116 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary, dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary*—(a) *Potency*—(1) *Streptomycin content.* Using 3.0 grams of the sample, proceed as directed in § 141.101, except paragraph (k) of that section. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of dihydrostreptomycin it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

2. The headnote of § 141.212 is changed to read: "§ 141.212 *Aureomycin suppositories.*"

3. Part 141 is amended by adding the following new section:

§ 141.217 *Aureomycin calcium oral drops, aureomycin calcium syrup*—(a) *Potency.* Proceed as directed in § 141.201 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of aureomycin that it is represented to contain.

(b) *pH.* Using the undiluted sample, proceed as directed in § 141.5 (b).

(c) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice, within the weight range of 18 to 25 grams, a sufficient volume of the preparation to contain 25 milligrams of aureomycin. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

4. Part 141 is amended by adding the following new section:

§ 141.412 *Bacitracin-polymyxin tablets*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(2) *Polymyxin content.* Using an aliquot of the solution prepared in accordance with subparagraph (1) of this paragraph, proceed as directed in § 141.112 (a) (1) (ii). Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

5. In § 146.51 *Buffered penicillin powder* * * *, paragraph (b) *Packaging* is amended by changing the last sentence to read as follows: "Each immediate container may be packaged in combination with a container of a suitable and harmless aqueous vehicle, with or without one or more suitable sulfonamides."

6. Section 146.53 is amended to read:

§ 146.53 *Penicillin for diagnostic use; streptomycin for diagnostic use; dihydrostreptomycin for diagnostic use; aureomycin for diagnostic use; chloramphenicol for diagnostic use; bacitracin for diagnostic use.* (a) Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin, packaged for dispensing and intended for use solely in laboratory procedures in connection with the diagnosis or treatment of disease and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act if each package bears on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The statement "Not for therapeutic use. For use in laboratory diagnosis only."

(ii) The potency of each such tablet, disc, vial, or other such form.

(iii) The batch mark.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is not more than 24 months after the month during which the batch was last assayed and released by the manufacturer.

(2) On the circular or other labeling within or attached to the package, directions adequate for the use of such drug.

7. In § 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension* change the figure "18" in subparagraph (1) (v) of paragraph (c) *Labeling* to read "24".

8. Part 146 is amended by adding the following new section:

§ 146.111 *Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary, dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary and dihydrostreptomycin - kaolin-pectin-aluminum hydroxide gel powder veterinary is streptomycin or dihydrostreptomycin, kaolin, pectin, and dried aluminum hydroxide gel with or without the addition of one or more suitable and harmless diluents, colorings, and flavorings. Its content of streptomycin or dihydrostreptomycin is not less than 37.5 milligrams per gram of powder. Its moisture content is not more than 10 percent. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146.103, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin per gram in the immediate containers.

(iii) The quantity of kaolin, pectin, and aluminum hydroxide per gram in the immediate container.

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(v) The statement "For veterinary use only."

(2) On the circular or other labeling within or attached to the package, directions and precautions adequate for the use of such powder, including:

(i) Clinical indications.

(ii) Dosage and administration.

(iii) Contraindications.

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin or dihydrostreptomycin used in making such batch was completed, the potency per gram of powder, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per gram of powder and average moisture.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, *p*H, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 containers in the batch, but in no case less than 20 such containers or more than 100 immediate containers, unless each such container is packaged to contain more than 1.0 gram, in which case the sample shall consist of 1.0 gram for each 5,000 immediate containers in the batch, but in no case less than 20 grams or more than 100 grams. Such samples shall be collected by taking single immediate containers or 1.0-gram portions at such intervals throughout the entire time the containers are being filled that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146.101 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the service rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $10.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

9a. The headnote of § 146.212 is changed to read: "§ 146.212 *Aureomycin suppositories (aureomycin hydrochloride suppositories).*"

b. In § 146.212, paragraph (a) *Standards of identity* • • • is amended by deleting the word "vaginal" from the first sentence, by changing the period at the end of the second sentence to a comma, and by adding the following clause: "except if it is intended for rectal use its potency is not less than 50 milligrams."

c. Section 146.212 (c) (2) is amended by adding the following new subdivision:

(c) *Labeling.* • • •

(2) • • •

(iii) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

d. In § 146.212, subparagraph (1) of paragraph (d) *Request for certification* • • • the word "vaginal" is deleted.

10. Part 146 is amended by adding the following new section:

§ 146.217 *Aureomycin calcium oral drops, aureomycin calcium syrup*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin calcium oral drops or aureomycin calcium syrup is aureomycin calcium, prepared from crystalline aureomycin hydrochloride, and one or more suitable and harmless buffer substances, suspending agents, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter shall contain a quantity of aureomycin calcium equivalent to not less than 80 milligrams of aureomycin hydrochloride. It is nontoxic. The pH is not less than 6.5 nor more than 9.0. The crystalline aureomycin hydrochloride used to prepare the batch conforms to the requirements of § 146.201 (a), except subparagraphs (2), (4), and (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin calcium oral drops and aureomycin calcium syrup shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The potency per milliliter expressed in terms of its equivalency of aureomycin hydrochloride.

(iii) The name and quantity of each preservative used in making the batch.

(iv) The statements "Warning: Not for injection" and "Shake well."

(v) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container, if it is intended for use by humans," the statement "Caution: Federal law prohibits dispensing without prescription" and a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer such drug; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such drug, including:

(i) Clinical indications.

(ii) Dosage and administration.

(iii) Contraindications.

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin hydrochloride used in making such batch was completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; average potency per milliliter, toxicity, *p*H.

(ii) The aureomycin hydrochloride used in making the batch; potency, toxicity, moisture, *p*H, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin hydrochloride used in making the batch; 10 packages each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

11. Part 146 is amended by adding the following new section:

§ 146.412 *Bacitracin-polymyxin tablets.* (a) Bacitracin-polymyxin tablets conform to all requirements prescribed by § 146.403 for bacitracin tablets, and are subject to all procedures prescribed by § 146.403 for bacitracin tablets, except that:

(1) Each tablet contains not less than 400 units of bacitracin.

(2) Each tablet contains not less than 8,000 units of polymyxin B sulfate.

(3) In lieu of the labeling prescribed for bacitracin tablets by § 146.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of units of polymyxin B in each tablet of the batch.

(4) In addition to complying with the requirements of § 146.403 (d) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the polymyxin B used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 30 tablets of such batch, and (unless it was previously submitted) a sample consisting of 5 packages, each containing approximately equal portions of not less than 0.5 gram of the polymyxin B used in making the batch.

(b) The fee for the services rendered with respect to each container in the sample of polymyxin B submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

This order, which provides for tests and methods of assay and certification of the new antibiotic preparations aureomycin calcium oral drops, aureomycin calcium syrup, streptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary, dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder veterinary, and bacitracin-polymyxin tablets; for certification of aureomycin suppositories intended for rectal use and for requiring the labeling of all aureomycin suppositories to bear the refrigeration statement; for deletion of the requirement as to the minimum-size container of buffered penicillin powder; for a change in the packaging and labeling requirements for antibiotics intended for use solely in laboratory procedure in connection with the diagnosis or treatment of disease and conspicuously so labeled; and for a change in the expiration date of dibenzyl-ethylenediamine dipenicillin G oral suspension from 18 to 24 months, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and so I find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: October 21, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-11530; Filed Oct. 24, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 169, Amdt. 1]

CPR 169—IRON ORES PRODUCED IN MINNESOTA, WISCONSIN OR MICHIGAN

IRON ORES PRODUCED IN THE SPRING VALLEY AREA OF SOUTHERN MINNESOTA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 169 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes two changes in Ceiling Price Regulation 169. First, it provides a pricing method for iron ores produced in the Spring Valley Area of Southern Minnesota. Second, it extends the field within which the Office of Price Stabilization may establish ceiling prices by individual letter order.

As issued, Ceiling Price Regulation 169 covered iron ore produced in Michigan, Wisconsin, and Minnesota north of Minneapolis. This limitation to ore produced north of Minneapolis was too narrow due to the fact that at least one mine in Minnesota south of Minneapolis, has always been considered as being part of the Lake Superior District. The output of this mine has been priced, historically, on the basis of the prevailing price for other ores produced in the Lake Superior District. The omission of this ore was inadvertent and the ore produced therein should be covered by CPR 169 and the price adjustment made by the regulation should apply to all deliveries since July 26, 1952, as provided for other ores in CPR 169. This amendment accomplishes that result and provides an appropriate pricing technique.

Under section 2 (b) (5), as originally issued, the Office of Price Stabilization could establish ceiling prices by individual order only for special ores not listed in the regulation. It has been found advisable to extend this pricing method by this amendment for all cases where a seller is unable to determine his ceiling prices under the regulation.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 2 (b) (5) is amended to read as follows:

(5) *Other special ores.* The ceiling price, delivered at Lower Lake ports, for any off-grade or premium ore not specifically named in this paragraph (b) is the sum of the seller's 1950 weighted average spot price for such ore plus the difference between the seller's 1950

weighted average spot price for standard ore and the ceiling price established by this regulation for such standard ore.

2. Section 2 (c) is amended to read as follows:

(c) *Ore sold for delivery other than at Lower Lake ports.* (1) If ore is sold for delivery at the mine, other than a mine in the Spring Valley Area of Southern Minnesota, Upper Lake railroad weights shall govern and there shall be deducted from the ceiling prices applicable to sales for delivery at Lower Lake ports an amount equal to the total of:

(i) Upper Lake rail freight (including handling charges) at the rates in effect at time of shipment;

(ii) Lake freight to Lower Lake ports (including unloading charges) at the rate in effect at time of shipment;

(iii) A sum equal to the transportation tax on such Upper Lake rail and Lake freight; and

(iv) The sum of $9.02 per gross ton.

(2) If ore is sold for delivery at Upper Lake ports, vessel bill of lading weights shall govern (except that in case of lump ore railroad weights minus 0.5 per cent shall be used) and there shall be deducted from the ceiling prices applicable to sales for delivery at Lower Lake ports an amount equal to the total of:

(i) Lake freight to Lower Lake ports (including unloading charges) at the rate in effect at time of shipment;

(ii) A sum equal to the transportation tax on the freight charge under (i).

(3) If ore produced in the Spring Valley Area of Southern Minnesota is sold for delivery at the mine, the ceiling price determined under subparagraph (1) of this paragraph (c) for ore produced elsewhere shall apply with the following adjustments:

(i) There shall be added a sum equal to the freight from the Gogebic Range, in Northern Michigan and Wisconsin, to Granite City, Illinois, including transportation tax, at the rates in effect at time of shipment; and

(ii) There shall be deducted a sum equal to the freight from the Spring Valley Area of Southern Minnesota to Granite City, Illinois, including transportation tax, at the rates in effect at time of shipment.

3. A new section, designated section 5a, is inserted after section 5 to read as follows:

SEC. 5a. *Establishment of ceiling prices by order.* (a) If a ceiling price cannot be determined under any other section of this regulation, it will be established by the Office of Price Stabilization by order upon application of the prospective seller. Such application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain the applicant's name and address, the type of ore and a metallurgical analysis of the ore for which a ceiling price is requested, the applicant's proposed ceiling price, and a statement of the basis upon which such proposed ceiling price was determined. The ceiling price established by the Office of Price Stabilization pursuant to such application shall be in line with the level of ceiling prices established by this regulation.

(b) After receipt of the application, the Director may approve or disapprove the proposed ceiling price or pricing method, establish a different ceiling price or pricing method by order, or request further information. Pending any such action the applicant may sell the product covered by his application at the proposed ceiling price provided that he agrees with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by the Office of Price Stabilization. If, within thirty days after receipt of the required application by the Office of Price Stabilization, none of the actions listed above have been taken, the proposed ceiling price will be deemed to be established for all deliveries made between the date of filing the application and the date of any order issued by the Office of Price Stabilization disposing of the application.

(c) If a seller is required to file an application pursuant to this section, and does not do so, the Director may issue an order establishing ceiling prices for him. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established by this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve the seller of the various penalties for his failure to comply with this regulation.

(d) The Director of Price Stabilization may, at any time, modify the ceiling prices established by order so as to bring them in line with the ceiling prices otherwise established under this regulation.

4. Section II (b) is amended to read as follows:

(b) "Iron ore" means all classifications, grades, groupings, blends, mixes, and other categories of iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota, Wisconsin or Michigan.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 169 is effective as of September 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52-11580; Filed, Oct. 24, 1952; 11:02 a. m.]

[General Interpretation 9]

GEN. INT. 9—SERVICES AND WARRANTIES INCIDENTAL TO SALE OF EXEMPTED OR SUSPENDED COMMODITIES

Following the exemption of or suspension from price control of certain commodities questions have been raised regarding the effect of such actions on services, charges or terms and conditions of sale which relate to such commodities.

In general, services, including warranties, which are sold as such are subject to Ceiling Price Regulation 34 and remain under price control, unless specifically exempted or suspended from control by General Overriding Regulation 14. However, certain services which are incidental to the sale of exempted or suspended commodities are now exempted or suspended from control by the action taken with respect to the commodity. These services must clearly be incidental to the sale however. For example, the sale of television sets is suspended from price control and this suspension carries along with it the suspension from control of the sale of the warranties accompanying the sale of the sets, which are included in the price. Such warranties include a compulsory warranty, whether or not its price is separately stated. They do not include an optional warranty which need not be purchased with the set. An optional warranty is not incidental to the sale of the set and remains under control.

Interest or financing charges in connection with the sale of a commodity are likewise placed outside control when the commodity is exempted or suspended, inasmuch as this interest represents an enhancement in the ceiling price of the commodity sold. It should be noted, however, that interest for the use of money loaned by persons other than the seller of the commodity has never been controlled by this agency.

The exemption or suspension from control carries with it the exemption or suspension of the entire transaction of the sale, thus obviating the requirement for maintenance of customary terms and conditions of sale in connection with sales of that commodity. Accordingly discounts, terms for payment and differentials between classes of customers need no longer be maintained after a commodity has been exempted or suspended from price control.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52-11581; Filed, Oct. 24, 1952; 11:02 a. m.]

[General Overriding Regulation 6, Amdt. 8]

GOR 6—EXEMPTIONS RELATING TO SPECIFIED NONPROFIT ORGANIZATIONS

SALES BY VOLUNTEERS OF AMERICA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 6 removes the restriction on the type of sales by the Volunteers of America which have been exempted by the regulation from any price regulations issued by the Office of Price Stabilization.

As was pointed out in the Statement of Considerations, accompanying Amendment 5 to General Overriding Regulation 6, the Volunteers of America is a group of nonprofit organizations which operate throughout the United States for the purpose of providing rehabilitation, training and sheltered employment for handicapped persons.

A part of the program of these organizations involves the gathering of salvage materials and scrap of all sorts for processing and resale to scrap dealers. Such sales are not technically considered sales at retail in the scrap metal and salvage industry. This amendment exempts such sales.

Generally, the considerations stated in support of General Overriding Regulation 6 and Amendment 5 thereto are likewise applicable to the sales here referred to.

In the judgment of the Director of Price Stabilization the removal of the restriction on the character of sales by the Volunteers of America exempted by the provisions of Section 8 of the General Overriding Regulation will not impair the carrying out of the requirements of the Defense Production Act of 1950, as amended, and it is accordingly not necessary to restrict the character of the sales included in the exemption.

To the extent practicable under the circumstances, the Director has consulted with persons involved prior to the issuance of this amendment and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Section 8 of General Overriding Regulation 6 is amended by deleting the words "at retail" from the section so that section 8 shall read as follows:

SEC. 8. *Sales by Volunteers of America.* No price regulation issued by the Office of Price Stabilization applies to sales by organizations known as the Volunteers of America which are affiliated with the National Society of the Volunteers of America of used and waste goods donated by members of the public to those organizations and sold in the condition received or as reconditioned by the organizations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 6 shall become effective October 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52-11582; Filed, Oct. 24, 1952; 11:03 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 8, Revised, Amdt. 1]

GSSR 8—HEALTH AND WELFARE PLANS

STATEMENT OF CONSIDERATIONS

As a result of the experience of the Office of Salary Stabilization with the operation of this regulation, it now appears possible further to widen the scope of benefits which may be contained in health and welfare plans which an employer may put into effect on a self-administering basis in accordance with section 1 of this regulation. Accordingly, Amendment 1 has been adopted by the Salary Stabilization Board.

AMENDATORY PROVISION

The introductory paragraph of section 1 is amended by striking out the words "in-hospital" preceding the words "medical expense."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 17, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11575; Filed, Oct. 24, 1952; 10:15 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 21 to Schedule B]

[Rent Regulation 2, Amdt. 22 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective October 27, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 22d day of October 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

1. A new item 67 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

67. Provisions relating to Butler County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):

With respect to housing accommodations in Butler County, Ohio, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increase in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Butler County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this item 67 of Schedule B.

2. A new item 73 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

73. Provisions relating to Butler County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):

With respect to housing accommodations in Butler County, Ohio, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Butler County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this item 73 of Schedule B.

[F. R. Doc. 52-11541; Filed, Oct. 24, 1952; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4303, new paragraphs (g) and (h) are added as follows:

§ 36.4303 *Reporting requirements.*

* * *

(g) Subject to compliance with the regulations concerning guaranty or insurance of loans to veterans, the certificate of guaranty, or the evidence of insurance credit will be issuable within the available entitlement of the veteran on the basis of the loan stated in the final loan report or certification of loan disbursement. The available entitlement of a veteran will be determined by the Administrator as of the date of his receipt of an application for guaranty or insurance of a loan or of a loan report. Such date of receipt shall be the date the application or loan report is time stamped into the Veterans Administration. Eligibility derived from World War II service is automatically canceled by that derived from Korean service as of the date of discharge from such later service. The available entitlement of a borrower derived from active service on or after June 27, 1950, will be reduced by the amount entitlement derived from active service prior to June 27, 1950, was used to obtain a direct, guaranteed, or insured loan (1) on real property which the veteran owns on such date of receipt, or (2) as to which, on such date, the Administrator shall have incurred actual liability or loss: *Provided*, That if the Administrator issues or has issued a certificate of commitment covering the loan described in the application for guaranty or insurance or in the loan report, the amount and percentage of guaranty or the amount of the insurance credit contemplated by the certificate of commitment shall not be subject to reduction if the loan has been or is closed on a date which is not later than the expiration date of the certificate of commitment notwithstanding that the Administrator in the meantime and prior to the issuance of the evidence of guaranty or insurance shall have incurred actual liability or loss on a direct, guaranteed or insured loan previously obtained by the borrower through the use of entitlement derived from active service prior to June 27, 1950. For the purposes of this paragraph, the Administrator will be deemed to have incurred actual loss on a guaranteed or insured loan if he has paid a guaranty or insurance claim thereon and the veteran's resultant indebtedness to the Government has not been paid in full, and to have incurred actual liability on a guaranteed or insured loan if he is in receipt of a claim on the guaranty or insurance or is in receipt of a notice of default. In the case of a direct loan the Administrator will be deemed to have incurred an actual loss if the loan is in default. A loan the proceeds of which are to be disbursed progressively or at intervals will be deemed to have been closed for the purposes of this paragraph if the loan has been completed in all respects excepting the actual "pay-out" of the entire loan proceeds.

(h) Any amounts which are disbursed for an ineligible purpose shall be excluded in computing the amount of guaranty or insurance credit.

2. In § 36.4304, the paragraph (a) designation and paragraphs (b) and (c) are deleted, so that § 36.4304 reads as follows:

§ 36.4304 *Deviations; changes of identity.* A deviation of more than 5 percent between the estimates upon which a certificate of commitment has been issued and the report of final payment of the proceeds of the loan, or a change in the identity of the property upon which the original appraisal was based, will invalidate the certificate of commitment unless such deviation or change be approved by the Administrator. Any deviation in excess of 5 percent or change in the identity of the property upon which the original appraisal was based must be supported by a new or supplemental appraisal of reasonable value: *Provided*, That substitution of materials of equal or better quality and value approved by the veteran and the designated appraiser shall not be deemed a "change in the identity of the property" within the purview of this section. A deviation not in excess of 5 percent will not require the prior approval of the Administrator.

3. In § 36.4313, a new paragraph (d) is added as follows:

§ 36.4313 *Advances and other charges.*

* * *

(d) Advances of the type enumerated in paragraph (a) of this section and any other advances determined to be necessary and proper in order to preserve or protect the security may be authorized by employees designated in § 36.4342 (b) in the case of any property constituting the security for a loan acquired by the Administrator or constituting the security for the unpaid balance of the purchase price owing to the Administrator on account of the sale of such property. Such advances shall be secured to the extent legal and practicable by a lien on the property.

4. In § 36.4342, paragraph (b) is amended to read as follows:

§ 36.4342 *Delegation of authority.*

* * *

(b) Designated positions:

Assistant Administrator for Finance.
Director, Loan Guaranty Service.
Assistant Director, Loan Guaranty Service.
Division Chief, Loan Guaranty Service.
Assistant Division Chief, Loan Guaranty Service.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

* * * * *

5. A new § 36.4361 is added as follows:

§ 36.4361 *Right of the Administrator to refuse to appraise residential properties.* (a) The Administrator may refuse to appraise dwellings to which a request for appraisal relates if he determines that any party or parties involved or financially interested in the construction or sale of such units have theretofore participated in the construction or sale of units sold to veterans which involved (1) substantial deficiencies in the construction, or (2) a failure or indicated inability to discharge contractual obligations to the veterans who contracted for the construction or purchase of such units, or (3) the use of a contract of sale or of methods or practices in marketing such units of a type which under standards promulgated by the Administrator was unfair or unduly prejudicial to the veterans concerned. Upon any such refusal to appraise, the Administrator shall give written notice thereof to the person or firm submitting the appraisal request and shall state the basis for such refusal.

(b) Any person or persons affected by such refusal to appraise shall have the right within 10 days after receipt of the written notice of such refusal to file with the director, loan guaranty service, by registered mail, a request for a hearing. The director, loan guaranty service, shall thereupon designate a time and place for such hearing and shall appoint one or more persons to conduct the hearing. The person or persons requesting such hearing shall be afforded full opportunity to appear at the hearing in person or by counsel, or both, and to introduce evidence showing why the sanction should be terminated or modified. The persons designated by the director to conduct the hearing shall have the authority to administer oaths to witnesses. The findings and recommendations of the members of the hearing board shall be forwarded to the director, loan guaranty service. Based on the evidence presented at such hearing, the director will render a determination in the case.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective October 25, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11539; Filed, Oct. 24, 1952; 8:55 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Federal Security Agency

PART 401—PLANS AND PROGRAMS OF VOCATIONAL REHABILITATION

PART 403—VENDING STAND PROGRAM FOR THE BLIND IN FEDERAL AND OTHER BUILDINGS

EXTENSION OF AUTHORITY OF DIRECTOR TO WAIVE COMPLIANCE WITH REGULATIONS; EXTENSION OF TIME FOR COMPLIANCE BY LICENSING AGENCIES

1. In order to extend until April 1, 1953, the authority of the Director to waive compliance with requirements contained in the regulations in this part which are different from or in addition to requirements previously established by or under regulations, § 401.59, formerly § 600.59 of the regulations published July 29, 1948 (13 F. R. 4353) is hereby amended to read as follows:

§ 401.59 *Effect of the regulations in this part upon approved State plans and Federal requirements previously established.* (a) Insofar as they are not inconsistent with the act and the regulations in this part, State plans approved pursuant to the regulations issued by the Administrator under date of October 9, 1943 (8 F. R. 14158) shall be of the same force and effect and subject to the same conditions as though approved pursuant to the regulations in this part. Waiver of compliance with any requirements contained in the regulations in this part which are different from or in addition to those previously established by or under regulations, "may be permitted by the Director until April 1, 1953."

(b) All requirements as to content of State plans heretofore established are superseded by the regulations in this part. All requirements and standards heretofore established with respect to Federal reimbursement inconsistent with the regulations in this part are superseded to the extent of such inconsistency.

(Sec. 7 (c), 57 Stat. 374; 29 U. S. C. 37 (c))

2. In order to extend until April 1, 1953, the time for licensing agencies to comply with the requirements of § 403.7, formerly § 602.7, and to submit those materials which are, by this part, required to be submitted as a part of the application for designation as licensing agency but which were not previously required to be thus submitted, § 403.18 (a), formerly § 602.18 (a) (13 F. R. 5236), as amended (14 F. R. 5780), is hereby further amended to read as follows:

§ 403.18 *Previous designation as licensing agency; effective date of regulations.* (a) Applications for designation as licensing agency submitted to and approved by the Commissioner of Education or the Director prior to the effective date of this part shall have the same force and effect and shall be subject to the same conditions as though submitted and approved under this part, except that licensing agencies heretofore designated shall have until April 1, 1953, to comply with the provisions of § 403.7 and to submit those materials which are by this part, required to be submitted as a part of the application for designation as licensing agency but which were not previously required to be thus submitted.

(Sec. 2, 49 Stat. 1559; sec. 6, 60 Stat. 1095; 20 U. S. C. 107; 5 U. S. C. 133y-16)

Dated: October 20, 1952.

[SEAL] JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-11531; Filed, Oct. 24, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

ABATEMENT OF TAX ON CERTAIN TRUSTS FOR MEMBERS OF ARMED FORCES DYING IN SERVICE

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 345 (relating to abatement of tax on certain trusts for members of armed forces dying in service) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 29.162–1, as amended by Treasury Decision 5838, approved April 17, 1951, is hereby amended by adding after paragraph (b) (3) thereof the following new subparagraph (4):

(4) For the deduction allowed a trust which accumulated income for a beneficiary who died on or after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, see § 29.421–1.

PAR. 2. There is inserted immediately preceding § 29.421–1 the following:

SEC. 345. ABATEMENT OF TAX ON CERTAIN TRUSTS FOR MEMBERS OF ARMED FORCES DYING IN SERVICE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of a trust which accumulated income for a beneficiary who died on or after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, there shall be allowed as a deduction in computing the net income of such trust (in addition to other deductions allowable under sections 23 and 162 of the Internal Revenue Code) income of the trust for any taxable year (before diminution for income tax) which was accumulated for such beneficiary if—

(1) The income accumulated was for a taxable year of the trust which ended with or within a taxable year (ending on or after December 7, 1941) of such beneficiary during any part of which he was a member of such military or naval forces, or, in the case of the taxable year of the trust during which such beneficiary died, the income accumulated was for the period in such taxable year prior to the death of such beneficiary; and

(2) The amount of such accumulated income was, without regard to this section, taxable to the trust, and

(3) The income for such taxable year accumulated for the beneficiary, if not distributed to him prior to his death, was payable by the trust at or after his death only to his estate, spouse, or lineal ancestors or descendants.

PAR. 3. Section 29.421–1, as amended by Treasury Decision 5645, approved July 20, 1948, is hereby amended by renumbering present paragraph (d) as paragraph (e) and by inserting after the paragraph (c) thereof the following new paragraph (d):

(d) In the case of a trust which accumulated income for a beneficiary who died on or after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, there shall be allowed as a deduction in computing the net income of the trust for any taxable year the income of the trust for such taxable year, before diminution for income taxes with respect thereto, which was, or would have been but for such diminution, accumulated for such beneficiary. This deduction shall be allowed, however, only if (1) the income accumulated was for a taxable year of the trust which ended with or within a taxable year (ending on or after December 7, 1941) of such beneficiary during any part of which he was a member of such military or naval forces, or, in the case of the taxable year of the trust during which such beneficiary died, the income accumulated was for the period in such taxable year prior to the death of such beneficiary, and (2) the amount of such accumulated income was, without regard to this paragraph, taxable to the trust, and (3) the income for such taxable year accumulated for the beneficiary, if not distributed to him prior to his death, was payable by the trust at or after his death only to his estate, spouse, or lineal ancestors or descendants.

The amendments to §§ 29.162–1 and 29.421–1 (Regulations 111), covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to any taxable year affected which is covered by Part 19 of this chapter (Regulations 103).

[F. R. Doc. 52-11510; Filed, Oct. 24, 1952; 8:47 a. m.]

Office of the Secretary

[31 CFR Part 54]

GOLD REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of the Treasury proposes to amend the Gold Regulations (31 CFR Part 54) as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting their views and data or arguments in writing to the Director of the Mint, Treasury Department, Washington 25, D. C., prior to November 24, 1952. All communications should be submitted in quadruplicate.

It is proposed to amend § 54.21 of the Gold Regulations as follows:

1. By adding in paragraph (b) a new condition, namely, that the aggregate amount of gold acquired, held, transported, melted and treated, and imported, by a person operating pursuant to the provisions of § 54.21 shall not exceed in any calendar month 250 fine troy ounces of gold content. This new condition will be in addition to all of the existing conditions in paragraph (b);

2. By making a limited exception to the prohibition against the consignment of gold in paragraph (c), subparagraph (1), to permit the consignment of scrap gold to the holder of a Treasury Department Gold License on Form TGL–13 for processing and return in the form of semiprocessed gold; and

3. By prohibiting in paragraph (c), subparagraph (2) the furnishing of melted scrap gold to other persons operating pursuant to the provisions of § 54.21, or to persons operating pursuant to the provisions of § 54.18. As a result of this amendment, persons operating pursuant to the provisions of § 54.21 will be authorized to furnish melted scrap gold only to a Mint or to the holder of a Treasury Department gold license which authorizes the acquisition of such gold.

The proposed amendments are to be issued under the authority contained in sections 3 and 11 of the Gold Reserve Act of 1934, 48 Stat. 340, 342; 31 U. S. C. 442, 822b; section 5 (b), 40 Stat. 415, as amended; sec. 2, 48 Stat. 1; sec. 301, 55 Stat. 839; 12 U. S. C. 95 (a); E. O. 6260, August 28, 1933, 31 CFR Part 50; E. O. 6359, October 25, 1933; E. O. 9193, July 6, 1942, as amended, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 10289, September 17, 1951, 16 F. R. 9499.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52–11511; Filed, Oct. 24, 1952; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 442]

CLEVELAND UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on November 7, 1951 (10 A. D. 1402), extending to and including December 9, 1952, the order of December 4, 1950 (9 A. D. 1434), which authorized the current schedule of rates and charges.

By a petition filed on October 10, 1952, the respondent has requested that it be authorized "to publish, file with the Secretary, and collect on and after December 9, 1952," the rates and charges set forth below under the heading "Proposed Rates" or "such other rates and charges as the Secretary may find to be just, reasonable and nondiscriminatory."

PROPOSED RATES

	Cents per head
(a) For yardage:	
Cattle	89
Calves	45
Hogs	30
Sheep	17
Plus 25 cents for each draft weighed.	
(b) Storage for market livestock after sale:	
Cattle	16
Calves	8
Hogs	6
Sheep	4
(c) For handling and delivery of direct shipments by truck:	
Cattle	40
Calves	23
Hogs	15
Sheep	9
(d) For handling and storage of railborne shipments not offered for sale on the public market. For each 24 hours or fraction thereof:	
Cattle	16
Calves	8
Hogs	6
Sheep	4
Horses	75
(e) For reweighing:	
Cattle	23
Calves	14
Hogs	7
Sheep	6
(f) For resale or change of ownership:	
Cattle	7
Calves	5
Hogs	4
Sheep	3

	Cents per linear foot
(g) For washing and disinfecting trucks and trailers:	
For washing single deck trucks	25
For washing double deck trucks	35

	Cents
For disinfecting, small trucks or trailers	50
For disinfecting, medium trucks or trailers	75
For disinfecting, large trucks or trailers	$1.25

For cleaning and disinfecting chutes, pens, and alleys after handling exposed, infected or diseased livestock, 2 cents per square foot.

The proposed rates and charges, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 20th day of October 1952.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52–11522; Filed, Oct. 24, 1952; 8:50 a. m.]

[7 CFR Part 730]

RICE

NOTICE OF DETERMINATIONS PERTAINING TO MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR 1953 CROP

Section 354 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1354 (a)), requires the Secretary of Agriculture to determine whether marketing quotas shall be in effect on the 1953 crop of rice and, if quotas are required, to proclaim such quotas not later than December 31, 1952. Section 352 of the act, as amended (7 U. S. C. 1352), requires the Secretary not later than December 31, 1952, to proclaim the national acreage allotment of rice for the calendar year 1953.

In preparing to make such determination and issue such proclamations, the Secretary has under consideration sections 304 and 371 (b) of the act, which provide, in effect, that the acreage allotment and marketing quota provisions of the act shall not be invoked with respect to any one of the several commodities to which farm marketing quotas are applicable in case the Secretary finds that acreage allotments and marketing quotas should be dispensed with to protect consumers, to meet a national emergency, or to provide a material increase in exports.

Prior to the determination and proclamations with respect to marketing quotas and acreage allotments for the 1953 crop of rice, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 20 days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 22d day of October 1952.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 52–11545; Filed, Oct. 24, 1952; 8:58 a. m.]

[7 CFR Part 975]

[Docket No. AO–179–A9]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cleveland, Ohio, on June 25–27, inclusive, 1952, pursuant to notice thereof which was issued on June 13, 1952, (17 F. R. 5469).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on September 29, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 3, 1952 (17 F. R. 8861).

The material issues and the findings and conclusions of the recommended decision (17 F. R. 8861; F. R. Doc. 52–10726) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. On page 8862, column 1, fourth line from the bottom, after the word "provided" insert a comma and the phrase "effective July 1, 1953,".

2. On page 8863 insert after the third paragraph beginning in column 2, the following:

The standard Class I price differentials should be made subject to automatic upward adjustment whenever total supplies of milk from producers fail to cover adequately the Class I requirements. There should be a corresponding automatic downward adjustment whenever an oversupply develops. However, the application of such adjustment should be postponed until the market has had an opportunity to develop a more normal relationship between receipts and sales. The comparative shortages of supplies from producers in the fall of 1950 and of 1951 were corrected through the general payment of premiums sufficient to maintain the regular shippers and to cause four additional plants to qualify as pool plants in February and March 1952. These additions resulted in a more than sufficient supply. This situation, in turn, was modified effective July 1 by the addition of a major handler to the market and in mid-August by the withdrawal of a pool plant. The current shortage season and the flush season of 1953 should suffice to complete these types of adjustments between supplies and requirements. Accordingly, a supply-demand adjustment should become effective July 1, 1953.

3. On page 8864 delete the first four paragraphs beginning in column 1 and substitute therefor the following:

2. The butter-cheese formula should be deleted as one of the three alternative methods of determining the basic formula price.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices.

A revised formula, designed to measure the value of milk for cheese-making was introduced at the hearing. However, it appears that there has not been opportunity for as full a consideration of the formula as the problem warrants. In the circumstances, the new formula should not be adopted at this time.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of August 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Cleveland, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on June 25–27 inclusive, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 975.51 (c) (1) delete the phrase "and skim milk or buttermilk disposed of for livestock feed;" and substitute therefor the following: "or accounted for as dumped milk or skim milk or as homogenized milk, flavored milk and milk drinks, skim milk, or buttermilk disposed of for livestock feed;"

2. Delete from each of paragraphs (a), (b), and (c) of § 975.53 the phrase "and as Class II milk if transferred as cream,"

3. Delete from paragraphs (a) and (e) of § 975.56 the phrase "(other than butterfat in butter)".

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

4. In that portion of the text of § 975.60 preceding paragraph (a) change the phrase "pursuant to paragraphs (a), (b) and (c)" to read "pursuant to paragraphs (a) and (b)".

5. Delete § 975.60 (b).

6. Redesignate paragraph (c) of § 975.60 as paragraph (b) and change subparagraph (1) to read as follows:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

7. Delete § 975.61 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
April, May, and June	$1.00
February, March, and July	1.45
All others	1.90

and, effective July 1, 1953, add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	117
February	121
March	125
April	132
May	142
June	158
July	168
August	156
September	141
October	132
November	128
December	120

(3) (i) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is—	Supply-demand adjustment for specified months is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+18 or over	−37	−55	−37
+15 or +16	−31	−46	−31
+12 or +13	−25	−37	−25
+9 or +10	−19	−28	−19
+8 or +7	−13	−19	−13
+3 or +4	−7	−10	−7
+1 or −1	0	0	0
−3 or −4	+7	+7	+10
−6 or −7	+13	+13	+19
−9 or −10	+19	+19	+28
−12 or −13	+25	+25	+37
−15 or −16	+31	+31	+46
−18 or below	+37	+37	+55

(ii) When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month: *Provided*, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

8. Delete § 975.62 (a) and substitute therefor the following:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120.

9. In § 975.63 (b) replace the colon preceding the word *"Provided"* with a period and delete all language appearing thereafter.

10. In § 975.70 replace the colon preceding the phrase *"And provided also"* with a period and delete all language appearing thereafter.

11. In § 975.71 change "17 cents per hundredweight" to read "18 cents per hundredweight", and change "an additional 1 cent for each additional 15 mile zone" to read "2 cents additional for each additional 15 mile zone".

12. In § 975.81 (b) change "not to exceed 17 cents" to read "not to exceed 18 cents" and change "an additional 1 cent for each additional 15 mile zone." to read "2 cents additional for each 15 mile zone."

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Cleveland, Ohio, Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Cleveland, Ohio, marketing area) who, during the month of August 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of August 1952 is hereby determined to be the representative period for the conduct of such referendum.

Howard G. Eisaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 52-11542; Filed, Oct. 24, 1952; 8:56 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

PSITTACINE BIRDS: RESTRICTIONS ON ENTRY; DISPOSITION OF EXCLUDED BIRDS

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator, proposes to amend §§ 71.152 and 71.153 of the Public Health Service regulations (42 CFR 71.152, 71.153) as indicated below. Interested persons may submit written data, views, or arguments in regard to the proposed amendments to the Surgeon General of the Public Health Service, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

1. Section 71.152 would be revised to read as follows:

§ 71.152 *Psittacine birds: Definitions; restrictions on entry*—(a) *Definitions.* As used in this section and § 71.153, the term:

(1) "Psittacine birds" includes birds commonly known as parrots, Amazons, African grays, cockatoos, macaws, parakeets, lovebirds, lories, lorikeets, and all other birds of the order Psittaciformes.

(2) "United States" means the continental United States, its territories and possessions (other than the Canal Zone).

(3) "Zoological park" means a place, premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes. It does not include any place, premises, or establishment that is used for, or whose owner or operator engages directly or indirectly in, selling or trading, or offering for sale or trade, psittacine birds to the public or to dealers in birds.

(b) *Import restrictions.* Psittacine birds shall not be brought into the United States for the purpose of sale or trade. Psittacine birds may be brought in only for the purposes and under the conditions prescribed in subparagraphs (1) to (4) inclusive of this paragraph, and subject to the provisions of § 71.153.

(1) *Medical research.* Psittacine birds may be brought in for purposes of medical research under conditions prescribed by the Surgeon General to minimize risk of psittacosis infection, if the birds are accompanied by a permit issued by the Surgeon General and if they appear to the quarantine officer to be in good health unless otherwise specified in the permit.

(2) *Zoological parks.* (i) Psittacine birds may be brought in for a zoological park if the birds appear to the quarantine officer to be in good health and they are accompanied by a permit issued by the Surgeon General. On arrival at the zoological park or at detention facilities approved by the Surgeon General, the birds shall be immediately isolated for at least thirty days where they will not have contact with other birds or with the public. When any bird in isolation displays symptoms suggestive of psittacosis, the owner or operator of the park or detention facility shall have the bird killed promptly and shall immediately notify the nearest quarantine station of the Public Health Service or the Surgeon General. Such owner or operator shall comply with such measures, including preservation of the carcass for examination, as are determined by the Surgeon General to be necessary to prevent the spread of psittacosis.

(ii) Application for a permit under this subparagraph shall be submitted by the owner or operator of the zoological park and shall furnish such information as the Surgeon General may require, including the number and species of birds to be imported, their place of origin, the probable port and date of arrival, a description of the detention facilities to be used for isolation of the birds, and the precautions to be taken to prevent transmission of psittacosis.

(iii) The application shall include a certification that: The birds are not intended for sale or trade; the zoological park is not used for the sale or trade of psittacine birds to the public or to dealers in birds, or for offering psittacine birds for such sale or trade; and the owner or operator of the zoological park does not engage directly or indirectly in such sale or trade of psittacine birds or in offering them for such sale or trade. Upon receipt of such certification and of such other evidence as he may require, the Surgeon General may designate a place, premises, or an establishment as a zoological park for the purposes of this section; he may then waive the requirement for submission of the certification with subsequent applications for permits in the case of that park. Such designation and waiver shall be subject to revocation at any time in the discretion of the Surgeon General.

(3) *Pets.* A maximum of two psittacine birds may be imported by the owner thereof provided (i) the birds appear to the quarantine officer to be in good health; (ii) not more than two birds are brought in by members of a family comprising a single household; and (iii) the owner submits at the port of arrival of the birds a sworn statement that they are not intended for sale or trade in the United States, that neither he nor any member of his family within his household has imported any other birds under this paragraph in the preceding twelve months, and that the birds have been in the owner's possession for the four months preceding arrival except for any period occasioned by the arrival of the owner and birds on separate conveyances.

(4) *Return to United States.* Psittacine birds taken out of the United States may be admitted if, upon their return:

(i) The requirements of subparagraph (3) of this paragraph are complied with; or

(ii) They are accompanied by a permit for return issued by the Surgeon General, the owner submits a sworn statement as to compliance with the terms of the permit and such other information as the Surgeon General may require, and the birds appear to the quarantine officer to be in good health. Application for such a permit should be made by the owner of the birds prior to their departure from the United States and shall include a sworn statement as to the itinerary, the number and description of the birds, and such other information as the Surgeon General may require.

(c) *Cancellation of permit.* Any permit issued under this section shall be subject to cancellation if procured or used in a manner inconsistent with this part, or if cancellation is otherwise found necessary by the Surgeon General in the interest of the public health.

(d) *Delegation of authority by Surgeon General.* The Surgeon General may delegate his powers and duties under this section to any officer or employee of the Service.

2. Section 71.153 would be revised to read as follows:

§ 71.153 *Psittacine birds: Exclusion of exposed birds; disposal of excluded birds*—(a) *Exclusion of exposed birds.* Notwithstanding any provision of § 71.152, psittacine birds may not be brought into the United States if, during shipment, they have been exposed to psittacosis, or have been in contact with birds showing symptoms suggestive of psittacosis or with birds dying from unconfirmed causes.

(b) *Disposal of excluded birds.* (1) Birds appearing healthy which have been exposed to infection as described in paragraph (a) of this section or which are excluded from admission by § 71.152 shall be either exported or destroyed. Exportation shall be permitted only if the owner exports the birds within a reasonable time, as determined by the medical officer in charge; pending exportation, the birds shall be detained at the port of entry at the owner's expense. While so detained, birds that have been exposed as described in paragraph (a) of this section shall be isolated.

(2) Psittacine birds that show, either upon arrival or while held in detention, symptoms suggestive of psittacosis shall be destroyed immediately.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706; 42 U. S. C. 264-272)

[SEAL] W. P. DEARING,
Surgeon General.

Approved: October 21, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-11528; Filed, Oct. 24, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SCOPE OF TERM "FARM EQUIPMENT" AS USED IN EXECUTIVE ORDER 10161

MEMORANDUM OF AGREEMENT

The memorandum of agreement (17 F. R. 6129) between the Administrator of the Production and Marketing Administration, United States Department of Agriculture, and the Administrator of the National Production Authority, signed by them on June 18 and 26, 1952, respectively, pursuant to Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519) and NPA Organizational Statement No. 1 (17 F. R. 4305), and setting forth the understanding of the Production and Marketing Administration and the National Production Authority as to the scope of the term "farm equipment" as used in Executive Order 10161 (15 F. R. 6105), omits reference, in Appendix A thereof, to certain items of equipment used in connection with the production of sugar beets and sugar cane. It is, therefore, agreed that Appendix A of such memorandum of agreement is hereby amended in the following manner so as to include these items:

1. Under the general classification "Cultivators and weeders," the following new item is added:

Blockers, mechanical, sugar beet.

2. Under the general classification "Harvesting equipment," the following new item is added:

Harvesting equipment, sugar beet and sugar cane.

3. Under the general classification "Transportation equipment, farm (not motor)" the listing "wagons and carts, cane" is changed to read as follows:

Wagons, carts, sleds and water carts, sugar cane.

Dated: October 16, 1952.

[SEAL] PRODUCTION AND MARKETING ADMINISTRATION,
HAROLD K. HILL,
Acting Administrator.
NATIONAL PRODUCTION AUTHORITY,
R. A. MCDONALD,
Administrator.

[F. R. Doc. 52-11521; Filed, Oct. 24, 1952; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED FRUIT CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to

section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7869 between United Fruit Company and Compania Naviera Independencia, S. A., covers the transportation of cargo under through bills of lading from British Honduras, Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras, Jamaica, Nicaragua, and Panama to Pacific Coast ports of the United States and Canada, with transhipment at Cristobal, Canal Zone.

(2) Agreement No. 7871 between Shinnihon Steamship Co., Ltd., and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchukuo), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to San Juan, Ponce, and Mayaguez, Puerto Rico, with transhipment at Seattle, Portland, San Francisco, Los Angeles Harbor, or Long Beach.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 21, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-11526; Filed, Oct. 24, 1952; 8:50 a. m.]

National Production Authority

[Suspension Order 39; Docket No. 27]

STAR FASTENER, INC.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 19th day of August 1952, and on the 17th day of September 1952, before Philip E. Hoffman, Esquire, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), redesignated as RP 1—Rules of Practice Before Hearing Commissioners (16 F. R. 8894); and

The respondents, Star Fastener, Inc., a New York corporation; Arthur Lazarus, as President of Star Fastener, Inc., and individually; Henry Kaufmann, as Vice President of Star Fastener, Inc., and individually; Aaron Africk, as Treasurer of Star Fastener, Inc., and individually; and Barry Platt, as Secretary of Star Fastener, Inc., and individually; all of 201 Front Street, Brooklyn, N. Y., having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and

The National Production Authority being represented by Herbert L. Saunders, attorney, and the respondents being represented by Herbert L. Wasserman, Harry Steiner, and David E. Feldman, attorneys, and testimony and evidence having been offered and received in support of the charges and in opposition thereto and the hearing commissioner being advised in the premises, it is hereby determined:

Findings of Facts. 1. During the month of December 1950, Star Fastener, Inc., used in the manufacture of slide fasteners 11,604 pounds of aluminum, such quantity being 9,723 pounds in excess of 1,881 pounds permitted to be used by Star Fastener, Inc., during December 1950 by National Production Authority Order M-7, section 26.25 (a), as amended December 1, 1950 (15 F. R. 8576).

2. During the month of January 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 10,957 pounds of aluminum, such quantity being 9,452 pounds in excess of 1,505 pounds permitted to be used by Star Fastener, Inc., during January 1951 by National Production Authority Order M-7, section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576).

3. During the month of February 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 10,957 pounds of aluminum, such quantity being 9,546 pounds in excess of 1,411 pounds permitted to be used by Star Fastener, Inc., during February 1951 by National Production Authority Order M-7, section 5 (b), as amended February 1, 1951 (16 F. R. 1122).

4. During the month of March 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 6,775 pounds of aluminum, such quantity being 5,552 pounds in excess of 1,223 pounds permitted to be used by Star Fastener, Inc., during March 1951 by National Production Authority Order M-7, section 5 (b), as amended February 1, 1951 (16 F. R. 1122).

5. During the second calendar quarter of 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 20,326 pounds of aluminum, such quantity being 16,657 pounds in excess of 3,669 pounds permitted to be used by Star Fastener, Inc., during the second quarter 1951 by National Production Authority Order M-7, section 5 (c), as amended March 9, 1951 (16 F. R. 2337), March 31, 1951 (16 F. R. 2922), April 6, 1951 (16 F. R. 3118), May 1, 1951 (16 F. R. 3916), and June 1, 1951 (16 F. R. 5259).

6. During the month of December 1950, Star Fastener, Inc., used in the manufacture of slide fasteners 46,750 pounds of brass mill products, such quantity being 8,036 pounds in excess of 38,715 pounds permitted to be used by Star Fastener, Inc., during December 1950 by National Production Authority Order M-12, section 29.26 (a), dated November 29, 1950 (15 F. R. 8219), as amended December 30, 1950 (16 F. R. 124).

7. During the month of January 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 33,475 pounds of brass mill products, such quantity being 567 pounds in excess of 32,908 pounds permitted to be used by Star Fastener, Inc., during January 1951 by National Production Authority Order M-12, section 29.26 (b), as amended December 30, 1950 (16 F. R. 124).

8. During the month of February 1951, Star Fastener, Inc., used in the manufacture of slide fasteners 33,475 pounds of brass mill products, such quantity being 567 pounds in excess of 32,908 pounds permitted to be used by Star Fastener, Inc., during the month of February 1951 by National Production Authority Order M-12, section 29.26 (b), as amended December 30, 1950 (16 F. R. 124), and February 19, 1951 (16 F. R. 1730).

9. During the second calendar quarter of 1951, Star Fastener, Inc., used in the manufacture of zipper slider bodies, separating end-components, and top and bottom stops, 91,932 pounds of brass mill products, such quantity being 4,824 pounds in excess of 87,108 pounds permitted to be used by Star Fastener, Inc., during the second calendar quarter of 1951 by National Production Authority Order M-12, section 6 (c), as amended April 1, 1951 (16 F. R. 2957), and April 9, 1951 (16 F. R. 3175).

10. During the period commencing December 1, 1950, and terminating on June 30, 1951, Arthur Lazarus, Henry Kaufmann, Aaron Africk, and Barry Platt owned, dominated, managed, and controlled Star Fastener, Inc., and directed and supervised Star Fastener, Inc., during the time Star Fastener, Inc., used the unauthorized quantities of aluminum and brass mill products set forth in paragraphs 1 through 9 above.

Conclusion. During the period commencing December 1, 1950, and terminating on June 30, 1951, Star Fastener, Inc., a New York corporation, Arthur Lazarus, Henry Kaufmann, Aaron Africk, and Barry Platt, all of 201 Front Street, Brooklyn, N. Y., violated the provisions of the National Production Authority regulations, orders, and directives as hereinabove cited by using in the manufacture of slide fasteners and components thereof 50,930 pounds of aluminum and 13,993 pounds of brass mill products in excess of the quantities permitted by said National Production Authority regulations, orders, and directives.

In order to correct the unauthorized use of aluminum and brass mill products in the manufacture of slide fasteners and components thereof, occasioned by the violations found herein,

It is accordingly ordered. 1. That all outstanding allotments and allocations of copper and copper-base alloy brass mill products; including automatic allotments and allocations acquired through self-certification and/or self-authorization, directive, or otherwise; to respondent Star Fastener, Inc., of 201 Front Street, Brooklyn, N. Y., for the manufacture of slide fasteners during the fourth calendar quarter, 1952, be and they hereby are reduced in the amount of 13,993 pounds, and all excess allotments and allocations and purchase orders placed pursuant to such excess allotments and allocations shall be cancelled or reduced in accordance with section 13 of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860), and Controlled Materials Plan Form CMP-12.

2. That commencing with the fourth calendar quarter, 1952, all allotments and allocations of aluminum; including automatic allotments and allocations acquired through self-certification, self-authorization, directive, or otherwise; to said Star Fastener, Inc., for the manufacture of slide fasteners during said fourth quarter or succeeding quarters, be and the same hereby are reduced to 5,000 pounds for each of said calendar quarters, or 25 percent of said allotments and allocations, whichever is greater, until such time as said allotments and allocations so withdrawn and withheld total 50,930 pounds, and all excess allotments and allocations and purchase orders placed pursuant to such excess allotments and allocations shall be cancelled or reduced in accordance with section 13 of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860), and Controlled Materials Plan Form CMP-12.

3. That said Star Fastener, Inc., its successors and assigns, Arthur Lazarus, Henry Kaufmann, Aaron Africk, and Barry Platt, as officers of Star Fastener, Inc., and individually, be and hereby are prohibited during each and all of the aforesaid periods from acquiring and using aluminum and/or copper and copper-base alloy brass mill products in excess of the amounts permitted by the terms of this order.

Issued this 17th day of October 1952 at New York City, N. Y.

NATIONAL PRODUCTION AUTHORITY,
By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-11592; Filed, Oct. 24, 1952; 11:28 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 15, 1952.

REGION I

Portland Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 2:18 p. m.

Portland Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 2:19 p. m.

Portland Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 2:19 p. m.

Portland Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 2:20 p. m.

Portland Order 1-G1-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Portland area, filed 2:20 p. m.

Portland Order 1-G2-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Portland area, filed 2:20 p. m.

Portland Order 1-G3-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Portland area, filed 2:21 p. m.

Portland Order 1-G4-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Portland area, filed 2:21 p. m.

Hartford Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Hartford area, filed 2:21 p. m.

Hartford Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Hartford area, filed 2:22 p. m.

Hartford Order 1-G3-1, Amendment 1, changes and deletes certain food items for retail sales in the Hartford area, filed 2:22 p. m.

Hartford Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Hartford area, filed 2:22 p. m.

REGION II

Newark Order 1-G1-1, covering prices for certain dry grocery items sold by retailers in the Newark area, filed 2:23 p. m.

Newark Order 1-G2-1, covering prices for certain dry grocery items sold by retailers in the Newark area, filed 2:23 p. m.

Newark Order 1-G3-1, covering prices for certain dry grocery items sold by retailers in the Newark area, filed 2:24 p. m.

Syracuse Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Syracuse area, filed 2:24 p. m.

Syracuse Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Syracuse area, filed 2:25 p. m.

Syracuse Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Syracuse area, filed 2:25 p. m.

Syracuse Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Syracuse area, filed 2:25 p. m.

REGION III

Pittsburgh Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Pittsburgh area, filed 2:26 p. m.

Wilmington Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Wilmington area, filed 2:26 p. m.

Wilmington Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Wilmington area, filed 2:26 p. m.

Wilmington Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Wilmington area, filed 2:26 p. m.

Wilmington Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Wilmington area, filed 2:27 p. m.

Philadelphia Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:27 p. m.

Philadelphia Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:27 p. m.

Philadelphia Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:28 p. m.

Philadelphia Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:28 p. m.

REGION IV

Charleston Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:28 p. m.

Charleston Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:28 p. m.

Charleston Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:29 p. m.

Charleston Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:29 p. m.

Charlotte Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:30 p. m.

Charlotte Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:31 p. m.

Charlotte Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:31 p. m.

Charlotte Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:31 p. m.

Charlotte Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:31 p. m.

Washington, D. C. Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Washington, D. C. area, filed 2:29 p. m.

Washington, D. C. Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Washington, D. C. area, filed 2:30 p. m.

Washington, D. C. Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Washington, D. C. area, filed 2:30 p. m.

REGION V

Nashville Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:33 p. m.

Nashville Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:33 p. m.

Nashville Order 1-G1-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:32 p. m.

Nashville Order 1-G2-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:32 p. m.

Nashville Order 1-G3-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:32 p. m.

Nashville Order 1-G4-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:32 p. m.

REGION VI

Louisville Order 1-G4A-1, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:33 p. m.

Louisville Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Louisville area, filed 2:33 p. m.

Louisville Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Louisville area, filed 2:33 p. m.

REGION VII

Indianapolis Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Indianapolis area, filed 2:34 p. m.

Indianapolis Order 1-G3-1, Amendment 2, changes certain food items for retail sales in the Indianapolis area, filed 2:34 p. m.

Indianapolis Order 1-G4-1, Amendment 2, changes certain food item prices for retail sales in the Indianapolis area, filed 2:34 p. m.

REGION VIII

Helena Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Helena area, filed 2:34 p. m.

Helena Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Helena area, filed 2:34 p. m.

Helena Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Helena area, filed 2:34 p. m.

Helena Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Helena area, filed 2:35 p. m.

REGION IX

St. Louis Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 3:49 p. m.

St. Louis Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 3:50 p. m.

St. Louis Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 3:50 p. m.

St. Louis Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 3:49 p. m.

Des Moines Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Des Moines area, filed 3:50 p. m.

Des Moines Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Des Moines area, filed 3:51 p. m.

Des Moines Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Des Moines area, filed 3:52 p. m.

Des Moines Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Des Moines area, filed 3:52 p. m.

Des Moines Order 1–G1–1, Amendment 1, changes the price of certain food items and deletes certain food items for retail sales in the Des Moines area, filed 3:52 p. m.

Des Moines Order 1–G2–1, Amendment 1, changes the price and deletes certain food items for retail sales in the Des Moines area, filed 3:53 p. m.

Des Moines Order 1–G3–1, Amendment 1, changes certain food items for retail sales in the Des Moines area, filed 3:53 p. m.

Des Moines Order 1–G3–1, Amendment 2, changes the price and deletes certain food items for retail sales in the Des Moines area, filed 3:53 p. m.

Des Moines Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Des Moines area, filed 3:53 p. m.

Des Moines Order 1–G4–1, Amendment 2, changes the price and deletes certain food items for retail sales in the Des Moines area, filed 3:54 p. m.

Kansas City Order 1–G1–1, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 3:54 p. m.

Kansas City Order 1–G2–1, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 3:54 p. m.

Kansas City Order 1–G3–1, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 3:54 p. m.

Kansas City Order 1–G4–1, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 3:55 p. m.

REGION X

Little Rock Order 1–G3A–1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 3:55 p. m.

Little Rock Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 3:55 p. m.

Little Rock Order 1–G1–1, Amendment 3, changes certain food items for retail sales in the Little Rock area, filed 3:57 p. m.

Little Rock Order 1–G1–1, Amendment 4, changes certain food items for retail sales in the Little Rock area, filed 3:57 p. m.

Little Rock Order 1–G2–1, Amendment 3, changes certain food items for retail sales in the Little Rock area, filed 3:57 p. m.

Little Rock Order 1–G2–1, Amendment 4, changes certain food items for retail sales in the Little Rock area, filed 3:58 p. m.

Little Rock Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 3:58 p. m.

Little Rock Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 3:58 p. m.

San Antonio Order 1–G2–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:59 p. m.

San Antonio Order 1–G4–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:59 p. m.

San Antonio Order II–G1–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 3:59 p. m.

San Antonio Order II–G3–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 4:00 p. m.

San Antonio Order II–G4–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 4:00 p. m.

REGION XI

Salt Lake City Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 3:56 p. m.

Salt Lake City Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 3:56 p. m.

Salt Lake City Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 3:57 p. m.

Salt Lake City Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 3:57 p. m.

New Mexico Order 1–G1–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico Primary area, filed 4:00 p. m.

New Mexico Order 1–G2–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico Primary area, filed 4:01 p. m.

New Mexico Order 1–G4–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the New Mexico Primary area, filed 4:01 p. m.

REGION XII

San Francisco Order II–G1–14, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:01 p. m.

San Francisco Order II–G1–14, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:01 p. m.

San Francisco Order II–G1–14, Amendment 3, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:02 p. m.

San Francisco Order II–G2–14, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:02 p. m.

San Francisco Order II–G2–14, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:02 p. m.

San Francisco Order II–G2–14, Amendment 3, Changes the retail ceiling prices for certain food items in the Fresno area, filed 4:02 p. m.

San Francisco Order II–G4–14, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:02 p. m.

San Francisco Order II–G4–14, Amendment 2, changes the retail ceiling prices to which it relates for certain food items in the Fresno area, filed 4:03 p. m.

San Francisco Order II–G4A–14, Amendment 1, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:03 p. m.

San Francisco Order II–G4A–14, Amendment 2, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:03 p. m.

San Francisco Order II–G4A–14, Amendment 3, changes the retail ceiling prices for certain food items in the Fresno area, filed 4:03 p. m.

REGION XIII

Seattle Order 1–G4–1, Amendment 3, changes certain food items for retail sales in the Western Washington area, filed 4:03 p. m.

Portland Order 1–G1–1, Amendment 1, changes the prices of certain food items for retail sales in the Portland area, filed 4:04 p. m.

Portland Order 1–G2–1, Amendment 1, changes the prices of certain food items for retail sales in the Portland area, filed 4:04 p. m.

Portland Order 1–G4–1, Amendment 1, changes the prices of certain food items for retail sales in the Portland area, filed 4:04 p. m.

Portland Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Portland area, filed 4:04 p. m.

Portland Order 1–G4A–1, Amendment 1, changes the prices of certain food items for retail sales in the Portland area, filed 4:04 p. m.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–11519; Filed, Oct. 22, 1952; 10:52 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2102]

WARRIOR RIVER ELECTRIC CO-OPERATIVE ASSN.

ORDER FIXING HEARING

OCTOBER 21, 1952.

On March 18, 1952, Warrior River Electric Co-operative Association (Applicant), of Oneonta, Alabama, filed an application for preliminary permit under the Federal Power Act for a proposed hydroelectric development (Project No. 2102) located on Locust Fork of Black Warrior River in Blount County, Alabama.

Responses to the notice of application indicate a public interest in the proposed project.

The Commission finds: In order to carry out the provisions of the Federal Power Act, particularly section 4 (f) thereof, it is appropriate and in the public interest that a hearing be held on the application filed March 18, 1952, for preliminary permit for proposed Project No. 2102.

The Commission orders: A public hearing be held commencing on November 17, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and issues presented in this proceeding on the application for preliminary permit for proposed Project No. 2102 on the Locust Fork of Black Warrior River in Blount County, Alabama.

Date of issuance: October 21, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11524; Filed, Oct. 24, 1952; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF CERTAIN EXISTING TELEPHONE SYSTEMS AT INDIAN AGENCIES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of the Interior to effect the disposal, by negotiated sale or otherwise, of certain existing telephone lines and systems situated at Indian Agencies under the jurisdiction of the Department of the Interior.

2. In the event that disposal of any or all of the particular telephone lines or systems is accomplished by negotiation, the Secretary of the Interior shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 1 (i) of Public Law 522, 82d Congress, at least thirty (30) days prior to the consummation of the negotiated sale. A copy of each of such statements shall be provided this Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation of authority shall be effective as of October 17, 1952.

Dated: October 21, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52–11527; Filed, Oct. 24, 1952; 8:52 a. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO INCREASES—MIDDLEWEST CLASS RATES; INCREASES — MIDDLEWEST COMMODITY RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Increases—Middlewest Class Rates, I & S Docket No. M–4355, and Increases—Middlewest Commodity Rates, I & S Docket No. M–4414, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: October 22, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52–11532; Filed, Oct. 24, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27474]

MERCHANDISE IN MIXED CARLOADS FROM CHICAGO, ILL., AND INDIANAPOLIS, IND., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 752.

Commodities involved: Merchandise, in mixed carloads.

From: Chicago, Ill., and Indianapolis, Ind.

To: Points in southern territory.

Grounds for relief: Competition with rail and motor carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 752, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11513; Filed, Oct. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27475]

PETROLEUM PRODUCTS FROM RITCHAL, KANS. TO CERTAIN POINTS

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariffs listed on attached sheet.

Commodities involved: Petroleum, petroleum products, and related articles, carloads.

From: Ritchal, Kans.

To: Points in southern, southwestern, official, and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
F. C. Kratzmeir, agent	3585	524
	3802	124
	3825	151
	3651	299
	3724	158
	3494	293
L. E. Kipp, agent	A–3578	71

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11514; Filed, Oct. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27476]

ALCOHOLS AND RELATED ARTICLES BETWEEN POINTS IN THE SOUTHWEST AND MASSACHUSETTS AND MAINE

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities: involved: Alcohols and related articles, in carloads.

Territory: From Tallant, Okla., to St. Louis, Mo., and from points in Texas, Arkansas, Louisiana, and Oklahoma to Boston, Mass., and Portland, Maine.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 237.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11515; Filed, Oct. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27477]

COMMODITY RATES BETWEEN POINTS IN THE UNITED STATES

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to fourth-section applications Nos. 26770 and 27353.

Involving: Commodity rates constructed on basis related to docket No. 28300 class rates.

Between: Points in the United States generally east of the Rocky Mountains.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11516; Filed, Oct. 24, 1952; 8:49 a. m.]

[4th Sec. Application 27478]

MAGAZINES AND PERIODICALS FROM DAYTON AND SPRINGFIELD, OHIO, TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Magazines or periodicals, also parts or sections thereof, and newspaper supplements, carloads.

From: Dayton and Springfield, Ohio.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11517; Filed, Oct. 24, 1952; 8:49 a. m.]

[4th Sec. Application 27479]

LIQUEFIED CHLORINE GAS FROM CERTAIN POINTS IN WEST VIRGINIA, OHIO AND MICHIGAN TO ACME, N. C.

APPLICATION FOR RELIEF

OCTOBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Points in West Virginia, Ohio, and Michigan.

To: Acme, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11518; Filed, Oct. 24, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 86]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 24, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Point Arena, California, Area. (The area consists of Arena Township in Mendocino County, California.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-11579; Filed, Oct. 24, 1952; 10:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3451]

GABRIEL STEEL CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 20, 1952.

Gabriel Steel Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, $5.00 Par Value, from registration and listing on the Detroit Stock Exchange.

The reasons stated by the company in the application for withdrawing this security from registration and listing are that the total number of shareholders, counting joint holdings of husband and wife as one, has dropped from 144 on November 1, 1949, to 80 on August 25, 1952; that there is virtually no public interest in trading in this security; that there have been many periods of weeks and months during which no shares of this security were traded on this exchange; and that under these circumstances the work and expense of preparing the reports required by the Commission, including the mandatory annual physical inventory in the presence of a certified public accountant, are not justified.

Upon receipt of a request, prior to November 12, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11505; Filed, Oct. 24, 1952; 8:46 a. m.]

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS IN ACCORDANCE WITH SUPPLEMENT R OF THE INTERNAL REVENUE CODE

OCTOBER 21, 1952.

The Commission having approved the acquisition by Electric Bond and Share Company ("Bond and Share"), a registered holding company, of 183,050 shares of the common stock of the Washington Water Power Company ("Washington") received by Bond and Share pursuant to a plan of distribution by American Power & Light Company, subject to the condition that Bond and Share dispose of such common stock of Washington prior to December 31, 1952; and

The Commission having approved a plan of Bond and Share providing for the distribution as a dividend and the sale, prior to the end of 1952, of the common stock of Washington received as a distribution from American; and

Bond and Share having notified the Commission, pursuant to Rule U-44 (c) of the rules and regulations promulgated under the act, of the declaration of a dividend on the common stock of Bond and Share, payable December 29, 1952, to stockholders of record on November 24, 1952, in shares of the common stock of Washington, at the rate of two shares of common stock of Washington for each 100 shares of Bond and Share's outstanding common stock, requiring an aggregate of 105,007.16 shares of common stock of Washington for this purpose; and

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the payment by Bond and Share as a dividend to its stockholders of 105,007.16 shares of common stock of Washington is necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11504; Filed, Oct. 24, 1952; 8:46 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. AND AMERICAN NATURAL GAS CO.

ORDER POSTPONING HEARING

OCTOBER 21, 1952.

In the matter of United Light and Railways Company, American Light & Traction Company (now American Natural Gas Company); File Nos. 59-11, 59-17, 54-25.

The Commission having fixed November 10, 1952, as the date for the commencement of a reconvened hearing in the above proceeding for the purpose of taking testimony upon the retainability by the American Natural Gas Company system of Milwaukee Solvay Coke Company, a non-utility subsidiary, in accordance with the jurisdiction theretofore reserved by the order of the Commission dated December 30, 1947; and

The Public Service Commission of Wisconsin having requested a postponement of said hearing, and the Commission deeming it appropriate under the circumstances to grant such request:

It is ordered, That the hearing in this matter be reconvened at 10:00 a. m., e. s. t., on November 24, 1952, in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11503; Filed, Oct. 24, 1952; 8:45 a. m.]

[File No. 70-2933]

NARRAGANSETT ELECTRIC CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

OCTOBER 21, 1952.

The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

In the declaration Narragansett estimates that, as at September 30, 1952, it will have outstanding with banks $5,150,000 principal amount of six-months promissory notes. Narragansett proposes to issue to banks, from time to time but not later than December 31, 1952, additional unsecured six-months promissory notes in an aggregate principal amount not in excess of $4,400,000. Narragansett further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to December 31, 1952, will not exceed $7,950,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Narragansett will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Narragansett requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Narragansett will use $1,400,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay outstanding promissory notes maturing prior to December 31, 1952, and

will use the remainder of such proceeds to pay for other corporate purposes. Narragansett estimates that its construction expenditures for the period from October 1, 1952, to December 31, 1952, will aggregate $3,582,500. Narragansett proposes that if any permanent financing is done during the period from October 1, 1952, to December 31, 1952, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Narragansett requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11506; Filed, Oct. 24, 1952; 8:46 a. m.]

[File No. 811-183]

AERONAUTICAL SECURITIES, INC.

NOTICE OF APPLICATION FOR AN ORDER DECLARING THAT THE COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

OCTOBER 20, 1952.

Notice is hereby given that Aeronautical Securities, Incorporated, of the City of New York (hereinafter referred to as "Applicant"), a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

Section 8 (f) provides that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking of effect of such order the registration of such company shall cease to be in effect.

Applicant sets forth the following facts in support of the application:

On February 9, 1951, Applicant and Bullock Fund, Ltd. (hereinafter referred to as "Bullock") entered into an agreement, dated February 9, 1951, which contemplated, in effect, the merger of Applicant into Bullock through the transfer of the assets of Applicant to Bullock in exchange for stock of Bullock and its assumption of the liabilities of Applicant, followed by dissolution of Applicant and distribution of Bullock stock in liquidation to shareholders of Applicant. On February 16, 1951, Applicant and Bullock filed with the Securities and Exchange Commission a joint application pursuant to section 17 (b) of the act for an order exempting the proposed transaction from the provisions of section 17 (a) of the act. On March 13, 1951, the Securities and Exchange Commission entered an order granting the application.

On March 29, 1951, a notice was mailed to all of the stockholders of Applicant advising them that the transfer of the assets of Applicant to Bullock had been completed and that such stockholders were entitled to receive in the liquidation of Applicant 33.52 percent of a share of Bullock stock, for each share of stock in Applicant held by them, and cash payment in lieu of fractional shares of Bullock stock at the rate of $23.3938 for each full share of Bullock stock. Such notice further advised the stockholders of Applicant that distribution of the Bullock stock and cash would be made upon surrender of the stock of Applicant held by them to Irving Trust Company, One Wall Street, New York, New York, as agent of Applicant for the exchange.

At a meeting of the Board of Directors of Applicant held on February 8, 1951, and at a meeting of the stockholders of Applicant held on March 22, 1951 (adjourned from March 6, 1951), it was voted to dissolve Applicant pursuant to the provisions of section 39 of the General Corporation Law of the State of Delaware.

The aggregate value of the net assets of Applicant transferred to Bullock (net after deducting liabilities of $18,516.81 assumed by Bullock and $11,608.81 in cash reserved for payment to shareholders of Applicant in lieu of fractional shares of Bullock stock) was $1,082,129.04, consisting almost entirely of investments valued at the market price. The aggregate value of the assets received by Applicant upon the exchange (namely, 46,257 shares of the capital stock of Bullock having a then per share net asset value of $23.393844) was $1,082,129.04.

The expenses incurred in connection with the transfer of the assets of Applicant to Bullock and the dissolution of Applicant amounted to $9,702.09. Such expenses are included in the $18,516.81 of liabilities assumed by Bullock as stated above.

At July 16, 1952, all except 2,383 shares of Applicant had been surrendered to Irving Trust Company, as agent, in exchange for Bullock stock and cash. At July 16, 1952, Irving Trust Company held 786 shares of Bullock stock and $302.74 against the surrender of such 2,383 shares of Applicant still outstanding. Irving Trust Company also held at that date dividends accumulated on such 786 shares of Bullock stock in the amount of $2,082.40.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after November 10, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than November 7, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11501; Filed, Oct. 24, 1952; 8:45 a. m.]

[File No. 812-802]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

OCTOBER 20, 1952.

In the matter of the Equity Corporation, Industrial Bank of Schenectady, and Earl L. Griswold; File No. 812-802.

Notice is hereby given that the Industrial Bank of Schenectady (Bank), 224 State Street, Schenectady, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission granting an exemption from the provisions of section 17 (a) (3) of the act so as to permit Earl L. Griswold to borrow money on a mortgage loan from the Bank in the proposed transaction hereinafter set forth.

The Equity Corporation (Equity), a registered investment company, is the owner and holder of a majority of the voting stock of The Morris Plan Corporation of America (Morris Plan) which in turn owns approximately 73 percent of the capital stock of the Bank. Both Equity and Morris Plan maintain offices at 103 Park Avenue, New York, New York. Griswold, residing at Pearse Road, Schenectady, New York, is a director and shareholder of the Bank, but does not own as much as 5 percent of the capital stock of the Bank. Under these circumstances, Griswold is an affiliated person of an affiliated person of Equity and under the provisions of section 17 (a) (3) it is unlawful for him to borrow money from the Bank unless an exemption is granted by the Commission pursuant to the authority vested in it by section 17 (b) of the act.

Mr. Griswold, a funeral director in Schenectady, proposes to borrow $25,000 repayable in approximately equal monthly installments over a period not to exceed ten years with interest at a rate not less than 4 percent per annum from the Bank for improvement on real estate located at 1867 State Street in Schenectady. The value of said property has been appraised at $65,000 after completion of the proposed construction, and it is proposed that the loan will be secured by a mortgage on the property. The Bank, a New York corporation, is authorized by state law to make loans upon the security of real property, subject to certain restrictions, none of which is applicable here. The Bank, at a meeting of directors has authorized the proposed loan by unanimous vote of all directors present, Griswold not voting.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after November 5, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 3, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11502; Filed, Oct. 24, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19042]

ERICH SCHAEDLA

In re: Bank account owned by Erich Schaedla. F-28-30824.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Erich Schaedla, whose last known address is Westerfelt, via Hannover, Gittingerlander 9, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Wells Fargo Bank & Union Trust Co., 744 Market Street, San Francisco, California, arising out of a savings account, entitled Erich Schaedla, maintained at the branch office of the aforesaid bank, located at Market Street at Grant Avenue, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or which is evidence of ownership or control by, Erich Schaedla, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11534; Filed, Oct. 24, 1952; 8:53 a. m.]

[Vesting Order 19043]

LIONEL STRONGFORT

In re: Securities owned by and debt owing to Lionel Strongfort. F-28-5697-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Lionel Strongfort, who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain certificate issued by the distributing agent for Chicago Rapid Transit Company and Union Consolidated Elevated Railway Company, said certificate numbered CC4289 of $10,000 face value, registered in the name of Benson & Co., and presently in the custody of Credit Suisse, New York Agency in a Free Depot Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of Credit Suisse, New York Agency, representing funds allocable to Lionel Strongfort on deposit in a Free Dollar Account for Credit Suisse, Zurich, maintained with the aforesaid Credit Suisse, New York Agency, and constituting distribution payments on Certificate of Deposit, numbered NB546, covering $5,000.00 face value Chicago Rapid Transit Co., First and Refunding Mortgage Gold bonds 6½ percent Series, due July 1, 1944, and Certificate of Deposit, numbered NA271, covering $5,000.00 face value Chicago Rapid Transit Co., First and Refunding Mortgage Gold bonds 6 percent Series, due July 1, 1958, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lionel Strongfort, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11535; Filed, Oct. 24, 1952; 8:54 a. m.]

[Vesting Order 19041]

HERMANN GAENSLEN ET AL.

In re: Debts owing to Hermann Gaenslen and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and last known addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the enterprises, whose names are set forth as owners in the aforesaid Exhibit A, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the persons whose names and last known addresses are set forth below:

Names and Last Known Addresses

Max Anton Paschen, Reutlingen, Charlottenstr. 75, Germany;

F. W. Koehler, Mainz, Kaiserstr. 29, Germany;

Daniel Voegeli, Spayer, Stübergasse 2, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the person who owns the property described in subparagraph 6 (e) hereof, who if an individual there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and which, if a partnership, corporation, association or other business organization there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That Gotthard Allweiler Pumpenfabrik A. G., the last known address of which is Radolfzell, Germany, Aluminiumwerk Tscheulin G. m. b. H., the last known address of which is Teningen, Baden, Germany, and Guntter-Staib Verlag, the last known address of which is Biberach, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks and drafts described in Exhibit A attached hereto and by reference made a part hereof, owned by the persons referred to therein as owners, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, and under said checks and drafts,

b. Those certain debts or other obligations evidenced by fifteen (15) American Express Company U. S. Dollar Travellers Cheques, numbered H5,133,-121/135, each in the amount of $20.00, owned by Max Anton Paschen, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights, in and under said cheques,

c. That certain debt or other obligation, matured or unmatured, evidenced by a promissory note, dated November 22, 1939, in the amount of $590.94, issued by Wilhelm Wild & Co., Inc., payable to and owned by F. W. Koehler, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said promissory note,

d. That certain debt or other obligation evidenced by one (1) American Express Company Money Order, numbered AL-1071063 dated November 2, 1939, in the amount of $20.10, payable to and owned by Danield Voegeli, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in and under said money order,

e. That certain debt or other obligation matured or unmatured, evidenced by a promissory note dated March 16, 1932, payable at 250 West 94th Street, New York City, in the amount of $250.00, payable to Erna Hofman and owned by the person referred to in subparagraph 4 hereof, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in and under said promissory note,

f. That certain debt or other obligation evidenced by one (1) American Express Company Money Order, numbered AK 5187209, dated February 28, 1940, in the amount of $11.03, payable to and owned by Guntter-Staib Verlag, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in and under said money order,

g. That certain debt or other obligation evidenced by a Sola of Exchange D-42F—No. 121586 drawn on The Guaranty Trust Company of New York, dated September 20, 1939, in the amount of $129.31, payable to Gotthard Allweiler and owned by Gotthard Allweiler Pumpenfabrik A. G., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in and under said Sola of Exchange, and

h. Any and all rights and interests in and under 3 Trade Acceptances, drawn on Nicholas Gal, 103 Park Avenue, New York City, payable at J. Henry Schroder Banking Corporation to the order of Aluminiumwerk Tscheulin G. m. b. H., numbered, dated and in the amounts listed below:

Trade acceptance No.	Date	Amount
2	May 29, 1939	$477.00
3	June 7, 1939	504.42
4	June 14, 1939	366.22

said Acceptances owned by Aluminiumwerk Tscheulin G. m. b. H.,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, and 4 and named in subparagraphs 3 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Hermann Gaensien, Metzingen, Karlstr. 3.	F1-413	$33.75	3- 1-40	Empire Trust Co., New York	Empire Trust Co., New York	Hermann Gaenslen.
Enslin & Laiblin, Reutlingen	716	17.65	10-21-39	Bankers Trust Co., New York	Wittenborn & Co., New York	Gryphius Verlag.
Gebr. Holder, Maschinenfabrik, Metzingen.	677	16.36	10-20-39	The Chase National Bank		Gebrüder Holder.
Freifrau Blanca von Cotta, geb. Palm, Tuebingen, Bisingerstr. 10.	84916	700.00	1-19-40	do	National Savings & Trust Co., Washington, D. C.	Blanca Von Cotta.
Freifrau Irene von St. Andre, Schloss Kressbach bei, Tuebingen.	84918	700.00	1-19-40	do	do	Irene Von St. Andre.
Frieka Schlett, Roggenzell (Weiler Moos), c/o Franz Nuber, Post Neuravensburg, Kreis Wangen.	B 447037	50.00	5-14-40		Grace National Bank of New York.	Emerio Gonel.
Anna M. Rauh, Weilstetten, Kreis Balingen, trustee: Kurt Grimm, Weilstetten, Kreis Balingen.	SA 807667	10.00	11- 1-39	Guaranty Trust Co. of New York.	The Prudential Insurance Co. of America, New Jersey.	Kurt Grimm.
	SA 817263	10.00	12- 1-39	do	do	Do.
	SA 827109	10.00	1- 1-40	do	do	Do.
	SA 836899	10.00	2- 1-40	do	do	Do.
	SA 846885	10.00	3- 1-40	do	do	Do.
	SA 856732	10.00	4- 1-40	do	do	Do.
Anna M. Rauh, Weilstetten, Kreis Balingen, Trustee: Kurt Grimm, Weilstetten, Kreis Balingen.	SA 866588	10.00	5- 1-40	do	The Prudential Insurance Co. of America, New Jersey.	Do.
	SA 906409	10.00	9- 1-40	do	do	Do.
	SA 967273	10.00	2- 1-41	do	do	Do.
Chiron Werke G. m. b. H., Tuttlingen, Talstr. 23.	9852	14.57	1- 8-40	First National Bank, Fort Worth, Tex.	Terrell Supply Company, Fort Worth, Tex.	Chiron-Werke.
	26076	49.06	1-10-40	Walker Bank & Trust Co.	James W. Reeve, Salt Lake City, Utah.	Do.
	3913	56.00	10-30-39	Old Kent Bank, Creston Branch, Grand Rapids, Mich.	Middleton's, Grand Rapids, Mich.	Do.
	5986	58.00	11-20-39	Security Trust Co., Indianapolis, Ind.	Emmerich Schmid, Inc., Indianapolis, Ind.	Do.
Hipp & Schreiber, Fridingen b. Tuttlingen.	5987	97.66	11-20-39	Security Trust Co., Indianapolis, Ind.	do	Hipp & Schreiber.
Chiron Werke G. m. b. H., Tuttlingen, Talstr. 23.	6273	85.96	12-18-39	Merchants Bank, Kansas City, Mo.	Jensen-Salsbery Laboratories, Inc., Kansas City, Mo.	Chiron-Werke.
Gebr. Martin, Tuttlingen, Möhringerstr. 61.	21835	1.73	10-10-39	American Trust Co., San Francisco, Calif.	Richter & Druhe, San Francisco, Calif.	Gebrüder Martin.
Chiron Werke G. m. b. H., Tuttlingen, Talstr. 23.	21834	10.34	10-10-39	do	do	Chiron-Werke.
Frl. Maria Storz, Tuttlingen, Möhringerstr. 61.	6787	50.00	12-12-39	Merchants & Newark Trust Co., Newark, N. J.	Mercer Building & Loan Association.	Maria Storz.
Mich. Birk K. G., Tuttlingen	13730 A	27.60	11-14-29	The National City Bank		V. Delgado M.
Dr. Heinrich Feifel, Spaichingen	5738	80.80	11- 1-39	The Northern Trust Co., Chicago, Ill.	Charles H. Albers, Chicago, Ill.	Heinrich Feifel
Guntter-Staib Verlag, Biberach	4065	2.66	11-15-39	First National Bank, Everett, Wash.	Soundview Pulp Co., Everett, Wash.	Guntter-Staib Verlag.
Frl. Anna Kaspar, Obereisenbach, Krs., Tettaang.	839	15.00	10-30-39	Commerce Trust Co., Kansas City, Mo.	U. I. O. G. D. Benedictine Convent of Perpetual Adoration, Clyde, Mo.	Frl. Anna Kasper.
Friedrich Wilhelm Rill, Lindau/B., Schneeberzstr. 1.	D 713956	15.75	4-25-40	Irving Trust Co., New York	General Electric Co., Schenectady, N. Y.	Frederich Wilhelm Rill.
	D 815643	33.40	12-20-40	do	do	Do.
	D 212970	11.25	10-25-39	do	do	Do.
	D 427322	29.25	12-20-39	do	do	Do.
	227361	1.44	1-16-40	The Chase National Bank	Radio Corp. of America, N. Y.	Do.
Lena Baldauf, Heimandirch/Allg., Hauptstr. 23½.	433	10.00	12- 2-39	do	Bank of Guerneville, Guerneville, Calif.	Lena Baldauf.
Hutfabrik Ottmar Reich, Lindenberg/Allg., Steinstr. 2.	05083 Serie A	150.05		The National City Bank		Ottmar Reich.
Kienzle Uhrenfabriken A. G., Schwenningen/N.	13584 A	45.15	10-25-39	do		Keinzle Uhrenfabriken, A. G.
Friedrich Mauthe G. m. b. H., Schwenninger/N.	14089 A	236.80	12-30-39	do		Friedrich Mauthe.
	13489 A	223.15	10-11-39	do		Do.
Fino Werke, Andernach	567995	1,924.00	1- 8-40	Guaranty Trust Co. of New York	The First National Bank of Chicago.	Fino-Werke.
Max Kirsch (früher Alfred Metz), Wöllstein, Rheinhessen.	E 09561	18.90		Irving Trust Co., New York		Alfred Metz.
Karl Drevenstedt, Betzdorf/Sieg	19477	54.17	2-27-40	The National City Bank, Evansville, Ind.	The National City Bank, Evansville, Ind.	Karl Drevenstedt.
A. Weigand, Weingrosskellerei, Bingen/Rhein, Mainzerstr. 54/58.	413	225.04	2-24-40	Manufacturers Trust Co.	High Life Products, Inc.	N. Fromm.
August Veeck, Idar-Oberstein 2, Hauptstr. 139.	B 483569	65.30	10- 6-39		Federal Trust Co., Newark, N. J.	August Veeck.
Gustav Klein, Idar-Oberstein 2, Hauptstr. 192.	B 52570	12.47	12-30-39	The Chase National Bank	Central Trust Co., Rochester, N. Y.	Gustav Klein.
Kaiserslautern Verbandstoff-Fabrik G. m. b. H. Emil Bender, Kaiserslautern, Gerswellerweg 4.	1406	368.62	10-21-39	Bank of the Manhattan Co., Ridgewood, N. Y.		Kaiserslautern Verbandsstoff-Fabrik Emil Bender, G. m. b. H.
Auguste Wagner, Mehlingen/Pfals.	B 887114	23.90	4- 6-40	The First National Bank, New York.	Aetna Life Insurance Co., Hartford, Conn.	Auguste Wagner.
	B 849237	23.90	1- 6-40	do	do	Do.
Friedr. Wilh. Kuntz, Bankbrokurist, Zweibrücken.	B 24528	60.00	1- 2-40	The Provident Savings Bank & Trust Co.	Trustees of the Sinking Fund, city of Cincinnati.	Lilli Teinturier.
Ehrgartenweg 16a, als Testamentsvollstrecker u. Nachlassverwalter der verst. Frau Lilly Teinturier.	B 26435	60.00	1- 2-41	do	do	Do.
Schwester Maria Livina Dumont, Kaiserslautern, Klosterstr. 6.	6878	100.00	7-11-47	National City Bank	The Citizens National Bank of Evansville, Evansville, Ind.	Sister M. Livina.
Heinrich Unger, Scheuern bei Nassau, Pensionshaus.	501	722.91	7-20-41	Corn Exchange Ban T ust Co., New York.	Bertha Gattermeyer, New York	Heinrich Unger.
Wwe. Josef Heinelt, Filzen/Mosel	466	2.08	12-18-40	The Northern Trust Co., Chicago	Nine Sixteen Diversey Parkway Building Corp.	Lena Heinelt.
	262	1.66	12-18-39	do	do	Do.
	2265	5.00	3-25-40		Kedzie-Judson Building Corp.	Do.
	2139	3.33	12-19-39		do	Do.
Karl Barzen, Rell/Mosel	A 462640	125.00	6-27-40	Guaranty Trust Co. of New York	First National Bank, Kansas City, Mo.	Fraulein Katherina Barzen.
Cornelius Heyl Aktiengesellschaft, Worms.	429083	582.03		Central Hanover Bank & Trust Co.		Cornelius Heyl, A. G.
	432627	58.64		Banca Commerciale Italiana, New York.		Do.
	427828	262.75		Grace National Bank, New York		Do.
	0050386	53.25		Pan American Trust Co., New York.		Do.
Cornelius Heyl Aktiengesellschaft, Worms.	109726	224.80	12- 8-39	Guaranty Trust Co. of New York	J. Henry Schroder Banking Corp.	Cornelius Heyl A. G.
	391097	20.19	12-21-39	National City Bank		Cornelius Heyl.
	E 11244	6.90	12-29-39	Guaranty Trust Co. of New York		Cornelius Heyl A. G.
Katharina Raquet, Worms, Friedrichstr. 3.	51851	45.00	2- 1-40	The National City Bank	J. P. Morgan & Co., New York	Katharina Raquet.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Peter Eckes, Nieder Olm	4218	$124.00	1-13-40	State Bank of Milwaukee, Milwaukee, Wis.	Sebranek & Shaw, Inc., Milwaukee, Wis.	Peter Eckes.
C. H. Boehringer & Sohn, Ingelheim.	4498	92.51	1-22-40	The National City Bank	Ernst Bischoff Co., Inc., Ivoryton, Conn.	C. H. Boehringer Sohn.
Südmstall A. G. Mussbach. verm. Süddeutsche Metallwarenfabrik, Mussbach.	1743	20.27	10-16-39	The Chase National Bank	The Home National Bank, Meriden, Conn.	Südmetall A. G. Mussbach.
	1800	19.10	1-19-40	Manufacturers Trust Co.	Albert T. Otto & Sons, Inc., New York.	Do.
Arthur Eckoldt, Erfurt, Daberstedtstr. 8.	169517	52.98	12-12-39	First National Bank & Trust Co. of Tulsa, Okla.	The Carter Oil Co., Tulsa, Okla.	Arthur Eckoldt.
Carl Scherberger, Denzlingen/Baden, No. 69.	279	10.00	12-20-40	The First National Bank of Chicago.	Shore Crest Hotel Corp., Chicago, Ill.	Carl Scherberger.
Aluminium-Walzwerke, Singen/H.	9333	98.35	9-25-39	The National City Bank of New York.		Aluminum Rolling Mills.
Mathilde Koenigs-Jacobs, Konstanz.	F1-507	33.75	3- 1-40	Empire Trust Co.	Empire Trust Co.	Deutsche Bk und Biskontogesellschaft.
Alfred Dörrwächter Konstanz	W 23383	99.39	8-16-39	Fidelity-Philadelphia Trust Co., Philadelphia, Pa.	Integrity Trust Co., Philadelphia.	Emma Henne.
	W 23384	99.39	8-16-39	do	do	Karl Sigle.
	W 23389	99.40	8-16-39	do	do	Erwin Schmidt.
	W 23388	99.40	8-16-39	do	do	Herman Schmidt.
	W 23387	99.40	8-16-39	do	do	Martha Schmidt.
	W 23377	99.40	8-16-39	do	do	Kurt Schmidt.
	W 23382	201.29	8-16-39	do	do	Anna Hummell.
	W 23381	201.29	8-16-39	do	do	Christiana Hardtner.
	W 23385	201.30	8-16-39	do	do	Lina Haussman.
	W 23378	269.22	8-16-39	do	do	Marie Muller.
	W 23379	269.22	8-16-39	do	do	Bertha Bauer.
	W 23380	269.22	8-16-39	do	do	Wilhelm Mayer.
	W 23386	405.08	8-16-39	do	do	Lina Rohr.
Josef Nesselhauf Bühl-Kappelwindeck Rittershacherstr. 31.	66396	20.00	11-20-39	Central Hanover Bank & Trust Co., New York, N. Y.	Chicago City Bank & Trust Co., Chicago, Ill.	Philipp Nesselhauf.
Druckerei und Appretur Brombach A. G. Brombach bei Lörrach.	F1-403	76.50	3- 1-40	Empire Trust Co., New York	Empire Trust Co., New York	Druckerei und Appretur Brombach A. G.
Sophie Reinau Grenzach	F1-463	9.00	3- 1-40	do	do	Madame Venve S Reinau.
Magdalene Reinau Grenzach	F1-516	7.87	3- 1-40	do	do	Mademoiselle Magdalena Reinau.
Boos & Hahn, Emaillierwerk Ortenberg.	11194	12.50	12-18-39	The National City Bank of New York.	The Firestone Tire & Rubber Co., Akron, Ohio.	Boos & Hahn.
Marie Lauber Kork/Baden, Anstalt.	FF 187816	30.00	12-22-39	Central-Penn National Bank of Philadelphia.	Provident Trust Co. of Philadelphia.	Kreissparkasse.
F. Hellige & Co. Freiburg/Br.	9542	22.77	8-13-40	Manufacturers Trust Co., Long Island City, N. Y.	Hellige Inc., Long Island City, N. Y.	F. Hellige & Co.
Verlag Herder & Co., G. m. b. H. Freiburg/Br. Johanniterstr.	01094	520.39	4- 1-40	Chemical Bank & Trust Co., New York.		Herder and Co.
	4210	6.49	10-25-39	Chase National Bank	Bank of Maringouin, Maringouin, La.	Do.
	Z-7145	8.02	8-23-39	do		Herder y Compania.
Literarische Anstalt Freiburg/Br. Kaiser Josephstr. 243.	464	10.00	3-18-40	Corn Exchange Bank Trust Co., New York.	Cecilia A. Trunz	Literarischen Anstalt-Werdersche Buchhandlung.
Verlag Herder & Co., G. m. b. H. Freiburg/Br. Johanniterstr.	F 11841	29.00		Irving Trust Co., N. Y.		Herder & Co.
Verlag Herder & Co. G. m. b. H., Freiburg/Br., Johanniterstr.	15503	25.00		The National City Bank		Do.
	E40A/17066	25.00	11-20-39	Agency of Bank of London & South America, Ltd., New York.		Do.
	1950	47.94	12-30-39	The Guaranty Trust Co. of New York.		Herder & Cia.
	9413	9.60	12-23-39	Metropolitan Savings Bank of Baltimore.		Herder & Co. G. m. b. H.
	59883	41.87	4-13-40	Chase National Bank		Do.
	40088	6.20	11-13-39	Continental Illinois National Bank & Trust Co. of Chicago.	The Catholic Bishop of Chicago, Mundelein, Ill.	Herder & Co.
	38557	12.29		The Chase National Bank		Do.
	90819	6.10	1-15-40	Central Hanover Bank & Trust Co.		Federal Reserve Bank.
	E40A/19501	8.89	11-30-39	Agency of Bank of London & South America, Ltd., New York.		Rodolfo L. Zipfel.
	332	12.52	10-17-39	Central National Bank, Cleveland, Ohio.	Most Reverend Joseph Schrembs, D. D.	Herder & Co.
	11322	3.38		The Chase National Bank		Do.
Do	0486375	1.60		Pan American Trust Co., New York.		Edmundo de la Isla (H) S. A.
	5960	2.30	2-11-41	Chemical Bank & Trust Co., New York.		Herder & Co.
	387943	35.60	3- 1-40	The Continental Bank & Trust Co. of New York.		Do.
	4	1.65	12- 7-39	A. M. Capen's Sons, Inc., New York.		Herder & Cia.
Knoll A. G., Chemische Fabriken, Ludwigshafen/Rhein.	6174	1,257.55	10-24-39	Chemical Bank & Trust Co., New York	Merck & Co., Inc., Rahway, N. J.	Knoll A. G. Chemische Fabriken.
I. G. Farbenindustrie Aktiengesellschaft in Auglösung; Badische Anilin und Soda-Fabrik, Ludwigshafen/Rhein.	3654	4.10	10- 5-39	Central Hanover Bank & Trust Co., New York.	The Philadelphia National Bank	I. G. Farbenindustrie A. G.
	411	193.07	2-24-40	Manufacturers Trust Co., New York.	High Life Products, Inc	Kellerei d. I. G. Farbenindustrie A. G.
Verlag Herder & Co., G. m. b. H., Freiburg/Br. Johanniterstr.	163166	10.80	1- 3-41		Bank of America National Trust & Savings Association, San Francisco.	Herder Book Co.
F. W. Koehler, Mainz, Kaiserstr. 29	1037	590.95	11-21-39	The National City Bank	Wilhelm Wild & Co., Inc., New York.	F. W. Koeler.

[F. R. Doc. 52-11533; Filed, Oct. 24, 1952; 8:53 a. m.]

[Vesting Order 16937, Amdt.]

DEUTSCHE REICHSBANK

In re: Securities owned by Deutsche Reichsbank. F-28-1282-A-4.

Vesting Order 16937, executed January 4, 1951, as amended, is hereby further amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Deutsche Reichsbank, the last known address of which is Berlin, Germany, is a corporation, partnership, association, or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part thereof, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, Deutsche Reichsbank, Wertpapieraebteilung, together with all declared and unpaid dividends thereon,

c. Those certain certificates of deposit described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, "Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights thereunder and thereto,

d. Receipt for Mercantile Arcade & Office Bldg. 6½ percent Bonds numbered D 6522/5 and M 6829/31, registered in the name of Fred Tollner, with an aggregate value of $5,000, said receipt numbered 26767, and presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights in, to and under the aforesaid receipt and the aforesaid bonds,

e. All rights and interest in, to and under a certificate for ten (10) shares no par value common stock of Electric Power & Light Corporation, 2 Rector Street, New York, New York (now dissolved), said certificate numbered 0123711, registered in the name of Miss Anna Prochnow, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, in an account, Account Number F86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with all declared and unpaid dividends thereon, and any and all liquidating dividends thereon,

f. Ten (10) shares of no par value common Class A new stock of General Gas & Electric Corporation, evidenced by certificate numbered G075115, registered in the name of Anna Prochnow, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F-86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization of December 1, 1945,

g. One (1) Participation Certificate for two shares of no par value capital stock of Foreign Park Hotel Co., St. Louis, Missouri, said participation certificate numbered 938, registered in the name of Fred Tollner and presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F-86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights in, to and under the aforesaid participation certificate, and

h. One (1) United States Customs House Receipt, bearing No. 6374, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number S 63077/634, entitled Deutsche Reichsbank, said receipt covering a Certificate of Participation, numbered 2564, of the Labor National Bank, Paterson, New Jersey, registered in the name of Edward Theuer, said certificate of participation presently in the custody of the Federal Reserve Bank of New York, in a General Ruling No. 5 account, entitled "Secretary of the Treasury under Executive Order No. 8389, as amended," and any and all rights in, to and under the aforesaid receipt, and any and all rights in, to and under the aforesaid certificate of participation,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Reichsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

BONDS

Description of issue	Face value	Bond No.	Registered owner
Fenway Hall Apartment Building, first mortgage S/F 5½-percent gold bond, due Apr. 1, 1947.	$500	1126	Bearer.
One Park Avenue Building, first mortgage serial coupon 6-percent bond, due Nov. 6, 1939.	500	3164	Do.

Reference Room

EXHIBIT B

STOCKS

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	No. of shares	Registered owner
American Chain Co., Inc., now known as American Chain & Cable Co., 230 Park Ave., New York, N. Y.	New York	Cumulative preferred	$100	P010860	1	Nicholas Baumgartner.
American Hardware Corp., New Britain, Conn.	Connecticut	Common	25	B2642	9	Do.
New Britain Gas Light Co., New Britain, Conn.	do	Capital	25	4243	5	Do.
Do	do	Cumulative preferred A.	100	P3668	1	Do.
North & Judd Mfg. Co., New Britain, Conn.	do	Capital	25	16811	3	Do.
Peck, Stow & Wilcox Co., Southington, Conn.	do	do	25	12218	2	Do.
Union Manufacturing Co., New Britain, Conn.	do	do	25	6090	3	Do.
Inspiration Consolidated Copper Co., 25 Broadway, New York, N. Y.	Maine	do	20	A172861	13	Miss Anna Prochnow.
Radio Corp. of America, RCA Bldg., 30 Rockefeller Plaza, New York, N. Y.	Delaware	Common	No par	N0292746	25	Do.
United Corp.		do		C0255478	15	Do.
Western Maryland Railway, Standard Oil Bldg., Baltimore, Md.	Maryland and Pennsylvania.	do	100	O19395	60	Max Juchert.
Cities Service Co., 60 Wall Tower, New York, N. Y.	Delaware	do	No par	VL105700	60	Miss Katherine Bender.

EXHIBIT C

CERTIFICATES OF DEPOSIT

Description of issue	Certificate No.	Form of registration
Certificate of deposit for Aquitania Apartments, Chicago, first mortgage, 6½ percent bond of $1,000 face value.	955 (Dep. No. 10551)	Fred Tollner.
Certificate of deposit for Bellerive Apartments, Kansas City, Mo., bond No. D 2060 of $500 face value.	168574	Do.
Certificate of deposit for Whittier Apartment, Detroit, first mortgage bond of $1,000 face value.	896 (Rct. No. 40922)	Do.
Certificate of deposit for Wolff Manufacturing Corp., first mortgage 6½ percent bond of $1,000 face value.	974 (Rct. No. 87104)	Do.

[F. R. Doc. 52-11536; Filed, Oct. 24, 1952; 8:54 a. m.]

[F. R. Doc. 52-11536; Filed, Oct. 24, 1952; 8:54 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 211

Washington, Tuesday, October 28, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 Honey Bulletin 1, Amdt. 3]

PART 624—HONEY

SUBPART—1952 HONEY PRICE SUPPORT PROGRAM

AVAILABILITY OF PRICE SUPPORT; WHEN TO APPLY

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3698, 17 F. R. 4285 and 17 F. R. 6610, containing the requirements with respect to the 1952 Honey Price Support Program are hereby amended as follows:

Paragraph (d) *When to apply* of § 624.302 *Availability of price support* is amended to extend the period during which loans and purchase agreements are available in certain States from October 31, 1952, to December 31, 1952, so that the paragraph reads as follows:

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1952, through December 31, 1952, in Florida, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona and California. In all other States, loans and purchase agreements will be available from July 1, 1952, through December 31, 1952. Applicable documents must be signed by the producer and delivered to the county committee not later than December 31, 1952.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421)

Issued this 22d day of October 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-11571; Filed, Oct. 27, 1952; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 5]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

APPLICABILITY AND AREA DESIGNATIONS

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as amended (14 F. R. 5916, 15 F. R. 4262, 16 F. R. 6998, 17 F. R. 5057, 17 F. R. 5689), are hereby amended by revising the introductory paragraph and § 713.7 as follows:

The introductory uncodified paragraph of Federal Register Document 49-7835 (14 F. R. 5916) is amended by adding a new sentence at the end thereof, as follows: "The regulations in this subpart shall apply to the continental United States and the Territory of Alaska."

A new sentence is added to follow the first sentence of § 713.7 and the section is revised to read:

§ 713.7 *Determination of elective areas.* Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in the Territory of Alaska shall be the area so designated by the State Committee. The boundaries of the communities shall be fixed by the State Committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret and apply 49 Stat. 1149, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 23d day of October 1952. Witness my hand

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FEDERAL REGISTER

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and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11574; Filed, Oct. 27, 1952; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 17[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 376—PERIODIC REQUIREMENTS LICENSE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 681, dated October 16, 1952.

Notes 4, 5, 6 and 7 following paragraph (c) *Information required* are renumbered respectively as follows: "5. *Preparation of Form IT–116.*", "6. *Assembly and submission of applications.*", "7. *Inquiries and correspondence.*", and "8. *Clearance by teletype.*"; and a new Note 4, *Preparation of Form IT–419 (revised April 1952)*, is added to read as follows:

4. *Preparation of Form IT–419 (revised April 1952).* The following instructions apply to the preparation of applications submitted on Form IT–419, Application for Export License (revised April 1952),[2] for all types of validated export licenses issued by the Department of Commerce, except as modified by special licensing procedures and provisions contained in Parts 372 through 375 of this subchapter. (See Notes 2 and 3 above for preparation of previous revisions of this form.)

Item 1: The date of the application must be shown.

Item 2: The applicant's reference number may be used for applicant's convenience.

Item 3: The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. A statement of ultimate destination and prohibition against diversion must be placed on shipper's export declaration, bills of lading, and commercial invoices for various export shipments as provided by § 381.4 of this chapter. Transshipment or diversion of commodities from country of final (ultimate) destination is a violation subject to the denial of export privileges and to criminal penalties, unless specifically authorized by the Office of International Trade.

Item 4: If a previous application covering this same transaction has been submitted, the OIT case number must be entered in this space. (To be answered only when the application covers the same transaction for which a previous application was returned without action, or rejected, by OIT. Exporters must not submit a duplicate application to cover any transaction for which an application for export license is still pending before OIT.)

Item 5: Enter the import permit number and/or MSA (or ECA) procurement authorization number, if required by specific regulations. If application is related to the Mutual Security Agency Program (formerly European Recovery Program), the identification number and symbol of the procurement authorization or loan authorization under which the foreign customer is entitled to import should be inserted, if known; if unknown or not yet assigned, so indicate.

Item 6: The name and address of the applicant must be entered in Item 6.

Item 7: The person named as ultimate consignee should be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarded, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as the intermediate consignee.

Item 8: The intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. If no intermediary is to be used, state "None," if unknown at time of application, state "Unknown." In all cases the actual intermediate consignee (name and address) must be ascertained and disclosed on shipper's export declaration filed before exportation. In certain cases amendment of the license also is required.

Item 9: The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered in this space.

Item 10: The person named as purchaser should be the person abroad who has entered into the export transaction with the applicant. If such person is the same as the ultimate consignee, applicant should state "Same."

Item 11 (a): Give the quantity to be shipped using units specified in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States[3] (unless otherwise specified in this subchapter) and also in trade units where different.

Item 11 (b): Commodities must be described in terms which correspond with the commodity descriptions in Schedule B. Additional details must be furnished to the extent necessary for identification of the specific items so classified. (Include basic ingredients, composition, type, size, gauge, grade, horsepower, etc., where applicable. Show brand or trade names, catalog numbers, or other trade characteristics which will aid in exact identification of commodities.)

Item 11 (c): The Schedule B number, processing code, and related commodity group number, if any, must be shown in this column. (Unless the processing code is followed by a related commodity group number, a separate application must be filed for each entry on the Positive List of Commodities.)

Item 11 (d): Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified. If accepted order is involved, the price stated must be the export contract price, and the point of delivery must be clearly indicated. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price, at the time of delivery of shipment" or other such general statement of price, will not be acceptable.

Item 12: If the applicant is exporting for other than his own account, the name and address of the foreign principal must be shown and an explanation of the transaction given in full.

Item 13, Availability of material to be exported: All applicable parts of item must be answered, showing the exact status of the applicant's procurement of the commodities to be exported. In the case of a producer, the approximate delivery date is the date on which the commodities will be available for export. If more than one delivery date is required for the commodities covered by the application, each date should be given, using a supplementary sheet, if necessary.

Applications for licenses to export certain commodities will be considered only when answers to item 13 indicate that the commodities will be available to the applicant within the normal validity period of licenses for such commodities, as set forth in § 372.11 (e), and other provisions shown in § 373.16 of this subchapter.

Item 14: End use of commodities covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as required by the regulations. (Applicant's reference to such statement does not relieve him of responsibility to fully disclose any additional or different information he may know.) Applicant should indicate clearly the end use for which material is to be exported, e. g.:

For purchaser's own personal use;

For resale in country of ultimate destination and consumption in that country;

For a service to be rendered, indicating how the item(s) described herein will be used in this service;

For new construction or expansion;

For maintenance, repair, or operation of existing facilities;

To enable the purchaser to produce the following needed materials or products for export to (insert country);

To be re-exported and, if so, to what country;

To fill a specific need endorsed as of high priority by the government of the receiving country, stating the need and the nature of the endorsement;

However, end-use statements consisting of brief outlines (such as above) are not considered sufficient in themselves. A complete and detailed description of end use is required.

Item 15: Application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.) The name of the applicant and the name and title of person who signs the application must also be typed or printed legibly in the space provided. Sign the original copy.

2. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation* is amended by adding thereto a new subparagraph (8) to read as follows:

(8) *Commodities for which a Periodic Requirements license is requested.* The report on Form IT–821 shall cover the quantity of exports of the commodity (§ 376.51 of this subchapter, Supplement 1) shipped to each consignee during a period of two full years immediately preceding the submission of the certificate of qualification (Form IT–888) for the exportation of that commodity. The name and address of the consignee shall be shown under appropriate countries listed in item 4 (a) of Form IT–821.

3. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. The following entry and related submission dates for the Fourth Quarter 1952 are deleted:

[2] Filed as part of the original document.

[3] For sale by Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., and at all field offices of the Department of Commerce.

Dept. of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter 1952
618557	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 p. s. i. W. O. G. ratings), and specially fabricated parts, n. e. c. (specify by name).	Sept. 8-Sept. 22, 1952.

b. The following submission dates for the First Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, first quarter 1953
503300 through 504100.	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand (see § 373.8).	On or before Nov. 15, 1952.

4. The export regulations are further amended in the following particulars:

A new Part 376 is added thereto to read as follows:

PART 376—PERIODIC REQUIREMENTS LICENSE

Sec.
376.1 Periodic Requirements license.
376.2 Certificate of qualification for Periodic Requirements license.
376.3 Application for Periodic Requirements license.
376.4 Issuance of Periodic Requirements license.
376.5 Amendment of license.
376.51 Supplement 1; Commodities subject to Periodic Requirements license.

AUTHORITY: §§ 376.1 to 376.51 issued under sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. C. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 376.1 *Periodic Requirements license*—(a) *General.* A procedure for a Periodic Requirements license (PRL) is hereby established. Under this procedure, a single application may be made to export commodities listed in § 376.51 at any time during the period authorized by that section to one or more named ultimate consignees at a named ultimate destination.

(b) *Applicability of PRL procedure.* Applications under this procedure will not be considered for the exportation of commodities to Hong Kong, Macao, Subgroup A countries, and to destinations specifically excluded by § 376.51.

(c) *Established trade relationships.* A PRL license is issued to cover only U. S. export transactions, in a commodity or group of commodities specified in § 376.51 between a U. S. exporter and one or more ultimate consignees who, with respect to that commodity, have an established trade experience with each other of at least two years' duration prior to the issuance of a Periodic Requirements license.

(d) *Waiver of order requirements.* In view of the limitations on the issuance of a Periodic Requirements license, OIT will permit application by an exporter for such a license in anticipation of future orders. The provisions of §§ 372.1 (e) and 373.1 (b) of this subchapter relating to orders are therefore waived with respect to applications for PRL licenses.

(e) *Historical trade pattern between exporters not a criterion.* The limitation on issuance of PRL licenses is not intended to restrict trade to any historic pattern with respect to the volume of trade or distribution between exporters. OIT will continue to issue individual licenses, and Blanket (BLT) licenses where applicable, for the export of commodities subject to the PRL procedure. Therefore, any exporter ineligible for a Periodic Requirements license by reason of paragraph (c) of this section may become eligible thereunder by experience developed through transactions in these commodities covered by other types of licenses.

(f) *Application for other validated license.* An exporter holding a Periodic Requirements license shall not apply for, nor will OIT issue, an individual or BLT license for any transaction involving a commodity and consignee covered by such PRL license.

NOTE: Exporters are advised not to apply for a PRL license to export commodities valued at less than $1,000 per calendar quarter. Generally such applications will be rejected with a recommendation that another form of license application be used.

§ 376.2 *Certificate of qualification for Periodic Requirements license*—(a) *Certificate of qualification required.* No application for a PRL license will be considered until a certificate of qualification, Form IT–888[4] shall have been issued. Consequently, Form IT–419 should not be submitted with the documents specified in paragraph (b) of this section when application for a certificate of qualification is made. Applications on Form IT–419 for individual or BLT export licenses may be submitted while an application for certificate of qualification is pending, but such applications must bear the notation "Certificate of qualification pending" in the column headed "Commodity Description."

(b) *How to apply for certificate of qualification.* Each application for certificate of qualification shall comprise the following documents:

(1) Form IT–888 (in three copies).

(2) Form IT–821, Data of Past Participation in Exports Questionnaire (in two copies). Both original forms shall be assembled together and both duplicate forms shall be assembled together. When approved or rejected, the triplicate Form IT–888 will be returned to the applicant with an indication of official action by OIT.

[4] Filed as part of the original document.

(c) *Preparation of documents.* The documents submitted by an applicant in connection with an application for certificate of qualification shall be prepared in accordance with the following instructions:

(1) *Form IT–888.* This form shall indicate the person to whom advice of OIT action is to be mailed; Schedule B number and processing code of commodity for which certificate of qualification is requested; total number of countries and total number of consignees to whom commodity is to be exported.

(2) *Form IT–821.* This form shall be filed in accordance with the provisions of § 373.24 (b) (8) of this subchapter for each named foreign consignee.

(d) *Notice of action.* (1) (i) When the application for certificate of qualification is approved by OIT, a Form IT–888 will be validated, and the OIT reference number in the upper right-hand corner of the form will become the official certificate of qualification (CQ) number. An application for a PRL license(s) to export the commodities to consignee(s) listed in the Form or Forms IT–821 may then be considered by OIT.

(ii) When an application is approved subject to modifications by OIT, such stipulations will be indicated on the reverse side of Form IT–888.

(iii) When an application is returned without action by OIT, reason(s) will be stated on the reverse side of Form IT–888.

(iv) When an application is rejected by OIT, the reason for such action will be shown on the reverse side of Form IT–888. The applicant may apply for individual validated licenses for transactions covered by the rejected CQ application.

(2) The approval of an application does not imply continued approval. The OIT may withdraw an approval previously granted at any time it may consider it desirable to do so. Similarly, the granting of an approval for a stated period does not imply that future applications will be approved.

§ 376.3 *Application for Periodic Requirements license*—(a) *Submission date.* Applications for PRL licenses should be submitted on Form IT–419 not later than 30 days preceding the period for which the license is to be effective. Applications submitted later may be considered, but any application filed less than 15 days prior to the beginning of the period will automatically be returned without action.

(b) *Identification of PRL application.* When filing Form IT–419 for a PRL license, the applicant should identify it as such by inserting the CQ number in the column headed "Commodity Description," in the following manner: "Certificate of Qualification No. CQ * * *"

(c) *Application for export to several consignees.* (1) The exporter must apply for, and, if approved, OIT will issue a separate PRL license for exportation of the specified commodity to each country of ultimate destination. Exportations to more than one consignee located in the same country may be included in a single application, provided all consignees are eligible for licensing under the PRL procedure (i. e., are covered by the certificate of qualification). In making an application to export to two or more consignees in the same country of destination the applicant shall show:

(i) In the ultimate consignee column, "See attached list of consignees."

(ii) In the quantity column, the estimated total quantity of the commodities to be exported to the country of destination, based upon distribution ratios submitted on Forms IT–888 and IT–821, followed by the notation "Breakdown of quantity per consignee included in attached list of consignees."

(iii) In the value column, the actual or estimated unit price and the aggregate value of the material to be exported.

(2) Issuance of a certificate of qualification does not assure approval of any Periodic Requirements license for which application is made. PRL applications are subject to individual consideration by the Office of International Trade, and must meet all the criteria of validated individual and Blanket license applications with the exceptions noted in § 376.1 (d). As a general rule, OIT will restrict the quantity approved in a PRL license to the level of previous business between exporter and importer as evidenced by the Form IT–821 on which certificate of qualification was approved.

NOTE: As indicated in § 376.4 (c), except as modified by this part, all the provisions of Parts 370 through 399 of this subchapter are applicable to any application for a Periodic Requirements license and any license issued pursuant thereto. Among other things, these regulations require that:

(1) Each application for a Periodic Requirements license to an R country must be supported either by an import certificate or ultimate consignee/purchaser statement (§§ 373.34 and 372.3 (d) respectively of this subchapter).

(2) Groups of applications from a single exporter may be forwarded to OIT for handling in accordance with the unit process procedure set forth in § 372.7 of this subchapter.

(3) Commodities may be grouped in accordance with the provisions of § 372.2 (c) of this subchapter.

§ 376.4 *Issuance of Periodic Requirements license.* PRL licenses will be issued on Form IT-628 (export license document), and will bear the identifying words "Periodic Requirements License" below the validation stamp.

(a) *Validity period.* The validity period of PRL license will be for the period indicated on Supplement 1, and the effective dates of validity will be indicated on Form IT-628.

(b) *Presentation of licenses to customs.* The Periodic Requirements license shall be deposited with the collector of customs at the port of exit through which the greater portion of shipments thereunder will move. Upon request of the licensee, collectors may authorize movement of a portion of the commodity from another port in accordance with the procedures established in § 379.1 (a) (4) of this subchapter.

(c) *Effect of other provisions.* Except as modified by this part, all of the provisions of Parts 370 through 399 of this subchapter are applicable to any application for a Periodic Requirements license and any license issued pursuant thereto.

§ 376.5 *Amendment of license.* If the amount licensed under a PRL license proves insufficient to meet an exporter's requirements for any country, he may request an increase in the quantity authorized for export under such license. This should be done by requesting amendments of the appropriate Periodic Requirements license on Form IT-763, in accordance with the provisions of § 380.2 of this subchapter.

§ 376.51 *Supplement No. 1.*

COMMODITIES SUBJECT TO PERIODIC REQUIREMENTS LICENCE

Applications for certificates of qualification for licensing under the PRL procedure established in this part may be submitted for exportation of the following commodities to destinations other than Hong Kong, Macao, those in Subgroup A, and any destination specifically excepted below for a particular commodity.

Schedule B No.	Commodity description	License validity period[1]	Excepted destinations (in addition to Hong Kong, Macao, and those in Subgroup A)[2]
503300	Red and pale oils (including all red or pale lubricating oils, except those oils intended for use in internal combustion engines) (see 503910 and 504030) (bbl. of 42 gal.).		
503400	Black oils (including all black and dark green oils, except those intended for use in steam cylinders) (bbl. of 42 gal.).		
503510	Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more) (bbl. of 42 gal.).		
503520	Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stocks) (bbl. of 42 gal.).		
503800	Insulating or transformer oils		
503910	Diesel engine lubricating oils (report Diesel fuel oil in 503000) (bbl. of 42 gal.).		
503920	Turbine lubricating oil (bbl. of 42 gal.)		
503940	Other industrial engine lubricating oils (bbl. of 42 gal.) (specify by name).		
503990	Industrial lubricating oils, n. e. c. (bbl. of 42 gal.) (specify by name).		
504005	Aviation engine lubricating oils (bbl. of 42 gal.)		
504030	Automotive engine lubricating oils (bbl. of 42 gal.)		
504050	Automotive gear oils (bbl. of 42 gal.) (specify by kind and grade).		
504090	Lubricating oils, n. e. c., except in containers of 4 oz. or less (specify by name).		
504095	Cutting oils and compounds, petroleum base (report cutting oils and compounds, except petroleum base in 825000) (specify by name).		
504100	Lubricating greases, except graphite lubricants (report graphite lubricants in 548095).		
504200	Petrolatum and petroleum jelly (all grades)		
504400	Microcrystalline wax		
504500	Emulsion wax, chief value paraffin wax; hydrolatum; and slop wax.		
504600	Benowax; Pennwax; Cabax Wax; Diax-O-Wax; and Velatrum wax.		
504710	Unmanufactured petroleum asphalt (report natural asphalt in 547000 and 547100).		
504720	Petroleum asphalt manufactures, n. e. c. (report asphalt tile in 546000) (specify by name).		
504800	Petroleum coke, including petroleum coke flour		
545600	Brake lining, molded and semi-molded		
545700	Brake lining, woven		
545800	Clutch facing, molded, semi-molded, and woven, including clutch lining.		
701300	Automotive storage batteries, 6- and 12-volt, lead-acid type.		
709030	Spark plugs, automobiles, bus, tractor, truck, and industrial engine type.		
709220	Starting, lighting, and ignition equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.: automobile, bus, tractor, truck, and industrial engine type (specify by name).		
709865	Automotive ignition wire in coils, reels, or spools in lengths of 100 feet or less; other rubber and/or synthetic rubber-insulated wire and cable (except building wire and cable), with plain, braided, leaded, or armored finishes (specify by name).		
715900	Marine engine accessories, and specially fabricated parts (specify Diesel or gasoline); parts, n. e. c., specially fabricated for internal combustion locomotive engines (report bp. and r. p. m. of engines requiring parts); other parts and accessories, n. e. c., specially fabricated for internal combustion engines, n. e. c.		
720210	Parts, accessories and attachments, n. e. c., specially fabricated for power excavators included on the Positive List under Schedule B Nos. 720112 through 720142, and 720160.		
721540	Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under Schedule B Nos. 721510 and 721535.		
722022	Parts and accessories, n. e. c., specially fabricated for: scrapers, graders, and pneumatic-tired soil compactors; and self-propelled, steel-tired road rollers.		
722025	Parts and accessories, n. e. c., specially fabricated for contractors' wheel type tractors.		

[1] Unless otherwise indicated in this column, the validity period of PRL licenses covering the commodities listed herein is 6 months.

[2] Unless otherwise indicated in this column, excepted destinations include only Hong Kong, Macao, and those in Subgroup A.

Schedule B No.	Commodity description	License validity period [1]	Excepted destinations (in addition to Hong Kong, Macao, and those in Subgroup A) [2]
722035	Parts and accessories, n. e. c., specially fabricated for: angle dozers; brush cutters; brushrakes; bulldozers, clamshell attachments; ditching attachments; excavating attachments; hydraulic controls for tracklaying tractors; loading attachments; ripper attachments; rooter attachments; snowplow attachments; trailbuilders; treedozers; trenching attachments; and winches for tracklaying tractors.		
722045	Specially fabricated parts for: contractors' trucks, dump wagons, quarry trailers, and other off-the-road haulage vehicles; subgraders.		
722045	Specially fabricated parts for: logging arches and sulkies; and rotary snowplows.		
723060	Specially fabricated parts, n. e. c., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070.		
725050	Parts, accessories, and attachments, n. e. c., specially fabricated for fully- or partially-powered industrial trucks and tractors.		
770775	Specially fabricated parts for types of blowers included on the Positive List under Schedule B Nos. 770700 through 770775.		
770990	Parts, n. e. c., specially fabricated for air compressors included on the Positive List under Schedule B Nos. 770400 through 770615.		
770990	Parts, n. e. c., specially fabricated for pumps classified under Schedule B Nos. 770900 through 770950, and 770980, irrespective of delivery pressures, operating temperatures and materials used in their fabrication.		
788901	Parts and accessories, n. e. c., specially fabricated for tracklaying tractors.		
791210	Parts for commercial automobiles, trucks, and busses; engines for assembly; motor truck and bus engines; Diesel and semi-Diesel.		
791220	Parts for commercial automobiles, trucks, and busses; engines for assembly; motor truck and bus engines; gasoline; gas and kerosene, over 10 horsepower.		
791230	Parts for commercial automobiles, trucks, and busses; engines for assembly; passenger car engines.		
791240	Engines for replacement; Diesel and semi-Diesel		
791250	Engines for replacement; gasoline; gas and kerosene, over 10 horsepower.		
791255	Bodies, truck and bus, for assembly		
791260	Bodies, truck and bus, for replacement		
791265	Bodies, automobiles, for assembly		
791270	Bodies, automobiles, for replacement		
791275	Knee-action springs (helical or coil), for replacement.		
791280	Leaf springs and spring leaves, for replacement		
792610	Parts and accessories, n. e. c. specially fabricated, for assembly; except: air cleaners, ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks; fog lights; heaters; horns; hub caps; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taximeb meters; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items.		
792620	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks, horns, hub caps; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signs, road traffic; stop lights; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items.		
829910	Antiknock compounds except of petroleum origin (report compounds of petroleum origin in 501400).		

[1] Unless otherwise indicated in this column, the validity period of PRL licenses covering the commodities listed herein is 6 months.

[2] Unless otherwise indicated in this column, excepted destinations include only Hong Kong, Macao, and those in Subgroup A.

5. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended by adding thereto the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Baker Street Trading Co., Ltd., 245 Knightsbridge, London, S. W. 7, England.	3-25-52	1-31-53	General and validated licenses, all commodities, any destination. (Company related to Ivan Otto Schwarz and/or Arnost Polak, which see.)	17 F. R. 2792, 3-29-52.
B. P. S. Precision Products Co. Ltd., 245 Knightsbridge, London, S. W. 7, England.	3-25-52	1-31-53	do	17 F. R. 2792, 3-29-52.
Harding Wire Products Co., Ltd., 245 Knightsbridge, London, S. W. 7, England.	3-25-52	1-31-53	do	17 F. R. 2792, 3-29-52.
Hartley, Stewart, & Co., Ltd., 245 Knightsbridge, London, S. W. 7, England.	3-25-52	1-31-53	do	17 F. R. 2792, 3-29-52.
Peerless Precision Products Co., Ltd., 245 Knightsbridge, London, S. W. 7, England.	3-25-52	1-31-53	do	17 F. R. 2792, 3-29-52.

6. Section 384.1 *Commodity advisory panels and committees* is amended to read as follows:

§ 384.1 *Commodity advisory panels and committees*—(a) *Purpose.* (1) The purpose of this section is to establish a procedure whereby the Office of International Trade of the Department of Commerce may consult with the export trade and obtain advice and recommendations concerning export licensing policies and procedures under the export control law.

(2) The provisions of this section are not to be construed as prohibiting individuals or groups of individuals from seeking discussions with employees of the Office of International Trade.

(b) *Organization of the panels and committees*—(1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the trade handling different commodities (or groups of commodities) will be represented by separate panels or committees. Where panels are formed, the membership may be called upon to meet as a whole, or committees may be organized from among the members to consider specific problems as they arise. The panels and committees will be selected by the Office of International Trade.

(2) *Standards of selection.* As the purpose of the panels and committees is to give advice and make recommendations to the Office of International Trade affecting the trade as a whole, or segments thereof, the members of the panels and committees will be selected in an effort to obtain advice and recommendations which will represent the viewpoint of all parts of the trade involved. The panels and committees will be formed of the minimum number of persons necessary to represent a fair cross-section of the trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small-sized companies, (ii) geographical distribution, (iii) segments of the export trade involved—e. g., by types of exporters (such as manufacturers, manufacturers' representatives, merchant exporters, combination export managers, etc.), (iv) by types of commodities, and (v) trade association membership and non-membership.

(3) *Special conferences.* If export trade advice is sought on a special problem, and there is no foreseeable need to seek the continuing advice of the trade a special conference may be called. Except for omission of formal establishment of a panel or committee, the procedure for calling and conducting a special conference shall be the same as set forth under the provisions of this section.

(4) *Representation of small business.* In forming commodity advisory panels and committees the Office of International Trade will be governed by the principles of Senate Concurrent Resolution 14 (80th Cong.) and the President's memorandum to heads of Executive Departments and Agencies of December 12, 1947, with respect to the representation of small business on Government committees.

(5) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees*—(1) *Authorized.* The functions of commodity advisory panels and committees formed by the Office of International Trade under this section are to give advice and make recommendations through one or more commodity advisory committees to the Office of International Trade, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Office of International Trade will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* (i) No other activities by these commodity advisory panels and committees or by their members are sponsored or authorized by the Department of Commerce or the Office of International Trade. No meetings of these commodity advisory panels and committees, or any part thereof, are sponsored or authorized by the Department of Commerce or the Office of International Trade unless such meetings are called and conducted by appropriate officials of the Office of International Trade in accordance with the provisions of this section.

(ii) The panels and committees are not authorized to determine policies for the export trade nor are they authorized to compel or coerce any person to comply with any request, order, or regulation made by the Department of Commerce or Office of International Trade.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* (i) Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Office of International Trade in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(ii) A meeting of a trade advisory panel or committee may be proposed by any three of its members. Such proposal should be addressed to the Government presiding officer and state the reasons for proposing the meeting. The Government presiding officer is responsible for determining whether a meeting should be called.

(2) *Agenda and presiding officer.* (i) The agenda of the meeting will be prepared by the Office of International Trade. A representative of the Office of International Trade will preside at every panel meeting and every committee meeting.

(ii) Prior to a meeting, members of a panel or committee may propose subjects for the agenda to the Government presiding officer, but during a meeting may not introduce any subject not included on the agenda.

(3) *Attendance at meetings.* (i) Attendance at meetings shall be limited to duly appointed members and invited Government representatives. The attendance of other persons at meetings, such as industry or trade observers or alternates for accredited members, is not authorized. If it is essential for the purpose of a particular meeting to invite a non-member expert or technician who can provide advice concerning a specialized subject, a special written invitation from the Office of International Trade will be required requesting the attendance of such person at the meeting.

(ii) A meeting of a segment or segments of an advisory panel or committee may be called to discuss subjects of interest only to that part of the trade, provided that the segment of the trade is representative, or that additional representatives are appointed in order to make it representative.

(4) *Conduct during meetings.* During a meeting, members are restricted to expressions of advice and recommendations and may not make resolutions nor shall they submit or request submission of a vote regarding a recommendation under discussion.

(5) *Minutes.* The Office of International Trade will keep minutes of each meeting and where practicable will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

This amendment shall become effective as of October 16, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-11484; Filed, Oct. 27, 1952; 8:45 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 13 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related Commodity group	GLV dollar value limits	Validated license required
711900	Parts, n. e. c., specially fabricated for combustion gas turbine engines, except aircraft (specify by name) (see § 370.5 of this subchapter). [1]	----------	GIEQ	100	RO

[1] The commodities included in this Positive List entry are subject to IC/DV procedure (see § 373.34 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., October 23, 1952.

2. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
711510	Steam engines and turbines, n. e. c., and parts, n. e. c.: Combustion gas turbine engines, except aircraft (see § 370.5 of this subchapter). [1]	No.	GIEQ	None	RO
813593	Inorganic medicinal chemicals, n. e. c., bulk, for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for ampoules). [2]	----------	DRUG	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemical indicated elsewhere on the Positive List. †	
813595	Organic medicinal chemicals, n. e. c., bulk (coal tar origin included), for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 812400 for liquids 812790 for solids, 813591 for ampoules). [2]	----------	DRUG	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemical indicated elsewhere on the Positive List. †	

†A single shipment hereunder may include two or more chemicals, each up to its GLV limit.

[1] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 711510. The effect of this amendment is to change the control from R to RO and to clarify the description. The commodities included in this Positive List entry are subject to the IC/DV procedure (see § 373.34 of this subchapter).

[2] The above entry is substituted for the entry presently on the Positive List under this Schedule B number. The effect of this revision is to clarify the instructions for determining validated license requirements.

[1] This amendment was published in Current Export Bulletin No. 681, dated October 16, 1952.

the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.101 is amended to read:

§ 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* That airspace over United States territory from the intersection of the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno Calif. radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station which overlaps the portion excluding the portion which overlaps the Fort Lewis, Wash., danger area; Seattle, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station to the Vancouver, British Columbia, radio range station. That airspace over United States territory from the Sandspit, British Columbia, radio range station to the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Annette Island, Alaska, radio Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

2. Section 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)* is amended by changing the Alaskan portion to read: "From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Fairbanks, Alaska, radio range station; Betties, Alaska, radio range station; Umiat, Alaska, radio range station to the Point Barrow, Alaska, radio range station."

3. Section 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.)* is amended by changing the first portion to read: "From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Campbelliton, Ga., radio range via the Atlanta, Ga., NAS radio range station; the intersection of the north course with the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Knoxville, Tenn., radio range";

4. Section 600.621 *Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.)* is amended by correcting name of facility at Parkersburg, W. Va. to read: "Parkersburg, W. Va., VHF radio range station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., October 28, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11548; Filed, Oct. 27, 1952; 8:46 a. m.]

[Amdt. 79]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by adding a first portion to read: "From the intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials (Half Moon Bay intersection) via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station;"

2. Section 600.6025 *VOR civil airway No. 25 (Oakland, Calif., to Ellensburg, Wash.)* is amended by changing the first portion to read: "From the Oakland, Calif., omnirange station via the Ukiah, Calif., omnirange station to the Red Bluff, Calif., omnirange station."

3. Section 600.6027 is amended to read:

§ 600.6027 *VOR civil airway No. 27 (Santa Barbara, Calif., to Medford, Oreg.).* From the Santa Barbara, Calif., omnirange station via the Paso Robles, Calif., omnirange station including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station; San Francisco, Calif., omnirange station including an east alternate from the Paso Robles, Calif., omnirange station to the San Francisco, Calif., omnirange station via the intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; intersection of the San Francisco omnirange 304° True and the Ukiah omnirange 162° True radials; Ukiah, Calif., omnirange station, including an east alternate from the San Francisco, Calif., omnirange station to the Ukiah, Calif., omnirange station via the Oakland, Calif., omnirange station and the intersection of the Oakland omnirange 305° True and the Ukiah omnirange 162° True radials, and also a west alternate from the Salinas, Calif., omnirange station to the Ukiah, Calif., omnirange station via the intersection of the Salinas omnirange 319° True and the Ukiah omnirange 162° True radials; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station.

4. Section 600.6109 is added to read:

§ 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).* From the Paso Robles, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Fresno, Calif., omnirange station.

5. Section 600.6110 is amended to read:

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Modesto, Calif.).* From the point of intersection of the San Francisco omnirange 218° True and the Salinas omnirange 319° True radials (Saratoga Intersection) via the San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 038° True and the Modesto omnirange 273° True radials (Altamont Intersection) to the Modesto, Calif., omnirange station.

6. Section 600.6111 is added to read:

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the intersection of the San Francisco omnirange 111° True and the Salinas omnirange 062° True radials (Los Banos Intersection).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. October 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11547; Filed, Oct. 27, 1952; 8:46 a. m.]

[Amdt. 83]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.17 is amended to read:

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* All of Green civil airway No. 7.

2. Section 601.101 is amended to read:

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* All of Amber civil airway No. 1.

3. Section 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska)* is amended by changing the last portion to read: "From the intersection of the northwest course of the Snag, Yukon Territory, radio range station and the United States-Canadian Border to a line extended at right angles through a point 25 miles northwest of the Fairbanks, Alaska, radio range station."

4. Section 601.1052 is amended to read:

§ 601.1052 *Control area extension (Atlanta, Ga.).* All that airspace within a 50-mile radius of the Atlanta radio range station excluding the portion which overlaps caution areas.

5. Section 601.1135 *Control area extension (Atlanta, Ga.)* is revoked.

6. Section 601.1301 *Control area extension (Winslow, Ariz.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 300° True and 120° True radials of the Winslow, Ariz., omnirange extending from the omnirange station to points 25 miles northwest and southeast."

7. Section 601.1984 *Five-mile radius zones* is amended by adding the following airports:

Unalakleet, Alaska: Unalakleet Airport.
Moses Point, Alaska: Moses Point Airport.

8. Section 601.2222 *Austin, Tex., control zone* is amended by changing the portion on the northwest course of the Austin radio range to read: "within 2 miles either side of the northwest course of the Austin, Tex., radio range extending from the radio range station to a point 10 miles northwest."

9. Section 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the east course of the Philipsburg, Pa., radio range and the south course of the Williamsport, Pa., radio range;" and by adding the following reporting point in lieu thereof: "Selinsgrove, Pa., nondirectional radio beacon;".

10. Section 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska)* is amended by adding the following reporting points at beginning of airway: "Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range;".

11. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended after "McGrath, Alaska, radio range station;" by adding the following reporting point: "Unalakleet, Alaska, radio range station;"

12. Section 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)* is amended by deleting the following reporting point: "The intersection of the northwest course of the Northway, Alaska, radio range and the northeast course of the Tanacross, Alaska, radio range;"

13. Section 601.5001 *Other reporting points* is amended by adding the following reporting points:

Abeam Annette intersection. The intersection of the southwest course of the Annette, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Sitka intersection. The intersection of the southwest course of the Sitka, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Gustavus intersection. The intersection of the southwest course of the Gustavus, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Yakutat intersection. The intersection of the southwest course of the Yakutat, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Yakataga intersection. The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

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1 A single shipment hereunder may include two or more chemicals, each up to its GLV limit.
2 The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 829070.
The effect of this revision is to clarify the regulations governing validated license requirements.
3 For instructions with respect to shipping containers see Schedule B Nos. 61001 or 61012.
4 The above revised entry is substituted for the twelfth entry presently on the Positive List under Schedule B No. 829060. The effect of this revision is to establish new instructions for determining validated license requirements in place of the present R control.

This part of the amendment shall become effective as of 12:01 a. m., October 23, 1952.

3. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
829670	Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only) for which export controls on other grades are the same as the controls for the grades indicated elsewhere on the Positive List (see 371.3(b) of this subchapter) (specify by name) (formerly 815400) [1]	.....	ORGN	Export controls applicable to each chemical under this classification are the same as the controls for other grades of the same chemical indicated elsewhere on the Positive List	Yes.
829090	Chemical specialty compounds, n. e. c., containing 80 percent or more by quantity of any item or combination of items specified elsewhere on the Positive List.[4]	.....	ORGN	100	Yes, where any component thereof is listed on the Positive List as subject to R control, otherwise subject to R control.

carrier on or before November 15, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52-11465; Filed, Oct. 27, 1952; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 78]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of

Dept. of Commerce Schedule B No.	Commodity
611900	Hollow ware, solid or plated, and specialty fabricated parts, n. e. c.: Aluminum.
612030	Cooking, kitchen, and hospital utensils, and specialty fabricated parts, n. e. c.: Stamped and spun: Aluminum.

This part of the amendment shall become effective as of October 16, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 23, 1952, may be exported under the previous general license provisions up to and including November 15, 1952. Any such shipment not laden aboard the exporting

14. Section 601.7001 *VOR reporting points* is amended by adding the following reporting point:

Fairville intersection. The intersection of Rochester, N. Y., omnirange 091° True and the Elmira, N. Y., omnirange 356° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 28, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11549; Filed, Oct. 27, 1952; 8:46 a. m.]

[Amdt. 84]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.1193 is amended to read:

§ 601.1193 *Control area extension (Monterey, Calif.).* The area bounded by a line 5 miles southeast of and parallel to the 229° True radial of the Salinas VOR radio range extending from the western boundary of VOR civil airway No. 27W to a point at latitude 36°27'30" N., longitude 121°52'30" W; thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR civil airway No. 27W; thence southeasterly along the western boundary of VOR civil airway No. 27W to the point of beginning, excluding the area below 3000 feet within the boundaries of the Ford Ord Danger Area.

2. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (Santa Barbara, Calif., to Medford, Oreg.).* All of VOR civil airway No. 27 including east and west alternates.

3. Section 601.6109 is added to read:

§ 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of VOR civil airway No. 109.

4. Section 601.6111 is added to read:

§ 601.6111 *VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).* All of VOR civil airway No. 111.

5. Section 601.7001 *VOR reporting points* is amended by adding the following reporting points:

Coalinga, Calif., omnirange station.
Crescent City, Calif., omnirange station.
Fortuna, Calif., omnirange station.
Fresno, Calif., omnirange station.
Medford, Oreg., omnirange station.
Oakland, Calif., omnirange station.
Ontario, Calif., omnirange station.
Paso Robles, Calif., omnirange station.
Point Reyes Intersection: Intersection of the Oakland, Calif., omnirange 305° True and the Ukiah, Calif., omnirange 165° True radials.
Red Bluff, Calif., omnirange station.
Sacramento, Calif., omnirange station.
Salinas, Calif., omnirange station.
San Francisco, Calif., omnirange station.
Santa Barbara, Calif., omnirange station.
Ukiah, Calif., omnirange station.

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Esler Field (Alexandria) (D-423) (Beaumont Chart).	N boundary: lat. 31°24'35" N.; S boundary: lat. 31°23'15" N.; E boundary: long. 92°16'50" W.; W boundary: long. 92°18'50" W.	Surface to 6,000 feet.	0700 to 1800, daily (to be used under weather conditions of ceiling at least 6,000 feet and visibility at least 8 miles as reported by the weather reporting station at Alexandria AFB).	Louisiana National Guard.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on October 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11568; Filed, Oct. 27, 1952; 8:49 a. m.]

[Amdt. 21]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURE

LOW FREQUENCY RANGE AND AUTOMATIC DIRECTION FINDING PROCEDURES

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. October 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11546; Filed, Oct. 27, 1952; 8:45 a. m.]

[Amdt. 33]

PART 608—DANGER AREAS

ESLER FIELD (ALEXANDRIA), LOUISIANA

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.26, an Esler Field (Alexandria), Louisiana (D-423), area is added to read:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from fix, direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range, final approach (ft.)	Station to airport: Magnetic bearing (degrees.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum: Day:	Ceiling (ft.)	Day: Visibility (mi.)	Ceiling and visibility minimum: Night:	Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished: remarks
ARCATA, CALIF. Arcata Airport 290 kc; ACV 5BMRBZ-DTV	NE—Min. on route alt.* SE—Min. on route alt.* SW—Min. on route alt.* NW—Min. on route alt.*	NW	10 mi—1,500' S side NW crs 15 mi—NA 20 mi—NA 25 mi—NA	720			217	R A T	800 1,000 300	2.0 2.0 1.0		800 1,000 300	2.0 2.0 1.0	If not contact over LFR, make climb to 1,500' on SW crs to on top within 10 mi, not below 1,500'. *Initial approaches must be made on top with tops not above 1,100' msl. STATUTE: On NW crs to 1,500' within 10 mi.
BILOXI, MISS. Gulfport Airport 391 kc; BIX; MRLWZ	NE—Min. on route alt. SE—Min. on route alt. SW—Min. on route alt. NW—Min. on route alt.	NE	10 mi—1,500' N side NE crs 15 mi—1,500' N side NE crs 20 mi—1,500' N side NE crs 25 mi—1,500' N side NE crs	1,040	*249	*10.0	28	R A T	1,000 1,000 300	1.0 2.0 1.0		1,000 1,000 300	2.0 2.0 1.0	Climb to 1,500' on SW crs to 25 mi, or as directed by ATC. *Fly VFR to Gulfport Airport from Keesler AFB—267°, 7.6 mi.
CHANUTE, KANS. Chanute Airport 284 kc; CNU 5BRAZ-DTV	N—Min. on route alt. E—Min. on route alt. S—Min. on route alt. W—Min. on route alt.	E	10 mi—2,100' N side E crs 15 mi—2,100' N side E crs 20 mi—2,100' N side E crs 25 mi—2,100' N side E crs	1,660	297	2.7	1,000	R A T	800 800 300	1.0 2.0 1.0		800 800 300	1.5 2.0 1.0	Climb to 2,600' on W crs, or as directed by ATC. NOTE: Operations authorized only on N/S rwy, and only at night when stall speeds of 75 mph or less. CAUTION: 1,358' msl obstructions, 0.5 mi N of final approach crs, and 1,270' msl obstructions, 2.4 mi N of airport.
OMAHA, NEBR. Omaha Airport 320 kc; O M A; 5BRAZ-DTV	N—Min. on route alt. N—1,840' (California FM) (Final) E—Min. on route alt. SE—Min. on route alt. W—Min. on route alt.	N	10 mi—2,300' W side N crs 15 mi—2,300' W side N crs 20 mi—2,300' W side N crs 25 mi—2,300' W side N crs	*1,800	139	5.1	982	R (IR) FA A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0		500 500 500 800 300	2.0 1.5 1.5 2.0 1.0	Climb to 2,700' on SE crs, or as directed by ATC. *1,840' msl stack, 1.6 mi SSE of LFR and 1 mi W of SE crs. CAUTION: (1) 1,736' msl radio tower, 4.5 mi SW of LFR; (2) 1,580' msl bluff, 1.5 mi E of LFR. NOTE: Deviation from standard criteria authorized on terrain clearance for final and circling approach. #Runway 14L.
RED BLUFF, CALIF. Bidwell Field 358 kc; RBL; 5BRAZ-DTV	N—Min. on route alt. E—Min. on route alt. S—Min. on route alt. W—Min. on route alt.	S	10 mi—2,000' E side S crs 15 mi—2,000' E side S crs 20 mi—2,000' E side S crs 25 mi—2,000' E side S crs	1,000	324	2.5	354	R (IR) A T	500 500 800 300	1.5 1.0 2.0 1.0		500 500 800 300	1.5 1.0 2.0 1.0	Turn right, climb to 2,000' on S crs, or as directed by ATC. NOTE: Deviation authorized in terrain clearance criteria below NPA due to ATC.
SALINAS, CALIF. Salinas Airport 290 kc; SNS; BMRL-DTV	NE—Min. on route alt.* SE—Min. on route alt.* SW—Min. on route alt.* NW—Min. on route alt.*	NW	10 mi—2,000' W side NW crs# 15 mi—2,000' W side NW crs# 20 mi—2,000' W side NW crs# 25 mi—2,000' W side NW crs# (Procedure turn limited to 4 mi on maneuvering side of final approach crs due to Ft. Ord danger area.)	**780	311	2.4	86	R A T	700 1,000 (TACOB) 300	2.0 2.0 1.0		700 1,000 (TACOB) 300	2.0 2.0 1.0	If not contact over LFR, climb to 5,000' on SE crs within 25 mi, or as directed by ATC. *Initial approaches must be on top with tops not above 3,500' msl. #Deviation authorized. **Increased to be based on obstruction clearance—314' msl tower, 3.5 mi NW of arpt. NOTE: ADF procedure not authorized. No standby equipment.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station				Minimums			Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)		Minimums		If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)									Ceiling (ft.)	Visibility (mi.)	
CLEVELAND, OHIO Cleveland-Hopkins Airport 201 kc; CL; LOM	(All directions—MEA from primary fixes)							54 234	10 mi—2,200' S side crs 15 mi—2,200' S side crs 20 mi—2,200' S side crs 25 mi—2,200' S side crs							
	Cleveland LFR	LOM	224	4.5	2,100									500	1.0	
	Cleveland VOR	LOM	161	6.0	2,100									500	1.0	
	Elyria FM	LOM	123	9.0	2,100									800	2.0	
	Int. NW crs Akron LFR & 54° brg to LOM	LOM	54	8.0	2,200									800	2.0	
	Avon Lake FM & 171° brg to LOM	LOM	171	10.0	2,100									300	1.0	
	N. Royalton FM & 303° brg to LOM	LOM	303	11.0	2,600											Climb to 3,000' on crs of 169° within 25 mi of Rbn, or as directed by ATC. •Night minimums. CAUTION: 2,731' msl tower, 3 mi NW of arpt; 2,900' msl tower, 3 mi W of arpt. NOTE: Turns not authorized on initial procedure clearance in procedure turn and altitude over Rbn on final approach.
DODGE CITY, KANS. Dodge City Airport 290 kc; DDC; DME-TV	(All directions—MEA from primary fixes)							169 349	10 mi—3,700' W side crs 15 mi—3,700' W side crs 20 mi—3,700' W side crs 22 mi—3,700' W side crs	3,200	0 (Rbn on arpt)	2,594	R (H) •S A T	600 600 600 800 300	1.5 2.0 1.0 2.0 1.0	
	Int. E crs Garden City LFR & 169° bearing to Rbn	Rbn	169	18.0	3,700											If not contact over LMM, climb to 1,500' on crs of 97° within 10 mi of LMM, then make climbing right turn to heading of 238° proceeding to Rbn and LFR at 3,000'. •If LOM not rec'd visually and aurally, maintain 1,600' to LMM, then climb to 3,000' on S crs Portland LFR. •Night minimums. #Runway 9/27. CAUTION: 635' msl radio tower, 1¾ mi SE of OM.
	Dodge City VOR	Rbn	150	6.0	3,700											
PORTLAND, OREG. Portland International Airport (Using Sauvies Island Rbn) 219 kc; SVY; MHW	(All directions—MEA from primary fixes)							97 277	10 mi—3,000' S side crs 15 mi—NA 20 mi—NA 25 mi—NA	3,000 (over station) •1,600 (over OM)	4.56 (from OM)	23	R (H) #S A T	700 700 800 300	1.5 1.5 1.0 2.0 1.0	
	Portland LFR	Rbn	258	10.0	3,000											
	Willamette FM	Rbn	330	22.0	3,000											
	Woodland FM	Rbn	176	22.0	3,000											
WASHINGTON, D. C. Washington National Airport. (Procedure No. 1—Using Riverdale Rbn) 341 kc; RVD; MHW	(All directions—MEA from primary fixes)							219 39	10 mi—1,500' W side crs 15 mi—NA 20 mi—NA 25 mi—NA	1,000	227°, 6.0	16	R A T	800 1,600 (HCOB) 300	2.0 3.0 1.0	If contact not established within 2 mi after passing Riverdale Rbn, make left climbing turn and climb to 1,500' returning to Rbn, or as directed by ATC.
	Washington LFR	Rbn	25	11.2	1,000											
	Int. NE crs Washington LFR & W crs Baltimore LFR	Rbn	219	25.0	1,500											
	Beltsville FM (Final)	Rbn	219	9.8	1,000											
	Andrews LFR	Rbn	348	16.4	1,000											

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11567; Filed, Oct. 27, 1952; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53127]

PART 3—DOCUMENTATION OF VESSELS

RENEWAL OF LICENSE

The purpose of the following amendment is to provide for a form of notification to the owner of a vessel of the date of expiration of the license of the vessel at an appropriate time in advance of the date of expiration.

Section 3.25, Customs Regulations of 1943 (19 CFR 3.25), is amended by deleting the parenthetical matter at the end of paragraph (e) and by adding a new paragraph (f) at the end reading as follows:

§ 3.25 *Renewal of license.* • • •

(f) The collector at the home port of a licensed or enrolled and licensed vessel shall transmit a notice of the date upon which the license will expire and the form of oath to be executed by the master on customs Form 1280 to the last-known address of the owner of the vessel not more than 40 days prior to its expiration nor less than 21 days prior thereto. Neither the failure of a collector to transmit such notice and form of oath nor the fact that the master did not receive it shall be deemed to excuse the master from the penalty or penalties provided by law.

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4325, as amended, 4326, 4327, 4498, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 267-279, 496, sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR 1946 Supp., Ch. IV. Reorganization Plan No. 26 of 1950; 3 CFR 1950 Supp., Ch. III)

This amendment shall be effective on and after January 1, 1953.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 20, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11570; Filed, Oct. 27, 1952; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICER'S RESERVE CORPS

APPOINTMENTS

Sections 561.5 (c), 561.8 (c), and 561.13 (b) (1) (ix) and (b) (4) are amended to read as follows:

§ 561.5 *Authority to appoint.* • • •

(c) Appointments in the Military Intelligence and Army Security sections will not be made until Department of the Army approval has been obtained from The Adjutant General. Appointments in the Chaplains section will not be made until verification of the applicant's education and ecclesiastical qualifications has been received from The Adjutant General. Appointment of noncitizens of the United States who have not declared their intention to become a citizen thereof will not be made until Department of the Army approval has been obtained from The Adjutant General.

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§ 561.8 *Eligibility requirements.* • • •

(c) *Citizenship.* (1) A male applicant must be a citizen of the United States, its Territories or possessions, or have made a declaration of intention to become a citizen thereof, except for a noncitizen who had prior service in the Armed Forces of the United States, or who is serving in the active military service of the Army, who must meet the following requirements:

(i) Must be residing or serving in the Army within the continental United States.

(ii) Must lawfully have entered the United States for permanent residence, except that an individual in the active military service of the Army who entered such service outside the United States and was ordered to the United States by competent authority for military duty is exempt from this requirement.

(2) A female applicant must be a citizen of the United States, its Territories or possessions.

• • • • •

§ 561.13 *Applications.* • • •

(b) *Applications and allied papers.* • • •

(1) *For applicants in general.* • • •

(ix) Individuals who are not citizens of the United States by birth will submit a certificate signed by an officer of the Army or a notary public, reading substantially as indicated in (*a*), (*b*), (*c*), or (*d*) of this subdivision, as appropriate. In no circumstances will facsimiles or copies, photostatic or otherwise, of naturalization certificates, declarations of intentions, certificates of citizenship, or Alien Registration Receipt cards be made as the reproducing of these certificates or any parts thereof constitutes a felony. See act of June 25, 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)).

(*a*) For those who are citizens by naturalization.

I certify that I have this date seen the original certificate of citizenship. No. ____ (or certified copy of the court order establishing citizenship) stating that _____ (Name) was admitted to United States citizenship by the court of _____ at _____, on _____ (City and State) (Date)

(*b*) For those who claim citizenship through naturalization of parent.

I certify that I have this date seen the original certificate of citizenship, No. _____ issued by the Immigration and Naturalization Service, Department of Justice, stating that _____ (Name) acquired citizenship on _____ (Date)

(*c*) For those who have declared their intention of becoming a citizen of the United States.

I certify that I have this date seen a copy of the declaration of intention to become a citizen of the United States, No. _____, made by _____ (Name) on _____ (Date), in the court of _____ (City and State). This copy was impressed with the seal and contained the signature of the clerk of the _____ court at _____ (City and State)

NOTE: Declarations of intention are valid for 7 years.

(*d*) For noncitizens (see §§ 561.2 to 561.10 for those eligible) who have not declared their intention of becoming a citizen of the United States:

I certify that I have this date seen the original Alien Registration Receipt Card Form No. I-151, bearing No. _____ issued to _____ (Name) on _____ (Date). Or if individual does not possess the Alien Registration Receipt Card Form No. I-151, army commanders processing the application will communicate with the District Director, Immigration and Naturalization Service of the district in which the alien's residence is located and request a statement as to lawful entry of the individual into the United States for permanent residence. Statement of lawful entry will be made a part of the application. The above is not required for a noncitizen serving in the active military service in the Army within the United States who entered such service outside the United States and was ordered by competent authority to the United States for military service. For such individual the army commander processing the application will verify the fact that the individual was ordered to the United States by competent military orders, and a statement of such verification will be attached to the application stating such details as classification will permit.

• • • • •

(4) *For member of Reserve Components of the United States Air Force, Navy, Marine Corps, the Coast Guard, and United States Public Health Service.* (i) Forms required by subparagraph (1) of this paragraph.

(ii) A certificate, signed by an official of the parent service authorized to accept resignations, that the applicant will be released from his/her current status if tendered an appointment in the Officers Reserve Corps of the Army.

• • • • • •

[C1, AR 140-105; C2 and 3, SR 140-105-1]

(R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-11512; Filed, Oct. 27, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 129, Amdt. 2, Corr.]

CPR 129—Ceiling Prices for Horsemeat Products

MISCELLANEOUS AMENDMENTS

CORRECTION

Ceiling Price Regulation 129, Amendment 2, Miscellaneous Amendments (17 F. R. 8579), is corrected by changing the references to "Item 6" in paragraph 2 thereof to read "Item 7" and by changing the references to "Item 7" in paragraph 3 thereof to read "Item 8".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 27, 1952.

[F. R. Doc. 52-11639; Filed, Oct. 27, 1952; 11:34 a. m.]

[Ceiling Price Regulation 172, Amdt. 1]

CPR 172—Distillers' Dried Products

DISTILLERS' SOLUBLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 172 is hereby issued.

STATEMENT OF CONSIDERATIONS

Information received by this Office since the issuance of CPR 172 indicates that the ceiling prices for distillers' solubles should not be set by reference to protein content. Solubles are primarily used in starter and breeder rations for livestock and poultry because of the complex B, G, and other vitamin content of the product. Protein content is not a proper index of the value of solubles, and soluble prices in the industry have not been customarily set on the basis of protein content. Moreover, maintenance of the protein content specified in the regulation would oblige processors who customarily produce solubles at less than this specified protein content to reduce their ceiling prices to levels below that which the value of their products justify. This amendment, therefore, dispenses with any standard protein content for solubles. Henceforth, there will be a flat ceiling price for solubles and no discounts on a protein content basis are required.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. Although consultation with trade association representatives was not practicable in the formulation of this amendment, there has been consultation with industry representatives, to the extent practicable, and consideration was given to their recommendations.

AMENDATORY PROVISIONS

Table I of section 2 (a) (1) of Ceiling Price Regulation 172 is amended by deleting the standard protein content for distillers' solubles. As amended, Table I reads as follows:

TABLE I—PROCESSORS' BASING POINT PRICES PER TON

Products	Standard protein content	Area A Basing point prices, Peoria, Ill.	Area B Basing point prices, Louisville, Ky.	Area C Basing point prices, Kansas City, Mo., and Omaha, Nebr.
	Percent			
Distillers' dried grains (light grains)	21	$65.00	$69.50	$63.25
Distillers' dried grains with solubles (dark grains)	24	67.00	71.50	65.25
Distillers' solubles		84.00	88.50	82.25

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment shall become effective October 23, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 23, 1952.

[F. R. Doc. 52-11560; Filed, Oct. 23, 1952; 11:51 a. m.]

[General Overriding Regulation 32, Special Order 8]

GOR 32—Adjustment of Ceiling Prices for Materials to the Minimum Prices Fixed by State Laws

SO 8—Sellers of Cigarettes in Tennessee

CEILING PRICES RAISED TO CONFORM WITH TENNESSEE UNFAIR CIGARETTE SALES ACT

Statement of considerations. This special order raises the ceiling prices of Tennessee cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the mimimum prices required to be charged by the Tennessee Unfair Cigarette Sales Act. This action does not presently affect ceiling prices of Tennessee cigarette sellers which are at or above the minimum prices required by that Act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Tennessee Unfair Cigarette Sales Act in the event of a change in the minimum prices computed pursuant to that Act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Tennessee.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Commissioner of the Department of Finance and Taxation of Tennessee that the Tennessee Unfair Cigarette Sales Act was in effect and enforced on June 30, 1952, and on August 15, 1952 (the date of application); that the act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Tennessee are lower than the minimum sales prices required to be charged by that act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32, this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Tennessee Unfair Cigarette Sales Act, hereinafter referred to as the Tennessee Act, which are below the minimum sales prices computed pursuant to that act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Tennessee on August 15, 1952 (the date of the application submitted by the Commissioner of the Department of Finance and Taxation of Tennessee, hereinafter referred to as the Tax Commissioner, under GOR 32), have increased after that date pursuant to the Tennessee Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Tennessee Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Tennessee on August 15, 1952 are decreased after that date pursuant to the Tennessee Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Tennessee after August 15, 1952, the cigarette sellers subject to the Tennessee act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Tennessee act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Tennessee act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Tennessee act whose ceiling prices would be affected by the Tax Commissioner's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Tennessee act upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Tennessee Unfair Cigarette Sales Act" shall mean that Act as amended up to June 30, 1952 (House Bill No. 413, Chapter No. 68 of the Public Acts of Tennessee for 1949).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective October 28, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 27, 1952.

[F. R. Doc. 52-11640; Filed, Oct. 27, 1952; 11:34 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 4, as amended October 25, 1952]

SFO-4—Distribution of Bituminous Coal

The action of the Wage Stabilization Board in regard to the National Bituminous Coal Wage Agreement of 1950 as amended September 29, 1952, has been followed by work stoppages at most of the bituminous coal mines whose operators were signators to that agreement. In addition, work stoppages have occurred at many mines whose employees are not members of the United Mine Workers of America. The cessation of production at these mines, if continued, will create shortages in the supply of bituminous coal for the military programs in support of national security and for essential civilian needs. Accordingly, this amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order it was impracticable to consult with industry representatives because of the need for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on shipments of bituminous coal.
4. Railroads prohibited from accepting bituminous coal.
5. Exceptions.
6. Report to Area Distribution Manager.
7. Shipment of unbilled cars of coal held pursuant to this order.
8. Certification that shipment is made pursuant to the terms of this order.
9. How a consumer obtains coal.
10. Applications for adjustment or exception.
11. Exemptions from damages or penalties.
12. Violations.
13. Communications.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this amended order does.* Order SFO-4, issued October 19, 1952, prohibited shipment in railroad cars after 12:01 a. m., October 19, 1952, except as specifically directed by DSFA, of bituminous coal produced at a mine, the operator of which is a signator to the National Bituminous Coal Wage Agreement of 1950 as amended September 29, 1952, and effective October 1, 1952, with the United Mine Workers of America. The ruling of the Wage Stabilization Board concerning the National Bituminous Coal Wage Agreement has been followed by stoppages of production not only at mines whose employees were members of the United Mine Workers of America but at many other mines whose employees were not members of that union. Accordingly, Order SFO-4 is hereby amended to make it applicable to all coal mines at which production has ceased because of a work stoppage.

SEC. 2. *Definitions.* As used in this order:

(a) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(b) "Bituminous coal" includes all forms of bituminous, sub-bituminous, and lignitic coals.

(c) "Person" means any individual, firm, partnership, corporation, association, or any other organized group of persons.

(d) "Shipper" means any person who ships bituminous coal produced at an affected coal mine, as defined in section 2 (f), in railroad cars from a coal mine, loading ramp, coal preparation plant, scales, classification or assembly yards between mines and scales, designated mine tracks, mine sidings or hold points.

(e) "Coal mine" means any open pit, underground or any other type of operation conducted for the primary purpose of producing bituminous coal.

(f) "Affected coal mine" means a bituminous coal mine at which production has ceased because of a work stoppage.

(g) "Loading ramp" means any facility for the loading of bituminous coal from trucks into railroad cars for rail shipment.

(h) "Coal preparation plant" means a facility for the cleaning, sizing, or otherwise preparing bituminous coal for shipment in raidroad cars.

(i) "Designated mine track; mine sidings or hold point" means a point where a specific number of cars may be held without billing free of demurrage.

(j) "Area Distribution Manager" means the person appointed by Defense Solid Fuels Administration as its temporary representative in a specified area for the period this order remains in effect. The names and addresses of Area Distribution Managers and the territories over which they have jurisdiction are shown in Appendix A to this order.

(k) "Railroad" means any common carrier by railroad subject to the jurisdiction of the Interstate Commerce Commission.

SEC. 3. *Restrictions on shipments of bituminous coal.* Except as provided in section 5 of this order, no shipper shall ship or deliver to any railroad for shipment in railroad cars any bituminous coal produced at an affected mine as described in section 2 (f).

SEC. 4. *Railroads prohibited from accepting bituminous coal for shipment.* Pursuant to an ICC Service Order, each railroad subject to such service order will be prohibited after 12:01 a. m., October 21, 1952, from accepting for shipment over its lines any car of bituminous coal from any shipper, as defined in section 2 (d), unless the waybill or forwarding instructions covering the shipments contains a certification by the shipper substantially as set forth in section 8.

SEC. 5. *Exceptions.* The provisions of this order shall not apply to:

(a) Coal required by the operator of the producing coal mine for the operation of his power plant.

(b) Coal which is consigned to lake ports specifically for use as vessel fuel.

(c) Coal which is consigned to an installation of the Department of Defense, or of the Atomic Energy Commission: *Provided*, That the Contracting Officer for that installation shall certify to the shipper that he has less than 10 days' supply on hand.

(d) Double screened coal which is consigned to retail dealers, provided that prior to shipment the retail dealer shall certify to the shipper that he has less than 10 days' supply on hand.

(e) Any shipment which may be specifically authorized by the Defense Solid Fuels Administration.

SEC. 6. *Report to Area Distribution Manager.* Each shipper shall report by letter or telegram before noon of the day following the day on which the work stoppage occurs to the Area Distribution Manager having jurisdiction over the area in which his mine, loading ramp, coal preparation plant, or designated hold point, is located, the number of unbilled cars of bituminous coal by type of car and size of coal which he has on hand, together with the name of the railroad, or railroads, upon which his facility is located. Shippers who make shipments under the exceptions provided in sections 5 (a), 5 (b), 5 (c), or 5 (d) of this order shall report by letter to the Area Distribution Manager on the day following such shipment the names and addresses of the consignees and the number of cars and size of coal shipped to each.

SEC. 7. *Shipment of unbilled cars of coal held pursuant to this order.* To assure the most efficient and equitable distribution of the available supply of bituminous coal in the interest of national defense and public health and welfare, DSFA will direct shipments of coal held on tracks in accordance with this order by individual directives issued pursuant to DSFA Order SFO–2. Such directives shall be in the form of a letter or telegram and must be fully complied with. Any person receiving such a directive requiring delivery of bituminous coal by him shall immediately acknowledge to DSFA receipt of the directive and shall indicate his ability to comply: *Provided, however*, That no shipper shall be required to deliver bituminous coal to any other person at the direction of the DSFA Administrator unless such other person makes arrangements for payment satisfactory to the shipper to whom the directive is issued. The terms proposed by the shipper shall not be more stringent than those he offers to his customers of like class in the normal course of his business, and the price charged shall not be higher than the applicable ceiling price established by the Office of Price Stabilization.

SEC. 8. *Certification that shipment is made pursuant to the terms of this order.* Each shipper who makes a shipment of bituminous coal by railroad after 12:01 a. m., October 19, 1952, shall place upon the waybill or forwarding instructions a certification substantially as follows:

This shipment is made pursuant to Directive No. ------ issued by DSFA under Order SFO–4.

SEC. 9. *How a consumer may obtain coal.* Any consumer of bituminous coal who is urgently in need of coal and who is unable to obtain coal from his normal source of supply because of a work stoppage at the mine where such coal is produced may apply to the Area Distribution Manager or DSFA for priority assistance. Such application may be in the form of a letter or telegram which gives the applicant's name and address, the name and address of his normal source of supply, size and type of coal required, the number of tons and the number of days' supply he has on hand, the purpose for which the coal is to be used, the nature of his business, and evidence of its essentiality to the national defense program or national health or welfare. The application should be directed to the Area Distribution Manager, at the address shown on Appendix A, or Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C. It shall be the policy of DSFA to allocate and distribute the available supply of coal accumulated in railroad cars pursuant to this order on the basis of need and essentiality. An applicant to whom an allocation is made will be informed by telegram the name and the address of the shipper who has been directed to make shipment to him. It will then be the obligation of the applicant to communicate with the shipper and arrange for suitable terms of payment.

SEC. 10. *Applications for adjustment or exception.* Any shipper subject to any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue hardship upon him, not suffered generally by other shippers, and that its enforcement against him would not be in the interest of the national defense or in the public interest. Requests for adjustment or exception may be either in the form of a letter or telegram and must set forth in detail all facts upon which they are based.

SEC. 11. *Exemptions from damages or penalties.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with this order or any directive issued under it or under DSFA Order SFO–2.

SEC. 12. *Violations.* Any person who wilfully fails to comply with the provisions of this order or with any directive issued under this order or DSFA Order SFO–2, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order or any directive issued pursuant to this order or DSFA Order SFO–2, is guilty of a crime and upon conviction may be punished by fine or imprisonment of both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of solid fuels or using facilities under priority or allocation control and to deprive him of priorities assistance.

SEC. 13. *Communications.* All communications concerning this order or any directive issued pursuant to this order shall be addressed to "Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C."

NOTE: All reporting requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reporta Act of 1942.

This amended order shall take effect at 12:01 a. m., October 25, 1952.

DEFENSE SOLIDS FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solids Fuels Administrator.

APPENDIX A

The Area Distribution Managers and the districts they will cover are as follows:

District 1 (eastern Pennsylvania, Maryland, and Grant, Mineral, and Tucker Counties of West Virginia): F. Wallace Krater, Central Pennsylvania Coal Producers Association, Pennsylvania Electric Building, Altoona, Pa. Telephone: Altoona 3–8175.

District 2 (western Pennsylvania): H. A. Sutter, Western Pennsylvania Coal Operators Association, Oliver Building, Pittsburgh, Pa. Telephone: Court 1–2446.

District 3 (northern West Virginia): Daniel E. Cronin, Fairmont Coal Bureau, Peoples Building, Fairmont, W. Va. Telephone: Fairmont 4230.

District 4 (Ohio) and District 6 (West Virginia Panhandle): Ezra Van Horn, Ohio Coal Association, NBC Building, Cleveland, Ohio. Telephone: Prospect 1–8233.

District 7 (low volatile coal producing areas of Virginia and West Virginia): Dan Carroll (Room 605, Appalachian Building), Bluefield, W. Va. Telephone: Bluefield 8149.

District 8 (high volatile coal producing areas of West Virginia, eastern Kentucky, southwest Virginia, North Carolina, and Tennessee): Goodwyn Holmes, Appalachian Coals Inc., Cincinnati, Ohio. Telephone: Main 6677.

District 10 (Illinois): J. R. Henderson, Illinois Coal Producers Advisory Association, 105 West Monroe, Chicago, Ill. Telephone: Franklin 2–7952.

District 11 (Indiana): C. C. Lydick, Coal Trade Association of Indiana, 632 Cherry Street, Terre Haute, Ind. Telephone Crawford 1353.

District 13 (Alabama, Georgia, and southeastern Tennessee): Northeast Cross, 300 Transportation Building, Birmingham, Ala. Telephone: 54–6287.

Area offices will be established and Area Distribution Managers will be appointed for other Districts if need is demonstrated. Shippers of coal produced in mines which are located in a District for which no Area Distribution Manager has been appointed shall make reports required under section 6 of this order, or applications for adjustment or exception as provided for in section 10 of this order, to the Administrator, Defense Solid Fuels Administration, Washington 25, D. C. Similarly, consumers whose normal source of supply is a mine located in a District for which no Area Distribution Manager has been appointed should address requests for assistance under section 9 of this order to the Administrator, Defense Solid Fuels Administration, Washington 25, D. C.

Reports required under section 6 of this order from shippers of coal produced in a District for which no Area Distribution Manager has been appointed should be mailed not later than the day after the day on which the work stoppage occurs.

[F. R. Doc. 52–11636; Filed, Oct. 27, 1952; 11:00 a. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO–5]

EO–5—LIMITATION ON DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST UNDER CONTRACTS ENTERED INTO AFTER SEPTEMBER 1, 1952

An electric power deficiency in the Pacific Northwest requires conservation of electric power. Efforts must be made to prevent this shortage from being intensified. To assure adequate availability of electric power for essential civilian services and necessary defense production, the supply of electric power being delivered under commitments entered into by electric utilities with large new consumers after it became apparent that an electric power shortage might exist in the Pacific Northwest must be curtailed.

This order is necessary and appropriate to promote the national defense. Industry representatives, including trade association representatives, have been consulted in connection with its formulation, and their recommendations have been given consideration. The order is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended.

Sec.
1. What this order does.
2. Definitions.
3. Limitation on power deliveries under new contracts.
4. Applications for adjustment or exception.
5. Violations.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. 2071, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.

SECTION 1. *What this order does.* This order prohibits electric power deliveries to large power consumers under new contracts entered into after September 1, 1952.

SEC. 2. *Definitions.* For the purpose of this order:

(a) "Shortage area" means all of the State of Washington and those portions of Northern and Western Oregon, Northern Idaho and Western Montana within the service areas of the electric utilities named in Appendix A to this order.

(b) "Electric utility" means any person designated in Appendix A, and any person located in the shortage area, supplying, or having facilities built for supplying, electric energy directly or indirectly for general use by the public or, in the case of a cooperative, for use by its members.

SEC. 3. *Limitation on power deliveries under new contracts.* An electric utility shall not deliver under a new contract entered into after September 1, 1952, electric power to any consumer in the shortage area using in excess of 50,000 kilowatt hours per week, provided that this prohibition shall not apply in the case of consumers to whom power was being delivered by such electric utility on September 1, 1952.

SEC. 4. *Applications for adjustment or exception.* Any electric utility affected by this order which considers that its application would work an exceptional and unreasonable hardship on it or would interfere with military needs, defense production or essential civilian services may appeal for relief to the Defense Electric Power Administrator, who may grant such special exemptions or take such other action as may be consistent with the purposes of this order.

SEC. 5. *Violations.* Any person who wilfully violates any provision of this order or direction relating thereto or any other order or direction of DEPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials (including electric energy) or of using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on October 29, 1952.

JAMES F. FAIRMAN,
Administrator, Defense Electric Power Administration.

APPENDIX A—ELECTRIC UTILITIES WHICH GENERATE OR PURCHASE POWER AT WHOLESALE WITHIN THE SHORTAGE AREA

Bonneville Power Administration:
- Municipalities:
  - Canby, Oreg.
  - Cascade Locks, Oreg.
  - Centralia, Wash.
  - Cheney, Wash.
  - Drain, Oreg.
  - Ellensburg, Wash.
  - Eugene, Oreg.
  - Forest Grove, Oreg.
  - Grand Coulee, Wash.
  - McCleary, Wash.
  - McMinnville, Oreg.
  - Milton-Freewater, Oreg.
  - Monmouth, Oreg.
  - Springfield, Oreg.
- Cooperatives and Public Utility Districts:
  - Benton County Public Utility District No. 1.
  - Benton Lincoln Electric Cooperatives, Inc.
  - Benton Rural Electric Association.
  - Big Bend Electric Cooperative, Inc.
  - Blachly-Lane County Electric Cooperative, Inc.
  - Central Electric Cooperative, Inc.
  - Central Lincoln Peoples Utility District No. 1.
  - Chelan County Electric Cooperative, Inc.
  - Chelan County Public Utility District No. 1.
  - City of Port Angeles, Wash.
  - Clallam County Public Utility District No. 1.
  - Clark County Public Utility District No. 1.
  - Clatskanie People's Utility District.
  - Clearwater Valley Light & Power Association.
  - Columbia Basin Electric Cooperative, Inc.
  - Columbia County Rural Electric Association, Inc.
  - Cowlitz County Public Utility District No. 1.
  - Douglas County Public Utility District No. 1.
  - Eastern Oregon Electric Cooperative, Inc.
  - Ferry County Public Utility District No. 1.
  - Franklin County Public Utility District No. 1.
  - Grant County Public Utility District No. 2.
  - Grays Harbor Public Utility District No. 1.
  - Hood River Electric Cooperative, Inc.
  - Idaho County Light & Power Cooperative, Inc.
  - Inland Empire Rural Electrification, Inc.
  - Kittitas County Public Utility District No. 1.
  - Klickitat County Public Utility District No. 1.
  - Kootenai Rural Electric Association, Inc.
  - Lane County Electric Cooperative, Inc.
  - Lewis County Public Utility District No. 1.
  - Lincoln Electric Cooperative, Inc., Washington.
  - Mason County Public Utility District No. 3.
  - Nespelem Valley Electric Cooperative, Inc.
  - Sandy Electric Cooperative, Inc.
  - Northern Lights, Inc. (except sections exclusively served from Thompson Falls point of delivery).
  - Northern Wasco County Public Utility District No. 1.
  - Okanogan County Cooperative, Inc.
  - Okanogan County Public Utility District No. 1.
  - Orcas Power & Light Co.
  - Pacific County Public Utility District No. 2.
  - Pend Oreille County Public Utility District No. 1.
  - Pend Oreille Electric Cooperative, Inc.
  - Salem Electric, Inc.
  - Skamania County Public Utility District No. 1.
  - Snohomish County Public Utility District No. 1.
  - Stevens County Public Utility District No. 1.
  - Tanner Mutual Power & Light Association.
  - Tillamook Peoples Utility District No. 1.
  - Umatilla Electric Cooperative, Inc.
  - Vera Irrigation District, Spokane.
  - Wahkiakum County Public Utility District No. 1.
  - Wasco Electric Cooperative, Inc.
  - West Oregon Electric Cooperative, Inc.
- Bureau of Reclamation:
  - Grand Coulee, Wash.
  - Prosser, Wash.
  - Rocky Ford, Wash.
- Mountain States Power Co.—Willamette Valley System.
- Mountain States Power Co.—Sandpoint System.
- Mountain States Power Co.—Tillamook System.
- Montana Power Co.—Northern Idaho System.
- Pacific Power & Light Co.—Main System.
- Pacific Power & Light Co.—Astoria-Seaside System.
- Portland General Electric Co.
- Puget Sound Power & Light Co.—Main System:
  - Private utilities:
    - Northwestern Improvement Co.
  - Municipalities:
    - Blaine, Wash.
    - Pacific, Wash.
    - South Cle Elum, Wash.
    - Sumas, Wash.
  - Cooperatives:
    - Guemes Island Cooperative Association.
- Seattle—Department of Lighting.
- Tacoma—Department of Public Utilities—Light Division.
- Municipalities:
  - Eatonville, Wash.
  - Fircrest, Wash.
  - Milton, Wash.
  - Steilacoon, Wash.
- Cooperatives:
  - Alder Mutual Light Co.
  - Elmhurst Mutual Co.
  - Lakeview Light & Power Company, Inc.
  - Loveland Mutual Co.
  - Mason County Public Utility District No. 1.
  - Ohop Valley Mutual Light Co.
  - Parkland Light & Water Co.
  - Peninsula Light Company, Inc.

Washington Water Power Co.
Private utilities:
Bunker Hill Lighthouse
Citizens Utilities Company
Municipalities:
Chewelah, Wash.
Plummer, Idaho
Cooperatives:
Modern Electric Water Co.
Other Interconnected Utilities:
Municipalities:
Cashmere, Wash.
Springfield, Oreg.
Waterville, Wash.

[F. R. Doc. 52–11637; Filed, Oct. 27, 1952; 11:00 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. The centerhead immediately preceding § 6.202 is amended to read: "Disability Insurance Claims".

2. Sections 6.202, 6.204, and 6.205 are revised to read as follows:

§ 6.202 *Claim for disability benefits under insurance.* A claim for total disability or total permanent disability benefits under a contract of insurance is any writing which alleges total disability or total permanent disability at a time when the contract was in force or which uses words showing an intention to claim total disability or total permanent disability insurance benefits. However, the claimant may be required to furnish a statement in support of his claim on forms provided by the Veterans' Administration, and such additional information concerning his industrial activities and physical and mental condition as may be required by the Veterans' Administration.

§ 6.204 *Appeal from decision of disability insurance claims service or disability insurance claims division.* Where the disability insurance claims service in central office or the disability insurance claims division, insurance service (Washington), finds that total disability or total permanent disability does not exist as alleged in a claim for disability insurance benefits, or where the disability insurance claims division in a district office finds that total disability does not exist as alleged in a claim for disability insurance benefits, such denial shall be final. However, a veteran or his authorized representative shall have the right to file an application for review on appeal to the Administrator of Veterans' Affairs within 1 year from the date of mailing of notice of the decision of the disability insurance claims service, central office, the disability insurance claims division, insurance service (Washington), or the district office disability insurance claims division. Any new and material evidence must be submitted within a period of 1 year or prior to the consideration of the appeal. Such appeal must be in writing and otherwise comply with the regulations governing appeals to the Administrator. An application for review on appeal filed with the activity which entered the denial which is postmarked prior to the expiration of the 1 year period will be accepted as having been filed within the time limit.

§ 6.205 *Ratings for insurance benefits not applicable for disability pension or compensation.* Since decisions of the disability insurance claims service in central office, the disability insurance claims division, insurance service (Washington), or the disability insurance claims division in a district office determining the existence or nonexistence of total or total permanent disability for insurance purposes and decisions of rating agencies determining the existence or nonexistence of total or total permanent disability for pension or compensation purposes are based upon distinctly dissimilar standards, it follows that the former cannot be determinative for pension or compensation purposes and the latter cannot be determinative for insurance purposes.

3. A new § 6.206 is added as follows:

§ 6.206 *Reconsideration of insurance claims where suits have terminated in favor of the Government.* Where suit has been brought against the United States under section 19 of the World War Veterans Act, 1924, as amended, for the benefits of yearly renewable term insurance, automatic, or United States Government life insurance because of alleged total permanent disability, or total disability as defined in the total disability provision attached to United States Government life insurance policies, or under section 617 of the National Service Life Insurance Act of 1940, as amended, and judgment on the merits in favor of the Government has been entered, the claim will be reconsidered only where it is definitely shown that new and material evidence has been produced which was not presented to the court, or that manifest error was made.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

This regulation is effective October 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–11540; Filed, Oct. 27, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 721]

CORN

NOTICE OF DETERMINATIONS PERTAINING TO MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR 1953 CROP OF CORN

Section 322 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1322), requires the Secretary of Agriculture to determine whether marketing quotas shall be in effect on the 1953 crop of corn, and if quotas are required, to proclaim such quotas not later than November 15, 1952. Sections 327 and 328 of the act, as amended (7 U. S. C. 1327, 1328), require the Secretary, not later than February 1, 1953, to proclaim the commercial corn-producing area and the acreage allotment of corn for the calendar year 1953.

In preparing to make such determination and issue such proclamations, the Secretary has under consideration sections 304 and 371 (b) of the act, which provide, in effect, that the acreage allotment and marketing quota provisions of the act shall not be invoked with respect to any one of the several commodities to which farm marketing quotas are applicable in case the Secretary finds that acreage allotments and marketing quotas should be dispensed with to protect consumers, to meet a national emergency, or to provide a material increase in exports.

Prior to the determination and proclamations with respect to marketing quotas and acreage allotments for the 1953 crop of corn, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 23d day of October 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52–11573; Filed, Oct. 27, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

GENERAL RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

REPORTS OF DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS

Notice is hereby given that the Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b), and 23 (a) thereof, has under consideration two proposals for the adoption of rules under sections 16 (a) and 16 (b).

One proposal, which deals with the filing of reports required by section 16 (a) of the Securities Exchange Act of 1934 with respect to the ownership of securities held in trusts, is the product of suggestions and criticisms received by the Commission upon Securities Exchange Act Release No. 4720, another proposal dealing with the filing of reports under section 16 (a) with respect to ownership of securities held in trust. Since the new proposal differs substantially from the earlier one, it was deemed advisable to offer it, too, for comment by interested persons.

The new proposal provides that any trustee who was an officer, director or ten percent stockholder of a company with any class of equity securities registered on a national securities exchange shall be required to file the reports specified by section 16 (a) of the Securities Exchange Act where either he or members of his immediate family have a vested interest in the income or corpus of the trust. It also provides that beneficiaries of trusts and settlors with the power of revocation should also file the reports under some circumstances. They are exempted from sections 16 (a) and 16 (b) where less than twenty percent of the securities of the trust having a readily ascertainable market value consist of equity securities with respect to which a report would otherwise be required and when the trust transactions are entered into without their advice or knowledge. Like the proposal contained in Securities Exchange Act Release No. 4720, the new proposal also requires the trustees of a trust holding ten percent or more of any registered security to file reports. The definition of "immediate family" of a trustee is more limited than that contained in the earlier proposal in that it excludes uncles, aunts, nieces and nephews. The new proposal also contains a provision exempting from section 16 (a) the beneficial owners of certain trusts which have filed statements of their nature and composition pursuant to the requirements of the Securities Act, the Securities Exchange Act, or the Investment Company Act.

The other new proposal being considered by the Commission provides an exemption from sections 16 (a) and 16 (b) for certain transactions in which the amounts involved are so small that, it is suggested, there is no public interest requiring reports of the transaction. Acquisitions would be exempted where there are no less of securities of the same class for six months thereafter, and where the total acquisitions and dispositions of securities of the same class in any six months period which includes the transaction do not have a total market value in excess of $3,000. Both acquisitions and dispositions of securities by way of gifts are exempted from sections 16 (a) and 16 (b) where the gifts do not exceed $3,000 for any six months period.

The proposed rules would provide substantially as follows:

§ 240.16a–8 *Ownership of securities held in trust.* (a) Beneficial ownership of a security for the purpose of section 16 (a) shall include:

(1) The ownership of securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust,

(2) The ownership of securities as a beneficiary of a trust, and

(3) The ownership of securities as a settlor of a trust in which the settlor has the power either alone or in conjunction with another, to revoke the trust;

(b) Except as provided in paragraph (c) of this section, beneficial ownership of securities solely as a settlor or beneficiary of a trust shall be exempt from the provisions of sections 16 (a) and 16 (b) where less than twenty percent in market value of the securities having a readily ascertainable market value held by such trust, determined as of the end of the preceding fiscal year of the trust, consists of equity securities with respect to which reports would otherwise be required. Exemption is likewise accorded from sections 16 (a) and 16 (b) with respect to any obligation which would otherwise be imposed solely by reason of beneficial ownership of securities held in trust, where the ownership or disposition of such securities by the trust is without the advice or knowledge of the beneficial owner, or where such beneficial interest is not a vested interest. No exemption pursuant to this subsection shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is not transaction by the trust in the securities otherwise subject to the reporting requirements of section 16 (a).

(c) In the event that ten percent of any class of any equity security (other than an exempted security) which is registered on a national securities exchange is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16 (a) of the act.

(d) Not more than one report need be filed to report any holdings or with respect to any transaction in securities held by a trust, regardless of the number of officers, directors or ten per cent stockholders who are either trustees or beneficiaries of a trust, provided that the report filed shall disclose the names of all trustees and beneficiaries who are officers, directors or ten per cent stockholders. The person having an interest, only as a beneficiary of a trust, shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(e) As used in this section the "immediate family" of a trustee means:

(1) A son or daughter of the trustee, or a descendant of either,

(2) A stepson or stepdaughter of the trustee,

(3) A brother, sister, stepbrother, or stepsister of the trustee,

(4) The father or mother of the trustee, or an ancestor of either,

(5) A stepfather or stepmother of the trustee,

(6) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the trustee.

(7) A spouse.

For the purpose of determining whether any of the foregoing relations exist, a legally adopted child of a person shall be considered a child of such person by blood, and a brother or sister by the half blood shall be considered a "brother" or "sister."

(f) In determining, for the purposes of § 240.16a–1 (Rule X-16A-1), whether a person is the beneficial owner, directly or indirectly, of more than 10 per cent of any class of any listed equity security, the interest of such person in the remainder of a trust shall be excluded from the computation.

(g) If any statement, report, or other document is filed with the Commission pursuant to the requirements of the Securities Act, the Securities Exchange Act or the Investment Company Act disclosing the nature and composition of a trust and such trust does not engage in short term purchases and sales or sales and purchases no report required by section 16 (a) need be filed by any officer, director, or ten per cent beneficial owner under this rule with respect to his interest in any securities held in that trust.

(h) Nothing in the rule shall be deemed to impose any duties or liabilities with respect to any transactions or holdings prior to its effective date.

§ 240.16a–9 *Exemption from section 16 (a) and 16 (b) for small transactions.* (a) Any acquisition of securities shall be exempt from section 16 (a) and 16 (b) where:

(1) The person effecting the acquisition does not within six months thereafter effect any disposition, otherwise than by way of gift, or securities of the same class, and

(2) The person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any six months period during which the acquisition occurs.

(b) Any acquisition or disposition of securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six months period, shall be exempt from sections 16 (a) and 16 (b) and may be excluded from the computations prescribed in paragraph (a) (2) of this section.

(c) Any person exempted by paragraphs (a) or (b) of this section shall include in the first report filed by him after a transaction within the exemp-

tion a statement showing his acquisitions and dispositions for each six months period or portion thereof which has elapsed since his last filing.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before November 7, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 20, 1952.

[F. R. Doc. 52-11556; Filed, Oct. 27, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

OCTOBER 20, 1952.

Whereas, the Office of Territories, Department of the Interior, made application Anchorage 021657, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Ninilchik School), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER, September 30, 1952 (17 F. R. 8669), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, supra, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

T. 1 S., R. 14 W., Seward Meridian:
Sec. 34, Lot 6.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 52-11550; Filed, Oct. 27, 1952; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

OCTOBER 20, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 019599, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands for a public works project (Kodiak Water and Sewer System), which has been approved under section 4 of said act:

Beginning at Corner Number 2 (the Northwest Corner) of United States Land Survey No. 2538-A Government Reserve; the point of beginning, go South 34° 34' East, 1,990.56 feet to a point; thence South 5° 27' West, 1,089.25 feet to a point; thence South 36° 16' West, 210.63 feet to a point; thence South 58° 09' West 357.25 feet to a point; thence South 53° 37' West, 1,152.91 feet to a point; South 41° 06' West, 379.13 feet to a point; thence South 64° 33' West, 945.28 feet to a point; thence South 59° 27' West, 425.64 feet to a point; thence South 74° 26' West, 1,410.0 feet to a point; thence South 61° 33' West, 1,443.61 feet to a point; thence North 5° 05' 30" West, 670 feet plus or minus, to a point, which point is common with the Northeast Corner of the United States Naval Reservation, United States Survey Number 2539; thence North 34° 34' West, 4,250 feet, plus or minus, to a point; thence North 55° 21' East, 10,868.88 feet to a point; thence South 34° 39' East, 2,627 feet, plus or minus, to a point; thence South 55° 21' West, 4,300 feet, plus or minus, to the point of beginning; thereby comprising a tract of land containing 1,063 acres, more or less.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of the Territories, Juneau, Alaska.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 52-11551; Filed, Oct. 27, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-264]

ACCIDENT OCCURRING NEAR CAROLINA, BRAZIL

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 1039V which occurred approximately 275 nautical miles southwest of Carolina, Brazil, in a jungle area of the State of Para, on April 29, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on November 10, 1952, at 9:00 a. m. (local time) in the McFadden-Deauville Hotel, 6701 Collins Avenue, Miami Beach, Florida.

Dated at Washington, D. C., October 17, 1952.

[SEAL] W. K. ANDREWS, *Presiding Officer.*

[F. R. Doc. 52-11569; Filed, Oct. 27, 1952; 8:49 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 3, as Amended October 23, 1952]

ORGANIZATION AND FUNCTIONS; SUBMITTALS AND REQUESTS

Pursuant to the provisions of section 709 of the Defense Production Act of 1950, as amended, section 3 of the Administrative Procedure Act, Executive Order 10161, and Executive Order 10219, Organization Order DTA 3 describing the organization and functions of the Defense Transport Administration was issued on August 21, 1951 (16 F. R. 8556), and is hereby amended.

This amendment affects the order in the following respects: In section 1, adds references to Title II of the Defense Production Act of 1950, as amended, Executive Orders 10281, and 10324, and Defense Production Administration Regulation 3; in section 2, revises paragraphs (j) and (k), renumbers paragraph (m) as (n), and adds a new paragraph (m); renumbers section 3 as 4, and adds a new section numbered 3; revises former section 3 (now numbered 4); revises former section 4 (now numbered 5); in former section 5 (now numbered 6) adds a new paragraph (c) and renumbers paragraphs (c) and (d) as (d) and (e), and adds a new paragraph (f); renumbers sections 4 through 9 as sections 5 through 10; from former section 6 (now numbered 7) eliminates paragraphs (b) and (c) and lists the field office locations (revised) of the Interstate Commerce Commission contained therein in Appendices A and B, now added to the order; adds an Appendix C.

Sec.
1. Creation and authority.
2. Functions.
3. Organization.
4. Administrator and staff offices or officers.
5. Divisions.
6. Delegations of authority.
7. Field offices.
8. Information, submittals, and requests.
9. Opinions and orders; inspection of public records.
10. Addresses.

AUTHORITY: Sections 1 through 10 issued under sec. 709, Pub. Law 774, 81st Cong., 64 Stat. 819, 50 U. S. C. App. 2159; sec. 3, 60 Stat. 238, 5 U. S. C. Supp. 1002. Interpret or apply Title VII, Pub. Law 774, 81st Cong., 64 Stat. 815, as amended by Pub. Law 96, 82d Cong., 65 Stat. 138; sec. 3, 60 Stat. 238, 5 U. S. C. Supp. 1002; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 10219, Feb. 28, 1951, 16 F. R. 1983; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; E. O. 10324, Feb. 6, 1952, 17 F. R. 1171.

SECTION 1. *Creation and authority.* By Executive Order 10161 (15 F. R. 6105), the President conferred upon that Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, among other things, certain functions vested in the President by Titles I, II, III, and VII of the Production Act of 1950, with respect to domestic transportation, storage, and port facilities, as defined in said order, as amended, but excluding pipe lines, air transport, coastwise, intercoastal, and overseas shipping. For the purpose of carrying out the responsibilities conferred by Executive Order 10161, and in accordance with authority delegated in that Executive Order, the Commissioner described established on October 4, 1950, a Defense Transport Administration (Organization Order DTA 1, 15 F. R. 6728, as amended February 1, 1952 (17 F. R. 1308)), at the head of which organization is an Administrator. The authority of the Defense Transport Administration has since been affected by the issuance of Executive Order 10193 (15 F. R. 9031); Executive Order 10200 (16 F. R. 61); Defense Production Administration Delegation 1, as amended (16 F. R. 738, 11245); Defense Production Administration Regulation 3 (16 F. R. 12431); Executive Order 10219 (16 F. R. 1983); Executive Order 10281 (16 F. R. 8789); and Executive Order 10324 (17 F. R. 1171) which by amending the definition of the term "domestic transportation, storage, and port facilities" extended the authority to the Territories and possessions of the United States.

SEC. 2. *Functions.* The general functions and responsibilities of the Defense Transport Administration (hereinafter sometimes referred to as DTA) with respect to domestic transportation, storage and port facilities are to:

(a) Assemble and analyze data with respect to requirements to be imposed on domestic transportation, port and storage systems and facilities and with respect to the ability of such systems and facilities to satisfy such requirements;

(b) Formulate such plans and programs, and take such actions, as may be desirable to meet requirements for domestic transportation, storage, and port services, including, among other things, programs and measures for increasing the efficiency and obtaining maximum utilization of domestic transportation, port and storage systems and facilities and for providing additional transportation, port and storage facilities;

(c) Coordinate and direct the domestic movement of passenger and freight traffic in cooperation with the Interstate Commerce Commission and private transportation organizations and agencies;

(d) Allocate the use of domestic transportation, port and storage facilities by operators thereof, and allocate domestic transportation, port and storage services to the users thereof;

(e) Administer such priorities as may be necessary to insure the movement of essential traffic or the storage of essential commodities, subject to such policies and orders as the Defense Production Administrator may prescribe;

(f) Act as claimant for materials and manpower for the construction, operation, maintenance, and repair of domestic transportation, port and storage systems and facilities, and, pursuant to National Production Authority Delegation 14, as amended (16 F. R. 7628, 9784, 17 F. R. 326, 8882), act upon applications for construction authorizations and allotments of materials filed under the controlled materials plan of the National Production Authority;

(g) Cooperate with the Secretary of Commerce, the Secretary of Defense and the Secretary of the Interior to achieve the effective coordination of inland and ocean transportation and the efficient operation of all port facilities to meet military and civilian requirements;

(h) Cooperate with the Secretary of Defense and the Administrator of General Services to achieve the effective coordination and utilization of storage facilities;

(i) Utilize the services of the Interstate Commerce Commission and of such other Federal, State, and local agencies as the Administrator deems desirable in the performance of his functions;

(j) Pursuant to Defense Production Administration Delegation 1, as amended, make recommendations to the Defense Production Administrator with respect to the issuance under section 310 of Executive Order 10161, as amended, of certificates of essentiality of defense loans for expansion of capacity of domestic transportation, storage, and port facilities under sections 302 and 303 of the Defense Production Act of 1950, as amended;

(k) Pursuant to Defense Production Administration Delegation 1, as amended, make recommendations to the Defense Production Administrator with respect to domestic transportation, storage and port facilities in connection with the issuance under section 2 (e) of Executive Order 10200, as amended, of certificates for amortization for income tax purposes under subsection (e) of section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950;

(l) Carry out the consultations referred to in section 708 (a) of the Defense Production Act of 1950, as amended, and make recommendations to the Defense Production Administrator for the approval of voluntary agreements and programs as provided in section 708 of that act;

(m) Pursuant to Defense Production Administration Regulation No. 3, perform the functions of an initiating or delegate agency, as the case may be, with respect to the requisition or condemnation of property, or an interest therein, used, or to be used, for domestic transportation, storage, or port purposes, and with respect to the disposal of property, or an interest therein, so acquired and used for such purposes; and

(n) Perform such other functions with respect to domestic transportation, storage and port facilities as may be assigned or delegated from time to time by the President or other Government authority.

SEC. 3. *Organization.* The Defense Transport Administration consists of the Administrator, five principal staff offices or officers and eight divisions.

SEC. 4. *Administrator and staff offices or officers*—(a) *Administrator.* The Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission is ex officio the Administrator, and, as such, is responsible for the discharge of the duties and responsibilities described in section 2 of this order.

(b) *Staff offices and officers.* The duties and responsibilities of the principal staff offices and officers of DTA are:

(1) *Office of the Deputy Administrator.* The Office of the Deputy Administrator coordinates the functions performed within DTA, represents the Administrator in liaison with other agencies of the Government at the highest levels, including the Bureau of Service and other units of the Interstate Commerce Commission, and performs such other duties as may be assigned or required by the Administrator. The Deputy Administrator serves as Acting Administrator during the disability or absence from official headquarters in Washington, D. C., of the Administrator.

(2) *Office of the Executive Assistant.* The Office of the Executive Assistant provides advice, consultation, and assistance as to policies, programs, operational procedures, use of advisory bodies, planning studies, liaison with other agencies and reports of agency activities and performs such other special duties as may be assigned or required by the Administrator. The Executive Assistant serves as Executive Secretary of DTA's Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization and serves as Acting Administrator during the disability or absence from official headquarters in Washington, D. C., of both the Administrator and Deputy Administrator.

(3) *Office of the General Counsel.* The Office of General Counsel renders legal services to the Administrator and other officers with respect to the functions of DTA, and represents it in liaison with other departments and agencies of the Government with reference to litigation and other matters of law. The General Counsel serves as Acting Administrator during the disability or absence from official headquarters in Washington, D. C., of the Administrator, Deputy Administrator, and Executive Assistant.

(4) *Administrative Officer.* The Administrative Officer advises the Administrator on the development of over-all agency administrative management policies; directs and coordinates the effectuation of such policies; directs and coordinates administrative management programs throughout the agency to effect budgetary, fiscal, organizational, personnel and procedural controls; provides property, equipment, communications and other administrative services; maintains liaison with other Government agencies on over-all administrative management policies affecting DTA, and with domestic surface transportation interests concerning affairs of administration having a direct bearing on the internal management and program relations of DTA.

(5) *Information and Liaison Officer.* The Information and Liaison Officer is responsible: (i) For the direction of the public informational activities of DTA to promote common understanding and cooperation in the accomplishment of its programs and objectives, and (ii) for advising and cooperating with other government agencies in the attainment of common or related aims. Upon request, he serves as spokesman for the Administrator in the explanation and interpretation of DTA objectives and policies to obtain adherence to its programs of voluntary cooperation or mandatory controls. Except as to legal matters and internal administrative services, he maintains liaison between DTA and officials of the Interstate Commerce Commission in areas of joint or common interest.

(6) *Special Assistant to the Administrator.* Among other responsibilities, the Special Assistant to the Administrator represents him on policies, programs, and special projects not normally within the responsibilities of any of the divisions or other staff officers; acts as Special Assistant for Territories and possessions and in respect thereto represents the Administrator in liaison with other Government agencies, Territorial officials, and private interests, concerned with surface transport, storage, and port affairs in the Territories and possessions; as required, plans, develops, and completes special asignments normally requiring the personal attention of the Administrator; acts as executive secretary to various committees or groups formed by the Administrator from time to time and performs such other duties of a special or highly confidential nature as may be assigned to him.

SEC. 5. *Divisions.* Each division performs its duties under the immediate direction of a director, subject to the control of the Administrator, with functions as follows:

(a) *Railroad Transport Division.* (1) The Railroad Transport Division plans and administers the policies, programs and regulations adopted by DTA in the performance of the functions described in paragraphs (a) through (e), (g), (i), (l), (m), and (n) of section 2 of this order as they pertain to domestic railroad facilities and services.

(2) The Division consists of the Operations Branch, the Roadway, Equipment and Manpower Branch, the Research and Analysis Branch, and a field service unit.

(b) *Street and Highway Transport Division.* (1) The Street and Highway Transport Division plans and administers the policies, programs and regulations adopted by DTA in the performance of the functions described in paragraphs (a) through (e), (g), (i), (l), (m), and (n) of section 2 of this order as they pertain to domestic street and highway transportation facilities and services (including for-hire carriers of property, private carriers of property, farm vehicles, intercity buses, urban transportation, school transportation, taxicabs, hearses, ambulances, rental vehicles, and private passenger motor vehicles.

(2) The Division consists of the Passenger Operations Branch, Property Operations Branch, Field Operations Branch, Program Planning Branch and Requirements Branch.

(c) *Inland Water Transport Division.* (1) The Inland Water Transport Division plans and administers the policies, programs and regulations adopted by DTA in the performance of the functions described in paragraphs (a) through (e), (g), (i), (l), (m), and (n) of section 2 of this order as they pertain to inland water transport facilities and services, including watercraft on the Great Lakes, in harbors, and on inland waterways.

(2) The Division consists of the Equipment and Manpower Branch, Allocations and Permits Branch, Field Operations Branch, and Research and Analysis Branch.

(d) *Warehousing and Storage Division.* (1) The Warehousing and Storage Division plans and administers the policies, programs and regulations adopted by DTA in the performance of the functions described in paragraphs (a) through (e), (h), (i), (l), (m), and (n) of section 2 of this order as they pertain to domestic storage facilities and services.

(2) The Division consists of the Requirements and Facilities Branch, Refrigerated Branch, General Merchandise Branch, Bulk Commodities Branch, and a field service unit.

(e) *Port Utilization Division.* (1) The Port Utilization Division plans and administers the policies, programs and regulations adopted by DTA in the performance of the functions described in paragraphs (a) through (e), (g) (i), (l), (m), and (n) of section 2 of this order as they pertain to domestic port facilities and services on the Atlantic Coast, Pacific Coast, Gulf of Mexico, and the coasts of the Territories and possessions of the United States.

(2) The Division consists of the Requirements and Facilities Branch, the Utilization and Traffic Control Branch, and the Research and Analysis Section.

(3) The Director of the Division is Chairman of the Port Operations Committee, the other members of which are the directors of the four divisions mentioned in paragraphs (a) through (d) of this section 5, and the Director, Bureau of Service, Interstate Commerce Commission.

(f) *Equipment and Materials Division.* (1) The Equipment and Materials Division plans and administers policies, programs and regulations in connection with the performance by DTA of the functions described in paragraphs (f), (i), and (n) of section 2 of this order as they pertain to materials and equipment for the construction, operation, maintenance, and repair of domestic transportation, port and storage systems and facilities.

(2) The Division consists of the Program Branch, Materials Branch, and Research and Analysis Branch.

(3) The Director of the Division is Chairman of an Equipment and Materials Program Committee, the members of which are the program officers designated by the directors of the divisions mentioned in paragraphs (a) through (e) of this section 5.

(g) *Manpower Division.* (1) The Manpower Division plans and administers policies and programs adopted by DTA in the performance of the functions described in paragraphs (f), (i), and (n) of section 2 of this order as they pertain to manpower for the construction, operation, maintenance, and repair of domestic transportation, port and storage systems and facilities.

(2) The Division consists of the Selective Service and Defense Department Specialist, the Recruitment Specialist, the Training and Utilization Specialist, the Statistical Analyst and a field service unit.

(3) The Director of the Division is Chairman of the Manpower Program Committee, the members of which are the program officers designated by the directors of the divisions mentioned in paragraphs (a) through (e) of this section 5.

(h) *Tax Amortization and Defense Loans Division.* (1) The Tax Amortization and Defense Loans Division administers policies, programs and regulations in the performance by DTA of the functions described in paragraphs (j), (k), and (n) of section 2 of this order relating to tax amortization and defense loans for domestic transportation, storage and port facilities.

(2) The Division consists of the Defense Loans Branch, the Tax Amortization Branch, and the Administrative, Reports & Statistics Section.

(3) The Director is Chairman of the Program Committee for Industrial Expansion, the members of which are the program officers designated by the directors of the divisions mentioned in paragraphs (a) through (e) of this section 5.

(i) *Cooperation between divisions.* Each of the divisions mentioned in paragraphs (a) through (e) of this section 5 cooperates with the Equipment and Materials Division and the Manpower Division mentioned in paragraphs (f) and (g) of this section 5 as to the functions described in paragraph (f) of section 2 of this order, and with the Tax Amortization and Defense Loans Division mentioned in paragraph (h) of this section 5 as to those functions described in paragraphs (j) and (k) of section 2 of this order.

SEC. 6. *Delegations of authority.* (a) By DTA Delegation 1 (15 F. R. 9004), the Director, Bureau of Service, Interstate Commerce Commission, has been empowered to perform the function referred to in paragraph (d) of section 2 of this order to allocate the use of railroad passenger-carrying equipment. Such function may be performed by the Director through such Government agencies, officers and employees and in such manner as he may determine, subject, however, to the general control and supervision of the Administrator of DTA.

(b) By DTA Delegation 2 (16 F. R. 2046), the Director, Bureau of Motor Carriers, Interstate Commerce Commission, has been empowered to perform the following functions with respect to street and highway transportation facilities and services: (1) Conduct surveys and furnish reports to the Administrator on the adequacy of motor transportation and on the available supply and shortages in manpower, equipment, and parts for all street and highway transportation subject to the jurisdiction of the Defense Transport Administration; (2) organize and supervise industry program committees; (3) attend meetings involving street and highway transportation subjects and problems; (4) check individual applications made to the Defense Transport Administration by persons engaged in street and highway transportation; (5) make recommendations to the Administrator of Defense Transport Administration as to the issuance of appropriate emergency, temporary or special authorities to operators of street and highway transportation equipment or facilities, when such authority is required by general or special orders of the Defense Transport Administration; (6) obtain and report to the Defense Transport Administration such information respecting or affecting the operations, practices and business of any street or highway transport operator as may be required by any request, direction or order issued by the Defense Transport Administration; (7) supervise, regulate and control motor transportation subject to the jurisdiction of the Defense Transport Administration in accordance with any request, direction, general, special or specific order issued by the Defense Transport Administration. The foregoing functions may be performed by the Director through such Government agencies, officers and employees and in such manner as he may determine, subject, however, to the general control and supervision of the Administrator, and the Director of the Street and Highway Transport Division of DTA.

(c) By DTA Delegation 8 (17 F. R. 1489), the Director, Bureau of Water Carriers and Freight Forwarders, Interstate Commerce Commission, has been empowered to perform the following functions with respect to inland water transport and port facilities and services: (1) Conduct surveys of, and furnish reports on, the adequacy of inland water transportation and port services and on the shortages and available supply of manpower, equipment, parts, materials, and supplies for all inland water transportation and port facilities and services subject to the jurisdiction of the Defense Transport Administration; (2) organize and supervise inland water transport or port utilization committees; (3) attend meetings involving inland water transportation and port utilization subjects and problems; (4) check individual applications made to the Defense Transport Administration by persons engaged in or using inland water transportation or port services; (5) give information to the public concerning the activities, plans, programs, measures, and procedures of Defense Transport Administration with particular reference to inland water transportation and port services and facilities; (6) make recommendations as to issuance of appropriate emergency, temporary, or special authorities provided for by formal general or special orders of the Defense Transport Administration; (7) obtain and report to the Defense Transport Administration such information respecting or affecting the operations, practices, and business of any inland water transport or port facility operator as may be required by any request, direction, or order issued by the Defense Transport Administration; and (8) in accordance with requests or directions from the Defense Transport Administration or in accordance with and as authorized by any formal general or special order issued by the Defense Transport Administration, supervise, regulate, or control all forms of inland water transportation and port facilities and services, both private and for-hire, and effect the coordination of inland transportation with ocean shipping in the utilization of port facilities. The foregoing functions may be performed by the Director through such Government officers, agencies, and employees and in such manner as he may determine, subject, however, to the control and supervision of the Administrator, and the respective Directors of the Inland Water Transport Division and the Port Utilization Division, of DTA.

(d) In accordance with arrangements made between Defense Transport Administration and the Interstate Commerce Commission, the field staffs of the Bureau of Motor Carriers, Bureau of Service, and Bureau of Water Carriers and Freight Forwarders of that Commission, gather information and perform such other functions for or on behalf of Defense Transport Administration as may be specifically assigned or delegated.

(e) By DTA Delegation 6 (16 F. R. 4149), the Administrator, DTA, has delegated to the Administrator of the Petroleum Administration for Defense authority to perform the functions and exercise the powers conferred upon the Defense Transport Administration with respect to facilities required for bulk storage of petroleum and gas, subject to the reservations and conditions stated in DTA Delegation 6.

(f) By Memorandum of Agreement executed on October 24 and 25, 1951 (16 F. R. 11512) and amended on September 30, 1952 (17 F. R. 8992) and reciprocal delegations of authority, namely, DTA Delegation 7 (16 F. R. 11512) and Defense Food Delegation No. 10 (16 F. R. 11510), the Defense Transport Administration and the Production and Marketing Administration, United States Department of Agriculture, have defined their respective functions and responsibilities with respect to storage and warehousing matters.

SEC. 7. *Field Offices.* The Defense Transport Administration has not established field offices, but has continuing representation in the field through the respective field organizations of the Bureau of Motor Carriers, the Bureau of Service, and the Bureau of Water Carriers and Freight Forwarders, Interstate Commerce Commission, pursuant to delegations referred to in section 6 of this order. The locations of the field offices of the Bureau of Motor Carriers, the Bureau of Service, and the Bureau of Water Carriers and Freight Forwarders are listed in Appendices A, B, and C, respectively, attached to this order.

SEC. 8. *Information, submittals, and requests.*—(a) Except as otherwise stated herein, or provided in published instructions, orders, or directions issued by Defense Transport Administration, and except to the extent that there is involved any function of the United States requiring secrecy in the public interest, or relating only to the internal management of the Administration, information regarding the Administration and matters within its jurisdiction may be obtained upon request from the Information and Liaison Officer, Defense Transport Administration, Washington 25, D. C.

(b) Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, or relating to the internal management of the Administration, information regarding the following matters may also be obtained at the offices described below:

(1) Railroad transport, from the field offices of the Bureau of Service of the Interstate Commerce Commission located as set forth in Appendix B to this order;

(2) Street and highway transport, from the field offices of the Bureau of Motor Carriers of the Interstate Commerce Commission located as set forth in Appendix A to this order;

(3) Inland water transport and port facilities and services, from the field offices of the Bureau of Water Carriers and Freight Forwarders of the Interstate Commerce Commission located as set forth in Appendix C to this order.

(c) Submittals and requests are to be made to such officers or persons at such places and in such manner as may be prescribed by published instructions, orders, or directions issued by Defense

Transport Administration from time to time. Any other submittal or request may be made to the Administration at its headquarters in Washington, D. C.

SEC. 9. *Opinions and orders; inspection of public records.* (a) All final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) shall be available for public inspection at the office of the Information and Liaison Officer at the Administration's headquarters in Washington during usual office hours. Copies of such opinions or orders may be secured from the Information and Liaison Officer upon payment of the cost of reproducing them when no extra copies are available.

(b) Save as otherwise required by statute, other matters of official record, except information held confidential for good cause found, will be made available by the Information and Liaison Officer for inspection by persons properly and directly concerned at the Administration's headquarters in Washington during usual office hours, except during such times as inspection would unduly interfere with work in progress.

SEC. 10. *Addresses.* The headquarters of the Defense Transport Administration is located in the Interstate Commerce Commission Building, Twelfth Street and Constitution Avenue NW, Washington, D. C., and the addresses of the appropriate field offices are set out in Appendices A, B, and C to this order.

Issued at Washington, D. C., this 23d day of October 1952.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

APPENDIX A

To Organization Order DTA 3, as amended October 23, 1952

FIELD OFFICES OF THE BUREAU OF MOTOR CARRIERS, INTERSTATE COMMERCE COMMISSION

Alabama: District Supervisor, 208 Social Security Building, 2225 Third Avenue North, Birmingham.

Arizona: District Supervisor, 401 Security Building, Phoenix.

Arkansas: District Supervisor, Room 206, 515 East Second Street, Little Rock.

California: District Supervisor, 1513 United States Post Office and Courthouse, Los Angeles 12. District Director, Room 754, Flood Building, 870 Market Street, San Francisco 2.

Colorado: District Director, 620 Central Savings Bank Building, Denver.

Connecticut; District Supervisor, 223 Federal Building, Hartford 1.

District of Columbia: District Supervisor, 1132 Interstate Commerce Commission Building, Washington 25.

Florida: District Supervisor, 227 Post Office Building, Post Office Box 4946, Jacksonville 1.

Georgia: District Director, 701 Grant Building, Atlanta 3.

Idaho: District Supervisor, 619 Idaho Building, Boise.

Illinois: District Director, 852 United States Customhouse Building, 610 South Canal Street, Chicago. District Supervisor, Second Floor, Adams Building, 628 East Adams Street, Springfield.

Indiana: District Supervisor, 361 Federal Building, Fort Wayne 2. District Supervisor, 257 Federal Building, Indianapolis 4.

Iowa: District Supervisor, 904 Davenport Bank Building, Davenport. District Supervisor, 211 Federal Office Building, Des Moines 9. District Supervisor, 311 Post Office Building, Sioux City.

Kansas: District Supervisor, 408 Schweiter Building, Wichita 2. District Supervisor, 309 Federal Building, Topeka.

Kentucky: District Supervisor, 409 Post Office Building, Lexington. District Supervisor, 523 Post Office Building, Louisville 2.

Louisiana: District Supervisor, 709 Masonic Temple Building, New Orleans.

Maine: District Supervisor, 411 Clapp Memorial Building, Portland 3.

Maryland: District Supervisor, 204 Appraisers Store Building, Baltimore 2. District Supervisor, 206–B Post Office Building, Salisbury.

Massachusetts: District Director, 1220 North Station Office Building, 150 Causeway Street, Boston 14. District Supervisor, 420 Federal Building, Springfield 3.

Michigan: District Supervisor, Whitaker Building, 600 East Jefferson Avenue, Detroit 26. District Supervisor, 1608 Olds Tower Building, Lansing 8.

Minnesota: District Director, 109 Federal Office Building, Minneapolis 1.

Missouri: District Director, 500 Federal Office Building, 911 Walnut Street, Kansas City. District Supervisor, 1006 United States Courthouse and Customs Building, St. Louis 2.

Montana: District Supervisor, 413 Electric Building, Billings.

Nebraska: District Supervisor, 318 United States Post Office and Courthouse, Lincoln 8. District Supervisor, 211 Post Office Building, Omaha 2.

New Hampshire: District Supervisor, 6 Campbell Street, Lebanon.

New Jersey: District Supervisor, 511 Industrial Office Building, 1060 Broad Street, Newark 2. District Supervisor, 410 Post Office Building, Trenton 8.

New Mexico: District Supervisor, 401 Sunshine Building, Albuquerque.

New York: District Supervisor, 417 Federal Building, Albany 1. District Supervisor, 905 Genesee Building, Buffalo 2. District Director, Room 1111, 346 Broadway, New York 13. District Supervisor, 711 Press Building, Binghamton 60, District Supervisor, 516 Chimes Building, Syracuse 2.

North Carolina: District Director, 240 Post Office Building, Charlotte 2. District Supervisor, 315 Post Office Building, Raleigh.

North Dakota: District Supervisor, 15 Edwards Building, 20½ Broadway, Fargo.

Ohio: District Supervisor, 413 Federal Building, Cincinnati 2. District Supervisor, 519 Federal Building, Cleveland 14. District Director, 311 Old Post Office Building, Columbus 15. District Supervisor, 17 Old Federal Building, Toledo 4.

Oklahoma: District Supervisor, 336 Oklahoma Natural Building, Oklahoma City 2.

Oregon: District Director, 208 Pioneer Post Office Building, 620 Southwest Morris Street, Portland 4.

Pennsylvania: District Supervisor, 506 Dauphin Building, Harrisburg. District Director, 819 City Centre Building, 121 North Broad Street, Philadelphia 7. District Supervisor, 406 Clark Building, 717 Liberty Avenue, Pittsburgh 22. District Supervisor, 340 Post Office Building, Scranton 1.

Rhode Island: District Supervisor, 1017 Industrial Trust Building, Providence 3.

South Carolina: District Supervisor, 311 Methodist Center, 1420 Lady Street, Columbia 1.

South Dakota: District Supervisor, 201 Post Office Building, Pierre.

Tennessee: District Supervisor, 334 United States Post Office and Courthouse, Memphis 3. District Director, 701 United States Courthouse, 801 Broadway, Nashville.

Texas: District Supervisor, 246 Old Post Office Building, Amarillo. District Supervisor, 400 Terminal Annex Building, Dallas 2. District Director, 1216 Texas and Pacific Building, Fort Worth 2. District Supervisor, 614 Federal Office Building, Houston 14. District Supervisor, 583 Post Office Building, Post Office Box 36, San Antonio 6.

Utah: District Director, 452 United States Post Office Building, Salt Lake City 1.

Virginia: District Supervisor, 608 Parcel Post Building, Richmond 19. District Supervisor, 215 Campbell Avenue SW., Roanoke 11.

Washington: District Supervisor, 402 United States Courthouse, Seattle 4. District Supervisor, 418 United States Post Office Building, Spokane 1.

West Virginia: District Supervisor, 103 United States Courthouse, Charleston 1. District Supervisor, 526 Hawley Building, Wheeling.

Wisconsin: District Supervisor, Room 34, 111 King Street, Madison 3. District Supervisor, 1106 First Wisconsin National Bank Building, 735 North Water Street, Milwaukee 2.

APPENDIX B

To Organization Order DTA 3, as amended October 23, 1952

FIELD OFFICES OF THE BUREAU OF SERVICE, INTERSTATE COMMERCE COMMISSION

Alabama: Service Agent, 446 Brown-Marx Building, Birmingham.

Arizona: Service Agent, 401 Security Building, Phoenix.

California: Service Agent Supervisor and Service Agents, 506 Federal Building, Los Angeles 12. Service Agent Supervisor and Service Agents, 101 Federal Office Building, San Francisco 2. Service Agent, 1045 North Center Street, Apartment 17, Stockton.

Colorado: Service Agents, 221–217A New Custom House, Denver 2.

District of Columbia: Chief Explosives Agent and Explosives Agents, 7121 Interstate Commerce Commission Building, Washington 25. Service Agents, Rooms 3340, 5317, and 7111, Interstate Commerce Commission Building, Washington 25.

Florida: Service Agent Supervisor, 245 Federal Office Building, Post Office Box 4932, Jacksonville 1.

Georgia: Service Agents, 509 Forsyth Building, Atlanta 3.

Idaho: Service Agent, 726 North Tenth Street, Pocatello.

Illinois: Diversion Agent, Service Agents, and Explosives Agent, Room 863, United States Custom House, 610 South Canal Street, Chicago 7.

Indiana: Service Agent, 510 Illinois Postal Building, 352 South Illinois Street, Indianapolis 25.

Iowa: Service Agent, 211 Federal Office Building, Des Moines.

Kansas: Service Agent, Room 408 Schweiter Building, 104 North Main Street, Wichita.

Kentucky: Service Agent and Explosives Agent, 639 Post Office Building, Louisville 2.

Louisiana: Service Agent Supervisor and Service Agents, 410 Delta Building, 348 Baronne Street, New Orleans 12.

Massachusetts: Service Agents, 1701 Federal Building, Boston 9.

Michigan: Service Agents, 202 Whitaker Building, 600 East Jefferson Avenue, Detroit 26.

Minnesota: Service Agents, 111 Federal Office Building, Minneapolis 1.

Missouri: Service Agent Supervisor, Service Agents, and Explosives Agent, 938 New Federal Building, St. Louis 1. Grain Agent and Service Agents, 502 Federal Office Building, 911 Walnut Street, Kansas City 6.

Montana: Service Agent, 239 Alderson Avenue, Billings.

Nebraska: Service Agent, 415–B, United States Post Office Building, Omaha 2.

New Jersey: Service Agents, 312 Spingarn Arcade Building, 591 Summit Avenue, Jersey City 6.

New Mexico: Service Agents, 207 Post Office Building, Albuquerque.

New York: Service Agent Supervisor, Service Agents, and Explosives Agent, Room 1120, 346 Broadway, New York 13. Service Agents, 326 Post Office Building, Buffalo 3. Service Agent, 424 Chimes Building, Syracuse.

North Carolina: Service Agent, 240 Post Office Building, Charlotte.

North Dakota: Service Agent, 409 Fourth Street North, Fargo.

Ohio: Service Agent, 5427 Three Hundred and Third Street, Toledo 11. Service Agents, 786 The Arcade Building, 401 Euclid Avenue, Cleveland. Service Agent, 311 Old Post Office Building, Columbus.

Oklahoma: Service Agent, 416 Insurance Building, 114 North Broadway, Oklahoma City.

Oregon: Service Agent Supervisor and Service Agents, 211 United States Courthouse, Portland 5.

Pennsylvania: Service Agents, 806 United States Custom House, Philadelphia 6. Service Agents, 1012 Fulton Building, 107 Sixth Street, Pittsburgh 22.

Texas: Service Agent Supervisor and Service Agent, 611 Federal Office Building, Post Office Box 4066, Houston. Service Agent, 245 Old Post Office Building, Amarillo. Service Agents, 400 United States Terminal Annex, Post Office Box 5392, Dallas. Service Agent, 582 Post Office Building, Post Office Box 2567, San Antonio.

Utah: Service Agents and Explosives Agent, 457 United States Post Office and Courthouse Building, Salt Lake City.

Virginia: Service Agent, 423 Post Office Building, Norfolk.

Washington: Service Agent, 402 United States Courthouse, Seattle 1. Service Agent, 324 Post Office Building, Spokane 1.

West Virginia: Service Agent, Room 103, United States Courthouse, Capitol Street, Charleston.

Wisconsin: Service Agent, c/o Bureau of Motor Carriers, 735 North Water Street, Milwaukee.

APPENDIX C

To Organization Order DTA 3, as amended October 23, 1952

FIELD OFFICES OF THE BUREAU OF WATER CARRIERS AND FREIGHT FORWARDERS, INTERSTATE COMMERCE COMMISSION

California: Field Representative, 107 Federal Office Building, San Francisco 2.

District of Columbia: District Supervisor, Room 2418, Interstate Commerce Commission Building, Twelfth Street and Constitution Avenue NW., Washington 25.

Illinois: District Supervisor, 852 United States Custom House Building, 610 South Canal Street, Chicago 7.

Louisiana: District Supervisor, 410 Delta Building, 348 Baronne Street, New Orleans 12.

Missouri: District Supervisor, 936 New Federal Building, St. Louis 1.

New York: Field Representative, Room 1116, 346 Broadway, New York 14.

Oregon: Field Representative, 233 United States Court House, Portland 5.

Texas: Field Representative, 611 Federal Office Building, Houston 14.

[F. R. Doc. 52–11641; Filed, Oct. 27, 1952; 11:34 a. m.]

FEDERAL POWER COMMISSION

[Project No. 675]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER ISSUING NEW LICENSE (MAJOR)

OCTOBER 22, 1952.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered August 28, 1952, issuing new license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11552; Filed, Oct. 27, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–177, 59–91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING OF AMENDED PLAN AND NOTICE OF AND ORDER REOPENING RECORD AND RECONVENING HEARING IN CONSOLIDATED PROCEEDINGS

OCTOBER 22, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, et al.; File No. 54–177, and Pennsylvania Gas & Electric Corporation and its subsidiary companies; File No. 59–91.

On June 5, 1952, the Commission issued its findings and opinion (Holding Company Act Release No. 11298) with respect to a plan of dissolution of Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, which plan had been filed pursuant to section 11 (e) of the act. In its opinion the Commission concluded that the proposed plan was unfair and inequitable to the security holders affected and the Commission indicated, in general, the manner in which the plan might be amended so that it would become fair and equitable. No order has been entered by the Commission disapproving the plan and Penn Corp has been afforded an opportunity to amend the plan in accordance with the views expressed by the Commission in its opinion.

Notice is hereby given that Penn Corp has filed an Amended Plan, dated September 18, 1952, and amendments thereto (the "Amended Plan"), which Amended Plan is stated to conform to the views of the Commission. The Amended Plan is represented by Penn Corp as being predicated upon the evaluations of the various classes of securities of Penn Corp determined upon by this Commission in its decision of June 5, 1952. Penn Corp further represents that the Amended Plan has the approval and support of all representatives of the various classes of securities of Penn Corp who participated in the proceedings before the Commission involving the original plan. The principal provisions of the Amended Plan are summarized as follows:

The outstanding securities of Penn Corp consist of 20,000 shares of $7 Cumulative Preferred Stock, no par value; 10,000 shares of 7 percent Cumulative Preferred Stock, $100 per share par value; 112,223 shares of Class A Common Stock, no par value; and 224,446 shares of Class B. Common Stock, no par value. The preferred stocks are of equal rank in all respects and, as of December 31, 1950, cumulative unpaid dividends applicable thereto aggregated $87.87½ per share. The Class A Common Stock, which ranks junior to the preferred stocks, has a non-cumulative dividend preference at the rate of $1.50 per share annually over the Class B Common Stock.

By the terms of the Amended Plan, the preferred stockholders of Penn Corp, for each share of preferred stock held, will receive in exchange therefor 15 shares of capital stock of North Penn Gas Company ("North Penn"), a gas utility company and a direct subsidiary of Penn Corp., one-half share of reclassified common stock of Crystal City Gas Company ("Crystal City"), also a gas utility company and a direct and wholly-owned subsidiary of North Penn, and a cash distribution equivalent to $7 a year from December 31, 1950, to the date of consummation of the Amended Plan. The holders of Class A Common Stock of Penn Corp, for each share of such stock held, will receive in exchange therefor 8/40ths of a share of the reclassified common stock of Crystal City. The holders of the Class B Common Stock of Penn Corp, for each share of such stock held, will receive in exchange therefor 1/40th of a share of the reclassified common stock of Crystal City.

In order to effectuate the Amended Plan, Crystal City will reclassify its present capital stock, of the par value of $100 per share, into common stock, par value $10 per share, and will issue 43,047 shares of the reclassified common stock in exchange for 2,639 shares of the presently outstanding capital stock all of which are held by North Penn. Subsequently North Penn will transfer the 43,047 shares of Crystal City common stock to Penn Corp. Prior to such transfer, North Penn will refinance its presently outstanding debentures since, under the terms thereof, the Crystal City stock could not be transferred to Penn Corp. The details with respect to such financing are to be embodied in a separate filing by North Penn.

No certificates for fractional shares of the common stock of Crystal City are to be issued. In lieu thereof, scrip certificates will be issued and arrangements will be made by Penn Corp whereby holders of scrip certificates may either sell the same or purchase additional scrip certificates sufficient to entitle them to a full share of the common stock of Crystal City without the payment of any commission, transfer taxes or service charge for a period of six months after the date of consummation of the Amended Plan and thereafter at their own expense.

The period of time in which the stockholders of Penn Corp may exchange their holdings for the securities of North Penn and Crystal City and any dividends paid thereon during the exchange period is to be five years from the date of consummation of the Amended Plan. Immediately following this five year period all the capital stock of North Penn and all common stock of Crystal City held by the exchange agent is to be sold and the proceeds from the sale, together with any dividends theretofore paid on such stock, and all other cash received by the exchange agent pursuant to the provisions of the Amended Plan are to be paid over to North Penn and/or Crystal

City as provided in the plan. Thereupon for an additional period of five years stockholders of Penn Corp who surrender their certificates duly endorsed for transfer shall be entitled to receive their share of the cash proceeds which have theretofore been surrendered to North Penn and/or Crystal City. At the end of the second five year period all unclaimed cash, if any, arising from the transactions performed in effectuating the Amended Plan which has been paid over to North Penn and/or Crystal City by the exchange agent shall become the property of North Penn and/or Crystal City, as the case may be, and all capital stock of Penn Corp shall become void and of no value.

The Amended Plan provides that Penn Corp will pay the fees and expenses incurred in connection with proceedings pursuant to section 11 of the act involving Penn Corp and companies now or formerly in its holding company system to the extent that this Commission shall approve or direct payment, subject to the right to seek judicial review of any such determination.

After the satisfaction, or providing for the satisfaction, of all liabilities and expenses of Penn Corp all other assets of that company are to be surrendered to North Penn as a capital contribution whereupon Penn Corp will dissolve under the applicable laws of the State of Delaware. In the event that Penn Corp's assets should be insufficient to meet the requirements of the Amended Plan or any tax liability of Penn Corp, such obligations, but no others, are to be assumed by North Penn.

The Amended Plan provides that periodic notices will be mailed to all known security holders of Penn Corp and published in a newspaper of general circulation in New York City. In addition to these mailed and published notices Penn Corp and/or North Penn undertake to employ such methods of personal solicitation as may appear necessary to the management or to the Commission from time to time. However, no solicitation is to be made of holders of less than 25 shares of Class A Common Stock or of less than 500 shares of Class B Common Stock of Penn Corp.

The Amended Plan further provides that the charters of North Penn and Crystal City are to be amended to provide that their stockholders shall have pre-emptive rights and the right to vote their stock cumulatively for the election of directors, and that said provisions may only be changed by the consent of the holders of at least two-thirds of the issued and outstanding stock. Additionally, it is proposed that the officers and directors of North Penn will continue to function in like capacity after consummation of the Amended Plan and until the new stockholders of that company elect their successors. The new management for Crystal City has not been designated in the Amended Plan but before any person may serve as a member of the Board of Directors of Crystal City, that person must first be approved by the Commission, the Amended Plan providing that the names and business affiliations of the new Board of Directors of Crystal City will be supplied to the Commission prior to the consummation of the Amended Plan.

The Amended Plan also provides that promptly after the date of consummation Penn Corp will donate to Penn-Western Service Corporation ("Penn-Western"), presently an approved mutual service corporation, Penn Corp's holdings of 120 shares of common stock of Penn-Western. Within one year after the date of consummation of the Amended Plan Penn-Western will cancel its service contract with Crystal City if that contract is then still in effect. It is represented that in the Amended Plan that Penn-Western intends to dissolve and liquidate and that it will endeavor to effect its dissolution and liquidation within twelve months after consummation of the Amended Plan and in any event within twenty-four months of such cosummation date.

It appearing to the Commission that it is appropriate in the public interest that notice should be given and a hearing held with respect to said Amended Plan and that the record heretofore closed in these consolidated proceedings be reopened for the limited purposes hereinafter indicated: *It is ordered*, That:

1. The record in these proceedings be, and it hereby is, reopened and a hearing shall be held, for the limited purposes hereinafter provided, on the 7th day of November 1952, at 11:30 a. m., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing shall be held;

2. The evidence to be adduced at such reconvened hearing shall be limited to matters bearing upon the circumstances and considerations leading up to the development of the Amended Plan;

3. Any person desiring to be heard or otherwise wishing to participate in these proceedings and who has not previously been granted leave therefor should notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before November 5, 1952.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid reconvened hearing by mailing copies of this order by registered mail to Penn Corp, North Penn, Crystal City, the Federal Power Commission, the New York Public Service Commission, and the Pennsylvania Public Utility Commission, and to all persons who have heretofore entered an appearance herein; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Penn Corp shall give further notice of the reconvened hearing to all of its security holders (insofar as the identity of such security holders is known or available to Penn Corp) by mailing to each of said persons at his last known address, at least 10 days before the date set for such hearing, a statement setting forth in brief the amended proposals and a statement of the time, date and place of the public hearing. Such statement shall be submitted to the Commission for review prior to the mailing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11555; Filed, Oct. 27, 1952; 8:47 a. m.]

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 17 NUMBER 212

Washington, Wednesday, October 29, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2994

ARMISTICE DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American people, who detest war and reject it as an instrument of national policy, were nevertheless drawn into two world-wide conflicts within one generation, in the defense of freedom, and are even now engaged in an epic struggle against shameless aggression; and

WHEREAS the Armistice of November 11, 1918, which furled the flags of World War I, brought hope and promise to us and to all mankind that wars between nations were at an end; and

WHEREAS the Congress passed a concurrent resolution on June 4, 1926 (44 Stat. 1982), calling for the observance of November 11 with appropriate ceremonies, and later provided in an act approved May 13, 1938 (52 Stat. 351), that the eleventh of November should be a legal holiday and should be celebrated and known as Armistice Day; and

WHEREAS renewed acts of aggression have stressed the need for a spiritual rededication to the ideal of lasting peace, which seemed close to fulfillment on Armistice Day in 1918:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the Nation to observe Tuesday, November 11, 1952, by commemorating the heroic sacrifices made by our fellow countrymen across the seas, and I urge all our citizens to devote themselves anew on that day to the task of promoting a permanent peace among all the people of the earth. I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Armistice Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of October in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-11650; Filed, Oct. 27, 1952; 2:30 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-388]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

SPECIAL CIVIL AIR REGULATION; LIMITED FLIGHT NAVIGATOR CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of October 1952.

In a series of Special Civil Air Regulations commencing on July 20, 1950, the Board made provision for the issuance of limited flight navigator certificates of short duration which enabled military contract carriers to obtain the services of certain individuals who were not currently certificated navigators, but who had previously served in the capacity of flight navigators as members of the armed forces of the United States, as employees of United States air carriers, or as employees of persons engaged in the conduct of military contract operations. In effect, these regulations permitted qualified applicants to obtain limited flight navigator certificates, for use on military contract flights only, without fully complying with the requirements of Part 34 of the Civil Air Regulations (Flight Navigator Certificates), upon demonstration to the Administrator that they could actually meet the basic skill, knowledge, and experience requirements of that part. These limited certificates were effective for only three months and were not renewable;

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however, the holders of such certificates were eligible to be issued flight navigator certificates if they successfully accomplished the written examination prescribed in Part 34.

The availability of these certificates materially aided the carriers in carrying out their military contract operations in connection with the Korean hostilities. However, the records of the Administrator shows that up to March 31, 1951 (the expiration date of the last special regulation of this series, SR–359), of the 113 applicants who had been issued limited flight navigator certificates, only 39 had obtained flight navigator certificates, and no backlog of applications for the limited certificates existed.

An examination of the problems involved in the training and certificating of navigators reveals that the flight test required for certification is the critical factor, because it is so costly as to effectively dissuade former flight navigators, who do not at present hold certificates, from making an effort to obtain them. In addition, the same cost element deters interested individuals, without previous navigation experience, from enrolling in navigation ground training courses. This aspect of the problem becomes more significant when considered together with the fact that the current and anticipated opportunities for flight navigators are relatively limited.

Although during the last few months contract airlift operations have stabilized at a level considerably lower than the previous peak and no shortage of navigators currently exists, the Department of Defense and the Defense Air Transportation Administration have emphasized that in the event of a national emergency a serious shortage of qualified navigators would occur. It is believed highly desirable that a government-sponsored program be established to overcome obstacles presently retarding the certification of navigators and to encourage interested persons to attempt to qualify as navigators. Such a program will aid in the creation of a pool of trained navigators sufficient to meet the possible demand during a national emergency. In order to achieve this objective, it is necessary that the Civil Air Regulations permit individuals with no previous navigation experience and ex-military personnel with navigation training to obtain sufficient training and experience to perform the duties of flight navigators on military contract operations.

A study of the problems associated with the certification of flight navigators was initiated by the Board, and a proposed Special Civil Air Regulation was published in the FEDERAL REGISTER on May 29, 1952, as a notice of proposed rule making and circulated as Draft Release No. 52–18. As a result of comments received in response to the proposed regulation, conferences were held with interested persons and additional study and discussion of these problems accomplished.

The regulation herein adopted will permit persons without previous flight experience to obtain a limited flight navigator certificate and then to obtain flight training and experience under the supervision of qualified navigators. Ex-military personnel with recent navigation training will be given credit for their training toward the obtainment of limited navigation certificates and their utilization in military contract operations, if they make application within 12 months subsequent to discharge or release from the armed forces.

In order to assure that limited flight navigators maintain a satisfactory level of proficiency, the recent experience and requalification requirements contained in the regulations differ in some respects from those contained in Part 34. In order for the limited navigator to originally qualify to act as navigator in military contract operations, he not only must have 50 hours of flight experience in the preceding 12 months but also have his certificate endorsed by an authorized representative of the Administrator to the effect that he has satisfactorily passed a flight check on his overall ability to perform his duties as navigator in the operations contemplated. Thereafter, the limited navigator must continue to obtain at least 50 hours of flight experience during any 12-month period. Upon failure of the limited navigator to obtain 50 hours of flight experience during any 12-month period, he has a 12-month grace period during which he may requalify by meeting the recent flight requirements for original qualification. Upon failure to requalify during this grace period, the limited flight navigator must then meet all of the requirements for original issuance and use of the limited flight navigator certificate.

In order to encourage limited flight navigators to obtain flight navigator certificates under Part 34 of the Civil Air Regulations, provision is made herein for the issuance of such certificates if the limited flight navigator can meet the experience and skill requirements of that part.

Full realization of the benefits which may accrue from this regulation will be possible only if adequate training facilities are assured and the existence of such facilities is widely publicized.

As this regulation is designed primarily to assist civil operators in the accomplishment of military assignments, and has no direct civil application, it is being issued in the form of a special regulation rather than incorporated in a permanent part.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective November 28, 1952:

LIMITED FLIGHT NAVIGATOR CERTIFICATES

REQUIREMENTS FOR CERTIFICATE

1. *Issuance.* A limited flight navigator certificate will be issued to an applicant who meets the following requirements.

2. *Age.* Applicant shall be at least 21 years of age.

3. *Citizenship.* Applicant shall be a citizen of the United States.

4. *Education.* Applicant shall be able to read, write, speak, and understand the English language.

5. *Physical standards.* Applicant shall meet the physical standards of the second class as prescribed in Part 29 of the Civil Air Regulations: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

6. *Knowledge.* Applicant shall pass a written examination on the following subjects:

(a) Those provisions contained in the Civil Air Regulations which are pertinent to the duties of a navigator in the navigation of aircraft;

(b) The fundamentals of flight navigation, including flight planning and cruise control;
(c) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, symbols, and nomenclature;
(d) Types of air navigation facilities and procedures in general use;
(e) The calibration and use of instruments used in air navigation;
(f) Navigation by dead reckoning;
(g) Navigation by celestial means;
(h) Navigation by means of radio aids;
(i) Pilotage and map reading;
(j) Interpretation of navigational aid identification signals.

CERTIFICATION RULES

7. *Application.* Application shall be made on a form and in the manner prescribed by the Administrator.

8. *Military competence.* An applicant for a limited flight navigator certificate shall be deemed to have met the knowledge requirements of section 6 and the practical flight training requirements of section 18 of this regulation, if he presents reliable documentary evidence showing that, within twelve months preceding the date of application, he had been honorably discharged or released from the armed forces of the United States and had been either on flying status as a rated navigator for six consecutive months preceding such discharge or release, or graduated from and rated as a navigator by a military navigational flying training school within six months preceding such discharge or release.

9. *Certificate.* No individual shall serve in the flight crew as a limited flight navigator unless he has in his personal possession while so serving a limited flight navigator certificate issued by the Administrator.

10. *Re-examination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for re-examination within a 30-day period unless he presents a statement, signed by a certificated flight navigator, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional five hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

11. *Medical certificate and renewal.* No individual shall exercise the privileges of a limited flight navigator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his certificate within the preceding 12 calendar months.

12. *Certificate display.* A limited flight navigator shall, upon request, present his airman and medical certificates for examination by any representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

13. *Operation during physical deficiency.* No limited flight navigator shall exercise the privileges of his airman certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

14. *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a limited flight navigator certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

15. *Duration.* A limited flight navigator certificate shall remain in effect until the termination date of this regulation, unless sooner surrendered, suspended, revoked, or otherwise terminated by order of the Board. After revocation or termination, and upon request after suspension, the certificate shall be returned to the Administrator.

16. *Identification.* The holder of a certificate issued under the provisions of this regulation shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his personal possession a current airman identification card or other identification card acceptable to the Administrator, which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

PRIVILEGES AND LIMITATIONS

17. *Practical flight training.* The holder of a limited flight navigator certificate is authorized to utilize his certificate to engage in practical training under the direct supervision of either a fully certificated flight navigator or an equally qualified individual of the armed forces acceptable to the Administrator. Such practical training shall be in scheduled or irregular air carrier operations (including military contract operations), scheduled Military Air Transport Service Operations over routes or route segments on which a flight navigator is a required crew member, or military navigational training flights.

18. *Military contract operations.* The holder of a limited flight navigator certificate who has completed 100 hours of practical flight training (as authorized by section 17) may utilize his certificate to act as flight navigator in military contract operations only: *Provided,* That he has met and maintains the recent flight experience requirements of this regulation.

19. *Recent flight experience requirements.* No limited flight navigator shall perform, or be assigned to perform, flight navigator duties in military contract operations unless:

(a) Within the preceding 12 months he has had at least 50 hours of satisfactory flight experience as a flight navigator or practical flight training as such; and

(b) His certificate has been endorsed by an authorized representative of the Administrator indicating that either a fully certificated flight navigator designated by the Administrator, or an equally qualified individual of the armed forces acceptable to the Administrator, has checked the limited flight navigator during a flight of at least four hours' duration and has determined that he is (1) familiar with all current navigational information pertaining to the operations of the air carrier, or the Military Air Transport Service, and (2) competent to perform the duties of a limited flight navigator with respect to the operating procedures and navigational equipment to be used.

20. *Requalification.* (a) A limited flight navigator having once met the recent flight experience requirements of this regulation, but who fails to maintain the requirements contained in section 19 (a), may within the succeeding 12-month period requalify for military contract operations by meeting the requirements contained in section 19 (a) and (b).

(b) A limited flight navigator who fails to requalify in accordance with paragraph (a) of this section will be required to meet all of the requirements for the original issuance and use of the limited flight navigator certificate.

FLIGHT NAVIGATOR CERTIFICATE

21. *Issuance to limited flight navigator.* The holder of a limited flight navigator certificate who desires to obtain a flight navigator certificate under Part 34 of the Civil Air Regulations shall, upon application therefor and satisfactory demonstration to the Administrator that he has complied with the provisions of §§ 34.6 and 34.8, be issued a certificate under Part 34.

This regulation shall terminate November 28, 1955, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-11607; Filed, Oct. 28, 1952; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53129]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

SPECIAL TONNAGE TAX AND LIGHT MONEY

In view of Presidential Proclamation No. 2992 of October 13, 1952, suspending and discontinuing the foreign discriminating duties of tonnage within the United States so far as respects the vessels of Korea, § 4.22, Customs Regulations of 1943 (19 CFR 4.22), as amended, is further amended, effective from October 1, 1952, by the insertion of "Korea" immediately after "Japan" and preceding "Latvia" in the list of nations at the end of that section.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 4219, as amended, 4225, as amended; 46 U. S. C. 121, 128)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 23, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11558; Filed, Oct. 28, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5942]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FILING OF JOINT RETURN AFTER SEPARATE RETURN HAS BEEN FILED

On July 17, 1952, notice of proposed rule making with respect to regulations under section 51 (g) of the Internal Revenue Code, as added by section 312 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 6561). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29), set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.51–1, the following:

SEC. 312. JOINT RETURN AFTER FILING SEPARATE RETURN (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Change of election.* Section 51 of the Internal Revenue Code (relating to making of individual returns) is hereby amended by adding at the end thereof the following new subsection:

(g) *Joint return after filing separate return*—(1) *In general.* If an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under subsection (b) of this section, and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may nevertheless make a joint return for such taxable year. A joint return filed by the husband and wife in such a case shall constitute the return of the husband and wife for such taxable year, and all payments, credits, refunds, or other repayments made or allowed with respect to the separate return of either spouse for such taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid.

(2) *Payments required before joint return can be made.* A joint return can be made under paragraph (1) only if there is paid in full at or before the time of the filing of the joint return—

(A) All amounts previously assessed with respect to either spouse for such taxable year;

(B) All amounts shown as the tax by either spouse upon his separate return for such taxable year; and

(C) Any amount determined, at the time of the filing of the joint return, as a deficiency with respect to either spouse for such taxable year if, prior to such filing, a notice under section 272 (a) of such deficiency has been mailed.

(3) *Time for making joint return.* A joint return cannot be made under paragraph (1)—

(A) After the expiration of three years from the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse);

(B) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 272 (a), if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in such section;

(C) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(D) After either spouse has entered into a closing agreement under section 3760 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 3761.

(4) *Elections made in separate return.* If a joint return is made under this subsection, any election (other than the election to file a separate return) made by either spouse in his separate return for such taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made.

(5) *Death of spouse.* If a joint return is made under this subsection after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator.

(6) *Additions to the tax.* Where the amount shown as the tax by the husband and wife on a joint return made under this subsection exceeds the aggregate of the amounts shown as the tax upon the separate return of each spouse—

(A) *Negligence.* If any part of such excess is attributable to negligence or intentional disregard of rules and regulations (but without intent to defraud) at the time of the making of such separate return, then 5 per centum of the total amount of such excess shall be assessed, collected, and paid in the same manner as if it were a deficiency;

(B) *Fraud.* If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, then 50 per centum of the total amount of such excess shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3612 (d) (2).

(7) *Rules for application of sections 275 and 291.* For the purposes of section 275 (relating to period of limitations upon assessment and collection), and for the purposes of section 291 (relating to delinquent returns), a joint return made under this subsection shall be deemed to have been filed—

(A) Where both spouses filed separate returns prior to making the joint return—on the date the last separate return was filed (but not earlier than the last date prescribed by law for filing the return of either spouse);

(B) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than $600 of gross income for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(C) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of $600 or more for such taxable year—on the date of the filing of such joint return.

(8) *Rule for application of section 322.* For the purposes of section 322 (relating to refunds and credits), a joint return made under this subsection shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse).

(9) *Additional time for assessment.* If a joint return is made under this subsection, the period of limitations provided in sections 275 and 276 on the making of assessments and the beginning of distraint or a proceeding in court for collection shall with respect to such return include one year immediately after the date of the filing of such joint return (computed without regard to the provisions of paragraph (7) of this subsection).

(10) *Rule for application of section 3809 (a).* For the purposes of section 3809 (a) (relating to criminal penalties in the case of fraudulent returns) the term "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is made under this subsection after the filing of such separate return.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.51–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended as follows:

(A) By striking therefrom the second undesignated paragraph of paragraph (b) (1), commencing "A joint return may not be made," and inserting in lieu thereof the following:

With respect to taxable years beginning prior to January 1, 1951, a joint return may not be made by a husband and wife for a taxable year if a separate return has been filed by one of the spouses for such year and the time for filing the return of such spouse has expired. For taxable years beginning after December 31, 1950, see subparagraph (3) of this paragraph. For any taxable year where a joint return has been filed, separate returns may not be made by the spouses after the time for filing the return of either has expired. See, however, subparagraph (2) of this paragraph for the right of an executor to file a late separate return for a deceased spouse and thereby disaffirm a timely joint return made by the surviving spouse.

(B) By inserting in the first sentence of paragraph (b) (2), after "except as provided by section 51 (b), as amended by the Revenue Act of 1948," the following: "or by section 51 (g), as added by the Revenue Act of 1951,".

(C) By inserting immediately preceding the last sentence of the first undesignated paragraph of paragraph (b) (2), which sentence begins "For the purposes of this subparagraph," the following: "Section 51 (g), as added by the Revenue Act of 1951, provides, for taxable years beginning after December 31, 1950, that a joint return may be made, under certain conditions, after separate returns have been filed even though the time prescribed by law for filing the return for such year has expired. See subparagraph (3) of this paragraph. A joint return made under section 51 (g) after the death of either spouse shall, with respect to the decedent, be made only by his executor or administrator. Thus where no executor or administrator has been appointed, a joint return cannot be made under section 51 (g)."

(D) By adding immediately after paragraph (b) (2) the following new subparagraph:

(3) *Joint return after filing separate return*—(i) *In general.* (a) Section 51 (g), as added by the Revenue Act of 1951, provides, for taxable years beginning after December 31, 1950, where an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under section 51 (b), and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may, under conditions hereinafter set forth, make a joint return for such taxable year. The joint return filed pursuant to section 51 (g) shall constitute the return of the husband and wife for such year, and all payments, credits, refunds, or other repayments, made or allowed with respect to the separate return of either spouse are to be taken into account in determining the extent to which the tax based on the joint return has been paid.

(b) For the purpose of this section, the determination whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 51 (b) (5). See subparagraph (1) of this paragraph. The fact that the taxpayer and his spouse are divorced or legally separated at any time after the close of the taxable year for which separate returns are filed shall not deprive them of their right to file a joint return for such taxable year pursuant to section 51 (g).

(ii) *Payments required before joint returns can be made.* A joint return may not be made under section 51 (g) for a taxable year unless at or before the time of the filing of such joint return the following amounts are paid:

(a) All amounts previously assessed with respect to either spouse for such taxable year;

(b) All amounts shown as the tax by either spouse upon his separate return for such taxable year; and

(c) Any amount determined, at the time of the filing of the joint return, as a deficiency with respect to either spouse for such taxable year if, prior to such filing, a notice under section 272 (a) of such deficiency has been mailed.

(iii) *Time for making joint return.* A joint return may not be made under section 51 (g) with respect to a taxable year:

(a) After the expiration of 3 years from the last day prescribed by law for filing the return for such taxable year determined without regard to any extension of time granted to either spouse. Thus where an extension of time for filing returns has been granted by the Commissioner or his representative in accordance with section 53 (a), the extension shall be disregarded in determining the last day upon which a joint return may be filed after separate returns have been filed.

(b) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 272 (a), if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in section 272 (a), that is, within 90 days (or 150 days if notice is addressed to taxpayer outside the States of the Union and the District of Columbia) after the mailing of the notice, excluding Saturday, Sunday or a legal holiday in the District of Columbia as the ninetieth day;

(c) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(d) After either spouse has entered into a closing agreement under section 3760 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 3761.

(iv) *Elections made in separate return.* If a joint return is made under section 51 (g), any election, other than the election to file a separate return, made by either spouse in his separate return for the taxable year with respect to the treatment of any income, deduction or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made. Thus, if one spouse has made an irrevocable election to adopt and use the elective inventory method under section 22 (d), this election may not be changed upon making the joint return under section 51 (g).

(v) *Additions to the tax.* Where the amount shown as the tax by the husband and wife on a joint return made under section 51 (g) exceeds the aggregate of the amounts shown as tax on the separate return of each spouse, and such excess is attributable to negligence, intentional disregard of rules and regulations, or fraud at the time of the making of such separate returns, there shall be assessed, collected, and paid in the same manner as if it were a deficiency an additional amount as provided in the two succeeding sentences. If any part of such excess is attributable to negligence, or intentional disregard of rules and regulations, at the time of the making of such separate return, but without any intent to defraud, this additional amount shall be 5 percent of the total amount of the excess. If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, this additional amount shall be 50 percent of the total amount of the excess. The latter addition is in lieu of the 50 percent addition to the tax provided in section 3612 (d) (2).

(vi) *Rules for application of sections 275 and 291.* For the purpose of section 275, relating to the period of limitations upon assessment and collection, and section 291, relating to delinquent returns, a joint return made under section 51 (g) shall be deemed to have been filed, giving due regard to any extension of time granted to either spouse, on the following dates:

(a) Where both spouses filed separate returns, prior to making the joint return under section 51 (g), on the date the last separate return of either spouse was filed for the taxable year, but not earlier than the last date prescribed by law for the filing of the return of either spouse;

(b) Where only one spouse was required and did file a return prior to the making of the joint return under section 51 (g), on the date of the filing of the separate return, but not earlier than the last day prescribed by law for the filing of such return; and

(c) Where both spouses were required to file a return, but only one spouse did so file, on the date of the filing of the joint return under section 51 (g).

(vii) *Rule for application of section 322.* For the purpose of section 322, relating to refunds and credits, a joint return made under section 51 (g) shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year, determined without regard to any extension of time granted to either spouse for filing the return or paying the tax.

(viii) *Additional time for assessment.* In the case of a joint return made under section 51 (g), the period of limitations provided in sections 275 and 276 shall not be less than 1 year after the date of the filing of such joint return. The expiration of the 1 year is to be determined without regard to the rules provided in subdivision (vi) of this subparagraph, relating to the application of sections 275 and 291 with respect to a joint return made under section 51 (g).

(ix) *Rule for application of section 3809 (a).* For the purposes of section 3809 (a), relating to criminal penalties in the case of a fraudulent return, the term "return" includes a separate return filed by a spouse for the taxable year for which a joint return is subsequently made under section 51 (g).

PAR. 3. Section 29.275–1, as amended by Treasury Decision 5924, approved August 4, 1952, relating to the period of limitation upon assessment of tax, is further amended by inserting immediately preceding the last paragraph thereof the following:

(r) In the case of a joint return made under section 51 (g), the period of limitations shall not be less than 1 year immediately after the date of the actual filing of such return, computed without regard to the provisions of section 51 (g) (7).

PAR. 4. Section 29.275–2, relating to the period of limitation upon collection of tax, is amended by inserting at the end thereof the following:

(f) In the case of a joint return made under section 51 (g), the period of limitations shall not be less than 1 year immediately after the date of the actual filing of such return, computed without regard to the provisions of section 51 (g) (7).

PAR. 5. Section 29.322–7, as amended by Treasury Decision 5837, approved April 5, 1951, relating to limitations upon the crediting and refunding of taxes paid, is further amended by inserting immediately preceding the last undesignated paragraph of paragraph (a) the following:

In the case of a filing of a joint return under section 51 (g), the joint return shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year, determined without regard to any extension of time granted to either spouse for filing the return or paying the tax. See § 29.51–1 (b) (3).

(53 Stat. 32,467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 24, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52–11613; Filed, Oct. 28, 1952; 8:52 a. m.]

Subchapter B—Estate and Gift Taxes

[Regs. 105; T. D. 5941]

PART 81—REGULATIONS RELATING TO ESTATE TAX

DESCRIPTION OF TAX

In order to conform Regulations 105 (26 CFR Part 81) to section 606 of the Revenue Act of 1951, relating to exemption from additional estate tax of members of the armed forces upon death, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately before § 81.2 the following:

SEC. 606. EXEMPTION FROM ADDITIONAL ESTATE TAX OF MEMBERS OF ARMED FORCES UPON DEATH (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 939 (relating to the estate tax treatment of certain members of the armed forces) is hereby amended as follows:

(1) By inserting before the first sentence thereof the following:

(a) *Deaths after December 6, 1941, and before January 1, 1947.*

(2) By adding at the end thereof the following:

(b) *Deaths after June 24, 1950, and before January 1, 1954.* The tax imposed by section 935 shall not apply to the transfer of the net estate of a citizen or resident of the United States dying after June 24, 1950, and before January 1, 1954, while in active service as a member of the armed forces of the United States, if such decedent—

(1) Was killed in action while serving in a combat zone, as determined under section 22 (b) (13); or

(2) Died as a result of wounds, disease, or injury suffered, while serving in a combat zone (as determined under section 22 (b) (13)) and while in line of duty, by reason of a hazard to which he was subjected as an incident of such service.

PAR. 2. Section 81.2, as amended by Treasury Decision 5858, approved September 14, 1951, is further amended as follows:

(A) By striking "Section 939 of the Internal Revenue Code" from the first sentence of paragraph (b) and inserting in lieu thereof "Section 939 (a) of the Internal Revenue Code",

(B) By inserting immediately after the first undesignated subparagraph of paragraph (b) (ending with "incident of military or naval service".) the following undesignated subparagraph:

Section 939 (b) of the Internal Revenue Code, as added by section 606 of the Revenue Act of 1951, provides that the additional estate tax does not apply to the transfer of the net estate of a citizen or resident of the United States dying after June 24, 1950, and before January 1, 1954, while in active service as a member of the armed forces of the United States if the decedent was

(1) Killed in action while serving in a combat zone, as determined under section 22 (b) (13) of the Internal Revenue Code, or

(2) Died as a result of wounds, disease, or injury suffered while serving in such combat zone and while in line of duty, by reason of a hazard to which he was subjected as an incident of such service.

For purposes of section 939 (b), service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive Order for purposes of section 22 (b) (13) as an area in which the armed forces of the United States are, or have, after June 24, 1950, engaged in combat, and only if it is performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone (or on or after June 25, 1950, in the case of the zone designated in Executive Order 10195) and on or before the date designated by the President by Executive Order as the date of termination of combatant activities in such zone.

(C) By amending the first sentence of the third undesignated subparagraph of paragraph (b) (beginning "A person was in active service as a member of the military or naval forces") to read as follows: "A person was in active service as a member of the forces described in section 939 (a) or (b) if he was at the time of his death actually serving in such forces, not necessarily in the field or in the theater of war."

(D) By inserting immediately following the third undesignated subparagraph of paragraph (b) (ending "periods of active service.") the following sentence: "A member of the armed forces in active service in a combat zone who there becomes a prisoner of war or missing in action and occupies such status at death or when the wounds, disease or injury resulting in death were incurred, is considered for purposes of this section as serving in a combat zone."

(E) By striking therefrom the first sentence of the fourth undesignated subparagraph of paragraph (b) and inserting in lieu thereof the following sentence: "For the purposes of this section, the term 'military or naval forces of the United States' and the term 'armed forces of the United States' each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The terms also include the Coast Guard. The members of such forces include commissioned officers and the personnel below the grade of commissioned officer in such forces."

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 24, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52–11612; Filed, Oct. 28, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 14, Amdt. 25]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

EXEMPTION OF FEES BY NON-PROFIT CLUBS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 25 to General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In accord with the policy of the Office of Price Stabilization to concentrate its efforts within the major areas materially affecting the cost of living, the average American family, business costs for the defense program, this Amendment extends the coverage of GOR 14 to include all dues, fees, assessments and charges for services rendered by non-profit clubs. The services covered by this amendment do not enter significantly into the cost of living of the average American family, business costs or the defense program and the continuance of control involves administrative difficulties for the Office of Price Stabilization and the suppliers concerned which are disproportionate in relationship in the value of such control to the price stabilization program.

All charges made by non-profit social and athletic clubs except those rendered for a specific service have already been exempt from control by section 3 (a) (72) of General Overriding Regulation 14. Inasmuch as many of the charges of non-profit social and athletic clubs have already been exempt from price control administrative convenience makes it desirable to broaden the exemption to cover the remaining services. Exemption from price control of these services will not affect the price stabilization program. Furthermore, many non-profit social and athletic clubs are luxury items which have no effect upon the cost of living of the average American family.

In the formulation of this amendment there has been consultation with industry representatives, including trade associations, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended is further amended in the following respects:

1. Paragraph (a) of section 3 is amended by adding at the end thereof the following subparagraph.

(112) All dues, fees, assessments and charges for services rendered to members and their guests by non-profit clubs organized and operated for social and athletic purposes, no part of the earnings of which accrues to the benefit of any private shareholder. Included in this exemption among others are golf clubs, country clubs, and athletic clubs.

(64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 25 to General Overriding Regulation 14 shall be effective October 28, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 28, 1952.

[F. R. Doc. 52-11679; Filed, Oct. 28, 1952; 11:00 a. m.]

[Ceiling Price Regulation 177]

CPR 177—ALFALFA PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this ceiling price regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for processors and distributors of alfalfa products.

Alfalfa products are classified as dehydrated (those processed by artificially drying freshly cut green alfalfa) or sun-cured (those processed from hay cured in the field).

Alfalfa is the leading forage crop in the United States and accounts for about a third of the nation's annual hay crop. Although only approximately 2.6 percent of the 1951 alfalfa crop went into the production of alfalfa meal (the major processed alfalfa product), this production for the 1951–52 season amounted to 1,120,600 tons of meal with an estimated value of 56.2 million dollars.

Alfalfa meal is widely used as an ingredient in commercial poultry mashes, and in mixed feeds for swine, dairy calves, and such animals as rabbits. It is also a common ingredient in mixed horse and mule feeds. In terms of feeding value, it contains approximately one and a half times more protein than grains like corn and wheat, and about half as much nitrogen-free extract (carbohydrates). It is principally important nutritionally in providing vitamins necessary to rapid growth, and is one of the chief sources in poultry rations of carotene—a substance supplying Vitamin A.

As alfalfa varies in composition according to the stage of growth of the plant, and as its stability is readily affected by every treatment to which it is later subjected, the enhancement and preservation of protein and carotene have become major industry problems. Carotene is especially perishable. When alfalfa is cured in the field, there is a loss of from 50 to 80 percent of the total carotene present. For this reason, dehydrated alfalfa, which is processed from alfalfa cut green in the field, transported to a nearby plant, dried and ground into meal in a continuous operation not exceeding 1½ hours, has assumed increasing importance in the production picture. But because the cutting season usually ends in September, and the feed manufacturer needs a year round supply of meal, the dehydrator must resort to storage. In order to retard loss of carotene content through oxidative degradation, he uses both cold and inert gas storage and anti-oxidants. In addition, particularly during the non-productive season, some dehydrators blend high carotene or protein meal with lower grades to produce a desired potency of Vitamin A, or a desired level of protein, as well as uniformity of color and grind.

Sun-cured alfalfa meal, however, is not sold on the basis of carotene content; its production, from hay stacked or baled, is quite evenly distributed throughout the year.

Under both the GCPR and CPR 22, there were wide artificial variations in the ceiling prices of even identical types and grades of alfalfa meal. Interim pricing letter orders, issued under CPR 22, while bringing such prices into line (at slightly higher than normal levels because of then prevalent drought and flood conditions), lacked the flexibility and breadth to provide effectively for the more normal variations due to seasonal production, area, and, to a certain extent, protein and carotene content.

The dollar-and-cents ceiling prices established by this regulation for dehydrated meal vary with protein content, and, in keeping with the seasonal pattern of the industry, are graduated according to the month of delivery. Prices reflect cumulative storage charges for the winter months beginning in the Fall and extending through late Spring. Two different areas are recognized to reflect established differences in prices.

Dehydrators are allowed to add to their ceiling prices for meal a fixed amount for bona fide blending, and premiums for carotene content starting with 75,000 international units.

When compared with ceiling prices established for alfalfa meal by letter order under CPR 22, the simple average ceiling prices, under this regulation, for grades of dehydrated straight run meal represent moderate reductions. However, ceiling prices for blended meal will show an increase of $4.00 a ton over prices for the same grade of straight meal. Available information indicates that such an allowance is necessary to permit the continuance of essential blending operations.

Dollar-and-cents prices are established for sun-cured alfalfa meal on a state basis reflecting a fixed processing margin.

Experience has shown that in the ordinary course, and especially under adverse weather conditions of drought or flood, such as characterized the 1951 crop year, the price of baled and stacked alfalfa hay rises sharply. To insulate the sun-cured processor against a "squeeze" resulting from such increase in the cost of hay which would narrow or eliminate his processing margin, this regulation permits him to adjust his ceiling price upward by the amount by which reported state prices exceed state basic prices for baled alfalfa hay. Conversely, where such upward adjustments are made, ceiling prices must follow reported prices downward.

Ceiling prices for other alfalfa products are determined by applying a base period differential to the ceiling price for dehydrated or sun-cured meal.

Distributors determine their ceiling prices by applying fixed dollar-and-cents markups to their suppliers' ceiling prices. The dollar-and-cents markups were based upon information received from distributors and representatives of the mixed feed industry.

It is not believed that this regulation will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of this regulation.

The specifications and standards for alfalfa products used in this regulation, including those used in distinguishing different kinds, grades, and types of products, were, prior to the issuance of the regulation, in general use in the industry. No practicable alternative to the use of these standards exists in securing effective price control of these products.

In the formulation of this regulation there has been extensive consultation with industry representatives, including the Alfalfa Products Industry Advisory Committee and trade association representatives; and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Processors' ceiling prices per ton, bulk, carload quantities, f. o. b. plant for dehydrated and suncured alfalfa meal.
3. Processors' ceiling prices, per ton, bulk, f. o. b. plant for other alfalfa products.
4. Processors' delivered ceiling prices.
5. L. c. l., pelleting and oil differentials.
6. Jobbers' ceiling prices.
7. Wholesalers' and retailers' ceiling prices.
8. Limitation on distributors' markups.
9. Allowances for sacks and sacking.
10. Modification of section 3 ceiling prices by the Director of Price Stabilization.
11. Petitions for amendment.
12. Adjustable pricing.
13. Excise taxes.
14. Transfer of business.

Sec.
15. Records.
16. Compliance with this regulation.
17. Definitions.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 806, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Coverage.* This regulation establishes ceiling prices for sales by processors and distributors of domestic alfalfa products. For the products and sellers covered, this regulation supersedes Ceiling Price Regulation 22, and the General Ceiling Price Regulation.

(b) *Geographical applicability.* This regulation applies in the 48 States of the United States and the District of Columbia.

(c) *Exemptions.* This regulation does not apply to:

(1) Export sales and sales for export. These sales are covered by Ceiling Price Regulation 61.

(2) Sales of imported alfalfa products. These sales are covered by Ceiling Price Regulation 31.

SEC. 2. *Processors' ceiling prices per ton, bulk, carload quantities, f. o. b. plant for dehydrated and sun-cured alfalfa meal.* If you are a processor, your ceiling prices for alfalfa meal, per ton, bulk, carload shipments or pool carlots, f. o. b. your plant, are as follows:

(a) *Dehydrated alfalfa meal*—(1) *Unblended meal without carotene content guarantee.* Your ceiling prices during each month for delivery of grades of dehydrated alfalfa meal set forth in Table I are the prices set forth in the same table for the area in which your plant is located.

TABLE I—PROCESSORS' CEILING PRICES, PER TON, BULK, F. O. B. PLANT, FOR DEHYDRATED ALFALFA MEAL

Months	Alfalfa stem meal	Alfalfa meal				Alfalfa leaf meal 20–22 percent (and less than 18 percent fiber)
		13 percent but less than 15 percent [1]	15 percent but less than 17 percent	17 percent but less than 20 percent	20–22 percent (but over 18 percent fiber)	
AREA 1						
January	$49.50	$62.00	$67.00	$71.00	$77.00	$79.00
February	49.50	62.00	68.50	72.50	78.50	80.50
March	49.50	65.00	70.00	74.00	80.00	82.00
April	49.50	65.00	70.00	74.00	80.00	82.00
May	47.50	54.50	59.50	63.50	69.50	71.50
June	47.50	54.50	59.50	63.50	69.50	71.50
July	47.50	54.50	59.50	63.50	69.50	71.50
August	47.50	54.50	59.50	63.50	69.50	71.50
September	49.50	56.00	61.00	65.00	71.00	73.00
October	49.50	57.50	62.50	66.50	72.50	74.50
November	49.50	59.00	64.00	68.00	74.00	76.00
December	49.50	60.50	65.50	69.50	75.50	77.50
AREA 2						
January	$43.50	$56.00	$61.00	$65.00	$71.00	$73.00
February	43.50	56.00	62.50	66.50	72.50	74.50
March	43.50	59.00	64.00	68.00	74.00	76.00
April	43.50	59.00	64.00	68.00	74.00	76.00
May	41.50	48.50	53.50	57.50	63.50	65.50
June	41.50	48.50	53.50	57.50	63.50	65.50
July	41.50	48.50	53.50	57.50	63.50	65.50
August	41.50	48.50	53.50	57.50	63.50	65.50
September	43.50	50.00	55.00	59.00	65.00	67.00
October	43.50	51.50	56.50	60.50	66.50	68.50
November	43.50	53.00	58.00	62.00	68.00	70.00
December	43.50	54.50	59.50	63.50	69.50	71.50

[1] Percentages refer to percentage of protein content except where they specifically refer to fiber.

(2) *Blended alfalfa meal.* Your ceiling price for blended, dehydrated alfalfa meal, as defined in section 17 (b) (4), is the price listed in Table I for the same grade of unblended alfalfa meal for the area in which your plant is located, plus $4.00 per ton.

(3) *Carotene content.* (i) If, upon delivery, a lot of your dehydrated alfalfa meal contains less than 50,000 international units of Vitamin A as carotene content, deduct $2.00 per ton from your ceiling price.

(ii) If, for any deliveries made during the months of January, February, March, April, October, November and December, you guarantee the carotene content of dehydrated alfalfa meal at the minimum amounts specified in Table II, and, upon delivery, you meet that guarantee, you may add to your ceiling price the amount allowable under Table II:

TABLE II—DIFFERENTIALS FOR MINIMUM GUARANTEES OF VITAMIN A AS CAROTENE CONTENT

Vitamin A as carotene content	Amount per ton to be added to ceiling prices
First 75,000 International units	$2.50
Each 25,000 above 75,000 International units	2.50

(iii) If, upon delivery, your lot of dehydrated meal fails to meet your minimum carotene guarantee, deduct from your ceiling price for the minimum guarantee 20 cents per ton for each 1,000 I. U. (or part thereof) deficiency in Vitamin A as carotene content.

(b) *F. o. b. ceiling prices for sun-cured alfalfa meal*—(1) *No. 1–13 percent protein content meal.* Your ceiling price for No. 1–13 percent protein sun-cured alfalfa meal is the price set forth in Table III for the state in which your plant is located.

TABLE III—PROCESSORS' CEILING PRICES, PER TON, BULK, FOR NO. 1—13 PERCENT PROTEIN SUN-CURED ALFALFA MEAL

State	F. o. b. plant price, per ton	State	F. o. b. plant price, per ton
Alabama	$57.39	New Jersey	$54.70
Arizona	47.53	New Mexico	47.12
Arkansas	50.56	New York	49.55
California	48.67	Nebraska	43.38
Colorado	45.51	Nevada	47.47
Idaho	45.72	North Dakota	42.00
Illinois	47.04	Ohio	48.23
Indiana	46.56	Oklahoma	47.09
Iowa	45.64	Oregon	49.58
Kansas	43.94	Pennsylvania	51.20
Kentucky	50.95	South Dakota	43.89
Louisiana	52.85	Tennessee	51.41
Michigan	45.61	Texas	53.11
Minnesota	45.21	Utah	47.70
Mississippi	53.17	Washington	49.48
Missouri	46.73	Wisconsin	47.70
Montana	46.21	Wyoming	47.41

(2) *Other grades.* Your ceiling price f. o. b. your plant for a grade of sun-cured alfalfa meal set forth in Table IV is the ceiling price for No. 1–13 percent protein meal (determined under subparagraph (1) of this paragraph), as adjusted by the applicable differential in Table IV.

TABLE IV—DIFFERENTIALS PER TON FOR OTHER GRADES OF SUN-CURED ALFALFA MEAL

Grade	Amount per ton to be added or subtracted from ceiling price for No. 1–13 percent protein meal
No. 1—15 percent protein content	Add $3.00.
No. 1—17 percent protein content	Add $7.00.
No. 1—20 percent protein content	Add $12.00.
No. 2—13 percent protein content	Subtract $5.00.

(3) *Adjustments in sun-cured alfalfa meal ceiling prices.* (i) You may increase your ceiling price under subparagraph (1) or (2) of this paragraph by the dollars and cents amount per ton by which the "reported alfalfa hay price" for the state in which your plant is located exceeds the "basic price" of alfalfa hay for the same state, as set forth in Table V.

TABLE V—"BASIC PRICES" OF BALED ALFALFA HAY

State	Price per ton	State	Price per ton
Alabama	$41.09	New Jersey	$38.40
Arizona	31.23	New Mexico	30.82
Arkansas	34.26	New York	33.25
California	32.37	Nebraska	27.08
Colorado	29.21	Nevada	31.17
Idaho	29.42	North Dakota	25.70
Illinois	30.74	Ohio	31.93
Indiana	30.26	Oklahoma	30.79
Iowa	29.34	Oregon	33.28
Kansas	27.64	Pennsylvania	34.90
Kentucky	34.65	South Dakota	27.59
Louisiana	34.03	Tennessee	35.11
Michigan	29.31	Texas	36.81
Minnesota	28.91	Utah	31.40
Mississippi	36.67	Washington	33.18
Missouri	30.43	Wisconsin	31.40
Montana	29.91	Wyoming	31.11

(ii) "Reported alfalfa hay price" means the most recent reported price received by farmers for baled alfalfa hay in the State in which the processor's

plant is located, as set forth in Agricultural Prices (published monthly by the Bureau of Agricultural Economics of the U. S. Department of Agriculture).

(iii) If you have made any upward adjustment of your ceiling prices under subdivision (i) of this subparagraph and any subsequent "reported alfalfa hay price" is less than the "reported alfalfa hay price" upon which you have based the last adjustment in your ceiling price, you must, within 10 days after the date of the issue of Agricultural Prices in which such subsequent reported price is set forth, revise your adjusted ceiling price downward by using the method set out in subdivision (i) of this subparagraph. You must apply your ceiling, as revised downward in this manner, to all deliveries made on and after the date you are required to put such ceiling price into effect.

(c) *Failure to meet minimum protein guarantees.* (1) Except as provided in subparagraph (2) of this paragraph, if you guarantee the minimum protein content of a lot of alfalfa meal, and, upon delivery, you fail to meet that guarantee, deduct $2.00 per ton from your ceiling price for each unit of protein (or fraction thereof) by which the protein content fails to meet the guarantee.

(2) If, upon delivery, the deficiency in the protein content guaranteed is such as to result in a different grade of alfalfa meal, your ceiling price per ton is the applicable ceiling price for that different grade.

Example. You are a processor of dehydrated alfalfa meal whose plant is located in Area 1. You guarantee that a lot of your meal has a 17 percent protein content. You make no guarantee of its Vitamin A as carotene content. Upon delivery and analysis in the month of February, the meal is found to have a protein content of less than 17 percent but more than 15 percent. Accordingly, your f. o. b. ceiling price for the lot of the actual protein content, as set forth in Table I is $68.50 per ton, and not the $72.50 per ton price for 17 percent protein content meal.

SEC. 3. *Processors' ceiling prices, per ton, bulk, f. o. b. plant for other alfalfa products.* If you are a processor, establish your per ton, bulk, f. o. b. plant ceiling price for any other alfalfa product (including chopped alfalfa, cut alfalfa, and any other product not meeting the specifications in this regulation of any grade of alfalfa meal because of the presence of too much crude fiber or otherwise), by the first of the following methods which you are able to use:

(a) *Method 1.* (1) Determine the dollar-and-cents difference per ton, for any month during the period September 1, 1950 through December 31, 1950, between your highest f. o. b. price for your alfalfa product and your highest f. o. b. price for alfalfa meal of any selected protein content. Such meal must be a dehydrated meal if your alfalfa product is processed by dehydration, or a suncured meal if your alfalfa product is processed from suncured alfalfa.

(i) If your prices during this period were set on a delivered basis, convert them to an f. o. b. basis by deducting the transportation costs per ton you actually incurred from your plant to the point of delivery.

(ii) Both prices you use in determining the highest dollar-and-cents difference must be prices for sacked lots or for bulk lots.

(2) (i) If your alfalfa product is processed by dehydration, calculate your ceiling price during each month of delivery by applying the dollar-and-cents difference obtained under subparagraph (1) of this paragraph to the ceiling price for the same month under section 2 (a) for the dehydrated meal of the same guaranteed carotene content (if any) and the same protein content as you selected in subparagraph (1).

(ii) If your alfalfa product is processed from suncured alfalfa, apply the dollar-and-cents difference in subparagraph (1) to the applicable suncured alfalfa meal ceiling price under section 2 (b) (1) or (2) in arriving at your ceiling price for that product.

(iii) If you wish, you may instead apply the dollar-and-cents difference in subparagraph (1) to the applicable suncured alfalfa meal ceiling price under section 2 (b) (1) or (2) as adjusted under section 2 (b) (3); but if you elect to do this you must recalculate your ceiling price in accordance with the subsequent adjustments provided for in section 2 (b) (3).

(b) *Method 2.* (1) If you claim you are unable to determine your ceiling price for an alfalfa product under the foregoing provision of this regulation, you may apply by registered mail, return receipt requested, to the Grains and Related Products Branch, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. Your application should contain the following:

(i) Your name and business address;

(ii) A reference to this section and a statement as to why you are unable to establish your ceiling price under the other provisions of the regulation;

(iii) The name, description and a chemical analysis of the product for which you request the establishment of a ceiling price;

(iv) A breakdown of your unit direct costs of production;

(v) Your proposed ceiling price and the reason why you believe that price is in line with the ceiling prices otherwise established under this regulation.

(2) You may begin to sell your alfalfa product as soon as the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 4. *Processors' delivered ceiling prices.* If you are a processor, your delivered ceiling price is your f. o. b. ceiling price plus your transportation cost from your plant.

SEC. 5. *L. c. l. pelleting and oil differentials.* If you are a processor and you make a sale of a less-than-carload lot, or pellet or treat a lot of an alfalfa product with oil, add to your ceiling price the applicable markup set forth in Table VI.

TABLE VI—L. C. L., PELLETING AND OIL DIFFERENTIALS PER TON

	Amount per ton to be added to the ceiling price
L. c. l. sales	$1.00
Pelleting	3.00
Oil	[1] 1.00

[1] Plus the actual cost of the oil not to exceed its ceiling price.

SEC. 6. *Jobbers' ceiling prices.* If you are a jobber, your ceiling price per ton for a lot of an alfalfa product is your supplier's ceiling price on the sale to you, your transportation cost, if any, and the applicable markup listed in Table VII.

TABLE VII—JOBBERS' MARKUPS

Type of deliveries	Markup per ton
For deliveries in pool carlots	$2.25
For all other deliveries	2.00

SEC. 7. *Wholesalers' and retailers' ceiling prices.* (a) If you are a wholesaler or retailer, you determine your ceiling price by adding to your "cost at ceiling," as determined under paragraph (b) of this section, your transportation cost, if any, from your warehouse or store and the applicable markup set forth in Table VIII.

TABLE VIII—MARKUPS FOR WHOLESALERS AND RETAILERS

	Markup per ton
Wholesalers	$5.00
Retailers	9.00

(b) Determine your "cost at ceiling" for an alfalfa product by one of the following methods:

(1) *Method 1.* If you maintain the identity of any receipt, you may use as your "cost at ceiling" your supplier's ceiling price to you for that receipt plus your transportation cost, if any, to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) *Method 2.* You may use this method for the resale of any two or more receipts. In using it, you may not include in your calculations any receipt whose identity is maintained and for which you figure a "cost at ceiling" under Method 1 above.

For receipts of an alfalfa product in sacks, use as your "cost at ceiling" the weighted average of your supplier's ceiling prices for deliveries to you in sacks plus your transportation costs, if any, to your warehouse or store. Determine your "cost at ceiling" for receipts in bulk by the same method. Calculate each weighted average of ceiling prices as follows:

(i) Select a day for calculation and recalculate on that day each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

Step 1. Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

Step 2. Multiply the number of tons of each receipt by your supplier's ceiling price per ton to you for that receipt and add to this amount your transportation cost for the receipt, if any, to your warehouse or store.

Step 3. Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is your "cost at ceiling" for the first week for all your sales of that alfalfa product (except, of course, for the sales for which you elect to determine your ceiling price under Method 1).

(iii) Follow the directions of subdivisions (i) and (ii) of this subparagraph for all weekly recalculations except that you use your last receipt prior to that day of calculation and all receipts during the 14 day period preceding such last receipt in arriving at your "cost at ceiling."

(iv) If you wish to discontinue the use of Method 2 for an alfalfa product, you may do so if, on your next recalculation day, you take an inventory of the product. You may then treat the amount in inventory (excluding any receipts priced under Method 1) as a receipt on which your "cost at ceiling" is the weighted average price you would compute under this Method 2 for the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

SEC. 8. *Limitation on distributors' markups.* Only one markup by a jobber and one markup by a wholesaler are permitted under this regulation in connection with the sale of any lot of an alfalfa product. Accordingly:

(a) If you are a jobber and you buy a lot which another jobber has handled, your ceiling price is your supplier's ceiling price to you plus your transportation cost, if any, and not your ceiling price as determined under section 6.

(b) If you are a wholesaler and you buy a lot which another wholesaler has handled, your ceiling price is your supplier's ceiling price to you plus your transportation cost, if any, to and from your warehouse or store. You must, of course, exclude such lot from the calculation of any "cost at ceiling" under section 7 of this regulation.

SEC. 9. *Allowances for sacks and sacking.* If you are a processor and you sell and deliver an alfalfa product in sacks, or if you are a wholesaler or retailer and you sack an alfalfa product which you buy in bulk, you may add to your ceiling price, per ton, bulk, as otherwise determined under this regulation, the following:

(a) $1.00 per ton, plus

(b) The lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the alfalfa product you deliver; or

(2) The applicable allowance per ton from the following table:

TABLE IX—DOLLAR-AND-CENTS BAG ALLOWANCES PER TON

Bag size	Burlap				Cotton		Paper		"Cottes" [1]	
	New		Used		New	Used	New	Used	"Once used"	"Alfalfa used"
	7½ ounces	10 ounces	7½ ounces	10 ounces						
45 x 74	$6.00		$5.40		$7.20	$5.30				
40 x 60		$5.40		$4.70	6.70					
40 x 58		5.20		4.40	6.40	5.00				
45 x 60	4.80		4.40							
40 x 47	3.80	3.85		3.50	5.40	4.50				
18 x 4½ x 39 printed							$1.00	$1.40		
									$4.40	$3.80

[1] Bags in which coffee beans have been imported.

SEC. 10. *Modification of section 3 ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may, at any time, request further information concerning ceiling prices on products covered in section 3 of this regulation and he may also, at any time, modify or disapprove any section 3 ceiling price if he finds it was not properly established or not in line with the level of ceiling prices otherwise established under this regulation.

SEC. 11. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 12. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 13. *Excise taxes.* If you have customarily separately stated and collected any excise or similar tax, you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily state and collect separately from the purchase price the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price. In the case of such tax imposed after the effective date of this regulation, if at the time you calculate your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you. In every case where the tax is collected from the purchaser, the amount thereof shall be separately stated.

SEC. 14. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any alfalfa product business and carry on the business or continue to deal in any alfalfa product separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business assets or stocks, you must either preserve and make available, or turn over to the transferee all records which are necessary for him to comply with the ceiling price or record provisions of this regulation.

SEC. 15. *Records.* Except as otherwise provided in this section, every person who sells and every person who in the course of business buys an alfalfa product shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(a) *Sales*—(1) *General.* Every person making a sale under this regulation to a buyer other than a feeder shall record each sale on an invoice or bill of sale, a copy of which must be given to the buyer. Every person making a sale to a feeder in a lot of more than 1,000 pounds must keep a record thereof, although it does not have to be in the form of an invoice or bill of sale, and, upon demand, must give a copy of the record to the feeder. Each record must indicate: the name and address of the seller and buyer; the date of sale and delivery; the kind and grade of the alfalfa product and the quantity sold; the selling price; the protein and Vitamin A as carotene content, and the guarantee, if any, of protein and Vitamin A content; the blending charge, if any; and the seller's ceiling price for the lot. Except for sales of 5,000 pounds or less, every sales record must also indicate: the point at which the lot was produced (if the seller knows it); the buyer's receiving point; any charge for sacks and sacking, for pelleting or for treating the lot with oil; any transportation charge included in the ceiling price which is incurred by the seller in making delivery to his buyer; and any markup specified in this regulation which is added by the seller.

(2) *Processors pricing under Method 1 of section 3.* In addition to the sales records which he is required to give his

buyer under subparagraph (1) of this paragraph, each processor who has established his ceiling price for an alfalfa product under Method 1 of section 3 of this regulation must keep the sales records upon which he based the dollar-and-cents difference between a grade or type of his alfalfa meal and the alfalfa product priced under Method 1.

(3) *Wholesalers and retailers.* In addition to the sales records which he is required to keep under subparagraph (1) of this paragraph, every wholesaler or retailer electing to apply Method 2 under section 7 must keep the calculations of each "cost at ceiling" used under that method.

(b) *Purchases.* Every person other than a feeder making a purchase of an alfalfa product in the course of trade or business must keep the sales record which his seller is required to give him under this section.

SEC. 16. *Compliance with this regulation.*—(a) *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any product covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section.

(b) *Evasion.* The ceiling prices established by this regulation shall not be evaded in any manner, either by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of alfalfa products or in conjunction with any other commodity, or by way of any commission, service, transportation or any other charge or discount, premium, or other privilege, or by tie-in requirements or other trade understanding.

(c) *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damages provided by the Defense Production Act of 1950, as amended.

SEC. 17. *Definitions.*—(a) *Areas.* (1) "Area 1" includes all that territory lying east of Lake Michigan and of the eastern Illinois-western Indiana State borders and east of a line drawn due south from the junction of the Wabash and Ohio Rivers to the Gulf of Mexico.

(2) "Area 2" includes all that territory lying west of the boundary of Area 1.

(b) *Products covered.* (1) "Alfalfa meal" means the product obtained by grinding alfalfa hay which is reasonably free of other crop plants, weeds and mold. It must not contain more than 33 percent of crude fiber.

(2) "Alfalfa leaf meal" means the ground product, consisting chiefly of alfalfa leaves. It must be reasonably free of other crop plants and weeds and shall contain not less than 20 percent crude protein and not more than 18 percent crude fiber.

(3) "Alfalfa stem meal" means the ground product remaining after the separation of the leafy material from alfalfa hay or meal. It must be reasonably free of other crop plants and weeds.

(4) "Blended dehydrated alfalfa meal" means that meal resulting from the mixing of two or more grades of dehydrated alfalfa meal of known protein, fiber and vitamin content, and color and grind characteristics, as a separate process following dehydration so that the resultant blend of meal shall: (i) be uniform in one or more of these factors, and, (ii) contain at least 100,000 I. U. of vitamin A as carotene. It shall not be construed as the product resulting from the commingling of two or more grades of freshly cut, undried alfalfa prior to or simultaneously with dehydration, or that meal which results from the "feeding back" or the introducing of one or more grades of dehydrated meal into the stream while dehydration and grinding is taking place prior to sacking, loading or storing.

(5) "Chopped alfalfa" means chopped alfalfa hay which is reasonably free of other crop plants, weeds and mold and which is not ground finely enough to become meal.

(6) "Cut alfalfa" means cut alfalfa hay which is reasonably free of other crops, weeds and mold and is not ground finely enough to become meal.

(7) "Dehydrated alfalfa meal" means any alfalfa meal processed from freshly cut alfalfa having a moisture content of not less than 50 percent which has been artificially dried at a temperature of at least 100 degrees C. or 212 degrees F., provided that such drying process covers a period of not more than forty minutes and that there be no admixture of sun-cured alfalfa.

(8) "Sun-cured alfalfa meal" means any alfalfa meal processed from alfalfa hay which has been mowed and cured in the field where grown under existing atmospheric conditions.

(i) No. 1 Sun-cured alfalfa meal means that meal processed from whole alfalfa hay of a fair green color, sound and sweet; it must be reasonably free from other plants, weeds or mold, and must contain not less than 13 percent protein and 1 percent fat, and not more than 33 percent crude fiber and 11 percent moisture.

(ii) No. 2 Sun-cured alfalfa meal means that meal processed from whole alfalfa hay of a fair color—not distinctly brown—sound and sweet; it must be reasonably free from other plants, weeds or mold, and must contain not less than 13 percent protein and 1 percent fat, and not more than 33 percent crude fiber and 11 percent moisture.

(9) "Alfalfa product" includes any product enumerated in subparagraphs (1)–(8) of this paragraph, and any other product (except chlorophyll) derived exclusively from alfalfa hay and/or freshly cut alfalfa.

(c) *Sellers and related terms.* (1) "Jobber" means, with respect to any lot, a person other than the processor who sells such lot without having previously unloaded it into a warehouse or store.

(2) "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(3) "Processor" means, with respect to any lot, a person who manufactures that lot from alfalfa hay or freshly cut alfalfa or one who further processes that lot. When any alfalfa product is processed (or further processed) by a person who does not own it, the owner on whose behalf the product was processed (or further processed) shall be deemed to be the processor when he sells the resulting product.

(4) "Retailer" means a person, other than the processor, who maintains a "store", and who, with respect to any lot he has purchased and unloaded into the store resells such lot to a feeder.

(5) "Store" means a building where a regular business of selling and delivering feeds or grain at retail is carried on, and where the owner or one or more of his employees work on substantially a full-time, year-round basis in such retail business or in a general retail business of which such feed or grain business is a part.

(6) "Wholesaler" means, with respect to any lot:

(i) Any person, other than a processor who, after having unloaded it into a warehouse or store, sells such lot to anyone other than a feeder, or

(ii) A person, other that a processor, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(7) "You" means a person subject to this regulation.

(8) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(d) *Transportation terms.* (1) "Carload shipment" means a lot which, when shipped by rail, takes a carload rate under the applicable railroad tariff requirements, and includes mixed car shipments taking such rate.

(2) "Pool carlot" means a lot being shipped to the buyer as part of a rail carload shipment sold by one seller to two or more persons.

(3) "Less-than-carload lot" means any lot of less than a carload shipment other than a pool carlot. It includes any delivery by or into a truck.

(4) "Transportation cost" means:

(i) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily included in such transportation charges) which are actually incurred by the seller or purchaser, as the case may be. This amount may include, if applicable, the 3 percent transportation tax.

(ii) Where the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading), not exceeding the common or contract carrier rate for the same service or any

ceiling price established by the Office of Price Stabilization for such service.

(iii) When any movement involves a combination of the types of transportation included in (i) and (ii), the sum of the amounts computed separately for each portion of the movement.

(e) *General.* (1) An "international unit" of Vitamin A as carotene content means the specific Vitamin A activity contained in one pound of alfalfa meal, as determined by the method prescribed in 1952 Official Publication of the Association of American Feed Control Officials.

(2) "Unit of protein" equals one percent of protein and "each unit of protein or fraction thereof" means the number of full units, if any, plus an additional unit for any fractional unit.

Effective date. This regulation becomes effective November 1, 1952.

NOTE: The record-keeping and report requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 27, 1952.

[F. R. Doc. 52-11663; Filed, Oct. 27, 1952; 4:38 p. m.]

[Ceiling Price Regulation 5, Collation 2]

CPR 5—IRON AND STEEL SCRAP

COLL. 2—INCLUDING AMENDMENTS 1–11

Ceiling Price Regulation 5 is republished to incorporate the texts of Amendments 1 through 11, inclusive. Ceiling Price Regulation 5 was issued February 5, 1951 (16 F. R. 1061). Statements of Consideration for Ceiling Price Regulation 5, and for Amendments 1–11, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and of the amendments are shown in a note preceding the first section of the regulation.

SCOPE OF THE REGULATION

Sec.
1. Prohibitions against dealing in iron and steel scrap at prices above the ceiling.
2. Geographical application.

CEILING PRICES

3. Basing point prices for steel scrap of dealer and industrial origin.
4. Ceiling shipping point prices for steel scrap of dealer and industrial origin.
5. Switching charge deductions.
6. Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin.
7. Basing point prices for steel scrap of railroad origin.
8. Ceiling on-line prices for steel scrap of railroad origin.
9. Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of railroad origin.
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AUTHORITY: Sections 1 to 33 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–33 contained in Ceiling Price Regulation 5, February 5, 1951 (16 F. R. 1061), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 5, February 7, 1951, 16 F. R. 1061.

Amendment 1, March 2, 1951, 16 F. R. 2725.
Amendment 2, April 24, 1951, 16 F. R. 3480.
Amendment 3, September 5, 1951, 16 F. R. 8886.
Amendment 4, October 22, 1951, 16 F. R. 10597.
Amendment 5, October 30, 1951, or such earlier date between October 23, 1951 and October 30, 1951, as the seller may select. If a seller select such an earlier date, this amendment in its entirety becomes effective as to him for all his sales and deliveries covered by Ceiling Price Regulation 5. 16 F. R. 10808.
Amendment 6, December 24, 1951, 16 F. R. 12713.
Amendment 7, February 5, 1952, 17 F. R. 961.
Amendment 8, July 12, 1952, 17 F. R. 6146.
Amendment 9, August 2, 1952, 17 F. R. 6954.
Amendment 10, August 2, 1952, 17 F. R. 6956.
Amendment 11, October 22, 1952, 17 F. R. 9240.

SCOPE OF THE REGULATION

SECTION 1. *What this regulation does and prohibitions.* (a) This regulation establishes ceiling prices and fees for:

(1) All sales and deliveries, including export sales and sales for export, by any person of prepared and unprepared iron and steel scrap;

(2) Intransit preparation of iron and steel scrap;

(3) Brokerage service on sales of iron and steel scrap.

(b) *Prohibitions against dealing in iron and steel scrap at prices above ceiling.* On and after October 30, 1951, regardless of any contract or other obligations:

(1) No person shall sell, deliver, buy, receive, or prepare iron or steel scrap or agree, offer, solicit, or attempt to do any of the foregoing at prices above those established in this regulation;

(2) No person shall sell or deliver iron or steel scrap upon condition that the buyer shall sell or deliver to any person any other commodity. No person shall buy or receive iron or steel scrap upon the conditions that he shall sell or deliver to any person any other commodity;

(3) No person shall act as both broker and dealer in the purchase of any single lot or item of iron or steel scrap where the price paid for such lot or item of iron or steel scrap would exceed the applicable ceiling price established by this regulation.

[Section 1 amended by Amdts. 2 and 5]

SEC. 2. *Geographical application.* This regulation shall apply to sales, deliveries, and preparation of iron or steel scrap in the forty-eight States of the United States, its territories and possessions and the District of Columbia.

[Section 2 amended by Amdt. 3]

CEILING PRICES

SEC. 3. *Basing point prices for steel scrap of dealer and industrial origin.*—(a) *Basing point prices from which maximum shipping prices are computed.*—(1) *Basing point prices for the base grade, No. 1 bundles, Grade 1:*

[Headnote (1) amended by Amdt. 5]

Basing point:	Price per gross ton
Alabama City, Ala	$39.00
Ashland, Ky	42.00
Atlanta, Ga	39.00
Bethlehem, Pa	42.00
Birmingham, Ala	39.00
Brackenridge, Pa	44.00
Buffalo, N. Y	43.00
Butler, Pa	44.00
Canton, Ohio	44.00
Chicago, Ill	42.50
Cincinnati, Ohio	43.00
Claymont, Del	42.50
Cleveland, Ohio	43.00
Coatesville, Pa	42.50
Conshohocken, Pa	42.50
Detroit, Mich	41.15
Duluth, Minn	40.00
Harrisburg, Pa	42.50
Houston, Tex	37.00
Johnstown, Pa	44.00
Kansas City, Mo	39.50
Kokomo, Ind	42.00
Los Angeles, Calif	35.00
Middletown, Ohio	43.00
Midland, Pa	44.00
Minnequa, Colo	38.00
Monessen, Pa	44.00
Phoenixville, Pa	42.50
Pittsburg, Calif	35.00
Pittsburgh, Pa	44.00
Portland, Oreg	35.00
Portsmouth, Ohio	42.00
St. Louis, Mo	41.00
San Francisco, Calif	35.00
Seattle, Wash	35.00
Sharon, Pa	44.00
Sparrows Point, Md	42.00
Steubenville, Ohio	44.00
Warren, Ohio	44.00
Weirton, W. Va	44.00
Youngstown, Ohio	44.00

[Above list amended by Amdt. 1]

(2) *Differentials per gross ton above or below the price of Grade 1 (No. 1 bundles) for other grades of steel scrap.*

OPEN HEARTH AND BLAST FURNACE GRADES

Grades	Differentials
2. No. 1 busheling	Base
3. No. 1 heavy melting steel	—$1.00
4. No. 2 heavy melting steel	—1.00
5. No. 2 bundles	—1.00
6. Machine shop turnings	—10.00
7. Mixed borings and short turnings	—6.00
8. Shoveling turnings	—6.00
9. No. 2 busheling	—4.00
10. Cast iron borings	—6.00

ELECTRIC FURNACE AND FOUNDRY GRADES

11. Billet, bloom and forge crop	+7.50
12. Bar crops and plate scrap	+5.00
13. Cast steel	+5.00
14. Punchings and plate scrap	+2.50
15. Electric furnace bundles	+2.00
16. Cut structural and plate scrap 3' and under	+3.00
17. Cut structural and plate scrap 2' and under	+5.00
18. Cut structural and plate scrap 1' and under	+6.00
19. Briquetted cast iron borings	Base
20. Foundry steel, 2' and under	Base
21. Foundry steel, 1' and under	+2.00
22. Springs and crankshafts	+1.00
23. Alloy free turnings	—3.00
24. Heavy turnings	—1.00
25. Briquetted turnings	Base
26. No. 1 chemical borings	—3.00
27. No. 2 chemical borings	—4.00
28. Wrought iron	+10.00
29. Shafting	+10.00
30. [Deleted by Amendment 7]	
31. Old tin and terne plate bundles	—10.00

UNPREPARED GRADES

32. Unprepared steel scrap which when compressed constitutes No. 1 bundles	—6.00
33. Unprepared steel scrap which when compressed constitutes No. 2 bundles	—9.00
34. Unprepared steel scrap other than material suitable for hydraulic compression	—8.00
35. Automobiles, buses, trucks, trailers and other motor vehicles	—12.00

[Subparagraph (2) amended by Amdts. 4, 5, 6, 7 and 9]

(b) *Restrictions on use.* (1) The prices established for Grade 11 (billet, bloom, and forge crops) and Grade 23 (alloy free turnings) may be charged only when shipped to a consumer directly from an industrial producer of such grades; otherwise the ceiling prices for Grade 11 shall not exceed the price established for Grade 12 (bar crops and plate scrap) and the ceiling price for Grade 23 shall not exceed the price established for Grade 8 (shoveling turnings).

[Subparagraph (1) amended by Amdt. 2]

(2) The prices established for Grade 26 (No. 1 chemical borings) and Grade 27 (No. 2 chemical borings) may be charged only when such grades are sold for use for chemical or annealing purposes, and in the case of Grade 27, for briquetting and direct charge into an electric furnace; otherwise the ceiling prices for such grades shall not exceed the price established for Grade 10 (cast iron borings).

[Subparagraph (2) amended by Amdt. 2]

(3) The price established for Grade 28 (wrought iron) may be charged only when sold to a producer of wrought iron; otherwise the ceiling price for such grade shall not exceed the ceiling price established for the corresponding grade of basic open hearth.

(4) The premiums established for Grades 11, 12, 13, 14, 15, 16, 17, 18, 20 and 21 may be charged only when sold for use in electric furnaces, acid open hearth furnaces, or foundries and when any such grade is sold for use in basic open hearth or blast furnaces the ceiling price applicable to the corresponding basic open hearth or blast furnace grade except that:

(i) The premiums established for Grades 20 and 21 may be charged and paid when such material is sold and purchased for use in a basic open hearth or blast furnace pursuant to an allocation of the National Production Authority;

(ii) The premiums established for Grades 11 to 18, inclusive, may be charged and paid when such material is sold and purchased for use in a basic open hearth or blast furnace only if authorization is received from the Office of Price Stabilization. Such authorization will be granted only when material has been allocated by the National Production Authority and the physical characteristics of his furnaces or the metallurgical nature of his product require the use of such material by the consumer or particular emergency circumstances make it necessary for a consumer to use such material to avoid a shutdown of his basic open hearth or blast furnace. Any authorization pursuant to this subdivision will be granted upon the basis of information furnished by the National Production Authority.

[Subparagraph (4) added by Amdt. 2; amended by amdts. 5, 6 and 7]

(5) The price established for Grade 29 (shafting) may be charged only when sold for forging or rerolling purpose; otherwise the ceiling price for such grade shall not exceed the ceiling price established for the corresponding basic open hearth, electric furnace or foundry grade.

[Subparagraph (5) added by Amdt. 2]

[Subparagraph (6) added by Amdt. 4; amended by Amdt. 6; deleted by Amdt. 7]

(c) *Special pricing provisions.* (1) Sellers of Grade 26 (No. 1 chemical borings) and Grade 27 (No. 2 chemical borings) may make an extra charge of $1.50 per gross ton for loading in boxcars or 75 cents per gross ton for covering gondola cars with a weather-resistant covering.

(2) The ceiling price of pit scrap, ladle scrap, salamander scrap, skulls, skimmings or scrap recovered from slag dumps and prepared to charging box size, shall be computed by deducting from the price of No. 1 heavy melting steel of dealer and industrial origin, the following amounts:

Where the iron content is 85 percent and over	—$6.00
Where the iron content is 75 percent and over	—10.00
Where the iron content is less than 75 percent	—12.00

[Subparagraph (2) amended by Amdt. 2]

(3) The ceiling price of any inferior grade of iron or steel scrap not listed in paragraph (a) (2) of this section, shall not exceed the price of No. 1 bundles less $15.00.

[Subparagraph (3) amended by Amdt. 5]

(4) Notwithstanding any other provisions of this regulation, any person may charge, and any person may pay, the ceiling price established herein for No. 1 bundles for detinned scrap otherwise qualifying as a No. 1 bundle and delivered during the period from February 7, 1951 to April 23, 1951, inclusive.

[Subparagraph (4) added by Amdt. 4]

(5) The ceiling shipping point price for the sale of any grade of unprepared steel scrap of dealer or industrial origin (grades 32, 33, 34 and 35) by a dealer to another dealer (excluding brokers) is the price determined for the applicable grade in accordance with section 4 plus an amount not to exceed one of the following:

(i) When the material is loaded in a railroad car or common carrier truck or vessel—$1.00 per gross ton.

(ii) When the material is delivered to the preparer's yard in a vehicle owned or controlled by the shipper—$2.50 per gross ton.

[Subparagraph (5) added by Amdt. 5; amended by Amdt. 9]

SEC. 4. *Ceiling shipping point prices for steel scrap of dealer and industrial origin.* (a) For shipping points located within a basing point named in section 3 hereof, the ceiling shipping point price for any grade of steel scrap shall be the price established at such basing point, minus the applicable switching charge deduction set forth in section 5 hereof.

(b) For shipping points located outside the basing points named in section 3 hereof, the ceiling shipping point price of any grade of iron or steel scrap shall be the price established for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. (The most favorable basing point is the basing point named in section 3 hereof which will yield the highest shipping point price.)

(c) Where water rates are involved in the computations under subsection (b) the following additional deductions must be made. A flat charge of $1.25 per gross ton for dock charges, except, however, that at Memphis, Tennessee, the deduction shall be 95 cents per gross ton; at Great Lakes ports, $1.50 per gross ton; and at New England ports, $1.75 per gross ton.

Where the shipping point is located outside of the switching district of the city from which the water rate is applicable, the lowest established charge for transporting scrap by rail from the shipping point to the f. a. s. vessel point must be deducted. No deduction for switching charges need be made where the shipping point is located within the switching district of the city from which the water rate is applicable. If there is no established charge for transporting scrap by rail from the shipping point to the f. a. s. vessel point, water rates may not be used in computing shipping point prices.

(d) The ceiling shipping point price for No. 1 bundles (with differentials established in section 3 hereof for all other grades) at all shipping points in New York City (or Brooklyn, New York) shall be $36.99 per gross ton: *Provided, however,* a dealer whose yard is situated in New York City and who customarily places his scrap f. o. b. railroad cars at a point outside New York City may use the ceiling shipping point prices established above for shipping points in New York City, if the rail point outside New York City which he uses is the closest rail point to the yard in which the scrap originated.

[Paragraph (d) amended by Amdts. 5 and 10]

(e) Ceiling shipping point prices at all shipping points in Hudson and Bergen Counties, New Jersey shall be computed from the Bethlehem, Pa., basing point.

(f) Ceiling shipping point prices at all shipping points in the State of New Jersey shall be computed by the use of all rail transportation charges.

(g) The ceiling shipping point price for No. 1 bundles (with differentials established in section 3 of this regulation for all other grades) need not fall below $32.00 per gross ton.

[Paragraph (g) amended by Amdt. 5]

(h) Where scrap is sold on terms which require the purchaser to load the scrap on the transporting vehicle or place it f. a. s. vessel a deduction of not less than $1.50 per gross ton must be deducted for loading from the applicable ceiling price determined in accordance with this section.

[Paragraph (h) added by Amdt. 4]

SEC. 5. *Switching charge deductions.* The switching charges to be deducted from the basing point price of dealer and industrial scrap as set forth in section 3 hereof, or the basing point price of nonoperating railroad scrap, as set forth in section 7 hereof, in order to determine the ceiling shipping point prices for such scrap originating in basing points, are as follows:

(a) Basing point:	Dollars per gross ton
Alabama City, Ala	$0.43
Ashland, Ky	.47
Bethlehem, Pa	.52
Birmingham, Ala	.50
Brackenridge, Pa	.53
Buffalo, N. Y	.83
Butler, Pa	.65
Atlanta, Ga	.51
Canton, Ohio	.51
Chicago, Ill	1.34
Cincinnati, Ohio	.65
Claymont, Del	.79
Cleveland, Ohio	.76
Coatesville, Pa	.50
Conshohocken, Pa	.20
Detroit, Mich	.95
Duluth, Minn	.50
Harrisburg, Pa	.51
Houston, Tex	.57
Johnstown, Pa	.75
Kansas City, Mo	.78
Kokomo, Ind	.51
Los Angeles, Calif	.66
Middletown, Ohio	.26
Midland, Pa	.75
Minnequa, Colo	.33
Monessen, Pa	.51
Phoenixville, Pa	$0.51
Pittsburg, Calif	.65
Pittsburgh, Pa	.99
Portland, Oreg	.52
Portsmouth, Ohio	.51
St. Louis, Mo	.51
San Francisco, Calif	.66
Seattle, Wash	.59
Sharon, Pa	.75
Sparrows Point, Md	.20
Steubenville, Ohio	.51
Warren, Ohio	.75
Weirton, W. Va	.70
Youngstown, Ohio	.75

[Above list corrected by Amdt. 9]

(b) The Pittsburgh, Pa., basing point includes the switching districts of Bessemer, Homestead, Duquesne and Munhall, Pa.

(c) The Cincinnati, Ohio, basing point includes the switching district of Newport, Ky.

(d) The St. Louis, Mo., basing point includes the switching districts of Granite City, East St. Louis, Madison, and Federal, Illinois.

[Paragraph (d) amended by Amdt. 2]

(e) The San Francisco, Calif., basing point includes the switching districts of South San Francisco, Niles and Oakland, Calif.

(f) The Claymont, Del., basing point includes the switching districts of Chester, Pa.

(g) The Chicago, Ill., basing point includes the switching district of Gary, Ind.

[Paragraph (h) deleted by Amdt. 2]

SEC. 6. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin.* (a) The ceiling delivered price of any grade of steel scrap delivered by rail, vessel, or combination thereof, shall be the shipping point price as determined in section 4 hereof, plus the actual charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed, except as provided in section 15 (f) on intransit preparation.

[Paragraph (a) amended by Amdt. 9]

(b) If delivery to the consumer involves vessel movement, the actual charges incurred at a public dock may be added to the actual transportation charges. Where the dock facilities are owned or controlled by the shipper of the scrap, a maximum charge of $1.25 per gross ton may be added to the actual transportation charges; except that the maximum charge shall be 95 cents per gross ton at Memphis, Tenn., $1.50 per gross ton at any Great Lakes port, or $1.75 per gross ton at any New England port.

(c) In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof a maximum charge of $1.25 per gross ton may be included in the delivered price.

(d) Where scrap is allocated by the National Production Authority for rail shipment, and prior to the date of the NPA allocation order such scrap has been stored at a dock for water movement, the dock charges set forth in paragraph (b) may be charged and paid.

[Paragraph (d) added by Amdt. 9]

SEC. 7. *Basing point prices for steel scrap of railroad origin.*—(a) *Basing point prices from which ceiling on-line and ceiling delivered prices are computed.*—(1) *Basing point prices for the base grade, No. 1 railroad heavy melting steel, Grade 1.*

	Price per gross ton
Alabama City, Ala	$41.00
Ashland, Ky	44.00
Atlanta, Ga	41.00
Bethlehem, Pa	44.00
Birmingham, Ala	41.00
Brackenridge, Pa	46.00
Buffalo, N. Y	45.00
Butler, Pa	46.00
Canton, Ohio	46.00
Chicago, Ill	44.50
Cincinnati, Ohio	45.00
Claymont, Del	44.50
Cleveland, Ohio	45.00
Coatesville, Pa	44.50
Conshohocken, Pa	44.50
Detroit, Mich	43.15
Duluth, Minn	42.00
Harrisburg, Pa	44.50
Houston, Tex	39.00
Johnstown, Pa	46.00
Kansas City, Mo	41.50
Kokomo, Ind	44.00
Los Angeles, Calif	37.00
Middletown, Ohio	45.00
Midland, Pa	46.00
Minnequa, Colo	40.00
Monessen, Pa	46.00
Phoenixville, Pa	44.50
Pittsburg, Calif	37.00
Pittsburgh, Pa	46.00
Portland, Oreg	37.00
Portsmouth, Ohio	44.00
St. Louis, Mo	43.00
San Francisco, Calif	37.00
Seattle, Wash	37.00
Sharon, Pa	46.00
Sparrows Point, Md	44.00
Steubenville, Ohio	46.00
Warren, Ohio	46.00
Weirton, W. Va	46.00
Youngstown, Ohio	46.00

[Above list amended by Amdt. 1]

(2) *Differentials per gross ton above or below the price of Grade 1 (No. 1 railroad heavy melting steel) for other grades of railroad steel scrap.*

Grades	Differentials
2. No. 2 Heavy Melting Steel	$2.00
3. No. 2 Steel Wheels	Base
4. Hollow Bored Axles and Solid Locomotive Axles with keyways between the wheelseats	Base
5. No. 1 Busheling	3.50
6. No. 1 Turnings	3.00
7. No. 2 Turnings, Drillings and Borings	12.00
8. Cast Steel No. 2 and Uncut Wheelcenters	—6.00
9. Uncut Frogs and Switches with or without manganese	Base
10. Flues, Tubes and Pipes	6.00
11. Structural, Wrought Iron and/or Steel, Uncut	6.00
12. Destroyed Steel Cars	8.00
13. No. 1 Sheet Scrap	9.50
14. Scrap Rails, Random Lengths	+2.00
15. Rerolling Rails	+7.00
16. Cut Rails, 3 feet and under	+5.00
17. Cut Rails, 2 feet and under	+6.00
18. Cut Rails, 18 inches and under	+8.00
19. Cast Steel No. 1	+8.00

Grades	Differentials
20. Uncut Tires	+$2.00
21. Cut Tires	+5.00
22. Uncut Bolsters and Side Frames	Base
23. Cut Bolsters and Side Frames	+3.00
24. Angle and Splice Bars and Tie Plates	+5.00
25. Solid Steel Axles	+12.00
26. Steel Wheels, No. 3 Oversize	Base
27. Steel Wheels, No. 3	+5.00
28. Spring Steel	+5.00
29. Couplers and Knuckles	+5.00
30. Wrought Iron	+8.00
31. Fireboxes, cut and uncut	−8.00
32. Boilers, cut and uncut	−6.00
33. No. 2 Sheet Scrap	−13.00
34. Carsides, Doors, Car Ends, cut apart	−6.00
35. Unassorted iron and steel scrap	−6.00
36. Unprepared steel scrap other than material suitable for hydraulic compression	−8.00

[Above list amended by Amdts. 2, 4 and 5]

(b) *Restrictions on use.* (1) The price established for grade 15 (rerolling rails) may be charged only when purchased and sold for rerolling use; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for grade 14 (scrap rails in random lengths). (The term "rerolling rails" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for relaying.)

(2) The price established for grade 30 (Wrought Iron) may be charged only when sold to a producer of Wrought Iron; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for the base grade, No. 1 railroad heavy melting steel.

(3) The price established for Grade 25 (Solid Steel Axles) may be charged only when sold for rerolling and forging purposes; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for the base grade, No. 1 railroad heavy melting steel.

[Subparagraph (3) added by Amdt. 2]

SEC. 8. *Ceiling on-line prices for steel scrap of railroad origin.* The term "on-line prices" means the ceiling prices that the originating railroad may charge for scrap delivered to a consumer located on the line of the railroad.

(a) *On-line prices for operating railroads operating in a basing point.* The ceiling on-line price of any grade of steel scrap originating from an operating railroad operating in a basing point named in section 7 hereof shall be the price established in that section for the scrap at the highest priced basing point in which the railroad operates.

(b) *On-line prices for operating railroads not operating in a basing point.* The ceiling on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in section 7 hereof shall be the price established for the scrap at the most favorable basing point named in that section minus the lowest established foreign line proportion of any through rate for transporting scrap by rail from any point on the railroad to such basing point via the nearest junction point.

The "most favorable basing point" is the basing point named in section 7 hereof which will yield the highest ceiling on-line price. The "nearest junction point" means such point on the originating railroad nearest to the most favorable basing point in terms of transportation charges. The ceiling on-line price of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 hereof for all other grades).

On and after the effective date of this regulation, as amended, no railroad covered by this paragraph (b) may sell or offer to sell steel scrap to a consumer or his broker until it has filed with the Office of Price Stabilization, Washington 25, D. C., a statement in writing setting forth its ceiling on-line price for No. 1 railroad heavy melting steel and describing the method by which the said ceiling on-line price was calculated. The statement shall include the most favorable basing point selected, the price at such basing point, the point on the originating line from which the through rate to the named basing point is determined, the lowest established charge for transporting scrap by rail from such point on the originating railroad to the named basing point, and the foreign line proportion of such lowest established charge.

[Paragraph (b) amended by Amdts. 2 and 4]

(c) *Ceiling shipping point (or on-line) prices for non-operating railroads.* (1) For shipping points located within a basing point named in section 7 of this regulation, the ceiling shipping point price for any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at such basing point minus the applicable switching charge deduction set forth in section 5 of this regulation.

(2) For shipping points located outside the basing points named in section 7 of this regulation, the ceiling shipping point price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in section 7 of this regulation, minus the lowest established charge for transporting scrap by rail from the shipping point of the railroad to such basing point.

The ceiling shipping point price of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 of this regulation for all other grades). The "most favorable basing point" is the basing point named in section 7 of this regulation which will yield the highest ceiling shipping point price.

(3) Where a non-operating railroad believes that the shipping point method of pricing is not appropriate for its operations, it may request permission to price on an on-line basis from the Director of Price Stabilization. The request should set forth: (i) The nature of the non-operating railroad; (ii) the points from which its scrap is shipped; (iii) the basing point from which it would determine its price under paragraph (a) or (b) of this section; and (iv) the reasons which make it difficult to price under provisions of this paragraph.

[Paragraph (c) amended by Amdt. 2]

SEC. 9. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of railroad origin.*—(a) *When delivered to a consumer located on the line of a railroad.* The ceiling delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer's plant located on the line of that railroad shall be the ceiling on-line price established in section 8 hereof.

(b) *When delivered to a consumer located off the line of the originating railroad.* The ceiling delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer located off the line of that railroad, by rail, vessel or combination thereof, shall be the ceiling on-line price established in section 8 hereof, plus the foreign line proportion of the through rate from the point of shipment to the consumer's plant via the junction nearest such plant in terms of transportation charges, or the commercial rate from such nearest junction to the consumer's plant (unless off-line routing at another point is directed by order of a government agency). In no case may a railroad seller participate in the transportation charges incurred in off-line delivery of scrap unless the ceiling on-line price for the scrap is reduced by the amount of the participation in the off-line charges.

(c) *When delivered to a consumer from a non-operating railroad.* The ceiling delivered price of any grade of steel scrap originating from a non-operating railroad shall be the ceiling price established in section 8 (c) hereof, plus transportation charges to the point of delivery. Such transportation charges shall be computed in the same manner as charges allowable under section 6 or 15 hereof for dealer or industrial scrap.

SEC. 10. *Ceiling prices for railroad steel scrap sold by sellers other than railroads.* (a) Railroad steel scrap prepared by a dealer or moving through a dealer's yard (except for unprepared scrap prepared in-transit pursuant to section 15 hereof) or sold by any other person than a railroad as defined in this regulation, shall be classified and priced under sections 3 and 4 hereof except that for Grades Nos. 3, 4, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of steel scrap set forth in section 7 (a) (2) hereof, the ceiling shipping point prices shall be the same as those established for non-operating railroads in section 8 (c) hereof, and the ceiling delivered prices shall be the same as those established for non-operating railroads in section 9 (c) hereof.

[Paragraph (a) amended by Amdt. 2]

(b) Where a dealer or contractor demolishes railroad equipment on the property of, or in a yard provided exclusively for that purpose by the railroad awarding the contract, the resultant railroad scrap may be sold at prices not in excess of the ceiling prices established in section 8 (c) hereof for non-operating railroads; *Provided*, That in each case the dealer or contractor awarded such contract by a railroad reports to the Office of Price Stabilization, Washington 25, D. C. within 7 days after the award of the contract the name of the selling railroad, the type of equipment involved, the location at which demolition will take place, and the estimated tonnage of each grade of scrap resulting; also such other relevant information as he considers necessary or advisable to explain the transaction.

SEC. 11. *Ceiling shipping point for all cast iron scrap.*

[Title of Section 11 amended by Amdt. 2]

(a) The ceiling price per gross ton for any of the following grades of cast iron scrap shall be the price shown in the following table, f. o. b. the shipping point:

Grades:	Price per gross ton
1. Cast iron No. 1 (cupola cast)	$49.00
2. Cast iron No. 2 (charging box cast)	47.00
3. Cast iron No. 3 (heavy breakable cast)	45.00
4. Cast iron No. 4 (burnt cast)	41.00
5. Cast iron brake shoes	41.00
6. Stove plate	46.00
7. Clean auto cast	52.00
8. Unstripped motor blocks	43.00
9. Wheels No. 1	47.00
10. Malleable	55.00
11. Drop broken machinery casts	52.00

(b) *Restrictions on use.* (1) The ceiling shipping point price which a basic open hearth consumer may pay for cast iron No. 1 (cupola cast), clean auto cast, malleable, or drop broken machinery cast shall be the ceiling price established for cast iron No. 2 (charging box cast).

[Subparagraph (1) amended by Amdt. 2]

(2) The ceiling shipping point price which any foundry consumer other than a malleable iron producer may pay for Grade 10 (malleable) shall be the ceiling price established for cast iron No. 1 (cupola cast).

[Subparagraph (2) amended by Amdt. 2]

(3) Where cast iron scrap is sold on terms which require the purchaser to load the scrap on the transporting vehicle or place it f. a. s. vessel a deduction of not less than $1.50 per gross ton must be deducted for loading from the applicable ceiling price determined in accordance with this section.

[Subparagraph (3) added by Amdt. 4]

(c) *Special pricing provisions.* The ceiling price of clean cast iron foundry runouts, spills, or cupola drops prepared by cleaning and/or breaking for further consumption shall be priced at 75 percent of the corresponding cast iron grade with the same restrictions as to use to apply.

[Paragraph (c) added by Amdt. 2]

(d) *Unprepared cast iron scrap.* Any iron casting which cannot be broken with an ordinary drop into Grade 2 (cast iron No. 2) or Grade No. 1 (cast iron No. 1) as established in section 11 hereof may not be classified as Grade No. 3 (cast iron No. 3). Where such iron casting requiring blasting or other special preparation is sold to a consumer of scrap, the shipping point price for Grade No. 3 (cast iron No. 3) as established in section 11 hereof must be reduced by the amount of the additional charges required for preparation.

[Paragraph (d) added by Amdt. 5]

SEC. 12. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for all cast-iron scrap.* (a) The ceiling delivered price for shipment by rail, vessel, or combination thereof of any grade of cast iron scrap shall be the shipping point price as determined in section 11 hereof plus the actual charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed. If delivery to the consumer involves water movement the actual charges incurred at a public dock may be added to the actual transportation charges. Where the dock facilities are owned or controlled by the shipper of the cast iron scrap, the following maximum dock charges may be added to the actual transportation charges: At Memphis, Tenn., 95 cents per gross ton; at any Great Lakes port, $1.50 per gross ton; at all New England ports, $1.75 per gross ton; and at all other ports, $1.25 per gross ton.

[Paragraph (a) amended by Amdt. 2]

SEC. 13. *Ceiling delivered prices for shipment by truck for all steel or cast iron scrap.* (a) Where delivery of any grade of iron or steel scrap is made by public carrier truck, the ceiling delivered price shall be the ceiling shipping point price, or in the case of steel scrap of railroad origin, the ceiling on-line price, as established in sections 4, 8, 10, or 11 of this regulation, whichever is applicable, plus the actual public carrier charge.

[Paragraph (a) amended by Amdt. 2]

(b) When delivery of any prepared grade of iron or steel scrap is made in a truck owned or controlled by the shipper or broker the ceiling delivered price shall be the ceiling shipping point price (or on-line price in the case of steel scrap originating from operating railroads) as established by sections 4, 8, 10, or 11 of this regulation plus the published and applicable motor common carrier charge for transporting scrap from the shipping point to the consumer's receiving point. This charge for transporting scrap, however, may not exceed $4.00 and need not fall below $2.50 per gross ton.

[Paragraph (b) amended by Amdts. 2, 5 and 6]

(c) Where delivery of any unprepared grade of iron or steel scrap is made in a truck owned or controlled by the shipper or broker, no trucking charge may be added to the ceiling shipping point or on-line price: *Provided, however*, That the ceiling delivered price on such shipments need not fall below the ceiling shipping point price for the applicable unprepared grade at the point of delivery.

[Paragraph (c) added by Amdt. 5]

GENERAL PROVISIONS

SEC. 14. *Unlisted grades.* If the seller is unable to determine a ceiling price for any grade of iron or steel scrap under the applicable provisions hereof (which, in the opinion of the Director of Price Stabilization, provide adequate pricing instructions for all recognized grades), he shall file an application for approval of a ceiling price with the Office of Price Stabilization, Washington 25, D. C. The application shall set forth: (1) A complete description of the material, and (2) the ceiling price being requested.

The seller may not deliver or sell at his requested price until he has received written approval of the price from the Office of Price Stabilization.

SEC. 15. *Intransit preparation.* (a) A consumer may designate a dealer or dealers to prepare steel scrap of dealer and industrial origin intransit on a preparation fee basis under one of the following circumstances:

(1) Where unprepared steel scrap of dealer and industrial origin (other than grade 35) is allocated for preparation intransit by the National Production Authority.

[Subparagraph (1) amended by Amdt. 9]

(2) Where a consumer purchases unprepared steel scrap of dealer and industrial origin (other than grade 35) for shipment by rail to the preparer's yard in minimum rail carload lots. A railroad car loaded to maximum visible capacity will be considered a minimum rail carload lot. Grade 35 cannot be prepared on an intransit preparation fee basis.

[Subparagraph (2) amended by Amdt. 9]

(3) Where Grade 6 (machine shop turnings) or other grades of long or bushy turnings are allocated by the National Production Authority in rail carload lots to a consumer, or where a consumer purchases such turnings in rail carload lots for crushing.

(4) Where Grade 10 (cast iron borings) is allocated by the National Production Authority to a consumer for briquetting.

(b) A consumer may designate a dealer or dealers to prepare steel scrap of railroad origin intransit on a preparation fee basis only where a consumer without adequate preparation facilities purchases unprepared steel scrap from an originating railroad.

(c) A consumer may designate a dealer or dealers to prepare cast iron scrap intransit on a preparation fee basis where such consumer is without adequate preparation facilities.

(d) No fee may be paid to the person preparing scrap intransit pursuant to the provisions of this section if the scrap originates in the preparer's yard or if title to the scrap resides in the preparer at any time after the scrap leaves its shipping point, unless such scrap is allocated by the National Production Authority.

(e) The maximum preparation fee for preparing any grade of iron or steel scrap intransit shall be the applicable fee established in section 16 hereof.

(f) Whenever intransit preparation of iron or steel scrap is permissible pursuant to the provisions of this section, the ceiling delivered price shall be the ceiling shipping point price plus the rail transportation charges to the point of

preparation, or the ceiling on-line price plus any off-line rail transportation charges to the point of preparation, plus the applicable ceiling preparation fee as established in section 16 of this regulation, plus the transportation charges from the preparation yard to the point of delivery as established and restricted in sections 6, 9, 12 or 13 of this regulation, whichever is applicable.

The rail transportation charges to the point of preparation may include any charges for dead freight providing the scrap material is loaded in the railroad car to maximum visible capacity and weighs not less than 30,000 pounds. If the scrap material weighs less than 30,000 pounds an adjustment must be made for the prorated dead freight charges for the difference in the weight actually shipped and 30,000 pounds so that this proportion of the dead freight charges will not be paid by the consumer or his broker.

[Paragraph (f) amended by Amdts. 2 and 9]

SEC. 16. *Ceiling preparation charges.* (a) The ceiling fees which may be charged for intransit preparation of any grade of steel scrap of dealer or industrial origin, authorized under section 15 of this regulation, shall be as follows:

[Paragraph (a) amended by Amdt. 2]

(1) For preparing into Grade No. 3 (No. 1 heavy melting steel), Grade No. 4 (No. 2 heavy melting steel) or Grade No. 2 (No. 1 busheling), $8.00 per gross ton.

[Subparagraph (1) amended by Amdt. 5]

(2) For hydraulically compressing Grade No. 1 (No. 1 bundles), $6.00 per gross ton or Grade No. 5 (No. 2 bundles), $8.00 per gross ton.

[Subparagraph (2) amended by Amdt. 5]

(3) For crushing Grade No. 6 (machine shop turnings), $3.00 per gross ton.

(4) For preparing into Grade No. 25 (briquetted turnings), $6.00 per gross ton.

(5) For preparing into Grade No. 19 (briquetted cast iron borings), $6.00 per gross ton.

(6) For preparing into Grade No. 12 (bar crops and plate scrap), Grade No. 13 (cast steel), Grade No. 14 (punchings and plate scrap), Grade No. 16 (cut structural, 3 feet and under), or Grade No. 20 (foundry steel, 2 feet and under), $10.00 per gross ton.

[Subparagraph (6) amended by Amdt. 2]

(7) For preparing into Grade No. 17 (cut structural and plate scrap, 2 feet and under) or Grade No. 21 (foundry steel, one foot and under), $11.00 per gross ton.

[Subparagraph (7) amended by Amdt. 2]

(8) For preparing into Grade No. 18 (cut structural and plate scrap, 1 foot and under), $12.00.

[Subparagraph (8) amended by Amdt. 2]

(9) For hydraulically compressing Grade No. 15 (electric furnace bundles), $8.00 per gross ton.

(10) For preparing into Grade No. 28 (wrought iron), $10.00 per gross ton.

(b) The ceiling fees which may be charged for intransit preparation of any grade of steel scrap of railroad origin shall be as follows:

(1) For preparing into Grade No. 1 (No. 1 railroad heavy melting steel) and Grade No. 2 (No. 2 railroad heavy melting steel), $8.00 per gross ton.

(2) For hydraulically compressing Grade No. 13 (No. 1 sheet scrap), $6.00 per gross ton.

(3) For preparing into Grade No. 16 (Cut Rails, 3 feet and under), $4.00 per gross ton.

(4) For preparing into Grade No. 17 (Cut Rails, 2 feet and under), $5.00 per gross ton.

(5) For preparing into Grade No. 18 (Cut Rails, 18 inches and under), $7.00 per gross ton.

(6) For preparing into Grade No. 21 (cut tires), $4.00 per gross ton.

(7) For preparing into Grade No. 23 (cut Bolsters and side Frames), $4.00 per gross ton.

(c) The ceiling fees which may be charged for intransit preparation of cast iron shall be limited to the following:

(1) For preparing Grade No. 8 (unstripped motor blocks) into Grade No. 7 (clean auto cast), $9.00 per gross ton.

(2) For preparing Grade No. 3 (heavy breakable cast) into Grade No. 11 (drop broken machinery cast), $7.00 per gross ton.

(3) For preparing Grade No. 3 (heavy breakable cast) into Grade No. 1 (cast iron No. 1), $4.00 per gross ton.

[Paragraph (c) amended by Amdt. 2]

(d) Whenever scrap has arrived at its point of delivery and the consumer engages a dealer to prepare such scrap, no fee may be charged or paid for such service unless the consumer obtains prior written approval from the Office of Price Stabilization, Washington 25, D. C.

(e) No preparation charge in excess of the charges set forth in this section may be made for the preparation of any grade of iron or steel scrap unless the consumer has secured prior written approval of such charge from the Office of Price Stabilization, Washington 25, D. C.

[Paragraph (e) amended by Amdt. 2]

SEC. 17. *Premium for alloy content.* With the exception of the premium specifically authorized in this section no premium may be charged for alloys contained in iron or steel scrap. Except as outlined below the premiums are not confined to a particular use.

(a) *Nickel.* (1) A premium of 5 cents per gross ton for each .01% of nickel content may be charged and paid in addition to the ceiling price for the applicable grade of scrap, except as limited in subparagraph (2) of this paragraph, where the scrap contains not less than 0.5 percent and not over 6.99 percent nickel.

(2) The premium established by this paragraph for nickel content from 0.5 percent to 0.99 percent may be paid only where both of the following conditions are met:

(i) The material is shipped to a consumer directly from an industrial producer of such nickel alloy steel scrap; and

(ii) The material is purchased for use by a consumer who has received authorization from the Office of Price Stabilization, Washington 25, D. C., to pay the nickel premium. Such authorization will be granted only where it is shown that the metallurgical nature of the consumer's product requires such nickel alloy scrap. Any authorization pursuant to this subdivision will be granted upon the basis of information furnished by the National Production Authority on the metallurgical and tonnage requirements of the applicant.

[Paragraph (a) amended by Amdts. 2 and 8]

(b) *Molybdenum.* A premium of $2.00 per gross ton may be charged in addition to the ceiling price for the applicable grade for scrap containing not less than .15 percent molybdenum. A premium of $3.00 per gross ton may be charged in addition to the ceiling price for the applicable grade for scrap containing not less than .65 percent molybdenum.

[Paragraph (b) amended by Amdt. 2]

(c) *Manganese.* A premium of $4.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10 percent manganese and is in sizes larger than 12" x 24" x 8". A premium of $14.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10 percent manganese and is cut to sizes of 12" x 24" x 8" or smaller. The manganese premiums provided in this paragraph (c) are only applicable if the scrap is sold for electric furnace use except on allocation by the National Production Authority.

(d) *Silicon.* The differentials established under section 3 of this regulation for electric furnace and foundry grades shall not be applicable if the scrap contains between .5 percent and 1.75 percent silicon.

[Paragraph (d) amended by Amdt. 2]

(e) *Chromium.* Steel scrap conforming to SAE 52100 may command a premium of $1.00 per gross ton in addition to the ceiling price for the applicable grade.

[Paragraph (e) amended by Amdt. 2]

(f) *Multiple alloys.* Where any grade of scrap contains two alloy elements for which premiums have been established in this section, the total premium may not exceed the ceiling premium for any one contained alloy.

SEC. 18. *Mixed shipments.* (a) When grades of scrap commanding different ceiling prices under the provisions of this regulation are included in one vehicle, the ceiling price shall be the applicable ceiling price in section 4, 8, 10 or 11 hereof for the lowest grade contained in the vehicle, except when the grades are invoiced as separate grades and the grades are so loaded in the vehicle that they can readily be distinguished and separately weighed.

(b) When grades of scrap commanding different ceiling prices under the provisions of this regulation are included in one vehicle, the ceiling price shall be as follows:

(1) Where a portion of the material has been unloaded and the balance of the shipment returned to the shipper, the ceiling price for that portion which has been unloaded shall be the ceiling price for the grade unloaded;

(2) Where no portion of the shipment is returned to the shipper, the ceiling price for the entire shipment shall be the ceiling price established for the lowest priced grade in the car.

[Paragraph (b) added by Amdt. 5]

SEC. 19. *Commissions.* (a) No commission shall be payable on sales made under this regulation except by a consumer to a broker for brokerage services rendered to the consumer. Where scrap is allocated by the National Production Authority other than from a government agency, the seller may designate a broker. Where scrap is allocated by the National Production Authority from a governmental agency, the consumer may designate a broker. In the event that a broker purchases iron or steel scrap for sale to a consumer, such consumer may pay such broker a commission not exceeding $1.00 per gross ton. No commission shall be payable unless

(1) The broker is regularly and primarily engaged in the business of buying for, and selling scrap to, a consumer;

[Subparagraph (1) amended by Amdt. 2]

(2) The broker guarantees the quality and delivery of an agreed tonnage of scrap;

(3) The scrap is purchased by the consumer at a price no higher than the ceiling prices established in this regulation;

(4) The broker sells the scrap to the consumer at the same price, with the same discounts and allowances, at which he purchased it, and does not include in the shipping point price any cost, fee, or charge incurred in placing the scrap at its shipping point;

(5) The broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap or with the consumer and does not split or divide the commission with a sub-broker to an extent greater than 50 percent;

[Subparagraph (5) amended by Amdt. 2]

(6) The commission is shown as a separate item on the invoice.

(b) No commission shall be payable to a person for scrap which he prepares: *Provided, however,* That whenever intransit preparation is permitted by any provision of this regulation, a broker may charge a commission notwithstanding the fact that he also prepares the scrap.

[Paragraph (b) amended by Amdt. 2]

(c) No commission shall be payable to a person controlling, or holding directly or indirectly a substantial financial interest in the person preparing the scrap, or to a person employed or controlled by the person preparing the scrap, or to a person in whom the person, preparing the scrap holds directly or indirectly a substantial financial interest or control: *Provided, however,* That the Director of Price Stabilization may authorize, upon application, the payment of brokerage commissions otherwise prohibited by this paragraph where it is shown that the conditions set forth in paragraph (a) of this section will be complied with and that the financial relationship between the broker and preparer of the scrap does not arise out of an attempt to evade paragraph (b) of this section.

[Paragraph (c) amended by Amdt. 2]

[Section 20 deleted by Amdt. 5]

SEC. 21. *Transportation charges.* (a) The rail or vessel charges, or combination rail-vessel charges, used in computing ceiling shipping point or ceiling on-line prices in section 4 or 8 hereof need not reflect any increase in rates which became effective after January 1, 1951, nor need such charges reflect any transportation tax.

(b) Any tax imposed upon the transportation charges from the shipping point to the point of delivery, may be included in the ceiling delivery price.

(c) No vessel charge shall be deemed an established charge within the provisions of this regulation unless regular vessel movement of scrap, except for seasonal restrictions, is being made to the most favorable basing point as of the effective date of this regulation, as a customary business practice.

(d) Where rail or vessel charges vary because of seasonal factors, the lowest established charge shall be the lowest charge in effect at any time during the year.

SEC. 22. *Weights to govern.* (a) Except as otherwise provided in this section, settlement for all scrap shall be made on the basis of weights at the point of delivery.

(b) *Rail shipments.* If the consumer is a member of a weighing association, settlement shall be on the basis of mill weights. If the consumer does not have weighing facilities, settlement shall be made on the basis of railroad weights at the point of delivery.

No adjustment need be made for shortages of 500 pounds or less per car between shipping point weights and weights at the point of delivery. If the shortage exceeds 500 pounds per car, adjustment must be made for the full shortage.

(c) *Vessel shipment.* When shipment is wholly or partially by vessel, weights at the dock prior to vessel movement shall govern. If the scrap moves from the shipping point to the dock by rail and weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the dock. If the difference exceeds 500 pounds per car, adjustment must be made for the full shortage in the car.

(d) *Sales by government agencies.* Governmental agencies may at their option use either the weights at point of delivery as otherwise provided in this paragraph, or the weights at point of shipment. Where weights at point of shipment are used, such weights shall be determined at the expense of the seller and in the following manner:

(1) *Removal by rail.* In the case of scrap removed by rail, the actual tare weight of the railroad car shall be used instead of the marked tare in determining the net weight. The actual tare weight shall be determined by weighing the empty car, cleaned of all foreign material, before loading.

(2) *Removal by vessel.* In the case of removal by vessel, weights at the dock prior to vessel movement shall govern.

(3) *Removal by truck.* In the case of removal by truck, weighing shall be at the option of the seller on (i) government scales, or (ii) certified scales in the vicinity of the location of the property.

[Paragraph (d) added by Amdt. 4]

SPECIFICATIONS

SEC. 23. *Steel grades of dealer and industrial origin.* (a) The specifications set forth in this section and sections 24 and 25 are subject to the following general provisions:

(1) All grades must be free of dirt, nonferrous metals or foreign material of any kind and free of excessive rust and corrosion. The term "free of dirt, nonferrous metals or foreign material of any kind" shall not preclude the accidental inclusion of negligible amounts where it can be shown that this negligible amount is unavoidable in the customary preparation and handling of the particular grade involved.

(2) The inclusion, in a shipment of a particular grade of iron or steel scrap, of a negligible amount of metallic material which exceeds to a minor extent the applicable size limitations or which fails to meet to a minor extent the applicable requirements as to quality or kind of material shall not change the classification of the shipment: *Provided,* That it can be shown that the inclusion of such off-grade material is unavoidable in the customary preparation and handling of the grade involved.

(3) Wherever the term "free of alloys" is used in the following specifications it shall mean that any alloys contained in the steel are residual and have not been added for the purpose of making an alloy steel. Steel scrap will be considered free of alloys where the residual alloying elements do not exceed the following amounts:

	Percent
Nickel	0.45
Chromium	.20
Molybdenum	.10
Manganese	1.65

and where the combined residuals other than the manganese do not exceed a total of 0.60 percent.

[Paragraph (a) added by Amdt. 11]

(b) *Basic open hearth and blast furnace grades.* (The numbering of the paragraphs does not necessarily correspond to the grade numbers established in section 3 of this regulation.)

(1) *No. 1 heavy melting steel.* Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in

width and not over 5 feet in length. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box. May include heavy forgings, forge butts, billet, bloom, slab or bar crops not conforming to chemical analysis required for electric furnace or acid open hearth use. May include new pipe ends. May not include auto body and fender stock.

[Subparagraph (1) amended by Amdt. 2]

(2) *No. 2 heavy melting steel.* Wrought iron or steel scrap, black or galvanized, ⅛ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. (Uncut bumpers and front axles of passenger automobiles, and uncut rear ends of passenger automobiles free of wheels and brake assemblies and drained of oil, may be included even though over 5 feet in length.) Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include pipe; heavy oil field or similar cable not less than 1 inch in diameter and cut to lengths of 3 feet or less; and car sides and light plate cut 15 inches by 15 inches or under. May not include auto body and fender stock.

(3) *No. 1 busheling.* Clean new wrought iron or steel scrap ⅛ inch and over in thickness, not exceeding 12 inches in any dimension, including new factory busheling 20 gauge or heavier (for example, sheet clippings, stampings, etc.) and steel cartridge cases 40 mm. or less. May not contain burnt material or auto body and fender stock. Must be free of metal coated, limed or porcelain enameled stock.

(4) *No. 1 bundles.* New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand bundled to charging box size and weighing not less than 75 pounds per cubic foot. (Hand bundles must also be tightly secured and stand handling with a magnet.) Must be free of paint or protective coating of any kind. May include Stanley balls, or mandrel wound bundles or skeleton reels, tightly secured. May include chemically detinned material. No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin. May not include electrical sheets, or any material over 0.5% of silicon.

[Subparagraph (4) amended by Amdt. 2]

(5) *No. 2 bundles.* Body and fender scrap, or old black and/or galvanized scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May include galvanized, but not vitreous enameled stock, tin plate, terne plate or other metal coated material. Painted or lacquered material shall not be considered as coated material. May include hydraulically compressed black or galvanized fence wire, light coil spring and any bundles which are excluded from No. 1 bundles by reason of their containing painted, lacquered, lithographed or galvanized material.

[Subparagraph (5) amended by Amdt. 2]

(6) *Machine shop turnings.* Clean steel or wrought iron turnings, free of cast or malleable iron borings, nonferrous metals in a free state, scale or excessive oil. May not contain badly rusted or corroded stock.

(7) *Mixed borings and turnings.* Shoveling turnings mixed with cast or malleable iron borings and drillings, free of scale or excessive oil or nonferrous metals in a free state. May not contain badly rusted or corroded stock.

(8) *Shoveling turnings.* Clean short steel or wrought iron turnings, drillings or screw cuttings. May include any such material whether resulting from crushing, raking or other processes. Must be free of springy, bushy, tangled or matted material, lumps, nonferrous metals in a free state, scale, grindings, or excessive oil.

(9) *No. 2 busheling.* Cut hoops, netting, cut unbaled fence wire, light sheets, rusted car sides, cotton ties, and galvanized light material. No dimension over 12 inches. May be black or galvanized. May include oil field or similar cable cut to lengths of 2 feet or less and machine gun clips. No hard steel, porcelain enameled, or metal coated material may be included.

(10) *Cast iron borings.* Clean cast iron or malleable iron borings and drillings, free of steel turnings, scale, lumps and excessive oil.

[Title of Paragraph (a) amended by Amdt. 5; redesignated (b) by Amdt. 11]

(c) *Electric furnace and foundry grades.*

(11) *Billet, bloom and forge crops.* Billet, bloom, axle, slab, heavy plate and heavy forge crops, not over 0.05% phosphorus or sulphur and not over 0.5% silicon, free from alloys. Must not be less than 2 inches in thickness, not over 18 inches in width and not over 36 inches in length. Must be new material delivered to the consumer directly from the industrial producer.

(12) *Bar crops and plate scrap.* Bar crops, plate scrap, forgings, bits, jars and tool joints, containing not over 0.05% phosphorus or sulphur, not over 0.5% silicon, free from alloys. Must not be less than ½ inch in thickness, not over 18 inches in width and not over 36 inches in length.

[Subparagraph (12) amended by Amdt. 2]

(13) *Cast steel.* Steel castings not over 48 inches long, 18 inches wide and ¼ inch in thickness, containing not over 0.05% phosphorus or sulphur, free from alloys and attachments. May include heads, gates and risers.

(14) *Punchings and plate scrap.* Punchings or stampings, plate scrap and bar crops containing not over 0.05% phosphorus or sulphur and not over 0.5% silicon, free from alloys. All material must be cut 12 inches and under and with the exception of punchings or stampings must be at least ⅛ inch in thickness. Punchings and stampings may be of any gauge but must not be more than 6 inches in diameter.

[Subparagraph (14) amended by Amdt. 2]

(15) *Electric furnace bundles.* New black steel sheet scrap hydraulically compressed into bundles 14 x 14 x 20 inches or smaller.

(16) *Cut structural and plate scrap, 3 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, nor over 3 feet in length and 18 inches in width. Must not contain over 0.05% phosphorus or sulphur.

(17) *Cut structural and plate scrap, 2 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, not over 2 feet in length and 18 inches in width. Must not contain over 0.05% phosphorus or sulphur.

(18) *Cut structural and plate scrap, 1 foot and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness or over 1 foot in length or width. Must not contain over 0.05% of phosphorus or sulphur.

(19) *Briquetted cast iron borings.* Cast iron borings, Grade 12, compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 percent.

(20) *Foundry steel, 2 feet and under.* Steel scrap ⅛ inch and over in thickness, not over 2 feet in length or 18 inches in width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, body and fender stock, cable, enameled or galvanized material.

[Subparagraph (20) amended by Amdt. 2]

(21) *Foundry steel, 1 foot and under.* Steel scrap ⅛ inch and over in thickness, not over 1 foot in length or width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, body and fender stock, cable, enameled or galvanized material.

[Subparagraph (21) amended by Amdt. 2]

(22) *Springs and crankshafts.* Clean automotive springs and crankshafts, either new or used.

(23) *Alloy free turnings.* New, short, clean steel turnings free from lumps, tangled or matted material, cast iron borings, or excessive oil, containing not more than 0.05% phosphorus or sulphur and free of alloys. Must be delivered to the consumer directly from the industrial producer.

(24) *Heavy turnings.* Short, heavy steel turnings, containing not over 0.05% phosphorus or sulphur and free of alloys. May include rail chips. May not include machine shop or other light turnings and must weigh not less than 75 pounds per cubic foot in the original state of production.

[Subparagraph (24) amended by Amdt. 2]

[Paragraph (b) redesignated (c) by Amdt. 11]

(d) *Special grades.*

(25) *Briquetted turnings.* Steel turnings compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 percent.

(26) *No. 1 chemical borings.* New clean cast or malleable iron borings and drillings containing not more than 1% oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

(27) *No. 2 chemical borings.* New clean cast or malleable iron borings and drillings, containing not more than 1.50% oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

(28) *Wrought iron.* Clean wrought iron scrap, free of steel and with rivets and attachments removed. May include structural shapes, plates, bars, pipes, staybolts or any other material known to have been manufactured from wrought iron.

(29) *Shafting.* Random length shafting suitable without further preparation for rerolling, or forging. Must be reasonably straight and free of attachments.

[Subparagraph (30) added by Amdt. 4; deleted by Amdt. 7]

(31) *Old tin and terne plate bundles.* Old tin plated and terne plated steel scrap hydraulically or mechanically compressed to charging box size.

[Subparagraph (31) added by Amdt. 4]

(e) *Unprepared grades.*

(32) *Unprepared steel scrap which when compressed constitutes No. 1 bundles.*

(33) *Unprepared steel scrap which when compressed constitutes No. 2 bundles.*

(34) *Unprepared steel scrap other than material suitable for hydraulic compression.*

(35) *Automobiles, buses, trucks, trailers and other motor vehicles.* Automobiles, buses, trucks, trailers and other motor vehicles; it may include non-ferrous and non-metallic attachments which are an integral part of the vehicle, including the attached tires, batteries, radiators, upholstery and glass. It must be free of all non-metallic material which is not an integral and attached part of the vehicle.

[Paragraph (d) added by Amdt. 9; redesignated (e)]

SEC. 24. *Steel grades of railroad origin.* (1) *No. 1 railroad heavy melting steel.* (A. A. R. No. 24.) Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet in length. Individual pieces must be free from attachments and cut so as to lie reasonably flat in charging box. May include new mashed pipe ends, original diameter 4 inches and over. No needle or skeleton plate, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces will be accepted.

(2) *No. 2 railroad heavy melting steel.* (A. A. R. No. 25.) Plate scrap, such as car sides ⅛ inch and over in thickness, punchings ¼ inch and over in thickness, heavy clippings, unmashed pipe ends under 4 inches in diameter and/or similar material. Car sides and all light plates to be sheared 15 inches by 15 inches or under and all light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared in such shape that they will lie reasonably flat in a charging box and not tangle in handling with a magnet; all to be free from cast iron, malleable iron, burnt scrap, dirt or foreign material of any kind. Maximum size 15 inches wide by 3 feet long.

(3) *No. 2 steel wheels.* (A. A. R. No. 41.) Includes all kinds of built up or steel tired wheels 36 inches and under.

(4) *Hollow bored axles and solid locomotive axles with keyways between the wheelseats.* (A. A. R. Nos. 4 and 2.)

[Subparagraph (4) amended by Amdt. 2]

(5) *No. 1 busheling.* (A. A. R. No. 10.) Clean wrought iron and/or steel 1/16 inch and over in thickness and/or pipe and/or flues not exceeding 12 inches in any dimension. May not contain burnt material. Must be free from metal coated, lined or porcelain enameled stock.

(6) *No. 1 turnings.* (A. A. R. No. 38.) Heavy turnings from wrought iron and/or steel railroad axles or heavy forgings and/or rail chips, to weigh not less than 75 pounds per cubic foot. Free from dirt or other foreign material of any kind.

(7) *No. 2 turnings, drillings and borings.* (A. A. R. No. 39.) Cast wrought steel and/or malleable iron borings, turnings and/or drillings, mixed with other metals.

(8) *Cast steel No. 2 and uncut wheelcenters.* Steel castings over 18 inches in width and/or over 5 feet in length. Uncut wheelcenters.

[Subparagraph (8) amended by Amdt. 2]

(9) *Uncut frogs and switches with or without manganese.* (A. A. R. Nos. 18 and 18a.) Steel and/or iron frogs and switches that have not been cut apart. May include manganese.

[Subparagraph (9) amended by Amdt. 2]

(10) *Flues, tubes and/or pipes.* (A. A. R. No. 21.) Wrought iron and/or soft steel. Must be free from dirt, excessive corrosion or lime and riveted seams. Fittings attached permitted.

(11) *Structural, wrought iron and/or steel, uncut.* (A. A. R. No. 35.) All steel or steel mixed with iron from bridges, structures, and/or equipment that has not been cut apart; may include uncut bolsters, brake beams, steel trucks, underframes, channel bars, steel bridge plates, frog and/or crossing plates and/or other steel of similar character.

(12) *Destroyed steel cars.* (A. A. R. No. 45.) Bodies of steel cars cut apart sufficiently to load.

(13) *No. 1 sheet scrap.* (A. A. R. No. 30.) Under ¼ inch thick, consisting of cut stacks and/or netting, hoops, band iron and/or steel, scoops and/or shovels (free of wood), and/or wire rope, all sizes. Must be free from burnt or metal coated material, cushion or other similar springs and lime crusted pipe and flues from boilers.

(14) *Scrap rails in random lengths.* (A. A. R. No. 29.) Standard section tee, girder or guard rails, to be free from frogs, and switch rails not cut apart, and contain no manganese, cast welds, or attachments of any kind except angle bars. Free from concrete, dirt and foreign material of any kind.

(15) *Rerolling rails.* (A. A. R. No. 27.) Standard section tee rails, original weight 50 pounds per yard or heavier, 5 feet long and over. Suitable for rerolling into bars and shapes. Free from bent and twisted rails, frog, switch and guard rails, or rails with split heads and broken flanges.

(16) *Cut rails, 3 feet and under.* (A. A. R. No. 28–A.) Cropped rail ends 3 feet and under in length. Free from concrete, dirt, or other foreign material.

(17) *Cut rails, 2 feet and under.* (A. A. R. No. 28–B.) Cropped rail ends 2 feet and under in length. Free from concrete, dirt, or other foreign material.

(18) *Cut rails, 18 inches and under.* (A. A. R. No. 28–C.) Cropped rail ends 18 inches and under in length. Free from concrete, dirt and other foreign material.

(19) *Cast steel No. 1.* (A. A. R. No. 11–A.) Steel castings cut to sizes 4 feet in length or 18 inches in width or smaller.

(20) *Uncut tires.* (A. A. R. No. 36.) All locomotive or car tires, uncut.

(21) *Cut tires.* (A. A. R. No. 37.) All locomotive or car tires cut 3 foot lengths and under.

(22) *Uncut bolsters and side frames.* (A. A. R. No. 9.) Cast steel bolsters and/or truck side frames, uncut.

(23) *Cut bolsters and side frames.* (A. A. R. No. 11–A.) Cast steel bolsters and/or truck side frames cut to sizes 4 feet in length by 18 inches in width or smaller.

(24) *Angle and splice bars and tie plates.* (A. A. R. No. 6.) Fish plates and/or patented joints, iron or steel, tie plates.

[Subparagraph (24) amended by Amdt. 2]

(25) *Solid steel axles.* (A. A. R. Nos. 2 and 3.) Solid car and/or locomotive steel axles. Free of axles with key-way between wheel seats; no axles or shorter lengths than distances between wheel seats to be included.

(26) *Steel wheels, No. 3, oversize.* (A. A. R. No. 42–A.) Solid cast steel, forged, pressed or rolled steel car and/or locomotive wheels over 42 inches in diameter.

(27) *Steel wheels, No. 3.* (A. A. R. No. 42.) Solid cast steel forged, pressed or rolled steel car and/or locomotive wheels, not over 42 inches in diameter. May include wheels over 42 inches in diameter, if cut to a length of not over 36 inches in the shortest dimension.

(28) *Spring steel.* (A. A. R. No. 34.) Coil and/or elliptical springs, minimum thickness ¼ inch; may be assembled or cut apart.

(29) *Couplers and knuckles.* (A. A. R. No. 17.) Railroad car and/or locomotive steel couplers, knuckles and/or locks stripped clean of all other attachments.

(30) *Wrought iron.* (A. A. R. No. 43.) Clean wrought iron scrap free of steel and with rivets and attachments removed.

(31) *Fireboxes, cut and uncut.*

[Subparagraph (31) added by Amdt. 2]

(32) *Boilers, cut and uncut.* (A. A. R. No. 8.) With or without fireboxes attached, locomotive cisterns and/or tanks. Cut apart sufficiently to load. May include all kinds of material from interior of boilers or tanks which are encrusted, such as crown bars and bolts, except flues.

[Subparagraph (32) added by Amdt. 2]

(33) *No. 2 sheet scrap.* (A. A. R. No. 31.) Galvanized material, composition brake shoes and/or gas retorts, and/or any other iron or steel material.

[Subparagraph (33) added by Amdt. 2]

(34) *Carsides, doors, and car ends, cut apart.* Cut apart to dimensions of not over 8 feet in length and 8 feet in width and suitable to be prepared into No. 1 railway steel.

[Subparagraph (34) added by Amdt. 2]

(35) *Unassorted iron and steel scrap.* Unassorted iron and steel scrap consisting of car, locomotive and track scrap free of cable, sheet iron and turnings, drillings or borings.

[Subparagraph (35) added by Amdt. 4]

SEC. 25. *All cast iron grades.*

(1) *Cast iron No. 1 (cupola cast).* Clean cast iron scrap such as columns, pipes, plates and castings of a miscellaneous nature, including the cast iron parts of agricultural machinery. Must be free from stove plate, burnt iron, brake shoes, or foreign material. Must be cupola size, not over 24 inches by 30 inches, and no piece to weigh over 150 pounds.

(2) *Cast iron No. 2 (charging box cast).* Clean cast iron scrap in sizes not over 5 feet in length or 18 inches in width, suitable for charging into an open-hearth furnace without further preparation. Must be free from burnt iron, brake shoes or stove plate.

(3) *Cast iron No. 3 (heavy breakable cast).* Cast iron scrap over charging box size or weighing more than 500 pounds and which can be broken by an ordinary drop into cupola size. May include cylinders, driving wheel centers, but may not include hammer blocks or bases. May include steel which is an integral part of the casting, which does not protrude more than 6 inches and which does not exceed 10 percent of the weight of the casting.

(4) *Cast iron No. 4 (burnt cast).* Burnt cast iron scrap such as stove parts, grade bars and miscellaneous burnt iron. Includes sash weights or window weights.

(5) *Cast iron brake shoes.* Driving and/or car brake shoes of all types except composition filled shoes.

(6) *Stove plate.* Clean cast iron stove plate. Must be free from malleable and steel parts, window weights, plow points or burnt cast.

(7) *Clean auto cast.* Clean auto blocks, free of all steel parts except camshafts, valves, valve springs and studs.

(8) *Unstripped motor blocks.* Automobile or truck motors from which steel and non-ferrous fittings have not been removed. Must be free of drive shafts, transmissions, and all parts of frames.

[Subparagraph (8) amended by Amdt. 2]

(9) *Wheels, No. 1.* Cast iron railroad car or locomotive wheels.

(10) *Malleable.* Malleable parts of automobiles, railroad cars, locomotives or miscellaneous malleable iron castings. Must be free of cast iron and steel parts and other foreign material.

(11) *Drop broken machinery casts.* Clean heavy cast iron machinery scrap that has been broken under a drop. All pieces must be in cupola size, not over 24" x 30", and no piece to weigh over 150 pounds and not less than 5 pounds.

MISCELLANEOUS PROVISIONS

SEC. 26. *Imported scrap.* (a) This Ceiling Price Regulation No. 5 is not applicable to imported scrap as defined in section 28 (f) hereof.

SEC. 27. *Exported scrap.* The ceiling price for any grade of iron or steel scrap sold for export or to an exporter shall be the ceiling shipping point or on-line price as established in section 4, 8, 10 or 11 hereof, whichever is applicable, plus all transportation charges allowable under the appropriate section, to the place of export. For scrap exported by vessel, this ceiling export price shall be f. a. s. vessel at the place of export, and the actual cost incidental to shipment and export from that point may be added, if shown as separate charge on the invoice.

SEC. 28. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Iron and steel scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or any other reason. It does not include any material which qualifies as a re-usable product by reason of its condition, which is sold as a reusable product, and which is not purchased for use in any of the operations mentioned in paragraph (c) of this section. It does not include demolition projects, as defined in paragraph (n) of this section, prior to demolition. It includes automobiles, buses, trucks, trailers and other motor vehicles when sold for demolition into scrap or when sold to any consumer as defined in paragraph (c). It does not include metal coated ferrous material sold for the recovery of the coating substance to a person regularly engaged in such operation. It does not include tool steel scrap containing 1 percent or more of tungsten or molybdenum nor does it include stainless steel scrap for which ceiling prices have been established under Ceiling Price Regulation 29.

[Paragraph (b) amended by Amdts. 2, 4 and 9]

(c) "Consumer" means a purchaser of iron or steel scrap for use in the production of iron or steel products by melting, rerolling or forging; or any person purchasing iron or steel scrap for use as a reduction agent in the production of chemicals or pigments, for use in the production of non-ferrous materials, for use as ballast or counterweights, or for annealing; and includes any governmental agency or sub-division.

[Paragraph (c) amended by Amdt. 2]

(d) "Operating railroad" means a railroad, terminal association, or switching company which operates a railway line and derives at least a portion of its revenue from the carrying of freight.

(e) "Non-operating railroad" means all railroads other than operating railroads, as defined in paragraph (d) of this section, and includes suburban and interurban electric railroads, street railways, refrigerator car, stock car, sleeping car and tank car companies engaged primarily in the transportation business, but does not include mine or logging roads.

(f) "Imported scrap" means all iron and steel scrap having a point of origin outside the United States, its territories and possessions, and the District of Columbia.

[Paragraph (f) amended by Amdt. 3]

(g) "Free of alloys" means that any alloys contained in the steel are residual and have not been added for the purpose of making an alloy steel. Steel scrap will be considered free of alloys where the residual alloying elements do not exceed the following amounts:

	Percent
Nickel	0.45
Chromium	.20
Molybdenum	.10
Manganese	1.65

and where the combined residuals other than the manganese do not exceed a total of 0.60 percent.

(h) "Lowest established charge". The term shall mean the rail or vessel freight rate for transporting material generally classified as iron or steel scrap and shall not refer to freight charges for transporting any special grade thereof even though the latter grade is actually being shipped.

(i) "Shipping point". Scrap is at its shipping point in the case of all rail, rail-vessel, rail-truck, or truck-rail movement when it has been placed f. o. b. railroad cars for shipment to the destination designated by the purchaser; in case of all vessel, vessel-rail, vessel-truck, or truck-vessel, scrap is at its shipping point when it has been placed f. a. s. vessel for shipment to the destination designated by the purchaser; and in the case of all-truck movement, scrap is at its shipping point when it has been placed f. o. b. truck for shipment to the destination designated by the purchaser.

[Paragraph (i) amended by Amdt. 4]

(j) "Point of delivery" shall mean that point at which scrap has arrived for unloading at the purchaser's receiving point.

[Paragraph (j) amended by Amdt. 4]

(k) "Dealer and industrial origin" shall mean all sources of scrap other than railroads as defined in this regulation.

(l) "Industrial producer" means any person engaged in manufacturing, fabricating, repairing, mining, or refining or in furnishing communication or transportation services, who produces iron or steel scrap as a by-product of such operations or from obsolescence.

[Paragraph (l) amended by Amdt. 2]

(m) "Dealer" means any person whose business includes the acquisition of any material for the purpose of sale as waste, scrap, or salvage materials.

[Paragraph (m) added by Amdt. 5]

(n) "Unprepared scrap". The term shall have its customary trade meaning and shall not include such demolition projects as bridges, rail abandonments, vessels, and locomotives, cranes, freight cars and similar equipment on its own wheels. Prior to demolition such projects are not iron and steel scrap and must be priced under the applicable provisions of the General Ceiling Price Regulation.

[Paragraph (n) added by Amdt. 5; amended by Amdt. 9]

SEC. 29. *Records and reports.* (a) Every person making a sale of iron or steel scrap to a consumer or a broker and every consumer or broker purchasing iron or steel scrap shall keep for inspection by the Office of Price Stabilization for as long as the Defense Production Act of 1950 remains in effect, complete and accurate records of each such sale or purchase: the date thereof, the name and address of the buyer or seller, the shipping point price (or in the case of railroad sellers, the on-line price), the quantity in pounds, the quality in grades as defined in the applicable section, the method of transportation used from shipping point to point of delivery, the delivered price and the commission, if any, involved in the sale.

(b) Buyers and sellers of iron or steel scrap affected by this regulation shall submit such further reports to the Office of Price Stabilization as may from time to time be required, subject to the approval of the Director of the Bureau of the Budget under the Federal Reports Act.

(c) Where shipment of scrap to the consumer or his broker involves rail or water movement, the shipper must execute and mail to the consumer or his broker a shipping notice simultaneously with the shipment of the scrap. Such shipping notice must contain the date of shipment, number and initial of the car or name of vessel, the consumer's and/or broker's purchase order number, the specific grade or grades of scrap as they are designated in the applicable section of this regulation and the signature of the shipper or his duly authorized representative.

SEC. 30. *Less than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 31. *Evasion.* The provisions of this regulation shall not be evaded by direct or indirect means.

SEC. 32. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 33. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

[Section 33 amended by Amdt. 4]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE WOODS,
Director of Price Stabilization.
By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11678; Filed, Oct. 28, 1952; 10:50 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 5, Revised]

INT. 5—AUTHORIZED ADJUSTMENTS IN SALARIES AND OTHER COMPENSATION UNDER SECTION 41 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

AUTHORIZED PERCENTAGE INCREASES (SEC. 41 (a))

SECTION 1.1 Q. What is the purpose of section 41 of General Salary Stabilization Regulation 1, Amended?

A. To permit an employer to grant to employees under the jurisdiction of the Salary Stabilization Board the economic equivalent of certain types of increases in compensation granted to employees under the jurisdiction of the Wage Stabilization Board.

SEC. 1.2 Q. What are examples of such types of increases?

A. Examples of such types of increases are improvement or productivity factor increases, cost-of-living increases and special increases granted by the Wage Stabilization Board either on an industry or area wide basis or in special instances such as increases to remedy intra-plant inequities among groups of employees under its jurisdiction.

SEC. 1.3 Q. How are employees under the jurisdiction of the Salary Stabilization Board and employees under the jurisdiction of the Wage Stabilization Board referred to in this Interpretation?

A. Employees under the jurisdiction of the Salary Stabilization Board are referred to as the "Salary Board Group," and employees under the jurisdiction of the Wage Stabilization Board are referred to as the "Wage Board Group."

SEC. 1.4 Q. May increases to employees in the Salary Board Group under section 41 be granted on a self-administering basis?

A. Yes.

SEC. 1.5 Q. On what basis are the self-administering percentage increases authorized under section 41 computed?

A. Increases authorized under section 41 are computed as the difference between the net percentage increase in base compensation granted to the Wage Board Group and that granted to the Salary Board Group. For the details of the computation see section 2 of this Interpretation.

SEC. 1.6 Q. Does the formula employed in section 41 yield an exact percentage increase either for the Wage Board Group or for the Salary Board Group?

A. No. The simplified computation formula employed under section 41 results in a somewhat smaller percentage of increase than a precise formula would yield, because the increase is computed as a percentage of the payroll in the payroll period in which the increase is granted; rather than as a percentage of the payroll in the period preceding the increase.

However, if the employer desires, and is able to apply a more accurate method of computation, he may do so with the approval of the Office of Salary Stabilization. (See also sec. 5.1.)

A more accurate percentage may be obtained by computing the increase not as a percentage of the payroll for the current payroll period, but as a percentage of the payroll for the current payroll period reduced by the amount of the increases granted therein.

SEC. 1.7 Q. Is the percentage increase authorized by section 41 normally made prospectively from the date of computation?

A. Yes, except in the situations set forth in section 2 of this Interpretation.

Increases are made normally for future payroll periods beginning with the first payroll period following the close of the current computation. The authorized percentage of increase, however, is based on all past increases in base compensation, i. e., all increases granted to either the Wage or the Salary Board Group since January 25, 1951 or since the end of the latest payroll period included in the previous computation.

COMPUTATION OF AUTHORIZED PERCENTAGE INCREASES (SEC. 41 (b))

SEC. 2.1 Q. What constitutes base compensation under section 41?

A. Base compensation is the compensation paid to an employee in either the Wage Board Group or the Salary Board Group for the normal work-week, month or other normal time unit.

Base compensation means salaries paid to an employee for the normal work-week, month or other normal time unit, but excluding shift differentials, time and incentive earnings, bonuses of the types specified in General Salary Stabilization Regulation 2, as amended (for the Salary Board Group), and General Wage Regulation 14, as amended (for the Wage Board Group), and all other compensation.

SEC. 2.2 Q. What increases are taken into account in determining the author-

ized net percentage of increase under section 41?

A. The following are the major examples of such increases:

(a) Cost-of-living increases under General Wage Regulation 8 or Article III of General Salary Stabilization Regulation 1, Amended.

(b) Tandem increases under General Wage Regulation 10 or section 43 of General Salary Stabilization Regulation 1, Amended.

(c) Improvement or productivity factor increases.

(d) Increases to remedy inter-plant inequities granted under General Wage Regulation 17 or section 42 of General Salary Stabilization Regulation 1, Amended, to all employees subject to the jurisdiction of the Wage Stabilization Board or the Salary Stabilization Board or to specified categories of such employees.

(e) Increases granted to remedy intra-plant inequities.

(f) Increases authorized under any determination of the Wage Stabilization Board or of the Office of Salary Stabilization which are not charged against any of the increases listed in this paragraph (e) or in section 2.3.

Example. The Office of Salary Stabilization authorizes an employer to increase the salary of four employees by a total of $100 per week. No charge of the increase either against the ten percent increase or against the increase authorized under section 41 is required. Since the increase raises straight salaries of employees in the Salary Board Group, it is taken into account in computing the net authorized percentage increase under section 41.

SEC. 2.3 Q. What increases shall not be taken into account in determining the authorized net percentage of increase under section 41?

A. The following are the major examples of increases which do not constitute increases in base compensation:

(a) Merit or length-of-service increases under General Wage Regulation 5 and Article V of General Salary Stabilization Regulation 1, Amended.

(b) Increases granted as a result of promotions, transfers or assignment of employees to new or changed positions.

(c) Increases granted as part of the ten percent increase authorized under General Wage Regulation 6 or under section 22 of General Salary Stabilization Regulation 1, Amended.

(d) Increases to remedy inter-plant inequities granted under General Wage Regulation 17 or section 42 of General Salary Stabilization Regulation 1, Amended, to employees on an individual basis.

(e) Increases authorized under any determination of the Wage Stabilization Board or of the Office of Salary Stabilization which are charged against any of the types of increases listed in paragraphs (a) to (d) of this section.

Example. The Office of Salary Stabilization authorizes an employer to increase the salary of an employee $20 per week, requiring the amount of the increase to be charged to the amount available to the employer for a ten percent increase under section 22 of General Salary Stabilization Regulation 1, Amended. Since increases granted under section 22 may not be taken into account in computations under section 41, the particular increase should not be taken into account in determining the net authorized percentage increase under section 41.

SEC. 2.4 Q. May an employer convert a grant of paid vacations to the Wage Board Group into a percentage increase under section 41?

A. No. The grant of a fringe benefit, such as a paid vacation does not constitute an increase in base compensation, and therefore a percentage increase to the Salary Board Group is not authorized under section 41.

SEC. 2.5 Q. Between January 15, 1950 and January 25, 1951 the Wage Board Group had received increases totaling 14 percent or 4 percent in excess of the 10-percent increases authorized under General Wage Regulation 6. May the excess over 10 percent be taken into account in computing the net percentage of increase for the Wage Board Group under section 41?

A. No. Such excess percentage may not be taken into account because section 41 applies only to increases granted after January 25, 1951.

SEC. 2.6 Q. May the employer make his first computation of the authorized percentage increase under section 41 at any time?

A. Yes. However, the computation must include the entire period after January 25, 1951 to the time of the actual computation.

SEC. 2.7 Q. An employer desires to give salary increases authorized under section 41 to his Salary Board Group on March 1, 1952.

On July 1, 1951, and on January 1, 1952, he gave productivity increases to the Wage Board Group. In computing the amount available to him under section 41, may the employer limit his computation to payroll periods ending July 31, 1951?

A. No. Computations of the percentage or amount of increases in salaries and other compensation must be made to include all payroll periods up to the payroll period during which the computation is actually made.

If it takes the employer about a week or ten days prior to March 1 to compute the amount available to him and to prepare new payrolls reflecting the proposed increases, he should include at least all payrolls ending on or immediately before February 15.

The employer should endeavor to bring his computations as close to the date of actual payment of the increase as possible.

SEC. 2.8 Q. An employer had granted to employees in the Wage Board Group after January 25, 1951 and prior to March 1, 1952, the date of his computation of the authorized percentage increase under section 41, a cost-of-living increase of four percent and, in addition, over the same period of time had granted various individual increases. The employer has decided that to take these scattered minor increases into account would impose upon him a considerable mechanical burden, and he desires to disregard such increases. During the same period, the Salary Board Group has received no increases in base compensation under section 41. May the employer disregard the scattered minor increases?

A. Yes. The employer may grant to the Salary Board Group a four percent increase. However, since computation must start with the first payroll period commencing after January 26, 1951 and must include all payroll periods up to the time when the computation is actually made, the omission of an increase from computation under section 41 precludes further adjustments for the period covered, and the employer accordingly gives up the right to use such increases in any subsequent computation.

On the other hand, the employer may not so disregard minor percentage increases given to the Salary Board Group which must be deducted from the percentage increases granted to the Wage Board Group in order to arrive at the authorized net percentage.

SEC. 2.9 Q. An employer granted increases under section 41 on March 1, 1952 closing his computations with all payroll periods ending on or immediately before February 15, 1952. He desires to give further increases under section 41 on October 1, 1952, having granted tamdem and cost-of-living increases to the Wage Board Group on August 1st and September 1st, 1952. All payroll periods of the employer end either on the 15th or the last day of the month. In order to grant the increases to the Salary Board Group on October 1, 1952, he requires ten days of work prior to October 1. Which payroll periods must be included to compute the amount of increases available on October 1, 1952?

A. All payroll periods commencing after February 15, 1952, up to and including all payroll periods ending on September 15, 1952. No payroll period may be included in more than one computation of increases under section 41.

SEC. 2.10 Q. An employer has used four separate payrolls to pay employees in the Wage Board Group.

Employees on payroll A are paid semi-monthly on the 15th and last days of the month; employees on payroll B are paid weekly every Friday; employees on payroll C are paid bi-weekly (e. g. on the 10th and 25th days of the month) and employees on payroll D are paid monthly on the last day of the month. Having given increases in base compensation to employees on each of these payrolls during the month of January 1952, how does the employer obtain the percentage of such increases granted the Wage Board Group in January 1952?

A. By consolidating all his January payroll periods and consolidating all the increases in base compensation made during the month on a uniform time basis.

Generally it is easiest to make the consolidation on the basis of the longest payroll period included in the consolidation. Four and one-third (4⅓) weekly payroll periods, 2⅙ bi-weekly and 2 semi-monthly payroll periods are the equivalent of a monthly payroll period.

If, at the time of computation, increases in base compensation have occurred in more than one month in situations where consolidation is required on a monthly basis, the percentage of increase should be computed separately for each month, and all monthly percentages should then be added up to the last payroll period included in the computation to obtain the total percentage increase granted to the Wage Board Group.

If selection of the payroll period, with which the compensation ends, makes it impossible to use the longest payroll period for the closing month, the computation may be made on a shorter time basis.

If in the above example the employer closed his computation on February 15, the computation of the February percentage increase, if any, may be made on a semi-monthly consolidated basis. In that case one-half of payroll D is included in the February 1 to 15 computation.

EXAMPLE

1. Consolidation of increases in base compensation on monthly basis:

Payroll	Payroll period	Amount of increases per payroll period	When increase is granted during the month	Amount of increase on monthly basis
A	Semimonthly	$500	Jan. 16	[1] $1,000
B	Weekly	2,100	2d week	[2] 9,100
		900	3d week	3,900
C	Biweekly			0
D	Monthly	750	Jan. 1	[3] 750
Total monthly increases in base compensation for Wage Board Group				14,750

[1] 2 payroll periods. [2] 4⅓ payroll periods. [3] 1 payroll period.

2. Consolidation of base compensation payrolls on monthly basis:

[Payroll changes during month]

Payroll	Payroll period	First week	Second week	First semi-monthly	Third week	Fourth week	Second semi-monthly	Monthly total
A	Semimonthly			$10,000			$10,500	[1] $20,500
B	Weekly	$35,000	$37,100		$38,000	$38,000		[2] 160,667
C	Biweekly		10,000			10,000		[3] 21,666
D	Monthly							[4] 45,750
Total monthly Wage Board Group								248,583

Percentage of increases in base compensation for Wage Board Group for January 1952: 5.93 percent.

[1] 2 payroll periods.
[2] 4 payroll periods plus ⅓ of last payroll period.
[3] 2 payroll periods plus ⅓ of last payroll period.
[4] $45,000 and $750 increase granted during month.

SEC. 2.11 Q. An employer operates three plants located in three different states. In computing the authorized percentage increase under section 41, must the employer consolidate the Wage or Salary Board Group payrolls for all three plants?

A. No. The employer in his discretion may or may not limit consolidation of payrolls to a single plant. If he does so, the increases are limited to the plant or plants for which the computation is made. However, the employer may not change the practice once adopted without prior approval of the Office of Salary Stabilization.

SEC. 2.12 Q. Having selected the period for which the computation of the authorized percentage increase is to be made and having consolidated his payrolls, if that is required, how is the percentage itself computed?

A. By following the method set forth in section 41 (b) (3) and explained in detail with the example attached hereto as Appendix A (originally published in Salary Stabilization Board Release No. 32, dated November 21, 1951).

SEC. 2.13 Q. On October 1, 1951, an employer granted the employees of the Wage Board Group a single cost-of-living increase equal to two percent of base compensation. Assuming that the Salary Board Group received a single increase of one percent on January 1, 1952, what percentage increase may the employer grant as the first increase under section 41 to the Salary Board Group on February 1, 1952?

A. One percent, i. e., the difference between the total percentage increase in base compensation granted to the Wage Board Group prior to February 1, 1952, and the total percentage increase in base compensation granted to the Salary Board Group prior to February 1, 1952.

SEC. 2.14 Q. An employer has 10 employees in the Salary Board Group receiving total base compensation of $1,050 per week. On January 31, 1952, the employer grants merit increases to these employees totaling $60 per week. On the same date he grants to the Wage Board Group a one percent cost-of-living increase. What is the amount of base compensation of the Salary Board Group on which the percentage increase authorized under section 41 is computed and what is the amount of the increase?

A. The amount of base compensation, on which the percentage increase is computed is $1,110, since the merit increase became part of the employee's base compensation and is, therefore, part of the amount on which the percentage under section 41 is computed. The Salary Board Group is entitled to an increase of 1 percent of $1,110 or $11.10 per week, assuming the cost-of-living increase to be the only one involved.

SEC. 2.15 Q. An employer pays Wage Board Group employees at the flat rate of $65 per week for a 42 hour week under a guaranteed work-week contract. What is the base compensation of such employees?

A. $65 per week per employee.

SEC. 2.16 Q. In computing the authorized percentage of increase to the Wage Board Group the employer has determined the total increases granted, but finds that it would be too cumbersome to separate base compensation from overtime and other forms of compensation paid the Wage Board Group. May the employer use the entire compensation paid the Wage Board Group, in order to determine the percentage of increase in the payroll periods when increases were given?

A. Yes. However, this results in a lesser percentage than the maximum authorized by section 41 and the employer may not thereafter make an adjustment for the percentage thus relinquished, since the making of a computation under section 41 for a given period precludes further adjustments with regard thereto. Of course, the computation of the percentage may be based only on those increases which may be included in computations under section 41. (See section 2.2).

SEC. 2.17 Q. May the employer avoid separating base compensation from other forms of compensation in the Salary Board Group payroll used in computing the net authorized percentage increase, analogous to the manner of computation authorized in section 2.16?

A. No. The employer may not include amounts not constituting base compensation under section 41 (see section 2.1) in the total Salary Board Group payroll since to do so would result in a greater amount than that authorized by section 41.

SEC. 2.18. Q. An employer computes his authorized net percentage under section 41. None of the increases included in the computation were granted retroactive to an earlier date. On these facts, as of what date may an increase in salaries or other compensation under section 41 be made effective?

A. As of the day following the last payroll period included in the computation of the authorized percentage increase.

If the employer, upon granting the Wage Board Group a current increase in base compensation, decides immediately to grant an increase in base compensation under section 41 to the Salary Board Group, and closes his computation as of the payroll period when the Wage Board Group increase becomes effective, increases to both groups may be put into effect simultaneously.

Examples. (1) An employer decides on September 15, 1952, to give the Wage Board Group a permissible increase in base compensation as of October 1, 1952. He may put into effect for the Salary Board Group an increase under section 41 (if otherwise permissible), on October 1, 1952.

(2) An employer has granted the Wage Board Group a single permissible increase in base compensation effective September 1, 1952. Commencing computation of an

increase to the Salary Board Group immediately after September 1 and completing all computations during a consolidated payroll period from September 1 to September 15, 1952, he may put the permissive increase for the Salary Board Group into effect as of September 1, 1952.

(3) Assume the facts as to the Wage Board Group increase as in example (2). However, the employer does not decide on an increase to the Salary Board Group until October 2, 1952. The computation must then include the September payrolls and the increase to the Salary Board Group may not be put into effect before October 1, 1952.

(4) Assume the facts as in (2), except that completion of the employer's computations requires two payroll consolidated periods, the increase in compensation may, nevertheless, be put into effect for the Salary Board Group as of September 1, 1952.

SEC. 2.19 Q. An employer desires to compute his percentage of increase under section 41 for the period from January 1 to September 30, 1952. On March 1 and on September 7, 1952, he had granted non-retroactive increases to the Wage Board Group totaling five (5) percent. During the same period the Salary Board Group received scattered increases totaling one-half of one (½) percent. May the employer, in view of the retroactivity provisions contained in section 41, grant increases in compensation to the Salary Board Group retroactive to March and September respectively?

A. No. The employer may only grant increases to the Salary Board Group up to four and one-half (4½) percent, effective October 1, 1952, since his postponement in granting such increases shows conclusively that retroactive increases in compensation are not necessary in order to reestablish or maintain historical or customary relationships and differentials which existed on January 25, 1951, between the compensation of employees under the jurisdiction of the Salary Stabilization Board.

SEC. 2.20 Q. On March 1, 1952 an employer was permitted by the Wage Stabilization Board to grant a wage increase to the Wage Board Group retroactive to January 1. On July 1 the employer granted to the Salary Board Group an increase in salaries under General Salary Order 6, as amended (now General Salary Stabilization Regulation 1, Amended, section 41). General Salary Order 6, as amended, did not take into account the retroactivity of increases in base compensation granted to either the Wage Board or the Salary Board Group. In view of the provisions as to retroactivity contained in General Salary Stabilization Regulation 1, Amended, section 41 (a), may the employer now reopen the computation made for the July 1 salary increase in order to take into account the retroactivity of the March 1 increase to the Wage Board Group?

A. No. The retroactivity provision of section 41 (a) of General Salary Stabilization Regulation 1, Amended, applies only to computations under section 41 made subsequent to the date of adoption of General Salary Stabilization Regulation 1, Amended, by the Salary Stabilization Board, July 22, 1952.

Employers who between July 22 and the effective date of General Salary Stabilization Regulation 1, Amended, August 18, 1952, made computations under section 41, which include retroactive increases in base compensation to the Wage Board Group, may apply to the Office of Salary Stabilization for permission to reopen their computations in accordance with this Interpretation.

SEC. 2.21 Q. On August 25, 1952, an employer granted an increase in base compensation to the Wage Board Group retroactive to March 1, 1951. This increase was the only one granted to the Wage Board Group by the employer during the period covered in his computation under section 41, to wit: the period from August 1 to September 1, 1952. During the same period no increase was granted to the Salary Board Group. May the authorized increase in salaries and other compensation available to the Salary Board Group be made on a retroactive basis?

A. Yes. Paragraph (a) of section 41 authorizes increases in compensation on a retroactive basis; the amount of the authorized increase is to be computed and distributed in accordance with the provisions of paragraph (b) and (d) of that section.

SEC. 2.22 Q. Subsequent to April 1, 1952, the close of his last computation under section 41 (then General Salary Order 6, as amended) an employer granted one retroactive and one non-retroactive increase in base compensation to the Wage Board Group, and also granted an increase in base compensation to the Salary Board Group. The employer desires to grant an increase in compensation under section 41 retroactively to the extent permissible under section 41 (a). How does the employer determine the percentage which may be granted retroactively?

A. By computing the net authorized percentage in accordance with the provisions of paragraph (b) of section 41:

(a) If the net authorized percentage of increase so computed is less than the percentage of the retroactive increase in base compensation granted to the Wage Board Group, the entire net authorized percentage may be distributed retroactively to the date to which the increase to the Wage Board Group was made retroactive.

(b) If the net authorized percentage of increase is greater than the percentage of the retroactive increase in base compensation granted to the Wage Board Group, only the portion of the net authorized percentage of increase equal to the percentage of the retroactive increase granted to the Wage Board Group may be distributed as retroactive increases to the Salary Board Group.

Example. An employer makes a computation under section 41 for the period from July 1 to August 31, 1952, during which he grants a retroactive wage increase and a non-retroactive wage increase of 5 percent each and salary increases of 6 percent to the Salary Board Group. The net retroactive percentage authorized under section 41 (a) is arrived at as follows:

	Percent
Retroactive Wage Board Group Increase	5
Nonretroactive Wage Board Group increase	5
Total Wage Board Group increase	10
Less: Total increase to Salary Board Group during same period	6
Net authorized percentage	4

The entire percentage is retroactive since it is less than the percentage (5%) of the retroactive wage increase.

If the increase in base compensation to the Salary Board Group during the same period had only been 3 percent, the net authorized percentage under section 41 would be 7 percent. Only 5 of the 7 percent (i. e., the percentage equal to the retroactive increase granted to the Wage Board Group) would be retroactive for the Salary Board Group and the balance of the net authorized percentage (2%) would be nonretroactive.

SEC. 2.23 Q. If during the period of computation the employer has granted one or more retroactive increases in base compensation to the Wage Board Group, in addition to non-retroactive increases in base compensation to both the Wage Board and the Salary Board Groups, how does the employer determine the date or dates to which corresponding increases in compensation to the Salary Board Group may be made retroactive?

A. Having computed the authorized net percentage of increase pursuant to the provisions of section 41 (b) (see section 2.22), the dates to which increases in compensation to the Salary Board Group may be made retroactive are the date or dates to which the increases in base compensation to the Wage Board Group were made retroactive.

Where the net authorized percentage is less than the total of the several retroactive increases in base compensation granted to the Wage Board Group, increases to the Salary Board Group may be made retroactive to the date of the earliest increase in base compensation granted to the Wage Board Group provided that the percentage of this earliest increase is not exceeded; and if any percentage of increase to the Salary Board Group remains available, then to the date of the next earlier increase in base compensation granted to the Wage Board Group until the net authorized percentage available for increases in compensation to the Salary Board Group or any portion thereof which may be made retroactive, has been exhausted. Under no circumstances may an increase to the Salary Board Group be made retroactive to a date prior to the effective retroactive date of an increase in compensation granted to the Wage Board Group.

The following examples show how this rule is applied in various situations:

(a) During the period covered by the computation under section 41, the employer granted a single retroactive increase in base compensation of 5 percent to the Wage Board Group and a non-retroactive increase in base compensation of 1 percent to the Salary Board Group. An increase in compensation of 4 percent may be granted to the Salary Board Group retroactive to the effective date of the Wage Board Group increases.

(b) During the period covered by the computation under section 41, the employer granted a retroactive increase in base compensation of 3 percent and a non-retroactive increase of 4 percent to the Wage Board Group and also granted a non-retroactive increase to the Salary Board Group of 2 percent. Three (3) of the 5 percent remaining available for the Salary Board Group may be used for retroactive increases to the Salary Board Group as of the effective date of the retroactive increase in base compensation granted to the Wage Board Group.

(c) During the period covered by the computation under section 41, the employer granted one non-retroactive and three retroactive increases in base compensation to the Wage Board Group as follows:

Date on which increase was granted	Effective (retroactive) date of increase	Net authorized percentage available per payroll period under "retroactive" computation
July 1, 1951	May 1, 1951	2
Jan. 1 1952	Nov. 1, 1951	3
July 1, 1952	May 1, 1952	4
July 15, 1952	July 15, 1952	2
		11
Less nonretroactive increase in base compensation to Salary Board Group on July 1, 1952		4
Net authorized percentage of increase		7

This net authorized percentage of increase may be used for increases in compensation to the Salary Board Group, retroactive to the effective date of increases in base compensation to the Wage Board Group, as follows:

2 percent to May 1, 1951.
3 percent to Nov. 1, 1951.
2 percent to May 1, 1952.

If it is assumed that 2 percent yields a fund of $5,000 and 3 percent yields a fund of $7,500 per payroll period, then the employer may not grant increases totaling $17,500 as of May 1, 1951, but may only grant increases totaling $5,000 as of May 1, 1951, $7,500 as of November 1, 1951, and again $5,000 as of May 1, 1952.

SEC. 2.24 Q. Are the limitations upon the distribution of increases in salaries and other compensation to individual employees of the Salary Board Group, contained in paragraph (d) of section 41, applicable in the case of retroactive increases?

A. Yes, except that the authorized percentage of retroactive increase is not necessarily the entire authorized net percentage of increase arrived at in the computation, but may be limited to the percentage of the retroactive increase granted to the Wage Board Group (see section 2.22).

SEC. 2.25 Q. An employer has available for increases in salaries and other compensation under section 41 an unused net authorized percentage of increase carried forward from a prior computation. May the employer under paragraph (c) of section 41 add such percentage to a percentage obtained in a subsequent computation which includes a retroactive increase?

A. Yes. The carry-over is added to the net authorized percentage obtained in the subsequent computation and must be distributed in accordance with sections 2.18 to 2.24 of this Interpretation.

INCREASES SUBSEQUENT TO THE COMPUTATION OF THE FIRST ADJUSTMENT (SEC. 41 (C))

SEC. 3.1 Q. An employer computed the authorized net percentage increase to the Salary Board Group on December 1, 1951 as three percent. His base compensation payroll was $50,000. However, the decision to grant increases as of January 1, 1952 was abandoned. A second computation early in February 1952 shows an additional authorized net percentage increase of two percent. On February 1, 1952, the monthly base compensation payroll of the Salary Board Group is $70,000 as the result of new hires and merit and length-of-service increases. What is the amount available to the employer for increases as of February 1, 1952?

A. Five percent of the total base compensation payroll as of the date of increase, or $3,500.

DISTRIBUTION OF AUTHORIZED INCREASES (SEC. 41 (D))

SEC. 4.1 Q. An employer desires to use monies available for increases under section 41 for the purpose of restoring customary differentials between the compensation of his foremen and the employees supervised by them. The employer has available an authorized net percentage of five percent but the granting of increases to individual foremen in varying percentages exceeding five percent of their compensation is required to restore the differentials. May he grant these increases?

A. Yes. Section 41 generally limits increases in an employee's compensation to the authorized net percentage. It permits increases in excess of the authorized net percentage only to restore historical or customar differentials in the compensation of foremen and supervisors in positions comparable to foremen, or to remove existing inequities in the compensation of employees under the jurisdiction of the Salary Stabilization Board.

SEC. 4.2 Q. May increases authorized by section 41 be distributed as additional bonuses under an existing bonus plan?

A. Yes, provided the employer distributes such additional bonuses to the employees eligible to participate under the employer's bonus plan in accordance with the provisions of General Salary Stabilization Regulation 2, as amended, and Interpretation 3, Revised, and within the limitations imposed thereby. For instance, the employer cannot increase the highest single bonus by addition of the amount which may be added to the bonus fund under section 41.

SEC. 4.3 Q. May an employer who did not pay bonuses on or prior to January 25, 1951 utilize the amount available for increases under section 41 for the payment of bonuses?

A. Yes, in accordance with any salary stabilization regulation dealing with new bonuses.

SUBSTITUTE METHODS OF COMPUTATION (SEC. 41 (E))

SEC. 5.1 Q. May the employer select a method of computation different from that provided in section 41?

A. Yes, but only with the approval of the Office of Salary Stabilization. The methods of computation set forth in section 41 and the examples attached hereto as Appendix A and given in this Interpretation can be applied by most employers.

SEC. 5.2 Q. An employer grants an across-the-board percentage increase in base compensation of the kind specified in section 2.2 to all employees in the Wage Stabilization Board Group in a single payroll period. He grants no other increases of this kind on a non-uniform or non-percentage basis in the same payroll period. In this specific situation, may this percentage increase be used, without further computation, as the percentage increase in base compensation granted to the Wage Stabilization Board Group in this payroll period under the formula set forth in section 41?

A. Yes.

Example. Between January 25, 1951 and June 30, 1952, the Wage Board Group received a few scattered individual increases and an across-the-board increase of three (3) percent granted in the payroll period ending June 30, 1952. The employer has not granted any increases in base compensation of the kind taken into account under section 41 to the Salary Board Group during this period. He may give a three (3) percent increase to the Salary Board Group on June 30, 1952, if, as of June 30, 1952, the gross percentage increase granted to the Wage Board Group exceeds the gross percentage increase granted to the Salary Board Group by three (3) percent. In determining the gross percentage increase granted to the Wage Board Group to June 30, 1952, the employer may, at his option, disregard minor increases granted in other payroll periods during the period covered by the computation. However, by so doing, the employer gives up the right to use these minor increases in any subsequent computation. (See section 2.8.)

SEC. 5.3 Q. If the percentage increase granted to all the employees in the Wage Board Group (see section 5.2) had been based upon the average hourly rate of compensation for these employees rather than their total base compensation during the payroll period, would the employer, without further computation, be able to use the percentage increase in the average hourly rate as the percentage increase granted in the payroll period to the Wage Board Group under the formula set forth in section 41?

A. Yes.

SEC. 5.4 Q. An employer has 50 employees in the Wage Board Group and with special permission of the Wage Stabilization Board grants a one and one-half (1½) percent cost-of-living increase to 40 of these employees but does not grant such increase to the remaining ten employees. Based on this increase, how is the percentage increase granted to the entire Wage Board Group computed?

A. *Step 1.* Obtain the total dollar amount of the increase granted to the 40 employees by multiplying their combined base compensation by one and one-half (1½) percent.

Step 2. Divide the figure obtained in Step 1 by the total base compensation of

computations are made for each of these groups. The computations involve the following steps:

A. For employees under the jurisdiction of the Wage Stabilization Board.

(1) List the permissible increases [1]	Amount of increase granted and the payroll period in which it was initially granted [2]					
Employees	Feb. 12-25	Mar. 12-25	Apr. 9-22	May 7-20	June 4-17	July 16-29
A.	$2.00					$1.23
B.						1.40
C.		$2.00				1.80
D.			$2.00			2.09
E.				$2.00	$2.50	2.80
(2) Total increase	2.00	2.00	2.00	2.00	2.50	10.80
(3) Total base compensation	$542.00	$546.00	$548.00	$548.00	$550.50	$561.30
(4) Percent increase: (2) divided by (3)	0.37%	0.37%	0.37%	0.36%	0.45%	1.92%
(5) Gross percent increase:						
Add	.37%	+.37%	+.37%	+.36%	+.45%	+1.92% =
Total	3.84%					

[1] Permissible increases include increases such as cost-of-living and tandem authorized under General Wage Stabilization Regulations, but exclude increases for merit or length-of-service, promotions or transfers, and new or changed positions, as well as increases out of the 10 percent general increase fund, and those granted in individual cases because of inter-plant inequities.

[2] Payroll periods in which no increases were granted are omitted.

B. For employees under the jurisdiction of the Salary Stabilization Board.

(1) List the permissible increases [1]	Amount of increase granted and the payroll period in which it was initially granted [2]			
Employees	Apr. 23-May 6	July 16-29	Sept. 10-23	Oct. 8-21
A.	$3.00	$3.00	$3.00	$3.50
C.				
D.				
(2) Total increase	3.00	3.00	3.00	3.50
(3) Total base compensation	$973.00	$976.00	$979.00	$982.50
(4) Percent increase: (2) divided by (3)	0.31%	0.31%	0.31%	0.36%
(5) Gross percent increase:				
Add	.31%	+.31%	+.31%	+.36% =
Total	1.29%			

[1] Permissible increases include increases such as cost-of-living and tandem, authorized under General Salary Stabilization Regulations, but exclude increases for merit or length-of-service, promotions or transfers, and new or changed positions, as well as increases out of the 10 percent general increase fund, and those granted in individual cases because of inter-plant inequities.

[2] Payroll periods in which no increases were granted are omitted.

Step 2. Obtain the authorized net percentage increase for employees under the jurisdiction of the Salary Stabilization Board as follows:

	Percent
Subtract from the gross percentage increase for employees under WSB jurisdiction (see Step 1A (5))	3.84
The gross percentage increase for employees under SSB jurisdiction (see Step 1B (5))	1.29
The permissible net percentage increase (expressed in terms of "per Payroll Period") is	2.55

Step 3. Figure the dollar amount permissible for increases as follows:

Multiply the permissible percentage increase 2.55 percent, by the total base compensation in the current payroll period. The "current payroll period" is the last payroll period in the entire time period covered by the computation. In this example, it is the payroll period November 5–18, 1951. The total base compensation for the employees under SSB jurisdiction for this payroll period was $982.50. $25.05 is the total amount per payroll period which is available on December 1, 1951, for increases in the compensation for the four employees under the SSB jurisdiction.

EFFECT OF INCREASE OR DECREASE IN PERSONNEL ON COMPUTATION OF AUTHORIZED PERCENTAGE INCREASES

In the example, it was assumed that there was no increase or decrease in the number of employees under the jurisdiction of the Salary Board from the payroll period October 8–21, 1951, the payroll period in which the last increase was given, to the November 5–18, 1951, payroll period. If an additional employee, earning $250.00 per payroll period had been added to the staff during the last payroll period, the total base compensation for the payroll period November 5–18 would have been $982.50 plus $250.00 or $1,232.50. In that case, the dollar amount of permissible increase per payroll would have been $31.43 which would be distributed among the five employees. This amount is arrived at by multiplying the total base compensation, $1,232.50, by the permissible percentage increase, 2.55 percent.

Conversely, if an original employee, earning $200 per payroll period, had left the company during this period, his base compensation would not have appeared in the total base compensation for the last payroll period in the computation. The total base compensation for the current payroll period would then have been $782.50, which is the difference between $982.50 less $200.00, the salary of the employee who left the company. The total dollar amount of permissible increase would have been $19.95, which would be distributed among the remaining three employees. This amount is arrived at by multiplying the total base compensation, $782.50, by the permissible percentage increase, 2.55 percent.

[F. R. Doc. 52-11668; Filed, Oct. 28, 1952; 9:53 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended Oct. 28, 1952]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amended order revises NPA Order M-2, as last amended August 29, 1952, by changing the definition of pale crepe in section 3 (j), deleting the definition of sole crepe in section 3 (k), and revising section 6 so as to permit the use of sole crepe and certain types of pale crepe in the manufacture of shoes. In addition, a new section, section 5, requires the marking of butyl tubes.

REGULATORY PROVISIONS

Sec.
1. Explanation.
2. Applicability of other regulations and orders.
3. Definitions.
4. Limitation on inventory of dry natural rubber.
5. Marking of butyl tubes.
6. Limitation on use of pale crepe.
7. Reports of rubber consumption and stocks.
8. Reports by tire, tube, and camelback manufacturers.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Explanation.* This amended order continues in effect only certain of the restrictions heretofore applicable to the use of natural crepe rubber, and requires the marking of tire tubes made of butyl. The order contains no other controls on acquisition, inventories, and consumption of either natural or synthetic rubber. In the interest of national security, however, it has been jointly determined by the appropriate Government agencies that production by the Government-owned synthetic rubber plants should be maintained at levels substantially in excess of the minimum quantities required by the Rubber Act of 1948, as amended; viz, 200,000 long tons per annum for GR-S and 15,000 long tons per annum for butyl. In order to support the higher production levels desirable for national security, GR-S consumption cannot be permitted to fall below the rate of 450,000 long tons per annum, and butyl consumption cannot be permitted to fall below the rate of 60,000 long tons per annum. Since voluntary industry usage appears unlikely to drop below such levels, mandatory consumption of synthetic rubber has not been imposed, but if consumption falls below these levels the order will be amended by establishing industry-wide manufacturing specifications requiring the use of stated percentages of synthetic rubber in all rubber products. This action is in accord with the legislative policy of section 2 of the Rubber Act of 1948, as amended, which states that "In order to strengthen national security through a sound industry it is essential that * * * regulations requiring mandatory use of synthetic rubber * * * be ended and terminated whenever consistent with national security * * * ."

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order as amended shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including all grades of wild rubber, but excluding balata, gutta percha, and reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis in solid or latex form, prepared from a diolefin or derivative therefrom as an essential component, similar in general properties and applications to natural rubber and specifically capable of vulcanization, but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR-S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR-I" means special-purpose synthetic rubber produced, in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber including the oil in oil-extended GR-S), uncured scrap rubber, and uncured in-process materials.

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, number IX and 1.

(k) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(l) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(m) "NPA" means the National Production Authority.

SEC. 4. *Limitation on inventory of dry natural rubber.* Inventories of dry natural rubber are subject to the provisions of NPA Reg. 1.

SEC. 5. *Marking of butyl tubes.* Every tire tube containing butyl (GR-I) synthetic rubber shall be marked by the

all 50 Wage Board Group employees. The resultant figure is the percentage increase granted to the entire Wage Board Group.

SEC. 5.5 Q. An employer has 120 employees in his Wage Board Group. One hundred of these employees are in Division A and 20 are in Division B. The average wage for employees in Division A is $70 per week and the average wage for Division B is $40 per week. All employees in Division A receive an increase in base compensation of one percent and all employees in Division B receive an authorized increase in base compensation of four percent. What is the proper method of computation of the percentage increase for the entire Wage Board Group?

A. *Step 1.* Compute the total base compensation and the total amount of increase as follows:

	Number of employees	Average base compensation per week	Total base compensation	Percent	Amount of increase
Division A	100 ×	$70 =	$7,000 ×	1 =	$70
Division B	20 ×	40 =	800 ×	4 =	32
Total Wage Board Group			7,800		102

Step 2. Divide the total dollar amount of the increase ($102) by the total base compensation ($7,800). The resultant figure, 1.3 percent, is the percentage increase for the Wage Board Group.

SEC. 5.6 Q. If an employer's records show the base compensation of the Wage Board Group most clearly in terms of hourly wage rates, may he compute the percentage increase for the Wage Board Group in terms of a percentage increase in the hourly wage rates?

A. Yes.

RECORDS AND SUMMARY STATEMENTS

SEC. 6.1 Q. Must an employer making increases in salaries and other compensation under section 41 file periodic reports?

A. No. The employer must, however, comply with the requirements as to keeping records and preparing summary statements contained in section 101 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, October 23, 1952.

JOSEPH D. COOPER,
Executive Director.

APPENDIX A

METHOD OF COMPUTING NET ALLOWABLE INCREASE

Generally speaking, the amount available for distribution is computed as follows: (1) obtain the gross percentage of certain types

manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be $\frac{1}{8}$ inch minimum width. No other tire tube shall be so marked.

SEC. 6. *Limitation on use of pale crepe.* No person shall use or consume any pale crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

SEC. 7. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF–3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF–3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who does not file a Form NPAF–3 for any type of rubber listed in this section for each month of any calendar year shall file an annual report for such year on Form NPAF–4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF–4. Each person who is hereby required to file Form NPAF–4 shall do so by the twentieth of January of each year.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S types, excluding latex.[1]
GR–S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-type) latex.

SEC. 8. *Reports by tire, tube, and camelback manufacturers.*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF–6 in accordance with the instructions accompanying the form.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–2.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11682; Filed, Oct. 28, 1952; 11:45 a. m.]

[1] Includes all types; whether obtained from Government or other sources, including imports.

[NPA Order M–46, Direction 6 of October 28, 1952]

M–46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 6—RESTRICTIONS ON ACQUISITION OF OIL COUNTRY TUBULAR GOODS BY PETROLEUM AND GAS OPERATORS IN THE UNITED STATES AND CANADA

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to restrict the acquisition by petroleum and gas operators of conversion oil country tubular goods finished by any steel producer in the United States, except pursuant to an authorized controlled material order.

SEC. 2. *The direction.* Notwithstanding the provisions of any NPA order or regulation, no petroleum or gas operator shall take delivery of any new oil country tubular goods produced or finished in the United States after the effective date of this direction, from semifinished conversion steel (which is steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) except pursuant to an authorized controlled material order.

This direction shall take effect October 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11683; Filed, Oct. 28, 1952; 11:45 a. m.]

[NPA Order M–46, Direction 7 of October 28, 1952]

M–46—PRIORITIES ASSISTANCE FOR PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 7—TRADING OR EXCHANGING OIL COUNTRY TUBULAR GOODS AND LINE PIPE

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to assist the domestic and Canadian petroleum programs in the interest of national defense by permitting certain trading and exchanging of oil country tubular goods and line pipe used therein.

SEC. 2. *The direction.* Notwithstanding the provisions of any NPA order or regulation and notwithstanding that the accounting arrangement of the parties may include a cash payment by each to the other of the agreed lawful value of the material to be traded or exchanged, a petroleum or gas operator may trade new, domestically produced oil country tubular goods to any other petroleum or gas operator in exchange for new, domestically produced oil country tubular goods, or may trade new, domestically produced line pipe to any other petroleum or gas operator in exchange for new, domestically produced line pipe, subject to the following limitations:

(a) Any such trade or exchange shall include simultaneous undertakings by each party to deliver to the other a substantially equal tonnage of the oil country tubular goods or line pipe received. "Substantially equal tonnage" means that the lesser volume shall constitute at least 90 percent of the tonnage of the greater volume.

(b) Each party to such trade or exchange shall at the time of the arrangement, as to the oil country tubular goods or line pipe which are the subject of the trade or exchange, either (1) have such material in his possession or (2) have been issued an allotment for such material and have an authorized controlled material order for the same accepted by a steel distributor or steel producer.

(c) Where the parties to such trade or exchange have the materials the subject of such trade or exchange in their possession, delivery of the materials shall be completed by the parties within 30 days from the date of the arrangement.

(d) Where one of the parties to such trade or exchange does not have the material in his possession but has received an allotment for the material and has an authorized controlled material order for the same accepted by a steel distributor or steel producer, delivery of such materials under the trade or exchange arrangement shall be completed within 30 days of their receipt under such authorized controlled material order.

(e) Each party to such trade or exchange shall make a written memorandum of the terms of the arrangement, including the names of the parties, size, grade, weight, footage, tonnage, and dates of delivery of the oil country tubular goods or line pipe involved, and shall preserve such memorandum for a period of 3 years.

This direction shall take effect October 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11684; Filed, Oct. 28, 1952; 11:45 a. m.]

[NPA Order M–46A, Direction 4 of October 28, 1952]

M–46A—PRIORITIES ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 4—RESTRICTIONS ON ACQUISITION OF OIL COUNTRY TUBULAR GOODS BY PETROLEUM OPERATORS FOR FOREIGN OPERATIONS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to restrict the acquisition by petroleum operators of conversion oil country tubular goods finished by any steel producer in the United States, except pursuant to an authorized controlled material order.

SEC. 2. *The direction.* Notwithstanding the provisions of any NPA order or regulation, no petroleum operator shall take delivery of any new oil country tubular goods produced or finished in the United States after the effective date of this direction, from semifinished conversion steel (which is steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) except pursuant to an authorized controlled material order.

This direction shall take effect October 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11685; Filed, Oct. 28, 1952; 11:45 a. m.]

[NPA Order M–46A, Direction 5 of October 28, 1952]

M–46A—PRIORITIES ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 5—TRADING OR EXCHANGING OIL COUNTRY TUBULAR GOODS AND LINE PIPE

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to assist the foreign petroleum program in the interest of national defense by permitting certain trading and exchanging of oil country tubular goods and line pipe used therein.

SEC. 2. *The direction.* Notwithstanding the provisions of any NPA order or regulation and notwithstanding that the accounting arrangement of the parties may include a cash payment by each to the other of the agreed lawful value of the material to be traded or exchanged, a petroleum operator may trade new, domestically produced oil country tubular goods to any other petroleum operator in exchange for new, domestically produced oil country tubular goods, or may trade new, domestically produced line pipe to any other petroleum operator in exchange for new, domestically produced line pipe, subject to the following limitations:

(a) Any such trade or exchange shall include simultaneous undertakings by each party to deliver to the other a substantially equal tonnage of the oil country tubular goods or line pipe received. "Substantially equal tonnage" means that the lesser volume shall constitute at least 90 percent of the tonnage of the greater volume.

(b) Each party to such trade or exchange shall at the time of the arrangement, as to the oil country tubular goods or line pipe which are the subject of the trade or exchange, either (1) have such material in his possession or (2) have been issued an allotment for such material and have an authorized controlled material order for the same accepted by a steel distributor or steel producer.

(c) Where the parties to such trade or exchange have the materials the subject of such trade or exchange in their

possession, delivery of the materials shall be completed by the parties within 30 days from the date of the arrangement.

(d) Where one of the parties to such trade or exchange does not have the material in his possession but has received an allotment for the material and has an authorized controlled material order for the same accepted by a steel distributor or steel producer, delivery of such materials under the trade or exchange arrangement shall be completed within 30 days of their receipt under such authorized controlled material order.

(e) Each party to such trade or exchange shall make a written memorandum of the terms of the arrangement, including the names of the parties, size, grade, weight, footage, tonnage, and dates of delivery of the oil country tubular goods or line pipe involved, and shall preserve such memorandum for a period of 3 years.

This direction shall take effect October 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11686; Filed, Oct. 28, 1952; 11:45 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 83 to Schedule A]

[Rent Regulation 2, Amdt. 81 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MICHIGAN AND WISCONSIN

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective October 27, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Michigan				
(152) Battle Creek	B	In Calhoun County, the cities of Albion and Marshall.	Mar. 1, 1942	Oct. 1, 1942
	A	In Calhoun County, the city of Battle Creek, and the townships of Battle Creek, Bedford, Emmett and Pennfield; in Kalamazoo County, the Fort Custer Military Reservation, the city of Galesburg and the townships of Charleston and Ross.	Jan. 1, 1952	Oct. 27, 1952
Wisconsin				
(364) Milwaukee	A	Milwaukee County	Nov. 1, 1951	Oct. 27, 1952

[F. R. Doc. 52-11646; Filed, Oct. 27, 1952; 2:28 p. m.]

[Rent Regulation 3, Amdt. 87 to Schedule A]

[Rent Regulation 4, Amdt. 31 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MICHIGAN AND WISCONSIN

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective October 27, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(152) Battle Creek	Michigan	In Calhoun County, the city of Battle Creek, and the townships of Battle Creek, Bedford, Emmett and Pennfield; in Kalamazoo County, the Fort Custer Military Reservation, the city of Galesburg, and the townships of Charleston and Ross.	Jan. 1, 1952	Oct. 27, 1952
(364) Milwaukee	Wisconsin	Milwaukee County	Nov. 1, 1951	Oct. 27, 1952

[F. R. Doc. 52-11647; Filed, Oct. 27, 1952; 2:28 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

STANDARD DEDUCTION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to section 308 (relating to the standard deduction) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (aa)-1 the following:

SEC. 308. STANDARD DEDUCTION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Method of election.* Subparagraphs (A) and (B) of section 23 (aa) (3) (relating to optional standard deduction for individuals) are hereby amended by striking out the word "only"; and subparagraph (C) of section 23 (aa) (3) is hereby amended to read as follows:

(C) If the taxpayer upon making his return fails to signify, in the manner provided by subparagraph (A) or (B), his election to take the standard deduction, such failure shall be considered his election not to take the standard deduction.

(b) *Change of election.* Section 23 (aa) is hereby amended by adding at the end thereof the following new paragraph:

(7) *Change of election.* Under regulations prescribed by the Secretary, a change of an election to take, or not to take, the standard deduction for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for the purposes of paragraph (4), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(A) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(B) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed upon with the Secretary, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This paragraph shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding (for the purposes of paragraph (4)) to the taxable year of the taxpayer, has been compromised under the provisions of section 3761.

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1949.

PAR. 2. Section 29.23 (aa)-1, as amended by Treasury Decision 5687, approved February 16, 1949, is hereby amended as follows:

(A) By striking out the word "only" in the first sentence of paragraph (b) (1) thereof.

(B) By striking out the fourth sentence of paragraph (b) (1) thereof.

(C) By striking out the word "irrevocable" in paragraph (b) (1) (i) thereof.

(D) By striking out the word "irrevocably" in paragraph (b) (1) (ii) thereof.

(E) By striking out the word "only" in the first sentence of paragraph (b) (2) thereof.

(F) By adding at the end thereof the following paragraph (d):

(d) *Change of election to take, or not to take, the standard deduction.* (1) With respect to taxable years beginning before January 1, 1950, the election to take, or not to take, the standard deduction for any taxable year shall be irrevocable after the time prescribed for filing the return for the taxable year. With respect to taxable years beginning after December 31, 1949, a change of the election to take, or not to take, the standard deduction for any taxable year may be made before or after the time prescribed for filing the return for the taxable year. However, the period of time prescribed in section 322 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election. (See § 29.322-7.)

(2) If the spouse of the taxpayer filed a separate return for any taxable year that corresponds, for the purpose of section 23 (aa) (4) (see paragraph (c) of this section), to the taxable year of the taxpayer, a change of election may not be made by the taxpayer unless (i) the spouse makes a change of election in such separate return with respect to the standard deduction consistent with the change of election sought by the taxpayer, and (ii) the taxpayer and his spouse file a consent in writing to the assessment, within such period of time as may be agreed upon, of any deficiency of either to the extent attributable to such change of election even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(3) A change of election for any taxable year shall not be permitted if the tax liability of the taxpayer for the taxable year, or of the taxpayer's spouse for the taxable year corresponding, for the purpose of section 23 (aa) (4) (see paragraph (c) of this section), to the taxable year of the taxpayer, has been compromised under the provisions of section 3761.

PAR. 3. Section 29.402-1, as amended by Treasury Decision 5687, approved February 16, 1949, is hereby amended by changing the second undesignated subparagraph of paragraph (b) thereof to read as follows:

With respect to taxable years beginning before January 1, 1950, an election under Supplement T once made for the taxable year may not be revoked by an amended return or otherwise, but a new election is allowed for each subsequent taxable year; and, if for any taxable year the taxpayer makes a return without regard to Supplement T, he may not thereafter elect to have his tax computed under such supplement for that taxable year. With respect to taxable years beginning after December 31, 1949, an election under Supplement T, or the making of a return without regard to Supplement T, for any taxable year may be changed under the same circumstances that an election to take, or not to take, the standard deduction may be changed (see § 29.23 (aa)-1 (d)).

[F. R. Doc. 52-11611; Filed, Oct. 28, 1952; 8:52 a. m.]

[26 CFR Parts 29, 40]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941; EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 130 (26 CFR Part 40) to section 319 of the Revenue Act of 1951, approved October 20, 1951, and to conform Regulations 111 (26 CFR Part 29) to Public Law 594, 82d Congress, 2d Session, approved July 21, 1952, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 29.23 (m)-1 (f), as amended by Treasury Decision 5461, approved July 9, 1945, is further amended as follows:

(A) By inserting in subparagraph (3) of the fifth undesignated subparagraph thereof immediately after the word "sintering" the following: "(agglomerating by incipient fusion)"; and

(B) By inserting immediately preceding the next to the last undesignated paragraph thereof the following new undesignated paragraph:

Except where otherwise specifically provided, the phrase "ordinary treatment processes" does not include such processes as (1) treatment effecting a chemical change, (2) blending with other material, (3) thermal action for purposes other than agglomeration by incipient fusion, or (4) fine pulverization, pressing into shape, molding or similar processes undertaken in the manufacture of a finished product.

PAR. 2. Section 29.23 (m)-3, as amended by Treasury Decision 5645, approved July 20, 1948, is further amended by substituting for the heading and first two sentences of the first paragraph the following:

§ 29.23 (m)-3 *Computation of depletion of mines and other natural deposits (other than those in respect of which percentage depletion is allowable) on basis of discovery value.* (a) The basis on which depletion is to be computed in the case of mines and other natural deposits (other than those in respect of which depletion is allowed on the basis of percentage of income under § 29.23 (m)-5) discovered by the taxpayer after February 28, 1913, is the fair market value of the property at the date of discovery or within 30 days thereafter, if such mines or deposits were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to cost. Such basis may not be used in the case of the mines or deposits listed under § 29.23 (m)-5 for any period in respect to which depletion on the basis of percentage of income is allowable. * * *

PAR. 3. Section 29.23 (m)-5, as amended by Treasury Decision 5645, is further amended as follows:

(A) By substituting for the heading and the first sentence of the first paragraph the following:

§ 29.23 (m)-5 *Computation of depletion based on percentage of income in case of certain mines or other natural deposits.* (a) In the case of the mines or other natural deposits listed hereinafter, a taxpayer may deduct for depletion under section 114 (b) (4) (A) amounts equal to the following percentages of the gross income from the property during the periods indicated below:

Mine or deposit	Percent	Taxable years beginning after
Aplite	15	(1)
Asbestos	10	(1)
Barite	15	Dec. 31, 1943
Bauxite	15	Dec. 31, 1946
Bentonite	15	Do.
Beryl	15	Dec. 31, 1943
Borax	15	(1)

[1] Effective January 1, 1951. For taxable years beginning before January 1, 1951, and ending after December 31, 1950, see below.

Mine or deposit	Percent	Taxable years beginning after
Bromine	5	(1)
Brucite	10	(1)
Calcium carbonates	10	(1)
Calcium chloride	5	(1)
Clam shell	5	(1)
Clay, ball	15	Dec. 31, 1941
Clay, brick and tile	5	(1)
Clay, china	15	Dec. 31, 1946
Clay, refractory and fire	15	(1)
Clay, sagger	15	Dec. 31, 1941
Coal	5	Do.
Coal	10	(1)
Diatomaceous earth	15	(1)
Dolomite	10	(1)
Feldspar	15	Dec. 31, 1943
Fluorspar	15	Dec. 31, 1941
Fullers earth	15	(1)
Garnet	15	(1)
Gilsonite	15	Dec. 31, 1946
Granite	5	(1)
Graphite, flake	15	Dec. 31, 1942
Gravel	5	(1)
Lepidolite	15	Dec. 31, 1943
Limestone, chemical grade	15	(1)
Limestone, metallurgical grade	15	(1)
Magnesite	10	(1)
Magnesium carbonates	10	(1)
Magnesium chloride	5	(1)
Marble	5	(1)
Metal mines	15	Dec. 31, 1941
Mica	15	Dec. 31, 1943
Oyster shells	5	(1)
Perlite	10	(1)
Phosphate rock	15	Dec. 31, 1943
Potash	15	Dec. 31, 1943
Pumice	5	(1)
Pyrophillite	15	Dec. 31, 1946
Quartzite	15	(1)
Rock asphalt	15	Dec. 31, 1941
Sand	5	(1)
Scoria	5	(1)
Shale	5	(1)
Slate	5	(1)
Sodium chloride	5	(1)
Spodumene	15	Dec. 31, 1943
Stone	5	(1)
Sulphur	23	Dec. 31, 1941
Talc	15	Dec. 31, 1943
Thenardite	15	Dec. 31, 1946
Tripoli	15	(1)
Trona	15	Dec. 31, 1946
Vermiculite	15	Dec. 31, 1943
Wollastonite	10	(1)

[1] Effective January 1, 1951. For taxable years beginning before January 1, 1951, and ending after December 31, 1950, see below.

Such deduction shall not in any case exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property. * * *

(B) By redesignating paragraph (b) as paragraph (c) and by inserting the following new paragraph (b):

(b) For the purposes of this section, the minerals indicated below shall have the following meanings:

Borax: Any boron material including that contained in brines.

Bromine: Bromine if obtained from brine wells.

Calcium carbonates: Miscellaneous limestones and other calcium carbonate rocks (not specifically provided for at a 5 percent or 15 percent rate of percentage allowance) such as cement rock and limestone used or sold for use in soil treatment. This classification does not include rock or minerals used or sold for use as ballast, road making, concrete aggregates, or other purposes for which chemical composition is not a major requirement.

Calcium chloride: Calcium chloride if produced from brine wells.

Clay, brick and tile: Clay used or sold for use in the manufacture of common brick, drain and roofing tile, sewer pipe, flower pots and kindred products, the use of which is not dependent upon the properties of the clays for which a 15 percent rate of percentage allowance is specifically provided.

Coal: All coal including lignite.

Limestone, chemical grade: Limestone used or sold for use in the chemical trades.

Limestone, metallurgical grade: Limestone used or sold for use in the production of metals.

Magnesium chloride: Magnesium chlorides if produced from brine wells.

Phosphate rock: Any phosphate ore.

Pumice: All pumice including pumicite.

Scoria: All scoria produced from natural deposits.

Stone: All common dimension, crushed or broken stone within the ordinary meaning of these terms.

Thenardite: All sodium sulphate minerals, including those contained in brine.

Trona: All sodium carbonate minerals including those contained in brine; and

(C) By inserting the following new paragraphs (d) and (e):

(d) In the case of a taxpayer whose taxable year began before January 1, 1951, and ended after December 31, 1950, and who became entitled to percentage depletion, or an increase therein, or whose basis for depletion changed on January 1, 1951, the allowance for depletion for the taxable year under this section is an amount equal to the sum of:

(1) That portion of a tentative allowance computed under the provisions of this section (without regard to the amendments to section 114 (b) (4) effective January 1, 1951), which the number of days in such taxable year prior to January 1, 1951, bears to the total number of days in such taxable year; plus

(2) That portion of a tentative allowance computed under the provisions of this section as though the amendments to section 114 (b) (4), effective January 1, 1951, were applicable to the entire taxable year, which the number of days in such taxable year after December 31, 1950, bears to the total number of days in such taxable year.

(e) For taxable years ending after December 31, 1950, percentage depletion is not allowable with respect to any disposal of coal to the extent that income therefrom is treated as a capital gain or loss under section 117 (k) (2).

PAR. 4. Section 29.23 (m)–3 is amended by substituting for the first sentence of the introductory paragraph the following: "No revaluation of a property whose value as of any specific date has been determined and approved will be made or allowed during the continuance of the ownership under which the value was so determined and approved, except in the case of a subsequent discovery of nonmetallic minerals in respect to which depletion is not allowed on the basis of percentage of income under § 29.23 (m)–4 or 5, or of misrepresentation or fraud or gross error as to any facts known on the date as of which the valuation was made."

PAR. 5. Section 29.23 (m)–10 (d), as amended by Treasury Decision 5645 is further amended to read as follows:

(d) In lieu of the treatment provided for in paragraphs (a) and (b) of this section, the owner of an economic interest in minerals in respect of which depletion is allowed on the basis of percentage of income under §§ 29.23 (m)–4 or 29.23 (m)–5 may take as a depletion deduction in respect of any bonus or advanced royalty from the property for the taxable year or period for which such deduction is allowable under such section an amount computed on the basis of the percentages applicable as indicated in such sections; but the deduction shall not in any case exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property.

PAR. 6. Section 29.23 (m)–13 (a), as amended by Treasury Decision 5645 is amended by substituting for so much of paragraph (a) as precedes subparagraph (1), the following:

(a) There shall be attached to the return of every taxpayer who claims depletion on the basis of percentage of income under §§ 29.23 (m)–4 or 29.23 (m)–5, a statement containing the following information with respect to every property for which percentage depletion is allowable:

* * * * * *

PAR. 7. Section 29.23 (m)–14 (a), as amended by Treasury Decision 5645 is further amended by substituting for the heading and so much of paragraph (a) as precedes the last sentence thereof the following:

§ 29.23 (m)–14 *Discovery of mines or other natural deposits (except those in respect of which percentage depletion is allowable under § 29.23 (m)–5).* (a) To entitle a taxpayer to a valuation of his property, for the purposes of depletion allowances, by reason of the discovery of a mine or minerals (other than those in respect of which percentage depletion is allowable under §§ 29.23 (m)–4 or 29.23 (m)–5, it must appear that the mine or minerals were not acquired as the result of the purchase of a proven tract or lease; also the discovery must be made by the taxpayer after February 28, 1913, and must result in the fair market value of the property becoming disproportionate to cost. For the purposes of this section, mines or minerals shall not be entitled to valuation upon the basis of discovery for any taxable year or period in respect to which percentage depletion is allowable under §§ 29.23 (m)–4 or 29.23 (m)–5. * * *

PAR. 8. There is inserted immediately preceding § 29.114–1 the following:

SEC. 319. PERCENTAGE DEPLETION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Allowance of percentage depletion.* So much of paragraph (4) of section 114 (b) as precedes the last sentence of subparagraph (A) is hereby amended to read as follows:

(4) Percentage depletion for coal and metal mines and for certain other mines and natural mineral deposits—

(A) *In general.* The allowance for depletion under section 23 (m) in the case of the following mines and other natural deposits shall be—

(i) In the case of sand, gravel, slate, stone (including pumice and scoria), brick and tile clay, shale, oyster shell, clam shell, granite, marble, sodium chloride, and, if from brine wells, calcium chloride, magnesium chloride, and bromine, 5 per centum,

(ii) In the case of coal, asbestos, brucite, dolomite, magnesite, perlite, wollastonite, calcium carbonates, and magnesium carbonates, 10 per centum,

(iii) In the case of metal mines, aplite, bauxite, fluorspar, flake graphite, vermiculite, beryl, garnet, feldspar, mica, talc (including pyrophyllite), lepidolite, spodumene, barite, ball clay, sagger clay, china clay, phosphate rock, rock asphalt, trona, bentonite, gilsonite, thenardite, borax, fuller's earth, tripoli, refractory and fire clay, quartzite, diatomaceous earth, metallurgical grade limestone, chemical grade limestone, and potash, 15 per centum, and

(iv) In the case of sulfur, 23 per centum, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property.

(b) *Technical amendment.* So much of paragraph (2) of section 114 (b) as precedes "discovered by the taxpayer after February 28, 1913" is hereby amended to read as follows:

(2) *Discovery value in the case of mines.* In the case of mines (except mines in respect of which percentage depletion is allowable under paragraph (4) of this subsection).

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

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SEC. 5. Section 319 (c) of the Revenue Act of 1951 is amended to read as follows:

(c) *Effective date.* The amendments made by this section shall be effective on and after January 1, 1951.

PAR. 9. Section 29.114–1, as amended by Treasury Decision 5645, is further amended to read as follows:

§ 29.114–1 *Basis for allowance of depreciation and depletion.* The basis upon which exhaustion, wear and tear, obsolescence, and depletion will be allowed in respect of any property is the same as is provided in section 113 (a), adjusted as provided in section 113 (b), for the purpose of determining the gain from the sale or other disposition of such property, except that as provided in § 29.23 (m)–21 in the case of the cutting of timber which is considered to be a sale or exchange of such timber under section 117 (k) (1), the basis shall be the fair market value of such timber as of the first day of the taxable year in which it is cut; and except as provided in § 29.23 (m)–3 relating to depletion based on discovery value, in § 29.23 (m)–4 relating to percentage depletion in the case of oil and gas wells; in § 29.23 (m)–5 relating to percentage depletion in the case of certain minerals with respect to the applicable taxable years or effective date specified therein, and in sections 23 (cc) (3) and 23 (ff) (4) relating to basis for depletion for taxable years ending after December 31, 1950.

PAR. 10. Section 40.453–2 (h) of Regulations 130 is amended by adding at the end thereof the following undesignated paragraph:

The non-metallic minerals referred to in sections 453 (a) (13) and 453 (b) (2) and (4) shall be given the meanings set forth in § 29.23 (m)–5 of this chapter.

PAR. 11. Section 40.453–2 (j) (3) of Regulations 130 is amended by inserting after subdivision (iii) the following new undesignated paragraph:

Except where otherwise specifically provided, the phrase "ordinary treatment processes" does not include such processes as: (*a*) Treatment effecting a chemical change, (*b*) blending with other material, (*c*) thermal action for purposes other than agglomeration by incipient fusion, or (*d*) fine pulverization, pressing into shape, molding or similar processes undertaken in the manufacture of a finished product.

[F. R. Doc. 52–11609; Filed, Oct. 28, 1952; 8:51 a. m.]

[26 CFR Part 130]

TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

EXCISE TAX ON CERTAIN TELEPHONE AND TELEGRAPH MESSAGES AND WITH RESPECT TO TRANSPORTATION OF PERSONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3472 and 3791 of the Internal Revenue Code (53 Stat. 423, 467, 55 Stat. 722; 26 U. S. C. 3472, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 42 (1942 Edition) (26 CFR Part 130), relating to the taxes on the use of safe deposit boxes, transportation of oil by pipe line, telephone, telegraph, radio and cable messages and services, and transportation of persons under the provisions of the Internal Revenue Code, to sections 491, 492, 493, and 494 of the Revenue Act of 1951 (Public Law 183, 82d Congress, 1st Session), approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. Section 130.0, as amended by Treasury Decision 5559, approved April 18, 1947, is further amended as follows:

(A) By striking in paragraph (c) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: ", sections 2, 3, and 4 of the Excise Tax Act of 1947, and sections 491 and 492 of the Revenue Act of 1951,".

(B) By striking in paragraph (d) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: ", sections 2, 3, and 4 of the Excise Tax Act of 1947, section 607 of the Revenue Act of 1950, and sections 493 and 494 of the Revenue Act of 1951,".

PAR. 2. Immediately preceding § 130.30, there is inserted the following:

SEC. 491. REDUCTION OF TAX ON TELEGRAPH DISPATCHES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Reduction of tax.* The table contained in section 1650 (relating to the war tax rates of certain miscellaneous taxes) is hereby amended by striking out the following:

3465 (a) (1) (B) (insofar as it relates to domestic telegraph, cable, and radio dispatches).	Domestic Telegraph, Cable, or Radio Dispatches.	15 per centum	25 per centum.

(b) *Effective date.* Subject to the provisions of subsection (c), the amendments made by this section shall apply with respect to amounts paid on or after the rate reduction date (as defined in subsection (d)) for services rendered on or after such date.

(c) *Amounts paid pursuant to bills rendered.* The amendments made by this section shall not apply with respect to amounts paid pursuant to bills rendered prior to the rate reduction date. In the case of amounts paid pursuant to bills rendered on or after the rate reduction date for services for which no previous bill was rendered, the amendments made by this section shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date the provisions of sections 1650 and 3465 of the Internal Revenue Code in effect at the time such services were rendered shall be applicable to the amounts paid for such services.

(d) *Rate reduction date.* For the purposes of this section the term "rate reduction date" means the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 3. Paragraph (b) of § 130.30, as amended by Treasury Decision 5559, is further amended by adding at the end thereof the following new sentences: "The provisions of section 1650 were further amended by section 491 of the Revenue Act of 1951, effective November 1, 1951, and as so amended, the rate of tax on amounts paid on and after that date for domestic services specified in section 3465 (a) (1) (B) rendered on and after that date was reduced. The amendment as it relates to this tax applies to amounts paid pursuant to bills rendered on and after November 1, 1951, for services furnished on or after September 1, 1951, for which no previous bill was rendered."

PAR. 4. Section 130.33, as amended by Treasury Decision 5559, is further amended by (b) inserting new subparagraphs (1) and (2) after the headnote of paragraph (b) and by redesignating present subparagraphs (1) and (2) as (3) and (4):

(b) *Telegraph, cable, and radio dispatches and messages*—(1) *International messages.* The amount paid for each international telegraph, cable, or radio dispatch or message is subject to tax at the rate of 10 percent.

(2) *Domestic messages.* The amount paid for each domestic telegraph, cable, or radio dispatch or message is subject to tax at the specified rates for the following periods:

(i) On and after November 1, 1951, 15 percent;
(ii) April 1, 1944 through October 31, 1951, 25 percent;
(iii) November 1, 1942 through March 31, 1944, 15 percent;
(iv) Prior to November 1, 1942, 10 percent.

PAR. 5. Immediately preceding § 130.44, there is inserted the following:

SEC. 492. EXEMPTION OF CERTAIN OVERSEAS TELEPHONE CALLS FROM THE TAX ON TELEPHONE FACILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Telephone calls from members of armed forces in combat zones.* Section 3466 is amended by redesignating subsection (c) thereof as subsection "(d)" and by inserting after subsection (b) the following new subsection:

(c) No tax shall be imposed under section 3465 (a) (1) (A) upon any payment received for any telephone or radio telephone message which originates within a combat zone, as defined in section 22 (b) (13), from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary may by regulations prescribe, is furnished to the person receiving such payment.

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of enactment of this Act for telephone or radio telephone messages made on or after such date.

PAR. 6. Section 130.44, as amended by Treasury Decision 5521, approved June 14, 1946, is further amended by striking "(See also § 130.46)" in the second sentence of paragraph (e), and by inserting in lieu thereof "(See also § 130.47)".

PAR. 7. Section 130.46 is renumbered § 130.47 and a new § 130.46 is inserted to read as follows:

§ 130.46 *Telephone calls from members of armed forces in combat zones.* (a) The exemption provided by section 3466 (c) is applicable to any payment received on or after November 1, 1951, for any telephone or radio telephone message or call which originates, on or after such date, within a combat zone as defined in section 22 (b) (13), from a member of the Armed Forces of the United States performing service in such combat zone, if a properly executed certificate of exemption substantially in the form shown below is furnished the person receiving such payment. (See also § 130.47.)

(b) Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive Order, for the purpose of section 22 (b) (13), as an area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is perfored on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

EXEMPTION CERTIFICATE

(Overseas Telephone Calls)

---------- 19----
(Date)

I certify that the toll charges of $--------- are for telephone or radio telephone messages originating at ----------
(Point of origin)
within a combat zone from ----------
(Name)
a member of the Armed Forces of the United States performing service in such combat zone, that the transmission facilities were furnished by ----------;
(Name of carrier)
that the charges are exempt from tax under section 3466 (c) of the Internal Revenue Code.

(Signature of Subscriber)

(Address)

NOTE: Penalty for fraudulent use, $10,000 or imprisonment or both. (See section 1718 of the Internal Revenue Code.)

PAR. 8. There is inserted immediately preceding § 130.50 the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts", and by inserting after the words "one month or less" the following ", or to amounts paid for transportation by boat for the purpose of fishing from such boat".

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 9. Section 130.51, as amended by Treasury Decision 5929, approved September 2, 1952, is further amended by revising the second sentence of paragraph (g) thereof to read as follows: "For other payments not subject to tax, see §§ 130.54 and 130.60 to 130.64."

PAR. 10. Section 130.53, as amended by Treasury Decision 5929, is further amended by adding at the end of subparagraph (1) of paragraph (i) thereof the following: "(For information with respect to the exemption of amounts paid on or after November 1, 1951, for transportation, on or after that date, of persons on boats chartered for fishing purposes, see § 130.60a.)"

PAR. 11. Section 130.54, as amended by Treasury Decision 5929, is further amended by deleting the words "See §§ 130.60 to 130.63" appearing in the first sentence thereof and inserting in lieu thereof the words "See §§ 130.60 to 130.64".

PAR. 12. Immediately preceding § 130.59, there is inserted the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts", and by inserting after the words "one month or less" the following ", or to amounts paid for transportation by boat for the purpose of fishing from such boat".

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 13. Immediately following § 130.60 there is inserted the following new section:

§ 130.60a *Fishing trips.* No tax is imposed upon an amount paid on or after November 1, 1951, for transportation by boat, on or after that date, where the transportation is for the purpose of fishing from such boat.

PAR. 14. Immediately preceding § 130.64, there is inserted the following:

SEC. 494. TAX ON TRANSPORTATION OF PERSONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption of certain foreign travel.* Section 3469 (a) of the Internal Revenue Code (relating to tax on transportation of persons) is hereby amended by striking out the third sentence and inserting in lieu of such sentence the following: "In the case of transportation by water on a vessel which makes one or more intermediate stops at ports within the United States, Canada, or Mexico on a voyage which begins or ends in the United States and ends or begins outside the northern portion of the Western Hemisphere, no part of such transportation shall be considered for the purposes of the preceding sentence to be from any port within the United States, Canada, or Mexico to any other such port if the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers. A port or station within Newfoundland shall not for the purposes of the preceding two sentences, be considered as a port or station within Canada."

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 15. Section 130.64, as amended by Treasury Decision 5929, is further amended as follows:

(A) By striking the third sentence in the first undesignated paragraph thereof.

(B) By inserting immediately following the first paragraph the following new undesignated paragraphs:

The tax does not attach to any part of a payment made on or after November 1, 1951, for transportation by water, on or after that date, on a vessel which makes one or more intermediate stops at ports within the United States, Canada, or Mexico, on a voyage between the United States and a port outside the northern portion of the Western Hemisphere, provided the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers.

In any case where the vessel in stopping at any such intermediate port is authorized or is permitted both to discharge and to take on passengers, the rules set forth in the first paragraph of this section apply. A vessel is authorized both to discharge and to take on passengers at the intermediate port unless there is a legal or other authoritative prohibition of such traffic. For the purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from either discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

A port or station within Newfoundland shall not, for the purposes of the preceding paragraphs, be considered as a port or station within Canada.

(C) By inserting immediately following Example 6 thereof two new examples as follows:

Example 7. H purchases a steamship ticket in New York City for transportation from New York City to Southampton, England. The vessel on which H sails makes an intermediate stop during the course of such voyage at Boston, Massachusetts, to take on passengers. The vessel is not, however, authorized to discharge passengers at such port. No tax applies to the portion of the transportation between New York City and Boston, since H's voyage involved transportation between a port within the United States and a port outside the northern portion of the Western Hemisphere and the vessel on which H traveled was not authorized both to discharge and to take on passengers at the intermediate port at which it stopped.

Example 8. I purchases a steamship ticket in San Francisco for a voyage from San Francisco to Manila. The vessel on which he travels makes a stop at Honolulu to discharge passengers. The vessel is, however, permitted also to take on passengers at Honolulu. The tax applies to that portion of the transportation between San Francisco and Honolulu, since the vessel on which I traveled was permitted to both discharge and to take on passengers at Honolulu, the intermediate port at which it stopped.

[F. R. Doc. 52-11610; Filed, Oct. 28, 1952; 8:51 a. m.]

[26 CFR Part 472]

REGULATIONS UNDER SECTION 3804 OF THE INTERNAL REVENUE CODE

TIME FOR PERFORMING CERTAIN ACTS POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 (53 Stat. 32, 467; 26 U. S. C. 62, 3791) of the Internal Revenue Code and in section 3805 of such Code, as amended by section 614 of the Revenue Act of 1951.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Treasury Decision 5279, approved July 10, 1943, as amended by Treasury Decision 5610, approved March 15, 1948 (26 CFR Part 472), to section 614 (relating to postponement of time for performing certain acts in case of China Trade Act corporations) of the Revenue Act of 1951, approved October 20, 1951, such Treasury decision is hereby amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Public Law 490 (Seventy-Seventh Congress), approved March 7, 1942", which precedes § 472.0, the following is inserted:

SEC. 614. TIME FOR PERFORMING CERTAIN ACTS POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 3805 (relating to postponement of income tax due dates in the case of China Trade Act corporations) is hereby amended to read as follows:

SEC. 3805. INCOME TAX DUE DATES POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS.

In the case of any taxable year beginning after December 31, 1948, and ending before October 1, 1953, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act of 1922 (42 Stat. 849, U. S. C., Title 15, chapter 4), as amended, shall become due until December 31, 1953, but only with respect to any such corporation and any such taxable year which the Secretary may determine reasonable under the circumstances in China pursuant to such regulations as he may prescribe. Such due date shall be subject to the power of the Secretary to extend the time for filing such return or paying such tax, as in other cases.

PAR. 2. Section 472.806, as amended by Treasury Decision 5610, is further amended by striking therefrom paragraph (a) and inserting in lieu thereof the following new paragraph:

(a) *Income tax*—(1) *In general.* (i) Section 3805, immediately prior to amendment by section 614 of the Revenue Act of 1951, approved October 20, 1951, provided that in the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act, 1922, should become due until December 31, 1947. Section 3805, as amended by section 614 of the Revenue Act of 1951, provides with respect to any taxable year beginning after December 31, 1948, and ending before October 1, 1953, that the Federal income tax return of, or the payment of Federal income tax by, a corporation organized under such China Trade Act shall not become due until December 31, 1953, if, in the case of any such taxable year of any such corporation, the application of such postponed due date is determined by the Secretary under regulations to be reasonable in view of the circumstances in China.

(ii) The due dates (December 31, 1947, or December 31, 1953, whichever is applicable) thus prescribed are expressly subject to the power of the Commissioner to extend, as in other cases, the time for filing the income tax return or paying the income tax. See sections 53 (a) (2) and 56 (c) (1); and, the regulations thereunder.

(2) *Specific rules applicable to taxable years beginning after December 31, 1948, and ending before October 1, 1953.* The postponement of the due date to December 31, 1953, permitted by section 3805 shall apply with respect to:

(i) Any taxable year beginning after December 31, 1948, and ending before October 1, 1953, of any corporation organized under the China Trade Act, 1922, as amended, if during such taxable year conditions in China have been generally so unsettled as to militate against the normal commercial operations and corporate activities of such corporation, except:

(*a*) In the case of any such taxable year of any such corporation in respect to which the situation is such that, despite such unsettled conditions, the books of account and business records are available so as to permit the filing of a proper return and the corporation has otherwise been in a position to carry on its commercial operations and corporate activities and to make a proper distribution of its earnings or profits, if any, so as to permit the certification required by section 262 (b); or

(*b*) In the case of any such taxable year of any such corporation during which all the commercial operations and corporate activities of such corporation have been carried on in Hong Kong, Macao, or Taiwan; and

(ii) Any such taxable year of any such corporation excepted under subdivision (i) (*a*) or (*b*) of this subparagraph in respect of which the corporation satisfies the Commissioner that special circumstances exist, related to the unsettled conditions in China, which warrant such postponement.

[F. R. Doc. 52-11608; Filed, Oct. 28, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED CARROTS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Carrots, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.216 *Canned carrots.* "Canned carrots" means the canned product properly prepared from the clean, sound roots of the carrot plant as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990, as amended 17 F. R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Styles of canned carrots.* (1) "Whole" or "whole carrots" means canned carrots consisting of whole carrots that retain the approximate original conformation of the whole carrot.

(2) "Slices" or "sliced carrots" means canned carrots consisting of carrot slices produced by slicing whole carrots transversely to the longitudinal axis.

(3) "Quarters" or "quartered carrots" means canned carrots consisting of quarters of carrots produced by cutting whole carrots longitudinally into four approximately equal units. Whole carrots cut longitudinally into six units approximating the size and appearance of the quartered carrots are also permitted in this style.

(4) "Diced carrots" means canned carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(5) "Julienne," "French style," or "shoestring" means canned carrots consisting of strips of carrots.

(6) "Cut" means canned carrots consisting of units which with respect to size or shape do not conform to any of the foregoing styles. Carrots which have been cut longitudinally into two approximately equal units are included in this style.

(7) "Unit" means an individual carrot or portion of a carrot in canned carrots.

(b) *Grades of canned carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned carrots that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grade of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container of canned carrots be filled as full as practicable with carrots without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(d) *Recommended drained weight.* The drained weight recommendations in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned carrots is determined by emptying the contents of the container upon a U. S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and carrots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CARROTS

Container size or designation	Style of canned carrots				
	Whole	Diced	Quartered cut	Sliced	Julienne
8-ounce tall	5¾	6	6	5¾	5½
8-ounce glass	5¾	6	6	5¾	5½
No. 1 picnic	7¼	7½	7½	7¼	7
No. 300	9½	10	10	9½	9
No. 303	10½	11	11	10½	10
No. 303 glass	10½	11	11	10½	10
No. 2	12½	13	12½	12½	12
No. 2½	18½	19	18½	18½	18¼
No. 2½ glass	18¼	18¾	18¼	18¼	18
No. 10	68	72	70½	69	68

(e) *Sizes of carrots in whole carrots.* The size of any carrot is determined by measuring the longest diameter through the center transversely to the longitudinal axis of the carrot.

(f) *Sizes of carrot slices in sliced carrots.* The size of any slice in sliced carrots is determined by measuring the smallest diameter of the largest surface of the slice.

(g) *Ascertaining the grade.* (1) The grade of canned carrots is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) "Normal flavor and odor" means that the canned carrots are free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Canned carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned carrots possess an orange-yellow color that is bright and typical of canned carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the canned carrots possess a fairly good color, a score of 18 to 20 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned carrots possess the typical color of canned carrots, that such color may be slightly dull but not off-color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Canned carrots that are off-color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Canned carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The size of the individual carrot is not more than 1¾ inches in diameter, measured as aforesaid; the carrots may vary moderately in shape and the diameter of the largest unit is not more than 50 percent greater than the diameter of the second smallest unit.

(b) *Quartered carrots.* The carrots from which the quarters have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest quarter is not more than 50 percent greater than the weight of the second smallest quarter.

(c) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 2½ inches in diameter, measured as aforesaid, and the diameter of the largest slice is not more than 50 percent greater than the diameter of the second smallest slice.

(d) *Diced carrots.* The units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(e) *Julienne, French style, or shoestring.* The strips of carrots are practically uniform in size and shape, with cross sections measuring approximately $\frac{3}{16}$ inch, and the aggregate weight of all strips less than ½ inch in length does not exceed 12 percent of the weight of all the strips.

(f) *Cut.* The individual units weigh not less than ¼ ounce and the largest unit is not more than four times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than 50 percent greater than the weight of the second smallest unit.

(ii) If the canned carrots are fairly uniform in size and shape a score of 8 to 11 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The size of the individual carrot is not more than 2¼ inches in diameter, measured as aforesaid; the carrots may vary considerably in shape, and the diameter of the largest unit is not more than twice the diameter of the second smallest unit.

(b) *Quartered carrots.* The carrots from which the quarters have been cut were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest quarter is not more than twice the weight of the second smallest unit.

(c) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 2½ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the second smallest slice.

(d) *Diced carrots.* The units are fairly uniform in size and shape, with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(e) *Julienne, French style, or shoestring.* The strips of carrots are fairly uniform in size and shape, with cross sections measuring approximately $\frac{3}{16}$ inch and the aggregate weight of all the strips less than ½ inch in length does not exceed 25 percent of the weight of all the strips.

(f) *Cut.* The individual units weigh not less than ⅛ ounce and the largest unit is not more than twelve times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than twice the weight of the second smallest unit.

(iii) Canned carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished by other means.

(a) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, excessively trimmed units, or damaged by other means.

(b) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ¼ inch in diameter.

(c) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(d) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Canned carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than ½ thereof or one carrot, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than ½ of 1 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(b) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than ½ thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than ½ of 1 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(c) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units and of such 10 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than ½ of 1 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Canned carrots that are fairly free from defects may be given a score of 22 to 25 points. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned carrots:

(a) *Whole carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent, not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not seriously affect the apperance or eating quality of the product.

(b) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(c) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 20 percent of the weight of all the units, and of such 20 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished: *And further provided*, That the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse and fibrous units.

(ii) Canned carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a uniform character.

(iii) If the canned carrots possess a fairly tender texture, a score of 22 to 25 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender texture" means that the

carrots are fairly tender, may be variable in character but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned carrots, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned carrots.*

Number, size, and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Vacuum (inches)	----
Drained weight (ounces)	----
Style	----
Size of whole carrots (count)	----
Size of sliced carrots (diameter)	----

Factors		Score points	
I. Color	25	(A)	21–25
		(C) [1]	18–20
		(S Std.) [1]	0–17
II. Uniformity of size and shape	15	(A)	12–15
		(C) [1]	8–11
		(S Std.) [1]	0–7
III. Absence of defects	30	(A)	26–30
		(C) [1]	22–25
		(S Std.) [1]	0–21
IV. Texture	30	(A)	26–30
		(C) [1]	22–25
		(S Std.) [1]	0–21
Total score	100		

Normal flavor and odor	----
Grade	----

[1] Indicates limiting rule.

Issued at Washington, D. C., this 23d day of October 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–11615; Filed, Oct. 28, 1952; 8:53 a. m.]

[7 CFR Part 978]

[Docket No. AO–194 A–9]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on October 10 and 11, 1952, pursuant to notice thereof which was issued on October 2, 1952 (17 F. R. 8923).

The material issues of record related to:

(1) The adjustment of the Class I price differential for the months October 1952 through March 1953 and a revision of the supply-demand adjustment schedule.

(2) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. (1) The Class I price differential of $1.25 per hundredweight should be increased by $0.46 for the months of November 1952 through January 1953 and by $0.23 durin February and March 1953.

During July and August 1952, handlers paid producers premiums above the minimum order Class I price of $0.46 in July and $0.38 in August. Handlers testified that these premiums were paid to help compensate producers for extreme drought conditions which prevailed throughout the Nashville milkshed. On September 27, one handler announced a reduction of $0.20 per hundredweight for the month of October from the September premium Class I price of $6.40. The record indicates that other handlers will likewise reduce their October paying price to this level.

Crop production reports issued by the Bureau of Agricultural Economics show pasture feed conditions for August and September 1952, to be less than 35 percent of normal. These reports characterize the area encompassing the Nashville milkshed as "extreme drought". The corn crop for Tennessee is estimated at 39.8 million bushels, the lowest in 86 years of record keeping. Hay production is expected to be little more than 50 percent of normal, the smallest crop since 1930. It was further indicated that much of the acreage intended for hay was pastured. Permanent pastures were severely damaged and will require reworking and reseeding before they will be of value next spring.

Normally, the Nashville milkshed is self-sufficient in its production of hay and forage crops, but this year substantial quantities of forage and concentrates which the dairy farmer would have produced will have to be purchased from outside sources. Because of the dry weather, the corn crop produced little grain and to salvage some feed many farmers had to convert their crop into silage. The record also indicates that winter pasture crops were extremely late and would supply only limited amounts of forage prior to the usual seasonal frost. Under such circumstances, producers may adopt measures which will curtail the current rate of production and seriously impair established herds unless they are assured of an adequate price increase.

Handlers stated, on the other hand, that fall sown small grains and cover crops appeared to be in good condition, and, since many farmers diverted their corn crop into silage, the feed situation was no longer critical. They argued that the present pricing provisions in conjunction with seasonal increases in the basic formula price, similar to those that prevailed during 1951 and 1952, would provide adequate prices to producers. Handlers also supported their position on the basis of an increase in production per producer in September of 1952, over September 1951, and the recent and potential entries of new producers into the market.

There is no firm basis for judging the extent to which recent increases in producer-numbers and September production per farm are the direct result of the operation of the base-excess plan. Because of poor pasture conditions, it was necessary for many producers to shift to barn feeding much earlier than usual. Rains in early September resulted in rapid growth of certain types of pasture which may have provided temporary relief for some producers and stimulated milk flow. All of these factors may have contributed to a temporary increase in production on some farms during September, but this increase is not necessarily indicative of an adequate production level for the short production season ahead.

It is concluded that the Class I price differential should be increased $0.46 per hundredweight through January of 1953. The supply-demand adjustment should be continued in its present form. If the resulting prices and other factors influence the production of more milk than is necessary in relation to Class I sales, the Class I price differential will be decreased accordingly by the supply-demand adjustment. On the other hand, if the ratio of receipts to Class I sales remains relatively low in relation to the desired ratio set forth in the supply-demand schedule, the revised Class I price differential will continue in effect. A further decline in this relationship will increase the Class I differential.

In view of the seasonal pattern shown in the basic prices for the past several years, and because of the basic price for the previous month is used in establishing the Class I price for the current month, it is appropriate to reduce the Class I differential $0.23 per hundredweight during the months of February and March 1953.

The changes recommended herein would have increased the minimum order Class I price for October from $6.93 to $6.39—one cent per hundredweight less than the $6.40 price paid by handlers for the month of September.

Producers also proposed that the present supply-demand schedule be expanded to provide for further upward adjustments in the Class I price differential, if the current supply-demand ratio varies from the base period or desired supply-demand index by more than 24 percentage points. It is concluded that the supply-demand adjustment should not be changed at this time. The present schedule has been in operation for a relatively short period of time and more experience should obtain before revisions are made.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator of Production and Marketing Administration and the opportunity for exceptions thereto on the above issues.

Conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective will defeat the purpose of such amendment. Producers need some assurance now that the additional costs resulting from abnormal purchases of forages and concentrates will be reflected in somewhat higher prices than would prevail under the current order provisions. Without that assurance, producers might be forced to adopt measures which would seriously impair the rate of production and result in added expense and difficulty in rebuilding herds and production in the future. Accordingly, the time necessarily involved in the preparation, filing and publication of the recommended decision and exceptions thereto would make such relief ineffective.

The propriety of omitting a recommended decision and opportunity of filing exceptions thereto with respect to the issues here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met:

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order [1] Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 978.51 (a), insert after "$1.25", the following: "except for November and December 1952 and January 1953, such differential shall be $1.71, and for February and March 1953, such differential shall be $1.48."

[F. R. Doc. 52–11616; Filed, Oct. 23, 1952; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-124]

REGULATIONS UNDER NATURAL GAS ACT

NOTICE OF PROPOSED RULE MAKING

OCTOBER 24, 1952.

Amendment of general rules and regulations to govern the filing of rate increase applications under the provisions of section 4 (e) of the Natural Gas Act, as amended.

The "Proposed Substitution for Existing § 154.63 (b) (3)" attached to the Notice of Proposed Rule Making, dated September 30, 1952, in the above-designated matter (published in the FEDERAL REGISTER, October 8, 1952, 17 F. R. 8989–8991), contains certain typographical errors which should be corrected as follows:

1. Under *"Statement B—Rate base and return"*, change reference to "Statements D, E and F" to read "Statements C, D, and E."

2. Under "(4) *Cost of common stock capital*" subparagraph (iv) (*a*), change reference to "(3) (i)" to read "(4) (i)."

3. Under "(4) *Cost of common stock capital*" subparagraph (iv) (b), change reference to "(3) (iii)" to read "(4) (iii)."

4. Under *"Statement I—Allocation of Over-all Cost of Service"*, change reference to "(Statement C)" to read "(Statement A)."

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-11593; Filed, Oct. 28, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 115; Delegation of Authority 23-A]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN PURCHASES AND CONTRACTS

OCTOBER 13, 1952.

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111; 22 U. S. C. Sup. 811a)

1. And by virtue of the authority vested in the Secretary of State by delegation of authority dated August 9, 1950 (15 F. R. 6130–6131), signed by Jess Larson, Administrator of General Services, and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in Title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Administrator of General Services and the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

a. Chief and Assistant Chief, Division of Central Services.

Chief and Assistant Chief, Procurement and Property Management Branch.

Chief and Assistant Chief, Procurement Section and Chief, Purchase Unit, Procurement and Property Management Branch.

Chief and Assistant Chief, Foreign Service Procurement and Supply Branch (New York), Division of Central Services.

Limitations: No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (11) and (12) of section 302 (c). Authority to make determinations or decisions specified in paragraph (10) of section 302 (c) is delegated only to the Chief, Division of Central Services, and only with respect to contracts which will not require the expenditure of more than $25,000. Authority to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b) is delegated to the Chief, Division of Central Services only.

b. Chief and Assistant Chief, Division of Library and Reference Service.

Chief, Technical Services Branch, Division of Library and Reference Service.

Chief, Selection and Records Section, Technical Services Branch, Division of Library and Reference Service.

Limitations: Chargeable to funds available to the Division of Library and Reference Services for the purchase of newspapers, books, maps, and periodicals. No authortiy is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11), and (12) of section 302 (c). No authority is delegated to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, or to make the determinations and decisions specified in section 304 (b).

c. Director and Deputy Director, Foreign Buildings Operations; Chief, Building Projects Branch and Chief, Furniture and Furnishings Branch, Foreign Buildings Operations.

Limitations: Chargeable to funds available for Foreign Buildings Operations. No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11), and (12) of section 302 (c). No authority is delegated to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, covering supplies or services to be furnished within the United States and its possessions or to make the determinations and decisions specified in section 304 (b). Authority to authorize such contracts covering supplies or services to be furnished outside the United States and its possessions, and to make the determinations and decisions specified in section 304 (b), is delegated to the Director of Foreign Buildings Operations only.

d. Any chief of a division;

Any official in charge of a commission, project, agency or other major activity;

Officer in charge, or such other officer as may be legally designated, at a conference within the United States;

Head of the delegation, or such other officer as may be legally designated at a conference outside the United States.

Limitations: No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (10), (11), and (12) of section 302 (c). No authority is delegated to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, or to make the determinations and decisions specified in section 304 (b). The above authority may only be exercised when funds are available for such expenditures, and within the United States and its possessions, only when immediate action is required and the time element involved precludes the making of the purchase or contract through the Department's normal procurement channels.

2. And by virtue of the authority conferred upon the Secretary of State by Delegation of Authority No. 8 from the National Production Authority (16 F. R. 1509), there is hereby delegated to the officials listed below (and to any other official designated to act for one of those enumerated, during the absence or incapacity of the latter) authority (1) to apply ratings to direct contracts and purchase orders of the Department of State and (2) to assign the right to apply ratings to persons placing orders for materials to be delivered to or for the account of the Department of State or to be used in the performance of contracts with the Department of State. The authority hereby delegated is subject to all applicable NPA regulations and orders and to the limitations contained in the above-cited delegation of authority from the National Production Authority.

Chief and Assistant Chief, Division of Central Services;

Chief and Assistant Chief, Procurement and Property Management Branch;

Chief and Assistant Chief, Procurement Section and Chief and Assistant Chief, Procurement Section (TCA), Procurement and Property Management Branch;

Chief and Assistant Chief, Foreign Service Procurement and Supply Branch (New York), Division of Central Services.

These delegations of authority shall be effective upon publication in the FEDERAL REGISTER and supersede Public Notice 5 effective April 27, 1949 (14 F. R. 2070); Public Notice 6 effective May 18, 1949 (14 F. R. 2614); Public Notice 61 (Delegation of Authority No. 23 dated July 1, 1950) 15 F. R. 6832; Delegation of Authority No. 33, dated February 19, 1951; and any other delegations which may be in conflict herewith.

For the Secretary of State.

CARLISLE H. HUMELSINE, *Deputy Under Secretary, for Administration.*

[F. R. Doc. 52-11588; Filed, Oct. 28, 1952; 8:46 a. m.]

[Public Notice 116; Delegation of Authority 43-A]

NEW YORK OFFICES OF INTERNATIONAL INFORMATION ADMINISTRATION

DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

OCTOBER 13, 1952.

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111; 22 U. S. C. Sup. 811a):

1. And by virtue of the authority vested in the Secretary of State by delegation of authority dated August 9, 1950, signed by Jess Larson, Administrator of General Services (15 F. R. 6130–6131), and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts chargeable to any allotment made to an organizational element of the Department in New York, and to sign and issue purchase orders, contracts, Government bills of lading, and certificates of award in connection therewith. This delegation includes authority to make purchases and contracts, and determinations and decisions in connection therewith, pursuant to the provisions of title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Administrator of General Services and the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

Chief and Assistant Chief, New York Administrative Office, International Information Administration;

Chief and Assistant Chief, Procurement Branch;

Chief, Contracts Section and Chief, Purchase Section, Procurement Branch.

Limitations: No authority is delegated to make the determinations or decisions specified in section 305 (a) or in paragraphs (10), (11), and (12) of section 302 (c) in Public Law 152 and no authority is delegated to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract.

2. There is hereby delegated to the officials enumerated below (and to any official legally designated to act for one of those enumerated during the latter's absence or incapacity) authority to make purchases and contracts covering the specified types of supplies and services when required for official use. The authority hereby delegated is subject to all requirements of law and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

(a) Chief, New York Liaison Staff, International Information Center Service: Recordings, musical scores, sheet music, and related items.

(b) Administrative Officer, International Broadcasting Service; Assistant Administrative Officer, International Broadcasting Service: Studio rentals, off-the-line recordings, and services related to Special Events. Photographs required for shortwave Radio Program Schedules.

(c) Administrative Officer, International Broadcasting Service; Chief, Music Unit, Overseas Service Section, Program Operations Branch, International Broadcasting Service: Special types of recordings required by the International Broadcasting Service Music Unit.

(d) Business Manager, International Motion Pictures Service: Moving picture coverage of special events and news items.

(e) Chief, Magazine Section, and Business Representative, Magazine Section, International Press Service: Photographs from picture agencies not covered by contract.

3. And by virtue of the authority conferred upon the Secretary of State by Delegation of Authority No. 8 from the National Production Authority (16 F. R. 1509), there is hereby delegated to the officials listed below (and to any other official legally designated to act for one of those enumerated, during the absence or incapacity of the latter) authority (1) to apply ratings to direct contracts and purchase orders of the Department of State and (2) to assign the right to apply ratings to persons placing orders for material to be delivered to or for the account of the Department of State or to be used in the performance of contracts with the Department of State. The authority hereby delegated is subject to all applicable NPA regulations and orders and to the limitations contained in the above-cited delegation of authority from the National Production Authority.

Chief and Assistant Chief, New York Administrative Office, International Information Administration;

Chief and Assistant Chief, Procurement Branch;

Chief, Contracts Section and Chief, Purchase Section, Procurement Branch.

Limitations: The above authority does not include authority to make direct contact by telephone, letter, personal visit or otherwise with other Government agencies having jurisdiction over the granting of priorities, allocations of materials, export licenses, or other related matters. This limitation does not, however, prohibit contacts with such agencies when made through or in company with the Department's designated representative.

These delegations of authority shall be effective July 29, 1952, and as of that date shall supersede Public Notice 101 (Delegation of Authority No. 43) effective September 1, 1951 (16 F. R. 9665), and any prior delegations of authority for procurement transactions in the New York Administrative Office.

For the Secretary of State.

CARLISLE H. HUMELSINE, *Deputy Under Secretary for Administration.*

[F. R. Doc. 52-11589; Filed, Oct. 28, 1952; 8:46 a. m.]

[Public Notice 117; Delegation of Authority 51-A]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO NEGOTIATE PURCHASES AND CONTRACTS IN CONNECTION WITH THE "POINT IV" PROGRAM

OCTOBER 13, 1952.

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111, 22 U. S. C. Sup. 811a) and by virtue of the authority vested in the Secretary of State by delegation of authority dated October 30, 1951 (16 F. R. 11249) signed by Russell Forbes, Acting Administrator of General Services, and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309 (a) of said act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in Title III of the above-cited Public Law 152, as amended, subject to the provisions of the above-mentioned delegation of authority from the Acting Administrator of General Services, and the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

Chief and Assistant Chief, Division of Central Services.

Chief and Assistant Chief, Procurement and Property Management Branch.

Chief and Assistant Chief, Procurement Section (TCA), Procurement and Property Management Branch, Division of Central Services.

Limitations: No authority is delegated to make determinations or decisions specified in Public Law 152, as amended, section 305 (a) or paragraphs (11) and (12) of section 302(c). Authority to make determinations or decisions specified in paragraph (10) of section 302(c) is delegated only to the Chief, Division of Central Services, and only with respect to contracts which will not require the expenditure of more than $25,000. Authority to authorize cost, cost-plus-a-fixed-fee, or any other incentive type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304(b) is delegated to the Chief, Division of Central Services only.

This delegation of authority shall be effective upon publication in the FEDERAL REGISTER and supersede Public Notice 104 (Delegation of Authority No. 51 dated November 28, 1951) 16 F. R. 12403.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 52-11590; Filed, Oct. 28, 1952; 8:46 a. m.]

[Public Notice 118; Delegation of Authority 63]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY TO SIGN AND ISSUE GOVERNMENT BILLS OF LADING

OCTOBER 13, 1952.

By virtue of the authority vested in the Secretary of State by the act of May 26, 1949 (63 Stat. 111, 22 U. S. C. Sup. 811a), there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to sign and issue Government bills of lading. The authority hereby delegated is subject to the specific limitations indicated below and to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction governing the signing and issuing of Government bills of lading.

a. Chief and Assistant Chief, Division of Central Services.

Chief and Assistant Chief, Procurement and Property Management Branch;

Chief and Assistant Chief, Procurement Section and Chief, Purchase Unit, Procurement and Property Management Branch;

Chief, Property Utilization Section and Chief, Stores and Shipping Unit, Procurement and Property Management Branch;

Chief and Assistant Chief, Procurement Section (TCA), Procurement and Property Management Branch;

Chief and Assistant Chief, Foreign Service Procurement and Supply Branch (New York), Division of Central Services. Chargeable to any funds available to the Department of State.

b. Chief and Assistant Chief, Transportation Branch, Division of Central Services;

Chief and Assistant Chief, Household and Personal Effects Section, Transportation Branch, Division of Central Services. Chargeable to funds available for movement of household goods and personal effects in connection with authorized official travel.

c. Assistant Chief of Division for Diplomatic Mail, Division of Communications and Records;

Chief, Diplomatic Pouch Section, Diplomatic Mail and Courier Branch, Division of Communications and Records. Chargeable to funds available for diplomatic pouch and courier operations.

d. Director and Deputy Director, Foreign Buildings Operations;

Chief, Buildings Project Branch and Chief, Furniture and Furnishings Branch, Foreign Buildings Operations. Chargeable to funds available for Foreign Buildings Operations.

e. United States Despatch Agents in New York, New Orleans, and San Francisco;

Foreign Service Officers at offices located on the border of the United States and Mexico or United States and Canada. Chargeable to funds available for forwarding properly authorized official shipments.

f. Station Director, Honolulu Relay Base, Honolulu, Territory of Hawaii;

Resident Representative, West Coast, Department of State, San Francisco, California. Chargeable to International Information Administration funds available for forwarding properly authorized official shipments.

g. Any chief of a division;

Any official in charge of a commission, project, agency or other major activity;

Officer in charge, or such other officer as may be legally designated, at a conference within the United States;

Head of the delegation, or such other officer as may be legally designated, at a conference outside the United States.

The above authority may only be exercized when funds are available for such expenditures, and, within the United States and its possessions, only when immediate action is required and the time element involved precludes the signing and issuing of Government bills of lading through the Department's normal channels.

This delegation of authority shall be effective upon publication in the FEDERAL REGISTER and supersedes any other delegation which may be in conflict herewith.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary For Administration.

[F. R. Doc. 52-11591; Filed, Oct. 28, 1952; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY OKLAHOMA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1952 CROP

Section 729.369 of the Marketing Quota Regulations for the 1952 Crop of Peanuts (17 F. R. 4317) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Oklahoma State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above.

The Oklahoma State PMA Committee redelegates to the Chairman of the Oklahoma State PMA Committee the authority delegated to the State PMA Committee in §§ 729.361 (b) and 729.362 (c), and redelegates to the Executive Officer, State PMA Committee, the authority delegated to the State PMA Committee in §§ 729.341 (j) (2) (ii), 729.353 (a), 729.353 (c), 729.348 (d) (3), and 729.366, of the Marketing Quota Regulations for 1952 Crop of Peanuts.

Issued at Washington, D. C., this 23d day of October 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 52-11614; Filed, Oct. 28, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1889 et al.]

BRISTOL BAY AREA BUSH PROCEEDING, ET AL.

NOTICE OF ORAL ARGUMENT

Bristol Bay Area Bush Proceeding, Docket No. 1889 et al.; Bristol Bay Area Trunkline Case, Docket No. 4493, et al.; Fairbanks Area Case, Docket No. 4789 et al.; Alaska Route Modification Case, Docket No. 4805 et al.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on November 18, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 24, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11604, Filed, Oct. 28, 1952; 8:50 a. m.]

[Docket No. 5031 et al.]

NORTHWEST AIRLINES, INC., ET AL.; TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

Certificates held by Northwest Airlines and Pan American World Airways authorizing service in the Pacific Area expire on varying dates from July 4, 1952, to December 14, 1953. Applications seeking an extension and modification of these authorizations have been filed by both companies. In addition, in the North Atlantic Certificate Renewal Case, Docket No. 5065, et al., the Board deferred consideration of certain parts of Pan American's application in Docket No. 5073 and Trans World Airlines' application in Docket No. 5065 for consideration with Northwest Airlines' application in Docket No. 5031.

A prehearing conference is hereby assigned to be held on November 19, 1952, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

It is contemplated that at this conference consideration will be given to consolidating all or part of the following applications for hearing and decision:

Docket No.	Case
1580	Central Pacific Airlines.
2577	City of Portland.
2773	Pacific Overseas Airlines Corp.
3612	Pan American World Airways, Inc.
3724	Transocean Air Lines, Inc.
4061	Transocean Air Lines, Inc.
4845	Pan American World Airways, Inc.
4950	Northwest Airlines, Inc.
5031	Northwest Airlines, Inc.
5065	Trans World Airlines, Inc.
5073	Pan American World Airways, Inc.
5168	Northwest Airlines, Inc.
5434	Overseas National Airways.
5710	Pan American World Airways, Inc.

Other applicants not covered by the above list proposing service in the general area covered by this case should request consolidation of their applications at the prehearing conference.

Dated at Washington, D. C., October 24, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11606; Filed, Oct. 28, 1952; 8:50 a. m.]

[Docket No. 5168 et al.]

NORTHWEST AIRLINES, INC., ET AL.; UNITED STATES-ALASKA CASE

NOTICE OF PREHEARING CONFERENCE

This is to advise that a prehearing conference is hereby assigned on November 17, 1952, at 10:00 a. m., Conference Room "A" Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before an Examiner of the Board on applications involving scheduled service between the United States and Alaska. It is contemplated that at this conference consideration will be given to consolidation of the following applications proposing service in this area:

Docket No.	Case
2478	Wien Alaska Airlines, Inc.
2927	Alaska Transportation Co.
3689	Totem Air Service.
3698	Arctic-Pacific, Inc.
3777	Air Transport Associates, Inc.
4312	Golden North Airways, Inc.
4950	Northwest Airlines, Inc.
5168	Northwest Airlines, Inc.
5185	Wien Alaska Airlines, Inc.
5710	Pan American World Airways, Inc.
5756	Alaska Airlines, Inc.

Other parties desiring to apply for service in this area should file such applications without delay and request their consolidation at the conference.

Dated at Washington, D. C., October 24, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11605; Filed, Oct. 28, 1952; 8:50 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 16]

REGIONAL DIRECTOR OF REGION 2, LIMA, PERU

DELEGATION OF AUTHORITY WITH RESPECT TO STAFF AND OPERATING FUNCTIONS

Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order 10281 of August 28, 1951 (16 F. R. 8789) and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.) and other applicable law, I hereby delegate to the Regional Director, Defense Materials Procurement Agency, Region 2, Lima, Peru, authority to perform staff and operating functions as set forth below. The authority delegated herein shall be exercised in accordance with such applicable laws and regulations, and such administrative policies, procedures and controls as are effective on the date of exercise of the authority, provided, however, that failure to comply with administrative procedures and controls shall not impair legal authority exercised thereunder.

1. *General provisions*—a. *Redelegation.* Except where precluded by law, any officer or employee delegated authority hereunder may redelegate, and authorize the successive redelegation of, any such authority: *Provided, however,* That such redelegation shall conform to the existing administrative procedures and directives of the Defense Materials Procurement Agency.

b. *Exercise of authority during absence or incapacity.* Any officer or employee empowered to act for an officer or employee delegated authority hereunder may exercise such authority during the latter's absence or incapacity.

c. *Execution and delivery of instruments and acceptance of security.* Any authority delegated herein shall include the authority to take any action incidental to the exercise of such authority, such as but not limited to the following:

(1) To execute, acknowledge, and deliver appropriate written documents or instruments, including contracts and receipts.

(2) To perform any other acts necessary to effectuate the transfer of title to property.

2. *Procurement.* To negotiate purchases and contracts in accordance with section 303 of the Defense Production Act of 1950, as amended by the Defense Production Act Amendment of 1951 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.).

3. *Stock piling and special programs.* a. To make purchases and contracts in behalf of the General Services Administration for materials, supplies and nonpersonal services in connection with the Strategic and Critical Materials Stock Piling Act and special purchase programs for foreign aid and assistance.

b. To advertise for bids and make awards, including rejection of all bids, in accordance with section 303 of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as "the act."

c. To negotiate purchases and contracts without advertising under subsections 302 (c) (2), (3), (4), (7), (8), (9), (13), and (14) of said act.

d. To determine the type of contract and warranty in accordance with section 304 (a) of said act.

e. To conduct tests and charge fees in accordance with section 109 (g) of said act.

f. Findings and determinations authorized in section 3 shall be made only with respect to individual purchases and contracts, and shall be put in writing, preserved, and reported in accordance with section 307 of said act.

4. *Development.* a. To allocate authorized commodity program requirements within the region.

b. To make preliminary approval or disapproval of project applications and if favorably considered, to investigate and examine such projects.

c. To negotiate and execute the contracts on all projects within the region upon clearance from the Defense Materials Procurement Administrator, Washington.

d. To carry out any follow-up, checks, or investigations relating to executed contracts.

5. *Management activities.* a. To issue travel authorizations and transportation requests within regional boundaries only, to officers and employees, to approve administratively the payment of per diem in lieu of subsistence with respect to such travel, and to authorize or approve expenses incurred under paragraphs 13, 15, 75, 76, and 79 of the Standardized Government Travel Regulations, as amended.

b. To authorize payment of expenses of travel by officers and employees, including expenses of transportation of immediate families under regulations pre-

scribed by the President, on travel from one official station to another for permanent duty and to authorize payment of expenses of travel of officers and employees, including the transportation of household effects and personal effects and members of immediate families, under applicable rules and regulations of the President, upon transfer of such officers and employees from one official station to another for permanent duty. The above authority shall include the approval of the expense of travel and transportation of an officer or employee, pursuant to Public Law 600, 79th Congress, who is transferred from another Government department to this Agency, for permanent duty, when authorized in the order directing the transfer.

c. To purchase or contract for administrative supplies and administrative and technical services.

d. To order or approve overtime duty in excess of a forty-hour basic work week.

e. To grant cost-of-living and living quarters allowances and to authorize the payment of foreign post differentials to (1) eligible employees of Region 2 (including employees in District Offices) who occupy positions in the General Schedule of the Classification Act of 1949, as amended, and (2) to eligible employees of the General Services Administration who are assigned to Region 2. This authority shall be exercised in accordance with Department of State "Standardized Government Civilian Allowance Regulations (Foreign Areas)" and "Standardized Government Post Differential Regulations (Foreign Areas)," as well as applicable IMPA and GSA regulations. This authority may be redelegated by the Regional Director, but may not be further redelegated.

f. To determine the need for local nationals in Region 2 and to request their employment through established Embassy channels.

6. *Budget and accounting.* a. Administratively examine and approve accounts current rendered by regional disbursing officers of the State Department.

b. Approve and make advances of funds through proper disbursing officers, to persons in the Defense Materials Procurement Agency entitled to per diem, mileage or the movement of household goods and personal effects.

c. Certify that long distance telephone calls and cables are for official business and necessary in the interest of the Government.

d. Approve and make advances of funds to contractors through proper disbursing officers, in accordance with contractual arrangements.

e. Determine the financial responsibility of contractors doing business with the Defense Materials Procurement Agency in the region.

f. Approve financing arrangements in the procurement and sale of commodities in accordance with Title III of the Defense Production Act of 1950, as amended, and other applicable law.

g. Process Letters of Credit.

7. *Legal activities.* a. To the extent that such authority is vested in the Defense Materials Procurement Administrator by law, to consider, adjust and settle claims, demands, or requests for adjustment arising out of or incident to contracts or commitments executed pursuant to competent authority vested in the Regional Director.

b. To certify true copies of Delegations of Authority or portions thereof and provide such other certifications as may be necessary to effectuate the intent of Delegations of Authority in form required for recording in any jurisdiction.

c. To determine whether release of authenticated copies of regional records is legal and not prejudicial to the national interest or security of the United States, to certify and authenticate copies of such records, and to furnish such certified and authenticated copies of such records in response to formal or informal requests, in appropriate cases.

This delegation shall be effective September 1, 1952.

Dated: October 23, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-11651; Filed, Oct. 27, 1952; 4:29 p. m.]

[Delegation No. 17]

REGIONAL DIRECTOR OF REGION 4, SINGAPORE, BRITISH MALAYA

DELEGATION OF AUTHORITY WITH RESPECT TO STAFF AND OPERATING FUNCTIONS

Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order 10281 of August 28, 1951 (16 F. R. 8789) and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.) and other applicable law, I hereby delegate to the Regional Director, Defense Materials Procurement Agency, Region 4, Singapore, British Malaya, authority to perform staff and operating functions as set forth below. The authority delegated herein shall be exercised in accordance with such applicable laws and regulations, and such administrative policies, procedures and controls as are effective on the date of exercise of the authority, *Provided, however,* That failure to comply with administrative procedures and controls shall not impair legal authority exercised thereunder.

1. *General provisions*—a. *Redelegation.* Except where precluded by law, any officer or employee delegated authority hereunder may redelegate, and authorize the successive redelegation of, any such authority: *Provided, however,* That such redelegation shall conform to the existing administrative procedures and directives of the Defense Materials Procurement Agency.

b. *Exercise of authority during absence or incapacity.* Any officer or employee empowered to act for an officer or employee delegated authority hereunder may exercise such authority during the latter's absence or incapacity.

c. *Execution and delivery of instruments and acceptance of security.* Any authority delegated herein shall include the authority to take any action incidental to the exercise of such authority, such as but not limited to the following:

(1) To execute, acknowledge, and deliver appropriate written documents or instruments, including contracts and receipts.

(2) To perform any other acts necessary to effectuate the transfer of title to property.

2. *Procurement.* To negotiate purchases and contracts in accordance with section 303 of the Defense Production Act of 1950, as amended by the Defense Production Act Amendment of 1951 (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.).

3. *Stock piling.* a. To make purchases and contracts in behalf of the General Services Administration for materials, supplies and nonpersonal services in connection with the Strategic and Critical Materials Stock Piling Act.

b. To advertise for bids and make awards, including rejection of all bids, in accordance with section 303 of the Federal Property and Administrative Services Act of 1949, as amended, hereinafter referred to as "the act."

c. To negotiate purchases and contracts without advertising under subsections 302 (c) (2), (3), (4), (7), (8), (9), (13), and (14) of said act.

d. To determine the type of contract and warranty in accordance with section 304 (a) of said act.

e. To conduct tests and charge fees in accordance with section 109 (g) of said act.

f. Findings and determinations authorized in section 3 shall be made only with respect to individual purchases and contracts, and shall be put in writing, preserved, and reported in accordance with section 307 of said act.

4. *Development.* a. To allocate authorized commodity program requirements within the region.

b. To make preliminary approval or disapproval of project applications and if favorably considered, to investigate and examine such projects.

c. To negotiate and execute the contracts on all projects within the region upon clearance from the Defense Materials Procurement Administrator, Washington.

d. To carry out any follow-up, checks, or investigations relating to executed contracts.

5. *Management activities.* a. To issue travel authorizations and transportation requests within regional boundaries only, to officers and employees, to approve administratively the payment of per diem in lieu of subsistence with respect to such travel, and to authorize or approve expenses incurred under paragraphs 13, 15, 75, 76, and 79 of the Standardized Government Travel Regulations, as amended.

b. To authorize payment of expenses of travel by officers and employees, including expenses of transportation of immediate families under regulations prescribed by the President, on travel from one official station to another for permanent duty and to authorize payment of expenses of travel of officers and employees, including the transportation of household effects and personal effects and members of immediate families, under applicable rules and regulations of the President, upon transfer of such officers and employees from one official station to another for permanent duty. The above authority shall include the approval of the expense of travel and transportation of an officer or employee, pursuant to Public Law 600, 79th Congress, who is transferred from another Government department to this Agency, for permanent duty, when authorized in the order directing the transfer.

c. To purchase or contract for administrative supplies and administrative and technical services.

d. To order or approve overtime duty in excess of a forty-hour basic work week.

e. To grant cost-of-living and living quarters allowances and to authorize the payment of foreign post differentials to (1) eligible employees of Region 4 (including employees in District Offices) who occupy positions in the General Schedule of the Classification Act of 1949, as amended, and (2) to eligible employees of the General Services Administration who are assigned to Region 4. This authority shall be exercised in accordance with Department of State "Standardized Government Civilian Allowance Regulations (Foreign Areas)" and "Standardized Government Post Differential Regulations (Foreign Areas)," as well as applicable DMPA and GSA regulations. This authority may be redelegated by the Regional Director, but may not be further redelegated.

f. To determine the need for local nationals in Region 4 and to request their employment through established Embassy channels.

6. *Budget and accounting.* a. Administratively examine and approve accounts current rendered by regional disbursing officers of the State Department.

b. Approve and make advances of funds through proper disbursing officers, to persons in the Defense Materials Procurement Agency entitled to per diem, mileage or the movement of household goods and personal effects.

c. Certify that long distance telephone calls and cables are for official business and necessary in the interest of the Government.

d. Approve and make advances of funds to contractors through proper disbursing officers, in accordance with contractual arrangements.

e. Determine the financial responsibility of contractors doing business with the Defense Materials Procurement Agency in the region.

f. Approve financing arrangements in the procurement and sale of commodities in accordance with Title III of the Defense Production Act of 1950, as amended, and other applicable law.

g. Process Letters of Credit.

7. *Legal activities.* a. To the extent that such authority is vested in the Defense Materials Procurement Administrator by law, to consider, adjust and settle claims, demands, or requests for adjustment arising out of or incident to contracts or commitments executed pursuant to competent authority vested in the Regional Director.

b. To certify true copies of Delegations of Authority or portions thereof and provide such other certifications as may be necessary to effectuate the intent of Delegations of Authority in form required for recording in any jurisdiction.

c. To determine whether releases of authenticated copies of regional records is legal and not prejudicial to the national interest or security of the United States, to certify and authenticate copies of such records, and to furnish such certified and authenticated copies of such records in response to formal or informal requests, in appropriate cases.

This delegation shall be effective October 1, 1952.

Dated: October 23, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-11652; Filed, Oct. 27, 1952; 4:29 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10282, 10283, 10328]

WIBM, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of WIBM, Inc., Jackson, Michigan, Docket No. 10282, File No. BPCT-929; Jackson Broadcasting and Television Corporation, Jackson, Michigan, Docket No. 10283, File No. BPCT-969; Sparton Broadcasting Company, Jackson, Michigan, Docket No. 10328, File No. BPCT-1202; for construction permits for new television broadcast stations.

The Commission has under consideration for the purposes hereinafter stated the applications set out in the caption above and the facts and circumstances evidenced by the docket records and by statements of counsel made on the record at the prehearing conferences heretofore held on October 13 and 15, 1952; and

It appearing, that the applications under consideration will not be ready for hearing on October 20, the hearing date fixed by prior Commission order, for these reasons, among others: (a) Certain pleadings relating to the enlargement or clarification of the hearing issues were acted upon by the Commission on October 15, 1952; (b) counsel for Jackson Broadcasting and Television Corporation stated the firm intention of that applicant to petition for dismissal of its application; and (c) the areas of possible agreements among the parties upon substantive and procedural matters have not been adequately developed, in part because the Sparton application was not designated herein until October 8, 1952, and the planned dismissal of the Jackson Broadcasting application was not firmly announced until October 15, 1952; and

It further appearing, that the granting of additional time to the parties before commencement of the hearing will enable them to achieve the maximum delineation of areas of agreement and of contest upon the issues herein and thus will facilitate the orderly and expeditious completion of the hearing and conduce to the proper dispatch of business and to the ends of justice; and

It further appearing, that the time for commencement of the hearing as hereinafter ordered serves the purposes above stated and acceptably meets the convenience of the parties; now therefore:

It is ordered, this 17th day of October 1952, that the hearing in this proceeding which is now scheduled to be commenced on Monday, October 20, 1952, be and it is hereby continued, and the hearing shall be commenced at Washington, D. C., at 10:00 o'clock a. m. on Wednesday, October 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11597; Filed, Oct. 27, 1952; 9:11 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6456]

CENTRAL MAINE POWER CO.

NOTICE OF DECLARATION OF INTENTION

OCTOBER 23, 1952.

Public notice is hereby given that Central Maine Power Company, of Augusta, Maine, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development, to be known as the Indian Pond Project (Docket No. E-6456), on the East Branch of Kennebec River, in Somerset and Piscataquis Counties, Maine, consisting of a gravity type concrete spillway structure and intake works with overall length of about 600 feet and maximum height of about 165 feet flanked on left bank by 2,500 feet of earth embankment; a reservoir having usable capacity of 400 million cubic feet of water with a drawdown of 5 feet from full pond level, Elevation 955 feet; three main penstocks and one service unit penstock, each about 350 feet long; a powerhouse providing for 75,000 kw. ultimate installation, initial installation to be 2 turbines direct-connected, one 30,000-kw. generator, one 15,000-kw. rated capacity; at full load units will pass 2,800 and 1,400 cfs, respectively, in gross operating head range 154 to 146 feet; in addition, one 1,500-kw. service unit will be installed.

The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State Law.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11599; Filed, Oct. 28, 1952; 8:48 a. m.]

[Docket No. E–6460]

PUBLIC SERVICE CO. OF COLORADO

ORDER TO SHOW CAUSE AND SETTING DATE FOR HEARING

OCTOBER 21, 1952.

It appears, in the absence of any other relevant facts or legal considerations not thus far brought to the attention of the Commission, and subject to any showing made as hereinafter provided for that:

(a) Public Service Company of Colorado (hereinafter referred to as "Public Service"), a corporation organized September 3, 1924, under the laws of the State of Colorado, is engaged in the generation, transmission, distribution and sale of electric energy in that State. Public Service entered into an agreement dated June 28, 1938, with the United States, Department of the Interior, Bureau of Reclamation (Bureau), under which there was established an interconnection between its transmission facilities and those of the Bureau at Greeley, Colorado. By that agreement Public Service contracted, among other things, to receive and purchase a minimum of 40,000,000 kilowatt-hours annually generated at the Bureau's Seminoe hydroelectric plant in the State of Wyoming and transmitted by the Bureau over its Seminoe-Greeley 115,000-volt line and delivered to Public Service at Greeley, Colorado. Public Service further contracted to supply to the Bureau at Greeley, Colorado, to the extent available, such electric energy as the Bureau may utilize or request. Operations under this agreement commenced April 19, 1940, and the agreement by its terms was to expire ten years from that date. However by several subsequent letter agreements the last being November 30, 1951, it was extended from time to time and terminated on December 31, 1951.

(b) On January 2, 1952, Public Service and the Bureau entered into a new agreement, superseding the above-mentioned agreement of June 28, 1938, the new agreement providing, among other things, for the interconnection and coordination of their respective power systems at Greeley and Dillon, Colorado, and at such other points as they may agree upon, in order that mutual benefits may be derived by such interconnection and coordination. This agreement further provided that Public Service shall have the right to receive from the Bureau during on-peak periods, a minimum of 200,000 kw.-h. each month, and that Public Service will supply the Bureau at off-peak periods as requested a maximum of 10,000,000 kw.-h. a month subject to the limitation that the Bureau shall not use any of such energy to serve any Bureau load or customer not already being served or under contract to be served under the agreement of August 18, 1950. The latter agreement of August 18, 1950. The latter agreement of August 18, 1950, provides among other things, that Public Service shall transmit over its high voltage transmission facilities, Bureau generated energy to Bureau loads and customers up to distances of 150 miles from the point of receipt, which energy may include energy generated outside the State of Colorado.

(c) Public Service owns and operates an electric system in northeast Colorado commonly designated as the Sterling-Brush System. This system is interconnected with Public Service's Main System by a 115,000-volt transmission line owned and operated by the Bureau, extending approximately 65 miles from Greeley, Colorado, to a point of interconnection with the facilities of Public Service at Brush, Colorado, and an additional distance of some 35 miles to another point of interconnection with the facilities of Public Service at Sterling, Colorado.

(d) By an agreement dated February 15, 1950, superseding a prior agreement dated December 31, 1946, the Bureau contracted to transmit over its Greeley-Brush-Sterling line, to the extent of the available excess capacity in said line, Public Service generated energy to serve the Sterling-Brush System. However, in operating under this agreement the energy transmitted and delivered by the Bureau to serve Public Service's Sterling-Brush loads includes energy generated by the Bureau outside the State of Colorado.

(e) Public Service sells electric energy to Home Light and Power Company (Home), formerly The Home Gas and Electric Company, for resale by the latter to its customers in Colorado. Such sales to Home for resale have been made regularly and continuously since April, 1940, and include substantial quantities of electric energy generated by the Bureau outside the State of Colorado and delivered to Public Service at Greeley, Colorado, as described in (a) and (b) above. The deliveries of energy by Public Service to Home are presently being made at Greeley, Boyd, and La Salle, Colorado.

(f) Public Service sells electric energy to Colorado Central Power Company (Colorado Central) for resale by the latter to its customers in Colorado. Such sales to Colorado Central for resale have been made regularly and continuously since April, 1940, and include substantial quantities of electric energy generated by the Bureau outside the State of Colorado, delivered to Public Service at Greeley, Colorado, as described in (a) and (b) above. The deliveries of energy by Public Service to Colorado Central are presently being made at Milliken and Platteville, Colorado.

(g) Public Service transmits and sells for resale, and owns and operates facilities for transmitting and selling for resale, electric energy transmitted from a state or states and consumed at points outside the state from which it is transmitted. Such facilities include facilities which are not used for the generation of electric energy, or in local distribution, or only for transmission of electric energy in intrastate commerce, or for the transmission of electric energy consumed wholly by the transmitter. Such sales are sales at wholesale in interstate commerce, and such transmission is transmission in interstate commerce, subject to the jurisdiction of the Commission. By reason of the ownership and operation of the aforesaid facilities, Public Service is a "public utility" within the meaning of that term as used in the Federal Power Act, and is subject to the requirements prescribed by and pursuant to that act for such "public utilities."

(h) Public Service has failed to comply with the Commission's Order No. 42, adopted June 16, 1936, prescribing a Uniform System of Accounts for Public Utilities and Licensees, as amended and supplemented by orders Nos. 42–A, 43 and 45 by failing or refusing to keep its books in accordance with the system of accounts prescribed thereby; has failed to comply with the Commission's order of May 11, 1937, that all public utilities and licensees subject to its jurisdiction submit certain data, statements and information pursuant to Electric Plant Accounts Instruction 2–D of the Commission's Uniform System of Accounts, on or before January 1, 1939; and has further failed to comply with the requirements of the general rules and regulations, effective January 1, 1948, pursuant to order No. 141, governing the filing of rate schedules subject to the jurisdiction of the Commission.

The Commission orders:

(A) Public Service show cause, if any there be, at a public hearing to be held commencing at 10:00 a. m. (e. s. t.), December 8, 1952, in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., why the Commission should not by order find and determine that Public Service:

(i) Has been, and continues to be a "public utility" under the Federal Power Act;

(ii) Was, and continues to be, subject to and has not complied with the Commission's order No. 42, adopted June 16, 1936, and has not adopted the Uniform System of Accounts prescribed thereby;

(iii) Was, and continues to be, subject to and has not complied with Electric Plant Account Instruction 2–D of the Commission's Uniform System of Accounts and with the Commission's order of May 11, 1937, relating thereto;

(iv) Has sold and continues to sell electric energy at wholesale in interstate commerce to Home and Colorado Central; that such sales were and are subject to the provisions of sections 205 and 206 of the Federal Power Act and rules prescribed with respect thereto; and that Public Service has failed and omitted to file rate schedules for those sales as required by such provisions and rules.

(v) Should now be required by order of this Commission to comply with the requirements referred to in subparagraphs (i) to (iv), above.

(B) Nothing contained in this order shall be construed as a waiver or stay of any of the requirements of the act or any orders or regulations of the Commission which may be applicable to Public Service.

(C) Interested State commissions may participate in said hearing, as provided

in § 1.37 of the general rules and regulations, effective January 1, 1948.

Date of issuance: October 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11598; Filed, Oct. 28, 1952; 8:48 a. m.]

[Docket No. G–2079]

TENNESSEE NATURAL GAS LINES, INC.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

On September 26, 1952, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), filed with the Commission First Revised Sheets Nos. 4, 6 and 7 to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective October 22, 1952.

The proposed rate schedules would increase the presently effective rates and charges to Tennessee Natural's sole interstate wholesale customer, Nashville Gas Company, an affiliate of Tennessee Natural. According to Tennessee Natural, the proposed rate schedules would result in increased rates and charges of about $388,000, or 20 percent, per annum, based on operations for the year ending July 31, 1953.

Tennessee Natural avers that the proposed increased rates are necessitated in order to meet increased costs of service, principally increased cost of gas purchased from Tennessee Gas Transmission Company. The new rates of Tennessee Gas Transmission Company are not yet effective, having been suspended by the Commission by order issued September 12, 1952, in Docket No. G–2052.

The rates, charges and classifications set forth in First Revised Sheets Nos. 4, 6 and 7 to Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as amended by First Revised Sheets Nos. 4, 6 and 7; and that said tariff sheets be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in the FPC Gas Tariff, Original Volume No. 1, as amended by First Revised Sheets Nos. 4, 6 and 7, filed by Tennessee Natural Gas Lines, Inc.

(B) Pending such hearing and decision thereon, said tariff sheets filed by Tennessee Natural on September 26, 1952, be and the same hereby are suspended and the use thereof is deferred until March 27, 1953, and until such further time thereafter as such tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) of the Commission's rules of practice and procedure.

Date of issuance: October 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11595; Filed, Oct. 28, 1952; 8:47 a. m.]

[Docket No. G–2080]

SOUTH JERSEY GAS CO.

ORDER SUSPENDING PROPOSED TARIFF SHEET

OCTOBER 23, 1952.

On September 25, 1952, South Jersey Gas Company (South Jersey) filed with the Commission First Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1.

The proposed tariff sheet, as filed, would increase the rates for natural-gas service, which would result in increased annual payments by New Jersey Natural Gas Company, South Jersey's single wholesale customer, amounting to about $57,000, which is an increase of about 21.7 percent based on estimated sales for the year ending September 30, 1953. South Jersey states that the rate increase is necessitated principally by a proposed increase by South Jersey's supplier, Transcontinental Gas Pipe Line Corporation. Such higher rates of Transcontinental Gas Pipe Line Corporation are, however, not presently effective, having been suspended by order of the Commission in Docket No. G–2075.

The increased rates and charges provided in said First Revised Sheet No. 4 have not been shown to be justified and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of South Jersey's FPC Gas Tariff, Original Volume No. 1, as amended by First Revised Sheet No. 4 and that said sheet be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid South Jersey's FPC Gas Tariff, as amended by First Revised Sheet No. 4, tendered on September 25, 1952.

(B) Pending such hearing and decision thereon, First Revised Sheet No. 4 of South Jersey Gas Company's FPC Gas Tariff, Original Volume No. 1, tendered on September 25, 1952, be and the same is hereby suspended and the use thereof deferred until March 26, 1953, and until such further time as such sheet may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11596; Filed, Oct. 28, 1952; 8:48 a. m.]

[Project No. 2031]

CITY OF SPRINGVILLE, UTAH

NOTICE OF ORDER ISSUING LICENSE (MINOR PART)

OCTOBER 23, 1952.

Notice is hereby given that on September 4, 1952, the Federal Power Commission issued its order entered August 28, 1952, issuing license (Minor Part) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11600; Filed, Oct. 28, 1952; 8:49 a. m.]

[Docket No. G–2078]

EAST TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED GAS TARIFF

On September 30, 1952, the Commission accepted for filing East Tennessee Natural Gas Company's FPC Gas Tariff, First Revised Volume No. 1 in termination of the rate proceeding at Docket No. G–1925. Under said order and pursuant to the request of all parties to that proceeding, said gas tariff is to take effect as of December 1, 1952.

On September 29, 1952, East Tennessee Natural Gas Company (East Tennessee) filed its FPC Gas Tariff, Second Revised Volume No. 1, to take effect December 2, 1952, and superseding its FPC Gas Tariff, First Revised Volume No. 1.

The Second Revised Volume No. 1 proposes an increase in the G–1 Rate Schedule from 39 cents per Mcf to 45 cents per Mcf; an increase in the G–2 Rate Schedule from $3.00 per Mcf per month of billing demand to $3.25 per Mcf per month of billing demand, and an increase in the commodity charge from 18 cents per Mcf to 23 cents per Mcf; and an increase in the I–1 Rate Schedule from 24 cents per Mcf to 25 cents per Mcf.

East Tennessee's proposed rate increase, which would increase its revenues for the year ending September 30, 1953, by $486,909, is based on a proposed increase in rates from its supplier, Tennessee Gas Transmission Company, and

on increased Federal income taxes. The supplier's proposed rate increase has been suspended by the Commission at Docket No. G–2052 and the claimed tax increases do not appear to be justified by the data submitted by East Tennessee. Additionally, the allocation method employed by East Tennessee does not appear to be justified.

Accordingly, East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the act, concerning the lawfulness of the rates, charges, classifications and services of East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1 and that said tariff be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) A public hearing will be held in this proceeding at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications and services contained in East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1.

(B) East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1, be and the same is hereby suspended, pursuant to Section 4 of the Natural Gas Act, and pending a hearing and decision, thereon, its use deferred until May 2, 1953, and until such further time as such tariff may be made effective in accordance with the provisions of the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11594; Filed, Oct. 28, 1952; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–441]

PHOTOENGRAVING INDUSTRY OF SOUTHEASTERN STATES

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Photoengraving Industry of the Southeastern States, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 17, 1952. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., November 17, 1952, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, partnerships, corporations, organizations, or other parties, who desire to appear and be heard.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the business of photoengraving, including the production of art work, halftones, line etchings, process color plates, and plate work and illustrations used by letterpress printers. The products of this industry are used in newspapers, magazines, books, and all other types of publications, as well as in the production of advertising, letterheads, and related matter.

Pursuant to the notice herein, all persons or concerns engaged in the photoengraving industry in the states of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi, and all other interested or affected parties, are afforded opportunity to present their views, suggestions, or objections regarding the proposed rules, either in writing or at the hearing to be held on November 17, 1952.

Issued: October 24, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52–11603; Filed, Oct. 28, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–202]

ALABAMA POWER CO. ET AL.

ORDER APPROVING PLAN AND ADOPTING REPORT

OCTOBER 21, 1952.

In the matter of Alabama Power Company, Birmingham Electric Company, the Southern Company; File No. 54–202.

Alabama Power Company ("Alabama"), an exempt registered holding company, and Birmingham Electric Company ("Birmingham") having filed a plan, with amendments thereto, pursuant to section 11 (e) of the act providing for the merger of Alabama and Birmingham, with Alabama as the surviving corporation; Alabama and Birmingham being subsidiaries of the Southern Company ("Southern"), a registered holding company, and Southern having joined in said plan to the extent necessary to permit consummation thereof; and

Said plan providing, inter alia, that in connection with the merger there will be exchanged, on a share-for-share basis, shares of the 4.20 percent preferred stock of Alabama for the publicly held 4.20 percent preferred stock of Birmingham, and there will be paid $22.75 in cash for each share of publicly held Birmingham common stock or, at the election of such common stockholders, there will be exchanged 1½ shares of Southern common stock for each share of Birmingham common stock, plus in each case $2.40 in cash per share of such Birmingham common stock; and

Public hearings having been held, after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard; and

Alabama having requested the Commission to enter an order approving the plan and containing recitals in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof; and

Southern and Alabama having requested an exemption from the provisions of Rule U–45 (a) respecting the allocation of the reduction of income taxes arising from the loss on the sale by Birmingham of its transit properties; and

Alabama having requested that the Commission modify its orders dated March 13, 1946 (File No. 70–1226), and October 11, 1950 (File No. 70–2475), so as to eliminate therefrom certain conditions concerning the limitation of dividends on the Alabama common stock; and

Alabama having proposed that subsequent to the order of this Commission approving said plan it will solicit proxies from its preferred stockholders to be voted in favor of said plan which plan provides that it will be submitted to the votes of the stockholders of Alabama and Birmingham, but that its consummation is not conditioned upon the results of such votes; and

Alabama having requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan; and

The Commission being duly advised, and having this day issued its findings and opinion, on the basis of said findings and opinion and pursuant to the applicable provisions of the act and the rules and regulations thereunder:

It is ordered, That the plan be, and hereby is, approved subject to the terms and conditions contained in Rule U–24 of the general rules and regulations promulgated under the act, and to the following additional terms and conditions:

(1) The order entered herein shall not be operative to authorize the consummation of the transactions proposed in the plan, other than such action as is proposed in connection with submitting the proposed merger to a vote of the stockholders and including with respect thereto the solicitation of proxies pursuant to Rule U–62, until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing said plan;

(2) Alabama, Birmingham, and Southern shall pay only such fees and expenses in connection with the plan and the proceedings relating thereto as the Commission may approve on appropriate application made to it; and

(3) Jurisdiction is hereby specifically reserved with respect to the following matters:

(a) The supervision of efforts to locate public stockholders of Birmingham;

(b) The supervision of communications to be sent the public common stockholders of Birmingham at or about the effective date of the plan advising them of their rights under the plan; and

(c) The entertaining of such further proceedings, the entering of such further orders, and the taking of such other action as may be necessary or appropriate to effectuate the provisions of section 11 (b) of the act and as may be appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof, and with the application to any or all of the transactions proposed by the plan of the provisions of Supplement R or section 1808 (f) of the Internal Revenue Code.

It is further ordered, That when the merger agreement shall have become effective the Commission's orders dated March 13, 1946, at File No. 70–1226 (Holding Company Act Release No. 6472) and October 11, 1950, at File No. 70–2475 (Holding Company Act Release No. 10150) shall be deemed modified to the extent of eliminating therefrom paragraph numbered (1) of the order dated March 13, 1946, and paragraph numbered (2) of the order dated October 11, 1950.

It is further ordered, That a copy of the findings and opinion of the Commission entered under even date herewith be sent to the preferred stockholders of Alabama as and for a report of the Commission on said plan pursuant to section 11 (g) of the act.

It is further ordered, That Southern and Alabama be, and they hereby are, exempt from the provisions of Rule U–45 (a) with respect to the allocation of the 1951 consolidated income tax liability of Southern and its subsidiaries as reflected in the plan.

It is further ordered and recited, That all steps and transactions embraced within the plan, and all issuances, transfers, exchanges, and conveyances made in accordance with the terms and provisions thereof, including but not limited to those referred to below, are necessary or appropriate to the integration or simplification of the Southern and the Alabama holding company systems and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are hereby authorized, approved and directed:

1. The merger of Birmingham into Alabama in accordance with the merger agreement and applicable law and the transfer to and vesting in Alabama of all of the assets of Birmingham and the assumption by Alabama of all of the liabilities of Birmingham.

2. The assets of Birmingham to be transferred to and vested in Alabama, as provided in the next preceding paragraph, include all of the real and personal property of Birmingham located or situated in the County of Jefferson, State of Alabama, and all other property of Birmingham, real or personal, wherever situated or located.

3. The issuance by Alabama of 8,394 shares of its 4.20 percent Preferred Stock, par value $100 per share, pursuant to the plan and the delivery and transfer of said shares by Alabama, and by Birmingham, in exchange, share for share, for the presently outstanding 8,394 shares of the 4.20 percent Preferred Stock of Birmingham, $100 par value, and the surrender of such outstanding shares of 4.20 percent Preferred Stock of Birmingham to Alabama.

4. The issuance by Southern of part or all of 16,196 shares of its Common Stock, $5 par value, and the deliveries and transfers of said shares by Southern and, together with cash, by Alabama and by Birmingham for and in exchange for any part of the presently outstanding 10,797 shares of Common Stock of Birmingham, without par value, at the rate of 1½ shares of Common Stock of Southern (subject to adjustment of $7.60 in cash in lieu of any one-half share of Common Stock of Southern otherwise issuable) plus $2.40, for each share of Common Stock of Birmingham, and the transfers and surrenders of such shares of Common Stock of Birmingham to Southern and by Southern to Alabama.

5. The transfer and surrender by the holders of the presently outstanding 10,797 shares of Common Stock of Birmingham of any part or all of such shares to Alabama or to Birmingham against the payment to such holders of amounts aggregating $25.15 per share.

6. The issuance and the transfer and delivery by Alabama to Southern of any part or all of 540 shares of Common Stock of Alabama, without par value.

7. The cancellation and extinguishment, and any transfer incidental thereto, in accordance with the plan and the Merger Agreement, of the 55,606 shares of 4.20 percent Preferred Stock of Birmingham and of the 534,813 shares of the Common Stock of Birmingham now owned by Alabama.

8. The execution and delivery by and between Alabama and the Hanover Bank and J. T. Harrigan, as Trustees, and the recording of the Second Supplemental Indenture dated as of July 1, 1952, to the Mortgage and Deed of Trust of Birmingham, dated as of August 1, 1944, as heretofore amended and supplemented, to said Trustees.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–11601; Filed, Oct. 28, 1952; 8:49 a. m.]

[File No. 70–2931]

AMESBURY ELECTRIC LIGHT CO. ET AL.

ORDER AUTHORIZING PROPOSED ISSUANCE BY SUBSIDIARIES OF PROMISSORY NOTES AND ACQUISITION OF SUCH NOTES BY PARENT COMPANY

OCTOBER 23, 1952.

In the matter of Amesbury Electric Light Company, Athol Gas Company, Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Connecticut River Power Company, Gloucester Electric Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Norwood Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Weymouth Light and Power Company, New England Electric System; File No. 70–2931.

New England Electric System ("NEES"), a registered public-utility holding company, and certain of its public-utility subsidiary companies, namely, Amesbury Electric Light Company ("Amesbury"), Athol Gas Company ("Athol"), Attleboro Steam and Electric Company ("Attleboro"), Beverly Gas and Electric Company ("Beverly"), Connecticut River Power Company ("Connecticut"), Gloucester Electric Company ("Gloucester"), Northampton Electric Lighting Company ("Northampton"), Northern Berkshire Gas Company ("Northern Berkshire"), Norwood Gas Company ("Norwood"), Quincy Electric Light and Power Company ("Quincy"), Southern Berkshire Power & Electric Company ("Southern Berkshire") and Weymouth Light and Power Company ("Weymouth"), hereinafter collectively referred to as "the borrowing companies", having filed with this Commission a joint application-declaration, pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U–23, U–43, U–45 and U–50 promulgated thereunder, with respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time during the period from October 1, 1952, to December 31, 1952, unsecured promissory notes in an aggregate amount of $9,380,000. Each of the proposed notes will mature July 1, 1953, and will bear interest at the prime rate of interest charged by banks for such notes at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time of any of said promissory notes are to be issued, the borrowing company or companies and NEES will file an amendment to this application-declaration setting forth therein the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. The borrowing companies and NEES request that such amendment become effective at the end of such period unless the Commission notifies them to the contrary within said period. The proposed notes may be prepaid, in whole or in part, without premium.

The application-declaration states that the proceeds derived from the notes proposed to be issued by the borrowing companies will be used to pay notes payable to NEES, due December 1, 1952, for construction costs, to reimburse the companies' treasuries for prior construction expenditures and for other corporate purposes. The following table sets forth the aggregate amount of notes each borrowing company proposes to issue and the use of the proceeds therefrom:

Company	Amount of notes proposed to be issued	Use of proceeds	
		Notes and advances to NEES	Construction and other corporate purposes
Amesbury	$515,000	$455,000	$60,000
Athol	60,000	45,000	15,000
Attleboro	495,000	405,000	90,000
Beverly	2,290,000	1,990,000	300,000
Connecticut	750,000		750,000
Gloucester	730,000	655,000	75,000
Northampton	175,000	175,000	
Northern Berkshire	1,280,000	1,080,000	200,000
Norwood	400,000	275,000	125,000
Quincy	930,000	730,000	200,000
Southern Berkshire	905,000	855,000	50,000
Weymouth	850,000	750,000	100,000
Totals	9,380,000	7,415,000	1,965,000

The application-declaration further states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for each of the borrowing companies and for NEES, or an aggregate of $2,600. The Public Utilities Commission of New Hampshire has approved the notes proposed to be issued by Connecticut and the application-declaration states that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the application-declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11802; Filed, Oct. 28, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 20, 1952.

REGION I

Boston Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Boston area, filed 4:51 p. m.

Manchester Order 1-G1-1, Amendment 2, adds and deletes certain food items and changes the ceiling prices for retail sales in the Manchester and Nashua area, filed 4:51 p. m.

Manchester Order 1-G2-1, Amendment 2, adds, deletes and changes the ceiling prices of certain food items for retail sales in the Manchester and Nashua area, filed 4:51 p. m.

Manchester Order 1-G3-1, Amendment 2, adds, deletes and changes the ceiling prices of certain food items for retail sales in the Manchester and Nashua area, filed 4:51 p. m.

Manchester Order 1-G4-1, Amendment 2, adds, deletes and changes the ceiling prices of certain food items in the Manchester and Nashua area, filed 4:52 p. m.

Manchester Order 1-G4A-1, Amendment 2, adds, deletes and changes the ceiling prices of certain food items for retail sales in the Manchester and Nashua area, filed 4:52 p. m.

Montpelier Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Montpelier area, filed 4:52 p. m.

Montpelier Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Montpelier area, filed 4:52 p. m.

Montpelier Order 1-G3-1, Amendment 1, changes and deletes certain food items for retail sales in the Montpelier area, filed 4:52 p. m.

Montpelier Order 1-G3-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Montpelier area, filed 4:53 p. m.

Montpelier Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Montpelier area, filed 4:53 p. m.

Montpelier Order 1-G4-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Montpelier area, filed 4:53 p. m.

Portland Order 1-G1-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Portland area, filed 4:49 p. m.

Portland Order 1-G2-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Portland area, filed 4:50 p. m.

Portland Order 1-G3-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Portland area, filed 4:50 p. m.

Portland Order 1-G4-1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Portland area, filed 4:50 p. m.

Providence Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Rhode Island area, filed 4:50 p. m.

Providence Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Rhode Island area, filed 4:50 p. m.

Providence Order 1-G3-1, Amendment 2, changes certain food items for retail sales in the Rhode Island area, filed 4:50 p. m.

Providence Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the Rhode Island area, filed 4:51 p. m.

REGION II

New York Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the New York area, filed 4:54 p. m.

New York Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in the New York area, filed 4:54 p. m.

New York Order 1-G3-1, Amendment 2, changes certain food items for retail sales in the New York area, filed 4:54 p. m.

New York Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the New York area, filed 4:54 p. m.

Newark Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Newark area, filed 4:53 p. m.

Newark Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Newark area, filed 4:53 p. m.

Newark Order 1-G3-1, Amendment 1, changes and deletes certain food items for retail sales in the Newark area, filed 4:54 p. m.

Newark Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Newark area, filed 4:54 p. m.

REGION IV

Richmond Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 4:56 p. m.

Richmond Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 4:56 p. m.

Richmond Order 1-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 4:57 p. m.

Richmond Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 4:57 p. m.

Richmond Order 1-G4-1, covering retail prices for certain dry grocery items in the Richmond area sold by retailers, filed 4:57 p. m.

Richmond Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 4:58 p. m.

Richmond Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 4:57 p. m.

Richmond Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 4:58 p. m.

Baltimore Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Baltimore area, filed 4:59 p. m.

Baltimore Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Baltimore area, filed 4:59 p. m.

Baltimore Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Baltimore area, filed 4:59 p. m.

Baltimore Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Baltimore area, filed 4:59 p. m.

Baltimore Order 1-G4A-1, Amendment 1, changes certain food items for retail sales in the Baltimore area, filed 4:59 p. m.

Charleston Order 1-G3-1, Amendment 1, changes and deletes certain food items for retail sales in the Charleston area, filed 4:56 p. m.

Charleston Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Charleston area, filed 4:56 p. m.

Charlotte Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Charlotte area, filed 4:58 p. m.

Charlotte Order 1-G1-1, Amendment 2, changes and adds certain food items for retail sales in Charlotte area, filed 4:58 p. m.

Charlotte Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Charlotte area, filed 4:58 p. m.

Charlotte Order 1-G2-1, Amendment 2, changes and adds certain food items for retail sales in the Charlotte area, filed 4:58 p. m.

Charlotte Order 1-G3-1, Amendment 2, changes, deletes and adds certain food items for retail sales in the Charlotte area, filed 4:59 p. m.

Washington, D. C., Order 1-G1-1, Amendment 1, changes and deletes certain food items for retail sales in the Washington, D. C., area, filed 4:55 p. m.

Washington, D. C., Order 1-G2-1, Amendment 1, changes and deletes certain food items for retail sales in the Washington, D. C., area, filed 4:55 p. m.

Washington, D. C., Order 1-G4-1, Amendment 1, changes and deletes certain food items for retail sales in the Washington, D. C., area, filed 4:55 p. m.

REGION V

Atlanta Order 1-G3-1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the area of Atlanta, filed 4:42 p. m.

Atlanta Order 1-G4-1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 4:42 p. m.

Columbia Order 1-G1-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 4:43 p. m.

Columbia Order 1-G2-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 4:43 p. m.

Columbia Order 1-G3-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 4:43 p. m.

Columbia Order 1-G4-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 4:43 p. m.

Jackson Order 1-G2-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 4:43 p. m.

Jackson Order 1-G3-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 4:44 p. m.

Jackson Order 1-G4-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 4:44 p. m.

Montgomery Order 1-G1-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:44 p. m.

Montgomery Order 1-G2-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:44 p. m.

Montgomery Order 1-G3-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:44 p. m.

Montgomery Order 1-G3A-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:45 p. m.

Montgomery Order 1-G4-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:45 p. m.

Montgomery Order 1-G4A-1, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 4:45 p. m.

REGION VI

Detroit Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Detroit area, filed 4:46 p. m.

Detroit Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in the Detroit area, filed 4:46 p. m.

Detroit Order 1-G3-1, Amendment 2, changes and deletes certain food items for retail sales of certain food items in the Detroit area, filed 4:46 p. m.

Detroit Order 1-G4-1, Amendment 2, changes and deletes certain food items for retail sales of certain food items in the Detroit area, filed 4:47 p. m.

Louisville Order 1-G1-1, Amendment 3, changes certain food items for retail sales in the Louisville area, filed 4:45 p. m.

Louisville Order 1-G2-1, Amendment 3, changes certain food items for retail sales in the Louisville area, filed 4:45 p. m.

Louisville Order 1-G3-1, Amendment 1, changes certain food items for retail sales in the Louisville area, filed 4:46 p. m.

Louisville Order 1-G4-1, Amendment 1, changes certain food items for retail sales in the Louisville area, filed 4:46 p. m.

Louisville Order 1-G4A-1, Amendment 1, changes certain food items for retail sales in the Louisville area, filed 4:46 p. m.

REGION VII

Chicago Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Chicago area, filed 4:48 p. m.

Chicago Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in the Chicago area, filed 4:48 p. m.

Chicago Order 1-G3-1, Amendment 2, changes and deletes certain food items for retail sales of certain food items in the Chicago area, filed 4:48 p. m.

Chicago Order 1-G4-1, Amendment 2, changes and deletes certain food items for retail sales in the Chicago area, filed 4:48 p. m.

Indianapolis Order 1-G3-1, Amendment 3, changes certain food item prices for retail sales in the Indianapolis area, filed 4:47 p. m.

Indianapolis Order 1-G4-1, Amendment 3, changes certain food item prices for retail sales in the Indianapolis area, filed 4:47 p. m.

Milwaukee Order 1-G1-1, Amendment 2, adds, deletes and changes certain food items for retail sales in the Milwaukee area, filed 4:47 p. m.

Milwaukee Order 1-G2-1, Amendment 2, adds, deletes and changes certain food items for retail sales in the Milwaukee area, filed 4:47 p. m.

Milwaukee Order 1-G4-1, Amendment 2, adds, deletes and changes certain food items for retail sales in the Milwaukee area, filed 4:47 p. m.

Milwaukee Order 1-G4-1, Amendment 2, adds, deletes and changes certain food items for retail sales in the Milwaukee area, filed 4:48 p. m.

REGION VIII

Minneapolis Order 1-G3-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 4:37 p. m.

Minneapolis Order 1-G4-1, Amendment 1, changes, adds, and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 4:37 p. m.

Fargo Order G1-18, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 4:38 p. m.

Fargo Order G2-18, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 4:39 p. m.

Fargo Order G3-1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 4:39 p. m.

Fargo Order G4-18, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 4:39 p. m.

Sioux Falls Order 1-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:49 p. m.

Sioux Falls Order 1-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:49 p. m.

Sioux Falls Order 1-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:49 p. m.

Sioux Falls Order 1-G4A-1, covering retail prices for certain dry grocery items in the Sioux Falls area, filed 4:49 p. m.

Sioux Falls Order II-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:35 p. m.

Sioux Falls Order II-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:36 p. m.

Sioux Falls Order II-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:36 p. m.

Sioux Falls Order II-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Sioux Falls area, filed 4:36 p. m.

REGION IX

Kansas City Order 1-G1-1, Amendment 2, changes and adds certain food items for retail sales in the Kansas City area, filed 4:42 p. m.

Kansas City Order 1-G2-1, Amendment 2, changes and adds certain food items for retail sales in the Kansas City area, filed 4:42 p. m.

Omaha Order 1-G1-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Omaha Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Omaha Order 1-G2-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Omaha Order 1-G3-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Omaha Order 1-G4-1, Amendment 1, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Wichita Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Sedgwick County area, filed 4:39 p. m.

Wichita Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Sedgwick County area, filed 4:39 p. m.

Wichita Order 1-G3-1 Amendment 2, changes certain food items for retail sales in the Sedgwick County area, filed 4:40 p. m.

Wichita Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the Sedgwick County area, filed 4:40 p. m.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-11586; Filed, Oct. 24, 1952; 11:05 a. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 21, 1952.

REGION IX

Des Moines Order 1-G1-1, Amendment 2, changes the price of certain food items and adds and deletes certain food items for retail sales in the Des Moines area, filed 10:39 a. m.

Des Moines Order 1–G2–1, Amendment 2, changes the price and adds and deletes certain food items for retail sales in the Des Moines area, filed 10:39 a. m.

Des Moines Order 1–G3–1, Amendment 3, changes the price and adds and deletes certain food items in the Des Moines area, filed 10:40 a. m.

Des Moines Order 1–G4–1, Amendment 3, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 10:40 a. m.

St. Louis Order 1–G3A–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 10:38 a. m.

St. Louis Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the St. Louis area, filed 10:39 a. m.

REGION X

San Antonio Order 1–G1–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 10:44 a. m.

San Antonio Order 1–G2–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 10:44 a. m.

San Antonio Order 1–G3–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 10:44 a. m.

San Antonio Order 1–G3A–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 10:45 a. m.

San Antonio Order 1–G4–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 10:45 a. m.

San Antonio Order II–G1–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 10:45 a. m.

San Antonio Order II–G2–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 10:45 a. m.

San Antonio Order II–G3–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 10:46 a. m.

San Antonio Order II–G4–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 10:46 a. m.

Dallas Order 1–G1–1, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 10:41 a. m.

Dallas Order 1–G1–1, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 10:42 a. m.

Dallas Order 1–G2–1, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 10:42 a. m.

Dallas Order 1–G2–1, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 10:42 a. m.

Dallas Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 10:43 a. m.

Dallas Order 1–G3A–1, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 10:43 a. m.

Dallas Order 1–G3A–1, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 10:43 a. m.

Dallas Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 10:43 a. m.

Dallas Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 10:44 a. m.

Oklahoma City Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Oklahoma City area, filed 10:41 a. m.

Oklahoma City Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Oklahoma City area, filed 10:41 a. m.

New Orleans Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the New Orleans area, filed 10:40 a. m.

New Orleans Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the New Orleans area, filed 10:41 a. m.

REGION XII

San Francisco Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:58 a. m.

San Francisco Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:58 a. m.

San Francisco Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:59 a. m.

San Francisco Order 1–G3A–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:59 a. m.

San Francisco Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:59 a. m.

San Francisco Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the San Francisco area, filed 10:59 a. m.

Los Angeles Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Los Angeles area, filed 10:52 a. m..

Los Angeles Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Los Angeles area, filed 10:53 a. m.

Los Angeles Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Los Angeles area, filed 10:53 a. m.

Los Angeles Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Los Angeles area, filed 10:54 a. m.

Los Angeles Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Los Angeles area, filed 10:54 a. m.

Los Angeles Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in the San Diego area, filed 10:56 a. m.

Los Angeles Order II–G2–1, covering retail prices for certain dry grocery items sold by retailers in the San Diego area, filed 10:57 a. m.

Los Angeles Order II–G4–1, covering retail prices for certain dry grocery items sold by retailers in the San Diego area, filed 10:57 a. m.

Los Angeles Order II–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the San Diego area, filed 10:58 a. m.

Phoenix Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:51 a. m.

Phoenix Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:51 a. m.

Phoenix Order 1–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:51 a. m.

Phoenix Order 1–G3A–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:52 a. m.

Phoenix Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:52 a. m.

Phoenix Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Maricopa County area, filed 10:52 a. m.

San Francisco Order II–G1–14, Amendment 4, changes the retail ceiling prices for certain food items in the Fresno area, filed 10:49 a. m.

San Francisco Order II–G2–14, Amendment 4, changes the retail ceiling prices for certain food items in the Fresno area, filed 10:50 a. m.

San Francisco Order II–G4–14, Amendment 3, changes the retail ceiling prices for certain food items in the Fresno area, filed 10:50 a. m.

San Francisco Order II–G4A–14, Amendment 4, changes the retail ceiling prices for certain food items in the Fresno area, filed 10:51 a. m.

REGION XIII

Portland Order 1–G1–1, Amendment 2, changes and deletes certain food items for retail sales in the Portland area, filed 11:00 a. m.

Portland Order 1–G2–1, Amendment 2, changes and deletes certain food items for retail sales in the Portland area, filed 11:00 a. m.

Portland Order 1–G4–1, Amendment 3, changes the prices of certain food items for retail sales in the Portland area, filed 11:01 a. m.

Portland Order 1–G4A–1, Amendment 2, changes and deletes certain food items in the Portland area for retail sales, filed 11:01 a. m.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–11587; Filed, Oct. 24, 1952; 11:05 a. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 3]

FORD MOTOR CO.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED OCTOBER 21, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Ford Suggested Time Schedule Reprint dated June 15, 1952, Passenger Cars and Trucks.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Ford Suggested Time Schedule, 1952, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Ford Suggested Time Schedule Reprint dated June 15, 1952, as covered in Ford Application #FPSB–3 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS October 25, 1952, by Special Order No. 3 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective October 25, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52–11584; Filed, Oct. 24, 1952; 11:03 a. m.]

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 17]

T-N-T FOOD PRODUCTS, INC., T-N-T POPCORN DIVISION

PRICES FOR CANNED POPCORN BROKERAGE SERVICES SUPPLIED

Statement of considerations. The ceiling price for brokerage services supplied to T-N-T Popcorn Division, T-N-T Food Products, Inc., Lawrence, Kansas, by its brokers on sales of canned popcorn is adjusted by this Special Order pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that applicant sells 10-ounce canned popcorn (unpopped for popping purposes) throughout the United States through the services of 75 food brokers. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for brokerage service will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of canned popcorn brokerage service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of T-N-T Popcorn Division, T-N-T Food Products, Inc., Lawrence, Kansas (hereinafter referred to as T-N-T), for an adjustment of the ceiling prices which sellers may charge applicant for brokerage service is granted as follows:

On and after the effective date of this Special Order, the ceiling price for brokerage services supplied on sales of canned popcorn to T-N-T by the following firms shall be 17½ cents per case of 10-ounce cans:

Benton Brokerage Co., Birmingham, Ala.
The Gouley Burcham Co., Phoenix, Ariz.
The Gouley Burcham Co., Tucson, Ariz.
Jim S. Porter Co., Little Rock, Ark.
The Gouley Burcham Co., Los Angeles, Calif.
Cook & Harms, San Francisco, Calif.
The Stone-Hall Co., Denver, Colo.
W. Carroll Barnett & Son, Washington, D. C.
Doug Milne Co., Jacksonville, Fla.
Green Bros. Inc., Miami, Fla.
Oscar E. Maura Co., Pensacola, Fla.
Dulin Brokerage Co., Tampa, Fla.
James C. Gurren Co., Atlanta, Ga.
Whaley & Ryals, Macon, Ga.
A. H. Singer & Co., Savannah, Ga.
Craw Brothers Co., Honolulu, T. H.
C. Frank Scott, Chicago, Ill.
G. J. Rivard Co., Peoria, Ill.
Harry Eggleston Co., Springfield, Ill.
Sundling Brokerage Co., Indianapolis, Ind.
Hockenberg-Rubin Co., Davenport, Iowa.
Hockenberg-Rubin Co., Des Moines, Iowa.
Ranney-Hornung Sales Co., Wichita, Kans.
United Merchandise Brokers, Lexington, Ky.
Kersting & Best Co., Louisville, Ky.
Millard W. Clark Co., New Orleans, La.
F. Lee Fresh, Cumberland, Md.
Davis & Cutler, Inc., Cambridge, Mass.
Orla R. Fansler Co., Detroit, Mich.
Stover & Clark, Grand Rapids, Mich.
Gemmell & Denison, Saginaw, Mich.
Wm. H. Dreves Co., Duluth, Minn.
Van Praag Co., Minneapolis, Minn.
Natchez Brokerage Co., Natchez, Miss.
C. W. Pond & Son, Joplin, Mo.
W. Heifensteller & Associates, St. Louis, Mo.
Arthur E. Collot, Billings, Mont.
Geer Brokerage Co., Omaha, Nebr.
The Gouley Burcham Co., Albuquerque, N. Mex.
Harrison Clark Co., Albany, N. Y.
W. J. Reilly Food Broker, Buffalo, N. Y.
Trident Brokerage Co., New York, N. Y.
Chavoustie, Hinman Co., Syracuse, N. Y.
Chavoustie, Hinman Co., Utica, N. Y.
Holladay-Peer Brokerage Co., Greensboro, N. C.
Hall Brokerage & Warehouse Co., Wilmington, N. C.
Steven E. Steffan Co., Cincinnati, Ohio.
Paul L. Gordon Co., Cleveland, Ohio.
Harvey Brokerage Co., Columbus, Ohio.
C. L. Kraft & Co., Dayton, Ohio.
Donald A. Williams, Toledo, Ohio.
R. H. McVay Co., Oklahoma City, Okla.
Dickensheets-Potter Co., Portland, Oreg.
Joseph Fellinger, Altoona, Pa.
Chase Sales Co., Philadelphia, Pa.
Roos Brokerage Co., Pittsburgh, Pa.
Scott & Kelly Co., Wilkes-Barre, Pa.
Johnson & Simmons, Inc., Columbia, S. C.
Hockenberg-Rubin Co., Mitchell, S. Dak.
Fred W. Gies Food Broker, Knoxville, Tenn.
Evans & Blackard, Memphis, Tenn.
D. G. Goodman & Co., Nashville, Tenn.
Harold E. Briggs Co., Dallas, Tex.
The Gouley Burcham Co., El Paso, Tex.
Chris H. Roco, Houston, Tex.
Interstate Brokerage Co., San Antonio, Tex.
Anderson-Richins Co., Salt Lake City, Utah.
Delk & White Brokerage Co., Norfolk, Va.
M. A. Stephenson & Co., Richmond, Va.
W. R. Capers & Co., Roanoke, Va.
B. B. Head & Co., Seattle, Wash.
John K. Waite Co., Spokane, Wash.
L. E. Stranahan Brokerage Co., Charleston, W. Va.
Truman B. Fittro, Clarksburg, W. Va.
Meinrath Brokerage Co., Milwaukee, Wis.

2. T-N-T may pay to the sellers listed above the increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by T-N-T to the firms listed above. A copy of this order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller or brokerage service with the appropriate District Office of the Office of Price Stabilization with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of T-N-T not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective October 25, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52–11585; Filed, Oct. 24, 1952; 11:04 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 24]

EAST HOBBS FIELD, GAINES COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the East Hobbs Field, Gaines County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the East Hobbs Field, Gaines County, Texas. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from this field was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. The ceiling prices as posted during the base period for sweet crude petroleum produced in this same general area are: $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°; and $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That your ceiling price at the lease receiving tank for sweet crude petroleum produced from the East Hobbs Field, Gaines County, Texas shall be: $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on October 25, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 24, 1952.

[F. R. Doc. 52-11583; Filed, Oct. 24, 1952; 11:03 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27480]

PETROLEUM PRODUCTS FROM CHOCOLATE BAYOU, TEX., TO POINTS IN ILLINOIS, WESTERN TRUNK-LINE, AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum, its products, and related articles, carloads.

From: Chocolate Bayou, Tex.

To: Points in Illinois, western trunk-line, and southwestern territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585, Supp. 525; F. C. Kratzmeir, Agent, I. C. C. No. 3825, Supp. 152; F. C. Kratzmeir, Agent, I. C. C. No. 3494, Supp. 254.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11576; Filed, Oct. 28, 1952; 8:45 a. m.]

[4th Sec. Application 27481]

SOAP AND WASHING COMPOUNDS FROM CINCINNATI, OHIO, AND JEFFERSONVILLE, IND., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

OCTOBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Soap and washing compounds, carloads.

From: Cincinnati, Ohio, and Jeffersonville, Ind.

To: New Orleans, La.

Grounds for relief: Competition with motor-water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11577; Filed, Oct. 28, 1952; 8:45 a. m.]

[4th Sec. Application 27482]

THREAD FROM OTTLEY, GA., TO SKOKIE, ILL.

APPLICATION FOR RELIEF

OCTOBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the St. Louis Southwestern Railway Company and other carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 899, pursuant to fourth-section order No. 16101.

Commodities involved: Thread, crochet, darning, embroidery, or knitting, cotton, carloads.

From: Ottley, Ga.

To: Skokie, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11578; Filed, Oct. 28, 1952; 8:45 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 213

Washington, Thursday, October 30, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 674—FARM STORAGE FACILITIES

SUBPART — PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program To Finance the Purchase of Drying Equipment for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Loan applications under the program announced 16 F. R. 6494, as extended 17 F. R. 5853, may not be submitted subsequent to October 31, 1952.

Sec.
674.190 Administration.
674.191 Availability of loans.
674.192 Approved lending agencies.
674.193 Eligible borrowers.
674.194 Eligible equipment.
674.195 Terms and conditions of loan.
674.196 Disbursement of loans.
674.197 Service charges.
674.198 Sale or conveyance of security.

AUTHORITY: §§ 674.190 to 674.198 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 4, 6, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c.

§ 674.190 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State PMA and PMA county committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this bulletin or amendments or supplements hereto.

§ 674.191 *Availability of loans*—(a) *Area.* Loans will be available in any State in the continental United States.

(b) *Time.* Loan applications may be submitted from November 1, 1952, through June 30, 1953.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Application for loans shall, in either case, be made to the county committee.

(d) *Approved forms.* All forms and documents will be made available through offices of county committees.

§ 674.192 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans, on the form prescribed by CCC.

§ 674.193 *Eligible borrowers.* A person shall be eligible for a loan for the purchase of eligible equipment provided such person (a) is a tenant, landlord, or land owner-operator who produces one or more of the commodities listed in § 674.194, or a landowner who rents for cash his land on which one or more of such commodities are produced, and (b) has facilities for the storage of one or more of such commodities suitable for adaptation to artificial drying and needs such eligible equipment in connection with the utilization of such facilities. Any two or more such persons may join together in purchasing such equipment. The term "person" as used in this section means an individual, partnership, corporation, or other legal entity.

§ 674.194 *Eligible equipment.* Mobile drying equipment (such as air-circulators, ventilators, tunnels and power-fans, or any combination thereof, and mechanical driers of a mobile type) will be eligible equipment under this program provided such mobile drying equipment will be used in connection with the conditioning of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, cottonseed, hay seeds, pasture seeds, and winter cover crop seeds. Equipment for use in connection with the conditioning of commodities which the borrower intends to purchase or to store for others shall not be eligible equipment.

§ 674.195 *Terms and conditions of loan.* (a) *Term.* The maximum term of the loan will be for a period of approximately three years, except that the term of particular loans may be extended, at the option of CCC, under con-

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ditions prescribed by the President, CCC. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the mobile drier and/or equipment, or by other security instruments approved by CCC.

(b) *Amount of loan.* The maximum amount to be loaned on any single mobile drier, or any mobile equipment suitable for the conditioning of grain shall not exceed seventy-five percent of the delivered and assembled cost of such drier or equipment, exclusive of farm-labor costs.

(c) *Repayment of loan.* Payment will be due annually in equal principal payments beginning on the first anniversary date of the disbursement of the loan, and a like principal payment plus interest shall be due on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. The notes securing loans will provide for acceleration in event of default under conditions set forth therein. Any unpaid amount on a delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds when the loan is held by a lending agency. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee should be requested to release the mortgage of record by filing an instrument of release or by a marginal release on the county records. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage. The chairman of each county committee is authorized to act as agent of CCC in executing or obtaining such releases.

(d) *Insurance.* The borrower will be required to provide insurance in an amount sufficient to cover the loan and with coverage for fire and other hazards common to the area for such equipment as determined necessary by the county committee. The insurance shall be maintained during the life of the loan, shall contain a loss payable clause in favor of the holder of the note and CCC, as their interest may appear, and the cost shall be borne by the borrower.

§ 674.196 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or direct by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by County PMA Offices.

§ 674.197 *Service charges.* A service charge of $2.50 or one-half (½) of one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.198 *Sale or conveyance of security.* When a borrower desires to sell or convey the mobile drying equipment without repaying the loan in full, he shall apply to Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mobile drying equipment located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 27th day of October 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-11664; Filed, Oct. 29, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 976—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 976.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, effective not later than November 1, 1952. Any delay beyond that date in the effective date of this order will seriously disrupt the orderly marketing of milk for the Fort Smith, Arkansas, marketing area. The changes effected by this order do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective November 1, 1952 (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Fort Smith, Arkansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing

agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (September 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 976.51 (a) change the period at the end of the sentence to a colon and add *"And provided further,* That except for the purpose of computations pursuant to § 976.61 (b), the amount to be added to the basic formula price for the months of November 1952 through January 1953 shall be $2.25 in lieu of $1.85, and for the months of February and March 1953 such amount shall be $2.05 in lieu of $1.85."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of October 1952, to be effective on and after the 1st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11665; Filed, Oct. 29, 1952; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 564—ENLISTED RESERVE CORPS

PHYSICAL EXAMINATION

In § 564.8, paragraph (d) is revised and paragraph (e) is added, as follows:

§ 564.8 *Physical examination.* • • •

(d) All other applicants for enlistment or reenlistment will be given final type physical examination. Accomplishment of chest X-ray, electrocardiogram, audiometer reading, blood serology, lens correction, and microscopic urinalysis is not required unless otherwise indicated. Pelvic examination for female personnel is not required unless otherwise indicated. The report of physical examination may be accomplished and signed by a medical officer of any component of the United States Army, Navy, Air Force, or Marine Corps, whether or not on active duty, or by any reputable doctor of medicine. The signature of only one examiner is required. Any expense incurred in having such physical examination by a medical officer not on active duty or by a civilian physician, except as provided in paragraph (e) of this section, will be borne by the applicant.

(e) When organized units and applicants for enlistment therein are located in remote areas where no medical examining facility nor any medical officer of any component of the Armed Forces qualified to effect a final type physical examination is available within a reasonable travel distance, examination of applicants for enlistments by a qualified local civilian physician is authorized. (A hundred-mile round trip may be used as a guide in determining "reasonable travel distance," such determination to be made by the recruiting officer.) Fees for such examinations will not exceed those authorized in Department of the Army circulars for similar professional services. Transportation costs incidental to such examination by a local civilian physician will not be borne by the Government.

[C5, SR 140-107-1, Oct. 14, 1952] (39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U. S. C. 421, 423-427)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-11617; Filed, Oct. 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 123]

GCPR, SR 123—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF CROWN CLOSURES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 123 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes adjusted ceiling prices for manufacturers of crown closures. The method provided is to apply a uniform adjustment factor of 9 percent to the General Ceiling Price Regulation (GCPR) ceiling prices of the industry. The adjustment was derived from a financial survey of the crown closure industry.

At an Industry Advisory Committee meeting held on May 20, 1952 the Committee indicated that the level of earnings for this industry had fallen below the minimum prescribed by the "industry earnings standard." This standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the industry's dollar profits (computed before Federal income and excess profits taxes) amount to 85 percent of the average return on net worth for the industry's best three years during the period 1946-49, inclusive.

A survey was undertaken by OPS and financial data were obtained from nine of the twelve companies in the industry. Total sales of these nine companies represent approximately 75 percent of total sales for the industry. Based upon this survey, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard, and for ceiling prices to be generally fair and equitable ceiling prices for this industry would have to be established at 9 percent above the level of present ceiling prices. In conducting this survey and computing the appropriate adjustment, such operations performed by the manufacturer as lithographing, coloring, printing, coating and packaging the closures were taken into consideration. These so-called "extras" are covered by this regulation.

Also, in determining the 9 percent adjustment factor recognition was given, among other costs, to the increased cost of steel incurred by the industry since the issuance of SR 100 to the GCPR on August 19, 1952, and to increased costs of outbound transportation. For this reason, use of this regulation precludes crown closure manufacturers from applying the pass-through provisions of General Overriding Regulation 35, which permits manufacturers to pass-through cost increases resulting from the issuance of SR 100 to the GCPR, and of SR 122 to the GCPR, which permits adjustments to reflect increases in the cost of outbound transportation. On the other hand, manufacturers covered by this supplementary regulation are relieved of the necessity of reporting to their purchasers the amount of the steel cost increase pass-through, as is required by GOR 35. An amendment to GOR 35 will inform purchasers of crown closures of the exact amount which they, in turn, may pass-through.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Adjusted ceiling prices.
4. Use of GOR's 20, 21, and 35, and SR 122 to the GCPR.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 805, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6104; 3 CPR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes adjusted ceiling prices for sales by manufacturers of crown closures, as defined in section 2. Such manufacturers are currently subject to the General Ceiling Price Regulation (GCPR). The method provided is to apply to the GCPR ceiling prices of the industry a uniform adjustment ratio.

SEC. 2. *Coverage—(a) Persons covered.* This supplementary regulation applies to you if you manufacture the commodities described in paragraph (b) of this section and establishes your ceiling prices for sales of such commodities. Except to the extent that they are inconsistent with the provisions of this supplementary regulation, all provisions of the GCPR shall continue to be applicable to you.

(b) *Commodities covered.* This supplementary regulation covers crown closures, as defined below:

(1) Crown closures are metallic caps, produced by punch press operation, from one-quarter pound steel tin plate or one-half pound black sheet steel, containing a gas-tight cork liner, and used principally in bottling malt liquors and carbonated beverages.

(2) For the purposes of this SR, crown closures, as defined in subparagraph (1) above, shall include all "extras" supplied by the manufacturer, such as, but not limited to, lithographing, printing, coloring, coating and packaging irrespective of whether the manufacturer's charges for such extras are separately stated or are included in a single charge together with the basic crown closure.

SEC. 3. *Adjusted ceiling prices—(a) How to compute.* Your ceiling price for the sale of any commodity covered by this supplementary regulation is your ceiling price in effect under the GCPR increased by 9 percent (i. e., 109 percent of your GCPR ceiling price).

(b) *Rounding ceiling prices.* You may round your ceiling prices per unit determined under this section so that they will be expressed to the nearest cent. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced on the same basis to reflect decreases as well as increases. For example, if your ceiling price for one gross of commodity A is 21.7 cents you may round that ceiling price to 22 cents. However, if your ceiling prices for one gross of commodity B is 21.3 cents you must round its ceiling price to 21 cents.

(c) *Terms and conditions of sale.* Your ceiling prices under this supplementary regulation must be consistent in all respects with your GCPR ceiling prices; that is, they must carry all customary discounts, allowances, premium and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Use of GOR's 20, 21 and 35, and SR 122 to GCPR—(a) GOR 20, GOR 21.* Notwithstanding any provision of this supplementary regulation you may elect to apply the provisions of General Overriding Regulation 20 or 21 to establish your ceiling prices. If you do so elect, you may not use the provisions of this supplementary regulation.

(b) *GOR 35; SR 122 to GCPR.* You may not employ any of the provisions of General Overriding Regulation 35 (pass-through for steel, pig-iron, copper and aluminum cost increases) or SR 122 to GCPR (adjustments to reflect increased outbound transportation rates).

Accordingly, you will not have to make any of the reports to your purchasers required by GOR 35 as to the amount of your selling prices or ceiling prices reflecting the pass-through for increases in the cost of metals covered by that regulation.

Effective date. This supplementary regulation shall become effective October 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 29, 1952.

[F. R. Doc. 52-11710; Filed, Oct. 29, 1952; 10:58 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 18 as Amended Oct. 29, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

EXPLANATORY

This amendment affects Direction 18, as last amended August 29, 1952, to CMP Regulation No. 1 by amending section 3 thereof.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP-4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP-4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP-4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

SEC. 2. *Definitions.* As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (carbon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP-4B or Form CMP-10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class. Total net allotments shall be computed as of the close of business on August 29, 1952. In making such computation, the producer shall deduct any allotment decrease which he has received on Form CMP-11 and any portion of his third-quarter allotments which he has returned on Form CMP-12.

SEC. 3. *Persons affected by automatic allotment procedure.* (a) Subject to the limitations of paragraphs (b) and (c) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP-4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including wrought iron).	500 tons.
Alloy steel (except nickel-bearing stainless steel).	90 tons.
Nickel-bearing stainless steel.	10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP-4B for the third calendar quarter of 1952, or if his total third-quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third-quarter allotment, or whose total third-quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled ma-

terial requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for the first calendar quarter of 1953 a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 60 tons of total third quarter 1952 allotment, plus 60 percent of any excess between 60 tons and 500 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 80 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 500 pounds of total third quarter 1952 allotment, plus 80 percent of any excess between 500 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

(c) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for the second calendar quarter of 1953 and for each succeeding calendar quarter a quantity of each kind of controlled material listed in paragraph (b) of this section which is equal to his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class.

(d) Notwithstanding the provisions of paragraphs (b) or (c) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section need not during any calendar quarter reduce his allotment authority below the specified quantity of each of the following kinds of controlled material for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

(e) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(f) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(g) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(h) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP–4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(i) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP–4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B–5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the rating DO–SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B–5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This amended direction shall take effect October 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11743; Filed, Oct. 29, 1952; 11:36 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 84 to Schedule A]

[Rent Regulation 2, Amdt. 82 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND KENTUCKY

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective October 30, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Indiana				
(100) Evansville-Henderson.	B	In Indiana—Vanderburgh County; in Kentucky—Henderson and Union Counties.	Mar. 1, 1942	Sept. 1, 1942
	C	Henderson and Union Counties	Aug. 1, 1950	Nov. 7, 1951
	C	Vanderburgh County	Aug. 1, 1952	Oct. 30, 1952

[F. R. Doc. 52–11649; Filed, Oct. 29, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 88 to Schedule A]

[Rent Regulation 4, Amdt. 32 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND KENTUCKY

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective October 30, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(100) Evansville-Henderson.	Kentucky	Henderson and Union Counties	Aug. 1, 1950	Nov. 7, 1951
	Indiana	Vanderburgh County	Aug. 1, 1952	Oct. 30, 1952

[F. R. Doc. 52–11648; Filed, Oct. 29, 1952; 8:50 a. m.]

Chapter XXIII—Defense Materials Procurement Agency

[Revision 1, Amdt. 1]

COLUMBIUM-TANTALUM PURCHASE PROGRAM REGULATION

Pursuant to the authority vested in me by Executive Order 10281, as amended, this regulation, as revised, is amended by adding thereto the following which, for convenience, is designated "Article II".

Purpose. The purpose of this amendment is to provide a means for small domestic producers of columbium-tantalum ores and concentrates to sell such material to the Government in quantities of less than 2,000 pounds avoirdupois. Under this amendment, the Government will buy at its established purchase depots columbium-tantalum ores and concentrates of domestic origin (defined as ores and concentrates produced within the United States, its Territories or possessions) offered in any size lots up to 2,000 pounds avoirdupois.

SEC. 9. *Small lot purchases.* For the purposes of this Article II, a "small lot" is defined as any quantity of columbium-tantalum ores or concentrates of less than 2,000 pounds of domestic origin. Any seller may offer to the Government, during the term of this program, at the Government purchase depots located at Spruce Pine, North Carolina; Franklin, New Hampshire; and Custer, South Dakota, small lots meeting the requirements set forth in this Article II. Acceptability of small lots shall be determined on the basis of visual inspection by the Government, whose decision shall be final: *Provided, however,* That the seller may request a chemical analysis and if, in the judgment of the Government, a chemical analysis is justified, such an analysis may be made at the seller's expense by a laboratory mutually acceptable to the Government and the producer.

SEC. 10. *Requirements.* (a) Small lots offered for sale to the Government may be rejected if, in the opinion of the Administrator, they are not of acceptable or desirable grade. The removal of objectionable substances, by cleaning, cobbing or other methods may be required as a condition to purchase by the Government.

(b) All acceptable small lots shall contain a minimum of fifty percent (50%) contained combined pentoxide (Cb_2O_5 plus Ta_2O_5), and for the purpose of payment all small lots meeting requirements shall be considered as containing not more than fifty percent (50%) contained combined pentoxide (Cb_2O_5 plus Ta_2O_5).

(c) Each seller shall be required to certify that the small lot offered for sale to the Government is of domestic origin.

(d) The ratio of Cb_2O_5 to Ta_2O_5 shall not be a factor in the acceptability of a small lot, nor in making payment therefor.

(e) All small lots offered to the Government under this Article II shall be delivered by the seller f. o. b. Government purchase depot.

SEC. 11. *Payment.* Irrespective of the actual Cb_2O_5 plus Ta_2O_5 content, all small lots meeting requirements shall be purchased at the flat rate of $3.40 per pound of contained combined pentoxide (Cb_2O_5 plus Ta_2O_5), and for purposes of payment all small lots purchased shall be considered as containing not more than fifty percent (50%) contained combined pentoxide (Cb_2O_5 plus Ta_2O_5). This price is the maximum allowed for purchases under this Article II and is calculated to include bonus, premiums and penalties.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10281, Aug. 25, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.)

This amendment is effective as of the date hereof.

Dated: October 24, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52–11694; Filed Oct. 28, 1952; 5:03 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-11391, appearing on page 9561 of the issue for Tuesday, October 21, 1952, item 2 should read as follows:

2. In § 17.46, paragraph (a) (5) is amended to read as follows:

§ 17.46 *Persons entitled to hospital treatment or domiciliary care.* • • •

(a) • • •

(5) Members or former members of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) temporarily or permanently retired for physical disability or receiving disability retirement pay who require hospitalization for chronic diseases and who have no eligibility to hospitalization under laws governing the Veterans' Administration or who have eligibility do not elect hospitalization as Veterans' Administration beneficiaries (Pub. Law 351, 81st Cong., and Executive Order 10122 as amended by Executive Order 10400).

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

LOAN GUARANTY COMMITTEES

1. In § 36.4381, paragraphs (a) and (b) are amended to read as follows:

§ 36.4381 *Jurisdiction of regional office loan guaranty committee.* (a) The regional office committee will have original jurisdiction to adjudicate all cases in its area involving an indebtedness by a veteran to the United States of $2,500 or less, resulting from payment of the gratuity, or the guaranty or insurance of a loan under Title III of the Servicemen's Readjustment Act of 1944, as amended (sec. 694, et seq., 38 U. S. C.).

(b) The regional office committee will determine whether the indebtedness of the veteran borrower or any part thereof, shall be waived and if not waived (1) whether a compromise settlement shall be accepted (except as to litigated cases), or (2) whether the indebtedness on the loan shall or shall not be collected from compensation or pension; and whether a compromise settlement shall be accepted from any other obligor.

• • • • •

2. In § 36.4382, paragraph (b) is amended to read as follows:

§ 36.4382 *Jurisdiction of central office loan guaranty committee on waivers and compromises.* • • •

(b) The central office committee will determine whether the indebtedness of the veteran borrower or any portion thereof, shall be waived and if not waived (1) whether a compromise settlement shall be accepted (except in litigated cases), or (2) whether the indebtedness on the loan shall or shall not be collected from compensation or pension; and whether a compromise settlement shall be accepted from any other obligor.

• • • • •

3. In § 36.4384, paragraphs (a) and (d) (2) are amended and new paragraphs (e) and (f) are added as follows:

§ 36.4384 *Principles to be followed by loan guaranty committee for waivers and compromises.* (a) In determining whether an indebtedness or any part thereof shall be waived, the general equitable principles of section 28, World War Veterans Act, as amended (38 U. S. C. 453), as explained in Veterans' Administration claims procedures will be applied. The indebtedness may be waived in whole or in part: (1) When the veteran was not at fault in the creation of indebtedness which is being considered by the committee, and (2) where recovery of the whole or the part concerned (i) would defeat the purposes of the benefits otherwise authorized under the laws administered by the Veterans' Administration, or (ii) would be against equity and good conscience.

• • • • •

(d) • • •

(2) Money paid under mistake cannot be recovered where the payee is entitled in equity and good conscience to retain it.

• • • • •

(e) Proposed compromises do not involve the equitable considerations of paragraphs (a) through (d) of this section. An offer of a veteran or other obligor to effect a compromise of an indebtedness shall be reviewed by a committee within its respective authority and such offer may be accepted if deemed advantageous to the Government.

(f) The general waiver or compromise (whether by a release, covenant not to sue, or otherwise) of a veteran's indebtedness shall inure to the spouse of such veteran insofar as concerns said indebtedness, unles the obligation of the spouse is specifically excepted.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective October 30, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-11662; Filed, Oct. 29, 1952; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 869]

FLORIDA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE NAVY IN CONNECTION WITH A GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Florida are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy in connection with a gunnery range:

TALLAHASSEE MERIDIAN

T. 3 S., R. 32 W.,
Sec. 33, lots 5 to 20, inclusive.

The areas described aggregate 39.91 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

OCTOBER 24, 1952.

[F. R. Doc. 52-11621; Filed, Oct. 29, 1952; 8:46 a. m.]

[Public Land Order 870]

ALASKA

REVOKING EXECUTIVE ORDER NO. 2981 OF OCTOBER 25, 1918

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Executive Order No. 2981 of October 25, 1918, reserving the following-described lands in Alaska for the use of the War Department as a Signal Corps cable line, is hereby revoked:

A tract 150 feet wide on either side of the following-described line for the first 400 feet from the point of beginning, and 25 feet on either side thereof for the remainder of the distance: Beginning at a point on Frederick Sound, Mitkof Island, whence the Red Light Blinker, in Lat. 56°49' N. and Long. 132°56' W., bears northwest 2,700 feet; extending thence S. 65°21' W., 6,500 feet to the intersection of Seventh and "E" Streets, Petersburg Townsite; thence west, following the Middle of "E" Street, 1,825 feet to the intersection of Main and "E" Streets on the shore of Wrangell Narrows.

Portions of the lands released from withdrawal comprise a street in the Town Site of Petersburg, Alaska, or extend across an unsubdivided part of Petersburg Town Site, in U. S. Survey No. 1168. Such lands are not subject to application.

Another portion, comprising a strip of land varying in width from 50 feet for the greater portion of its length to 300 feet for a distance of 400 feet of its length, extends across sec. 26, T. 58 S., R. 79 E., Copper River Meridian. This order shall not otherwise become effective to change the status of such lands until 10 a. m. on the 91st day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land Office at Anchorage, Alaska.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

OCTOBER 24, 1952.

[F. R. Doc. 52-11620; Filed, Oct. 29, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 872, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of October A. D. 1952.

Upon further consideration of the provisions of Revised Service Order No. 872 (16 F. R. 8185, 10560; 17 F. R. 896, 4950), and good cause appearing therefor: It is ordered, that:

Section 95.872 *Movement of grain to terminal elevators by permit*, of Revised Service Order No. 872, be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., October 31, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11642; Filed, Oct. 29, 1952; 8:50 a. m.]

[S. O. 887, Amdt. 1]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of October A. D. 1952.

Upon further consideration of Service Order No. 887 (17 F. R. 5954), and good cause appearing therefor: It is ordered, that:

Section 95.887 *Substitution of refrigerator cars for box cars*, of Service Order No. 887, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., October 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11643; Filed, Oct. 29, 1952; 8:50 a. m.]

[Rev. S. O. 888]

PART 95—CAR SERVICE

MINIMUM LOADING OF CARLOAD TRANSFER FREIGHT REQUIRED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of October A. D. 1952.

It appearing, that the Defense Transport Administration has made representations to the Interstate Commerce Commission that the railroads are engaged in the practice of lightly loading transfer part-shipments in box cars at origin and transfer points; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars which are urgently needed for the movement of certain essential defense materials. The Commission is of the opinion an emergency requiring immediate action exists in all sections of the country where this practice is permitted. It is ordered, that:

§ 95.888 *Minimum loading of carload transfer freight required.* (a) (1) No common carrier by railroad subject to the Interstate Commerce Act shall permit carload shipments in box cars to be stopped-off in transit to partially load under tariff provisions where the carrier may for operating convenience, or upon request of the shipper, place a separate car at the stop-off point, or points, to be loaded with the freight that would otherwise be loaded thereinto the car, or cars, containing the shipment ordered to be stopped, and such car, or cars, shall not be treated as though they had been partially loaded at the stop-off point, or points, unless the amount of such freight at point of origin, or the stop-off point, or points, equals or exceeds 15,000 pounds for each car.

(2) No common carrier by railroad, subject to the Interstate Commerce Act, shall permit carload shipments in box cars to be stopped-off in transit to partially unload under the tariff provisions where the carrier will, at its convenience, or upon specific request of a shipper, transfer that portion of the shipment consigned to either the stop-off point, or points, or to the final destination, and forward shipment to stop-off point, or points, or the final destination in another box car unless the amount of such freight destined to the stop-off point, or points, equals or exceeds 15,000 pounds for each car. In the event that such car, or cars, is loaded with less than the minimum herein provided that shipment shall not be transported.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 7:00 a. m., November 1, 1952.

(d) *Expiration date.* This section shall expire at 6:59 a. m., April 1, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Exceptions.* Any exceptions to the provisions of this section shall be covered by special permits issued by Mr. Charles W. Taylor, Director, Bureau of Service, Washington 25, D. C., for the use of certain types of box cars.

(f) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(g) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order vacated and supersedes Service Order No. 888 and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11644; Filed, Oct. 29, 1952; 8:50 a. m.]

[Rev. S. O. 891]

PART 95—CAR SERVICE

SUBSTITUTION OF STOCK CARS FOR BOX CARS TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS, BOX SHOOKS AND COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of October A. D. 1952.

It appearing, that fruit and vegetable containers, box shooks, other packing material and uncompressed cotton are now moving in box cars from origins in the States of Washington, Oregon and California, to destinations in the States of Washington, Oregon, California, Nevada and Arizona; that the substitution of stock cars for such box cars will release the box cars for other and more essential transportation; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment. It is ordered, that:

§ 95.891 *Substitution of stock cars for box cars to transport fruit and vegetable containers, box shooks and cotton.* (a) Any common carrier by railroad subject to the Interstate Commerce Act transporting fruit and vegetable containers, box shooks or other packaging or packing materials and uncompressed cotton, in carloads, from origins located in the States of Washington, Oregon, and California, to destinations in the States of Washington, Oregon, California, Nevada and Arizona may, at their option, furnish and transport not more than two stock cars (Southern Pacific Series 70300–77775) in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., November 1, 1952.

(d) *Expiration date.* This section shall expire at 11:59 p. m., January 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order shall vacate and supersede Service Order No. 891 and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11645; Filed, Oct. 29, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 565]

INTERPRETATIONS OF SURPLUS AIRPORT PROPERTY INSTRUMENTS OF DISPOSAL EXECUTED PURSUANT TO SURPLUS PROPERTY ACT OF 1944

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that I propose to adopt, as part of a new Part 565 of the regulations of the Administrator of Civil Aeronautics, a regulation interpreting certain language contained in many deeds and other instruments by which the United States has disposed of surplus airport property pursuant to the Surplus Property Act of 1944. Such proposed regulation is as hereinafter set forth.

Interested persons may participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Administrator of Civil Aeronautics, attention Office of Airports (W–135), Washington 25, D. C. In order to ensure their consideration by the Administrator before any further action is taken on the proposed interpretation, communications must be received by December 1, 1952. Copies of such communications will be available after December 1, 1952, for examination by interested persons in Room 1310, T–5 Building, Washington, D. C.

On July 30, 1947, the Surplus Property Act of 1944 (58 Stat. 765, as amended, was further amended by the enactment of Public Law 289, 80th Congress (61 Stat. 678). That act added to the Surplus Property Act of 1944 a new section 13 (g) authorizing agencies of the Government, under certain conditions, "to convey or dispose of to any State, political subdivision, municipality, or tax-supported institution, without monetary consideration to the United States" but subject to certain prescribed "terms, conditions, reservations, and restrictions," all of the right, title, and interest of the United States in and to any surplus real or personal property (with the exception of certain industrial property) "which, in the determination of the Administrator of Civil Aeronautics, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport as defined in the Federal Airport Act (60 Stat. 170) or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport."

It is one of the "terms, conditions, reservations, and restrictions" prescribed by Public Law 289 which now gives rise to the interpretation here proposed. That term, condition, reservation, and restriction is set forth in section 2 of that act as paragraph (F), reading as follows:

"(F) The United States shall at all times have the right to make non-exclusive use of the landing area of the airport at which the surplus property is located or used, without charge: *Provided, however,* That such use may be limited as may be determined at any time by the Administrator of Civil Aeronautics to be necessary to prevent undue interference with use by other authorized aircraft: *Provided, further,* That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made by it.

Since the enactment of Public Law 289, a great many deeds, leasehold surrender agreements, and other instruments of disposal have been executed by the Government pursuant thereto. Such instruments, in many if not all cases, contain provisions whereby the grantees agree to, and covenant to abide by, certain "reservations and restrictions" which usually correspond and conform in substance to the "terms, conditions, reservations, and restrictions" prescribed by Public Law 289. One such reservation and restriction, corresponding to paragraph (F) of the statute, as quoted above, normally is stated in the following language:

That the United States of America (hereinafter sometimes referred to as the "Government") through any of its employees or agents shall at all times have the right to

make nonexclusive use of the landing area of the airport at which any of the property transferred by this instrument is located or used, without charge: *Provided, however,* That such use may be limited as may be determined at any time by the Civil Aeronautics Administrator or his successor to be necessary to prevent undue interference with use by other authorized aircraft: *Provided, further,* That the Government shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made of it.

The Civil Aeronautics Administration has knowledge that many owners of public airports which are subject to surplus airport property instruments of disposal containing such language are in doubt as to the nature and extent of their obligation thereunder to make the landing areas of their airports available for non-exclusive use by the military services of the Government without charge and would like to have an authoritative and reliable interpretation of the language in question, clarifying their obligation in that regard. As an example, the Administrator has received a letter from the Secretary of the Southeastern Airport Managers' Association notifying him that the Association has adopted a resolution requesting him "to set up a policy and the necessary machinery so as to determine when military air traffic at civilian airports becomes 'substantial use'" within the meaning of the term as used "in the majority of quitclaim deeds under which many municipalities have obtained surplus airports."

It is the Administrator's opinion that some clarification of the term "substantial" as used in instruments of disposal under Public Law 289 is necessary in order to permit the owners of public airports subject to such instruments to make proper plans and arrangements for the use and operation of their airports, and that such a clarification is therefore necessary to protect and advance the interests of the United States in civil aviation. It is also the Administrator's opinion that clarification of the term "substantial" would be helpful to the military agencies of the Government in that it would serve to define the military use rights of the Government insofar as it defined the corresponding obligations of airport owners.

This matter is of concern to, and within the province of, the Civil Aeronautics Administration largely by virtue of the following provisions of Public Law 311, 81st Congress (63 Stat. 700):

SEC. 3. The Administrator of Civil Aeronautics shall have the sole responsibility for determining and enforcing compliance with the terms, conditions, reservations, and restrictions contained in any instrument of disposal by which surplus property is or has been transferred to States and their political subdivisions, municipalities, and tax-supported institutions pursuant to the Surplus Property Act of 1944, for use in the development, improvement, operation, or maintenance of a public airport or to provide sources of revenue from non-aviation businesses at a public airport (including property transferred for any such use pursuant to such act prior to July 30, 1947), and the Administrator is authorized to reform, correct, or amend any instrument of disposal by which such property was conveyed by the issuance of a corrective, reformative, or amendatory instrument where such action is determined by him to be necessary to correct such instrument or to conform the transfer to the requirements of applicable law.

SEC. 4. Notwithstanding any other provision of law, the Administrator of Civil Aeronautics is further authorized, without monetary consideration to the United States, to grant releases from any of the terms, conditions, reservations, and restrictions contained in, and to convey, quitclaim, or release any right or interest reserved to the United States by, any such instrument of disposal, if he determines that the property transferred by such instrument no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim will not prevent accomplishment of the purpose for which the property was transferred and is necessary to protect or advance the interests of the United States in civil aviation: *Provided,* That any such release, conveyance, or quitclaim may be granted on, or made subject to, such terms and conditions as the Administrator of Civil Aeronautics deems necessary to protect or advance the interests of the United States in civil aviation: *And provided further,* That no release, conveyance, or quitclaim shall be executed by the Administrator pursuant to this section except upon the condition that, in the event that the property to which such release, conveyance, or quitclaim relates shall be sold to any third party within five years after the date of enactment of this act, the proceeds of such sale shall be devoted exclusively to the development, improvement, operation, or maintenance of a public airport.

On the basis of these statutory provisions, it appears that the Administrator of Civil Aeronautics is the only official of the Government having authority to determine the nature and extent of the obligations of grantees of surplus airport property under Public Law 289, and that it is his duty to make such determinations whenever requested to do so by any person or agency having an interest in the matter. In addition, it appears that the statutory provisions quoted grant to the Administrator of Civil Aeronautics authority to make such determinations by issuing interpretations of the provisions of instruments of disposal executed pursuant to Public Law 289, which will be binding on the United States and all agencies of the Government.

Accordingly, the Civil Aeronautics Administration has made a thorough and careful study in an effort to determine the intent of the Government in using the term "substantial" in those provisions of Public Law 289 instruments of disposal corresponding to the above-quoted paragraph (F) of that act. Such study has included a review of the legislative history of the act and of all available correspondence and other materials in the files of the Civil Aeronautics Administration, relative to the act and the regulations and policies of the War Assets Administration under which the instruments in question were executed. In addition, the Civil Aeronautics Administration has drawn on the recollections of its personnel who participated in the drafting of the bill which was enacted as Public Law 289 and in the drafting of the applicable regulations of the War Assets Administration and has considered the views of its airport engineers and experts on airport operation as to the nature and extent of military aircraft operations at civil airports and the effect of such operations on the airports so used.

On the basis of such studies and in view of the foregoing considerations, the Administrator of Civil Aeronautics now proposes to adopt the following new Part 565—Surplus Airport Property:

§ 565.1 *Interpretations of instruments of disposal.* Notice is hereby given that the Administrator, if and when called upon to do so, will interpret deeds, leasehold surrender agreements, and other instruments of disposal by which surplus airport property of the Government has been transferred or otherwise disposed of pursuant to the Surplus Property Act of 1944, as provided in this section. Upon request in such cases the Administrator will cause to be executed such corrective, reformative, or amendatory instrument, or instrument of release, as he may deem appropriate to give effect to the interpretation.

(a) *Instruments executed pursuant to Public Law 289.* In interpreting instruments of disposal executed pursuant to section 13 (g) of the Surplus Property Act of 1944, as added by Public Law 289, 80th Congress, the Administrator will construe the several provisions of such instruments as provided in subparagraph (1) of this paragraph.

(1) *Provisions corresponding to paragraph (F) of Public Law 289.* All provisions of instruments of disposal executed pursuant to Public Law 289, containing generally the following language of paragraph (F) of that act:

(F) The United States shall at all times have the right to make nonexclusive use of the landing area of the airport at which the surplus property is located or used, without charge: *Provided, however,* That such use may be limited as may be determined at any time by the Administrator of Civil Aeronautics to be necessary to prevent undue interference with use by other authorized aircraft: *Provided, further,* That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made by it.

will be construed as follows:

(i) The right of use granted or reserved by the paragraph is confined to use of the landing area by Government aircraft weighing, at the time of such use, not more than the maximum weight which the runways and other facilities used were designed to withstand, and does not include any use by heavier Government aircraft.

(ii) The proviso obligating the Government to pay a share of the airport owner's operating and maintenance costs where Government use of the landing area of the airport is "substantial", is to be applied on a calendar month basis, considering among other things the nature and extent of Government aircraft operations during the calendar month. For purposes of such proviso, use of the landing area for such operations is to be considered "substantial" if (a) a military

agency of the Government (including a National Guard Squadron when in a "Federalized" status) maintained on the airport or on property adjacent thereto, throughout the calendar month in question, a squadron or larger military body (including a National Guard Squadron when in a "Federalized" status) equipped with military aircraft; or (b) the total number of movements (counting each landing and each take-off as a movement) of Government aircraft, including itinerant as well as based aircraft, on the landing area during the calendar month in question, was 300 or more, or, if less than 300, amounted to as much as 10 percent of the total aircraft movements, Government and non-Government, on the landing area during the month. In addition, it may be that there will be cases in which the Government use will be considered "substantial" within the meaning of the proviso even though such use does not meet either of the above-stated conditions. No test or yardstick can be given which would apply in all such cases due to the varying nature of the facts and circumsances to be considered. Consequently, in any case in which the Administrator is requested to determine whether the Government's use of the landing area of an airport is "substantial" within the meaning of the deed proviso, and such use does not meet either of the above-stated conditions, it will be necessary that the Administrator's determination be based upon a study of the several facts and circumstances of that particular case.

(58 Stat. 765 as amended by 61 Stat. 678, 63 Stat. 700; 50 U. S. C. App. 1622, 1622b, 1622c)

Dated October 22, 1952, at Washington, D. C.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11619; Filed, Oct. 29, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Munitions Board

AIRCRAFT PRODUCTION RESOURCES AGENCY

DELEGATION OF AUTHORITY TO RESCHEDULE DELIVERY OF MATERIALS AND TO SCHEDULE OR RESCHEDULE PRODUCTION AND DELIVERY OF APRA CLASS B PRODUCTS

Pursuant to delegation of authority from the Secretary of Defense, in accordance with Defense Production Act and NPA Delegation 1 Supplement 1, as amended October 23, 1952, there is hereby delegated to the Director, Aircraft Production Resources Agency, authority:

(1) To reschedule deliveries of materials which are required in support of the Department of Defense Aircraft Program (A1): *Provided, however,* (a) That such authority shall be applicable only to reschedule deliveries on orders rated DO-A1 or on Authorized Controlled Material Orders bearing the program identification A1 issued by or under the authority of the Secretary of Defense; and (b) that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries;

(2) To schedule or reschedule the production and delivery of any APRA Class B products shown under Product Class Code No. 9500 in the NPA Official CMP Class B Product List: *Provided, however,* (a) That the consent of the manufacturer or producer of any such Class B product proposed to be scheduled or rescheduled is first obtained; (b) that in providing for such scheduling or rescheduling the manufacturer or producer is not required or authorized to displace the production of, or delay the delivery of, any product other than an APRA Class B product; (c) that the Aircraft Production Resources Agency shall require the manufacturer or producer whose production or delivery has been so rescheduled to notify immediately in writing all customers whose deliveries have been changed as a result of such rescheduling; and (d) that this authority does not extend to the rescheduling of the production or delivery of materials or products furnished by suppliers to manufacturers of APRA Class B products;

(3) To require a copy of an order board or in lieu thereof, the necessary scheduling data, covering APRA Class B products only, from a manufacturer of any such products which are in critically short supply and the lack of which products is seriously interfering with the accomplishment of other aircraft component or aircraft end-item schedules.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and to such priorities and allocations policy directives and procedures as may be issued by the Munitions Board to implement policies and procedures issued by the National Production Authority.

This delegation shall take effect October 23, 1952, and supersedes and cancels delegation of authority of November 15, 1951, to the Director, Aircraft Production Resources Agency (17 F. R. 214, January 8, 1952).

J. C. HOUSTON, Jr.,
Acting Chairman, Munitions Board.

OCTOBER 23, 1952.

[F. R. Doc. 52-11618; Filed, Oct. 29, 1952; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

OCTOBER 21, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has filed amended application, Anchorage 021424, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands for a public works project (Anchorage Warehouse Area. 50-A-60), which has been approved under section 4 of said act:

All that portion of Block 40, as shown upon the plat of Anchorage Town Site with Second, East, Third, and Fourth Additions approved December 19, 1917, lying south of Ship Creek, and that portion of Block 33, according to the plat of Anchorage Town Site with Second, East, Third and Fourth Additions approved December 19, 1917, described as follows: Beginning at the northeast corner of Block 33, thence approximately 360 feet south, thence approximately 300 feet west, thence approximately 360 feet north, thence approximately 300 feet east to the point of beginning.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of the Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-11624; Filed, Oct. 29, 1952; 8:47 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 65

OCTOBER 23, 1952.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, the following described public lands in the Anchorage, Alaska Land District, for lease and sale:

NINILCHIK AREA—NINILCHIK UNIT NO. 1

FOR HOME SITES

Seward Meridian

T. 1 S., R. 14 W.:
NE¼NW¼NE¼SW¼, SE¼SW¼NE¼SW¼, S½SE¼SW¼, S½N½SE¼SW¼, NE¼NW¼SE¼SW¼.

Containing 23 tracts aggregating 37.5 acres.

FOR HOME OR BUSINESS SITES

Seward Meridian

T. 1 S., R. 14 W.:
Sec. 34: S½NW¼NE¼SW¼, N½SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, NW¼NW¼SE¼SW¼.

Containing 10 tracts aggregating 15 acres.

2. The lands are located near the town of Ninilchik, Alaska, on the west side of the Kenai Peninsula. Lying on benchlands south of the Ninilchik River, the lands are for the most part well-drained and support a vegetative cover of white spruce and scattered stands of birch and aspen. Automobile access to a portion of the lands is obtainable via all-weather Sterling Highway, which traverses the north portion of the area. Ninilchik business establishments and Ninilchik Territorial School are within walking distance of the lands. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools or septic tanks. No public utilities are available in the unit at the present time; however, such services as religious, educational, commercial, and transportation are obtainable at Ninilchik. The climate is a favorable combination of the maritime climate of coastal Alaska and the temperate climate of south central Alaska.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on November 13, 1952. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on November 13, 1952, to close of business on February 11, 1953, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on October 23, 1952, or thereafter, up to and including 10:00 a. m. on November 13, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on February 12, 1953, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under Small Tract Act by the general public filed on January 22, 1953, or thereafter, up to and including 10:00 a. m. on February 12, 1953, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5 for homesites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 1.25 acres to approximately 2.5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts, where possible, are made to conform in description with the rectangular system of survey, in compact units.

8. Lessees must locate any well water supply system or sewage disposal facility according to regulations and laws of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, and 33 feet in width along other tract boundaries, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11622; Filed, Oct. 29, 1952; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 66

OCTOBER 23, 1952.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951, (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

KENAI PENINSULA AREA—ANCHOR RIVER UNIT NO. 3

FOR LEASE AND SALE, FOR CABIN SITES

Seward Meridian

T. 5 S., R. 14 W.
Sec. 29: SE¼SW¼, N½SW¼SW¼, W½SW¼SW¼SW¼, NE¼SW¼SW¼SW¼, NW¼SE¼SW¼SW¼, E½SE¼SW¼SW¼.
Sec. 30: NE¼NW¼.
Sec. 32: NE¼NW¼, S½NW¼NW¼, NW¼NW¼NW¼, N½NE¼NW¼NW¼.
T. 5 S., R. 15 W.
Sec. 10: SE¼NW¼, SE¼SW¼.
Sec. 14: N½N½SE¼SW¼NW¼, S½S½NE¼SW¼NW¼, SE¼SW¼, N½SW¼SE¼, N½SE¼SW¼SE¼.
Sec. 23: NE¼NW¼, S½NW¼NE¼, W½NE¼NW¼NE¼, E½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼.
Sec. 24: NE¼SE¼, S½SE¼NE¼, NE¼SE¼NE¼.

The above described areas comprise 97 tracts, aggregating approximately 485 acres.

2. The lands are located in the southwestern portion of the Kenai Peninsula, nine to sixteen miles north of Homer, Alaska. Lying on small knolls and similar minor uplands, the lands are for the most part well drained and support a vegetative cover of white spruce and scattered stands of birch and aspen interspersed with open areas of muskeg. Automobile access to most of the tracts is obtainable via all-weather Sterling Highway, which traverses the general area. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools or septic tanks. No public facilities are available in the area at the present time; however, such services as religious, educational, commercial, and transportation are obtainable at Homer. The climate is a favorable combination of the maritime climate of coastal Alaska and the temperate climate of south central Alaska.

3. Pursuant to § 257.6 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed under the regulations issued pursuant to the act prior to this classification, and (b) are of the type of site for which the land subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on November 13, 1952. At that time, such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on November 13, 1952, to close of business on February 11, 1953, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on October 23, 1952, or thereafter, up to and including 10:00 a. m. on November 13, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on February 12, 1953, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on January 22, 1953, or thereafter, up to and including 10:00 a. m. on February 12, 1953, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

8. All of the land will be leased in tracts of 5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts are made to conform in description with the rectangular system of survey, in compact units.

9. Lessees must locate any well, water supply system or sewage disposal facility according to regulations and laws of the Territory of Alaska.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, on each side of the tracts contiguous to the section and/or quarter section lines, and 33 feet in width along other tract boundaries, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11623; Filed, Oct. 29, 1952; 8:47 a. m.]

[Misc. 53628]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States.

MONTANA PRINCIPAL MERIDIAN

T. 5 N., R. 2 W.
Sec. 21: All.
Sec. 32: NE¼NW¼ and NE¼SW¼.

The areas described aggregate 720 acres.

The lands are primarily suitable for grazing of livestock. The surface is rolling to rough and the vegetation consists of native grasses and sagebrush with patches of scrub timber.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral publicland laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to: Montana Land Office, Billings, Montana.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52-11626; Filed, Oct. 29, 1952; 8:47 a. m.]

[Misc. 55185]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315g, the following described lands have been reconveyed to the United States:

WYOMING PRINCIPAL MERIDIAN

T. 13 N., R. 105 W., 6th P. M. Wyoming,
Sec. 21, E½ (now lot 39).
T. 14 N., R. 105 W.,
Sec. 9, W½NW¼, NW¼SW¼ (now lot 49).
T. 19 N., R. 105 W.,
Sec. 36, E½SE¼.
T. 30 N., R. 113 W.,
Sec. 16, NW¼, W½NE¼, SE¼NE¼.
T. 32 N., R. 113 W.,
Sec. 36, all.
T. 20 N., R. 121 W.,
Sec. 36, lot 2.

The areas described aggregate 1470.05 acres.

The lands are primarily suitable for grazing purposes. The surface is rolling to rough and the vegetation consists of native grasses and sagebrush with patches of scrub timber.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Cheyenne Land and Survey Office in Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to: Cheyenne Land and Survey Office, 405 Federal Building, Box 578, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52-11625; Filed, Oct. 29, 1952; 8:47 a. m.]

Bureau of Reclamation

[Commissioner's Order 17]

CHIEF COUNSEL AND REGIONAL COUNSEL

REDELEGATION OF AUTHORITY WITH RESPECT TO CONDEMNATION PROCEEDINGS AND TITLE OPINIONS

OCTOBER 22, 1952.

SECTION 1. *Redelegation.* The Chief Counsel and Regional Counsel of the Bureau of Reclamation are severally authorized:

(1) To approve and sign, after review by appropriate land acquisition officials, correspondence concerning pleadings, awards, or judgments in condemnation proceedings, and any other routine, incidental, or related correspondence regarding the conduct of such proceedings, except that requests for condemnation proceedings and declarations of taking shall be submitted to the Solicitor for consideration and approval.

(2) To request the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1946 ed., sec. 255).

SEC. 2. *Authority.* This order is issued pursuant to Departmental Order No. 2509, Amendment No. 16 (17 F. R. 6793), as amended by Amendment No. 17 (17 F. R. 8634).

MICHAEL W. STRAUS,
Commissioner of Reclamation.

[F. R. Doc. 52-11627; Filed, Oct. 29, 1952; 8:50 a. m.]

WEBER BASIN PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 22, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 1 E.,
Sec. 8, E½E¼.
T. 5 N., R. 1 E.,
Sec. 28, N½S½ and SW¼SW¼;
Sec. 30, S½ (Subject to existing R's of W.);
Sec. 34, NW¼NW¼.
T. 6 N., R. 2 E.,
Sec. 12, lots 1, 3 and 4, NW¼NE¼, NW¼, SE¼SW¼ and SW¼SE¼.
T. 2 N., R. 3 E.,
Sec. 14, W½NW¼ and NW¼SW¼.
T. 6 N., R. 3 E.,
Sec. 6, lots 2 to 7 incl., 11 and 12.
T. 8 N., R. 2 W.,
Sec. 21, tracts 57A and 71A;
Sec. 22, lots 5, 6, 7, 9 and 10, tracts 52A, 57B and 71B;
Sec. 27, lots 5 to 10 incl., tracts 79A, 83A, 91A and 93A;
Sec. 29, tracts 79B, 88B, 91B, and 93B.

The above areas aggregate 1,743.52 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Associate Director,
Bureau of Land Management.

OCTOBER 3, 1952.

[F. R. Doc. 52-11628; Filed, Oct. 29, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF JACKSONVILLE, FLA., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7835, between City of Jacksonville (Municipal Docks & Terminals), Strachan Shipping Company, Commodores Point Terminal Corporation, Heide Warehouse Co., North Carolina State Ports Authority, City Compress & Warehouse Company, Shipyard River Terminals, Charleston Tidewater Terminals, Inc., the Brunswick Port Authority, South Carolina State Port Authority, Georgia Ports Authority and Wilmington Terminal Warehouse Company, provides for the creation of an association to be known as the "South Atlantic Marine Terminal Association" for the establishment of just and reasonable terminal rates, charges, classification, rules, regulations, and practices at terminals located in the United States South Atlantic range from Morehead City, North Carolina through Miami, Florida.

(2) Agreement No. 7872 between Th. Brovig, Mexican Line and Waterman Steamship Corp. covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico with transhipment at New Orleans.

(3) Agreement No. 7873 between Compagnie De Navigation Cyprien Fabre and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading in either direction between ports in Spain, France, Portugal, and North Africa and ports in Puerto Rico with transhipment at New York, Baltimore, or Philadelphia.

(4) Agreement No. 7874 between Th. Brovig, Mexican Line and Alcoa Steamship Co., Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico with transhipment at New Orleans.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 27, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-11666; Filed, Oct. 29, 1952; 8:54 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 3, as Amended October 23, 1952]

ORGANIZATION AND FUNCTIONS; SUBMITTALS AND REQUESTS

Correction

In F. R. Doc. 52-11641, appearing at page 9706 of the issue for Tuesday, October 28, 1952, the following change should be made:

In the first sentence of section 1, "the Production Act of 1950" should read "the Defense Production Act of 1950".

ECONOMIC STABILIZATION AGENCY

Construction Industry Stabilization Commission, Wage Stabilization Board

ALABAMA AND ARIZONA

AREA WAGE RATES

Area rates for the States of Alabama and Arizona approved by the Construction Industry Stabilization Commission under Construction Industry Stabilization Commission Regulation 1 (16 F. R. 7565), as amended, up to approximately August 31, 1952, are published under succeeding sections of this part. Area rates for the remainder of the States will be published in periodic installments. The compilation of rates published herein includes area rates for the continental United States only. Information as to area rates not yet published may be obtained on request from the Construction Industry Stabilization Commission, U. S. Department of Labor Building, Washington, D. C.

A section number from 1 through 49 has been assigned to each of the 48 States and to the District of Columbia, in alphabetical order under this part. Under each State and section number, the approved area rate is listed alphabetically according to the particular craft to which it is applicable. Under such headings there appear the area rates for particular job classifications together with a designation of either the city, county (or counties), or other geographical unit in the whole of which the particular rate is applicable. In the absence of a complete geographical description of the area covered, the territorial jurisdiction of the local craft union will also be indicated.

The applicable area in a decision which is designated as within the territorial jurisdiction of a local union, is only such area as was included within the territorial jurisdiction of the local union on January 25, 1951, unless a subsequent change in such territorial jurisdiction was specified in the wage application on the basis of which the Commission rendered its area rate decision. Any area subsequently added to the territorial jurisdiction of a local union may not put into effect the rates in effect for the local union (if higher than the rates in effect for the area added) unless prior approval by the CISC has been obtained. If any areas are combined to form the territorial jurisdiction of a new local, the area rate may not exceed the rate in effect for any of the different areas so combined, unless prior approval by the CISC has been obtained.

Area practices, as distinguished from straight wage rates, are not included herein. Information concerning approved changes in area practices may be obtained on request from the Construction Industry Stabilization Commission, U. S. Department of Labor Building, Washington, D. C.

DUNCAN CAMPBELL,
THOMAS J. KALIS,
Co-Chairmen, Construction Industry Stabilization Commission.

OCTOBER 15, 1952.

SECTION 1. *Area wage rates for Alabama.*

Asbestos Workers

Case C-3559: Halfway from Knoxville, Tenn., to Birmingham, Ala.; building construction only.

Journeyman asbestos worker mechanic	$2.6125
Improver, first year	1.625
Improver, second year	1.895
Improver, third year	2.175
Improver, fourth year	2.225

Case C-4202: Halfway from Memphis, Tenn., to Birmingham, Ala.; building construction only.

Asbestos worker mechanic	$2.6125

Case C-6655: Halfway from Atlanta, Ga., to Birmingham, Ala.; building construction only.

Asbestos worker mechanic	$2.625
Improver, first year	1.625
Improver, second year	1.875
Improver, third year	2.125
Improver, fourth year	2.375

Case C-8057: Halfway from Nashville, Tenn., to Birmingham, Ala.; building construction only.

Heat and frost insulator mechanic	$2.625
Improver, first year	1.425
Improver, second year	1.58
Improver, third year	1.80
Improver, fourth year	2.075

Case C-5485: Birmingham, and halfway to Mobile, Ala., Jackson, Miss., Memphis, Tenn., Nashville, Tenn., and Atlanta, Ga.; building construction only.

Journeyman asbestos mechanic	$2.625

Blacksmiths

Case C-3236: Entire State of Alabama; field construction only.

Journeyman blacksmith	$2.60
Blacksmith helper	2.35

Boilermakers

Case C-3236: Entire State of Alabama; field construction only.

Journeyman boilermaker	$2.60
Boilermaker helper	2.35

Bricklayers

Case C-4720: That part of Jackson County in the north eastern corner down to the northern city limits of the town of Stevenson; building and heavy construction only.

Journeyman bricklayer	$2.875
Concrete block layer	2.875
Cleaner, caulker and pointer	2.875

Case C-6862: Counties of Jefferson, Shelby and Chilton to the city of Clanton; Talladega county down to and including city of Sylacauga; Blount county to and including city of Oneonta; St. Clair County to 4 miles South of Pell City; building and heavy construction only.

Journeyman bricklayer	$3.00

Case C-5435: Counties of Etowah, De Kalb, Marshall and St. Clair; building construction only.

Journeyman bricklayer, cement block layer, pointer, cleaner and caulker	$2.90
Apprentice:	
First 6 months	1.10
Second 6 months	1.35
Third 6 months	1.60
Fourth 6 months	1.85
Fifth 6 months	2.20
Sixth 6 months	2.55

Case C-6659: Sheffield, and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Journeyman bricklayer	$2.90
Saw operator	3.15

Carpenters

Case C-2891: Halfway from Pascagoula, Miss., to Mobile, Ala.; building construction only.

Journeyman carpenter	$1.925
Millwright	2.20
Pile driver	2.31
Cabinet maker	1.60

Case C-5209: Counties of Barbour, Chambers, Lee, and Russell; building, heavy and highway construction.

Journeyman carpenter	$2.05

Case C-5673: Counties of Escambia and Baldwin; building construction only.

Journeyman millwright	$2.40

Case C-6613: Counties of Calhoun, Cleburne, Randolph, and Clay, one-half of Talladega, including the city of Talladega (eastern half); southern part of St. Clair County northward to and including Eden; building construction only.

Journeyman carpenter	$2.125

The Commission also voted to approve maintenance of the differentials in existence on June 24, 1950, for other classifications of carpenters.

Case C-5690: Counties of Jefferson, Shelby, Chilton, Coosa and portions of Blount, Talladega, Bibb, St. Clair, Tallapoosa, Clay, Elmore, and Autauga; building, heavy and highway construction.

Journeyman carpenter	$2.24
Journeyman millwright and power saw operator	2.365

Case C-5560: County of Cullman; building, heavy and highway construction.

Journeyman carpenter	$1.90

Case C-1062: Decatur, and area within the territorial jurisdiction of the United Brotherhood of Carpenters and Joiners, Local 1274; building construction only.

Journeyman carpenter	$1.90
Millwright	2.00

Case C-6628: Gadsden, and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 1371; building and heavy construction only.

Journeyman carpenter	$2.125
Apprentice:	
First year	1.30
Second year	1.40
Third year	1.75
Fourth year	2.00

The Commission also voted to approve maintenance of the previously established differentials for millwrights and pile drivers.

Case C-4302: Scottsboro, and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 1711; building, heavy and highway construction.

Journeyman carpenter	$1.90

Case C-3783: Cities of Florence, Sheffield, Tuscumbia, Muscle Shoals, and Russellville; building and heavy construction only.

Journeyman carpenter	$2.275
Journeyman pile driver	2.325
Journeyman millwright	2.325

Cement Finishers and Masons

Case C-4550: Counties of Escambia and Baldwin; building construction only.

Journeyman cement mason	$2.00

Case C-6958: Counties of Jefferson, Blount, St. Clair, Shelby, Chilton, and Bibb; building and highway construction only.

Journeyman cement mason	$2.38

Case C-8624: Counties of Houston, Henry, Geneva, Dale, Coffee, Pike, Covington, and Barbour; building construction only.

Cement finisher	$2.25

Case C-5435: Counties of Etowah, De Kalb, Marshall, and St. Clair; building construction only.

Journeyman mason	$2.90
Apprentice:	
First 6 months	1.10
Second 6 months	1.35
Third 6 months	1.60
Fourth 6 months	1.85
Fifth 6 months	2.20
Sixth 6 months	2.55

Case C-6659: Sheffield, and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Journeyman mason	$2.90

Electrical Workers

Case C-3568: Counties of Barbour, Chambers, Henry, Russell, and Lee; building and heavy construction only.

Journeyman cable splicer	$2.625
Journeyman wireman	2.375
Journeyman lineman	2.375
Apprentice and groundman:	*Percent*
First 6 months of first year	[1] 40
Second 6 months of first year	[1] 47
Second year	[1] 54
Third year	[1] 63
Fourth year	[1] 71

[1] Of journeyman's rate.

Case C-4405: Counties of Sumter, Pickens, and Lamar; building and heavy construction only.

Apprentice wireman (inside):	
First year	$1.00
Second year	1.30
Third year	1.55
Fourth year	1.80
Journeyman wireman (inside)	2.40
Foreman	2.90

Case C-5603: Counties of Jackson and De Kalb; building and heavy construction only.

Cable splicer	$2.85
Journeyman wireman	2.60
Helper	1.25
Apprentice wireman:	
First year	1.00
Second year	1.25
Third year	1.50
Fourth year	1.75
Journeyman lineman	2.60
Apprentice lineman:	
First year	1.25
Second year	1.60
Third year	1.90
Fourth year	2.10
Operator of hole digging equipment, tractor with winch and truck with winch	2.60
Operator of tractor without winch and truck without winch	2.125
Appliance repairman	1.50
Trouble shooter (40 hrs.) $56 per week.	

Case C-8067: Counties of Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Cullman, Etowah, Fayette, Greene, Hale, Jefferson, Marengo, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and that portion of Marshall, south of Tennessee River; building and heavy construction only.

Journeyman electrician	$2.75
Cable splicer	2.75

Case C-7463: Mobile, and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 505; building, heavy and highway construction.

Journeyman electrician	$2.75

Case C-1078: Montgomery, and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 443; building and heavy construction only.

Journeyman electrician	$2.25

Case C-3908: Sheffield, and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 558; building and heavy construction only.

Journeyman electrical worker	$2.625
Apprentice:	
6 months probation period	1.00
First period, 6 months	1.25
Second 6 months, first period	1.40
Second year	1.60
Third year	1.80
Fourth year	2.25

Elevator Constructors

Case C–8649: Counties of Lee and Russell; construction, repair, contract service and modernization in elevator industry.

Elevator mechanic	$2.475
Elevator mechanic's helper	1.73

Case C–5629: City of Birmingham and northern half of state; construction, repair, contract service and modernization in elevator industry.

Elevator mechanic	$2.58
Elevator mechanic's helper	1.805
Elevator foreman	2.90

Case C–2876: Mobile city limits; construction, repair, contract service and modernization in elevator industry.

Elevator constructor mechanic	$2.52
Elevator constructor helper	1.76

Case C–5192: City of Montgomery; counties of Autauga, Elmore, Macon, Bullock, Lowndes, Butler, Crenshaw, Pike, Barbour, Henry, Dale, Houston, Geneva, Coffee, and Covington; construction, repair, contract service and modernization in elevator industry.

Journeyman elevator mechanic	$2.47
Elevator mechanic helper	1.73

Glaziers

Case C–2320: Anniston, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 151; building construction only.

Glazier	$2.00

Case C–3585: Birmingham, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1029; building construction only.

Journeyman glazier	$2.125
Apprentice:	*Percent*
First 6 months	[1] 50
Second 6 months	[1] 55
Third 6 months	[1] 60
Fourth 6 months	[1] 70
Fifth 6 months	[1] 75
Sixth 6 months	[1] 85

[1] Of journeyman's rate.

Case C–2455: Mobile, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Glaziers Local 1268; building construction only.

Journeyman glazier	$2.10

Case C–4995: Sheffield, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1293; building construction only.

Glazier	$2.35

Iron Workers

Case C–2618: Birmingham, and area within the territorial jurisdiction of International Association of Bridge, Structural, and Ornamental Ironworkers, Local 92; bridge, structural and ornamental iron work only.

General foreman	$3.00
Sheeter foreman	3.00
Sheeter	2.75
Bucker	2.625
Apprentice sheeter	1.84
Structural foreman	2.75
Journeyman iron worker	2.50
Ornamental iron worker	2.50
Rigger	2.50
Fence erector	2.50
Welder	2.50
Rodman	2.25
Apprentice iron worker	1.67
Tower erector	2.50
Tower erector foreman	2.75
Apprentice rodman	1.55

Case C–2940: Sheffield, and area within the territorial jurisdiction of International Association of Bridge, Structural and Ornamental Iron Workers, Local 477; from Sheffield, to points one-half way to Birmingham, Ala., to Nashville, Tenn., and to Chattanooga, Tenn., and to and including Columbus, Miss.; bridge, structural and ornamental iron work only.

Journeyman structural iron worker	$2.55
Journeyman ornamental iron worker	2.55
Reinforced rodman	2.55
Rigger	2.55
Fence erector	2.55
Welder	2.55
Tower erector	2.55
Structural iron worker foreman	2.80
Reinforced rod foreman	2.80
Sheeter	2.80
Bucker-up	2.675
Sheeter foreman	3.05

Laborers

Case C–5160: Counties of Sumter, Greene, Hale, Perry, Chilton, Coosa, Tallapoosa, Chambers, and all counties north of these; pipeline construction only.

Laborer	$1.10

Case C–5160: All other counties; pipeline construction only.

Laborer	$1.05

Case C–8090: Counties of Escambia and Baldwin; building, heavy and highway construction.

Common laborer, building laborer—creosote material and concrete work	$1.00
Jackhammer operator, mortar mixer and pipe laying	1.10

Case C–7013: Counties of Calhoun, Cleburne, Randolph, and part of Talladega, Southwest to and including the city of Talladega; building, heavy and highway construction.

Air tool operator	$1.325
Asphalt raker and tamper	1.325
Pipe layer, concrete and clay	1.325
Mortar mixer	1.225
Lime slacker	1.225
Carpenter tender	1.125
Laborer	1.125
Tunnel miner	1.925
Laborer foreman	1.625
Powderman	1.725
Night watchman	1.125

Case C–5275: Counties of Jefferson, Bibb, Chilton, Shelby, Coosa; the southern half of Talladega up to but not including the city of Talladega; in St. Clair County eastward to the Coosa River, 7 miles east of Pell City, up to and including Ashville; building, heavy and highway construction.

Air tool operator	$1.375
Vibrator operator, operator of mechanical equipment which replaces wheelbarrows or buggies	1.325
Mortar mixer	1.325
Pipe layer, concrete and clay	1.325
Hod carrier as applied to plasterer trade only	1.275
All other building labor	1.225
Unskilled labor rather than on buildings	1.225
Wagon drill operator helper	1.225
Concrete rubber	1.225
Asphalt raker	1.375
Wagon drill operator	1.625
Powder man	2.025
Laborer foreman	2.025
Caisson driller	1.475
Mucker	1.325
Tunnel work (free air)	
Head miner	2.225
Tunnel miner	2.025
Pneumatic concrete gun operator and nozzleman	1.925
Chuck tender	1.775
Tunnel laborer	1.625

Case C–3911: Counties of Etowah, Marshall, Cherokee, De Kalb, and Blount; building construction only.

Laborer and concrete foreman	$1.85
Carpenter tender	1.20
Lime slacker	1.45
Asphalt raker	1.30
Tunnel miner	1.95
Mortar mixing machine	1.825
Powder man	1.70
Wagon drill	1.55
Chuck tender	1.70
Laborer (unskilled)	1.10
Night watchman	1.10
Air tool operator, jackhammer, vibrator, tamper, smoother, pipe layer, concrete mixing, clay and mortar mixing	1.30
Flagman	1.50

Case C–3399: Counties of Walker, Winston, Marion, and Fayette; building, heavy and highway construction.

Laborer (unclassified)	$1.10
Form stripper	1.20
Mortar mixer	1.20
Air tool operator	1.20
Pipe layer	1.20
Hod carrier	1.20
Tender to carpenter and cement finisher	1.20
Asphalt raker	1.20
Asphalt smoother	1.20
Form setter	1.20
Form stripper (highway construction)	1.20
Wagon drill operator	1.60
Powder man	1.80
Foreman (minimum)	1.60

Case C–3839: Counties of Montgomery, Macon, and Elmore; building, heavy and highway construction.

Air tool operator (jackhammer man, vibrator)	$0.95
Asphalt raker	1.05
Laborer, building	.90
Laborer, concrete	.90
Laborer, unskilled	.90
Mortar mixer	.95
Pipe layer	.95
Powder man	1.60
Wagon drill operator	1.40

Case C–3751: Counties of Colbert, Lauderdale, Franklin, Lawrence and Morgan; building, heavy and highway construction.

Laborer unclassified	$1.25
Concrete laborer	1.35
Mortar mixer	1.50
Hod carrier	1.35
Carpenter tender	1.35
Form stripper	1.50
Tunnel miner (free air)	2.25
Chuck tender (free air)	2.00
Tunnel laborer (inside free air)	1.75
Pneumatic concrete nozzleman (free air)	2.02
Pneumatic air operator (free air)	2.375
Air tool operator	1.50
Jack hammer operator	1.50
Vibrator operator	1.50
Wagon drill operator	1.60
Flagman, cranes and derricks	1.60
Powder man	2.05
Powder man helper	1.40
Powder man foreman	2.05
Pipe layer	1.50
Asphalt tamper, smoother and raker	1.35
Labor foreman	2.05
General labor foreman	2.40
Sewer foreman	2.05
Concrete foreman	2.15
Night watchman	1.25
Paving breaker operator	1.50

Case C–3397: Counties of Tuscaloosa, Pickens, Greene, Hale, Marengo, and Lamar; building, heavy and highway construction.

Unskilled laborer	$0.95
Air tool operator	1.00

Vibrator operator	$1.00
Mechanical wheelbarrow	1.00
Mortar mixer	1.00
Pipe layer, concrete and clay	1.00
Asphalt raker	1.10
Wagon drill operator	1.35
Powder man	1.50

Lathers

Case C–4335: County of Baldwin; building and heavy construction only.

Journeyman lather	$1.925

Case C–5412. City of Nashville and area halfway to Birmingham, Ala.; building construction only.

Journeyman lather	$2.625

Marble Setters

Case C–4720: That part of Jackson County in the northeastern corner down to the northern city limits of the town of Stevenson; building and heavy construction only.

Marble mason	$2.875

Case C–7775: Counties of Jefferson, Shelby, and part of Chilton to include Clanton and Oneonta; building and heavy construction only.

Marble setter	$2.625

Mason and Plasterer Tenders

Case C–7013: Counties of Calhoun, Cleburne, Randolph, and part of Talladega, southwest to and including the city of Talladega; building, heavy and highway construction.

Plasterer tender	$1.125
Mason tender	1.125

Case C–5275: Counties of Jefferson, Bibb, Chilton, Shelby, Coosa; the southern half of Talladega up to but not including the city of Talladega; Saint Clair County eastward to the Coosa River, 7 miles east of Pell City, up to and including Ashville; building, heavy and highway construction.

Plasterer tender	$1.275
Mason tender	1.225

Case C–3911: Counties of Etowah, Marshall, Cherokee, De Kalb, and Blount; building construction only.

Mason tender	$1.20
Plasterer tender	1.20

Case C–3399: Counties of Walker, Winston, Marion, and Fayette; building, heavy and highway construction.

Tender to plasterer, cement finisher, and brick mason	$1.20

Case C–3839: Counties of Montgomery, Macon, and Elmore; building, heavy and highway construction.

Mason tender	$0.90
Plasterer tender	.95

Case C–3751: Counties of Colbert, Lauderdale, Franklin, Lawrence and Morgan; building, heavy and highway construction.

Plasterer tender	$1.35
Brick tender	1.35

Case C–3397: Counties of Tuscaloosa, Pickens, Greene, Hale, Marengo, and Lamar; building, heavy and highway construction.

Mason tender	$1.00
Plasterer tender	1.00

Mosaic and Terrazzo Workers

Case C–4720: That part of Jackson County in the northeastern corner down to the northern city limits of the town of Stevenson; building and heavy construction only.

Terrazzo worker	$2.875

Case C–7775: Counties of Jefferson, Shelby, and part of Chilton to include the cities of Clanton and Oneonta; building and heavy construction only.

Terrazzo worker	$2.625

Operating Engineers

Case C–4702: Counties of Winston, Cullman, Blount, Etowah, Cherokee, Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, Shelby, Talladega, Clay, Randolph, Greene, Bibb, Chilton, Coosa, Tallapoosa, Chambers, Hale, Sumter, Perry, Autauga, Elmore, Lee, Dallas, Macon, Russell, Lowndes and Montgomery; building, heavy and highway construction.

Master mechanic	$2.71
Heavy duty mechanic	2.44
Crane-derrick-dragline	2.44
Hoist operator, 1 drum	2.16
Hoist operator, 2 drum	2.44
Scraper	2.44
Mixer	2.44
Pile driver	2.44
Shovel	2.44
Trenching machine and all similar equipment	2.44
Asphalt plant	2.41
Motor grader	2.30
Bulldozer	2.19
Distributor (bituminous surface)	2.16
Roller	2.16
Tractor	2.16
Blade grader	2.135
Air compressor	2.025
Finishing machine	2.025
Pump	2.025
Mixer—under 5 bags	2.025
Apprentice engineer (oiler, fireman and mechanic helper)	1.585

Case C–2577: Counties of Winston, Cullman, Blount, Etowah, Cherokee, Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, Shelby, Talladega, Clay, Randolph, Greene, Bibb, Chilton, Coosa, Tallapoosa, Chambers, Hale, Sumter, Perry, Autauga, Elmore, Lee, Dallas, Macon, Russell, Lowndes, and Montgomery; industrial, commercial and heavy construction, namely: steel erection, blast furnaces, boilers, tanks, steel mills, byproduct plants, hydroelectric plants, steam generating plants, chimney erection and all industrial and commercial plants, highway and railroad bridges.

Master mechanic	$2.75
Heavy duty mechanic	2.50
Crane-derrick-dragline operator	2.50
Hoist operator	2.50
Wenchtruck crane operator	2.50
Gasoline driven welding machines	2.25
Air compressor operator	2.25
Apprentice engineer (oiler, fireman, mechanic's helper, etc.)	1.65

Case C–3557: Florence, and area within the territorial jurisdiction of International Union of Operating Engineers, Local 320; building and heavy construction only.

Air compressor	$1.65
Asphalt plant operator	1.65
Back hoe operator	2.475
Tugboat operator	2.00
Bull dozer operator	2.25
Chief marine engineer	2.00
Clamshell operator	2.475
Concrete mixer, all operations	1.65
Conveyor operator	1.50
Crane operator	2.475
Distributors, bituminous	1.65
Dragline operator	2.475
Dredge operator	2.475
Elevating grader	2.25
Finishing machine (pavement concrete)	1.65
Fireman-oiler (new classification)	1.65
Hoist—1 drum	2.00
Hoist—2 or 3 drum	2.475
Hostler	1.50
Locomotive brakeman	1.50
Locomotive conductor	1.65
Locomotive engineer	$2.00
Locomotive flagman	1.50
Locomotive switchman	1.50
Master pilot	2.00
Mechanic, heavy duty	2.475
Mechanic helper	1.50
Motorboat	1.50
Motor patrol	2.25
Oiler classification elliminated.	
Pile driver operator	2.475
Paving machine	2.25
Pump operator	1.65
Rock crusher operator	1.65
Roller operator	2.00
Scraper carry-all	2.25
Shovel operator	2.475
Tractor	2.00
Tractor, special equipment	2.25
Trenching machine	2.25
Turnpull operator	2.25
Welding machine operator	1.65
Well drill operator	1 65
Yardmaster	2.00

Painters

Case C–4807: Cities of Auburn, Phenix City, Camp Rucker, Dothan and Opelika; building and heavy construction only.

Journeyman painter	$2.05
Journeyman painter (spray)	2.60

Case C–5329: Counties of Jackson and De Kalb; building construction only.

Journeyman painter and paperhanger	$2.125

Case C–6993: Counties of Escambia and Baldwin; building construction only.

Journeyman painter, brush	$1.91
Swing stage and boatswain	2.41
Steel structural	2.16
Spray gun	2.41
Paperhanger	1.91
Apprentice:	
First year	1.135
Second year	1.285
Third year	1.435

Case C–2320: Anniston, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 151; building construction only.

Painter, brush	$2.00
Painter, sign	2.10
Painter, steel	2.25
Painter, swing stage	2.25
Painter, spray	2.50
Taper	2.00
Paperhanger	2.10
Apprentice:	*Percent*
First year	50
Second year	55
Third year	60
Fourth year	65
Fifth year	70
Sixth year	80

Case C–4283: Jefferson, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Sign and Pictorial Painters Local 72; building construction only.

Journeyman sign painter	$2.35
Senior helper	1.60
Junior helper, first 6 months	.89
Junior helper, second 6 months	1.05
Junior helper, second year	1.17
Junior helper, third year	1.33
Displayman	2.35
Journeyman sign builder	1.60
Sign builder's helper, first 6 months	.89
Sign builder's helper, second 6 months	1.05
Sign builder's helper, second year	1.17
Sign builder's helper, third year	1.33

Case C–7011: Counties of Jefferson, and portions of Talladega, Shelby, and Walker; building, heavy and highway construction.

Brush painter	$2.35
Steel painter	2.60
Paperhanger	2.35

Apprentice:	
First 6 months	$1.125
Second 6 months	1.275
Third 6 months	1.425
Fourth 6 months	1.625
Fifth 6 months	1.875
Sixth 6 months	2.025

Case C–5868: City of Decatur; building construction only.

Journeyman brush painter	$1.90
Journeyman paperhanger	1.90
Steel painter	2.15

Case C–5436: Cities of Gadsden, Attalla, Collinsville, Albertville, Boaz, Guntersville, Payne, Ashville, Springville, Piedmont, and Centre; building, heavy and highway construction.

Sign painter, stage and hazardous	$2.35
House painter, paperhanger	2.075
Spray work	3.45
Apprentice:	
First year	.875
Second year	1.25
Third year	1.50

Case C–3800: Mobile, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 779; building construction only.

Journeyman painter, decorator and paperhanger	$2.00

Case C–4305: Montgomery, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 432; including Gunter Air Force Base, and Maxwell Air Force Base; building construction only.

Painting	$2.00
Paperhanging furnishing own tools	2.25
Paperhanging	2.00
Stage work	2.25
Water tanks and hazardous work	2.75
Window jacks	2.25
Operating spray machine	2.75

Case C–4995: Sheffield, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1293; building construction only.

Journeyman brush painter	$2.075
Sign painter, painting on steel, swinging stage, boatswain chair, window jack work and metal roof	2.35
All spray painting outside of shop properly equipped with exhaust fans	2.90
The use of bitumastic or hot enamels, amercoat, plastic coating, or any material used on any surface that incurs the use of a fresh air mask	3.40
Paperhanger	2.075
Taper	2.075
Sand blaster	2.90

Case C–3516: Counties of Tuscaloosa, Pickens, Bibb, Hale, Greene, Marengo, Lamar, and Dallas; building construction only.

Journeyman painter, decorator and paperhanger	$2.00
Brush painter	2.00
Spray painter	2.25
Paperhanging	2.25
Swing stage	2.25
B-chair	2.25
Window jack	2.25
Structural steel	2.25
Over 36 feet in height	2.25
Preparatory work	2.00
Apprentice:	
First 6 months	1.125
Second 6 months	1.195
Third 6 months	1.35
Fourth 6 months	1.475
Fifth 6 months	1.625
Sixth 6 months	1.75

Plasterers

Case C–4703: Counties of Escambia and Baldwin; building construction only.

Journeyman plasterer	$2.375

Case C–6958: Counties of Jefferson, Blount, St. Clair, Shelby, Chilton, and Bibb; building and highway construction only.

Journeyman plasterer	$2.52

Plumbers

Case C–4998: Entire State of Alabama; mainline pipeline construction only.

Journeyman pipe fitter	$2.65
Pipe fitter welder	2.65
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C–8546: Entire State of Alabama; building construction only.

Journeyman sprinkler fitter	$2.57

Case C–3900: Counties of Russell, Chambers, Lee, Barbour, and Macon; building construction only.

Journeyman plumber	$2.65

Case C–2995: Counties of Jefferson, Walker, Blount, St. Clair, Shelby, Talladega, Clay, Randolph, and Chilton; building construction only.

Journeyman plumber	$2.65

Case C–7326: Counties of Morgan, Madison, and Cullman; building construction only.

Journeyman plumber and welder	$2.625

Case C–4361: Counties of Etowah, Calhoun, Cherokee, Talladega, Marshall, St. Clair, De Kalb, Jackson, and Cleburne; building construction only.

Journeyman plumber	$2.65
Apprentice:	
First year	1.00
Second year	1.20
Third year	1.35
Fourth year	1.50

Case C–6404: Mobile, and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 119; building construction only.

Journeyman pipe fitter	$2.625

Case C–2938: Montgomery, and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 52; building construction only.

Journeyman plumber	$2.50

Case C–5824: Cities of Sheffield, Florence, Tuscumbia, and Muscle Shoals; counties of Colbert, Lauderdale, Limestone, Franklin, Marion, Winston, and the west half of Lawrence; building and heavy construction only.

Journeyman plumber, piper fitter, refrigeration fitter and journeyman fitter qualified as pipe welder	$2.65
Apprentice:	*Percent*
First 1,000 hours	40
Second 1,000 hours	45
Third 1,000 hours	50
Fourth 1,000 hours	55
Fifth 1,000 hours	60
Sixth 1,000 hours	65
Seventh 1,000 hours	70
Eighth 1,000 hours	75
Ninth 1,000 hours	80
Tenth 1,000 hours	85

Case C–5888: Counties of Tuscaloosa, Fayette, Lamar, Pickens, Greene, Hale, Sumter, Marengo, Perry, and northern half of Choctaw; building, heavy and highway construction.

Journeyman plumber	$2.575
Apprentice:	
First year	1.00
Second year	1.25
Third year	1.50
Fourth year	1.75
Fifth year	2.00

Roofers

Case C–5254: Northeastern half of Jackson and De Kalb Counties; building construction only.

Journeyman roofer slate and tile	$2.50
Journeyman roofer composition	2.25
Roofer helper	1.30

Case C–4082: Birmingham, and area within the territorial jurisdiction of United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Association, Local 110; building construction only.

Journeyman composition flat roofer	$1.87
Journeyman slate, tile and steep roofer	2.09
Helper	1.21
Journeyman waterproofer	1.87

Sheet Metal Workers

Case C–7373: City of Birmingham; counties of Blount, Chambers, Cherokee, Choctaw, Cleburne, Colbert, Cullman, De Kalb, Etowah, Fayette, Franklin, Greene, Hale, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marengo, Marion, Marshall, Morgan, Pickens, Randolph, Sumter, Winston, Jefferson, Shelby, Bibb, Autauga, Bullock, Chilton, Clay, Coosa, Dallas, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa, Walker, St. Clair, Talladega, Calhoun, and Tuscaloosa; building construction only.

Journeyman sheet metal worker	$2.49

The differentials previously paid to sketch men and layout men, which were in existence on or before January 25, 1951, may continue to be paid pursuant to this decision.

Case C–7460: City of Mobile; counties of Mobile, Baldwin, Coffee, Covington, Butler, Clarke, Crenshaw, Conecuh, Monroe, Pike, Wilcox, Washington, Dale, Escambia, Geneva, Henry, and Houston; building construction only.

Journeyman sheet metal worker	$2.375

Case C–2951: Counties of Russell, Lee, and Barbour; building construction only.

Journeyman sheet metal worker	$2.00

Steamfitters

Case C–3900: Counties of Russell, Chambers, Lee, Barbour, and Macon; building construction only.

Steam fitter	$2.65

Case C–2995: Counties of Jefferson, Walker, Cullman, Blount, St. Clair, Shelby, Talladega, Clay, Randolph, and Chilton; building construction only.

Steam fitter	$2.65

Case C–4361: Counties of Etowah, Calhoun, Cherokee, Talladega, Marshall, St. Clair, De Kalb, Jackson, and Cleburne; building construction only.

Steam fitter	$2.65
Apprentice:	
First year	1.00
Second year	1.20
Third year	1.35
Fourth year	1.50

Case C–2938: Montgomery, and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 52; building construction only.

Steam fitter	$2.50

Case C–5824: Cities of Sheffield, Florence, Tuscumbia, and Muscle Shoals; counties of Colbert, Lauderdale, Limestone, Franklin, Marion, Winston, and the west half of Lawrence; building and heavy construction only.

Steam fitter	$2.65
Apprentice:	*Percent*
First 1,000 hours	40
Second 1,000 hours	45
Third 1,000 hours	50
Fourth 1,000 hours	55
Fifth 1,000 hours	60
Sixth 1,000 hours	65
Seventh 1,000 hours	70
Eighth 1,000 hours	75
Ninth 1,000 hours	80
Tenth 1,000 hours	85

Case C–5888: Counties of Tuscaloosa, Fayette, Lamar, Pickens, Greene, Hale, Sumter, Marengo and Perry and northern half of Choctaw; building, heavy and highway construction.

Journeyman steam fitter	$2.575
Apprentice:	
First year	1.00
Second year	1.25
Third year	1.50
Fourth year	1.75
Fifth year	2.00

Stone Masons

Case C–4720: That part of Jackson County in the north eastern corner down to the northern city limits of the town of Stevenson; building and heavy construction only.

Journeyman stone mason	$2.875

Case C–6862: Counties of Jefferson, Shelby, and Chilton to the city of Clanton; Talladega County down to and including city of Sylacauga; Blount County to and including city of Oneonta; St. Clair County to 4 miles south of Pell City; building and heavy construction only.

Journeyman stone mason	$3.00

Teamsters

Case C–5473: Counties of Marshall, St. Clair, Perry, Montgomery, De Kalb, Calhoun, Chilton, Macon, Marion, Cleburne, Coosa, Russell, Winston, Butler, Blount, Tuscaloosa, Sumter, Crenshaw, Etowah, Talladega, Tallapoosa, Bullock, Cullman, Shelby, Chambers, Pickens, Marengo, Pike, Cherokee, Bibb, Dallas, Barbour, Lamar, Clay, Autauga, Fayette, Randolph, Elmore, Walker, Greene, Lee, Jefferson, Hale, and Lowndes; building, heavy and highway construction.

Truck driver:	
Up to but not including 1½ tons	$1.26
1½ tons, including 3 tons	1.37
3 tons, but not including 5 tons	1.65
5 tons and over, including special equipment such as euclids, winch trucks, dumpsters and low boys	1.92
Foreman	1.95

Tile Layers

Case C–4720: That part of Jackson County in the northeastern corner down to the northern city limits of the town of Stevenson; building, and heavy construction only.

Tile worker	$2.875

Case C–7775: Counties of Jefferson, Shelby, and part of Chilton to include the cities of Clanton and Oneonta; building and heavy construction only.

Tile setter	$2.625

SEC. 2. *Area wage rates for Arizona.*

Asbestos Workers

Case C–3866–B: Halfway from Phoenix, Ariz., to Los Angeles, Calif.; Albuquerque, N. Mex., and El Paso, Tex.; building construction only.

Asbestos worker mechanic	$2.75
Improver:	
First year	1.75
Second year	1.875
Third year	2.0625
Fourth year	2.375

Boilermakers

Case C–4845: Entire State of Arizona; building construction only.

Foreman	$3.00
Assistant foreman (pusher)	2.85
Journeyman boilermaker	2.75
Boilermaker helper	2.45

Bricklayers

Cases C–314, C–696, C–5347: All the counties in Arizona except Pima, Santa Cruz, and Cochise; building construction only.

Journeyman bricklayer	$3.50
Manhole builder	3.50
Adobe layer	3.50
Fire-proofer	3.50
Stack builder	3.50
Caulker	3.50
Cement block layer	3.50
Marble layer	3.50

Case C–3485: Counties of Santa Cruz and Pima; building construction only.

Journeyman bricklayer, manhole builder, stack builder, cement block layer, adobe layer, fireproofer & caulker	$3.30

Carpenters

Case C–7835: Entire State of Arizona; building, heavy and highway construction.

Carpenter foreman, floorlayer (finish) and carpenter employed on tower, scaffold or temporary structure over 40 feet high	$2.775
Carpenter, saw filer and shingler (composition or wood)	2.525
Millwright, power tool operator (when employed over 2 consecutive hours in the classification.) Carpenters shall have jurisdiction over assistants in this classification; pile driver	2.65

Cement Finishers and Masons

Case C–7835: Entire State of Arizona; building, heavy and highway construction.

Cement finisher (including curb, gutter, sidewalk and road form setter where mechanical finishing equipment is not used)	$2.525
Concrete troweling machine operator and composition finisher	2.65

Case C–3485: Counties of Santa Cruz and Pima; building construction only.

Journeyman mason	$3.30

Electrical Workers

Case C–8333: Phoenix, and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 640; building and heavy construction only.

Journeyman electrician and lineman	$2.75

Case C–7869: Tucson, and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 570; building and heavy construction only.

Journeyman electrician and lineman	$2.75
Cable splicer	3.00
Apprentice:	*Percent*
First 6 months of first year	45
Second 6 months of first year	50
First 6 months of second year	55
Second 6 months of second year	60
First 6 months of third year	65
Second 6 months of third year	70
First 6 months of fourth year	75
Second 6 months of fourth year	80

Iron Workers

Case C–7835: Entire State of Arizona; building, heavy and highway construction.

Reinforcing iron worker foreman	$2.775
Reinforcing iron worker journeyman	2.525
Reinforcing iron worker apprentice (two-thirds of journeyman rate)	1.79

Case C–8241: Entire State of Arizona, excluding Davis Dam area (California); but including Blythe, California area, and Lordsburg, New Mexico area; building, heavy and highway construction.

Journeyman iron worker	$2.73

Laborers

Case C–5160: Entire State of Arizona; pipeline construction only.

Laborer	$1.825

Case C–7835: Entire State of Arizona; building, heavy and highway construction.

Labor, general or construction tool dispatcher or checker, watchman, flagman and all helpers not herein separately classified	$1.875
Operator and tender of pneumatic tool, vibrating machine and similar mechanical tool not separately classified herein	2.075
Asphalt raker and ironer	2.075
Cement dumper (on 1 yard or larger mixer and handling bulk cement)	2.075
Cement finisher tender	1.975
Chuck tender and powderman helper	2.025
Concrete road form setter	2.525
Concrete curing (impervious membrane)	2.05
Cutting torch operator	1.925
Driller (core, diamond or wagon)	2.30
Driller (jackhammer and pavement breaker)	2.15
Form stripper (all types)	1.925
Fine grader (highway and street paving only)	1.975
Kettleman, tarman and bander	1.975
Landscape gardener and nurseryman	1.875
Miner—underground (hand or machine)	2.225
Power type concrete buggy	1.925
Pipe wrapper	2.125
Powderman	2.30
Sandblaster (pot tender)	2.05
Sandblaster (nozzleman)	2.30
Scaler, using bos'n's chair on safety belt or power tool	2.125
Scaler (driller)	2.375
Sewer pipe caulker	2.05
Sewer pipe layer (excluding caulker)	2.175
Spiker and wrencher (railroad)	2.025
Window cleaner	2.025
Gunnite nozzleman	2.425
Gunnite gunman and mixerman	2.175
Gunnite rodman	2.50

Marble Setters

Case C–3485: Counties of Santa Cruz and Pima; building construction only.

Marble mason	$3.30

Mason and Plasterer Tenders

Case C–7835: Entire State of Arizona; building, heavy and highway construction.

Mason tender	$2.25
Plasterer tender	2.45

Mosaic and Terrazzo Workers

Cases C–314, C–696, C–5347: All the counties in Arizona except Pima, Santa Cruz, and Cochise; building construction only.

Terrazzo worker	$3.50

Case C–3485: Counties of Santa Cruz and Pima; building construction only.

Terrazzo worker	$3.30

Operating Engineers

Case C-7835: Entire State of Arizona; building, heavy and highway construction.

A-frame boom truck	$2.50
Apprentice engineer, including oiler, heavy duty repairman helper, heavy duty welder helper and field equipment serviceman helper	2.075
Air compressor operator	2.20
Asphalt plant fireman	2.35
Asphalt plant mixer man	2.45
Batch plant operator—power type and over 1 cubic yard batch capacity (where the operator is directly responsible for the operation of power equipment)	2.45
Central mix and batching plant operator—over 1 cubic yard mixer capacity	2.55
Concrete or asphalt spreading, mechanical tamping or finishing machine operator	2.45
Concrete mixer operator—paving type and mobile mixer	2.55
Concrete pump or pump crete gun operator	2.325
Concrete mixer operator—skip type	2.325
Crushing plant operator	2.45
Dinkey operator	2.325
Drilling machine operator, including water well	2.575
Elevating grader, euclid loader, Athey Force feed loader operator	2.575
Elevator hoist operator	2.40
Engineer—generating plant	2.275
Fireman, field equipment serviceman, motor crane driver	2.20
Heavy duty repairman, heavy duty welder	2.45
Highline cableway operator	2.65
Highline cableway signalman	2.575
Locomotive engineer	2.575
Material loader or conveyor operator	2.20
Motor patrol operator, including any type of power blade	2.575
Mucking machine operator	2.65
Oshkosh, DW, tournapull, terra-cobra, euclid and similar equipment operator	2.575
Pavement breaker operator	2.40
Pump operator	2.20
Pile driver operator	2.65
Road oil mixing machine operator	2.50
Roller operator	2.40
Ross carrier driver	2.325
Skip loader operator—wheel type	2.325
Screed operator	2.20
Surface heater and planer operator	2.50
Tow blade or grader operator	2.325
Tractor hi-lift shovel operator	2.65
All wheel type tractor operator, except as otherwise classified	2.325
Tractor operator-bulldozer, tamper or scraper	2.45
Train handler (other than engine crew)	2.075
Traveling pipe wrapper and cleaning machine operator	2.65
Trenching machine operator	2.525
Universal equipment operator (shovel, dragline, clamshell, derrick and crane—both crawler and pneumatic type)	2.65

Painters

Case C-1556: Ajo, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1735; building construction only.

Journeyman brush painter, spray painter, and paperhanger	$2.20
Work inside tanks and vaults; structural steel; 25 feet or over; swing stage; boatswain's chair; creosote injurious to skin; sign painter	2.50

Case C-1179: Phoenix, and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 86; building construction only.

Journeyman painter	$2.345
Spray painter	2.52
Brush, swing stage	2.47
Steel and bridge	2.595
Sand blaster, swing	2.72
Paint burner	2.47
Paperhanger	2.47
Steeple jack	3.595
Creosote applier	3.22

Case C-6044: Cities of Tucson, Nogales and Fort Huachuca; building construction only.

Journeyman brush painter	$2.40
Journeyman spray painter	2.40
Journeyman paperhanger	2.40
Swing stage	2.70
Sign painter	2.70

Plasterers

Case C-7414: Phoenix, and area within the territorial jurisdiction of Operative Plasterers and Cement Masons International Association, Local 394; building and heavy construction only.

Journeyman plasterer	$3.30
Foreman	3.675

Plumbers

Case C-4998: Entire State of Arizona; mainline pipeline construction only.

Journeyman pipe fitter	$2.65
Pipe fitter welder	2.65
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C-8546: Entire State of Arizona; building construction only.

Journeyman sprinkler fitter	$2.79

Roofers

Case C-7199: Entire State of Arizona, with the exception of the territorial jurisdiction of United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Association, Local 239, Tucson; building construction only.

Journeyman slate, tile and composition roofer, damp and waterproof worker	$2.35

Sheet Metal Workers

Case C-6227: County of Mohave; building construction only.

Journeyman sheet metal worker	$2.90

Case C-3843: City of Tucson; counties of Pima, Pinal, Cochise, Santa Cruz, and Yuma; building construction only.

Journeyman sheet metal worker	$2.50

Soft Floor Layers

Case C-3444: City of Tucson and vicinity, which includes Nogales, and Fort Huachuca on the southern border of Arizona; building construction only.

Journeyman linoleum, tile layer and floor coverer	$2.30

Stone Masons

Cases C-314, C-696, C-5347: All the counties in Arizona except Pima, Santa Cruz, and Cochise; building construction only.

Stone mason	$3.50

Case C-3485: Counties of Santa Cruz and Pima; building construction only.

Stone mason	$3.30

Teamsters

Case C-7835: Entire State of Arizona; building, heavy and highway construction.

Teamster and/or warehouseman	$1.875
Dump truck driver—less than 4 yards, WLC, flat rack truck driver—less than 6 tons legal pay load capacity and industrial lift-truck driver	1.95
Dump truck driver—4 yards but less than 8 yards, WLC flat rack truck driver—6 tons but less than 10 tons, legal pay load capacity	1.975
Buggymobile, 1 yard or less, water truck driver—under 2,500 gallons, warehouse—clerk or foreman and shop greaser and/or fireman	2.00
Dump truck driver—8 yards less than 12 yards, WLC flat rack driver—10 tons, less than 15 tons, legal pay load capacity	2.025
Heavy duty repairman helper and/or welder helper and/or field equipment serviceman helper, dumpter truck driver, 6.9 CY or less, WLC and dumpcrete truck driver (less than 6¼ CY, WLC)	2.075
Dump truck driver—12 yards but less than 16 CY, WLC flat rack driver—15 ton but less than 20 ton, legal pay load capacity	2.10
Water truck driver—2,500 gallons but less than 7,000 gallons oil truck driver and/or bootman, under 2,500 gallons	2.125
Transit mix driver—under 3 yards	2.175
Dumptor driver—7 CY but less than 16 CY, WLC and field equipment serviceman	2.20
Oil truck driver and/or bootman—2,500 gallons but less than 7,000 gallons and water truck driver—7,000 gallons or more	2.25
Dumpster truck driver, dump truck driver—16 yards or more, WLC, flat rack driver—20 tons or more, legal pay load capacity, euclid type spreader truck driver, dumptor truck driver—16 CY or more, WLC and transit mix driver—3 yards or more	2.30
Ross carrier driver	2.325
Oil truck driver and/or bootman—7,000 gallons or more	2.375
Heavy duty repairman and/or welder	2.45

Tile Layers

Cases C-314, C-696, C-5347: All the counties in Arizona except Pima, Santa Cruz, and Cochise; building construction only.

Tile layer	$3.50

Case C-3485: Counties of Santa Cruz and Pima; building construction only.

Tile setter	$3.30

[F. R. Doc. 52-11667; Filed, Oct. 29, 1952; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 9]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

SEPTEMBER 29, 1952.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
			660 kilocycles			
CMDA	Santiago de Cuba, Oriente (vide: 1320 kc).	1	ND	U	II	Delete Oct. 17, 1952.
			670 kilocycles			
CMKP	Holguin, Oriente (filial CMBC)	1	DA	U	II-E	(Assignment of call letters.)
			680 kilocycles			
CMJE	Camaguey, Camaguey (filial CMBC).	1	ND	U	II	Do.
CMHG	Santa Clara, Las Villas (synchronized with CMJE).	1-D 0.5-N	ND	U	II	Feb. 13, 1953.
			1240 kilocycles			
CMKE	Victoria de las Tunas, Oriente (vide: 1320 kc).	.25	ND	U	IV	In operation Oct. 17, 1952.
			1300 kilocycles			
CMJQ	Nuevitas, Camaguey (vide: 1580 kc).	1	ND	U	III	Now in operation.
			1320 kilocycles			
CMKE	Victoria de las Tunas, Oriente (vide: 1240 kc).	.25	ND	U	IV	Delete Oct. 17, 1952.
CMDA	Santiago de Cuba, Oriente (vide: 650 kc).	.1	ND	U	III	In operation Oct. 17, 1952.
			1410 kilocycles			
CMHC	Santa Clara, Las Villas (assigned frequency 1480 kilocycles).	1	ND	U	III	In provisional operation on this frequency.
			1580 kilocycles			
CMJQ	Nuevitas, Camaguey (vide: 1300 kc).	.5	ND	U	II	Delete.
NEW	Camaguey, Camaguey	.5	ND	U	II	Mar. 30, 1953.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11638; Filed, Oct. 29, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2925]

AMERICAN & FOREIGN POWER CO., INC.

ORDER PERMITTING ISSUANCE OF COMMON STOCK AS STOCK DIVIDEND

OCTOBER 23, 1952.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the proposed payment of a common stock dividend to the holders of its common stock at the rate of one share of common stock for each 100 shares of such stock held, or an aggregate of 71,527 shares, such stock dividend being in addition to a cash dividend of 10 cents per outstanding share, with the payment of both dividends subject to our approval of the stock dividend;

Public hearings having been duly held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

The Commission having considered the record in the matter and having filed its memorandum opinion herein on October 17, 1952, concluding therein that it should permit the declaration to become effective upon the filing of an amendment to provide for the sale at the stockholder's request of shares to be received as the stock dividend in amounts up to 5 shares on the basis of assembling shares and selling for the account of stockholders at round-lot prices;

Foreign Power having, on October 21, 1952, filed an amendment in accordance with the aforesaid memorandum opinion of the Commission;

The Commission having examined said amendment and finding with respect to the declaration, as thus amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective subject to the following terms and conditions and reservation of jurisdiction:

It is hereby ordered, That the said declaration, as amended, be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that Foreign Power explain fully to its stockholders at the time the payments are made the nature of the stock dividend and the effect of converting it to cash and also provide an explanation of the present situation of the company which made it necessary to declare the stock dividend in order to conserve cash:

It is further ordered, That jurisdiction be and the same hereby is reserved to pass upon the sufficiency of the informative material to be sent to stockholders pursuant to the aforesaid condition.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11634; Filed, Oct. 29, 1952; 8:50 a. m.]

[File Nos. 70-2936, 70-2940]

REPUBLIC SERVICE CORP. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF PROPOSED CAPITAL CONTRIBUTION AND EXCHANGE OF SECURITIES

OCTOBER 24, 1952.

In the matter of Republic Service Corporation, File No. 70-2936; General Public Utilities Corporation, File No. 70-2940.

Notice is hereby given that Republic Service Corporation ("Republic"), a registered holding company, has filed and application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating sections 9 (a) and 12 (d) thereof and Rules U-44 and U-45 thereunder as applicable to its proposed transactions, and that General Public Utilities Corporation ("GPU"), a non-affiliate, also a registered holding company, has filed an application-declaration relating to the same matter, designating sections 6, 7, 9 and 10 of the act and Rule U-23 thereunder as applicable to its proposed transaction; which several transactions are summarized as follows:

Republic proposes to deliver to GPU all the outstanding capital stock of Republic's wholly owned subsidiary Brockway Light, Heat and Power Company ("Brockway"), being 1,000 common shares of the par value of $100 each, in exchange for 20,150 shares of the common stock of GPU; and GPU proposes in turn to deliver to Republic 20,150 shares of its common stock, now held in its treasury, in exchange for the 1,000 common shares of Brockway. Immediately prior to the exchange, Republic proposes to contribute to Brockway the total amount of all open account indebtedness owing by Brockway to Republic, which amounted to $50,000 as of June 30, 1952.

Applicants state that Brockway is engaged in distributing electric energy in the Borough of Brockway and Snyder Township, in Jefferson County, Pennsylvania; that Brockway normally purchases all its electric energy requirements from GPU's subsidiary Pennsylvania Electric Company ("Penelec"), whose service area almost surrounds that of Brockway.

Republic represents that the sale of its investment in Brockway and its acquisition of the GPU stock is a step in its over-all program to divest itself of its investment in its public utility subsidiaries and thus cease to be a holding company under the act. GPU represents that it will retain Brockway as a part of its integrated electric utility system, and that it contemplates merging the properties of Brockway with those of Penelec.

Financial data furnished by the applicants indicate that Brockway's current earnings (adjusted to give effect to certain assumed savings upon acquisition by GPU) amount to approximately $1.85 per share per annum as applied to the 20,150 GPU shares, which is less than GPU's current earnings per share (approximately $1.98) but more than its

current dividends per share ($1.40); that Brockway's net assets applicable to its common stock are approximately $225,000 less than the market value (about $24.75 per share) of the 20,150 GPU shares. GPU expresses the belief that closer coordination between Penelec's operations and those of Brockway will result in further operating economies.

Each applicant states that the exchange agreement was effected by arm's-length bargaining, and that no brokerage fees or commissions will be paid in connection with the transactions. Republic estimates its expenses at approximately $2,500, including a legal fee of $1,200 and an accounting fee of $1,000. GPU estimates its expenses other than legal at approximately $750 and states that all legal work in its behalf is being done by its regularly retained counsel whose over-all compensation will include compensation for services rendered herein.

Applicants further state that no other regulatory commission has jurisdiction over the steps to be taken in carrying out the proposed transactions, and they request that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than November 7, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applications-declarations which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said applications-declarations, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11635; Filed, Oct. 29, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1301]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 24, 1952.

Notice is hereby given that on October 23, 1952, the Federal Power Commission issued its order entered October 21, 1952, amending order (15 F. R. 4147) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-11629; Filed, Oct. 29, 1952; 8:48 a. m.]

[Docket No. G-1572]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 24, 1952.

Notice is hereby given that on October 23, 1952, the Federal Power Commission issued its order entered October 21, 1952, amending order (16 F. R. 2197) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-11630; Filed, Oct. 29, 1952; 8:49 a. m.]

[Docket Nos. G-1903, G-2042]

LOPENO GAS CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 24, 1952.

Notice is hereby given that on October 24, 1952, the Federal Power Commission issued its order entered October 21, 1952, authorizing and approving abandonment of facilities and granting request for amendment of Presidential Permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-11631; Filed, Oct. 29, 1952; 8:49 a. m.]

[Project No. 16]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER APPROVING EXHIBITS AND DISMISSING APPLICATION FOR APPROVAL OF EXHIBIT

OCTOBER 24, 1952.

Notice is hereby given that on October 23, 1952, the Federal Power Commission issued its order entered October 23, 1952, approving exhibits and dismissing application for approval of exhibit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-11632; Filed, Oct. 29, 1952; 8:49 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

CREDIT BALANCE

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1946 ed., Supp. V, section 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1952, was $736,753,151.57.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 23d day of October 1952.

[SEAL] W. J. KENNEDY, *Chairman.*
HORACE W. HARPER, *Member.*
F. C. SQUIRE, *Member.*

By the Railroad Retirement Board.

MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 52-11633; Filed, Oct. 29 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19044]

CAROLINE AUMER

In re: Bank account owned by Caroline Aumer, also known as Carolyn Aumer. F-28-31632, F-28-31632-E-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Caroline Aumer, also known as Carolyn Aumer, whose last known address is c/o Heil und Pflegaenstalt, Regensburg-Karthaus, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank (in the City of New York), Fourth Avenue at 14th Street, New York, New York, arising out of a savings account, account number 1006012, entitled Carolyn Aumer, maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Caroline Aumer, also known as Carolyn Aumer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11653; Filed, Oct. 29, 1952; 8:50 a. m.]

[Vesting Order 19045]

ELISABETH MUELLER

In re: Bank account owned by Elisabeth Mueller. F-28-13131-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Mueller, whose last known address is Erlenbach b. Kaiserslautern Steinbrucher 2, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Empire City Savings Bank, 231 West 125th Street, New York, New York, arising out of a savings account, account number 312535, entitled Elisabeth Mueller, maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth Mueller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11654; Filed, Oct. 29, 1952; 8:51 a. m.]

[Vesting Order 19046]

SANTA SCHUMANN

In re: Bank account owned by Santa Schumann, also known as Creszens Schumann. F-28-31989-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Santa Schumann, also known as Creszens Schumann, whose last known address is Munich, Lilienstrasse 29, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Nassau County National Bank, 41 Front Street, Rockville Centre, New York, arising out of a savings account numbered 10043, entitled Creszens Schumann, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Santa Schumann, also known as Creszens Schumann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-11655; Filed, Oct. 29, 1952; 8:51 a. m.]

[Vesting Order 19047]

DICK E. A. GRELL

In re: Rights of Dick E. A. Grell under Insurance Contract. File No. F-28-30732-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Dick E. A. Grell, whose last known address is Bülkau 327 über Otterndorf N. E., Land Hadeln, Province Hannover, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2 362 827 issued by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Dick E. A. Grell, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dick E. A. Grell, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11656; Filed, Oct. 29, 1952; 8:51 a. m.]

[Vesting Order 19048]

EVA AND RENATE HILD

In re: Rights of Mrs. Eva Hild and of Renate Hild under Insurance Contract. File No. F-28-28511-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Eva Hild and Renate Hild, whose last known address is Koenigsfeldstrasse 2, Freising, Bavaria, Western Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8714,634 issued by the Equitable Life Assurance Society of the United States, New York, New York, to Hans Hild, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Eva Hild and Renate Hild, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11657; Filed, Oct. 29, 1952; 8:51 a. m.]

[Vesting Order 19049]

HANS W. L. AND INGE NOACK

In re: Rights of Hans W. L. Noack and of Inge Noack under Insurance Contracts. File Nos. F-28-26738-H-2, H-3 and H-4.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans W. L. Noack and Inge Noack, each of whose last known address is Lesum Bei Bremen, Deichweg 134 A, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 1469039, 1583-293 and 1681043 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Hans W. L. Noack, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hans W. L. Noack and Inge Noack, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11658; Filed, Oct. 29, 1952; 8:52 a. m.]

[Vesting Order 17367, Amdt.]

JOSEPH F. BAUER

In re: Stock owned by Joseph F. Bauer, also known as Josef Bauer. F-28-31222.

Vesting Order 17367, dated February 13, 1951, is hereby amended as follows and not otherwise:

a. By deleting subparagraph 2 (c) of the aforesaid Vesting Order 17367 and substituting therefor the following subparagraph:

2c. Ten Thousand (10,000) shares of $1.00 par value stock of Globe Rouyn Gold Mines, Ltd., Quebec, Declaration of Trust, evidenced by Certificate numbered 2, registered in the name of Josef Bauer, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. By deleting from subparagraph 2 (f) of the aforesaid Vesting Order 17367 the name, "Stadarona-Rouyn Mines, Ltd.," and substituting therefor the name, "Stadacona-Rouyn Mines, Ltd." and

c. By deleting from subparagraph 2 (g) of the aforesaid Vesting Order 17367 the name, "Brancoeur Gold Mines, Ltd.," and substituting therefor the name, "Francoeur Gold Mines, Ltd."

All other provisions of said Vesting Order 17367, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11659; Filed, Oct. 29, 1952; 8:52 a. m.]

[Vesting Order 17950, Amdt.]

VERMEER & CO.

In re: Stock registered in the name of Vermeer & Co., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1359.

Vesting Order 17950, dated May 24, 1951, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the numbers 2661 and 2669 set forth with respect to ten (10) share certificates of The United States Leather Company common stock, and substituting therefor the numbers 2761 and 2769 respectively.

2. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number B-50292 set forth with respect to a ten (10) share certificate of The Kansas City Southern Railway Company no par value common stock, and substituting therefor the number B-50272.

3. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the number 26023 set forth with respect to a ten share certificate of Southern Railway Company preferred stock, and substituting therefor the number 26013.

All other provisions of said Vesting Order 17950 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11660; Filed, Oct. 29, 1952; 8:52 a. m.]

[Vesting Order 18843, Amdt.]

H. YAMANOUCHI ET AL.

In re: Debts owing to, cash and securities and personal property owned by H. Yamanouchi, also known as Hideo Yamanouchi, and others.

Vesting Order 18843, dated April 22, 1952, is hereby amended as follows and not otherwise:

1. By deleting from subparagraph 4 (d) of said Vesting Order 18843 the name "Hydewood Gold Club Inc." and substituting therefor the name "Hydewood Golf Club Inc."

2. By deleting from Exhibit A attached to and by reference made a part of said Vesting Order 18843 the number "100" and the phrase "at ten shares each", set forth with respect to stock of South Manchurian Railway Company, Ltd. and substituting therefor the number "10" and the phrase "at one share each".

All other provisions of said Vesting Order 18843, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 27, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11661; Filed, Oct. 29, 1952; 8:52 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART C—STANDARDS

OFFICIAL STANDARDS FOR BURLEY TOBACCO

On October 17, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9200) regarding the issuance of proposed Official Standards for Burley Tobacco. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and by virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat., 732; 7 U. S. C. 511 et seq.), there is prescribed and promulgated the following grades for Burley tobacco of Type 31 to be known as the Official Standard Grades for Burley Tobacco, to be in force and effect on November 28, 1952. These official standard grades shall supersede the present standard grades for Burley tobacco promulgated on November 25, 1936 (1 F. R. 2040), and amended January 18, 1938 (3 F. R. 189).

The revised standards are as follows:

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U. S. TYPE 31)

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29.401 General specifications.

LUGS OR CUTTERS (C-GROUP)

29.402 General specifications.

GRANULATORS OR FLYINGS (X-GROUP)

29.403 General specifications.

MIXED GROUP GRADES (M-GROUP)

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FEDERAL REGISTER

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AUTHORITY: §§ 29.401 to 29.495 issued under sec. 14, 49 Stat. 734; 7 U. S. C. 511m.

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U. S. TYPE 31)

LEAF GRADES (B-GROUP)

§ 29.401 *General specifications.* All grades of the B group must be clean, sound, medium to heavy body, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
B1F	Choice Quality Leaf in Tan Color. Very smooth, very good texture, oily, ripe, firm, medium to fairly fleshy body, strong, fairly spready, open weave, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
B1R	Choice Quality Leaf in Red Color. Very oily, fairly fleshy to heavy body, otherwise same as B1F.
B2F	Fine Quality Leaf in Tan Color. Smooth, good texture, oily, ripe, firm, medium to fairly fleshy body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 20" long. Tolerance 10 percent injury.
B2R	Fine Quality Leaf in Red Color. Very oily, fairly fleshy to heavy body, otherwise same as B2F.
B3F	Good Quality Leaf in Tan Color. Fairly smooth, fair texture, oily, ripe, firm, medium to fairly fleshy body, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 18" long. Tolerance, 15 percent injury.
B3R	Good Quality Leaf in Red Color. Very oily, fairly fleshy to heavy body, otherwise same as B3F.
B3M	Good Quality Mixed Leaf. Average quality of B3 or better.
B3G	Good Quality Green Leaf. Quality of B3, except oil, maturity, and porosity.
B4F	Fair Quality Leaf in Tan Color. Unrough, fairly oily, fairly ripe, fairly firm, medium to fairly fleshy body, normal strength, not stringy, fairly true color shade, dull finish, unmixed, over 16" long. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
B4R	Fair Quality Leaf in Red Color. Oily, fairly fleshy to heavy body, otherwise same as B4F.
B4D	Fair Quality Leaf in Dun or Dull Red Color. Medium to heavy body, dusky color shade, otherwise quality of B4F.
B4M	Fair Quality Mixed Leaf. Average Quality of B4.
B4G	Fair Quality Green Leaf. Quality of B4, except oil and maturity.
B5F	Low Quality Leaf in Tan Color. Fairly ripe, medium to fairly fleshy body, not tender, dusky color shade, cloudy to dingy finish, unmixed, over 16" long. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
B5R	Low Quality Leaf in Red Color. Fairly fleshy to heavy body, otherwise same as B5F.
B5D	Low Quality Leaf in Dun or Dull Red Color. Medium to heavy body, otherwise quality of B5F.
B5M	Low Quality Mixed Leaf. Average quality of B5.
B5G	Low Quality Green Leaf. Quality of B5, except maturity.

LUGS OR CUTTERS (C-GROUP)

§ 29.402 *General specifications.* All grades of the C group must be clean, sound, thin to medium body, lean to low in oil, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
C1L	Choice Quality Cutters in Straw Color. Silky, fine texture, lean, very ripe, firm, thin body, strong, broad, very open weave, very light color shade, very bright finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
C1F	Choice Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C1L.
C2L	Fine Quality Cutters in Straw Color. Very smooth, very good texture, lean, very ripe, firm, thin body, fairly strong, spready, open weave, light color shade, very clear finish, blending fibers, harmonizing, over 20" long. Tolerance, 10 percent injury.
C2F	Fine Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C2L.
C3L	Good Quality Cutters in Straw Color. Smooth, good texture, lean, very ripe, fairly firm, thin body, normal strength, fairly spready, open weave, fairly light color shade, clear finish, emerging fibers, similar, over 18" long. Tolerance, 15 percent injury.
C3F	Good Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C3L.
C3R	Good Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C3L.
C4L	Fair Quality Cutters in Straw Color. Fairly smooth, fair texture, lean, ripe, not flimsy, thin body, normal strength, normal width, fairly open weave, true color shade, fairly clear finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
C4F	Fair Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C4L.
C4R	Fair Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C4L.
C4M	Fair Quality Mixed Cutters. Average quality of C4 or better.
C4G	Fair Quality Green Cutters. Quality of C4, except maturity and porosity.
C5L	Low Quality Cutters in Straw Color. Unrough, lean, fairly ripe, not flimsy, thin body, not weak or narrow, fairly open weave, fairly true color shade, dull to cloudy finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
C5F	Low Quality Cutters in Tan Color. Fairly lean, fairly thin to medium body, otherwise same as C5L.
C5R	Low Quality Cutters in Red Color. Low in oil, fairly thin to medium body, otherwise same as C5L.
C5M	Low Quality Mixed Cutters. Average quality of C5 or better.
C5G	Low Quality Green Cutters. Quality of C5, except maturity and porosity.

GRANULATORS OR FLYINGS (X-GROUP)

§ 29.403 *General specifications.* All grades of the X group must be clean, sound, tissuey to fairly thin body, porous, very lean and low in oil, and must not exceed the tolerances specified with respect to waste.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
X1L	Choice Quality Flyings in Straw Color. Smooth, very lean, mellow, fairly firm, tissuey body, not weak, normal width, very open weave, pale color shade, clear finish, blending fibers, harmonizing. Tolerance, 5 percent waste.
X1F	Choice Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X1L.
X2L	Fine Quality Flyings in Straw Color. Smooth, very lean, mellow, not flimsy, tissuey body, not weak or narrow, open weave, light color shade, fairly clear finish, emerging fibers, similar. Tolerance, 10 percent waste.
X2F	Fine Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X2L.
X3L	Good Quality Flyings in Straw Color. Fairly smooth, very lean, ripe to mellow, not flimsy, tissuey body, not tender or stringy, porous, true color shade, dull finish, unmingled. Tolerance, 20 percent waste.
X3F	Good Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X3L.
X3R	Good Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X3L.
X4L	Fair Quality Flyings in Straw Color. Unrough, very lean, fairly ripe to mellow, tissuey body, very porous, fairly dusky color shade, cloudy finish, unmixed. Tolerance, 30 percent waste.
X4F	Fair Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X4L.
X4R	Fair Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X4L.
X4M	Fair Quality Mixed Flyings. Average quality of X4 or better.
X4G	Fair Quality Green Flyings. Quality of X4, except maturity and porosity.
X5L	Low Quality Flyings in Straw Color. Very lean, fairly ripe to overripe, tissuey body, very porous, dusky color shade, dingy finish, unmixed. Tolerance, 40 percent waste.
X5F	Low Quality Flyings in Tan Color. Lean, very thin body, otherwise same as X5L.
X5R	Low Quality Flyings in Red Color. Fairly lean, fairly thin body, otherwise same as X5L.
X5M	Low Quality Mixed Flyings. Average quality of X5.
X5G	Low Quality Green Flyings. Quality of X5, except maturity and porosity.

MIXED GROUP GRADES (M-GROUP)

§ 29.404 *General specifications.* All grades of the M group must be clean and sound. The specifications for the M group grades shall apply in relation to the type as a whole and in the sense that "General color" and "General quality" are defined. Thus, "tobacco having the general quality of C3 or better", may include, in case of a relatively thin crop, tobacco which would grade B2F if separated from the general mixture. Based on the general quality and color of the type, the F colored grades shall consist chiefly of tobacco which is relatively very thin to medium in body and relatively light or tannish in color, and the R colored grades shall consist chiefly of tobacco which is relatively medium to heavy in body and relatively dark or reddish in color. General tolerance, 20 percent of light thin green in the F colored grades and 20 percent of green in the R colored grades.

GRADE DESCRIPTION AND SPECIFICATIONS

U. S. Grade	
M3F	Good Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C3, X3, or better, and the minor portion shall consist of tobacco having the general quality of B3, T3, or better.
M3R	Good Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B3, T3, or better, and the minor portion shall consist of tobacco having the general quality of C3, X3, or better.
M4F	Fair Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C4, X4, or better, and the minor portion shall consist of tobacco having the general quality of B4, T4, or better.
M4R	Fair Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B4, T4, or better, and the minor portion shall consist of tobacco having the general quality of C4, X4, or better.
M5F	Low Quality Mixed Group of Relatively Light General Color. Shall consist chiefly of tobacco having the general quality of C5, X5, or better, and the minor portion shall consist of tobacco having the general quality of B5, T5, or better.
M5R	Low Quality Mixed Group of Relatively Dark General Color. Shall consist chiefly of tobacco having the general quality of B5, T5, or better, and the minor portion shall consist of tobacco having the general quality of C5, X5, or better.

SPECIAL GROUPS (N, W, AND S GROUPS); SPECIFICATIONS

§ 29.405 *U. S. Group N.* Nondescript, as defined in this part.

§ 29.406 *U. S. Group W.* Web or Strip Blend, as defined in this part.

§ 29.407 *U. S. Group S.* Scrap, as defined in this part.

DEFINITIONS

§ 29.408 *Terms defined.* For the purposes of §§ 29.401 to 29.495, the terms appearing in §§ 29.409 to 29.481 shall be construed as explained therein.

§ 29.409 *Aircured.* Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather. Subjecting tobacco to excessive artificial heat in the curing process influences its physical characteristics and chemical composition to such an extent that it cannot be designated as a true aircured tobacco. Burley tobacco which has been subjected to excessive heat in the curing process is classified as an "offtype" of Burley.

§ 29.410 *Airdried.* The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.411 *Body.* The thickness and density of leaf or weight per unit of surface.

§ 29.412 *Botched.* The grade of any tobacco, not defined as nested or offtype, which does not reasonably conform to the common and accepted practices of preparing tobacco for market in the type district, including: (a) Extreme mixtures which cannot be classified in the grades of the M group, such as very poor quality or nondescript tobacco intermingled with good quality tobacco, badly injured tobacco intermingled with tobacco which is not materially injured, mixed group tobacco which contains green in excess of the tolerances specified, et cetera; (b) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, rubber bands, sand, muddy or extremely dirty leaves; (c) tobacco prepared in a disorderly or tangled manner, such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (d) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

§ 29.413 *Chief.* The Chief of the Standards and Technical Research Division, Tobacco Branch, Production and Marketing Administration.

§ 29.414 *Class.* A major division of tobacco based on characteristics caused by varieties, soils, and climatic conditions, and the method of cultivation, harvesting, and curing.

§ 29.415 *Clean.* Normally free of dirt and other foreign matter.

§ 29.416 *Color.* A subdivision of a group based on the relative hues, saturations, and brilliances common to the group and on certain elements of quality, such as body and maturity, which are closely related to color.

§ 29.417 *Condition.* The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner or preparation or its degree of fermentation, such as Undried, Airdried, Steamdried (Redried), Sweating, Sweated, and Resweated.

§ 29.418 *Crude.* (a) Any very immature leaf of which one-fifth or more of its surface has a positive green color; or (b) any lot of tobacco containing 30 percent or more crude leaves.

§ 29.419 *Cured.* Tobacco thoroughly dried of its sap by either natural or artificial processes.

§ 29.420 *Cutters or Lugs (C).* A group of tobacco which, compared with the general characteristics of the type, is relatively lean to low in oil, thin to medium body, and spready; which has an open weave and a very light to fairly true color shade; which has sufficient tensile strength and solidity to be stemable into whole strips; and which is not injured sufficiently to materially reduce the strip yield.

§ 29.421 *Damaged.* The effect of mold, must, rot, black-rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

§ 29.422 *Decayed.* Any tobacco which is damaged to the extent of 20 percent or more.

§ 29.423 *Dun or Dull Red (D).* Tobacco which is chiefly composed of leaves having a very dull or dingy finish and a very dusky or dark shade of brown color and which is not crude, green, or mixed.

§ 29.424 *Flyings or Granulators (X).* A group of tobacco which, compared with the general characteristics of the type, is relatively nonelastic, very lean or low in oil, tissuey to fairly thin in body and which has a very open to porous weave, a pale to dusky color shade, and low tensile strength and solidity. Flyings normally do not have sufficient strength, body, or solidity, or contain too much injury and waste to be stemable into whole strips.

§ 29.425 *Foreign matter.* Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

§ 29.426 *Form.* The stage of preparation of tobacco, such as Unstemmed and Stemmed.

§ 29.427 *General color.* The color of any tobacco considered in relation to a type as a whole as distinguished from the restricted use of the term "color" as a subdivision of a group. General colors are basically related to body and other over-all characteristics of the type.

§ 29.428 *General quality.* The quality of any tobacco considered in relation to a type as a whole as distinguished from the restricted use of the term "quality" as a subdivision of a group. The group divisions of a type are based upon certain quality characteristics of the type as a whole, while the restricted use of quality as a subdivision of a group is limited to the relative qualities appearing in a particular group.

§ 29.429 *Grade.* A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

§ 29.430 *Green (G).* (a) Any leaf of which one-fifth or more of its surface is predominantly green in color; or (b) any lot of tobacco containing 20 percent or more green leaves; or (c) any lot of tobacco which is not crude but which contains 20 percent of green and crude combined.

§ 29.431 *Greenish (V).* (a) Any leaf of which one-fifth or more of its surface has a decided greenish tinge or cast; or (b) any lot of tobacco containing 30 percent or more greenish leaves; or (c) any lot of tobacco which is not green but which contains 30 percent of green and greenish leaves combined.

§ 29.432 *Group.* A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

§ 29.433 *Injury.* Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing deformed leaves; or tobacco hurt by insects; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frenching, sandgrown, or other similar diseases.

§ 29.434 *Leaf (B).* A group of tobacco which, compared with the general characteristics of the type, is relatively medium to very heavy in body. Leaf is basically characterized by a medium to very heavy body as compared with Cutters (Lugs) and Flyings. Three kinds of leaf are generally recognized, namely: Smoking-leaf, Heavy-leaf, and Tips.

§ 29.435 *Leaf-scrap.* Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

§ 29.436 *Lot.* A pile, basket, bulk, bale, case, hogshead, tierce, or other definite unit.

§ 29.437 *Major.* The principal or leading kind of tobacco of which a lot consists; or the kind of tobacco which constitutes the largest percentage of a lot.

§ 29.438 *Mixed (M-color).* A moderate mixture of fairly closely related grades, including: (a) Any tobacco of the same group of which 30 percent or more is distinctly different in quality or color, or (b) any tobacco of which the major or principal kind is of one group but which contains 30 percent or more tobacco of a closely related group which is not distinctly different in general quality or color.

§ 29.439 *Mixed group (M-group).* Any extreme mixture, not defined as nondescript, containing tobacco of two or more distinctly different groups, including: (a) Any lot of tobacco which has not been sorted (graded) in the customary and commonly accepted manner and which consists of tobacco of two or more distinctly different groups, or (b) any lot containing tobacco which is extremely different in body, general quality, or general color.

§ 29.440 *Nested.* The grade of any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobacco of inferior grade, quality, or condition. Specifically, the grade "Nested" shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands, or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the inside of the hands, or which contains wet tobacco or tobacco of relatively lower quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

§ 29.441 *Nondescript (N).* Except as may be designated by a special factor, nondescript shall include: (a) Any tobacco which does not meet the minimum specifications of the lowest grade of any other group; (b) any wet, semicured, or unsound tobacco; (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more; or (d) any tobacco defined as botched, crude, decayed, offtype, or nested.

§ 29.442 *Offtype.* The grade of any tobacco which cannot be properly classified in any other grade of the type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established type. Specifically, the grade "Offtype" shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco containing or showing the residue from insecticides, tobacco having the odor of insecticides or any odor foreign to the type, or tobacco showing the effects of excessive heat (coking), smoke, or fumes from open fires.

§ 29.443 *Order (case).* The state of tobacco with respect to its moisture content.

§ 29.444 *Package.* A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.445 *Packing.* A lot of tobacco consisting of a certain number of packages submitted for sampling or inspection as one definite unit and represented to contain the same grade and kind of tobacco and having a common identification number or mark on each package.

§ 29.446 *Quality.* A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco, construed in relation to a specific group as a whole.

§ 29.447 *Raw.* Freshly harvested tobacco, or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.448 *Resweated.* The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or refermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.449 *Scrap.* A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of loose, untied, and unstemmed leaves or the web portions of leaves, which ac-

cumulate in warehouses, packing and conditioning plants, and stemmeries; or tobacco which has been reduced to scrap by any process.

§ 29.450 *Semicured.* Tobacco in the process of being cured, or tobacco which is partially, but not thoroughly cured, including tobacco which contains fat-stems, wet-butts, swell-stems, or stems which have not been thoroughly dried in the curing process.

§ 29.451 *Side.* Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

§ 29.452 *Smoking-leaf (H).* A subgroup of Leaf: Composed of relatively thin, non-elastic, very ripe, grainy, and porous leaves; being relatively low in oil; and characterized by a somewhat duller finish than the corresponding colors of the leaf group.

§ 29.453 *Sound.* Free of damage.

§ 29.454. *Special factor.* A symbol or term authorized to be used with specified grades to designate a certain side or characteristic of importance, varying from or not covered by the specifications of the grades.

§ 29.455 *Steamdried.* The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.456 *Stem.* A midrib of a tobacco leaf.

§ 29.457 *Stemmed.* A form of tobacco from which the stems or midribs have been removed, which may consist of either strips or web-scrap.

§ 29.458 *Stems.* A tobacco by-product composed of the midribs of tobacco leaves.

§ 29.459 *Strips.* (a) The two whole sides of a tobacco leaf from which the stem has been removed; or (b) a lot of tobacco composed of strips.

§ 29.460 *Subgrade.* Any grade modified by a special factor or subgroup symbol.

§ 29.461 *Subgroup.* A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

§ 29.462 *Sweated.* The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

§ 29.463 *Sweating.* The condition of tobacco in the process of fermentation.

§ 29.464 *Tips (T).* A subgroup of Leaf tobacco of which 20 percent or more of its leaves are under 16" in length. Tips normally consist of relatively narrow, sharp pointed, and heavy bodied leaves, under 16" long, which grow on the top or upper part of the plant but may consist of any short leaf tobacco having the characteristics of tips.

§ 29.465 *Tobacco.* Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in this part, does not include any raw tobacco or manufactured products.

§ 29.466 *Tobacco products.* Products manufactured from tobacco which are subject to internal revenue taxes, including: Cigarettes, cigars, and smoking, chewing, and snuff tobaccos.

§ 29.467 *Type.* A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.468 *Type 31.* That type of Light Aircured Tobacco, U. S. Class 3a, commonly known as Burley or Burley Aircured, and produced principally in Kentucky, southern Ohio and Indiana, western West Virginia, central and eastern Tennessee, and sections of Virginia, North Carolina, and Missouri, including any Burley which is not a true aircured tobacco, such as the "Oltype" grade of Burley tobacco.

§ 29.469 *Under-size.* Tobacco which is shorter than the minimum size established for a particular group or grade of a type.

§ 29.470 *Undried.* The condition of unfermented tobacco which has not been airdried or steamdried.

§ 29.471 *Uniformity.* One of the elements of quality in tobacco having reference to the consistency of a lot of tobacco, as ordinarily sorted and prepared for market, with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may contain a minor portion of a closely related group, or tobacco of the same group which is distinctly different in quality or color from the major or principal kind of which a lot consists: (a) Alike or very uniform, less than 5 percent; (b) uniform, less than 10 percent; (c) harmonizing or fairly uniform, less than 15 percent; (d) similar, less than 20 percent; (e) unmingled, less than 25 percent; (f) unmixed, less than 30 percent; and (g) mixed, 30 percent or more. Mixed group tobacco shall be construed as not having any degree of uniformity.

§ 29.472 *Unsound (U).* Damaged under 20 percent.

§ 29.473 *Unstemmed.* A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

§ 29.474 *Variegated (K).* Having a diversity of contrasting colors or tints, other than green, within a leaf; or leaves which are in part distinctly mottled, bleached, or stained; or leaves which in part have been badly discolored in the curing process; or leaves which do not blend with the normal colors of straw, tan, red, or dull red established for the type. Any lot of tobacco containing 30 percent or more of such leaves is classified as variegated.

§ 29.475 *Waste.* That portion or portions of the web of tobacco leaves which has been lost or rendered unserviceable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases, field firing, pole-burning, or bulk-burning; and (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process or due to excessive injury of any kind.

§ 29.476 *Web.* (a) That portion of a tobacco leaf expanded from the midrib, as distinguished from the stem or midrib, or that portion of a tobacco leaf from which the midrib has been removed; or (b) a lot of tobacco consisting of the web of tobacco leaves, or any unmanufactured tobacco, except scrap, which does not contain stems.

§ 29.477 *Web or Strip Blend (W).* A group of tobacco consisting of the web or strips of closely related grades which have been systematically and uniformly blended together in the stemming process.

§ 29.478 *Web-scrap.* Stemmed scrap or stemless scrap which is a byproduct from stemming tobacco or handling strips, consisting chiefly of portions of strips; or a lot of tobacco from which the stems have been removed by thrashing or other means which breaks the web or sides of the leaves into small pieces.

§ 29.479 *Web-yield.* The weight of clean web which is normally serviceable and useable in reputable tobacco products expressed as the percent of the original unstemmed weight.

§ 29.480 *Wet (W).* Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful keeping state for the condition or purpose the tobacco is to be used, handled, or stored. Wet shall apply to any semicured or other tobacco which is not damaged, but which is likely to damage on account of excessive moisture if treated in the customary manner or unless unusual precaution is taken.

§ 29.481 *Yield.* The potential quantity or percentage of a given product which can be produced, per unit, from a lot or packing of tobacco.

RULES

§ 29.482 *Rules.* The application of §§ 29.401 to 29.481 shall be in accordance with the rules appearing in §§ 29.483 to 29.495.

§ 29.483 *Rule 1.* Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

§ 29.484 *Rule 2.* The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

§ 29.485 *Rule 3.* In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.486 *Rule 4.* In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one, not more than 12 inches from the bottom of the package and all breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three of the breaks so made and, from these draws, a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.487 *Rule 5.* Tobacco damaged under 20 percent shall be classed as unsound and treated as a subgrade by placing the special factor letter "U" after the grade mark. For example: A lot of unsound tobacco which otherwise meets the specifications of B4F shall be graded B4F–U.

§ 29.488 *Rule 6.* When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

§ 29.489 *Rule 7.* Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

§ 29.490 *Rule 8.* Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

§ 29.491 *Rule 9.* The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

§ 29.492 *Rule 10.* If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

§ 29.493 *Rule 11.* Any special factor symbol, approved for the purpose by the Chief of the Standards and Technical Research Division, Tobacco Branch, P. M. A., may be used after a grade mark to show a peculiar side or characteristic of the tobacco. The Chief is authorized to establish, from time to time, grade subdivisions of the special groups of N, W, and S. Interpretations on the application of these standards, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief. The use of any grade may be restricted by the Chief, during any marketing season, when he finds that the grade is not needed or appears in insufficient volume to justify making the grade.

§ 29.494 *Rule 12.* Any Leaf in F or R colors of the B3, B4, or B5 qualities, and any Leaf in D or G colors of B4 or B5 qualities, which is under 16" long shall be made a subgroup by substituting the letter "T" for the group letter "B" in the grade symbol.

§ 29.495 *Rule 13.* All qualities of Leaf in F and R colors which have the characteristics of Smoking-leaf may be made a subgroup by substituting the letter "H" for the group letter "B" in the grade symbol.

Issued at Washington, D. C., this 28th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11698; Filed, Oct. 30, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 978—MILK IN THE NASHVILLE, TENN., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than November 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and crops have been seriously affected by drought conditions. Producers might be forced to reduce their herds with a consequent loss of milk production and added expense and difficulty in rebuilding herds and production in the future.

The provisions of the said order are known to handlers, having been published in a decision which was issued by the Secretary on October 23, 1952.

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective November 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Nashville, Tennessee, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the

producers who, during the determined representative period (August 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 978.51 (a), insert after "$1.25", the following: "except that for November and December 1952 and January 1953, such differential shall be $1.71, and for February and March 1953, such differential shall be $1.48,".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of October 1952, to be effective on and after November 1, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11699; Filed, Oct. 30, 1952; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-19]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INTERVENTIONS BY CITIES, OTHER PUBLIC BODIES, AND CHAMBERS OF COMMERCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of October 1952.

In Draft Release No. 4, dated September 15, 1952, the Civil Aeronautics Board gave notice that it had under consideration a revision of § 302.15 of the Procedural Regulations relating to the filing of petitions for intervention in economic proceedings by cities, other public bodies, and chambers of commerce. The proposed rule would permit the filing of intervention petitions by such groups not later than the last day prior to the beginning of the hearing.

Pursuant to the opportunity given by the Board to participate in the making of the proposed rule, comments have been received from a number of cities, chambers of commerce, air carriers, and one government department.

The cities and chambers of commerce support the proposed rule pointing out the procedures they must follow to obtain formal permission for intervention which makes difficult meeting the time requirements of existing Board intervention rules.

The air carriers sending in comments generally oppose the revision primarily upon the ground that it would impose an unfair burden upon them by eliminating advance notice of the identity of all intervenors and the position to be taken by them. As an alternative these carriers suggest that cities and chambers of commerce be given until 20 days after the prehearing conference to file an intervention petition.

The comments filed by cities and chambers of commerce, which are backed by Board experience, would indicate that the alternative suggestion of the carriers would not meet the problem outlined in the notice of proposed rule making. The Board also believes that it will be a rare case in which the operation of the proposed rule will operate to the real detriment of a carrier. We will seek the cooperation of cities, other public bodies, and chambers of commerce which normally participate in Board proceedings to file their petitions for intervention by the date for exchange of exhibits. In those cases where they are unable to do so past experience does not indicate the imposition of an undue burden on carrier participants. Finally, if the new rule should be abused and should produce the results the commenting carriers fear, the Board will always be prepared to consider an appropriate revision.

We also do not believe the new rule should be broadened, as requested, to include government departments. The reason given is the difficulty of ascertaining the scope of a proceeding in advance of the prehearing conference. This reason is equally applicable to all participants in Board proceedings and was fully considered and disposed of prior to adoption of the present rules.

In consideration of the foregoing and the reasons set forth in the notice of September 15, 1952, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective November 14, 1952:

By adding to the provisions of paragraph (c), subparagraph (2), of § 302.15, a new subdivision (iii) to read as follows:

(iii) A petition to intervene in any Board proceeding filed by a city, other public body, or a chamber of commerce shall be filed with the Board not later than the last day prior to the beginning of the hearing thereon.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017, 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-11695; Filed, Oct. 30, 1952; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 80]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.284 *Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.)*, concluding portion, is amended to read: "From the Meridian, Miss., radio range station via the Montgomery, Ala., Maxwell AFB radio range station; the intersection of the east course of the Maxwell AFB radio range and the northwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the north course of the Columbus, Ga., radio range and the south course of the Campbellton, Ga., radio range, excluding the portion which overlaps danger areas, to the intersection of the south course of the Campbellton, Ga., radio range and the southwest course of the Atlanta, Ga., radio range."

2. Section 600.639 is amended by changing caption to read: *"Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)"*, and by adding a new first portion to read: "From the Savannah, Ga., radio range station via the intersection of the northwest course of the Savannah, Ga., radio range and the south course of the Augusta, Ga., radio range; Augusta, Ga., radio range station; the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station."

3. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by deleting the following portion: "Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station.", and by adding the following portion in lieu thereof: "Allentown, Pa., omnirange station to the Matawan, N. J., VHF VAR station via the Allentown omnirange 110° True radial."

4. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.)*, is amended by changing the first portion to read: "From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; College Station, Tex., omnirange station; Waco, Tex., omnirange station, including an east alternate; Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; Ardmore, Okla., omnirange station to the Tulsa, Okla., omnirange station, including an east alternate."

5. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Nashville, Tenn.)* is amended by changing the first portion to read: "That airspace over the United States territory from the Ontario, Calif., omnirange station via the intersection of the Ontario omnirange 091° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station to the Phoenix, Ariz., omnirange station."

6. Section 600.6020 is amended by changing the caption to read: *"VOR civil airway No. 20 (Laredo, Tex., to Montgomery, Ala.)"*, and by deleting the following portion: "intersection of the New Orleans 066° True and the Mobile omnirange 242° True to the Mobile, Ala., omnirange station.", and by adding the following portion: "intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station; Evergreen, Ala., omnirange station to the Montgomery, Ala., omnirange station."

7. Section 600.6022 is amended to read:

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Tallahassee, Fla.)*. From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 081° True and the Mobile omnirange 200° True radials; Mobile, Ala., omnirange station; intersection of the Mobile 070° True and the Crestview omnirange 274° True radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station to the Tallahassee, Fla., omnirange station, excluding that portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II) between sunset and sunrise.

8. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.)*, is amended by deleting the following portion: "Allentown, Pa., omnirange station to the Matawan, N. J., VHF VAR station via the Allentown omnirange 110° True radial.", and by adding the following portion in lieu thereof: "Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station."

9. Section 600.6070 is amended to read:

§ 600.6070 *VOR civil airway No. 70 (Palacios, Tex., to Lake Charles, La.)*. From the Palacios, Tex., omnirange station via the Galveston, Tex., omnirange station to the Lake Charles, La., omnirange station.

10. Section 600.6095 is amended to read:

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.)*. From the Phoenix, Ariz., omnirange station to the Winslow, Ariz., omnirange station.

11. Section 600.6105 is amended to read:

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Prescott, Ariz.)*. From the Phoenix, Ariz., omnirange station to the Prescott, Ariz., omnirange station.

12. Section 600.6107 is amended to read:

§ 600.6107 *VOR civil airway No. 107 (Santa Barbara, Calif., to Bakersfield, Calif.)*. From the Santa Barbara, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

13. Section 600.6113 is amended to read:

§ 600.6113 *VOR civil airway No. 113 (Modesto, Calif., to Reno, Nev.)*. From the Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

14. Section 600.6115 is amended to read:

§ 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Montgomery, Ala.)*. From the Crestview, Fla., omnirange station to the Montgomery, Ala., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 11, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11690; Filed, Oct. 30, 1952; 8:50 a. m.]

[Amdt. 85]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone, and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.639 is amended by changing the caption to read: *"Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.)"*.

2. Section 601.1015 *Control area extension (Greenwood, Miss.)* is amended by adding the following portion to present control area extension: "and extending 5 miles either side of the 138° True and 318° True radials of the Greenwood omnirange to points 20 miles southeast and northwest of the omnirange station."

3. Section 601.1016 is amended to read:

§ 601.1016 *Control area extension (Jackson, Tenn.)*. Within 5 miles either side of the north course of the Jackson, Tenn., radio range extending from the radio range station to a point 20 miles north.

4. Section 601.1085 *Control area extension (Cherry Point, N. C.)* is revoked.

5. Section 601.1085 is added to read:

§ 601.1085 *Control area extension (Edwards Air Force Base, Calif.)*. All that airspace bounded on the south by Green civil airway No. 4, on the southwest by Blue civil airway No. 14, on the north by Lat. 34°58'00", on the east by Long. 117°48'00", including the airspace within 5 miles either side of a line bearing 56° True extending from the Edwards Air Force Base and passing through the Edwards omnirange station site at Lat. 35°00'18", Long. 117°41'14" to a point 15 miles northeast of the omnirange station site, excluding the portions which overlap danger areas.

6. Section 601.1125 is amended to read:

§ 601.1125 *Control area extension (Tallahassee, Fla.)*. Within 5 miles either side of the Tallahassee (Dale Mabry Field) ILS localizer course extending from the localizer to a point 30 miles southeast, within 5 miles either side of the south course of the Tallahassee radio range extending from the radio range station to a point 25 miles south, and within 5 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the omnirange station to points 20 miles southeast and northwest, excluding the airspace above 19,000 feet overlapping Tyndall AFB danger area (Area II) (No. D-336) between sunset and sunrise.

7. Section 601.1134 is amended to read:

§ 601.1134 *Control area extension (Columbus, Ga.)*. Within 5 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 20 miles southwest and within 5 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 20 miles northeast, excluding the airspace overlapping danger areas, and the area within 5 miles either side of a line bearing 235° True through the Muscogee County Airport ILS outer compass locator extending from Red civil airway No. 84 on the northeast to Red civil airway No. 84 on the southwest.

8. Section 601.1135 is added to read:

§ 601.1135 *Control area extension (Marianna, Fla.)*. Within 5 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 20 miles southeast, excluding the airspace above 19,000 feet overlapping Tyndall AFB danger area (Area II) (No. D-336) between sunset and sunrise.

9. Section 601.1156 is amended to read:

§ 601.1156 *Control area extension (Albany, Ga.)*. Within 5 miles either side of the west course of the Albany radio range extending from the radio range station to a point 25 miles west and within 5 miles either side of the 335° True radial of the Albany omnirange extending from the omnirange station to a point 20 miles northwest.

10. Section 601.1166 *Control area extension (Mobile, Ala.)*, is amended by adding the following portion to present control area extension: "and the area 5 miles either side of the 292° True radial of the Mobile omnirange extending from the omnirange station to a point 20 miles northwest."

11. Section 601.1174 is added to read:

§ 601.1174 *Control area extension (Santa Ana, Calif.)*. All that area bounded on the northeast by Amber civil airway No. 1, on the southwest by the Oceanside, Calif., control area extension (293° True from the Oceanside non-directional radio beacon) and on the west by the Los Angeles, Calif., control area extension 163° True from the Los Angeles radio range station.

12. Section 601.1175 is added to read:

§ 601.1175 *Control area extension (Charleston, S. C.).* Within 5 miles either side of the 341° True radial of the Charleston, S. C., omnirange extending from the omnirange station to a point 20 miles northwest.

13. Section 601.1200 is amended to read:

§ 601.1200 *Control area extension (Columbia, S. C.).* From the Columbia Airport extending 5 miles either side of the centerline of the northeast-southwest runway to a point 30 miles southwest of the airport, and within 5 miles either side of the 282° True radial of the Columbia omnirange extending from the omnirange station to a point 20 miles west.

14. Section 601.1264 *Control area extension (Dyersburg, Tenn.)*, is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 78° True and 258° True radials of the Dyersburg omnirange extending from the omnirange station to points 20 miles northeast and southwest."

15. Section 601.1317 is added to read:

§ 601.1317 *Control area extension (Tuscaloosa, Ala.).* Within 5 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 20 miles northeast.

16. Section 601.1318 is added to read:

§ 601.1318 *Control area extension (Muscle Shoals, Ala.).* Within 5 miles either side of the 118° True and 298° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

17. Section 601.1319 is added to read:

§ 601.1319 *Control area extension (Key West, Fla.).* Within 5 miles either side of the 313° True radial of the Key West omnirange extending northwest from the omnirange station to the eastern boundary of the Key West Warning Area (No. W–174).

18. Section 601.2054 is amended to read:

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport, within an 8-mile radius of the Hutchinson Naval Air Station, within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south, and within 2 miles either side of the 222° True radial of the Hutchinson omnirange extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station.

19. Section 601.2134 is amended to read:

§ 601.2134 *Charleston, S. C., control zone.* Within a 5-mile radius of the Charleston Municipal Airport, within 2 miles either side of the northwest course of the Charleston radio range extending from the radio range station to the Summerville fan marker and within 2 miles either side of the 161° True and 341° True radials of the Charleston omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

20. Section 601.2137 is amended to read:

§ 601.2137 *Columbia, S. C., control zone.* Within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range station, and within 2 miles either side of the 102° True and 282° True radials of the Columbia omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

21. Section 601.2138 is amended to read:

§ 601.2138 *Crestview, Fla., control zone.* Within a 5-mile radius of the Crestview Airport, within 2 miles either side of the east course of the Crestview radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 110° and 290° True radials of the Crestview omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

22. Section 601.2142 is amended to read:

§ 601.2142 *Florence, S. C., control zone.* Within a 5-mile radius of the Florence Municipal Airport, within 2 miles either side of the southeast course of the Florence radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 51° True and 231° True radials of the Florence omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

23. Section 601.2143 *Fort Myers, Fla., control zone* is amended by adding the following to present control zone: "and within 2 miles either side of the 227° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest."

24. Section 601.2146 *Greenwood, Miss., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 138° True and 318° True radials of the Greenwood omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station."

25. Section 601.2148 is amended to read:

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport extending 2 miles either side of the north course of the Jackson radio range to the Flora Fan Marker and within 2 miles either side of the 162° True and 342° True radials of the Jackson omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

26. Section 601.2150 *Key West, Fla., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to a point 10 miles northwest."

27. Section 601.2154 *Memphis, Tenn., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 109° True radial of the Memphis omnirange extending from the airport control zone to a point 10 miles east of the omnirange station."

28. Section 601.2157 *Mobile, Ala., control zone* is amended by adding the following portion to the present control zone: "and within 2 miles either side of the 112° True and 292° True radials of the Mobile omnirange extending from the Bates Field control zone to a point 10 miles northwest of the omnirange station."

29. Section 601.2158 *Mobile, Ala., control zone* is amended by changing name of airport from "Brookley Field" to read: "Brookley Air Force Base."

30. Section 601.2160 *Muscle Shoals, Ala., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 118° True radial of the Muscle Shoals, omnirange extending from the omnirange station to a point 10 miles southeast."

31. Section 601.2165 *Savannah, Ga., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 196° True radial of the Savannah omnirange extending from the omnirange station to a point 10 miles south."

32. Section 601.2167 is amended to read:

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field, within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station, excluding the airspace above 19,000 feet overlapping Tyndall AFB Danger Area (Area II) (No. D–336) between sunset and sunrise.

33. Section 601.2168 *Tampa, Fla., control zone* is amended by adding the following portion to present control zone: "including the area within 2 miles either side of the 274° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles west of the omnirange station."

34. Section 601.2192 is amended to read:

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario International Airport and within 2 miles either side of a line bearing 89° True extending from the airport to the centerline of the northwest course of the Riverside, Calif., radio range.

35. Section 601.2211 *Cherry Point, N. C., control zone* is revoked.

36. Section 601.2211 is added to read:

§ 601.2211 *Edwards Air Force Base, Calif, control zone.* Within a 5-mile radius of the Edwards Air Force Base, excluding the portion which overlaps danger areas.

37. Section 601.2237 *Dyersburg, Tenn., control zone* is amended by adding the following to present control zone: "and within 2 miles either side of the 78° True radial of the Dyersburg omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station."

38. Section 601.2251 *Albany, Ga., control zone* is amended by adding the following to present control zone: "and within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station."

39. Section 601.2286 is amended to read:

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of the Muscogee County Airport, within 2 miles either side of the north course of the Columbus, Ga., radio range extending from the radio range station to include a 5-mile radius of Lawson Air Force Base, within 2 miles either side of the southwest course of the radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 10 miles northeast, excluding the airspace which overlaps danger areas.

40. Section 601.2315 is added to read:

§ 601.2315 *San Bernardino, Calif., control zone.* Within a 5-mile radius of Norton Air Force Base and within 2¼ miles either side of a line bearing 248° True extending from the Norton AFB to the centerline of the northwest course of the Riverside, Calif., radio range.

41. Section 601.2316 is added to read:

§ 601.2316 *Marianna, Fla., control zone.* Within a 5-mile radius of the Marianna Airport and within 2 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 10 miles southeast.

42. Section 601.2317 is added to read:

§ 601.2317 *Tuscaloosa, Ala., control zone.* Within a 5-mile radius of the Van De Graaff Airport and within 2 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 10 miles northeast.

43. Section 601.2318 is added to read:

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the northeast course of the Myrtle Beach VHF VAR radio range extending from the VHF VAR radio range station to a point 10 miles northeast.

44. Section 601.4639 is amended by changing caption to read: *"Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)."*

45. Section 601.6020 is amended to read:

§ 601.6020 *VOR civil airway No. 20 (Laredo, Tex., to Montgomery, Ala.).* All of VOR civil airway No. 20.

46. Section 601.6070 is amended to read:

§ 601.6070 *VOR civil airway No. 70 (Palacios, Tex., to Lake Charles, La.).* All of VOR civil airway No. 70.

47. Section 601.6095 is amended to read:

§ 601.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* All of VOR civil airway No. 95.

48. Section 601.6105 is amended to read:

§ 601.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Prescott, Ariz.).* All of VOR civil airway No. 105.

49. Section 601.6107 is amended to read:

§ 601.6107 *VOR civil airway No. 107 (Santa Barbara, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 107.

50. Section 601.6113 is amended to read:

§ 601.6113 *VOR civil airway No. 113 (Modesto, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

51. Section 601.6115 is amended to read:

§ 601.6115 *VOR civil airway No. 115 (Crestview, Fla., to Montgomery, Ala.).* All of VOR civil airway No. 115.

52. Section 601.7001 *VOR reporting points* is amended by changing the Point Reyes Intersection to read: "Point Reyes intersection: intersection of the Oakland, Calif., omnirange 305° True and the Ukiah, Calif., omnirange 162° True radials."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 11, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11691; Filed, Oct. 30, 1952; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

INTERLOCUTORY APPEALS

The Commission on October 23, 1952, amended § 2.20 of its rules of practice (§§ 2.1 to 2.31) so as to make said section read as follows, effective thirty days from date of publication in the FEDERAL REGISTER.

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman number in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization and Acts.

§ 2.20 *Interlocutory appeals to the Commission from rulings of hearing examiners.* Except as provided for in §§ 2.14 and 2.16, parties shall have the right to prosecute interlocutory appeals from rulings of a hearing examiner during the time the proceeding is pending before him only when it is shown to the satisfaction of the Commission that the prompt decision of such appeal is necessary to prevent unusual expense and delay, and such showing shall be made in the appeal. An appeal under this section must be filed within ten (10) days following the adverse ruling by the hearing examiner and any reply thereto, including any supporting memoranda or brief by an opposing party, must be filed within ten (10) days after service of the appeal upon him.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of October 23, 1952, effective thirty days from date of publication in the FEDERAL REGISTER.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52–11688; Filed, Oct. 30, 1952; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 141; 17 F. R. 2359) are amended as indicated below:

1a. Section 141.5 (d) is amended to read:

§ 141.5 *Sodium penicillin, calcium penicillin, potassium penicillin; moisture, clarity, crystallinity, and heat stability.* * * *

(d) *Heat stability*—(1) *Crystalline penicillin, crystalline penicillin G.* Store a weighed sample (approximately 30 milligrams) of crystalline penicillin in an unstoppered 50-milliliter Erlenmeyer flask for 4 days in an electric oven at 100° C.±1°. At the end of this period it does not show a loss of more than 10 percent of its original potency when determined as follows: Dilute a weighed sample (approximately 30 milligrams) with a 1-percent phosphate buffer at *pH* 6.0 to a concentration of approximately 1.2 milligrams per milliliter (2,000 units per milliliter). Add 2.0-milliliter aliquots to each of two 125-milliliter glass-stoppered Erlenmeyer or iodine flasks. To one add 2.0 milliliters of 1N NaOH and allow to stand at room temperature for 15 minutes. At the end

of this time add 2.0 milliliters of 1.2N HCl and add 10 milliliters of 0.01N I_2 (prepared from 0.1N I_2 U. S. P.). (Equal volumes of 1N NaOH and 1.2N HCl when mixed give *p*H 1.0.) After 15 minutes titrate the excess iodine, using 0.01N $Na_2S_2O_3$ (prepared from 0.1N $Na_2S_2O_3$) standardized accurately against potassium iodate. Toward the end of the titration add one drop of starch solution or about 5.0 milliliters of CCl_4. Continue the titration by the addition of 0.01 to 0.02-milliliter portions of 0.01N $Na_2S_2O_3$, shaking vigorously after each addition. The end point is reached when the blue color of the starch-iodine complex is discharged or when the CCl_4 layer becomes colorless. To the second flask add 10 milliliters of 0.01N I_2 and titrate immediately with 0.01N $Na_2S_2O_3$ for the blank determination. Divide the difference in titers by a factor, F, which is the number of milliliters of 0.01N I_2 absorbed by 1.0 milligram of sodium penicillin G working standard, to obtain the milligrams of penicillin sodium salt. Determine the factor F by actual standardization against the sodium penicillin G working standard, using the above method.

$$\text{Units of penicillin G per milligram} = \frac{\text{Difference in titers} \times 1{,}667 \times \text{N of } Na_2S_2O_3}{\text{Milligrams in 2.0 milliliters} \times F \times 0.01}$$

$$\text{Percent loss of potency} = \frac{(\text{Original assay} - \text{assay after 4 days at } 100^\circ\text{ C}) \times 100}{\text{Original assay}}$$

(2) *Crystalline penicillin O.* Proceed as directed in subparagraph (1) of this paragraph, except make the calculations as follows: Divide the difference in titers by a factor, *F*, which is the number of milliliters of 0.01N I_2 absorbed by 1.0 milligram of the penicillin O working standard, to obtain the milligrams of potassium penicillin O. Determine the factor *F* by actual standardization against the penicillin O working standard.

$$\text{Units of penicillin O per milligram} = \frac{\text{Difference in titers} \times 1{,}612 \times \text{N of } Na_2S_2O_3}{\text{Milligrams in 2 milliliters} \times F \times 0.01}$$

Penicillin O does not show a loss of more than 10 percent of its original potency.

b. Section 141.5 (g) is amended to read:

(g) *Penicillin G content of crystalline penicillin O.* Accurately weigh approximately 300 milligrams of the sample to be tested in a 250-milliliter Erlenmeyer flask, dissolve in 1.0 milliliter of 2.5 percent KOH solution, add with swirling 50.0 milliliters of 4.5 percent $KMnO_4$ solution and heat on the steam bath for 2 hours, covering the flask with a watch glass. Cool to room temperature and add 25.0 milliliters of 10 percent oxalic acid solution. When the reaction has ceased, add 15.0 milliliters of 18N H_2SO_4 stepwise with agitation and cooling. Add 30.0 grams of NaCl and agitate until a clear, colorless solution is obtained. Transfer to a separatory funnel and extract with three portions of chloroform, 30 milliliters, 20 milliliters, and 10 milliliters in that order. Filter the extracts through a pledget of cotton previously moistened with chloroform and collect in a second separatory funnel. Add 50.0 milliliters of 0.1N NH_4OH to the combined extracts, shake 5 minutes and allow the phases to separate for 10 minutes. Discard all but a few milliliters of the chloroform layer. Draw off the last few milliliters of chloroform and about 15.0 milliliters of the NH_4OH layer into a glass-stoppered test tube and centrifuge 2 minutes to obtain a clear aqueous layer. Prepare a blank by shaking 50.0 milliliters of 0.1N NH_4OH with 60.0 milliliters of chloroform as described above. Determine the optical density of the blank compared with 0.1N NH_4OH at 220 and 224 mμ. Determine the optical density of the sample at 220 and 224 mμ compared with the blank. Calculate the quantity of benzoic acid in the solution from the equation:

$$x = \frac{RE224 - E220}{RB - A}.$$

x = concentration of milligrams per milliliter of benzoic acid in sample.
A = optical density per milligram of benzoic acid U. S. P. per milliliter 0.1N NH_4OH at 220 mμ.
B = optical density per milligram of benzoic acid U. S. P. per milliliter of 0.1N NH_4OH at 224 mμ.
R = $\frac{\text{optical density of blank at 220 m}\mu}{\text{optical density of blank at 224 m}\mu}$.
$E220$ = optical density of sample at 220 mμ.
$E224$ = optical density of sample at 224 mμ.

Calculate the quantity of penicillin G in the sample from the equation:

$$\frac{3.05 \times (50)\,(100)}{\text{Weight of sample in milligrams}} = \text{percent penicillin G.}$$

2. In § 141.27 *Procaine penicillin in oil*, paragraph (a) *Potency* is amended by inserting the following new sentence between the third and fourth sentences: "The sample may also be prepared as follows: Introduce 1 milliliter of the well-shaken sample by means of a 2.0-milliliter hypodermic syringe into a blending jar containing 98 milliliters of 1-percent phosphate buffer at *p*H 6.0 and 1.0 milliliter of polysorbate 80. Using a high-speed blender, blend the mixture for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer at *p*H 6.0."

3. Section 141.112 (b) (1) (iii) and (iv) are amended to read:

§ 141.112 *Streptomycin-polymyxin-bacitracin tablets.* • • •

(b) *Polymyxin used in making the tablets*—(1) *Potency.* • • •

(iii) *Working standard.* Weight out a sufficient quantity of the working standard (obtained from the Food and Drug Administration) and make a 10,000 unit per milliliter stock solution by diluting with 1-percent phosphate buffer, *p*H 6.0. This solution may be used for 2 weeks if kept in the refrigerator.

(iv) *Standard curve.* Prepare daily a standard curve as directed in § 141.101 (d) with the following exceptions: Using a solution of the polymyxin working standard in 1-percent phosphate buffer, *p*H 6.0, prepare volumetrically the following concentrations: 60, 70, 80, 90, 100, 110, 120, 130, 140, and 150 units per milliliter in 1-percent phosphate buffer, *p*H 6.0. The 100 units per milliliter is used as the reference point.

This order, which provides for a change in the iodometric assay procedure for crystalline penicillin, crystalline penicillin G, and crystalline penicillin O; a change in the method for determining the quantity of penicillin G that may be contained in penicillin O; a change in the assay procedure for polymyxin; and for the optional use of a high-speed blender in the assay of procaine penicillin in oil, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: October 27, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

Dated, October 27, 1952.

[F. R. Doc. 52-11680; Filed, Oct. 30, 1952; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MEXICO, RYUKYU ISLANDS, AND STATE OF ISRAEL

a. In § 127.304. *Mexico*, amend subdivision (i) (b) of paragraph (b) (9), to read as follows:

(b) Each parcel exceeding 1,000 pesos in value must be accompanied by a commercial invoice in triplicate.

b. In § 127.342 *Ryukyu Islands*, make the following changes:

1. Amend paragraph (a) (2) to read as follows:

(2) *Registration.* Fee, 40 cents. (See § 127.101.)

2. Amend paragraph (a) (3) to read as follows:

(3) *Indemnity.* See §§ 127.105 to 127.110, inclusive.

c. In § 127.282 *Israel (State of)*, make the following changes:

1. In paragraph (a) (8) redesignate present subdivisions (i) and (ii) as (ii) and (iii), respectively, and insert new subdivision (i), to read as follows:

(i) Israeli currency.

2. In paragraph (b) (5) amend subdivision (vi) to read as follows:

(vi) State monopolies, etc.:
(*a*) False and counterfeit money.
(*b*) Israeli currency.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-11674; Filed, Oct. 30, 1952; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs. Amdt. 18 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

The note following paragraph (c) *Commodities excepted from the provisions of this general license* is amended by adding thereto the following paragraph:

See § 372.4 of this subchapter for export application requirements for in-transit shipments where General In-transit License GIT is not applicable.

2. Section 371.13 *Ship and plane stores, supplies and equipment; crew's effects* is amended in the following particulars:

a. The titles and letter designations of paragraphs (a) *Ship stores, supplies, and equipment general license*, (c) *Plane stores, supplies and equipment general license*, and (d) *Crew's effects general license* are changed to read respectively as follows:

(a) *General license SHIP STORES.* • • •

(b) *General license PLANE STORES.* • • •

(c) *General license CREW.* • • •

b. Paragraph (b) *United States and Canadian registered vessels; ship stores, supplies and equipment general license* is deleted and a new paragraph (d) is added to read as follows:

(d) *General license REGISTERED CARRIER STORES.* (1) A general license REGISTERED CARRIER STORES is hereby established authorizing exportations of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada: *Provided*, That such commodities are (i) shipped as cargo under a bill of lading on an exporting carrier of United States or Canadian registry; (ii) in usual and reasonable kind or quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; (iv) not intended for unlading in a foreign country except for transshipment on another carrier of U. S. or Canadian registry and delivery to the vessel or planes to which they are consigned; and (v) covered by such shipper's export declarations as are required to be filed by § 379.1 (b) of this subchapter.

(2) Only commodities described in paragraph (a) of this section may be exported to vessels of United States or Canadian registry located at a port outside the United States or Canada, and only articles described in paragraph (b) of this section may be exported to planes of American or Canadian registry located outside the United States or Canada.

(3) In addition, commodities may be exported to vessels or planes of United States or Canadian registry located outside the United States or Canada pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship or plane are located.

c. The note following former paragraph (c) *Plane stores, supplies and equipment general license* is moved to the end of the section and given the following title: *"Spare parts for vessels of war and aircraft"*.

3. Section 372.4 *License applications for in-transit shipments* is amended to read as follows:

§ 372.4 *License applications for in-transit shipments*—(a) *Information required on application.* License applications for commodities moving in transit through the United States which may not be exported under the general in-transit license, GIT, must include in the commodity description column of the application for license, Form IT-419, the following:

(1) The name and address of the foreign consignor who shipped the goods to the United States;

(2) A statement that the shipment is wholly of foreign origin; and

(3) The notation "IN-TRANSIT SHIPMENT."

(b) *Applicability of special provisions.* In addition, except for shipments originating in Canada, the applicant must comply, where applicable, with the provisions of § 373.34 of this subchapter with respect to confirmation of country of ultimate destination and verification of actual delivery (IC/DV); § 372.3 (d), with respect to ultimate consignee statement; § 373.22 of this subchapter with respect to Swiss blue import certificate; and § 373.23 of this subchapter with respect to Austrian import identification number and Belgian Congo and Swedish import certificate or other import authorization number.

(c) *Shipments originating in Canada.* License applications for shipments originating in Canada which may not be exported under the general in-transit license, GIT, need not comply with the requirements set forth in paragraph (b) above. In lieu thereof, such applications must contain the following certification in the commodity description column of Form IT-419, or on an attached sheet:

As a material representation in connection with this application, I certify that I have examined Canadian Export License or Permit No. ------ expiring ----------, or a copy certified by the Canadian exporter, and that such permit authorizes the exportation of the commodity(ies) to the ultimate destination and ultimate consignee shown on this application.

(d) *Nature of exportations covered by provisions of this section.* Licenses issued under this section will be valid only for the export of in-transit shipments wholly of foreign origin and for which a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry is outstanding covering the shipments.

NOTE: 1. The provisions of Parts 370 through 399 of this subchapter, inclusive, relating to quota limitations or other short supply considerations affecting the licensing of the commodity, are not applicable to license applications for in-transit shipments. For example, the following requirements are inapplicable: Adherence to timetable licensing (§ 373.51 of this subchapter); NPAF forms on totally allocated commodities (§ 373.29 of this subchapter); priority ratings (Part 398 of this subchapter); evidence of availability (§ 373.16); and statement of past participation in exports of certain commodities (§ 373.24 of this subchapter).

2. For in-transit shipments under general license, see § 371.9 of this subchapter; for special provisions affecting applications covering in-transit shipments of certain commodities originating in Japan, see § 373.14 of this subchapter; and for special clearance procedures applicable to in-transit shipments, see § 379.3 (b) of this subchapter.

3. In clearing an in-transit shipment under a validated license, the collector of customs may, at his discretion, require the licensee to submit a copy of the Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry covering such shipment.

4. Exportations made under a validated export license for shipments of foreign origin moving in transit through the United States must comply with the destination control provisions (§ 381.4 of this subchapter). Under these provisions all copies of the in-transit shipper's export declaration presented to the collector at the port of exit must contain the destination control statement. In addition, the destination control statement must be shown on all bills of lading and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

4. Section 373.14 *Special provisions for certain commodities originating in*

[1] This amendment was published in Current Export Bulletin No. 682, dated October 23, 1952.

Japan is amended by adding thereto the following note:

NOTE: See § 372.4 of this subchapter for export application requirements for commodities requiring a validated license when moving in-transit through the United States.

5. Section 373.23 *Special provisions for exportations to Austria, the Belgian Congo or Sweden*, is amended in the following particulars:

The footnote (footnote 1) is amended to read as follows:

[1] For exportations to Austria, the applicant must show the Austrian import identification number. Such numbers run in series from 1,000 to 399,999 inclusive, and in all instances will be preceded by the letters "IKN."

6. Section 373.51 *Supplement No. 1*, "Time schedules for submission of applications for licenses to export certain Positive List commodities" is amended in the following particulars:

a. Footnote 1 is amended to read as follows:

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.3 (a) of this subchapter.) Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see § 372.4 of this subchapter).

b. For the fourth quarter, 1952, the following entries and related submission dates are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter 1952
619159 664998	Selenium powder..... Selenium metal.....	Nov. 3–Nov. 17, 1952.

This amendment shall become effective as of October 23, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–11692; Filed, Oct. 30, 1952; 8:51 a. m.]

[1] This amendment was published in Current Export Bulletin No. 682, dated October 23, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Power excavators and dredging machines, and parts: Construction power cranes and shovels, new (report used in 720160):					
720112	Crawler mounted, full revolving, convertible, 2 and 2½ cu. yd. dipper capacity, new.[1]	No.	CONS	None	RO	A
720112	Crawler mounted, full revolving, convertible, less than 2 cu. yd. dipper capacity, new.[1]	No.	CONS	None	RO	----------
720117	Crawler or walker mounted, full revolving, convertible, over 2½ cu. yd. dipper capacity, new.[2]	No.	CONS	None	RO	A B D
720122	Rubber-tired mounted, including truck or wagon mounted, full revolving, convertible, designed for airborne transport, new.[3]	No.	CONS	None	RO	A
720122	Rubber-tired mounted, including truck or wagon mounted, full revolving, convertible, 2 cu. yd. dipper capacity and over, new.[3]	No.	CONS	None	RO	A
720122	Other rubber-tired mounted, including truck or wagon mounted, full revolving, convertible, new.[3]	No.	CONS	None	RO	----------
720127	Full revolving, unmounted, 2 cu. yd. dipper capacity and over, new.[4]	No.	CONS	None	RO	A
720127	Full revolving, unmounted, less than 2 cu. yd. dipper capacity, new.[4]	No.	CONS	None	RO	----------
720132	Not full revolving, mounted and unmounted, new.[5]	No.	CONS	None	R	----------
	Power excavators and dredging machines, used and rebuilt (report new in 720112–720147):					
720160	Power cranes and shovels, rubber-tired mounted, including truck or wagon mounted, full revolving, designed for airborne transport, used and rebuilt.[6]	No.	CONS	None	RO	A
720160	Power cranes and shovels, full revolving, mounted and unmounted, 2 cu. yd. dipper capacity and over, used and rebuilt.[6]	No.	CONS	None	RO	A
720160	Other power cranes and shovels, full revolving, mounted and unmounted, used and rebuilt.[6]	No.	CONS	None	RO	----------
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels designed for airborne transport, included on the Positive List under Schedule B Nos. 720122 and 720160 (specify by name).[7]	-------	CONS	None	RO	A
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other power cranes and shovels for which an import certificate is required, included on the Positive List under Schedule B Nos. 720112, 720117, 720122 and 720127 (specify by name).[7]	-------	CONS	1,000	RO	A.
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels for which no import certificate is required, included on the Positive List under Schedule B Nos. 720112, 720122, and 720127 (specify by name).[7]	-------	CONS	1,000	RO	----------
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels included on the Positive List under Schedule B No. 720132 (specify by name).[7]	-------	CONS	1,000	R	----------
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for other power cranes and shovels, included on the Positive List under Schedule B No. 720160, for which an import certificate is required (specify by name).[7]	-------	CONS	100	RO	A
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels included on the Positive List under Schedule B No. 720160, for which no import certificate is required (specify by name).[7]	-------	CONS	100	R	----------
720210	Parts, accessories, and attachments, n. e. c., specially fabricated for trenchers, ditchers, and excavating leaders included on the Positive List under Schedule B Nos. 720137, 720142, and 720160 (specify by name).[7]	-------	CONS	100	R	----------

[1] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 720112. The effect of this revision is to amend the commodity description without making substantive change in the coverage of the entry; and to add the commodities in the above first entry to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective December 8, 1952, as indicated in the column headed "Commodity Lists".

[2] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 720117. The effect of this revision is to amend the commodity description without making substantive change in the coverage of the entry; and to add the commodities in the above entry to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective December 8, 1952, as indicated in the column headed "Commodity Lists". The commodities covered by this entry are subject to the dollar-limit (DL) restrictions (§ 371.2 of this subchapter).

[3] The above three entries are substituted for the entry presently on the Positive List under Schedule B No. 720122. The effect of this revision is to add the commodities in the above first two entries to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective December 8, 1952, as indicated in the column headed "Commodity Lists".

[4] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 720127. The effect of this revision is to add the commodities in the above first entry to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective December 8, 1952, as indicated in the column headed "Commodity Lists."

[5] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 720132. The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

[6] The above three entries are substituted for the first entry presently on the Positive List under Schedule B No. 720160. The effect of this revision is to add the commodities in the above first two entries to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective December 8, 1952, as indicated in the column headed "Commodity Lists".

[7] The above seven entries are substituted for the first and third entries presently on the Positive List under Schedule B No. 720210. The effect of this revision is to reduce the GLV dollar-value limits from $100 to none for the commodities included in the above first entry; to increase the GLV dollar-value limits from $100 to $1,000 for the commodities included in the above second entry; to increase the GLV from $100 to $1,000 and to remove the commodities included in the above third entry from the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), as indicated in the column headed "Commodity Lists"; to increase the GLV dollar-value limits from $250 to $1,000 for the commodities included in the above fourth entry; to list separately the commodities included in the above fifth entry without making substantive change; and to reduce the GLV dollar-value limits from $250 to $100 for the commodities included in the above sixth and seventh entries.

[6th Gen. Rev. of Export Regs., Amdt. P. L. 14[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions. These revisions include changes in general license GLV dollar-value limit where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
722022	Parts, accessories, and attachments, n. e. c., specially fabricated for tractor-mounted scraper loaders, 10 tons and over net vehicle weight.[1]	-------	CONS	100	RO	A
722022	Parts, accessories, and attachments, n. e. c., specially fabricated for scrapers and graders.[1]	-------	CONS	100	RO	----------

[1] The above two entries are substituted for the first entry presently on the Positive List under Schedule B No 722022. The effect of this revision is to remove the commodities in the above second entry from the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective October 23, 1952, as indicated in the column headed "Commodity Lists".

This part of the amendment shall become effective as of 12:01 a. m., October 30, 1952.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Metal manufactures, n. e. c., not specially fabricated for particular machines, or equipment (see § 399.2 of this subchapter):
	Other metals, except precious (specify by name and type of metal):
619030	Fabricated metal manufactures, n. e. c. (specify by selenium content and grade).[1]
	Nonferrous ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates for industrial use in 629940):
664598	Selenium (specify selenium content and grade).[1]

[1] By this amendment, the last entry presently on the Positive List under Schedule B No. 619030 is revised to except selenium metal manufactures (report iron and steel manufactures in 619010; and precious metal manufactures in 629900–669710)."

[2] By this amendment, the last entry presently on the Positive List under Schedule B No. 664598 is revised to read as follows: "Other ores and concentrates, n. e. c., except selenium."

This part of the amendment becomes effective as of 12:01 a. m., October 23, 1952.

Shipments of any commodities whose GLV dollar-value limits were reduced as a result of changes set forth in Part 1 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., October 30, 1952, may be exported under the previous general license provisions up to and including November 22, 1952. Any such shipment not laden aboard the exporting carrier on or before November 22, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–11693; Filed, Oct. 30, 1952; 8:51 a. m.]

(d) Allotment number, date of trust patent, and name of the reservation where the applicant is allotted.

(e) If the applicant is unallotted, the names of all relatives who may have received allotments, their blood relationship to the applicant, and the name of the reservation where such relative may be allotted.

(f) The name and degree of Indian blood of each parent of the applicant; the name of the tribe or band with which each parent of the applicant is enrolled or affiliated; and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment.

(g) If the applicant has previously been enrolled on an approved roll of Indians of California or an earlier roll of the respective Bands, the number thereon of the applicant.

(h) If an applicant has been adopted into one of the Bands, the name of the band and the date and evidence of such adoption.

§ 54.5 *Persons to be enrolled.* The names of persons in any of the following categories shall be placed on the respective membership rolls of the Bands:

(a) Indians of the Bands, living on June 30, 1949, who have received allotments on the reservation of one of the Bands.

(b) Children, living on June 30, 1949, who were born of such allottees.

(c) Descendants, living on June 30, 1949, of such allottees who died prior to June 30, 1949.

(d) Indians, not included in the categories set out in paragraphs (a), (b), and (c) of this section, who have one-fourth or more degree of Indian blood and can establish that they have been affiliated with one of the Bands for a period of one year or more preceding June 30, 1949. If during the said period an Indian maintained a residence on the reservation; was a reasonably active participant in the tribal affairs of one of the Bands in which he or she applies for enrollment, and was recognized as a member of one of the Bands, such person shall be deemed to be entitled to enrollment.

(e) Children, living on June 30, 1949, who were born of an Indian parent, living on June 30, 1949. If such parent would otherwise be eligible for enrollment under paragraph (d) of this section.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 54—ENROLLMENT OF INDIANS OF THE CABAZON, AUGUSTINE, AND TORRES-MARTINEZ BANDS OF MISSION INDIANS IN CALIFORNIA

Sec.
54.1 Purpose.
54.2 Definitions.
54.3 Preparation of rolls.
54.4 Application for enrollment.
54.5 Persons to be enrolled.
54.6 Enrollment Committee election.
54.7 Review of applications by Enrollment Committee.
54.8 Determination of eligibility and enrollment by Director.
54.9 Appeal.
54.10 Approved rolls.
54.11 Certificate.
54.12 Special instructions.

AUTHORITY: §§ 54.1 to 54.12 issued under sec. 10, 54 Stat. 64. Interpret or apply sec. 5, 64 Stat. 471.

§ 54.1 *Purpose.* The regulations in this part govern the enrollment of persons in the Cabazon, Augustine, and Torres-Martinez Bands of Mission In-

(f) If an Indian, who applies for enrollment under the provisions of paragraph (d) or (e) of this section, has received in his or her own right an allotment with some other band or tribe and has not relinquished such allotment prior to June 30, 1949, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment in accordance with this part.

§ 54.6 *Enrollment Committee election.* A person whose name now appears on a roll of one of the bands which is maintained by the Director, or, if not so maintained, on a roll which is maintained by the respective Band, shall be entitled to vote, at a time and place and in a manner to be designated by the Director, to elect three persons whose names appear on such roll as members of the Enrollment Committee. The three persons receiving the highest number of votes shall constitute the Enrollment Committee of such band.

§ 54.7 *Review of applications by Enrollment Committee.* The Director shall refer duly filed applications for enrollment to the Enrollment Committee of the band in which the applicant seeks enrollment. The Enrollment Committee shall review each such application, and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director a separate written report and recommendation with respect to each application thirty (30) days from the date of referral to it of an application. If the recommendation of the Enrollment Committee with respect to an application is not unanimous, the members of the Enrollment Committee shall file majority and minority reports thereon.

§ 54.8 *Determination of eligibility and enrollment by Director.* The Director shall review the reports and recommendations of the respective Enrollment Committees, and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 54.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who may have been determined by the Director to be eligible for enrollment, against the report and recommendation of any member of the Enrollment Committee, with a statement of the reasons for his determination.

§ 54.9 *Appeal.* If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 54.5, he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal, together with such data as the applicant may present in support of his application. The Director shall forward the appeal, any such supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee, to the Commissioner. After review, if the Commissioner determines that an applicant is not eligible for enrollment in accordance with the provisions of § 54.5, he shall cause the applicant to be notified in writing of his determination and the reasons therefor. The applicant shall then have thirty (30) days from the date of the mailing of the notice to him to take an appeal to the Secretary. The decision of the Secretary thereon shall be final.

§ 54.10 *Approved rolls.* Thereafter the Director shall prepare, in quadruplicate, a separate roll of members, alphabetically arranged, of each of the Bands and submit such rolls to the Secretary or his duly authorized representative for approval. When approved, three copies of each approved roll shall be returned to the Director, who shall make one copy available to the governing body of each of the Bands.

§ 54.11 *Certificate.* The Director shall affix a certificate to each approved roll, certifying that the roll to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the respective Bands, in accordance with the provisions of the act of August 25, 1950 (64 Stat. 470, Pub. Law 728, 81st Cong.).

§ 54.12 *Special instructions.* To facilitate the work of the Director, the Commissioner may issue special instructions to him not inconsistent with the regulations in this part.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

OCTOBER 27, 1952.

[F. R. Doc. 52-11669; Filed, Oct. 30, 1952; 8:45 a. m.]

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO; BASIC AND OTHER WATER CHARGES

OCTOBER 24, 1952.

On September 18, 1952, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.32 (a) of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Fort Hall Indian Irrigation Project, Fort Hall Indian Reservation, Idaho. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to E. Morgan Pryse Area Director, within 30 days from the date of publication of the notice. No views, data or arguments were submitted. Section 130.32 (a) of Title 25, Code of Federal Regulations, is accordingly amended.

Section 130.32 shall read as follows:

§ 130.32 *Basic and other water charges.* (a) In compliance with the provisions of the act of March 1, 1907 (34 Stat. 1024) the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership to which water can be delivered for irrigation under the Fort Hall Indian Irrigation Project, Idaho, are hereby fixed at $3.25 per acre for the calendar year 1953 and subsequent years until further notice.

(b) In addition to the foregoing charge there shall be collected annually a minimum charge of $3.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $6.50.

(c) Indian lands leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

E. MORGAN PRYSE,
Area Director.

[F. R. Doc. 52-11687; Filed, Oct. 30, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 12]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 12 to Ceiling Price Regulation (CPR) 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 92 suspends price control of lamb, yearling and mutton products sold at wholesale.

Lamb, yearling and mutton products have been selling considerably below the ceiling prices established by CPR 92 for sales at wholesale. In fact, certain cuts of lamb, yearling and mutton have been selling at prices below the pre-Korean level. Moreover, although it is expected that prices of these commodities will strengthen due to seasonal increase, there is no immediate outlook for any rise in prices to a point where the ceilings fixed by this regulation would be reached or exceeded. For these reasons and for the reason that lamb sales represent only a small portion of all meat sales, the Director of Price Stabilization deems it appropriate to suspend the ceiling prices established by this regulation.

The Director of Price Stabilization is maintaining a constant watch on the prices and the available supply of lambs and sheep, and if he finds that the market prices threaten to reach or exceed the ceiling prices previously fixed by this regulation, he will revoke this suspension.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are appropriate to promote the national defense, and comply with all applicable standards of the act. In the formulation of this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended by adding a new section 18 to read as follows:

SEC. 18. *Suspension.* As used in this section, "lamb, yearling or mutton" means carcasses and meat derived from ovine animals. All provisions of this regulation are suspended on and after October 29, 1952. The suspension of the provisions of this regulation does not operate to place sales at wholesale of any lamb, yearling or mutton, or any product derived from lamb, yearling or mutton, under the General Ceiling Price Regulation. The suspension of the provisions of this regulation, moreover, includes suspension of those provisions which establish wholesale ceiling prices for lamb, yearling or mutton, or for any products derived from lamb, yearling or mutton, under the General Ceiling Price Regulation, or Ceiling Price Regulation 61. You must, however, continue to comply with all the requirements of section 9 (a) and section 11 (c) (3) of this regulation, and with all the requirements of section 16 of the General Ceiling Price Regulation, to the extent that each of these sections is applicable to all records you are required to preserve on October 28, 1952.

This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on October 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 29, 1952.

[F. R. Doc. 52-11785; Filed, Oct. 29, 1952; 4:41 p. m.]

[Distribution Regulation 2, Revision 1, Amdt. 1]

DR 2—ALLOCATION RECORDS

SUSPENSION OF LAMB

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order 2 and Economic Stabilization Agency General Order 5, Revision, this amendment to Distribution Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends Distribution Regulation 2, Revision 1, with respect to lamb.

Current and foreseeable production of lamb are such as to make allocation of lamb unnecessary today and to make it highly unlikely that there will be any necessity to allocate lamb in the reasonably foreseeable future. Moreover, lamb constitutes but a small proportion of the total meat supply. Under these circumstances, there is no reason to continue, at this time, the requirement for grading and grade-marking of lamb for possible future allocation.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I and Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense and comply with all of the applicable standards of the act.

AMENDATORY PROVISIONS

Distribution Regulation 2, Revision 1, is amended by adding a new section 9 to read as follows:

SEC. 9. *Suspension.* As used in this section, "lamb" means carcasses and meat derived from ovine animals. All provisions of this regulation, which relate to lamb, are suspended on October 29, 1952. You must, however, continue to comply with section 3 of this regulation to the extent that that section is applicable to all records you are required to preserve on October 28, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on October 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 29, 1952.

[F. R. Doc. 52-11786; Filed, Oct. 29, 1952; 4:41 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 38]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 38—CEILING PRICES FOR BICYCLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 38 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes new ceiling prices for manufacturers of bicycles at a higher level than those previously in effect.

The Office of Price Stabilization has recently completed a financial survey of the bicycle industry. The survey was undertaken as the result of information submitted by industry members and trade association representatives at various informal meetings which indicated that the level of ceiling prices heretofore in effect for this industry was below the minimum prescribed by the "industry earnings standard" (the "Johnston Formula"). The industry earnings standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to not less than 85 percent of the average earnings for the industry's best three years during the period 1946–1949, inclusive, adjusted for changes in net worth. Financial data were obtained from a representative group of manufacturers in the bicycle industry, whose total sales represent over 85 percent of the industry's annual volume. Based upon this data, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard ceiling prices for this industry will have to be established at 7 percent above the present level of selling prices. Such ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in cost of steel, other materials, wages, and freight that are currently in effect. Manufacturers covered by this supplementary regulation may not, therefore, adjust their ceiling prices under GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) and SR 35 to CPR 22 (Adjustments to Reflect Increased Outbound Transportation Costs).

This supplementary regulation establishes ceiling prices for manufacturers of bicycles which are 107 percent of their highest selling prices since July 1, 1952.

This supplementary regulation applies only to manufacturers who have previously established ceiling prices under CPR 22. However, supplementary regulations to the General Ceiling Price Regulation and Ceiling Price Regulation 161 are being issued simultaneously herewith, which provide a corresponding adjustment for manufacturers subject to those regulations.

Manufacturers continue to have the election to determine their ceiling prices under the various regulations that were issued pursuant to the so-called "Capehart Amendment." If they do so, however, they may not use this supplementary regulation.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable and are necessary

to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered by this supplementary regulation.
3. Ceiling prices for bicycles dealt in between July 1, 1952 and October 30, 1952, inclusive.
4. Ceiling prices for bicycles which cannot be determined under section 3.
5. Reports.
6. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes new ceiling prices for sales by manufacturers of bicycles. These new ceiling prices are to be used in place of those previously established under sections 3 and 30 to 34, inclusive, of Ceiling Price Regulation 22, or under any supplementary regulation to CPR 22. All provisions of CPR 22 and of any supplementary regulation to CPR 22 otherwise applicable and not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Commodities covered by this supplementary regulation.* The commodities covered by this supplementary regulation are bicycles, except power driven bicycles.

SEC. 3. *Ceiling prices for bicycles dealt in between July 1, 1952 and October 30, 1952, inclusive.* (a) Your ceiling price for a sale of a bicycle is 107 percent of the highest price at which you delivered it between July 1, 1952, and October 30, 1952, to a purchaser of the same class. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless you made at least 20 percent by dollar volume of your total deliveries during the period July 1, 1952, to October 30, 1952, of that commodity to that class of purchaser at that price or a higher price. If you did not deliver the commodity during that period your ceiling price is 107 percent of the highest price at which you offered it for delivery during that period to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 107 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your CPR 22 ceiling price for the same bicycle. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

(c) You may not use as your highest price a selling price which includes adjustments made under either GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) or SR 35 to CPR 22 (Adjustments to Reflect Increased Outbound Transportation Costs). If your highest price includes such adjustments you must reduce it by the dollar amount of such adjustments before using it to determine your new ceiling price under this supplementary regulation.

SEC. 4. *Ceiling prices for bicycles which cannot be determined under section 3.* If you are unable to establish a ceiling price for a bicycle under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with the provisions of CPR 161 (Consumer Durable Goods Regulation). Ceiling prices which were established under sections 30 through 33 of CPR 22 prior to the effective date of this supplementary regulation, for commodities which have not yet been delivered or offered for sale within the meaning of section 3 of this supplementary regulation, may be recomputed, using as the ceiling price of the comparison commodity, a ceiling price determined under this supplementary regulation. You need not report this recomputation.

SEC. 5. *Reports.* Prior to using this supplementary regulation, you must have complied with the reporting requirements of sections 46 and 48 of CPR 22. If you have filed on OPS Public Form 8 in compliance with these sections of CPR 22, you need not amend your Form 8 to reflect the adjustment authorized by this supplementary regulation.

SEC. 6. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use Supplementary Regulations 17 or 18 to Ceiling Price Regulation 22 or GOR 20 to establish your ceiling prices for bicycles. If you so elect, you may not use the provisions of this supplementary regulation. You may not use the provisions of General Overriding Regulation 35 or Supplementary Regulation 35 to Ceiling Price Regulation 22 to adjust ceiling prices determined under this supplementary regulation.

Effective date. This supplementary regulation is effective October 30, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52–11805; Filed, Oct. 30, 1952; 11:18 a. m.]

[Ceiling Price Regulation 118, Supplementary Regulation 1]

CPR 118, SR 1—CERTAIN PRODUCERS OF BOLTS, NUTS, SCREWS AND RIVETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 118 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes producers of bolts, nuts, screws or rivets to apply to the Office of Price Stabilization for an adjustment of their ceiling prices if those ceiling prices do not bear the same relationship to the prices of competitive producers that was maintained during the period July 1, 1949, to June 30, 1950, or during the period July 1, 1949, to March 31, 1950. The latter, shorter, comparison period may be used by producers who, as a result of firm quarterly pricing policy, did not maintain their customary price relationship within the industry during the period April 1, 1950, to June 30, 1950, under Ceiling Price Regulation (CPR) 118.

CPR 118 establishes ceiling prices for sales by producers of bolts, nuts, screws or rivets at the level which prevailed during the period December 19, 1950, to January 25, 1951, inclusive by freezing the prices of each producer at the level at which he sold during that base period. As stated in the Statement of Considerations accompanying CPR 118 this level of prices is substantially the same as that which would be achieved through the application of the pricing formula set forth in CPR 22. The applications filed by a large number of companies under CPR 22, which set forth prices during the third quarter of 1949, clearly establish that an historical relationship exists between the prices of the various companies in the industry. CPR 118 was designed to maintain that historical relationship.

It has now become apparent that a few companies, as a result of their practice of establishing firm prices on a quarterly basis and because of other unavoidable circumstances, did not maintain their customary price relationship within the industry and their ceiling prices under CPR 118 are therefore out of line with those of other producers.

This supplementary regulation corrects these price inequities and permits certain producers of bolts, nuts, screws or rivets to apply to the Office of Price Stabilization to adjust their prices. This adjustment will be permitted in an amount sufficient to bring prices in line with the level of the majority of the industry during the period November 15, 1950, to January 25, 1951.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Application for individual adjustment.
3. Order of adjustment.
4. Applicability of provisions of CPR 118.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of nuts, bolts, screws and rivets to apply for an adjustment of their ceiling prices established under CPR 118 if those ceiling prices do not bear the same relationship to the prices in the industry that the producer maintained during the period July 1, 1949, to June 30, 1950, or during the period July 1, 1949, to March 31, 1950. The latter, shorter, comparison period may be used only by producers who, during the period July 1, 1949, to March 31, 1950, maintained a uniform relationship between the prices of their products and the prices of other sellers within the industry but who, because of their practice of establishing firm prices on a quarterly basis, did not maintain their customary price relationship within the industry during the period April 1, 1950, to June 30, 1950.

SEC. 2. *Application for individual adjustment*—(a) *Who may apply.* If you are a producer of bolts, nuts, screws or rivets you may apply for an adjustment in the ceiling price of any product which you produce if all of the conditions set forth in subparagraphs (1) or (2) or both, are met.

(1) During the period from July 1, 1949, to March 31, 1950, the price of the product covered by your application was maintained in a uniform relationship to the price for the same or similar product charged by a competitive seller; you failed to maintain that relationship during the period April 1, 1950, to June 30, 1950, because of your practice of establishing firm prices on a quarterly basis; and your ceiling price under CPR 118 does not bear the same relationship to the ceiling prices of the same competitive seller that was maintained during the period July 1, 1949, to March 31, 1950.

(2) During the period from July 1, 1949, to June 30, 1950, the price of the product covered by your application was maintained in a uniform relationship to the price for the same or similar product charged by a competitive seller and your ceiling price under CPR 118 does not bear the same relationship to the ceiling price of the same competitive seller that was maintained during the period July 1, 1949, to June 30, 1950.

(b) *How to file an application.* (1) An application pursuant to this supplementary regulation must be filed with the Industrial Materials and Manufactured Goods Division of the Office of Price Stabilization, Washington 25, D. C., and must contain the following:

(i) Your trade name and address; a description of the bolts, nuts, screws or rivets on which you are applying for an adjustment, e. g., steel machine screw (slotted);

(ii) Your selling price for such bolts, nuts, screws or rivets in effect during the period July 1, 1949, to June 30, 1950, and your present ceiling prices;

(iii) Your competitive seller's trade name, address and selling prices for the same or similar nuts, bolts, screws or rivets during the period July 1, 1949, to June 30, 1950, and his present ceiling prices;

(iv) Your proposed ceiling prices for the commodities for which you are seeking an adjustment; and

(v) A statement that you establish firm prices on a quarterly basis. (This statement must be submitted only if you are applying under section 2 (a) (1)).

(2) Catalogs and price lists may be submitted if they contain the information required by subparagraphs (i), (ii) or (iii) but you need not submit any such information which has been previously submitted to OPS. If you cannot ascertain your competitive sellers prices OPS will undertake to obtain the information for you.

SEC. 3. *Order of adjustment.* Any adjustment pursuant to this supplementary regulation will be granted by letter order and will be limited to an amount sufficient to bring your ceiling prices in line with those established for competitive sellers under CPR 118.

SEC. 4. *Applicability of provisions of CPR 118.* Except to the extent expressly modified or supplemented by this regulation, all provisions of CPR 118, including the reporting provisions, shall be applicable to any producer subject to this supplementary regulation.

SEC. 5. *Definition.* (a) "Product" refers to a particular type or model of a commodity covered by CPR 118, e. g., steel machine screws (slotted).

(b) "Similar nuts, bolts, screws or rivets" means a nut, bolt, screw or rivet which (1) has the same purpose; (2) is made of the same material or material of equivalent quality and properties; and (3) contains substantially the same quantity of such material for the same size as the nuts, bolts, screws or rivets with which it is being compared.

(c) "Competitive seller" refers to another seller with whom you are in direct competition and who sells the same type of articles to the same class of purchasers.

Effective date. This supplementary regulation to Ceiling Price Regulation 118 is effective October 30, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52–11804; Filed, Oct. 30, 1952; 11:18 a. m.]

[Ceiling Price Regulation 161, Supplementary Regulation 2]

CPR 161—CONSUMER DURABLE GOODS REGULATION

SR 2—CEILING PRICES FOR BICYCLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of bicycles at a level that is in accordance with the minimum prescribed by the industry earnings standard. A full statement of the reasons for this action is set forth in the Statement of Considerations for SR 38, Ceiling Price Regulation 22.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV to the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered by this supplementary regulation.
3. Ceiling prices for bicycles dealt in between July 24, 1952 and October 30, 1952, inclusive.
4. Ceiling prices for bicycles which cannot be determined under section 3.
5. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of bicycles replacing those previously established under sections 3, 4, 5 and 6 of CPR 161. All provisions of CPR 161 not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Commodities covered by this supplementary regulation.* The commodities covered by this regulation are bicycles, except power driven bicycles.

SEC. 3. *Ceiling prices for bicycles dealt in between July 24, 1952, and October 30, 1952, inclusive.* (a) Your ceiling price for a sale of a bicycle is 107 percent of the highest price at which you delivered it between July 24, 1952, and October 30, 1952, to a purchaser of the same class. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless you made at least 20 percent by dollar volume of your total deliveries during the period July 24, 1952, to October 30, 1952, of the commodity to that class of purchaser at that price or a higher price. If you did not deliver the commodity during that period, your ceiling price is 107 percent of the highest price at which you offered it for delivery during that period to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers. If your highest price during this period exceeded the applicable ceiling price, your ceiling

price under this regulation is 107 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your CPR 161 ceiling price for the same bicycle. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

(c) You may not use as your highest price a selling price which includes adjustments made under either GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases), SR 122 to the GCPR, or SR 35 to CPR 22 (Adjustments to Reflect Increased Outbound Transportation Costs). If your highest price includes such adjustments you must reduce it by the dollar amount of such adjustments before using it to determine your new ceiling price under this supplementary regulation.

SEC. 4. *Ceiling prices for bicycles which cannot be determined under section 3.* If you are unable to establish a ceiling price for the sale of any bicycle under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with the provisions of CPR 161 (Consumer Durable Goods Regulation). Ceiling prices which were established under sections 3, 4 or 5 of CPR 161 prior to the effective date of this supplementary regulation for commodities which have not yet been delivered or offered for sale within the meaning of section 3 of this supplementary regulation, may be recomputed, using as the ceiling price of the comparison commodity, or commodities, a ceiling price determined under this supplementary regulation. You need not report this recomputation.

SEC. 5. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use General Overriding Regulation 20 or 21 or Supplementary Regulation 17 or 18 to CPR 22 to establish your ceiling prices for bicycles. If you so elect, you may not use the provisions of this supplementary regulation. You may not use the provisions of General Overriding Regulation 35 or SR 122 to the GCPR or SR 35 to CPR 22 to adjust ceiling prices determined under this supplementary regulation.

Effective date. This supplementary regulation is effective October 30, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11806; Filed, Oct. 30, 1952; 11:19 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 124]

GENERAL CEILING PRICE REGULATION

SR 124—CEILING PRICES FOR BICYCLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of bicycles at a level that is in accordance with the minimum prescribed by the industry earnings standard. A full statement of the reasons for this action is set forth in the Statement of Considerations for SR 38, Ceiling Price Regulation 22.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and, consideration has been given to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV to the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Commodities covered by this supplementary regulation.
3. Ceiling prices for bicycles dealt in between July 1, 1952 and October 30, 1952, inclusive.
4. Ceiling prices for bicycles which cannot be determined under section 3.
5. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of bicycles replacing those previously established under sections 3, 4, 6, and 7 of the General Ceiling Price Regulation. All provisions of the General Ceiling Price Regulation not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Commodities covered by this supplementary regulation.* The commodities covered by this regulation are bicycles, except power driven bicycles.

SEC. 3. *Ceiling prices for bicycles dealt in between July 1, 1952 and October 30, 1952, inclusive.* (a) Your ceiling price for a sale of a bicycle is 107 percent of the highest price at which you delivered it between July 1, 1952, and October 30, 1952, to a purchaser of the same class. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless you made at least 20 percent by dollar volume of your total deliveries during the period July 1, 1952, to October 30, 1952, of the commodity to that class of purchaser at that price or a higher price. If you did not deliver the commodity during that period, your ceiling price is 107 percent of the highest price at which you offered it for delivery during that period to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 107 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your GCPR ceiling price for the same bicycle. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

(c) You may not use as your highest price a selling price which includes adjustments made under either GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) or SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Costs). If your highest price includes such adjustments you must reduce it by the dollar amount of such adjustments before using it to determine your new ceiling price under this supplementary regulation.

SEC. 4. *Ceiling prices for bicycles which cannot be determined under section 3.* If you are unable to establish a ceiling price for the sale of any bicycle under section 3 of this supplementary regulation, you must establish such ceiling price in accordance with the provisions of CPR 161 (Consumer Durable Goods Regulation). Ceiling prices which were established under sections 4 or 6 of the GCPR prior to the effective date of this supplementary regulation, for commodities which have not yet been delivered or offered for sale within the meaning of section 3 of this supplementary regulation, may be recomputed, using as the ceiling price of the comparison commodity a ceiling price determined under this supplementary regulation. You need not report this recomputation.

SEC. 5. *Relationship of this supplementary regulation to other adjustment regulations.* Nothwithstanding any provisions of this supplementary regulation, you may elect to use General Overriding Regulation 20 or 21 to establish your ceiling prices for bicycles. If you so elect, you may not use the provisions of this supplementary regulation. You may not use the provisions of General Overriding Regulation 35 or SR 122 to the GCPR to adjust ceiling prices determined under this supplementary regulation.

Effective date. This supplementary regulation is effective October 30, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11807; Filed, Oct. 30, 1952; 11:19 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, as Amended, October 30, 1952]

M-6A—STEEL DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

EXPLANATORY

NPA Order M-6A as amended February 27, 1952, is hereby further amended by adding a certification requirement to section 4; by deleting the item "fence posts" from List A; and by rearranging some of the product groups in List A in the interest of greater clarity.

Direction 1 as amended June 16, 1952, Direction 3 as amended September 8, 1952, Schedule 1 as amended August 21, 1952, Schedule 2 of December 28, 1951, and Schedule 3 of April 23, 1952, to NPA Order M-6A, are not affected by this amendment and they remain in full force and effect.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Shipments to distributors.
4. Identification and certification of orders.
5. Item limitation for acceptance of authorized controlled material orders by distributors.
6. Certain earmarked distributors' stocks.
7. Direct shipments.
8. Relation to other NPA orders and regulations.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order and CMP Regulation No. 4 apply to steel distributors. This order requires producers to make monthly shipments of steel products to steel distributors on the basis set out in the order. It requires steel distributors to identify their purchase orders. It limits the required acceptance by distributors of purchase orders from any one purchaser during any one week. It makes provisions for the earmarking of certain steel distributors' stocks. It includes provisions incidental to the effectuation of the foregoing.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Steel product" means an iron or steel product set forth in List A of this order, subject to footnotes contained in List A.

(c) "Producer" means a person who produces one or more steel products.

(d) "Steel distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any steel product at one or more locations regularly maintained by him for such purpose, for sale or resale, in the form or shape as received or after performing the operations described in the next sentence of this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch-cutting to length, size, or shape; pipe threading; corrugating and forming of roofing and siding; forming of ridge roll, valley, and flashing; sorting and grading; and the like. A person who, in connection with any sale of any steel product from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, or who delivers straight lengths of reinforcing bars as part of a fabricated job or project, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of any steel product for resale, does not take physical delivery of any such steel product into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale. The term shall also include any steel distributor domiciled in, or incorporated under the laws of, the Dominion of Canada or any province thereof.

(e) "Base period" means the period commencing January 1, 1950, and ending September 30, 1950.

(f) "Base tonnage" means the average monthly shipments of any one steel product made by any one producer during the base period to any one distributor customer.

(g) "Item" means any steel product which is different from all other steel products by reason of one or more of its specifications, such as width, thickness, temper, alloy, or finish.

(h) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. For operations beginning with the second calendar quarter of 1952, clad steels which have an alloy-steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(i) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

(j) "Nickel-bearing stainless steel" means a stainless steel, wrought, cast, or sintered, containing 1 percent or more of nickel.

(k) "Carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheet and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels, e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

(l) "NPA" means the National Production Authority.

SEC. 3. *Shipments to distributors.* (a) Each producer is hereby required to accept purchase orders from his steel distributor customers for shipments of steel products in January 1952 and subsequent months to the extent provided in this section. Each producer must accept purchase orders which call for shipments of any one or more of the steel products shipped by him to each steel distributor customer during the base period up to a minimum of not less than 100 percent of the base tonnage of each such steel product shipped to each steel distributor customer during the base period: *Provided, however,* That such orders are placed with the steel producers in accordance with the lead times for the various steel products set forth in Schedule III of CMP Regulation No. 1, as amended from time to time: *And further provided,* That orders placed under the provisions of this section must be for substantially the same products as were supplied to each steel distributor during the base period, except for minor variations in size and design.

(b) Whenever sales can be made without conflicting with other NPA orders, regulations, directions, or directives, a producer may sell to any steel distributor customer any tonnage of any steel product over and above the minimum tonnage, and may also sell to any steel distributor who has no base tonnage, any tonnage of any steel product. In determining the amount of the minimum monthly allotments, adjustments may be made by a producer with the consent of the steel distributor customer involved, to provide for any abnormal situations which affect any steel products.

SEC. 4. *Identification and certification of orders.* (a) In ordering steel products from producers, pursuant to section 3 of this order, each steel distributor is hereby required to identify each purchase order as an M-6A order. Such identification shall be placed or stamped on each purchase order in a prominent place so that the order may be readily identified as an M-6A purchase order.

(b) Each steel distributor who places purchase orders for any steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1 with a producer, shall also furnish to the producer with whom such order is placed, a certification in the following form:

Certified under NPA Order M-6A

which shall be signed as provided in NPA Reg. 2. This certification shall consti-

tute a representation, subject to criminal penalties provided for in applicable U. S. statutes, by the person placing the order to the seller and to NPA that (1) he is a steel distributor within the meaning of section 2 (d) of this order and (2) he will not perform or cause to be performed with respect to the steel so ordered, any operation other than an operation described in the second sentence of said section 2 (d),

SEC. 5. *Item limitation for acceptance of authorized controlled material orders by distributors.* No steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 8,000 pounds.

Any item of alloy steel more than 5,000 pounds.

Any item of stainless steel sheet more than 2,000 pounds.

Any item of stainless bars and plates more than 1,000 pounds.

Any item of stainless tubing or pipe more than 1,000 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 40,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

SEC. 6. *Certain earmarked distributors' stocks.* NPA from time to time may earmark particular steel products in the inventory of any steel distributor for special treatment by such distributor. Any such earmarking shall be accomplished by the issuance by NPA of published schedules under this order or by directives to specified distributors. Such schedules or directives may provide, among other things, that the steel products so earmarked shall be held by the steel distributor solely for sale to persons designated by an agency of the United States Government. Such schedules or directives may contain such other provisions particularly applicable to such earmarked stock as NPA may deem appropriate. All provisions of any schedule or directive shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule, or directive, or amendment thereto, as the case may be. In the event of any inconsistency between a schedule or directive and this order, the provisions of the schedule or directive shall govern. Schedules or directives may be issued or amended at any time and from time to time, and shall remain in full force and effect until individually amended, superseded, or revoked.

SEC. 7. *Direct shipments.* Nothing in this order shall be deemed to prevent a steel distributor, who normally acted as authorized agent of a producer, from acting not only in the capacity of a steel distributor as defined in section 2 of this order, but also acting as an agent of a producer for the purpose of receiving and transmitting to such producer authorized controlled material orders, as defined in section 2 of CMP Regulation No. 1, for direct shipment by the producer to the person placing such order.

SEC. 8. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that such provisions are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resultant unemployment that would impair the defense program. Each request shall be in writing, by letter in duplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(c) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–6A.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or of using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect October 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A OF NPA ORDER M-6A

Product groups	Types: Carbon	Stainless [1]	Other alloy [2]
Industrial Steel Products			
1. Blooms, billets, slabs, tube rounds, die blocks, sheet, and tin bars	X	X	X
2. Structural shapes and piling	X	----	X
3. Plates (universal and sheared) including skelp	X	X	X
4. Rails and track accessories	X	----	X
5. Hot-rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars	X	X	X
6. Concrete reinforcing bars (unfabricated) [3]	X	----	----
7. Cold-finished bars	X	X	X
8. Sheets and strip, hot-rolled	X	X	X
9. Sheet and strip, cold-reduced	X	X	X
10. Tin mill black plate, tin plate, and terneplate	X	----	----
11. Sheets and strip, all other but not including items under Merchant Trade Steel Products	X	X	X
12. Welded tubing	X	X	X
13. Seamless tubing	X	X	X
14. Tool steel, including drill rod	X	----	X
15. Wire rope and strand	X	X	X
Merchant Trade Steel Products			
16. Standard and line pipe, water well tubular products, and couplings [4] (ineludes steel and wrought iron pipe)	X	----	----
17. Oil country casing, tubing, drill pipe, and couplings [4]	X	----	X
18. Galvanized, lead-coated, or painted sheet and strip, purchased for resale or for manufacture by the distributor of roofing and siding, valley, ridge roll, or flashing	X	----	----
19. Formed roofing and siding, valley, ridge roll, and flashing (painted, black, galvanized, or lead-coated)	X	----	----
20. Nails (cut and wire), fence and netting staples	X	X	----
21. Wire, drawn	X	X	----
22. Wire bale ties	X	----	----
23. Wire (barbed and twisted) and wire fence (woven or welded)	X	----	----
24. Wire netting	X	----	----
25. Welded wire concrete reinforcing mesh	X	----	----

[1] Nickel-bearing stainless steel only.

[2] Irrespective of the percentage of any grades of commercial quality alloy steels shipped by a producer to his steel distributor customer during the base period, each minimum tonnage of such alloy steels to be shipped shall be in any grades with a melting range of (a) 0.60 maximum nickel or 0.15 maximum molybdenum for steels 0.30 carbon and under, or (b) 0.40 maximum nickel or 0.15 maximum molybdenum for steels 0.31 carbon and over, used individually or in combination, with or without chromium, or any non-nickel-bearing, or non-molybdenum-bearing grades, with or without chromium.

[3] Excludes straight lengths sold by distributor for intended use as part of a fabricated job or project.

[4] Threaded couplings of the type normally supplied on threaded pipe by pipe producers.

[F. R. Doc. 52–11802; Filed, Oct. 30, 1952; 11:13 a. m.]

[NPA Order M–26, as Amended October 30, 1952]

M–26—PACKAGING CLOSURES

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all affected trades and industries in advance of the issuance of this amended order has been rendered impracticable by the fact that a substantial number of different trades and industries is affected.

EXPLANATORY

This amended order affects NPA Order M–26, as amended April 24, 1952, by amending paragraph (a) of section 5 to include menders among the materials which may be used without restriction.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of packaging closures.
4. Other restrictions.
5. Exceptions.
6. Certification upon delivery of packaging closures.
7. Request for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This amended order places restrictions upon the sale, delivery, and use of packaging closures as herein defined, but does not apply to any other sealing or covering devices. Schedule I, appearing at the end of this order, specifies the maximum tin coatings for packaging closures. This maximum varies according to the product packed.

SEC. 2. *Definitions.* As used in this order:

(a) "Packaging closure" means any new sealing or covering device made in whole or in part of tin plate and affixed or to be affixed to a glass container for the purpose of retaining the contents within the container, and includes any crown made of tin plate and affixed or to be affixed to a glass or metal container for the purpose of retaining the contents within the container.

(b) "Tin plate" means steel sheets coated with tin, and includes electrolytic tin plate, hot-dipped tin plate, primes, seconds, unassorted, tin plate waste-waste, menders, unmended menders, and unassorted temper tin plate. Tin plate (except waste-waste) is furnished as "specification production plate" or "mill accumulation plate," and each such class includes primes, seconds, and unassorted. Specification production plate is plate produced against orders for specific end uses. Mill accumulation plate is plate arising in the production of specification production plate not applicable against such orders.

(c) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(d) "Unmended menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted.

(e) "Menders" means tin-coated steel sheets arising in the production of electrolytic tin plate which have been set aside by the producer by reason of surface appearance which disqualifies such sheets from sale as primes, seconds, or unassorted, and mended either into coke tin plate primes, seconds, or unassorted by hot-dipping in tin, or into unassorted terneplate by hot-dipping in terne metal.

(f) "Unassorted temper tin plate" means primes, seconds, or unassorted tin plate, arising in the production of hot-dipped or electrolytic tin plate, which has been packaged without regard to temper.

(g) "Waste" means scrap tin plate, and includes strips and circles produced in the ordinary course of manufacturing tin plate or packaging closures.

(h) "Packer" means any person who uses packaging closures for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(j) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use of packaging closures.* Subject to the exceptions in section 5 of this order, no packer shall purchase, accept delivery of, or use packaging closures for the purpose of packing products except as specifically permitted by the provisions of Schedule I of this order. Packaging closures may be used for packing the products included in a class of products listed in Schedule I only if such closures comply with the tin plate specifications set out in Schedule I as applicable to the products included in that class. Such specifications indicate the maximum number of pounds of tin coating per base box permitted for the particular products or classes of products listed.

SEC. 4. *Other restrictions.* (a) No person shall use tin plate in the manufacture of packaging closures, and no person shall sell or deliver any packaging closures, which he knows or has reason to believe will be accepted or used in violation of any provision of this order or of any other order or regulation of NPA.

(b) In the manufacture of home canning packaging closures, no person shall use any tin plate with a tin coating in excess of 0.50 pound per base box for the manufacture of top seal lids, or in excess of 0.25 pound per base box for the manufacture of bands or jelly glass lids.

SEC. 5. *Exceptions.* (a) The restrictions of this order shall not apply to packaging closures made entirely of menders, unmended menders, unassorted temper tin plate, waste-waste or waste, or entirely of any combination of any such materials.

(b) The restrictions of this order shall not apply to military requirements for packaging closures of a special design or style not normally produced or used commercially, nor to packaging closures for emergency rations and supplies for lifeboats.

(c) The restrictions of this order shall not apply to the sale or delivery of packaging closures for shipment outside the limits of the continental United States, its territories, and insular possessions.

(d) The plate specifications in Schedule I of this order shall not apply to orders requiring the packing of products in accordance with military specifications of the Department of Defense for use outside the 48 States of the United States and the District of Columbia by the Armed Forces of the United States, including the United States Coast Guard.

(e) The restrictions of this order do not apply to the use of any packaging closures which, on January 27, 1951, were in the inventory of the packer, or in the inventory of the manufacturer, or in process of manufacture.

SEC. 6. *Certification upon delivery of packaging closures.* No person shall sell or deliver packaging closures to a packer (except to a retail pharmacist) unless he has received from such packer a certificate signed manually. This certificate shall be by letter in substantially the following form, shall constitute a representation to the supplier and to NPA, and, once filed by a purchaser with a seller, shall cover all future deliveries of packaging closures from that seller to that purchaser:

To_____, Seller:

The undersigned purchaser certifies, subject to criminal penalties, that he is familiar with Order M–26 of the National Production Authority, and that all purchases from you of items regulated by that order, and the use and acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 7. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustments or exception claiming that the public interest is prejudiced by the application of any provision

of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–26.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this amended order. This amended order shall take effect October 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

(The term "food" as used in Schedule I of this order means "food" as defined in Executive Order 10161, September 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., and in the Memorandum of Agreement between the Administrator of the National Production Authority, United States Department of Commerce, and the Administrator of the Production and Marketing Administration, United States Department of Agriculture, 16 F. R. 3410.)

SCHEDULE I OF NPA ORDER M–26—PACKAGING CLOSURES MADE OF TIN PLATE

Class and product	Tin-plate specifications (maximum pounds of tin coating per base box)
1. All food products for human consumption (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule) if preserved in a hermetically sealed container made sterile by heat	1.50
2. Olives, pickles, relishes, sauces, vinegar, french dressing, flavoring extracts, spices, mustard, horseradish, and cherries	.75
3. All other products, food or otherwise (except malt beverages and nonalcoholic beverages, each as defined in class 4 of this schedule)	.50
4. Malt beverages (meaning and including only beer, ale, porter, near beer, and mixtures thereof); and nonalcoholic beverages (meaning and including only soft drinks, still or carbonated, unflavored waters, still, or naturally or artificially carbonated; beverage drinks consisting of fruit or vegetable juice or juices or a combination thereof where less than 85 percent by weight of the product is pure fruit or vegetable juice or juices or a combination thereof; and sterilized milk drinks made with powdered milk)	.25

[F. R. Doc. 52–11803; Filed, Oct. 30, 1952; 11:13 a. m.]

[NPA Order M–83—Revocation]

M–83—MECHANICAL, HYDRAULIC, AIR, AND ELECTRICALLY OPERATED JACKS

NPA Order M–83 (17 F. R. 6042) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–83 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–11801; Filed, Oct. 30, 1952; 11:12 a. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO–4A]

EO–4A—LIMITATION OF CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

Seasonal changes in water conditions may reduce the output of electric energy in the Pacific Northwest region of the United States. This reduction, coupled with the increased electric power requirements for national defense and for essential civilian consumption, threatens to impair the deliveries of electric energy for civilian and defense purposes.

This order is designed to lessen the possible ill effects of these threatened shortages of electric power. Its issuance is necessary and appropriate to promote the national defense. Industry representatives, including trade association representatives, have been consulted in connection with its formulation, and their recommendations have been given consideration. The order is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended.

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AUTHORITY: Sections 1 to 53 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. 2071; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; DPA Del. 1, Jan. 24, 1951, as amended Nov. 3, 1951, 16 F. R. 11245; Dept. of Interior Order No. 2605, as amended Sept. 10, 1952, 17 F. R. 8306.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* This order provides for orderly steps to be taken in the Pacific Northwest region of the United States to meet varying degrees of power shortage in that area and to achieve maximum power supply

in the interest of national defense. It provides for the maintenance and operation of electric utility equipment and of non-utility electric generating facilities, and for the integration of power system operation. It contains provisions to become effective upon further order of DEPA, and for reduction of deliveries and curtailment of consumption of electric energy generally.

SEC. 2. *Definitions.* For the purpose of this order.

(a) "DEPA" means the Administrator of Defense Electric Power Administration.

(b) "Person" means any individual, partnership, corporation, association, governmental agency, subdivision or other form of enterprise.

(c) "Shortage area" means all of the State of Washington and those portions of Northern and Western Oregon, Northern Idaho and Western Montana within the service areas of the electric utilities named in Appendix A to this order.

(d) "Electric utility" means any person designated in Appendix A, and any person located in the shortage area, supplying, or having facilities built for supplying, electric energy directly or indirectly for general use by the public or, in the case of a cooperative, for use by its members.

(e) "Non-utility power producer" means any person in the shortage area who has electric-generating facilities with a rated capacity of 100 kw or more and who is not included in the definition of an electric utility.

(f) "Consumer" means any person who is an ultimate user in the shortage area of electric energy self-generated or purchased or otherwise acquired from any non-utility power producer or from any electric utility as defined in this order.

(g) "Base period" means the period October 1, 1951, to April 30, 1952, inclusive.

(h) "Base billing period" for any consumer means the corresponding billing period occurring in the base period.

(i) "Base period consumption" for any consumer means the consumption in kilowatt-hours of electric energy during the base billing period, excluding energy delivered on an interruptible basis, as adjusted by the electric utility serving the consumer on the basis of changes in such consumer's method of operation during or since the base period which result in changes in consumption. DEPA may at any time specify the base period consumption for any consumer.

(j) "Weekly energy base" for any consumer means seven times the average daily consumption of electric energy in kilowatt-hours by such consumer during the base billing period. The weekly energy base for any consumer may be adjusted by the electric utility serving the consumer to reflect such other weekly proration of base period consumption as may accord with the consumer's method of operation.

(k) "Weekly energy quota" for any consumer means whichever is greater of the following amounts of electric energy delivered to such consumer at any single location:

(1) 8,000 kilowatt-hours, or

(2) The weekly energy base multiplied by the applicable percentage specified from time to time by supplemental order or direction of DEPA.

(l) "Base peak demand" means the maximum measured demand by a consumer at one location occurring within the base period. Such demand shall be measured by using the demand interval in use by the electric utility serving the consumer. If not measured, the base peak demand may be estimated after eliminating all abnormal non-recurring demands. An electric utility may adjust the base peak demand of a consumer on the basis of changes in such consumer's method of operation during or since the base period. DEPA may at any time specify the base peak demand for any consumer.

SEC. 3. *Applications for adjustment or exception.* Any person affected by this order who considers that its application would work an exceptional and unreasonable hardship on him or would interfere with military needs, defense production or essential civilian services may appeal for relief to DEPA, who may grant such special exemptions or take such other action as may be consistent with the purposes of this order.

SEC. 4. *Communications to DEPA.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to Northwest Area Representative, Defense Electric Power Administration, Ref: EO–4A.

SEC. 5. *Violations.* Any person who willfully violates any provision of this order or direction relating thereto or any other order or direction of DEPA, or who willfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials (including electric energy) or of using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 6. *Records.* Each electric utility and non-utility power producer affected by this order shall keep and preserve for not less than two years complete records concerning deliveries of electric energy to consumers. Such records shall be subject to inspection by duly authorized representatives of DEPA.

SEC. 7. *Termination.* Unless earlier revoked, this order shall terminate at 12 p. m., P. s. t., April 30, 1953.

ARTICLE II—OPERATION AND INTEGRATION

SEC. 21. *Operation of electric utility facilities and equipment.* No electric utility shall take any power plant equipment out of service for routine maintenance or overhaul when the capacity or operation of such equipment is needed in the shortage area, and no electric utility shall abandon any electric generating facilities except upon specific authorization from DEPA.

SEC. 22. *Operation of non-utility electric facilities and equipment.* Each non-utility power producer shall operate its electric facilities and interchange electric energy with any electric utility or utilities with which it is interconnected so as to achieve maximum power supply: *Provided*, That such interchange is consistent with an agreement entered into between such utility and non-utility power producer.

SEC. 23. *Integration of power system operation.* Each electric utility shall continue to operate its reservoirs, generating plants, substations, transmission lines and other facilities and to interchange electric energy with other electric utilities so as to achieve the maximum coordination of power supply.

SEC. 24. *Specific directions by DEPA.* From time to time DEPA may issue specific directions to electric utilities and non-utility power producers as to the maintenance, operation and integration of electric facilities.

ARTICLE III—LIMITATIONS ON USE, CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY

SEC. 31. *Curtailment of use during designated periods.* When necessary, DEPA will issue directions restricting or prohibiting the delivery and use of electric energy:

(a) During designated hours or days of the week to or by any consumer or class of consumers, so as to reduce or eliminate their energy consumption;

(b) During peak periods to or by any consumer or class of consumers, so as to reduce or eliminate their demand during such peak periods.

SEC. 32. *Limitations to become effective upon issuance of supplement to this order.* Each of the following paragraphs of this section shall become operative on the date and in the manner specified in supplements to be issued as needed to this order.

(a) *Limitation on increased rates of deliveries of electric energy.* During any period in which this paragraph is operative:

(1) No electric utility or non-utility power producer shall increase the rate of deliveries of electric energy to any consumer with a base peak demand in excess of 300 kilowatts at any single location over the base peak demand of such consumer, and no such consumer shall take deliveries of electric energy at such increased rate, unless the amount of such increase is less than 25 kilowatts or 5 percent of base peak demand, whichever is greater, or unless prior authorization for such increase is received from DEPA.

(2) No electric utility or non-utility power producer shall serve any new consumer or existing consumer with a base peak demand of less than 300 kilowatts at any single location at a rate which exceeds 300 kilowatts or 105 percent of base peak demand, whichever is greater, and no such consumer shall take deliveries in excess of such rate unless prior authorization is received from DEPA.

(b) *Limitation on increased deliveries of electric energy.* During any period in which this paragraph is operative:

(1) No weekly energy base of any new consumer shall be established at more than 8,000 kilowatt-hours and no weekly energy base of any existing consumer shall be adjusted upward, except for adjustment up to 8,000 kilowatt-hours, without prior authorization of DEPA.

(2) No electric utility or non-utility power producer shall deliver knowingly at any single location more than 8,000 kilowatt-hours per week to any new consumer or to any existing consumer with a weekly energy base of less than 8,000 kilowatt-hours per week without prior authorization by DEPA, but an electric utility may, in lieu of so restricting deliveries to any such consumer, report immediately to DEPA the name and loads of any such consumer taking deliveries in excess of 8,000 kilowatt-hours per week.

(c) *Quota limitations on consumption and deliveries of electric energy.* During any period in which this paragraph is operative, DEPA will issue directions limiting deliveries to particular consumers or classes of consumers in specified amounts of kilowatts or kilowatt-hours or through use of energy quotas in kilowatt-hours, or both. The curtailments so directed will be carried out as nearly as possible in the manner provided in List I of Appendix B to this order. Upon the issuance of such directions, electric utilities shall notify each of their consumers affected by such curtailment, and from the effective date of any such direction no electric utility shall knowingly make, and no consumer shall take, deliveries of electric energy in excess of the quantity permitted by the direction, but an electric utility may, in lieu of so restricting deliveries, report immediately to DEPA the name and loads of any affected consumer taking deliveries in excess of such quantity. Unless prohibited by section 33 and List II of Appendix B, electric utilities are not prevented by this order from making any curtailments in accordance with their operating practice or contractual arrangements.

(d) *Reduction of deliveries to consumers with electric generating facilities.* During any period in which this paragraph is operative, each electric utility shall reduce deliveries to non-utility consumers who have electric generating facilities with rated capacity of 100 kilowatts or more, to the extent that the operation of such facilities is feasible and can help relieve the power shortage in the shortage area, provided arrangements exist to pay the additional cost of energy generated by such consumer's facilities to replace firm power deliveries required by contract.

SEC. 33. *Preferred deliveries.* No electric utility shall reduce its deliveries of electric energy to any consumer or class of consumers below quantities specified on List II of Appendix B to this order, without order or direction from DEPA, provided arrangements exist for the payment for electric energy delivered in excess of quantities required by contract.

SEC. 34. *Exemptions.* (a) Except as provided in paragraph (b) of this section, the mandatory provisions of this Article III relating to the prohibition or limitation of deliveries and consumption of electric energy shall not apply to any consumer whose operations come within the classifications listed in Appendix C to this order or to any consumer specifically exempted by direction of DEPA. Questions as to the classification of any consumer shall be referred to DEPA.

(b) Because of the shortage which makes this limitation order necessary, all consumers exempted by this section shall immediately undertake steps to reduce their energy consumption to the fullest practicable extent, consistent with the continued operation of their essential services, functions or activities, during any period in which any of the provisions of section 32 of this order are operative, and each such consumer using in excess of 8,000 kilowatt-hours per week shall notify the electric utility from which he obtains power of the steps taken and of his estimate of the savings in energy involved.

ARTICLE IV—ACTIONS, NOTICES AND REPORTS BY ELECTRIC UTILITIES AND CONSUMERS

SEC 41. *Notice to consumers.* (a) Each electric utility shall give such notices to its consumers as may be prescribed by DEPA.

(b) Within fourteen days after the effective date of this order, each electric utility shall notify its consumers whose operations do not come within the classifications listed in Appendix C to this order, of the base period consumption and of the weekly energy base of such consumer for each billing period in the base period in each case where base period consumption of such consumer exceeds, if prorated weekly, 8,000 kilowatt-hours a week.

SEC. 42. *Solicitation of voluntary curtailment.* Each electric utility shall take all possible steps to secure voluntary reductions in consumption of electric energy by its consumers, during any period in which any of the provisions of section 32 of this order are operative.

SEC. 43. *Reports and information.* (a) Each consumer who uses at any single location more than 8,000 kilowatt-hours in the first week or any succeeding week, during which the provisions of section 32 (c) are in effect as to such consumer, shall report to DEPA at the end of such week the kilowatt-hours of electric energy consumed by him during such week at each such location. Such report shall be filed with the electric utility supplying electric energy to such consumer on forms prescribed by DEPA and distributed by the electric utility, and each such electric utility shall keep custody thereof for and subject to the direction of DEPA.

(b) At the end of the first week and of each succeeding week during which any of the provisions of section 32 (c) of this order are operative with respect to any of its consumers, each electric utility affected by the provisions of section 32 (c) of this order shall report to DEPA the name and address of any consumer who such utility knows or has reason to believe has consumed during such week more electric energy than its weekly energy quota, and shall include in such report the weekly energy quota of such consumer and the amount of such excess.

(c) At the end of the first week and of each succeeding week during which any of the provisions of section 32 (a) of this order are operative, each electric utility shall report to DEPA weekly the name and address of any consumer who such utility knows or has reason to believe has exceeded his base peak demand during such week, and shall include in such report the base peak demand of such consumer and the extent of such excess.

ARTICLE V—ADMINISTRATION OF ORDER

SEC. 51. *Northwest Area Representative.* This order shall be administered by the Northwest Area Representative, Utilization Conservation Branch of Defense Electric Power Administration who is hereby authorized to exercise all powers and functions of DEPA necessary to carry out the provisions of this order including, but not limited to, authority:

(a) To classify consumers and to grant adjustments, exceptions and exemptions.

(b) To issue orders and directions concerning the operation of electric utility and non-utility power producing facilities and equipment.

(c) To direct the curtailment of delivery and use of electric energy during designated periods, to limit deliveries of electric energy to particular consumers or classes of consumers in specified amounts of kilowatts or kilowatt hours, and to establish and adjust energy quotas in kilowatt hours for such consumers in amounts or percentages varying between individual consumers and between classes of consumers in the same or different areas.

SEC. 52. *Advisory Committee.* The Northwest Area Representative shall consult with an advisory committee of five members selected by DEPA with the advice of the electric utilities. Two members shall be selected from the privately owned, two from the non-Federal publicly owned and one from the Federal electric utilities.

SEC. 53. *Appeals.* Any person aggrieved by any decision of the Northwest Area Representative may appeal to the Administrator of Defense Electric Power Administration.

NOTE: A. All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

B. This order is issued pursuant to the Defense Production Act of 1950, as amended. Section 707 of that act provides as follows:

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order issued pursuant to this Act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid. No person shall discriminate against orders or contracts to which priority is assigned or for which materials or facilities are allocated under title I of this Act or under any rule, regulation, or order issued thereunder, by charging higher prices or by imposing different terms and conditions for such orders or contracts than for other generally comparable orders or contracts, or in any other manner. (64 Stat. 818, 50 App. U. S. C. 2157.)

This order shall take effect on October 30, 1952.

JAMES F. FAIRMAN,
Administrator, Defense Electric Power Administration.

APPENDIX A—ELECTRIC UTILITIES WHICH GENERATE OR PURCHASE POWER AT WHOLESALE WITHIN THE SHORTAGE AREA

Bonneville Power Administration:
- Municipalities:
  - Canby, Oreg.
  - Cascade Locks, Oreg.
  - Centralia, Wash.
  - Cheney, Wash.
  - Drain, Oreg.
  - Ellensburg, Wash.
  - Eugene, Oreg.
  - Forest Grove, Oreg.
  - Grand Coulee, Wash.
  - McCleary, Wash.
  - McMinnville, Oreg.
  - Milton-Freewater, Oreg.
  - Monmouth, Oreg.
  - Springfield, Oreg.
- Cooperatives and Public Utility Districts:
  - Benton County Public Utility District No. 1.
  - Benton Lincoln Electric Cooperative, Inc.
  - Benton Rural Electric Association.
  - Big Bend Electric Cooperative, Inc.
  - Blachly-Lane County Electric Cooperative, Inc.
  - Central Electric Cooperative, Inc.
  - Central Lincoln Peoples Utility District No. 1.
  - Chelan County Electric Cooperative, Inc.
  - Chelan County Public Utility District No. 1.
  - City of Port Angeles, Wash.
  - Clallam County Public Utility District No. 1.
  - Clark County Public Utility District No. 1.
  - Clatskanie People's Utility District.
  - Clearwater Valley Light & Power Association.
  - Columbia Basin Electric Cooperative, Inc.
  - Columbia County Rural Electric Association, Inc.
  - Cowlitz County Public Utility District No. 1.
  - Douglas County Public Utility District No. 1.
  - Eastern Oregon Electric Cooperative, Inc.
  - Ferry County Public Utility District No. 1.
  - Franklin County Public Utility District No. 1.
  - Grant County Public Utility District No. 2.
  - Grays Harbor Public Utility District No. 1.
  - Hood River Electric Cooperative, Inc.
  - Idaho County Light & Power Cooperative, Inc.
  - Inland Empire Rural Electrification, Inc.
  - Kittitas County Public Utility District No. 1.
  - Klickitat County Public Utility District No. 1.
  - Kootenai Rural Electric Association, Inc.
  - Lane County Electric Cooperative, Inc.
  - Lewis County Public Utility District No. 1.
  - Lincoln Electric Cooperative, Inc., Wash.
  - Mason County Public Utility District No. 3.
  - Nespelem Valley Electric Cooperative, Inc.
  - Sandy Electric Cooperative, Inc.
  - Northern Lights, Inc. (except sections exclusively served from Thompson Falls point of delivery).
  - Northern Wasco County Public Utility District No. 1.
  - Okanogan County Cooperative, Inc.
  - Okanogan County Public Utility District No. 1.
  - Orcas Power and Light Co.
  - Pacific County Public Utility District No. 2.
  - Pend Oreille County Public Utility District No. 1.
  - Pend Oreille Electric Cooperative, Inc.
  - Salem Electric, Inc.
  - Skamania County Public Utility District No. 1.
  - Snohomish County Public Utility District No. 1.
  - Stevens County Public Utility District No. 1.
  - Tanner Mutual Power & Light Association.
  - Tillamook Peoples Utility District No. 1.
  - Umatilla Electric Cooperative, Inc.
  - Vera Irrigation District, Spokane.
  - Wahkiakum County Public Utility District No. 1.
  - Wasco Electric Cooperative, Inc.
  - West Oregon Electric Cooperative, Inc.
- Bureau of Reclamation:
  - Grand Coulee, Wash.
  - Prosser, Wash.
  - Rocky Ford, Wash.
- Mountain States Power Co.—Willamette Valley System.
- Mountain States Power Co.—Sandpoint System.
- Mountain States Power Co.—Tillamook System.
- Montana Power Co.—Northern Idaho System.
- Pacific Power & Light Co.—Main System.
- Pacific Power & Light Co.—Astoria-Seaside System.
- Portland General Electric Co.
- Puget Sound Power & Light Co.—Main System:
  - Private utilities:
    - Northwestern Improvement Co.
  - Municipalities:
    - Blaine, Wash.
    - Pacific, Wash.
    - South Cle Elum, Wash.
    - Sumas, Wash.
  - Cooperatives:
    - Guemes Island Cooperative Association.
- Seattle—Department of Lighting.
- Tacoma—Department of Public Utilities—Light Division.
- Municipalities:
  - Eatonville, Wash.
  - Fircrest, Wash.
  - Milton, Wash.
  - Steilacoon, Wash.
- Cooperatives:
  - Alder Mutual Light Co.
  - Elmhurst Mutual Co.
  - Lakeview Light & Power Co., Inc.
  - Loveland Mutual Co.
  - Mason County Public Utility District No. 1.
  - Ohop Valley Mutual Light Co.
  - Parkland Light & Water Co.
  - Peninsula Light Co., Inc.
- Washington Water Power Co.:
  - Private utilities:
    - Bunker Hill Lighthouse.
    - Citizens Utilities Co.
  - Municipalities:
    - Chewelah, Wash.
    - Plummer, Idaho.
  - Cooperatives:
    - Modern Electric Water Co.
  - Other Interconnected Utilities:
    - Municipalities:
      - Cashmere, Wash.
      - Springfield, Oreg.
      - Waterville, Wash.

APPENDIX B

The following order of curtailments in deliveries and consumption of electric energy and the following preferred deliveries have been designated by the Defense Production Administration for implementation by DEPA.

List I. Curtailments in deliveries. Curtailments in deliveries of electric energy which shall be ordered or directed from time to time by DEPA shall be applied, insofar as possible, after all interruptible loads have been curtailed. Curtailments in deliveries of firm loads shall be applied, insofar as possible, by a pro rata reduction in consumption by all consumers using more than 8,000 kilowatt-hours per week at any single location.

The foregoing curtailments relate to mandatory cutbacks which may be ordered by DEPA, and unless prohibited by section 33 and List II of this Appendix B electric utilities are not prevented by this order from making any curtailments in accordance with their operating practice or contractual arrangements.

List II. Preferred deliveries, subject to the provisions of section 33 of this order. Unless specifically provided by order or direction of DEPA, no curtailment in deliveries of electric energy shall be applied to the following consumers or classes of consumers below quantities specified:

(Initial List)

Consumer or class of consumers

Atomic Energy Plants

Amount of preferred deliveries

Total demand and energy for process loads

APPENDIX C

Consumers falling within the following classifications are exempt from certain mandatory curtailment provisions of this order, as provided in section 34, but shall undertake the reduction of their electric energy consumption to the fullest practicable extent, consistent with their continued operation of the services, functions or activities set out below.

1. The following Federal, State, County and Municipal services: fire, police, prisons, and essential street and highway lighting.

2. The following essential community services: churches, hospitals, schools, newspapers and refrigeration for food preservation.

3. Transportation services:

(a) Urban, suburban and interurban common or contract carriers of passengers or freight, including terminals.

(b) Railways, terminals and related facilities.

(c) Shipping piers and terminals.

(d) Military, municipal and licensed commercial airports and airfields.

(e) Oil and gas pipe lines and pumping stations.

(f) Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

4. Communication services including:

(a) Post offices.

(b) Radio communication.

(c) Telegraph and telephone systems.

(d) Traffic control and signal services.

5. Water supply and sanitation systems including waterworks, pumping stations, and sewage disposal plants and equipment.

6. Military establishments, including cantonments, ports, depots, and fortification or the construction thereof.

7. Manufactured, by-product, natural and mixed gas systems, including manufacturing plants, pipe lines, pumping stations and facilities for the maintenance and repair thereof.

8. Construction of dams, and of plants and facilities which will be exclusively engaged in the production of munitions, atomic energy or products, ordnance items, aluminum and bauxite.

9. Electric energy needed for operation and construction of electric utilities.

[F. R. Doc. 52-11766; Filed, Oct. 29, 1952; 12:32 p .m.]

[DEPA Order EO-4A, Direction 1]

EO-4A—LIMITATION OF CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

DIR. 1—CURTAILMENT OF INTERRUPTIBLE POWER

A portion of the electric power produced in the Pacific Northwest is available at all times during the year except for periods during the water storage season when stream flows are below expect-

ed levels. This power is sold to consumers on an interruptible basis. These consumers anticipate that their power supply will be interrupted when there is insufficient power available to meet both firm and interruptible demands. The power shortage has already caused electric utilities to cut off practically all interruptible power. Protection of defense production and essential civilian services now requires that all interruptible power be curtailed and all power resources in the shortage area be made available to meet firm loads.

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this direction does.
2. Curtailment of interruptible power.
3. Effective date.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. 2071; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; DPA Del. 1, Jan. 24, 1951, as amended Nov. 3, 1951, 16 F. R. 11245; Dept. of Interior Order No. 2605, as amended Sept. 10, 1952, 17 F. R. 8366.

SECTION 1. *What this direction does.* This direction curtails the delivery and use of interruptible power in the Pacific Northwest shortage area.

SEC. 2. *Curtailment of interruptible power.* No electric utility will deliver, and no consumer will use, interruptible power. Interruptible power means any power delivered to an industrial consumer under a contract which permits the supplier to reduce or suspend deliveries of such power under specified conditions not restricted to force majeure or to scheduled maintenance.

SEC. 3. *Effective date.* This direction shall take effect at 12:01 a. m., P. s. t., Saturday, November 1, 1952.

JAMES F. FAIRMAN,
Administrator.

OCTOBER 29, 1952.

[F. R. Doc. 52-11767; Filed, Oct. 29, 1952; 12:32 p. m.]

[DEPA Order EO-4A, Direction 2]

EO-4A—LIMITATION OF CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

DIR. 2—QUOTA AND OTHER LIMITATIONS ON CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY

DEPA Order EO-4A, issued October 30, 1952, provides for the integration, operation and maintenance of electric generating facilities in the Pacific Northwest, and also contains certain provisions to limit the use of electric power. These limitation provisions of Order EO-4A become operative only when specifically invoked by direction of DEPA. Since the power now available and reasonably to be anticipated will not satisfy all the expected demands in the area, this direction invokes certain provisions of Order EO-4A limiting the use of electricity.

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this direction does.
2. Reduction in use of electricity.
3. Quota limitations on consumption and deliveries of electric energy.
4. Reduction of deliveries to consumers with electric generating facilities.
5. Effective date.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. 2071; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; DPA Del. 1, Jan. 24, 1951, as amended Nov. 3, 1951, 16 F. R. 11245; Dept. of Interior Order No. 2605, as amended Sept. 10, 1952, 17 F. R. 8366.

SECTION 1. *What this direction does.* This direction limits the consumption and deliveries of electric energy in the Pacific Northwest shortage area.

SEC. 2. *Reduction in use of electricity.* No consumer will use more electric energy than his "weekly energy quota," and all consumers of electric energy are urged to reduce to the fullest practicable extent their use of electric energy.

SEC 3. *Quota limitations on consumption and deliveries of electric energy.* The "weekly energy quota" for each consumer of electric energy is:

(a) 8,000 kilowatt-hours; or

(b) 90 percent of his weekly energy base, whichever is greater. This quota limitation is established pursuant to DEPA Order EO-4A, sections 32 (b) and (c) thereof being hereby made operative.

SEC. 4. *Reduction of deliveries to consumers with electric generating facilities.* Electric utilities shall reduce deliveries of electric energy to consumers with electric generating facilities. This shall be done in accordance with section 32 (d) of DEPA Order EO-4A.

SEC. 5. *Effective date.* The provisions of this direction shall take effect at 12:01 a. m., P. s. t., Monday, November 17, 1952.

JAMES F. FAIRMAN,
Administrator.

OCTOBER 29, 1952.

[F. R. Doc. 52-11768; Filed, Oct. 29, 1952; 12:32 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making and public rule making procedures have been omitted in the issuance of the following amendment of §§ 53.12, 53.13, 53.76 and 53.77 (c) (1), and the addition of a new § 53.48, which relates solely to grants to States, political subdivisions and public or other nonprofit agencies for construction of public and other nonprofit hospitals.

1. Section 53.12 is amended to read as follows:

§ 53.12 *Maximum State allowance.* (a) The number of general hospital beds required to provide adequate hospital services to the people residing in any State shall be:

(1) In States having 12 or more persons per square mile, 4.5 beds per thousand population;

(2) In States having less than 12 and more than 6 persons per square mile, 5 beds per thousand population; and

(3) In States having 6 persons or less per square mile, 5.5 beds per thousand population.

(b) If in any area (base, intermediate, or rural), as determined by the State agency, there are, as of the date of initial approval of the State plan, more beds than required by these standards, such excess (but no increase in such excess after such date) may be eliminated in calculating the maximum allowance for the State as a whole.

2. Section 53.13 is amended to read as follows:

§ 53.13 *Standards for construction program.* (a) The construction program under the State plan shall provide for general hospital beds, existing and proposed, in each area within the State in accordance with the following standards:

(1) In States having 12 or more persons per square mile, 2.5 beds per thousand population in rural areas, 4.0 beds per thousand in intermediate areas, and 4.5 beds per thousand in base areas;

(2) In States having less than 12 but more than 6 persons per square mile, 3 beds per thousand population in rural areas, 4.5 beds per thousand in intermediate areas, and 5 beds per thousand in base areas; and

(3) In States having 6 or less persons per square mile, 3.5 beds per thousand population in rural areas, 5.0 beds per thousand in intermediate areas, and 5.5 beds per thousand in base areas.

(b) In addition, the State agency shall subtract from the total number of beds permitted for each area under § 53.12 the total number of beds permitted for each area under paragraph (a) of this section or the number of beds in existence, whichever is greater. The total number of beds so determined for all areas may, in the discretion of the State agency and without regard to standards specified in § 53.12 and paragraph (a) of this section, be allocated to specific areas or held in reserve for subsequent allocation, or any combination of the two. Any allocation of beds under this paragraph shall be done in such a manner as to meet the special needs of the area or areas concerned, and to facilitate the coordination of hospital services. In allocating beds under this paragraph, the State agency shall give special consideration to hospitals serving persons in rural areas and communities with relatively small financial resources.

3. Subpart E—Priority of Projects, is amended by adding the following section:

§ 53.48 *Split projects.* Special consideration may be given to projects which are parts of facilities, with respect to other parts of which applications have been approved prior to July 1, 1952.

4. Section 53.76 is amended to read as follows:

§ 53.76 *Publicizing the State plan.* (a) Prior to the submission of the State plan and its annual revision to the Surgeon General, the State agency shall publish a general description of the provisions proposed to be included in the State plan and shall give reasonable notice of a public hearing at which all interested persons or organizations will be given an opportunity to be heard.

(b) After the Surgeon General has approved the State plan and its annual revisions the State agency shall publish a general description of its provisions in newspapers having general circulation throughout the State and shall make the approved State plan available for examination, upon request, to all interested persons or organizations.

5. Section 53.77 (c) (1) is amended to read as follows:

(1) That actual construction work will be performed by the lump sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be or have been employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be or has been made to the responsible bidder submitting the lowest acceptable bid: *Provided, however,* That the purchase and installation of equipment which is unique to a hospital, as well as kitchen, laundry, and pharmacy equipment, need not be considered construction work for the purpose of this section, except that if open competitive bidding is employed to obtain any or all of these items, the award shall be made to the responsible bidder submitting the lowest acceptable bid.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 622, 60 Stat. 1041; 42 U. S. C. 291e)

The above amendments were approved by the Federal Hospital Council at meetings held October 6 and 7, 1952.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved:

LEONARD A. SCHEELE,
Chairman,
Federal Hospital Council.

Approved: October 27, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-11689; Filed, Oct. 30, 1952; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1834]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART D—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR TELEPHONE AND TELEGRAPH LINES, TRANSMISSION LINES, RADIO AND TELEVISION SITES, AND FOR PIPELINES, CANALS, DITCHES, AND WATER PLANTS UNDER THE ACTS OF FEBRUARY 15, 1901, AND MARCH 4, 1911

TERMS AND CONDITIONS

Subparagraph (2) of paragraph (d) of § 244.44 is amended to read as follows:

§ 244.44 *Terms and conditions.* • • •

(d) • • •

(2) In order to utilize any surplus capacity certified by the holder to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits.

(R. S. 161, 2478; 5 U. S. C. 22, 43 U. S. C. 1201)

VERNON D. NORTHROP,
Acting Secretary of the Interior.

OCTOBER 27, 1952.

[F. R. Doc. 52-11671; Filed, Oct. 30, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 967]

[Docket No. AO-170-A6]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at South Bend, Indiana, on June 2-3, 1952, pursuant to notice thereof which was issued on May 14, 1952 (17 F. R. 4539).

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 10, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 5, 1952 (F. R. Doc. 52-11210, 17 F. R. 9144).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-11210, 17 F. R. 9144) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings, conclusions and amendment action decided in this decision, each of the exceptions filed was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and amendment action decided upon herein are at variance with

the exceptions, such exceptions are overruled.

Determination of representative period. The month of September 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met:

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 28th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, marketing area*

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at South Bend, Indiana, on June 2–3, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 967.50 (b) (2) and substitute therefor the following:

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4;

2. Delete § 967.51 in its entirety and substitute therefor the following:

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June, $0.70; July through January, inclusive, $1.30; and February through April, inclusive, $0.90: *Provided,* That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

(b) Add together the amount computed pursuant to § 967.40 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through January, inclusive, $13.75; and all others, $11.00: *Provided,* That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

3. Delete § 967.52 (c) and substitute therefor the following:

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed in this paragraph: *Provided,* That in the case of any such plant for which prices are reported on a biweekly basis, the simple average of the two most recent price quotations applicable to milk received during the delivery period at such plant shall be used in computing the average price for the four plants.

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
New Paris Creamery Co., New Paris, Ind.
Schlosser Bros. Creamery, Plymouth, Ind.
Elgin Milk Products Co., Galien, Mich.

4. Delete § 967.80 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price for the preceding delivery period is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00–$1.99	1.00
$2.00–$2.99	2.00
$3.00–$3.99	3.00
$4.00–$4.99	4.00
$5.00–$5.99	5.00
$6.00–$6.99	6.00
$7.00 and over	7.00

[F. R. Doc. 52–11697; Filed, Oct. 30, 1952; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 61]

INSTALLATION OF PROPELLER REVERSE LIGHTS ON AIRCRAFT PRESENTLY IN SERVICE EQUIPPED WITH REVERSIBLE PITCH PROPELLERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board is proposing the adoption of amendments to the operating parts of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 1, 1952. Copies of such communications will be available after December 4, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

At the present time, the operating parts of the Civil Air Regulations, Parts 41, 42, 61, and the proposed revision of Part 40 do not contain provisions concerning reversible pitch propellers on transport aircraft. This does not mean, however, that the Board has failed to follow with great interest the problems associated with the installation and operation of reversible pitch propellers. The Board believes that this technical advance in the aeronautical engineering field has been a great boon to the air transport industry in that an appreciable increase in safety may be gained by the use of these propellers. This is especially true during operations on icy or wet runways. In the event of brake failure, the reversing of propellers is obviously of great value and serves as a fail-safe feature. On the other hand, the Board has noted that there are certain characteristics associated with the installation of reversible pitch propellers that tend to create additional hazards. In the event of inadvertent reversal of one or more propellers in flight, a most dangerous condition is created unless immediate action is taken by the pilot. The Board has accident and incident reports which indicate that such reversals have occurred.

At the 1951 annual airworthiness meeting the subject of propeller reversing controls was discussed and, as a consequence, the Board adopted, on January 28, 1952, an amendment to Part 4b which reads as follows:

§ 4b.474 *Propeller controls.* • • •

(c) *Propeller reversing controls.* Propeller reversing controls shall incorporate a means to prevent their inadvertent movement to the reverse position. The means provided shall require a distinct and unmistakable operation by the crew in order to place the control in the reverse regime both in flight and on the ground.

Experience has indicated, however, that there may be a necessity for safeguards over and above those relating to the inadvertent operation of the propeller reversing controls. The Bureau of Safety Regulation is, therefore, proposing in the Draft Release stemming from the 1952 annual airworthiness meeting (Draft Release 52–27) a requirement which would make mandatory the installation of "a means, for each reversing propeller, to indicate to the pilot when the propeller is in reverse pitch." The Board is of the opinion, however, that since this proposed regulation, if adopted, will deal only with aircraft not yet type certificated, an additional change in the regulations may be necessary to make mandatory the installation of propeller reversal warning lights on aircraft currently in operation.

It is realized that the use of the word "lights" in this draft release is more restrictive than the use of the word "means" in Draft Release 52–27 and the Board would appreciate comments on this. Further, the word "pilots" is used in the wording proposed for the operating parts of the regulations, in the belief that these devices should be visible to both pilots.

Accordingly it is proposed to amend Parts 41, 42, and 61 (proposed revision of Part 40) of the Civil Air Regulations to include the following requirement:

After the next major overhaul but in no event later than December 31, 1953, a warning light shall be provided for each propeller on airplanes equipped with reversing propellers to indicate to the pilots when that propeller is in reverse pitch.

This proposal is made under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 52 Stat. 1216)

Dated: October 22, 1952 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–11696; Filed, Oct. 30, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 150–13]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Idaho, Montana, Oregon, and Washington Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Idaho, Montana, Oregon, and Washington Collection Districts shall become effective as of 12 o'clock midnight, October 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., October 31, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Seattle District, and which shall be comprised of Idaho, Montana, Oregon,

and Washington, and the Territory of Alaska.

3. *Location of headquarters.* The headquarters office shall be located in the City of Seattle, Washington.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., October 31, 1952, there are hereby created the following offices within the Seattle District:

(a) Director of Internal Revenue for the Collection District of Idaho (as presently constituted). The headquarters of such office shall be located in Boise, Idaho, and the office shall have the operating title of Director of Internal Revenue, Boise.

(b) Director of Internal Revenue for the Collection District of Montana (as presently constituted). The headquarters of such office shall be located in Helena, Montana, and the office shall have the operating title of Director of Internal Revenue, Helena.

(c) Director of Internal Revenue for the Collection District of Oregon (as presently constituted). The headquarters of such office shall be located in Portland, Oregon, and the office shall have the operating title of Director of Internal Revenue, Portland.

(d) Director of Internal Revenue for the Collection District of Washington (as presently constituted). The headquarters of such office shall be located in Seattle, Washington, and the office shall have the operating title of Director of Internal Revenue, Seattle.

Dated: October 28, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11760; Filed, Oct. 30, 1952; 9:33 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 14]

GENERAL STORES ISSUE SHIPS (AKS-27 CLASS)

NAVIGATION LIGHTS

Whereas, section 360, Title 33, United States Code, provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under Acts of Congress, as enumerated in said section 360, Title 33, United States Code, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels known as General Stores Issue Ships, AKS-27 class, has been made in the Navy Department and as a result of such study, it has been determined that because of their construction it is not possible for General Stores Issue Ships, AKS-27 class, to comply with the requirements of the statutes enumerated in said section 360, Title 33, United States Code;

Now, therefore, I, Francis P. Whitehair, Acting Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels known as General Stores Issue Ships, AKS-27 class, are naval vessels of special construction and that on such vessels, with respect to the position of the masthead light and the additional white light (commonly termed the range light) it is not possible to comply with the requirements of the statutes enumerated in section 360, Title 33, United States Code. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels approximately two hundred and seventy feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed in any of the aforesaid type of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessel in the manner above described. I further direct that the two aforesaid lights referred to in subparagraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance. I further certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 20th day of October A. D. 1952.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

[F. R. Doc. 52-11701; Filed, Oct. 30, 1952; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[E: 61082]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

OCTOBER 24, 1952.

Notice is given that the plat of original survey and dependent resurvey of the following described lands, accepted August 22, 1952, will be officially filed in the Land and Survey Office, Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 22 E.,
Lots 1, 2, 3, 4, Sec. 11,
All Sec. 12.

The area described, including both public and non-public lands, aggregates 791.15 acres.

Lot 2, Sec. 11, and the S½, Sec. 12, T. 4 S., R. 22 E. are patented.

Lot 1, Sec. 11, T. 4 S., R. 22 E. was withdrawn by Power Site Reserve No. 590, Executive order of March 21, 1917; and all lands within one mile of the Gila River were withdrawn under the provisions of Sec. 28 of the Act of Congress approved June 20, 1910, Water Power Designation No. 4, Arizona No. 1, of February 1, 1917.

In view thereof, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

THOS. F. BRITT,
Manager.

[F. R. Doc. 52-11670; Filed, Oct. 30, 1952; 8:45 a. m.]

Office of the Secretary

[Order No. 2707]

GRAND COULEE AND HUNGRY HORSE DAMS

RATES FOR SALE OF ELECTRIC ENERGY

OCTOBER 24, 1952.

SECTION 1. *Establishment of existing rates and confirmation of prior sales.* Pursuant to a determination that the rate schedules presently applicable to the sale of electric energy generated at the Bonneville Project, if applied to the disposition of electric energy generated at the Grand Coulee Dam and the Hungry Horse Dam, would satisfy all requirements of the law for the establishment of rate schedules with respect to the sale of electric energy generated at those dams, the present Bonneville Project rate schedules are established as the rate schedules applicable to sale of electric energy generated at Grand Coulee Dam and Hungry Horse Dam, and sales of electric energy generated at those dams heretofore made in accordance with the rate schedules then in effect and applicable to sales of electric energy generated at the Bonneville Project are confirmed.

SEC. 2. *Establishment of future rates.* (a) Proposals for new rate schedules or for the modification of rate schedules applicable to the sale of electric energy generated at the Bonneville Project shall be submitted to the Secretary of the Interior for review prior to transmission to the Federal Power Commission for approval, and such review will include a determination as to whether or not the proposed new or modified rate schedule satisfies all the requirements of law for the sale of electric energy generated at the Grand Coulee Dam and the Hungry Horse Dam. Accordingly, in the future the Bonneville Power Administrator may, unless otherwise notified by the Secretary, dispose of electric energy generated at the Grand Coulee Dam and the Hungry Horse Dam in accordance with rate schedules which may hereafter become applicable to sales of electric energy generated at the Bonneville Project. If any rate schedules is determined to be inapplicable to sales of electric energy generated at the Grand Coulee Dam or the Hungry Horse Dam it will be listed in paragraph (b) of this section by an amendment to this order.

(b) The following rate schedules applicable to the sales of electric energy generated at the Bonneville Project are as specifically indicated not applicable to the sales of energy generated at the Grand Coulee Dam or the Hungry Horse Dam:

[No rate schedule is in this category at present.]

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-11672; Filed, Oct. 30, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1284]

ETHEL MAY BRUFF ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

OCTOBER 27, 1952.

In the matter of Ethel May Bruff and Portia Belle Bruff and Cascade Lumber Company; Project No. 1284.

Notice is hereby given that on August 4, 1952, the Federal Power Commission issued its order entered July 29, 1952, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11681; Filed, Oct. 30, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

MEMORANDUM FINDINGS AND OPINION AND ORDER REGARDING PAYMENT OF FEES AND EXPENSES

OCTOBER 27, 1952.

The Commission has before it for consideration and decision various applications for allowance of fees and reimbursement of expenses in connection with the amended plan of reorganization of Green Mountain Power Corporation ("Green Mountain"). Said plan was filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and was approved by the Commission by orders dated May 3 and May 31, 1951. In these orders the Commission reserved jurisdiction over all fees and expenses in connection with the plan. By order, dated June 18, 1951, the Commission released jurisdiction with respect to the fees and expenses of Messrs. Choate, Hall & Stuart of Boston, Massachusetts, counsel for the underwriters in connection with the sale by Green Mountain of new common stock, and continued jurisdiction over all other fees and expenses.

The names of the applicants for fees and expenses and the amounts presently requested thereby are as follows:

	Fees	Expenses
Hausserman, Davison, Shattuck & Field, counsel for Green Mountain	[1] $50,000	$4,682.03
Stone & Webster Service Corp. consultant to Green Mountain	5,380	----------
Lybrand, Ross Bros. & Montgomery, accountants for Green Mountain	2,400	41.75
Scott committee for preferred stockholders:		
Hays, St. John, Abramson & Schulman, counsel	25,000	565.23
Lewis Merrill Scott, chairman	1,000	----------
Norman Johnson, secretary	1,500	25.00
Edward Leff, member	1,000	----------
Wishart committee for preferred stockholders, Finn, Monti & Davis, counsel	7,500	1,662.55
Baker, Obermeier & Rosner, counsel for certain preferred stockholders	5,000	206.69
Carl K. Ross, representing himself	300	127.95

[1] $27,000 has been paid by Green Mountain.

A public hearing has been held on the applications at which Green Mountain filed an exhibit with respect to the following expenses incurred in connection with the Plan:

Printing of reorganization plans, notices to stockholders, registration statement and prospectus	$11,251.40
Engraving and printing of certificates for new common stock	1,452.00
United States tax on issue of common stock	1,158.85
Chas. T. Main, Inc., engineering work	1,215.66
The Chase National Bank of the City of New York, Transfer Agent and Agent for Subscription to common stock	4,946.45
Travel and miscellaneous expenses of officers of Green Mountain	4,850.87
State of Vermont, fees	227.12
Postage, express, telephone, and miscellaneous	452.34
Advertising	201.31
State Street Trust Co., indenture trustees	75.00

In many earlier cases the Commission has stated the applicable standards under which it decides section 11 (e) fee cases. (See Engineers Public Service Corporation, Holding Company Act Release No. 11096.) It appears unnecessary to restate such standards here. With the exception of Carl K. Ross, the applicants for fees and expenses reduced their original requests to the amounts hereinabove set forth which amounts were recommended by the Division of Public Utilities and, in each case, agreed to by the applicant concerned and by Green Mountain. After carefully considering the whole record and on the basis thereof, the Commission finds that, with the exception of Carl K. Ross, the applicants performed useful services to Green Mountain and its security holders and that the fees and expenses requested are not unreasonable.

Carl K. Ross has requested payment of a fee of $300 and reimbursement of expenses of $127.95. He attended the initial hearing for one day and did not thereafter participate. He claims to have contributed to the reorganization plan by suggesting that the new common stock of Green Mountain have preemptive rights. The official record of the proceeding does not indicate that he made this suggestion. Even if he had, it is doubtful whether this would have entitled him to compensation since the Commission's policy in this regard is settled and well known.

It is ordered, That with the exception of the application of Carl K. Ross, said applications for the payment by Green Mountain of the fees and expenses set forth above, be, and the same hereby are, approved and that Green Mountain be, and hereby is, authorized and directed to make the payments approved.

It is further ordered, That the payment by Green Mountain of the above mentioned expenses incurred in connection with its plan of reorganization be, and the same hereby is, authorized and approved.

It is further ordered, That the application of Carl K. Ross for the payment by Green Mountain of a fee of $300 and the reimbursement of expenses in the amount of $127.95 be, and the same hereby is, denied.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11676; Filed, Oct. 30, 1952; 8:47 a. m.]

[File No. 70-2926]

ELECTRIC BOND AND SHARE CO.

ORDER AUTHORIZING ACQUISITION OF ADDITIONAL COMMON STOCK OF SUBSIDIARY COMPANY AS A STOCK DIVIDEND

OCTOBER 27, 1952.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof, regarding certain proposed transactions which are more fully set forth in the application, and which are summarized as follows:

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company subsidiary of Bond and Share, has declared a dividend, payable in cash and additional common stock of Foreign Power, as more fully set forth in the declaration of that company (File No. 70-2925). Pursuant to a hearing duly ordered by the Commission, the Commission permitted the declaration of Foreign Power to become effective (Memorandum Opinion dated October 17, 1952, Holding Company Act Release No. 11539; Order dated October 23, 1952, Holding Company Act Release No. 11550). Bond and Share as the holder of 3,902,956 shares (54.6 percent) of the common stock of Foreign Power will be entitled to receive 39,029 shares of additional common stock of Foreign Power as its proportion of the stock dividend. Bond and Share seeks such authorization as is necessary by the Commission for the acquisition of such additional 39,029 shares of the common stock of Foreign Power.

Notice of the filing of said application having been duly given in the form and

manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said application, as amended, be granted, without the imposition of terms and conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said application, as amended, be, and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11677; Filed, Oct. 30, 1952; 8:47 a. m.]

[File Nos. 70-2941, 54-173]

PHILADELPHIA CO., AND STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING SALE OF EQUITABLE DEBENTURES AND GRANTING APPLICATION

OCTOBER 24, 1952.

In the matter of Philadelphia Company, File No. 70-2941; and Standard Gas and Electric Company, File No. 54-173.

On October 3, 1952, this Commission issued an order which, among other things, recited that a notice dated September 25, 1952, as amended October 1, 1952, filed with this Commission by Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard") and Standard Power and Light Corporation ("Power"), both registered holding companies, pursuant to Rule U-44 (c) promulgated under the act was sufficient so that no declaration would be required of Philadelphia with respect to the proposed sale by it of $6,354,000 principal amount of Twenty-Year 3⅜ percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company ("Equitable"), a former subsidiary of Philadelphia, and the proposed application of the proceeds from such sale, to the extent required, in and for the retirement and cancellation of Philadelphia's 5 percent Preferred Stock and 6 percent Preferred Stock, any remaining balance after such application to be used for the retirement and cancellation of Philadelphia's other stocks presently outstanding. The order of October 3, 1952, authorized and approved the sale of said debentures in the manner and form proposed in the notice, subject to the requirement that the sale not be consummated until a further order of the Commission was issued approving the price and other terms of the sale.

On October 16, 1952, the Commission by order granted an application filed by Philadelphia to acquire debentures of Equitable, for the purpose of stabilizing the price thereof, by purchases on the over-the-counter market if, in the judgment of Philadelphia's officers, such purchases were necessary or advisable to facilitate the above-described sale.

Philadelphia has filed a post-effective amendment to its aforesaid notice and application in which it is stated that acting pursuant to said orders it invited bids to be opened at 11:00 a. m., October 23, 1952, and at that time received one bid which was rejected. Philadelphia now proposes, in its amended notification pursuant to Rule U-44 (c), that it will again advertise, by a publication in a newspaper of general circulation on October 27, 1952, for bids to be received by it for said debentures on October 29, 1952. Philadelphia requests that the Commission, acting pursuant to paragraphs (A) and (C) of Rule U-24, grant its application as thus amended and that the Commission modify its order of October 3, 1952, so as to permit the sale of the debentures as presently proposed;

The Commission having considered the modified notification under Rule U-44 (c) and having determined that no declaration with respect to the proposed sale of debentures is necessary, and the Commission having considered the request of Philadelphia that the application as amended be granted effective forthwith and deeming it appropriate and in the public interest to grant such request:

It is ordered, That the Commission's order dated October 3, 1952, be, and the same hereby is, modified so that the sale by Philadelphia in the manner described in said amended notice of October 24, 1952, of $6,354,000 principal amount of the aforedescribed Equitable debentures be, and hereby is, authorized and approved; *Provided,* That in accordance with the conditions set forth in said notice, said sale shall not be consummated until a further order shall have been issued by the Commission approving the price at which said debentures are to be sold and the terms of such sale, and that Philadelphia be, and hereby is, authorized and directed to use the proceeds from said sale to the extent required in and for the retirement and cancellation of its 5 percent Preferred Stock and 6 percent Preferred Stock.

It is further ordered, That except as modified by the above paragraph the previous order of this Commission dated October 3, 1952, concerning the proposed sale of the Equitable debentures shall remain in full force and effect.

It is further ordered, That the application, as amended, filed by Philadelphia with respect to the proposed stabilization be, and the same hereby is, granted effective forthwith, subject to the terms and conditions contained in Rule U-44 and to the further condition that acquisitions of Equitable debentures, if any, by Philadelphia shall be made only during the period beginning on the third full business day prior to the opening of bids for the purchase of the debentures and ending at the time of such opening and not to exceed in the aggregate $635,400 principal amount thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11675; Filed, Oct. 30, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Adam H. Bartel Co., 200 South Eighth Street, Richmond, Ind., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (dungarees and jackets).

Blue Bell, Inc., Itawamba County, Fulton, Miss., effective 10-14-52 to 10-13-53; 10 percent of the productive factory force (work shirts).

Blue Bell, Inc., Woodstock, Va., effective 10-13-52 to 4-12-53; 25 learners for expansion purposes (dungarees).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn., effective 10-21-52 to 10-20-53; 10 percent of the productive factory force (men's and boys' sport shirts).

Cater Frock Co., New Braunfels, Tex., effective 10-19-52 to 10-18-53; 10 learners (children's dresses).

Cluett, Peabody & Co., Inc., 433 River Street, Troy, N. Y., effective 10-25-52 to 10-24-53; 10 percent of the productive factory force (fancy shirts, handkerchiefs, and cravats).

Cookeville Shirt Co., 106 North Walnut Street, Cookeville, Tenn., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (sport shirts).

Cowden Manufacturing Co., 120-22 South Bank Street, Mount Sterling, Ky., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (denim bib overalls).

Delta Manufacturing Co., Wichita Falls, Tex., effective 10-16-52 to 10-15-53; 10 learners (men's and boys' cotton work clothing).

Duncannon Dress Co., Duncannon, Pa., effective 10-15-52 to 10-14-53; 10 percent of the productive factory force (house dresses).

The Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (men's pajamas and shirts).

Forest City Manufacturing Co., 1641 Washington Avenue, St. Louis, Mo., effective 10-18-52 to 10-17-53; 10 percent of the productive factory force (junior and misses' dresses).

Forest City Manufacturing Co., DuQuoin, Ill., effective 10-19-52 to 10-18-53; 10 learners (junior and women's dresses).

Forest City Manufacturing Co., Centralia, Ill., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (junior and women's dresses).

Forest City Manufacturing Co., Pickneyville, Ill., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (dresses).

Forest City Manufacturing Co., Coulterville, Ill., effective 10-21-52 to 10-20-53; five learners (dresses).

Forest City Manufacturing Co., Freeburg, Ill., effective 10-24-52 to 10-23-53; 10 learners (junior and women's dresses).

Forest City Manufacturing Co., Zeigler, Ill., effective 10-25-52 to 10-24-53; 10 learners (junior and women's dresses).

Heavy Duty Manufacturing Co., Gainesboro, Tenn., effective 10-26-52 to 10-25-53; 10 percent of the productive factory force (sport shirts and work shirts).

The Hercules Trouser Co., Jackson, Ohio, effective 10-17-52 to 4-16-53; 76 learners for expansion purposes (men's and boys' single pants).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 10-17-52 to 10-16-53; 10 percent of the productive factory force (ladies' undergarments).

L. J. Kral Manufacturing Co., Seventh Street, New Kensington, Pa., effective 10-16-52 to 10-15-53; 10 learners (blouses).

Lerner-Slone Clothing Corp., Forrest City, Ark., effective 10-13-52 to 4-12-53; 50 learners for expansion purposes (men's trousers and slacks).

R. Lowenbaum Manufacturing Co., 130 North Front Street, Mounds, Ill., effective 10-23-52 to 10-22-53; five learners (dresses).

R. Lowenbaum Manufacturing Co., Red Bud, Ill., effective 10-23-52 to 10-22-53; five learners (junior dresses).

Marion Manufacturing Co., Marion, S. C., effective 10-17-52 to 10-16-53; 10 percent of the productive factory force (ladies' cotton house dresses).

Press Dress & Uniform Co., Hummelstown, Pa., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (washable service apparel).

Rahns Shirt Factory, 116 West Eighth Street, Topeka, Kans., effective 10-15-52 to 10-14-53; two learners (shirts, pajamas and shorts).

Rexmont Mills, Inc., Rexmont, Pa., effective 10-13-52 to 10-12-53; five learners (ladies' slips).

Rose Marie, Inc., Hillsboro, Tex., effective 10-19-52 to 4-18-53; five learners for expansion purposes (women's sportswear).

Royal Undergarment Co., Inc., 558 River Street, Troy, N. Y., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (women's slips and petticoats).

Royal Undergarment Co., Inc., 75 North Mohawk Street, Cohoes, N. Y., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force (slips and petticoats).

Seamprufe, Inc., McAlester, Okla., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force (slips and lingerie).

Seamprufe, Inc., McAlester, Okla., effective 10-17-52 to 4-16-53; 75 learners for expansion purposes (slips and lingerie).

Selinsgrove Dress Co., 113 North High Street, Selinsgrove, Pa., effective 10-19-52 to 10-18-53; 10 percent of the productive factory force or 10 learners, whichever is greater (dresses).

Sherrod Shirt Co., Independence, Va., effective 10-15-52 to 4-14-53; 10 learners for expansion purposes (work pants).

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 11-1-52 to 10-31-53; five learners (children's rayon and cotton pants and slips).

Stevie Togs, Inc., Sixth and Front Streets, Monett, Mo., effective 10-13-52 to 4-12-53; 20 learners for expansion purposes (children's apparel).

I. Taitel & Son, Drew, Miss., effective 10-15-52 to 4-14-53; 10 learners (jackets).

The Warner Bros. Co., Moultrie, Ga., effective 10-20-52 to 4-19-53; 50 learners for expansion purposes (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Wolf Bros. & Co., Second and East Streets, Frederick, Md., effective 10-19-52 to 10-26-52; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, machine stripping, 160 hours, packing (cigars retailing for more than 6 cents), 320 hours, packing (cigars retailing for less than 6 cents), 160 hours; each 60 cents per hour.

Wolf Bros. & Co., Second and East Streets, Frederick, Md., effective 10-27-52 to 10-18-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, machine stripping, 160 hours, packing (cigars retailing for more than 6 cents), 320 hours, packing (cigars retailing for less than 6 cents), 160 hours; each 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Fairfield Glove Co., 603 West Stone, Fairfield, Iowa, effective 10-14-52 to 10-13-53; 10 percent of the productive factory workers engaged in the learner occupations (gloves and mittens).

Good Luck Glove Co., Carbondale, Ill., effective 10-13-52 to 10-12-53; 10 percent of the productive factory workers engaged in the learner occupations (cotton, jersey, and leather combination gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Cross Hill Hosiery Mill, Inc., Cross Hill, S. C., effective 10-17-52 to 10-16-53; five learners.

Glenn Mills, Inc., Lincolnton, N. C., effective 10-17-52 to 6-16-53; 15 learners for expansion purposes.

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pa., effective 10-17-52 to 10-18-53; four learners.

Slatedale Knitting Mills, Inc., Slatedale, Pa., effective 10-15-52 to 10-14-53; five learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Athco, Inc., Athens, Ala., effective 10-18-52 to 10-17-53; five learners (undergarments and sleepwear).

Coopers Inc. of Georgia, Millen, Ga., effective 11-5-52 to 6-4-53; 15 learners for expansion purposes (men's jockey underwear).

Coopers, Inc., of Georgia, Millen, Ga., effective 11-5-52 to 11-4-53; 5 percent of the productive factory force (men's jockey underwear).

Norwich Knitting Co., Clayton, N. C., effective 10-22-52 to 10-21-53; 5 percent of the productive factory force (underwear and outerwear).

Rice-Stix Factory No. 20, Slater, Mo., effective 11-4-52 to 11-3-53; 5 percent of the productive factory force (men's and boys' shorts).

Royal Manufacturing Co., Inc., Crawfordville, Ga., effective 10-19-52 to 10-18-53; five learners (men's and boys' drawers, cotton shorts).

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 11-1-52 to 10-31-53; 5 percent of the productive factory force (U. S. Army undershirts and underdrawers).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Snyders Shoe Co., Chaffee, Mo., effective 10-21-52 to 10-20-53; five learners.

A. Werman & Sons, Inc., 18 Thames Street, Norwich, Conn., effective 10-21-52 to 10-20-53; 10 percent of the productive factory force.

A. Werman & Sons, Inc., Third and Pine Streets, Marietta, Pa., effective 10-16-52 to 10-15-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Conway Textiles, Inc., Conway, S. C., effective 10-14-52 to 4-13-53; 20 learners for expansion purposes; sewing machine operators, 240 hours at 65 cents per hour (novelty curtains).

Decatur Electric Service Co., Decatur, Ala., effective 10-15-52 to 2-14-53; one learner; Armature winder, 480 hours, 65 cents per hour for the first 320 hours and not less than 70 cents per hour for the remaining 160 hours (electric motor repair).

Richards & Associates, Box 1191, Fort Myers, Fla., effective 10-20-52 to 1-19-53; 15 learners; Sewing machine operators, 480 hours, 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (garment bags and closet accessories).

Richards & Associates, Box 1191, Fort Myers, Fla., effective 10-20-52 to 4-19-53; 10 learners; sewing machine operators, 480 hours 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (garment bags and closet accessories).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Manati Pearl Works, Inc., Manati, P. R., effective 9-29-52 to 3-28-53; 25 learners; Cutting, 320 hours at 35 cents per hour (pearl buttons).

Pan-Am Textiles, Inc., Caguas, P. R., effective 10-1-52 to 3-30-53; 55 learners; knitters, 160 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; seamers, 160 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; examiners, 240 hours at 30 cents per hour; menders, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of October 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-11673; Filed, Oct. 30, 1952; 8:46 a. m.]